

13. 14-719 PUBLIC HEARING: Consideration of **Resolution 2014-92**, To Be Entitled “A Resolution Approving a Development Plan for the Harpeth Square PUD Subdivision with Seven Modifications of Standards (MOS 1 - Setbacks; MOS 2 - Façade Occupancy within Front Setback; MOS 3 - Façade Occupancy within Side Setback of Corner Lots; MOS 4 - Façade Design Variation; MOS 5 - Parkland Dedication; MOS 6 - Tree Canopy Preservation; MOS 7 - Festival Lights), Located at Various Properties within the Block of Main Street East, First Avenue North, Bridge Street, and Second Avenue North, by the City of Franklin, Tennessee.” (12/18/14 FMPC 6-0; 2/10/15 WS)

Sponsors: Ald. Ann Petersen

Attachments: [4713 Harpeth Square dev plan MAP](#)
[Res 2014-92 Harpeth Square DP Resolution](#)
[Conditions of Approval 4713](#)
[4713 Harpeth Square dev plan](#)

Chair Hathaway recused himself from item 13 and turned it over to Vice Chair Lindsey.

Ms. Diaz-Barriga stated that Planning applauds the developer for bringing this unique project to the downtown, one that will support our local businesses and will provide diversity in our downtown housing stock. The scale of this project is something that has rarely been considered within downtown Franklin, so it is imperative that intense scrutiny be placed on the massing and architecture of the project, to ensure its compatibility with downtown Franklin, and to ensure that it does not adversely affect the existing character of downtown. The applicants have been generally responsive to comments and critiques of the plan, and staff feels that the plan has evolved into a better product than what was first presented to the city. There are a couple outstanding architectural conditions that staff would like to see resolved, and have created conditions of approval to require these revisions. One condition is that the corner of 1st and Main have deeper setbacks to further comply with required transitional features. The second condition is that a porte a cachere be added to the side elevation of the hotel facing the Heritage Foundation building, again to help further comply with transitional features.

Planning Commission should be aware that the zoning ordinance specifically states that 4 stories can be permitted in this character area so long as it is applied through a PUD development plan which utilizes transitional features. While staff feels that the intent of transitional features is being met on the majority of the building's massing, it does not meet the strict interpretation of the zoning ordinance in several places.

The Planning Commission should also be aware that this plan does not meet the Historic District's Design Guidelines, which are more stringent than the zoning ordinance. While the applicants have met several times with the historic zoning commission, this commission does not provide their Certificate of Appropriateness until after a development plan is approved and a full set of elevations can be created. Therefore, unless this plan complies with the Historic District's Design Guidelines, which it does not, this development plan may require revisions by the Historic Zoning Commission, which will have to come back to this group for re-review.

This plan has the following 7 modifications of standards:

Request #1 requests to provide setbacks that are respectful of the existing neighboring buildings, and to align with them to form the building setback line. Staff recommends approval of this MOS.

Request #2 requests for final plans to conform to the development plan PUD as approved by the BOMA, for the percentage of primary building wall occupying the front property line. Staff recommends approval of this MOS.

Request #3 requests for final plans to conform to the development plan PUD as approved by the BOMA, for the percentage of primary building wall occupying the side street property line. Staff recommends approval of this MOS.

Request #4 requests a minimum façade variation every 50 feet. Staff recommends approval of this MOS.

Request #5 requests to satisfy parkland dedication requirements with the donation of property located at 1416 Columbia Pike (16,900) and any short fall in the total parkland dedication fee amount to be paid as fees in lieu. Parks has confirmed that they do not wish to accept this property for future park space, and they further feel that is too far from this development to meet the intent of the parkland dedication requirement. Parks has requested that a trail system along the development and the river be instead used to meet the parkland dedication requirement. Therefore, staff recommends denial of this MOS.

Request #6 requests to save only the trees identified on the development plan. Staff recommends approval of this MOS.

Request #7 requests to put up festival lights as accents for courtyards, specifically on Main Street. Several businesses within downtown Franklin have made similar requests for festival lights, and the city stance is that these are not allowed, and that there is no exception to this rule. Staff recommends denial.

This plan has 4 Design Modifications (DM). DMs are approved by Planning Commission only, and do not require the approval of the BOMA.

DM #1 requests for a building length of 573 feet, at the longest portion, where the maximum length allowed by the zoning ordinance is 200 feet. Staff recommends approval.

DM #2 requests the use of flat roofs versus the required pitched roofs for multifamily structures. Staff recommends approval.

DM #3 requests a minimum façade variation every 50 feet. Staff recommends approval.

DM #4 requests a maximum of five colors for use on the building facades.

Staff recommends a favorable recommendation of Resolution 2014-92 to the BOMA.

Vice Chair Lindsey asked for comments from the citizens.

Mr. Stokey Bourque, representing St. Philip Catholic Church, stated that his main

concern was the entry and exit of the proposed garage onto Main Street since it is a major arterial. Presently the bank traffic is actually not a problem, but to have a major entry/exit to the garage onto Main Street would appear to have problems for pedestrians walking on the sidewalks as well as traffic congestion on Main Street with the possibility of traffic accidents with that much in and out on Main Street.

Mr. Joel Tomlin, represented Land Mark Booksellers on 114 East Main Street. He had spoken with Mr. Heller and Mr. Franks about how the City needs hotel rooms in downtown Franklin. He believed three hotels were needed. The majority of his business are tourists, and for the past 10 years he has been listening to people come through his door and ask where they can stay in downtown Franklin. He thought Franklin desperately needed hotel space, and he was excited to about the prospect of this development being done around his business. At the most recent meeting in December 2014, when the developers had a fabulous graphics on the wall, it hit him for the first time the mass of the building. This building will have a footprint at somewhere around three and one-half to four acres. He would be very concerned if the building goes up to four stories. The height of the buildings in the historic district is two stories and on occasion three. The two building that are in exception to that rule are the grain bins and First Tennessee Bank. He googled the town square, Franklin, Tennessee, and not one picture showed First Tennessee Bank. He would suggest that was because that was not the attractive corner of Franklin's town square. He asked the Planning Commission to think. It is believed that Land Mark Booksellers was built between 1806 and 1808. If that is correct it is easily the most important historic building in Franklin, and he knows the developers have been sensitive to that in wanting to plan around that. They are very concerned about the height but are very excited about the project. In the downtown district, he would like it stay as close as possible to the scale of the other downtown buildings.

Vice Chair Lindsey asked if there was an applicant.

Mr. Greg Gamble, of Gamble Design Collaborative, stated that he represented the applicant and requested a favorable recommendation for approval of Ordinance 2014-41 to the BOMA. He stated that during the past couple of years as they had worked on this project, they had strived to listen and to be flexible. The intensity of the plan had been reduced, and the plan proposed at this meeting was for 151 residential units, 115 boutique hotel rooms and retail uses that were really designed and would cater to that residential and hotel, such as a day spa, a fitness center, etc. They had taken careful consideration with input from the residents and the business owners within the neighborhood area. They had three neighborhood meetings. They had two presentations to the Historic Zoning Commission, again, looking for the input. They had worked with staff on transition around the block, street by street, and view by view. Today this property could be developed differently in the Central Commercial (CC) District. Today it could be developed with three story residential, three story commercial office, and three story retail buildings within the heights that are being discussed. The developers are asking for four stories because floor to floor for residential is only ten feet. The Tennessee Bank Building, which is taller than the proposed buildings, is only three stories in height, but the height of the building is taller because in the commercial structure the floor to floor is much taller. 906 Studio has had careful consideration because of the understanding for the historic architecture in Franklin and the community's respect for that. Because of the uniqueness of this project, there are multiple modification of standards. Mr. Gamble requested to address each modification as it was brought up, and he requested a favorable recommendation of Resolution 2014-92 to the BOMA.

Vice Chair Lindsey stated that he would like to start with a motion for the item, and then deal with the modification of standards and the design standards individually.

Alderman Petersen stated that she noticed that it stated zero parking places for the bank building.

Mr. Gamble stated that was the zoning for any existing structure in downtown Franklin. The existing parking requirement was zero.

Alderman Petersen stated that the bank building does have parking at the present time.

Mr. Gamble stated that was correct, but it was not a zoned required parking space.

Alderman Petersen asked if that meant that the parking spaces that were part of that site would be gone.

Mr. Gamble stated that they had parking in addition to the required parking, and they were trying to account for the practical needs of the bank. He stated that an office building and/or bank in downtown Franklin would have about 36 spaces.

Alderman Petersen stated that there would not be any parking for the bank, based on what she was reviewing.

Mr. Gamble stated that the parking for the bank would be allocated within the parking garage with direct pedestrian connections out to the bank.

Alderman Petersen asked about the service trucks supplying the hotel and retail.

Mr. Gamble showed and discussed how this would occur.

Alderman Petersen also noticed that the new FIRM maps showed that there was a part of this project that was in the floodplain.

Mr. Gamble stated that they expected that, and they were currently in discussions with Tom Allen, with Neel-Schaffer. He is an expert in the industry and an expert in middle Tennessee for flood studies. Mr. Gamble had asked Mr. Allen to take the documentation regarding the 2010 flood to FEMA to review their analysis that established this higher floodplain. The results of the study are not known at this time.

Alderman Petersen asked about the drop-off at First Avenue North going into Bridge Street.

Mr. Gamble stated that they had been working very closely with Engineering regarding this.

Alderman Petersen stated that she had heard some comments about the glass on the corner, and she also had some reservations about this.

Mr. Gamble stated that the elevations did not have final approval from the Historic Zoning Commission, and they were still working through the final designs.

MOS request #1- *This is a request to provide setbacks that are respectful of the existing neighboring buildings, and to align with them to form the building setback line. Staff*

recommends approval of this MOS.

Ms. Allen moved to favorably recommend approval for MOS #1. Mr. Harrison seconded the motion, and it passed unanimously (6-0).

MOS request #2 – *This is a request for final plans to conform to the development plan PUD as approved by the BOMA, for the percentage of primary building wall occupying the front property line. Staff recommends approval of this MOS.*

Mr. Harrison moved to favorably recommend approval for MOS #2. Mr. Orr seconded the motion, and it passed unanimously (6-0).

MOS request #3 – *This is a request for final plans to conform to the development plan PUD as approved by the BOMA, for the percentage of primary building wall occupying the side street property line. Staff recommends approval of this MOS.*

Ms. Allen moved to favorably recommend approval for MOS #3. Mr. Harrison seconded the motion, and it passed unanimously (6-0).

MOS request #4 – *This is a request for a minimum façade variation every 50 feet. Staff recommends approval of this MOS.*

Mr. Harrison moved to favorably recommend approval for MOS #4. Ms. Allen seconded the motion, and it passed unanimously (6-0).

MOS request #5 *requests to satisfy parkland dedication requirements with the donation of property located at 1416 Columbia Pike, (16,900 square feet) and any short fall in the total parkland dedication fee amount to be paid as fees in lieu. Parks has confirmed that they do not wish to accept this property for future park space, and they further feel that is too far from this development to meet the intent of the parkland dedication requirement. Parks has requested that a trail system along the development and the river be instead used to meet the parkland dedication requirement. Therefore, staff recommends denial of this MOS.*

Alderman Petersen moved to deny MOS #5, and Ms. Allen seconded the motion.

Mr. Gamble stated that they were proposing something unique. Mr. Ron Heller would like to speak about the proposal they are planning to bring to the BOMA.

Mr. Ron Heller, of 1344 Carnton Lane, stated that staff had recommended disapproval of the proposed dedication of the property on Columbia Avenue. That is the so called car wash property, which his office acquired to preserve it about six months ago when it was proposed to be developed. He understood the opposition to that proposal arises because the current park land arrangements envision largely residential use, and they are awaiting a proposal for an expanded use of park land. He hoped the City would expand park land. Ninety percent of the cost of the car wash was from non-profit foundations. That property will not be developed. They will either donate or sell it to a historic preservation group; however, the purpose of presenting this to the City was to give the City a two for one break. If the carwash were to be accepted by the City, Harpeth would reimburse Waggoner Lyon Partnership, which owns the existing entity. The \$290,000 would be available again to the foundation. They are agreeable to use the \$290,000 for further non-profit purposes in Franklin either for the Bi-centennial Park, the Riverwalk, or the lighting. By accepting this donation, Franklin would get \$580,000 of the donation

rather than the \$290,000 proposal. It was the two to one aspect of utilization on non-profit funding that he wanted to bring to the attention of the Planning Commission. If the staff recommendation is carried forth, they will present this to the BOMA.

Ms. Allen stated that she had a problem with the sidewalk ordinance. When she was a member of the BOMA, they had many meetings regarding sidewalks and parklands to make sure these were added when developers built new projects. The thought behind this was that the area where the project was located could have more parks and sidewalks. While she applauded the developers for the concept of two for one, but she thought the intent of actually adding the sidewalks and parkland in the proper area would be circumvented. She would have to vote to deny this MOS.

Alderman Petersen stated that she agreed with Ms. Allen and that the Parks Department, as well as the staff, had recommended to deny MOS request #5.

Mr. Franks stated that he thought Mr. Hiller's remarks needed to be highly considered, and he was supportive of MOS request #5.

Mr. Orr stated that he was also supportive of MOS request #5.

With the motion to deny MOS request #5 having been made and seconded, it failed four to three (4-3) with Ms. Petersen, Gregory, and Allen voting yes.

Ms. Billingsley stated that since the motion to deny was defeated, the Planning Commission would now need a motion to approve.

Mr. Orr moved to approve MOS request #5, Mr. Harrison seconded the motion, and it passed four to three (4-3) with Ms. Petersen, Gregory, and Allen voting no.

MOS request #6 requests to save only the trees identified on the development plan. Staff recommends approval of this MOS.

Mr. Harrison moved to favorably recommend approval for MOS #6, Ms. Allen seconded the motion, and it passed unanimously (6-0).

MOS request #7 requests to put up festival lights as accents for courtyards, specifically on Main Street. Several businesses within downtown Franklin have made similar requests for festival lights, and the city stance is that these are not allowed, and that there is no exception to this rule. Staff recommends denial.

Alderman Petersen moved to deny MOS #7, Ms. Allen seconded the motion, and it passed to deny the motion unanimously (6-0).

This plan also had four Design Modifications (DM). The following Design Modifications were voted on:

DM #1 requests for a building length of 573 feet at the longest portion, where the maximum length allowed by the zoning ordinance is 200 feet. Staff recommends approval.

Mr. Harrison moved to approve DM request #1, Mr. Orr seconded the motion, and it passed unanimously (6-0).

DM #2 requests the use of flat roofs versus the required pitched roofs for multifamily structures. Staff recommends approval.

Mr. Harrison moved to approve DM request #2, Mr. Orr seconded the motion, and it passed unanimously (6-0).

DM #3 requests a minimum façade variation every 50 feet. Staff recommends approval.

Mr. Harrison moved to approve DM request #3, Mr. Orr seconded the motion, and it passed unanimously (6-0).

DM #4 requests a maximum of five colors for use on the building facades.

Mr. Harrison moved to approve DM request #4, Mr. Orr seconded the motion, and it passed unanimously (6-0).

A motion was made by Commissioner Harrison, seconded by Commissioner Orr, that this Resolution was recommended favorably to the BOMA Work Session meeting on 1/13/2015. The motion carried by the following vote:

Aye: 6 - Commissioner Harrison, Commissioner Petersen, Commissioner Franks, Commissioner Gregory, Commissioner Allen, and Commissioner Orr

Absent: 1 - Commissioner McLemore

Recused: 1 - Commissioner Hathaway