



AVENIDA PARTNERS

October 8, 2019

SENT VIA EMAIL ONLY

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RE: Oakbrook Planned Unit Development Subdivision (previously known as the Mallory Station PUD Subdivision) containing 90 townhome units located on at 200 Mallory Station Road, Franklin, Tennessee 37067 (the “Oakbrook”)

RE: City of Franklin, Meeting Agenda, Board of Mayor & Aldermen, Tuesday, October 8, 2019 Items #4 and 5

Dear Aldermen:

My company, Avenida Partners Development Group is the developer, owner and operator of the Avenida Cool Springs Senior Living community (“Avenida”). The formal ownership entity is CRP/AV Venture 3 Cool Springs, LLC. The Avenida community is contiguous to the eastern boundary of the Oakbrook project. The Avenida community is located at 222 Mallory Station Road and was formerly the site of the WAKM radio station. We believe it is our duty, as the owner and operator of the Avenida senior living community, to protect our resident’s safety and their rights to the safe enjoyment of their apartment homes and protect the property value of the community.

We have reviewed the submitted Development Plan for the Oakbrook Development and Avenida hereby registers its objections to the Oakbrook Development and Oakbrook Development Plan as presently submitted for concerns relating to public safety of the existing residents in the Avenida community, adjoining communities which will be impacted by the proposed conditions and the future residents of the Oakbrook community as well as all travelers on Mallory Station Road. In addition, the plan appears to diverge from the setback policies and criteria that was previously enforced along Mallory Station Road.

Firstly, and with regard to public safety concerns, two (2) points of vehicular access to the Oakbrook Development are proposed. One is a curb cut directly from Sunrise Circle, a public road which lies to the west and serves the senior assisted living facility and also the senior living residential community known as the Villages of Morningside development. The second access point is proposed to be accomplished by use of a “22 foot wide cross access easement” on the Avenida Property which connects to Mallory Station Road via a curb cut. This existing curb cut serves as the main entrance and primary ingress and egress from the Avenida community. At stabilization, there may be as many as 200 senior citizens who will live at Avenida and will use that curb cut, in addition to friends, family, deliveries, service, and of course trash trucks and emergency vehicles. If this access easement was to be used as a full-time, uncontrolled ingress and egress from the Oakbrook development, it will create an extremely dangerous driving condition. It was our understanding that when the City required the granting of that access easement, it was expected that the easement would be for emergency purposes only, and certainly not to service a community of “non age-restricted” apartment homes of 3 and 4 bedrooms. That means trash trucks, emergency vehicles and as many as 250-300 additional drivers of all ages (in addition to the Avenida residents) may use that entrance that was designed to serve just one senior living community. Looking at the proposed tight turning radii and the lack of stacking lanes and the lack of traffic flowing controls for congestion it seems obvious that daily use was never anticipated. Further, it was discussed that the consistent setback lines along Mallory would influence how that easement would be incorporated into a future development.

We believe that there needs to be further study of these proposed conditions before you approve what will clearly create a highly dangerous situation. There also seems to be confusion regarding traffic patterns, easements and access points and the original intent of planners for properties along Mallory Station.

In this regard, within the proposed project’s application file, certain comments in the email correspondence identified as “Response to Adjoiners” dated August 19, 2019 are incorrect.

For example, Item 2 of the Response to Adjoiners states the following:

“2. Discuss the access points.

Our community proposes access from (1) Sunrise Circle (a public street) via a 30’ wide access easement recorded in the Morningside P.U.D. Subdivision Final Plat, and (2) the Avenida drive which lies in a 22’ cross-access easement previously recorded. As to the question whether the

Sunrise Circle 30' access easement is enforceable, see attached letter listed as Exhibit A.”

This response should be amended to clarify that the community proposes access from (1) Sunrise Circle (a public street) via a 30' wide access easement recorded in the Morningside P.U.D. Subdivision Final Plat, and (2) the existing curb cut located at the western boundary of the Avenida property, which lies within the Cross Easement.

Additionally, Item 13 of the Response to Adjoiners states the following:

“13. Will you prevent traffic generated by the Avenida project to travel west and exit onto Sunrise Circle?”

No, we cannot restrict residents of Avenida from using our drives, however Avenida has direct access onto Mallory Station Road AND access to Gen. George Patton Dr. (with its traffic light), so it makes little sense for anyone to “cut” through Oakbrook.”

This response is also incorrect, because Avenida DOES NOT have direct access to General George Patton Drive. There is no legal means of ingress and egress over, upon and across the Patton Property to General George Patton Drive.

Avenida proposes that the existing curb cut on the Avenida Property be restricted to serve its property only and the Oakbrook Development Plan be revised to either limit vehicular access thereto via the proposed curb cut on Sunrise Circle or a combination of the Sunrise Circle curb cut and a new curb cut to be installed on the Oakbrook Development's property at a point along Mallory Station Road. This will serve to limit traffic congestion and discourage and/or prevent the owners, guests, users and/or invitees of the Oakbrook Development from entering upon and using the Cross Easement and the Private Access Easements,

Secondly, Avenida objects to the Oakbrook Development and Oakbrook Development Plan due to the setbacks from Mallory Station Road shown on the Oakbrook Development Plan, which are not consistent with and not in harmony with the surrounding properties. Additionally, the setbacks from Mallory Station Road shown on the Oakbrook Development Plan may compromise and/or frustrate what had been explained to Avenida as a requirement to allow for the future widening of Mallory Station Road.

For the reasons set forth above, Avenida hereby objects to the Oakbrook Development and Oakbrook Development Plan. we have reached out to the developer and opened a dialogue, but we believe we have a duty to alert you of our concerns and allow sufficient time for a reasonable solution to be worked out. Thank you for consideration of the above.

/s/ Robert D. May
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