



City of Franklin

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Franklin, TN 37064
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Meeting Minutes - Draft Franklin Municipal Planning Commission

Thursday, December 18, 2014

7:00 PM

Board Room

CALL TO ORDER

- Present** 8 - Commissioner Harrison, Commissioner Petersen, Commissioner Franks, Commissioner Gregory, Commissioner Allen, Commissioner Orr, Commissioner Lindsey, and Commissioner Hathaway
- Absent** 1 - Commissioner McLemore

MINUTES

1. 11/20/14 FMPC Meeting Minutes

Attachments: [MeetingMinutesFMPC-11-20-14](#)

CITIZEN COMMENTS ON ITEMS NOT ON THE AGENDA

ANNOUNCEMENTS

VOTE TO PLACE NON-AGENDA ITEMS ON THE AGENDA

CONSENT AGENDA

SITE PLAN SURETIES

Approval of the Consent Agenda

A motion was made by Commissioner Harrison, seconded by Commissioner Allen, to approve the Consent Agenda. The motion carried by the following vote:

Aye: 7 - Commissioner Harrison, Commissioner Petersen, Commissioner Franks, Commissioner Gregory, Commissioner Allen, Commissioner Orr, and Commissioner Lindsey

Absent: 1 - Commissioner McLemore

2. Dallas Downs PUD Subdivision, site plan, section 2A, lot 28 (Heritage Church of Christ); extend the performance agreement for streets improvements for one year. (CONSENT AGENDA)

This Planning Item was approved.

MAJOR THOROUGHFARE PLAN AMENDMENTS

3. Consideration of Amendments to the Major Thoroughfare Plan to reclassify 1st Avenue North, 3rd Avenue North, Bridge Street and North Margin Street from Major Collectors to Minor Arterials

Attachments: [RESOLUTION 2014-75](#)
[Amendment Exhibit 121814](#)

Mr. Holzen stated that City staff was recently asked by a developer to reevaluate some of the classifications of the roadways in the downtown area. As staff did this they primarily looked at First Avenue North, Third Avenue North, Bridge Street, and North Margin Street and came to the conclusion that a recommendation to change these from major collectors to minor arterials was mainly due to the connectivity that it provides from Franklin Road, Fifth Avenue, and Highway 96 East and West. The other reason that the decision was made was that it allows for payback roadway improvement done by the developer on minor arterials. The goal was not to expand the roadways to four lanes but was mainly because of the connectivity that it provides in the downtown area to bypass Main Street. On November 25, 2014, Resolution 2014-0075 was presented to the Board of Mayor and Aldermen (BOMA) and unanimously approved to recommend these changes to the Franklin Municipal Planning Commission (FMPC).

Chair Hathaway asked for comments from the citizens.

No one came forward.

Alderman Petersen moved to amend the motion. She understood the interest in doing this, and she definitely agrees with almost all of this because the traffic going from East Main to First Avenue and to Bridge Street, going directly into 96 West is getting more and more all of the time. However, it was not until she realized the part that goes from Bridge Street up to North Margin is completely in the floodway. The 16 blocks of the main downtown is actually only 15 blocks because a road was never built going to First Avenue all the way up to North Margin. She knew the reason was because it floods all of the time and is entirely in the floodway.

Mr. Holzen referred to the map and stated that if one looked at the blue areas, it is the floodway, and the hatched red line is the 100 year floodplain. The dotted black line is the City's current Major Thoroughfare Plan, which showed the First Avenue North extension as a proposed project.

Alderman Petersen stated that she did not know that it was completely in the floodway. Therefore, she moved to make an amendment to change the functional classifications of First Avenue North, Main Street to Bridge Street, Bridge Street and Third Avenue, North, from the major collectors to minor arterials. First Avenue North and Bridge Street would remain as major collectors. The streets, which presently carry all of the traffic, would become the minor arterials. She did not think that building the small area that is completely in the floodway would be helpful.

Mr. Orr seconded the motion.

Mr. Harrison asked if Alderman Petersen's motion was to eliminate the part of the road that was built.

Alderman Petersen stated that she wanted to eliminate it as being described as a minor

arterial because the Planning Commission could not vote on building the road or not building the road.

Mr. Holzen stated that as long as the street stayed in the Major Thoroughfare Plan and provided a connectivity, City staff would still recommend that it be reclassified as a minor arterial to open up additional revenue sources so that one day it could be constructed utilizing the road impact fee. The staff recommendation would remain the same.

Alderman Petersen asked if the City wanted to build in the floodway. The floodway is basically the river. She did not think the City needed to build in the floodway. If one looked at Bridge Street all the way up to Kroger that area is in the floodplain; however, nothing is in the floodway.

Over the years, the City has had many problems with flooding, and she thought that it would not help anything to add to areas that could be flooded.

Ms. Allen asked if the funds were attached to the street itself.

Mr. Holzen stated that staff is not asking to fund any improvements whatsoever, they are just asking that it be reclassified because of the connectivity and what it does to the downtown circulation area. In the rare incidences when it will flood it will have to be shut down, but it would be designed in such a manner that it could be flooded with minimal damage to the roadway.

Alderman Petersen asked how much this project was projected to cost and how much road impact fee could the City get, if this were changed.

Mr. Stuckey stated that the last process was \$1.2 million for that segment of road. The eligibility would be up to the BOMA. It was a budgetary discussion. It would make it eligible for the use of road impact fees. It does not mean exclusively, it would just be one of the elements if the BOMA chose to move forward.

Alderman Petersen stated that what had always been thought as a 16-block street was only 15 blocks, and the reason was that it was right at the river.

Mr. Stuckey stated that the discussion with the BOMA a few weeks ago is providing this as an option. There will be future decisions to be made about whether this is an appropriate road to build and how it competes with other priorities that the BOMA is dealing with. This opens up an option for funding that the City does not have today because of how it is classified. The judging of staff and looking at it was the connectivity that this group of roads provides between major arterials was justified for the change in classification.

Alderman Petersen stated that it would go for four blocks and then dead-end. She did not see this as being an arterial.

Mr. Stuckey stated that it provided linkage and sort a downtown bypass from Franklin Road over to Hillsboro Road. From a network standpoint, that was what staff was looking at and Third Avenue North helps provide that as well. Those collectively help the City provide connectivity so that one does not have to go on Main Street and/or Bridge Street every time. These can be used as a way around the core of downtown. He thought this was the primary thinking.

Mr. Orr withdrew his second to the amended motion.

Alderman Petersen stated that she thought that Franklin had many problems with flooding over the years. Projects have been allowed to be built in the floodplain, and the City has paid the price for this. She definitively does not feel that the City ought to be adding to a situation that continues onto Highway 96 West. She could see that as a reason to have it as an arterial, but she could not see the reason to have something that is four blocks long as arterial. She felt very strongly about protecting people from having anything built in the floodway. She was involved in a flood several years ago and became interested in Planning as a result. Even if she could not have done anything about the flooded house of several years ago, she could ensure that other people did not have houses that were built in the floodplain. She also thinks there are so many worthy projects that the City has. She cannot see this as being more worthy than the other projects.

The motion died due to the lack of a second to the amended motion.

A motion was made by Commissioner Harrison, seconded by Commissioner Orr, that this Planning Item was approved. The motion carried by the following vote:

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

No: 1 - Commissioner Petersen

Absent: 1 - Commissioner McLemore

ANNEXATIONS

4. Consideration of Ordinance 2014-49, To Be Entitled “An Ordinance to Annex the Adams Property, Consisting of 11.88 Acres, Located on the Properties on the South Side of Murfreesboro Road and Immediately West of Ridgeway Drive.”

Attachments: [Ord 2014-49 Annex Adams Property](#)
[Adams property annexation Map](#)

Ms. Powers stated that this is the first of a four-part project. This is the annexation part. The property owner is requesting the annexation of 11 acres, located south of Murfreesboro Road and immediately west of Ridgeway Drive. This area is requested for the development of 19 single family units on that property. The BOMA did hold a public hearing and voted to move forward with the annexation. As part of the annexation, there is a Plan of Service that will be considered in item 5. Staff recommends a favorable recommendation to the BOMA.

Chair Hathaway asked for comments from the citizens.

Mr. John Manlay, of 2014 Beacon Hill Drive, stated that he lived in line with the left side of the site. He asked if the annexation was linked to having homes that are on one-half acre lots versus one acre lots.

This ended citizen comments.

Chair Hathaway asked if there was an applicant.

Mr. Greg Gamble, of Gamble Design Collaborative, requested a favorable recommendation to the BOMA.

A motion was made by Commissioner Harrison, seconded by Commissioner Lindsey, that this Ordinance was recommended favorably to the Worksession and the Board of Mayor and Aldermen on 1/13/2015. The motion carried by the following vote:

Aye: 7 - Commissioner Harrison, Commissioner Petersen, Commissioner Franks, Commissioner Gregory, Commissioner Allen, Commissioner Orr, and Commissioner Lindsey

Absent: 1 - Commissioner McLemore

5. Consideration of Resolution 2014-47, To Be Entitled "A Resolution Adopting a Plan of Services for the Annexation of Certain Areas by the City of Franklin, Tennessee, Specifically the Adams Property, Located on the South Side of Murfreesboro Road and Immediately West of Ridgeway Drive."

Attachments: [Resolution 1014-47 Adams Property POS](#)
[Request for POS-Adams Property](#)
[October Park Financial Impact](#)

Ms. Powers stated that the Plan of Service was actually the map of each of the party's responsibilities. It lays out what the developer will be responsible for in terms of services and in terms of the things that he/she will need to build, and it also lays out what the City's responsibilities are once that property is annexed. The City has worked with the developer in laying out accesses to the property and looking at sewer, water, and all of the services that the City provides. The City has spoken with the developer about what needs to be done in terms of his/her responsibility to the City. Staff recommends a favorable recommendation to the BOMA.

Chair Hathaway asked for comments from the citizens.

Ms. Susan Caplan, of 1991 Beacon Hill Drive, bought a home and moved into the area about four weeks ago. She did not know anything about this development so she did not have the whole story. She spoke to one of her neighbors who mentioned something about a levy being built to stop the sea pitch and the water from coming down on the homes around the periphery of the building development.

Chair Hathaway asked if there was an applicant.

Mr. Greg Gamble, of Gamble Design Collaborative, requested a favorable recommendation to the BOMA.

Alderman Petersen stated that regarding the financial impact, she did not think it was discussed about how much the City would be paying for waste collection and things of this nature. It does say some of the things that both the City and the developer would be responsible for, but it really does not talk about the financial impact. It really talks about the fees that are required.

Ms. Allen asked if this was part of the approval process and whether the Planning Commission would agree to these fees or not. She thought it was part of the formula that was used.

Ms. Powers stated that the financial impact was something that the City had been doing for probably the last two annexations. The City had not been doing annexation over the last several years, so the financial impact was something that staff wanted to look out to show whether the annexation really benefited the City or not. Staff believe Resolution 2014-47 would benefit the City.

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

Aye: 7 - Commissioner Harrison, Commissioner Petersen, Commissioner Franks,
Commissioner Gregory, Commissioner Allen, Commissioner Orr, and
Commissioner Lindsey

Absent: 1 - Commissioner McLemore

6. Consideration of Ordinance 2014-45, To Be Entitled “An Ordinance to Zone 11.88 Acres Specific Development - Residential District (SD-R 1.6) for Three Properties Located South of Murfreesboro Road and West of Ridgeway Drive, Located at 1100 Ridgeway Drive (October Park PUD Subdivision).”

Attachments: [4685 October Park Zoning Map](#)
[Ord 2014-45 ORDINANCE October Park](#)
[October Park Rezoning Request](#)

Mr. Andrew Orr stated that the applicant proposes 19 detached single family homes on 11.88 acres. The proposed density is 1.6 units per acre. This is slightly higher than the adjacent neighborhoods. Ridgeway and Cross Creek are mostly one acre lots. However, the original plan had 22 homes, and this one has 19. Staff believes 19 homes at 1.6 units per acre is not ideal but certainly reasonable for this site and consistent with the Land Use Plan. Staff recommends a favorable recommendation to the BOMA for Ordinance 2014-45.

Chair Hathaway asked for comments from the citizens.

Mr. John Manlay, of 2014 Beacon Hill Drive, stated that he would like the Planning Commission to take into consideration to what was just stated, that 1.6 units per acre was not ideal even it was being proposed. Most of the homes in the neighborhood have 1 acre per 1 home. The reason he had his home on this 1 acre was for the wonderful view. He was also interested in putting some kind of privacy around his property.

Alderman Petersen stated that these comments were more for the development plan, which would be for the next item.

Chair Hathaway asked if there was an applicant.

Mr. Greg Gamble, of Gamble Design Collaborative, requested a favorable recommendation to the BOMA. He said that they would address the zone density in the development plan. However, with this specific type of zoning, the density threshold was at 1.6 acres. The Land Use Plan says that single family residential homes were appropriate as infill on this particular piece of property. Along with that, the Zoning Ordinance says that there are certain transitional features that if lots are certain sizes, if they are smaller than the adjacent properties, less than 75 percent, then by employing those transitional features into the development plan that that property and the future development could be considered appropriate. That is what has been done with the development plan, which will be discussed further in item 7. The compatibility with what was being proposed through this rezoning and the homes surrounding this site has more to do with the price point that the builder and the developer are planning to deliver here. He used estate homes to describe homes that are side loaded and homes that are on lots that are anywhere from 80 foot wide to 1 acre in size. This project speaks to the compatibility of the architecture. The square footage of these homes will be larger than the homes that are around them. There will be a landscape buffer and berm around the backside and the entire perimeter of this lot making this development appropriate as infill in this particular location.

Mr. Gamble requested a favorable recommendation to the BOMA for Ordinance 2014-45.

A motion was made by Commissioner Harrison, seconded by Commissioner Lindsey, that this Ordinance was recommended favorably to the Board of Aldermen and to the Work Session meeting on 1/13/2015. The motion carried by the following vote:

Aye: 7 - Commissioner Harrison, Commissioner Petersen, Commissioner Franks, Commissioner Gregory, Commissioner Allen, Commissioner Orr, and Commissioner Lindsey

Absent: 1 - Commissioner McLemore

REZONINGS AND DEVELOPMENT PLANS

7. Consideration of Resolution 2014-96, To Be Entitled “A Resolution Approving a Development Plan for October Park PUD Subdivision, Located at 1100 Ridgeway Drive, by the City of Franklin, Tennessee.”

Attachments: [4686 October Park Development Plan Map](#)
[October Park Development Plan 12.4.2014](#)
[4686 October Park DP Conditions of Approval](#)
[Res 2014-96 October Park Development Plan](#)

Mr. Orr stated that as the applicant just mentioned, the proposed lot sizes are significantly smaller than the lots on Ridgeway and Cross Creek, which means, as the applicant stated, than an incapable lot size buffer is needed and as shown on the plan to help transition this Planned Unit Development (PUD) into the Ridgeway and Cross Creek neighborhoods. The incompatible lot size buffer is a 50 foot buffer that goes along the perimeter of the development. It can be reduced to 37 feet if a fence is also installed, which is proposed for the eastern side. The layout does not meet the City's connectivity index, but staff understands that the City is landlocked by existing neighborhoods and Murfreesboro Road to the north. The project does not pose a significant increase in traffic, but it should be noted that it will slightly exacerbate the difficulty to turn left out of Ridgeway Drive onto Murfreesboro Road, which was a concern that was brought up in the neighborhood meeting. Drainage was also a concern, which was brought up in the neighborhood meeting and has been a site issue that the applicant and staff have been working through. Staff recommends a favorable recommendation to the BOMA for Resolution 2014-96.

Chair Hathaway asked for comments from the citizens.

Ms. Susan Caplan, of 1991 Beacon Hill Drive, asked what the term “working through it” meant when talking about the problems that could actually occur.

Chair Hathaway asked if there was an applicant.

Mr. Greg Gamble, of Gamble Design Collaborative, showed a map of the location and stated that along the boundaries of the property they had a 50 foot incompatible-use buffer on all lots with the exception of Lots 18 and 19 where it will be reduced by 25 percent to 37.5 feet with the addition of a fence, located in the rear yard. Within the buffer, they will have 16 trees and 40 shrubs every 100 feet. That is part of the screening that will be around the entire edge of the property. He discussed how the water would be flowing and stated that they would have a berm along the back of the property that would route the water diagonally north. Another berm, along the other side, would direct any water coming across the property into a detention area. They are establishing controls within the buffer areas that would prevent future water from traversing across the property. Those controls, once put into place, would leave the site (neighbors) in a better condition than they are in today. He requested a favorable recommendation to the BOMA for Resolution 2014-96.

Alderman Petersen stated that she had attended the neighborhood meetings, and a number of people spoke about the water flowing across this area and going over to Cross Creek. She was trusting that as proposed by Mr. Gamble, this would basically take care of the problem with everything draining onto this project.

A motion was made by Commissioner Harrison, seconded by Commissioner

Lindsey, that this Resolution was recommended favorably to the BOMA Work Session meeting on 1/13/2015. The motion carried by the following vote:

Aye: 7 - Commissioner Harrison, Commissioner Petersen, Commissioner Franks, Commissioner Gregory, Commissioner Allen, Commissioner Orr, and Commissioner Lindsey

Absent: 1 - Commissioner McLemore

8. Consideration of Ordinance 2014-46, To Be Entitled “An Ordinance to Rezone 19.11 Acres from Low Residential (R-1) to Specific Development - Variety District (SD-X 2.5/36,480) for the Properties Located at 574 and 580 Franklin Road, by the City of Franklin, Tennessee.”

Attachments: [4680 Branch Creek Crossing Rezoning MAP.pdf](#)
[Ordinance 2014-46 Branch Creek Rezoning.pdf](#)
[Branch Creek Crossing Rezoning plans 12-4-14.pdf](#)

Mr. Baumgartner stated that the applicant was proposing a mixed-use development consisting of office space and attached residential on 19.11 acres from Detached Residential 1 District (R-1) to Specific Development – Variety District (SD-X), 2.5/36,480. The applicant is proposing to build two office buildings of 18,240 square feet each fronting Franklin Road and two condominium buildings towards the rear of the site with a total unit count of 48. The site has substantial environmental constraints with Branch Creek running through the middle of the site and the Hillside overlay towards the rear of the property.

A letter was received from a concerned citizen, and that letter has been distributed to the Planning Commission.

Staff recommends a favorable recommendation to the BOMA for Ordinance 2014-46.

Chair Hathaway asked for comments from the citizens.

No one came forward.

Chair Hathaway asked if there was an applicant.

Mr. Blake Turner, of T 2 Square Engineering, requested a favorable recommendation to the BOMA for Ordinance 2014-46.

A motion was made by Commissioner Harrison, seconded by Commissioner Lindsey, that this Ordinance was recommended favorably to the Board of Aldermen and to the Work Session meeting on 1/13/2015. The motion carried by the following vote:

Aye: 7 - Commissioner Harrison, Commissioner Petersen, Commissioner Franks, Commissioner Gregory, Commissioner Allen, Commissioner Orr, and Commissioner Lindsey

Absent: 1 - Commissioner McLemore

9. Consideration of Resolution 2014-97, To Be Entitled "A Resolution Approving a Development Plan for Branch Creek Crossing PUD Subdivision with 2 Modification of Standards (MOS 1 - Location of Loading Areas; MOS 2 - Parking Facing Primary Street in Traditional Area) Located at 574 and 580 Franklin Road, by the City of Franklin, Tennessee."

Attachments: [4692 Branch Creek Dev Plan Map.pdf](#)
[Res 2014-97 RESOLUTION Branch Creek Crossing Dev Plan.pdf](#)
[Conditions of Approval 01.pdf](#)
[Branch Creek Crossing Development plans 12-4-14.pdf](#)

Mr. Baumgartner stated that the applicant is proposing a mixed-use development, consisting of two office buildings of 18,240 square feet each, with a total of 36,480 square feet, and two condominium buildings with forty-eight (48) residential units. The two office buildings will front Franklin Road with the condominium buildings located towards the rear of the property.

There are significant environmental concerns on this property with Branch Creek going through the middle of the site and Hillside Overlay to the rear of the property.

The land use plan does support this use and this use is consistent with adjacent land uses.

A letter was received from a concerned citizen, and that letter has been distributed to the FMPC.

He discussed the following two modifications of standards on the project:

- 1. Section 5.9.12(3) (B) request to all the loading areas to be located to the side of the condominium buildings in an area due to the parking garage and topography behind the condominium building.*
- 2. Section 5.3.6(10) (A) request to allow off-street parking between a building wall containing the primary entrance and the primary street the building fronts for a non-residential or mixed-use structure in a traditional area due to the existing underground utilities and utility easements in the area.*

Mr. Baumgartner stated that staff recommended a favorable recommendation to the BOMA for Resolution 2014-97.

Chair Hathaway asked for comments from the citizens.

No one came forward.

Chair Hathaway asked if there was an applicant.

Mr. Blake Turner, of T 2 Square Engineering, requested a favorable recommendation to the BOMA for Resolution 2014-97.

Alderman Petersen stated that she did not realize that the hillside there was basically Dellrose soil. Even though the applicant would not be building on the hillside, Dellrose

was a type of soil that had problems in that area on Franklin Road. Many years ago, some buildings were built on Dellrose soil in that area, and at least one of the buildings slid down the hill.

She thought the parking in the front mirrored what was across the street, and she did not know why staff was saying that parking needed to be behind the buildings. While this might be appropriate in downtown Franklin, she did not necessarily know that this was as important in this location.

Mr. Baumgartner stated that the first modification of standard was that the applicant was asking for the loading side of the condominium to be on the side of the building towards the rear, based on the site layout and the topography. Staff recommended approval of the first modification of standards.

Vice Chair Lindsey moved to favorably recommend approval of modification of standards number one, Mr. Harrison seconded the motion, and it passed unanimously (7-0).

Mr. Baumgartner stated that the second modification of standard was to allow parking between Franklin Road and the primary building, the two office buildings. Staff recommended approval of the second modification of standard. Parking needed to be behind the buildings because this was a traditional area.

Alderman Petersen stated that she understood that, but she did not know why the City still had this in traditional areas that are not necessarily traditional.

Mr. Harrison moved to favorably recommend approval of modification of standard number two, Mr. Orr seconded the motion, and it passed unanimously (7-0).

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

Aye: 7 - Commissioner Harrison, Commissioner Petersen, Commissioner Franks, Commissioner Gregory, Commissioner Allen, Commissioner Orr, and Commissioner Lindsey

Absent: 1 - Commissioner McLemore

10. Consideration of Ordinance 2014-40, To Be Entitled “An Ordinance to Rezone 4.89 Acres from Specific Development - Variety District (SD-X 0/0) to General Commercial District (GC) for the Property Located at 1214 Liberty Pike, by the City of Franklin, Tennessee.”

Attachments: [4710 Duke Prop rezoning MAP](#)
[Ord 2014-40 ORDINANCE Duke Properties Rezoning](#)
[4710 Duke Properties Rezoning Plan 1 page](#)

Ms. Diaz-Barriga stated that this rezoning removes the split zoning on the property at the corner of Carothers Parkway and Liberty Pike. Staff recommends a favorable recommendation to the BOMA for Ordinance 2014-40.

Chair Hathaway asked for comments from the citizens.

No one came forward.

Chair Hathaway asked if there was an applicant.

Mr. Gary Vogrin, of Kiser + Vogrin Design, requested approval of Ordinance 2014-40 to the BOMA.

A motion was made by Commissioner Orr, seconded by Commissioner Allen, that this Ordinance was recommended favorably to the Board of Aldermen and to the Work Session meeting on 1/13/2015. The motion carried by the following vote:

Aye: 7 - Commissioner Harrison, Commissioner Petersen, Commissioner Franks, Commissioner Gregory, Commissioner Allen, Commissioner Orr, and Commissioner Lindsey

Absent: 1 - Commissioner McLemore

11. Consideration of Resolution 2014-95, To Be Entitled “A Resolution Approving a Development Plan for the Franklin Housing Authority - Reddick Street Development Phase 2 PUD Subdivision with One Modification of Standards (MOS 1 - Minimum Parking Requirements), Located at 145 Strahl Street, by the City of Franklin, Tennessee.”

Attachments: [4711 FHA Dev Plan MAP](#)
[Res 2014-95 Franklin Housing Authority DP Resolution](#)
[Conditions of Approval 4711](#)
[Revised Development Plan](#)

Ms. Diaz-Barriga stated that this plan was originally approved as a concept plan in May 2010, but changes to phase 2 of the plan require it to be revised as a development plan. The major change is that one external access point is being removed. Topography at that access point required substantial grading, and so the plan's connectivity was slightly reconfigured to remove it. The number of units has not changed, neither has the overall layout concept, so Planning is supportive of the development plan, with conditions.

This project has one modification of standards (MOS). The MOS is for a reduction of parking to 2.2 spaces per dwelling unit. Due to the intended users of the site, and because the location of the property provides a decreased dependency on a personal vehicle, planning supports this MOS request.

Chair Hathaway asked for comments from the citizens.

Mr. Howard Lane, of 148 Strahl Street, stated that he had lived at this address for 38 years and was native to Franklin. He has had drainage problems at this address for some time and had spoken with the City three years ago regarding this. He was told that the City would handle this, but he is still have drainage issues. He would appreciate if the City would correct the drainage problem that he has been suffering from for years. He has had new floors since the flood of 2010, and he would not like to see this happen again. He would appreciate if the City would do something about the poor drainage in his area.

Chair Hathaway asked if there was an applicant.

Mr. Jason Brouillette, of Littlejohn Engineering, stated that he represented the applicant and requested approval of Resolution 2014-95 to the BOMA.

Ms. Allen asked if the drainage issues had been handled.

Mr. Brouillette stated that they had gone through all of the drainage calculations, and they will design with their final site plan to have a net increase, and they will meet all of the stormwater regulations so they will have no impact offsite per the local regulations.

Ms. Allen stated that Mr. Brouillette had just basically said that they would not make it any worse than it presently is. However, she wanted to know what could be told to Mr. Lane since he had had this drainage problem for years.

Ms. Diaz-Barriga stated that she would have to defer to the Engineering Department to see if they were aware of anything that had been done in this area regarding.

Mr. Holzen stated that he was not aware of the stormwater problem in this area, but he would look into it to try to see what issues they individuals on Stahl Street are having and try to address them.

Alderman Petersen stated that she noticed that there was a request for an MOS to reduce the parking. This was not like phase 1, which was senior citizens, and she wondered what the Housing Authority had experienced with having enough parking spaces or not. She asked if the Housing Authority had any experience with this.

Mr. Brouillette stated that the Housing Authority had requested that they provide two spaces per unit, and they had exceeded what they had asked as a minimum for their parking. They had gone through the calculations and looked at the parking. They were in agreement with what they were showing.

Alderman Petersen stated that this did not meet the City's requirements, and Mr. Brouillette agreed. She wanted to make sure that there were enough parking spaces.

Ms. Allen asked if this was touted as Workforce Housing because that would bring up a different demographic.

Mr. Brouillette deferred to one of his clients to answer.

Mr. Doug Johns, of the Franklin Housing Authority, stated that at this time they were all public housing or attached credit housing. There will not be Workforce Housing included in this particular development. Long-term they hope to have Workforce Housing but not with this project.

Alderman Petersen stated that everything went so well with phase 1, and she thinks everyone is pleased with that.

Chair Hathaway asked if he could get a motion and a second for the MOS for the reduced parking.

Mr. Franks moved to favorably recommend approval of the MOS for a reduction of parking to 2.2 spaces per dwelling unit, and Mr. Harrison seconded the motion.

Ms. Allen stated that she never did vote for reductions in parking, but she would since it was for public housing.

Alderman stated that she agreed with Ms. Allen and was reluctant.

With the motion to favorably recommend approval of the MOS, for a reduction of parking to 2.2 spaces per dwelling unit, having been made and seconded, it passed unanimously (7-0).

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: 7 - Commissioner Harrison, Commissioner Petersen, Commissioner Franks, Commissioner Gregory, Commissioner Allen, Commissioner Orr, and Commissioner Lindsey

Absent: 1 - Commissioner McLemore

12. *Consideration of Ordinance 2014-41, To Be Entitled “An Ordinance to Rezone 4.48 Acres from Central Commercial District (CC) to Specific Development - Variety District (SD-X 34.17/33,650/115) for Various Properties Located Along Main Street East, First Avenue North, Bridge Street, and Second Avenue North, by the City of Franklin, Tennessee.”

Attachments: [4712 Harpeth Square rezoning MAP](#)
[Ord 2014-41 ORDINANCE Harpeth Square Rezoning](#)
[Harpeth Square Rezoning Plan](#)

Chair Hathaway recused himself from item 12, and turned it over to Vice Chair Lindsey.

Mr. Franks stated that he was related to one of the property owners for item 12; however, he had no financial interest in this project. He had discussed this with the City attorney and would like to continue to vote on this item.

Ms. Diaz-Barriga stated that the entitlements published were published in error; the actual entitlements were 34.17 du/acre, 33, 650 square feet of nonresidential square footage, and 115 hotel keys.

This rezoning coincides with the development plan for Harpeth Square, on the majority of one city block of downtown Franklin. The Land Use Plan supports the mix of uses as laid out in the entitlements, and the density proposed brings a new housing type to the downtown, thereby increasing the diversity in the housing stock. Staff recommends a favorable recommendation to the BOMA for Ordinance 2014-41.

Vice Chair Lindsey asked for comments from the citizens.

Ms. Mindy Tate, of 1115 Carnton Lane, stated that she was speaking as a citizen of Franklin since 1983 and was speaking in favor of Harpeth Square’s plan and rezoning request. She was asked by Mary Pearce of the Heritage Foundation to express her regret at being unable to attend as she was involved in an event this evening at Puckett’s.

Ms. Tate gave the history on her location to Franklin and talked about how her office overlooks Second Avenue. She discussed how Harpeth Square would bring an experience not fulfilled by Franklin’s existing quality hotels. She discussed how she hears from individuals who want to live in downtown Franklin but are unable to find housing which meets their needs of a one or two bedroom apartment or condo.

She was in support of Ordinance 2014-41.

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 to the BOMA for Ordinance 2014-41.

A motion was made by Commissioner Harrison, seconded by Commissioner Orr, that this Ordinance was recommended favorably to the Board of Aldermen and to the 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

13. 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.”

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. Howard 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 flood affirmed 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 Mses. 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 Mses. 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

14. Consideration of Ordinance 2014-42, To Be Entitled “An Ordinance to Rezone 17.29 Acres from General Commercial District (GC) and General Office District (GO) to Specific Development - Variety (SD-X 3.39/68,961) for Property Located at 1127 Murfreesboro Road, by the City of Franklin, Tennessee.”

Attachments: [4717 Serena rezoning MAP](#)
[Ord 2014-42 ORDINANCE Serena Rezoning](#)
[4717 Serena Plan](#)

Ms. Diaz-Barriga stated that this rezoning coincides with the Serena PUD Development Plan. The Serena name has not been approved and is subject to change. It proposes to rezone to SD-X, and requests the entitlements of 3.39 du/acre and 68,961 nonresidential square footage for an assisted living facility. This proposal is less intense than what could be built currently under the General Office and General Commercial zonings on the property, and planning supports this less intense use next to an established neighborhood. However, staff is recommending disapproval of the corresponding development plan due to several reasons, including noncompliance with recorded setbacks. Due to the significant changes that staff feel are required of the development plan, staff is recommending disapproval of the rezoning until the issues with the development plan are resolved and it is clear that the entitlements proposed can be accommodated on the site.

Chair Hathaway asked for comments from the citizens.

No one came forward.

Chair Hathaway asked if there was an applicant.

Mr. Greg Gamble, of Gamble Design Collaborative, stated that he represented the applicant. They recognized at the BOMA Work Session that they would have many of the issues that had been discussed at this meeting. Two months ago Mr. Gamble had come before the Planning Commission to request a plat approval for the removal of a 100 foot setback. The Planning Commission agreed that this process should go forward first to establish a rezoning and a development plan on this property. Upon approval of the development plan, the applicant will bring back to the Planning Commission a plat that will reflect the new buffer requirements for residential on this property. One comment that they had heard consistently from staff was that the architecture for the townhomes did not conformed to the garage standards. This was mentioned to the architects as well. Mr. Gamble showed a drawing of what the townhomes were designed to look like. They have a two-car garage in the front, which is predominantly for accessibility. He explained the layout of the townhome and stated that this was not a product that was appropriate everywhere in Franklin. This was appropriate within the context of the proposed assisted living facility and its campus and the relationship with the commercial to the front and the residential to the back. He explained further the alternative to this drawing.

They had two modification of standards, one of the standards was that the garages face the drive and the second modification of standards was that the garages have full two car garage doors.

He requested a favorable recommendation of Ordinance 2014-92 to the BOMA.

Ms. Allen stated that it sounded as though there were so many problems with what had been proposed that staff felt there would be too many problems if the rezoning were to continue, and she would like this addressed.

Ms. Diaz-Barriga stated that there were several problems with the development plans specifically that could be discussed with item 15. As such, she thought that the proposed density might change some slightly with those changes. However, she felt that there probably could be a plan that could be built with the entitlements as proposed. The hard stance for staff would be to disapprove item 14. It was not unreasonable to think that the applicant could build within the entitlements as proposed.

Ms. Allen questioned the Planning Commission approving Ordinance 2014-92 if it could not be built.

Ms. Diaz-Barriga stated that the Planning Commission would just be approving the entitlements if they approved item 14. If the applicant was entitled to a density of 3.39 but could not meet that then he/she could build less.

Alderman Petersen stated that the garages were the most dominant part of the front elevation.

Vice Chair Lindsey asked if the 100 foot setback was still respected regarding the way that Mr. Gamble has presented the layout of this development.

Mr. Gamble stated that it did not, the 100 foot setback was applied because the property was currently split-zoned into General Office and General Commercial. With those two particular uses, the Planning Commission said that the 100 foot buffer was the appropriate solution between the residential uses to the north and what would be future office or general commercial. The applicant was proposing to change the zoning from General Office and General Commercial to a residential zone, which would be a more appropriate transition and therefore had a lesser buffer adjacent to the existing residential to the north. The buffer would still exist at 56.5 feet. It is a class B buffer, which is 75 feet, and they are reducing it by 25 percent with the addition of the berm plant material where they will be infilling.

They met a few weeks ago with Alderman Berger, the developer proposing the project, and the adjacent neighbors that this projects up to.

Alderman Petersen asked if this was a neighborhood meeting such as this project had had before.

Mr. Gamble stated that it was not a required neighborhood meeting, but it was just with the adjacent property owners who wanted to meet with the developer to talk about the landscape buffer. It was a very productive meeting. They also talked about stormwater issues.

A motion was made by Commissioner Harrison, seconded by Commissioner Franks, that this Ordinance was recommended favorably with a split vote to the Work Session meeting on 1/13/2015. The motion carried by the following vote:

Aye: 5 - Commissioner Harrison, Commissioner Franks, Commissioner Gregory, Commissioner Orr, and Commissioner Lindsey

No: 2 - Commissioner Petersen, and Commissioner Allen

Absent: 1 - Commissioner McLemore

15. Consideration of Resolution 2014-93, To Be Entitled “A Resolution Approving a Development Plan for the Serena PUD Subdivision, Located at 1127 Murfreesboro Road, by the City of Franklin, Tennessee.”

Attachments: [4718 Serena Dev Plan MAP](#)
[Res 2014-93 Serena DP Resolution](#)
[Conditions of Approval 4718](#)
[Will Sq-Serena Dev Plan set](#)

Ms. Diaz-Barriga stated that Planning was supportive of the uses proposed on the site; they are less intense than what could be developed under the current General Office and General Commercial zoning districts. However, there are several unresolved issues with the proposed plan, and until they are resolved staff cannot support this development plan.

The first issue is that the plan places 28 dwelling units within a platted setback. Until this setback is re-platted and approved at a shallower depth, this development plan is in direct violation of a legal document defining the setbacks for the property.

The second issue is that the applicant has not yet obtained an access easement through the church site, but does not show the required turnaround at the terminus of the private drive. Staff has included a condition of approval to add such a turnaround, and asks that the Planning Commission consider enforcing this condition should they choose to approve this plan.

Staff also has several concerns with the following design modifications (DM) being proposed:

DM #1 requests an increase in the maximum building length of the assisted living building from 200 feet to 381 feet. Staff recommends approving this design modification.

DM #2 requests to permit front facing garage doors. Staff is not supportive of this request because does not promote a walkable, pedestrian-connected community and creates a front façade focused on the vehicle rather than the residents. It also goes against the environment that the applicant states they are trying to create within their development. To quote their comparability statement “the assisted living facility will provide service for the senior town homes as needed. These services will include access to a physician for minor problems, meals and delivery as requested, and neighborhood van service for shopping and health care. The van will reduce vehicular use typically seen at town home developments”. Planning applauds the developer for attempting to reduce the dependency on the car for its residents. That is why staff recommends denial of this design modification, to ensure that the garages are placed on the rear or side of the buildings, and the front of the buildings are left for pedestrian focused spaces, ones where the car is not a constant impediment.

DM #3 requests to permit one 16 foot wide garage door. Staff does not support this design modification because it further emphasizes the vehicle, especially when applied to the front façade. Staff would suggest that, if a front loaded garage be permitted, that this design modification be denied, and require the developer to find other ways to provide conveniences for their intended residents. Staff would suggest using single loaded garages with ample space provided on the interior of the garage, to allow for car doors to swing wide. Again staff recommends denial of this design modification.

DM #4 requests to permit the minimum height of the foundation for the town homes at 4 inches from finished grade. Staff recommends approval of this design modification.

Ms. Diaz-Barriga stated that staff recommends denial of Resolution 2014-93. If the Planning Commission recommends approval, staff asks that they do so with the conditions provided.

Chair Hathaway asked for comments from the citizens.

No one came forward.

Chair Hathaway asked if there was an applicant.

Mr. Greg Gamble, of Gamble Design Collaborative, stated that the number one reason for the recommendation for denial was that item 15 did not comply with the 100 foot setback. He also knew there were other issues. He addressed the first issue by stating that the issue was across the church parking lot. His client had been talking with the owner of this property, Williamson Square Entity. They are going through the process to acquire the easement at the present time. In the event that the easement is not acquired, the City of Franklin has a requirement that a cul-de-sac can be no longer than 500 feet and no more than 20 units can be on any given cul-de-sac. The applicant would comply with those conditions. Mr. Gamble has told staff that they would show the location in the post Planning Commission (PC) submittal. If they do not get the easement, the applicant would not get the remaining townhomes.

The second issue goes back to the intent of the townhomes. An alley could be put behind with the garages, but there would not be room for the drive in front. So you would have a sidewalk out in front. It would basically have the same condition but flipped. Out the backdoor off the back patio would be the church parking lot. The developer feels that this is a more appropriate design solution. They understand, and that is why they pointed it out at the workshop that it is in conflict, and they would be asking for a modification of standards to the Zoning Ordinance. These units will have residents who are over the age of 65, and most likely around the age of 75 and 80 years of age who depend on the services of the assisted living facility. These are independent living townhomes and are age-restricted. They are a part of this campus, and the convenience and access in and out of the garage from the vehicle is critical to this particular age group. This is not a townhome that is appropriate in any or every subdivision across Franklin, but in this particular location it is appropriate. They is why they were asking the Planning Commission to consider this exception.

Alderman Petersen asked if there was an alley behind the townhome would that mean that the front of the townhomes would be behind also.

Mr. Gamble stated that townhomes in Franklin could front onto a public street or open space. If there is an alley behind, those townhomes will be fronting onto open space that would have a sidewalk in between the front of the unit and the church parking lot.

Alderman Petersen asked if there were any other projects where the garages take up so much space.

Ms. Diaz-Barriga stated that is why the Zoning Ordinance is written the way it is for multi-family developments to restrict this kind of look.

Ms. Powers stated that there were a number of assisted living facilities coming in and asking for modification of standards. This will be seen again if this project is approved.

Ms. Powers stated that if the plan is going to be changed to the 50 foot setback, staff will need the plat to come back to the Planning Commission very quickly. Staff would anticipate the plan coming back at either the January 22, 2015, Planning Commission meeting or the February 26, 2015, meeting.

Chair Hathaway asked if that should be part of the motion as a condition.

Ms. Powers stated that she would like it to be part of the motion.

Ms. Billingsley stated that she did not remember how the vote was last month, but the Planning Commission voted to defer this item.

Alderman Petersen stated that it was to defer the plat until Resolution 2014-93 got approved.

Ms. Billingsley stated that this item was still a live item and would have to come back, based on the prior vote.

Alderman Petersen asked if the DM items would to the BOMA.

Ms. Powers stated that they would not to the BOMA.

There was further discussion regarding the front door of the townhomes.

Ms. Diaz-Barriga stated that staff would like to support the alternative of putting the garage on an alley so that, as the applicant stated, when the residents park their vehicles and talk back and forth with their neighbors, the open space needs to be as engaging as possible versus front-loading garages on the street.

Chair Hathaway stated that he would start with DM request #2 - to permit front facing garage doors.

Mr. Harrison moved to approve DM request #2, and Mr. Orr seconded the motion, and it passed five to two (5-2) with Mses. Petersen and Allen voting no.

Alderman Petersen stated DM request #2 was completely opposite of what the City's zoning ordinance stated.

Mr. Franks stated that the zoning ordinance changed about every two months. He stated that the zoning ordinance was changing constantly, and that Resolution 2014-93 was a fabulous project. The property for this item has been sitting dormant for years. This project offers an excellent senior component in this area. To put an alley in this project does not make sense. This is a stand-alone type development that is serving the needs of the elderly. He did not understand why the garage was so intrusive. He thought this was a great looking project, and he was in favor of the DM.

Ms. Allen stated that she was surprised at the willingness to totally go against the zoning ordinance. This is from a group that care so much about fences that individuals have to get a permit to put a fence in the front of one's house. This would be for seniors who would have to be over the age of 65. She thought the changes in the zoning ordinance

were changed for a reason. She was flabbergasted and thought if this item was approved some other items needed to be revisited.

Ms. Gregory stated that, as per Mr. Gamble, this item was not appropriate in most areas of Franklin; however, this location was back behind a huge building. Because of the location and the convenience, she thought to the residents who would be living at this location and because of the residents that are surrounding it, for this particular unique incidence, it made sense to her.

Vice Chair Lindsey stated that he would agree with Ms. Gregory. This had been one of the most challenging sites that the Planning Commission has dealt with in several years. He was looking for a way to say that this was a good development to put on this site. The size of the church and the parking lot create constraints on this site. The drainage cuts across the upper left corner and creates constraints. He did not know how one would run an alley behind the other row of units because there is no real access to it without infringing into the drainage situation and having to totally re-grade the site. This project is a considerable compromise to what was brought before the Planning Commission a few years ago.

Ms. Allen agreed that this project was a better project than what was brought before the Planning Commission a few years ago; however, she wondered if it was the Planning Commission's job to make sure that projects work for the land. She would like to see the Planning Commission vote "yay" or "nay" and not falter every time.

Alderman Petersen stated that she was concerned about setting a precedence, and no doubt there would be other who would be making this same request. How does one differentiate between requests from a similar development?

Mr. Orr stated that the Planning Commission looked at them independently.

Alderman Petersen stated that the Planning Commission could not do that.

Mr. Franks stated that this was the Planning Commission's charge to look at the projects independently.

With DM request #2 having been made and seconded, it passed five to two (5-2) with Mses. Petersen and Allen voting no.

DM #3 request - to permit one 16 foot wide garage door.

Mr. Harrison moved to approve DM #3, Mr. Orr seconded the motion, and it passed five to two (5-2) with Mses. Petersen and Allen voting no.

DM request #1 - to increase the maximum building length of the assisted living building from 200 feet to 381 feet.

Mr. Orr moved to approved DM #1, and Mr. Harrison seconded the motion.

Alderman Petersen stated that the Zoning Ordinance needed to be changed for the length of the building. The Planning Commission should not just routinely approve the Modification of Standards change on something such as the length of the building.

With DM #1 having been made and seconded, it passed unanimously (7-0).

DM #4 request - to permit the minimum height of the foundation for the town homes at 4 inches from finished grade.

Mr. Harrison moved to approve DM #4, and Mr. Franks seconded the motion.

Vice Chair Lindsey asked if there were any issues with respect to the drainage on the northwest corner with the lower elevations.

Mr. Michael Garrigan, of Dale and Associates, stated that they would make sure that the finished floor elevations were above this. They have a 30 foot stream buffer backing up to this. The stream continues southeast from the corner, continues and cuts over to the west.

With the motion for DM #4 request having been made and seconded to permit the minimum height of the foundation for the town homes at 4 inches from finished grade, it passed unanimously (7-0).

Alderman Petersen stated that this was something else that the Planning Commission needed to look at because the normal height was 18 inches for certain kinds of housing.

Ms. Powers stated that one of the conditions on this item was that if it were approved, staff was asking that the developer add a different size door. She asked if the condition would stand, or would it be eliminated.

Ms. Billingsley stated that it would be changed with the modification.

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

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

No: 1 - Commissioner Petersen

Absent: 1 - Commissioner McLemore

16. Consideration of Ordinance 2014-47, To Be Entitled “An Ordinance to Rezone +/- 195.5 Acres from Specific Development - Residential District (SD-R 1.72) to Specific Development - Residential District (SD-R 1.91) for the Property Located at 4133 South Carothers Road (Waters Edge PUD Subdivision) by the City of Franklin, Tennessee.”

Attachments: [4726 Waters Edge Rezoning Map](#)
[WATERS EDGE REZONING_12.4.2014](#)
[Ord 2014-47 ORDINANCE Waters Edge Rezoning New](#)

Mr. Orr stated that Water's Edge PUD was originally approved in 2013 for 336 homes on 195.5 acres for a density of 1.72 units/acre. The applicant is proposing to build an additional 37 homes, raising the total to 373 residential units and a density of 1.91. This density is lower than the other developments in this corridor. However, approximately half of the Water's Edge site is floodplain and undevelopable. Once the informal open space is removed from the density calculation (floodplain and floodway), the net density will be approximately 4 units/acre which is still within the range of the other nearby PUDs. Staff Issues a favorable recommendation to the BOMA.

Chair Hathaway asked for comments from the citizens.

No one came forward.

Vice Chair Lindsey asked if there was an applicant.

Mr. Greg Gamble, of Gamble Design Collaborative, stated that the Planning Commission had received a recommendation for a denial. However, after understanding what staff was looking for, the applicant was able to address staff's issues and concerns. He disseminated a one page Water's Edge Development Plan to the Planning Commission. Working with staff, the applicant modified the entrance into the subdivision and took away the small fitness building and walking trails. They had since added a full residence club, which will have a lounge, a fitness room, a full swimming pool, a child's splash area, and a playground. They now have an amenity with the evolution of the development plan. They still have the greenway trail that follows along the banks of the Harpeth River. It ties back into Carothers Parkway and also into the amenity's area. With these changes and with the success of the building in Lockwood Glen on lots that are a little smaller than 60 foot wide. They started seeing the demand for the small lot. They call it the fact that the buyers do not want to maintain a larger lot. Staff was concerned about the southern area. It felt a little too dense without any open space breaks. They have added an additional formal open space park within the network of blocks to create that visual break in the street. With that addition and the additional open space, staff changed their recommendation from denial to approval. This plan will be incorporated in the post PC submittal. He requested a favorable recommendation of Ordinance 2014-47 to the BOMA.

A motion was made by Commissioner Harrison, seconded by Commissioner Orr, that this Planning Item was recommended favorably to the Board of Aldermen and to the Work Session meeting on 1/13/2015. The motion carried by the following vote:

Aye: 7 - Commissioner Harrison, Commissioner Petersen, Commissioner Franks, Commissioner Gregory, Commissioner Allen, Commissioner Orr, and Commissioner Lindsey

Absent: 1 - Commissioner McLemore

17. Consideration of Resolution 2014-98, To Be Entitled “A Resolution Approving a Development Plan for Waters Edge PUD Subdivision, Located at 4413 South Carothers Road, by the City of Franklin, Tennessee.”

Attachments: [4725 Waters Edge DP and Rezoning Map](#)
[WATERS EDGE DEV PLAN REV3 12.4.2014](#)
[4725 Waters Edge DP Conditions of Approval](#)
[Res 2014-94 Waters Edge Development Plan Rev 3 BOMA](#)

Mr. Orr stated to please note the buildable area of Water’s Edge is not expanding. This development is surrounded by floodplain so the additional homes will be peppered into the existing footprint of the development. The applicant proposes to add 37 homes by decreasing the existing lot sizes, except for Section 1, which has already gained site plan approval. To get a feel for the changes, you can see the contrast between the lot sizes in Section 1 and the rest of the PUD. To staff, this is not so much about density, but rather the intensity of the single family homes, especially because the vast majority of open space is located along the perimeter of the neighborhood.

The detached single family homes are on small lots with front facing garages, which is acceptable and meeting the approved standards, but adding more units to an already compact development will compress and make this even tighter. However, to help alleviate this concern, the applicant has proposed to add open space to the interior of the development which will break up the long continual blocks of homes. Staff is comfortable working with the applicant on these changes at the Post PC Submittal. Staff recommends a favorable recommendation of Resolution 2014-98 with conditions to the BOMA.

Vice Chair Lindsey asked for comments from the citizens.

No one came forward.

Chair Hathaway asked if there was an applicant.

Mr. Greg Gamble, of Gamble Design Collaborative, stated when Water’s Edge was first approved, it was on the heels of Lockwood Glen, Simmons Ridge, Echelon, and Ladd Park was well underway with construction. This is a major residential corridor of Carothers Parkway. It links together the retail commercial of Berry Farms to the retail corridor of Highway 96 and everything headed north along Carothers Parkway. Looking at the net densities of the other neighborhoods, Ladd Park has a net density of 3.07 dwelling units per acre, Echelon has a net density of 3.94 dwelling units per acre, Water’s Edge has a net density of 4.01 dwelling units per acre, Lockwood Glen has a net density of 5.84 dwelling units per acre, and Simmons Ridge with the highest at 9.5. Water’s Edge is certainly compatible from a net density standpoint to the neighbors around it.

Mr. Gamble requested a favorable recommendation of Resolution 2014-98 with conditions to the BOMA.

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

Aye: 7 - Commissioner Harrison, Commissioner Petersen, Commissioner Franks,
Commissioner Gregory, Commissioner Allen, Commissioner Orr, and
Commissioner Lindsey

Absent: 1 - Commissioner McLemore

SITE PLANS, PRELIMINARY PLATS, AND FINAL PLATS

18. Forrest Crossing Subdivision, Site Plan-YMCA Parking Addition, 98 additional parking spaces on 8.00 acres, located at 501 Royal Oaks Court (APPEAL OF ADMINISTRATIVE DECISION)

Attachments: [4658 Forrest Crossing YMCA parking addition MAP](#)
[4658 Franklin YMCA -Site Plans](#)
[Conditions of Approval REVISED 11.20.14](#)
[Looking from YMCA drive to intersection](#)
[intersection of Mack Hatcher and S Royal Oaks](#)

Ms. Diaz-Barriga stated that the site plan and the exhibit were provided to each Planning Commissioner as it was left out of the packet. The applicant for the YMCA parking lot addition site plan is appealing part of a condition of approval. The condition requires a sidewalk to be installed along their property line adjacent to the Royal Oaks Court ROW, and requires the extension of the sidewalk to the intersection of Royal Oaks Court and Mack Hatcher Parkway. The zoning ordinance requires sidewalks when the construction is proposed. Staff feels that the intent of the ordinance is that the sidewalk extend to an intersection. Further, staff has had an open dialogue with TDOT and understands that there are no upcoming plans to modify this intersection. Staff also understands that an applicant would have to obtain approval from TDOT to put in the sidewalk so that TDOT has a president of approving those requests when the City is asking for such a sidewalk to be built. Staff recommends that the Planning Commission uphold the condition of approval and deny this appeal.

Chair Hathaway asked for comments from the citizens.

No one came forward.

Chair Hathaway asked if there was an applicant.

Mr. Matt Foster, of Harwell Howard Hyne Gabbert & Manner, P.C., stated that he represented the YMCA of Middle Tennessee. He wanted to be clear about what item 18 was not. This was not a PUD amendment, a rezoning, a subdivision, and the YMCA is not expanding services. It is not expanding the size of its facility or its services. They are appealing an administrative decision. This springs from the fact that the YMCA opened the Franklin Family YMCA in 1995 at this same location. Growth has been substantial during that time, and as a result there is not enough parking for the people who presently use the facility. The YMCA desires to expand the existing parking lot by adding 98 additional parking spaces. The YMCA appeared before the Franklin Board of Zoning Appeals (BZA) in November 2014. The Zoning Ordinance would have required the YMCA to create and build a sidewalk from the front entrance of the building down to Royal Oaks Court. The YMCA sought and received a variance for that because the BZA found that the YMCA's property has exceptional, unique topographical challenges. There is a steep drop from the front of the facility all the way down to Royal Oaks Court. Because of those exception topographical conditions, the BZA found that compliance with the ordinance would require substantial regarding of the natural topography of the land and would result in practical difficulties and undue hardship to the YMCA. The BZA granted that variance because it could do so without doing harm to the public interest. Following receipt of the variance, the YMCA complied with the zoning ordinance and submitted a site plan for approval from the department. The department has recommended conditional approval of that site plan, and the YMCA had accepted all of

the conditions requested by the department with the exception of two. It is one appeal, but there are two questions that are raised. The following questions were raised:

- Staff is requiring the YMCA to construct a sidewalk on property that it does not own, and the YMCA is appealing that requirement.*
- The YMCA requested to pay funds in lieu of construction because the factors identified in the zoning ordinance have been met and are satisfied in this circumstance.*

The ordinance requires sidewalks on both sides of all streets except Mack Hatcher Parkway. Section 5.10.13.5C specifically says that, "sidewalks shall connect with existing or planned sidewalks at property boundaries. That is the key language here.

While Royal Oaks Court is not a state highway and is not identified on the Major Thoroughfare Plan, it is the applicant's view that one would have to look at Royal Oaks Court as part and parcel of Mack Hatcher Parkway. Mack Hatcher is scheduled for expansion.

The applicant believes that paying these funds in lieu of actually constructing a sidewalk would have a great benefit to the community. Anything that is constructed will get torn up by TDOT when they widen the intersection. The City could use the funds that the YMCA would pay in to construct sidewalks on Royal Oaks Court when and after the TDOT improvements are constructed.

Alderman Petersen asked what the thinking was about not allowing funds in lieu of payment.

Mr. Holzen stated that it was common to require developers to install sidewalks along the frontage of their developments. The City is presently spending funding to put sidewalks along State Route 96, east and west, which could have largely been done when the developments occurred. It is going to be an extremely large capital cost to the City. When development comes in, the City typically asks for the improvements to occur in the front of their development. This is a simple permit to do. It is not a huge cost or a lot to ask of the development. Staff's feeling is that the improvement should come in now because there is no funding in the near future from the widening of the project.

Alderman Petersen asked if there was similar topography on the other side.

Mr. Holzen stated that the applicant could make the grading work within the ROW.

Mr. Franks asked if there was any kind of recovery that the applicant could have in the event that the state were to come in year, tear it out and build a road.

Mr. Holzen stated that there would not be a recovery.

Mr. Harrison asked if there would be connectivity between the existing sidewalk and the new sidewalk.

Mr. Holzen stated that there would not be connectivity until the City comes in and puts in some signal upgrades, which the City was not asking of the developer. He stated that this would be just a segmented stretch of sidewalk that would be connected either with future development or future City projects.

Ms. Allen stated that when she was an alderman, she represented the oldest part of Franklin, which did not have sidewalks. The thought was that the City could not afford to

go in and build sidewalks all over town. If the City does not ask the developers to build new segments when new development is going in, then it will never have sidewalks (safe places for people to walk). If one looks at it in segments, this might look senseless, but the full plan is to one day have a majority of sidewalks people will be able to walk rather than drive everywhere.

Alderman Petersen asked where the sidewalk in this project would go.

Mr. Foster stated that the YMCA was not appealing the obligation to construct a sidewalk, and it would stop 140 feet from Mack Hatcher Parkway.

Ms. Gregory asked if the Planning Commission voted to approve the appeal then would it be saying that the applicant would build it on Royal Oaks but not around the corner.

Chair Hathaway stated that was correct, and he believed that it would include fees in lieu of as part of that appeal.

Ms. Diaz-Barriga stated that the original condition was that the request was for fees in lieu of was denied. They are now requesting an appeal of that decision. The applicant would like to not build the sidewalk along the corner and also not build the sidewalk along Port Royal Court but to pay the fees in lieu of this.

To clarify, Ms. Diaz-Barriga stated that the applicant could build the sidewalk or they could pay fees in lieu of building.

Mr. Brad Slayden, of Ragan Smith, referred to a site plan and stated that the request for appeal was to not construct the sidewalk at this place and if granted, they wanted to pay fees in lieu of for a segment. If the Planning Commission approves the appeal, they want the Planning Commission to also consider fees in lieu for some of the portion. The fees in lieu discussion was simply for the frontage.

Ms. Billingsley stated that she thought staff was confused because they did not know that was going to be discussed.

Mr. Slayden stated that this was all under the same condition, and he apologized for not clarifying this with staff.

Mr. Harrison stated that he would like to withdraw his motion for request for approval of the appeal.

Ms. Billingsley asked if Ms. Allen's motion was to build the sidewalk all the way through the property to TDOT's property.

Ms. Allen stated that it was.

Ms. Gregory stated that the reason she was supporting this was because of a safety issue not having a sidewalk.

There was a two minute recess at 10:00 p.m.

The meeting resumed at 10:02 p.m.

Chair Hathaway reminded the Planning Commission that the motion was to deny the appeal.

A motion was made by Commissioner Gregory, seconded by Commissioner Franks, that this Planning Appeal was denied. The motion carried by the following vote:

Aye: 7 - Commissioner Harrison, Commissioner Petersen, Commissioner Franks, Commissioner Gregory, Commissioner Allen, Commissioner Orr, and Commissioner Lindsey

Absent: 1 - Commissioner McLemore

19. Ovation PUD Subdivision, final plat, revision 1, shifting lot lines on 6 of the 9 lots on 145.48 acres, located at the southeast corner of East McEwen Drive and Carothers Parkway. (CONSENT AGENDA)

Attachments: [4714 Ovation PUD Subd FP Rev 1 MAP](#)

[Conditions of Approval 4714](#)

[4714 Ovation Plat Final Plat](#)

This Planning Item was approved.

20. Rucker Park PUD Subdivision, final plat, section 1, 30 residential lots and 2 open space lots on 3.66 acres, located near the intersection of Rucker Avenue and West Main Street. (CONSENT AGENDA)

Attachments: [RuckerParkPUD.pdf](#)

[Conditions of Approval 02.pdf](#)

[4730 Rucker Park PUD Final Plat.pdf](#)

This Planning Item was approved.

21. Synergy Bank Addition, Final Plat, Revision 2, modifying easements within the existing lot, located at 722 Columbia Avenue. (CONSENT AGENDA)

Attachments: [4690 Synergy Bank Addition FP Rev 2 MAP](#)

[Conditions of Approval 4690](#)

[4690 Synergy-Bank-Franklin-Plat-Revision-Two-](#)

This Planning Item was approved.

22. Through the Green PUD Subdivision, final plat, section 2, revision 4, 5 lots containing 222 attached residential units on 14.72 acres, located at 1200 and 1300 Shadow Green Drive and 1201 and 1301 Isleworth Drive.

Attachments: [TTGFinalplatmap.pdf](#)
[Conditions of Approval_01.pdf](#)
[20131140_2014-12-4_Final Plat.pdf](#)

Mr. Anthony stated that staff recommended approval of item 22.

Chair Hathaway asked for comments from the citizens.

No one came forward.

Chair Hathaway asked if there was an applicant.

No one came forward.

Mr. Orr moved to deny the final plat, and Mr. Harrison seconded the motion.

Mr. Orr stated that this development did not comply with the Land Use Plan and the additional traffic that it would cause on Columbia Avenue. He voted against it when it was presented before.

Mr. Anthony stated that the development plan was voted down when it came before the Planning Commission, but it did go to the BOMA. It was entitled at the BOMA. Mr. Anthony stated that the plat meets subdivision regulations, which have been established by the City of Franklin.

A motion was made by Commissioner Orr, seconded by Commissioner Harrison, that this Planning Item was denied. The motion carried by the following vote:

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

No: 1 - Commissioner Petersen

Absent: 1 - Commissioner McLemore

ORDINANCE AND TEXT AMENDMENTS

23. Consideration of Ordinance 2014-37, Amending the Zoning Ordinance by Removing Section 2.4.2 (11) Entitled Amendments or Revisions Approving Development Plan or (PUD) Concept Plan or PUD Regulating Plan and Section 2.4.2 (12) Entitled PUD's Approved between July 1, 2008 and January 10, 2012, and to Replace with a New Section 2.4.2 (11) to be Entitled Amendment or Revisions to an Approved PUD Development Plan, Concept Plan or Regulating Plan and to Renumber Successive Sections Accordingly.

Attachments: [Ordinance 2014-37 11-24-14](#)

Ms. Powers stated that for quite a while staff has been looking at amendments to the development plan because they have received many requests for amendments. Sometimes staff receives requests for amendments the day after the Planning Commission approve a development. The 2008 Zoning Ordinance was not very clear in terms of what those triggers are and did not cover the items that staff is now getting requests to amend. The 2008 did not have anything that talked about typical lot size, setbacks, and location of parking lots. These are the things that staff is now seeing developers coming in and asking to amend. These are the things that staff and the Design Community have struggled with, and staff has tried to decide where that belongs. There is a big enough change to take it on to the Planning Commission, should it be done at staff level, or should it go on to the BOMA. This has also be taken to the Joint Conceptual Workshop, and staff has talked to many other individuals. Staff has talked with other communities to see what they have done with their amendments. What you have before you this evening is a compilation of what staff believes to be the best. Basically, staff is looking at going to the Planning Commission and the BOMA as use changes. The next section that would be used more frequently than going all the way to the BOMA would be the Planning Commission review. That is the character of the development. It talks about the setbacks, about open space, buffering, and typical lot sizes. Is 5 percent of every lot the same as 20 percent of the lots, and how does one figure that out. Those are the things that staff anticipate the Planning Commission will be making the decision on in terms of amendments. There is a third category, which is everything that does not fall into those categories. There are substantial differences that affect the character of the project that would come to Planning Commission or those use changes going to the BOMA, and that would be staff review of the project. Staff review of the project is something that has always been a part of the review that is done. This just clarifies it. It give staff a little bit more of a handle on what they need to review when they look at an amendment. Staff is asking that the Planning Commission send this on to the BOMA for their review.

Alderman Petersen stated that she agreed with most, but whenever it talks about changing the character of the project this might be something that the BOMA would want to review because they do approve the development plan.

Ms. Powers stated that that what they discussed was substantial changes going to the Planning Commission, such changes that would modify the character of the project. That would mean all of those changes would have to go to the BOMA, would be substantial, and would be a very long process.

A motion was made by Commissioner Harrison, seconded by Commissioner Orr, that this Ordinance was recommended favorably to the Board of Aldermen and to the Work Session meeting on 1/13/2015. The motion carried by the following

vote:

Aye: 7 - Commissioner Harrison, Commissioner Petersen, Commissioner Franks, Commissioner Gregory, Commissioner Allen, Commissioner Orr, and Commissioner Lindsey

Absent: 1 - Commissioner McLemore

24.

Vesting Rights

Consideration of Ordinance 2014-48, Amending the Zoning Ordinance to Add a New Section 1.7.4, to be Entitled "Amendment to Development Plans"; to Remove 2.4.2 (12), Entitled "Time Limit" and Replace with a New Section 2.4.2 (12), Entitled "Vesting Rights for Development Plans, Preliminary Subdivision Plats, Site Plans, Final Subdivision Plats, Infrastructure Construction Plan, and other Land Use Approvals After January 1, 2015"; to Remove 2.4.3 (7), Entitled "Time Limit" and Replace with Reference to 2.4.2 (12); and to Add Definitions to Section 8.3, Entitled "Definitions and Use Classifications Related to the Language Contained in the State of Tennessee Property Vesting Rights Acts of 2014."

Attachments: [ORDINANCE 2014 - Vesting Rights - 12-10-14](#)

Mr. Powers stated that staff was requesting that item 24 be deferred to the January 22, 2015, Planning Commission meeting.

A motion was made by Commissioner Harrison, seconded by Commissioner Lindsey, that this Ordinance was deferred until the January FMPC meeting. The motion carried by the following vote:

Aye: 7 - Commissioner Harrison, Commissioner Petersen, Commissioner Franks, Commissioner Gregory, Commissioner Allen, Commissioner Orr, and Commissioner Lindsey

Absent: 1 - Commissioner McLemore

NON-AGENDA ITEMS

ANY OTHER BUSINESS

ADJOURN

There being no further business, the meeting adjourned at 10:17 p.m.

Chair, Mike Hathaway