



# City of Franklin

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Franklin, TN 37064  
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## Meeting Minutes - Final

### Franklin Municipal Planning Commission

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Thursday, September 27, 2018

7:00 PM

Board Room

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#### CALL TO ORDER

**Present** 9 - Commissioner McLemore, Commissioner Petersen, Commissioner Gregory, Commissioner Lindsey, Chairperson Hathaway, Commissioner Franks, Commissioner Allen, Commissioner Orr, and Commissioner Harrison

#### MINUTES

1. Approval of the August 23, 2018 FMPC Minutes.

**Attachments:** [DRAFT FMPC minutes 8-23-18](#)

**Commissioner Harrison moved, seconded by Commissioner Orr, to approve the minutes from August 23, 2018, as presented. The motion carried by the following vote:**

**Aye:** 9 - Commissioner McLemore, Commissioner Petersen, Commissioner Gregory, Commissioner Lindsey, Chairperson Hathaway, Commissioner Franks, Commissioner Allen, Commissioner Orr, and Commissioner Harrison

## CITIZEN COMMENTS ON ITEMS NOT ON THE AGENDA

*Chair Hathaway asked for citizen comments.*

*Mr. Wayne Cleveland spoke to the Commission concerning the sidewalk conditions at Rizer Point. He presented letters, photographs and information to the Commission, which shall be added to the record.*

*He presented the correspondence concerning the release of the surety bond for the sidewalks for Rizer Point. He stated that the sidewalks had not been completed. He stated that there were safety concerns for the neighborhood children. He showed that there were drainage concerns. He pointed to several photographs (A-E) to show that the sidewalks were not complete.*

*Mr. Cleveland stated that Goodall is adding sixteen homes to the neighborhood in sections 5 and 6. The new homes would have 3 access exits. He stated there were only two exits for the remaining 94 homes in Rizer Point. He was concerned that the existing homeowners would be paying for this.*

*Mr. Cleveland requested that the Commissioners review all of the information presented before the next Planning Commission meeting. He asked that Chair Hathaway ride with him through the neighborhood to view the conditions. He asked that no bonds be released to the developer until an inspection is done by someone from the City, who can get things done, because there are too many issues to discuss at this time.*

## ANNOUNCEMENTS

*Chair Hathaway asked if Staff had any announcements.*

*Ms. Emily Hunter, Director of Planning and Sustainability, stated that October is National Community Planning Month. At the October 9th Board of Mayor and Aldermen meeting, Mayor Moore will proclaim October as Community Planning Month. She invited the Planning Commissioners to attend and be included in the presentation.*

*She stated that in lieu of special planning activities to celebrate this year, she requested that everyone participate in the On the Table initiative on October 30th to engage in dialogue about our community on a variety of topics. She stated the Commissioners could visit [www.franklintomorrow.org/onthetable](http://www.franklintomorrow.org/onthetable) for more details. She stated she would do her best to answer any questions. She stated this event is sponsored by Franklin Tomorrow and is related to how our community engages in dialogue and deals with the growth of our community and upcoming foreseeable issues, as well as exciting opportunities.*

## VOTE TO PLACE NON-AGENDA ITEMS ON THE AGENDA

*Chair Hathaway asked if there were any non-agenda items to be presented. There were none.*

## CONSENT AGENDA

### Approval of the Consent Agenda

**Commissioner Allen moved, seconded by Commissioner McLemore, to approve Items 2-5, 8 and 9, as presented on the Initial Consent Agenda. The motion carried by the following vote:**

**Aye:** 9 - Commissioner McLemore, Commissioner Petersen, Commissioner Gregory, Commissioner Lindsey, Chairperson Hathaway, Commissioner Franks, Commissioner Allen, Commissioner Orr, and Commissioner Harrison

### Approval of the Consent Agenda

*Chair Hathaway recused himself from Item 10.*

*Chair Hathaway passed the floor to Vice-Chair Lindsey.*

*After the vote, Vice-Chair Lindsey passed the floor back to Chair Hathaway.*

**Commissioner Harrison moved, seconded by Commissioner Orr, to approve Item 10, as presented on the Secondary Consent Agenda. The motion carried by the following vote:**

**Aye:** 8 - Commissioner McLemore, Commissioner Petersen, Commissioner Gregory, Commissioner Lindsey, Commissioner Franks, Commissioner Allen, Commissioner Orr, and Commissioner Harrison

**Recused:** 1 - Chairperson Hathaway

### SITE PLAN SURETIES

2. Gateway Commons PUD Subdivision, site plan; extend the performance agreement for sidewalks improvements to September 26, 2019; extend the maintenance agreement for sewer improvements to September 26, 2019. (CONSENT AGENDA)  
**This Planning Item was approved.**
3. Highlands at Ladd Park PUD Subdivision, site plan, section 24; accept the sidewalks improvements, release the performance agreement and establish a maintenance agreement for one year. (CONSENT AGENDA)  
**This Planning Item was approved.**
4. Highlands at Ladd Park PUD Subdivision, site plan, section 25; accept the sidewalks improvements, release the performance agreement and establish a maintenance agreement for one year. (CONSENT AGENDA)  
**This Planning Item was approved.**

5. Watson Glen PUD Subdivision, site plan, section 2, Assisted Living Facility; release the maintenance agreement for streets, drainage and sidewalks improvements; extend the performance agreement for water improvements to September 26, 2019. (CONSENT AGENDA)

**This Planning Item was approved.**

**REZONINGS AND DEVELOPMENT PLANS**

6. PUBLIC HEARING: Ordinance 2018-50 To Be Entitled, "An Ordinance To Rezone 19.83 Acres From General Commercial District (GC) To Specific Development Variety (SD-X 16.79, 67328) District For The Property Located North Of Liberty Pike And West Of Carothers Parkway, (Carothers Crossing West PUD Subdivision)." (9/27/18 FMPC 9-0, 10/09/18 BOMA 1st Reading 7-0)

Attachments: [2018-50 ORD Carothers Crossing West PUD Subdivision with map.Law Approved](#)  
[MAP\\_CCWRezone+DevPlan.pdf](#)  
[Carothers Crossing West-ALTA SURVEY.pdf](#)  
[CCW Rezone.pdf](#)

*Mr. Josh King, Principal Planner, stated that Ordinance 2018-50 accompanies a PUD Development Plan, Resolution 2018-81, which is the next item on the agenda. Both of these items are being considered and are tied together for this rezoning.*

*Envision Franklin places this parcel in a Regional Commerce design concept. Envision Franklin supports commercial, office, and multifamily residential uses in a mixed-use setting where new multifamily residential uses incorporate activated ground floor spaces. Staff has found that the rezoning and development plan are consistent with Envision Franklin.*

*Staff recommended a favorable recommendation to the Board of Mayor and Aldermen.*

*Chair Hathaway asked if there were any citizen comments. There were none.*

*The Applicant was represented by Greg Gamble, Gamble Design. Mr. Gamble stated that there are two votes on this development plan. He stated that he would like to make comments now that related to both the development plan and the rezoning. He gave the Commissioners a 3-D plan to view. He stated that the John Henry Carothers home is still standing. He discussed items that were discussed at the Joint Conceptual Workshop. Mr. Gamble stated that this property is located on the growth corridor of Carothers Parkway. It is the Jobs Corridor. The property is 19.5 acres, which is part of a mass plan. Envision Franklin encourages a mix of residential and commercial on the property. Taller structures are located closer to the of Interstate 65. This property allows for six stories to be permitted. They are proposing a rezoning from General Commercial to Special Development Variety which allows for both residential and commercial uses. They are proposing 67,330 square feet of non-residential and 332 multi-family units, including live-work apartments with on street parking. Five stories will face Carothers Parkway and four stories will face Huffines Ridge. Instead of having a retaining wall, the architecture will to act as a retaining wall and transition the grades on the property.*

*Mr. Gamble discussed job and employee statistics for the Franklin area. He discussed home median prices and income levels needed. He discussed rental prices and income levels for those apartments. He stated that developments pay for themselves. He provided income statistics which would go toward school impact fees, road impact fees and park land dedication fees.*

*The Applicant stated he was there to answer any questions. He stated that representatives from Southstar and Embrey were available. Mr. Gamble stated that Ryan*

*McMaster, Kimbley-Horn, was available to answer any questions related to the traffic study.*

*Chair Hathaway asked for a motion.*

*Commissioner Franks moved, seconded by Commissioner Gregory, that Ordinance 2018-50 be recommended to the Board of Mayor and Aldermen for approval.*

*Chair Hathaway asked for discussion on the motion.*

*Chair Hathaway asked for a vote on the motion.*

*The motion carried unanimously (9-0).*

**Commissioner Franks moved, seconded by Commissioner Gregory, that Ordinance 2018-50 be recommended to the Board of Mayor and Aldermen for approval. The motion carried by the following vote:**

**Aye:** 9 - Commissioner McLemore, Commissioner Petersen, Commissioner Gregory, Commissioner Lindsey, Chairperson Hathaway, Commissioner Franks, Commissioner Allen, Commissioner Orr, and Commissioner Harrison

7. PUBLIC HEARING: Consideration Of Resolution 2018-81, To Be Entitled: "A Resolution Approving A Development Plan For Carothers Crossing West PUD Subdivision, For The Property Located North Of Liberty Pike And West Of Carothers Parkway." (9/27/18 FMPC9-0; 10/09/18 WS)

**Attachments:** [MAP\\_CCWRezone+DevPlan.pdf](#)  
[Res 2018-81 Carothers Crossing West\\_with exhibit.Law Approved.pdf](#)  
[CCW\\_DevPlan\\_Conditions of Approval 01.pdf](#)  
[FULLSET\\_CCW.pdf](#)  
[ARCH\\_CCW.pdf](#)  
[INTERNALSTREET\\_CCW.pdf](#)  
[LAYOUT\\_CCW.pdf](#)  
[Carothers Crossing West-ALTA SURVEY.pdf](#)  
[Carothers Crossing West TIA\\_Review Memo\\_9-5-18 CB approved as noted.pdf](#)

*Mr. Josh King, Principal Planner, stated that this is the resolution (Resolution 2018-81) approving the PUD development plan for the rezoning that was the previous item.*

*Envision Franklin places this area in Regional Commerce. He stated there were relevant passages from Envision Franklin in the staff report. Envision Franklin places a strong emphasis on building placement. This proposed development utilizes an internal street with minimal setbacks for the attached residential live/work units and apartments. The change in grade between the finished floor elevations of these buildings prevented the retail buildings from fully lining the street with storefronts. The office and retail buildings have a setback on Carothers Parkway consistent with the retail buildings on the east side of Carothers Parkway. New multifamily residential is encouraged within Regional Commerce to create lively, walkable neighborhoods near restaurants, shops, grocery stores, and workplaces. First floors are encouraged to have active commercial spaces, including retail, restaurants, leasing offices, and other amenities, which should be individually accessible from the street. Multifamily buildings are encouraged to have urban form and be part of a connected and master-planned site. The applicant uses a mix of live/work units to create a walkable community with pedestrian and bicycle connections to potential retail, restaurants, and office space. Each unit fronting the internal roadway is designed to have individual entrances and a parking space in front of each unit. The live/work units are intended to transition to a mix of light commercial uses over time as the market allows.*

*The entire proposed development is illustrating pedestrian, bicycle, potential future transit options, and vehicular connections into other existing and proposed developments spanning north of McEwen Drive, south to Murfreesboro Road, and as far east as Columbia State Community College campus.*

*Staff recommended a favorable recommendation to the Board of Mayor and Aldermen.*

*Chair Hathaway asked if there were any citizen comments. There were none.*

*The Applicant was represented by Mr. Greg Gamble, Gamble Design. This Development Plan received unanimous support from the Historic Zoning Commission earlier in September. The Applicant stated he was there to answer any questions.*

*Chair Hathaway asked for a motion.*

*Commissioner Harrison moved, seconded by Commissioner Lindsey, that Resolution 2018-81 be recommended to the Board of Mayor and Aldermen for approval.*

*Chair Hathaway asked for a discussion on the motion.*

*Commissioner McLemore asked if the John Henry Carothers house would be preserved.*

*Mr. Gamble stated that the house was not a part of this development plan. He stated the entity that has that property under contract would like to see the home preserved.*

*Commissioner McLemore confirmed the statistics that only 3 or 4 students from the 332 proposed units would attend schools. Mr. Gamble gave statistics from other local apartment complexes, which were obtained from the Williamson County School System. Commissioner McLemore asked what the rental price points would be. Mr. Gamble stated that one bedroom rentals would be around \$1400 per month and the two bedroom would be \$1800 per month.*

*Commissioner Gregory asked about the traffic study and traffic lights.*

*Ryan McMaster discussed the traffic. The exit would be right in/right out only and could not be accessed from Carothers heading north. He stated a light at the third access was not warranted.*

*Commissioner Gregory asked about the curve. Mr. McMaster said they are working through a study with Staff.*

*Alderman Petersen stated there was the Old Edward Curd Lane next to this property. Mr. Gamble stated they are proposing a connection to that.*

*Chair Hathaway asked for a vote on the motion.*

*The motion carried unanimously (9-0).*

**Commissioner Harrison moved, seconded by Commissioner Lindsey, that Resolution 2018-81 be recommended to the Board of Mayor and Aldermen for approval. The motion carried by the following vote:**

**Aye:** 9 - Commissioner McLemore, Commissioner Petersen, Commissioner Gregory, Commissioner Lindsey, Chairperson Hathaway, Commissioner Franks, Commissioner Allen, Commissioner Orr, and Commissioner Harrison

## **SITE PLANS, PRELIMINARY PLATS, AND FINAL PLATS**



8. Forrest Crossing Subdivision, Final Plat, Revision 12, Lots 1286, 1287, 1288, 1289, 1290, 1291, (Rachel Springs Business Village), Consolidating Lots 1286-1291 To Support 100,000 Square Feet Of Office Space On 8.68 Acres, Located Near The Northeast Corner Of The Intersection Of South Royal Oaks And Mack Hatcher Parkway. (CONSENT AGENDA)

**Attachments:** [MAP RachelSprings.pdf](#)  
[RachelSprings\\_FP\\_Conditions of Approval\\_01.pdf](#)  
[Rachel Springs Village - Final Plat \(9-5-18\).pdf](#)

**This Planning Item was approved.**

9. Jordan Road PUD Subdivision, Final Plat, Creating 10 Single-Family Lots And Two Open Space Lots On 6.28 Acres, Located Between Mack Hatcher Parkway And West McEwen Drive, And South Of Jordan Road, Located At 622 Jordan Road. (CONSENT AGENDA)

**Attachments:** [6794 - MAP - Jordan Road PUD Subdivision Final Plat](#)  
[6794 Conditions of Approval\\_01](#)  
[PLAT JORDAN ROAD COF #-6794](#)

**This Planning Item was approved.**

10. Riverbluff PUD Subdivision, Final Plat, Section 4, Creating 21 Single-Family Lots And One Open Space Lot On 4.64 Acres, Located East Of Lewisburg Pike And South Of Dallas Drive. (CONSENT AGENDA)

**Attachments:** [6803 - MAP - Riverbluff PUD Subdivision Section 4 Final Plat](#)  
[6803 Conditions of Approval\\_01](#)  
[Riverbluff PUD Subdivision, Final Plat, Section 4](#)

**This Planning Item was approved.**

## ENVISION FRANKLIN PLAN AMENDMENTS

11. Consideration Of Resolution 2018-45, To Be Entitled: "A Resolution To Adopt An Envision Franklin Plan Amendment For The Property Located At 4114 Murfreesboro Road To Change The Design Concept From Single Family Residential To Multifamily Residential." (PUBLIC HEARING)

**Attachments:** [Res 2018 45 4114 Murfreesboro Rd Map](#)  
[RES 2018-45 Envision Franklin amendment\\_4114 Murfreesboro Road\\_with updated map.Law Approved 2 18063 RLC Conceptual Plan](#)  
[Letter from Jason and Demeka Church](#)  
[Letter from Kimberly Hubbard](#)  
[Letter from Mark Robbins](#)

*Mr. Brad Baumgartner, Principal Planner, stated that the amendment request is for the property located at 4114 Murfreesboro Road. The property totals 15.82 acres. Envision Franklin has identified Single Family Residential as the Design Concept for this site. The applicant is requesting a change in design concept from Single Family Residential to Multifamily. The applicant has stated that the multifamily use will be for an age-restricted residential product. Significant changes have not occurred since the adoption of Envision Franklin that would necessitate the proposed amendment. The continuation of Multifamily Residential eastward along Murfreesboro Road is not supported by Envision Franklin or Staff as it does not reflect the character of that area or meet the intent of Envision Franklin.*

*He stated that there are also project considerations from the Engineering Department and Fire Department.*

*Mr. Baumgartner stated that Staff had received four letters from citizens. Two of the letters were in opposition to Item 11 and two were for the approval of Item 11.*

*Staff recommended disapproval of Resolution 2018-45.*

*Chair Hathaway asked if there were any citizen comments.*

*The following citizens spoke:*

- 1. Demeka Church, 304 Terri Park Way: Opposed - Envision Franklin should not be changed. Concerns about home values.*
- 2. Alisa Napier, 212 Terri Park Way: Opposed - Concerns include home values, noise, traffic, and children's safety at bus stop.*
- 3. Matt Napier, 212 Terri Park Way: Opposed - Concerns include home values and the fear that if rezoning is approved, it would lead to many other properties being rezoned.*
- 4. Rob Corley, 214 Terri Park Way: Opposed - Concerns include the view of a three story complex and safety for children at the bus stop and while playing.*
- 5. Cindy Harper 160 & 164 Chester Stephens Road: Opposed - Concerns include the height of the complex, view from home, and the effect on home values.*
- 6. Kevin Berg, 115 Lanes End Drive: Opposed - Concerns include those expressed earlier by other speakers.*

*The Applicant was represented by Dwight Kiser, Kiser Vogrin Design representing, Cameron General Contractors. Mr. Kiser came before the Commission requesting their*

support for a Land Use Plan Amendment for this 15.8 acre tract of land from the Single Family Residential Design Concept to the Multi-family Design Concept. The reasoning behind this request is sound and appropriate and in keeping with Envision Franklin's intent of strengthening the City and creating exceptional places for its residents. As previously presented, the genesis of the request is the proposed development of Senior housing. His client seeks the ability to build, own, and manage a 130 DU Independent Senior living facility. As defined by Envision Franklin, the land use of the proposed development is residential and therefore meets the land use plan vision. However, the proposed building form is considered multi-family, therefore necessitating the need for this amendment request. Nationally, the Senior population represents the fastest growing segment of our society. In 2014, the number of people aged 65 & older in the US accounted for 14.5% of the total population. With 10,000 Baby Boomers turning 65 every day our Senior population is estimated to equal 19% of our total population by year 2030. As a comparison, the US Census Bureau estimated Franklin's total population in 2017 will be roughly 78,300 people. Of our population, 11.7% of our residents were age 65 & older, roughly 9,200 citizens. These facts indicate a quickly growing segment of our society, and with that growth, a clear need for appropriate Senior housing options. There is a common term called "Continuum of Care" which refers to the increasing intensity of health care services and correlates with specific housing needs that a Senior may need as they age. If you envision a linear spectrum, at the beginning is Independent Living, defined as a person who is more or less self-sufficient and able to live safely on their own with occasional assistance with daily activities such as housekeeping and household maintenance. This type of housing community and personal support is specifically what is proposed for this site. Next in the spectrum, is Personal Care, then Assisted Living and Memory Care. These settings are for people who need help with the daily activities of living, such as bathing and dressing or may have age related memory issues or conditions such as Alzheimer's Disease. Then, to the far right is Skilled Care. This is for those folks who have major health issues and are no longer able to care for themselves. He described these settings to highlight the fact that there exists, in our country and our City, numerous and varying housing needs for our Senior population. Yet, our City's guiding planning document, Envision Franklin and the Zoning Ordinance, only recognizes one, that being Assisted Living. Because the typical housing arrangement of most Senior Facilities are attached rooms or units, out of necessity due to the physical and mental needs of its residents, these housing communities almost always fall into the multi-family classification. Therefore, all too often, carry the stigma the term apartment typically elicits. As noted, our site is located on Highway 96 East. This is a Major Arterial road carrying an ADT of 26,000 vehicles per day per the 2016 census count. These counts will, most likely, continue to grow with the forthcoming expansion to 4 lanes of a 5.6-mile segment of the road to the East that will run from Arno Road to East of Wilson Pike. This expansion is based on anticipated traffic volume, both existing and future. A TDOT spokeswoman recently noted that "Eventually the 96 corridor will be widened all the way to Murfreesboro". It is a significant road with significant traffic volume. Perhaps, as support to this, Envision Franklin does recognize the area as appropriate for more intensive land use by calling for the future development of Neighborhood Commercial land uses for an 8.4 acre area directly across the highway from our site. To highlight the ongoing growth and transition of this area to more intensive uses, Mr. Kiger stated he wanted to draw attention to their neighbor to the West, The Fountains, a 13.5-acre primarily Assisted Living & Memory Care Senior housing facility. This parcel is designated as a Multi-family Design Concept. This is the same as what is being requested. This Amendment Request is not supported by staff primarily because not enough "Change" has occurred since adoption of Envision Franklin. Mr. Kiser stated, "I'm not sure how to define "Not Enough Change", but I do submit that change occurs every day in our growing community, and change is inevitable to accommodate our growing

needs". Services, housing opportunities, work opportunities and recreational opportunities are hallmarks that make Franklin great. They also need change through growth to accommodate our increasing demand. That is reflected in our 4.9% - 2017 growth rate. Mr. Kiser stated that his Client did not start their process by seeking to be here tonight to request this Amendment. The client located a site, one that was within a reasonable budget, within a residential section or "neighborhood" of our city with documented demand, with good access to and from services, and of a size that would comfortably fit a proven program. "Neighborhood" is a key element in Senior housing. Statistically, we know that upwards of 75% of the future residents of Independent Living communities relocate from residential settings within a 5-8 mile radius of their location. As a community, we should seek to create more opportunity to locate Senior housing where it is most needed. A place located near the homes or neighborhoods the residents are often forced to leave behind due to "age". In many cases, these residents could be our parents or the same people that, yesterday, were our neighbor. Perhaps, they lived down the road, or worked at the local store. They did not choose to grow old and out of necessity leave their home. It will happen to all of us. This development will be a positive addition to our community, in an area relevant to the needs of its future residents and on a site appropriate for the use. He stated that they are not requesting the approval of a site plan tonight but merely the opportunity to submit a plan. Mr. Kiser requested support in this Amendment Request.

Chair Hathaway asked for a motion.

Commissioner Franks moved, seconded by Commissioner Orr, that Resolution 2018-45 be approved.

Chair Hathaway asked for discussion on the motion.

Commissioner Orr asked the Applicant to speak on the average age of the residence and whether the residents would be driving.

Mr. Kiser stated the average age was 80-83 years of age. He stated that 40 to 60% of the residents would not drive.

Commissioner Lindsey asked about the remaining parcels near Highway 96 which would be left. Mr. Kiser discussed the property owned by Mr. and Mrs. Hawkins. He stated that the gas line goes between the homes. He stated that his client had offered to buy their property, and the owners were in consideration of the offer.

Commissioner Allen asked if she needed to give a reason for voting against Item 11.

Chair Hathaway confirmed that Item 11 was a vote to amend Envision Franklin.

Alderman Petersen stated that no reason was needed for voting against Item 11. Ms. Shauna Billingsley, City Attorney, stated that no reason was needed for a vote against the motion.

Commissioner Harrison stated that he only saw one entrance for the concept plan. Mr. Kiser said those details would be worked out with the Engineering staff. He stated they wanted to be 225 feet from Hurstbourne Subdivision and provide buffers for the surrounding neighborhoods.

Chair Hathaway asked for a vote on the motion, as presented.

*The motion failed by the following vote (3-5-1). The votes were as follows:*

*Commissioner McLemore: No*

*Alderman Ann Petersen: No*

*Commissioner Gregory: Yes*

*Commissioner Lindsey: No*

*Commissioner Franks: Yes*

*Commissioner Allen: No*

*Commissioner Orr: Yes*

*Commissioner Harrison: No*

*Chair Hathaway: Abstain*

**Commissioner Franks moved, seconded by Commissioner Orr, that Resolution 2018-45 be approved. The motion failed by the following vote:**

**Aye:** 3 - Commissioner Gregory, Commissioner Franks, and Commissioner Orr

**No:** 5 - Commissioner McLemore, Commissioner Petersen, Commissioner Lindsey, Commissioner Allen, and Commissioner Harrison

**Abstain:** 1 - Chairperson Hathaway

12. Consideration Of Resolution 2018-48, To Be Entitled: "A Resolution To Adopt An Envision Franklin Plan Amendment For Properties Located At And Near 1777 New Highway 96 West, The Jewell Property, To Change The Design Concept From Mixed Residential To Neighborhood Mixed Use." (PUBLIC HEARING)

**Attachments:** [Res 2018 48 Jewell property Map](#)  
[RES 2018 48 Envision Franklin amendment Jewell Property with map revised 08.16.18.Law Approved 3 jewellanduse090618](#)

*Mr. Brad Baumgartner, Principal Planner, stated that the amendment request is for the properties located at the southeast corner of Highway 96 West and the future Mack Hatcher Parkway intersection. The properties encompass 52.9 acres and border the eastern side of the Westhaven development. The properties are currently part of the Westhaven PUD and, therefore, zoned Specific Development (SD-X) but do not have entitlements or an approved plan as part of its PUD.*

*Envision Franklin designates the property as Mixed Residential. The Mixed Residential design concept allows for big houses, duplexes, single family, and townhomes.*

*The Applicant is requesting a Neighborhood Mixed Use Design Concept. This would allow the introduction of commercial uses onto the property. Land uses such as local commercial, professional/transitional office, institutional, townhomes and multifamily residential are the primary uses that could be allowed, which differ from the existing Mixed Residential Design Concept.*

*With the planned connection point and near-term construction of Mack Hatcher on the western side of the property, the request to a more intensive use at this corner is supported. Locating the nonresidential uses at a highly traveled and visible corner seem appropriate for the site, transitioning to single-family residential near the adjacent residential neighborhoods.*

*There is a project consideration from the Engineering Department.*

*Staff recommended approval of Resolution 2018-48.*

*Chair Hathaway asked if there were any citizen comments.*

*The following citizens spoke:*

- 1. Martha Rudman, 1428 Primrose Lane: Opposed. Concerns include traffic and increased development. She stated that rezoning did not need to be changed for more shops.*
- 2. Stanley Jones, 3240 Boyd Mill Ave: Opposed. Concerns include traffic, the need for sidewalks, and the need for adding a shoulder to Boyd Mill Ave.*
- 3. Pat Williams, 3260 Boyd Mill Ave: Opposed. Concern included traffic on Boyd Mill Ave. He invited the Commissioners to come to his house to observe the traffic.*
- 4. Richard Clarke, 1611 Cooper Creek Lane: Opposed. He has purchased a critical lot to build on Boyd Mill Ave, and he was not notified about Neighborhood Meeting. Concerned about the traffic.*
- 5. Brad Widmann, 1723 Championship Blvd: Opposed. Concerns include the timing of*

the development, traffic and the increase in development. He stated that development should not be considered until Mack Hatcher Parkway is completed.

6. Margaret Ford, 4232 Boyd Mill Ave: Opposed. Concerns include traffic, and the need for sidewalks and additional traffic lights.

7. John Farrington 1345 Eliot Road (close to Townsend Blvd): Opposed. Concerns include the Mack Hatcher connection and increased traffic. Concerned about connection to Townsend Boulevard and the nearby school.

8. Jim Dillard, 8018 Keats Street: Opposed. Concerned about traffic, TDOT needs to be involved, additional traffic light needed. Asked that approval be postponed until completion of Mack Hatcher Parkway.

9. Jim Finn, 2130 Grandstand Drive: Opposed. Concerned about traffic and condition of Boyd Mill Ave.

The Applicant was represented by Mike Hunkler, Gresham, Smith and Partners. The Applicant stated that they were excited to hear that the Mack Hatcher Parkway extension would soon be a reality. They started out with two parcels to the west that are zoned Neighborhood Mixed Use. The Jewel family also has a seven acre parcel near Boyd Mill Ave (zoned R-1) under contract. He stated that Planning and Engineering were excited that this would give access into the area near Boyd Mill Ave. Mr. Terry Mulvaney, Gresham Smith, stated they understand that Mack Hatcher Parkway must be completed. He stated this is a long range plan amendment request. He stated the traffic concerns are valid. TDOT would be involved in the frontage roads. He stated Boyd Mill Ave would be improved. He stated the neighborhood meeting was held in May.

Chair Hathaway asked for a motion.

Commissioner Harrison moved, seconded by Commissioner Franks, that Resolution 2018-48 be approved.

Chair Hathaway asked for discussion on the motion.

Commissioner Allen stated she would not support this item until Mack Hatcher Parkway was completed. She stated there was enough commercial development in this area.

Alderman Petersen said the City of Franklin had been informed that the plans for the bid for the Mack Hatcher Parkway would be go out in the next few months.

Commissioner Lindsey asked what was the construction time for the completion.

Mr. Jimmy Wiseman, Assistant Director of Engineering, stated that it would take 3-5 years.

Commissioner Lindsey asked if the Planning Department had been notified about the plans for the seven acre corner tract.

Mr. Brad Baumgartner stated that there was a neighborhood meeting.

Alderman Petersen stated that she attended that meeting.

Commissioner Lindsey asked if they were planning two connections to Boyd Mill Ave and another to the proposed Mack Hatcher.

Mr. Wiseman stated a traffic study would be required once a development plan was

*approved, and that there would be improvements to Boyd Mill Ave.*

*Commissioner Lindsey stated that was an important part to this plan. He expressed concern about the traffic.*

*Commissioner Allen asked how many more houses would be built before Westhaven was built out. Commissioner Harrison stated there would be approximately three thousand more homes built.*

*Alderman Petersen stated that the Mack Hatcher project is the northern section only. Mr. Wiseman said it would not be extended to the southwest quadrant.*

*Commissioner Franks asked if all of the points of entry were necessary.*

*Mr. Wiseman stated that the points of access are too close and a certain distance is needed.*

*Commissioner Franks stated the income from the development would help to pay for the new sidewalks and improvements. Mr. Wiseman said that would come out in the traffic study.*

*Commissioner Gregory stated she thought it was premature to change Envision Franklin and should wait until Mack Hatcher Parkway was completed. She stated, currently, the traffic was terrible.*

*Commissioner McLemore asked if someone brought a Mixed Residential plan, how many townhome units would they be able to build.*

*Mr. Baumgartner stated that the design concept would allow for it. Ms. Hunter stated that it would be supported by the Envision Franklin, but any development with attached residential would have to go the PUD development plan process and get entitled by the Board of Mayor and Aldermen. It would still require traffic study.*

*Alderman Petersen asked if this was part of the original Westhaven plat. Commissioner Harrison asked if this property had entitlements.*

*Ms. Hunter stated it was shown as part of the original Westhaven development plan and is within the boundaries of the PUD. It has not had any entitlements. It would have to go through the PUD process to get the entitlements. Staff would recommend some entitlements, but the level and intensity would have to be studied before approval.*

*Chair Hathaway asked for a vote on the motion.*

*The motion failed by the following vote (3-5-1). The votes were as follows:*

*Commissioner McLemore: No  
Alderman Petersen: No  
Commissioner Gregory: No  
Commissioner Lindsey: No  
Commissioner Franks: Yes  
Commissioner Allen: No  
Commissioner Orr: Yes  
Commissioner Harrison: Yes  
Chair Hathaway: Abstain*



**Commissioner Harrison moved, seconded by Commissioner Franks, that Resolution 2018-48 be approved. The motion failed by the following vote:**

**Aye:** 3 - Commissioner Franks, Commissioner Orr, and Commissioner Harrison

**No:** 5 - Commissioner McLemore, Commissioner Petersen, Commissioner Gregory, Commissioner Lindsey, and Commissioner Allen

**Abstain:** 1 - Chairperson Hathaway

13. Resolution 2018-68, To Be Entitled: "A Resolution To Adopt An Envision Franklin Plan Amendment For The Property Located On Lewisburg Pike West of Stream Valley Known As Map 117 Parcel 12.00 To Change The Design Concept From Single-Family Residential to Conservation Subdivision." (09/27/18 FMPC)

**Attachments:** [MAP](#)

[RESOLUTION 2018-68 EF Amendment with attachment.Law](#)

[Approved](#)

[Overall Masterplan - 9.7.2018](#)

[Submittal Information](#)

*Mr. Andrew Orr, Principal Planner, stated that the subject parcel is located northwest of the Stream Valley neighborhood entrance off Lewisburg Pike. The 33.5 acre parcel is vacant and wooded. The 500' Hillside/Hillcrest (HHO) Buffer extends to the northern areas of the parcel and a stream along the southern property boundary. The property also marks the southern most parcel for the Single Family Design Concept. The properties directly to the south have been designated as Conservation Subdivision, largely due to the rural character, as well as the presence of undevelopable conservation areas.*

*The plan amendment request is part of a larger master plan proposal. The applicant submitted an annexation request on September 6, 2018 for this property, as well as nine other nearby parcels, along the Lewisburg Pike corridor. The request to change the design concept to Conservation Subdivision would support the applicant's desire to create a cohesive master plan and construct additional units on this parcel, including the potential of duplexes and big houses, while preserving vast areas of steep slopes to the south. The Guiding Principles set forth in Envision Franklin support the applicant's request to provide a variety of housing options, preserve large areas of open space, and use a master planned approach.*

*Staff recommended approval of Resolution 2018-68.*

*Chair Hathaway asked if there were any citizen comments.*

*Chip Throckmorton, Attorney, represents the Hendrickson Family. Carrera Properties approached the Hendrickson about participating in project, but Mr. Throckmorton didn't think their offer was still open. He stated their concern was that their land was landlocked. He asked how Envision Franklin would affect the easement.*

*Mr. Wiseman stated that there would be no change to easements at this time. This is just for a land use plan amendment.*

*The Applicant was represented by Mr. Greg Gamble, Gamble Design. Mr. Gamble stated that the City of Franklin Zoning Ordinance requires that public right of way must be extended to all property lines. If easement between two property owners must have both owner's permission to remove easement. Tonight, the purpose is not to discuss the easements. Mr. Gamble is happy to discuss with the attorney and clients.*

*Mr. Gamble gave a handout to the Commissioners that was part of the neighborhood meeting presentation. There are two properties that are on the north and south side of the entrance of Stream Valley and the western side of Lewisburg Pike. One of the properties*

*is approximately 380 acres. This property has a large portion of Hilltop Preservation. The property that they are asking for the land use amendment is located to the north (west side of Lewisburg Pike) and designated as Single Family. Everything else that is included in the subdivision is designated as Conservation Subdivision. There is a valley with Single Family on one side, and the other side is designated as Conservation Subdivision. This amendment would allow for both sides to have like policies.*

*Chair Hathaway asked for a motion.*

*Commissioner Orr moved, seconded by Commissioner Harrison, that Resolution 2018-68 be approved.*

*Chair Hathaway asked for discussion on the motion.*

*Chair Hathaway asked for a vote on the motion.*

*The motion carried unanimously (9-0).*

**Commissioner Orr moved, seconded by Commissioner Harrison to approve Resolution 2018-68. The motion carried by the following vote:**

**Aye:** 9 - Commissioner McLemore, Commissioner Petersen, Commissioner Gregory, Commissioner Lindsey, Chairperson Hathaway, Commissioner Franks, Commissioner Allen, Commissioner Orr, and Commissioner Harrison

14. Resolution 2018-70, To Be Entitled: "A Resolution To Adopt An Envision Franklin Plan Amendment For The City-Owned Property At 403 And 405 5th Avenue North, Known As "The Hill Property" To Change The Design Concept From Recreation To Mixed Residential, With a Special Consideration For Secondary Access Outside Of The Floodplain For Public Safety Purposes." (09/27/18 FMPC)

Attachments: [RESOLUTION 2018-70 EF Amendment with attachments.Law Approved 2](#)  
[RESOLUTION 2018-42-Signed](#)

*Commissioner Harrison disclosed that he is on the Board of the Community Housing Partnership and could be involved in the project in the future. He stated that he would receive no benefit from any involvement. Commissioner Harrison stated that he planned to be involved in the discussion and would vote on this item.*

*Ms. Annette Dalrymple, Land Planner, stated that this item is the consideration of a Resolution for the City Owned Property at 403 and 405 5th Avenue North, known as the Hill Property. Several non profits for housing approached the City to develop the site for affordable and work force housing.*

*The City hosted a Neighborhood Meeting on February 15, 2018 where three design scenarios were presented and a paper survey was provided. On the same day, an online survey was distributed and remained open until March 14, 2018. The neighborhood meeting resulted in 101 people in attendance and 80 returned survey responses, and the online survey resulted in 1,517 survey responses.*

*The Board of Mayor and Alderman (BOMA) voted on June 12, 2018 to initiate an Envision Franklin plan amendment for the City owned Hill Property to revise the design concept from Recreation to Mixed Residential, which could include a mix of single family homes, townhomes, big houses, and civic and institutional uses, with a special consideration for secondary access outside of the floodplain for public safety purposes.*

*There is special consideration due to the lower portion of the site being located in the floodplain, it is recommended that there be a special consideration for secondary access outside of the floodplain for public safety purposes.*

*Staff recommended approval of Resolution 2018-70.*

*Chair Hathaway asked if there were any citizen comments.*

*Alderman Dana McLendon spoke in favor of this item. He represents this Ward and asked the Planning Commission to support this item.*

*Brant Bousquet, 109 A Battlefield Drive, Executive Director of the Hard Bargain Association. He spoke in favor of this item.*

*Chair Hathaway asked for a motion.*

*Commissioner McLemore moved, seconded by Commissioner Lindsey, that Resolution 2018-70 be approved.*

*Chair Hathaway asked for discussion on the motion.*

*Commissioner Orr asked if the property was City-owned property and if the property should be put up for auction. Ms. Billingsley, City Attorney, stated that she did not have any knowledge that the City intended to sell the land. Ms. Hunter stated those decisions had yet to be considered by the Board of Mayor and Aldermen. Commissioner Orr stated that the City should decide whether they wanted to sell the land before they started the process to build homes. Ms. Hunter stated that this resolution was this was the first step to start the process. Commissioner Petersen stated that part of the property was owned by the Water Department and their funds stand on their own. Commissioner Orr stated that the 84 Lumber valued the Hill property at one million dollars when it was sold.*

*Chair Hathaway asked for a vote on the motion.*

*The motion carried by the following vote (8-1). Commissioner Orr voted against the item.*

**Commissioner McLemore moved, seconded by Commissioner Lindsey, that Resolution 2018-70 be approved. The motion carried by the following vote:**

- Aye:** 8 - Commissioner McLemore, Commissioner Petersen, Commissioner Gregory, Commissioner Lindsey, Chairperson Hathaway, Commissioner Franks, Commissioner Allen, and Commissioner Harrison
- No:** 1 - Commissioner Orr

## **ZONING ORDINANCE TEXT AMENDMENTS**

15. Consideration of Ordinance 2018-46, To Be Entitled: "An Ordinance To Amend The Franklin Municipal Code, Appendix A-Comprehensive Fees And Penalties, Chapter 14, Relating To Zoning And Land Use Application Fees For The Planning Review Process."

**Attachments:** [ORD 2018-46 Review Fees.Law Approved](#)  
[2018-46 Exhibit 1 Fee Comparison](#)  
[2018-46 Exhibit 2 Proposed vs Existing Examples](#)  
[2018-46 Exhibit 3 - 9.11.2018](#)  
[Exhibit 3 from 2010 Fee Change](#)

*Ms. Emily Hunter stated that there is a lot of technical information provided along with this item. She stated the following:*

- The last time planning review fees were comprehensively updated was in 2010.*
- The number, frequency, and complexity of planning submittals has drastically risen since that time.*
- The proposed fees represent increases of a few hundred dollars in each type of plan submittal. There is also a new plan of services fee proposed for annexation. Currently this takes a lot of Staff's time. The annexation process has become more detailed since dealing with State of Tennessee law and dealing with noncontiguous annexation.*
- One exhibit has been provided that shows where our fees fall compared to other peer cities. This proposed increase would put our fees around the average of these cities combined.*
- Another exhibit shows the cost of a plan review to the City. Factors such as time spent to review a given plan, number of staff involved, and staff wages are reflected in this calculation. The cost to review a plan has increased from about \$4,000 in 2010 to a little over \$7,000 in 2018.*
- While the proposed fees would not cover the full cost of reviews, they would leave less for the City to subsidize.*

*-Staff recommended a favorable recommendation of Ordinance 2018-46 to the Board of Mayor and Aldermen.*

*Chair Hathaway asked if there were any citizen comments. There were none.*

*Chair Hathaway asked for a motion.*

*Commissioner Franks moved to disapprove Ordinance 2018-46. The motion failed due to lack of a second.*

*Commissioner Franks moved, seconded by Commissioner Gregory that Ordinance 2018-46 be deferred until December 31, 2018.*

*Chair Hathaway asked for a vote on the motion.*

*Commissioner Harrison stated that, if approved, this motion would pass the ordinance to the January 24, 2018 Planning Commission.*

*The motion carried by the following vote (8-1). Alderman Petersen voted against the item.*

**Commissioner Franks moved, seconded by Commissioner Gregory, that Ordinance 2018-46 be deferred until December 31, 2018. The motion carried by the following vote:**

**Aye:** 8 - Commissioner McLemore, Commissioner Gregory, Commissioner Lindsey, Chairperson Hathaway, Commissioner Franks, Commissioner Allen, Commissioner Orr, and Commissioner Harrison

**No:** 1 - Commissioner Petersen

#### **NON-AGENDA ITEMS**

*Chair Hathaway asked if there were any other items to discuss. There were none.*

#### **ANY OTHER BUSINESS**

*Chair Hathaway asked if there was any further business. There was none.*

#### **ADJOURN**

*There being no further business, the meeting adjourned at 8:50 p.m.*

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*Chair, Mike Hathaway*