



City of Franklin

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Franklin, TN 37064
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Meeting Minutes - Final

Franklin Municipal Planning Commission

Thursday, November 19, 2015

7:00 PM

Board Room

CALL TO ORDER

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

MINUTES

1. [15-1045](#) October 22, 2015 FMPC Minutes

Attachments: [10-22-15 FMPC Minutes - 11-12-15](#)

Commissioner Harrison moved, seconded by Commissioner Orr, to approve the October 22, 2015, Minutes as presented. The motion carried by the following vote:

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

Chairing: 0

CITIZEN COMMENTS ON ITEMS NOT ON THE AGENDA

Chair Hathaway stated that this was the time in the meeting that citizens could speak to the Planning Commission regarding items that were not on the agenda.

Mr. Jim Keener, of 1000 Carden Drive, stated that the following points of question needed to be brought before the Planning Commission with regards to the administrative approval by the Department of Planning and Sustainability for the site plan and parking structure addition for 215 Gothic Court. He discussed the following four points:

With the Traffic Impact Study completed for the repurposing of the 180,000 square foot office off hour and weekend use building, it is known that the additional traffic will be incurred at peak hours as part of the proposed site, which includes a three level parking garage of a 54,000 square foot footprint. Is the City creating the same traffic congestion at the intersection of Gothic Court and Mallory Station, or Mallory Station and Mallory Lane, that the City currently has at Mallory Station and Seaboard Lane, or even worse Seaboard Lane and Aspen Grove?

The administrative approval, by the Planning and Sustainability Department, contains 21 conditions of approval ranging from environmental to public safety to engineering issues and should not have approval at this point.

The proposed parking structure is located within the 100 year floodplain and spans over an existing bioretention pond. The parking structure and bioretention pond are located directly adjacent to Spencer Creek.

As part of the additional parking requirements for the repurposing of the building and as part of the approved site plan, 55 parking places are shown to encroach into the existing public utility and drainage easements. With the existing items on the Planning Commission agenda tonight, which include items such as an extension of a performance agreement and easement revisions, Mr. Keener wondered why the repurposing of a 180,000 square foot building, with the addition of a 54,000 square foot footprint parking garage, spanning over an existing bioretention pond, located within a 100 year floodplain and having major impacts on peak hour traffic would not have to come before the Planning Commission. He requested that the Planning Commission overrule the administrative approval by the Department of Planning and Sustainability for the proposed site plan of 215 Gothic Court and require that it be presented before the Planning Commission for public hearing.

Mr. Mark Shafer, of 124 Addison Avenue, stated that he wanted to speak about the A Game complex, the potential sale, and the closing of this great community resource. In addition to having a daughter who plays volleyball and a son who plays hockey at A Game, Mr. Shafer is a concerned parent, and he would like to think that he was speaking for hundreds, if not thousands, of young athletics and their families in this community. Aside from his own selfish interest of his children, his family, and his friends, he was concerned about the economic business impact this has on the area of Franklin. The lost revenue for hotel rooms, restaurants, and shops will all be impacted by the potential closing of the A Game facilities. Not only does it serve the local community and surrounding areas in Nashville, A Game brings in thousands of visitors from the mid-south and beyond. There have been studies that have been completed with the activities that A Game has for basketball, volleyball, and hockey. There is an estimated 20,000 hotel rooms that will not be sold on an annual basis if A Game goes away. Again, that is lost revenue from malls, shops, retailers, and restaurants aside from that.

That is approximately \$2 million just in hotel revenue alone also the lost taxes on that lost revenue. He estimated about 4 million visitors, per year, currently going through that facility, either members, visitors, friends, or guests.

Mr. Richard Ngo, of 1778 Masters Drive, stated that he has witnessed a tremendous growth in Franklin and with all of the excitement that comes with it. He has two daughters who play volleyball, one is in college on a full scholarship, and one has already graduated. The first daughter played in LaVergne, TN, when it was really small, but the second daughter was lucky enough to go through the alliance program at A Game, and she learned quite a bit. His daughter is leading the conference now, and several of her teammates are playing all across the SEC. A Game brought much growth in volleyball in the area. He would like the Planning Commission to consider that and to what the other citizens had stated. Every year there are ten times the amount of teams as before. He would encourage the Planning Commission to take a closer look, and make the right decision.

Mr. Dan Kecmer, of 2527 Clocktower Drive, stated that he had lived in Franklin for 16 years. He was a former Nashville Predator and was here when the team first came to Nashville. He had a very intimate relationship with A Game, formerly Southern Ice. Throughout the time period, he has seen thousands of children and families come through the doors. They will be incredibly affected by, not only the current establish of people coming in but former future hockey players themselves. He thought it was a travesty to see a sports establish, like A Game, to shut down for another business coming into Franklin. He is a current coach for Ravenwood High School, and in his belief he would say that within 3 to 4 years high school hockey will not be seen in Williamson County because there will not be anywhere to skate. Families will not be able to go downtown to Centennial or Ford because of the limited ice that will be available. He was hoping for a way to save A game. He lives in the Cool Springs area, and as a concerned resident it was beyond him to believe that a traffic study had been established to say that one more vehicle could be impacted to the extent that the City would allow it to be there. He goes by the intersection of Seaboard Lane, near the firehall, and if anyone has traveled that intersection between 4 and 7, he did not know how, in an emergency, the fire trucks could get to where they need to go. He urged the Planning Commission to save A Game.

ANNOUNCEMENTS

Mr. Martin stated that, on January 14, 2016, there will be a special meeting worksession to consider the height overlay district along the I-65 area. A calendar invitation will be emailed to the Planning Commissioners, and all should respond.

VOTE TO PLACE NON-AGENDA ITEMS ON THE AGENDA

CONSENT AGENDA

Approval of the Consent Agenda

**A motion was made by Commissioner Harrison, seconded by Commissioner McLemore to approve the Consent Agenda for items 2, 3, 4, 5, 6, 7, 8, and 9.
The motion carried by the following vote:**

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

Chairing: 0

SITE PLAN SURETIES

2. [15-1032](#) Franklin Housing Authority PUD Subdivision, site plan, revision 1 (Granbury and Strahl Street); release the maintenance agreement for landscaping improvements. (CONSENT AGENDA)
This Planning Item was approved.
3. [15-1033](#) Grace Pointe Church Subdivision, site plan; extend the performance agreement for landscaping Phase B improvements for six months. (CONSENT AGENDA)
This Planning Item was approved.
4. [15-1034](#) Westhaven PUD Subdivision, site plan, section 15, lot 4009 (Westhaven Western Regional Parking Lot); accept the landscaping perimeter screen improvements, release the performance agreement and establish a maintenance agreement for one year. (CONSENT AGENDA)
This Planning Item was approved.
5. [15-1035](#) Westhaven PUD Subdivision, site plan, section 25, lots 4202 and 4204 (Harris Teeter); extend the performance agreement for landscaping (future buffer) improvements. (CONSENT AGENDA)
This Planning Item was approved.

SITE PLANS, PRELIMINARY PLATS, AND FINAL PLATS

6. [15-1036](#) Highlands at Ladd Park PUD Subdivision, final plat, section 25, revision 2, 35 residential lots and 3 open space lots on 13.75 acres, located along Sagefield Street, Beamon Drive, and Tothill Street. (CONSENT AGENDA)

Attachments: [MAP COF5963 Highlands at Ladd Park PUD Subdivision, final plat, section 25, revision 2](#)
[Highlands at Ladd Park PUD Subdivision, final plat, section 25, revision 2](#)
[COF#5963 Conditions of Approval](#)

This Planning Item was approved.

7. [15-1041](#) Jackson Lake Subdivision, final plat, section 1, revision 6 (resubdivision of Maupin Property Lot 2 & Jackson Lake PUD Subdivision Lot 41) (CONSENT AGENDA)

Attachments: [Conditions of Approval 01.pdf](#)
[Jackson Lake Lot 41 & Maupin Property Lot 2 Final Plat Map.pdf](#)
[rev plat 10-27-15.pdf](#)

This Planning Item was approved.

8. [15-1025](#) Medcore Medical Building Subdivision, final plat, revision 3, easement revisions, located at the southeast corner of Physicians Way and Carothers Parkway. (CONSENT AGENDA)

Attachments: [5958 Final Plat.pdf](#)
[MAP_5958.pdf](#)
[5958_MedcoreFPConditions of Approval_01.pdf](#)

This Planning Item was approved.

9. [15-1026](#) Rucker Park PUD Subdivision, final plat, section 1, revision 1, buffer revision, located at 1720 W. Main Street. (CONSENT AGENDA)

Attachments: [5966 RuckerPark FP.pdf](#)
[map_RuckerParkfP.pdf](#)
[5966_RuckerPark_Conditions of Approval_01.pdf](#)

This Planning Item was approved.

10. [15-1019](#) Consideration of Ordinance 2015-45, To Be Entitled, “An Ordinance To Amend Chapter 3, Section 3.5, Subsection 3.5.6, The CFCO, Central Franklin Character Area Overlay District, Of The Franklin Zoning Ordinance.”; (11/19/15 FMPC 9-0; 12/08/15 WS; 1st Reading 12-08-15 BOMA 8-0; 01/12/16 BOMA 7-0) THIRD AND FINAL READING

Attachments: [Ordinance 2015-45 Text Amdt CFCO 9 and 10 AMENDED at BOMA 2nd Reading.pdf](#)
[Ordinance 2015-45 Text Amdt CFCO 9 and 10 Amended at FMPC.pdf](#)
[Ordinance 2015-45 Text Amdt CFCO 9 and 10 Law Approved 00028888.pdf](#)

Ms. Dannenfelser stated that Ordinance 2015-45 followed the Land Use Plan's recommendations for the Fifth Avenue North corridor through the 100-year floodplain, allowed redevelopment in the shallower part of the floodplain fringe, and approval is recommended.

Chair Hathaway asked for citizen comments. There were none.

Commissioner Harrison moved, seconded by Commissioner Lindsey, that Ordinance 2015-45 be amended to state on Figure 3-15 that a future vehicular connection over Sharps Branch is not required as part of this ordinance, and was recommended to the Board of Mayor and Aldermen and to the Work Session on 12/8/2015. The motion carried by the following vote:

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

Chairing: 0

11. [15-1020](#) Consideration Of Ordinance 2015-46, To Be Entitled, "An Ordinance to Rezone 3.07 Acres From CFCO-Central Franklin Character Area Overlay District, Special Area CFCO-2, to CFCO-Central Franklin Character Area Overlay District, Special Area CFCO-9, And To Rezone 52.13 Acres From CFCO- Central Franklin Character Area Overlay District, Special Area CFCO-2, to CFCO-Central Franklin Character Area Overlay District, Special Area CFCO-10, For Properties In And Near Bicentennial Park, East Of 5th Avenue North And North Of Bridge Street.

Attachments: [Ordinance 2015-46 Rezoning CFCO 9 and 10 Law Approved 00028893](#)
[MAP Rezoning CFCO 9 and 10 Overlay.pdf](#)
[Letter Gerald Bucy 2 2 2016.pdf](#)
[2 Foot Contours.pdf](#)

Ms. Dannenfels stated that Ordinance 2015-46 fits the boundaries of the Central Franklin Character Area Overlay District Special Areas from two to nine and ten. This also follows the adopted Land Use Plan, and approval is recommended.

Chair Hathaway asked for citizen comments.

Mr. Gerald Bucy, an engineer, stated that he represented the neighbors at 329 North Margin Street, which is located at the southwest corner of Fourth Avenue North and North Margin Street. He and the owners of the property he represented had a problem with Ordinance 2015-46 because it would limit the area to only the uses of parks and parking lots and would not permit redevelopment. The owners asked Mr. Bucy to convey to the Planning Commission that they did not wish to be included in the proposed sub-area 10 and did not wish for their property to be restricted by Ordinance 2015-46. They did not have a desire to put in a parking lot or park, and they certainly did not have a desire for the City to buy it later on at a reduced price so it could. This is a buildable lot of record, and it has been for many years prior to the current or proposed ordinances of today. FEMA regulations allow for the development of this lot, within the guidelines, just as they allow for the development of properties along Fifth Avenue, which will be deemed redevelopable by the City. The parcels in the proposed areas are some of the most valuable in the state. It is their belief that it is wrong to unnecessarily and unfairly limit their use and devalue the property. Their properties are older, for the most part, and, when they are torn down, will have almost no potential for redevelopment. The value will be unnecessarily reduced as a result. FEMA's proposed 100-year flood elevation is approximately 3.5 feet higher than the high-water mark of the May 2010 flood on this lot. He understood that the flood was supposedly less than a 100-year occurrence. Even if it was only a 77-year occurrence, it makes no sense that this area would flood an additional 3.5 feet deep during a 100-year flood event. The difference in the flood elevation between a 100-year flood and a 500-year flood may only be six inches. Therefore, in the interest of protecting a property and the property values of the residents, the City efforts would better be spent challenging FEMA on the apparently unrealistic elevations, rather than using it to promote the City's agendas, which are parks and parking lots. He also represented individuals who had a contract on the property across the street at 429 Fourth Avenue North; this is the daycare center. The property has been excluded from area 10, and it is proposed to be redevelopable. The proposed 100-year flood elevation is roughly 637, which is over 3.5 feet higher than the existing floor elevation. The witnesses have stated that the May 2010 floodline had only reached about 634. That, again, is a 3-foot difference. Because of the 100-year elevation, this property will have a

finished floor requirement of 638, with a ground level beside it of only about 633. That will make it hard to redevelop. It will also make the properties on Fifth Avenue North hard to develop because they will have to be so high off the ground. These problems will occur throughout the City as long as the flood elevations are not changed.

Mr. Bucy urged the Planning Commission to not vote for the creation of this area for the above-stated reasons. The residentis at 329 North Margin Street requested that they not be included in area 10. He would urge the City to challenge FEMA's 100-year proposed elevation in an effort to reduce the elevation to a more realistic level. Ordinance 2015-46 should be read in detail because it appeared that nothing could be permitted but parking and parks on about 60 acres of the downtown core, which was not good.

Mr. Franks moved to defer Ordinance 2014-46 because more had been heard at this meeting from the private sector than from the City staff. The staff did a great job of educating the Planning Commission during the workshop, but the private sector, needed to be taken into consideration. Hopefully, the staff can invite Mr. Bucy and some of the private sector to the next workshop in about 90 days. He was very impressed with Mr. Bucy's presentation.

Mr. Franks moved to defer Ordinance 2015-46 for

Mr. Franks stated that he would like to defer for 3 months. Ms. McMormore seconded the motion.

Vice Chair Lindsey stated that it would be beneficial to the Planning Commission to have some input from the modellings at the Corp. of Engineers. He works regularly with the individuals who model the floodplains in Nashville, and their reasons were that, when a base flood elevation increases by 3 feet, sometimes those reasons relate to the storage that is in the creek or the river. There is usually a factor, such as that, involved. He thought it would be beneficial to the Planning Commission to understand those reasons.

Chair Hathaway asked about deferring the item to the February 25, 2016, Joint Conceptual Workshop, and if more time was needed, they would ask for the time.

Alderman Petersen stated that she thought some kind of educational meeting might need to be held in February 2016 for the Planning Commission. She thought this was something that might require continuing education.

A motion was made by Commissioner Franks, seconded by Commissioner McMormore, that Ordinance 2015-46 was deferred to the February 25, 2016, Joint Conceptual Workshop. The motion carried by the following vote:

Aye: 9 - Commissioner Harrison, Commissioner Petersen, Commissioner McMormore, Commissioner Franks, Commissioner Gregory, Commissioner Allen, Commissioner Orr, Commissioner Lindsey, and Commissioner Hathaway

Chairing: 0

12. [15-1021](#) Consideration of Ordinance 2015-47, To Be Entitled, “An Ordinance To Rezone +/- 0.25 Acres From General Commercial (GC) District To Civic Institutional (CI) District And To Rezone +/- 2.75 Acres From Central Commercial (CC) To Civic Institutional (CI) District For City-owned Properties In And Near Bicentennial Park, East Of 5th Avenue North And North Of North Margin Street.” (11/19/15 FMPC 9-0; 12/08/15 WS; 1st Reading 12-08-15 BOMA 8-0; 01/12/16 BOMA 7-0) THIRD AND FINAL READING

Attachments: [Ordinance 2015-47 - Rezoning City Owned Properties Bicentennial 5th Ave N.Law approved](#)
[MAP Rezoning City Owned Properties Bicentennial 5th Ave N.pdf](#)

Ms. Dannenfelser stated that Ordinance 2015-47 would rezone several City-owned parcels in and around Bicentennial Park to the Civic Institutional District, and approval was recommended.

Chair Hathaway asked for citizen comments. There were none.

Commissioner Harrison moved, seconded by Commissioner Allen, that Ordinance 2015-47 be recommended to the Board of Mayor and Aldermen for approval.

The motion carried by the following vote:

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

Chairing: 0

13. [15-1014](#) Consideration Of Ordinance 2015-56, To Be Entitled, "An Ordinance To Amend The Zoning Ordinance Of The City Of Franklin, Tennessee, Chapter 5, Section 5.3, Subsection 5.3.5 (2)(a) Pertaining To Reverse Frontage." (11/19/15 FMPC 9-0; 12/08/15 WS; 1ST Reading 12-08-15 BOMA 8-0; 01/12/16 BOMA 7-0) THIRD AND FINAL READING

Attachments: [Ordinance 2015-56 - Zoning Amendment Reverse Frontage Law Approved](#)

Mr. Svoboda stated that Ordinance 2015-56 was an amendment to the Zoning Ordinance that would prohibit reverse-frontage lots and require that residential lots be developed so that the dwellings front streets or open space instead of backing up to them. Ordinance 2015-56 had provisions that would have parallel access drives or access to lots by rear alleys to be acceptable alternatives to reverse frontage. However, reverse frontage would still be permitted for lots adjacent to I-65 and Mack Hatcher Parkway as long as they provide the required 100-foot-wide, Class A landscape buffer. Existing lots in residential subdivisions or in Planned Unit Developments that were approved prior to the effective date of this ordinance would stand approved. Approval of Ordinance 2015-56 was recommended.

Chair Hathaway asked for citizen comments. There were none.

Commissioner Harrison moved, seconded by Commissioner Allen, that approval of Ordinance 2015-56 be recommended to the Board of Mayor and Aldermen. The motion carried by the following vote:

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

Chairing: 0

2016 FMPC/ADMINISTRATIVE MEETING AND DEADLINE SCHEDULE

14. [15-0982](#) 2016 FMPC / Administrative Meetings and Deadlines Schedule

Attachments: [FMPC - Administrative Meetings and Deadlines Schedule PUBLIC 2016](#)

Ms. Diaz-Barriga stated that item 14 was the proposed 2016 Meetings and Deadlines Staff Schedule.

Chair Hathaway asked for citizen comments. There were none.

Commissioner Harrison moved, seconded by Commissioner Lindsey, that Item 14 be approved. The motion carried by the following vote:

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

Chairing: 0

NON-AGENDA ITEMS

ANY OTHER BUSINESS

ADJOURN

There being no further business, the meeting adjourned at 7:30 p.m.

Chair Mike Hathaway