

FRANKLIN MUNICIPAL PLANNING COMMISSION REPORT

NAME OF PROJECT: Pickering West Property, appeal of DRT decision regarding hillside development and slope protection standards

LOCATION: Southeast corner of Interstate-65 and East McEwen Drive

PROJECT DESCRIPTION: Appeal of hillside development/slope protection standards

APPLICANT: Alan Thompson, Ragan-Smith Associates

PROJECT STAFF: Emily Hunter

TYPE OF REVIEW: Appeal

PROJECT BACKGROUND

PROJECT INFORMATION	
Existing Land Use	Vacant
Existing Zoning	GC
Acreage	+/- 30 acres
Proposed Number of Lots	3 parcels--18.01,19.01,19.02
Character Area Overlay/ Development Standard	MECO-4/Conventional
Other Applicable Overlays	HHO and 500' HHO Buffer

SURROUNDING ZONING AND LAND USE		
Location	Land Use	Zoning
<i>North</i>	Office	GC
<i>South</i>	Vacant	GC
<i>East</i>	Vacant	GC
<i>West</i>	I-65	R.O.W.

COMMENTS: Section 5.8.1 of the Franklin Zoning Ordinance includes Environmental Protection Standards that limit Hillside Development. The Environmental Protection Standards for Hillside Development apply to property within the HHO District; property within the 500 Buffer of the HHO that contains natural slopes of 14% or greater; or any area of naturally-occurring slopes 14% or greater that, in the opinion of DRT, warrant protection, regardless of proximity to the HHO District. While not within the HHO District, a significant portion of the land near McEwen Drive contains slopes greater than 20%. Given the steep slopes and their proximity to the interstate, arterial streets,

and gateway points into the City, DRT has determined that an area of slope immediately south of East McEwen Drive shall be protected to maintain the viewshed from areas north of the site (see staff photo exhibits). The impact of applying Section 5.8.1 to this site is that development on slopes of 20% or greater would be prohibited within the DRT-determined slope protection boundary shown in green in the attached DRT Interpretation Exhibit. Development on slopes 20% or greater would be permitted outside of this identified boundary, as long as it is limited to areas outside of the HHO and 500' HHO Buffer. In making this determination, DRT looked to the Environmental Protection Guiding Principles in the Land Use Plan, which specifically encourages balancing the protection of environmental resources with the ability to reasonably develop a property, but not at the expense of compromising neighborhood character.

The applicant has submitted several documents and exhibits in their appeal of the DRT determination. While many of these documents provide additional illustration and conceptual design, FMPC should keep in mind that these plans are merely preliminary. Additionally, staff would like to note that Views 4 and 5 showing development under the DRT recommendation for slope disturbance do not show the intent of hillside preservation. Under the DRT determination, the natural hillside would be maintained at an elevation of approximately 860 feet. The hillside should gradually level off to a more acceptable final grade than 805 feet, as identified on the exhibits. Staff questions whether a finished grade of 805 feet is appropriate or permissible under current regulations. Furthermore, the Huffine's Ridge extension is not in a location agreeable to staff. If it were located farther south along the ridge, the finished grade of the site could be higher, which would indicate more preservation of the naturally-occurring hills. These items should be considered along with the applicant's appeal submittal.

A variety of memos, letters, and exhibits have been provided by both staff and the applicant. Relating to this item, FMPC packets include the following documents:

- 1) DRT determination regarding preservation of steep slopes, which includes:
 - a) Staff memo, 1/15/14
 - b) Subsection 5.8.1 of the Franklin Zoning Ordinance
 - c) Pickering Property Slope determination request, 12/9/13 (resubmitted 1/6/14)
 - d) Applicant's Conceptual Grading Plan, 1/16/13
 - e) DRT slope protection determination exhibit (Exhibit A), 1/15/14
 - f) Staff photo exhibits 1 & 2
- 2) Applicant Appeal documents, which include:
 - a) Appeal Narrative

- b) Exhibits 1-8 (in stapled set of plans)
- c) Conceptual Grading Plan (in stapled set of plans)
- d) Carothers Integrated Growth Plan information (in booklet)
- e) Existing and Proposed 3D images/plans (in booklet)
- f) DRT determination 3D images/plans (in booklet)

Planning Commission is tasked with determining whether the parcels in question are of limited benefit such that the area of a lot comprised of slopes 14% or greater is so small that there is no meaningful benefit from the application of Section 5.8.1 of the Zoning Ordinance. Staff has found that there are areas of 14% or greater slope on this property that provide meaningful community value and has recommended that such hillsides and hillcrests be protected against encroachment wherever possible.

FRANKLIN MUNICIPAL PLANNING COMMISSION (FMPC) PROCESS AND PROCEDURES

If the applicant has questions about, or is in disagreement with, a condition of approval, they shall contact the project planner within the Department of Planning and Sustainability prior to the FMPC meeting. If the applicant fails to notify the Department of Planning and Sustainability of an objection to a condition of approval by one (1) day prior to the FMPC Meeting and raises their objection at the FMPC meeting, staff shall recommend deferral of the item until the next available Agenda.

The following is the process for an item to be heard by the FMPC during their monthly meetings:

1. Staff Presentation,
2. Public Comments,
3. Applicant presentation, and
4. Motion/discussion/vote.

This format has been established to facilitate a more orderly FMPC meeting. The process is intentionally designed in order for any applicant questions or disagreements about conditions of approval to be resolved prior to the meeting, rather than during the FMPC meeting. Only when disagreements about conditions of approval cannot be resolved by the applicants and staff prior to the meeting should those issues be raised during the FMPC meeting.



HISTORIC
FRANKLIN
TENNESSEE

MEMORANDUM

TO: Alan Thompson, Ragan-Smith Associates, Inc.

FROM: Emily Hunter, Principal Planner

DATE: January 15, 2014

SUBJECT: **Slope Determination for three parcels of property (Map 62; Parcels 18.01, 19.01, and 19.02) located at the southeast corner of I-65 and East McEwen Drive**

Pursuant to Section 5.8.1(3)(b) of the City of Franklin *Zoning Ordinance*, you have requested a determination on the Hillside Development Standards for three parcels of property (Map 62; Parcels 18.01, 19.01, and 19.02) located at the southeast corner of I-65 and East McEwen Drive in order to lower the hilltop approximately 50 feet for development of the overall site, which would include a connector road identified in the City's Major Thoroughfare Plan. After review of submitted documents and a field visit, the City of Franklin Departmental Review Team (DRT) has made the following determination as to the applicability of the Hillside Development Standards for this property (see attached exhibit for a graphic depiction of this determination):

- The area within the Hillside/Hillcrest Overlay Zoning District (HHO) and the areas of 14 and greater percent slope in the 500' buffer of the HHO fall under the requirements of the Hillside Development Standards in Section 5.8.1 of the *Zoning Ordinance*
- The areas of 14 and greater percent slope on the northeastern portion of the total property, delineated in green on the attached exhibit, are considered to be a site with area-wide benefit for slope protection, and, therefore, falls under the requirements of the Hillside Development Standards in Section 5.8.1 of the *Zoning Ordinance*
- The areas of 14 and greater percent slope outside of the HHO, the 500' HHO buffer, and the area delineated in green on the attached exhibit are considered to be a site with limited benefit and, therefore, are exempt from the Hillside Development Standards in Section 5.8.1 of the *Zoning Ordinance*.

The basis for this determination is multi-faceted. First, the Zoning Ordinance permits the DRT to waive the applicability of the Hillside Development Standards when the area of natural slopes is "so small that there is no meaningful benefit from the application of this (Hillside Development) subsection." From the submitted materials, it is clear that the area of slope exceeding 14% is quite extensive. Secondly, the hillside is located in a prominent place within the City. Both of these factors support such preservation of the City's environmental resources. It is the opinion of DRT that protection of sensitive environmental features, such as the naturally-occurring hills, is an important community value and that the City should protect these hillsides and hillcrests against encroachment wherever possible. Lastly, this determination is consistent with a previous slope determination in March 2013 for Parcel 19.02.



The Franklin Land Use Plan encourages balancing the protection of environmental resources with the ability to reasonably develop a property, but not at the expense of compromising neighborhood character. With this principle in mind, DRT has evaluated the various areas of steep slopes on these properties. DRT has concluded that the most important area of preservation is the view of the hillside and hilltop from the southbound I-65 corridor. This is currently the most scenic view of the hillside. It is likely that mid-rise buildings may be developed just east of the hill, thereby, blocking some of the view of the hill from the east. Consequently, DRT has determined that the area of 14 and greater percent slopes on the east side of the hill, not immediately facing East McEwen Drive, may be graded and developed. However, the slopes visible from the north and west should be preserved to maintain some sense of topographic integrity.

This determination is valid for one (1) year. After one year, a new determination from DRT shall be required. Additionally, please note that this determination was made utilizing a combination of the materials submitted for review by the applicant, field visits, and current City GIS information. If additional information is presented that is not consistent with the information contained in the survey or if there is an error in the survey, this determination shall be considered void.

Please keep in mind the following when utilizing this determination to plan future development for this site:

- all other requirements of the *Zoning Ordinance, Subdivision Regulations, Municipal Code*, and other City standards and policies apply;
- of particular impact to this site are the tree preservation Zoning requirements and a required street connection to Carothers Parkway, which may decrease developable area of this site;
- a geotechnical report shall be required for any development proposed on this site (testing on multiple samples and in multiple locations shall be required to detect colluvial soils, which would trigger additional engineering requirements for mitigation)
- if a PUD development plan for these parcels is submitted for approval, that decision and action of the Board of Mayor and Aldermen supersedes this DRT determination and, if appealed, any subsequent FMPC determination

I have included 4 attachments: (1) Section 5.8.1, Hillside Development Standards of the Zoning Ordinance, (2) the applicant's letter of request for slope determination, (3) the applicant's preliminary grading exhibit, and (3) a Slope Determination Exhibit from City of Franklin DRT. If you wish, you may appeal the DRT decision to the Franklin Municipal Planning Commission. Please contact me promptly if you plan to appeal in order for it to be placed on the next available FMPC Agenda. Since the next available FMPC agenda is 2/27/14, appeal documents are required to be submitted by 2/6/14 for consideration by FMPC at the February meeting.

- (e) The doors and windows on new structures shall reflect the relationship and positioning of the historic building (for example, if the doors and windows of the historic building are symmetrically positioned, and upper-floor and lower-floor openings are vertically aligned with one another, new buildings should reflect the same symmetry and alignment);
- (f) The proportion (height versus width) of the historic building's openings shall be respected in the facade design of nearby new buildings (for example, if windows and doors of the historic building have a height-to-width ratio of 2:1, then openings of nearby new building façades should be similarly proportioned);
- (g) Key architectural components of the historic building, such as porches, dormers, and arches, shall be echoed by at least three of the nearby new buildings; and
- (h) The materials of the historic building shall be respected (but not imitated entirely) by their use to some degree on nearby new buildings.

(4) Use of the Historic Building

The historic building shall retain enough prominence so that its future use is not in question. However, in those cases in which the building's prominence is particularly important, it is recommended that the building be used for purposes different than the primary use of nearby buildings.

(5) Contextual Streets and Driveways

New streets and driveways have been successfully integrated with historic lands or structures when it appears as if they were developed over time around the original historic feature as part of a natural evolution. Streets shall reflect the character of the historic resource (for example, streets without curb and gutter may be appropriate in rural or farm areas).

5.8 ENVIRONMENTAL PROTECTION STANDARDS

5.8.1 Hillside Development

(1) Purpose and Intent

Development occurring on hillsides can result in adverse effects by destruction of natural scenic beauty and unsightly developments, increased soil erosion, fire, and flood hazards, property damage from extensive soils slippage and subsidence, or traffic circulation problems. These standards are intended to regulate development in certain hillside areas as a means of preventing such adverse effects.

(2) Applicability

Except where exempted below, the standards in this section shall apply to development when any portion of the lot:

- (a) Is located within a Hillcrest/Hillside (HHO) District and in a subdivision recorded before this ordinance was adopted;
- (b) Is within 500 feet of a HHO District and contains naturally-occurring slopes of 14 percent or greater; or

- (c) Contains naturally-occurring slopes of 14 percent or greater, and in the determination of the DRT, needs protection (based on the intent of this section), regardless of its proximity to a HHO District.

(3) Exemptions

The standards in this subsection shall not apply to the following:

(a) Man-Made Slopes

Pre-existing or post-development man-made slopes of 14 percent or less or

(b) Sites with Limited Benefit

If, in the determination of the DRT, the area of a lot comprised of slopes 14 percent or greater is so small that there is no meaningful benefit from the application of this subsection, the DRT may waive the applicability of this section. If an applicant disagrees with the decision of the DRT, the applicant may appeal the decision to the FMPC.

(4) Standards

Development on lots subject to these standards shall comply with the following standards:

(a) Lots with Slopes of 20 Percent or Greater

- (i) Development on natural slopes of twenty percent or greater is prohibited.
- (ii) Slope areas of twenty percent or greater may be credited towards informal open space set-aside requirements.

(b) Minimum Lot Size

Lots subject to the standards of this section containing natural slopes of 14 percent or greater shall be a minimum of two acres, shall maintain a minimum street frontage of 150 linear feet, and a minimum side yard setback of at least 25 feet. If the required side yard setback for the base zoning district is greater than 25 feet, then the base zoning district standard shall apply. For lots on a cul-de-sac or curvilinear street, the street frontage shall be measured at the edge of the front setback. Lots shall not be mass graded to avoid this section.

(c) Critical Lot Plan Required

Prior to the issuance of a Building Permit, a Critical Lot Plan showing how graded areas will be stabilized shall be submitted to the Department of Building and Neighborhood Services for review by staff engineers. Lots shall not be mass graded to avoid this section.

(d) Cut and Fill

- (i) Cut and fill shall be minimized by following existing contours.
- (ii) In cases where fill is used in areas with natural slopes ranging from 14 percent to 19.99 percent, a geotechnical report shall be required prior to issuance of a Building Permit to ensure that proper fill and grading techniques were used.

(e) Retaining Walls

Retaining walls on lots subject to the standards of this subsection shall be provided in accordance with the standards in Section 5.6, Fences and Walls.

(f) Sidewalks

Sidewalks shall only be required along one side of the street in areas subject to the requirements of this subsection and may be waived completely if the street has a rural character and design speed conducive to pedestrian traffic.

(g) Color of Structures

Structures on lots subject to the standards of this subsection shall be designed in accordance with the standards in Subsection 5.3.5, Residential Development, and Subsection 5.3.6, Nonresidential and Mixed-Use Development.

(h) Maximum Slopes for Streets and Driveways

Streets shall not exceed the maximum permitted grades for streets in the subdivision regulations. The maximum slope permitted on a driveway shall be 14 percent and shall have landings at the top and bottom to prevent vehicles from scraping pavement. The maximum permitted grades for streets shall be in accordance with the Franklin Transportation and Street Technical Standards.

5.8.2 Riparian Setbacks

Development and land-disturbing activities shall comply with the standards in the Stormwater Management Ordinance.

5.8.3 Erosion and Sedimentation Control

Development and land-disturbing activities shall comply with the standards in the Stormwater Management Ordinance.

5.8.4 Stormwater Management Facilities

- (1) These facilities shall be designed to be an integral and aesthetic part of the site landscape.
- (2) Measures for aeration, such as fountain features, shall be used to reduce stagnation in retention ponds.
- (3) Wet detention/retention areas may be planted with moisture tolerant plant material, trees and native grasses to enhance their presence within the built environment.
- (4) Fences and walls associated with stormwater management facilities shall be provided in accordance with the standards in Section 5.6, Fences and Walls.

5.8.5 Floodplain Protection

(1) Statutory Authorization, Findings Of Fact, Purpose And Objectives

(a) Statutory Authorization

The Legislature of the State of Tennessee has in Sections 13-7-201 through 13-7-210, Tennessee Code Annotated, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Franklin Tennessee, Board of Mayor and Aldermen, do ordain as follows:

(b) Findings of Fact

- (i) The Franklin, Tennessee, Board of Mayor and Aldermen wishes to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in Title 44 of the Code of Federal Regulations (CFR), Ch. 1, Section 60.3.

December 9, 2013
Resubmitted January 6, 2014



HAND DELIVERED

Ms. Emily Hunter
Planning and Codes Department
City of Franklin
109 Third Avenue, South
Franklin, Tennessee 37064

**RE: PICKERING PROPERTY
20 PERCENT SLOPE DETERMINATION REQUEST
RAGAN-SMITH 12-042 / 9545**

Dear Emily:

We are requesting a slope determination on the referenced site on behalf of our client, SouthStar. The total area of our site is approximately 30 acres as reflected on Exhibit 1. The site is located immediately southeast of East McEwen and I-65. It has frontage along Huffines Ridge Drive, I-65, and East McEwen Drive. This 30-acre site is broken up into three individual parcels, as reflected on Exhibit 2. The reason this request is being made is to understand the developability of Parcel 19.02. This parcel is currently under option by our client, SouthStar, and as a single parcel, it has limited ability from terrain, accessibility, and public infrastructure standpoints. This parcel is approximately 4.5 acres. SouthStar would propose to add this parcel to Parcel 18.01 and Parcel 19.01 with a total acreage of approximately 30 acres. The thought would be that this parcel would be part of a greater master plan for the entire 30 acres. However, its ability to be developed is essential to the success of this master plan and all the benefits that come with it.

For this reason, we are requesting a 20 percent slope determination on the slopes reflected in the northwestern corner of this overall site, as reflected on Exhibit 3. Though the 20 percent slopes are massed together in this area, we feel that the development of this high point, with the ability to grade out these slopes, would be beneficial to the development of this site, the intersection of McEwen and I-65, the office, multi-family and single family uses in the immediate area, and the City of Franklin. The preservation of this high point was not indicated through Franklin's Hilltop, Hillcrest Overlay zoning, as reflected on Exhibit 4.

Should this site have the ability to develop this high point as part of its 30-acre master plan, it would be consistent with its surrounding uses, reflected on Exhibit 5. These uses include the Drury Inn Hotel to the west of I-65, the Toyota dealership and Kohls to the west of I-65, Franklin Park Office Park immediately north of McEwen Drive, the Venue/Resource Center to the northeast of McEwen and Carothers Parkway and future Ovation development to the east of Carothers, as seen on Exhibit 5.

The development plan, as reflected on Exhibit 6, reflects future office, retail and hotel uses. Preservation of the existing tree canopy to the south of this site, as well as respect for the Hilltop, Hillcrest Overlay (HHO), has also been reflected as part of this conceptual approach. More importantly, the ability to develop this property as a single master plan provides the ability for this development to extend public infrastructure through its site providing necessary connections for this site and the immediate associated sites. This public infrastructure would include the extension of Huffines Ridge running west to east and intersecting with a public roadway north/south connection between McEwen Drive and Carothers Parkway. The improvements of these roadway systems will also allow easier routing and connection of public infrastructure including sewer, water, and associated utilities. In order to make these public improvements, the ability to develop, grade and plan this high point as part of the greater master plan is essential.

Ms. Emily Hunter
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December 9, 2013
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In closing, we request the determination that these 20 percent slopes, as indicated on Exhibit 3, would be developable with the ability to grade out and remove. We feel that though this high point would be removed, it would not have a negative effect on the character of this immediate area and it would allow this site to develop consistently, aesthetically and appropriately with its surrounding areas. The ability to develop the mentioned slopes would allow this site to develop as a single master plan, complete well-needed public infrastructure improvements and connections, and provide services that would support surrounding uses.

Thank you for your consideration with this matter. We have enclosed 10 half-size exhibit booklets, 10 half-size slope exhibits, one full-size exhibit package, one full-size slope exhibit, and one disk with digital pdfs of all. Should you have any questions or require any additional information, please call.

Sincerely,

RAGAN-SMITH ASSOCIATES, INC.



J. Alan Thompson, RLA, LEED AP
Vice President

JAT:djb

Enclosures

c: Mr. Glenn Wilson
Mr. Glenn McGehee

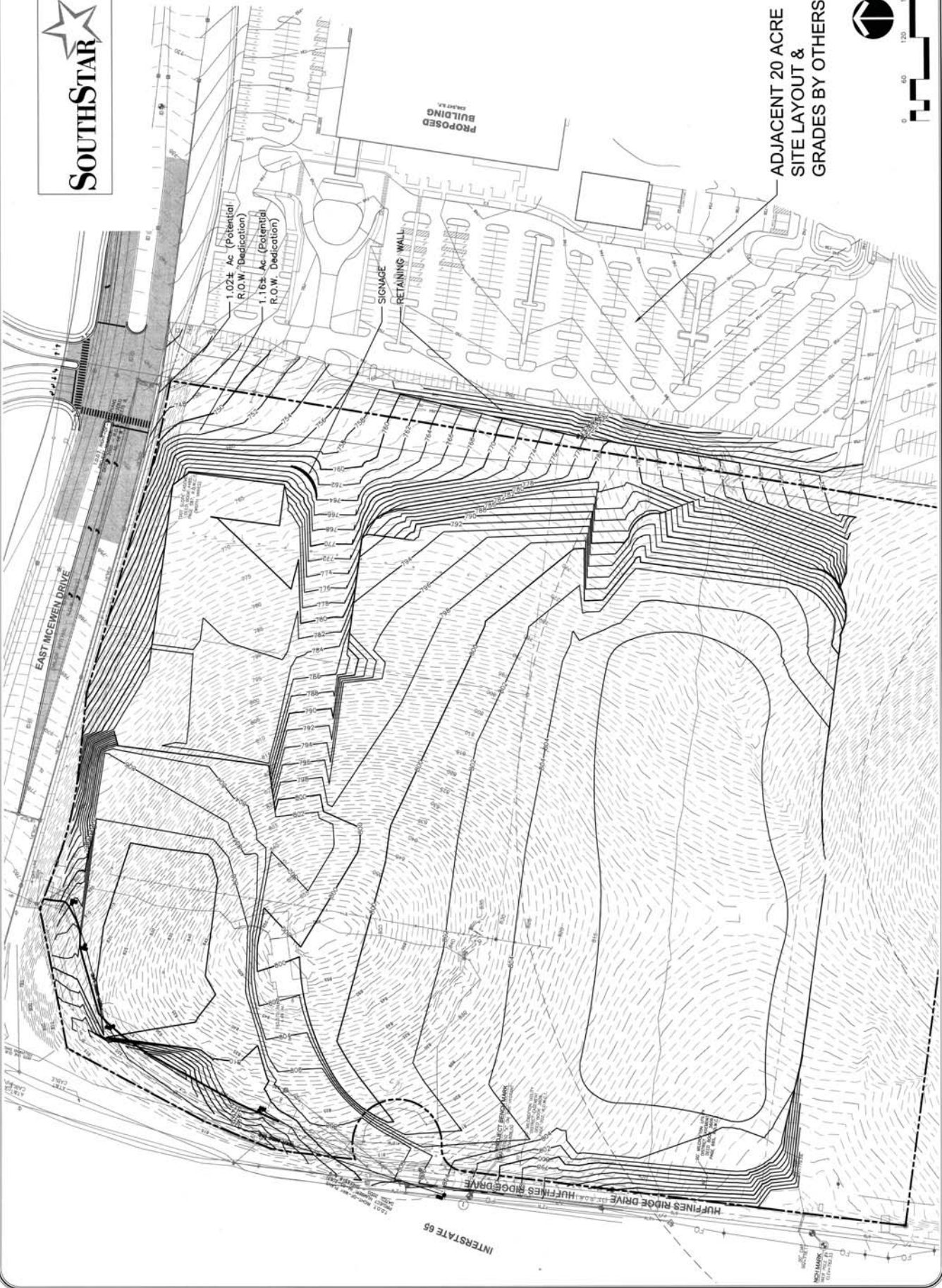
PICKERING WEST FOR SOUTHSTAR

DATE:	DECEMBER 18, 2013
SCALE:	1"=40'
DRAWN:	S. BERNICK
DESIGNED:	A. THOMPSON
JOB NO.:	12-049
WK. ORDER:	9713
REVISIONS:	

CONCEPTUAL
GRADING &
LAYOUT PLAN



ADJACENT 20 ACRE
SITE LAYOUT &
GRADES BY OTHERS





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DATE: 01-15-2014



Looking southwest from Franklin Park site:



Looking west on McEwen Drive from Carothers (from this perspective, DRT is recommending that grading be allowed on the slopes on the east side of the hill since buildings will likely shield the view of the hillside from this angle):



Looking northeast from I-65:



Looking south from I-65 (view DRT is recommending be preserved through hillside restrictions):

