



City of Franklin

109 3rd Ave S
Franklin, TN 37064
(615)791-3217

Meeting Minutes - Final

Franklin Municipal Planning Commission

Thursday, May 23, 2019

7:00 PM

Board Room

CALL TO ORDER

Present 8 - McLemore, Harrison, Hathaway, Petersen, Orr, Allen, Franks, and Szilagyi

Absent 1 - Lindsey

MINUTES

1. Approval of the April 25, 2019 FMPC minutes.

Attachments: [DRAFT FMPC Minutes April 25 2019](#)

Commissioner Harrison moved, seconded by Alderman Petersen, to approve the minutes from April 25, 2019, as presented. The motion carried by the following vote:

Aye: 8 - McLemore, Harrison, Hathaway, Petersen, Orr, Allen, Franks, and Szilagyi

Absent: 1 - Lindsey

CITIZEN COMMENTS ON ITEMS NOT ON THE AGENDA

Chair Hathaway asked for citizen comments.

Mr. Greg Gamble, Gamble Design, spoke concerning the previous Planning Commission meeting on April 25, 2019, where he represented the Applicant for The Refuge Center. At the April meeting, a citizen stated there were deed restrictions tied to the proposed property for The Refuge Center. Mr. Gamble stated that he wanted to list the four deed restrictions for the property on record. The restrictions are:

- 1. You cannot construct a home on the property less than 1800 square feet,*
- 2. You cannot have a mobile home,*
- 3. You cannot raise chickens on the property, and*
- 4. You cannot leave junk or debris on the property.*

These restrictions are recorded as part of the deed. He stated they had reviewed with the City of Franklin and the Applicant's attorneys that there did not appear anything that would prohibit the proceeding for the annexation or rezoning of the property.

ANNOUNCEMENTS

Chair Hathaway asked if Staff had any announcements.

Ms. Emily Hunter, Director of Planning and Sustainability, stated that the Commissioners should have received an email stating that the Franklin Zoning Ordinance draft was available online. Paper copies would be available the following week.

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 McLemore moved, seconded by Commissioner Orr, to approve items 2-24 and items 26-30, as presented, on the Consent Agenda. The motion carried by the following vote:

Aye: 8 - McLemore, Harrison, Hathaway, Petersen, Orr, Allen, Franks, and Szilagyi

Absent: 1 - Lindsey

SITE PLAN SURETIES

2. Amelia Park PUD Subdivision, site plan, section 4, revision 1; extend the performance agreement for landscaping improvements to January 23, 2020. (CONSENT AGENDA)
This Planning Item was approved.
3. Berry Farms Town Center PUD Subdivision, site plan, section 9, lot 903 (Lee Company HQ Building); release the maintenance agreement for streets, drainage and sidewalks improvements; accept the landscaping improvements, release the performance agreement and establish a maintenance agreement for one year. (CONSENT AGENDA)
This Planning Item was approved.
4. Carawood Subdivision, site plan; extend the performance agreement for landscaping improvements to May 28, 2020. (CONSENT AGENDA)
This Planning Item was approved.
5. Cool Springs East Subdivision, site plan, section 36, revision 3, lot 702 (Buffalo Wings and Rings); release the maintenance agreement for landscaping improvements. (CONSENT AGENDA)
This Planning Item was approved.

6. Forrest Crossing Subdivision, site plan, (YMCA Parking Addition); extend the maintenance agreement for green infrastructure improvements to May 28, 2020. (CONSENT AGENDA)
This Planning Item was approved.
7. Franklin Housing Authority PUD Subdivision, site plan, revision 2, Reddick Street Phase 2; accept the landscaping, drainage and green infrastructure improvements, release the performance agreement and establish a maintenance agreement for one year. (CONSENT AGENDA)
This Planning Item was approved.
8. Franklin Park Subdivision, site plan, (Open Space Lot/Parkland/Infrastructure); accept the drainage and landscaping Phase 2 improvements, release the performance agreement and establish a maintenance agreement for one year. (CONSENT AGENDA)
This Planning Item was approved.
9. Franklin Park Subdivision, site plan, (Two Franklin Park Office Building); accept the landscaping improvements, release the performance agreement and establish a maintenance agreement for one year. (CONSENT AGENDA)
This Planning Item was approved.
10. Highlands at Ladd Park PUD Subdivision, site plan, section M; release the maintenance agreement for sewer north improvements. (CONSENT AGENDA)
This Planning Item was approved.
11. Lincoln Square Subdivision, site plan, revision 1, lots 6-8 (Aspen Grove Plaza Office Park Phase III Building 4); extend the performance agreement for multipurpose trail improvements to May 28, 2020. (CONSENT AGENDA)
This Planning Item was approved.
12. Lockwood Glen PUD Subdivision, site plan, section 11 (Amenity Center); release the maintenance agreement for sidewalks and landscaping improvements. (CONSENT AGENDA)
This Planning Item was approved.

13. Longview Subdivision, site plan, lots 11 and 12 (Universal Storage); reduce and extend the performance agreement for landscaping improvements to January 23, 2020. (CONSENT AGENDA)
This Planning Item was approved.
14. Preserve at Echo Estates PUD Subdivision, site plan; release the maintenance agreement for landscaping section 2 street trees improvements; reduce and extend the performance agreement for landscaping section 1 buffers and landscaping section 2 buffers improvements to May 28, 2020. (CONSENT AGENDA)
This Planning Item was approved.
15. Riverbluff PUD Subdivision, site plan, section 1; extend the performance agreement for landscaping improvements to May 28, 2020. (CONSENT AGENDA)
This Planning Item was approved.
16. Rizer Point PUD Subdivision, site plan, section 1; extend the performance agreement for landscaping Phase 2 improvements to May 28, 2020. (CONSENT AGENDA)
This Planning Item was approved.
17. Rizer Point PUD Subdivision, site plan, section 2; extend the performance agreement for landscaping improvements to May 28, 2020. (CONSENT AGENDA)
This Planning Item was approved.
18. Rizer Point PUD Subdivision, site plan, section 3; extend the performance agreement for landscaping improvements to May 28, 2020. (CONSENT AGENDA)
This Planning Item was approved.
19. Rizer Point PUD Subdivision, site plan, section 4; extend the performance agreement for landscaping improvements to May 28, 2020. (CONSENT AGENDA)
This Planning Item was approved.
20. Silver Grace PUD Subdivision, site plan, section 1; extend the maintenance agreement for landscaping Phase B improvements to May 28, 2020; extend the performance agreement for landscaping Phase C improvements to May 28, 2020. (CONSENT AGENDA)
This Planning Item was approved.

21. Simmons Ridge PUD Subdivision, site plan, section 1, revision 1; extend the performance agreement for landscaping improvements to January 23, 2020. (CONSENT AGENDA)
This Planning Item was approved.
22. Village of Eddy Lane PUD Subdivision, site plan; release the maintenance agreement for landscaping tree replacement improvements. (CONSENT AGENDA)
This Planning Item was approved.
23. Westhaven PUD Subdivision, site plan, section 18; extend the performance agreement for landscaping improvements to May 28, 2020. (CONSENT AGENDA)
This Planning Item was approved.
24. Westhaven PUD Subdivision, site plan, section 25, lots 4202-4204 (Harris Teeter); extend the performance agreement for landscaping (future buffer) improvements to May 28, 2020. (CONSENT AGENDA)
This Planning Item was approved.

REZONINGS AND DEVELOPMENT PLANS

25. PUBLIC HEARING: Consideration Of Resolution 2019-37: A Resolution Approving A Revised Development Plan For Carothers Crossing West PUD Subdivision With 1 Modification Of Development Standards (Tree Canopy), For The Property Located North Of Liberty Pike And West Of Carothers Parkway. (05/23/19 FMPC 5-3, 06/11/19 WS)

Attachments: [RES 2019-37 Carothers Crossing West with exhibits.Law](#)
[Approved.pdf](#)
[MAP Carothers Xing West DP rev](#)
[CCW_Conditions of Approval_01.pdf](#)
[Development Plan Revision 1 Resubmittal](#)

Ms. Amy Diaz-Barriga, Current Planning Supervisor, stated that the original development plan for Carothers Crossing West was approved by the Board of Mayor and Alderman at the October 9, 2018 meeting. The original entitlements are not being modified with this request. The development plan revision's sole purpose is to request a modification of standards to reduce the tree canopy requirements outlined in the Zoning Ordinance. As such, Ms. Diaz-Barriga stated that she would start with the MOS request.

The City of Franklin Zoning Ordinance Table 5-2 specifies that the tree canopy retention standard for this development requires preserving 15% of the existing tree canopy cover of the site. That equates to 2.37 acres of the site that should be retained in existing tree canopy. Due to some unique conditions presented by the applicant, staff already attempted to work with the development, and exhausted all administrative tools available to reduce the tree canopy standards on this site with the last development plan. There is a condition of approval on the approved Development Plan allowing the tree canopy preservation to be reduced to 7.5% of the site, or 1.18 acres of tree canopy retention, and for the remainder of the required tree canopy requirement to be made as a payment to the tree bank.

The applicant is now requesting that in lieu of the required tree canopy and tree bank payment, they instead provide 1.64 acres of a combination of tree canopy and tree reforestation. This proposal would only preserve 0.31 acres of existing tree canopy and would provide reforestation for 1.23 acres of the site.

Staff recommends disapproval of this request because it does not meet the purpose of Tree Protection as outlined in the Zoning Ordinance, nor does it support one of the Guiding Principles in Envision Franklin.

The core purposes of Tree Protection in the Zoning Ordinance as stated in 5.2.1 are to retain and protect portions of the existing tree canopy cover and other significant trees, in order to:

- (1) Prevent clear cutting;*
- (2) Protect existing tree canopy on developing sites;*
- (3) Maintain a minimum level of tree canopy cover on developed sites larger than one acre;*
- (4) Preserve specimen trees; and*
- (5) Maintain and enhance the quality of life in the city.*

One of the eight themes adopted with Envision Franklin is Natural Beauty. This guiding principle states that established forested areas, existing tree canopies, specimen trees, and riparian buffers help to absorb air pollution, reduce glare, heat, and noise, and

enhance the quality of life through health and recreational benefits. These resources should be preserved through careful site design. Clear cutting is discouraged.

The intended form and function of this development plan have met the intent of Envision Franklin in many aspects by providing activated streetscape along an internal street network and by placing higher-intensity uses in the I-65 corridor. However, this development plan, both originally and with this revision, could have been more thoughtfully designed to meet the City's requirements regarding natural resource protection.

Consistent application of the Zoning Ordinance is important if tree canopy is valued by the City of Franklin. Reforestation, as proposed by the applicant, may result in better species diversity, but these trees will take years to reach their growth potential. In the interim, existing and future residents are not able to benefit from the tree canopy.

Staff recommended disapproval of the MOS request and disapproval of the Development Plan revision 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. Mr. Gamble stated that Staff had worked with him since the beginning. Mr. Gamble presented the Commissioners with a handout that represented the slide presentation from the Joint Conceptual Workshop. He stated that there is a current approved development plan and tree preservation strategy for the development plan. They have a site plan that has been designed and approved based upon the current tree canopy approach. Mr. Gamble referred to the handout showing the tree preservation areas on the development plan. He stated that the most significant trees that they can save are on the northern property boundary. Also, there are significant trees running north to south. Mr. Gamble stated that the rest of the trees are Woody Pioneers. Woody Pioneers are trees that are fast growing, such as the hackberry, cedar, and invasive species such as mimosa trees. He stated they were concerned about these (Woody Pioneer) trees and wanted to be responsible to the land in Franklin. He stated this was an opportunity to replace those Woody Pioneers with climax forest such as oaks, maples, hickory, tulip poplar and pine trees. Along the northern boundary, they discovered that the ten foot retaining wall would be mirrored by the Huffines Ridge PUD on the other side. This would create an area of existing trees that would sit in an area ten feet below the ground along the northern boundary. This is an opportunity to re-establish a new landscape buffer with hardy climax trees. Mr. Gamble that they received feedback during the Joint Conceptual Workshop to consider adding not just 2-inch trees, but up to 4-inch trees. They did this in their resubmittal, which is reflected on the documents. Mr. Gamble stated that in the City of Franklin when you have a reforestation area or a tree canopy that needs to be replaced, there is a requirement for 80 trees per acres (160 tree inches per acre). Mr. Gamble stated they are committing to 320 tree inches per acre in these areas to establish a reforestation program, and not to just meet requirements. On the last page of the handout, Mr. Gamble stated that it showed a mixture of 2-4 inch trees which would be irrigated initially for establishment and potentially permanently. Mr. Gamble stated that there were no other changes to the development plan other than the reforestation and tree canopy.

Chair Hathaway asked for a motion.

Commissioner Szilagya moved, seconded by Commissioner Orr, that Resolution 2019-37

be recommended to the Board of Mayor and Aldermen for approval.

Chair Hathaway asked Ms. Shauna Billingsley, City Attorney, if the Modification of Standards (MOS) could be addressed with this motion. Ms. Billingsley stated that they could since it was just one MOS.

Chair Hathaway asked for any discussion on the motion.

Commissioner Allen asked for clarification that Staff was recommending disapproval of this item and that the Planning Commission made a motion to approve the item. Chair Hathaway confirmed this. She stated she would be voting to disapprove the item because Staff had recommended disapproval. She stated that Staff had worked with the developer and had not been able to come to an agreement. She asked Staff if the Applicant was attempting to reduce the amount of reforestation from 2.37 acres to 1.6 acres. Ms. Diaz-Barriga stated that the requirement is 2.37 acres of tree canopy preservation. Ms. Diaz-Barriga stated the Applicant is proposing 1.6 acres of a combination of existing tree canopy retention and reforested area.

Mr. Gamble stated that on the current approved plan, they have 1.2 acres of preserved tree canopy. On the new plan with reforestation, they have 1.33 acres of reforestation. So, they are replanting more than they would be preserving.

Commissioner Allen stated that she wanted to be clear about the reasons for her decision to vote against the motion. She stated that there were two reasons: it would take years for the plantings to mature which would affect the noise reduction and the design could have been done differently to achieve the requirements of Envision Franklin.

Chair Hathaway asked Commission Szilagya to state her reasons for voting to approve the item and going against Staff's recommendation.

Commissioner Szilagya stated she had a question to address to Staff. She asked if the reduction in the tree canopy preservation was already approved.

Ms. Diaz-Barriga confirmed that Staff worked with the Applicant on the original development plan and let them reduce the requirement by 50%, but the Applicant would have to pay the remaining 50% into a tree bank fund. This would be done at site plan level.

Commissioner Szilagya stated she was for approval of this item because she was comparing the short term versus the long term. She stated she was looking at what was trying to be achieved, such as urban heat island effect, the quality of the current and proposed trees, and the life span of the replacement trees. She stated there would be drawbacks, such as sun and noise in the short term, but long term, the replacement trees would be here for a while.

Chair Hathaway stated it was important to clarify the reasons for the motion to approve, because future Applicants would refer to this. He asked Staff if the quality of the tree is considered in the Zoning Ordinance, especially if the trees are considered invasive. Ms. Diaz-Barriga stated that they talk about getting rid of invasives and planting natives. She stated the Zoning Ordinance was written to consider that a mature tree on site has value and should maintain the existing tree canopy vs. the time differential to clear cut and regrow. To Staff, the value is on the existing trees.

Commissioner Allen stated that clear cutting, no matter the quality of the trees, is clear cutting.

Commissioner Franks spoke asked what was the length of the retaining wall. Mr. Gamble stated approximately 350 feet and 10 feet high on both sides. Commissioner Franks stated this would create a bunker down the line. He stated that the current trees were a nice group of trees.

Mr. Gamble stated that both developers on each side of the property line were concerned. He gave an example of property on Franklin Road where a church went to extensive lengths to build a retaining curved retaining wall to save a specimen tree, only to have the tree die three years later.

Mr. Gamble stated that they had arborist look at the trees, and they are in fair condition.

Commissioner Franks asked why they needed the retaining walls. He suggested that they should instead put deep rings around the few trees that were there and fill the trees in later. He stated that he, personally, had used a segment block ring around trees, and the trees lived twenty five more years.

Mr. Gamble stated they were looking to trees that had longer life spans than the hackberry and cedar. Commissioner Franks stated that he was for approval of the motion, but would like to see them get rid of the retaining walls.

Commissioner Harrison stated he was for approval of the motion. He supported the motion because he was concerned about there being a stormwater trough caused by the retaining walls when the current trees died.

Commissioner Szilagya stated she agreed with Commissioner Harrison's point that, in the future, the land between the retaining walls could become a marshy area where you would not get the tree canopy benefit.

Alderman Petersen stated that there are a lot of trees out there, not necessarily the best trees, but it will look much different if the trees are cut down. She stated that she would go with Staff's recommendation.

Commissioner Franks stated that he wished they could find a way to work with Staff.

Chair Hathaway asked for a vote on the motion to approve of request for the Modification of Standards to the Development Plan.

The motion carried by the following vote (5-3). Commissioner Allen, Commissioner McLemore, and Alderman Petersen voted against the motion.

Commissioner Szilagya moved, seconded by Commissioner Orr, that Resolution 2019-37 be recommended to the Board of Mayor and Aldermen for approval. The motion to approve of the request for the Modification of Standards to the Development Plan carried by the following vote:

Aye: 5 - Harrison, Hathaway, Orr, Franks, and Szilagyi

No: 3 - McLemore, Petersen, and Allen

Absent: 1 - Lindsey

SITE PLANS, PRELIMINARY PLATS, AND FINAL PLATS

- 26.** Avenida Of Cool Springs PUD Subdivision, Final Plat, Creating 142 Attached Dwelling Units On One Lot And One Open-Space Lot, On 5.2 Acres, Located At 222 Mallory Station Road. (CONSENT AGENDA)

Attachments: [MAP 6963 Avenida PUD FP](#)
[6963 Avenida FP Conditions of Approval 01](#)
[Avenida Plat 050219-signed](#)

This Planning Item was approved.

- 27.** Berry Farms Town Center PUD Subdivision, Final Plat, Section 10, Revision 1, Creating Two Lots On 10.93 Acres, Located Near The Intersection Of Rural Plains Circle And Berry Farms Crossing. (CONSENT AGENDA)

Attachments: [MAP - 6969 - Berry Farms Town Center PUD Subdivision, Final Plat, Section 10, Revision 1](#)
[COA-6969-Conditions of Approval 01](#)
[PLAT - 6969 - Berry Farms Town Center PUD Subdivision, Final Plat, Section 10, Revision 1](#)

This Planning Item was approved.

- 28.** Carothers Crossing West PUD Subdivision, Final Plat, Creating Two Buildable Lots And One Open Space Lot, On 19.83 Acres, Located At The Northwest Corner Of Liberty Pike And Carothers Parkway. (CONSENT AGENDA)

Attachments: [MAP - 6970 - Carothers Crossing West PUD Subdivision, Final Plat](#)
[COA-6970-Conditions of Approval 01](#)
[PLAT - 6970 - Carothers Crossing West PUD Subdivision, Final Plat](#)

This Planning Item was approved.

- 29.** Westhaven PUD Subdivision, Final Plat, Section 49, and Section 27, Revision 1, Lot 5047, Creating 46 Single-Family Lots and Open Open-Space Lot, On 10.3 Acres, Located at 1901 New Highway 96 West. (CONSENT AGENDA)

Attachments: [MAP 6967 Westhaven Sec 27 and 49 FP](#)
[6967 Conditions of Approval UDPATED 05172019](#)
[Westhaven Section 49 Final Plat](#)

This Planning Item was approved.

30. Westhaven PUD Subdivision, Final Plat, Section 55, Creating 16 Single-Family Lots, on 2.99 Acres, Located at 0 Keats Street. (CONSENT AGENDA)

Attachments: [MAP 6968 Westhaven Sec 55 FP](#)
[6968 Westhaven FP Sec 55 Conditions of Approval 01](#)
[WH 55 Final Plat](#)

This Planning Item was approved.

ZONING ORDINANCE TEXT AMENDMENTS

NON-AGENDA ITEMS

Chair Hathaway asked if there were any other non-agenda 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 7:25 p.m.

Chair, Mike Hathaway