



# City of Franklin

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

## Meeting Minutes

### Franklin Municipal Planning Commission

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Thursday, January 23, 2020

7:00 PM

Board Room

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#### CALL TO ORDER

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

**Absent** 1 - Lindsey

#### MINUTES

1. Approval of the December 12, 2019 FMPC minutes.

**Attachments:** [DRAFT FMPC minutes 12-12-19](#)

**Commissioner Harrison moved, seconded by Commissioner Allen, to approve the minutes from December 12, 2019, as presented. The motion carried by the following vote:**

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

**Absent:** 1 - Lindsey

2. Election of Chair and Vice-Chair of the Franklin Municipal Planning Commission for 2020.

**Commissioner Harrison moved, seconded by Commissioner Allen, to elect Commissioner Hathaway as Chair. The motion carried unanimously (8-0).  
Commissioner Harrison moved, seconded by Commissioner Orr, to elect Commissioner Lindsey as Vice-Chair. The motion carried unanimously (8-0).**

**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. There were none.*

#### ANNOUNCEMENTS

*Chair Hathaway asked if Staff had any announcements. There were none.*

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

*Chair Hathaway asked if there were any non-agenda items to be presented.*

*The following citizens spoke concerning Rizer Point:*

- 1. Jennifer Longo, 1009 Reese Drive - Ms. Longo deferred her time to her husband, Michael Longo. Ms. Longo provided a handout to the Commissioners. This information has been added to the record.*
- 2. Michael Longo, 1009 Reese Drive - Mr. Longo stated that there is a standing water issue near his home. He stated that there are mosquitos and year-round standing water. He also stated that the area smells. He stated that the area is a safety and health hazard. He asked that any Rizer Point bonds not be released until Goodall completes work.*
- 3. Amy Black, 1001 Reese Drive - Ms. Black provided a handout to the Commissioners concerning the retention area. This information has been added to the record. She deferred her time to her husband, Mr. Kirby Binder.*
- 4. Kirby Binder, 1001 Reese Drive - Mr. Binder referred to the handout that Ms. Black presented to the Commissioners. He stated that the document was the same one presented last year concerning the retention project. This handout has been added to the record. He stated that the area smells, has sludge and does not drain. He requested that someone take a look at the area. He stated that eighteen home owners were affected.*
- 5. Daniel Houghton, 1017 Reese Drive - Mr. Houghton spoke about the neighborhood canoe launch ramp. He stated that it had been washed out three times, and the recent rain will wash it away again. He stated that the grading is a safety hazard. He had concerns that the canoe ramp would become the responsibility of the neighborhood Home Owner's Association (HOA) once the bond was released.*

*Chair Hathaway stated that the Commission could not comment because they had not had time to review the information.*

*Mr. Jimmy Wiseman, Assistant Director of Engineering, stated that, per the original plan, there was a constructed wetlands as part of the flood plain mitigation and stormwater management facility. He stated that the bonds were not set to be released at this meeting. He stated the bond was still subject to inspection and review by the Stormwater Inspection staff. He stated they were still looking at it to make sure it would function properly. He stated because it is a wetland, there will be standing water. He stated that ultimately there would be an eco-system that would take care of the mosquitos. He stated this was part of the original plan and part of the BMP (Best Management Practices) manual and is an allowable stormwater treatment method. He stated he was not familiar with the canoe launch safety issues, but could look into it. He stated he was not certain if the launch would be turned over to the City.*

*Chair Hathaway stated that they were not commenting on the release of any bonds tonight.*

*Commissioner McLemore asked if there were sufficient funds in the bond to cover any concerns.*

*Ms. Paula Kortas, Surety Coordinator, stated that the wetland area was inspected by the Stormwater Quality Inspectors. The area is properly graded. She stated that the only thing they are waiting for is the vegetation to establish. She stated that the vegetation should take care of some of the mosquito problem. She stated there is enough surety*

*money, should repairs be required. She stated that she could assure everyone that until the construction was done to plan, the sureties would not be released. To address the concern about "lack of communication", Ms. Kortas stated that she was in constant contact with the HOA representative. She stated that he had her phone number. She stated that the HOA representative is given notice about each item on the agenda for Rizer Point. She stated that the citizens may want to touch base with their HOA. She stated that she was available for the citizens to contact her directly. Ms. Kortas stated that it was her understanding that the canoe launch would be taken over by the City at some point, and would not be the responsibility of the HOA.*

## CONSENT AGENDA

### Approval of the Consent Agenda

**Commissioner McLemore moved, seconded by Commissioner Harrison, to approve items 3-43 and items 47-52, 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

3. Amelia Park PUD Subdivision, site plan, section 4, revision 1; extend the performance agreement for landscaping improvements to January 28, 2021. (CONSENT AGENDA)  
**This Planning Item was approved.**
4. Aspen Grove PUD Subdivision, site plan, section T4 (Seaboard Office Building); release the maintenance agreement for landscaping and green infrastructure improvements. (CONSENT AGENDA)  
**This Planning Item was approved.**
5. Berry Farms Town Center PUD Subdivision, site plan, section 4, lot 208 (Holiday Inn Express); accept the landscaping improvements, release the performance agreement and establish a maintenance agreement for one year; extend the performance agreement for water improvements to July 23, 2020; extend the performance agreement for streets, drainage, green infrastructure and sidewalks improvements to January 28, 2021. (CONSENT AGENDA)  
**This Planning Item was approved.**
6. Berry Farms Town Center PUD Subdivision, site plan, section 9; extend the performance agreement for streets improvements to January 28, 2021; extend the maintenance agreement for sewer improvements to January 28, 2021. (CONSENT AGENDA)  
**This Planning Item was approved.**

7. Carothers Development Property Subdivision, site plan, lot 2; extend the performance agreement for landscaping improvements to January 28, 2021. (CONSENT AGENDA)  
**This Planning Item was approved.**
8. Cool Springs East Subdivision, site plan, section 36, revision 3, lot 702 (Buffalo Wings and Rings); extend the performance agreement for streets, drainage and green infrastructure improvements to January 28, 2021. (CONSENT AGENDA)  
**This Planning Item was approved.**
9. Cool Springs Life Science Center Subdivision, site plan; release the maintenance agreement for landscaping street trees and stormwater drainage/detention improvements. (CONSENT AGENDA)  
**This Planning Item was approved.**
10. Dallas Downs PUD Subdivision, site plan, section 3; accept the landscaping street trees improvements, release the performance agreement and establish a maintenance agreement for one year; extend the performance agreement for landscaping specimen tree replacement and landscaping open space lots 26, 29, 30 and 31 improvements to January 28, 2021. (CONSENT AGENDA)  
**This Planning Item was approved.**
11. Echelon PUD Subdivision, site plan, sections 1-3; release the maintenance agreement for landscaping street trees improvements; accept the landscaping open space improvements, release the performance agreement and establish a maintenance agreement for one year. (CONSENT AGENDA)  
**This Planning Item was approved.**
12. Franklin Christian Academy PUD Subdivision, site plan, section 2 (Morning Pointe of Franklin); release the maintenance agreement for drainage improvements. (CONSENT AGENDA)  
**This Planning Item was approved.**
13. Gateway Commons PUD Subdivision, site plan; extend the maintenance agreement for sewer improvements to January 28, 2021. (CONSENT AGENDA)  
**This Planning Item was approved.**

14. Get Ready Subdivision, site plan; extend the maintenance agreement for landscaping improvements to January 28, 2021. (CONSENT AGENDA)  
**This Planning Item was approved.**
15. Harpeth Village Subdivision, site plan, revision 2 (Harpeth Village Unified Development); extend the performance agreement for landscaping (Building C) improvements to January 28, 2021. (CONSENT AGENDA)  
**This Planning Item was approved.**
16. Highlands at Ladd Park PUD Subdivision, site plan, section 24; release the maintenance agreement for streets improvements. (CONSENT AGENDA)  
**This Planning Item was approved.**
17. Highlands at Ladd Park PUD Subdivision, site plan, section 27; release the maintenance agreement for landscaping improvements. (CONSENT AGENDA)  
**This Planning Item was approved.**
18. Highlands at Ladd Park PUD Subdivision, site plan, section 28; release the maintenance agreement for landscaping and landscaping Carothers street trees improvements. (CONSENT AGENDA)  
**This Planning Item was approved.**
19. Highlands at Ladd Park PUD Subdivision, site plan, section M; extend the maintenance agreement for sewer south improvements to January 28, 2021. (CONSENT AGENDA)  
**This Planning Item was approved.**
20. Lockwood Glen PUD Subdivision, site plan, sections 4-7; accept the landscaping section 7 street trees and landscaping section 7 buffer and lot 237 improvements, release the performance agreement and establish a maintenance agreement for one year; extend the maintenance agreement for landscaping section 6 improvements to January 28, 2021. (CONSENT AGENDA)  
**This Planning Item was approved.**
21. Lockwood Glen PUD Subdivision, site plan, section 10; extend the performance agreement for drainage improvements to January 28, 2021. (CONSENT AGENDA)  
**This Planning Item was approved.**

22. Longview Subdivision, site plan, lots 11 and 12 (Universal Storage); extend the performance agreement for landscaping improvements to January 28, 2021. (CONSENT AGENDA)  
**This Planning Item was approved.**
23. Pinnacle Commons Subdivision, site plan; extend the performance agreement for landscaping improvements to January 28, 2021. (CONSENT AGENDA)  
**This Planning Item was approved.**
24. Seward Hall Subdivision, site plan, lot 1 (Bethel Community Church); extend the performance agreement for landscaping Phase 3 and stormwater drainage/detention improvements to January 28, 2021. (CONSENT AGENDA)  
**This Planning Item was approved.**
25. Simmons Ridge PUD Subdivision, site plan, section 1, revision 1; extend the performance agreement for landscaping improvements to January 28, 2021. (CONSENT AGENDA)  
**This Planning Item was approved.**
26. South Park Subdivision, site plan, section 1, revision 2, lot 7 (Keystone Center); extend the performance agreement for landscaping Building B improvements to January 28, 2021. (CONSENT AGENDA)  
**This Planning Item was approved.**
27. Stream Valley PUD Subdivision, site plan, section 14; extend the maintenance agreement for streets improvements to January 28, 2021. (CONSENT AGENDA)  
**This Planning Item was approved.**
28. Synergy Bank Addition Subdivision, site plan, Parking Garage; extend the maintenance agreement for green infrastructure improvements to January 28, 2021. (CONSENT AGENDA)  
**This Planning Item was approved.**
29. Through the Green PUD Subdivision, site plan, section 2, revision 2; extend the maintenance agreement for landscaping improvements to January 28, 2021. (CONSENT AGENDA)  
**This Planning Item was approved.**

30. Tywater Crossing PUD Subdivision, site plan, section 2; release the maintenance agreement for landscaping improvements. (CONSENT AGENDA)  
**This Planning Item was approved.**
31. Tywater Crossing PUD Subdivision, site plan, section 3; extend the maintenance agreement for landscaping improvements to January 28, 2021. (CONSENT AGENDA)  
**This Planning Item was approved.**
32. Tywater Crossing PUD Subdivision, site plan, section 4; release the maintenance agreement for landscaping improvements. (CONSENT AGENDA)  
**This Planning Item was approved.**
33. Water's Edge PUD Subdivision, site plan, section 1, revision 1; release the maintenance agreement for landscaping Phase 1 and landscaping Phase 2 improvements. (CONSENT AGENDA)  
**This Planning Item was approved.**
34. Water's Edge PUD Subdivision, site plan, section 2; extend the performance agreement for landscaping improvements to January 28, 2021. (CONSENT AGENDA)  
**This Planning Item was approved.**
35. Westhaven PUD Subdivision, site plan, section 15 (resubdivision of lot 4001) and section 25 (resubdivision of lot 4021) Condo Building and Live-Work Units; extend the performance agreement for landscaping improvements to January 28, 2021. (CONSENT AGENDA)  
**This Planning Item was approved.**
36. Westhaven PUD Subdivision, site plan, section 18; accept the landscaping improvements, release the performance agreement and establish a maintenance agreement for one year. (CONSENT AGENDA)  
**This Planning Item was approved.**
37. Westhaven PUD Subdivision, site plan, section 25, lots 4202-4204 (Harris Teeter); accept the landscaping (future buffer) improvements, release the performance agreement and establish a maintenance agreement for one year. (CONSENT AGENDA)  
**This Planning Item was approved.**

38. Westhaven PUD Subdivision, site plan, section 30; reduce and extend the performance agreement for landscaping improvements to September 24, 2020. (CONSENT AGENDA)  
**This Planning Item was approved.**
39. Westhaven PUD Subdivision, site plan, section 33; reduce and extend the performance agreement for landscaping improvements to September 24, 2020. (CONSENT AGENDA)  
**This Planning Item was approved.**
40. Westhaven PUD Subdivision, site plan, section 39; accept the landscaping improvements, release the performance agreement and establish a maintenance agreement for one year. (CONSENT AGENDA)  
**This Planning Item was approved.**
41. Westhaven PUD Subdivision, site plan, section 39, revision 1, lots 1489 and 1490; extend the maintenance agreement for landscaping improvements to January 28, 2021. (CONSENT AGENDA)  
**This Planning Item was approved.**
42. Westhaven PUD Subdivision, site plan, sections 40 and 41; extend the performance agreement for landscaping section 40 and landscaping section 41 improvements to January 28, 2021. (CONSENT AGENDA)  
**This Planning Item was approved.**
43. Westhaven PUD Subdivision, site plan, section 43; accept the landscaping improvements, release the performance agreement and establish a maintenance agreement for one year. (CONSENT AGENDA)  
**This Planning Item was approved.**

#### **REZONINGS AND DEVELOPMENT PLANS**



44. PUBLIC HEARING: Consideration Of Resolution 2020-02, A Resolution Approving A Revised Development Plan For McKays Mill PUD Subdivision, For The Property Located North And South Of Liberty Pike And East Of Turning Wheel Lane. (FMPC 1/23/20, 8-0, WS 2/11/20)

Attachments: [2020-02 RES McKays Mill animal services with Exhibits.Law](#)  
[Approved](#)  
[MAP 7159 MCAYS MILL RES 2020](#)  
[COF 7159 McKays Mill Concept Plan](#)

*Ms. Dianna Tomlin, Principal Planner, stated that the resolution does not change any of the entitlements to the McKay's Mill Planned Development Subdivision. This will now include Indoor Animal Use as an allowed use. Indoor Animal Use was not specified under the SD-X zoning district for McKay's Mill. This will allow Indoor Animal Use in their commercial areas.*

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

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

*The following citizens spoke concerning Item 44:*

*1. Alderman Beverly Burger, Representative Ward 1. In favor. Alderman Burger stated that it had taken many years to find a proper business for this property. The building has been vacant for years. The Sears Home Store, which was previously at this property, did not have the traffic to sustain the business. She stated that they had found a good neighbor in Nashville Canine. There have been no negative comments concerning this business. In fact, the HOA representative will speak in support of the business. Alderman Burger stated that this building is on a corner and is not very visible from the road. She stated that it also has high windows. Nashville Canine has been in business for fourteen years. Sound proofing will be installed and there will not be any outdoor runs. The training center will be state-of-the-art. The animals are trained to aid police, medical patients, and provide security. She stated that there will be low traffic because the animals are picked up at a different location. The training period for each animal is approximately six to eight weeks. The dogs are taken out into the community so that they are acclimated. The state-of-the-art facility provides all needs for the animals indoors. The only time the dogs will be outside the facility is when they are being loaded into the trailer. Alderman Burger stated she is in favor of this item.*

*2. Chad Story, 1110 Old Cameron Lane - In Favor. Mr. Story is a Williamson County Commissioner for this area. He has lived in McKay's Mill since 2003. Mr. Story stated this is a low visibility business that will stay in the facility for a long time. He urged the Commission to approve the land use for the Applicant. He stated there is no foot traffic for the facility. Mr. Story added that this property cannot be used for a restaurant.*

*3. Camille Brecht, 1414 Bernard Way - In favor. Ms. Brecht is President of the HOA and represents 1335 neighbors. She stated this business would be low impact. She stated that they are tired of the building being vacant. The building would now be maintained. She stated they "whole-heartedly" support this business.*

*The Applicant was represented by Mr. Greg Gamble, Gamble Design Collaborative. Mr. Gamble stated that it had been a while since the presentation for this business was*

*presented at the Joint Conceptual Workshop.*

*Mr. Gamble presented a document showing some slides from that presentation. This document has been added to the record. Mr. Gamble stated that Nashville Canine is in discussion with Walgreens for a lease agreement. However, that lease agreement cannot be finalized until this use is permitted with in the PUD. Nashville Canine is also talking about purchasing the building. The high windows limit sounds and distractions for the dogs. The interior will be very high end and very clean. Mr. Gamble referred to the last page and quoted from Section 5.1.4 D2 of the newly adopted Zoning Ordinance (effective December 30, 2019). The Zoning Ordinance states that the building footprint for any animal indoor portion of animal services shall not be located within 200 feet of a property line of a residential lot, but may be reduced to 100 feet if the building is soundproofed. Mr. Gamble stated that he wanted to show how this building would respond to the new Zoning Ordinance. He stated that the building will be soundproofed and the closest residential lot line is 197 feet.*

*Chair Hathaway asked for a motion.*

*Commissioner Harrison moved, seconded by Commissioner McLemore, that Resolution 2020-02 be recommended to the Board of Mayor and Aldermen for approval.*

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

*There being none, Chair Hathaway asked for a vote on the motion.*

*The motion carried unanimously.*

**Commissioner Harrison moved, seconded by Commissioner McLemore, that Resolution 2020-02 be recommended to the Board of Mayor and Aldermen for approval. The motion carried by the following vote:**

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

**Absent:** 1 - Lindsey

45. PUBLIC HEARING: Consideration Of Ordinance 2019-59, An Ordinance To Rezone 20 Acres From Planned District (PD) To Planned District 12.7 (PD 12.7) For The Property Located North Of Del Rio Pike And East Of Brink Place, Located At 801 Del Rio Pike (The Madison PUD). (FMPC 1/23/20, 8-0; WS 2/11/20; BOMA 2/11/20, 8-0) SECOND OF THREE READINGS

Attachments: [ORD 2019-59 The Madison Rez with Exhibits.Law Approved](#)  
[MAP The Madison Rez-DP](#)  
[THE MADISON REZONING PLANS](#)

*Mr. Joseph Bryan, Principal Planner, stated that the multifamily development currently consists of 182 existing multifamily units and the applicant is proposing to add three buildings consisting of 72 additional units, increasing the overall number of multifamily units to 254. The Envision Franklin Land Use Plan places this parcel in the Multifamily Design Concept, which supports the request.*

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

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

*The following citizens spoke concerning Item 45:*

*1. Thomas Jordan, 1020 Brink Place - Against. Mr. Jordan appreciates the secondary access for emergency vehicles but not at Brink Place. He stated this connection will alter the lives of the residents due to traffic concerns. He stated that the secondary access should be on the Kroger side or through Orleans Estates. This would also create a safer access for students walking to Franklin High School.*

*2. Jacob Stillman, 1024 Brink Place - Against. Mr. Stillman asked that Brink Place remain a dead end street. He stated that access will disrupt the lives of residents. His concerns include increased crime, traffic, disruptive people who have been drinking, people shooting bb guns, and having a parking lot so close to their home.*

*3. Kelley O'Brien, 1025 Brink Place - Against. Ms. O'Brien passed out a handout to the Commissioners. This has been added to the record. She stated she was concerned about the lack of communication from the developer about Neighborhood Meetings. She stated that most of the residents are not aware of the proposed access. She was concerned about increased traffic and that the owners of the apartment complex do not live in Tennessee.*

*4. Patricia Williams, 213 Matthew Place - Against. Ms. Williams is concerned about the increase in danger due to increased traffic. She stated her neighborhood is no longer a safe place to walk. She stated this especially applies to Alexander. She stated the neighborhood needs infrastructure, traffic lights, and sidewalks.*

*5. Scott Hodes, 1021 Brink Place - Against. Mr. Hodes stated the dead end provides a safe haven. He stated that single family residences should be a priority over an apartment complex. He expressed concerns over increased traffic.*

*The Applicant was represented by Mr. Scotty Bernick, Ragan Smith Associates. The*

*Applicant stated he was there on behalf of Mr. John Berry, Covenant Capital. Mr. Bernick stated he wanted to respond to the concerns of the citizens. He stated that the response is more appropriate for the development plan discussion (Item 46). He stated that Covenant Capital had updated the amenity center. He stated they are keeping the same zoning district. They are requesting a net of 64 units. He stated there are three buildings with 72 units. He stated they are removing one of the buildings, so the increase would be 64 units. He stated this rezoning is consistent with the major objectives of Envision Franklin. He stated it is supported by the existing multi-family design concept. He stated this is an excellent opportunity to provide additional housing at a work force housing price point. He stated they meet all of the bulk regulations of the zoning district. He stated that they are in agreement with the Staff comments. Mr. Bernick asked for a favorable recommendation to the Board of Mayor and Aldermen. He stated he was available to answer questions.*

*Chair Hathaway asked for a motion.*

*Commissioner McLemore moved, seconded by Commissioner Orr, that Ordinance 2019-59 be recommended to the Board of Mayor and Aldermen for approval.*

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

*Alderman Petersen stated she wanted to make sure that the information discussed on this item was included in the next item.*

*Mr. Bernick confirmed that the information was included in Item 46.*

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

*The motion carried unanimously.*

**Commissioner McLemore moved, seconded by Commissioner Orr, that Ordinance 2019-59 be recommended to the Board of Mayor and Aldermen for approval. The motion carried by the following vote:**

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

**Absent:** 1 - Lindsey

46. PUBLIC HEARING: Consideration Of Resolution 2019-134, A Resolution To Approve A Development Plan For The Madison PUD Subdivision With 2 Modifications Of Standards, Both For Reductions Of The Class C Buffer, For The Property Located North Of Del Rio Pike And East Of Brink Place, On 20 Acres, Located At 801 Del Rio Pike. (FMPC 1/23/20, 8-0; WS 2/11/20)

Attachments: [RES 2019-134 The Madison PUD with Exhibit.Law Approved](#)  
[MAP The Madison Rez-DP](#)  
[7141 The Madison DP Conditions of Approval 01](#)  
[THE MADISON PUD DEVELOPMENT PLANS](#)  
[The Madison Franklin-Stillman Public Comment](#)

*Mr. Joseph Bryan, Principal Planner, stated that the applicant has submitted a development plan for the construction of three additional multifamily buildings for the property located at 801 Del Rio Pike. The property consists of 20 acres and is located in the Multifamily Design Concept. The plan calls for one multifamily building to be removed and three multifamily buildings to be constructed. The development currently consists of 182 multifamily dwelling units with an additional 64 units being proposed, if approved the new dwelling unit count would be 254 with a density of 12.7.*

*The building placement and overall plan meets the recommendations of Envision Franklin. The applicant is requesting to install an emergency access gate with the connection to Brink Place. Section 5.10.4 (2) of the Zoning Ordinance requires full connectivity to external roads outside of the development. As a condition of approval (Condition #31), the applicant shall remove the proposed emergency access gate for full access to Brink Place.*

*There are two Modification of Standards requests with this plan.*

*For MOS #1, the applicant is requesting to reduce the required Class C Buffer width of 50 feet, as required in Section 5.4.6(4)-Table 5-5 of the previous Franklin Zoning Ordinance, to accommodate for the existing parking lot and utilize the existing vegetation within the buffer rather than plant new vegetation. The existing parking area was built with the original Meadowview Apartment development prior to the adoption of the 2008 Zoning Ordinance. The new construction is located internal to the site, and new vegetation would disturb the greenery that has already established itself as a natural buffer between this development and the neighboring single-family lots to the west. Due to the existing conditions and location of the parking area, Staff recommends approval of the reduction to the Class C Buffer and the use of existing vegetation.*

*For MOS #2, the applicant is requesting to reduce the required Class C Buffer along the eastern property line by 12.5 feet to accommodate the existing structures and rear patios that would be prohibited within the Class C Buffer. The existing conditions were constructed with the original Meadowview Apartment complex prior to the adoption of the 2008 Zoning Ordinance and requirement of the Class C Buffer. Due to the existing conditions and placement of the original buildings, Staff recommends approval of the reduction to the Class C Buffer.*

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

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

*Thomas Jordan, 1020 Brink Place - Against. Mr. Jordan stated that when they were notified about the access, they were told it would be emergency only. He stated that he was open to this because it would enable students to walk through the barrier without going through mud and weeds. He stated that Orleans Estates seems to be a better option for the access to the apartments. He stated that there would be increased traffic through Brink Place and there are no sidewalks.*

*The Applicant was represented by Mr. Scotty Bernick, Ragan Smith Associates. Mr. Bernick stated that they are proposing three new multi-family buildings on this site, 64 units. There is currently ingress/egress off of Del Rio Pike. There is Brink Place right-of-way at the northwest corner of the site. He wanted to note a few items:*

*1. There is an existing turn around (cul-de-sac easement) at the northwest corner of the site. This was put in as a condition of approval for the Board of Zoning Appeals (BZA) during the 1970's. He stated this was a sensitive subject then and still is. This turn around (cul-de-sac easement) was constructed so that Brink Place would not dead end into the property line, but have a cul-de-sac for emergency services. This would prevent having an emergency service vehicle from having to back up into a resident's private driveway.*

*2. The second reason for the cul-de-sac easement was to provide access from The Madison to Orleans Estates, with access to Brink Place. He stated, in the early 1980's, site plans were done with dead end parking for the apartment complex. After looking at this, they consulted a third party traffic engineer for a traffic study. The recommendation from the traffic study was to provide an emergency access to Brink Place. At the beginning of the project, they thought the access would just be an emergency access, and this how it was presented. The design intent, initially, was to have connectivity for emergency services and to be respectful to the existing conditions that are in place now.*

*Mr. Bernick stated the following reason for requesting the access:*

*The layout is extremely sensitive in terms of the building placement. All of the buildings are located internally to the site, which are buffered by existing buildings, vegetation or proposed vegetation. As Mr. Jordan referred to, the stub to Orleans Estates was a requirement if Orleans Estates ever expanded. Orleans Estates is a private development with no access easements or right-of-way. Brink Place is a public right-of-way which comes up to the apartment's property line. In addition, they have extended access easements to the east to go into the condo development. This will set up a framework for connectivity should an emergency need occur. The site plan will have permeable pavers, bio-retention, and the opportunity to provide updated water quality and quantity standards into the development. The development will be over 50% green space. This will allow density, but have open space while meeting the requirements of Envision Franklin. The traffic study shows a minimal increase in trips. It operates at an acceptable level of service today, and with the proposed development. In terms of site distance, it meets and exceeds the standards set forth by the Engineering guidelines. It meets all the bulk regulations set forth by the zoning code. In regard to landscape buffers, there is existing vegetation that will be kept in place. They are requesting two Modification of Standards as a result of existing conditions that were designed before the new Zoning Ordinance was approved.*

*In closing, Mr. Bernick stated that this was a great opportunity for having work force housing price points. The developers were communicating with the neighbors prior to the notices going out. He stated he was there to answer any questions.*

*Chair Hathaway asked for a motion.*

*Commissioner McLemore moved, seconded by Commissioner Orr, that Resolution 2019-134 be recommended to the Board of Mayor and Aldermen for approval.*

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

*Alderman Petersen stated that she thought Brink Place should be an emergency access only. She stated, in the case of an emergency, the access could be used. She stated that the area did not need to be a through for any extra traffic.*

*Alderman Petersen moved, seconded by Commissioner Orr, to amend the main motion to make Brink Place an emergency access only.*

*Commissioner Allen stated that, according to the Zoning Ordinance, there is to be full connectivity for developments. She stated that one way in and out is a disaster for public safety for fire and police. She stated that she understood the concerns of the citizens. She stated she was concerned if they make an exception for this and send it on to BOMA. She stated they need to educate developers to stop putting emergency gate access on their plans. She stated that this sets it for when residents to come to meetings, they expect this to be what we have. She stated that not having full connectivity is a cause of many traffic issues. She stated that the Planning Commissioners need to uphold the requirements. She stated that this may not be the best place for access, but they are adding 64 more apartment units. She stated Del Rio Pike is not equipped for an emergency, and another access is needed. She stated that Brink Place is a city street. She stated this is an opportunity to meet the standards of the Zoning Ordinance. She stated that if they do not want full connectivity, the Zoning Ordinance needs to be changed. However, until it is changed, they do not need to make exceptions. Even though she understood the concerns of the neighbors, she could not support the motion to amend the main motion.*

*Alderman Petersen stated that the emergency access would be used in emergencies. She stated, as far as connectivity, this is not an appropriate place for full traffic access due to increased traffic. She stated that it is a place for emergency access only. She stated this would be an improvement over the current situation.*

*Chair Hathaway asked for a vote on the motion to amend the main motion.*

*The motion to amend the main motion passed with the following vote (5-3). Commissioner Allen, Commissioner McLemore, and Commissioner Szilagyi voted against the motion.*

*Chair Hathaway asked for a motion for MOS1.*

*Alderman Petersen moved, seconded by Commissioner McLemore, to amend the main motion to approve the Modification of Standards 1 .*

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

*There being none, Chair Hathaway asked for a vote on the motion.*

*The motion carried unanimously.*

*Chair Hathaway asked for a motion for MOS 2.*

*Commissioner McLemore moved, seconded by Alderman Petersen, to amend the main motion to approve the Modification of Standards 2.*

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

*There being none, Chair Hathaway asked for a vote on the motion.*

*The motion carried unanimously.*

*Chair Hathaway asked for a vote on the main motion, as amended.*

*The motion carried unanimously.*

**Commissioner McLemore moved, seconded by Commissioner Orr, that Resolution 2019-134 be recommended to the Board of Mayor and Aldermen for approval, as amended. Alderman Petersen moved, seconded by Commissioner Orr, to amend the main motion to make Brink Place an emergency access only (5-3). Alderman Petersen moved, seconded by Commissioner McLemore, to amend the main motion to approve the Modification of Standards 1 (MOS-1: 8-0). Commissioner McLemore moved, seconded by Alderman Petersen, to amend the main motion to approve the Modification of Standards 2 (MOS-2: 8-0). The main motion, as amended, carried by the following vote:**

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

**Absent:** 1 - Lindsey

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

- 47.** Avalon PUD Subdivision, Final Plat, Section 3, Revision 10, Creating 2 Lots, On 1.69 Acres, Located at Pendragron Court. (CONSENT AGENDA)

**Attachments:** [MAP7147 Avalon PUD Sub. FP,Sec 3. rev 10](#)

[COF 7147 Avalon COA](#)

[COF 7147 Avalon FP. sec 3 rev 10](#)

**This Planning Item was approved.**



48. Cool Springs West Subdivision, Final Plat, Section 4, Revision 5 (Resub. Of Lots 20 And 30), Shifting Lot Lines And Creating Two Open Space Lots, On 28.28 Acres, Located At 215 Gothic Court. (CONSENT AGENDA)

**Attachments:** [MAP 7137 Cool Springs West FP](#)  
[7137 Cool Springs West\\_FP\\_Sec4\\_Rev5\\_Conditions of Approval\\_01](#)  
[Final Plat\\_Cool Springs West\\_Section 4\\_Revision 4\\_COF#7137](#)

**This Planning Item was approved.**

49. Edgemon Subdivision and Natures Landing Subdivision, Final Plat, Revision 1, Creating 2 Lots On 5.0 Acres, Located At 1105 Lewisburg Pike. (CONSENT AGENDA)

**Attachments:** [MAP Edgemon Subd Natures Landing Subd R1](#)  
[7144 Conditions of Approval](#)  
[Edgemon Subdivision FP](#)

**This Planning Item was approved.**

50. Franklin Fire Station 7 Subdivision, Final Plat, Creating One New Lot And Dedicating Right-Of-Way, Located Near The Intersection Of Peytonsville Road And Long Lane, At 4416 Peytonsville Road. (CONSENT AGENDA)

**Attachments:** [MAP Fire Station No 7](#)  
[Franklin Fire Station FP Conditions of Approval\\_01](#)  
[Franklin Fire Station 7 Subdivison, Final Plat](#)

**This Planning Item was approved.**

51. Westhaven PUD Subdivision, Final Plat, Section 53, Creating 33 Lots, On 6.89 Acres, Located At Calico Street And Cheltenham Avenue. (CONSENT AGENDA)

**Attachments:** [MAP7155 Westhave FP sec 53](#)  
[COF 7155 Westhaven Section 53 Final Plat](#)  
[COF 7155 Westhaven Sec 53, FP COA](#)

**This Planning Item was approved.**

52. Westhaven PUD Subdivision, Final Plat, Section 25, Revision 5 (Resub of Lot 4020), Creating 1 Lot, On 0.6 Acres, Located at 188 Front Street.  
(CONSENT AGENDA)

Attachments: [MAP 70747 Westhave FP sec 25 REV 5](#)  
[COF 7047 Westhaven Lot 4020 FP, COA](#)  
[COF 7047 Westhaven Lot 4020 final plat](#)

This Planning Item was approved.

#### 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 8:08 p.m.*