



## Legislation Details (With Text)

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**Type:** Resolution      **Status:** Passed

**File created:** 10/14/2019      **In control:** Board of Mayor & Aldermen

**On agenda:** 11/26/2019      **Final action:** 11/26/2019

**Title:** Consideration of Resolution 2019-110, A Resolution to Initiate an Application for a Revision to the McKays Mill PUD Development Plan on behalf of Ali Hemyari/Nashville K-9. (WS 11/12/19)

**Sponsors:** Ald. Beverly Burger

**Indexes:**

**Code sections:**

**Attachments:** 1. RES 2019-110 Initiate Application for McKays Mill Dev Plan Nashville K-9\_with Exhibit.Law Approved

Date	Ver.	Action By	Action	Result
11/26/2019	1	Board of Mayor & Aldermen	approved	Pass
11/12/2019	1	Work Session	referred	

**DATE:** November 5, 2019

**TO:** Board of Mayor and Aldermen

**FROM:** Eric Stuckey, City Administrator  
Emily Hunter, Planning and Sustainability Director  
Amy Diaz-Barriga, Current Planning Supervisor

**SUBJECT:**

Consideration of Resolution 2019-110, A Resolution to Initiate an Application for a Revision to the McKays Mill PUD Development Plan on behalf of Ali Hemyari/Nashville K-9. (WS 11/12/19)

**Purpose**

The purpose of this memorandum is to provide information to the Franklin Board of Mayor and Aldermen (BOMA) concerning Mr. Ali Hemyari's request for BOMA to initiate a Development Plan Revision to the McKay's Mill PUD Subdivision.

**Background**

Mr. Hemyari wishes to establish his business in the former Walgreens site of the McKays Mill PUD Subdivision. His business, Nashville K-9, most closely correlates to an Indoor Animal Services Use as described in the proposed Zoning Ordinance. Indoor Animal Services Uses are not currently a listed/approved use in the McKays Mill PUD. Mr. Hemayri is not the property owner of the site, and therefore cannot submit a Development Plan revision, based on the submittal requirements of the Zoning Ordinance, which states that the authority to file a Development Plan lies first with the property owner or its authorized agent, or with the

Board of Mayor and Aldermen, Planning Commission, or the Department of Planning & Sustainability.

Mr. Hemayri is also waiving his rights to be reviewed under the current ordinance and is instead requesting the Development Plan revision to be reviewed under the City's new proposed Zoning Ordinance. In the current Zoning Ordinance, Kennels (the most closely related use category) are not a permitted use within the SD-X Zoning District. In the new Zoning Ordinance, Indoor Animal Services Uses (the most closely related use category) would be a permitted use in the PD district, subject to a Development Plan approval.

**Options**

The City could have Mr. Hemayri secure the owner's affidavit prior to submitting the revision to the development plan.

**Financial Impact**

There is no direct financial impact to the City of Franklin.

**Recommendation**

The staff does not have a specific recommendation. Pursuing a revision in the PUD through the development process is appropriate. The Board will need to determine how best to handle the application component.