



Meeting Minutes

Franklin Municipal Planning Commission

Thursday, September 22,
2022

7:00 PM

Board Room

Notice is hereby given that a meeting of the Franklin Municipal Planning Commission will be held on the date, time and at the location listed above. Additional information can be found at www.franklinton.gov/planning.

The typical process for discussing an item is as follows:

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

Applicants are encouraged to attend the meeting, even if they agree with the staff recommendation. The Planning Commission may defer or disapprove an application/request unless someone is present to represent it.

For accommodations due to disabilities or other special arrangements, please contact the Human Resources Department at (615) 791-3216, at least 24 hours prior to the meeting.

Accommodations have been made to ensure that the public is able to participate in the meeting. The public may participate in the following ways: • Watch the meeting on FranklinTV or the City of Franklin website. • Watch the live stream through the City of Franklin Facebook and YouTube accounts. • Email comments to planningintake@franklinton.gov to be provided in full to the Commission and included in the minutes, but not read aloud in their entirety during the meeting. Emailed comments are accepted until 12:00 PM (noon) on the day before the meeting. • Comment in-person in the Boardroom. Speakers will be asked to fill out a speaker card prior to the meeting starting. Speakers may sit in the Boardroom, or wait in the lobby.

CALL TO ORDER

Chair Roger Lindsey called the meeting to order at 7:01 pm.

Commissioners Present: Jenny Williamson, Jimmy Franks, Nick Mann, Alma McLemore, Michael Orr, Ann Petersen, Roger Lindsey, Marcia Allen, Scott Harrison

Commissioners Absent: None

APPROVAL OF MINUTES

1. Consideration Of Approval Of The August 25, 2022 FMPC Minutes.

Sponsors:

Attachments: 1. DRAFT2 minutes of August 25 2022

A motion was made by Commissioner Scott Harrison, seconded by Commissioner Ann Petersen to Approve the Minutes from the August 25, 2022, meeting. The motion carried 9-0.

CITIZEN COMMENTS ON ITEMS NOT ON THE AGENDA

Chair Roger Lindsey asked for citizen comments. There were none.

ANNOUNCEMENTS

Chair Roger Lindsey asked if staff had any announcements.

Ms. Diaz-Barriga stated that after the agenda had been published, it was brought to staff's attention that the mailing requirements for the rezoning request for Item 21 (Consideration of Ordinance 2022-19) was not postmarked the minimum of 15 days prior to the meeting. The applicant delivered the mailers to the post office 15 days prior to the meeting but the post office did not process the mailers until the next day. Staff will ask the Commission to defer Consideration of Ordinance 2022-19 to the October 27, 2022, meeting. Ms. Diaz-Barriga further stated that by law Ordinance 2022-19 could not be heard in this meeting.

Chair Lindsey informed that those present this evening are welcome to stay for the meeting and they can be heard, but Consideration of Ordinance 2022-19 would not be heard other than the vote for deferral.

VOTE TO PLACE NON-AGENDA ITEMS ON THE AGENDA

Chair Roger Lindsey asked if there were any non-agenda items to be presented. There were none.

CONSENT AGENDA

2. Consideration Of Approval Of Items 3-18 And 22-26 On The Consent Agenda.

Sponsors:

Attachments: None

A motion was made by Commissioner Marcia Allen, seconded by Commissioner Alma McLemore, to approve items 3-18 and 22-26 as presented on the Consent Agenda. The motion carried 9-0.

SITE PLAN SURETIES

3. 7007 Moores Lane PUD Subdivision, Final Plat; Extend The Performance Agreement For Drainage, Drainage Offsite And Green Infrastructure Offsite Improvements To September 28, 2023; Accept The Sidewalks Offsite And Green Infrastructure Improvements, Release The Performance Agreement And Establish A One-Year Maintenance Agreement. (CONSENT AGENDA)

Sponsors: Melodie Brady

Attachments: None

The item was Approved on Consent Agenda.

4. 7007 Moores Lane PUD Subdivision, Site Plan, Lot 2; Accept The Landscaping Phase 2 (Villas) Improvement, Release The Performance Agreement And Establish A One-Year Maintenance Agreement. (CONSENT AGENDA)

Sponsors: Melodie Brady

Attachments: None

The item was Approved on Consent Agenda.

5. Amelia Park PUD Subdivision, Final Plat, Section 3; Extend The Performance Agreement For Drainage And Green Infrastructure Improvements To September 28, 2023. (CONSENT AGENDA)

Sponsors: Melodie Brady

Attachments: None

The item was Approved on Consent Agenda.

6. Berry Farms Town Center PUD Subdivision, Site Plan, Section 9; Extend The Performance Agreement For Streets Improvement To September 28, 2023. (CONSENT AGENDA)

Sponsors: Melodie Brady

Attachments: None

The item was Approved on Consent Agenda.

7. Creekstone Commons PUD Subdivision, Final Plat, Section 1, Revision 2; Extend The Performance Agreement For Drainage Improvement To September 28, 2023. (CONSENT AGENDA)

Sponsors: Melodie Brady

Attachments: None

The item was Approved on Consent Agenda.

8. Lockwood Glen PUD Subdivision, Final Plat, Section 5; Extend The Performance Agreement For Drainage Improvement To September 28, 2023. (CONSENT AGENDA)

Sponsors: Melodie Brady

Attachments: None

The item was Approved on Consent Agenda.

9. Ovation Subdivision, Final Plat; Extend The Performance Agreement For Sidewalks And Streets Improvements To September 28, 2023. (CONSENT AGENDA)

Sponsors: Melodie Brady

Attachments: None

The item was Approved on Consent Agenda.

10. Preserve At Echo Estates PUD Subdivision, Final Plat, Section 1; Accept The Sidewalk Improvements, Release The Performance Agreement And Establish A One-Year Maintenance Agreement. (CONSENT AGENDA)

Sponsors: Melodie Brady

Attachments: None

The item was Approved on Consent Agenda.

11. Preserve At Echo Estates PUD Subdivision, Final Plat, Section 2; Extend The Performance Agreement For Sidewalks And Green Infrastructure Improvements To September 28, 2023. (CONSENT AGENDA)

Sponsors: Melodie Brady

Attachments: None

The item was Approved on Consent Agenda.

12. Ralston Row PUD Subdivision, Site Plan; Extend The Performance Agreement For Drainage Improvement To September 28, 2023. (CONSENT AGENDA)

Sponsors: Melodie Brady

Attachments: None

The item was Approved on Consent Agenda.

13. Riverbluff PUD Subdivision, Final Plat, Section 1; Extend The Performance Agreement For Drainage Improvement To March 23, 2023. (CONSENT AGENDA)

Sponsors: Melodie Brady

Attachments: None

The item was Approved on Consent Agenda.

14. Riverbluff PUD Subdivision, Final Plat, Section 2; Extend The Performance Agreement For Drainage Improvement To March 23, 2023. (CONSENT AGENDA)

Sponsors: Melodie Brady

Attachments: None

The item was Approved on Consent Agenda.

15. Simmons Ridge PUD Subdivision, Final Plat, Section 1; Extend The Performance Agreement For Drainage Improvement To September, 28, 2023. (CONSENT AGENDA)

Sponsors: Melodie Brady

Attachments: None

The item was Approved on Consent Agenda.

16. Simmons Ridge PUD Subdivision, Final Plat, Section 2; Extend The Performance Agreement For Green Infrastructure Improvement To September 28, 2023. (CONSENT AGENDA)

Sponsors: Melodie Brady

Attachments: None

The item was Approved on Consent Agenda.

17. Synergy Bank Addition Subdivision, Site Plan, Revision 3 (Phases 3 And 4); Extend The Performance Agreement For Drainage Improvement To September 28, 2023. (CONSENT AGENDA)

Sponsors: Melodie Brady

Attachments: None

The item was Approved on Consent Agenda.

18. Westhaven PUD Subdivision, Final Plat, Section 40; Extend The Performance Agreement For Drainage Improvement To September 28, 2023. (CONSENT AGENDA)

Sponsors: Melodie Brady

Attachments: None

The item was Approved on Consent Agenda.

REZONINGS/DEVELOPMENT PLANS

19. Consideration Of Ordinance 2022-21, An Ordinance To Rezone 34.30 Acres From Regional Commerce 6 (RC-6) District To Planned (PD 10.15/203,968/130) District For The Property Located North Of Cool Springs Boulevard And East Of Mack Hatcher Memorial Parkway, At 211 Cool Springs Boulevard (The Optima Franklin PUD Subdivision).

Sponsors: Emily Wright, Amy Diaz-Barriga, Joseph Bryan

Attachments:

1. MAP The Optima PUD
2. ORD 2022-21 OPTIMA FRANKLIN PUD REZ_Combined_Law approved (2)
3. 2022.07.07_The Optima Franklin - Rezoning Plan

Staff Presentation: Joseph Bryan. The applicant is requesting rezoning of the property from Regional Commerce 6 to Planned District to accommodate the Optima Franklin PUD subdivision. The proposed entitlements include 10.15 dwelling units per acre, 203,968 square feet of nonresidential space and 130 hotel rooms. Of the 203,968 square feet of nonresidential space, 137,908 square feet of commercial space is already existing at the NHC facility as it is part of the

parcel. Envision Franklin places this property in the Regional Commerce Design Concept, which states that these areas contain high intensity activity centers that attract large numbers of people and employers from both within and outside of the city. These areas include major employment and revenue generators that are a valuable community resource. The proposed zoning and entitlements are consistent with the recommendations of Envision Franklin and are compatible with the established uses in the surrounding area. Mr. Bryan stated that staff recommends approval of Ordinance 2022-21 to the Board of Mayor and Aldermen.

Chair Lindsey asked if anyone from the public would like to speak regarding this item. There were none.

Applicant Presentation: Scotty Bernick, Ragan-Smith Associates. Mr. Bernick stated the property is over 34 acres and has been a vacant lot where school buses have been parked. The application proposes a mixed-use development including a hotel, commercial, and multifamily. A live-work component will be part of the site. Mr. Bernick noted that although there are no plans for a transit stop, the group would like to consider a stop within the development. The plans have been updated to note a potential transit stop. Mr. Bernick stated that the area has the infrastructure and the closeness to the interstate for this type of development. Several studies were conducted from Cool Springs Boulevard and Mallory Lane looking at the site, which resulted in no obstructed view from the viewshed. Mr. Bernick noted that the hotel and commercial space were adjusted to open the view of Ropers Knob. In regards to the rezoning request, Mr. Bernick noted that it is here to implement the guiding principals for Envision Franklin. Specific to tight setbacks, mixed uses with a responsible ratio of uses. There are unique site conditions on this vacant lot. It is quite linear in fashion, including some significant grade from previous excavations. Mr. Bernick stated that in relationship to property uses, building forms and heights of the site closely align with the RC 6 designation. Mr. Bernick summarized by stating that the application meets most of the principles recommended in Envision Franklin for the Regional Commerce district.

A motion was made by Commissioner Jimmy Franks, seconded by Commissioner Michael Orr to recommend approval of Ordinance 2022-21 to the Board of Mayor and Aldermen.

Chair Lindsey asked for discussion on the motion. There was none.

The motion carried 9-0.

20. Consideration Of Resolution 2022-46, A Resolution Approving A Development Plan For The Optima Franklin PUD Subdivision, For The Property North Of Cool Springs Boulevard And East Of Mack Hatcher Memorial Parkway, At 211 Cool Springs Boulevard.

Sponsors: Emily Wright, Amy Diaz-Barriga, Joseph Bryan

- Attachments:**
1. MAP The Optima PUD
 2. RES 2022-46 OPTIMA FRANKLIN PUD DP_Combined_Law approved (2)
 3. Conditions of Approval_04_updated 9.15.2022
 4. Pages from Pages 1-2 from 2022.09.01_21-0233 The Optima Franklin-2
 5. Pages from Pages 3-7 from 2022.09.01_21-0233 The Optima Franklin-3
 6. Pages 8-14 from 2022.09.01_21-0233 The Optima Franklin-2
 7. Pages 15-21 from 2022.09.01_21-0233 The Optima Franklin-3
 8. Pages 22-24 from 2022.09.01_21-0233 The Optima Franklin-4

Staff Presentation: Joseph Bryan. Mr. Bryan stated that the development plan proposes 348 attached residential dwelling units, 203,968 square feet of non-residential space and 130 hotel keys on 34.30 acres. According to Envision Franklin, this property aligns with the regional commerce design concept for new development. The guidelines state that new development should have integrated designs with coordinated access, amenities and cohesive architecture that fits within the context of the corridor. Buildings should be arranged so that they help frame/define the streets, creating a deliberate form to streets and sidewalk areas. Building setbacks should be minimal to create an active street environment that encourages pedestrian activity. The proposed application meets the recommendations of Envision Franklin by providing a mix of uses including commercial, retail, housing, and hotel rooms, all in a cohesive and walkable design. A trail system at the rear of the property connects to the existing Franklin City Park Trail system for access to the nearby Aspen Grove Park. The site layout provides an urban feel with building-lined streets, walkable development and architecture that is consistent with the style of the corridor. Mr. Bryan stated that Jimmy Wiseman would add additional remarks about the proposed development.

Mr. Wiseman stated that staff does support the plan with conditions, provided in the proposal packet, relating to traffic impact for a new development. A traffic impact analysis for a development this size is required and reviewed by the city along with a third-party consultant. The first round of the impact analysis noted improvements that are listed in the packet and were all modeled as part of the transportation model. The study was reviewed, and the improvements/implementation discussed with the applicant. Mr. Wiseman stated that it became clear the applicant did not want to make a certain number of the recommended improvements. Specifically, at Cool Springs Blvd. and Mallory Lane, the improvements include an additional southbound left turn lane with widening to the west on Mallory to maintain the existing through lane. To achieve the three southbound left turn lanes, a modification to the southbound "on" ramp of interstate 65 would be required. An additional northbound right turn lane on Mallory Lane would also be required. Mr. Wiseman stated that these are all the conditions of approval before the Commission. Mr. Wiseman further stated that when the traffic impact analysis says that an intersection is not meeting the level of service D required in the guidelines, then the applicant is required to make improvements that meet the guideline standard. Currently, the intersection is at the level of service E. Considering the new development and its traffic impact, the level of service F for turning movements will worsen traffic conditions. Staff recommends that traffic improvements be required for this development. Mr. Wiseman stated that Mr. Gerth also had final comments on the development plan.

Mr. Gerth stated that the development plan aligns nicely with the Envision Franklin goals. Mr. Gerth noted the pedestrian-friendly area and compact redevelopment and development that is likely in the years ahead in Cool Springs. There are a lot of surface parking lots in Cool Springs with several inquiries received for redevelopment. The transportation study showed certain levels of failure at intersections. The city engineer and traffic engineer provide guidance on strategies to either maintain the level of service E or to potentially lower or improve the level of service. Mr. Gerth stated that after two meetings it became clear the developers did not want to make the traffic improvements recommended by the study. The traffic impact study has been submitted to third-party consultants, but the final updates have not been received back to finalize and approve the traffic impact analysis. There are four options that the Board of Mayor and Aldermen and the Planning Commission should consider regarding this development. Until the road impact offset agreement is received, the development plan cannot move forward.

Four options for the board to consider and provide guidance on:

- 1) Improvements to the Mallory Lane/Cool Springs intersection and improvement of the southbound I-65 "on" ramp should be the financial responsibility of the Optima team.
- 2) Ask staff to create a capital project sheet for the Mallory Lane/Cool Springs Blvd. intersection and the I-65 southbound "on" ramp for future consideration by BOMA for capital project prioritization.
- 3) The Optima team is not required to make any improvements to the Mallory Lane/Cool Springs Blvd. intersection/ I-65 southbound "on" ramp and the team must acknowledge the intersection failure per the TIA.
- 4) Combine the arterial road impact fees that this development will pay with other unallocated arterial road impact fees that are available. The Optima team would manage these improvements at the intersection of Mallory Lane/Cool Springs Blvd. and the I-65 southbound "on" ramp.

Mr. Gerth noted that staff strongly recommends the board consider option #4. The improvement of the Mallory Lane/Cool Springs Blvd. intersection/ I-65 southbound "on" ramp will impact the citizens and visitors positively. The intent is for the funds to cover the cost of both improvements, but Optima will have to manage the project.

Mr. Gerth stated that the options for the Planning Commission to consider for this meeting are:

- 1) Recommend approval with staff conditions regarding traffic improvement at Mallory Lane/Cool Springs Blvd. intersection and the I-65 southbound "on" ramp. How the improvements are accomplished would be a decision for BOMA to make.
- 2) Recommend deferral of the proposal until BOMA has had an opportunity to consider alternative funding sources for the identified improvements.
- 3) Denial of the project.

Mr. Wiseman clarified that the initial traffic impact analysis, as mentioned, did have the improvements modeled. A second TIA was submitted where the improvements were removed from the model. Staff is in the process of analyzing what the actual impacts are if the improvements at this intersection are not made. The finalized study has not been received; therefore, it would be inappropriate to discuss and answer questions regarding number details.

Chair Lindsey asked if anyone from the public would like to make a comment on the proposed development plan.

Alderman Burger stated her concerns about traffic is that this area is part of the ward she represents. Although the traffic seems to move well, Alderman Burger said she is told that the intersection is failing. Obviously, there needs to be a plan for traffic in this area, but why is it the responsibility of these developers to make improvements to an intersection that is about a mile from where the subject property is located? Alderman Burger stated that it doesn't seem fair for the improvements to be the responsibility of the developer. The traffic problem needs to be addressed by the City of Franklin and not necessarily by the developers of the subject property.

Applicant Presentation: Scotty Bernick, Ragan-Smith Associates. Mr. Bernick stated that through discussions back and forth with staff and Mr. Gerth that there are possible solutions for improvement to the traffic flow. From the developer's point of view, the proposed improvements may be out of proportion for the impact of the development project. Mr. Bernick respectfully asks for a favorable recommendation to present the project to BOMA.

Cameron Bean, Developer. Mr. Bean stated that the developers agreed to participate in the traffic mitigation but have not been able to come to an agreement. The TIA requirements reference proportionality for the developer, for traffic improvements, at intersections that are at this level of service. Funds have been proposed to assist with mitigating traffic improvements, but at a proportionate rate based on the level of the impact of the development. The developers have demonstrated through the transit additions, sensitivity to the Ropers Knob viewshed and the connectivity of the greenway, among others, that a partnership is desired. Mr. Bean concluded by saying that they would like to be partners and pay a proportional share of the traffic improvements.

Commissioner Harrison asked Mr. Wiseman to confirm that the final traffic impact analysis had not been received.

Mr. Wiseman stated that once the final TIA has been received, specifics can be discussed relating to the level of service expected at the Mallory Lane/Cool Springs intersection. Unofficially, Mr. Wiseman stated that a level F service at the intersection is the expected outcome.

Mr. Gerth asked that everyone speak clearly into the microphone so to be heard in the back of the room.

Commissioner McLemore moved to approve Resolution 2022-46, with staff conditions, to BOMA, seconded by Commissioner Orr.

Commissioner Harrison stated that under the guidelines, a project cannot be approved that would allow an intersection to be at a level of service F. The proposal should be heard by the Board of Mayor and Aldermen.

Commissioner McLemore stated that is why the motion was made.

Commissioner Allen added that the traffic in Cool Springs affects everyone in the city, not just the homeowners and retailers that live and/or work in the ward. The impact fees are in place to help offset the costs of developmental impact on the area.

Commissioner Franks stated that the traffic improvements should fall under capital improvement and the City of Franklin needs to do an RFP and commission Public Works for the improvements.

Ms. Diaz-Barriga stated that the motion is for approval with conditions based on the conditions that are attached, which is to implement these offsite improvements at the site plan stage. If BOMA decides something different than that, the changed condition would have to come back to the Planning Commission for concurrence.

Ms. Billingsley explained that state law says that the Planning Commission must consider the whole development. If BOMA alters the development plan in some way and the Planning Commission has not seen the change, the plan would return to the Commission for concurrence. The Planning Commission could recommend that BOMA reconsider for a specific reason. The Planning Commission is considered the body of experts and needs to be aware of all parts of the development plan.

Commissioner Petersen asked Ms. Billingsley to send her information regarding this law. Commissioner Petersen also stated that a development plan is not seen in most rezonings. If you read the conditions, it says "it shall be implemented

at the site plan stage.” This means that it must be built.

Commissioner Franks asked if the Commission approves the motion for recommendation, would there be a requirement for the improvements to be made?

Commissioner Mann stated that yes, the condition states that the improvements shall be implemented.

Ms. Diaz-Barriga stated that the condition does not say how the improvements are to be implemented, but that they shall be implemented.

Chair Lindsey stated that once the plan goes through that process, the Planning Commission understands the direction BOMA would like to go with the project.

Ms. Diaz-Barriga suggested that if deferral is the choice the Planning Commission makes, the process is similar. Once BOMA has had an opportunity to determine alternative funding resources, the proposal would then be sent back to the Planning Commission for review and approval.

Commissioner Petersen stated that she was not comfortable with the conditions.

Commissioner Allen stated that she is comfortable with the conditions because if the Planning Commission approves the motion without conditions, the developers would not be responsible for the improvements. It is up to BOMA to determine how the money is dispersed.

Chair Lindsey stated that approval of the motion, with conditions, represents a starting point.

Commissioner Petersen asked Mr. Wiseman about the TIA that was previously completed in the Cool Springs area that updated the technical street standards.

Mr. Wiseman stated that the TIA was a part of the update and completed around 2019 to 2020.

Commissioner Petersen asked about projects that were recently approved.

Commissioner Harrison stated that those were infrastructure improvements.

Commissioner Petersen stated that the guidelines recommend that projects within a half a mile be responsible for possible traffic improvements.

Mr. Wisemen stated that the previous impact analysis guidelines stated that a study of a failed intersection could be conducted if it was determined by the city engineer and the traffic engineer that it was necessary. The updated guidelines are more specific.

Commissioner Franks asked what would happen if the project moved forward without any conditions? BOMA could be the body to enforce the conditions.

There being no further discussion, Chair Lindsey asked the Commissioners to vote by roll call.

ACTION:	Motion of recommendation of approval to the Board of Mayor and Alderman with Conditions Resolution 2022-46 by Commissioner Alma McLemore seconded by Commissioner Michael Orr; Motion Passed 8-1
AYES:	Marcia Allen, Jimmy Franks, Scott Harrison, Roger Lindsey, Alma McLemore, Michael Orr, Ann Petersen, Jenny Williamson
NOES:	Nick Mann
ABSTAIN:	None

21. Consideration Of Ordinance 2022-19, An Ordinance To Rezone 7.9 Acres From Civic Institutional (CI) District To Residential 4 (R4) District For The Property Located South Of Battle Avenue And West Of Cannon Street, At 1406 Cannon Street, And 319, 401, 403, And 405 Battle Avenue.

Sponsors: Emily Wright, Amy Diaz-Barriga, Joseph Bryan

Attachments:

1. MAP Franklin Elem Sub Rez
2. 2022-19 ORD REZONE TO RESIDENTIAL_Combined_LAW APPROVED (2)
3. 2022-09-01 227418 FSSD Elementary ReZoning 9.1.22

Chair Lindsey stated that this item was publicly noticed but will be deferred to the next meeting, as discussed earlier, in announcements from staff. If there is anyone from the public who would like to speak, you may have your two minutes.

Jared Sullivan, 419 Figuers Drive. Mr. Sullivan read a prepared statement and one is included with the minutes. Mr. Sullivan stated that the community is strongly opposed to the rezoning. The community would like to keep the property zoned for civic use as the property has been since the 1860's. Mr. Sullivan referred to the packet he provided to the Commission and staff. The packet included information regarding an offer from a local private school to purchase the property from FSSD. The community would love to see a school or church so that the community could continue to enjoy the area. Mr. Sullivan stated that the Commission was told a mistruth by FSSD. Mr. Esslinger stated that the playground and open space would continue to be available to the public, but shortly after the August meeting, "keep-out" signs were posted at the soccer field behind Franklin Elementary. Mr. Sullivan stated that he believes that FSSD does not want the community's input regarding the use of this area. Mr. Sullivan asked the Commission to act in the interest of the community.

There being no further discussion, Chair Lindsey asked for a motion to defer to the October FMPC meeting.

A motion was made by Commissioner Scott Harrison, seconded by Commissioner Michael Orr, that Item 22 be deferred until the October 27, 2022, Planning Commission meeting. The motion carried 9-0.

SITE PLANS, PRELIMINARY PLATS, AND FINAL PLATS

22. Simmons Ridge PUD Subdivision, Final Plat, Section 6, Creating 22 Single-Family Residential Lots, 22 Attached Residential Lots, And 2 Open Spaces, On 7.53 Acres, Located East Of South Carothers Road And North Of Honey Bush Circle. (CONSENT AGENDA)

Sponsors: Emily Wright, Amy Diaz-Barriga, Chelsea Randolph

Attachments:

1. MAP 7947 Simmons Ridge PUD Subdivision, Final Plat, Section 6
2. 7947 Simmons Ridge PUD Subdivision, Final Plat, Section 6 Conditions of Approval_01
3. Simmons Ridge PUD Subdivision, Final Plat, Section 6 (CASHIERED ON 072522) - submittal 002

The item was Approved on Consent Agenda.

23. Williamson Square Subdivision, Final Plat, Revision 6, Lots 8, 10, And 11, Identifying Townhome Unit Locations Within Lots And Revising Easements, On 12.78 Acres, Located North Of Murfreesboro Road And West Of Royal Oaks Boulevard. (CONSENT AGENDA)

Sponsors: Emily Wright, Amy Diaz-Barriga, Chelsea Randolph

Attachments:

1. MAP 7924 Williamson Square Subdivision, Final Plat, Revision 6, Lots 8, 10 & 11
2. 7924 Williamson Square Subdivision, Final Plat, Revision 6, Lots 8, 10 and Conditions of Approval_02
3. FINAL PLAT 7924 Williamson Square Subdivision, Final Plat, Revision 6, Lots 8, 10 & 11 (1)
4. FINAL PLAT 7924 Williamson Square Subdivision, Final Plat, Revision 6, Lots 8, 10 & 11 (2)

The item was Approved on Consent Agenda.

24. Robinson Lake, Site Plan (Dam Rehabilitation), Rehabilitating The Existing Dam, Providing Riparian Buffer Enhancements, Providing A Trail, And Adding A Parking Lot, On 75.5 Acres, Located East Of Interstate 65 And West Of Carothers Parkway, At 3439 Carothers Parkway. (CONSENT AGENDA)

Sponsors: Emily Wright, Amy Diaz-Barriga, Chelsea Randolph

- Attachments:**
1. MAP 7945 Robinson Lake, Site Plan (Dam Rehabilitation)
 2. 7945 Robinson Lake, Site Plan (Dam Rehabilitation) Conditions of Approval_01
 3. Pages from City of Franklin - Pages 1-8 Robinson Lake Site Plan (Dam Rehabilitation) 8-31-2022
 4. Pages 8-16 from City of Franklin - Robinson Lake Site Plan (Dam Rehabilitation) 8-31-2022-2
 5. Pages 17- 24 from City of Franklin - Robinson Lake Site Plan (Dam Rehabilitation) 8-31-2022-3
 6. Pages 25-32 from City of Franklin - Robinson Lake Site Plan (Dam Rehabilitation) 8-31-2022-4
 7. Pages 33-40 from City of Franklin - Robinson Lake Site Plan (Dam Rehabilitation) 8-31-2022
 8. Pages 41-48 from City of Franklin - Robinson Lake Site Plan (Dam Rehabilitation) 8-31-2022-2
 9. Pages 49-56 from City of Franklin - Robinson Lake Site Plan (Dam Rehabilitation) 8-31-2022-3
 10. Pages 57-64 from City of Franklin - Robinson Lake Site Plan (Dam Rehabilitation) 8-31-2022-4
 11. Pages 65-71 from City of Franklin - Robinson Lake Site Plan (Dam Rehabilitation) 8-31-2022-5
 12. Pages 72-74 from City of Franklin - Robinson Lake Site Plan (Dam Rehabilitation) 8-31-2022-6

The item was Approved on Consent Agenda.

25. The Factory At Franklin PUD Subdivision, Site Plan, Revision 1, Reconfiguring Parking Layout And Adding Open Space Lots, On 20.06 Acres, Located At 230 Franklin Road. (CONSENT AGENDA)

Sponsors: Emily Wright, Amy Diaz-Barriga, Joseph Bryan

- Attachments:**
1. MAP The Factory PUD SP Rev 1
 2. 7941 Factory at Franklin PUD SP Rev1_Conditions of Approval_01
 3. The Factory at Franklin PUD Subdivision, Site Plan, Revision 1 (Parking Revisions) (Paid with Check 080922) - submittal 003_Part1
 4. The Factory at Franklin PUD Subdivision, Site Plan, Revision 1 (Parking Revisions) (Paid with Check 080922) - submittal 003_Part2
 5. The Factory at Franklin PUD Subdivision, Site Plan, Revision 1 (Parking Revisions) (Paid with Check 080922) - submittal 003_Part3
 6. The Factory at Franklin PUD Subdivision, Site Plan, Revision 1 (Parking Revisions) (Paid with Check 080922) - submittal 003_Part4

The item was Approved on Consent Agenda.

26. Shawnee PUD Subdivision, Site Plan, Developing 26 Attached Residential Units And 1 Open Space Lot, On 2.24 Acres, Located At 1101 Shawnee Drive. (CONSENT AGENDA)

Sponsors: Emily Wright, Amy Diaz-Barriga, Joseph Bryan

- Attachments:**
1. MAP Shawnee PUD, SP
 2. 7916 Shawnee PUD SP_Conditions of Approval_01
 3. Shawnee PUD Subdivision, Site Plan (CASHIERED ON 071122) - submittal 003_Part1
 4. Shawnee PUD Subdivision, Site Plan (CASHIERED ON 071122) - submittal 003_Part2
 5. Shawnee PUD Subdivision, Site Plan (CASHIERED ON 071122) - submittal 003_Part3
 6. Shawnee PUD Subdivision, Site Plan (CASHIERED ON 071122) - submittal 003_Part4
 7. Shawnee PUD Subdivision, Site Plan (CASHIERED ON 071122) - submittal 003_Part5
 8. Shawnee PUD Subdivision, Site Plan (CASHIERED ON 071122) - submittal 003_Part6
 9. Shawnee PUD Subdivision, Site Plan (CASHIERED ON 071122) - submittal 003_Part7
 10. Shawnee PUD Subdivision, Site Plan (CASHIERED ON 071122) - submittal 003_Part8
 11. Shawnee PUD Subdivision, Site Plan (CASHIERED ON 071122) - submittal 003_Part9

The item was Approved on Consent Agenda.

ZONING ORDINANCE TEXT AMENDMENTS

27. Consideration Of Ordinance 2022-26, An Ordinance To Amend The Franklin Zoning Ordinance And Zoning Map As Part Of An Annual Update.

Sponsors: Emily Wright, Kelly Dannenfelser

- Attachments:**
1. ZO Presentation FMPC 9 22 2022
 2. 2022-26 An Ordinance to Amend the Franklin Zoning Ordinance and Zoning Map_Law Approved 09.14.22

It was requested for this item to be heard before item 19.

A motion was made by Commissioner Scott Harrison, seconded by Commissioner Jimmy Franks to approve to move this item up in the agenda. The motion carried 9-0.

Staff Presentation: Kelly Dannenfelser. Ms. Dannenfelser stated that a list of proposed amendments was discussed at the July Joint Conceptual Workshop and later at the BOMA work sessions. The proposed amendments include updating the ordinance to reflect the state model floodplain ordinance which are minimal to what is already required. Ms. Dannenfelser stated that the changes were definitional to the standards themselves. The second is allowing parking in the floodway for publicly owned and operated parks for activities like canoe launches along the river and for parking at Bicentennial Park. The third is allowing a small building addition in the downtown district for buildings without triggering the parking requirement. Following BOMA feedback, it is limited to one building and up to a thousand feet to provide more flexibility for building owners for enclosed spaces underneath their rear decks or staircases, without requiring additional parking. The fourth update clarifies the number of rental nights permitted when a property owner is renting their home on a part time basis as a short-term vacation rental. This aligns with the criteria for a property owner to be a permanent occupant of the home, which is already in a zoning ordinance and sets a limit of 113 nights per calendar year. The fifth is permitting overhead utility line improvements for system upgrades that are not associated with development that already serve existing and existing service areas. The sixth is allowing for parking signs within parking lots that designate specific parking spaces. Examples would include reserved order pick-up signs at grocery stores. Basically, the signs would indicate or designate that the parking space is for a certain use. What is proposed, is not to further regulate those other than what is required by building codes for ADA-accessible spaces. This also applies to the Historic Preservation Overlay. The seventh is making improvements to the performance agreements which ensure that there is enough funding available for the improvements to be completed, as promised by the developer. The improvements include increasing the initial performance agreement amount, increasing the number of improvements that must be completed before a performance agreement can be reduced, and not allowing the one-time reduction to be less than 50% of the original calculation of that performance agreement. Also, to add a fee for inspections that will involve a municipal code update. The fee would cover the administrative costs of an inspection of the site.

REZONING:

1. A scenic corridor overlay line work refinement. This does not change the SCO, it refines the lines because of the new GIS tool that allows users the ability to trace the right of way, which is where the scenic corridor overlay is measured from. Ms. Dannenfelser referred to overhead presentation maps to show what the slight changes would look like.
 - Map of Lewisburg Pike, south of Goose Creek Bypass that includes a minor reduction of less than 30 feet or a reduction of just over 30 feet.
 - Map of New Hwy. 96 West includes minor reductions or reductions around old Charlotte Hwy. Also, a minor addition on the east side of Mack Hatcher Pkwy.
 - Map of Del Rio Pike, Carlisle Lane, and Old Charlotte Hwy. There are a mix of reductions and a small addition. Ms. Dannenfelser noted that any lot that is 2.25 acres or less is exempt from the SCO because the intent is to create a scenic corridor for new development. Lots of this size have deeper setbacks and landscape requirements and are not intended for existing single-family lots, but for new development.
 - Map of Mack Hatcher and Franklin Road. There are minor reductions and a small number of minor additions. This is a minor change that refines the line work so that it is more accurate in terms of measuring from that right of way line.
 - Map of Murfreesboro Road between Mack Hatcher and Downtown Franklin. The areas noted are minor reductions and an addition, but the areas are single family lots which are exempt.
2. Rezoning for several properties on Natchez Street that are in the National Register Historic District. The properties include Shorter Chapel, Franklin's Green Book House, and the Bazelia S. Harris Community Life Center. This will bring these legally established uses into the CI district as institutional uses that are more appropriate than zoning for a residential district and better addresses proper signage usage for these needs. The HZC recommended approval to FMPC at the September meeting for nomination of these properties into the local historic district.

Ms. Dannenfelser stated that following the recommendation to the Board, there will be a public hearing (after this meeting), a work session and the first reading on October 25, 2022. A second reading and public hearing will take place

on November 22, 2022. The third reading and final reading will be on December 13, 2022. The anticipated effective date will be January 1, 2023.

Chair Lindsey asked if there were any public comments on this item.

Dr. Kenneth Hill, Pastor of Shorter Chapel AME Church in Franklin. Dr. Hill stated that Shorter Chapel has been a sacred place of civic pride and public value for the City of Franklin for 155 years. Originally organized in 1868 and moved to its current location at 255 Natchez Street. Natchez Street was the residential, commercial, and institutional heartbeat of Franklin's African American community throughout the 20th century. In 2007, the Shorter Chapel AME Church, Bazelia Harris Community Life Center, became a dream that came true because of a generous donation by Bazelia Harris, a former teacher and member of the church. Ms. Harris became known as Ms. Shorter Chapel. Her gift provided the funds to purchase land across the street from the church for the new community center, which will be used for church, civic community meetings and religious education. The gift from Ms. Harris was left in the church in a trust that is overseen by Shorter Chapel Trustees. Shorter Chapel is requesting rezoning of its properties to the Civic Institutional and the Historic Preservation Overlay District. The request for rezoning would better reflect its current usage and to restore and preserve the historic properties. The chapel has a long history of outreach and community partnerships and has been blessed with providing a spiritual home for thousands of people over the years. Dr. Hill finished by stating that he looks forward to continuing to serve the Franklin community and beyond and thanks God for this privilege to serve. "I am Dr. Kenneth Hill and I approve this message."

Chair Lindsey asked if there were any other citizens who would like to speak. There were none.

Chair Lindsey asked the Commission for a motion to recommend approval to BOMA on the item.

Commissioner Harrison moved to approve a favorable recommendation to BOMA, seconded by Commissioner Orr.

Commissioner Franks commented on the current bond issue. There are a significant number of restrictions on the current bond. The restrictions are as strenuous as any in the state and to continue to reinforce the bond will place a burden on the future building and future of diversified low-priced homes. Commissioner Franks stated that he could not support this and believes that more discussion is needed. This places a burden on affordable housing for the future. Commissioner Franks requests a deferral so that the appropriate amount of discussion could take place.

Ms. Billingsley asked if Commissioner Franks was making a motion to defer to the next meeting.

Commissioner Franks stated yes, "I would like to make a motion to defer to the next meeting." This would allow time to talk to developers and stakeholders to discuss the issues of bond restrictions.

Chair Lindsey stated that there is a motion to defer by Commissioner Franks, seconded by Commissioner Harrison.

Commissioner Harrison stated that he seconded the motion to defer so that discussion and understanding of the bond issue could occur.

Commissioner McLemore stated that if the Commission defers to the next meeting, then the complete Consideration of Ordinance 2022-26 would be deferred. It appears that discussion about bond restrictions is the only part requiring deferral. Is it possible to separate the bond discussion for the complete proposal?

Ms. Billingsley confirmed that the item before the Planning Commission is the whole ordinance that changes the zoning ordinance. Comments could be inserted that state who and why someone does or does not support the rezoning, but BOMA is the only body that could pull out a section of Ordinance 2022-26.

Commissioner Allen stated that either the complete Ordinance 2022-26 is recommended to BOMA, or the complete ordinance is deferred to the next meeting.

Ms. Billingsley suggested that a request could be made to BOMA asking to pull out a section of the ordinance, but the decision would be decided by BOMA.

Ms. Dannenfelser clarified that this amendment is not not allowing a performance agreement reduction. It is changing the number of improvements that must be completed before the reduction can be requested and then limiting the maximum reduction amount to 50% of the original performance agreement calculation. Right now, it's 25%, so it would be raised by 25%. There could still be a reduction, but it changes the amount that could be reduced. The issue is these securities have been around for a long time and there isn't enough money in the surety to pay for the completion of the improvement that was promised by the developer as part of the approved plan. The requirements are trying to make sure that we have adequate funds to be able to complete the improvements if they are not completed by the developer.

Commissioner Orr stated that the overall bond amount after this is going to be the exact same as before. The difference is the reduction factors will change.

Ms. Dannenfelser stated that staff is proposing increasing the original calculation from 110% of the performance agreement amount to 125% of the estimated amount to actually complete the improvements and have the funds to do so.

Commissioner Mann stated that he disagrees because the entire intent is to hold the developer responsible for doing what they promised to do in the first place. So much time is put into reading, discussing, and approving the plans that are presented to the city and then to have some not adhere to those plans means that there is very little recourse we have as a community. The planning boards are the only enforcement mechanisms the community has that means something. The change is supported because of the release mechanisms going from 125% down to 110%, but the enforcement part is necessary.

Chair Lindsey stated that over time the problems have manifested resulting in projects not getting finished because of insufficient money left and the developer failing to complete the work. The problem is the way the system is structured, and changes need to be made. The real focus is that this change is not to the cost of completing a project, but the ability to even get a project completed.

Commissioner Franks said that he would like to add comments as Ms. Billingsley suggested and let the board take up the issue of bonds specifically.

Chair Lindsey stated that the motion on the floor is for deferral to the next meeting.

ACTION:	Motion to Defer Item 27 to the the next FMPC meeting made by Commissioner Franks, seconded by Commissioner Harrison;
AYES:	Scott Harrison, Jimmy Franks
NOES:	Marcia Allen, Roger Lindsey, Michael Orr, Alma McLemore, Nick Mann, Ann Petersen, Jenny Williamson
ABSTAIN:	None

Chair Lindsey stated that the motion to defer failed by a vote of 2-7.

Chair Lindsey stated we are back to the main motion to recommend approval to BOMA.

Commissioner Franks stated that he would like to add his comments. Commissioner Franks stated that be advised, the unintended consequences of the bond and an additional restriction of the increase in of the bond.

Motion to Approve to recommend approval of Ordinance 2022-26 to BOMA by Commissioner Harrison, seconded by Commissioner Orr;

Chair Lindsey asked for discussion on the motion. There was none.

The motion carried 9-0.

The Planning Commission discussed one component in particular, the changes to performance agreements and sureties' requirements, and requested that the Board review this section in their discussions.

NON-AGENDA ITEMS

Chair Roger Lindsey asked if there were any non-agenda items to be presented. There were none.

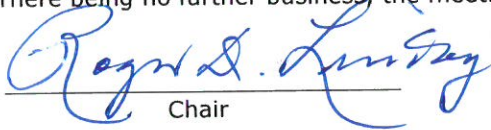
ANY OTHER BUSINESS

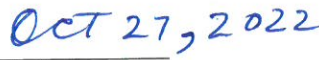
Chair Roger Lindsey asked if there was any further business. There was none.

ADJOURN

A motion was made by Commissioner Michael Orr, seconded by Commissioner Marcia Allen to Adjourn. The motion carried 9-0.

There being no further business, the meeting adjourned at 08:23 p.m.


Chair


Date

COMMUNITY RESPONSE: 1406 CANNON STREET REZONING

The Battle-Everbright-Figures neighborhood strongly opposes the rezoning of 1406 Cannon. A few points we hope the Planning Commission will consider:

A private school has offered \$7 million for 1406 Cannon, which is \$2 million more than FSSD has said it needs to build its new facility on Eddy Lane. I acquired a copy of the offer through a records request, which I've included. There is real demand for this property as a civic space; let it remain as it is. Because once it's gone, the community will never get it back.

Our community wants 1406 Cannon to remain zoned civic, no matter how it's used. Private school, nursing home, cemetery, whatever: that's our preference as taxpayers. And Joey Bryan, of the Planning staff, told me on a Sept 2nd call that 1406 Cannon can stay zoned civic and be in accordance with Envision Franklin. In other words, the Planning Commission *may* rezone 1406 Cannon, but it doesn't have to, in Mr. Bryan's professional opinion.

FSSD told you a mistruth during the August meeting. Dr. David Esslinger told the Commission—presumably to assuage concerns about the potential loss of the old 1406 Cannon playground—that FSSD would continue to allow the community to access its other playgrounds in the neighborhood. [At 44:30 in the YouTube recording.] Days later, FSSD put a brand-new keep-out sign at the soccer field behind Franklin Elementary. [Photo included.] I'm anything but a conspiracy theorist, but the timing of this new sign struck me as curious. Is FSSD retaliating against our community for pushing back against its efforts to rezone 1406 Cannon? It seems that way.

FSSD doesn't speak for us. To our community's tremendous offense, FSSD likes to tell the Planning Commission and BOMA that it is acting in our interest by trying to rezone and sell 1406 Cannon. That's not true. We overwhelmingly oppose the rezoning effort. But FSSD wouldn't know: the school district voted to sell 1406 Cannon in the middle of a pandemic that killed a million Americans without notifying anyone in our community, either by mail or with signs or with a notice in the newspaper, about its plans. That's not transparency. That's not what good government does. You represent us, not FSSD, and we urge you to act in the interest of the community.

Thank you for your consideration. —*Jared Sullivan (615-974-5536)*

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Esslinger,

I pray this email finds you enjoying a prosperous week.

On behalf of Franklin Classical School (FCS), I wanted to thank you for the dialogue last week regarding the status of the FSSD building sale.

With the information you provided, I was able to work through a pricing exercise that removed the lots you mentioned and reduced the acreage to +/- 6.76 acres including the building known as the Central Office Annex.

In anticipation of this follow-up email, I was able to discuss with the FCS Leadership the possibility of providing you with a purchase price for consideration. As we discussed, my clients use of the property

eliminates several obstacles for any developer going forward and the possibility of tying things up for an exorbitant amount of time for the due diligence process. We feel that an offer of

\$7,000,000.00 would be a fair price for all involved with this transaction. If you find this offer acceptable, I would be happy to organize a Purchase & Sale Agreement for your review and comment.

Thanks again for the opportunity to work with you on this exciting project. As we share in the common desire to effectively equip the next generation, it just makes this endeavor even more special.

God bless you and the FSSD staff,

Seth T. McDowell
AGILITAS Property Development, Inc.
2031 N. Mt. Juliet Road
Suite 200
Mt. Juliet, TN 37122
E smcdowell@apdinc.us
O (615) 327-8788

From: Seth McDowell
Sent: Tuesday, February 1, 2022 4:52 PM
To: esslingerday@FSSD.org



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