



DRAFT Meeting Minutes

Board of Zoning Appeals

Thursday, December 1, 2022

6:00 PM

Board Room

Notice is hereby given that a meeting of the Board of Zoning Appeals will be held on the date, time, and location listed above. Additional information can be found at www.franklintn.gov/planning. 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@franklintn.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 Board Room. 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 Langley called the meeting to order at 06:01 PM.

Board Members Present: Greg Caesar, Jeff Fleishour, Jonathan Langley, William Scales, Joel Tomlin

Board Members Absent: None

APPROVAL OF MINUTES

1. Consideration Of Approval Of The November 3, 2022 BZA Minutes.

Sponsors:

Commissioner Joel Tomlin moved to approve the meeting minutes from November 3, 2022 BZA meeting. Commissioner Williams Scales seconded the motion.

Vote Talley: 5-0

ANNOUNCEMENTS

Ms. Diaz-Barriga announced and apologized that the overhead screens were not working for the meeting. Also, the Surface Pros will be available for pick up on Monday, December 19th from 2:45-4 pm. The IT department will be available to help with set-up and testing so that everyone will be ready for the January meeting.

Lastly, Ms. Diaz-Barriga announced that this would be the last meeting for Commissioner Joel Tomlin who has served on the BZA since 2013. Mr. Tomlin's vacancy will allow another citizen to serve the community. Ms. Diaz-Barriga thanked Commissioner Tomlin for his service to the community and presented him with a gift.

APPLICATIONS

2. **Appeal of Administration Decision** Regarding An Interpretation Of The Floodway Fringe Overlay District (FFO) Boundaries, Based On A Federal Emergency Management Agency (FEMA) Letter Of Map Revision Based On Fill For The Property Located At The Water's Edge PUD Subdivision - Section 7 (Map 106 Parcel 18601) (F.Z.O. 4.3).

Sponsors:

Amy Diaz-
Barriga,
Ariella
Stanford

Staff Presentation: Ariella Stanford. Ms. Stanford stated that the applicant is requesting an appeal of an administrative decision to interpret the city's FFO boundaries for section 7 of the Water's Edge PUD Subdivision. The request is based on a letter of map revision based on fill in a document issued by FEMA on November 2, 2022. The zoning ordinance states that the FFO boundary shall coincide with the boundaries of the 100-year flood plain, excluding floodways as adopted in section 17.6 Floodplain Protection. This request is for the BZA to interpret the FFO boundary based on the FEMA approved floodplain boundary change as identified in the letter of map revision based on fill. Staff recommends a motion to approve the applicant's request to interpret the FFO boundary on the City of Franklin Zoning map based on the letter of map revision based on fill issued by FEMA on November 2, 2022, for section 7 of the Water's Edge PUD Subdivision.

Applicant Presentation: Kyle Griffin. Mr. Griffin stated that he would be happy to answer any questions related to the removal of the 50 lots in section 7 from the FFO.

Commissioner Caesar asked for map clarification of what the dark blue and light blue colors represent.

Ms. Diaz-Barriga explained that the dark blue color represents the floodway, and the light blue represents the floodway fringe. The floodway fringe coincides with the flood plain which has been analyzed by FEMA. The light blue area represents what is changing.

Chair Langley asked if there were any citizens who would like to speak regarding the appeal of this administration decision, there were none.

Commissioner Caesar motioned to close the public comment portion, seconded by Commissioner Fleishour.

Vote Tally: 5-0

Chair Langley asked for a motion from the Board.

Commissioner Tomlin motioned to approve the applicant's request to interpret the FFO boundary on the City of Franklin Zoning Map, based on a Letter of Map Revision Based on Fill issued by FEMA on November 2, 2022.

Vote Tally: 5-0, motion passes.

3. **Appeal of Administration Decision** Regarding An Interpretation Of The Floodway Fringe Overlay District (FFO) Boundaries, Based On A Federal Emergency Management Agency (FEMA) Letter Of Map Revision Based On Fill For The Property Located At 122 Harlinsdale Court (Map 063E Parcel 01500) (F.Z.O. 4.3).

Sponsors:

Amy Diaz-
Barriga,
Ariella
Stanford

Staff Presentation: Ariella Stanford. Ms. Stanford stated that the applicant is requesting an appeal of administrative decision to interpret the city's FFO boundaries for 122 Harlinsdale Court in the Harlinsdale Manor Subdivision. The request is based on the letter of map revision based on fill from FEMA, issued on July 2, 2020. The zoning ordinance states that the FFO boundary shall coincide with the boundaries of the 100-year flood plain, excluding floodways as adopted in section 17.6 Floodplain Protection. The request is for the BZA to interpret the FFO boundary based on the FEMA approved floodplain boundary change as identified in the letter of map revision based on fill. Staff recommends a motion to approve the applicant's request to interpret the FFO boundary on the City of Franklin Zoning map based on the letter of map revision on fill, issued by FEMA on July 2, 2020, for the property located at 122 Harlinsdale Court.

Applicant Presentation: Jason Deal with Collier Engineering. Mr. Deal stated that he agrees with staff on the recommendation for approval and asks for approval from the Board.

Chair Langley asked if there were any citizens who would like to speak regarding the appeal of this administration decision (Item #2), there were none.

Chair Langley asked for a motion from the Board.

Commissioner Fleishour motioned to close the public comment, seconded by Commissioner Tomlin.

Vote Tally: 5-0

Commissioner Fleishour motioned to approve based on the LOMR from FEMA regarding fill for the property located at 122 Harlinsdale Court, seconded by Commissioner Scales.

Vote Tally: 5-0, motion passes.

4. **Variance Request** To Allow Parking Within The Riverside Drive Frontage Area For A Proposed Principal Building, and a **Variance Request** To Allow Parking Within The Oak Meadow Drive Frontage Area For A Proposed Principal Building, and a **Variance Request** To Increase The Maximum Front Yard Setback from 30 Feet to 150 Feet, For The Property Located At 880 Oak Meadow Drive. (FZO §7.5 and §3.18.5).

Sponsors:

Amy Diaz-
Barriga,
Ariella
Stanford

Staff Presentation: Ariella Stanford. Ms. Stanford stated that the 13.3-acre lot is located at 880 Oak Meadow Drive and is zoned RC 6 Regional Commerce District. The owner would like to develop the parcel with a two story 100,000 square foot retail space. A site plan has not been submitted for this project. The design of the site has some constraints to consider. The property has a border of slopes greater than 20 percent along Riverside Drive, Oak Meadow Drive and along the access drive to Home Depot. There are also overhead power lines running along Riverside Drive within the public utility and drainage easement, which extends 40 feet into the property from the right of way. The applicant is requesting three variances, 1) to allow parking within the Riverside Drive frontage area, 2) to allow parking within the Oak Meadow Drive frontage area, and 3) to increase the maximum front yard setback from 30 feet to 150 feet. Staff analysis concluded that the BZA may authorize a variance only when the request has met all three criteria required in accordance with the zoning ordinance.

VARIANCE CRITERIA

Criteria 1

Criteria one states that by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time on the enactment of the zoning ordinance, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition, such a piece of property is not able to accommodate development as required under the zoning ordinance.

Criteria 2

The second criteria states that the strict application of the zoning ordinance would result in peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the owner of the property.

Criteria 3

The third criteria states that such relief may be granted without substantial detriment to the public good and without substantially impairing the purpose and intent of the zoning ordinance.

Variance Request No. 1) to allow parking within the Riverside Drive frontage area.

Staff Analysis:

Criteria 1

Ms. Stanford stated that some aspects of the property qualify as an exceptional situation, specifically, the steep slopes immediately adjacent to the right of way. However, it is not exceptional in a way that prevents the ability to development the property under the zoning ordinance. Ms. Stanford further explained that in the absence of a site plan, staff believes there are multiple ways the site could be designed differently so that ADA parking could be placed to the side or behind

the principal building and fire access can be provided in order to comply with the zoning ordinance. Staff finds this criterion has not been met.

Criteria 2

Ms. Stanford stated that staff finds that the strict application of the zoning ordinance would not result in particular and exceptional practical difficulties to or undue hardship upon the owner of the property. The variance request is unique to the applicant's proposed plan and not generally to all potential designs of the site, meaning that the applicant could design a plan for the site that meets the requirements of the zoning ordinance. Ms. Stanford further explained that the expectation of the city is that the applicant designs their site in a way that meets the requirements of the zoning ordinance and does not use the variance process to avoid inconvenience or financial hardship. Staff finds that the proposed plan introduces a self-imposed hardship, one that can be resolved by redesigning the building to meet the zoning ordinance. Staff finds this criterion has not been met.

Criteria 3

Ms. Stanford stated that the design of the site would not be a detriment to the public good, but it would impair the intent of the zoning ordinance. The zoning ordinance introduced the requirements for frontage, starting with the 2019 Zoning Ordinance Update as a direct response to the adoption of Envision Franklin in 2017. Two of the core guiding principles are exceptional design and vibrant neighborhoods. One characteristic of exceptional design, as outlined in Envision Franklin, is that parking should be secondary to the building and its relationship to the street, and that views from the street should not be of parking lots. Examples of vibrant neighborhoods include pedestrian friendly neighborhoods that make walking and biking more enjoyable along the streets. The intent of the zoning ordinance is to reinforce the principles of Envision Franklin by keeping parking to the side or behind principal buildings. This site is not designed in a way that meets the intent of the zoning ordinance. Staff finds this criterion is not met.

Variance Request No. 2) to allow parking within the Oak Meadow Drive frontage area.

Staff Analysis:

Criteria 1

Ms. Stanford explained, as previously said, there are steep slopes immediately adjacent to the roadway. However, it is not exceptional in a way that prevents the ability to accommodate development under the zoning ordinance. For this specific request, staff finds criteria 1 has not been met for the same reasons stated in variance request No. 1.

Criteria 2

Ms. Stanford stated that the strict application of the zoning ordinance would not result in peculiar and exceptional practical difficulties to or undue hardship upon the owner of the property. The variance request is unique to the applicant's proposed design and not generally to all potential designs for the site. Staff finds that the proposed plan introduces a self-imposed hardship, one that can be resolved by redesigning to meet the zoning ordinance. Staff has determined that this criterion has not been met.

Criteria 3

The design of the site would not be a detriment to the public good, but it would impair the intent of the zoning ordinance to align with the principles of Envision Franklin. Parking should be secondary to the building and its relationship to the street and views from the street should not be a parking lot. The intent of the zoning ordinance is to reinforce the principles of Envision Franklin by keeping parking to the side or behind principal buildings. The site is not designed in a way that meets the intent of the zoning ordinance. Staff finds this criterion is not met.

Variance Request 3) to increase the maximum front yard setback from 30 feet to 150 feet.

Staff Analysis:

Criteria 1

Ms. Stanford stated that the property has a border of slopes greater than 20 percent along Riverside Drive, some on Oak Meadow Drive and along the access drive to Home Depot that runs beside the property. In addition, there are overhead power lines running along Riverside Drive, which are within the public utility and drainage easement that exceeds 40 feet into the property from the right of way. The maximum setback for landscape frontage is 30 feet given the topographic conditions and the depth of the easement. It would not be possible for the setback to be less than 40 feet. Ms. Stanford concluded by stating that criteria 1 has been met.

Criteria 2

Ms. Stanford stated that staff finds that the strict application of a provision enacted under the zoning ordinance would result in exceptional practical difficulties for the owner of the property due to the slopes and the public utility and drainage easement. The front setback must be more than the required maximum of 30 feet. The property cannot comply with the strict application of the maximum setback required in this situation. The setback must be more than 40 feet to

accommodate the steep slope and easement along Riverside Drive. Staff finds that the requirements for this criterion have been met.

Criteria 3

Ms. Stanford stated that the design of the site would not be a detriment to the public good, but it would impair the intent of the zoning ordinance. Two of the core guiding principles of Envision Franklin are exceptional design and vibrant neighborhoods. The characteristics of exceptional design would activate the street by creating an inviting pedestrian experience and street views should not be a parking lot. A vibrant neighborhood would include pedestrian friendly neighborhood that make walking and biking more enjoyable along the streets. The intent of the zoning ordinance is to reinforce the principles of Envision Franklin by keeping buildings close to the street. The setback requirement for this site is a maximum of 40 feet and the request of 150 feet setback seems unnecessary and far from the intent of the zoning ordinance. Therefore, staff find that the requirements for this criterion have not been met.

Ms. Stanford noted that the current wording for the request of the 150-foot setback would not only apply to the front yard setback along Riverside Drive, but also to the front yard setback along Oak Meadow Drive. While the applicant has not specifically requested that setback, it appears that the current design would also be reliant on a setback significantly over 30 feet along Oak Meadow Drive, as well.

Ms. Stanford indicated that the recommended motion to the BZA, from staff, is to defer the variance request 1) to allow parking within the Riverside Drive frontage area, 2) to allow parking within the Oak Meadow Drive frontage area, and 3) to increase the maximum front yard setback from 30 feet to 150 feet for the property located at 880 Oak Meadow Drive for a proposed principal building. Deferral is recommended because the criterion for granting a variance is not supported by sufficient evidence and without a proper site plan review it is the staff's professional opinion that the site could be designed in many ways. Ms. Stanford suggested that a proper site plan review with grading sheets and engineering and fire review could bring to light a unique set of conditions that may support the need for a variance.

Chair Langley asked for clarification regarding the additional setback on Oak Meadow Drive.

Ms. Stanford explained that the current wording of the proposal, the request for a front 150-foot setback would not only apply to Riverside Drive, but also to the front setback on Oak Meadow Drive. Although the applicant did not specifically ask for a 150 setback on Oak Meadow Drive, staff believes the front setback would also have to apply to Oak Meadow Drive.

Chair Langley also asked staff for a high-level overview including Envision Franklin guidelines and the zoning ordinance along with the goals of the city for this area.

Ms. Diaz-Barriga explained that Envision Franklin is the long-range land use plan for the city and was adopted in 2017. There have been land use plans for many years but Envision Franklin, along with long range goals, also details very specific characteristics of how sites should be laid out, primary/secondary uses of the land and what the character should be in a certain area. After the adoption of Envision Franklin, the zoning ordinance update immediately followed in 2019 that codifies all the principles. The zoning ordinance supports Envision Franklin goals and provides a way to execute those goals. The subject property falls within the regional commerce design concept, which coincides with the zoning district regional commerce six. The goals of regional commerce design concept align with Envision Franklin. The goal is a mixed-use environment consisting of activated streets where people live, work and play. Buildings are pulled to the street so that pedestrians are moving back and forth interacting with the buildings easily. Ms. Diaz-Barriga noted an example of compliance with the zoning ordinance located on the south side of Oak Meadow Drive in the same area. There are a mix of uses in several buildings, all the parking is behind the building or parallel parking along the street.

Chair Langley asked for the applicant representative to come forward and state their name for the record.

Applicant Presentation: Greg Gamble. Mr. Gamble provided hard copies of the maps for the Board members.

Commissioner Fleishour asked Ms. Diaz-Barriga if the nursing home adjacent to Home Depot conforms to the zoning ordinance.

Ms. Diaz-Barriga stated that Somerby was approved under the previous version of the zoning ordinance and was not required to comply with the current updated zoning ordinance.

Mr. Gamble began by stating that the request for the variance is justified not only for the building design that is proposed but also for the site constraints that exist on the property. Mr. Gamble provided a preliminary unofficial site plan of how the site could be developed. He also added that appropriate dimensions can be provided for the setback along Oak Meadow Drive. Mr. Gamble stated that the site is a complicated situation, but he is hopeful a resolution can be decided on. Riverside Drive runs parallel to I-65 has been closed off and gated until last year because it did not meet the city of Franklin's design standards. The property owners submitted a site plan, rebuilt Riverside Drive and it's now in compliance with the new standards. A sidewalk along the western side of Riverside Drive has also been added. Mr. Gamble noted on page two of the handout the slopes on the property but also noted the stormwater basin that will handle all the stormwater runoff in the area. The stormwater basin was installed with the construction of Riverside Drive. The red area on the handout indicates the 3 to 1 slope with Riverside Drive sitting lower than the site. There is an access drive that runs along the back to Home Depot. Mr. Gamble stated that it is difficult for the fire department to provide emergency services to this area because of the 3 to 1 slope of the property. Also, in the handout, Mr. Gamble pointed out the right of way line of Riverside Drive, the center line of the power line poles, and the electric line that runs between the right of way drive and the easement. These power line poles handle significant infrastructure for Middle Tennessee Electric. The power lines will remain above ground so that they are easily serviced by MTE as these lines handle major electrical transmission for a large part of Franklin. Because the power lines will be above ground, there are required OSHA safety zones that extend on either side of the power line poles. There must be a certain amount of space between the building and electrical poles that is a safe distance. The proposed building fronts Riverside Drive and according to the zoning ordinance, parking is not permitted within the area notated with the red dashed lines and the right of way on Riverside Drive and the right of way on Oak Meadow Drive. There is space to adequately serve and meet the safety needs of the fire department. Mr. Gamble explained that regardless of the building design, there are several limitations and restrictions on this property. The site plan is conceptual at this point due to the significant cost of an official site plan, as requested by staff. The applicant is hesitant to invest significantly at this point in the process, because of the limitations and restrictions of the site.

Commissioner Caesar asked if a specific line could be drawn showing the exact location for emergency services in relationship to the building. The argument presented appears to show that the biggest barrier is working around the fire/emergency services.

Mr. Gamble explained that it is one of the barriers of development of this property. If all the parking in front of the building is removed, it significantly impacts the developability of the property.

Commissioner Caesar asked where the line is, in relationship of the building, for fire and emergency services to execute their business and how far back would the building need to sit.

Mr. Gamble made an educated guess by stating that the distance could be 40 feet from the right of way and then another 40 feet for a total of 80 feet.

Commissioner Caesar stated that if currently there is 150 feet, then only half of that would be necessary.

Mr. Gamble agreed that it would be about half or so of the 150 feet and then some.

Mr. Gamble stated that if the building is located at the existing grade of 706 feet which is a plateau and the existing grade of Riverside Drive is 702 feet, a 10 percent slope on the entrance drive coming in would be needed. The maximum slope on the parking lot is 5 percent. The maximum slope on the parking spaces is 2 percent and 1 percent pedestrian area. The 150-foot setback takes into consideration the maximum slopes that are required by the City of Franklin Engineering when designing a site from Riverside Drive to the building at the existing grade. To move the building closer to meet the engineering standards, the site would have to be lowered which is a significant undertaking in grade change and earthwork. Mr. Gamble stated that the site has significant constraints that cannot be avoided no matter what type of building is proposed for the site. The zoning ordinance for regional commerce requires parking in the front or side of the building to be parallel and "we understand this." Mr. Gamble explained that this complex site is different, but parking is being addressed in light of the zoning requirements. Mr. Gamble concluded by stating that he would be happy to answer any questions.

Chair Langley asked if there were any citizens who would like to speak regarding the variance request for the property

located at 880 Oak Meadow Drive, there were none.

Commissioner Fleishour motioned to close the public comment, seconded by Commissioner Tomlin.

Vote Tally: 5-0

Ms. Diaz-Barriga confirmed that the front half of the property is being proposed for improvements.

Chair Langley asked staff for clarity on the impact of the variance request on the addition of the 150-foot setback for Oak Meadow Drive.

Ms. Diaz-Barriga explained that the language used in the title is that the front setback be extended to 150 feet. The site has two front setbacks, Riverside Drive and Oak Meadow Drive. The applicant addressed Riverside Drive but did not address the constraints of Oak Meadow Drive. Staff overlooked this originally but the same applies to Oak Meadow Drive. This can be discussed or deferred until additional information is provided, if necessary. Ms. Diaz-Barriga concluded by saying that she wanted to bring it to the Board's attention that the front setback would apply to both streets.

Chair Langley asked the Board if anyone had factual questions to ask staff or Mr. Gamble to better understand the proposal.

Commissioner Caesar asked Mr. Gamble if there were similar constraints along Oak Meadow Drive that prevent the building from being closer to the road, as there are along Riverside Drive.

Mr. Gamble stated that the stormwater management area is the lowest point of the site where the stormwater will go before it exits out into the regional system. The stormwater management area is best suited in a shared open space lot. Staff indicated that the stormwater area didn't have to be in an open space lot if it's a unified site plan. The total distance is approximately 80 feet to the closest point of the building. This distance does exceed the regional commerce front setback of 0-30 feet. This area would need to be reserved for stormwater infrastructure.

Chair Langley asked Mr. Gamble what the setback distance was from the right/left side of the diagram moving south.

Mr. Gamble estimated a distance between 80 and 90 feet but did not have the exact numbers.

Chair Langley asked about the two stormwater areas at the intersection of Oak Meadow and Riverside Drive and what the distance is in this area.

Mr. Gamble stated that it is probably around 150 feet.

Chair Langley asked for verification from staff about the area at the intersection of Oak Meadow and Riverside Drive. If the applicant requests a variance on a setback in this area, the setback will have to be over 90 feet because it would apply to the entire side along Oakview Drive, correct?

Ms. Diaz-Barriga confirmed by saying the setback line becomes parallel to the curve of Oak Meadow and the curve of Riverside Drive.

Mr. Gamble asked how the applicant would address this area regarding setback distance.

Ms. Diaz-Barriga explained off the top of her head, staff would need to see what the maximum distance is of this area, then the board would determine what distance the setback could not exceed so that it can be a variation up to a maximum point.

Commissioner Fleishour asked Mr. Gamble about the contours of the property back toward the open parcel.

Mr. Gamble stated that the tree line is the highest point of the property elevation, and it slopes down toward Riverside Drive. The entirety of Riverside Drive sits lower than the entirety of the property.

Chair Langley noted the exhibit that illustrates the terrain changes.

Mr. Fleishour added that if the side is lowered, it would have to be lowered all the way back of the property.

Mr. Gamble stated that for the front setback along Oak Meadow Drive, if the range was between 80 and 200 feet, we would be within that limitation on Oak Meadow Drive. Mr. Gamble estimated the numbers based on the parking lot dimensions and a 60-foot parking bay. Mr. Gamble added that he would be glad to provide specific dimensions.

Chair Langley suggested that each variance request would need its own motion for discussion purposes even though the requests are interrelated.

Chair Langley asked if there was a motion from the Board.

Commissioner Caesar motioned to defer the three variance requests for the property located at 880 Oak Meadow Drive, seconded by Commissioner Fleishour.

Commissioner Caesar explained his rationale for the motion to defer by stating that the Board could provide productive feedback to Mr. Gamble regarding the development of this parcel. Obviously, the setback is a question and without having a better understanding of the facts, the item would probably not be approved. A deferment would allow time for the applicant to provide more information to the Board so that it can confidently make a decision on the request.

Chair Langley suggested withdrawing the deferral motion so that the Board can provide guidance to the applicant.

Mr. Gamble requested the motion to be deferred so that discussion can occur.

Ms. Diaz-Barriga asked if the motion is to defer all three requests or just one variance.

Commissioner Caesar replied that the deferral is for all 3 requests.

Chair Langley stated that the deferral would be to the next BZA meeting on January 5, 2023.

Commissioner Fleishour asked Mr. Gamble if he would have enough time before the next meeting.

Mr. Gamble stated that he would have time. Mr. Gamble noted that the variance request is based upon the hardships of the property.

Commissioner Tomlin stated that the applicant, obviously, has put a lot of time and thought into the master planning of the property. Mr. Tomlin asked if the plan would change once approval was received. He also asked if the applicant felt that all the other aspects of the proposal would comply with the City of Franklin requirements.

Mr. Gamble answered by saying yes for the most part, but there would be engineering questions and suggestions that would require potential changes.

Chair Langley stated that the motion is to defer all 3 variance requests to the January 5, 2023, meeting.

Commissioner Caesar asked Commissioner Tomlin to explain in more detail what prompted his previous questions.

Commissioner Tomlin stated that he believes the applicant has tried to formulate a plan that would be the best use of the property. These guys are experienced with the City of Franklin procedures and know what it takes to work through the planning process. Once the proposal is approved and compliant, the applicant will move forward with construction documents and the permitting application process. If the applicant could design a building and a site within the rules of the City of Franklin zoning ordinances.

Ms. Diaz-Barriga reminded the Board that the plan has not been seen by city staff, reviewed by engineering or by fire officials so although the plan might meet all or most of the zoning requirements, a challenge still exists or may exist as the proposal moves through the planning process. Ms. Diaz-Barriga also noted that Gamble Design Collaborative does a good job and has a thorough understanding of the zoning ordinance.

Chair Langley suggested a conceptual design so that each city department has an opportunity to review the plan and provide feedback before the applicant faces the BZA.

Ms. Diaz-Barriga offered to get any questions regarding the proposal answered by the appropriate staff member.

Mr. Squires stated that the motion before the Board is a motion to defer until the next BZA meeting which does not allow a great opportunity for inquiry or discussion about what a plan might look like. Staff will not have the opportunity to offer comments because they haven't seen the plan. The discussion should be about the merits of whether to defer to the next meeting and why you should or should not do that. The applicant has requested deferral so this might guide the discussion as well.

Chair Langley expressed his concern about repeating the same discussion at the January 5, 2023, meeting and still not have a solution to help move the plan forward.

Commissioner Caesar stated that the only problem with a deferral to the next meeting is that the applicant may not receive the information needed from the Board and staff to make forward progress on the plan. Commissioner Caesar asked the Board if deferral should be for one month or more.

Chair Langley stated that from discussion of the proposed plan, the Board can provide feedback and thoughts on the site that could assist the applicant.

Mr. Squires explained that in this situation, city staff have not seen a plan. The role of the BZA is to consider what has been approved or denied regarding variance requests in the past. Until city staff issues recommendations, reviews, plans and all the departments weigh in on the plan, it is difficult to know what the proposal will look like in January. It's difficult, if not impossible, for the Board to make commentary to an applicant right now that will lead them to an approvable plan or to predict how the proposal will look in January.

Commissioner Caesar asked if the Board chooses to approve the variance request, what will happen.

Mr. Squires answered by saying that the variance requests would be approved.

Chair Langley stated that he supports deferral because he has seen the site firsthand and the unique limitations of the property.

Commissioner Scales stated that he agrees with Commissioner Caesar about providing helpful information to the applicant, but Mr. Squires stated that there isn't much we can offer to the applicant because there isn't a plan in place.

Mr. Squires stated that it's an awkward situation because there isn't a plan in place that staff has reviewed so it's unknown what may be required of the applicant before they can seek approval.

Commissioner Scales asked staff how much time would be needed to allow the applicant to gather information to move the application forward in the process.

Ms. Diaz-Barriga stated that submitting a pre-application for the site would be the easiest for the staff but requires a lot of information from the applicant. The pre-application would give staff an opportunity to establish a baseline to look at the plan realistically. The pre-application would include a grading plan among other components that help staff understand why the applicant is requesting a certain variance. The pre-application deadline is late December to submit a pre-application for early January. Ms. Diaz-Barriga stated that she wasn't sure if there would be enough time for staff to review so it could be the February BZA meeting. The more time the city staff has to review the pre-application, the better the recommendations to the applicant.

Commissioner Fleishour stated that the staff report said that not enough information is available to make a favorable recommendation. This would allow the applicant time to gather as much information as possible without committing to a set of civil drawings. Deferral would be the best way to allow time for the applicant to provide the necessary information.

Commissioner Caesar stated that having a goal (time) for the applicant and staff would be a way to keep the process moving and if necessary, a deferral to the February meeting is an option. Commissioner Caesar stated his main concerns about the subject property as the shape of Oak Meadow Drive and Riverside Drive and the area that the roads come together. Also, the powerlines on the same side of the property, the two frontage yards and the significant slope all create unique limitations of the property. Without a deferral, Mr. Caesar stated that he could not support approval of the variance request.

Commissioner Scales suggested an amendment to the motion to extend the deferral to the February 2, 2023, BZA meeting, seconded by Commissioner Fleishour.

Mr. Gamble requested the deferral to be one month at a time and if necessary, deferred to February. A site plan will not be submitted but meetings with fire and engineering among others will be requested.

Commissioner Scales withdrew his amendment with agreement from Commissioner Fleishour.

Chair Langley stated that once the applicant has meetings with city departments, staff will be better informed about the plan for the site and can provide insight to the Board.

Chair Langley stated that the motion on the floor is to defer the variance request to the January 5, 2023, BZA meeting, for the property located at 880 Oak Meadow Drive.

Vote Tally: 5-0, the motion passes.

OTHER BUSINESS

Chair Jonathan Langley asked if there was any further business. There was none.

ADJOURN

Commissioner Fleishour motioned to adjourn the December 1, 2022 meeting, seconded by Commissioner Tomlin.

Vote Tally: 5-0

There being no further business, the meeting adjourned at 07:04 PM.


Chair

1/5/23
Date