



Meeting Minutes

Franklin Municipal Planning Commission

Thursday, August 24, 2023

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.franklintn.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.

CALL TO ORDER

Chair Roger Lindsay called the meeting to order at 07:01 PM

Board Members Present: Michael Orr, Marcia Allen, Ann Petersen, Jimmy Franks, Scott Harrison, Roger Lindsey, Alma McLemore, Jennifer Williamson

Board Members Absent: Nick Mann

CITIZEN COMMENTS (Open for citizens to be heard on any issue or concern, including those related to items on the agenda. Please submit a Speaker Card at the beginning of the meeting if you would like to address the Commission. If you would like to speak on a non-consent agenda item, the Chair will hold your comment until the public comment period associated with the item. As provided by law, the Planning Commission shall make no decisions or consideration of action of citizen comments for items not on the agenda, except to refer the matter to the Planning Director for administrative consideration, or to a schedule the matter for consideration at a later date. Those addressing the Commission are requested to come to the microphone and identify themselves by name and address for the official record. The Chair may restrict the period for public comment, including the length of the public comment period, the number of individuals who can speak and the length of time each individual may speak. When time allows, the standard individual public comment time is two minutes.)

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

Comments on agenda items may be made in person at city hall or by emailing planningintake@franklintn.gov by noon on the day prior to the meeting. Emailed comments will be provided to the Commission and included in the minutes, but not read aloud in their entirety during the meeting.

APPROVAL OF MINUTES

1. Consideration Of Approval Of The July 27, 2023 FMPC Minutes.

Sponsors:

Attachments: 1. DRAFT FMPC Minutes July 27 2023

A motion was made by Commissioner Michael Orr, seconded by Commissioner Scott Harrison to Approve the Minutes from the July 27, 2023 meeting. The motion carried 8-0

ANNOUNCEMENTS

Chair Roger Lindsey asked if Staff had any announcements.

Ms. Diaz-Barriga noted a correction to the Consent Agenda items to be considered. The items included as part of the Consent Agenda are items 3-6, 12-14, and 16.

Ms. Wright announced that an Envision Franklin Open House has been scheduled for September 19, 2023, from 11-1/lunch session and 5-6:30/evening session at City Hall. The Envision Franklin draft will be released in early September and the Open House will follow up the draft release with informational stations throughout city hall highlighting the revisions of Envision Franklin.

Mr. Gerth provided an update on performance sureties and requests that the FMPC call the surety for Richland Close neighborhood. The developers have not finished the work and the concern is that there may not be enough value in the performance surety due to inflation. Mr. Gerth went on to say that there will be an update to the zoning ordinance in the section on performance sureties. The update will decrease the performance surety from six months or a year to a reduced extension option of three months. This change is being made to avoid extending performance sureties as a routine procedure and because of the significant inflation seen in the last couple of years.

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 Items 3-6, 12-14, And 16 On The Consent Agenda.

Sponsors:

Attachments: None

A motion was made by Commissioner Marcia Allen, seconded by Commissioner Michael Orr to approve items 3-6, 12-14, and 16 as presented on the Consent Agenda. The motion carried 8-0.

SITE PLAN SURETIES

3. Preserve at Echo Estates PUD Subdivision, Final Plat, Section 2; Extend The Performance Agreement For Sidewalks Improvement To August 22, 2024. (CONSENT AGENDA)

Sponsors: Melodie Brady

Attachments: None

The item was Approved on Consent Agenda.

4. Westhaven PUD Subdivision, Site Plan, Section 20 (Tennis Courts); Extend The Performance Agreement For Green Infrastructure Improvement To August 22, 2024. (CONSENT AGENDA)

Sponsors: Melodie Brady

Attachments: None

The item was Approved on Consent Agenda.

5. Westhaven PUD Subdivision, Site Plan, Section 25; Extend The Performance Agreement For Drainage Improvement To August 22, 2024. (CONSENT AGENDA)

Sponsors: Melodie Brady

Attachments: None

The item was Approved on Consent Agenda.

6. Westhaven PUD Subdivision, Final Plat, Section 40; Extend The Performance Agreement For Drainage Improvement To August 22, 2024. (CONSENT AGENDA)

Sponsors: Melodie Brady

Attachments: None

The item was Approved on Consent Agenda.

VESTED RIGHTS/SITE PLAN EXTENSION

7. Consideration of Resolution 2023-57, A Resolution Amending The Ivybrook Academy, Site Plan, To Extend The Vested Rights, For The Property Located North Of Henpeck Lane And West Of Lewisburg Pike, At 1268 Lewisburg Pike.

Sponsors: Emily Wright, Amy Diaz-Barriga

Attachments:

1. MAP Ivybrook Vesting Ext
2. RES 2023-57 Ivybrook Academy Site Plan_Combined_Law approved
3. Extension Request Ivybrook Academy Site Plan
4. Site Layout sheet

Staff: Amy Diaz-Barriga. Ms. Diaz-Barriga stated that the request is to extend the vesting period for one year, from September 16, 2023, until September 16, 2024, to allow the applicant to secure any necessary permits and commence site preparation. This plan is within the first three-year period and is vested until September 16, 2023. It has secured site plan approval, which was approved on the September 2020 Administrative Agenda. The applicant has also recorded a final plat revision and posted sureties. The applicant has stated rising construction costs as the reason why work has not yet begun on the site. Because this is a site plan not associated with a development plan, it is the Planning Commission who makes the final decision on extending the vesting of the project. If the vesting period is not extended, the project entitlements would cease to exist, and stop work orders would be issued, if applicable. A new development would need to be approved and would be reviewed against the current local development standards. In reviewing the plan against the current City regulations, the current plan does not comply with current parking location requirements within the site's frontage. The applicant received a variance for parking placement from the BZA in September of 2020, and should the project lose vesting, a new variance would need to be requested, or the parking lot would need to comply with today's development standards. Staff recommends that the Planning Commission approve Resolution 2023-23 if they determine that the continuation of vested rights is in the best interest of the community.

Public: none

Commissioner Franks motioned to approve Resolution 2023-57, seconded by Commissioner McLemore.

Discussion:

Commissioner Allen stated her concerns about routinely extending vesting rights to any applicant that requests an extension.

There being no further discussion, Chair Lindsey asked for the vote by roll call. The motion carried 7-1. (M. Allen voting no)

REZONINGS/DEVELOPMENT PLANS

8. Consideration Of Resolution 2023-30, A Resolution Approving A Development Plan For Middle Eight PUD Subdivision With 1 Modifications Of Development Standards (Parking), For The Property Located East Of Franklin Road And South Of Liberty Pike, Located At 209 Old Liberty Pike

Sponsors: Emily Wright, Amy Diaz-Barriga

Attachments:

1. RES 2023-30 A Resolution Approving A Development Plan for Middle_16146_1
2. 23-07-21 The Middle Eight Building Reduction Request
3. MAP Middle Eight PUD
4. Conditions of Approval_01 Middle Eight COF 8154
5. 1-5 Pages from COF 8154 The Middle Eight Development Plan Resubmittal 05.04.23
6. 6-10 Pages from COF 8154 The Middle Eight Development Plan Resubmittal 05.04.23-2
7. 11-15 Pages from COF 8154 The Middle Eight Development Plan Resubmittal 05.04.23-3
8. 16-20 Pages from COF 8154 The Middle Eight Development Plan Resubmittal 05.04.23-4
9. 21-25 Pages from COF 8154 The Middle Eight Development Plan Resubmittal 05.04.23-5
10. 26-30 Pages from COF 8154 The Middle Eight Development Plan Resubmittal 05.04.23-6
11. 31-35 Pages from COF 8154 The Middle Eight Development Plan Resubmittal 05.04.23-7
12. 36-39 Pages from COF 8154 The Middle Eight Development Plan Resubmittal 05.04.23-8
13. Parking Study - The Middle Eight - Updated
14. c-Reso 2023-30
15. Provided by applicant: The Middle Eight_6.13.23_WorkSession_final

Staff: Amy Diaz-Barriga. Ms. Diaz-Barriga explained that on August 8, BOMA reviewed the Development Plan based on this Commission's recommendation. The BOMA voted to approve the development plan, by a vote of 6-2, and added an additional condition.

The additional condition stated: the number of stories of the east residential building (building #2) shall be reduced to three stories and a recessed fourth (four stories total) fronting Liberty Pike and four stories with a recessed fifth (five stores total) adjacent to Foster Lane and that if approved by BOMA, the approval with conditions would be sent to Planning Commission to be reviewed as amended for either concurrence or other recommendation and that this proposed condition and Planning Commission acknowledgment shall not delay the review scheduled for the Historic Zoning Commission's final COA review.

As the Planning Commission's role is to provide recommendations to the BOMA, the additional condition is before the Commission to review and either grant or decline concurrence of the condition. The condition requires a height reduction that is more consistent with Envision Franklin's guidelines for height for the overall Design Concept, which supports buildings up to three stories inside Mack Hatcher, and is consistent with the site's special consideration to consider additional height when underground parking is provided, and buildings are consistent with adjacent structures. Jamison Station is three stories, with a recessed fourth story, along Liberty Pike. Ms. Diaz-Barriga stated that staff recommends that the Planning Commission concur with the additional condition of approval.

Public: none

Applicant: Gary Vogrin, Kiser & Vogrin Design, representing Truland Developers. Mr. Vogrin stated that he did not have any

information to add, as Ms. Diaz-Barriga stated their request distinctly.

Commissioner Franks motioned to concur with the additional condition of approval, seconded by Commissioner Orr.

There being no discussion, Chair Lindsey asked for the vote by roll call.

The motion passed 7-1 (Alderman Petersen voting against).

9. Consideration Of Ordinance 2023-31, An Ordinance To Rezone 104.07 Acres From Civic Institutional (CI) District To Planned (PD 207,500) District For The Property Located South Of Mack Hatcher Memorial Parkway And West Of Daniel McMahon Lane. (Franklin First United Methodist Church PUD Subdivision).

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

Attachments:

1. MAP FFUMC Rezoning and Development Plan
2. ORD 2023-31 FFUMC PUD Rez_Combined_Law approved (2)
3. EMS at FFUMC rezoning resubmittal_08-03-2023

Scott Harrison announced he is an active member but will not profit from this vote.

Staff: Amy Diaz-Barriga. Ms. Diaz-Barriga stated that the applicant has submitted a rezoning request to rezone from Civic Institutional (CI) to Planned (PD 207,500) District to accommodate the revised development for the Franklin First United Methodist Church PUD. The property is located South of Mack Hatcher Memorial Parkway and West of Daniel McMahon Lane, consists of 104.07 acres, and the intended uses for the property are institutional. Envision Franklin places this area in the Conservation Subdivision Design Concept, which allows for institutional uses in a secondary capacity. The emergency response station that is being proposed with the accompanying development plan meets the recommendations of Envision Franklin. Ms. Diaz-Barriga finished by stating that staff recommends that the Planning Commission recommend to the Board of Mayor and Aldermen to approve Ordinance 2023-31.

Public: Steven Slay. Mr. Slay stated that he lives at the corner of Spencer Creek and Mack Hatcher and would like more information about the plans for the emergency response station.

Ms. Diaz-Barriga stated and clarified that this item has to do with the limits of the land to be rezoned. The next item relates to the development plan which will detail proposed plans for the land.

Applicant: Jeff Earwood, architect for the WCS emergency response station was present to answer any questions.

Commissioner Orr motioned to recommend approval of Ordinance 2023-31 to the Board of Mayor and Alderman, seconded by Commissioner Harrison.

There being no discussion, Chair Lindsey asked for a roll call vote. The motion carried 8-0.

10. Consideration Of Resolution 2023-56, A Resolution Approving A Revised Development Plan For Franklin First United Methodist Church PUD Subdivision, For The Property Located South Of Mack Hatcher Memorial Parkway And West Of Daniel McMahon Lane, Located At 110 Aldersgate Way.

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

Attachments:

1. MAP FFUMC Rezoning and Development Plan
2. RES 2023-56 FFUMC PUD_Combined_Law approved
3. 8248 FFUMC PUD DP Rev 1_Conditions of Approval_01
4. 1-8 Pages from COF 82248_PUD Development Plan Resubmittal_08-03-2023
5. 9-17 Pages from COF 82248_PUD Development Plan Resubmittal_08-03-2023-2

Staff: Amy Diaz-Barriga. Ms. Diaz-Barriga stated that the applicant has submitted a revision to the approved development plan for the Franklin First United Methodist Church PUD in order to construct a County emergency response facility on the site. The original concept plan was previously approved on August 10, 2010. The proposed entitlements for the property are 207,500 square feet of nonresidential space. Envision Franklin places this area in the Conservation Subdivision Design Concept, which allows for institutional uses in a secondary capacity. Conservation Subdivision recommends that 50% of the property be preserved as open space. With the addition of the new facility, the site still has more than 50% dedicated to green and open space. There are special considerations within Envision Franklin for development near the intersection of Franklin Road and Mack Hatcher Parkway, including a minimum 150-foot setback from Mack Hatcher and that, "the form, architecture and style of new buildings should draw from the surrounding area and from historically significant buildings." The location of the new facility maintains the 150-foot setback and is compatible with the established architecture of the First Franklin United Methodist campus. Additionally, staff worked with the applicant to secure a future right-of-way to lead to the adjacent property as discussed at the Joint Conceptional Workshop. This update is included in the conditions of approval. Staff recommends that the Planning Commission recommend to the Board of Mayor and Aldermen to approve Resolution 2023-56 with conditions.

Public: None

Applicant: None

Commissioner Harrison motioned to recommend approval of Resolution 2023-56 to the Board of Mayor and Alderman, with conditions, seconded by Commissioner Williamson.

There being no discussion, Chair Lindsey asked for a roll call vote. The motion carried 8-0.

11. Consideration Of Ordinance 2023-28, An Ordinance To Rezone 7.88 Acres From Civic Institutional (CI) To Residential 4 (R4) District For The Property Located South Of Battle Avenue And West Of Cannon Street, Currently Addressed As 1406 Cannon Street, 319 Battle Avenue, 401 Battle Avenue, And 403 Battle Avenue.

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

Attachments:

1. MAP FSSD Rezoning
2. ORD 2023-28 FSSD_Rez_Combined_Law approved
3. COF 8221 PLANS FSSD Elementary ReZoning 071123

Staff: Amy Diaz-Barriga. Ms. Diaz-Barriga stated that the applicant is requesting to rezone four properties from Civic Institutional (CI) to Residential 4 (R4) District. The property consists of 7.88 acres and is the site of an administrative complex for the Franklin Special School District. The properties are located within the Historic Residential Design Concept as defined by Envision Franklin. Envision Franklin states that, "Infill developments [within Historic Residential] should maintain the established, traditional residential character and reflect the scale of the surrounding neighborhood. Context sensitivity is a key component, including compatible building form, lot widths, and setbacks. A gridded street network, sidewalks, and street trees should be used to support connectivity and the pedestrian-scale environment." The R4 zoning district is compatible with the recommendations of Envision Franklin as well as the character and pattern of the surrounding established neighborhoods. The site does not have any other development applications with the City. Any proposed development, other than one single-family residence per platted lot, would have to file a development application in the form of a preliminary plat or development plan with an associated PD rezoning request that would have to go before a review body for approval. Additionally, all new residential lots are required to front on to a public road. The Planning Commission reviewed a similar rezoning request on this site at the October 27, 2022, FMPC meeting. At this meeting, the Planning Commission recommended approval of the rezoning to the Board of Mayor and Aldermen by a vote of 7-2. This former rezoning request included additional parcels but was ultimately withdrawn by the applicant at BOMA. Staff recommends that the Planning Commission recommend to the Board of Mayor and Aldermen to approve Ordinance 2023-28.

Public: none

Applicant: David Esslinger. Mr. Esslinger explained that the original request to rezone five lots has been changed to four lots due to one of the lots being involved in litigation. Because of this change, the application is before the Commission for approval, again.

Applicant Representative. Greg Gamble: Mr. Gamble stated that lot number 13 would remain zoned as Civic Institutional, and he would be happy to answer any questions about the proposal.

Commissioner Orr motioned to recommend approval of Ordinance 2023-28 to the Board of Mayor and Alderman, seconded by Commissioner McLemore.

There being no discussion, Chair Lindsey asked for a roll call vote. The motion carried 8-0.

SITE PLANS, PRELIMINARY PLATS, AND FINAL PLATS

12. 4081 Murfreesboro Road Subdivision, Final Plat, Creating Two Single-Family Lots And Dedicating Easements, On Approximately 4 Acres, Located At 4081 Murfreesboro Road . (CONSENT AGENDA)

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

Attachments:

1. MAP 4081 Murfreesboro Road, Final Plat
2. 8246 4081 Murfreesboro Road Subdivision, Final Plat Conditions of Approval_01
3. FINAL PLAT COF 8246 4081 Murfreesboro Road Subdivision, Final Plat

The item was Approved on Consent Agenda.

13. Carter House Visitors Center Subdivision, Site Plan, Developing 9,600 Square Feet Of Civic Institutional Space, On 10.51 Acres, Located At 125 West Fowlkes Street. (CONSENT AGENDA)

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

Attachments:

1. MAP Carter House Visitors Center Subdivision, Site Plan
2. 8236 Carter House VC SP_Conditions of Approval_01
3. 1-5 Pages from COF #8236 Carter House Visitor Center Resubmittal
4. 6-10 Pages from COF #8236 Carter House Visitor Center Resubmittal-2
5. 11-15 Pages from COF #8236 Carter House Visitor Center Resubmittal-3
6. 16-20 Pages from COF #8236 Carter House Visitor Center Resubmittal-4
7. 21-25 Pages from COF #8236 Carter House Visitor Center Resubmittal-5
8. 26-30 Pages from COF #8236 Carter House Visitor Center Resubmittal-6
9. 31-36 Pages from COF #8236 Carter House Visitor Center Resubmittal-7

The item was Approved on Consent Agenda.

14. Poteat Place North Subdivision, Final Plat, Creating 3 Single-Family Lots And One Open Space Lot, On 2.15 Acres, Located North And East Of The Intersection Of Poteat Place And Hillsboro Road. (CONSENT AGENDA)

Sponsors: Emily Wright, Amy Diaz-Barriga, Ariella Stanford

Attachments:

1. MAP Poteat Place North Subdivision, Final Plat
2. Poteat Place North Subd-Final Plat-Rev1-BinderSet-SS
3. Poteat Place North Subdivision, Final Plat_Conditions of Approval_01

The item was Approved on Consent Agenda.

15. Poteat Place South Subdivision, Preliminary Plat, Creating 4 Single Family Lots And One Open Space Lot, On 4.85 Acres, Located South And East Of The Intersection Of Poteat Place And Hillsboro Road.

Sponsors: Emily Wright, Amy Diaz-Barriga, Ariella Stanford

Attachments:

1. MAP Poteat Place South, Preliminary Plat
2. Poteat Place South Preliminary Plat 8-3-23
3. Poteat Place South Subdivision, Preliminary Plat_Conditions of Approval_01

Staff: Ariella Stanford. Ms. Stanford stated that the applicant is proposing to subdivide the property located at the southeast corner of Hillsboro Road and Poteat Place into four single family residential lots and one open space lot. The property is zoned R-2 and each proposed lot meets the lot standards for the R-2 District, including a minimum of 15,000 square foot lot size. The property is also within the Floodway Fringe Overlay and the Floodway Overlay. The preliminary plat, along with the attached conditions of approval, meet the requirements of the Zoning Ordinance and Subdivision Regulations. Staff recommends approval with conditions of Poteat Place South Subdivision, Preliminary Plat.

Public: none

Applicant: Owen Hosay. Mr. Hosay stated that they are proposing four single family parcels on the land.

Alderman Petersen stated that in the conditions of approval there doesn't appear to be enough land to cut and fill according to the guidelines.

Mr. Wiseman explained that at the preliminary plat stage, a full grading plan has not been presented. Once the site plan has been submitted, if the applicant is unable to meet the requirements relating to the cut and fill ratio, it may be a possibility the applicant may lose one of the lots.

Commissioner McLemore motioned to approve the Poteat Place South Subdivision Preliminary Plat with conditions, seconded by Commissioner Williamson.

Discussion:

Chair Lindsey stated that he noted the closeness of the property to the floodplain/floodway in the section of the Harpeth River known as the east fork. Chair Lindsey also noted that he is comfortable waiting to see if there is enough land to compensate for the cut and fill ratio (1 to 1.5) as the application moves through the process.

There being no further discussion, Chair Lindsey asked for a roll call vote. The motion carried 8-0.

16. The Refuge Center for Counseling PUD Subdivision, Final Plat, Creating One Lot, Dedicating Right-Of-Way, And Recording Easements, On Approximately 7 Acres, Located South Of Long Lane Between Alfred Ladd Road And Carothers Parkway. (CONSENT AGENDA)

Sponsors: Emily Wright, Amy Diaz-Barriga, Ariella Stanford

Attachments:

1. MAP The Refuge Center for Counseling PUD Subdivision, Final Plat
2. 18-036 long lane_Plat3
3. The Refuge Center for Counseling PUD Subdivision, Final Plat_Conditions of Approval_01

The item was Approved on Consent Agenda.

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.

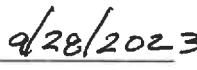
ADJOURN

A motion was made by Commissioner Michael Orr, seconded by Commissioner Scott Harrison to adjourn the meeting. The motion carried 8-0.

There being no further business, the meeting adjourned at 07:42 PM.



Chair



Date

