



City of Franklin

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

Meeting Agenda

Board of Mayor & Aldermen and Franklin Municipal Planning Commission

Thursday, November 16, 2017

5:00 PM

City Hall Training Room

Notice is hereby given that a joint, non-voting workshop of the Board of Mayor and Aldermen and the Franklin Municipal Planning Commission will be held on Thursday, November 16, 2017, at 5:00 PM in the City Hall Training Room. Additional information can be found at www.franklintn.gov/planning. For accommodations due to disabilities, contact the Human Resources Department at 791-3216, at least 24 hours prior to the meeting.

The typical process for discussing an item in this workshop setting is as follows:

- 1. Applicant/staff presentation, and*
- 2. BOMA and FMPC comments.*

CALL TO ORDER

NEW BUSINESS

- [17-0968](#) (5:00-5:20 pm)--Development Plan Revision for the Arlington PUD Subdivision, adding additional units inside the existing building footprint, located at 725 West Main Street.

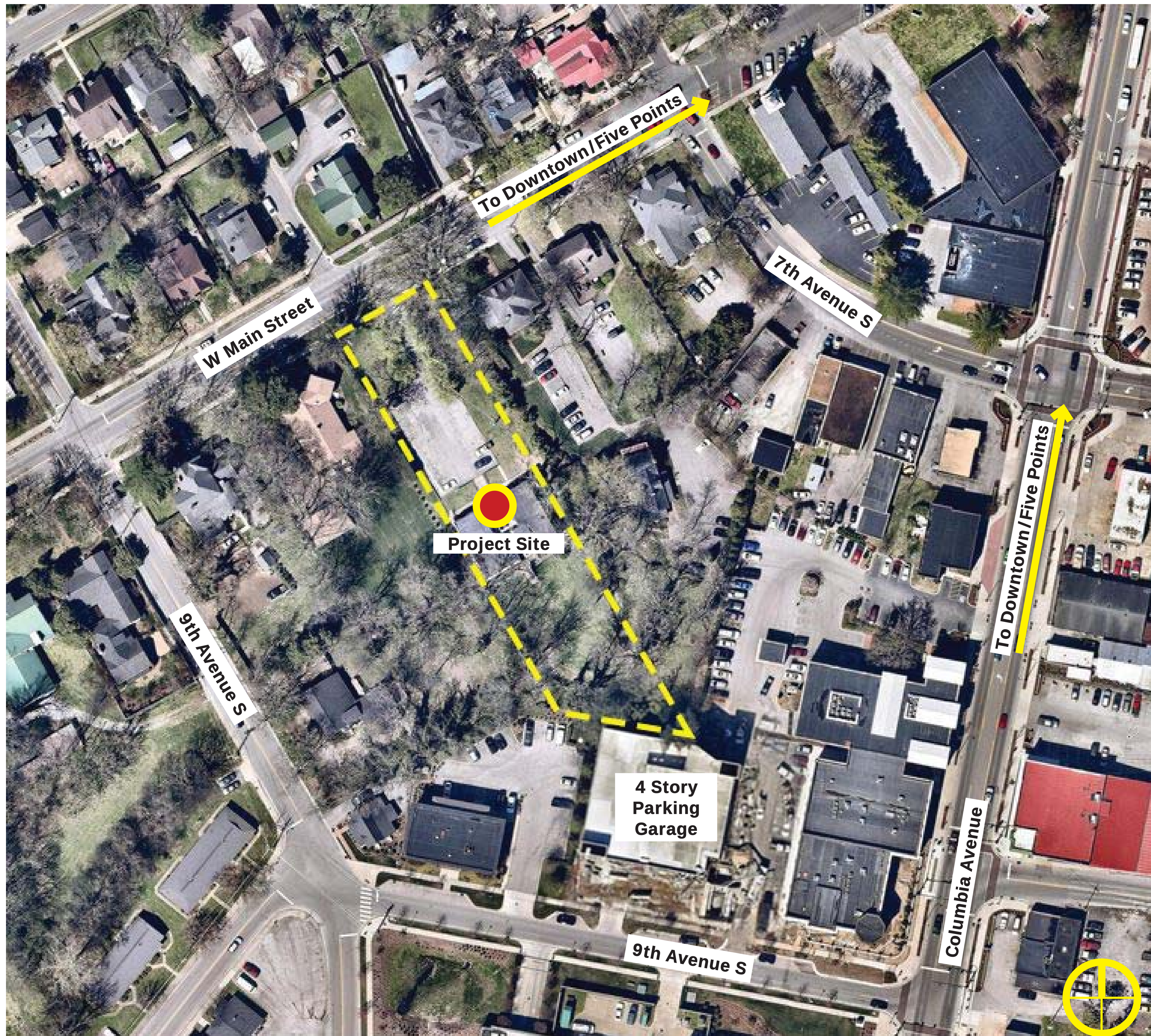
Attachments: [Arlington Joint Conceptual Presentation](#)
- [17-0969](#) (5:20-5:40 pm)--Development Plan for a residential development creating 18 lots on 18.71 acres, with one Modification of Standards for Cul-De-Sac length, located at 3206 Boyd Mill Avenue.

Attachments: [3206 Boyd Mill JCW Presentation 10.26.2017](#)
- [17-0970](#) (5:40-6:00 pm)--Land Use Plan Amendment request, from Conservation Subdivision Design Concept to Mixed Residential Design Concept, for properties located at 370 Franklin Road.

Attachments: [EF Amendment Joint Workshop Submittal](#)
[Plan Amendment Staff Comments](#)
- [17-0975](#) (6:00-6:20 pm)--Discussion of Parkland Impact Fee Ordinance and update to the Parkland Dedication Section of the Zoning Ordinance.

Attachments: [Ordinance 2016-36 JCWS Presentation](#)
[Ordinance 2016-36 - Amend Parkland Dedication Requirements in Zoning Ord](#)

OTHER BUSINESS



Vicinity Map/Project Attributes

SITE DATA

PROPERTY INFORMATION:

725 WEST MAIN STREET
FRANKLIN, TENNESSEE 37064
TAX MAP 78C GROUP J, PARCEL 22
ZONED OR

PROJECT NAME:

THE ARLINGTON AT WEST MAIN

SUBDIVISION:

PLAN OF HINCHEYVILLE SUBDIVISION

LOT NUMBER:

6

COUNTY:

WILLIAMSON

ALDERMAINC WARD:

4

EXISTING ZONING:

SD-R10

CHARACTER OVERLAY:

CFCO 3, CFCO 7

PROPOSED ZONING:

SD-R11.5

OTHER OVERLAYS:

HPO
DOWNTOWN FRANKLIN LOCAL
HISTORIC DISTRICT

APPLICABLE DEVELOPMENT STANDARDS:

TRADITIONAL (DOWNTOWN CORE)

ACREAGE OF SITE/PROJECT AREA:

39,108 S.F./ 0.9 ACRES

MINIMUM REQUIRED SETBACK LINES:

FRONT AND STREET: 15'
SIDE YARD: 5'
REAR YARD: 5'

BUILDING COVERAGE:

78.6% PROPOSED, 80% ALLOWED

BUILDING SQUARE FOOTAGE:

36,024 SF PROPOSED

BUILDING HEIGHT:

2 STORIES PROPOSED

MAXIMUM FLOOR AREA RATIO:

N/A

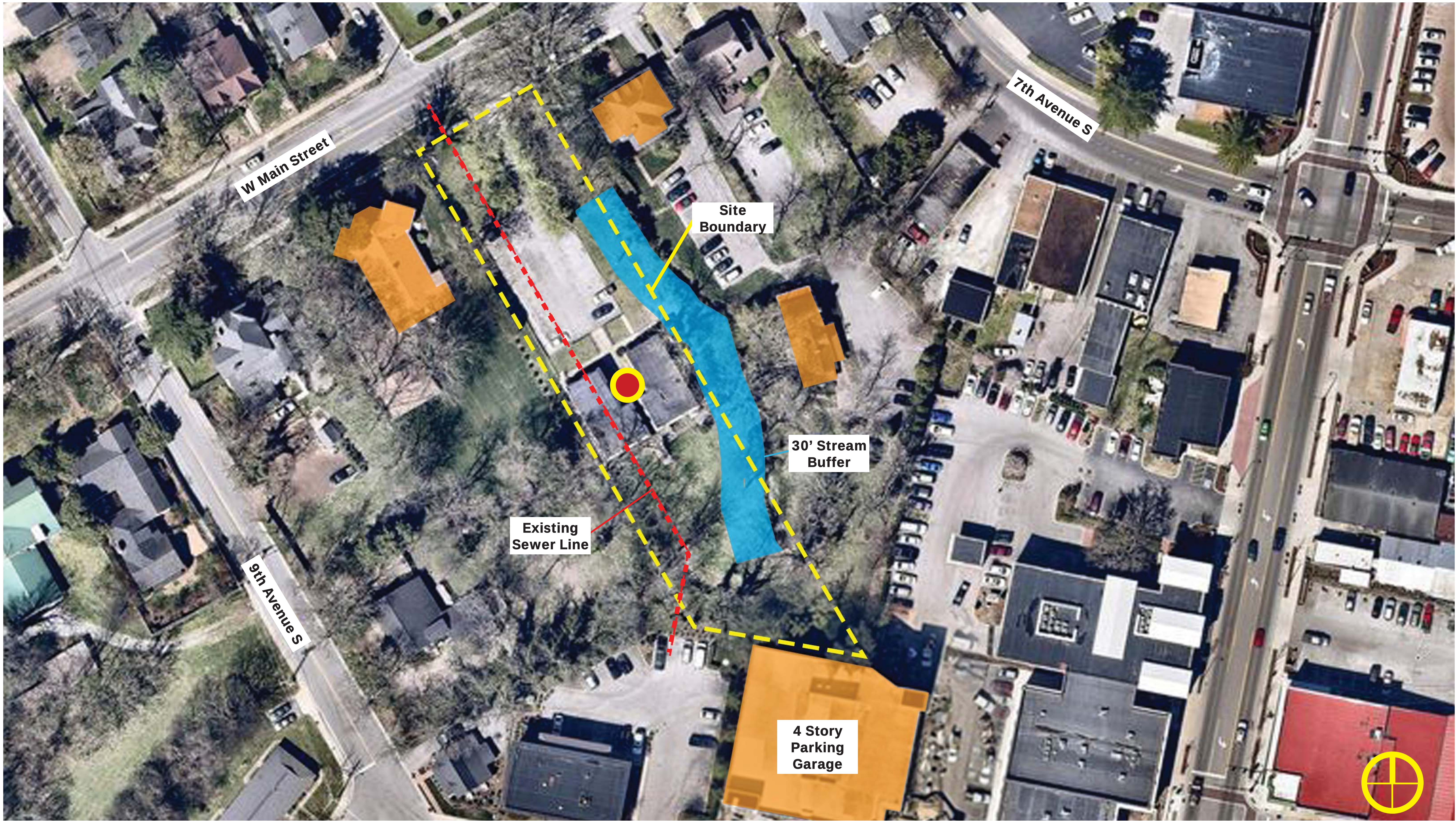
FLOOR AREA RATIO OF SITE:

N/A

MINIMUM LANDSCAPE SURFACE:

0.1 OF TOTAL SITE

THE ARLINGTON AT WEST MAIN FRANKLIN , TENNESSEE



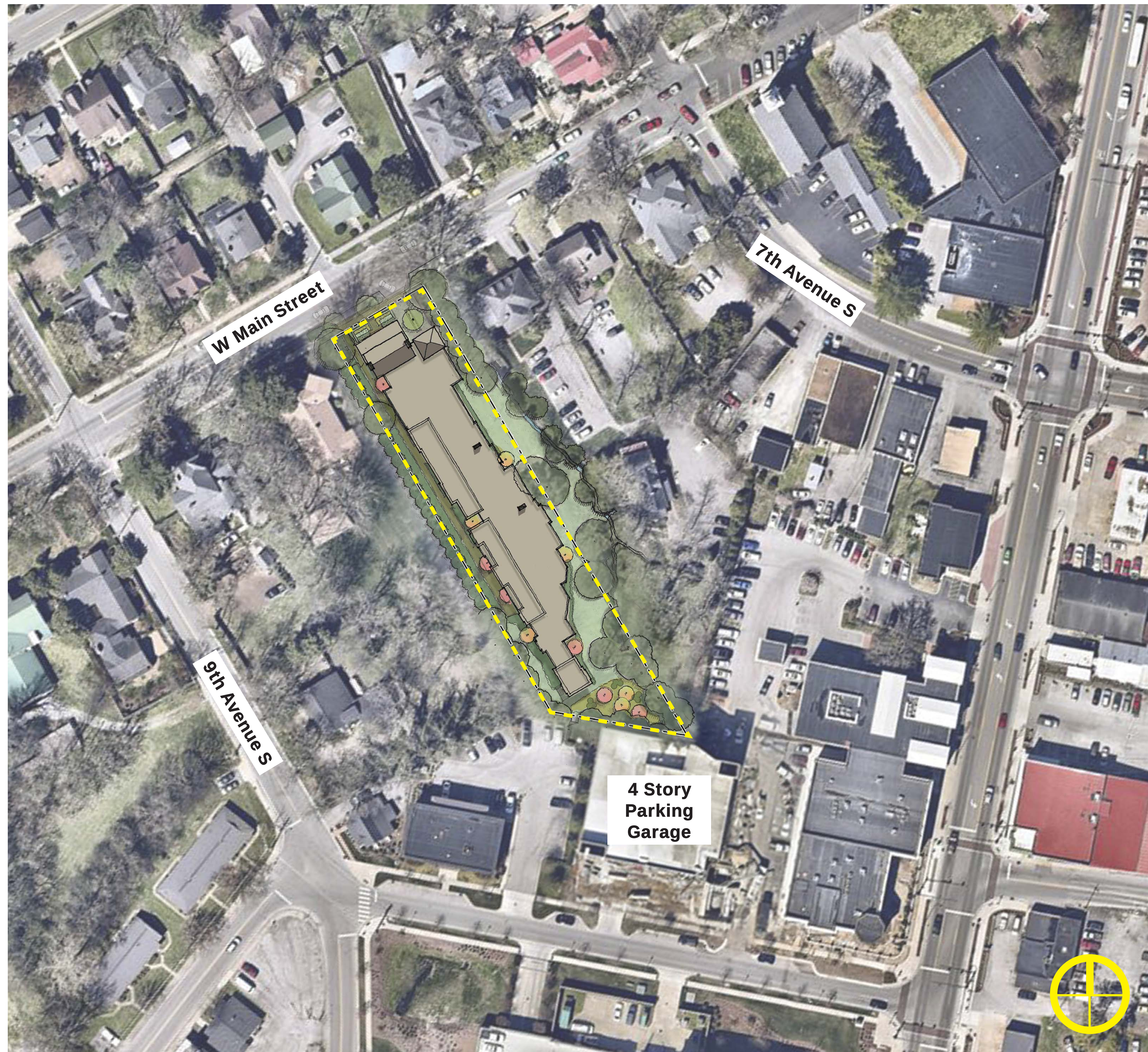
Existing Physical Features Map

THE ARLINGTON AT WEST MAIN
FRANKLIN , TENNESSEE



Photographs of Existing Site and Building

THE ARLINGTON AT WEST MAIN
FRANKLIN , TENNESSEE



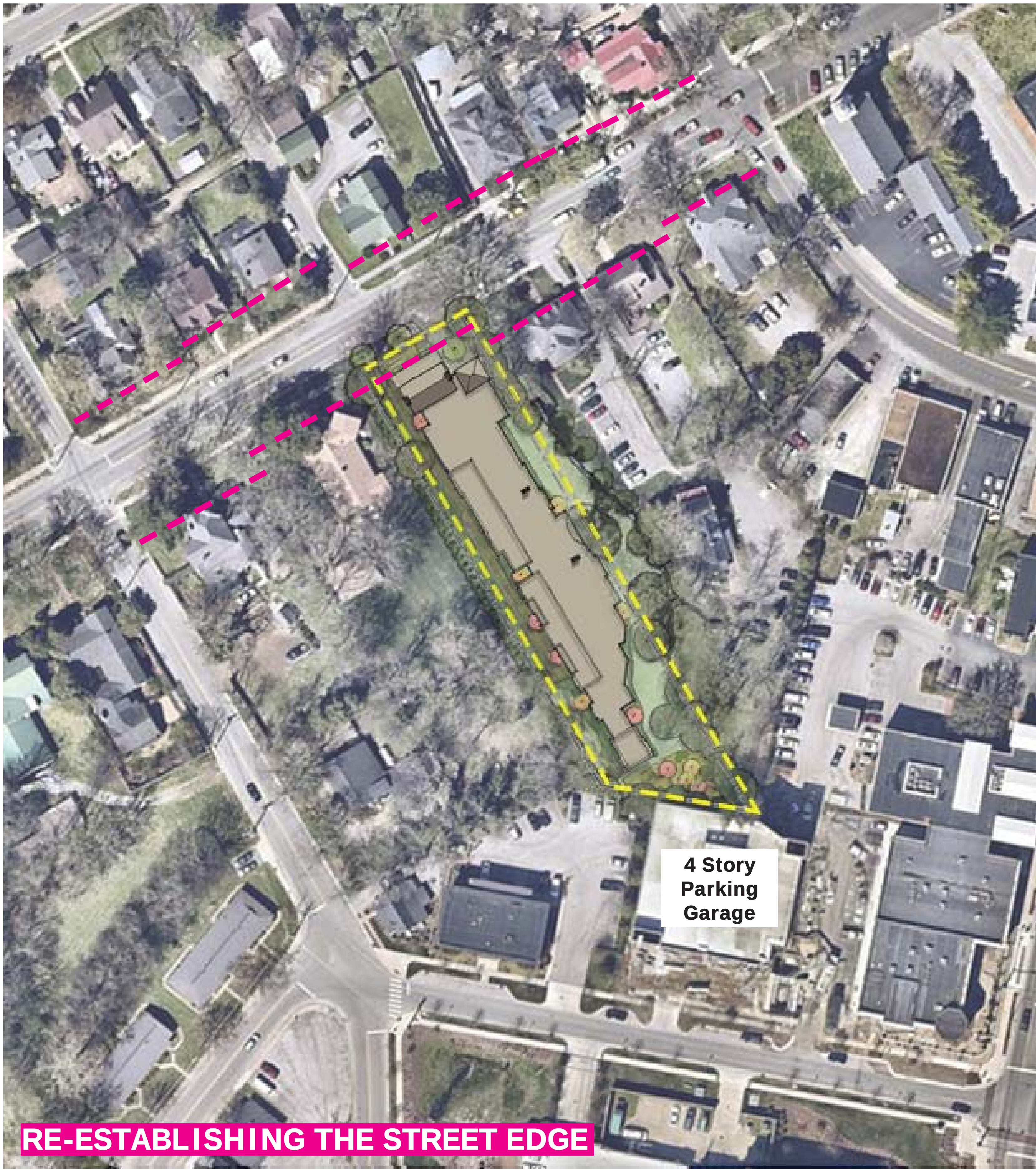
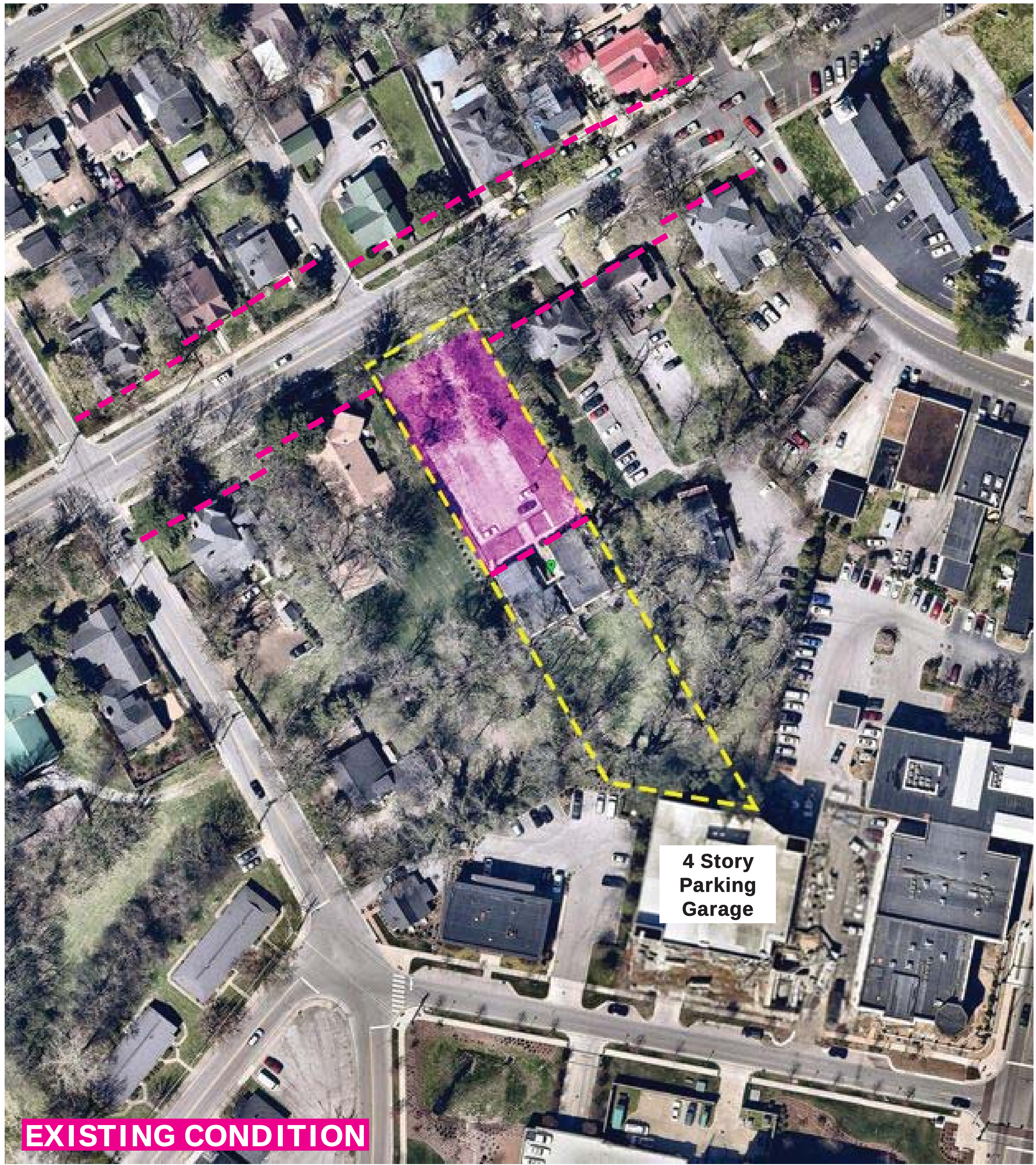
Project Map

THE ARLINGTON AT WEST MAIN
FRANKLIN , TENNESSEE



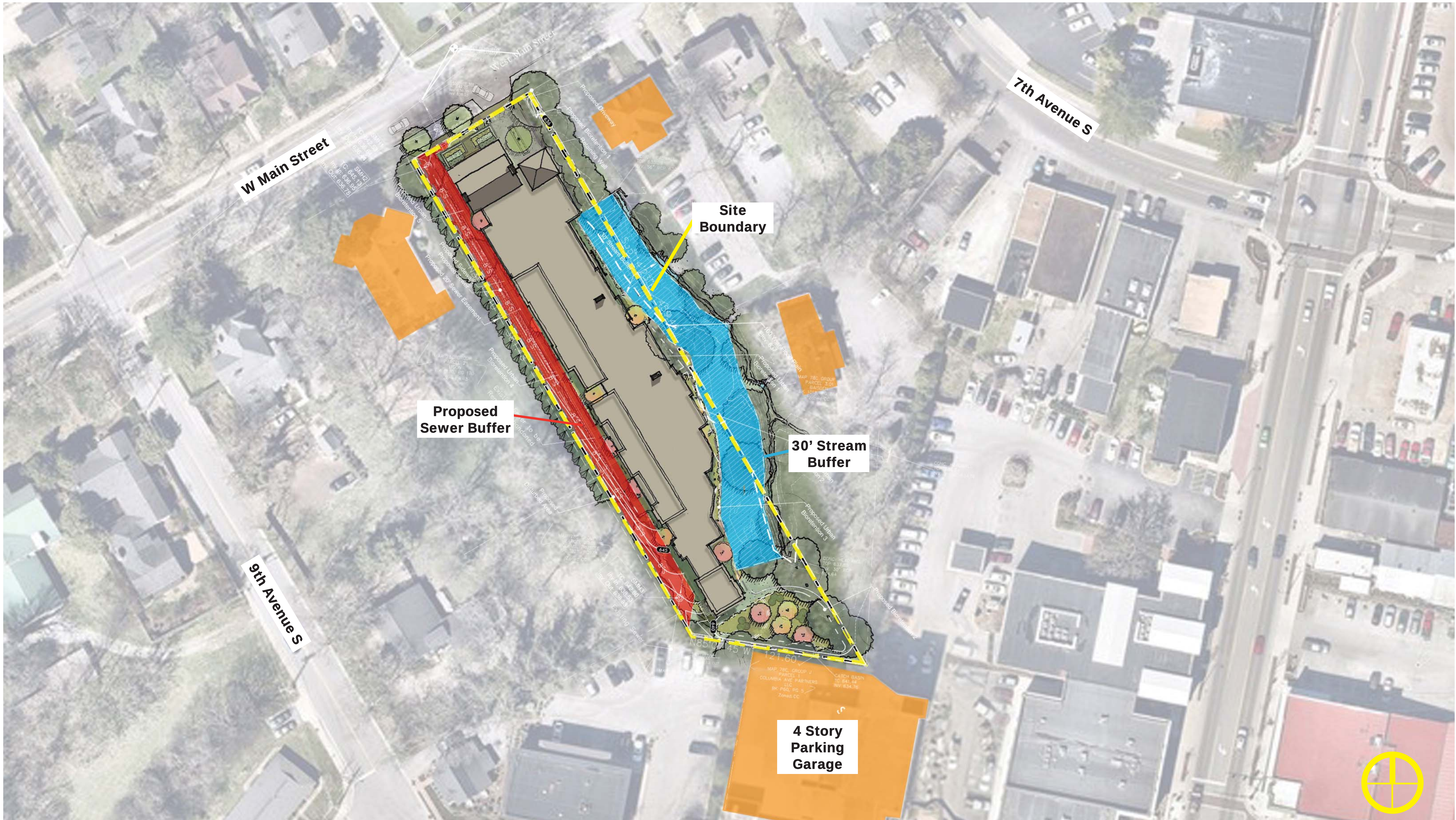
Proposed Site Plan

THE ARLINGTON AT WEST MAIN
FRANKLIN , TENNESSEE



Street Condition

THE ARLINGTON AT WEST MAIN
FRANKLIN , TENNESSEE



Proposed Site Plan with Conditions

THE ARLINGTON AT WEST MAIN
FRANKLIN , TENNESSEE



Elevation from West Main Street



Side Elevation

THE ARLINGTON AT WEST MAIN
FRANKLIN, TENNESSEE



Preapplication Conference

**Pre-Application Conference
Comments From Staff:**

General:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

Modification of Standards:

- 7.
- 8.
- 9.

Prior to Final Site Plan Submittal:

- 10.
- 11.
- 12.
- 13.

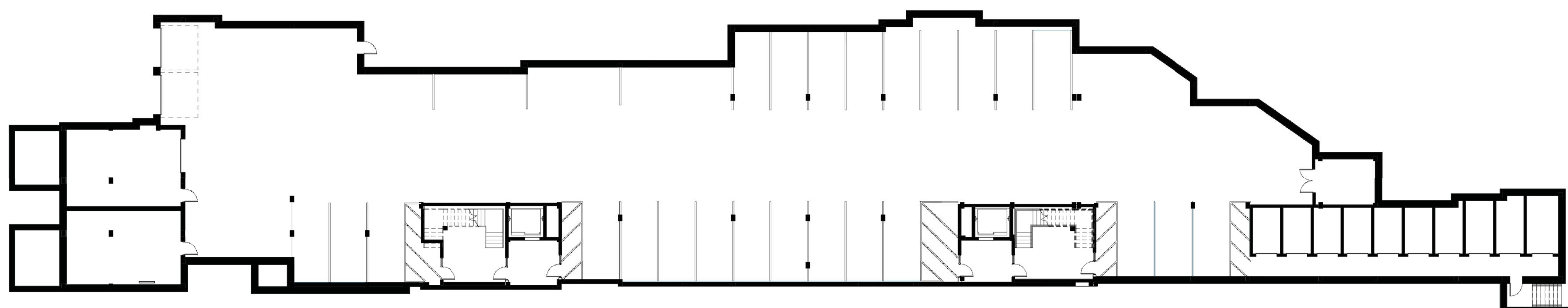
THE ARLINGTON AT WEST MAIN
FRANKLIN , TENNESSEE



Second Floor
1/16" = 1'-0"



First Floor
1/16" = 1'-0"



Parking Garage
1/16" = 1'-0"

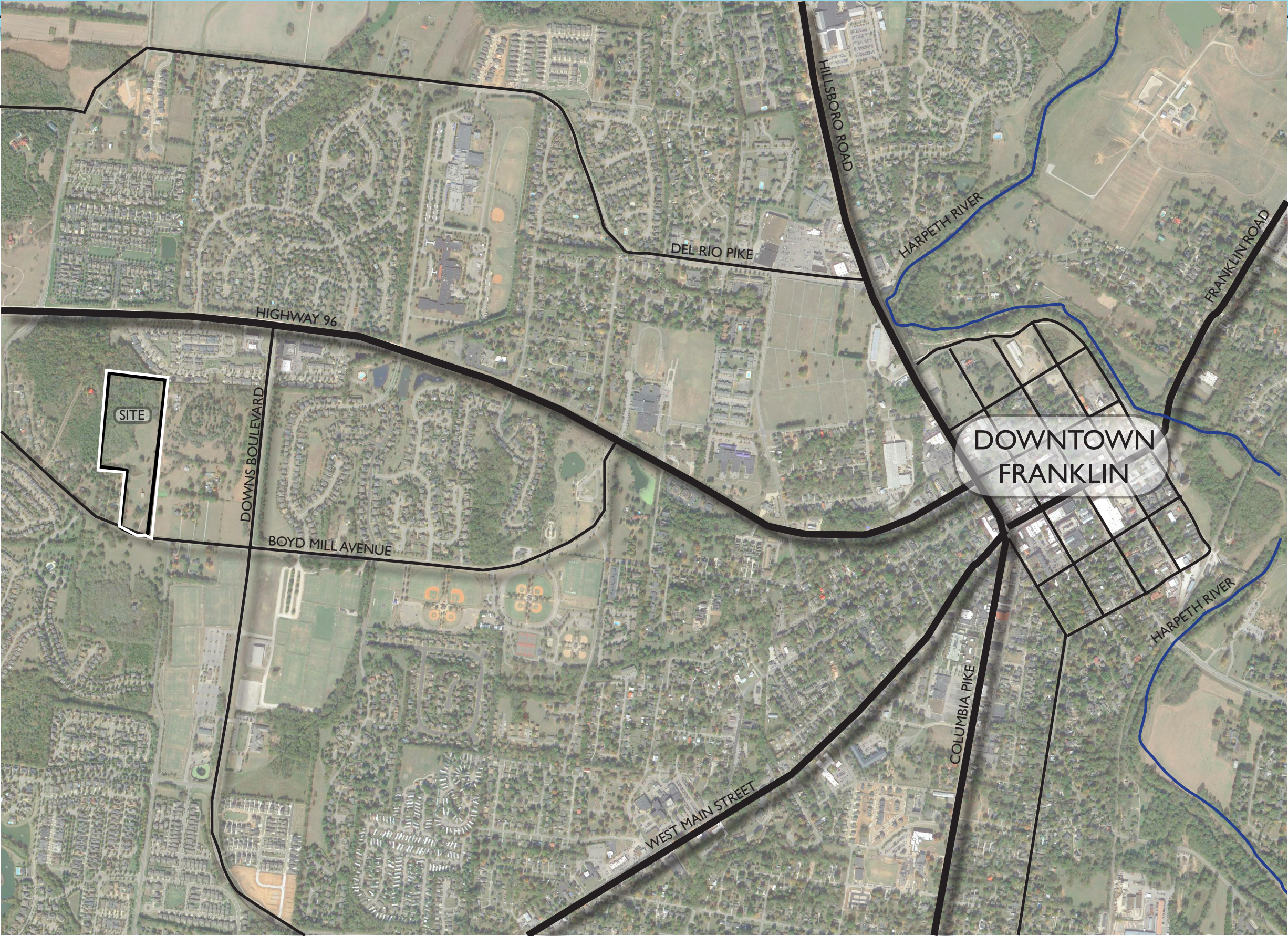
THE ARLINGTON AT WEST MAIN
FRANKLIN, TENNESSEE

3206 BOYD MILL AVENUE PUD

Franklin, Tennessee

Joint Conceptual Workshop
Date TBD

Site Context



Existing Conditions



SITE DATA	
TOTAL ACREAGE:	18.71 AC
EXISTING ZONING:	R-1



Master Plan



SITE DATA

TOTAL ACREAGE:	18.71 AC
EXISTING ZONING:	R-1
PROPOSED ZONING:	R-1
TOTAL LOTS:	18
DENSITY:	0.96 DUA

NOTES

- BY-RIGHT PLAN
- PLAN RESPONDS TO THE EXISTING CONDITION OF THE SITE
- MIX OF LOT SIZES
- MODIFICATION OF STANDARDS REQUEST FOR LENGTH OF CUL-DE-SAC

Formal Open Space - Conceptual Entry Design

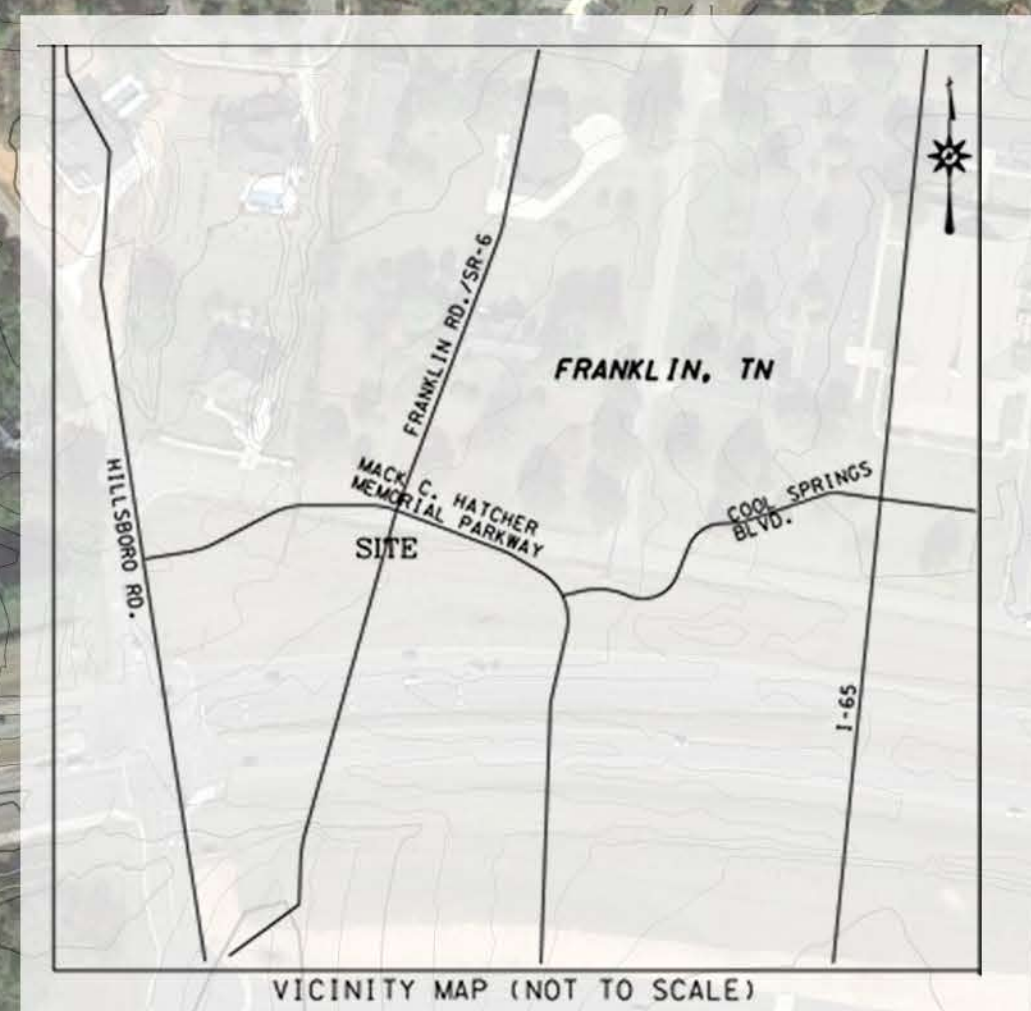


Typical Architecture

BUILDING SETBACKS

FRONT: 20'
REAR: 20'
SIDE: 10'





BGA

MEADOWS FARM
(Williamson County)

IRON HORSE SITE

- Zoning: SD-X I3.5
- Acreage: 20.01
- Units: 270 Dwelling Units
(Approved)
- Density: I3.2 DUA

FRANKLIN FIRST
METHODIST
CHURCH

- Zoning: Civic / Institutional

+/- 13.43 AC
(West of Franklin Road)
**+/- 6.15 AC DEVELOPABLE
ACREAGE**

+/- 48.37 AC
(East of Franklin Road)
**+/- 14.2 AC DEVELOPABLE
ACREAGE**

HARLINSDALE MANOR

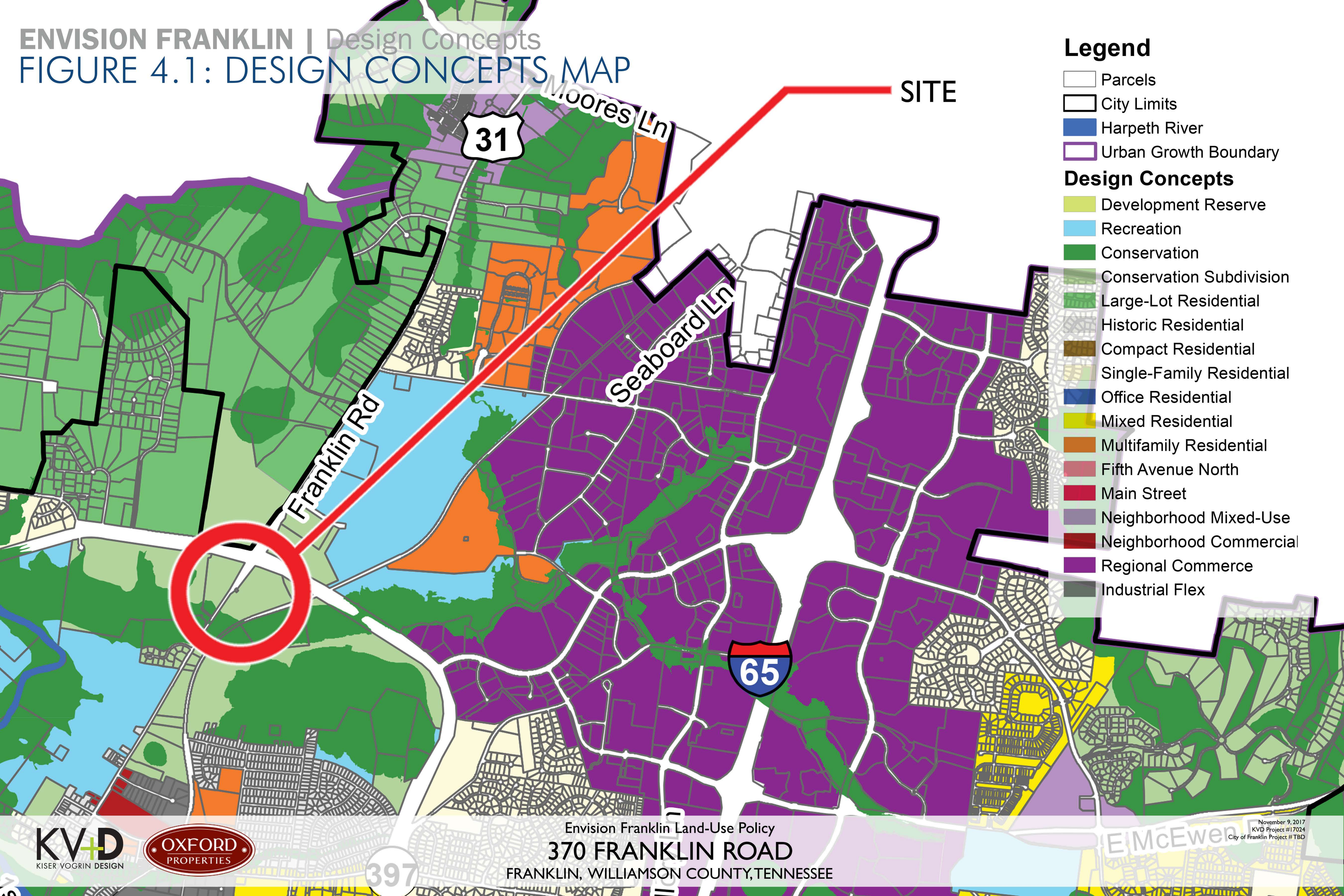
- Zoning: R-2
- Units: 15 Dwelling Units
- Density +/- 0.6 DUA

HARLINSDALE
FARM





ENVISION FRANKLIN | Design Concepts
FIGURE 4.1: DESIGN CONCEPTS MAP



- Legend**
- Parcels
 - City Limits
 - Harpeth River
 - Urban Growth Boundary
- Design Concepts**
- Development Reserve
 - Recreation
 - Conservation
 - Conservation Subdivision
 - Large-Lot Residential
 - Historic Residential
 - Compact Residential
 - Single-Family Residential
 - Office Residential
 - Mixed Residential
 - Multifamily Residential
 - Fifth Avenue North
 - Main Street
 - Neighborhood Mixed-Use
 - Neighborhood Commercial
 - Regional Commerce
 - Industrial Flex

EXISTING CONSERVATION SUBDIVISION DESIGN CONCEPT

The applicant agrees with all design guidelines and standards listed below with the exception of the "red" hi-lited text in which case we submit the language we would intend to follow in the preparation of a Development Plan under the requested Mixed Residential Design Concept Amendment.		
USES	Primary	Single-Family Residential This Amendment seeks to include Big Houses, Duplexes and Townhouses as a Primary Use as allowed under the Mixed Residential Design Concept.
	Secondary	Big Houses, Duplexes, Farmstead Compound, Institutional, and Recreation
FORM	Building Placement	Residential lots and infrastructure should be located to respect natural features and to maximize the proximity of lots to open space. Residential lots should be clustered to preserve a minimum of 50 percent of natural open space. Grading techniques that dramatically alter site vegetation and topography should be prohibited. Developments should use the natural, existing topography and minimize grading to the maximum extent practicable. Buildings and their main entrances should be oriented toward the street. Double frontage, reverse frontage, and flag lots are discouraged. Front-yard setbacks should be consistent along each block, but may vary between neighborhoods or between sections of neighborhoods. Side- and rear-yard setbacks of new buildings should be designed to maintain privacy for both new and existing neighboring properties.
		Architectural sensitivity for new developments should be observed. The style and architecture should draw from the character of the surrounding area and historically significant buildings.
	Building Character	Detached garages and attached garages that face the side or rear are encouraged over attached, front-facing garages for single-family residential development. If attached, front-facing garages are proposed, the garage should be recessed from the front facade of the dwelling. Other dwelling types, such as big houses and duplexes, should have rear-entry garages.
	Building Height	Maximum of two and one-half stories. Would apply only to Big House units fronting Franklin Road and all Single-Family Residential.
	Lot Size	Lots on the periphery of developments should be sized to be consistent with the existing lots of adjacent neighborhoods. Single-family lots with dwellings having attached garages that face the front, side, or rear should have a minimum width of 65 feet and a minimum lot size of 7,150 square feet.
		Single-family lots with dwellings having front-facing detached garages should have a minimum width of 50 feet and a minimum lot size of 5,500 square feet. Single-family lots with dwellings accessed by an alley should have a minimum lot width of 45 feet and a minimum lot size of 4,950 square feet.

PROPOSED MIXED RESIDENTIAL DESIGN CONCEPT

The applicant requests an Amendment to the Mixed Residential Design Concept and agrees with all guidelines and standards listed below in addition to the green hi-lited text found under the attached Conservation Subdivision Design Concept guidelines and standards.		
USES	Primary	Big Houses, Duplexes, Single-Family Residential, and Townhouses
	Secondary	Accessory Dwellings, Institutional, and Recreation
FORM	Building Placement	Buildings and their main entrances should be oriented toward the street. Double frontage, reverse frontage, and flag lots are discouraged. Front-yard setbacks should be consistent along each block, but may vary between neighborhoods or between sections of neighborhoods. Side- and rear-yard setbacks of new buildings should be designed to maintain privacy for both new and existing neighboring properties. Building setbacks internal to a development may differ from the established setbacks in the area.
		New buildings along established streets should be designed to be compatible with the existing character along the street. A diverse mix of housing types and sizes are encouraged for new and infill developments.
	Building Character	Dwellings within new developments should provide a mix of architectural styles and building materials that enhance the City's character. Architecture should contain a rich blending of designs that complement each other yet not be overly repetitive. Accessory dwellings should fit in contextually to the principal dwelling. Townhouses should be designed so that each dwelling has a different appearance through varying architectural elements, building materials, or front-facade setbacks to break up long, flat facades.



CONSERVATION SUBDIVISION		
SPECIAL CONSIDERATIONS	Franklin Road, Jasmine Grove Historic Estate in Myles Manor	Limited clustered single-family infill, not exceeding four new dwellings, to preserve the historic estate and its setting, may be appropriate on the south side of Jasmine Grove, adjacent to Lancaster Drive. Infill development should reflect the form and character within Myles Manor Subdivision. Does Not Apply
	Franklin Road and Mack Hatcher Parkway	Franklin Road is the last rural gateway into Downtown Franklin. Setbacks should be at least 150 feet along Franklin Road and Mack Hatcher Parkway in order to preserve the scenic viewshed, and parallel drives should not be located within the setback. The orientation of structures should address Mack Hatcher Parkway and Franklin Road. Context sensitive parallel drives are allowed within the outer one-half (75' - 150' range) of the 150' setback Commercial uses are not appropriate within this rural corridor.
		The Big House and Farmstead Compound concepts may be appropriate in addition to single-family residential. Under these concepts, three-story primary structures may be appropriate outside of Mack Hatcher Parkway with Development Plan approval by BOMA.
		The form, architecture and style of new buildings should draw from the surrounding area and from historically significant buildings. Some of the historic dwellings in the area were built in the early nineteenth century and have Federal and/or Greek Revival architecture. The height of new buildings should be no taller than those nearby historic resources. New buildings located immediately adjacent to the side/front of historic buildings should appear to be within one-half story of the historic building height Street infrastructure improvements to Franklin Road should be context sensitive in coordination with TDOT and City Streetscape Plans. Alternative options should be taken to avoid widening Franklin Road. Streetscape improvements to Franklin Road should be rural in nature, including informal, natural landscaping and traditional rural elements. New local streets adjacent to Franklin Road only Daniel McMahon Lane should be the closest access on Franklin Road from Mack Hatcher Parkway in the southwest quadrant. Future development in the northwest quadrant of Franklin Road and Mack Hatcher Parkway Intersection should have a street network that connects to Ernest Rice Lane. Legends Club Lane should be the primary vehicular access on Franklin Road for future development in the northeast quadrant of the intersection and improvements should include a left turn lane. If the northwest quadrant develops, then access shall be coordinated to create a four way intersection with signalization, subject to DOT approval. Access in the southeast quadrant is limited and should be further studied. Trail interconnectivity should be promoted by using current and future planned trails, together with trails along Spencer Creek and the Harpeth River. Grading that dramatically alters site vegetation and topography should be prohibited. Development should use the existing, natural topography and minimize grading to the maximum extent practicable.

The applicant requests an Amendment to the Mixed Residential Design Concept and agrees with all guidelines and standards listed below in addition to the green hi-lited text found under the attached Conservation Subdivision Design Concept guidelines and standards.		
MIXED RESIDENTIAL	FORM	If designed with garages, big houses, duplexes, and townhouses should have rear-loaded garages accessed by alleys. Detached garages and attached garages that face the side or rear are encouraged over attached, front-facing garages for single-family residential development. If attached, front-facing garages are proposed, the garage should be recessed from the front facade of the dwelling. Development inside Mack Hatcher Parkway: The small-town identity of the area should be preserved through special attention to massing and scale of new developments. Infill developments should be designed so that duplexes resembling single-family dwellings are located on the periphery in order to transition to existing single-family neighborhoods.
		Maximum of three stories. Proposed to apply only to Townhouse units located behind the first row Big House units fronting Franklin Road. Big House units fronting Franklin Road would be a maximum of two and one-half stories.
	Building Height	New buildings on the periphery of developments should appear to be within one-half story of surrounding building heights in order to ensure compatibility.
		Development should be designed so that single-family dwellings, or, in some cases, duplexes, are located on the periphery in order to transition to existing single-family neighborhoods. The lot and yard sizes along the periphery of the development should be consistent with those of existing adjacent lots. Smaller, single-family lots, big houses, duplexes, and townhouses may be located internally within new developments and should be served by active park amenities within walking distance. For new development outside of Mack Hatcher Parkway, single-family lots should include a range of lot sizes. The following are recommended minimums, but lot sizes should vary to provide more diverse housing options. Larger developments are expected to have a wide range of sizes: Lots with dwellings having attached garages that face the front, side, or rear should have a minimum width of 65 feet and a minimum lot size of 7,150 square feet. Lots with dwellings having front-facing detached garages should have a minimum width of 50 feet and a minimum lot size of 5,500 square feet. Lots with dwellings accessed by an alley should have a minimum lot width of 45 feet and a minimum lot size of 4,950 square feet. For redevelopment and infill development inside of Mack Hatcher Parkway, duplex or single-family lots located on the exterior of a development should be a minimum of 6,500 square feet.

Proposed Mixed Use Residential Text Amendment

The applicant requests the creation of a new tab within the Mixed Residential Design Concept chart labeled Southeast and Southwest Quadrant of Franklin Road and Mack Hatcher supplemented with the following text additions.

1. Proposed developments within this location shall set aside a substantial amount of property as permanently protected open space in its natural state. New development should preserve a minimum of 50 percent open space, strategically targeted toward scenic vistas, greenways, pastures, trails, woodlands, or other uses that maintain scenic character, protect habitat value, and contribute to the quality of life for residents.

2. Franklin Road is the last rural gateway into Downtown Franklin. Building setbacks should be at least 150 feet along Franklin Road and Mack Hatcher Parkway in order to preserve the scenic viewshed. Context sensitive parallel drives are allowed within the outer one-half (75' - 150' range) of the 150' setback. The orientation of structures should address Mack Hatcher Parkway and Franklin Road.

3. Development should use the existing, natural topography and minimize grading to the maximum extent practicable.

4. Commercial uses are not appropriate within this rural corridor.

5. The form, architecture and style of new buildings should draw from the surrounding area and from historically significant buildings. Some of the historic dwellings in the area were built in the early nineteenth century and have Federal and/or Greek Revival architecture. New buildings located immediately adjacent to the side/front of historic buildings should appear to be within one-half story of the historic building height.

6. Residential buildings directly fronting Franklin Road shall be a maximum of two-and one-half stories. Residential units located behind the first row of residential units along Franklin road shall be a maximum of 3 stories.

7. Street infrastructure improvements to Franklin Road should be context sensitive in coordination with TDOT and City Streetscape Plans. Alternative options should be taken to avoid widening Franklin Road. Streetscape improvements to Franklin Road should be rural in nature, including informal, natural landscaping and traditional rural elements.

8. New local streets, adjacent to Franklin Road only, should be rural in character, with swales instead of curbs, informal street-tree plantings, and traditional rural elements, such as stone walls and wood-plank fencing.

9. The Daniel McMahon Lane and Franklin Road intersection should be studied for possible relocation in order to provide safe access to the SW and SE quadrants.

10. Trail interconnectivity should be promoted by using current and future planned trails, together with trails along Spencer Creek and the Harpeth River.

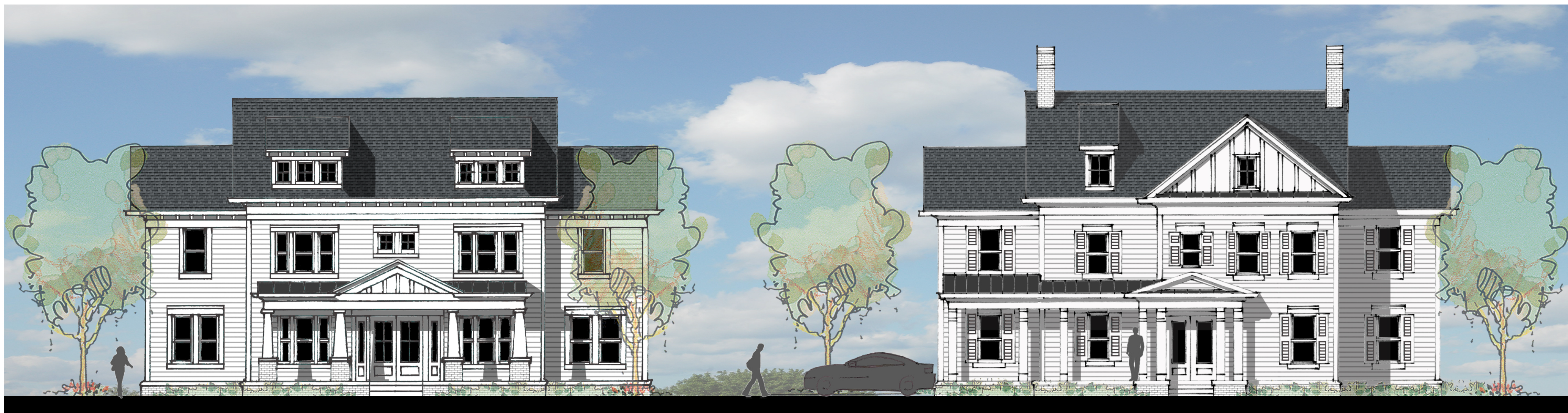
11. Common design elements, such as fieldstone walls and wood plank fencing, should be preserved and used along major thoroughfares to reflect Franklin's community identity.

12. Parking should be to the side and rear of buildings or on-street.

13. Creekside Manor and ancillary historic structures should be preserved in their locations and context with careful site design around them to preserve the character of Franklin.



BIG HOUSES





TOWN HOMES





Conceptual Development Perspective
370 FRANKLIN ROAD
FRANKLIN, WILLIAMSON COUNTY, TENNESSEE

November 9, 2017
KVD Project #17024
City of Franklin Project # TBD

Pre-Application Conference Meeting Notes

This email is to provide a follow-up to the meeting held October 16, 2017.

Purpose: Envision Franklin Plan Amendment Request
Site: South side of Franklin Road/Mack Hatcher Parkway intersection
Attendees--
Staff: Kelly Dannenfelser, Amy Diaz-Barriga, Andrew Orr, Brad Baumgartner
Applicant: Dwight Kiser, Gary Vogrin, and Eric Flynn

Summary:
We have met previously about this site about six months ago and talked about the Conservation Subdivision design concept and discouraged townhomes. They would like to submit for the December FMPC meeting a proposal to change the design concept from Conservation Subdivision to Mixed Residential. They said they had positive support from some planning commissioners they’ve met with, and that the view from Franklin Road was most important.

We went over the list of items to address, including (1) what conditions have changed since the adoption of the Plan to warrant an amendment; and (2) how will the proposed amendment be compatible with the existing land use patterns and design concepts of nearby properties. Staff told the applicant that a request for townhomes in this location would not be supported.

- They talked about doing a big house concept for the light yellow “buildings” along Franklin Road and townhomes behind it on the east side, with a row of single-family residential along Daniel McMahon Lane. They would keep the 150-foot building setback (but have parallel drives within it, which is not allowed by CFCO District.)
- We talked about the rural corridor, the 150-setback, and rural feel. The sense of place matters within a development and townhomes are incongruent with the established rural character, one that Harlinsdale Manor has set. KVD contends that the townhomes set back behind the Big Houses will have limited visibility from Franklin Road.
- Staff said that institutional uses are an appropriate use in Conservation Subdivision and that this would be an appropriate use at this location. They would like to make the argument for land costs that outprice institutional uses. In addition, the +/- 40,000 vehicles per day at the Franklin Road/Mack Hatcher Intersection and CSX Railroad to the east limit the viability of single family detached homes and more equate to a mixed-use residential product.
- Historic resources in the area: Roper’s Knob, Creekside Manor, and Wyatt Hall, should be sensitively buffered and designed around.
- Dwight thinks the rural character starts at Creekside. Staff thinks it is from the intersection, as well as north on Franklin Road, which is also rural. They would like to make the argument that this development will transition from Iron Horse. Staff mentioned that was adopted under a previous LUP that didn’t have the level of specificity we have today.
- They would also like to include a conceptual sketch in the submittal. Please see below for further information not discussed at the meeting.
- Dwight talked about a previous discussion with Engineering about potentially moving the access north of Daniel McMahon Lane, citing the floodplain, improved safety, but that what they were showing did not meet the minimum distance from the Mack Hatcher intersection and needs further study.
- We asked them to provide images of architecture examples of what they’d like to do.
- Andrew is going to set up the site visit with the pre-app team and coordinate the neighborhood meeting. They are looking at November 2 for a neighborhood meeting. There are very few property owners within 500 feet of this site.

Further Information:
After talking with Emily and other staff, it would be better not to include a specific plan in the actual text amendment so that the more in-depth level of detail can take place at the rezoning stage. For example, Envision Franklin rarely specifically addresses access locations for sites. It does here because it was the result of a six month City study of these properties. We would suggest that if you would like to pursue changing the access location, request deletion of that particular text. Then, it will be fully vetted with Engineering through rezoning, should the amendment request be successful. If you’d still like to pursue a bubble diagram with areas for big houses and townhomes, we can talk further about that. We would create it in-house to look like other illustrations in the document.

Kelly Dannenfelser, AICP
Long Range Planning Supervisor · City of Franklin · Planning and Sustainability Department
E kellyd@franklintn.gov T 615.550.6735 W www.franklintn.gov

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Pre-App Conference Notes
370 FRANKLIN ROAD
FRANKLIN, WILLIAMSON COUNTY, TENNESSEE



November 16, 2017

HISTORIC
FRANKLIN
TENNESSEE

Project: Envision Franklin Plan Amendment Request
Site: South side of Franklin Road/Mack Hatcher Parkway intersection
Applicant: Dwight Kiser, Gary Vogrin, and Eric Flynn

Background:

The applicant is proposing to change the Envision Franklin Design Concept from Conservation Subdivision to Mixed Residential for the two parcels directly southwest and southeast of the Mack Hatcher Parkway and Franklin Road intersection:

- Conservation Subdivision is primarily a single-family design concept. Duplexes and big houses (four-unit maximum) are supported as secondary uses, but should have a single-family character. A minimum of 50% open space is also required.
- Mixed Residential supports townhomes, duplexes, big houses, and single family as primary uses.

Envision Franklin lays out several criteria used to evaluate plan amendments including (1) what conditions have changed since the adoption of the Plan to warrant an amendment; (2) consistency with the overall intent of the Plan and nearby land uses; (3) adverse impacts to scenic viewsheds; and (4) achievement of substantial improvements to the quality of life for city residents.

Staff Comments:

The staff does not support this amendment request because conditions have not changed enough since the adoption of the Plan and because the proposal is not consistent with the overall intent of the Plan and nearby land uses. Some of the key issues are listed below:

- Envision Franklin designates Franklin Road as a rural corridor, which leads into Downtown Franklin. The property is zoned Estate Residential (ER), which allows for one dwelling on two acres. The conceptual plan and addition of townhomes would create an urban character and create an intense development node that is not recommended at this location.
- Envision Franklin identifies Daniel McMahon Drive as the closest access from Mack Hatcher Parkway. The applicant desires to relocate this access closer to Mack Hatcher, near the Creekside historic home. There are several concerns about the proposed site access.
- Envision Franklin sets forth a 150' setback from Franklin Road and Mack Hatcher Parkway. The applicant is requesting to encroach into this setback along Franklin Road. The staff seeks to preserve this setback in its entirety.
- Several historic resources exist in the area: Roper's Knob, Creekside Manor, and Wyatt Hall. The staff has concerns these historic resources may be negatively impacted by the proposed changes.
- Approximately thirty citizens attended the neighborhood meeting held on November 2, 2017. Seven comment cards were submitted and all of them listed concerns or displeasure with the proposed amendment.

Ordinance 2016-36

Zoning Ordinance Amendment – Parkland Dedication Requirements

November 16, 2017

BOMA/FMPC Joint Conceptual Workshop

Background

- Parkland Dedication and Fees-In-Lieu of Parkland Dedication have been in the Zoning Ordinance since 2008
- Existing requirements are complicated and do not provide much flexibility
 - Numerous requests for Modifications of Standards (MOS)
 - Existing Ordinance has not resulted in the dedication of improved parkland, except for the dedication of some greenways
 - Since 2008, over 5 million dollars of fees-in-lieu of parkland dedication has been collected, with an additional 3 million dollars pending
- February 2016 – Parks Master Plan adopted by BOMA
- BOMA currently considering an Ordinance to amend the Municipal Code to establish Parkland Impact Fee and Dedication Requirements
- Need to amend the Zoning Ordinance to remove requirements for parkland dedication and Fees-In-Lieu of Parkland Dedication

What Does Ordinance 2016-36 Do?

- Removes requirements for parkland dedication from the Zoning Ordinance
- Changes the name of Section 5.5.4 from *Dedication of Public Land for Parks and Greenways/Blueways* to *Parkland Impact Fees and Parkland Dedication*
- Replaces the existing requirements with the following:

5.5.4 Parkland Impact Fees and Parkland Dedication

In addition to the standards for open space set-asides, the development or redevelopment of land that creates new or additional residential dwelling units shall meet the requirements for Parkland Impact Fees and Parkland Dedication as specified in Title 25, Chapter 4, of the Franklin Municipal Code.

ORDINANCE 2016-36

TO BE ENTITLED: "AN ORDINANCE TO AMEND CHAPTER 5 OF THE ZONING ORDINANCE OF THE CITY OF FRANKLIN, TENNESSEE, TO AMEND SUBSECTION 5.5.4 PERTAINING TO THE REQUIREMENTS FOR THE DEDICATION OF LAND FOR PARKS AND GREENWAYS/BLEUEWAYS."

WHEREAS, pursuant to Private Act 1987, Chapter 117, the City of Franklin's intention is that new growth in residential development should pay its proportionate share to maintain the existing resident to parkland ratio so not to impose costs on existing City of Franklin taxpayers; and

WHEREAS, the City of Franklin values public parkland as an important community amenity and a central tenet of quality of life for its citizens, thereby requiring a Parkland Impact Fee or, as an alternative, Parkland Dedication for new Residential Development; and

WHEREAS, operating and maintenance costs for public parkland of less than five acres is not cost effective for the City; and

WHEREAS, private improvements in new Developments are encouraged to provide park-like amenities that are accessible and able to be enjoyed by those residing within the Development and, throughout the City of Franklin; and

WHEREAS, removing the Parkland Dedication requirements from Subsection 5.5.4 of the Franklin Zoning Ordinance, and creating a separate Title in the Franklin Municipal Code for Parks will provide the Board of Mayor and Alderman and City Staff with additional opportunities to achieve recreational facilities that meet the intent and purpose of this Ordinance by establishing requirements for Parkland Impact Fees and Parkland Dedication and development, construction of park improvements in lieu of Parkland Impact Fees, and providing criteria for granting off-sets for providing Private Park and recreation amenities and park-like facilities; and

WHEREAS, Envision Franklin, the City of Franklin Land Use Plan, supports the provision of park and recreation facilities throughout the City and in new Developments that meet the needs of all citizens of Franklin; and

WHEREAS, in 2016, the City of Franklin Board of Mayor and Aldermen approved the Franklin Comprehensive Parks and Recreation Master Plan (the "Plan"), which provides planning policy and guidance for the development of a municipal park and recreation system for the City of Franklin; and

WHEREAS, the Plan assessed the need for parkland and park improvements to serve the residents of Franklin; and

WHEREAS, the Plan also carefully assessed the level of service provided by the park and recreation system, and the City wishes to retain that level of service by establishing Parkland Impact Fees and Parkland Dedication requirements based on individual Dwelling Units created by each new Development so new Dwelling Units bear their proportionate share of the cost of retaining the current level of service; and

WHEREAS, it is within the best interests of the citizens of the City of Franklin to amend the Franklin Zoning Ordinance to address the concerns identified.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, TENNESSEE, AS FOLLOWS:

SECTION I. That Chapter 5, Section 5.5, Subsection 5.5.4, of the Franklin Zoning Ordinance is hereby amended to delete the following text noted with a ~~strikethrough~~; to add the following text noted in **bold**, and is approved to read as follows:

5.5.4 Parkland Impact Fees and Parkland Dedication ~~Dedication of Public Land for Parks and Greenways/Blueways~~

In addition to the standards for open space set-asides, **the development or redevelopment of land that creates new or additional residential dwelling units shall meet the requirements for Parkland Impact Fees and Parkland Dedication as specified in Title 25, Chapter 4, of the Franklin Municipal Code** ~~residential or mixed-use developments with ten (10) or more dwelling units shall dedicate land to the city for use as public parks or greenways/blueways in accordance with the following standards. For a revision to a PUD approved prior to July 1, 2008, the Public Land Dedication shall only be assessed on any of the new residential dwelling units to be included within the PUD.~~

~~(1) Amount to be Dedicated~~

~~(a) Developments required to dedicate land shall do so in the following amounts:~~

- ~~(i) 1,200 square feet per dwelling unit for the first 35 principal dwelling units; and~~
- ~~(ii) 600 square feet for each additional principal dwelling unit beyond the first 35.~~

~~(b) Accessory dwelling units shall be exempt from these requirements.~~

~~(c) Development proposed in phases shall be considered as a single development for the purposes of applying the land dedication standards. Development shall not be phased to avoid the requirements of this subsection.~~

~~(2) Nature of Park Land to be Dedicated~~

~~All dedications of land shall meet the following criteria:~~

~~(a) Contiguity~~

- ~~(i) The dedicated park land shall form a single contiguous parcel of land, except where the BOMA determines that two or more parcels would be in the best interest of the public, given the type and distribution of open spaces needed to adequately serve the proposed development.~~
- ~~(ii) When dedicated land is composed of two parcels, it shall be connected by a dedicated strip of land at least 30 feet in width unless the BOMA determines that an alternative configuration would be in the best interest of the public.~~

~~(b) Usability~~

- ~~(i) At least 50 percent of the total park land dedicated shall be located outside the HHO, FWO, and FFO Districts, alluvial soils, lakes, or other water bodies, and areas with slopes greater than 14 percent.~~

- (ii) ~~At least 75 percent of the total land dedicated shall be located outside of wetlands subject to federal or state regulatory jurisdiction. Lakes, ponds, creeks, or other water bodies, and wetlands falling under the jurisdiction of state or federal agencies may be dedicated only if sufficient abutting land is dedicated as a public recreation area or park or if such area constitutes a necessary part of the drainage control system.~~

~~(c) Shape~~

~~The shape of the dedicated park land shall be deemed suitable to accommodate those facilities set forth by the City of Franklin Parks Department. Land dedicated only for greenways need not comply with the requirements of this subsection.~~

~~(d) Location~~

~~The dedicated park land shall be located so as to reasonably serve the recreation and open space needs of nearby residents. The dedicated park land may be located outside of the residential development in order to add property to existing park land or to combine land dedication efforts with those of other developments.~~

~~(e) Access~~

- ~~(i) Public access to the dedicated park land shall be provided either by adjoining public street frontage, dedication of property, or by a dedicated public easement that connects the dedicated land to a public street or right-of-way.~~
- ~~(ii) Gradients adjacent to existing and proposed streets shall allow for reasonable access to the dedicated land.~~
- ~~(iii) Where the dedicated land is located adjacent to a street, the developer shall remain responsible for the installation of utilities, sidewalks, and other improvements required along that street segment.~~

~~(f) Topography~~

~~The average slope of the portion of dedicated land deemed usable for active recreation shall not exceed the average slope of the entire area to be developed. In no case shall a slope on the usable portion of dedicated land exceed 14 percent.~~

~~(g) Dedication of Lakes~~

- ~~(i) The developer may propose to include an existing or proposed body of water as part of a park dedication.~~
- ~~(ii) The land surrounding and adjacent to the water body shall be dedicated to the city, at a minimum width of 100 feet.~~

~~(3) Procedure for Dedication of Park Land~~

- ~~(a) The dedication of such land shall be reviewed and approved as part of a Development Plan or Preliminary Plat, as applicable. The developer shall designate the areas of land to be dedicated on the Preliminary Plat or Development Plan.~~
- ~~(b) Where wetlands falling under the jurisdiction of state or federal agencies have been certified to exist on the property, the Development Plan or Preliminary Plat shall also identify the boundaries of such wetlands.~~

- ~~(c) Upon receipt of the Concept Plan or Preliminary Plat, the parks department shall review the proposal and prepare a recommendation regarding the dedication.~~
- ~~(d) Unless otherwise stipulated in the Concept Plan or Preliminary Plat, an executed general warranty deed in a form acceptable to the city conveying the dedicated land to the city and a reproducible paper boundary survey shall be submitted no later than two years after the recording of the first final subdivision plat for the development.~~

~~(4) Payment In-Lieu of Dedication~~

~~(a) General~~

~~The payment of fees in lieu of the dedication of land may be accepted at the request of the developer, with approval of the city. The payment of fees in lieu of land dedication also may be required by the BOMA at the time of Development Plan approval, or as a condition of the approval of a Preliminary Plat, upon finding that:~~

- ~~(i) All or part of the land required to be dedicated is not suitable for public recreation and open space purposes;~~
- ~~(ii) The recreational needs of the proposed development can be met by other park, greenway, or recreational facilities planned or constructed by the city within reasonable proximity to the development;~~
- ~~(iii) The amount of parkland required to be dedicated is too small to provide adequate recreational opportunities or to be efficiently maintained by the city; or~~
- ~~(iv) Existing park land in the area is adequate to serve the development.~~

~~(b) Procedure for Approval~~

- ~~(i) The payment of such fees in lieu of land dedication shall be reviewed and approved as part of the Development Plan or Preliminary Plat. Any developer desiring to make such payment shall attach a letter to the parks department requesting the payment of fees in lieu of land dedication.~~
- ~~(ii) Upon receipt of the application, the Parks Department shall review the request and submit any and all recommendations concerning the payment of fees in lieu of dedication to the city.~~
- ~~(iii) In the event of a dispute between an applicant who wants to make payment in lieu, and a recommendation by the parks department that facilities should be provided, the BOMA shall make the final determination based on which option would generate the maximum community benefits.~~

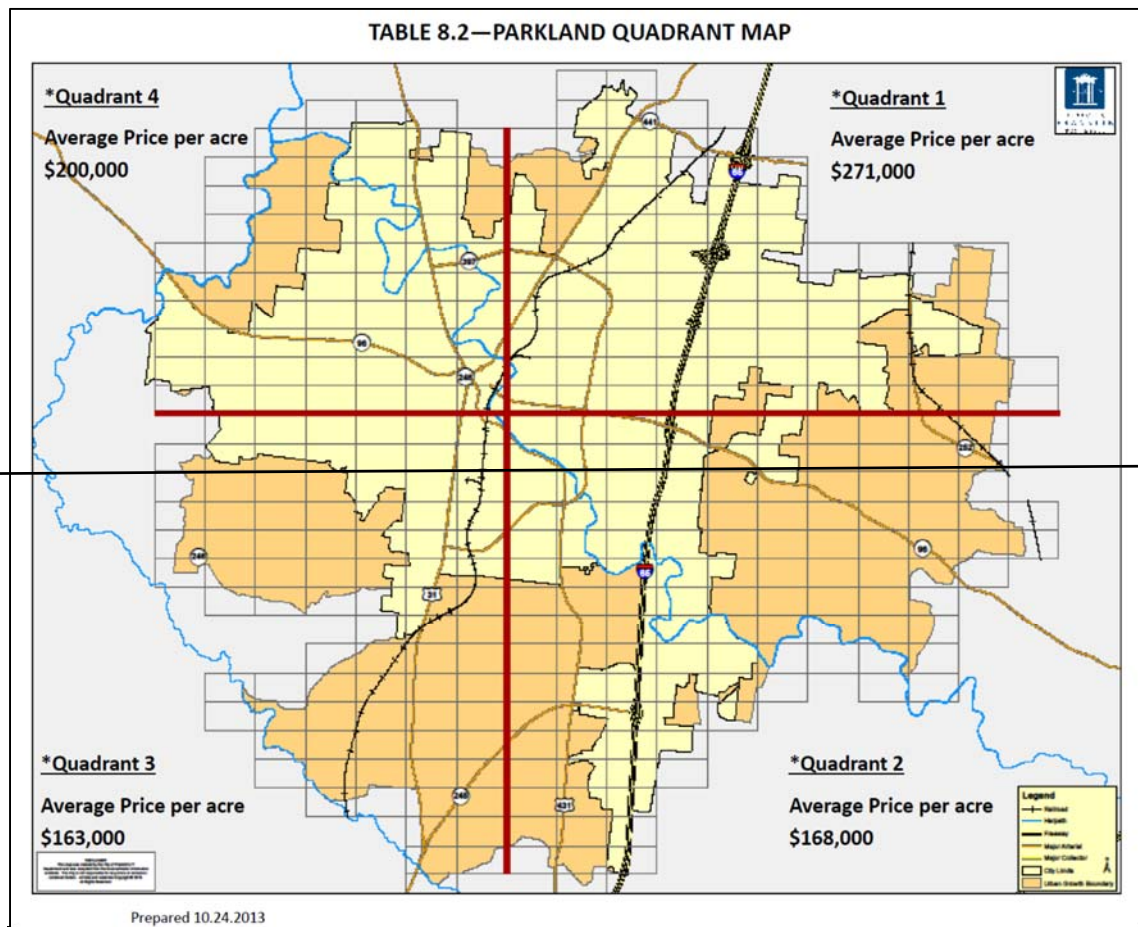
~~(c) Time of Payment~~

~~The fees in lieu of dedication shall be paid prior to recording the first Final Plat for the subdivision to which the fees relate.~~

~~(d) Amount of Payment~~

- ~~(i) Where the payment of fees to the city is to be made in lieu of dedication of land as permitted by this subsection, the developer shall provide to the city, at the developer's cost, a current written appraisal of the fair market value of the land to be developed.~~

- (ii) Each appraisal shall be performed by a Tennessee-licensed real estate appraiser.
- (iii) The Finance Department may waive the requirement of an appraisal where the subdivider or developer provides to the city documentation of the fair market value of the subject property, which in the opinion of the Finance Department reasonably estimates the land's fair market value.
- (iv) The appraisal or documentation of the land's fair market value, along with other evidence that, in the city's opinion, aids in the determination of fair market value, may be used in the determination of the amount of any payment in lieu of land dedication permitted by this subsection.
- (v) Nothing in this subsection shall limit or preclude the BOMA from requiring a written appraisal notwithstanding a waiver of the appraisal requirement granted by the finance department.
- (vi) When the appraisal or documentation of the land's fair market value, as determined by the City, exceeds the average land value for the quadrant where the proposed project is located, the average land value as noted in Table 8.2 – Parkland Quadrant Map shall be the per acre value used for calculating the parkland payment in lieu.



~~(e) Disagreements as to Amount~~

~~In the case of disagreement between the city and the developer regarding the fair market value of the property, such determination shall be made by a special appraisal committee consisting of one professional appraiser appointed by the city administrator, one professional appraiser appointed by the applicant, and one professional appraiser appointed by the first two committee appointees. This committee shall view the land and hear the contentions of both the city and the applicant. The findings of the committee shall be by a majority vote and shall be certified to the BOMA in writing within 30 days of the date the third member is appointed to the committee. The costs of the appraiser appointed by the applicant shall be borne entirely by the developer; the city shall bear all other costs associated with the committee.~~

~~(f) Use of Funds~~

~~Fees received pursuant to this subsection shall be used only for the acquisition or development of public parks, greenways/blueways, open space sites, and related facilities.~~

SECTION II. Severability. In the event that any section, clause, provision, or part of this ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable full force and effect. If any part of this ordinance is found to be invalid in any one or more of its several applications, all valid applications that are severable from the invalid applications shall remain in effect.

SECTION III. Repeal and Savings Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions or causes of action which shall have accrued to the City of Franklin prior to the effective date of this ordinance.

SECTION IV. BE IT FINALLY ORDAINED by the Board of Mayor and Aldermen of the City of Franklin, Tennessee, that this Ordinance shall take effect from and after its passage on third and final reading, the health, safety, and welfare of the citizens requiring it.

ATTEST:

By: _____
Eric Stuckey
City Administrator/Recorder

CITY OF FRANKLIN, TENNESSEE:

By: _____
Dr. Ken Moore
Mayor

Approved as to form by:

Shauna R. Billingsley
City Attorney

PLANNING COMMISSION RECOMMENDED:

PASSED FIRST READING:

PUBLIC HEARING HELD:

PASSED SECOND READING:

PASSED THIRD READING:
