

RESOLUTION 2012-53

**A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR THE RUCKER PARK PUD
SUBDIVISION LOCATED AT 1720 WEST MAIN STREET AND 113 RUCKER AVENUE,
BY THE CITY OF FRANKLIN, TENNESSEE.**

WHEREAS, The PUD process is a review procedure that is intended to encourage innovative land planning and design and avoid the monotony sometimes associated with large developments by:

- (a) Reducing or eliminating the inflexibility that sometimes results from strict application of zoning standards that were designed primarily for individual lots;
- (b) Allowing greater freedom in selecting the means to provide access, light, open space, and design amenities;
- (c) Encouraging a sensitive design that respects the surrounding established land use character and natural or man-made features of the site including, but not limited to, trees, historic features, streams, hillsides, and floodplains;
- (d) Promoting quality design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations, and land uses; and
- (e) Allowing deviations from certain zoning standards that would otherwise apply if not contrary to the general spirit and intent of this ordinance.

WHEREAS, The PUD review process consists of a Development Plan that is reviewed and approved by the BOMA, after a recommendation from the FMPC.

NOW, THEREFORE, BE IT RESOLVED by the Board of Mayor and Aldermen of the City of Franklin, Tennessee, meeting in regular session this _____ day of _____, 2012:

1. That the legal description of the property is as follows:

Map—Parcel	Acres
078—02000	1.50
078P—A01800	2.37
TOTAL	3.87

PROPERTY DESCRIPTION

Lying in the 5th Civil District of Williamson County, TN and consisting of parcels of property belonging to Teresa Z. Noland (Property Map 78P, Group A, Parcel 18) as described in Book 3060, Page 161 at the Register's Office of Williamson County, TN (R.O.W.C.) and to George R. Bentley, et ux (Property Map 78, Parcel 20) as described in Book 652, Page 507 (R.O.W.C.) and being more particularly described as follows:

Beginning at an old iron rod in the west margin of Rucker Avenue and the northeast corner of Noland and Lot 12 of Rucker Subdivision (Plat Book 1, Page 71); thence from said point of beginning and with the west margin of Rucker Avenue South 07 degrees 17 minutes 02 seconds West 81.01 feet to a new iron rod; thence leaving said road margin and with Noland the following calls:

South 79 degrees 52 minutes 34 seconds West 251.50 feet to a new iron rod,
 South 14 degrees 33 minutes 31 seconds East 119.00 feet to a new iron rod; thence continuing with Noland and on lines with Lot 12 of Rucker Subdivision the following calls:

South 58 degrees 50 minutes 36 seconds West 80.00 feet to an old iron pipe,

South 25 degrees 57 minutes 09 seconds East 46.97 feet to a new iron rod,

South 50 degrees 45 minutes 36 seconds West 14.40 feet to an old iron rod; thence leaving Noland and with Bentley and the west line of Lot 11 of Rucker Subdivision South 02 degrees 34 minutes 16 seconds West 175.38 feet to a new iron rod in the north margin of West Main Street; thence with said road margin the following calls:

South 60 degrees 44 minutes 50 seconds West 134.56 feet to a new iron rod,

South 62 degrees 55 minutes 16 seconds West 125.70 feet to a new iron rod; thence leaving said road margin and with Hardison Hills Subdivision the following calls:

North 03 degrees 18 minutes 59 seconds East 325.17 feet to an old iron rod,

North 81 degrees 57 minutes 08 seconds East 14.46 feet to an old iron rod,

North 05 degrees 50 minutes 48 seconds East 123.14 feet to an old iron rod,

North 06 degrees 35 minutes 50 seconds East 193.07 feet to an old iron rod,

North 86 degrees 15 minutes 06 seconds East 262.71 feet to an old iron rod; thence leaving Hardison Hills Subdivision and with Lot 12 of Rucker Subdivision South 81 degrees 57 minutes 09 seconds East 196.12 feet to the point of beginning.

2. That the overall entitlements for the Rucker Park PUD Subdivision are as follows:

Entitlements	Rucker Park PUD Subdivision (Overall)
Base Zone	Residential Variety (RX)
Character Area Overlay	West Harpeth Character Area Overlay (WHCO) 2
Other Zoning Overlays	N/A
Number of Dwelling Units	30
Number of Nonresidential Square Footage	N/A
Connectivity Index	2.00
Development Standard	Conventional
Open Space Requirements	Formal: 0.20 acres Informal: 0.39 acres Total: 0.59 acres

3. That the Development Plan, the exhibits accompanying the Development Plan, and all conditions and restrictions placed upon the Development Plan by the Franklin Municipal Planning Commission and this Board shall be made a part of this Resolution as though copied verbatim herein, and that a permanent record of the Development Plan, the exhibits accompanying the Development Plan, and all such conditions and restrictions shall be kept in the Franklin Planning Department.

4. That this Resolution shall take effect from and after its passage on its first and final reading, the health, safety, and welfare of the citizens requiring it.

ATTEST:

CITY OF FRANKLIN, TENNESSEE

BY: _____
ERIC STUCKEY
CITY ADMINISTRATOR

BY: _____
DR. KEN MOORE
MAYOR

PREAPPLICATION CONFERENCE:	<u>7/12/12</u>
CONCEPTUAL PROJECT WORKSHOP:	<u>7/26/12</u>
REQUIRED NEIGHBORHOOD MEETING:	<u>7/30/12</u>
PLANNING COMMISSION RECOMMENDED APPROVAL:	<u>9/27/12</u>
BOMA PASSED/PUBLIC HEARING HELD:	_____




HISTORIC
FRANKLIN
TENNESSEE

MEMORANDUM

September 28, 2012

TO: Board of Mayor and Aldermen

FROM: Eric Stuckey, City Administrator 
 Vernon Gerth, Assistant City Administrator for Community and Economic Development
 Catherine Powers, Planning and Sustainability Director

SUBJECT: Resolution 2012-53, A Resolution To Approve The PUD Development Plan For Rucker Park On ± 3.87 Acres For 30 Attached Units On The Properties Located At 1720 West Main Street And 113 Rucker Avenue

Purpose

The purpose of this memorandum is to provide the Board of Mayor and Aldermen (BOMA) with information regarding a resolution to approve the PUD Development Plan for Rucker Park on ± 3.87 acres for 30 attached units on the properties located at 1720 West Main Street and 113 Rucker Avenue

Background

This ordinance was favorably recommended to the BOMA by the Planning Commission with a 6-0 vote at the September 27, 2012, FMPC Meeting. The project information and comments from the FMPC staff report are included below.

PROJECT INFORMATION

- Existing Land Use:** 1720 West Main St. is vacant; there is 1 existing single-family house at 113 Rucker Ave.
- Proposed Land Use:** Residential (attached units)
- Existing Zoning:** GO General Office District; R-3 High Residential District
- Proposed Zoning:** RX Residential Variety
- Acreage:** 3.87
- Proposed Number of Lots:** 30
- Proposed Dwelling Units:** 30
- Proposed Nonresidential Square Footage:** N/A
- Proposed Open Space:** Formal Open Space: 8,500 square feet
 Informal Open Space: 18,000 square feet
 Total Open Space: 26,500 square feet
- Physical Characteristics:** Mostly flat; prominent tree line separates the 2 existing lots
- Character Area Overlay/Development Standard:** WHCO-2 West Harpeth Character Overlay Either (Conventional selected)
- Other Applicable Overlays:** N/A
- Proposed Building Height:** 1 story
- Minimum Landscape Surface Ratio:** 0.10



SURROUNDING ZONING AND LAND USE

Location	Land Use	Zoning
North	Residential	RX
South	Industrial	LI
East	Residential	R-3
West	Residential	RX

INFRASTRUCTURE AVAILABILITY

WATER: Available from City of Franklin

SEWER: Available from City of Franklin

RECLAIMED WATER: Not Available

TRANSPORTATION

Site Access: West Main St., Rucker Ave.

Trip Generation: Average daily traffic: 160; AM peak traffic: 12; PM peak traffic: 14

PROJECT MEETS FRANKLIN'S LAND USE PLAN: YES

GREENWAY/OPEN SPACE PLAN: YES

HISTORIC DISTRICT GUIDELINES: N/A

PROJECT BACKGROUND:

The required neighborhood meeting for this project was held on July 30 at New Hope Academy.

PROJECT REVIEW

STAFF RECOMMENDATION: Approval, with conditions

COMMENTS: The applicant requests a modification of standards to the parkland dedication requirement. Section 5.5.4 of the Zoning Ordinance requires that developments consisting of ten or more dwelling units dedicate land to the City for use as parks and/or greenways. Payment-in-lieu of parkland dedication may be made to the City under certain circumstances, which are outlined in section 5.5.4(4) of the Zoning Ordinance. The applicant has determined that neither the dedication of land for parks/greenways nor the payment-in-lieu option is feasible for this project and requests that the parkland dedication requirement be waived. In a memo to Molly Pike dated September 13, 2012, the applicant outlines several arguments for waiving the parkland dedication requirement for this development. First, the applicant notes that 1,200 square feet of parkland would be required for each of the 1,100-square foot units in the development. The applicant contends that because much larger houses would be required to dedicate the same amount of parkland per unit, the required amount of parkland dedication per unit is not equitable. Second, the applicant notes that the required payment-in-lieu amount would add approximately \$3,200 to the cost of each unit. The cost of the payment-in-lieu would increase unit prices and run counter to the applicant's intent to create a more affordable product. Third, the applicant points out that more than half of the development will consist of open space. The parkland dedication requirement supports the City's adopted Greenway and Open Space Plan—which includes the option of paying fees-in-lieu—and is critical to providing meaningful public open space as our community grows. As population increases, so will the expectation and need for quality parkland. The added population is a direct result of development, and it is staff's position that the initial burden for land acquisition (dedication) should be placed on the proposed development. Continued operations and maintenance expenses of our open space and parks are covered by property taxes and facilities taxes that are essentially paid by the users. The applicant argues that

the amount of land to be dedicated does not vary by unit square footage. Section 5.5.4(1)(a)(i) of the Zoning Ordinance requires 1,200 square feet of parkland dedication for each of the first 35 units of a development. (Rucker Park includes 30 units, thus meeting the criteria outlined in that section.)

Staff is open to reviewing the standards upon which the parkland dedication is based. However, the Zoning Ordinance requirements in Section 5.5.4 remain, unless amended through a text amendment. It should also be noted that the parkland dedication requirements, including payment-in-lieu of land dedication, have been applied to all projects meeting the thresholds of Section 5.5.4 since 2008. Staff contends that waiving this requirement for this applicant without a text amendment would not be equitable to those projects previously approved. The applicant also argues that paying an in-lieu fee will place an additional cost on a product intended by the applicant to be affordable. Staff is unaware of any deed restrictions on these units that would ensure their continuing affordability as property values increase; additionally, no point-of-sale price cap restriction is proposed by the applicant. Furthermore, in considering the proposed number of units for this development and applying the proportionate share of parkland dedication fees to each unit, the increased sales price (including the payment-in-lieu option being applied) of the units would still remain within the price range for families whose income fall within the affordable and workforce income ranges.

Finally, the applicant argues that the amount of open space provided within the development should be considered when applying the parkland dedication standards. The Zoning Ordinance differentiates between required private open space (formal and informal) and parkland dedication. Private open space is intended to enhance the quality of new developments and to ensure that there is a certain level of amenities included within each new development. As stated above, the parkland dedication requirements are included within the Zoning Ordinance to provide for the acquisition of land to be used for the implementation of the City's Open Space and Greenways Master Plan. Staff recommends this Modification of Standards request be denied and the issues raised by the applicant be referred to a study committee to be organized by staff with members of the Housing Commission, the Planning Commission, and BOMA for further consideration, since the issues raised by the applicant relate to areas under the purview of each commission or board.

CONDITIONS OF APPROVAL:

1. Fire Protection

Per discussion and agreement with Franklin Water Management, applicant shall connect the existing 8-inch public water main in Hardison Hills to the proposed 8-inch public main in the development. Connection to be made at the existing dead-end line/hydrant at 1101 Downs Blvd, Apt 207.

2. Greenway Master Plan

Parks-As per page 5-112 thru 5-115, subsection 5.5.4 in the Franklin Zoning Ordinance developments with 10 or more dwelling units shall dedicate land to the city or in this case Fees in Lieu of will be applied.

3. MOS request

Modification of standards (MOS) request regarding a waiver of parkland dedication shall be denied.

4. Square footage of open space

Applicant shall include estimated open space (formal, informal, and total) figures on the development plan.



MEMORANDUM

5. Street Name

Applicant shall contact Lori Jarosz (lori.jarosz@franklintn.gov) in the Planning Department for addressing. All street names shall be approved by Williamson County and the City of Franklin.

6. Tree Preservation

Tree preservation plan shall delineate the existing tree canopy and shall show the Tree Canopy to be preserved. All Specimen trees beyond the Tree Preservation shall be show with their caliper and the amount of caliper tree replacement at 2:1.

PROCEDURAL REQUIREMENTS:

1. If the plan receives BOMA approval, the applicant shall upload the corrected plan to the online plan review website (<https://franklin.contractorsplanroom.com/secure/>) and submit one (1) complete and folded set and a .pdf file of corrected development plan to the Department of Building and Neighborhood Services (Suite 110, Franklin City Hall). All revisions to the approved plans shall be "clouded." A response letter addressing each condition of approval shall be included with the .pdf upload and the set of corrected plans.
2. The city's project identification number shall be included on all correspondence with any city department relative department relative to this project.

*PROJECT CONSIDERATIONS:

For greater effectiveness, Engineering recommends moving speed hump to crosswalk, creating a raised crosswalk. The raised crosswalk locations will provide greater bi-directional influence.

* These items are not conditions of this approval, but are intended to highlight issues that should be considered in the overall site design or may be required when more detailed plans are submitted for review. These items are not meant to be exhaustive and all City requirements and ordinances must be met with each plan submittal.

Financial Impact

Not applicable to this item.

Options

Not applicable to this item.

Recommendation

Approval of Resolution 2012-53 is recommended.