



November 3, 2012

TO: Board of Mayor and Aldermen

FROM: Eric Stuckey, City Administrator *Eric*
Vernon Gerth, ACA - Community and Economic Development
Lisa Clayton, Director, Parks Department

SUBJECT: City of Franklin Zoning Ordinance Section 5.5.4
Parkland Dedication Overview – Rucker Place PUD Proposed Rezoning and
Development Plan

Purpose

During the October 9, 2012 BOMA Worksession, Bob Hammerlein, who represents the proposed Rucker Place residential development located adjacent to Hardison Hills, shared his concern and interpretation of the City's Parkland Dedication development requirement which is found in Section 5.5.4 of our Zoning Ordinance. In anticipation of the Rucker Place Re-Zoning and Development Plan Public Hearings scheduled during the November 13th BOMA Meeting, this memorandum attempts to provide a brief overview of parkland dedication ordinances and the process for Mr. Hammerlein and Rucker Place to re-appear before the Planning Commission and BOMA should they decide to pursue another alternative for complying with this development requirement.

Background and Financial Implications

Parkland dedication is a commonly used local government growth management tool which requires landowners and developers to dedicate usable land for public parks and/or pay a fee that is used by jurisdictions to acquire and develop public park facilities. These dedications are intended to provide community-wide park facilities and other open space (pedestrian trails) within newly developed areas and in accordance with adopted Open Space and Greenway Plans without burdening existing residents. Essentially, park dedication ordinances are a type of "user fee" since the landowner and developer are responsible for creating the increased demand on existing park facilities. By contributing their proportionate share, the development assists in adding capacity to a community's existing public park system.

For years, the City of Franklin's Facilities Tax, which is applied to new development, was used to add capacity (new facilities and new equipment) for the Solid Waste, Parks, Police and Fire Departments. State laws limit the use of these funds and the amount jurisdictions may assess. Currently the City of Franklin assesses new residential development .89 per square foot and non-residential \$1.18 per square foot. Unfortunately, these amounts have remained unchanged since 2005 and have not kept pace with increasing property values. As a result, the City has dedicated the majority of these funds toward adding capacity to the Police and Fire facilities.



An attractive feature of parkland dedication ordinances is they are designed to be responsive to changing market conditions. During periods when development activity is low, fewer people move to the city requiring less land and funding for expansion. Similarly, when development activity and property values increase, the costs for acquisition and development of parks also increases and parkland dedication ordinances account for the added development activity and increased property costs.

Neighborhood “Pocket” Parks

While neighborhood “pocket” parks are intended to serve those people who reside in the adjacent neighborhood, it is desired these smaller parks remain private and maintained by the homeowners association. The larger, community-wide parks, those consisting of multiple acres and that include a broad range of amenities, i.e. playing fields, tennis courts, skating facilities, restrooms, concession stands, pavilions, etc. are designed to be available to all residents. These larger, community parks that require a higher level of maintenance, supervision, and programming are best managed by the City.

Recommendation

The City’s Parkland Dedication ordinance became effective with the adoption of July 1, 2008 Zoning Ordinance. Until recently, this ordinance has not been applied to a broad range of new development types to fully assess its effectiveness. While staff is in the process of drafting an ordinance amendment to add clarity to terms and the alternatives, we do find the current ordinance provides sufficient latitude in offering landowners and developers alternatives for compliance. These alternatives include dedication of useable parkland that coincide with the City’s adopted Open Space and Greenway Plan, payment of fees-in-lieu, or a combination of providing privately-owned and maintained neighborhood “pocket” parks while contributing a proportionate share toward adding capacity to our larger, publicly-maintained community parks.

Mr. Hammerlein and his client have been offered alternatives and decided to proceed with the payment of fees-in-lieu alternative. They still have the opportunity to return to the Planning Commission to have a different alternative considered prior to returning BOMA for a final decision of the Rucker Place Development Plan (one reading). The rezoning application may proceed to the third and final reading.