



## MEMORANDUM

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August 2, 2013

TO: Board of Mayor and Aldermen

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

SUBJECT: Resolution 2013-47, a resolution to approve the development plan for the Water's Edge PUD Subdivision on ± 195.5 acres for the property located at 4413 South Carothers Road

### **Purpose**

The purpose of this memorandum is to provide the Board of Mayor and Aldermen (BOMA) with information regarding a resolution to approve the development plan for the Water's Edge PUD Subdivision on ± 195.5 acres for the property located at 4413 South Carothers Road.

### **Background**

Please see attached FMPC Report for the Background on this project and the conditions of approval for the Development Plan.

This resolution was recommended unanimously (7-0) by the Planning Commission at the July 25, 2013 FMPC meeting.

### **Financial Impact**

Not applicable to this item.

### **Options**

Not applicable to this item.

### **Recommendation**

Approval of the resolution is recommended.

**RESOLUTION 2013-47**

**A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR WATER'S EDGE PUD SUBDIVISION, LOCATED AT 4413 SOUTH CAROTHERS ROAD, 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 \_\_\_\_\_, 2013:

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

Map—Parcel	Acres
089—04900	195.5
<b>TOTAL</b>	<b>195.5</b>

PROPERTY DESCRIPTION

TRACT 1

MAP 89 OF PARCEL 49

Land located in the 14th civil district of Williamson County, Tennessee, and said tract of land being more particularly described by metes and bounds, as follows:

Commencing at an iron rod near the intersection of South Carothers Road and a future Connector Road thence in a Westerly direction 757.5 +/- feet to a point situated in the Westerly margin of South Carothers Parkway being the Northeast corner of the subject property. Said point also being the Southeast corner of South Carothers Partners, L.L.C. property record in Book 4877, Page 537, in the Register's Office for Williamson County, Tennessee; and being the Point of Beginning;

Thence, continuing with margin of said road with a curve to the right, having a Radius of 2799.79 feet, Delta angle of 02°22'43", Tangent of 58.13 feet, Arc Length of 116.24 feet, with a chord bearing of S 22°17'05" E, a chord distance of 116.23 feet to a point;

Thence, S 21°05'44" E, a distance of 28.94 feet to a point;

Thence, S 23°17'37" W, a distance of 40.24 feet to a point;

Thence, S 23°46'32" E, a distance of 66.77 feet to a point;

Thence, S 66°10'33" E, a distance of 35.35 feet to a point;

Thence, S 21°05'44" E, a distance of 934.66 feet to a point;

Thence, S 23°54'16" W, a distance of 35.36 feet to a point;

Thence, S 21°05'44" E, a distance of 120.00 feet to a point;

Thence, S 66°05'44" E, a distance of 35.36 feet to a point;

Thence, S 21°05'44" E, a distance of 99.92 feet to an iron rod found by Gresham Smith and being the Northeast corner for Thomas Helm, III property as recorded in Book 610, Page 344, in the Register's Office for Williamson County, Tennessee;

Thence, continuing with Helm Westerly property line S 07°54'52" W, a distance of 352.89 feet to an iron rod found by TN RLS# 2039;

Thence, S 06°58'02" W, a distance of 716.88 feet to a wood fence post;

Thence, S 37°24'01" W, a distance of 226.56 feet to a point;

Thence, S 37°45'27" W, a distance of 181.40 feet to a wood fence post;

Thence, S 16°37'42" W, a distance of 267.88 feet to a point;

Thence, S 19°19'11" W, a distance of 69.33 feet to a point;

Thence, S 15°25'57" W, passing a iron rod found near the top of bank at 84.61, for a total distance of 144.37 feet to a point on the center of the Big Harpeth River;

Thence, continuing with center of the Big Harpeth River S 77°10'59" W, a distance of 69.51 feet to a point;

Thence, S 56°45'56" W, a distance of 141.68 feet to a point;

Thence, S 42°32'18" W, a distance of 106.78 feet to a point;

Thence, S 37°57'39" W, a distance of 153.54 feet to a point;

Thence, S 31°12'57" W, a distance of 248.53 feet to a point;

Thence, S 33°19'26" W, a distance of 263.21 feet to a point;

Thence, S 37°47'22" W, a distance of 270.72 feet to a point;

Thence, S 49°22'29" W, a distance of 362.46 feet to a point;

Thence, S 49°58'17" W, a distance of 330.75 feet to a point;

Thence, S 76°32'23" W, a distance of 295.76 feet to a point;

Thence, S 63°23'31" W, a distance of 135.61 feet to a point;  
Thence, N 86°18'24" W, a distance of 55.22 feet to a point;  
Thence, N 70°56'26" W, a distance of 68.99 feet to a point;  
Thence, N 65°42'45" W, a distance of 60.12 feet to a point;  
Thence, N 49°40'15" W, a distance of 56.52 feet to a point;  
Thence, N 35°59'03" W, a distance of 84.76 feet to a point;  
Thence, N 36°27'38" W, a distance of 416.05 feet to a point;  
Thence, N 43°59'01" W, a distance of 666.82 feet to a point;  
Thence, N 27°13'05" W, a distance of 224.23 feet to a point;  
Thence, N 00°43'11" W, a distance of 95.40 feet to a point;  
Thence, N 25°52'04" E, a distance of 258.64 feet to a point;  
Thence, N 40°17'13" E, a distance of 125.94 feet to a point;  
Thence, N 58°35'03" E, a distance of 95.33 feet to a point;  
Thence, N 81°48'03" E, a distance of 183.00 feet to a point;  
Thence, S 87°03'59" E, a distance of 299.23 feet to a point;  
Thence, S 70°51'36" E, a distance of 395.49 feet to a point;  
Thence, N 88°14'15" E, a distance of 145.35 feet to a point;  
Thence, N 54°07'33" E, a distance of 98.80 feet to a point;  
Thence, N 02°19'56" W, a distance of 164.37 feet to a point;  
Thence, N 00°16'11" E, a distance of 374.56 feet to a point;  
Thence, N 06°30'23" E, a distance of 364.95 feet to a point;  
Thence, N 22°23'50" E, a distance of 92.19 feet to a point;  
Thence, N 06°01'34" W, a distance of 200.24 feet to a point;  
Thence, N 15°21'48" W, a distance of 507.82 feet to a point;  
Thence, N 22°19'29" W, a distance of 386.00 feet to a point;  
Thence, N 10°54'14" W, a distance of 417.24 feet to a point;  
Thence, N 20°03'52" E, a distance of 238.53 feet to a point;  
Thence, N 36°52'05" E, a distance of 324.79 feet to a point;  
Thence, N 59°01'42" E, a distance of 176.66 feet to a point;  
Thence, S 79°52'03" E, a distance of 242.01 feet to a point;  
Thence, N 72°49'49" E, a distance of 403.22 feet to a point;  
Thence, N 46°43'32" E, a distance of 164.11 feet to a point and being the Southwesterly corner of South Carothers Partners, L.L.C. property record in Book 4877, Page 537, in the Register's Office for Williamson County, Tennessee;

Thence, leaving said river with South Carothers Partners, L.L.C. southerly property line S 84°14'52" E, passing a iron rod found by TN RLS# 2036 at 72.48 feet for a total distance of 589.21 feet to The Point of Beginning and containing 8,515,833.530 square feet or 195.497 acres of land;

Being a portion of the same property conveyed to Carothers Land Company, L.L.C. of record in Book 4745, Page 442, in the Register's Office for Williamson County, Tennessee;

2. That the overall entitlements for Water's Edge PUD Subdivision are as follows:

Entitlements	Water's Edge PUD Subdivision (Overall)
Base Zone	Residential Variety (RX)
Character Area Overlay	McEwen Character Area Overlay (MECO) 6
Other Zoning Overlays	FWO; FFO
Number of Dwelling Units	336 (213 detached and 123 attached)
Number of Nonresidential Square Footage	N/A
Connectivity Index	1.62
Development Standard	Conventional
Open Space Requirements	Formal: 9.99 acres Informal: 106.75 acres Total: 116.74 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 the following Modifications of Standards (MOS) were requested and acted upon by BOMA, after FMPC review:

MOS 1: Garage Doors	Request to permit garage doors exceeding 9 feet in width on rear loaded garages accessed from an alley. <i>FMPC recommended approval.</i>
Approved: _____	
Denied: _____	

5. 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>12/6/12</u>
CONCEPTUAL PROJECT WORKSHOP:	<u>1/24/13</u>
REQUIRED NEIGHBORHOOD MEETING:	<u>1/16/13</u>
PLANNING COMMISSION RECOMMENDED APPROVAL:	<u>7/25/13</u>
BOMA PASSED/PUBLIC HEARING HELD:	_____

**FRANKLIN MUNICIPAL PLANNING COMMISSION REPORT**

**NAME OF PROJECT:** Water's Edge PUD Subdivision, development plan  
**LOCATION:** 4413 South Carothers Road  
**PROJECT DESCRIPTION:** 213 single family units and 123 townhome units on 195.5 acres  
**APPLICANT:** Greg Gamble  
**OWNER:** Jack Ludington, Goodall Homes  
**PROJECT STAFF:** Emily Hunter  
**TYPE OF REVIEW:** Development Plan  
**RECOMMENDATION:** Favorable Recommendation to BOMA

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<b>PROJECT INFORMATION</b>	
<b>Existing Land Use</b>	Agricultural
<b>Proposed Land Use</b>	Mixed Residential
<b>Existing Zoning</b>	AG
<b>Proposed Zoning</b>	RX
<b>Acreage</b>	195.5
<b>Proposed Number of Lots</b>	349 (336 residential and 13 open space)
<b>Proposed Dwelling Units</b>	336 (213 single family and 123 townhome)
<b>Proposed Nonresidential Square Footage</b>	N/A
<b>Proposed Open Space</b>	<i>Formal Open Space: 9.99 acres Informal Open Space: 106.75 acres Total Open Space: 116.74 acres</i>
<b>Physical Characteristics</b>	Site is bordered by the Harpeth River on the western and southern boundaries.
<b>Development Standard</b>	Conventional
<b>Character Area Overlay</b>	MECO-6
<b>Other Applicable Overlays</b>	FFO; FWO
<b>Water Utility District</b>	Milcrofton
<b>Proposed Building Height</b>	2 stories
<b>Minimum Landscape Surface Ratio</b>	0.1
<b>Trip Generation</b>	Average Daily Traffic: 2,776 trips AM Peak Hour Total: 219 trips PM Peak Hour Total: 282 trips

<b>SURROUNDING ZONING AND LAND USE</b>		
<b>Location</b>	<b>Land Use</b>	<b>Zoning</b>
<i>North</i>	Vacant	RX
<i>South</i>	Single Family Residential	R-2
<i>East</i>	Agricultural	AG (proposed rezoning to RX)
<i>West</i>	Agricultural	ER

**LAND USE PLAN RECOMMENDATIONS**

The McEwen Character Area encompasses 6,680 acres and four major interchanges with I-65: Cool Springs Boulevard, McEwen, Murfreesboro Road, and part of a fourth interchange at Moores Lane. It is bound on the north by the UGB, to the west by the Berrys Chapel and Central Franklin Character Areas, to the south by the Harpeth River, and to the east by the Seward Hall Character Area. This Character Area is the principal regional commercial area in the UGB and includes 3,713 acres. Attached Residential dwellings are present in the area and several hundred units have been approved in recent months. This area is clearly the major economic engine for the City. Carothers Parkway area is the backbone of a major employment corridor and this roadway is enhanced by landscaped medians and landscaped parking lots. The McEwen Character Area has undergone significant changes since this section of the Land Use Plan was last updated.

The proposed development is located in the McEwen Character Area, Special Area 6, which historically has consisted of agricultural uses and low density single family residential. Significant changes are being planned and funded for this special area, including the roadway improvements to South Carothers Parkway and other adjacent residential developments. Since the area contains significant floodplain area, care should be taken to protect and preserve environmental features in this area.

**PROJECT BACKGROUND:** None;

**PROJECT REVIEW**

**STAFF RECOMMENDATION:** Favorable Recommendation to BOMA;

**COMMENTS:** This development plan is proposed with 213 single family residential units and 123 attached townhome units. The Harpeth River borders the site to the west and south. Much of the proposed development lies within existing floodplain, which the applicant proposes to alter with cut and fill. Since significant portions of the site are proposed for floodplain alteration, the applicant has included a Floodplain Alterations and Enhancements document that provides justification for the extent of the floodplain alteration. Planning Commission and BOMA should carefully consider the impact of this development within the existing floodplain. The Land Use



Plan states, "The protection of sensitive environmental features is an important community value. Of particular importance are the Harpeth River corridor and its tributaries, the related floodplain areas, hillsides and hilltops, established tree stands." Furthermore, the Franklin Zoning Ordinance states that one of the purposes of the RX Zoning District is to "protect environmentally sensitive areas, such as floodplains and steep slopes." The purpose of the FFO Zoning District "is defined as that which is intended to preserve the holding capacity of the floodplain. Encroachments into the FFO District that would impede the holding capacity of the floodplain shall be strictly limited." However, the Zoning Ordinance goes on to state that a permitted encroachment into the FFO District is floodplain alteration conducted in accordance with the City's Stormwater Management Ordinance.

The proposed project falls under this permitted encroachment, but, as part of the approval of this project, the Planning Commission and BOMA should consider the environmental impact of this development, as it is directly adjacent to the Harpeth River. As noted, the applicant has submitted a supplement to the submittal to address the proposed floodplain alterations for this project in which they state the goals of the plan is to 1) increase floodplain storage; 2) improve water quality from the property as it discharges to the Harpeth River; and 3) utilize green infrastructure. It is through the Floodplain Alteration and Enhancement Plan that the applicant intends to satisfy the policy statements of the Land Use Plan and the purpose statements of the Zoning Districts.

It should also be noted that the floodplain alteration is required to occur prior to site plan submittal. Upon completion of the floodplain alteration, the applicant shall receive a Final Letter of Map Revision from FEMA and shall submit a request to the Board of Zoning Appeals to amend the FFO Zoning Boundary in accordance with the LOMR. Once the boundary is amended and the proposed lots are no longer in the FFO district, a site plan may be submitted for review and approval (see Procedural Requirement #2).

The applicant is also requesting one modification of standards with this development plan.

## **MODIFICATIONS OF STANDARDS:**

### MOS1 Garage Doors

The applicant is requesting a modification of standards to permit garage doors exceeding 9 feet in width on rear loaded garages accessed from an alley. Staff recommends approval of this modification of standards.

*See attached pages for a list of staff recommended conditions of approval.*

## **PROCEDURAL REQUIREMENTS:**

1. Fifteen (15) half-size copies of the Development Plan shall be submitted to the Department of Planning and Sustainability by 9am on the Monday after the Planning Commission meeting in order to be placed on the Board of Mayor and Aldermen agenda.
2. The applicant shall obtain a floodplain development permit and complete floodplain alteration prior to the submittal of a site plan. Once a final letter of map revision has been issued from FEMA, the applicant shall go to the BZA to have the FFO Zoning boundary revised. After BZA has revised the FFO, the applicant may submit a site plan for any lots not within the newly delineated FFO.
3. 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.
4. The city's project identification number shall be included on all correspondence with any city department relative to this project.

## **\*PROJECT CONSIDERATIONS:**

1. The applicant shall restore the riparian zone located within the stream buffer along the Harpeth River and Carothers Branch with native vegetation. The native vegetation shall consist of trees, shrubs, grasses, forbes, sedges, and rushes, and buffer management plan shall be included with the submission of a site plan that addresses this issue.
2. The wetland design shall include plant and tree diversity that is acceptable wetland habitat which includes a proper mix of native species comprised of understory and overstory trees, shrubs and grasses. Cattails shall not be planted in the wetland because they are a prolific species and out compete other more desirable species in a wetland.
3. The applicant's water quality narrative highlights the need for improvements along the Harpeth River corridor to address habitat and water quality issues. The property fronts a large portion of the Harpeth River unique to many properties within the

City. The applicant shall evaluate the bank stability of the Harpeth River located along the development and if necessary, develop a river bank stabilization plan to address unstable and eroding river banks along the property.

4. Site plans for this development submitted after January 1, 2014, shall be designed to comply with the Runoff Reduction requirements set forth in the Stormwater Management Ordinance.

**\* 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.**

## **FRANKLIN MUNICIPAL PLANNING COMMISSION (FMPC) PROCESS AND PROCEDURES**

If the applicant has questions about, or is in disagreement with, a condition of approval, they shall contact the project planner within the Department of Planning and Sustainability prior to the FMPC meeting. If the applicant fails to notify the Department of Planning and Sustainability of an objection to a condition of approval by one (1) day prior to the FMPC Meeting and raises their objection at the FMPC meeting, staff shall recommend deferral of the item until the next available Agenda.

The following is the process for an item to be heard by the FMPC during their monthly meetings:

1. Staff Presentation,
2. Public Comments,
3. Applicant presentation, and
4. Motion/discussion/vote.

This format has been established to facilitate a more orderly FMPC meeting. The process is intentionally designed in order for any applicant questions or disagreements about conditions of approval to be resolved prior to the meeting, rather than during the FMPC meeting. Only when disagreements about conditions of approval cannot be resolved by the applicants and staff prior to the meeting should those issues be raised during the FMPC meeting.

**CONDITIONS OF APPROVAL:**

**Engineering**

**General Comments**

**1. Future WWTP access easement**

- This comment has not been addressed. The request is for access to the new plant as well as notification to prospective buyers that the the development will be adjacent to a wastewater treatment plant. We appreciate the note to work with the City to accommodate future sewer lines, but that does not address the previous condition. The condition remains and is reiterated as follows:

The applicant shall provide an easement for the City to access the proposed south treatment plant, which will be located behind this property. The applicant shall also be required to give notification to prospective buyers that this development will be adjacent to a wastewater treatment plant.

**2. Sewer Layout**

- The applicant shall provide documentation that shows the proposed sewer is coordinated with neighboring developments.

**Parks**

**General Comments**

**3. Greenway Trail**

- Trail may be field located at the time of trail construction. Applicant shall work with Stormwater, Parks and Planning for best placement of this section.

**Planning**

**General Comments**

**4. Utility Availability**

- As required with all development plans, applicant shall provide documentation of water availability from Milcrofton Water Utility with the Post PC Development Plan, prior to site plan approval. This is the fourth time that staff has commented on this requirement and it shall remain a condition on the development plan.

**Development Plan Set.pdf**

**5. Legal Description**

- Is the property map reference on the Existing Conditions sheet correct? It does not match up with the info provided on the site data chart and legal description. If the property map reference is not correct, the applicant shall revise it. This issue is a new issue that was noticed when the resolution was being drafted and when the parcel information was needed.

**Planning (Landscape)**

**General Comments**

**6. Tree Preservation**

- Tree A calculations on the plan and the chart do not match. This shall be corrected.

**7. Tree Preservation**

- The tree canopy retention chart total calculation is incorrect. This figure and all other tree preservation calculations shall be corrected.

**8. Tree Preservation**

- There are two Tree J areas listed on the chart. This shall be corrected.