

MINUTES OF THE MEETING OF THE FRANKLIN MUNICIPAL PLANNING COMMISSION JANUARY 28, 2010

The Franklin Municipal Planning Commission held a regular meeting on Thursday, January 28, 2010, at 7:00 p.m. in the city hall boardroom.

Members present: Marcia Allen
 Clyde Barnhill, Alderman
 Greg Gamble
 Scott Harrison
 Mike Hathaway, Chairman
 Roger Lindsey, Vice Chairman
 Alma McLemore
 Michael Orr
 Ann Petersen, Alderman

Members absent: None

Staff present: Vernon Gerth, Community and Economic Development Department
 Kathleen Sauseda, Community and Economic Development Department
 Dan Allen, Planning and Sustainability Department
 Emily Hunter, Planning and Sustainability Department
 Tom Ingram, Planning and Sustainability Department
 Paula Kortas, Planning and Sustainability Department
 Gary Luffman, Planning and Sustainability Department
 Larry Mizell, Planning and Sustainability Department
 Andrew Orr, Planning and Sustainability Department
 Catherine Powers, Planning and Sustainability Department
 Steve Valley, Building and Neighborhood Services Department
 Tom Marsh, Building and Neighborhood Services Department
 Carl Baughman, Engineering Department
 Eric Stuckey, Administration Department
 Shauna Billingsley, Law Department

The purpose of the meeting will be to consider matters brought to the attention of the Planning Commission and will include the following. 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 come to 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.

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For accommodations due to disabilities, contact the Human Resources Department at (615) 791-3216, at least 24 hours prior to the meeting.

1. CALL TO ORDER

2. MINUTES

- 10/22/09 Regular Meeting
- 11/19/09 Regular Meeting

3. CITIZEN COMMENTS

Open for Franklin citizens to be heard on items not included on this Agenda. As provided by law, the Planning Commission shall make no decisions or consideration of action of citizen comments, except to refer the matter to the Planning Director for administrative consideration, or to schedule the matter for Planning Commission consideration at a later date. Those citizens addressing the Planning Commission are requested to come to the microphone and identify themselves by name and address for the official record.

4. ELECTION OF OFFICERS

- Elect a Chair for 2010.
- Elect a Vice-Chair for 2010.

5. ANNOUNCEMENTS

6. VOTE TO PLACE NON-AGENDA ITEMS ON THE AGENDA

The non-agenda process, by design, is reserved for rare instances, and only minor requests shall be considered. Non-agenda items shall be considered only upon the unanimous approval of all of the planning commission members, present and voting. Per the FMPC Bylaws, it shall be the responsibility of the applicant to ensure that each planning commission member and the planning department receives a copy of the request letter and information prior to the regular planning commission meeting. If an applicant wishes to be heard as a non-agenda item, they should contact the planning department at (615) 791-3212 for a list of planning commission members and additional information on non-agenda items.

7. CONSENT AGENDA

The items under the consent agenda are deemed by the planning commission to be non-controversial and routine in nature and will be approved by one motion. The items on the

consent agenda will not be discussed. Any member of the planning commission or the public desiring to discuss an item on the consent agenda may request that it be removed and placed on the regular agenda. It will then be considered in its printed order. The consent agenda is to be determined.

SITE PLAN SURETIES

8. Aspen Grove Subdivision, site plan, section M, revision 1, lot 33 (Aspen Office Center Two); accept the landscaping (Building B) improvements, release the performance agreement and establish a maintenance agreement for one year.
9. Aspen Grove Subdivision, site plan, section O, revision 3, lot 122 (Medical Office Building); release the maintenance agreement for landscaping improvements; extend the performance agreement for traffic signal and driveway/median modification improvements.
10. Avalon PUD Subdivision, site plan, section 3, 97 dwelling units in 117 lots; accept the landscaping and landscaping remedy for tree removal violation improvements, release the performance agreement and establish a maintenance agreement for one year.
11. Centennial Business Park Subdivision, site plan, revision 3, lot 8 (Mallory Commons); release the maintenance agreement for landscaping improvements.
12. Cool Springs Corner Subdivision, site plan, revision 1, lot 3 (Sam's Club Liquor Store Addition); extend the performance agreement for streets improvements.
13. Cool Springs East Subdivision, site plan, section 31, lot 678 (Billingsly Court Medical Center); release the maintenance agreement for landscaping improvements; extend the performance agreement for stormwater drainage/detention improvements.
14. Cool Springs East Subdivision, site plan, section 33, revision 1, lot 682 (Mazda Dealership); accept the landscaping improvements, release the performance agreement and establish a maintenance agreement for one year.
15. Cool Springs East Subdivision, site plan, section 34, lots 358-360 (Community First Bank and Trust Unified Development); accept the landscaping phase 1 improvements, release the performance agreement and establish a maintenance agreement for one year.
16. Cool Springs East Subdivision, site plan, section 35, lots 4, 694, 695, 697, 698, 699, 700 and 701 (Primus Property Unified Development); accept the landscaping improvements, release the performance agreement and establish a maintenance agreement for one year.
17. Cool Springs East Subdivision, site plan, section 35, revision 1, lots 694-696 (Meridian Phase II); accept the landscaping lot 694 and landscaping lot 695 improvements, release the performance agreement and establish a maintenance agreement for one year.

18. Cool Springs East Subdivision, site plan, section 35, revision 2, lot 697 (Meridian Phase IV); accept the landscaping improvements, release the performance agreement and establish a maintenance agreement for one year.
19. Cool Springs Life Science Center, site plan; extend the performance agreement for stormwater drainage/detention improvements.
20. Corporate Woods Office Park PUD Subdivision, site plan, lot 1 (509 and 511 New Highway 96 West); release the maintenance agreement for landscaping improvements.
21. Downs Boulevard Properties Subdivision, site plan, section 1, revision 6, lots 18 and 19 (Downs Boulevard Office/Warehouse); accept the landscaping improvements, release the performance agreement and establish a maintenance agreement for one year.
22. Eight Corporate Centre, site plan; accept the landscaping improvements, release the performance agreement and establish a maintenance agreement for one year.
23. Franklin Commons South Subdivision, site plan, section 5, lot 3 (Sunvertibles Showroom); release the maintenance agreement for landscaping improvements.
24. Gateway Village PUD Subdivision, site plan, section 1; release the maintenance agreement for landscaping improvements.
25. Harpeth Village Subdivision, site plan; accept the relocated force main improvements, release the performance agreement and establish a maintenance agreement for one year.
26. HB and TS Office Building Subdivision, site plan; accept the access improvements, release the performance agreement and establish a maintenance agreement for one year.
27. Lincoln Square Subdivision, site plan, revision 2, lot 1 (Lincoln Square); accept the landscaping improvements, release the performance agreement and establish a maintenance agreement for one year.
28. Lincoln Square Subdivision, site plan, section 2, revision 3, lots 6-8 (Aspen Grove Plaza Unified Development); release the maintenance agreement for landscaping (Building 1) improvements.
29. Mallory View/Ranco Subdivision, site plan, lot 1 (Driver's Way); release the maintenance agreement for landscaping improvements.
30. McKays Mill PUD Subdivision, site plan, section 21 (Waverly Area); release the maintenance agreement for landscaping improvements.
31. McKays Mill PUD Subdivision, site plan, section 22 (Providence Area); release the maintenance agreement for landscaping improvements.

32. McKays Mill PUD Subdivision, site plan, section 23, lot 2001 (Bank and Office); extend the performance agreement for landscaping (Building B) improvements.
33. McKays Mill PUD Subdivision, site plan, section 25 (Pemberton Heights Area); extend the performance agreement for landscaping improvements.
34. Nine Corporate Center, site plan; accept the landscaping improvements, release the performance agreement and establish a maintenance agreement for one year.
35. Quail Hollow Business Park Subdivision, site plan, section 1, revision 5, lot 12 (Blourchian Office Park); release the maintenance agreement for stormwater drainage/detention improvements.
36. Ralston Hill PUD Subdivision, site plan, 34 dwelling units in 39 lots on 6.79 acres located west of Ralston Lane 1,000 feet south of Liberty Pike; release the maintenance agreement for landscaping improvements.
37. Seward Hall Subdivision, site plan, lot 1 (Bethel Community Church); extend the performance agreement for landscaping and landscaping tree replacement improvements for six months.
38. South Gate Subdivision, site plan, lots 1-3 (Horn Development); release the maintenance agreement for landscaping improvements.
39. South Park Subdivision, site plan, section 1, revision 2, lot 7 (Keystone Center); release the maintenance agreement for landscaping (Building A) improvements; extend the performance agreement for landscaping (Building B) improvements for one year.
40. Westhaven PUD Subdivision, site plan, section 2, 61 dwelling units in 64 lots on 16.81 acres located south of proposed Kentucky Avenue and west of South Carolina Avenue; accept the landscaping improvements, release the performance agreement and establish a maintenance agreement for one year.
41. Westhaven PUD Subdivision, site plan, section 6, 181 dwelling units in 190 lots on 69.35 acres; release the maintenance agreement for landscaping improvements.
42. Westhaven PUD Subdivision, site plan, section 7, 48 dwelling units in 48 lots on 17.88 acres located along Westhaven Boulevard, State Boulevard, and Jasper Avenue; accept the landscaping improvements, release the performance agreement and establish a maintenance agreement for one year.
43. Westhaven PUD Subdivision, site plan, section 11 and section 12; accept the landscaping (section 12) improvements, release the performance agreement and establish a maintenance agreement for one year.

- 44. Westhaven PUD Subdivision, site plan, section 14; release the maintenance agreement for landscaping improvements.
- 45. Willow Springs PUD Subdivision, site plan, section 3, revision 1; release the maintenance agreement for landscaping improvements.
- 46. Willow Springs PUD Subdivision, site plan, section 4, revision 1; release the maintenance agreement for landscaping improvements.

FINAL PLATS AND SITE PLANS

- 47. Avalon PUD Subdivision, final plat, section 3, revision 5, 2 lots on 0.91 acres, located at the northeast corner of Lady of the Lake Lane and Prince Valiant Court.
Project Number: 1992
Applicant: Jacob Tant
Applicant Rep: Justin Rogers
- 48. Gateway Village PUD Subdivision, final plat, section 2, revision 1, 83 lots on 9.23 acres, located west of Moher Boulevard (Surety Revision).
Project Number: 1974
Applicant: John Rutledge, Gateway Residential, LLC
Applicant Rep: Jerry Swords, LDSI
- 49. McEwen Place PUD Subdivision, site plan, lot 103, (1st Farmers and Merchants Bank), a 4,030 square foot building on 3.11 acres, located along West McEwen Drive.
Project Number: 1981
Applicant: Pat Riley, RCR Corporation
Applicant's Rep: Michael Garrigan, Dale and Associates, Inc.

COMPREHENSIVE PLANNING AMENDMENTS

- 50. RESOLUTION 2009-55 TO BE ENTITLED: "A RESOLUTION ADOPTING AND IMPLEMENTATION OF THE NEW HISTORIC DISTRICT DESIGN GUIDELINES"**
Applicant: Erin Williamson Reinders, Long Range Planning Supervisor

ZONING ORDINANCE TEXT AMENDMENTS

- 51. ORDINANCE 2009-77, TO BE ENTITLED: "AN ORDINANCE TO AMEND CHAPTER 4, SECTION 4.1.6, AND CHAPTER 8, SECTION 8.3, OF THE CITY OF FRANKLIN ZONING ORDINANCE RELATING TO HOME OCCUPATIONS."**
Applicant: Tom Marsh, Interim Planning Director
- 52. ORDINANCE 2010-03, TO BE ENTITLED: "AN ORDINANCE TO AMEND THE CITY OF FRANKLIN ZONING ORDINANCE TO REVISE PROVISIONS RELATING TO THE POWERS, DUTIES, AND MEMBERSHIP OF THE FRANKLIN BOARD OF ZONING APPEALS."**
Applicant: Gary Luffman, Interim Planning Director

53. ORDINANCE 2010-04, TO BE ENTITLED: "AN ORDINANCE TO AMEND CHAPTER 5, SECTION 5.6.5, OF THE FRANKLIN ZONING ORDINANCE TO REVISE REQUIREMENTS RELATING TO SCREENING OF REFUSE AREAS OR RECYCLABLE CONTAINERS."

Applicant: Gary Luffman, Interim Planning Director

54. ORDINANCE 2010-05, TO BE ENTITLED: "AN ORDINANCE TO AMEND CHAPTER 4, SECTION 4.1.6 IN THE FRANKLIN ZONING ORDINANCE TO REVISE AND CLARIFY ACCESSORY USE REQUIREMENTS FOR RECYCLING DROP-OFF STATIONS."

Applicant: Gary Luffman, Interim Planning Director

NON-AGENDA ITEMS

ANY OTHER BUSINESS

ADJOURN

1. CALL TO ORDER

Chairman Hathaway called the meeting to order at 7:00 p.m.

2. MINUTES

Mr. Harrison moved to approve the October 22, 2009, and the November 19, 2009, Minutes, Mr. Orr seconded the motion, and it passed unanimously.

3. CITIZEN COMMENTS

No one came forward.

4. ELECTION OF OFFICERS

• ELECT A CHAIRMAN FOR 2010

Mr. Harrison moved to nominate Mr. Hathaway for Chairman by acclamation.

• ELECT A VICE-CHAIRMAN FOR 2010

Mr. Harrison moved to nominate Mr. Lindsey for Vice-Chairman by acclamation.

5. ANNOUNCEMENTS

Mr. Luffman introduced and welcomed Ms. Catherine Powers as the new Director of Planning and Sustainability. He thanked the Planning Commission and the Department of Planning and Sustainability for their support during the past 15 months. A round of applause was given for the effort and hard work that Mr. Luffman had put into his 15 months as Interim Director.

6. VOTE TO PLACE NON-AGENDA ITEMS ON THE AGENDA

No one came forward.

7. CONSENT AGENDA

Mr. Barnhill moved to approve consent agenda items 8 through 49, Mr. Harrison seconded the motion, and it passed unanimously.

8. ASPEN GROVE SUBDIVISION, SITE PLAN, SECTION M, REVISION 1, LOT 33 (ASPEN OFFICE CENTER TWO)

Perf agreement: **Landscaping (Building B) \$26,000**
 Established: October 27, 2005
 Previous Action: 12/2/05 PA posted
 10/13/06 Approved extension to 10/25/07; still under construction
 4/26/07 Reduce from \$35,000; extend to 4/24/08; still under construction
 3/27/08 Blanket drought extension to 4/23/09
 4/17/09 Approved extension to 4/16/10
 Recommendation: Accept the landscaping (Building B) improvements, release the performance agreement and establish a maintenance agreement in the amount of \$9,000 for one year.

9. ASPEN GROVE SUBDIVISION, SITE PLAN, SECTION O, REVISION 3, LOT 122 (MEDICAL OFFICE BUILDING)

Perf agreement: **Traffic signal \$16,000**
 Established: January 27, 2005
 Previous Action: 6/13/05 PA posted
 1/13/06 Approved extension to 1/25/07
 1/25/07 Approved extension to 1/24/08; will share with future developer.
 1/24/08 Approved extension to 1/22/09
 1/16/09 Approved extension to 1/15/10
 Recommendation: Extend to January 27, 2011.

Perf agreement: **Driveway/median modification \$6,000**
 Established: January 27, 2005
 Previous Action: 6/13/05 PA posted
 1/13/06 Approved extension to 1/25/07
 1/25/07 Approved extension to 1/24/08; will share with future developer.
 1/24/08 Approved extension to 1/22/09
 1/16/09 Approved extension to 1/15/10
 Recommendation: Extend to January 27, 2011.

Maint agreement: **Landscaping \$16,000**
 Established: January 16, 2009
 Previous Action: 6/13/05 PA posted

1/13/06 Approved extension to 1/25/07; still under construction
1/25/07 Extend to 10/25/07; still under construction
9/27/07 Blanket landscaping extension to 10/23/08
10/17/08 Extend to 10/16/09
1/16/09 Release PA, establish MA for \$16,000
2/2/09 MA posted

Recommendation: Release the maintenance agreement.

10. AVALON PUD SUBDIVISION, SITE PLAN, SECTION 3, 97 DWELLING UNITS IN 117 LOTS

Perf agreement: **Landscaping \$130,000**
Established: May 20, 2004
Previous Action: 2/9/05 PA posted

1/13/06 Approved extension to 1/25/07; submit revised plans prior to next inspection; still under construction.
1/25/07 Approved extension to 1/24/08; submit revised plans prior to next inspection; still under construction.
11/15/07 Blanket landscaping extension to 1/22/09
1/22/09 Approved extension to 1/28/10

Recommendation: Extend to January 27, 2011.

Reason/Deficiency: Six Nuttall oak and four London Plane trees are missing at Canterbury Court and shall be installed. Ten Magnolia, four Nuttall oak, two Ginkgo, six London Plane, six Red cedar and six Japanese cedar trees are missing at the McEwen Drive entrance and shall be installed. One Dogwood tree is missing at Lady of the Lake and shall be installed. Seventeen Redbud trees are missing on the east side of the detention pond at Lady of the Lake and shall be installed. Note that the trees on the east side of the detention pond at Lady of the Lake are being subjected to damage by animals.

Perf agreement: **Landscaping remedy for tree removal violation \$127,650**
Established: May 20, 2004
Previous Action: 2/9/05 PA posted

1/13/06 Approved extension to 1/25/07; submit revised plans prior to next inspection; still under construction.
1/25/07 Approved extension to 1/24/08; submit revised plans prior to next inspection; still under construction.
11/15/07 Blanket landscaping extension to 1/22/09
1/22/09 Approved extension to 1/28/10
6/25/09 Reduce from \$170,200; extend to 6/24/10 (this restitution material is planted in section 1).

Recommendation: Accept the landscaping remedy for tree removal violation improvements, release the performance agreement and establish a maintenance agreement in the amount of \$43,000 for one year.

11. CENTENNIAL BUSINESS PARK SUBDIVISION, SITE PLAN, REVISION 3, LOT 8 (MALLORY COMMONS)

Maint agreement: **Landscaping \$16,000**
 Established: January 16, 2009
 Previous Action: 1/28/05 PA posted
 1/13/06 Reduce from \$64,000; extend to 1/25/07; still under construction
 1/25/07 Extend to 10/25/07 with warning
 9/27/07 Blanket landscaping extension to 10/23/08
 10/17/08 Extend to 10/16/09
 1/16/09 Release PA, establish MA for \$16,000
 1/28/09 MA posted
 Recommendation: Release the maintenance agreement.

12. COOL SPRINGS CORNER SUBDIVISION, SITE PLAN, REVISION 1, LOT 3 (SAM'S CLUB LIQUOR STORE ADDITION)

Perf agreement: **Streets \$10,000**
 Established: January 26, 2006
 Previous Action: 5/3/06 PA posted
 4/13/07 Approved extension to 1/24/08
 1/24/08 Approved extension to 1/22/09
 10/23/08 Approved extension to 10/22/09
 1/16/09 Approved extension to 1/15/10
 Recommendation: Extend to July 22, 2010. Applicant has been engaged in discussion with staff for several months and is prepared to construct this access to connect with the new neighboring development, as soon as the other applicant completes the conditions necessary to obtain building permits.

13. COOL SPRINGS EAST SUBDIVISION, SITE PLAN, SECTION 31, LOT 678 (BILLINGSLY COURT MEDICAL CENTER)

Maint agreement: **Landscaping \$10,000**
 Established: January 16, 2009
 Previous Action: 5/9/05 PA posted
 6/9/06 Extend to 1/25/07 with warning
 1/25/07 Extend to 10/25/07 with final warning
 9/27/07 Blanket landscaping extension to 10/23/08
 6/26/08 Release denied; reduce from \$40,000; extend to 6/19/09
 10/17/08 Release denied; extend to 10/16/09
 1/16/09 Release PA, establish MA for \$10,000
 1/28/09 MA posted
 Recommendation: Release the maintenance agreement.

Perf agreement: **Stormwater drainage/detention \$12,000**

Established: April 28, 2005
 Previous Action: 5/9/05 PA posted
 6/9/06 Extend to 6/28/07
 6/28/07 Approved extension to 1/24/08
 1/24/08 Approved extension to 1/22/09
 1/16/09 Approved extension to 7/16/09
 7/23/09 Approved extension to 1/28/10
 Recommendation: Extend to January 27, 2011.

14. COOL SPRINGS EAST SUBDIVISION, SITE PLAN, SECTION 33, REVISION 1, LOT 682 (MAZDA DEALERSHIP)

Perf agreement: **Landscaping \$21,000**
 Established: July 28, 2005
 Previous Action: 3/1/05 PA posted
 7/28/05 FMPC extended approval to 2/19/06
 6/9/06 Approved extension to 6/28/07; still under construction
 6/28/07 Approved extension to 1/24/08 with warning
 11/15/08 Blanket landscaping extension to 1/22/09
 6/26/08 Reduce from \$28,000; extend to 6/25/09
 6/25/09 Approved extension to 6/24/10
 10/22/09 Extend to 10/28/10
 Recommendation: Accept the landscaping improvements, release the performance agreement and establish a maintenance agreement in the amount of \$7,000 for one year.

15. COOL SPRINGS EAST SUBDIVISION, SITE PLAN, SECTION 34, LOTS 358-360 (COMMUNITY FIRST BANK AND TRUST UNIFIED DEVELOPMENT)

Perf agreement: **Landscaping phase 1 \$45,000**
 Established: January 27, 2005
 Previous Action: 4/12/05 PA posted
 4/13/06 Approved extension to 4/26/07
 4/26/07 Reduce from \$63,000; extend to 4/24/08
 3/27/08 Blanket drought extension to 4/23/09
 4/23/09 Approved extension to 4/22/10
 7/14/09 Split landscaping into Phase 1 & Phase 2--this is Phase 1.
 Recommendation: Accept the landscaping phase 1 improvements, release the performance agreement and establish a maintenance agreement in the amount of \$15,000 for one year.

16. COOL SPRINGS EAST SUBDIVISION, SITE PLAN, SECTION 35, LOTS 4, 694, 695, 697, 698, 699, 700 AND 701 (PRIMUS PROPERTY UNIFIED DEVELOPMENT)

Perf agreement: **Landscaping \$59,000**
 Established: April 28, 2005
 Previous Action: 7/6/05 PA posted

6/9/06 Approved extension to 6/28/07; still under construction
 6/28/07 Reduce from \$78,000; extend to 1/24/08 with warning
 11/15/07 Blanket landscaping extension to 1/22/09
 1/16/09 Extend to 1/15/10

Recommendation: Accept the landscaping improvements, release the performance agreement and establish a maintenance agreement in the amount of \$20,000 for one year.

17. COOL SPRINGS EAST SUBDIVISION, SITE PLAN, SECTION 35, REVISION 1, LOTS 694-696 (MERIDIAN PHASE II)

Perf agreement: **Landscaping lot 694 \$53,000**

Established: November 17, 2005

Previous Action: 12/6/06 PA posted
 9/27/07 Blanket landscaping extension to 11/20/08
 11/14/08 Approved extension to 11/13/09
 11/13/09 Approved extension to 11/12/10

Recommendation: Accept the landscaping lot 694 improvements, release the performance agreement and establish a maintenance agreement in the amount of \$14,000 for one year.

Perf agreement: **Landscaping lot 695 \$67,000**

Established: November 17, 2005

Previous Action: 12/6/06 PA posted
 9/27/07 Blanket landscaping extension to 11/20/08
 11/14/08 Approved extension to 11/13/09
 11/13/09 Release denied; reduce from \$89,000; extend to 11/12/10

Recommendation: Accept the landscaping lot 695 improvements, release the performance agreement and establish a maintenance agreement in the amount of \$23,000 for one year.

18. COOL SPRINGS EAST SUBDIVISION, SITE PLAN, SECTION 35, REVISION 2, LOT 697 (MERIDIAN PHASE IV)

Perf agreement: **Landscaping \$44,000**

Established: May 25, 2006

Previous Action: 10/17/06 PA posted
 9/27/07 Blanket landscaping extension to 10/23/08
 10/17/08 Reduce from \$58,000; extend to 10/16/09
 10/22/09 Extend to 10/28/10

Recommendation: Accept the landscaping improvements, release the performance agreement and establish a maintenance agreement in the amount of \$15,000 for one year.

19. COOL SPRINGS LIFE SCIENCE CENTER, SITE PLAN

Perf agreement: **Stormwater drainage/detention \$27,000**

Established: August 15, 2002
 Previous Action: 7/2/04 PA posted
 7/15/04 FMPC approval extended to 12/15/04
 10/14/05 Approved extension to 7/27/06
 7/27/06 Approved extension to 1/25/07
 1/25/07 Approved extension to 1/24/08
 1/24/08 Approved extension to 1/22/09
 1/22/09 Approved extension to 1/28/10
 Recommendation: Extend to January 27, 2011.

20. CORPORATE WOODS OFFICE PARK PUD SUBDIVISION, SITE PLAN, LOT 1 (509 AND 511 NEW HIGHWAY 96 WEST)

Maint agreement: **Landscaping \$14,000**
 Established: January 16, 2009
 Previous Action: 11/15/06 PA posted
 9/27/07 Blanket landscaping extension to 10/23/08
 1/11/08 Reduce from \$54,000; extend to 1/22/09
 10/17/08 Extend to 10/16/09
 1/16/09 Release PA, establish MA for \$14,000
 2/2/09 MA posted
 Recommendation: Release the maintenance agreement.

21. DOWNS BOULEVARD PROPERTIES SUBDIVISION, SITE PLAN, SECTION 1, REVISION 6, LOTS 18 AND 19 (DOWNS BOULEVARD OFFICE/WAREHOUSE)

Perf agreement: **Landscaping \$15,000**
 Established: May 25, 2006
 Previous Action: 12/4/06 PA posted
 9/27/07 Blanket landscaping extension to 10/23/08
 4/24/08 Release denied; reduce from \$19,000; extend to 4/23/09
 4/17/09 Extend to 4/16/10
 Recommendation: Accept the landscaping improvements, release the performance agreement and establish a maintenance agreement in the amount of \$5,000 for one year.

22. EIGHT CORPORATE CENTRE, SITE PLAN

Perf agreement: **Landscaping \$203,000**
 Established: July 28, 2005
 Previous Action: 8/22/05 PA posted
 10/13/06 Approved extension to 10/25/07; still under construction
 9/27/07 Blanket landscaping extension to 10/23/08
 10/17/08 Reduce from \$270,000; extend to 10/16/09
 4/17/09 Release denied; extend to 4/16/10
 Recommendation: Split into Phase A and Phase B. Phase A represents the site minus the buffer that is contiguous to the residential area. Phase B is the buffer.

Appropriate value and staff recommendation has been established for each phase, as follows:

Landscaping Phase A \$226,000

Recommendation: Accept the landscaping Phase A improvements, release the performance agreement and establish a maintenance agreement in the amount of \$57,000 for one year.

Landscaping Phase B \$44,000

Recommendation: Reduce to \$33,000 and extend to January 27, 2011.
 Reason/Deficiency: The project landscape architect shall make arrangements to inspect site with COF Land Planner to determine that the buffer is installed per the approved plan. It is preferred that this inspection occur after all plant material has leafed out.

23. FRANKLIN COMMONS SOUTH SUBDIVISION, SITE PLAN, SECTION 5, LOT 3 (SUNVERTIBLES SHOWROOM)

Maint agreement: **Landscaping \$8,000**
 Established: January 22, 2009
 Previous Action: 6/10/04 PA posted
 11/12/04 Approved extension to 11/17/05; still under construction
 11/17/05 Approved extension to 11/16/06 with warning; to allow drainage to be completed prior to landscape adjustments.
 11/16/06 Reduce from \$30,000; extend to 5/24/07 with warning
 5/24/07 Extend to 11/15/07 with final warning
 9/27/07 Blanket landscaping extension to 11/20/08
 11/14/08 Approved extension to 11/19/09
 1/22/09 Release PA, establish MA for \$8,000
 3/10/09 MA posted
 Recommendation: Release the maintenance agreement.

24. GATEWAY VILLAGE PUD SUBDIVISION, SITE PLAN, SECTION 1

Maint agreement: **Landscaping \$16,000**
 Established: January 16, 2009
 Previous Action: 11/23/04 PA posted
 11/11/05 Approved extension to 11/16/06; still under construction
 11/16/06 Approved extension to 11/16/07; still under construction; submit revised plans.
 1/25/07 Reduce from \$49,000; extend to 1/24/08; still under construction
 11/15/07 Blanket landscaping extension to 1/22/09
 1/16/09 Release PA, establish MA for \$16,000
 3/11/09 MA posted
 Recommendation: Release the maintenance agreement.

25. HARPETH VILLAGE SUBDIVISION, SITE PLAN

Perf agreement: **Relocated force main \$10,000**
 Established: March 18, 2004
 Previous Action: 6/21/04 PA posted
 6/10/05 Approved extension to 1/26/06
 1/26/06 Reduction denied; extend to 1/25/07; submit as-builts
 1/25/07 Approved extension to 7/26/07
 7/26/07 Approved extension to 1/24/08
 1/24/08 Release denied; extend to 1/22/09
 1/22/09 Approved extension to 7/23/09
 7/23/09 Approved extension to 1/28/10

Recommendation: Accept the relocated force main improvements, release the performance agreement and establish a maintenance agreement in the amount of \$2,500 for one year.

26. HB AND TS OFFICE BUILDING SUBDIVISION, SITE PLAN

Perf agreement: **Access \$5,000**
 Established: July 28, 2005
 Previous Action: 7/12/05 PA posted
 7/28/05 FMPC extended approval to 2/19/06
 6/9/06 Approved extension to 1/25/07
 1/25/07 Approved extension to 7/26/07
 7/26/07 Approved extension to 1/24/08
 1/24/08 Approved extension to 7/24/08
 7/24/08 Approved extension to 1/16/09
 1/16/09 Approved extension to 7/17/09
 7/23/09 Approved extension to 1/28/10

Recommendation: Accept the access improvements, release the performance agreement and establish a maintenance agreement in the amount of \$2,500 for one year.

27. LINCOLN SQUARE SUBDIVISION, SITE PLAN, REVISION 2, LOT 1 (LINCOLN SQUARE)

Perf agreement: **Landscaping \$30,000**
 Established: April 15, 2004
 Previous Action: 4/15/04 FMPC extended approval for one year
 4/26/04 PA posted
 6/17/04 Approved extension to 6/16/05
 6/10/05 Extend to 6/22/06; still under construction
 6/22/06 Extend to 1/25/07 with warning
 1/25/07 Approved extension to 6/28/07 with final warning
 6/28/07 Extend to 1/24/08 with additional final warning
 11/15/07 Blanket landscaping extension to 1/22/09
 1/22/09 Approved extension to 1/28/10

Recommendation: Accept the landscaping improvements, release the performance agreement and establish a maintenance agreement in the amount of \$8,000 for one year.

28. LINCOLN SQUARE SUBDIVISION, SITE PLAN, SECTION 2, REVISION 3, LOTS 6-8 (ASPEN GROVE PLAZA UNIFIED DEVELOPMENT)

Maint agreement: **Landscaping (Building 1) \$3,000**
 Established: January 16, 2009
 Previous Action: 8/19/05 PA posted
 4/13/06 Reduce from \$10,000; extend to 10/26/06
 10/26/06 Extend to 1/25/07 with warning
 1/25/07 Extend to 10/25/07 with final warning
 9/27/07 Blanket landscaping extension to 10/23/08
 1/24/08 Extend to 1/22/09
 1/16/09 Release PA, establish MA for \$3,000
 3/4/09 MA posted

Recommendation: Release the maintenance agreement.

29. MALLORY VIEW/RANCO SUBDIVISION, SITE PLAN, LOT 1 (DRIVER'S WAY)

Maint agreement: **Landscaping \$16,000**
 Established: April 27, 2006
 Previous Action: 9/22/03 PA posted
 5/20/04 Approved extension to 5/19/05; still under construction
 5/13/05 Reduce from \$81,000; extend to 1/26/06
 1/13/06 Extend to 4/27/06 with a warning
 4/27/06 Release PA, establish MA for \$16,000
 5/9/06 MA posted
 4/13/07 Extend to 1/24/08 with warning
 11/15/07 Blanket landscaping extension to 1/22/09
 1/22/09 Extend to 1/28/10; site was locked, could only inspect public parking and area along the street.

Recommendation: Extend to January 27, 2011.

Reason/Deficiency: Four Red maples are missing on Mallory Drive next to the dental office and shall be replaced. Seven Red maples are missing from the entrance along Mallory Drive to Spring Creek Drive and shall be replaced. Two Redbud, two Forest Pansy Redbud, one Kentucky Coffee tree and 2 Bald cypress trees are dead on the west side of the property and shall be replaced.

30. MCKAYS MILL PUD SUBDIVISION, SITE PLAN, SECTION 21 (WAVERLY AREA)

Maint agreement: **Landscaping \$17,000**
 Established: June 26, 2008
 Previous Action: 9/1/04 PA posted
 10/14/05 Extend to 10/26/06; still under construction

10/26/06 Approved extension to 10/25/07; still under construction
 9/27/07 Blanket landscaping extension to 10/23/08
 1/24/08 Reduction denied; extend to 1/22/09
 5/22/08 Release denied; reduce from \$68,000; extend to 5/28/09
 6/26/08 Release PA, establish MA for \$17,000
 7/7/08 MA posted
 6/25/09 Extend to 1/15/10; all required trees & shrubs in, future MA inspections are only for turf establishment.

Recommendation: Release the maintenance agreement.

31. MCKAYS MILL PUD SUBDIVISION, SITE PLAN, SECTION 22 (PROVIDENCE AREA)

Maint agreement: **Landscaping \$13,000**
 Established: January 22, 2009
 Previous Action: 5/13/04 PA posted
 4/8/05 Reduce from \$49,500; extend to 4/27/06
 4/27/06 Extend to 4/26/07; still under construction
 4/26/07 Approved extension to 1/24/08; still under construction
 11/15/07 Blanket landscaping extension to 1/22/09
 1/22/09 Release PA, establish MA for \$13,000
 1/30/09 MA posted

Recommendation: Release the maintenance agreement

32. MCKAYS MILL PUD SUBDIVISION, SITE PLAN, SECTION 23, LOT 2001 (BANK AND OFFICE)

Perf agreement: **Landscaping (Building B) \$22,000**
 Established: January 26, 2006
 Previous Action: 1/26/06 Split landscaping into Building A and Building B; this is Building B for \$22,000.
 Construction/permits not started yet
 11/15/07 Blanket landscaping extension to 1/22/09
 1/22/09 Approved extension to 1/28/10; construction not started yet.

Recommendation: Extend to January 27, 2011. Construction has not started yet.

33. MCKAYS MILL PUD SUBDIVISION, SITE PLAN, SECTION 25 (PEMBERTON HEIGHTS AREA)

Perf agreement: **Landscaping \$38,000**
 Established: July 17, 2003
 Previous Action: 1/29/07 PA posted
 1/25/07 Extend to 6/28/07 with warning; late response; add to April 2007 inspection list.
 4/26/07 Extend to 10/25/07 with final warning (see revised punchlist 5/1/07)
 6/28/07 Extend to 1/24/08 with warning
 11/15/07 Blanket landscaping extension to 1/22/09
 5/22/08 Release denied; reduce to \$38,000; extend to 5/28/09
 1/22/09 Extend to 1/28/09; turf to be more established.

Recommendation: Extend to October 28, 2010. This site shall be ready for release from performance by the next inspection date.

34. NINE CORPORATE CENTER, SITE PLAN

Perf agreement: **Landscaping \$240,000**

Established: April 27, 2006

Previous Action: 9/26/06 PA posted
 9/27/07 Blanket landscaping extension to 10/23/08
 10/17/08 Reduce from \$320,000; extend to 10/16/09
 4/17/09 Release denied; extend to 4/16/10

Recommendation: Split into Phase A and Phase B. Phase A represents the site minus the buffer that is contiguous to the residential area. Phase B is the buffer. Appropriate value and staff recommendation has been established for each phase, as follows:

Landscaping Phase A \$280,000

Recommendation: Accept the landscaping Phase A improvements, release the performance agreement and establish a maintenance agreement in the amount of \$70,000 for one year.

Landscaping Phase B \$40,000

Recommendation: Reduce to \$30,000 and extend to January 27, 2011.

Reason/Deficiency: The project landscape architect shall make arrangements to inspect site with COF Land Planner to determine that the buffer is installed per the approved plan. It is preferred that this inspection occur after all plant material has leafed out.

35. QUAIL HOLLOW BUSINESS PARK SUBDIVISION, SITE PLAN, SECTION 1, REVISION 5, LOT 12 (BLOURCHIAN OFFICE PARK)

Maint agreement: **Stormwater drainage/detention \$4,400**

Established: December 12, 2008

Previous Action: 9/15/06 PA posted
 10/12/07 Approved extension to 10/23/08
 10/17/08 Release denied; reduce from \$44,000; extend to 4/17/09
 12/12/08 Release PA, establish MA for \$4,400
 1/5/09 MA posted

Recommendation: Release the maintenance agreement.

36. RALSTON HILL PUD SUBDIVISION, SITE PLAN, 34 DWELLING UNITS IN 39 LOTS ON 6.79 ACRES LOCATED WEST OF RALSTON LANE 1,000 FEET SOUTH OF LIBERTY PIKE

Maint agreement: **Landscaping \$4,000**

Established: January 22, 2009

Previous Action: 3/28/03 PA established
 5/20/04 Approved extension to 5/19/05; still under construction

5/13/05 Approved extension to 5/25/06; still under construction
 5/25/06 Approved extension to 5/24/07; still under construction
 5/24/07 Approved extension to 5/22/08; still under construction
 4/24/08 Blanket landscaping extension to 5/28/09
 10/23/08 Release denied; reduce from \$16,000; extend to 10/22/09
 1/22/09 Release PA, establish MA for \$4,000
 2/5/09 MA posted

Recommendation: Release the maintenance agreement.

37. SEWARD HALL SUBDIVISION, SITE PLAN, LOT 1 (BETHEL COMMUNITY CHURCH)

Perf agreement: **Landscaping \$100,000**
 Established: January 26, 2006
 Previous Action: 9/22/05 Approval extended to 4/18/06.
 3/30/06 PA posted
 1/12/07 Approved extension to 1/24/08; still under construction
 1/24/08 Reduce from \$116,000; extend to 1/22/09
 11/19/09 FMPC approved for landscaping to be phased; Phase 1 shall be the new buffer; Phase 1 buffer shall be installed and ready for June 2010 FMPC agenda.

Recommendation: Extend to June 24, 2010, as required at the November 19, 2009 FMPC meeting. Upon submittal of revised plans, this improvement shall be split to separate the Phase 1 buffer, with the understanding that all required material shall be installed in time for the June 2010 FMPC meeting.

Perf agreement: **Landscaping tree replacement \$35,000**
 Established: January 26, 2006
 Previous Action: 9/22/05 Approval extended to 4/18/06.
 3/30/06 PA posted
 1/12/07 Approved extension to 1/24/08; still under construction
 1/24/08 Reduce from \$40,500; extend to 1/22/09
 11/19/09 FMPC approved for landscaping to be phased

Recommendation: Approved extension to January 27, 2011.

38. SOUTH GATE SUBDIVISION, SITE PLAN, LOTS 1-3 (HORN DEVELOPMENT)

Maint agreement: **Landscaping \$5,000**
 Established: January 16, 2009
 Previous Action: 9/9/05 PA posted
 11/10/06 Approved extension to 11/15/07; still under construction
 9/27/07 Blanket landscaping extension to 11/20/08
 11/20/08 Approved extension to 11/19/09
 1/16/09 Release PA, establish MA for \$5,000
 2/2/09 MA posted

Recommendation: Release the maintenance agreement.

39. SOUTH PARK SUBDIVISION, SITE PLAN, SECTION 1, REVISION 2, LOT 7 (KEYSTONE CENTER)

Maint agreement: **Landscaping (Building A) \$6,000**
 Established: January 16, 2009
 Previous Action: 1/13/06 PA posted
 1/12/07 Approved extension to 1/24/08; still under construction
 11/15/07 Blanket landscaping extension to 1/22/09
 1/16/09 SPLIT INTO BLDG A & BLDG B - THIS IS BLDG A.
 1/16/09 Release PA, establish MA for \$6,000
 2/25/09 MA posted
 New applicant PA & LC posted 10/1/09.

Recommendation: Release the maintenance agreement

Perf agreement: **Landscaping (Building B) \$24,500**
 Established: October 27, 2005
 Previous Action: 1/16/09 SPLIT INTO BLDG A & BLDG B - THIS IS BLDG B.
 2/25/09 New PA posted for Bldg B.
 New applicant PA & LC posted 10/1/09.

Recommendation: Approved extension to January 27, 2011. Construction has not begun on this building.

40. WESTHAVEN PUD SUBDIVISION, SITE PLAN, SECTION 2, 61 DWELLING UNITS IN 64 LOTS ON 16.81 ACRES LOCATED SOUTH OF PROPOSED KENTUCKY AVENUE AND WEST OF SOUTH CAROLINA AVENUE

Perf agreement: **Landscaping \$27,000**
 Established: June 20, 2002
 Previous Action: 5/23/03 PA posted
 6/17/04 Extend to 6/16/05; still under construction
 6/10/05 Extend to 6/22/06; still under construction
 6/22/06 Extend to 6/28/07; still under construction
 6/28/07 Approved extension to 6/26/08; still under construction
 4/24/08 Blanket landscaping extension to 6/25/09
 4/23/09 Release denied; reduce from \$35,000; extend to 4/22/10

Recommendation: Extend to January 27, 2011.

Reason/Deficiency: The missing tree on Cheltenham and the three missing trees on the south side of Prospect and west of Cheltenham shall be installed.

41. WESTHAVEN PUD SUBDIVISION, SITE PLAN, SECTION 6, 181 DWELLING UNITS IN 190 LOTS ON 69.35 ACRES

Maint agreement: **Landscaping \$29,000**
 Established: January 22, 2009
 Previous Action: 12/22/03 PA posted
 11/12/04 Extend to 11/17/05; still under construction
 11/17/05 Approved extension to 11/16/06; still under construction

1/26/06 Reduced from \$175,000 to \$115,000; still qualifies for a reduction; landscaping split into 4 sections (6, 9, 11 & 12); extend to 1/25/07
1/25/07 Extend to 6/28/07 with warning
6/28/07 Extend to 1/24/08 with final warning
11/15/07 Blanket landscaping extension to 1/22/09
1/22/09 Release PA, establish MA for \$29,000
1/30/09 MA posted

Recommendation: Release the maintenance agreement.

42. WESTHAVEN PUD SUBDIVISION, SITE PLAN, SECTION 7, 48 DWELLING UNITS IN 48 LOTS ON 17.88 ACRES LOCATED ALONG WESTHAVEN BOULEVARD, STATE BOULEVARD, AND JASPER AVENUE

Perf agreement: **Landscaping \$27,000**
Established: October 16, 2003
Previous Action: 12/22/03 PA posted
10/8/04 Extend to 10/27/05; construction has not started.
10/27/05 Approved extension to 10/26/06; still under construction
10/26/06 Approved extension to 10/25/07; still under construction
9/27/07 Blanket landscaping extension to 10/23/08
10/23/08 Approved extension to 10/22/09
4/23/09 Release denied; reduce from \$36,000; extend to 4/22/10

Recommendation: Extend to January 27, 2011.

Reason/Deficiency: The two street trees missing on lot 499 on Morning Mist, where the residence has not been constructed yet, shall be installed. One missing tree on lot 464, three missing trees across from lot 464, two missing trees on lot 470 on Wild Elm, two missing trees on lot 489, one missing tree on lot 490, and one missing tree on the lot under construction at the intersection of Champion Circle and Majestic, shall be installed.

43. WESTHAVEN PUD SUBDIVISION, SITE PLAN, SECTION 11 AND SECTION 12

Perf agreement: **Landscaping (section 12) \$100,000**
Established: April 15, 2004
Previous Action: 5/3/04 PA posted
4/8/05 Approved extension to 4/27/06; still under construction
4/27/06 Approved extension to 4/26/07; still under construction
4/26/07 Approved extension to 4/24/08; still under construction
3/27/08 Blanket drought extension to 4/23/09
4/23/09 Extend to 4/22/10

Recommendation: Split into Phase A and Phase B. Phase A represents the site, minus lot 5005. Phase B is the material required for lot 5005. Appropriate value and staff recommendation has been established for each phase, as follows:

Landscaping Phase A \$56,000

Recommendation: Accept the landscaping Phase A improvements, release the performance agreement and establish a maintenance agreement in the amount of \$14,000 for one year.

Landscaping Phase B \$44,000

Recommendation: Reduce to \$33,000 and extend to January 27, 2011.
Reason/Deficiency: A landscape as-built shall be submitted for Phase B (lot 5005) prior to consideration of release from performance, to ensure all material required per the approved plan is installed.

44. WESTHAVEN PUD SUBDIVISION, SITE PLAN, SECTION 14

Maint agreement: **Landscaping \$22,000**
Established: January 22, 2009
Previous Action: 3/1/05 PA posted
1/13/06 Approved extension to 1/25/07; still under construction
1/25/07 Approved extension to 1/24/08; still under construction
11/15/07 Blanket landscaping extension to 1/22/09
1/22/09 Release PA, establish MA for \$22,000
1/30/09 MA posted
Recommendation: Release the maintenance agreement.

45. WILLOW SPRINGS PUD SUBDIVISION, SITE PLAN, SECTION 3, REVISION 1

Maint agreement: **Landscaping \$9,000**
Established: January 22, 2009
Previous Action: 10/4/04 PA posted
10/14/05 Extend to 10/26/06; still under construction
10/26/06 Reduce from \$34,000; extend to 10/25/07; still under construction
9/27/07 Blanket landscaping extension to 10/23/08
10/23/08 Approved extension to 10/22/09
1/22/09 Release PA, establish MA for \$9,000
2/6/09 MA posted
Recommendation: Extend to January 27, 2011.
Reason/Deficiency: Street trees are missing on lot 186, 193 and 194 and shall be installed. Since the sidewalk has not been constructed yet at lots 186 and 193, the street trees cannot be installed prior to those sidewalks being installed.

46. WILLOW SPRINGS PUD SUBDIVISION, SITE PLAN, SECTION 4, REVISION 1

Maint agreement: **Landscaping \$43,000**
Established: January 22, 2009
Previous Action: 8/16/04 PA posted

10/14/05 Extend to 10/26/06; still under construction
 10/26/06 Reduce from \$170,000; extend to 10/25/07; still under construction
 9/27/07 Blanket landscaping extension to 10/23/08
 10/23/08 Approved extension to 10/22/09
 1/22/09 Release PA, establish MA for \$43,000
 2/6/09 MA posted

Recommendation: Release the maintenance agreement.

47. AVALON PUD SUBDIVISION, FINAL PLAT, SECTION 3, REVISION 5, 2 LOTS ON 0.91 ACRES, LOCATED AT THE NORTHEAST CORNER OF LADY OF THE LAKE LANE AND PRINCE VALIANT COURT.

Approval of the final plat, with the following conditions:

1. Clearly demarcate the area of public utilities and drainage easement between the lot lines and the sewer line. (Eng)
2. The City’s project identification number shall be included on subsequent submittals and transmittal letters, including correspondence with the other City Departments (Build/Plan).
3. An electronic copy of the final plat, in PDF format, shall be submitted to the Department of Planning and Sustainability (Plan).
4. The Certificates of Approval of Subdivision Name and Street Names, Ownership, Water, and Survey shall be signed (Plan).
5. The applicant shall submit three (3) copies of the corrected plat with the Mylar to the Department of Planning and Sustainability for signatures (Plan).
6. The applicant shall submit a digital copy of the final plat to the Department of Planning and Sustainability in Tennessee state plane coordinates, NAD 83, zone 4100/5301 for incorporation into the Franklin GIS database (Eng).

48. GATEWAY VILLAGE PUD SUBDIVISION, FINAL PLAT, SECTION 2, REVISION 1, 83 LOTS ON 9.23 ACRES, LOCATED WEST OF MOHER BOULEVARD (SURETY REVISION).

RECOMMENDATION

Revise Condition #9 from the November 19, 2009 staff report to adjust the sidewalk surety and continue all other conditions of approval from the November 19, 2009 FMPC meeting.

9. Performance agreements and sureties shall be established with the following amounts (Plan):

Drainage	\$	11,000
Sanitary Sewer	\$	10,000
Sidewalks	\$	205,000 190,000
Total	\$	226,000 211,000

49.MCEWEN PLACE PUD SUBDIVISION, SITE PLAN, LOT 103, (1ST FARMERS AND MERCHANTS BANK), A 4,030 SQUARE FOOT BUILDING ON 3.11 ACRES, LOCATED ALONG WEST MCEWEN DRIVE.

Approval of the site plan, with the following conditions:

- 1. The landscape maintenance agreement between 1st Farmers and Merchants Bank and Grant Park regarding the strip of property located between Grant Park and McEwen Drive shall be submitted to the Department of Planning and Sustainability prior to final approval of the site plan. (Plan/Plan LA)
- 2. Ramps and sidewalks shall be aligned at driveway entrance. (Eng)
- 3. All walls greater than 48” in height shall be submitted to the Building and Neighborhood Services Department for review. (Build/Plan/Eng)
- 4. The applicant shall provide a rock filter ring detail as referenced on sheet C2.1. (Eng)
- 5. The location of the tree protection fence as shown on the plans may require additional trees to be removed. The COF Zoning Ordinance requires "1 foot in distance from the edge of the tree for each inch of DBH... but in no case shall the tree fence be less than ten feet from the trunk." If additional trees are removed, revisions shall be required for the plant materials on the site. (Plan LA)
- 6. Take down charts on LSR and Tree replacements from the total McEwen PUD shall be provided on the drawings and this site added to the charts. (Plan LA)
- 7. The landscape requirements charts on sheets L1.0 and L3.0 are incorrect and shall be corrected. (Plan LA)
- 8. The note on L1.0 relating to the maintenance of the strip of land along McEwen in front of Grant Park shall be added to C1.0. (Plan/Plan LA)
- 9. The materials schedule chart on sheet L3.0 shall list the canopy trees and understory trees separately. (Plan LA)
- 10. Trees taken for credit in the buffer shall be labeled with symbol/key on plans and charts. (Plan LA)
- 11. A post approval meeting with COF Land Planner shall be held prior to the submittal of revised plans to review the Landscape conditions with the applicant and the applicant’s Landscape Architect. (Plan LA)
- 12. The Landscape performance surety amount shall be based on the approved revised plan and shall be established prior to the issuance of a building permit. (Plan LA)
- 13. Performance agreements and sureties shall be established in the following amounts prior to the issuance of a building permit (Plan):

Landscape	\$	TBD
Drainage	\$	48,000
Sidewalk	\$	2,000
<u>Total</u>	\$	<u>TBD</u>

- 14. The following conditions related to technical requirements shall be addressed:
 - a. The city’s project identification number shall be included on all correspondence with any city department relative to this project. (Plan)
 - b. The applicant shall obtain a Stormwater Management Permit prior to start of construction and in conjunction with a grading permit. (Eng)

- c. The applicant shall submit nine (9) complete and folded sets and a .pdf file of the corrected site plan to the Department of Building and Neighborhood Services. All revisions to the approved plans shall be “clouded.” A response letter addressing each condition of approval shall be included with the .pdf submittal and each set of corrected plans. (Plan/Build)
- d. Once all conditions of approval related to engineering and tree preservation concerns have been met, the applicant shall submit one (1) half-size copy and four (4) full-size copies of corrected grading and drainage plans to the Department of Building and Neighborhood Services to be stamped and signed by city officials prior to the issuance of a Grading Permit. (Eng)
- e. Once all conditions have been addressed, two (2) additional copies of the landscape and tree survey sheets shall be submitted to the Department of Building and Neighborhood Services. (Plan LA)
- f. Prior to the start of any excavation work, the developer and/or contractor shall notify AT&T and COMCAST. (Plan/Build)

This completed the consent agenda.

50. RESOLUTION 2009-55, TO BE ENTITLED: “RESOLUTION AUTHORIZING THE ADOPTION AND IMPLEMENTATION OF THE NEW HISTORIC DISTRICT DESIGN GUIDELINES.”

Mr. Steve Valley, Interim Preservation Planner, presented the staff report for Resolution 2009-55, thanked all of the individuals involved and stated that the New Historic District Design Guidelines would coincide with the Central Franklin Area Plan and had gone through the same process. The consultants had come out with a very user-friendly product, which was a great, useful tool for the City. He recommended approval.

Chairman Hathaway asked for citizen comments. There were none.

Mr. Barnhill moved to approve Resolution 2009-55, and Ms. Allen seconded the motion.

Mr. Luffman stated that Appendices A and B were included with the Design Guidelines. Appendix A had been included in the packets to the Planning Commissioners, and Appendix B had been placed at everyone’s desk.

Mr. Gamble stated that he thought the Design Guidelines was a good product; however, he did have a concern with the deletions to the text on Appendix A, items o through w. There was much debate during the process about how height was addressed for new construction in the historic areas, and not everyone agreed on the issue. There was concern that in some of the areas it was acceptable to build higher structures than some of the existing buildings. The consultants, of the Central Area Franklin Plan, agreed that there should be a series of special areas that addressed those specific height requirements per area. He was not sure why all of the text was stricken in o through w, but all of the text was to be replaced with the following text, “The maximum building height must be consistent with the height and scale of the neighboring buildings.” He was not sure

that that blanket statement was appropriate for the entire historic area. He thought that there should be some flexibility.

Mr. Gamble moved to amend the language by striking items x and mm in Appendix A, to reinstate item o through w, and to reinstate items dd through ll. Mr. Harrison seconded the motion.

Mr. Valley stated that the way it was stricken was the way it was resolved at the November 2, 2009, Special Meeting of the Historic Zoning Commission. The Historic Zoning commissioners were concerned that the present guidelines had a rule that the height requirement should be within 10 percent of neighboring buildings, and they were trying to keep the same statement for new construction.

Mr. Gamble did not think that a three-story structure was appropriate across the historic area, but he did think that there were some areas where one-story buildings existed, and he thought it would be appropriate to build a three-story structure. He did not think the future development of those particular parcels should be governed by the height of an existing structure that may or may not exist in the future.

Mr. Luffman stated that Mr. Gamble was correct. Much time was spent determining what special areas in Central Franklin would accommodate certain height buildings. Item x, regarding the maximum building height, was Mr. Gamble's concern.

Mr. Harrison stated that he also attended the Design District Guidelines' meetings, and he did not recall the committee setting a maximum height to cover the entire area.

Mrs. Petersen asked if Appendix A items came from the Historic Zoning Commission. Mr. Valley stated that they did.

Chairman Hathaway asked who would regulate and judge what the word "consistent" meant. Mr. Valley stated that it would be the Historic Zoning Commission.

Ms. Allen wanted to clarify that the Special Areas had already been considered on a case-by-case basis, and Appendix A left it open for interpretation.

Mrs. Petersen stated that page 79 of the Historic District Design Guidelines did state that the building height could go higher, "But this was discouraged."

Mr. Gamble stated that it was his opinion that the consultants listened very carefully during the community comment in the public meetings. There was a concern, and they suggested this approach as a means to successfully appease everyone in the community. Many of the participants did not want a blanket statement put over the entire historic area. Mr. Gamble stated that he would much rather stay with what the consultants had suggested.

Mrs. Petersen stated that this was now being recommended to the Board of Mayor and Aldermen, and she would like to hear some input.

Mr. Luffman stated that the Historic Zoning Commission had a lot of discretion. For example, a three-story building could be brought to the Planning Commission, but before it would get there, the Historic Zoning Commission would have already reviewed it and recommended a two-story. Mr. Luffman also stated that, according to Mrs. Billingsley, the Interim City Attorney, if Resolution 2009-55 did go forward with the recommendations of the Historic Zoning Commission, then the Zoning Ordinance must be amended to depict what the Historic Zoning Commission was requesting.

With the amendment to the motion having been made and seconded, it passed unanimously.

Mrs. McLemore asked if residential light fixtures would have to be of a certain type.

Mr. Valley stated that the language regarding the light fixtures referred to new construction.

Mrs. McLemore asked if vinyl siding already existed on a home and needed to be replaced could vinyl be used as the replacement.

Mr. Valley stated that if a section of vinyl was damaged, due to a storm or something of that nature; it could be replaced with vinyl. However, if all of the vinyl was going to be replaced on a residence as an improvement, then the Design Guidelines would have to be followed.

Mrs. McLemore stated that while she liked the new Guidelines regarding HardiPlank, she thought about an owner who might not have to the funds make the change from vinyl to HardiPlank.

Mr. Valley stated that Neighborhood and Building Services did work with individuals to find the best compromise.

With the main motion having been made and seconded, it passed unanimously.

Mr. Luffman stated that Appendix B talked about the language, regarding pending applications or approved projects, which the Historic Zoning Commission could continue to hear under the old guidelines without meeting the new guidelines. A motion would need to be made for Appendix B to be added to Resolution 2009-55. Also, a motion for a recommendation for an effective date of when this should all go into effect would need to be made. Staff was recommending that Resolution 2009-55 go into effect on June 1, 2010.

Mr. Barnhill moved to add Appendix B to Resolution 2009-55 and to have an effective date of July 1, 2010, Mr. Lindsey seconded the motion, and it passed unanimously.

51. ORDINANCE 2009-77, TO BE ENTITLED: "AN ORDINANCE TO AMEND CHAPTER 4, SECTION 4.1.6, AND CHAPTER 8, SECTION 8.3, OF THE CITY OF FRANKLIN ZONING ORDINANCE RELATING TO HOME OCCUPATIONS."

Mr. Marsh presented the staff report for Ordinance 2009-77 and stated that staff wanted clarification on some of the interpretations used relating to home occupations, and he recommended approval.

Chairman Hathaway asked for citizen comments. There were none.

Mr. Gamble moved to recommend approval of Ordinance 2009-77 to the Board of Mayor and Aldermen, and Mr. Harrison seconded the motion.

Mrs. Petersen asked if an additional employee was allowed regarding Home Occupations.

Mr. Marsh stated that it had been a standard all along that not more than one other person who did not reside at the residence could be employed. The state requires one care-giver for four children. If one went over the four children, it would be one care-giver for each additional four children. For the Home Care, it was limited to seven children, and they would need to be licensed by the State.

Mrs. Petersen was concerned with the parking for seven children.

Mr. Marsh stated that through the Zoning Ordinance, the City could be stricter.

Discussion on State regulations regarding seven children in a Home Occupation ensued.

Ms. Allen asked about how Ordinance 2009-77 would affect businesses that were currently operating with seven children.

Mr. Marsh stated that if a business was in operation, it would be allowed to continue operation.

Mr. Orr questioned if the number of children in a Home Occupation should be changed to four.

Mr. Barnhill stated that with the economy as it was, he did not have a problem with seven children in a Home Occupation.

Mrs. Petersen stated that she thought it would change some neighborhoods if the "no more than seven children" language stayed in Home Occupations.

Mr. Gerth stated that Ordinance 2009-77 was a self-policing ordinance.

Mrs. McLemore stated that she liked Mr. Orr's idea of reducing the number of children to four, and this would also address Mrs. Petersen's concern.

Mr. Orr stated that, at least with four, if there were more children, the City could go back and get it reduced.

Mr. Orr moved to amend the motion to say that there could not be more than four children in a Home Occupation, Mrs. McLemore seconded the motion, and it passed five to three with Messrs. Barnhill and Gamble and Ms. Allen voting no.

With the motion and amendment having been made and seconded to recommend approval of Item 51 to the Board of Mayor and Aldermen, it passed unanimously.

52. ORDINANCE 2010-03, TO BE ENTITLED: "AN ORDINANCE TO AMEND THE CITY OF FRANKLIN ZONING ORDINANCE TO REVISE PROVISIONS RELATING TO THE POWERS, DUTIES, AND MEMBERSHIP OF THE FRANKLIN BOARD OF ZONING APPEALS."

Mr. Luffman presented the staff report for Ordinance 2010-03. Ordinance 2010-03 was proposed to create a section in the Zoning Ordinance relating to Powers, Duties, and Membership, of the Board of Zoning Appeals, and staff recommended approval.

Chairman Hathaway asked for citizen comments. There were none.

Mr. Harrison moved to recommend approval of Item 52 to the Board of Mayor and Aldermen, and Mr. Gamble seconded the motion.

Ms. Allen asked if the "O" was being removed because it was BOZA and would now be BZA.

With the motion having been made and seconded to recommend approval of Item 52 to the Board of Mayor and Aldermen, it passed unanimously.

53. ORDINANCE 2010-04, TO BE ENTITLED: "AN ORDINANCE TO AMEND CHAPTER 5, SECTION 5.6.5, OF THE FRANKLIN ZONING ORDINANCE TO REVISE REQUIREMENTS RELATING TO SCREENING OF REFUSE AREAS OR RECYCLABLE CONTAINERS."

Mr. Gerth presented the staff report for Ordinance 2010-04 and stated that this item was regarding the enclosures behind most businesses. He stated that most of the businesses wanted to recycle, but it was a problem for them to bring another type of recycling container in because their existing enclosure was of masonry on three sides with a gate on the front. It was not feasible for many of the businesses that wanted to recycle to expand their enclosure by pouring a footing, extending the concrete pad and reinstalling an obscure gate. He, then, introduced Mrs. Debbie Baxter and Mr. Nate Ridley, from the City's Solid Waste Department.

Mr. Ridley and Mrs. Baxter showed and discussed a PowerPoint presentation relating to the

screening of refuse areas or recyclable containers, and Mrs. Baxter distributed copies of the presentation to the Planning Commissioners.

Mrs. Petersen asked if the existing enclosures would be required to follow the new Zoning Ordinance.

Mr. Luffman stated that he did not think so, that it would be the prerogative of the owner.

Mr. Ridley stated that he thought new businesses could choose to build the area without the gate to keep the cost down.

Chairman Hathaway asked for citizen comments. There were none.

Ms. Allen moved to recommend approval of Ordinance 2010-04 to the Board of Mayor and Aldermen, and Mr. Harrison seconded the motion.

Mr. Lindsey asked if the language in the PowerPoint presentation had been cleared by all of the necessary reviews.

Mr. Gerth stated that private enclosures were what Ordinance 2010-04 discussed. The bottom line was that it would eliminate the gate requirement from an enclosure to allow businesses the opportunity to add-on two sides to put a recycling bin in without a gate.

Chairman Hathaway stated that the assumption was that without the door, businesses would keep their enclosures clean versus hiding piled up trash behind doors.

Mr. Ridley asked if Building and Neighborhood Services would be enforcing this.

Mr. Orr stated that enforcement by Building and Neighborhood Services would solve part of the problem, and the gate could stay.

With the motion having been made and seconded to recommend approval of Item 53 to the Board of Mayor and Aldermen, it passed unanimously.

Ms. Allen asked how, as a property owner, Building and Neighborhood Services would be able to go in with a gate closed and serve a citation.

Mrs. Billingsley stated that if the gate was closed and locked, the City would have to get an administrative warrant to go in and break the lock, and sometimes that could take up to a week.

Mr. Gerth stated that there was the incentive to encourage recycling, which would lower the amount of trash that would be taken to the landfill, and that was an increasing cost. The balance was an aesthetic and safety value over trying to reduce the amount of trash being transported to the landfill.

Discussion ensued over the pros and cons of gating or not gating.

Mr. Luffman stated that staff would do its best to try to minimize the visibility for all adjacent streets and all adjacent property, but in some instances it might still occur if there were no other place on the property where this would work.

Chairman Hathaway asked if there was a reason Ordinance 2010-04 was coming back to the Planning Commission.

Mr. Gerth stated that because of the quality development standards that the City demanded, many businesses were likely to comply by putting the gates on. However, some of the newer business owners would want to do the right thing, and they were incurring the added expense. Some of the newer business owners might ask if the receptacle had to be enclosed since it was new, and that was the reason for this discussion.

Mrs. Petersen stated that for many years the Planning Commission had stated that they wanted receptacles screened. She thought the discussion was regarding the gate.

Mr. Gerth stated that as a compromise, staff was requesting that the receptacles be enclosed because there was a safety and health element that the Solid Waste Department had continued to identify and confront.

Chairman Hathaway asked if it was worth considering allowing a recycle area to be just a wood enclosure versus all masonry.

Mr. Gerth stated that this was the kind of feedback that staff was interested in having.

Ms. Allen asked if Solid Waste had to get out of the truck to empty the recycle containers.

Mr. Ridley stated that in some incidences operators had to get out of the truck to open the gate.

Chairman Hathaway asked if Ordinance 2010-04 could state that the gates had to be opened or there would not be serviced.

Mr. Ridley stated that in doing this, it might make some individuals go to another company.

Mr. Barnhill stated that he thought that requiring the gates to be open was a good idea because for the operators to open the gates was time that could be spent with the drivers to be on the road sooner for another stop. He thought that there could be a more efficient operation and that would cost the City less.

Mr. Lindsey asked if a work session regarding this ordinance would be possible to provide additional feedback. He felt there was a difference in the types of businesses that the City served.

He wondered if there were some businesses that would not limit themselves to a gateless type of structure and some where it would be warranted.

Ms. Allen withdrew her motion, and Mr. Harrison withdrew his second.

Mr. Barnhill moved to defer Ordinance 2010-04 to the March 25th Joint Conceptual Workshop meeting, Ms. Allen seconded the motion, and it passed unanimously.

54. ORDINANCE 2010-05, TO BE ENTITLED: "AN ORDINANCE TO AMEND CHAPTER 4, SECTION 4.1.6 IN THE FRANKLIN ZONING ORDINANCE TO REVISE AND CLARIFY ACCESSORY USE REQUIREMENTS FOR RECYCLING DROP-OFF STATIONS."

Mr. Luffman presented the staff report for Ordinance 2010-05 and stated that this was a simple cleanup of this ordinance in the definition sections and the additional standards for certain accessory uses, and staff recommended approval.

Mrs. Petersen asked if the language for any street meant private streets also. Mr. Luffman stated that it did, and that it would be grandfathered in or nonconforming.

Chairman Hathaway asked for citizen comments. There were none.

Mr. Lindsey moved to recommend approval of Ordinance 2010-05 to the Board of Mayor and Aldermen, and Mr. Harrison seconded the motion.

Ms. Allen asked where additional standards for certain accessory uses would be. Mr. Luffman stated that it would be behind buildings or to develop some type of screening in a side yard.

Mr. Gerth stated that this was getting into a community issue of recycling. If the City was going to continue to make it convenient for individuals or businesses to drop off recyclables, it did want to do it in a manner unlike the examples that had been shown earlier in this meeting. These recyclables should be set up in a manner that they would be useful and would blend into the community.

Mr. Gamble stated that he would like to add to (b), something about it being appropriately screened. Mr. Luffman stated that this language had been offered to the recycling corporations and county government in the past, and they had refused due to the City's fence requirements. The fence requirements require complete opaque screening, either by brick wall or with wood. The fence would be required to have a masonry column every 50 feet and on every corner. The cost was such that they had not elected to do this.

Mr. Gamble moved to defer Ordinance 2010-05 to the March 25th Joint Conceptual Workshop meeting, Mr. Harrison seconded the motion, and it passed unanimously.

There being no further business, the meeting adjourned at 8:22 p.m.

Mike Hathaway, Chairman