



MEMORANDUM

May 3, 2010

TO: Board of Mayor and Aldermen

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

SUBJECT: Ordinance 2010-20, Rezoning request for property located at the northeast corner of Mack Hatcher Parkway and Franklin Road, Iron Horse Science and Technology Park PUD, to be included within the Scientific Research Overlay

Purpose

The purpose of this memorandum is to provide the Board of Mayor and Aldermen (BOMA) with information regarding a request for an overlay rezoning of the Iron Horse Science and Technology Park PUD, located at the northeast corner of Mack Hatcher Parkway and Franklin Road, to be included within the Scientific Research Overlay Zone. (Ordinance 2010-20)

Background

This rezoning was requested by the City during the approval of the Iron Horse Science and Technology Park PUD. The Iron Horse Science and Technology Park PUD was approved by the Board of Mayor and Alderman at their August 11, 2009, meeting. The Scientific Research Overly (SRO) Zoning District was approved to be added to the *Zoning Ordinance & Map* by the Board of Mayor and Alderman at their January 12, 2010 meeting. This is the first application of this overlay zone.

This overlay rezoning request was unfavorably recommended onto the Board of Mayor and Alderman by a vote of 5 to 1 at the April 22, 2010, of the Franklin Municipal Planning Commission meeting.

Financial Impact

Not applicable to this item.

Options

Not applicable to this item.

Recommendation

Approval of the overlay rezoning is recommended.



Minutes from the 5-28-09 FMPC Meeting for the Rezoning and Concept Plan of Iron Horse Science and Technology Park:

22. ORDINANCE 2009-26, TO BE ENTITLED "AN ORDINANCE TO REZONE 20.001 ACRES FROM MEDIUM RESIDENTIAL (R-2) TO CIVIC AND INSTITUTIONAL (CI) FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF MACK HATCHER PARKWAY AND FRANKLIN ROAD."

Ms. Hunter presented the staff report for Ordinance 2009-26 and stated that the applicant had requested rezoning of the property from Medium Residential (R-2) to Civic and Institutional (CI) in order to develop a science and technology park on the site. A concept plan, which would accompany this rezoning request, was the next item on the agenda. That concept plan indicated the specific uses for the site and provided an idea of the non-residential building square footage.

Chairman Hathaway asked for citizen comments.

Dr. Richard Treadway, of Nashville, TN, stated that he was in favor of rezoning the property to CI. This would provide a health and technology park with highly trained professionals that would create additional taxes for the City and be a very strong part of the economy for the area.

Mr. Fred Williams stated that he was an elder with the First Presbyterian Church in Franklin and on a committee that was studying the proposed development. He thought the technology park was a great idea, but was not sure the property had the infrastructure to support it. He did not support or oppose this project, he was just pointing out that the City Zoning Ordinance permitted about 950,000 square feet of space on the property, and he questioned whether this would maintain the rural nature of the property. He also discussed the additional traffic that this proposed development would bring to Franklin Road.

Ms. Laura Lynn Donahue, of Franklin, TN, stated that she was a huge fan of the proposed technology park, and she felt that the City was over-saturated in residential options. She also read a statement from an acclaimed neuroscientist who was in favor of the technology park.

This ended citizen comments.

Mr. Harrison moved to recommend approval of Ordinance 2009-26 to the Board of Mayor and Aldermen, and Mrs. McLemore seconded the motion.

Mrs. Petersen stated that this item was supposed to have talked about rezoning; however, so much had been interjected into the concept plan that she thought it would be hard to talk about rezoning without discussing the concept plan. She asked if the 950,000 square feet would be permitted for any CI use.

Ms. Hunter stated that it would be only the uses shown on the concept plan, so the applicant would have to come in with a new concept plan for CI zoning. At that point the applicant would come in with a new concept plan and limit the actual uses on the property. It would come before the Planning Commission and the Board of Mayor and Aldermen for one reading.

Mrs. Petersen asked about the maximum foot print of the buildings.

Ms. Hunter stated that the actual Landscape Surface Ratio (LSR) was 40 percent for this property, but as it was now written in the Zoning Ordinance, any CI zoned property was required to come in with a concept plan. If this ordinance passed, the applicant would need to have a concept plan in which they were in accordance.

Mrs. Petersen asked what uses and intensities were permitted.

Ms. Hunter stated that it would be whatever was entitled with the concept plan.

Mrs. Petersen asked what would be the maximum square-footage allowed on any concept plan with CI zoning.

Ms. Hunter stated that the maximum square footage was only established with a concept plan.

Mr. Gamble stated that he thought this was an excellent use of this corner. If the property were rezoned to CI, there were safeguards in place in the event the applicant did not follow through and a new plan had to be submitted to go before the Planning Commission and the Board of Mayor and Aldermen. There were opportunities to review the plan at the concept plan level; however, he did have concerns regarding the concept plan.

Mrs. Petersen asked if the zoning was tied to the concept plan. It looked as if the concept plan should have been on the agenda before the rezoning.

Mr. Wood stated that he did not know if it mattered, but theoretically the rezoning would have to be in place before the concept plan could come up for consideration by the commission. However, it was up to the Planning Commissioners if they chose to reorganize the agenda.

Mr. Gerth stated that the concept plan was more of a bubble diagram with a hypothetical entitlement regarding square footage, and the regulating plan would have the details that would allow the plan to move forward.

Mr. Bryan Echols, of Stites and Harbison, stated that there were three major steps to Ordinance 2009-26, and they were the rezoning, the concept plan, and the regulating plan. Each step added clarity to what was actually permitted. The rezoning was consistent with the Land Use Plan. Part of the CI rezoning was to mitigate traffic, and Mr. Echols believed that traffic could be improved with this rezoning. He believed that a medical scientific and technologically advanced use of the property would be the best benefit to the community, and he requested approval.

Mrs. Petersen stated that when she reviewed the traffic study, she did not see the traffic that occurred presently.

Mr. Echols stated that a full blown traffic study was not included as this was a conceptual plan, and his comments regarding the traffic had come from a two year old traffic study because it was associated with a specific use.

Mrs. Petersen stated that although the projects that had been discussed were very worthy projects, she did have concerns about the intensity of the traffic being tied to CI rezoning. She asked if the setbacks were included in the landscape surface ratio.

Ms. Hunter stated that they were included.

Discussion ensued regarding the setbacks.

Mr. Gerth stated that the concern regarding the intensity of the building would be handled with the concept and regulating plans as the standards would be applied at that time.

Mrs. Petersen stated that this project was very worthy, but she was concerned about this property being rezoned.

With the motion to recommend approval of Ordinance 2009-26 to the Board of Mayor and Aldermen having been made and seconded, it passed seven to one with Mrs. Petersen voting no.



23. A RESOLUTION APPROVING A CONCEPT PLAN FOR IRON HORSE SCIENCE AND TECHNOLOGY PARK, TOTALING 20.001 ACRES, LOCATED AT THE NORTHEAST CORNER OF MACK HATCHER PARKWAY AND FRANKLIN ROAD, BY THE CITY OF FRANKLIN, TENNESSEE.

Ms. Hunter presented the staff report for Resolution 2009-16 and stated that this concept plan proposed a maximum non-residential square footage of 950,000. This concept plan and regulating plan would be required to come under all other regulations in the Zoning Ordinance and all the site design standards that the City currently had in place. It would also come under the Small Area Plan and the Land Use Plan requirements. Staff recommended approval with conditions and with adding the following condition: "The applicants will clarify that all office uses will be ancillary to the main research, technology, and medical use."

Chairman Hathaway asked for citizen comments.

Mrs. Beverly Burger, Alderman, Ward 1, stated that she attended one of the meetings that was held for the residents in the surrounding areas. She thought this was a good use for the area, and she wanted to see something of this nature as opposed to residential. The applicant was going through the process of doing the right thing, and the City's regulating plan process appeared to be working well.

This ended citizen comments.

Mr. Bryan Echols, of Stites and Harbison, stated that they had used the 950,000 square feet as a maximum, not as an entitlement, but as a starting point, and this would be flushed out. There were uses within the CI zone that did not match the Land Use Plan, and the concept plan level was the place to take those uses off of the table. The view shed issue was raised by the members of the church. They liked coming out of their church and looking at Ropers Knob, and language was incorporated into the concept plan to accommodate that concern. The Land Use Plan requires that the architecture blend with its surroundings, and this would be finalized with the regulating plan. Finally, everyone agreed that the desired result was to get a traffic signal; however, the current concept plan did not support an A level of service, and information should be supported to The Tennessee Department of Transportation (TDOT) that would give them sufficient notice to warrant that. He proposed the following condition: "No Regulating Plan will be approved unless a traffic study projects that the post-development conditions, including required roadway and intersection improvements, will achieve at least a signalized peak hour Level of Service D for the intersection of Legends Club Lane and Franklin Road."

Mr. Harrison moved to recommend approval of Resolution 2009-16 to the Board of Mayor and Aldermen, and Mr. Orr seconded the motion.

Mrs. Petersen stated that the intensity of this project was the concern.

Mr. Gamble stated that his concern was that with the uses that were being discussed, parking requirements were not addressed in the concept plan. He asked how the applicant had come up with 950,000 square feet and how he was using the maximums as part of the concept plan because these numbers were not achievable.

Mr. Echols stated that he agreed, but certain assumptions had to be made to do a specific calculation.

Chairman Hathaway stated that structured parking and/or parking under buildings could be used.

Mr. Gamble stated that he would feel more comfortable with the concept plan if the applicant had used more realistic figures.

Ms. Allen asked where the entitlements were granted.

Ms. Hunter stated that the entitlements were granted with the concept plan. The applicants would have to specify a square footage that they could not exceed. At the regulating plan stage, staff would know where the building foot print



would go, the stories of the buildings, the actual square footage, where the parking would go, more about stormwater and would be a much more realistic picture. At that point, the Planning Commissioners would see more design, site requirements would come into play, and it would be much more concrete. At the concept plan stage, the applicant could build up to 950,000 square feet.

Mr. Gamble stated that there needed to be more realism at the concept plan stage than what was provided.

Mr. Echols stated that he shared those thoughts, he did not mind adopting different scenarios, but they would be that, scenarios.

Chairman Hathaway asked if this process should start when there was a specific user identified that more exact information could be given as opposed to being so conceptual.

Mr. Gerth suggested that the Planning Commissioners add a condition if they felt compelled to reduce the number (950,000) because it would be determined at the regulating plan stage.

Chairman Hathaway stated that he was concerned about having a concept plan without square footage boundaries and saying that it could be dealt with at the regulating plan stage.

Mr. Gerth stated that when staff heard these types of discussion, they would want to come back with a solution to this situation. The solution might not happen next month, but it would be relatively quickly.

Mrs. Petersen asked if a three story building would include structure parking.

Mr. Luffman stated that structure square footage parking had never been included in the past; however, the height of the building had been included.

Mr. Lindsey stated that there were so many add on layers that had to be considered to pare this item down to a reasonable structure on this pristine corner.

Mr. Gamble stated that there could be some potential issues when recommending approval to the Board of Mayor and Aldermen if the intensities were not addressed on the concept plan level because the regulating plan did not go to the Board of Mayor and Aldermen. He thought it was important to have structure on the concept plan, and this would give the Planning Commissioners more clarity and get closer to a more realistic scenario for the property.

Mr. Barnhill stated that it appeared to him that steps were in place to control the amount of square footage and the size of the building versus the amount of parking required to serve the building. He did not see a problem in going forward with this project.

Mr. Gamble stated that his concern was that with the documentation that had been provided to the Planning Commission, there were the three following specific uses: research and development, office, and rehabilitation. Each was broken into thirds. If the property only yielded 300,000 square feet, it was a likely scenario that they could potentially only develop the 300,000 square feet of the research and development facility or the 300,000 square feet of the office. The rezoning to CI would restrict this to what degree of ancillary, and he thought the numbers could be refined.

Mr. Harrison stated that he thought the numbers would get refined as the project got closer to the regulating plan.

Mrs. Petersen stated that when the word "ancillary" was used, she thought a percentage should be added.

Ms. Allen stated that she did not have a problem with having a percentage regarding the ancillary usage; however, she agreed with Mr. Barnhill when he stated that the Planning Commission would see this project again in the regulating plan. She understood how Mrs. Petersen would like better numbers, but for the purpose of this resolution, she did not

see a problem with recommending this to the Board of Mayor and Aldermen, and the regulating plan would take care of the square footage because the Planning Commission would not approve this.

Mr. Gerth stated that that one of the ordinances that would be brought forward to the Planning Commission dealt with trying to better understand ancillary use in this district. A formula would be developed at the conceptual level in which an applicant could realistically apply to a property. He would try to get this information to the Planning Commission in the near future, and it would help everyone better understand ancillary use in this district.

Mrs. Petersen asked if the regulating plan was going to go back to "Let's Make a Deal." She had a concern that she did not have before all of this discussion took place. She thought that one of the goals was to have something on the front end that everyone would understand what they would get.

Mr. Gerth stated that if the applicant looked to modify a standard, this would be a decision that the Planning Commission could make. If the applicant accepted the standards, then the Planning Commission could check with the Small Area Plan, the Land Use Plan, the Zoning Ordinance, and the Subdivision Regulations to make sure the applicant had complied with the standards.

Mr. Echols stated that this discussion had been beneficial to the applicant in a procedural way.

Mrs. Petersen stated that the Modification of Standards would not go to the Board of Mayor and Aldermen, whereas with rezoning the Board of Mayor and Aldermen not only had the benefit of reviewing this but also the responsibility of reviewing.

Mrs. Allen stated that she did not see the Modification of Standards as being a stumbling block to the Planning Commission.

Mrs. Petersen stated that in order to get the rezoning, there must be a concept plan associated with it, and one votes on what was seen. If there were many Modifications of Standards that were approved after that, she had a problem when the concept plan was tied to the rezoning.

Mr. Wood stated that, procedurally, the only opportunity for an applicant to request a Modification of Standards was at the concept plan stage or the regulating plan stage.

Mrs. Petersen asked how one could tell when a Modification of Standards was needed until getting into the details and specificity.

Ms. Allen stated that one could not, but that was part of the process that was now being used with the new process.

Mrs. Petersen stated that she saw this as a difficulty with the new process.

Mrs. McLemore stated that this new process was part of the new Zoning Ordinance, for which the Board of Mayor and Aldermen voted.

Mrs. Petersen asked again about the ancillary use pertaining to this project.

Mr. Gerth stated that ancillary uses would be discussed at the meeting, which he would try to bring before the Planning Commission in the near future.

Mr. Echols stated that he would not want there to be a medical office building that was strictly a medical office building where individuals would come in and out all day, and that was why he had said, "would not be the predominant use." He had not put a percentage, but that use would overwhelm the other uses.

Chairman Hathaway stated that staff had recommended that it was ancillary to research and development.



Again, Mrs. Petersen asked what ancillary was to this project.

Mr. Lindsey moved to add Condition 13 to state, "This would be ancillary to these defined uses for this facility, subject to the regulating plan stage." Mrs. McLemore seconded the motion, and it passed unanimously.

Mr. Harrison moved to amend his main motion by adding Condition 14 to state, "No Regulating Plan will be approved unless a traffic study projects that the post-development conditions, including required roadway and intersection improvements, will achieve, at least, a signalized peak hour Level of Services D for the intersection of Legends Club Lane and Franklin Road." Mr. Orr seconded the motion.

Mr. Luffman asked what the Street Standards stated regarding when improvements were made at a project, an intersection of the roadway, two roadways, or any improvement to a roadway, and could a project exceed a level of service C.

Mr. Baughman stated that for a signalized intersection, the Street Standards described the most critical, allowable level of service as C for the overall intersection and D for individual turning movement. The applicant was asking for an overall level of service D, which was one level below the allowable for the Street Standards.

Mr. Luffman stated that in order to get that level of service D, the applicant had used 950,000 square feet (the number of trips), and that would not be obtained. He thought there still might be a level C at the intersection because 950,000 square feet could not be achieved.

Mr. Gamble stated that the number of traffic trips could be achieved, depending upon the occupancy of the building and the parking allowed within the property.

Mr. Luffman stated that that was a future study.

Mr. Echols stated that if it would be helpful to this project, he could say that the applicant would meet street standards.

Mrs. Petersen asked if this would mean that if once there was a signal at this location, it would have to reach level of service C.

Mr. Baughman stated that would be based on the projected maximum trip generation by the post-development. Obtaining and receiving a warrant approval for the traffic signal was a different process than identifying the level of service at an intersection. The warrant approval must first be obtained by TDOT before an actual signal would be approved. The level of service study would just project what the ultimate level of service would be at the intersection. There were two processes there. Without the proposed amendment at the regulating plan investigation stage, staff would apply the Street Standard requirements for the level of service C overall; however, with approval of the amendment, it would then be a Modification of Standards for the investigation and review of the study at the regulation plan stage.

Mr. Harrison rescinded his motion to add Condition 14, and Mr. Orr seconded the motion to rescind the motion to add Condition 14.

With the main motion having been made and seconded to recommend approval of Resolution 2009-16 and adding Condition 13 to the Board of Mayor and Alderman, it passed six to two with Mrs. Petersen and Mr. Gamble voting no and with the following conditions.

1. Per section 18-404 of the Franklin Municipal Code, the applicant shall be required to extend the reclaimed water main to the site and develop a reclaimed water system for the development. The City requests that the applicant consider extending the reclaimed water main to the eastern property line and installing a blow-off hydrant in conjunction with the Regulating Plan submittal. (Water/Sewer)



2. Emergency access/ROW from Franklin Road must be provided at regulating and site plan submittal and will be required for further approval. The applicant shall be required to demonstrate how the emergency access shown off of Franklin Road will be controlled with the Regulating Plan submittal. (Fire/Eng)
3. The applicant shall use better site design in order to reduce the amount of stormwater runoff and pollutants that are generated from development, and provide nonstructural onsite treatment of runoff by implementing a combination of approaches that are impact reducing (green) practices. (Eng)
4. The applicant shall maximize the protection of natural features (e.g. sinkholes and wet-weather conveyances), develop a site design that minimizes overall site imperviousness, and utilizes natural systems for stormwater management. (Eng)
5. The applicant shall explore green infrastructure practices, and grading shall work with existing topography to the maximum extent possible. (Eng)
6. The City tree preservation and replacement, open space and landscape requirements shall be accurately documented with the submittal of the regulating plan. (Plan LA)
7. On Attachment F, the proposed site data chart shall be revised to list the proposed zoning rather than the existing zoning. Also, the character area overlay shall be listed as BCCO-7. The FAR entry shall be removed from the chart, and amount of formal open space proposed shall be listed. (Plan)
8. On Attachment G, the approved site data chart shall be revised to list the existing zoning as R-2 and the character area overlay as BCCO-7. (Plan)
9. Concept Plan Checklist Item 66 shall be revised on the upper right corner of the concept plan to list the same uses shown under the development area label. (Plan)
10. The site data on the concept plan shall be revised to include the minimum amount of required formal open space. (Plan)
11. The existing conditions plan shall be revised to show the existing zoning as R-2 and the character area overlay as BCCO-7. (Plan)
12. The following conditions related to technical requirements shall be addressed:
 - a. Fifteen (15) copies of the Concept Plan shall be submitted to the Planning Department by the Tuesday prior to the public hearing as established by the Board of Mayor and Aldermen meeting in order to be placed on their next regular agenda (Plan).
 - b. Upon final approval by the Board of Mayor and Alderman, nine (9) copies of the revised Concept Plan shall be submitted to the Codes Department one month prior to the submittal of any subsequent plans, unless otherwise expressly noted. All revisions to the approved plans shall be "clouded." A response letter, addressing each condition of approval listed, shall be included with the first site plan submittal. (Plan/Plan LA)
 - c. The city's project identification number shall be included in the title block of all sheets and on all correspondence with any city department relative to this project (Plan/Codes).
 - d. The applicant shall submit a written response to the resolution concerning reclaimed water as approved by the Board of Mayor and Alderman on October 17, 2006. (Eng)
13. This would be ancillary to these defined uses for this facility, subject to the regulating plan stage

ORDINANCE 2010-20

ORDINANCE 2010-20, TO BE ENTITLED “AN ORDINANCE TO REZONE 20.001 ACRES TO BE INCLUDED WITHIN THE SCIENTIFIC RESEARCH OVERLAY (SRO) ZONING DISTRICT FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF MACK HATCHER PARKWAY AND FRANKLIN ROAD.”

SECTION I: BE IT ORDAINED by the Board of Mayor and Aldermen of the City of Franklin, Tennessee, that the following described property shall be, and is hereby, rezoned into the Scientific Research Overlay (SRO) District:

Zoning Reference Number: 10-01:

| Map-Parcel | Acres |
|------------|--------|
| 62-43.00 | 20.001 |
| TOTAL | 20.001 |

Beginning at a point in the southern margin of John Amos Way (also referred to as Legends Club Lane) and following an arc with an included angle of 9 degrees, 29 minutes and 44 seconds, with a radius of 630 feet and a length of 104.41. to a point; thence along a line with a bearing of south 33 degrees, 34 minutes and 47 seconds west a distance of 602.78 feet to a 5/8” iron rod; thence along a line with a bearing of south 28 degrees, 22 minutes and 20 seconds east and a distance of 656.74 feet to a point on the western margin of the CSX railroad, and thence south 64 degrees, 31 minutes and 48 minutes a distance of 83.70 feet to a point on the western margin of the CSX railroad, thence following the railroad right of way a distance of 198.13 feet along an arc with an included angle of 1 degree, 51 minutes and 5 seconds and a radius of 6131.57 feet to an iron rod with cap marked TNRLS 213/NY 1868, the same being a point on the northern right of way of the Mack Hatcher Parkway; then following said right of way along a bearing of north 60 degrees and 3 minutes west a distance of 838.90 feet to a concrete monument; thence following the same right of way with a bearing of north 54 degrees, 40 minutes and 33 seconds west a distance of 315.30 feet to a concrete monument; thence following the same right of way along a bearing of north 66 degrees, 15 minutes and 25 seconds west a distance of 263.22 feet to a concrete monument, being the northwestern corner of the intersection of Mack Hatcher Parkway and Franklin Road; thence following the eastern right of way of Franklin Road with a bearing of north 35 degrees, 57 minutes and 13 seconds east a distance of 176.28 feet to a point; thence along the same right of way north 26 degrees, 24 minutes and 53 seconds east a distance of 403.11 feet to a concrete monument; thence along the same right of way north 33 degrees, 47 minutes and 19 seconds east to a concrete monument; thence turning and following a line with a bearing south 56 degrees, 25 minutes and 13 seconds a distance of 922.54 feet to a concrete monument with a disk; thence following a line with a bearing of north 33 degrees, 34 minutes and 47 seconds east a distance of 573.18 feet to the point of beginning.

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

ATTEST:

By: _____
ERIC S. STUCKEY
City Administrator/Recorder

By: _____
JOHN C. SCHROER
Mayor

| | |
|--|----------------|
| PLANNING COMMISSION UNFAVORABLY RECOMMENDED: | <u>4/22/10</u> |
| PASSED FIRST READING: | _____ |
| PUBLIC HEARING HELD: | _____ |
| PASSED SECOND READING: | _____ |
| PASSED THIRD READING: | _____ |