

Building & Streets Standards Board of Appeals
October 2, 2019
3:00 PM

City Hall Development Services Conference Room

<u>Committee Members</u>		<u>Other Attendees</u>	
Ronald Crutcher (Chair)	P	Jimmy Wiseman, Assistant Director of Engineering	<u>P</u>
Gary Vogrin (Vice-Chair)	A	Alex Brown, Assistant Director of BNS	P
Antonio Montiel	A	Allen Lewis, Building Official	P
Billy Robbins	P	Maricruz Fincher, Staff Attorney I	P
Greg Judy	P	Alex Bearden, Permit Technician	P
Harry Harris	P	Jeremy Moody, SEC Inc.	P
Lance Maliszewski	P	Connor Broadbent, Primus Companies	P
Andy Shapiro	P	Gordon Thomas, Benco Dental	P
Sara Salge	A	Jason Drewelow, Primus Companies	P
		Matt Kasiar, Owner	P
		Brooke Kasiar, Owner	P

1. Call To Order

Ronald Crutcher called the meeting to order at 3:00 p.m.

- 2. Variance Request** by DMD Holdings, LLC, for an allowance of an access drive onto Carothers Parkway from the property located at Franklin Commons South Section 1, Lot 7, 175' from the crosswalk at the intersection of Highway 96 and Carothers Parkway.

Jimmy Wiseman, Asst. Director of Engineering

Verbatim Transcript by Crime Tape Transcription, LLC starts

City of Franklin

Building & Streets Standards Board of Appeals

Date: October 2, 2019

Transcribed by: Elizabeth Taylor

Date Transcribed: November 30, 2019

Mr. Crutcher: (Incomprehensible) Ronald Crutcher and the Chairman of the (incomprehensible), and it is now 3 o'clock. We have a quorum present, and I'll call the meeting to order, and turn it over to staff or -- to lead us through this.

Mr. Wiseman: Yes, sir. There's probably not approval of the last minutes since it was -- been so long since we've met, and I'll move on. And (incomprehensible), either, I assume by the board so we can move on to the presentation of the agenda items and staff -- I can lead off.

I'm Jimmy Wiseman, the Assistant Director of Engineering Department. We've worked with this team quite a while, have a really good relationship, and they've done a really good job with their plan. The only question is the access along Carothers Parkway on the parcel located here on the corner of Carothers and 96. As many of you know, it's one of our busier intersections and interchanges in town with the hospital right there, multiple businesses, and more future growth probably in the near future.

And with any development that comes through, we try to look at what makes the most logical sense what our street standards -- our streets' technical standards say, and you can see on the second page of this -- this document here -- it's the one with the 11 by 17. This is the table we use, and it's been adopted by the Board and Mayor and Aldermen to help us determine our access management. And as you can see on the document the - - we're on Carothers Parkway which is considered a major arterial due to the amount of

volume, the -- the speed and --

Mr. Maliszewski: When was that adopted?

Mr. Wiseman: I'm sorry?

Mr. Maliszewski: When was this one adopted?

Mr. Wiseman: I apologize. I don't have that off the top of my head. It's been quite some time. We're just going through an update right now, but this probably goes back, I think, 2008, I believe is when it was adopted. I'm not certain on that, but it's on the cover sheet on our website.

So looking at that, it's a major arterial, and as you go down the page on -- as highlighted there is -- is really the situation we're in. It's low-volume driveway edge. The low-volume driveway edge in a street intersection must be a minimum of 250 feet apart. And what we do when we look these plans is we measure that from a radius return to a radius return. What hurts you in this case is we've got a pretty large radius on Carothers and 96 so that tends to get a little bit closer. But due to the possibility of deceleration, and weaving, and traffic back -- potentially backing up onto 96, we felt as though this was too close to be allowed, and we felt the property had adequate access through easements back to a light over at Edward Curd Lane over here. There's a way to get through, meandering way to get through, and eventually as this parcel develops out, possibly a much better path through this corner of -- of property.

As was provided in the (incomprehensible) package there was a letter dated August 6, 2015, that was sent to our City Attorney. That's in the -- that should be in the larger packet there you have. And it was stated to us that -- we all agreed that to uphold a note on the plat that was recorded in June 1, 1988 -- 1989, that the right-in/right-out could be allowed. In the letter it stated that the property owner, in quotes, saying the

City both agree that should this plat be re-recorded this note, the note allowing the right-in/right-out, will no longer be valid and any access would need to comply with all the applicable provisions of the current code.

So the redevelopment of this property requires multiple easements and a new -- with that you have to submit a new plat. So with that new plat, we've got that letter - - which we had no response from our City Attorney, couldn't find one -- that that agreement that was stated to us was no longer -- or could be addressed at this time. So with the replatting of the property we felt it was wise to remove the note allowing the right-in/right-out due to the fact it does not meet our current standards at all.

So I'm happy to answer any questions you have. Staff does not recommend the right-in/right-out be on Carothers Parkway due to the minimum distance from the major intersection of 96 and Carothers Parkway.

Mr. Maliszewski: Where is Lot 5 on that map 'cause I don't -- I don't see Lot -- is that the one that's between the back of that building that's just south on Carothers and Lot 7?

Mr. Wiseman: So this is Lot 5; it's the larger parcel there.

Mr. Maliszewski: Does it connect to Carothers?

Mr. Wiseman: It does. Yes, sir. Right here.

Mr. Maliszewski: Oh. Okay. So that driveway.

Mr. Moody: That connection that's off of Carothers Parkway to the proposed site on the interior side would be roughly 585 feet. Essentially, it's a parking lot. That facility right there is -- is used for --

Mr. Wiseman: Can we wait for your presentation? You --

Mr. Moody: Oh. I'm sorry. I apologize.

Mr. Wiseman: You have any more questions for me?

Mr. Moody: I'm sorry. Didn't --

Mr. Wiseman: Yeah. That's okay.

Mr. Crutcher: You stated that, if I understood you right, that there were, I'd say, easements in place that -- that you -- you could go from this lot back over to the old Carothers Road. Is that -- did I understand you right or is that -- is it possible to get from the -- this lot back over to the old Carothers Road which does exit to a traffic light?

Mr. Wiseman: Yes, sir. If you look on the 11 by 17 you'll see that there's two points of egress on the west side of the property line and, after you see that, if you'll look at the map there is -- it's a -- it's not a direct route back to the intersection, but there is adequate ways to get you up to the Edward Curd signal at 96 or even out to Carothers Parkway at this access point here, which is -- when Carothers Parkway was built the median cuts were planned based on our access management guidelines. So when those -- those medians were put in for a reason so that's where those access points would -- would need to go.

Mr. Maliszewski: In 1989 when this agreement or their -- this Note 17 appeared on the plat, was the design for future development on Carothers what it is today or was there a different design that -- that things may have changed?

Mr. Wiseman: So in 1989, Carothers wasn't much of a roadway --

Mr. Maliszewski: Right.

Mr. Wiseman: -- if any. And it certainly wasn't anticipated the amount of traffic we have at this part of the city today, I -- I would assume. Usually something that goes back almost -- or 30 years now tends to deserve a second look.

Mr. Maliszewski: Yeah.

Mr. Wiseman: Especially once we look into how much traffic and how much growth has occurred in the city since that time.

Mr. Maliszewski: So in 1989 what we see there today was not anything that was on the books or in the long-term planning to be able to give an agreement that -- that might withhold from the (incomprehensible).

Mr. Wiseman: That's the opinion of staff. Yes, sir. It -- sir, I don't -- I'm not so sure why the note was on the plat or then it probably just seemed like it made sense when they carved this parcel out in 1989 to --

Mr. Maliszewski: Yeah.

Mr. Wiseman: -- allow some kind of access out to a major -- major road.

Mr. Maliszewski: In '89 was 96 -- I wasn't here then. But was 96 that wide?

Mr. Wiseman: It was not that wide at that time.

Mr. Maliszewski: So -- so it's totally changed.

Mr. Wiseman: It has changed quite a bit. Yes, sir.

Mr. Maliszewski: Okay.

Mr. Crutcher: Are there any other questions of staff before we (incomprehensible) next order of business is to let the fellow state their case.

Mr. Moody: My name is Jeremy Moody. I work with Site Engineering Consultants. I represent my clients, represent the civil engineering firm that designed the site and the -- and the proposed right-in/right-out access. We feel that the -- the site meets the initial design concept for this lot. This -- this lot is a very tricky lot. In my opinion it's almost undevelopable for a lot of cases, for a lot of businesses. We had to contest with a lot of major existing easements on the site as well as relocating the water line to get our site to work on it.

The site's location in reference to the existing site there, there's two locations that the traffic would be able to access the proposed development, the proposed dentist facility. The Edward Curd signal light, which would be roughly 475 feet -- 420 feet of interior movement from the Edward Curd Road into the site which would be all private alley drives or parking lot roads to the facility; and then the Carothers Parkway entrance down there off of the L-shaped building that would be roughly 585 feet of interior movement of parking lot and heavy traffic area to get to the site as well. That's -- that building currently is being utilized as a maintenance facility for an off-road vehicle or off-road modifications for cars. I have driven past there. Those -- those roads currently, I would probably say, are maybe 12 to 20 feet wide. It's very tight to get a lot of vehicles in there, especially with the amount of vehicles that are being parked. It's kind of difficult to

get any type of traffic through those facilities in a reasonable manner.

We feel that the right-in/right-out due to the type of facility that's going there is justified. Our expected travel trips through high-peak times in the morning and the -- the evening is roughly nine vehicles in and out in between 7:00 and 9:00, and five -- five vehicles in between 4:00 to 6:00. That is the estimated traffic volumes based on the vehicle trip generation from the traffic manual that -- the software that we use in order to analyze that. We're proposing the right-in/right-out without a deceleration lane because we don't anticipate too much traffic for the facility. We would just like a direct access to the facility instead of trying to meander through the existing facilities.

The -- the plot, I agree, was probably designed without these major arterials at the time. But without the access onto the site, I don't feel that the site would ever be developed in my opinion just due to the -- the amount of difficulties and no access to it. Really, I mean, I don't have anything else to say other than -- other than the traffic volumes justify the -- the use for the -- for the entrance. If you have any direct questions, I'd be -- be happy to answer them.

Mr. Maliszewski: What do you have for a traffic count (incomprehensible) rush hour there, 4:00 to 6:00 p.m.?

Mr. Moody: Yeah. So in the -- in the back of packet, the trip generation report provided the summary of average trip generation. The average weekday in between 7:00 and 9:00 a.m. peak hour will be nine enter, two exit; and between 4:00 to 6:00 p.m., five enter and 13 exit.

Mr. Maliszewski: And what about on Carothers? The amount of traffic that's going by that site? I didn't see --

Speaker: I don't know.

Mr. Maliszewski: -- that anywhere.

Mr. Moody: Passing it? No, this would be --

Mr. Maliszewski: Yeah.

Mr. Moody: This -- this would be specific to how much traffic is entering our site for our use, yeah. I do not have the -- the numbers passing on Carothers.

Mr. Maliszewski: Yeah. Have -- have you stood out on Carothers at -- between 4:30 - - or, let's say, 4:00 and 6:00 p.m. and watch the traffic come by that?

Mr. Moody: No. I -- no. I have not.

Mr. Maliszewski: I did yesterday, and in a 10-minute period there was 133 vehicles that came by when I stood at the entrance, the proposed entrance; and depending on which they -- which way they were coming, there was quite a variety of speed going by me there. And, currently, it's two lanes wide there -- and that right lane is excessively wide there. And the traffic that comes from 96, sometimes if they were going fast they would fade over into the left-hand travel lane going south on Carothers (incomprehensible) somebody going slow would have stayed in the right lane. I was just amazed at the number of cars going by there.

Mr. Moody: Uh-huh. On Carothers?

Mr. Maliszewski: Yeah. So I did walk the site and I saw entrances on Curd Lane, and that ten minutes later there was eight vehicles that came down Curd Lane in a ten-minute

period which seemed like a much safer way to get in there with a traffic light for ease of exit and entrance onto 96.

Mr. Judy: I have just a few things. Thank you all for being here. I don't think it's (incomprehensible). I appreciate that. My name's Greg Judy. As a response or with respect to the trip generation that was calculated, I did just want to make note that the documentation included in your all's packet is based on old -- older data. The information that is included is from the 8th edition of the IP trip generation from 2008. There's actually a 10th edition out at this time and I -- I -- I ran the numbers. We have access --

Mr. Moody: Uh-huh.

Mr. Judy: -- to the same software, the latest software. The change didn't really result in really significant change in the overall trip generation, traffic that would be generated by a site for this size and this land use. But I just want it to be clear that it wasn't the latest (incomprehensible), it's resource data -- reference data that -- that -- that you used.

The point that my counterpart here was mentioning, you know, when we look at the -- the need for these turn lanes, like decel lane, with the amount of traffic on Carothers Parkway, a lot of times it really has less -- certain circumstances less to do with the amount of traffic actually turning right and the amount of traffic on the actual main line facility 'cause that's really the impact where you're going to see that. So if you can -- well, we all drive. We all understand that, you know, if you're coming southbound on Carothers, if you're trying to make that transition into the driveway it's -- whether it's 5 vehicles, 10 vehicles an hour, or 500 vehicles an hour and want to turn right, they're -- it's the impact to the -- the kind of a slinging effect is it backs up and -- and people having to decelerate and slow down to -- to accommodate yourself turning right in -- into the development like this, so (incomprehensible) like Carothers. Well, the -- the need for a

turn lane, regardless of the (incomprehensible) traffic, is something that we are interested in as traffic engineers and transportations professionals.

So I -- I'd be curious to know maybe a little bit of more background: how closely y'all looked at the -- the right-turn decel lane, and positioning of that, and -- and part of that also -- kind of run-on sentence here. Sorry.

Mr. Moody: Uh-huh.

Mr. Judy: What your conflicts are in terms of the easements and utility conflicts with the site; and I'd like to hear a little bit about as you all developed and laid out the site, kind of what challenges that are related to that and the driveway location the further south you come toward the property line.

Mr. Moody: Uh-huh.

Mr. Judy: Y'all maybe talk -- talk a little bit about that 'cause I'll be interested in -- by what flexibility or the options there -- there -- there are with that if you (incomprehensible) look at that.

Mr. Moody: So there's two major -- actually, three major easements that are across the property, one due to the grade change from the northwest -- northwest corner to the southeast corner. There's probably 15 to 10 feet of grade change across the entire thing so the right-in/right-out entrance actually dictated what my grades would have to be over the entire -- over the site. It's graded for the parking lot for the drive anywhere from five to seven percent across the entire drive aisles.

The three major easements: we've got a water line easement the -- the -- that houses a 20-inch water line on the north side; we've got a major gas line easement that runs across the center of the property directly south of the building --

Mr. Judy: Uh-huh.

Mr. Moody: -- and then we also have the sewer line that is on the south property line that goes across from the back to the front as well. Those three easements really dictated the site layout as far as storm water, and drive aisles, and building placement. And then there's also some utility lines, fiber optic lines that are not in easements that are running across the site as well which --

Mr. Judy: Uh-huh.

Mr. Moody: -- we're still working with utility provider -- we wanted to figure out who the utility provider is; and, two, how we're going to relocate them 'cause they're located directly in the center of the site. I believe they were installed previously before and no easements was provided for those.

I would be willing to move the entrance if it would be -- you know, it would serve the property, but, one, we don't have any communications with the property owner further to the south of us and I don't know if they would entertain the idea of moving the entrance. So right now, currently, the entrance is dictated in this location due to the utilities at that center corner and the --

Mr. Judy: That's --

Mr. Moody: -- and the sewer line.

Mr. Judy: That's what I was looking for, to hear --

Mr. Moody: Yeah.

Mr. Judy: -- you say that it's -- that you -- you -- the driveway's placed by -- about where it can be based on --

Mr. Moody: Yeah.

Mr. Judy: -- all these challenges that the site has.

Mr. Moody: Yeah. So the -- there's a telephone cable and a sewer manhole right there at the south property line. So we did our best to move it as far south as we could with the radius returns --

Mr. Judy: Yeah.

Mr. Moody: -- that we were required to have.

Mr. Judy: Yep, yep, yep.

Mr. Moody: You know.

Mr. Judy: Gotcha. Okay. Thank you.

Mr. Maliszewski: In this plan here, if you come in -- if you came in on the property off of Carothers in the proposed driveway, would that driveway continue on the northwest corner and connect up for connectivity to the other parking lots?

Mr. Moody: Say that again. I'm sorry.

Mr. Maliszewski: So you're showing your new entrance, but in the northwest corner and the -- and the southwest corner on this it shows a dotted line where it might connect up to the existing driveways that are there.

Mr. Moody: Yeah. We would still make those connections.

Mr. Maliszewski: So you would still make those connections.

Mr. Moody: Yeah. We would still make those connections for the alleyway for anybody that's within the site to enter the site from the back way. Yeah. We'd make both of those connections.

Mr. Maliszewski: Uh-huh. And the property that's to the south of there it looked like there was some area, and have you been in communication with that property owner to see if it was possible to have a right-in/right-out?

Mr. Moody: In the green area?

Mr. Maliszewski: Yeah. That's -- that's moved further south, yeah.

Mr. Moody: Yeah. I have not. I can't speak on the -- on behalf of the owners as far as the communications that -- that they have.

Dr. Kasiar: I'm Matt Kasiar. I'm the dentist that's bought the property. I -- I have not had any communication. I think it is -- what, is it the Matthews Group (phonetic) that owns it?

Speaker: Uh-huh.

Dr. Kasiar: I have not any conversation with them about that other than them wanting to purchase the piece of land that I purchased for the dental office shortly after I bought it. So I don't know if they would be willing to work with that.

Speaker: I have a question. Since we're all sort of familiar with what's going on there, is it possible to zoom in on that site a little bit, little bigger? (Incomprehensible.)
Yeah. That's good.

Mr. Wiseman: Thank you.

Speaker: Yeah. I -- I would point out for those of you that aren't familiar with the site to say that it is terribly intuitive how you would access this location from those other properties is probably an overstatement. I mean it -- it -- it is -- it is a literal maze trying to navigate to this particular location.

Mr. Maliszewski: There's no doubt. I -- I walked that entire --

Speaker: Yeah.

Speaker: Yeah.

Speaker: (Incomprehensible.)

Mr. Maliszewski: -- property yesterday and --

Speaker: (Incomprehensible.)

Mr. Maliszewski: -- you know, you got the power wash over there; you got Line-X, which -- and they always have a large --

Speaker: A lot of cars.

Mr. Maliszewski: -- large variety of vehicles, usually oversized vehicles that are --

Speaker: Right.

Mr. Maliszewski: -- parked on one side of the lot, and it doesn't look like travelling through that parking lot that it's a real desirable flow of traffic. Certainly, the Curd Lane entrance is far more desirable.

Speaker: Yeah.

Mr. Maliszewski: So -- and -- and that building, is it going to be just a dentist office?

Dr. Kasiar: Yes, sir. It would --

Mr. Maliszewski: Or are you going to have --

Dr. Kasiar: It would have --

Mr. Maliszewski: Are you going to have --

Dr. Kasiar: It would have no other purpose other than a general dentist office with a maximum chair capacity of nine chairs.

Mr. Maliszewski: (Incomprehensible) nine chairs. That's -- so if you got nine chairs and you got employees and patients that are coming in, wouldn't we exceed the one-hour rating? How -- how often are you turning over your --

Dr. Kasiar: You're talking about the -- the cars per hour turnover?

Mr. Moody: Yeah.

Mr. Maliszewski: Yeah.

Dr. Kasiar: Well, I'm -- the staff would obviously be there before and then after so there wouldn't be any turn-in based off that, but --

Mr. Maliszewski: Right. But you got nine chairs --

Dr. Kasiar: Nine chairs at a maximum.

Mr. Maliszewski: -- so what's your average appointment time?

Dr. Kasiar: Hour and a half, two hours. So, I mean, at most the highest capacity I could have (incomprehensible) would be nine per hour. That would when I had an associate dentist there to work with that. It's not just me. There's no way I could run nine chairs by myself.

Mr. Maliszewski: Yeah. I was going to say. My wife's a dental --

Dr. Kasiar: Yeah.

Mr. Maliszewski: -- hygienist so --

Dr. Kasiar: Oh. So --

Mr. Maliszewski: Glad she's not working for you.

Dr. Kasiar: She -- she could be. (Incomprehensible) we could work something out here. But, yeah, no --

Mr. Maliszewski: She's retired now.

Dr. Kasiar: No. I -- I -- I obviously plan on starting with just three chairs and building from there with a max capacity three to four hygiene, with the other five chairs being doctor chairs. But, yeah, I don't -- there would be no more than nine active patients at one time per -- per hour at minimum, probably longer. A lot of my cases take much longer than an hour to -- to complete.

Mr. Maliszewski: Are you a special --

Dr. Kasiar: Not a specialty, no. But I -- I do pride ourselves in being a -- a office that can provide all --

Speaker: (Incomprehensible.)

Dr. Kasiar: -- all means of dental care: sedation, implants.

Ms. Kasiar: Wisdom teeth.

Dr. Kasiar: Wisdom teeth, small makeovers. So with some exceptions of a few things we do refer out. We know our limits, but -- but --

Mr. Maliszewski: Ever have a need to get an ambulance in there quick?

Dr. Kasiar: Haven't had one yet, knock on wood. I hope not. But, yeah. I mean -- I mean did -- was that a question that you (incomprehensible)?

Mr. Maliszewski: There was actually an ambulance in the parking lot yesterday when I was there.

Dr. Kasiar: Over there?

Mr. Maliszewski: Yeah.

Dr. Kasiar: Yeah. It wasn't for me.

Mr. Maliszewski: Yeah. They -- they -- they hauled somebody out.

Dr. Kasiar: But, yeah --

Speaker: (Incomprehensible.)

Dr. Kasiar: -- you know that makes a good point as far as access if an ambulance needed to get in there as well.

Mr. Maliszewski: I think they know the lay of the land over there.

Dr. Kasiar: Hope so. Hope so. But, yeah, that'd -- that's -- that's been my dream and my goal to open a dental practice, and -- and once we moved to Franklin and -- and found our roots here, we had no doubt that that's where we wanted to be. And when this plot of land became available, I would just -- it was a no-brainer for us with the assumption that it -- that the turn-in was allowable, which I think we read on the document before we purchased the land from, was it from Walker Chevrolet, that -- that that was allowed. So I -- that's what I went off of. I -- I wasn't aware of the little stipulation at the bottom, but --

Mr. Maliszewski: Always rules.

Dr. Kasiar: Yep.

Mr. Moody: Yeah. To the statement that the -- the agreement would be void and vacated in -- in -- if the land was ever be -- to be platted, with any development City of Franklin requires that it be platted.

Mr. Wiseman: Replatted.

Mr. Maliszewski: Right.

Mr. Moody: And so, I mean, essentially that comment's null and void because no matter what you build, you're going to have to have to have a plat.

Mr. Wiseman: Yeah.

Mr. Maliszewski: Right. Uh-huh. So if you say have not had any communications with the property owners (incomprehensible).

Dr. Kasiar: But I have not other than them wanting to purchase the property that I bought, and I -- I wasn't -- I did not ask what for. I just said I respectfully decline. I would like to pursue my dental office there.

Speaker: I have a question about the -- this -- the agreement -- the City Attorney, Shauna Billingsley, there's no record of a response to this particular letter?

Mr. Wiseman: I have not found one and was not provided one.

Speaker: And the City Attorney's Office doesn't have an opinion as to the validity of this particular statement or is it --

Mr. Wiseman: Maybe.

Speaker: It was -- it was an agreement back in 2015.

Mr. Wiseman: Uh-huh.

Speaker: It's not an agreement now?

Mr. Wiseman: The way we read the letter was it sounded like there was a meeting and it was discussed, and I'm not doubting the validity of the discussion or the agreement. But the replatting of the property is where we see the need to more or less change that agreement.

Speaker: Isn't it safe to say that the replatting of the property, given how Franklin does it, would have been contemplated as part of that discussion? I mean any --

any redevelopment is going to require that replatting so what -- what would the intent be to say we'll grant you the access, but if you replat we will -- if -- if they had known that the replat was a requirement?

Speaker: (Incomprehensible.)

Mr. Wiseman: I wasn't a part of the conversation unfortunately, but --

Speaker: Yeah. I -- it's a little (incomprehensible).

Mr. Maliszewski: I believe that's called the weasel clause, but it's always good --

Speaker: Yeah.

Mr. Maliszewski: -- to have one, and in this case, you know, you don't -- look what -- look at what's happened between 2015 and 2019.

Speaker: Right.

Mr. Maliszewski: How many new home building permits have been issued down Carothers? And Carothers, I mean, it used to (incomprehensible) road and it's a -- a little country lane road, and now you've got major subdivisions down there.

Speaker: Right.

Mr. Crutcher: All right. Are we -- do you have any more questions or comments? If not, are members of the board -- are we ready to discuss -- you going to discuss anymore and go ahead and vote on it?

Speaker: I think, yes, we can vote on it.

Mr. Crutcher: Yeah?

Dr. Kasiar: I mean I did prepare a statement if we want to do --

Speaker: Oh, sure.

Dr. Kasiar: I mean if you guys want --

Mr. Crutcher: Sure.

Dr. Kasiar: -- to hear that? So --

Mr. Maliszewski: Please.

Dr. Kasiar: I -- I appreciate it. I just want to say thank you all so much for taking your time to hear our case today. As I mentioned earlier, my name is Matt Kasiar. I'm a general dentist out here in Franklin, Tennessee. I've been practicing for 13 years, with the last three and-a-half years, almost four, being here in Tennessee. Which my family and I absolutely love it here and we hope to make it our forever home.

My dream of building my own practice became a reality this February when I was able to purchase a piece of property on the corner of Carothers and Murfreesboro that we've been talking about. I was incredibly excited that it was available and that I was going to build my future practice there. It was everything that I ever wanted in a piece of property, and being in Franklin was the cherry on top, too.

Plans were falling into place and we were set to open summer 2020;

however, we recently found out the turn-in off Carothers would not be permitted and that the patients would have to access the property through the rear part owned by the Matthews Group. That's the group that owns the other buildings. We were, obviously, thrown off guard a bit because all previous paperwork that we had reviewed prior to purchasing the land had allowed for a turn-in -- turn-in off Carothers. We asked for a variance which was denied, and that's what obviously brings us here today.

I understand that the City of Franklin has rules and regulations in place to protect their citizens, especially when it comes to the overwhelming amount of traffic on our roads which is a lot different than Southern Illinois where I came from, for sure. My requested variance doesn't fall within the allowable distance of 250 feet from the intersection for a turn-in off Carothers. I do believe my situation does differ from other businesses in that -- in that the amount of traffic that would access the turn-in would be a maximum of eight to ten cars per hour, which we discussed fell around nine. My office would never support any more patients at -- at one time than that nor do I want to operate it more than that capacity per hour. As you can see, this is much different than if a Popeye's or a Chick-fil-A were to occupy that area. I also believe that not having the turn-in off Carothers will cause confusion to patients and will -- will cause multiple U-turns and turnarounds in order to figure out how to access the property.

In closing, I thank you all for you for your consideration, thank you all for being here today, and ask that you make an exception -- exception (verbatim) to the rule so that we can have a turn-in off Carothers. I really am passionate about building a legacy and serving the wonderful people of Franklin, a legacy that hopefully my son someday will have the opportunity to continue. Sorry. I'm a new dad, 17 months.

Mr. Maliszewski: Congrats.

Dr. Kasiar: It really is different when you have your own.

Without the turn-in I feel it would cause too much confusion for our patients

and, therefore, I don't feel the project can move forward. This is more than just a dental office; it's the beginning of our family as Tennesseans for generations to come. Thank you for your consideration and for taking valuable time to review this case. Thanks.

Speaker: All right. And I have one thing I'd like to add, and that would be -- I know there's ways to legally button what I'm about to say up, but I understand the concern from the staff's standpoint. Yes, it's a dental office today. Matt's great, he's going to kill it. But what if. Right? What if he doesn't and what if it's a -- what if it's repurposed in five years, something else, and now you have this. So, you know, one thing that -- that Dr. Matt and I had talked about is the possibility of limiting this right-in/right-out only for the current use. So whether that's through a deed restriction or agreement with the City that basically says if the use or zoning occupant of this property ever changes, then -- then the city would have the ability to come in and make that right-in/right-out be eliminated at the cost of the owner. And so like that's how strongly he feels that this is a legacy play for him, that this is -- this is his dental office. He's not worried about 30, 50 years from now and -- and, frankly, if 30 or 50 years from now if this changes then -- then that's something that it won't be his to deal with anyway. So --

Mr. Wiseman: The only problem I see with it is when you do the -- have the turn-in, you're coming in there, you'd want them to go out on Edward Curd Lane on the back. Right? So that's going to just have multiple people cutting through that parking lot. If you can go all the way through to the other roads, you're going to have more traffic than really just the dental office when other people figure out they can use that to get to there, too.

Mr. Moody: Well, that's -- now that -- 'cause it -- that condition still exists with the entrance that's further south on Carothers 'cause you can get off of Carothers right there and still go to Edward Curd currently.

Mr. Wiseman: But it's father down.

Speaker: I think just the one note I was going to make about this exception letter from '15 was that was a fast food restaurant they were putting in there, which you're talking totally different numbers on the amounts of cars and that kind of thing, too, for what that's worth.

Mr. Maliszewski: You mean this letter was referring to allowing access for a fast food restaurant?

Speaker: Popeye's.

Dr. Kasiar: Popeye's chicken, yeah.

Speaker: You're talking a totally different flow there than dental office.

Mr. Maliszewski: So if your clients were turning right into your property, they'd have to turn right to exit on Carothers, and then what would they do if they wanted to go back to 96, make a U-turn?

Dr. Kasiar: Yeah. It's a possibility, yeah.

Mr. Moody: Well, they would still have to access the --

Speaker: (Incomprehensible.)

Mr. Moody: -- rear access to Curd.

Speaker: Yeah. Yeah.

Mr. Moody: Yeah.

Speaker: (Incomprehensible.)

Mr. Maliszewski: Yeah.

Mr. Wiseman: I just wanted -- Mr. Chairman, if I may. So this -- if you're moving to a vote it'll be closing the hearing and then what you're actually voting on -- there was a variance submitted to the Director of Engineering which was ultimately denied and they are appealing that decision. So that's what the -- the vote is going to be.

Mr. Crutcher: Well, we will close the hearing and move into the board making a decision, and the first thing that is needed would be someone to make a motion to either uphold the appeal or to deny it, and then we could have open discussion, and then we'll call for a vote. So without objections, we're going to close the hearing. Now, the floor is open for a motion. We need a motion and a second.

Speaker: (Incomprehensible.)

Mr. Crutcher: Huh?

Speaker: This one's a tough one.

Speaker: Well, I'll make a motion to deny the deal on the basis of the proposal as presented not meeting two City standards: the first being the separation of driveway from the radius return at -- on Highway 96, Murfreesboro Road, and the lack of a

deceleration turn lane into the site which is also a requirement.

Mr. Maliszewski: I second.

Mr. Crutcher: All right. We have a proper motion made and seconded, and the board members are welcome to make a statement. After all the statements are made then we will take a voice vote of -- on the appeal, and I'll take the liberty of making a statement.

I will be voting for the motion which would be to deny the appeal based upon the safety aspects that I feel like it would be an unsafe intersection as close to 96 with no de-acceleration, right range. I think it's (incomprehensible) standpoint, you will have a lot of rear-end --

Speaker: Yeah. Me, too.

Speaker: Yeah.

Mr. Crutcher: -- collisions and --

Speaker: We can add a decel lane if the city will allow it.

Mr. Crutcher: -- on that basis I'm -- will be voting for the motion which is to deny.

Speaker: Yeah. It -- it's very difficult to (incomprehensible). Our actions that we take today are going to be long withstanding and, seeing the growth that has occurred in the City of Franklin, the job that these guys have as engineers to try to keep us all safe is a challenge, and for us to try to circumvent that when I believe there may be some additional options that can be explored over there, communicating to the property owner to

the south might give you that access that you need. I understand having, you know, an (incomprehensible) frontage either on 96 or Carothers you would -- it's desirable to have that access, but it would be irresponsible for us to be able to have that hanging over our heads.

Mr. Moody: Can -- can I make one statement, though, as far as the deceleration lane?

Mr. Wiseman: Public -- public hearing's closed. I'm sorry.

Mr. Moody: Okay. No problem.

Speaker: Can -- can we ask that it be reopened? I mean if we have the ability to put a deceleration lane that would probably change things.

Speaker: The Chair can --

Speaker: Okay.

Speaker: -- (incomprehensible) before the vote can ask if you (incomprehensible).

Mr. Wiseman: Whose --

Speaker: Okay. Thank you.

Mr. Judy: I'll just elaborate on a comment we were discussing a little bit earlier (incomprehensible) that I know --

Dr. Kasiar: Uh-huh.

Mr. Judy: -- we're not talking a lot of high-volume driveway. I -- I get it. I understand. There's -- seen too many times when even when you're talking handful of vehicles making a certain movement at -- talking about peak hour movement, still it's a one-time thing -- you know, a -- something bad could happen, even a rear-end accident, or these safety concerns that Ron -- Ron was mentioning. It's kind of a flashpan thing that we -- we have to keep -- keep an eye on whether -- again, whether it's just a -- a dozen or so vehicles or hundreds of vehicles. So that -- that's -- that's really just the magnitude of the right turn-in volume into the site is consideration, but it's not -- to me, not the primary consideration. It's these other -- other physical aspects. It's just geometry (incomprehensible).

Mr. Shapiro: Well, one thing I'm -- my name's Andy Shapiro and I -- I -- this is my first meeting and I'm a -- I'm a immigrant to Tennessee as you -- as you are. I appreciate your statement. I'm also a career firefighter: 33 years in the fire service, 25 years as a paramedic. And this particular route is the way I drive home, and I -- and I drive that way because I don't -- I can't stand Interstate 65, and so do hundreds of other people, and they get -- they get very impatient at that light.

Through my career, 25 years as a paramedic, I -- I can't tell you how many rear-end accidents I've been to where people were killed in circumstances very similar to this. So just for to -- to -- to kind of mirror what the Chairman said, I -- I can't -- I can't support placing a situation like that in that location because people are -- when they're moving through that intersection, if they're -- if they're defensive drivers they're looking at the intersection and looking both ways on 96, and when they get across they're -- they're -- they're wanting to go. I -- at least I -- they're not considering what -- anybody turning until they get through that intersection and there's not -- it doesn't appear to be -- on the photo

up here, doesn't appear to be enough time to react, especially when you are, you know, in a big hurry at the end of the day. So I'm not real keen on supporting the -- a -- a variance to -- of the -- the rules at this point.

Mr. Crutcher: Are there any other comments from the board members?

Speaker: Yeah. I have one and it's -- it's directed to -- to you all. Going the way this is probably going to go, is there anything after this that would just keep them from coming back and providing a turn lane, deceleration lane in there?

Mr. Wiseman: Are we allowed to answer questions? Okay. We can. There's more than likely -- not if -- I mean you could possibly have a short decel lane.

Speaker: Uh-huh.

Mr. Wiseman: Honest opinion, this entire property, lot -- this lot and Lot 5 need to be developed together --

Speaker: Uh-huh.

Mr. Wiseman: -- as more of a master plan. It seems that the parcel -- the Lot 5 property owner is interested in purchasing, perhaps a -- an agreement could be made where the dentist office could go in and then the access management could be attained as well. That's just my initial reaction. But a decel lane would be relatively short and would also cause some pretty quick braking and weaving at this intersection. But even -- and, technically, the move -- the -- the movement closer to 96 and -- and Carothers intersection. So the actual decision time would occur quicker than it would if it was even further down. So you just -- there's just not a lot of room on a -- a 45 mile-per-hour road to get an

adequate decel late installed.

Speaker: My initial thoughts on that would be there might have to be some more discussion and interaction with the other property owner to -- if that white line is reasonably accurate as to where the property lines fall, there might be -- have to -- to -- the driveway as it is proposed today would still be too close to Murfreesboro Road.

Speaker: Right.

Speaker: If there could (incomprehensible) again like (incomprehensible) explained it, some kind of working between property owners to rework how that's laid out and then (incomprehensible) redeveloped as a -- as a whole or some other arrangements made that -- that -- you have the decel lane, but then you still got the --

(Audio ends abruptly.)

(New audio begins.)

Mr. Crutcher: -- the motion is just to deny the appeal say "aye."

Board Members: Aye.

Mr. Crutcher: All those opposed to the motion say "nay." All right. The vote of the board is unanimous, and the appeal is denied. And we appreciate your all's effort, we appreciate your business in Franklin, but at the same time we got -- well, you've heard our -- our concerns.

Speaker: We appreciate your time. Thank you for your understanding and --

and you looking at this.

Mr. Wiseman: Mr. Chairman.

Mr. Maliszewski: My -- my wife worked for a dentist for 50 years -- who -- who had practiced for 50 years and he was 50 years in the same office building. And in the 50 years that he was there, the changes that occurred -- I mean his practice changed, obviously, at the end -- were just so dramatic. And he was in the Murfreesboro Road exit area in Nashville, and over the years his -- his dental office, you know, it was -- it became extinct almost because what was current 50 years ago was not applicable for his practice today even with some remodeling. So he ended up building a brand new office on Charlotte Avenue that met today's standards after being in practice for 50 years. It was amazing. But I'm sure there's a property out there or perhaps you can negotiate with your neighbors over there. I think it's a great spot for (incomprehensible).

Mr. Crutcher: Is there any other business to come before the board? If not, the Chairman -- who hunted rabbits in this place down here that what we're talking about many years ago -- adjourns the meeting.

Mr. Wiseman: Thank you.

Speaker: Second.

Speaker: Thanks, Ron.

Speaker: Thank you.

Speaker: Uh-huh.

I certify that the foregoing is a true and accurate transcript of the electronic audio recordings with a time length of 00:43:23 and 00:02:16 from the meeting in the above-entitled matter.

Elizabeth Taylor

Crime Tape Transcription

Verbatim Transcript by Crime Tape Transcription, LLC ends

Item 2 - Appeal was Denied by unanimous vote.

3. Other Business

No other business to report.

Meeting adjourned by Ron Crutcher, Chairman.

Ron Crutcher
Chair