

Brownland Farm Development Saga Continues

By Lee Rennick - October 18, 2021

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Once again, the **Brownland Farm Development** has been pushed back for more study after two hours of debate over new changes offered to the city by the developer, Kevin Estes, on the afternoon of the day of the meeting. At the Board of Mayor and Aldermen meeting in mid-September, new information had been discovered at the last minute about flood zone changes by city staff causing the issue to be deferred to the October 12 meeting. This last-minute back and forth has been going on for two and a half years. It has included the city taking five months to decide if the plan fell under small area developments.

Discussions began with an update from the developer and comments from the community. There were five issues that had been raised at the last meeting that both the developer and Franklin staff worked on over the last month. The biggest issue is that a significant amount of the homes in the development were in the flood plain. Related was the issue of emergency access into the development when there is a flood. The other topics needing to be addressed were grading, the number of units in the condominium buildings not following Envision Franklin, and the number of homes.

Estes presented the city with a new proposal that he and his team felt addressed the emergency access problems, as well as the grading issue that fell under FEMA. He also noted that he was removing the condominium buildings from the plan in favor of single-family homes and townhomes. He was willing to cut the number of housing units to 395, down from his initial request for more than 470 housing units.

Community members once again debated both sides of the issue. Many members of Christ Community Church, which will share some roads with the development, were

excited about the new parkland that is part of the development and how the new roads will provide better access into the church grounds.

Others brought up overcrowded schools and roads, as well as the impact of increasing rainfall in the area due to climate change. Cathy Webber talked about how a number of newer housing developments in Franklin were originally not in the flood plain, but that now larger and larger percentages of them are finding themselves underwater when it rains heavily. According to Webber, 10% of Cottonwood homes now fall within the flood plain, and more than 43% of homes at River Landing fall within the 100-year flood plain.

While not ignoring what the public brought before the Board, Alderman Clyde Barnhill stated that “no one can control 13 inches of rain.”

Eric Stuckey, Franklin City Administrator, noted near the end of the debate that there was a lot of confusion and fatigue due to the length of time that the project has taken. And Assistant City Administrator for Community and Economic Development Vernon Gerth stated that when the master planning process that the city developed is followed, then approval happens faster. This development has not followed the process.

“When we don’t follow our process with ample public engagement,” said Gerth, “we begin to drive a wedge in the trust of the public of following the master planning documents and regulations we have worked to approve. So, we urge you [the Board of Mayor and Aldermen] allow us to go back to initial submission and work with the developer through this [new proposal].”

Another issue that came up at the end of the discussion was that the new proposal differed significantly from the initial proposal and that it should be looked at as almost a new project. If the council chose to vote on the issue with the stipulation of addressing the five initial necessary changes without allowing to go back to the city staff, zoning and the planning commission, that they may be in “ultra veris.” This means they could be acting beyond their legal powers.

After the board sorted through what was fact and what was conjecture about the development, as well as legal ramifications, the board voted unanimously to send the new proposal back to the city staff, zoning, and the planning commission. This means that final approval of the development will fall into the lap of the new Board of Mayor and Alderman in February at the earliest.

Lee Rennick

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