

# Brownland Farm Development Saga Comes to Abrupt End

By Lee Rennick - April 29, 2022



After nearly three hours of testimony by the community, the developer and the owners of what is known as the **Brownland Farm** property, Franklin's Board of Mayor and Aldermen (BOMA) voted against rezoning, then denied the development plan and all related items of business. This move, after three years of work by the Andertons and the developer, brought the project to an abrupt end.

On the second of three possible readings, developer Kevin Estes, Chief Executive Officer of Land Solutions Company, hoped for the passing of a rezoning of the farm from Agricultural and Civic Institutional District to Planned District so the development could move forward.

The plan has had several revisions, beginning with almost 800 residential units, including townhomes, single-family homes and multiplexes, and slowly going down less than half that number. The last revision included 163.2 acres of open space.

While the project has been volleying back and forth for more than two years between the developer and the City of Franklin, sometimes becoming somewhat contentious, the final nail in the coffin of the project was the amount of flood land the development was planning to use for building residential units. And because of the high percentage of residential units falling within what is currently flood land, there were issues related to getting emergency vehicles into the development should there be a flood.

Both Estes and his attorney, John Michaels of Thompson Burton PLLC, tried to explain that the land was going to be manipulated so the residential units would, in the end, be four inches above the 100-year flood plain and that their cut rate would be 187% versus the required 150%. The key to the issue according to the vast majority of objectors was that the land manipulation would still not be able to contain the ravaging waters of the Harpeth when the rains came down, and even possibly cause more problems downstream of the new development.

Another major issue was that the development plan didn't comply with the tenants set by Envision Franklin as regards to building in flood plains and floodways. Estes tried desperately to get the BOMA to share his belief that his development plan did comply, but in the end, it was a moot point.

"I don't think I could move in the box I've been painted in," said Estes in closing his part of the presentation.

With the obvious increase in rain and flooding that Middle Tennessee has been experiencing since the flood of 2010, the fears of those living in surrounding housing developments was real. While the developers referred often to reports from engineers based on nine-year-old data, all that is currently available, those who spoke impassioned against the development presented their angst-filled personal experiences during flooding one after another after another. As one speaker, Courtney Rodgers, noted, "the flood of 2010 wreaked havoc on 1400 homes and did \$14 million in damage." Something few of the community speakers could forget.

In the end, it was not so much the impassioned words of the community, as the calm presentations of both Planning Supervisor Amy Diaz-Barriga and City Manager Eric Stuckey that provided evidence that the plan was not what was best for the city and that it would present a dangerous policy deviation that would have long-range negative effects.

Diaz-Barriga first referred to how the development plan didn't fit within the guidelines presented in Envision Franklin as regards to use of flood lands for building and public safety. Those guidelines call for as little development as possible in flood lands, which include flood plains and floodways. She presented a map with the development plan laid over the flood zones. Upon analysis, her staff found that 70.8% of the planned residential units fell within the flood plain or floodway. While other developments brought up by Estes and his team had at the most 26% of their homes falling within partially mitigated flood plains.

She also brought up that while the developer was working to follow the Storm Water Ordinance, it only tells them how to mitigate floodwaters, while the Zoning Ordinance tells you when and where the Storm Water Ordinance can be applied. Diaz-Barriga noted that while the developer was working towards following the Storm Water Ordinance, he was not looking at the where part of the equation, just the how.

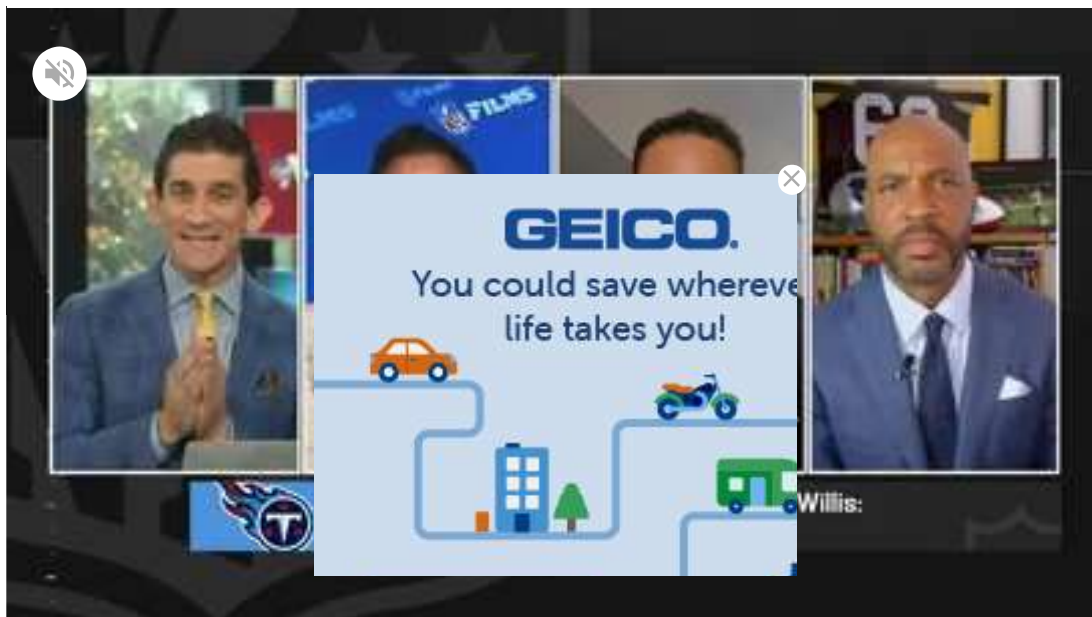
It was Stuckey who brought up the fact that passing the change in zoning, as well as the development plan, was going against policy and that voting for the project would effectively change the policy opening the board to approve more developments built on flood plains and floodways. He suggested that the BOMA consider the long-term effects of their single action, and instead look at over all-policies for the future vetted by experts in the various fields necessary to view the issue logically and carefully.

Stuckey asked BOMA to consider if this is what they want to become the standard for the 40 square miles of land that falls within the new urban growth boundaries.

Previous to the final vote on the zoning change, each member of the BOMA voiced their concerns about the long-term effects of approving the project with the way the developer has gone about working on the project with city staff. In the end, Mayor Ken Moore succinctly summed up the BOMA's concerns, "I don't think [the project] protects the health and safety of our citizens."

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### Lee Rennick

Lee Rennick has an extensive background in marketing, advertising, public relations, and workforce and community development. An information omnivore, she has written articles about everything from ballet shoes to interior design, to some of the newest local scientific research, two plays, and copy for an Addy Award winning hot sauce label.