MINUTES OF MEETING OF THE BRENTWOOD PLANNING COMMISSION

BRENTWOOD, TENNESSEE

The regular meeting of the Brentwood Planning Commission met on Tuesday, January 3, 2017 at 7:00 p.m. at the Brentwood Municipal Center.

Present were Chairman Janet Donahue, Stevan Pippin, Commissioner Ken Travis, Carole Crigger, Jack Moriarty, John Magyar, Sandi Wells and Chris Clark. Staff members present were Jeff Dobson, Todd Petrowski, Katie Jardieu, Kirk Bednar, Steve Foster, Matt White, Jay Evans, Mike Harris and Debbie Hedgepath. John Church and Jack Fletcher were absent.

The Pledge of Allegiance was led by a Scout.

Commissioner Travis moved for approval of the minutes from the December 6, 2016 meeting as written; seconded by Mr. Pippin. Motion passed 7-0-1 with Chairman Donahue abstaining.

**CONSENT AGENDA**

**Item 1: BPC1612-002 - Revised Final Plat – Thomas Property, 9907 Maupin Road, Zoning R-2**

H&H Land Surveying, Inc. requested approval of a revised minor final plat that subdivided the tract located at 9907 Maupin Road into two tracts. The property included a total area of 5.01 acres. The proposed subdivision would create two lots, one having an area of 3.09 acres and the second having an area of 1.75 acres. The new lot areas met the R-2 technical requirements.

The plat proposed the dedication of 0.17 acres of right-of-way along Maupin Road.

There is a 2,274 square foot home and several outbuildings located on the property.

Access to Lot 2 would be provided by the existing easement to Maupin Road.

Staff recommended approval of the revised final plat subject to the following conditions:

1. Approval of a final plat by the planning commission shall become effective upon the date of the last signature required on the plat for recording. The initial vesting period shall be for a period of five years after approval.
2. Add the following note to the final plat:

*This final plat is subject to a vesting period, during which the development standards in effect on the date of approval will remain the standards applicable to this plan.  Upon expiration of the vesting period, development of the property shown on this plat may be subject to standards other than those that were applicable during the vesting period.  The vesting period for this plat expires on*  *, unless extended by the City of Brentwood.  Persons relying on this plat after said date should contact the City of Brentwood to determine if development may continue as depicted on the plan.*

(Planning and Codes Department staff will insert the expiration year for the plat at the time the plat is ready for recording and may also make changes to the wording of the above note as necessary to carry out the intent of Standard Requirements 1, 2 and 3 below.)

1. The property owner is responsible for all development fees including water and sewer service and tap fees, building permit fees and Public Works Project Fees
2. Approval of the site plan does not constitute approval of the signage plan. All signs must comply with the Brentwood Sign Ordinance. A comprehensive sign package including all signs (temporary or permanent, wall or ground) shall be submitted to the Planning Department for a compliance review.
3. Provide the Planning staff with a digital copy of the proposed subdivision section and the entire project. This request is consistent with Article 2.3 of the Brentwood Subdivision Regulations. The file should be in AutoCAD .DWG or .DXF compatible format and CD-ROM. The file shall use the Tennessee State Plane coordinate system, Zone 5301, FIPS Zone 4100, NAD 83 datum. The digital copies must be received before the plat may be recorded.
4. Failure to comply with any condition of approval as required may result in re-appearance before the Planning Commission to address any deficiencies. Delays of project actions may also occur, such as issuance of permits recordation of the final plat and extensions to approvals.
5. Add the following note to the plan, “All electrical service to the new lots shall be routed underground pre the requirements of Section 70-1 of the municipal Code.”
6. Any changes to plans approved by the Planning Commission will require staff review and re-approval by the Planning Commission.
7. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
8. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on January 3, 2017. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

**Item 2: BPC1612-001 - Minor Revisions to Previously Approved Building Elevations – Peter Millar Store - Hill Center Brentwood, Building B, 201 Franklin Road, Suite 150, Zoning C-2**

Viars Retail Concepts, Inc. requested approval of revised building elevations for the tenant space located in the Hill Center in Building B at 201 Franklin Road, Suite 150. The tenant space included an area of 1,760 square feet and would be located on the west side of the entrance to the lobby for Building B.

The proposed elevations included:

* Black awnings on either side of the entrance doors;
* Dark bronze anodized aluminum mullions around the windows;
* Decorative bronze panels below the existing ceramic tile and glass façade;

The sign package would meet the requirement of the zoning ordinance.

Staff recommended approval of the minor revisions to the building elevations for the tenant space subject to the following conditions:

1. The proposed elevations include signage for the space. The number of signs proposed does not meet the requirements of the sign ordinance. A detailed signage package shall be submitted to City staff for a compliance review before any signs are installed.
2. A site plan shall be vested for a period of three years from the date of the original approval.
3. Add the following note to the site plan;

*This site plan is subject to a three year vesting period, during which the development standards in effect on the date of approval will remain the standards applicable to this plan.  If construction is not completed during the first three years, the original site plan is considered a preliminary site plan and the applicant must obtain approval of a final site plan. Development of the property shown on this plan may be subject to standards other than those that were applicable during the vesting period.  The Initial vesting period for this plan expires on January 3, 2020,* *unless extended by the City of Brentwood.  Persons relying on this plan after said date should contact the City of Brentwood to determine if development may continue as depicted on the plan.*

1. When the construction authorized pursuant to a site plan is not completed within three years from the date of initial approval, but the applicant desires to complete the project proposed for the site, the plan as initially approved for the project or as amended shall be considered a preliminary site plan. If the applicant secures all necessary permits, commences site preparation and obtains approval of a final site plan within the three-year vesting period following approval of the preliminary site plan, then the vesting period shall be extended an additional two years beyond the expiration of the initial three-year vesting period. During the two-year extension, the applicant must commence construction and maintain any necessary permits to remain vested.
2. If necessary permits are maintained and construction, as defined by Section 78-43, has commenced by the end of the two-year extension, then the vesting period shall remain in effect until the Planning and Codes Department has certified final completion of the project, provided the total vesting period shall not exceed ten years from the date of approval of the preliminary site plan.
3. If the construction authorized pursuant to a site plan is completed within three years from the date of approval, the site plan shall then be considered the final site plan for the project.
4. Approval of the site plan does not constitute approval of the signage plan. All signs must comply with the Brentwood Sign Ordinance. A comprehensive sign package including all signs (temporary or permanent, wall or ground) shall be submitted to the Planning Department for a compliance review.
5. The property owner is responsible for all development fees including water and sewer service and tap fees, building permit fees and Public Works Project Fees.
6. Failure to comply with any condition of approval as required may result in re-appearance before the Planning Commission to address any deficiencies. Delays of project actions may also occur, such as issuance of permits recordation of the final plat and extensions to approvals.
7. Any changes to plans approved by the Planning Commission will require staff review and re-approval by the Planning Commission.
8. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
9. All previous conditions placed on the project by the Planning Commission shall remain applicable to the project.
10. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on January 3, 2017. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

**Item 3: BPC1612-006 - Final Plat – Avery Subdivision, East Side of Murray Lane, Zoning OSRD**

Ragan Smith Associates requested approval of a final plat that showed twenty-three (23) lots on approximately 32 acres of land. The configuration and OSRD calculations shown on the proposed plat matched those shown on the revised preliminary plan approved by the Planning Commission in December 2016.

Staff recommended approval of the revised final plat subject to the following conditions:

1. The bike path must be installed before the final plat can be recorded.
2. Approval of a final plat by the planning commission shall become effective upon the date of the last signature required on the plat for recording. The initial vesting period shall be for a period of five years after approval.
3. Add the following note to the final plat:

*This final plat is subject to a vesting period, during which the development standards in effect on the date of approval will remain the standards applicable to this plan.  Upon expiration of the vesting period, development of the property shown on this plat may be subject to standards other than those that were applicable during the vesting period.  The vesting period for this plat expires on*  *, unless extended by the City of Brentwood.  Persons relying on this plat after said date should contact the City of Brentwood to determine if development may continue as depicted on the plan.*

(Planning and Codes Department staff will insert the expiration year for the plat at the time the plat is ready for recording and may also make changes to the wording of the above note as necessary to carry out the intent of Standard Requirements 1, 2 and 3 below.)

1. The property owner is responsible for all development fees including water and sewer service and tap fees, building permit fees and Public Works Project Fees.
2. The property owner is responsible for all development fees including water and sewer service and tap fees, building permit fees and Public Works Project Fees.
3. Approval of the final plat does not constitute approval of the signage plan. All signs must comply with the Brentwood Sign Ordinance. A comprehensive sign package including all signs (temporary or permanent, wall or ground) shall be submitted to the Planning Department for a compliance review.
4. Complete plans shall be submitted to the Planning and Codes Department for review, approval and issuance of the required permits before any work is begun. Additionally, all required electrical permits, issued by the State of Tennessee must be received before any work is begun. The required inspections must also be completed before a certificate of completion is issued for the project.
5. Failure to comply with any condition of approval as required may result in re-appearance before the Planning Commission to address any deficiencies. Delays of project actions may also occur, such as issuance of permits recordation of the final plat and extensions to approvals.
6. Any changes to plans approved by the Planning Commission will require staff review and re-approval by the Planning Commission.
7. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
8. All previous conditions placed on the project by the Planning Commission shall remain applicable to the project.
9. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on January 3, 2017. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

**Item 4: BPC1612-003 - Revised Preliminary Plan – Taramore Subdivision, South Side of Split Log Road, Zoning OSRD**

Ragan Smith Associates requested approval of a revised preliminary plan for the Taramore subdivision that divided Phase 14 into two phases. The preliminary plan was last approved in December 2014.

|  |  |  |
| --- | --- | --- |
| **PHASE #** | **APPROVED # LOTS** | **PROPOSED # LOTS** |
| Phase 14 | 29 | 10 |
| Phase 15 (New) |  | 19 |

No modifications to the open space or the number of lots were proposed; only the phasing of the project was changed.

Approval by the Board of Commissioners of the revised OSRD Development plan would not be required because changes were not proposed to the improvements within the open space, the area of the open space or the access to the development as defined by Section 78-185(b) of the zoning ordinance.

Staff recommended approval of the revised preliminary plan subject to the following conditions:

1. A preliminary plan for a subdivision shall be vested for a period of three years from the date of the original approval by the Planning Commission.
2. Add the following note to the preliminary plan;

*This site plan is subject to a three year vesting period, during which the development standards in effect on the date of approval will remain the standards applicable to this plan.  If construction is not completed during the first three years, the original site plan is considered a preliminary site plan and the applicant must obtain approval of a final site plan. Development of the property shown on this plan may be subject to standards other than those that were applicable during the vesting period.  The Initial vesting period for this plan expires on July 5, 2019,* *unless extended by the City of Brentwood.  Persons relying on this plan after said date should contact the City of Brentwood to determine if development may continue as depicted on the plan.*

1. When the construction authorized pursuant to a site plan is not completed within three years from the date of initial approval, but the applicant desires to complete the project proposed for the site, the plan as initially approved for the project or as amended shall be considered a preliminary site plan. If the applicant secures all necessary permits, commences site preparation and obtains approval of a final site plan within the three-year vesting period following approval of the preliminary site plan, then the vesting period shall be extended an additional two years beyond the expiration of the initial three-year vesting period. During the two-year extension, the applicant must commence construction and maintain any necessary permits to remain vested.
2. If necessary permits are maintained and construction, as defined by Section 78-43, has commenced by the end of the two-year extension, then the vesting period shall remain in effect until the Planning and Codes Department has certified final completion of the project, provided the total vesting period shall not exceed ten years from the date of approval of the preliminary site plan.
3. If the construction authorized pursuant to a site plan is completed within three years from the date of approval, the site plan shall then be considered the final site plan for the project.
4. All electrical service to the lots shall be routed underground, per the requirements of Section 70-1 of the Municipal Code.
5. Approval of the site plan does not constitute approval of the signage plan. All signs must comply with the Brentwood Sign Ordinance. A comprehensive sign package including all signs (temporary or permanent, wall or ground) shall be submitted to the Planning Department for a compliance review.
6. As agreed, the developer shall pay $1,250 per unit as a onetime contribution toward the purchase of a 20-acre school site to accommodate resident impacts on the system. The funds would be collected at the time the lots are platted and maintained by the City in an escrow account. The funds would be distributed to the county school system at the time they are needed to purchase a new school site inside the city limits of Brentwood (or within our designated Urban Growth Area).
7. Temporary street signs having a sign face width of 6", a letter height of 4", and that meet the height standards of TDOT, must be installed before a building permit can be issued.
8. The property owner/developer is responsible for all development fees including water and sewer service and tap fees, building permit fees and Public Works Project Fees. The required fees shall be used for future infrastructure related improvements required by the proposed development.
9. Complete building elevations and site calculations shall be provided for staff review and approval by the Planning Commission of all n lots designated as “HP”, before a building permit will be issued for the affected lots.
10. Development of the project shall conform to Articles Five and Six of the Brentwood Subdivision Regulations. Improvements that must be installed before a final plat may be recorded include a road surface consisting of a bituminous asphaltic binder, and installed water mains and fire hydrants to serve the lots.
11. Failure to comply with any condition of approval as required may result in re-appearance before the Planning Commission to address any deficiencies. Delays of project actions may also occur, such as issuance of permits recordation of the final plat and extensions to approvals.
12. Any changes to plans approved by the Planning Commission will require staff review and re-approval by the Planning Commission.
13. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
14. All previous conditions placed on the project by the Planning Commission shall remain applicable to the project.
15. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on January 3, 2017. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

**Item 5: BPC1612-004 - Final Plat – Taramore Subdivision, Section 14, South Side of Split Log Road, Zoning OSRD**

Ragan Smith Associates requested approval of a final plat for the newly reconfigured Phase 14 of the Taramore subdivision. The new phase included a total area of 10.10 acres and showed ten lots. The average lot size for the Phase is 0.55 acres. The proposed plat for the phase met the requirements of the OSRD zoning classification.

Staff recommended approval of the proposed final plat subject to the following conditions:

1. Add a signature block for the temporary turnaround easement area at the end of Ivy Crest Drive.
2. Add a signature block for the easement area adjacent to south side of lot 120.
3. Approval of a final plat by the planning commission shall become effective upon the date of the last signature required on the plat for recording. The initial vesting period shall be for a period of five years after approval.
4. Add the following note to the final plat:

*This final plat is subject to a vesting period, during which the development standards in effect on the date of approval will remain the standards applicable to this plan.  Upon expiration of the vesting period, development of the property shown on this plat may be subject to standards other than those that were applicable during the vesting period.  The vesting period for this plat expires on*  *, unless extended by the City of Brentwood.  Persons relying on this plat after said date should contact the City of Brentwood to determine if development may continue as depicted on the plan.*

(Planning and Codes Department staff will insert the expiration year for the plat at the time the plat is ready for recording and may also make changes to the wording of the above note as necessary to carry out the intent of Standard Requirements 1, 2 and 3 below.)

1. As agreed, the developer shall pay $1,250 per unit as a onetime contribution toward the purchase of a 20-acre school site to accommodate resident impacts on the system. The funds would be collected at the time the lots are platted and maintained by the City in an escrow account. The funds would be distributed to the county school system at the time they are needed to purchase a new school site inside the city limits of Brentwood (or within our designated Urban Growth Area).
2. Temporary street signs having a sign face width of 6", a letter height of 4", and that meet the height standards of TDOT, must be installed before a building permit can be issued.
3. The property owner/developer is responsible for all development fees including water and sewer service and tap fees, building permit fees and Public Works Project Fees. The required fees shall be used for future infrastructure related improvements required by the proposed development.
4. Provide the Planning staff with a digital copy of the proposed subdivision section and the entire project. This request is consistent with Article 2.3 of the Brentwood Subdivision Regulations. The file should be in AutoCAD .DWG or .DXF compatible format and CD-ROM. The file shall use the Tennessee State Plane coordinate system, Zone 5301, FIPS Zone 4100, NAD 83 datum. The digital copies must be received before the plat may be recorded.
5. Failure to comply with any condition of approval as required may result in re-appearance before the Planning Commission to address any deficiencies. Delays of project actions may also occur, such as issuance of permits recordation of the final plat and extensions to approvals.
6. Any changes to plans approved by the Planning Commission will require staff review and re-approval by the Planning Commission.
7. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
8. All previous conditions placed on the project by the Planning Commission shall remain applicable to the project.
9. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on January 3, 2017. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Mr. Clark moved for approval of the items on the Consent Agenda; seconded by Mrs. Wells. Approval was unanimous.

# REGULAR AGENDA

**Item 1: ORDINANCE 2016-13 - AN ORDINANCE REZONING PROPERTY LOCATED ON THE WEST SIDE OF EDMONDSON PIKE FROM AR (AGRICULTURAL RESIDENTIAL) TO R-2 (SUBURBAN RESIDENTIAL)**

Commissioner Travis moved to recommend to the Board of Commissioners approval of Ordinance 2016-13; seconded by Mr. Pippin. Approval was unanimous.

**Item 2: BPC1611-003 - Revised Site Plan – Music City Motorcars, 1599 Mallory Lane, Zoning C-3**

Batson & Associates requested approval of a revised site plan for the Music City Motor Cars location at 1599 Mallory Lane.  The project was under construction but nearing completion. The proposed revisions to the plan included:

* An enlarged vehicle display area located on the south side of the building.  The modifications included eliminating the circular display area and adding a gated driveway to access the rear of building;
* Addition of a retaining wall on the south side of the display area;
* The density of the trees planted in the green space behind the building was increased. A total of 34 trees were to be added behind the building, and
* Extension of the retaining wall along a portion of Mallory Lane in the NE corner of the site.

The area of the building remained unchanged at 34,415 square feet as well as the proposed building elevations.

The following is a comparison of the landscaping plans approved for the project:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Plan Approval Date** | **Trees Removed** | **ACI to be Removed** | **Trees to Remain** | **ACI to be Remain** |
| September 2015        | 65 | 512 | 45 | 509 |
| January 2017 (Proposed) | 68 | 524 | 43 | 497 |

The plan also proposed planting 251 replacement caliper inches of trees. The current plan proposed planting 159.5 replacement caliper inches.  The caliper inch density was increased from 141” to 158”

A revised plan was last approved by the Planning Commission in March 2016.

Staff recommended approval of the revised site plan subject to the requirements of the staff report.

Mrs. Wells moved for approval of the request subject to the following conditions being met to the satisfaction of staff:

1. Trees or shrubs shall not be planted within any sewer easement.
2. A site plan shall be vested for a period of three years from the date of the original approval.
3. Add the following note to the site plan;

*This site plan is subject to a three year vesting period, during which the development standards in effect on the date of approval will remain the standards applicable to this plan.  If construction is not completed during the first three years, the original site plan is considered a preliminary site plan and the applicant must obtain approval of a final site plan. Development of the property shown on this plan may be subject to standards other than those that were applicable during the vesting period.  The Initial vesting period for this plan expires on* January 5, 2018, *unless extended by the City of Brentwood.  Persons relying on this plan after said date should contact the City of Brentwood to determine if development may continue as depicted on the plan.*

1. When the construction authorized pursuant to a site plan is not completed within three years from the date of initial approval, but the applicant desires to complete the project proposed for the site, the plan as initially approved for the project or as amended shall be considered a preliminary site plan. If the applicant secures all necessary permits, commences site preparation and obtains approval of a final site plan within the three-year vesting period following approval of the preliminary site plan, then the vesting period shall be extended an additional two years beyond the expiration of the initial three-year vesting period. During the two-year extension, the applicant must commence construction and maintain any necessary permits to remain vested.
2. If necessary permits are maintained and construction, as defined by Section 78-43, has commenced by the end of the two-year extension, then the vesting period shall remain in effect until the Planning and Codes Department has certified final completion of the project, provided the total vesting period shall not exceed ten years from the date of approval of the preliminary site plan.
3. If the construction authorized pursuant to a site plan is completed within three years from the date of approval, the site plan shall then be considered the final site plan for the project.
4. The property owner is responsible for all development fees including water and sewer service and tap fees, building permit fees and Public Works Project Fees. The required fees shall be used for future infrastructure related improvements required by the proposed development.
5. Add the following note to the plans that are to be submitted for building permit review: “This document certifies that the building materials specified in the Planning Commission approval of this project (BPC1611-003) are likewise provided for in the plans submitted. Any deviation from the approved building materials will negate any staff approval of said plans. Proposed changes to project specifications will be submitted to the Planning Commission for further consideration.
6. Approval of the site plan does not constitute approval of the signage plan. All signs must comply with the Brentwood Sign Ordinance. A comprehensive sign package including all signs (temporary or permanent, wall or ground) shall be submitted to the Planning Department for a compliance review.
7. Provide the Planning staff with a digital copy of the proposed subdivision section and the entire project. This request is consistent with Article 2.3 of the Brentwood Subdivision Regulations. The file should be in AutoCAD .DWG or .DXF compatible format and CD-ROM. The file shall use the Tennessee State Plane coordinate system, Zone 5301, FIPS Zone 4100, NAD 83 datum. The digital copies must be received before the plat may be recorded.
8. Failure to comply with any condition of approval as required may result in re-appearance before the Planning Commission to address any deficiencies. Delays of project actions may also occur, such as issuance of permits recordation of the final plat and extensions to approvals.
9. The site lighting shall meet all requirements of the Municipal Code.
10. Any changes to plans approved by the Planning Commission will require staff review and re-approval by the Planning Commission.
11. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
12. All previous conditions placed on the project by the Planning Commission shall remain applicable to the project.
13. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on January 3, 2017. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Mr. Magyar seconded; approval was unanimous.

# OTHER BUSINESS

**Monthly Security Report**

Mrs. Crigger moved for approval of the monthly security report; seconded by Commissioner Travis. Approval was unanimous.

# ADMINISTRATIVE INFORMATION

The Planning and Codes monthly report was distributed to the Commissioners.

The January calendar was distributed.

Being no further business, the meeting adjourned at 7:15 pm.

APPROVED February 6, 2017 Deborah Hedgepath Deborah Hedgepath, City Recorder