MINUTES OF MEETING OF THE BRENTWOOD PLANNING COMMISSION

BRENTWOOD, TENNESSEE

The regular meeting of the Brentwood Planning Commission met on Monday, December 4, 2017 at 7:00 p.m. at Brentwood City Hall.

Present were Chairman Janet Donahue, Carole Crigger, Sandi Wells, John Magyar, John Church, Brandon Oliver, Commissioner Ken Travis, Jack Moriarty, Stevan Pippin and Chris Clark. Staff present were Jeff Dobson, Kirk Bednar, Steve Foster, Roger Horner, Katie Jardieu, Todd Petrowski, Mike Harris, Holly Earls and Debbie Hedgepath.

Mr. Magyar moved for approval of the minutes from the November 6, 2017 meeting as written; seconded by Mr. Moriarty. Motion passed 9-0-1 with Mr. Pippin abstaining.

**CONSENT AGENDA**

Item 1: BPC1710-003 Final Plat – Marshall Place Subdivision, West side of Wilson Pike, Zoning R-2

Elliott Surveying requested approval of a final plat that shows 10 lots on approximately 12.53 acres.

The plat showed a six-foot wide ROW dedication along Wilson Pike.

Construction of the project is on-going.

The layout of the proposed plat matched the previously approved preliminary plan.

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

1. The landscaping buffer along Wilson Pike shall be secured via letter of credit that meets the requirements as detailed in the Subdivision Regulations and installed before the plat will be signed for recording.
2. Re-construction of the stone wall along Wilson Pike must also be completed before the final plat may be recorded.
3. Show the locations of the drainage inlets and pipes. Include sizes of pipe and the locations of the applicable easements to be dedicated with the recording of the plat.
4. Provide a label on the plat indicating the owner of the fence along the south boundary line of the subdivision. The fence should be removed before the plat may be recorded.
5. 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.
6. 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.*

1. (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.)
2. Permits shall be required for construction of the entry features before construction begins.
3. All applicable security, that meets the requirements of Article Eight of the Brentwood Subdivision Regulations must be received by staff for all required roadway, drainage, street lighting, water, sewer, buffer landscaping, signage and wall improvements before the plat for the project can be signed by the Planning Commission Secretary for recording. The landscaping security shall be posted in an amount equal to one hundred ten percent (110%) of the total cost of the materials and installation of the improvements.
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.
5. Provide the Planning staff with a digital copy of the proposed subdivision. 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.
6. Deviations from the approved plan/plat in the development of a project or the failure to satisfy any standard requirements or special conditions of approval imposed by the planning commission will be considered a violation of the provisions of the Zoning Ordinance, which shall be subject to punishment as provided in Section 1-9 of the Brentwood Municipal Code. The City may also require the applicant to appear before the Planning Commission to address any deficiencies or unapproved modifications. The project may also be subject to delays in issuance of permits, certificates of occupancy, recordation of plats or other project approvals.
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 December 4, 2017. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 2: BPC1711-001 Minor Final Plat – Westgate Commons, Lot Two (Amerigo Restaurant), 1656 Westgate Circle, Zoning C-2/SR

Design & Engineering requested approval of a revised final plat that adjusts the front yard setback along Moores Lane. The original configuration of the building envelope did not conform with the configuration of the ROW line.

The revised plat met the setback requirements established for the buildings fronting Moores Lane. The front yard setback was shown as 65 feet.

The change proposed to allow the construction of a larger group dining area.

The lot included an area of 1.038 acres. The existing building included an area of 4,720 sf.

Staff recommended approval of the proposed 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.*

1. (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.)
2. All applicable security, that meets the requirements of Article Eight of the Brentwood Subdivision Regulations must be received by staff for all required improvements before the plat can be signed by the Planning Commission Secretary for recording. The landscaping security shall be posted in an amount equal to one hundred ten percent (110%) of the total cost of the materials and installation of the improvements.
3. 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.
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. Deviations from the approved plan/plat in the development of a project or the failure to satisfy any standard requirements or special conditions of approval imposed by the planning commission will be considered a violation of the provisions of the Zoning Ordinance, which shall be subject to punishment as provided in Section 1-9 of the Brentwood Municipal Code. The City may also require the applicant to appear before the Planning Commission to address any deficiencies or unapproved modifications. The project may also be subject to delays in issuance of permits, certificates of occupancy, recordation of plats or other project approvals.
6. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
7. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on December 4, 2017. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 3: BPC1710-007 Revised Site Plan – Amerigo Italian Restaurant, 1656 Westgate Circle, Zoning C-2/SR

Design and Engineering requested approval of a revised site plan that adds a 971 square foot dining area addition to the existing building.

The new total area of the building will be 5,698 square feet. The building materials proposed for the addition will compliment and match the existing building. A total of 57 parking spaces are required, 57 are being provided.

As part of the approval the applicant requested Planning Commission consideration to allow the addition to be located within ten feet of the existing accessway located on the east side of the proposed addition. The Planning Commission could allow the request if the building included an overall area of less than 10,000 sf, per Section 78-226 of the zoning ordinance.

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

1. Provide the locations of the water, sewer, electrical and gas service line to the building. Does the proposed expansion interfere with any service lines?
2. Approval of the site plan does not constitute approval of the signage plan. The proposed additional signage on the east and north elevations of the building must comply with the Brentwood Sign Ordinance. A comprehensive sign package including all signs (temporary or permanent, wall or ground) must be submitted to the Planning Department for review before any signs are placed on the building.
3. A site plan shall be vested for a period of three years from the date of the original approval.
4. 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* ***December 4, 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 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. 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.
5. Deviations from the approved plan/plat in the development of a project or the failure to satisfy any standard requirements or special conditions of approval imposed by the planning commission will be considered a violation of the provisions of the Zoning Ordinance, which shall be subject to punishment as provided in Section 1-9 of the Brentwood Municipal Code. The City may also require the applicant to appear before the Planning Commission to address any deficiencies or unapproved modifications. The project may also be subject to delays in issuance of permits, certificates of occupancy, recordation of plats or other project approvals.
6. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
7. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on December 4, 2017. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 4: BPC1711-002 Minor Revisions to Previously Approved Site Plan, Building Entrance Renovation – East Park Building Three, 3 Maryland Way, Zoning C-1

Kiser Vogrin Design requested approval of revised site plan that modifies the existing planters in front of the primary entrance. The proposed changes to the plan include:

1. Removal of 2,101 SF of existing red brick pavers;
2. Relocation of existing plant bed to allow for a wider sidewalk to front door;
3. Reconstruction of existing brick planters to adjust height (as needed);
4. Removal and addition of planter wall to revise planter shape (see plan for shapes);
5. Addition, removal and replacement of landscaping treatment;
6. Installation of integral color concrete with concrete plank style paver, see sheet L4.2 for product examples;
7. Relocation and rework of existing irrigation system, and
8. Addition of metal cladding over existing brick planter veneer.

The Property Assessor property database showed a building area of 83,008 sf on a 5.68-acre lot.

Staff recommended approval of the proposed minor revisions to the previously approved site plan subject to the following conditions:

1. A site plan shall be vested for a period of three years from the date of the original approval.
2. 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 December 4, 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 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) must be submitted to the Planning Department for review.
5. 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.
6. Deviations from the approved plan/plat in the development of a project or the failure to satisfy any standard requirements or special conditions of approval imposed by the planning commission will be considered a violation of the provisions of the Zoning Ordinance, which shall be subject to punishment as provided in Section 1-9 of the Brentwood Municipal Code. The City may also require the applicant to appear before the Planning Commission to address any deficiencies or unapproved modifications. The project may also be subject to delays in issuance of permits, certificates of occupancy, recordation of plats or other project approvals.
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 December 4, 2017. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Mr. Church moved for approval of the items on the Consent Agenda; seconded by Mr. Pippin. Approval was unanimous.

# REGULAR AGENDA

Item 1: **BPC1705-008 Revised Preliminary Plan – Tuscany Hills Subdivision, Corner of Ragsdale and Split Log Roads, Zoning OSRD**

Ragan Smith Associates requested approval of a revised preliminary plan for the Tuscany Hills Subdivision.

Changes to the plan included:

1. Elimination of Positano Drive, in Section Seven, which has not yet been constructed and is the second connection to Split Log Road.
2. The amount of excess open space is also increased 0.55 acres, from the current 5.65 acres to 6.20 acres.

The overall number of lots within the project remained unchanged at 125.

Note that the plan showed an existing stub street at the end of Fontanella Drive connecting to the Dorothy Jones property on the north end of the project.  Mrs. Jones owned two tracts totaling 71 acres, which are largely vacant, except for one home and the cellular installation on the east side of the tract.

The plan also proposed the construction of a six-foot sidewalk along the Split Log Road frontage from Tuscany Way to the easterly boundary, which is approximately 780 feet. The sidewalk along the Tuscany frontage would be constructed by the developer. There is one parcel between Tuscany and the school site that included approximately 326 feet. The City would construct the remaining sidewalk connection to the school property, and coordinate the work with the owner of the property. WCS would continue the sidewalk onto their property.

The sidewalk would allow students living in Tuscany Hills to walk or bike safely to/from school without crossing Split Log Road.

Since the plan proposed changes to the area of the excess open space and an alteration to the access for the development, approval of the corresponding changes to the OSRD Development Plan by the City Commission was required.

Staff recommended that the Planning Commission conduct two votes regarding the request:

1. Approval of the proposed revisions to the Preliminary Plan, and
2. Forward a recommendation of approval of the corresponding revisions to the OSRD Development Plan to the Board of Commissioners.

Mr. Clark moved for approval of the proposed revisions to the Preliminary Plan subject to the following conditions being met to the satisfaction of staff:

1. Approval of the proposed revisions to the preliminary plan shall be subject to approval by the Board of Commissioners of the corresponding changes to the OSRD Development Plan.
2. A preliminary plan shall be vested for a period of three years from the date of the original approval.
3. 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 December 4, 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. Deviations from the approved plan in the development of a project or the failure to satisfy any standard requirements or special conditions of approval imposed by the planning commission will be considered a violation of the provisions of the Zoning Ordinance, which shall be subject to punishment as provided in Section 1-9 of the Brentwood Municipal Code. The City may also require the applicant to appear before the Planning Commission to address any deficiencies or unapproved modifications. The project may also be subject to delays in issuance of permits, certificates of occupancy, recordation of plats or other project approvals.
5. Any changes to plans approved by the Planning Commission will require staff review and re-approval by the Planning Commission.
6. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
7. All previous conditions placed on the project by the Planning Commission shall remain applicable to the project.
8. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on December 4, 2017. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Commissioner Travis seconded; approval was unanimous.

Mr. Pippin moved to forward a recommendation of approval of the corresponding revisions to the OSRD Development Plan to the Board of Commissioners. Mr. Church seconded; approval was unanimous.

Comments from Citizens

Bob Chipkevich, 9608 Romano Way

Item 2: BPC1711-011 Land Use Review – Recovery Unplugged, 255 Wilson Pike Circle, Zoning C-2

Bradley, Arant, Boult, Cummings LLP requested review of a concept plan that proposed a substance, drug and alcohol addiction recovery center in the existing building located at 255 Wilson Pike Circle.

Recovery Unplugged is a provider of substance abuse treatment. The services provided include medically supervised detox and residential services. The detox services allow a patient to expel the chemicals that have built up in their bodies through prolonged and untreated drug and alcohol abuse. Each patient’s program is customized to meet their individual needs.

Residential services include psychiatric assessment, individual counseling, group therapy and family therapy. Clients would take all meals and sleep at the facility. Clients typically stay anywhere from five to 45 days, depending upon their individual needs. The facility would be staffed 24 hours per day. Clients are supervised at all times. The primary activities at the facility will occur between the hours of 9:00 am to 5:00 pm.

Recovery unplugged would provide services to commercially insured and private pay clients. Current plans were to provide services to 35 to 45 clients, dependent on the final facility design. Approximately 50 full-time staff would be employed by the facility.

The program uses music as a catalyst to treat the underlying causes of addiction and to help break down defenses and facilitate, motivate and inspire the change necessary for long-term recovery and sobriety.

The proposed use was not specifically listed in Section 78-222, however, the section does allow the Planning Commission discretion in approving other uses if, in their opinion the proposed use was in keeping with the character and intent of the C-2 district.

Please note that the zoning ordinance currently allows institutional care type uses.

The applicant was seeking approval of the proposed use.

Mr. Clark moved to approve a substance abuse treatment center as a permitted use in the C-2 zoning district. Ms. Wells seconded; motion passed 6-4 with Mr. Magyar, Commissioner Travis, Mr. Church and Mr. Moriarty voting no.

Comments from Citizens

John Lafferty, 201 Gillespie Dr

Item 3: BPC1710-008 Revised Site Plan – Scales Elementary School, 6430 Murray Lane, Zoning SI-2

Huddleston-Steele Engineering Inc., requested approval of a revised site plan for the Scales Elementary School, located at 6430 Murray Lane.

|  |  |
| --- | --- |
| Area of existing facility  | 70,360 sf |
| Area of addition | 18,449 sf |
| Total area of building  | 88,809 sf  |
| Number of existing classrooms  | 36 |
| Number of proposed classrooms  | 10 |
| Current Enrollment 9/25/2017 | 786 |
| Projected Enrollment – 17/18 SY | 800 |
| Existing Capacity  | 715 |
| New Capacity w/ Addition | 900 |
| Parking Required  | 111 |
| Parking Provided  | 125 |

The project included an administrative area, renovation of the existing library space to cafeteria space and renovation of the existing administrative area to new library space.

Construction would require a revised driveway and parking configuration.

The exterior materials would include a combination of brick, metal panels and cast stone.

The applicant was requesting consideration in reducing to the width of the arterial road buffer from 150 feet to 100 feet due to topographic conditions. The finished floor of the school was approximately 25 feet above Murray Lane. Section 78-286(a)1 permitted the Planning Commission discretion in reducing the width of the arterial road buffer.

The plan also proposed an encroachment of the drive aisle of approximately 24 feet into the reduced buffer. The Planning Commission had no authority in granting the proposed additional reduction in the buffer width. The Board of Zoning Appeals (BZA) had limited authority to grant variances. Variances are considered “by reason of exceptional narrowness, shallowness or shape of the specific property”, or “by exceptional topographic conditions or other extraordinary or exceptional situations or conditions of a piece of property the strict application of the provisions of this chapter would result in exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property.” The request would be presented to the BZA at their December 18 regular meeting.

Finally, Sec. 78-512 of the Code required 40 trees per 100 linear feet be planted in a 100-foot wide buffer. The length of the frontage along Murray Lane was 550. This length required 220 trees be planted in the buffer. The landscaping plan proposed the planting of 34 trees and 140 shrubs. Two shrubs may be substituted for one tree (70). The equivalent number of trees to be planted in the buffer was 104.

Section 78-286(a)3 allowed the Planning Commission to vary the landscaping standards if the proposed plan provided for unique and innovative landscaping treatment or physical features existed to meet the intent of the section.

Construction is set to begin in April 2018, and be completed for the beginning of the 2018/2019 school year. Construction would be staged to keep bus traffic to rear of building, car traffic and students/staff to front entry on the north side of existing building. The new parking areas would also be constructed in two phases to keep parking available for teachers and guests.

Commissioner Travis moved for approval of the proposed revised site plan subject to the following conditions being met to the satisfaction of staff:

1. The additional 24’+/- encroachment of the drive aisle and parking spaces into the arterial road buffer along Murray Lane must be approved by the Brentwood Board of Zoning Appeals.
2. A revised final plat for the tract, establishing the buffers, setbacks and all easements shall be submitted for review by the Planning Commission.
3. Provide the location of the canopy on the site plan at the front of the building.
4. The appropriate sewer tap fees are required for the addition. WCS shall participate proportionately in the upgrade of the existing pump station, if required.
5. A site plan shall be vested for a period of three years from the date of the original approval.
6. Revise the note as shown on the plans to read;

*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 December 4, 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 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) must be submitted to the Planning Department for review.
5. 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.
6. Deviations from the approved plan/plat in the development of a project or the failure to satisfy any standard requirements or special conditions of approval imposed by the planning commission will be considered a violation of the provisions of the Zoning Ordinance, which shall be subject to punishment as provided in Section 1-9 of the Brentwood Municipal Code. The City may also require the applicant to appear before the Planning Commission to address any deficiencies or unapproved modifications. The project may also be subject to delays in issuance of permits, certificates of occupancy, recordation of plats or other project approvals.
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 December 4, 2017. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Commissioner Oliver seconded; approval was unanimous.

Mr. Pippin moved to forward a recommendation of approval regarding the additional reduction in the arterial road buffer to the Board of Zoning Appeals. Mr. Oliver seconded; approval was unanimous.

Item 4: BPC1711-003 Preliminary Plan – The Heights Subdivision, 9744 Concord Road, Zoning R-2

T-Square Engineering requested approval of a preliminary plan showing seven lots on 8.75 acres.

There was an existing house on Lot Six that would be removed as part of the development of the property.

The plan also proposed creation of a sewer easement under Concord Road to a manhole on the Owl Creek Park Property.

All lots met the one-acre standard size for the R-2 zoning district.

Mr. Oliver moved for approval of the proposed preliminary plan subject to the granting of the proposed sewer line easement by the Board of Commissioners and the following conditions being met to the satisfaction of staff:

1. Approval of the preliminary plan shall be contingent upon City Commission review and the approval of the granting the proposed sewer easement across the Owl Creek Park property.
2. The sewer line, if approved, shall be installed by boring under Concord Road.
3. The buffer landscaping plan for the 50-foot wide buffer along Concord Road must be prepared by a TN licensed landscape architect. The plantings shall comply with the requirements of Section 78-512 of the Code.
4. The landscaping buffer along Concord Road must be secured via letter of credit and installed before the plat will be signed for recording.
5. The project proposes no subdivision entry features as part of the submitted plan. If entry features are proposed in the future, they must meet all requirements of the zoning ordinance.
6. A tree survey for the area where the new sewer easement is proposed, on the park property shall be required before the proposal may be presented to the Board of Commissioners for their review and approval of the easement alignment. The tree survey shall identify all trees having a 4” ACI and greater.
7. A site plan shall be vested for a period of three years from the date of the original approval.
8. Add the following note to the site plan;

*This preliminary 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 December 4, 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 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 applicable security, that meets the requirements of Article Eight of the Brentwood Subdivision Regulations must be received by staff for all required roadway, drainage, street lighting, water, sewer, buffer landscaping, signage and amenity improvements before the plat for the first phase of the project can be signed by the Planning Commission Secretary for recording. The landscaping security shall be posted in an amount equal to one hundred ten percent (110%) of the total cost of the materials and installation of the improvements.
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. 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.
7. Development of the project shall progress in accordance with the requirements of the Brentwood Subdivision Regulations regarding the amount of work completed before a final plat can be approved by the Planning Commission.
8. Deviations from the approved plan/plat in the development of a project or the failure to satisfy any standard requirements or special conditions of approval imposed by the planning commission will be considered a violation of the provisions of the Zoning Ordinance, which shall be subject to punishment as provided in Section 1-9 of the Brentwood Municipal Code. The City may also require the applicant to appear before the Planning Commission to address any deficiencies or unapproved modifications. The project may also be subject to delays in issuance of permits, certificates of occupancy, recordation of plats or other project approvals.
9. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
10. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on December 4, 2017. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Ms. Crigger seconded; approval was unanimous.

Item 5: BPC1711-003 Preliminary Plan – The Heights Subdivision, 9744 Concord Road, Zoning R-2

GPD Group, Professional Corporation requested approval of a revised site plan for the former location of the Ruby Tuesday’s Restaurant in the Hill Center Brentwood.

Changes to the exterior of the existing building included:

1. Modification of the site to include a drive thru with a call box and menu board;
2. Removal of the existing black fabric awnings;
3. Replacement with nine multi-colored awnings;
4. Removal of the existing gooseneck lighting fixtures;
5. Installation of a suspended metal canopy in a yellow color above the entrances;
6. Painting the tower element, a brown color;
7. Adding a stucco band, yellow in color on all elevations, and
8. Additional signage.

In 1994, the Planning Commission granted approval of a site plan for the Ruby Tuesdays restaurant. The following conditions were included as part of that approval.

1. There shall be no external loudspeakers at the restaurant site.
2. The appropriate technology shall be employed to mitigate cooking odors to the greatest extent possible.

Mr. Oliver made a motion to deny the proposed revised site plan, based upon the proposed drive thru, seconded by Mr. Pippin.

Comments from Citizens

James Selleh, 5300 Lenox Rd

Jason Grant, 1626 Oakhall Dr

Keith Wilkins, 218 Williamsburg Cir

Tom Hsueh, 220 Williamsburg Cir

Jim Witherspoon, 5106 Williamsburg Rd

Wilson Brim, 5212 Williamsburg Ct

Barbara Wilkins, 218 Williamsburg Cir

John Calton, 214 Williamsburg Cir

Brad Cole, 219 Williamsburg Cir

Michael Dorris, 5107 Cornwall Dr

Following citizen comments and discussion by the Commission, the applicant requested to defer the item from the agenda.

Item 6: BPC1711-012 Revised Site Plan – H.G. Hill Shopping Center Brentwood, 225-261 Franklin Road, Zoning C-2

Street Dickson Rick Orcutt Winslow, requested approval of revised building elevations for the original Hill Center Brentwood building. The proposed changes included:

1. Removal of the existing canopy on the front of the center and adding new design elements to that break up the overall length and to add some vertical features to the facade. In addition, small metal canopies will be added at store entry areas to provide weather protection.
2. The new vertical "tower" elements are to be clad in a brick color to complement the existing brick color and coordinate with the new center to the north. The areas of the facade where the existing canopies are removed will be clad with aluminum composite metal panels. New lighting will also be installed.
3. The walkway system along the front of the center will be reworked.

Ms. Crigger moved for approval of the proposed revised site plan/building elevations subject to the following conditions being met to the satisfaction of staff:

1. 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.
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 December 4, 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 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 applicable security, that meets the requirements of Article Eight of the Brentwood Subdivision Regulations must be received by staff for all required roadway, drainage, street lighting, water, sewer, buffer landscaping, signage and amenity improvements before the plat for the first phase of the project can be signed by the Planning Commission Secretary for recording. The landscaping security shall be posted in an amount equal to one hundred ten percent (110%) of the total cost of the materials and installation of the improvements.
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. 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 (BPC1711-012) 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.
7. 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.
8. Deviations from the approved plan/plat in the development of a project or the failure to satisfy any standard requirements or special conditions of approval imposed by the planning commission will be considered a violation of the provisions of the Zoning Ordinance, which shall be subject to punishment as provided in Section 1-9 of the Brentwood Municipal Code. The City may also require the applicant to appear before the Planning Commission to address any deficiencies or unapproved modifications. The project may also be subject to delays in issuance of permits, certificates of occupancy, recordation of plats or other project approvals.
9. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
10. All previous conditions placed on the project by the Planning Commission shall remain applicable to the project.
11. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on December 4, 2017. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Mr. Church seconded; approval was unanimous.

Item 7: BPC1711-010 Revised Site Plan, Use of Parking Spaces During the Week – Otter Creek Church of Christ, 409 Franklin Road, Zoning SI-1

By request of the applicant, this item was deferred from the agenda.

Item 8: BPC1711-007 Site Plan -- Bell Self-Storage, 263 Wilson Pike Circle, Zoning C-3/SR

By request of the applicant, this item was deferred from the agenda.

# OTHER BUSINESS

**Monthly Security Report**

Mr. Church moved for approval of the monthly security report; seconded by Mr. Magyar. Approval was unanimous.

# ADMINISTRATIVE INFORMATION

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

The December calendar was distributed.

Being no further business, the meeting adjourned at 9:25 pm.

APPROVED January 2, 2018 Holly Earls Holly Earls, City Recorder