MINUTES OF MEETING OF THE BRENTWOOD PLANNING COMMISSION

BRENTWOOD, TENNESSEE

The regular meeting of the Brentwood Planning Commission met on Tuesday, January 2, 2018 at 7:00 p.m. at Brentwood City Hall.

Present were Vice-Chair Stevan Pippin, 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, Jay Evans, Steve Foster, Katie Jardieu, Todd Petrowski, Mike Harris, and Holly Earls. Janet Donahue was absent.

Ms. Crigger moved for approval of the minutes from the December 4, 2018 meeting as written; seconded by Mr. Magyar. Approval was unanimous.

**CONSENT AGENDA**

Item 1: **BPC1712-006 Hillside Protection Overlay Site Plan Review – Taramore Subdivision, Lot 127, 9493 Stillbrook Trace, Zoning OSRD**

Pulte Homes, Inc. requests approval of a Hillside Protection Site Plan for Lot 127 of the Taramore Subdivision. The lot is located at 9493 Stillbrook Trace.

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| --- |
| LOT 127, 9793 STILLBROOK TRACE – TARAMORE |
| Lot Area (sf) | 24,191 sf |
| Total Area of Home (sf) | 7,470 sf |
| Heated Area (sf) | 4,643 sf  |
| Impervious Area (sf) | 5,370 sf |
| Green Space Provided (%) | 78% |
| Green Space Required (%) | 40% |

The proposed exterior materials used on the elevations include: brick, in a beige color, horizontal siding, brown shingle roof with stone accents.

The future home on the site will require a residential sprinkler system, per the requirements of the Hillside Protection Overlay.

Staff recommended approval of the proposed Hillside Protection Overlay site plan subject to the following conditions:

1. Review the spot elevation 912.54 at the approach to the garage. The slope would be 18%.

1. A Hillside Protection 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 Hillside Protection site plan;

*This Hillside Protection 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 2, 2021, 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. This lot contains 2 meters. One meter is intended for fire sprinkler supply only and the other meter is intended for domestic/irrigation.
5. The fire meter is a 2-inch tap with 1-inch meter. The domestic/irrigation meter is a 3/4-inch tap with 3/4-inch meter. Owner should verify all sizes and locations.
6. 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.
7. 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.
8. Any changes to plans approved by the Planning Commission will require staff review and re-approval by the Planning Commission.
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 January 2, 2018 . Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 2: BPC1711-008 Revised Final Plat -- Bell Self-Storage, 263 Wilson Pike Circle, Zoning C-3/SR

Kimley-Horn & Associates requests approval of a final plat for the property rezoned by Ordinance 2017-14. The property is located at 263 Wilson Pike Circle. The lot includes an area of 2.0 acres. The plat provides a ROW dedication for Wilson Pike Circle of 10 feet or 0.05 acres, as recommended by the traffic impact study, which was included as part of the rezoning application.

Staff recommended approval of the proposed 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. 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 for the first phase of the project can be signed by the Planning Commission Secretary for recording.
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. 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. 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.
5. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
6. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on January 2, 2018. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 3: BPC1712-003 Revised Final Plat – Nicholson Subdivision, 460 Beech Creek Road North, Zoning R-2

Mr. Gregory Nicholson requests approval of a modification to the previously approved plat that subdivided the existing 4.89-acre lot into two lots.

This change slightly adjusts the area of each lot.

|  |  |  |
| --- | --- | --- |
| LOT # | AREA (AC) AS APPROVED | AREA (AC) AS PROPOSED  |
| 1 | 3.87 | 3.70 |
| 2 | 1.00 | 1.20 |
| ROW | 0.019 | 0.019 |
| TOTAL | 4.889 | 4.919 |

A total of 829 square feet will be dedicated as additional right-of-way for Beech Creek Road North along the south side of the lot.

The existing driveway will be relocated to serve both lots.  Access to both lots shall be provided via a joint user access easement that will meet the requirements of Section 78-486(8) of the Municipal Code.

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

1. Submit the plat for review and approval by the Williamson County Highway Department.
2. The low-pressure force main shall extend past the connection box on Lot Two and terminate at property line.
3. Provide the location of the existing water lines to serve these lots.
4. Show the location of low pressure force main and connection box on the plat that will provide sewer service to both lots.
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.*

(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. Add the following note to the plat:

*“The transfer of lots shall be subject to the provision of such easements which shall provide for a guaranteed unrestricted right of access to all other owners providing such easements. All owners of lots subject to shared access easements shall be required to execute an agreement specifying responsibility for construction and perpetual maintenance of such easements in accordance with the approved access plan. The agreement shall specify that the parties thereto shall hold the city harmless from any and all liabilities resulting from unsafe conditions on the shared access easement. Copies of such agreements from the current owners of all lots through which shared access easements are to run shall be filed with the city manager or his designee. Construction on the shared access easement shall not be commenced until all such agreements are thus filed.”*

1. The plat shall meet the requirements of Section 78-486(14) of the Municipal Code regarding design criteria for residential driveways.
2. Add the following note to the plat – “Future additions to the existing structure shall comply with Section 26-68 of the Municipal Code regarding the installation of an automatic residential fire sprinkler system in structures located 500 feet or more from a public roadway or authorized private roadway.”
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 and sewer, improvements before the plat can be signed by the Planning Commission Secretary for recording.
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. 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. Deviations from the approved 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 January 2, 2018 . Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 4: BPC1711-004 Revised Preliminary Plan – Witherspoon Subdivision, South Side of Crockett Road, Zoning OSRD

Ragan Smith Associates requests approval of a revised preliminary plan that makes minor adjustments made during the construction of Section Four.

A mis-calculation in the application of the open space resulted in changes to the area of the excess open space for the project. The error reduces the amount of excess open space from 90.31 acres to 81.09 acres. Specifically, the discrepancy relates to the larger lots, having an area of greater than one-acre in Phases Four and Five.

Because the proposed changes affect the area of the open space, City Commission review and approval of the proposed modifications to the OSRD Development Plan is required.

Staff recommended approval of the proposed revisions to the Preliminary Plan subject to the following conditions and recommended approval of the revisions to the OSRD Development Plan to the Board of Comissioners:

1. Approval of the proposed preliminary plan shall be contingent upon the approval of the revised OSRD Development Plan by the Board of Commissioners.
2. With the recording of Phase Seven, as shown on the currently approved preliminary plan, the agreed upon additional price of $35,000 per lot, above a total of 127 lots, as required by the purchase agreement, shall be made to the Brentwood United Methodist Church and the City of Brentwood.
3. A preliminary plan shall be vested for a period of three years from the date of the original approval.
4. Add the following note to the preliminary plan;

*This preliminary 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 7,*  *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 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.
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. All previous conditions placed on the project by the Planning Commission shall remain applicable to the development.
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 2, 2018. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 5: BPC1711-005 Revised Final Plat – Witherspoon Subdivision, Section Four, Zoning OSRD

Ragan Smith Associates requests approval of a final plat for Section Four of the Witherspoon Subdivision. The plat shows 32 lots on 56.10 acres. The plat incorporates the proposed changes as shown on the proposed preliminary plan.

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

1. Approval of the proposed plat shall be contingent upon the approval of the revised OSRD Development Plan by the Board of Commissioners.

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. 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, and street tree improvements before the plat for the section 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.
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. 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. 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. All previous conditions placed on the project by the Planning Commission shall remain applicable to the development.
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 2, 2018. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Commissioner Travis moved for approval of the items on the Consent Agenda; seconded by Mr. Oliver. Approval was unanimous.

# REGULAR AGENDA

**Item 1:** Public hearing was opened on the approval of a proposed four-story building, exceeding 46 feet in height at the Hill Center Brentwood, Building H2, Maryland Way and Franklin Road, Zoning C-2.

The following persons spoke:

John Stevenson, 208 Williamsburg Circle

Dave Briggs, 9560 Hampton Reserve Drive

Jeanette Dale, 210 Williamsburg Circle

David Morgan, 909 Stuart Lane

Anne Calton, 214 Williamsburg Circle

Jim Witherspoon, 5106 Williamsburg Road

The public hearing was closed.

Item 2: **BPC1712-009 Revised Preliminary Plan – Hill Center Brentwood, Corner of Maryland Way and Franklin Road, Zoning C-2**

TM Partners request approval of a revised preliminary plan for the Hill Center Brentwood project. The revisions add a Phase 2 to the project.

The building areas are as follows.

|  |  |  |
| --- | --- | --- |
| **BUILDING NAME** | **PROPOSED USE** | **AREA** |
| Building D1 | Retail Liner | 9,606 |
| Building E | Parking Garage – Two Levels -- 315 spaces |  |
| Building E1 | Retail Liner | 10,000 |
| Building H1 | Hotel – 141 Rooms | 92,952 |
| Building H2 | Office  | 84,375  |
| **TOTAL** | **196,933** |

Ordinance 2014-11 permitted the substitution of one of the office buildings with a hotel that would not exceed 150 rooms.

The total area of the development is not to exceed 600,000 square feet.

As part of the review the applicant is requesting a reduction in the distance between Building D1 and the adjacent access. Section 78-226(f) allows the Planning Commission to reduce this distance for buildings having no more than 10,000 square feet in area.

Mr. Clark moved for approval of the proposed revised preliminary plan, to include the requested reduction in the distance between Building D1 and the adjacent accessway to no less than five feet, in accordance with Section 78-226(f) of the Municipal Code, subject to the following conditions being met to the satisfaction of staff:

1. Resolve the conflict regarding the number of parking spaces provided in Building E.
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. A preliminary plan shall be vested for a period of three years from the date of the original approval.
4. Add the following note to the preliminary plan;

*This preliminary 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 2, 2021, 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. 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.
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 2, 2018 . 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.

Comments from Citizens

John Stevenson, 208 Williamsburg Circle

Zac Dufour, 1307 Choctaw Trail

Anne Calton, 214 Williamsburg Circle

John Mize, 9296 Exton Lane

Brad Cole, 219 Williamsburg Circle

Item 3: BPC1712-010 Site Plan – Hill Center Brentwood, Phase 2, Buildings D1, E1, E, H1 & Hotel, Zoning C-2

TM Partners requests approval of Phase Two of the Hill Center Brentwood project. The building area is as follows.

|  |  |  |
| --- | --- | --- |
| **BUILDING NAME** | **PROPOSED USE** | **AREA** |
| Building D1 | Retail Liner | 9,606 |
| Building E | Parking Garage – Two Levels -- 315 spaces |  |
| Building E1 | Retail Liner | 10,000 |
| Building H1 | Hotel – 141 Rooms |  92,952  |
| Building H2 | Office  | 84,375 |
| **TOTAL** | **196,933** |

Ordinance 2014-11 permitted the substitution of one of the office buildings with a hotel that would not exceed 150 rooms.

The total area of the development is not to exceed 600,000 square feet.

As part of the review the applicant is requesting a reduction in the distance between Building D1 and the adjacent access. Section 78-226(f) allows the Planning Commission to reduce this distance for buildings having no more than 10,000 square feet in area.

Mr. Oliver moved for approval of the proposed revised site plan, to include the requested reduction in the distance between Building D1 and the adjacent accessway to no less than five feet, in accordance with Section 78-226(f) of the Municipal Code, subject to the following conditions being met to the satisfaction of staff:

1. Any work on City Property must be approved in advance by the Board of Commissioners.
2. Resolve the conflict regarding the number of parking spaces provided in Building E. Revise as required.

1. Relocate the sewer line from under Building E.
2. The internal access easement will require modification due to its proposed reconfiguration.
3. Show the minimum building setback lines required for Building H2, a four-story structure located along the west property line.
4. Resolve the conflict with the finished floor elevation and the basement elevation for Building H2. Revise as required.
5. Provide a drainage schedule for the proposed pipes and inlets.
6. A site plan shall be vested for a period of three years from the date of the original approval.
7. 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 2,* *2021*,** *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. 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, landscaping, signage improvements before any permits can be issued for the project. 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.
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. 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.
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 2, 2018 . Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Comments from Citizens

Jason Grant, 1626 Oakhall Drive

Commissioner Wells seconded; approval was unanimous.

Item 4: BPC1711-009 Revised Site Plan – Jason’s Deli, 235 Franklin Road, Hill Center Brentwood (Former Location of Ruby Tuesday’s), Zoning C-2

GPD Group, Professional Corporation requests 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 include:

1. Removal of the existing black fabric awnings;
2. Replacement with 10 red awnings;
3. Removal of the existing gooseneck lighting fixtures, replacement with accent lighting on the building;
4. Installation of a suspended metal canopy in an almond color above the entrances;
5. Adding a prefabricated metal panel in a weathered rustic brown finish on the tower feature;
6. Adding a stucco band, almond in color on all elevations, and
7. Additional signage.

An outdoor patio is not included as part of the proposal.

The interior of the building includes a total of 170 seats.

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. Magyar moved for approval of the proposed revised site plan subject to the following conditions being met to the satisfaction of staff, including additional conditions numbers 3 and 4, which were added on the floor:

1. The wall signage on the tower is too high. The top of the signs must be below the parapet, unless the tower entrance feature has an open ceiling (interior) all the way up to the roof deck. Provide the signage plan as proposed as part of the second submittal last month.
2. Add a note to the plan indicating that there will be no outdoor speakers on Parcel 4.

1. No outdoor seating is allowed at the proposed restaurant site (Parcel 4).
2. The restaurant site (Parcel 4) must utilize the best available technology on the market for air quality control to mitigate odors to the greatest extent possible, subject to review and approval by the City, prior to installation.
3. Provide a Water and Sewer availability application.
4. Additional sewer tap fees may be required depending on the number of seats within the restaurant.
5. A photometric plan shall be provided before any permits can be issued, demonstrating compliance with Section 78-226(c) of the zoning ordinance.
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. 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 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 2, 2021, 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. The collection of refuse shall be permitted only during daylight hours, no earlier than 7:00 a.m. and no later than 7:00 p.m. on any day, per Section 56-6 of the Municipal Code.
5. All applicable security, that meets the requirements of Article Eight of the Brentwood Subdivision Regulations must be received by staff for all required landscaping improvements before a permit will be issued for the renovations. 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.
6. 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.
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. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on January 2, 2018. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Comments from Citizens

Keith Wilkins, 218 Williamsburg Circle

John Calton, 214 Williamsburg Circle

Ms. Travis seconded; approval was unanimous.

Item 5: BPC1711-007 Site Plan -- Bell Self-Storage, 263 Wilson Pike Circle, Zoning C-3/SR

Kimley-Horn & Associates requests approval of a site plan for a self-storage facility to be located at 263 Wilson Pike Circle. The proposed building will include an area of 100,632 square feet and will provide 22 parking spaces. The exterior of the building will be brick, smooth metal panels and aluminum storefront.

The first floor will be completely underground, Floor 2 provides an access point to the building on the western side of the site, Floor 3 of provides an access point to the building on the eastern side of the site, and Floor 4 is completely above ground.

The area of the lot is 2.0 acres.  A total of 0.05 acres is included as ROW dedication.

All existing improvements on the lot would be removed as part of its redevelopment.

As part of the review, the applicant is requesting approval of the submitted parking study.

Mr. Oliver moved for approval of the proposed site plan subject to the following conditions being met to the satisfaction of staff:

1. Development of the site shall comply with the Special Restrictions attached to Ordinance 2017-14.
2. The building shall be designed to prevent visibility of its interior and interior lighting at night from the adjacent streets and properties. Add a note to the plan.
3. After-hours admittance to the units shall be provided via a controlled access. Add a note to the plan.
4. Visible roll-up garage doors and outside access to the individual storage units shall not be permitted. All access to the storage units shall come from the interior of the building. Add a note to the plan.
5. Outside storage of vehicles and other materials shall be prohibited. Add a note to the plan.
6. Correct the site data tables on all sheets regarding the number of parking spaces provided.
7. Properly label the building as being three stories tall. The first floor is completely underground.
8. Show the location of the canopies at the front and rear of the building and provide the heights.
9. Review the grading at the sidewalk at the southwest corner of the building. A retaining wall may be needed to keep water from ponding and getting into the building.
10. Approval of the proposed site plan shall be contingent upon the approval of the revised final plat for the lot.
11. A site plan shall be vested for a period of three years from the date of the original approval.
12. Revise the note included on the site plan to read as follows;

*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 2, 2021, 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. The developer must provide the appropriate sized fire meter and domestic meter at the street per City's standard water and sewer specifications and details. Include irrigation meter if needed.
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. 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, and landscaping, improvements before any permits can be issued for the project. 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.
7. 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.
8. 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.
9. 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.
10. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
11. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on January 2, 2018. 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 6: BPC1712-001 Land Use Review – NPS Pharmacy, 343 Franklin Road, Zoning C-1

Inception RX, LLC requests consideration of a land use review to allow a pharmacy use inside the existing Brentwood Medical Center office building, located at 343 Franklin Road. The property is currently zoned Commercial Office (C-1). A pharmacy is not specifically listed as a permitted use in district.

NPS pharmacy will not provide traditional retail services. They are a contract mail order pharmacy that primarily delivers and ships prescriptions to its customers. The only additional business would be that of patients already at their doctor’s office within the same building. NPS will have a dedicated consulting room that will also be used for vaccinations.

If the Planning Commission determines that the request is an appropriate use, the finding would apply to the C-1 district in general and would apply to this type of pharmacy only.

The applicant is seeking approval of the proposed use.

Comments from Citizens

Jason Grant, 1626 Oakhall Dr

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

Item 7: BPC1712-004 Revised Preliminary Plan - Traditions Subdivision, East Side of Wilson Pike, Zoning OSRD

Ragan Smith Associates requests approval of a revised preliminary plan for the Traditions Subdivision that revises the improvements within Open Space B showing a new amenity package layout.

The access to the amenity area was shifted from Parade Drive to Carnival Drive. The improvements include:

1. A 23 space parking lot, note that the current preliminary plan shows 33 parking spaces
2. A 966 sf pool;
3. A 488 sf pool house including rest rooms and changing rooms;
4. A 3,544 sf pool deck
5. A four-foot tall aluminum fence will surround the amenity area, and
6. Landscaping.

The number of lots within the project remains unchanged at 127.

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

1. Remove the labels and leader lines that were used for the former design of the amenity area, on Sheet 05. Revise as required.
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 preliminary 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 March 7, 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. 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. 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. 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.
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 2, 2018 . Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Ms. Wells seconded; approval was unanimous.

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

Item 8: BPC1712-005 Site Plan – Traditions Subdivision (Pool House), East Side of Wilson Pike, Zoning OSRD

B3 Studio requests approval of a revised amenity center site plan for the Traditions Subdivision. The improvements are located in open space B in Phase One of the project. The plan includes the following.

1. A 23 space parking lot, note that the current preliminary plan shows 33 parking spaces
2. A 966 sf pool;
3. A 488 sf pool house including rest rooms and changing rooms;
4. A 3,544 sf pool deck
5. A four-foot tall aluminum fence will surround the improvements, and
6. Landscaping.

The exterior of the pool house will include a front employing rough sawn timber, horizontal cementitious siding in an almond color, stacked stone veneer and architectural shingles in a grey color.

The security for the improvements has previously been provided and will be retained by staff until the project receives its certificate of occupancy.

Mr. Church moved for approval of the proposed site plan subject to the following conditions being met to the satisfaction of staff:

1. Approval of the proposed revised suite plan shall be contingent upon the approval of the revised OSRD Development Plan by the Board of Commissioners.
2. Correct the tree protection detail on Sheet C3.2.
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 January 2, 2021, 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 sanitary sewer discharge for the pool will require an appropriately sized sand / grit trap before entering the public sewer.
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. The required fees shall be used for future infrastructure related improvements required by the proposed development.
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. 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.
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 2, 2018 . Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Ms. Oliver seconded; approval was unanimous.

Item 9: BPC1712-008 Revised Building Elevations – Nashville Dentistry Company, Hill Center Brentwood, Building A, Suite 180, Zoning C-2

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

Item 10: BPC1712-002 Final Plat – Boyd Property, 9723 Concord Road, Zoning R-2

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 January calendar was distributed.

Being no further business, the meeting adjourned at 10:10 pm.

APPROVED February 5, 2018 Holly Earls Holly Earls, City Recorder