MINUTES OF MEETING OF THE BRENTWOOD PLANNING COMMISSION

BRENTWOOD, TENNESSEE

The regular meeting of the Brentwood Planning Commission met on Monday, March 5, 2018 at 7:00 p.m. at Brentwood City Hall.

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

Commissioner Travis moved for approval of the minutes from the February 5, 2018 meeting as written; seconded by Mr. Pippin. Motion passed 8-0-1 with Mr. Oliver abstaining.

**CONSENT AGENDA**

Item 1: **BPC1802-003 Limited Duration Event - Kars4kids, Tennessee Baptist Children’s Home, 1310 Franklin Road, Zoning SI-2/SR**

Mr. Paul Collins requested approval of a limited duration event to be conducted on Saturday, April 21st from 8:00 am to 3:30 pm. The car show will be conducted on the lawn at the Tennessee Baptist Children’s Home located at 1310 Franklin Road.

The organizers do not sell tickets. It is estimated that 4,000 to 5,000 could attend the event throughout the day, weather permitting.

All traffic will enter the site at via Franklin Road. Staff will be positioned to provide assistance. Vehicles will not be stacked on Franklin Road. Show registration will be conducted from 8:00 to noon. Show vehicles will begin arriving around 7:00 AM with spectators typically arriving from 10:00 AM to 3:00 PM. Trophy presentation is usually around 3:30.

It is possible that a few venders will also be on-site. Venders will set-up before 8:00 am.

Staff recommended approval of the proposed limited duration event subject to the following conditions:

1. The event organizers shall coordinate the event with Planning and Codes, and Police Department personnel as necessary in planning the event.
2. All ingress and egress points must remain clear and accessible for emergency services at all times during the event.
3. Future events must be submitted for review by staff and approved by the Planning Commission annually.
4. Any food trucks on the site shall comply with the requirements of Article VI of the Municipal Code.
5. The event shall comply with applicable sections of the Municipal Code. The levels of music amplification and public address activity will be governed by the requirements of the noise ordinance. Every effort will be made to mitigate the noise generated by the site.
6. All tents used must be flame resistant in accordance with NFPA 701, and have a label permanently attached indicating such compliance. Each tent shall have at least a “2A” rated fire extinguisher, unobstructed and easily accessible in the event of a fire emergency.
7. 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.
8. Failure to comply with any condition of approval as required may result in re-appearance before the Planning Commission to address any deficiencies. Delays of project actions may also occur, such as issuance of permits recordation of the final plat and extensions to approvals.
9. The event 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 March 5, 2018. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 2: BPC1802-001 Revised Final Plat – Berryman Property, 6211 Murray Lane, Zoning R-2

Ragan Smith Associates requested approval to consolidate three parcels (028-01509, 028-01510 and 028-01600 into two buildable lots. Lot 1 will have an area of 40.45 acres while lot two, which includes the existing house, include an area of 2.32 acres.

The existing home on Lot Two, which will remain includes an area of 6,888 sf.

Lot One has been designated as a Hillside Protection lot and, therefore will require a residential sprinkler system to be installed as part of the future construction of the home.

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

1. Development of Lot One shall comply with Section 78-486 of the Municipal Code regarding Residential Driveway Standards.
2. Lot Two, a Hillside Protection Overlay lot will require the house to be fitted with a residential sprinkler system.
3. The proposed site plan including the exterior elevations of the future home shall be submitted to and approved by the Planning Commission before any permits will be issued, per Division 14 of the Brentwood Zoning Ordinance.
4. On sheets 1 of 3, correct the scale in the title block to 1” = 200’, and correct the spelling of Beech Creek.
5. Label Windstone Boulevard located to the east of the subdivision on the plat.
6. 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.
7. 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. Submit a water and sewer availability request to the Water Services Department.
2. Water and sewer services must be installed before the signing of the plat.
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. Complete building 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. Add the standard [GP] for a grinder pump lot for both lots and add the following note: Grinder Pumps and associated sewer lines shall be installed in accordance with plans approved by the Brentwood Water Services Department. Force mains or grinder pumps shall not be located under structures, driveways, or concrete slabs unless specifically approved by the Water Services Department. The developer shall furnish the City, for all designated lots with pressurized grinder pump sewer the cash equivalent of $1900 per pump for each lot subject to the determination of the Water Services Director. The cash equivalent is required to minimize the replacement expenses in the future (7-10 years). Payment for replacement of the grinder pumps must be made at the time of the signing of the final mylar.
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 March 5, 2018. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 3: BPC1802-004 Revised Final Plat – Valley View Subdivision, Old Smyrna Road, Zoning R-2

Ragan Smith Associates requested approval of a revised final plat that adjusts the setbacks and PUDE’s for Lots 4, through 8 based upon the revised FIRM Maps. This revision is based on revised flood data approved by FEMA, with an effective date of January 26, 2018.

On April 6, 2016 the Planning Commission approved a final plat showing 11 lots on 13.86 acres located at the southwest corner of Old Smyrna Road and Wilson Pike.

The original plat, (recorded in PB P64, PG 133) showed Lot 7 as a reserve parcel which remained unbuildable until the letter of map amendment was approved by FEMA.

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.*

(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, 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.
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. 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 building 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 March 5, 2018. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 4: BPC1802-008 Revised Hillside Protection Site Plan Overlay Review – Lot 4, Traditions Subdivision, 9106 Raindrop Circle, Zoning OSRD

Legacy Homes of TN, LLC requested approval of a revised Hillside Protection Overlay site plan, which proposed to add a swimming pool to Lot 4 within the Traditions Subdivision. The Planning Commission approved the original Hillside Protection Site Plan for the same lot on September 5, 2017.

The home on the lot is still under construction.

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

1. Locate the proposed pool fence back at least five feet from all property line(s).
2. A Hillside Protection Overlay 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 Hillside Protection Overlay 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 September 5, 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. 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. 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 March 5, 2018. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 5: BPC1802-010 Minor Site Plan – Building Elevations – East Park Building Two, 2 Maryland Farms Blvd, Zoning C-1

ASD I Sky Architects requested approval of a building façade renovation for the East Park 2 building located at 2 Maryland Way.

Renovations would include demolition of the existing center brick and bay-window features on the north façade, which would be replaced with a new curtain framing system, new aluminum fin projection feature, and a new main wall with contrasting dark stucco finish. A canopy will also be installed over the north entry to the building. A glass curtain wall and aluminum framed fin projection feature will replace the existing brick façade at both the southeast and northwest corners of the building.

Staff recommended approval of the proposed minor revised site plan/building elevations 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 March 5, 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. 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.
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. 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.
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 March 5, 2018. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 6: BPC1712-002 Final Plat – Boyd Property, 9723 Concord Road, Zoning R-2

Clint Elliott Surveying requested approval of a minor subdivision plat that proposed subdividing an existing 4.52-acre parcel into two lots.  The existing house on Lot One will remain.  The area of the lots is shown in the following table.

|  |  |
| --- | --- |
| LOT # | AREA (AC) |
| 1 | 3.529 |
| 2 | 1.000 |
| TOTAL | 4.529 |

The subject property is located approximately 0.10 miles east of the intersection of Concord Pass and Concord Road.

According to Section 78-165 of the Code only one joint access serving both lots to Concord Road will be allowed.

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

1. Revise the plat to show both lots to be served by a joint user access easement. The plat shall meet the requirements of Sections 78-165 and 78-486(8) of the Municipal Code regarding shared access easements.
2. Increase the height of the proposed stone cemetery fence to 30 inches. The fence must be installed before the plat will be signed for recording.
3. The required landscaping buffer on Lot Two, along Concord Road shall be secured via letter of credit meeting the requirements of the Subdivision Regulations and installed before the plat will be signed for recording.
4. A revised buffer landscaping plan shall be provided for staff review before the final plat may be signed for recording.
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:
7. *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 the required landscaping improvements before the plat 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.
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. The required fees shall be used for future infrastructure related improvements required by the proposed development.
3. 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.
4. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
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. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on March 5, 2018. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 7: BPC1802-002 Revised Final Plat – Parkside at Brenthaven, Lot 91, 8250 Cavendish Ct., Zoning OSRD

Anderson, Delk, Epps, and Associates requested approval of a revised final plat that reduced the front setback along Cavendish Court from 75 to 57 feet. The proposal met the setback requirements of the OSRD District, which required a 50 feet front yard setback.

The original plat was approved by the Planning Commission on December 4, 2006.

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.*

(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, 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.
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. 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. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on March 5, 2018. 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 Ms. Crigger. Approval was unanimous.

# REGULAR AGENDA

**Item 1:** **BPC1801-004 Revised Site Plan – Paw Pals, 7114 Peach Court, Zoning C-2**

Scott Wilson, Architect LLC requested approval of an addition to the existing Paw Pals building located at 7114 Peach Court.

The plan proposed a 1,392 square foot addition to the rear of the existing 3,607 square foot building. The new area of the building will be 4,999 sf. The plan also proposed the demolition of the existing sloped roof are the rear of the structure to accommodate the addition. Two glass panel overhead doors, one on the rear elevation and one on the east side will allow access to the outside play area.

The exterior of the addition will be faced with brick and E.I.F.S to match the existing building. The brick will be painted a light blue color with contrasting stucco and trim.

The new space will include additional kennels and indoor dog play areas.

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

1. Additional Public Works Project Fess will be required before the building permit will be issued.
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 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 March 5, 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. All construction shall conform to the updated codes: 2012 Life Safety Code (NFPA 101) and 2012 Uniform Fire Code (NFPA 1).
5. Accessible spaces must meet the requirements as detailed in Section 78-457 of the Code.
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. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
9. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on March 5, 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.

**Item 2:** **BPC1802-006 Revised Site Plan – HG Hill Shopping Center Brentwood, 235 Franklin Rd, Zoning C-2**

Street Dixon Rick Orcutt Winslow requested approval of a revised site plan for the HG Hill Shopping Center. The proposed changes included the following:

1. New colored concrete walk with banding;

2. New concrete steps and ramps;

3. New planters and reconfiguration of existing planters;

4. New brick veneer and lighting fixtures;

5. Outdoor seating at the Fresh Market including – Approx. 332 sq.ft.;

a. Four umbrellas (6’8” tall) in a forest green color, not under the canopy;

b. Four mesh top round tables, 36” in diameter with 12 mesh chairs, all black in color;

c. The outdoor dining area will be surrounded by a 42” tall decorative railing in a charcoal color;

6. New railing, 42” tall, enclosure for the shopping carts on the north side of the Fresh Market entrance to match the dining area railing, and

7. Eight lighted bollards along the zero curb portion of the drop-off area in front of Fresh Market will also be installed.

The existing drop-off/pick up area in front of the Fresh Market will remain.

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

1. Seasonal outdoor displays shall comply with the requirements of Section 78-223 of the Municipal Code.
2. There shall be no amplified music in the outdoor dining area.
3. 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.

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 June 6, 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. 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. 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. 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.
8. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
9. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on March 5, 2018. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Mr. Pippin seconded; approval was unanimous.

**Item 3:** **BPC1802-007 Land Use Determination – Camp Bow Wow, 1641 Mallory Lane, Zoning C-3**

Mr. Steve Lassiter with Camp Bow Wow requested consideration of a land use determination for the property located at 1641 Mallory Lane, in the Mallory Park Development.

The proposed building included an area of approximately 10,000 sf and provided 20 parking spaces.

A parking study was included as part of the submittal which recommended that the use generally requires 18 parking spaces.

The following table details the various parking requirements, based upon the use of a 10,000 sf building.

|  |  |  |
| --- | --- | --- |
| USE | RATIO | PARKING REQ. |
| OFFICE | 1 SP/300 SF | 33 |
| RETAIL | 1 SP/250 SF | 40 |
| WAREHOUSE | 1 SP/500 SF | 20 |

The proposed use is not specifically listed in Section 78-242, however, the section does allow the Planning Commission discretion in approving other uses if, in their opinion the proposed use is in keeping with the character and intent of the C-3 district.

Mr. Oliver moved to approve a pet boarding facility as a permitted use in the C-3 zoning district.

Comments from Citizens

Jason Grant, 1626 Oakhall Drive

Mr. Church seconded; motion passed 6-3 with Ms. Donahue, Mr. Magyar and Commissioner Travis voting no.

**Item 4:** **BPC1802-009 Site Plan – Dolphin Tennis Club Property, 502 Wilson Pike, Zoning SI-3**

Energy Land and Infrastructure, LLC requested approval of a site plan for the Dolphin Club property located at 502 Wilson Pike. The property area included approximately 10.16 acres. The proposal included:

1. Construction of a 36,000 square foot building that will contain 6 indoor tennis courts;
2. A 1,500 square foot office building;
3. 12 outdoor tennis courts with lighting;
4. A gated entrance off of Old Smyrna Road;
5. Installation of a white painted four-board horse fencing;
6. Buffer and site landscaping.

Two of the six outdoor tennis courts have been refurbished, new netting installed. The existing outdoor courts have been incorporated into the revised plan.

The existing pool, deck and all other improvements will be demolished as part of the redevelopment of the site.

The stone wall along Wilson Pike will also be rebuilt and relocated outside of the ROW.

As part of the proposal, the applicant requested consideration to relocate some of the buffer landscaping along the South buffer, to the Wilson Pike buffer area on the site. Per the requirements of Section 78-512(a)5 of the Municipal Code this is allowed as it meets the intent of the buffer requirement for screening as well as the necessary total number of required plantings. Relocating some of the plantings to the Wilson Pike buffer also allows the plantings along the southern buffer enough room to survive.

Additionally, the applicant requested the replacement of 249 trees within the buffer areas with shrubs at a ratio of 2 shrubs/tree. The site met the landscaping requirements for both number of trees and ACI.

The parking provided met the requirements of the Code for Private Recreation Facility/Health Center

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

1. Gate structures shall be approved by staff from the Engineering Department, the Police Chief, and the Fire Chief, and shall include a standard system, acceptable to the City, for gate operation access to the project, per Article 6.9 of the Brentwood Subdivision Regulations.
2. The stone wall along Wilson Pike shall be rebuilt across the existing driveway access permanently closing the driveway.
3. Sufficient area shall be cleared at the intersection of Wilson Pike and Old Smyrna Road so that no visual obstruction creates a safety hazard for vehicular or pedestrian traffic.
4. Site Lighting shall be designed to meet or exceed requirements under the City’s illumination standards (Sec.78-306). In addition, the outdoor tennis court lights shall be turned off from 10:00 PM to 6:00 AM, except for those lights necessary for the security and safety around the property.
5. Verify the building heights as shown on elevations.
6. Provide complete site calculations. Include parking required and provided.
7. Revise the landscaping plan to show the total number of trees/ACI required and provided for each buffer area and the site itself.
8. Review the number of existing trees throughout the site. It appears that some existing trees were counted twice.
9. Provide the location of any existing recorded PUDE’s for the tract.
10. Remove the contours running through the building.
11. Correct the location of the fence and its relationship to the building.
12. Provide a swale between the east side of the building and the driveway to direct the surface flow away from the building.
13. Any other use within the larger building or on the outdoor courts will require Planning Commission review and approval.
14. Relocate the dumpster enclosure to a less visible location and add details of the screen walls and gate to the site plan.
15. If the proposed sewer flows are equivalent to or less than the existing sewer flows, a new grinder pump system will be permitted. If flows are anticipated to be greater, a gravity system will be required.
16. 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.
17. A site plan shall be vested for a period of three years from the date of the original approval.
18. 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 March 5, 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. 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.
5. All existing trees that are to remain must be protected through the length of the construction. Please revise the tree protection detail to reflect the following requirements:

* A protection barrier or temporary fence shall be installed at a minimum of four feet in height around the tree that is identified as protected. The tree protection barriers shall be constructed before the issuance of any permits, and shall remain intact throughout the entire period of construction.
* The tree protection barrier shall be constructed of a metal material securely fastened to a wood frame composed of two-by-four inch (minimum) structural members with cross braces, or another form of substantial barrier reviewed and approved by the City Engineer. (see Appendix A)
* The tree protection barrier shall be installed to the limits of the critical root zone or a minimum distance of one and one-half times the radius of the dripline, as measured from the trunk of the protected tree [i.e., if the radius of the drip line is 20 feet, the radius of the tree protection barrier shall be installed at a minimum distance of 30 feet].
* Any required excavation in or around the protection zone to accommodate underground services, footings, etc. shall be indicated on the plan, and shall be excavated by hand. In addition, related root pruning shall be accomplished via ANSI A-300-95 standard so as to minimize impact on the general root system.
* The storage of building materials or stockpiling shall not be permitted within the limits of or against the protection barriers.
* Trees within the protection barriers must be adequately cared for throughout the construction process (i.e., they must be watered sufficiently, particularly if the tree’s root system has been disturbed by excavation.) Fill shall not be placed upon the root system in such a manner as to endanger the health or life of the affected tree.

1. The property owner is responsible for all development fees including water and sewer service and tap fees, building permit fees and Public Works Project Fees.
2. 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.
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6. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on March 5, 2018. 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.

# 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 March calendar was distributed.

Being no further business, the meeting adjourned at 8:10 pm.

APPROVED: APRIL 3, 2018 Holly Earls Holly Earls, City Recorder