MINUTES OF MEETING OF THE BRENTWOOD PLANNING COMMISSION

BRENTWOOD, TENNESSEE

The regular meeting of the Brentwood Planning Commission met on Tuesday, May 15, 2018 at 7:00 p.m. at Brentwood City Hall.

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

Mr. Pippin moved for approval of the minutes from the April 3, 2018 meeting as written; seconded by Commissioner Travis. Motion passed 8-0.

Ms. Crigger moved to appoint John Magyar to the Ad-Hoc 50th Anniversary Steering Committee; seconded by Mr. Church. Motion passed 8-0.

**CONSENT AGENDA**

Item 1: **BPC1804-002 Limited Duration Event – Touch of Gold, Car Show, Tennessee Baptist Children’s Home, 1310 Franklin Road, Zoning SI-2/SR**

Mr. Ken Miller requested approval of a limited duration event to be conducted on September 15, 2018 from 7:00 am to 4:00 pm. at the Tennessee Baptist Children’s Home.

Registration will take place from 9:00 am to Noon. The awards presentation will begin at 3:00 pm. The event will take place rain or shine and includes vendors, food, door prizes and a bake sale.

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.
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. 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 May 15, 2018. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 2: BPC1803-011 Hillside Protection Overlay – Windstone Subdivision, Section Two, Lot 35, 855 Windstone Blvd., Zoning OSRD-IP

Peek Pools requested approval of a revised Hillside Protection Overlay site plan to construct a swimming pool in the rear yard of the existing home located at 855 Windstone Boulevard. The pool addition will include the following:

1. CMU retaining wall to match the existing wall on the backside of the pool;
2. Pool decking will be paver decking with travertine coping;
3. A 48” tall black iron or aluminum fence around pool area with self-closing and self-latching gates.

The house was finaled in June, 2017.

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

1. The proposed construction access must be reviewed and approved by the Engineering Department before any permits will be issued.
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 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 4, 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.
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 May 15, 2018. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 3: BPC1804-001 Hillside Protection Overlay – Morgan Farms, Subdivision, Section Seven, Lot 240, 1903 Chagford Ct, Zoning OSRD

Drees Premier Homes requested approval of a Hillside Protection Overlay site plan for Lot 240 located at 1903 Chagford Court in the Morgan Farms Subdivision.

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| **1903 CHAGFORD COURT – MORGAN FARMS** |
| Lot Area (sf) | 40,373 sf |
| Total Area of Home (sf) | 5,823 sf  |
| Heated Area (sf) | 4,135 sf |
| Impervious Area (sf) | 5,759 sf  |
| Green Space Provided (%) | 85.7% |
| Green Space Required (%) | 40% |

The builder of the home is required to install a residential sprinkler system in accordance with the technical requirements of the HP Overlay.

The exterior of the home will be faced with brown brick, grey stone, grey and beige cementitious siding and trim with a black roof.

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

1. The distance of the driveway from the single car garage to the edge of the driveway is 18 feet. The minimum distance is 24 feet with a “rooster tail” turnaround.
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 May 15, 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.
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 May 15, 2018. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 4: BPC1804-003 Hillside Protection Overlay – Morgan Farms, Subdivision, Section Seven, Lot 241, 1901 Chagford Ct, Zoning OSRD

Drees Premier Homes requested approval of a Hillside Protection Overlay site plan for Lot 241 located at 1901 Chagford Court in the Morgan Farms Subdivision.

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| **1901 CHAGFORD COURT – MORGAN FARMS** |
| Lot Area (sf) | 26,564 sf |
| Total Area of Home (sf) | 6,472 sf |
| Heated Area (sf) | 4,947 sf |
| Impervious Area (sf) | 6,317 sf |
| Green Space Provided (%) | 76.2% |
| Green Space Required (%) | 40% |

The builder of the home is required to install a residential sprinkler system in accordance with the technical requirements of the HP Overlay.

The exterior of the home will be faced with white painted brick, grey stone, grey cementitious siding, light beige trim with a black roof.

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

1. The distance of the driveway from the single car garage to the edge of the driveway is 18 feet. The minimum distance is 24 feet with a “rooster tail”.
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 May 15, 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.
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 May 15, 2018. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 5: BPC1804-004 Personal Wireless Service Facility (PWSF) Review – AT&T Wireless – 8217A Alamo Road, Zoning R-2

Blue Wave Deployment requested approval of a PWSF proposal that adds three antennas and the associated equipment to an existing 125-foot tall TVA transmission tower located at 8217A Alamo Road.

A 10-foot tall vinyl fence in a “Weathered Blend” (beige) color will screen the ground equipment. Two rows of evergreen landscaping will be planted in front of the fence. The Burford Hollys are four and five feet tall. An existing 20-foot wide access easement will allow easy access the tower facility. A similar proposal was approved by the Planning Commission in March 2014, but it was never constructed. That approval has since expired.

The lease area includes approximately 450 square feet of area.

The existing driveway which is within a 20’ wide access easement will be extended to access to installation. The surface of the 10’ wide drive will be concrete to match that existing

As defined by the Municipal Code, the proposal is a Tier Two location.

Staff recommended approval of the proposed personal wireless service facility (PWSF) 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 May 15, 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 landscaping improvements before permits will 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.
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. 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 May 15, 2018. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 6: BPC1804-010 Revised Site Plan – Stewart Builder Supply, 1681 Mallory Lane, Zoning C-3

Stewart Builder Supply requested approval of a revised site plan that proposes the re-construction of a third wood storage shed on the lot.

The lot originally included three wood storage sheds. One of the sheds was destroyed during a wind storm in 2017. This proposed replacement shed will measure 28’4” x 110’4” (3,126 sf) and will be similar in size and design to the two sheds currently on the site. The shed is approximately 24’ tall. In order to comply with the front yard setback requirement of 50 feet, the new shed will be shifted back approximately 8 feet further than the existing sheds.

The applicant received approval to replace the destroyed shed with a smaller 1,938 square foot shed in November of 2017. After further consideration, the applicant decided that the smaller shed would not meet his needs.

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

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

This site plan is subject to a three year vesting period, during which the development standards in effect on the date of approval will remain the standards applicable to this plan.  If construction is not completed during the first three years, the original site plan is considered a preliminary site plan and the applicant must obtain approval of a final site plan. Development of the property shown on this plan may be subject to standards other than those that were applicable during the vesting period.  The Initial vesting period for this plan expires on November 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. 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. 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. 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/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 May 15, 2018. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 7: BPC1804-009 Revised Preliminary Plan – Traditions Subdivision, Additional Improvements within Permanent Open Space Area B, Parade & Carnival Drives Zoning OSRD

Ragan Smith Associates requested approval of a revised preliminary plan that slightly adjusts the boundaries lots 16, 17, 94 and 95 and the right-of-way to match the approved construction plans. This proposal also corrects the area of Open Space H and adds an outdoor fireplace and two pergolas at the amenity center.

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| LOT # | AREA (SF) 1/2018 | AREA (SF) 5/2018 | DIFFERENCE (SF) |
| 16 | 23,412 | 23,322 | -90 |
| 17 | 25,183 | 25,002 | -181 |
| 94 | 23,726 | 23,421 | -305 |
| 95 | 23,468 | 23,098 | -370 |

The adjusted lot sizes meet the requirements of the OSRD zoning classification.

The proposed plan also decreases the excess open space from 6.56 acres (January 2018) to 6.54 acres.

Approval of the corresponding changes to the OSRD Development Plan to include the decrease in the amount of excess open space and the new improvements at the amenity area – fireplace and pergolas must be approved by the City Commission.

Permit plans for the amenity area have been submitted and are undergoing staff review.

Staff recommended approval of the proposed revisions to the Preliminary Plan and to forward a recommendation of approval of the corresponding revisions to the OSRD Development Plan to the Board of Commissioners; subject to the following conditions

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. A preliminary site plan shall be vested for a period of three years from the date of the original approval (November 2, 2015).
3. Add the following note to the preliminary plan;

This site plan is subject to a three year vesting period, during which the development standards in effect on the date of approval will remain the standards applicable to this plan.  If construction is not completed during the first three years, the original site plan is considered a preliminary site plan and the applicant must obtain approval of a final site plan. Development of the property shown on this plan may be subject to standards other than those that were applicable during the vesting period.  The Initial vesting period for this plan expires on November 2, 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.

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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 May 15, 2018. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 8: BPC1804-012 Revised Site Plan – Traditions Subdivision, Additional Improvements within Permanent Open Space Area B, Parade & Carnival Drives, Zoning OSRD

Ragan Smith Associates requested approval of a revised site plan that adds a fireplace and two pergolas at the Traditions Amenity site. The outdoor fireplace will be approximately 12’ 2” feet tall and 16 feet wide. The proposed pergolas are 24 feet long and will flank the fireplace.

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

1. Approval of the proposed revised site plan shall be contingent upon the approval of the revised OSRD Development Plan by the Board of Commissioners.
2. The permit for the building improvements at the amenity area shall not be issued until the corresponding changes to the OSRD Development Plan have been approved.
3. A site plan shall be vested for a period of three years from the date of the original approval (January 2, 2018).
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 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. 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. 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 May 15, 2018. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 9: BPC1804-011 Revised Preliminary Plan – Witherspoon Subdivision, Zoning OSRD

Ragan Smith Associates requested approval of a revised preliminary plan that proposes:

1. The shifting of the alignment of Fordham Drive, in Phase Five to the south, affecting lots 51-56;
2. Creation of a 15-foot wide shared driveway at the end of Fordham Drive for lots 52-54, and
3. Berwyn Court, in Phase Six has also been realigned, which affects lots 78-90.

|  |  |  |
| --- | --- | --- |
| **LOT #** | **AREA 1/2018** | **AREA 5/2018** |
| 52 | 54,273 | 49,854 |
| 53 | 195,428 | 193,737 |
| 54 | 69,195 | 62,210 |
| 78 | 23,986 | 23,595 |
| 79 | 25,814 | 29,203 |
| 80 | 22,773 | 24,171 |
| 81 | 23,734 | 23,311 |
| 82 | 34,086 | 35,251 |
| 83 | 38,256 | 44,983 |
| 84 | 52,336 | 52,546 |
| 85 | 30,889 | 34,352 |
| 86 | 26,684 | 26,836 |
| 87 | 24,994 | 25,392 |
| 88 | 24,349 | 24,132 |
| 89 | 26,930 | 26,194 |
| 90 | 38,134 | 35,133 |

The number of lots within the project remains unchanged at 153.

As a result of the proposed changes, the open space area for the project has increased from 81.09 acres (Resolution 2018-05) to 81.29 acres.

Approval of the corresponding changes to the OSRD Development Plan regarding the increase in the excess open space area must be approved by the City Commission.

Staff recommended approval of the proposed revisions to the Preliminary Plan and to forward a recommendation of approval of the corresponding revisions to the OSRD Development Plan to the Board of Commissioners; subject to the following conditions

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. A preliminary site plan shall be vested for a period of three years from the date of the original approval (December 7, 2015).
3. The currently approved preliminary plan shows that with the recording of Phase Seven the terms of the purchase agreement, requiring that the agreed upon additional price of $35,000 per lot, above 127 shall be made to the Brentwood United Methodist Church and the City of Brentwood.
4. Add the following note to the preliminary plan;

This site plan is subject to a three year vesting period, during which the development standards in effect on the date of approval will remain the standards applicable to this plan.  If construction is not completed during the first three years, the original site plan is considered a preliminary site plan and the applicant must obtain approval of a final site plan. Development of the property shown on this plan may be subject to standards other than those that were applicable during the vesting period.  The Initial vesting period for this plan expires on December 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 May 15, 2018. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

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

# REGULAR AGENDA

**Item 1:** **BPC1804-006 Temporary Model Home Review – Witherspoon Subdivision, Section Two, Lot 145, 1420 Newhaven Drive, Zoning OSRD**

Mike Ford Builders, LLC requested approval of a model home to be located at 1420 Newhaven Drive in the Witherspoon subdivision. The home will be open from 10:00 am to 6:00 pm daily.

No dedicated staff will be working from the home, instead staff will be there for periodic appointments only.

Ford Custom Classic Homes plans to keep this model home open for several years.

Section 78-16 of the zoning ordinance requires that temporary model homes be initially approved for a period of one year with subsequent six-month extensions as necessary.

Mr. Oliver moved for approval of the proposed temporary model home for a period of one (1) year, to expire on May 15, 2019, per the requirements of Section 78-16 of the Municipal Code subject to the following conditions being met to the satisfaction of staff:

1. In accordance with Section 78-16(2) of the Municipal Code, the initial permit shall be issued for a period of not more than 12 months, renewable by the planning and codes director for periods of not more than six months each.
2. It shall be the owner’s/developers responsibility to request extensions to the approval in a timely manner.
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.
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 May 15, 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 2:** **BPC1804-008 Revised Preliminary Plan – Taramore Subdivision (Phases 12 & 13), Zoning OSRD**

Ragan Smith Associates requested approval of a revised preliminary plan that proposes the following:

1. Combining Lots 61 & 62 to create open space III (Whitby Crest Ct. -- Phase 13)
2. Reconfiguring lots 205-217 (New Bristol Ln. -- Phase 12) to create lots 276 and 277, to replace former lots 61 & 62.

|  |  |  |
| --- | --- | --- |
| LOT # | AREA 1/2017  | AREA 5/2018  |
| 205 | 41,042 | 32,942 |
| 206 | 41,850 | 29,700 |
| 207 | 41,850 | 29,700 |
| 208 | 42,660 | 32,400 |
| 209 | 43,042 | 42,660 |
| 210 | 41,959 | 27,576 |
| 211 | 43,107 | 28,144 |
| 212 | 42,249 | 41,773 |
| 213 | 42,41 | 34,247 |
| 214 | 43,762 | 37,286 |
| 215 | 43,671 | 42,637 |
| 216 | 43,573 | 43,762 |
| 217 | 43,332 | 43,671 |
| 276 |  | 43,573 |
| 277 |  | 43,332 |

The total number of lots within the project remained unchanged at 275 (218 – OSRD, 57 – OSRD-IP).

Phase 12 of the project has not yet been recorded.

The excess open space area for the OSRD portion of the project has also decreased from 3.46 areas (Resolution 2015-01) to 3.44 acres. The calculations for the OSRD-IP portion of the project remain unchanged.

Approval of the corresponding changes to the OSRD Development Plan, regarding the reduction in the area of the excess open space must be approved by the City Commission by resolution.

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

1. Approval of the proposed preliminary plan shall be contingent upon the approval of the revised OSRD Development Plan by the Board of Commissioners.
2. A preliminary site plan shall be vested for a period of three years from the date of the original approval (March 7, 2016).

1. Add the following note to the preliminary plan;

This site plan is subject to a three year vesting period, during which the development standards in effect on the date of approval will remain the standards applicable to this plan.  If construction is not completed during the first three years, the original site plan is considered a preliminary site plan and the applicant must obtain approval of a final site plan. Development of the property shown on this plan may be subject to standards other than those that were applicable during the vesting period.  The Initial vesting period for this plan expires on 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 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 May 15, 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.

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

Comments from Citizens

Natalie Winn, 9531 Split Log Road

**Item 3:** **BPC1803-004 Revised Site Plan – Chick-Fil-A, 330 Franklin Road, Zoning C-2**

Interplan, LLC requested approval of a revised site plan that increased the size of the previously approved order canopy on the south side of the building, and added a second meal delivery canopy on the north side of the building. The dimensions of the canopies are outlined below:

|  |  |  |
| --- | --- | --- |
| **APPROVAL DATE** | **SOUTH CANOPY** | **NORTH CANOPY** |
| September 2017 | 25’10” x 36’ (930 sf) |  |
| April  2018 | 25’10” x 44’ (1,137 sf) | 10’ 10” x 58’ (628 sf) |

Per the comments received at the April 3, 2018 Planning Commission meeting, the applicant also proposed the following:

1. Reconfiguration of the existing parking area on the north side of the building from 90 degrees to diagonal spaces;
2. Adding a crosswalk and necessary signage across the drive in front of the store from the westerly parking area;
3. Adding traffic regulatory/informational signage at the NE corner and along the north side of the building instructing customers to maintain their lane, and to watch for other customers exiting the drive-thru line in front of them;
4. Adding signage informing customers in the drive-thru lane not to block the crosswalk on the south side of the building;
5. Adding a speed bump/hump on the access as it comes into the Chick-Fil-A site from the north to calm traffic, and
6. Adding signage at the exit from the drive-thru.

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

1. The by-pass lane in the main entrance to the shopping center must be completed before a certificate of completion will be issued for the Chick-Fil-A improvements.
2. Additional, removable temporary signage shall be placed at the exit from the drive-thru indicating that right turns only are allowed between the hours of 11:00 am to 2:00 pm and 5:00 pm to 7:00 pm.
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 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. 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. 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 May 15, 2018. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Ms. Wells seconded; motion passed 7-1 with Mr. Oliver voting no.

Comments from Citizens

Jason Grant, 1626 Oakhall Drive

**Item 4:** **BPC1803-013 Site Plan – Camp Bow Wow, 1641 Mallory Lane, Zoning C-3**

Energy Land & Infrastructure, LLC requested approval of a site plan for the property located at 1641 Mallory Lane. The proposal included a dog daycare facility having an area of 10,030 square feet. Twenty parking spaces passed upon a parking study completed by the applicant.

The exterior of the building will be a combination of fiber cement panels, brick, and standing seam metal. The lot includes an area of approximately 0.88 acres.

The following table details the various parking requirements, based upon the use of a 10,030 sf building:

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

As part of the review, the Planning Commission was asked to approve the parking study.

A synthetic turf outside play area is proposed at the rear of the building. A nine-foot tall solid vinyl fence surrounds the play area.

The proposed plan provides approximately 33% green space.

Staff requested that the applicant conduct a noise study which was conducted at other Camp Bow Wow locations.

Sewer will be provided by City of Brentwood. A capacity review is on-going.

Mr. Pippin moved to defer this item to the June 4th Planning Commission meeting. Mr. Oliver seconded; motion was passed unanimous.

Comments from Citizens

Rob Jett, 7147 Lakeview Court

Tom Yeagley, 7146 Willow Court

Andy Elliot, 7145 Lakeview Court

Gary Geiger, 7150 Willow Court

Eric Hauch, 7051 Willowick Drive

Harriet Hauch, 7051 Willowick Drive

Peggy Sherick, 9422 Darby Court

Charlotte Duncan, 7029 Reed Ct

# OTHER BUSINESS

**Monthly Security Report**

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

# ADMINISTRATIVE INFORMATION

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

The May calendar was distributed.

Being no further business, the meeting adjourned at 8:47 pm.

APPROVED: JUNE 4, 2018 Holly Earls Holly Earls, City Recorder