MINUTES OF MEETING OF THE BRENTWOOD PLANNING COMMISSION

BRENTWOOD, TENNESSEE

The regular meeting of the Brentwood Planning Commission met on Monday, June 4, 2018 at 7:00 p.m. at Brentwood City Hall.

Present were Chairman Janet Donahue, Commissioner Ken Travis, John Church, Chris Clark, Carole Crigger, John Magyar, Jack Moriarty, Brandon Oliver, and Sandi Wells. Stevan Pippin was 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.

Ms. Crigger moved for approval of the minutes from the May 15, 2018 meeting as written; seconded by Ms. Wells. Motion passed 8-0-1 with Mr. Magyar abstaining.

**CONSENT AGENDA**

Item 1: **BPC1805-007 Limited Duration Event – CityPark Farmer’s Market, 7100 Executive Center Dr, Zoning C-2/C-4**

Ms. Kasi Haire and Mooreland Investors requested approval of a limited duration event to be held at CityPark Brentwood. The event is a weekly Farmer’s Market which will be held on the Green every Thursday from 4:00pm to 7:00pm. A total of thirteen events would be held from June 7th to August 30th, 2018. The event would be managed by Kasi Haire who currently runs the Nolensville and Berry Farms Farmer’s markets in Williamson County.

Vendors would be set up in the Green area and the drive in front of the Hilton Garden Inn Hotel. Cones would be set up to restrict cars from driving through the area where vendors are located.

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

1. 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.
2. The event organizers shall coordinate the event with Planning and Codes, and Police Department personnel.
3. All ingress and egress points must remain clear and accessible for emergency services at all times during the event.
4. Any food trucks on the site shall comply with the requirements of Article VI of the Municipal Code.
5. Any changes to plans approved by the Planning Commission will require staff review and re-approval by the Planning Commission.
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. 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.
8. 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.
9. All ingress and egress points must remain clear and accessible for emergency services at all times during the event.
10. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
11. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on June 4, 2018. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 2: BPC1805-008 Limited Duration Event – Music in the Grove, East Brentwood Presbyterian Church, Zoning SI-1

Ms. Erin Morrow representing the East Brentwood Presbyterian Church requested approval of a limited duration event for the fourth consecutive year to be held at the church from 2:00 pm to 6:00 pm on Monday September 3, 2018 (Labor Day). The event will be free to the public and serves to promote community outreach and attract potential new members. Anticipated attendance is approximately 450-550 people.

A portable stage will be erected however; a flatbed truck may be used in place of the stage. Additionally, two to four food trucks serving food and non-alcoholic beverages will be available for purchase. The plans include an area for kid’s activities.

The church will communicate with neighbors about the event.

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

1. 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.
2. Any changes to plans approved by the Planning Commission will require staff review and re-approval by the Planning Commission.
3. The event organizers shall coordinate the event with Planning and Codes, and Police Department personnel.
4. Future events must be submitted for review by staff and approved by the Planning Commission annually.
5. All ingress and egress points must remain clear and accessible for emergency services at all times during the event.
6. 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.
7. Any proposed food trucks must be permitted by the City before they can participate in the event. Contact the Planning and Codes Department.
8. 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.
9. 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.
10. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
11. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on June 4, 2018. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 3: BPC1804-007 Hillside Protection Overlay Site Plan – Taramore Subdivision, Phase Ten, Lot 195, 9523 Nottaway Lane, Zoning OSRD

Barlow Builders requested approval of a Hillside Protection Overlay site plan for Lot 195 located at 9523 Nottaway Lane in the Taramore Subdivision.

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

|  |
| --- |
| **9523 NOTTAWAY LANE -- TARAMORE** |
| Lot Area (sf) | 42,930 sf |
| Total Area of Home (sf) | 5,357 sf  |
| Heated Area (sf) | 4,356 sf  |
| Impervious Area (sf) | 5,928 sf  |
| Green Space Provided (%) | 86.2% |
| Green Space Required (%) | 40% |

The exterior of the home will be faced with grey brick and have stucco accents and architectural shingles.

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

1. Provide the height of the house at the northwest corner. The ground elevation at this corner is 11.5 feet lower than the finished floor elevation.
2. Provide the location of the installation for tree protection.
3. A Hillside Protection Overlay 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 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 **June 4, 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. 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 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 project.
8. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on **June 4, 2018**. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 4: BPC1804-005 Final Plat – Beech Creek Hill Subdivision, 3002 Hillsboro Road, Zoning R-1/R-2

T-Square Engineering requested approval of a final plat that shows six lots on 10.797 acres. All lots will have access via Beech Creek Road.

|  |  |
| --- | --- |
| **LOT** | **AREA** |
| 1 | 2.35 acres |
| 2 | 2.32 acres |
| 3 | 2.01 acres |
| 4 | 1.22 acres |
| 5 | 1.00 acres |
| 6 | 1.31 acres |
| Open Space | 0.36 acres |
| ROW Dedication | 0.227 acres |
| TOTAL | 10.797 acres |

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

1. Provide the recording information for the H.V.U.D. easement located on lot 6 serving the adjoining tract.
2. The restored rock walls shall be protected throughout construction.
3. Per the Brentwood Subdivision Regulations, the force main will need to be extended to the end of the property along Beech Creek Road before the plat will be signed for recording.
4. Correct the Vicinity map revising the names of the surrounding streets.
5. Approval of a final plat by the planning commission shall become effective upon the date of the last signature required on the plat for recording. The initial vesting period shall be for a period of five years after approval.
6. Add the following note to the final plat:

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

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

1. 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 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 project.
8. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on **June 4, 2018**. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 5: BPC1805-001 Revised Site Plan – CASE Building, 1595 Mallory Lane, Zoning C-3

Ingram Engineering requested approval of a revised site plan that removes the previously approved perimeter fence for the lot.

The revised plan proposed the installation of two new lift gates at the main access to the parking lot for vehicle control. The lift gates, will require the removal of three parking space, which will be replaced with heavy duty asphalt pavement. An extension of the parking lot islands and entry throat are also proposed.

|  |  |  |
| --- | --- | --- |
|  | ***Current***  | ***Proposed*** |
| *Parking* | *100* | *97* |
| *Accessible*  | *5* | *5* |
| *TOTAL*  | *105* | *102* |
| *REQUIRED* | *102* | *102* |

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

1. Guardhouses and 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 premises.

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 **October 5, 2018,** unless extended by the City of Brentwood.  Persons relying on this plan after said date should contact the City of Brentwood to determine if development may continue as depicted on the plan.

1. When the construction authorized pursuant to a site plan is not completed within three years from the date of initial approval, but the applicant desires to complete the project proposed for the site, the plan as initially approved for the project or as amended shall be considered a preliminary site plan. If the applicant secures all necessary permits, commences site preparation and obtains approval of a final site plan within the three-year vesting period following approval of the preliminary site plan, then the vesting period shall be extended an additional two years beyond the expiration of the initial three-year vesting period. During the two-year extension, the applicant must commence construction and maintain any necessary permits to remain vested.
2. If necessary permits are maintained and construction, as defined by Section 78-43, has commenced by the end of the two-year extension, then the vesting period shall remain in effect until the Planning and Codes Department has certified final completion of the project, provided the total vesting period shall not exceed ten years from the date of approval of the preliminary site plan.
3. If the construction authorized pursuant to a site plan is completed within three years from the date of approval, the site plan shall then be considered the final site plan for the project.
4. Approval of the site plan does not constitute approval of the signage plan. All signs must comply with the Brentwood Sign Ordinance. A comprehensive sign package including all signs (temporary or permanent, wall or ground) shall be submitted to the Planning Department for a compliance review.
5. 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 in the development of a project or the failure to satisfy any standard requirements or special conditions of approval imposed by the planning commission will be considered a violation of the provisions of the Zoning Ordinance, which shall be subject to punishment as provided in Section 1-9 of the Brentwood Municipal Code. The City may also require the applicant to appear before the Planning Commission to address any deficiencies or unapproved modifications. The project may also be subject to delays in issuance of permits, certificates of occupancy, recordation of plats or other project approvals.
7. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
8. All previous conditions placed on the project by the Planning Commission shall remain applicable to the project.
9. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on **June 4, 2018**. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 6: BPC1805-011 Site Plan Extensions – Williamson County Schools Portable Classroom Plans for School Year 2018 - 2019, Zoning SI-2

Williamson County Schools requested approval of a portable classroom schedule for the 2018 -2019 school year. Currently there are a total of 20 portable classrooms at the six schools within Brentwood. This proposal reduced this total number by ten. The following table outlines the current and proposed portable classrooms at each school:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **School** | **Current #** | **Additions** | **Removals** | **SY 18’-19’** |
| Brentwood HS | 2 | 0 | 0 | **2** |
| Brentwood MS | 4 | 0 | 0 | **4** |
| Kenrose ES | 7 | 0 | 7 | **0** |
| Lipscomb ES | 2 | 0 | 2 | **0** |
| Scales ES | 4 | 0 | 0 | **4** |
| Ravenwood HS | 1 | 0 | 1 | **0** |
| **Totals**  | **20** | **0** | **10** | **10** |

The proposal involved the removal of all the existing portables at Kenrose Elementary (7), Lipscomb Elementary. (2), and Ravenwood H.S. (1).

Staff recommended approval of the proposed site plan extensions as shown on the revised site plans, which shall remain valid for two-years and will expire on June 4, 2020, subject to the following conditions:

1. All units shall be anchored in accordance with the applicable requirements of the building code.
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. 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.
4. Deviations from the approved plan in the development of a project or the failure to satisfy any standard requirements or special conditions of approval imposed by the planning commission will be considered a violation of the provisions of the Zoning Ordinance, which shall be subject to punishment as provided in Section 1-9 of the Brentwood Municipal Code. The City may also require the applicant to appear before the Planning Commission to address any deficiencies or unapproved modifications. The project may also be subject to delays in issuance of permits, certificates of occupancy, recordation of plats or other project approvals.
5. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
6. All previous conditions placed on the project by the Planning Commission shall remain applicable to the project.
7. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on **June 4, 2018**. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 7: BPC1805-003 Revised Site Plan/Building Elevations – Brentwood Place Shopping Center, 330 Franklin Road, Zoning C-2/AR

H. Michael Hindman and Associates requested approval of minor revised building elevations for Brentwood Place Shopping Center. The revised elevations propose the following:

1. Painting all four sides of the building (Tan tones), and
2. Replacing the fabric awnings (same size).
3. Replacing the CVS prescription drive thru awning with a ‘jockey red’ awning of the same size

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 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. Approval of the site plan does not constitute approval of the signage plan. All signs must comply with the Brentwood Sign Ordinance. A comprehensive sign package including all signs (temporary or permanent, wall or ground) shall be submitted to the Planning Department for a compliance review.
5. Deviations from the approved plan in the development of a project or the failure to satisfy any standard requirements or special conditions of approval imposed by the planning commission will be considered a violation of the provisions of the Zoning Ordinance, which shall be subject to punishment as provided in Section 1-9 of the Brentwood Municipal Code. The City may also require the applicant to appear before the Planning Commission to address any deficiencies or unapproved modifications. The project may also be subject to delays in issuance of permits, certificates of occupancy, recordation of plats or other project approvals.
6. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
7. All previous conditions placed on the project by the Planning Commission shall remain applicable to the project.
8. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on June 4, 2018. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 8: BPC1805-002 Revised Site Plan – Shoppes at Maryland Way, 115 Penn Warren Drive, Zoning C-2

Baston and Associates requested approval of revised site plan that reconfigures the parking lot to add an outdoor dining area beside the Greek Café tenant space, located on the westerly side of the building.

|  |  |  |
| --- | --- | --- |
|  | **Current**  | **Proposed** |
| Parking | 71 | 79 |
| Accessible  | 3 | 3 |
| Required | 80 | 81 |

The proposed patio will measure 17’ x 25.4’ (430 sf) and will be surrounded on the northerly and westerly sides by a 42” tall black aluminum fence.

Four decorative steel patio tables, 16 chairs and four 9’ diameter umbrellas in a navy color will be placed in the patio area.

Removal and replacement of some of the site landscaping is also proposed.

The modifications to the site comply with Code requirements.

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

1. Show the correct location of the fire hydrant.
2. All handicap parking spaces must be 11’ x 18’ with a 5’ wide access isle. One of the spaces does not comply. Verify the width of all accessible parking spaces.
3. Review and revise accordingly all site calculations.
4. A site plan shall be vested for a period of three years from the date of the original approval.
5. 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 4, 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. Approval of the site plan does not constitute approval of the signage plan. All signs must comply with the Brentwood Sign Ordinance. A comprehensive sign package including all signs (temporary or permanent, wall or ground) shall be submitted to the Planning Department for a compliance review.
5. The property owner is responsible for all development fees including water and sewer service and tap fees, building permit fees and Public Works Project Fees.
6. 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 in the development of a project or the failure to satisfy any standard requirements or special conditions of approval imposed by the planning commission will be considered a violation of the provisions of the Zoning Ordinance, which shall be subject to punishment as provided in Section 1-9 of the Brentwood Municipal Code. The City may also require the applicant to appear before the Planning Commission to address any deficiencies or unapproved modifications. The project may also be subject to delays in issuance of permits, certificates of occupancy, recordation of plats or other project approvals.
8. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
9. All previous conditions placed on the project by the Planning Commission shall remain applicable to the project.
10. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on June 4, 2018. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

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

# REGULAR AGENDA

**Item 1:** **BPC1803-013 Site Plan – Camp Bow Wow, 1641 Mallory Lane, Zoning C-**

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 were proposed based upon the submitted parking study, which was completed by KCI Technologies, the applicant’s transportation engineer.

The exterior of the building will be a combination of fiber cement panels, brick veneer, aluminum storefront and a standing seam metal roof. 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 barrier fence surrounds the play area.

The proposed plan provides approximately 33% green space.

Sewer will be provided by City of Brentwood.

Since the last meeting staff met to discuss Section 78- 246 of the C-3 Development Standards regarding the requirements for a vegetated buffer between the Camp Bow Wow Site and the Mooreland Estates Subdivision.

The western boundary of the proposed Camp Bow Wow site is not adjacent to residentially zoned property. It is adjacent to the 200-foot wide CSX Charter Railroad right-of-way (Charter ROW), which is 100 feet wide on either side of the track.  The Charter ROW is not zoned.  The 200-foot wide Charter ROW adjacent to the property is not considered a public roadway.

In this instance the buffer requirement does not apply to the development of the Camp Bow Wow site for the stated reasons. The Planning Commission is not being asked to vary, reduce or modify the buffer due to the site being located adjacent to a railroad, because no buffer is required.

Staff presented the following conditions for approval:

1. Submit a utility availability request from the City of Brentwood (sewer) and Mallory Valley Utility District (water) as part of your permit package.

1. Noise abatement as recommended by the noise study shall be installed to include sound absorbing noise barrier panels on the upper five feet of the nine-foot tall noise barrier wall on three sides of the play areas and sound absorbing panels/cladding on the upper 13.5 feet of the rear wall of the building that faces the play areas.
2. Any future use of the building (office, retail, etc.) will require that the site be brought into conformance with the technical requirements, specifically parking of the underlying zoning district in effect at the time of the request.
3. A revised final plat must be approved by the Planning Commission abandoning the reciprocal access easement and the 20’ wide water line easement before any permits will be issued.
4. Modify the note on the cover page to reflect the date of the Planning Commission Meeting – June 4, 2018.
5. Coordinate with the Water Services Department regarding service line and meter requirements.
6. Install a post hydrant (blow-off) on the west side of double check.
7. A site plan shall be vested for a period of three years from the date of the original approval.
8. Add the following note to the site Plan;

This site plan is subject to a three year vesting period, during which the development standards in effect on the date of approval will remain the standards applicable to this plan.  If construction is not completed during the first three years, the original site plan is considered a preliminary site plan and the applicant must obtain approval of a final site plan. Development of the property shown on this plan may be subject to standards other than those that were applicable during the vesting period.  The Initial vesting period for this plan expires on **June 4, 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. Provide a detailed sign package include elevations noting the sign location, dimensions and total square footage. Approval of the site plan does not constitute approval of the signage plan. All signs must comply with the Brentwood Sign Ordinance. A comprehensive sign package including all signs (temporary or permanent, wall or ground) shall be submitted to the Planning Department for a compliance review.
5. The property owner is responsible for all development fees including water and sewer service and tap fees, building permit fees and Public Works Project Fees.
6. 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 **June 4, 2018.** Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

The applicant presented its proposal.

Comments were received from the following citizens:

Eric Hauch, 7051 Willowick Drive

John Pavlovsky, 1600 Crystal Lake Drive

Arrettia Bourne, 7143 Willow Court

Arnold Rest, 7144 Lakeview Court

Al Sherick, 9422 Darby Court

Gary Geiger, 7150 Willow Court

Tom Yeagley, 7146 Willow Court

Andy Elliot, 7145 Lakeview Court

Jason Grant, 1626 Oakhall Drive

Lloyd Locke, 7149 Lakeview Court

After public comment, Ms. Crigger moved for approval of the proposed site plan subject to the following conditions being met to the satisfaction of staff, including additional condition numbers 19 and 20, which were added on the floor:

1. If the Planning Commission approves the plan, the materials of the sound absorbing panels would be subject for review by the Planning Department.
2. Condition that they would construct a roof over the play area if the noise becomes a nuisance.

Mr. Oliver seconded. After discussion, a vote was taken. The motion failed with a vote of 3-6. Ms. Crigger, Mr. Oliver and Ms. Wells voted yes. Commissioner Travis, Mr. Church, Mr. Clark, Mr. Magyar, Mr. Moriarty and Ms. Donahue voted no.

Commissioner Travis then moved for denial of the proposed site plan based on changes to the parking standards. Mr. Clark seconded. Motion passed 6-3. Commissioner Travis, Mr. Church, Mr. Clark, Mr. Magyar, Mr. Moriarty and Ms. Donahue voted yes. Ms. Crigger, Mr. Oliver and Ms. Wells voted no.

**Item 2:** **BPC1805-009 Revised Master Plan – YMCA Concord Road, 8207 Concord Road, Zoning SI-3**

Southeast Venture LLC requested approval of a revised master plan for the Brentwood Family YMCA, located at 8207 Concord Road.

The plan included a 30,495 sf two-story expansion to the existing building.  The existing building included an area of 59,800 sf.  The plan also proposed the removal of the two existing tennis courts, the 25-meter swimming pool, and the skate park.  The existing pool will be replaced by a lane pool and a smaller recreational family swimming pool.  Two rest rooms and a snack bar are also proposed at the pool area. The existing skate park included an area of approximately 13,400 sf.  The reconfigured skate park will include approximately 8,600 square feet in area.  In addition, the pool area will have restrooms and a snack area and nine soccer fields will be located to the south of the property.

Currently the site provides a total of 357 parking spaces. A total of 416 parking spaces are proposed at buildout.  An optional phase of parking, constructed of pervious concrete is also proposed. The option includes 68 spaces, bringing the total future parking provided to 484 spaces.

The master plan projected buildout of the property in 2020.

A traffic study was included as part of the submittal. The study recommends

* Both existing accesses should retain full accessibility – one lane entering and one lane for existing traffic, and
* Any modifications should be competed insuring that sight triangles remain clear of any obstructions.
* No further recommendations are included as part of the study.

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

1. Approval of the revised master development plan does not negate compliance with the Brentwood Municipal code. All future site plan submittals must show full compliance with Chapter 56, Article II (Flood Prevention) regarding improvements to structures or property located within the floodway fringe or floodway.
2. Any additional fixture units will require the submittal of a water/sewer availability request.
3. A preliminary master 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 June 4, 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. Deviations from the approved plan in the development of a project or the failure to satisfy any standard requirements or special conditions of approval imposed by the planning commission will be considered a violation of the provisions of the Zoning Ordinance, which shall be subject to punishment as provided in Section 1-9 of the Brentwood Municipal Code. The City may also require the applicant to appear before the Planning Commission to address any deficiencies or unapproved modifications. The project may also be subject to delays in issuance of permits, certificates of occupancy, recordation of plats or other project approvals.
5. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
6. All previous conditions placed on the project by the Planning Commission shall remain applicable to the project.
7. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on June 4, 2018. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Mr. Moriarty seconded; approval was unanimous.

# OTHER BUSINESS

**Monthly Security Report**

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

# ADMINISTRATIVE INFORMATION

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

The June calendar was distributed.

Being no further business, the meeting adjourned at 9:12 pm.

APPROVED: JULY 2, 2018 Holly Earls Holly Earls, City Recorder