MINUTES OF MEETING OF THE BRENTWOOD PLANNING COMMISSION

BRENTWOOD, TENNESSEE

The regular meeting of the Brentwood Planning Commission met on Monday, October 1, 2018 at 7:00 p.m. at Brentwood City Hall.

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

Mr. Oliver moved for approval of the minutes from the September 4, 2018 meeting as written; seconded by Mr. Church. Motion passed 9-0.

**CONSENT AGENDA**

Item 1: **BPC1809-007 Food Truck Rally – Brentwood High School, 5304 Murray Lane, Zoning SI-2**

Brentwood High School requested approval of a limited duration event to sponsor a food truck rally on the school grounds from 10:00 am to 12:30 pm on October 5, 2018 for Homecoming.

Approximately 11 food trucks will participate and will be located in the “senior” parking lot. The event will be for students only and not open to the public.

Section 18-187(a)1 of the Code requires that Food Truck Rallies in which more than ten vendors participate, obtain approval for the limited duration event from the Planning Commission.

Student vehicles will park in the lot while the food trucks are on-site. The trucks will park on the west side of the lot in the traffic lane nearest the cars. The most western lane (nearest the sidewalk/school) will remain open as a fire lane.

Staff recommended approval of the proposed limited duration event to be conducted on the BHS campus on October 5, 2018 from 10:00 am to 12:30 pm, subject to the following conditions:

1. The event shall comply with all applicable requirements for Mobile Food Vendors as contained in Ordinances 2017-01 & 02.
2. All participating food trucks shall be registered with and permitted by the City.
3. 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.
4. All ingress and egress points must remain clear and accessible at all times during the event. Emergency responders shall have access to the site at all times.
5. Install temporary barriers at key locations to separate pedestrians from vehicle traffic.
6. Approval of the site plan does not constitute approval of the signage plan. All signs must comply with the Brentwood Sign Ordinance.
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. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on October 1, 2018. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 2: BPC1808-012 Revised Final Plat - Johnson Cove Subdivision, West side of Johnson Chapel Road West, Zoning R-2

Harrah and Associates requested approval of a revised final plat that eliminated an open space island within the right-of-way of Johnson Chapel Circle. The area to be eliminated includes approximately 1,257 sf (0.028 ac). The plat also corrects the central angle, the arc distance and the chord bearing for Curve Number Nine on Lot Three.

|  |  |  |  |
| --- | --- | --- | --- |
|  | ***CENTRAL ANGLE*** | ***ARC DISTANCE*** | ***CHORD DISTANCE*** |
| *PB P63, PG 105* | *43 deg 55’ 26”* | *46.00’* | *44.88’* |
| *PROPOSED* | *47 deg 59’ 22”* | *50.25’* | *48.80’* |

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

1. Approval of a final plat by the planning commission shall become effective upon the date of the last signature required on the plat for recording. The initial vesting period shall be for a period of five years after approval.
2. Add the following note to the final plat:

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

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

1. The property owner/developer is responsible for all development fees including water and sewer service and tap fees, building permit fees and Public Works Project Fees.
2. Provide the Planning staff with a digital copy of the proposed subdivision. This request is consistent with Article 2.3 of the Brentwood Subdivision Regulations. The file should be in AutoCAD .DWG or .DXF compatible format and CD-ROM. The file shall use the Tennessee State Plane coordinate system, Zone 5301, FIPS Zone 4100, NAD 83 datum. The digital copies must be received before the plat may be recorded.
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) must be submitted to the Planning Department for review.
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. Any changes to plans approved by the Planning Commission will require staff review and re-approval by the Planning Commission.
7. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
8. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on October 1, 2018. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 3: BPC1809-003 Minor Revision to Previously Approved Building Elevations – Westgate Commons, Lot 15, 1648 Westgate Circle, Zoning C-2/SR

H. Michael Hindman Architects requested approval of revisions to the previously approved building elevations for 1648 Westgate Circle. The proposed changes included:

1. Modified oatmeal color brick to light gray color brick;
2. Change the center portion of the building on the south side from brick to gray/copper color metal composite panels;
3. Removed two sets of doors (four doors) from the front (south side) of the building;
4. Added a storefront entry and small metal and glass canopy to east side of building, and
5. Added two storefront doors to north side of building.

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

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

This site plan is subject to a three year vesting period, during which the development standards in effect on the date of approval will remain the standards applicable to this plan.  If construction is not completed during the first three years, the original site plan is considered a preliminary site plan and the applicant must obtain approval of a final site plan. Development of the property shown on this plan may be subject to standards other than those that were applicable during the vesting period.  The Initial vesting period for this plan expires on February 5, 2021, unless extended by the City of Brentwood.  Persons relying on this plan after said date should contact the City of Brentwood to determine if development may continue as depicted on the plan.

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

Item 4: BPC1809-002 Revisions to Previously Approved Hillside Protection Overlay Site Plan Review – 1009 Lookout Ridge Court, Zoning R-2

Heibert & Ball Land Design requested approval of a revised hillside protection site plan that included the addition of a retaining wall in the rear of the existing home. The wall will not be visible from the street below.

The revised plan also proposed the addition of a dirt walking path that will connect to Cadbury Court.  The path will meander down the hill to avoid any trees that are greater than 4 caliper inches.

The plan also proposes a new deck and dog run at the rear of the home.

The home included an area of 5,416 sq. ft., was constructed in 2006 and has a finished floor elevation of 1,052.80’.

Staff recommended approval of the revised Hillside Protection Overlay Site Plan subject to the following conditions:

1. Correct the road name to which the path connects – Cadbury Court.
2. Stake out the length and width of the path in the field for approval by Engineering staff.
3. A landscape survey prepared by a landscape architect, licensed to practice in Tennessee identifying all trees, 4” in caliper and greater, their species and those that are to be removed in the affected area. The survey shall be provided to Engineering and Planning staff for review before any work is begun. Additional evergreen trees and shrubs to help screen the path may be required.
4. A hillside protection 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 October 1, 2021, unless extended by the City of Brentwood.  Persons relying on this plan after said date should contact the City of Brentwood to determine if development may continue as depicted on the plan.

1. When the construction authorized pursuant to a site plan is not completed within three years from the date of initial approval, but the applicant desires to complete the project proposed for the site, the plan as initially approved for the project or as amended shall be considered a preliminary site plan. If the applicant secures all necessary permits, commences site preparation and obtains approval of a final site plan within the three-year vesting period following approval of the preliminary site plan, then the vesting period shall be extended an additional two years beyond the expiration of the initial three-year vesting period. During the two-year extension, the applicant must commence construction and maintain any necessary permits to remain vested.
2. If necessary permits are maintained and construction, as defined by Section 78-43, has commenced by the end of the two-year extension, then the vesting period shall remain in effect until the Planning and Codes Department has certified final completion of the project, provided the total vesting period shall not exceed ten years from the date of approval of the preliminary site plan.
3. If the construction authorized pursuant to a site plan is completed within three years from the date of approval, the site plan shall then be considered the final site plan for the project.
4. The property owner is responsible for all development fees including water and sewer service and tap fees, building permit fees and Public Works Project Fees. The required fees shall be used for future infrastructure related improvements required by the proposed development.
5. Deviations from the approved plan in the development of a project or the failure to satisfy any standard requirements or special conditions of approval imposed by the planning commission will be considered a violation of the provisions of the Zoning Ordinance, which shall be subject to punishment as provided in Section 1-9 of the Brentwood Municipal Code. The City may also require the applicant to appear before the Planning Commission to address any deficiencies or unapproved modifications. The project may also be subject to delays in issuance of permits, certificates of occupancy, recordation of plats or other project approvals.
6. Any changes to plans approved by the Planning Commission will require staff review and re-approval by the Planning Commission.
7. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
8. All previous conditions placed on the project by the Planning Commission shall remain applicable to the project.
9. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on October 1, 2018. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 5: BPC1809-001 Revisions to Previously Approved Hillside Protection Overlay Site Plan Review - Traditions Subdivision, Lot 5, 9104 Raindrop Circle, Zoning OSRD

Legacy Homes of TN, LLC requested approval of a revised Hillside Protection Overlay Site Plan for the house that is under construction at 9104 Raindrop Circle.

The revised site plan included the addition of a swimming pool, spa, 2,351 sq. ft. of pool decking and walkways located in the rear buildable area of the lot. The fence surrounding the pool will be 5-feet tall, black aluminum.

The permit for the home was issued on February 15, 2018.

Staff recommended approval of the revised Hillside Protection Overlay Site Plan subject to the following conditions:

1. A hillside protection site plan shall be vested for a period of three years from the date of the original approval.
2. Add the following note to the 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. The property owner is responsible for all development fees including water and sewer service and tap fees, building permit fees and Public Works Project Fees. The required fees shall be used for future infrastructure related improvements required by the proposed development.
5. Deviations from the approved plan in the development of a project or the failure to satisfy any standard requirements or special conditions of approval imposed by the planning commission will be considered a violation of the provisions of the Zoning Ordinance, which shall be subject to punishment as provided in Section 1-9 of the Brentwood Municipal Code. The City may also require the applicant to appear before the Planning Commission to address any deficiencies or unapproved modifications. The project may also be subject to delays in issuance of permits, certificates of occupancy, recordation of plats or other project approvals.
6. Any changes to plans approved by the Planning Commission will require staff review and re-approval by the Planning Commission.
7. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
8. All previous conditions placed on the project by the Planning Commission shall remain applicable to the project.
9. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on October 1, 2018. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 6: BPC1809-004 Revised Preliminary Plan – Witherspoon Subdivision, South side of Crockett Road, Zoning OSRD

Ragan Smith Associates requested approval of a revised preliminary plan for the Witherspoon Subdivision. The proposed changes included:

1. Revisions to lots 50, 55-60, 78, and 79;
2. Revisions to Open Space GG and II.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Lot #** | **Area – 5-2018 (SF)** | **Area – 10-2018 (SF)** | **Difference (SF)** | **Reason for difference** |
| 50 | 50,503 | 49,705 | -798 | Exclude corner 850 contour from lot |
| 55 | 43,584 | 38,834 | -4,750 | Detention pond required additional space |
| 56 | 43,608 | 32,267 | -11,341 |
| 57 | 33,652 | 30,845 | -2,807 |
| 58 | 32,122 | 31,580 | -542 |
| 59 | 34,897 | 33,960 | -937 |
| 60 | 43,402 | 45,765 | 2,363 | Grading for detention pond allowed this lot to increase in area |
| 78 | 23,595 | 25,020 | 1,425 | Revised lot lines to allow more rear buildable yard for lot 78 |
| 79 | 29,203 | 27,777 | -1,426 |
| OS GG | 38,894 | 56,858 | 17,964 |  |
| OS II | 520,315 | 521,113 | 798 |  |
| **EXCESS OPEN SPACE** | **81.29** | **81.72** | **0.43** |  |

As a result of the proposed changes, the amount of excess open space increased from 81.29 (May 2018) acres to 81.72 acres.

A total of 91 Lots have been recorded within the subdivision to date.

|  |  |  |
| --- | --- | --- |
| Section # | # Lots | Recorded |
| One | 13 | PB P65 PG 43 |
| Two | 35 | PB P65 PG 125 |
| Three | 11 | PB P67 PG 110 |
| Four | 32 | PB P68 PG 56 |
|  |  |  |
|  | 91 |  |

Because the area of the excess open space has increased, approval of the corresponding revisions to the OSRD Development Plan by the Board of Commissioners was required.

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 revised preliminary plan shall be contingent upon the approval of the revised OSRD Development Plan by the Board of Commissioners.
2. A Preliminary Plan shall be vested for a period of three years from the date of the original approval.
3. Add the following note to the site plan;

This site plan is subject to a three year vesting period, during which the development standards in effect on the date of approval will remain the standards applicable to this plan.  If construction is not completed during the first three years, the original site plan is considered a preliminary site plan and the applicant must obtain approval of a final site plan. Development of the property shown on this plan may be subject to standards other than those that were applicable during the vesting period.  The Initial vesting period for this plan expires on December 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 preliminary site plan.
3. If the construction authorized pursuant to a site plan is completed within three years from the date of approval, the site plan shall then be considered the final site plan for the project.
4. The property owner is responsible for all development fees including water and sewer service and tap fees, building permit fees and Public Works Project Fees. The required fees shall be used for future infrastructure related improvements required by the proposed development.
5. Deviations from the approved plan in the development of a project or the failure to satisfy any standard requirements or special conditions of approval imposed by the planning commission will be considered a violation of the provisions of the Zoning Ordinance, which shall be subject to punishment as provided in Section 1-9 of the Brentwood Municipal Code. The City may also require the applicant to appear before the Planning Commission to address any deficiencies or unapproved modifications. The project may also be subject to delays in issuance of permits, certificates of occupancy, recordation of plats or other project approvals.
6. 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.
7. Any changes to plans approved by the Planning Commission will require staff review and re-approval by the Planning Commission.
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 October 1, 2018. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 7: BPC1809-0008 Revisions to Previously Approved Site Plan – Journey Church, 1600 Wilson Pike, Zoning SI-1

Journey Church requested approval of revisions to the previously approved site plan. The changes included:

1. Addition of a 25’ x 80’ playground on the northerly side of the existing building;
2. Addition of a temporary playground area 25’ x 80’, on the southerly side of the existing building, and
3. Setup of two portable classrooms, measuring 24’ x 64’ (1,536 sf).

There will be no sewer or water connections to the portables.  Students will use the facilities inside the church.

The playgrounds will be surrounded by a five foot tall black vinyl coated chain link fence.

The playground and portable classrooms will be used during construction of the previously approved addition to the Church.

A construction schedule was included as part of the site plan approval, which set the expected buildout date as 2020.

Staff recommended approval of the revised site plan, for a period of one year, to expire on October 1, 2019, subject to the following conditions:

1. In accordance with Section 78-16(2) of the Municipal Code, the initial permit for the temporary classrooms 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/developer’s responsibility to request extensions to the approval in a timely manner.
3. The temporary classrooms shall be anchored in accordance with the applicable requirements of the building code.
4. The temporary classrooms shall be ADA compliant and comply with all applicable City Codes and ordinances.
5. The project shall be developed per the recommendations of the traffic impact study and the Neel-Shaffer review. The Neel-Shaffer review also recommended that the proposed northerly driveway align with the residential driveway across Wilson Pike. Due to the existing improvements on the Church lot this recommendation may not be feasible. Revise the plan as required.
6. The applicant will pay for the Neel-Shaffer TIS review of the site plan approved by the Planning Commission September per the requirements of Section 50-29(b) of the Municipal Code.
7. The property owner is responsible for all development fees including water and sewer service and tap fees, building permit fees and Public Works Project Fees. The required fees shall be used for future infrastructure related improvements required by the proposed development.
8. Complete plans shall be submitted to the Planning and Codes Department for review, approval and issuance of the required permits before any work is begun. Additionally, all required electrical permits, issued by the State of Tennessee must be received before any work is begun.
9. 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. 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.
11. Any changes to plans approved by the Planning Commission will require staff review and re-approval by the Planning Commission.
12. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
13. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on October 1, 2018. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 8: BPC1808-007 Revised Site Plan -- Brentwood Country Club (Driving Range Netting), 5123 Country Club Drive, Zoning OSRD

Ingram Civil Engineers requested approval to extend the existing protective netting around the driving range from 331’-6” linear feet to 386’-9” linear feet, a 55’-3” increase. The request also proposed to increase the height of the net. The existing net tapers from 25’ up to 37’-6”. The new net will be 37’-6” all the way across.

Because the plan proposed revisions to the improvements within the permanent open space for the project, approval of the corresponding revisions to the OSRD Development Plan by the Board of Commissioners was required.

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 revised 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.
3. Add the following note to the site plan;

This site plan is subject to a three year vesting period, during which the development standards in effect on the date of approval will remain the standards applicable to this plan.  If construction is not completed during the first three years, the original site plan is considered a preliminary site plan and the applicant must obtain approval of a final site plan. Development of the property shown on this plan may be subject to standards other than those that were applicable during the vesting period.  The Initial vesting period for this plan expires on October 1, 2021, unless extended by the City of Brentwood.  Persons relying on this plan after said date should contact the City of Brentwood to determine if development may continue as depicted on the plan.

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

Mr. Pippen moved for approval of the Items 1 through 7 on the Consent Agenda; seconded by Ms. Robinson. Approval was unanimous.

Commissioner Travis moved for approval of Item 8 on the Consent Agenda; seconded by Mr. Magyar. Motion was approved 8-0 with Mr. Church abstaining due to a conflict of interest.

# REGULAR AGENDA

**Item 1:** **BPC1807-007 Revised Master Plan – Brentwood United Methodist Church, 309 Franklin Road, Zoning SI-1**

Citizen Comments:

Betsy Davies, 5010 Country Club Court

Anita Hogin, 311 Robinhood Road

Bob Reeves, 307 Robinhood Road

Rob Graham, 1055 Pine Street, Apt 259, Nashville, TN

Jenny Hyams, 1080 Highland Road

Lee Luton, 5016 Williamsburg Road

Nick Shong, 5017 Williamsburg Road

Richard Jones, 5213 Williamsburg Court

Linda Jones Ellis, 5009 Meadowlake Road

Nancy Taylor, 5009 Country Club Court

Ragan Smith Associates requested approval of a revised Preliminary Master Plan for the Brentwood United Methodist Church site located at 309 Franklin Road. The proposed revisions included:

1. Removal of the second entrance on Williamsburg Road to accommodate 11 new parking spaces;
2. Construction of a new building addition having an area of 26,339 square feet;
3. Relocate the playground to the west side of the building (4,450 square feet) and to the north side of the new building addition (3,060 square feet);
4. Construction of an additional 196 parking spaces to the west of the building, using pervious pavers. The existing parsonage will be demolished as part of the future development.
5. Identification of an additional 246 parking spaces, north of Meadowlake Road for future use. Should the parking lot be constructed it will use pervious pavers as its driving surface.

The proposal involved the approval of a Preliminary Master Plan only. Detailed engineering plans, studies, calculations have not yet been completed for the project. Upon submittal of the detailed site plan, complete engineering shall be required. Development of the project will comply with City of Brentwood stormwater/drainage standards, State (TDEC) and Federal (Corps of Engineers) requirements before a permit will be issued for any portion of the project.

The plan also showed an unconstructed parking lot on that portion of the property located at the intersection of Meadowlake and Franklin Roads. The zoning ordinance permits 20% of the required parking to remain unconstructed, with the approval of the Planning Commission.

The proposed plan honored the required 150 wide buffer along Franklin Road, the 50’ wide buffer adjacent to residential uses and provided a 60-foot wide stream buffer (waterway natural area) as measured from the top of the bank of the stream in the NW portion of the property.

The five-acre tract located at the corner of Meadowlake Road and Franklin Road was rezoned per Ordinance 2002-02 to SI-1/SR in June 2002.

Ms. Robinson stated she would be abstaining from any vote due to conflict of interest. Ms. Crigger moved for approval of the revised master plan; seconded by Mr. Oliver.

Mr. Church moved to defer to the November 5, 2018 meeting, seconded by Mr. Magyar. Motion was approved 8-0 with Ms. Robinson abstaining.

**Item 2:** **BPC 1807-009 Preliminary Plan – Bella Collina, fka. Morgan Property, North side of Concord Road, Zoning R-2**

Ragan Smith Associates requested approval of a preliminary plan for the Morgan Property subdivision. The 17.71 acre site has 8 lots with an average size of two-acres.

|  |  |
| --- | --- |
| Lot | Acres |
| 1 | 2.01 |
| 2 | 2.00 |
| 3 | 2.01 |
| 4 | 2.02 |
| 5 | 2.01 |
| 6 | 2.02 |
| 7 | 2.04 |
| 8 | 2.28 |
| Total | 16.39 |
| Average Lot Size | 2.05 ac |

The proposed plan eliminated most of the individual driveways to Concord Road, which were shown on the previous plan. Access to lots 1 through 7 will be provided by a shared access easement. Lot eight, due to slopes at the front of the lot, will have its own driveway. Open space is provided along Concord Road which will serve as detention areas for the development.

The site is located at 9634 Concord Road, across from the Governors Club Subdivision.

All existing structures on the lot will be removed as part of the development.

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

1. Development of the property shall respect the existing TDOT slope easement.  The project shall not impact the proposed future layout of a 5-lane section in front of the property relative to slope, etc.
2. Approval by TDOT of the proposed driveway connections shall be obtained before any permits will be issued for the individual lots.
3. The plan shall meet the requirements of Section 78-486(14) of the Municipal Code regarding design criteria for residential driveways.
4. The location of the sewer serving the property shall be determined and the easement acquired before any permits will be issued for the project.
5. A preliminary plan shall be vested for a period of three years from the date of the original approval.
6. Add the following note to the Preliminary Plan:

This preliminary plan 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 plan may be subject to standards other than those that were applicable during the vesting period.  The vesting period for this plan expires on October 1, 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. If the applicant secures all necessary permits, commences site preparation and obtains approval of a final plat within the three-year vesting period following approval of the preliminary plan, then the vesting period shall be extended an additional two years beyond the expiration of the initial three-year vesting period. Approval of a final plat by the planning commission shall become effective upon the date of the last signature of approval required on the plat for recording. 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 subdivision, provided the total vesting period shall not exceed ten years from the date of approval of the preliminary 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. Any residence located 500 feet or greater from a public street will require installation of a residential fire sprinkler system.
5. Further limit the number of driveway cuts to the arterial street (Concord Road). The plan presently shows 7 driveways serving 8 lots with 6 and 7 utilizing a shared driveway. Review the option to serve lots 2 – 5 with two joint-user driveways and eliminating two driveways for a total of 5 driveways. Add a note to the plan that all driveway cuts must be approved by TDOT.
6. Add the following note to the plan:

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

1. The property owner is responsible for all development fees including water and sewer service and tap fees, building permit fees and Public Works Project Fees. The required fees shall be used for future infrastructure related improvements required by the proposed development.
2. Approval of the site plan does not constitute approval of the signage plan. All signs must comply with the Brentwood Sign Ordinance. A comprehensive sign package including all signs (temporary or permanent, wall or ground) must be submitted to the Planning Department for review.
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. Any changes to plans approved by the Planning Commission will require staff review and re-approval by the Planning Commission.
6. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
7. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on October 1, 2018. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Mr. Oliver seconded; approval was unanimous.

**Item 3:** **BPC1809-005 Revised Master Plan – City Park, Executive Center Drive, Zoning C-2/C-4**

Kiser Vogrin Design requested approval, of an update to the Master Plan, last approved in 2013 for Phases I & II of the City Park Brentwood project.

The proposed plan more accurately reflected current existing conditions in Phases 1 and 2. The square footages, approved patio areas and parking requirements for each type of use (retail: restaurant, hotel and office) and provided total parking for the site, which has been reviewed and updated accordingly.

The intent of the revision is to keep the overall building areas for Phases 1 and 2 the same as approved 2013 Plan at 61,936 sq. ft., but adjusted the associated retail and restaurant square footages within the phases.

|  |  |  |  |
| --- | --- | --- | --- |
| **PHASE I** | | | |
|  | **2013** | **2018** | **DIFFERENCE** |
| **RESTAURANT** | 19,756 | 21,585 | 1,829 |
| **RETAIL** | 19,756 | 17,963 | -1,793 |

|  |  |  |  |
| --- | --- | --- | --- |
| **PHASE II** | | | |
|  | **2013** | **2018** | **DIFFERENCE** |
| **RESTAURANT** | 11,210 | 11,194 | -16 |
| **RETAIL** | 11,210 | 11,194 | -16 |

\* All areas are in square feet

A total of 2,263 parking spaces are currently provided for the entire development with the revised plan.

A traffic impact study was included as part of the 2013 submittal that included a shared parking analysis, which also considered the mixed use nature of the project (hotel, office, retail and restaurant). The TIS was approved by the Planning Commission as part of the 2013 review and required a minimum of 2,040 spaces to accommodate peak hour parking demand for the master plan. The peak hours were expected to be from 2:00 to 3:00 p.m. on a weekday and from 1:00 to 2:00 p.m. on a weekend, both in December. At the time the project provided a total of 2,253 spaces. The TIS concluded that the number of spaces provided were sufficient to accommodate the peak hour demand.

Mr. Oliver moved for approval of the revisions to the previously approved master plan subject to the following conditions being met to the satisfaction of staff:

1. Provide the lot number and the area for each tract.
2. Provide a parking recap for each building showing the required and provided parking spaces. For buildings 1, 2, and 4 provide the building area revisions and revised parking recaps.
3. Label the ingress/egress easement along the south property line for Lot 1, Block 3.
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. A master plan shall be vested for a period of three years from the date of the original approval.
6. 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 1, 2021, unless extended by the City of Brentwood.  Persons relying on this plan after said date should contact the City of Brentwood to determine if development may continue as depicted on the plan.

1. When the construction authorized pursuant to a site plan is not completed within three years from the date of initial approval, but the applicant desires to complete the project proposed for the site, the plan as initially approved for the project or as amended shall be considered a preliminary site plan. If the applicant secures all necessary permits, commences site preparation and obtains approval of a final site plan within the three-year vesting period following approval of the preliminary site plan, then the vesting period shall be extended an additional two years beyond the expiration of the initial three-year vesting period. During the two-year extension, the applicant must commence construction and maintain any necessary permits to remain vested.
2. If necessary permits are maintained and construction, as defined by Section 78-43, has commenced by the end of the two-year extension, then the vesting period shall remain in effect until the Planning and Codes Department has certified final completion of the project, provided the total vesting period shall not exceed ten years from the date of approval of the preliminary site plan.
3. If the construction authorized pursuant to a site plan is completed within three years from the date of approval, the site plan shall then be considered the final site plan for the project.
4. The property owner is responsible for all development fees including water and sewer service and tap fees, building permit fees and Public Works Project Fees. The required fees shall be used for future infrastructure related improvements required by the proposed development.
5. Deviations from the approved plan in the development of a project or the failure to satisfy any standard requirements or special conditions of approval imposed by the planning commission will be considered a violation of the provisions of the Zoning Ordinance, which shall be subject to punishment as provided in Section 1-9 of the Brentwood Municipal Code. The City may also require the applicant to appear before the Planning Commission to address any deficiencies or unapproved modifications. The project may also be subject to delays in issuance of permits, certificates of occupancy, recordation of plats or other project approvals.
6. Any changes to plans approved by the Planning Commission will require staff review and re-approval by the Planning Commission.
7. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
8. All previous conditions placed on the project by the Planning Commission shall remain applicable to the project.
9. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on October 1, 2018. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Mr. Pippin seconded; motion was approved 8-1 with Commissioner Travis voting no.

# OTHER BUSINESS

**Monthly Security Report**

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

# ADMINISTRATIVE INFORMATION

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

The October calendar was distributed.

Being no further business, the meeting adjourned at 8:52 pm.

APPROVED: NOVEMBER 5, 2018 Holly Earls Holly Earls, City Recorder