MINUTES OF MEETING OF THE BRENTWOOD PLANNING COMMISSION

BRENTWOOD, TENNESSEE

The regular meeting of the Brentwood Planning Commission met on Monday, February 4, 2019 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, Stevan Pippin, Sonna Robinson and Sandi Wells. Brandon Oliver was absent. Staff present were Jeff Dobson, Kirk Bednar, Jay Evans, Kristen Corn, Mike Harris, Steve Foster, Todd Petrowski, Katie Jardieu, and Darek Baskin.

Commissioner Travis moved for approval of the minutes from the January 8, 2019 meeting as written; seconded by Mr. Pippen. Motion passed 8-0 with Mr. Church abstaining.

**CONSENT AGENDA**

Item 1: **BPC1901-002 Limited Duration Event – KARS4KIDS, Tennessee Baptist Children’s Home, 1310 Franklin Road, Zoning SI-2/SR**

Mr. Paul Collins requested approval of a limited duration event to be conducted on Saturday, April 20, 2019 from 8:00 am to 3:30 pm. The car show will be conducted on the lawn at the Tennessee Baptist Children’s Home located at 1310 Franklin Road.

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

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

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

Staff recommended approval of the Limited Duration Event, subject to the following conditions:

1. The event organizers shall insure that traffic attempting to enter the show does not impact traffic flow along Franklin Road.
2. All ingress and egress points must remain clear and accessible for emergency services at all times during the event.
3. The event organizers shall coordinate the event with Planning and Codes, and Police Department personnel as necessary in planning the event.
4. Future events must be submitted for review by staff and approved by the Planning Commission annually.
5. Any food trucks on the site shall comply with the requirements of Article VI of the Municipal Code.
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. 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.
8. 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.
9. 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.
10. The event 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 February 4, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 2: BPC1901-003 Minor Revisions to Previously Approved Site Plan – Residence Inn, 206 Ward Circle, Zoning C-2

Johnson Braund Inc. requested approval of a revised site plan that included the addition of a gas fire pit, which will replace the existing water feature in the pool and courtyard area. The gas fire pit measures 4 feet 10 inches in diameter, two feet tall and made of limestone veneer in a San Marino finish rounded edge concrete cap. An emergency shut off will be marked on the exterior of the fire pit. The remainder of the existing patio remained unchanged. Additional safety and operational signage will be provided.

Staff recommended approval of the Revised Site Plan, to include the installation of the gas fire pit only, not the proposed modifications to the existing monument signage, subject to the following conditions:

1. 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.
2. Approval of a site plan by the planning commission shall remain valid for a period of three years for the original date of 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 February 4, 2022, 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. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on February 4, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 3: BPC1901-004 Revised Hillside Protection Overlay – Taramore Subdivision, Lot 64, 9535 Whitby Crest Court, Zoning OSRD

Dream Builders Construction, LLC, requested approval to replace the wood and handrails on the existing deck located at 9535 Whitby Crest Court. The proposal included the addition of a sloped membrane roof above the deck. The structure will be painted to match the house.

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

1. Decks and covered porches must be located within the building envelope of the lot.
2. A Hillside Protection 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 HP 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 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 February 4, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 4: BPC1812-004 Revised Hillside Protection Overlay Review – Willowick Subdivision, Lot 54, 1501 Plymouth Drive, Zoning OSRD

Nashville Civil, LLC, requested approval to add an 800 square foot wooden deck on the rear of the existing home. The proposal also included replacing some of the siding on the rear of the house with board and batten cementitious siding painted a cream color.

According to data maintained by the Williamson County Property Assessor, the existing home was built in 1989 and includes an area of 4,377 sf.

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

1. Decks and covered porches must be located within the building envelope of the lot.
2. A Hillside Protection 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 HP 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 4, 2022, 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. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on February 4, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Mr. Clark moved for approval of the items on the Consent Agenda; seconded by Ms. Wells. Motion passed 8-0 with Commissioner Travis abstaining.

# REGULAR AGENDA

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

Ordinance 2018-18 was approved on second and final reading by the Board of Commissioners on January 28, 2019. The ordinance allows 50% of required parking on-site, 30% shared, offsite and 20% reserve. Previously, the Code required parking ratios of 60%/20%/20%.

The Church continued its work on the revised plan to comply with the new parking requirements.

Staff requested that the Planning Commission vote to defer consideration of the Master Plan to the March 4, 2019 regular agenda. Please note that this request was with the consent of the Church.

The hearing schedule was as follows:

November 12, 2018 First Reading -- Approved

January 8, 2019 Planning Commission – Voted 8-0 to Recommend Approval of the Amendment to the Board of Commissioners

January 14, 2019 Public Hearing - Two citizens spoke as part of the hearing

January 28, 2019 Second & Final Reading -- Approved

Mr. Pippen moved to defer to the March 4, 2019 meeting, seconded by Mr. Magyar. Motion was approved 8-0 with Ms. Robinson abstaining.

**Item 2:** **BPC1901-001 Revised Building Elevations– 122 Franklin Road, Zoning C-4**

Smallwood Nickle Architects requested approval of a revised site plan that proposed the addition of four balconies to the building that is currently under construction at 122 Franklin Road, two on the Franklin Road side and two on the Pewitt Drive side of the building.

The balconies on the Franklin Road side (west) of the building measure 4’ x 8’ and do not extend into the ROW. Those on the Pewitt Drive side (east) measure 6’ x 10’. Each balcony will be surrounded by a painted (black) decorative metal guardrail, being 42” tall. The balcony design did not include a roof, they will not be enclosed.

The previously approved elevations included one Juliet Balcony on the south elevation, two on the west elevation and two on the east elevation. The Juliet Balcony on the south elevation is the only one that will remain under the revised plan.

Section 78-257(7) allows balconies to extend forward from the upper floors of the building facade up to three feet into the public right-of-way with the bottom of the balcony at least ten feet above the sidewalk. Balconies may have roofs but must be open air, non-conditioned areas of the buildings. Seasonal enclosure of balconies may be permitted from December through March, subject to approval by the Planning Commission provided such enclosures are removed during the remaining months of the year. This space shall not count toward the floor area ratio (FAR) for the lot.

Mr. Pippen moved for approval of the Revised Building Elevations subject to the following conditions being met to the satisfaction of staff:

1. 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.
2. The City of Brentwood makes no assertion as to the legal right of the applicant to access Pewitt Drive.
3. Approval of a site plan by the planning commission shall remain valid for a period of two additional; years, from the original date of 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 February 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. 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. A Maintenance Agreement and Storm Water System Long-Term Operation and Maintenance Plan for all storm water structures and facilities must be prepared, submitted and approved per Section 56-43 of the Brentwood Code.
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 February 4, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Mr. Church seconded; motion was approved unanimously.

# OTHER BUSINESS

**Monthly Security Report**

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

# ADMINISTRATIVE INFORMATION

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

The February calendar was distributed.

Being no further business, the meeting adjourned at 7:13 pm.

APPROVED: March 4, 2019 Holly Earls \_ Holly Earls, City Recorder