MINUTES OF MEETING OF THE BRENTWOOD PLANNING COMMISSION

BRENTWOOD, TENNESSEE

The regular meeting of the Brentwood Planning Commission met on Monday, April 1, 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, Brandon Oliver, Stevan Pippin, and Sonna Robinson. Sandi Wells was absent. Staff present were Jeff Dobson, Kirk Bednar, Jay Evans, Mike Harris, Steve Foster, Katie Jardieu, and Darek Baskin.

Commissioner Travis moved for approval of the minutes from the March 4, 2019 meeting as written; seconded by Mr. Oliver. Approval was unanimous.

**CONSENT AGENDA**

Item 1: **BPC1903-006 Temporary Model Home – Belle Terra Subdivision, Lot 5 (1034 Belle Terra Court), Zoning R-1& R-2**

Partners in Building of Tennessee, LLC requested approval to use the house location at 1034 Belle Terra Court as a temporary model home / sales office. The proposed hours of operation would be Monday through Saturday 10:00 am to 6:00 pm and Sunday from noon until 6:00 pm.

A paved parking lot with five regular spaces and one dedicated handicap space will be provided on the lot.

Staff recommended approval of the Temporary Model Home, for a period of one-year, or until April 1, 2020, subject to the following conditions:

1. The site shall comply with all requirements as detailed in section 78-16 of the Zoning Ordinance.

1. The initial permit shall remain valid for a period of more than 12 months, renewable by the planning and codes director for periods of not more than six months.
2. Upon completion and inspection, temporary certificates of occupancy will be used for the sales center.
3. Accommodations shall be incorporated into the design of the sales center to allow handicap access.
4. The area adjacent to the proposed sales center shall not be used as a storage area for building materials, construction vehicles, or heavy equipment.
5. It shall be the responsibility of the applicant to request future extensions to the approval.
6. The property owner is responsible for all development fees including water and sewer service and tap fees, building permit fees and Public Works Project Fees.
7. Add the following note to the plans that are to be submitted for building permit review: “This document certifies that the building materials specified in the Planning Commission approval of this project (BPC1903-006) are likewise provided for in the plans submitted. Any deviation from the approved building materials will negate any staff approval of said plans. Proposed changes to project specifications will be submitted to the Planning Commission for further consideration.
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. 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. The required inspections must also be completed before a certificate of completion is issued for the project.
10. Failure to comply with any condition of approval as required may result in re-appearance before the Planning Commission to address any deficiencies. Delays of project actions may also occur, such as issuance of permits recordation of the final plat and extensions to approvals.
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. 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.

Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on **April 1, 2019.** Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 2: BPC1903-007 Revised Final Plat – Parkside at Brenthaven, Phase Two, Section One, Lot 174, 1497 Stephanie Court, Zoning OSRD

Anderson, Delk, Epps & Associates requested approval to adjust the front yard setback for Lot 174. The proposal will reduce the front setback from 75 feet to 50 feet. This request met the requirements of the OSRD code. The property is currently vacant.

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.

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 plat in the development of a project or the failure to satisfy any standard requirements or special conditions of approval imposed by the planning commission will be considered a violation of the provisions of the Zoning Ordinance, which shall be subject to punishment as provided in Section 1-9 of the Brentwood Municipal Code. The City may also require the applicant to appear before the Planning Commission to address any deficiencies or unapproved modifications. The project may also be subject to delays in issuance of permits, certificates of occupancy, recordation of plats or other project approvals.
6. 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. 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 proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on April 1, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 3: BPC1903-008 Revised Final Plat – Parkside at Brenthaven, Phase Two, Section One, Lot 95, 8253 Cavendish Court, Zoning OSRD

Anderson, Delk, Epps & Associates requested approval to adjust the front yard setback for Lot 95. The proposal will reduce the front setback from 75 feet to 50 feet. This request met the requirements of the OSRD code. The property is currently vacant.

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.

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. 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 proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on April 1, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 4: BPC1903-010 Limited Duration Event (Farmers Market) – City Park, Executive Center Drive, Zoning C-2

Ms. Kasi Haire and Mooreland Investors requested approval of a limited duration event to be held at CityPark Brentwood. The weekly Farmer’s Market will be held on the Green every Thursday from 4:00 pm to 7:00 pm. A total of fourteen events would be held from May 16th to October 17th, 2019. 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. Traffic cones would be set up to restrict cars from driving through the area where the vendors are located.

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

1. The event organizers shall coordinate the event with Planning and Codes, and Police Department personnel.
2. All ingress and egress points must remain clear and accessible for emergency services at all times during the event.
3. Any food trucks on the site shall comply with the requirements of Article VI of the Municipal Code.
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. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on April 1, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 5: BPC1903-011 Limited Duration Event (Food Truck Rally) – Brentwood High School, 5304 Murray Lane, Zoning SI-2

Brentwood High School requested approval of a limited duration event to conduct a food truck rally on the school grounds on Thursday May 2, 2019.

The event will be from 10:00 am to 12:30 pm and will provide approximately 14 food trucks, which will be located in the “senior” parking lot located on the east side of the school. 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 western-most lane (nearest the sidewalk/school) will remain open as a fire lane.

Staff recommended approval of the Limited Duration Event 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 April 1, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 6: BPC1903-018 Hillside Overlay Site Plan Review – Witherspoon Subdivision, Lot 43 (9244 Lehigh Drive), Zoning OSRD

Aspen Construction requested approval of a Hillside Protection Overlay site plan for the property located at 9244 Lehigh Drive in Phase Four of the Witherspoon Subdivision. The site calculations are shown in the following table:

|  |  |
| --- | --- |
| **Witherspoon, Lot 43** | |
| Lot Area (ac) | 3.15 ac |
| Total Area of Home (sf) | 7,128 sf |
| Heated Area (sf) | 6,947 sf |
| Impervious Area (sf) | 11,182 sf |
| Green Space Provided (%) | 81.49% |
| Green Space Required (%) | 40% |

A residential sprinkler system shall be required as part of the construction of the new home.

Staff recommended approval of the Hillside Overlay Site Plan, to include the required residential sprinkler system subject to the following conditions:

1. Provide the size of the water meters and the water service lines serving the house.
2. Provide a detail of the retaining walls.
3. Show all trees to be removed on the Transitional Lot Plan.
4. Approval of the proposed Hillside Protection Overlay site plan by the planning commission 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 Hillside Protection site plan is subject to a three year vesting period, during which the development standards in effect on the date of approval will remain the standards applicable to this plan.  If construction is not completed during the first three years, the original site plan is considered a preliminary site plan and the applicant must obtain approval of a final site plan. Development of the property shown on this plan may be subject to standards other than those that were applicable during the vesting period.  The Initial vesting period for this plan expires on April 1, 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. All previous conditions placed on the project by the Planning Commission shall remain applicable to the project.
9. 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.
10. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on April 1, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 7: BPC1903-014 Revised Building Elevations – Cycle Bar, Hill Center Brentwood, 205 Franklin Road, Suite 100, Zoning C-2

ST6 Design requested approval of a revised site plan for a tenant buildout at the Hill Center Brentwood. The tenant space is located in Building D1. The building is currently under construction and is located on the north side of the access road, adjacent to the existing parking garage.

Staff recommended approval of the Revised Building Elevations subject to the following conditions:

1. Approval of the proposed revised site plan by the planning commission 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 April 1, 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. 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. 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.
11. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on April 1, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 8: BPC1903-016 Revised Preliminary Plan – Witherspoon Subdivision, South side of Crockett Road, Zoning OSRD

Ragan Smith Associates requested approval of a revised preliminary plan that revises the roads and lot areas in Phases 7 & 8. The changes to the lot areas and configuration of the streets affect the permanent open space, decreasing the area a total of 0.15 acres (6,534 sf), or from 81.72 acres to 81.57 acres.

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

Staff recommended approval of the proposed revised preliminary plan and to forward a recommendation of approval of the corresponding changes to the OSRD Development Plan to the Board of Commissioners; subject to the following conditions:

1. Approval of the proposed revisions to the preliminary plan for the project are contingent upon approval of the corresponding revisions to the OSRD Development Plan by the Board of Commissioners.
2. Approval of a preliminary 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 April 1, 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. 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.
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. 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.
11. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on April 1, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 9: BPC1903-001 Revised Preliminary Plan (Pier Addition) – Glenellen Estates, North side of Ragsdale Road, Zoning OSRD

Mr. Mike Delvizis, MSD Consulting, LLC, requested approval of a revised preliminary plan that proposed a pier addition at the existing pond within the subdivision. The proposed pier measures 8’ x 16’ (128 sf) and is located on the south side of the existing pond. The pond is within the permanent open space for the project.

Because the proposal affects 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 is required.

Staff recommended approval of the proposed revised preliminary plan and to forward a recommendation of approval of the corresponding changes to the OSRD Development Plan to the Board of Commissioners; subject to the following conditions:

1. Approval of the proposed revisions to the preliminary plan for the project are contingent upon approval of the corresponding revisions to the OSRD Development Plan by the Board of Commissioners.
2. Approval of a preliminary 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 April 1, 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. All previous conditions placed on the project by the Planning Commission shall remain applicable to the project.
9. 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.
10. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on April 1, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 10: BPC1903-009 Revised Landscaping Plan – Park Center, 5200 & 5205 Virginia Way, Zoning C-1

Landscape Services Inc., (LSI) requested approval of a revised landscaping plan for the Park Center Buildings, located at 5200 and 5205 Virginia Way. The proposal includes:

1. The removal of 110 Schip Laurels with an average height of 8’-10’ along Virginia Way;
2. The removal of 95 Schip Laurels with an average height of 8’-10’ along Westwood Place;
3. The addition of 11 zelkova trees – 8 to 10’ tall;
4. The addition of 364, 30” shrubs along the frontage of Virginia Way and Westwood Place.

Virginia Way and Westwood P{lace are designated as a “Collector Streets” by the zoning ordinance. Section 78-205(11) required that each development provide an evergreen hedge 30” to 36” from the finished grade of the parking lots that are within 25’ of the street.

The areas adjacent to the existing driveways are to remain undisturbed. The mature laurel hedge is overgrown, missing plants, and showing signs of decline.

The proposal should improve the aesthetics of the property.

Staff recommended approval of the Revised Landscaping Plan subject to the following conditions:

1. Approval of the proposed revised site plan by the planning commission 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 April 1, 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. Complete plans shall be submitted to the Planning and Codes Department for review, approval before any work is begun.
9. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on April 1, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Mr. Clark abstained from Item 9 of the Consent Agenda due to a conflict of interest.

Mr. Church moved for approval of the items on the Consent Agenda. Seconded by Mr. Clark; motion was approved unanimously.

# OTHER BUSINESS

**Monthly Security Report**

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

# ADMINISTRATIVE INFORMATION

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

The April calendar was distributed.

Being no further business, the meeting adjourned at 7:07 pm.

APPROVED: May 6, 2019 Holly Earls \_ Holly Earls, City Recorder