MINUTES OF MEETING OF THE BRENTWOOD PLANNING COMMISSION

BRENTWOOD, TENNESSEE

The regular meeting of the Brentwood Planning Commission met on Monday, June 3, 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, John Magyar, Brandon Oliver, Sonna Robinson and Sandi Wells. Carole Crigger and Stevan Pippin were absent. Staff present were Jeff Dobson, Kirk Bednar, Jay Evans, Kristen Corn, Mike Harris, and Steve Foster.

Mr. Oliver moved for approval of the minutes from the May 6, 2019 meeting as written; seconded by Mr. Magyar. Motion passed 6-0 with Ms. Robinson and Mr. Clark abstaining.

**CONSENT AGENDA**

Item 1: **BPC1905-004 Revised Final Plat – Parkside at Brenthaven Subdivision, Phase Two, Section One, Lot 110, 8258 Frontier Lane, Zoning OSRD**

Anderson, Delk, Epps and Associates requested approval of a revised final plat that revised the front yard setback for Lot 110 from 75 feet to 50 feet. The minimum front yard setback for the OSRD district is 50 feet.

The property was currently vacant and included an area of 32,644 sf or approximately 0.75 acres.

Staff recommended approval of the proposed 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 plat. 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. 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 plat in the development of a project or the failure to satisfy any standard requirements or special conditions of approval imposed by the planning commission will be considered a violation of the provisions of the Zoning Ordinance, which shall be subject to punishment as provided in Section 1-9 of the Brentwood Municipal Code. The City may also require the applicant to appear before the Planning Commission to address any deficiencies or unapproved modifications. The project may also be subject to delays in issuance of permits, certificates of occupancy, recordation of plats or other project approvals.
5. Any changes to plats 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 June 3, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 2: BPC1905-005 Revised Final Plat – Parkside at Brenthaven Subdivision, Phase Two, Section One, Lot 90, 1488 Kellywood Drive, Zoning OSRD

Anderson, Delk, Epps and Associates requested approval of a revised final plat that revised the front yard setback from 75 feet to 50 feet. The minimum front yard setback for the OSRD district is 50 feet.

The property was currently vacant and included an area of 31,000 sf or approximately 0.71 acres.

Staff recommended approval of the proposed 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 plat. 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. 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 June 3, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 3: BPC1905-006 Revised Final Plat – Parkside at Brenthaven Subdivision, Phase Two, Section One, Lot 120, 8255 Rexford Court, Zoning OSRD

Anderson, Delk, Epps and Associates requested approval of a revised final plat that revised the front yard setback from 75 feet to 50 feet. The minimum front yard setback for the OSRD district is 50 feet.

The property was currently vacant and included an area of 31,257 sf or approximately 0.72 acres.

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

1. Provide the location of the water meter.
2. 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.
3. 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 plat. 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. 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 plat in the development of a project or the failure to satisfy any standard requirements or special conditions of approval imposed by the Planning Commission will be considered a violation of the provisions of the Zoning Ordinance, which shall be subject to punishment as provided in Section 1-9 of the Brentwood Municipal Code. The City may also require the applicant to appear before the Planning Commission to address any deficiencies or unapproved modifications. The project may also be subject to delays in issuance of permits, certificates of occupancy, recordation of plats or other project approvals.
5. Any changes to plats 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 June 3, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 4: BPC1905-007 Revised Final Plat – Parkside at Brenthaven Subdivision, Phase Two, Section One, Lot 163, 1493 Kellywood Drive, Zoning OSRD

Anderson, Delk, Epps and Associates requested approval of a revised final plat that revised the front yard setback from 75 feet to 50 feet. The minimum front yard setback for the OSRD district is 50 feet.

The property was currently vacant and included an area of 31,071 sf or approximately 0.71 acres.

Staff recommended approval of the proposed 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 plat. 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. 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 plat in the development of a project or the failure to satisfy any standard requirements or special conditions of approval imposed by the Planning Commission will be considered a violation of the provisions of the Zoning Ordinance, which shall be subject to punishment as provided in Section 1-9 of the Brentwood Municipal Code. The City may also require the applicant to appear before the Planning Commission to address any deficiencies or unapproved modifications. The project may also be subject to delays in issuance of permits, certificates of occupancy, recordation of plats or other project approvals.
5. Any changes to plats 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 June 3, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 5: BPC1905-009 Final Plat – Witherspoon Subdivision, Phase Six, South Side of Crockett Road, Zoning OSRD

Ragan Smith Associates requested approval of a final plat that proposed 17 lots on approximately 13.3 acres of land.

|  |  |  |
| --- | --- | --- |
| Phase # | # 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 |
| Five | 17 | PB P70 PG 121 |
| Six | 17 |  |
|  |  |  |
|  | 125 |  |

The open space calculations match those as shown on the revised OSRD Development plan, approved by the Board of Commissioners on April 22, 2019.

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

1. The temporary barricades to be located at the intersection of Lehigh Drive and Ansley Lane shall be in installed before the plat may be signed for recording.
2. 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.
3. 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. 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. 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.
5. Applicable security for all required roadway, drainage, utilities, street trees, water, and sewer improvements, in accordance with the requirements of Article Eight of the Brentwood Subdivision Regulations shall be provided before the final plat may be released for recorded.
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 June 3, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 6: BPC1905-010 Revised Final Plat – Scales Elementary School, 6430 Murray Lane, Zoning SI-2

Huddleston Steele Engineering requested approval of a final plat that added a ten-foot-wide sidewalk easement along Murray Lane. WCS will construct the sidewalk.

Staff recommended approval of the proposed 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. 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 June 3, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 7: BPC1905-011 Minor Revisions to Previously Approved Site Plan – Virginia Springs, Phase 1, 5501 Virginia Way, Zoning C-1/SR

Ragan Smith Associates requested approval of minor revisions to the previously approved site plan for Building One of the Virginia Springs project. The modifications included the addition of two shade sails on two plazas at the rear (south side) of the building. The sails are made of commercial grade materials in a “Sky Blue” color. They are suspended from metal poles painted to match the darker colors on the building.

The sails are installed so that one side is approximately 12’ above the patio surface and the other side approximately 7’10” above the patio.

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

1. Development of the project shall comply with all Special Restrictions included as part of Ordinance 2007-26 and Ordinance 2007-27.
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 October 3, 2019, unless extended by the City of Brentwood.  Persons relying on this plan after said date should contact the City of Brentwood to determine if development may continue as depicted on the plan.

1. When the construction authorized pursuant to a site plan is not completed within three years from the date of initial approval, but the applicant desires to complete the project proposed for the site, the plan as initially approved for the project or as amended shall be considered a preliminary site plan. If the applicant secures all necessary permits, commences site preparation and obtains approval of a final site plan within the three-year vesting period following approval of the preliminary site plan, then the vesting period shall be extended an additional two years beyond the expiration of the initial three-year vesting period. During the two-year extension, the applicant must commence construction and maintain any necessary permits to remain vested.
2. If necessary permits are maintained and construction, as defined by Section 78-43, has commenced by the end of the two-year extension, then the vesting period shall remain in effect until the Planning and Codes Department has certified final completion of the project, provided the total vesting period shall not exceed ten years from the date of approval of the preliminary site plan.
3. If the construction authorized pursuant to a site plan is completed within three years from the date of approval, the site plan shall then be considered the final site plan for the project.
4. The property owner is responsible for all development fees including water and sewer service and tap fees, building permit fees and Public Works Project Fees. 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 June 3, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 8: BPC1905-012 Hillside Overlay Site Plan Review – Brentwood Estates, Unit One, Lot 29, 215 Skyline Drive, Zoning R-2

HFR Design, Inc., requested approval of a Hillside Protection Overlay site plan for the property located at 215 Skyline Drive. The existing home will be demolished to make way for the new structure. The site calculations are shown in the following table:

|  |  |
| --- | --- |
| ***BRENTWOOD ESTATES, LOT 29*** | |
| *Lot Area (ac)* | *1.49* |
| *Total Area of Home (sf)* | *5,714* |
| *Heated Area (sf)* | *4,672* |
| *Impervious Area (sf)* | *8,250* |
| *Green Space Provided (%)* | *87.3* |
| *Green Space Required (%)* | *40%* |

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

Staff recommended approval of the proposed Hillside Protection Overlay site plan, to include the residential fire sprinkler requirement subject to the following conditions:

1. Provide a swale along the north property line to reduce the amount of surface flow along the rear of the house.
2. 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.
3. 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 June 3, 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 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 June 3, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 9: BPC1905-015 Hillside Overlay Site Plan Review – Witherspoon Subdivision, Lot 47, Phase Four, 9252 Lehigh Drive, Zoning OSRD

Legend Homes, LLC, requested approval of a Hillside Protection Overlay site plan for the property located at 9252 Lehigh Drive. The site calculations are shown in the following table:

|  |  |
| --- | --- |
| **WITHERSPOON, LOT 47 – 9252 LEHIGH DR.** | |
| Lot Area (ac) | 3.43 |
| Total Area of Home (sf) | 10,421 |
| Heated Area (sf) | 10,421 |
| Impervious Area (sf) | 24,191 |
| Green Space Provided (%) | 83.79 |
| Green Space Required (%) | 40% |

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

Staff recommended approval of the proposed Hillside Protection Overlay site plan, to include the residential fire sprinkler requirement subject to the following conditions:

1. 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.
2. 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 June 3, 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 June 3, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 10: BPC1905-001 Revised Building Elevations – Kirkland’s, Cool Springs Pointe, 1624 Galleria Boulevard, Zoning C-3

Bluarc Design, requested approval of revised building elevations for their location at Cool Springs Point. The proposed changes included:

1. Removal of the existing gooseneck lights;
2. Removal of the existing fabric awing;
3. One of the pairs of entry doors are to be removed;
4. Removal of the stone watertable, and replace with EIFS;
5. The EIFS cap is to be re-designed and painted a charcoal color;
6. Replacement of the signage, changing from white to black in color on the front and rear elevations. A total of 70.6 sq. ft of signage is allowed for the building;
   1. The front sign measures 50 sq. ft. (same as existing) – 36” tall flush mounted letters,
   2. The rear sign measures 20.5 sq. ft. (same as existing) – 23” tall flush mounted letters

Staff recommended approval of the proposed revised building elevations subject to the following conditions:

1. Approval of a site plan by the Planning Commission shall remain valid for a period of three years for the original date of approval.
2. Add the following note to the site plan;

This site plan is subject to a three year vesting period, during which the development standards in effect on the date of approval will remain the standards applicable to this plan.  If construction is not completed during the first three years, the original site plan is considered a preliminary site plan and the applicant must obtain approval of a final site plan. Development of the property shown on this plan may be subject to standards other than those that were applicable during the vesting period.  The Initial vesting period for this plan expires on September 4, 2021, unless extended by the City of Brentwood.  Persons relying on this plan after said date should contact the City of Brentwood to determine if development may continue as depicted on the plan.

1. When the construction authorized pursuant to a site plan is not completed within three years from the date of initial approval, but the applicant desires to complete the project proposed for the site, the plan as initially approved for the project or as amended shall be considered a preliminary site plan. If the applicant secures all necessary permits, commences site preparation and obtains approval of a final site plan within the three-year vesting period following approval of the preliminary site plan, then the vesting period shall be extended an additional two years beyond the expiration of the initial three-year vesting period. During the two-year extension, the applicant must commence construction and maintain any necessary permits to remain vested.
2. If necessary permits are maintained and construction, as defined by Section 78-43, has commenced by the end of the two-year extension, then the vesting period shall remain in effect until the Planning and Codes Department has certified final completion of the project, provided the total vesting period shall not exceed ten years from the date of approval of the preliminary site plan.
3. If the construction authorized pursuant to a site plan is completed within three years from the date of approval, the site plan shall then be considered the final site plan for the project.
4. Approval of the site plan does not constitute approval of the signage plan. All signs must comply with the Brentwood Sign Ordinance. A comprehensive sign package including all signs (temporary or permanent, wall or ground) shall be submitted to the Planning Department for a compliance review before the signs are installed.
5. The property owner is responsible for all development fees including water and sewer service and tap fees, building permit fees and Public Works Project Fees. The required fees shall be used for future infrastructure related improvements required by the proposed development.
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 June 3, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 11: BPC1905-014 Revised Preliminary Plan – Sneed Manor Subdivision, South Side of Old Smyrna Road, Zoning AR

Sneed Manor Development Company requested approval of a revised preliminary plan that included the following revisions:

1. Modified the gate material on the entrance features from “iron” to black powder coated steel, and
2. Labeled the materials for the fence around the cemetery – Black Aluminum, and
3. Reduced the number of lots in the subdivision from eight to six, due to lot combinations.

The original preliminary plan approved in July 2016 showed the entry gates to be fabricated from iron installed between stone entry columns.

The internal street will be privately maintained.

Staff recommended approval of the revisions to the proposed preliminary plan subject to the following conditions:

1. The proposed gate shall open with Fire Department Sirens. Contact Fire Marshal for details.
2. Keypad for gate/Emergency access to be located on/at the gate column, not away from the road.
3. All gates and guardhouses shall be located at least 50 feet from the public right-of-way, per the requirements of the Code.
4. Revise the Lot Area Table to show six lots and their associated areas.
5. A preliminary plan for a subdivision shall be vested for a period of three years from the date of approval. Approval of a preliminary plan shall become effective upon the date the planning commission votes to approve the plan.
6. Development of the proposed private street subdivision shall comply with all requirements as detailed in Section 78-12 of the zoning ordinance and Article 6.9 of the Subdivision Regulations.
7. 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 July 5, 2019, unless extended by the City of Brentwood.  Persons relying on this plan after said date should contact the City of Brentwood to determine if development may continue as depicted on the plan.

1. 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. 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.
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) must be submitted to the Planning Department for review.
5. Complete plans shall be submitted to the Planning and Codes Department for review, approval and issuance of the required permits before any work is begun. Additionally, all required electrical permits, issued by the State of Tennessee must be received before any work is begun.
6. Deviations from the approved plan in the development of a project or the failure to satisfy any standard requirements or special conditions of approval imposed by the Planning Commission will be considered a violation of the provisions of the Zoning Ordinance, which shall be subject to punishment as provided in Section 1-9 of the Brentwood Municipal Code. The City may also require the applicant to appear before the Planning Commission to address any deficiencies or unapproved modifications. The project may also be subject to delays in issuance of permits, certificates of occupancy, recordation of plats or other project approvals.
7. 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 June 3, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

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

# REGULAR AGENDA

**Item 1:** **BPC1905-016 Site Plan – City of Brentwood, Police Headquarters, 910 Heritage Way, Zoning SI-3**

The City of Brentwood requested approval of a site plan for the new police headquarters, located at 910 Heritage Way.

The proposed plan included two buildings to be constructed on the 10 acre tract. The 52,210 sf police headquarters building and an Annex Building having an area of 5,220 sf, which would be used for storage and an ambulance station. The total building area was proposed to be 57,430 sf.

Police vehicles would be parked in the secured lot behind the building.

A parking needs assessment was completed as part of the development of the plan, which projects parking needs until 2040. According to the assessment, a total of 182 future parking spaces were required -- 136 fleet, employees & EMS and 46 for the public. The proposed site plan provided a total of 195 parking spaces.

A total of approximately 64 percent of the lot shall remain in permanent green space.

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

1. Verify that the proposed building meets the requirements of Section 78-306 of the Municipal Code regarding distance between the building and the internal access aisles.
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 June 3, 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. 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 June 3, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Mr. Oliver seconded; motion was approved unanimously.

**Item 2:** **BPC1905-013 Preliminary Plan – 6012 Murray Lane, Zoning R-1/R-2**

Lukens Engineering requested approval of a preliminary plan that divided an existing 8.82-acre lot into three lots.

|  |  |
| --- | --- |
| ***Lot #*** | ***Area (acres)*** |
| *One* | *3.84* |
| *Two* | *2.61* |
| *Three* | *2.37* |
| ***TOTAL*** | ***8.82*** |

The two new lots would be served via grinder pump sewer.

Access to all lots will be provided via the existing shared access driveway.

The existing two-story home, having an area of 6,654 square feet of finished floor area, located on Lot One will remain.

The future homes on Lots Two and Three will be located over 500 feet from the serving roadway and will require a residential fire sprinkler system to be installed as part of the construction of the new homes.

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

1. Remove Plan note Seven, it is not applicable to the approval of a preliminary plan.
2. Add the following note to the plan – “Future additions to the existing structure on Lot One, designed for human use and occupancy shall comply with Section 26-68 of the Municipal Code regarding the installation of an automatic residential fire sprinkler system in structures located 500 feet or more from a public roadway or authorized private roadway.”
3. Approval of the preliminary plan by the Planning Commission shall remain valid for a period of three years for 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 June 3, 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. Add the following note to the preliminary 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 future plat shall meet the requirements of Section 78-486(14) of the Municipal Code regarding design criteria for residential driveways.
2. 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.
3. Approval of the preliminary 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. Applicable security, if any for all required roadway, drainage, utilities, water, and sewer improvements, in accordance with the requirements of Article Eight of the Brentwood Subdivision Regulations shall be provided before the final plat may be released for recorded.
5. Grinder Pumps and associated sewer lines shall be installed in accordance with plans approved by the Brentwood Water Services Department. Force mains or grinder pumps shall not be located under structures, driveways, or concrete slabs unless specifically approved by the Water Services Department. The developer shall furnish the City, for all designated lots with pressurized grinder pump sewer the cash equivalent of $1900 per pump for each lot subject to the determination of the Water Services Director. The payment shall be provided before the plat may be recorded. The cash equivalent is required to minimize the replacement expenses in the future (7-10 years). This requirement is consistent with Section 70-132 of the Municipal 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. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on June 3, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Commissioner Travis seconded; motion was approved unanimously.

**Item 3:** **BPC1905-003 Revised Site Plan – Highwoods Plaza I, 5410 Maryland Way, Zoning C-1**

ASDISKY requested approval of a revised site plan/building elevations that proposed the following:

1. Demolition of the existing brick inlay and concrete planter on the west side of the building, and
2. Infill the demolition with new concrete.

The applicant requested to defer consideration of the proposed revised building elevations.

# OTHER BUSINESS

**Monthly Security Report**

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

# ADMINISTRATIVE INFORMATION

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

The June calendar was distributed.

Being no further business, the meeting adjourned at 7:35 pm.

APPROVED: July 1, 2019 Holly Earls Holly Earls, City Recorder