**MINUTES OF MEETING OF THE BRENTWOOD PLANNING COMMISSION**

**BRENTWOOD, TENNESSEE**

The regular meeting of the Brentwood Planning Commission met on Monday, August 5, 2019 at 7:00 p.m. at Brentwood City Hall.

Present at roll call were Commissioner Ken Travis, Preston Bain, Chris Clark, Carol Crigger, John Magyar, Michael Kaplan, Brandon Oliver, Stevan Pippin, and Sonna Robinson. Janet Donahue was absent. Staff present were Jeff Dobson, Kirk Bednar, Jay Evans, Kristen Corn, Mike Harris, and Steve Foster.

Mr. Kaplan moved for approval of the minutes from the July 1, 2019 meeting as written; seconded by Ms. Robinson. Approval was unanimous.

**CONSENT AGENDA**

Item 1: **BPC1907-002 Limited Duration Event – Touch of Gold, Nashville Corvette Club, Tennessee Baptist Children’s Home, 1310 Franklin Road, Zoning SI-2/SR**

Mr. Dave Logue requested approval of a limited duration event to be conducted on September 14, 2019 from 7:00 am to 4:00 pm. at the Tennessee Baptist Children’s Home, located at 1310 Franklin Road

Registration will take place from 9:00 am to Noon. The awards presentation will begin at 3:00 pm. The event will take place rain or shine and includes vendors, food, door prizes and a bake sale.

All proceeds benefit the Tennessee Baptist Children's Home and other local charities.

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

1. All food trucks that might participate in the event must be permitted to operate in the City of Brentwood.
2. 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.
3. The event organizers shall coordinate the event with Planning and Codes, and Police Department personnel.
4. Future events must be submitted for review by staff and approved by the Planning Commission annually.
5. All ingress and egress points must remain clear and accessible for emergency services at all times during the event.
6. The event shall comply with all applicable sections of the Municipal Code. The levels of music amplification and public address activity will be governed by the requirements of the noise ordinance. Every effort will be made to mitigate the noise generated by the site.
7. All tents used must be flame resistant in accordance with NFPA 701, and have a label permanently attached indicating such compliance. Each tent shall have at least a “2A” rated fire extinguisher, unobstructed and easily accessible in the event of a fire emergency.
8. Approval of the site plan does not constitute approval of the signage plan. All signs must comply with the Brentwood Sign Ordinance. A comprehensive sign package including all signs (temporary or permanent, wall or ground) shall be submitted to the Planning Department for a compliance review.
9. Any changes to plans approved by the Planning Commission will require staff review and re-approval by the Planning Commission.
10. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on August 5, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 2: BPC1907-003 Final Plat – Traditions Subdivision, Section Three, East side of Wilson Pike, Zoning OSRD

Ragan Smith Associates requested approval of a final plat that showed 27 lots on approximately 28 acres.

The open space calculations match those as shown on the revised OSRD Development Plan, approved by the Board of Commissioners on May 29, 2018.

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

1. Install a temporary barricade consisting of removable bollards 250 feet back from the intersection of Parade Drive and Traditions Circle.
2. Extend the street name “Traditions Circle” west of Parade Drive, eliminating the name “Rivulet Circle”.
3. 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.
4. 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. It is the policy of the U. S. Postal Service that mail delivery to all new and extended developments use centralized delivery, via cluster box units (CBU). It is the responsibility of the customer (developers and builders) to provide the necessary mail receptacle equipment. Show/label an area on the plan to accommodate the cluster box units. Developers must receive approval from the USPS before mail service can begin.
3. Proof of USPS approval of the proposed method of mail delivery shall be provided as part of the submittal of the final plat for review by the Planning Commission. Please contact the USPS foe approval of the proposed location and design of the CBU delivery/pick-up location. The proposed location must be shown on the final plat.
4. As part of the submission of the final plat, provided a copy of the “Mode of Delivery Agreement” indicating approval of the locations of the CBU’s by the USPS. Contact Ms. Sandy Alsman -- sandy.l.alsman@usps.gov.
5. Adequate security lighting shall be installed in the area of the CBU’s.
6. Add the following note to the plat: Middle Tennessee Electric Membership Corporation (MTEMC) shall have access to install, construct, reconstruct, rephase, operate and maintain its electric facilities located within the subject property.   MTEMC has the right to cut, trim and control the growth by chemical means, machinery or otherwise of trees and shrubbery located within 20 feet of the center line (a total of 40’) of its facilities, or any vegetation that may interfere with or threaten to endanger the operation and maintenance of its facilities.
7. Add the following note to the plat: MTEMC will provide electric service to the subject property according to the normal operating practices of MTEMC as defined in its Rules and Regulations, Bylaws, and policies, and in accordance with the plat approval checklist, tree planting guidelines and other requirements contained on the MTEMC website at [www.mtemc.com](https://linkprotect.cudasvc.com/url?a=http%3a%2f%2fwww.mtemc.com&c=E,1,Sew5PrTUtcfS6tcdCjwPniNRR5iFGJUx9fp9UyzWcftHYiEF3TEgdO17-eTfayll250l2-z4n7EM8aZkJaq5J2Cqy5FgoXY6myl22krEnYfIQvidB8lmm6kCDq04IQ,,&typo=1) (collectively the “Requirements”).   No electric service will be provided until MTEMC’s Requirements have been met and approved in writing by an authorized representative of MTEMC.  Any approval is, at all times, contingent upon continuing compliance with MTEMC’s Requirements.
8. 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.
9. Deviations from the approved plan in the development of a project or the failure to satisfy any standard requirements or special conditions of approval imposed by the planning commission will be considered a violation of the provisions of the Zoning Ordinance, which shall be subject to punishment as provided in Section 1-9 of the Brentwood Municipal Code. The City may also require the applicant to appear before the Planning Commission to address any deficiencies or unapproved modifications. The project may also be subject to delays in issuance of permits, certificates of occupancy, recordation of plats or other project approvals.
10. Any changes to plats approved by the Planning Commission will require staff review and re-approval by the Planning Commission.
11. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
12. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on August 5, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 3: BPC1907-004 Final Plat – Oman Subdivision, 900 Franklin Road, Zoning OSRD

Ragan Smith Associates requested approval of a final plat that shows 21 lots on approximately 33 acres.

The open space calculations do not match those shown on the preliminary plan approved by the Planning Commission on July 1st.

The plat shows a ten-foot-wide greenway trail located within a 20 foot wide public access easement meandering through the arterial road buffer.

As part of the request, the applicant was seeking approval of minor revisions to the preliminary plan for the project.

Last month the Planning Commission approved a revised preliminary plan that showed 5.49 acres of excess open space for the project. The area of a small median located at the entrance on Franklin Road was less than 500 sf and not eligible to be claimed as open space per Code (78-186(6)). The area was removed on the plan but not in the open space calculations. The revisions result in a one one-hundredth (435.6 sf) of an acre difference in the excess open space, reducing the excess open space area to 5.48 acres as shown on the revised preliminary plan and the proposed final plat.

Staff recommended approval of the proposed final plat and the minor revisions to the preliminary plan subject to the following conditions and to forward a recommendation of approval of the corresponding minor revisions to the OSRD Development Plan to the Board of Commissioners:

1. The public access easement in the arterial road buffer must to be acquired in the City's name, requiring formal authorization from the City Commission for acquisition and acceptance of the easement.
2. All construction access shall be provided via the existing temporary construction access, unless otherwise approved by staff. The access across from Fountainhead Drive shall remain closed until the traffic signal has been installed and is operational.
3. Provide the correct recording information of the off-site sewer easement located the adjacent property owned by CMT Properties, L.P.
4. On sheet 2, label the 20-foot-wide water line easement along access drive.
5. Approval of a final plat by the Planning Commission shall become effective upon the date of the last signature required on the plat for recording. The initial vesting period shall be for a period of five years after approval.
6. Add the following note to the final plat:

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

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

1. The construction of the future homes on Lots 20 & 21 shall include a residential sprinkler system per the requirements of Section 26-68 of the Code. Depending on the placement of the future home on Lot 20 a sprinkler system may also be required for this lot.
2. The proper permits must be secured before construction on the entry features (walls, gates, gate house, etc.) can begin.
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. Applicable security for all required roadway, drainage, utilities, water, sewer, entrance feature/amenity and landscaping improvements in accordance with the requirements of Article Eight of the Brentwood Subdivision Regulations shall be provided before the final plat may be recorded.
5. It is the policy of the U. S. Postal Service that mail delivery to all new and extended developments use centralized delivery, via cluster box units (CBU). It is the responsibility of the customer (developers and builders) to provide the necessary mail receptacle equipment. Show/label an area on the plan to accommodate the cluster box units. Developers must receive approval from the USPS before mail service can begin.
6. Proof of USPS approval of the proposed method of mail delivery shall be provided as part of the submittal of the final plat for review by the Planning Commission. Please contact the USPS foe approval of the proposed location and design of the CBU delivery/pick-up location. The proposed location must be shown on the final plat.
7. As part of the submission of the final plat, provided a copy of the “Mode of Delivery Agreement” indicating approval of the locations of the CBU’s by the USPS. Contact Ms. Sandy Alsman -- sandy.l.alsman@usps.gov.
8. Adequate security lighting shall be installed in the area of the CBU’s.
9. Add the following note to the plat: Middle Tennessee Electric Membership Corporation (MTEMC) shall have access to install, construct, reconstruct, rephase, operate and maintain its electric facilities located within the subject property.   MTEMC has the right to cut, trim and control the growth by chemical means, machinery or otherwise of trees and shrubbery located within 20 feet of the center line (a total of 40’) of its facilities, or any vegetation that may interfere with or threaten to endanger the operation and maintenance of its facilities.
10. Add the following note to the plat: MTEMC will provide electric service to the subject property according to the normal operating practices of MTEMC as defined in its Rules and Regulations, Bylaws, and policies, and in accordance with the plat approval checklist, tree planting guidelines and other requirements contained on the MTEMC website at [www.mtemc.com](https://linkprotect.cudasvc.com/url?a=http%3a%2f%2fwww.mtemc.com&c=E,1,Sew5PrTUtcfS6tcdCjwPniNRR5iFGJUx9fp9UyzWcftHYiEF3TEgdO17-eTfayll250l2-z4n7EM8aZkJaq5J2Cqy5FgoXY6myl22krEnYfIQvidB8lmm6kCDq04IQ,,&typo=1) (collectively the “Requirements”).   No electric service will be provided until MTEMC’s Requirements have been met and approved in writing by an authorized representative of MTEMC.  Any approval is, at all times, contingent upon continuing compliance with MTEMC’s Requirements.
11. 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.
12. 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.
13. Any changes to plats approved by the Planning Commission will require staff review and re-approval by the Planning Commission.
14. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
15. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on August 5, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 4: BPC1907-005 Final Plat – The Rice Property, 6012 Murray Lane, Zoning R-1/R-2

Lukens Engineering requested approval of a final plat that divides 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. No additional driveway cuts would be made to Murray Lane.

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.

Lots Two and Three are designated as “Transitional Lots”, because they contain ground slopes of 15 percent or greater, anywhere on the lot. A detailed site plan prepared by a professional engineer or landscape architect, licensed to practice in Tennessee shall be provided for staff review and approval. No permits shall be issued until the transitional lot plan has been approved by the City Engineer.

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

1. Lots 2 and 3 will require the installation of a residential fire sprinkler system as part of the construction of the new homes. Provide the applicable details as part of the building plans.
2. There is a bearing and distance along the north property line of lot 3 that is missing.
3. On the lots and in the legend, change “TR” to [\*] indicating that both lots are designated as Transitional Lots.
4. Provide a current property title reference for the property.
5. Provide the location of the existing 60” Reinforced Concrete Pipe (RCP) in Murray Lane and label the drainage easement recorded in Deed Book 2491, Page 502 that is along the frontage of lots 2 and 3.
6. Along the east property line of lot 2 there is an existing fence that encroaches onto the adjoining property. Remove the encroachment prior to recording the plat.
7. Label the nearest fire hydrant on the plat.
8. Water and sewer service connections for each new lot shall be installed and approved by the Brentwood Water Services Department before the plat may be signed and recorded.
9. 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.
10. 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. Applicable security for all required improvements in accordance with the requirements of Article Eight of the Brentwood Subdivision Regulations shall be provided before the final plat may be signed and recorded.
3. The developer shall furnish the City, for all designated lots with pressurized grinder pump sewer the cash equivalent of $1,900 per pump for each lot subject to the determination of the Water Services Director. The cash equivalent is required to minimize the replacement expenses in the future (7-10 years). Payment for replacement of the grinder pumps must be made at the time of the signing of the final mylar. This requirement is consistent with Section 70-132 of the Municipal Code.
4. It is the policy of the U. S. Postal Service that mail delivery to all new and extended developments use centralized delivery, via cluster box units (CBU). It is the responsibility of the customer (developers and builders) to provide the necessary mail receptacle equipment. Show/label an area on the plan to accommodate the cluster box units. Developers must receive approval from the USPS before mail service can begin.
5. Proof of USPS approval of the proposed method of mail delivery shall be provided as part of the submittal of the final plat for review by the Planning Commission. Please contact the USPS foe approval of the proposed location and design of the CBU delivery/pick-up location. The proposed location must be shown on the final plat.
6. As part of the submission of the final plat, provided a copy of the “Mode of Delivery Agreement” indicating approval of the locations of the CBU’s by the USPS. Contact Ms. Sandy Alsman -- sandy.l.alsman@usps.gov.
7. Security lighting shall be installed in the area of the CBU’s.
8. All electrical service to the new lots must be underground.
9. 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.
10. Add the following note to the plat – “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.”
11. Add a note to the plat that the construction of the homes on lots 2 & 3 shall comply with the standards of Section 78-486(14) of the zoning ordinance regarding residential driveway standards.
12. 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.
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.
14. Any changes to plans approved by the Planning Commission will require staff review and re-approval by the Planning Commission.
15. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
16. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on August 5, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 5: BPC1907-006 Revised Site Plan – Virginia Springs, Phase One, 5501 Virginia Way, Zoning C-1/SR

ASD | SKY requested approval of minor revisions to the previously approved site plan that proposed the addition of an emergency generator and enclosure located on the east side of the existing building adjacent to and in back of the existing solid waste enclosure area.

Staff recommended approval of the proposed revised 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. The electrical connection from the generator to the building shall be installed underground.
3. Approval of a site plan by the Planning Commission shall remain valid for a period of three years for the original date of the original approval.
4. Add the following note to the site plan;

This site plan is subject to a three year vesting period, during which the development standards in effect on the date of approval will remain the standards applicable to this plan.  If construction is not completed during the first three years, the original site plan is considered a preliminary site plan and the applicant must obtain approval of a final site plan. Development of the property shown on this plan may be subject to standards other than those that were applicable during the vesting period.  The Initial vesting period for this plan expires on August 5, 2022, unless extended by the City of Brentwood.  Persons relying on this plan after said date should contact the City of Brentwood to determine if development may continue as depicted on the plan.

1. When the construction authorized pursuant to a site plan is not completed within three years from the date of initial approval, but the applicant desires to complete the project proposed for the site, the plan as initially approved for the project or as amended shall be considered a preliminary site plan. If the applicant secures all necessary permits, commences site preparation and obtains approval of a final site plan within the three-year vesting period following approval of the preliminary site plan, then the vesting period shall be extended an additional two years beyond the expiration of the initial three-year vesting period. During the two-year extension, the applicant must commence construction and maintain any necessary permits to remain vested.
2. If necessary permits are maintained and construction, as defined by Section 78-43, has commenced by the end of the two-year extension, then the vesting period shall remain in effect until the Planning and Codes Department has certified final completion of the project, provided the total vesting period shall not exceed ten years from the date of approval of the preliminary site plan.
3. If the construction authorized pursuant to a site plan is completed within three years from the date of approval, the site plan shall then be considered the final site plan for the project.
4. The property owner is responsible for all development fees including water and sewer service and tap fees, building permit fees and Public Works Project Fees. The required fees shall be used for future infrastructure related improvements required by the proposed development.
5. Deviations from the approved plan in the development of a project or the failure to satisfy any standard requirements or special conditions of approval imposed by the planning commission will be considered a violation of the provisions of the Zoning Ordinance, which shall be subject to punishment as provided in Section 1-9 of the Brentwood Municipal Code. The City may also require the applicant to appear before the Planning Commission to address any deficiencies or unapproved modifications. The project may also be subject to delays in issuance of permits, certificates of occupancy, recordation of plats or other project approvals.
6. Any changes to plans approved by the Planning Commission will require staff review and re-approval by the Planning Commission.
7. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
8. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on August 5, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 6: BPC1907-009 Revised Site Plan / Building Elevations – Brentwood Market, 925 Franklin Road, Zoning AR/R-2

Mrs. Hailey Height requested approval of revised building elevations for the former location of the Brentwood Market and Deli. The proposed changes to the plan included:

* Painting the red brick exterior an Alabaster color, and
* Resealing and restriping the parking lot.

While a solid waste disposal area is provided on-site, the new tenants plan to use roll-out trash containers to help limit damage to the parking lot caused by the garbage truck.

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

1. As part of the painting of the building repair/refurbish the gates on the solid waste enclosure.
2. Approval of a site plan by the Planning Commission shall remain valid for a period of three years for the original date of the original approval.
3. Add the following note to the site plan;

This site plan is subject to a three year vesting period, during which the development standards in effect on the date of approval will remain the standards applicable to this plan.  If construction is not completed during the first three years, the original site plan is considered a preliminary site plan and the applicant must obtain approval of a final site plan. Development of the property shown on this plan may be subject to standards other than those that were applicable during the vesting period.  The Initial vesting period for this plan expires on August 5, 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. All trash cans shall be stored inside the building, behind the building or in the existing solid waste enclosure. Use of the trash cans shall comply with Section 78-20 of the Municipal Code.
6. 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.
7. All necessary permits must be obtained for any renovation work.
8. 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.
9. Any changes to plans approved by the Planning Commission will require staff review and re-approval by the Planning Commission.
10. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
11. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on August 5, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 7: BPC1907-008 Revised Site Plan – Maryland Farms Property Owner’s Association, Gateway II Office Building, 5500 Maryland Way, Zoning C-1

Daylan’s Designs requested approval of a revised site plan that proposed the construction of new signage on the north side of Maryland Way at the western entrance to Maryland Farms. The sign will be located on the Gateway II property within an existing signage easement.

The existing stone columns on the north side of the intersection will remain. A new stone wall and columns lettering and an engraved logo will be built in the area. The new sign will include solar up lighting.

The existing four-board horse fence and the existing brick sign in the median will be removed.

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

1. Applicable permits must be issued before construction of the new sign begins.
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 August 5, 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. 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 August 5, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 8: BPC1907-007 Revised Site Plan – Holy Family Catholic Church, 9100 Crockett Road, Zoning SI-2

Holy Family Catholic Church requested approval of a revised site plan that proposed the construction of a prayer garden and columbarium along the Volunteer Parkway Frontage.

The columbarium will be constructed in three phases each including 528 niches for a total of 1,584 niches.

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

1. Verify that the green space area provided reflects the proposed improvements.
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 August 5, 2022, unless extended by the City of Brentwood.  Persons relying on this plan after said date should contact the City of Brentwood to determine if development may continue as depicted on the plan.

1. When the construction authorized pursuant to a site plan is not completed within three years from the date of initial approval, but the applicant desires to complete the project proposed for the site, the plan as initially approved for the project or as amended shall be considered a preliminary site plan. If the applicant secures all necessary permits, commences site preparation and obtains approval of a final site plan within the three-year vesting period following approval of the preliminary site plan, then the vesting period shall be extended an additional two years beyond the expiration of the initial three-year vesting period. During the two-year extension, the applicant must commence construction and maintain any necessary permits to remain vested.
2. If necessary permits are maintained and construction, as defined by Section 78-43, has commenced by the end of the two-year extension, then the vesting period shall remain in effect until the Planning and Codes Department has certified final completion of the project, provided the total vesting period shall not exceed ten years from the date of approval of the preliminary site plan.
3. If the construction authorized pursuant to a site plan is completed within three years from the date of approval, the site plan shall then be considered the final site plan for the project.
4. The property owner is responsible for all development fees including water and sewer service and tap fees, building permit fees and Public Works Project Fees. The required fees shall be used for future infrastructure related improvements required by the proposed development.
5. Deviations from the approved plan in the development of a project or the failure to satisfy any standard requirements or special conditions of approval imposed by the planning commission will be considered a violation of the provisions of the Zoning Ordinance, which shall be subject to punishment as provided in Section 1-9 of the Brentwood Municipal Code. The City may also require the applicant to appear before the Planning Commission to address any deficiencies or unapproved modifications. The project may also be subject to delays in issuance of permits, certificates of occupancy, recordation of plats or other project approvals.
6. Any changes to plans approved by the Planning Commission will require staff review and re-approval by the Planning Commission.
7. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
8. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on August 5, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Commissioner Travis moved for approval of the items on the Consent Agenda. Seconded by Mr. Magyar; motion was approved unanimously.

# REGULAR AGENDA

**Item 1:** **ORDINANCE 2019-07 - AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 78 OF THE MUNICIPAL CODE REGARDING DECORATIVE BANNERS ON PARKING LOT LIGHT POLES IN COMMERCIAL AND SERVICE INSTITUTION ZONING DISTRICTS**

Mr. Bain moved to recommend to the Board of Commissioners approval of Ordinance 2019-07; seconded by Mr. Kaplan. Approval was unanimous.

**Item 2:** **BPC1907-001 Revised Hillside Protection Overlay Site Plan Review – Brentwood Hills Subdivision, Lot 95, 1118 Longstreet Circle, Zoning R-2**

101 Construction, Management Inc., requested approval of a revised Hillside Protection Overlay site plan for the property located at 1118 Longstreet Circle. The site calculations are shown in the following table:

|  |
| --- |
| **Brentwood Estates, Lot 29** |
| Lot Area (ac) | 1.47 |
| Total Area of Home (sf) | 5,756 |
| Heated Area (sf) | 5,756 |
| Impervious Area (sf) | 9,794 |
| Green Space Provided (%) | 84% |
| Green Space Required (%) | 40% |

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

In September 2018 the Planning Commission approved a plan that showed a home having an area of 6,900 sf. The new plan proposes a 1,144 sf reduction in the area of the future home.

The proposed plan does not include development of Lots 93 and 94. Separate plans for these lots must be presented for Planning Commission review at a future date.

Citizen Comments:

Robert Michaels, 1201 Longstreet Circle

Randy Perry, 1202 Longstreet Circle

Margaret Perry, 1202 Longstreet Circle

John Turner, 5007 West Concord Road

Mr. Clark moved for approval of the proposed revised Hillside Protection Overlay site plan/building elevations subject to the following conditions being met to the satisfaction of staff:

1. All structures designed for human use and occupancy, including residential dwelling units and garages, shall be protected through an automatic sprinkler system installed in accordance with National Fire Protection Association (NFPA) standards and requirements. Add the appropriate notes to the plan referencing Section 78-344 of the Municipal Code.
2. Section 78-343(8) of the Code requires that new homes in the Hillside Protection Overlay district be built of materials and colors that blend into the natural tree line. Select a different earth tone color for the home that addresses this requirement. The revised exterior colors shall be provided for staff review before a permit will be issued for the project.
3. All existing trees on the lot shall be preserved to the greatest extent possible. A tree survey prepared by a landscape architect, licensed to practice in Tennessee shall be required as part your building plan submittal package. The survey shall identify existing tree masses, protected trees and all existing trees over four caliper inches in size that are proposed to be destroyed during the course of development. Additional evergreen trees and shrubs may be required to help screen the structure from view from lower elevations.
4. Show the location of the grinder pump. The pump cannot be in street right-of-way.
5. Revise the Zoning checklist to show a rear setback of 30’.
6. Submit retaining wall designs and details stamped by Tennessee professional engineer.
7. Verify that architectural/structural design accounts for vehicular traffic over the basement and specify type of vehicle used for the design.
8. Provide notes regarding the specifications for all fill placed on-site and a note that the reports must be submitted to the City Engineer for review.
9. Verify that construction of the retaining wall south of the drive does not interfere with existing utilities and/or other services.
10. The water meter assembly shall be per Brentwood Water Services Department’s standard detail, W-09.
11. Show the location of sewer force main service connection box on plans.
12. 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.
13. 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. The developer shall furnish the City, for all designated lots with pressurized grinder pump sewer the cash equivalent of $1,900 per pump for each lot subject to the determination of the Water Services Director. The cash equivalent is required to minimize the replacement expenses in the future (7-10 years). Payment for replacement of the grinder pumps must be made at the time of the signing of the final mylar. This requirement is consistent with Section 70-132 of the Municipal Code.
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. All previous conditions placed on the project by the Planning Commission shall remain applicable to the development of the revised plan.
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 August 5, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Mr. Magyar seconded; motion was approved unanimously.

# OTHER BUSINESS

**Monthly Security Report**

Mr. Oliver 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 August calendar was distributed.

Being no further business, the meeting adjourned at 7:55 pm.

APPROVED: SEPTEMBER 3, 2019 Holly Earls \_ Holly Earls, City Recorder