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

**BRENTWOOD, TENNESSEE**

The regular meeting of the Brentwood Planning Commission met on Tuesday, September 3, 2019 at 7:00 p.m. at Brentwood City Hall.

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

Mr. Kaplan moved for approval of the minutes from the August 5, 2019 meeting as written; seconded by Mr. Oliver. Motion passed 9-0 with Ms. Donahue abstaining.

**CONSENT AGENDA**

Item 1: **BPC1908-001 Revised Final Plat, Setback Revisions – Peach Park, Lot Three, 7114 Peach Court (Paw Pals), Zoning C-2**

Harrah and Associates requested approval of a revised final plat that adjusted the front building setback line to the C-2 minimum of 30 feet. The current plat recorded in 1959 showed a 70-foot front setback. This request complied with the technical requirements of the C-2 district.

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

Item 2: BPC1908-002 Limited Duration Event – Nashville British Car Show, Tennessee Baptist Children’s Home, 1310 Franklin Road, Zoning SI-2/SR

The Nashville British Car Club (NBCC) requested approval of their annual limited duration event to be held at the Tennessee Baptist Children’s Home located at 1310 Franklin Road. The event will be conducted on Saturday October 12, 2019 from 9:00 to approximately 4:00 p.m.

Approximately 125 vintage and collectable cars are expected to participate, with 250-300 attendees expected. There will be 5 – 8 event sponsors who will set-up canopies and displays. There is no admission charge.

All traffic will, enter from Franklin Road through the main entrance where club volunteers will be positioned to provide assistance. Vehicles will not be stopped on Franklin Road. Volunteers will assist attendees to ensure that they get onto the TBCH campus as quickly as possible. Once vehicles enter the campus they will be directed to parking or the show field.

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

1. The event shall comply with applicable sections of the Municipal Code. The levels of music amplification and public address activity will be governed by the requirements of the noise ordinance. Every effort will be made to mitigate the noise generated by the site.
2. All ingress and egress points must remain clear and accessible for emergency response at all times during the event.
3. Install temporary barriers, as necessary at key locations to separate pedestrians from vehicle traffic.
4. All food trucks that might participate in the event must be permitted to operate in the City of Brentwood.
5. The event organizers shall coordinate the event with Planning and Codes, and Police Department personnel.
6. Future events must be submitted for review by staff and approved by the Planning Commission annually.
7. 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.
8. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on September 3, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 3: BPC1908-004 Minor Revisions to Previously Approved Preliminary Plan – Traditions Subdivision, USPS CBU Addition at Amenity Area, 9033 Carnival Drive, Zoning OSRD

Ragan Smith & Associates requested approval of a revised preliminary plan that proposes the placement of USPS Cluster Box Units (CBU’s) at the amenity area.

Because the proposed changes affect the improvements within the permanent open space, approval of the corresponding changes to the OSRD Development Plan by the Board of Commissioners was required.

Staff recommended approval of the proposed 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. Address numbers shall be displayed on the house and on an address post located at the end of the driveway for each home. Coordinate the design of the post with the Fire Marshall.
2. Approval of the proposed preliminary plan shall be contingent upon the approval of the revised OSRD Development Plan by the Board of Commissioners.
3. Approval of a 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 July 6, 2020, unless extended by the City of Brentwood.  Persons relying on this plan after said date should contact the City of Brentwood to determine if development may continue as depicted on the plan.

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

Item 4: BPC1908-005 Minor Site Plan Alteration, Addition of Door and Canopy – Virginia Springs, Phase One, 5501 Virginia Way, Zoning C-1/SR

Ragan Smith Associates requested approval to add a double door and canopy on the south side of the building. The proposed canopy will be a powder coated steel in a color to match the building.

Staff recommended approval of the proposed minor revisions to the previously approved site plan 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 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 September 3, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 5: BPC1908-006 Revised Final Plat, Front Setback Revision – Oakhampton Subdivision, Lot 18, 6404 Eastbourne Drive, Zoning R-2

Gerald Pankow, Jr. requested approval of a revised final plat that adjusted the front building setback. The proposal reduced the front setback from 100 feet to 92.5 feet. The minimum front setback for the R-2 district is 75 feet. The purpose of the reduction is to allow the addition of a front porch to the existing house.

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

1. Add an address block to the lot.
2. Change the wording in note eight to show the correct zoning district for the lot -- "R-2 Suburban Residential".
3. Locate the grinder pump on the plat.
4. Add the letters "[GP]" to the lot.
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 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 building 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 September 3, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 6: BPC1908-007 Limited Duration Event – Food Truck Rally, Brentwood Middle School, 5324 Murray Lane, Zoning SI-2

Jennifer McMillan requested approval of a food truck rally at Brentwood Middle School. The event will take place on September 19th at 5:00 pm. A total of 15 food trucks are scheduled for the event. The food trucks will be parked in the parking lot along Murray Lane.

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

1. The event shall comply with all applicable requirements as included in Ordinances 2017-01 & 02.
2. The event shall comply with applicable sections of the Municipal Code. The levels of music amplification and public address activity will be governed by the requirements of the noise ordinance. Every effort will be made to mitigate the noise generated by the site.
3. All ingress and egress points must remain clear and accessible at all times during the event. Emergency responders shall have access to the site at all times.
4. Install temporary barriers, as necessary at key locations to separate pedestrians from vehicle traffic.
5. Approval of the site plan does not constitute approval of the signage plan. All signs must comply with the Brentwood Sign Ordinance. A comprehensive sign package including all signs (temporary or permanent, wall or ground) must be submitted to the Planning Department for review.
6. 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.
7. 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.
8. Any changes to plans approved by the Planning Commission will require staff review and re-approval by the Planning Commission.
9. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
10. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on September 3, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

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

# OTHER BUSINESS

**Monthly Security Report**

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

# ADMINISTRATIVE INFORMATION

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

The September calendar was distributed.

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

APPROVED: OCTOBER 7, 2019 Holly Earls \_ Holly Earls, City Recorder