# MINUTES OF MEETING OF THE BRENTWOOD PLANNING COMMISSION BRENTWOOD, TENNESSEE

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

Present at roll call were Chairman Janet Donahue, Commissioner Ken Travis, Preston Bain, Chris Clark, Carol Crigger, John Magyar, Michael Kaplan, Brandon Oliver, Stevan Pippin. Sonna Robinson arrived at 7:22 pm. Staff present were Jeff Dobson, Kirk Bednar, Jay Evans, Mike Harris, and Steve Foster.

Commissioner Travis moved for approval of the minutes from the September 3, 2019 meeting as written; seconded by Mr. Pippin. Motion passed 8-0 with Mr. Clark abstaining.

Item 1, BPC1908-003 Preliminary Plan – Brian Randolph Subdivision, 6322 Johnson Chapel Road, Zoning R-2, of the Consent Agenda was deferred at the request of the applicant.

# CONSENT AGENDA

**Item 2: BPC1909-002 Minor Site Plan Alteration, Addition of Fence – The Bledsoe Agency, 1614 Franklin Road, Zoning C-2**

Metro Construction Rehab requests approval to add a fence along the sides and front of the lot. The proposed fence will be fabricated from black aluminum and it will be six feet tall.

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

1. Add a note referencing the current recorded plat for this property.
2. There is a Mallory Valley Utility District easement at the front of the property. Confirm the limits and show the easement. The fence cannot be installed this easement.
3. There is an existing overhead electrical easement that belongs to Middle Tennessee Electric in front of the existing building. Approval must be acquired from MTEMC to place the fence within the limits of the easement.
4. Label and verify the configuration of all easements on the plan.
5. Approval of a site plan by the Planning Commission shall remain valid for a period of three years for the original date of approval.
6. 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 5, 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. 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.
6. 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](http://www.mtemc.com/) (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.
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 October 7, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

# Item 3: BPC1909-004 Revised Building Elevations – Pure Sweat & Float Studio, Hill Center Brentwood, 213 Franklin Road, Suite E-103, Zoning C-2

Quirk Designs requests approval of a proposed storefront design that adds beige tile and clear glass to the existing brick façade.

The tenant space is located in Building E1, the retail liner north of the new parking garage.

Pure Sweat + Float Studio is a wellness destination and provides full spectrum infrared sauna and float therapy. There are two other locations in Middle Tennessee in Belle Meade and Cool Springs.

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

1. Approval of the site plan does not constitute approval of the signage plan. All signs must comply with the Brentwood Sign Ordinance. A comprehensive sign package

including all signs (temporary or permanent, wall or ground) shall be submitted to the Planning Department for a compliance review.

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 7, 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. Provide a water and sewer availability application. Application can be found on the City’s web site -- [https://www.b](http://www.brentwoodtn.gov/departments/water-)rentwood[tn.gov/departments/water-](http://www.brentwoodtn.gov/departments/water-)

servi ces/developer-engi neer-i nfo rmati o n. The request must be approved before a permit will be issued of the tenant finish.

1. Correct the project number shown in the note on the Title Sheet. “This document certifies that the building materials specified in the Planning Commission approval of this project (BPC1909-005) are likewise provided for in the plans submitted. Any deviation from the approved building materials will negate any staff approval of said plans. Proposed changes to project specifications will be submitted to the Planning Commission for further consideration.
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. Any changes to plans approved by the Planning Commission will require staff review and re-approval by the Planning Commission.
4. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
5. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on October 7, 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. Kaplan; motion was approved unanimously.

# REGULAR AGENDA

**Item 1: REVIEW AND RECOMMENDATION TO THE BOARD OF COMMISSIONERS OF THE PROPOSED PLAZA IMPROVEMENTS FOR MARYLAND WAY PARK**

Mr. Pippin moved to recommend to the Board of Commissioners approval of the proposed improvements in Maryland Way Park; seconded by Mr. Oliver. Approval was unanimous.

# Item 2: BPC1903-012 Revised Site Plan – Building Mural at CityPark Brentwood, 7030 Executive Center Drive, Suite 100, Suki Sushi, Zoning C-2

Leadership Brentwood requests approval of a revised site plan at City Park. The proposal includes painting the mural on the west elevation of the Suki Sushi Restaurant tenant space.

Mooreland Investors LP (Boyle Investments Company) owns the project and has approved the design that includes the light blue background.

Ms. Robinson arrived at 7:22 pm.

Mr. Kaplan moved for approval of the revised site plan as presented with the light blue background subject to the following conditions being met to the satisfaction of staff:

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 7, 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. Add the following note to the plan: “This document certifies that the building materials specified in the Planning Commission approval of this project (BPC1903-

012) are likewise provided for in the plans submitted. Any deviation from the approved building materials will negate any staff approval of said plans. Proposed changes to project specifications will be submitted to the Planning Commission for further consideration.

1. 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.
2. Any changes to plans approved by the Planning Commission will require staff review and re-approval by the Planning Commission.
3. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
4. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on October 7, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Ms. Crigger seconded; motion was approved unanimously.

# Item 3: BPC1909-001 Revised Site Plan – Remnant Fellowship Church, Accessory Structure, 1230 Franklin Road, Zoning SI-1

Ingram Civil Engineering group requests approval of a 2,448 square foot storage barn to be located in the southeast corner of the property. The barn will be approximately 27 feet tall. Hardi-plank siding in a gray color will be used on the exterior to match the church.

The proposed barn will be placed within the established building envelope and approximately 83 feet from the rear and 95 feet from the side property lines.

Access to the barn will be provided via a gravel driveway. The barn will be used for general storage of materials and equipment.

There will be no water of sewer service extended to the barn.

Ms. Crigger moved for approval of the revised site plan subject to the following conditions being met to the satisfaction of staff:

* 1. Show the building envelope and dimension the setbacks on all applicable sheets of the plan.
	2. Add a drainage swale along the north edge of the new gravel drive to route runoff eastward.
	3. Emergency pullouts are required at 500’ intervals along the drive. The pullout should be measure a minimum 12’ x 30’, not including approach/exit transitions and be placed perpendicular to the drive.
	4. Electric service shall be placed underground and outside of the buffer limits.
	5. Verify and correct the bearings shown on the plan.
	6. The debris located along the northerly property line in the floodplain shall be removed before a permit will be issued for the proposed barn.
	7. Approval of a site plan by the Planning Commission shall remain valid for a period of three years for the original date of approval.
	8. 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 7, 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.

* 1. 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.
	2. 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.
	3. 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.
	4. Correct the project number shown in the note on the Title Sheet. “This document certifies that the building materials specified in the Planning Commission approval of this project (BPC1909-001) are likewise provided for in the plans submitted. Any deviation from the approved building materials will negate any staff approval of said plans. Proposed changes to project specifications will be submitted to the Planning Commission for further consideration.
	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.
	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 October 7, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Mr. Kaplan seconded; motion was approved unanimously.

# Item 4: BPC1909-005 Revised Site Plan – Paw Pals, 7114 Peach Court, Zoning C-2

Scott Wilson, Architect LLC requests approval of a revised site plan for the Paw Pals site located at 7114 Peach Court.

The plan proposes the reconstruction of the building, which includes an area of 5,000 sq. ft. which is the same area as the old building area. The lot includes an area of 20,312 sq., ft. (0.47 ac.).

The revised site plan provides 20 parking spaces, which meets the requirements of the C-2 district.

The roof of the building collapsed as work on an addition was beginning earlier this year. The revised plan that was approved by the Planning Commission on March 5, 2018.

The applicant has provided two building elevation options. Both single story buildings. One would mirror the design of the former building with painted brick in a blue color and include brick with Stucco trim above the brick in a contrasting blue color. Option Two included an all brick building with a metal awing above the entry doors and wood inserts below the windows. Two glass panel overhead doors would be provided on the rear elevation of both options. Option One also included an overhead door on the side elevation.

Some changes are also proposed to the configuration of the parking lot and the drainage for the lot.

Paw Pals provides boarding and daycare services and some retail sales. A six foot tall solid wood fence will surround the outside play area.

Commissioner Travis moved for approval of the revised site plan with option two (2) subject to the following conditions being met to the satisfaction of staff:

1. The project shall be constructed and maintained so that objectionable odors and noise are not emitted from the building or the surrounding grounds.
2. The outside exercise area shall not be used for overnight confinement of animals.
3. The recently approved plat must be recorded before a building permit will be issued for the project. Complete the reference to the Plat Book and Page when the plat is recorded.
4. Correct the completion date shown in the construction schedule.
5. The sign on the alternate elevation is too high. The top edge of the sign cannot extend above the apparent roof line of the building.
6. A site plan shall be vested for a period of three years from the date of the original approval.
7. 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 March 5, 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. All construction shall conform to the updated codes: 2018 Life Safety Code (NFPA

101) and 2018 Uniform Fire Code (NFPA 1).

1. Accessible spaces must meet the requirements as detailed in Section 78-457 of the Code.
2. 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.
3. 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.
4. Applicable security for all required 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. All mechanical equipment, ground and rooftop mounted, must be screened from public view, as per the Brentwood Municipal Code. Add a detail showing the proposed screening to the plans. The location of all HVAC equipment shall comply with Section 78-306(m) of the Municipal Code.
6. Correct the project number shown in the note on the Title Sheet. “This document certifies that the building materials specified in the Planning Commission approval of this project (BPC1909-005) are likewise provided for in the plans submitted. Any deviation from the approved building materials will negate any staff approval of said plans. Proposed changes to project specifications will be submitted to the Planning Commission for further consideration.
7. 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.
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. 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 October 7, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Mr. Bain seconded; motion was approved unanimously.

# OTHER BUSINESS

**Monthly Security Report**

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

# ADMINISTRATIVE INFORMATION

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

Being no further business, the meeting adjourned at 7:41 pm.

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