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

**BRENTWOOD, TENNESSEE**

The regular meeting of the Brentwood Planning Commission met on Monday, November 5, 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, Michael Kaplan, Brandon Oliver, Stevan Pippin and Sonna Robinson. Carol Crigger was absent. John Magyar arrived at 7:02 pm. Staff present were Jeff Dobson, Jay Evans, Kristen Corn, Mike Harris, Steve Foster, Todd Petrowski and Allison Henry.

Mr. Oliver moved for approval of the minutes from the October 7, 2019 meeting as written; seconded by Mr. Kaplan. Approval was unanimous.

**CONSENT AGENDA**

Item 1: **BPC1910-003 Revised Building Elevations – Eat the Frog Fitness, Hill Center Brentwood, 205 Franklin Road, Suite 150, Zoning C-2**

Ferguson Architecture requested approval of a revised storefront that proposed:

1. Addition of an aluminum storefront with clear glass and black mullions, and
2. Addition of Alucobond metal panels above the storefront in a natural color.

Eat the Frog is a small group training facility that combines training, technology and science-based fitness programs.

New studios are coming soon in Nashville and Brentwood.

Staff recommended approval of the revised 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 from the original date of approval.
2. Provide a water and sewer availability application. Application can be found on the City’s web site -- <https://www.brentwoodtn.gov/departments/water-services/developer-engineer-information>.
3. Permanent window signs that does not exceed ten percent of the area of the window or any glass door to which they are attached. All window signs shall be in conformance with all applicable safety and electrical codes. Provide dimensions of the window graphics and the windows/doors that will be affixed to.
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 November 4, 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. 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.
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 November 4, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 2: BPC1910-004 Revised Preliminary Plan – Witherspoon Subdivision, Zoning OSRD

Ragan Smith Associates requested approval of a revised OSRD Development Plan that proposed locations for the required Post Office Cluster Box Units (CBU’s) for Sections Five through Eight of the subdivision.

The CBU’s are located in the cul-de-sac islands in Fordham Dr. (Sec. 5), Berwyn Ct. (Sec. 6), Edenwilde Dr. (Sec. 7) and Joslin Ct. (Sec. 8).

All of the affected islands are designated as part of the permanent open space for the project. Because the plan proposed improvements/modifications to the permanent open space. Approval of the revised OSRD Development Plan by the Board of Commissioners is required.

The proposed locations have been approved by the Post Office.

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

1. The concrete pads for the CBU’s shall not be located on top of any existing/proposed water and sewer lines.
2. Approval of the proposed revisions to the preliminary plan for the project are contingent upon approval of the corresponding revisions to the OSRD Development Plan by the Board of Commissioners.
3. Approval of a preliminary plan by the Planning Commission shall remain valid for a period of three years from 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 September 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. The property owner is responsible for all development fees including water and sewer service and tap fees, building permit fees and Public Works Project Fees. The required fees shall be used for future infrastructure related improvements required by the proposed development.
5. The currently approved preliminary plan shows that with the recording of Phase Seven the terms of the purchase agreement, requiring that the agreed upon additional price of $35,000 per lot, above 127 shall be made to the Brentwood United Methodist Church and the City of Brentwood.
6. Deviations from the approved plan in the development of a project or the failure to satisfy any standard requirements or special conditions of approval imposed by the planning commission will be considered a violation of the provisions of the Zoning Ordinance, which shall be subject to punishment as provided in Section 1-9 of the Brentwood Municipal Code. The City may also require the applicant to appear before the Planning Commission to address any deficiencies or unapproved modifications. The project may also be subject to delays in issuance of permits, certificates of occupancy, recordation of plats or other project approvals.
7. Any changes to plans approved by the Planning Commission will require staff review and re-approval by the Planning Commission.
8. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
9. All previous conditions placed on the project by the Planning Commission shall remain applicable to the project.
10. Complete plans shall be submitted to the Planning and Codes Department for review, approval and issuance of the required permits before any work is begun. Additionally, all required electrical permits, issued by the State of Tennessee must be received before any work is begun.
11. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on November 4, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 3: BPC1910-009 Temporary Model Home/Sales Office – Edenbrook Subdivision, Lot 11, 9500 Edenbrook Court, Zoning R-2

The Ernst Group, LLC requested approval to use the house location at 9500 Edenbrook Court as a temporary model home/sales office. The proposed hours of operation would be Monday through Sunday 10:00 am to 6:00 pm. The garage will be built out to include two offices, a conference room and an ADA accessible restroom.

Vehicle parking will be accommodated in the driveway of the home. An accessible space is provided at the end of the driveway.

The home is currently under construction. Building permits were issued in March 2019. The home includes an area of 7,806 sf.

Staff recommended approval of the Temporary Model Unit for a period of one year to expire on November 4, 2020 subject to the following conditions:

1. The site shall comply with all requirements as detailed in section 78-16 of the Zoning Ordinance. The initial permit shall be issued for a period of not more than 12 months, renewable by the Planning and Codes Department director for periods of not more than six months each.
2. Upon completion and inspection, temporary certificates of occupancy (TCO) will be used for the sales center. Issuance of the TCO shall comply with the requirements of Section 14-73 of the Municipal Code.
3. Accommodations shall be incorporated into the design of the sales center to allow for handicap access.
4. The area adjacent to the proposed sales center shall not be used as a storage area for building materials, construction vehicles, or heavy equipment.
5. It shall be the responsibility of the applicant to request future extensions to the approval.
6. The property owner is responsible for all development fees including water and sewer service and tap fees, building permit fees and Public Works Project Fees.
7. 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.
8. Failure to comply with any condition of approval as required may result in re-appearance before the Planning Commission to address any deficiencies. Delays of project actions may also occur, such as issuance of permits recordation of the final plat and extensions to approvals.
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. 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.
12. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on November 4, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 4: BPC1910-012 Revised Site Plan – Sonic Drive-In, 1718 Carothers Parkway, Zoning C-2

JTMJ Architecture requested approval of a revised site plan for the Sonic Drive-In located at 1718 Carothers Parkway. The proposal included enclosing a 160 square foot portion located at the front of the existing building. The existing building included an area of 1,437 square feet. The improvements will increase the area to 1,597 square feet.

The proposal also included new windows, doors, and building materials on the front portion of the building that match existing. Updated landscaping in the front of the building is also being proposed.

The plan meets the 20% green space requirements for the C-2 district.

A similar building modification was completed earlier in 2019 for the store located at 1618 Franklin Road.

Staff recommended approval of the revised 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 from 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 November 4, 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. 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. 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 November 4, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 5: BPC1910-014 Hillside Overlay Review – Witherspoon Subdivision, Section Four, Lot 45, 9248 Lehigh Drive, Zoning OSRD

Mike Ford Builders, LLC requested approval of a Hillside Protection Overlay site plan for the property located at 9248 Lehigh Drive in the Witherspoon Subdivision. The site calculations are shown in the following table:

|  |  |
| --- | --- |
| **WITHERSPOON, LOT 45 – 9248 LEHIGH DR.** | |
| Lot Area (ac) | 3.31 |
| Total Area of Home (sf) | 8,746 |
| Heated Area (sf) | 6,796 |
| Impervious Area (sf) | 18,571 |
| Green Space Provided (%) | 87.13% |
| Green Space Required (%) | 40% |

The plan proposed the construction of a 6,796 square foot home on a 3.31-acre lot.

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

Staff recommended approval of the Hillside Overlay Site Plan subject to the following conditions:

1. The area west of the garage at the rear of the house appears to include a patio. This is not shown on the architectural plans. This area must show on all applicable sheets of the plan.
2. Correct the bearing for the north property line -- S 89 Deg. 12’ 19” E, per the recorded plat.
3. 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.
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 November 4, 2022, unless extended by the City of Brentwood.  Persons relying on this plan after said date should contact the City of Brentwood to determine if development may continue as depicted on the plan.

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

Item 6: BPC1910-011 Revised Preliminary Plan – Brentwood County Club Subdivision, Zoning OSRD

Ragan Smith Associates requested approval of a revised OSRD Development Plan that abandoned an 11-foot-wide (994 SF) portion of the Golfers Easement located to the rear of the structure on Lot 102.

The applicant planned to erect a covering over an existing at grade patio.

The excess open space for the project increased by approximately 0.02 acres to 16.79 ac. The reason for the increase is related to the decrease in the area of the Golfers Easement, resulting in a change in the area of the required open space for the project.

Because the proposal affected the open space for the project, approval of the revised OSRD Development Plan is required by the Board of Commissioners.

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

1. Approval of the proposed revisions to the preliminary plan for the project are contingent upon approval of the corresponding revisions to the OSRD Development Plan by the Board of Commissioners.
2. Approval of a preliminary plan by the Planning Commission shall remain valid for a period of three years from the original date of approval.
3. Add the following note to the site plan;

This preliminary 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 6, 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 property owner is responsible for all development fees including water and sewer service and tap fees, building permit fees and Public Works Project Fees. The required fees shall be used for future infrastructure related improvements required by the proposed development.
5. Deviations from the approved plan in the development of a project or the failure to satisfy any standard requirements or special conditions of approval imposed by the planning commission will be considered a violation of the provisions of the Zoning Ordinance, which shall be subject to punishment as provided in Section 1-9 of the Brentwood Municipal Code. The City may also require the applicant to appear before the Planning Commission to address any deficiencies or unapproved modifications. The project may also be subject to delays in issuance of permits, certificates of occupancy, recordation of plats or other project approvals.
6. Any changes to plans approved by the Planning Commission will require staff review and re-approval by the Planning Commission.
7. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
8. All previous conditions placed on the project by the Planning Commission shall remain applicable to the project.
9. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on November 4, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 7: BPC1910-008 Revised Final Plat – Brentwood Country Club Subdivision, Lot 102, 5132 Herschel Spears Circle, Zoning OSRD

Ragan Smith Associates requested approval of a revised final plat that abandoned a strip of the golfer’s easement being approximately 11 feet, and having a total area of 944 sf, located behind the house at 5132 Herschel Spears Circle in the Brentwood Country Club. The proposal also moved the rear setback line accordingly.

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

1. Remove note number 12. This note is from a previous plat as recorded in PB 71, PG 116.
2. The revised final plat cannot be recorded until the Board of Commissioners approves the revised OSRD Development Plan showing the corresponding changes to the open space area.
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 all pages of 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 plat, in the development of a project or the failure to satisfy any standard requirements or special conditions of approval imposed by the planning commission will be considered a violation of the provisions of the Zoning Ordinance, which shall be subject to punishment as provided in Section 1-9 of the Brentwood Municipal Code. The City may also require the applicant to appear before the Planning Commission to address any deficiencies or unapproved modifications. The project may also be subject to delays in issuance of permits, certificates of occupancy, recordation of plats or other project approvals.
5. Any changes to 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 November 4, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 8: BPC1909-003 Revised Site Plan – Brentwood Auto Wash, 422 Wilson Pike Circle, Zoning C-2

Quirk Designs requested approval to add vacuum units with pay stations to the Brentwood Car Wash site along Wilson Pike Circle. The proposed changes to the site plan included:

1. Addition of Two Pay stations;
2. Addition of seven vacuum units at the along rear of the site, adjacent to the railroad line;
3. A new CMU dumpster enclosure;

Staff recommended approval of the revised 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 from 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 November 4, 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. 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. 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 November 4, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 9: BPC1910-007 Revised Building Elevations – Merchants Walk Shopping Center, 4932 Thoroughbred Lane, Zoning C-4

Southeast Venture, LLC requested approval of revised building elevations for the Merchants Walk Shopping Center. There were no changes proposed to the existing signage within the project. The proposed changes included:

1. Painting the existing red brick an off-white color;
2. Painting the existing canopy with alternating black and white stripes;
3. Removal of the existing wood lattice, and
4. Resurfacing the parking lot.

The project is split by the City/County boundary. Only a portion of Building Two is located within the City of Brentwood.

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

1. Verify with the Metro Planning Department regarding any necessary approvals required for the proposed improvements in Davidson County.
2. Approval of a site plan by the Planning Commission shall remain valid for a period of three years from 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 November 4, 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. Add the following note to the plans: “This document certifies that the building materials specified in the Planning Commission approval of this project (BPC1910-007) 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. 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 November 4, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

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

# OTHER BUSINESS

**2020 Planning Commission Meeting Schedule**

Ms. Robinson moved for approval of the 2020 Planning Commission meeting schedule; seconded by Mr. Pippen.

Mr. Kaplan moved to amend the 2020 Planning Commission meeting schedule to change the December 31st briefing to December 30th.

Mr. Oliver moved to approve the 2020 Planning Commission meeting schedule with the amendment of the December 31st briefing date; seconded by Mr. Pippen. Approval was unanimous.

**Monthly Security Report**

Mr. Kaplan 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 November calendar was distributed.

Being no further business, the meeting adjourned at 7:09 pm.

APPROVED: December 2, 2019 Holly Earls \_ Holly Earls, City Recorder