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

**BRENTWOOD, TENNESSEE**

The regular meeting of the Brentwood Planning Commission met on Monday, December 2, 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, Michael Kaplan, John Magyar, Stevan Pippin and Sonna Robinson. Brandon Oliver was absent. Staff present were Jeff Dobson, Kirk Bednar, Jay Evans, Kristen Corn, Mike Harris, Darek Baskin, Lori Lange, Todd Petrowski and Allison Henry.

Commissioner Travis moved for approval of the minutes from the November 4, 2019 meeting as written; seconded by Mr. Pippin. Approval was unanimous.

**CONSENT AGENDA**

Item 1: **BPC1911-008 Revised Site Plan – Brentwood High School, Soccer Bleachers, 5304 Murray Lane, Zoning SI-2**

Johnson & Bailey Architects requested approval to replace the existing bleachers on the soccer field at Brentwood High. The bleachers are being replaced because they are not accessible and do not provide handicap cut-outs, access aisles, intermediate handrails and the required safety netting around the perimeter. The center section will be replaced, while the two smaller side bleachers will be eliminated.

The new bleachers are ten rows high, constructed of anodized aluminum and will seat 294 spectators.

The bleachers will be placed on a new concrete pad.

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

1. A site plan shall be vested for a period of three years from the date of the original approval.
2. Add the following note to the site plan;

This 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 1, 2022, unless extended by the City of Brentwood.  Persons relying on this plan after said date should contact the City of Brentwood to determine if development may continue as depicted on the plan.

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

Item 2: BPC1910-002 Revised PWSF – Sprint, 1533A Lipscomb Drive, Zoning R-2

Faulk and Foster requested approval of modifications to the existing PWSF installation located at 1533A Lipscomb Drive. The site is located on a TVA transmission tower, north of Westgate Commons at an elevation of 80 feet. A 14’ x 14’ equipment compound is located at the base of the tower. The proposed modifications included:

1. Remove the existing panel antennas (3);
2. Remove existing coax cables and upgrade with Hybrid cable;
3. Remove 3 existing Remote Radio Units (RRU’s) and relocate 3 others;
4. Install 3 new MIMO antennas;
5. Install 3 new panel antennas;
6. Install 6 new RRU’s, and
7. Increase the height of the fence used to screen the compound.

All new wiring will follow the same route as existing, along the tower leg and will be gray in color.

Staff recommended approval of the revised PWSF 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 December 2, 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. Revise the date in the vesting note to show December 2, 2022.
2. The installation shall comply with all TVA requirements regarding the mounting of wireless equipment on their towers.
3. The replacement equipment shall be mounted using the same configuration and proximity to the tower as the existing equipment.
4. The installation shall comply with all requirements as defined in Section 78-536 of the zoning ordinance.
5. All mechanical equipment on the ground must be screened from public view.
6. The City’s adopted Codes are not correct in the Code Compliance table. Refer to the City’s website for the latest versions of the adopted building related Codes. <https://www.brentwoodtn.gov/departments/planning-codes/codes-enforcement-section>
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. The required inspections must also be completed before a certificate of completion is issued for the project.
8. 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.
9. 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.
10. 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.
11. Applicable security, if necessary 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.
12. 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.
13. Deviations from the approved plan in the development of a project or the failure to satisfy any standard requirements or special conditions of approval imposed by the planning commission will be considered a violation of the provisions of the Zoning Ordinance, which shall be subject to punishment as provided in Section 1-9 of the Brentwood Municipal Code. The City may also require the applicant to appear before the Planning Commission to address any deficiencies or unapproved modifications. The project may also be subject to delays in issuance of permits, certificates of occupancy, recordation of plats or other project approvals.
14. Any changes to plans approved by the Planning Commission will require staff review and re-approval by the Planning Commission.
15. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
16. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on December 2, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 3: BPC1903-013 Revised PWSF – Sprint, TVA Transmission Tower, 1532 High Oaks Court, Zoning OSRD

Faulk and Foster requested approval of modifications to the existing PWSF located on an existing TVA transmission tower at 1532 High Oaks Court in the Willowick Subdivision. The installation is located at an elevation of 79’ 5”. The modifications included:

1. Remove 3 existing panel antennas;
2. Remove existing coax cables and upgrade with Hybrid cable;
3. Relocate 3 existing Remote Radio Units (RRU’s) and install 9 more;
4. Install 6 new panel antennas on the tower, and
5. Install 6 new pipe mounts, 3 dual antenna mounts and 4 hybrid cables.

The existing equipment compound is located at the base of the tower.

Staff recommended approval of the revised PWSF 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 December 2, 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. Revise the date in the vesting note to show December 2, 2022.
2. The installation shall comply with all TVA requirements regarding the mounting of wireless equipment on their towers.
3. The replacement equipment shall be mounted using the same configuration and proximity to the tower as the existing equipment.
4. The installation shall comply with all requirements as defined in Section 78-536 of the zoning ordinance.
5. All mechanical equipment on the ground must be screened from public view.
6. The City’s adopted Codes are not correct in the Code Compliance table. Refer to the City’s website for the latest versions of the adopted building related Codes. <https://www.brentwoodtn.gov/departments/planning-codes/codes-enforcement-section>
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. The required inspections must also be completed before a certificate of completion is issued for the project.
8. 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.
9. 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.
10. 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.
11. Applicable security, if necessary 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.
12. 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.
13. Deviations from the approved plan in the development of a project or the failure to satisfy any standard requirements or special conditions of approval imposed by the planning commission will be considered a violation of the provisions of the Zoning Ordinance, which shall be subject to punishment as provided in Section 1-9 of the Brentwood Municipal Code. The City may also require the applicant to appear before the Planning Commission to address any deficiencies or unapproved modifications. The project may also be subject to delays in issuance of permits, certificates of occupancy, recordation of plats or other project approvals.
14. Any changes to plans approved by the Planning Commission will require staff review and re-approval by the Planning Commission.
15. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
16. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on December 2, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 4: BPC1911-003 Final Plat – Traditions Subdivision, Section Four, Zoning OSRD

Ragan Smith Associates requested approval of a final plat that shows 22 lots on approximately 15.7 acres.

The following table detailed the development/recording history of the project to date.

|  |  |  |  |
| --- | --- | --- | --- |
| **SECTION #** | **# LOTS** | **AREA** | **RECORDED** |
| 1 | 27 | 54.43 | PB P66 PG 99 |
| 2 | 27 | 37.52 | PB P69 PG 97 |
| 3 | 27 | 28.00 | PB P72 PG 39 |
| 4 | 22 | 15.69 |  |
| 5 | 24 | 14.19 |  |
| **TOTALS** | **126** | **149.83** |  |

A total of 81 lots have been recorded to date.

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

1. Remove the blocks on lot numbers lots 61 & 62.
2. Approval of a final plat by the Planning Commission shall become effective upon the date of the last signature required on the plat for recording. The initial vesting period shall be for a period of five years after approval.
3. Add the following note to 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 homes in each section shall use U.S. Postal Service approved Cluster Box Units for Mail Delivery. Each home builder shall install permanent address posts, in lieu of mailboxes at the end of each driveway to facilitate emergency response. The address posts must be installed before a certificate of occupancy will be issued for the home.
2. The property owner/developer is responsible for all development fees including water and sewer service and tap fees, building permit fees and Public Works Project Fees.
3. 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.
4. Add the following note to the plat: Middle Tennessee Electric Membership Corporation (MTEMC) shall have access to install, construct, reconstruct, rephase, operate and maintain its electric facilities located within the subject property.   MTEMC has the right to cut, trim and control the growth by chemical means, machinery or otherwise of trees and shrubbery located within 20 feet of the center line (a total of 40’) of its facilities, or any vegetation that may interfere with or threaten to endanger the operation and maintenance of its facilities.
5. Add the following note to the plat: MTEMC will provide electric service to the subject property according to the normal operating practices of MTEMC as defined in its Rules and Regulations, Bylaws, and policies, and in accordance with the plat approval checklist, tree planting guidelines and other requirements contained on the MTEMC website at [www.mtemc.com](https://linkprotect.cudasvc.com/url?a=http%3a%2f%2fwww.mtemc.com&c=E,1,Sew5PrTUtcfS6tcdCjwPniNRR5iFGJUx9fp9UyzWcftHYiEF3TEgdO17-eTfayll250l2-z4n7EM8aZkJaq5J2Cqy5FgoXY6myl22krEnYfIQvidB8lmm6kCDq04IQ,,&typo=1) (collectively the “Requirements”).   No electric service will be provided until MTEMC’s Requirements have been met and approved in writing by an authorized representative of MTEMC.  Any approval is, at all times, contingent upon continuing compliance with MTEMC’s Requirements.
6. 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.
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. Applicable security for all required improvements in accordance with the requirements of Article Eight of the Brentwood Subdivision Regulations shall be provided before the final plat may be signed and recorded.
9. Any changes to plans approved by the Planning Commission will require staff review and re-approval by the Planning Commission.
10. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
11. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on December 2, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 5: BPC1911-002 Final Plat – Traditions Subdivision, Section Five, Zoning OSRD

Ragan Smith Associates requested approval of a final plat that shows 24 lots on approximately 14 acres.

The following table detailed the development/recording history of the project to date.

|  |  |  |  |
| --- | --- | --- | --- |
| **SECTION #** | **# LOTS** | **AREA** | **RECORDED** |
| 1 | 27 | 54.43 | PB P66 PG 99 |
| 2 | 27 | 37.52 | PB P69 PG 97 |
| 3 | 27 | 28.00 | PB P72 PG 39 |
| 4 | 22 | 15.69 |  |
| 5 | 24 | 14.19 |  |
| **TOTALS** | **126** | **149.83** |  |

A total of 81 lots have been recorded to date.

Staff recommended approval of the 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 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 homes in each section shall use U.S. Postal Service approved Cluster Box Units for Mail Delivery. Each home builder shall install permanent address posts, in lieu of mailboxes at the end of each driveway to facilitate emergency response. The address posts must be installed before a certificate of occupancy will be issued for the home.
2. The property owner/developer is responsible for all development fees including water and sewer service and tap fees, building permit fees and Public Works Project Fees.
3. Add the following note to the plat: Middle Tennessee Electric Membership Corporation (MTEMC) shall have access to install, construct, reconstruct, rephase, operate and maintain its electric facilities located within the subject property.   MTEMC has the right to cut, trim and control the growth by chemical means, machinery or otherwise of trees and shrubbery located within 20 feet of the center line (a total of 40’) of its facilities, or any vegetation that may interfere with or threaten to endanger the operation and maintenance of its facilities.
4. Add the following note to the plat: MTEMC will provide electric service to the subject property according to the normal operating practices of MTEMC as defined in its Rules and Regulations, Bylaws, and policies, and in accordance with the plat approval checklist, tree planting guidelines and other requirements contained on the MTEMC website at [www.mtemc.com](https://linkprotect.cudasvc.com/url?a=http%3a%2f%2fwww.mtemc.com&c=E,1,Sew5PrTUtcfS6tcdCjwPniNRR5iFGJUx9fp9UyzWcftHYiEF3TEgdO17-eTfayll250l2-z4n7EM8aZkJaq5J2Cqy5FgoXY6myl22krEnYfIQvidB8lmm6kCDq04IQ,,&typo=1) (collectively the “Requirements”).   No electric service will be provided until MTEMC’s Requirements have been met and approved in writing by an authorized representative of MTEMC.  Any approval is, at all times, contingent upon continuing compliance with MTEMC’s Requirements.
5. 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.
6. 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.
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. Applicable security for all required improvements in accordance with the requirements of Article Eight of the Brentwood Subdivision Regulations shall be provided before the final plat may be signed and recorded.
9. Any changes to plans approved by the Planning Commission will require staff review and re-approval by the Planning Commission.
10. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
11. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on December 2, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 6: BPC1911-005 Revised Building Elevations – Peace Love & Little Donuts, Hill Center Brentwood, 213 Franklin Road, Suite 120, Zoning C-2

Ferguson Architecture requested approval of a revised storefront that proposed:

1. A pre-finished black aluminum storefront with clear glass;
2. A fiber cement panel – ash color;
3. A blade sign and wall signage.

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

1. Permanent window signs that shall not exceed ten percent of the area of the window or 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 to which they will be affixed.
2. Approval of a site plan by the planning commission shall remain valid for a period of three years for the original date of approval.
3. Add the following note to the site plan;

This site plan is subject to a three-year vesting period, during which the development standards in effect on the date of approval will remain the standards applicable to this plan.  If construction is not completed during the first three years, the original site plan is considered a preliminary site plan and the applicant must obtain approval of a final site plan. Development of the property shown on this plan may be subject to standards other than those that were applicable during the vesting period.  The Initial vesting period for this plan expires on December 2, 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 December 2, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 7: BPC1911-004 Revised Preliminary Plan – Brentwood Country Club, Zoning OSRD

Ragan Smith Associates requested approval of a revised preliminary plan that proposed the abandonment of approximately 2,908 sq. ft. or 0.07 acres of the golfer’s easement located behind the existing house at 5120 Hershel Spears Circle. The proposal also adjusted the rear building setback line to correspond with the adjustment in the Golfer’s Easement. The existing house also encroached into the golfer’s easement. This encroachment was permitted by the Club and the Association in 1988.

The proposed change was to accommodate a house addition.

The excess open space for the project increased by 0.07 acres. The reason for the increase is related to the decrease in the area of the Golfer’s 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. Verify all open space calculations.
2. Approval of the proposed revised preliminary plan shall be contingent upon approval by the Board of Commissioners of the corresponding changes to the OSRD Development Plan.
3. Add the following note to the site plan;

This site plan is subject to a three-year vesting period, during which the development standards in effect on the date of approval will remain the standards applicable to this plan.  If construction is not completed during the first three years, the original site plan is considered a preliminary site plan and the applicant must obtain approval of a final site plan. Development of the property shown on this plan may be subject to standards other than those that were applicable during the vesting period.  The Initial vesting period for this plan expires on August 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. 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 December 2, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 8: BPC1911-001 Revised Final Plat – Brentwood Country Club, Lot 96, 5120 Herschel Spears Circle, Zoning OSRD

Ragan Smith Associates requested approval of a revised final plat that abandoned approximately 2,908 sq. ft. (0.07 ac.) of the golfer’s easement located to the rear of 5120 Hershel Spears Circle. The proposal also adjusted the rear building setback line to correspond with the adjustment in the Golfer’s Easement.

Staff recommended approval of the revised final plat 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 final plat by the Planning Commission shall become effective upon the date of the last signature required on the plat for recording. The initial vesting period shall be for a period of five years after approval.
3. Add the following note to 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 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. Applicable security for all required improvements in accordance with the requirements of Article Eight of the Brentwood Subdivision Regulations shall be provided before the final plat may be signed and recorded.
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 December 2, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 9: BPC1911-007 Revised Final Plat – Roberts Property & Brentwood Estates, Lot 58, 310 Wilson Pike & 9008 Meadowlawn Drive, Zoning R-2

Walter Davidson and Associates requested approval of a revised final plat that conveyed 0.39 acres of Lot 58 of the Brentwood Estates Inc. Unit 1 Subdivision to Lot 4 of the Roberts property Subdivision, located at 310 Wilson Pike. The new lot area for Lot 58 will be 1.22 acres, while the Lot 4 will have a new lot area of 6.04 acres.

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

1. That portion of the existing gravel driveway on lot 4 that encroaches onto lot 58 must be removed before the final plat will be signed for recording.
2. The minimum building setback for both lots along Wilson Pike is 150 feet. Revise the plat as required.
3. Provide a lighter line weight for the north and east property lines of lot 58. The bolder line should outline the areas included for both lots.
4. 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.
5. 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 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. Applicable security for all required improvements in accordance with the requirements of Article Eight of the Brentwood Subdivision Regulations shall be provided before the final plat may be signed and recorded.
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 December 2, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 10: BPC1911-009 Revised Building Elevations – 1710 General George Patton Drive, Zoning C-3

Cushman & Wakefield, Inc. requested approval of revised building elevations for the existing structure located at 1710 General George Patton Drive. The proposed changes included:

1. Paint the red brick on the front and sides a pure white;
2. Paint the rear metal elevation an urbane bronze.

Work on the front of the building was begun by the owner and delayed until Planning Commission approval of the revised building elevations could be obtained.

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

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

This site plan is subject to a three-year vesting period, during which the development standards in effect on the date of approval will remain the standards applicable to this plan.  If construction is not completed during the first three years, the original site plan is considered a preliminary site plan and the applicant must obtain approval of a final site plan. Development of the property shown on this plan may be subject to standards other than those that were applicable during the vesting period.  The Initial vesting period for this plan expires on December 2, 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 December 2, 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: BPC1911-006 Revised Site Plan – Andrews Cadillac, Jaguar/Land Rover, 1 Cadillac Drive, Zoning C-2

Morelock Engineering, LLC requested approval of modifications to the Andrews Cadillac/Jaguar Land Rover dealership.

|  |  |
| --- | --- |
| **BUILDING DESCRIPTION** | **AREA** |
| Existing Cadillac Dealership | 42,144 |
| Existing Jaguar Land Rover Dealership | 17,273 |
| Proposed Jaguar/Land Rover Addition | 8,362 |
| Proposed Car Wash Addition | 3,225 |
| Proposed Building area – Jaguar Land Rover | 28,860 |
|  |  |
| Existing parking provided – Cadillac – Lot 1 | 301 |
| Existing Parking provided – Jaguar Land Rover – Lot 2 | 197 |

While the site plan showed improvements on the lots in Brentwood and in Metro Nashville, the Planning Commission was asked to approve the following, all located within Brentwood.

Modifications to the Cadillac lot included:

1. Addition of roof screen to screen the HVAC equipment;
2. Modifications to the parking lots and driveways to improve circulation, and
3. Replacement all light poles and fixtures.

On the Jaguar/Land Rover side the plan proposed:

1. Total Proposed Building area – 28,860 sq. ft.;
2. An addition to the dealership to add service bays – 8,362 sf;
3. Extend the roof screens to screen the HVAC equipment;
4. Extend the service canopy on the west side of the building;
5. Partial demolition of the existing car wash building, and addition of a new car wash building, providing an area of 3,225 sf;
6. Modifications to the parking lots to improve circulation;
7. Replace all light poles and fixtures, and
8. Addition of 32 parking spaces (197 to 229).

The Planning Commission was not asked to approve the proposed garage in Metro as part of the review. The garage was shown to provide a complete picture of the future development of the tract.

A 28,800 sq. ft. two-level garage, located in Metro Nashville was also shown in the plans on the lot adjacent in Metro to lot 1. The deck will provide for parking of inventory and employee vehicles.

It will be necessary for the property owner to coordinate with the Metro Codes Department in the review and permitting of the garage. According to information received from the applicant, it is not necessary that Metro Planning review the garage proposal. The Metro Codes Department will complete a building review and issue the necessary permits.

Mr. Bain moved for approval of the revised site plan and building elevations subject to the following conditions being met to the satisfaction of staff:

1. In the site data table, the maximum surface land ratio for Davidson County is shown to be 0.80 and the minimum landscape surface ratio is 0.30. Should the maximum surface land ratio be 0.70 instead of 0.80?
2. In order to direct the light downward, staff recommends that parking lot light shades be installed on all new parking lot lighting.
3. Verify the minimum building setbacks in the Davidson County portion of the property are correct.
4. Locate existing oil/water separator on plans and include any proposed oil/water separator locations on plans.
5. Because new easements are being created, a revised final plat will be required. The plat shall be provided for staff review before a permit will be issued for the project.
6. Approval from the Maryland Farms Property Owner’s Association of the proposed elevation changes is required before a permit will be issued for the project.
7. Provide review comments from Metro regarding the proposed garage. Specifically, staff is requesting input / comments on the scenic highway designation of Old Hickory Boulevard and the required setbacks.
8. Approval of the plan by the Planning Commission does not constitute approval of the proposed garage located in Metro Nashville. The applicant shall coordinate the plan review and issuance of the necessary permits with staff from the Metro Codes Department.
9. Approval of a site plan by the planning commission shall remain valid for a period of three years for the original date of approval.
10. 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 December 2, 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. Applicable security for the required landscaping improvements in accordance with the requirements of Article Eight of the Brentwood Subdivision Regulations shall be provided before a permit will be issued for the project.
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 December 2, 2019. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Ms. Robinson seconded; motion was approved unanimously.

# OTHER BUSINESS

**Monthly Security Report**

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

# ADMINISTRATIVE INFORMATION

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

Being no further business, the meeting adjourned at 7:18 pm.

APPROVED: January 6, 2020 Holly Earls \_ Holly Earls, City Recorder