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

**BRENTWOOD, TENNESSEE**

The regular meeting of the Brentwood Planning Commission met on Monday, February 3, 2020 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, Brandon Oliver, Stevan Pippin and Sonna Robinson. Staff present were Jeff Dobson, Kirk Bednar, Jay Evans, Kristen Corn, Mike Harris, Darek Baskin, Lori Lange, Todd Petrowski and Allison Henry.

Mr. Pippin moved for approval of the minutes from the January 6, 2020 meeting as written; seconded by Mr. Kaplan. Motion passed 9-0 with Ms. Donahue abstaining.

**CONSENT AGENDA**

Item 1: **BPC2001-006 Revised Final Plat, Revision to Front Setback Line – Wildwood Valley Estates, Lot 58, 6320 Wildwood Valley Drive, Zoning R-2**

Mr. Michael Lee requested approval of a revised final plat that reduced the platted 100-foot front yard setback to 90 feet. The minimum front yard setback in the R-2 district is 75 feet.

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

1. Add an address block to the lot.
2. The existing utility services shall be identified on the plat.
3. Create an easement for the existing overhead electric line along the south property line.
4. Provide a 20-foot wide public utility and drainage easement along the road frontage of Wildwood Valley Drive.
5. The lowest floor elevation should be shown on the plat due to a portion of the Lot being within the floodplain. This needs to be lowest floor (LFE), not finished floor.
6. 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.
7. 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. As indicated on the plat, the property is located in the floodplain. Additional standards may be required related to any addition to the existing home.
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, FIPS Zone 4100, NAD 83 datum. The digital copies must be received before the plat may be recorded.
3. The property owner is responsible for all development fees including water and sewer service and tap fees, building permit fees and Public Works Project Fees. The required fees shall be used for future infrastructure related improvements required by the proposed development.
4. 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.
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 plats 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 February 3, 2020. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 2: BPC2001-004 Building Elevations – Hill Center Brentwood, Suite D-103, E-102, & E-105, Zoning C-2

Orcutt Winslow requested approval of building elevations for building D1, Suite 103 and building E1, Suites 102 & 105. The proposal included signage for the three tenant spaces.

The window openings are currently covered with plywood.

Staff recommended approval of the revised building elevations 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 February 3, 2023, 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 February 3, 2020 . Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 3: BPC2001-003 Minor Revisions to Previously Approved Site Plan, Addition of Two License Plate Readers - Brentwood Auto Wash, 422 Wilson Pike Circle, Zoning C-2

Mr. Paul Budslick requested approval to add License Plate Readers (LPR) to the previously approved automatic pay stations. The addition will require the extension of the two existing concrete islands, approximately 12 feet. Also on the islands, as previously approved are the two automatic pay station control panels and two gates.

The LPR’s measure approximately 4’ x 31” x 8”

The islands as originally approved measure 20’ 6”. The total length of the extended island would be 32’ 6”. The extension of the islands would be across existing concrete and will not affect the green space area of the lot.

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

1. The appropriate permits shall be obtained for the proposed change.
2. A site plan shall be vested for a period of three years from the date of the original approval.
3. Add the following note to the site plan;

This site plan is subject to a three-year vesting period, during which the development standards in effect on the date of approval will remain the standards applicable to this plan.  If construction is not completed during the first three years, the original site plan is considered a preliminary site plan and the applicant must obtain approval of a final site plan. Development of the property shown on this plan may be subject to standards other than those that were applicable during the vesting period.  The Initial vesting period for this plan expires on 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. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on February 3, 2020. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 4: BPC2001-008 Limited Duration Event – Food Truck Rally, Brentwood High School, 5304 Murray Lane, Zoning SI-2

Brentwood High School requested approval of a limited duration event to conduct a food truck rally on the school grounds from 10:30 am to 1:30 pm on April 30, 2020, located in the “senior” parking lot on the east side of the campus.

Approximately 14 food trucks will be invited to the event, which is intended for students only and not open to the public.

Section 18-187(a)1 of the Code required that Food Truck Rallies in which more than ten vendors participate, obtain approval for the limited duration event from the Planning Commission.

Student vehicles will park in the lot while the food trucks are on-site. The trucks will park on the west side of the lot in the traffic lane nearest the cars. The most western lane (nearest the sidewalk/school) will remain open as a fire lane.

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

1. The event organizers shall coordinate the event with Planning and Codes, and Police Department personnel as necessary in planning the event.
2. Any food trucks on the site shall comply with the requirements of Article VI of the Municipal Code, and be permitted by the City.
3. The event shall comply with applicable sections of the Municipal Code. The levels of music amplification and public address activity will be governed by the requirements of the noise ordinance. Every effort will be made to mitigate the noise generated by the site.
4. All ingress and egress points must remain clear and accessible at all times during the event. Emergency responders shall have access to the site at all times.
5. Install temporary barriers at key locations to separate pedestrians from vehicle traffic.
6. Approval of the site plan does not constitute approval of the signage plan. All signs must comply with the Brentwood Sign Ordinance.
7. Deviations from the approved plan/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.
8. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on February 3, 2020. 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. Magyar; motion was approved unanimously.

# REGULAR AGENDA

**Item 1:** **BPC2001-002 Limited Duration Event – KARS4KIDS, Tennessee Baptist Children’s Home, 1310 Franklin Road, Zoning SI-2/SR**

Paul Collins requested approval of the 19th Annual Kars4Kids Car, Truck and Motorcycle show. The limited duration event will be conducted Saturday, April 18th from 8:00 am to 4:00 p.m. on the lawn at the Tennessee Baptist Children’s Home located at 1310 Franklin Road.

The event is free to attend. It is estimated that 4,000 to 5,000 could attend throughout the day, weather permitting.

All traffic will enter the site at via Franklin Road. Volunteers will be positioned to provide assistance. Vehicles will stack on Franklin Road. Registration is from 8:00 to noon. Show vehicles will begin arriving around 7:00 a.m. Spectators typically begin to arrive around 10:00 a.m. Trophy presentation is around 3:30.

It is possible that a few venders will also be on-site. Vendors will set-up before 8:00 a.m.

Mr. Oliver moved for approval of the limited duration event subject to the following conditions being met to the satisfaction of staff:

1. The event organizers shall coordinate the event with Planning and Codes, and Police Department personnel as necessary in planning the event.
2. All ingress and egress points must remain clear and accessible for emergency services at all times during the event.
3. Future events must be submitted for review by staff and approved by the Planning Commission annually.
4. Any food trucks on the site shall comply with the requirements of Article VI of the Municipal Code and be permitted by the City.
5. The event shall comply with applicable sections of the Municipal Code. The levels of music amplification and public address activity will be governed by the requirements of the noise ordinance. Every effort will be made to mitigate the noise generated by the site.
6. All tents used must be flame resistant in accordance with NFPA 701, and have a label permanently attached indicating such compliance. Each tent shall have at least a “2A” rated fire extinguisher, unobstructed and easily accessible in the event of a fire emergency.
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. Deviations from the approved plan in the development of a project or the failure to satisfy any standard requirements or special conditions of approval imposed by the planning commission will be considered a violation of the provisions of the Zoning Ordinance, which shall be subject to punishment as provided in Section 1-9 of the Brentwood Municipal Code. The City may also require the applicant to appear before the Planning Commission to address any deficiencies or unapproved modifications. The project may also be subject to delays in issuance of permits, certificates of occupancy, recordation of plats or other project approvals.
9. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on February 3, 2020. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Mr. Pippin seconded; motion was approved unanimously.

**Item 2:** **BPC1912-006 Preliminary Plan -- 935 Edmondson Pike, Zoning R-1**

Majors Construction LLC requested approval of a preliminary plan showing three lots on approximately 7.5 acres. Each lot will be over two acres in size.

All lots will be required to provide grinder pump sewer.

The plan proposed one shared driveway having an asphalt surface being 12 feet wide and serving all three lots from Edmondson Pike.

Commissioner Travis moved for approval of the proposed preliminary plan subject to the following conditions being met to the satisfaction of staff:

1. All areas of grading for the detention ponds must also be included within open space. Revise the tables and lot areas as necessary.
2. Provide calculations for the Edmondson Pike storm discharge.
3. All private water and sewer services shall be located within dedicated easements or lot boundaries.
4. Add bearings and distances to all PUEs.
5. Add a North arrow and a scale to all sheets.
6. The slope of the driveways shall comply with Section 78-486(14)c of the Municipal Code.
7. The proposed shared driveway easement shall comply with the standards defined in Section 78-486(8) of the Code.
8. Verify from USPS that Cluster Box locations for mail deliveries will not be required.
9. Place the existing spring house in a PUDE.
10. A preliminary plan shall be vested for a period of three years from the date of the original approval.
11. Add the following note to the preliminary 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 February 3, 2023, 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 February 3, 2020. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Mr. Bain seconded; motion was approved unanimously.

**Item 3:** **BPC1912-007 Final Plat -- 935 Edmondson Pike, Zoning R-1**

Majors Construction LLC requested approval of a final plat showing three lots on approximately 7.5 acres. Each lot will be over two acres in size.

All lots shall be served using grinder pump sewer.

The plat proposed one shared driveway having an asphalt surface being 12 feet wide and serving all three lots from Edmondson Pike.

Mr. Pippin moved for approval of the proposed final plat subject to the following conditions being met to the satisfaction of staff:

1. Verify from USPS that Cluster Box locations for mail deliveries from will not be required.
2. Add bearings and distances to all PUEs.
3. All areas of grading for the detention ponds must also be included within open space. Revise the tables and lot areas.
4. The location of existing and proposed public sewer service lines and connections shall be outside of any driveways.
5. Approval of a final plat by the Planning Commission shall become effective upon the date of the last signature required on the plat for recording. The initial vesting period shall be for a period of five years after approval.
6. Add the following note to 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. Public sewer service lines and connection boxes shall be installed prior to signing of the plat. The plat shall show actual surveyed locations of service line and connection boxes. Any references to "proposed" shall be removed from plat before signing.
2. Add the following Grinder Pump note to the plat:

The developer/owner shall furnish the City, for all designated lots with pressurized grinder pump sewer the cash equivalent of $1,900 per pump for each lot subject to the determination of the Water Services Director. The cash equivalent is required to minimize the replacement expenses in the future (7-10 years). Payment for replacement of the grinder pumps must be made at the time of the signing of the final mylar. This requirement is consistent with Section 70-132 of the Municipal Code.

1. 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.
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, FIPS Zone 4100, NAD 83 datum. The digital copies must be received before the plat may be recorded.
3. 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.
4. Any changes to plans approved by the Planning Commission will require staff review and re-approval by the Planning Commission.
5. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
6. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on February 3, 2020. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Mr. Kaplan seconded. Motion passed 9-0 with Ms. Crigger abstaining.

# OTHER BUSINESS

Commissioners heard an update on the traffic pattern at the Costco gas station.

**Monthly Security Report**

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

# ADMINISTRATIVE INFORMATION

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

Being no further business, the meeting adjourned at 7:50 pm.

APPROVED: March 2, 2020 Holly Earls \_ Holly Earls, City Recorder