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

**BRENTWOOD, TENNESSEE**

The regular meeting of the Brentwood Planning Commission met on Monday, December 7, 2020 at 7:30 p.m. at Brentwood City Hall.

Electronically present at roll call were Chairman Janet Donahue, Commissioner Ken Travis, Chris Clark, Carol Crigger, Michael Kaplan, Brandon Oliver, Stevan Pippin, Sonna Robinson and John Vitucci. Preston Bain was absent. Staff present electronically were Jeff Dobson, Kirk Bednar, Jay Evans, Kristen Corn, Holly Earls, Mike Harris, Darek Baskin, Lori Lange, Todd Petrowski, and Allison Henry.

In the interest of the health, safety, and welfare of the public, this meeting was held electronically pursuant to Governor Lee’s Executive Order No. 16, 34, 51, 60, and 65. Physical presence of the public was limited, but the meeting was able to be viewed online at [www.brentwoodtn.gov/livestream](http://www.brentwoodtn.gov/livestream).

Ms. Robinson moved for approval of the minutes from the November 2, 2020 meeting as written; seconded by Mr. Pippin. Motion was approved unanimously.

**CONSENT AGENDA**

Item 1: **BPC2011-004 Hillside Protection Overlay Site Review - Morgan Farms, Lot 206, 1880 Barnstaple Lane, Zoning OSRD**

Drees Premier Homes, Inc., requested approval of a Hillside Protection Overlay site plan for Lot 206 located at 1880 Barnstaple Lane within the Morgan Farms Subdivision.

The builder of the home will be required to install a residential sprinkler system in accordance with the technical requirements of the HP Overlay. The site calculations for the lot follow:

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| **1880 BARNSTAPLE LANE – MORGAN FARMS** | |
| Lot Area (sf) | 29,615 sf |
| Total Area of Home (sf) | 7,768 sf |
| Heated Area (sf) | 5,648 sf |
| Impervious Area (sf) | 7,161 sf |
| Green Space Provided (%) | 75.8% |
| Green Space Required (%) | 40% |

The exterior elevations included brick in a rustic Timber color, beige colored stucco, off white soffit, facia & garage door, weathered wood colored asphalt shingles and brown front door.

Staff recommended approval of the proposed Hillside Protection Overlay site plan, to include the required residential sprinkler system subject to the following conditions:

1. A Hillside Protection Overlay 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 Hillside Protection Overlay 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 7, 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. The property owner or Fire Sprinkler Contractor shall field verify pressure and flows before design/construction of required sprinkler system.
2. Following the approval of the site plan by Planning Commission, a grading permit, building permit, and a swimming pool permit will be required prior to construction. A NOI and SWPPP will be required prior to these permit approvals.
3. Add the following note to the plan, per TDEC Guidelines regarding the requirement for a NPDES Stormwater Construction Permit:

“Operators of construction sites involving clearing, grading or excavation that result in an area of disturbance of one or more acres, and activities that result in the disturbance of less than one acre if it is part of a larger common plan of development or sale."

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.
5. Complete plans shall be submitted to the Planning and Codes Department for review, approval and issuance of the required permits before any work is begun. Additionally, all required electrical permits, issued by the State of Tennessee must be received before any work is begun.
6. 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.
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 7, 2020. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 2: BPC2011-009 Revised Final Plat – Reserve at Raintree Forest Subdivision Lots 122, 123 and Open Space 1, 1595 Eastwood Drive and 1953 Eastwood Drive, Zoning OSRD

Ragan Smith Associates requested approval of a revised final plat that reflected the recently approved revised preliminary plan/OSRD Development Plan for the Reserve at Raintree Forest Subdivision. The previously approved plan eliminated the mulched trail located between Lots 122, 123, and in Open Space One. In addition, a portion of the scenic easement in Open Space One, behind Lots 119 and 120 is being amended to allow for installation of a waterline connection to serve future sections.

Permits have been issued for lots 107, 110, 111, 113, 114, 122 & 123. The homes were currently under construction. Permits were under review for several other lots.

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

1. Approval of a final plat by the Planning Commission shall become effective upon the date of the last signature required on the plat for recording. The initial vesting period shall be for a period of five years after approval.
2. Add the following note to 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. 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.
2. The property owner is responsible for all development fees including water and sewer service and tap fees, building permit fees and Public Works Project Fees. The required fees shall be used for future infrastructure related improvements required by the proposed development.
3. Applicable security for all required roadway, drainage, utilities, water, sewer, improvements and landscaping in accordance with the requirements of Article Eight of the Brentwood Subdivision Regulations shall be provided before the final plat may be recorded.
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. 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.
6. 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.
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 7, 2020. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 3: BPC2011-010 Minor Site Plan Alteration - Nashville Golf and Athletic Club, 1703 Crockett Springs Trail, Zoning OSRD

The Nashville Golf and Athletic Club requested approval of a plan to renovate the existing clubhouse. The proposed changes included the replacement of doors, windows and siding for the entire structure. New shutters are also proposed.

The historic clubhouse is located in the open space for the project.

A cover over the existing patio at the rear of the structure measuring 20’ x 40’ is also proposed. The cover will, be supported by 12” x 12” timbers. A metal roof painted green to match the existing clubhouse is included as part of the design.

Since the proposed exterior modifications affected a structure designated as historically significant, by the Board of Commissioners, Planning staff presented the proposed revised building elevations to the Historic Commission for their review on October 16, 2020. The Board voted unanimously to endorse the proposed plan.

Because the proposal affected the existing improvements within the permanent open space, approval by the Board of Commissioners of the revised OSRD Development Plan is required.

Staff recommended approval of the proposed revisions to the exterior of the existing Clubhouse at the Nashville Golf and Athletic Club and recommended forwarding a recommendation of approval of the corresponding changes to the OSRD Development Plan to the Board of Commissioners 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 December 7, 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. Ground and roof level electrical transformers, heat and air conditioning equipment and similar facilities shall be screened from public view per the requirements of Section 78-246 (l) of the zoning ordinance.
6. Unenclosed guarded service equipment on the exterior of building in commercial and service institution districts shall be limited to mandatory disconnects and metering equipment. All other service equipment shall be placed in an enclosed area of a structure.
7. Add the following note to the plans that are to be submitted for building permit review: “This document certifies that the building materials specified in the Planning Commission approval of this project (BPC2011-010) are likewise provided for in the plans submitted. Any deviation from the approved building materials will negate any staff approval of said plans. Proposed changes to project specifications will be submitted to the Planning Commission for further consideration.
8. 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.
9. Coordinate the following requirements with the Fire Marshal:

* A supra lock box with a master key is required at the entrance of the building.
* Landscaping or other site improvements shall not obstruct any fire protection equipment.
* The Fire Department connection shall be no more than 100 feet from any fire hydrant.
* The building shall have approved address numbers in a location that is plainly visible and legible from the streets on which the building fronts. The numbers shall contrast with the background of the building.
* Fire lanes shall be established around the fire hydrant and fire department connection and marked with free standing signs with the words “FIRE LANE - NO PARKING OR STANDING.”
* The post indicator valve must be located a minimum of 40 feet from the building;
* The pavement directly adjacent to the building should be capable of supporting the imposed load of fire apparatus (approximately 60,000 lbs.).

1. Deviations from the approved plan in the development of a project or the failure to satisfy any standard requirements or special conditions of approval imposed by the planning commission will be considered a violation of the provisions of the Zoning Ordinance, which shall be subject to punishment as provided in Section 1-9 of the Brentwood Municipal Code. The City may also require the applicant to appear before the Planning Commission to address any deficiencies or unapproved modifications. The project may also be subject to delays in issuance of permits, certificates of occupancy, recordation of plats or other project approvals.
2. Any changes to plans approved by the Planning Commission will require staff review and re-approval by the Planning Commission.
3. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
4. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on December 7, 2020. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 4: BPC2011-014 Minor Site Plan Alteration, Monument Sign – Concord Community Church, 9826 Concord Rd, Zoning SI-1

The Concord Community Church requested approval of a plan to replace the existing monument sign along Concord Road. The new sign structure will be white painted brick and grey fieldstone with black lettering. The sign structure will measure approximately 15 feet wide and 6 feet tall. The sign face will be approximately 38 square feet on each side. The proposed sign will be externally illuminated using ground mounted lighting fixtures. The proposal met the requirements of the code.

Staff recommended approval of the proposed minor revisions to the previously approved site/signage 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 December 7, 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. 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. Landscaping or other site improvements shall not obstruct any fire protection equipment.
6. 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 & Codes Department for review. Submit a signage package for review and approval.
7. Deviations from the approved plan in the development of a project or the failure to satisfy any standard requirements or special conditions of approval imposed by the planning commission will be considered a violation of the provisions of the Zoning Ordinance, which shall be subject to punishment as provided in Section 1-9 of the Brentwood Municipal Code. The City may also require the applicant to appear before the Planning Commission to address any deficiencies or unapproved modifications. The project may also be subject to delays in issuance of permits, certificates of occupancy, recordation of plats or other project approvals.
8. Any changes to plans approved by the Planning Commission will require staff review and re-approval by the Planning Commission.
9. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
10. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on December 7, 2020. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 5: BPC2011-007 Revised Preliminary Plan - 935 Edmondson Pike, Zoning R-1

M2 Group, LLC requested approval of a revised preliminary plan that modified the configuration of the previously approved shared driveway easement and utility infrastructure based on as-built conditions.

Staff recommended approval of the revisions to the previously approved preliminary plan subject to the following conditions:

1. Add a purpose statement to the plan.
2. The creation of an HOA is required to maintain the common open space areas. This document must be submitted for review and recorded with the final plat.
3. Any damage to Edmondson Pike shall be repaired at the contractors expense and noted as such on the plans.
4. A preliminary plan shall be vested for a period of three years from the date of the original approval.
5. 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 December 7, 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. Any new dwelling constructed more than 500 feet from a public roadway or authorized private roadway providing vehicle access to the dwelling shall be protected through an automatic residential fire sprinkler system installed in accordance with NFPA standards and requirements and approved by the fire chief or a designee. Add this note to the plan.
5. When the length of the driveway from the street to the front of the dwelling(s) exceeds 500 feet, the minimum required width for the driveway shall be increased to 12 feet and provisions shall be made for turnouts on the driveway every 500 feet in length to facilitate access by fire engines and two-way vehicle circulation. Add this note to the plan.,
6. Show the location of existing and platted property lines, existing streets, buildings, watercourses, railroads, cemeteries, sewer lines, bridges, culverts, drain pipes, water mains, fire hydrants, street lights, tree masses, public utility easements.
7. Provide a topographic plan showing the contours at vertical intervals of not more than two feet and identification of all natural steep grades, differentiated between those grades from fifteen percent to twenty-five percent (15%-25%) and those grades in excess of twenty-five percent (>25%).
8. Show the location of any sinkholes on the property as identified by a qualified geo-technical engineer and appropriately labeled on the preliminary plan. The all sinkholes shall be located within permanent open space areas only and not within any buildable lots. Sinkholes in the permanent open space shall be protected from natural and/or man-made debris.
9. 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.
10. Applicable security for all required roadway, drainage, utilities, water, sewer, improvements and landscaping in accordance with the requirements of Article Eight of the Brentwood Subdivision Regulations shall be provided before the final plat may be recorded.
11. A Maintenance Agreement and Storm Water System Long-Term Operation and Maintenance Plan for all storm water structures and facilities must be prepared, submitted and approved per Section 56-43 of the Brentwood Code.
12. It is the policy of the U. S. Postal Service that mail delivery to all new and extended developments use centralized delivery, via cluster box units (CBU). It is the responsibility of the customer (developers and builders) to provide the necessary mail receptacle equipment. Show/label an area on the plan to accommodate the cluster box units. Developers must receive approval from the USPS before mail service can begin.
13. Proof of USPS approval of the proposed method of mail delivery shall be provided as part of the submittal of the final plat for review by the Planning Commission. Please contact the USPS foe approval of the proposed location and design of the CBU delivery/pick-up location. The proposed location must be shown on the final plat.
14. As part of the submission of the final plat, provided a copy of the “Mode of Delivery Agreement” indicating approval of the locations of the CBU’s by the USPS. Contact Ms. Sandy Alsman -- [sandy.l.alsman@usps.gov](mailto:sandy.l.alsman@usps.gov).
15. Adequate lighting shall be provided in the area of the CBU’s.
16. Per the requirements of Appendix Seven of the Subdivision Regulations, in lieu of individual mailboxes an address post shall be permanently placed in concrete at the end of each driveway, within the street right-of-way, or private ingress/egress easement displaying the assigned address for the structure. The address post must be installed before a Certificate of occupancy will be issued for the future structure. Refer to this Article for additional information.
17. 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.
18. Any changes to plans approved by the Planning Commission will require staff review and re-approval by the Planning Commission.
19. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
20. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on December 7, 2020. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 6: BPC2011-008 Revised Final Plat - 935 Edmondson Pike, Zoning R-1

M2 Group, LLC requested approval of a final plat that revised the previously approved shared driveway easement location and utility infrastructure based on as-built conditions.

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

1. Add the appropriate bearing, distance and curve data to all easements.
2. The location of the shared access easement should be updated per the preliminary plan comments.
3. The hatched area indicating a PUDE conflicts with the plans, please remove.
4. Remove the LFE designation. This will be required during the transitional lot plan review.
5. Show the diameter of the public water line on the plat.
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. 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.
2. The property owner is responsible for all development fees including water and sewer service and tap fees, building permit fees and Public Works Project Fees. The required fees shall be used for future infrastructure related improvements required by the proposed development.
3. 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. The creation of an HOA is required to maintain the common open space areas.
5. Any new dwelling constructed more than 500 feet from a public roadway or authorized private roadway providing vehicle access to the dwelling shall be protected through an automatic residential fire sprinkler system installed in accordance with NFPA standards and requirements and approved by the fire chief or a designee. Add this note to the plan.
6. When the length of the driveway from the street to the front of the dwelling(s) exceeds 500 feet, the minimum required width for the driveway shall be increased to 12 feet and provisions shall be made for turnouts on the driveway every 500 feet in length to facilitate access by fire engines and two-way vehicle circulation. Add this note to the plan.,
7. Per the requirements of Appendix Seven of the Subdivision Regulations, in lieu of individual mailboxes an address post shall be permanently placed in concrete at the end of each driveway, within the street right-of-way, or private ingress/egress easement displaying the assigned address for the structure. The address post must be installed before a Certificate of occupancy will be issued for the future structure. Refer to this Article for additional information.
8. Any changes to plans approved by the Planning Commission will require staff review and re-approval by the Planning Commission.
9. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
10. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on December 7, 2020. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

The Consent Agenda was approved unanimously.

# REGULAR AGENDA

**Item 1:** **BPC2011-003 Hillside Protection Overlay Site Plan Review - Witherspoon Subdivision, Lot 49, 9256 Lehigh Dr, Zoning OSRD**

Legend Homes, LLC, requested approval of a Hillside Protection Overlay site plan for Lot 49 located at 9256 Lehigh Drive. The builder of the home will be required to install a residential sprinkler system in accordance with the technical requirements of the HP Overlay.

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| **9256 LEHIGH DRIVE – WITHERSPOON, LOT 49** | |
| Lot Area (sf) | 208,481 sf |
| Total Area of Home (sf) | 8,397 sf |
| Heated Area (sf) | 8,107 sf |
| Impervious Area (sf) | 18,532 sf |
| Green Space Provided (%) | 91% |
| Green Space Required (%) | 40% |

The exterior of the home will be constructed largely of Tennessee Limestone with gray mortar, beige and gray siding and trim, driftwood shingles and dark bronze metal roof and gutters.

Ms. Robinson moved for approval of the Hillside Protection Overlay Site plan to include the required residential sprinkler system subject to the following conditions being met to the satisfaction of staff:

1. The revised final plat for the lot, approved by the Planning Commission on November 2, 2020 must be recorded before any permits will be issued for the project.
2. The western lot line shall be adjusted to match the new lot configuration.
3. Provide additional information on the relocation of public sewer connection. Any relocation will require approval by staff with the Water Services Department.
4. Removal of established trees outside of the building envelope or the limits of disturbance shall be limited with the exception of diseased or hazardous trees as recommended in writing by a landscape architect, licensed to practice in Tennessee.
5. Existing natural vegetation around a proposed structure in the HP overlay district, particularly if located in areas of potential high visibility from properties and roadways at lower elevations, shall be preserved to the greatest extent feasible and practical. Additional evergreen trees and shrubs may be required to effectively screen the structure.
6. A Hillside Protection Overlay site plan shall be vested for a period of three years from the date of the original approval.
7. Add the following note to the Hillside Protection Overlay 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 7, 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. Add the following standard City of Brentwood general notes to the plan:
   * + Builder to call Brentwood Engineering Department for initial erosion control inspection (615-371-0080) prior to issuance of a permit
     + All retaining walls greater than 4’ will be designed and inspected by a licensed professional engineer and certified in writing prior to issuance of a Certificate of Occupancy. The designs will be required prior to building and grading permit release. The designs should use as a basis, the geotechnical report generated for this site.
     + A Temporary Certificate of Occupancy will not be given for grading and drainage related issues.
     + All retaining walls with height in excess of 30" require safety rail or barrier as per Brentwood code
     + The maximum grade of any portion of a driveway shall not exceed 20% for paved surfaces and 10% for unpaved surfaces, with a maximum cross slope of 5%
     + All driveways with 15% or greater longitudinal slopes and/or 5% or greater cross-slopes shall be profiled and sectioned by a TN R.L.S. and approved by the City Engineer prior to issuance of a certificate of occupancy.
5. The plan should include a vicinity map and address all items on the Transitional Lot Review Guideline checklist, and those required for Hillside Protection submittals.
6. The property owner or Fire Sprinkler Contractor shall field verify pressure and flows before design/construction of required sprinkler system.
7. Add the following note to the plan stating that a residential fire system is required.

“All structures designed for human use and occupancy, including residential dwelling units and garages, shall be protected through an automatic sprinkler system installed in accordance with National Fire Protection Association (NFPA) standards and requirements and approved by the fire chief or his designee.

1. Per section 78-343(5) of the Municipal Code, add a note stating the drive should “be constructed of materials and colors that blend into the natural terrain…”.
2. Per section 78-343(7) of the Municipal Code, submit a geotechnical study completed for the lot’s specific site plan.
3. Following the approval of the site plan by Planning Commission, a grading permit, building permit, and a swimming pool permit will be required prior to construction. An NOI and SWPPP will be required prior to these permit approvals.
4. Add the following note to the plan, per TDEC Guidelines regarding the requirement for a NPDES Stormwater Construction Permit:

“Operators of construction sites involving clearing, grading or excavation that result in an area of disturbance of one or more acres, and activities that result in the disturbance of less than one acre if it is part of a larger common plan of development or sale."

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.
2. 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.
3. 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.
4. Per the requirements of Appendix Seven of the Subdivision Regulations, in lieu of individual mailboxes an address post shall be permanently placed in concrete at the end of each driveway, within the street right-of-way, or private ingress/egress easement displaying the assigned address for the structure. The address post must be installed before a Certificate of occupancy will be issued for the future structure. Refer to this Article for additional information.
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 December 7, 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:** **BPC2008-007 Preliminary Plan - 1116 Waller Road, Zoning R-2**

Civil and Environmental Engineering Services requested approval of a preliminary plan that subdivided a tract having an area of approximately 5.6 acres into three lots.

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| --- | --- | --- |
| **LOT #** | **AREA (SF)** | **AREA (AC)** |
| 1 | 58,054 | 1.33 |
| 2 | 75,489 | 1.73 |
| 3 | 74,354 | 1.71 |
| OS | 14,990 | 0.82 |
|  |  |  |
| **TOTAL** | **244,231** | **5.590** |

The plan also proposed a 20 foot wide right-of-way dedication along Waller Road.

Lot Three will share an ingress/egress easement with the property to the rear of the lot.

Article 6.7 of the Subdivision Regulations defined certain criteria for the installation of sidewalks. The Planning Commission may grant exceptions to these requirements. The proposed plan met the requirements for an exception in that:

1. There are no sidewalks on the same side of the street, within 500 feet of the project;
2. If further than 500 feet, the area adjacent to the exterior public street shall be graded to accommodate the future construction of the sidewalk;
3. The project is not located within ½ mile of a school, public park or community gathering facility;
4. Obstacles exist that would make it impractical to install a sidewalk.

Items 1 & 2 applied to this project, staff is recommending that the area for the exterior sidewalk be graded to accommodate a sidewalk in the future. There are no sidewalks along Waller Road.

Ms. Robinson moved for approval of the proposed preliminary plan and approval to grant an exception to the requirement of Article 6.7 of the Subdivision Regulations to permit grading of the area along the exterior public street to accommodate the installation of a future sidewalk subject to the following conditions being met to the satisfaction of staff:

1. Access must be provided for maintenance of the pond in the open space. An agreement or easement must be provided from the adjacent property owner allowing the single point discharge. Documentation for drainage easement on the adjoining property should be provided for staff review.
2. Grading only shall be provided for the sidewalk area shown on the plans to accommodate future infrastructure improvements.
3. The shared ingress/egress easement for Lot Three and Parcel 033 12604 shall be established with the recording of the final plat for the property.
4. The creation of an HOA is required to maintain the common open space areas.
5. Verify/correct, as required the areas shown in the the Lot Area Table and on the lots.
6. A preliminary plan shall be vested for a period of three years from the date of the original approval.
7. 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 September 8, 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. Any new dwelling constructed more than 500 feet from a public roadway or authorized private roadway providing vehicle access to the dwelling shall be protected through an automatic residential fire sprinkler system installed in accordance with NFPA standards and requirements and approved by the fire chief or a designee. Add this note to the plan.
3. When the length of the driveway from the street to the front of the dwelling(s) exceeds 500 feet, the minimum required width for the driveway shall be increased to 12 feet and provisions shall be made for turnouts on the driveway every 500 feet in length to facilitate access by fire engines and two-way vehicle circulation. Add this note to the plan.
4. 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.
5. 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.
6. The property owner is responsible for all development fees including water and sewer service and tap fees, building permit fees and Public Works Project Fees. The required fees shall be used for future infrastructure related improvements required by the proposed development.
7. Applicable security for all required roadway, drainage, utilities, water, sewer, improvements and landscaping in accordance with the requirements of Article Eight of the Brentwood Subdivision Regulations shall be provided before the final plat may be recorded.
8. It is the policy of the U. S. Postal Service that mail delivery to all new and extended developments use centralized delivery, via cluster box units (CBU). It is the responsibility of the customer (developers and builders) to provide the necessary mail receptacle equipment. Show/label an area on the plan to accommodate the cluster box units. Developers must receive approval from the USPS before mail service can begin.
9. Proof of USPS approval of the proposed method of mail delivery shall be provided as part of the submittal of the final plat for review by the Planning Commission. Please contact the USPS foe approval of the proposed location and design of the CBU delivery/pick-up location. The proposed location must be shown on the final plat.
10. As part of the submission of the final plat, provided a copy of the “Mode of Delivery Agreement” indicating approval of the locations of the CBU’s by the USPS. Contact Ms. Sandy Alsman -- [sandy.l.alsman@usps.gov](mailto:sandy.l.alsman@usps.gov).
11. Adequate lighting shall be provided in the area of the CBU’s.
12. Per the requirements of Appendix Seven of the Subdivision Regulations, in lieu of individual mailboxes an address post shall be permanently placed in concrete at the end of each driveway, within the street right-of-way, or private ingress/egress easement displaying the assigned address for the structure. The address post must be installed before a Certificate of occupancy will be issued for the future structure. Refer to this Article for additional information.
13. A Maintenance Agreement and Storm Water System Long-Term Operation and Maintenance Plan for all storm water structures and facilities must be prepared, submitted and approved per Section 56-43 of the Brentwood Code.
14. All required electrical service shall be placed underground in compliance with the requirements of Section 70-1 of the Municipal Code.
15. 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.
16. Any changes to plans approved by the Planning Commission will require staff review and re-approval by the Planning Commission.
17. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
18. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on December 7, 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 3:** **BPC2011-005 Preliminary Plan - 1165 Waller Road, Zoning R-2**

M2 Group, LLC requested approval of a preliminary plan that subdivided approximately five acres into two lots.

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| --- | --- | --- |
| **LOT #** | **AREA (SF)** | **AREA (AC)** |
| 1 | 87,375 | 2.002 |
| 2 | 94,245 | 2.169 |
| OS | 21,524 | 0.494 |
| ROW | 15,899 | 0.361 |
| **TOTAL** | **219,043** | **5.025** |

Article 6.7 of the Subdivision Regulations defined certain criteria for the installation of sidewalks. The Planning Commission may grant exceptions to these requirements. The proposed plan met the requirements for an exception in that:

1. There are no sidewalks on the same side of the street, within 500 feet of the project;
2. The project is not located within ½ mile of a school, public park or community gathering facility;
3. Obstacles exist that would make it impractical to install a sidewalk.

Items 1 & 2 applied to this project. Staff is recommending that the area for the exterior sidewalk be graded to accommodate construction of a sidewalk in the future. There are no sidewalks along Waller Road.

Ms. Robinson moved for approval of the proposed preliminary plan and approval to grant an exception to the requirements of Article 6.7 of the Subdivision Regulations to permit grading of the area along the exterior public street to accommodate the installation of a future sidewalk subject to the following conditions being met to the satisfaction of staff:

1. Stormwater for the development shall meet the City of Brentwood regulations for water quality and quantity.
2. The creation of an HOA is required to maintain the common open space areas. This document must be submitted for review and recorded with the final plat.
3. A preliminary plan shall be vested for a period of three years from the date of the original approval.
4. 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 December 7, 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. Any new dwelling constructed more than 500 feet from a public roadway or authorized private roadway providing vehicle access to the dwelling shall be protected through an automatic residential fire sprinkler system installed in accordance with NFPA standards and requirements and approved by the fire chief or a designee. Add this note to the plan.
6. When the length of the driveway from the street to the front of the dwelling(s) exceeds 500 feet, the minimum required width for the driveway shall be increased to 12 feet and provisions shall be made for turnouts on the driveway every 500 feet in length to facilitate access by fire engines and two-way vehicle circulation. Add this note to the plan.
7. Applicable security for all required roadway, drainage, utilities, water, sewer, improvements and landscaping in accordance with the requirements of Article Eight of the Brentwood Subdivision Regulations shall be provided before the final plat may be recorded.
8. A Maintenance Agreement and Storm Water System Long-Term Operation and Maintenance Plan for all storm water structures and facilities must be prepared, submitted and approved per Section 56-43 of the Brentwood Code.
9. It is the policy of the U. S. Postal Service that mail delivery to all new and extended developments use centralized delivery, via cluster box units (CBU). It is the responsibility of the customer (developers and builders) to provide the necessary mail receptacle equipment. Show/label an area on the plan to accommodate the cluster box units. Developers must receive approval from the USPS before mail service can begin.
10. Proof of USPS approval of the proposed method of mail delivery shall be provided as part of the submittal of the final plat for review by the Planning Commission. Please contact the USPS foe approval of the proposed location and design of the CBU delivery/pick-up location. The proposed location must be shown on the final plat.
11. As part of the submission of the final plat, provided a copy of the “Mode of Delivery Agreement” indicating approval of the locations of the CBU’s by the USPS. Contact Ms. Sandy Alsman -- [sandy.l.alsman@usps.gov](mailto:sandy.l.alsman@usps.gov).
12. Adequate lighting shall be provided in the area of the CBU’s.
13. Per the requirements of Appendix Seven of the Subdivision Regulations, in lieu of individual mailboxes an address post shall be permanently placed in concrete at the end of each driveway, within the street right-of-way, or private ingress/egress easement displaying the assigned address for the structure. The address post must be installed before a Certificate of occupancy will be issued for the future structure. Refer to this Article for additional information.
14. 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.
15. Any changes to plans approved by the Planning Commission will require staff review and re-approval by the Planning Commission.
16. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
17. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on December 7, 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 4:** **BPC2011-006 Final Plat - 1165 Waller Road, Zoning R-2**

M2 Group, LLC requested approval of a final plat that subdivided approximately five acres into two lots.

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| --- | --- | --- |
| **LOT #** | **AREA (SF)** | **AREA (AC)** |
| 1 | 87,375 | 2.002 |
| 2 | 94,245 | 2.169 |
| OS | 21,524 | 0.494 |
| ROW | 15,899 | 0.361 |
| **TOTAL** | **219,043** | **5.02** |

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

1. Stormwater for the development shall meet the City of Brentwood regulations for water quality and quantity. Detention is required for the subdivision. All detention should be in open space.
2. The creation of an HOA is required to maintain the common open space areas. This document must be submitted for review and recorded with the final plat.
3. Approval of a final plat by the Planning Commission shall become effective upon the date of the last signature required on the plat for recording. The initial vesting period shall be for a period of five years after approval.
4. Add the following note to all pages of the final plat:

This final plat is subject to a vesting period, during which the development standards in effect on the date of approval will remain the standards applicable to this plan.  Upon expiration of the vesting period, development of the property shown on this plat may be subject to standards other than those that were applicable during the vesting period.  The vesting period for this plat expires on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, unless extended by the City of Brentwood.  Persons relying on this plat after said date should contact the City of Brentwood to determine if development may continue as depicted on the plan.

(Planning and Codes Department staff will insert the expiration year for the plat at the time the plat is ready for recording and may also make changes to the wording of the above note as necessary to carry out the intent of Standard Requirements 1, 2 and 3 below.)

1. 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.
2. Any new dwelling constructed more than 500 feet from a public roadway or authorized private roadway providing vehicle access to the dwelling shall be protected through an automatic residential fire sprinkler system installed in accordance with NFPA standards and requirements and approved by the fire chief or a designee. Add this note to the plan.
3. When the length of the driveway from the street to the front of the dwelling(s) exceeds 500 feet, the minimum required width for the driveway shall be increased to 12 feet and provisions shall be made for turnouts on the driveway every 500 feet in length to facilitate access by fire engines and two-way vehicle circulation. Add this note to the plan.
4. The property owner is responsible for all development fees including water and sewer service and tap fees, building permit fees and Public Works Project Fees. The required fees shall be used for future infrastructure related improvements required by the proposed development.
5. Add the following note to the 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.
6. 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.
7. Per the requirements of Appendix Seven of the Subdivision Regulations, in lieu of individual mailboxes an address post shall be permanently placed in concrete at the end of each driveway, within the street right-of-way, or private ingress/egress easement displaying the assigned address for the structure. The address post must be installed before a Certificate of occupancy will be issued for the future structure. Refer to this Article for additional information.
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. 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 7, 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 5:** **BPC2011-012 Revised Preliminary Plan - Beech Creek Hill, 440 Beech Creek Road North, Zoning R-1/ R-2**

Fulmer Lucas Engineering requested approval of a revised preliminary plan that modified a requirement that the entire wall on Lot 2 remain or be relocated on site.

The originally approved preliminary plan showed a stacked stone wall having a length of approximately 170 feet that was to be preserved and relocated elsewhere on the property. During the removal of the wall large portions of it crumbled making it difficult to rebuild to its the original length. According to the builder the wall was not dry stacked. Mortar was used to hold the rock in place.

The applicant is requesting that a 50-foot section of the wall be rebuilt along Beech Creek Road.

Ms. Robinson moved for approval of the revised preliminary plan subject to the following conditions being met to the satisfaction of staff, but with the length of the rock wall to be 50 feet long and two feet high rather than 170 feet long as recommended by staff in its report, so that the conditions should be as follows:

1. Move the proposed reconstructed wall to the north and outside of the PUDE and the 60 foot wide NES easement.
2. Reconstruct the wall to approximately 50 feet in length and two feet tall.
3. A revised final plat will be required for Lots 1 & 2. The plat must be reviewed, approved and recorded before a final certificate of occupancy will be issued for the house.
4. A revised preliminary plan is required showing the relocated stone wall on lots 1 & 2.
5. A preliminary plan shall be vested for a period of three years from the date of the original approval.
6. 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 December 7, 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. A Maintenance Agreement and Storm Water System Long-Term Operation and Maintenance Plan for all storm water structures and facilities must be prepared, submitted and approved per Section 56-43 of the Brentwood Code.
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 7, 2020. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Mr. Pippin seconded.

After additional discussion, Mr. Oliver made a motion to amend the original motion that requested 50 feet to remove the requirement to rebuild the rock wall entirely, so that staff condition #2 will be removed in its entirety. Mr. Kaplan seconded; motion passed 8-1, with Mr. Vitucci opposing.

The main motion as amended was approved unanimously.

**Item 6:** **BPC2011-013 Final Plat - 6322 Johnson Chapel Road West, Zoning R-2**

TWM Inc., requested approval of a final plat that subdivided an existing lot having an area of approximately 7.35 acres into two lots.

|  |  |
| --- | --- |
| **LOT** | **AREA(ac)** |
| 1 | 3.05 |
| 2 | 4.16 |
| ROW | 0.137 |
| **TOTAL** | **7.35** |

Lot 1 included an existing house and barn; Lot 2 is vacant. Access to Lot 2 will be via Grand Oaks Drive. The new lot will not be part of the Chapel Hill Subdivision.

Per the requirements of Article 6.8 of the Subdivision Regulations, the applicant has requested that the Planning Commission approve a driveway connection to the temporary cul-de-sac on Grand Oaks Drive to serve Lot 2. Should Lot 2 be subdivided in the future, the temporary cul-de-sac would be abandoned.

Any resubdivision of the new lot will return to the Planning Commission at some future date for their review and approval.

Ms. Robinson moved for approval of the proposed final plat, and the requested driveway connection to the temporary cul-de-sac to serve one lot, subject to the following conditions being met to the satisfaction of staff:

1. Add a note to the final plat that states that the temporary turnaround easement will be automatically terminated when the street is extended to the adjacent tract.
2. Security shall be required for the removal of the temporary turnaround. The security shall be provided before the revised final plat may be recorded.
3. Verify all site calculations.
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. 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.
2. The property owner is responsible for all development fees including water and sewer service and tap fees, building permit fees and Public Works Project Fees. The required fees shall be used for future infrastructure related improvements required by the proposed development.
3. 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 December 7, 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.

# OTHER BUSINESS

**Monthly Security Report**

Ms. Robinson 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 9:01 pm.

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APPROVED: January 4, 2021 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Holly Earls, City Recorder