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

**BRENTWOOD, TENNESSEE**

The regular meeting of the Brentwood Planning Commission met on Monday, February 1, 2021 at 7:00 p.m. at Brentwood City Hall.

Electronically present at roll call were Chairman Janet Donahue, Commissioner Ken Travis, Carol Crigger, Michael Kaplan, Brandon Oliver, Stevan Pippin, Sonna Robinson and John Vitucci. Preston Bain and Chris Clark were 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, 65, and 71. 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).

Commissioner Travis moved for approval of the minutes from the January 4, 2021 meeting as written; seconded by Mr. Kaplan. Motion was approved 8-0.

**CONSENT AGENDA**

Item 1:  **BPC2101-001 Minor Site Plan Alteration, F&M Bank, Maryland Farms, Section Ten, 110 Westwood Place, Zoning C-1**

Heibert + Ball Land Design requested approval of a revised landscaping plan that updated the plantings and brings the property up to current landscaping standards.

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

1. No new landscaping can be planted within any easement without the prior approval from the Water Services Department.
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 February 1, 2024, 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. Before a building permit can be issued, acceptable security shall be required to cover the cost of landscaping. The security shall be posted in an amount equal to one hundred ten percent (110%) of the total cost of the materials and installation of the landscaping improvements. Upon the issuance of the Certificate of Occupancy the amount may be reduced to ten percent (10%) and converted to a maintenance bond for a period of one year to ensure that the vegetation remains as a living and viable screen.
6. 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.
7. 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.
8. 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 (BPC2101-001) are likewise provided for in the plans submitted. Any deviation from the approved building materials will negate any staff approval of said plans. Proposed changes to project specifications will be submitted to the Planning Commission for further consideration.
9. 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.
10. 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. 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 & Codes Department for review. Submit a signage package for review and approval. Banners and off site signage are not allowed per the sign ordinance.
2. Deviations from the approved plan in the development of a project or the failure to satisfy any standard requirements or special conditions of approval imposed by the planning commission will be considered a violation of the provisions of the Zoning Ordinance, which shall be subject to punishment as provided in Section 1-9 of the Brentwood Municipal Code. The City may also require the applicant to appear before the Planning Commission to address any deficiencies or unapproved modifications. The project may also be subject to delays in issuance of permits, certificates of occupancy, recordation of plats or other project approvals.
3. Any changes to plans approved by the Planning Commission will require staff review and re-approval by the Planning Commission.
4. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
5. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on February 1, 2021. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 2: BPC2101-006 Minor Site Plan Alteration – Brentwood Baptist Church, Zoning SI-1

Brentwood Baptist Church requested approval of a revised site plan that added a 48 sq. ft. galvanized metal storage shed on the south side of the site, behind the building adjacent to the flower garden. The shed is intended to store garden tools and will have exterior colors of Eggshell and Coffee.

Staff recommended approval of the proposed minor site plan revisions 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 October 5, 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. 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 (BPC2101-006) 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.
6. Complete building plans shall be submitted to the Planning and Codes Department for review, approval and issuance of the required permits before any work is begun. Additionally, all required electrical permits, issued by the State of Tennessee must be received before any work is begun.
7. Deviations from the approved plan in the development of a project or the failure to satisfy any standard requirements or special conditions of approval imposed by the planning commission will be considered a violation of the provisions of the Zoning Ordinance, which shall be subject to punishment as provided in Section 1-9 of the Brentwood Municipal Code. The City may also require the applicant to appear before the Planning Commission to address any deficiencies or unapproved modifications. The project may also be subject to delays in issuance of permits, certificates of occupancy, recordation of plats or other project approvals.
8. 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 February 1, 2021. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 3: BPC2101-004 Revised Hillside Overlay Site Plan – Witherspoon Subdivision, Section Four, Lot 49, 9256 Lehigh Drive, Zoning OSRD

Legend Homes, LLC, requested approval of a revised Hillside Protection Overlay site plan for Lot 49 located at 9256 Lehigh Drive in the Witherspoon Subdivision. The changes included the following:

1. The house footprint has increased two feet x four inches or 235 square feet for a total heated area of 8,361 sq. ft.;
2. The house has been moved back on the lot approximately five feet;
3. The pool area has been modified to eliminate a set of steps on the west side to the rear yard, a modification to steps on the east end of the pool area, and the elimination of the fire pit;
4. A driveway gate has been added at the base of the driveway to include two six-foot tall stone columns to match the home and a wrought iron gate.

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 Area (sf) | 208,481 |
| Total Area of Home (sf) | 10,765 |
| Heated Area (sf) | 8,361 |
| Impervious Area (sf) | 17,753.67 |
| Green Space Provided (%) | 91.5 |
| 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.

Staff recommended approval of the proposed revised hillside protection overlay site plan, to include the required residential sprinkler system, subject to the following conditions:

1. 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.
2. 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.
3. A Hillside Protection Overlay site plan shall be vested for a period of three years from the date of the original approval.
4. 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. The standard City of Brentwood general notes should be:
* The builder shall call Brentwood Engineering Department for initial erosion control inspection 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;
* Retaining walls in excess of 30" in height require safety a rail or barrier, per Brentwood code;
* All retaining walls over 4 feet in height require design and details by a licensed TN professional engineer. 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.
* 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.
1. The entry gate shall be equipped with a Click-2-Enter system for emergency access.
2. The property owner or fire sprinkler contractor should field verify pressure and flows before design/construction of sprinkler system.
3. Add the following note to the plan -- “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.
4. Per Section 78-343(7) of the Municipal Code, submit a geotechnical study completed for the lot’s specific site plan.
5. Per Section 78-343(5) of the Municipal Code, add a note stating the concrete drive should “be constructed of materials and colors that blend into the natural terrain…”.
6. Note that pending HP approval 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.
7. From TDEC Guidelines regarding who needs an 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. 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.
3. 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.
4. 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.
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 1, 2021. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 4: BPC2101-002 Revised Final Plat – Witherspoon Subdivision, Section Six, Lot 82, 9264 Berwyn Court, Zoning OSRD

Ragan Smith Associates requested approval of a revised final plat that increased the width of the P.U.D.E. at the NW corner of Lot 82. This revision is necessary to place an existing ditch within the easement.

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. 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 1, 2021. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 5: BPC2101-005 Revised Site Plan, Clubhouse, Governors Club Subdivision, Phase One, 18 Governors Way, Zoning OSRD

Nickle Architects, PLLC requested approval of a revised site plan that included the partial demolition and renovation of the lower level clubhouse kitchen and dining space. The proposal also included:

1. Demolition of 1,640 sf of pavement on the east side of the building;
2. Addition of a 1,235 square foot, brick and hardi-plank pavilion with bi-fold glass doors;
3. A new new bar area under the pavilion;
4. The construction of a porch arcade along the east façade of the building;
5. New exterior terrace with built-in gas fueled fire pits with seating;
6. Demolition of the existing cart path and replacement of a new concrete path, and
7. Six new golf cart parking spaces at the end of the existing fire lane (446 sf).

Because the proposal included modification to improvements within the permanent open space for the subdivision, approval of the corresponding revisions to the OSRD Development Plan by the Board of Commissioners were required.

Staff recommended approval of the proposed revisions to the exterior of the existing Clubhouse and to forward 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 grading permit will be required for the site improvements.
2. Add existing and proposed 2 foot contours to all applicable sheets of the plan.
3. Add spot elevations for the golf cart path, the concrete slab and parking lot to ensure positive drainage.
4. Add storm elevations.
5. Show the proposed grades adjacent to improvements ensuring positive drainage away from building/slab/parking.
6. A site plan shall be vested for a period of three years from the date of the original approval.
7. Add the following note to the site plan:

This site plan is subject to a three-year vesting period, during which the development standards in effect on the date of approval will remain the standards applicable to this plan.  If construction is not completed during the first three years, the original site plan is considered a preliminary site plan and the applicant must obtain approval of a final site plan. Development of the property shown on this plan may be subject to standards other than those that were applicable during the vesting period.  The Initial vesting period for this plan expires on FEBRUARY 1, 2024, 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 (BPC2101-005) are likewise provided for in the plans submitted. Any deviation from the approved building materials will negate any staff approval of said plans. Proposed changes to project specifications will be submitted to the Planning Commission for further consideration.
8. When submitting for a grading permit a demolition plan, construction entrance location, and limits of construction fencing will need to be shown.
9. 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.
10. 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.
11. Any changes to plans approved by the Planning Commission will require staff review and re-approval by the Planning Commission.
12. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
13. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on February 1, 2021. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Commissioner Travis moved for approval of the items on the Consent Agenda. Seconded by Mr. Kaplan; motion was approved unanimously.

# REGULAR AGENDA

**Item 1:** **ORDINANCE 2021-02 AN ORDINANCE AMENDING THE ZONING ORDINANCE TO ESTABLISH A CERTAIN ZONING CLASSIFICATION, BEING OSRD (OPEN SPACE RESIDENTIAL DEVELOPMENT) AND BY CHANGING THE PRESENT ZONING CLASSIFICATION ON CERTAIN PROPERTY LOCATED IN THE SOUTHWEST QUADRANT OF THE INTERSECTION OF SUNSET AND SPLIT LOG ROADS, FROM THE R-2 (SUBURBAN RESIDENTIAL) ZONING DISTRICT TO THE OSRD (OPEN SPACE RESIDENTIAL DEVELOPMENT) ZONING DISTRICT, SAID TERRITORY BEING ADJACENT TO AND INCLUDING SECTIONS OF SPLIT LOG ROAD**

Ordinance 2021-02 proposed the rezoning of approximately 156 acres located south of Sunset Road and West of Split Log Road from MGA-1 & R-2 to OSRD. The property is located at 9828 Split Log Road. The property is commonly referred to as the "Gaw Property".  The rezoning request is being considered in conjunction with an annexation request for a portion of the property.

The property proposed for annexation included an area of 135 +/- acres. The area of the property proposed for the rezoning included the area to be annexed, plus a 21.00 +/- acre portion of the property under the same ownership, zoned R-2 and currently located within the City. Finally, a portion of the property, again under the same ownership, having an area of 18.99 +/- acres and located within the City, will retain its current R-2 zoning designation.

The total project area is approximately 175 acres.

**PROPOSED OSRD DEVELOPMENT PLAN**

The proposed OSRD Development Plan included a total of 116 lots, yielding a density of 0.74 dwelling units per acre (DUPA). In addition, a total of eight lots are shown in that portion of the project that is to retain the R-2 zoning classification.  The number of lots proposed for the OSRD rezoning area and the R-2 zoned area is 124 lots, for an overall density of 0.71 DUPA.

The proposed plan also shown an amenity area that will serve the future residents of the subdivision.  The improvements have not yet been designed. If the rezoning and annexation are approved the improvements will be detailed as part of the preliminary plan submitted for Planning Commission review.

The proposed plan included a ten-foot-wide asphalt multi-purpose trail within the arterial road buffer being approximately 1,430 +/- feet in length and within the right-of-way dedication along Sunset Road. The trail starts at the western boundary of the project and extends to a point directly across from the intersection of Sunset Road and Marcasite Drive which is the limits of the OSRD rezoning area along Sunset Road. The OSRD plan does not reflect the trail extending to the property's eastern boundary across the existing R-2 property, because it is not part of the OSRD rezoning request.  The trail across the R-2 property will be addressed when the preliminary plan is submitted for Planning Commission review. Since the multi-purpose trail will eventually provide public access across the frontage of the future subdivision, a public access easement in the City's name must be provided, which will require authorization from the Board of Commissioners for acquisition and acceptance of the easement. This process is similar to that used for the Avery, Oman, and Witherspoon Subdivisions.

The City and Town of Nolensville have constructed multi-purpose trails along portions of the south side of Sunset Road.  While the section of Sunset Road on which the Gaw property fronts does not yet include the multi-purpose trails, it is anticipated that such trails will be constructed along the entire length of the road.  Article 6.7 of the Subdivision Regulations required that the developer construct sidewalks along all fronting streets and along both sides of interior streets.  Sidewalks meant to function as multi-purpose trails have a minimum width of ten feet. The section also required that driveways on individual lots meet certain separation distances. Additionally, Section 78-486(8) of the Code required that shared access easements be provided for lots that front an arterial or collector road.  The shared access easements will also be shown on the preliminary plan presented for Planning Commission review.

The tract can be developed under the existing zoning in the County. The bulk of the property (135 acres) is currently zoned MGA-1.  The district was established in 2013 and assigned to all properties outside municipal boundaries and within the various UGBs around the County. The district standards require a minimum lot area of one acre and a gross density of one dwelling unit per acre, similar to the City's R-2 district.  However, there are differences in the technical standards related to accessory uses and structure standards.

MGA-1 allowed the following accessory uses/structure standards:

1. Accessory dwelling units within an existing dwelling unit (interior apartment) or as a separate or converted structure (garage, carriage house or stable);
2. Only one accessory dwelling unit, regardless of the number of principle dwellings located on a single parcel are permitted;
3. Accessory dwellings shall be limited to 750 sq. ft. or 25% of the square footage of the principal structure, whichever is greater. In no case shall the accessory dwelling be more that 75% of the square footage of the principle dwelling; and
4. Interior apartments may be contained within an existing house or attached to the exterior. They must be constructed so that the exterior appearance of the home is maintained. A second front door is not permitted.

The County does not regulate the existence or operation of Short Term Rentals (STRs) in the MGA-1 district.  Each operator must register with the County and collect the applicable Hotel/Motel taxes, which are charged to the occupant and collected by the property owner.

**SCHOOLS**

The proposed plan was provided to Williamson County Schools (WCS) for an assessment of the impact of the development on the schools in the area.

Based upon the WCS review, the approximate student enrollment projections at build-out for the property are as follows:

|  |  |  |  |
| --- | --- | --- | --- |
| **SCHOOL** | **WCS ENROLLMENT PROJECTIONS** | **WCS CAPACITY****10/2020** | **WCS ENROLLMENT****10/2020** |
| Jordan Elementary  | 60 Students | 890 Students  | 483 Students  |
| Sunset Middle  | 25 Students | 869 Students  | 612 Students  |
| Ravenwood H.S. | 25 Students  | 1,649 Students  | 1,791 Students  |

\* Enrollment for Ravenwood High exceeds its capacity, but expansion plans are underway.

**TRAFFIC IMPACTS**

A Traffic Impact Study (TIS) was provided as part of the request for annexation.  Because of the impacts related to the ongoing COVID-19 pandemic, the study adjusted raw traffic volume turning movement counts to estimate normal traffic patterns.  A copy of the TIS was forwarded to Mr. Greg Judy with Neel-Shaffer Inc., who assists staff in the review of submitted studies. The applicant will pay for the Neel-Shaffer review per the requirements of Section 50-29(b) of the Municipal Code.

The primary access to the development is provided from Sunset Road, which is aligned with Coppertone Drive. Secondary access is also provided to Split Log Road to the east.  Additionally, four temporary dead-end stub streets are provided to the boundaries of the project in anticipation of future connections.  Two are provided to the south, one to the east and one to the west boundaries.

The intersections at all proposed accesses (Sunset Road & Coppertone Drive, Split Log Road and at Sunset Road at Split Log Road) are projected to operate with recommended improvements, at acceptable levels of service in total traffic conditions during the a.m. and p.m. peak hours.

The TIS presented the following recommended improvements:

* The NB approach of the project access at Sunset Rd. should provide two lanes of egress: one shared left-thru lane and one dedicated right-turn lane.
* The WB approach at Sunset Rd. at the Copperstone Dr. intersection should be configured to provide a dedicated left-turn lane including appropriate pavement markings (white longitudinal lane line and left-turn arrow markings).
* The NB approach of Split Log Rd. at Sunset Rd. should be modified to provide exclusive left-turn lane with 100 feet of storage length.
* Implement full movement access with single lane approaches at Split Log Rd. and the secondary access driveway.

The City has developed concept plans to realign Split Log Road in the future subject to development approvals in this area. The realigned road will intersect with Sunset Road at its intersection with Waller Road, approximately 1,000 feet east of the existing Split Log Road / Sunset Road intersection.

The Neel-Shaffer review of the TIS included the following comments related to the study's recommendations:

* For the northbound approach of the primary access driveway at Sunset Road, an acceptable alternative to the lane assignments suggested in the traffic study would include providing a dedicated left-turn lane and a shared right-thru approach lane.
* The design phase of the project consider appropriate geometrics and provide sufficient width for the northbound approach that would result in appropriate vehicle alignment and driver sight lines in relation to the intersection’s existing north leg.
* Consideration should be given to providing an exclusive eastbound right-turn lane on Sunset Road at its intersection with the primary access driveway. Although results of the analysis did not meet referenced guidance, the review found that the prevailing travel speed and volume criteria occur within borderline trends. If travel speeds fluctuate higher or if future traffic volumes increase incrementally, conditions indicating need for a right-turn lane could be met.
* Retroreflective pavement marking lane lines and turn arrows be installed for the southbound approach of Copperstone Drive. Our review noted that the traffic study analyzed the intersection operations as providing separate left and right turn lanes for the southbound approach.  Although pavement marking lane lines do not currently exist, pavement widths of the approach supports simultaneous movements.
* Further, to accommodate the intersection’s proposed south leg, it was suggested that the southbound approach should provide for through movements. Based on this, we recommend that the southbound lane assignments include proposed pavement markings that provide a right-turn only and shared left-thru turn arrow markings. Stop lines be installed on all side street approaches. Finally, the existing southbound stop sign be modified and mounted at 5-foot minimum mounting height per MUTCD guidelines. It is noted that the existing stop sign is supported by a decorative style sign post.

The proposed ordinance was approved on first reading on January 12, 2021.

The community meeting was conducted on January 28. A total of seven residents attended the meeting. The presentation was conducted by the developer. Ford Classic Homes in a partnership with CPS Land will develop the subdivision with architecture similar to that in Witherspoon.  The main topics of discussion included:

* Drainage along Sunset Road;
* The appearance of the arterial road buffer;
* The proposed development schedule -- if approved, break ground in summer 2021, homes completed in the fall 2022;
* Sewer capacity for surrounding neighborhoods -- Sewer service is provided by Metro; and
* Concerns regarding the impact of addition al traffic generated by the development.

The public hearing is scheduled for February 8, 2021.  Second and final reading is scheduled for February 22, 2021.

Resolution 2020-113, which proposes the annexation of 135 +/- of the property will also be included as part of the February 22, 2021, Board of Commissioners agenda.

Commissioner Travis moved to forward a recommendation of approval of Ordinance 2021-02 to the Board of Commissioners. Mr. Kaplan seconded; motion was approved unanimously.

**Item 2:** **BPC2101-003 Revised Site Plan – Costco Wholesale, Resubdivision of Lots 3, 4 & 5, Interstate Industrial Park, Phase Three, Lot 1, Zoning C-3**

Bohler Engineering requested approval of a revised site plan that relocated the existing median in the Seaboard Lane driveway near the fuel pumps to help alleviate traffic congestion in the area.

The existing driveway provided one lane access into the site and two lanes out, allowing right and left turn movements.

The proposed driveway design provided two lanes into the site, having one right turn lane into the fuel facility and one through lane to the store and a single right turn only lane out to Seaboard Lane.

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

1. All existing utilities must be shown on the plan submitted for Engineering staff review.
2. A lane closure permit will be required from the Public Works Department.
3. When submitting for a grading permit add Manual on Uniform Traffic Control Devices (MUTCD) traffic control signing and show limits of construction fencing.
4. A site plan shall be vested for a period of three years from the date of the original approval.
5. 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 2, 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. 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.
6. 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 & Codes Department for review. Submit a signage package for review and approval. Banners and off-site signage are not allowed per the sign ordinance.
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 February 1, 2021. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Mr. Kaplan seconded.

Mr. Oliver moved to amend the proposed revised site plan by adding an additional condition of approval that a stop sign be located immediately adjacent to the proposed stop bar. Ms. Robinson seconded; motion to amend was approved unanimously.

Mr. Vitucci moved to amend the proposed revised site plan to improve sight distance along each side of the driveway by ensuring landscaping is placed appropriately. Mr. Oliver seconded; motion to amend was approved unanimously.

The main motion as amended passed unanimously.

**Item 3:** **BPC2101-007 Preliminary Site Plan Review – Brentwood YMCA, Twin Springs Subdivision, Section Three, Lot 67, 8207 Concord Road, Zoning SI-3**

Catalyst Design Group requested approval of a revised master plan and preliminary review/comment on the proposed building elevations for the Brentwood Family YMCA.

The plan proposed a two story 48,543 sq. ft. building addition, an expanded pool deck with two outdoor pools, a separate bathroom and a snack bar. Portions of the existing building will be demolished, while others will be renovated. The completed master plan will provide a total building area of 92,500 square feet.

Like the previously approved master plan, this proposal relocated the skate park to provide additional parking. The plan also included filling around the building with a compensate cut / fill to remove the building from touching the floodplain. Improvements were also proposed to the driveway entrance off Concord Road, but the details will not be determined until a Traffic Impact Study/signal warrant has been completed.



Since the briefing on Thursday, staff received a revised Master Plan that shows added parking on the southern side of the lot west of the pool area. (consistent with the current master plan).  The plan proposed a total of 434 spaces.

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

1. Approval of the revised master plan does not negate compliance with the applicable requirements of the Municipal Code. All future site plan submittals must show full compliance with Chapter 56, Article II (Flood Prevention) regarding improvements to structures or property located within the floodway fringe or floodway.
2. Review and approval of a revised site plan will be required before any permits will be issued for the construction.
3. A site plan shall be vested for a period of three years from the date of the original approval.
4. Add the following note to the site plan:

This site plan is subject to a three-year vesting period, during which the development standards in effect on the date of approval will remain the standards applicable to this plan.  If construction is not completed during the first three years, the original site plan is considered a preliminary site plan and the applicant must obtain approval of a final site plan. Development of the property shown on this plan may be subject to standards other than those that were applicable during the vesting period.  The Initial vesting period for this plan expires on FEBRUARY 1, 2024, 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 (BPC2021-0070) 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. 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.
10. Any changes to plans approved by the Planning Commission will require staff review and re-approval by the Planning Commission.
11. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
12. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on February 1, 2021. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Mr. Kaplan seconded; motion was approved unanimously.

**Item 4:** **BPC2012-005 Revised Preliminary Plan – The Reserve at Raintree Forest Subdivision, Sections 4-10, Zoning OSRD**

Ragan Smith Associates requested approval of a revised preliminary plan. The proposed changes to the plan included:

1. Minor changes to the lot configuration and open space areas in Section Ten;
2. Revised roadway configuration in Sections Five through Nine, to include a revised location of a road connection to Section Four;
3. Revised OSRD calculations;
4. Revised the typical roadway section (Local Road) pavement width from 24’ to 22’ as permitted by the Subdivision Regulations, and
5. Revisions to the water and sewer layouts.

The Conservation Easement for the hilltop, which included approximately 99.50 acres was recorded on November 13, 2017 in Book 7228, Pg. 44.

The land area for Section Ten has been sold to another developer who will be responsible for constructing and managing the section.

Hillside Development has been working with the existing HOA for the subdivision, which included Sections One through Three to annex new Sections Four and Ten. Hillside Development will form a new HOA for Sections Five through Nine.

Residents within Sections One through Four and Ten would have access to the existing amenity area located in Section One. While residents in Sections Five through Nine would have access to the new amenity area, which will be located in Section Five.

At its June 6, 2017 meeting, the Planning Commission approved a revised overall Preliminary Plan for the project which showed a second amenity area that included a 30’ x 40’ foot pool (1,200 sq. ft.), a pool house and a 28 space parking area. Under the current plan, this amenity center would be for use by Sections Five through Nine only.

Finally, the submitted plan also proposed minor modifications in the area of the excess open space for the entire project, reducing the total area in acres from 132.45 to 132.20 (-0.25 ac.).

Because of the proposed changes in the area of the open space for the project, approval of the proposed revised OSRD Development Plan by the Board of Commissioners were required per Section 78-185(b) of the Municipal Code.

Commissioner Travis moved for approval of the proposed revisions to the preliminary plan for the project and to forward a recommendation of approval of the corresponding changes to the OSRD Development Plan to the Board of Commissioners subject to the following conditions being met to the satisfaction of staff:

1. Verify for Lots 210 and 211 that the following HP requirements have been met; the building envelopes shall be at least 50 feet away (78-343(3)) from any areas classified as steep grades and visible from properties and roadways in lower elevations. Dimension the minimum distance of MBSL to the steep grade on the plans.
2. Provide a drainage map for the project with the new layout.  Clarify the inlet of the natural swales that are within building envelopes and transverse multiple lots, quantities of surface runoff greater that 4 cfs (10-year frequency) that flow through lots shall be collected and conveyed in a system of open channels, closed conduits or a combination of both.
3. Natural drainage is being proposed across lots 132 – 137 & 196.  This drainage should be in PUDEs, and not flow across lots.
4. On the 60 foot wide typical roadway section, the sidewalk pattern is incorrectly shown on both sides of the roadway based on the proposal for sidewalk. Revise the plan accordingly.
5. Drainage calculations will be required for storm water meeting current City of Brentwood Subdivision Regulations with the construction plan submittal.
6. Update the drainage map to show the off-site contributary areas and corresponding 10-year design flows to the lot swales with the construction plan submittal. The swales shall accommodate the volumes within the PUDE. The 100-year flow should also be shown on the drainage map to ensure the area is not classified as a major system. The standard swale size should be shown along with any larger swales.
7. Provide the locations of water and sewer service lines to service the two buildable areas on the hilltop.
8. Written authorization from the existing HOA (Sections 1 – 3) regarding the annexation of Sections Four and Ten into the existing HOA shall be required before additional sections may be recorded. The authorization should include a statement that there will not be access to the amenity center in Sections 5-9. New lot owners in Section 4 should be made aware of this authorization.
9. Graphically show all scenic easement areas on the second sheet (utility plan).
10. A Geotechnical report will be required for the subdivision with the construction plan submittal.
11. All access to the hilltop will be provided by driveway easements. Construction of the driveways shall comply with Section 78-486(14) of the code.
12. Once the final homestead areas are chosen, a revised plan must be submitted for staff review and planning commission approval.
13. Development of the hillside will be dependent upon the developer of the Ragsdale property extending the 8" water line to the end of Wisdom Drive. The Reserve developer will install a pressure reduction valve and extend the 8" line from there.
14. The existing water infrastructure is not capable of providing a fire flow of 1000 gpm at 20 psi for all sections including the Homestead Area. Current modeling indicates Section 10 may not be able to meet fire flows. All lots within any section that are not capable of providing 1000 gpm at 20 psi under current conditions will be required to provide a residential sprinkler system for the future home.
15. The Homestead Area will be required to install offsite water line improvements and construction of a water pump station in order to provide adequate pressure and flows for both domestic and fire demands. Water system improvements will be required in order for all sections to meet the 1000 gpm at 20 psi under future conditions at full buildout of the development.
16. All off-site water system improvements shall be at the developer’s expense including, but not limited to, any betterment costs associated with off-site improvements in the future developments adjacent to this development
17. Approval of the proposed preliminary plan shall be contingent upon approval of the corresponding revisions to the OSRD Development Plan.
18. A preliminary plan shall be vested for a period of three years from the date of the original approval.
19. 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 1, 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 proposed development of the buildable areas in the hillside area shall comply with Division 14 -- Hillside Protection of the zoning ordinance.
5. Transfer of any open space to the Homeowners Association for maintenance responsibilities shall not be completed until City staff has inspected the affected property and reviewed and approved the legal description for the tract.
6. The existing stone wall shall be preserved in its present state. The developer shall be responsible for the condition of this wall, ensuring that it remains undisturbed until the open space is turned over for maintenance to the homeowner’s association. The wall shall be secured as part of the infrastructure for the next recorded section of the project.
7. Homeowners' documents/restrictive covenants shall be submitted for review by City staff to determine compliance with the requirements of the OSRD zoning district. The documents must be recorded with the initial final plat mylar and updated with each subsequent section or phase. A recorded copy must be received by staff along with a copy of the recorded mylar for City files. This document shall be submitted for staff review and approval before the final plat may be recorded.
8. The HOA documents shall include a Stormwater Long Term Operation and Maintenance stormwater maintenance agreement and plan for all storm water structures and facilities sealed by a TN licensed engineer, per Section 56-43 of the Brentwood Code. Both developers within the project must sign the agreement.
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. The homes in the subdivision shall use U.S. Postal Service approved Cluster Box Units for Mail Delivery. Each home builder shall install permanent address posts, in lieu of mailboxes at the end of each driveway to facilitate emergency response. The address posts must be installed before a certificate of occupancy will be issue for the home.
11. 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.
12. 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.,
13. 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.
14. 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.
15. 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.
16. 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.
17. Any changes to plans approved by the Planning Commission will require staff review and re-approval by the Planning Commission.
18. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
19. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on February 1, 2021. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Mr. Kaplan seconded; motion was approved unanimously.

# OTHER BUSINESS

**Monthly Security Report**

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

# ADMINISTRATIVE INFORMATION

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

Being no further business, the meeting adjourned at 9:13 pm.



APPROVED: MARCH 1, 2021 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Holly Earls, City Recorder