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

**BRENTWOOD, TENNESSEE**

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

Electronically present at roll call were Chairman Janet Donahue, Commissioner Ken Travis, Preston Bain, Chris Clark, Carol Crigger, Michael Kaplan, Brandon Oliver, Stevan Pippin, Sonna Robinson and John Vitucci. 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, 71, and 78. 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).

**CONSENT AGENDA**

Item 1:  **BPC2102-001 Revised Final Plat – Chenoweth Subdivision, Lot 239, 9417 Smithson Lane Zoning OSRD**

Dale & Associates requested approval of a revised final plat that abandoned an existing sewer easement and dedicated a new sewer line easement in the back yard of 9417 Smithson Lane. The reason for the proposed revision was to allow for the installation of a pool in the back yard of the lot.

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

1. Add an address block on the lot.
2. Remove all references to future improvements on the lot. Specifically, the proposed pool and proposed pool equipment notes / location.
3. The revised plat will not be signed for recording until the sewer relocation has been completed to the satisfaction of the Brentwood Water Services Department.
4. The rear MBSL and the northern easement boundary should be the same.
5. Add a 30’ wide stream buffer from top of bank on either side of the creek.
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. 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 March 1, 2021. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 2: BPC2102-004 Revised Final Plat – Parkside at Brenthaven Subdivision, Lots 111 & 112, 8256 Frontier Lane and 8233 Glover Drive, Zoning OSRD

Anderson, Delk, Epps & Associates, Inc. requested approval of a revised final plat that reduced the front yard setback on lots 111 and 112 from 75 feet to 50 feet. The proposed change met the technical standards of the OSRD district.

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

1. Add the label “MBSL” and “PUDE” to the east side PUDE line.
2. Add within the roadways, any public utility not already shown on the plat.
3. On the plat, show and label the 20' wide sanitary sewer easement over the existing sewer lines.
4. The water meter and sewer cleanout/stubout locations shall be shown on the plat before it can be signed for recording.
5. Approval of a final plat by the Planning Commission shall become effective upon the date of the last signature required on the plat for recording. The initial vesting period shall be for a period of five years after approval.
6. Add the following note to all pages of the final plat:

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

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

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

Item 3: BPC2102-005 Revised Final Plat – Parkside at Brenthaven Subdivision, Lot 175, 1499 Stephanie Court, Zoning OSRD

Anderson, Delk, Epps & Associates, Inc. requested approval of a revised final plat that shifted the front yard setback from Stephanie Court to Glover Drive and reduced the front setback from 75 feet to 50 feet. The proposed change met the technical standards of the OSRD district.

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

1. Add the existing drainage infrastructure within the roadways and any other public utility not shown (hydrants, meters, valves, etc.) on the plat.
2. On the plat, show and label the 20' wide sanitary sewer easement over the existing sewer lines.
3. The water meter and sewer cleanout/stubout locations shall be shown on the plat before it can be signed for recording.
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. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
5. Approval of the proposed plat shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on March 1, 2021 . Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 4: BPC2102-002 Revised Preliminary Plan – Allen Property, Lot 18, 9520 Split Log Road, Zoning OSRD

Lose Design requested approval of a revised preliminary plan that added 30 feet of road frontage for Lot 18, the large lot along Split Log Road. The revision increased the area of Lot 18 from 6.228 acres to 6.316 acres, an increase of 0.088 acres.



The proposed subdivision restrictive covenants required that lot 18 on which the existing Allen residence is located not be further subdivided but remain as currently configured. The deed restriction will be recorded at the Williamson County Register of Deeds Office along with the final plat and will run with the land.  The restriction would also be added as a note to the final plat.

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

Staff recommended 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:

1. Label lots 1-3, 15 - 17 as transitional. Add an asterisk (\*) to each lot, and to the legend. Add the transitional lot note to the plan.
2. Identify the Lowest Floor Elevation (LFE) for lots 1-3, 15-17 on each lot, not in a table.
3. Add a label to the plan indicating that the existing trees behind Lots 1 & 2 are to remain.
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 August 3, 2023, unless extended by the City of Brentwood.  Persons relying on this plan after said date should contact the City of Brentwood to determine if development may continue as depicted on the plan.

1. When the construction authorized pursuant to a site plan is not completed within three years from the date of initial approval, but the applicant desires to complete the project proposed for the site, the plan as initially approved for the project or as amended shall be considered a preliminary site plan. If the applicant secures all necessary permits, commences site preparation and obtains approval of a final site plan within the three-year vesting period following approval of the preliminary site plan, then the vesting period shall be extended an additional two years beyond the expiration of the initial three-year vesting period. During the two-year extension, the applicant must commence construction and maintain any necessary permits to remain vested.
2. If necessary permits are maintained and construction, as defined by Section 78-43, has commenced by the end of the two-year extension, then the vesting period shall remain in effect until the Planning and Codes Department has certified final completion of the project, provided the total vesting period shall not exceed ten years from the date of approval of the preliminary site plan.
3. If the construction authorized pursuant to a site plan is completed within three years from the date of approval, the site plan shall then be considered the final site plan for the project.
4. 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.
5. Show the location of any sinkholes on the subject property as identified by a qualified geo-technical Engineer shall be located and appropriately labeled on the preliminary plan. The plan shall be configured to locate all sinkholes in permanent open space only and not within any buildable lots. Sinkholes in the permanent open space shall be protected from natural and/or man-made debris.
6. Sidewalks shall be provided along both sides of the interior streets, and the development side of Split Log Road, per the requirements of Article 6.7 of the Subdivision Regulations. Label the sidewalks, their surface and shade them for better visibility on the plan.
7. 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.
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. 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.
10. Label the proposed location of the CBU’s on the plan.
11. Proof of USPS approval of the proposed method of mail delivery shall be provided as part of the re-submittal of the revised preliminary plan for review by the Planning Commission. Contact the Growth Management USPS – Ms. Sandy Alsman, sandy.l.alsman@usps.gov – 423.562.3243.
12. Applicable security for all required roadway, drainage, utilities, water, sewer, and landscaping improvements in accordance with the requirements of Article Eight of the Subdivision Regulations shall be provided before the final plat may be recorded.
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. 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. All previous conditions placed on the project by the Planning Commission shall remain applicable to the project.
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 March 1, 2021. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 5: BPC2102-003 Revised Preliminary Plan – Delfino Subdivision, 502 Wilson Pike, Zoning R-2

Hidden Valley Homes, LLC requested approval of a revised preliminary plan that proposed the following changes to the approved landscaping plan:

1. Added a 3 foot tall berm to the landscape buffer along Wilson Pike and Old Smyrna Road resulting in a 10% reduction in the required buffer plantings;
2. A total of 21 existing trees along the buffer have been included and counted toward the buffer planting requirements;
3. The approved landscaping plan showed a combination of trees and shrubs in the buffer area. The revised plan shows all trees and no shrubs, and
4. The subdivision monument sign has changed and removed from the corner of Old Smyrna Road and Wilson Pike.

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

1. Show all water and sewer easements on plans. No plantings will be allowed in any water or sewer easements.
2. A preliminary plan shall be vested for a period of three years from the date of the original approval.
3. 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 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. 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.
5. Proof of USPS approval of the proposed method of mail delivery shall be provided as part of the re-submittal of the revised preliminary plan for review by the Planning Commission. Contact the Growth Management USPS – Ms. Sandy Alsman, sandy.l.alsman@usps.gov – 423.562.3243.
6. Revise the plan to show the location of the required CBU’s.
7. 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.
8. Sidewalks shall be provided along both sides of the interior streets, and the development side of Old Smyrna Road, per the requirements of Article 6.7 of the Subdivision Regulations. Label the sidewalks, their surface and shade them for better visibility on the plan.
9. All previous conditions placed on the project by the Planning Commission shall remain applicable to the project.
10. Approval of the site plan does not constitute approval of the signage plan. All signs must comply with the Brentwood Sign Ordinance. A comprehensive sign package including all signs (temporary or permanent, wall or ground) shall be submitted to the Planning Department for a compliance review. Please submit a comprehensive sign package to Allison Henry at allison.henry@brentwoodtn.gov.
11. Show the location of any sinkholes on the subject property as identified by a qualified geo-technical Engineer shall be located and appropriately labeled on the preliminary plan. The plan shall be configured to locate all sinkholes in permanent open space only and not within any buildable lots. Sinkholes in the permanent open space shall be protected from natural and/or man-made debris.
12. The property owner is responsible for all development fees including water and sewer service and tap fees, building permit fees and Public Works Project Fees. The required fees shall be used for future infrastructure related improvements required by the proposed development.
13. 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.
14. 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.
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. 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 March 1, 2021. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 6: BPC2102-011 Revised Site Plan – Brentwood Country Club, 5123 Country Club Drive, Zoning OSRD

906 Studio requested approval of a plan that renovated an area of approximately 4,590 sq. ft. within the building. The project also involved the reconfiguration of existing spaces within the building. The proposal also added a small addition, having an area of 411 sq. ft. to the rear of the existing Brentwood Country Club Clubhouse. The proposed use of the building remained unchanged.

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 was 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. Approval of the proposed revisions to the preliminary plan is contingent upon approval of the revised OSRD Development by the Board of Commissioners.
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 March 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. If any additional drainage fixture units are to be added with this project, a water and sewer availability request shall be submitted. The application can be found at: <https://www.brentwoodtn.gov/departments/water-services/developer-engineer-information>
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 (BPC2012-011) 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. 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.
11. Deviations from the approved plan in the development of a project or the failure to satisfy any standard requirements or special conditions of approval imposed by the planning commission will be considered a violation of the provisions of the Zoning Ordinance, which shall be subject to punishment as provided in Section 1-9 of the Brentwood Municipal Code. The City may also require the applicant to appear before the Planning Commission to address any deficiencies or unapproved modifications. The project may also be subject to delays in issuance of permits, certificates of occupancy, recordation of plats or other project approvals.
12. 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 March 1, 2021. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

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

Mr. Bain moved for approval of the minutes from the February 1, 2021 meeting as written; seconded by Commissioner Travis. Motion was approved 9-0 with Mr. Clark abstaining.

# REGULAR AGENDA

**Item 1:** **ORDINANCE 2021-06 - AN ORDINANCE REZONING PROPERTY LOCATED AT 9230 OLD SMYRNA ROAD FROM AR (AGRICULTURAL/RESIDENTIAL ESTATE) TO R-2 (SUBURBAN RESIDENTIAL)**

Ordinance 2021-06, proposed the rezoning of approximately 72 acres of land, located on the north side of Old Smyrna Road, approximately one mile east of its intersection with Wilson Pike. The subject property is located at 9230 Old Smyrna Road. The requested change is from AR to R-2.

**SUMMARY OF THE PROPOSED DEVELOPMENT PLAN**

The proposed R-2 development plan included a total of 21 lots, having an average area of 2.68 acres.

The plan included a right-of-way dedication of 100 feet along the entire frontage of Old Smyrna Road for future improvements. The existing stacked stone wall located along Old Smyrna Road will be located in the proposed ROW dedication.

The project is proposed as a gated private street subdivision. Access is provided at one location on Old Smyrna Road approximately 3,000 feet east of Jones Parkway. The plan provided a total of approximately 2,400 linear feet of new roadway. All private streets would be constructed to public street standards per the requirements of the Subdivision Regulations (Article 6.9). Other entrance and amenity features are also proposed. The property abuts Cloverbrook Drive on the north, which extends through the Brighton Wood Subdivision and eventually intersects with Cloverland Drive in Metro.  The R-2 plan did not propose a connection to Cloverbrook Drive. Individual lots within the project would not have direct access to Old Smyrna Road.

The lots abutting the proposed 100-foot wide right-of-way dedication on Old Smyrna Road will provide a 150-foot wide rear yard setback as required by Code. A screening easement located on private property and not required by the zoning ordinance was also provided along the rear of the lots.

The existing Mick home will be retained and will be situated on Lot 10 within the subdivision.  According to the Williamson County Properly Assessor the home included an area of 12,168 sq. ft. and was constructed in 1994. Several accessory structures/improvements are also located on the property.

Included as part of the submittal was an AR Concept Plan, which illustrated how the property might be developed under the existing zoning district standards.  The AR concept plan also showed a total of 21 lots, all exceeding three acres in area. The AR plan proposed approximately 3,000 linear feet of new publicly maintained roadways. No additional right-of-way dedication for Old Smyrna Road was shown. A connection to Cloverbrook Drive to the north was also shown, which could serve as a connection between Cloverland Drive and Old Smyrna Road through established residential neighborhoods. Six lots directly abut Old Smyrna Road. Access to Old Smyrna Road for these lots would be governed by Section 78-486(8) of the zoning ordinance, which required that shared access easements be provided for lots that front an arterial or collector road.  Old Smyrna Road was designated as an arterial road.

**SCHOOLS**

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

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

|  |  |  |  |
| --- | --- | --- | --- |
| **SCHOOL** | **WCS ENROLLMENT PROJECTIONS** | **WCS CAPACITY****10/2020** | **WCS ENROLLMENT****10/2020** |
| Lipscomb Elementary  | 11 Students | 780 Students  | 588 Students  |
| Brentwood Middle  | 3 Students | 1,375 Students  | 1,218 Students  |
| Brentwood High | 3 Students  | 1,740 Students  | 2,000 Students  |

**TRAFFIC IMPACTS**

A Traffic Impact Study (TIS) was prepared and a copy of the TIS was forwarded to Mr. Greg Judy with Neel-Shaffer Inc., who assisted staff in the review of the submitted TIS. The applicant will pay for the Neel-Shaffer review per the requirements of Section 50-29(b) of the Municipal Code.

**Conclusions and Recommendations**

Traffic Impact

1. The trip generation estimate is 75% lower than the City’s criteria for requiring a traffic impact study.
2. The daily trips generated will comprise 6% of the average daily traffic on Old Smyrna Road.
3. The AM peak hour trips will comprise approximately 3% of the total AM peak hour traffic on Old Smyrna Road.
4. The PM peak hour trips will comprise approximately 4% of the total AM peak hour traffic on Old Smyrna Road.
5. Due to the low trip generation estimate of the proposed 21 homes, there is not expected to be a detrimental impact to traffic flow.

Site Access

1. The proposed site access should include one lane for traffic entering and one lane for traffic exiting.
2. The following trees in the right-of-way on the north side of Old Smyrna Road should be removed to provide appropriate intersection sight distance
	* An 18" walnut tree 73 feet east of the proposed access centerline
	* A 30" hackberry tree 37 feet west of the proposed access centerline
	* A 15" Cedar tree, 71 feet west of the proposed access centerline, and
	* An 18" Cedar tree, 80 feet west of the proposed access centerline.

The TIS established the background traffic growth by increasing the existing traffic by 2.5% annually until buildout in 2025. Traffic volumes were derived using TDOT data, collected in November 2019 and summarized below:

2019 Average Annual Daily Traffic -- 3,183 vehicles/day -- both directions;
2019 AM Peak Hour Traffic -- 621 Vehicles per hour -- both directions, and
2019 PM Peak Hour Traffic -- 436 Vehicles per hour -- both directions.

A projection of the additional trips produced by Windy Hill Park were included as part of the background traffic.

**TIS Review Comments**

The following summarized the Neel-Shaffer TIS review;

* The review focused on proposed access points and which scenario provides the most appropriate street connectivity. Overall, traffic capacity and congestion issues were not a key concern given the low number of new trips expected to be generated by the project.
* Primary focus included considerations promoting travel safety and understanding preferred street access alternatives.

The project’s proposal to provide multiple driveway accesses to Old Smyrna Rd. (AR zoning scenario). This option as undesirable. Direct driveway connections to Old Smyrna Rd. is not advisable as this approach is inconsistent with the city’s desire to promote access management practices along primary public streets.  Old Smyrna Rd. is classified as an arterial road by the zoning ordinance.

* Provisions for providing a secondary connection via Cloverbrook Dr. was discussed during the scoping meeting and included as part of the study’s review. Neel Shaffer commented that generally, they look favorably upon and encourage connectivity between adjacent development and land uses. This technique has become a successful strategy in promoting mobility and reducing congestion.

The traffic study discussed positive and negative aspects to creating a secondary connection between Harlan and Cloverland Acres. Neel Shaffer did not take exception to the points mentioned in the TIS: benefits of local street connectivity, but also potential for trip diversion and isolated higher travel speeds within an existing residential neighborhood.

The review noted that Jones Pkwy, a collector, with traffic calming features currently functions as a viable north-south connection between Old Smyrna Rd and Cloverland Dr. For these reasons, Neel Shaffer did not offer a strong opinion favoring an external street connection to Cloverbrook Dr.

* Although not deemed necessary at this time under proposed conditions, Neel Shaffer recommended that the city consider provision for an eastbound left-turn lane on Old Smyrna Rd. at the Harlan access as part of any future comprehensive roadway improvements to Old Smyrna Rd.
* It was suggested that additional roadway signing measures be implemented as part of the proposed development:
	+ - Install new intersection warning signs in both travel directions of Old Smyrna Rd. in advance of the Harlan Main access driveway. The signs (W2-2) should be deployed as required by the Manual on Uniform Traffic Control Devices (MUCD) and include a retroreflective yellow strip on the sign post.
		- Install new speed limit sign, with white retroreflective strip on its post, for the eastbound travel direction just east of the south Jones Pkwy/Old Smyrna Rd intersection.

The proposed ordinance was approved on first reading on February 8th. The community meeting was conducted on February 25th. The public hearing was scheduled for March 8, 2021.  Second and final reading was scheduled for March 22, 2021.

Citizen Comments:

Deborah Fisher, 6575 Cloverbrook Drive

Steve Kroeger, 6016 Belle Rive Dr

Mr. Bain moved to forward a recommendation of approval of Ordinance 2021-06 to the Board of Commissioners. Commissioner Travis seconded; motion was approved 9-1 with Ms. Donahue voting no.

**Item 2:** **RESOLUTION 2021-29 – A RESOLUTION TO ANNEX CERTAIN TERRITORY UPON WRITTEN CONSENT OF THE OWNERS AND TO INCORPORATE THE SAME WITHIN THE BOUNDARIES OF THE CITY OF BRENTWOOD, TENNESSEE, SAID TERRITORY BEING LOCATED SOUTH OF LOCATED AT 715 VERNON ROAD, SOUTH OF NOTTAWAY LANE IN THE TARAMORE SUBDIVISION, ADJACENT TO THE EXISTING CITY LIMITS**

On January 25th the Board of Commissioners approved Resolution 2021-10, which called for the scheduling of a public hearing for the proposed Plan of Services (POS) for property located at 715 Vernon Road, abutting the current City limits. The subject property laid within the City's Urban Growth Boundary (UGB).

The resolution was a result of a request for a voluntary annexation of property into the City. The public hearing before the Board of Commissioners will take place on **March 22. 2021**.

The next step in the process involved the Planning Commission’s endorsement of the proposed plan of services and the annexation of the property and provide its recommendation to the Board of Commissioners.

**PLEASE NOTE THAT THE PLANNING COMMISSION WAS NOT BEING ASKED TO ENDORSE A REZONING PLAN, ONLY THE PLAN OF SERVICES AND THE ANNEXATION ITSELF.**

According to the Williamson County Property Assessor, the property included a total of 25.26 acres of land. There is one barn, having an approximate area of 1,728 sq. ft. currently located on the property.

The property is zoned Municipal Growth Area 1 (MGA-1) by Williamson County. The property owner will request that the R-1 zoning district be assigned to the property. Consideration of the zoning on the property occurred separately and was proposed to occur prior to final consideration of the annexation resolution per the schedule outlined below.  Water and sewer service for the property is provided by the City, via existing infrastructure that is currently stubbed to the property from the Taramore subdivision. The water service area was transferred to the City from the Nolensville College Grove Utility District in 2006.

The submitted concept plan showed five lots, all exceeding two acres in area. The concept plan is non-binding related to the development of the property and was provided as a guide to its eventual development. Development of the property must comply with the technical standards of the R-1 district.

The request will proceed in accordance with the following tentative hearing schedule:

* On March 1, 2021, the Planning Commission will review the proposed annexation and POS and provide a report for consideration by the Board of Commissioners;
* The Board of Commissioners will conduct a public hearing on the proposed POS on March 22, 2021;
* The Board of Commissioners will conduct the first reading of an ordinance to assign the R-1 zoning classification to the property on April 12, 2021;
* The required community meeting will be tentatively conducted by the applicant for either April 27 or 29, 2021;
* On May 3, 2021, the Planning Commission will provide its review and recommendation regarding the proposed zoning for the property to the Board of Commissioners;
* The Board of Commissioners will conduct a public hearing on May 10, 2021 regarding the proposed assignment of the R-1 zoning district to the property;
* On May 24, 2021, the Board of Commissioners will conduct second and final reading of the zoning ordinance; and
* Also, on May 24, 2021, the Board of Commissioners will consider the proposed annexation resolution, which includes the POS.

Mr. Bain moved to forward an endorsement of the proposed Plan of Services for the property and annexation to the Board of Commissioners. Commissioner Travis seconded; motion was approved unanimously.

**Item 3:** **BPC2102-007 Revised Building Elevations / Site Plan – Sullivan Dental, 5015 Harpeth Drive, Zoning C-4**

Smallwood Nickle Architects, PLLC, requested approval of a revised plan that proposed the following:

1. The brick type and color locations are being modified to be a light field brick with darker accent brick;
2. The cast stone signage panels on the tower and along the Harpeth Drive elevation have been modified to a brick accent panel;
3. The balcony on the second floor east & north elevations of the tower has been eliminated
4. The storefront door on the north elevation has also been eliminated;
5. The guardrail on the west elevation has been modified from painted galvanized metal to a prefinished metal guardrail system with glass infill
6. Two windows have been removed on the west elevation, windows have been added and their sizes modified on the south elevation window sizes have also been increases on the east elevation;
7. A sloped sidewalk to the SW entrance door has been added to accommodate deliveries, and
8. The solid waste enclosure has been modified to accommodate roll-out trash cans instead of a dumpster.

Mr. Bain moved for approval of the proposed minor site plan revisions subject to the following conditions being met to the satisfaction of staff:

1. The proposed wall sign location is too high and above the main roof line. Lower the signage, include dimensions and a rendering of the actual sign. Any proposed signage designs shall return to the Planning Commission for review / approval.
2. Change the material for the solid waste enclosure’s roof from canvas to a metal to match the building. Provide revised plans that reflect the change staff review.
3. Show the installed locations of water meter box/vaults and sewer service line including the cleanouts on the plans.
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 May 4, 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 (BPC2012-007) are likewise provided for in the plans submitted. Any deviation from the approved building materials will negate any staff approval of said plans. Proposed changes to project specifications will be submitted to the Planning Commission for further consideration.
8. 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.
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. 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 March 1, 2021. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Commissioner Travis seconded; motion was approved unanimously.

# OTHER BUSINESS

**Monthly Security Report**

Mr. Bain moved for approval of the monthly security report; seconded by Commissioner Travis. Approval was unanimous.

# ADMINISTRATIVE INFORMATION

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

Being no further business, the meeting adjourned at 8:17 pm.



APPROVED: April 6, 2021 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Holly Earls, City Recorder