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

**BRENTWOOD, TENNESSEE**

The regular meeting of the Brentwood Planning Commission met on Monday, July 6, 2021 at 7:00 p.m. at Brentwood City Hall.

Present at roll call were Chairman Janet Donahue, Commissioner Mark Gorman, Preston Bain, Chris Clark, Carole Crigger, Ryan Crowley, Michael Kaplan, Brandon Oliver, Stevan Pippin, and John Vitucci. Staff present were Jeff Dobson, Kirk Bednar, Jay Evans, Kristen Corn, Lori Lange, Todd Petrowski, and Allison Henry.

Commissioner Gorman moved for approval of the minutes from the June 7, 2021 meeting as written; seconded by Mr. Kaplan. Approval was unanimous.

Mr. Kaplan moved to appoint Janet Donahue as Chairman; seconded by Mr. Clark. Approval was unanimous. Ms. Donahue moved to appoint Stevan Pippin as Vice Chairman; seconded by Mr. Bain. Approval was unanimous.

**CONSENT AGENDA**

Item 1:  **BPC2104-001 Revised Hillside Protection Overlay Site Plan – Morgan Farms Subdivision, Section Seven, Lot 240, 1903 Chagford Court, Zoning OSRD**

Basin Pool Designs requested approval of a revised Hillside Protection Overlay site plan for Lot 240 located at 1903 Chagford Court in Section Seven of the Morgan Farms Subdivision. There was an existing two-story brick house having an area of 5,823 sq, ft. on the lot.

The changes to the plan included:

1. Installation of a 35; x 15' gunite pool.
2. Installation of a 18' x 10' spillover spa.
3. Installation of a concrete deck.

Staff recommended approval of the proposed revised hillside protection overlay site plan subject to the following conditions:

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

This site plan is subject to a three-year vesting period, during which the development standards in effect on the date of approval will remain the standards applicable to this plan.  If construction is not completed during the first three years, the original site plan is considered a preliminary site plan and the applicant must obtain approval of a final site plan. Development of the property shown on this plan may be subject to standards other than those that were applicable during the vesting period.  The Initial vesting period for this plan expires on July 6, 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 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.
     + All driveways with 15% or greater longitudinal slopes and/or 5% or greater cross-slopes shall be profiled and sectioned by a TN R.L.S. and approved by the City Engineer prior to issuance of a certificate of occupancy.
5. The property owner or fire sprinkler contractor should field verify pressure and flows before design/construction of sprinkler system.
6. 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.
7. Per Section 78-343(7) of the Municipal Code, submit a geotechnical study completed for the lot’s specific site plan. The study shall be submitted for review before any permits are issued for the project.
8. 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…”.
9. 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.
10. 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. Complete plans shall be submitted to the Planning and Codes Department for review, approval and issuance of the required permits before any work is begun. Additionally, all required electrical permits, issued by the State of Tennessee must be received before any work is begun.
3. Deviations from the approved plan/plat in the development of a project or the failure to satisfy any standard requirements or special conditions of approval imposed by the planning commission will be considered a violation of the provisions of the Zoning Ordinance, which shall be subject to punishment as provided in Section 1-9 of the Brentwood Municipal Code. The City may also require the applicant to appear before the Planning Commission to address any deficiencies or unapproved modifications. The project may also be subject to delays in issuance of permits, certificates of occupancy, recordation of plats or other project approvals.
4. 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 July 6, 2021. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 2: BPC2105-004 Revised Final Plat – Windstone Subdivision, Phase Two, Lot 31, 867 Windstone Boulevard, Zoning R-2

Mike Ford Custom Builders, LLC requested approval of a revised final plat that increased the buildable area of the lot by approximately 5,637 square feet. The additional buildable area was behind the house and adjacent to the private drive. The proposal met the requirements of the Code.

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. 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.
3. The property owner is responsible for all development fees including water and sewer service and tap fees, building permit fees and Public Works Project Fees. The required fees shall be used for future infrastructure related improvements required by the proposed development.
4. Deviations from the approved plan in the development of a project or the failure to satisfy any standard requirements or special conditions of approval imposed by the planning commission will be considered a violation of the provisions of the Zoning Ordinance, which shall be subject to punishment as provided in Section 1-9 of the Brentwood Municipal Code. The City may also require the applicant to appear before the Planning Commission to address any deficiencies or unapproved modifications. The project may also be subject to delays in issuance of permits, certificates of occupancy, recordation of plats or other project approvals.
5. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
6. Approval of the proposed plat shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on July 6, 2021. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 3: BPC2106-001 Revised Site Plan – Brentwood Auto Wash, 422 Wilson Pike Circle, Zoning C-2

Quirk Designs requested approval of a revised site plan that proposed the addition of five new vacuum stations (bays) to the rear of the building, adjacent to the six existing bays that were added as part of the approval in November 2019. The site backed up to the railroad.

The vacuum equipment will be screened using a split-faced block enclosure, identical to the one existing, painted a grey color to match the building. A gate constructed of cedar boards to provide access to the equipment was also proposed.

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

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

This site plan is subject to a three-year vesting period, during which the development standards in effect on the date of approval will remain the standards applicable to this plan.  If construction is not completed during the first three years, the original site plan is considered a preliminary site plan and the applicant must obtain approval of a final site plan. Development of the property shown on this plan may be subject to standards other than those that were applicable during the vesting period.  The Initial vesting period for this plan expires on November 4, 2022, unless extended by the City of Brentwood.  Persons relying on this plan after said date should contact the City of Brentwood to determine if development may continue as depicted on the plan.

1. When the construction authorized pursuant to a site plan is not completed within three years from the date of initial approval, but the applicant desires to complete the project proposed for the site, the plan as initially approved for the project or as amended shall be considered a preliminary site plan. If the applicant secures all necessary permits, commences site preparation and obtains approval of a final site plan within the three-year vesting period following approval of the preliminary site plan, then the vesting period shall be extended an additional two years beyond the expiration of the initial three-year vesting period. During the two-year extension, the applicant must commence construction and maintain any necessary permits to remain vested.
2. If necessary permits are maintained and construction, as defined by Section 78-43, has commenced by the end of the two-year extension, then the vesting period shall remain in effect until the Planning and Codes Department has certified final completion of the project, provided the total vesting period shall not exceed ten years from the date of approval of the preliminary site plan.
3. If the construction authorized pursuant to a site plan is completed within three years from the date of approval, the site plan shall then be considered the final site plan for the project.
4. The property owner is responsible for all development fees including water and sewer service and tap fees, building permit fees and Public Works Project Fees. The required fees shall be used for future infrastructure related improvements required by the proposed development.
5. 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 (BPC2106-001) 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.
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. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
9. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on July 6, 2021. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 4: BPC2106-003 Minor Site Plan Alteration – Monument Sign, 1537 Franklin Road, Zoning C-2

GP Luxury LLC requested approval of a minor site plan alteration that added a monument sign near the entrance of the property located at 1537 Franklin Road. The monument sign measured five feet nine inches tall with a total area of approximately 18 square feet. The proposed sign met the requirements of the code.

The building recently received its temporary certificate of occupancy.

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 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. 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 (BPC2106-003) 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. 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. Section 78-418(c)5 of the Municipal Code requires that all permanent signs be set back at least five feet from the public street ROW.
8. Deviations from the approved plan in the development of a project or the failure to satisfy any standard requirements or special conditions of approval imposed by the planning commission will be considered a violation of the provisions of the Zoning Ordinance, which shall be subject to punishment as provided in Section 1-9 of the Brentwood Municipal Code. The City may also require the applicant to appear before the Planning Commission to address any deficiencies or unapproved modifications. The project may also be subject to delays in issuance of permits, certificates of occupancy, recordation of plats or other project approvals.
9. 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 July 6, 2021. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 5: BPC2106-005 Revised Hillside Protection Site Plan Overlay – Witherspoon Subdivision, Lot 47, 9252 Lehigh Drive, Installation of Pool, Zoning OSRD

Schumacher Homes requested approval of a revised Hillside Protection Overlay site plan for Lot 47 located at 9252 Lehigh Drive in Section Four of the Witherspoon Subdivision. The proposed request was to add a swimming pool to the lot. The home on the lot was still under construction.

Staff recommended approval of the proposed revised hillside protection overlay site plan subject to the following conditions:

1. Removal of established trees, measuring 4-inches in diameter and greater, 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. The recommendation shall be provided as part of the construction plan submittal.
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 extend 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 June 3, 2022, unless extended by the City of Brentwood.  Persons relying on this plan after said date should contact the City of Brentwood to determine if development may continue as depicted on the plan.

1. When the construction authorized pursuant to a site plan is not completed within three years from the date of initial approval, but the applicant desires to complete the project proposed for the site, the plan as initially approved for the project or as amended shall be considered a preliminary site plan. If the applicant secures all necessary permits, commences site preparation and obtains approval of a final site plan within the three-year vesting period following approval of the preliminary site plan, then the vesting period shall be extended an additional two years beyond the expiration of the initial three-year vesting period. During the two-year extension, the applicant must commence construction and maintain any necessary permits to remain vested.
2. If necessary permits are maintained and construction, as defined by Section 78-43, has commenced by the end of the two-year extension, then the vesting period shall remain in effect until the Planning and Codes Department has certified final completion of the project, provided the total vesting period shall not exceed ten years from the date of approval of the preliminary site plan.
3. If the construction authorized pursuant to a site plan is completed within three years from the date of approval, the site plan shall then be considered the final site plan for the project.
4. The 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.
     + All driveways with 15% or greater longitudinal slopes and/or 5% or greater cross-slopes shall be profiled and sectioned by a TN R.L.S. and approved by the City Engineer prior to issuance of a certificate of occupancy.
5. The property owner or fire sprinkler contractor should field verify pressure and flows before design/construction of the sprinkler system.
6. 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.
7. Per Section 78-343(7) of the Municipal Code, submit a geotechnical study completed for the lot’s specific site plan.
8. 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…”.
9. 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.
10. 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. Complete plans shall be submitted to the Planning and Codes Department for review, approval and issuance of the required permits before any work is begun. Additionally, all required electrical permits, issued by the State of Tennessee must be received before any work is begun.
3. Deviations from the approved plan/plat in the development of a project or the failure to satisfy any standard requirements or special conditions of approval imposed by the planning commission will be considered a violation of the provisions of the Zoning Ordinance, which shall be subject to punishment as provided in Section 1-9 of the Brentwood Municipal Code. The City may also require the applicant to appear before the Planning Commission to address any deficiencies or unapproved modifications. The project may also be subject to delays in issuance of permits, certificates of occupancy, recordation of plats or other project approvals.
4. 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 July 6, 2021. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 6: BPC2106-006 Minor Site Plan Alteration – Outdoor Seating, 55 South, City Park, 7031 Executive Center Drive, Suite 101, Zoning C-2

55 South requested approval of a minor site plan alteration that proposed the addition of eight two-top tables and 16 chairs. The tables and chair will be metal mesh painted black. The area will be enclosed using a four foot tall, black, flat top aluminum fence.

In October 2015 the Planning Commission approved an overall patio plan for the CityPark project. The 55 South proposal was located within the previously approved “Patio Zone” for Building F.

The restaurant took advantage of the temporary outdoor seating allowances during the pandemic and would now like to use the seating area permanently.

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

1. Provide an updated development plan for City Park showing required / provided parking. This plan should include all approved patio seating areas within the development and the required parking for each.
2. A six foot wide unobstructed pedestrian clear zone shall be maintained along the frontage of Buildings E and F, abutting the Village Green, for all future patio areas.
3. The six foot wide unobstructed access area shall be measured from the widest part of the base on the inside edge of the light poles, to the outside edge of any future fence, enclosing the outdoor dining area.
4. The details of each future proposed outdoor dining area shall be presented to the Planning Commission for its review before any work is begun. The preliminary plan shall be updated with each submittal.
5. A site plan shall be vested for a period of three years from the date of the original approval.
6. Add the following note to the site plan;

This site plan is subject to a three-year vesting period, during which the development standards in effect on the date of approval will remain the standards applicable to this plan.  If construction is not completed during the first three years, the original site plan is considered a preliminary site plan and the applicant must obtain approval of a final site plan. Development of the property shown on this plan may be subject to standards other than those that were applicable during the vesting period.  The Initial vesting period for this plan expires on July 6, 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. 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 (BPC2106-006) 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. 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. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
9. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on July 6, 2021. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 7: BPC2106-007 Site Plan -- Personal Wireless Service Facility, 610 Granny White Pike (Granny White Park), Zoning SI-3

Pike Legal Group, PLLC requested approval of a new wireless installation to be placed within a new 71 foot-tall light pole at Granny White Park.

Last year, representatives from New Cingular Wireless, PCS, LLC requested placement of a wireless Internet antenna on another light pole at Granny White Park, which included the installation of an equipment building. New Cingular Wireless agreed that half the proposed 343 sq. ft. +/- equipment building could be used for storage by the Brentwood High School girls’ softball team, which uses the adjacent field for its home games.

As you know, the City cannot prohibit the installation of cellular/wireless towers, and several years ago adopted an ordinance that regulated the location and construction of such facilities. The City’s cell tower ordinance strongly favored co-location options in lieu of new tower structures. Given the City’s preference for co-locations and the potential for additional lease revenue with little or no impact to the park, staff negotiated a lease agreement with New Cingular Wireless.

Above-ground facilities will include equipment placed within a new 71 foot tall "uni-pole" in the park and the equipment building. The lease also provided for an easement running from Granny White Pike to the site to allow for access as needed for maintenance.

The ground lease consisted of approximately 540 square feet.

The lease agreement allowed New Cingular Wireless to maintain, replace, repair, add to or otherwise modify its antennas, utilities, fiber, and ground equipment within the premises, with similar and comparable equipment, provided that the replacement does not extend beyond the premise. The lease would allow the modifications without the need for prior approval from the Planning Commission or other consent from the City. However, for any equipment modification that is not similar and comparable or will extend beyond the premises, the company must submit new plans to the Planning and Codes Department.

The initial term of the lease was five years and will be automatically extended for four additional five-year terms unless New Cingular Wireless terminates it by giving the City written notice at least six (6) months before to the end of the then-current term. From that point, either New Cingular Wireless or the City may terminate this lease by giving the other party written notice, but if the lease has not been terminated by the end of the fourth five-year extension term, it will continue for additional five-year terms.

During the initial term, the City will receive an annual rental of $30,000, to be paid in equal monthly installments. If the Agreement continues at the end of any five-year term, the monthly rental will increase by ten percent. If this Agreement has not been terminated at the end of the fourth five-year extension term, the monthly rental will again increase by ten percent of the monthly rental for the preceding five-year term and increase again by ten percent every five years for as long as the Agreement remains in effect.

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

1. Existing public improvements shall not be blocked at any time as a result of the proposed construction. All damage caused by the construction will be repaired by the contractor.
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 July 6, 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 applicant 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 (BPC2106-007) 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.
6. 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.
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. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
9. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on July 6, 2021. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

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

# REGULAR AGENDA

**Item 1:** **ORDINANCE 2021-07 - AN ORDINANCE REZONING PROPERTY LOCATED APPROXIMATELY 0.40 MILES NORTH OF THE INTERSECTION OF SPLIT LOG ROAD AND RAGSDALE ROADS FROM OSRD TO OSRD-IP**

Ordinance 2021-07, as amended, requested the rezoning of 116 +/- acres of land located along the western side of Ragsdale Road.  The requested change was from OSRD to OSRD-IP.

On April 12, 2021, the Board of Commissioners approved Ordinance 2021-07 on first reading. Subsequently, on April 26, 2021, the request was deferred from further consideration by the applicant due to the identification of additional blue line streams on the property. The streams were discovered through a follow-up investigation of the property by the US Army Corps of Engineers. The determination required a redesign of the plan, reducing the overall number of lots from 70 to 66, reconfiguration of several streets and elimination of a previously proposed wall in the NW buffer area. Staff considered the modifications to be substantial and the ordinance was amended and reconsidered by the Board of Commissioners on first reading again on June 14th.

Section 78-87(f)1 of the Code provided a total of 120-days for the applicant to complete the rezoning process once a request is placed on an agenda for first reading. The 120-day time period was extended to **August 10, 2021**.

The subject property involved three parcels of land, one being the historic Fly family cemetery. The cemetery will be preserved as part of a scenic easement placed on the property and be protected throughout construction. The cemetery included an area of approximately 0.18 +/- acres and was located on a hill in the middle of the pasture. There are 12 burials in the cemetery.  All 12 head stones remain, although several have fallen.  The burials occurred from 1855-1898. There is an old fence surrounding the cemetery.

The property was previously rezoned to OSRD pursuant to Ordinance 2014-18 and originally showed a total of 76 lots. Later action by the Board of Commissioners reduced the total number of lots to 71.

The vesting period for the previously approved preliminary plan has expired, although the OSRD zoning for the property remained intact.

No townhome units were proposed as part of the development plan. All units were intended to be single-family detached structures.

The developer requested that the buffer width along the perimeter of the project (except the arterial road buffer) be reduced from 150 feet to 100 feet per the allowances provided by Section 78-198(2)d of the Municipal Code, if the rezoning is approved and when the preliminary plan is presented to the Planning Commission for their review. The section allowed the Planning Commission to reduce the setbacks if in their opinion the topography of the area is elevated sufficiently to minimize direct view from properties and roads at lower elevations.

**SUMMARY OF THE PROPOSED DEVELOPMENT PLAN**

The following table summarized the calculations for the proposed project:

|  |  |  |
| --- | --- | --- |
| **PROPOSED RAGSDALE CROSSING SUBDIVISION** | | |
| **OSRD-IP** | | |
| TOTAL AREA OF PROJECT | 116 +/- AC. | |
| NUMBER OF LOTS PROPOSED | 66 | |
| NUMBER OF LOTS PROPOSED UNDER THE PREVIOUSLY APPROVED OSRD PLAN | 71 | |
| NUMBER OF LOTS SHOWN ON THE PREVIOUSLY SUBMITTED R-2 CONCEPT PLAN | 70 | |
| NUMBER OF LOTS ABOVE STANDARD OSRD DENSITY, RESTRICTED TO STRUCTURES HAVING A MAXIMUM 2,500 SF OF HEATED LIVING AREA | 5 | |
| LARGEST LOT AREA | 3.34 AC. | 145,673 SF |
| SMALLEST LOT AREA | 0.17 AC. | 7,480 SF |
| AREA OF OPEN SPACE REQUIRED | 75.48 AC. | 65% |
| AREA OF OPEN SPACE PROVIDED | 80.83 AC. | 69.60% |
| EXCESS OPEN SPACE (OSRD-IP) | 5.38 AC. | |
| LAND AREA IN LOTS | 24.35 AC. | |

The plan also proposed a right-of-way dedication of 45 feet from the existing centerline of Ragsdale Road along the project's frontage.  A widening of Ragsdale Road across of the frontage of this property was planned in the next few years per the City's FY 2022-2027 Capital Improvements Plan.  In conjunction with this planned road improvement, the developer will also provide funds in lieu of construction of the required sidewalk along the frontage of Ragsdale Road. The funding shall be provided as part of the recording of the final subdivision plat for the first section of the development.

Lots 9, 10, and 11 were shown to be impacted by a stream that is proposed to be mitigated in accordance with TDEC requirements.  Approval of a preliminary plan by the Planning Commission will be subject to an approved mitigation plan from TDEC.

The proposed plan included one flag lot -- Lot number 64.  The Subdivision Regulations included certain basic requirements for flag lots.  One being that the "flagpole" portion of the lot cannot be used to satisfy the minimum lot area requirements for the underlying zoning district, which within the HP Overlay is three acres (130,680 sq. ft.).  The flagpole portion of Lot 64 included an area of approximately 6,122 sq. ft.  The lot included an overall area of 145,673 sq. ft. Subtracting the area of the flagpole portion of the lot from the overall area (145,673 sq. ft. - 6,122 sq. ft. = 139,551 sq. ft.), provided an HP Overlay lot area for Lot 64 of 3.20 acres.

**WATER AND SEWER SERVICE**

Water service for the property was provided by the City and was originally intended to be extended from the south up Ragsdale Road from Split Log Road.  Plans for the road widening project were in the early stages of development. The City does not expect to begin preliminary design work on the road until late summer of 2021. Installation of a water line today within the current ROW would run the risk of that work having to be relocated, in whole or part, when the road construction work commenced.  The scenario was obviously not ideal for the developer or the City. The plan showed that a 10-inch diameter water service was to be extended from Fontenella Drive through the open space in Section Four of the Tuscany Hills Subdivision (PB P55, PG 142), which was a Public Utility and Drainage Easement (PUDE). The line continued along the southerly boundary of 1624 Ragsdale Road (parcel 055 02804, Property Owner – John Zelenak), across Ragsdale Road and into the project.

Sanitary sewer service was also provided by the City and will be extended from the southern boundary of the Glenellen Estates Subdivision where Wicklow Road stubs, through the adjacent property between Glenellen Estates and the subject property.  The developer will extend the service via existing infrastructure and be responsible for obtaining all necessary easements and continue to the southerly boundary of the project.

The developer will also coordinate with the developer of the Reserve at Raintree Forest for the required water system improvements, which included an increase in the size of the domestic water line from eight to ten inches, and which was intended to serve the sections at the higher elevations including the hilltop (homestead) conservation area of the Reserve.

**TRAFFIC IMPACTS**

A Traffic Impact Study (TIS) was provided as part of the initial request for rezoning of the property.  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.  The TIS considered for the increase in traffic volumes resulting from nearby committed projects, including the future construction of a middle school on the Jordan Elementary School campus, and the development of the recently annexed Gaw Property, now called “Rosebrooke”. The applicant will pay for the Neel-Shaffer review per the requirements of Section 50-29(b) of the Municipal Code.

The following improvements and considerations should be incorporated into the site plan in order to facilitate safe and efficient traffic operations within the study area:

1. The site’s primary access intersection where the main driveway intersects Ragsdale Rd. should include one entering lane and two exiting lanes. The TIS stated that the eastbound exit approach should consist of separate left and right lanes for traffic turning onto Ragsdale Rd. providing a minimum storage length of 50 feet.
2. Improvements to Ragsdale Rd. should include an exclusive northbound left-turn lane into the site, as well as an exclusive southbound right-turn lane. The TIS states that each turn lane should each provide a minimum full-width storage length of 50 feet.
3. The TIS provided guidance for minimum intersection sight distances to be provided at the intersection of Ragsdale Rd. and the main access driveway. The study directed that site designers should follow the recommended sight distances as prescribed by the referenced guidelines.

Below, find a summary of the Neel-Shaffer comments the study’s recommendations and provide additional thoughts for review and consideration by city officials:

* "Generally, Neel-Shaffer took no exceptions to the conclusions presented by the traffic study and generally concur with the proposed recommendations."
* "Neel Shaffer advises that project officials coordinate with city planning and engineering departments to plan for the future widening of Ragsdale Road. Design of the site entrance and turn lane improvements at the access intersection should appropriately anticipate the future Ragsdale Road widening."

**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 at build-out for the Ragsdale subdivision was as follows:

|  |  |  |  |
| --- | --- | --- | --- |
| **SCHOOL** | **WCS ENROLLMENT PROJECTIONS** | **WCS CAPACITY** **10/2020** | **WCS ENROLLMENT** **10/2020** |
| Jordan Elementary | 27 Students | 890 Students | 483 Students |
| Sunset Middle | 17 Students | 869 Students | 612 Students |
| Ravenwood H.S. | 17 Students | 1,649 Students | 1,791 Students |

The enrollment for Ravenwood High currently exceeded its capacity, but expansion plans were underway. The Planning Commission recently approved a revised site plan that included a two-story addition having an area of 45,890 sq. ft., which was expected to increase capacity by 400 students, bringing the total capacity to around 2,200 students.

The proposed ordinance as amended was approved on first reading on June 14, 2021. The community meeting on Thursday, July 1, 2021. A total of ten citizens attended the meeting, including two Planning Commissioners. The public hearing was scheduled for July 12, 2021.  Second and final reading was scheduled for July 26, 2021.

Mr. Pippin moved to forward a recommendation of approval of Ordinance 2021-07 to the Board of Commissioners. Mr. Kaplan seconded; motion was approved unanimously.

**Item 2:** **BPC2104-016 Revised Final Plat – Duke Rose, Jr. Subdivision, Lot 1, 6301 Belle Rive Drive, Zoning R-2**

W.T. Smith Land Surveying requested approval of a revised final plat that proposed to divide the existing 2.60-acre lot into two lots, having areas of 1.0 acre and 1.12 acres, respectively.

There was an existing two-story house located on Lot One. According to the Property Assessor the house included an area of approximately 3,431 sq. ft. The house was built in 1981.

Access to both lots will be provided via a shared driveway from Belle Rive Drive.



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

1. The project engineer must provide a hydraulic analysis at the existing driveway. Based upon this analysis, an appropriately sized pipe must be placed under the driveway before the final plat will be signed for recording.
2. Water and sewer service shall be installed to each lot prior to signing/recording of the plat.
3. Add a note to the plat stating that the open space areas shall be maintained by the owners of Lots 1 & 2.
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 or fire sprinkler contractor should field verify pressure and flows before design/construction of sprinkler system.
3. Add the following note to the plat - “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. The property owner is responsible for all development fees including water and sewer service and tap fees, building permit fees and Public Works Project Fees. The required fees shall be used for future infrastructure related improvements required by the proposed development.
5. Deviations from the approved plan in the development of a project or the failure to satisfy any standard requirements or special conditions of approval imposed by the planning commission will be considered a violation of the provisions of the Zoning Ordinance, which shall be subject to punishment as provided in Section 1-9 of the Brentwood Municipal Code. The City may also require the applicant to appear before the Planning Commission to address any deficiencies or unapproved modifications. The project may also be subject to delays in issuance of permits, certificates of occupancy, recordation of plats or other project approvals.
6. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
7. Approval of the proposed plat shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on July 6, 2021. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Mr. Vitucci seconded; motion was approved unanimously.

# OTHER BUSINESS

**Monthly Security Report**

Mr. Bain 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 7:52 pm.

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APPROVED: August 2, 2021 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Holly Earls, City Recorder