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

**BRENTWOOD, TENNESSEE**

The regular meeting of the Brentwood Planning Commission met on Monday, August 2, 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 July 6, 2021 meeting as written; seconded by Mr. Kaplan. Approval was unanimous.

**PUBLIC HEARING**

**Proposed Revisions to the Brentwood Subdivision Regulations**

A comprehensive review and update of the City’s Subdivision Regulations was included as part of the FY 2022 non-routine work plan for both the Engineering and Planning and Codes Departments.

The effort primarily constituted a revision of the stormwater requirements. However, a complete review of the entire document was conducted by staff. Most of the other revisions related to format, correction of grammatical errors, duplications, etc.

The revisions included:

Revised all articles that referenced paper copies of plans/plats. All submittals are now provided electronically via our online permitting portal.

**Article 2.3(1)j Article 5.11** -- Remove the requirement that applicants provided a mylar copy of a recorded plat as proof of it having been recorded. Before a building permit is issued, staff verified that the plat has been recorded using the Williamson County Registers web site. Added references to the new online permitting portal throughout the document.

**Article 3.2** – Remove the last paragraph in the article. The language was repeated in a previous paragraph.

**Article 4.2(5)** – Remove the requirements to submit paper copies of construction plans. Renumber the subsections.

**Article 4.5** – Add two new paragraphs to the article regarding the timeline for release of the performance security, which required submittal of a letter from a PE licensed to practice in Tennessee stating that the site has been inspected and that the stormwater management system and the Best Management Practices (BMP’s) are complete and functional. The certification submittal shall also include as-built drawings showing a number of features to ensure the adequacy of the stormwater systems. Record drawings will now be required prior to recordation of the final plat rather than release of the letter of credit.

**Article 5.8(9)/Appendix Three, Form 9** – Add a new certificate to appear on all final plats verifying that all addresses had been assigned in accordance with City standards.

**Article 6.7(6)** – Remove the statement that sidewalks are not required where the projected grade of the street exceeds 8%.

**Article 6.7(10)** – Remove this section regarding acceptable surfaces for sidewalks. The language is referenced previously in subsection 7.

**Article 6.10(2)** – Remove subsections (a & b), add new subsections “a through d”, regarding acceptable methods for addressing stormwater runoff.

**Article 6.10(3)f** – Revise the language to include additional requirements for open channels.

**Article 6.10(3)f2** -- Discourages the use of rip-rap to line open channels. Approval to use rip-rap as a channel liner must be approved by staff from the Engineering Department.

**Article 6.10(3)g3** -- Table Five was modified to include a column titled “Allowable Spread Width”. The Article also included requirements related to spread and inlet placement to aid in street flow across intersections.

**Article 6.10(g)4** – Included additional requirements for culverts and specifies that the installation of driveway culverts are the responsibility of the owner, etc. of the property, unless necessitated by a City road, utility, or drainage improvement project.

**Article 6.10(g)6** – Provided additional standards for outlet protection related to the design of energy dissipaters. Rip-Rap cannot be used unless approved by staff with the Engineering Department.

**Article 6.10(g)7** – Bridges shall be designed to have a minimum of one-foot of freeboard between the low chord elevation and the 100-year 24-hour storm event.

**Article 6.10(g)8c** – All drainage calculations submitted for projects shall include an analysis of both on-site and off-site watersheds. Additionally, meeting flow reduction requirements at detention pond outfalls listed previously, the post-developed discharges for all storm events, including the 1, 2, 5, 10, 25, 50, and 100-year, 24-hour design storms, must be reduced to be equal to or less than pre-developed discharges at the overall site outfall.

**Article 6.10(g)8d** – Add standards for turf reinforcement matting on all detention pond slopes. A minimum of one-foot of freeboard must be provided, measured from the water surface elevation for a 100-year storm to the lowest point of the dam embankment.

**Article 6.10(g)8e** – New section establishing requirements for Low Flow/Pilot Channel Design.

**Article 6.10(g)9 –** Replaced subsection “c” with new language requiring that new developments minimize their impact on stormwater quality using structural or non- structural management practices to address site specific conditions.

**Article 6.10(g)13 –** Additional language regarding the provision of a stormwater checklist for sites that are found to be incomplete and requiring their resubmittal for staff review. The remaining subsections were renumbered.

**Article 6.10(i) –** Additional language requiring that the effects of each subdivision on the existing downstream drainage facilities outside of the area of the subdivision be determined. Where it is anticipated that the additional runoff will overload the existing downstream drainage facilities provision must be made for improvements of the downstream facilities.

**Article 6.10(j) --** New subsection required all new developments be evaluated for adverse impacts on downstream properties.

**Article 6.14(5) --** Reformat of the requirements for drafting a Substantial Rebuild engineered site plan. The language remained largely unchanged. The reformat was intended to make the requirements more readable.

State law provided for the approval of subdivision regulations by the Planning Commission Review. Approval of the proposed revisions by the Board of Commissioners is not required.

The public hearing will be conducted by the Planning Commission on August 2nd. The Planning Commission will review the proposed changes at as part of their September 7th agenda. The proposed effective date for the revisions is September 15, 2021.

No one spoke for or against the proposed revisions to the Brentwood subdivision regulations; therefore, the public hearing was closed.

**CONSENT AGENDA**

Item 1:  **BPC2107-001 Minor Site Plan Alteration, Signage – Sullivan Dental Partners, 5015 Harpeth Drive, Zoning C-4**

Joslin & Son Signs requested approval of a two non-illuminated wall signs measuring 27 sq. ft. each, which will be placed on the east and west elevations of the building. The proposal also included a 2 sq. ft. address on their canopy and door vinyl graphics. The proposed wall signage and door vinyl met the requirements of the sign ordinance.

Staff recommended approval of the proposed minor site plan alteration 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 August 2, 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 (BPC2107-001) 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 August 2, 2021. Any changes to Planning Commission approved plans and specifications will require staff review and re- approval by the Planning Commission.

Item 2: BPC2107-002 Minor Site Plan Alteration, Canopy – Sonesta Suites, 209 Ward Circle, Zoning C-2

Premier Sign Company requested approval of a replacement awning for Sonesta ES Suites, formerly the Residence Inn. The new awning will be a colonial blue color. At the current time, the awning was a burgundy color. There is no signage proposed for the canopy.

Staff recommended approval of the proposed minor site plan alteration 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 August 2, 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 (BPC2107-002) 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 August 2, 2021. Any changes to Planning Commission approved plans and specifications will require staff review and re- approval by the Planning Commission.

Item 3: BPC2107-003 Minor Site Plan Alteration, Building Elevations – Iron Gate Building, Westgate Commons, 1645 Westgate Circle, Zoning C-2/SR

906 Studio Architects requested approval of a plan to paint the exterior of the building and add wood wraps around the existing steel columns. The applicant was requesting to paint the building Sherwin-Williams Alabaster with an accent color of Sherwin-Williams Black Fox.

Staff recommended approval of the proposed minor site plan/building elevation alteration 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 August 2, 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 (BPC2107-003) 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. 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 August 2, 2021. Any changes to Planning Commission approved plans and specifications will require staff review and re- approval by the Planning Commission.

Item 4: BPC2106-002 Minor Site Plan Alteration – Mapco Express, #3412, 7108 Moores Lane, Zoning C-3

Core States Group requested approval of a revised site plan for the Mapco Express fuel and convenience store located at 7108 Moores Lane. The proposed changes included:

1. Removal of the existing carwash and its accompanying signage, the curb-area will be repaved for improved vehicular circulation;
2. Existing parking stripes will be repainted including ADA spaces;
3. Existing signage on the facades will be removed and replaced;
4. Existing building canopy fascia and finished to be removed;
5. New exterior façade canopies, soffit, and signage to be installed, and
6. All visible facades are to be cleaned, repaired, and refinished.

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

1. All existing HVAC equipment must be screened on all sides from public view. A plan showing compliance must be included as part of the building permit submittal.
2. Accessible spaces must meet the requirements of Section 78-457 of the code and measure 11’ x 18’ with a five foot wide access aisle adjacent.
3. A site plan shall be vested for a period of three years from the date of the original approval.
4. Add the following note to the site plan;

This site plan is subject to a three-year vesting period, during which the development standards in effect on the date of approval will remain the standards applicable to this plan. If construction is not completed during the first three years, the original site plan is considered a preliminary site plan and the applicant must obtain approval of a final site plan. Development of the property shown on this plan may be subject to standards other than those that were applicable during the vesting period. The Initial vesting period for this plan expires on August 2, 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 (BPC2106-002) 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 August 2, 2021. Any changes to Planning Commission approved plans and specifications will require staff review and re- approval by the Planning Commission.

Item 5: BPC2107-010 Limited Duration Event -- Brentwood Beer Festival, Holy Family Catholic Church, 9100 Crockett Road, Zoning SI-2

The Men’s Club of the Holy Family Catholic Church requested approval of a limited duration event on the Church grounds from 11:00 am – 4:00 pm on August 14, 2021. The event will be held near the pavilion and the soccer fields located at the rear of the property and will include live music as well as beer tasting. The special event beer permit was approved by the Beer Board on June 28, 2021.

The event is to be conducted for charity. Uniformed police and security guards will be on the grounds throughout the event.

Staff recommended approval of the limited duration event, to be conducted from 11:00 am to 4:00 pm on August 14, 2021 subject to the following conditions:

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

# REGULAR AGENDA

**Item 1:** **ORDINANCE 2021-16 AN ORDINANCE AMENDING MUNICIPAL CODE REGARDING BUILDING PERMIT FEES, PLANNING COMMISSION SUBMITTAL FEES, HOME OCCUPATIONS FEES, BOARD OF ZONING APPEALS SUBMITTAL FEES AND CREATION A NEW SECTION 78-90 REGARDING PROCEDURES FOR ANNEXATIONS**

Ordinance 2021-16 proposed amendments to the fee amounts charged by the Planning and Codes Department. The fees include:

Building permit fees,

Planning Commission submittal fees,

Home occupation submittal/renewal fees,

Board of Zoning Appeals submittal fees.

The ordinance proposed a minor modification to the language in Section 78-87(d) regarding notification signage for rezoning requests.

Finally, the ordinance also proposed the addition of a new section in the zoning ordinance -- Section 78-90 regarding fees for annexations.

For information the ordinance also proposed changes to Section 14-72(a) regarding the per square foot valuation factors for habitable and non-habitable spaces within a residential structure. The habitable factors will rise from $100/sq. ft. to $130/sq. ft and the non-habitable from $20/sq. ft. to $25/ sq. ft. A new valuation table was also included. The new square foot factors are based on the ICC Construction Cost Table is a nationally recognized calculation of construction costs. Note that Metro Nashville used the same table.

The ICC table is updated two times per year in February and August. Revisions to the Building Valuation Data adopted by Ordinance 2021-16 will be adjusted annually to account for building valuation cost inflation on January 1st of each year. The adjusted valuation schedule, with fee amounts rounded to the nearest five-dollar increment, will be adopted by the Board of Commissioners via resolution by December 1st of each applicable year to become effective on January 1st of the following year.

Changes were also proposed to the Planning Commission review/submittal fees which are included as part of Section 50-29(a) of the Municipal Code.

The Planning Commission is not being asked to review and recommend approval of the changes to Sections 14-72(a) and Section 50-29(a) because these sections were not included as part of the zoning ordinance.

The Planning Commission was asked to review and provide their recommendation regarding the proposed revisions to the sections within the zoning ordinance.

**Section 78-26(d) – Home Occupation Fees**

The language in Section 78-26(d) was originally approved by the Board of Commissioners on September 28, 2009 pursuant to Ordinance 2009-09. The language has not been updated since. The current and proposed fees were summarized in the table below.

|  |  |  |
| --- | --- | --- |
| **HOME OCCUPATION REVIEW/RENEWAL FEES ‐‐ Sec 78‐26(d)** | | |
| **TYPE** | **CURRENT FEE** | **PROPOSEDFEE** |
| Home Occupations Reviewed by the Planning and Codes Department | $25.00 | $30.00 |
| Home Occupation Permits Reviewed by the Board of Zoning Appeals | $100.00 | $150.00 |
| Renewal of Previously Approved Home Occupation Permits | $10.00 | $15.00 |

The fees associated with merchandise sales and the fee for merchandise sales held after the home occupation permit has been granted were currently established at $100.00 will not change.

**Section 78- 59(b) – Board of Zoning Appeals Review/Submittal Fees**

The fee schedule for Board of Zoning Appeals applications was also last amended by the Board of Commissioners pursuant to Ordinance 2017-06, which was also approved on April 27, 2017. The current and proposed fees were summarized in the table below.

|  |  |  |
| --- | --- | --- |
| **BOARD OF ZONING APPEALS REVIEW/SUBMITTAL FEES ‐‐**  **Sec. 78‐59(b)** | | |
| **TYPE** | **CURRENT FEE** | **PROPOSED FEE** |
| Administrative Review | $200.00 | $250.00 |
| Special Exceptions | $200.00 | $250.00 |
| Variances | $200.00 | $250.00 |

**Section 78-87(d) -- Procedure for Zoning District Change**

The ordinance also proposed some minor modification in the language included as part of Section 78-87, which related to the procedures for requesting a zoning district change.

Specifically, the proposed changes related the rezoning notification signs that were placed on the property after any proposed rezoning ordinance is approved on first reading. The language has been modified to reflect current procedures and policies regarding the placement of the notification signage and removal of the required deposit of $150.00 per sign. Currently a single- use corrugated plastic sign instead of the large metal sign that was once used, and the $150.00 deposit are no longer necessary. The signs are placed by Planning and Codes Department staff to insure proper placement and visibility.

**Section 87-90 – Procedure for annexations**

Currently, there is no Code provision regarding a fee charged for annexation requests. Analysis of an annexation request is quite involved and required coordination between various City departments, Williamson County Schools, the Williamson County Property Assessor, the State Comptroller and the Brentwood Emergency Communications District. Additionally, a detailed Plan of Services must be completed by staff for each annexation request.

The ordinance proposed that a new section be created within the zoning ordinance -- Section 78-90 that defined the procedures for annexation requests. The fees associated with annexation requests shall be established at $1,000.00 per request, regardless of the area of the property proposed for annexation. The required submittal/review fees would be provided as part of the submittal of the Petition for Annexation.

The proposed ordinance amendments become effective for permit applications, Planning Commission and Board of Zoning Appeals submittals and annexation requests received on or after **September 1, 2021**.

As you are aware the Planning and Codes Department staff conducts semi-annual meetings with the building community to provide education, information regarding changes in Code requirements, changes to inspections/permits policies and changes to fee schedules. The next meeting is scheduled for September 1, 2021. The agenda will include an introduction and discussion of the new fee structures as proposed by Ordinance 2021-16.

Mr. Pippin moved to forward a recommendation of approval of Ordinance 2021-16 to the Board of Commissioners. Mr. Clark seconded; motion was approved unanimously.

**Item 2:** **BPC2103-006 Preliminary Plan – Echo Subdivision, FKA Gene Sacks Property, 1584 Ragsdale Road, Zoning R-2**

CSDG requested approval of a preliminary plan that showed 13 lots on approximately 20.4 acres of land. The proposed subdivision will be gated. An interior street will be privately maintained.

The applicant was requesting a variance of the length of the cul-de-sac as defined in the Subdivision Regulations. The maximum length is 1,000 feet. The proposed length of the cul-de-sac was 1,800 feet.

The Planning Commission had the authority to vary the requirements of the Subdivision Regulation, based upon the criteria in Article 9.7. Should the Planning Commission grant the requested variance it must consider the following:

1. The granting of the variance will not be detrimental to the public safety, health, or welfare, or injurious to other property or improvements in the surrounding area;
2. The conditions upon which the request for a variance is sought, and are not applicable generally to other property;
3. Because of the particular physical surroundings, shape or topographic conditions of the specific property involved, or because of other extraordinary conditions specific to the property, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these Regulations is carried out; and
4. The variance will not in any manner vary the provisions of the Zoning Ordinance, comprehensive plan, or official Zoning map.

There was a karst feature within the open space between lots 3 & 4. The geotechnical report certified compliance with both Brentwood and Metro Nashville standards regarding the protection of the karst feature and the surrounding area.

Mr. Clark moved for approval of the proposed preliminary plan and the variance to the cul-de-sac length from 1,000 to 1,800 feet subject to the following conditions being met to the satisfaction of staff:

1. The existing water service line crossing Lot 1 must be relocated before the final plat for the project may be recorded.
2. Sewer and water lines shall be located outside of any detention pond areas.
3. Add a label to the private road ingress / egress easement also identifying it as a utility and drainage easement.
4. Fire hydrants shall not be spaced more than 500’ feet apart.
5. The gate will be required to have “Click 2 Enter” system for emergency services using mobile radios. The method to open the gate by emergency personnel shall be approved by the Fire Marshall.
6. Provide a plan to protect the Ash trees that are to be preserved.
7. Construction of the proposed private street shall comply with all applicable requirements of Chapters 58, 78, and the Subdivision Regulations.
8. A preliminary plan shall be vested for a period of three years from the date of the original approval.
9. 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 2, 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. 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 – 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, per the requirements of the Subdivision Regulations. The address posts must be installed before a certificate of occupancy will be issued for the home.
8. Sidewalks shall be provided along both sides of the interior streets, 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. 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.](mailto:allison.henry@brentwoodtn.gov)
10. 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.
11. 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.
12. 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.
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. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
16. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on August 2, 2021. Any changes to Planning Commission approved plans and specifications will require staff review and re- approval by the Planning Commission.

Ms. Crigger seconded; motion was approved unanimously.

**Item 3:** **BPC2107-005 Minor Site Plan Alteration, Building Elevations – Lamborghini Showroom, 1006 Flagpole Ct., Suite 103-104, Mallory Park, Zoning C-3**

H. Michael Hindman Architects, PC requested approval of a minor site plan alteration for a new sales showroom for Lamborghini automobiles. The use will be located in an existing building located at 1006 Flagpole Court.

The existing building is an office / retail building and part of the StorPlace development. The larger multi-level building was used for self-storage facility as is the lower level of the front building. The upper level of the front building, facing Flagpole Court was used for office and retail purposes. Lamborghini was proposing to occupy 5,565 square feet of this existing space.

The modifications to the building and the site were as follows:

1. Dark band on the façade of the occupied space to identify the width of the tenant space. A small Lamborghini sign was proposed;
2. A section of the existing storefront will be replaced with wide double storefront doors for vehicle access into the showroom;
3. The placement of pavers to facilitate vehicle access. The pavers would replace approximately 36 square feet of greenspace. The green space remains at 39.2%, and
4. A minimal amount of vehicle inventory will be parked on the site. All parking would be entirely in designated parking spaces and not in drive aisles or on grass areas.

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

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 August 2, 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 (BPC2107-005) are likewise provided for in the plans submitted. Any deviation from the approved building materials will negate any staff approval of said plans. Proposed changes to project specifications will be submitted to the Planning Commission for further consideration.
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 August 2, 2021. Any changes to Planning Commission approved plans and specifications will require staff review and re- approval by the Planning Commission.

Mr. Oliver seconded; motion was approved unanimously.

# OTHER BUSINESS

**Public Works Project Fee Credits for the Academy at Holly Tree -- 1384 Holly Tree Gap, Zoning C-2**

Article IX -- Section 14-200(b) of the Municipal Code provided that improvements constructed by a developer to the major road network beyond normal site related improvements, may be accepted in lieu of required public works project fee (PWPF) payments.

In this case, the improvements related to the enhancements necessitated by the design of the intersection of Holly Tree Gap Road and Franklin Road.

Both Holly Tree Gap Road and Franklin Road were designated as arterial streets by Section 78- 486 of the zoning ordinance.

The owners of the Academy at Holly Tree (NGU, Inc.) have requested that the PWPF for the new building currently under construction at 1384 Holly Tree Gap Road be credited because of the off-site improvements required by the City.

The improvements included:

* 1. Drainage;
  2. Pavement, widening of Holly Tree Gap Road in the area north of the intersection;
  3. Erosion Control and
  4. Finishing – sod/seeding

The site plan was approved by the Planning Commission on November 2, 2020.

The requested credits were subject to a recommendation by the Planning Commission and approval by the Board of Commissioners.

The public works project fees for the new building were calculated as follows:

11,502 sq. ft. building / 1,000 = 11,502 x $5,215 per 1,000 sq. ft. = **$59,982.93**

Less a previous use credit of 7,265 sq. ft. / 1,000 = 7.265 x $5,215 = **$37,886.98**

Total Due / Credit Requested= **$22,095.95**

The “previous use credit” above accounts for the area of the building that formerly occupied the property and was demolished as part of the redevelopment of the site, per Section 14-197(d) of the Municipal Code.

The off-site improvements were calculated by staff with the Engineering Department and totaled

$34,671.60. Security in the amount of $139,748.00 which included $62,749.00 has been received that included these improvements. The City will not refund or credit an amount exceeding the public works project fees required. Therefore, the total credit proposed is $22,095.95.

Commissioner Gorman moved for approval to forward a recommendation of approval of the proposed Public Works Project Fee (PWPF) credits in the amount of $22,095.95 to the Board of Commissioners; seconded by Mr. Oliver. Approval was unanimous.

**Monthly Security Report**

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

# ADMINISTRATIVE INFORMATION

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

Being no further business, the meeting adjourned at 7:34 pm.

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APPROVED: September 7, 2021 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Holly Earls, City Recorder