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

**BRENTWOOD, TENNESSEE**

The regular meeting of the Brentwood Planning Commission met on Tuesday, September 7, 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, and John Vitucci. Stevan Pippin was absent. Staff present were Jeff Dobson, Kirk Bednar, Jay Evans, Kristen Corn, Lori Lange, Todd Petrowski, and Allison Henry.

Mr. Kaplan moved for approval of the minutes from the August 2, 2021 meeting as written; seconded by Ms. Crigger. 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 of a revision of the stormwater requirements within the Regulations. However, a complete review of the entire document was conducted by staff. The majority of the other revisions related to format, correction of grammatical errors, duplications, etc.

Since the initial public hearing, on August 2, 2021, several minor revisions were made to the document, primarily related to the definition of Substantial Rebuild Lots. Additional language was also added to Article 6.5 related to the placement of catch basins during the construction of a subdivision. Catch basins were to be set level with the binder at the time of construction and raised to finish elevation when the final asphalt work is completed.

No one spoke at the public hearing in August.

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

**CONSENT AGENDA**

Item 1: **BPC2108-001 Minor Site Plan Alteration, Building Elevation – Stretch Lab, Hill Center Brentwood, 205 Franklin Road, Suite 140, Zoning C-2**

LINES, Inc, requested approval of a minor exterior elevation change that involved the covering the existing wood paneling and brick column, above the storefront of Suite 140 in the Hill Center Brentwood. A new white aluminum panel with signage mounted flush to the wall will cover the area to create a uniform space.

The tenant space was located between the Eat the Frog Fitness and Scissors & Scotch spaces.

Staff recommended approval of the proposed minor site plan/building elevation alteration subject to the following conditions:

1. Verify the overall area of the proposed signage. It appears to be larges that 17.7 square feet.
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 September 7, 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 (BPC2108-001) 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 September 7, 2021. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 2: BPC2108-005 Minor Site Plan Revisions, String Lights – City Park, 278 Franklin Road, Zoning C-2

Kiser Vogrin Design requested approval of a minor site plan revision to install 6 – 6”x6” wood posts to support the installation of outdoor / wet rated LED string lights in the green space area adjacent to the former Newks tenant space.

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 September 7, 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. Complete plans shall be submitted to the Planning and Codes Department for review, approval and issuance of the required permits before any work is begun. Additionally, all required electrical permits, issued by the State of Tennessee must be received before any work is begun.
6. 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 (BPC2108-005) 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.
7. 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.
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 September 7, 2021. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 3: BPC2108-007 Limited Duration Event – Food Truck Rally, Brentwood High School, 5304 Murray Lane, Zoning SI-2

Brentwood High School requested approval of a limited duration event to conduct a food truck rally on the school grounds from 11:00 am to 1:30 pm on Friday, September 24, 202. The trucks will be located in the front parking lot along Murray Lane, in front of the STEM building.

Approximately 17 food trucks will be invited to the event, which is intended for students only and not open to the public.

Section 18-187(a)1 of the Code required that Food Truck Rallies in which more than ten vendors participate, obtain approval for the limited duration event from the Planning Commission.

Staff recommended approval of the limited duration event subject to the following conditions:

1. The event organizers shall coordinate the event with Planning and Codes, and Police Department personnel as necessary.
2. Any food trucks on the site shall comply with the requirements of Article VI of the Municipal Code, and 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 at all times 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 September 7, 2021. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 4: BPC2107-008 Revised Hillside Protection Site Plan Overlay, Pool – Morgan Farms Subdivision, Lot 242, 1900 Chagford Court, Zoning OSRD

Mr. Jonathan Sanders requested approval to build a 20’ x 56’ inground concrete swimming pool with a sun ledge and a raised spa. The request also included a concrete pool patio, a raised patio off the existing covered porch and landscape screening.

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 September 7, 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 prepared 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. 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.
6. 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.
7. HP site plan approval by Planning Commission requires that 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 the issuance of any permits.
8. 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 September 7, 2021. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 5: BPC2107-006 Revised Final Plat – Windstone Subdivision, Lot 29 & Open Space Scenic Easement Area 1, 866 Windstone Blvd, Zoning R-2

Wilson & Associates, PC requested approval of a revised final plat that created a 20-foot wide public utility easement (P.U.E) through open space and Scenic Easement Area Number One to provide electrical service to serve the home on Lot 29. The electrical service will be placed underground as required by Section 70-1 of the Municipal Code.

The open space area was located easterly of Lot 129 and measured approximately 50 feet wide. The easement included approximately 2,910 square feet or 0.066 acres.

Because the revised final plat and OSRD-IP Development Plan propose minor changes to the open space by adding the easement area, the revised OSRD-IP Development must be approved by the Board of Commissioners. Per the requirements of Section 78-185(b) of the Code.

Staff recommended approval of the proposed revisions to the preliminary plan, the final plat and to forward a recommendation of approval of the minor revisions to the OSRD-IP Development Plan for the project to the Board of Commissioners subject to the following conditions:

1. The revised scenic easement document must be provided for staff review and recorded with the revised final plat. Both documents must reference the recording of each document.
2. The proposed revisions to the OSRD-IP Development Plan must be approved by the Board of Commissioners before the revised plat may be recorded.
3. Approval of a final plat by the Planning Commission shall become effective upon the date of the last signature required on the plat for recording. The initial vesting period shall be for a period of five years after approval.
4. Add the following note to all pages of the final plat:

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

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

1. Provide the Planning staff with a digital copy of the proposed subdivision. This request is consistent with Article 2.3 of the Brentwood Subdivision Regulations. The file should be in AutoCAD .DWG or .DXF compatible format and CD-ROM. The file shall use the Tennessee State Plane coordinate system, FIPS Zone 4100, NAD 83 datum. The digital copies must be received before the plat may be recorded.
2. Any new dwelling constructed more than 500 feet from a public roadway or authorized private roadway providing vehicle access to the dwelling shall be protected through an automatic residential fire sprinkler system installed in accordance with NFPA standards and requirements and approved by the fire chief or a designee.
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 September 7, 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. Clark; motion was approved unanimously.

# REGULAR AGENDA

**Item 1:** **ADOPTION OF 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 review of the entire document was conducted by staff. The bulk of the proposed changes related to stormwater requirements. Most of the other revisions related to format, correction of grammatical errors, duplications, etc.

It was decided that a second public hearing was prudent because of several minor changes that occurred to the document since the first public hearing on August 2, 2021.

The revisions included.

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

Article 2.3(1)j Article 5.11 -- Remove the requirement that applicants provide a mylar copy of a recorded plat as proof of it having been recorded. Currently, before a building permit is issued, staff verifies that the plat has been recorded using the Williamson County Registers web site. References were also added 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 requirement 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 requires 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 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 have been assigned in accordance with City standards.

Article 6.5 –Added the following sentence at the end of the paragraph -- To allow water to enter catch basins during the construction phase of a subdivision, catch basins are to be set level with the binder at the time of construction and raised to finish elevation when the final asphalt work is completed.

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 subsection regarding acceptable surfaces for sidewalks. The language is referenced previously in subsection 7.

Article 6.10(1) – Removed subsections a & b and replaced with new language in subsections a through d, regarding runoff rates for design conditions, acceptable methods.

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 the Engineering Department.

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

Article 6.10(g)4 – Includes additional requirements for culverts and specifies that the installation of driveway culverts is 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 – Provides 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 – Requires bridges to be designed to have a minimum of one-foot of freeboard between the 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 – Replace 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. The design requirement is to infiltrate, evapotranspire, or capture and reuse the first 1.0 inch of rain preceded by 72 hours of no measurable rainfall.

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 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 requiring all new developments be evaluated for adverse impacts on downstream properties.

Article 6.14(4) – Revised the definition of Substantial Rebuild Lots to read as follows -- A lot on which modifications to existing structures or the lot itself including but not limited to residential additions, swimming pools, or other accessory buildings or structures such that the increase in impervious surface is greater than or equal to 800 square feet.

The previous definition read as follows:

Substantial Rebuild Lots. Substantial Rebuild Lot is an existing lot that has or had a structure on the lot and the existing structure is to be demolished and a new structure constructed, or an existing structure is to be expanded or partially rebuilt such that the increase in impervious surface is equal to or greater than 800 square feet. Any substantial rebuild including commercial, residential, additions, swimming pools, or remodel will require a grading plan to be designed by a TN licensed engineer or landscape architect.

Article 6.14(5) -- Reformat of the requirements for drafting a Substantial Rebuild engineered site/grading plan. The reformat was intended to make the requirements more readable.

Appendix One -- Revised the definition of Substantial Rebuild Lots to match the language in Article 6.14(4).

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

Previously a public hearing was conducted by the Planning Commission on August 2nd. The proposed effective date for the revisions was September 15, 2021.

Mr. Oliver moved to approve the proposed revisions to the Brentwood Subdivision Regulations and establish the effective date of the revisions as being September 15, 2021. Mr. Bain seconded; motion was approved unanimously.

**Item 2:** **ORDINANCE 2021-17 - AN ORDINANCE REZONING PROPERTY LOCATED IN THE SOUTHEAST QUADRANT OF THE INTERSECTION OF CONCORD AND FRANKLIN ROADS FROM THE SI-1 (SERVICE INSTITUTION – RELIGIOUS) ZONING DISTRICT TO THE OSRD (OPEN SPACE RESIDENTIAL DEVELOPMENT) ZONING DISTRICT**

Ordinance 2021-17 requested the rezoning of 28 +/- acres of land located in the SE quadrant of the intersection of Concord and Franklin Roads. The requested change is from SI-1 to OSRD.

The entire tract included an area of 32.60 acres and also included two structures -- the "Concord Road House" and the "Counseling Center," each serving the Fellowship Bible Church. Both buildings would be demolished as part of the development of the property and rebuilt by the developer off of the SE corner of the subject property on the adjacent Fellowship property.

The submitted development plan showed a total of 20 lots.  As part of the submittal the applicant also provided an R-2 concept plan, which that also showed 20 lots, intended to be for reference only.

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| **PROPOSED ANNA SUBDIVISION** | |
| **SI-1 TO OSRD** | |
| TOTAL AREA OF PROJECT | 28.11 +/- AC. |
| NUMBER OF LOTS PROPOSED | 20 |
| NUMBER OF LOTS SHOWN ON THE SUBMITTED R-2 CONCEPT PLAN | 20 |
| LARGEST LOT AREA | 1.00 AC. / 43,666 SF |
| SMALLEST LOT AREA | 0.54 AC. / 23,620 SF |
| AREA OF OPEN SPACE REQUIRED | 5.03 AC. |
| AREA OF OPEN SPACE PROVIDED | 11.06 AC. |
| EXCESS OPEN SPACE (OSRD) | 6.03 AC. |
| **LAND AREA IN LOTS** | **14.97 AC.** |

**WATER AND SEWER**

Water Services staff requested the department's consulting engineers analyze the service impacts for both the residential development proposed and then a typical church that could possibly be built under the existing zoning on the 33 +/- acres.

Design flow projections from a church facility with worship center, classrooms and administrative offices, similar to the Fellowship Bible Church were used.

Sewer modeling evaluations were completed by modeling the contributions from each development scenario during a 2-year 24-hour storm event, which is the standard system design objective.

The analysis results showed that generally the sewer impact from each of the two scenarios was not all that different based on the flow projections.  The residential development was projected to have a slightly higher design flow impact at 6,200 gallons per day discharge vs. the projected discharge from a church similar to the size of Fellowship Bible Church at 4,800 gallons per day.  The evaluation of each development scenario shows the overall impact was negligible, consistent with master planning strategy, and does assume that the identified sewer system capacity improvements in the master plan continued to be implemented.

The sewer line immediately downstream of the connection point of the project would require the developer to upsize about 650 feet of existing 8-inch pipe to a 12-inch pipe. Note that in the Sewer System Master Plan (SSMP), the area of sewer line from Franklin Road to the railroad tracks were recommended to be upgraded at some future date.  Should a development connect to this section of sewer line, they would be required to upsize that section and the City would upsize the remaining section at some future date.

Sufficient water infrastructure was in place to adequately serve the proposed subdivision without the need for any offsite improvements. The Water Services Department has issued an Intent to Serve letter to the developer.

**TRAFFIC IMPACTS**

A Traffic Impact Study (TIS) was provided as part of the initial request for rezoning of the property.  A copy of the TIS was forwarded to Mr. Greg Judy with Neel-Shaffer Inc., who assisted staff in the review of the submitted TIS. A copy of his review comments were attached below. The applicant will pay for the Neel-Shaffer review per the requirements of Section 50-29(b) of the Municipal Code.

The TIS studied two intersections:

Franklin Road at Concord Road, and Concord Road at the Joint Church Access Road.

The projected build-out of the project was shown as being 2025. The study determined an average annual grown rate to be 2% per year. The study found that the project will add 19 trips during the AM peak hour (5 entering, 14 exiting) and 22 trips during the PM peak hour (14 entering, 8 exiting).

The TIS provided the following conclusions and recommendations:

Traffic operations at the intersection of Franklin Road and Concord Road currently operate at LOS C during the a.m. and p.m. peak hours. During background and total traffic conditions, the intersection will operate at LOS  D during the a.m. peak hour and LOS C during the p.m. peak hour.

No lane or traffic control modifications were recommended at this intersection.

Traffic operations at the intersection of Concord Road and the Joint Church Access currently operated at LOS A during the a.m. and p.m. peak hours. During background and total traffic conditions, traffic operations will continue to operate at LOS A during the a.m. and p.m. peak hours.

No lane or traffic control modifications were recommended at this intersection.

Based on the standards, guidance, and studies conducted for permissive phasing of double left turn lanes, it appeared that there is not a prohibition of that type of phasing and that there were locations across the nation that do use it in certain circumstances. The visibility of oncoming traffic, distance to be crossed by left turning vehicles, traffic volume, and travel speed are some factors that should be considered when evaluating the use of permissive phasing of double left turn lanes.

The project access should consist of one lane for traffic entering the site and one lane for traffic exiting the site.

The proposed grading, landscaping, and monument signage at the entrance to the subdivision should be located outside the sight triangles. Features within the intersection sight triangles should be designed so that sight lines were not obstructed.

Due to the curved alignment of the Joint Church Access, the project access may not be able to intersect the roadway at a right angle (90 degrees). The project access can be skewed up to a maximum of 15 degrees, however a skew of 10 degrees or less is desirable.

**Neel-Shaffer Review Comments**

The Neel -Shaffer review identified a typographical error in the data for the analysis of the intersection of Franklin and Concord Roads in the AM proposed 2025 conditions. The review found that 545 vehicles for the southbound left turn volume, although the traffic forecast documented a total of 454 vehicles. However, no substantive change in the conclusions is expected. The following represented the Neel-Shaffer comments on the study's conclusions and recommendations.

* The applicant should confirm the source of the traffic signal timings used in the study’s analysis.
* The traffic study should confirm the proposed traffic control at the intersection of the Joint Church Access and the proposed Anna driveway. Although not explicitly mentioned in the study, review assumed that stop sign controlled would be used for the driveway approaches with free-flow conditions along the Joint Church Access. Adequate sight distance should be provided at this intersection.
* Neel-Shaffer staff generally concurs with the information provided by the study related to alternate options for operating the existing westbound protected-only left-turn movement on Concord Rd at the Joint Church Access. Current design standards and guidance materials do not prevent the consideration of operating the dual left-turn movement under variable left-turn signal phasing sequences. It is suggested that driver sight distances and prevailing vehicle speeds act as primary deciding factors, as well as driver acceptance. If City officials wish to explore variable left-turn mode operation, it is suggested that left-turn flashing yellow arrow indications be considered for the traffic signal. This approach would allow operation of the dual left-turn lanes under protected-only mode during peak periods (Sunday mornings, Wednesday evenings and/or special events), while providing the opportunity to operate under permissive operation during other periods.

**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 Anna subdivision was as follows:

|  |  |  |  |
| --- | --- | --- | --- |
| **SCHOOL** | **WCS ENROLLMENT PROJECTIONS** | **WCS CAPACITY** **10/2020** | **WCS ENROLLMENT** **10/2020** |
| Lipscomb Elementary | 5 Students | 780 Students | 588 Students |
| Brentwood Middle | 2 Students | 1,375 Students | 1,218 Students |
| Brentwood H.S. | 2 Students | 2,000 Students | 1,740 Students |

**BIKE AND PEDESTRIAN IMPROVEMENTS**

The proposed plans included construction of a ten-foot wide multiuse trail along Concord Road from the Joint Church Access road intersection west to Franklin Road where it will connect to the multiuse trail included as part of the Franklin Road project and the planned trail north along Franklin Road from Concord Road to Murray Lane.  In addition, a five-foot wide sidewalk will be constructed along the Joint Church Access from the proposed subdivision entrance north to Concord Road.

The ordinance was approved on first reading on August 9, 2021. The required community meeting was conducted on September 2nd. The public hearing is scheduled for September 13, 2021, with second and final reading scheduled for September 27, 2021.

Mr. Kaplan moved to forward a recommendation of approval of Ordinance 2021-17 to the Board of Commissioners. Ms. Crigger seconded; motion was denied 4-5 with Janet Donahue, Preston Bain, Chris Clark, Ryan Crowley, and Brandon Oliver voting no.

Mr. Oliver moved to forward a recommendation of disapproval of Ordinance 2021-17 to the Board of Commissioners. Mr. Clark seconded; motion was approved 5-4 with Carole Crigger, Michael Kaplan, Mark Gorman and John Vitucci voting no.

**Item 3:** **BPC2108-002 Limited Duration Event – 26th Annual Nashville British Car Show, Tennessee Baptist Children’s Home, 1310 Franklin Road, Zoning SI-2/SR**

The Nashville British Car Club (NBCC) requested approval of their annual car show to be held at the Tennessee Baptist Children’s Home located at 1310 Franklin Road. The event will be conducted on Saturday October 9, 2021 from 9:00 to approximately 4:00 p.m.

Approximately 125 vintage and collectable cars were expected to participate, and 250-300 attendees were expected. There will be 5 to 8 event sponsors who will set-up canopies and displays. There is no admission charge.

Proceeds from the event will go to the TBCH. The Club anticipated several sponsors will be in attendance. These range from car dealerships displaying new vehicles to related businesses who would set up 10’ x 10’ canopies and provide information on their services. It is anticipated 5 to 8 sponsors will participate.

All traffic will enter from Franklin Road through the main entrance where club volunteers will be positioned to provide assistance. Vehicles will not be stopped on Franklin Road. Volunteers will assist attendees to ensure that they get onto the campus as quickly as possible. Once vehicles enter the campus they will be directed to parking or the show field.

Commissioner Gorman moved for approval of the limited duration event subject to the following conditions being met to the satisfaction of staff:

1. The event organizers shall coordinate the event with Planning and Codes, and Police Department personnel as necessary.
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 September 7, 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 4:** **BPC2107-004 Preliminary Plan – Ragsdale Subdivision, 1647 & 1655 Ragsdale Road, Zoning OSRD-IP**

SEC Civil requested approval of a preliminary plan showed 66 lots on 116 +/- acres of land.

The property included the historic Fly family cemetery, which will be preserved. The cemetery included an area of approximately 0.18 acres. There were 12 burials in the cemetery.  All 12 stones remained, although several have fallen.  The burials occurred from 1855-1898.

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

The developer was requesting that the building setbacks from the boundary of the development be reduced from 150 feet to 100 feet per the allowances provided by Section 78-198(f)5 of the Municipal Code, if the rezoning was approved and when the preliminary plan was 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 was elevated sufficiently to minimize direct view from the above tracts and roads.

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 proposed 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 development frontage of Ragsdale Road. The funding shall be provided as part of the recording of the final plat for the first section of the development.

**Summary of the development plan.**

|  |  |  |
| --- | --- | --- |
| **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. | |

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.  The City does not expect to begin preliminary design work on Ragsdale Road until next year. 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 commences.  The plan showed a 10-inch diameter water service to be extended from Fontenella Drive through the open space in Section Four of the Tuscany Hills Subdivision (PB P55, PG 142), which was also a PUDE. The line continued along the southerly boundary of 1624 Ragsdale Road (parcel 055 02804), across Ragsdale Road and into the project.

The line will be appropriately sized to not impact service in Tuscany Hills.  Water Department engineers (not the developer) will dictate the appropriate size line needed to maintain consistent service in the area.  This connection and line work will benefit Tuscany Hills since the connection will provide a secondary water supply into the subdivision as opposed to the single supply feed off Split Log Road that exists today.  This secondary feed and overall Ragsdale area water system improvements planned with the Ragsdale Road widening project taking place in the next few years, are all part of the department’s long-range water system master plan.

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.

The developer will extend the utility services via existing infrastructure and be responsible for obtaining all necessary easements and extend the services 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.

A traffic impact study was provided as part of the initial submittal of the rezoning application. Mr. Greg Judy with Neel-Shaffer, the City’s traffic consultation reviewed the study. All suggested recommendations included as part of the study are shown on the preliminary plan. Generally, Neel-Shaffer took no exceptions to the conclusions presented by the traffic study and generally concurred with the proposed recommendations.

The applicant will pay for the Neel-Shaffer review per the requirements of Section 50-29(b) of the Municipal Code.

Mr. Oliver moved for approval of the proposed building setback reductions from the boundary of the development from 150 feet to 100 feet, per the allowances provided in Section 78-198(f)5. Mr. Clark seconded; motion was approved unanimously.

Mr. Oliver moved for approval of the proposed preliminary plan subject to the following conditions being met to the satisfaction of staff:

1. The Geotechnical Report identifies two locations with colluvial soils in soil borings 101 and 107. Boring 101 is near lots 6, 7, and 8, boring 107 is near lots 32 and 33. The construction plans will need to include all geotechnical recommendations for the areas. Certification of construction will be required by a geotechnical engineer.
2. Revise the lot detail and building envelopes to show at least 25 feet between buildings.
3. The applicant will pay for the Neel-Shaffer review per the requirements of Section 50-29(b) of the Municipal Code. This payment of the second invoice must be received by staff before any permits will be issued for the project.
4. The developer shall provide funds in lieu of construction of the required sidewalk along the development frontage of Ragsdale Road. The funding shall be provided as part of the recording of the final plat for the first section of the development.
5. Approval of the proposed preliminary plan will be subject to approval by TDEC of the mitigation plan for the stream running across lots 9 – 11 and 17 and 18. The mitigation plan must be provided for staff review and approved before any permits are issued for the project.
6. The existing tree masses shall be shown on the Tree Protection Plan per the Subdivision Regulations, Article 3.5(5).
7. All off-site easement agreements shall be provided before any permits are issued.
8. Verify the slopes on Lot Seven and along Wolverine Alley, they appear to be greater than 25%. Refer to Section 78-186(b)1 of the zoning ordinance.
9. The retaining wall along the gas easement line will need to be documented in the gas company approval.
10. The depth of storm line should be investigated to ensure the line shown in the alley can be accessed within the ROW for maintenance/replacement purposes. A detail shall be shown.
11. Preliminary plan approval shall remain valid for a period of three years after the initial approval by the Planning Commission.
12. Add the following note to the preliminary plan;

This site plan is subject to a three-year vesting period, during which the development standards in effect on the date of approval will remain the standards applicable to this plan.  If construction is not completed during the first three years, the original site plan is considered a preliminary site plan and the applicant must obtain approval of a final site plan. Development of the property shown on this plan may be subject to standards other than those that were applicable during the vesting period.  The Initial vesting period for this plan expires on September 7, 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. Per the subdivision regulations the hydraulic analysis will require assurance that the peak flow rates at the development outlet points are not altered by combination of peak flow through the system.
5. Per Brentwood Code 78-343, 5. Any retaining wall required for construction of a driveway shall be no more than six feet as measured from final grade and constructed of structurally sound and durable materials in colors that blend into the natural terrain. Multiple retaining walls that are terraced with adequate separation to allow for the planting of suitable landscaping material for screening the walls shall be permitted. The maximum allowable cut and fill section for any driveway shall be 12 feet.
6. All necessary TDEC and agency permits will be required prior to issuing a grading permit.
7. A blasting permit will be required from the Fire Marshal before issuance of the grading permit.
8. It is the policy of the U. S. Postal Service that mail delivery to all new and extended developments use centralized delivery, via cluster box units (CBU). It is the responsibility of the customer (developers and builders) to provide the necessary mail receptacle equipment. Show/label an area on the plan to accommodate the cluster box units. Developers must receive approval from the USPS before mail service can begin.
9. The homes in the subdivision shall use U.S. Postal Service approved Cluster Box Units for Mail Delivery. Each home builder shall install permanent address posts, in lieu of mailboxes at the end of each driveway to facilitate emergency response. The address posts must be installed before a certificate of occupancy will be issue for the home.
10. 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.
11. 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) .
12. The property owner is responsible for all development fees including water and sewer service and tap fees, building permit fees and Public Works Project Fees. The required fees shall be used for future infrastructure related improvements required by the proposed development.
13. Applicable security for all required roadway, drainage, utilities, water, sewer, landscaping and amenity improvements in accordance with the requirements of Article Eight of the Brentwood Subdivision Regulations shall be provided before the final plat may be recorded.
14. A Maintenance Agreement and Storm Water System Long-Term Operation and Maintenance Plan for all storm water structures and facilities must be prepared, submitted and approved per Section 56-43 of the Brentwood Code.
15. Deviations from the approved plan in the development of a project or the failure to satisfy any standard requirements or special conditions of approval imposed by the planning commission will be considered a violation of the provisions of the Zoning Ordinance, which shall be subject to punishment as provided in Section 1-9 of the Brentwood Municipal Code. The City may also require the applicant to appear before the Planning Commission to address any deficiencies or unapproved modifications. The project may also be subject to delays in issuance of permits, certificates of occupancy, recordation of plats or other project approvals.
16. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
17. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on September 7, 2021. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Mr. Bain seconded; motion was approved unanimously.

# OTHER BUSINESS

**Monthly Security Report**

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

# ADMINISTRATIVE INFORMATION

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

Being no further business, the meeting adjourned at 8:09 pm.

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