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

**BRENTWOOD, TENNESSEE**

The regular meeting of the Brentwood Planning Commission met on Tuesday, April 5, 2022, 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, Jay Evans, Kristen Corn, Lori Lange, Todd Petrowski, and Allison Henry.

Mr. Pippin moved for approval of the minutes from the March 7, 2022, meeting as written; seconded by Mr. Crowley. Approval was unanimous.

**CONSENT AGENDA**

Item 1:  **BPC2203-004 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 school grounds from 11:00 am to 12:30 pm on Thursday, April 28, 2022. The trucks will be located in the front parking lot along Murray Lane, in front of the STEM building.

Approximately 13 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 April 5, 2022. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 2: BPC2203-003 Minor Site Plan Alteration – Mere Bulles, Maryland Farms, 5201 Maryland Way, Zoning C-2

StruXure Outdoor of Nashville requested approval of a 976 square foot aluminum, free-standing pergola/cover over the existing patio area. The cover will have bronze posts and beams with tan roofing to compliment the building. Part of the covering will consist of a flat roof while the easterly portion will be operational louvers.

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 April 5, 2025, unless extended by the City of Brentwood.  Persons relying on this plan after said date should contact the City of Brentwood to determine if development may continue as depicted on the plan.

1. When the construction authorized pursuant to a site plan is not completed within three years from the date of initial approval, but the applicant desires to complete the project proposed for the site, the plan as initially approved for the project or as amended shall be considered a preliminary site plan. If the applicant secures all necessary permits, commences site preparation and obtains approval of a final site plan within the three-year vesting period following approval of the preliminary site plan, then the vesting period shall be extended an additional two years beyond the expiration of the initial three-year vesting period. During the two-year extension, the applicant must commence construction and maintain any necessary permits to remain vested.
2. If necessary permits are maintained and construction, as defined by Section 78-43, has commenced by the end of the two-year extension, then the vesting period shall remain in effect until the Planning and Codes Department has certified final completion of the project, provided the total vesting period shall not exceed ten years from the date of approval of the preliminary site plan.
3. If the construction authorized pursuant to a site plan is completed within three years from the date of approval, the site plan shall then be considered the final site plan for the project.
4. The property owner is responsible for all development fees including water and sewer service and tap fees, building permit fees and Public Works Project Fees. The required fees shall be used for future infrastructure related improvements required by the proposed development.
5. Ground and roof level electrical transformers, heat and air conditioning equipment and similar facilities shall be screened from public view per the requirements of Section 78-246 (l) of the zoning ordinance.
6. Unenclosed guarded service equipment on the exterior of building in commercial and service institution districts shall be limited to mandatory disconnects and metering equipment. All other service equipment shall be placed in an enclosed area of a structure.
7. Add the following note to the plans that are to be submitted for building permit review: “This document certifies that the building materials specified in the Planning Commission approval of this project (BPC2203-003) 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.
8. Complete building plans shall be submitted to the Planning and Codes Department for review, approval and issuance of the required permits before any work is begun. Additionally, all required electrical permits, issued by the State of Tennessee must be received before any work is begun.
9. Deviations from the approved plan in the development of a project or the failure to satisfy any standard requirements or special conditions of approval imposed by the planning commission will be considered a violation of the provisions of the Zoning Ordinance, which shall be subject to punishment as provided in Section 1-9 of the Brentwood Municipal Code. The City may also require the applicant to appear before the Planning Commission to address any deficiencies or unapproved modifications. The project may also be subject to delays in issuance of permits, certificates of occupancy, recordation of plats or other project approvals.
10. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
11. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on March 7, 2022. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 3: BPC2203-006 Revised Site Plan – Brentwood House Shopping Center, 127 Franklin Road, Zoning C-4

Civil Infrastructure Associates requested approval of a revised site plan that included the repair/replacement of the sewer service line that ran in front of the building, modification of parking spaces, and the placement of yellow bollards along the front of the building.

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

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

This site plan is subject to a three-year vesting period, during which the development standards in effect on the date of approval will remain the standards applicable to this plan.  If construction is not completed during the first three years, the original site plan is considered a preliminary site plan and the applicant must obtain approval of a final site plan. Development of the property shown on this plan may be subject to standards other than those that were applicable during the vesting period.  The Initial vesting period for this plan expires on April 5, 2025, 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 (BPC2203-006) are likewise provided for in the plans submitted. Any deviation from the approved building materials will negate any staff approval of said plans. Proposed changes to project specifications will be submitted to the Planning Commission for further consideration.
6. Ground and roof level electrical transformers, heat and air conditioning equipment and similar facilities shall be screened from public view per the requirements of Section 78-246 (l) of the zoning ordinance.
7. Complete building plans shall be submitted to the Planning and Codes Department for review, approval and issuance of the required permits before any work is begun. Additionally, all required electrical permits, issued by the State of Tennessee must be received before any work is begun.
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 April 5, 2022. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

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

# REGULAR AGENDA

**Item 1:** BPC2203-010 Limited Duration Event – KARS4KIDS, Tennessee Baptist Children’s Home, 1310 Franklin Road, Zoning SI-2/SR

Mr. Paul Collins requested approval of the 22nd Annual Kars4Kids Car, Truck and Motorcycle show. The limited duration event will be conducted on Saturday, April 16, 2022, from 8:00 am to 4:00 pm. on the lawn at the Tennessee Baptist Children’s Home located at 1310 Franklin Road.

The event is free to attend. It is estimated that 4,000 to 5,000 could attend throughout the day, weather permitting.

All traffic will enter the site at via Franklin Road. Volunteers will be positioned to provide assistance if necessary. Registration is from 8:00 am to noon. Show vehicles will begin arriving around 7:00 am. Spectators typically begin to arrive around 10:00 a.m. Trophy presentation is around 2:30 pm or 3:00 pm.

It is possible that a few venders will also be on-site. Vendors will set-up before 8:00 am.

Mr. Pippin moved for approval of a 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. All ingress and egress points must remain clear and accessible for emergency services at all times during the event.
3. Future events must be submitted for review by staff and approved by the Planning Commission annually.
4. Any food trucks on the site shall comply with the requirements of Article VI of the Municipal Code, and be permitted by the City.
5. 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.
6. All tents used must be flame resistant in accordance with NFPA 701, and have a label permanently attached indicating such compliance. Each tent shall have at least a “2A” rated fire extinguisher, unobstructed and easily accessible in the event of a fire emergency.
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 Department for a compliance review.
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. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on April 5, 2022. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Mr. Kaplan seconded; motion was approved unanimously.

**Item 2:** BPC2112-002 Final Plat – Harlan Subdivision, 9230 Old Smyrna Road, Zoning R-2

Ragan Smith Associates requested approval of a final plat that showed 21 lots on approximately 71 acres.

The project was proposed as a gated private street subdivision. Access to the project was provided at one location on Old Smyrna Road.

The project was provided sewer service via Metro Water Services, which have required that an odor control station be placed in Open Space Area Nine, northeasterly of Lot 14 adjacent to the existing force main. The tank was intended to inject a chemical into the force main to reduce orders before they reach the manhole in Cloverbrook Drive.

Since the station is a Metro requirement, Brentwood staff were not consulted as to its placement. The location of the station was not shown on the original preliminary plan, approved in May 2021. However, a symbol did appear on the plans approved in November 2021 as a small rectangle, but it was not properly labeled and obscured by other text.

Staff has requested a screening plan for the tank installation, but it was not received as part of the resubmittal.

Citizen Comment:

Deborah Fisher, 6575 Cloverbrook Drive

Mr. Kaplan moved for approval of the proposed final plat, including a condition number #6 stated below, subject to the following conditions being met to the satisfaction of staff:

1. Remove all labels for trees that have already been removed around entrance.
2. Remove proposed signage / monument from right-of-way area – median to be dedicated.
3. Confirm that the existing private water easement located along the westerly project boundary will remain. The owner of the private easement is working to convert service from Metro to Brentwood.
4. Provide a detail of the black coated chain link fencing that will surround the facility.
5. Approval of a final plat by the Planning Commission shall become effective upon the date of the last signature required on the plat for recording. The initial vesting period shall be for a period of five years after approval.
6. The odor control station shall be buffered by landscaping as shown in the Odor Control Planting Plan dated March 31, 2022. The landscaping shall be irrigated.
7. Add the following note to all pages of the final plat:

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

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

1. Provide the Planning staff with a digital copy of the proposed subdivision. This request is consistent with Article 2.3 of the Brentwood Subdivision Regulations. The file should be in AutoCAD .DWG or .DXF compatible format and CD-ROM. The file shall use the Tennessee State Plane coordinate system, FIPS Zone 4100, NAD 83 datum. The digital copies must be received before the plat may be recorded.
2. The property owner/developer is responsible for all development fees including water and sewer service and tap fees, building permit fees and Public Works Project Fees.
3. Applicable security for all required improvements in accordance with the requirements of Article Eight of the Brentwood Subdivision Regulations shall be provided before the final plat may be signed and recorded. The security shall include the remaining amounts for all required infrastructure and landscaping improvements.
4. The creation of an HOA is required to maintain the common open space areas.
5. Per the requirements of Appendix Seven of the Subdivision Regulations, in lieu of individual mailboxes an address post shall be permanently placed in concrete at the end of each driveway, within the street right-of-way, or private ingress/egress easement displaying the assigned address for the structure. The address post must be installed before a Certificate of occupancy will be issued for the future structure. Refer to this Article for additional information.
6. 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.
7. Deviations from the approved plat in the development of the 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 April 5, 2022 Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Mr. Crowley seconded. Motion was approved 7-2 with Mr. Clark and Mr. Vitucci voting no and Ms. Donahue abstaining.

**Item 3:** BPC2201-005 Revised Site Plan – Gary Force Acura, Mallory Park, 1598 Mallory Lane, Zoning C-3

Barge Cauthen & Associates requested approval of a revised site plan for the proposed Gary Force Acura location at 1598 Mallory Lane. The single-story building will include an area of 49,300 square feet on a 7.85-acre lot. The building footprint will be 44,100 sq. ft. with a 5,200 sq. ft. mezzanine and an additional roofed/covered area of 6,100 square feet. There were 392 parking spaces proposed.

The building will be a combination of white EIFS, white Krion panels (https://www.krion.com/us/), and glass.

The revised plan proposed a reduction in building area from 51,307 sf to 49,300 sf.

The revised plan also showed a corresponding reduction in the number of parking spaces provided from 418 to 392 spaces.

The plan also proposed a reduction in the number of service bays from 30 to 25.

The proposed building elevations have also changed.

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

1. The walls will require a submittal of the design sealed by a PE prior to release of a grading permit.
2. Verify the area of the building as shown on all applicable sheets of the plan.
3. The site lighting shall be designed to limit the amount of light reaching the nearby residential areas.
4. Verify all site calculations. The number of accessible parking spaces is based on the total number of regular spaces provided. Revise the plan to show eight accessible parking spaces, per Section 78-457 of the Code.
5. A site plan shall be vested for a period of three years from the date of the original approval.
6. Add the following note to the site plan;

This site plan is subject to a three-year vesting period, during which the development standards in effect on the date of approval will remain the standards applicable to this plan. If construction is not completed during the first three years, the original site plan is considered a preliminary site plan and the applicant must obtain approval of a final site plan. Development of the property shown on this plan may be subject to standards other than those that were applicable during the vesting period. The Initial vesting period for this plan expires on April 5, 2025, 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. Applicable security for all required improvements including landscaping in accordance with the requirements of Article Eight of the Brentwood Subdivision Regulations shall be provided before the any permits will be issued for the project.
6. Ground and roof level electrical transformers, heat and air conditioning equipment and similar facilities shall be screened from public view per the requirements of Section 78-246 (l) of the zoning ordinance.
7. Unenclosed guarded service equipment on the exterior of building in commercial and service institution districts shall be limited to mandatory disconnects and metering equipment. All other service equipment shall be placed in an enclosed area of a structure.
8. 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 Code.
9. 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 (BPC2201-005) 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.
10. Approval of the site plan does not constitute approval of the signage plan. All signs must comply with the Brentwood Sign Ordinance. A comprehensive sign package including all signs (temporary or permanent, wall or ground) shall be submitted to the Planning & Codes Department for review. Submit a signage package for review and approval. Banners and off-site signage are not allowed per the sign ordinance.
11. Deviations from the approved plan in the development of a project or the failure to satisfy any standard requirements or special conditions of approval imposed by the planning commission will be considered a violation of the provisions of the Zoning Ordinance, which shall be subject to punishment as provided in Section 1-9 of the Brentwood Municipal Code. The City may also require the applicant to appear before the Planning Commission to address any deficiencies or unapproved modifications. The project may also be subject to delays in issuance of permits, certificates of occupancy, recordation of plats or other project approvals.
12. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
13. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on April 5, 2022. Any changes to Planning Commission approved plans and specifications will require staff review and re- approval by the Planning Commission.

Mr. Clark seconded; motion was approved unanimously.

**Item 4:** BPC2202-017 Minor Site Plan Alteration – Floor & Décor, Moores Crossing Subdivision, Lot One, 7105 Moores Lane, Zoning C-3

Kimley-Horn and Associates, Inc. requested approval of a revised site plan that proposed an update to the building elevations and to enclose and expand the existing truck dock located along the south elevation of the north building on the property. There are two other buildings on the property. The changes included:

1. Addition of a customer pick up area on the south side of the building;
2. Expansion of the existing loading dock to an enclosed dock having space for two trailers;
3. Removal of 32 parking spaces in the area of the new loading dock; and
4. Repainting of the north building façade;

The proposed revisions met the requirements of the code as far as parking was concerned. A total of 509 parking spaces were required while 543 spaces were provided.

Additionally, three accessible parking spaces will be relocated to the front entrance of the building. New pavement stripping will be placed at the front entrance as a pedestrian crossing.

The existing site included a total area of 10.4 +/- acres. The new area of the building will include an area of 80,727 sq. ft. No modification to the existing impervious ratio or existing landscape treatment was proposed.

Mr. Crowley moved for approval of the proposed revised site plan subject to the following conditions being met to the satisfaction of staff:

1. Rip Rap will not be allowed to line the area from the proposed curb cut to the inlet. Consider an alternative measure that will handle the flow in this area. The alternate measure must be approved by the engineering department.
2. All relocated accessible (ADA) parking spaces must meet the requirements of Sec. 78-457 of the Municipal Code.
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 April 5, 2025, unless extended by the City of Brentwood.  Persons relying on this plan after said date should contact the City of Brentwood to determine if development may continue as depicted on the plan.

1. When the construction authorized pursuant to a site plan is not completed within three years from the date of initial approval, but the applicant desires to complete the project proposed for the site, the plan as initially approved for the project or as amended shall be considered a preliminary site plan. If the applicant secures all necessary permits, commences site preparation and obtains approval of a final site plan within the three-year vesting period following approval of the preliminary site plan, then the vesting period shall be extended an additional two years beyond the expiration of the initial three-year vesting period. During the two-year extension, the applicant must commence construction and maintain any necessary permits to remain vested.
2. If necessary permits are maintained and construction, as defined by Section 78-43, has commenced by the end of the two-year extension, then the vesting period shall remain in effect until the Planning and Codes Department has certified final completion of the project, provided the total vesting period shall not exceed ten years from the date of approval of the preliminary site plan.
3. If the construction authorized pursuant to a site plan is completed within three years from the date of approval, the site plan shall then be considered the final site plan for the project.
4. The property owner is responsible for all development fees including water and sewer service and tap fees, building permit fees and Public Works Project Fees. The required fees shall be used for future infrastructure related improvements required by the proposed development.
5. Ground and roof level electrical transformers, heat and air conditioning equipment and similar facilities shall be screened from public view per the requirements of Section 78-246 (l) of the zoning ordinance.
6. Unenclosed guarded service equipment on the exterior of building in commercial and service institution districts shall be limited to mandatory disconnects and metering equipment. All other service equipment shall be placed in an enclosed area of a structure.
7. Add the following note to the plans that are to be submitted for building permit review: “This document certifies that the building materials specified in the Planning Commission approval of this project (BPC2202-017) are likewise provided for in the plans submitted. Any deviation from the approved building materials will negate any staff approval of said plans. Proposed changes to project specifications will be submitted to the Planning Commission for further consideration.
8. Complete building plans shall be submitted to the Planning and Codes Department for review, approval and issuance of the required permits before any work is begun. Additionally, all required electrical permits, issued by the State of Tennessee must be received before any work is begun.
9. Deviations from the approved plan in the development of a project or the failure to satisfy any standard requirements or special conditions of approval imposed by the planning commission will be considered a violation of the provisions of the Zoning Ordinance, which shall be subject to punishment as provided in Section 1-9 of the Brentwood Municipal Code. The City may also require the applicant to appear before the Planning Commission to address any deficiencies or unapproved modifications. The project may also be subject to delays in issuance of permits, certificates of occupancy, recordation of plats or other project approvals.
10. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
11. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on April 5, 2022. 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.

**Item 5:** BPC2202-020 Site Plan – Volvo Cars Cool Spring, Mallory Park, Lot 9, 1000 Flagpole Court, Zoning C-3

H. Michael Hindman Architects, PC requested approval of a three-story, building having an area of 58,900 square feet on a 2.94-acre lot. The building will have two lower parking levels and a main upper level. There were 157 surface parking spaces and 99 parking spaces inside the building for a total of 256 parking spaces.

The building will be a combination of ACM (Aluminum Composite Materials), three types of curtain wall glazing, and light gray masonry materials.

The main level will include the vehicle showroom, support space, service drop-off and ten service bays The intermediate level will include wash bays, and a new inventory storage garage. The lowest floor will include space for inventory storage.

The existing mixed canopy and understory plantings within 40 feet of the 50-foot landscape buffer along I-65 will remain undisturbed. 10-feet of the western portion of the buffer area will be disturbed to construct a retaining wall. This 10-foot area will then be planted with a mixture of evergreen trees and shrubs at the base of the proposed wall.

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

1. The walls will require a submittal of the design sealed by a PE before a grading permit may be released.
2. The site lighting shall be designed to limit the amount of light reaching the nearby residential areas.
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 April 5, 2025, 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. 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 Code.
6. Applicable security for all required improvements including landscaping in accordance with the requirements of Article Eight of the Brentwood Subdivision Regulations shall be provided before the any permits will be issued for the project.
7. Ground and roof level electrical transformers, heat and air conditioning equipment and similar facilities shall be screened from public view per the requirements of Section 78-246 (l) of the zoning ordinance.
8. Unenclosed guarded service equipment on the exterior of building in commercial and service institution districts shall be limited to mandatory disconnects and metering equipment. All other service equipment shall be placed in an enclosed area of a structure.
9. 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 (BPC2202-020) 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.
10. Complete building plans shall be submitted to the Planning and Codes Department for review, approval and issuance of the required permits before any work is begun. Additionally, all required electrical permits, issued by the State of Tennessee must be received before any work is begun.
11. Deviations from the approved plan in the development of a project or the failure to satisfy any standard requirements or special conditions of approval imposed by the planning commission will be considered a violation of the provisions of the Zoning Ordinance, which shall be subject to punishment as provided in Section 1-9 of the Brentwood Municipal Code. The City may also require the applicant to appear before the Planning Commission to address any deficiencies or unapproved modifications. The project may also be subject to delays in issuance of permits, certificates of occupancy, recordation of plats or other project approvals.
12. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
13. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on April 5, 2022. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Mr. Kaplan seconded; motion was approved unanimously.

**Item 6:** BPC2203-008 Revised Site Plan – Chase Bank, City Park, 278 Franklin Road, Zoning C-2

Kimley-Horn requested approval of a revised site plan that proposed a 3,292 square foot bank building with a drive-through window. The exterior of the building will be a combination of simulated masonry, fiber cement panels, and aluminum composite material (ACM).

According to the applicant, very little trash was generated by a bank use, so no dumpster or can enclosures were proposed. The applicant requested that the existing dumpsters on site located behind Building “E” of Brentwood Place (CVS / Golf Galaxy Building) be used for trash disposal. The solid waste disposal area was located on the CityPark property. The Planning Commission can grant this exception pursuant to Sections 78-20(b)3g and 78-226(k) of the Code.

Commissioner Gorman moved for approval of the proposed revised site plan, to include the use of the shared solid waste disposal area, subject to the following conditions being met to the satisfaction of staff:

1. A TDOT permit will be required for all proposed work in state right-of-way, before issuance of a grading permit.
2. Obtain approval from Fire Marshal for 14' wide egress of the one-way exit.
3. The design of stormwater quality control practices shall be considered and include structural and/or non-structural devices. Supporting calculations will be required as part of the grading permit submittal.
4. The applicant shall submit drainage calculations for the re-developed area detailing stormwater runoff as part of the grading permit submittal. The extent to which stormwater quantity/ quality controls will be necessary shall be based on the calculations. The 1-year to 100-yr design storms, must be reduced to be equal to or less than the pre-developed discharges at the site outfall.
5. The grinder pump and discharge line will be private.
6. The water meter layout shall conform with the Water Services Standard Specification and Details. Domestic meter backflow shall be located inside the building.
7. The participating property owners shall establish and record a permanent use easement for the shared dumpsters, pursuant to Section 78-20(b)3g. This easement shall be established and recorded before any permits will be issued for the project.
8. A site plan shall be vested for a period of three years from the date of the original approval.
9. 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 April 5, 2025, 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. Applicable security for all required improvements including landscaping in accordance with the requirements of Article Eight of the Brentwood Subdivision Regulations shall be provided before the any permits will be issued for the project.
6. Ground and roof level electrical transformers, heat and air conditioning equipment and similar facilities shall be screened from public view per the requirements of Section 78-246 (l) of the zoning ordinance.
7. Unenclosed guarded service equipment on the exterior of building in commercial and service institution districts shall be limited to mandatory disconnects and metering equipment. All other service equipment shall be placed in an enclosed area of a structure.
8. 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 Code.
9. 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 (BPC2203-008) 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.
10. Ground and roof level electrical transformers, heat and air conditioning equipment and similar facilities shall be screened from public view per the requirements of Section 78-246 (l) of the zoning ordinance.
11. Complete building plans shall be submitted to the Planning and Codes Department for review, approval and issuance of the required permits before any work is begun. Additionally, all required electrical permits, issued by the State of Tennessee must be received before any work is begun.
12. 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.
13. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
14. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on April 5, 2022. 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.

# OTHER BUSINESS

**Monthly Security Report**

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

# ADMINISTRATIVE INFORMATION

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

Being no further business, the meeting adjourned at 8:25 pm.



APPROVED: May 2, 2022 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Holly Earls, City Recorder