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

**BRENTWOOD, TENNESSEE**

The regular meeting of the Brentwood Planning Commission met on Monday, May 2, 2022, at 7:00 p.m. at Brentwood City Hall.

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

Commissioner Gorman moved for approval of the minutes from the April 5, 2022, meeting as written; seconded by Mr. Kaplan. Approval was unanimous.

**CONSENT AGENDA**

Item 1:  **BPC2203-001 Revised Hillside Protection Site Plan Review – Murray Estates Subdivision, Lot 24, 6434 Tea Rose Terrace, Zoning R-2**

Talon Construction, LLC requested approval of a revised Hillside Protection site plan to construct a new house.

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| **6434 TEA ROSE TERRACE – MURRAY ESTATES** | |
| Lot Area (sf) | 98,445 sf (2.26 Ac.) |
| Total Area of Home (sf) | 5,395 sf |
| Heated Area (sf) | 4,670 sf |
| Impervious Area (sf) | 9,081 sf |
| Green Space Provided (%) | 91.28 % |
| Green Space Required (%) | 40% |

The house that was on the lot had been removed. A building permit request had been submitted and was under staff review, pending review of the HP Site Plan by the Planning Commission.

Staff recommended approval of the proposed revised hillside protection overlay site plan, to include the required residential sprinkler system, subject to the following conditions:

1. Removal of established trees outside of the building envelope or the area of disturbance shall be limited, with the exception of diseased or hazardous trees as recommended in writing by a landscape architect, licensed to practice in Tennessee.

1. A residential fire sprinkler system is required. Add this note to the plans.
2. A Hillside Protection Overlay 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 May 2, 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 (BPC2203-001) 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. 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.
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 May 2, 2022. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 2: BPC2204-003 Limited Duration Event – Red, White, and Boom, Crockett Park, Zoning SI-3

The City of Brentwood requested approval to host approximately 14 food trucks at the annual Red, White, and Boom celebration at Crocket Park. The event will take place Monday, July 4th. Food Trucks will be available at 6:00 p.m., music at 7:00 p.m., and the fireworks start at 9:00 p.m.

Section 18-187(a)2 of the Code required that food truck rallies within a city park, in which more than ten vendors participate, must obtain approval for the rally event from the Planning Commission and the Park Board.

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. 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 May 2, 2022. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 3: BPC2204-006 Revised PWSF – AT&T, 7008 Old Moores Lane, Zoning C-2 / R-1

Mastec Network Solutions requested approval of a revised PWSF site plan that added an additional array of six antennas to the existing cell monopole tower. Once complete, the tower will have two arrays having a total of twelve antennas. The request was identified as a Tier Two location by Section 78-536 of the Code.

Staff recommended approval of the proposed PWSF 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 May 2, 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/applicant is responsible for all development fees including water and sewer service and tap fees, building permit fees and Public Works Project Fees. The required fees shall be used for future infrastructure related improvements required by the proposed development.
5. Add the following note to the plans that are to be submitted for building permit review: “This document certifies that the building materials specified in the Planning Commission approval of this project (BPC2204-005) are likewise provided for in the plans submitted. Any deviation from the approved building materials will negate any staff approval of said plans. Proposed changes to project specifications will be submitted to the Planning Commission for further consideration.
6. Complete plans shall be submitted to the Planning and Codes Department for review, approval and issuance of the required permits before any work is begun. Additionally, all required electrical permits, issued by the State of Tennessee must be received before any work is begun.
7. Deviations from the approved plan in the development of a project or the failure to satisfy any standard requirements or special conditions of approval imposed by the planning commission will be considered a violation of the provisions of the Zoning Ordinance, which shall be subject to punishment as provided in Section 1-9 of the Brentwood Municipal Code. The City may also require the applicant to appear before the Planning Commission to address any deficiencies or unapproved modifications. The project may also be subject to delays in issuance of permits, certificates of occupancy, recordation of plats or other project approvals.
8. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
9. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on May 2, 2022. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 4: BPC2204-007 Revised Final Plat – Indian Point Subdivision, Section 2, Lot 36, 1113 Arrowhead Drive, Zoning R-2

Jesse Walker Engineering requested approval of a revised final plat that proposed to remove both of the platted septic drainfield areas from the lot.

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

1. Approval of a final plat by the Planning Commission shall become effective upon the date of the last signature required on the plat for recording. The initial vesting period shall be for a period of five years after approval.
2. Add the following note to all pages of the final plat:

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

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

1. Provide the Planning staff with a digital copy of the proposed subdivision. This request is consistent with Article 2.3 of the Brentwood Subdivision Regulations. The file should be in AutoCAD .DWG or .DXF compatible format and CD-ROM. The file shall use the Tennessee State Plane coordinate system, FIPS Zone 4100, NAD 83 datum. The digital copies must be received before the plat may be recorded.
2. The property owner is responsible for all development fees including water and sewer service and tap fees, building permit fees and Public Works Project Fees. The required fees shall be used for future infrastructure related improvements required by the proposed development.
3. Deviations from the approved 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.
4. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
5. Approval of the proposed plat shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on May 2, 2022 Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 5: BPC2204-008 Minor Site Plan Alteration – Harpeth on the Green, Building I, Maryland Farms, Section 9, Lot 16-A, 101 Westpark Drive, Zoning C-1

The Architect Workshop requested approval of a revised site plan/building elevations that proposed the following:

1. Painting of the existing brick veneer a beige color.
2. Addition of a new canopy and soffit at the entry plaza.
3. Installation of new light fixtures on the building.
4. Modifications to the hardscape areas around the building.

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

1. Any changes to the landscaping improvements will return to the Planning Commission for review and approval.
2. The building signage as shown on the plan shall not be included as part of the review and approval. No building signage is being approved. All signs must comply with the Brentwood Sign Ordinance.
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 May 2, 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 78-206 (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 (BPC2204-008) 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.
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 May 2, 2022. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 6: BPC2203-009 Minor Site Plan Alteration – Southern Serenity Dental Spa, Koger Executive Center, 400 Centerview Drive, Zoning C-4

Southern Serenity Dental Spa, LLC, requested approval of a minor site plan alteration that added signage to the exterior of the former Stouts Burgers & Beers location.

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

1. All signs must comply with the Brentwood Sign Ordinance. Wall signs in the C-4 district must be mounted flat against the wall, per Section 78-420(f). Revise the plans accordingly.
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 May 2, 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 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.
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 (BPC2203-009) 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. 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 May 2, 2022. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 7: BPC2204-011 Revised Hillside Protection Site Plan Overlay, Pool – Witherspoon Subdivision, Section 4, Lot 49, 9256 Lehigh Drive, Zoning OSRD

Schumacher Homes requested approval of a revised Hillside Protection Overlay site plan for Lot 49 in the Witherspoon Subdivision. The proposal included the construction of a 1,966 sq. ft. pool and pool deck with a 464 sq. ft. patio / firepit area.

The proposed pool was different in its configuration from the one approved in February 2021.

The permit for construction of the house was issued on March 18, 2022.

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

1. Removal of established trees outside of the building envelope or the limits of disturbance shall be limited, with the exception of diseased or hazardous trees as recommended in writing by a landscape architect, licensed to practice in Tennessee.
2. Existing natural vegetation around a proposed structure in the HP overlay district, particularly if located in areas of potential high visibility from properties and roadways at lower elevations, shall be preserved to the greatest extent feasible and practical. Additional evergreen trees and shrubs may be required to effectively screen the structure.
3. All walls 4 feet and taller must be designed by a TN licensed engineer. Provide a retaining wall design with the permit submittal.
4. A site plan shall be vested for a period of three years from the date of the original approval.
5. Add the following note to the site plan;

This site plan is subject to a three-year vesting period, during which the development standards in effect on the date of approval will remain the standards applicable to this plan.  If construction is not completed during the first three years, the original site plan is considered a preliminary site plan and the applicant must obtain approval of a final site plan. Development of the property shown on this plan may be subject to standards other than those that were applicable during the vesting period.  The Initial vesting period for this plan expires on May 2, 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 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. 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 (BPC2204-011) are likewise provided for in the plans submitted. Any deviation from the approved building materials will negate any staff approval of said plans. Proposed changes to project specifications will be submitted to the Planning Commission for further consideration.
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 May 2, 2022. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 8: BPC2203-002 Revised Hillside Protection Site Plan Review – Stonehenge Subdivision, Section 2, Lot 28, 5112 Soho Court, Zoning OSRD

The property owners proposed the construction of a 20’ x 12’ gunite pool and deck. The area of the pool and deck was approximately 633 square feet. Two trees will be removed as part of the project and replaced with four trees upon its completion.

The applicant was also proposed to move the front door from the south side of the house to the west side.

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

1. A structural engineer, licensed to practice in Tennessee, will be required to monitor the house foundation during construction of the pool.
2. The geotechnical report identified colluvial soils at both boring locations within the pool construction area. A qualified geotechnical engineer, licensed to practice in Tennessee, will be required to be on-site throughout the duration of construction.
3. The retaining wall shall be inspected by a licensed professional engineer, coordinating with the geotechnical engineer on-site and certified in writing prior to issuance of a Certificate of Completion.
4. The geotechnical report recommends remediation methods of the hillside slope before construction of the pool. All recommendations in the report shall be coordinated with the geotechnical engineer on-site.
5. The additional stabilization measures referenced in the geotechnical report shall be performed before installation of the rigid inclusions with geotechnical engineer oversight.
6. A Hillside Protection Overlay Site Plan shall be vested for a period of three years from the date of the original approval.
7. Add the following note to the preliminary plan;

This Hillside Protection 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, where applicabe.
5. Deviations from the approved plan in the development of a project or the failure to satisfy any standard requirements or special conditions of approval imposed by the planning commission will be considered a violation of the provisions of the Zoning Ordinance, which shall be subject to punishment as provided in Section 1-9 of the Brentwood Municipal Code. The City may also require the applicant to appear before the Planning Commission to address any deficiencies or unapproved modifications. The project may also be subject to delays in issuance of permits, certificates of occupancy, recordation of plats or other project approvals.
6. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
7. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on May 2, 2022. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 9: BPC2204-001 Revised Hillside Protection Site Plan Review – Stonehenge Subdivision, Section 3, Lot 110, 1424 Robert E Lee Lane, Zoning OSRD

Merrell Home Improvement requested approval of a revised Hillside Protection Overlay site plan for Lot 110 in the Stonehenge Subdivision. The proposal included the replacement of an existing multi-story deck and sunroom. The new deck will be located within the building envelope and be approximately 18 feet wider on each side of the house. No trees will be removed or cut during construction.

Staff recommended approval of the proposed hillside protection overlay site plan, to include the required residential sprinkler system, subject to the following conditions:

1. Removal of established trees outside of the building envelope or the limits of disturbance shall be limited, with the exception of diseased or hazardous trees as recommended in writing by a landscape architect, licensed to practice in Tennessee.
2. Existing natural vegetation around a proposed structure in the HP overlay district, particularly if located in areas of potential high visibility from properties and roadways at lower elevations, shall be preserved to the greatest extent feasible and practical. Additional evergreen trees and shrubs may be required to effectively screen the structure.
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 May 2, 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.
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. 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 (BPC2204-001) 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.
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 May 2, 2022. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 10: BPC2204-012 Minor Site Plan Alteration – Williamson County Bank Property, 129 Franklin Road, Zoning C-4

906 Studio Architects, LLC, requested approval of a revised site plan that proposed the following:

1. An increase of 450 sq. ft. to the second story building area (4,800 sq. ft. to 5,250 sq. ft.).
2. The addition of one parking space to bring the total provided to 21.
3. The addition of a solid waste enclosure, constructed of brick, painted to match the building.
4. Painting the existing brick and re-working the window locations.
5. Adding Hardiplank horizontal siding.
6. Modification of the stepped cornice.
7. Re-cladding front columns and replacing the existing storefront glass.
8. Adding building signage.

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

1. Add a roof to the proposed solid waste enclosure as required by the technical standards of the C-4 district. The design must be approved by staff before any permits will be issued for the project.
2. 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. Submit a comprehensive sign package for staff review.
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 May 2, 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.
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 78-256 (11) 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 (BPC2204-012) 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 May 2, 2022. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

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

# REGULAR AGENDA

**Item 1:** ORDINANCE 2022-01- AN ORDINANCE ESTABLISHING THE OSRD (OPEN SPACE RESIDENTIAL DEVELOPMENT) ZONING CLASSIFICATION FOR APPROXIMATELY 122 ACRES OF LAND LOCATED EAST OF SPLIT LOG AND NORTH OF SAM DONALD ROADS

Ordinance 2022-01 requested the assignment of a City zoning district for ≈ 122 acres of land, located east of Split Log and north of Sam Donald Roads. The subject properties were currently zoned MGA-1 by Williamson County were located in the Brentwood UGB and would be assigned the OSRD (Open Space Residential Development) zoning district. The assignment of zoning was being considered in conjunction with an annexation request for the property.  
  
The properties, under consideration for annexation were currently owned by four different property owners.

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| --- | --- | --- | --- |
| **PROPERTY DESCRIPTION -- ROSEBROOKE EAST** | | | |
| **OWNER** | **ADDRESS** | **PARCEL #** | **AREA (AC)** |
| J & M Albright | 9810 Sam Donald Rd. | 055 01200 | 35.59 |
| June Albright | Sam Donald Rd. | 055 01205 | 7.95 |
| R.H. Adcock/Moskal | 9829 Split Log Rd. | 056 08400 | 49.88 |
| R.H. Adcock/Moskal #2 | Split Log Rd. | 056 09300 | 28.75 |
| **TOTAL** | | | 122.17 |

The proposed concept development plan showed a proposed future alignment of Split Log Road, which was developed in 2014.  A current alignment for the road has not yet been established. The developer will be expected to provide the necessary additional right-of-way and/or adjust the lot layout to accommodate the future roadway improvements once an alignment has been established.

According to the Property Assessor, there was one home and one outbuilding currently located on Parcel Number 055 01200. Additionally, there was one home and several outbuildings located on Parcel Number 056 08410. The other two parcels were vacant.

The proposed development plan included a total of 74 lots.  The average lot area was 30,713 sq. ft or 0.71 acres.  The density was 0.61 dwelling units per acres (DUPA). An R-2 concept plan was also included as part of the submittal.  That plan also showed a total of 74 lots, all at or above the required one-acre lot area.

Utility service to the properties was provided by the Nolensville/College Grove Utility District (water) and Metro Nashville Water Services (sewer). The provision of utilities will not change with the annexation of the property into the City of Brentwood. The future development will not be served by Brentwood’s Water and Sewer system and therefore, the project will not impact the City's water/sewer infrastructure.

Since first reading of the ordinance, several changes had concurred to the plans, as a result of staff comments:

1. The splitter islands in the entrance streets have been revised, relocating them outside the ROW.
2. An "eyebrow" has been added to Road "N" to as a block break. The eyebrow will serve as the location for the Post Office required CBU's.
3. The plan now labels Sam Donald Road as a future Arterial Road.
4. A 150-foot wide arterial road buffer has been added along the frontage of Sam Donald Road. Note that the arterial road buffer is also shown along the preliminary alignment of Split Log Road.
5. A ROW dedication being 20 feet wide has been added along Sam Donald Road.
6. The 100-year floodplain has been added to the plans

Several other comments were provided by staff which will be addressed as part of the preliminary plan and/or construction plan review process.

The changes have resulted in a modification in the open space calculations, reducing the amount of excess open space from 35.80 acres to 35.13 acres (0.67 ac.). The comparison of the open space calculations as originally submitted and those provided as part of the re-submittal is attached below.

The revised plan still included a total of 74 lots.  The average lot area was 30,407 sq. ft or 0.70 acres.  The overall density was 0.61 dwelling units per acres (DUPA). An R-2 concept plan was also included as part of the submittal.  That plan also showed a total of 74 lots, all at or above the required one-acre lot area.

The tract can be developed under the existing MGA-1 zoning classification in the County.  The district was established in 2013 and assigned to all properties outside municipal boundaries and within the various UGBs around the County. The district standards required a minimum lot area of one acre and a gross density of one dwelling unit per acre, similar to the City's Suburban Residential (R-2) district.  However, there were differences in the technical standards related to accessory uses and structure standards. MGA-1 allowed the following accessory uses/structure standards:

1. Accessory dwelling units within an existing dwelling unit (interior apartment) or as a separate or converted structure (converted garage, carriage house of stable);
2. Only one accessory dwelling unit, regardless of the number of principle dwellings located on a single parcel are permitted;
3. Accessory dwellings shall be limited to 750 sq. ft. or 25% of the square footage of the principal structure, whichever is greater. In no case shall the accessory dwelling be more that 75% of the square footage of the principle dwelling; and
4. Interior apartments may be contained within the existing house or attached onto the exterior. They must be constructed so that the exterior appearance of the home is maintained. A second front door is not permitted.

The County does not regulate the existence or operation of Short Term Rentals (STRs) in the MGA-1 district.  Requirements are that each operator must register with the County and collect the applicable Hotel/Motel taxes, which are charged to the occupant and collected by the property owner.   
  
**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. The properties lie between the Ravenwood and Nolensville High zone lines.  WCS will review to determine if the school board needs to vote on a line change.  WCS was rezoning for the new elementary schools this fall.  Based upon the WCS review, the approximate student enrollment projections at build-out for the Rosebrooke East properties were as follows:

Jordan Elementary -- 33 Students;  
Sunset Middle -- 19 Students;   
High school -- 15 Students (either Ravenwood or Nolensville).

The current capacity and enrollment numbers for the 2020/2021 school year, according to WCS data for the three impacted schools as of September 2, 2021, were as follows: Jordan Elementary (890 capacity/593 students enrolled), Sunset Middle (869 capacity/621 students enrolled), and Ravenwood High (1,649 capacity/1,875 students enrolled), Nolensville High (1,671 capacity/1,330 Enrolled).  Note that the enrollment for Ravenwood High exceeded its capacity, but construction is underway to enlarge the school.

**TRAFFIC IMPACTS**

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

**Site Traffic**

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| **ROSEBROOKE ADDITION** | | | | | | | | | |
| **TRIP GENERATION (1)** | | | | | | | | | |
| **Proposed Development** | **ITE** **Land Use Code** | **Total Units** | **Daily Trips** | **A.M. Peak Hour** | | | **P.M. Peak Hour** | | |
| **Enter** | **Exit** | **Total** | **Enter** | **Exit** | **Total** |
| Rosebrooke South (50 Single Family Detached Homes) | 210 | 50 Homes | 550 | 10 | 30 | 40 | 33 | 19 | 52 |
| Rosebrooke East (74 Single Family Detached Homes) | 210 | 74 Homes | 788 | 14 | 43 | 57 | 48 | 28 | 76 |
| (1)       Trip Generation Manual, 10th Edition published by the Institute of Transportation Engineers (ITE) | | | | | | | | | |

The TIS recommended the following improvements be incorporated into the design of the proposed access to Split Log Road (Access #2) included the following.

* The intersection is projected to operate at acceptable levels of service in total traffic conditions during the a.m. and p.m. peak hours.
* The project access should be constructed to allow a minimum of one ingress lane and two (2) egress lanes with a storage length of 75 feet.
* These proposed access locations will intersect Split Log Road in between existing curves and should provide acceptable intersection sight distance. Site plans for the Rosebrooke Addition should confirm that acceptable intersection sight distance per AASHTO guidelines will be available at this intersection.

Additionally, the TIS recommended that the following improvements be incorporated into the access to Sam Donald Road (Access #4):

* The intersection is projected to operate at acceptable levels of service in total traffic conditions during the a.m. and p.m. peak hours.
* The project access should be constructed to allow a minimum of one ingress lane and two (2) egress lanes with a storage length of 75 feet.
* This proposed access will be near an existing driveway within a straight section of Sam Donald Road and should provide acceptable intersection sight distance. Site plans for the Rosebrooke Addition should confirm that acceptable intersection sight distance per AASHTO guidelines will be available at this intersection.

As mentioned above the TIS was forwarded to Neel-Shaffer for their staff review.

The developer will be expected to design the project in consideration of the recommendations included as part of the TIS and the recommendations from Neel-Shaffer.

The request will track along the following hearing schedule.

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| **PROPOSED HEARING SCHEDULE** | |
| **April 11, 2022** | Board of Commissioners -- First Reading of the Ordinance 2022-01 Assigning OSRD to the Property |
| **April 28, 2022** | Required Community Meeting – 6:00 p.m., Annex Room |
| **May 2, 2022** | Planning Commission -- Review & Recommendation of the Ordinance 2022-01 Assigning OSRD to the Property |
| **May 9, 2022** | Board of Commissioners -- Public Hearing on the Ordinance 2022-01 Assigning OSRD to the Property |
| **May 23, 2022** | Board of Commissioners – Second and Final Reading of the Ordinance 2022-01 Assigning OSRD to the Property |
|  | |
| **May 23, 2022** | Board of Commissioners – Review of Resolution 2022-33 Annexing the properties into the City of Brentwood |

Mr. Kaplan moved to forward a recommendation of approval of Ordinance 2022-01 assigning the OSRD zoning classification to the subject properties to the Board of Commissioners. Mr. Oliver seconded; motion was approved unanimously.

**Item 2:** ORDINANCE 2022-04- AN ORDINANCE ESTABLISHING THE OSRD (OPEN SPACE RESIDENTIAL DEVELOPMENT) ZONING CLASSIFICATION FOR APPROXIMATELY 86 ACRES OF LAND LOCATED WEST OF SPLIT LOG AND SOUTH OF THE EXISTING ROSEBROOKE SUBDIVISION

The attached ordinance requested approval of the assignment of the Open Space Residential Development (OSRD), and R-2 (Suburban Residential) zoning districts to ≈ 84 acres located north and west of Split Log Road. The subject properties were all currently zoned MGA-1 by Williamson County and were located within the City's Urban Growth Boundary (UGB) and adjacent to the existing city limits. The assignment of zoning was being considered in conjunction with an annexation request for the properties.

The properties for which annexation was requested are summarized in the table below. The total combined area of the subject properties as included as part of the development plan is ≈ 77.21 acres. The area proposed for annexation included one property that will remain under separate ownership that is not included as part of the development plan and has an area of 7.12 acres, bring the total land area proposed for annexation to 84.33 acres. Please note that this area does not include the Split Log Road ROW.

A total of 69.69 acres was proposed to be assigned the OSRD district, while a total of 7.52 acres, which was also shown on the development plan and fronts on Split Log Road, was proposed to be assigned the R-2 district.  This area was proposed to be divided into three lots having an average area of 2.26 acres. There was also a 0.75 acre ROW dedication. Additionally, the McArthur property, which included an area of 7.12 acres will also be assigned the R-2 district.  Since first reading of the ordinance the owners of the other enclave property (Culbreth -- 2.21 ac.) decided to withdraw their consent for annexation.

Staff was requesting that the McArthur property be assigned the R-2 zoning district because the technical standards of the R-2 district most closely resemble those of the MGA-1 district.   
  
The properties under consideration for annexation were currently under the ownership of three different property owners. Refer to the following table.

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| --- | --- | --- | --- |
| **PROPERTY DESCRIPTION -- ROSEBROOKE SOUTH** | | | |
| **OWNER** | **ADDRESS** | **PARCEL #** | **AREA (AC)** |
| Split Log Farms LLC | Split Log Rd. | 055 01400 | 52.21 |
| Bruce Sudano 2015 Family Trust | 9814 Split Log Rd. | 055 01401 | 25.00 |
| John A. & Norma D. McArthur | 9824 Split Log Rd. | 055 01001 | 7.12 |
|  | | | |
| **TOTAL** | | | **84.33 +/-** |

The proposed development plan showed a proposed future alignment of Split Log Road, which was developed in 2014.  A current alignment has for the road not yet been established. The developer will be expected to provide the necessary additional right-of-way and/or adjust the lot layout to accommodate the future roadway improvements once an alignment has been established.

According to the Property Assessor there was one home currently located on Parcel Number 055 01401 (Sudano) that included a total area of 13,279 square feet. The house will remain as part of the development plan and was shown on Lot 160. There was also a house and barn on the McArthur property.

The proposed OSRD Development Plan for a portion of the property included a total of 47 lots, which yielded an overall OSRD density of 0.67 dwelling units per acre (DUPA).  The average lot size for the OSRD portion of the property was 35,132 sq, ft. or 0.81 acres.

Overall, the density of the Rosebrooke South project -- 50 lots, is 0.65 DUPA (including the three R-2 lots, but not including the McArthur property as it will remain under separate ownership and was not part of the development).

An R-2 concept plan was also included as part of the submittal.  That plan also showed a total of 47 lots, all at or above the required one-acre lot area.

Since first reading of the ordinance, several changes have concurred to the plans, as a result of staff comments:

1. The splitter islands in the entrance streets have been revised, relocating them outside the ROW.
2. If the property is annexed Split Log Road will be designated as an arterial street.
3. Base upon the recommendation of Mr. Judy, Rode K has been redesigned as a "Collector" street from its intersection with Southwick Drive to Split Log Road.
4. The 100-year floodplain has been added to the plans.

Several other comments were provided by staff which will be addressed as part of the preliminary plan and/or construction plan review process.

Note that Lot 174 was shown as a "Flag Lot". The configuration of this lot will meet the requirements of Article 6.15 of the Subdivision Regulations. The Planning Commission has the authority to approve flag lots if all the requirements in the article are met.

The changes have resulted in a slight modification to the open space calculations, reducing the amount of excess open space from 16.84 acres to 16.60 acres (0.24 ac.). The comparison of the open space calculations as originally submitted and those provided as part of the re-submittal are attached below.

Utility service to the property was provided by the Nolensville/College Grove Utility District (water) and Metro Nashville Water Services (sewer). The provision of utilities will not change with the annexation of the property into the City of Brentwood. The future development will not be served by Brentwood’s Water and Sewer system and therefore, the project will not impact the City's water/sewer infrastructure.

The tract can be developed under the existing zoning classification in the County. As noted above, the properties were currently zoned MGA-1 by Williamson County.  The district was established in 2013 and assigned to all properties outside municipal boundaries and within the various UGBs around the County. The district standards required a minimum lot area of one acre and a gross density of one dwelling unit per acre, similar to the City's Suburban Residential (R-2) district.  However, there were differences in the technical standards related to accessory uses and structure standards. MGA-1 allowed the following accessory uses/structure standards:

1. Accessory dwelling units within an existing dwelling unit (interior apartment) or as a separate or converted structure (converted garage, carriage house or stable);
2. Only one accessory dwelling unit, regardless of the number of principle dwellings located on a single parcel are permitted;
3. Accessory dwellings shall be limited to 750 sq. ft. or 25% of the square footage of the principal structure, whichever is greater. In no case shall the accessory dwelling be more that 75% of the square footage of the principle dwelling; and
4. Interior apartments may be contained within the existing house or attached onto the exterior. They must be constructed so that the exterior appearance of the home is maintained. A second front door is not permitted.

Please note that the County does not regulate the existence or operation of Short Term Rentals (STRs) in the MGA-1 district.  Requirements were that each operator must register with the County and collect the applicable Hotel/Motel taxes, which are charged to the occupant and collected by the property owner.

**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. The properties lie between the Ravenwood and Nolensville High zone lines.  WCS will review to determine if the attendance zones needs to change.  WCS was rezoning for the new elementary schools this fall.  Based upon the WCS review, the approximate student enrollment projections at build-out for the Rosebrooke South properties were as follows:

Jordan Elementary -- 21 Students;  
Sunset Middle -- 12 Students   
Ravenwood or Nolensville High -- 9 Students

The current capacity and enrollment numbers for the 2020/2021 school year, according to WCS data for the three impacted schools as of September 2, 2021, were as follows: Jordan Elementary (890 capacity/593 students enrolled), Sunset Middle (869 capacity/621 students enrolled), and Ravenwood High (1,649 capacity/1,875 students enrolled), Nolensville High (1,671 capacity/1,330 Enrolled).  Note that the enrollment for Ravenwood High exceeds its capacity, but construction was underway to enlarge the school.

**TRAFFIC IMPACTS**

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

**Site Traffic**

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| **ROSEBROOKE ADDITION** | | | | | | | | | |
| **TRIP GENERATION (1)** | | | | | | | | | |
| **Proposed Development** | **ITE** **Land Use Code** | **Total Units** | **Daily Trips** | **A.M. Peak Hour** | | | **P.M. Peak Hour** | | |
| **Enter** | **Exit** | **Total** | **Enter** | **Exit** | **Total** |
| Rosebrooke South (50 Single Family Detached Homes) | 210 | 50 Homes | 550 | 10 | 30 | 40 | 33 | 19 | 52 |
| Rosebrooke East (74 Single Family Detached Homes) | 210 | 74 Homes | 788 | 14 | 43 | 57 | 48 | 28 | 76 |
| (1)       Trip Generation Manual, 10th Edition published by the Institute of Transportation Engineers (ITE) | | | | | | | | | |

The TIS recommended the following improvements be incorporated to the design of the proposed access to Split Log Road (Access #1) included the following.    
  
Split Log Road at Project Access #1

* The intersection is projected to operate at acceptable levels of service in total traffic conditions during the am. and p.m. peak hours.
* The project access should be constructed to allow a minimum of one ingress lane and two (2) egress lanes with a storage length of 75 feet.
* This proposed access will be near the location of an existing driveway on a generally straight section of Split Log Road and should provide acceptable intersection sight distance. Site plans for the Rosebrooke Addition should confirm that acceptable intersection sight distance per AASHTO guidelines will be available at this intersection.

The developer will be expected to design the project in consideration of the recommendations included as part of the TIS and the recommendations from Neel-Shaffer.

The request will track along the following hearing schedule.

|  |  |
| --- | --- |
| **PROPOSED HEARING SCHEDULE** | |
| **April 11, 2022** | Board of Commissioners -- First Reading of the Ordinance 2022-04 Assigning OSRD to the Property |
| **April 28, 2022** | Required Community Meeting – 6:00 p.m. -- Annex Room |
| **May 2, 2022** | Planning Commission -- Review & Recommendation of the Ordinance 2022-04 Assigning OSRD to the Property |
| **May 9, 2022** | Board of Commissioners -- Public Hearing on the Ordinance 2022-04 Assigning OSRD to the Property |
| **May 23, 2022** | Board of Commissioners – Second and Final Reading of the Ordinance 2022-04 Assigning OSRD to the Property |
|  | |
| **May 23, 2022** | Board of Commissioners – Review of Resolution 2022-33 Annexing the properties into the City of Brentwood |

A total of six residents attended the community meeting.  A copy of the staff notes from the meeting was attached below.

Mr. Oliver moved to forward a recommendation of approval of Ordinance 2022-04, as amended assigning the OSRD and R-2 zoning classifications to the subject properties to the Board of Commissioners. Mr. Kaplan seconded; motion was approved unanimously.

**Item 3:** BPC2203-007 Preliminary Plan – Eastman’s Preserve, 1310 Franklin Road, Zoning OSRD

Ragan Smith Associates requested approval of a preliminary plan that proposed 25 lots on approximately 32 acres.

The excess open space increased from 3.73 acres to 3.77 acres. Due to the proposed changes in the open space calculations, approval of the preliminary plan by the Planning Commission included a recommendation to the Board of Commissioners regarding the approval of the revised OSRD Development Plan.

Mr. Kaplan moved for approval of the proposed preliminary plan and to forward a recommendation of approval of the corresponding revisions to the OSRD Development Plan to the Board of Commissioners subject to the following conditions being met to the satisfaction of staff:

1. A TDOT permit will be required for the work within the Franklin Road Right-of-Way before any permits for the project are issued.
2. The construction plan submittal shall include all side yard and rear yard lot swales proposed for the development.
3. As part of the construction plan submittal, detention calculations will be required that meet the requirements of the subdivision regulations. In addition to meeting flow reduction requirements at the detention pond outfalls listed, the post-developed discharges for all storm events, including the 1 through 100-year 24-hour design storms, must be reduced to be equal to or less than pre-developed discharges at the overall site outfall.
4. As part of the construction plan submittal stormwater quality shall also be addressed. The design of stormwater quality control practices shall include structural and/or non-structural devices per the requirements of the subdivision regulations.
5. The applicant will pay for the Neel-Shaffer TIS review of the site plan approved as part of the rezoning application per the requirements of Section 50-29(b) of the Municipal Code. The payment must be made before any permits will be issued for the project.
6. All recommendations from the TIS and the Neel-Shaffer review shall be implemented as part of the development of the property.
7. The proposed monument sign cannot be located within the Franklin Road ROW. Label the square located in the median of the entrance street. Provide additional details.
8. Correct the zoning classification for the Children’s Home property to show SI-2/SR. Revise all applicable sheets of the plan.
9. Supplement the existing landscaping along the eastern boundary of Open Space #2 to address concerns raised by the City Commission.
10. Existing water and sewer connections shall be abandoned at the main once the new water and sewer infrastructure is installed and operational.
11. The new water main shall connect to the existing infrastructure at Franklin Road and Frazier Park Lane.
12. A preliminary site plan shall be vested for a period of three years from the date of the original approval.
13. 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 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. It is the policy of the U. S. Postal Service that mail delivery to all new and extended developments use centralized delivery, via cluster box units (CBU). It is the responsibility of the customer (developers and builders) to provide the necessary mail receptacle equipment. Show/label an area on the plan to accommodate the cluster box units. Developers must receive approval from the USPS before mail service can begin.
5. 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.
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 Department for a compliance review. Submit a comprehensive sign package for staff review.
7. The proposed subdivision entrance signs shall be located on private property within a platted sign or landscape easement or within the subdivision's common open space. The sign location shall be subject to the approval of the planning commission. Such signs shall be maintained by an established homeowners' or property owners' association. All signs shall meet the requirements of the Code.
8. Show the location of any sinkholes on the subject property as identified by a qualified geo-technical engineer shall be located and appropriately labeled on the preliminary plan. The plan shall be configured to locate all sinkholes in permanent open space only and not within any buildable lots. Sinkholes in the open space shall be protected from natural and/or man-made debris.
9. The future house to be located on Lot 20 shall directly face the front yard setback.
10. 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.
11. 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.
12. 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.
13. 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.
14. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
15. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on May 2, 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 unanimously.

**Item 4:** BPC2204-010 Revised Site Plan – Brentwood Academy, 219 Granny White Pike, Zoning SI-2

Catalyst Design Group requested approval of a revised site plan for Brentwood Academy. The proposed changes included:

1. Construction of a 51,548 sq. ft. Student Life and Academic Center.
2. Construction of eight new tennis courts and a 1,000 sq. ft. tennis support building, with an option to cover four of the six northern courts with an open-air pavilion roof structure. Lighting for the courts is also proposed.
3. Construction of a new softball field and a 1,740 sq. ft. concessions / bathroom building.
4. Construction of the 1,937 sq. ft. open air chapel.
5. Construction of a new driveway connection to Granny White Pike at Virginia Way.
6. Field lighting and a new public sidewalk along Granny White.

Commissioner Gorman moved for approval of the proposed revised site plan subject to the following conditions being met to the satisfaction of staff:

1. Installation of the proposed pervious pavers shall follow the Metro Nashville Stormwater Best Management Practices.
2. The applicant will pay for the Neel-Shaffer TIS review of the site plan approved as part of the site plan review per the requirements of Section 50-29(b) of the Municipal Code. The payment must be made before any permits will be issued for the project.
3. All conclusions and recommendations included as part of the traffic impact study and the Neel-Shaffer review shall be incorporated into the development of the project.
4. The contractor shall adhere to all recommendations included as part of the geotechnical report.
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 May 2, 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.
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 78-286 (m) 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 (BPC2204-010) 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. Kaplan seconded; motion was approved unanimously.

# OTHER BUSINESS

**Presentation of an AR-IP Concept Plan – Gaw Property, Old Smyrna Road**

CPS Land LLC presented the AR-IP concept development plan for the Gaw property located at 9227 and 9229 Old Smyrna Road to the Planning Commission for comments.

**Monthly Security Report**

Mr. Pippin 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 8:02 pm.

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APPROVED: June 6, 2022 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Holly Earls, City Recorder