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

**BRENTWOOD, TENNESSEE**

The regular meeting of the Brentwood Planning Commission met on Monday, June 6, 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 Todd Petrowski, Kirk Bednar, Jay Evans, Kristen Corn, Lori Lange, Drew Muirhead, and Allison Henry.

Commissioner Gorman moved for approval of the minutes from the May 2, 2022, meeting as written; seconded by Mr. Kaplan. Approval was unanimous.

**CONSENT AGENDA**

Item 1:  **BPC2205-001 Minor Site Plan Alteration – Wilson Bank and Trust FKA First Bank, AmSouth Bank, Lot 1, 5029 Harpeth Drive, Zoning C-4**

The Hall Group, LLC requested approval of a revised building elevations that added a tower feature on the southwest corner of the existing building. The tower will be approximately 36 feet in height and faced with EIFIS to match the existing color it will have a dark metal roof. Two architectural features will also be added on either side of the proposed tower. These features will also be faced with EIFIS with dark metal roofs. The proposal also included building and site signage. The signage included two internally illuminated wall signs having an area of approximately 37.5 square feet.

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

1. All signs must comply with the Brentwood Sign Ordinance. A comprehensive sign package including all signs (temporary or permanent, wall or ground) with dimensions shall be submitted to the Planning Department for a compliance review. Please submit a comprehensive sign package to Allison Roberts at allison.roberts@brentwoodtn.gov.
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 June 6, 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 (BPC2205-001) 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.
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 June 6, 2022. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 2: BPC2205-002 Minor Site Plan Alteration – Best Buy, Brentwood I-65 Park, Lot 3, 1600 Galleria Boulevard, Zoning C-3

MJM Architects requested approval of a revised site plan/building elevations that proposed the following:

1. New after-hours pick-up lockers on the face of the building.
2. A new employee entrance.
3. A new metal canopy over the pick-up lockers and employee entrance.
4. Blue color on face of building to be refreshed to original blue color.

The lockers will be securely integrated into the building’s exterior and will be further protected by concrete bollards, 24-hour lighting, and a 24-hour monitored security camera and alarm system.

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

1. All signs must comply with the Brentwood Sign Ordinance. A comprehensive sign package including all signs (temporary or permanent, wall or ground) with dimensions shall be submitted to the Planning Department for a compliance review. Please submit a comprehensive sign package to Allison Roberts at allison.roberts@brentwoodtn.gov.
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 June 6, 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 (BPC2205-002) are likewise provided for in the plans submitted. Any deviation from the approved building materials will negate any staff approval of said plans. Proposed changes to project specifications will be submitted to the Planning Commission for further consideration.
6. 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 June 6, 2022. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 3: BPC2205-005 Revised Hillside Protection Site Plan Review, Pool – Witherspoon Subdivision, Section 4, Lot 45, 9248 Lehigh Drive, Zoning OSRD

Perfect7 Pools requested approval of a revised hillside protection site plan that added a pool to Lot 45 of the Witherspoon Subdivision. The proposed pool will include an area of 3,743 square feet.

Staff recommended approval of the proposed revised Hillside Protection site plan 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.
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 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 June 6, 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 applicable.
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 June 6, 2022. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 4: BPC2205-006 Revised Final Plat – Witherspoon Subdivision, Section 7 Lot 23, 9304 Edenwilde Drive, Zoning OSRD

Ragan Smith Associates requested approval of a revised final plat that reduced the platted side yard setback adjacent to the open space adjacent to the westerly side of the lot from 25 feet to 20 feet. The proposal met the requirements of the Code.

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

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

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

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

1. Provide the Planning staff with a digital copy of the proposed subdivision. This request is consistent with Article 2.3 of the Brentwood Subdivision Regulations. The file should be in AutoCAD .DWG or .DXF compatible format and CD-ROM. The file shall use the Tennessee State Plane coordinate system, FIPS Zone 4100, NAD 83 datum. The digital copies must be received before the plat may be recorded.
2. 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 June 6, 2022 Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 5: BPC2205-008 Revised Hillside Protection Site Plan Review – Brentwood Hills Subdivision, Lot 22, 5105 Jackson Lane, Zoning R-2

Mr. Brent Presley requested approval of a revised Hillside Protection site plan to add an 890 square foot house addition and a 605 square foot screened deck.

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| **5105 JACKSON LANE – BRENTWOOD HILLS** |
| Lot Area (sf) | 43,105 sf ( Ac.) |
| Total Area of Home (sf) | 4,406 sf  |
| Heated Area (sf) | 3,882 sf  |
| Impervious Area (sf) | 8,411 sf  |
| Green Space Provided (%) |  N/A |
| Green Space Required (%) | 40% |

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

This site plan is subject to a three-year vesting period, during which the development standards in effect on the date of approval will remain the standards applicable to this plan.  If construction is not completed during the first three years, the original site plan is considered a preliminary site plan and the applicant must obtain approval of a final site plan. Development of the property shown on this plan may be subject to standards other than those that were applicable during the vesting period.  The Initial vesting period for this plan expires on June 6, 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 (BPC2205-008) 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.
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 June 6, 2022. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 6: BPC2206-002 Revised Final Plat – Brentwood Hills Subdivision Lot 95, 1118 Longstreet Circle, Zoning R-2

101 Construction Management requested approval of an extension to a previously approved plat. The vesting for the current approved plat as recorded in PB P61, PG 66 has expired. The new plat also included the addition of a hammerhead with a public access easement. This was a condition of approval placed on the project on December 6, 2021. This revised final plat must be recorded before any permits will be issued for the project.

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

1. Add signature block for Williamson County Emergency Communications and a signature block for City of Brentwood Addressing Authority.
2. Show the minimum rear setback as 30 feet.
3. Approval of a final plat by the Planning Commission shall become effective upon the date of the last signature required on the plat for recording. The initial vesting period shall be for a period of five years after approval.
4. Add the following note to all pages of the final plat:

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

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

1. Provide the Planning staff with a digital copy of the proposed subdivision. This request is consistent with Article 2.3 of the Brentwood Subdivision Regulations. The file should be in AutoCAD .DWG or .DXF compatible format and CD-ROM. The file shall use the Tennessee State Plane coordinate system, FIPS Zone 4100, NAD 83 datum. The digital copies must be received before the plat may be recorded.
2. 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 June 6, 2022 Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 7: BPC2206-005 Revised Master Plan -- New Hope Community Church, 605 Wilson Pike, Zoning SI-1

New Hope Community Church requested approval of a revised master plan that modified Phase One of the proposed project. The change included the relocation and downsizing of the proposed detention pond. The pond area is being reduced to accommodate the proposed pavilion (2,400 sf) which the Church had applied for permits. Should the other phases of the project move forward in the future, the pond will need to be modified to meet the requirements of the Code.

Staff recommended approval of the proposed revised master 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 June 6, 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 (BPC2206-005) 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.
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 June 6, 2022. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 8: BPC2206-006 Minor Site Plan Alteration – Stonehenge Subdivision, Replacement of Monument Sign, Zoning AR

The Stonehenge Homeowners Association requested approval of a minor site plan alteration to construct a new subdivision monument sign at the corner of Ashby Drive and Franklin Road. The proposed sign will be gray field stone with stone caps on top of the two columns. The proposed size is yet to be determined, but it will not exceed the maximum height and square footage allowed in the sign ordinance. This proposed sign will replace a monument sign that was removed without compensation as part of the Franklin Road widening project.

Staff recommended approval of the proposed revised site plan/building elevations 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 June 6, 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.

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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. 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 (BPC2206-006) 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.
5. 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.
6. 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.
7. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
8. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on June 6, 2022. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 9: BPC2204-004 Minor Site Plan Alteration - Change Dermatology, 7065 Moores Lane, Suite 100, Zoning C-3

Change Dermatology requested approval of a new awning to be placed above the front entrance to the building. The new awning will be a black fabric material and it will include an area of approximately 100 square feet. The new awning will replace an existing blue awning.

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 June 6, 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 (BPC2204-004) 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 June 6, 2022. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 10: BPC2205-003 Revised Preliminary Plan – Fish Split Log Subdivision, 9720 Split Log Road, Zoning R-2

T-Square Engineering, Inc., requested approval of a revised preliminary plan that adjusted the common property line between Lots 1 & 2 to allow for a larger building envelope for Lot 2.

**Current:**



|  |  |  |
| --- | --- | --- |
| **LOT #** | **AREA (AC)** | **AREA (SQ.FT.)** |
| Lot 1 | 2.30 ac | 99,972.08 sq. ft. |
| Lot 2 | 3.78 ac | 164,645.35 sq. ft. |
| Lot 3  | 3.12 ac | 136,106.60 sq. ft. |
| OS-1 | 3.58 ac | 156,081.47 sq. ft. |

**Proposed:**

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

1. A preliminary 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 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 **June 6, 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. Show the location of any sinkholes on the subject property as identified by a qualified geo-technical Engineer shall be located and appropriately labeled on the preliminary plan. The plan shall be configured to locate all sinkholes in permanent open space only and not within any buildable lots. Sinkholes in the permanent open space shall be protected from natural and/or man-made debris.
7. 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.
8. 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.
9. 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.
10. 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.
11. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
12. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on June 6, 2022. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 11: BPC2205-007 Revised Hillside Protection Site Plan Review – Seab Tuck Subdivision, Lot 2, 6790 Sawyer Road, Zoning R-2

The Home Expert Construction Company, LLC, requested approval of a revised hillside protection overlay site plan. The proposal included a 106 square foot addition to the 2,438 square foot house. The exterior will be gray hardiplank siding.

Staff recommended approval of the proposed revised hillside protection overlay site plan 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.
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 June 6, 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 (BPC2205-007) are likewise provided for in the plans submitted. Any deviation from the approved building materials will negate any staff approval of said plans. Proposed changes to project specifications will be submitted to the Planning Commission for further consideration.
6. Complete 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 June 6, 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:** RESOLUTION 2022-20 – PLANNING COMMISSION ENDORSEMENT OF THE PROPOSED PLAN OF SERVICES AND PROPOSED ANNEXATION OF TERRITORY, LOCATED ON THE NORTH AND SOUTH SIDES OF SAM DONALD ROAD WITHIN THE URBAN GROWTH BOUNDARY

The Board of Commissioners has previously scheduled a public hearing to consider the proposed annexation of property into the City as requested by the representative of the current owners. The resolution also directs staff to prepare the required Plan of Services (POS) which details the provision of municipal services to the newly annexed areas. The subject properties lie within the City's Urban Growth Boundary (UGB) and are located on the north and south sides of Sam Donald Road, abutting the area proposed as part of the Rosebrooke East annexation, which is currently under consideration by the Board of Commissioners.

More specifically, the properties for which annexation was requested are detailed in the table below. The total combined area of the subject properties was acres.

|  |
| --- |
| **PROPERTY DESCRIPTION -- SCALES ET AL. PROPERTY** |
| **OWNER** | **ADDRESS** | **PARCEL #** | **AREA (AC)** |
| Clark & Tamara Presley | 9814 Sam Donald Rd. | 056 09402 | 12.25  |
| James & Sherri Newsom | 9813 Sam Donald Rd.  | 056 09404 | 15.07 |
| Beth Bradley | 9817 Sam Donald Rd.  | 056 09405 | 15.12 |
| Beth Bradley O'Connell | 9821 Sam Donald Rd.  | 056 09407 | 15.13 |
| Randall & Delores Hunnicutt  | Clovercroft Rd. | 059 00202 | 23.08 |
| Larry & Eric Scales & Phyllis Sanford | Sam Donald Rd.  | 059 00204 | 103.38 |
|  |
| **TOTAL** | **184.03 +/-** |

According to the Property Assessor there was one home and several outbuildings located on Parcel Numbers 056 09402 (Presley) and 056 09404 (Newsom). There was one mobile home and a shed located on Parcel Number 056 09405 (Bradley). Parcel Numbers 056 09407 (O'Connell), 059 00204 (Scales/Sanford) and the affected portion of Parcel Number 056 00202 (Hunnicutt) were vacant.

The affected parcels abut the UGB and the Nolensville Town limits.  The Hunnicutt tract included in the area proposed for annexation abuts Phases One and Two of the Scales Farmstead Subdivision in Nolensville.  No portion of the area proposed for annexation extended into Nolensville or outside the Brentwood UGB.

A portion of the Scales property including 14.30 +/- acres and a portion of the Hunnicutt property including 6.90 +/- acres, (totaling 21.20 +/- acres), extend beyond the UGB and lie within the County's rural area between the Brentwood UGB and Nolensville. The remnant tracts are zoned in the County as Rural Development - 5 (RD-5), which required a five-acre lot density.  The proposed plan does not include these areas (21.20 +/- acres), but the developer does plan to request annexation when/if the UGB is modified or via referendum.

As you are aware, the County has formed a group composed of the planning directors from the seven jurisdictions within the County to study the current UGB and make recommendations to the Local Government Planning Advisory Committee (Committee), which will review proposed changes to Public Chapter 1101 (growth boundaries) for all jurisdictions.  This effort could take a year or more to complete.  A schedule for the Committee to formally organize and begin deliberations has not been developed yet.

In the alternative, annexation outside the UGB may be completed by referendum per the requirements of TCA 6-58-111(c)(2). The developer and staff are looking into what this process would entail.

The area proposed for annexation also included four other parcels that are not controlled or owned by the developer.  Staff requested that the entire area proposed for annexation be assigned the **Suburban Residential (R-2) zoning district**.  The area would also include that portion of Sam Donald Road from the northwesterly corner of Parcel 056 09404 to the northeasterly corner of parcel 056 06405, that fronts these properties. Utility service for the properties was provided by the Nolensville/College Grove Utility District (water) and Metro Water Services (sewer). The project will not impact the City's water/sewer infrastructure.

The proposed sketch plan included a total of 76 lots situated on the Scales and Hunnicutt properties only. The area that lies outside the Brentwood UGB would be used for access only to the future subdivision until such time that the UGB changes and revised development plan incorporating these areas was approved.

The subject properties were zoned Municipal Growth Area 1 (MGA-1) by Williamson County. The tracts can be developed under the existing zoning classification in the County.  The district standards required a minimum lot area of one acre and a gross density of one dwelling unit per acre. However, there are differences in the technical standards related to accessory uses and structure standards.

Under Tennessee law, a written plan of services (POS) for the annexed area was required, detailing the provision of services to future residents and property owners in the newly incorporated areas. These services included emergency services (Police, Fire and Emergency Communications), street maintenance, water and sewer services, brush pick-up, planning, zoning and codes services, parks and recreation and library services.

|  |
| --- |
| **REMAINING HEARING SCHEDULE -- SAM DONALD ESTATES** |
| **3/28/2022** | Consideration by the Board of Commissioners to Schedule a Public Hearing on the POS & annexation of the properties  |
| **6/6/2022** | Planning Commission Review and Recommendation to the Board of Commissioners of the Proposed POS & Annexation  |
| **6/13/2022** | Board of Commissioners -- Public Hearing on the POS |
| **6/13/2022** | Board of Commissioners -- First Reading of the Ordinance Assigning R-2 to the Properties |
| **6/30/2022** | Required Community Meeting -- Annex Room -- TENTATIVE |
| **7/5/2022** | Planning Commission -- Review & Recommendation of the Ordinance Assigning R-2 to the Properties |
| **7/11/2022** | Board of Commissioners -- Public Hearing on the Ordinance Assigning R-2 to the Properties |
| **7/25/2022** | Board of Commissioners – Second and Final Reading of the Ordinance Assigning R-2 to the Properties |
| **7/25/2022** | Board of Commissioners will consider the proposed annexation resolution, which includes the POS. |

Consideration of the assignment of zoning on the property occurs separately and only after annexation of the property, via resolution, is approved.

Mr. Oliver moved to forward an endorsement of the proposed Plan of Services for the property and its annexation to the Board of Commissioners. Mr. Pippin seconded; motion was approved unanimously.

**Item 2:** ORDINANCE 2022-05 - AN ORDINANCE REZONING PROPERTY LOCATED AT 2 MARYLAND WAY FROM C-1 (COMMERCIAL-OFFICE) TO C-2 (COMMERCIAL-RETAIL)

Ordinance 2022-05 requested the rezoning of 5.62 acres located in the NE quadrant of the intersection of Maryland Way and Brentwood Boulevard.  The requested change was from the C-1 zoning district to the C-2 zoning district.

The surrounding properties were zoned C-1, C-2, and SI-3. The subject property was immediately across Maryland Way from Maryland Way Park. The address was 2 Maryland Way.

The subject property included some of the oldest buildings constructed in Maryland Farms having been completed around 1974. Historically, the three buildings were referred to as "OB" (Office Building) 1, 2 and 3.  Now they are called EastPark 1, 2 and 3. All three buildings include three stories each. EastPark 1 and 2 were included as part of the rezoning request, while EastPark 3 was not.

The building areas were summarized in the following table.

|  |  |
| --- | --- |
| **BUILDING NAME** | **AREA (SF)** |
| EastPark One-- (OB 1)  | 32,437 |
| EastPark Two -- (OB 2) | 87,917 |
| EastPark Three -- (OB 3) | 83,008 |

The rezoning plan proposed the demolition of EastPark One, which included an area of 32,437 square feet. According to the owner, the building has become functionally obsolete and was no longer considered feasible or efficient to continue to maintain for office uses.  The EastPark Two building was under renovation and will remain.

In addition to the EastPark One demolition, the submitted plan proposed a mixed use project that included the construction of a four-story, 120-room hotel and a 6,000 sq. ft. restaurant with an outdoor patio seating/dining area having an additional area of 1,000 sq. ft. The restaurant will be located at the corner of Maryland Way and Brentwood Boulevard. Tenants for the hotel and restaurant have not yet been selected. The parking lots will also be reconfigured as a result of the new uses.

City staff and staff from Neel-Shaffer met with the developers' representative to design the scope for a traffic impact study.  Additionally, a shared parking analysis has been provided. The TIS and the shared parking analysis have been forwarded to Mr. Greg Judy with Neel-Shaffer Inc., who assisted 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.

Please note that the submitted site plan was not binding as with an OSRD Development Plan. The plan was meant to provide an idea of how the site may develop in the future. If the rezoning was approved, the property owner will present a plan that complies with all applicable technical requirements of the Zoning Ordinance to the Planning Commission for review and approval. The plans would also address grading and stormwater issues associated with the redevelopment of the property.  As part of the plan, the applicant will also provide a pedestrian access plan that included a crosswalk across Brentwood Boulevard and sidewalks in accordance with the requirements of the Subdivision Regulations. There are no sidewalks on either frontage of the property.

**TRAFFIC IMPACTS**

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

The TIS recommended the following improvements be incorporated into the design of the project.

Brentwood Boulevard and Driveways A & B

* Driveways A & B should continue to operate with a minimum of one entering lane and one exiting lane.
* The westbound approach of Driveway A should continue to be stop-controlled.

Maryland Way and Driveway C

* Driveway C should continue to operate with a minimum of one entering lane and one exiting lane.
* The southbound approach of Driveway C should continue to be stop- controlled.

 Travel Demand Management

* Off-peak loading and deliveries for the restaurant development should be encouraged to minimize impacts to traffic operations.

Additional Recommendations

* As part of the construction of the project, all internal and external driveway connections should be designed such that the departure sight triangles, as specified by AASHTO, will be clear of all sight obstructions, including landscaping, existing vegetation, monument signs/walls, fences, etc.

Based on the analyses conducted, no further recommendations were presented for the proposed EastPark development.

The following comments were received as part of the Neel-Shaffer TIS review;

* The review noted that the traffic study did not assess justification for providing an exclusive westbound right-turn lane on Maryland Way at Brentwood Blvd. Observation of study analysis found that this turning movement experiences moderately high traffic volumes during peak periods with the proposed project contributing to the demand. Previous city studies have identified this modification as a long-term improvement. Neel-Shaffer recommended that the TIS provide assessment for the need and benefit of a right-turn lane on Maryland Way at Brentwood Blvd.
* Neel-Shaffer recommended that city officials continue its regular traffic signal optimization program. Area mobility may benefit from optimization of traffic signal timings upon build-out of the proposed project.
* The review found that the proposed project may present an opportunity to improve pedestrian accessibility between the proposed site and Cadillac Dr. Presently, sidewalks exist internally within the project site and along the north side of Cadillac Dr. However, an accessible pedestrian path is not currently available crossing Brentwood Blvd. We assess that providing pedestrian access across Brentwood Blvd would enhance the multi-use nature of the proposed development and provide alternate modal choice for those working and conducting business in the area. City officials are currently pursuing a city-funded capital improvement project to upgrade the existing sidewalk along Cadillac Dr between Westpark Dr and Brentwood Blvd. Neel-Shaffer suggests that project planners coordinate with city officials regarding implementation of this improvement as part of the proposed project.

Additionally, a Shared Parking Study was provided as part of the submittal.  The purpose of the study was to determine the minimum number of parking spaces required to accommodate the proposed mixed use development at peak periods. Since the site included a mix of land uses, the peak parking demand for each use will not occur at the same time.

Section 78-454 of the zoning ordinance included the following minimum parking requirements based on the proposed land uses.

|  |  |  |  |
| --- | --- | --- | --- |
| **LAND USE** | **AREA** | **PARKING REQUIRED** | **# OF SPACES REQUIRED** |
| OFFICE | 168,180 SF  | 1 SPACE/300 SF  | 561 |
| HOTEL | 120 ROOMS | 1 SPACE/ROOM + 1 SPACE PER EMPLOYEE ON MAX. SHIFT | 130 |
| RESTAURANT\* | 7,000 SF  | 1 SPACE/100 SF GROSS | 70 |
| \* Restaurant patio area is also calculated at 1 space/ 100 sf  |
| **TOTAL** | **761** |

The area as shown in the table above included the existing third office building (OB3) as part of the study. The OB3 building was included as part of the shared parking study, but is not part of the area proposed for rezoning. The study determined April to be the peak month, while the hourly peak demand was expected to be 11:00 a.m. in April. According to the study, the projected parking demand for the mixed use development that included a hotel may be reduced 41% on weekdays and 31% on weekends.

|  |  |
| --- | --- |
| **DEVELOPMENT** | **PEAK PARKING DEMAND** |
| **WEEKDAY** | **WEEKEND** |
|  |  |  |
| EASTPARK | 600 SPACES | 597 SPACES |

As shown in the first table above a total of 761 parking spaces would be required if shared parking was not considered. The shared parking analysis would reduce the total spaces required from 761 to 600 (161 spaces), a reduction of approximately 21%.

**SEWER IMPACTS**

City consultants conducted an evaluation of the existing sewer to determine if the system would have adequate capacity to receive requested flows from the proposed development.

|  |  |  |  |
| --- | --- | --- | --- |
| **USE** | **AREA** | **GPD** | **TOTAL (GPD)** |
| Hotel | 120 rooms  | 75 | 9,000 |
| Existing Office Bldg. | 88,000 | 8,800 | 8,800 |
| Restaurant (6,000 sf w/1,000 patio) -- 200 seats (Est.) | 7,000 | 8,000 | 8,000 |
| **TOTAL** | **25,800** |

Based on the evaluation models, the local impact of the proposed development on Brentwood’s receiving sewer was negligible based on predicted levels during both dry and wet weather conditions. However, resulting surcharge in the downstream trunk sewer was predicted that will need to be addressed separately from this project. It is assumed that the master plan recommendations will be implemented to address surcharging in the trunk sewer as appropriate.

The review of the plan will track along the following revised schedule.

|  |
| --- |
| **HEARING SCHEDULE** |
| **May 9, 2022** |  Board of Commissioners -- First Reading of Ordinance 2022-05 Rezoning Property to C-2  |
| **June 2, 2022** |  Required Community Meeting -- 6:00 pom -- Annex Room  |
| **June 6, 2022** |  Planning Commission -- Review & Recommendation of Ordinance 2022-05 |
| **June 13, 2022** |  Board of Commissioners -- Public Hearing of Ordinance 2022-05 |
| **June 27, 2022** |  Board of Commissioners – Second and Final Reading |

Citizen Comments

Gerald Witcher, 824 Turnbridge Drive

Lesleigh Carmichael, 1849 Harpeth River Drive

Mr. Oliver moved to forward a recommendation of approval of Ordinance 2022-05 to the Board of Commissioners. Mr. Bain seconded; motion was approved 8-1 with Commissioner Gorman voting no and Ms. Donahue abstaining.

**Item 3:** ORDINANCE 2022-07 AN ORDINANCE OF THE CITY OF BRENTWOOD, TENNESSEE PROVIDING THAT THE CODE OF ORDINANCES OF THE CITY OF BRENTWOOD BE AMENDED BY REVISING SECTION 78-5(d)(2) IN REGARD TO NONCONFORMING STRUCTURES

Ordinance 2022-07 requested approval of an amendment to Section 78-5(d)(2) of the Municipal Code (Zoning Ordinance) regarding the reconstruction of structures on sites that have been designated as historically significant by the Board of Commissioners.

On March 24, 2022, a residential renovation/repair permit was issued for renovation work on the Primm barn, which was located on the north side of Moores Lane.  It was estimated that the barn was constructed around 1920 (102 years old). The current property owner's original intent was to restore the barn to a historically accurate representation of the original structure.  Work had begun to shore up the structure.

In 1994, the front setbacks for the R-1 zoning district were established at 150 feet. This structure was located approximately 80 feet from the road. Because the structure was allowed in its current location prior to the establishment of the 150-foot setback, it was considered a legal nonconforming structure.

The Zoning Ordinance currently allowed legal nonconforming structures to remain, but they may not be enlarged or moved without coming into full compliance with current standards. In addition, nonconforming structures must come into full compliance with the Municipal Code (including setbacks) if they are destroyed to an extent of more than 50 percent of their replacement cost at time of destruction.

On April 13, 2022, a storm blew through the area and toppled a tree onto the barn causing substantial damage to the structure. The property owner has notified staff of her desire to continue work to preserve the barn, even after the damage caused by the tree. Staff recognized that the cost to repair the extensive damage done by the tree along with the costs associated with the original planned scope of work would most likely exceed the 50 percent valuation of its replacement as established in Section 78-5(d) of the Municipal Code as described above. Essentially, the Code as written would require the barn to be demolished due to its nonconforming status.

Recognizing the important historical significance of the barn, and the desire to preserve the structure for the benefit of the community, staff presented a status report on the barn to the Commission at its May 5th briefing.  At that meeting, staff was directed to prepare an ordinance amendment that would provide for allowances for historic nonconforming structures to be rebuilt when appropriate.

The attached ordinance amendment amended Section 78-5(d)(2) to read as follows. The bolded, highlighted text represents the proposed additions to the subsection.

(2)      Should such structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter. **Notwithstanding the foregoing, nonconforming structures which have been in existence for more than 75 years or which are part of historically significant sites designated as such by resolution of the board of commissioners may be reconstructed if recommended by the Brentwood Historic Commission. The Historic Commission shall consider whether such reconstruction is appropriate to retain or enhance the historic importance of the structure or site. Any reconstruction must be so substantially similar as to be a replica of the structure that has been destroyed. If recommended by the Historic Commission, the Building Official may issue such permits as appropriate subject to submittal of required plans as applicable.**

The proposed amendment would provide staff with additional flexibility in dealing with similar situations in the future related to structures that have been designated historically significant.

Ordinance 2022-07 was approved on first reading on May 23rd.  The required public hearing is scheduled for June 13th, followed by second and final reading on June 27th.

Mr. Pippin moved to forward a recommendation of approval of Ordinance 2022-07 to the Board of Commissioners. Mr. Crowley seconded; motion was approved unanimously.

# OTHER BUSINESS

**Monthly Security Report**

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

# ADMINISTRATIVE INFORMATION

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

Being no further business, the meeting adjourned at 8:41 pm.



APPROVED: July 5, 2022 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Holly Earls, City Recorder