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

**BRENTWOOD, TENNESSEE**

The regular meeting of the Brentwood Planning Commission met on Tuesday, July 5, 2022, at 7:00 p.m. at Brentwood City Hall.

Present at roll call were Chairman Janet Donahue, Commissioner Mark Gorman, Preston Bain, Chris Clark, Carole Crigger, Ryan Crowley, Michael Kaplan, Stevan Pippin, and John Vitucci. Brandon Oliver was absent. 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 June 6, 2022, meeting as written; seconded by Mr. Clark. Approval was unanimous.

Mr. Pippin moved to appoint Janet Donahue as Chairman; seconded by Mr. Clark. Approval was unanimous. Ms. Donahue moved to appoint Stevan Pippin as Vice Chairman; seconded by Ms. Crigger. Approval was unanimous.

**CONSENT AGENDA**

Item 1:  **BPC2204-005 Hillside Protection Site Plan Review – 1532 Franklin Road, Zoning C-2 / AR / R-1**

Genesis Build, LLC, requested approval of a Hillside Protection Overlay site plan to construct a new house on approximately 8 acres. A residential fire sprinkler system will be required.

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| **1532 FRANKLIN ROAD**  |
| Lot Area (sf) | 357,072 sf (8.13 Ac.) |
| Total Area of Home (sf) |  9,186 sf  |
| Heated Area (sf) |  8,063 sf  |
| Impervious Area (sf) |  24,588 sf  |
| Green Space Provided (%) |  93% |
| Green Space Required (%) | N/A |

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 residential fire sprinkler system is required. Add this note to the plans.
4. Home will be served by grinder pump and low-pressure force main. It is the owners responsibility for any offsite improvements for connection to public sewer.
5. The geotechnical report identified colluvial soils at both boring locations within the construction area. Colluvial soils are landslide prone, especially when disturbed by construction. A qualified geotechnical engineer, licensed to practice in the State of Tennessee, will be required to be on-site throughout the duration of construction.
6. The proposed retaining walls must be a natural color and blend into the natural terrain.
7. A TDOT driveway permit will be required prior to release of the grading permit.
8. A site plan shall be vested for a period of three years from the date of the original approval.
9. Add the following note to the site plan;

This site plan is subject to a three-year vesting period, during which the development standards in effect on the date of approval will remain the standards applicable to this plan.  If construction is not completed during the first three years, the original site plan is considered a preliminary site plan and the applicant must obtain approval of a final site plan. Development of the property shown on this plan may be subject to standards other than those that were applicable during the vesting period.  The Initial vesting period for this plan expires on July 5, 2025, unless extended by the City of Brentwood.  Persons relying on this plan after said date should contact the City of Brentwood to determine if development may continue as depicted on the plan.

1. When the construction authorized pursuant to a site plan is not completed within three years from the date of initial approval, but the applicant desires to complete the project proposed for the site, the plan as initially approved for the project or as amended shall be considered a preliminary site plan. If the applicant secures all necessary permits, commences site preparation and obtains approval of a final site plan within the three-year vesting period following approval of the preliminary site plan, then the vesting period shall be extended an additional two years beyond the expiration of the initial three-year vesting period. During the two-year extension, the applicant must commence construction and maintain any necessary permits to remain vested.
2. If necessary permits are maintained and construction, as defined by Section 78-43, has commenced by the end of the two-year extension, then the vesting period shall remain in effect until the Planning and Codes Department has certified final completion of the project, provided the total vesting period shall not exceed ten years from the date of approval of the preliminary site plan.
3. If the construction authorized pursuant to a site plan is completed within three years from the date of approval, the site plan shall then be considered the final site plan for the project.
4. The property owner is responsible for all development fees including water and sewer service and tap fees, building permit fees and Public Works Project Fees. The required fees shall be used for future infrastructure related improvements required by the proposed development.
5. Add the following note to the 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 (BPC2204-005) are likewise provided for in the plans submitted. Any deviation from the approved building materials will negate any staff approval of said plans. Proposed changes to project specifications will be submitted to the Planning Commission for further consideration.
7. 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. Any changes to plans approved by the Planning Commission will require staff review and re-approval by the Planning Commission.
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 July 5, 2022. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 2: BPC2206-003 Minor Site Plan Alteration – Publix #142, 8105 Moores Lane, Zoning C-2

RavenVolt, Inc. requested approval of a minor site plan alteration that added a 500 KW diesel generator and a masonry screen wall to the rear of the site.

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

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

This site plan is subject to a three-year vesting period, during which the development standards in effect on the date of approval will remain the standards applicable to this plan.  If construction is not completed during the first three years, the original site plan is considered a preliminary site plan and the applicant must obtain approval of a final site plan. Development of the property shown on this plan may be subject to standards other than those that were applicable during the vesting period.  The Initial vesting period for this plan expires on July 5, 2025, unless extended by the City of Brentwood.  Persons relying on this plan after said date should contact the City of Brentwood to determine if development may continue as depicted on the plan.

1. When the construction authorized pursuant to a site plan is not completed within three years from the date of initial approval, but the applicant desires to complete the project proposed for the site, the plan as initially approved for the project or as amended shall be considered a preliminary site plan. If the applicant secures all necessary permits, commences site preparation and obtains approval of a final site plan within the three-year vesting period following approval of the preliminary site plan, then the vesting period shall be extended an additional two years beyond the expiration of the initial three-year vesting period. During the two-year extension, the applicant must commence construction and maintain any necessary permits to remain vested.
2. If necessary permits are maintained and construction, as defined by Section 78-43, has commenced by the end of the two-year extension, then the vesting period shall remain in effect until the Planning and Codes Department has certified final completion of the project, provided the total vesting period shall not exceed ten years from the date of approval of the preliminary site plan.
3. If the construction authorized pursuant to a site plan is completed within three years from the date of approval, the site plan shall then be considered the final site plan for the project.
4. The property owner is responsible for all development fees including water and sewer service and tap fees, building permit fees and Public Works Project Fees. The required fees shall be used for future infrastructure related improvements required by the proposed development.
5. Ground and roof level electrical transformers, heat and air conditioning equipment and similar facilities shall be screened from public view per the requirements of Section 78-206 (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 (BPC2206-003) are likewise provided for in the plans submitted. Any deviation from the approved building materials will negate any staff approval of said plans. Proposed changes to project specifications will be submitted to the Planning Commission for further consideration.
8. Complete building plans shall be submitted to the Planning and Codes Department for review, approval and issuance of the required permits before any work is begun. Additionally, all required electrical permits, issued by the State of Tennessee must be received before any work is begun.
9. Deviations from the approved plan in the development of a project or the failure to satisfy any standard requirements or special conditions of approval imposed by the planning commission will be considered a violation of the provisions of the Zoning Ordinance, which shall be subject to punishment as provided in Section 1-9 of the Brentwood Municipal Code. The City may also require the applicant to appear before the Planning Commission to address any deficiencies or unapproved modifications. The project may also be subject to delays in issuance of permits, certificates of occupancy, recordation of plats or other project approvals.
10. Development of this project shall comply with all applicable codes and ordinances of the City of Brentwood.
11. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on July 5, 2022. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 3: BPC2206-008 Final Plat – Fish Split Log Subdivision, 9720 Split Log Road, Zoning R-2

T-Square Engineering requested approval of a final plat that created three lots on approximately 16 acres. Lots 1 and 2 will have a shared driveway.

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| **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. |

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. Per Brentwood Code 4.5, record drawings are required prior to recordation of the final plat, including an as-built for the detention pond.
3. Show City of Brentwood Water System and Sewer System in signature block.
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 July 5, 2022 Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Item 4: BPC2206-010 Revised Final Plat – Rosebrooke Subdivision, Section 1, 1537 Sunset Road, Zoning R-2

Ragan Smith Associates requested approval of a revised final plat that revised the storm infrastructure and the Public Utility, Drainage easement on lots 4 and 6. The proposal also revised the location of the proposed fence along Sunset Road and added a note regarding the Homeowner’s Association’s responsibility regarding the fences and columns in the Public, Utility, Drainage, Access and Fence easement (P.U.D.A.F.E.) crossing Lots 1-8.

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

Item 5: BPC2206-009 Revised Site Plan – Addition of Amenities, Rosebrooke Subdivision, Section 2, Zoning OSRD

Ragan Smith Associates requested approval of a site plan for the amenities at the Rosebrooke Subdivision. The proposal included subdivision entrance features with signage and the following amenities:

* A clubhouse (2,650 sf)
* A covered clubhouse porch (700 sf)
* A main pool (1,725 sf)
* A kids pool 225 sf)
* 40 parking spaces
* 3 – 16 unit CBU mail kiosk units.

Staff recommended approval of the proposed site plan 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 construction revision will be required for the Rosebrooke Section 2 plans to match the amenity package.
3. Hydraulic calculations for the parking lot drainage, pedestrian path cross drain and bridge will be required with the construction plan submittal prior to receiving a grading permit.
4. Updated and/or new outside agency permits will be needed prior to grading permit.
5. Signed and sealed wall drawings will be required prior to grading permit.
6. A 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 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 July 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.

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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. 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 (BPC2206-009) 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.
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 July 5, 2022. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission

Item 6: BPC2206-007 Limited Duration Event – Parade of Homes, Rosebrooke Subdivision, Zoning R-2

Ragan Smith Associates requested approval of a limited duration event for the Parade of Homes at the Rosebrooke Subdivision. The proposed event will take place October 6th – October 23rd, 2022. Gates open at 11:00 a.m. to 7:00 p.m. Houses close at 8:00 p.m. Approximately 10,000 people were expected to attend over the course of two weeks. The parade preview party will be Thursday, October 6th from 5:00 p.m. to 11:00 p.m.

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. Additional traffic control measures may be required.
2. Any food trucks on the site shall comply with the requirements of Article VI of the Municipal Code, and be permitted by the City.
3. The event shall comply with applicable sections of the Municipal Code. The levels of music amplification and public address activity will be governed by the requirements of the noise ordinance. Every effort will be made to mitigate the noise generated by the site.
4. All ingress and egress points must remain clear and accessible at all times during the event. Emergency responders shall have access to the site at all times.
5. Install temporary barriers at key locations to separate pedestrians from vehicle traffic.
6. Approval of the site plan does not constitute approval of the signage plan. All signs must comply with the Brentwood Sign Ordinance.
7. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on July 5, 2022. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

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

# REGULAR AGENDA

**Item 1:** ORDINANCE 2022-06 AN ORDINANCE TO AMEND THE ZONING ORDINANCE, OF THE CODE OF ORDINANCES, TO ESTABLISH A CERTAIN ZONING CLASSIFICATION, SAME BEING THE R-2 (SUBURBAN RESIDENTIAL) FOR CERTAIN PROPERTY LOCATED ON THE NORTH AND SOUTH SIDES OF SAM DONALD ROAD, EAST OF ITS INTERSECTION WITH SPLIT LOG ROAD TO INCLUDE THE ADJOINING PORTIONS OF SAM DONALD ROAD

Ordinance 2022-06 requested the assignment of the R-2 (Suburban Residential) zoning district to approximately 184 acres lying within the City's Urban Growth Boundary (UGB), adjacent to the City limits and lying north and south of Sam Donald Road, approximately 0.20 miles east of its intersection with Split Log Road. The properties proposed for annexation abut the area annexed pursuant to Resolution 2022-33 (Rosebrooke East). Resolution 2022-33 was approved by the Board of Commissioners on May 23, 2022.

More specifically, the properties for which annexation was requested are detailed in the table below.

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| **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 out-buildings 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 Scales and Hunnicutt properties abut the Nolensville Town limits.  The Hunnicutt tract 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, which includes ≈14.30 acres and a portion of the Hunnicutt property including ≈ 6.90 acres, (totaling 21.20 +/- acres), extended 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 did **not** include these areas, but the developer does plan to request annexation when/if the UGB is modified or via referendum.

The area proposed for annexation also included four other parcels that are not controlled or owned by the developer, totaling 57.57 acres.   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 09405, that fronts these properties. See the survey attached below. 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 submitted 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 were 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 were differences in the technical standards related to accessory uses and structure standards. MGA-1 allowed the following:

1. Accessory dwelling units within an existing dwelling unit (interior apartment) or as a separate 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 principal 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.

**TRAFFIC IMPACTS**

Mr. Greg Judy, with Neel-Shaffer was consulted related to the development of a traffic impact study for the proposal. His comments follow.

* The project falls below the city’s established threshold for a TIS, which is either 1,000 trips per day or 100 in peak hour. The land use and size come up short by about 25%. See attached trip generation sheet – the PM peak shows about 77 trips.
* Also, since the Split Log Rd widening improvement is moving ahead with full commitment from the city, and the corridor study was just completed – I don’t have much worry about a project of this land use type or size causing issues – including the intersection of Sam Donald Rd/Split Log Rd. The corridor study anticipated projects like this coming on-line and the improvements recommended in the corridor study for Sam Donald/Split Log (turn lanes and signalization) should manage this development. So, I don’t see a need to have a specific traffic study prepared for this project.
* A Traffic Access Review (TAR) should be completed. The scope of a TAR would be much more limited and focused than a full blown TIS. The TAR could be prepared in memo format by the applicant’s engineer. The analysis would focus on the subdivision’s connection to Sam Donald Rd. The assessment would include:
	+ Bi-directional 24-hour traffic count at/near site access on Sam Donald Rd (when school is in session)
	+ Trip generation
	+ Trip distribution & assignment (at the access intersection only)
	+ Capacity analysis under proposed conditions only
	+ Assessment for the need of exclusive right-turn and left-turn lanes at the access intersection.
	+ Intersection sight distance at the access.

The developer’s Traffic Engineer has been made aware of the recommendations from Neel-Shaffer. The Traffic Access Review should be completed before second and final reading of the ordinance.

The Ordinance was approved on first reading on June 13, 2022.

The community meeting was conducted on June 30, 2022

The Planning Commission provided its review and recommendation to the Board of Commissioners on July 5, 2022.

Mr. Pippin moved to forward a recommendation of approval of Ordinance 2022-06 to the Board of Commissioners. Mr. Vitucci seconded; motion was approved unanimously.

**Item 2:** BPC2206-004 Limited Duration Event – BrentFest, Crockett Park, Zoning SI-3

Rhizome Productions requested approval of a limited duration event for Brentfest on Saturday, July 23rd at Crockett Park. The event will kick off at 5:00 p.m. with food trucks, a beer garden, and a kid zone, followed by the dueling pianos at 6:00 p.m. and Rubiks Groove at 7:00 p.m. The event will conclude at 9:00 p.m. There will be thirteen food trucks at the event.

Mr. Crowley moved for approval of the limited duration event subject to the following conditions being met to the satisfaction of staff:

1. The event organizers shall coordinate the event with Planning and Codes, and Police Department personnel as necessary.
2. Any food trucks on the site shall comply with the requirements of Article VI of the Municipal Code, and be permitted by the City.
3. The event shall comply with applicable sections of the Municipal Code. The levels of music amplification and public address activity will be governed by the requirements of the noise ordinance. Every effort will be made to mitigate the noise generated by the site.
4. All ingress and egress points must remain clear and accessible at all times during the event. Emergency responders shall have access to the site at all times.
5. Install temporary barriers at key locations to separate pedestrians from vehicle traffic.
6. Approval of the site plan does not constitute approval of the signage plan. All signs must comply with the Brentwood Sign Ordinance.
7. Approval of the proposed plan shall be limited to the illustrations and plans presented to the Planning Commission for review and approval on July 5, 2022. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Mr. Clark seconded; motion was approved unanimously.

**Item 3:** BPC2112-004 Preliminary Plan – 9784 Concord Road, Zoning R-2

SWS Engineering requested preliminary plan approval of two lots having an area of approximately 2 acres each on 4.87 acres. The lots will have a shared driveway access to Concord Road.

Citizen Comments:

Mary Farmer, 9782 Concord Road

Beth Finley, 9778 Concord Road

Bill Trolinger, 927 Bluff Road

Larry Jones, 933 Bluff Road

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

1. Approval of the proposed site plan by the Planning Commission shall be vested for a period of three years from the date of the original approval.
2. The proposed driveway will need a TDOT entrance permit and comply with TDOT Driveway Standards prior to releasing the grading permit.
3. The pond outlet shall be located in a P.U.D.E. or in open space.
4. A stormwater system long term operation and maintenance plan is required by the time of final plat and will need to be sealed by a licensed Tennessee Professional Engineer.
5. Any new dwelling constructed more than 500 feet from a public roadway or more than 500 feet from a fire hydrant shall be protected through an automatic residential fire sprinkler system installed in accordance with NFPA standards and requirements and approved by the fire chief or a designee.
6. A shared access easement agreement will be required prior to plat approval.
7. 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 July 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. On all applicable sheets of the plan show the location of existing and platted property lines, existing streets, buildings, watercourses, railroads, cemeteries, sewer lines, bridges, culverts, drain pipes, water mains, fire hydrants, street lights, tree masses, public utility easements.
7. The property owner/builder is responsible for all development fees including water and sewer service and tap fees, building permit fees and Public Works Project Fees.
8. Applicable security for all required roadway, drainage, utilities, water, sewer, signage, landscaping improvements, abandonment and reconstruction of the temporary cul-de-sac and connection of the street in accordance with the requirements of Article Eight of the Brentwood Subdivision Regulations shall be provided before the final plat for the first section 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 by a Tennessee licensed PE, 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 July 5, 2022. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Ms. Donahue seconded. After discussion by the Commission, the applicant requested the item be deferred until the August 1, 2022 meeting.

**Item 4:** BPC2206-012 Revised Site Plan – Harpeth on the Green, Buildings 2-5, Maryland Farms, 100 Winners Circle, 109 Westpark Drive, 105 Westpark Drive, 100 Westwood Drive, 105 Westwood Drive, Zoning C-1

Ragan Smith Associates requested approval of a revised site plan that included the removal and reconfiguration of asphalt parking for added green space. The proposal also provided improvements to the intersection of the existing access from Westpark Drive and the addition of a pedestrian friendly boulevard connecting Westwood Place to Westpark Drive.

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

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. No work on the trail/sidewalk outside of the Brentwood City limits until Metro approval is received.
3. All TDEC permits will be required prior to release of a grading permit.
4. All manholes, meter boxes, cleanouts, etc. shall be raised to any new grades as necessary per Water Services Department.
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 July 5, 2025, unless extended by the City of Brentwood.  Persons relying on this plan after said date should contact the City of Brentwood to determine if development may continue as depicted on the plan.

1. When the construction authorized pursuant to a site plan is not completed within three years from the date of initial approval, but the applicant desires to complete the project proposed for the site, the plan as initially approved for the project or as amended shall be considered a preliminary site plan. If the applicant secures all necessary permits, commences site preparation and obtains approval of a final site plan within the three-year vesting period following approval of the preliminary site plan, then the vesting period shall be extended an additional two years beyond the expiration of the initial three-year vesting period. During the two-year extension, the applicant must commence construction and maintain any necessary permits to remain vested.
2. If necessary permits are maintained and construction, as defined by Section 78-43, has commenced by the end of the two-year extension, then the vesting period shall remain in effect until the Planning and Codes Department has certified final completion of the project, provided the total vesting period shall not exceed ten years from the date of approval of the preliminary site plan.
3. If the construction authorized pursuant to a site plan is completed within three years from the date of approval, the site plan shall then be considered the final site plan for the project.
4. The property owner is responsible for all development fees including water and sewer service and tap fees, building permit fees and Public Works Project Fees. The required fees shall be used for future infrastructure related improvements required by the proposed development.
5. Add the following note to the plans that are to be submitted for building permit review: “This document certifies that the building materials specified in the Planning Commission approval of this project (BPC2206-012) 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.
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 July 5, 2022. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Mr. Vitucci seconded; motion was approved unanimously.

**Item 5:** BPC2206-014 Site Plan – Split Log Middle School, 9714 Split Log Road, Zoning SI-2

Huddleston Steel Engineering, Inc. requested approval of a site plan that added a new middle school on the same campus with the existing Jordan Elementary School. The middle school will have an area of 188,559 square feet with a building footprint of 102,292 square feet.

The main drive to the east side of the site will be extended with three lanes to serve the new middle school.

The architecture of the new building will complement the style of Jordan Elementary with a unique entry designed to provide a distinct character with different color styles to create its own identity. The roofs will be hipped gable on a majority of the building with flat roof in the auditorium and fine arts areas.

Three sports fields were proposed along the rear of the property. No lighting was proposed for these fields.

Citizen Comments:

Patrick Baker, 1754 Tuscany Way

Michelle Jaeger, 1720 Ravello Way

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

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. In addition to meeting flow reduction requirements at detention pond outfalls. The post-developed discharges for all storm events, including the 1-year, 2-year, 5-year, 10-year, 25-year, 50-year and 100-year-24-hour design storms, must be reduced to be equal to or less than pre-developed discharges at the overall site outfall. The hydraulic report will need to be updated to include this information.
3. New developments are required to minimize the impact to stormwater quality by applying structural and/or nonstructural management practices selected to address site-specific conditions. The goal for water quality treatment shall be for new development and significant redevelopment sites to utilize Green Infrastructure Practices (GIP) for post development stormwater control utilizing the Runoff Reduction Method per Volume 5 of Metro Stormwater Standards as incorporated into City of Brentwood procedures. The design requirement is to infiltrate, evapotranspire, or capture and reuse the first 1.0 inch of rain preceded by 72 hours of no measurable rainfall. Provide supporting calculations.
4. All outside agency permits will be required prior to approval of a grading permit.
5. Provide the storm sewer hydraulic reports, and flow velocities at outlets for the design storm event. Provide adequate channel lining and energy dissipation calculations and controls.
6. Comments by the traffic consultant will be coordinated prior to grading permit issuance.
7. A site plan shall be vested for a period of three years from the date of the original approval.
8. 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 July 5, 2025, unless extended by the City of Brentwood.  Persons relying on this plan after said date should contact the City of Brentwood to determine if development may continue as depicted on the plan.

1. When the construction authorized pursuant to a site plan is not completed within three years from the date of initial approval, but the applicant desires to complete the project proposed for the site, the plan as initially approved for the project or as amended shall be considered a preliminary site plan. If the applicant secures all necessary permits, commences site preparation and obtains approval of a final site plan within the three-year vesting period following approval of the preliminary site plan, then the vesting period shall be extended an additional two years beyond the expiration of the initial three-year vesting period. During the two-year extension, the applicant must commence construction and maintain any necessary permits to remain vested.
2. If necessary permits are maintained and construction, as defined by Section 78-43, has commenced by the end of the two-year extension, then the vesting period shall remain in effect until the Planning and Codes Department has certified final completion of the project, provided the total vesting period shall not exceed ten years from the date of approval of the preliminary site plan.
3. If the construction authorized pursuant to a site plan is completed within three years from the date of approval, the site plan shall then be considered the final site plan for the project.
4. The property owner is responsible for all development fees including water and sewer service and tap fees, building permit fees and Public Works Project Fees. The required fees shall be used for future infrastructure related improvements required by the proposed development.
5. Add the following note to the plans that are to be submitted for building permit review: “This document certifies that the building materials specified in the Planning Commission approval of this project (BPC2206-014) 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 July 5, 2022. Any changes to Planning Commission approved plans and specifications will require staff review and re-approval by the Planning Commission.

Mr. Pippin seconded; motion was approved unanimously.

# OTHER BUSINESS

**Monthly Security Report**

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

# ADMINISTRATIVE INFORMATION

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

Being no further business, the meeting adjourned at 8:18 pm.



APPROVED: August 1, 2022 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Holly Earls, City Recorder