



MEMORANDUM Reflects Revisions

Date: July 20, 2023

To: Luke Winchester, Chairman
and Planning Commission

From: Jennifer Hamblen, Planning Director
Jon Baughman, Deputy Planner

Re: The Bluffs at Cedar Creek
Land Use Amendment, PMDP PUD
Map - 54
Parcel(s) – 5.00

Request: Submitted by CSDG, on behalf of their client Forester Real Estate Group, the applicant requests a Land Use Plan Amendment, Rezone and Preliminary Master Development Plan approval for a 180 townhome and commercial development on Lebanon Road.

History: This project was presented to the Planning Commission in April 2023 where their Land Use Plan Amendment was denied. Commissioner Justice sponsored the land use amendment to be heard at the July 10, 2023 Board of Commissioners meeting where it was approved on first reading, with the condition that should the PMDP fail the Land Use would revert to its original designation.

We have included the original staff report for reference. The plans have changed since it was first presented to the Planning Commission. Below is a list of revisions submitted by the applicant to address some of staff's original comments:

➤ **Residential Changes**

- Secondary ingress/egress is now a part of the PUD
- Total RM-8 unit count is 180 Rear Loaded Townhomes
 - *Removed the front loaded villas at the north end of site*
- All driveways are now at least 22' in length
 - *PREVIOUS VERSION = 44 Units did not meet driveway length*
- 756 Total Parking Spaces(4.5 / Unit or 77 additional spaces)
 - *PREVIOUS TOTAL= 674, includes garages.*
- No changes to amenity package, *have provided parking, water spigot, agility course, shade structure and pet clean up station at dog park.*

➤ **Commercial Addition**

- ~3.1 acres of commercial Facing Traffic Circle
 - Kept existing base zoning of CRC
 - Requesting conditional use permit to allow residential above 1st floor commercial.

- Example renderings in plans(Sheet C4.00)
- ~7500 SF of total commercial space
 - All uses under CRC would currently be allowed, *with the exception of gasoline sales and animal care, vet.*

➤ **Proposed Offsite improvements**

- Traffic Signal at main entrance
 - Currently does not meet warrant but developer believes they have a path forward
 - Developer will need public works help to justify the installation
- Improvements at Mt. Juliet Road & Lebanon Road
 - Add additional Northbound lane to Mt. Juliet Road at Intersection with Lebanon Road(currently a total of 3 lanes)
 - Allows for dedicated movements
 - 2 Dedicated Left Turn Lanes
 - 1 Dedicated Straight/Thru lane to Mt. Juliet Village
 - 1 Dedicated Right Turn Lane
 - Adjust signal heads and timing with Mt. Juliet/TDOT guidance
 - Would involve completely resurfacing Mt. Juliet Road
 - From intersection back to Creekside Drive(Approximately)
 - Adjusted striping
 - Minimal impact to motorists as our plan can work within the limits of the existing sidewalks & curbs
 - Milling, surfacing and striping can primarily take place at night.

Requested Waivers are as follows:

Waivers/Variances: The following waivers/variances are requested:

1. 5-104.1 of the zoning ordinance, respectively, to omit portions of the perimeter fence and utilize ornamental fencing where conflicts with the stream and buffer occur and along the eastern portion of the site. **Staff supports, in areas where the abutting lot is residentially occupied, rather than the ornamental fence, provide a low maintenance opaque fence 6' minimum in height on the exterior of the buffer. Preserve as many trees/vegetation as possible in these areas. A tree preservation plan shall be required.**
2. Request to allow up to .30 acres of disturbance of slopes exceeding 20%. **STAFF SUPPORTS. Minimize disturbance where possible and not within a building envelope. No fill shall be allowed in these areas.**
3. 5-103.6 of the zoning ordinance. Request to allow building separation of 20' since all units will be sprinkled. **Fire Marshall SUPPORTS, the buildings will be sprinkled.**
4. 4-114, Design Standards- Request to allow 85 or 50% of the homes to reduce the required brick from 100% to 10-50% brick and/or stone. **STAFF SUPPORTS a minimum of 25% brick with the following conditions:**
 1. No two house plans and elevations shall be situated and built next to one another,
 2. No two house plans and elevations shall be situated and built across the street from one another.

3. High visibility lots shall have 100% brick/stone.
4. High visibility lots shall not have blank end facing the street side and shall include architectural features such as optional window packages and or fireplaces.
5. The use of vinyl shall be prohibited.
6. Two garage doors shall be provided with a 2' brick column to separate. Garage doors shall be carriage style.
7. Identify secondary material.
9. Provide more diverse elevations for the amenity center.
5. Request to Omit the landscaping buffer between commercial and residential. **STAFF SUPPORTS**, landscaping shall be provided but does not have to be in the form of a standard buffer.

Conditional Use Permit requested:

The Board of Commissioners has the right to grant Conditional Use Permits within PUD's (8-201.1.5). Therefore, the applicant has requested to allow residential occupancy for the commercial portion of this PUD. The applicant proposes first floor commercial, upper story residential. The buildings proposed for this use can be found on Sheet C4.00.

The accessory residential occupancy regulations are listed below:

Residential occupancy in connection with nonresidential activity. Residential occupancy may be permitted as an accessory use to a principal nonresidential activity located on the same zone lot subject to the following:

- a. Only one unit permitted. No more than one dwelling or rooming unit may be permitted in connection with a principal nonresidential activity located upon the same zone lot.*
- b. Occupancy limited. Any dwelling or rooming unit permitted under the provisions of this section shall be limited to occupancy by person(s) employed in the principal nonresidential activity located upon the same zone lot.*
- c. Residential occupancy prohibited. No dwelling or rooming unit may be located upon any site with a nonresidential activity that is defined by this ordinance as a hazardous occupancy.*

Recommendation: Should the Planning Commission make a positive recommendation to the Board of Commissioners for the Land Use Amendment and Preliminary Master Development Plan for The Bluffs at Cedar Creek; staff requests the following conditions be included:

Planning and Zoning:

1. Driveways shall be a minimum of 22 feet in length.
2. Garage doors shall be carriage style (or decorative in nature).
3. Signage to be reviewed via separate application to the Planning Department.

4. All exterior lighting fixtures shall be decorative.
5. Preserve as many trees as possible, especially around permitter and stream buffers. Provide a tree preservation plan with 1st reading submittal. **Not submitted.**
6. Existing trees can be utilized for perimeter buffer, should they meet the code as such. Supplemental plantings will likely be required.
7. Provide Covenants and Restrictions for review. **Not submitted.**
8. Add a note that no more than 10% of the units will be used for rentals, short or long term. Include this verbiage in the Covenants as well. Also, indicate on the plans these units are for sale only.
9. The existing trees around the perimeter of the property shall be placed in a 30' do not disturb buffer. Protect trees near stream as well.
10. Provide heavy landscaping around all detention ponds.
11. Provide fencing along the bluff/bank for resident protection.
12. Parking for commercial shall be determined when users are identified.
13. Commercial buildings shall be completed by the 100th CO.
14. .
15. Two car garages shall be provided.
16. Commercial Design Standards shall be met for the CRC portion of the PUD.

Fire Marshal:

1. No homes will be constructed (vertical) until hydrants are in place and operational, and roads are in place with at a minimum of all-weather surface.

Public Works:

1. A traffic signal at the proposed main access to Lebanon Road may be warranted in the future. Perform signal warrant studies at 50% and 90% buildouts. Install a traffic signal if warranted.
2. A right turn lane is warranted at the site access to Lebanon Road. However, since right-of-way isn't readily available, staff and the applicant have agreed to an alternate improvement at the intersection of Lebanon Road and N. Mt. Juliet Road to improve operations. Widen the northbound approach at the intersection to provide a separate northbound through lane from the dual left turn lanes and right lane for approximately 200 feet. Right-of-way is available to widen this to the east, and staff will work with developer to keep improvements within these limits.
3. Provide ample parallel parking in areas without driveways. Staff recommends parallel parking instead of perpendicular parking.
4. Existing slopes equal to or greater than 20% shall not be within a proposed building envelope in a fill situation.
5. The roundabout shall have splitter islands at each approach. The roundabout layout and design will be reviewed during construction plan submittal to ensure it meets national roundabout design standards.
6. The greenway along Cedar Creek shall be contained within a 20 ft public access easement. Any bridges required for the greenway shall have a 12 foot inside clearance width.

WWUD:

1. All private Fire Hydrants shall be painted white.
2. Water Lines shown are not WWUD's design.