

ORDINANCE NO. 2024-34

AN ORDINANCE TO REZONE APPROXIMATELY 11.67 ACRES OF PROPERTY AT 1919 NORTH MT. JULIET ROAD, MAP 072P, GROUP A, PARCEL 014.00 FROM CRC AND CTC TO CTC PUD AND TO ADOPT THE PRELIMINARY MASTER DEVELOPMENT PLAN FOR EVERETTE DOWNS MIXED USE

WHEREAS, the subject rezoning request is consistent with the findings required in the zoning ordinance, and;

WHEREAS, the Regional Planning Commission considered this request during their meeting of May 16, 2024, and forwarded a positive recommendation for approval to the Board of Commissioners by a vote of (8-0-0) and;

WHEREAS, a public hearing before the City Commission of the City of Mt. Juliet was held on July 8, 2024 and notice thereof published in the Chronicle of Mt. Juliet on _____; and

WHEREAS, the City of Mt. Juliet Board of Commissioners desires to rezone the subject property at 1919 North Mt. Juliet Road, Map 072P, Group A, Parcel 014.00 approximately 11.67 acres, from CTC to CTC PUD and adopt the Preliminary Master Development Plan for Everette Downs Mixed Use.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MT. JULIET, TENNESSEE, WHILE IN REGULAR SESSION ON July 8, 2024 as follows:

SECTION 1. – REZONING. Resolution No. 20-2022 (Zoning Map), adopted March 28, 2022, be and is hereby amended, and altered by rezoning those certain parcels of real property at 1919 North Mt. Juliet Road, Map 072P, Group A, Parcel 014.00 approximately 11.67 acres, from CTC to CTC PUD.

LEGAL DESCRIPTION – See Exhibit A (attached)

SECTION 2. – The Preliminary Master Development Plan for Everette Downs Mixed Use (Exhibit B) is hereby adopted, except as modified herein. The Preliminary Master Development Plan shall comply with the Zoning Ordinance, be in substantial conformance with all other applicable rules, regulations and ordinances of the City of Mt. Juliet and is further conditioned upon the following:

Planning and Zoning:

1. Remove concrete walkways from the list of improved open spaces (10% min. improved opens space shall be maintained).
2. Provide the area of each residential building.
3. Work with staff on orientation of commercial buildings fronting N. Mt. Juliet Rd.

4. All requirements of the City's Subdivision regulations shall be adhered to, excepting any waivers approved by the Planning Commission.
5. The 5-104.1 and 4-114 Multifamily Regulations shall be adhered to, excepting any waivers approved by the Board of Commissioners.
6. All requirements of 6-107.3 shall be met, excepting any waivers approved by the Board of Commissioners.
7. HVAC and utility equipment shall be screened entirely from horizontal view via parapet walls for all buildings.
8. Wall mounted utility meters shall be screened with brick/stone screen walls or painted to match the building façade.
9. Decorative low maintenance fencing is required wherever fencing is to be used.
10. Brick shall be clay, baked and individually laid.
11. Stone shall be individually laid.
12. Vinyl and metal shall not be permitted as secondary materials.
13. Wet detention ponds shall include fountains.
14. Provide black powder coated cart corrals.
15. Parking lot lighting shall be decorative, mounted to black poles.
16. Wall mounted exterior lighting fixtures shall be decorative.
17. Revise lot 3 data table to include retail under the proposed use.
18. All building facades which face NMJR shall be treated as front facades.
19. Signage to be reviewed and approved via a separate application to the Planning Department.
20. The Board of Commissioners granted a variance to 6-103.7 Allow for 65% masonry, 35% secondary materials on all facades allowed.
21. The Board of Commissioners granted a variance to 5-104.1 Parapet screened rooftop HVAC units for the multi-family buildings allowed.
22. The Board of Commissioners granted a variance to 5-104.1 Allowed to omit the multifamily perimeter fence.
23. The Board of Commissioners granted a variance to 5-104.1 Allow for 65% masonry, 35% secondary materials on all facades.
24. The Board of Commissioners granted a variance to 5-104.1 Allowed to omit a tot lot.
25. The Board of Commissioners granted a variance to 5-104.1 Allowed building separation of 20', buildings will be sprinkled.
26. The Board of Commissioners granted a variance to 5-104.1 Allow for 1.5 parking spaces per multi family unit but required additional visitor parking.
27. The Board of Commissioners granted a variance to 10-111 allowing to omit the landscape buffer between residential and commercial areas of the PUD but require enhanced landscaping in this area in lieu of the buffer.
28. The Board of Commissioners granted a variance to 6-102 Allowing a minimum of 10,000sf for the grocery store use in lieu of 20,000sf.
29. The Board of Commissioners granted a variance to Article 11 Signage as shown on the PMDP plans. Required to relocate the monument sign on lot 2 to the far northwestern corner to allow adequate line of sight distance due to the pylon being on the same lot.
30. The Board of Commissioners granted a variance to 10-111 allowing for a 10' wide buffer around the PUD in lieu of the required 20' buffer.
31. The Board of Commissioners granted a variance to 5-103 & 6-103 Allowing up to 80% impervious surfaces for the entire PUD.

32. The Board of Commissioners granted a variance to 6-103.7 Allowing standing seam metal roofs on the structure on lot 3.

Engineering:

1. Replace and upgrade the sidewalk along NMJR (N. Mt Juliet Road) to 6' wide.
2. All sewer main (minus laterals) shall be public and within a 20' easement.
3. If wet ponds are constructed, provide aeration.
4. All sidewalks, trails, curb ramps, and crosswalks shall meet ADA compliance.
5. Provide a cross-access easement to the northern property line from the site access point. Cross-access easement shall be recorded prior to construction plan approval.
6. The current plan proposes a single access point onto NMJR. If additional access points are proposed, access management modifications to NMJR will be required.
7. Previous plans for this development required a traffic signal at the project access along NMJR. This is not shown in this set of plans. Traffic signal shall meet design guidelines of TDOT and the City. Access to NMJR is subject to approval by TDOT.
8. The traffic signal design shall include connection to the City's designed ITS system on NMJR. Coordinate with the City during traffic signal design for the fiber connection.
9. The intersection design of the single access point on NMJR shall include a northbound right turn deceleration lane. Intersection design shall reflect the findings and recommendations of the traffic impact study (TIS) for this location. TIS recommendations shall include the necessary laneage at this location (i.e. double left and right turn lanes for exiting traffic onto NMJR) by the FMDP. The sight distance analysis shall be included with the TIS.
10. ADA compliant ramps are required for all buildings.
11. Crosswalks should be at 90 degrees to minimize the crossing distance, not angled across the parking lot.
12. Extend pedestrian infrastructure to connect to the adjacent property to the north.
13. Review commercial building orientation along NMJR to face NMJR with vehicular access in the rear of the buildings.
14. Outparcel land uses are not yet fully defined. TIS shall represent the most conservative/highest possible tenant.
15. Provide turning movement analysis for City of Mt. Juliet Fire Apparatus and a WB-50 vehicle. Access appears to be challenging to navigate to the grocery store loading dock.
16. Internal pedestrian circulation to be evaluated at FMDP.
17. Staff supports request to disturb slopes exceeding 20% in a cut condition only. No fill shall be allowed within these slope conditions.
18. A traffic signal design plan will be required with the construction plans.
19. Provide taper length calculations for the right-turn deceleration lane on NMJR.
20. Specify on Sheet C2.00 if the main access driveway is a two-lane or three-lane section.
21. Shift the parking on the westerly edge of lot 3 to make the crosswalk perpendicular and the parking spaces aligned on both sides of the aisle.
22. The traffic signal will be constructed by the end of the commercial phase.
23. A \$7,500.00 voluntary contribution per residential unit with a credit being given for the traffic signal and striping with the remaining going toward Public Works projects in the area. The price of the traffic signal will be set at FMDP submittal. The per-lot contribution shall be paid to Public Works/Engineering at the time the erosion control permit is issued .

West Wilson Utility District:

1. Having discussions with the Engineer on how to best serve this development.
2. WWUD will serve.

Wilson County Schools:

1. No Comments Received

SECTION 3. – PUBLIC HEARING – The zoning changes were the subject of a public hearing held on July 8, 2024 at 6:15 p.m.

BE IT FURTHER ORDAINED

In case of conflict between this ordinance or any part hereof, and the whole part of any existing ordinance of the City, the conflicting ordinance is repealed to the extent of the conflict but no further. If any section, clause, or provision or portion of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, or provision or portion of this ordinance.

This ordinance shall take effect on the earliest date allowed by law.

PASSED: 7/8/24

James Maness, Mayor

FIRST READING: 6/10/24

SECOND READING: 7/8/24

ATTEST:

Sheila S. Lockett, MMC
City Recorder

Kenny Martin, City Manager

APPROVED AS TO FORM:

L. Gino Marchetti, Jr.
City Attorney