

ORDINANCE NO. _____

AN ORDINANCE TO REZONE APPROXIMATELY 37.84 ACRES OF PROPERTY ON LEBANON ROAD, MAP 054, PARCEL 005.00 FROM RS-40, CRC, CG TO RM-8 PUD AND TO ADOPT THE PRELIMINARY MASTER DEVELOPMENT PLAN FOR THE BLUFFS AT CEDAR CREEK.

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 July 20, 2023, and forwarded a positive recommendation for approval to the Board of Commissioners by a vote of (5-1-0) and;

WHEREAS, a public hearing before the City Commission of the City of Mt. Juliet was held on _____ 2023 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 on Lebanon Road, Map 054, Parcel 005.00, approximately 37.84 acres, from RS-40, CRC, CG to RM-8 PUD and adopt the Preliminary Master Development Plan for The Bluffs at Cedar Creek.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MT. JULIET, TENNESSEE, WHILE IN REGULAR SESSION ON _____, 2023 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 on Lebanon Road, Map 054, Parcels 005.00, approximately 37.84 acres from RS-40, CRC, CG to RM-8 PUD.

LEGAL DESCRIPTION – See Exhibit A (attached)

SECTION 2. – The Preliminary Master Development Plan for The Bluffs at Cedar Creek (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. Driveways shall be a minimum of 22 feet in length.
2. Signage to be reviewed via separate application to the Planning Department.
3. All exterior lighting fixtures shall be decorative.
4. Preserve as many trees as possible, especially around perimeter and stream buffers. Provide a tree preservation plan with 1st reading submittal.
5. Existing trees can be utilized for perimeter buffer, should they meet the code as such. Supplemental plantings will likely be required.
6. Provide Covenants and Restrictions for review.
7. The RM-8 portion will be capped at 5% as rentals with no more than one person or entity shall own more than one unit. The 10 commercial units shall be 100% allowable rentals. Include this verbiage in the Covenants as well. Also, indicate on the plans these units are for sale only.
8. 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.
9. Provide heavy landscaping around all detention ponds.
10. Parking for commercial shall be determined when users are identified.

11. Commercial buildings shall be pad-graded by the 1st CO, going vertical by the 100th CO, and completed by the 180th CO in the RM-8 portion.
12. Amenity Center shall be completed by the issuance of the 100th CO.
13. Commercial Design Standards shall be met for the CRC portion of the PUD.
14. Work with staff to find a suitable location for the mail kiosk away from the amenity center.
15. Provide Decorative Street Lighting at both ingress/ egress on Lebanon Rd.
16. Work with staff to provide parallel parking.
17. Label roads public or private.
18. The Planning Commission gave a positive recommendation to the requested waiver/ variance for 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 and added the condition that 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 interior of the buffer.
19. The Board of Commissioners included a 20-foot do not disturb buffer with a 6-foot low maintenance opaque fence on the interior edge along the western property line. Preserve as many trees/vegetation as possible in these areas. A tree preservation plan shall be required.
20. The Planning Commission gave a positive recommendation to the requested waiver/ variance for Request to allow up to .30 acres of disturbance of slopes exceeding 20% while minimizing disturbance where possible and not within a building envelope. No fill shall be allowed in these areas.
21. The Planning Commission gave a positive recommendation to the requested waiver/ variance for 5-103.6 of the zoning ordinance. Request to allow building separation of 20' since all units will be sprinkled.
22. The Planning Commission gave a positive recommendation to the requested waiver/ variance for 4-114, Design Standards- Request to allow 50% of the homes to reduce the required brick from 100% to 50% brick and/or stone. Subject to 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. Provide decorative carriage style two car garages including windows.
 7. Secondary material shall be cementitious siding.
 8. Provide more diverse elevations for the amenity center.
23. The Planning Commission gave a positive recommendation to the requested waiver/ variance to omit the landscaping buffer between commercial and residential but still provide landscaping just not in the form of a traditional buffer, buffer shall be required on westerly portion.
24. Correct unit count by 1st reading at BOC.
25. The Planning Commission gave a positive recommendation for the Conditional Use Permit that is necessary for the residential use illustrated on sheet C4.00
26. Blasting Restrictions, all blasting shall be reduced from 2 inches per second to 1 inch per second. Reducing the charge by 50% from the state maximum. Certified letters shall be sent out to all property owners within 500 ft of the development's property line informing those residences they are entitled to pre and post blasting inspections. The blasting monitor shall hold a contract with the general contractor and not the blasting company.
27. Developer is to add a water spicket, agility course, shade structure, and clean up area at the dog park.
28. All wet ponds shall contain fountains.

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.
2. No parking on all streets unless in designated parking spaces to be enforced by the HOA. Provide signage.

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.
7. Provide a raised crosswalk along the 10, paved walkway where it connects to the commercial.
8. Provide an easement at roundabout to westerly property.
9. All sewer on the site shall be public including any pump stations with 20 ft easements on either side.
10. Road F will be a permanent access road and Road A will be built to 3 lanes. Road F will not be a public road and will not be maintained by the City.
11. An additional letter of credit in the amount of \$750k will be required, and cannot be released until the following conditions/triggers have been met:
 - a. If the traffic light has been installed or is deemed that it is not warranted by Public works and TDOT following a year after completion of the project; and
 - b. The commercial portion is substantially built out to include the shell portion of the building.
12. The developer has volunteered to contribute \$800 per residential unit to the City of the City's capital transportation projects budget. This shall be paid at issuance of the erosion control permit for each unit or group of unit.

WWUD:

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

SECTION 3. – PUBLIC HEARING – The zoning changes were the subject of a public hearing held on _____ 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:

James Maness, Mayor

FIRST READING:

SECOND READING:

ATTEST:

Sheila S. Lockett, MMC
City Recorder

Kenny Martin, City Manager

APPROVED AS TO FORM:

L. Gino Marchetti, Jr.
City Attorney

Notes: 4/20/23 Planning Commission Deferred
7/20/23 Planning Commission Recommended Approval
8/14/23 Board of Commissioners Deferred
8/28/23 Board of Commissioners Deferred
9/11/23 Board of Commissioners Failed 1st Reading
10/23/23 Board of Commissioners – Commissioner Justice sponsored to come back for 1st Reading