

## **ORDINANCE NO. 2024-04**

### **AN ORDINANCE TO REZONE APPROXIMATELY 81.61 ACRES OF PROPERTY ON BECKWITH ROAD, MAP 078, P/O PARCEL 12, 17.01 AND 17.02 FROM CI, CI-PUD AND CRC-PUD TO COMMERCIAL MIXED USE, PLANNED UNIT DEVELOPMENT (CMU-PUD) AND TO AMEND THE PRELIMINARY MASTER DEVELOPMENT PLAN FOR GOLDEN BEAR PLACE**

**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 December 15, 2022, and forwarded a positive recommendation for approval to the Board of Commissioners by a vote of (4-2-0) and;

**WHEREAS**, a public hearing before the City Commission of the City of Mt. Juliet was held on January 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 on Beckwith Road, Map 078, p/o Parcels 12, 17.01 and 17.02, approximately 81.61 acres, from CI, CI-PUD and CRC-PUD to Commercial Mixed Use Planned Unit Development (CMU-PUD) and amend the Preliminary Master Development Plan for Golden Bear Place.

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

**SECTION 1.** – REZONING. Ordinance No. 2012-44 (Zoning Map), adopted July 23, 2012, is hereby amended, by rezoning certain parcels of real property on Beckwith Road known as Map 078, p/o Parcels 12, 17.01 and 17.02, approximately 81.62 acres, described in Exhibit A (attached) from CI, CI-PUD and CRC-PUD to Commercial Mixed Use Planned Unit Development (CMU-PUD).

**LEGAL DESCRIPTION** – See Exhibit A

**SECTION 2.** – PRELIMINARY MASTER DEVELOPMENT PLAN. The Preliminary Master Development Plan for Golden Bear Place (Exhibit B) is hereby amended, 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. Conditional Uses listed on Sheet C1.01 shall not be granted as permitted uses, with the exception of Assisted Living in Area F.
2. Provide a minimum of 25% Commercial for Area D and F.
3. Staff reserves the right to request additional queuing for proposed fast food restaurants. Vehicle queuing shall not spill over to the roadways.
4. Add a note that all open space shall remain undeveloped.
5. Identify the commercial component of Area D and Area F (CMU zoning). 25% commercial shall be provided. Green Space shall not be included in the required commercial percentages.
6. Staff reserves the right to ask for additional amenity enhancements during FMDP review.
7. Greenways shall be placed in a public access easement.
8. All structures shall comply with maximum height restrictions unless a waiver is granted, total max height for Area C shall not exceed 50'.
9. Signage to be reviewed via a separate application to the Planning Department, sign variances requested are subject to BOC approval.
10. Provide black split rail fencing with enhanced landscaping along the street to provide a nice streetscape throughout, provide typical.
11. 4-114 and 5-104.1 Multifamily guidelines shall be adhered to, excepting any waivers approved by the Board of Commissioners.
12. 6-104.1 Mixed-use regulations shall be adhered to, excepting any waivers approved by the Board of Commissioners.
13. The following variances were granted by the Board of Commissioners:
  1. Request to deviate from the sign ordinance to allow the building signage as shown on the attached building elevations. (increased number of signs and size of signs)
    - A. Storage Facility: North Wall (150 sf), South Wall (150 sf), East Wall (150 sf)
    - B. Bowling Alley: North Wall (500 sf), South Wall (100 sf), East Wall (500 sf [One large and One Small])
    - C. Variance to increase maximum size from 300 sf to 500 sf, and number of permitted signs on one wall.
  2. To allow offsite monument signage at locations shown on C2.01.
  3. To allow project monument signage as shown on C4.01. Three (3) signs to be 25 ft tall, Three (3) signs to be 15 ft tall.
  4. To allow sign face area as shown on C4.01
  5. Request to deviate from maximum building height allowed within the CRC, CI, and CMU districts from 35' to 70' or 6 stories. All areas of the PUD are within 1/2 mile of the Beckwith Road Interchange. Height exemption shall be for Office, Hotel and Multi-family uses.

6. Request to omit a portion of the required perimeter fence for Area D, on the east side of the site along the creek buffer, and Area E on the west side along the creek buffer.
7. Request to deviate from the material standards for Area D , E and F to allow up to 30% secondary materials on each facade. Should a site wish to exceed 30% secondary material (if approved) they shall revisit BOC for PUD Amendment.
8. Request to allow roof top mounted HVAC units within the multi-family portions of the development. All roof top mounted equipment will be screened with parapet walls or approved alternate.
14. Area E shall be 55+ age restricted. Area F shall also be limited to age restricted, if not developed commercially as an assisted living facility.
15. If a bowling alley is not constructed in Area C as proposed, that shall constitute a Major Amendment to the PMDP, and shall be brought back to the Board of Commission.
16. The Board of Commissioners and the developer agree that the developer commits to contribute \$7,500 per residential unit within the development. This includes a \$2,500 per-unit credit for the improvements to Golden Bear Gateway, and Old Beckwith Road that are constructed by the developer. The remaining \$5,000 per-unit contribution shall be dedicated toward public improvements and/or associated roadway projects in the project vicinity and/or E. Division Street.”

Public Works:

1. Transportation:
  - a. Construct an auxiliary right turn lane from the I-40 westbound exit ramp to the primary access point including any signal pole relocations required.
  - b. Construct a southbound right turn lane onto the ramp to I-40 westbound. Lane shall be at least 300' plus bay taper.
  - c. Reconfigure the existing intersection of Golden Bear Gateway and Beckwith Road into a right-in, right out only configuration. Extend the median south to the I-40 westbound exit ramp intersection.
  - d. At the primary access point to Golden Bear Gateway, reconfigure the median to provide a left turn deceleration lane in and a left turn acceleration lane out from the side street. Provide a curbed separation between the left turn lanes in the median and the through lanes on Golden Bear Gateway to facilitate safe diverging and merging movements.
  - e. Provide landscaping with drip irrigation in median island of Golden Bear Gateway in the area of the project.
  - f. Individual lot connections to Golden Bear Gateway are prohibited.
  - g. Provide a connector roadway to the property to the west for future connectivity.
  - h. Configure the intersection of the new project roadway and Old Beckwith Road into a roundabout intersection.
  - i. Access to the commercial lots between Golden Bear Gateway and Old Beckwith Road shall be right-in, right-out only. Provide a median to restrict left turns.

- j. The traffic signal at the main project access to Golden Bear Gateway will be permitted as warranted. Once the property to the west is developed and Beckwith Road is realigned to intersect Golden Bear opposite of Legacy Point Blvd, the signalized main project access may be revised by the City or others.
  - k. A 10' wide multi-use path is required along the Golden Bear Gateway property frontage.
  - l. Provide a 10' wide greenway connection to both sets of apartments.
  - m. All public roadways to meet the minor collector standard at a minimum.
  - n. In lieu of bike lanes on the collector roadways, provide 10' wide multi-use paths on both sides of the roads.
  - o. Roadway connectivity between the proposed site and the Lowery tract to the west shall be subject to further review and planning for interconnectivity between the sites at the FMDP's and site plans.
  - p. Provide a southbound right turn deceleration lane on Old Beckwith Road at the main project access roadway that is separate from the southbound through lane.
2. Provide a connector road between Area C and Area E for egress and safety reasons.
  3. Applicant states that they have completed a flood study of this site. The City requires the flood study to be submitted to FEMA for approval based upon section 4.2, "*a flood study shall be required for areas outside the unnumbered A Zones, when the stream has a tributary area of one square mile or greater*"; According to StreamStats, the tributary (Sullivan Branch) has a watershed of 2.17 square miles.
  4. Request updated sewer availability if not already requested.
  5. Construct boardwalk between Area C and Area E.

**WWUD:**

1. The water lines shown are not WWUD's design.

**SECTION 3. – PUBLIC HEARING** – The zoning changes were the subject of a public hearing held on January 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: 1/08/24

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James Maness, Mayor

FIRST READING: 11/27/23  
 SECOND READING: 01/08/24

ATTEST:

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Sheila S. Lockett, MMC  
City Recorder

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Kenny Martin, City Manager

APPROVED AS TO FORM:

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L. Gino Marchetti, Jr.  
City Attorney