

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO REZONE APPROXIMATELY 22.64 ACRES OF PROPERTY AT 12440 & 12582 LEBANON ROAD, MAP 053, PARCELS 101.01 AND 102.00 FROM CG AND CRC TO CMU PUD AND TO ADOPT THE PRELIMINARY MASTER DEVELOPMENT PLAN FOR ELLIOTT RESERVE**

**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 June 20, 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 September 9, 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 12440 & 12582 Lebanon Road, Map 053, Parcels 101.01 and 102.00, approximately 22.64 acres, from CG and CRC to CMU PUD and adopt the Preliminary Master Development Plan for the Elliott Reserve.

**NOW, THEREFORE, BE IT ORDAINED** BY THE BOARD OF COMMISSIONERS OF THE CITY OF MT. JULIET, TENNESSEE, WHILE IN REGULAR SESSION ON September 9, 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 12440 & 12582 Lebanon Road, Map 053, Parcels 101.01 and 102.00, approximately 22.64 acres, from CG and CRC to CMU PUD.

**LEGAL DESCRIPTION** – See Exhibit A (attached)

**SECTION 2.** – The Preliminary Master Development Plan for Elliott Reserve (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. Provide a phasing plan.
2. Revisit development timeline and revise for clarity and accuracy, the timeline seems unreasonable and lacks any information regarding phasing and number of units per phase etc.
3. The Board of Commissioners supports the waiver to allow an ornamental boundary fence in lieu of an opaque fence (5-104.1).

4. The Board of Commissioners supports the waiver request to disturb up to 3.6 acres of slopes exceeding 20% (12-102.2).
5. The Board of Commissioners supports the waiver for building separation of 20' in lieu of 30' due to the buildings being sprinkled (5-103.6).
6. The Board of Commissioners supports the waiver request to omit the masonry column between the garage doors (5-104.4).
7. The Board of Commissioners supports the waiver to allow for the deviation from the Commercial Design Standards, to allow for 65% masonry and 35% secondary materials in lieu of 100% masonry (6-103.7).
8. The Board of Commissioners supports the waiver for the omission of the landscape buffer requirement between the residential and commercial areas of the PUD (10-111.4).
9. The Board of Commissioners supports the waiver to allow for the deviation from the Residential Design Standards, to allow for 50% masonry and 50% secondary materials in lieu of 100% masonry (5-104.4).
10. Metal and vinyl are prohibited secondary materials.
11. Identify the percentage of the PUD devoted to commercial uses in the site data table.
12. Identify the percentage of improved open space.
13. Wheel stops are not permitted.
14. Provide landscaping and a decorative, low maintenance fence with lockable gate around all detention/retention ponds. Provide a Tree Protection plan. It shall include protection measures for all the existing buffer and tree-line vegetation in the Nichols Vale subdivision.
15. Notate the percentage of improved open space for the residential area.
16. Identify retaining wall locations and provide a detail of the proposed walls. Walls shall be faced with masonry or segmental block.
17. Preserve as many existing trees as possible. Delineate tree protection areas on subsequent submittals. The tree protection areas shall include all existing vegetation along the perimeter of the development area, adjacent to the Nichols Vale subdivision.
18. All requirements of the City's Subdivision Regulations and Zoning Ordinance shall be met, excepting any waivers approved by the Board of Commissioners.
19. Provide a copy of covenants and restrictions for legal to review. Include 10% rental cap in this document.
20. Add a note that no more than two units may be owned by a single entity. Include this in the restrictions and covenants.
21. Garages shall include 20' width free and clear and 440 sq ft in area.
22. The amenities shall be complete before issuance of the final townhome certificate of occupancy.
23. For the townhomes provide two car wide driveways a minimum of 22' long from the back of the sidewalk.
24. Driveways shall be at least 18' wide.
25. 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.
26. Provide sidewalk connection from the ROW to the commercial area at the Western end of Lot 7.

27. Provide a pedestrian connection from the townhome access road to the commercial areas between lots 4 and 5.
28. Explanations on the response letters do not correspond with the correct development note numbers at C1.00.
29. Provide a dog park amenity on the typical.
30. Relocate the dog park to a more centralized location and away from any property line shared with Nichols Vale.
31. Provide loading zones per code for the commercial uses.

Public Works:

1. All sewer mains shall be public (minus laterals) and within a 20' easement (minimum).
2. No onsite grinder systems or step systems will be allowed for this development.
3. Landscaping plans shall be approved before construction plans are approved.
4. All sidewalks, trails, curb ramps, and crosswalks shall meet ADA compliance.
5. If wet ponds are used, aeration shall be provided.
6. Sidewalks are required on both sides of the access street to the multifamily from Lebanon Road.
7. All curb cuts on Lebanon Road require TDOT approval.
8. The access street shall align with the existing industrial driveway on Lebanon Road.
9. Connect the office building to the retail/restaurant with sidewalk and crosswalks.
- 10.
11. The development shall install a minimum of two (2) traffic calming devices on Sunset Drive. The final traffic calming plan shall be coordinated with Engineering/Public Works prior to FMDP.
12. The development shall dedicate an access easement to the adjoining property to the east. The access easement shall be recorded prior to construction plan approval.
13. Monument signs may not be located within the sight triangles for the driveways.
14. Existing slopes equal to or greater than 20% shall not be within a proposed building envelope.
15. All detention/retention ponds shall be brought up to a 100-year flood event standard.

Waivers – approved:

1. 5-104.1: Request to use an ornamental boundary fence in lieu of an opaque fence. STAFF SUPPORTS NOT APPLICABLE TO FOR SALE DEVELOPMENT
2. Request to allow up to 3.6 acres of disturbance of slopes exceeding 20%. STAFF SUPPORTS
3. Request to omit the landscape buffer between the residential and commercial areas of the PUD. STAFF SUPPORTS
4. 5-104.4: Request to omit the masonry column between garage downs as shown on the renderings. STAFF SUPPORTS
5. 5-104.4: Request to deviate from the residential material standards as follows:
  - a. 50% masonry 50% secondary material all homes STAFF SUPPORTS
6. 6-103.7: Request to deviate from the material standards for commercial buildings as follows:
  - a. 65% masonry and 35% secondary materials. STAFF SUPPORTS

**Waiver to be approved by Fire Department:**

1. Request to allow 2' of building separation in lieu of 30' due to the buildings being sprinkled. STAFF SUPPORTS IF THE FIRE MARSHALL SUPPORTS

Wilson County Schools:

1. No comments provided.

West Wilson Utility District:

2. Water lines shown are not WWUD's design.
3. Some existing water lines that shown are labeled with the wrong size.

**SECTION 3. – PUBLIC HEARING –** The zoning changes were the subject of a public hearing held on September 9, 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:

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James Maness, Mayor

FIRST READING: 8/12/24

SECOND READING:

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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Samantha Burnett  
City Attorney

