

ORDINANCE NO. 2023-14

AN ORDINANCE TO REZONE APPROXIMATELY 112 ACRES OF PROPERTY AT 5238, 5266, 5404 AND 0 OLD LEBANON DIRT ROAD, MAP 077, PARCELS 23, 22, 22.01, 22.03 FROM CTC-PUD, AR-40 AND WILSON COUNTY R-1 TO CTC-PUD AND TO ADOPT THE PRELIMINARY MASTER DEVELOPMENT PLAN FOR MCFARLAND FARMS

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 January 19, 2023, and forwarded a negative recommendation for approval to the Board of Commissioners by a vote of (3-5-0) and;

WHEREAS, a public hearing before the City Commission of the City of Mt. Juliet was held on March 27, 2023 and notice thereof published in the Chronicle of Mt. Juliet on March 8, 2023; and

WHEREAS, the City of Mt. Juliet Board of Commissioners desires to rezone the subject property at 5238, 5266, 5404 and 0 Old Lebanon Dirt Road, Map 077, Parcels 23, 22, 22.01, 22.03, approximately 112 acres, from CTC-PUD, AR-40 and Wilson County R-1 to CTC-PUD and adopt the Preliminary Master Development Plan for McFarland Farms.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MT. JULIET, TENNESSEE, WHILE IN REGULAR SESSION ON March 27, 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 at 5238, 5266, 5404 and 0 Old Lebanon Dirt Road, Map 077, Parcels 23, 22, 22.01, 22.03, approximately 112 acres from CTC-PUD, AR-40 and Wilson County R-1 to CTC-PUD.

LEGAL DESCRIPTION – See Exhibit A (attached)

SECTION 2. – The Preliminary Master Development Plan for McFarland Farms (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 at minimum 5% commercial ratio of the mixed-use buildings.
2. Provide the square footage of all mixed-use and commercial buildings.

3. The Board of Commissioners shall determine the acceptance of the proposed elevations, which include 70% brick and/or stone and 30% Cementous siding. No Vinyl shall be permitted.
4. 5-104.1 and 4-114 Multifamily Regulations shall be adhered to, excepting any waivers approved by the Planning Commission and/or Board of Commissioners.
5. All requirements of 5-103A and 6-103A shall be met, excepting any waivers approved by the Planning Commission or Board of Commissioners.
6. HVAC and utility equipment shall be screened entirely from horizontal view; utility meters shall be screened with brick/stone screen walls.
7. All building mounted exterior lighting fixtures shall be decorative.
8. Mail retrieval areas shall not count towards improved open space.
9. Decorative low maintenance fencing is required should it be used.
10. Brick shall be clay, baked and individually laid.
11. Stone shall be individually laid.
12. Provide two car wide driveways for the townhomes, minimum length 22'.
13. Provide decorative street lighting throughout, also provide street light typical at Final Master Development Plan submittal.
14. Mail kiosks shall be covered and well lit.
15. All floodplain policies shall be adhered too.
16. Loop roads along the northern side of the creek and along the road (traversing north/south) with the townhome frontage shall have side entry garages.
17. The eastern most amenity center (townhomes and single family) shall be completed by the issuance of the 150th Certificate of Occupancy.
18. Provide farm style fencing along the OLDRD property line to enhance street scape, for the townhome sections gates shall be added at the sidewalks for each unit. Provide farm style fencing in the enhanced landscaping areas along Cedar Lane. Fencing shall be of a low maintenance composite material. Provide typical with FMDP.
19. For the townhomes, utility meters shall be screened with a brick wall from public view.
20. The single family and townhome portion of this development shall be required to sprinkle throughout (to meet fire code) or install 5/8 Type X dry wall on the internal side of all exterior walls including attic space.
21. Proposed Hardie Plank/ Board and Batten must be fiber cement board, no vinyl permitted.
22. All entrances/ exits for the site must be well lit.
23. Lot coverage for the single family shall not exceed 45%.
24. Blasting Restrictions: blast reduced to 1 inch per second, certified letters to go out to residents within a 500 ft radius of the site boundary lines offering pre and post blasting inspections. The blasting monitoring company shall be directly contracted with the general contractor and not the blasting company.
25. For the single family/townhome portion of this development, there shall be a 10% cap on rental units. No one owner/entity shall own more than two (2) units within the development. Include this verbiage within the Covenants and Restrictions.

Public Works:

1. Request sewer availability.
2. For the Old Lebanon Dirt Road (OLDR) typical section:
 - a. On the south side of the median, provide 14 feet of asphalt, which will allow 16 feet from face of curb to face of curb.
 - b. Provide mountable curbs on each side of the median.
 - c. Provide 5-foot-wide traversable area such as grass pave on each edge of the median.
 - d. Provide a minimum 3-foot-wide grass strip between the curb and multi-use path to allow a furnishing zone for signs. Final grass strip width to be determined with FMDP.
 - e. Provide westbound left turn lanes at the site access points to OLDR
 - f. All improvements to Old Lebanon Dirt Road from Mt. Juliet Road to the easternmost intersection with Road C to be completed prior to the first Certificate of Occupancy of the development. The improvements to the east shall be completed by 50% buildout of the townhome and single-family section.
3. Cedar Drive as proposed is a one-way, northbound section. Final determination to be made by the Board of Commissioners and final typical section to be set at FMDP.
 - a. Shall be a right-in only access with curb delineation to prohibit wrong-way movements.
 - b. Include street light and flashing push-button pedestrian for pedestrian crossing on Cedar Drive between Valley Center and the Stoner Creek Greenway
 - c. Improvements to Cedar Drive shall be completed prior to any Certificate of Occupancies in the Commercial/Apartment section, or by 50% buildout of the townhome and single-family section, whichever comes first.
4. Alley typical section may be inverted and does not require 2.5-foot curb and gutter section. A mountable ribbon or rollover type curb is typical. Final typical section to be set at FMDP.
5. Provide a separate westbound left turn lane on Old Lebanon Dirt Road at N. Mt. Juliet Road.
 - a. Widen and provide minor reconstruction between site and added turn lane to provide at least 11-foot wide travel lanes with traversable shoulders.
 - b. For the offsite improvements, the developer will make all due diligence to acquire the necessary easements or right-of-way. If unsuccessful after 120 days of due diligence, the City of Mt. Juliet agrees to proceed with the public acquisition process in order to facilitate the attainment of said easements or right-of-way including, if necessary, the imminent domain process as the improvement in question is necessary to the health, safety, and welfare of the general public. The easements or right-of-way will be based on an appraisal and a review appraisal by state licensed appraisers and such appraisal will be shared with the City of Mt. Juliet. All expenses including easements, acquisition services, appraisals, etc. will be at the expense of the developer.
6. Consider providing parallel parking in the townhome area and near the amenity center.
7. Provide aeration for any wet stormwater ponds (if applicable). All ponds shall meet detain for a 100-year storm plus one foot of freeboard.
8. Developer agrees to cut an additional 4,000 cubic feet of volume from the floodplain as a result of the floodplain modification.

9. All roads within the single family and townhome section are to be public except Road A (alley). Total public road centerline length is approximately 11,900 feet.
- a. Variance to allow front-load garages on Access Streets only granted for Road B and Road F.

10. Off-Site Transportation Contribution:

- a. Developer agrees to a contribution of \$5,000 per residential unit.
- b. Developer receives a credit of \$3,450 toward the contribution as a result of the offsite work plus enhanced improvements to Old Lebanon Dirt Road in the area of the project based on preliminary engineering estimates.
- c. The remaining \$1,550 per residential unit to be allocated to improvements on E. Division Street. Estimated contribution to E. Division Street based on the proposed unit count is \$1,044,700 (674 units).

West Wilson Utility District:

1. Water lines shown are not WWUD's Design.

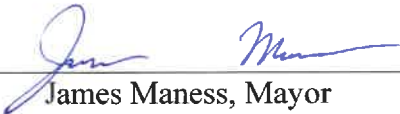
SECTION 3. – PUBLIC HEARING – The zoning changes were the subject of a public hearing held on March 27, 2023 at 6:15 p.m.

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: 3/27/23

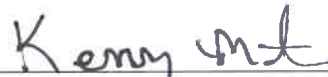

James Maness, Mayor

FIRST READING:

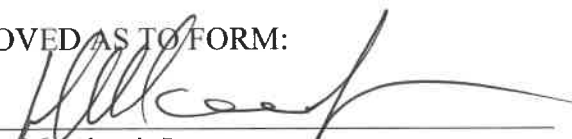
SECOND READING:

ATTEST:


Sheila S. Luckett, MMC
City Recorder


Kenny Martin, City Manager

APPROVED AS TO FORM:


L. Gino Marchetti, Jr.
City Attorney