

**ORDINANCE NO 2020-11**

**AN ORDINANCE TO REZONE AND ADOPT THE PRELIMINARY MASTER DEVELOPMENT PLAN FOR THE DISTRICT BEING LOCATED AT 108 STONEY CREEK ROAD, MAP 072P, PARCEL 028.00, 028.01, 028.02, 028.03 AND 028.04, IN THE CITY OF MT. JULIET, WILSON COUNTY, TN.**

**WHEREAS**, the Regional Planning Commission considered this request during their meeting of January 16, 2020 and forwarded a positive recommendation for approval to the Board of Commissioners by a vote of 8-0-0 and;

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

**WHEREAS**, the City of Mt. Juliet Board of Commissioners desires to rezone the subject property from RM-8 and CTC-PUD to CTC-PUD and approve the Preliminary Master Development Plan PUD for Map 072P, Parcel 028.00, 028.01, 028.02, 028.03 and 028.04.

**NOW, THEREFORE, BE IT ORDAINED** BY THE BOARD OF COMMISSIONERS OF THE CITY OF MT. JULIET, TENNESSEE, WHILE IN REGULAR SESSION ON MARCH 9, 2020 as follows:

**SECTION 1.** – REZONING. Ordinance No. 2012-44 (Zoning Map), adopted July 23, 2012, be and is hereby amended, and altered by rezoning those certain parcels of real property in the The District property located at 108 Stoney Creek Road, described below and on Exhibit C dated January 9, 2020, (attached) RM-8 and CTC-PUD to CTC-PUD with the following conditions:

Planning & Zoning Department:

1. All Planning/Zoning comments are to be addressed before 1<sup>st</sup> Board of Commissioners meeting.
2. Staff does not recommend the layout for Units 62-74, 6-11 3, 30, 14, 14, 50, 51. Staff requests that a 22' driveway be provided for these units or on street parking in close proximity to the unit.
3. Clarify setbacks. The site data table and typical lot details do not match.
4. Correct the land use information in the table on C2-00.
5. The Planning Commission grants approval of the requested variances: 1.) to eliminate the required landscape buffer fence in the floodplain and; 2.) to permit a veterinary service on a lot which adjoins residential uses.
6. Provide elevations of all four sides of the proposed structures, including the clubhouse, mail kiosk, and commercial building.
7. All structures shall comply with the City's design guidelines.
8. All dumpster enclosures shall comply with the City's dumpster ordinance.
9. Should the units in the development not be individually owned, they shall comply with the City's multi-family development standards. No person or company shall own more than

- two units, and no more than 10% of the total units shall be rentals, including short term/Air BNB type rentals.
10. The development shall comply with the requirements of the City's mixed-use ordinance, section 6-104.1.
  11. Utility meters shall be screened with bricked wall from public view (see Bridgemill development for reference).
  12. No wooden fencing shall be permitted. Alternative material shall be submitted with the FMDP.
  13. Commercial building shall be completed and operational before the 8<sup>th</sup> Certificate of Occupancy is issued for the townhomes.
  14. Mail kiosk shall be placed under a covered structure and be well lit.
  15. Residential driveways shall be a minimum of 22' in length between the garage door and the sidewalk.
  16. A tree preservation plan shall be provided, including a minimum of 20' no disturbance buffer around the entire perimeter of the site. In those areas, supplemental plantings can be installed to meet the intent of the Transitional Protective Yard requirements, including the required fence.
  17. Provide a phasing plan.
  18. Provide landscaped screening around stormwater features. This will be further discussed with FMDP.
  19. Commercial design standards shall be adhered to.
  20. Label trailhead parking onsite with decorative signage.
  21. Work with Mt. Juliet Church of Christ to provide sidewalk section connecting Mt. Juliet Church of Christ greenway to N Mt. Juliet Road to improve connectivity in area. This will be a route heavily used by pedestrians to get to train station and future commercial sites.

PW Comments:

1. Stoney Creek Road shall be constructed to the City's Access Street standard with a 50 foot ROW.
2. Stoney Creek Road between Old Mt. Juliet Road and the roundabout shall be a public street. All other proposed streets shall be private.
3. Anywhere there is proposed perpendicular parking (18 foot parking stalls) the drive aisle shall be a minimum of 25 feet wide.
4. All 2 way traffic aisles to be a minimum of 22' wide.
5. When parking is adjacent to the sidewalk, sidewalk to be 7' wide minimum.
6. The developer has agreed to the following off-site improvements:
  - a. 5 foot wide sidewalk along the west side of Old Mt. Juliet Road from this site to Old Lebanon Dirt Road.
  - b. Widen Old Mt. Juliet road to provide 12 foot travel lanes, 2.5 foot curb & gutter along the west side, and a 2 foot shoulder along the east side from this site to Old Lebanon Dirt Road (26 feet of asphalt pavement width).
  - c. Widen Old Mt. Juliet Road to provide separate southbound left and right turn lanes at Old Lebanon Dirt Road. Provide a minimum of 100 foot turn lane storage with appropriate tapers.
  - d. A 10 foot wide greenway shall be constructed along Stoners Creek between Old Mt. Juliet Road and the existing greenway at Hickory Station Townhomes. This

improvement is subject to property owner approval and the ability to acquire a public access easement on the subject properties.

7. Provide a 20' wide public access easement for the greenway.
8. Provide an updated sewer availability letter.
9. Fences in the floodplain should be designed so that they do not inhibit the flow of water.

WWUD Comments:

1. There are no proposed water lines shown.
2. WWUD will serve.
3. Offsite improvements may require additional offsite water line work.

**SECTION 2. – EXHIBIT A.** The Preliminary Master Development Plan for The District Property rezone consisting of one (1) sheet and dated January 9, 2020, except as modified herein and explicitly on the approved Preliminary Master Development Plan The PMDP shall comply with the Zoning Ordinance, be in substantial conformance with Exhibit A, attached hereto, all other applicable rules, regulations and ordinances of the City of Mt. Juliet and is further conditioned upon the following:


**SECTION 3. – PUBLIC HEARING –** The zoning changes were the subject of a public hearing held on March 9, 2020 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.

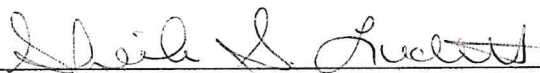
PASSED: 3/9/2020

  
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Ed Hagerty, Mayor

FIRST READING: 2/10/2020


SECOND READING: 3/9/2020

ATTEST:

  
\_\_\_\_\_  
Sheila S. Lockett, MMC  
City Recorder

  
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Kenny Martin, City Manager

APPROVED AS TO FORM:

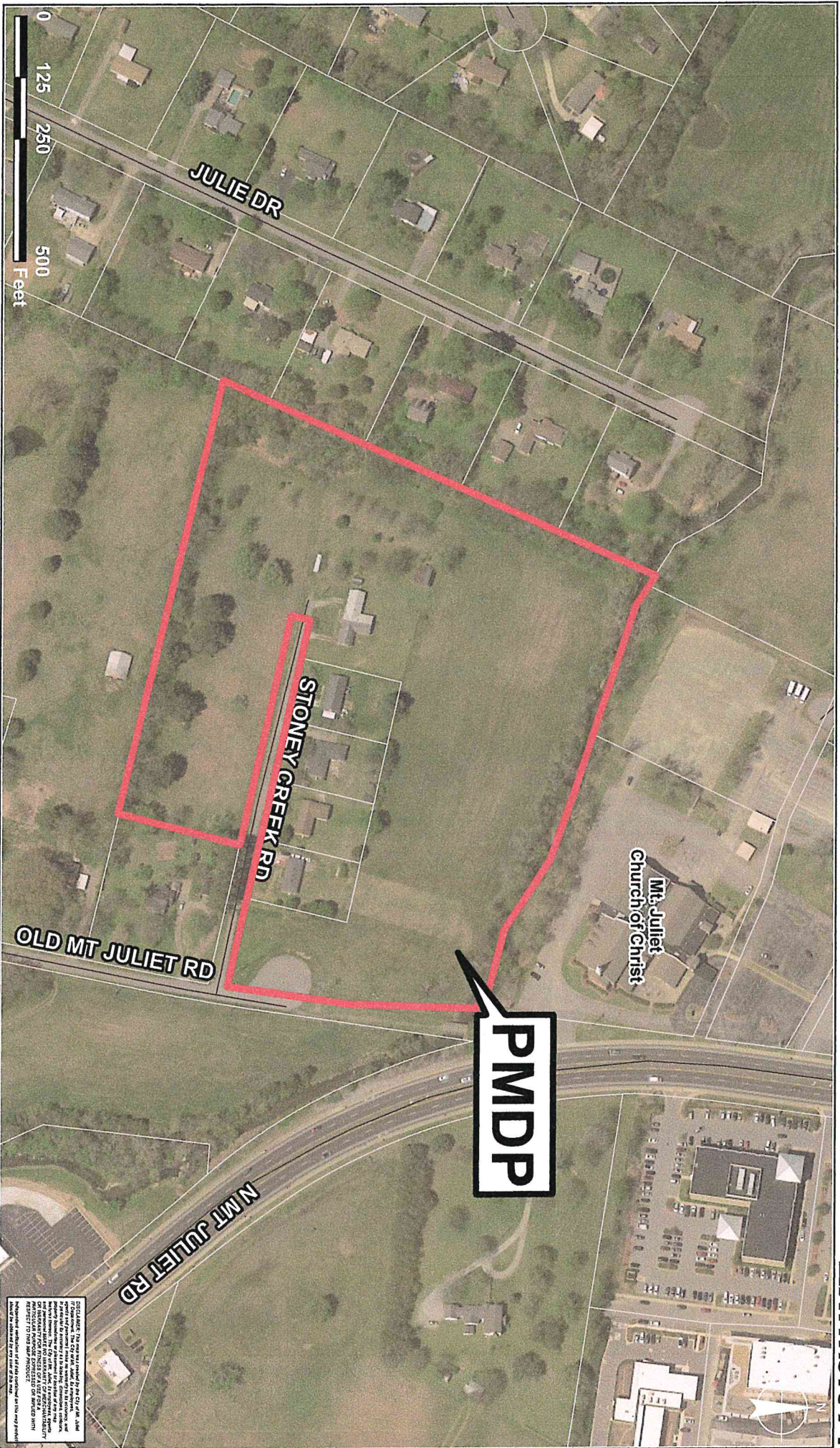


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L. Gino Marchetti, Jr.  
City Attorney

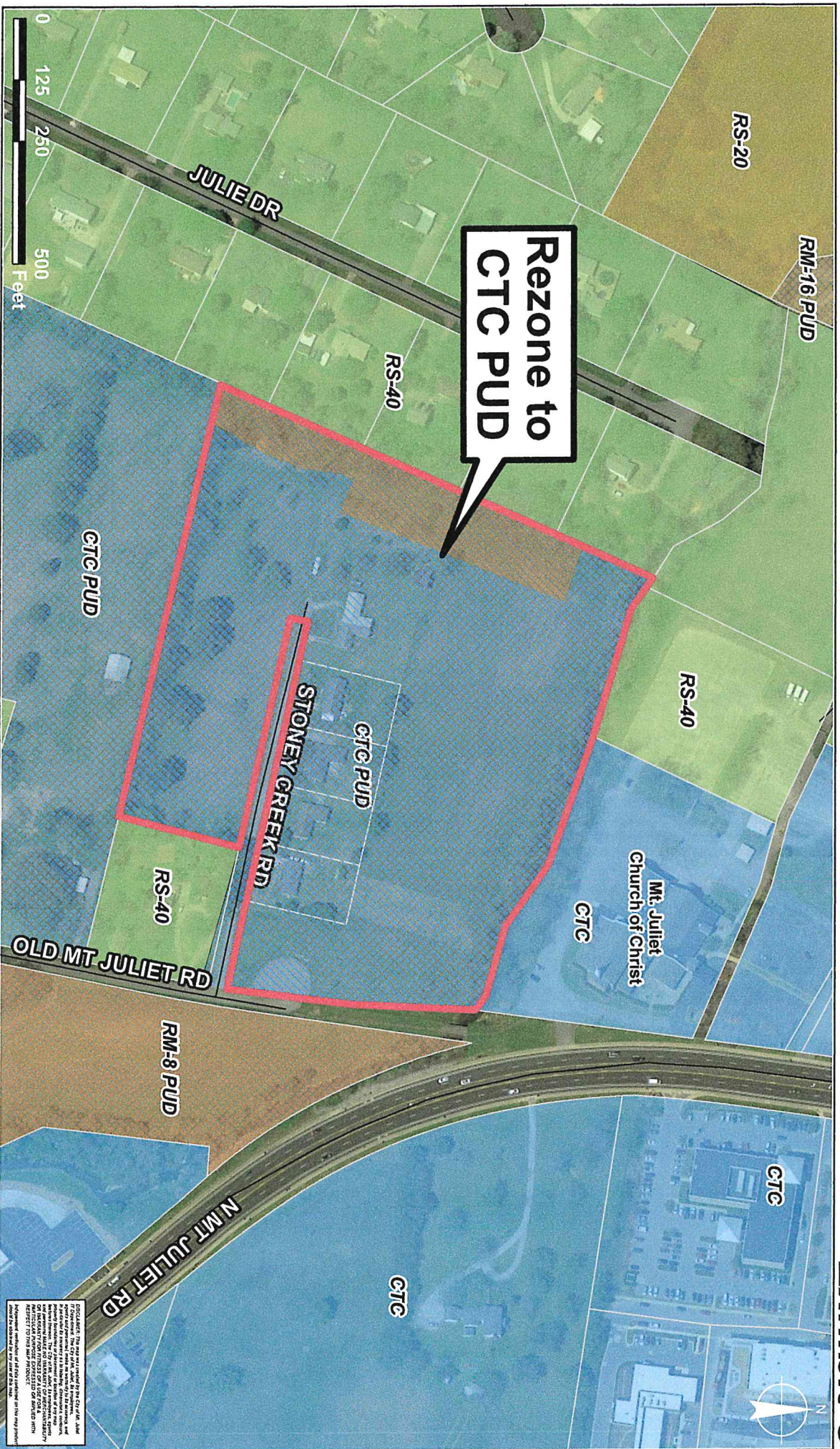


# The District- PMDP Exhibit A





# The District- Rezone Exhibit C



## MEMORANDUM



**Date:** January 16, 2020

**To:** Luke Winchester, Chairman  
and Planning Commission

**From:** Jennifer Hamblen, Planning Director  
Jon Baughman, Deputy Planner

**Re:** The District (Formerly Stoney Creek Town Center)  
PMDP  
Map – 72P  
Parcel- 28.00

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**Request:** Submitted by Kimley Horn, on behalf of Tullit Investments, the applicant is seeking preliminary master development plan, rezoning and land use map amendment approval for property located at 108 Stoney Creek Road. The development will consist of 78 individually owned townhomes and a 7,000 sq. ft. Indoor Dog Daycare Facility on approximately 12.66 acres.

**Analysis:** The site is presently mostly undeveloped except for four existing homes along Stoney Creek Road. The site is located west of Mt. Juliet Road, along Stoney Creek Road. The current zoning is CTC PUD for the majority of the site with RM-8 PUD along the western property line. This application is for an entirely new PUD for this property.

The proposal consists of 78 units and a density of 6.16 dwelling units per acre. The northern portion of the site is encumbered by the 100-year floodplain. The setbacks listed in the site data table on sheet C2-00. The applicant is requesting 5' setbacks along Stoney Creek to provide a "Town Center" to the development and promote walkability.

**Crawford Senior Living PMDP:** A previous PUD, including townhomes and a senior living facility was approved in 2014 but never developed (Ord. No. 2014-74). This proposal does not have the exact same footprint as the Crawford Senior Living PMDP. Several acres of RM-8 and CTC zoned property, south of this proposal, will remain unaffected by this PUD (Sheet C2-40).

**Land Use Amendment:** The existing land use classification is commercial town center for the majority of the site and high density residential for the western-most portion of the site (matching the zoning for the Crawford Senior Living PUD). The applicant is seeking a land use amendment which will result in the entire site becoming Town Center. Any portion of this site that is currently identified on the Land Use Plan as Parks and Greenway shall remain that way.

Zoning: Current zoning, the site is zoned both RM-8 PUD and CTC PUD, in accordance with the original Crawford PUD. The applicant has requested the entire site (12.66 acres) be rezoned to CTC-PUD.

Multifamily Design Guidelines: Section 5-104.1 of the City's zoning ordinance does not apply to individually owned units. However, the applicant has proposed an amenity center with pool and other open space improvements as required in this section. Should the units in this development not be individually owned, they shall adhere to ALL the guidelines set forth in this section.

Mixed Use Development Standards: For a Mixed Use Site, at least 10% of the total entire site shall be commercial. After hearing concerns from staff regarding the previous proposal for this development, the applicant has responded by providing a 7,000 sq ft building on 1.37 acres to be utilized as a Dog Daycare facility. The facility also includes two fenced areas for large and small dog play areas, and private runs. Twenty four (24) parking spaces have been provided, which meets code. Proposed Density for this development is 6.16 dwelling units per acre.

Parking: The site is significantly overparked (180 spaces required; 359 spaces provided). Stall dimensions are not provided. The townhomes will include front parked, rear loaded and detached garage varieties. The plan indicates ample visitor parking throughout the site as well as spaces dedicated for trailhead users. Staff does have concerns about parking for the units with detached garages and addresses this concern below.

Amenities: Proposed amenities include a bocce ball court, putting green, multi-use path, an offsite 12' wide greenway in a 15' wide easement, a 1,250sq. ft. pool, a 2,050 sq. ft. clubhouse and passive park and open space. A tot lot or playground shall be required.

Off-Site Improvements: Off-site improvements include a 5' wide sidewalk along the western side of Old Mt. Juliet Road to Old Lebanon Dirt Road, 12 foot travel lanes with 2.5 foot curb & gutter along the west side and a 2 foot shoulder along the east side of Old Mt. Juliet Road to Old Lebanon Dirt Road, left and right turn lanes on Old Mt. Juliet Road at Old Lebanon Dirt Road and a greenway to Hickory Station along Stoner Creek.

Variances Requested: The plan lists three variances:

1. That the required transitional protective yard be installed without a fence in the floodplain. Staff is in favor of approving this variance.
2. Variance to Article 3-104-7-2-e;  
*Animal care and veterinary services.* In all districts where authorized as a use permitted with supplemental provisions (SUP), uses classified in the animal care activity type shall be subject to the following supplementary regulations:
  - a. All animal care uses shall occur in completely walled and roofed structures, except that completely fenced exercise yards may be provided as specified in subpart b of this section, below.
  - b. Exercise yards shall be completely fenced and screened from all abutting lots and streets. Exercise yards shall not be used for overnight accommodations. The use of exercise yards shall be restricted to the hours of 8:00 a.m. to 8:00 p.m.



- c. Animal care boarding facilities shall be restricted to domesticated animals that have an adult weight not exceeding 200 pounds.
- d. The design of animal care facilities shall provide for the off-street pickup and drop off of animals.
- e. Animal care, veterinary office and services shall be strictly prohibited should the lot on which the facility is situated adjoin any residentially zoned property unless the residential property is unoccupied.

Staff supports this request as the commercial portion of this development shall be completed at 10% buildout. The intent of this supplemental provision is to protect existing residents from noise and other nuisance caused by this type of use, should a vet or animal care user want to locate on an abutting property. Considering the Dog Day Care will be in operation before 90% of the residential units are given a CO, the future residents will be fully aware of the nature of the business and of course the user of the building. At staff's request, the applicant has also agreed to heavily landscape the outdoor play yards (as shown on Sheet C2-30) to help minimize noise from those locations.

**Site Design:** Access to this site will be via Old Mt. Juliet Road off of Old Lebanon Dirt Road. A portion of Stoney Creek and Old Mt. Juliet Road are proposed to be public roads and the remaining roads, private. The central private roadway is stubbed to the south for future connectivity potential. Sidewalk connectivity throughout the site is good.

One dumpster is proposed to service the dog day care; residents will have curbside pickup. The proposed dumpster enclosure shall meet the requirements of the City's ordinance, including brick to match the buildings, pedestrian doors and metal gates.

The plans include notes which states all lighting and signage shall be black, powder coated, and decorative in nature.

1. **Building Design:** The residential proposed buildings will be three stories and constructed of brick. The conceptual elevation for the Dog Daycare indicate 100% brick and/or stone as well. The plans include a note stating all elevations shall be 100% brick or stone. Maximum building height is 35'. Staff requests that all utility equipment be screened completely from view, regardless of where it is located. Utility meters shall be screened with bricked wall from public view. (see Bridgemill development for reference)

The typical lot details are provided. The types of buildings proposed include:

1. rear loaded with a two car, detached garage;
2. rear loaded with a two car parking pad;

Staff does not recommend the layout for Units 62-74, 6-11 3, 30, 14, 14, 50, 51. Staff requests that a 22' driveway be provided for these units.

**Recommendation:** Staff supports the Land Use Amendment from High Density Residential to Town Center. The proposed plan meets the Mixed Use requirements and the applicant has addressed expressed at the December Planning Commission meeting. Should the applicant agree to all of staff recommends approval of the rezone request from RM-8 to CTC PUD (westerly property line) and PMDP with the following conditions:

**Planning & Zoning Department:**

1. All Planning/Zoning comments are to be addressed before 1<sup>st</sup> Board of Commissioners meeting.
2. Staff does not recommend the layout for Units 62-74, 6-11 3, 30, 14, 14, 50, 51. Staff requests that a 22' driveway be provided for these units or on street parking in close proximity to the unit.
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