



MEMORANDUM
ORIGINAL REPORT

Date: April 20, 2023

To: Luke Winchester, Chairman
and Planning Commission

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

Re: The Bluffs at Cedar Creek
Land Use Amendment, PMDP PUD
Map - 54
Parcel(s) – 5.00

Request: Submitted by CSDG, on behalf of their client Forester Real Estate Group, the applicant requests a Land Use Plan Amendment, Rezone and Preliminary Master Development Plan approval for a 170 townhome/villa development on Lebanon Road.

History: The subject property is 34.31 acres on the north side of Lebanon Road, just west of Meb Court. A summary of the request is provided below:

REQUEST SUMMARY	Land Use Map	Requested Classification	Current Zoning	Requested Zoning
CSDG	*Thoroughfare Commercial And *Low Density Residential	Multi-Family	*Commercial General *Commercial Retail Center *RS-40	RM-8 PUD

Future Land Use Plan: The City's Future Land Use Map identifies the property as Thoroughfare Commercial and Low Density Residential. Adjacent future land use classifications include Low Density Residential and Thoroughfare Commercial. The Land Use Plan does not support a request for Multi-Family classification for this property.

Zoning: The current zoning CG, CRC and RS-40, surrounding includes RS-40, CG, and CRC. The applicant is seeking an RM-16 PUD for the entire site.

Findings: In reviewing the requested zoning actions, staff finds that the request DOES NOT agree with all the following findings, as contained in the zoning ordinance. The proposed annexation and rezone:

1. IS NOT agreement with the general plan for the area, and
2. does not contravene the legal purposes for which zoning exists, and

3. *will have no adverse effect upon joining property owners, unless such effect can be justified by the overwhelming public good or welfare, and*
4. *is not materially beneficial to a property owner or small group of property owners and will not be detrimental to the general public, and*
5. *is possible because conditions affecting the area have changed to a sufficient extent to warrant an amendment to the zoning map, and*
6. *allows uses by right, for which the base infrastructure is in place or will be required, to support their operation.*

Preliminary Master Development Plan:

Bulk Standards: The total acreage of the proposed development is 34.31 acres, exceeding the minimum required for multifamily developments (20ac). The total number of townhome units is 170 for a density of 4.95 units/acre. The percentage of the site which is open space is 10.11%

4-114 & 5-104.1 Development Standards for Multi-Family: Conversations with the applicant indicate the units will not be for rent however the note has not been added to the plans as of date. Total open space is 27.13 acres. Improved open space includes 3.44 acres (10.11%) including pool, pool house, dog park “linear park”, and tot lots area, 21,967sf of walking trails with benches, Unimproved open space cannot contribute towards improved open space. The amenity center, pool and tot lot are centrally located, while the dog park is in the northernmost part of the project. The plans indicate that the amenity center will be open by the issuance of the 50th CO.

Vehicular Access: The property has minimal frontage along Lebanon Road. Access is proposed to Lebanon Road on via two entrances. One of these is located within an “easement” on property that is not included in this PUD boundary. Staff opines that this is merely a token ingress/egress shown to simply meet the 99 unit maximum for projects with one entrance and exit. Street lighting is proposed at each access point. Staff request street lighting be provided throughout the development. Maintenance shall be the responsibility of the HOA.

Streets/Sidewalks: A five-foot-wide sidewalk is proposed along the main road into the project. The internal sidewalk network is complete and supplemented by 10’ wide pedestrian trails along the bluff on the eastern property line.

Parking: Parking data indicates the site is overparked by 344 spaces for the development. The parking comes in a variety of forms, perpendicular street parking, driveway, garage (2 car garage for end unit), and parking lot. Should you not include garage parking, the site is short by 6 spaces. Roughly 40 units in the development do not have driveways, but rather are to utilize their garages only for parking. The applicant has stated that they will add a note to their covenants and restrictions prohibiting the garage from being utilized for storage. While visitor spaces are provided, staff does not support this design. Driveways shall be at least 22’ long. Front facing garage doors shall be separated by a 2’ bricked column and be carriage style, as noted in the design guidelines.

Multi-family Building and Design Standards: The plans include a waiver request for the elevations for up to 50% of the homes to be finished with 10-50% brick and/or stone. The applicant has provided parking for the mail kiosk. A note has been added about utility screening. Unless

waivers/variances are granted, the site shall comply with the City Multi-family regulations found in 4-114 (Sub Regs) and 5-101.1 (Zoning).

Staff has requested lighting at the entrances of the project, a note has been added to the plans with the intent to comply. Parking area lighting shall be decorative. All poles and posts shall be powdercoated black, channel posts are not permitted. Wheel stops are not permitted. If dumpsters are used, the enclosures shall meet zoning requirements.

Landscaping: Extensive landscape buffers are required on the site. Landscape plans will be reviewed in subsequent submittals. A waiver is requested for omission of the fence requirement for the landscape buffer on the east side of the site and along the bluff and creek buffer, where it conflicts with the stream. A note shall be added indicating any proposed retaining walls will comply with requirements. Wet ponds will have fountains and lit for added enhancement. A tree preservation plan shall be required before 1st Reading at BOC. The site is currently heavily wooded, staff requests a tree preservation plan.

Waivers/Variances: The following waivers/variances are requested:

1. 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. **Staff supports, 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 exterior of the buffer. Preserve as many trees/vegetation as possible in these areas. A tree preservation plan shall be required.**
2. Request to allow up to .30 acres of disturbance of slopes exceeding 20%. **STAFF SUPPORTS. Minimize disturbance where possible and not within a building envelope. No fill shall be allowed in these areas.**
3. 5-103.6 of the zoning ordinance. Request to allow building separation of 20' since all units will be sprinkled. **Fire Marshall SUPPORTS, the buildings will be sprinkled.**
4. 4-114, Design Standards- Request to allow 85 or 50% of the homes to reduce the required brick from 100% to 10-50% brick and/or stone. **STAFF SUPPORTS with the following conditions:**
 1. No two house plans and elevations shall be sited and built next to one another,
 2. No two house plans and elevations shall be sited 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.

Summary: City's Future Land Use Plan does not support the land use amendment. Waivers and variances are listed above and subject to Planning Commission and Board of Commission approval.

Recommendation: Should the Planning Commission make a positive recommendation to the Board of Commissioners for the Land Use Amendment and Preliminary Master Development Plan for The Bluffs at Cedar Creek; staff requests the following conditions be included:

Planning and Zoning:

1. The proposed secondary ingress/egress is not part of this PUD. Developments with more than 100 units shall have a dual points of access (4-103.205).
2. Driveways shall be a minimum of 22 feet in length.
3. Staff does not support the units without driveways. Provide two car wide driveways for each unit, 22' long.
4. Garage doors shall be separated by a 24" bricked column and shall be carriage style (or decorative in nature).
5. Signage to be reviewed via separate application to the Planning Department.
6. HVAC and utility equipment shall be screened entirely from horizontal view, utility meters shall be screened with brick/stone screen walls.
7. All exterior lighting fixtures shall be decorative.
8. Brick shall be clay, baked and individually laid.
9. Stone shall be individually laid.
10. Wet ponds shall have lighted fountains.
11. Preserve as many trees as possible, especially around permitter and stream buffers. Provide a tree preservation plan with 1st reading submittal.
12. Existing trees can be utilized for perimeter buffer, should they meet the code as such. Supplemental plantings will likely be required.
13. Provide Covenants and Restrictions for review.
14. Add a note that no more than 10% of the units will be used for rentals, short or long term. Include this verbiage in the Covenants as well. Also, indicate on the plans these units are for sale only.
15. Provide decorative street lighting throughout, maintenance and fees shall be the responsibility of the HOA.
16. Fencing around dog park shall be ornamental.
17. 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.
18. Provide heavy landscaping around all detention ponds.
19. Provide fencing along the bluff/bank for resident protection.
20. Provide elevations for the proposed villas.
21. Retaining walls shall be constructed/faced of brick or versalock.

Fire Marshal:

No homes will be constructed (go vertical) until hydrants are in place and operational, and roads are in place with at a minimum of all-weather surface.

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 proposes 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.

WWUD:

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