



## MEMORANDUM

**Date:** June 20, 2024

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

**From:** Jon Baughman, City Planner  
Jill Johnson, Planner I

**Re:** Elliott Reserve  
PMDP PUD, Land Use Amendment  
Map - 053  
Parcel(s) – 101.01, 102.00

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**Request:** Submitted by CSDG, on behalf of their client, the applicant requests Land Use Plan Amendment, Rezone and Preliminary Master Development Plan approval for a mixed use development at 12440 and 12582 Lebanon Road in District 1.

**Overview:** The property is 22.33 acres on the south side of Lebanon Road, in front of the Nichols Vale subdivision. The property is in the City limits. The current zoning is CRC and CG. The applicant is seeking a CMU base zoning district with a PUD overlay to develop a mixed use site with 64 townhome units and 51,000sf of restaurant and retail space. The City's Land Use Plan identifies the area as thoroughfare commercial; a Land Use Amendment is required for the CMU zoning. Residential density proposed is 5.6 units per acre. The subject property is in the City limits. A summary of the request is provided below:

REQUEST SUMMARY	Land Use Map	Requested Classification	Current Zoning	Requested Zoning
CSDG/Elliott Reserve	Thoroughfare Commercial	Mixed Use	CRC/CG	CMU-PUD

**Future Land Use Plan:** The City's Future Land Use Map identifies the property as thoroughfare commercial. Surrounding land uses include thoroughfare commercial and high density residential. The Land Use Plan does not support mixed use at this location.

**Zoning:** The zoning is CRC and CG, surrounding includes RM-8 PUD and RS-10 PUD. The applicant is seeking CMU base zoning with a PUD overlay. The CMU base zoning is subject to a land use plan amendment.

**Findings:** In reviewing the requested zoning actions, staff finds that the request DOES NOT agree with all of 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 development area consists of 22.33 acres. The commercial component of this PUD is on 10.92 acres and the townhomes on 11.41 acres. The commercial percentage of the PUD exceeds the minimum 25% required by code, though the percentage is not specified. The proposal intends to address all the bulk standards required in the City's zoning ordinance, excepting a waiver for building separation of 20' in lieu of 30' due to the buildings being sprinkled. Other bulk standards are to be met. Staff requests that the commercial buildings be moved to the front setback line and the parking placed in the rear. Maximum building height will not exceed 35' (35' max. permitted in CMU) for both the commercial structures and residential structures. Residential density is 5.6 units per acre, 64 townhomes are proposed.

**Pedestrian/Vehicle Connections:** Access to development is via two points on Lebanon Road. A pedestrian connection from Lebanon Road to the commercial area is provided. The access drive from Lebanon Pike to the townhomes includes sidewalk on one side, code requires sidewalk on both sides of the drive. The internal sidewalk network is otherwise complete except that staff requests a pedestrian connection from the townhomes to the commercial area somewhere around lots four or five. Bicycle parking is proposed and will be reviewed for code compliance

**Parking:** Residential parking is required at two spaces per unit and this is provided for on the plans. The required residential parking is 128 and 293 spaces are provided. This is accomplished via 2 garage spaces, two driveway spaces and guest parking distributed around the area. Two car garages are provided for the townhomes, with one door, a waiver is requested and detailed below. Notes indicate driveways shall be 22' long and at least 18' wide. Renderings include wheel stops shown, wheel stops will not be permitted. Provide loading zones per code for the commercial uses.

Commercial parking was calculated for 15,050sf of restaurant space (1/150sf) and 35,950sf of retail space (1/250sf). The total spaces provided for the commercial portion of the PUD is 246 spaces exceeding the minimum for those uses by two spaces (244 required). Further details of the parking and uses will be reviewed at site plan submittal.

**5-104.4 Residential Design Regulations & 6-103.7 Commercial Design Guidelines:** General sample renderings are provided and illustrate a brick townhomes and mostly brick façade commercial buildings. Notes indicate the garages will be sized according to minimum regulation requirements. Further details will be required at site plan submittal. The applicant is seeking design guideline waivers, detailed below.

**Landscaping:** The site will require landscape buffers and the location of these is notated on the plans. A full landscape plan will be required at fmdp and site plan submittal where full compliance with code requirements, excepting any waivers granted, shall be required. Notes indicate the buffers will be the responsibility of the HOA and located in open space. Heavy landscaping is required around water detention/retention ponds. A waiver is requested to omit the required buffer between the commercial and residential portions of this PUD. Given the grade staff supports this request.

**Open Space/Amenities:** Amenities provided include a playground area, dog walk area, picnic pavilion, gazebo and pickleball courts. Improved open space totals 1.16 acres, 10% of the development area shall be improved open space, notate this on subsequent plans.

**Other:** Further details will be required at site plan and fmdp submittal, but notes provided indicate that bike racks and trash cans will be provided per code requirements. The mail kiosk will be covered and lit, streetlighting is proposed. Bench details, fencing details, bike rack and trash can details indicate compliance with code requirements. The site includes substantial elevation changes, identify retaining wall locations and provide a detail of the wall, walls shall be faced with masonry or constructed of segmental block.

**Waivers:** The following waivers are requested:

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 allow 20' of building separation in lieu of 30' due to the buildings being sprinkled. STAFF SUPPORTS IF THE FIRE MARSHALL SUPPORTS
4. Request to omit the landscape buffer between the residential and commercial areas of the PUD. STAFF SUPPORTS
5. 5-104.4: Request to omit the masonry column between garage downs as shown on the renderings. STAFF SUPPORTS
6. 5-104.4: Request to deviate from the residential material standards as follows:
  - a. 50% masonry 50% secondary material all homes STAFF SUPPORTS
7. 6-103.7: Request to deviate from the material standards for commercial buildings as follows:
  - a. 65% masonry and 35% secondary materials. STAFF SUPPORTS

**Summary:** This proposal will add 64 townhomes and 51,000sf of retail and restaurant uses to Lebanon Road, in front of Nichols Vale. The overall residential density is 5.6 units an acre. The waivers described above are subject to Planning Commission and Board of Commissioners approval.

**Recommendation:** Staff recommends forwarding the land use amendment, preliminary master development plan and rezone request for Elliot Reserve mixed use PUD to the Board of Commissioners with a recommendation for approval, subject to the conditions below:

## 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. Place the parking behind the commercial structures along Lebanon Road and move the structures to the front setback.
4. Provide a sidewalk on both sides of the access drive to the townhomes.
5. Excepting any waivers granted, all requirements of 5-104.4 shall be adhered to.
6. Excepting any waivers granted, all requirements of 6-103.7 shall be adhered to.
7. Provide a pedestrian connection between commercial lots 4 and 5 from the drive aisle to the townhomes.
8. Identify the percentage of the PUD devoted to commercial uses in the site data table.
9. Wet ponds shall include fountains.
10. Identify the percentage of improved open space.
11. Wheel stops are not permitted.
12. Provide landscaping and a decorative, low maintenance fence with lockable gate around all detention/retention ponds.
13. Notate the percentage of improved open space for the residential area.
14. Identify retaining wall locations and provide a detail of the proposed walls. Walls shall be faced with masonry or segmental block.
15. Preserve as many existing trees as possible. Delineate tree protection areas on subsequent submittals.
16. All requirements of the City's Subdivision Regulations and Zoning Ordinance shall be met, excepting any waivers approved by the Planning Commission.
17. Provide a copy of covenants and restrictions for legal to review. Include 10% rental cap in this document.
18. Add a note that no more than two units may be owned by a single entity. Include this in the restrictions and covenants.
19. Townhome buildings shall provide a minimum of 30' separation of buildings, unless a waiver is granted.
20. Garages shall include 20' width free and clear and 440 sq ft in area.
21. The amenities shall be complete before issuance of the final townhome certificate of occupancy.
22. For the townhomes provide two car wide driveways a minimum of 22' long from the back of the sidewalk. Provide, individual garage doors separated by a brick column where two car garages are provided.
23. Driveways shall be at least 18' wide.
24. 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.
25. Provide sidewalk connection from the ROW to the commercial area at the Western end of Lot 7.

26. Provide a pedestrian connection from the townhome access road to the commercial areas between lots 4 and 5.
27. Explanations on the response letters do not correspond with the correct development note numbers at C1.00.
28. Provide dog park amenity on the typical.
29. 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. The TIS shall be finalized by the June 2024 Planning Commission meeting, or the item will be subject to deferral.
11. The development shall install traffic calming devices on Sunset Drive. The 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.

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.