



MEMORANDUM

Date: May 16, 2024

To: Luke Winchester, Chairman
and Planning Commission

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

Re: 2190 N. Mt. Juliet Rd.
Preliminary Master Development Plan PUD
Map – 072I, Group C
Parcel(s) – 011.00

Request: Submitted by L.I. Smith & Associates on behalf of the developer Ashkar Properties, the applicant seeks rezone and preliminary master development plan approval for a convenience store w/ fuel pumps at 2190 North Mt. Juliet Road in District 1.

Overview: The subject property consists of approximately 0.48 acres on the west side of NMJR, north of Division Street. The property is within the City limits and currently includes a convenience store and fuel pumps. The proposal includes removal of the existing structure and reconstruction of a new larger convenience store and three fuel pumps. A land use amendment is not required. A summary is below:

REQUEST SUMMARY	Land Use Map	Requested Classification	Current Zoning	Requested Zoning
Ashkar Properties	Town Center	N/A	CTC	CNS-PUD

Future Land Use Plan: The City's Future Land Use Map identifies the property as Town Center. Adjacent land use classifications include town center. A land use plan amendment is not required.

Zoning: The zoning is CTC. The applicant is requesting CNS with a PUD overlay.

Findings: In reviewing the requested zoning actions, staff finds that the request agrees with all of the following findings, as contained in the zoning ordinance. The proposed annexation and rezone:

1. *is 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:

Overview: The proposal includes a new 3,604sf convenience store building and three gas pumps serving up to six vehicles and an associated canopy. This replaces a building of approximately 1,500sf and two fuel pumps serving up to four vehicles. The existing use includes a kerosene pump which is not included in the new plans. The rezone is requested to allow fuel pumps, as they are not permitted in CTC zoning. Two fuel pumps are permitted, by right, in CNS zoning and the applicant is seeking a waiver for an additional pump beyond what is permitted by right in CNS zoning.

6-103 Bulk Standards: The building setbacks are correctly rendered (30', 10', 20'), the fuel canopy encroaches into the front setback. Other bulk information is not provided at this time, full compliance shall be required at site plan submittal including building coverage and impervious surface areas.

Pedestrian/Vehicle Connections: Vehicular connections are proposed to remain as they are currently, with two full movement points to NMJR separated by a landscape island. Plans indicate the existing sidewalk along NMJR will be widened to 6'. A pedestrian connection from the r-o-w to the main building entrance is required.

9-103 Parking: Parking is short of code requirements with 15 spaces provided and 24 required. A waiver is requested for this deficiency. Six spaces at the pumps cannot count toward total required parking. One ADA accessible space is provided. Parking spaces are appropriately sized at 9.5'x17.5. Access to the four parking spaces on the north side of the building requires users to drive off the site and on to railroad r-o-w where the applicant intends to pave a drive aisle. This drive aisle also provides access to landlocked 108 Division street behind (west) of the convenience store. Staff will need to see evidence of the railroads acceptance of this proposal. A bicycle rack is provided and shall include space for up to five bikes. Sidewalk is widened to 7' along the front of the building where parking is adjacent. Bollards are proposed across the front of the building and notes indicate that they will be painted black or to match the site palette. Staff would prefer to see the sidewalk raised and the bollards removed. The sidewalk adjacent to parking on the north side of the building is 5' wide and does not include bollards. Staff requests this sidewalk be widened to accommodate vehicle overhang.

6-103.7 Commercial Design Regulations and 5-104.1 Multifamily Design Regulations: Building and canopy renderings have been submitted with this PMDP and indicate that structures should have no problem with commercial design standard compliance. The store is primarily brick and the canopy includes masonry columns and secondary materials in the gables on the north and south sides. A waiver is requested for the secondary material on the canopy. HVAC equipment is roof mounted and shall be screened entirely from horizontal view via the parapet walls. Wall mounted utility equipment shall be painted to match the façade. Wall mounted lighting fixtures shall be decorative designs and parking lot lighting shall be decorative fixtures mounted to black poles.

The dumpster enclosure shall comply with regulations, a note is provided. The positioning of the dumpster on this site appears difficult for a truck to service. Full compliance with all commercial design guidelines, excepting any waivers granted during this PMDP process, will be required at site plan submittal and review.

Article 10 Landscaping: The proposal includes a heavily developed site, which staff has concerns about regarding the ability to address all landscaping requirements of the code. The site is not subject to buffers as surrounding zoning is CTC. A full landscape plan will be required at final master development plan and site plan submittal and reviewed for full code compliance then.

Variances/Waivers: The following waivers are requested:

1. Article 9 Parking: 15 parking spaces in lieu of the required 24. **STAFF DOES NOT SUPPORT**
2. 6-103 Bulk Standards: Front setback of 20' in lieu of 30' due to the gas pump canopy encroachment **STAFF DOES NOT SUPPORT**
3. Article 10 Landscaping: To reduce the street yards to the areas shown on the plans **STAFF DOES NOT SUPPORT.**
4. 6-103 Bulk Standards: Impervious surfaces increased from 70% max. to 80% max. **STAFF SUPPORTS**
5. 3-104.7 Supplemental Regulations: 3 fuel pumps in lieu of 2 maximum permitted in CNS zoning **STAFF DOES NOT SUPPORT**
6. 6-103.7 Commercial Design Standards: secondary material on north and south ends of the fuel canopy **STAFF SUPPORTS**

Summary: This rezone and PUD request is for the redevelopment of 2190 N. Mt. Juliet Road with a 3,604sf convenience store and 3 fuel pumps. The site is small and overdeveloped with a building over twice the size of the original and an additional fuel pump. Staff has concerns regarding the functionality of the site as proposed. The proposal utilizes off-site railroad r-o-w for access to parking, which must be approved by the railroad management and/or owner. The applicant is requesting several waivers be approved with this PMDP, detailed above, that are subject to Planning Commission and Board of Commissioners approval.

Recommendation: Should the Planning Commission forward this rezone and preliminary master development plan for a convenience store and fuel pumps at 2190 N. Mt. Juliet Road to the Board of Commissioners with a positive recommendation, include the to the conditions of approval below.

Planning and Zoning:

1. Label the zoning of adjacent parcels.
2. All commercial design regulations and supplemental regulations shall be adhered to excepting any waivers granted by the Board of Commissioners.
3. Secondary façade materials shall not include metal or vinyl.
4. Provide a pedestrian connection from the r-o-w to the main building entrance via pavement and striping.

5. Roof mounted HVAC equipment shall be screened entirely from horizontal view via the parapet wall.
6. Provide evidence of the railroads approval of the use and modification of their r-o-w.
7. Widen the sidewalk on the north side of the building to accommodate vehicle overhang.
8. Raise the sidewalk on the east side of the building and eliminate the excess bollards.
9. Identify the area of the existing building on subsequent submittals.
10. Wall mounted utility meters shall be screened with brick/stone screen walls or painted to match the building façade.
11. Relocate the dumpster enclosure to a more easily serviced location.
12. The dumpster enclosure shall meet all requirements found in 6-103.7.
13. All building mounted exterior lighting fixtures shall be decorative.
14. Site lighting shall be decorative, mounted to black poles.
15. Decorative low maintenance fencing is required should it be used.
16. Brick shall be clay, baked and individually laid.
17. Stone shall be individually laid.
18. ADA signage shall be placed in a bollard.
19. Poles, posts and bollards shall be painted black, channel posts are not permitted.
20. Provide a loading zone for deliveries.
21. Screen all gas release and associated equipment from the public ROW.
22. Provide a trash receptacle at the main building entrance per the requirements of the commercial design standards 6-103.7.
23. Signage shall be reviewed and approved via a separate application to the Planning Department.
24. No exterior signage is permitted for tobacco and/or alcohol.
25. No signage is permitted to be placed on the gas canopy or bollards.

Engineering:

1. Upgrade sidewalk along NMJR to 6' and meet ADA requirements.
2. No construction activities shall be done in the railroad right-of-way without written agreement from NERA and RJ Corman Railroad.
3. Water quality is required and is to be addressed at site plan/FMDP submittal.
4. Provide analysis to show that vehicles backing up from pumps will not interfere with vehicles entering from North Mt. Juliet Road.
5. Provide turning movement analysis for fuel delivery trucks and vehicles backing out of pumps to show they do not go into Mt. Juliet Road.
6. This property and the property to the west (108 W. Division St.) currently utilize the NERA ROW for access.
 - Provide proof of agreement to utilize the RR ROW for access to both properties and parking (if applicable).
 - Remove any required parking from NERA ROW regardless of agreement. Non-required parking can be permitted with signed agreement, but all parking and drive aisles to meet zoning requirements shall be within the boundaries of the property.
7. Sidewalks along the store frontage shall be raised from the asphalt.
8. No parking will be provided from the railroad ROW.
9. Coordination shall take place with the City on the City's southbound deceleration lane project on Mt. Juliet Road (to W. Division St) as this project progresses.

WWUD:

1. Need to discuss service connection and cross connection along separation sewer service and water service.

Wilson County School District:

1. No Comments Received.