ACTION: Request for a Use Permit to allow gas/fuel sales and a Development Plan Review consisting of a new gas station for FRY’S FUEL CENTER #607, located at 5120 South McClintock Drive. The applicant is Sustainability Engineering Group.

FISCAL IMPACT: There is no fiscal impact on City funds.

RECOMMENDATION: Staff – Approval, subject to conditions

BACKGROUND INFORMATION: FRY’S FUEL CENTER #607 (PL130400) consisting of a new Fry’s gas station located at the northeast portion of the site, replacing a portion of existing surface parking. The request includes the following:

- ZUP14017 Use Permit to allow gas/fuel sales
- DPR14034 Development Plan Review including site plan, building elevations, and landscape plan

<table>
<thead>
<tr>
<th>Property Owner</th>
<th>Fry’s Food and Drug</th>
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</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>Ali Fakih, Sustainability Engineering Group</td>
</tr>
<tr>
<td>Current Zoning District</td>
<td>PCC-1, Planned Commercial Center Neighborhood District</td>
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<tr>
<td>Gross/Net site area</td>
<td>7.29 acres</td>
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<tr>
<td>Total Building area</td>
<td>4,840 sf. canopy, 176 sf. kiosk</td>
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<tr>
<td>Lot Coverage</td>
<td>29% (50% maximum allowed)</td>
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<tr>
<td>Building Height</td>
<td>18’-6” (35 ft. maximum allowed)</td>
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<tr>
<td>Building Setbacks</td>
<td>+57’ front, 62’+ side (north) (0’ front, 30’ sides min. required)</td>
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<tr>
<td>Landscape area</td>
<td>6.12% (15% minimum required)</td>
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<tr>
<td>Vehicle Parking</td>
<td>288 spaces proposed (288 minimum required, 342 existing parking spaces)</td>
</tr>
</tbody>
</table>

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Ryan Levesque, Senior Planner (480) 858-2393

Department Director: Dave Nakagawara, Community Development Director
Legal review by: N/A
Prepared by: Ryan Levesque, Senior Planner
COMMENTS:
This site is located near the northwest corner of McClintock Drive and Baseline Road. The property consists of an existing Fry’s grocery store which had been recently remodeled.

This request includes the following:
1. Use Permit to allow gas/fuel sales.

The applicant is requesting the Development Review Commission take action on the items listed above.

PUBLIC INPUT
A neighborhood meeting is not required for the use permit or development plan review. At the completion of this report, staff has not received any input from the public.

PROJECT ANALYSIS

USE PERMIT
The proposed development requires approval of a use permit, to operate a gas fuel station within the PCC-1, Planned Commercial Center Neighborhood District. The Fry’s grocery store company is proposing a fuel center component to their business, replacing overflow parking spaces near the street front with a new 14-pump fuel station with an on-site attendant kiosk. The proposed fuel site will also incorporate new parking row along the northern side of the property, resulting in a total vehicle parking reduction of 54 spaces. The site will still meet the minimum required parking for the single tenant site. The new gas station will be located at the northeast portion of the parking lot. The location will maintain the existing parking along McClintock Drive. The gas fuel canopy is approximately 62 feet away from the north property line (30 feet minimum setback required). Located on the northern side of the property are townhome units, separated from the Fry’s site by a parking driveway and individual carports.

Section 6-308 E Approval criteria for Use Permit (in italics):

1. The manner of conduct and the building for the proposed use will not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general, and that the use will be in full conformity to any conditions, requirement or standards prescribed therefore by this code. The proposed use will be in full conformance with the regulations prescribed in the Zoning and Development Code. Staff has proposed additional conditions to the proposal that will enhance the non-conforming landscape frontage of the property and provide some additional buffering along the property edge with the addition of trees.

2. Any significant increase in vehicular or pedestrian traffic. The site may result in some increase in vehicular traffic but not enough to warrant any traffic impacts. The site will be able to utilize the existing ingress/egress points along McClintock Drive (2 driveways) to the north and south of the new gas stations, as well as along Baseline Road.

3. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions. This project does not appear to create any additional nuisances exceeding ambient conditions. Additional trees along the northern property boundary will assist limiting any visual light trespass.

4. Contribution to the deterioration of the neighborhood or to the downgrading of property values, the proposed use is not in conflict with the goals objectives or policies for rehabilitation, redevelopment or conservation as set forth in the city’s adopted plans or General Plan. The use does not appear to be in conflict with the General Plan or other city goals and policies.

5. Compatibility with existing surrounding structures and uses. The development is compatible with the existing commercial infrastructure and parking lot. Providing a gas station at the same location as a grocery store will aide in reducing the number of vehicle trips for residents.

6. Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public. There does not appear to be any nuisances created as a result of this use. The gas station will be located in an underutilized area of the parking lot, providing an increased surveillance for this...
DEVELOPMENT PLAN REVIEW

Site Plan
The proposed fuel site improvements are located at the east end of the parking rows. The new gas station will create a new break in the angled parking rows. The site plan complements the surrounding parking circulation and will maintain the existing pedestrian path connecting the public sidewalk to the grocery store front.

Building Elevations
The fuel canopy and kiosk design complements the recent remodel for the Fry’s grocery store, including a matching color palette. Staff has added an additional condition also match the slate tiles along the base with the columns of the canopy.

Landscape Plan
The site’s landscape plan takes into account the new parking end rows along the back side of the gas station. Staff is proposing additional landscape conditions that will provide an enhanced landscape buffer along the northern property edge and existing street front. Other portions of the parking rows will replace dead or missing trees and shrubs. Additionally, not shown on the landscape plan but proposed on the site plan, is an existing parking lot light pole, new tank vent riser and air pump station, in conflict with the required landscape islands provided on the west of the gas station.

Section 6-306 D Approval criteria for Development Plan Review (in italics):

1. Placement, form, and articulation of buildings and structures provide variety in the streetscape; The fuel canopy will maintain visibility to the commercial site while providing a building element in an area otherwise occupied by parking.

2. Building design and orientation, together with landscape, combine to mitigate heat gain/retention while providing shade for energy conservation and human comfort; This project will increase the amount of existing landscape on-site and provide additional shading underneath the building canopy, as well as an enhanced property buffer through conditions.

3. Materials are of a superior quality, providing detail appropriate with their location and function while complementing the surroundings; Materials and details are consistent with recent improvements made to the commercial building. An added condition to match the tile work is consistent with other Fry’s fuel center improvements.

4. Buildings, structures, and landscape elements are appropriately scaled, relative to the site and surroundings; The building is appropriately scaled with a maximum height of approximately 18 feet.

5. Large building masses are sufficiently articulated so as to relieve monotony and create a sense of movement, resulting in a well-defined base and top, featuring an enhanced pedestrian experience at and near street level; The kiosk building provides a defined base and the canopies will provide a combination use of slate stone at the columns and alternate color tone at the top. These details provide variety in an otherwise typical gas station design.

6. Building facades provide architectural detail and interest overall with visibility at street level (in particular, special treatment of windows, entries and walkways with particular attention to proportionality, scale, materials, rhythm, etc.) while responding to varying climatic and contextual conditions; The building attendant kiosk provides visibility and surveillance for the gas station. The canopy is appropriately designed to provide customers relief from the climate conditions while providing light for night time use and surveillance.

7. Plans take into account pleasant and convenient access to multi-modal transportation options and support the potential for transit patronage; This use is not intended for transit patronage.

8. Vehicular circulation is designed to minimize conflicts with pedestrian access and circulation, and with surrounding residential uses; The project will utilize existing circulation patterns and will not conflict with pedestrian access.
9. Plans appropriately integrate Crime Prevention Through Environmental Design principles such as territoriality, natural surveillance, access control, activity support, and maintenance; Site surveillance is provided throughout the site to ensure safety.

10. Landscape accents and provides delineation from parking, buildings, driveways and pathways; Areas are delineated with required landscape for the project. The additional conditions imposed will ensure additional accents to enhance the landscape features.

11. Signs have design, scale, proportion, location and color compatible with the design, colors, orientation and materials of the building or site on which they are located; Not applicable to this request.

12. Lighting is compatible with the proposed building(s) and adjoining buildings and uses, and does not create negative effects. Lighting is compatible and area will minimize any light trespass through compliance of dark sky’s regulations. Additional trees along property buffer will further promote reduced visibility of lighting outside the area.

Conclusion
Based on the information provided and the above analysis, staff recommends approval of the requested Use Permit and Development Plan Review. This request meets the required criteria and will conform to the recommended conditions.

REASONS FOR APPROVAL:
1. The project will meet the development standards required under the Zoning and Development Code.
2. The proposed project meets the approval criteria for a Use Permit and Development Plan Review.

CONDITIONS OF APPROVAL:
EACH NUMBERED ITEM IS A CONDITION OF APPROVAL. THE DECISION-MAKING BODY MAY MODIFY, DELETE OR ADD TO THESE CONDITIONS.

ZUP14017
CONDITIONS OF APPROVAL:
1. Fuel center will not have alcohol sales at the kiosk.

DPR14034
CONDITIONS OF APPROVAL:
1. Utility equipment boxes for this development shall be finished in a neutral color (subject to utility provider approval) that compliments the coloring of the buildings.

2. Restroom Security:
   a. Lights in restrooms:
      1) Provide 50% night lights
      2) Activate by automatic sensors, key or remote control mechanism
   b. Single user restroom door hardware:
      3) Provide a key bypass on the exterior side

Building Elevations
3. The materials and colors are approved as presented:
   Main color – Sherwin Williams – DEC743 “Oyster”
   Accent color – Sherwin Williams – DEC743 “High Noon”
Gas pumps & Safety bars – Sherwin Williams – 4081 “Safety Red”
Canopy Columns – to match tile material and cement base found on existing building
Main colors and materials shall have a light reflectance value of 75 percent or less. Specific colors and materials exhibited on the materials sample board are approved. Additions or modifications may be submitted for review during building plan check process.

4. Provide secure roof access from the interior of the building. Do not expose roof access to public view.

5. Incorporate lighting, address signs, and incidental equipment attachments (alarm klaxons, security cameras, etc.) where exposed into the design of the building elevations. Exposed conduit, piping, or related materials is not permitted.

Landscape

6. The plant palette is approved as proposed and specified on the landscape plan, unless otherwise modified by conditions set forth. Any additions or modifications may be submitted for review during building plan check process.

7. Provide additional Southern Live Oak trees along the northern perimeter of the property, extending from the street front to the new parking row island shown on the submitted plans. Provide spacing of additional oak trees approximately 20 feet on center, except for locations where lighting exists.

8. Along the McClintock street frontage, between the two drive entrances, provide an enhanced landscape feature consisting of at least 1 tree per 30 feet for frontage including a tree for each island. Provide remaining landscape strip with additional shrubs, a maximum of three feet in height at maturity.

9. Relocate air station and vent risers out of required landscape islands or extend width of landscape island to accommodate the landscape standards (i.e. minimum 7’-0” wide island, min. 120 sf. in area, with 1 tree and 5 shrubs)

10. The result of new parking end islands will require relocation of some existing light poles, to avoid conflict with required trees, providing a minimum 20’ separation.

11. Replace and identify on building permit plan set any additional dead or missing trees/shrubs in required landscape islands.

12. Irrigation notes:
   a. Provide pipe distribution system of buried rigid (polyvinylchloride), not flexible (polyethylene). Use of schedule 40 PVC mainline and class 315 PVC ½” feeder line is acceptable. Class 200 PVC feeder line may be used for sizes greater than ½”. Provide details of water distribution system.
   b. Locate valve controller in a vandal resistant housing.
   c. Hardwire power source to controller (a receptacle connection is not allowed).
   d. Controller valve wire conduit may be exposed if the controller remains in the mechanical yard.

13. Include requirement to de-compact soil in planting areas on site and in public right of way and remove construction debris from planting areas prior to landscape installation.

14. Top dress planting areas with a rock or decomposed granite application. Provide rock or decomposed granite of 2” uniform thickness. Provide pre-emergence weed control application and do not underlay rock or decomposed granite application with plastic.

15. Trees near the main water or sewer lines located within the right of way shall be planted at least 20’-0” away. The tree planting separation requirements may be reduced from utility lines upon the installation of a linear root barrier, a minimum of 6’-0” parallel from the waterline, or around the tree. The root barrier shall be a continuous material, a minimum of 0.08” thick, installed 0’-2” above finish grade to a depth of 8’-0” below grade. Final approval subject to determination by the Public Works, Water Utilities Division.
Lighting

16. Provide plans to re-lamp existing parking lot lighting for improved night time security. A night time photo test may be required to determine areas of need.

Signs

17. Provide address sign(s) on the west and east elevation of the canopy.
   a. Conform to the following for building address signs:
      1) Provide street number only.
      2) Compose of 12” high, individual mount, metal reverse pan channel characters.
      3) Self-illuminated or dedicated light source.
      4) Do not affix number or letter to elevation that might be mistaken for the address.
   b. Utility meters shall utilize a minimum 1” number height in accordance with the applicable electrical code and utility company standards.

CODE/ORDINANCE REQUIREMENTS:

THE BULLETED ITEMS REFER TO EXISTING CODE OR ORDINANCES THAT PLANNING STAFF OBSERVES ARE PERTINENT TO THIS CASE. THE BULLET ITEMS ARE INCLUDED TO ALERT THE DESIGN TEAM AND ASSIST IN OBTAINING A BUILDING PERMIT AND ARE NOT AN EXHAUSTIVE LIST.

- Specific requirements of the Zoning and Development Code (ZDC) are not listed as a condition of approval, but will apply to any application. To avoid unnecessary review time and reduce the potential for multiple plan check submittals, become familiar with the ZDC. Access the ZDC through www.tempe.gov/planning/documents.htm or purchase from Community Development.

- SITE PLAN REVIEW: Verify all comments by the Public Works Department, Community Development Department, and Fire Department given on the Preliminary Site Plan Review. If questions arise related to specific comments, they should be directed to the appropriate department, and any necessary modifications coordinated with all concerned parties, prior to application for building permit. Construction Documents submitted to the Building Safety Department will be reviewed by planning staff to ensure consistency with this Design Review approval prior to issuance of building permits.

- STANDARD DETAILS:
  - Access standard engineering details at this link: www.tempe.gov/engineering/standard_details.htm or purchase book from the Public Works Engineering Division.
  - Access standard refuse enclosures at this link: www.tempe.gov/bsafety/Applications_Forms/applications_and_forms.htm. The enclosure details are under Civil Engineering & Right of Way.

- BASIS OF BUILDING HEIGHT: Measure height of buildings from top of curb at a point adjacent to the center of the front property line.

- HISTORIC PRESERVATION: State and federal laws apply to the discovery of features or artifacts during site excavation (typically, the discovery of human or associated funerary remains). Contact the Historic Preservation Officer with general questions. Where a discovery is made, contact the Arizona State Historical Museum for removal and repatriation of the items.

- SECURITY REQUIREMENTS:
  - Provide a security vision panel at service and exit doors (except to rarely accessed equipment rooms) with a 3” wide
high strength plastic or laminated glass window, located between 43” and 66” from the bottom edge of the door.

- **ENGINEERING:***
  - Underground utilities except high-voltage transmission line unless project inserts a structure under the transmission line.
  - Coordinate site layout with Utility provider(s) to provide adequate access easement(s).
  - Clearly indicate property lines, the dimensional relation of the buildings to the property lines and the separation of the buildings from each other.
  - Verify location of any easements, or property restrictions, to ensure no conflict exists with the site layout or foundation design.
  - Verify on-site retention requirements for this property, coordinate design with requirements of the Engineering Department.

- **DRIVEWAYS:***
  - Correctly indicate clear vision triangles at both driveways on the site and landscape plans. Identify speed limits for adjacent streets at the site frontages. Begin sight triangle in driveways at point 15'-0" in back of face of curb. Consult “Corner Sight Distance” leaflet, available from Traffic Engineering if needed. Do not locate site furnishings, screen walls or other visual obstructions over 2'-0" tall (except canopy trees are allowed) within each clear vision triangle.

- **PARKING SPACES:***
  - At parking areas, provide demarcated accessible aisle for disabled parking.

- **LIGHTING:***
  - Design site security light in accordance with requirements of ZDC Part 4 Chapter 8 (Lighting) and ZDC Appendix E (Photometric Plan).
  - Indicate the location of all exterior light fixtures on the site, landscape and photometric plans. Avoid conflicts between lights and trees or other site features in order to maintain illumination levels for exterior lighting.

- **SIGNS:*** Separate Development Plan Review process is required for signs in accordance with requirements of ZDC Part 4 Chapter 9 (Signs). Obtain sign permit for identification signs. Directional signs (if proposed) may not require a sign permit, depending on size. Directional signs are subject to review by planning staff during plan check process.

**HISTORY & FACTS:**

May 5, 1971 Design Review Board approved a site plan, elevations and landscape for SMITTY’S SHOPPING CENTER, located at 5100 South McClintock Drive (DR-71.30)

**ZONING AND DEVELOPMENT CODE REFERENCE:**

Section 6-306, Development Plan Review
Section 6-308, Use Permit
DEVELOPMENT PROJECT FILE
for
FRY’S FUEL CENTER #607

ATTACHMENTS:

1. Location Map
2-11. Aerial / Site Photos
12-14. Letter of Explanation
15-16. Site Plan
17. Floor Plan
18. Elevations
19. Landscape Plan
20. Preliminary Grading and Drainage.
City of Tempe  
31 E 5th Street  
Tempe, Arizona 85281

Re: Letter of Explanation - Use Permit  
Fry’s New Fuel Center #607  
5100 S. McClintock Dr., Tempe AZ 85282-7374

GENERAL DEVELOPMENT DESCRIPTION:  
On behalf of The Kroger Co., we are proposing to redevelop a portion of the existing Fry’s grocery store facility located at 5100 South McClintock Drive, Tempe, AZ. The proposed development will function as a fuel center, and will include a 176 square foot kiosk with restroom (8 feet x 22 feet) and a 4,840 square feet steel canopy (40 feet x 121 feet). The kiosk is a pre-manufactured building with material updates to reflect the traditional Fry’s aesthetic look.

Fifty four (54) existing parking spaces and associated curbing, pavement, and landscaping will be removed to accommodate the new fuel center. In addition to the kiosk and canopy, the center will include seven (7) fuel dispensers and two (2) underground fuel storage tanks designed and constructed in accordance with current agency codes and standards, and new landscaped curbed islands. Ordinance requirements for the number of parking spaces is met. 288 parking spaces are required and provided.

New landscaping will be provided and will comply with ordinance requirements. Signage will be submitted as a separate submittal as required. To avoid any nuisance to the properties, the lighting will be shielded from traffic and adjacent properties. The landscaping setback at McClintock Dr. will remain as existing.

The new development proposes to utilize the four (4) existing property access curb cuts. The layout of the Fry’s fuel center ensures customer and fuel delivery vehicles can access the fuel center without disturbing traffic on South McClintock Road & East Baseline Road.
ARCHITECTURAL CONSIDERATIONS:

Tempe has established design principles to ensure the goal of enhancing the built and natural environments while mitigating project impacts of adjacent development.

It is the intent of this Fuel Center project to provide complementary building aesthetics to the surrounding area. The proposed kiosk and canopy are pre-manufactured units that maintain the typical building relationships of existing fuel centers in Tempe. The façade includes split-face CMU veneer to match existing Fry’s Grocery Stores throughout Tempe, including color and texture considerations to remain consistent with zoning code intent.

This project is being developed within an existing parking lot area. As such, no known topography concerns or natural features exist that would hinder this site use under the use permit. Grading changes and resultant impacts on surrounding areas will be minimal.

CONDITIONAL USE CONSIDERATIONS:
This project will provide no unusual or detrimental impacts on public health, safety, or welfare. Noise will be minimal, which is consistent with the use. No smoke, dust, vibration or odor issues are anticipated for this use. Odor associated with fueling operations is eliminated through the use of Stage I and II Vapor Recovery techniques. Lighting will be directed away from surrounding areas and meet code requirements.

Typical safety guidelines and techniques associated with fuel center operations will be implemented to minimize risk of hazards to persons.

No unusual traffic volumes or characteristics are anticipated. The site is located toward the front of the existing Fry’s Grocery Center and provides easy access and circulation for traffic off the main road and within the development.

As mentioned, this use is consistent, and similar, to existing developed sites in the surrounding area.

ADDITIONAL GENERAL INFORMATION CONSIDERATIONS:

1. Hours of Operation:
   - Employee manned from 6:00 A.M. – 12:00 A.M.
   - Pay at the pump is available for 24 hours
2. Number of employees:
   - 2 employees and shifts will vary

3. Activities:
   - Process: Dispensing of petroleum fuel products
   - Materials: Petroleum fuels (Regular, Mid-Grade, and Premium Unleaded gasoline, and Diesel Fuel)

4. Additional traffic consideration:
   - Fry’s constructs their fuel centers for the benefit of their VIP customers (Fry’s Loyalty Customers). Therefore, there is minimal impact to additional traffic because the target is to the onsite customers to maintain loyalty.

Please let me know if I can be of any assistance or if you have any question about the subject.

Sincerely,

Ali Fakih
ali@azseg.com
(480) 516-5514
CONDITIONS AND APPLICABLE CODES.

All Applicable Federal, State, and Local Codes of Construction Specifications to be supplied by Owner. The contractor shall be responsible for the proper use of the drawings and specifications. The contractor shall be responsible for obtaining all necessary permits and approvals required by the applicable authorities. The contractor shall be responsible for obtaining all necessary materials and supplies. The contractor shall be responsible for the proper installation of all materials and supplies. The contractor shall be responsible for the proper completion of the project. The contractor shall be responsible for the proper maintenance of the project. The contractor shall be responsible for the proper operation of the project. The contractor shall be responsible for the proper inspection of the project. The contractor shall be responsible for the proper testing of the project. The contractor shall be responsible for the proper acceptance of the project. The contractor shall be responsible for the proper payment of the project.

NOTE TO CONTRACTOR:

8280 E. GELDING DR., SUITE 101, SCOTTSDALE, ARIZONA 85260
WWW. AZSEG.COM   TEL. 480.588.7226

PREPARED UNDER THE DIRECT SUPERVISION OF ALI FAKIH, P.E.
ARIZONA REGISTRATION NO. 45621
FOR AND ON BEHALF OF SUSTAINABILITY ENGINEERING GROUP, LLC.