CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION

Meeting Date: 12/13/16
Agenda Item: 4

ACTION: Request for a Preliminary Subdivision Plat for FRY’S FUEL CENTER 43 (PL160289), located at 5110 South Wendler Drive. The applicant is Sustainability Engineering Group.

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

RECOMMENDATION: Approve, subject to conditions

BACKGROUND INFORMATION: FRY’S FUEL CENTER 43 (PL160289) is requesting a subdivision plat to subdivide the existing two (2) lot site to three (3) lots for property that has never been subdivided. There is currently one building onsite consisting of retail use. The request includes the following:

1. Preliminary Subdivision Plat consisting of three (3) lots.

<table>
<thead>
<tr>
<th>Property Owner</th>
<th>Fry’s Electronics, Gila LP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>Sustainable Engineering Group</td>
</tr>
<tr>
<td>Current Zoning District</td>
<td>Planned Commercial Center Neighborhood District (PCC-1)</td>
</tr>
<tr>
<td>Lot 1</td>
<td>+/- 15.334 acres (667,952.1 s.f.)</td>
</tr>
<tr>
<td>Lot 2</td>
<td>+/- 0.941 acres (41,003.7 s.f.)</td>
</tr>
<tr>
<td>Lot 3</td>
<td>+/- 0.848 acres (36,918.2 s.f.)</td>
</tr>
</tbody>
</table>

ATTACHMENTS: Development Project File

STAFF CONTACT: Lee Jimenez, Senior Planner (480) 350-8486

Department Director: Chad Weaver, Community Development Director
Legal review by: N/A
Prepared by: Lee Jimenez, Senior Planner
Reviewed by: Suparna Dasgupta, Principal Planner
COMMENTS
This site is located on the northwest corner of South Wendler Drive and West Baseline Road. The requested plat will create a three (3) lot subdivision. The existing building on Lot 1 is a 156,263 s.f. electronics retail store. The building on Lot 2 is proposed as a 3,475 s.f. fast food restaurant with a drive-through; and the structure and building on Lot 3 is proposed as a 6,880 square-foot fuel service canopy with a 232 square-foot kiosk and outdoor retail.

REASONS FOR APPROVAL
Based on the information provided, staff recommends approval of the requested Subdivision plat. The lots will have access to a public street and meet the technical standard of the Tempe City Code, Chapter 30, Subdivisions. This request will also conform to the conditions proposed.

CONDITIONS OF APPROVAL
1. The Subdivision Plat shall be put into proper engineered format with appropriate signature blanks and recorded with the Maricopa County Recorder’s Office through the City of Tempe’s Community Development Department no later than one year from the date of City Council approval of the Final Subdivision Plat. Failure to record the plat within one year of City Council approval shall make the plat null and void.

2. All property corners shall be set and verified with staff upon final recordation of the subdivision plat, no later than three (3) months from the date of County recordation or as determined by staff.

3. Provide a legal description and exhibit for dedication of any new cross drainage agreement, if necessary.

4. Dedicate a cross access agreement between the new lots.

HISTORY & FACTS:
November 29, 1979 City Council approved a rezoning from R1-6 to PCC-1 and General and Final Plan of Development for a Holiday Inn and Office complex consisting of 167,675 s.f. on 20 acres located at 2300 West Baseline Road.

October 28, 1993 City Council approved the request for TANDY CORPORATION (SGF-93.72) for an Amended General and Final Plan of Development for The Incredible Universe consisting of 184,204 s.f. on 17.35 net acres located at 2300 West Baseline Road including the following Variances:
   a. Increase maximum allowed lighting height from 25’ to 35’ for poles more than 50’ from adjacent residential zoning districts.
   b. Increase maximum allowed building height from 30’ to 55’ for the tower element at the entrance.
   c. Increase the maximum allowed height from 35’ to 75’ for one roof-mounted flagpole, and the maximum number of flags flown on site from 3 to 7.

November 4, 1993 Design Review Board approved the request for building elevations, site plan and landscape plan for MONTANA (THE INCREDIBLE UNIVERSE) located at 2300 West Baseline Road in the PCC-1, Planned Commercial Center District.

ZONING AND DEVELOPMENT CODE REFERENCE:
Section 6-307, Subdivisions
DEVELOPMENT PROJECT FILE

for
FRY’S FUEL CENTER 43
(PL160289)

ATTACHMENTS:

1. Location Map
2. Aerial
3-4. Letter of Explanation
5-7. Preliminary Subdivision Plat
Location Map

Site PCC-1
Rev: October 26, 2016

City of Tempe – Community Development Department
31 E. 5th Street, Garden Level
Tempe, AZ 85281

RE: Fry’s Fuel Center 43 & Burger King
5110 S. Wendler Drive
Subdivision Plat
Letter of Explanation

To whom it may concern,

On behalf of Fry’s Food and Drug and Burger King, we are requesting a Subdivision Plat Approval for a new fuel center and restaurant/retail development within the existing Fry’s Electronics parking area. Fry’s Electronics is Parcel 1 of the development (APN 123-22-006E).

The fuel center includes a kiosk, canopy and 9 dispenser fuel area with two underground storage tanks proposed on Parcel 3. This parcel is existing (APN 123-22-006C), however it is proposed to be adjusted as required to accommodate the new use. Parcel 2 is a new proposed lot and is conceptualized to be a 3,475 sq. ft. Burger King restaurant with drive-through.

The replat provides for the following respective lots:
Lot 1: Fry’s Electronics
Lot 2: Restaurant/Retail
Lot 3: Fry’s Fuel Center

Approval Criteria (RE: Chapter 30 – City Code) – Subdivision Plat approval shall be based on consideration of the following criteria:

1. Every subdivision shall conform to the requirements and objectives of the general plan, or any parts thereof, as adopted by the commission and the city council.

   **Response:** Approval of the proposed project will advance the goals and objectives of, and is consistent with, the policies of the General Plan and any other applicable City plan and/or policies.

2. Every subdivision shall conform to the requirements of the Zoning and Development Code and to other ordinances and regulations of the city, and to the Arizona Revised Statutes.

   **Response:** The proposed site plan and subdivision plat has been designed to conform with the requirements of the Zoning and Development Code development standards.
3. Land which is subject to periodic flooding, land which cannot be properly drained, or other land which, in the opinion of the city, is unsuitable for any use shall not be subdivided; except that the city may approve subdivision of such land upon receipt of evidence from the city engineer that the construction of specific improvements can be expected to render the land suitable; thereafter, construction upon such land shall be prohibited until the specified improvements have been planned and construction guaranteed.

Response: This project is located in a well-developed area of the City. All public services, facilities, and infrastructure are available to serve this project. This project reconfigures a portion of an existing parking filed of previously approved private parking, grading and drainage plans for Incredible Universe. At the time of the survey performed by AW Land Survey dated 04/24/16, the property is located within zone “X” (dotted) as shown on the FEMA Flood Insurance Rate Map No. 04013C2240L, Dated October 16, 2013. Zone “X” is defined as areas of 0.2% annual flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 1% annual chance flood.

CONCLUSION
The proposed Subdivision Plat request is consistent with the vision of the City of Tempe providing goods, services, and sales tax revenues to the residents of the city. The proposed retail development will provide much needed commercial services to the area residents and travelers along the I-10 and Baseline Roads. The property’s site plan and subdivision plat has been designed to conform with all development standards of the Tempe City Code.
A SUBDIVISION PLAT
FOR
FRY’S ELECTRONICS - FRY’S FUEL CENTER
A PORTION OF THE SOUTHWEST QUARTER OF
SECTION 32, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND
SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA

DEDICATION:
FRY’S ELECTRONICS

ACKNOWLEDGEMENT:
FRY’S ELECTRONICS
GLA, L.P., A CALIFORNIA LIMITED PARTNERSHIP DOING BUSINESS IN ARIZONA AS GLA MONSTER CENTER, L.P.;

BY: __________________________ DATE: __________________________

IT IS UNDERSTOOD AND AGREED TO BY THE PERSON WHOSE NAME IS SUBSCRIBED TO THE INSTRUMENT WITHIN, AND WHO EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED.

IN WITNESS WHEREOF, I HERETO ESTATE MY HAND AND OFFICIAL SEAL.

BY: __________________________ DATE: __________________________

NOTARY PUBLIC

MY COMMISSION EXPIRES __________________________

OWNER:
FRY’S ELECTRONICS
GLA, L.P., A CALIFORNIA LIMITED PARTNERSHIP DOING BUSINESS IN ARIZONA AS GLA MONSTER CENTER, L.P.
P.O. BOX 245
MENLO PARK, CA 94026

DEVELOPER:
SMITH FOOD & DRUG CENTERS, INC., AN OHIO CORPORATION, DOING BUSINESS AS FRY’S FOOD AND DRUG STORES
500 S 89TH AVENUE
TOLLESON, AZ 85353
PHONE: 602-760-4063
CONTACT: DAVID HILL

BENCHMARK:
BENCHMARK IS AN ALUMINUM CAP PLUG LOCATED AT THE INTERSECTION OF WENDLER DRIVE AND BASELINE ROAD, ALSO BEING THE SOUTH QUARTER CORNER OF SECTION 32, T.1N., R.4E., ELEVATION • 1218.12 CITY OF TEMPE DATUM (NAVD 88)

BASIS OF BEARING:
THE BASIS OF BEARING AND ALL MONUMENTATION SHOWN HEREON IS BASED ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 32, T.1N., R.4E., USING A BEARING OF SOUTH 89°37’20" WEST AS SHOWN ON AMENDED GENERAL AND FINAL PLAN PER BOOK 271, PAGE 35, MARICOPA COUNTY RECORDS, BEING SOUTH 89°43’30" WEST FROM SW CORNER SECTION 32 TO 1/4 CORNER SECTION 32 PER CITY OF TEMPE SURVEY CONTROL PLAT.

APPROVALS:
APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA ON THIS _______ DAY OF NOVEMBER, 2016.

BY: __________________________ DATE: __________________________

MAYOR

ATTEND:

BY: __________________________ DATE: __________________________

CITY CLERK

BY: __________________________ DATE: __________________________

CITY ENGINEER

BY: __________________________ DATE: __________________________

COMMUNITY DEVELOPMENT

CERTIFICATION:
THIS TO CERTIFY THAT THE SURVEY OF THE PREMISES DESCRIBED AND PLATTED HEREBY WAS MADE UNDER MY DIRECTION DURING THE MONTH OF APRIL, 2016, THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN THAT THE MONUMENTS SHOWN ACTUALLY EXIST OR WILL BE SET AS SHOWN THAT THE POSITIONS ARE CORRECTLY SHOWN AND THE BAD MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

__________________________
DANIEL D. ASBURY, RLE 46377
DATE

11-25-16

NOTES:
1. THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF TEMPE AND HAS BEEN DESIGNATED AS HAVING AN ASSURED WATER SUPPLY.
2. LOT CORNERS TO BE SET WITH 1/2" REBAR, AW-4 46377.
3. ALL NEW AND EXISTING, AS WELL AS ON-SITE AND OFF-SITE UTILITY LINES (OTHER THAN TRANSMISSION LINES) SHALL BE PLACED UNDERGROUND.
4. ANY RETENTION SYSTEM AS SHOWN ON THE GRADING AND DRAINAGE PLANS SHALL BE THE SOLE RESPONSIBILITY OF THE PROPERTY OWNER TO (1) REGULARLY INSPECT THE SYSTEM (AT LEAST ANNUALLY), AND (2) MAINTAIN THE SYSTEM IN A CONDITION THAT WILL ALLOW THE SYSTEM TO STORE AND DISPERSE THE VOLUME OF STORM WATER AS SHOWN ON THE DESIGN PLANS. THE FOREGOING RESTRICTION CANNOT BE CHANGED WITHOUT PRIOR WRITTEN CONSENT OF THE CITY OF TEMPE ENGINEER.

FLOOD PLAIN CERTIFICATION:
THIS TO CERTIFY THAT THE ABOVE SUBJECT PROPERTY LIES WITHIN ZONE "SHARED X" AS DESIGNATED ON THE FLOOD INSURANCE RATE MAP, MAP NO. 601-01243, DATED OCTOBER 16, 2012. AREAS OF 2% ANNUAL FLOOD AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTH OF LESS THAN 1 FOOT ON WIPE DRAINAGE AREAS LESS THAN 1 SQUARE MILE, AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOODS.

SHEET INDEX:
SHEET 1 - COVER SHEET
SHEET 2 - LEGAL DESCRIPTION
SHEET 3 - BOUNDARY LINE

Attachment 5
LEGAL DESCRIPTION (PRIOR TO SUBDIVISION):

That portion of the South half of the Southeast Quarter of the Southwest Quarter of Section 32, Township 1 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona described as follows:

Commencing at the South Quarter Corner of said Section 32, from which the Southwest Corner of the Southeast Quarter of the Southwest Quarter thereof, runs South 89 degrees 27 minutes 20 seconds West, 131.11 feet;

Thence North 68 degrees 24 minutes 51 seconds East along the East Line of the Southeast Quarter of the said Southwest Quarter, 105.14 feet;

Thence South 60 degrees 35 minutes 00 seconds West, 33.06 feet to the West Right-Of-Way Line of Wender Drive and the Point of Beginning;

Thence North 66 degrees 24 minutes 51 seconds East along the said Westerly Right-Of-Way Line and parallel with the East Line of the Southwest Quarter of the said Southwest Quarter, 99.02 feet;

Thence North 57 degrees 59 minutes 45 seconds East, 33.06 feet to the West Right-Of-Way Line of Wender Drive and the Point of Beginning;

Thence North 56 degrees 47 minutes 20 seconds West along the East Right-Of-Way Line of Baseline Road, said point being 50.00 feet North of the South Line of the Southeast Quarter of the said Southwest Quarter;

Thence Easterly along the said Northerly Right-of-Way Line of Baseline Road the following courses and distances:

Thence North 54 degrees 27 minutes 20 seconds East, 60.45 feet;

Thence North 48 degrees 18 minutes 35 seconds East, 28.05 feet;

Thence North 53 degrees 27 minutes 20 seconds East, 181.00 feet;

Thence North 44 degrees 27 minutes 20 seconds East, 28.05 feet;

Thence North 54 degrees 27 minutes 20 seconds East, 10.10 feet leaving said Northerly Right-of-Way Line;

Thence North 51 degrees 59 minutes 45 seconds East, 50.00 feet;

Thence North 44 degrees 27 minutes 20 seconds East, 33.06 feet;

Thence North 46 degrees 35 minutes 01 seconds East, 1.46 feet to the Point of Beginning;

Except commencing at a point on the South Line of the Southeast Quarter of the Southwest Quarter of said Section 32 from which the Southwest Corner of the Southeast Quarter of said Section 32 bears North 89 degrees 27 minutes 20 seconds East, 744.15 feet;

Thence North 68 degrees 24 minutes 40 seconds West, 68.00 feet to the North Right-of-Way Line of Baseline Road and the Point of Beginning;

Thence South 94 degrees 27 minutes 20 seconds West along said North Right-of-Way Line 99.02 feet;

LEGAL DESCRIPTION (PRIOR TO SUBDIVISION) CONT.

Thence North 57 degrees 30 minutes 30 seconds East, 30.58 feet;

Thence North 69 degrees 27 minutes 20 seconds East, 74.00 feet;

Thence South 44 degrees 27 minutes 20 seconds West, 18.55 feet to the Point of Beginning;

And except commencing at the South Quarter Corner of said Section 32, from which the Southwest Corner of the Southeast Quarter of the Southwest Quarter thereof, bears South 90 degrees 27 minutes 20 seconds West, 131.11 feet;

Thence North 60 degrees 27 minutes 51 seconds East along the East Line of the Quarter of the said Southwest Quarter, 105.14 feet;

Thence South 66 degrees 53 minutes 56 seconds West, 33.06 feet to the West Right-Of-Way Line of Wender Drive and the Point of Beginning;

Thence North 60 degrees 24 minutes 21 seconds East along the said Westerly Right-Of-Way Line and parallel with the East Line of the Southwest Quarter of the said Southwest Quarter, 372.75 feet;

Thence North 60 degrees 00 minutes 49 seconds West, 202.00 feet;

Thence South 06 degrees 24 minutes 51 seconds West, 401.70 feet;

Thence North 67 degrees 53 minutes 45 seconds East, 178.06 feet;

Thence North 44 degrees 27 minutes 20 seconds East, 29.70 feet;

Thence North 86 degrees 53 minutes 10 seconds East, 1.46 feet to the Point of Beginning;

Together with that portion of the South half of the Southeast Quarter of the Southwest Quarter of said Section 32, Township 1 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

Commencing at the South Quarter Corner of said Section 32, from which the Southwest Corner of the Southeast Quarter of the Southwest Quarter thereof, bears South 89 degrees 27 minutes 20 seconds West, 131.11 feet;

Thence North 02 degrees 27 minutes 51 seconds East along the East Line of the Southeast Quarter of the said Southwest Quarter, 105.14 feet;

Thence South 66 degrees 53 minutes 56 seconds West, 33.06 feet to the West Right-Of-Way Line of Wender Drive and the Point of Beginning;

Thence North 02 degrees 24 minutes 51 seconds East along the said Westerly Right-Of-Way Line and parallel with the East Line of the Southwest Quarter of the said Southwest Quarter, 372.75 feet;

Thence North 66 degrees 53 minutes 10 seconds East, 1.46 feet to the Point of Beginning.

SUPERVISION PLAN OF FRY'S FUEL CENTER

PL 160289
REC 16205

Attachment 6