

# Staff Summary Report



Development Review Commission Date: 01/24/12

Agenda Item Number: \_\_\_\_

**SUBJECT:** Hold a public meeting for a Development Plan Review for **AGAVE CENTER – CARL’S JR. RESTAURANT** located at 8825 South Jewel Street.

**DOCUMENT NAME:** DRCr\_CarlsJrAgave\_012412.doc **PLANNED DEVELOPMENT (0406)**

**COMMENTS:** Request for **AGAVE CENTER - CARL'S JR. RESTAURANT (PL090412)** (CAJR, L.L.C., property owner; Jared Atkisson, Frontier Star, L.L.C., applicant) consisting of a single story 2,715 square foot restaurant on 0.86 net acres, located at 8825 South Jewel Street in the PPC-1, Planned Commercial Center Neighborhood District and the SWOD, Southwest Tempe Overlay District. The request includes the following:

**DPR11217 --** Development Plan Review including site plan, building elevations, and landscape plan.

**PREPARED BY:** DeeDee Kimbrell, Senior Planner (480-350-8081)

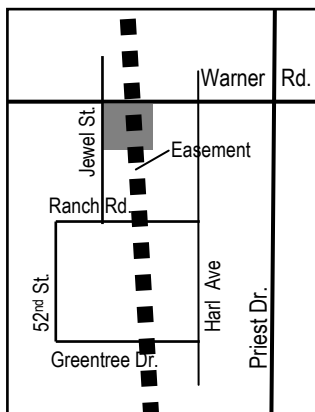
**REVIEWED BY:** Lisa Collins, Development Services Planning Director (480-350-8989) 

**LEGAL REVIEW BY:** N/A

**FISCAL NOTE:** N/A

**RECOMMENDATION:** Staff – Approval, subject to conditions

**ADDITIONAL INFO:**



Gross/Net site area –	0.86 acres (37,447 s.f.)
Total Building area –	2,715 sf. (note: the previously approved restaurant was 2,985 s.f.)
Bld'g./Lot Cover –	7.25 % (50 % maximum allowed)
Building Height –	33.0 ft (35.0 ft maximum allowed)
Building Setbacks –	32.0 ft front-west (0.0 ft min. allowed), 45.0 ft side-south (30.0 ft min. allowed), 134.0 ft rear-east (30.0 ft min. allowed), 55.0 ft street side-north (0.0 ft min. allowed)
Ldscp./Lot Cover –	30 % (15 % minimum allowed)
Vehicle Parking –	40 spaces, including two disabled accessible spaces (36 minimum required)
Bicycle Parking –	3 spaces (3 required)

The applicant requests re-approval of a Development Plan Review for building, site, and landscape design for a new Carl's Jr. Restaurant on Warner Road at the eastern end of the Agave Center (approved 2/23/10). That original approval has since expired. Two variances have been granted to enable development of this site which is bisected by a natural gas line easement (approved 9/6/11).

**PAGES:**

1. List of Attachments
- 2-3. Comments / Reasons for Approval
- 4-6. Conditions of Approval
- 6-8. Code/Ordinance Requirements
- 8-9. History & Facts / Zoning & Development Code Reference

**ATTACHMENTS:**

1. Location Map
2. Aerial Photo
- 3-4. Letter of Explanation
- 5-6. Site Plan & Project Data
7. Floor Plan
- 8-10. Building Elevations & Finish Schedule
- 11-12. Building Sections
- 13-14. Landscape Plan & Plant Palette
- 15-16. Color board/photo

## **COMMENTS:**

This site is located southeast of Warner Road and Jewel Street and is midway between Priest / Warner intersection and the Warner / I-10 freeway intersection. The site is within the Southwest Tempe Overlay District and is in the eastern end of the Agave Center.

The site is undeveloped. A recently installed row of three Phoenix Date Palms in the right of way on the western edge of this site help define the Agave Center entrance on Jewel Street. An existing retention basin for storm water runoff from half of the Jewel Street right of way between Warner and Ranch Roads is located on the west of the site near the palms.

Existing native and arid adapted landscape specimens are located in the Warner Road right of way, including along the northern edge of this site. An east-bound bus stop on Warner is also located in this frontage, near the northeast site corner. The site is vacant with the exception of a roofless, masonry El Paso Natural Gas equipment enclosure. Two concrete gas line valve vaults are located west of the enclosure. These structures are surface features of buried regional gas lines that diagonally bisect the site.

There are two existing entitlements for this property that are related to the gas lines and the easement that allows maintenance of these lines. Since the building cannot be sited over the gas lines on the east half of the site, there is a variance (VAR11006) to allow a drive-through between the building and adjacent streets. There also is a variance (VAR11007) to waive trees in the parking landscape islands that are within the gas line easement.

This request consists of a Development Plan Review for a one-story, 2,715 sf. restaurant with a vehicle drive-through for food order and pick up, 40 surface parking spaces for customers and employees, on-site refuse pick-up, public emergency and service vehicle turnaround, provision to accommodate the existing gas line equipment enclosure and gas valve vaults in place, landscape, relocation of the Jewel half-street retention basin, and incorporation of this retention requirement into the on-site storm water retention system, all on 0.86 acres. The applicant requests re-approval of this building, site, and landscape design proposal from the Development Review Commission (approved 2/23/10). That original approval has since expired. Two variances have been granted to enable development of this site which is bisected by a natural gas line easement (approved 9/6/11).

## **PUBLIC INPUT**

A neighborhood meeting is not required in conjunction with this request and was not required in conjunction with the variance requests due to the remoteness of this site from residential development. No public input has been received with regard to this request, nor was public input received at the time of the entitlement procedure for the variances.

## **PROJECT ANALYSIS**

### **DEVELOPMENT PLAN REVIEW**

#### **Site Plan**

The site is organized with the building on the west side with customer drive-through to north and west of the building. The drive-through is set back 20'-0" from the Jewel St. right of way and respects the existing 30'-0" wide landscape easement on Warner Road. The site parking field is to the east of the building, south of the gas yard enclosure and over the gas lines.

There are two public business entrances to the building. The primary entrance faces the east parking field, the second entrance faces north to Warner Road. A service entrance is on the south of the building. Orientation of on-site parking to the public entrances is a primary design determinant for successful operation of the restaurant. Another primary site design determinant is minimization of on-site traffic drive-through vehicular patterns and parking to entrance pedestrian circulation. Pedestrian circulation from public right of way to entrance is also provided.

#### **Building Elevations**

The building is rectilinear with a concealed roof behind parapet. The rectilinear form is augmented with shallow pop-outs at entrances and height variations at the building skyline. "Yellow" colored accent arches are located at the two public building entrances and the windows on the east elevation (including the drive-through window). "Red" colored flat metal shading devices are mounted over the entrances and windows. The building exterior walls are EIFS and are treated with a beige color field, brown base, red and brown accent fields, with red, yellow, and brown band and coping colors. The simple design composition is enhanced with surface scoring at regular intervals.

## **Landscape Plan**

The drive-through is concealed from adjacent streets with a landscaped berm and retaining wall. The quantity of street trees has been increased along the street side of the drive-through during the approval of the variance requests.

## **Section 6-306 D Approval criteria for Development Plan Review**

1. Placement of building, parking field and drive-through on site respects the location of the E.P.N.G. easement on site while the form and articulation of the building provides an attractive street presence.
2. Building design and orientation, together with landscape, combine to mitigate heat gain/retention while providing shade for energy conservation and human comfort. This includes a heavy street tree presence adjacent to the length of the drive-through and placement of the bulk of dining room fenestration as well as the business entrances on the north and east.
3. Materials are of a quality that is complementary with its surrounding and provides detail that is appropriate with nearby business development;
4. Buildings, structures, and landscape elements are appropriately scaled in relation to the site and surrounding;
5. The simple building mass is well articulated and features a well-defined base and top. The vehicular as well as pedestrian experience in the public right of way adjacent to the site is enhanced by the building, site and landscape design.
6. Building facades provide architectural detail and interest overall with visibility to adjacent streets including special treatment of windows, entries and walkways, with particular attention paid to proportionality, scale, materials and rhythm.
7. The site plan design connects the building entrance to the bus stop on Warner Road and thereby supports the potential for transit patronage;
8. On site vehicular circulation is designed to minimize conflicts with pedestrian circulation between public sidewalk and entrance as well as the parking field and entrance;
9. The site, landscape and building design appropriately integrates Crime Prevention Through Environmental Design principles such as territoriality, natural surveillance, access control, activity support, and maintenance;
10. The landscape design accents and provides delineation of pedestrian paving from parking, buildings and driveways;
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; and
12. Security lighting design, as supported by the constraints of the Zoning and Development Code Part 4 Chapter 8, will be made compatible with the proposed building and adjoining uses so it does not create a negative effect.

## **Conclusion**

Based on applicant provided information and following staff analysis, staff recommends approval of the requested Development Plan Review. This request meets the required approval criteria for Development Plan Review and will be made in the building plan check and inspection processes to conform to the Zoning and Development Code as well as the conditions of approval.

## **REASONS FOR APPROVAL:**

1. The project meets the General Plan Projected Land Use for this site.
2. The project will meet the development standards required under the Zoning and Development Code.
3. The proposed project meets the approval criteria for a 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.

### DPR11217 CONDITIONS OF APPROVAL

#### General

1. In coordination with the approval of site variances, submit construction documents to the Development Services Building Safety Division for building permit by January 24, 2012 or Development Plan approval will expire. Subsequently, an expiration of the building plan check period or issued building permit will result in expiration of the development plan review approval.

#### Site Plan

2. Provide raised, upgraded paving at two pedestrian crossings in drive aisles, including the mouth of the drive-through and the extension of the walkway between the Warner sidewalk and the parking field. Upgraded paving consists of integral color concrete or other material that contrasts with the paving material utilized in the drive aisle. Raised paving consists of a level pedestrian surface that is raised above the adjacent driving surface similar to a speed table. Provide a minimum 6'-0" gap between the edge of raised pedestrian paving and end of adjacent drive-through retaining wall.
3. Modify the layout of the DS-116 enclosure so the east wall of the E.P.N.G. enclosure is utilized as the west wall of the refuse enclosure. Do not locate the refuse pad any closer to the E.P.N.G. enclosure than as indicated on the site plan.
4. Re-finish the E.P.N.G. enclosure and repair the gates, subject to the requirements of E.P.N.G. Match masonry of the DS-116 enclosure walls to that of the E.P.N.G. enclosure.
5. Provide upgraded paving consisting of poured concrete with pattern design tool joints, concrete unit pavers or clay unit pavers, located in driveway apron to Jewel Street. Extend unit paving in the driveway from the back of the Standard Detail T-320 accessible public sidewalk bypass to 20'-0" on site and from curb to curb at the drive edges.
6. Maintain 20'-0" wide setback as indicated between public right of way on Jewel Street and drive-through pavement. Do not locate drive-through pavement within existing 30'-0" wide landscape easement adjacent to Warner Road.
7. Demonstrate compliance with minimum parking dimensions. Do not propose parking bumpers separated from vertical curb. Provide 16'-0" length to face of vertical curb and 2'-0" overhang over curb or walkway (typical).

#### Building Elevations

8. Correctly label building elevations.
9. Enclose electrical service entrance section inside a pop-out so the section is concealed, except expose doors flush with front of pop-out. Provide pop-out of matching materials and colors to the building and architecturally integrate the design of the pop-out with the building. Details of pop-out to be approved during building plan check process.
10. Resolve facade details; do not allow material or banding color at outside corners. All material changes should be at the inside corners.
11. Detail inside of raised parapets to be the same material as the exterior face of parapet.
12. At east building elevation, paint the service door "Steady Brown" to match the building base color.
13. The materials and colors are approved as presented:
  - a. Aluminum Storefront: Clear anodized finish
  - b. Glazing: Clear insulated
  - c. Aluminum Storefront: Clear anodized finish
  - d. Metal Awnings: Aluminum awnings "Hearthrob"

- e. Exterior plaster at wall surfaces with the following paint finishes:
  - Paint # 1: Sherwin Williams SW6107 "Nomadic Desert" (field)
  - Paint # 2: Sherwin Williams SW6110 "Steady Brown" (building base, entrances, accent field, coping)
  - Paint # 3 Sherwin Williams SW6389 "Butternut" (accent arches, elevation banding)
  - Paint # 4 Sherwin Williams SW6866 "Hearthrob" (awnings, accent field, banding)

Provide main colors and materials with a light reflectance value of 75 percent or less. Specific colors and materials exhibited on the materials sample board are approved. Submit any additions or modifications for review during building plan check process.

- 14. Provide secure roof access from the interior of the building. Do not expose roof access to public view. Conceal roof drainage system within the interior of the building. Incorporate lighting, address signs, and incidental equipment attachments (alarm klaxons, security cameras, etc.) where exposed into the design of the building elevations. Do not locate exposed conduit, piping, or similar features on the exposed surfaces of the building.

### Lighting

- 15. Illuminate building entrances from dusk to dawn.

### Landscape

- 16. Provide a continuous 3'-0" high berm with a maximum 1:4 (rise to run) slope and provide a retaining wall for the berm along the front and street side of the drive-through. Measure the height of berm from the top of adjacent paving in the drive-through. Modify the topographic plan so the top of the berm rests on the retaining wall and does not slope down toward the wall.
- 17. Provide a continuous row of canopy trees along the front and street side of the drive-through so there are no gaps in the tree row when the canopies mature, as indicated by condition of approval # 4 for VAR11006 AND VAR11007. Provide trees of minimum 24" box size at installation.
- 18. Irrigation design criteria:
  - 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" (if any). Provide details of water distribution system.
  - b. Locate valve controller in a vandal resistant housing or within the building.
  - c. Conceal controller valve and power conduits within the wall cavity. Exposed conduit is not allowed.
  - d. Hardwire power source to controller. A receptacle connection is not allowed.
  - e. Secure backflow preventer in a lockable, pre-manufactured cage.
  - f. Provide temporary irrigation for existing trees and palms that remain on site or in public right of way adjacent to site. Configure irrigation system so the public right of way is also irrigated from this site. Maintain existing through irrigation lines to adjacent public right of way landscape for the Agave Center.
- 19. Remove soil compaction in planting areas. Remove construction debris from planting areas prior to landscape installation.
- 20. Top dress planting areas with a decomposed granite application of 2" uniform thickness. Provide pre-emergence weed control application and do not underlay rock or decomposed granite application with plastic. Do not introduce rock between 2" or greater and 12" or less in size unless each piece of this material is secured 2/3 into a concrete bedding.
- 21. Each landscape island shall be not less than 120 square feet in area, not less than 7 feet in width and not less than 15 feet in length, and shall extend to the end of abutting space(s).

### Signage

- 22. Provide three address signs on three separate building elevations. Do not provide an address sign on the elevation facing the street on which the building is not addressed. Conform to the following for building address signs:
  - a. Compose address sign of street number only, do not include street name.
  - b. Compose of 12" high, individual mount, metal reverse pan channel numbers.

- c. Provide dedicated light source: either halo illuminate numbers or illuminate numbers from above. If the latter, place light source 18" above the numbers and do not exceed the height of the adjacent parapet.
- d. Place address signs near top of elevations at a uniform height and coordinate location of signs with position of trees to avoid potential visual obstructions. Final locations of three address signs subject to building plan check process.
- e. Do not affix number or letter to elevation that might be mistaken for the address

## CODE/ORDINANCE REQUIREMENTS:

THE BULLET 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.

- ZONING AND DEVELOPMENT CODE: Requirements of the Zoning and Development Code apply to any application. Become familiar with the ZDC to avoid unnecessary review time and reduce the potential for multiple plan check submittals. The ZDC may be accessed through [www.tempe.gov/zoning](http://www.tempe.gov/zoning) or purchased at Development services.
- STANDARD DETAILS:
  - Tempe Standard "T" details may be accessed through [www.tempe.gov/engineering](http://www.tempe.gov/engineering).
  - Tempe Standard "DS" details for refuse enclosures may be accessed through [www.tempe.gov](http://www.tempe.gov), to Departments, to Building Safety, to Applications and Forms, and the DS details are found under Civil Engineering.
- SITE PLAN REVIEW: Verify all comments by the Public Works Department, Development Services Department, and Fire Department given on the Preliminary Site Plan Review dated November 04, 2009 and December 14, 2011. Direct questions related to specific comments to the appropriate department, and coordinate any necessary modifications with all concerned parties prior to application for building permit.
- BUILDING:
  - Measure height of building from top of curb on Jewel Street along front of property in center of frontage.
  - Raise parapets as needed or otherwise screen roof mount mechanical equipment on four sides.
- WATER CONSERVATION: by agreement of the City of Tempe and State of Arizona, Water Conservation Reports are required for landscape and domestic water use for this project. Have the landscape architect and the mechanical engineer prepare reports and submit them with the construction drawings during the building plan check process. Report example is contained in Office Procedure Directive # 59. Access Directive #59 through [www.tempe.gov](http://www.tempe.gov), to Departments, to Building Safety, to Applications and Forms, and open Water Conservation Form under Forms. Contact Water Conservation Division (480-350-2668) if there are any questions regarding the purpose or content of the water conservation reports.
- HISTORIC PRESERVATION: State and federal laws apply to the discovery of features or artifacts during site excavation. Where such a discovery is made, contact the Arizona State Historical Museum (520-621-6302) for removal and repatriation of the items. Contact the Tempe Historic Preservation Officer (Joe Nucci 480-350-8870) if questions regarding this process.
- SECURITY REQUIREMENTS:
  - Design building entrances to maximize visual surveillance of vicinity. Limit height of nearby walls and shrubs. Design corners to discourage opportunity for ambush. Provide distance of at least 21'-0" between a pedestrian path of travel and any hidden area to allow for increased reaction time and safety.
  - Follow design guidelines listed under ZDC Appendix A. In particular, reference the CPTED principal listed under A-II Building Design Guidelines (C) as it relates to pedestrian environments and places of concealment.
  - Public Restroom Lights: Provide 50% night lights and activate lights by automatic sensors, key or remote control.
  - Provide a security vision panel at service exit door consisting of a 3" wide high strength plastic or laminated glass window, located between 43" and 66" from the bottom edge of the door. Refer to ZDC Sec. 4-406. Alternative to vision panel, such as a 360 degree viewer, may be used but is subject to Planning Division approval during building plan check process.

- **ENGINEERING:**
  - Underground site utility extensions. Verify location of easements to ensure no conflict between easements and site layout.
  - Do not locate drywells in pavement and provide drywell rim 0.5 ft. above local finish grade.
  - Use C coefficient: 0.95 and provide dissipation calculation.
  - Obtain permission from E.P.N.G. to encroach gas easement with transfer pipe. Otherwise, redesign retention system.
  - Remove existing spillway on Jewel Street. Provide transfer structure from Jewel per MAG Standard Detail 531 and 532. Coordinate rainwater intake from Jewel with site landscape including position of berm and retaining wall for drive-through.
  - Grout rip-rap pieces two-thirds into concrete bedding.
- **WASTE:**
  - Container enclosure indicated on site plan is exclusively for refuse. Construct pad and bollards in conformance with Standard Detail DS-116 and provide modified layout of walls subject to condition.
  - Gates for refuse enclosure are not required. If gates are provided, the property manager must arrange for gates to be open from 6:00am to 4:30pm on collection days. Provide vision portal in each gate--refer to ZDC Sec. 4-406 but exclude glazing.
  - Contact Sanitation Division (Joseph Kolesar, 480-350-8127) regarding grease storage, collection and removal from site.
  - Contact Environmental Division (Phillip Brown 480-350-8476 regarding grease trap requirements.
- **FIRE:**
  - Clearly define fire lane. Ensure that there is at least a 20'-0" horizontal width, and a 14'-0" vertical clearance from the fire lane surface to the underside of tree canopies or any other overhead projection. Refer to Site Plan Review staff mark-up and ZDC Sec. 4-502 (G). Final site layout of fire lane is subject to approval of the Fire Department.
  - Place fire department connection on main response side of building near entrance.
  - Locate fire hydrants on site in accordance with International Fire Code 2006 Sec. 508.
- **DISABLED ACCESSIBILITY:** Provide minimum 3'-0" wide disabled accessible pathway throughout site and between site and public right of way, including at walkway locations adjacent to heads of parking spaces that are designed for vehicle overhangs. Contact Diversity Division (Karl Stephens, 480-350-2704) if questions.
- **DRIVEWAY:**
  - Construct driveway in public right of way on Jewel Street in conformance with Standard Detail T-320.
  - Indicate clear vision triangles at driveway on landscape plan. Identify speed limit for Jewel Street adjacent to site. Consult "Corner Sight Distance" leaflet for layout of triangles. 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:**
  - Refer to Standard Detail T-360 for disabled parking layout and accessible parking signs.
  - Refer to ZDC Sec. 4-606 for standard parking area dimensions.
  - Calculate bike parking quantity. Distribute bike parking areas nearest to main entrances. Provide parking loop/rack per Standard Detail T-578. Provide 2'-0" by 6'-0" individual bicycle parking spaces. One loop may be used to separate two bike parking spaces. Provide clearance between bike spaces and adjacent walkway to allow bike maneuvering in and out of space without interfering with pedestrians, landscape materials or vehicles nearby.
- **LIGHTING:**
  - Follow requirements of ZDC Part 4 Chapter 8.
  - Provide a site photometric plan. Follow the guidelines listed under ZDC Appendix E "Photometric Plan."
  - Avoid conflicts with lights and landscape in order to maintain illumination levels for exterior lighting.
  - Do not locate free-standing lights within the E.P.N.G. easement.



- **LANDSCAPE:**
  - Preserve in place native or “protected” trees and plants on Warner Road per State of Arizona Agricultural Department standards. Preserve in place adjacent palms on Jewel Street.
  - Provide an adequately-sized landscape island at the north end of the parking row at the northeast corner of the building in accordance with ZDC Sec. 4-704 (C) (2 & 3) or provide alternate tree canopy shading for parking field. Refer to ZDC Sec. 4-704 (A) (2) for alternate tree canopy shading.
- **SIGNS:**
  - Obtain sign permit for business identification signs. Follow requirements of ZDC Part 4 Chapter 9.
  - Directional signs may not require a sign permit, depending on size. Directional signs are subject to review by planning staff during plan check process.

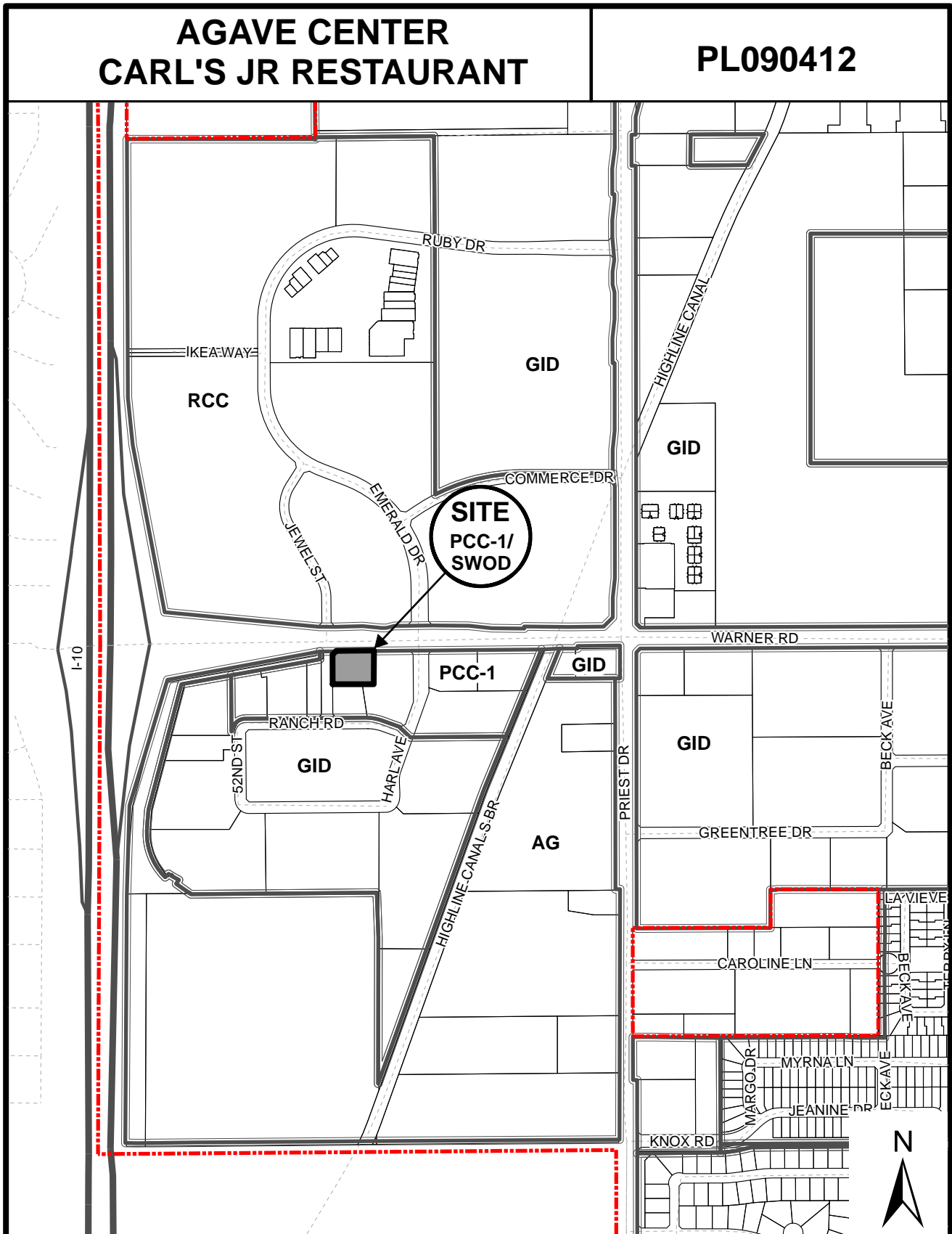
## **HISTORY & FACTS:**

January 14, 1999	<p>The City Council approved the Final Plat of Agave Center (Formerly Known as Warner 10 Commerce Center).</p> <p>Note: two parallel gas lines are located on sheet 2 of 2 of this plat with the following identification: “GASLINE EASEMENT PER BK 47 OF MISC PG 564 &amp; BOOK 23 OF MAPS, PAGE 45 (NO DEFINED WIDTH)”.</p>
January 7, 2010	<p>The City Council approved the Amended Subdivision Plat for the Sahara Agave Center located at 1780 West Ranch Road in the GID, General Industrial District, PCC-1, Planned Commercial Center Neighborhood District and SWOD, Southwest Tempe Overlay District.</p> <p>Note: Lot 3 of this plat is the site at the northeast corner of Warner and Jewel being considered by Carl’s Jr. for a restaurant and drive-through.</p>
January 19, 2010	<p>The Hearing Officer approved a request by Agave Center – Carl’s Jr. Restaurant located at 8825 South Jewel Street for the following variances:</p> <p>Variance (VAR09018) to allow a drive-through lane on the street side of the building deviating from Zoning and Development Code Section 3-408, drive-through orientation requirements.</p> <p>Variance (VAR09019) to waive trees in the landscape islands for a portion of the parking area within the El Paso Natural Gas line easement.</p> <p>Note: the variance approvals were allowed to expire. Development Plan Review approval was obtained but the project was not submitted to Building Safety Division for building permit by January 19, 2011.</p>
February 23, 2010	<p>The Development Review Commission approved the request for Agave Center – Carl’s Jr. Restaurant consisting of a single story 2,985 square foot restaurant on 0.86 net acres, including site plan, building elevations and landscape plan, located at 8825 South Jewel Street in the PPC-1, Planned Commercial Center Neighborhood District and the SWOD, Southwest Tempe Overlay District.</p> <p>Note: the Development Plan Review approval was allowed to expire when the project was not submitted to Building Safety Division for building permit by January 19, 2011.</p>
May 2010	<p>Two Amendment to Right of Way and Easement documents were completed concerning the natural gas easement through Lots 3 and 4 of the Agave Center (from Warner Road to Ranch Road), including the following: Establish the width of the natural gas easement (40’-0” wide), dedicate this easement by separate instrument and have the instrument recorded at the Maricopa County Recorder’s office. Each document is acknowledged by the property owner of the respective property and the Attorney-in-Fact for El Paso Natural Gas Company on behalf of El Paso Natural Gas. The recordation No. for Lot 3 (the subject site) is M.C.R. 2010-0399969 and the recordation No. for Lot 4 (south of the subject site) is M.C.R. 2010-0415459.</p>

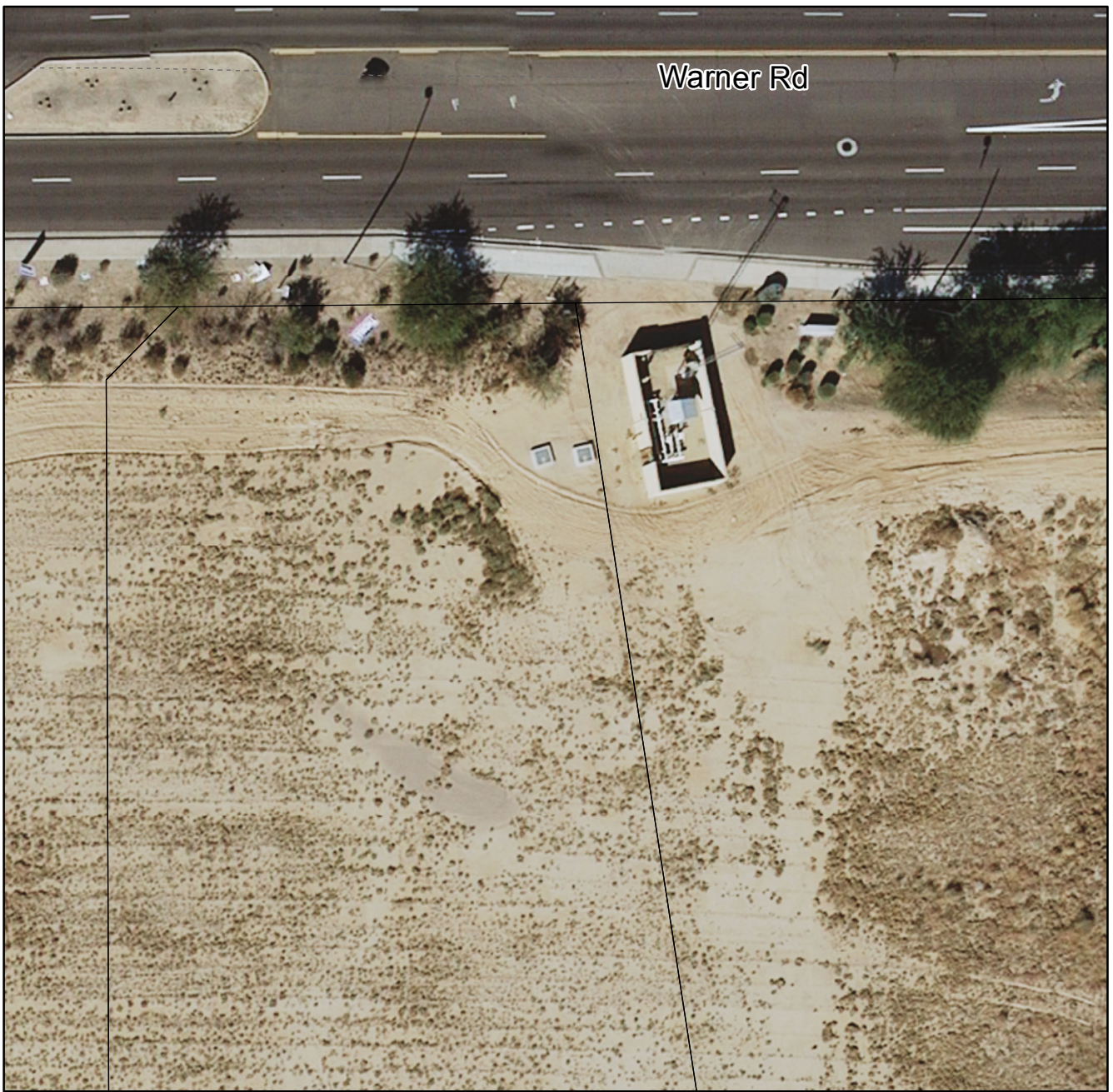
- October 7, 2010                      The City Council approved the Agave Center Amended II, an Amended Subdivision Plat consisting of eight (8) lots and dedication of Jewel Street on 17.46 acres formerly included Lots 2, 3, and 4 of Agave Center and Lot 13 and 14 of Agave Center Amended. The 17.46 acres are located in the PCC-1, Planned Commercial Center Neighborhood District – Lot 1, 2, 3, 4, and 5, PCC-1 (PAD) and GID (PAD) Planned Commercial Center Neighborhood District, General Industrial District and Planned Area Development Overlay – Lot 6, and GID, General Industrial District – Lot 7 and 8. The entire area is also within the SWOD, Southwest Tempe Overlay District.
- September 6, 2011                      The Hearing Officer re-approved two variances requested by Agave Center – Carl's Jr. Restaurant located at 8825 South Jewel Street for the following variances:
- Variance (VAR11006) to allow a drive-through lane on the street side of the building deviating from Zoning and Development Code Section 3-408, drive-through orientation requirements.  
Variance (VAR11007) to waive trees in the landscape islands for a portion of the parking area within the El Paso Natural Gas line easement.

**ZONING AND DEVELOPMENT CODE REFERENCE:**

Section 6-306, Development Plan Review



**Location Map**



**AGAVE CENTER - CARL'S JR RESTAURANT (PL090412)**



November 16, 2011

City of Tempe  
Community Development  
31 E. Fifth Street  
Tempe, AZ 85280

**Mdn**  
ARCHITECTS

**LETTER OF EXPLANATION FOR DEVELOPMENT PLAN REVIEW**

**RE: Carl's Jr. – Agave Center  
8825 South Jewel Street  
Tempe, AZ 85284**

---

To Whom It May Concern,

This Letter of Explanation is being provided as part of the documentation required for the Development Plan Review for the proposed Carl's Jr. Restaurant to be located 8825 South Jewel Street in the Agave Center development. It is our understanding that this review process has already taken place for this project several years ago, but due to the fact that the approved variance request had expired and the Architect of Record has changed, this process is being required again.

It was our intent to maintain identical design elements that were previously approved in 2009 as part of the Development Plan Review Process for this same project. The overall layout of the site, the landscaping, as well as the building design, materials, and colors have been virtually left unchanged.

The building has been located on the site to promote visibility to pedestrian, and both private and public transit vehicular traffic. Landscape elements have been carefully selected to enhance but not overpower the overall environment and provide separation between sidewalks, parking areas and driveways.

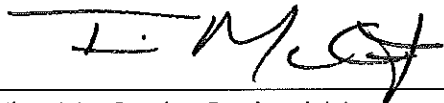
The exterior design of the building itself has been divided and proportioned by using differing heights, projections, and scale. Awnings are proposed above all windows and entrances to provide shade and aid in energy conservation.

All on-site utilities have been proposed to be underground. All proposed walkways and sidewalks surrounding the primary facades of the building are connected and can be accessed from adjacent pads through direct access of the public right-of-way and are in compliance with the Americans with Disabilities Act.

It is our belief that the proposed Carl's Jr. Restaurant will be a welcome addition to the Agave Center development and the City of Tempe.

Please feel free to contact us with any questions.

Thank you.



---

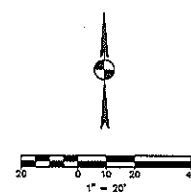
Tim McCarty, Project Manager - Mdn Architects, Inc.  
on behalf of primary applicant, **Frontier Star, LLC**

### SITE PLAN NOTES

- 1) TRAFFIC FLOW ARROWS, TOP (SEE DETAIL C.A.1.2)
- 2) PROPOSED 4' CURB & GUTTER (SEE DETAIL C.A.1.7)
- 3) HANDICAP PARKING (SEE DETAIL C.A.1.10)
- 4) PROPOSED PEDESTRIAN RAMP (SEE DETAIL C.A.1.11)
- 5) HANDICAP 5'x5' WHITE STOP (SEE DETAIL C.A.1.4 & C.A.1.4.1)
- 6) \* WHITE STRIPPING
- 7) METAL BENCHMARK (SEE DETAIL C.A.1.6)
- 8) WOOD BOARD (SEE ARCHITECTURAL PLANS)
- 9) INASPECT ENCLOSURE (SEE ARCHITECTURAL PLANS)
- 10) STANDARDS BP PARKING STALL
- 11) GREENE TRAP (SEE WAP PLANS)
- 12) EXISTING PAVE HYDRANT
- 13) STOP SIGN (SEE DETAIL C.A.1.8)
- 14) "DO NOT ENTER" SIGN (SEE DETAIL C.A.1.8)
- 15) INSTALL DRAINAGE HANDICAP RAMP (SEE DETAIL C.A.1.9)
- 16) INSTALL STOP BAR (SEE DETAIL C.A.1.3)
- 17) INSTALL ORIENTAL STRIPPING (SEE DETAIL C.A.1.2)
- 18) GREENE GATE
- 19) CURB INLET
- 20) PROPOSED 4' CURB-ALONG EXISTING CURB SECTION

### SITE PLAN NOTES

1. ALL DRIVE-TYPE CONSTRUCTION SHALL BE IN ACCORDANCE WITH CURRENT CITY OF TAMPA AND MAJ SPECIFICATIONS.
2. ALL CONSTRUCTION IN CITY RIGHT-OF-WAYS AND ON CASUALTIES SHALL BE ACCORDING WITH THE CITY OF TAMPA AND MAJ STANDARD SPECIFICATIONS.
3. PRIOR TO STARTING CONSTRUCTION, THE CONTRACTOR SHALL LEASE ALL NECESSARY EASEMENTS AND RIGHTS OF WAY FROM THE CITY OF TAMPA. NO CONSTRUCTION OR FUNDRAISING SHALL BEGIN UNTIL ALL NECESSARY EASEMENTS AND RIGHTS OF WAY HAVE BEEN OBTAINED, AND OTHER DOCUMENTS AS APPROVED BY ALL OF THE PERMITTING AGENCIES.
4. THE CONTRACTOR SHALL OBTAIN THE CITY OF TAMPA A MINIMUM OF 60 MONTHS NOTICE BEFORE BEGINNING EACH PHASE OF CONSTRUCTION.
5. THE CONTRACTOR IS RESPONSIBLE FOR THE PROTECTION OF ALL CITY UTILITIES LOCATED UNDER OR ADJACENT TO THE CONSTRUCTION. IF INFORMATION FIDES A DISCREPANCY WITH THE TOPOGRAHIC INFORMATION ON THESE PLANS, THE CONTRACTOR SHALL CONTACT THE CITY ENGINEER IMMEDIATELY.
6. CONTRACTOR SHALL PROTECT ALL EASEMENTS AND PROPERTY RIGHTS OF THE CITY OF TAMPA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR EASEMENTS AND DOCUMENTATION DISTURBED DURING CONSTRUCTION.
7. IF CONTRACTOR RELOCATES OR MOVES ANY EASEMENTS, THE VERTICAL ALIGNMENT OF THE EASEMENTS SHALL BE SET TO A TOLERANCE OF 0.010 FT.
8. ALL SHOWINGS SHALL BE TO FACE OF CURB, BUILDING FACE OF CURB, AND TO FACE OF DRIVE.
9. ALL RECORD TO ARCHITECTURAL PLANS FOR DETAILING BUILDING ENDS.
10. ALL CURB RAMP SHALL BE 3:1 UNLESS OTHERWISE NOTED.
11. THE AGENCIES WITH JURISDICTION ARE (A)A, SCHOOLS, AND FEDERAL AND STATE ARE TO BE INCORPORATED IN ALL CONSTRUCTION PROJECTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING ALL AGENCIES OF THE CONSTRUCTION AND INFORMED OF THE MATERIALS THAT WILL BE USED IN THE CONSTRUCTION.
12. THE CONTRACTOR IS RESPONSIBLE FOR NOTIFYING CITY ENGINEER, PARLAMENT AND STRUCTURES BEFORE ANY WORK BEGINS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING THE CITY OF TAMPA AND MAJ BEFORE ANY WORK BEGINS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING THE CITY OF TAMPA AND MAJ BEFORE ANY WORK BEGINS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING THE CITY OF TAMPA AND MAJ BEFORE ANY WORK BEGINS.
13. PROVIDE PAID CERTIFICATION FROM A LICENSED SURVEYOR AND SOIL CONSTRUCTION FROM A LICENSED ENGINEER.
14. PAVING SHALL BE ACCORDING FROM A BUILDING EXCAVATION IS NOT AN OPEN PAVED AREA.
15. ROADWAYS LOCATED WITHIN THE CITY OF TAMPA RIGHT-OF-WAY SHALL BE ACCORDING TO ACCORDANCE WITH THE CITY OF TAMPA AND MAJ SPECIFICATIONS AND THE FORMS AND DEVELOPMENT CODE, SECTION 10.000 AND 10.000.
16. ALL ACCESS DRIVEWAYS SHALL BE PROVIDED WITH CLEAR VIEW AREAS IN ACCORDANCE WITH THE TOWNSHIP AND DEVELOPMENT CODE, SECTION 10.000.

[illegible]

#### ACCESSIBILITY NOTES

1. SLOPES ON ACCESSIBLE ROUTES MAY NOT EXCEED 1:20 UNLESS DESIGNED AS A RAMP. [ADAAG 4.8.1]
2. THE MAXIMUM SLOPE OF A RAMP IN NEW CONSTRUCTION IS 1:12. THE MAXIMUM RISE FOR ANY RAMP RUN IS 30 IN. [ADAAG 4.8.2]
3. ACCESSIBLE ROUTES MUST HAVE A CROSS-SLOPE NO GREATER THAN 1:50. [ADAAG 4.8.6]
4. GROUND SURFACES ALONG ACCESSIBLE ROUTES MUST BE STABLE, FIRM

### LEGAL DESCRIPTION

LOT 3 OF AGAVE GUNTER AMENDED II, AS RECORDED IN BOOK 1081 OF MAPS PAGE 63, MARICOPA COUNTY RECORDS, BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 1 SOUTH, RANGE 4 EAST, OF THE GILA AND SALT RIVER BASIN AND WILDLAND, MARICOPA COUNTY, ARIZONA

## BENCHMARK

THE BRASS CAP IN HANDHOLE AT THE INTERSECTION OF  
PRIEST DRIVE - ELEV 1218.34 (CITY OF TOWNE DATUM)

**Bury+Partners**  
123 West Bank #250 100  
St. Andrews, NJ 08214  
Tel. (201) 355-2900 Fax (201) 252-9274  
1575 Poppleton Pl. 17067-4  
Northvale, NJ 07647  
New York, NY 10011



## SITE PLAN

**★ Carl's Jr.**

TEMPE, ARIZONA

PLOTTING SCALE 1"= 1'  
DATE REVISED SEP 06, 2011  
FILE Q:\2011\1007\1007-069  
DRAWN BY RZ/AL  
CHECKED BY JSL  
DESIGNED BY RM/RJ  
NOTED BY JSL

SHEET  
C4.0

## PARKING AND SIDEWALK SUMMARY

BUILDING USE TOTAL SF	RESTAURANT 2,715
REGULAR MINIMUM REQUIRED PARKING SPACES PARKING RATIO ACTUAL/PROPOSED PARKING SPACES	37 1 SPACE/75 SF 40
HANDICAP SPACE (ADA) PARKING LOT PROPOSED HANDICAP PARKING REQUIRED REGULAR HANDICAP PARKING REQUIRED VAN ACCESSIBLE PARKING	2 2 1 (2 VAN)
SIDEWALKS SIDEWALK WIDTH (FT) PROPOSED SIDEWALK LENGTH/AREA	5 FT. ±239 L.F./1,248 SF

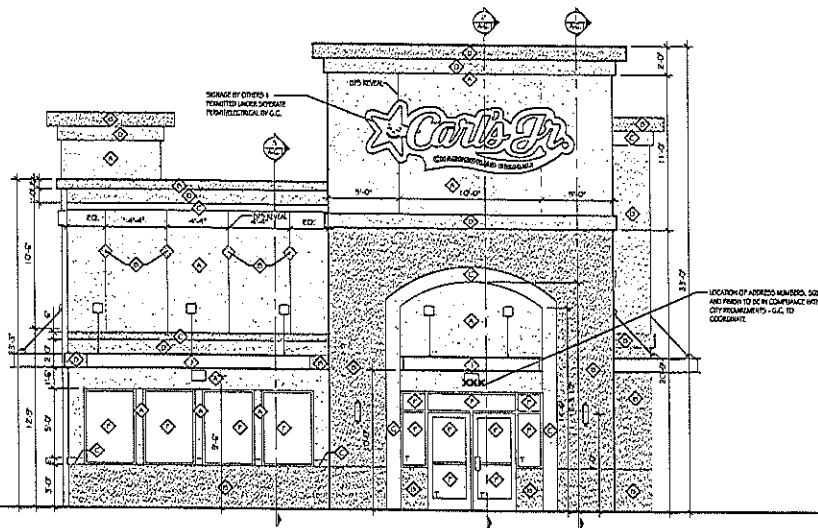
## SITE PLAN NOTES

- ① TRAFFIC FLOW ARROWS, TYP. (SEE DETAIL C4.1.5)
- ② PROPOSED 6" CURB & GUTTER (SEE DETAIL C4.1.7)
- ③ HANDICAP PARKING (SEE DETAIL C4.1.10)
- ⑤ PROPOSED PEDESTRIAN RAMP (SEE DETAIL C4.1.11)
- ⑥ HANDICAP SIGN & WHEEL STOP (SEE DETAIL C4.1.3 & C4.1.4)
- ⑦ 4" WHITE STRIPING
- ⑧ INSTALL SIDEWALK (SEE DETAIL C4.1.6)
- ⑨ MENU BOARD (SEE ARCHITECTURAL PLANS)
- ⑩ DUMPSTER ENCLOSURE (SEE ARCHITECTURAL PLANS)
- ⑪ STANDARD 90° PARKING STALL
- ⑫ GREASE TRAP (SEE MEP PLANS)
- ⑬ EXISTING FIRE HYDRANT
- ⑭ STOP SIGN (SEE DETAIL C4.1.8)
- ⑮ "DO NOT ENTER" SIGN (SEE DETAIL C4.1.8)
- ⑯ INSTALL SIDEWALK HANDICAP RAMP (SEE DETAIL C4.1.9)
- ⑰ INSTALL STOP BAR (SEE DETAIL C4.1.1)
- ⑱ INSTALL CROSSWALK STRIPING (SEE DETAIL C4.1.2)
- ⑲ GRATE INLET
- ⑳ CURB INLET
- ㉑ PROPOSED 6" CURB-MATCH EXISTING CURB SECTION

## SITE PLAN NOTES







FRONT ELEVATION

SCALE: 1/4" = 1'-0"

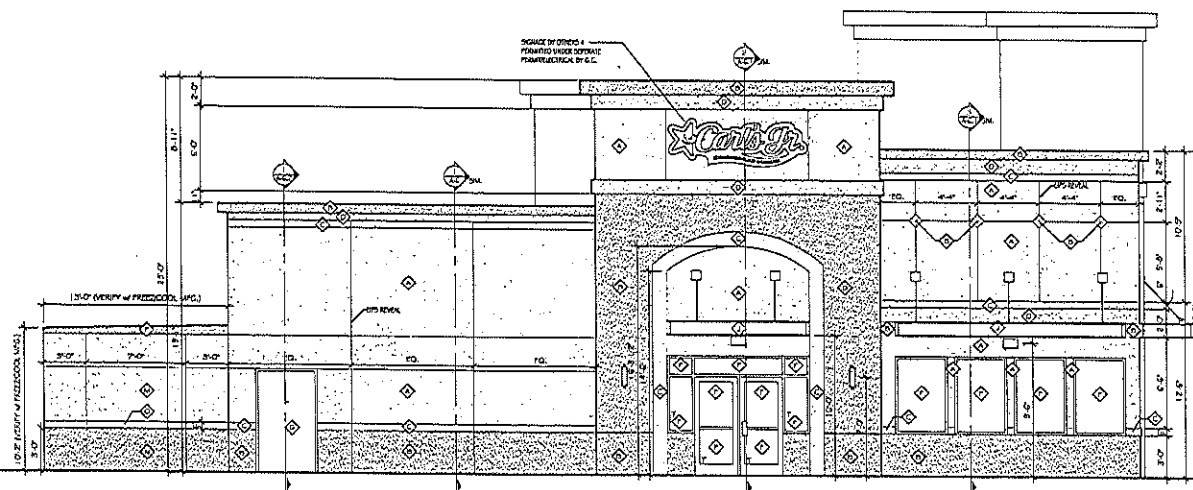
EXTERIOR FINISH SCHEDULE

N.T.S.

SYMBOL	MATERIAL	DESCRIPTION	REMARKS
1	EPS	1" EPS, AC107 NOMADIC DESERT	TYPICAL NOTE: PREPARE ALL SURFACES TO BE PAINTED AS PER MANUFACTURER'S RECOMMENDATIONS
2	EPS	1" EPS, AC110 STEADY BROWN	
3	EPS	2" EPS - AC309 BUTTERNUT	
4	EPS	1" EPS, PAINT SW #6000 HEARTHRODS	
5	NOT USED	NOT USED	
6	STOREFRONT DOORS AND WINDOWS	CLEAR ANODIZED ALUMINUM - w/ 1" CLEAR INSULATED GLAZING	
7	SERVICE DOOR	PAINTED TO MATCH 1	
8	NOT USED	NOT USED	
9	PAINTING	ALUMINUM PAINTING - SW #6000 HEARTHRODS	
10	EXTERIOR COLUMN WRAP	STUCCO COLUMN WRAP TO MATCH 1	
11	METAL PARAPET CAPS	24 GAUGE ALUMINUM - PAINT TO MATCH 1	
12	WALK-IN COOLERS/FREEZERS	AC107 NOMADIC DESERT	
13	WALK-IN COOLERS/FREEZERS	AC110 STEADY BROWN	
14	WALK-IN COOLERS/FREEZERS	BUTTERNUT	
15	WALK-IN COOLERS/FREEZERS	SW #6000 HEARTHRODS	

PAINTING SUPPLIED AND INSTALLED BY G.C.

NOTE: 1" TINTED GLAZING



LEFT SIDE (MAIN ENTRANCE) ELEVATION

SCALE: 1/4" = 1'-0"

**Mdn**  
ARCHITECTS  
9439 McCullough Ave.  
San Antonio, Texas 78214  
Tel. 210.340.2400  
Fax. 210.340.2449  
www.mdnarchitects.com

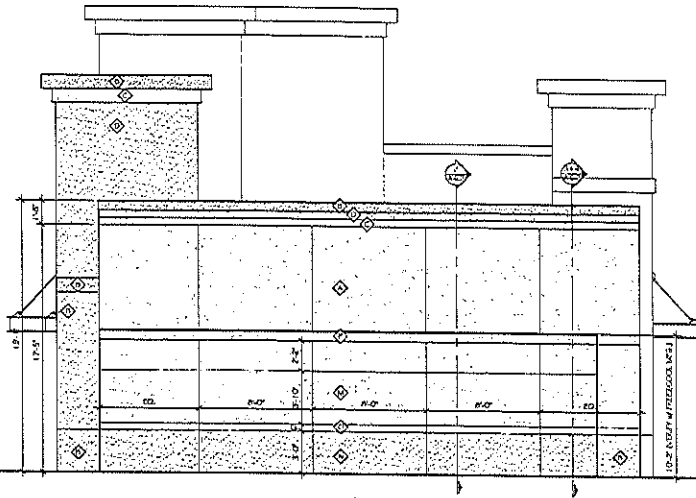
revisions:  
POINT SET 08-29-11

**Starbuck's Jr.**  
CARL'S JR.  
AGAVE CENTER  
INTERSTATE 10 AND SAN MAR ROAD  
TEMPLE, TEXAS 76788



PROJECT: 6  
DATE: 08-29-11  
REV. BY: checked by date  
TITLE:  
DRAWN BY: TMM  
DRAWING TITLE:  
EXTERIOR ELEVATIONS  
DRAWING NUMBER:

A4



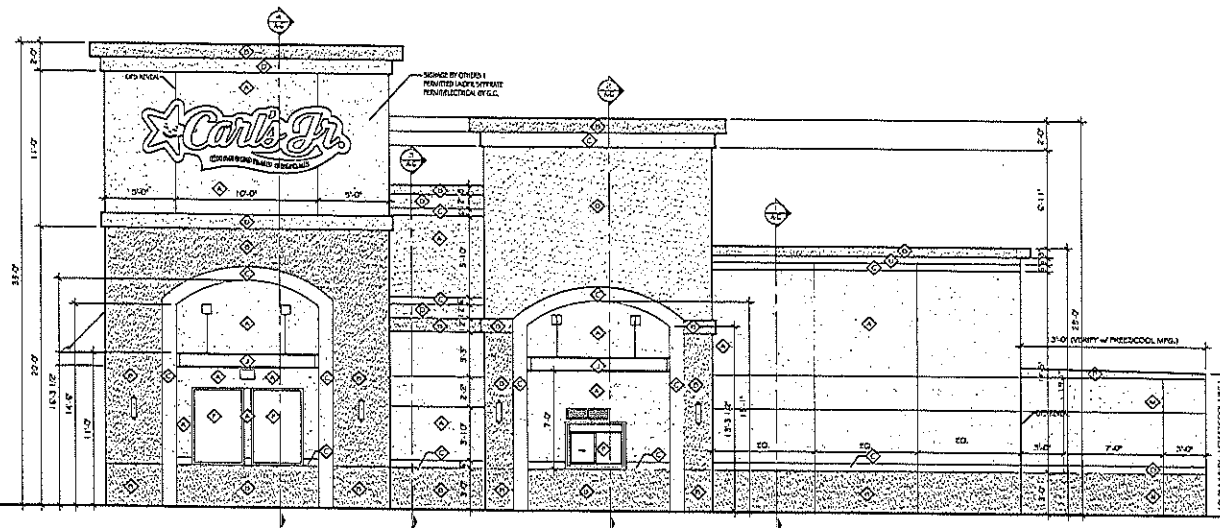
REAR ELEVATION

SYMBOL	MATERIAL	DESCRIPTION	REMARKS
◇	EPS	1" EPS, AC107 NOMADIC DESERT	TYPICAL NOTE: PREPARE ALL SURFACES TO BE PAINTED AS PER MANUFACTURER'S RECOMMENDATIONS
◇	EPS	1" EPS, AC110 STEADY BROWN	
◇	EPS	2" EPS - #2000 BUTTERNUT	
◇	EPS	1" EPS, PAINT SW #2000 HEARTHROB	
◇	NOT USED	NOT USED	
◇	STOREFRONT DOORS AND WINDOWS	CLEAR ANODIZED ALUMINUM - w/ 1" CLEAR INSULATED GLASSING	
◇	SERVICE DOOR	PAINTED TO MATCH	
◇	NOT USED	NOT USED	
◇	AWNING	ALUMINUM AWNING - SW #2000 HEARTHROB	
◇	EXTERIOR COLUMN WRAP	STUCCO COLUMN WRAP TO MATCH	
◇	METAL TRAMPET CAPS	24 GAUGE ALUMINUM - PAINT TO MATCH	
◇	WALK-IN COOLER/FREEZER WALLS	AC107 NOMADIC DESERT	
◇	WALK-IN COOLER/FREEZER WALLS	AC110 STEADY BROWN	
◇	WALK-IN COOLER/FREEZER WALLS	#2000 BUTTERNUT	
◇	WALK-IN COOLER/FREEZER WALLS	SW #2000 HEARTHROB	

AWNINGS SUPPLIED AND INSTALLED BY G.C.  
1" TYPICAL GLASSING

SCALE: 1/4" = 1'-0" 1 EXTERIOR FINISH SCHEDULE

N.T.S. 2



RIGHT SIDE DRIVE-THRU ELEVATION

SCALE: 1/4" = 1'-0" 3

**Mdn**  
ARCHITECTS

9437 McCullough Ave.  
San Antonio, Texas 78216  
Tel. 210.340.2400  
Fax. 210.340.2449  
www.mdnarchitects.com



















Revisions:  
PROJECT SET: 08-29-2011

**Carl's Jr.**  
CARL'S JR.  
AGAVE CENTER  
INTERSTATE 10 & WASSER ROAD  
TEMPLE, TEXAS 76788



PROJECT #  
2011090  
DATE  
08-29-11  
REV. BY CHECKED BY DATE  
TRUE  
DRAWN BY  
TRUE  
DRAWING TITLE  
EXTERIOR ELEVATIONS  
DRAWING NUMBER

A4.1

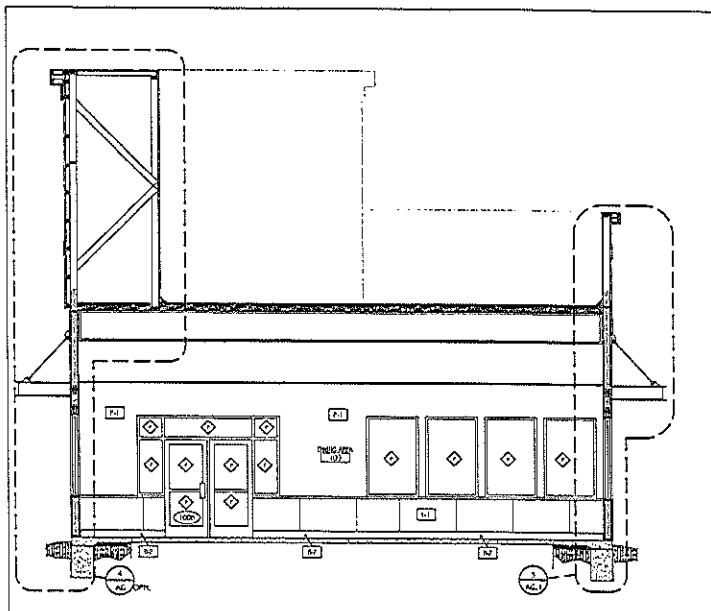
SYMBOL	MATERIAL	DESCRIPTION	REMARKS
	EIFS	1" EIFS, #6107 NOMADIC DESERT	TYPICAL NOTE: PREPARE ALL SURFACES TO BE PAINTED AS PER MANUFACTURERS RECOMMENDATIONS
	EIFS	1" EIFS, #6110 STEADY BROWN	
	EIFS	2" EIFS - #6389 BUTTERNUT	
	EIFS	1" EIFS, PAINT SW #6866 HEARTHROB	
	NOT USED	NOT USED	
	STOREFRONT DOORS AND WINDOWS	CLEAR ANODIZED ALUMINUM - w/ 1" CLEAR INSULATED GLAZING.	
	SERVICE DOOR	PAINTED TO MATCH 	
	NOT USED	NOT USED	
	AWNING	ALUMINUM AWNINGS - SW 6866 HEARTHROB	
	EXTERIOR COLUMN WRAP	STUCCO COLUMN WRAP TO MATCH 	
	METAL PARAPET CAPS	24 GAUGE ALUMINUM - PAINT TO MATCH 	
	WALK-IN COOLER/FREEZER WALLS	#6107 NOMADIC DESERT	
	WALK-IN COOLER/FREEZER WALLS	#6110 STEADY BROWN	
	WALK-IN COOLER/FREEZER WALLS	#6389 BUTTERNUT	
	WALK-IN COOLER/FREEZER WALLS	SW #6866 HEARTHROB	

AWNINGS SUPPLIED AND INSTALLED BY G.C.

NOTE:

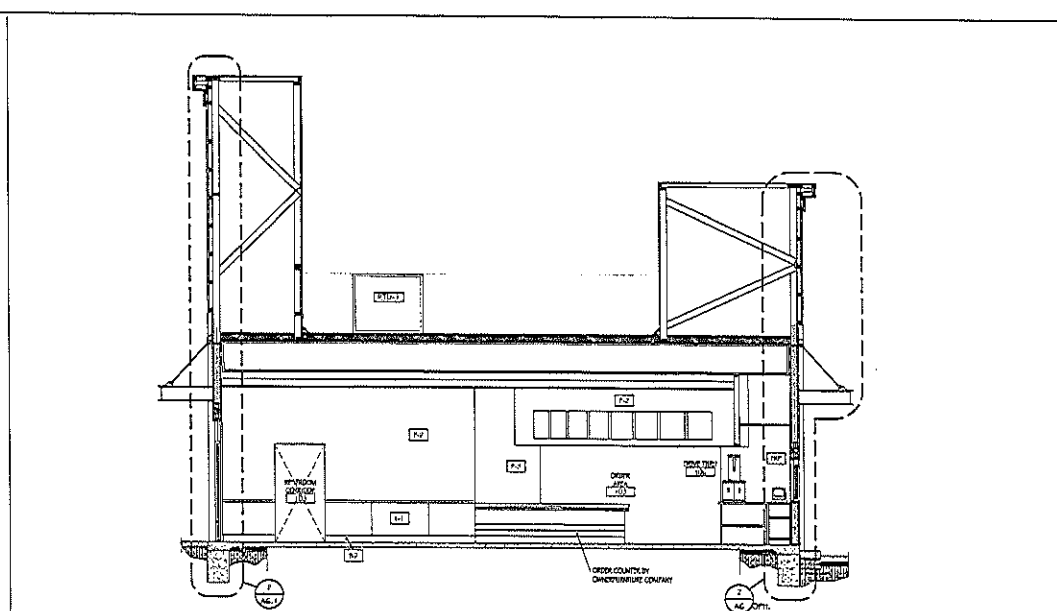
T = TEMPERED GLAZING





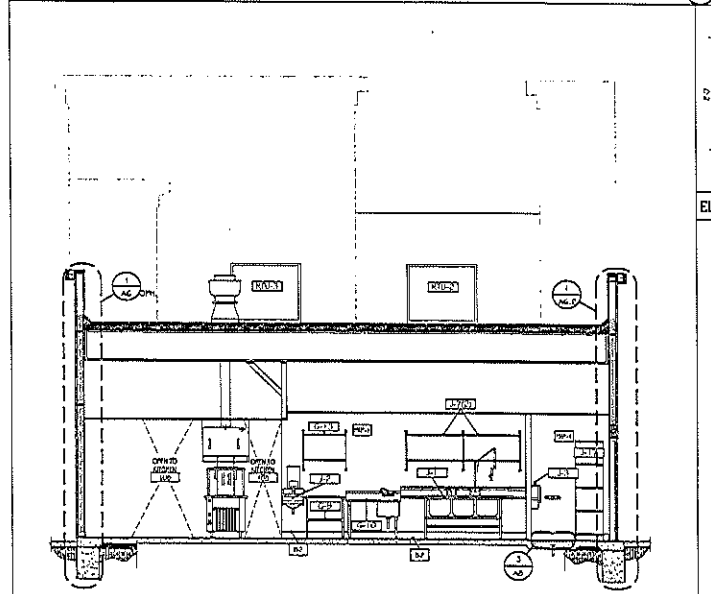
INTERIOR ELEVATION

SCALE: 1/4" = 1'-0"



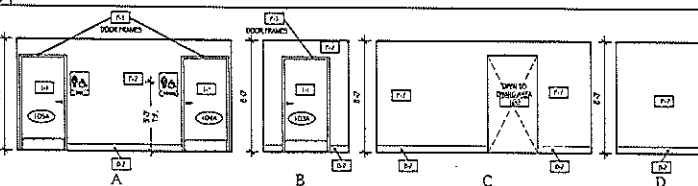
INTERIOR ELEVATION

SCALE: 1/4" = 1'-0"



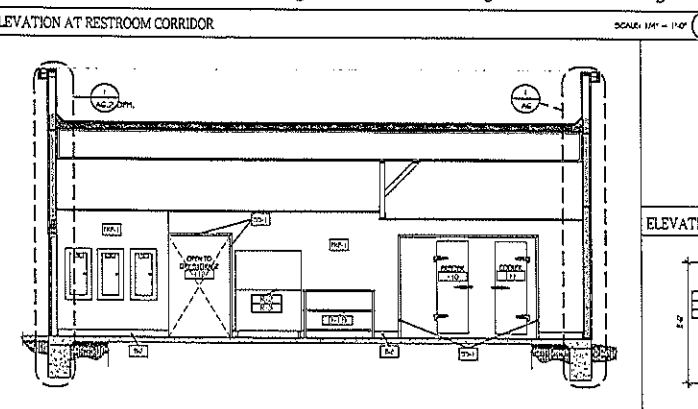
INTERIOR ELEVATION

SCALE: 1/4" = 1'-0"



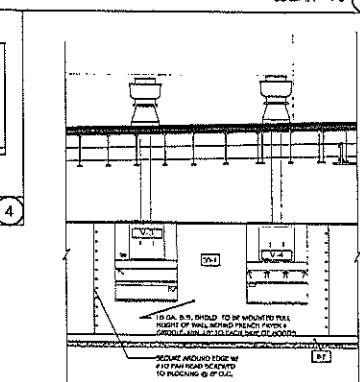
ELEVATION AT RESTROOM CORRIDOR

SCALE: 1/4" = 1'-0"



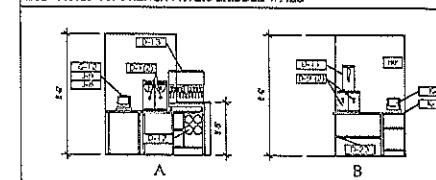
INTERIOR ELEVATION

SCALE: 1/4" = 1'-0"



ELEVATION AT FRENCH FRYER/GRIDDLE WALL

SCALE: 1/4" = 1'-0"



ELEVATION AT DRIVE-THRU AREA

SCALE: 1/4" = 1'-0"

**Mdn**  
ARCHITECTS  
9439 McCullough Ave.  
San Antonio, Texas 78216  
Tel. 210-340-2400  
Fax. 210-340-2449  
www.mdnarchitects.com

revision:	date:
1	08-20-11
2	
3	
4	
5	
6	
7	

**Carl's Jr.**  
CARL'S JR.  
AGAVE CENTER  
INTERSTATE 10 & SAN ANTONIO ROAD  
TEMPLE, ARIZONA 85284

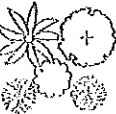











PROJECT #	201060
DATE	08-20-11
REV. BY	checked by date
TITLE	INTERIOR ELEV./SECTIONS
DRAWN BY	TMG
DRAWING TITLE	
DRAWING NUMBER	

A5.1



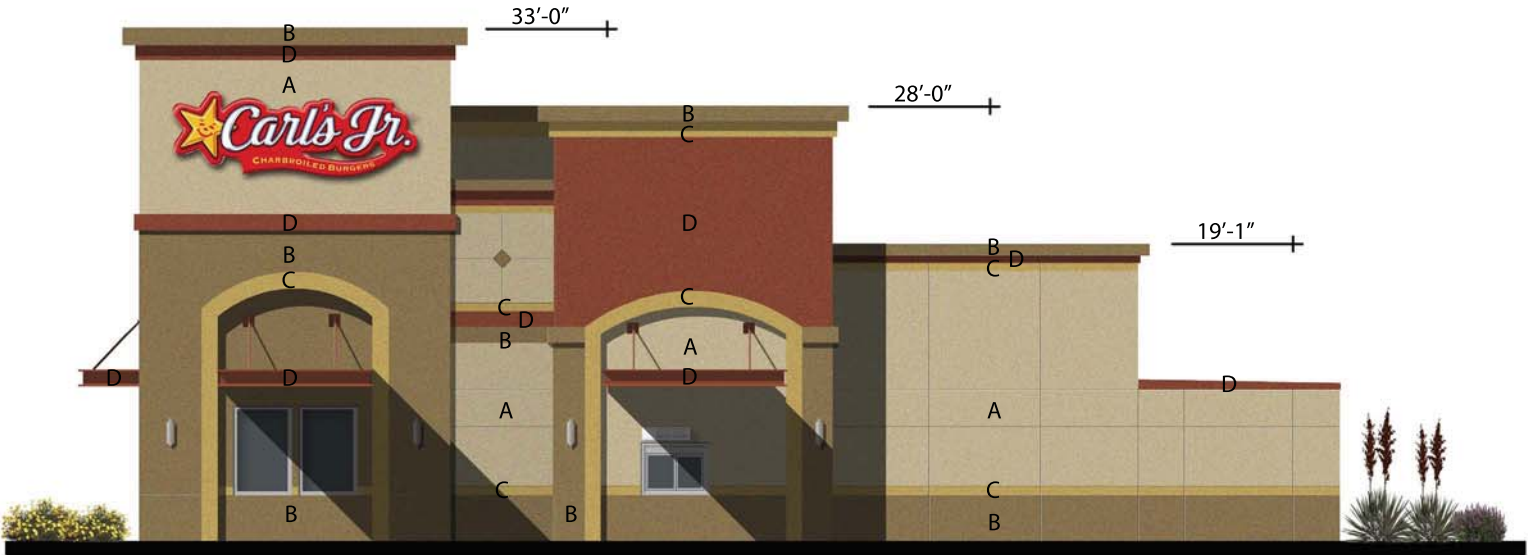
## LANDSCAPE LEGEND

	BOTANICAL NAME	COMMON NAME	SIZE	QTY	REMARKS
<b>TREES</b>					
	EXISTING TREES TREE TO REMAIN				
	ULMUS PARVIFOLIA 'SEMPERVIRENS'	CHINESE EVERGREEN ELM	36" BOX 2.5" CAL. 14' H X 8' W	-	STD TRUNK
	PARKINSONIA HYBRID	DESERT MUSEUM PALO VERDE	24" BOX 1.5" CAL. 7' H X 4' W	-	MULTI-TRUNK HIGH BREAKING
	CHILEAN MESQUITE	CHILEAN MESQUITE	24" BOX 1.5" CAL. 8' H X 4' W	-	MULTI-TRUNK
<b>ACCENTS</b>					
	HESPERALOE PARVIFLORA	RED YUCCA	5 GALLON	-	
<b>SHRUBS</b>					
	RUPELLIA PENINSULARIS	BLUE RUELLIA	5 GALLON	-	
<b>GROUNDCOVERS</b>					
	LANTANA MONTIVIDENSIS	GOLD MOUND LANTANA	1 GALLON	-	
	LANTANA MONTIVIDENSIS	PURPLE MOUND LANTANA	1 GALLON	-	
	VERBENA RIGIDA	SANDPAPER VERBENA	1 GALLON	-	
	GRANITE GROUNDCOVER: COLOR: WALKER BUTTE "RED"	1/2" MINUS SCREENED 2" MINIMUM THICKNESS IN ALL LANDSCAPE AREAS AS NOTED		-SF.	





TEMPE, ARIZONA



EAST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION



WEST ELEVATION

E.I.F.S.



A

NOMADIC DESERT  
" SW # 6107 "

E.I.F.S.



B

STEADY BROWN  
" SW # 6110 "

E.I.F.S.



C

BUTTERNUT  
" SW # 6389 "

E.I.F.S.



D

HEARTTHROB  
" SW # 6866 "

JOB #2011090  
11/03/2011







ATTACHMENT 16