

Staff Summary Report



Development Review Commission: 04/13/10

Agenda Item Number: _____

SUBJECT: Hold a public hearing for a Development Plan Review and Use Permit for **FRY'S FUELING CENTER** located at 3255 S. Rural Rd.

DOCUMENT NAME: DRCr_Fry'sFuel_041310

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Request for **FRY'S FUELING CENTER (PL090086)** (Tempe School District 3, property owner; Daniel Filuk, KDF/JMS Architects, applicant) consisting of a single-story 5000 square foot canopy and fuel service facility with kiosk, on a portion of 10.596 net acres, located at 3255 South Rural Road in the PCC-1, Planned Commercial Center District. The request includes the following:

DPR09226 – Development Plan Review including site plan, building elevations and landscape plan.
ZUP09170 – Use Permit for retail fuel sales.

PREPARED BY: Sherri Lesser, Senior Planner (480-350-8486)

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

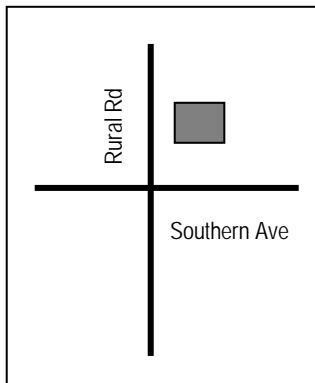
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LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Approval

ADDITIONAL INFO:	Gross/Net site area	10,596 net acres
	Total Building area	112 s.f.
	Canopy Area	5000 s.f.
	Lot Coverage	27.7 % (50% maximum allowed)
	Canopy Height	19 ft (40 ft maximum allowed)
	Building setbacks	73' front, 80' street side (0', 0' min.)
	Vehicle Parking	456 provided (412 required by ordinance)



A neighborhood meeting was not required for this application. The applicant distributed a mailer to households within a two mile radius of the Fry's store for a Tempe School Board hearing. They received approval of the project from the Tempe School Board on Wednesday, March 24, 2010.

PAGES:

1. List of Attachments
- 2-3. Comments
- 4-7. Reason for Approval / Conditions of Approval; Code Requirements
8. History & Facts / Zoning & Development Code Reference

ATTACHMENTS:

1. Location Map
2. Aerial
3. Letter of Explanation
4. Site plan
5. Enlarged Site Plan
- 6-7. Building Elevations
8. Landscape Plan
9. Preliminary Grading & Drainage Plan

COMMENTS:

This site is located on the north side of Southern Avenue, east of Rural Road on a lot shared with the Tempe Elementary School District offices. This request includes a Use Permit and a Development Plan Review for a one-story 19' tall 5000 s.f. fuel canopy with a 112 s.f. kiosk building on 10,596 net acres. A neighborhood meeting is not required for this request but the applicant did complete an additional 2 mile radius mailing as part of a public hearing for the Tempe Elementary School Board meeting. At a prior DRC hearing a representative from the Tempe Commission on Disability Concerns spoke to the commission regarding ADA requirements needing to be addressed on the existing Fry's Shopping Center site. In response to his concerns; staff held a meeting with the architect and a representative from Fry's. In the meeting, staff conveyed all the existing ADA violations to date. The representative from Fry's stated that, with the cooperation of the Tempe Elementary School District, they would meet with the representative of the Tempe Commission on Disability Concerns and address the site accessibility issues.

PROJECT ANALYSIS

The proposed project conforms to the General Plan Land Use Commercial designation and the Zoning and Development Code PCC-1, Planned Commercial Center Neighborhood District standards. The use requires a use permit within this zoning district, to allow retail fuel sales. The property is south of residences within the R1-6 District, with the canopy for the fuel pumps being located approximately 435 feet away from the nearest residence.

USE PERMIT

The applicant provided a letter of explanation for the use permit. 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 the use will be in full conformity to any conditions, requirement or standards prescribed therefore by this code. The applicant will be required to provide a security plan. The site configuration provides visibility to the grocery store, existing drive aisles, and driveway entrances and to the street from the gas pumps.

Section 6-308 E Approval criteria for Use Permit:

- a. *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 fuel facility will not be detrimental to the surrounding area and will enhance the services available at this commercial corner. The use is in conformity with the requirements and standards of the Zoning and Development Code.
- b. *Any significant increase in vehicular or pedestrian traffic.* The proposed use is ancillary to the grocery store, and not a destination use. It will primarily serve patrons already on-site and will not impact traffic along Rural or Southern, it is not anticipated to produce any significant increase in vehicular or pedestrian traffic.
- c. *Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions.* The fuel center is located a substantial distance from residential and will not create a nuisance from odor, dust, gas, noise, vibration, smoke, heat or glare.
- d. *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.* There are no foreseen contributions 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.
- e. *Compatibility with existing surrounding structures and uses.* The proposed use and design is compatible with existing surrounding structures and uses.
- f. *Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public.* The addition of a fuel center will enhance natural surveillance and activity support to the surrounding area to mitigate potential nuisances.

DEVELOPMENT PLAN REVIEW

Site Plan

The proposed fuel facility and kiosk building will be located at the southwest corner of the site. The canopy is setback 73' from Rural Road and 80' from Southern Ave. There are no driveway entrances directly to fuel facility from either arterial street. All maneuvering to the gas pumps will be from on site drive aisles. The applicant is providing a pedestrian link from Rural Road to the main grocery store and providing a median to separate the fuel center traffic from the grocery store traffic. The canopy is lengthwise parallel to Southern Avenue and covers seven (7) fuel pumps with a kiosk building. Also shown on the site plan are future display cases for merchandise. Staff will add a condition requiring the cases to have a finish similar to the building in color. The number and type of display cases are limited to what is presented on these plans. Future vending machines or display cases including ice boxes or propane tank dispensers will require a separate development plan review process.

Building Elevations

Elevations as indicated on the drawing labeled "ELEV". The canopy elevations are two-tone painted to match colors of the existing finish of the grocery store with a masonry veneer on the columns. The kiosk building has a stucco finish with a masonry base. A condition has been added requiring the canopy lighting to be recessed, to reduce visibility of lights to adjacent properties or street. The building elevation drawings show signs on the canopy fascia and kiosk buildings; the signs are not part of this review and will require a separate process. Staff supports the elevations with some minor modifications and clarifications. The color samples provided in the rendering do not match the existing center; a condition has been added to have the colors field verified with staff prior to submittal for plan check. Additionally, a condition will be added to change the block accent to match the color and form of the existing masonry on the building.

Landscape Plan

The landscape plan is a continuation of the landscape palette existing on the site. From discussion held at the public forum by the Tempe Elementary School Board; the applicant is adding four (4) additional trees along the Southern Avenue frontage.

Based on the approval criteria for Development Plan Reviews located in Section 6-306 D the project achieves the following:

1. The placement of building maximizes natural surveillance and visibility of pedestrian areas.
2. Materials are compatible with the surroundings
3. Buildings and landscape elements have proper scale with the site and surroundings
4. Large building masses are divided into smaller components that create a human-scale as viewed from the sidewalk
5. The building has a distinct base and top, as identified by ground floor elements, roof forms, and detailing.
6. Clear and well lighted walkways connect building entrances to one another and to adjacent sidewalks.
7. Lighting is compatible with the proposed building(s) and adjoining buildings and uses.
8. Vehicular circulation is designed to minimize conflicts with pedestrian access and circulation. Traffic impacts are minimized in conformance with the city transportation policies, plans and design criteria.
9. Plans appropriately integrate crime prevention principles such as territoriality, natural surveillance, access control, activity support, and maintenance.
10. Landscape accents and separates parking, buildings, driveways and pedestrian walkways.

Conclusion

Based on the information provided by the applicant 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 conditions.

REASONS FOR APPROVAL:

1. The project meets the General Plan Projected Land Use and Projected Residential Density for this site.
2. The project meets the development standards required under the Zoning and Development Code.
3. The project meets the approval criteria for a Use Permit
4. The project meets the approval criteria for a Development Plan Review.

ZUP08181

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

1. Any intensification of the site beyond what is approved within this request will require a new application the use permit.
2. If there are any complaints arising from the use permit that are verified by a consensus of the complaining party and the City Attorney's office, the use permit will be reviewed by city staff to determine the need for a public hearing to re-evaluate the appropriateness of the use permit.
3. A security plan is required for this request.

DPR08269

CONDITIONS OF APPROVAL

4. Your drawings must be submitted to the Development Services Building Safety Division for building permit by April 13, 2011 or Development Plan approval will expire.

Site Plan

5. The entire site to be brought into compliance with the 1990 American Disabilities Act requirements for site access to and from the buildings from the public right of way.
6. Site plan approved as per the drawings submitted with this application. The product cases are approved for the number and size as shown on the site plan within this submittal. They must be finished and painted match the base of the kiosk building. Additional products cases or vending machines require separate DPR approval.
7. Utility equipment boxes for this development shall be finished in a neutral color (subject to utility provider approval) that complements the coloring of the buildings.
8. Locate air and water station approved along Southern Ave frontage.
9. Locate pay phones within the line of site of the kiosk building

10. Place exterior, freestanding reduced pressure and double check backflow assemblies in pre-manufactured, pre-finished, lockable cages (one assembly per cage). If backflow prevention or similar device is for a 3" or greater water line, delete cage and provide a masonry or concrete screen wall following the requirements of Standard Detail T-214.

Building Elevations

11. The materials and colors are approved in concept. All colors and materials to match existing grocery store. The final colors of the canopy stucco and block to be field verified by staff with applicant prior to submittal for plan check.
12. Masonry accents to match existing masonry of grocery store in color and form.
13. 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.

Lighting

14. Coordinate photometric plan with existing lighting plan for the Fry's Grocery Store.
15. Limit light on paving surface under canopy to a maximum of 30 foot-candles.
16. Fixtures underneath the fuel service canopy shall be fully recessed with the lamp cover flush with underside of canopy (fully shielded), and enclosed within screened fascia.
17. Coordinate lighting and landscape to minimize conflicts with parking lights.
18. Coordinate lighting and landscape; there shall be no glare from the canopy fixtures visible from adjacent properties.

Landscape

19. Provide four (4) additional trees along Southern Ave frontage per discussion with residents within area.
20. The plant palate is approved as proposed and specified on the landscape plan. Any additions or modifications may be submitted for review during building plan check process.
21. Irrigation notes:
 - a. Provide dedicated landscape water meter.
 - b. 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.
 - c. Locate valve controller in a vandal resistant housing.
 - d. Hardwire power source to controller (a receptacle connection is not allowed).
 - e. Controller valve wire conduit may be exposed if the controller remains in the mechanical yard.
 - f. Provide temporary irrigation to existing landscape (on site or in these frontages) for period of time that irrigation system is out of repair. Design irrigation so existing plants on site or in frontages are irrigated as part of the reconfigured system at the conclusion of this construction.
22. 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.
23. Top dress planting areas with a rock or decomposed granite application. Provide rock or decomposed granite of 2" uniform thickness or less. Provide pre-emergence weed control application and do not underlay rock or decomposed granite application with plastic.

Signage

24. All business signs and fuel price signs to receive separate Development Plan Review approval and are not considered with this application.
25. Provide address signs on all four building elevations.
 - a. Conform to the following for building address signs:
 - 1) Provide street number only, not the street name
 - 2) Compose of 12" high, individual mount, metal reverse pan channel characters.
 - 3) Self-illuminated or dedicated light source.
 - 4) Coordinate address signs with trees, vines, or other landscaping, to avoid any potential visual obstruction.
 - 5) 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.

- The use permit shall commence within twelve months from the date granted, on or before April 13, 2011 or the use permit approval will expire.
- Specific requirements of the **Zoning and Development Code** 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, it is necessary that the applicant be familiar with the Zoning and Development Code (ZDC), which can be accessed through www.tempe.gov/zoning, or purchased at Development Services.
- **SITE PLAN REVIEW:** Verify all comments by the Public Works Department, Development Services Department, and Fire Department given on the Preliminary Site Plan Reviews. 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.
- **LANDSCAPE**
 - Provide one (15) gallon tree and five (5) one gallon shrubs in all landscape islands.
- **STANDARD DETAILS:**
 - Tempe Standard "T" details may be accessed through www.tempe.gov/engineering or purchased from the Engineering Division, Public Works Department.
 - Tempe Standard "DS" details for refuse enclosures may be accessed through www.tempe.gov or may be obtained at Development Services.
- **BUILDING HEIGHT:** Measure height of buildings from top of curb along front of property (as defined by Zoning and Development Code).
- **WATER CONSERVATION:** Under an agreement between the City of Tempe and the 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, available from Building Safety (480-350-8341). Contact Water Conservation Division (480-350-2668) if there are any questions regarding the purpose or content of the water conservation reports.

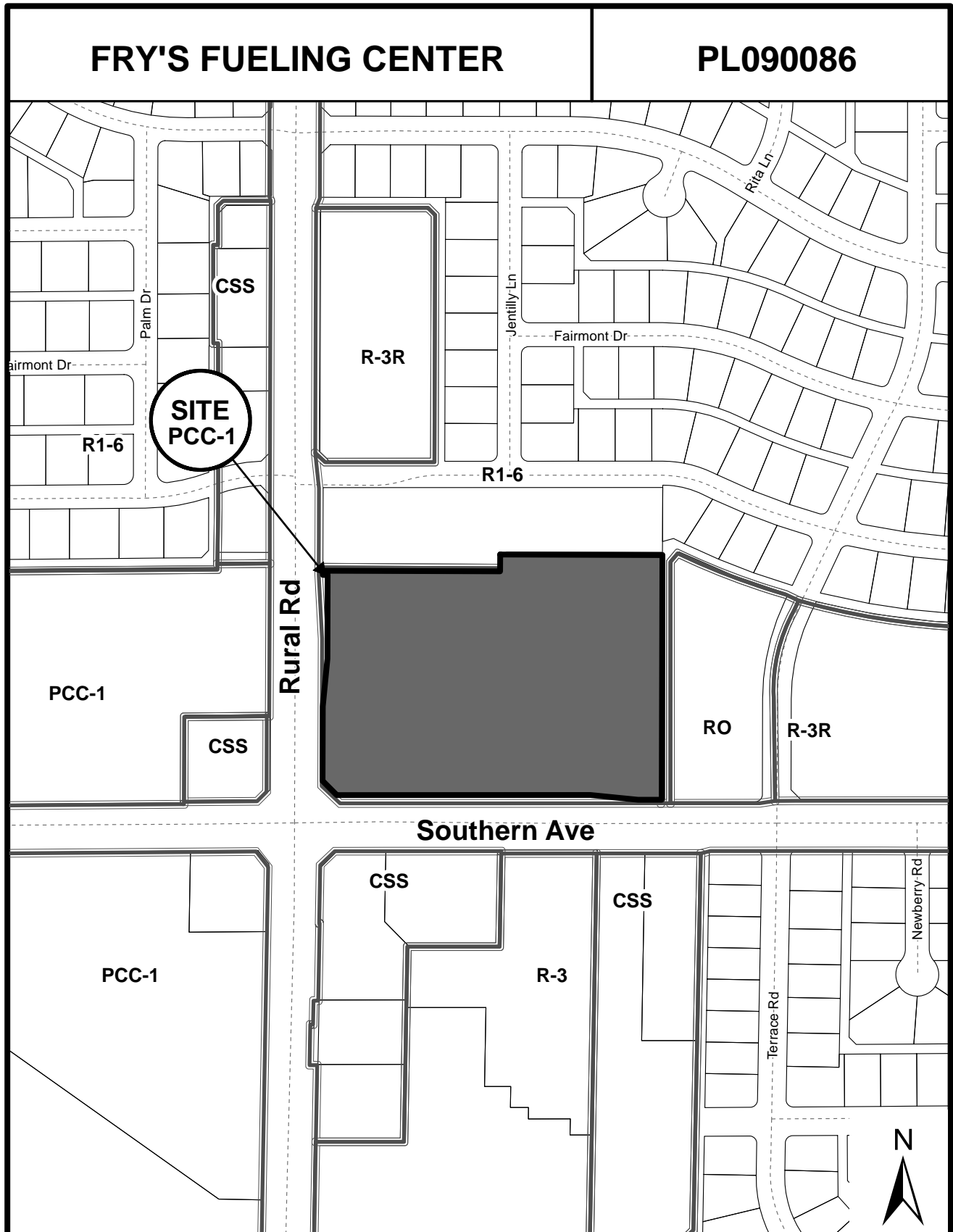
- HISTORIC PRESERVATION: State and federal laws apply to the discovery of features or artifacts during site excavation (typically, the discovery of human or associated funerary remains). Where such a discovery is made, contact the Arizona State Historical Museum (520-621-6302) for removal and repatriation of the items. Contact the Tempe Historic Preservation Officer (Joe Nucci 480-350-8870) if questions regarding the process described in this condition.
- SECURITY REQUIREMENTS:
 - The Owner is required to prepare a security plan for the kiosk and fuel pumps with the Police Department. The architect should be involved to verify any modification that would require design revisions. To avoid revisions to permitted construction documents, initial meetings with the Police Department regarding the security plan are recommended before building permits are issued. At a minimum, the Owner shall contact the Police Department to begin security plan process approximately eight weeks prior to receipt of certificate of occupancy.
 - Follow the design guidelines listed under appendix A of the Zoning and Development Code. In particular, reference the CPTED principal listed under A-II Building Design Guidelines (C) as it relates to the location of pedestrian environments and places of concealment.
 - A security vision panel shall be provided at kiosk exit doors with a 3" wide high strength plastic or laminated glass window, located between 43" and 66" from the bottom edge of the door.
- FIRE:
 - Fire lanes need to be clearly defined. 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 overhead structure, if allowed by Fire Department. Details of fire lane(s) are subject to approval of the Fire Department.
- ENGINEERING AND LAND SERVICES:
 - 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.
 - 100 year onsite retention required 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 Development Services or from Traffic Engineering (480-350-2775) 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:
 - Verify conformance of accessible vehicle parking to the Americans with Disabilities Act of 1990 (42 U.S.C.A. §12101 ET SEQ.) and the Code of Federal Regulations Implementing the Act (28 C.F.R., Part 36, Appendix A, Sections 4.1 and 4.6). Refer to Standard Detail T-360 for parking layout and accessible parking signs.
 - At parking areas, provide demarcated accessible aisle for disabled parking.
- LIGHTING:
 - Follow requirements of ZDC Part 4 chapter 8
 - Follow the guidelines listed under appendix E "Photometric Plan" of the Zoning and Development Code.
 - Indicate the location of all exterior light fixtures on the site, landscape (and photometric) plans. Avoid conflicts with lights in order to maintain illumination levels for exterior lighting.
- SIGNS: Obtain sign permit for any 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. Separate Development Plan Review process is required for signs ZDC Part 4 Chapter 9 (Signs).

HISTORY & FACTS:

November 9, 1989	City Council approved a General Plan Amendment for a map designation change from school to commercial, a zoning map amendment from R1-6 single family to PCC-1 Commercial and variance for setbacks, building height and landscape waiver.
December 20, 1989	The Design Review Board approved site plan, landscape plan and building elevations for Smith's Food and Drug.

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 6-306, Development Plan Review
Section 6-308, Use Permit



Location Map



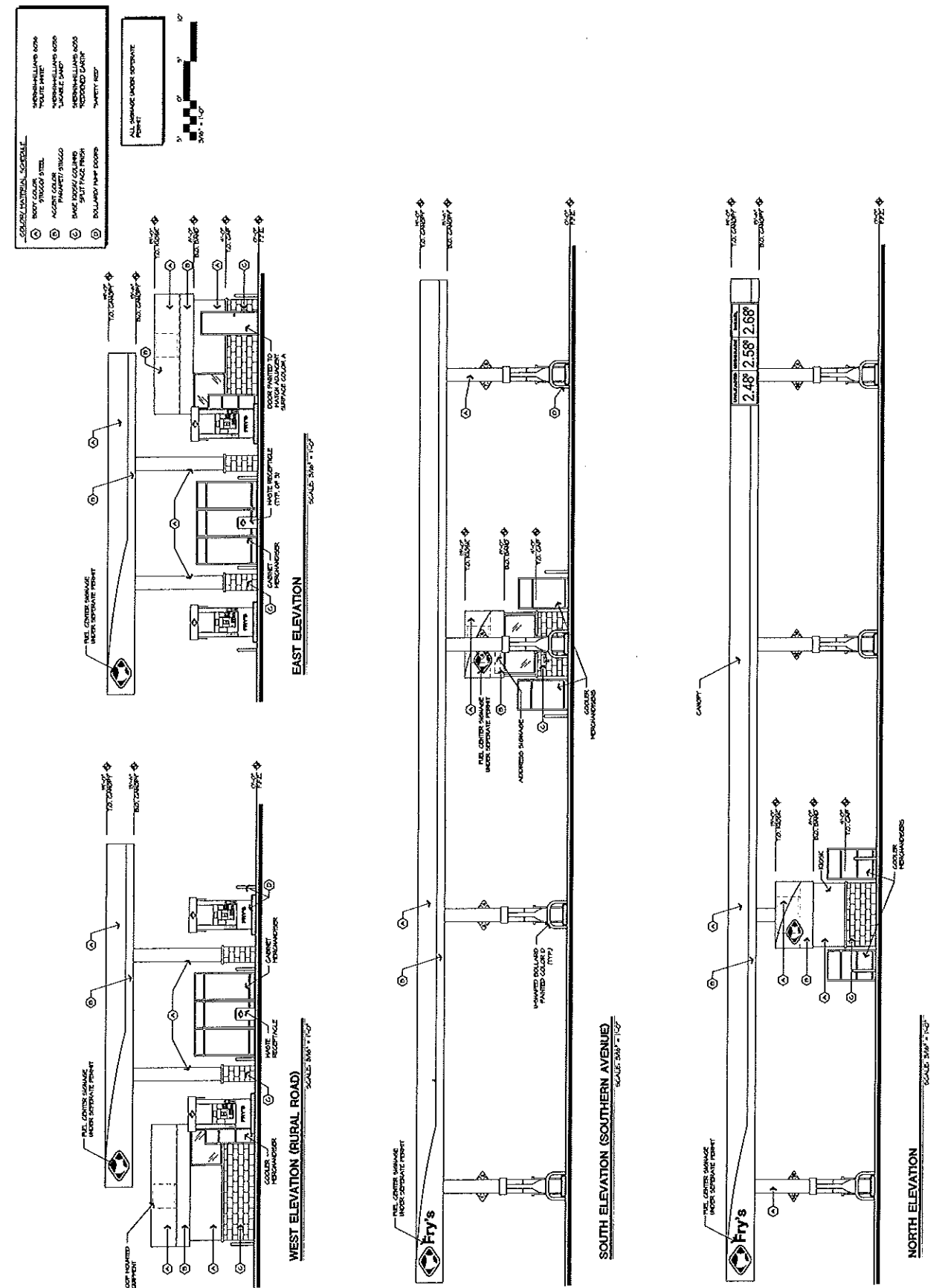
FRY'S 124 FUELING CENTER (PL090086)

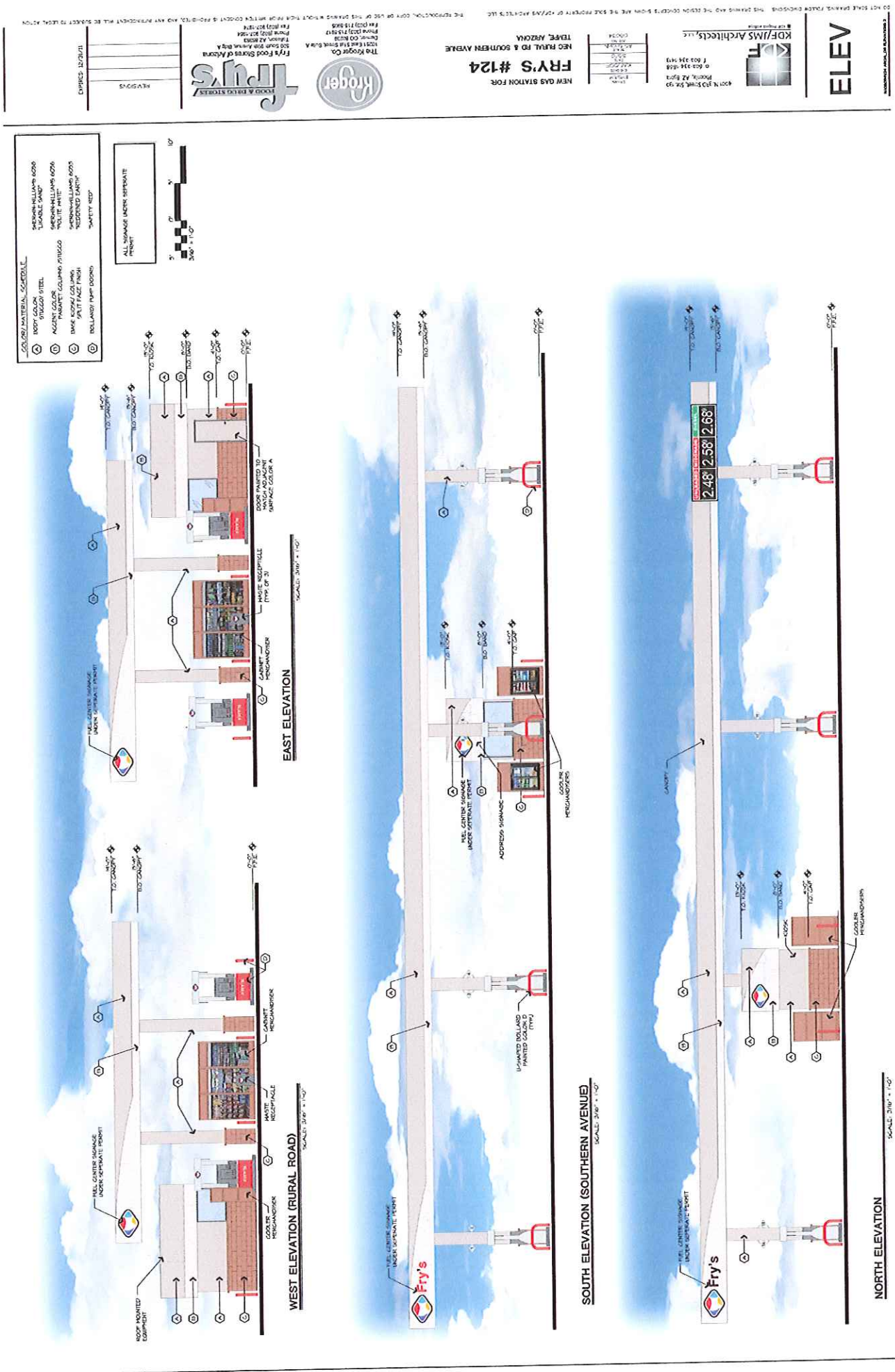
FRY'S #124 FUELING STATION AND KIOSK LETTER OF EXPLANATION

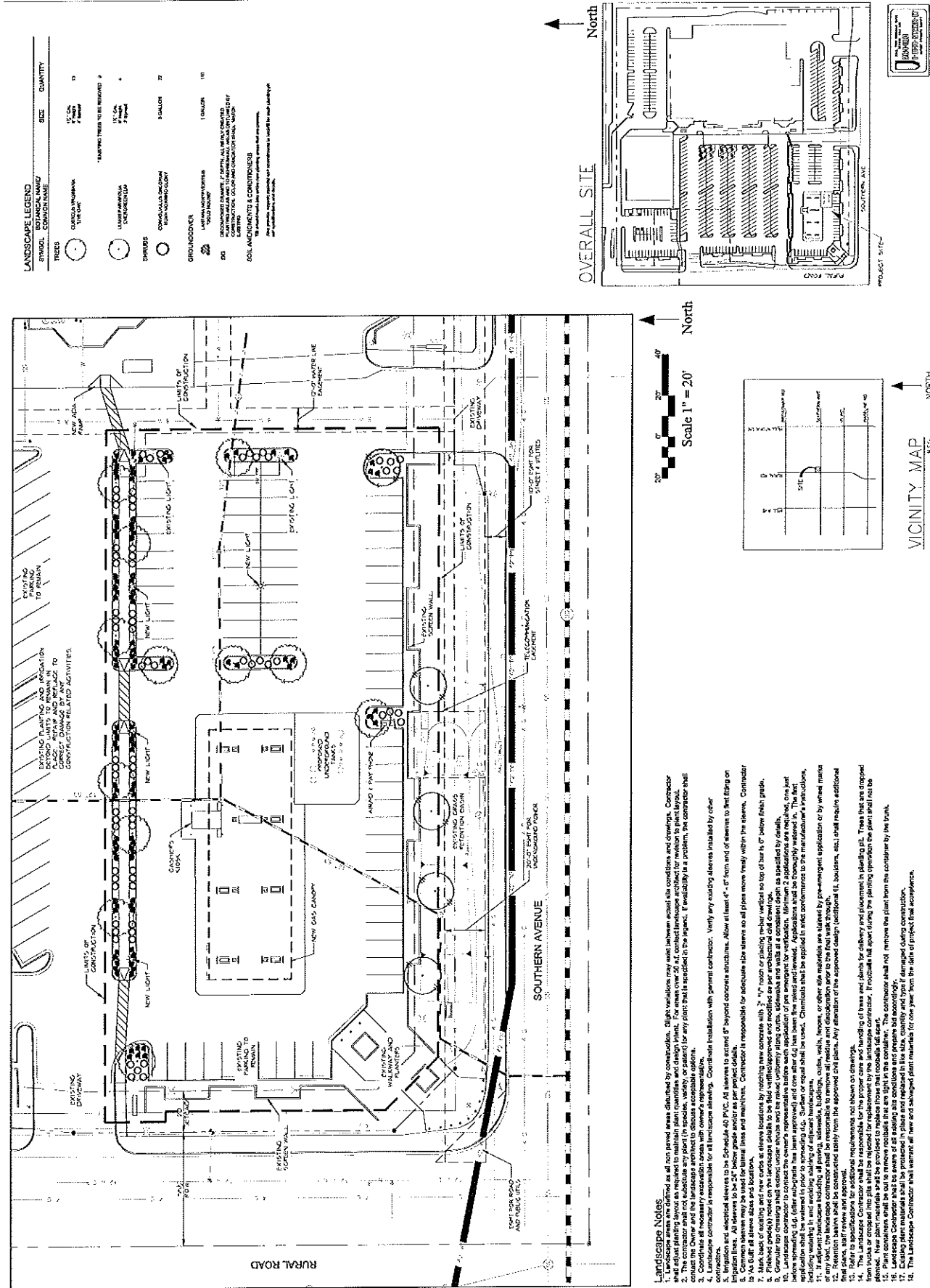
Fry's Food Stores of Arizona proposes the construction of a new Fuel Center at the existing Fry's store site, NEC of Rural Road & Southern Avenue, Arizona. Currently there is no existing fueling facility at this corner. A fuel center attendant will be on site, 5am to 11pm. The facilities will remain open 'after hours', purchases of fuel at these times is by credit card only. The site is therefore illuminated at all times. New landscaping will comply with local ordinances. Both features will be designed to be compatible with local CPTED techniques.

The new fuel center consists of a 4961 s.f. canopy and a 117 s.f. kiosk. This will be located along Southern Avenue in the existing parking area southwest of the grocery store. The fuel center is therefore buffered to the north and south by existing commercial establishments mitigating its impact upon residential neighbors. The top of canopy is 19'-0", a height not inconsistent with the existing surrounding structures. The canopy itself is 3'-6" high leaving a 15'-6" foot void below interrupted only by columns. Building and structure colors are earth toned. The canopy is an aluminum composite material; the kiosk is clad in a scored block veneer.

The structure is located over 70 ft. from both right of ways. The site is located between 2 existing drives thereby taking advantage of existing ingress and egress traffic patterns. It should be noted that the business model of Fry's fuel centers differs from typical gas stations in that Fry's customers are encouraged to 'fill up' through discount pricing linked to grocery shopping. The fuel center is not intended to be self-sufficient; off-the-street clientele are not the main source of revenue. Fry's obtains state approval for its fuel island and tank installation and maintains their operations as required by state agencies. Fry's looks forward to continuing to maintain the health, safety and general welfare of the City of Tempe.







Landscape Notes

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ATTACHMENT 2