

# CITY OF TEMPE DEVELOPMENT REVIEW COMMISSION

Meeting Date: 12/13/16

Agenda Item: 4

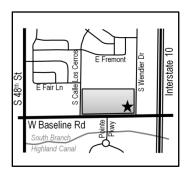
<u>ACTION</u>: Request for a Preliminary Subdivision Plat for FRY'S FUEL CENTER 43 (PL160289), located at 5110 South Wendler Drive. The applicant is Sustainability Engineering Group.

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

**RECOMMENDATION:** Approve, subject to conditions

<u>BACKGROUND INFORMATION</u>: 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.



Property Owner Fry's Electronics, Gila LP
Applicant Sustainable Engineering Group

Current Zoning District Planned Commercial Center Neighborhood District

(PCC-1)

Lot 1 +/- 15.334 acres (667,952.1 s.f.) Lot 2 +/- 0.941 acres (41,003.7 s.f.) Lot 3 +/- 0.848 acres (36,918.2 s.f.)

**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



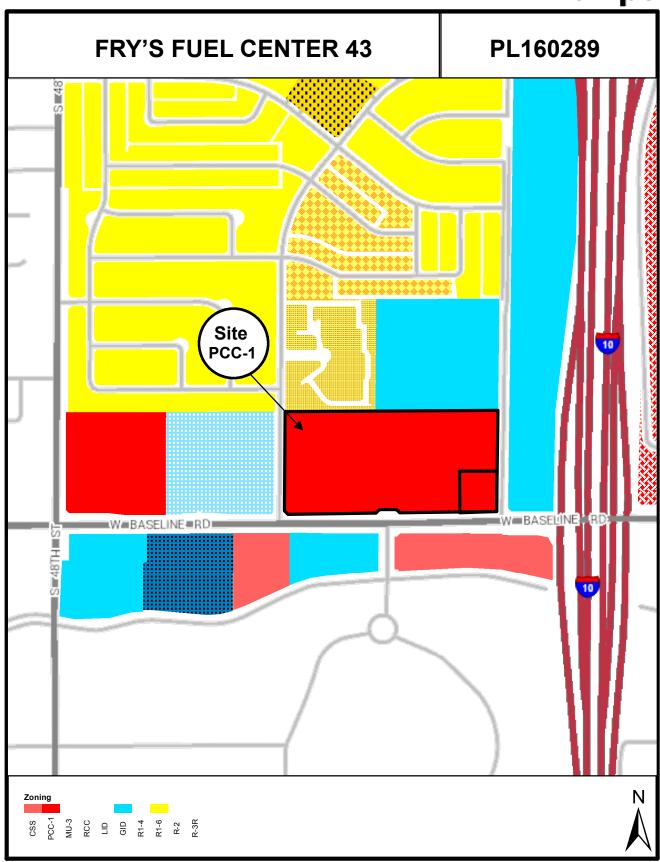
## **DEVELOPMENT PROJECT FILE**

for FRY'S FUEL CENTER 43 (PL160289)

## **ATTACHMENTS**:

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

# **T** Tempe



**Location Map** 



## **FRY'S FUEL CENTER 43**

## PL160289



**Aerial Map** 





Rev: October 26, 2016

City of Tempe – Community Development Department 31 E. 5<sup>th</sup> 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.

SOUTHERN AVENUE

BASELINE ROAD

# DS

A SUBDIVISION PLAT

## 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:

GILA, L.P., A CALIFORNIA LIMITED PARTNERSHIP DOING BUSINESS IN ARIZONA AS GILA MONSTER CENTER, L.P., AS OWNER, HAS PLATTED UNDER THE NAME OF "FRY'S ELECTRONICS - FRY'S FUEL CENTER", [IN COMPLIANCE WITH CONDOMINIUM SECTION 33-1201 THROUGH 33-1270 OF THE ARIZONA REVISED STATUTES,] 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 AND HEREBY PUBLISHES THIS PLAT OF "FRY'S ELECTRONICS - FRY'S FUEL CENTER" AND DECLARES THAT SAID PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE LOTS, STREETS AND EASEMENTS CONSTITUTING THE SAME AND THAT EACH LOT AND STREET SHALL BE KNOWN BY THE NUMBER OR NAME GIVEN TO EACH RESPECTIVELY ON SAID PLAT AND HEREBY DEDICATES TO THE CITY OF TEMPE FOR PUBLIC USE SUCH EASEMENTS AS SHOWN ON SAID PLAT AND IS INCLUDED IN THE ABOVE DESCRIBED PREMISES

## ACKNOWLEDGEMENT:

DV.

GILA, L.P., A CALIFORNIA LIMITED PARTNERSHIP DOING BUSINESS IN ARIZONA AS GILA MONSTER CENTER, L.P.:

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PERSONALLY APP ACKNOWLEDGED	EARED THEMSELF TO BE THE		, WHO JBSCRIBED TO THE INSTRUMENT
WITHIN, AND WHO CONTAINED.	EXECUTED THE FORE	EGOING INSTRUMENT FOR TH	E PURPOSES THEREIN
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DATE.

BY:	
NOTARY PUBLIC	MY COMMISSION EXPIRES

#### OWNER:

FRY'S ELECTRONICS GILA, L.P., A CALIFORNIA LIMITED PARTNERSHIP DOING BUSINESS IN ARIZONA AS GILA MONSTER CENTER, L.P. P.O. BOX 7458 MENLO PARK, CA 94026

### DEVELOPER:

SMITH'S FOOD & DRUG CENTERS, INC., AN OHIO CORPORATION, DOING BUSINESS AS FRY'S FOOD AND DRUG STORES 500 S 99TH AVENUE TOLLESON, AZ 85353 PHONE: 602-763-6063 CONTACT: DAVE HILL

#### BENCHMARK:

BENCHMARK IS AN ALUMINUM CAP FLUSH LOCATED AT THE INTERSECTION OF WENDLER DRIVE AND BASELINE ROAD, ALSO BEING THE SOUTH QUARTER CORNER OF SECTION 32, T.1N., R.4E.

ELEVATION = 1215.12' 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°27'20" WEST AS SHOWN ON AMENDED GENERAL AND FINAL PLAN PER BOOK 371, PAGE 05. MARICOPA COUNTY RECORDS, BEING SOUTH 89°45'39" WEST FROM SW CORNER SECTION 32 TO S 1/4 CORNER SECTION 32 PER CITY OF TEMPE SURVEY CONTROL PLAT.

### APPROVALS:

	D BY THE MAYOR AND CITY COUNCIL O	
BY:		
	MAYOR	DATE
ATTEST:	CITY CLERK	DATE
	CITY CLERK	DATE
BY:		<del></del>
	CITY ENGINEER	DATE
BY:		
	COMMUNITY DEVELOPMENT	DATE

VICINITY MAP

**CERTIFICATION:** 

THIS IS TO CERTIFY THAT THE SURVEY OF THE PREMISES DESCRIBED AND PLATTED HEREON 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 SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

11-22-16 DANHEL D. ARMIJO, RLS 45377 DATE

#### 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, AWLS 45377.
- 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 DISSIPATE 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 IS TO CERTIFY THAT THE ABOVE SUBJECT PROPERTY LIES WITHIN ZONE "SHADED X" AS DESIGNATED ON THE FLOOD INSURANCE RATE MAP, MAP NO. 04013C2240L, DATED OCTOBER 16, 2013. 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. © ALL RIGHTS RESERVED

SHEET INDEX:

SHEET 1 COVERSHEET SHEET 2 LEGAL DESCRIPTION SHEET 3 BOUNDARY/SITE

SUBDIVISION PLAT OF FRY'S ELECTRONICS -FRY'S FUEL CENTER

LAND SURVEYING... P.O. BOX 2170, CHANDLER, AZ 85244 480) 244-7630 (480) 243-4287

DS 160387 PL 160289 **REC 16205** 



DS 160387 PL 160289

### 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 BEARS SOUTH 89 DEGREES 27 MINUTES 20 SECONDS WEST, 1318,11 FEET.

THENCE NORTH 00 DEGREES 24 MINUTES 51 SECONDS EAST ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF THE SAID SOUTHWEST QUARTER, 106.14 FEET:

THENCE SOUTH 86 DEGREES 53 MINUTES 50 SECONDS WEST, 33.06 FEET TO THE WEST RIGHT-OF-WAY LINE OF WENDLER DRIVE AND THE POINT OF BEGINNING;

THENCE NORTH 00 DEGREES 24 MINUTES 51 SECONDS EAST ALONG THE SAID WESTERLY RIGHT-OF-WAY LINE AND PARALLEL WITH THE EAST LINE OF THE SOUTHEAST QUARTER OF THE SAID SOUTHWEST QUARTER 559,00 FEET TO THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SOUTHWEST QUARTER;

THENCE SOUTH 89 DEGREES 26 MINUTES 02 SECONDS WEST ALONG THE SAID NORTH LINE 1258.03 FEET TO THE EAST RIGHT-OF-WAY LINE OF CALLE LOS CERROS STREET, SAID POINT BEING 30.00 FEET EAST OF THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SAID SOUTHWEST QUARTER;

THENCE SOUTH 00 DEGREES 09 MINUTES 47 SECONDS WEST ALON THE SAID EAST RIGHT-OF-WAY LINE AND PARALLEL WIT THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SAID SOUTHWEST QUARTER 588.15 FEET;

THENCE SOUTH 45 DEGREES 11 MINUTES 53 SECONDS EAST, 28.11 FEET TO THE NORTH RIGHT-OF-WAY LINE OF BASELINE ROAD, SAID POINT BEING 55.00 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 89 DEGREES 27 MINUTES 20 SECONDS EAST, 82.28 FEET;

THENCE NORTH 88 DEGREES 18 MINUTES 35 SECONDS EAST, 250.05 FEET;

THENCE NORTH 89 DEGREES 27 MINUTES 20 SECONDS EAST, 191 00 FEET

THENCE NORTH 44 DEGREES 27 MINUTES 20 SECONDS EAST, 28,28 FEET;

THENCE NORTH 89 DEGREES 27 MINUTES 20 SECONDS EAST, 100.00 FEET;

THENCE SOUTH 45 DEGREES 32 MINUTES 40 SECONDS EAST, 15.10 FEET LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE:

THENCE NORTH 87 DEGREES 59 MINUTES 45 SECONDS EAST 559 95 FEET

THENCE NORTH 44 DEGREES 27 MINUTES 20 SECONDS EAST, 29.70 FEET;

THENCE NORTH 86 DEGREES 53 MINUTES 50 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 SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 32 BEARS NORTH 89 DEGREES 27 MINUTES 20 SECONDS EAST, 744.15

THENCE NORTH 00 DEGREES 32 MINUTES 40 SECONDS WEST, 60.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF BASELINE ROAD AND THE POINT OF BEGINNING:

THENCE SOUTH 89 DEGREES 27 MINUTES 20 SECONDS WEST ALONG SAID NORTH RIGHT-OF-WAY LINE 98.00 FEET;

## LEGAL DESCRIPTION (PRIOR TO SUBDIVISION) CONT. Planning Division

THENCE NORTH 72 DEGREES 00 MINUTES 30 SECONDS EAST, 36.69 FEET.

THENCE NORTH 89 DEGREES 27 MINUTES 20 SECONDS EAST, 74.00 FEET;

THENCE SOUTH 44 DEGREES 27 MINUTES 20 SECONDS WEST, 15.55 FEET TO THE POINT OF

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 89 DEGREES 27 MINUTES 20 SECONDS WEST, 1318.11 FEET

THENCE NORTH 00 DEGREES 27 MINUTES 51 SECONDS EAST ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF THE SAID SOUTHWEST QUARTER, 106.14 FEET:

THENCE SOUTH 86 DEGREES 53 MINUTES 50 SECONDS WEST, 33.06 FEET TO THE WEST RIGHT-OFWAY LINE OF WENDLER DRIVE AND THE POINT OF REGINNING.

THENCE NORTH 00 DEGREES 24 MINUTES 51 SECONDS EAST ALONG THE SAID WESTERLY RIGHT-OFWAY LINE AND PARALLEL WITH THE EAST LINE OF THE SOUTHEAST QUARTER OF THE SAID SOUTHWEST QUARTER, 372,75 FEET:

THENCE NORTH 89 DEGREES 35 MINUTES 09 SECONDS WEST, 200.00 FEET;

THENCE SOUTH 00 DEGREES 24 MINUTES 51 SECONDS WEST, 401.70 FEET:

THENCE NORTH 87 DEGREES 59 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 50 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 SECTION 32, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

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