

**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

Meeting Date: 1/10/2017
Agenda Item: 3

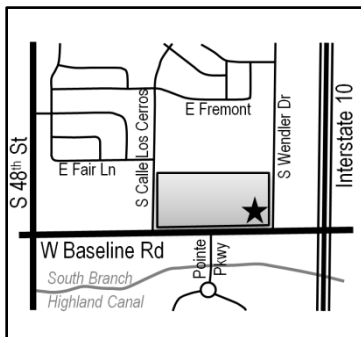
ACTION: Request for a Use Permit Standard to reduce the required side yard setback by 10%; and three (3) Use Permits to allow 1) gas/fuel sales, 2) outdoor retailing, and 3) exceedance of the Parking Maximum (125%) for **FRY'S FUEL CENTER 43 (PL160289)** located at 5110 South Wendler Drive. The applicant is Sustainability Engineering Group.

FISCAL IMPACT: While this ordinance change does not directly impact revenue, the planned development will result in collection of the standard development fees, calculated according to the approved fee structure at the time of permit issuance.

RECOMMENDATION: Approve, subject to conditions

BACKGROUND INFORMATION: **FRY'S FUEL CENTER 43 (PL160289)** is a new 9 dispenser Fry's Fuel Center and a new Burger King fast food restaurant with a drive-through. At the hearing held on December 13, 2016, the Development Review Commission approved the request for a Preliminary Subdivision Plat and a Development Plan Review for FRY'S FUEL CENTER 43; and continued the request for a Use Permit Standard and three (3) Use Permits to the January 10, 2017 Development Review Commission public hearing. The Use Permit Standard request applies to the west side yard building setback on Lot 2, the Burger King lot; and the three (3) Use Permit requests apply to Lot 3, the Fry's Fuel Center lot. The request includes the following:

1. Use Permit Standard to reduce required side yard setback by 10%.
2. Use Permit to allow gas/fuel sales.
3. Use Permit to allow outdoor retailing.
4. Use Permit to allow exceedance of the Parking Maximum (125%).



Existing Property Owner	Fry's Electronics, Gila LP
Applicant	Sustainable Engineering Group
Developer	Fry's Food Stores of Arizona
Zoning District	PCC-1
Gross site area (Lot 2 / 3)	1.21 / 1.10 acres
Net site area (Lot 2 / 3)	0.94 / 0.85 acres
Total Building Area (Lot 2 / 3)	3,475 s.f. / 232 s.f. (6,880 s.f. fuel canopy)
Lot Coverage (Lot 2 / 3)	8.47% / 19.26% (50% max. allowed)
Building Height (Lot 2 / 3)	25' / 19' (30' maximum allowed)
Building Setbacks (Lot 2 / 3)	72' / 61.85' front, 27.5' / 30' west side, 76.2' / 77.75' east side, 118.3' / 53.6' rear (0', 30', 0', & 30' min.)
Landscape area (Lot 2 / 3)	28.25% / 18.99% (15% min. required)
Vehicle Parking (Lot 2 / 3)	47 / 9 spaces (47 / 2 min. required, 59 / 3 max.)
Bicycle Parking (Lot 2 / 3)	4 / 2 spaces (4 / 2 min. required)

ATTACHMENTS: Development Project File

STAFF CONTACT(S): 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

The project site is located north of West Baseline Road, east of South Calle Los Cerros, and west of South Wendler Drive. The adjacent zoning surrounding the site consists of LID, Light Industrial District to the west; R1-6, Single-Family Residential District to the northwest; R-3R, Multi-Family Residential District and GID, General Industrial District to the north; GID to the east, and CSS, Commercial Shopping & Services District and GID to the south.

Existing entitlements for this property that will remain in effect are: none.

Existing uses on the site include: retail.

This request includes the following:

1. Use Permit Standard to reduce the required side yard setback by 10%.
2. Use Permit to allow gas/fuel sales.
3. Use Permit to allow outdoor retailing.
4. Use Permit to allow exceedance of the Parking Maximum (125%).

The applicant is requesting the Development Review Commission take action on items one (1) through four (4) listed above. For further processing, the applicant will need approval by City Council for a Final Subdivision Plat to subdivide the two (2) individual lots to three (3) separate lots.

PUBLIC INPUT

- Neighborhood meeting not required.
- Staff received eleven (11) emails and nine (9) phone calls in opposition, one (1) email in support, and one (1) phone call in neutral support to the proposed commercial development. The primary concern for those opposed is the potential increase in traffic and congestion generated by the new development. In contrary, those in support believe that traffic will be minimally impacted by this new development.
- There were seven (7) members from the public who spoke at the hearing on December 13, 2016. All seven (7) of the residents were opposed to the project and expressed their concerns regarding the existing traffic and potential increase in traffic near the proposed project location.
- The Development Review Commission recommended approval of the Development Plan Review with a 4-3 vote. Commissioners in favor of the project believed that the traffic concerns are an existing condition that would be minimally impacted by the proposed development; those in dissent could not support any increase in traffic to the surrounding area.

PROJECT ANALYSIS

The proposed fuel canopy and kiosk building will be located at the southeast corner of the site on Lot 3 of the preliminary subdivision. The fuel canopy is situated lengthwise along Wendler Drive with the support columns setback 77.75 feet from Wendler Drive and 61.85 feet from Baseline Road. The canopy will shade the entire outdoor display case and approximately 50% of the kiosk. The existing driveway onto Wendler Drive will be shifted 38.62 feet to the north and split evenly between Lots 1 and 2.

The proposed fast food restaurant with drive-through will be located on Lot 2, setback 72 feet from the front property line along Baseline Road and 27.5 feet from the west side property line. The drive-through lane will begin at the rear of the building and curve around to the south within the west side yard setback. A bus pull-in/pull-out will be provided as part of the proposed deceleration right turn lane along Baseline Road with a new driveway on the southeast corner of Lot 1, the Fry's Electronics parcel directly west of Lot 2. In addition, ADA compliant pedestrian links from Baseline Road and Wendler Drive will be provided.

The fuel canopy elevations are two-toned painted to match colors of the existing finish of the Fry's Electronics store. The columns will be squared with an 8 foot tall brick wainscot (masonry veneer). The kiosk walls will consist of a stucco finish with a 4 foot tall brick wainscot (masonry veneer).

The restaurant elevations consists of a taupe toned painted stucco finish as the main wall color with a 30 inch tall wainscot provided throughout the perimeter of the building. Building pop outs with composite "artificial wood" siding will be provided at all main entrances, the pickup window, and the northwest corner of the building. In addition to the composite siding, all main

entrances will include a portion encased with stack bond patterned ceramic tile. Standing seam metal awnings will be provided on all windows. Portions of the parapet walls will be capped with a red corrugated parapet band top-lit with red LED accent lighting.

TRAFFIC IMPACT

The applicant provided a Traffic Impact Analysis titled Fry's Electronics Center Addition, revised November 30, 2016. The study evaluated the current and future transportation system within the project study area surrounding the site with and without the proposed addition to the existing Fry's Electronics Center. The analysis determined that this segment of Baseline Road will provide inadequate level of service with or without this project; thus, the new development shall have minimal impact to the already oversaturated corridor. Baseline Road is a major thoroughfare between the Cities of Tempe and Phoenix, providing access to Interstate 10, Arizona Mills Mall, and other offices which results in large traffic volumes in both AM and PM peak hours. Mitigations and improvements are currently underway through major regional projects such as the construction of the Loop 202 South Mountain Freeway, the preliminary design of the I-10 Near-Term Improvements from 32nd Street to Loop 202 San Tan Freeway, and on-going traffic signal optimization along Baseline Road.

USE PERMIT STANDARD & USE PERMITS

The proposed use requires a Use Permit Standard to reduce the required side yard setback by 10% for Lot 2, and three (3) separate Use Permits to allow 1) gas/fuel sales, 2) outdoor retailing, and 3) exceedance of the Parking Maximum (125%) for Lot 3, all within the PCC-1, Planned Commercial Center Neighborhood District. Lot 2 will consist of a Burger King fast food restaurant with a drive-through and Lot 3 will consist of a Fry's Fuel Center that will provide 9 fuel dispensers with a kiosk and outdoor retailing.

Section 6-308 E Approval criteria for Use Permits and Use Permit Standards (*in italics*):

1. *Any significant increase in vehicular or pedestrian traffic.* The requested uses will have a minimal impact to the existing traffic conditions in the general vicinity. The developer is proposing a combined deceleration lane and bus-pullout to the west of Wendler Drive and east of the new drive-way along Baseline Road.
2. *Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions.* The outdoor retailing and surplus parking uses provide no nuisances that exceed ambient conditions; and odors associated with fueling operations will be mitigated through the use of Stage I Vapor Recovery techniques.
3. *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.* Approval of the proposed uses will not contribute to the deterioration of the neighborhood or to the downgrading of property values nonetheless help support redevelopment goals, objectives, and policies set forth in the City's adopted plans.
4. *Compatibility with existing surrounding structures and uses.* The proposed uses are consistent with and similar to existing developed commercial sites within the surrounding area; five (5) fuel service centers are operating within a half mile radius.
5. *Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public.* An attendant will process sales transactions from the kiosk daily; only automated credit card transactions at the fuel dispensers will be offered during afterhours. Furthermore, the site will be under constant video surveillance throughout all hours of the day.

The manner of conduct and the buildings 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.

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 Use Permit Standard and Use Permits because the proposed uses are compatible with existing developments within the surrounding area.

Based on the information provided and the above analysis, staff recommends approval of the Use Permit Standard and Use Permits. This request meets the required criteria and will conform to the conditions.

USE PERMIT STANDARD & USE PERMITS CONDITIONS OF APPROVAL:

1. The Use Permit Standard and Use Permits are valid only after a Building Permit has been obtained and the required inspections have been completed and a Final Inspection has been passed. As part of the Building Permit process, on-site storm water retention may be required to be verified or accomplished on this Site.
2. The Use Permit Standard and Use Permits are valid for the plans as submitted within this application. Any additions or modifications may be submitted for review during building plan check process.
3. All required State, County and Municipal permits or licenses shall be obtained or the Use Permit Standard and Use Permits are void.
4. If there are any complaints arising from the Use Permit to allow outdoor retailing 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, which may result in termination of the Use Permit.

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.

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

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

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: <ol style="list-style-type: none">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.

December 13, 2016

Development Review Commission approved the request for a Preliminary Subdivision Plat consisting of three (3) lots for FRY'S FUEL CENTER 43 (PL160289) located at 5110 South Wendler Drive in the PCC-1, Planned Commercial Center Neighborhood District.

Development Review Commission approved the request for a Development Plan Review consisting of a new 3,475 square-foot restaurant with a drive-through and a new 6,880 square-foot fuel service canopy with a 232 square-foot kiosk for FRY'S FUEL CENTER 43 (PL160289) located at 5110 South Wendler Drive in the PCC-1, Planned Commercial Center Neighborhood District.

Development Review Commission continued the request for a Use Permit Standard and three (3) Use Permits to the January 10, 2017 Development Review Commission hearing for FRY'S FUEL CENTER 43 (PL160289) located at 5110 South Wendler Drive in the PCC-1, Planned Commercial Center Neighborhood District.

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 4-201A, Use Permit Standard

Section 6-308, Use Permit



DEVELOPMENT PROJECT FILE

for

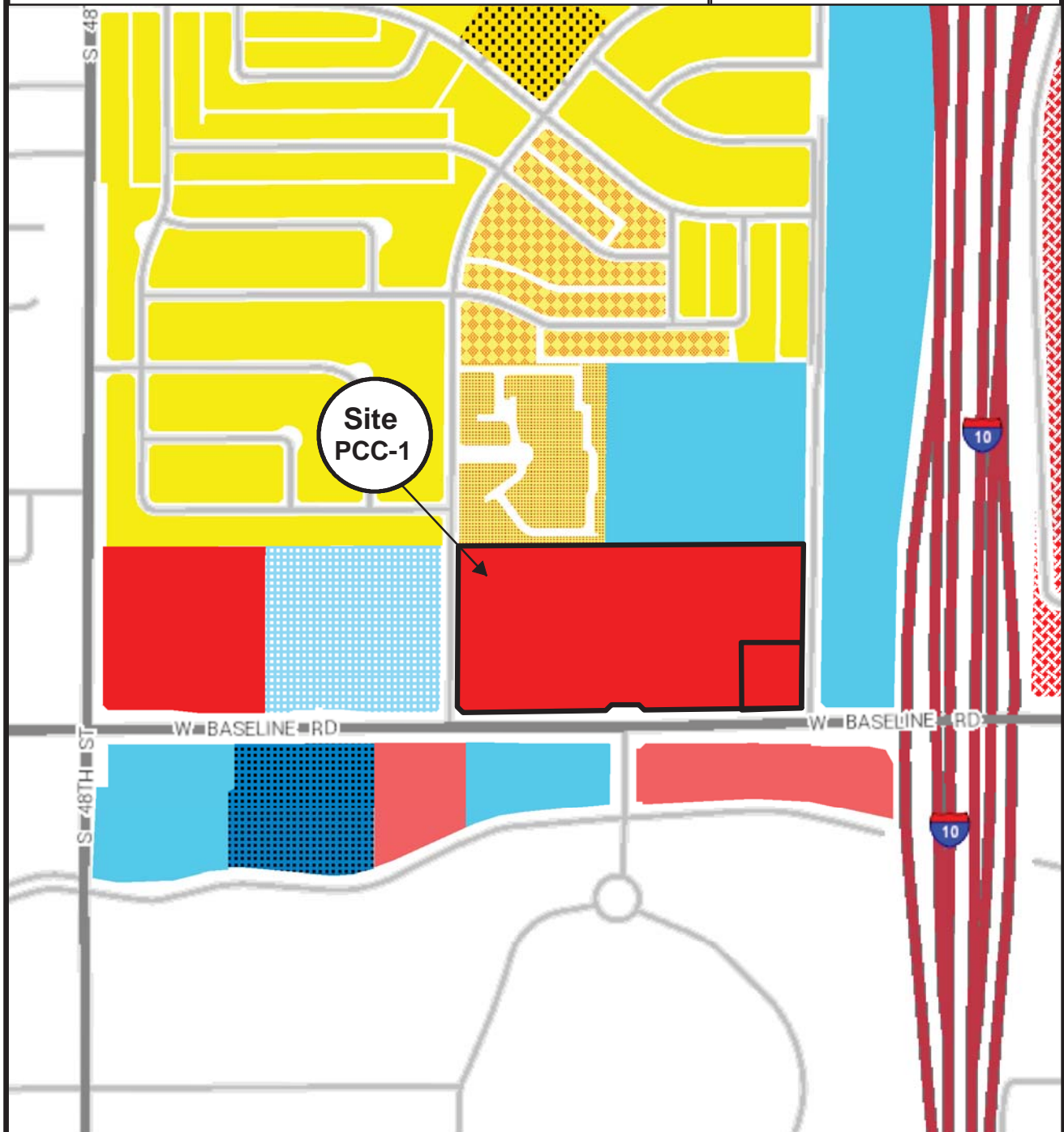
FRY'S FUEL CENTER 43
(PL160289)

ATTACHMENTS:

1. Location Map
2. Aerial
- 3-4. Gas/Fuel Sales Use Permit Letter of Explanation
- 5-6. Outdoor Retail Use Permit Letter of Explanation
- 7-8. Parking Maximum Use Permit Letter of Explanation
- 9-10. Use Permit Standard Letter of Explanation
11. Overall Site Plan
12. Enlarged Site Plan
- 13-14. Burger King Black & White Elevations
15. Burger King Floor Plan
16. Fry's Fuel Center Black & White Elevations
- 17-18. Fry's Fuel Center Floor Plan
- 19-22. Traffic Impact Analysis Executive Summary
- 23-25. Existing Conditions Photos
- 26-39. Public Input

FRY'S FUEL CENTER 43

PL160289



Zoning

- CSS
- PCC-1
- MU-3
- RCC
- LID
- GID
- R1-4
- R1-6
- R-2
- R-3R



Location Map

FRY'S FUEL CENTER 43

PL160289



Aerials2016

Aerials2016



Aerial Map



Rev: October 26, 2016

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

RE: Letter of Explanation
Fry’s Fuel Center 43
5110 S. Wendler Drive
RE: Case No. SPR16058
Use Permit – Allow Fuel Center in PCC-1 District

To whom it may concern,

On behalf of Fry’s Food and Drug, we are requesting a Use Permit to allow a new fuel center 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 site is currently zoned PCC-1 and the proposed uses are allowed with an approved Use Permit.

Approval Criteria (RE: Section 6-308E) A use permit shall be granted only upon a finding by the decision-making body, that the use covered by the permit, the manner of its conduct, and any building which is involved, 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, requirements, or standards prescribed therefore by this Code. In arriving at the above determination, the following factors shall be considered, but not be limited to:

1. Any significant increase in vehicular or pedestrian traffic.

Response: No unusual traffic volumes or characteristics are anticipated and the adjacent arterials are sufficient to handle all traffic demands commonly associated with a fueling facility.

2. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions.



Response: This project will provide no unusual or detrimental impacts on public health, safety, or welfare. Noise will be minimal, which is consistent with the use. No smoke, dust, vibration or odor issues are anticipated for this use. Odors associated with fueling operations are mitigated through the use of Stage I Vapor Recovery techniques.

3. Contribution to the deterioration of the neighborhood or to the downgrading of property values which, is 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.

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.

4. Compatibility with existing surrounding structures and uses.

Response: This project is a typical fuel center with a small kiosk and associated canopy, tanks, and dispensers. The use and operation is consistent with, and similar to, existing similarly developed sites in the surrounding area.

5. Adequate control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area or general public.

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.



Rev: October 26, 2016

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

RE: Letter of Explanation
Fry's Fuel Center 43
5110 S. Wendler Drive
RE: Case No. SPR16058
Use Permit – Allow Outdoor Retail in PCC-1 District

To whom it may concern,

On behalf of Fry's Food and Drug, we are requesting a Use Permit to allow outdoor Retail sales in a PCC-1 district for a new fuel center 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 and exterior merchandising units 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 site is currently zoned PCC-1 and the proposed uses are allowed with an approved Use Permit. The use permit requested for outdoor retail is limited to small, lockable, retail cabinets and coolers located adjacent to the proposed kiosk for the convenience of the fuel station patrons.

Approval Criteria (RE: Section 6-308E) A use permit shall be granted only upon a finding by the decision-making body, that the use covered by the permit, the manner of its conduct, and any building which is involved, 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, requirements, or standards prescribed therefore by this Code. In arriving at the above determination, the following factors shall be considered, but not be limited to:

1. Any significant increase in vehicular or pedestrian traffic.

Response: No unusual traffic volumes or characteristics are anticipated and the adjacent arterials are sufficient to handle all traffic demands commonly associated with a fueling



facility. The proposed outdoor merchandising is provided as a convenience to the patrons who come for fuel and is not typically associated as a destination for the retail products available.

2. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions.

Response: This project will provide no unusual or detrimental impacts on public health, safety, or welfare. Noise will be minimal, which is consistent with the use. No smoke, dust, vibration or odor issues are anticipated for this use. Odors associated with fueling operations are mitigated through the use of Stage I Vapor Recovery techniques.

3. Contribution to the deterioration of the neighborhood or to the downgrading of property values which, is 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.

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.

4. Compatibility with existing surrounding structures and uses.

Response: This project is a typical fuel center with a small kiosk and associated canopy, tanks, and dispensers. The use and operation is consistent with, and similar to, existing similarly developed sites in the surrounding area.

5. Adequate control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area or general public.

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.



Rev: November 15, 2016

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

RE: Letter of Explanation

Fry’s Fuel Center 43
5110 S. Wendler Drive

RE: Case No. SPR16058

Use Permit: Allow number of Parking spaces for Lot 3 to exceed 125% of the minimum required.

To whom it may concern,

On behalf of Fry’s Food and Drug and Burger King, we are requesting a Use Permit to allow for the number of parking spaces to exceed 125% of the minimum required by the City of Tempe zoning ordinance for a proposed 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 site is currently zoned PCC-1 and the proposed uses are allowed with an approved Use Permit. Parking calculations for each lot are as follows:

	<u>Required Spaces</u>	<u>Proposed Spaces</u>	<u>Existing Spaces</u>	<u>% Excess</u>
LOT 1 Existing:	663 per “Final Plan of Development”		1,179	77.8%
LOT 1 Proposed:	663	972		46.6%
LOT 2 Proposed:	47	47		0.0%
LOT 3 Proposed:	2	9		350.0%
OVERALL SITE:	712	1,028		44.4%

Approval Criteria (RE: Section 6-308E) A use permit shall be granted only upon a finding by the decision-making body, that the use covered by the permit, the manner of its conduct, and any building which is involved, 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, requirements, or standards prescribed therefore by this Code. In arriving at the above determination, the following factors shall be considered, but not be limited to:

1. Any significant increase in vehicular or pedestrian traffic.



Response: No unusual traffic volumes or characteristics are anticipated and the adjacent arterials are sufficient to handle all traffic demands commonly associated with fast food restaurants and fueling facilities. The parking proposed for the new uses is integrated within the existing parking field and maintains safe circulation for vehicles and pedestrians. The overall parking has been reduced from a 80.4% increase from code requirements to a 44.4% increase.

2. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions.

Response: This project will provide no unusual or detrimental impacts on public health, safety, or welfare. Noise will be minimal, which is consistent with the use. No smoke, dust, vibration or odor issues are anticipated for this use. Odors associated with fueling operations are mitigated through the use of Stage I Vapor Recovery techniques.

3. Contribution to the deterioration of the neighborhood or to the downgrading of property values which, is 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.

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.

4. Compatibility with existing surrounding structures and uses.

Response: This project is a typical fuel center with a small kiosk and associated canopy, tanks, and dispensers and fast food restaurant. The use and operation is consistent with, and similar to, existing similarly developed sites in the surrounding area. This project is proposed within an existing commercial site.

5. Adequate control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area or general public.

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.



November 10, 2016

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

RE: Letter of Explanation

Fry’s Fuel Center 43 & Burger King
5110 S. Wendler Drive

RE: Case No. SPR16058

Use Permit: Allow 10% building setback reduction.

To whom it may concern,

On behalf of Fry’s Food and Drug and Burger King, we are requesting a Use Permit to allow for a building setback reduction by 10% from the required City of Tempe zoning ordinance for a proposed restaurant/retail development within lot 2 of the proposed development.

The proposed Burger King in Lot 2, as shown on the attached overall site plan consists of a 3475 SF building with a drive through.

The site is currently zoned PCC-1 and the proposed uses are allowed with an approved Use Permit. The request is to reduce the required 30 feet side setback on the proposed Lot 2 to a minimum 27 feet setback. The reduced setback will not adversely affect the adjoining property or the surrounding area.

Approval Criteria (RE: Section 6-308E) A use permit shall be granted only upon a finding by the decision-making body, that the use covered by the permit, the manner of its conduct, and any building which is involved, 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, requirements, or standards prescribed therefore by this Code. In arriving at the above determination, the following factors shall be considered, but not be limited to:

1. Any significant increase in vehicular or pedestrian traffic.

Response: No unusual traffic volumes or characteristics are anticipated and the adjacent arterials are sufficient to handle all traffic demands commonly associated with fast food restaurants. The reduced setback will not affect traffic or circulation on adjoining Fry’s electronics parking field

2. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions.

Response: This project will cause no unusual or detrimental impacts on public health, safety, or welfare. Noise will be minimal, which is consistent with the use. No smoke, dust, vibration or odor

8280 E. Gelding Dr., Suite 101

Attachment 9AZ 85260



issues are anticipated for this use. A reduced building setback will not have a negative impact on these considerations.

3. Contribution to the deterioration of the neighborhood or to the downgrading of property values which, is 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.

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.

4. Compatibility with existing surrounding structures and uses.

Response: This project is a typical fast food restaurant. The use and operation is consistent with, and like, existing similarly developed sites in the surrounding area. This project is proposed within an existing commercial site and provides approximately 200' separation between the proposed Burger King and the existing Fry's Electronics building.

5. Adequate control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area or general public.

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. The requested building setback modification does not impact this concern.

PROJECT ADDRESS
5110 S. WENDLER DRIVE, TEMPE, AZ 85282

LEGAL DESCRIPTION
A REPART OF THE INCREDIBLE UNIVERSE 2300 WEST BASELINE ROAD, AS RECORDED IN BOOK 371 OF MAPS, PAGE 05, MARICOPA COUNTY RECORDS, ALSO BEING A PART 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.

PROJECT DESCRIPTION

THE PROJECT IS A PROPOSED 9 DISPENSER FRY'S FUEL CENTER AND A FAST FOOD PAD. EXISTING LOT CONFIGURATIONS TO BE REVISED TO SUIT PROJECT NEEDS.

OWNER:
FRY'S ELECTRONICS
GILA LP
P.O. BOX 7458
MENLO PARK, CA 94026

ENGINEER
SUSTAINABILITY ENGINEERING GROUP
8280 E. GELDING DR., SUITE 101
SCOTTSDALE, ARIZONA 85250
PHONE 480-588-7226
ATTN. ALI FAKH, P.E. #45621

DEVELOPER
FRY'S FOOD STORES OF ARIZONA
500 S. 90TH AVE.
TOLLESON, ARIZONA 85353
623-907-7188

OVERALL SITE PLAN

FRY'S ELECTRONICS - FRY'S #43 FUEL CENTER

5110 S. WENDLER DRIVE, TEMPE, AZ 85282

ZONING DATA
CURRENT ZONING PCC-1
PROPOSED ZONING PCC-1 (UNCHANGED)

PROJECT DATA

LOT 1 BUILDING SETBACK:	REQUIRED	EXISTING
SOUTH	50'	70.97'
EAST	50'	654.45'
NORTH	50'	81'
WEST	50'	157.2'

LOT 2 BUILDING SETBACK:	REQUIRED	PROPOSED
SIDE(EAST)	30'	76.2'
SIDE(WEST)	30'	27.5' (3' MAX REDUCTION WITH USE PERMIT STANDARD)

LOT 3 BUILDING SETBACK:	REQUIRED	PROPOSED
SIDE(EAST)	30'	77.75*
SIDE(WEST)	30'	30'
REAR	30'	53.6*
FRONT	0'	61.85*

* SETBACK MEASURED FROM CANOPY COLUMNS

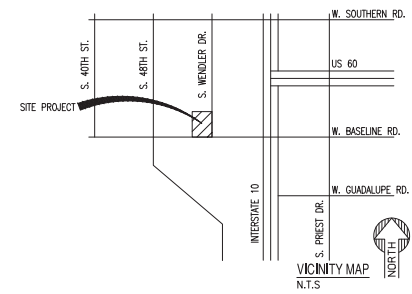
LOT COVERAGE (MAX 50% - PCC-1):
LOT 1 (667,952 SF): 156,263 / 667,952 = 23.38%
LOT 2 (41,004 SF): 3,475 / 41,004 = 8.47%
LOT 3 (36,918 SF): 7,112 / 36,918 = 19.26%

LANDSCAPE AREA (15% MIN.):
LOT 1 (667,952 SF): 108,264 / 667,952 = 16.21%
LOT 2 (41,004 SF): 11,583 / 41,004 = 28.25%
LOT 3 (36,918 SF): 7,012 / 36,918 = 18.99%

PROPOSED BUILDING HEIGHT (30' MAX.):
LOT 2: 25' (BUILDING)
LOT 3: 13' (CANOPY)

LOT AREAS:
LOT 1
NET: 667,952 SF
GROSS: 754,542 SF
LOT 2
NET: 41,004 SF
GROSS: 52,855 SF
LOT 3
NET: 36,918 SF
GROSS: 47,969 SF

DEVELOPMENT STANDARDS:
LOT 1 EXISTING GPOD STANDARDS
LOT 2 SECTION 4-203 OF THE ZDC
LOT 3 SECTION 4-203 OF THE ZDC

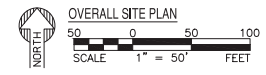
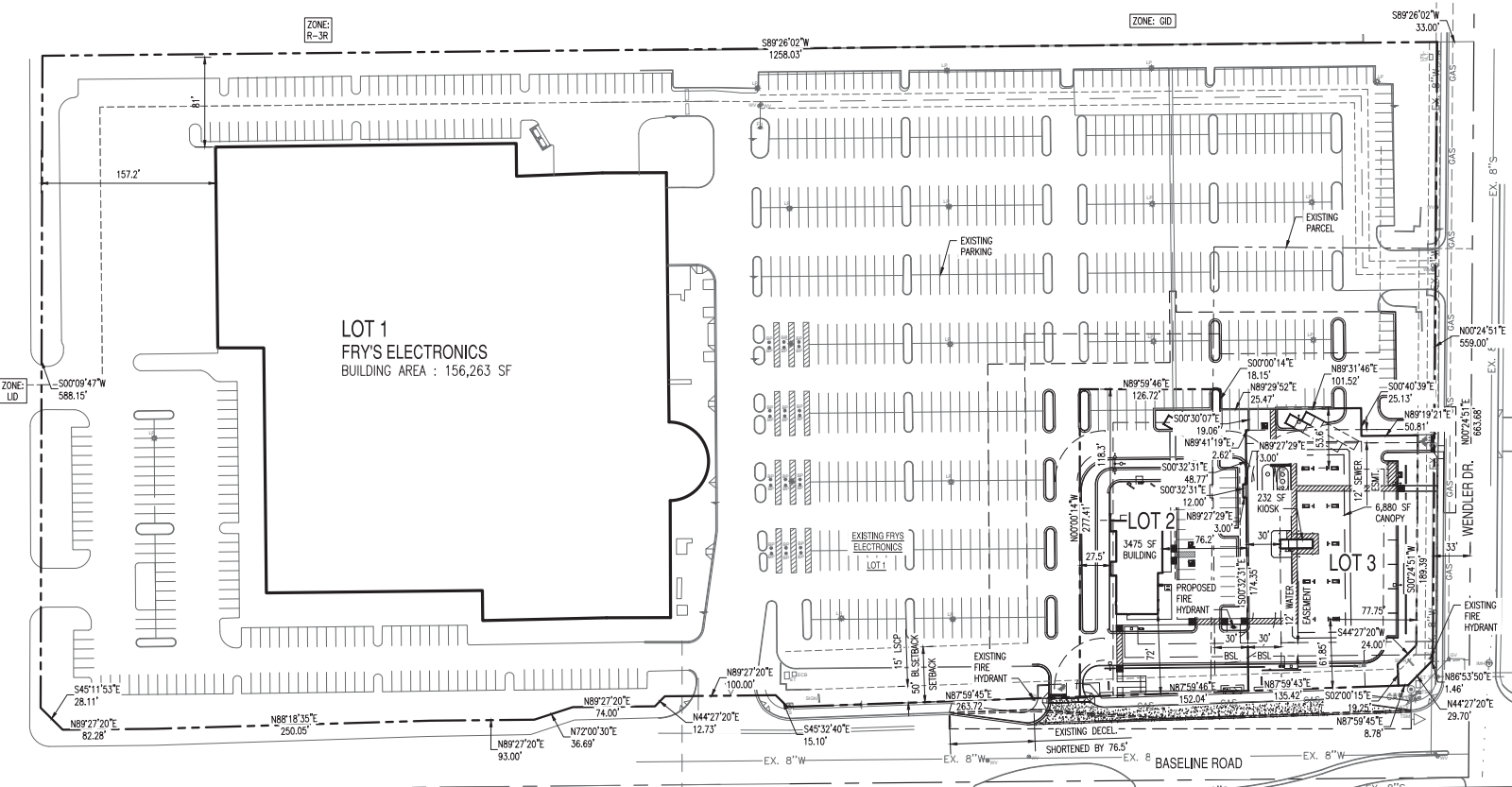


PER GENERAL AND FINAL PLAN OF DEVELOPMENT, DATED DEC 9, 1993: 663 PARKING REQUIRED

TOTAL FRY'S ELECTRONICS (TOTAL) (LOT 1)		
ANCHOR #1 AREA	667,952 SF	13.37 AC
BUILDING USE:	RETAIL	
BUILDING AREA	156,263 SF	1/500 SF
REQUIRED PARKING:	663	
PROVIDED PARKING:	1,179 (INCL 24 ADA)	
REMOVED FOR LOTS 2&3	262	
PROPOSED TOTAL:	972	2 663 OK
REQUIRED ADA PARKING:	21	
PROPOSED ADA PARKING:	24	

LOT #2 FAST FOOD PAD:		
LOT AREA:	41,004 SF	0.94 AC
BUILDING USE:	PREP	
BUILDING AREA TOTAL:	3,475 SF	1/775 SF
REQUIRED PARKING:	47	
PROPOSED PARKING:	47	
PROPOSED BIKE PARKING:	4	
REQUIRED ADA PARKING:	2	
PROPOSED ADA PARKING:	2	

LOT #3 FUEL CENTER:		
LOT AREA:	36,918 SF	0.85 AC
BUILDING USE:	FUEL CENTER	
BUILDING AREA:	222 SF	1/500 SF
CANOPY AREA:	6,880 SF	
REQUIRED PARKING:	2	
PROPOSED PARKING:	9	
PROPOSED BIKE PARKING:	2	
REQUIRED ADA PARKING:	1	
PROPOSED ADA PARKING:	1	



PROJECT: FRY'S #43 FUEL CENTER
LOCATION: 5110 S WENDLER DR TEMPE, AZ 85282

DATE: 11/21/2016
ISSUED FOR: CUP/ SITE PLAN

REVISION NO.:
DATE:

JOB NO.: CD160143

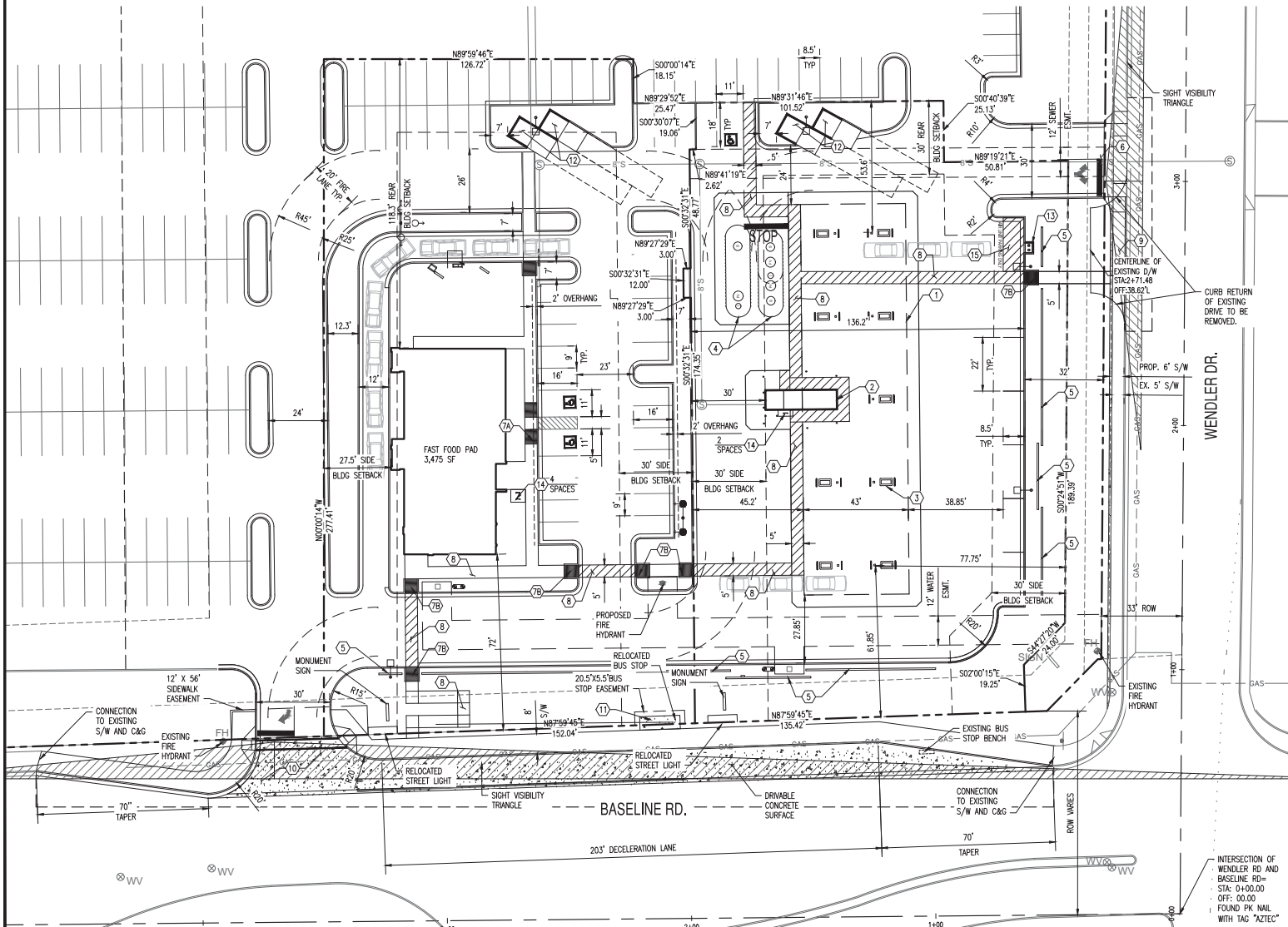
SHEET TITLE: OVERALL SITE PLAN

SHEET NO.: C2.00

ENLARGED SITE PLAN

FRYS ELECTRONICS - FRY'S #43 FUEL CENTER

5110 S. WENDLER DRIVE, TEMPE, AZ 85282



- KEY NOTES**
- ① 43' X 160' CANOPY (6880 S.F.). REFER TO ARCHITECTURAL DRAWINGS.
 - ② 8' X 29' KIOSK (232 S.F.). REFER TO ARCHITECTURAL DRAWINGS.
 - ③ DISPENSER ISLAND (TYP. 9) REFER TO FUEL PIPING PLANS.
 - ④ DOUBLE WALL UNDERGROUND STORAGE TANK (1 ~ 20,000 GAL. REGULAR UNLEADED) & (1 ~ 18,000 GAL. TWO COMPARTMENT PREMIUM (8,000 GAL)/DIESEL (10,000 GAL)).
 - ⑤ 3' SCREEN WALL PER DETAIL 1/C2.20.
 - ⑥ DRIVEWAY PER COT DET T-320.
 - ⑦ ADA RAMP PER COT DET T-347.
 - ⑧ ADA RAMP.
 - ⑨ ADA PATH.
 - ⑩ ABANDONED DRIVEWAY TO HAVE CURB, GUTTER, SIDEWALK, AND LANDSCAPE TO MATCH THE EXISTING SURROUNDINGS.
 - ⑪ RETURN TYPE DRIVEWAY PER COT DET T-319.
 - ⑫ BUS PULL-OUT SHELTER PER COT DET T-654 TYPE 'A'
 - ⑬ TRASH ENCLOSURE PER DETAIL 2/C2.20.
 - ⑭ AIR UNIT
 - ⑮ BIKE RACK PER COT DET T-578.
 - ⑯ STRIPING AT AIR UNIT. TEXT TO READ "AIR UNIT PARKING ONLY"

- SITE PLAN NOTES:**
1. ALL SITE IMPROVEMENTS INCLUDING LANDSCAPE AND SITE CLEANUP, MUST BE COMPLETED PRIOR TO CERTIFICATE OF OCCUPANCY FOR ANY BUILDING WITHIN A PHASE.
 2. ALL ROOF MOUNTED MECHANICAL EQUIPMENT SHALL BE FULLY SCREENED BY PARAPET WALLS EQUAL TO, OR GREATER THAN, THE HIGHEST POINT ON THE MECHANICAL EQUIPMENT.
 3. SOLID MASONRY WALLS AND GATES EQUAL TO, OR GREATER THAN, THE HIGHEST POINT ON THE MECHANICAL EQUIPMENT SHALL SCREEN ALL GROUND MOUNTED MECHANICAL EQUIPMENT.
 4. ALL EXTERNAL LIGHTING SHALL BE LOCATED AND DESIGNED TO PREVENT RAYS FROM BEING DIRECTED OFF OF THE PROPERTY UPON WHICH THE LIGHTING IS LOCATED.
 5. THE FIRE DEPARTMENT DOUBLE CHECK ASSEMBLY SHALL BE PAINTED TO MATCH THE ADJACENT WALL COLOR.
 6. SIGNS REQUIRE SEPARATE PERMIT.
 7. THERE SHALL BE NO OBSTRUCTION OF SITE SIGNAGE BY LANDSCAPE PLANT MATERIAL, AND THAT SUCH MUST BE RELOCATED/CORRECTED BEFORE THE FIELD INSPECTION WILL ACCEPT/PASS THE SIGN IN THE FIELD OR ISSUE A CERTIFICATE OF OCCUPANCY FOR A PROJECT.
 8. ALL TRANSFORMER BOXES, METER PANELS AND ELECTRIC EQUIPMENT, BACKFLOW DEVICES OR ANY OTHER UTILITY EQUIPMENT NOT ABLE OR REQUIRED TO BE SCREENED BY LANDSCAPING OR WALLS, SHALL BE PAINTED TO MATCH THE BUILDING COLOR.
 9. ALL WALLS OVER 7' IN HEIGHT, SITE LIGHTING, SIGNAGE, RAMADAS AND SHADE STRUCTURES REQUIRE SEPARATE SUBMITTAL AND PERMITS.



SUSTAINABILITY ENGINEERING GROUP
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FRYS
 FOOD & DRUG STORES
 Fry's Food Stores of Arizona
 500 South 99th Avenue, Suite A
 Phoenix, AZ 85042
 Phone: (602) 907-1984
 Fax: (602) 907-1974

PROJECT
 FRY'S #43 FUEL CENTER

LOCATION
 5110 S WENDLER DR
 TEMPE, AZ 85282

DATE: 11/21/2016

ISSUED FOR: CUP/SITE PLAN

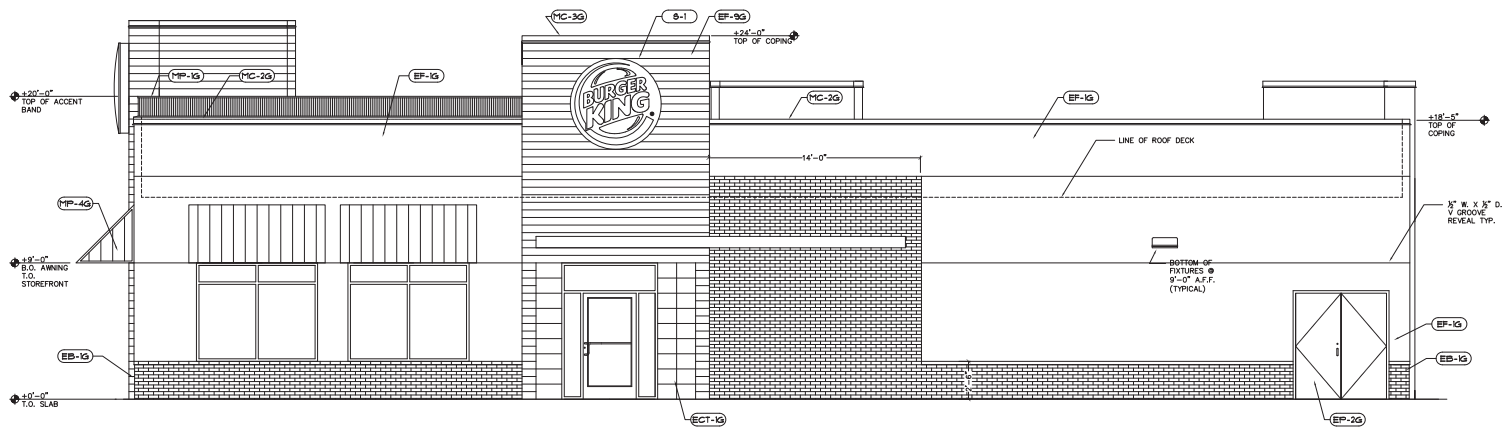
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JOB NO.: CD160143

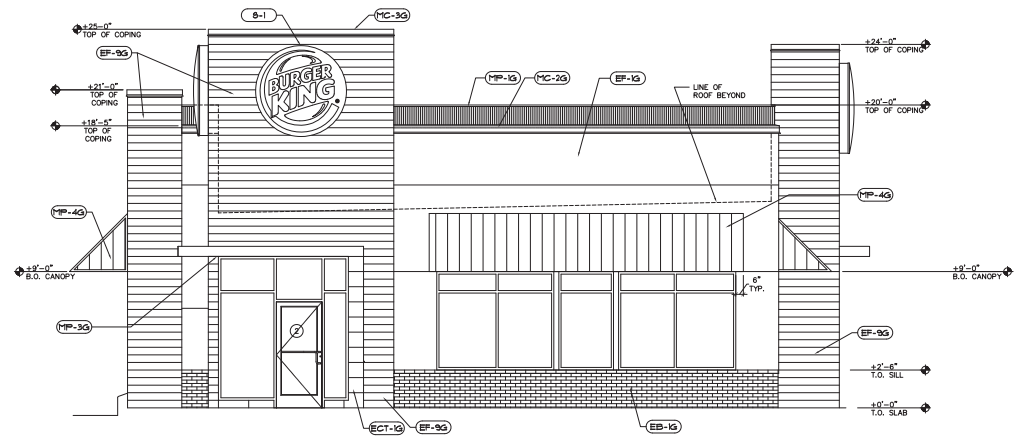
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SHEET NO.: C2.10

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EAST ELEVATION
1/8" = 1'-0"



SOUTH ELEVATION
1/8" = 1'-0"

COLORS & MATERIAL EXHIBIT			
SYMBOL	ITEM	MANUFACTURER	COLOR
EB-12	BRICK WAHNSCOT	EVOLUTION BRICK	SIERRA TUMBLED
ECT-12	EXTERIOR CERAMIC TILE	GRANITE	SENSIBLE STONE "RED NATURAL" STACKED BOND PATTERN 12" X 24"
EF-12	MAIN WALL COLOR	STC	MATCH PPG TAUPE TONE
EP-12	FIBER CEMENT SIDING	NICHHA	VINTAGE WOOD CEDAR
EP-22	EXTERIOR GENERAL	PPG	TAUPE TONE
MC-22	METAL COPING BELOW PARAPET BAND	W.P. HECKMAN SYSTEMS, INC.	TAUPE TONE
MC-32	METAL COPING AT TOP OF TOWER	W.P. HECKMAN SYSTEMS, INC.	CEDAR
MP-12	PARAPET BAND	LEKTRON	RED COORUGATED METAL
MP-32	METAL CANOPY	CUSTOM	CLEAR ANNOXIDIZED
MP-42	STANDING SEAM METAL AWNING	FIRESTONE METAL PRODUCTS	SILVER METALLIC
S-1	SIGN	72" BK SIGN	-

SIGNS TO BE PERMITTED SEPARATELY

HITCHENS ASSOCIATES ARCHITECTS
 287 NORTH NORFOLK
 MESA, ARIZONA 85205
 TELEPHONE: 480.944.8331

Gregory L. Hitchens
 ARCHITECT
 15942 GREGORY L. HITCHENS
 6-9-16
 STATE OF ARIZONA, U.S.A.
 EXPIRES: 03/31/2018

REVISIONS

NO.	DATE	BY	REVISION
6-24-16			OWNER REVISIONS
8-22-16			BK REVISIONS
10-10-16			CITY REVISIONS

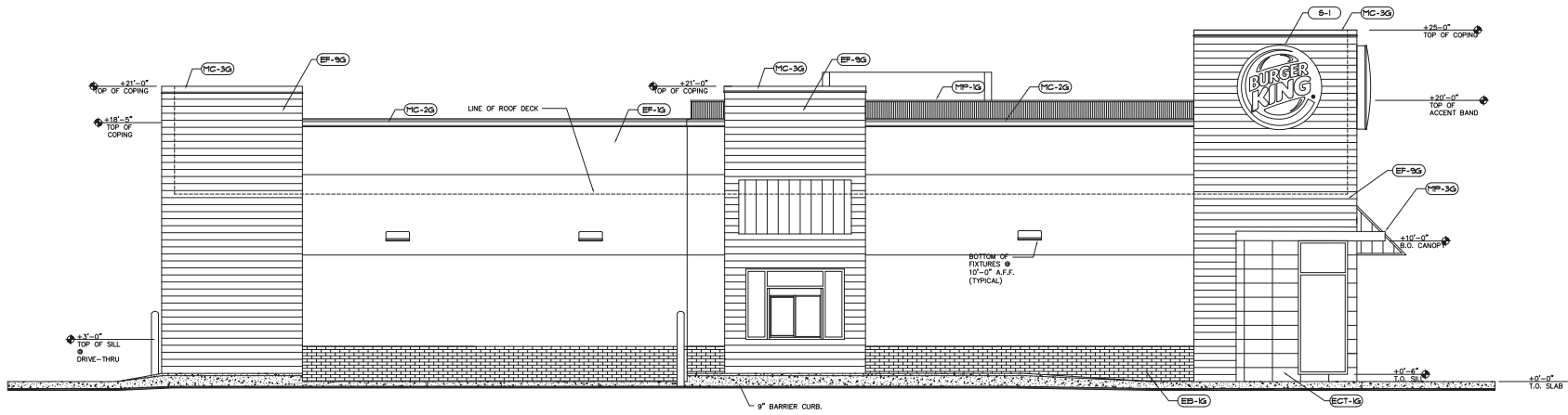
CLIENT: KRAF Inc.
 5073 N. 40th Street, Suite 100
 Phoenix, Arizona 85018

BURGER KING
 NWC Wandler Dr. & Baseline Rd.
 Tempe, Arizona

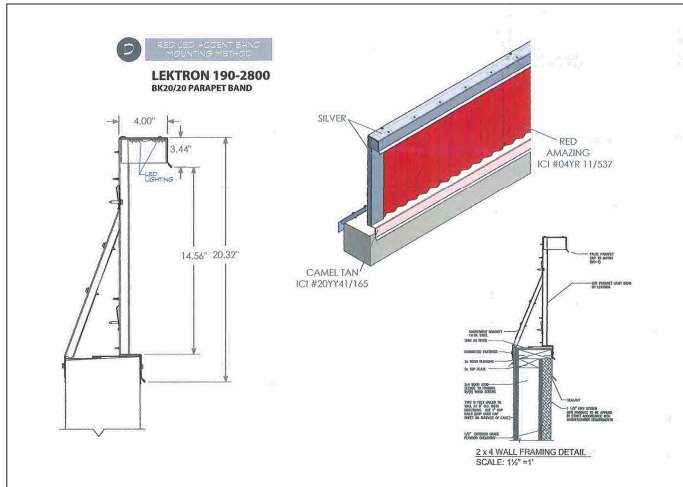
PROJECT NO: 21516
 DRAWN BY: GJH
 DATE: 06-08-2016

BUILDING ELEVATIONS
A2.0

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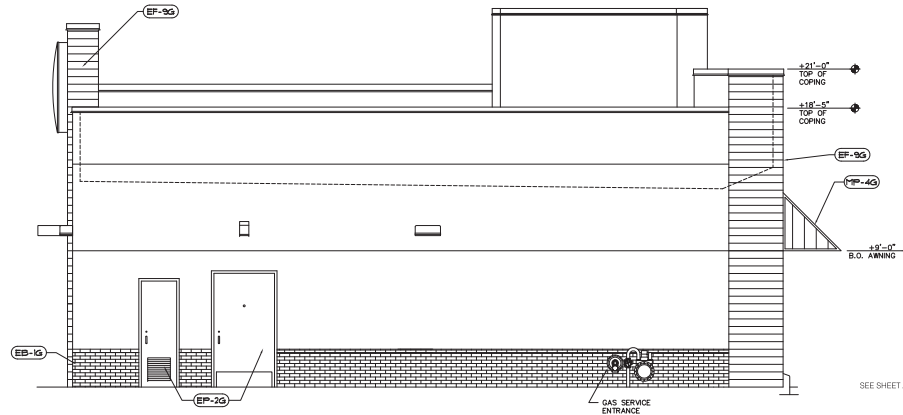


WEST ELEVATION
1/4" = 1'-0"



PARAPET BAND DETAIL

NOTES
1) LED LIGHT COLOR IS RED AND PRODUCES 19 LUMENS PER FOOT



NORTH ELEVATION
1/4" = 1'-0"

SEE SHEET A2.0 FOR MATERIALS LIST

HITCHENS ASSOCIATES ARCHITECTS
 287 NORTH NORFOLK
 MESA, ARIZONA 85205
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REVISIONS

6-24-16	OWNER REVISIONS
6-27-16	OWNER REVISIONS
8-22-16	BK REVISIONS
10-10-16	CITY REVISIONS

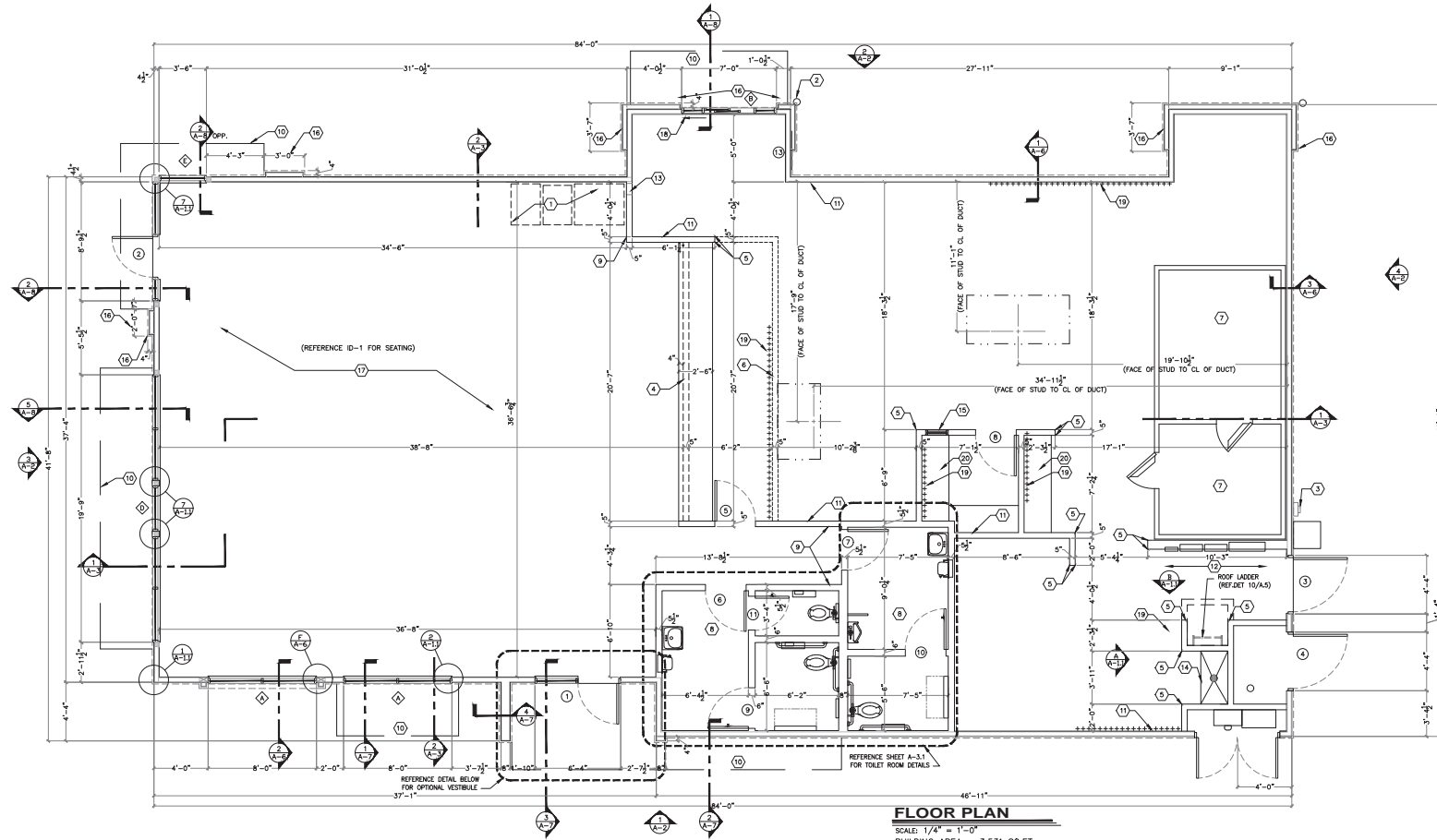
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5073 N. 40th Street, Suite 100
Phoenix, Arizona 85018

BURGER KING
NWC Wender Dr. & Baseline Rd.
Tempe, Arizona



PROJECT NO: 21510
DRAWN BY: GJH
DATE: 06-08-2016

BUILDING ELEVATIONS
A2.1



FLOOR PLAN

SCALE: 1/4" = 1'-0"
 BUILDING AREA = 3,531 SQ.FT.

GENERAL NOTES:

- A. EXTERIOR DIMENSIONS ARE TO FACE OF MASONRY. INTERIOR DIMENSIONS ARE TO FINISH.
- B. OVERALL DIMENSIONS TO EXTERIOR WALLS ARE THE SAME AS TO THE OUTSIDE.
- C. FACE OF FOUNDATION WALL BELOW.
- D. ALL INSECT WALLS ARE AT 90° UNLESS NOTED OTHERWISE.
- E. FIRE EXTINGUISHER, SHALL COMPLY WITH APPLICABLE BUILDING CODES AND LOCAL RESTRICTIONS.
- F. ELEVATION OF DRIVE-THROUGH LANE 2" (MAXIMUM) BELOW FINISH FLOOR ELEVATION. DRIVE-THROUGH LANE AT SAME ELEVATION AS FINISH FLOOR IS PREFERRED. REFERENCE DETAIL #6, SHEET A-1-1.
- G. DESIGNER NOTE: WHEN UTILIZING A DIFFERENT EXTERIOR WALL CONSTRUCTION, HOLD INTERIOR DIMENSIONS.
- H. FOR DOOR AND WINDOW TYPES, REFER TO SHEET A-1-0.

KEYED NOTES:

1. SELF-SERVE DRINKS AND CONDIMENT STAND. REFER TO SHEET EQ-1.
2. STEEL BOLLARD - REFER TO SHEET S-1.
3. ELECTRIC SERVICE - REFER TO ELECTRICAL DRAWINGS.
4. SERVICE COUNTER PARTITION BY G.C. REFER TO DETAILS ON SHEET E-4 FOR ADDITIONAL INFORMATION. COORDINATE COUNTER TOP/FINISHES INSTALLATION RESPONSIBILITIES WITH THE DECOR SUPPLIER. MAXIMUM COUNTER HEIGHT = 32" A.F.F.
5. CORNER GUARDS - REFER TO DETAIL #4, SHEET A-1-1.
6. MENU BOARD BULKHEAD ABOVE. REFER TO DETAIL 1, SHEET A-4.
7. INTERIOR WALK-IN BOX WITH FLOOR ON CONCRETE SLAB. VERIFY SIZE WITH MANUFACTURER.
8. PROVIDE ADDITIONAL BLOCKING IN WALLS BEHIND URINAL SCREEN AND BEHIND PLUMBING FITURES FOR SUPPORT OF WATER LINES (TYPICAL).
9. ALL WALLS AT EXPOSED TRUSSES TO BE FRAMED AND FINISHED TO THE ROOF DECK.
10. LINE OF AWNING/CANOPY ABOVE.
11. SUBSTRATE PANELS:
 5/8" USG "DUROCK" PANELS AT FINISH FLOOR TO 24" A.F.F.
 5/8" WATER RESISTANT GYPSUM BOARD FROM 24" A.F.F. TO 6" ABOVE FINISHED CEILING.
 PROVIDE ALTERNATE BID OF 5/8" USG "TIBEROCK" PANELS IN LIEU OF DUROCK.
 DINING ROOM - CORRIDOR
 5/8" TYPE USG "SHEETROCK" TYPE "X" GYPSUM WALL BOARD.
 FINISH: CORONADO PAINT - LIGHT ORANGE TEE. APPLIED WITH CORONADO AIR ASSIST TIP (2-122K) OR EQUAL.
12. ELECTRICAL PANELS:
 OPTION #1:
 RECESS ELECTRICAL CONTACTOR PANEL AND PANELS "A", "B" AND "M" IN FURRED-OUT WALL ADJACENT TO EXTERIOR FRAMING. G.C. TO VERIFY PANEL SIZES PRIOR TO FURR-OUT TO INSURE ADEQUATE SPACE.

- OPTION #2:
 HILL PHOENIX INTEGRATED WALL UNIT INCLUDES PANELS "A", "B", "M" AND MASTER CONTACTOR PANEL IN ONE CABINET. UNIT TO BE SURFACE MOUNTED ON A 4" HIGH CONCRETE CURB. REFERENCE SHEET E-5 FOR ADDITIONAL INFORMATION.
13. PROVIDE 10"x10" FINISHED OPENING THROUGH WALL CENTERED AT 13" A.F.F. FOR ROUTING OF UTILITIES.
 14. CAN WASH - DUROCK SUBSTRATE ON ALL THREE SIDES, FLOOR TO CEILING.
 15. SERVICE WINDOW - REFERENCE SHEET A-1-0.
 16. 4" DEEP FURR-OUT ELEMENT (FINISH WIDTH SHOWN) AT TOWER. REFER TO WALL SECTIONS. PROVIDE 1" DEEP CONCRETE CURB (4" A.F.F.) AND FRAMING AS REQUIRED FOR FINISH DIMENSION REQUIREMENTS.
 17. TILE FLOOR (REFERENCE SPECIFICATIONS ON ID SHEETS).
 18. DRIVE-THROUGH SLIDING WINDOW.
 19. ++++++ INDICATES 5/8" PLYWOOD BAKING ON WALLS FOR EQUIPMENT AS INDICATED ON PLAN OR SHELF SUPPORT FROM 48" A.F.F. TO 90" A.F.F. BEHIND 3-COMPARTMENT SINK AND PREP SINK AND ON BULKHEAD AT MENU BOARD WALL FROM 6'-8" A.F.F. TO BOTTOM OF TRUSSES.
 20. COUNTER TOP - REFERENCE DETAIL #6, A-1-1.
 21. 4" CONCRETE WALK BETWEEN DRIVE-THROUGH BUMP-OUTS.

CHECKED BY: _____ DATE: _____
 REVISION: _____

DRAWN BY: _____ DATE: _____

BURGER KING

BURGER KING CORP./FRANCHISEE
 STREET ADDRESS _____
 CITY, STATE, ZIP _____
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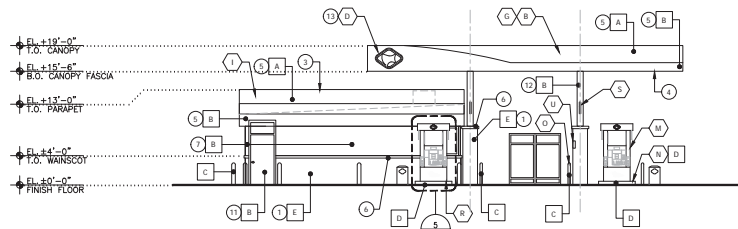
BURGER KING RESTAURANT
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 DEPT. #3300A, 85044

PROJECT #:
 BOC-2009-20/02/ MUSE, SEPTEMBER 2014, DESIGN RELEASE

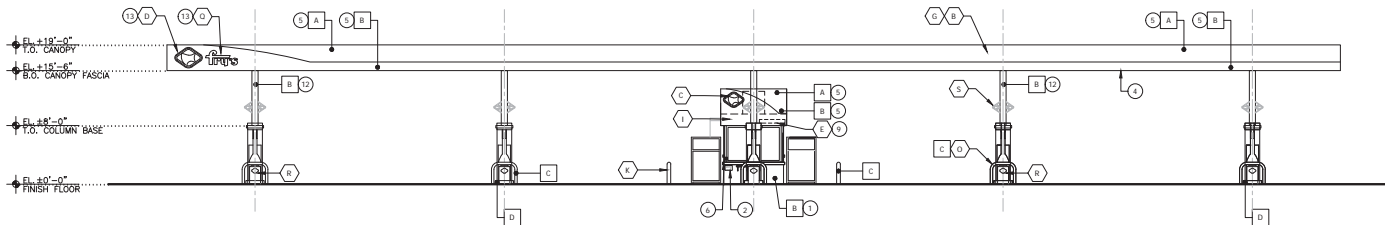
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FLOOR PLAN AND OPTIONAL VESTIBULE

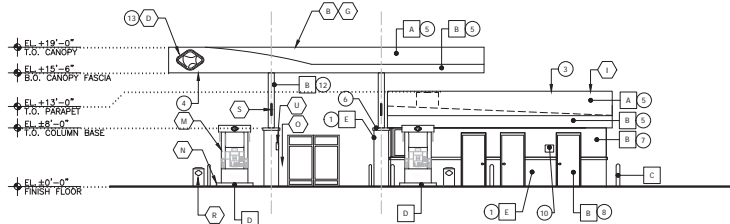
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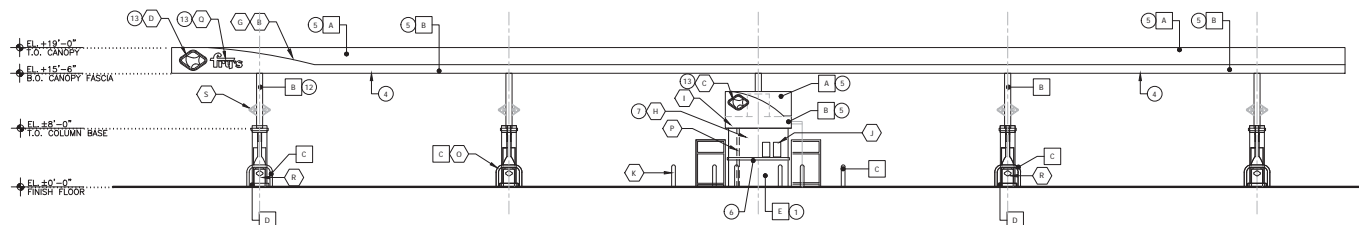
1 SOUTH ELEVATION
SCALE: 1/8"=1'-0"



2 EAST ELEVATION
SCALE: 1/8"=1'-0"

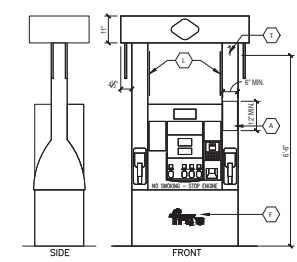


3 NORTH ELEVATION
SCALE: 1/8"=1'-0"



4 WEST ELEVATION
SCALE: 1/8"=1'-0"

ITEM	DESCRIPTION	COLOR	MANUFACTURER	MODEL	FURNISHED BY	INSTALLED BY
A	STATIC WARNING DECAL (MIN. 12" H X 6" W)		WAYNE		DISPENSER MANUFACTURER	DISPENSER MANUFACTURER
B	CANOPY		MADISON		CANOPY FABRICATOR	CANOPY FABRICATOR
C	LOGO - NON-ILLUMINATED (28" H X 37 1/2" W)		DUALITE		OWNER	SIGN INSTALLER
D	ILLUMINATED LOGO SIGN		DUALITE		OWNER	SIGN INSTALLER
E	PRE-CUT BLACK VINYL ADDRESS DECALS PER LOCAL AUTHORITY SPECIFICATIONS, IF REQUIRED				GENERAL CONTRACTOR	GENERAL CONTRACTOR
F	DISPENSER DOOR GRAPHICS	RED WITH WHITE LETTERS	WAYNE		DISPENSER MANUFACTURER	DISPENSER MANUFACTURER
G	CANOPY FASCIA	PER SCHED.	MADISON		CANOPY FABRICATOR	CANOPY FABRICATOR
H	KIOSK - PREFABRICATED	PER SCHED.	SAGEBRUSH		GENERAL CONTRACTOR	GENERAL CONTRACTOR
I	KIOSK FASCIA	PER SCHED.	SAGEBRUSH		GENERAL CONTRACTOR	GENERAL CONTRACTOR
J	ELECTRICAL DISCONNECTS				GENERAL CONTRACTOR	GENERAL CONTRACTOR
K	6" DIAMETER BOLLARD - G.C. TO PAINT	SAFETY RED			GENERAL CONTRACTOR	GENERAL CONTRACTOR
L	HEALTH AND SAFETY DECALS		WAYNE		DISPENSER MANUFACTURER	GENERAL CONTRACTOR
M	DISPENSER		WAYNE		OWNER	GENERAL CONTRACTOR
N	ISLAND FORMS - STAINLESS STEEL				GENERAL CONTRACTOR	GENERAL CONTRACTOR
O	U-SHAPED BOLLARD - G.C. TO PAINT, 3'-0" IN HEIGHT	SAFETY RED	RIVERSIDE		OWNER	GENERAL CONTRACTOR
P	3"x2" DOWNSPOUT - INTERNAL		SAGEBRUSH		KIOSK FABRICATOR	KIOSK FABRICATOR
Q	ILLUMINATED CHANNEL LETTERS		DUALITE		OWNER	SIGN INSTALLER
R	WASTE RECEPTACLE/WINDSHIELD SERVICE CENTER		DCI MARKETING		OWNER	GENERAL CONTRACTOR
S	PUMP NUMBER FLAG				CANOPY FABRICATOR	GENERAL CONTRACTOR
T	4" BLACK VINYL DECAL (DISPENSER NUMBER)				OWNER	GENERAL CONTRACTOR
U	FIRE EXTINGUISHER				OWNER	GENERAL CONTRACTOR



5 DISPENSER ELEVATION
SCALE: 1/2"=1'-0"

GENERAL NOTES:

- CONTRACTOR SHALL SUBMIT: MASONRY, MORTAR AND PAINT SAMPLES TO FRY'S CONSTRUCTION REPRESENTATIVE FOR APPROVAL PRIOR TO ORDERING MATERIALS.
- PREMANUFACTURED CANOPY AND KIOSK PROVIDED BY OTHERS.
- ALL ONSITE SIGNAGE UNDER SEPARATE PERMIT.
- FUEL DISPENSERS SHALL COMPLY WITH ACCESSIBLE GUIDELINES.

KEYED NOTE:

- THIN BRICK PANELS
- EMERGENCY STOP SWITCH 42" AFF PARAPET AT KIOSK TO BE TALL ENOUGH TO COMPLETELY CONCEAL ROOF MOUNTED MECHANICAL EQUIPMENT.
- CANOPY LIGHTS SHALL BE FLUSH OR RECESSED.
- ACM PANEL
- BRICK SILL, CAPSTONE
- EIFS SYSTEM
- H.M. DOOR AND FRAME.
- PROVIDE MIN. 12" HIGH W/2" STROKE BUILDING ADDRESS IN CONTRASTING COLOR TO WALL IN ACCORDANCE WITH C.O.A.J. ORDINANCE.
- PROVIDE 4" MIN. NO SMOKING SIGNAGE IN ACCORDANCE WITH C.O.A.J. NO SMOKING ORDINANCE AND STATE REQUIREMENTS.
- FIRE RISER ENCLOSURE.
- 12" SQUARE CANOPY COLUMN.
- SIGNAGE TO BE PERMITTED SEPARATELY.

COLOR/FINISH LEGEND:

- A SHERWIN WILLIAMS, SW4081 "SAFETY RED" MATCH FRY'S ELECTRONICS COLOR LRV < 75%
- B SHERWIN WILLIAMS, SW7531 "CANVAS TAN" MATCH FRY'S ELECTRONICS COLOR LRV < 75%
- C SHERWIN WILLIAMS, SW4081 "SAFETY RED" MATCH FRY'S ELECTRONICS COLOR LRV < 75%
- D STAINLESS STEEL NOT PAINTED
- E EVOLUTION BRICK, SIERRA TUMBLED



SUSTAINABILITY ENGINEERING GROUP
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Kroger Co.
1020 East of Camelback Road, Suite A
Phoenix, AZ 85014
Phone: (602) 715-5977
Fax: (602) 715-5995

PROJECT: FRY'S FUEL CENTER
LOCATION: 5110 S WENDER DR TEMPE, AZ 85283

DRAWN: POUNDS
DESIGNED: MELES
PROJ. MGR.: COUNSELL
FAKH

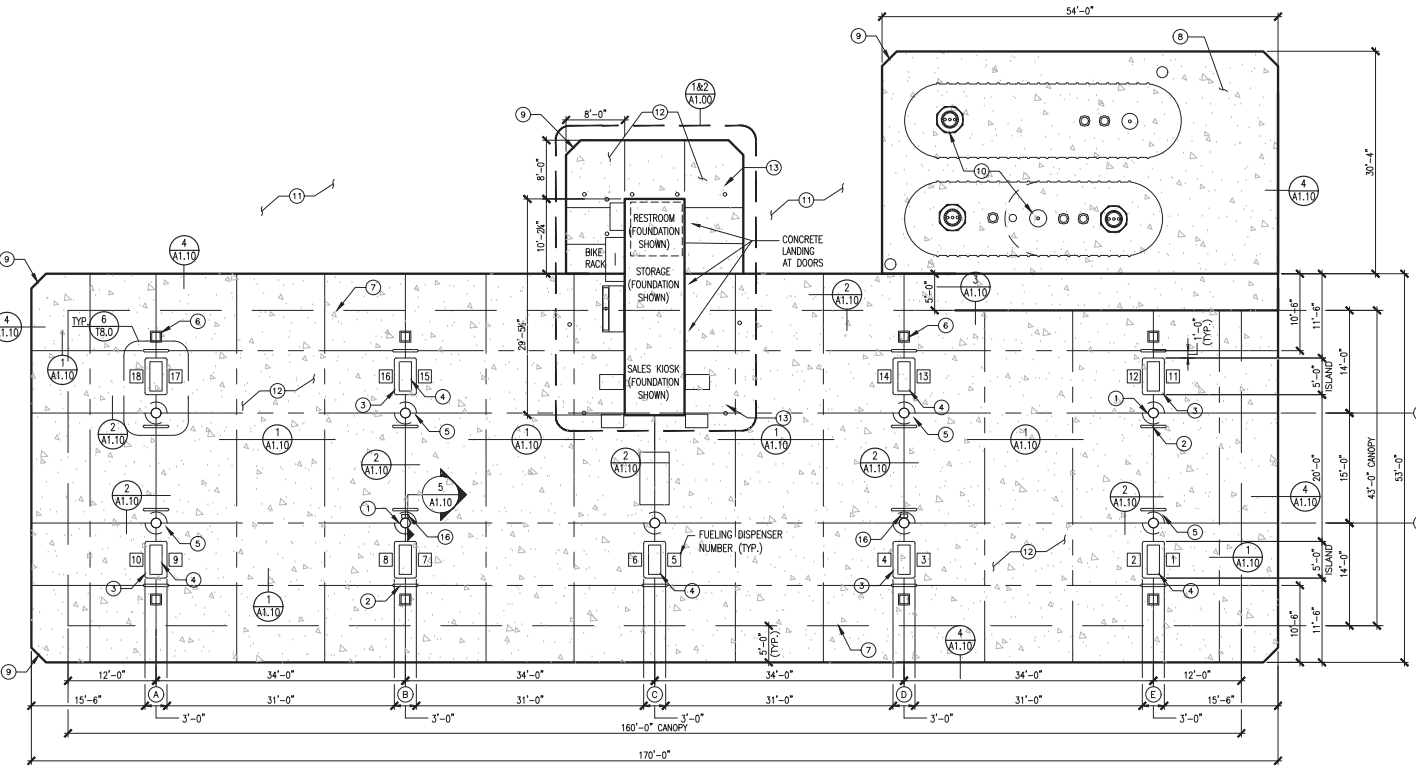
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JOB NO.: CD160143

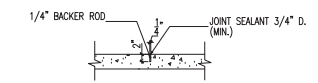
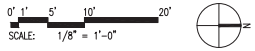
SHEET TITLE: ARCHITECTURAL ELEVATIONS

SHEET NO.: A2.00



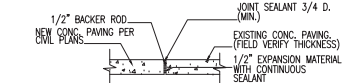


ARCHITECTURAL FLOOR PLAN



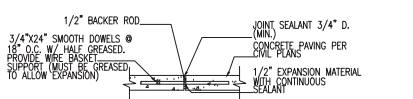
PLACE JOINTS AS SHOWN ON CONSTRUCTION IMPROVEMENT PLAN. SAWCUT WITHIN 4 HOURS IN HOT WEATHER AND WITHIN 12 HOURS IN COLD WEATHER AFTER THE SLAB HAS BEEN FINISHED IN AN AREA.

1 CONTROL JOINT
SCALE: NONE



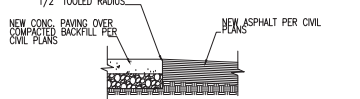
PLACE AGAINST CONCRETE TANK SLABS AND STRUCTURES (BUILDINGS, CANOPY COLUMNS, CATCH BASINS, ETC.)

2 EXPANSION JOINT
SCALE: NONE

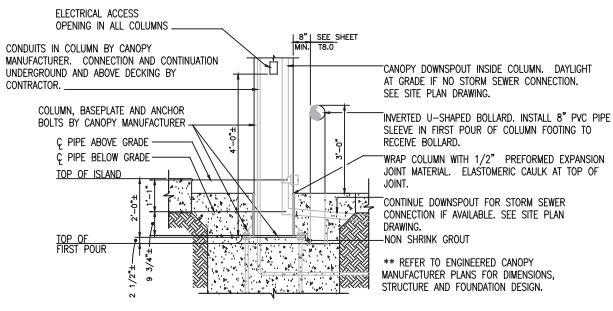


CONSTRUCTION JOINTS MUST BE APPROVED BY OWNER'S ENGINEER. PLACE WHEN CONTINUOUS POUR OPERATIONS ARE SUSPENDED FOR MORE THEN 30 MINUTES

3 CONSTRUCTION JOINT
SCALE: NONE



4 PAVING TRANSITION DETAIL
SCALE: NONE



5 TYPICAL CANOPY COLUMN
SCALE: 1/2" = 1'-0"

GENERAL NOTES:

- A. CONTRACTOR SHALL BE RESPONSIBLE FOR FINAL COORDINATION OF INSTALLATION SCHEDULE WITH CANOPY SUPPLIER. ANY DEVIATION FROM THE MINIMUM SITE CONDITIONS LISTED OR CHANGES IN SCHEDULE RESULTING IN ADDITIONAL COST TO THE CANOPY SUPPLIER WILL BE BACK CHARGED TO CONTRACTOR.

FLOORPLAN KEYED NOTES: (XX)

- 1. NEW COLUMNS, TYPICAL 10 LOCATIONS, PAINT, REFER TO A2.00 FOR FINISH SCHEDULE.
- 2. "U-SHAPED" BUMPER POST (TYP.)
- 3. CONCRETE CURB WITH METAL EDGE SURROUND, BY KROGER, TYPICAL ALL FUEL DISPENSER ISLAND LOCATIONS.
- 4. NEW FUEL DISPENSER - (MPD) MULTI PRODUCT DISPENSER - BY OTHERS.
- 5. CANOPY COLUMN FOOTING - SEE CANOPY DESIGN (TYP.)
- 6. TRASH RECEPTACLE/ WINDSHIELD SERVICE CENTER (TYP.)
- 7. LINE OF CANOPY FRAMING ABOVE
- 8. 8" CONCRETE PAD. REFER TO CIVIL PLANS FOR LOCATION REQUIREMENTS.
- 9. 2"x2" CHAMFER AT CORNERS OF CONCRETE SLAB
- 10. UNDERGROUND FUEL STORAGE TANKS. REFER TO MANUFACTURER'S DRAWINGS FOR ADDITIONAL INFORMATION.
- 11. ASPHALT PAVEMENT. REFER TO CIVIL DRAWINGS FOR ADDITIONAL INFORMATION.
- 12. 6" THICK CONCRETE PAD.
- 13. 6" CONCRETE-FILLED PIPE BOLLARDS. TEN (10) LOCATIONS AROUND KIOSK.
- 14. KIOSK WITH RESTROOM. SEE ENLARGED DRAWING, SHEET A1.00.
- 15. NOT USED.
- 16. 2-A 20-ABC FIRE EXTINGUISHER IN STEEL CABINET (TYP.-QUANTITIES AND LOCATIONS INSTALLED PER LOCAL CODE) (EMDCO.COM #FEC25). G.C. TO MOUNT BOTTOM 32" ABOVE PAVING.



SUSTAINABILITY ENGINEERING GROUP
SEG
6200 E. GELDING DR. SUITE 101, SCOTTSDALE, ARIZONA 85060
WWW.AESG.COM TEL: 480.388.7720



Fry's
Fry's Food Stores of Arizona
Tombasa, AZ 85033
Tel: (303) 715-5907
Fax: (303) 582-1724

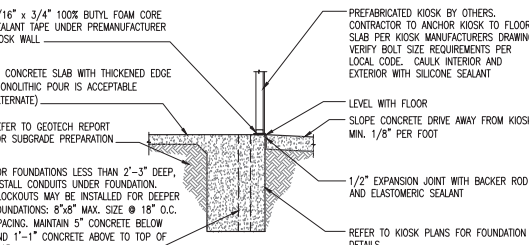
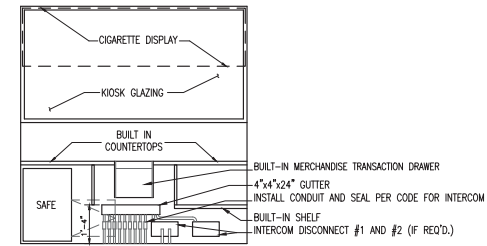
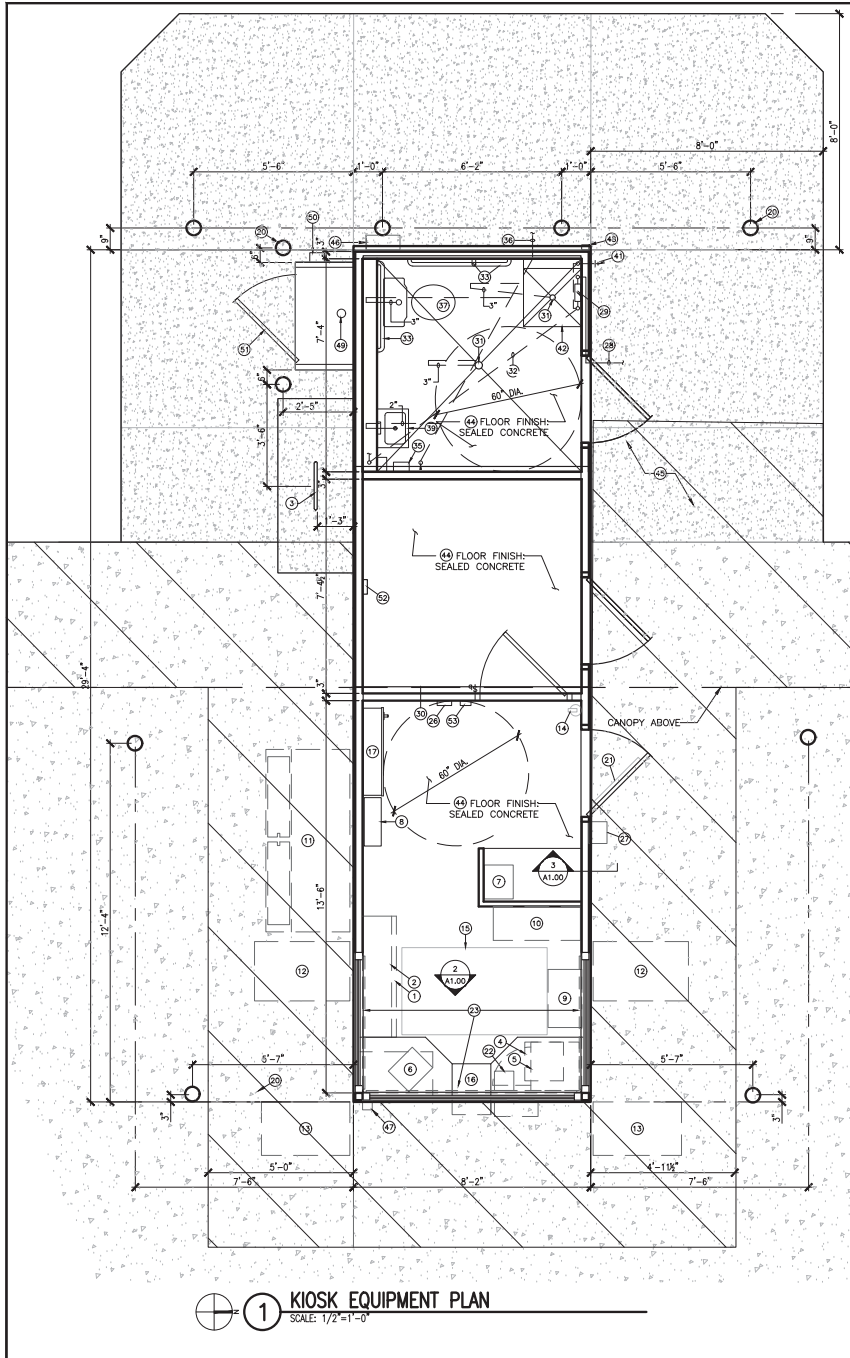
Kroger
The Kroger Co.
Attn: Project Manager
Denver, CO 80239
Tel: (303) 715-5907
Fax: (303) 715-5907

PROJECT	FRY'S #43 FUEL CENTER
LOCATION	5110 S WENDLER DR TEMPE, AZ 85283
DRAWN	POUNDS
DESIGNED	MELES
CHECKED	CONDELL
PROJ. MGR.	FARSI
DATE:	09/21/2016
ISSUED FOR:	
REVISION NO.:	DATE:
▲	
▲	
▲	
JOB NO.:	CD160143

SHEET TITLE:
ARCHITECTURAL FLOOR PLAN & DETAILS

SHEET NO.: A1.10





- EQUIPMENT LEGEND**
ALL EQUIPMENT FURNISHED BY OWNER UNLESS OTHERWISE SPECIFIED
- 1 4" STORAGE RACK - FURNISHED AND INSTALLED BY G.C.
 - 2 CANDY RACK
 - 3 BICYCLE PARKING RACK LOCATION
 - 4 LOTTO MACHINE
 - 5 SAFE
 - 6 P.O.S. REGISTER
 - 7 BACK OFFICE P.O.S. INSTALLED BY OWNER
 - 8 TANK MONITOR
 - 9 CIGARETTE CARTON MERCHANDISER
 - 10 CIGARETTE PACK MERCHANDISER
 - 11 46 C.F. ICE MERCHANDISER
 - 12 6' REACH-IN PEPS/COKE COOLER - BY VENDOR
 - 13 4' REACH-IN ENERGY/HYDRATION COOLER - BY VENDOR
 - 14 2-A-20-B-C FIRE EXTINGUISHER BY G.C. QUANTITIES AND LOCATIONS INSTALLED PER LOCAL CODE. MOUNT BOTTOM AT 32" A.F.F.
 - 15 ANTI-FATIGUE MAT
 - 16 DEAL TRAY/MERCHANDISE DRAWER
 - 17 PANEL BOARD
 - 18 NOT USED
 - 19 NOT USED
 - 20 6" PIPE BOLLARD - FURNISHED AND INSTALLED BY G.C. (TYP. 10)
 - 21 BULLETIN BOARD - G.C. TO MOUNT ABOVE PEEPHOLE.
 - 22 INTERCOM MASTER STATION INSTALLED BY G.C.
 - 23 CIGARETTE MERCHANDISING SIGN PANELS.
 - 24 NOT USED
 - 25 NOT USED
 - 26 INTRUSION ALARM KEYPAD
 - 27 EMERGENCY 911 CALL BOX MOUNT CENTERLINE AT +48" A.F.F.
 - 28 3/4" COLD WATER SERVICE BY G.C. TO PUBLIC CONNECTION. SEE SITE PLAN FOR CONTINUATION.
 - 29 3/4" BACKFLOW PREVENTER APPROVED BY LOCAL AUTHORITIES BY G.C. INSTALL DEVICE A MINIMUM OF 36" TO A MAXIMUM OF 48" A.F.F. THE DEVICE SHALL HAVE A MINIMUM OF 24" OF CLEAR SPACE IN FRONT OF DEVICE FROM FLOOR TO CEILING. G.C. TO PROVIDE LOCKABLE ALUMINUM COVER FOR BACKFLOW PREVENTER AND VALVES. SUBMIT TO KROGER CONSTRUCTION ENGINEER FOR APPROVAL PRIOR TO FABRICATION.
 - 30 4" FLOOR CLEAN OUT BY G.C.
 - 31 3" FLOOR DRAIN BY G.C., TYPE JAY R. SMITH #2005-B
 - 32 3/4" COLD WATER LINE UNDER SLAB BY G.C.
 - 33 ADA GRAB BARS (TYP.) - INSTALLED BY KIOSK MANUFACTURER.
 - 34 NOT USED. REFER TO ITEM 4 SHEET P-1.
 - 35 INSTANTANEOUS ELECTRIC WATER HEATER - INSTALLED BY KIOSK MANUFACTURER.
 - 36 CONNECT 4" WASTE LINE BY G.C. TO CITY SEWER. SEE SITE PLAN FOR CONTINUATION.
 - 37 WATER CLOSET BY G.C. AMERICAN STANDARD MODEL #2377.100 (WHITE). PROVIDE WITH FLUSH LEVER ON OPEN SIDE OF FIXTURE, OPEN-FRONT SEAT (WHITE), & POLISHED CHROME WATER SUPPLY/STOP.
 - 38 NOT USED. REFER TO ITEM E SHEET P-1.
 - 39 LAVATORY - INSTALLED BY KIOSK MANUFACTURER.
 - 40 NOT USED
 - 41 FROSTPROOF HOSE BIBB OF LENGTH REQUIRED TO REACH INSIDE THERMAL ENVELOPE, ZURN 3121C-M-WC SUPPLIED BY KIOSK MANUFACTURER AND INSTALLED BY G.C.
 - 42 2"x2" MOP SINK, FAUCET AND ALL TRIM, SUPPLIED BY KIOSK MANUFACTURER - INSTALLED BY G.C.
 - 43 ALL CONDUIT IN FLOOR TO BE LOCATED IN THESE AREAS. TYPICAL OF 3.
 - 44 4" CONCRETE SLAB WITH THICKENED EDGE. FINISH SMOOTH WITH STEEL TROWEL.
 - 45 5'-0" CONCRETE WALKWAY SURROUNDING KIOSK, SLOPE PAVED SURFACE 1:20 FROM DOOR(S) TO ADJACENT SITE PAVING. LEVEL (1:50 MAX SLOPE).
 - 46 ELECTRICAL METER/PANEL & SERVICE CONDUIT. REFER TO ELECTRICAL DRAWINGS FOR ADDITIONAL INFORMATION.
 - 47 EMERGENCY SHUT-OFF SWITCH PER 2011 NEC 514.11.
 - 48 3"x2" SHEET METAL ROOF DRAIN LEADER.
 - 49 FIRE RISER PIPE. PAINT TO MATCH ADJACENT SURFACE COLOR OF KIOSK.
 - 50 PROVIDE KNOX BOX PER FIRE DEPT. REQUIREMENTS.
 - 51 PROVIDE SIGNAGE AT FIRE RISER ROOM LABELED "FIRE RISER", IN BLACK LETTERS A MINIMUM OF 6" HIGH BY 1" STROKE IN COLOR CONTRASTING WITH DOOR COLOR PER IFC REQUIREMENTS.
 - 52 SMOKE ALARM
 - 53 FIRE ALARM BOX
- GENERAL NOTES**
- A. CONTRACTOR TO COORDINATE EXACT LOCATION OF CONDUIT STUB-UP WITH KIOSK LAYOUT.
 - B. REFER TO MODULAR KIOSK DRAWINGS FOR ADDITIONAL INFORMATION.
 - C. CONTRACTOR TO VERIFY ALL DIMENSIONS WITH KIOSK MANUFACTURER FOUNDATION PLANS & COORDINATE WITH OWNER'S REP. PRIOR TO POURING.

SEAL

SUSTAINABILITY ENGINEERING GROUP

SEG

CIVIL ENGINEER

frays
FOOD & DRUG STORES
Fry's Food Stores of Arizona
500 South 19th Avenue, Suite A
Phoenix, AZ 85004
Phone: (602) 907-1584
Fax: (602) 907-0174

Kroger
The Kroger Co.
10251 East 41st Street, Suite A
Phoenix, AZ 85017
Phone: (303) 715-9117
Fax: (303) 715-9105

PROJECT: FRY'S #43 FUEL CENTER
LOCATION: 101 S. WINDLER DR TEMPE, AZ 85283

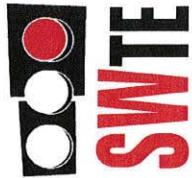
DATE: 09/21/2016
ISSUED FOR:

REVISION NO.: DATE:

JOB NO: CD160143

SHEET TITLE: KIOSK EQUIPMENT PLAN FOUNDATION PLAN & DETAILS

SHEET NO.: A1.00



SOUTHWEST TRAFFIC
ENGINEERING, LLC

TRAFFIC IMPACT ANALYSIS

FRY'S ELECTRONICS CENTER ADDITION

WENDLER DRIVE/BASELINE ROAD

REVISED 30 NOVEMBER 2016

REVISED 8 NOVEMBER 2016

10 AUGUST 2016



Expires 3-31-19

PREPARED FOR

SUSTAINABILITY ENGINEERING GROUP
8280 EAST GELDING DRIVE, SUITE 101
SCOTTSDALE, ARIZONA 85260

SOUTHWEST TRAFFIC ENGINEERING, LLC
3838 NORTH CENTRAL AVENUE, SUITE 1810
PHOENIX, AZ 85012
T 602.266.SWTE (7983) F 602.266.1115



**TRAFFIC IMPACT ANALYSIS
FRY'S ELECTRONIC'S CENTER ADDITION
WENDLER DRIVE/BASELINE ROAD**

Executive Summary

The purpose of this traffic study is to evaluate the current and future transportation system within the project study area surrounding the site without and with the proposed addition to the existing Fry's Electronics Center on the northwest corner of Wendler Drive/Baseline Road. The expansion includes the construction of a new fast food restaurant with drive through window and eighteen (18) fueling station fuel center.

Existing and Future Traffic Data Without Project

In order to form a basis for analysis of the project impacts, weekday AM and PM peak hour turning movement traffic counts were conducted at eight (8) existing intersections within the study area.

The intersections of Baseline Road/Interstate 10 (I-10) Eastbound Ramps and Baseline Road/I-10 Westbound Ramps operate at an inadequate LOS during the existing AM and PM peak hours. These delays are expected to continue in 2017 and 2022 without the project.

The intersections of Arizona Grand Parkway/Baseline Road and Arizona Mills South/Baseline Road operate at an overall inadequate LOS during the existing AM and/or PM peak hours and are expected to continue to do so in 2017 and 2022 without the project.

The remaining study intersections currently operate at an adequate LOS during the AM and PM peak hours and are expected to continue to operate adequately in 2017 and 2022 without the project.

Future Traffic Data With Project

Approximately 50% of the trips associated with the proposed Fry's Electronics Center addition can be considered pass-by trips where vehicles make intermediate stops on the way from an origin to a primary trip destination without a route diversion.

The intersections of Baseline Road/I-10 Eastbound Ramps and Baseline Road/I-10 Westbound Ramps are expected to continue to operate at an inadequate LOS during the AM and/or PM peak hours in 2017 and 2022 with and without the project.

The intersections of Arizona Grand Parkway/Baseline Road and Arizona Mills South/Baseline Road continue to operate at an overall inadequate LOS during the AM and PM peak hours in 2017 and 2022 with and without the project.

At the proposed West Access/Baseline Road intersection, the southbound right turn movement operates at an inadequate LOS during the AM and PM peak hours in 2017 and 2022 with the project.



The remaining study intersections operate at adequate LOS during the AM and PM peak hours in 2017 and 2022 with the project.

Turn Lane Calculations

Spillover can occur at turn lanes that do not provide adequate storage capacity and can negatively impact progression along the roadway. While the additional traffic volumes associated with the site are relatively low compared to the existing and future volumes at the turn lanes without the site, a majority of the turn lanes at the study intersections do not provide adequate storage for the 2022 traffic volumes without and with the project. The extension of these turn lanes is limited due to adjacent turn lanes.

A westbound right turn lane is warranted at the proposed West Access based on the 2017 weekday peak hour traffic volumes with the project.

Drive-Through Queue Analysis

The proposed fast food restaurant provides 170 feet of queue length between the drive through window and the drive through entrance. This accommodates the expected maximum queue length of forty (40) feet.

Mitigation

Baseline Road is a major thoroughfare between the cities of Tempe and Phoenix, provides access to Interstate 10 near the site, and provides a parallel route to I-10. As a result, large traffic volumes are experienced on Baseline Road during not only the AM and PM peak periods, but also throughout the day, causing delays at the existing study intersections.

Additional through lanes along Baseline Road could potentially reduce the delays; however, this would require major construction costs due to the right of way limitations along the corridor. Baseline Road re-alignment options are also limited and would require major right of way acquisitions from established businesses and neighborhoods. The regional widening of I-10 and/or the addition of an I-10 east/west reliever route has the potential to shift traffic volumes from Baseline Road. Such an approach would require multiple agencies and valley wide coordination and funding.

In the vicinity of the site, there are two future projects that have the potential to provide relief to Baseline Road. The Loop 202 South Mountain Freeway project to build a multi lane freeway from the Pecos Road/I-10 interchange to 59th Avenue/I-10 is currently under construction. The freeway will connect the east and west valley while providing relief to existing freeway corridors and local streets. In addition, a future widening project on I-10 between United State Route 60 (US 60) and the Broadway Road Bridge is currently in the planning process.



Traffic signal timing improvements at the signalized study intersections were evaluated as a potential mitigation measure. However, the traffic signals on Baseline Road near the project site currently operate on a coordinated network. Although LOS is improved at the Arizona Grand Parkway/Baseline Road and Arizona Mills South/Baseline Road intersections with traffic signal timing improvements, changing the signal timing at these two intersections could negatively impact the coordination along Baseline Road.

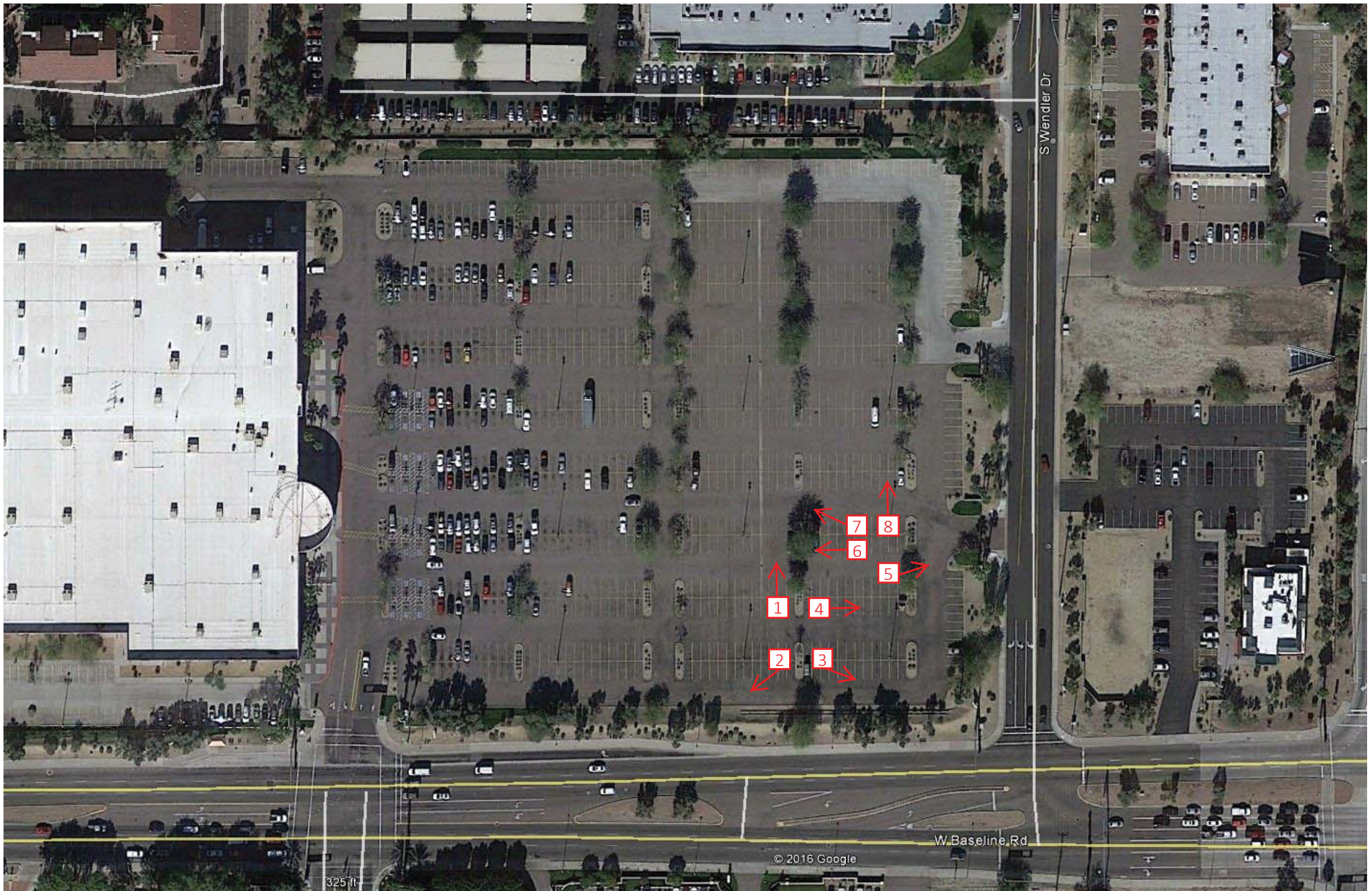
The inadequate LOS experienced for the southbound right turn movement at the proposed West Access/Baseline Road intersection is caused by a limited number of gaps on Baseline Road as a result of the high through traffic volumes. These delays do not impact progression on the major roadway and only affect a small number of vehicles.

Recommendations

It is recommended that a westbound right turn lane at the West Access/Baseline Road driveway be constructed with the project. The westbound right turn lane at the Arizona Grand Parkway/Baseline Road intersection should be shortened to begin immediately west of the proposed West Access/Baseline Road intersection. This will accommodate the westbound right turn lane at West Access/Baseline Road and remove a possible continuous right turn lane scenario along westbound Baseline Road.

The westbound right turn lane at the West Access will also serve as a bus pullout per direction from the City of Tempe. To accommodate a future shelter for the buss pullout, a concrete pad should be installed with the project per City of Tempe standards. In addition, roadway signing for the right turn lane should include an R3-5, right turn only sign, with a specialty sign stating "EXCEPT BUSES" mounted under the right turn only sign.

PHOTO CONTEXT PLAN



Attachment 23
8280 E. Gelding Dr., Suite 101
Scottsdale, AZ 85260

EXISTING CONDITIONS



1

Facing North



2

Facing Southwest



3

Facing Southeast



4

Facing East



5

Facing Northeast



6

Facing West



7

Facing Northwest



8

Facing North

Jimenez, Lee

From: Mary Bradley [REDACTED]
Sent: Tuesday, November 22, 2016 4:29 PM
To: Jimenez, Lee
Subject: Proposed Wendler fuel station

We have lived near the proposed fuel station for 30 plus years. The traffic now on Baseline in that immediate area is extremely heavy with so many traffic lights. We already have issues of cars cutting/speeding through our neighborhood trying to avoid the backups. We adamantly oppose any further development in said area. There is also three fuel stations at 48th and Baseline. There certainly is not a need for another.

Sincerely,

Larry and Mary Bradley
4807 S Potter Dr
Tempe, Az 85282

Jimenez, Lee

From: Barb Brooks [REDACTED]
Sent: Tuesday, October 25, 2016 6:25 PM
To: Jimenez, Lee
Subject: Regarding proposal for Frys fuel pumps, etc Wendler and Baseline

Hello Lee. My name is Barb Brooks and I live on Desiree Lane, in Tempe Gardens behind the Frys Electronics. We received an email from one of our neighborhood leaders regarding the Proposed business for Wendler/Baseline and we are pretty concerned. I am not sure how many neighbors we can get to attend the meeting but I am confident we could get signatures, memos from many, if not all neighbors in this area. We are trying hard to get the word out as it appeared some got notice and many did not. This issue is huge to our neighborhood.. We struggle immensely getting out of here onto Baseline as it is, and more commercial coming in will be way too much overload.

We have addressed some of our traffic struggles with Shauna Warner and she has referred to traffic dept., and we look forward to following up with them.

I ask you Lee, what is the best route for our neighborhood in fighting this proposed construction? Is there a petition we can circulate or collection of emails? Any direction would be appreciated. Thank you.

Barb Brooks
2007 W. Desiree Lane
[REDACTED]

Sent from my iPad

Jimenez, Lee

From: [REDACTED]
Sent: Tuesday, November 15, 2016 7:18 PM
To: Jimenez, Lee
Subject: re: Fry's Fuel Center at Baseline and Wendler

I am writing to ask you to please not allow this proposal of the Fry's Fuel Center to go through. I have lived in this neighborhood for almost 40 years now, and have seen the increased traffic and the resultant huge increase in the traffic accidents in this area. There are already too many cars traveling through here, and all the existing traffic lights, corridors, etc. have only added to the problems. The accidents lately have been horrible, affecting those directly involved, but also have tied up traffic in this area for hours. I read that the traffic will lessen with the building of the new freeway south or here, but I'm sorry, I've heard all of that before, and I don't see that easing the congestion, and problems in this area. And especially if another business is added, one that is designed to bring in even more traffic. There are already more than enough gas stations in this area. We don't need more. And we definitely do not need any more traffic, or traffic areas that cause problems.

Please, do not allow this to occur.

Sincerely,
Nichole Brown
2601 W. Fremont Dr.
Tempe, AZ

Jimenez, Lee

From: M BROWNELL FOR [REDACTED]
Sent: Tuesday, October 25, 2016 7:32 AM
To: Jimenez, Lee
Subject: Re: Frys fuel center 43

*I received this notice in the mail last Saturday. I will not be able to attend the meeting but would like to put in my notice that **I do not approve of this.***

I feel that this would add to the existing traffic problem that would already have in that area. We have 4 gas stations close enough to the freeway on both east & west sides on I10 that are kept busy.

We are a neighborhood that has only 3 exits in our out so if there is a problem we will absorb even more traffic.

Wendler is a dead end street which will stop traffic there but they will be able to cut thru Frys electronics into our neighborhood.

I hope that you will be able to pass my choice to the Development review commission.

Thank you,

Marion Brownell

[REDACTED]

Jimenez, Lee

From: Derek Castaneda [REDACTED]
Sent: Thursday, December 08, 2016 10:48 AM
To: Jimenez, Lee
Subject: Proposed Fry's fuel & restaurant on Wendler

Mr. Lee Jimenez,

I live in the Knoell Gardens Tempe and was asked to share comments with you the proposed development. I do not oppose the proposed development. Others have expressed concerns of increased traffic on Baseline Road but I feel this development would do little to impact traffic one way or the other. Some have also raised concerns over difficulty exiting the neighborhood at S Calle Los Cerros. Perhaps connecting S Wendler Dr to W Vineyard Road would provide an additional exit point opportunity for the neighborhood? Thank you for taking my comments.

Derek Castaneda
[REDACTED]

Jimenez, Lee

From: Maria Garcia [REDACTED]
Sent: Monday, December 05, 2016 3:27 PM
To: Jimenez, Lee
Subject: Fwd: Dev plan Tempe, Az

Sent from my iPhone

Begin forwarded message:

From: Maria Garcia [REDACTED]
Date: December 5, 2016 at 2:09:40 PM MST
To: lee.jimenez@tempe.gov
Subject: Dev plan Tempe, Az

Mr Jimenez

I am writing regarding the potential plan to build 3475 sq feet restaurant, parking lot and gas station at the corner of Wendler and Baseline. I would like to voice my objection to the plan due to the increased traffic. Why the additional gas station? I say wait until 2019 and then revisit again.

I can be reached at [REDACTED] or my email [REDACTED]

Sent from my iPhone

Jimenez, Lee

From: Paulina Harner [REDACTED]
Sent: Wednesday, November 09, 2016 3:47 PM
To: Jimenez, Lee
Subject: Fw: Fry's Fuel Center/restaurant

Good afternoon Mr. Jimenez,

First of all, there was some confusion about the date of the hearing about the subject. Could you clarify the date and time please?

I have been a resident on Dunbar Drive (close to 48th St and Baseline) for 32 years, and the problems on Baseline Rd with such heavy traffic have been getting worse. As you know, there are 5 stoplights between 48th and Priest for which I'm grateful; otherwise, residents would not be able to get in and out of their neighborhoods. But by building two businesses in such a tight location in an already congested area will only make it worse for everyone.

Sometimes when there is an accident on Baseline, traffic comes through Dunbar and other streets in the area in order to get to their destination. There have been times when people couldn't even get out of their own driveways because cars would be lined up trying to get through Dunbar.

Also, I've learned to stay away from Baseline during the holidays because of the stop and go traffic involving The Arizona Mills. Unless you live in this area, you can't know how bad it is for all of our residents.

Please consider the heavy traffic there will be on top of the heavy congestion that we already have. A restaurant and gas station need a larger access, so please don't allow this to happen.

Paulina Harner
2527 W. Dunbar Drive
Tempe, AZ 85282
[REDACTED]

Jimenez, Lee

From: Pamela Thompson Lefkowitz [REDACTED]
Sent: Saturday, October 29, 2016 3:17 PM
To: Jimenez, Lee; M. BROWNELL FOR
Subject: Fw: FRY'S FUEL CENTER PROPOSAL ON BASELINE & WENDLER

Mr. Jimenez,

I can't be there, but I am against this. The traffic is already a nightmare on Baseline between 48th St and Priest. It is extremely difficult to turn from Baseline onto Wendler or from Wendler to Baseline much of the day. A Fry's Fuel Center at Baseline and Wendler would only make the traffic worse. Why don't they locate it in the parking lot at 48th Street and Baseline.

There is also a QT at 48th Street. The traffic nightmare does not need to be made worse, which this will.

I would also like to suggest that the intersections be crosshatched with no stopping between 48th Street and the street just east of Priest (by Home Depot). Drivers constantly push thru on red and block traffic by stopping in the middle of the intersections.

Pamela Thompson Lefkowitz
2244 W. Fremont Dr.

----- Forwarded Message -----

From: M BROWNELL FOR [REDACTED]
To: Pamela Thompson Lefkowitz [REDACTED]
Sent: Friday, October 28, 2016 7:02 AM
Subject: Re: FRY'S FUEL CENTER PROPOSAL ON BASELINE & WENDLER

Just send a note to Mr Jimenez to let him know.

Marion

From: Pamela Thompson Lefkowitz [REDACTED]
Sent: Thursday, October 27, 2016 9:57 PM
To: M BROWNELL FOR
Subject: Re: FRY'S FUEL CENTER PROPOSAL ON BASELINE & WENDLER

I can't be there, but I am against this. The traffic is already a nightmare there. There is a QT at 48th Street. The traffic nightmare does not need to be made worse, which this will.

Pamela Thompson Lefkowitz
2244 W. Fremont Dr.

From: M BROWNELL FOR [REDACTED]
To:
Sent: Sunday, October 23, 2016 12:20 PM
Subject: RE: FRY'S FUEL CENTER PROPOSAL ON BASELINE & WENDLER

I just wanted to send this out to everyone just in case you did not receive this notice. I wanted to make sure that this gets to everyone unlike the last mailing.

If you know of anyone that is not on the email list please pass this on to them.

Thanks,

Marion

Jimenez, Lee

From: R&P Leonard [REDACTED]
Sent: Wednesday, November 09, 2016 1:47 PM
To: Jimenez, Lee
Subject: re: Fry's Fuel Center 43 - Case Number PL 160289

Mr. Jimenez:

We live in the neighborhood adjoining Fry's Electronics and are wondering if you would be able to tell us what traffic studies or mitigation have been researched in relation to this proposal?

Thank you,

Rich & Paula Leonard

2509 W. Dunbar Dr.

Jimenez, Lee

From: [REDACTED]
Sent: Saturday, December 10, 2016 2:23 PM
To: Jimenez, Lee
Subject: Case number PL160289

I wanted to let you know my husband & I oppose the new gas station and restaurant on Wendler. We have lived in the neighbor since 1974. There is already way too much traffic in that area. Please pass on our opinion at the meeting.

Jess & Roberta Massey
2310 W. Vineyard Rd.
Tempe, AZ 85282

Jimenez, Lee

From: Douglas R. Newton [REDACTED]
Sent: Sunday, October 23, 2016 1:06 PM
To: Jimenez, Lee
Subject: Frys fuel center # 43

Lee: We live at 4812 South fair lane which is just north of the fry's food store at 48th street and baseline. We have a concern about this development as it relates to traffic on Baseline road which at times is very congested.

Can Baseline handle another gas station and restaurant between 48th street and I 10?

We are not against the project, but there are already 3 restaurants between Baseline and I 10 and three gas stations at the intersection of 48th street and baseline road. Again our concern is with the additional traffic. Thank you. Doug Newton.

Jimenez, Lee

From: Jane Newton [REDACTED]
Sent: Wednesday, November 30, 2016 9:08 PM
To: Jimenez, Lee
Subject: Fry's Fuel Center 43 Case number 160289

Mr. Jimenez,

I am writing to oppose the building of the Fry's Fuel Center 42. I doubt that anyone who wants this building lives within a 3 mile radius of the site. If they do, they should know that there are three gas stations to the west of the site and three restaurants. There is also the Mall just East of this site with many restaurants. Two other gas stations are right there also. Trying to access Baseline before 9 on a work day or after 3pm is really troublesome. Saturdays are just as bad. The lights are ran on the late yellows and early reds all the time. It can take up to two lights to access Baseline during this time and with the other three light attempting to access the onramp or going East is unbelievable. Our neighborhood does not need another gas station nor restaurant. We do not need the extra traffic either. Please do not pass this proposal. Thank you, Jane Newton

Jimenez, Lee

From: Colin [REDACTED]
Sent: Tuesday, November 15, 2016 8:35 AM
To: Jimenez, Lee
Subject: Fry's Fuel Center 43

Lee,

The last thing our neighborhood needs is another line-up of cars/trucks on Wendler Drive adding to the abortion of traffic snarl with the existing 8 controlled traffic intersections within one mile of Baseline Road, from Priest to 48th Street, three of which are directly related to Fry's Electronics. This proposal is certainly not needed, nor is it wanted as part of our small community.

When the Mills was first proposed, there were heated hearings when the "politicians" wanted ideas (as if they ever want ideas that are not theirs) about the traffic jams and the increased neighborhood traffic. The complaints were proved to be true and the traffic jams, between 6am to 9am, and 3pm to 7pm, continue to get worse with the grid lock, from Priest to 48th. Do you think the City listens?

The added traffic on Wendler will get worse. Between Fry's Electronics, Denny's, Aunt Chillida's and I-10, traffic will come to a standstill and there is no path around the T.I.

Fry's Electronics bought the property from Radio Shack, back around the turn of the Century, full knowing that they would have a large part of their parking lot that would not be used. One thing for sure, the traffic will get worse and Fry's will, sooner or later go out of business and our community will end up with another abandoned gasoline station to deal with. Within a mile, there are 5 gas stations, with two not doing much business, and now Fry's wants to plant another one. The idea is absolutely ludicrous.

When is the City going to start thinking on their own and taking care of what the people want?

Colin Sword
2708 West Ellis Drive
Tempe, AZ 85282

"False is the idea of utility that sacrifices a thousand real advantages for one imaginary of trifling inconvenience; that would take fire from men because it burns, and water because one may drown in it; that has no remedy for evil, except destruction. The laws that forbid the carrying of arms are laws of such nature. Such laws make things worse for the assaulted and better for the assailants; they serve rather to encourage than prevent homicides, for an unarmed man may be attacked with greater confidence than an armed man."