

Staff Summary Report

Development Review Commission Date: 10/14/08

Agenda Item Number: ___

SUBJECT: Hold a public hearing for a Use Permit and Development Plan Review for QIK Stop Market, located at 3233 S. 48th Street, Tempe.

DOCUMENT NAME: DRCr_QikStop_101408

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Request for **QIK STOP MARKET (PL080219)** (Debbie Nguyen, Qik stop Market, property owner; William Johns, Associated Architects, applicant) consisting of an existing gas station and a new 1,450 s.f. convenience store on .39 net acres, located at 3233 S. 48th Street in the PCC-1 Planned Commercial Center Neighborhood District. The request includes the following:

ZUP08116 – Use Permit to allow a convenience store with a vehicle fueling station.

DPR08160 – Development Plan Review including site plan, building elevations, and landscape plan.

PREPARED BY: Diana Kaminski, Senior Planner (480-858-2391)

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

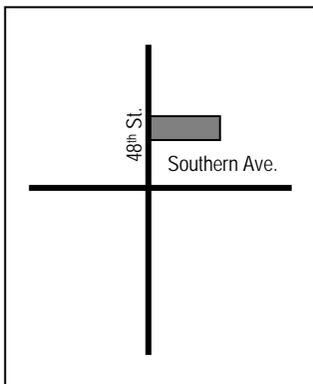


LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval, subject to conditions

ADDITIONAL INFO:



Gross/Net site area	.39 acres
Total Building area	1,450 s.f.
Lot Coverage	12 % (50% maximum allowed)
Building Height	18 ft (35 ft maximum allowed)
Building setbacks	65' front, 14' south side, 35' north side, 60' rear
	The proposed building is within existing canopy footprint, which was approved prior to property subdivision, which created a non-conforming condition (0' front, 30' side, 30' rear min. in PCC-1)
Landscape area	15% (15% minimum required) The proposed building uses the existing canopy footprint, additional landscape is being provided for new parking islands.
Vehicle Parking	4 spaces (4 min. required, 5 max allowed)
Bicycle Parking	2 spaces (2 minimum required)

A neighborhood meeting was not required with this application.

- PAGES:**
1. List of Attachments
 - 2-3. Comments / Reasons for Approval
 - 4-5. Conditions of Approval
 - 6-8. Zoning and Development Code Requirements
 - 9-10. History & Facts / Zoning & Development Code Reference

- ATTACHMENTS:**
1. Location Map
 2. Aerial Photo
 - 3-7. Letters of Explanation
 - 8-9. Composite and Site plans
 10. Floor plan / Building Sections
 11. Building Elevations
 - 12-13. Landscape Legend and Plan

COMMENTS:

This site is located at the Tempe and Phoenix municipal boundary, on the east side of 48th Street, north of Southern Avenue, between an existing restaurant and car wash and is located within the Planned Commercial Center Neighborhood District. The applicant is proposing to re-open a gas station that is currently closed and is seeking a use permit to add a convenience store in place of the existing cashier kiosk, located under the canopy. The proposed new building would be freestanding, with the canopy above the new structure. This site has an extensive history of entitlements, which affects the existing businesses to the north and south, but is not caused by the existing business or site plan for this property. A neighborhood meeting was not required for this request.

The applicant is requesting the Development Review Commission take action on the request for a use permit for a convenience store with a gas station, and the Development Plan Review for the new convenience store. For further processing, the applicant will need a cross access agreement with the property to the north.

PROJECT ANALYSIS

USE PERMIT

The proposed use requires a use permit, to operate a convenience store with a gas service station within the PCC-1 zoning district.

Section 6-308 E Approval criteria for Use Permit:

1. The manner of conduct and the building for the proposed use will not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general, and that the use will be in full conformity to any conditions, requirement or standards prescribed therefore by this code. The addition of the convenience store provides more activity on the site. The store will have two employees on site during business hours: 5am-11pm Sunday through Thursday, and 5am to 12am Friday and Saturday.
2. Any significant increase in vehicular or pedestrian traffic. The existing fuel sales facility has been closed, but previously operated with a 110 s.f. kiosk. The former operations of the fuel service station are unknown. The proposed renovations would remove the kiosk under the canopy and replace it with a 1,450 s.f. convenience store with liquor sales. The gas station has been closed, it is unclear what previous traffic levels might have been like, however, the addition of a convenience store should increase business to the site, and thereby increase traffic from the previous single use. However, the existing car wash to the north and fast food restaurant to the south may provide some of the business to the convenience store, creating a compatible combination of uses. There is a potential for increased pedestrian traffic from the neighborhoods to the west of 48th street. Based on the size and location of the lot, size of the building and the required parking, and similar nearby uses, it is anticipated that there would not be abnormally high traffic generated by this use.
3. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions. The existing car wash and fast food drive through set the standard for ambient conditions, there may be cars idling from customers running into the store, but the addition of the convenience store will not increase nuisances exceeding the surrounding environment.
4. 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. The existing and proposed use is in conformance with the General Plan land use and Zoning map. The area is not designated as a redevelopment area but with the closure of the gas station is in need of revitalization. The renovation of the service station will provide convenient store amenities within walking distance of residents in Phoenix on the west side of 48th Street and infuse new economic vitality to the center. Landscaping will be added to meet the code requirements for the new parking spaces required of the convenience store, increasing the amount of shade and plant material to the site.
5. Compatibility with existing surrounding structures and uses. The property to the north is a car was and to the south is a fast food restaurant. There is industrial property and other retail uses to the east of the site. The scale of the structure is appropriate to the site and the use is appropriate to the area.

6. Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public. The applicant is required to provide a security plan.

DEVELOPMENT PLAN REVIEW

Site Plan

The existing site was built in 1978, under a former zoning code, as a vehicle fuel station, with no site modifications since opening. The proposed changes would update the site to include four designated parking spaces with required landscape islands and improvements to the existing landscape as needed, and modifications to the driveways for accessibility compliance on the public sidewalk. The south driveway is shared with McDonalds to the south, through an access agreement and easement. The north driveway is shared with the car wash to the north, however no formal agreement is in place; should the gas station site redevelop, access to the carwash could be restricted. For this reason, staff has conditioned this request to enter into a shared access agreement with the property to the north, and record an easement. Circulation meets city requirements. Staff has conditioned that a designated accessible pedestrian connection be provided between the public sidewalk and the convenience store.

Building Elevations

The proposed modification to the site is to remove an existing kiosk and replace it with a new masonry building retrofitted underneath the existing shade canopy structure. The challenge with this is to architecturally integrate the new building with the existing columns of the canopy. The canopy will also be updated with some architectural pop ups that break up the horizontal band with a change of color and shape. The main body of the building is a combination of painted off-white or oyster-shell color stucco, and painted light taupe tone split face concrete masonry units. The accent colors used include a clean bright teal and yellow.

Landscape Plan

The proposed modification increases the landscape on the site with the addition of parking islands, adding six new trees to the property. The site is largely paved, with a canopy that covers a large portion of the site. Plants include fruitless Olive and Shamel Ash and Mexican Blue and Fan Palms, and a combination of shrubs.

Conclusion

Based on the information provided by the applicant and the above analysis, staff recommends approval of the requested Use Permit and Development Plan Review. This request meets the required criteria and will conform to the conditions.

REASONS FOR APPROVAL:

1. The project meets the General Plan Projected Land Use for this site.
2. The proposed project meets the approval criteria for a Use Permit.
3. The proposed project meets some of the approval criteria for a Development Plan Review Section 6-306 D:
 - a. The placement of building maximizes natural surveillance and visibility of pedestrian.
 - b. Shade is provided by the existing large canopy which provides energy conservation and comfort
 - c. Materials are compatible with the surroundings
 - d. Buildings and landscape elements have proper scale with the site and surroundings
 - e. The building has a distinct base and top, as identified by ground floor elements, roof forms, and detailing.
 - f. Building facades have architectural detail and contain windows at the ground level to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility
 - g. Landscape accents and separates parking, buildings, driveways and pedestrian walkways.

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

1. The use permit is valid for one year or until drawings are submitted to the Development Services Building Safety Division for building permit by October 14, 2009 and upon completion of permits, otherwise the use permit approval will expire.

DPR CONDITIONS OF APPROVAL:

Site Plan

2. Identify all easements on site plan.
3. Provide a designated accessible pedestrian connection from the public sidewalk to the convenience store.
4. Where a gate has a screen function and is completely opaque, provide vision portals for visual surveillance. Provide gates of height that match that of the adjacent enclosure walls. Review gate hardware with Building Safety and Fire staff and design gate to resolve lock and emergency ingress/egress features that may be required.
5. Utility equipment boxes for this development shall be finished in a neutral color (subject to utility provider approval) that compliments the coloring of the buildings.
6. Place exterior, freestanding reduced pressure and double check backflow assemblies in pre-manufactured, pre-finished, lockable cages (one assembly per cage). If backflow prevention or similar device is for a 3" or greater water line, delete cage and provide a masonry or concrete screen wall following the requirements of Standard Detail T-214.

Floor Plans

7. Public Restroom Security:
 - a. Lights in restrooms:
 - 1) Provide 50% night lights
 - 2) Activate by automatic sensors, key or remote control mechanism
 - b. Single user restroom door hardware:
 - 3) Provide a key bypass on the exterior side

Building Elevations

8. The materials and colors are approved as presented:
Main building color Frazee Paint #CL1756N Icefield (off-white)
Split face masonry Frazee Paint #CL 3233M Capricorn (warm grey)
Accent color on canopy Frazee Paint #CL2176A Nureddin (teal)
Accent color on building and canopy Frazee Paint #CL1756N Studio (yellow)
Provide main colors and materials with a light reflectance value of 75 percent or less. Specific colors and materials exhibited on the materials sample board are approved by planning staff. Submit any additions or modifications for review during building plan check process.
9. Provide secure roof access from the interior of the building. Do not expose roof access to public view.
10. Conceal roof drainage system within the interior of the building.
11. Incorporate lighting, address signs, and incidental equipment attachments (alarm klaxons, security cameras, etc.) where exposed into the design of the building elevations. Exposed conduit, piping, or related materials is not permitted.
12. Locate the electrical service entrance section (S.E.S.) inside the building or inside a secure yard that is concealed from public view.

Lighting

13. Illuminate building entrances from dusk to dawn to assist with visual surveillance at these locations.

Landscape

14. The plant palette is approved as proposed and specified on the landscape plan. Section 4-706 G2 requirements for groundcover and shrub heights near pathways must be met. Any additions or modifications may be submitted for review during building plan check process.
15. Irrigation notes:
 - a. Provide dedicated landscape water meter.
 - b. Provide pipe distribution system of buried rigid (polyvinylchloride), not flexible (polyethylene). Use of schedule 40 PVC mainline and class 315 PVC ½" feeder line is acceptable. Class 200 PVC feeder line may be used for sizes greater than ½" (if any). Provide details of water distribution system.
 - c. Locate valve controller in a vandal resistant housing.
 - d. Hardwire power source to controller (a receptacle connection is not allowed).
 - e. Controller valve wire conduit may be exposed if the controller remains in the mechanical yard.
 - f. Repair existing irrigation system (on site or in the adjacent public right of way) where damaged by work of this project. Provide temporary irrigation to existing landscape (on site or in the street frontage) for period of time that irrigation system is out of repair. Design irrigation so that existing plants on site or in frontage is irrigated as part of the reconfigured system at the conclusion of this construction.
16. Include requirement to de-compact soil in planting areas on site and in public right of way and remove construction debris from planting areas prior to landscape installation.
17. Top dress planting areas with a rock or decomposed granite application. Provide rock or decomposed granite of 2" uniform thickness or less. Provide pre-emergence weed control application and do not underlay rock or decomposed granite application with plastic.

Signage

18. Provide address sign on the building elevation facing the street to which the property is identified.
 - a. Conform to the following for building address signs:
 - 1) Provide street number only, not the street name
 - 2) Compose of 12" high, individual mount, metal reverse pan channel characters.
 - 3) Self-illuminated or dedicated light source.
 - 4) Coordinate address signs with trees, vines, or other landscaping, to avoid any potential visual obstruction.
 - 5) Do not affix number or letter to elevation that might be mistaken for the address.
 - b. Utility meters shall utilize a minimum 1" number height in accordance with the applicable electrical code and utility company standards.

CODE/ORDINANCE REQUIREMENTS:

THE BULLETED ITEMS REFER TO EXISTING CODE OR ORDINANCES THAT PLANNING STAFF OBSERVES ARE PERTINENT TO THIS CASE. THE BULLET ITEMS ARE INCLUDED TO ALERT THE DESIGN TEAM AND ASSIST IN OBTAINING A BUILDING PERMIT AND ARE NOT AN EXHAUSTIVE LIST.

- Specific requirements of the **Zoning and Development Code** are not listed as a condition of approval, but will apply to any application. To avoid unnecessary review time, and reduce the potential for multiple plan check submittals, it is necessary that the applicant be familiar with the Zoning and Development Code (ZDC), which can be accessed through www.tempe.gov/zoning, or purchased at Development Services.
- **SITE PLAN REVIEW:** Verify all comments by the Public Works Department, Development Services Department, and Fire Department given on the Preliminary Site Plan Reviews dated June 25 and July 30, 2008. If questions arise related to specific comments, they should be directed to the appropriate department, and any necessary modifications coordinated with all concerned parties, prior to application for building permit. Construction Documents submitted to the Building Safety Department will be reviewed by planning staff to ensure consistency with this Design Review approval prior to issuance of building permits.
- **STANDARD DETAILS:**
 - Tempe Standard "T" details may be accessed through www.tempe.gov/engineering or purchased from the Engineering Division, Public Works Department.
 - Tempe Standard "DS" details for refuse enclosures may be accessed through www.tempe.gov or may be obtained at Development Services.
- **BUILDING HEIGHT:** Measure height of buildings from top of curb along front of property (as defined by Zoning and Development Code).
- **WATER CONSERVATION:** Under an agreement between the City of Tempe and the State of Arizona, Water Conservation Reports are required for landscape and domestic water use for this project. Have the landscape architect and the mechanical engineer prepare reports and submit them with the construction drawings during the building plan check process. Report example is contained in Office Procedure Directive # 59, available from Building Safety (480-350-8341). Contact Water Conservation Division(480-350-2668) if there are any questions regarding the purpose or content of the water conservation reports.
- **HISTORIC PRESERVATION:** State and federal laws apply to the discovery of features or artifacts during site excavation (typically, the discovery of human or associated funerary remains). Where such a discovery is made, contact the Arizona State Historical Museum (520-621-6302) for removal and repatriation of the items. Contact the Tempe Historic Preservation Officer (Joe Nucci 480-350-8870) if questions regarding the process described in this condition.
- **SECURITY REQUIREMENTS:**
 - Design building entrance(s) to maximize visual surveillance of vicinity. Limit height of walls or landscape materials, and design columns or corners to discourage to opportunity for ambush opportunity. Distances of 20'-0" or greater, between a pedestrian path of travel and any hidden area allow for increased reaction time and safety.
 - Follow the design guidelines listed under appendix A of the Zoning and Development Code. In particular, reference the CPTED principal listed under A-II Building Design Guidelines (C) as it relates to the location of pedestrian environments and places of concealment.
 - The Owner is required to prepare a security plan for the proposed use (vehicle fuel station with a convenience store), with the Police Department. The architect should be involved to verify any modification that would require design revisions. To avoid revisions to permitted construction documents, initial meetings with the Police Department regarding the security plan are recommended before building permits are issued. At a minimum, the Owner shall contact the Police Department to begin security plan process approximately eight weeks prior to receipt of certificate of occupancy (480-858-6330).
 - A security vision panel shall be provided at service and exit doors (except to rarely accessed equipment rooms) with a 3" wide high strength plastic or laminated glass window, located between 43" and 66" from the bottom edge of the door.
 - Avoid upper/lower divided glazing panels in exterior windows at grade level, particularly where lower (reachable) glass panes of a divided pane glass curtain-wall system can be reached and broken for unauthorized entry. Do not propose landscaping or screen walls that conceal area around lower windows. If this mullion pattern is desired for aesthetic

concerns, laminated glazing may be considered at these locations.

- FIRE: Fire lanes need to be clearly defined. Ensure that there is at least a 20'-0" horizontal width, and a 14'-0" vertical clearance from the fire lane surface to the underside of tree canopies; or overhead structure, if allowed by Fire Department. Details of fire lane(s) are subject to approval of the Fire Department.
- ENGINEERING AND LAND SERVICES:
 - Record an access agreement and easement between Lots 5 and 6.
 - Provide updated title report reflecting new ownership.
 - Provide updated legal description with lot dimensions in conformance with site plan.
 - Any overhead utilities on or adjacent to the site must be placed underground. Underground utilities requirement excludes high-voltage transmission line unless project inserts a structure under the transmission line. Coordinate site layout with Utility provider(s) to provide adequate access easement(s).
 - Clearly indicate property lines, the dimensional relation of the buildings to the property lines and the separation of the buildings from each other.
 - Verify location of any easements, or property restrictions, to ensure no conflict exists with the site layout or foundation design.
 - 100 year onsite retention required for this property. No more than 67% of landscape frontage area allowed for onsite retention. Show all drainage calculations, units and formulae. No direct connections from paved areas to drywells. No single-chamber drywells in pavement: drywells to be in landscape area. "Evibro System" drywell or equivalent multi-stage drywell required in fuel dispensing areas. Coordinate design with requirements of the Engineering Department.
- REFUSE:
 - Double container enclosure indicated on site plan is exclusively for refuse. Construct walls, pad and bollards in conformance with Standard Detail DS-116.
 - If gates are provided, the property manager must arrange for gates to be open from 6:00am to 4:30pm on collection days.
- DRIVEWAYS:
 - Construct driveways in public right of way in conformance with Standard Detail T-320. Alternatively, the installation of driveways with return type curbs as indicated, similar to Standard Detail T-319, requires permission of Public Works, Traffic Engineering (480-350-2775)
 - Correctly indicate clear vision triangles at both driveways on the site and landscape plans. Identify speed limits for adjacent streets at the site frontages. Begin sight triangle in driveways at point 15'-0" in back of face of curb. Consult "Corner Sight Distance" leaflet, available from Development Services or from Traffic Engineering (480-350-2775) if needed. Do not locate site furnishings, screen walls or other visual obstructions over 2'-0" tall (except canopy trees are allowed) within each clear vision triangle.
- PARKING SPACES:
 - Verify conformance of accessible vehicle parking to the Americans with Disabilities Act of 1990 (42 U.S.C.A. §12101 ET SEQ.) and the Code of Federal Regulations Implementing the Act (28 C.F.R., Part 36, Appendix A, Sections 4.1 and 4.6). Refer to Standard Detail T-360 for parking layout and accessible parking signs.
 - At parking areas, provide demarcated accessible aisle for disabled parking.
 - Distribute bike parking areas nearest to main entrance(s). Provide parking loop/rack per standard detail T-578. Provide 2'-0" by 6'-0" individual bicycle parking spaces. One loop may be used to separate two bike parking spaces. Provide clearance between bike spaces and adjacent walkway to allow bike maneuvering in and out of space without interfering with pedestrians, landscape materials or vehicles nearby.
- LIGHTING:
 - Follow requirements of ZDC Part 4 chapter 8
 - Follow the guidelines listed under appendix E "Photometric Plan" of the Zoning and Development Code.
 - Indicate the location of all exterior light fixtures on the site, landscape (and photometric) plans. Avoid conflicts with lights in order to maintain illumination levels for exterior lighting.

- LANDSCAPE:
 - Olive species listed shall be 'Swan Hill' or other approved variety in conformance with the code.
 - Replace all dead and missing plant material, and provide three street trees per zoning code requirements.
 - Prepare an existing plant inventory for the site and adjacent street frontages. The inventory may be prepared by the Landscape Architect or a plant salvage specialist. Note original locations and species of native and "protected" trees and other plants on site. Move, preserve in place, or demolish native or "protected" trees and plants per State of Arizona Agricultural Department standards. File Notice of Intent to Clear Land with the Agricultural Department (602-364-0935). Notice of Intent to Clear Land form is available at www.agriculture.state.az.us . Follow the link to "form", to "native plants", and to "notice intent to clear land".

- SIGNS: Obtain sign permit for any identification signs as well as for internally (halo) illuminated address signs. Directional signs (if proposed) may not require a sign permit, depending on size. Directional signs are subject to review by planning staff during plan check process. Separate Development Plan Review process is required for signs ZDC Part 4 Chapter 9 (Signs).

HISTORY & FACTS:

- November 8, 1973 Tempe City Council approved a zoning amendment of 180.7 acres from R1-6 to I-1, I-2 and PCC-1, including this site.
- January 24, 1974 Tempe City Council approved the Final Subdivision Map for Eaton Freeway Industrial Park located at the northeast corner of 48th Street and Southern Avenue, on 180.7 acres with 127 lots. Lots 4, 126 and 127 were later split up into 9 lots, with a future restaurant (McDonald's) being the new Lot 4 on the corner, Brenco Service Station being Lot 5 and the Auto Wash being Lot 6. There is no record of a plat process for these splits.
- 1977 The General Plan of Development showed an auto wash on lot 6 (no canopy on property line), a gas station on a lot 95' wide, and a restaurant on lot 4. The General Plan of Development indicates a variance to allow the service station to have a lot of 95' width and no landscape or walls along the side property lines.
- January 12, 1978 Tempe Planning and Zoning Commission approved a request for a use permit for a service station and a use permit for a car wash. Variances were also granted to reduce the minimum side and rear yard setback from 40' to 0' (unspecified which lot/s) and a variance to allow a service station not at the intersection of a major arterial street.
- March 2, 1978 Tempe City Council approved the request of Eaton International Corp. for an Amended General Plan of Development.
- May 17, 1978 Design Review Board approved the building, site and landscape plan for Brenco Self Service Station.
- June 7, 1978 Design Review Board approved building elevations, site plan and landscape plan for McDonald's to the south of the site.
- June 15, 1978 Tempe City Council approved the Final Development Plan for Eaton International, for three of eight parcels for Southern Plaza, with condition #4 stating that the canopy for Brenco Service Station shall be located a minimum of 20' from all property lines or project lines, details to be approved by the Building Safety Director prior to recordation of the plat. There is no record of an amended plat being filed to rectify the property line issue. The canopy is 13' 8" from the property line on the south side.
- November 15, 1978 Design Review Board approved the building, elevations, site plan and landscape plan for Southern Plaza.
- 1978 Lot 5 (3233 S. 48th St) was built as Brenco Self Service Fuel Station or Brennan Petroleum.
- August 1, 1978 Tempe received a recorded Affidavit (#78-045) that was a covenant and agreement to hold Lot 4 and 5 properties as one parcel, to eliminate the need for property line protection on the exterior of the service station canopy. This agreement stated that no portion shall be sold separately and shall run with the land.
- 1979 Lot 4 (3255 S. 48th St) was built as McDonald's Restaurant.
- April 3, 1980 Design Review Board approved site plan, elevations and landscape plan for a car wash on Lot 6 (3229 S. 48th St.) with condition #8 stating that the property line between this project (the car wash) and the existing gasoline station immediately to the south be aligned at the corner of the 40 foot easement so as to allow a 20 foot setback from the property line to the respective buildings. There is no record of the easement or an amended plat to adjust the property line. Lot 6 was built as a car wash without the condition being met.
- May 21, 1981 Tempe received a recorded Affidavit (#81-040) that was a covenant and agreement to hold Lot 5 and 6 properties as one parcel, for the purpose of allowing a building to be built crossing the property line (the car wash canopy). This agreement stated that no portion shall be sold separately and shall run with the land.

September 1981 Lot 6 (3229 S. 48th St) Car Wash facility was built.

Somewhere between 1981 and 2006 each of these three properties were sold to different parties, multiple times. These transactions make the previous covenant and agreements null and void. For building safety conformance, new covenant and agreements are needed to hold the properties as one, with separate ownership. Staff determined that as long as the existing development remained in place and redevelopment does not occur on these three lots, the property lines could remain as grandfathered conditions. A cross access agreement exists between Lots 4 and 5. A cross access agreement is required between Lots 5 and 6, by condition of approval of this current request.

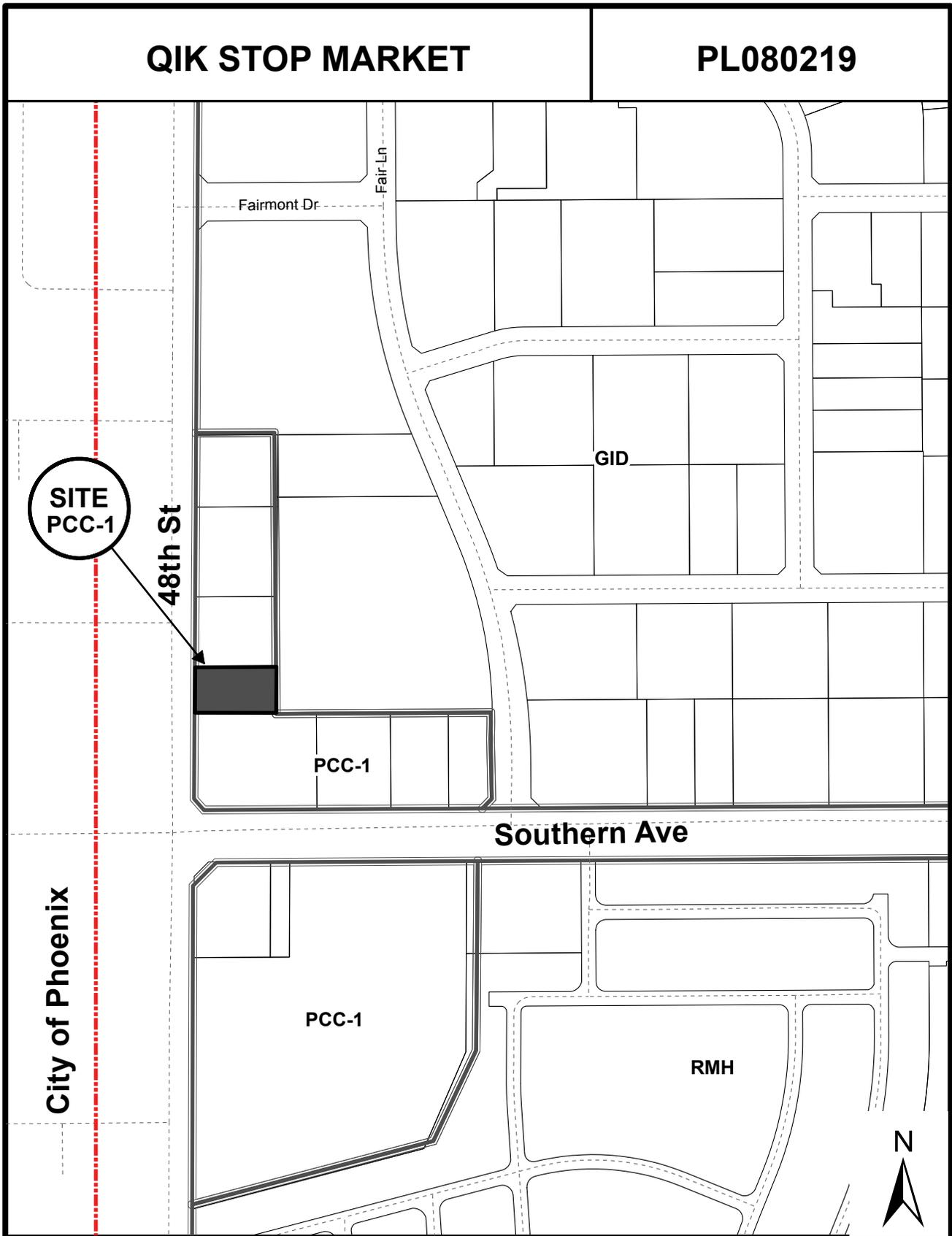
2006 Property purchased and operated as Valero Gas Station, owners closed in 2007.

2008 The applicant is in the process of purchasing the property and has permission of the current owner to make this request.

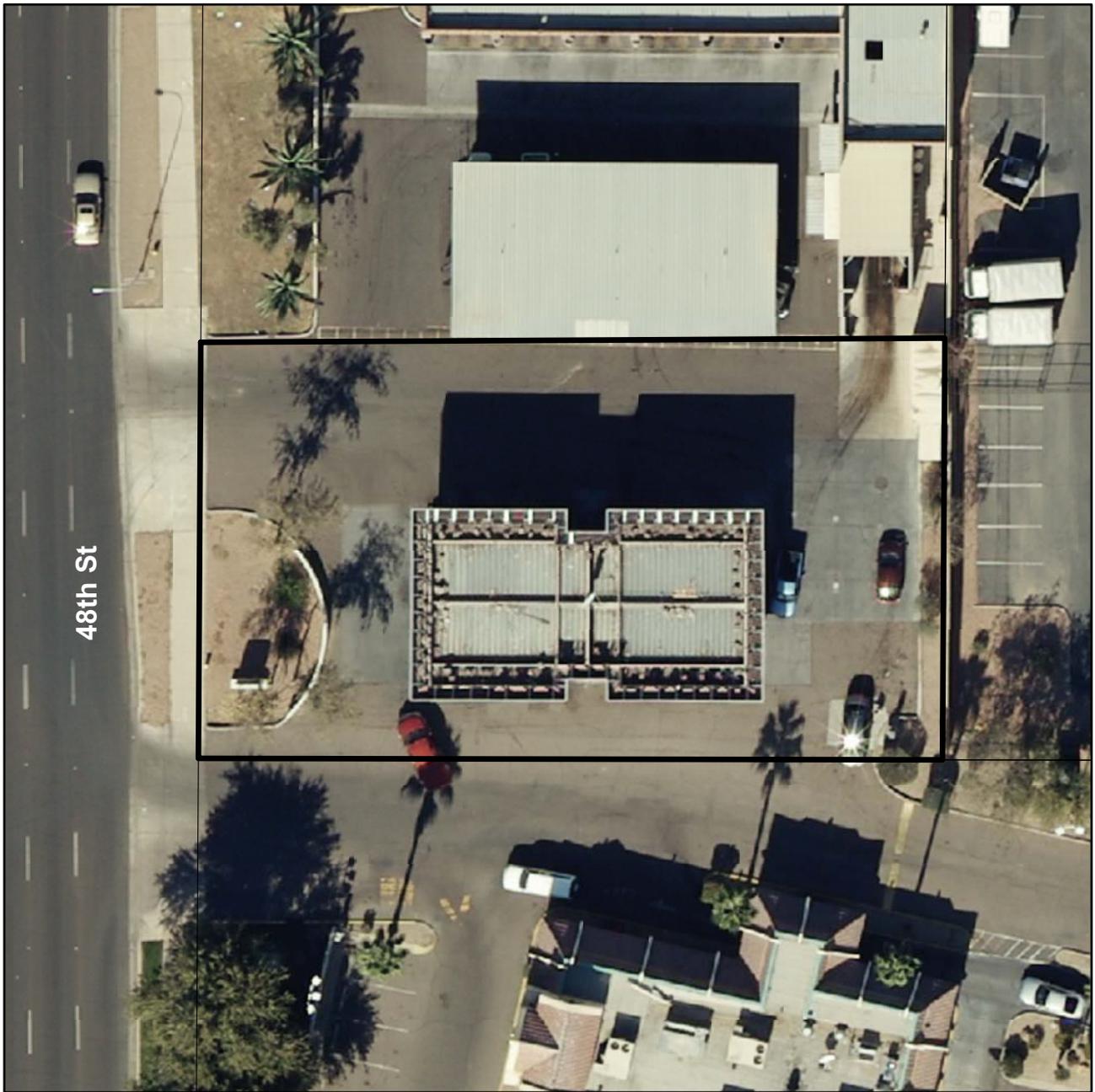
ZONING AND DEVELOPMENT CODE REFERENCE:

Section 6-306, Development Plan Review

Section 6-308, Use Permit



Location Map



QIK STOP MARKET (PL080219)

October 1, 2008

Diana Kaminski
City of Tempe
31 East Fifth Street
Tempe, AZ 85281

Re: **Letter of Explanation - Use Permit for TL Qik Stop Market**
3233 S. 48th Street Tempe, AZ 85282
AA Job #0831

To Whom It May Concern:

The project is based on the remodel and retrofit of an Existing Fueling Station that is presently closed due to the single retail service of providing fuel in the local area.

This project is to make the Existing Center a profitable business by introducing a small Convenience Store beneath the Existing Fuel Canopy, where a cashier's kiosk presently exists. The New Convenience Store shall provide standard retail services and shall be manned by approximately two (2) employees with hours of operation 5AM until 11PM Sunday through Thursday, 5AM until 12PM Friday and Saturday. The Owner shall be applying for a #10 liquor license.

QUESTIONS:

The letter must describe the use, or if a business, describe the operation, hours, number of employees, customers, etc., and how it will affect the surrounding area. The letter must include justification that shows the proposed use will:

A: Not cause any significant vehicular or pedestrian traffic in adjacent areas, and

Response: This project is based upon the remodel and retrofit under a fueling canopy presently in place. The new business profile is still based on the sale of automotive fuels in this area. With this in mind, there shall be no sign of vehicular or pedestrian traffic in the adjacent area that has not previously been experienced.

B: Not cause any nuisance (odor, dust, gas, noise, vibration, smoke, heat or glare, etc.) exceeding that of ambient conditions, and

Response: A fueling station with convenience store will not cause any of the nuisance items listed in B.

C: Not contribute to deterioration of the neighborhood or be in conflict with the goals, objectives and policies of the City, and

Response: This project is a true remodel and retrofit of an existing vacant fueling station. The introduction of a small convenience store will rejuvenate this business helping to eliminate ongoing deterioration in this area and revitalizing a needed service in this retail center.

D: Be compatible with existing surrounding structures, and

Response: The proposed building and retrofit of site shall help in the upgrade of the existing center for retail of this type and shall be beneficial to adjacent businesses in cross retail sales.

October 1, 2008

E: Not result in any disruptive behavior, which may create a nuisance to the surrounding area or public:

Response: Without the rebuild and retrofit of the existing fueling station this project is presently the primary nuisance in the area in question. With this remodel and retrofit the abandoned property shall become again a viable service to the neighborhood.

This business will have no general traffic influence on the surrounding areas based upon the previous information. This is just a General Upgrade to the Facility and not a total change in services provided.

Thank you,



William L. Johns, R.A., AIA
ASSOCIATED ARCHITECTS, INC.

October 1, 2008

Diana Kaminski
City of Tempe
31 East Fifth Street
Tempe, AZ 85281

Re: **Letter of Explanation - Development Plan Review for TL Qik Stop Market**
3233 S. 48th Street Tempe, AZ 85282
AA Job #0831

To Whom It May Concern:

The Existing Facility is a 1970's Fueling Station which consists of Existing Vehicular Driveways, Landscaping, Fuel Pump Islands, Fuel Shade Canopy and a small Kiosk located under the Fuel Shade Canopy which serves as the manned Pay Station.

This project is for the development of a small Convenience Store to be located below the Fuel Shade Canopy centered between the Fueling Islands for ease of access and management of the facility. The On-Site traffic patterns are developed around cross access to the existing Fast Food Restaurant to the South, and the existing Car Wash to the North. The traffic patterns are well established and require little - if any - adjustment other than a Cross-Access for vehicular movement agreement between Owners. The Owner will be applying for a #10 liquor license.

QUESTIONS:

1. The placement of buildings reinforces and provides variety in the street wall, maximizes natural surveillance and visibility of pedestrian areas (building entrances, pathways, parking areas, etc.), enhances the character of the surrounding area, facilitates pedestrian access and circulation and mitigates heat gain and retention through:

A: Shade for energy conservation and comfort as an integral part of the design:

Response: Due to the initial design of the fueling station we are going to utilize the existing canopy by placing the new convenience store underneath the existing canopy system.

B: Materials shall be of superior quality and compatible with the surroundings:

Response: Please see 8"X11" attached materials selected for this project. Materials are masonry, stucco and glazing.

C: Buildings and landscape elements have proper scale with the site and surroundings:

Response: Please see attached landscape plan for existing and proposed landscaping.

D: Large building masses are divided into smaller components that create a human-scale as viewed from the sidewalk:

Response: Please see attached building elevations for human scale components proposed for this project.

E: Buildings have a clear base and top, as identified by ground floor elements, roof forms, and detailing:

Response: Please see attached proposed floor plan and building elevations.

F: Building facades have architectural detail and contain windows at the ground level to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility:

Response: Glazing has been provided around cashier's station in order to provide surveillance to primary facility services.

G: Special treatment of doors, windows, doorways and walkways (proportionality, scale, materials, rhythm, etc.) contributes to attractive public spaces:

Response: Glass doors are provided in two opposite locations of convenience store with access from walkways for easy entry and exiting, and ease of location for circulation.

H: On-site utilities are placed underground:

Response: All on-site utilities are existing and presently below ground.

I: Clear and well-lighted walkways connect building entrances to one another and to adjacent sidewalks:

Response: Site lighting is located on the underside of the fueling canopy and provides adequate lighting for the entire site for security, vehicular flow and pedestrian access.

J: Accessibility is provided in conformance with the Americans with Disabilities Act (ADA):

Response: The remodel and alterations of the project have taken into account the Americans with Disabilities Act this is based on not only vehicular traffic flow and parking but also pedestrian access to site.

K: Plans take into account pleasant and convenient access to multi-modal transportation options, and support the potential for transit patronage:

Response: The retail center that the fueling station and convenience store is located within has easy access for all forms of transportation: located adjacent to bus routes, bicycle routes, pedestrian access and vehicular access.

L: Vehicular circulation is designed to minimize conflicts with pedestrian access and circulation, and with surrounding residential uses. Traffic impacts are minimized, in conformance with city transportation policies, plans, and design criteria:

Response: The existing retail center is presently in an Industrial sector of the community it serves. Minimum conflict exists between pedestrian and vehicular traffic circulation patterns. Traffic impacts are minimized in the area based on this existing retail center, the area it serves and the community as a whole.

M: Safe and orderly circulation separates pedestrian and bicycles from vehicular traffic. Projects should be consistent with the Tempe Pedestrian and Bicycle Facility Guidelines, contained the Comprehensive Transportation Plan:

Response: The remodel and expansion of the fueling station was selected in part due to the traffic flows across the site not only in vehicular traffic but in pedestrian and bicycle traffic patterns being strong but also at the same time having an orderly pattern presently established.

N: Plans appropriately integrate crime prevention principles such as territoriality, natural surveillance, access control, activity support, and maintenance:

Response: As an existing convenience store operator the new Owner's shall be installing interior and exterior surveillance systems in addition to the design providing over three hundred degrees of visual surveillance on the exterior and one hundred percent surveillance on the interior of the new convenience store.

O: Landscaping accents and separates parking, buildings, driveways and pedestrian walkways:

Response: This site is tight. We have developed a master plan which includes parking, building footprints in excellent condition, driveways, pedestrian walkways, new and existing landscape components.

P: Lighting is compatible with the proposed building(s) and adjoining buildings and uses, and does not create negative effects.

Response: The exterior lighting will comply with the City of Tempe's and State guidelines regarding up lighting and trash lighting which will not create a negative effect on neighboring properties.

2. Signs must have design, scale, proportion, location and color compatible with the design, colors, orientation and materials of the building or site on which they are located. The decision-making body shall consider the following:

A: Sign copy shall provide contrast with its background:

Response: Signage shall be developed around the new remodel and expansion programs and is an intrical part of the project developed by the design team.

B: Sign area and copy shall be proportional to the size of the building element on which it is located:

Response: The design and sizing of the sign package shall be complementary of the overall building elements.

C: Signs for complexes or centers shall utilize materials, which are complementary to the building and to the other signs on the premises.

Response: Signage shall utilize design features of the building and its overall components and shall meet all of the City of Tempe's guidelines.

Thank you,

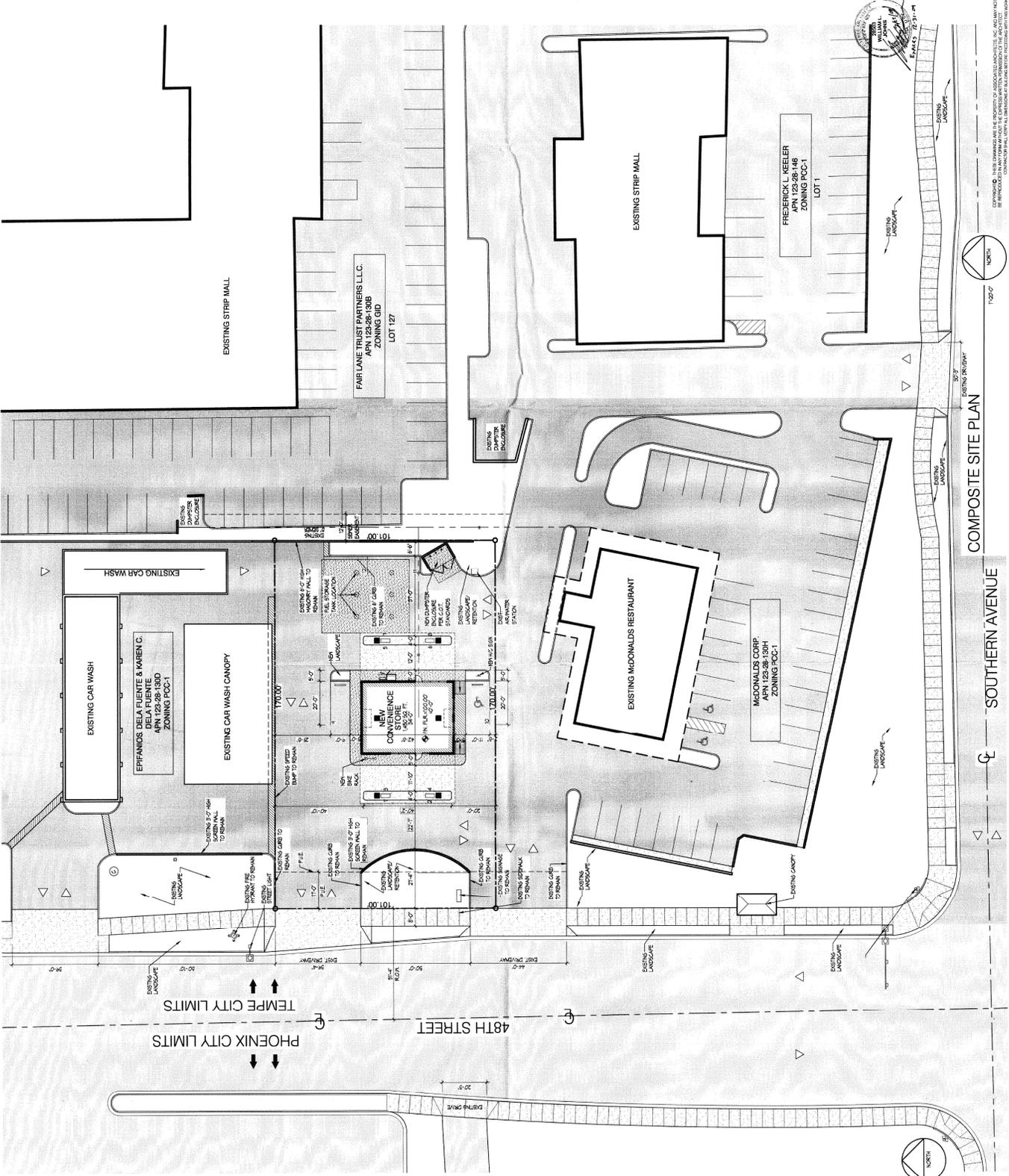


William L. Johns, R.A., AIA
ASSOCIATED ARCHITECTS, INC.

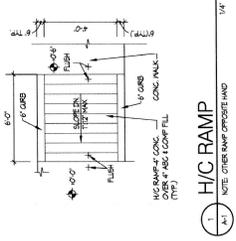
A NEW CONVENIENCE STORE FOR
QIK STOP MARKET
 3233 SOUTH 48TH STREET TEMPE ARIZONA 85282

ASSOCIATED ARCHITECTS
 ARCHITECTURE • CONSTRUCTION MANAGEMENT • PLANNING
 1366 E. McKELLIPS RD., SUITE 101
 MESA, ARIZONA 85203 • (480) 964-8851

DATE: 01-25-09	PROJECT: QIK STOP MARKET	LOT: 1	SHEET: 1
SCALE: 1/8" = 1'-0"	CLIENT: FAIR LANE TRUST PARTNERS, LLC	ZONING: PCC-1	DATE: 01-25-09
DESIGNER: J.M.	ARCHITECT: J.M.	CONSTRUCTION: J.M.	DATE: 01-25-09
PROJECT: QIK STOP MARKET	LOT: 1	SHEET: 1	DATE: 01-25-09



EXISTING AERIAL SITE VIEW



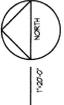
H/C RAMP
 NOTE: OTHER RAMP PROPOSED AND 1/4"

COMPOSITE SITE PLAN

SOUTHERN AVENUE

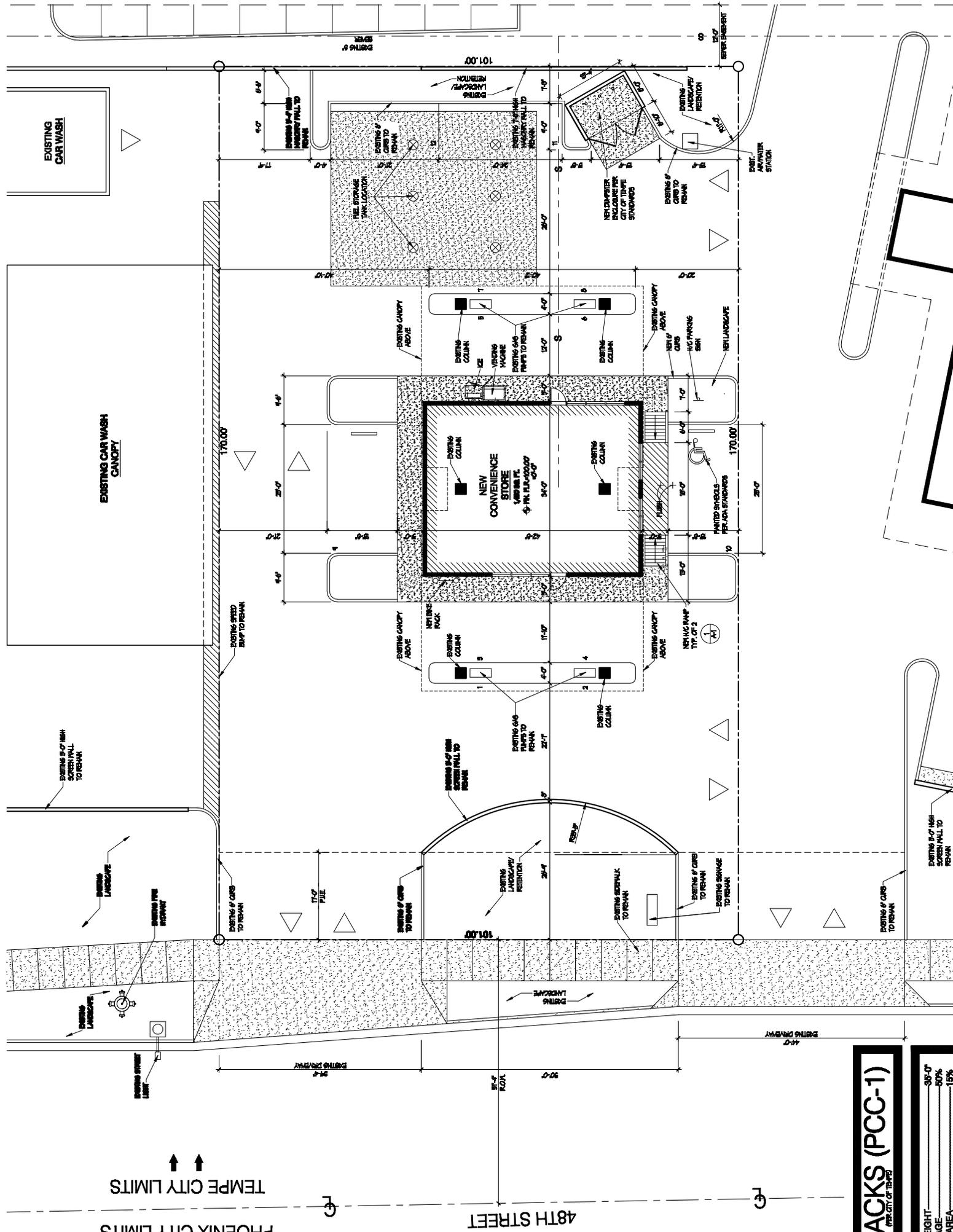
48TH STREET

PHOENIX CITY LIMITS
 TEMPE CITY LIMITS



1/8" = 1'-0"

CONSTRUCTION BY THE CITY OF PHOENIX
 1366 E. MCKELLIPS RD., SUITE 101
 MESA, ARIZONA 85203 • (480) 964-8851



PHOENIX CITY LIMITS

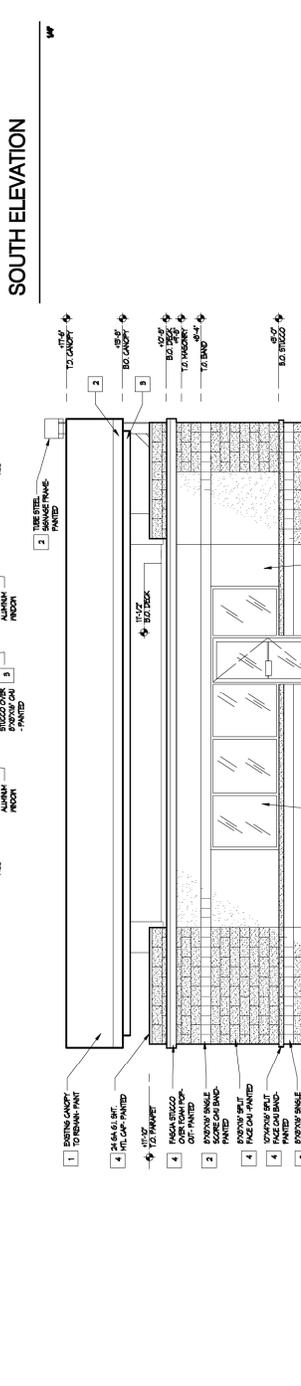
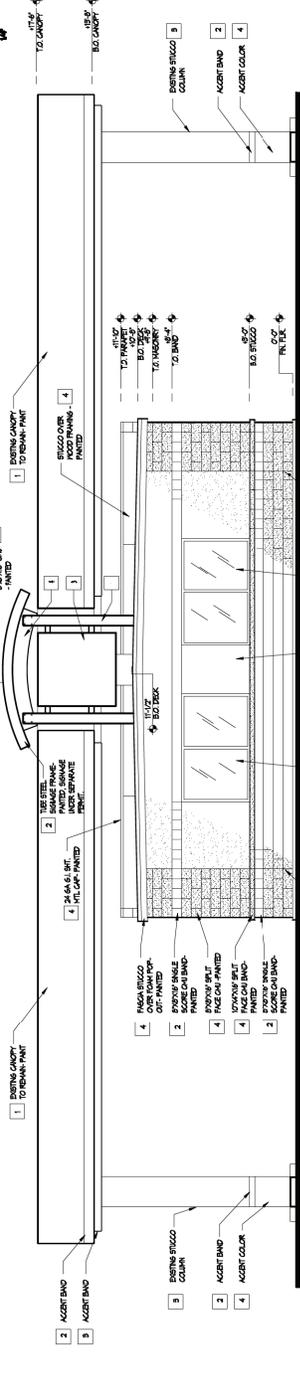
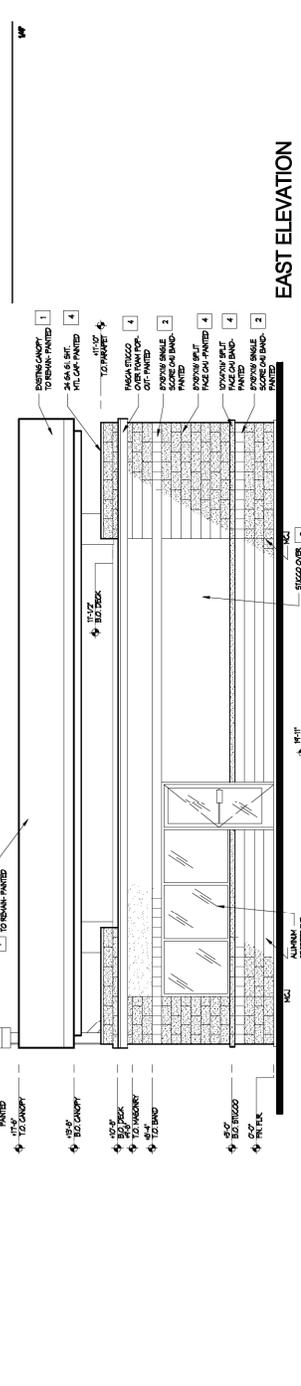
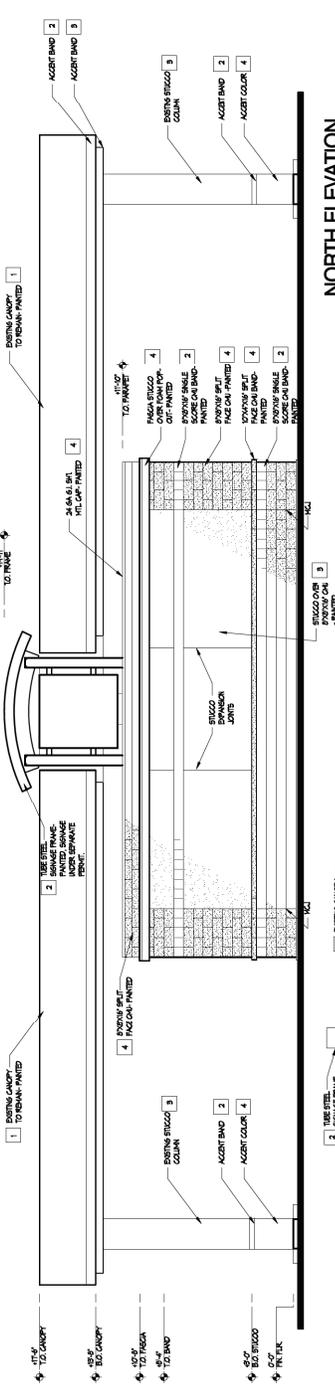
TEMPE CITY LIMITS

ATTACHMENT 9

TBACKS (PCC-1)
PER CITY OF TEMPE

35'-0" KING HEIGHT
80% COVERAGE
15% ESCAPE AREA

COLOR LEGEND	
MARK	DESCRIPTION
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100	PRAZER PAINT



A NEW CONVENIENCE STORE FOR
QIK STOP MARKET
 3233 SOUTH 48TH ST TEMPE, ARIZONA 85282

NO.	REVISION	DATE
1	ISSUED FOR PERMIT	07/23/09
2		
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9		
10		

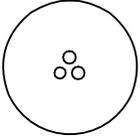
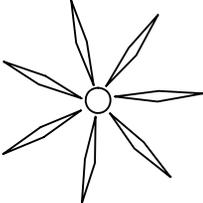
ASSOCIATED ARCHITECTS, INC.
 1356 E. MCKELLARS RD., STE. 101 MESA, ARIZONA 85203
 PHONE: 480.964.8451 FAX: 480.964.1787
 WWW.ASSOCIATED-ARCHITECTS.COM

CONSTRUCTION
 EXP. 1307.09

SHEET NO. 5
A-4
 OF 5

LANDSCAPE LEGEND

(EXISTING)

			QUANTITY EXISTING ON SITE	QUANTITY EXISTING SURROUNDING ON SITE
(A)		OLEA EUROPAEA FRUITLESS OLIVE 10' TRUNK FT.	0	11
(B)		FRAXINUS UHDEI SHAMEL ASH 10' BOX	2 6 NEW	2
(C)		BRAHEA ARMATA MEXICAN BLUE PALM 30' TRUNK FT.	0	8
(D)		WASHINGTONIA ROBUSTA MEXICAN FAN PALM 12' TRUNK FT.	0	4
(E)		LEUCOPHYLLUM FRUTESCENS FEATHER CASSIA	8	8
(F)		LEUCOPHYLLUM FRUTESCENS GREEN CLOUD TEXAS SAGE	2 EXISTING 16 NEW	18

NOTE:

ALL LANDSCAPE AREAS HAVE DECOMPOSED GRANITE

NOTE:

ALL LANDSCAPE IS EXISTING.

