

# Staff Summary Report



Hearing Officer Hearing Date: 04/05/11

Agenda Item Number: 2

**SUBJECT:** This is a public hearing for a request by **FRY'S FOOD STORE NO. 101** located at 3232 South Mill Avenue for one (1) use permit.

**DOCUMENT NAME:** 20110405cdsl01 **PLANNED DEVELOPMENT (0406)**

**COMMENTS:** Request by **FRY'S FOOD STORE NO. 101 (PL110051)** (Elias Flake/Metro Architecture, applicant; Smith's Food & Drug Centers Inc., property owner) located at 3232 South Mill Avenue in the CSS, Commercial Shopping and Services District for:

**ZUP11021** Use permit to allow a one-lane retail sales drive-through service in the CSS, Commercial Shopping and Services District.

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

**REVIEWED BY:** Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359) *SEA*

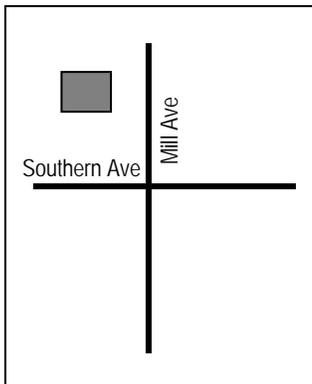
**LEGAL REVIEW BY:** N/A

**DEPARTMENT REVIEW BY:** Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359)

**FISCAL NOTE:** There is no fiscal impact to City funds.

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

**ADDITIONAL INFO:**



Fry's Food Store is adding a pharmacy drive through window and lane to the south end of the store. The Zoning and Development Code requires a use permit for drive thru facility in the CSS, Commercial Shopping and Services District. To date, no public input has been received regarding this request. Staff recommends approval with the finding that the request meets the ZDC criteria to warrant approval of a use permit.

**PAGES:**

1. List of Attachments
2. Comments; Reasons for Approval
3. Conditions of Approval; History & Facts/Description; Zoning & Development Code Reference

**ATTACHMENTS:**

1. Location Map(s)
2. Aerial Photo(s)
- 3-4. Letter of Intent
5. Site plan
6. Elevation
7. Staff Photograph(s)

**COMMENTS:**

This proposal is for a Use Permit request to allow a one lane retail sales drive-through in the Commercial Shopping and Service District. The drive through window is proposed on the south side of the building. The one-way access to the drive through is from the west exiting to the east. An existing building arcade will be converted for the drive through canopy. The location of the future drive through is near the Southern Avenue arterial away from any residential use. To date, no public input has been received regarding this request.

**Use Permit**

The Zoning and Development Code requires a use permit for drive thru facility in the CSS, Commercial Shopping and Services District. Evaluating the use permit, the proposal appears to pass the use permit test listed below:

- a. Any significant increase in vehicular or pedestrian traffic in adjacent areas;  
*There will be no significant increase in vehicular or pedestrian traffic in adjacent areas.*
- b. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;  
*This is a commercial use, similar to others in the area; there should be no nuisance created by the business.*
- c. 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;  
*The proposed development would not contribute to neighborhood deterioration or downgrade property values.*
- d. Compatibility with existing surrounding structures and uses;  
*The proposed use appears to be compatible with surrounding structures and uses.*
- e. Adequate control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area or general public;  
*The proposed use appears to have adequate control of disruptive behavior.*

**Conclusion**

Staff recommends approval of the use permit.

**REASON(S) FOR APPROVAL:**

- 1. No apparent nuisance resulting from noise, smoke, odor, dust, vibration, or glare.
- 2. No apparent hazards to persons or property from possible explosion, contamination, fire or flood.
- 3. Traffic generated by this use should not be excessive.
- 4. The use appears to be compatible with the building, site and adjacent property.
- 5. Approval of the use permit will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or the public welfare in general.

**SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.**

**CONDITION(S) OF APPROVAL:**

1. Obtain all necessary clearances and permits for tenant improvement from the Building Safety Division.
2. All nonconforming building lighting within forty feet of the building and parking lot lighting within the scope of work shall be removed and replaced with compliant light fixtures. Details can be resolved during Building Safety Plan Review. Site lighting must remain on from dusk to dawn

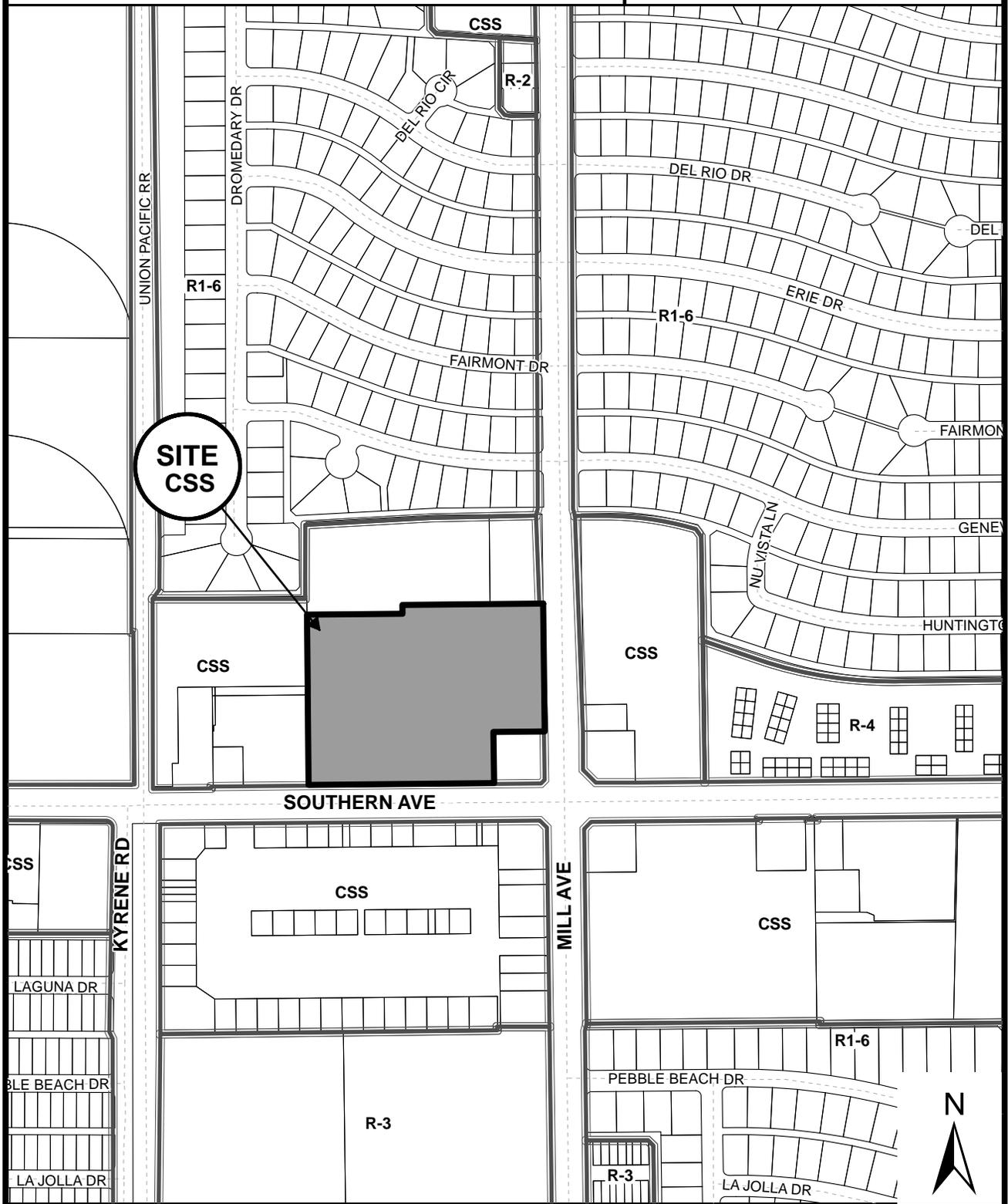
**HISTORY & FACTS:**                    **None pertinent to this case.**

**DESCRIPTION:**                    Owner – Smith's Food and Drug Centers Inc.  
Applicant – Elias Flake/Metro Architecture  
Existing Zoning – CSS, Commercial Shopping & Services District

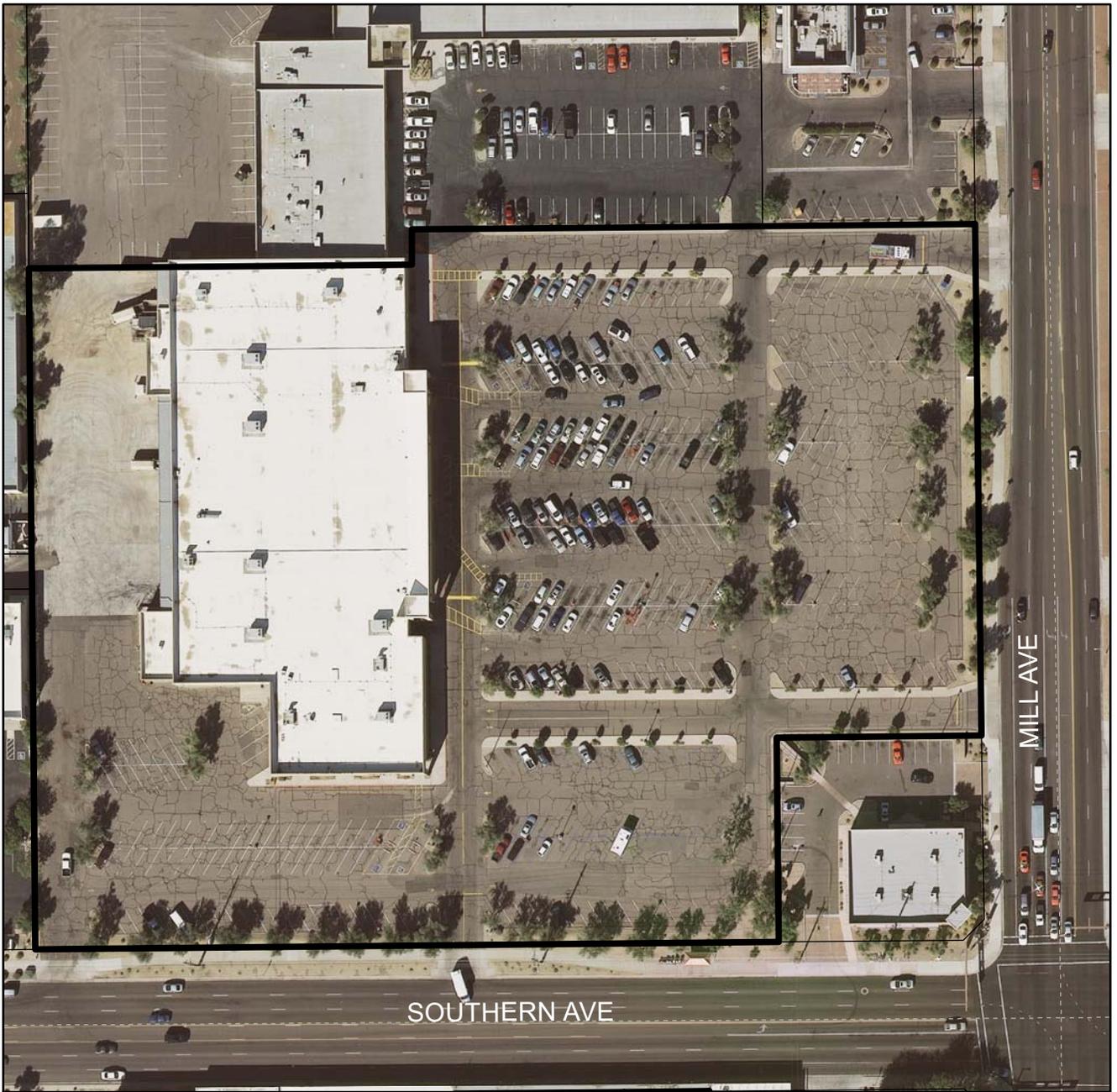
**ZONING AND DEVELOPMENT  
CODE REFERENCE:**                    Part 3, Chapter 2, Section 3-202  
Part 6, Chapter 3, Section 6-308

**FRY'S FOOD STORE NO. 101**

**PL110051**



**Location Map**



**FRY'S FOOD STORE NO. 101 (PL110051)**



March 8, 2011

City of Tempe  
Planning Division  
31 East 5<sup>th</sup> Street  
Tempe, AZ 85281

Re: Fry's Food & Drug Store #101 - 3232 East Mill Avenue, Tempe  
DS #110152, DPR #11030, SPR #11014  
Explanation letter requesting: Use Permit for the Pharmacy Drive-up Kiosk

Dear Ms Lesser:

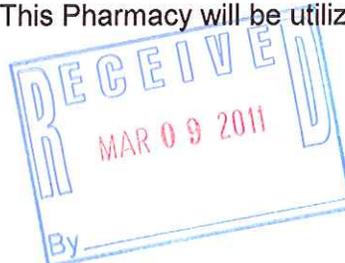
This letter of explanation is written on behalf of Fry's Food Stores of Arizona; regarding additional improvements we would like to add to the Store's customer services; particularly those not currently provided by the stores existing Pharmacy.

The new Pharmacy, within this store, will be increased in size; with additional and expanded services to the customers. One of these expanded services will be an exterior drive-up service kiosk for the customers to conveniently drop-off or pick-up their prescriptions. The drive-up service kiosk will be installed under the existing exterior pedestrian walkway structure of the existing building.

The existing arched portals were a 1970's architectural design treatment. These arches were not designed for auto traffic and limited the vehicular access for the new drive-up kiosk service proposed by Fry's for its customers.

With the assistance and coordination of a Structural Engineer, a Civil Engineer, and METRO Architecture; Fry's is proposing a new site layout on the South side of the existing building. This new design utilizes the existing covered walkway by opening up the existing arched wall elements to a proposed squared-off design opening on existing arch on the South elevation.

The parking lot has been revised to allow the vehicles to enter under the canopy to approach the new Pharmacy drop-off/pick-up kiosk. This Pharmacy will be utilizing a



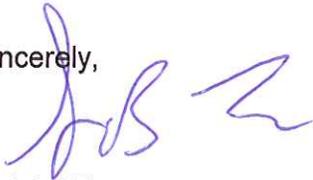
Page Two  
March 8, 2011

vacuum actuated tube delivery system (kiosk) with a two-way audio/visual communication system. This change requires a row of the existing angled parking spaces to be modified; in order to accommodate vehicle traffic access into the new drive-thru lane. While this reduces a few of the parking spaces on the site, the number of parking stalls required meets and/or exceeds the code requirements.

I am happy to discuss any concerns you and/or the Planning Dept. may have regarding the design and traffic movement on the site.

And please feel free to contact me, at your convenience, with any additional questions you may have regarding the Fry's building design, the added services we plan for our Tempe customers, and the value of upgrading our facility to the surrounding retail community.

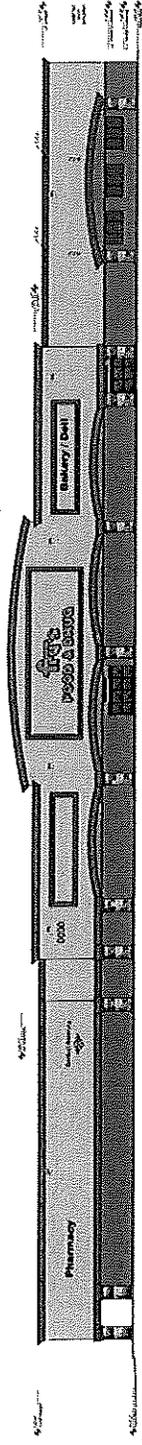
Sincerely,



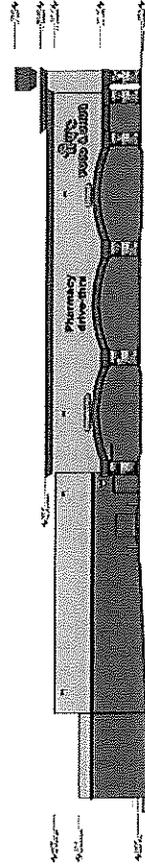
Gabriel Torres  
Construction Manager  
Kroger Western Regional Construction Manager  
Fry's Division

GT/bb

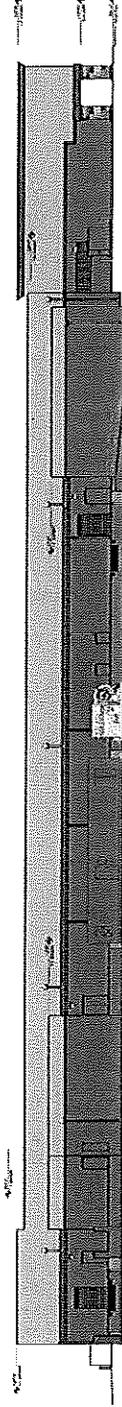




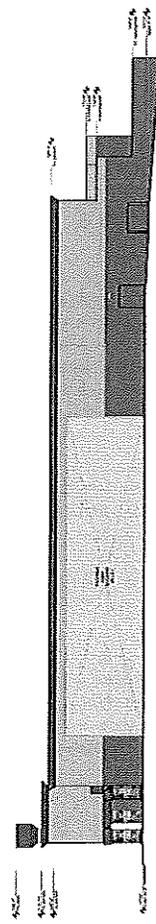
300 EAST ELEVATION



SOUTH ELEVATION 301



WEST ELEVATION 302



303 NORTH ELEVATION



ELEVATION 4  
COLOR SCHEME C

**FRY'S FOOD STORE #101**  
NWE MILL ROAD & SOUTHERN ROAD  
MARCH 11, 2011

**METRO ARCHITECTURE**



**FRY'S FOOD STORE NO. 101**

**3232 SOUTH MILL AVENUE**

**PL110051**

**SOUTH SIDE OF BUSINESS**

