

Staff Summary Report



Development Review Commission Date: 01/13/09

Agenda Item Number: ____

SUBJECT: Hold a public hearing for a Use Permit and Development Plan Review for CIRCLE K STORE, located at 5240 S. Rural Road.

DOCUMENT NAME: DRCr_CircleK_011309

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Request for **CIRCLE K STORE (PL080389)** (Brad Anderson, Rural Baseline, LLC, property owner; David Cisiewski, MD Partners, LLC, applicant) consisting of a single-story 4,450 square foot convenience store with fuel service, on 1.61 net acres, located at 5240 S. Rural Road in the PCC-2, Planned Commercial Center General District. The request includes the following:

DPR08269 – Development Plan Review including site plan, building elevations, and landscape plan.

ZUP08181 – Use permit for retail convenience store with fuel sales

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

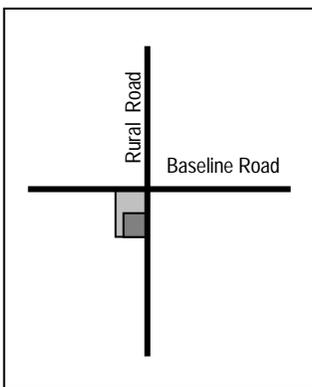
REVIEWED BY: Lisa Collins, Development Services Planning Director (480-350-8989) *LC*

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval, subject to conditions

ADDITIONAL INFO:



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|---------------------|--|
| Gross/Net site area | 1.61 acres |
| Total Building area | 4,450 s.f. |
| Lot Coverage | 25 % (50% maximum allowed) |
| Building Height | 28 ft (40 ft maximum allowed) |
| Building setbacks | 20' front, 30' side, 30' rear, 20' street side (0', 30', 30', 0' min.) |
| Landscape area | 15% (15% minimum required) |
| Vehicle Parking | 27 spaces shared parking with Pad-1 and Shops B (15 min. required, 18 max allowed) |
| Bicycle Parking | 4 spaces (2 minimum required) |

A neighborhood meeting is not required with this application.

PAGES:

1. List of Attachments
- 2-3. Comments
- 4-6. Reason for Approval / Conditions of Approval
- 7-9. Code Requirements
- 10-12. History & Facts / Zoning & Development Code Reference

ATTACHMENTS:

1. Location Map
2. Aerial
- 3-6. Letter of Explanation
- 7-8. Site plans
- 9-10. Floor plans
11. Building Elevations
12. Building Sections
13. Landscape Plan
14. Preliminary Grading & Drainage Plan
- 15-16. Shared Parking Approval Letter

COMMENTS:

This site is located on the south side of Baseline Road, west of Rural Road and is located within the Lakes Towne Center shopping center. The site is a pad site proposed to be leased to Circle K to operate a convenience store with fuel sales. The surrounding site amenities were previously approved under the first application for the Lowe's development. The pad has surplus parking that will be shared with the pad building and Shops B to the north, along Baseline Road. The Shared Parking Model was reviewed and approved administratively, and does not include the parking for Lowe's or the row of parking adjacent to and immediately west of the Circle K. This request includes a Use Permit and a Development Plan Review for a one-story 28' tall 4,450 s.f. building on 1.61 net acres. A Neighborhood meeting is not required for this request.

PROJECT ANALYSIS

The proposed project conforms to the General Plan Land Use Commercial designation and the Zoning and Development Code PCC-2 Commercial Center General District standards. The use requires a use permit within this zoning district, to allow fuel sales with a convenience store. The property is north of residences within the R-2 District, with the canopy for the fuel pumps being located approximately 108 feet away.

USE PERMIT

The applicant provided a letter of explanation for the use permit. The manner of conduct and the building for the proposed use will not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general, and the use will be in full conformity to any conditions, requirement or standards prescribed therefore by this code. The applicant will be required to provide a security plan. The building configuration provides visibility to the gas pumps and to the street, however there are no windows on three sides of the building. Security cameras will be required on all four sides of the building to monitor the parking lots.

- a. The proposed use within a retail center makes the convenience store ancillary to the larger tenants, and not a destination use. By primarily serving on-site customers or normal traffic along Rural or Baseline, it is not anticipated to produce any significant increase in vehicular or pedestrian traffic.
- b. The former use of the site was an automotive dealer and service shop, with noise from the equipment and the PA system. The proposed use would not have these elements, however the 24-hour nature of the business may generate nuisance arising from noise of patrons, making it difficult to control or enforce. The project will comply with all city codes regarding noise and all environmental design requirements for fuel service. The existing 6' wall around the perimeter of the property was previously approved by the Commission to remain. Conditions regarding lighting are included to prevent glare into adjacent residences.
- c. There are no foreseen contributions to the deterioration of the neighborhood or to the downgrading of property values; the proposed use is not in conflict with the goals, objectives or policies for rehabilitation, redevelopment or conservation as set forth in the city's adopted plans or General Plan.
- d. The proposed use and design is compatible with existing surrounding structures and uses. The commercial use supports other commercial uses in the center. The design uses the same colors and materials and forms of the other buildings within the center.
- e. The applicant provided a brief description of how public disruption would be minimized. Conditions of approval have been added to ensure that there is adequate control of disruptive behavior both inside and outside the premises so that the use does not become a nuisance to the surrounding area or general public.

DEVELOPMENT PLAN REVIEW

Site Plan

The driveway entrances and landscape buffer for this development were previously determined through a Development Plan Review process for this eastern portion of the site and the Lowe's portion of the site. The convenience store is set back on the site to maximize views of the parking and fuel service area for security. The building is located 143' north of the residential property line and the fuel canopy is located 108' from the residential property line. The circulation functions for fire and refuse, and has shared parking with the pad sites to the north. The proposed lease lines conform to setbacks within the larger development; however, a subdivision plat along the proposed lease line would make the proposed building location too close to the required 30' rear yard setback. A Planned Area Development would be required to adjust the required setback for conformance with the proposed new property line, and has been conditioned with this request.

Building Elevations

Elevations as indicated on the drawings are: 4-Front (east facing), 3-Back (west facing), 2-Side (north facing) and 1-Side (south facing). The elevations include a combination of concrete roof tiles, integral colored concrete masonry units, several colors of painted stucco and a glazed accent tile. The elevations are reflective of the architectural style of the Lakes Towne Center. The scale and massing of the building, design of individual components and the use of color, texture and material provide a harmonious development. The western façade is recessed slightly to provide an overhang above the windows and entryway. A condition has been added requiring the canopy lighting to be recessed, to reduce visibility of lights to adjacent neighbors. The fuel canopy uses a red decorative element that fades into the background. The eastern building elevation shows a large white background with red stripes that appear more as signage than an architectural feature. A condition has been added to apply a consistent architectural aesthetic to the building as used on the canopy, by changing the white background to the same color as the building, and fading the red stripes away from the sign/logo in the center.

Landscape Plan

The landscape plan is a low water use concept using Palo Verde and Mesquite trees, and a combination of flowering shrubs and ground cover. The landscape adjacent to the residences is not a part of this application; it was approved with the previous development plan for Lowe's as part of the Lakes Town Center.

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

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

Conclusion

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

REASONS FOR APPROVAL:

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

ZUP08181

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

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

DPR08269

CONDITIONS OF APPROVAL

4. An Amended Subdivision Plat is required for this development and shall be recorded prior to issuance of building permits.
5. The proposed lease lines as indicated on this site plan do not conform to required setbacks if this lot is subdivided along the shown lease line: a Planned Area Development will be required to reduce the rear yard setback from 30' to 10' at the time that the subdivision plat is approved.
6. Your drawings must be submitted to the Development Services Building Safety Division for building permit by January 13, 2010 or Development Plan approval will expire.

Site Plan

7. Provide service yard and mechanical yard walls that are at least 8'-0" tall as measured from adjacent grade and are at least the height of the equipment being enclosed, whichever is greater. Verify height of equipment and mounting base to ensure that wall height is adequate to fully screen the equipment. Locate electrical service entrance sections inside the service yard, as indicated.
8. Where gates are used, provide gates of steel vertical picket, steel mesh, steel panel or similar construction. 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.
9. 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.
10. Locate air and water station at northern-most end of the site, away from residences.
11. Locate pay phones within the line of site of the store entrance or inside the store.
12. 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

13. 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: Provide a key bypass on the exterior side
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Building Elevations

14. The materials and colors are approved as presented:
 - 4x8x16 Split face CMU Veneer – Integral colored CMU *Sedona Red* and *Spanish Brown*
 - Integral colored precast concrete cap
 - Stucco system with acrylic finish over rigid insulation – painted Sherwin Williams *Tatami Tan* –SW6116, *Bage!* SW6114 and *Toasty* SW6095
 - Decorative Metal – *Sierra Tan*
 - Stucco with accent color
 - Insulated metal door in hollow metal frame, dark bronze finish
 - Aluminum storefront system, dark bronze finish
 - Concrete roof tile
 - SES Unit painted to match building body color
 - Adhered 8x8 glazed tile – Agrob Buchtal *Intense Carmine*(Clarification of elevation schedule: F&G not used, colors K&L sign colors, parapet color C and precast concrete cap color J)
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.
15. The color banding on the fuel canopy is considered a building accent element and not part of the sign area. Do not internally or externally illuminate the color banding on the fuel canopy.
16. Excluding the Circle K sign/logo, the red color banding on the front elevation shall have the same background color as the building (SW6114 *Bage!*), and fade out to match the banding on the fuel canopy.
17. Provide secure roof access from the interior of the building. Do not expose roof access to public view.
18. Conceal roof drainage system within the interior of the building.
19. 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.
20. Locate the electrical service entrance section (S.E.S.) inside the building, recessed flush to the building elevation, or inside a secure yard that is concealed from public view.
21. Do not use 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. If this mullion pattern is desired for aesthetic concerns, laminated glazing may be considered at these locations. Do not install landscaping, screen walls or any equipment that conceals the area around lower windows.
22. Any vending machines, money disbursement boxes or donation boxes shall be located inside the building, except water and ice machines and propane storage may be located outside.

Lighting

23. Coordinate photometric plan with Lowe's site plan, do not exceed already approved lighting levels of the phase I development.
24. Foot-candle level at the south property line is not to exceed .5 foot-candles and shall be 0 foot-candles on adjacent residential properties.
25. Illuminate building entrance and pay phone area from dusk to dawn.
26. Limit light on paving surface under canopy to a maximum of 30 foot-candles.

27. Fixtures underneath the fuel service canopy shall be fully recessed with the lamp cover flush with underside of canopy (fully shielded), and enclosed within screened fascia.
28. Coordinate lighting and landscape to minimize conflicts with parking lights.
29. Coordinate lighting and landscape; there shall be no glare from the canopy fixtures visible from adjacent residences.

Landscape

30. Provide 1 tree per 25 linear foot along planting to the south of the vendor parking and refuse enclosure area for increased screening to residential area to south.
31. The plant palate is approved as proposed and specified on the landscape plan. Any additions or modifications may be submitted for review during building plan check process.
32. Irrigation notes:
 - a. Provide dedicated landscape water meter.
 - b. Provide pipe distribution system of buried rigid (polyvinylchloride), not flexible (polyethylene). Use of schedule 40 PVC mainline and class 315 PVC ½" feeder line is acceptable. Class 200 PVC feeder line may be used for sizes greater than ½" (if any). Provide details of water distribution system.
 - c. Locate valve controller in a vandal resistant housing.
 - d. Hardwire power source to controller (a receptacle connection is not allowed).
 - e. Controller valve wire conduit may be exposed if the controller remains in the mechanical yard.
 - f. Provide temporary irrigation to existing landscape (on site or in these frontages) for period of time that irrigation system is out of repair. Design irrigation so existing plants on site or in frontages are irrigated as part of the reconfigured system at the conclusion of this construction.
33. 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.
34. 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

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

CODE/ORDINANCE REQUIREMENTS:

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

- The use permit shall commence within twelve months from the date granted, on or before January 13, 2010 or the use permit approval will expire.
- Specific requirements of the **Zoning and Development Code** are not listed as a condition of approval, but will apply to any application. To avoid unnecessary review time, and reduce the potential for multiple plan check submittals, it is necessary that the applicant be familiar with the Zoning and Development Code (ZDC), which can be accessed through www.tempe.gov/zoning, or purchased at Development Services.
- **SITE PLAN REVIEW:** Verify all comments by the Public Works Department, Development Services Department, and Fire Department given on the Preliminary Site Plan Reviews dated October 22, 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:**
 - The Owner is required to prepare a security plan for the 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.
 - 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.
 - 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.

- 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.
 - Provide a fire command room(s) on the ground floor of the building(s). Verify size and location with Fire Department.
- ENGINEERING AND LAND SERVICES:
 - Underground overhead utilities excluding high-voltage 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, 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.
 - Contact Sanitation Division (480-350-8131) to verify that vehicle maneuvering and access to the enclosure is adequate.
 - Refuse enclosure gates shall be provided, the property manager must arrange for gates to be open from 6:00am to 4:30pm on collection days.
- DRIVEWAYS:
 - Correctly indicate clear vision triangles at both driveways on the site and landscape plans. Identify speed limits for adjacent streets at the site frontages. Begin sight triangle in driveways at point 15'-0" in back of face of curb. Consult "Corner Sight Distance" leaflet, available from Development Services or from Traffic Engineering (480-350-2775) if needed. Do not locate site furnishings, screen walls or other visual obstructions over 2'-0" tall (except canopy trees are allowed) within each clear vision triangle.
- PARKING SPACES:
 - Verify conformance of accessible vehicle parking to the Americans with Disabilities Act of 1990 (42 U.S.C.A. §12101 ET SEQ.) and the Code of Federal Regulations Implementing the Act (28 C.F.R., Part 36, Appendix A, Sections 4.1 and 4.6). Refer to Standard Detail T-360 for parking layout and accessible parking signs.
 - At parking areas, provide demarcated accessible aisle for disabled parking.
 - 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.
- SIGNS: Obtain sign permit for any identification signs. Directional signs (if proposed) may not require a sign permit, depending on size. Directional signs are subject to review by planning staff during plan check process. Separate Development Plan Review process is required for signs ZDC Part 4 Chapter 9 (Signs).

HISTORY & FACTS:

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| July 24, 1969 | City Council approved a zoning change for this site from R1-6 to PCC-2. |
| August 22, 1974 | City Council approved a General and Final Plan of Development for Earnhardt Ford. |
| November 6, 1974 | Design Review Board approved the site, building and landscape plans for Earnhardt Ford, with nine conditions. |
| May 15, 1975 | City Council approved the Amended Final Plan of Development for Phase I of Earnhardt's Ford Sales. |
| May 21, 1975 | Design Review Board approved site, building and landscape plans for Earnhardt Ford, with six conditions, (807 E. Baseline address listed, for the portion of the site to the west). |
| May 19, 1976 | Design Review Board approved building elevations and landscape plans for Earnhardt Ford, subject to conditions. |
| June 3, 1976 | City Council approved a modified parking screening wall height and an additional freestanding sign. |
| October 28, 1976 | City Council denied a Use Permit request for a heliport and restricted the display of the "bull" on site. |
| November 6, 1976 | Design Review Board approved building elevations and landscape plan for this site subject to conditions. |
| January 5, 1977 | Design Review Board approved request for additional parking and lighting to mount and raise 14 existing quartz light fixtures to approximately 13 feet, with no conditions. |
| June 30, 1977 | City Council approved the Final Plan of Development of Phase II of Earnhardt Ford, subject to ten conditions. |
| July 6, 1977 | Design Review Board approved a request for a Phase II of development consisting of a kiosk in the front display pad, a show room addition and building expansion, subject to conditions. |
| January 25, 1978 | Board of Adjustment approved a variance for Earnhardt Ford to increase the maximum allowable height for lighting standards from 16' to 21', subject to 3 conditions. |
| February 2, 1978 | City Council approved temporary storage yard and office building subject to three conditions. |
| April 12, 1978 | City Council approved an Amended General and Final Plan of Development and the sale of Jacuzzis and spas at Earnhardt Ford. |
| June 30, 1978 | City Council approved a Final Plan of Development for Phase II of Earnhardt Ford. |
| September 27, 1978 | Board of Adjustment approved two variances for Earnhardt Ford; to allow one additional freestanding sign, and to increase the maximum allowable total sign area from 100 square feet to 258 square feet subject to one condition. |
| April 12, 1979 | City Council approved an Amended General and Final Development Plan for Earnhardt Ford. |
| November 27, 1979 | Planning and Zoning Commission approved a zoning change from R-2 to PCC-2 and a General Plan of Development subject to conditions, and approved a variance to reduce the required sideyard setback from 60' to 0'. |
| January 10, 1980 | City Council denied a request for a zoning change. |

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| January 17, 1980 | City Council approved a request for a reconsideration for Earnhardt Ford. |
| February 14, 1980 | City Council approved a zoning change from R-2 to PCC-2, an amended General Plan of Development, a use permit and a variance for a four-acre parcel at the southeast corner of Baseline Road and College Avenue, subject to conditions. |
| August 27, 1980 | Board of Adjustment approved a variance to increase the maximum allowable sign area from 100 s.f. to 291 s.f. subject to conditions. |
| May 27, 1981 | Board of Adjustment approved a variance to increase the maximum allowable sign area from 100 s.f. to 394 s.f. subject to conditions. |
| October 13, 1983 | City Council approved the request of Earnhardt Ford for a Final Plan of Development and modifications of conditions for an RV Sales Office consisting of 720 s.f., subject to eleven conditions. |
| November 13, 1985 | Planning and Zoning Commission denied a request by Earnhardt's. |
| December 19, 1985 | City Council approved an appeal by Earnhardt Chrysler RV of the Planning and Zoning Commission denial of the Amended General and Final Plan of Development for Earnhardt Chrysler RV center located at 777 E Baseline Road. Two use permits were also approved. |
| February 5, 1986 | Design Review Board approved the request for building elevations, site and landscape plans for Earnhardt Chrysler, subject to thirty conditions. <i>CONDITION 2: Permanent vehicular cross access agreement for circulation and public service is to be recorded prior to issuance of building permits.</i> |
| March 20, 1986 | City Council approved and Amended Final Plan of Development for Earnhardt Chrysler RV Center. |
| November 18, 1986 | Hearing Officer approved a request by Earnhardts for two variances, to allow a second 24 s.f. freestanding identification sign on the same street frontage and to increase the maximum allowable building mounted signage from 80 s.f. to 147 s.f., subject to two conditions. |
| July 15, 1987 | Design Review Board approved a request for signage subject to two conditions. |
| February 13, 1996 | Planning and Zoning Commission continued the hearing until March 26, 1996. |
| March 26, 1996 | Planning and Zoning Commission approved a requested Amended General and Final Plan of Development, Phases II & III consisting of 16,457 s.f. for three new service bay buildings, subject to twenty-five conditions. |
| June 6, 1996 | City Council continued the original application at the request of the applicant until September 19, 1996. |
| August 6, 1996 | Revised amended General and Final Plan of Development submitted to staff; the applicant was advised that due to scope of changes, they would need to return to the Planning and Zoning Commission. |
| September 10, 1996 | Planning and Zoning Commission denied the requested Third Amended General and Final Plan of Development, Phases II & III consisting of 8,930 s.f. of new and remodeled buildings for a dealership totaling 117,872 s.f. of building area on 22.29 net acres at 777 E. Baseline Road, including a use permit to expand the auto dealership and service facility, and a variance to allow expansion of a non-conforming employee parking area. |
| September 19, 1996 | City Council accepted the withdrawal of a request by Earnhardt's Ford & Chrysler for a Third Amended General and Final Plan of Development, Phases II & III consisting of 16,457 s.f. for a total of 125,399 s.f. on 22.29 net acres located at 777 E. Baseline Road. |

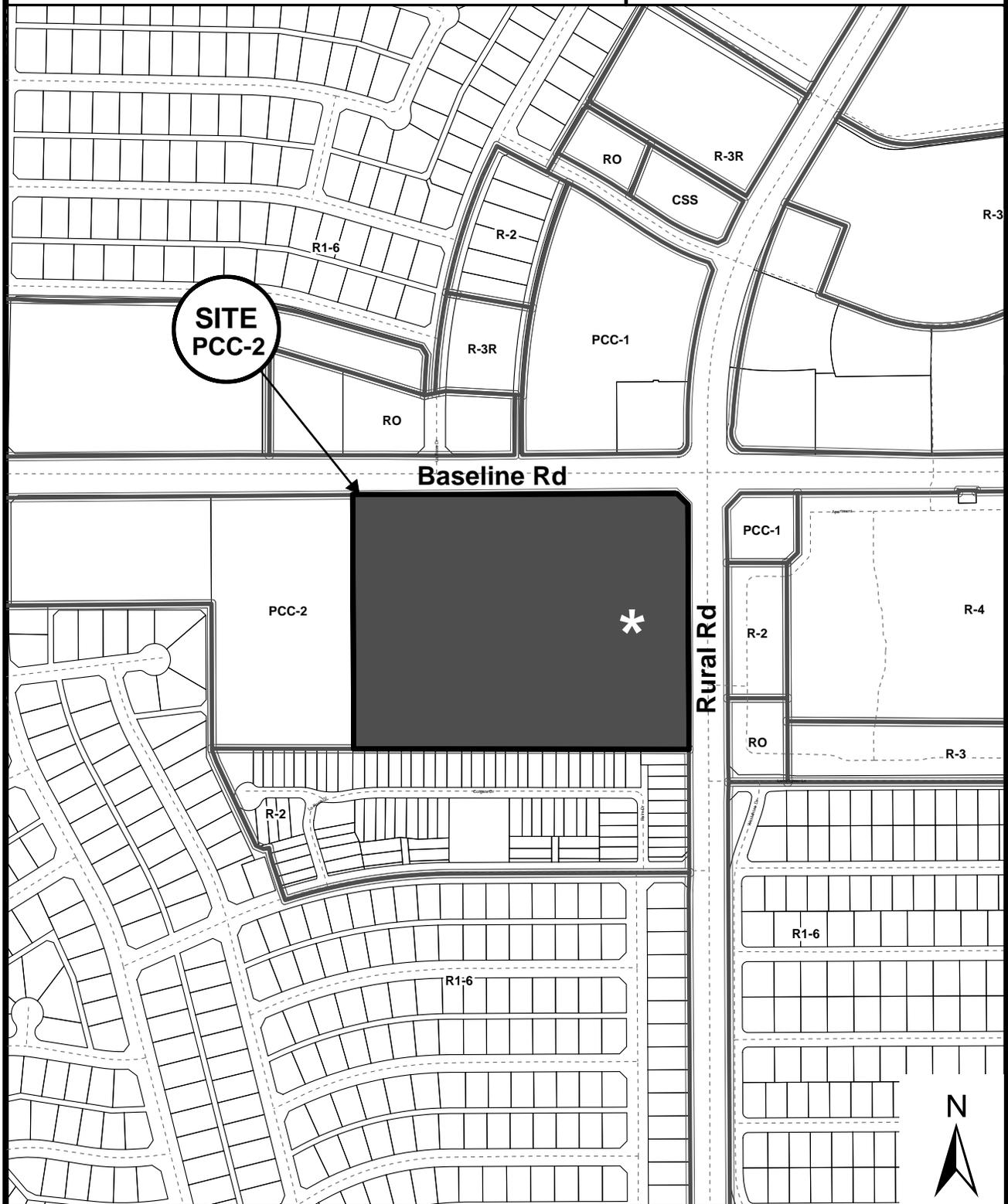
- October 24, 1996 City Council continued the request until November 21, 1996, and requested staff work with applicant to arrive at possible compromise.
- November 21, 1996 City Council denied a request by Earnhardt's Ford & Chrysler to appeal the Planning & Zoning Commission's denial of the Third Amended General and Final Plan of Development consisting of 8,930 s.f. of new and remodeled buildings, for a total of 117,872 s.f. of building area on 22.29 net acres, including a use permit and variance.
- January 22, 2008 Development Review Commission approved a request for Lakes Towne Center Phase I consisting of the first phase of a series of single-story retail buildings; a multi-tenant 10,200 s.f. Shops A and a 119,328 s.f. Lowe's building and 27,265 s.f. Garden Center are 156,793 s.f. of the total approximately 189,375 s.f. on 16 net acres, in the PCC-2 Planned Commercial Center Two, Zoning District. The request included a Use Permit Standard to increase the building height by 20% to 48 feet on the Lowe's building in Phase I and a Development Plan Review including site plan, building elevations, and landscape plan for Phase I.
- February 5, 2008 Tempe Hearing Officer heard and approved a request by Lakes Towne Center Phase I for Lowe's to receive a use permit to allow outdoor display and a use permit to allow renting of vehicles.
- April 03, 2008 Development Review Commission approved the request by Lakes Towne Center Phase II for the second phase of a series of single-story retail buildings consisting of Shops B, 12,842 s.f. of the total approximately 189,375 s.f. on 16 net acres. The Development Plan Review included site plan, building elevations and landscape plan for Phase II.
- May 1, 2008 City Council heard and approved a final Subdivision Plat for Lakes Towne Center to adjust property lines within 16 acres.
- December 3, 2008 Development Services Department staff administratively reviewed and approved a shared parking model for the eastern portion of the site, including the Circle K pad, Shops B, and pad 3. The shared parking excludes the Lowe's and Shops A development to the west.

ZONING AND DEVELOPMENT CODE REFERENCE:

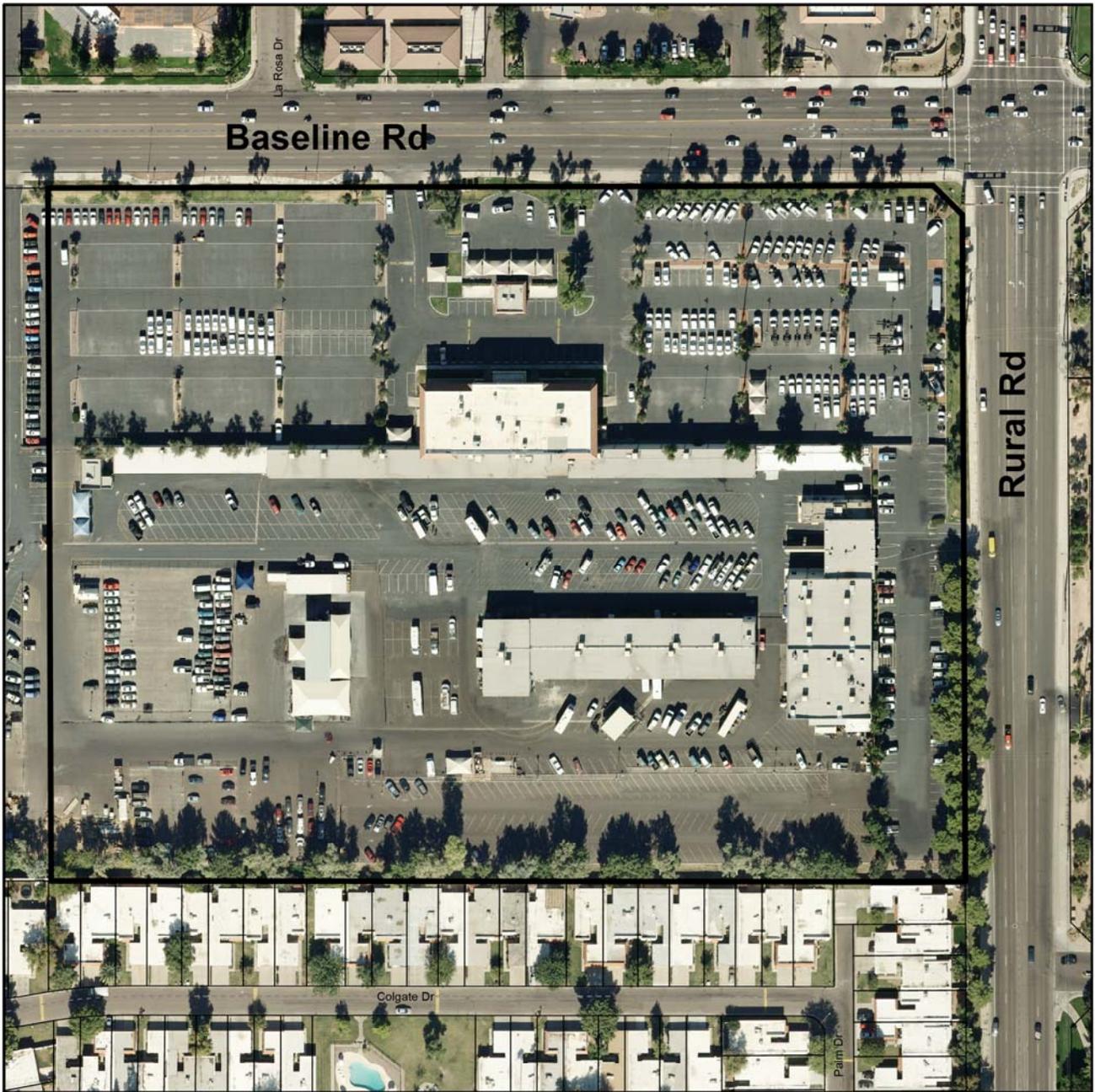
Section 6-306, Development Plan Review
 Section 6-308, Use Permit

CIRCLE K

PL080389



Location Map



CIRCLE K (PL080389)

LAW OFFICE OF DAVID CISIEWSKI, PLLC

11811 North Tatum Blvd, Suite 1051

Phoenix, AZ 85028

Telephone: 602.953.8729 Facsimile: 602.997.9807 Email: dave@dclawaz.com

November 24, 2008

Development Review Commission
City of Tempe
31 East 5th Street
Tempe, Arizona 85280-5002

RE: Letter of Explanation
Proposed Circe K Store
5240 South Rural Road
Tempe, Arizona

To the Commissioners:

Pursuant to the requirements for Development Plan Review and Use Permit approval, I am forwarding this Letter of Explanation for the referenced project.

The proposed development includes the construction of a new Circle K retail convenience grocery store on a out-parcel of Lakes Towne Center. The proposed store is a new design for a long-standing company as part of the company's "re-imaging" of the Arizona market. The proposed development will include the construction of an approximately 4,450 s.f. retail building along with a ten (10) position canopied fueling facility. The site development plans include generous landscaping and significant architectural features on both the building and canopy.

Development Plan Review Criteria:

1. Building Placement & Design:

- a. Shade – The proposed site plan features an approximately 28 foot tall building constructed of masonry and stucco finishes. A canopy, composed of masonry and stucco materials, is proposed over all fueling positions. These structures are design not only to architecturally enhance the facility but to provide significant shade to the customers. Additionally, concrete paving is proposed for the entire parking area to provide maximum reflective value of sunlight and limit heat absorption common with asphalt parking areas.
- b. Materials – The building shall be constructed of a lower course of CMU block with the main portion of each exterior building being constructed of Stucco over rigid insulation. The canopy columns are design of similar materials to accomplish both architectural harmony and long last quality. The exterior colors of the building and canopy are designed to blend with those colors previously approved by the Development Review Commission for the larger Lakes Towne Center development.

NOV 26 2008

- c. Building Scale – The scale of the building has been designed to accommodate the necessary size to provide a wide variety of goods and services to the customers while still maintaining a small-scale retail presence so as to fit within the context of the site and surrounding area. The building covers less than 6.5% of the entire area of the parcel.
- d. Building Masses – The buildings mass along the exterior walls has been lessened by the placement of vertical block at each corner of the structure and integrated into the block wainscot which forms the lower portion of all exterior walls. Additionally, a tiered entrance feature has been placed over the front of the building to add vertical and horizontal relief to the structure as well as emulate the entry features of the larger Lakes Towne Center.
- e. Building Form – The building is design to provide a definitive break between the basic form of the structure at its entrance to provide a focus the attention upon the main entry of the building. The roof lines have been designed with architectural enhancement to provide an attractive visual perception.
- f. Building Facades – The façade of the building has been designed to incorporate a number of architectural elements to provide both vertical and horizontal relief, including wainscoting along the base of all exterior walls, vertical columns and a protruding façade over the main entrance to the building. Additionally, ample glass across the front of the building allows for a clear line-of-sight to all areas of the parking lot and fueling area by store personnel, in accordance with CPTED principals.
- g. Special Treatment – The building and canopy include a number of special features, both in terms of smooth material and soft colors to provide a very aesthetically pleasing facility from the streetscape. Some of these features include a desert color palette in compliance with the color palette of Lakes Towne Center accented by glazed tile to provide relief across the expanse of the exterior walls.
- h. Utilities – All utility lines serving the new store either are or will be placed underground as part of the development.
- i. Lighting – The development will contain ample lighting to provide safety and security to store personnel and customers in accordance with CPTED guidelines. The lighting is provided both by individual parking lot lights and the fully recessed lights under the canopy.
- j. Accessibility – The proposed facility is fully compliant with current ADA requirements and provides accessible parking spaces immediately in front of the main building entrance.

NOV 26 2008

- k. Transit – The facility provides two (2) access drives onto Rural Road to allow convenient and safe turning movements to for vehicular traffic, as ell as cross access through common inter-parcel drive with other portions of Lakes Towne Center.
- l. Vehicular Circulation – The parking and fueling areas are designed with sufficient surface area and ample parking spaces to provide each and every customer with sufficient paved area to maneuver their vehicles as well as provide easy access to the store from the public roadway for those pedestrians.
- m. Bicycle Circulation – The facility is designed to provide bicycle parking along the front of the building and immediately adjacent to the sidewalk to all those customers on bicycles to safely access the store without being in direct conflict with any motor vehicles.
- n. Crime Prevention – The facility has been designed in accordance with Tempe’s crime prevention policies and includes extensive glass across the store front to allow viewing of the parking lot from within the store as well as viewing of activities inside the store from the parking lot and Broadway Road. Additionally, several security cameras are located around the facility to provide additional monitoring of store activities.
- o. Landscaping – The site design incorporates significant landscape features including ample trees and shrubs, both in large landscaped areas at the front and rear of the store as well as within landscape islands in the parking area.
- p. Lighting Compatibility – the proposed facility utilized flush-mounted lights under the canopy to maximize lighting upon the fueling area but minimize the impact of light spreading onto adjoining properties. Additionally, perimeter lights at the facility will direct the light source toward the interior portions of the site and away from adjoin properties.

2. Signs:

Although signage for the facility will be reviewed and approved under a separate permit application, it is the intention of the developer that all signage will conform to the requirements of the City of Tempe and any sign criteria for Lakes Towne Center. The signs on the building and canopy have been designed to be proportionally in size to the façade of the structure while still providing ample contrast and visibility for the customer. Additionally, the freestanding monument sign along the Rural Road frontage will be designed to architecturally blend with the balance of the development.

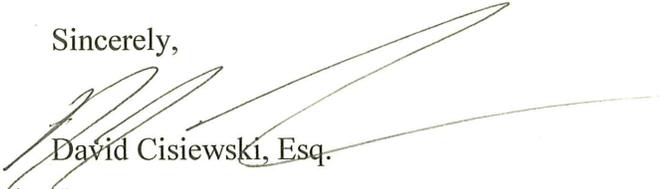
Use Permit Criteria:

The proposed facility will be a retail convenience grocery store with an automotive fuel facility. The retail store will include a variety of immediately consumable foods and drinks as well as grocery staple items to accommodate the convenience needs of the customer. The fuel facility will provide ten (10) fuel dispensing units to service the automobile fuel needs of the local community. The facility will operate 24-hours per day, 7 days per week to provide for the convenience needs of the community and will generally be operated by two to three employees.

- a. Traffic – The proposed facility is designed to service the needs of the consumer in the immediate area of the store and act as a “drive-by” service provider and not a “destination” use. Traffic entering and existing the facility will be that normally traveling along Rural Road and no material increase in traffic will be generated due to this facility. Additionally, since the store only allows direct access to Rural Road, there will be no impact on the roads within the surrounding neighborhoods.
- b. Nuisance - The new facility includes state-of-the-art pollution prevention and monitoring devices to protect the community and the environment for any problems associated with gasoline distribution. These extensive protective measures will control and eliminate any possible threat or nuisance.
- c. Neighborhood Impact - The property is currently zoned PCC-2 and the proposed retail development is an allowed use within this zoning district. The property is currently a vacant out-parcel of Lakes Towne Center, a previously approved large retail center anchored by Lowe’s Home Improvement store.
- d. Compatibility - The property is located along Rural Road in a highly dense retail area of the city. The proposed use, as a retail convenience grocery store, will blend harmoniously with the other retail uses in the area and as part of the larger Lakes Towne Center development and offer a type and quality of consumer goods now lacking in the immediate trade area.
- e. Public Disruption - The store will be operated by trained and qualified personnel at all times. Additionally, security monitoring both inside and outside of the store will provide constant monitoring of all actives on the property. Further the design of the facility is such that any areas of the property that may have been conducive to loitering have been eliminated and it is the policy of the store operator to take all necessary actions to prevent loitering or other nuisance actives on the property.

The above narrative is provided to offer a thorough understanding of the new farcicality in terms of site design, architecture and the operational characteristics of the store.

Sincerely,



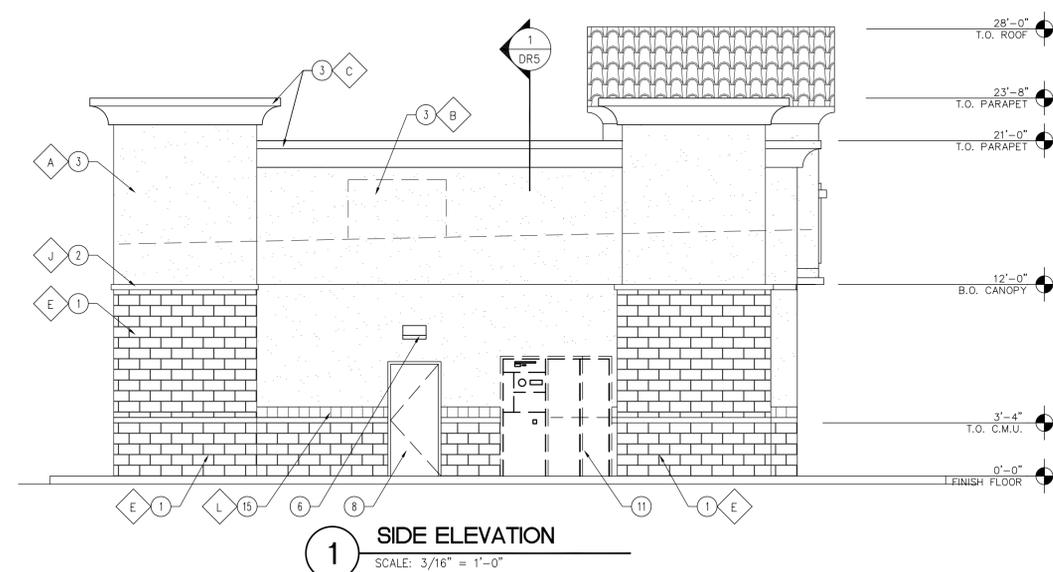
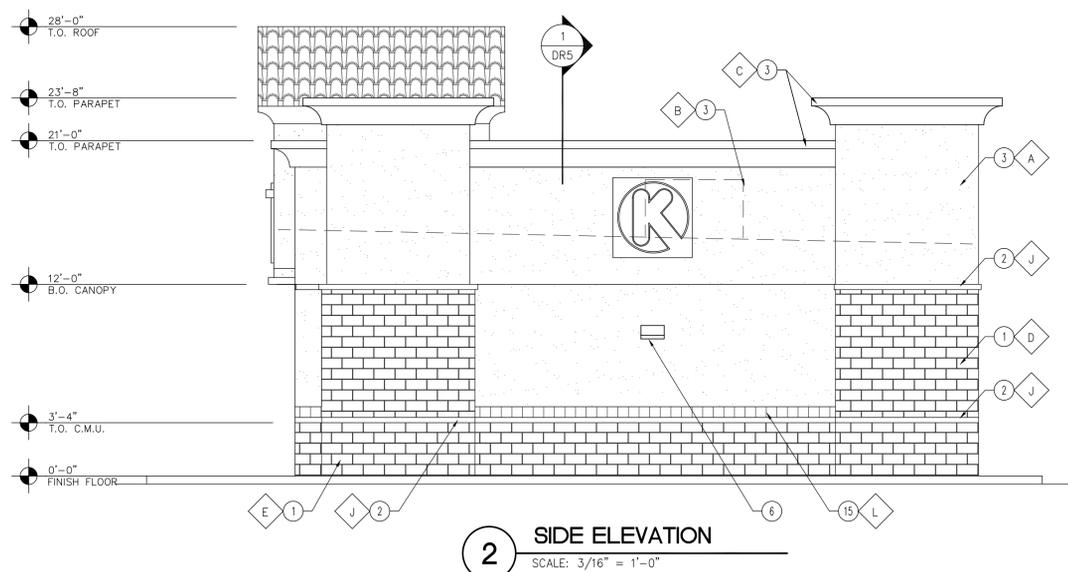
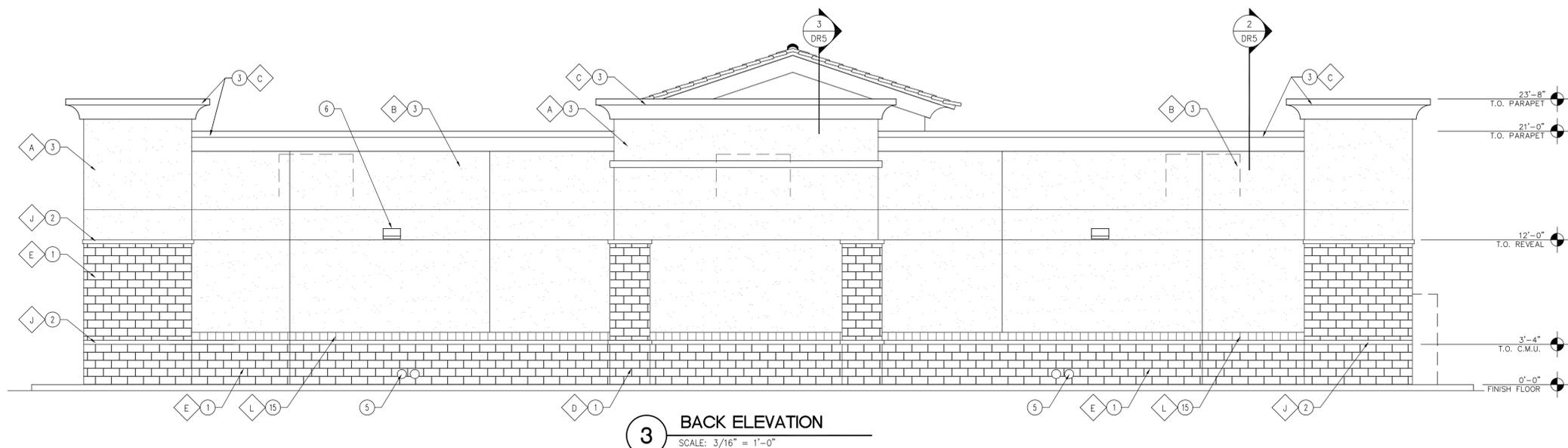
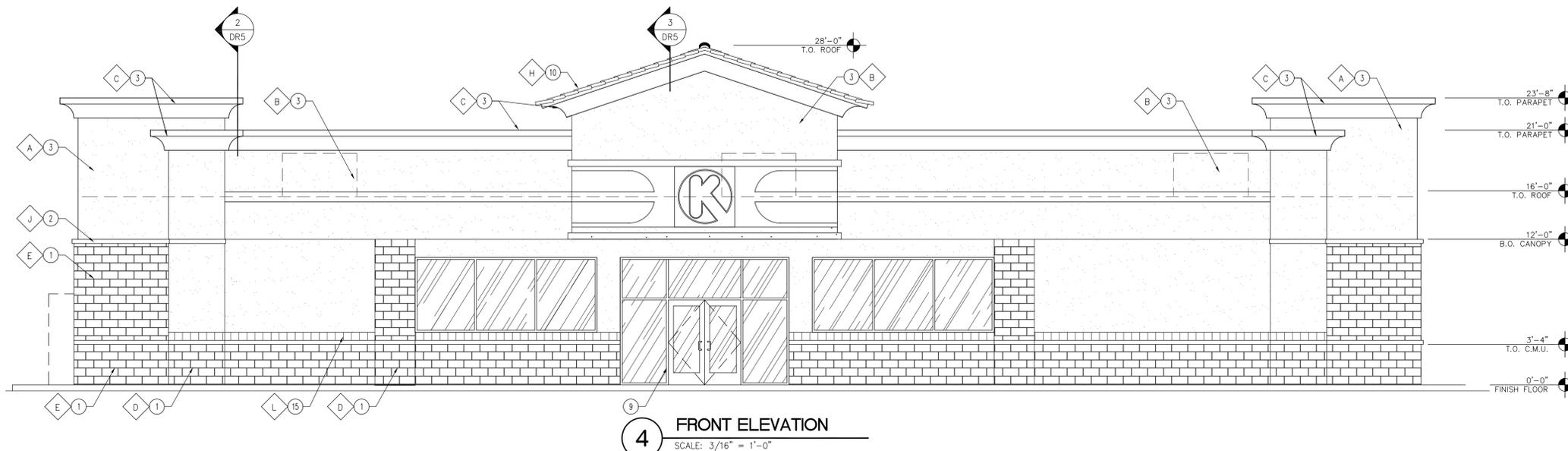
David Cisiewski, Esq.

COLOR SCHEDULE

1. 4x8x16 SPLIT FACE CMU VENEER, ANCHOR PER IBC 1405.5
2. INTEGRAL COLORED PRECAST CONCRETE CAP
3. STUCCO SYSTEM PER ESR-1607 WITH ACRYLIC FINISH, OVER RIGID INSULATION
4. DECORATIVE METAL
5. ROOF/OVERFLOW DRAIN
6. WALL MOUNTED LIGHT FIXTURE
7. STUCCO W/ ASCENT COLOR
8. INSULATED METAL DOOR IN HOLLOW METAL FRAME, DARK BRONZE FINISH
9. ALUMINUM STOREFRONT SYSTEM, DARK BRONZE FINISH, SEE A7/A6.0
10. CONCRETE ROOF TILE
11. SES UNIT PAINTED TO MATCH BUILDING BODY COLOR
12. ADDRESS LOCATION
13. ADHERED 8x8 GLAZED TILE, PER MANUF. SPEC.

COLOR SCHEDULE

- A 'TATAMI TAN' - SW6116
- B 'BAGEL' - SW6114
- C 'TOASTY' - SW6095
- D 'SEDONA RED' - CMU
- E 'SPANISH BROWN' - CMU
- F 'SIERRA TAN' - METAL
- G 'PEBBLE' - 641
- H 'CAMINO REAL' - SMC8403
- J 'SAFTEY RED' - SW
- K 'PURE WHITE' - SW7005
- L AGROB BUCHTAL GLAZED TILE 'INTENSE CARMINE'



DS081203 - SPR08079



Andrews Design Group, Inc.



THE CIRCLE K COMPANY
1130 WEST WARNER ROAD
BUILDING B
TEMPE, AZ. 85284

BUILDING ELEVATIONS

CIRCLE K
LAKES TOWNE CENTER PHASE III - PAD 1
5240 S. RURAL RD.
TEMPE, ARIZONA
ADG PROJECT NO. A2408

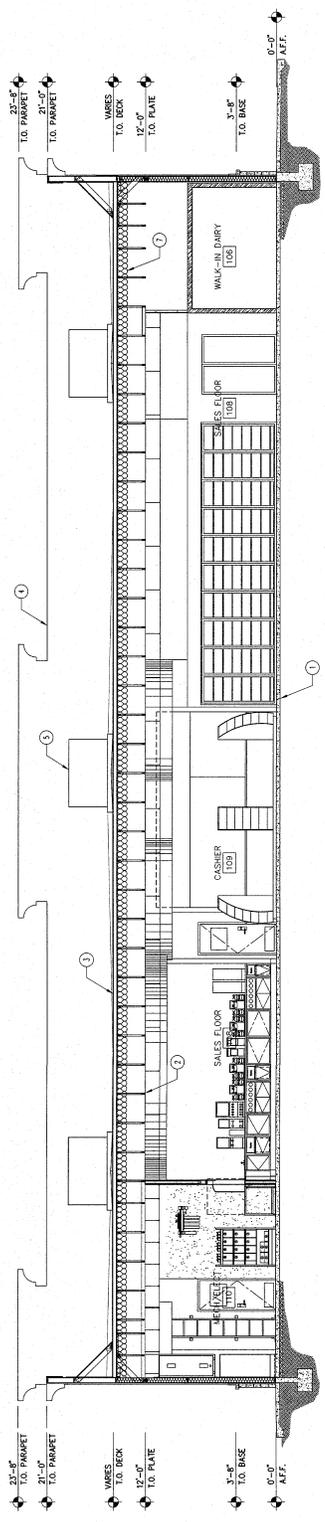
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DR2

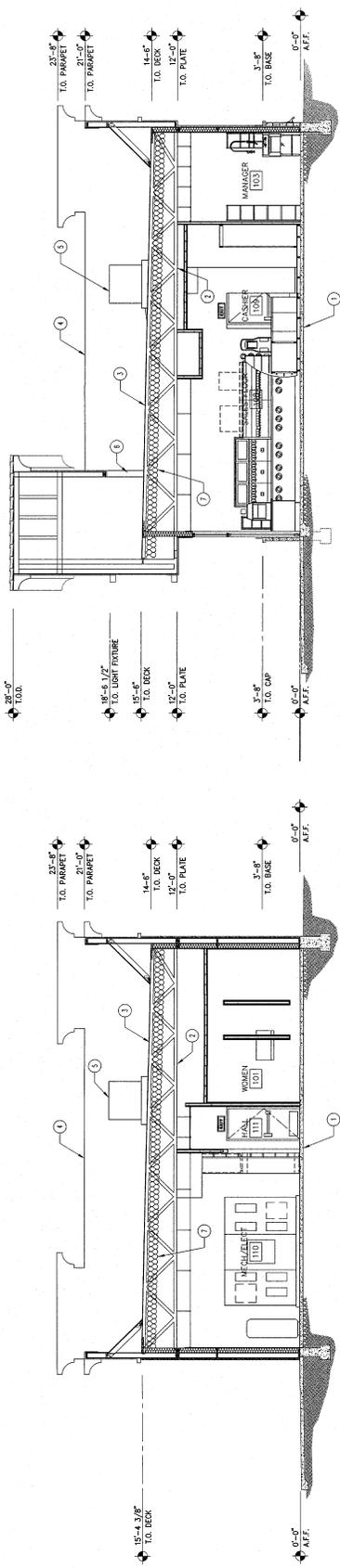
DATE: 11/16/2008

KEY NOTES

1. COMPLETE, S.W.G. SEE STRUCTURAL FOR REINFORCING.
2. SEE MECHANICAL DRAWINGS FOR SPECIFIC INFORMATION.
3. BUILD UP ROOFING SYSTEM IN ALL FLASHING SHEET CORNERS. INSTALLATION OF ROOFING SHALL BE IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS. ROOF SYSTEM TO BE FLOOD TESTED AFTER INSTALLATION TO VERIFY NO LEAKS.
4. ROOF TOP FINISH SEE MECHANICAL DRAWINGS.
5. 3'-0" WIDE ACCESS.
6. 4'-0" BAY INSULATION.
7. 4'-0" BAY INSULATION.



1 BUILDING SECTION
 SCALE: 3/16" = 1'-0"



2 BUILDING SECTION
 SCALE: 3/16" = 1'-0"

3 BUILDING SECTION
 SCALE: 3/16" = 1'-0"



Andrews Design Group, Inc.

ARCHITECTURE

INTERIORS

PROJECT MANAGEMENT

THE CIRCLE K COMPANY
 1130 WEST WARNER ROAD
 TEMPE, AZ 85284

BUILDING SECTIONS

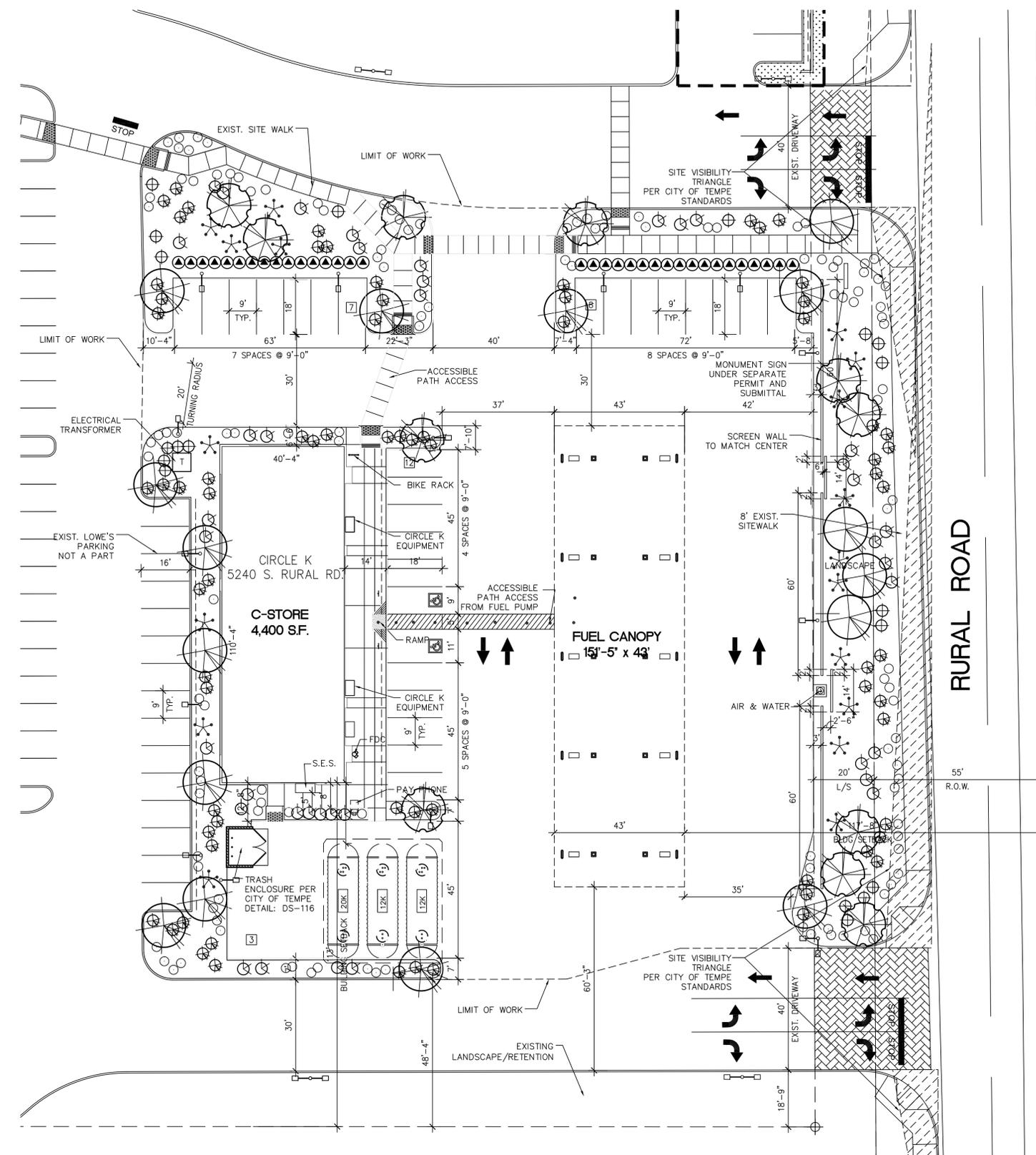
DS081203 - SFR08079
 CIRCLE K
 LAKES TOWNE CENTER PHASE III - PAD 1
 5240 S. RURAL RD.
 TEMPE, ARIZONA
 AEG PROJECT NO. 52408

1095 W. RIO SALADO PKWY, SUITE 203 TEMPE, ARIZONA 85281 (480) 894-3544 FAX: (480) 894-6444

No. DATE REVISIONS

DR5

DATE: 11/16/2008

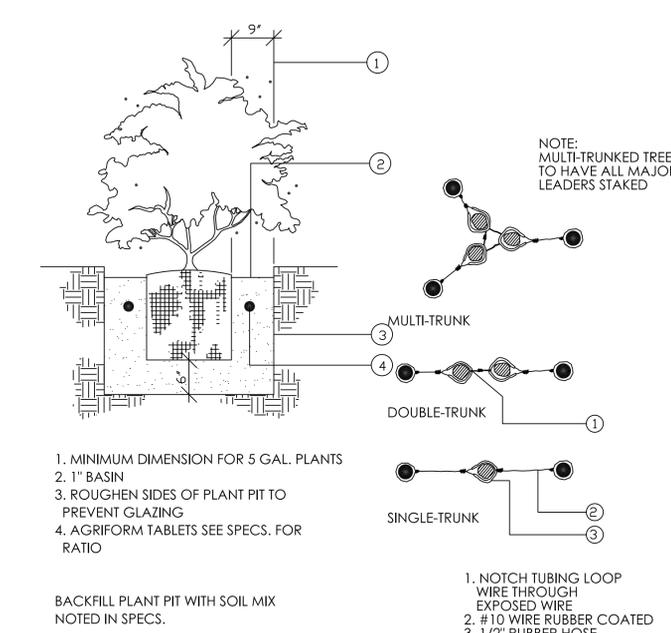
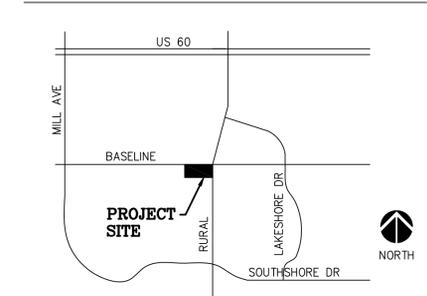


LANDSCAPE NOTES

THE ENTIRE SITE WILL BE MAINTAINED IN ACCORDANCE WITH TEMPE STANDARDS.
 ALL PARKING LOT FINGERS WILL RECEIVE (1) 15 GALLON TREE AND (5) 5 GALLON SHRUBS PER SINGLE ROW OF PARKING.
 ALL PLANT MATERIAL WITH IN THE CITY OF TEMPE SIGHT DISTANCE TRIANGLES ARE BE SELECTED FROM THE TEMPE APPROVED SIGHT DISTANCE TRIANGLE LIST.
 ALL LANDSCAPE AREAS WILL BE TOP-DRESSED WITH A 2" DEPTH OF DECOMPOSED GRANITE.
 NO RIVER ROCK PERMITTED UNLESS 2/3 OF EACH STONE IS EMBEDDED IN CONCRETE
 TREES WILL BE PLACED AS TO NOT INTERFERE WITH PARKING LOT LIGHTS.
 NO OLEANDER HEDGES WILL BE USED IN PARKING LOT AREAS.

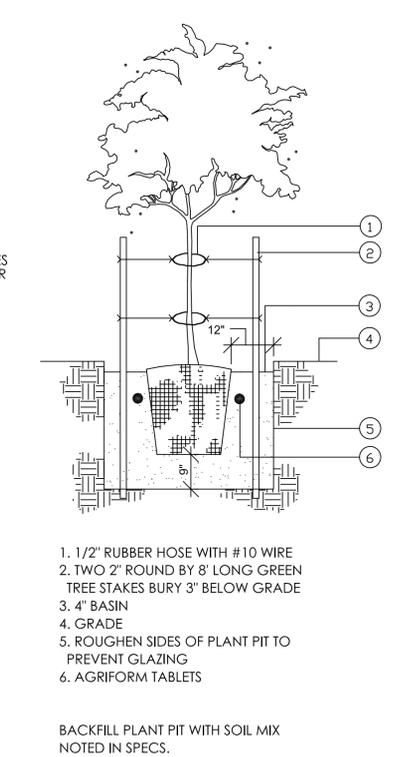
PRE-EMERGENT NOTE
 DUE TO CONFLICTS BETWEEN OWNER'S AND CONTRACTOR'S WE ARE NOW REQUIRING THAT THE ENTIRE PRE-EMERGENT APPLICATION PROCESS BE VIDEO TAPED. VIDEO TAPE IS TO BE VIEWED BY THE LANDSCAPE ARCHITECT . IF VIDEO TAPPING IS NOT PERFORMED ANOTHER APPLICATION SHALL BE PROVIDED WITH VIDEO TAPPING.

VICINITY MAP:



SHRUB PLANTING DETAIL

TREE GUYING DETAIL

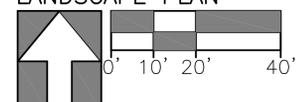


DOUBLE STAKING DETAIL

LANDSCAPE LEGEND

- CERCIDIUM PRAECOX SONORAN PALO VERDE 24" BOX (MATCHING)
- PROSOPIS CHILENSIS CHILEAN MESQUITE (THORNLESS) 15 GALLON
- MUHLENBERGIA RIGENS DWARF MULLE 15 GALLON
- AGAVE AMERICANA CENTURY PLANT 5 GALLON
- ROSMARINUS OFFICINALIS ROSEMARY 5 GALLON
- CARISSA GRANDIFLORA PROSTRATA 5 GALLON
- AGAVE GEMINIFLORA TWIN FLOWER AGAVE 5 GALLON
- LANTANA MONTEVIDENSIS 'GOLD MOUND' 1 GALLON
- CONVOLVULUS CNEORUM BUSH MORNING GLORY 1 GALLON
- 1/2" MINUS MADISON GOLD DECOMPOSED GRANITE 2" DEPTH IN ALL LANDSCAPE AREAS

LANDSCAPE PLAN



T.J. McQUEEN & ASSOCIATES, INC.
 LANDSCAPE ARCHITECTURE
 URBAN DESIGN
 SITE PLANNING
 345 E. Virginia Avenue
 Phoenix, Arizona 85004
 PH. (602) 265-0320 FX. (602) 266-6619



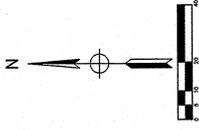
CALL TWO WORKING DAYS BEFORE YOU DIG (602) 265-1100 1-800-STAKE-IT (OUTSIDE MARICOPA COUNTY)
 T.J.M. & ASSOCIATES EXPRESSLY RESERVES ITS COMMON LAW COPYRIGHT & OTHER PROPERTY RIGHTS IN THESE PLANS. THESE PLANS ARE NOT TO BE REPRODUCED, CHANGED OR COPIED IN ANY FORM OR MANNER WHATSOEVER, NOR ARE THEY TO BE ASSIGNED TO ANY THIRD PARTY WITHOUT FIRST OBTAINING THE EXPRESSED WRITTEN PERMISSION & CONSENT OF T.J.M. & ASSOCIATES

DS081203 - SPR08079

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L-1

NOTES
 1. FINISHED ELEVATIONS ARE TO THE TOP OF WALK AND/OR CURB. SUBTRACT 0.5' FROM THE TOP OF WALK AND/OR CURB FOR THE OUTER ELEVATION UNLESS SPECIFIED OTHERWISE.
 2. ALL AREAS SHALL HAVE POSITIVE DRAINAGE UPON COMPLETION OF CONSTRUCTION.



STORMWATER RETENTION CALCULATION
 THIS CALCULATION IS BASED ON THE ASSUMPTION THAT ALL RAINFALL EXCESS COULD CONtribute TO THE STORMWATER STORAGE. ALL OTHER FACTORS SUCH AS SOIL TYPE, VEGETATION, AND PAVEMENT ASSOCIATED WITH LAKES DEVELOPMENT.
 PER DRAINAGE MANUAL (MUNICIPALITY OF TEMPE)
 REQUIRED: $VR = (0.4 \times 2.0) \times (1.0) \times (0.8) \times (0.8)$
 $VR = 0.512 \text{ CF}$
 48" DIA UNDERGROUND STORAGE PROVIDED
 $(3.14) \times (1.5^2) \times (1.0) = 4.14 \text{ CF}$
 $4.14 \text{ CF} > 0.512 \text{ CF}$

- GRADING & DRAINAGE NOTES**
1. STORM PIPE
 2. TYPE A CATCHBASIN PER MAG STD. DIA. 5/8"
 3. STORM MANHOLE PER MAG STD. DIA. 5/8"
 4. PROVIDE GROUNDED NATIVE INDIGENOUS RIP-RAP STONE PAD, 100MM², THICKNESS
 5. ENHANCED BAYWELL SYSTEM
 6. 48" DIAMETER STORAGE PIPE WITH RISER MANHOLE'S BOTH ENDS
 7. CURB OPENING
 8. CONSTRUCTION LIMITS

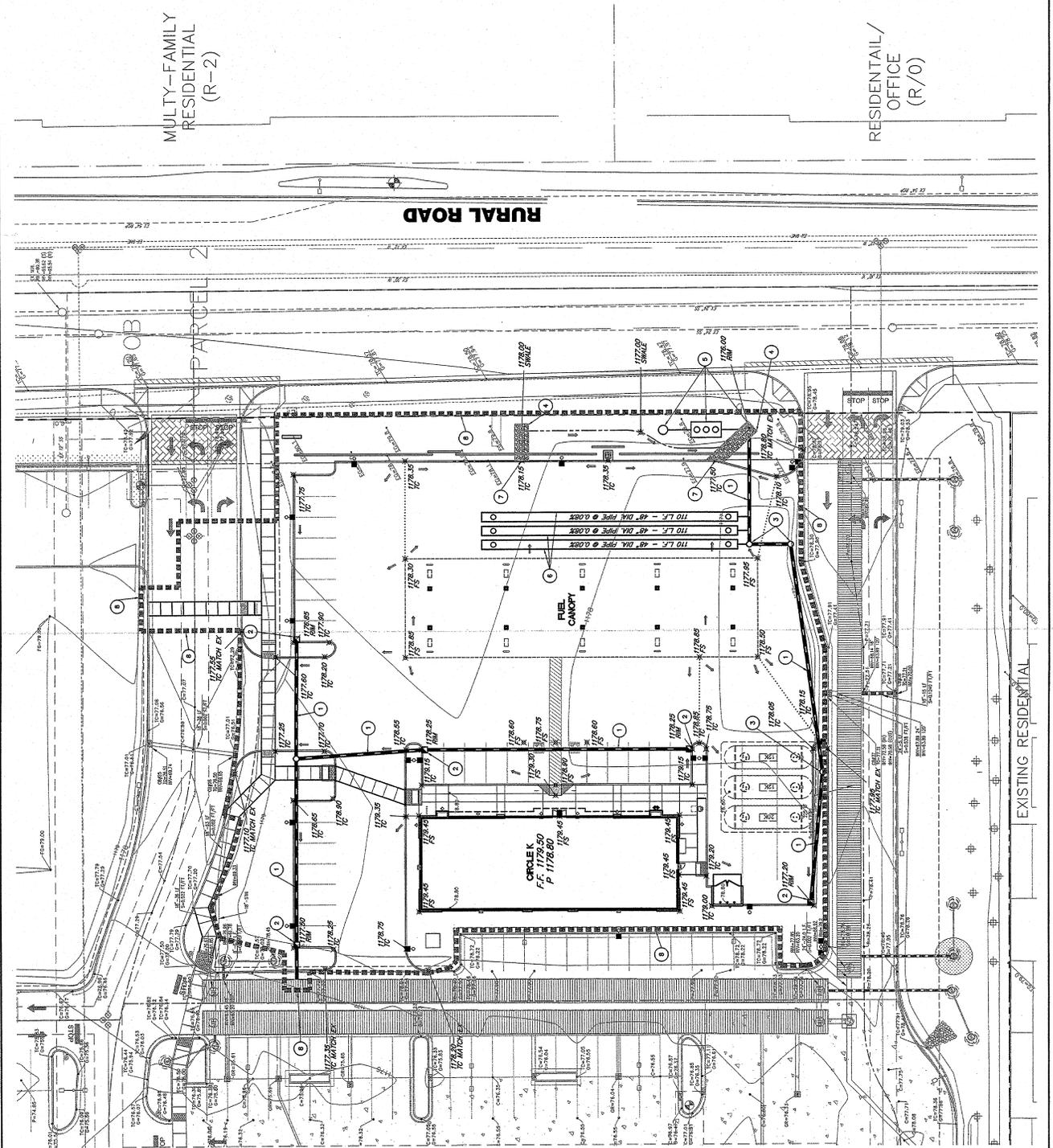
BENCHMARK
 CITY OF TEMPE BENCHMARK
 CITY OF TEMPE BRASS CAP IN HAND HOLE FOR THE NORTHEAST CORNER OF RURAL ROAD AND BASELINE ROAD. THE INTERSECTION OF RURAL ROAD AND BASELINE ROAD. ELEVATION=1178.37' MHD 29

| | | | |
|----------------|----------|--------------------|-----------|
| DATE | 11-12-09 | PROJECT NO. | 177443.09 |
| DRAWN BY | DK | CHECKED BY | DK |
| DESIGNED BY | DK | APPROVED BY | DK |
| SCALE | 1"=50' | SHEET | 1 OF 4 |
| STATUS: C.O.T. | | FILE NO. 02-0032-1 | |
| DATE: 11-12-09 | | SCALE: 1"=50' | |

THE CIRCLE K COMPANY
 1000 W. WASHINGTON
 TEMPE, ARIZONA

GRADING & DRAINAGE PLAN
CIRCLE K
 LAKES TOWNE CENTER PHASE III-PAD 1
 5240 S. RURAL RD. TEMPE, ARIZONA

spicer group
 1000 W. WASHINGTON
 TEMPE, ARIZONA 85281
 PHONE: 480.963.1100
 WWW.SPICERGROUP.COM



This approval is subject to the following conditions of approval:

1. This shared parking approval does not take effect until the applicant has recorded a subdivision plat for the eastern portion of the existing site, clearly defining the legal boundaries of this shared parking area.
2. This shared parking model is not for the entire Lakes Towne Center Development; it does not include the Lowe's site, or the 15 parking spaces adjacent to and west of the Circle K building.
3. Any modification to the square footages or tenant mix which creates intensification in the demand for parking spaces will require an update to the parking analysis report with review and approval (including applicable fees) by Development Review Staff. Aforementioned modifications include higher volume uses in tenant spaces currently identified as retail on the 2nd revised parking analysis submitted December 16, 2008.
4. The parking analysis identifies the peak demand for tenant parking spaces as approximately 137 spaces at 7 pm weekdays; a minimum of 137 parking spaces must be maintained on site to support all uses.
5. A parking file will be created by the Development Services Department with a copy of the shared parking report.

Should you have additional questions, I may be contacted at (480) 858-2391.

Sincerely,



Diana M. Kaminski
Senior Planner
Development Services Department
City of Tempe