

Add info # 38

JUN 13 2013



**Fw: Fry's Gas Station / SWC Alma School and Germann / DVR 13-0007**

Melanie Sala to: Erik Swanson, Robert Zeder, Patrick  
McDermott, Rich Dlugas, Marsha Reed

06/10/2013 04:12 PM

Sent by: Melanie Sala-Friedrichs

Cc: Susan Moore, David Bigos, CityClerkDivision

From: "Stein, Jason" <jason.stein@xerox.com>  
To: "erik.swanson@chandleraz.gov" <erik.swanson@chandleraz.gov>  
Cc: "trinity.donovan@chandleraz.gov" <trinity.donovan@chandleraz.gov>, "nora.ellen@chandleraz.gov" <nora.ellen@chandleraz.gov>, "kevin.hartke@chandleraz.gov" <kevin.hartke@chandleraz.gov>, "rick.heumann@chandleraz.gov" <rick.heumann@chandleraz.gov>, "jeff.weninger@chandleraz.gov" <jeff.weninger@chandleraz.gov>, "jack.sellers@chandleraz.gov" <jack.sellers@chandleraz.gov>  
Date: 06/10/2013 03:29 PM  
Subject: Fry's Gas Station / SWC Alma School and Germann / DVR 13-0007

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Good afternoon Mr. Swanson, I wanted to send you this email to make my thoughts known in regard to the Fry's proposed gas station as I will unfortunately be out of town when the next meeting on the topic is scheduled for this Thursday, June 13. I am an Arden Park resident so am extremely close to the Fry's that exists on that corner today. As a loyal Fry's customer I whole-heartedly support the building of a Fry's gas station at this location.

I understand that one of the concerns previously raised is the fact that there are already two existing gas stations on that corner...however, Chandler residents will benefit by introducing a third option that will force all three gas dealers to remain competitive with each other. There are numerous examples in town where there are competitors in close proximity to each other – look no further than the Home Depot and Lowe's that are right across the street from each other on Arizona Avenue at Fulton Ranch. Cobblestone Auto Spa and Chevron offer much more than just gasoline, so although there will likely be some impact to their business from a new Fry's gas station, it should not be enough to force them out of the market.

I urge the Chandler City Council to vote in favor of allowing Fry's to build a new gas station at the SWC of Alma School and Germann. Thank you in advance for the consideration.

**Jason S. Stein**  
Vice President  
Americas Commercial & State Government Transportation (ACSGT)  
Xerox State & Local Solutions, Inc.  
101 North 1st Avenue | Suite 2250  
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[www.xerox.com/businessservices](http://www.xerox.com/businessservices)



# 38



**MEMORANDUM                      Transportation & Development - CC Memo No. 13-051b**

**DATE:**            JUNE 13, 2013

**TO:**                MAYOR AND COUNCIL

**THRU:**            RICH DLUGAS, CITY MANAGER *RD*  
MARSHA REED, ASSISTANT CITY MANAGER *MR*  
R.J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR *RJ*  
JEFF KURTZ, PLANNING ADMINISTRATOR *JK*  
KEVIN MAYO, PLANNING MANAGER *KM*

**FROM:**            ERIK SWANSON, CITY PLANNER *ES*

**SUBJECT:**        DVR13-0007 FRY'S 69 FUEL CENTER

Request:           Rezoning from Planned Area Development (PAD) Commercial to  
PAD Amended to allow for a fuel station, with Preliminary  
Development Plan approval for site layout and building  
architecture for the fuel station

Location:           Southwest corner of Alma School and Germann roads

Applicant:          Erin Smales; KDF Architectural Group, LLC

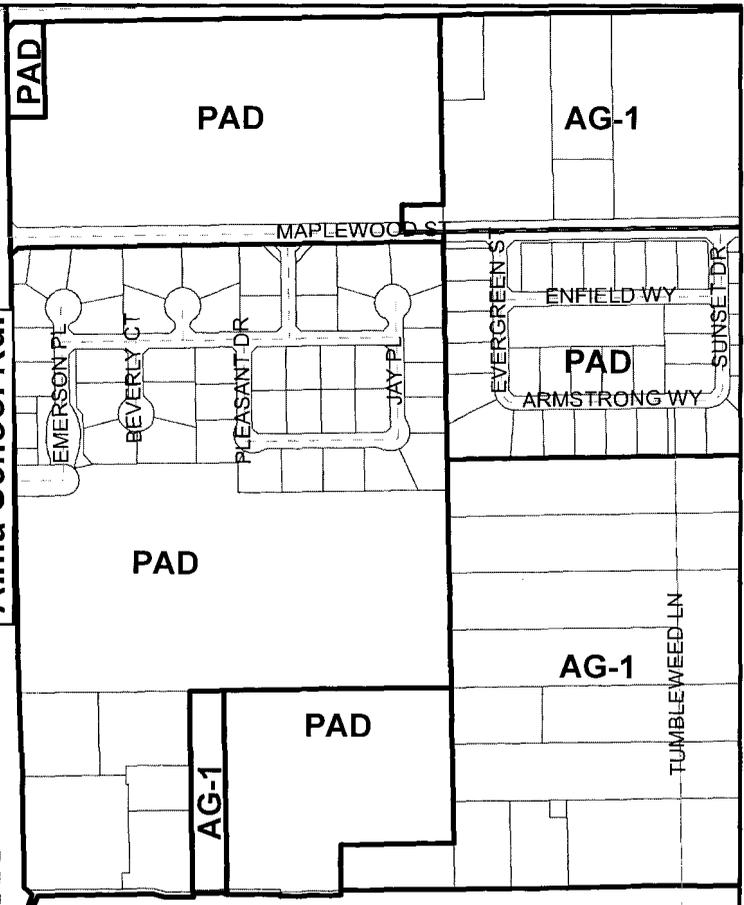
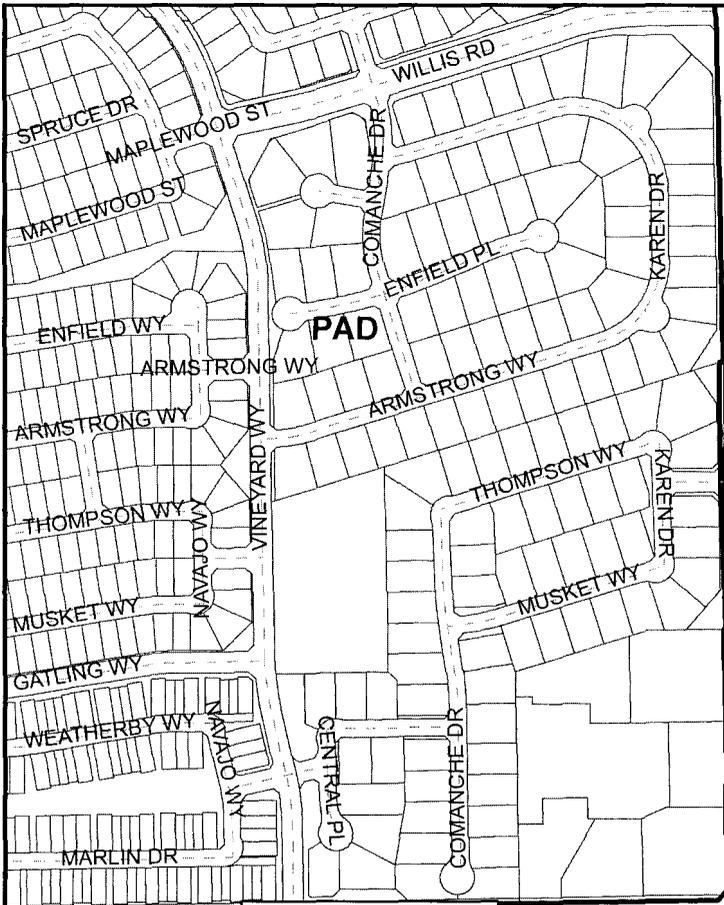
The applicant requests a withdrawal of the Rezoning request.

**PROPOSED MOTION**

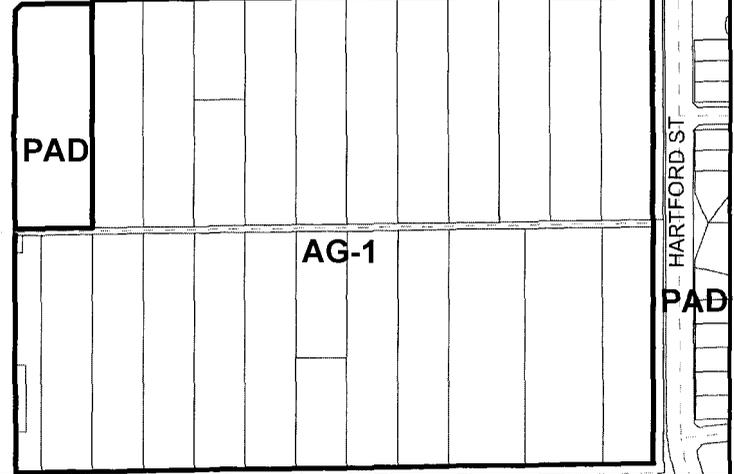
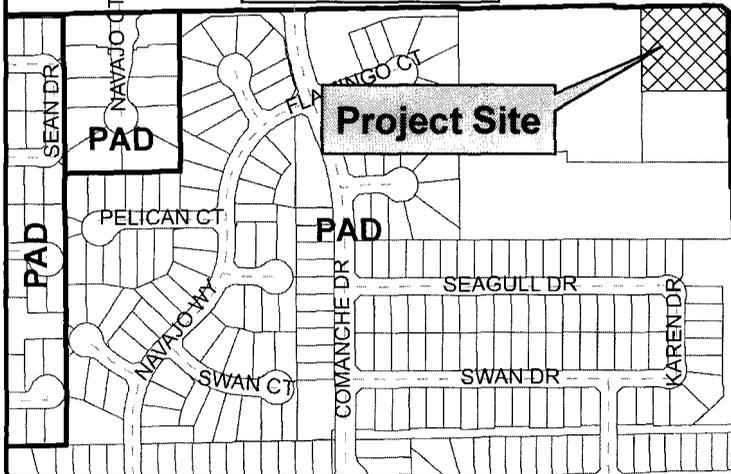
Move to withdrawal case DVR13-0007 FRY'S 69 FUEL CENTER.

**Attachments**

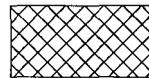
- 1. Vicinity Maps



**Germann Rd.**

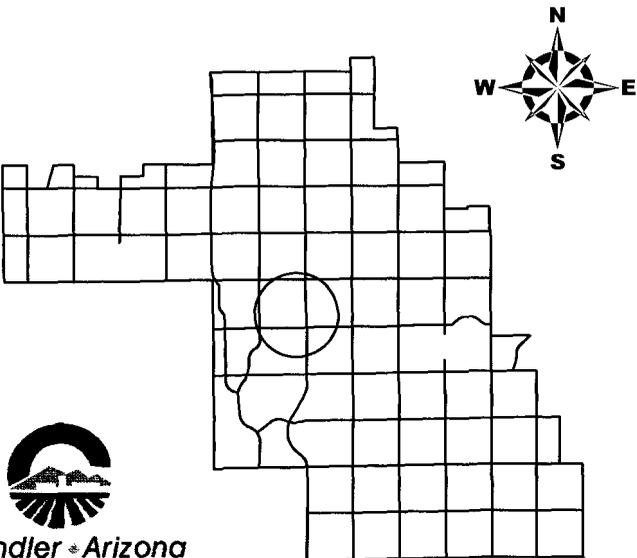


## Vicinity Map

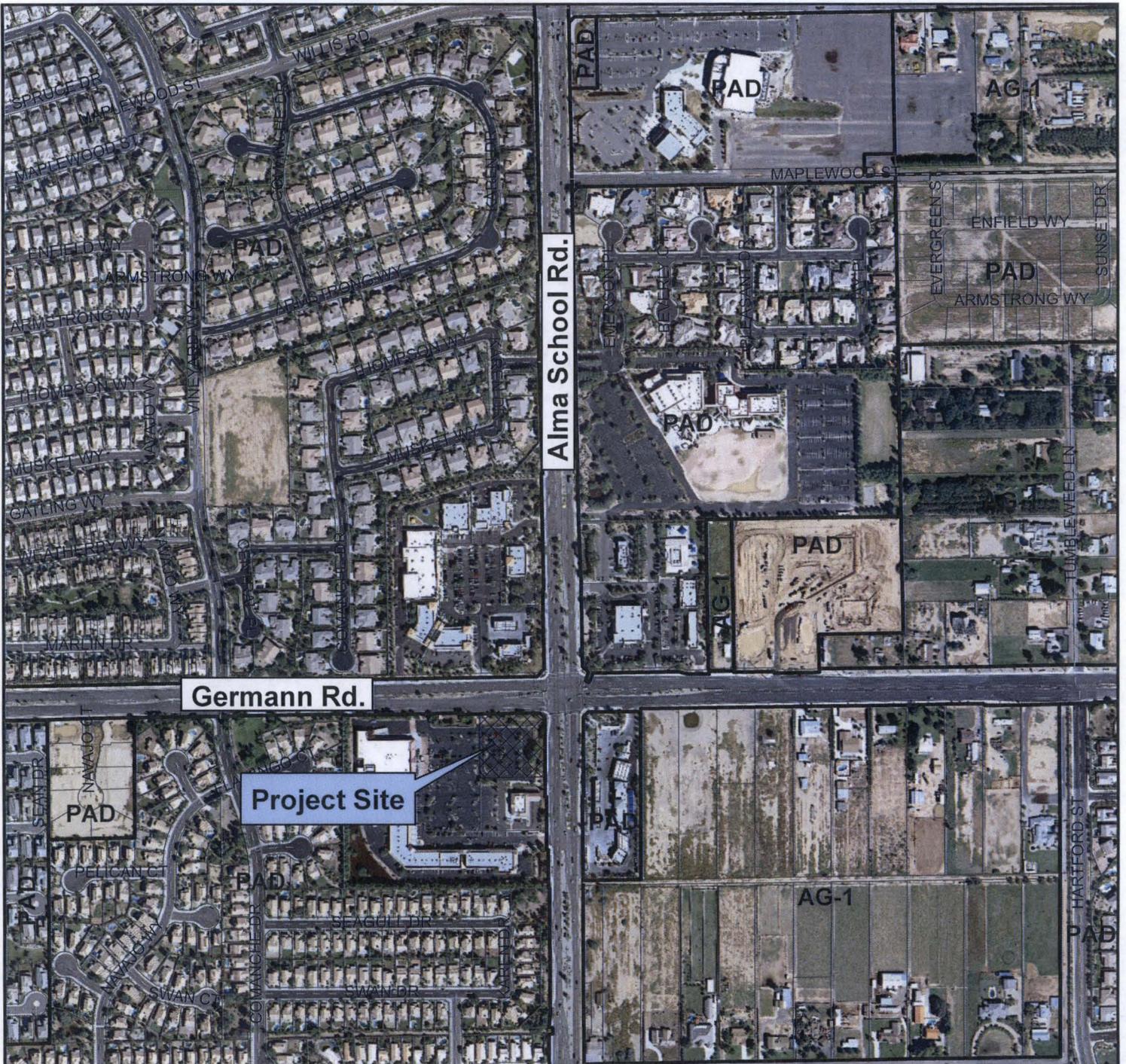


DVR13-0007

**Fry's 69 Fuel Center**



**Chandler • Arizona**  
Where Values Make The Difference

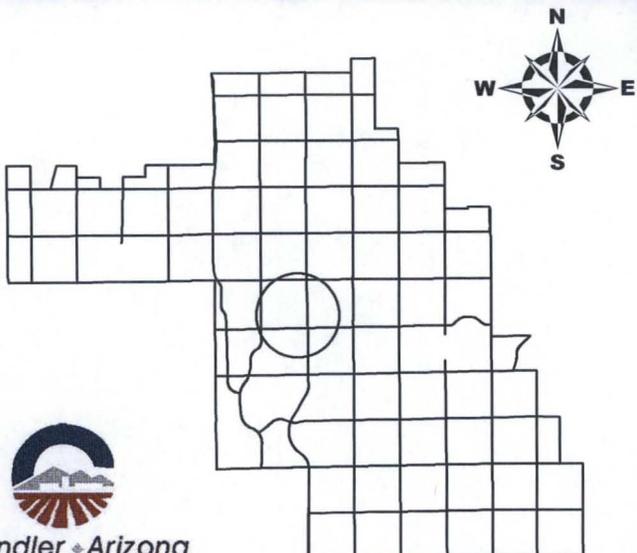


**Germann Rd.**

**Alma School Rd.**

**Project Site**

**Vicinity Map**



**DVR13-0007**

**Fry's 69 Fuel Center**





## **BACKGROUND**

The subject site is located at the southwest corner of Alma School and Germann roads at the immediate corner of the intersection and is currently utilized as excess parking stalls for the shopping center. The subject site is part of the larger Fry's anchored shopping center. West and south of the shopping center are single-family homes within the Clemente Ranch single-family residential subdivision. North, east, and northeast are commercially zoned developments. The northwest and southeast corners of the intersection have fuel stations.

The subject site was conceptually zoned in 1993 as part of the Clemente Ranch Master Plan. Following the conceptual approval in 1993, the site was Rezoned in early 1994 from Agricultural to PAD for a commercial shopping center. In 1996 and 2000, zoning extensions were granted. In 2000 a Preliminary Development Plan was submitted and ultimately approved in 2001. With the initial submittal of the site plan, a fuel station was proposed at the intersection corner. After work with the surrounding neighborhood Fry's eliminated the fuel station and agreed to a condition prohibiting the fuel station, requiring that if a fuel station were to be considered in the future a new zoning application would be required. Although at the time of the approval the fuel station was eliminated, the intersection corner was always anticipated to allow for a future pad site. The current request is for Rezoning to allow for a fuel station and Preliminary Development Plan approval for layout and architecture of the fuel station.

As proposed, the canopy, kiosk, fuel dispensers, and drive aisles will displace three rows of surface parking. The fuel canopy predominantly faces Germann Road. Five individual dispensers with two pumps per dispenser are provided. A small kiosk typical of Fry's fueling stations will be provided. Outdoor display areas of merchandise will be prohibited. Architectural integration with the remainder of the shopping center is incorporated into the design with the use of similar paint colors and stacked stone materials. In an effort to break-up the horizontal design of the canopy, the canopy will be divided into three elements, with the central element being higher than either end of the canopy. Additionally, to screen vehicular movements the perimeter wall will be raised from three feet up to four feet. At a ratio of one parking stall per 250 square feet of retail a total of 380 parking stalls is required (this includes the fuel station kiosk). With full development of the site, including the fuel station, 423 parking stalls will be provided.

As part of the request a single monument sign is proposed. The monument sign will be located along the Germann Road frontage and will provide the Fry's fuel logo and prices only. The monument sign location was approved with the original PDP in 2000; however, was never constructed. The request for the monument sign is necessary since it is a digital reader sign. The sign will be six-feet tall and be consistent in design with the other two monument signs on the site. A company logo is proposed on one side of each portion of the canopy. Signage is consistent with recent approvals.

## **DISCUSSION**

The request has gone through a couple of processes since its initial filing. The request was initially submitted under a Rezoning/PDP request, was ultimately withdrawn, and resubmitted as a PDP and Use Permit request. Following the PDP and Use Permit submittal Planning Staff was

advised by the City Attorney that Rezoning was necessary for the use to be considered, thus requiring the current application submittal. It is important to note that with each application submittal a neighborhood meeting has been held to keep the surrounding neighbors informed, although the underlying zoning request remained unchanged.

While having three fuel stations at an intersection is uncommon, Chandler neighborhoods south of the Loop 202 freeway are largely underserved. While traffic volumes are not anticipated to grow substantially due to the fuel station (roughly 60%+ of Fry's grocery customers get fuel during the same visit and fuel stations historically do not generate new trips) traffic volumes may increase; however volumes on Germann Road are not at capacity, but are at their highest volumes during the typical drive home hours. Lastly, even with the fuel station being developed, the commercial development is parked above code requirements.

Planning Staff supports the request as the development is consistent with the General Plan and commercial design standards. Additionally, Planning Staff finds that the design is consistent with the larger commercial development, the location of the pump and canopy areas are setback from the intersection more than required, and that impact to the center from a circulation standpoint is reduced due to its location at the immediate corner.

#### **PUBLIC/NEIGHBORHOOD NOTIFICATION**

This request was noticed in accordance with the requirements of the Chandler Zoning Code.

Due to the varying review processes, a number of neighborhood meetings have been held. Additionally, prior to the first neighborhood meeting the development team corresponded with a number of residents via email and phone exchanges. The comments were mixed with some support and some opposition expressed. The neighborhood meeting for the initial Rezoning/PDP submittal was held on Thursday, June 21, 2012; four neighbors were in attendance. The neighborhood meeting for the ZUP/PDP submittal was held Thursday, January 24, 2013; twelve neighbors were in attendance. A third neighborhood meeting was April 11, 2013; thirteen neighbors were in attendance. It is important to note that although the request has gone through various application processes, the underlying request has remained the same. The additional neighborhood meetings were held to keep the surrounding neighbors informed of the process. In addition to the meetings, Planning Staff has heard from a few residents (some that attended the neighborhood meetings) with concerns of the request. Concerns included whether or not a third fuel station was necessary, traffic increases, and reduced parking lot areas.

Additionally, Planning Staff has heard from the representative of the Cobblestone fuel station located at the southeast corner of the intersection expressing opposition. Due to the opposition of the property owner a legal protest is triggered. The legal protest will require a ¾ vote from City Council for approval. Letters of opposition are attached.

#### **PLANNING COMMISSION VOTE REPORT**

Motion to Approve:

In Favor: 1 (Ryan) Opposed: 3 (Cunningham, Rivers, Veitch) Absent: (Baron, Donaldson, Pridemore)

The item was placed on the Action Agenda due to opposition expressed by an adjacent business owner. The request was discussed at length with a number of residents either speaking in opposition or submitting comment cards in opposition to the request. Planning Commission voted to deny the request.

**PLANNING COMMISSION RECOMMENDED ACTIONS**

**Rezoning**

Planning Commission, upon finding inconsistency with the General Plan, recommends denial of DVR13-0007 FRY'S 69 FUEL CENTER.

**Preliminary Development Plan**

Planning Commission, upon finding inconsistency with the General Plan, recommends denial of DVR13-0007 FRY'S 69 FUEL CENTER, Preliminary Development Plan for site layout and building architecture for a fuel station.

**PLANNING STAFF RECOMMENDED ACTIONS**

**Rezoning**

Planning Staff, upon finding consistency with the General Plan, recommends approval of DVR13-0007 FRY'S 69 FUEL CENTER, subject to the following conditions:

1. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
2. Development shall be in substantial conformance with the attached site plan and building elevations kept on file in the City of Chandler Planning Division, in File No. DVR13-0007 FRY'S 69 FUEL CENTER, except as modified by condition herein.

**Preliminary Development Plan**

Planning Staff, upon finding consistency with the General Plan, recommends approval of DVR13-0007 FRY'S 69 FUEL CENTER, Preliminary Development Plan for site layout and building architecture for a fuel station, subject to the following conditions:

1. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
2. Gasoline tank vent piping shall be screened from arterial streets and public view.
3. The site shall be maintained in a clean and orderly manner.

**PLANNING COMMISSION PROPOSED MOTIONS**

**Rezoning**

Move to deny DVR13-0007 FRY'S 69 FUEL CENTER, as recommended by Planning Commission.

**Preliminary Development Plan**

Move to deny DVR13-0007 FRY'S 69 FUEL CENTER, Preliminary Development Plan for site layout and building architecture for a fuel station, as recommended by Planning Commission.

**PLANNING STAFF PROPOSED MOTIONS**

**Rezoning**

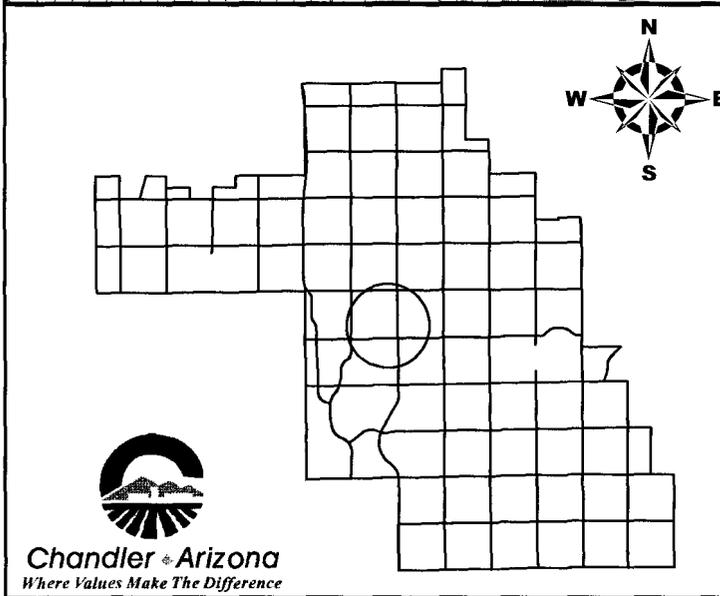
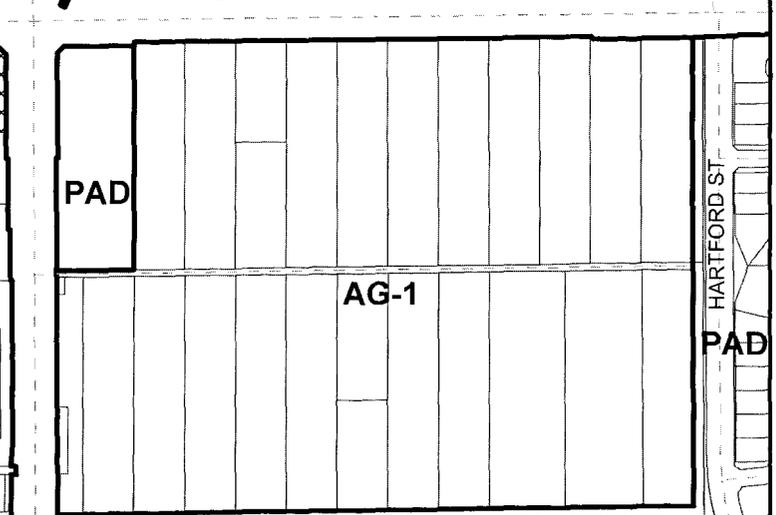
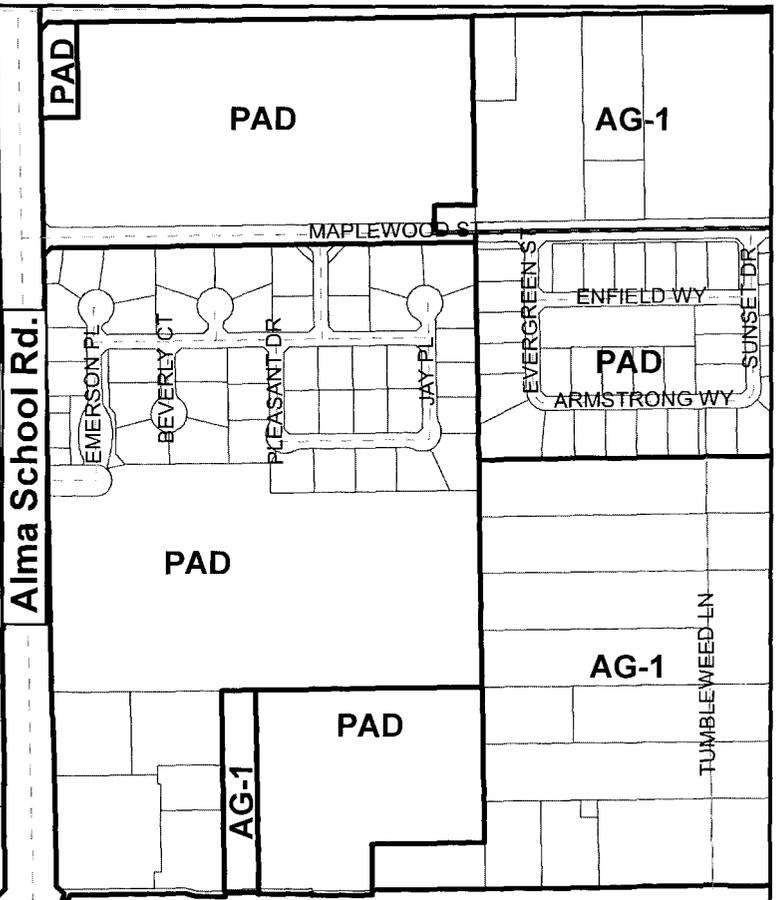
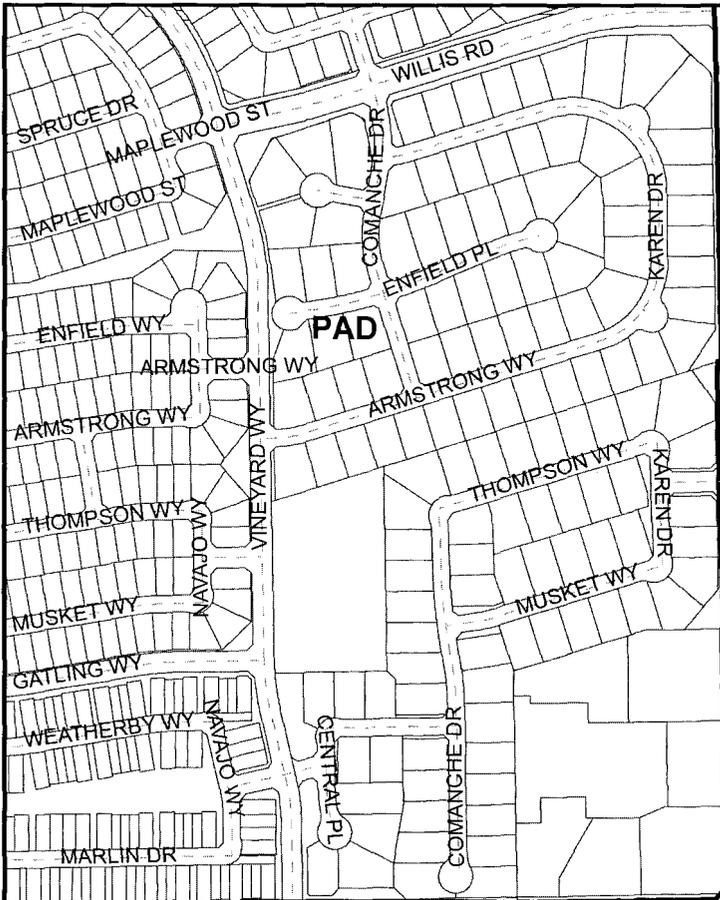
Move to Introduce and Tentatively Adopt Ordinance No. 4455 approving DVR13-0007 FRY'S 69 FUEL CENTER, Planned Area Development (PAD) Commercial to PAD Amended to allow for a fuel station, subject to the conditions recommended by Planning Staff.

**Preliminary Development Plan**

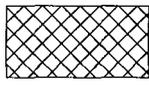
Move to approve DVR13-0007 FRY'S 69 FUEL CENTER, Preliminary Development Plan for site layout and building architecture for a fuel station, subject to the conditions recommended by Planning Staff.

**Attachments**

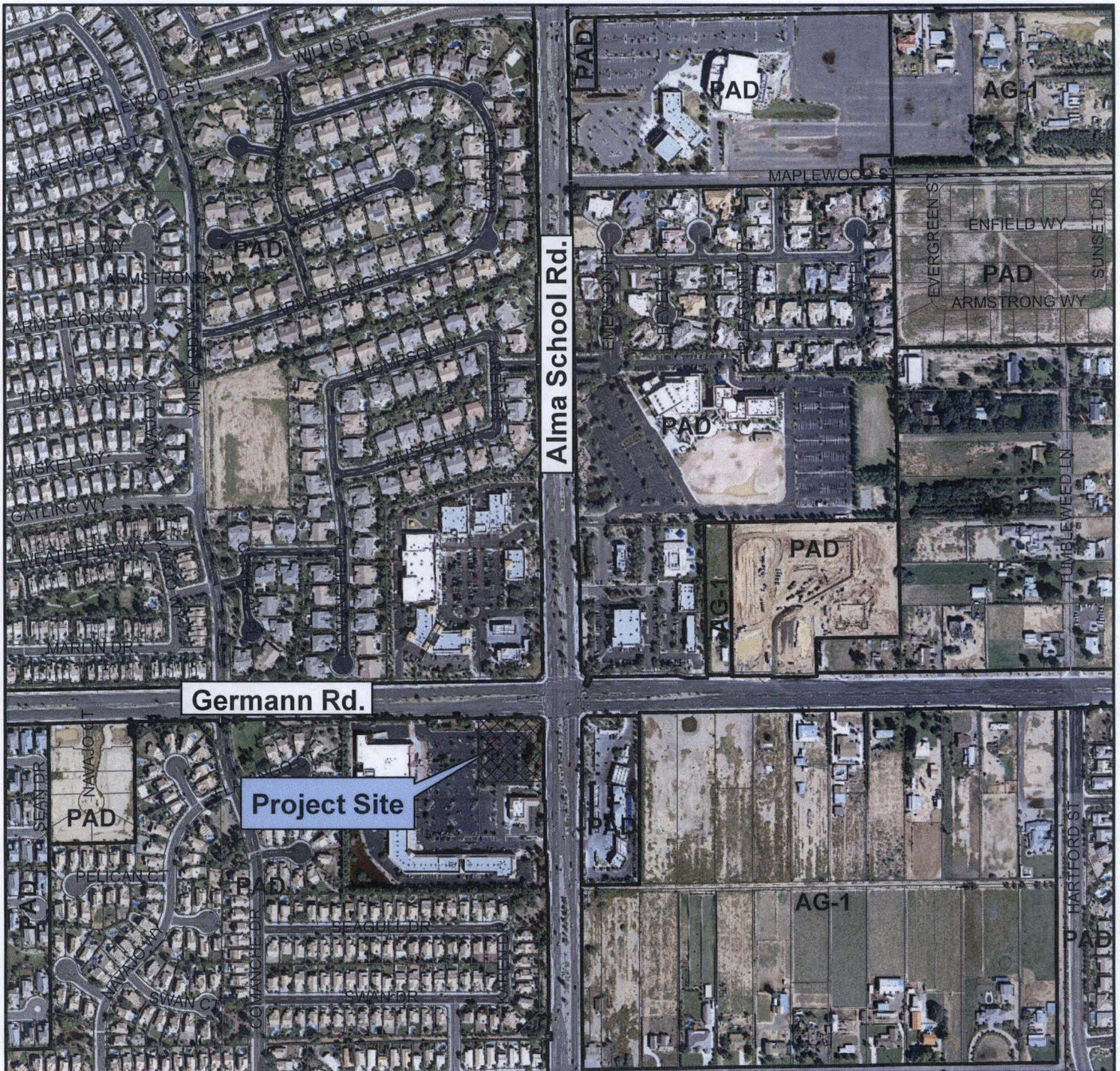
1. Vicinity Maps
2. Site Plan
3. Elevations
4. Monument Sign Elevation
5. Opposition Letters (3)
6. Applicant Narrative
7. Ordinance No. 4455



**Vicinity Map**


**DVR13-0007**  
**Fry's 69 Fuel Center**

CITY OF CHANDLER 3/12/2013

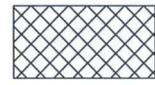


**Germann Rd.**

**Alma School Rd.**

**Project Site**

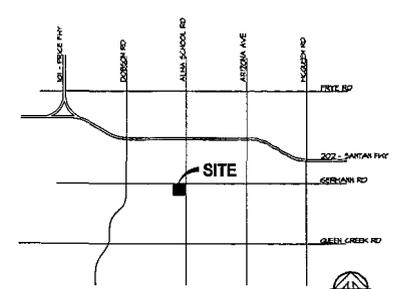
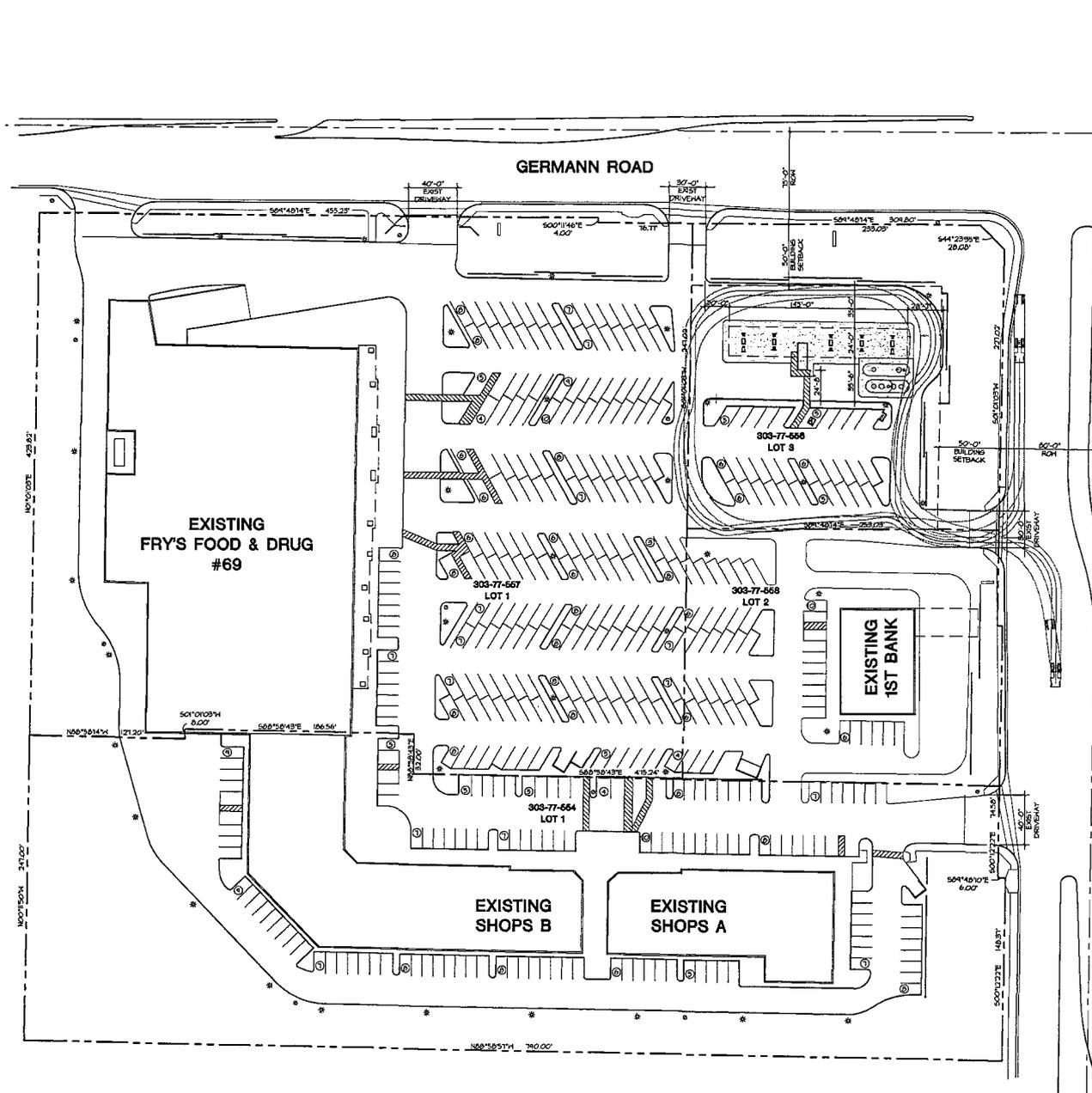
**Vicinity Map**



**DVR13-0007**

**Fry's 69 Fuel Center**





**ARCHITECT**  
 KDF-JNS ARCHITECTS, LLC  
 4001 N. THIRD ST. STE 100  
 PHOENIX, ARIZONA 85012  
 O 602-234-1666  
 F 602-234-1419

**PROPERTY OWNER**  
 FRY'S FOOD STORES OF ARIZONA  
 500 S. 4TH AVE.  
 TOLLESON, ARIZONA 85553  
 O 602-401-7100  
 ATTN: JEFF GRETTE

**PROJECT ADDRESS**  
 560 ALMA SCHOOL ROAD AND GERMANN ROAD

**LEGAL DESCRIPTION**  
 LOT 3, FRY'S SHOPPING CENTER, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY REGISTRAR OF MARICOPA COUNTY, ARIZONA IN BOOK 575 OF MAPS, PAGE 50.

**PROJECT DESCRIPTION**  
 A NEW 24' x 145' (3480 S.F.) PREFAB. FUELING CANOPY AND 8' x 22' KIOSK (170 S.F.) WITH UNDERGROUND FUEL TANKS (2) AND FUEL DISPENSERS (6) AT AN EXISTING FRY'S FOOD STORE.

**GENERAL INFORMATION**

**USE:** NEW FUEL CENTER - RETAIL  
**CONSTRUCTION TYPE:** CANOPY - I-B NON-SPRINKLERED  
**OCCUPANCY:** H-CANOPY & KIOSK  
**APRN:** 303-TI-556  
**ZONING:** PAD  
**SITE AREA:**  
 LOT 1 (FRY'S) 250,960 S.F.  
 LOT 2 (1ST BANK) 52,726 S.F.  
 LOT 3 (FUEL CENTER) 62,291 S.F.  
 LOT 4 (SHOPS A & B) 69,241 S.F.  
**TOTAL** 533,224 S.F. (12.20 ACRES)  
 640,255 - 641,246 S.F. (14.85 ACRES)

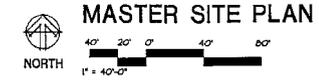
**BUILDING AREA:**  
 EXISTING FRY'S 42,220 S.F.  
 EXISTING FRY'S FRY'S FUEL KIOSK 170 S.F.  
 FRY'S FUEL CANOPY 3,480 S.F.  
 1ST BANK 42,004 S.F.  
 SHOPS A 16,733 S.F.  
 SHOPS B 11,905 S.F.  
**TOTAL** 106,808 S.F.

**PARKING REGULATIONS**

**REQUIRED PARKING:** 1 PS / 250 S.F.  
**TOTAL BUILDING AREA - CANOPY AREA / 250 S.F.** 14,826 S.F. / 250 S.F.  
 580 PS  
**PROVIDED PARKING:** 480 PS  
**DEMO PARKING:** 45 PS  
**TOTAL PARKING:** 425 PS > 580 PS

**TRASH COLLECTION NOTE**

TRASH RECEPTACLES WILL BE LOCATED AT THE FUELING AREA UNDER THE CANOPY AND AT THE KIOSK. TRASH FROM THESE RECEPTACLES WILL BE COLLECTED ON A REGULAR BASIS BY THE KIOSK ATTENDANT AND DISPOSED OF IN THE MAIN TRASH COLLECTION AREA FOR THE GROCERY STORE.



ALMA SCHOOL ROAD



REVISIONS

**FOOD & DRUG STORES**  
 FRY'S FOOD STORES OF ARIZONA  
 500 South Main Avenue, Bldg. A  
 Phoenix, AZ 85004  
 Phone (602) 307-1666  
 Fax (602) 307-1419

**The KIOSK CO.**  
 1000 East 4th Street, SW A  
 Phoenix, AZ 85004  
 Phone (602) 715-9377  
 Fax (602) 715-9365

THE REPRESENTATION, COPY OR USE OF THIS DRAWING WITHOUT THE WRITTEN CONSENT OF KDF ARCHITECTURAL GROUP LLC.

NEW GAS STATION FOR  
**FRY'S #69**  
 560 ALMA SCHOOL ROAD & GERMANN ROAD  
 CHANDLER, ARIZONA

ARCHITECTURAL GROUP, LLC

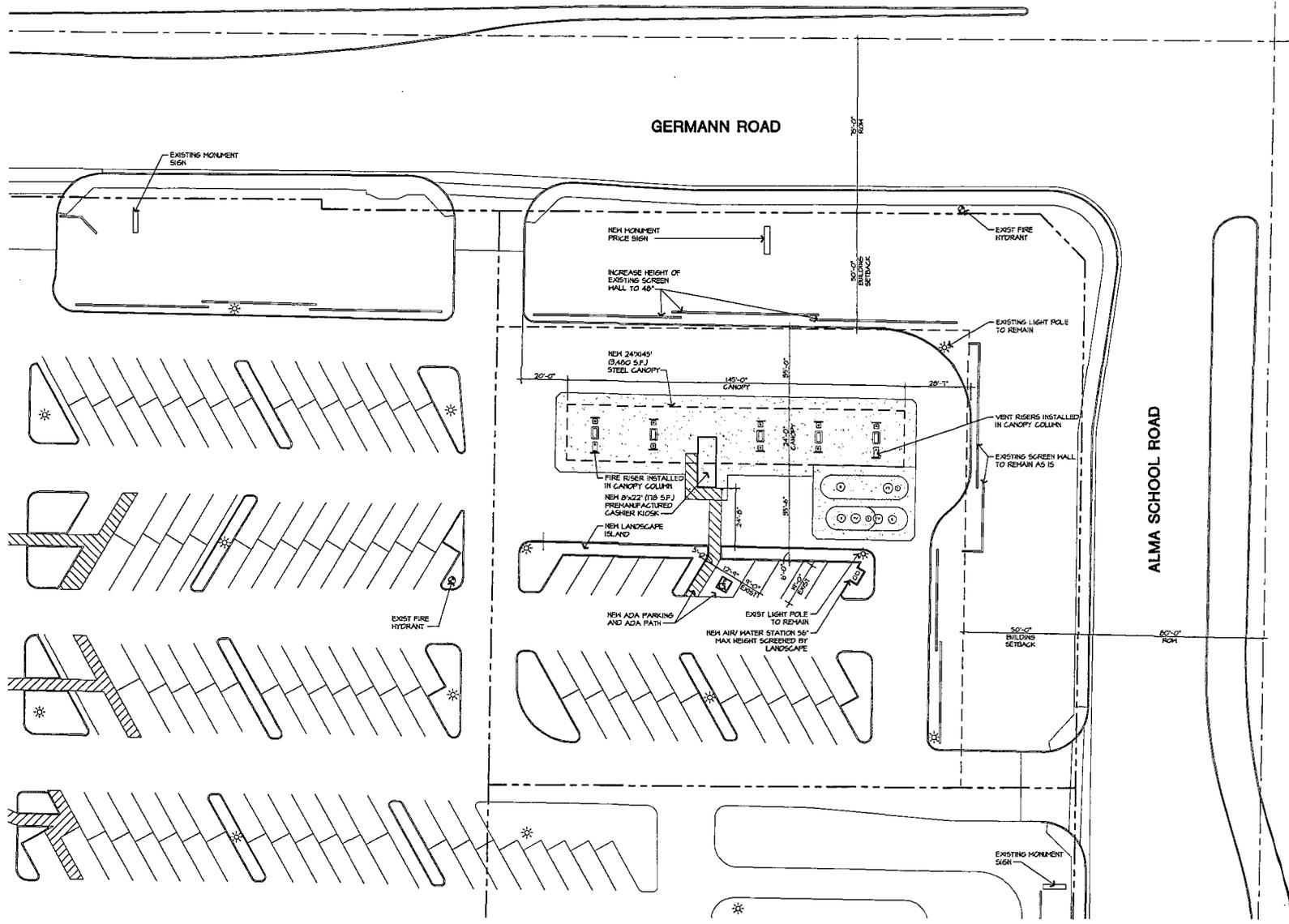


800 W. Cleveland Avenue  
 Suite 330  
 Phoenix, AZ 85013  
 O: 602.334.1884  
 F: 602.334.1413  
 www.kdfarch.com

**SP-1**  
 OVERALL SITE PLAN

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DO NOT SCALE DRAWING. FOLLOW DIMENSIONS. THIS DRAWING AND THE DESIGN CONCEPTS SHOWN ARE THE SOLE PROPERTY OF KDF ARCHITECTURAL GROUP LLC.



**FUEL CENTER SITE PLAN**



NO.	DATE	REVISIONS

**FRY'S**  
 FOOD & DRUG STORES  
 FRY'S Food Stores of Arizona  
 505 South Palm Avenue, Suite A  
 Phoenix, AZ 85012  
 Phone (602) 267-1584  
 Fax (602) 993-1274

**THE KOPPEL CO.**  
 1001 East 11th Street, Suite A  
 Phoenix, AZ 85016  
 Phone (602) 715-9917  
 Fax (602) 715-9985

**NEW GAS STATION FOR:  
 FRY'S #69**  
 5112 ALMA SCHOOL ROAD & GERMANN ROAD  
 CHANDLER, ARIZONA

NO.	DATE	REVISIONS

**KJG ARCHITECTURAL GROUP, L.L.C.**

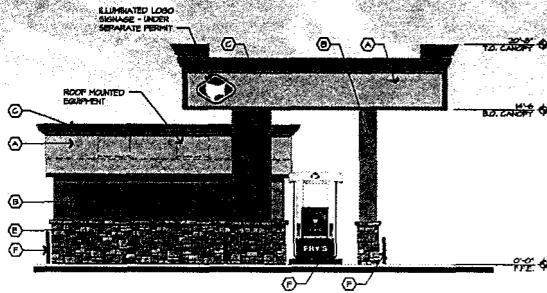
300 W. Clarendon Avenue  
 Suite 220  
 Phoenix, AZ 85012  
 O: 602.234.1588  
 F: 602.234.1413  
 www.kjgarch.com

**SP-2**  
 SITE PLAN

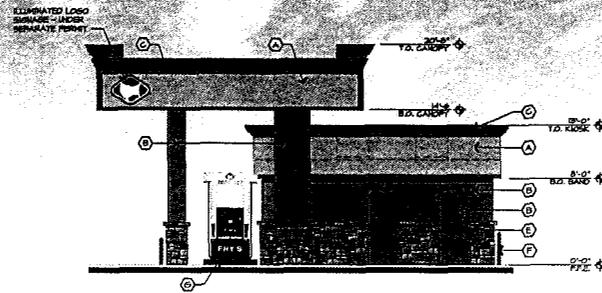
NO. 00000000 SITE PLAN SITE

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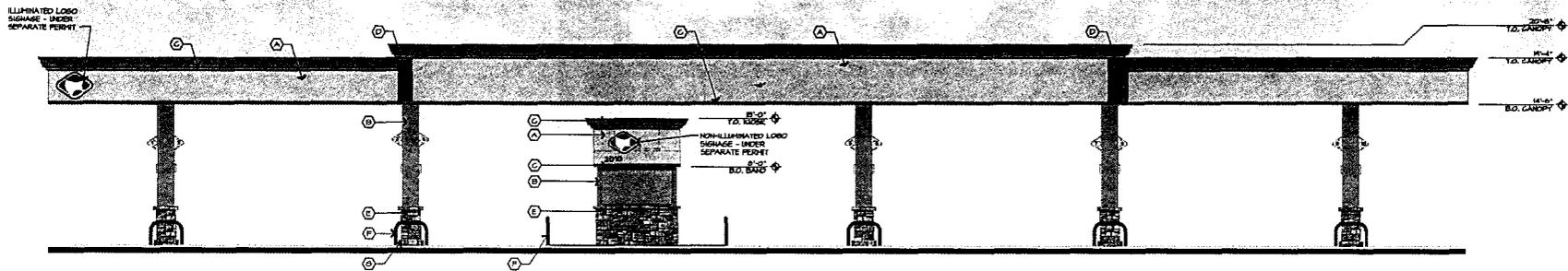
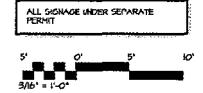
**EAST ELEVATION (ALMA SCHOOL ROAD)**  
SCALE: 3/16" = 1'-0"



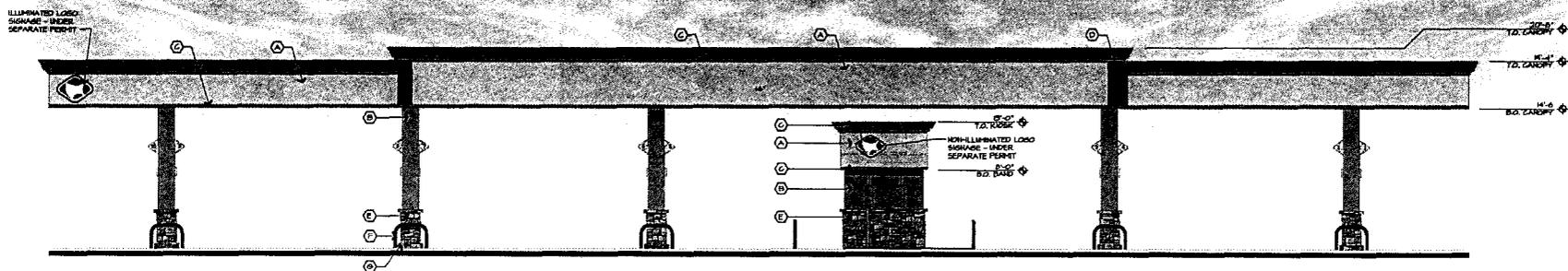
**WEST ELEVATION**  
SCALE: 3/16" = 1'-0"

COLOR/MATERIAL LEGEND		
COLOR	MATERIAL	
A	PITTSBURGH PAINT #201-5 'BUFFALO TRAIL'	TEA-COTE FINISH (CANOPY PANELS / ROOF PANELS)
B	PITTSBURGH PAINT #321-5 'HITCHING POST'	TEA-COTE FINISH (ROOF SIDING) STUCCO FINISH (CANOPY COLLARS)
C	PITTSBURGH PAINT #421-6 'COPPER BEACH'	TEA-COTE FINISH (ROOF SIDING / CANOPY COLLARS)
D	PITTSBURGH PAINT #422-6 'APPLE BROOK BERRY'	TEA-COTE FINISH (CANOPY ACCENT)
E	CULTURED STONE 'CHARDONNAY COBBLER-FIELD'	STONE VENEER (CANOPY COLUMNS BASE / ROOF BASE)
F	SHERWIN-WILLIAMS #4081 'SAFETY RED'	BOLLARDS / PUMP DOORS
G	SHERWIN-WILLIAMS 4407 'GRAPHITE'	PAINTED CONCRETE / GIRD FORMS

ALL ROOF MOUNTED EQUIPMENT SHALL BE FULLY SCREENED BY PARAPET WALLS EQUAL TO, OR GREATER THAN, THE HIGHEST POINT ON THE EQUIPMENT. ALL GROUND MOUNTED MECHANICAL EQUIPMENT SHALL BE SCREENED BY SOLID MASONRY WALLS AND GATES EQUAL TO, OR GREATER THAN, THE HIGHEST POINT ON THE MECHANICAL EQUIPMENT.



**NORTH ELEVATION (GERMANN ROAD)**  
SCALE: 3/16" = 1'-0"



**SOUTH ELEVATION**  
SCALE: 3/16" = 1'-0"

REVISONS

**FRY'S**  
FOOD & DRUG STORES  
Fry's Food Stores of Arizona  
10000 N. 19th Avenue, Suite A  
Phoenix, AZ 85021  
Phone: (602) 944-1888  
Fax: (602) 944-1887

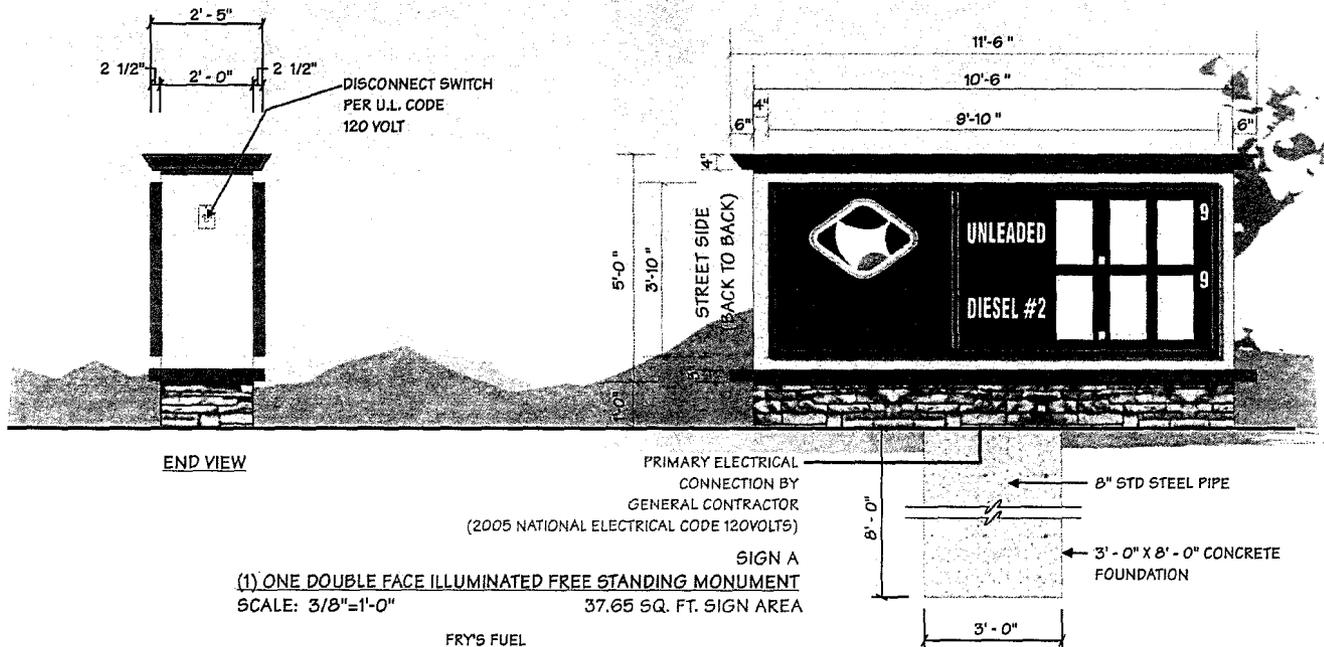
The Kogler Co.  
Architectural Firm  
10000 N. 19th Avenue, Suite A  
Phoenix, AZ 85021  
Phone: (602) 944-1887  
Fax: (602) 944-1887

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NEW GAS STATION FOR  
**FRY'S #69**  
5000 ALMA SCHOOL ROAD & GERMANN ROAD  
CHANDLER, ARIZONA

ARCHITECTURAL GROUP, L.L.C.  
300 W. Cleveland Avenue  
Suite 320  
Phoenix, AZ 85013  
T: 602.244.1888  
F: 602.244.1418

**A2**  
ELEVATION



**SIGN A**  
 (1) ONE DOUBLE FACE ILLUMINATED FREE STANDING MONUMENT  
 SCALE: 3/8"=1'-0"  
 37.65 SQ. FT. SIGN AREA

FRY'S FUEL CENTER (BACKGROUND)

3M TRANSLUCENT VINYL FOR FRY'S FUEL LOGO

RED #230-83	AQUA #230-246	YELLOW #230-74	BLUE #230-157	SILVER #230-121	BLACK #220-22

**SCOPE OF WORK**

- FABRICATE & INSTALL (2) TWO DOUBLE FACE INTERNALLY ILLUMINATED MONUMENT DISPLAYS .090 & 125 ALUM. CONSTRUCTION
- FRY'S FUEL- 2" ALUMINUM RETAINERS, 3/16" SG WHITE LEXAN FACES & SURFACE APPLIED FIRST SURFACE 3M VINYLs.
- PRICE CHANGE FACES 3/16" SG WHITE LEXAN FACES. FIRST SURFACE TRANS. 3M VINYLs. UNLEADED- RED #230-83 / COPY CUT OUT TO SHOW THROUGH WHITE LEXAN. DIESEL - GREEN #230-26 / COPY CUT OUT TO SHOW THROUGH WHITE LEXAN.
- ILLUMINATE W/ CW HO LAMPS 800 MA.
- MASONRY BASE TO MATCH EXISTING SIGN
- 120V PRIMARY POWER TO BE PROVIDED TO SIGN LOCATIONS BY CUSTOMER ELECTRICIAN
- INSTALL ON STANDARD 8" STEEL PIPE IN ASA APPROVED CONCRETE FOOTINGS.

**PRICE CHANGE NUMERALS**  
 (black backgrounds)  
 17" NUMERALS  
 19" PANEL HEIGHT  
 11" PANEL WIDTH  
 (condensed- reversed numerals)

**Engineering Specifications**  
 All Signs Fabricated as per A.S.A. Specifications & 2006 I.B.C.

**Electrical Specifications**  
 All Signs Fabricated as per 2005 N.E.C. Specifications

**THIS CUSTOM DESIGN IS THE EXCLUSIVE PROPERTY OF BOOTZ & DUKE SIGN CO. OF PHOENIX, ARIZONA. IT MAY NOT BE REPRODUCED, COPIED, OR EXHIBITED IN ANY FASHION.**

NOTE: ALL SIGNS MANUFACTURED BY BOOTZ & DUKE SIGNS ARE 120 VOLT ANY OTHER VOLTAGE REQUIREMENTS MUST BE IN WRITING



LISTED BY: Fry's #69	ADDRESS: 4028 W. Whiton Ave. - Phoenix, AZ - 85019
ADDRESS: 2010 S. Alma School Chandler, AZ	WEBSITE: www.bootzandduke.com
SALESMAN: Andy Gibson	PHONE #: (602) 272-9356
DESIGNER: R. Adair	FAX #: (602) 272-4608
DESIGN #: R-1245-12 R5	REVISION: [5] - 5-9-12
DATE: March 20, 2012	PAGE #: 4 of 6

Fry's 69 Fuel Center SWC Alma School and Germann Roads

Leslie R. Pitts

to:

erik.swanson

03/26/2013 03:24 PM

Please respond to "Leslie R. Pitts"

Show Details

Dear Mr. Swanson,

My name is Leslie Pitts and we are homeowners within the 600 foot radius of the proposed fuel station site at Fry's Shopping Center located on the SWC of Alma School and Germann. Since there is not going to be a neighborhood meeting before the Public Hearings on April 17 and May 9, I would like to voice why this Development Plan should not be approved. Specifically three issues: safety, supporting Chandler local businesses and the necessity of three gas stations at one intersection.

First, our rather large "section" of Clemente Ranch has only two ways of getting in and out: (1) Kingbird & Alma School and (2) Comanche & Germann Streets. These are not intersections with four-way stops; and with new businesses opening close to our neighborhood, coupled with autos trying to get onto Highway 202 at Alma School, it is almost impossible to turn left out of our neighborhood .. particularly left onto Alma School from Kingbird. We heavily rely on the ability to turn right out of Comanche onto Germann.

In addition to oncoming (45+ mph) traffic traveling east on Germann that we have to dodge in order to turn right (especially during rush hour), there are many cars traveling west that make very quick u-turns in order to get into the Fry's Shopping Center. Since the city re-engineered the intersection of Alma School and Germann and added extended medians a few years ago, those u-turns are made (right exactly) at the intersection (and our egress) of Comanche. I conducted my own study for one month, and found cars regularly making these swift u-turns, every four to five times I was trying to turn right. (Large DOT regulated trucks from Fry's and their vendors also use this intersection for u-turns - as I'm sure their fueling trucks will also).

Chandler Police Department files reflect three accidents (one with injury) at that exact intersection in the last three years. The fueling station will absolutely add to the massive use of u-turns and public safety. This includes the safety of pedestrians and bicyclists. With the new Intel facility, there are families moving to our neighborhood with young children who skateboard and ride bikes.

Second, there are many neighbors who are most upset that the approval to develop Fry's Grocery Store had a stipulation specifically prohibiting a gas station; and that Cobblestone Car Wash (a local company) was assured by the city there would be no fueling center at Fry's.

We are strong advocates for the city of Chandler, do all of our retail shopping in Chandler whenever possible, and I personally serve on a citizen's panel. This is not about Fry's ... we get our groceries from Fry's. It's about the city standing behind its zoning approvals and assurances made to local businesses.

And lastly, though not as important as safety and supporting local businesses, there is the issue of three gas stations at one intersection. It's superfluous. Even the Fry's representative at the last neighborhood meeting admitted there is only one intersection in the entire Phoenix metropolitan area that has three gas stations that include a Fry's fueling center. That is at 43rd and McDowell in Phoenix .. not exactly a "neighborhood community." And while some neighbors have said they liked the idea of Fry's fueling

rates, they are more upset about Fry's (and the city) going against their assurance never to build a gas station.

I sincerely hope you will take these important points into consideration when addressing the rezoning application.

Sincerely,

Leslie Pitts  
1057 W. Swan Drive  
Chandler  


Proposed gas station at Fry's - Alma School & Germann  
Judy  
to:  
erik.swanson@chandleraz.gov, info@KDFarchitects.com  
04/06/2013 05:18 PM  
Please respond to Judy  
Show Details

Dear Messrs. Swanson & Filuk,

I'm a Clemente Ranch resident and am **absolutely against having three gas stations across the street from each**. What for? More perpetuation of the monopoly on gas prices? A few more low paying jobs? We can and need to do better than this for our citizens and future generations. A gas station in this location contributes nothing substantive to the well-being of this community.

Coridally,

*Judith Kopp*  
*Clemente Ranch*

**GAMMAGE & BURNHAM**

A PROFESSIONAL LIMITED LIABILITY COMPANY

ATTORNEYS AT LAW

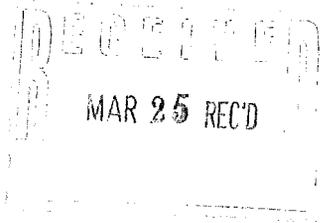
TWO NORTH CENTRAL AVENUE

FIFTEENTH FLOOR

PHOENIX, ARIZONA 85004-4470

TELEPHONE (602) 256-0566

FACSIMILE (602) 256-4475



March 22, 2013

WRITER'S DIRECT LINE

Stephen W. Anderson  
(602) 256-4422  
sanderson@gblaw.com

Jeff Kurtz, Planning Administrator  
Erik Swanson, Senior City Planner  
City of Chandler  
Transportation & Development Department  
Planning Division  
Mail Stop 105  
P.O. Box 4008  
Chandler, Arizona 85244

Re: DVR 13-0007 Fry's Fueling Center

Gentlemen:

As you know, we represent Cobblestone, which owns and operates the business located at the southeast corner of Alma School and Germann. I am writing to express our opposition to the above-referenced proposal for a Fry's Fueling Center at the southwest corner of the same intersection. We will be sending you a separate letter addressing the processing of the case; this letter is limited to our substantive concerns and our invocation of our supermajority protest rights.

The Chandler City Council approved the Fry's Shopping Center project in 2001. At that time, the surrounding community indicated that they did not want a gas station to be a part of the Center. Cobblestone had not yet opened; these requests came from the adjacent homes to the south and west. In response to these expressions of community concern, Fry's committed that it would not build a gas station at the Center. That commitment resulted in a stipulation on the Center that "A gas station is prohibited on the subject parcel." Fry's has not suggested a justification for abandoning that commitment.

In addition, Cobblestone also has concerns about the impact of this gas canopy on the Center and the neighborhood. With respect to the neighborhood, our concern has to do with aesthetics. There are two businesses on this intersection already that provide gas, our business and the Chevron station at the northwest corner. Both businesses invested heavily to present an

aesthetically appealing design to the neighborhood, doing so with clear encouragement from the City. At our place of business, we erected a series of tiled, four-sided, peaked and staggered roofs that provide the major visual element of our streetscape. The City gave Cobblestone a City Design Award for its achievement. At the Chevron, the car wash is used as an architectural element that makes the gas station itself invisible from the intersection. Fry's is doing nothing of the sort. Instead, at the corner of the intersection, they are going to erect an illuminated canopy and kiosk, and that is all. Because of the separation across the Center parking lot, the canopy will be the preeminent feature of the Center when viewed from the intersection. It seems odd indeed that the last business in is going to be the least appealing, and the one of which the City asks the least. Absent a complete redesign of Fry's approach to its "Fueling Center," we think the City ought to deny this proposal.

Within the Center, we note, according to Fry's, that the neighbors have previously expressed concerns about parking. As operators of a successful business, we know the premium that residents – our customers - place on available parking. The proposed gas canopy will eliminate more than 40 parking spaces from the Center. It seems odd to add a business that will presumably add traffic to the Center while simultaneously eliminating a substantial amount of parking. The Center is also unique because it provides a significant amount of its parking at the rear, behind gates that are closed by stipulation every night at 6 PM. To count that many spaces, really not useful to Chandler residents and behind lock and key half the day, towards City parking requirements sounds dubious. We believe the concerns of the neighbors that the Center will be functionally underparked are legitimate, and constitute another reason why the City ought to deny this request.

Cobblestone is obviously a potential business competitor of the Fry's gas canopy. It is not the City's role to protect business competitors from each other. The City's role here is to consider the land use implications of the Fry's proposal. But the fact of business competition is a land use issue if there is a possibility that the allowance of the Fry's Fueling Center will drive one of the existing, locally owned businesses to close. As Fry's itself stated in its June 22, 2012 report on a prior neighbor meeting, "More than one attendee asked why a third fuel station was needed at this intersection. *There was concern about one of these locations closing and there being an 'empty' business,*" (emphasis added). The neighbors see where the competition question becomes a land use issue for their community. Boarded up shops do them no good at all. The City should deny Fry's request because this community already has an appropriate quantity of gas businesses, and the neighborhood should not be put at risk for empty stores.

Because of our concerns, Cobblestone wishes to exercise its right under Section 35-2605 of the Chandler Code to request that this matter be subject to a ¾ vote requirement to secure City Council approval. We would appreciate it if you would confirm for us in writing that we have effectively notified the City of our ¾ vote request, or let us know if you require additional information in order to allow us to exercise this right.

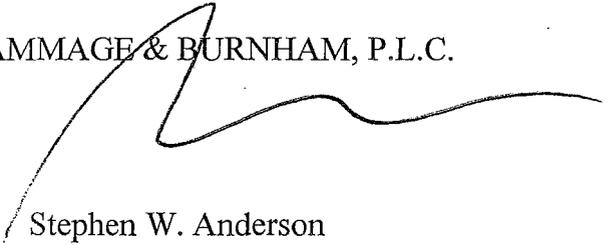
We note that pursuant to Section 35-1702, the Council exercised its lawful authority to impose a zoning restriction at the time of the approval of the PDP in 2001 (PDP00-043). The Council had reserved this authority in 1996, when it approved the original Conceptual Commercial zoning (Z93-089). Stipulation No. 2 of Ordinance No. 2423 expressly required the processing of the PDP. The owner (which, by the way, is the same owner) is now seeking to eliminate the use restriction imposed by the Council through the PDP approval process, and expand the permitted uses on the site. This is a rezoning action under Section 35-1702, and subject to a ¾ vote protest.

We are available to address any questions you might have about our objections. Thank you for your courtesy regarding this application.

Sincerely,

GAMMAGE & BURNHAM, P.L.C.

By

  
Stephen W. Anderson

SWA/dmm

cc: Daniel Filuk  
Tuck Bettin

## **Purpose of Request**

The purpose of this request is to allow the construction of a new fueling station in the Fry's Shopping Center located at 2010 South Alma School Road, currently zoned PAD.

## **Description of Proposal**

On a portion of this retail center site, we are proposing a fueling center as an adjunct to the existing Fry's Supermarket development. The fueling center will be oriented towards Germann Road, northeast of the existing Fry's Supermarket main entrance. The removal of 45 parking stalls and their associated curbs will be required for the proposed fuel center. The fuel center will include an installation of a 24' x 145' (3,480 S.F.) prefabricated canopy, 8' x 22' (178 S.F.) prefabricated kiosk, two (2) underground fuel storage tanks and five (5) fuel dispensers. The facility will be open 24 hours, 7 days a week with a designated employee on duty in the kiosk from 6:00 AM to 11:00 PM. It will be unmanned for the remaining hours of operation. Dependent upon demand (each location varies), on an average, deliveries are anticipated to be once daily (possibly twice if required). Delivery times shall be between the hours of 6 a.m. and 11 p.m..

The proposed canopy and kiosk will be painted to complement the existing Fry's store. The color palette will utilize 4 colors and stone veneer used in the existing shopping center's color scheme. The kiosk and canopy will feature a stepped angle cornice to match the cornice on the store elevations. In order to break up the continuous horizontal canopy structure, the canopy fascia has been divided into 3 elements by changing the height, depth, and color of the middle element.

The location of the kiosk in relation to the canopy is such that the attendant will be able to view/monitor all fueling stations/dispensers. The air/water dispenser units have also been located to enable the attendant easy views to help prevent vandalism. The air/water dispenser are located within the parking lot area and to be screened from street view by the use of trees and vegetation. The vent risers will be installed in one of the canopy columns to remain hidden from the public. Logo signage will be located on four canopy sides (or as permitted by Ordinance).

The reduction of parking (45 spaces) is not anticipated to have any effect on current customer/employee parking needs/habits for the complex, and will remain in excess of the quantity required by ordinance. The affected spaces are located to the far east of the main store entrance.

The fueling center will have no 'designated' employee or customer parking. The kiosk is only designed for a single occupant/attendant; there will be no public access to the interior. Since there is no public access, customer parking is not required. It is assumed that all customers will remain parked at the fueling dispenser while making any necessary transactions at the kiosk. An accessible parking space will be provided with direct access to the kiosk entry if ever needed for the attendant.

Existing 3'-0" high screen walls (which will be raised to 4'-0") and frontage landscape will assist in the screening of patron use from Germann Road. If required, any new/reconstructed or reconfigured walls will match existing walls in material and color.

### **Relationship to Surrounding Properties**

There are established commercial and residential developments existing in this neighborhood. This fueling station will provide a service to the adjoining neighbors by conveniently allowing those who currently shop at Fry's, the option of combining a grocery trip with fueling on-site.

The proposed site is zoned PAD, with commercial developments to the North and East, and residential developments to the South and West. There is no significant congestion impact predicted for these, or any of the surrounding residential or commercial areas.

There are currently two (2) fueling facilities in close proximity to the Fry's Shopping Center. Fry's does not see these locations as competitors. Fry's anticipates the majority of their customers to be from the existing grocery store, with a minimum amount being from the surrounding neighborhoods. Because of the supermarket, it will be viewed as a destination point and mostly utilized by patrons currently on site for shopping, rather than a "passing by quick fill-up" model that the nearby fueling stations follow.

### **Location / Accessibility / Circulation**

All of the off-site improvements are currently in place, thus there are no proposed off site improvements. The proposed facility will have access to the public right-of-way from existing driveways on Germann and Alma School Roads, and will utilize existing on-site traffic circulation aisles for access and egress.

The fueling station has been designed for optimum accessibility concerning the tankers' needs to service the station. The tanker is able to both enter and exit the site from either Germann or Alma Schools Roads avoiding the balance of the shopping center. The below grade fuel storage tanks are located near the northeast corner of the site. In their current location, a tanker truck can easily pull into position to off-load without hindering/blocking any site access drives. There has been adequate clearance provided around the fueling canopy and dispensers for maneuvering needs due to dispenser availability and vehicle fuel tank orientation.

### **Development Schedule**

There will be no phasing of this project. Once PDP approval is finalized, and a use permit has been obtained, site review comments will be addressed and Construction Documents submitted for review/approval. It is sometimes difficult to predict the public hearing process timeline, but ultimately, Fry's would anticipate construction to be completed mid to late 2013. Construction schedules are usually around ninety days.

**ORDINANCE NO. 4455**

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM PLANNING AREA DEVELOPMENT (PAD) TO PAD AMENDED ALLOWING FOR A FUEL STATION (DVR13-0007 FRY'S 69 FUEL CENTER) LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF CHANDLER, ARIZONA.

WHEREAS, application for rezoning involving certain property within the corporate limits of Chandler, Arizona, has been filed in accordance with Article XXVI of the Chandler Zoning Code; and

WHEREAS, the application has been published in a local newspaper with general circulation in the City of Chandler, giving fifteen (15) days notice of time, place and date of public hearing; and

WHEREAS, a notice of such hearing was posted on the property at least seven (7) days prior to said public hearing; and

WHEREAS, a public hearing was held by the Planning and Zoning Commission as required by the Zoning Code

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chandler, Arizona, as follows:

SECTION I. See Attached Exhibit 'A':

Said parcel(s) is hereby rezoned from PAD to PAD Amended to allow for a fuel station, subject to the following condition:

1. Construction shall commence above foundation walls within three (3) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
2. Development shall be in substantial conformance with the attached site plan and building elevations kept on file in the City of Chandler Planning



EXHIBIT 'A'  
LEGAL DESCRIPTION

**FRY'S 69 – FUELING CENTER**  
**LEGAL DESCRIPTION – LOT 3**

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Lot 3, Fry's Shopping Center, located in the northeast quarter of Section 8, Township 2 South, Range 5 East of the Gila and Salt River base and meridian, County of Maricopa, State of Arizona in Book 575 of Maps, Page 30.