

#40

FEB 26 2009



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

**MEMORANDUM**

**Planning and Development – CC Memo No. 09-015**

**DATE:** FEBRUARY 5, 2009

**TO:** MAYOR AND CITY COUNCIL

**THRU:** W. MARK PENTZ, CITY MANAGER  
JEFF KURTZ, ACTING PLANNING AND DEVELOPMENT DIRECTOR  
BOB WEWORSKI, PLANNING MANAGER

**FROM:** JODIE M. NOVAK, MEP, SENIOR CITY PLANNER

**SUBJECT:** DVR08-0036 QUIKTRIP – ARIZONA AVE & GERMANN RD

**Request:** Action on the existing Planned Area Development (PAD) zoning to extend the conditional schedule for development, remove, or determine compliance with the three-year schedule for development or to cause the property to revert to the former PAD zoning. The existing PAD zoning is for a gas station use on approximately 2 acres.

Request to amend the Preliminary Development Plan (PDP) building square footage requirements for construction to allow the QuikTrip to build prior to other commercial buildings

**Location:** Southwest corner of Arizona Avenue and Germann Road

**Applicant:** Charles Huellmantel & Affiliates, LLC

**Project Info:** A 1.92-net acre parcel, development includes a gas station facility with 10 double-sided fuel-dispensing units and a 5,104 square foot convenience store

**RECOMMENDATIONS**

This application includes two separate requests. Upon finding the request for a Planned Area Development (PAD) zoning time extension to be consistent with the General Plan, Planning Commission and Staff recommend approval of the time extension for an additional three years.

Upon finding the request to amend the Preliminary Development Plan (PDP) building square footage requirements for construction to allow the QuikTrip to build prior to other commercial buildings inconsistent with the General Plan and Commercial Design/Development Standards, Planning Commission and Staff recommend denial.

#### **EXTENSION OF THE TIMING CONDITION**

The first request is a zoning time extension for a 1.92-net acre parcel located at the southwest corner of Arizona Avenue and Germann Road. The PAD zoning approval was granted for a period of three years, which expired in April 2008. This application requests a three-year time extension. Time extensions are calculated from the previous zoning approval's expiration in which the zoning would be in effect, pending City Council approval, May 2011.

The City has the following options when a zoning district's timing condition expires. The City could, through administrative action, extend the timing condition for another period of time, eliminate the timing condition, or by legislative action revert the zoning to its former zoning classification. If the City should approve the timing condition extension, all other conditions in the original approval would remain in effect.

#### **BUILDING SQUARE FOOTAGE AMENDMENT**

The second request is to amend the PDP building square footage requirements for construction to allow QuikTrip to build prior to other commercial buildings. The PDP approval for the Olive Tree Plaza commercial center represented development of the intersection corner retail shops pad along with the main commercial center. When the commercial center property owner, Cypress Point LLC, along with QuikTrip as the applicant filed a request to amend the PAD zoning to allow a gas station use at the intersection corner, a PDP was included which amended the Olive Tree Plaza PDP. The amended PDP represented development of the gas station pad along with additional building square footage in the commercial retail center in accordance with Zoning Code Commercial Design and Development Standards requirements. At that time, the commercial center had intended to develop without delay. This application requests QuikTrip to build without additional building square footage in the commercial center. Further information is provided below.

The QuikTrip parcel is one of three parcels originally under a single ownership, Cypress Point LLC. QuikTrip purchased their parcel in 2007. National Bank of Arizona owns a smaller parcel along Arizona Avenue. The original landowner maintains ownership of the largest parcel. The two remaining parcels are for sale and have yet to develop. QuikTrip would like to develop prior to the other parcels since development timing is undeterminable on those properties.

#### **BACKGROUND**

The 1.92-net acre parcel was approved for a gas station facility and convenience store as a part of a larger commercial retail center, Olive Tree Plaza. The commercial center's PDP was approved in December 2004. In May 1999, the commercial center was approved PAD zoning for conceptual commercial, permitting Community Commercial (C-2) zoning district uses. A gas station was not an allowed use, thus a zoning amendment was processed and approved in April 2005 for QuikTrip.

QuikTrip amended the zoning and PDP for Olive Tree Plaza replacing a 6,500 square foot retail shops building at the intersection corner. The QuikTrip development includes a 5,104 square foot convenience store and a 9,879 square foot gas canopy with 10 double-sided fuel-dispensing units. The fuel units provide simultaneous service to 20 vehicles. The site provides 28 parking spaces, 21 parking spaces are required. The convenience store and gas canopy's architecture is designed to match the main center's architecture.

The Zoning Code requires a gas station/convenience store type use at a major arterial street intersection to develop when it is an integral part of a larger planned commercial project. Furthermore, the Zoning Code was amended in 2001 to limit the construction timing and size of freestanding pad buildings to preclude standalone corner pads without development of the larger commercial center.

In accordance with the previously approved PAD/PDP for QuikTrip, the gas station/convenience store was to develop at the same time as the commercial center or with the development of at least an additional 12,000 square feet of building area in the commercial center. Zoning Code states if a pad building is 12,000 square feet or greater in building area located within any commercial site that is 10 net acres or greater in size, the pad building is allowed to be constructed prior to the balance of the commercial center. Any pad building 25,000 square feet or less in building area located within any commercial site that is less than 10 net acres in size shall be constructed concurrently or subsequently with at least 12,000 square feet of additional building area in the commercial center.

The Olive Tree Plaza commercial center is 10.49 net acres in size. QuikTrip is requesting to develop 5,104 square feet in building area, which is the convenience store, on property that is 1.92 net acres in size. The original zoning case did not include a request to develop QuikTrip prior to other commercial buildings. The application request does not meet the minimum criteria for construction of the freestanding pad to occur prior to the main commercial center as the convenience store is not a minimum 12,000 square feet or greater in building area. The gas canopy does not count toward the minimum building area required for construction, as this structure is not an occupiable building area and shade canopies do not count toward building area. The proposed convenience store is not 12,000 square feet in size to meet the development criteria, thus having to develop with approximately an additional 6,900 square feet in building area to develop prior to the main commercial center.

The intent of the developable square footage requirements is to prevent uses such as, but not limited to, freestanding gas stations, convenience stores, pharmacies, and markets from developing on properties 10 net acres or greater in size at intersection corners without the entire or portion of the commercial center developing.

The intersection of Arizona Avenue and Germann Road is designated as a Commercial Node on the General Plan Future Land Use Map. Commercial nodes, located at arterial streets, designate development of commercial centers. Commercial centers traditionally include a main retail center and ancillary freestanding pads. Freestanding intersection corner pads are to be situated so the main center remains visible and that the visibility and functionality of later phases is

maintained. The location of intersection corner pads is reviewed as an integral part of a larger planned commercial project. QuikTrip was situated and designed as part of the larger Olive Tree Plaza commercial center.

The City's commercial standards for building square footage construction timing, as adopted in 2001, are intended to preclude if not discourage what is proposed by this application. In development requests whereby an application specifies a waiver from the commercial standards, the City determines on a site-by-site basis the practicality and effect of developing standalone pads at arterial street intersections. Historically, properties 10 net acres or greater in size that have corner gas stations and convenience stores built prior to the commercial center remain undeveloped and create difficulties for the surrounding parcel when development comes forward.

The application narrative letter refers to another QuikTrip parcel at the southeast corner of Chandler Boulevard and McQueen Road, which received PAD/PDP approval in May 2005 one month after the Arizona Avenue and Germann Road location. This property was previously designated a part of the General Plan's Redevelopment Element, which is now titled the Downtown-South Arizona Avenue Corridor Area Plan, whereby the City encourages infill development, new businesses, and property consolidation. The commercial property is 7.84 net acres and the QuikTrip convenience store is 5,104 square feet in building area. The zoning application specifically requested to develop QuikTrip prior to the other commercial buildings as part of a phasing plan. This request was approved given the gas station/convenience store's intended construction in the first phase was approximately one-third (1/3) of the overall redevelopment site. The proposed QuikTrip gas station/convenience store at Arizona Avenue and Germann Road occupies approximately one-sixth (1/6) of the overall Olive Tree Plaza project.

### **DISCUSSION**

Staff is of the opinion that the request to develop QuikTrip prior to the main center with less square footage than required by Zoning Code potentially creates negative externalities with the remaining commercial land surrounding the subject site. Allowing for a gas station/convenience store development at a Commercial Node does not contribute to the long-term objective of sustaining optimum retail space at arterial street intersection corners.

The Zoning Code's limitations on pad building's development timing and building square footage implemented in 2001 is intended to prevent negative externalities such as lack of synergy, matching architectural style, connectivity, access, integration, and compatibility. The northeast corner of the intersection is an example of a gas station/convenience store development, built in the County, without being an integral part of a larger planned commercial project. Thus, the surrounding property has yet to develop in an orderly, integrated manner.

A gas station/convenience store at the northwest corner of Chandler Boulevard and McClintock Drive has created development challenges with the surrounding land regarding connectivity and integration. These challenges exist today as the City reviews a proposal to develop the surrounding property. The City recently approved a development surrounding a gas station/convenience store at the northeast corner of McQueen Road and Chandler Boulevard, which was met with several land use and site design difficulties.

A concern QuikTrip had following zoning approval was that the gas station parcel did not have its own median break. Vehicular access to and from QuikTrip would be limited to right-in and right-out movements. If QuikTrip were approved to develop prior to other commercial buildings, access to the median break would require agreements with adjacent parcel owners to develop on-site parking areas, drive aisles, and landscaping with cross-access easements to gain access to the median break.

Staff is of the opinion that it is important to maintain the long-term viability of a commercial center on this property as part of a Commercial Node designation in the General Plan. The application request does not meet the minimum criteria for construction of the freestanding pad to occur prior to the main commercial center as the convenience store is not a minimum 12,000 square feet or greater in building area.

QuikTrip could develop initially if approximately 6,900 square feet of additional building area were included in the proposal. The smallest buildings in Olive Tree Plaza include two retail shops buildings that are each 8,125 square feet in building area and a freestanding pad with a drive-through that is 3,580 square feet in building area. Development of one retail shops building with the gas convenience store would meet the minimum 12,000 square foot building area requirement.

If the gas station/convenience store was approved to develop with or without additional building square footage, site improvements would be required including, but not limited to, perimeter landscaping around the entire Olive Tree Plaza project, parking areas associated with QuikTrip, drive aisles to and from QuikTrip, access to driveways on and off QuikTrip's parcel, off-site improvements including right-of-way dedications and/or improvements, intersection landscape feature, and the like.

If Council is inclined to recommend approval of this request, a zoning condition shall be included to read "Compliance with original conditions adopted by the City Council as Ordinance No's. 2980 and 3676 and in cases PL98-173 and DVR04-0046, except as modified by condition herein."

**PUBLIC / NEIGHBORHOOD NOTIFICATION**

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on January 7, 2009. A representative for Circle K, located on the northeast corner of the intersection, attended the meeting. Circle K's representative did not voice any opposition to this request.
- As of the date of this memo, Staff is not aware of any opposition or concerns with this request.

**COMMISSION VOTE REPORT**

Motion to Deny.

In Favor: 4    Opposed: 1 (Kelley)    Absent: 2 (Irby, Rivers)

Commission members in favor to deny the request commented that allowing QuikTrip to develop first would set a precedence, and the request to modify building square footage requirements for construction as required by Zoning Code should be determined by Council. One citizen spoke at the meeting representing a planned Chevron gas station at the northwest corner of McQueen and Germann Roads as part of the Executive Toy Storage development. The citizen commented that this property is in the same predicament as QuikTrip in which the Chevron gas station cannot build without additional building square footage. The citizen stated if QuikTrip's request to build first is approved then Commission needs to be fair and also approve a request to allow Chevron to build first.

### **RECOMMENDED ACTIONS**

Staff, upon finding consistency with the General Plan, recommends approval to extend the timing condition for three (3) years with all of the conditions in the original approval remaining in effect.

Staff, finding inconsistency with the General Plan and Commercial Design/Development Standards, recommends denial of the request to amend the Preliminary Development Plan building square footage requirements for construction to allow QuikTrip to build prior to other commercial buildings.

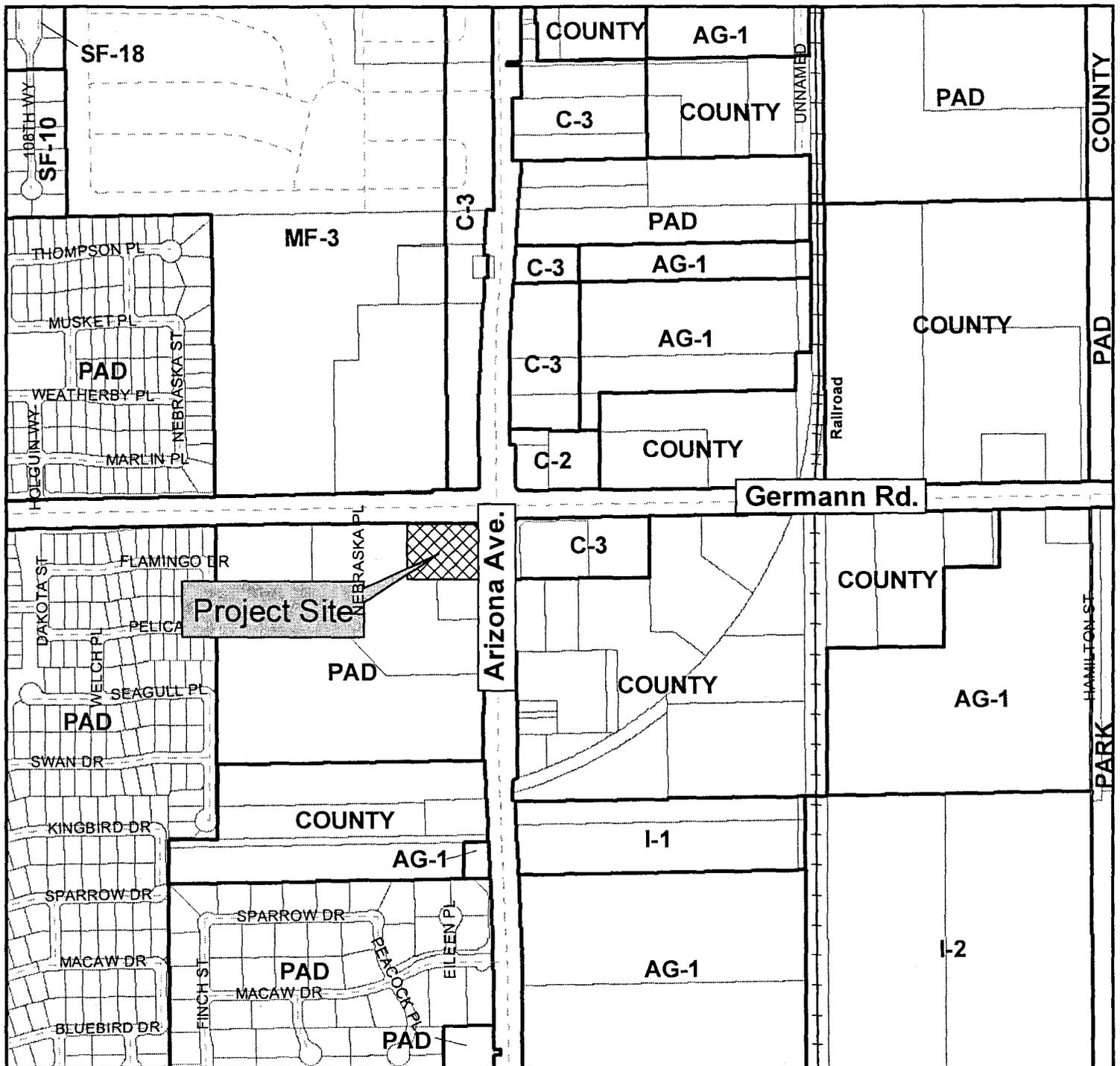
### **PROPOSED MOTIONS**

Move to approve the extension of the timing condition for case DVR08-0036 QUIKTRIP – ARIZONA AVE & GERMANN RD for an additional three (3) years, in which the zoning would be in effect until May 2011, and with all of the conditions in the original approval remaining in effect.

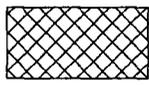
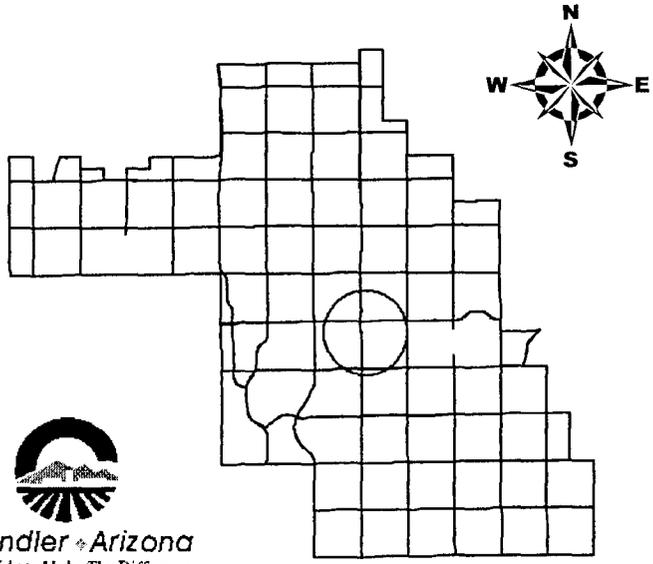
Move to deny the request to amend the Preliminary Development Plan building square footage requirements for construction to allow the QuikTrip to build prior to other commercial buildings in case DVR08-0036 QUIKTRIP – ARIZONA AVE & GERMANN RD.

### **Attachments**

1. Vicinity maps
2. Applicant Narrative Letter
3. Olive Tree Plaza site plan
4. QuikTrip site plan
5. QuikTrip landscape plan
6. QuikTrip building elevations
7. Ordinance No. 3676
8. Ordinance No. 2980

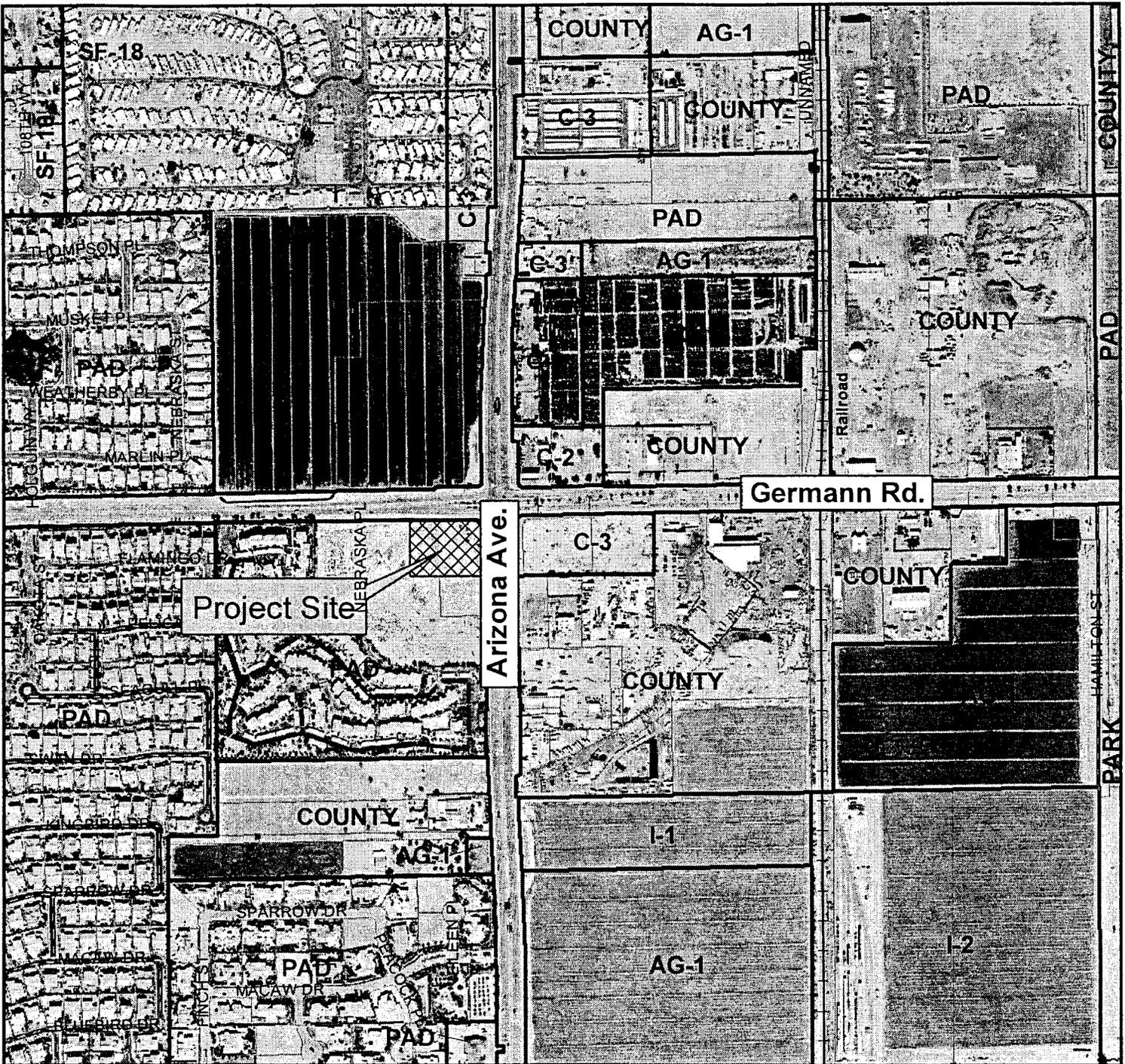


## Vicinity Map



DVR08-0036

QuikTrip



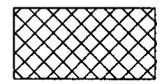
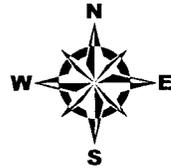
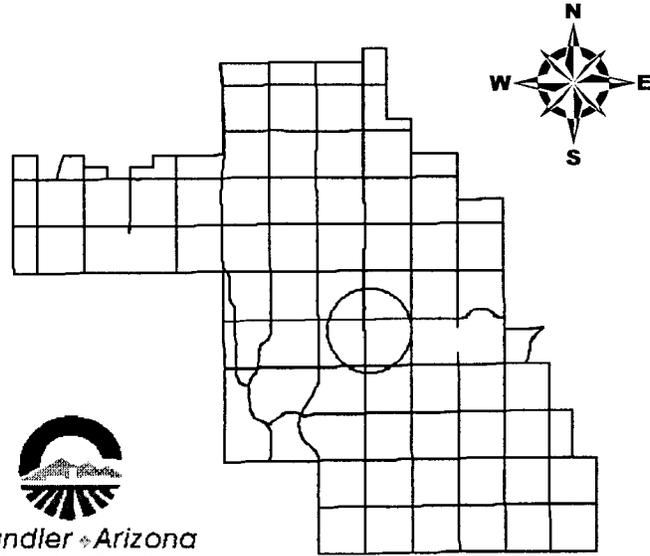
Project Site

Germann Rd.

Arizona Ave.

HAMILTON ST

## Vicinity Map



DVR08-0036

QuikTrip



Chandler Arizona  
Where Values Make The Difference

**HUELLMANTEL**  
**& AFFILIATES**  
ATTORNEYS AT LAW

ADMITTED IN:  
ARIZONA  
DISTRICT OF COLUMBIA

August 20, 2008

Mr. Kevin Mayo  
Principal Planner  
City of Chandler  
215 East Buffalo Street  
Chandler, Arizona 85225

Re: Council Request for Additional Time To Construct or Clarification of Code

Dear Kevin:

QuikTrip is requesting a time extension for the approved QuikTrip location at Arizona Avenue and Germann Road (Ordinance No. 3676). A copy of the final Council Staff Report is included for informational purposes. You have indicated that the standard extension is three (3) years and this is what we seek.

As we have discussed on a number of occasions, this project is an outparcel of the project known as Olive Tree Plaza. QuikTrip would like to commence construction immediately and has attempted to submit for construction permits. You have indicated that you will not issue permits for this location. QuikTrip strongly disagrees with City Staff's position that permits cannot be issued based on the number of square feet that we are proposing to develop. We feel strongly that we clearly meet the code provision as we are proposing to build a store and canopy with a building area in excess of 12,000 square feet of building area required under the code (interestingly, Staff and the Council have interpreted it to be so on Chandler and McQueen). Please see the attached relevant portion of the code.

While our disagreement on this issue is unfortunate, Staff has been clear that you have elected not to issue permits despite the fact that the code does not prohibit us from constructing. Accordingly, we have instead elected to seek additional time to construct the QuikTrip in the hopes that someone will develop Olive Tree Plaza (as you know, we don't own the property for Olive Tree Plaza). It has been your position that, if the owners of Oliver Tree Plaza start construction, we would also be allowed to start construction of the QuikTrip. Conversely, if the City Council allows us to build, we would be prepared to submit for permits within a number of weeks. Constructing the store now would be our clear preference.

Sincerely,

  
Charles Huellmantel

Enclosure

35-1902. Site development plan design standards.

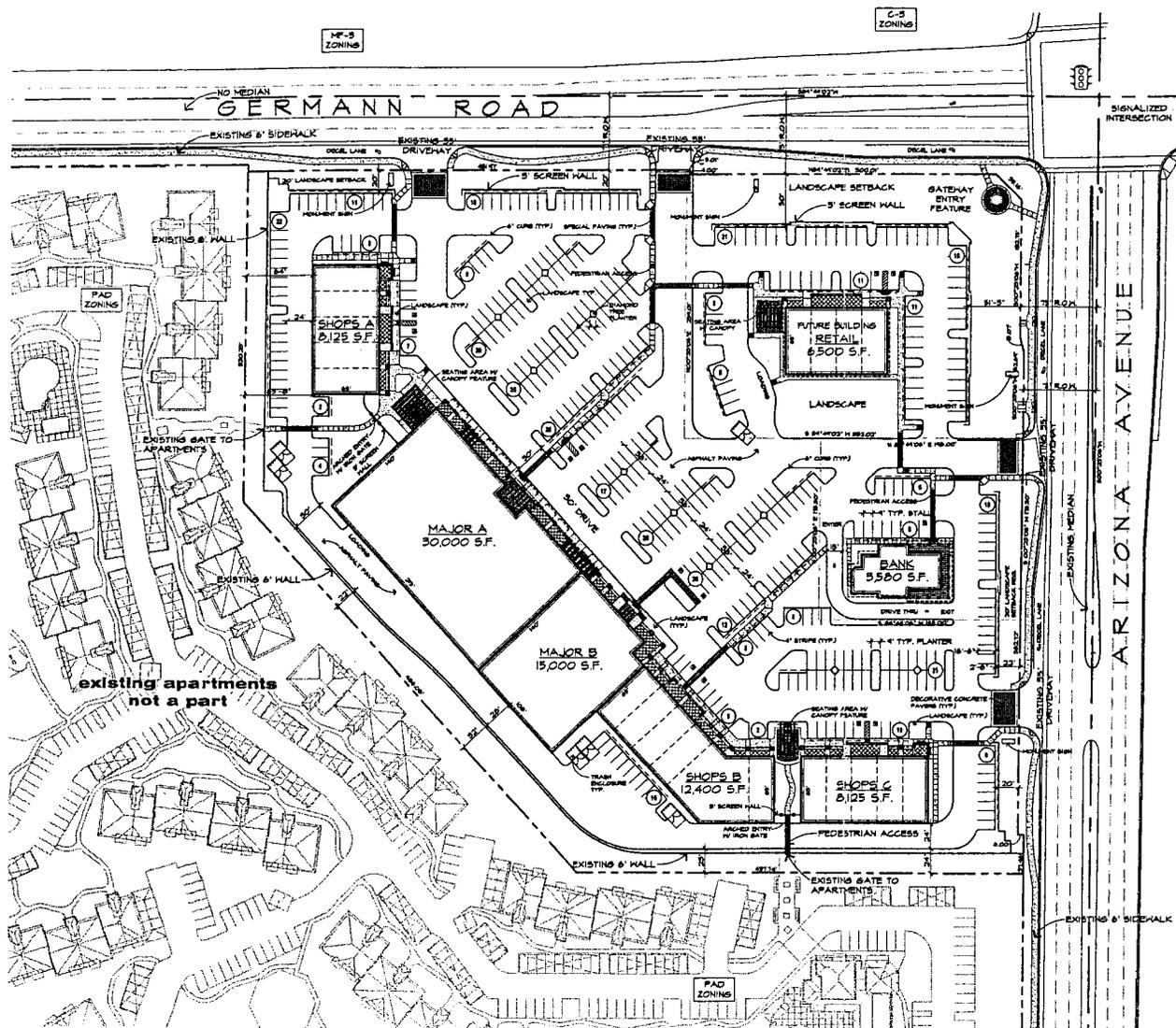
8) *Additional requirements for shopping centers, office and commercial complexes:*

(c) *Independent building PADs:* For the purpose of this section, commercial PADs are uses that stand apart from, and hence not perceivable as, part of the main building complex. PADs may be developed as single freestanding uses, such as a restaurant or bank, or a cluster of uses sharing common architectural detail and materials, open spaces, and shaded areas and pedestrian connections. The number of PADs permissible in a shopping center shall be limited to one (1) per arterial street frontage, with corner PADs to count as one (1) of the frontage allowances. Multi-user PADs are permitted only when the uses are integrated and clustered within a common open space with seating areas and pedestrian walks, share common architectural details and materials (i.e., color, texture) portrayed by the main complex, and not separated by vehicular movement. The number of uses on one (1) PAD shall not exceed two (2) although the Commission may consider a larger number through the PAD process when environmentally commensurate with the size and scale of the shopping center.

1. *Circulation:* One (1) drive-up or drive through window per PAD is permissible as long as the drive-up does not conflict with parking maneuvering areas, main-stream vehicular movement, or in itself create an unsafe traffic situation. Drive through lane entry and exit shall be separated from vehicular parking areas, through curbing, landscaping, etc. Textured paving treatments shall be provided at all crosswalks, driveway entrances, and on-site pedestrian crosswalks. All drive-up facilities, including drive-up lanes and queuing areas shall be adequately screened from street view by building orientation, or by a landscaped berm and retaining wall measuring four (4) feet from grade of the driving lane, and situated so as not to disrupt safe traffic flow. Queuing lanes for fast food and similar high turnover uses shall be a minimum of fourteen (14) feet in width and at least one hundred fifty (150) feet in length from drive-up window to start of lane with queuing. Queuing shall be provided to accommodate a minimum of six (6) vehicles from the start of lane to the menu board. This queuing length standard is not intended for such uses as drug stores, banks, dry cleaners, etc.

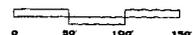
2. *General design:* All PADs, though isolated from the main complex, shall be designed to provide a landscape and architectural setting to the larger complex. Any PAD building(s) twelve thousand (12,000) square feet or greater in building area, located within any commercial site that is ten (10) acres or greater in size, shall be allowed to be constructed prior to the balance of the commercial center. Any PAD buildings twenty-five thousand (25,000) square feet or less in building area, located within any commercial site that is less than ten (10) acres in size, shall be constructed concurrently or subsequently with at least twelve thousand (12,000) square feet of additional building area in the commercial center.

Olive Tree Plaza



**preliminary site plan**

scale: 1" = 50'-0"



AMERICAN PROPERTY DEVELOPMENT, INC.  
112 110th Ave. S.E., Suite 300, Okla. City, OK 73101  
Tel: (405) 424-8225 Fax: (405) 424-3222

**project directory**

**APPLICANT:**  
AMERICAN PROPERTY DEVELOPMENT SOUTHWEST  
11333 NORTH SCOTTSDALE ROAD SUITE 240  
SCOTTSDALE, ARIZONA 85254  
**CONTACT:** ROBERT KVAMME  
PHONE: (480) 219-6180  
FAX: (480) 219-7613

**OWNER:**  
CYPRESS POINTE, LLC  
A WASHINGTON LIMITED LIABILITY CO.  
110 110TH AVE. NE, SUITE 550  
BELLEVUE, WA 98004

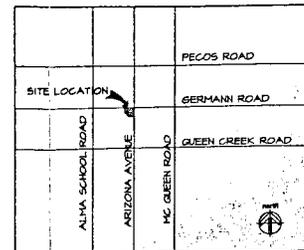
**ARCHITECT:**  
ROBERT KUBICEK ARCHITECTS & ASSOCIATES  
2229 EAST THOMAS ROAD  
PHOENIX, ARIZONA 85016  
**CONTACT:** KEVIN D. KERPAN  
PHONE: (602) 955-9100  
FAX: (602) 955-0416  
EMAIL: kkerpan@kkaa.com

**legal description**

LOT ONE (1), OLIVE GROVE APARTMENTS, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 520 OF MAPS, PAGE 21.

**site data**

ZONING:		P.A.D.
PROPOSED USE:		NEIGHBORHOOD RETAIL
GROSS SITE AREA:	(566,503 S.F.)	13.01 ACRES
NET SITE AREA:	(456,836 S.F.)	10.44 ACRES
BUILDING AREA:		30,000 S.F.
MAJOR A:		15,000 S.F.
MAJOR B:		15,000 S.F.
SHOPS A:		8,125 S.F.
SHOPS B:		2,400 S.F.
SHOPS C:		8,125 S.F.
RETAIL:		6,500 S.F.
BANK:		3,580 S.F.
TOTAL BUILDING AREA:		83,750 S.F.
SITE COVERAGE:		18.3 %
OCCUPANCY CONSTRUCTION TYPE:	V-N	MERCHANTILE FIRE SPRINKLERED
TOTAL PARKING REQUIRED (4.0/1000):		335 SPACES
TOTAL PARKING PROVIDED (5.0/1000):		423 SPACES
ACCESSIBLE SPACES REQUIRED:		4 SPACES
ACCESSIBLE SPACES PROVIDED:		13 SPACES



**vicinity map**

scale: 1" = 1/4"

2229 East Thomas Road  
Phoenix, AZ 85016-5474  
Phone: (602) 955-9100  
Fax: (602) 955-0416  
www.kkaa.com



**ROBERT KUBICEK**  
Architects And Associates, Inc.



American Property Development, Inc.  
SWC Arizona Ave. & Germann Road  
Chandler, Arizona

Olive Tree Plaza  
American Property Development, Inc.  
SWC Arizona Ave. & Germann Road  
Chandler, Arizona

sheet SP-1 of job 0309  
design BDK  
draw BDK  
check JM

**PROJECT DESCRIPTION**  
 CONSTRUCTION OF A CONVENIENCE  
 STORE WITH GASOLINE TO  
 ACCOMMODATE 10 FUEL DISPENSERS

**PROJECT MANAGER**  
 DENNIS ARCHULETA  
 C/O QUIKTRIP CORP.  
 1116 E. BROADWAY ROAD  
 TEMPE, AZ 85282  
 PHONE (480) 446-6312  
 FAX (480) 921-1927

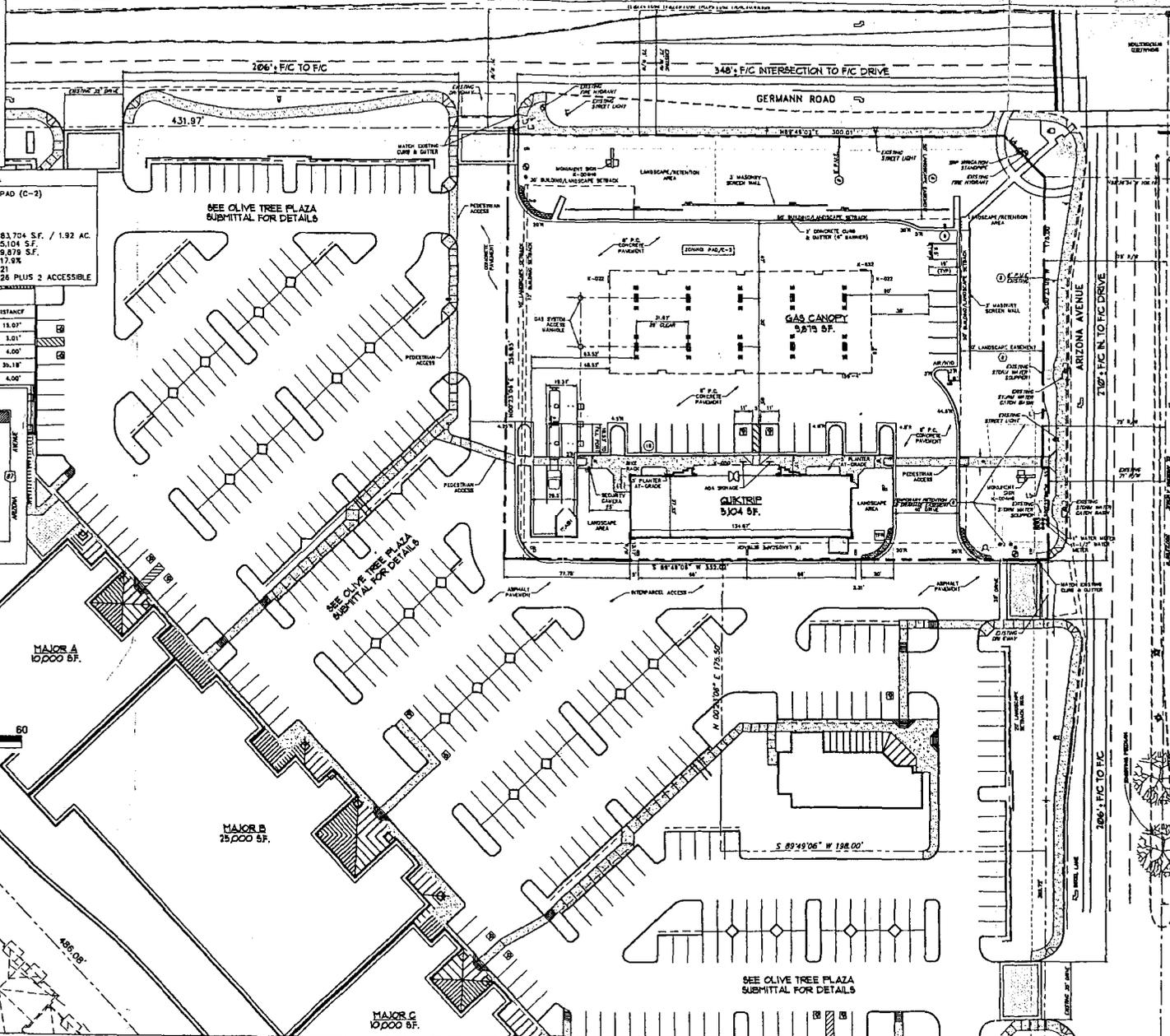
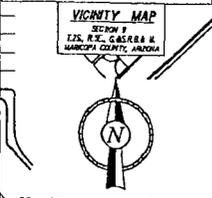
**CONSTRUCTION TYPE**  
 V-N (A.F.E.S - FIRE SPRINKLERED)

**SITE DATA**

**ZONING:** PAD (C-2)  
**SITE AREA INFORMATION:**  
 GROSS AREA: 81,704 S.F. / 1.82 AC.  
 GROSS BUILDING AREA: 5,104 S.F.  
 GROSS CANOPY AREA: 9,879 S.F.  
 PARCEL COVERAGE: 13.9%  
 PARKING REQUIRED @ 1/250: 21  
 PARKING PROVIDED: 28 PLUS 2 ACCESSIBLE

**BOUNDARY DATA**

LINE NO.	BEARING	DISTANCE
L1	S12°00'33"E	11.07'
L2	N87°48'07"W	1.01'
L3	S02°33'08"W	4.00'
L4	S44°35'04"E	30.18'
L5	N87°48'02"E	4.00'



4703 South 123rd East Ave.  
 Tempe, AZ 85284-7008  
 P.O. Box 3473  
 Tempe, AZ 85281-3473  
 (602) 813-7700

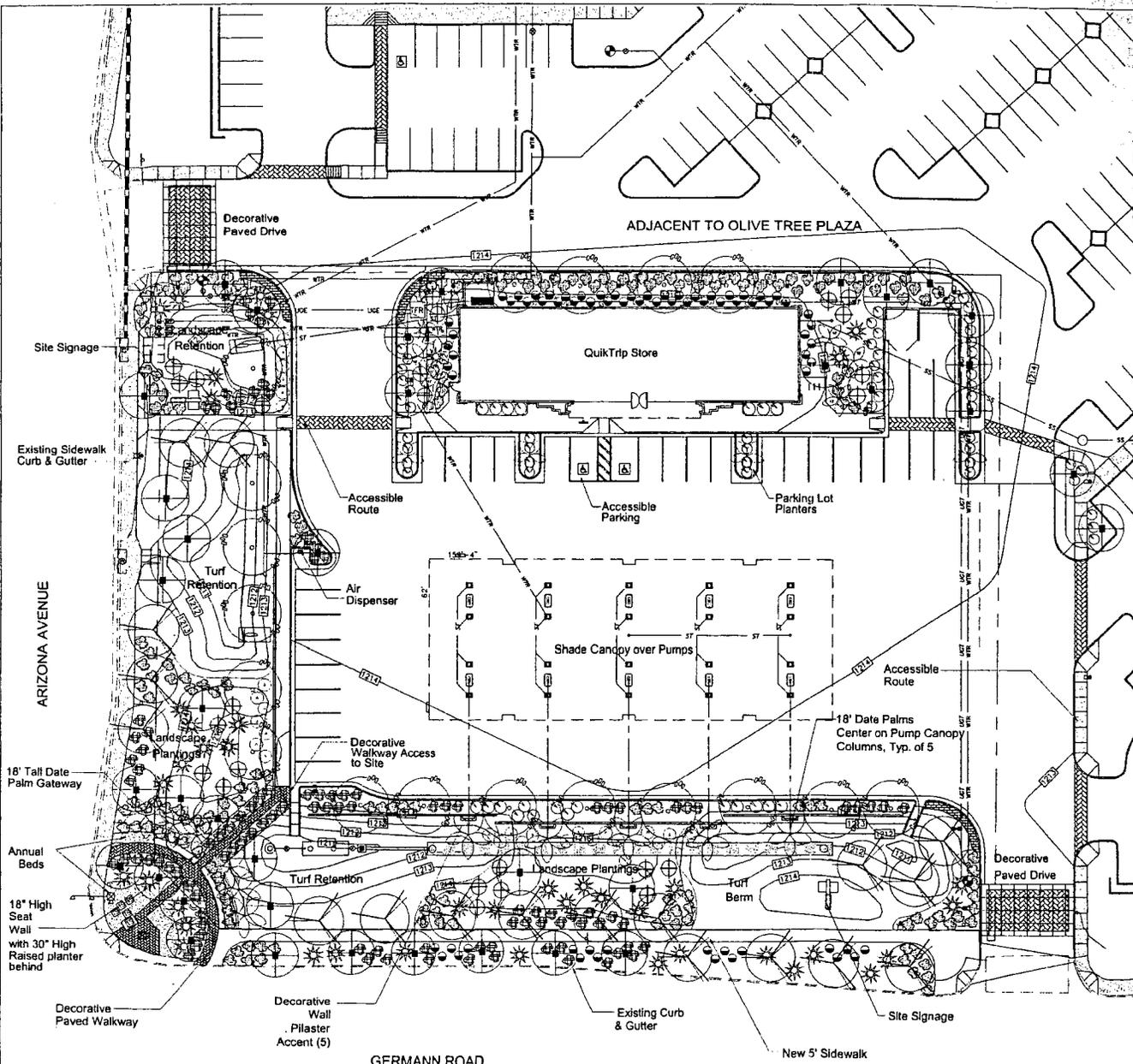
**GENERAL NOTES**

No.	Revision	Date

**PRELIMINARY SITE PLAN**

DRAWN BY: JUN	SHEET 1
DESIGNED BY: NCH	OF 3
CHECKED BY: CDD	
DATE: 08/11/04	

QuikTrip Store No. 442 ARIZONA AVE. & GERMANN ROAD CHANDLER, AZ

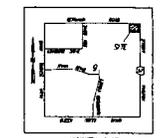


**Plant Legend**

	Prosopis hybrid Phoenix 36" Box	17
	Caesalpinia cacalaco Cascalote 24" Box	38
	Olea europea Olive 'Swan Hill' 36" Box 24" Box	14 4
	Phoenix dactylifera Date Palm 18' Trunk Height unless noted otherwise	21
	Leucophyllum laevigatum Chihuahuan Sage 5 Gallon	28
	Oleander Petite Salmon Oleander 5 Gallon	73
	Ruellia peninsularis Baja Ruelie 5 Gallon	69
	Caesalpinia pulcherrima Red Bird of Paradise 5 Gallon	27
	Lantana montevidensis Purple Trailing Lantana 1 Gallon	104
	Lantana montevidensis New Gold Mound Lantana 1 Gallon	184
	Agave desertiana Smooth Leaf Agave 1 Gallon	44



**GENERAL NOTES**



DISCLAIMER

THIS LANSCAPE CONCEPT PLAN IS THE PROPERTY OF WABEL & ASSOCIATES LANDSCAPE ARCHITECTURE. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. ANY REUSE OR MODIFICATION OF THIS PLAN WITHOUT THE WRITTEN PERMISSION OF WABEL & ASSOCIATES LANDSCAPE ARCHITECTURE IS STRICTLY PROHIBITED.

No.	Revision	Date

**Wabel & Associates**  
Landscape Architecture

101 East Bascom Way, Suite 200  
Tempe, AZ 85281  
www.wabel.com

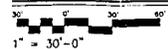


**LANDSCAPE CONCEPT PLAN**

DESIGNED BY: JLW	SHEET LC-1
CHECKED BY: KV	OF 1
ISSUE DATE: 3/1/05	



**LANDSCAPE CONCEPT PLAN**

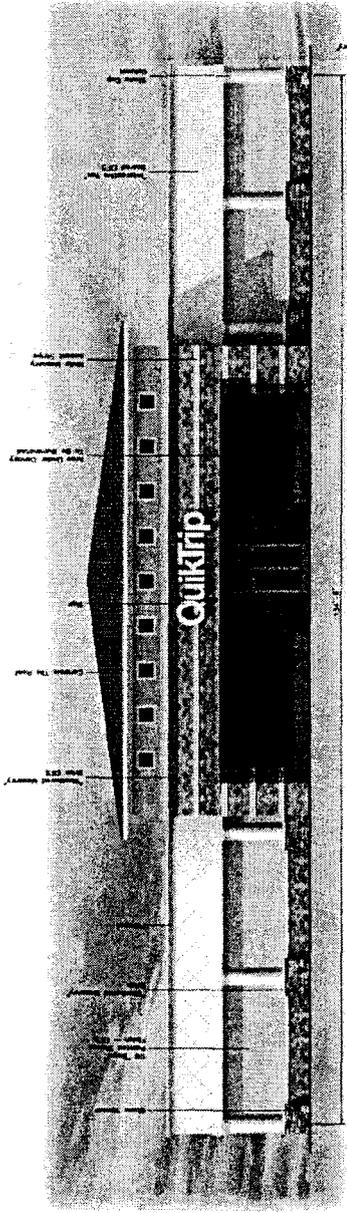


ARIZONA AVE. & GERMANN ROAD

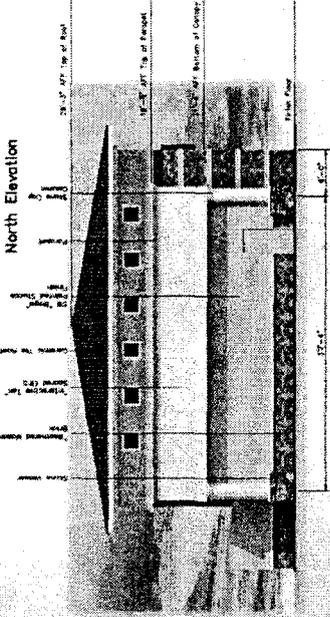
QuikTrip: 442

CHANDLER, ARIZONA

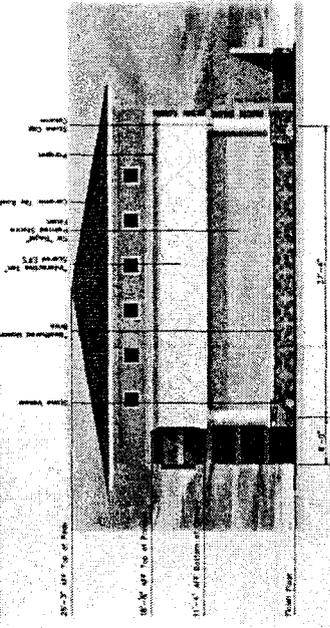
Architectural Elevation & Sectioning Notes:  
 1. All elevations are shown in perspective view.  
 2. All elevations are shown with a ground plane.  
 3. All elevations are shown with a sky background.  
 4. All elevations are shown with a horizon line.  
 5. All elevations are shown with a scale bar.  
 6. All elevations are shown with a north arrow.  
 7. All elevations are shown with a title block.



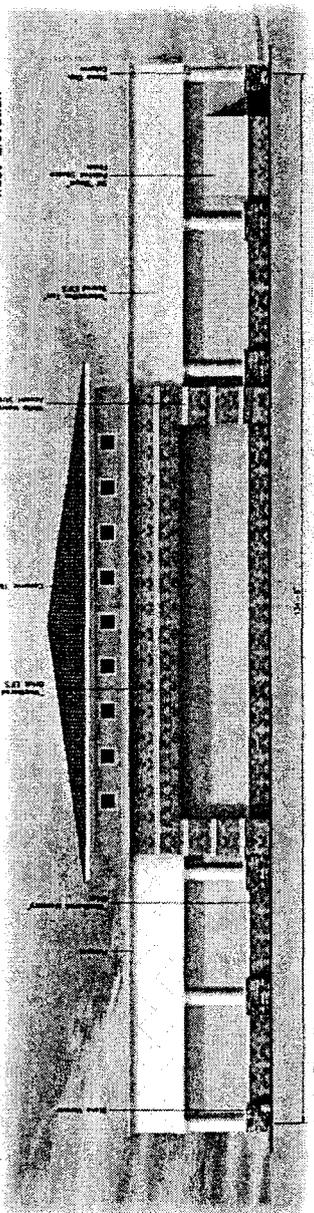
North Elevation



East Elevation



West Elevation



South Elevation



# Building Elevations

QuikTrip Store No. : 442

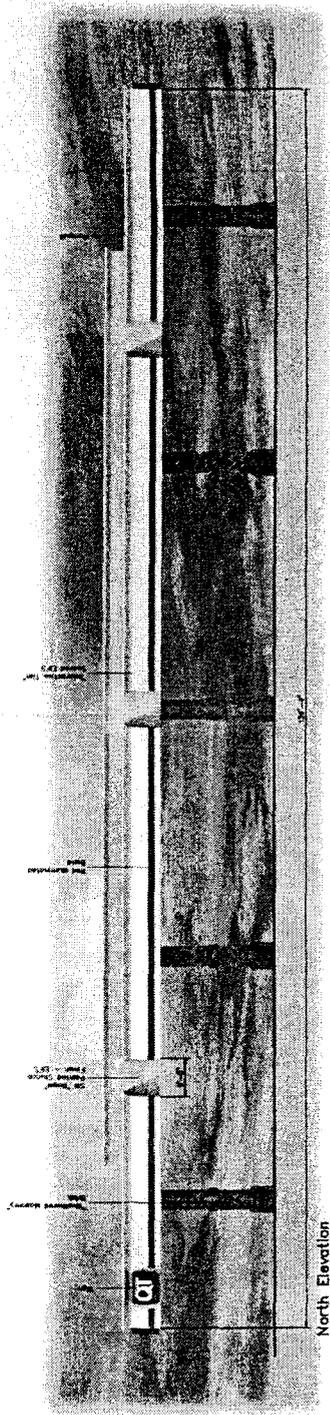
SWC Arizona & Germann

Chandler, AZ

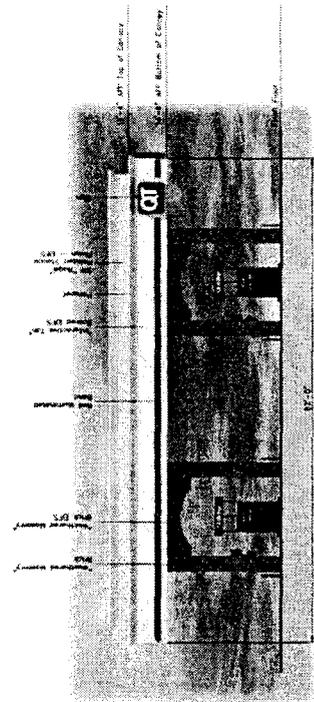
© 1998 SWC Arizona & Germann  
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Preparation: ERLIN  
 Project: 500 QuikTrip Store  
 Scale: 1/8" = 1'-0"  
 Date: 03/04/98  
 Sheet: 1 of 1

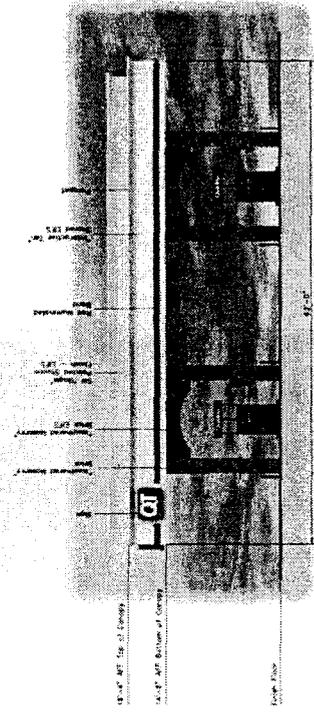




North Elevation



East Elevation



West Elevation



**QuikTrip**  
 1725 S. Gentry Road, Suite 100  
 Chandler, AZ 85224  
 Phone: 480-755-7175  
 Fax: 480-755-7100

# Gas Canopy Elevations

QuikTrip Store No. :442

SWC Arizona & Germann

Chandler, AZ

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Preparation: E-041  
 Project: Q315 Gas Canopy  
 Title: 442  
 Scale: 1/8" = 1'-0"  
 Date: 02/16/09  
 1

**ORDINANCE NO. 3676**

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM PAD TO PAD (DVR04-0046 QUIKTRIP – ARIZONA AVE AND GERMANN RD) 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. Legal Description of Property:

See Attachment 'A'.

Said parcel is hereby rezoned from PAD to PAD, subject to the following conditions:

1. Compliance with the original stipulations adopted by the City Council as Ordinance 2980, case PL98-00173 Olive Grove Apartments, except as modified in condition herein.
2. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "QuikTrip #442", kept on file in the City of Chandler Planning Services Division, in File No. DVR04-0046, except as modified by condition herein.
3. 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.
4. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.

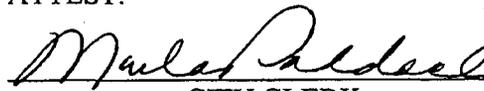
5. The freestanding pad shall carry an architectural level of detail similar to front facades of main building.
6. The monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
7. Perimeter screen walls to match the main center's screen walls.
8. Columns along perimeter screen walls shall be 4 feet in height and 8 feet in depth.
9. Olive trees in the back of the convenience store shall be 36-inch box.
10. The stone arch feature on gas dispensing units shall be lowered two feet.
11. The applicant shall work with Staff to further break-up the main convenience store's building facades incorporating trellises with vegetation on rear and front facades, adding additional columns on the sides, and adding lighting fixtures or iron accents that match the main commercial center.
12. Reduce the length of the red illuminated band on the gas canopy's north and south elevation from the QuikTrip logo to the midpoint of the first column wrapping around the corners of the canopy, and the east and west elevations from the QuikTrip logo to the centerline of the first arch element.
13. Roof tile shall match the concrete barrel roof tile within Olive Tree Plaza.
14. The monument signs shall match the design of the Olive Tree Plaza signs including a stone base, pitched roof over the signs, and cornice details.

SECTION II. Except where provided, nothing contained herein shall be construed to be and abridgment of any other ordinance of the City of Chandler.

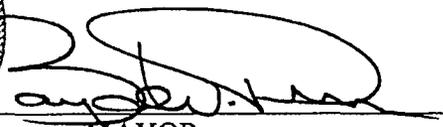
SECTION III. The Planning & Development Department of the City of Chandler is hereby directed to enter such changes and amendments as may be necessary upon the Zoning Map of said Zoning Code in compliance with this ordinance.

INTRODUCED AND TENTATIVELY APPROVED by the City Council this 14<sup>th</sup> day of April 2005.

ATTEST:

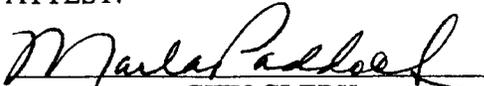
  
CITY CLERK



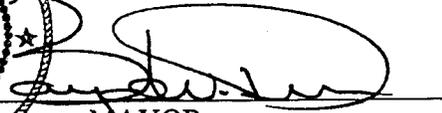
  
MAYOR

PASSED AND ADOPTED by the City Council of the City of Chandler of April 2005.

ATTEST:

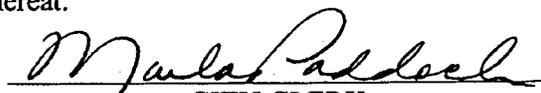
  
CITY CLERK



  
MAYOR

**CERTIFICATION**

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 3676 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 28<sup>th</sup> day of April 2005, and that a quorum was present thereat.

  
CITY CLERK

APPROVED AS TO FORM:

  
CITY ATTORNEY

PUBLISHED in the Tribune on May 4 & 11, 2005

Legal Description  
Quiktrip #442

That portion of Lot 1, Olive Grove Apartments, according to Book 520 of Maps, Page 21, Records of Maricopa County, Arizona, more particularly described as follows:

A portion of the Northeast Quarter of Section 9, Township 2 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona; more particularly described as follows:

Commencing at a found Brass Cap in Handhole at the Northeast Corner of said Section 9, from which a found Brass Cap Flush at the East Quarter Corner of said Section 9 bears South 00 degrees 23 minutes 06 seconds West, a distance of 2645.34 feet;

Thence South 00 degrees 23 minutes 06 seconds West, along the East line of said Section 9, a distance of 101.06 feet;

Thence departing said East line, North 89 degrees 36 minutes 54 seconds West a distance of 106.10 feet to a point on the West Right of Way line of Arizona Avenue and the Easterly most Northeast Corner of said Lot 1, and the POINT OF BEGINNING;

Thence South 00 degrees 23 minutes 06 seconds West, along the East line of said Lot 1, a distance of 132.75 feet;

Thence South 15 degrees 00 minutes 32 seconds East, along the East line of said Lot 1, a distance of 15.07 feet;

Thence South 00 degrees 23 minutes 06 seconds West; along the East line of said Lot 1, a distance of 82.64 feet; to the Northeast Corner of that Parcel conveyed by Deed Recorded in Document No. 2004-0564762;

Thence South 89 degrees 49 minutes 06 seconds West, along the North line of the aforementioned conveyance a distance of 332.02 feet;

Thence North 00 degrees 23 minutes 06 seconds East, along a line parallel with and 434.10 feet West of the East line of said Section 9, a distance of 258.95 feet to a point on the North line of said Lot 1;

Thence North 89 degrees 49 minutes 02 seconds East, along the North line of said Lot 1, a distance of 3.01 feet;

Any modification to or omission from this description completely absolves the surveyor from any liability for this description.

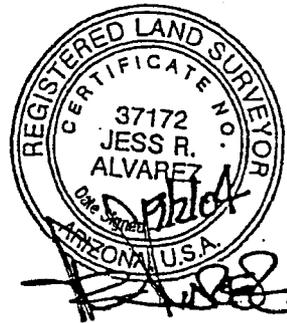
**Ordinance No. 3676  
Attachment 'A'**

Thence South 00 degrees 23 minutes 06 seconds West, along the North line of said Lot 1, a distance of 4.00 feet;

Thence North 89 degrees 49 minutes 02 seconds East, along the North line of said Lot 1, a distance of 300.01 feet;

Thence South 44 degrees 53 minutes 56 seconds East a distance of 35.18 feet; to the POINT OF BEGINNING.

Encompassing 83,683 square feet, or 1.921 acres, more or less.



Any modification to or omission from this description completely absolves the surveyor from any liability for this description.

NORTH QUARTER CORNER OF SECTION 9,  
T.2 S, R.5 E, G. & S.R. B. & M.  
FOUND BRASS CAP FLUSH

### EXHIBIT 'A'

NORTHEAST CORNER OF SECTION 9,  
T.2 S, R.5 E, G. & S.R. B. & M.  
FOUND BRASS CAP IN HANDHOLE

N89°49'02"E 2603.54'

FOUND BRASS CAP FLUSH

## GERMANN

## ROAD



SCALE:  
1"=60'

71' R/W

N89°49'02"E 3.01'

S00°23'06"W 4.00'

75' R/W

75' R/W

31.10'

101.06'

N00°23'06"E 258.95'

N89°49'02"E 300.01'

S44°53'56"E

35.18'

P.O.B.

N89°36'54"W 106.10'

LOT 1, OLIVE GROVE APTS  
BOOK 520, PAGE 21, M.C.R.

N00°23'06"E 258.95'

QUIKTRIP #442  
83,683 S.F. OR 1.921 AC.



S00°23'06"W 132.75'

75' R/W

## ARIZONA AVENUE

2544.29'

N00°23'06"E 2645.34'

S15°00'32"E

15.07'

S00°23'06"W

82.64'

71' R/W

S89°49'06"W 332.02'

DOC 04-0564762

EAST QUARTER CORNER OF SECTION 9,  
T.2 S, R.5 E, G. & S.R. B. & M.  
FOUND BRASS CAP FLUSH

ORD 3676

02009

2009xb01.dwg

# QUIKTRIP #442

ARIZONA AVENUE AND GERMANN ROAD

# LANDMARK

ENGINEERING INC  
Phoenix, Arizona 85020 602.861.2005

ORDINANCE NO. 2980

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM AG-1 TO PAD (PL98-173 OLIVE GROVE APARTMENTS) 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. Legal Description of Property:

That part of the East Half of the Northeast Quarter of Section 9, Township 2 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

Beginning at the Northeast Corner of said Northeast Quarter of Section 9;  
Thence South 89 degrees 51 minutes 40 seconds West along the North line of said Northeast Quarter, a distance of 1301.57 feet;  
Thence South 00 degrees 31 minutes 40 seconds West, a distance of 40.00 feet to the true point of beginning;

Thence North 89 degrees 51 minutes 40 seconds East, a distance of 954.89 feet;  
Thence South 85 degrees 33 minutes 53 seconds East, a distance of 125.40 feet;  
Thence North 89 degrees 51 minutes 40 seconds East, a distance of 38.72 feet;  
Thence South 00 degrees 23 minutes 06 seconds West, a distance of 133.03 feet;  
Thence North 89 degrees 51 minutes 40 seconds East, a distance of 75.92 feet;  
Thence South 00 degrees 22 minutes 03 seconds West, a distance of 46.83 feet;  
Thence South 15 degrees 00 minutes 32 seconds East, a distance of 41.48 feet;  
Thence South 00 degrees 22 minutes 03 seconds West, a distance of 735.51 feet to a point on a tangent curve to the left, concave easterly, whose radius bears South 89 degrees 37 minutes 57 seconds East, a distance of 77044.44 feet;  
Thence Southerly along said curve through a central angle of 00 degrees 58 minutes 51 seconds, an arc length of 131.89 feet;  
Thence North 89 degrees 57 minutes 55 seconds West, a distance of 1209.74 feet;  
Thence North 00 degrees 31 minutes 40 seconds East, a distance of 1093.72 feet to the true point of beginning.

Said parcel is hereby rezoned from AG-1 to PAD subject to the following conditions:

1. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual #4).
2. Right-of-way dedications to achieve full half widths for Germann Road and Arizona Avenue, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan
3. Construction shall commence above foundation walls within two (2) 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.

4. Undergrounding, if applicable, of all overhead electric (under 69KV), communications and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements in accordance with City adopted design and engineering standards.
5. Completion of the construction, where applicable, of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
6. 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.
7. Development shall be in substantial conformance with Exhibit A, Development Booklet, except as modified by condition herein.
8. The tot lots shall have a minimum of 20 play stations.
9. The commercial site plan is conceptual only. The representation in Exhibit A is specifically not approved.
10. Zoning and Preliminary Development Plan approval do not constitute Final Site Development Plan approval. Site Development Plan approval shall be subject to all requirements of code and/or condition.
11. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner.
12. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way), perimeter walls and retention basin designs.
13. All dwelling units shall have copper plumbing supply lines.
14. Due to the impact of the development, a development agreement in the form approved by the City as required to provide necessary public infrastructure.
15. Approval by the City Engineer and Director of Planning and Development with regard to the details of all submittals required by code or condition.

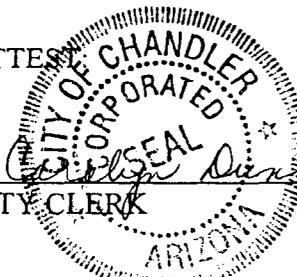
16. Effluent – The source of water that shall be used on the open space, common areas, and landscape tracts shall be reclaimed water (a. k. a. effluent). If reclaimed water is not available at the time of construction, these areas will be irrigated and supplied with water, other than surface water from any irrigation district, by the owner of the development through sources consistent with the laws of the State of Arizona and the rules and regulations of the Arizona Department of Water Resources. The open space, common areas, and landscape tracts may be irrigated and supplied with water on an emergency basis only as determined by the effluent supplier for these needs. The developer will be responsible for all internal system costs for effluent and emergency water sources. The developer will also be responsible for all potable water costs as determined by the City.
17. In the event the owner sells or otherwise transfers the development to another person or entity, the owner will also sell or transfer to the buyer of the development, at the buyer's option, the water rights and permits then applicable to the development.
18. The limitation that the water for the development is to be owner-provided and the restriction provided for in the preceding sentence shall be stated on the final plat governing the development, so as to provide notice to any future owners.
19. The Public Report, Purchase Contracts, and Final Plats shall include a disclosure statement outlining that the Olive grove Apartments development shall use treated effluent to maintain open space, common areas, and landscape tracts.
20. The front yard setback from the future right-of-way along Germann Road should be fifty (50) feet.
21. The spacing of trees on the south side shall be 11 feet on center and the spacing of trees on the west side shall be 17 feet on center.
22. The tree sizes along Arizona Avenue and Germann Road shall be one size larger than that required by code.
23. Roof tile colors will be two different types as approved by Staff, unless four different roof types can be designed which are closer in shape color.
24. The windows on the rear elevations will be changed as follows: Three of the six upper floor four-panel windows will be changed to a taller window as depicted on the front elevations.
25. The three-story element on Building F will be moved to Building K.

- 26. One roof section of buildings B, F, L, M, P, U, six of the 16 unit two-story buildings will be raised 2 feet above the plate line and these roof sections and roof lines shall be approved by Staff.
- 27. The landscaping in the joint easement between the commercial and residential portions of the property shall be installed in Phase I.
- 28. Full right-of-way improvements for both phases shall be installed along Arizona Avenue and Germann Road during Phase I subject to the approval of the City Engineer.
- 29. The tree plantings along the south and west sides shall be upgraded one size from the City standards (one-half 24 inch box and one-half 36 inch box), and the trees along the south side shall be planted 11 feet on center, and along the west side 17 feet on center upon the approval of the City's Landscape Architect as to the tree spacing and planting size.

SECTION II. Except where provided, nothing contained herein shall be construed to be and abridgment of any other ordinance of the City of Chandler.

SECTION III. The Planning & Development Department of the City of Chandler is hereby directed to enter such changes and amendments as may be necessary upon the Zoning Map of said Zoning Code in compliance with this ordinance.

INTRODUCED AND TENTATIVELY APPROVED by the City Council this 13 day of May, 1999.

ATTEST  
  
Carolyn Dana  
CITY CLERK

Joseph J. Blum  
MAYOR

ATTEST:  
  
*Carolyn Deena*  
CITY CLERK

*John J. ...*  
MAYOR

CERTIFICATION

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 2980 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 27 day of May, 1999, and that a quorum was present thereat.

*Carolyn Deena*  
CITY CLERK

APPROVED AS TO FORM:

*Dennis M. O'Neill*  
CITY ATTORNEY

PUBLISHED: 6-3-99  
6-9-99