

# CITY COUNCIL REPORT



Meeting Date: March 7, 2017  
 General Plan Element: *Land Use*  
 General Plan Goal: *Create a sense of community through land uses*

## ACTION

### Fry's Fuel Center #621 9-UP-2016

#### Request to consider the following:

1. Find that the Conditional Use Permit criteria have been met and adopt Resolution No. 10722 for an amendment to an existing Conditional Use Permit to allow for the expansion of an existing Gas Station to add four (4) dispensers on a +/- 9.5-acre site located at 9350 N. 90th Street with Planned Community (PC) zoning, with comparable Highway Commercial (C-3) zoning district land uses and property development standards.

#### Goal/Purpose of Request

The applicant's request is for approval of an amendment to an existing Conditional Use Permit (20-UP-2011) for a Gas Station to allow for four (4) additional fuel dispensers.

#### Key Items for Consideration

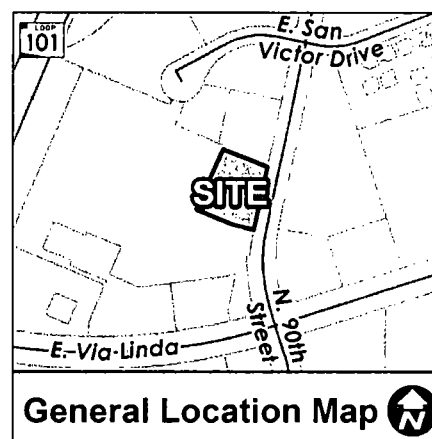
- Conditional Use Permit Criteria
- Context and compatibility with existing uses surrounding proposed site
- On-site vehicular traffic flow
- One email in opposition to proposed request
- Planning Commission heard this case on January 25, 2017 and recommended approval with a 6-0 vote

## OWNER

Fry's Food Stores of Arizona  
623-907-7188

## APPLICANT CONTACT

Joanna Bartholomew  
SEG  
480-588-7226



## LOCATION

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9350 N. 90<sup>th</sup> Street

## BACKGROUND

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### General Plan

The General Plan Land Use Element designates the property as Commercial. This category includes uses that provide a variety of goods and services to the people who live in, work in, or visit Scottsdale and have been designated throughout the community at an appropriate scale and location.

### Zoning

The site is zoned Highway Commercial District, Planned Community District (C-3 PCD). The C-3 zoning district is intended for most types of commercial activities and includes the sale of commodities or performance of services for a larger segment of population than the average neighborhood. The Planned Community District is designed and intended to enable and encourage the development of large tracts of land, in this case the McCormick Ranch development.

### Context

The subject property is located approximately 450 feet north of the intersection of E. Via Linda and N. 90<sup>th</sup> Street and is surrounded by various uses including retail, office, automotive repair and restaurant uses. Please refer to context graphics attached.

### Adjacent Uses and Zoning

- North: An existing restaurant is located north of the site in the Highway Commercial District, Planned Community District (C-3 PCD) zoning district.
- South: A portion of the parking area for the adjacent retail center is located south of the site in the Highway Commercial District, Planned Community District (C-3 PCD) zoning district.
- East: N. 90<sup>th</sup> Street abuts the site to the east. An existing retail center is located further east in the Highway Commercial District, Planned Community District (C-3 PCD) zoning district.
- West: A grocer and other retail establishments are located west of the site in the Highway Commercial District, Planned Community District (C-3 PCD) zoning district.

### Other Related Policies, References:

#### Zoning Ordinance

57-ZN-1974 – rezone from R1-35 to PCD as part of the McCormick Ranch development

20-ZN-1977 – revision to existing McCormick Ranch PCD

40-ZN-1979 – amendment to McCormick Ranch PCD

20-UP-2011 – original Conditional Use Permit approval establishing Gasoline Service Station use

## APPLICANTS PROPOSAL

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### Development Information

The development proposal includes the removal of existing, underutilized parking area and expansion of the existing gas station use with four (4) additional fuel dispensers and associated improvements.

- Existing Use: Gas station and parking area
- Proposed Use: Gas station
- Buildings/Description: Small payment kiosk and refueling canopy
- Parcel Size: Entire parcel: 9.5 acres / Site area: ~ 1.17 acres
- Building Height Allowed: 36 feet
- Building Height Proposed: 18.5 feet
- Parking Required: Entire parcel: 404 spaces / Site: 1 space
- Parking Provided: Entire parcel: 453 spaces / Site: 1 space
- Open Space Required: 6,436 square feet
- Open Space Provided: 11,484 square feet
- Floor Area: 178 square feet

## IMPACT ANALYSIS

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### Conditional Use Permit

Conditional Use Permits, which may be revocable, conditional, or valid for a specified time period, may be granted only when expressly permitted after the Planning Commission has made a recommendation and City Council has found as follows:

- A. That the granting of such Conditional Use Permit will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, the Planning Commission and the City Council's consideration shall include, but not be limited to, the following factors:
  1. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
    - The site and surrounding area is comprised of a collection of commercial uses, including retail, office, restaurant, service stations and other employment uses. Although the site could potentially increase the noise, smoke, odor, dust, vibration and/or illumination over the current condition on the site, the increase in any of these nuisances is not anticipated to negatively affect the surrounding area.
  2. Impact on surrounding areas resulting from an unusual volume or character of traffic.
    - The proposed amendment to the existing Conditional Use Permit is to allow four (4) additional fuel dispensers at the site. The addition of four fuel dispensers is not anticipated to result in an unusual volume or character of traffic impact on surrounding areas.

- B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.
- **The site of the fuel center expansion was formally a parking lot field for the adjacent supermarket use and is located along a larger transportation corridor. There are existing commercial uses surrounding the site. The proposed conditional use is reasonably compatible with the types of uses permitted in the surrounding areas.**
- C. The additional conditions specified in Section 1.403, as applicable, have been satisfied. The proposal meets the provisions for Gas Station as identified in Zoning Ordinance Section 1.403.H., including:
1. The application shall include a detailed landscape plans showing plant, type, size and spacing. All landscape plans shall include an automated watering system. Planting areas shall cover a minimum of five (5) percent of the lot area and may be required to cover as much as twenty (20) percent of the site, depending upon site size. All trees planted shall have a minimum caliper of two (2) inches and all shrubs shall be at least five-gallon size. Lack of care and maintenance of the landscaped areas is cause for revoking the Conditional Use Permit.
    - **The applicant has submitted a detailed landscape plan that shows plant types, size and spacing and includes appropriate irrigation to meet all requirements. The landscape area is approximately 22% of the site area.**
  2. All structures approved under this Conditional Use Permit shall be of a unique design appropriate for the area in which they are to be constructed. All canopies shall be connected to the roof of the main structure unless otherwise approved. Renderings of any building shall accompany each application and construction shall be in reasonable conformity thereto.
    - **The applicant has submitted renderings of the proposed buildings for the site, including the canopy covering the fueling area. The proposed structures are appropriate in design and size to the context of the area.**
  3. All sources of artificial light shall be concealed and attached to the main structure, unless otherwise approved. All lighting shall be designed to minimize glare.
    - **The applicant has submitted a full lighting analysis for the site including manufacturer's specification for specific lighting fixtures to be used. The proposed lighting for the site meets all requirements for design while minimizing glare.**
  4. The minimum area of a parcel, exclusive of street dedication, shall be twenty-two thousand five hundred (22,500) square feet.
    - **The site meets the minimum lot area requirement.**
  5. A solid masonry wall or planting screen is required between all gas station sites and a residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A. The wall height shall be as determined in each case based on the site and surrounding property contextual relationships.
    - **The site is not adjacent to any residentially-zoned property.**

**Water/Sewer**

The site is currently served by existing water and sewer service. The proposed use is not anticipated to negatively affect existing water and sewer service in the area.

**Public Safety**

The site and surrounding area are adequately served by existing public safety services, including police and fire services. The closest fire station to the subject site is Fire Station #4 located at 9045 E. Via Linda, approximately ¼ mile away from the site. The proposed use is not anticipated to negatively affect police or fire service in the area.

**Open Space**

As part of the application for the proposed Conditional Use Permit, the applicant has submitted detailed landscape plans for review. The applicant is proposing to increase the size of the open space located in front of the proposed gasoline service station that abuts N. 90<sup>th</sup> Street. In addition, the applicant is proposing additional landscaping to enhance the open space area in conformance with the specific Conditional Use Permit requirements for the proposed use.

**Community Involvement**

The applicant has contacted the McCormick Ranch Property Owners' Association and has received a favorable response regarding the proposed request. City staff sent notification to property owners within 750 feet of the site. As of the time of this report, staff has received one email in opposition regarding this conditional use permit request.

**OTHER BOARDS & COMMISSIONS**

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**Planning Commission**

Planning Commission heard this case on January 25, 2017 and recommended approval with a 6-0 vote.

**Staff Recommendation to Planning Commission:**

Staff recommended that the Planning Commission find that the Conditional Use Permit criteria have been met, and make a recommendation to City Council for approval, per the attached stipulations.

**RECOMMENDATION**

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Find that the Conditional Use Permit criteria have been met and adopt Resolution No. 10722 for an amendment to an existing Conditional Use Permit to allow for the expansion of an existing Gas Station to add four (4) dispensers on a +/- 9.5-acre site located at 9350 N. 90th Street with Planned Community (PC) zoning, with comparable Highway Commercial (C-3) zoning district land uses and property development standards.

## RESPONSIBLE DEPARTMENT

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### Planning and Development Services

Current Planning Services

## STAFF CONTACT

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Brad Carr, AICP, LEED-AP  
Principal Planner  
480-312-7713  
E-mail: bcarr@ScottsdaleAZ.gov

## APPROVED BY

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Brad Carr, AICP, LEED-AP, Report Author

2-2-2017

Date



Tim Curtis, AICP, Current Planning Director  
480-312-4210, tcurtis@scottsdaleaz.gov

2/14/2017

Date



Randy Grant, Director  
Planning and Development Services  
480-312-2664, rgrant@scottsdaleaz.gov

2/16/17

Date

## ATTACHMENTS

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1. Context Aerial
2. Resolution No. 10722
  - Exhibit 1: Aerial Close-Up
  - Exhibit 2: Stipulations
  - Exhibit A to Exhibit 2: Site Plan
3. Additional Information
4. Applicant's Narrative
5. Zoning Map
6. Citizen Input and Neighborhood Involvement Report
7. City Notification Map
8. January 25, 2017 Planning Commission minutes





Fry's Fuel Center #621

9-UP-2016



RESOLUTION NO. 10722

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, FOR AN AMENDMENT TO AN EXISTING CONDITIONAL USE PERMIT TO ALLOW FOR THE EXPANSION OF AN EXISTING GAS STATION TO ADD FOUR (4) DISPENSERS ON A +/- 9.5-ACRE SITE LOCATED AT 9350 N. 90TH STREET WITH PLANNED COMMUNITY (PC) ZONING, WITH COMPARABLE HIGHWAY COMMERCIAL (C-3) ZONING DISTRICT LAND USES AND PROPERTY DEVELOPMENT STANDARDS.

WHEREAS, the Planning Commission held a public hearing on January 25, 2017 and

WHEREAS, the City Council, held a public hearing on March 7, 2017.

NOW, THEREFORE, LET IT BE RESOLVED, by the City Council of the City of Scottsdale, Maricopa County, Arizona, as follows:

Section 1. That the City Council finds:

- a) that the granting of this conditional use permit per stipulations set forth on Exhibit 2 will not be materially detrimental to the public health, safety or welfare based on, but not limited to, the following factors: damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination and impact on surrounding areas resulting from an unusual volume or character of traffic;
- b) that the characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas; and

Section 2. That a description of the conditional use permit is set forth in Case No. 9-UP-2016. The property that is subject to the conditional use permit is shown on Exhibit 1 and the conditional use permit approval is conditioned upon compliance with all of the stipulations that are set forth in Exhibit 2. All exhibits are incorporated herein by reference.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this \_\_\_\_ day of \_\_\_\_\_, 2017.


ATTEST:

CITY OF SCOTTSDALE, an Arizona  
Municipal Corporation

By: \_\_\_\_\_  
Carolyn Jagger  
City Clerk

By: \_\_\_\_\_  
W.J. "Jim" Lane  
Mayor

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

By:  \_\_\_\_\_  
Bruce Washburn, City Attorney  
By: Joe Padilla, Deputy City Attorney





Fry's Fuel Center #621

9-UP-2016

## **Stipulations for the Conditional Use Permit**

### **For a Gas Station**

**Fry's Fuel Center #621**

**Case Number: 9-UP-2016**

These stipulations are in order to protect the public health, safety, welfare, and the City of Scottsdale.

#### **GOVERNANCE**

1. **APPLICABILITY.** All stipulations of this case, 9-UP-2016, supersede all of the stipulations of case 20-UP-2011.

#### **SITE DESIGN**

2. **CONFORMANCE TO CONCEPTUAL SITE PLAN.** Development shall conform with the conceptual site plan submitted by Sustainability Engineering Group and with the city staff date of 12/6/2016, attached as Exhibit A to Exhibit 2. Any proposed significant change to the conceptual site plan as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.
3. **OUTDOOR LIGHTING.** The maximum height of any outdoor lighting source shall be fifteen (15) feet above the adjacent finished grade, except parking lot lighting, which shall not exceed twenty (20) feet in height above the adjacent finished grade.

#### **INFRASTRUCTURE AND DEDICATIONS**

4. **ACCESS RESTRICTIONS.** Access to the site is limited to the two existing driveways provided on 90<sup>th</sup> Street.





## **Additional Information for:**

**Fry's Fuel Center #621**

**Case: 9-UP-2016**

### **PLANNING/DEVELOPMENT**

1. **DEVELOPMENT CONTINGENCIES** Each element of this zoning case—including density/intensity, lot/unit placement, access and other development contingencies—may be changed as more information becomes available to address public health, safety and welfare issues related to drainage, open space, infrastructure and other requirements.
2. **DEVELOPMENT REVIEW BOARD.** The City Council directs the Development Review Board's attention to:
  - a. the type, height, design, and intensity of proposed lighting on the site, to ensure that it is compatible with the adjacent use.
3. **RESPONSIBILITY FOR CONSTRUCTION OF INFRASTRUCTURE.** The developer shall be responsible for all improvements associated with the development or phase of the development and/or required for access or service to the development or phase of the development. Improvements shall include, but not be limited to washes, storm drains, drainage structures, water systems, sanitary sewer systems, curbs and gutters, paving, sidewalks, streetlights, street signs, and landscaping. The granting of zoning/use permit does not and shall not commit the city to provide any of these improvements.
4. **CONSTRUCTION COMPLETED.** Before any Certificate of Occupancy is issued for the site, the owner shall complete all the infrastructure and improvements required by the Scottsdale Revised Code and these stipulations, in conformance with the Design Standards and Policies Manual and other applicable standards.
5. **FEES.** The construction of water and sewer facilities necessary to serve the site shall not be in-lieu of those fees that are applicable at the time building permits are granted. Fees shall include, but not be limited to the water development fee, water resources development fee, water recharge fee, sewer development fee or development tax, water replenishment district charge, pump tax, or any other water, sewer, or effluent fee.





October 12, 2016

City of Scottsdale  
Planning, Neighborhood & Transportation Division  
7447 E. Indian School Road, Suite 105  
Scottsdale, AZ 85251

Re: Project Narrative for amended Conditional Use Permit **(20-UP-2011)**  
Fry's Fuel Center #621 – Expansion  
**COS Project # 570-PA-2016**

## **I. INTRODUCTION**

Fry's is proposing a fuel center expansion for four (4) dispensers. The existing fuel is located at 9350 North 90<sup>th</sup> Street, APN 217-36-857G, (the "Property"). Fry's Food Store requests approval of an amended City of Scottsdale, (the "City") Conditional Use Permit, ("CUP") for the fuel center under the "Gas Station" use requirements established in Section 1.401 and 1.403 of the Zoning ordinance.

The subject property is located on the Northwest corner of 90<sup>th</sup> Street and Via Linda, directly across from an existing Fry's Marketplace located at 8900 East Via Linda, and is currently designated for C-3 land uses with a Conditional Use Permit for gasoline services (20-UP-2011) in the 90<sup>th</sup> Street and Via Linda commercial subdivision. The adjacent property to the north is designated C-4 PCD; properties to the east and south are designated C-3 PCD, and Interstate 101 borders the Property to the west. Existing businesses in the subdivision are retail shops and a bank.

Based on the adjacent land uses, business types, and overall existing conditions of the locale, the subject property is deemed to be an appropriate location for the expanded fuel center as it satisfies any and all requirements for compliance. This request is to apply for an amended CUP should the project meet the requirements for "Gas Station" uses set forth in Section 1.401 and 1.403 of the City of Scottsdale ordinance.

## **II. CONDITIONAL USE PERMIT FINDINGS**

Conditional uses, as opposed to those permitted by right, are such that they may be appropriate under some conditions within a given zoning district, and or may be inappropriate under others.

In the case of a CUP for a "Gas Station", Section 1.401 of the Zoning Ordinance establishes the criteria utilized by the Planning Commission and City Council to determine the appropriateness of a proposed conditional use. Further, Section 1.403(H) outlines additional criteria and is addressed below in Section III, "Criteria for Gas Station".

**ATTACHMENT #4**

**9-UP-2016  
10/12/16**

The granting of an amended CUP will not be materially detrimental to the public health, safety or welfare. To reach this conclusion, the Planning Commission and City Council consider:

1. Damage or Nuisance arising from noise, smoke, odor, dust, vibration or illumination.

**Response:** This project will provide no additional unusual or detrimental impacts on public health, safety, or welfare. Noise will be minimal, which is consistent with the use. No smoke, dust, vibration or odor issues are anticipated for this use. Odor associated with fueling operations is eliminated through the use of Stage I Vapor Recovery techniques. Lighting will be directed away from surrounding areas and meet code requirements.

Typical safety guidelines and techniques associated with fuel center operations will be implemented to minimize risk of hazards to persons.

2. Impact on the surrounding areas resulting from an unusual volume or character of traffic.

**Response:** No unusual traffic volumes or characteristics are anticipated. The site is designed with safe access and on-site circulation. Fry's fuel centers are designed to be a supplemental service for existing customers and food store patrons. As such, they provide convenience and additional value to the patron as a "one-stop-shop", reducing the need for additional vehicle trips and vehicle miles traveled.

The proposed fuel center location creates a link between an already established community asset; the Fry's grocery. In doing, a sense of familiarity is provided to patrons of these local businesses, which can encourage more customers to access either side of the street as a driver or pedestrian.

The fuel center will also bolster the local area's identity as an economic place for automobile services and sales, directly promoting the development patterns and standards that exist currently in the area, reinforcing the area's character.

### III. CRITERIA FOR GAS STATION

Section 1.403 (H) of the City of Scottsdale Zoning Ordinance specifies additional criteria for the Gas Station land use and are listed below:

#### *Gas station.*

1. The application shall include detailed landscape plans showing plant, type, size and spacing. All landscape plans shall include an automated watering system. Planting areas shall cover a minimum of five (5) percent of the lot area and may



be required to cover as much as twenty (20) percent of the site, depending upon site size. All trees planted shall have a minimum caliper of two (2) inches and all shrubs shall be at least five-gallon size. Lack of care and maintenance of the landscaped areas is cause for revoking the Conditional Use Permit.

**Response:** All vegetative cover is a minimum of 5 gallons, including all shrubs, groundcover, and accent plantings. Trees are 3" Cal. size. All required landscape information can be reviewed on the landscape plan. At 5%, the required area for landscape is 20,680 s.f. The proposed landscaped area is ±37,947 s.f., or 9.17% of the net lot area.

2. All structures approved under this amended Conditional Use Permit are of a unique design appropriate for the area in which they are to be constructed. All canopies shall be connected to the roof of the main structure unless otherwise approved. Renderings of any buildings shall accompany each application and construction shall be in reasonable conformity thereto.

**Response:** The proposed design complies with City of Scottsdale Gas Station & Convenience Store Design Guidelines (Adopted October 7, 1999) in its site, landscape, and architecture. Per the architectural elevations, the canopy height is 18'-6" tall, with 16'-4" clearance. The employee kiosk is 13'-0" tall. All exteriors are to complement the existing Fry's Food Store to maintain a consistent aesthetic. The separated canopy concept has been presented to the City staff with no exceptions taken.

3. All sources of artificial light shall be concealed and attached to the main structure, unless otherwise approved. All lighting shall be designed to minimize glare.

**Response:** All fuel center canopy lighting will be recessed and site lighting will be shielded for zero bleed-off at the property lines.

4. The minimum area of a lot, exclusive of street dedication, shall be twenty-two thousand five hundred (22,500) square feet.

**Response:** Gross and Net Lot Area is 413,518 s.f.

5. A solid masonry wall or planting screen is required between all gas station sites and a residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A. The wall height shall be as determined in each case based on the site and surrounding property contextual relationships.

**Response:** There are no residential districts adjacent to the Property.

**9-UP-2016**  
**10/12/16**

#### IV. CONCLUSION

An amended CUP for the proposed fuel center is required to continue to perform gas station related activities on the subject property. No additional zoning modifications are required upon issuance of the amended permit. Limited retail sales of small consumer items such as beverages and snack items will accompany fuel sales.

The existing zoning of the subject property and adjacent commercial areas permit uses of greater intensity without an amended CUP. It can be determined that the proposed use continues to be low impact in relationship to nearby business activities.

Please let me know if I can be of any assistance or if you have any question about the proposed project.

Sincerely,



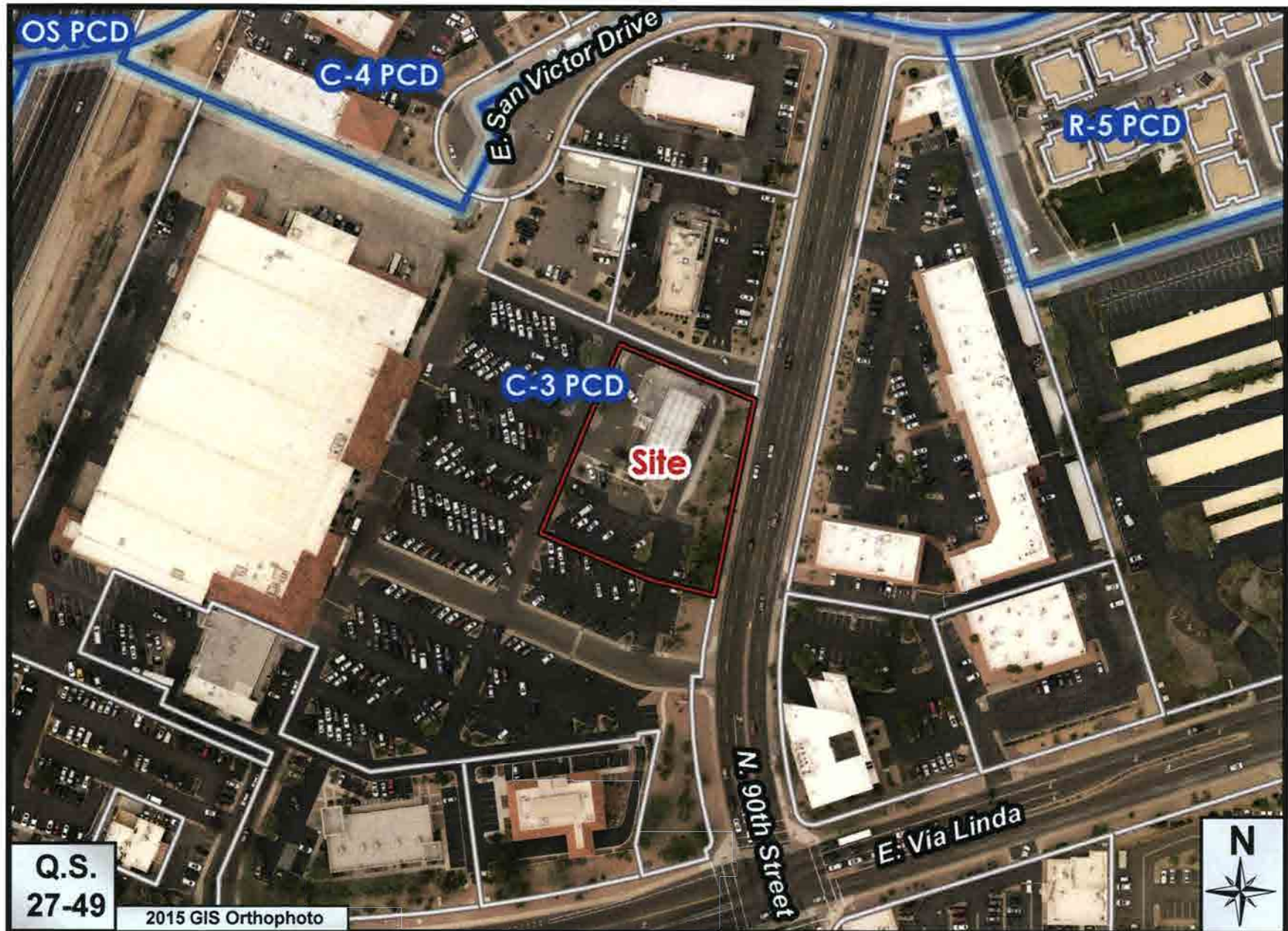
Ali Fakh

[ali@azseg.com](mailto:ali@azseg.com)

C: 480.516.5514

**9-UP-2016**  
**10/12/16**





Fry's Fuel Center #621

9-UP-2016

**Carr, Brad**

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**Subject:** 9-up-2016, Fry's fuel Center #621

**From:** **Jim Borst** <jim@desertpacific.com>

**Date:** Wed, Jan 4, 2017 at 2:14 PM

**Subject:** 9-up-2016, Fry's fuel Center #621

**To:** projectinput@scottsdale.gov

I am a concerned neighbor, across the street. We notice and hear many accidents on 90th street in front of the existing Fry's Center. Long lines in the middle "suicide" lane.

Also, many long lines at the fuel pumps, with horns honking and angry customers.

many times during the day there are line extending through the parking lot and blocking traffic.

i would be concerned another 4 pumps would add the disruption and chaos at the center

Thank You

**Jim Borst**

**Desert Pacific Advisors**

**Management/Sales/Leasing**

**9393 N. 90th Street #207**

**Scottsdale, AZ 85258**

**480.990.0970**

**602.697.9324(M)**



*"LEED®ing and Developing Smart Projects"*

# **FRY'S FOOD STORES OF ARIZONA FRY'S FUEL CENTER #621**

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## **Citizen Participation Report**

**9350 N. 90<sup>th</sup> Street**

**SUBMITTED TO:  
CITY OF SCOTTSDALE PLANNING, NEIGHBORHOOD &  
TRANSPORTATION DIVISION  
Scottsdale, Arizona**

**APPLICANT:  
SUSTAINABILITY ENGINEERING GROUP**

Prepared: December, 2016

**9-UP-2016  
12/06/16**





## **PURPOSE**

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The purpose of this Report is to document the results of the implementation of the Citizen Participation Plan for Fry's Fuel Center #621 expansion located at 9350 N. 90<sup>th</sup> Street. This report provides evidence that citizens, property owners, neighborhood associations, agencies, and interested parties in the vicinity of the site have had adequate opportunity to learn about and comment on the proposed plans and actions addressed in the application. The proposal includes a request to amend the existing Conditional Use Permit (CUP).

Comments, sign-in lists, and other materials are attached.

## **CONTACT**

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All questions and/or comments related to this proposal should be directed to:

Ali Fakihi  
Sustainability Engineering Group  
8280 E. Gelding Dr.  
Suite 101  
Scottsdale, AZ 85260  
(480) 588-7226  
[ali@azseg.com](mailto:ali@azseg.com)

## **ACTION PLAN**

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In order to provide effective citizen participation in regards to this application, the following actions have been taken to provide adequate opportunity to adjacent landowners or any other potentially affected individuals, agencies, or organizations to learn of and address any and all real or perceived impacts these requests may have on individuals, properties, or the community:

1. Initial Notification
  - A. A contact list was created for all entities in the area potentially affected by this development which include:
    - a) Neighboring landowners within 750 feet of the project. Refer to Exhibit "A" for Context Aerial Map and mailing list.
  - B. A notification letter was created that provides a description of the project, including a site plan with vicinity map. Refer to Exhibit "B" for the notification information.
    - a) This letter was sent on August 4, 2016 to the Target Area.
  - C. An Open House was held on August 17, 2016 at Mustang Library.
    - a) A sign-in sheet was used to record attendees and minutes were taken of the presentation, attendees' comments and questions. Refer to Exhibit "C" for sign-in sheet and meeting minutes.





2. Site Posting

A. Post the Property with a "Project Under Review" sign.

- a) The site was posted at a prominent location on the project site on August 5, 2016. Refer to Exhibit "D" for posting information.

3. HOA Meeting

A. An HOA meeting was held on June 27, 2016.

- a) The review committee reviewed the plans and approved the design. A formal letter of support from McCormick Ranch Property Owner's Associate was provided. Refer to Exhibit "E" for letter of support







## EXHIBIT B

*"LEED®ing and Developing Smart Projects"*

August 3, 2016

RE: **Open House Meeting**

Fry's Fuel Center #621 expansion  
9350 N. 90<sup>th</sup> Street

Dear Property Owner/Neighbor:

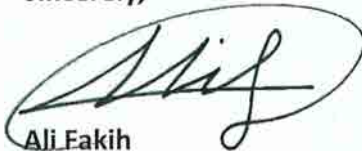
We represent Fry's Food and Drug Stores, who are proposing an expansion of the Fry's Fuel Center located at 9350 N. 90<sup>th</sup> Street as shown on the attached Site Plan and Expansion Exhibit.

In order to present the project to you and provide an opportunity to answer any questions you may have, we have scheduled an open house for:

Date and Time:	<b>Wednesday, August 17 at 6pm</b>
Location:	<b>Mustang Library Book Discussion Room 10101 N. 90<sup>th</sup> Street Scottsdale, AZ 85258</b>

If this date and time is not convenient, we would be glad to meet or speak with you individually. If you should have any questions or comments, please feel free to contact me at 480-588-7226 or via email at [ali@azseg.com](mailto:ali@azseg.com). Thank you for your courtesy and consideration.

Sincerely,

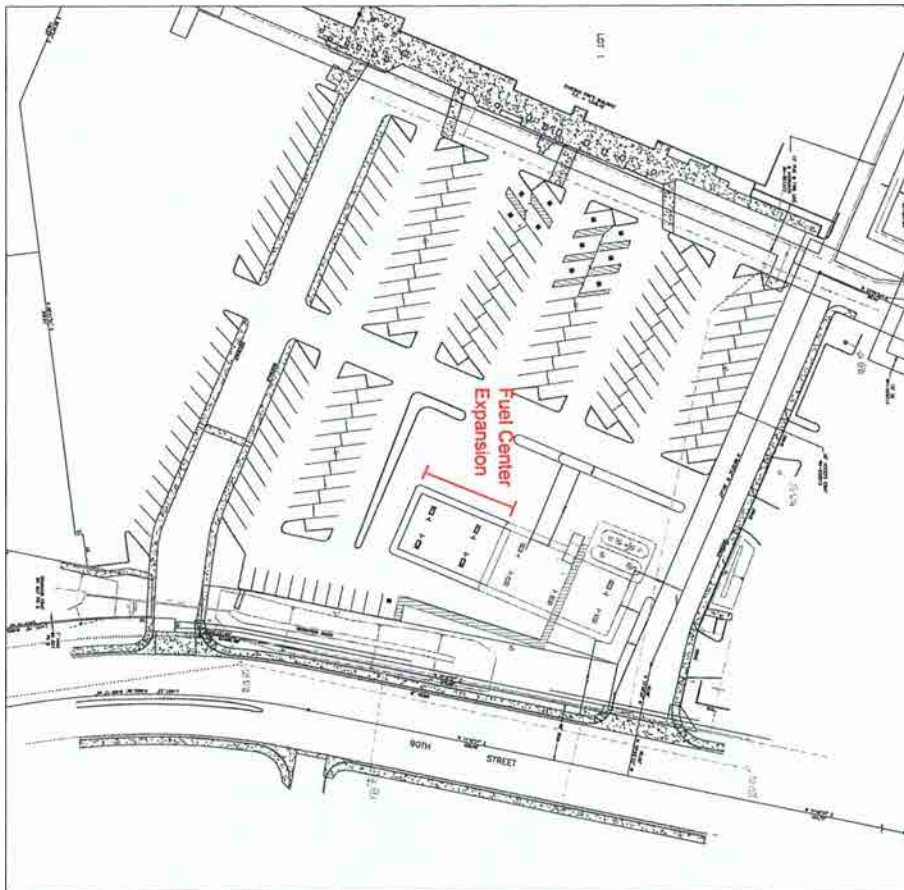


Ali Fakhri

Enclosed you will find a proposed exhibit for your review.







PARKING CALCULATIONS  
 EXISTING: 484 P.S. (PER SITE PLAN SP-1)  
 REMOVED PARKING: 26 P.S.  
 REMOVED: 458 P.S.  
 REQUIRED: 434 P.S. (PER SITE PLAN SP-1)

**NOTES:**  
 1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ARIZONA DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, AND THE ARIZONA DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR AIRPORT CONSTRUCTION.  
 2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ARIZONA DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, AND THE ARIZONA DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR AIRPORT CONSTRUCTION.  
 3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ARIZONA DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, AND THE ARIZONA DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR AIRPORT CONSTRUCTION.  
 4. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ARIZONA DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, AND THE ARIZONA DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR AIRPORT CONSTRUCTION.  
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<b>PROJECT</b> FRY'S #621 <b>LOCATION</b> 90TH STREET AND VIA LINDA	 The Kroger Co. 10281 East 5th Street, Suite A Denver, CO 80231 Phone (303) 715-5817 Fax (303) 715-5800	 Fry's Food Stores of Arizona 500 South Main Avenue, Bldg. A Tempe, AZ 85283 Phone (602) 851-1844 Fax (602) 851-1874	 <b>SEG</b> SUSTAINABILITY ENGINEERING GROUP 17781 N. PERIMETER DR. #107, SCOTTSDALE, ARIZONA 85255 WWW.AZSEG.COM TEL. 480.588.7220	<b>SITE PLAN</b> FUEL CENTER EXPANSION EXHIBIT
				SHEET NO. _____ TOTAL SHEETS _____



## Meeting Minutes

Re: Fry's Fuel Center 621 Expansion

Date: **August 17, 2016**

Time: **6:00 pm**

Place: Mustang Library, Book Discussion Room

Development Team in attendance:

Ali Fakh, Sustainability Engineering Group  
Joanna Bartholomew, Sustainability Engineering Group  
Ashlee Pounds, Sustainability Engineering Group  
Susan Houston, Sustainability Engineering Group  
Ryan Gaston, Fry's Food Stores of Arizona

The open house was set up with Boards for neighbors to review the proposed expansion of the Fuel Center and a sign in sheet to track neighbors in attendance. By 6:15 PM, no neighbors had arrived, but the development team decided to wait for another 30 minutes to allow neighbors that might be late. By a quarter until 7 PM, not a single neighbor arrived for the open house. At this time the development adjourned the meeting.

On the scheduled open house, no neighbors were in attendance, however SEG received a phone call from a neighbor, Martha requesting an electronic copy of the proposed site plan and an email from Michelle Estill in favor of the project.

**Joanna Bartholomew (Arciga)**

---

**From:** Martha O'Connor <serocon88@cox.net>  
**Sent:** Thursday, August 11, 2016 12:53 PM  
**To:** Joanna Arciga  
**Subject:** Re: Fry's Fuel Center 621 Expansion - Open House  
**Attachments:** image002.jpg; ATT00001.htm; image004.jpg; ATT00002.htm; Expansion Exhibit-1.pdf; ATT00003.htm; #621\_SP-1 overall-1.pdf; ATT00004.htm

Thank you. Martha

On Aug 11, 2016, at 10:18 AM, Joanna Arciga <[Joanna@azseg.com](mailto:Joanna@azseg.com)> wrote:

Martha and Diana,

Attached is the two exhibits included in the letter. I do apologize for the blurriness I will definitely let our print shop know. If you have any additional questions please feel free to give me a call either at the office number or my cellphone. My contact information is listed below.

Thank you,

|



## Joanna Bartholomew (Arciga)

---

**From:** Ali Fakih  
**Sent:** Monday, August 15, 2016 9:04 PM  
**To:** Joanna Arciga; Steve Counsell  
**Subject:** Fwd: Fry's Expansion

Let's make sure we add this to our citizen participation report pls.

Thank you,  
Ali

Begin forwarded message:

**From:** Michelle Estill <[mestill62@aol.com](mailto:mestill62@aol.com)>  
**Date:** August 11, 2016 at 8:09:20 AM MST  
**To:** [ali@azseg.com](mailto:ali@azseg.com)  
**Subject:** Fry's Expansion

Dear Ali,

I received your letter regarding the expansion of the Fry's fuel station and am excited for the improvement. We live near this location and feel it will add benefit to our local area. The current configuration is difficult and dangerous.

Sincerely,  
Michelle Estill

Michelle Estill  
PING Sales Representative-  
Southern Arizona  
Direct 563.508.9983  
[michellee@ping.com](mailto:michellee@ping.com)

"PLAY YOUR BEST"

**EXHIBIT D**  
**SIGN POSTING**



EXHIBIT E



# McCormick Ranch Property Owners' Association

June 27, 2016

Saint Lawrence Holding Co  
509 S 99<sup>th</sup> Ave  
Tolleson, AZ 85353

Re: 8900 E Via Linda, ARC Request, Account # 18995

Dear Saint Lawrence Holding Co,

The Architectural Review Committee has reviewed and approved your architectural request for the conceptual fuel center expansion at Fry's marketplace. A formal and complete application must be submitted before beginning any construction.

If you have any questions regarding this matter, please feel free to contact Valerie Venable at [vvenable@mrpoa.com](mailto:vvenable@mrpoa.com).

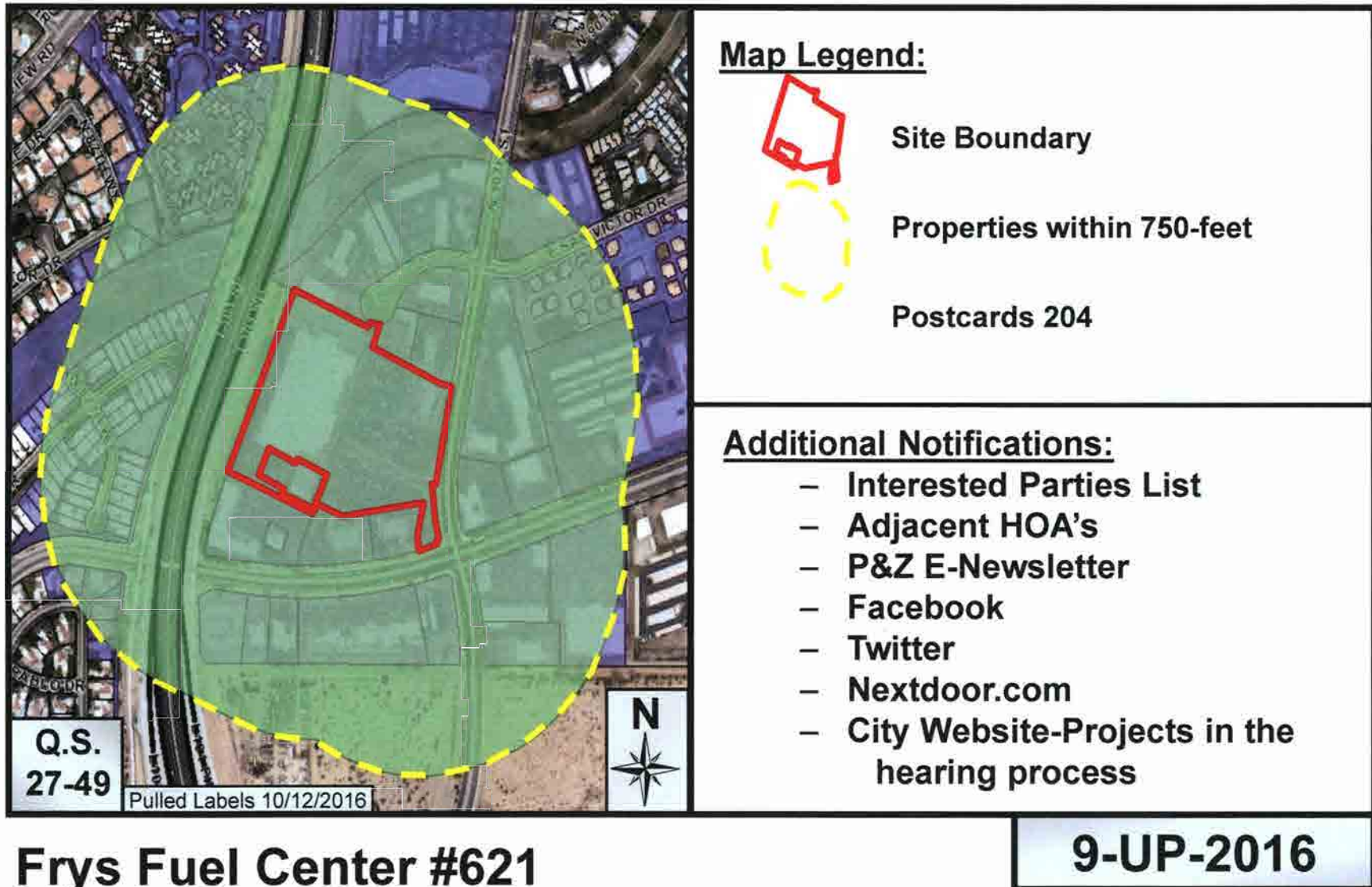
Regards,

MRPOA Architectural Review Committee



## City Notifications – Mailing List Selection Map

ATTACHMENT #7





**SCOTTSDALE PLANNING COMMISSION  
KIVA-CITY HALL  
3939 DRINKWATER BOULEVARD  
SCOTTSDALE, ARIZONA**

**WEDNESDAY, JANUARY 25, 2017**

**\*DRAFT SUMMARIZED MEETING MINUTES\***

**PRESENT:** Paul Alessio, Chair  
David Brantner, Vice Chair  
Matthew Cody, Commissioner  
Larry S. Kush, Commissioner  
Prescott Smith, Commissioner

**ABSENT:** Ali Fakh, Commissioner  
Michael J. Minnaugh, Commissioner

**STAFF:** Tim Curtis  
Sherry Scott  
Randy Grant  
Keith Niederer  
Brad Carr  
Andrew Chi  
Taylor Reynolds

**CALL TO ORDER**

Chair Alessio called the regular session of the Scottsdale Planning Commission to order at 5:00 p.m.

**ROLL CALL**

A formal roll call was conducted confirming members present as stated above.

\* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission page on [ScottsdaleAZ.gov](http://ScottsdaleAZ.gov), search "Planning Commission"

## **MINUTES REVIEW AND APPROVAL**

1. Approval of January 11, 2017 Regular Meeting Minutes including the Study Session.

**VICE CHAIR BRANTNER MOVED TO APPROVE THE JANUARY 11, 2017 REGULAR MEETING MINUTES INCLUDING THE STUDY SESSION, SECONDED BY COMMISSIONER KUSH, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SIX (6) TO ZERO (0).**

## **EXPEDITED AGENDA**

2. 8-UP-2012#2 (Monarch Wellness Centers)  
Request by owner for a renewal of an existing Conditional Use Permit for a Medical Marijuana Use in a 1,585 +/- square-foot facility located at 8729 E. Manzanita Drive, with Commercial Office District, Planned Community District (C-O PCD) zoning. Staff contact person is Greg Bloemberg, 480-312-4306. Applicant contact person is Court Rich, 480-505-3937.
3. 9-UP-2016 (Fry's Fuel Center #621)  
Request by owner for an amendment to an existing Conditional Use Permit to allow for the expansion of an existing Gas Station use with four (4) additional dispensers on a +/- 9.5-acre site located at 9350 N. 90th Street with Planned Community (PC) zoning, with comparable Highway Commercial (C-3) zoning district land uses and property development standards. Staff contact person is Brad Carr, AICP, 480-312-7713. **Applicant contact person is Joanna Bartholomew, 480-588-7226.**

**Item No's 2 and 3: Recommended to City Council for approval of cases 8-UP-2012#2 and 9-UP-2016, by a vote of 6-0; Motion by Vice Chair Brantner, per the staff recommended stipulations, based upon the finding that the Conditional Use Permit criteria have been met, 2<sup>nd</sup> by Commissioner Kush.**

## **REGULAR AGENDA**

4. 4-GP-2016 (Scottsdale Heights)  
Request by owner for a non-major General Plan amendment to the City of Scottsdale General Plan 2001 from Commercial to Urban Neighborhoods on +/- 14-acres of a +/- 15.5-acre site located at 7225 East Dove Valley Road. Staff contact person is Keith Niederer, 480-312-2953. Applicant contact person is John Berry, 480-385-2727.

\* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission page on [ScottsdaleAZ.gov](http://ScottsdaleAZ.gov), search "Planning Commission"



5. 9-ZN-2016 (Scottsdale Heights)

Request by owner for a Zoning District Map Amendment from Central Business District, Environmentally Sensitive Lands (C-2 ESL) to Medium Density Residential, Environmentally Sensitive Lands (R-3 ESL) on +/- 14-acres of a +/- 15.5-acre site located at 7225 East Dove Valley Road. Staff contact person is Keith Niederer, 480-312-2953. Applicant contact person is John Berry, 480-385-2727.

6. 10-AB-2016 (Scottsdale Heights Roadway Easement Abandonment)

Request by owner to abandon the eastern 30-feet of a 55-foot-wide roadway easement along the western edge of a property located at 7225 E. Dove Valley Road, with Central Business District, Environmentally Sensitive Lands (C-2 ESL) zoning. Staff contact person is Keith Niederer, 480-312-2953. Applicant contact person is John Berry, 480-385-2727.

**Item No's 4, 5 & 6: Recommended to City Council for approval of cases 4-GP-2016, 9-ZN-2016 and 10-AB-2016: by a vote of 5-0; Motion by Commissioner Kush, per the staff recommended stipulations after determining that the proposed Zoning District Map Amendment and Abandonment are consistent and conform with the adopted General Plan, 2<sup>nd</sup> by Vice Chair Brantner. Commissioner Smith recused himself.**

Request to Speak Cards: Robert Cappel, Michael Roeser, Brent Diedrich, Dan McNeill, David Gordon, James Johnson, Bob Moore, Don Buch, Lorra Moyer, Hamdi Hirsi.

Written Comment Cards: Ronald A. Rhoads, Neil Blitstein, Grant Ireland, Paula Rudnick, Charles Levitt, Joan Blazis Levitt, David Gordon, Cynthia McParland.

## **Non-ACTION ITEM**

7. 2-TA-2016 (Sign Ordinance Update - Temporary Signs)

Request by the City of Scottsdale to amend the City's Zoning Ordinance (Ordinance No. 455) for the purposes of modifying the sign requirements for temporary and semi-permanent signs, and to remove special event sign regulations from the Zoning Ordinance. Staff/Applicant contact person is Andrew Chi, 480-312-7828.

## **ADJOURNMENT**

With no further business to discuss, the regular session of the Planning Commission adjourned at 6:43 p.m.

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