

**Application
Narrative
Cash Transmittal
Pre-Application
Pre-App Narrative
Pre-App Cash Transmittal
Development Standards**



LAND DEVELOPMENT
CONSULTANTS, LLC

Case # 193-PA-2016
Conditional Use Permit Application

Project Narrative

October 11, 2016

**Circle K Convenience Store and Fueling Station
10200 N Scottsdale Road
Scottsdale, Arizona**

A. General Site & Project Description

The proposed redevelopment site includes Parcel 175-49-012C and D and a portion of Parcel 175-49-012A. Circle K Stores owns 012C & 012D and is in the process of securing interest in a portion of 012A. Presently, Parcel 012C is occupied by a retail convenience grocery store and fuel canopy which is operated by Circle K Stores Inc. Parcel 012A is currently a parking lot. Parcel 012D is a narrow strip of land between 012C and both Scottsdale Road and Gold Dust Avenue. The project site is shown in the photograph below.



The proposed development parcel, including all parcels (as described above), will have a combined land area of approximately 41,398 square feet. The proposed redevelopment of the property will include the raze and rebuild of the convenience store and fuel canopy, the addition of thirteen (13) parking spaces, the relocation of the existing trash enclosure, the removal of one access drive off of Scottsdale Road, the removal of one access drive off of Gold Dust Avenue, new landscaping and drive aisles to provide a

cohesive redevelopment. The redevelopment of the combined parcels will provide for a new and upgraded store and parking area to better serve the needs of the customer base that frequents this facility.

B. General and Specific Use Permit Criteria. Conditional Use Permits, which may be revocable, conditional or valid for a specified time period, may be granted only when expressly permitted by this ordinance and except in the case of conditional use permits for adult uses under Section 1.403(A), only after the Planning Commission has made a recommendation and City Council has found as follows:

1. 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 City Council's considerations shall include, but not be limited to, the following factors:
 - a. Damage or nuisance arising from noise, smoke, odor, dust vibration of illumination.

The proposed redevelopment of an existing convenience store site will not be materially detrimental to the public health, safety or welfare nor cause damage or nuisance arising from noise, smoke, odor, dust vibration of illumination. To the contrary, the existing convenience store has existed at this location for many years and has operated in general harmony with the surrounding neighboring properties. The proposed redevelopment will feature enhanced architecture as well as a significant increase in the landscape area at the property. The new fueling facility is designed with state-of-the-art containment and vapor recovery systems to ensure protection of the environmental and the health, safety and welfare of the employees and customers. Further, all lighting at the facility is designed to be recessed or shielded to ensure no excessive light spillage onto the public rights-of-way or adjoining properties. Finally, the use of the property as a retail convenience grocery store will not generate any excessive noise over ambient conditions that currently existing at this intersection or two major roads within the City.

- b. Impact on surrounding areas resulting from unusual volume or character of traffic.

The facility provides points of access to the adjoining public right-of-way that have been designed based upon a traffic analysis of the site specific vehicular flows and volumes. The location of the ingress and egress points into the property provides safe and efficient turning movements for vehicles entering the property. Additionally, the redevelopment of this property will facilitate the removal of one drive onto Scottsdale Road and the removal of one drive onto Gold Dust Road.

2. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.

The proposed redevelopment project is designed to only enhance and better a use that has existed harmoniously at this location of many years. The proposed use as a retail convenience grocery store with fuel sales is compatible with the adjoining properties to the north and west, as all such properties are presently zoned and occupied retail

commercial uses. The balance of the properties to the east, southeast and south are zoned for commercial uses, but are separated from the facility by public rights-of-way. The proposed use of the property is reasonably compatible with the adjoining zoning and land uses.

3. The additional conditions specified in Section 1.403 have been satisfied, as described below.

Gas stations

- a. The application shall include a detailed landscape plans showing plant, type, size and spacing. All landscape plans shall include an automated watering system and planting areas shall constitute a minimum of five (5) percent of the lot area and may be required to include 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 landscape areas shall be considered due cause for revoking the Conditional Use Permit.

The conceptual landscape plan submitted as part of this application meets the above stated criteria.

- b. 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 buildings shall accompany each application and construction shall be in reasonable conformity thereto.

The proposed architectural elevations of the project include enhanced architectural and the use of a variety of materials and colors. The materials and colors are similar to those of nearby buildings and harmonious with the overall area, featuring a range of tans and browns in the color palette, accented with the use stone. This architectural theme is also included on the fuel canopy to provide a consistent architectural theme for the redevelopment project.

- c. All source of artificial light shall be concealed and shall be attached to the main structure, unless otherwise approved. All lighting shall be so designed as to minimize glare.

The lighting design and photometric plan for the proposed redevelopment project meets this criteria. All lights within the building façade and fuel canopy are flush mounted so as not to cause light spillage. All other site fixtures provide for screening or shielding of the illumination source to further prevent light spillage. A detailed photometric plan, as well as specific fixture criteria, for each light on the property are included with this submittal.

- d. The minimum area of a lot considered adequate to accommodate this use, exclusive of street dedication, shall be twenty-two thousand five hundred (22,500) square feet.

The proposed redevelopment site exceeds these criteria as the site includes an area of 41,400 square feet.

- e. A solid masonry wall or planting screen shall be required between all service station sites and residentially zoned property. (Height shall be as determined in each case.)

Although the redevelopment site does not abut residentially zoned properties, the Site Plan includes both a masonry screen wall along each street frontage as well as dense landscape pallet.



Development Application

Development Application Type:
Please check the appropriate box of the Type(s) of Application(s) you are requesting

Zoning	Development Review	Signs
<input type="checkbox"/> Text Amendment (TA)	<input checked="" type="checkbox"/> Development Review (Major) (DR)	<input type="checkbox"/> Master Sign Program (MS)
<input type="checkbox"/> Rezoning (ZN)	<input type="checkbox"/> Development Review (Minor) (SA)	<input type="checkbox"/> Community Sign District (MS)
<input type="checkbox"/> In-fill Incentive (II)	<input type="checkbox"/> Wash Modification (WM)	Other:
<input checked="" type="checkbox"/> Conditional Use Permit (UP)	<input type="checkbox"/> Historic Property (HP)	<input type="checkbox"/> Annexation/De-annexation (AN)
Exemptions to the Zoning Ordinance	Land Divisions (PP)	<input type="checkbox"/> General Plan Amendment (GP)
<input type="checkbox"/> Hardship Exemption (HE)	<input type="checkbox"/> Subdivisions	<input type="checkbox"/> In-Lieu Parking (IP)
<input type="checkbox"/> Special Exception (SX)	<input type="checkbox"/> Condominium Conversion	<input type="checkbox"/> Abandonment (AB)
<input type="checkbox"/> Variance (BA)	<input type="checkbox"/> Perimeter Exceptions	Other Application Type Not Listed
<input type="checkbox"/> Minor Amendment (MA)	<input type="checkbox"/> Plat Correction/Revision	<input type="checkbox"/>

Project Name: CIRCLE K

Property's Address: 10200 N Scottsdale Rd and a portion of APN: 175-49-012A

Property's Current Zoning District Designation: C-3 (Highway Commercial)

The property owner shall designate an agent/applicant for the Development Application. This person shall be the owner's contact for the City regarding this Development Application. The agent/applicant shall be responsible for communicating all City information to the owner and the owner application team.

Owner: <u>Lynn Morrison</u>	Agent/Applicant: William Scarbrough
Company: FTT Total Wine Center LLC	Company: Land Development Consultants
Address: 10320 N Scottsdale Rd, #9, Scottsdale, AZ 85253	Address: 11811 N Tatum Blvd, #1051, Phoenix AZ 85028
Phone: _____ Fax: _____	Phone: 602-850-8141 Fax: 602-997-9807
E-mail: _____	E-mail: bill@ldcaz.com
Designer: Indira Ibrahimbegovic	Engineer: Steve Bowser
Company: Greenberg Farrow	Company: Helix Engineering
Address: 19000 MacArthur Blvd, #250, Irvine CA 92612	Address: 3240 E Union Hills Dr, #112, Phoenix AZ 85050
Phone: 949-296-0434 Fax: _____	Phone: 602-788-2616 Fax: _____
E-mail: iibrahimbegovic@greenbergfarrow.com	E-mail: sb@hxeng.com

Please indicate in the checkbox below the requested review methodology (please see the descriptions on page 2).

- This is not required for the following Development Application types: AN, AB, BA, II, GP, TA, PE and ZN. These applications¹ will be reviewed in a format similar to the Enhanced Application Review methodology.

Enhanced Application Review: I hereby authorize the City of Scottsdale to review this application utilizing the Enhanced Application Review methodology.

Standard Application Review: I hereby authorize the City of Scottsdale to review this application utilizing the Standard Application Review methodology.

FTT Total Wine Center LLC, an AZ LLC, by Carbas Corporation, an AZ corporation, its Manager

Land Development Consultants

Owner Signature

Agent/Applicant Signature

Official Use Only

Submittal Date:

Development Application No.:

Planning, Neighborhood & Transportation

7447 East Indian School Road Suite 105, Scottsdale, Arizona 85251 Phone: 480-312-7000 Fax: 480-312-7088

City of Scottsdale's Website: www.scottsdaleaz.gov

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Development Application

Review Methodologies

Review Methodologies

The City of Scottsdale maintains a business and resident friendly approach to new development and improvements to existing developments. In order to provide for flexibility in the review of Development Applications, and Applications for Permitting, the City of Scottsdale provides two methodologies from which an owner or agent may choose to have the City process the application. The methodologies are:

1. Enhanced Application Review Methodology

Within the parameters of the Regulatory Bill-of-Rights of the Arizona Revised Statutes, the Enhanced Application Review method is intended to increase the likelihood that the applicant will obtain an earlier favorable written decision or recommendation upon completion of the city's reviews. To accomplish this objective, the Enhanced Application Review allows:

- the applicant and City staff to maintain open and frequent communication (written, electronic, telephone, meeting, etc.) during the application review;
- City staff and the applicant to collaboratively work together regarding an application; and
- City staff to make requests for additional information and the applicant to submit revisions to address code, ordinance, or policy deficiencies in an expeditious manner.

Generally, the on-going communication and the collaborative work environment will allow the review of an application to be expedited within the published Staff Review Time frames.

2. Standard Application Review Methodology:

Under the Standard Application Review, the application is processed in accordance with the Regulatory Bill-of-Rights of the Arizona Revised Statutes. These provisions significantly minimize the applicant's ability to collaboratively work with City Staff to resolve application code, ordinance, or policy deficiencies during the review of an application. After the completion the city's review, a written approval or denial, recommendation of approval or denial, or a written request for additional information will be provided.

The City is not required to provide an applicant the opportunity to resolve application deficiencies, and staff is not permitted to discuss or request additional information that may otherwise resolve a deficiency during the time the City has the application. Since the applicant's ability to collaboratively work with Staff's to resolve deficiencies is limited, the total Staff Review Time and the likelihood of a written denial, or recommendation of denial is significantly increased.

In addition to the information above, please review the Development Application, and/or the Application for Permitting flow charts. These flow charts provide a step-by-step graphic representation of the application processes for the associated review methodologies.

Note:

1. Please see the Current Planning Services and Long Range Planning Services Substantive Policy Statements and Staff Review Timeframes for Development Applications, number III.

Planning, Neighborhood & Transportation

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Development Application

Arizona Revised Statutes Notice

§9-834. Prohibited acts by municipalities and employees; enforcement; notice

- A. A municipality shall not base a licensing decision in whole or in part on a licensing requirement or condition that is not specifically authorized by statute, rule, ordinance or code. A general grant of authority does not constitute a basis for imposing a licensing requirement or condition unless the authority specifically authorizes the requirement or condition.
- B. Unless specifically authorized, a municipality shall avoid duplication of other laws that do not enhance regulatory clarity and shall avoid dual permitting to the maximum extent practicable.
- C. This section does not prohibit municipal flexibility to issue licenses or adopt ordinances or codes.
- D. A municipality shall not request or initiate discussions with a person about waiving that person's rights.
- E. This section may be enforced in a private civil action and relief may be awarded against a municipality. The court may award reasonable attorney fees, damages and all fees associated with the license application to a party that prevails in an action against a municipality for a violation of this section.
- F. A municipal employee may not intentionally or knowingly violate this section. A violation of this section is cause for disciplinary action or dismissal pursuant to the municipality's adopted personnel policy.
- G. This section does not abrogate the immunity provided by section 12-820.01 or 12-820.02.

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Company: Circle K Stores Inc.	Company: Land Development Consultants
Address: 1130 W Warner Rd, Building B, Tempe, 85254	Address: 11811 N Tatum Blvd #1051, Phoenix AZ 85028
Phone: 602-728-4047 Fax:	Phone: 602-850-8141 Fax: 602-997-9807
E-mail: speel@circlek.com	E-mail: bill@ldcaz.com
Designer: Indira Ibrahimbegovic	Engineer: Steve Bowser
Company: Greenberg Farrow	Company: Helix Engineering
Address: 19000 MacArthur Blvd, #250, Irvine CA 92612	Address: 3240 E Union Hills Dr, #112, Phx, AZ 85050
Phone: 949-296-0434 Fax:	Phone: 602-788-2616 Fax:
E-mail: iibrahimbegovic@greenbergfarrow.com	E-mail: sb@hxeng.com

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Owner Signature

Agent/Applicant Signature

Official Use Only

Submittal Date:

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Request for Site Visits and/or Inspections Development Application (Case Submittals)

This request concerns all property identified in the development application.

Pre-application No: 193 - PA - 2016

Project Name: CIRCLE K

Project Address: 10200 + A PORTION OF 10300 N SCOTTSDALE RD

STATEMENT OF AUTHORITY:

1. I am the owner of the property, or I am the duly and lawfully appointed agent of the property and have the authority from the owner to sign this request on the owner's behalf. If the land has more than one owner, then I am the agent for all owners, and the word "owner" refer to them all.
2. I have the authority from the owner to act for the owner before the City of Scottsdale regarding any and all development application regulatory or related matter of every description involving all property identified in the development application.

STATEMENT OF REQUEST FOR SITE VISITS AND/OR INSPECTIONS

1. I hereby request that the City of Scottsdale's staff conduct site visits and/or inspections of the property identified in the development application in order to efficiently process the application.
2. I understand that even though I have requested the City of Scottsdale's staff conduct site visits and/or inspections, city staff may determine that a site visit and/or an inspection is not necessary, and may opt not to perform the site visit and/or an inspection.

Property owner/Property owners agent: NICK FORE
Print Name

Nick Fore
Signature

City Use Only:

Submittal Date: _____ Case number: _____

Planning and Development Services

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ Phone: 480-312-7000 ♦ Fax: 480-312-7088

10-UP-2016
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