



March 25, 2015  
Revised: August 6, 2015

Town of Oro Valley  
Development & Infrastructure Services Department  
11000 N. La Canada Drive  
Oro Valley, AZ 85737

Re: Project Narrative for Conditional Use Permit  
Fry's New Fuel Center #18

RECEIVED  
AUG 10 2015

BY: \_\_\_\_\_

**I. INTRODUCTION**

Fry's is proposing a new seven (7) dispenser fuel center located at 10661 N. Oracle Road (the "Property"). Fry's Food Stores requests approval of a Town of Oro Valley, (the "Town") Conditional Use Permit, ("CUP") for the fuel center under the "Tier II Convenience Uses" requirements established in §25.1.G.b. of the Oro Valley Zoning Code and additional stipulations set forth in the Rooney Ranch PAD.

The subject property is located on the SWC of N 1<sup>st</sup> Avenue and N Oracle Road; specifically at 10661 N. Oracle Road. The specific project location is adjacent to N 1<sup>st</sup> Avenue, in the southeast portion of the subject parcel with APN 220-09-0230. It is situated within the existing parking area in the apron between the two main drive aisles extending from N 1<sup>st</sup> Avenue.

The adjacent properties are also commercial uses, predominantly retail, including but not limited to Starbuck's, The Home Depot, PetSmart, Sally Beauty Supply, OfficeMax, Target, Fry's Foods, and other shopping amenities. BMO Harris Bank is located adjacent to the building site to the SE.

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 proposed fuel center. A Conditional Use Permit is being requested should the proposal be found to satisfy any and all design and use requirements for compliance.

**II. GENERAL INFORMATION**

The fuel center will include seven (7) fuel dispensers, 5,418 s.f. canopy, and a 176 s.f. employee kiosk. The fuel center design includes emergency shut-offs for pumps, fuel tank ventilation, emergency vehicle ingress/egress, and additional parking (incl. accessible parking). The hours of operations for the center will be as follows:

- 1. Hours of Operation:**
  - **Employee manned from 5:00 am-11:00 pm**
  - **Pay at the pump is available 24 hours**
- 2. Number of Employees:**



- *2 employees and shifts will vary*

**3. Activities:**

- Process: Dispensing of petroleum fuel products*
- Materials: Petroleum fuels (Regular, Mid-Grade, and Premium Unleaded gasoline, and Diesel Fuel)*

In addition to fuel dispensing, small consumer items will be available for purchase at the employee kiosk.

**III. SITE IMPROVEMENTS**

The proposed center is located in an existing Fry's Foods development. The improvements required include additional pedestrian connectivity, parking reconfiguration, landscape island expansion along driveways, and additional landscape plantings. All off-site and appropriate landscaping along the right of way have been constructed.

- A pedestrian pathway will connect to the public right of way at 1<sup>st</sup> Avenue. The path will be 5' wide, except it shall be 6' wide around the fuel center kiosk.
- A 5' wide non-ADA sidewalk is proposed along the westerly side of the store front entrance from 1<sup>st</sup> Avenue.
- Inverted U-shaped bicycle racks, providing space for two (2) bicycles. Racks will be located adjacent to the kiosk.
- Parking southerly of the center will be restriped at 90 degrees, with a two-way 24' drive aisle.
- Landscape islands will be expanded to appropriately guide traffic along driveways from N 1<sup>st</sup> Avenue.
- All landscape island improvements will include additional landscape plantings to maintain streetscape consistency and legibility.

**IV. CONDITIONAL USE COMPATIBILITY**

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" Tier II Convenience Use, §25.1.G.b. of the Oro Valley Zoning Code establishes the criteria utilized by Planning staff to determine the appropriateness of a proposed conditional use.

The granting of a 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.
  - i. Damage or Nuisance arising from noise, smoke, odor, dust, vibration or illumination.

***Response: This project will provide no 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 fuel delivery operations is eliminated through the use of Stage I Vapor Recovery techniques. Lighting will be directed away from surrounding areas and meet code requirements.***

- ii. Hazards to persons and property from possible explosion, contamination, fire or flood.

***Response: Typical safety guidelines and techniques associated with fuel center operations will be implemented to minimize risk of hazards to persons. An existing fire hydrant is located directly to the NW of the fuel center, an emergency shut-off button is located on the kiosk with access from all fuel dispensers, and the site has been designed to adequately allow emergency vehicle ingress/egress.***

- iii. Hazard occasioned by 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.***

***Based on a recent trip generation statement, approximately 50% of the possible trips generated will be patrons of the commercial development. This creates local convenience for residents and reduces loads on road facilities by minimizing the need for unnecessary daily trips to additional amenities and services.***

***No alterations will be made to the existing and previously approved curb returns at the 1<sup>st</sup> Avenue Road entrances. Appropriate design measures have been taken to accommodate the WB-50 fuel distribution truck that will service the fuel center.***

***The subject property is located along N Oracle Road where Pima County has designated as a State Route. As such, the road is designed to convey significant trip traffic and enjoy excess capacity.***



*On-site traffic circulation intent will be maintained. The existing northern most drive aisle (two-way) providing access between the two 1<sup>st</sup> Avenue entrances is being relocated south of the proposed fuel center. This new PAAL provides a 24' wide two-way unrestricted drive aisle. Fueling operations will occur adjacent to, but out of the PAAL with no encroachment into the PAAL. Delivery vehicles for this center will be accomplished with WB-50 sized trucks to ensure safe maneuverability throughout the site. This new PAAL location provides improved movements into the north-south drives, extending the access points further from the entrance/1<sup>st</sup> Ave intersection.*

2. That the characteristics of the use proposed in such use permit are reasonably compatible with the types of use permitted in the surrounding area.

*Response: The Rooney Ranch Area D is designated for commercial uses. The use proposed is included as a conditional use, and as such, is congruent with the PAD design and applicable policies. The commercial development is comprised of a myriad of retailers and service providers ranging from banks to pet stores. Issuance of the requested CUP for kiosk fuel center activities enriches the diversity of retail services in the area, further promoting the center as a robust commercial node.*

#### V. CRITERIA FOR GAS STATION

§25.1.G.b.i of the Oro Valley Zoning Code specifies specific use requirements for the Gas Station land use and are listed below:

##### *Gas stations and/or Automotive Service*

- a. A minimum building site of thirty-six thousand (36,000) sq. ft. is required and lot frontage is to be not less than two hundred (200) feet, except that kiosk gas stations may be located on an existing or proposed pad within a shopping center.

*Response: The proposed fuel center is a kiosk gas station. As such the aforementioned minimum standards do not apply; however, the Fry's site is recorded as 301,395.9 sf while the building location's limits of construction are 39,975 sf. The frontage of the parcel is ±405' in length.*

- b. Vehicle queuing is prohibited in the required setbacks.

*Response: The proposed design allows for vehicle stacking that does not encroach onto the setback areas. 36' feet is the design standard for stacking distance from the canopy edge.*



- c. All on-site activities, except those to be performed at the fuel pumps, are to be performed within a completely enclosed building.

***Response: All transactions occur at the kiosk excluding those completed at the fuel pumps. This includes the sale of convenience goods only, typically associated with a kiosk use. These convenience goods are located in enclosed, lockable, merchandise units placed on the west side of the kiosk and are not visible from Oracle Road. This outdoor sales component does not include a large variety of retail items typically associated with convenience store uses.***

- d. All restroom entrances shall be screened from view of adjacent properties or street rights-of-way by a decorative wall.

***Response: The proposed design includes bathroom facilities with restricted access. It is proposed that the level of use may only require a landscape buffer to provide adequate cover from the right of way on 1<sup>st</sup> Avenue. The facilities are not visible from the N Oracle Road frontage.***

- e. No outside storage of and no sale, lease or rental of trailers, trucks or similar equipment shall be permitted, except as may be specifically allowed in that zone.

***Response: No trailer, trucks, or similar equipment will be stored, rented, or sold on site.***

- f. All entrances to service bays shall be screened or face away from street frontage.

***Response: No automotive bays are included in the design.***

- g. Canopies shall not be located closer than ten (10) feet from property line of the project. Design of the canopy shall architecturally match the design of the main building. The maximum height of the canopy shall not exceed eighteen (18) feet or the height of the nearest structure, whichever is more restrictive.

***Response: At its closest point, the canopy is located 40.14' from the property line abutting 1<sup>st</sup> Avenue. All architectural elements and queues will be taken from the existing Fry's building design. The canopy designed height is the maximum 18'-0"; it is more restrictive than the height of the nearest building.***

## VI. CONCLUSION

A CUP for the proposed fuel center is required to perform gas station related activities on the subject property. Limited retail sales of small consumer items such as beverages and snack items will accompany fuel sales.



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The existing zoning of the subject property and adjacent commercial areas permit uses of greater intensity without a CUP. It can be determined that the proposed use is 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,

A handwritten signature in black ink, appearing to read "Ali Fakhri", written in a cursive style.

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