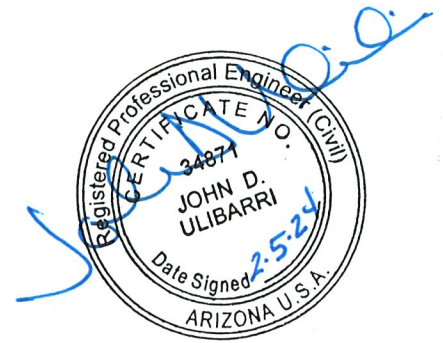


# GERVASIO & ASSOC., INC.

CONSULTING ENGINEERS  
77 EAST THOMAS ROAD, SUITE 120  
PHOENIX, ARIZONA 85012  
(602) 285-1720 • (602) 285-1530 (FAX)



## RESPONSE MEMORANDUM

TO: Jose Macias, Planner/GIS, [jmacias@elmirageaz.com](mailto:jmacias@elmirageaz.com)  
Bryce Christo, P.E., Assistant City Engineer, [bchristo@elmirageaz.com](mailto:bchristo@elmirageaz.com)

FROM: John D. Ulibarri, P.E., Gervasio & Assoc.

SUBJECT: PZ23-12-22 Fuel Processing Operators Plant Expansion Conditional Use Permit & Site Plan review  
G&A Job #3026.1 C - Olive Ave., 12126 W.

DATE: February 5, 2025

BELOW are the Applicant's response to the City of El Mirage Planning & Zoning Department comments dated January 22, 2024 for the above PZ23-12-22 application.

**RESPONSE:** The applicant acknowledges the Planning & Zoning list of conditions (Comments 1 thru 20) for future final permit application submittals.

Below are the Applicant's response to the City of El Mirage Engineering Department comments dated January 19, 2024 for the above PZ23-12-22 application.

Narrative (Comments 1 thru 9)

**RESPONSE:** The attached CUP-NARRATIVE dated February 5, 2024 was revised in response to the above comments and questions.

The Applicant acknowledges the remaining Engineering Department conditions for future final permit application requirements with the following exceptions:

Site Plan (Comments 10 thru 43)

Comment #14 "*dedication of 10 feet of right of way (for a total of 65 feet)*"

**RESPONSE:** The 55 foot distance from the existing hydrogen and Nitrogen storage tanks to a public right-of-way would be reduced by 10 feet; and restrict the onsite truck movements for loading and unloading of fuel products. The Applicant intends to submit a design exception, if required.

Comment #18 *"The proposed driveway would be an exit only type per the TIA)"*

**RESPONSE:** The proposed entrance shall become a full access entrance if future improvements to Olive Avenue restrict access to the existing plant entrance. Full access to the plant shall be allowed in the future.

Comment #20 *"6-inch MAG type curbing is required around all driveways and parking lots. Curb that carries drainage shall include a gutter. The curbing shall be no closer than 3 feet to any property line."*

**RESPONSE:** Removal of any raised barrier in a fuel processing center eliminates obstacles that can cause potential damage to fuel tanker truck tires during offsite transport. Bollards and red striping pavement markings shall be placed along the edge of the pavement.

Comment #38 *"Per City Code Section 155.057, all overhead utility lines, 13kV and under, shall be placed underground."*

**RESPONSE:** Per the attached APS e-mail from Kurt Warnstedt dated February 2, 2024, their 69kv lines shall remain on the existing overhead power poles along the subject property frontage. Therefore the existing 12kv line shall remain aboveground. The Applicant intends to submit a design exception, if required.

Comment #41 *"A trash enclosure shall be proposed on site per City Detail EM-113"*

**RESPONSE:** All future dumpsters, as well as the existing dumpster, shall be within the secured fuel processing area, not used for public access.

Comment #42f *"Offsite Improvements – A raised median will be required along the project Frontage."*

**RESPONSE:** The future median configuration of the property west of the subject parcel is undetermined at this time. All medians within Olive Avenue shall be painted medians.

Preliminary Landscape Plan (Comments 45 thru 52)

Comment #52 *"The raised median shall be landscaped and irrigated. The City can provide examples of other median landscaping upon request."*

**RESPONSE:** Removal of any raised barrier in a fuel processing center is for safety reasons to eliminate obstacles that can potentially cause damage to tanker truck tires during transport. Bollards and red striping pavement markings shall be placed along the edge of pavement areas.

Preliminary Drainage Report (Comments 54 thru 60)

Comment #57 *"Drainage Area Exhibit - Provide the volume required and provided calculations for the "Containment Area" and the adjacent portion of 121st Avenue."*

**RESPONSE:** 121st Avenue is contiguous to the designated drainage area of the Agua Fria tributary. Drainage from 121st Avenue shall be allowed to flow directly into the Aqua Fria without containment. The Applicant intends to submit a design exception, if required.

Traffic Impact Analysis (TIA) (Comments 74 thru 88)

Comment #79a *“Would this not be better utilized as a deceleration for the main entrance to the site for the large trucks on a 45 mph roadway?”*

**RESPONSE:** The distance between 121st Avenue and the existing entrance is less than 260 feet (220+ feet). The right-turn lane for the existing entrance shall be based on the Traffic Engineer’s modified taper length configuration.

Comment #85 *“Olive Avenue is an arterial roadway so all driveways require a right turn deceleration lane. The City requires a minimum of 160 feet of storage and a 100-foot taper. If the developer wishes to remove the requirement for the deceleration lane, a Request for Design Exception must be provided.”*

**RESPONSE:** The right-turn lane for the proposed entrance shall be in the 3rd lane of Olive Avenue. The turn lane will be based on the Traffic Engineer’s modified curb configuration. The Applicant intends to submit a design exception, if required.

## John Ulibarri

---

**From:** Michael Brandon <Michael.Brandon@pilottravelcenters.com>  
**Sent:** Friday, February 2, 2024 10:46 AM  
**To:** John Ulibarri  
**Subject:** FW: APS-04404-S6R0F for 12126 W Olive Ave

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged



**Michael Brandon**  
Sr Plant Manager, El Mirage  
Michael.Brandon@pilottravelcenters.com  
cell: 865-469-6839  
5508 Lonas Drive / Knoxville, TN 37909



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---

**From:** Kurt.Warnstedt@aps.com <Kurt.Warnstedt@aps.com>  
**Sent:** Friday, February 2, 2024 9:51 AM  
**To:** Michael Brandon <Michael.Brandon@pilottravelcenters.com>  
**Subject:** [EXTERNAL] APS-04404-S6R0F for 12126 W Olive Ave

Good morning Michael,

It was a pleasure to speak with you earlier!

As per our conversation, our GIS MAP is showing Transmission: MTPOT17455961 IS 69KV and OHDistribution: MTPOT8642772 is 12.5KV. I would like to preface this in saying that the GIS MAP is not always accurate, but based on the numbers matching what you suspected, I assume that it's correct in this case.

As always, I thank you in advance for your time with this, please let me know if you have any questions.

Kurt Warnstedt  
Service Coordinator

Customer Construction West  
602-695-4685  
[Kurt.Warnstedt@aps.com](mailto:Kurt.Warnstedt@aps.com)

---

**From:** Michael Brandon <[Michael.Brandon@pilottravelcenters.com](mailto:Michael.Brandon@pilottravelcenters.com)>  
**Sent:** Friday, February 2, 2024 9:02 AM  
**To:** Warnstedt, Kurt <[Kurt.Warnstedt@aps.com](mailto:Kurt.Warnstedt@aps.com)>  
**Subject:** Fuel Processing Operators - Power lines 12126 W Olive Ave  
**Importance:** High

**\*\*\*CAUTION\*\*\***

**\*\*\*CAUTION\*\*\***

**\*\*\*CAUTION\*\*\***

This e-mail is from an **EXTERNAL** address ([Michael.Brandon@pilottravelcenters.com](mailto:Michael.Brandon@pilottravelcenters.com)). **DO NOT** click on links or open attachments from an external sender and know the content is safe. If you suspect this message to be phishing, please report it to the APS Cyber Defense Center.

Kurt,

Can you provide the description of the power lines along Olive Ave. in front of Fuel Processing Operators at 12126 W Olive Ave, (12.5kv & 69kv).

I am asking for this information to identify development project constraints with the City of El Mirage on Feb 5th.

Regards,  
Michael Brandon  
480-797-4776



**Michael Brandon**  
Sr Plant Manager, El Mirage  
[Michael.Brandon@pilottravelcenters.com](mailto:Michael.Brandon@pilottravelcenters.com)  
cell: 865-469-6839  
5508 Lonas Drive / Knoxville, TN 37909



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**From:** [Bryce Christo](#)  
**To:** [Jose Macias](#); [Jorge Gastelum](#)  
**Subject:** RE: PZ23-12-22: Fuel Processing Operators - CUP & Site Plan response  
**Date:** Tuesday, February 6, 2024 9:50:28 AM  
**Attachments:** [3026.1 CUP Response Memo.pdf](#)  
[image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[image007.png](#)

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Here are my responses to the attached Memo for Fuel Processing Operators.

- Narrative Comments 1-9
  - We still need to know what is proposed on the west lot during Phase 1. Will it remain vacant, or will it be used for parking, storage, etc.?
- Site Plan Comment 14
  - It does appear that keeping the right of way at 55' will not be an issue, however, the property to the west did dedicate 65 feet. I recommend a design exception be requested.
- Site Plan Comment 18
  - The provided TIA noted that if a median is installed along Olive Avenue in the future, the west driveway would become a full access intersection and the east driveway would become right in/right out. An updated TIA would be required at that time in order to confirm that revised configuration.
- Site Plan Comment 20
  - This shall be a design exception request. If approved, swales or other improvements would be required to keep the drainage on site.
- Site Plan Comment 38
  - Relief from this requirement would have to be presented/approved by Council. It cannot be handled via a design exception.
- Site Plan Comment 41
  - Understood
- Site Plan Comment 42f
  - The proposed median may be temporary for the immediate future, so a striped option is acceptable.
- Landscape Plan Comment 52
  - The raised median being referenced was for Olive Avenue. This comment can be removed as a striped median is acceptable.
- Drained Report Comment 57
  - 121<sup>st</sup> Avenue drains to the FPO site currently and that shall continue.
- TIA Comment 79a & 85
  - Recommendations for these items will be prepared by the Traffic Engineer and the City will review and comment as needed.

Thank you,

Bryce Christo, P.E. – Assistant City Engineer  
10000 N. El Mirage Road, El Mirage, AZ 85335  
P: 623-876-2974 | C: 623-980-9980 | F: 623-876-4605 | E: [bchristo@elmirageaz.gov](mailto:bchristo@elmirageaz.gov)



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**From:** John Ulibarri <[jdu@gervasioeng.com](mailto:jdu@gervasioeng.com)>  
**Sent:** Monday, February 5, 2024 3:54 PM  
**To:** Jose Macias <[jmacias@elmirageaz.gov](mailto:jmacias@elmirageaz.gov)>; Bryce Christo <[bchristo@elmirageaz.gov](mailto:bchristo@elmirageaz.gov)>  
**Cc:** Michael Brandon <[Michael.Brandon@pilottravelcenters.com](mailto:Michael.Brandon@pilottravelcenters.com)>  
**Subject:** PZ23-12-22: Fuel Processing Operators - CUP & Site Plan response

**External Sender - From:** ([John Ulibarri](mailto:John.Ulibarri@jdu@gervasioeng.com)  
<[jdu@gervasioeng.com](mailto:jdu@gervasioeng.com)>)

This message came from outside your organization.

Jose,

As discussed in our meeting last week, we have revised the CUP Narrative and prepared a response memorandum to address the city review comments. The engineering review items we disagree with are individually listed in the memorandum. In addition, we have included an email from APS saying that the existing electrical poles along Olive Avenue has 69kv lines and 12kv lines.

Bryce, Let me know if the city engineer needs any additional information to gain staff support.

John D. Ulibarri, P.E.  
Civil Department Director  
*GERVASIO & ASSOC., INC.*  
77 East Thomas Road, Suite 120  
Phoenix, Arizona 85012  
(602) 285-1720 (office)

---

**From:** Jose Macias

**Sent:** Wednesday, January 31, 2024 10:20 AM

**To:** John Ulibarri <[jdu@gervasioeng.com](mailto:jdu@gervasioeng.com)>

**Cc:** Michael Brandon <[Michael.Brandon@pilottravelcenters.com](mailto:Michael.Brandon@pilottravelcenters.com)>; Bryce Christo <[bchristo@elmirageaz.gov](mailto:bchristo@elmirageaz.gov)>

**Subject:** RE: Fuel Processing Operators - CUP & Site Plan submittal

John,

I just sent out a new meeting invitation. See you tomorrow on MS Teams.

Regards,

Jose A. Macias

Senior Planner

Development Services - Planning & Zoning

P: 623.876.2996 | F: 623.876.4605 | E: [jmacias@elmirageaz.gov](mailto:jmacias@elmirageaz.gov)



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**From:** John Ulibarri <[jdu@gervasioeng.com](mailto:jdu@gervasioeng.com)>

**Sent:** Wednesday, January 31, 2024 9:47 AM

**To:** Jose Macias <[jmacias@elmirageaz.gov](mailto:jmacias@elmirageaz.gov)>

**Cc:** Michael Brandon <[Michael.Brandon@pilottravelcenters.com](mailto:Michael.Brandon@pilottravelcenters.com)>; Bryce Christo <[bchristo@elmirageaz.gov](mailto:bchristo@elmirageaz.gov)>

**Subject:** RE: Fuel Processing Operators - CUP & Site Plan submittal

— — —  
11am tomorrow works for me.

---

**From:** Jose Macias

**Sent:** Wednesday, January 31, 2024 9:20 AM

**To:** John Ulibarri <[jdu@gervasioeng.com](mailto:jdu@gervasioeng.com)>

**Cc:** Michael Brandon <[Michael.Brandon@pilottravelcenters.com](mailto:Michael.Brandon@pilottravelcenters.com)>; Bryce Christo <[bchristo@elmirageaz.gov](mailto:bchristo@elmirageaz.gov)>

**Subject:** RE: Fuel Processing Operators - CUP & Site Plan submittal

John,

We are not available at that time. We're available from 10 am to 12:30 pm on Thursday or, Monday morning.

Going to cancel today's meeting. Let us know if those times work.

Regards,

**Jose A. Macias**

Senior Planner

Development Services - Planning & Zoning

P: 623.876.2996 | F: 623.876.4605 | E: [jmacias@elmirageaz.gov](mailto:jmacias@elmirageaz.gov)



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**From:** John Ulibarri <[jdu@gervasioeng.com](mailto:jdu@gervasioeng.com)>

**Sent:** Wednesday, January 31, 2024 5:36 AM

**To:** Jose Macias <[jmacias@elmirageaz.gov](mailto:jmacias@elmirageaz.gov)>

**Cc:** Michael Brandon <[Michael.Brandon@pilottravelcenters.com](mailto:Michael.Brandon@pilottravelcenters.com)>; Bryce Christo <[bchristo@elmirageaz.gov](mailto:bchristo@elmirageaz.gov)>

**Subject:** Re: Fuel Processing Operators - CUP & Site Plan submittal

Thanks for working with us. I will not be able to make the meeting schedule for today. Can we take the 1pm time slot tomorrow?

John

On Jan 29, 2024, at 4:26 PM, Jose Macias <[jmacias@elmirageaz.gov](mailto:jmacias@elmirageaz.gov)> wrote:

Michael,

We can meet on Thursday between 10 am and 12:30 pm on Thursday. For now, I will schedule it for Wednesday at 2 pm on MS Teams.

Regards,

**Jose A. Macias**

Senior Planner

Development Services - Planning & Zoning

P: 623.876.2996 | F: 623.876.4605 | E: [jmacias@elmirageaz.gov](mailto:jmacias@elmirageaz.gov)

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**From:** Michael Brandon <[Michael.Brandon@pilottravelcenters.com](mailto:Michael.Brandon@pilottravelcenters.com)>

**Sent:** Monday, January 29, 2024 2:39 PM

**To:** Jose Macias <[jmacias@elmirageaz.gov](mailto:jmacias@elmirageaz.gov)>; John Ulibarri <[jdu@gervasioeng.com](mailto:jdu@gervasioeng.com)>

**Cc:** Bryce Christo <[bchristo@elmirageaz.gov](mailto:bchristo@elmirageaz.gov)>

**Subject:** RE: Fuel Processing Operators - CUP & Site Plan submittal

Jose,

Wednesday at 2:00pm will work, if a problem arises is there an alternative time on Thursday we can meet?

Regards,

■ **Michael Brandon**

Sr Plant Manager, El Mirage  
[Michael.Brandon@pilottravelcenters.com](mailto:Michael.Brandon@pilottravelcenters.com)  
cell: [865-469-6839](tel:865-469-6839)  
5508 Lonas Drive / Knoxville, TN 37909  
- - -

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**From:** Jose Macias <[jmacias@elmirageaz.gov](mailto:jmacias@elmirageaz.gov)>  
**Sent:** Monday, January 29, 2024 8:24 AM  
**To:** John Ulibarri <[jdu@gervasioeng.com](mailto:jdu@gervasioeng.com)>  
**Cc:** Michael Brandon <[Michael.Brandon@pilottravelcenters.com](mailto:Michael.Brandon@pilottravelcenters.com)>; Bryce Christo <[bchristo@elmirageaz.gov](mailto:bchristo@elmirageaz.gov)>  
**Subject:** [EXTERNAL] RE: Fuel Processing Operators - CUP & Site Plan submittal

John,

Wednesday at 2 pm we're available. Let me know if this works for you? We can do it over MS Teams.

Regards,

Jose A. Macias  
Senior Planner  
Development Services - Planning & Zoning  
P: 623.876.2996 | F: 623.876.4605 | E: [jmacias@elmirageaz.gov](mailto:jmacias@elmirageaz.gov)

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**From:** John Ulibarri <[jdu@gervasioeng.com](mailto:jdu@gervasioeng.com)>  
**Sent:** Thursday, January 25, 2024 3:45 PM  
**To:** Jose Macias <[jmacias@elmirageaz.gov](mailto:jmacias@elmirageaz.gov)>; Bryce Christo <[bchristo@elmirageaz.gov](mailto:bchristo@elmirageaz.gov)>  
**Cc:** Michael Brandon <[Michael.Brandon@pilottravelcenters.com](mailto:Michael.Brandon@pilottravelcenters.com)>  
**Subject:** RE: Fuel Processing Operators - CUP & Site Plan submittal

Jose,

Michael and I would like to arrange a meeting to review the comments. We need clarification & disagree on a few items, but we would like to make changes to the narrative/Site plan before the P&Z meeting in February. I am available Wednesday & Thursday of next week if you and Bryce are available.

John D. Ulibarri, P.E.  
Civil Department Director  
*GERVASIO & ASSOC., INC.*  
77 East Thomas Road, Suite 120  
Phoenix, Arizona 85012  
(602) 285-1720 (office)

---

**From:** Jose Macias  
**Sent:** Tuesday, January 23, 2024 7:43 AM  
**To:** John Ulibarri <[jdu@gervasioeng.com](mailto:jdu@gervasioeng.com)>  
**Cc:** Michael Brandon <[Michael.Brandon@pilottravelcenters.com](mailto:Michael.Brandon@pilottravelcenters.com)>  
**Subject:** RE: Fuel Processing Operators - CUP & Site Plan submittal

John,

Attached please find the TAC Review comments for the FPO plant expansion project. At this time no action is required, you may start to address the comment in your construction documents submittal.

The first public hearing will be on Tuesday, February 13, 2024, at 6 pm here at City Hall. More details will be provided once the agenda has been finalized.

If you have any questions regarding the comments and want a follow-up meeting, please feel free to contact my office.

Regards,

**Jose A. Macias**  
Senior Planner  
Development Services - Planning & Zoning

P: 623.876.2996 | F: 623.876.4605 | E: [jmacias@elmirageaz.gov](mailto:jmacias@elmirageaz.gov)

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**From:** John Ulibarri <[jdu@gervasioeng.com](mailto:jdu@gervasioeng.com)>

**Sent:** Thursday, January 18, 2024 3:36 PM

**To:** Jose Macias <[jmacias@elmirageaz.gov](mailto:jmacias@elmirageaz.gov)>

**Cc:** Michael Brandon <[Michael.Brandon@pilottravelcenters.com](mailto:Michael.Brandon@pilottravelcenters.com)>

**Subject:** RE: Fuel Processing Operators - CUP & Site Plan submittal

Hi Jose,

Just a quick questions on the status of the application review? Is there anything we can get started on before the P&Z meeting next month?

John D. Ulibarri, P.E.

Civil Department Director

*GERVASIO & ASSOC., INC.*

77 East Thomas Road, Suite 120

Phoenix, Arizona 85012

(602) 285-1720 (office)

---

**From:** Jose Macias

**Sent:** Wednesday, January 3, 2024 10:15 AM

**To:** John Ulibarri <[jdu@gervasioeng.com](mailto:jdu@gervasioeng.com)>

**Cc:** Michael Brandon <[Michael.Brandon@pilottravelcenters.com](mailto:Michael.Brandon@pilottravelcenters.com)>

**Subject:** RE: Fuel Processing Operators - CUP & Site Plan submittal

John,

Thank you for the submittal of the Conditional Use Permit application. Here are a few things we need to follow up.

1. The elevations will be submitted before the application staff report is completed.
2. The Phase One Environment Site Assessment is missing. Can you submit as soon as possible?
3. Who can we contact to take in the \$1,450.00 filing payment?

Feel free to contact my office if you have any questions.

Regards,

**Jose A. Macias**

Senior Planner

Development Services - Planning & Zoning

P: 623.876.2996 | F: 623.876.4605 | E: [jmacias@elmirageaz.gov](mailto:jmacias@elmirageaz.gov)

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**From:** John Ulibarri <[jdu@gervasioeng.com](mailto:jdu@gervasioeng.com)>

**Sent:** Thursday, December 21, 2023 4:32 PM

**To:** Jose Macias <[jmacias@elmirageaz.gov](mailto:jmacias@elmirageaz.gov)>

**Cc:** Michael Brandon <[Michael.Brandon@pilottravelcenters.com](mailto:Michael.Brandon@pilottravelcenters.com)>

**Subject:** Fuel Processing Operators - CUP & Site Plan submittal

Jose,

As requested, here are the missing items to complete our application:

1. Updated Site Plan (SP1 & SP2)
2. Deed
3. Preliminary Water report
4. Preliminary Sewer report

Have a great holiday.

John D. Ulibarri, P.E.

Civil Department Director

*GERVASIO & ASSOC., INC.*

77 East Thomas Road, Suite 120

Phoenix, Arizona 85012

(602) 285-1720 (office)



## UNDERGROUNDING OF OVERHEAD UTILITY LINES.

### § 152.030 GENERAL PROVISIONS.

(A) The developer shall place underground all existing overhead utility lines, including but not limited to telephone, cable television and electric power, except electrical lines exceeding 13 kV capacity, either within a proposed development or redevelopment project or within public rights-of-way or easements adjacent to the project, prior to issuance of a certificate of occupancy. This requirement shall apply to all projects submitted for approval or re-approval under the provisions of the site development in the zoning code. Utility poles and lines are defined herein as the poles, structures, wire, aerial cables, and related facilities used in the distribution of electricity or in the transmission of telecommunications, telegraph, data, radio, or television communications. This requirement includes utility lines on and adjacent to the project, including lines which extend across public streets, alleys, and/or easements adjacent to the property being developed or redeveloped. Existing utility lines within or adjacent to a project shall be under-grounded up to the first existing pole beyond the limits of the property. This requirement includes the undergrounding of all existing overhead service lines attached to the lines to be removed along with necessary conduit, supports, restoration and the like, necessary to convert the service line from overhead to underground. The requirement shall apply regardless of the existence of easements for overhead lines. When high-voltage power lines, above 13 kV or similar, are present on the same poles as the lower voltage lines, all lines other than the high-voltage lines shall be placed underground.

(B) Equipment appurtenant to the underground facilities, such as surface-mounted transformers, pull boxes, pedestal cabinets, service terminals, telephone splice closures, concealed ducts, or other similar on-the-ground facilities normally used with or as approved by the City Engineer, may be maintained above ground with the written permission of the City Engineer for the specific facility to be left above ground.

(C) The developer or owner of a development or redevelopment project shall be responsible to make necessary arrangements with the affected utility companies for the installation of required underground facilities, including the design and payment of any cost therefore as a condition of plan approval. Nothing contained herein is intended to obligate a providing utility company to install the underground facilities without reimbursement.

(D) In those instances where poles to be removed include street lights, the street lights will be replaced with freestanding poles by the developer in accordance with current street light standards.

(E) Relief from undergrounding requirements may be considered, at the discretion of City Council, under the following conditions.

(1) Deferment of undergrounding may be requested by a developer in cases where the utility frontage is small (generally less than 1,000 feet in length). When deferment is approved, the developer shall obtain an estimate of undergrounding costs from all affected utility companies. The developer shall then be required to provide a cash deposit, letter of credit, certificate of deposit, or other security acceptable to the City Attorney, in an amount equal to the estimated under-grounding costs, as provided by the utility company, associated with the utility frontage of the project. The developer shall also be required to install the ductwork (conduit) required by the utility companies for the future undergrounding prior to issuance of certificate of occupancy. Phasing of projects will be considered based on the particular situation. On projects for which plans are approved in phases, the developer may request delay in payment of estimated costs until approval of plans for the largest phase involving undergrounding, at which time payment for the entire project shall be required. The obligation to pay at the time of a subsequent phase shall be secured by an agreement which shall bind the owner and subsequent buyers for undergrounding costs along the entire applicable frontage. Monies received will be held in an account by the city to be used at whatever time the applicable area is converted by the city, utility companies, or other parties to underground utilities.

(2) Exemption may be considered where the developer can show that undergrounding will be an unusual economic hardship and the costs of the undergrounding are disproportionate in terms of the utility frontage and the proportionate frontage of the project under consideration. Examples are cases where development occurs in an area where adjacent land on both sides is already developed (infill situation), and in cases involving additions or modifications to existing sites which represent a minor portion of the total site.

(3) Exemption may be considered when high-voltage powerlines, above 13 kV or similar, would remain on the poles after the undergrounding of the lower voltage lines.

(4) All requests for relief must be presented in writing to the Planning and Development Director prior to plan approval. Consideration for approval shall be in accordance with the purpose, intent, and objective of this section. The City Council shall approve or disapprove all formal requests for relief. Aesthetics is only one of many reasons for undergrounding of which public safety is paramount. Completion of undergrounding and/or payment of costs shall be required prior to granting of a certificate of occupancy. All new service lines installed shall be underground per § 155.057 even though relief may be granted for adjacent existing lines.

(F) The requirements set forth above shall not apply to new utility poles and wires erected for purely temporary purposes such as providing temporary building construction power, emergency power, telephone service, or the furnishing of power to temporary outdoor activities. A permit for the temporary use shall be obtained from the Engineering Division. The length of the temporary use shall be specified in the permit and may not exceed six months. An additional six-month permit may be issued upon a finding of necessity by the City Engineer.

(Prior Code, Art. 19-4) (Res. R22-09-20, passed 9-8-2022; Ord. O22-09-05, passed 9-8-2022)