

# Staff Summary Report



Hearing Officer Hearing Date: June 2, 2009

Agenda Item Number: 6

**SUBJECT:** This is a public hearing for a request by **FLOOR AND DECOR (PL090166)** located at 7500 South Priest Drive for one (1) use permit.

**DOCUMENT NAME:** 20090602dssd02 **PLANNED DEVELOPMENT (0406)**

**COMMENTS:** Hold a public hearing for **FLOOR AND DECOR (PL090166)** (David Miller/Floor & Decor, applicant; Jahan Realty Management Corporation, property owner) located at 7500 South Priest Drive in the PCC-1, Planned Commercial Center Neighborhood and Southwest Overlay Districts for:

**ZUP09074** Use permit to allow outdoor retail display.

**PREPARED BY:** Shawn Daffara, Planner II (480-858-2284)

**REVIEWED BY:** Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359) *SEA*

**LEGAL REVIEW BY:** N/A

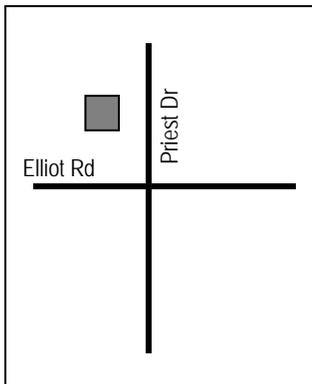
**DEPARTMENT REVIEW BY:** N/A

**FISCAL NOTE:** N/A

**RECOMMENDATION:** Staff – Approval, subject to conditions

**ADDITIONAL INFO:**

Floor and Décor is requesting a use permit to allow outdoor retail display. The proposed display areas will be adjacent to the main entrance of the store. To date, there has been no public input regarding these requests. Staff recommends approval of the proposals as submitted, with conditions.



**PAGES:**

1. List of Attachments
2. Comments; Reasons for Approval
3. Conditions of Approval; History & Facts/Description; Zoning & Development Code Reference

**ATTACHMENTS:**

1. Location Map(s)
2. Aerial Photo(s)
3. Letter of Intent
4. Site plan
5. Enlarged Site Plan
6. Staff Photograph(s)

## COMMENTS:

Floor and Décor is requesting a use permit to allow outdoor retail display. The site is located at 7500 South Priest Drive in the PCC-1, Planned Commercial Center Neighborhood District. The outdoor retail display will include outdoor racks displaying a variety of floor and tile surfaces, seasonal and other types of flooring materials. The display areas will be located near the main entrance and will not have an impact on the crosswalk or sidewalk that runs in front of the business. The Zoning and Development Code requires a six (6') foot clear, unobstructed path.

To date, there has been no public input regarding the requests.

## Use Permit

The Zoning and Development Code requires a use permit for outdoor display within the PCC-1, Planned Commercial Center Neighborhood District. This use permit request meets all applicable tests in the following manner: Evaluating the use permit, the proposal appears to pass the use permit test listed below:

- a. Any significant increase in vehicular or pedestrian traffic in adjacent areas;
  - There will be no significant increase in vehicular or pedestrian traffic in adjacent areas.
- b. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;
  - This use, with conditions, should not create nuisances within the commercial zoned area.
- c. Contribution to the deterioration of the neighborhood or to the downgrading of property values which is in conflict with the goals, objectives or policies for rehabilitation, redevelopment or conservation as set forth in the City's adopted plans, or General Plan;
  - The proposed development would not contribute to neighborhood deterioration or downgrade property values. The requested use permit will not be detrimental to the surrounding area.
- d. Compatibility with existing surrounding structures and uses;
  - The proposed use appears to be compatible with surrounding uses. The proposed development would not contribute to neighborhood deterioration or downgrade property values. The requested use permit will not be detrimental to the surrounding area.

## Conclusion

Staff recommends approval of the use permit, subject to the conditions of approval.

## REASON(S) FOR APPROVAL:

1. No apparent nuisance resulting from noise, smoke, odor, dust, vibration, or glare.
2. The use appears to be compatible with the site and adjacent property.
3. There appears to be a demonstrated need for this use at the proposed location

**SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.**

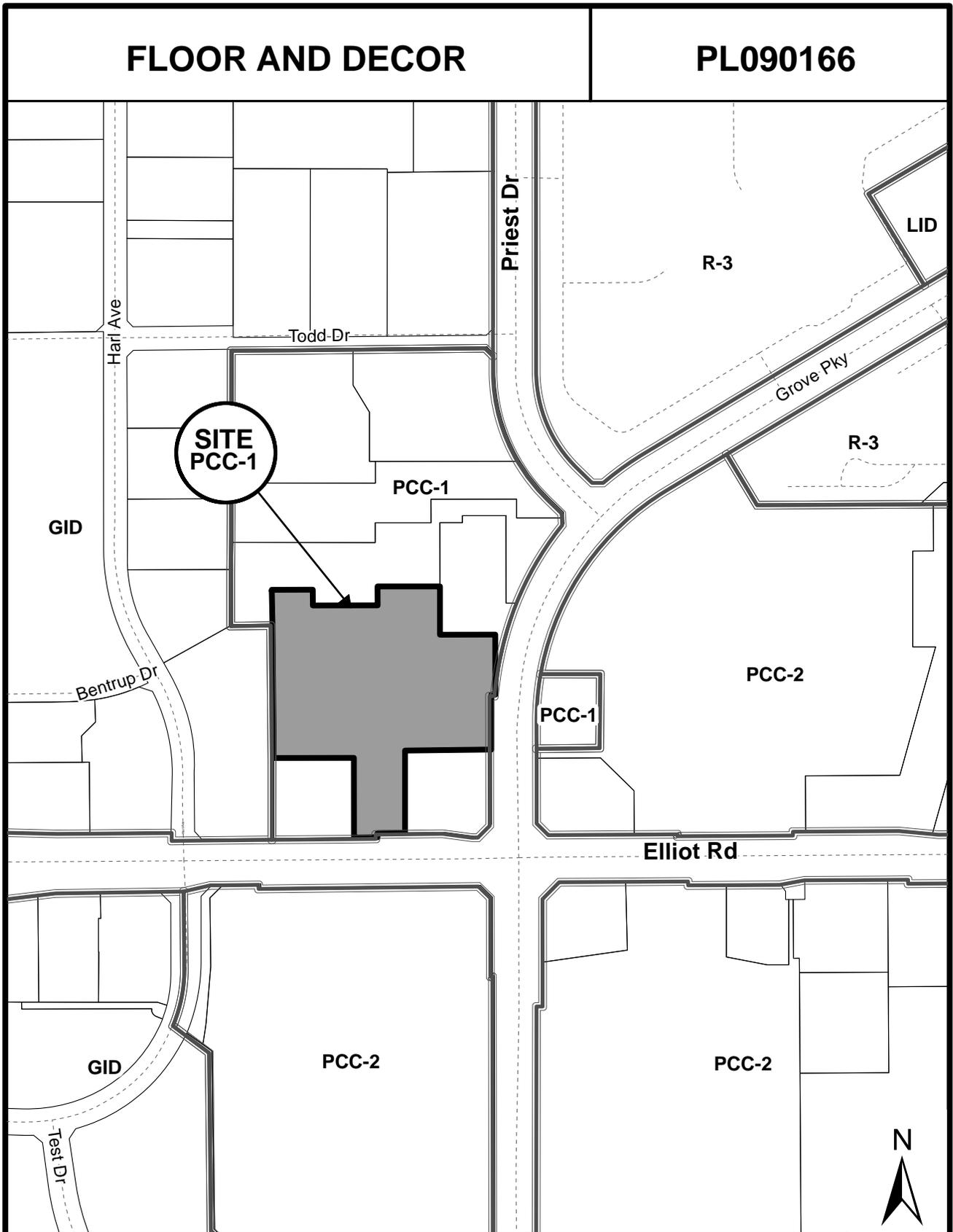
**CONDITION(S)  
OF APPROVAL:**

1. The outdoor display merchandise shall not conflict with pedestrian or vehicular traffic. If any display items are moved into the sidewalk, the business may be cited and/or returned to the Hearing Officer for review, and potential revocation of the use permits. The Zoning and Development Code requires a six (6') foot clear, unobstructed path.
2. The use permit is valid for the plans as submitted to and approved by the Hearing Officer, any expansion of the outdoor display would require a new use permit.
3. The outdoor display of merchandise shall not be located in public right of way, parking spaces and landscape areas.
4. If there are any complaints arising from the use permit that are verified by a consensus of the complaining party and the Development Services office, the use permit may be reviewed by city staff to determine the need for a public hearing to re-evaluate the appropriateness of the use permit.
5. Any outdoor signage associated with the display shall be reviewed by the Development Services Department - Planning Division and are limited to three (3) square feet.
6. No sound amplification shall be used for the outdoor display.

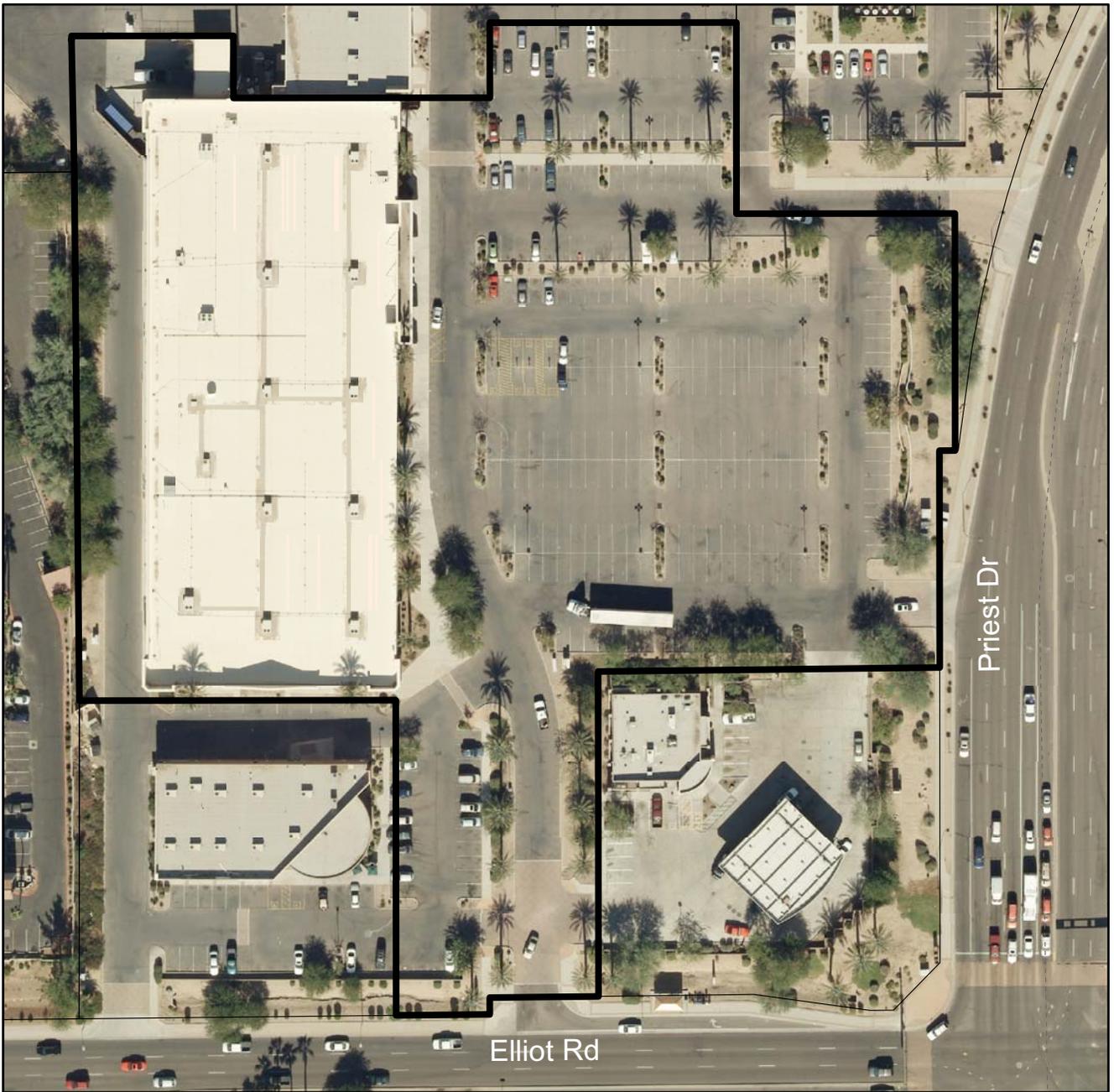
**HISTORY & FACTS:** None pertinent to this request

**DESCRIPTION:** Owner – Jahan Realty Management Corporation  
Applicant – David Miller/Floor & Decor  
Existing Zoning – PCC-1, Planned Commercial Center Neighborhood & SW Overlay Districts  
Site Area – 240,646 s.f. / 5.5 acres  
Building Area – 60,000 s.f

**ZONING AND  
DEVELOPMENT  
CODE REFERENCE:** Part 3, Section 3-418: Outdoor Display  
Part 6, Chapter 3, Section 6-308: Use Permit



**Location Map**



**FLOOR AND DECOR (PL090166)**



Outlets of America, Inc.

David A. Miller  
General Manager

April 29, 2009

City of Tempe  
Development Services Department  
31 E. 5<sup>th</sup> St-Garden Level  
Tempe, AZ 85281

To Whom It May Concern:

Per my conversation with Shawn Daffara, Planner II for the City of Tempe, enclosed in this packet is the following;

1. Application for outdoor retail displays
2. Check for the 1 time permit fee of \$1,099
3. Pictures showing what we would like to do

Similar to all the Home Depot stores currently in Tempe and other cities, we would like to showcase displays outside near our entrance.

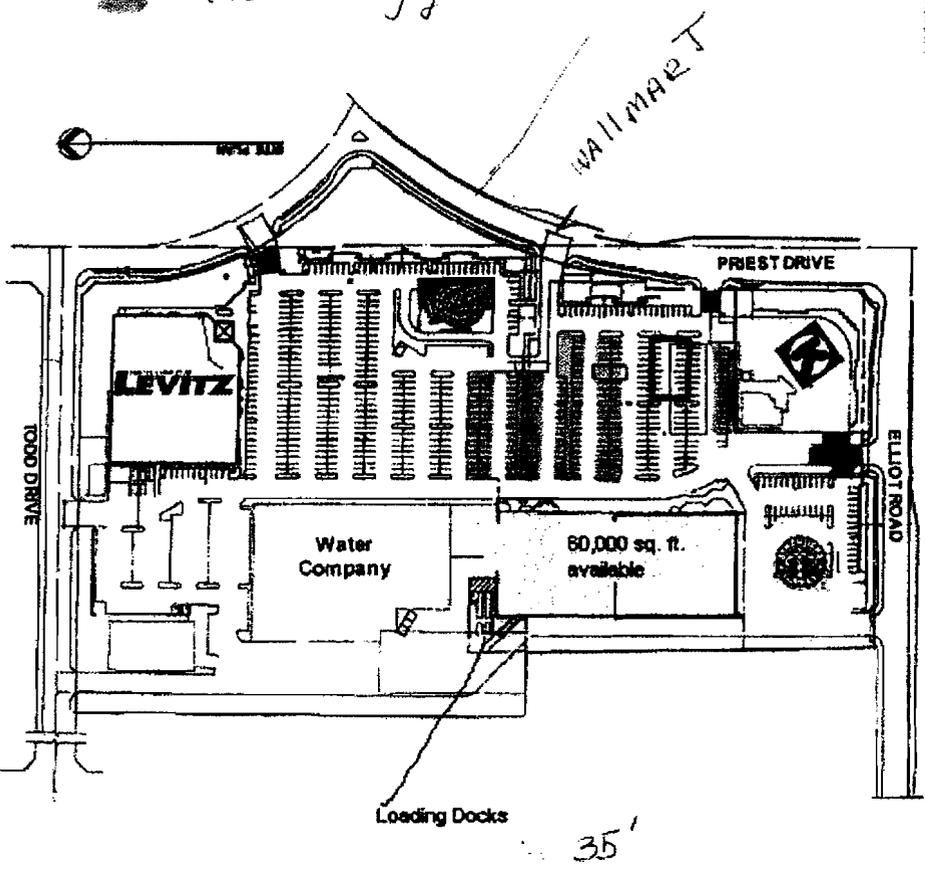
Please let me know if you need anything further.

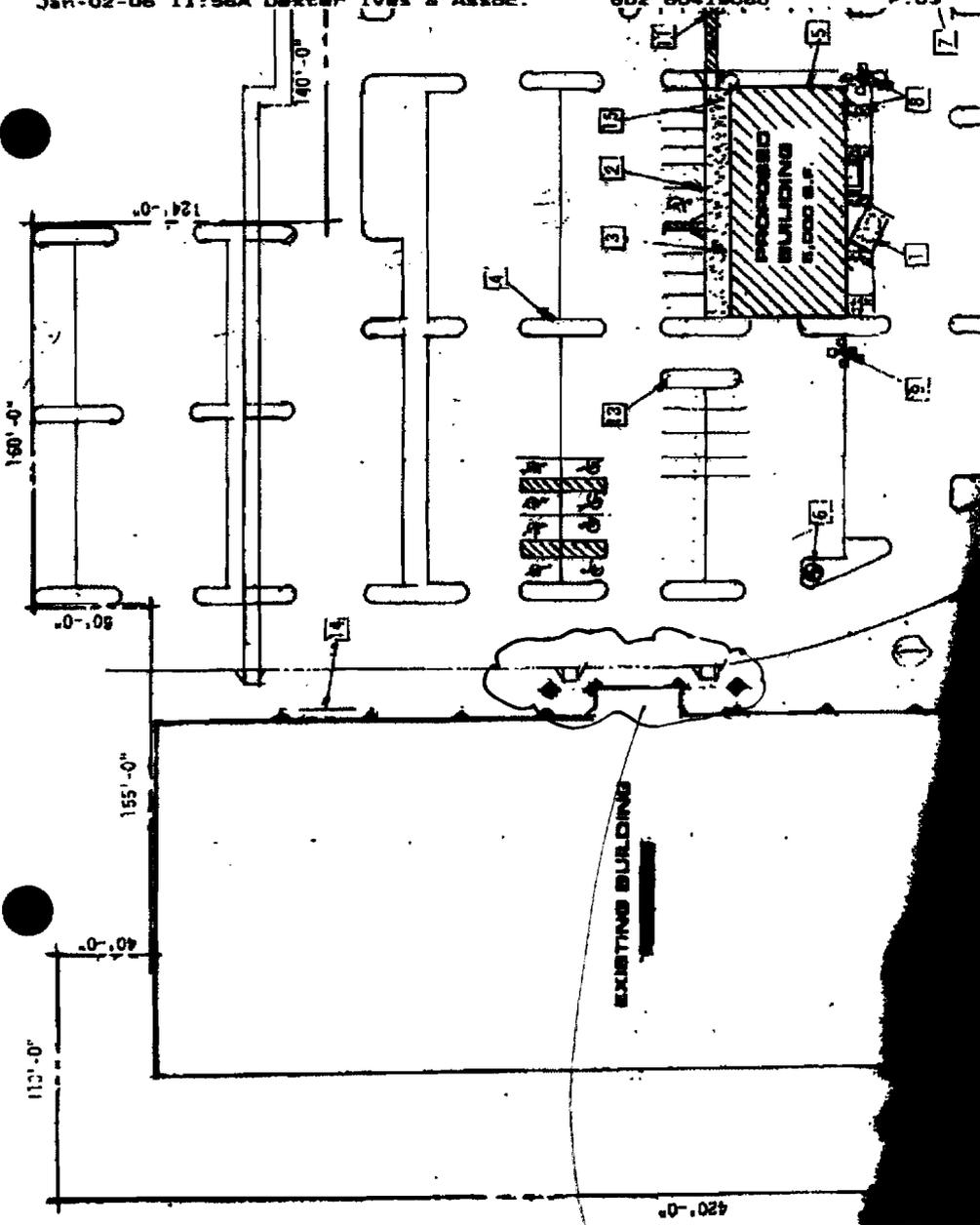
Sincerely,

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

David A. Miller

- = pad site
- = designated parking for Flaw + Decor
- = construction staging area





Displays adjacent to main entrance.  
Keep 6' clear unobstructed path.



**FLOOR AND DECOR**

**7500 SOUTH PRIEST DRIVE**

**PL090166**

**FRONT OF BUSINESS**

