

# Staff Summary Report



Hearing Officer Hearing Date: January 5, 2010

Agenda Item Number: 8

**SUBJECT:** This is a public hearing for a request by **SAFEWAY #1487 (PL090478)** located at 926 East Broadway Road for one (1) use permit.

**DOCUMENT NAME:** 20100105dsng04 **PLANNED DEVELOPMENT (0406)**

**COMMENTS:** Request by **SAFEWAY #1487 (PL090478)** (Jeff Winter/Esencia LLC, applicant; Safeway Inc., property owner) located at 926 East Broadway Road in the CSS, Commercial Shopping and Services District for:

**ZUP09177** Use permit to allow outdoor display.

**PREPARED BY:** Nick Graves, Planning Intern (480-350-8690)

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

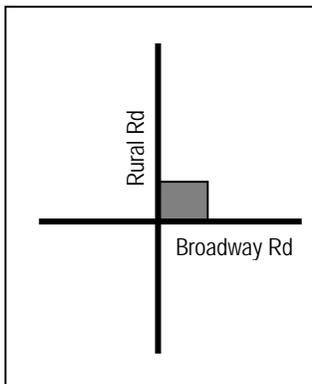
**LEGAL REVIEW BY:** N/A

**DEPARTMENT REVIEW BY:** N/A

**FISCAL NOTE:** N/A

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

**ADDITIONAL INFO:** The applicant is requesting a use permit to allow outdoor display. The site is located at 926 East Broadway Road in the CSS, Commercial Shopping and Services District. The proposed display areas will be adjacent to the main entrance of the store. To date, there has been no public input regarding this request. 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
2. Aerial Photo
3. Letter of Intent
4. Site Plan / Hardscape Floor Plan
5. Floral Display – Center
6. Floral Display – Side
7. Produce Display
8. Firewood Display
9. Staff Photograph

## COMMENTS:

Safeway is requesting a use permit to allow outdoor display. The site is located at 926 East Broadway Road in the CSS, Commercial Shopping and Services District. The outdoor display will include outdoor carts displaying miscellaneous, temporary in nature, displays that would be seasonal depending on the time of year. 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. No cashier will be located outside. The Zoning and Development Code requires a four (4') foot clear, unobstructed path across the building frontage and to all building entrances and exits.

To date, there has been no public input regarding this request.

## Use Permit

The Zoning and Development Code requires a use permit for outdoor display within the CSS, Commercial Shopping and Services 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.

## REASONS 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.**

**CONDITIONS OF APPROVAL:**

1. The outdoor display merchandise shall not conflict with the minimum four foot (4') pedestrian pathway across the building frontage and to all building entrances and exits. 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 permit. The Zoning and Development Code also requires a six foot (6') clear, unobstructed path on public sidewalks.
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.
7. Replace missing trees in landscape islands.

**HISTORY & FACTS:**

- July 2, 2002                    BA020117 – The Hearing Officer approved a variance request by Safeway Shopping Center – Safeway./Starbuck's Coffee to increase the maximum allowable sign area from 275 s.f. to 297.5 s.f.
- October 7, 2003                BA030215 – The Hearing Officer approved a variance request by Safeway Shopping Center – Wells Fargo Branch to increase the maximum allowable sign area from 297.5 s.f. to 311.52 s.f.

**DESCRIPTION:**

Owner – Safeway Inc.  
Applicant – Jeff Winter/Esencia LLC  
Existing Zoning – CSS, Commercial Shopping & Services District  
Site Area – 164,383 s.f. / 3.774 acres  
Building Area – 48,171 s.f.

**ZONING AND DEVELOPMENT**

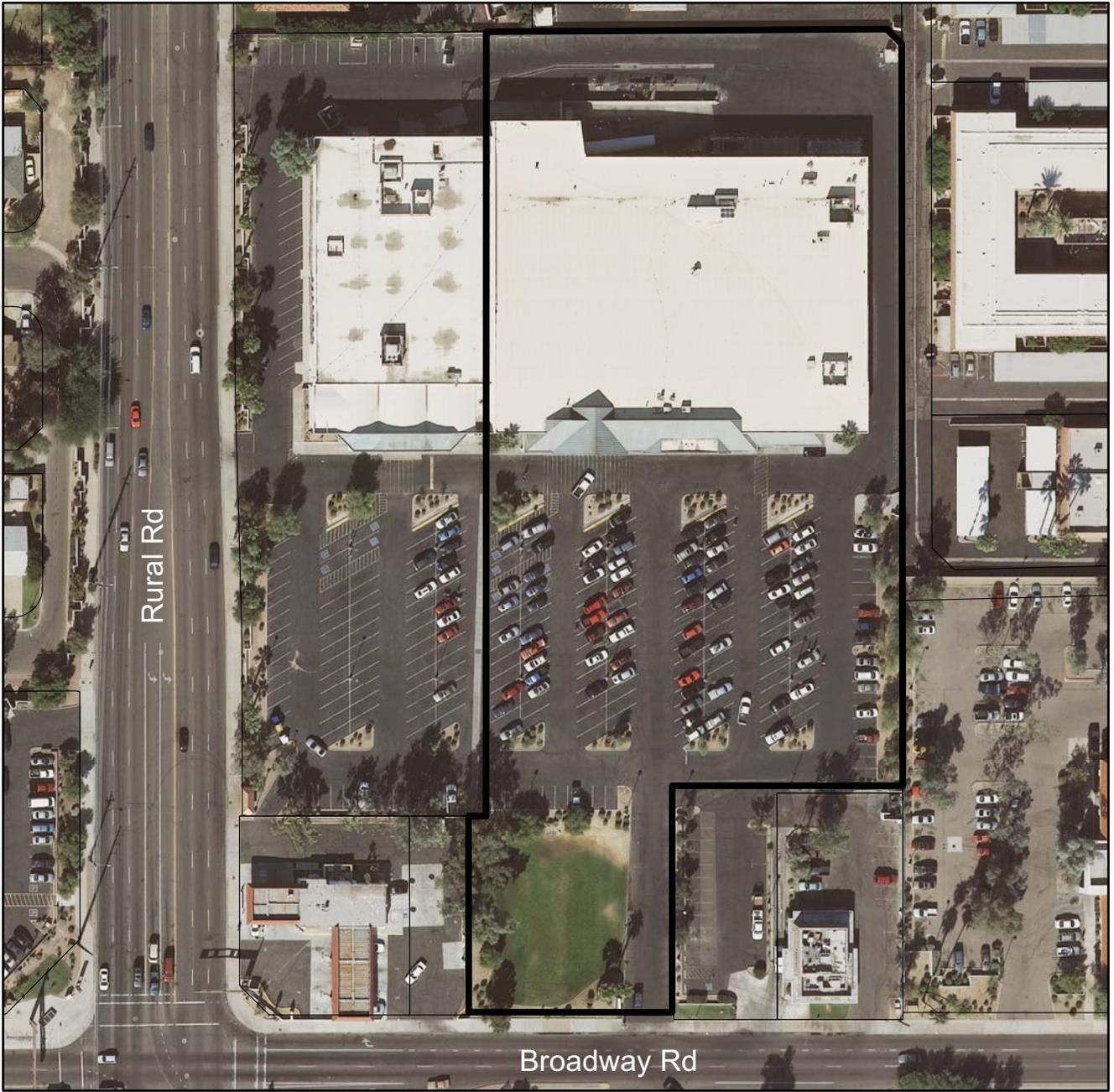
- CODE REFERENCE:**    Part 3, Chapter 2, Section 3-303 – Permitted Uses in Commercial and Mixed-Use Districts  
                                  Part 3, Chapter 4, Section 3-417 – Outdoor Retailing  
                                  Part 6, Chapter 3, Section 6-308 – Use Permit

**SAFEWAY #1487**

**PL090478**



**Location Map**



**SAFEWAY #1487 (PL090478)**



Architecture and Urban Design

1743 E McNair Dr Ste 200 Tempe Arizona 85283

www.esencia.org T 480.755.0959 F 480.755.0956

November 23, 2008

Planning Department  
City of Tempe  
Tempe, Arizona

Regarding: **Safeway Outdoor Display Letter of Explanation**  
Safeway, Inc.

Dear City of Tempe,

Safeway, Inc. would like to submit the attached documents to the Town of Gilbert for review and approval of an outdoor display's zone along the front of the store. This outdoor display zone would be established for miscellaneous, temporary in nature, displays that would be seasonal depending on the time of year. Typically, this zone would be located under the existing colonnade canopy (see attached plan for designated area's). These display carts area approximately 3' x 8' and will be rolled out in the morning and pulled inside at night. No cashier will be located outside.

One cart may hold fresh flowers and the second may carry whole fresh fruit (oranges, apples, etc.). During the winter months firewood may be displayed ad the fruit would not. At one time Safeway may have one, two or four carts out for display. Safeway is interested in providing this attractive presentation at their stores across Arizona. We have supplied cut sheets display carts for your review to illustrate the physical cart.

We intend to position the display carts close to the entry while maintaining the path of travel and accessible route both in the store and along the colonnade.

This is the extent of our current application. We do not propose any site modifications.

- This display does not cause any vehicular or pedestrian traffic in adjacent areas. The addition of the carts will visually enhance the pedestrian experience along the colonnade.
- This outdoor display will not cause any nuisance (odor, dust, gas, noise, etc.) to the shopping center or surrounding properties.
- Displaying merchandise outside will not contribute to the deterioration of the shopping center or be in conflict with city policies. The merchandise is organized and contained within manufactured carts and well presented near the store entries.
- It is compatible with the existing surrounding facility and structures within the shopping center. The placement of the carts do not obstruct pedestrian or traffic flow and are considered a low volume display so there will not be multiple shoppers at each stand.
- The displays will not result in any disruptive behavior which may create a nuisance too the surrounding area or general public.

Safeway is excited about this project and feels the display will improve the store and character of the center.

Jeff Winter

Esencia





REVISIONS	

PROJECT NO: 07090  
 DRAWN BY: JAM  
 CHECKED BY: DANIEL  
 010 SHED DATE  
 DATE: 5/7/08

EXTERIOR MAINTENANCE FOR  
 SAFEWAY STORE # 1487  
 TEMPE, ARIZONA  
 PROJECT # 1487-00-0008  
 RISE & RAINWATER  
 TEMPE, ARIZONA

SHEET TITLE  
 PROPOSED BUILDING  
 ELEVATION &  
 HARDSCAPE PLAN

SHEET NO.  
 A-203

**PROJECT DATA**

STORE MAINT. MAINTENANCE PROGRAM  
 SAFEWAY STORE #1487  
 1487 BROADWAY ROAD  
 TEMPE, ARIZONA

1. PROJECT NAME  
 2. PROJECT ADDRESS  
 3. OCCUPANCY TYPE  
 4. CONSTRUCTOR TYPE  
 5. ZONED  
 6. FIRE SPRINKLER  
 7. ELEVATION 50 FT.  
 8. PROJECT NOTES  
 9. REVISIONS LOGS  
 10. PLANING

18.6, 2002 EDITION  
 IBC 2002 EDITION  
 IRC 2002 EDITION  
 NEC 1996 EDITION  
 ELECTRICAL  
 MECHANICAL  
 PLUMBING  
 203 5-1/2" X 8" REINFORCED EXTERIOR (IN-CHANGED)

**PROJECT DIRECTORY**

APPLICATOR:  
 THE CHRYSLER FINANCIAL DIVISION  
 CONSTRUCTION DEPARTMENT  
 1487 BROADWAY ROAD  
 TEMPE, ARIZONA 85284  
 TEL: (480) 841-1584

ARCHITECT/ENGINEER:  
 ESSENCIA LLC  
 10150 W. WILLOW PARK DRIVE SUITE 200  
 WEST VALLEY CITY, ARIZONA 85238  
 TEL: (480) 705-0000

BUILDING DEPARTMENT:  
 CITY OF TEMPE SERVICES DEPT.  
 111 EAST 7TH ST.  
 TEMPE, ARIZONA 85284

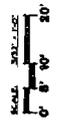
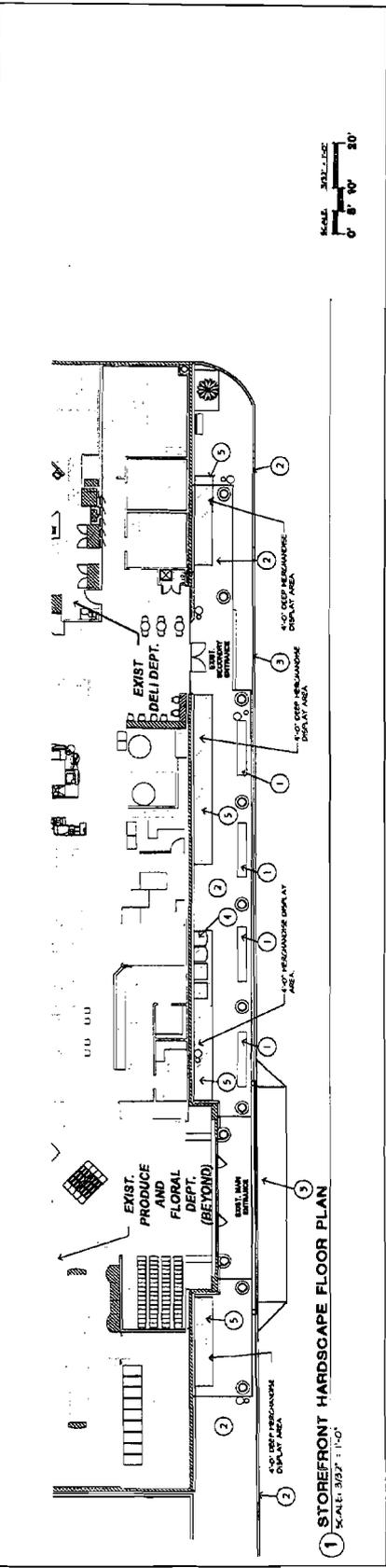
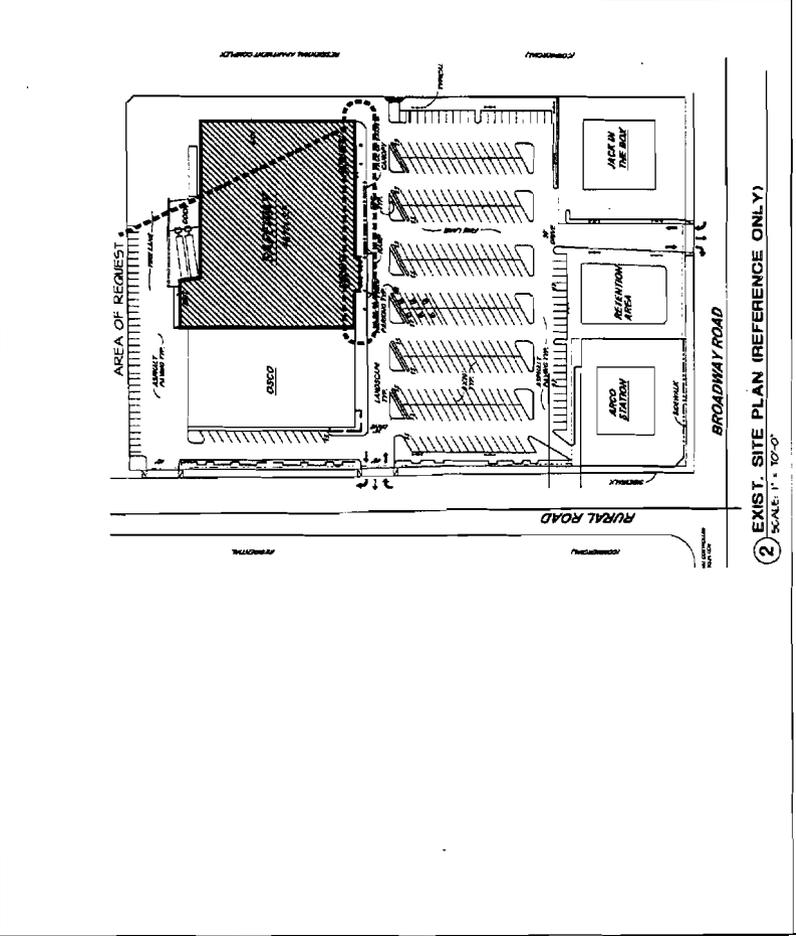
**VICINITY MAP**

**KEYED NOTES**

1. EXIST. LANDSCAPED AREA TO BE MAINTAINED FOR REFERENCE ONLY  
 2. EXIST. CONC. DRIVE / SIDEWALK TO REMAIN UNCHANGED  
 3. EXIST. ADA COMPLIANT CONC. CURB RUMPS TO REMAIN UNCHANGED  
 4. NEW CONC. DRIVE / SIDEWALK TO BE MAINTAINED FOR REFERENCE ONLY  
 5. NEW CONC. DRIVE / SIDEWALK TO BE MAINTAINED FOR REFERENCE ONLY  
 6. NEW CONC. DRIVE / SIDEWALK TO BE MAINTAINED FOR REFERENCE ONLY  
 7. NEW CONC. DRIVE / SIDEWALK TO BE MAINTAINED FOR REFERENCE ONLY  
 8. NEW CONC. DRIVE / SIDEWALK TO BE MAINTAINED FOR REFERENCE ONLY  
 9. NEW CONC. DRIVE / SIDEWALK TO BE MAINTAINED FOR REFERENCE ONLY  
 10. NEW CONC. DRIVE / SIDEWALK TO BE MAINTAINED FOR REFERENCE ONLY

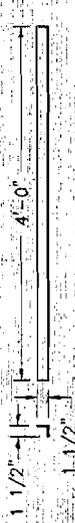
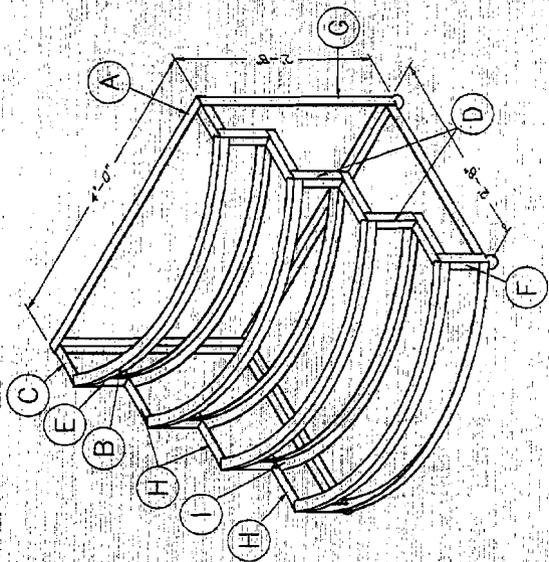
**GENERAL NOTES**

A. ALL FIXTURES AND PORTABLE REFRIGERATE CABS, NO FIXTURES WILL BE  
 REQUIRING APPROVED TO EXTERIOR.  
 B. FIXTURES ARE NUMBERED AND INSTALLED BY SAFEWAY INC.  
 C. PORTABLE CABS SHALL NOT BLOCK PATH OF TRAVEL, LEAVING SAFEWAY BUILDING  
 D. PORTABLE CABS SHALL BE INSTALLED WITH ALL ADA COMPLIANT ACCESS AND  
 E. PORTABLE CABS SHALL BE INSTALLED WITH ALL ADA COMPLIANT ACCESS AND  
 F. PORTABLE CABS SHALL BE INSTALLED WITH ALL ADA COMPLIANT ACCESS AND  
 G. PORTABLE CABS SHALL BE INSTALLED WITH ALL ADA COMPLIANT ACCESS AND  
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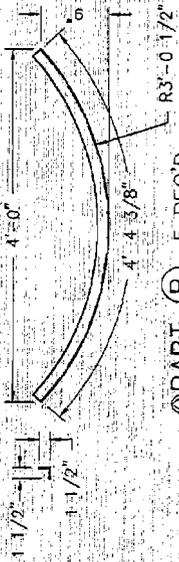


REV.	DESCRIPTION	ECR	DATE	BY	APPROV
A	CHANGED FINISH	NONE	04.23.04	NRK	RM

REV.	DESCRIPTION	ECR	DATE	BY	APPROV
A	CHANGED FINISH	NONE	04.23.04	NRK	RM



⊙PART (A) 2 REQ'D  
MATERIAL: 1 1/2" ANGLE IRON



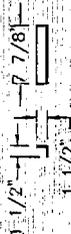
⊙PART (B) 5 REQ'D  
MATERIAL: 1 1/2" ANGLE IRON



⊙PART (C) 2 REQ'D  
MATERIAL: 1 1/2" ANGLE IRON



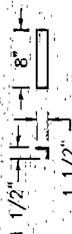
⊙PART (D) 4 REQ'D  
MATERIAL: 1 1/2" ANGLE IRON



⊙PART (E) 2 REQ'D  
MATERIAL: 1 1/2" ANGLE IRON



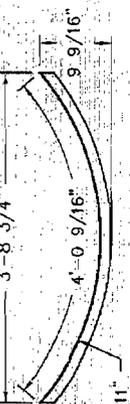
⊙PART (F) 6 REQ'D  
MATERIAL: 1 1/2" ANGLE IRON



⊙PART (G) 4 REQ'D  
MATERIAL: 1 1/2" ANGLE IRON



⊙PART (H) 2 REQ'D  
MATERIAL: 1 1/2" ANGLE IRON



⊙PART (I) 3 REQ'D  
MATERIAL: 1 1/2" ANGLE IRON

A. Floral Display - Center

NOTES

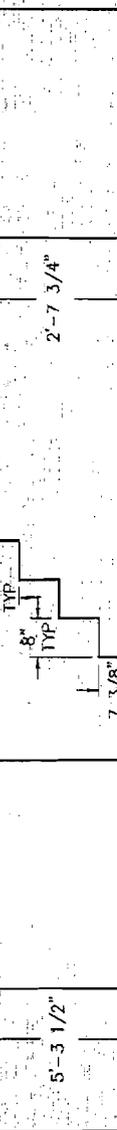
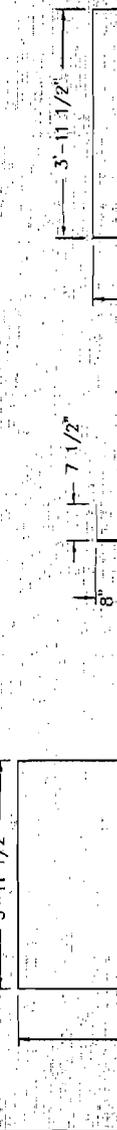
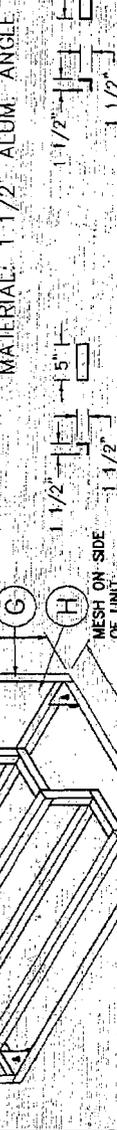
- (4) CASIERS TO BE ATTACHED TO BOTTOM OF UNIT
- COVER ALL SIDES, BACK AND FACE OF UNIT WITH 1" EXPANDING WIRE
- OVERALL FINISH: GALVANIZED
- ALL ANGLES TO BE 90 DEGREES

CUSTOMER PART NO:	NONE
CODE ON PLAN:	E2
MAIN	44311 Grand River Avenue, Novi, MI 48375
WEST	7700 John Center Dr, Suite 800, Irvine, CA 92618
STEPPED UNIT, EXTERIOR, CURVED WITH CASIERS	
ITEM MASTER NO.	SAF AA-06 370
REV	A
WEIGHT	3/4" = 1'-0"
SHEET	1 of 1

PROPERTY OF PROGRAMMED PRODUCTS CORPORATION	DRAWN: NRK 02.07.04
Big drawing is substituted only for the dimension and indicate use of the original reference. It is not to be drawn to scale. It is not to be used for manufacturing purposes without the approval of the PROGRAMMED PRODUCTS CORPORATION.	CHECKED: RM 02.12.04
Copyright © 2000. All rights reserved.	FINISHES: XXXX MM.LDD.YY
	MATERIALS: XXX MM.LDD.YY
	RELEASED: XXX MM.LDD.YY
	PROJECT NO.: NONE
	DO NOT SCALE. DRAWING

REV	DESCRIPTION	ECR	DATE	BY	APPROV
B	DADD OUT PARTS SO IT IS FLAT	NONE	05.27.04	NRK	NRK

REVISIONS					
REV	DESCRIPTION	ECR	DATE	BY	APPROV
B	DADD OUT PARTS SO IT IS FLAT	NONE	05.27.04	NRK	NRK



FINISH: BRUSHED ALUM.  
B. Floral Display - Side

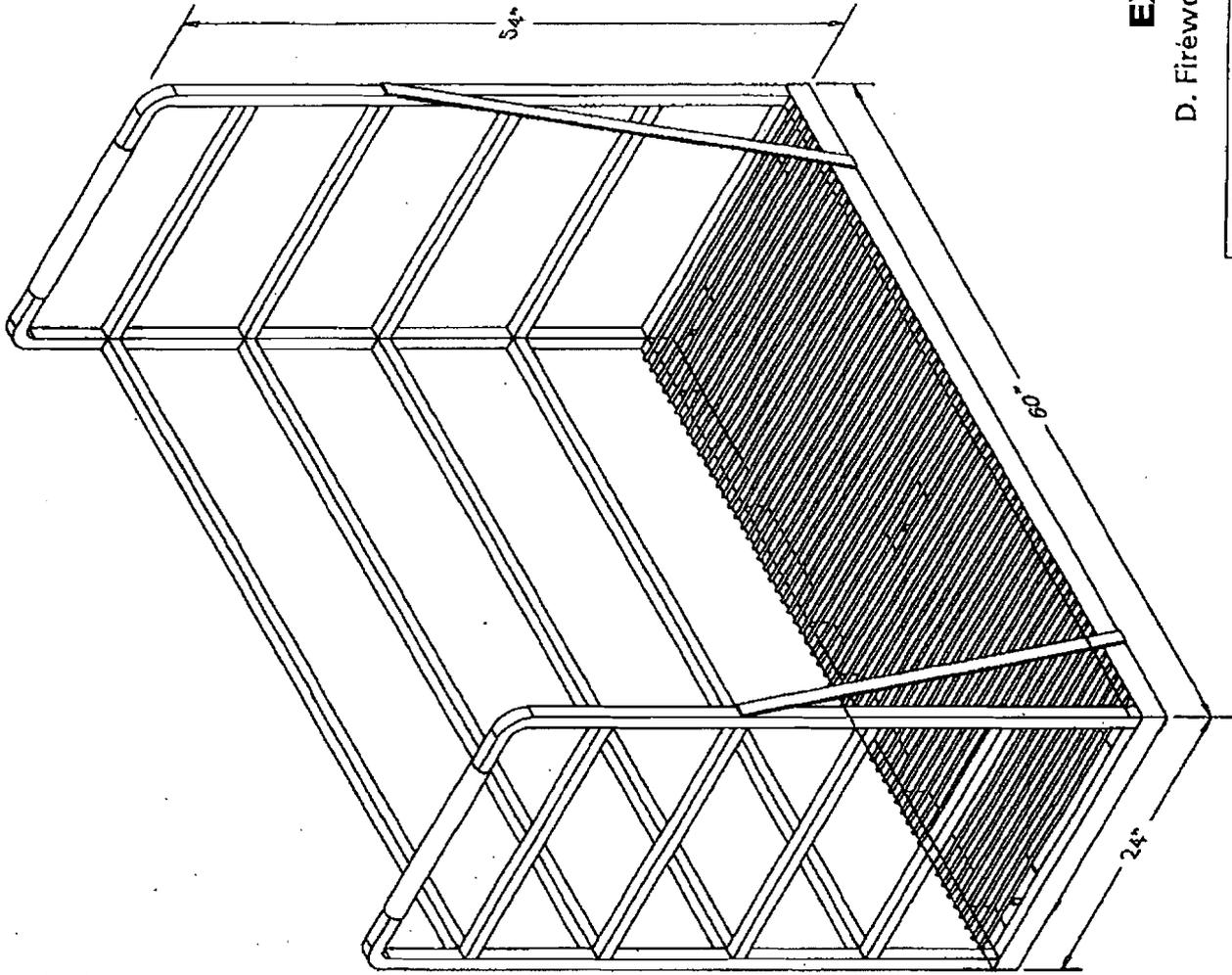
CODE-ON PLAN	(E1)
CUSTOMER PART NO.:	NONE
MAIN:	44311 Grand River Avenue, Novi, MI 48375
WEST:	7700 Irvine Center Dr. Suite 800, Irvine, CA 92618
ITEM MASTER NO.	SAF AA-06 360
SCALE:	3/4" = 1'-0"
SHEET:	1 OF 1

DRAWN:	NRK	02.07.04
CHECKED:	RM	02.12.04
FINISHES:	XXX-MM-DD.YY	
MATERIALS:	XXX-MM-DD.YY	
RELEASED:	XXX-MM-DD.YY	
PROJECT NO.	NONE	
DO NOT SCALE DRAWING		

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NOTES  
1) (4) CASTERS TO BE ATTACHED TO BOTTOM OF UNIT  
2) ALL ANGLES NEED TO BE 90 DEGREES





**EX-10385**

D. Firéwood Display

CLIENT: SAFEWAY/VONS	TOP SHELF FIXTURES, LLC 1-800-289-9245 5853 Santa Fe Ave. Chino, CA 91710
SALESPERSON: DENNIS POUDEL	DR BY: DSE
DWG #: DSE192	DATE: 01-12-06

TITLE: FIREWOOD DISPLAY

PART #: VONS-016

PAGE:



**SAFEWAY #1487**

**926 EAST BROADWAY ROAD**

**PL090478**

**FRONT OF BUSINESS**

