

Staff Summary Report



Hearing Officer Hearing Date: January 5, 2010

Agenda Item Number: 7

SUBJECT: This is a public hearing for a request by **SAFEWAY #1535 (PL090477)** located at 1515 East Elliot Road for one (1) use permit.

DOCUMENT NAME: 20100105dsng03 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by **SAFEWAY #1535 (PL090477)** (Jeff Winter/Esencia LLC, applicant; Safeway Inc., property owner) located at 1515 East Elliot Road in the PCC-1, Planned Commercial Center Neighborhood District for:

ZUP09178 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)

A handwritten signature in black ink, appearing to be 'SEA'.

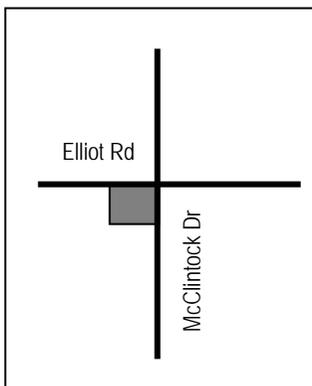
LEGAL REVIEW BY: N/A

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 1515 East Elliot Road in the PCC-1, Planned Commercial Center Neighborhood District. The proposed display areas will be adjacent to the main entrance of the store. To date, staff has received one (1) phone call of inquiry 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 1515 East Elliot Road in the PCC-1, Planned Commercial Center Neighborhood 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, staff has received one (1) phone call of inquiry regarding this request.

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.

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.

HISTORY & FACTS:

- June 1, 2004 BA040088 – The Hearing Officer approved a variance request by Safeway Shopping Center – Safeway Grocery Store – US Bank to increase the maximum allowable sign area from 80 s.f. to 130 s.f.
- December 21, 2004 BA040240 – The Hearing Officer approved a variance request by Safeway Plaza – Starbuck's Coffee to increase the maximum allowable sign area from 130 s.f. to 146.13 s.f.

DESCRIPTION:

Owner – Safeway Inc.
Applicant – Jeff Winter/Esencia LLC
Existing Zoning – PCC-1, Planned Commercial Center Neighborhood District
Site Area – 367,149 s.f. / 8.429 acres
Building Area – 55,526 s.f.

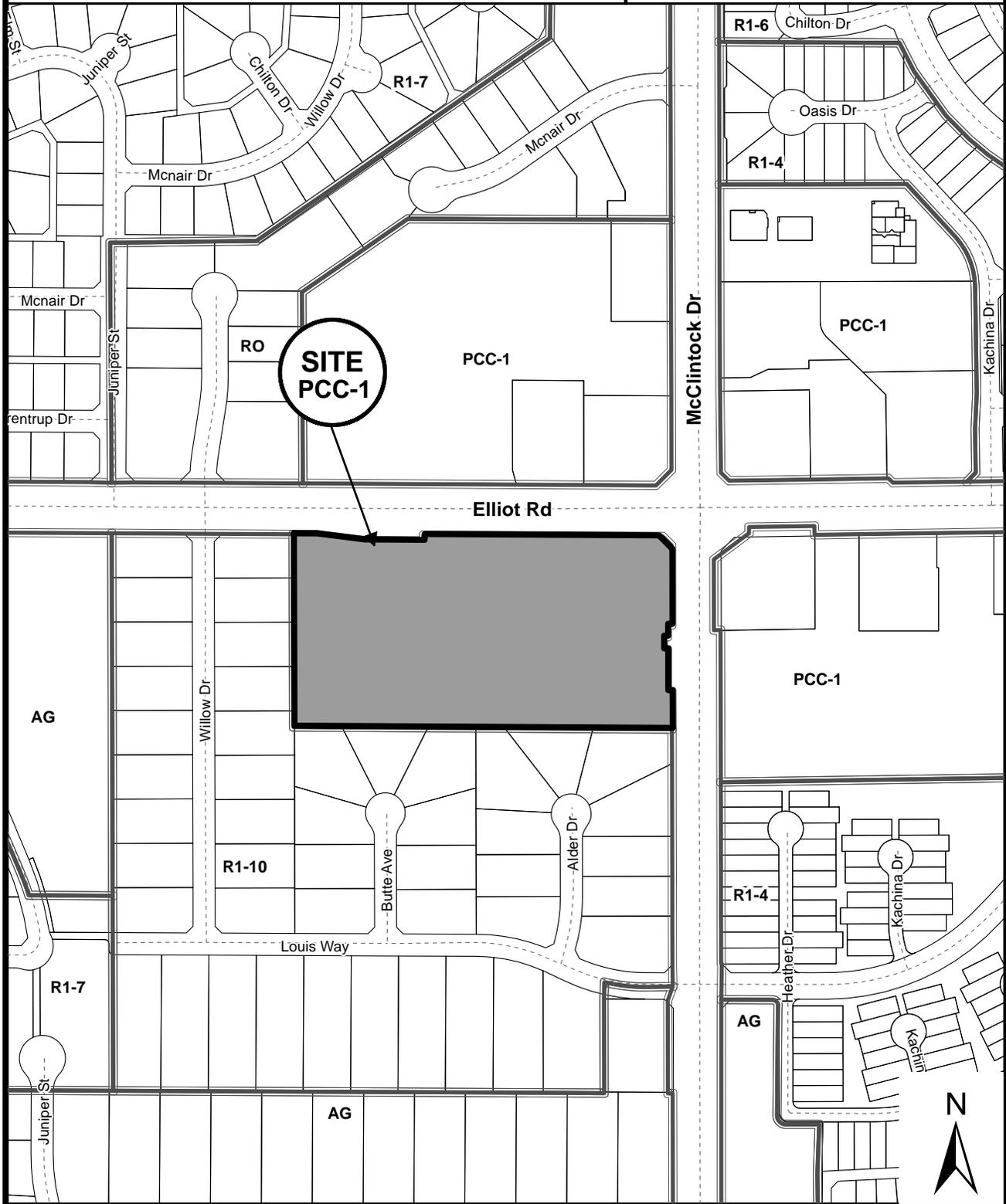
ZONING AND DEVELOPMENT

CODE REFERENCE:

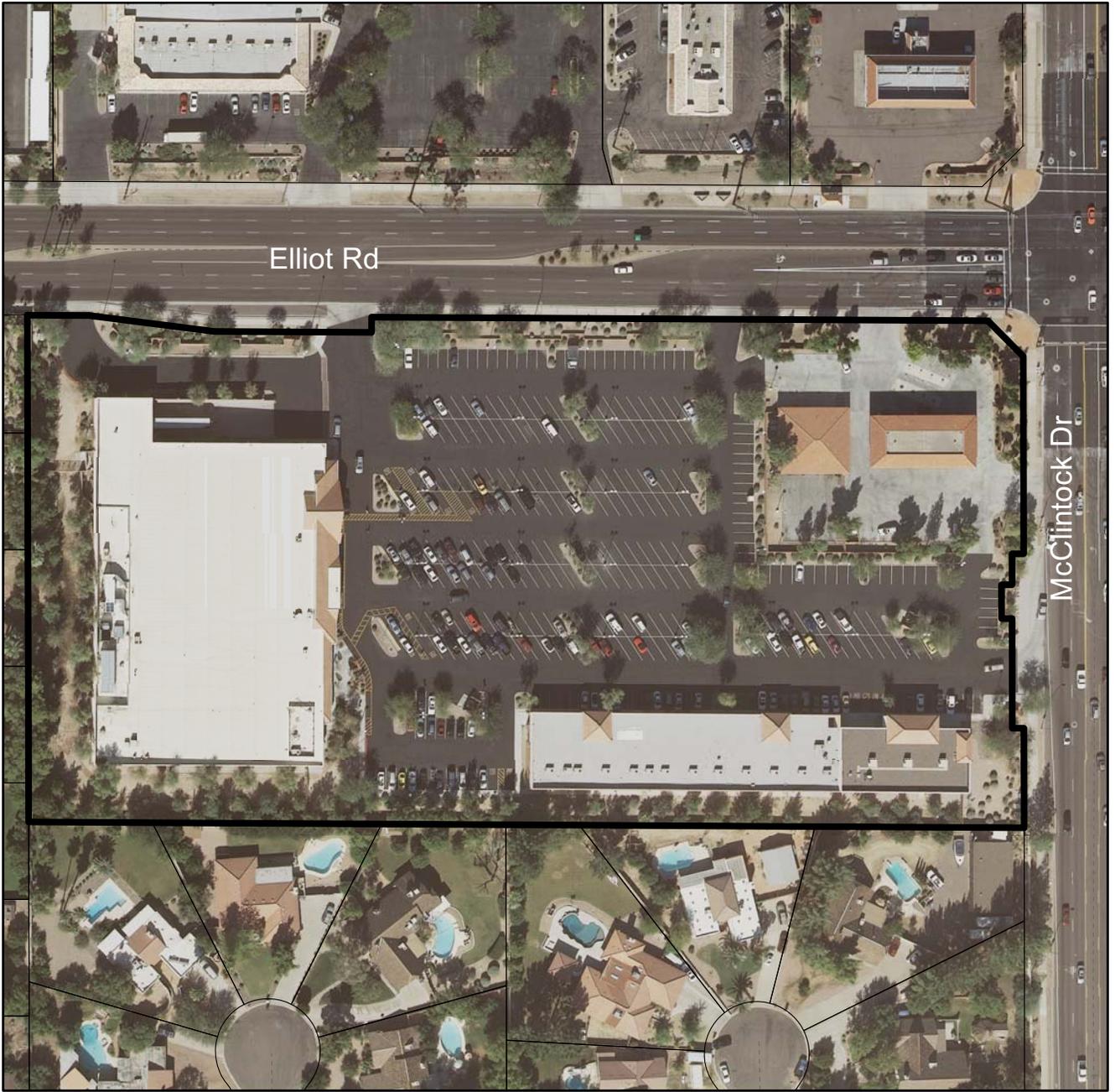
Part 3, Chapter 2, Section 3-303 – Permitted Uses in Commercial and Mixed-Use Districts
Part 3, Chapter 4, Section 3-417 – Outdoor Retailing
Part 6, Chapter 3, Section 6-308 – Use Permit

SAFEWAY #1535

PL090477



Location Map



SAFEWAY #1535 (PL090477)

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.

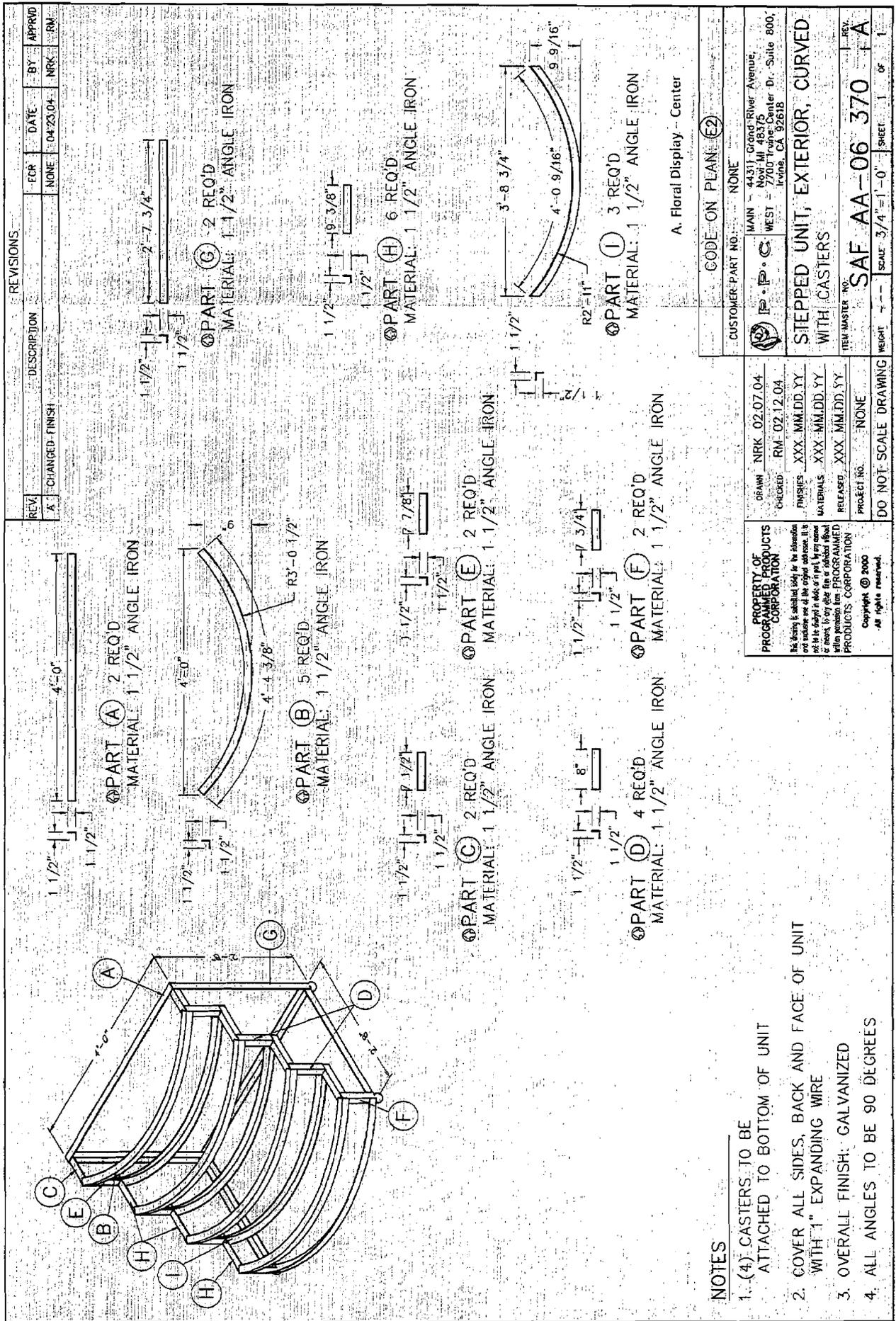
- This display does not cause any vehicular or pedestrian traffic in adjacent areas. The addition of the carts will visually enhance the pedestrian experience along the colonnade.
- This outdoor display will not cause any nuisance (odor, dust, gas, noise, etc.) to the shopping center or surrounding properties.
- 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





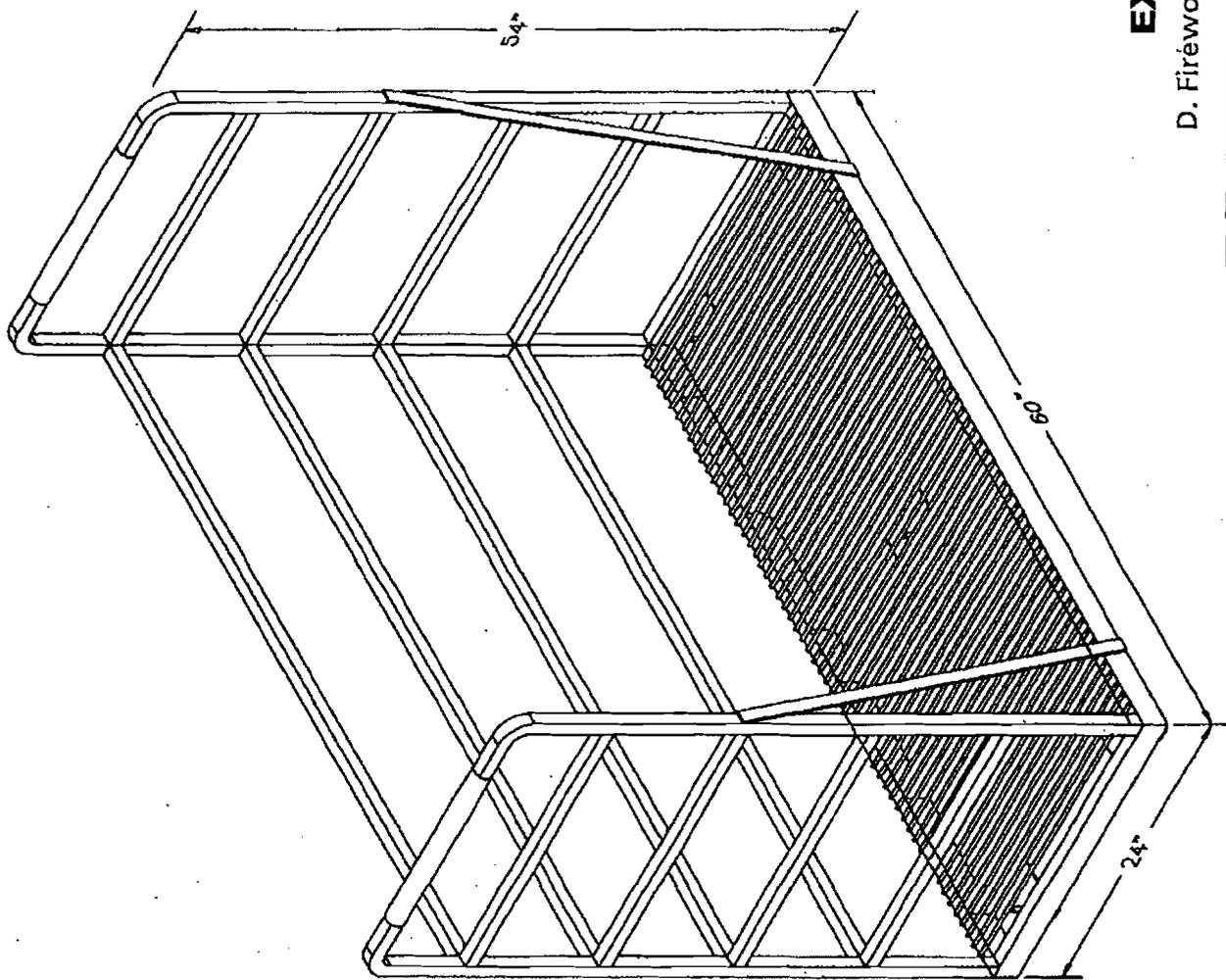
REV.	DESCRIPTION	DATE	BY	APPROV.
A	CHANGED FINISH	04-23-04	NRK	IRM

REV.	DESCRIPTION	DATE	BY	APPROV.
A	CHANGED FINISH	04-23-04	NRK	IRM

CUSTOMER PART NO.	MAIN - 44311 Grand River Avenue, Novi, MI 48375 WEST - 7700 Potrero Center Dr., Suite 800, Irvine, CA 92618
CODE ON PLAN	(E)
ITEM MASTER NO.	SAF AA-06 370
SCALE	3/4" = 1'-0"
SHEET	1 OF 1

PROPERTY OF	PROGRAMMED PRODUCTS CORPORATION
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	

- NOTES
- (4) CASTERS 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



EX-10385

D. Firewood Display

CLIENT: SAFEWAY/VONS	TOP SHELF FIXTURES, LLC 1-800-289-8245 5563 S. Main Ave. Brea, CA 92615
SALESPERSON: DENNIS POUDEL	DR BY: DSE
DWG #: DSE192	DATE: 01-12-06

TITLE: FIREWOOD DISPLAY

PART #: VONS-016

PAGE:



SAFEWAY #1535

1515 EAST ELLIOT ROAD

PL090477

FRONT OF BUSINESS

