

Staff Summary Report



Hearing Officer Hearing Date: February 5, 2008

Agenda Item Number: 8

SUBJECT: This is a public hearing for a request by **LAKES TOWNE CENTER (PL070361)** located at 777 East Baseline Road for two (2) use permits.

DOCUMENT NAME: 20080205dsdk01

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by the **LAKES TOWNE CENTER - LOWES (PL070361)** (Pari Holliday, Lowes, applicant / Rob Schramm, Rural Baseline LLC/Kitchell Development Company, property owner) located at 777 East Baseline Road in the PCC-2, Planned Commercial Center General District for:

ZUP08008 Use permit to allow outdoor display.

ZUP08009 Use permit to allow renting of vehicles.

PREPARED BY: Diana Kaminski, Senior Planner (480-858-2391)

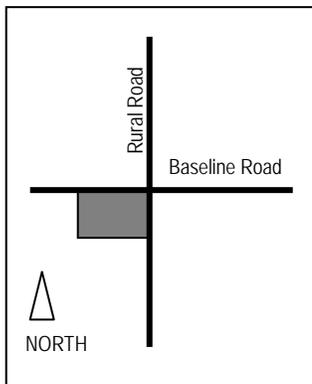
REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359)

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval subject to Conditions 1-4

ADDITIONAL INFO:



Owner	Rob Schramm, Rural Baseline LLC/Kitchell Development Company
Applicant	Pari Holliday, Lowes
Site Location	The south west corner of Rural Road and Baseline.
Current Land Use	Commercial
Current Zoning	PCC-2 – Planned Commercial Center
Existing use	Vehicle maintenance and repair facility
Gross & Net site	16.1 acres
Building area	189,375 s.f.
Lot Coverage	27 % (50% maximum allowed)
Building Height	48 ft (40 ft maximum allowed, 48 ft with use permit)
Building setbacks	20' front, 30' side, 30' rear, 20' st. side (0, 30, 30, 0 min.)
Landscaped area	16.8% (15% minimum required)
Phase I Vehicle Parking	546 spaces (487 min. required, 608 max. allowed)

PAGES:

1. List of Attachments
- 2-3. Comments
3. Reason(s) for Approval; Conditions of Approval
- 3-5. History and Facts
5. Zoning and Development Code Reference

ATTACHMENTS:

1. Location Map
2. Aerial Photo
- 3-4. Letter of Intent
5. Site Plan
6. Outdoor Display Area Plan
7. Floor Plan

COMMENTS:

On January 22, 2008, the applicant received Development Plan Review approval for the proposed site plan, buildings and landscape, including a use permit standard to increase the building height to 48'. The applicant is requesting Hearing Officer approval of two additional use permits for operations of the Lowe's Retail Store. The first use permit would allow the outdoor display of items adjacent to the building as well as within the parking lot (in an area designated for display). The second use permit would allow the rental of three utility trucks for the purposes of delivering larger purchases to customer's destinations. A neighborhood meeting is not required for this request. To date, staff has received no public input.

Use Permit

The Zoning and Development Code requires a use permit for outdoor retail display and rental of vehicles in the PCC-2 Planned Commercial Center General District. The applicant has provided a letter of explanation for these use permits (See Attachment 3-4).

With regards to the requested use permit for outdoor retail display (ZUP08008), staff has reviewed the request based on Section 6-308 E Approval criteria for Use Permit:

1. The outdoor display will not be detrimental to persons in the vicinity or to the public welfare. The outdoor display area is limited to 1,920 square feet directly in front of the Lowe's building, and within specified areas of the parking lot, not directly visible from the public right-of-way.
2. There will be no significant increase in vehicular or pedestrian traffic. The products displayed outside are an extension of the indoor merchandise, and are purchased inside. The storefront has been designed to provide a clear path of travel for vehicles in the loading area, separate from the pedestrians approaching and leaving the store, with ample space to stop and shop at the outdoor display areas without impacting either vehicular or pedestrian traffic flow.
3. There will be no nuisances created by the items displayed outside exceeding that of ambient conditions.
4. Outdoor sales displays will not contribute to the deterioration of the neighborhood or to the downgrading of property values. The displays are all contained within the property, out of view of residential areas and of the public right of way, the items are monitored by surveillance equipment and are either secured indoors at night or secured in place with locks.
5. The surrounding area is zoned for commercial uses; the requested outdoor display area is compatible with surrounding uses.
6. The property is monitored by digital surveillance equipment and all outdoor display items are secured at night.

With regards to the requested use permit for renting vehicles (ZUP08009), staff has reviewed the request based on Section 6-308 E Approval criteria for Use Permit:

1. The rental cars will not be detrimental to persons in the vicinity or to the public welfare. The rental vehicles are pick-up trucks, similar to what customers might drive to the store on their own. These are leased by an outside vendor who services and maintains the vehicles off-site. Three vehicles are proposed for the site, and will have a designated parking area when not in use. These vehicles provide the opportunity for residents to re-invest in their homes with the purchase of larger building supplies for home improvement projects. As Tempe promotes alternative modes of transportation, this service may become more important in the future, with residents who choose not to own vehicles, but still need occasional use of one for larger purchases such as appliances.
2. The use permit is for 3 rental vehicles and should not create a significant increase in vehicular or pedestrian traffic.
3. Unlike the current use of the site, which is a vehicle maintenance facility, these vehicles will be serviced and maintained off site and would not create a nuisance from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions.
4. Rental of vehicles to serve customers of the store will not contribute to the deterioration of the neighborhood or to the downgrading of property values. Provision of the vehicles may actually encourage home improvement projects within the area, promoting rehabilitation of neighborhoods within the area.
5. Rental of vehicles is compatible with existing surrounding uses: the site to the west of this property is a large scale vehicle sales facility and properties to the north and east of this site are commercial uses.
6. Although the applicant has indicated that an outside vendor maintains the vehicles, the site is monitored by digital surveillance equipment and the vehicles are located in a well-lit and heavily trafficked area, visible to employees and customers. There appears to be adequate control of potentially disruptive behavior both inside and outside the premises which might create a nuisance to the surrounding area or general public.

Conclusion

Based on the information provided by the applicant and the above analysis, staff recommends approval of the requested Use Permits. This request meets the required criteria and will conform to the conditions 1-4.

REASON(S) FOR APPROVAL:

- 1. The project meets the General Plan Projected Land Use for this site.
- 2. The project will meet the development standards required under the Zoning and Development Code.
- 3. The proposed project meets the approval criteria for a Use Permit and a Development Plan Review.

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 use permit(s) are valid for the plans as submitted to and approved by the Development Review Commission.
- 2. The outdoor display area is limited to 1,920 square feet directly in front of the Lowe’s building, and within specified areas of the parking lot, not directly visible from the public right-of-way.
- 3. The rental vehicle use permit would be for three (3) rental vehicles.
- 4. Any intensification or expansion of either use, including expansion or relocation of the outdoor display area or increased number of rental cars, will require a new use permit.

HISTORY & FACTS:

July 24, 1969	City Council approved a zoning change for this site from R1-6 to PCC-2.
August 22, 1974	City Council approved a General and Final Plan of Development for Earnhardt Ford.
May 15, 1975	City Council approved the Amended Final Plan of Development for Phase I of Earnhardt’s Ford Sales.
June 3, 1976	City Council approved a modified parking screening wall height and an additional freestanding sign.
October 28, 1976	City Council denied a Use Permit request for a heliport and restricted the display of the “bull” on site.
June 30, 1977	City Council approved the Final Plan of Development of Phase II of Earnhardt Ford, subject to ten conditions.
January 25, 1978	Board of Adjustment approved a variance for Earnhardt Ford to increase the maximum allowable height for lighting standards from 16’ to 21’, subject to 3 conditions.
February 2, 1978	City Council approved temporary storage yard and office building subject to three conditions.
April 12, 1978	City Council approved an amended General and Final Plan of Development and the sale of Jacuzzis and spas at Earnhardt Ford.
June 30, 1978	City Council approved a Final Plan of Development for Phase II of Earnhardt Ford.
September 27, 1978	Board of Adjustment approved two variances for Earnhardt Ford; to allow one additional freestanding sign,

and to increase the maximum allowable total sign area from 100 square feet to 258 square feet subject to one condition.

- April 12, 1979 City Council approved an Amended General and Final Development Plan for Earnhardt Ford.
- November 27, 1979 Planning and Zoning Commission approved a zoning change from R-2 to PCC-2 and a General Plan of Development subject to conditions, and approved a variance to reduce the required side yard setback from 60' to 0'.
- January 10, 1980 City Council denied a request for a zoning change.
- January 17, 1980 City Council approved a request for a reconsideration for Earnhardt Ford.
- February 14, 1980 City Council approved a zoning change from R-2 to PCC-2, an amended General Plan of Development, a use permit and a variance for a four-acre parcel at the southeast corner of Baseline Road and College Avenue, subject to conditions.
- August 27, 1980 Board of Adjustment approved a variance to increase the maximum allowable sign area from 100 s.f. to 291 s.f. subject to conditions.
- May 27, 1981 Board of Adjustment approved a variance to increase the maximum allowable sign area from 100 s.f. to 394 s.f. subject to conditions.
- October 13, 1983 City Council approved the request of Earnhardt Ford for a Final Plan of Development and modifications of conditions for an RV Sales Office consisting of 720 s.f., subject to eleven conditions.
- November 13, 1985 Planning and Zoning Commission denied a request by Earnhardt's.
- December 19, 1985 City Council approved an appeal by Earnhardt Chrysler RV of the Planning and Zoning Commission denial of the Amended General and Final Plan of Development for Earnhardt Chrysler RV center located at 777 E Baseline Road. Two use permits were also approved.
- March 20, 1986 City Council approved and Amended Final Plan of Development for Earnhardt Chrysler RV Center.
- November 18, 1986 Hearing Officer approved a request by Earnhardts for two variances, to allow a second 24 s.f. freestanding identification sign on the same street frontage and to increase the maximum allowable building mounted signage from 80 s.f. to 147 s.f., subject to two conditions.
- February 13, 1996 Planning and Zoning Commission continued the hearing until March 26, 1996.
- March 26, 1996 Planning and Zoning Commission approved a requested Amended General and Final Plan of Development, Phases II & III consisting of 16,457 s.f. for three new service bay buildings, subject to twenty-five conditions.
- June 6, 1996 City Council continued the original application at the request of the applicant until September 19, 1996.
- August 6, 1996 Revised amended General and Final Plan of Development submitted to staff; the applicant was advised that due to scope of changes, they would need to return to the Planning and Zoning Commission.
- September 10, 1996 Planning and Zoning Commission denied the requested Third Amended General and Final Plan of Development, Phases II & III consisting of 8,930 s.f. of new and remodeled buildings for a dealership totaling 117,872 s.f. of building area on 22.29 net acres at 777 E. Baseline Road, including a use permit to expand the auto dealership and service facility, and a variance to allow expansion of a non-conforming employee

parking area.

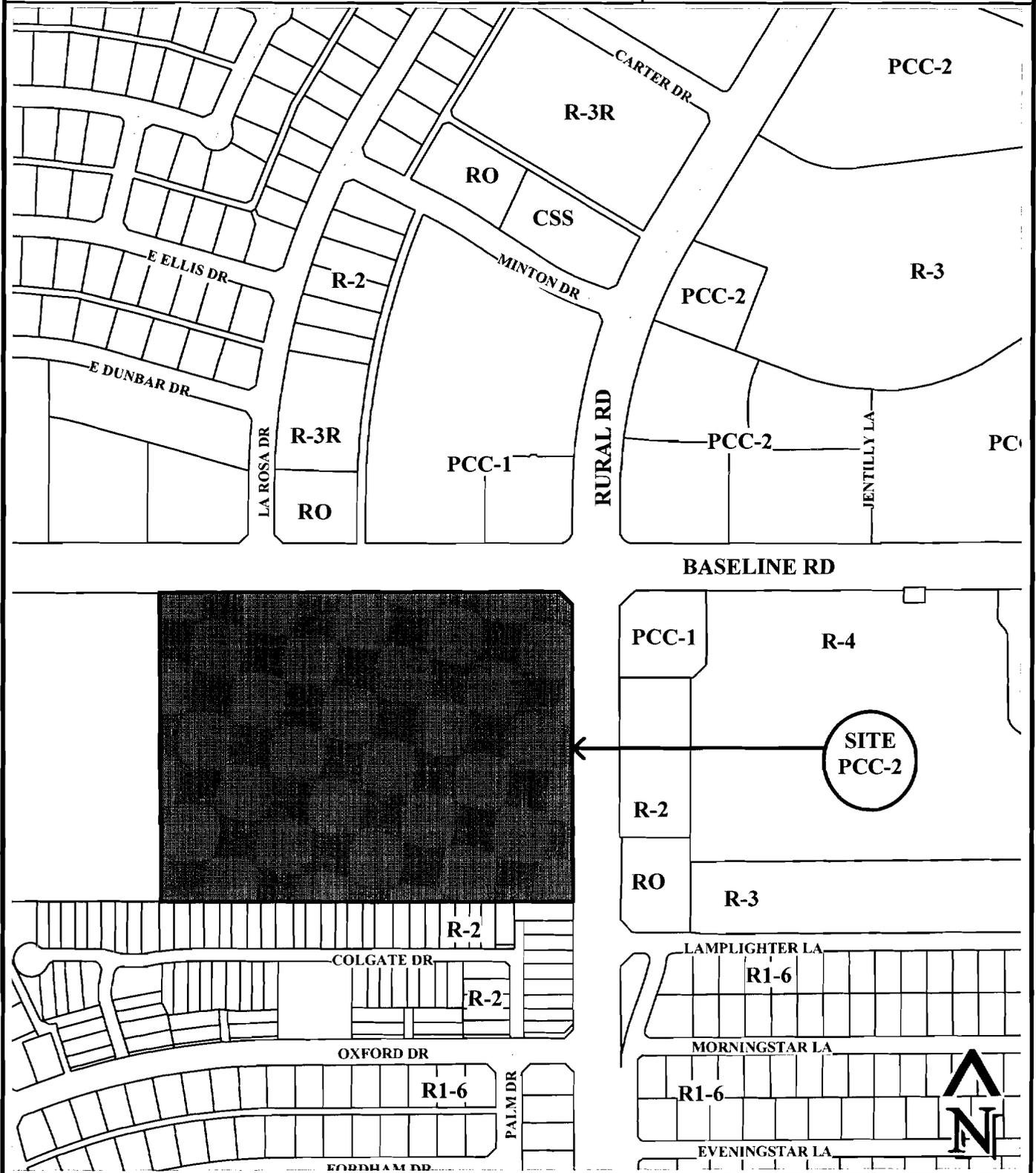
- September 19, 1996 City Council accepted the withdrawal of a request by Earnhardt's Ford & Chrysler for a Third Amended General and Final Plan of Development, Phases II & III consisting of 16,457 s.f. for a total of 125,399 s.f. on 22.29 net acres located at 777 E. Baseline Road.
- October 24, 1996 City Council continued the request until November 21, 1996, and requested staff work with applicant to arrive at possible compromise.
- November 21, 1996 City Council denied a request by Earnhardt's Ford & Chrysler to appeal the Planning & Zoning Commission's denial of the Third Amended General and Final Plan of Development consisting of 8,930 s.f. of new and remodeled buildings, for a total of 117,872 s.f. of building area on 22.29 net acres, including a use permit and variance.
- January 22, 2008 Development Review Commission approved a request for LAKES TOWNE CENTER for the first phase of a series of single-story retail buildings; a multi-tenant 10,200 s.f. Shops A and a 119,328 s.f. Lowe's building and 27,265 s.f. Garden Center are 156,793 s.f. of the total approximately 189,375 s.f. on 16 net acres, in the PCC-2 Planned Commercial Center Two, Zoning District. The request included: a Use Permit Standard to increase the building height by 20% to 48 feet on the Lowe's building in Phase I and a Development Plan Review including site plan, building elevations, and landscape plan for Phase I.

ZONING AND DEVELOPMENT CODE REFERENCE:

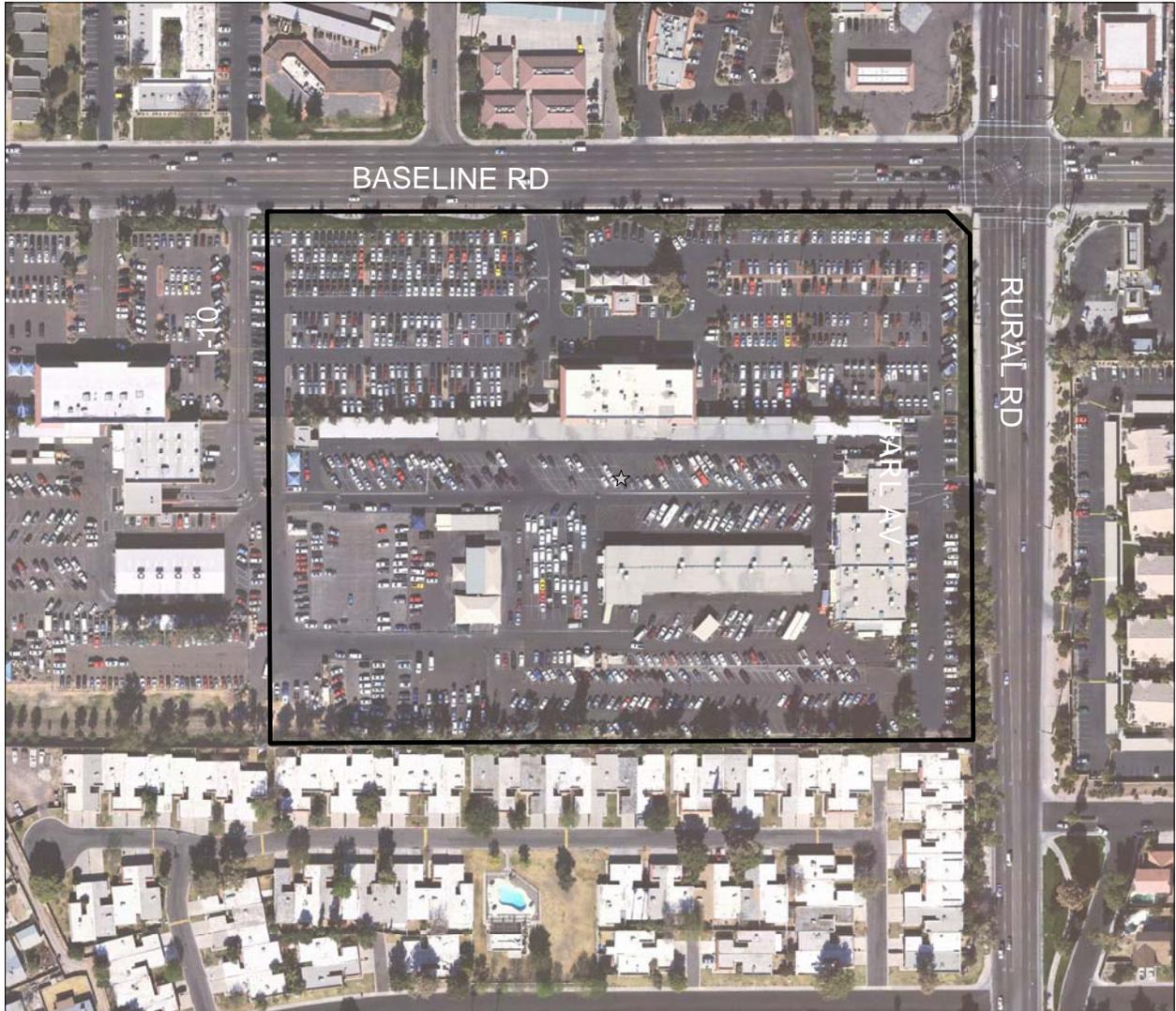
Section 6-308, Use Permit

LAKES TOWNE CENTER PHASE 1

PL070361



Location Map



RURAL/BASELINE RETAIL CENTER (PL070361)



Ms. Diana Kaminski
Senior Planner, Development Services
City of Tempe, AZ
31 East Fifth Street
Tempe, AZ 85280-5002

Re: Lowe's of Tempe, AZ Outdoor Display and Vehicle Rentals Use Permit Letter of Explanation

January 7, 2008

Ms. Kaminski,

Lowe's HIW, Inc. is attaching this letter of explanation to the Use Permit application for outdoor display and vehicle rentals as required in the application.

General Background for Outdoor Display:

Lowe's operation's relies heavily on outdoor display of merchandise in order to generate revenue and remain competitive. Lowe's experience has shown that outdoor display of certain seasonal merchandise significantly increases sales of those items. Along with the application Lowe's has submitted an Outdoor Display Exhibit to help identify the locations on the site that Lowe's proposes to have outdoor displays, which are primarily located along the front sidewalk of the Lowe's building and in the parking lot located on the West end of the parking lot where it is less visible from the intersection of Baseline Road and Rural Road.

The front sidewalk display area is typically 1,920 SF and consists of live plant materials, grills, outdoor power equipment, patio furniture, contractor building supplies, and propane tanks. The assortment is dependent on the season and inventory adjustments. The smaller items such as plant materials, grills, outdoor power equipment and patio furniture are secured by a locked cable and are brought into the store nightly, prior to closing. The bulkier items such as contractor building supplies and propane tanks remain outside and are secured by appropriate measures.

The parking lot display area is typically 3,350 SF and consists of a utility building display area and a utility trailer display area. Depending on the project location, the utility building displays can be locked at night by use of a Best Lock. The utility trailers always remain locked until purchased.

The point of sale for all outdoor display merchandise takes place inside the Lowe's store. We are requesting the Use Permit allow us to conduct outdoor display year round as has been granted to Lowe's competitors in this jurisdiction.

Evaluation of Outdoor Display:

The proposed outdoor display is limited to the area along the front of the store and designated areas in the parking lot as indicated in the attached drawings. Lowe's has proposed a 5' clear pedestrian path along the front of the store so as to not hinder pedestrian access to the store entrances. Trees and awnings are included in this project in order to provide shading in these areas during the hot summer months. The outdoor display does not have any impact on

home improvement store and will not generate an increase in traffic. The merchandise is displayed in a neat and orderly fashion for the benefit of Lowe's patrons and therefore does not contribute to any deterioration of the neighborhood. The merchandise is completely compatible with the "Do-it-Yourself" home improvement products inside the Lowe's store and such items do not create any nuisances such as additional odor, dust, gas, noise, vibration or glare. Additionally, adequate control measures are in place through the use of digital monitoring equipment located at the front and the back of the Lowe's building.

Allowing outdoor display will permit Lowe's to conduct business as a responsible member of the community.

General Background for Rental Vehicles:

Lowe's provides rental vehicles for store patrons who need a large pick up truck to transport bulky purchases. These rental vehicles are equivalent to a Ford-F250 or Chevy-2500 pick up truck with an open truck bed and marked with Lowe's signage. Although most Lowe's stores warrant the need for 2 of these vehicles, there are 3 designated parking stalls in front of the store near the Customer Loading Canopy in the parking lot when not in use. They are leased from an outside vendor and are serviced and maintained by the vendor at an off site location.

Evaluation of Rental Vehicles:

The Lowe's rental vehicles will not produce any potential nuisances or any increase in traffic volumes beyond that of normal vehicles being parked in the parking lot. These rental vehicles are compatible with the "Do-it-Yourself" home improvement retail model. The rental vehicles remain locked until rented and do not contribute to any disruptive behavior on the premises. Allowing rental vehicles to be available for patrons will afford Lowe's the opportunity to provide it's customers with the essential tools to complete their "Do-it-Yourself" projects.

Thank you for your consideration of these uses.

Respectfully submitted,


Pari Holiday
Site Development Manager
Lowe's HIW, Inc.

OWNER INFORMATION
 KITCHELL DEVELOPMENT CO.
 700 EAST BIRCHLAND
 PHOENIX, AZ 85016
 (602) 344-1111
 (602) 344-1100

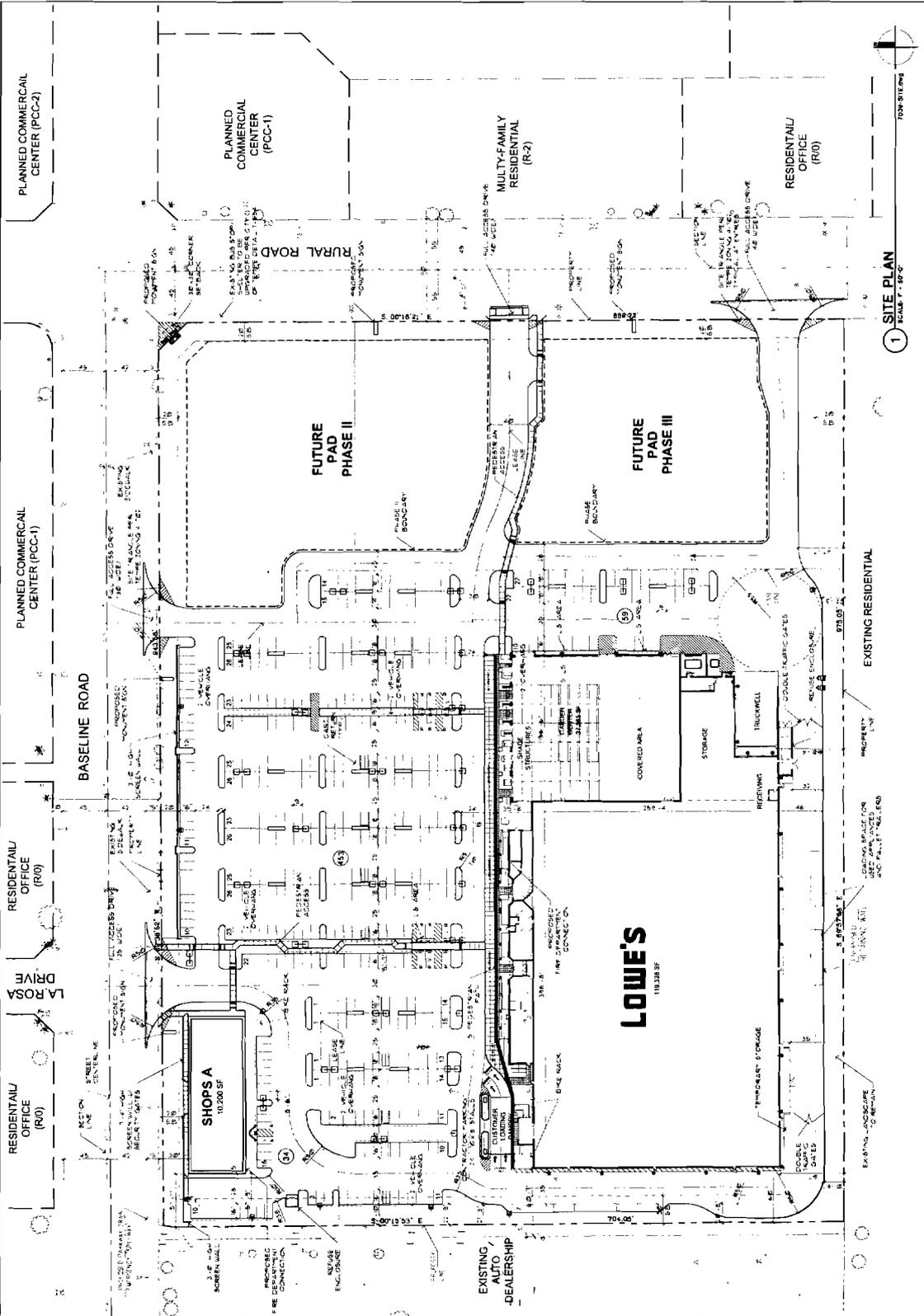
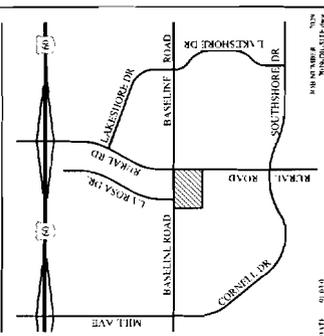
SITE DATA

PROPOSED:
 PLANNED COMMERCIAL CENTER GENERAL (PCC-2)
 TYPE: VR
 GROSS AND NET SITE AREA: 700.15 S.F. (167 ACRES)
 BUILDING AREA: 1,000,000 S.F.
 LANDSCAPE PERCENTAGE: 15% (R.O.) 10% PROVIDED
 PARKING PROVIDED: 487 SPACES
 PARKING REQUIRED: 248 SPACES
 SURPLUS: 239 SPACES
 ACCESSIBLE REQUIRED: 11 SPACES
 ACCESSIBLE PROVIDED: 14 SPACES
 BIKE PARKING PROVIDED: 20 SPACES
 BIKE PARKING REQUIRED: 10 SPACES
 *NOTE: PHASE I & PHASE II PADS SHALL BE SELF PARKED
 MAXIMUM BUILDING HEIGHT: 40'-0" MAXIMUM
 SETBACK - FRONT YARD: 10'-0" PROV. 20'-0"
 SETBACK - SIDE YARD: 5'-0" PROV. 10'-0"
 SETBACK - REAR YARD: 5'-0" PROV. 10'-0"
 *NOTE: ALL SETBACKS TO BE DESIGNED AT A LATER DATE.
 OWNER WILL IDENTIFY AND LOCATE TREE AT A FUTURE DATE.

LOWES SITE DATA
 BUILDING USE: RETAIL
 BUILDING AREA: 14,893 S.F.
 BUILDING HEIGHT: 27.265'
 OUTDOOR RETAIL: 443 SPACES
 PARKING REQUIRED: 186 SPACES
 PARKING PROVIDED: 186 SPACES
 ACCESSIBLE PARKING PROVIDED: 9 SPACES (REQUIRED)
 ACCESSIBLE PARKING PROVIDED: 4 SPACES (AVAILABLE)
 4 ACCESSIBLE

STOPS 33:
 BUILDING USE: RETAIL
 BUILDING AREA: 14,893 S.F.
 BUILDING HEIGHT: 27.265'
 OUTDOOR RETAIL: 443 SPACES
 PARKING REQUIRED: 186 SPACES
 PARKING PROVIDED: 186 SPACES
 ACCESSIBLE PARKING PROVIDED: 9 SPACES (REQUIRED)
 ACCESSIBLE PARKING PROVIDED: 4 SPACES (AVAILABLE)
 4 ACCESSIBLE

VICINITY MAP



Butler Design Group
 Architects & Planners
 5555 East Van Buren St.
 Suite 215
 Phoenix, Arizona 85008
 phone 602-952-1800
 fax 602-952-7722

KITCHELL

LAKES TOWNE CENTER - PHASE I
 777 EAST BASELINE ROAD
 TEMPE, AZ

