Staff Summary Report

Tempe

Hearing Officer Hearing Date: November 6, 2007 Agenda Item Number: 10

SUBJECT: This is a public hearing for a request by FRYS FOOD AND DRUG STORE NO. 22 located at 1835 East Guadalupe Road for one (1) use permit.

DOCUMENT NAME: 20071106dssd08 PLANNNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by PUEBLO ANOZIRA CENTER - FRY'S FOOD AND DRUG STORE NO. 22 (PL070440) (Mary Addington, applicant; Fry's Food & Drug Store, property owner) located at 1835 East Guadalupe Road in the PCC-1, Planned Commercial Center Neighborhood District for:

ZUP07165 Use permit to allow outdoor retail display.

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

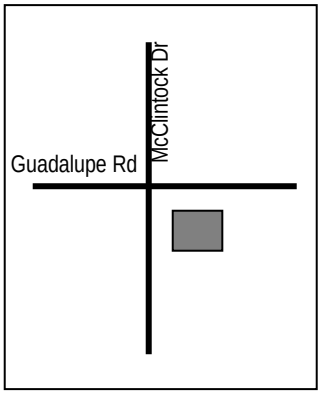
REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359) SEA

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval subject to Conditions 1-6

ADDITIONAL INFO: Fry's Grocery Stores is requesting a use permit to allow outdoor retail display. The proposed display areas are delineated 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; Reason 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. Floor Plan, including outdoor display area

6-8. Staff Photograph(s)

COMMENTS:

Fry's Grocery Stores/Pueblo Anozira is requesting a use permit to allow outdoor retail display. The site is located at 1835 East Guadalupe Road (the southeast corner of McClintock Drive and Guadalupe Road) in the PCC-1, Planned Commercial Center Neighborhood District. The outdoor retail display will include outdoor furniture, seasonal and other outdoor related merchandise. The display areas will be located under the building overhang and neither will 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.

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 – Fry's Food and Drug Store
Applicant – Mary Addington
Existing Zoning – PCC-1, Planned Commercial Center Neighborhood District
Site Area – 735,053 s.f. / 16.8 acres
Building Area – 60,980 s.f

ZONING AND DEVELOPMENT CODE REFERENCE:

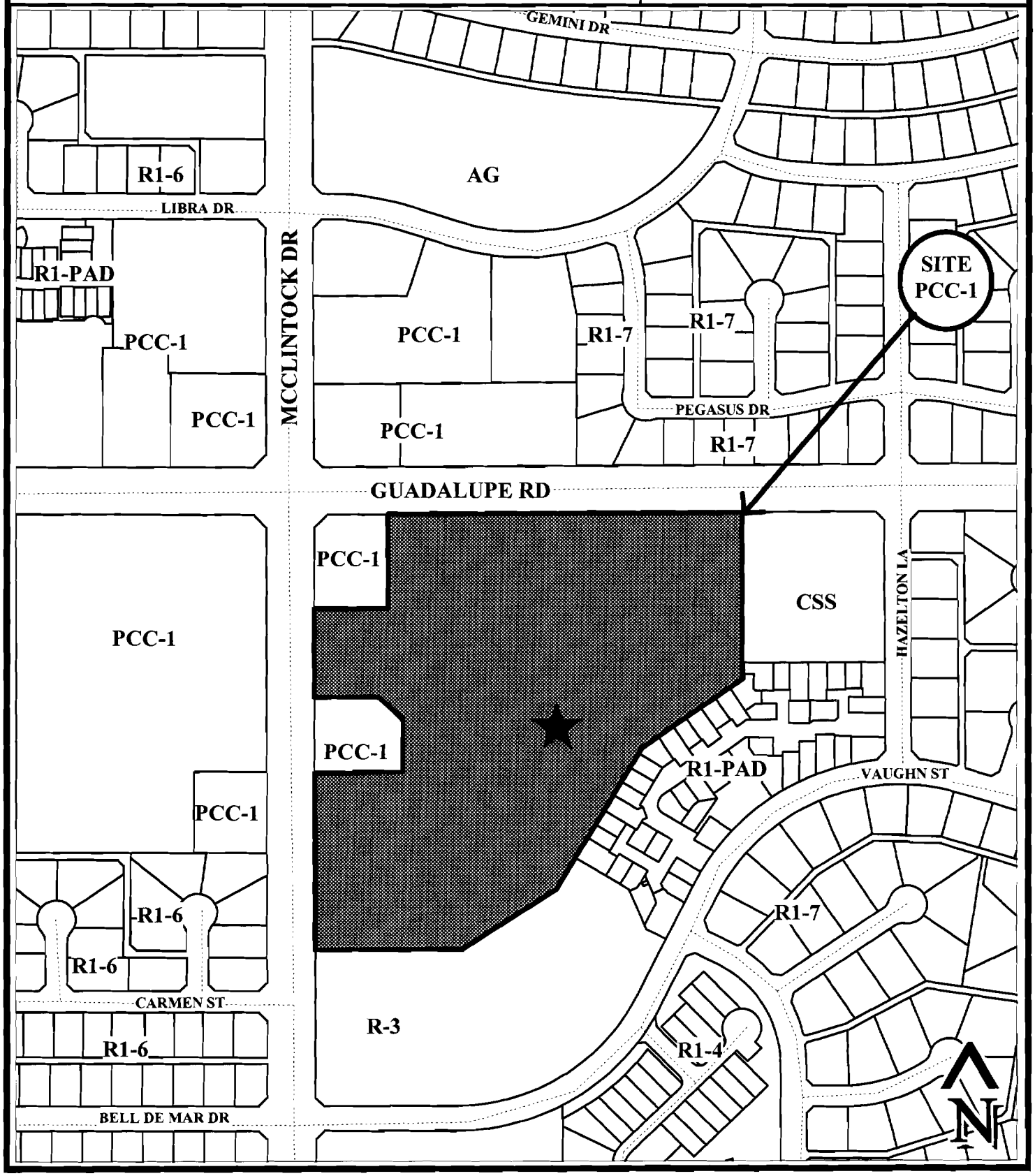
Part 3, Section 3-418: Outdoor Display

Part 6, Chapter 3, Section 6-308: Use Permit

Tempe

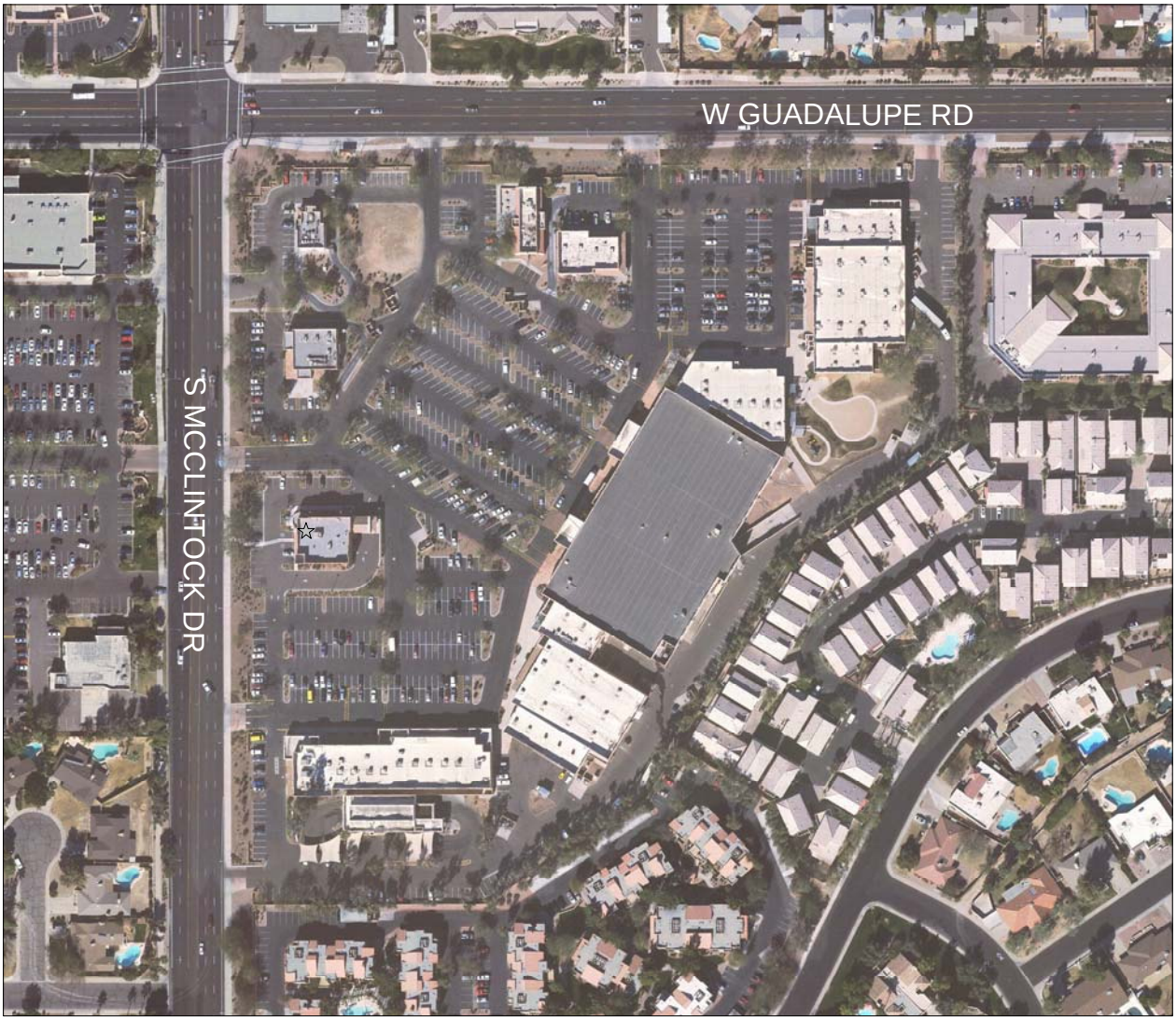
PUEBLO ANOZIRA CENTER - FRY'S FOOD & DRUG STORE NO. 22

PL070440



Location Map

ATTACHMENT 1



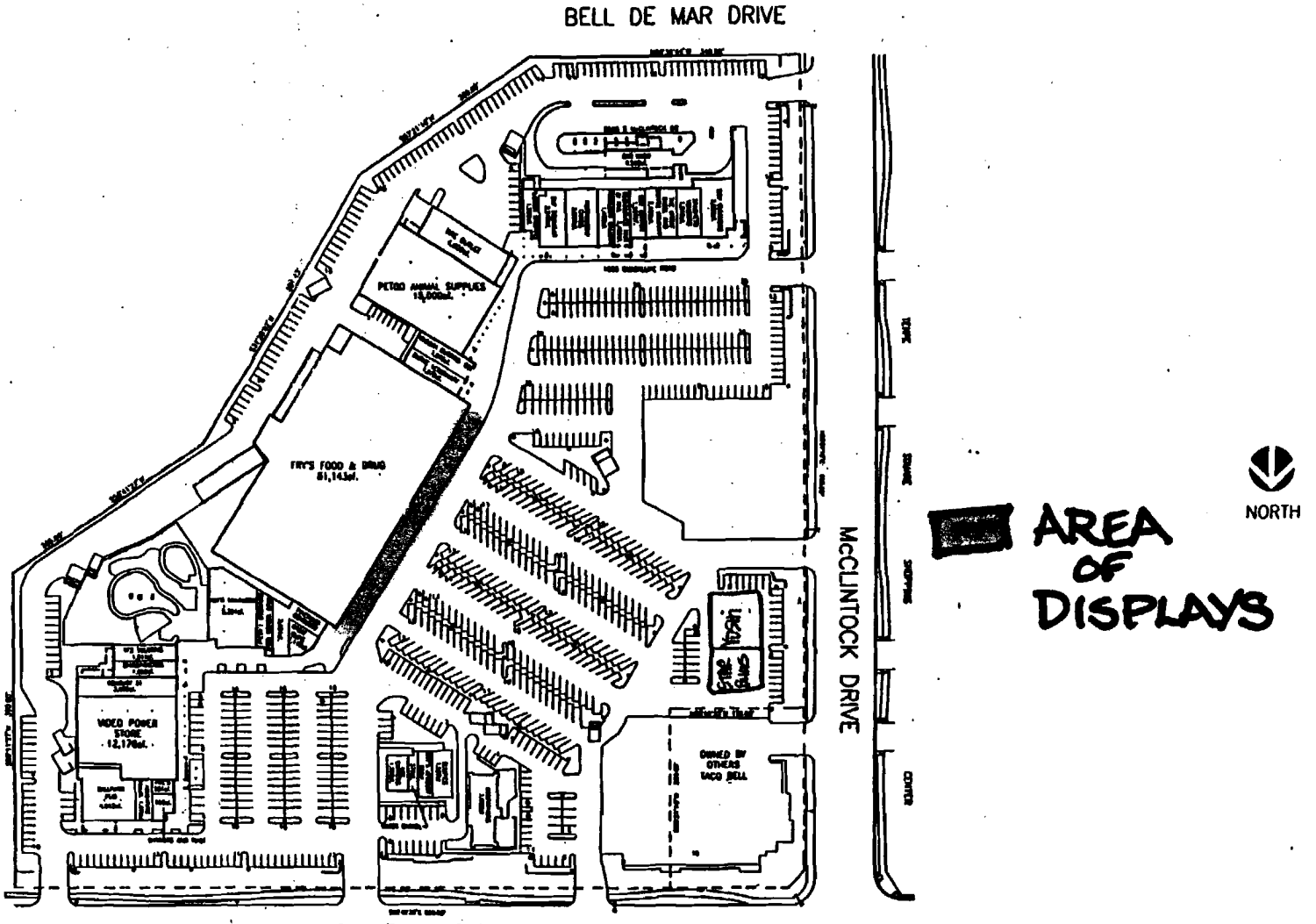
PUEBLO ANOZIRA CENTER - FRY'S FOOD AND DRUG STORE NO. 22 (PL070440)

Development Services – Planning

Letter of Explanation

Fry's Food and Drug Stores locations in Tempe are applying for a special use permit, for the general and seasonal display of merchandise. This request would be on an as needed basis for the display of merchandise in the outside area of our Tempe stores.

We do not intend to use a structure; we will not impede traffic or block entrances. We will not need to use additional lighting nor banners. We intend to keep it ecstatically appealing, very low-key and tasteful.



RECEIVED
#22
OCT 28 1997
FRY'S FOOD STORES OF ARIZONA, INC.

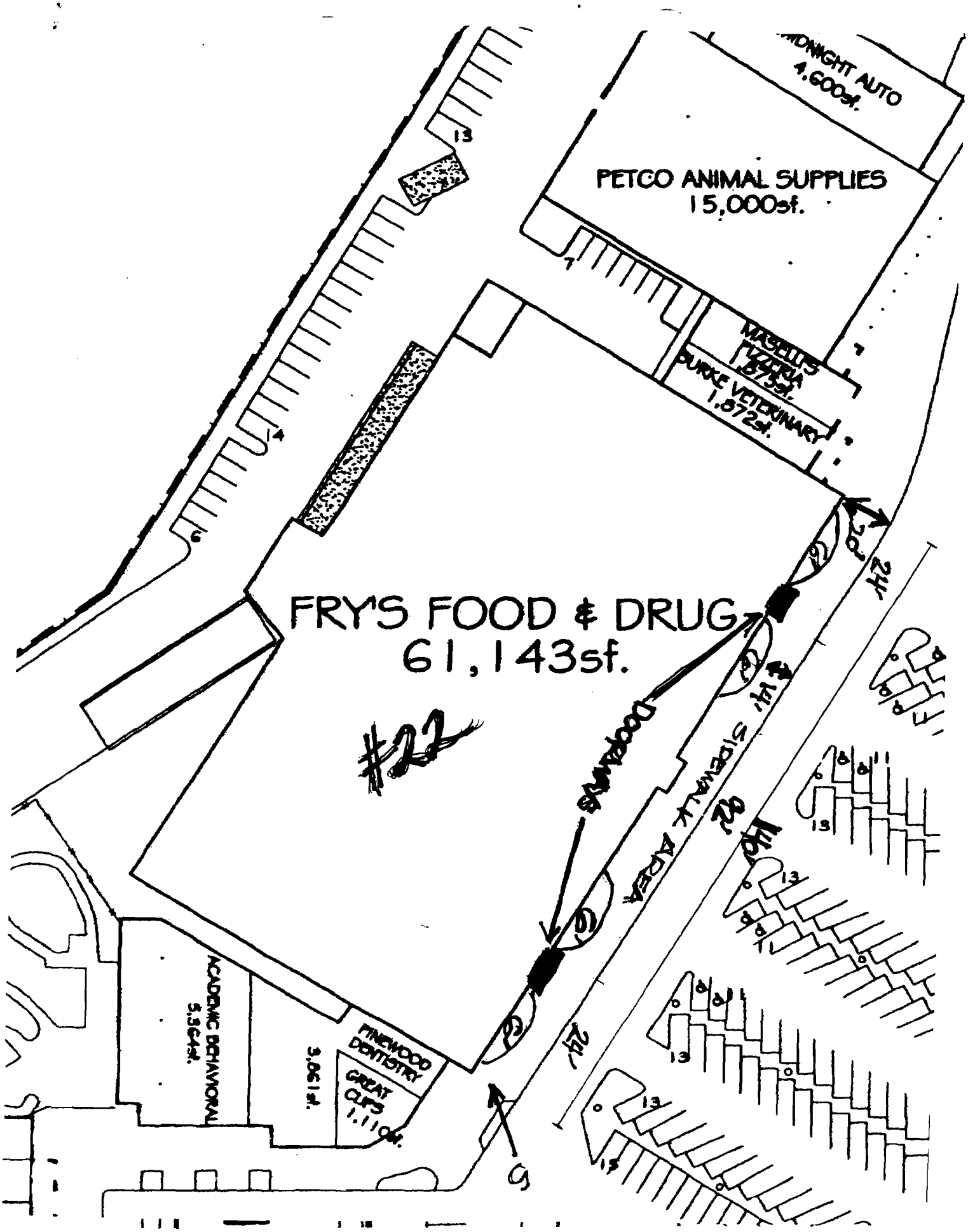
PUEBLO ANOZIRA CENTER
McCLINTOCK Dr. and GUADALUPE Rd.
Tempe, Arizona

WEINGARTEN REALTY INVESTORS
2600 CITADEL PLAZA DRIVE • HOUSTON, TEXAS • 77008
P.O. BOX 24103 • HOUSTON, TEXAS • 77232-4133
713/866-6000 800/688-8865 FAX: 713/866-6848

LAND AREA: 769,117 sf. /17.6565 acres
PARKING: 848 cars at 5.68 / 1000sf.
BUILDING AREA: 149,104 sf.

SCALE: 1" = 60'
DATE: 01-09-97
PROJECT NO.: 0172

ATTACHMENT 4



ATTACHMENT 5

FRY'S FOOD AND DRUG STORE, NO. 22

1835 E GUADALUPE RD

PL070440

PROPOSED DISPLAY AREA

FRY'S FOOD AND DRUG STORE, NO. 22

1835 E GUADALUPE RD

PL070440

FRONT OF GROCERY STORE: VIEW TO EAST

FRY'S FOOD AND DRUG STORE, NO. 22

1835 E GUADALUPE RD

PL070440

PROPOSED DISPLAY AREA