

**ITEM V-A:**      **DESIGN REVIEW PERMIT MODIFICATION – 324 N. SUNRISE AV. (HOME DEPOT OUTDOOR DISPLAY) - FILE # 2009PL-071 (DRP-000307)**

**REQUEST**

The applicant requests approval of a Design Review Permit Modification to allow additional outdoor sales and expanded display in front of the Home Depot store.

Applicant– Jim Ridgley, Hassco General Builders  
Property Owner – Tom Boggs, Home Depot

**SUMMARY RECOMMENDATION**

The Planning Department recommends that the Planning Commission take the following action:

- A. Adopt the two (2) findings of fact; and
- B. Approve the Design Review Permit Modification subject to nine (9) conditions of approval.

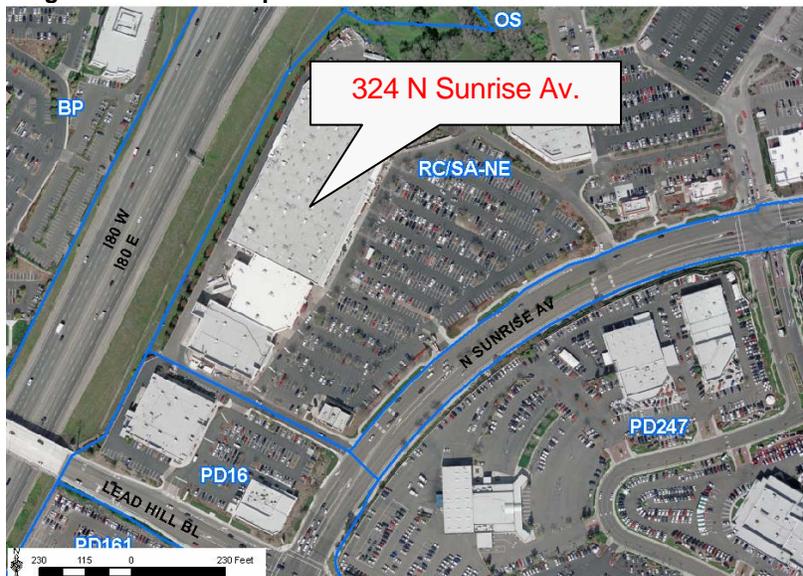
**SUMMARY OF OUTSTANDING ISSUES**

The applicant is not in agreement with Staff’s recommendation to deny an increase in the permanent display area in front of the store. Staff’s recommendation is based on a history of complaints and code enforcement action regarding display in front of the store.

**BACKGROUND**

The subject property is located at 324 North Sunrise Avenue, within the Northeast Roseville Specific Plan area of the City of Roseville. The property is part of the larger Centerpointe development that occupies the area between Eureka Road and Lead Hill Boulevard, and North Sunrise Avenue and Highway 80.

**Figure 1: Location Map**



In 1991, the Project Review Commission approved a Use Permit for the approximately 426,000 square foot Centerpointe commercial center, including Home Depot. In 1993, the Project Review Commission approved a Use Permit Modification for a 4,945 square foot expansion to the Home Depot garden center. Also in 1993, the Project Review Commission approved a food cart for an area in front of the Home Depot store. In 1999, the Planning Commission approved another expansion of the Garden Center (totaling 6,404 s.f.), the addition of a customer-loading zone, and the provision for permanent outdoor display within specified areas.

The current request from the applicant is to expand the display areas in front of the store, and to add a seasonal display area in the parking lot. The expansion areas are shown in red in Exhibit A.

Over the past 10 years City staff has worked extensively with the Home Depot store to ensure that the store operates in compliance with the approved outdoor display areas. In addition, The Planning Commission on several occasions has expressed concern over the display and storage of seasonal items in front of the store. For these reasons staff is forwarding the current request for seasonal display and sales areas to the Planning Commission for action.

Section 19.78.060.A of the City of Roseville Zoning Ordinance requires that two findings be made to approve a Modification to a Design Review Permit. The required findings are listed below in ***italicized bold print*** and are followed by an evaluation.

***1. The proposed modification is in substantial compliance with the intent of the original approval, prior conditions of approval, and all applicable design, development and improvement standards in effect as of the date of application for the modification.***

As mentioned above, the Home Depot store was previously allotted 1,038 square feet of merchandise display area in front of the store. In addition, the Design Review Permit approved by the Planning Commission in 1999 allowed the outdoor garden area to be expanded by 6,404 square feet. The current request is to add approximately 3,200 square feet of seasonal display area and 1,500 square feet of permanent merchandise display area to the front of the store. The seasonal display area would be located just to the north of the Home Depot main entrance, in the parking area. This area would temporarily convert 20 parking spaces within the parking lot for seasonal sales of Christmas trees, lawn mowers, plants, trees, and other seasonal items. The permanent display area would be located directly in front the existing approved display areas. Attachments 1 and 2 show pictures of the front of the store where the existing display areas are located.

In the past the City's Planning, Building, and Fire departments have all worked diligently with Home Depot regarding code compliance issues. Staff has worked with Home Depot on concerns regarding the location of display items within the loading zones of the store which cause patrons to load their purchases within the fire lane of the store. In addition, garden merchandise is periodically stored in the fire lane north of the garden center. This causes a safety concern because the fire lanes in front of the building are occasionally blocked, which threatens public safety by restricting emergency vehicle access. In addition, the proliferation of merchandise in front of the store tends to detract from appearance of the store (see Attachments 3 and 4 for photographs). For these reasons Staff is recommending that Condition #3 be added to the project which would eliminate the requested increase in display area directly in front of the store.

The seasonal sales area proposed by the applicant would be located within the parking area of the store. This area would be fenced with vinyl clad chain link during the seasonal sales events which will serve to confine the merchandise to the approved display area. This is intended to ensure that the merchandise will not spill out into the drive aisle and to reduce potential vehicle and pedestrian circulation issues. The removal of 20 spaces from the primary parking is not an issue as the site contains approximately 138 excess parking spaces. In addition, the seasonal sales events will be limited to 3 events per year for a maximum of 45 days per event. A further discussion of these

operational restrictions is located below. With the modified condition of approval to remove the display area in front of the store the project will meet the intent of the original project approvals and the design and improvement standards.

**2. *The proposed modification is in compliance with all standards and requirements of the City's Zoning Ordinance, with the applicable goals, policies and objectives set forth in the General Plan, the applicable Community Design Guidelines and the applicable Specific Plan.***

The General Plan relies on the Zoning Ordinance and Community Design Guidelines to regulate the display of merchandise outside commercial businesses. With the approval of a Design Review Permit Modification the project would be in compliance with the City's Zoning Ordinance.

In the past the Planning Commission has approved similar requests for outdoor display areas, particularly for home improvement businesses such as Lowe's and Home Depot. In both of these cases the approved seasonal display areas for these stores had defined periods when the business could display merchandise outside the store. Staff is recommending that conditions be placed on the proposed project to limit the time period outdoor display of merchandise can occur. In this case, staff recommends that display be limited to three events per year, for a maximum of 45 days per event. This condition will limit the number of events and duration that merchandise can be displayed, and will be consistent with past approvals.

Staff is also recommending that the area for seasonal display will be as delineated in Exhibit B and shall be marked on the pavement to clear up any confusion as to where the seasonal display area shall be located. Also the applicant has agreed to put metal sleeves into the parking lot which will allow Home Depot to install chain link fencing during events to confine the merchandise display to the area depicted in Exhibit B. Any damaged landscaping shall be immediately replaced once the event is finished. Lastly, temporary signs in conjunction with the seasonal events shall comply with the City's Sign Ordinance. All of these requirements have been added as Conditions #2-6. With the proposed conditions the project will be in compliance with the requirements of the General Plan, Community Design Guidelines, and the applicable Specific Plan.

## **CONCLUSION**

In conclusion, staff is not in support of providing additional permanent display in front of the Home depot store. On several occasions the Planning, Building, and Fire Departments have all had issues with display, storage, and loading of materials both in front of the store and along the side and rear of the store. This causes the display of merchandise to spill out into the fire lanes around the store causing a threat to public safety. For this reason staff is not in support of the applicant's request to add permanent display areas. However, with the proposed conditions of approval Staff can support the request to add seasonal sales to the parking area of the Home Depot store.

## **ENVIRONMENTAL DETERMINATION**

This project is exempt from environmental review per Section 15301 of the California Environmental Quality Act (CEQA) and Section 305 of the City of Roseville CEQA Implementing Procedures as an existing facility involving a negligible expansion of the existing use.

## **RECOMMENDATIONS**

The Planning Department recommends that the Planning Commission take the following actions:

- A. Adopt the three findings of fact, as listed in the staff report, for the **Design Review Permit Modification – 324 N. Sunrise Av. (Home Depot Outdoor Display) - File# 2009PL-071 (DRP-000307)** and;

- B. Approve the **Design Review Permit Modification – 324 N. Sunrise Av. (Home Depot Outdoor Display) - File# 2009PL-071 (DRP-000307)** subject to the following nine (9) conditions of approval:
1. This design review permit approval shall be effectuated within a period of two (2) years from this date and if not effectuated shall expire on September 24, 2011. Prior to said expiration date, the applicant may apply for an extension of time, provided, however, this approval shall be extended for no more than a total of one year from September 24, 2011.
  2. The project is approved as shown in Exhibit B and as conditioned or modified below. (Planning)
  3. The additional proposed outdoor display areas in front of the store shall be eliminated from the approved site plan. (Planning)
  4. The seasonal events proposed in the parking lot area shall be limited to three (3) events per year and a maximum of 45 calendar days per event. The area shall be fenced during these events with black vinyl chain-link fencing. (Planning)
  5. Any damaged landscaping that is a result of the seasonal sales events shall be replaced immediately after the event. (Planning)
  6. Temporary signs for seasonal events shall comply with the City's Sign Ordinance. (Planning)
  7. The design and construction of all improvements shall conform to the Design and Construction Standards of the City of Roseville, or as modified by these conditions of approval, or as directed by the City Engineer. (Public Works)
  8. The fire lane fronting the store front shall be clear and unobstructed for a minimum of 28 feet in accordance with Fire Department access standards. (Fire)
  9. The required width of fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. Minimum required widths and vertical clearances established by the Fire Code shall be maintained at all times during construction. Closure of accesses for fire apparatus by gates, barricades and other devices shall be prohibited unless approved by the Fire Chief. (Fire)

### **ATTACHMENTS**

1. Picture of the Home Depot Store
2. Picture of the Home Depot Store
3. Picture of the Home Depot Store
4. Picture of the Home Depot Store

### **Exhibits**

- A. Proposed site plan
- B. Proposed site plan with revised outdoor display area

**Note to Applicant and/or Developer:** Please contact the Planning & Redevelopment Department staff at (916) 774-5276 prior to the Design Committee meeting if you have any questions on any of the recommended conditions for your project. If you challenge the decision of the Committee in court, you may be limited to raising only those issues which you or someone else raised at the public hearing held for this project, or in written correspondence delivered to the Planning & Redevelopment Director at, or prior to, the public hearing.