



**CITY OF TEMPE  
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 08/13/2024  
Agenda Item: 3**

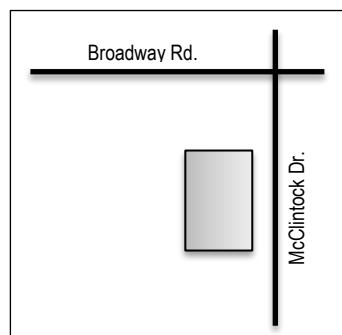
**ACTION:** Request a Use Permit to allow a tobacco retailer for **BELLAGIO SMOKE AND VAPE**, located at 1753 East Broadway Road, Suite No. 102. The applicant is DVT423K LLC.

**FISCAL IMPACT:** N/A

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

**BACKGROUND INFORMATION:** **BELLAGIO SMOKE AND VAPE** (PL240153) is proposing to operate a tobacco retail store in the Alpha Beta Shopping Center located on the southwest corner of Broadway Road and McClintock Drive in the PCC-1, Planned Commercial Center Neighborhood Zoning District. The request includes the following:

ZUP240046 Use Permit to allow a tobacco retailer.



Property Owner	Aadya Retail Holdings
Applicant	Alario Insunsa, DVT423K LLC
Zoning District	PCC-1
Site Area	39,705 s.f.
Building Area	10,970 s.f.
Suite Area	1,680 s.f.
Vehicle Parking	No change in demand
Bike Parking	No change in demand
Hours of Operation	8 a.m to 12 a.m. Weekly

**ATTACHMENTS:** Development Project File

**STAFF CONTACT(S):** Lucas Jensen, Planner I (480) 350-8023

Department Director: Jeff Tamulevich, Community Development Director

Legal review by: N/A

Prepared by: Lucas Jensen, Planner I

Reviewed by: Michelle Dahlke, Principal Planner

**COMMENTS**

The site is located south of the southwest corner of McClintock Drive and Broadway Road in the Alpha Beta Shopping Center. The closest school to the proposed tobacco retailer is Meyer Montessori located approximately 1,700 feet to the southwest which meets the Zoning and Development Code required 1,320-foot separation from charter, private, and public schools. There is no change in demand for bicycle or vehicle parking as the proposed and prior user are both classified as a retail use and share the same parking ratio. The applicant has indicated that there will be no on-site consumption of tobacco related products.

**PUBLIC INPUT**

None received at the time of this report.

**POLICE INPUT**

Tempe Police will not be requiring a security plan at this time as there is no on-site consumption of tobacco products.

**USE PERMIT**

The proposed use requires a Use Permit to allow a tobacco retailer within the PCC-1, Planned Commercial Center Neighborhood zoning district.

Section 6-308(E) Approval criteria for Use Permit (*in italics*):

1. *Any significant increase in vehicular or pedestrian traffic;* the suite is remaining a retail use and will not change the code required parking ratio. No increase in vehicular or pedestrian traffic is expected as a result of the proposed use.
2. *Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions;* there are no anticipated nuisances expected outside that of ambient conditions and operations of a general retail establishment.
3. *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;* tobacco retailers are permitted in the PCC-1 Zoning District subject to a Use Permit and special standards to meet 1,320 feet of separation from charter, public, and private schools. This property meets the separation requirements and does not conflict with any other goals, policies or adopted city plans.
4. *Compatibility with existing surrounding structures and uses;* a tobacco retail business is not out of character for a commercial plaza; there is an existing tobacco retailer in the commercial plaza on the northeast corner of Broadway Road and McClintock Drive.
5. *Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public;* Tempe Police is not requiring a security plan at this time, and the business is expected to mitigate disruptive behavior associated with their use as indicated by their letter of explanation that describes video surveillance.

**REASONS FOR APPROVAL:**

Based on the information provided by the applicant, the public input received and the above analysis staff supports approval of the requested Use Permit. This request meets the required criteria and will conform to the conditions.

**SHOULD AN AFFIRMATIVE ACTION BE TAKEN ON THIS REQUEST, THE FOLLOWING NUMBERED CONDITIONS OF APPROVAL SHALL APPLY, BUT MAY BE AMENDED BY THE DECISION-MAKING BODY.**

**CONDITION(S) OF APPROVAL: (Non-standard conditions are identified in bold)**

EACH NUMBERED ITEM IS A CONDITION OF APPROVAL. THE DECISION-MAKING BODY MAY MODIFY, DELETE OR ADD TO THESE CONDITIONS.

1. The Use Permit is valid only after a Building Permit has been obtained, the required inspections have been completed and a Final Inspection has been passed. As part of the Building Permit process, on-site storm water retention may be required to be verified or accomplished on this Site.

2. The Use Permit is valid for the plans as submitted within this application. Any additions or modifications may be submitted for review during the building plan check process.
3. Hours of operation to end no later than 12 a.m. on a daily basis.
4. All nonconforming building lighting shall be removed and replaced with compliant light fixtures. Details can be resolved during Building Safety Plan Review.

#### **CODE/ORDINANCE REQUIREMENTS:**

THE BULLETED ITEMS REFER TO EXISTING CODE OR ORDINANCES THAT PLANNING STAFF OBSERVES ARE PERTINENT TO THIS CASE. THE BULLET ITEMS ARE INCLUDED TO ALERT THE DESIGN TEAM AND ASSIST IN OBTAINING A BUILDING PERMIT AND ARE NOT AN EXHAUSTIVE LIST.

#### **USE PERMIT:**

- The Use Permit is valid for DVT423K LLC dba BELLAGIO SMOKE AND VAPE and may be transferable to successors in interest through an administrative review with the Community Development Director, or designee.
- The use permit approval shall be void if the use is not commenced or if an application for a building permit has not been submitted, whichever is applicable, within twelve (12) months after the use permit is granted or within the time stipulated by the decision-making body.
- The decision-making body, upon finding that the applicant has not taken corrective actions to resolve issues related to the permit/approval and that a continuation of the permit/approval is not in the interest of the public health, safety and general welfare, can revoke the permit/approval after providing written notice of its intentions to the holder of the permit.
- Specific requirements of the **Zoning and Development Code (ZDC)** are not listed as a condition of approval but will apply to any application. To avoid unnecessary review time and reduce the potential for multiple plan check submittals, become familiar with the ZDC. Access the ZDC through <http://www.tempe.gov/zoning> or purchase from Development Services.
- Any intensification or expansion of use shall require a new Use Permit.
- All required permits and clearances shall be obtained from the Audit and Licensing Division of the City of Tempe prior to the Use Permit becoming effective.
- All required Federal, State, County, and Municipal permits, licenses, and clearances shall be obtained, or the Use Permit is void.
- This use shall not violate the City of Tempe Smoking Ordinance or Smoke Free Arizona Act A.R.S. §36-601.01.
- The owner/management shall adhere to the City Adopted International Mechanical Code.
- The gross sale of beverage and snack items may not exceed that of tobacco and hookah products for the hookah lounge tax license.
- Music, sound, or live entertainment shall not violate the City of Tempe Noise Ordinance.

SIGNS: Separate plan review process is required for signs in accordance with requirements of ZDC Part 4 Chapter 9 (Signs). Refer to [www.tempe.gov/signs](http://www.tempe.gov/signs).

#### **HISTORY & FACTS:**

None relevant to this project.

#### **ZONING AND DEVELOPMENT CODE REFERENCE:**

[Section 3-202, Permitted Uses in Commercial and Mixed-Use Districts](#)

[Section 3-423, Use Separation Requirements](#)

[Section 6-308, Use Permit](#)



# DEVELOPMENT PROJECT FILE

for

Bellagio Smoke and Vape  
(PL240153)

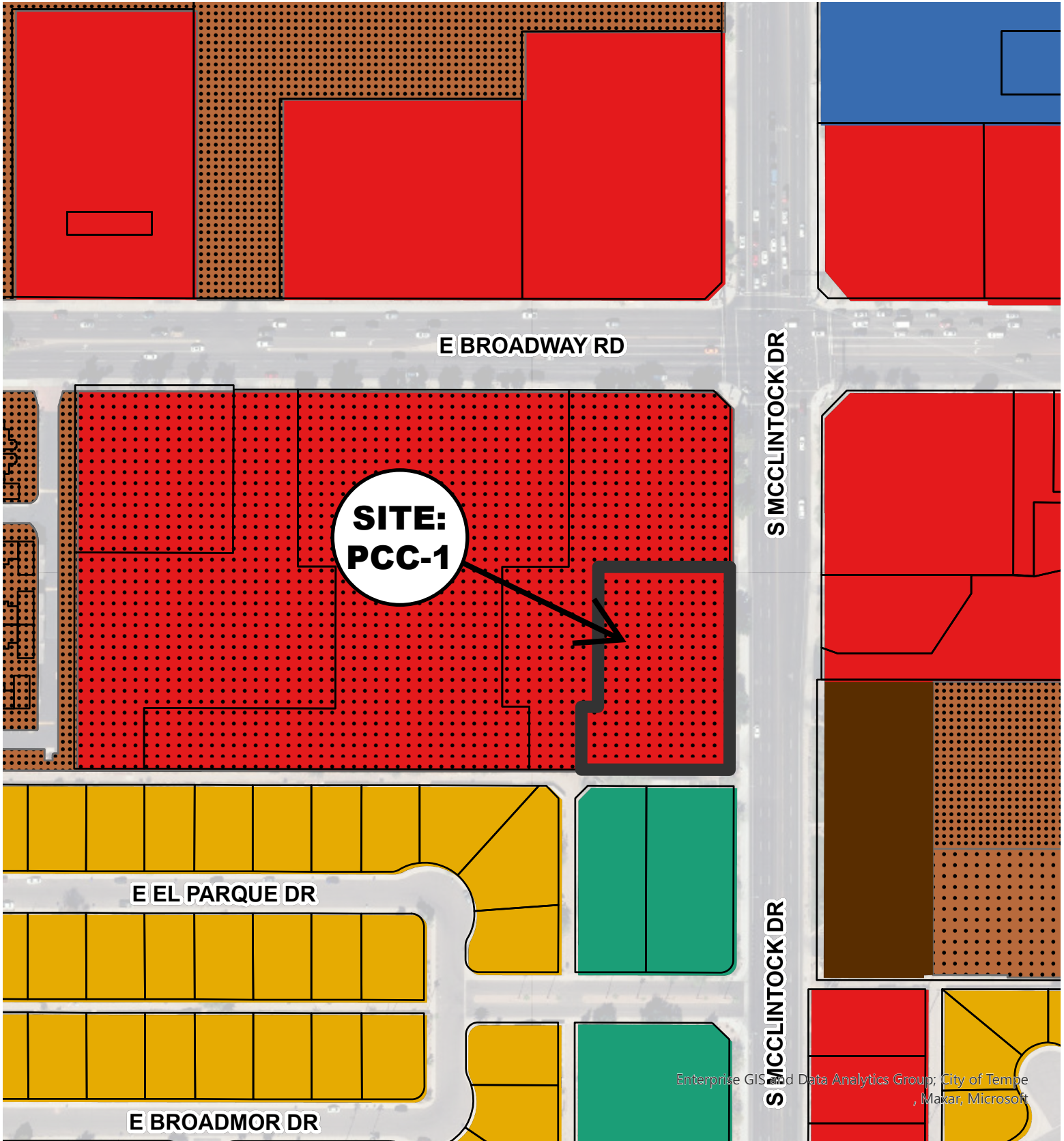
## ATTACHMENTS:

1. Zoning Map
2. Aerial Map
3. Site Photos
4. Applicant's Letter of Explanation
5. Site Plan
6. Floor Plan



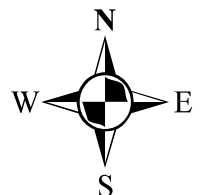
# Bellagio Smoke and Vape

PL240153



Enterprise GIS and Data Analytics Group; City of Tempe, Makar, Microsoft

- General Industrial District (GID)
- Commercial Shopping and Services (CSS)
- Planned Commercial Center Neighborhood (PCC-1)
- Residential/Office (RO)
- Single-Family Residential (R1-6)
- Multi-Family Residential Restricted (R-3R)
- Multi-Family Residential Limited (R-3)
- Multi-Family Residential General (R-4)





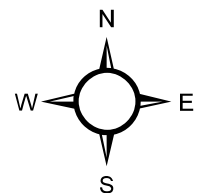
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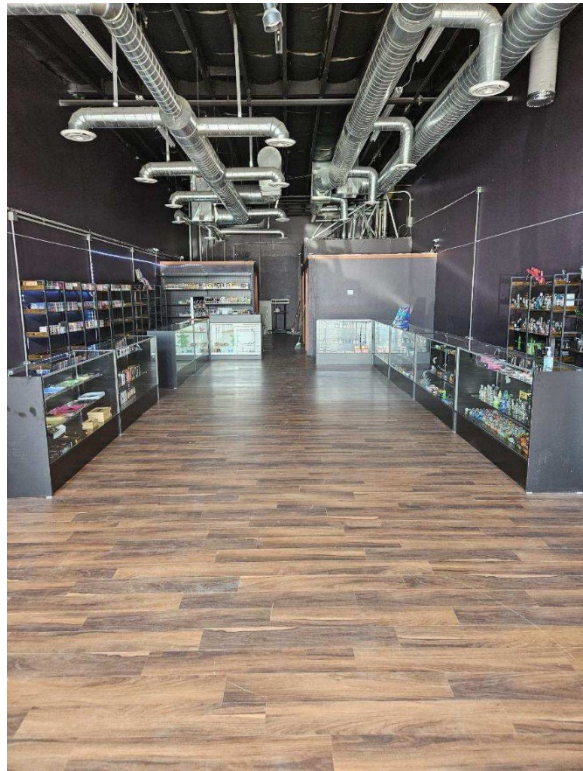
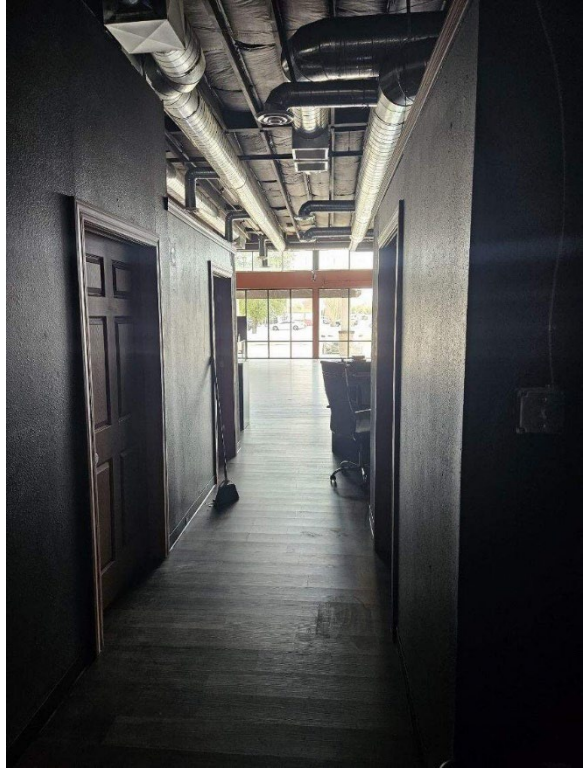
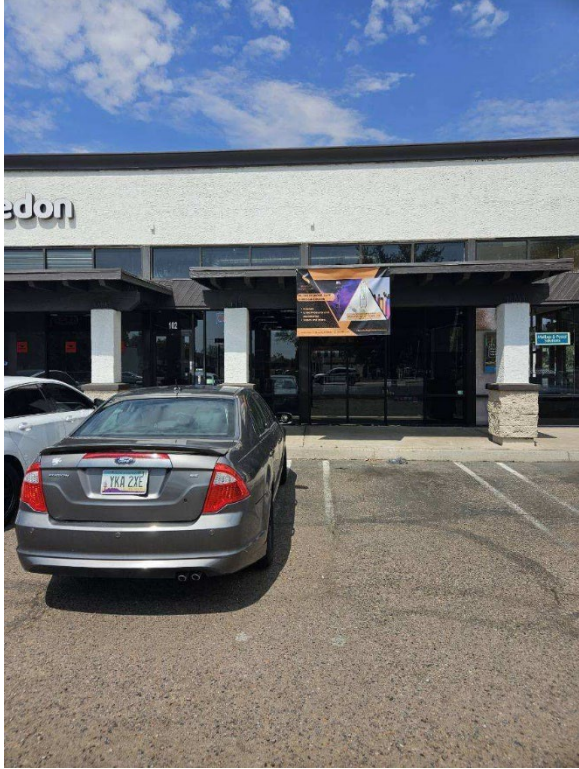
PL240153



Enterprise GIS and Data Analytics Group, City of Tempe  
Maxar, Microsoft

## Aerial Map





Letter of Explanation:

I, Kiup Alex Kim am the applicant applying for a Use Permit for 1753 E. Broadway Road, Ste 102 Tempe, AZ 85282.

The use of my business will be to sell smoke and vape products. The hours of operation will be Monday to Sunday 8AM to 12AM.

The number of employees will be 3. There should be no change to the standards or potential impacts to adjacent properties. Our business will not be detrimental to persons residing or working in the vicinity, adjacent properties, to the neighborhood, or the public welfare in general and will confirm to the Zoning and Development Code Criteria per Section 6-308 (E).

We will not place any items in walkways or in the parking lot to ensure there will be no interruption to vehicular or pedestrian traffic.

There will not be smoking or tobacco use in the building, the store will be cleaned twice daily, no noise or music will exceed a reasonable volume, the buildings air conditioning will be set at 74 degrees fahrenheit, there will be no lighting bright enough to irritate the eyes of customers or distract pedestrians or traffic.

The building will be well kept and insured with video surveillance.

There will be no renovations that will alter any existing structures or surrounding businesses.

We will not allow behavioral issues within the business from customers or staff any behavior deemed disruptive will be asked to leave. If the individual or group does not leave we will call Tempe Police.

Thank you for your consideration.

Sincerely,

Kiup Alex Kim, MD





Feature Information  
(1 of 1) Clear ?

133-31-553

Owner Information

Owner Name: AADYA RETAIL HOLDINGS LLC

In Care Of:

Property Address: 1753 E BROADWAY RD TEMPE 85282

Mailing Address: 1805 E DRAKE DR TEMPE AZ USA 85283

Deed Number: 20141060708

Sale Date:

Sale Price: \$

Property Information

Lat/Long: 33.406427, -111.909555

S/T/R: 26 1N 4E

Jurisdiction: TEMPE

PUC: 1417

Lot Size (sq ft): 39,705

MCR #: 225-29

Subdivision: ALPHA BETA SHOPPING CENTER AMD

Lot #:

Tract/Block: B /

Floor: 1

Construction Year: 1981

Living Space (sq ft):

Valuation Information

Tax Year:	2025	2024
FCV:	\$ 2,622,400	\$ 2,655,700
LPV:	\$ 975,543	\$ 929,089



SMCCLINTOCK DR

55'

50'

55'

50'

Attachment 5

