

**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 09/24/2019
Agenda Item: 6**

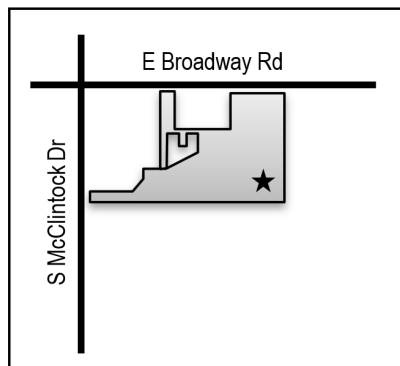
ACTION: Request a Use Permit to allow a tobacco retailer in the CSS, Commercial Shopping and Service district, for **VIRTUE VAPE**, located at 1845 East Broadway Road. The applicant is Virtue Vape, LLC.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: Virtue VAPE is requesting a Use Permit to allow a tobacco retailer within the CSS, Commercial Shopping and Services District and TOD, Transportation Overlay District. The request includes the following:

ZUP190234 Use Permit to allow a tobacco retailer



Property Owner	Red Mountain Asset Fund
Applicant	John Abbey – Virtue Vape
Zoning District	CSS
Building Area	6,000 sf
Vehicle Parking	No change in demand
Bicycle Parking	No change in demand
Hours of Operation	8 a.m. to 5 p.m., Weekdays

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Steve Abrahamson, Principal Planner (480) 350-8359

Department Director: Chad Weaver, Community Development Director
 Legal review by: N/A
 Prepared by: Steve Abrahamson, Principal Planner

COMMENTS

The applicant is applying for a Use Permit to operate a tobacco retailer in an existing building that was previously a retail store, Maxit Pawn Shop. Tobacco retail is a permitted use within the CSS, Commercial Shopping and Services Zoning District, subject to a Use Permit and a 1,320 ft separation requirement from a charter, private, or public school which provides elementary or secondary education. The business at large will involve retail as well as light assembly and storage. The assembly will entail final detailing of pre-fabricated parts of products that will be retailed on-site. Essentially, there is no change in overall use and no additions are proposed to the existing building. The business will employ 6-10 individuals and will be a less intense use than the previous Pawn Shop tenant in that the enterprise will not involve a purchasing aspect. Therefore, there is no change in demand for parking and no site modifications will be required to accommodate the new business.

PUBLIC INPUT

To date, staff has received no Public Input.

POLICE INPUT

Police had no concerns with this request.

USE PERMIT

The proposed use requires a Use Permit to operate a tobacco retailer within the CSS zoning district.

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

1. *Any significant increase in vehicular or pedestrian traffic*; the proposed use is not expected to increase vehicular traffic because there is no change in use from retail to retail for this site.
2. *Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions*; the business owner indicates that there will be no smoking/vaping permitted outside of the building.
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 retail is a permitted use within the CSS and TOD overlay districts subject to a Use Permit and meeting the separation requirements. This site meets the separation requirement provision in Section 3-423 of the Zoning and Development Code.
4. *Compatibility with existing surrounding structures and uses*; this site is on the corner of two arterial streets and is surrounded by CSS zoned properties with commercial uses.
5. *Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public*; the business owner indicates that company policies will address any potential disruptive behavior

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:

1. 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.
2. All permits and clearances required by the Building Safety Division shall be obtained prior to the Use Permit becoming effective. If consumption of vape products is conducted in the premises, the owner/management is responsible to adhere to the city Adopted International Mechanical Code.
3. All required Federal, State, County, and Municipal permits, licenses, and clearances shall be obtained, or the Use Permit is void.
4. Hours of operation shall be 8:00am – 5:00pm, Monday to Friday.

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 VIRTUE VAPE and may be transferable to successors in interest through an administrative review with the Community Development Director, or designee.
- 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.
All business signs shall receive a Sign Permit. Contact City of Tempe sign staff at 480-350-8435.
- This use shall not violate the City of Tempe Smoking Ordinance or Smoke Free Arizona Act A.R.S. §36-601.01.
- 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.

HISTORY & FACTS:

None pertinent to this case.

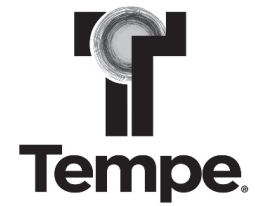
ZONING AND DEVELOPMENT CODE REFERENCE:

Section 3-202 Permitted Uses in Commercial and Mixed-Use Districts

Section 3-423 Separation Requirements

Section 4-203 Development Standards for Commercial and Mixed-Use Districts

Section 6-308 Use Permit



DEVELOPMENT PROJECT FILE

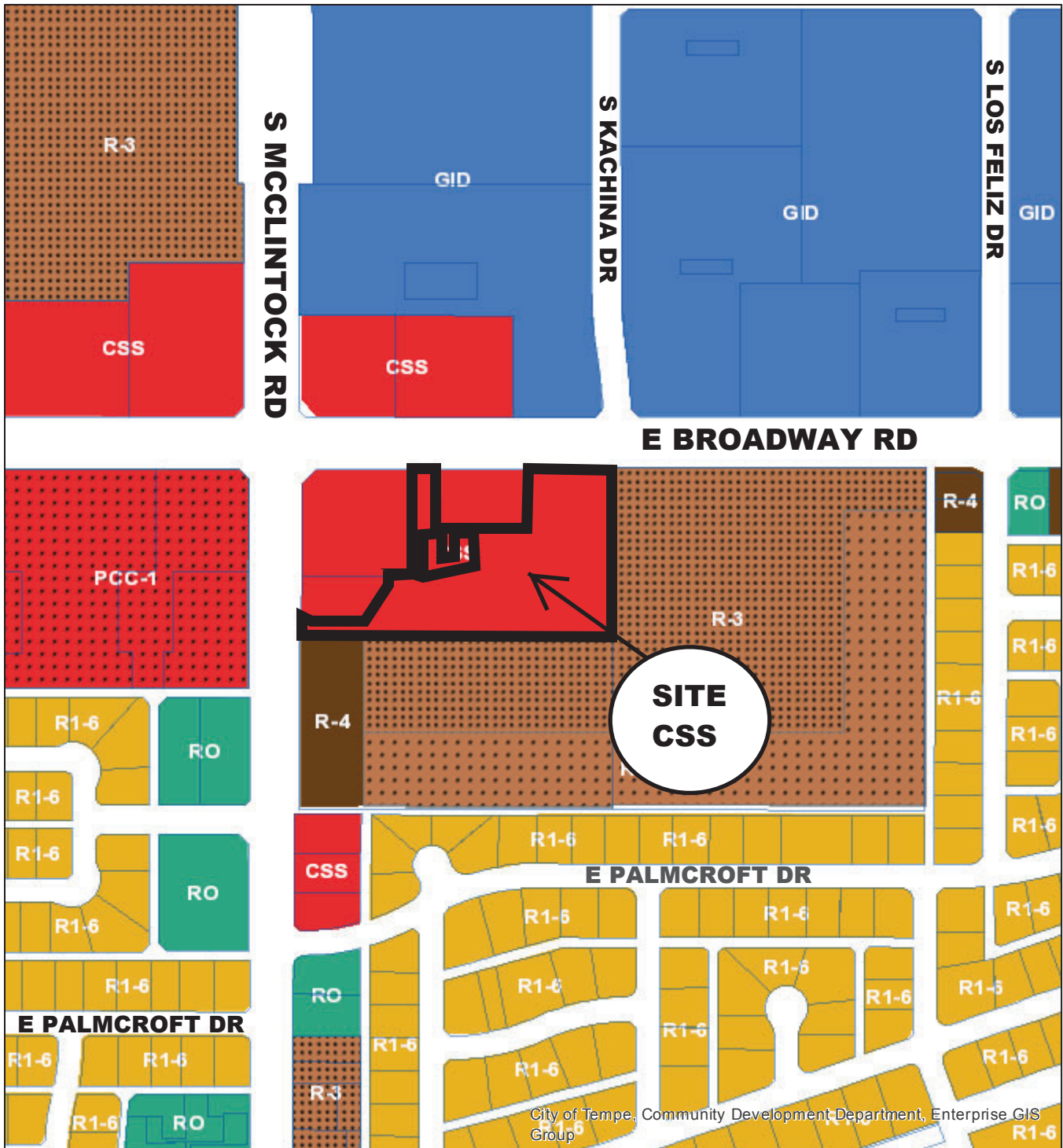
for
VIRTUE VAPE
(PL190234)

ATTACHMENTS:









1. Location Map
2. Aerial
3. Letter of Explanation
4. Site Plan
5. Floor Plan

Virtue Vape

PL 190234



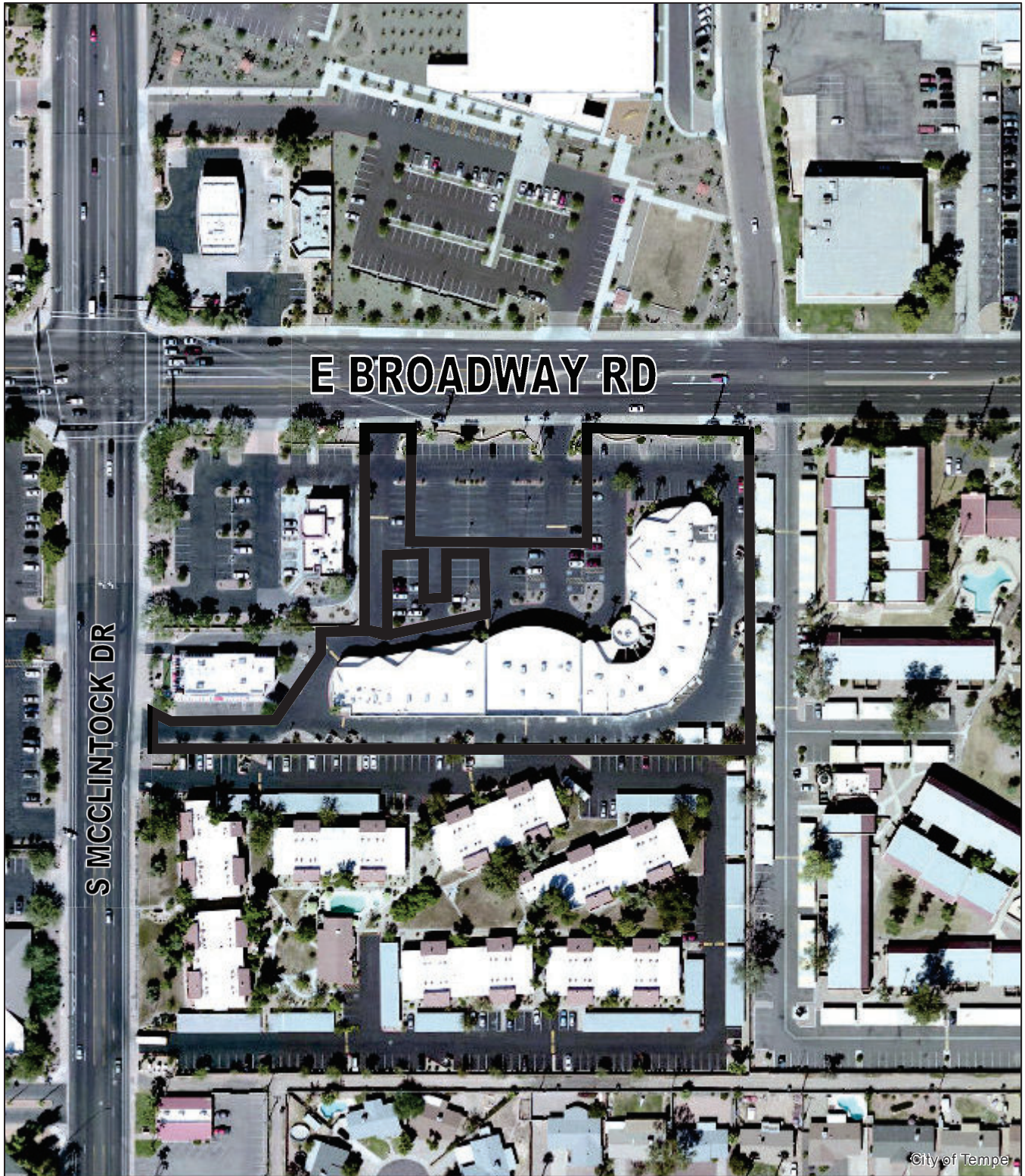
City of Tempe, Community Development Department, Enterprise GIS Group

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

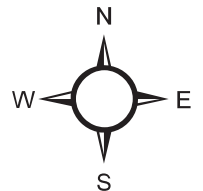


Virtue Vape

PL 190234



Aerial Map





August 26, 2019

LETTER OF EXPLANATION

Virtue Vape, LLC is an E-liquid company. We assemble, package and distribute E-liquid to wholesale and retail customers. Virtue Vape LLC employs 6-10 people, our hours of operation are 8:00am – 5:00pm Monday-Friday. We hope to extend hours to Saturdays depending of course on our sales. We are excited to be in Tempe, Arizona. Per our permit application following are answers to areas that concern the City:

1. Any significant vehicular or pedestrian traffic in adjacent areas.

There is ample parking for customers in the front parking lot and all deliveries of materials and shipping of our assembled E-liquid products to our wholesale customer will occur in the back of the building, which will not interfere with adjacent areas' vehicular or pedestrian traffic.

2. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions.

Our company receives materials from our supplier and essentially we assemble, label, and distribute the bottles of e-liquid to customers. The majority of the space we have is to store packaging, labels and bottles – ambient conditions will be maintained as there will be no odor, gas, noise, vibration, smoke heat or glare involved in our process.

3. Contribution to the deterioration of the neighborhood or to the downgrading of property values, which is conflict with the goals, objectives or policies of the city's adopted pans for General Plan.

Virtue Vape LLC has always been a good neighbor – we have been in business for 7 years and believe in making communities a friendly, cleaner and better condition which in turn increases property values. As a company we also believe in recycling and will use only the proper disposal methods (i.e. cardboard, garbage bin, etc.) in our part of keeping the neighborhood clean.

4. Compatibility with existing surrounding structures and uses;

We understand that compatibility is necessary in planning communities. Our surrounding tenants consist of a Hookah Lounge next door, which compliments our vaping products; other tenants are restaurants, animal clinic and medical offices, which we won't be interfering with or competing with. In the process of obtaining this permit, we have also reached out to our neighbors notifying them of our presence and what we do. We didn't receive any negative feedback.

5. Adequate control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area or general public

All employees are instructed to park their vehicle and enter the back of the building. We hire mature well-mannered people that will not disturb surrounding tenants. Disciplinary action will be taken if a disturbance occurs. Being in retail business, we know and understand the importance of not allowing situations to affect commerce.

We look forward to being part of the great City of Tempe.

Sincerely,

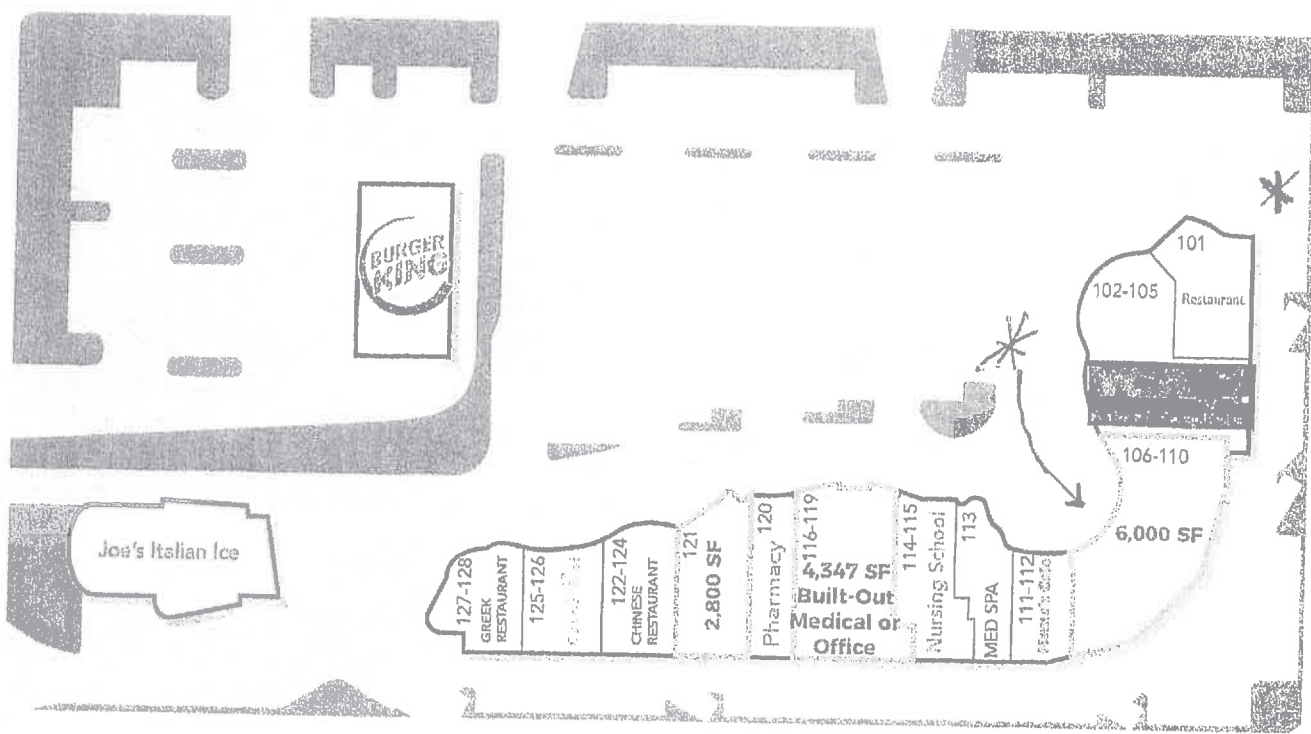

John Abbey
Owner

1845 E Broadway Road. Ste 106-110 – Tempe. AZ 85282



VIRTUE VAPE
 SUITE 106-110
 1845 E BROADWAY RD
 TEMPE, AZ 85282

2



Suite	Tenant
101	Royal Taj Restaurant
102-105	VCA Animal Hospital
106-110	6,000 SF Available (Entitled for Pawn)
111-112	Memo's Café
113	Med Spa
114-115	Nursing School
116-119	4,347 SF Fully Built-Out Medical or Office
120	Pharmacy
121	2,800 SF Available
122-124	Chinese Restaurant
125-126	Cosmo Prof
127-128	Greek Restaurant

= AVAILABLE

Broadway & McClintock
 1845 E. Broadway Road
 Tempe, Arizona

For more information:
 Carol Hander
 602.977.9203
 chander@rmg.no.com

RED MOUNTAIN GROUP
 1515 E. Bethany Home Road, Suite 110
 Phoenix, Arizona 85014
 www.redmountainretailgroup.com

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LICENSED CONTRACTOR:

OWNER / CLIENT

Virtus Vape LLC
1848 E Broadway Rd
Suite 106-10
Tempe, AZ

No.	Description	Date

NORTH ARROW



FLOOR PLAN

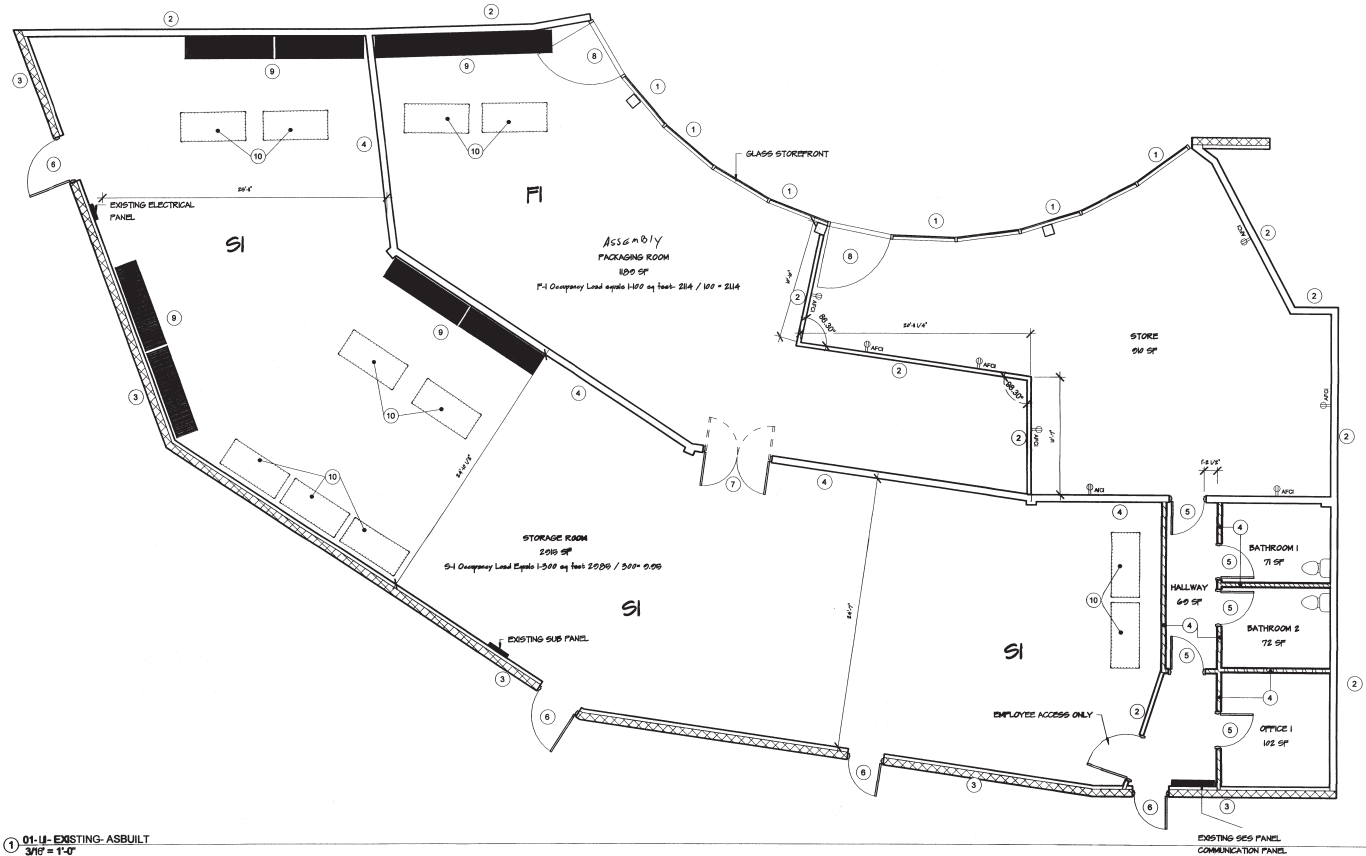
Project number:
Date: 1-29-10
Issue Date: 1-29-10

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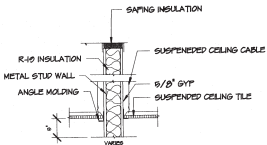
Scale: As indicated

FLOOR PLAN NOTES

- 1 EXTERIOR WALLS ARE BRICK AND MORTAR WITH METAL STUD FRAMING
- 2 FRONT EXTERIOR IS STOREFRONT GLAZING
- 3 ALL DOORS ARE EXISTING AND FIRE RATED PER THE IBC CODES.
- 4 METAL STORAGE RACKS ARE 8' TALL AND ARE MADE OF METAL.
- 5 NO COMBUSTIBLE OR TOXIC MATERIALS TO BE STORED IN FACILITY.
- 6 FIRE SPRINKLERS TO REMAIN THE SAME AS THEY MEET OR EXCEED THE REQUIREMENTS OF THE CITY OF TEMPE.
- 7 EXISTING HVAC UNITS TO REMAIN THE SAME AS THE SIZE AND CONFIGURATION DO NOT CHANGE.
- 8 CEILING GRID TILES TO REMAIN THE SAME SIZE AND MATERIAL.
- 9 ALL FIRE ALARMS, EXIST SIGNS AND CODES SHALL REMAIN THE SAME. THEY ALL MEET OR EXCEED THE CITY OF TEMPE BUILDING REQUIREMENTS.
- 10 ALL PLUMBING FIXTURES, LAYOUTS AND PLACEMENTS SHALL REMAIN THE SAME AS ORIGINAL. THEY MEET OR EXCEED THE CITY OF TEMPE REQUIREMENTS.
- 11 FLOORING SHALL BE VINYL VCT SQUARES ON TOP OF EXISTING CONCRETE FLOOR.
- 12 WALL SCEN SHALL BE A WATER RESISTANT PLASTIC COATING AND EASILY MAINTAINED.
- 13 PAINT SHALL BE A BASIC WHITE PAINT.



1 01-11-EXISTING-ASBUILT
3/16" = 1'-0"



3/4\" data-bbox="9 416 135 437"/>

FLOOR PLAN DETAILS	
NUMBER	DESCRIPTION
1	GLASS STOREFRONT
2	EXISTING METAL STUD FIRE RESISTANT PARTITION WALL BETWEEN SUITES
3	EXISTING BLOCK WALL WITH 1/2\"
4	EXISTING METAL STUD PARTITION WALL
5	EXISTING INTERIOR METAL DOOR
6	EXISTING EXTERIOR SELF CLOSING PUSH BAR DOOR
7	EXISTING VINYL DOUBLE SWINGING DOOR
8	EXISTING GLASS STOREFRONT DOOR
9	8' TALL WIRE STORAGE RACKS
10	METAL / PLASTIC TABLE