



**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 4/27/2021
Agenda Item: 9**

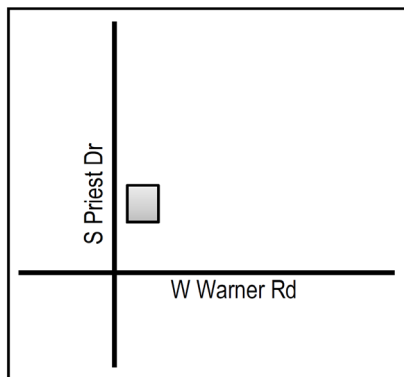
ACTION: Request a Use Permit to allow a tobacco retailer for **TAIGA SMOKE AND VAPE**, located at 8707 South Priest Drive.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: TAIGA SMOKE AND VAPE (PL210067) is requesting a Use Permit to allow a tobacco retailer within the PCC-1, Planned Commercial Neighborhood District. The proposed location is within an existing commercial center at the northeast corner of Warner Road and Priest Drive. The request includes the following:

ZUP210028 Use Permit to allow a tobacco retailer.



Property Owner
Applicant

Warner Pointe Plaza, LLC
Mohamad El Lakiss, Moditech Import & Export, LLC

Zoning Districts
Suite Area

PCC-1, SWOD
1,943 s.f.

Vehicle Parking

No increase in demand

Bicycle Parking

No increase in demand

Hours of Operation

9 am – 9 pm daily

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Dalton Guerra, Planner I (480) 350-8652

Department Director: Shelly Seyler, Interim Community Development Director

Legal review by: N/A

Prepared by: Dalton Guerra, Planner I

Reviewed by: Steve Abrahamson, Principal Planner

COMMENTS

The applicant is requesting a Use Permit to allow a tobacco retail shop within an existing commercial center. The proposed location is in conformance with Section 3-423 Use Separation Requirements of the Zoning and Development Code. The previous use of the suite was a fitness center with a parking ratio of 1 space per 125 square feet. Retail has a ratio of 1 space per 300 square feet. Therefore, there is no increase in the demand for this site.

PUBLIC INPUT

To date, staff has not received any public input.

USE PERMIT

The proposed use requires a Use Permit to operate a tobacco retailer within the PCC-1 zoning and SWOD overlay districts.

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

1. *Any significant increase in vehicular or pedestrian traffic*; the proposed location is within an existing commercial center with commercial uses occupying the surrounding suites.
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 retail use is conducted indoors and will be required to adhere to all applicable smoking ordinances and statutory requirements as a condition of approval.
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*; the proposed use is permitted within the PCC-1 district subject to the provisions in Section 3-423 of the ZDC and approval of a Use Permit.
4. *Compatibility with existing surrounding structures and uses*; there are existing commercial businesses in the adjacent suites and in surrounding buildings.
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 applicant is expected to have adequate control over 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: (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. No outdoor live entertainment or outdoor speakers shall be allowed.

4. Live entertainment requires a separate Use Permit.

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 Taiga 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.
- All business signs shall receive a Sign Permit. Contact sign staff at 480-350-8435.
- 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.

HISTORY & FACTS:

None pertinent to this case.

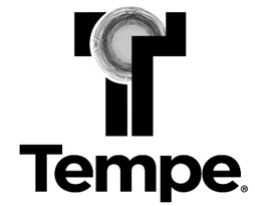
ZONING AND DEVELOPMENT CODE REFERENCE:

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

Section 3-423 Use Separation Requirements

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

Section 6-308 Use Permit



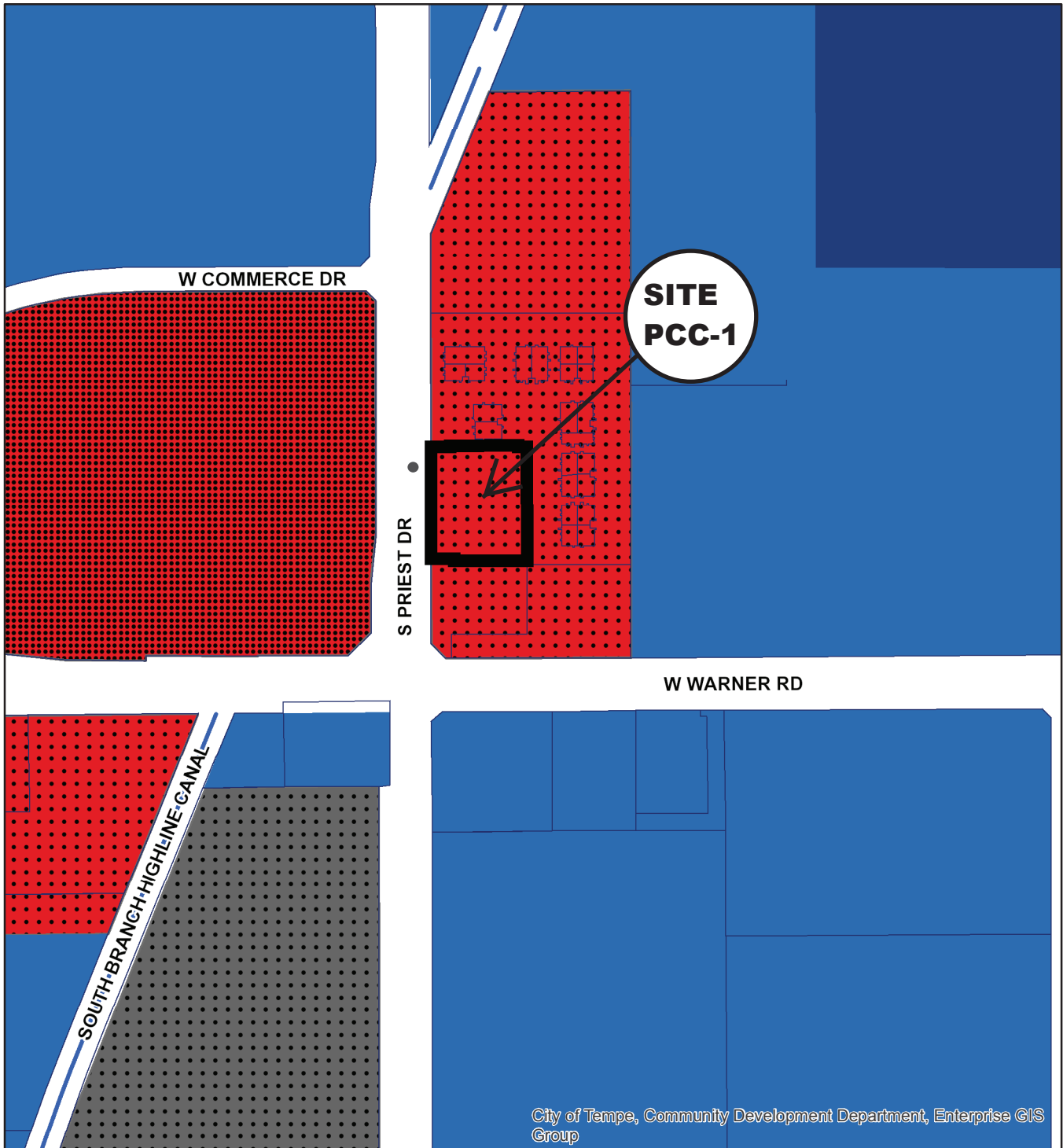
DEVELOPMENT PROJECT FILE
for
TAIGA SMOKE AND VAPE
(PL210067)

ATTACHMENTS:

1. Location Map
2. Aerial
- 3-4. Letter of Explanation
5. Site Plan
6. Floor Plan
7. Context Photos

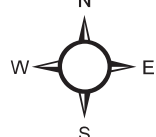
TAIGA SMOKE & VAPE

PL210067



City of Tempe, Community Development Department, Enterprise GIS Group

- General Industrial District (GID)
- Heavy Industrial District (HID)
- Mixed Use Med-High (MU-3)
- Planned Commercial Center Neighborhood (PCC-1)
- Regional Commercial Center (RCC)

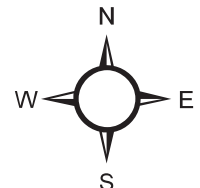


TAIGA SMOKE & VAPE

PL210067



Aerial Map



LETTER OF EXPLANATION

I intend to open a smoke and vape shop, whereby I would sell tobacco, vape and CBD products. All products will be legal, and the shop hours will be 9 am – 9 pm.

This would be considered a family owned business and would be run by the family, with confidence that this shop will improve economy of the neighborhood.

a. Any significant increase in vehicular or pedestrian traffic;

Busy strip mall and we are replacing a former gym tenant so vehicular traffic and pedestrian traffic should be same or lower.

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

We sell tobacco and vape products and do not encourage smoking on the premises or outside the front of our shop.

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;

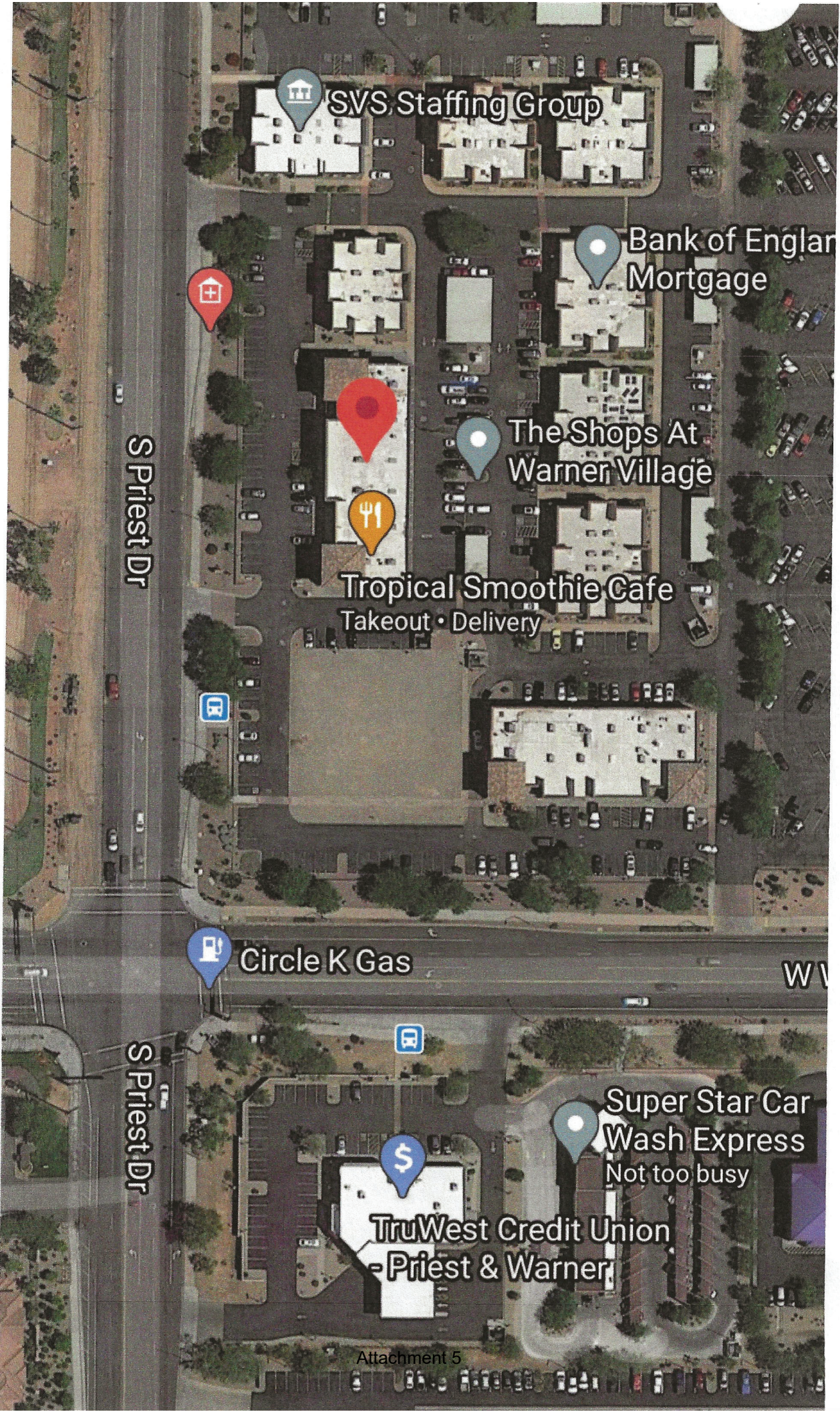
We have high end cigar customers and working class tobacco and vape customers. The client mix at this very nice shopping center should not change.

d. Compatibility with existing surrounding structures and uses; and

The landlord has approved the uses and we are in compliance with the CC&R's. The small restaurant next door allows some dining out front and we do not allow smoking outside our front area.

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

We have "nuisance clauses" in our lease and could lose our lease if we cause an unfavorable environment for the other tenants. We have three shops now (Cave Creek, Anthem, and now Tempe) and we operate in "upscale" locations and markets and do not interfere with the other tenants. Our current landlord checked our other locations and reputation before he would lease to us. Our clients make purchases and then leave for their businesses or homes -they do not linger on site.



S Priest Dr

SVS Staffing Group

Bank of England Mortgage

The Shops At Warner Village

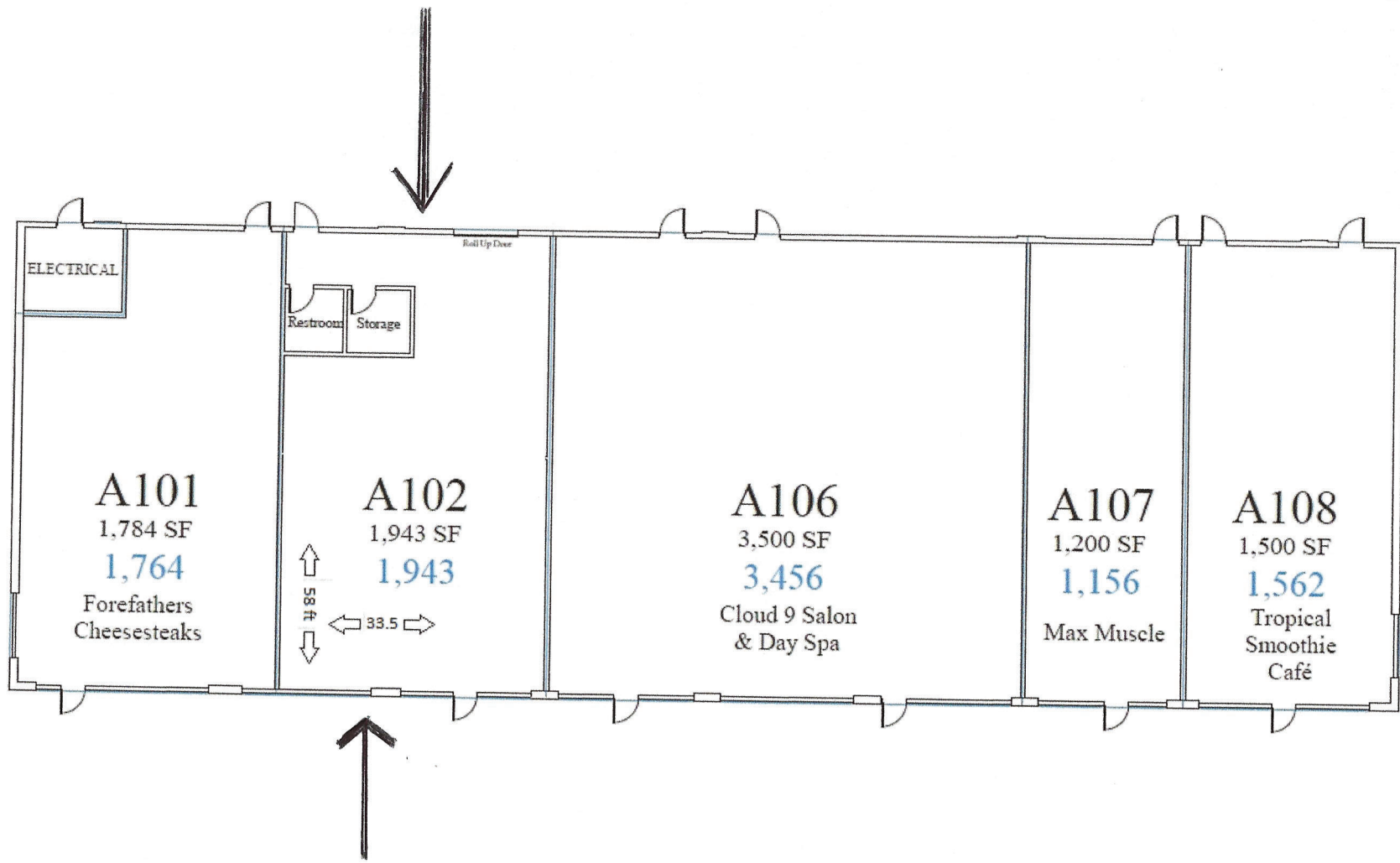
Tropical Smoothie Cafe
Takeout • Delivery

Circle K Gas

Super Star Car Wash Express
Not too busy

TruWest Credit Union
- Priest & Warner

S Priest Dr



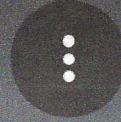
WARNER VILLAGE | 8707 Square Footage

2:31

56%



Google
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Tempe, Arizona



Attachment 7

