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**CITY OF TEMPE  
DEVELOPMENT REVIEW COMMISSION**

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

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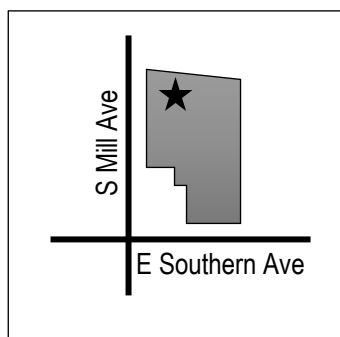
**ACTION:** Request a Use Permit to allow a tobacco retailer for CLOUD SLINGERS VAPE SHOP, located at 3107 South Mill Avenue. The applicant is Vincent Taylor / Cloud Slingers, LLC.

**FISCAL IMPACT:** N/A

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

**BACKGROUND INFORMATION:** CLOUD SLINGERS VAPE SHOP (PL200051) is proposing to locate a tobacco retail store within and existing Huntington Square commercial center at 3107 South Mill Avenue, Suite A4, on the northeast corner of South Mill Avenue and East Southern Avenue Drive in the PCC-1, Planned Commercial Center Neighborhood Zoning District. The request includes the following:

ZUP200037 Use Permit to allow a tobacco retailer in the PCC-1, Planned Commercial Center Neighborhood Zoning District.



Property Owner	Huntington Square Baseline, LLC
Applicant	Cloudslingers, LLC
Zoning District	PCC-1
Site Area (net)	229,823 s.f.
Building Area	46,911 s.f.
Hours of Operation	9 a.m. to 9 p.m., Monday-Thursday; 9 a.m., Friday-Saturday, 10 a.m. to 9 p.m., Sunday

**ATTACHMENTS:** Development Project File

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

Department Director: Shelly Seyler, Interim Community Development Director

Legal review by: N/A

Prepared by: Steve Abrahamson, Principal Planner

Reviewed by: Steve Abrahamson, Principal Planner

## COMMENTS

Pursuant to ZDC Section 3-423, Use Separation Requirements, tobacco retailers shall not be located on a lot within 1,320 feet, measured by a straight line in any direction, from the lot line of a charter school, private school, or public school, which provides elementary or secondary education. Instructional or vocational schools are excluded from the separation requirement. The closest school is Carminati Elementary School, located approximately 3,083 feet away.

## PUBLIC INPUT

Staff has not received public input to this request as of the publishing date of this staff summary report.

## USE PERMIT

The proposed use requires a use permit to allow a tobacco retailer in the CSS, Commercial Shopping & Services District pursuant to City of Tempe Zoning & Development Code (ZDC) Section 3-202, Permitted Uses in Commercial and Mixed-Use Districts. Furthermore, the proposed use is subject to special standards or limitations pursuant to ZDC Section 3-423, Use Separation Requirements.

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

1. *Any significant increase in vehicular or pedestrian traffic*; the proposed retail use will not significantly increase vehicular or pedestrian traffic more than what is typically generated by permitted retail and services uses.
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 proposed retail use will not generate emissions greater than ambient levels since operations will be conducted completely within the interior of the suite.
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 retail use is consistent with the General Plan 2040 and is a permitted use subject to a use permit in this zoning district.
4. *Compatibility with existing surrounding structures and uses*; the proposed retail use is compatible with adjacent and nearby shopping centers/plazas and uses, both in scale and size.
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 does not foresee an issue with disruptive behavior and places the safety and well-being of employees and customers to the highest regard. In the event disruptive behavior does become an issue the City of Tempe Police Department can require a security plan at a later date.

## REASONS FOR APPROVAL:

Based on the information provided by the applicant 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 and the required inspections have been completed and a Final Inspection has been passed.
2. The Use Permit is valid for the plans as submitted within this application. Any additions or modifications may be submitted for review during building plan check process.
3. Hours of operation to begin no earlier than ten o'clock in the morning (10:00 a.m.) and end no later than ten o'clock in the evening (10:00 p.m.), Sunday through Thursday; ten o'clock in the morning (10:00 a.m.) and end no later than eleven o'clock in the evening (11:00 p.m.), Friday and Saturday.

**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 CLOUD SLINGERS VAPE SHOP 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 request.

**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



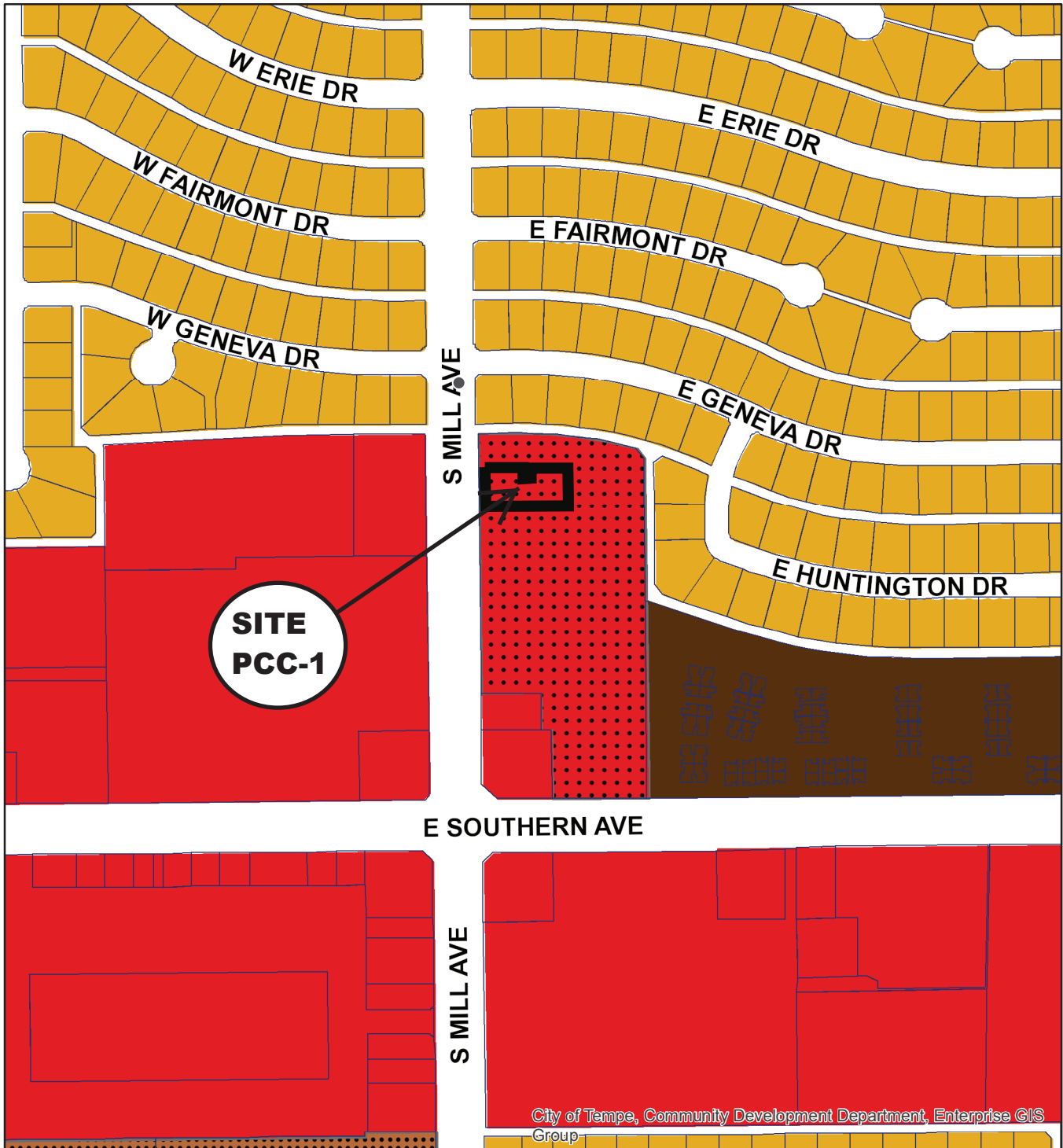
**DEVELOPMENT PROJECT FILE**  
for  
**CLOUD SLINGERS VAPE SHOP**  
**(PL200051)**

**ATTACHMENTS:**

1. Location Map
2. Aerial
- 3-4. Letter of Explanation
- 5-6. Site Plan
7. Floor Plan
- 8-16. Context Photos

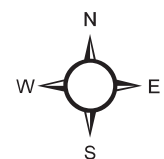
# CLOUD SLINGERS

PL200051



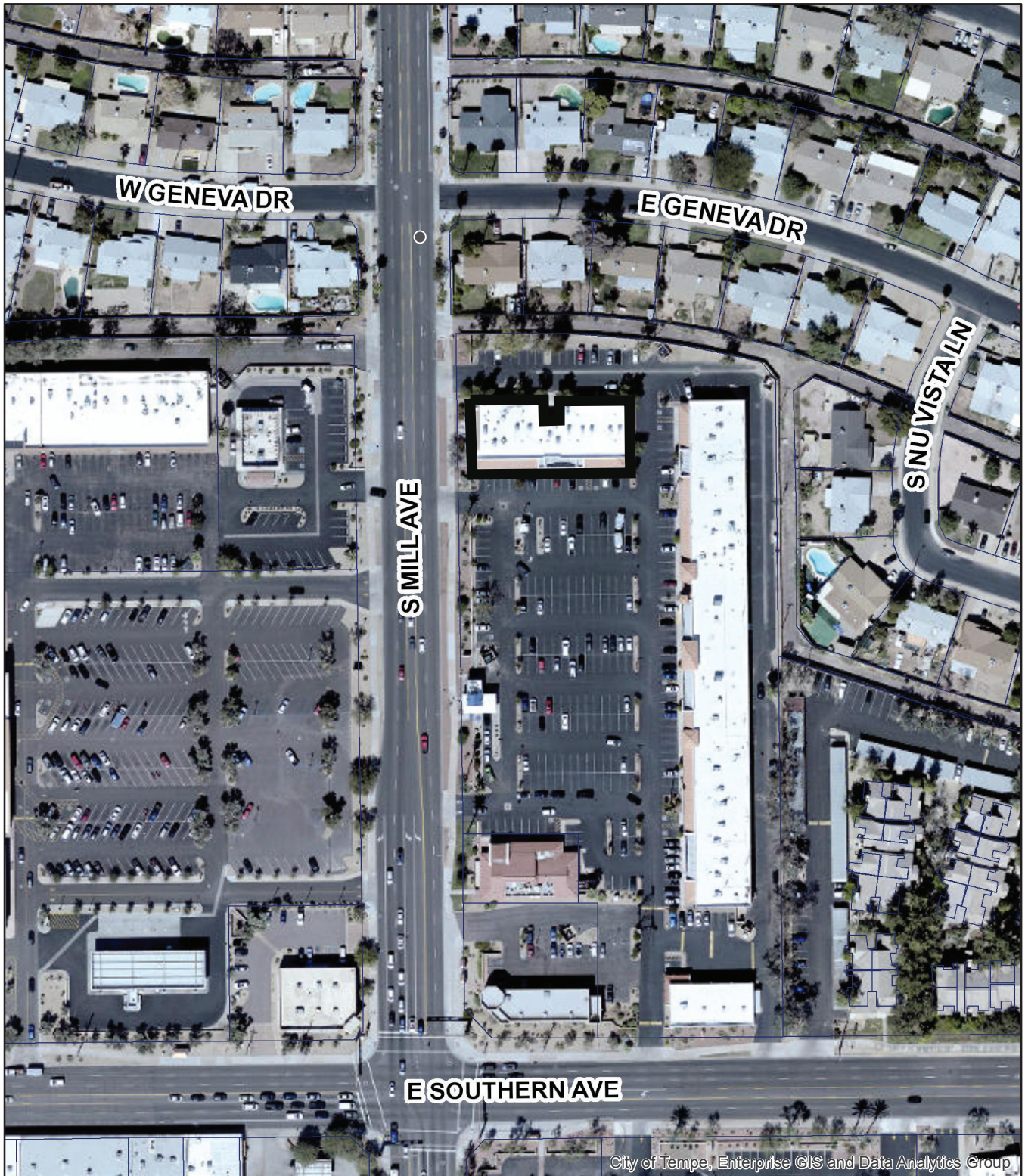
City of Tempe, Community Development Department, Enterprise GIS Group

- Commercial Shopping and Services (CSS)
- Single-Family Residential (R1-6)
- Multi-Family Residential Limited (R-3)
- Multi-Family Residential General (R-4)

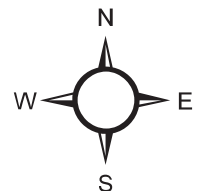


# CLOUD SLINGERS

PL200051



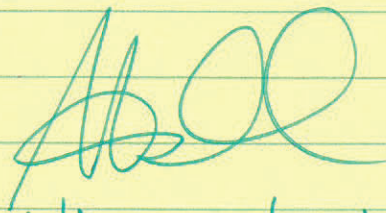
Aerial Map



My name is Vincent F Taylor Jr. I recently opened a E-cigarette store at 3107 S. Mill Ave Tempe Az. 85281. My hours of operation are 9am-9pm Monday thru thursday, 9am-10pm Friday and Saturday and 10am-9pm Sunday. I have two employees my Vincent Taylor Jr and Kayler Russ. This is the first bussiness adventure I have embarked on it has not been easy. I without knowing completed my project without sign permit and a c of O. I was ignorant to needing these items. I've been working with the tempe inspectors to resolve these matters. it has been keeping me up at night very stressful figuring this all out on my own with struggling small bussiness. I appreciate the tempe inspectors they have been extremely helpful with my endeavors. Hoping I can continue to do bussiness in tempe. My customer base is about 15 to 20 people a day. Since I've been open I've converted 6 people that work in my adjacent area off cigarettes



these are my goals to help people with a healthier alternative for nicotine. I do not play loud music. I keep my windows, parking lot back area spotless. All my neighbors approve of me being here. I have an excellent relationship with all my neighbors. This is my first business. I've made mistakes and learn from them. I'm 34 years old and would like to continue doing business with the grace of the city of Tempe. Thank you for everything.



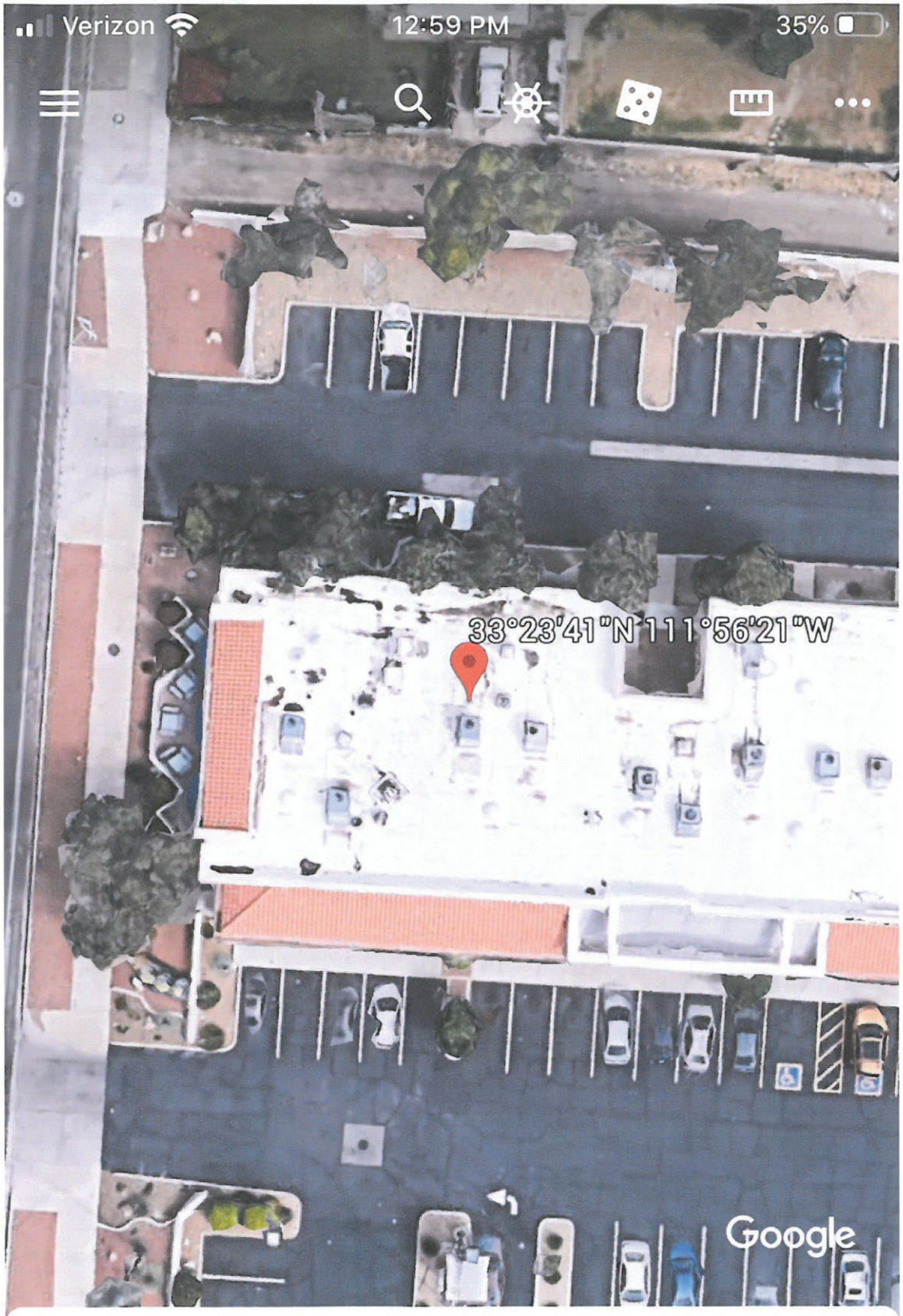
Vincent Taylor Jr



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X 3107 S Mill Ave



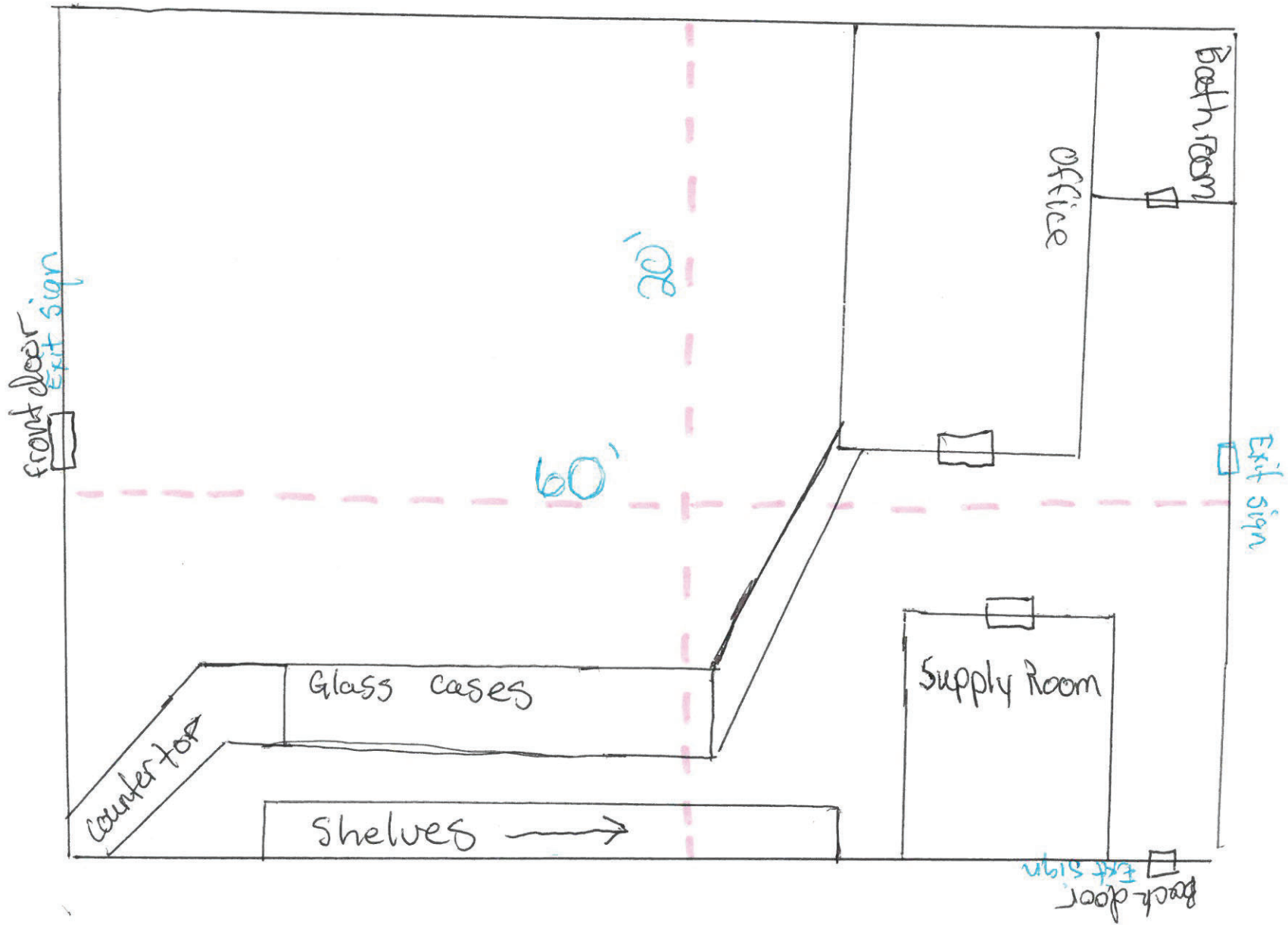


### Dropped Pin

$33^{\circ}23'41''\text{N}$   $111^{\circ}56'21''\text{W}$  · 1,164 ft



 Measure





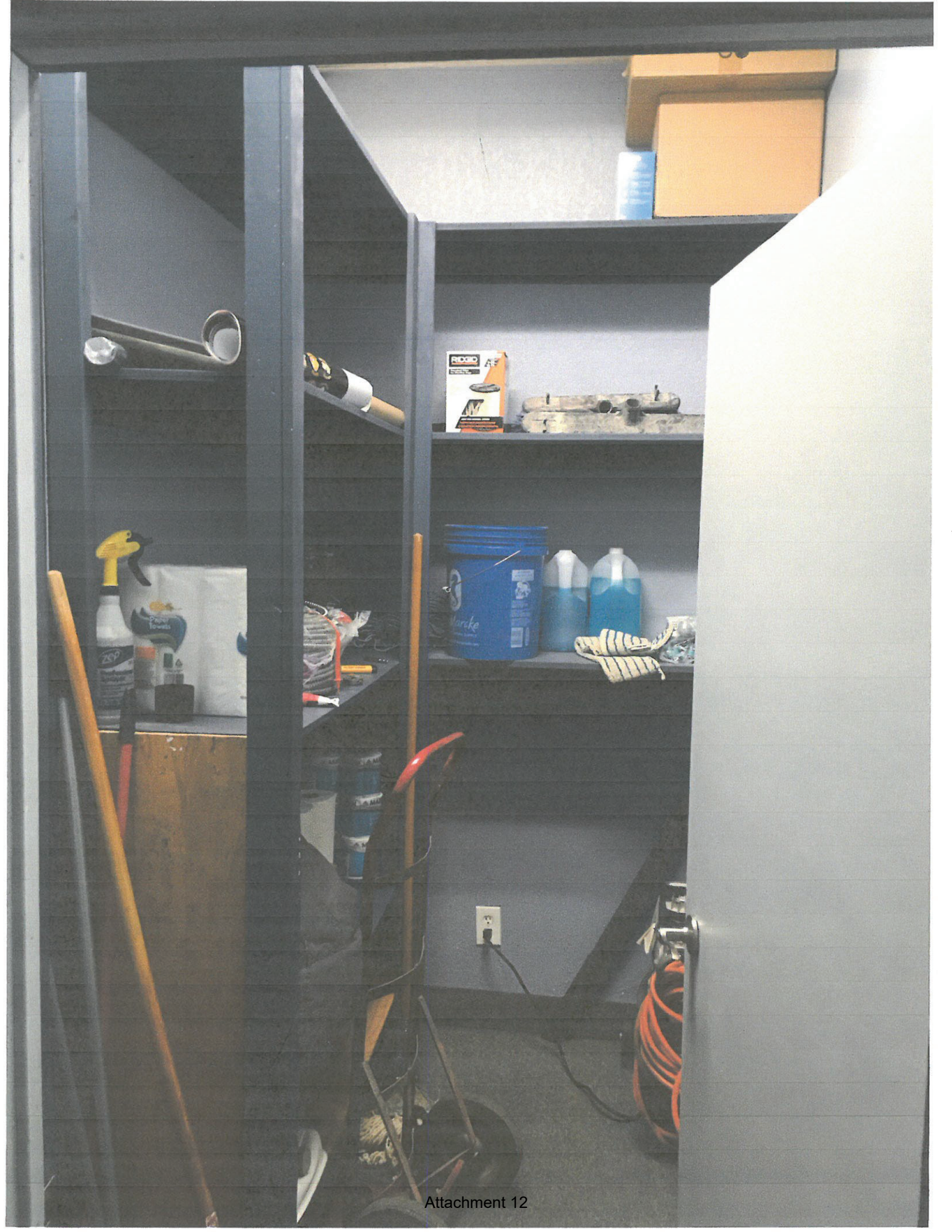
**KYOTO BOWL**

**Vape Shop**





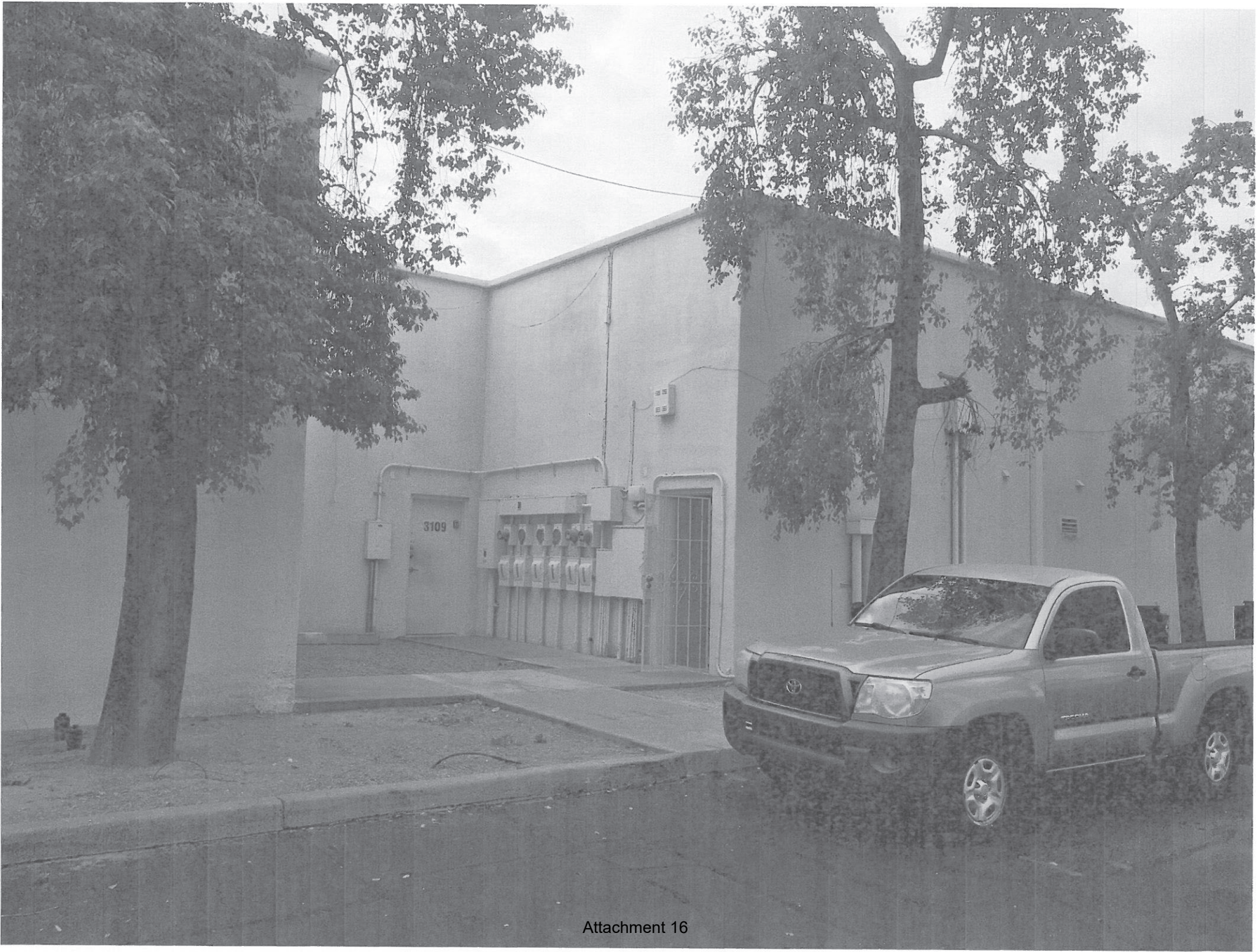












Attachment 16