

**CITY OF TEMPE  
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 7/27/2021  
Agenda Item: 9**

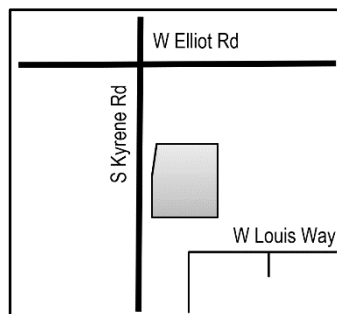
**ACTION:** Request a Use Permit to allow a tobacco retailer for GRAVITATE SMOKE SHOP, located at 7707 South Kyrene Road, Suite No. 109. The applicant is Phnx Design, LLC.

**FISCAL IMPACT:** N/A

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

**BACKGROUND INFORMATION:** GRAVITATE SMOKE SHOP (PL210163) is proposing a smoke shop in Crossroads of Tempe, located on the southeast corner of West Elliot Road and South Kyrene Road in the PCC-1, Planned Commercial Center Neighborhood District, and within the SWOD, Southwest Tempe Overlay District. The shop will sell tobacco items such as cigarettes, cigars, hookah products, electronic cigarettes, and other smoke-related items. The store will operate daily from 9 a.m. to 10 p.m. A store manager and two employees will be on hand at all times. The request includes the following:

ZUP210052 Use Permit to allow a tobacco retailer.



Property Owner	Tempe Crossroads, LLC
Applicant	Mike Hills, Phnx Design, LLC
Zoning District	PCC-1 (SWOD)
Site Area	91,420 s.f.
Building Area	15,588 s.f.
Suite Area	1,308 s.f.
Lot Coverage	17% (50% max. required)
Building Setbacks	87' front, 85' street side, 14' north side, 64' south side, 105' rear (0', 0', 30', 30', 30' min. required)
Vehicle Parking	No Change in Demand
Bicycle Parking	No Change in Demand
Hours of Operation	9 a.m. to 10 p.m., Daily
Building Code Occupancy	B

**ATTACHMENTS:** Development Project File

**STAFF CONTACT(S):** Lee Jimenez, Senior Planner (480) 350-8486

Department Director: Shelly Seyler, Interim Community Development Director  
 Legal review by: N/A  
 Prepared by: Lee Jimenez, Senior Planner  
 Reviewed by: Steve Abrahamson, Principal Planner

## COMMENTS

Staff confirms that no charter school, private school, or public school, which provides elementary or secondary education, is located within a quarter mile or 1,320 feet of the subject property line. Compadre High School, located at 500 West Guadalupe Road, is approximately 5,637 feet away; and Kyrene Middle School, located at 1050 East Carver Road is approximately 6,168 feet away.

## PUBLIC INPUT

A neighborhood meeting is not required for this request. Staff has not received public comments as of the publishing of this staff summary report.

## USE PERMIT

The proposed use requires a use permit to allow a tobacco retailer in the PCC-1, Planned Commercial Center Neighborhood District pursuant to City of Tempe Zoning and Development Code (ZDC) Section 3-202, Permitted Uses in Commercial and Mixed-Use Districts. In addition, the proposed use is subject to special standards or limitations 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. Child daycares, pre-schools, instructional schools, and vocational schools are excluded from the separation requirement.

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 generate more traffic than similar retail uses allowed by right in this suite.
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 use will operate indoors within the confines 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 applicant emphasizes that the operation will be conducted indoors with no exterior changes are planned other than signage and that the establishment will practice a zero tolerance policy against loitering and disruptive behavior to eliminate un-safe and dangerous behavior that could risk the safety of employees, customers, and nearby patrons and neighbors.
4. *Compatibility with existing surrounding structures and uses*; the proposed operation is considered a retail use which is compatible with other surrounding retail uses. Furthermore, no changes are proposed on the exterior of the suite or building other than signage.
5. *Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public*; a manager and two employees will be on site at all times, no loitering and smoking law signage will be posted outside the suite, and the store will be video monitored 24/7.

## 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.

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. Daily hours of operation to end no later than ten o'clock in the evening (10:00 p.m.).

**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 [Business Name] 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:**

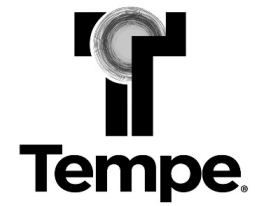
None pertinent to this request.

**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](#)



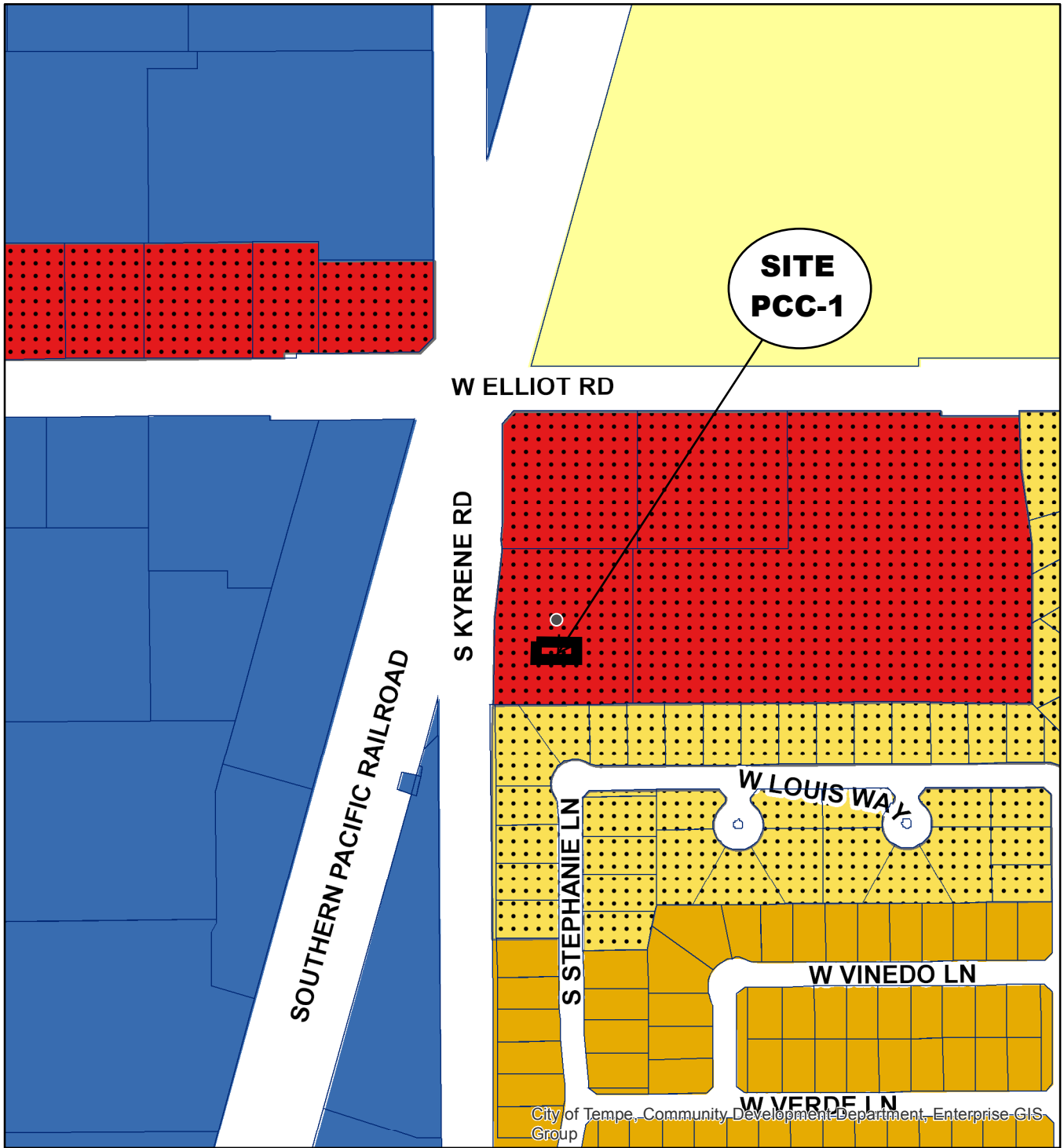
**DEVELOPMENT PROJECT FILE**  
for  
**GRAVITATE SMOKE SHOP**  
(PL210163)

**ATTACHMENTS:**

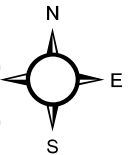
1. Location Map
2. Aerial
- 3-4. Letter of Explanation
5. Site Plan
6. Floor Plan
7. Elevations
8. Interior Photo

# Gravitate Smoke Shop

PL210163



- General Industrial District (GID)
- Planned Commercial Center Neighborhood (PCC-1)
- Agricultural (AG)
- Single-Family Residential (R1-7)
- Single-Family Residential (R1-6)

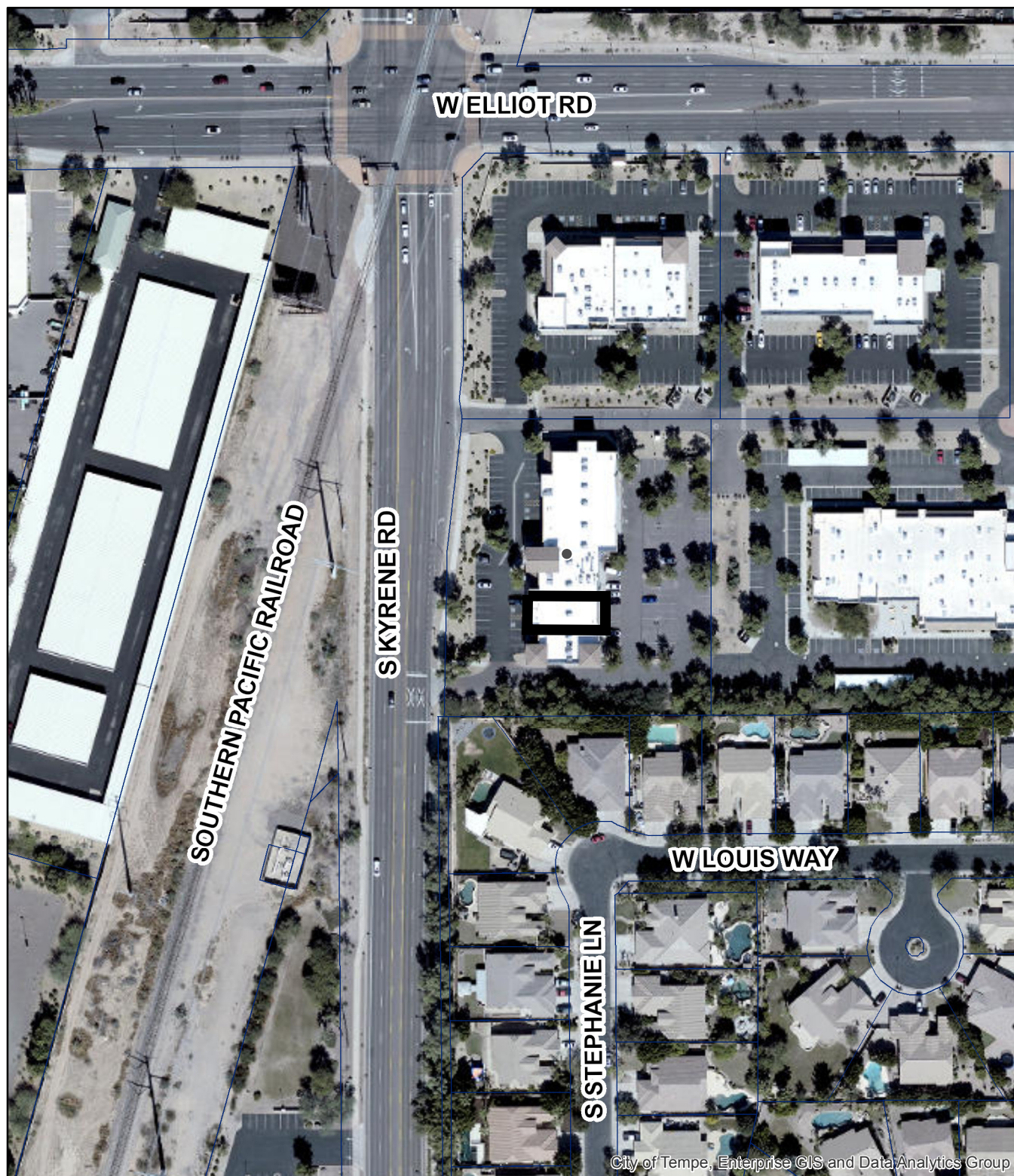




Tempe

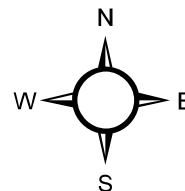
PL210163

# Gravitate Smoke Shop



City of Tempe, Enterprise GIS and Data Analytics Group

## Aerial Map



## **Gravitate Smoke & Vape LLC Letter Of Explanation For Use Permit**

Gravitate Smoke & Vape is a proposed retail tobacco shop within a multi-tenant shopping center located at 7707 S. Kyrene rd. Tempe, Az 85284. Retail sales will include tobacco items such as cigarettes, cigars, hookah products, electronic cigarettes and other smoke-related items. The leased space is approximately 1308 square feet. The hours of operation are Monday-Sunday 9am-10pm. The City of Tempe Zoning and Development code's tobacco retailer from locating within 1,320 feet of a school. The closest school is Compadre High School to the north, located at 500 West Guadalupe Rd approximately 5,637 feet away. Kyrene Middle School is located approximately 6,168 feet away. We currently operate 11 valley locations. We would love the City Of Tempe to nest our 12th location. We have a minimum of 4 highly trained employees per location. The local area/traffic will not be affected by our business. We know that there is a demand for our products and we will be happy to meet that demand. Gravitate Smoke & Vape will not hold any type of promotional events at our location that will exceed our maximum capacity. We have designated parking spaces for our employees and customers that came with our space so parking will not be an issue. We will not result in any disruptive behavior which may create a nuisance to the surrounding area or general public as that goes against our business model. We take pride in our professionalism and practice heavy business ethics for a successful future. Gravitate Smoke & Vape does not have any type of gas, vibrations, dust, heat, smoke, or glare exceeding normal operations of a retail business. There will always be a manager on site along with 2 employees. Our managers are trained to handle any complaint or disturbance in the community professionally. If there is an issue, which there has not been since we've been in business, it will be handled immediately. We have been in business for 9 years now and we currently have locations in almost every major city in Arizona. To avoid any type of violation pertaining smoking laws and loitering, we will have signs posted outside. Also, any other sign that is asked of us will be posted. Smoking will be prohibited in and outside of the shop. Our average customer typically spends 5-10 minutes in the establishment therefore we do not create a significant increase in traffic. We will not tolerate guests hanging around in and outside of the establishment creating noise or other disruptive behavior. We have ZERO tolerance for loitering. We will be compatible with surrounding businesses and will work with them if there was ever to be an issue. We will have 24/7 surveillance monitoring the store and parking lot in and outside of the shop. We are cautious and aware of our guests and their actions to eliminate an un-safe and dangerous behavior that could risk the safety of themselves, our employees, and neighboring stores. We will not be making changes to the structure of the building, as in binging with the landlord, our tenant improvements will include the following:

- Tile
- Paint
- Applying new fixtures
- Exterior signage (with proper permitting approved by the City of Tempe)

Gravitate Smoke & Vape will not contribute to the deterioration of the neighborhood or be in conflict with the goals, objectives, and policies of the city. We will not be making any changes to the exterior of the building other than signage that will require the City of Tempe approval. The use will be contained inside the building, there will be proper emergency exit signs, handicap

accessibility, and up to code restrooms. We will have the place exterminated for pest control on a monthly basis. We will not conflict with the city's goals and expansion efforts in any way.

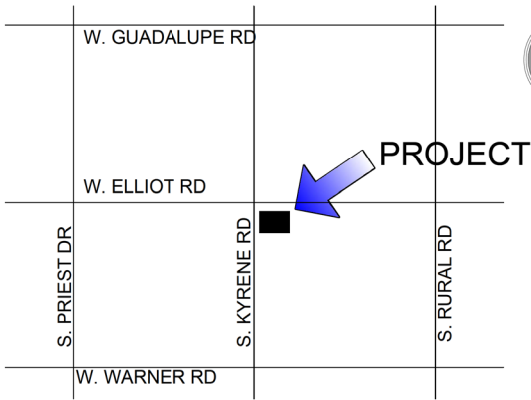
We would love the City of Tempe to grant us this special use permit. I think we will be very successful and we look forward to working with such a great city.

Thank you  
Naser Alatrash - Owner



# VICINITY MAP

SCALE: NOT TO SCALE



# PROJECT TEAM:

**OWNER: GRAVITATE INVESTMENTS GROUP, LLC**

7415 STETSON DRIVE  
SUITE 2  
SCOTTSDALE, ARIZONA 85251  
CONTACT: NASER ALATRASH  
PH: (480) 489.8592  
EMAIL: YTRNAS@GMAIL.COM

**ARCHITECT: PHNX DESIGN, LLC**

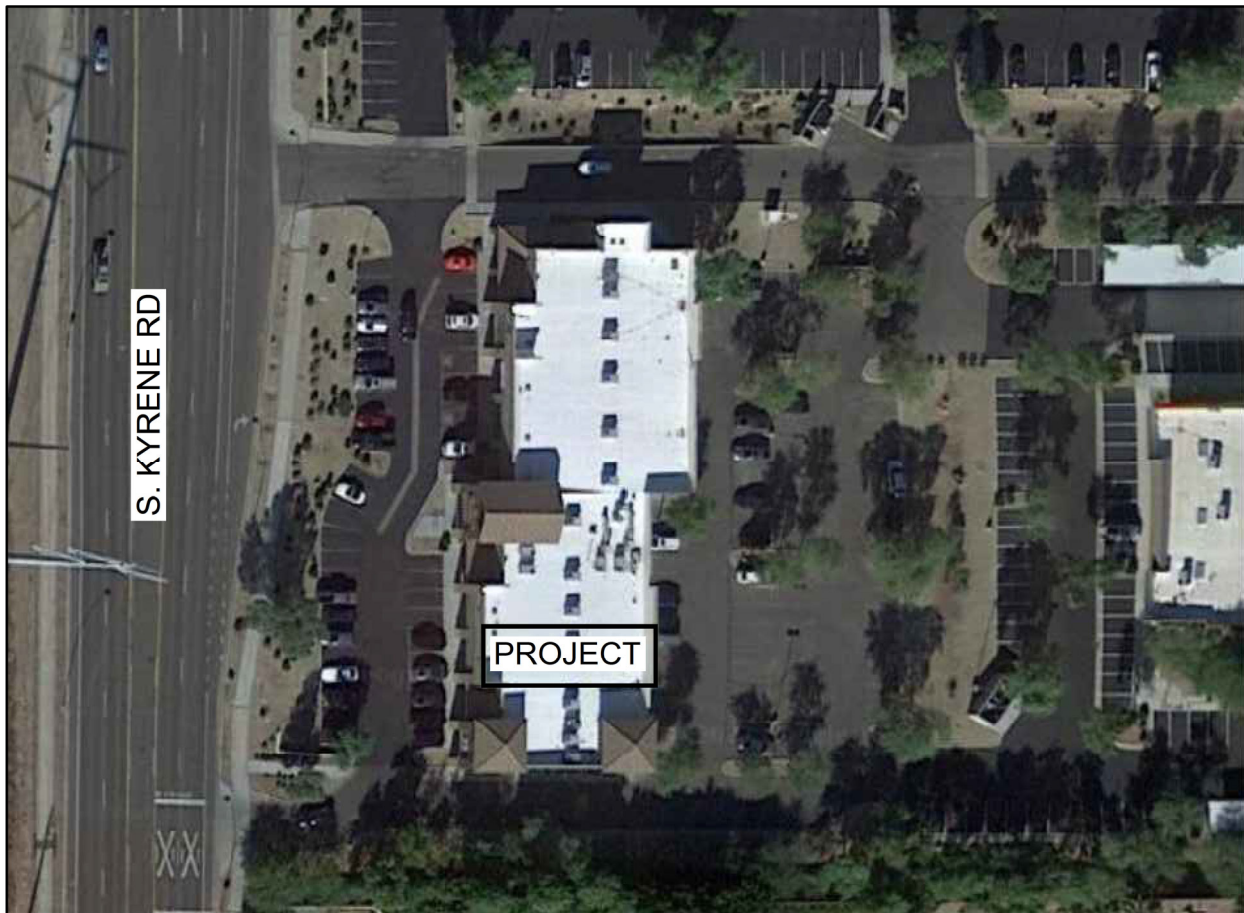
1855 EAST SOUTHERN AVE, SUITE 204  
MESA, ARIZONA 85204  
CONTACT: MIKE HILLS  
PH: (602) 762.7354  
EMAIL: MIKEH@PHNX-DESIGN.COM

# PROJECT DESCRIPTION:

DEVELOPMENT OF A SMOKE SHOP IN AN EXISTING BUILDING.

# SITE DATA

APN: 301-52-983	PCC-1 TO REMAIN
EXISTING ZONING:	COMMERCIAL
EXISTING USE :	SMOKE SHOP
PROPOSED USE:	91,420 S.F. (2.1 AC)
NET/GROSS SITE AREA:	
SMOKE SHOP AREA:	1308 S.F.

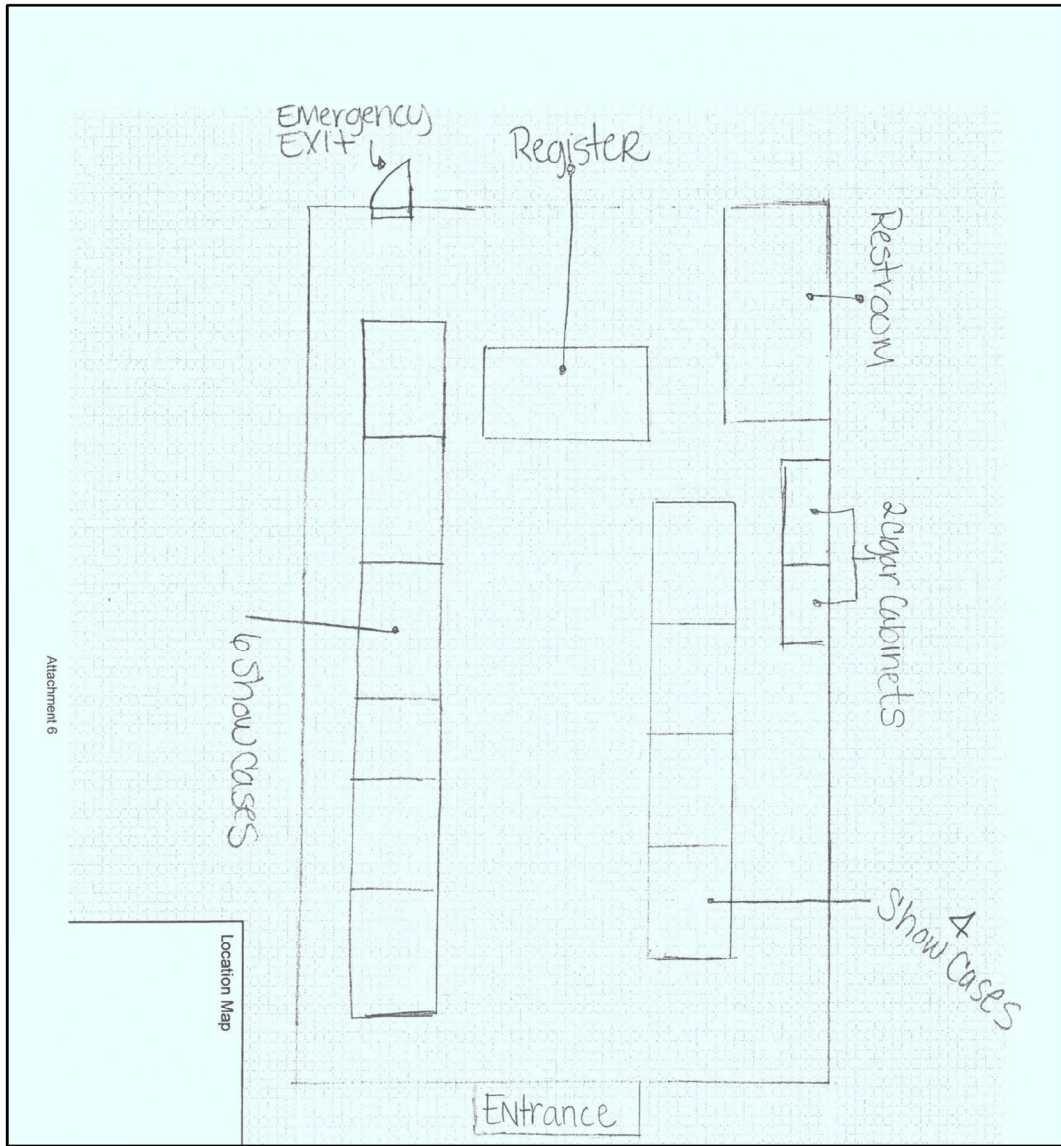


# SITE PLAN



GRAVITATE SMOKE & VAPE,  
7707 S KYRENE RD, TEMPE, ARIZONA  
ATTACHMENT 5

DATE:	05.14.2020
SCALE:	N.T.S.
PLAN:	AERIAL IMAGE



Attachment 6

Location Map

# FLOOR PLAN





FRONT PHOTO



## INTERIOR PHOTO