



**CITY OF TEMPE  
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 10/26/2021  
Agenda Item: 4**

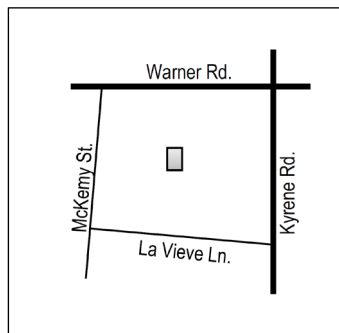
**ACTION:** Request a Use Permit to allow a tobacco retailer for TRITON SMOKE TEMPE, located at 655 West Warner Road, Suite 119. The applicant is Triton Smoke Tempe.

**FISCAL IMPACT:** N/A

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

**BACKGROUND INFORMATION:** TRITON SMOKE TEMPE (PL210295) is requesting a Use Permit to allow a tobacco retailer, including the sales of cigarettes, cigars, and tobacco accessories. The proposed use would be located within Suite 119 of an existing commercial center. The request includes the following:

ZUP210078 Use Permit to allow a tobacco retailer in the PCC-2 zoning district.



Property Owner  
Applicant  
Zoning District  
Suite Area  
Vehicle Parking  
Bicycle Parking  
Hours of Operation

Arizona Pecan Grove, LLC  
William Annear  
PCC-2 (Planned Commercial Center General)  
1,300 s.f.  
No increase in demand  
No increase in demand  
9:00 a.m. to 10:00 p.m. daily

**ATTACHMENTS:** Development Project File

**STAFF CONTACT(S):** Karen Stovall, Senior Planner (480) 350-8432

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

## COMMENTS

The site is within Suite 119 of the Pecan Grove Festival commercial center, located at the southwest corner of Kyrene and Warner Roads. The proposed location is in conformance with Section 3-423 – Use Separation Requirements, which prohibits tobacco retailers from being located on a lot within 1,320 feet from the lot line of a charter school, private school, or public school, which provides elementary or secondary education.

## PUBLIC INPUT

Staff has not received public input as of the completion of this report.

## USE PERMIT

The proposed use requires a Use Permit for a tobacco retailer within the PCC-2 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 within an existing commercial center that is expected to have the type and level of traffic generated by the 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*; the proposed use will be conducted indoors and is required to adhere to applicable smoking ordinances and other statutory requirements.
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 use is permitted within the PCC-2 zoning district subject to the use separation requirements.
4. *Compatibility with existing surrounding structures and uses*; the proposed use should be compatible with the existing commercial businesses within the commercial center.
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 use is not expected to create a nuisance, but the business is expected to monitor the behavior of customers to prevent 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:

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 begin no earlier than 9:00 am. and end no later than 10:00 p.m. daily.

**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 TRITON SMOKE TEMPE 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:**

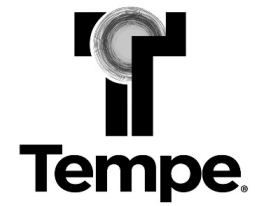
None pertinent to this request.

**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

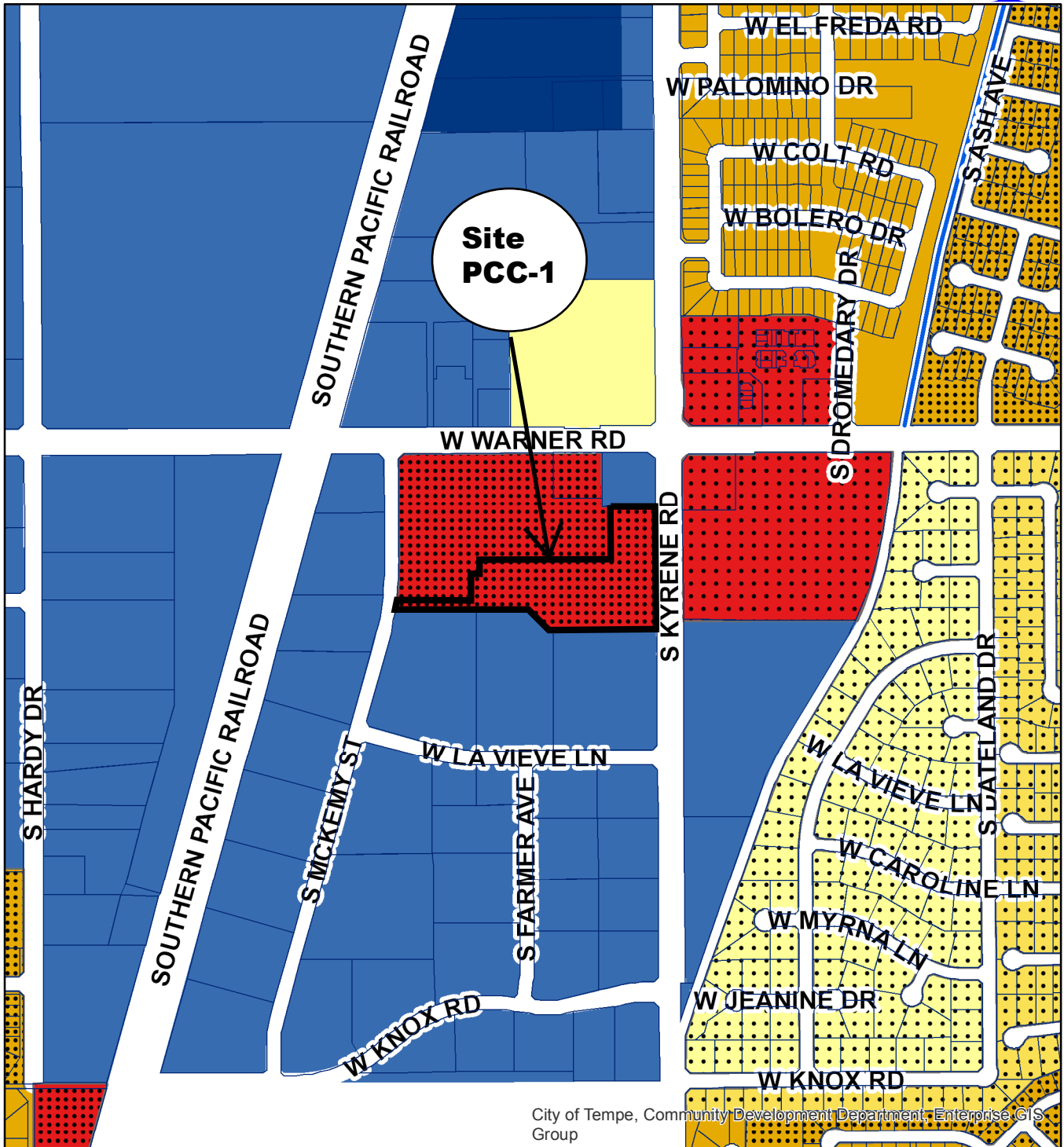


**DEVELOPMENT PROJECT FILE**  
for  
**TRITON SMOKE TEMPE**  
**(PL210295)**










**ATTACHMENTS:**

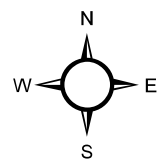
1. Location Map
2. Aerial
3. Letter of Explanation
4. Site Plan
5. Floor Plan
- 6-7. Photos of suite

# Triton Smoke



City of Tempe, Community Development Department, Enterprise GIS Group

- |  |   |
|--|---|
|  General Industrial District (GID)              |  Single-Family Residential (R1-15) |
|  Heavy Industrial District (HID)                |  Single-Family Residential (R1-7)  |
|  Planned Commercial Center Neighborhood (PCC-1) |  Single-Family Residential (R1-6)  |
|  Planned Commercial Center General (PCC-2)      |  Single-Family Residential (R1-4)  |
|  Agricultural (AG)                              |   |



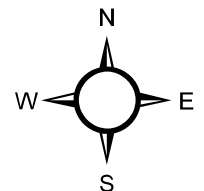


# Triton Smoke

PL210295



Aerial Map





To the City of Tempe;

Thank you for the opportunity to provide you with a letter of explanation of my business Triton Smoke Tempe. I currently own Triton Smoke Shop in Mesa and wanted to open a similar tobacco retail store. My spouse and I have owned our Mesa store for over three years. Triton Smoke Tempe will be used as Tobacco retail store with Tobacco accessories included in sales. Including cigarettes and cigars. Our hours of operation will be from 9am – 9pm Monday – Saturday, Sundays 10am – 8 pm to start, we may eventually extend the weekend hours for closing at 10 or 11 in the future.

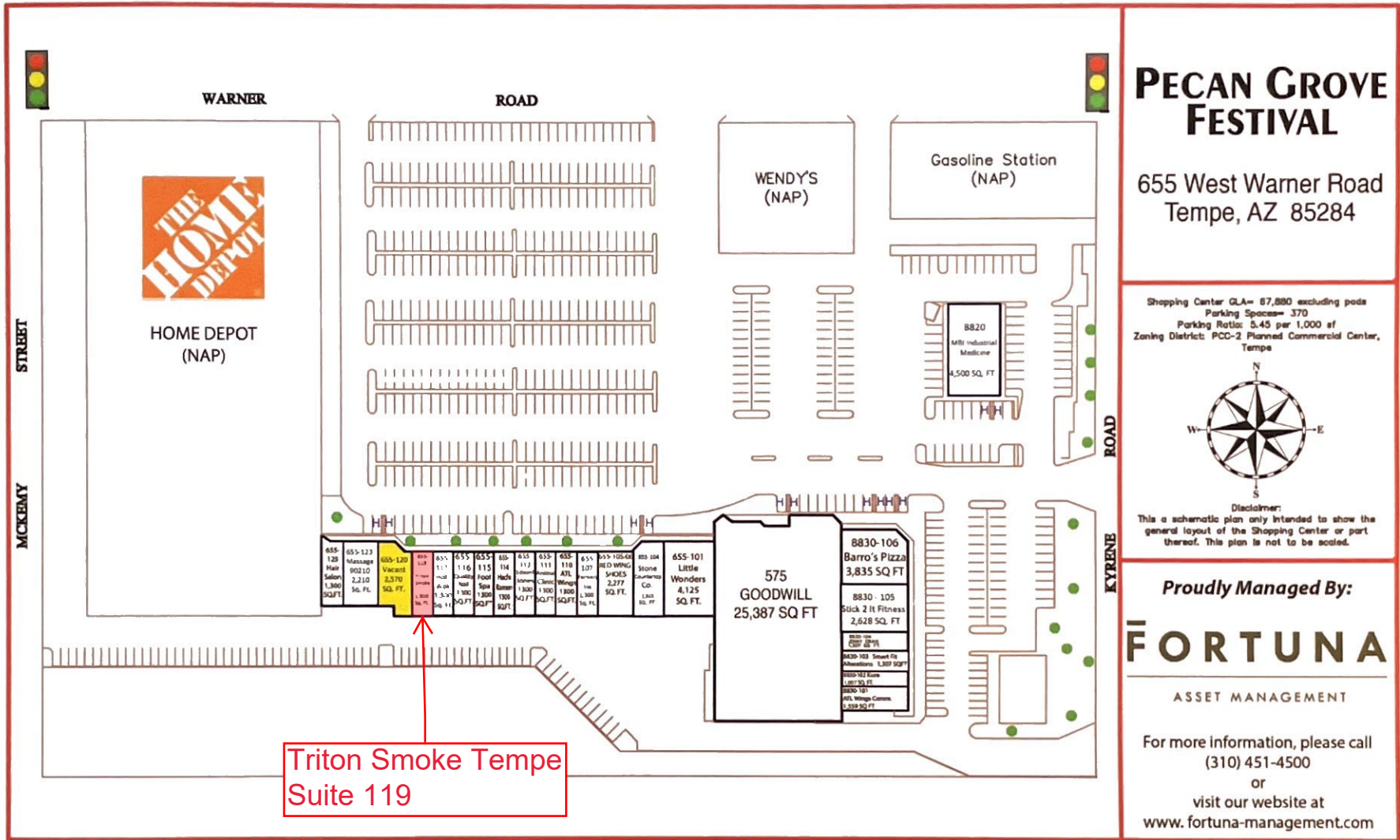
We currently have 3 employees at this location. Our customers will probably be people leaving Home Depot or the Good Will located in the parking lot. As well as the numerous places to eat, and surrounding residents. We are the only smoke shop in AZ that is accredited by the BBB. We pride ourselves in Customer Service and giving back to the community. We share in the Annual St. Vincent DePaul Food Drive in November, and the Water Drive in June/July for the homeless in the valley. We started this partnership the first day of our Mesa store and will continue with both locations.

I am a Navy Vet and have been given a huge honor of a plaque. It was donated to me for display in my Tempe store. It is a Large 3 pieces of wood from the U.S.S. Constitution (please see attached picture), it also has one piece of steel from each of the twin towers (911) and was compiled by Navy Seal Vets. And has their emblems on it. I'm having a custom case built with LED lights and a velvet back. We have also hung pictures of my ship I served on the U.S.S. Independence (CV-62). We will be encouraging all local Service Members Family's to bring in a small picture of their family member to be framed and hung on the wall with the other memorabilia.

We have built an upscale store that is worthy of such American History for our Community to visit and enjoy. We have spent extra on security equipment. From interactive cameras, alarms – both silent/ motion and glass break to a Ceiling to floor scissor gate that is in tracks coving the front glass. The back door has two security bolts as well.

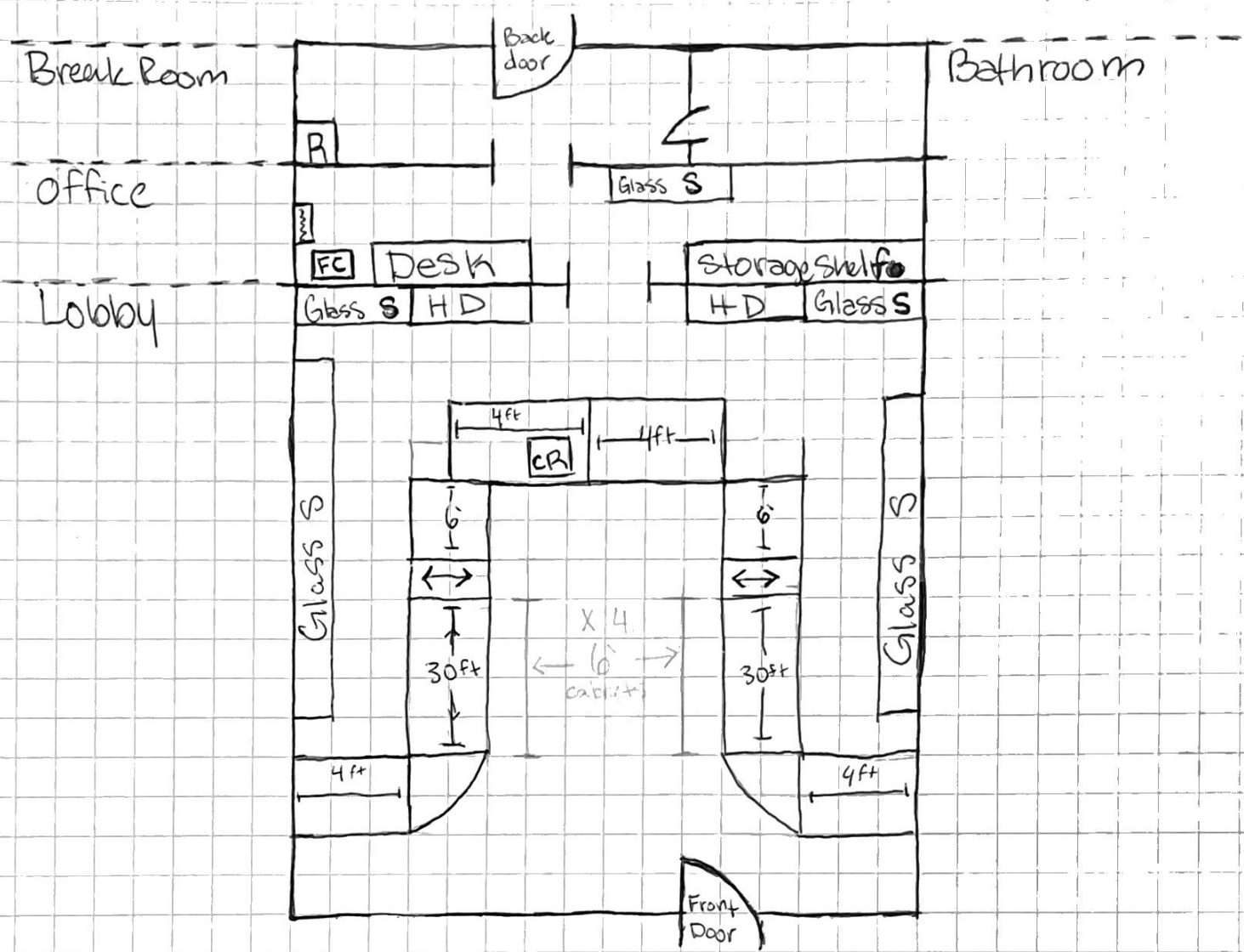
We look forward to bringing an upscale location to purchase tobacco and tobacco accessories, while providing a completely rare and unique look at a piece of American History.

Thank you again  
Bill Annear





★ Back



- ▣ TV
- Glass S Glass shelf
- FC file cabinet
- R Refrigerator
- HD Humidifier cabinets
- CR Cash Register

★ Front





