

Staff Summary Report



Hearing Officer Hearing Date: August 19, 2008

Agenda Item Number: 7

SUBJECT: This is a public hearing for a request by **UP IN SMOKE (PL080275)** located at 23 West Baseline Road for one (1) use permit.

DOCUMENT NAME: 20080819dsac01

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by **PARK PLAZA – UP IN SMOKE (PL080275)** (William Grue, applicant; BYS Company/ property owner) located at 23 West Baseline Road, Suite No. 2, in the CSS, Commercial Shopping and Services District for:

ZUP08124 Use permit to allow a tobacco retailer.

PREPARED BY: Alan Como, Planner II (480-350-8439)

REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359)

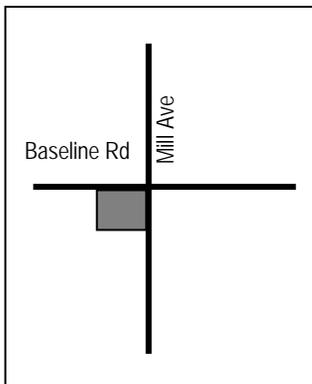
A handwritten signature in black ink, appearing to read 'SEA'.

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval subject to Conditions

ADDITIONAL INFO: The applicant is requesting a use permit to allow a tobacco retailer in a CSS, Commercial Shopping and Services district. The applicant plans to sell tobacco, hookah pipes and other tobacco related products. Staff supports the request for a use permit. To date, no public input has been received.



PAGES:

1. List of Attachments
2. Comments; Reasons for Approval
3. Conditions of Approval; History & Facts/Description; Zoning & Development Code Reference

ATTACHMENTS:

1. Location Map(s)
2. Aerial Photo(s)
3. Letter of Intent
4. Site plan
5. Floor Plan
- 6-7. Staff Photograph(s)

COMMENTS:

The applicant for Up in Smoke is requesting a use permit to allow a tobacco retailer in a CSS, Commercial Shopping and Services District. The applicant plans to sell tobacco, hookah pipes, cigars, incense and other tobacco related products, snacks and fountain drinks, t-shirts and other clothing items. There will be no hookah smoking in the store. Hours of operation are currently 10am to 8pm Monday thru Saturday, but may go as late as 10pm. Up in Smoke also currently employs two (2) staff members, and has been averaging around 20 customers a day.

Staff supports the request for a use permit. To date, no public input has been received

Use Permit

The Zoning and Development Code requires a use permit to operate a smoke shop in the CSS, Commercial Shopping and Services district.

Evaluating the use permit, the proposal appears to pass the use permit tests listed below:

- a. Any significant increase in vehicular or pedestrian traffic in adjacent areas;
 - There will be no significant increase in vehicular or pedestrian traffic in adjacent areas.
- b. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;
 - There will not be any emission of odor, dust, gas, noise, vibration, and smoke from the use. As this is not a hookah lounge there will be no smoking allowed in the store.
- 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;
 - The proposal would not contribute to neighborhood deterioration or downgrade property values. The use permit is consistent with the General Plan 2030's Land Use Element. The requested use permit will not be detrimental to the surrounding area, but will further the General Plan Land Use Element Goals and Strategies.
- d. Compatibility with existing surrounding structures and uses;
 - The proposed use appears to be compatible with surrounding uses.

Conclusion

Staff recommends approval, subject to conditions.

REASON(S) FOR APPROVAL:

1. No apparent nuisance resulting from noise, smoke, odor, dust, vibration, or glare.
2. No apparent hazards to persons or property from possible explosion, contamination, fire or flood.
3. Traffic generated by this use should not be excessive.
4. The use appears to be compatible with the building, site and adjacent property.
5. Approval of the use permit will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or the public welfare in general.

SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.

CONDITION(S)
OF APPROVAL:

1. Obtain all necessary clearances from the Building Safety Division.
2. If there are any complaints arising from the use permit that are verified by a consensus of the complaining party and the City Attorney's office, the use permit will be reviewed by city staff to determine the need for a public hearing set to re-evaluate the appropriateness of the use permit.
3. Any expansion or intensification of the use will require review of the use permit.
4. A security plan is required for this establishment. Contact Tempe Police Department Crime Prevention Unit (480-858-6333) by **September 19, 2008**.
5. All rear exit doors require a lexan vision panel. Details to be approved through Building Safety Plan Review prior to issuance of building permit.
6. All doors shall have illumination to meet five (5) foot candles at the door and two (2) foot candles within a 15' radius. Upgrade or install new fixtures to comply with this condition. Details to be approved through Building Safety Plan Review.
7. This use shall not violate the City of Tempe Smoking Ordinance or Smoke Free Arizona Act A.R.S. §36-601.01.
8. All business signs shall receive a Sign Permit. Please contact Planning staff at (480) 350-8331.
9. The use permit is valid for the plans as submitted within this application.
10. This store is not permitted to operate a hookah lounge under this use permit. A hookah lounge would be an intensification of this use and would require a separate use permit

HISTORY & FACTS:

May 6, 2008

ZUP08055 – Hearing Officer approved a use permit to allow an employment agency at 15 West Baseline Road.

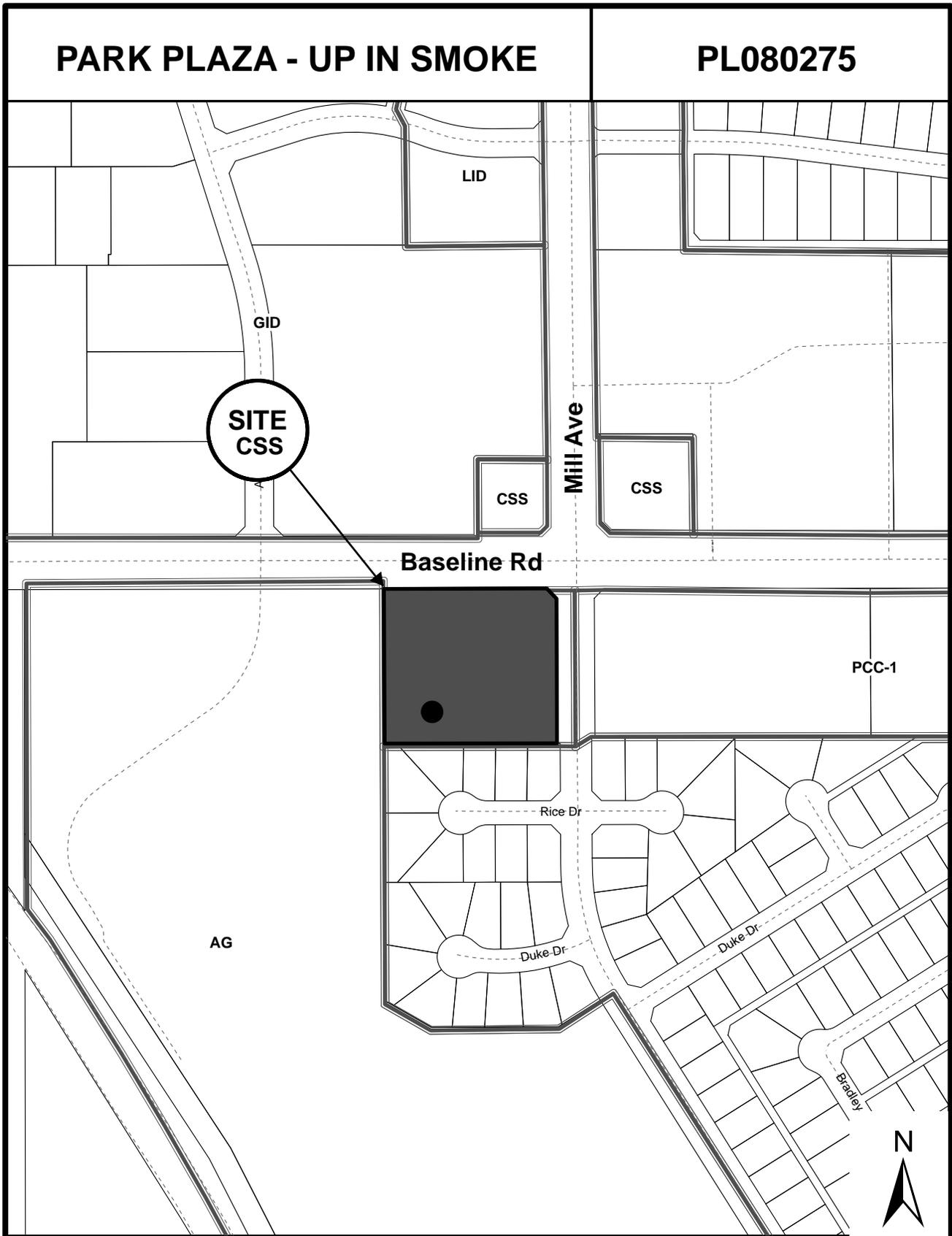
DESCRIPTION:

Owner – BYS Company
Applicant – William Grue
Existing Zoning – CSS, Commercial Shopping and Services District
Parcel Size – 28,200 s.f.
Suite Size – 700 s.f.
Parking Required – 3 spaces
Parking Provided – 155 for the entire center (shared parking)

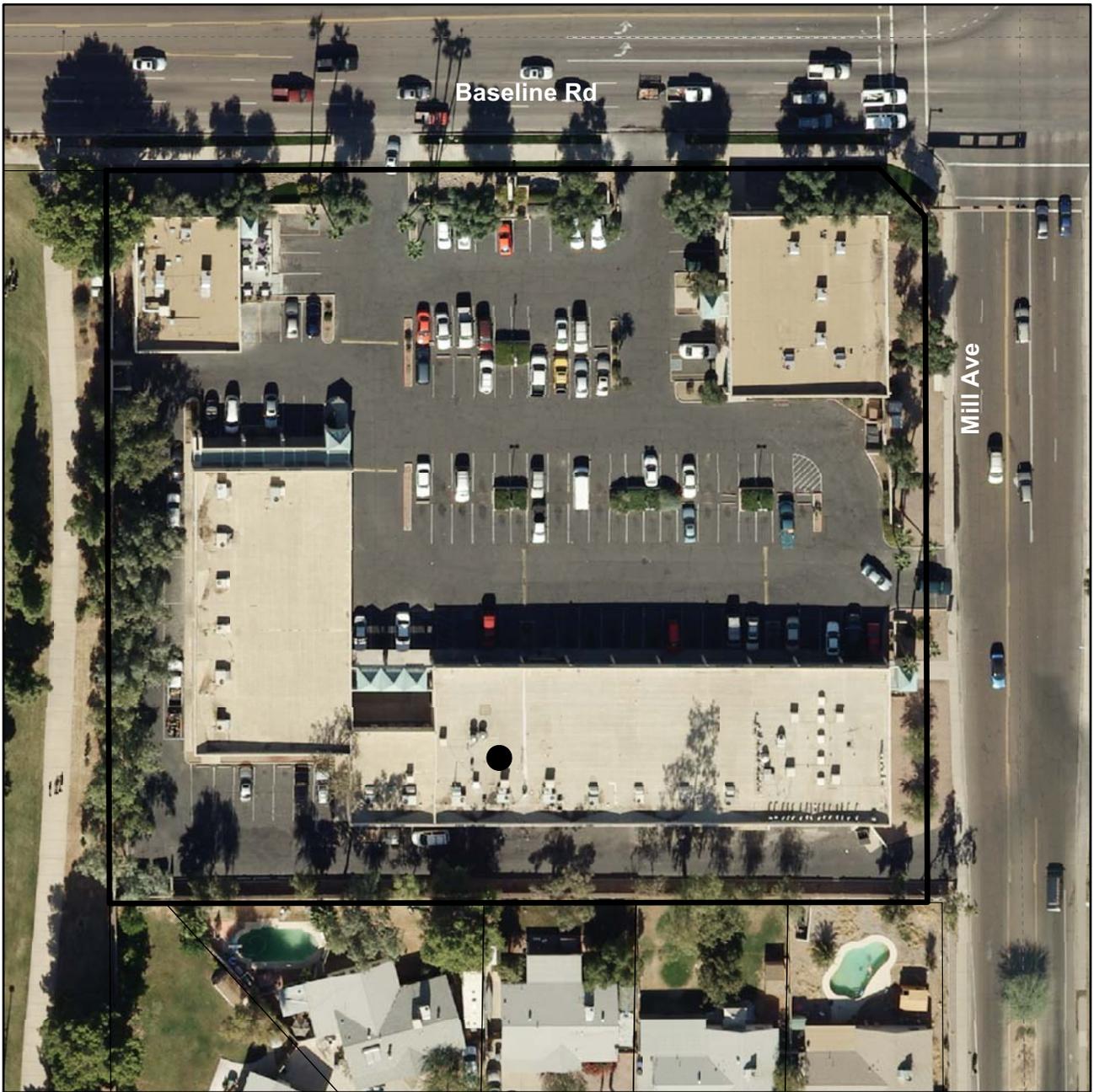
ZONING AND
DEVELOPMENT

CODE REFERENCE:

Part 4, Chapter 2, Section 4-202, Table 4-202A - Development Standards
Part 6, Chapter 3, Section 6-308- Use permits



Location Map



PARK PLAZA - UP IN SMOKE (PL080275)

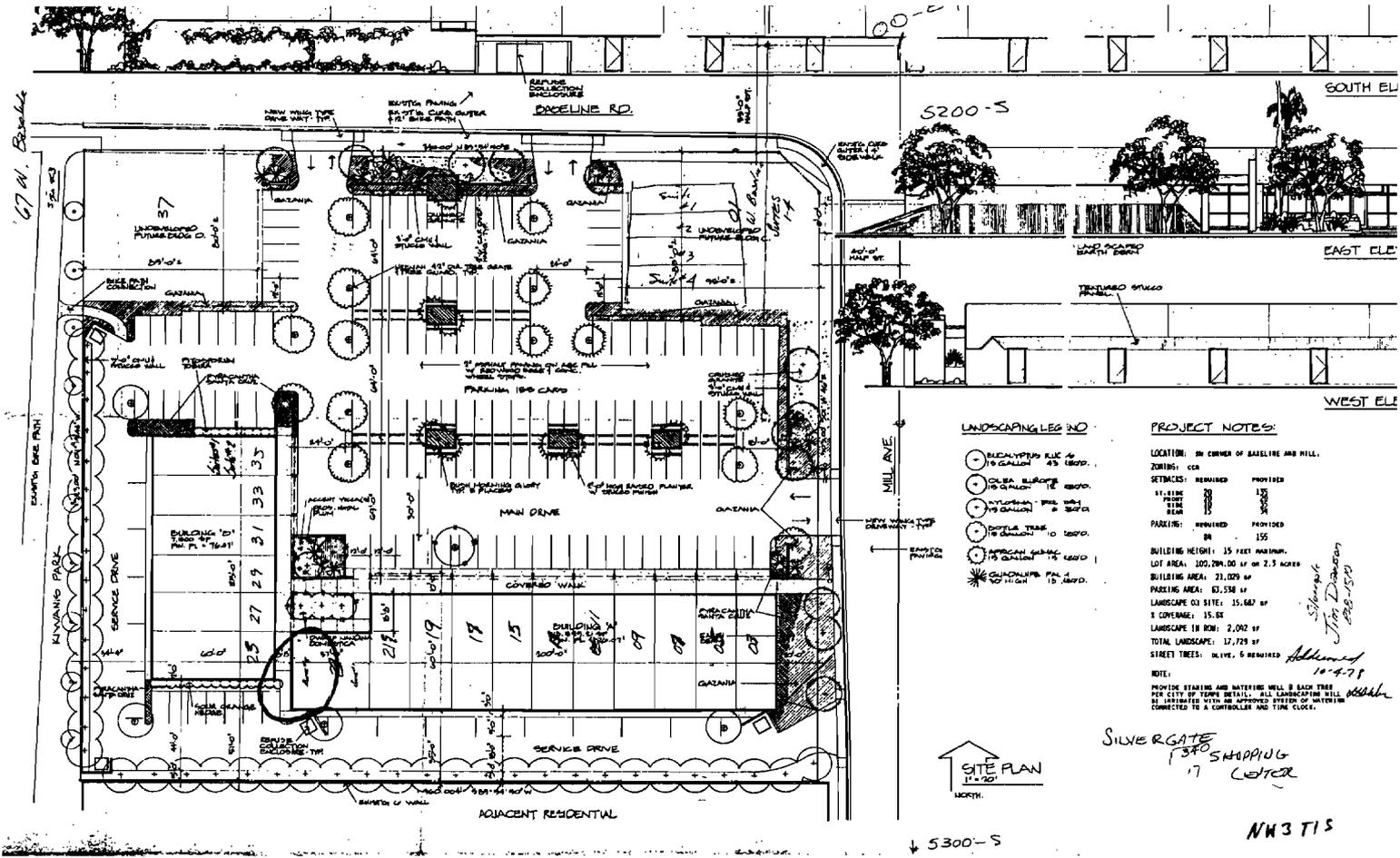
To All Concerned

This serves as a "Letter Of Explanation" for the permit for "UP IN SMOKE " tobacco shop

The business in question sells tobacco and tobacco related items such as cigars cigarettes and other items. Since being new to this area business hours may be adjusted to customer demand, at present hours are 10am to 8pm. We have two employees that alternate hours and work days. As to operation we believe that it will not cause any significant vehicular or pedestrian traffic in adjacent areas, and not cause any nuisance (odor, dust, gas, noise, vibration, smoke, heat or glare etc) exceeding that of ambient conditions. Further not contribute to the deterioration of the neighborhood or be in conflict with the goals, objectives and policies of the City. That it be compatible with existing surrounding structures and not result in any disruptive behavior which may cause a nuisance to the surrounding area or general Public.

Respectively Submitted July 25, 2008

Regards
Mr. William L. Grue
President B&P Enterprises
Doing Business as Up In Smoke



LANDSCAPING LEGEND

- BUCKINGHAM PALM 18" GAL. 45 @ 200'
- OLIVE BURNING 18" GAL. 45 @ 200'
- NYCTAGIA 18" GAL. 45 @ 200'
- BUTTE TREE 18" GAL. 45 @ 200'
- SPANISH BURNING 18" GAL. 45 @ 200'
- ★ QUADRANGLE PALM 18" GAL. 45 @ 200'

PROJECT NOTES:

LOCATION: IN CORNER OF BASELINE AND MILL.
 ZONING: CCA
 SETBACKS: REQUIRED PROVIDED
 BUILDING HEIGHT: 15 FEET MAXIMUM
 LOT AREA: 300,000 SQ FT OR 2.5 ACRES
 BUILDING AREA: 21,000 SQ FT
 PARKING AREA: 61,500 SQ FT
 LANDSCAPE ON SITE: 15,600 SQ FT
 % COVERAGE: 15.6%
 LANDSCAPE IN ROW: 2,000 SQ FT
 TOTAL LANDSCAPE: 17,700 SQ FT
 STREET TREES: OLIVE, 6 REQUIRED

NOTE:
 PROVIDE STAKING AND WATERING WELLS @ EACH TREE PER CITY OF TEMPE DETAIL. ALL LANDSCAPING WILL BE INSTALLED WITH AN APPROVED SYSTEM OF WATERING CONNECTED TO A CONTROLLER AND TIME CLOCK.

*Silvergate
 Jim Dawson
 288-4500*

SITE PLAN
 11-0-00
 NORTH

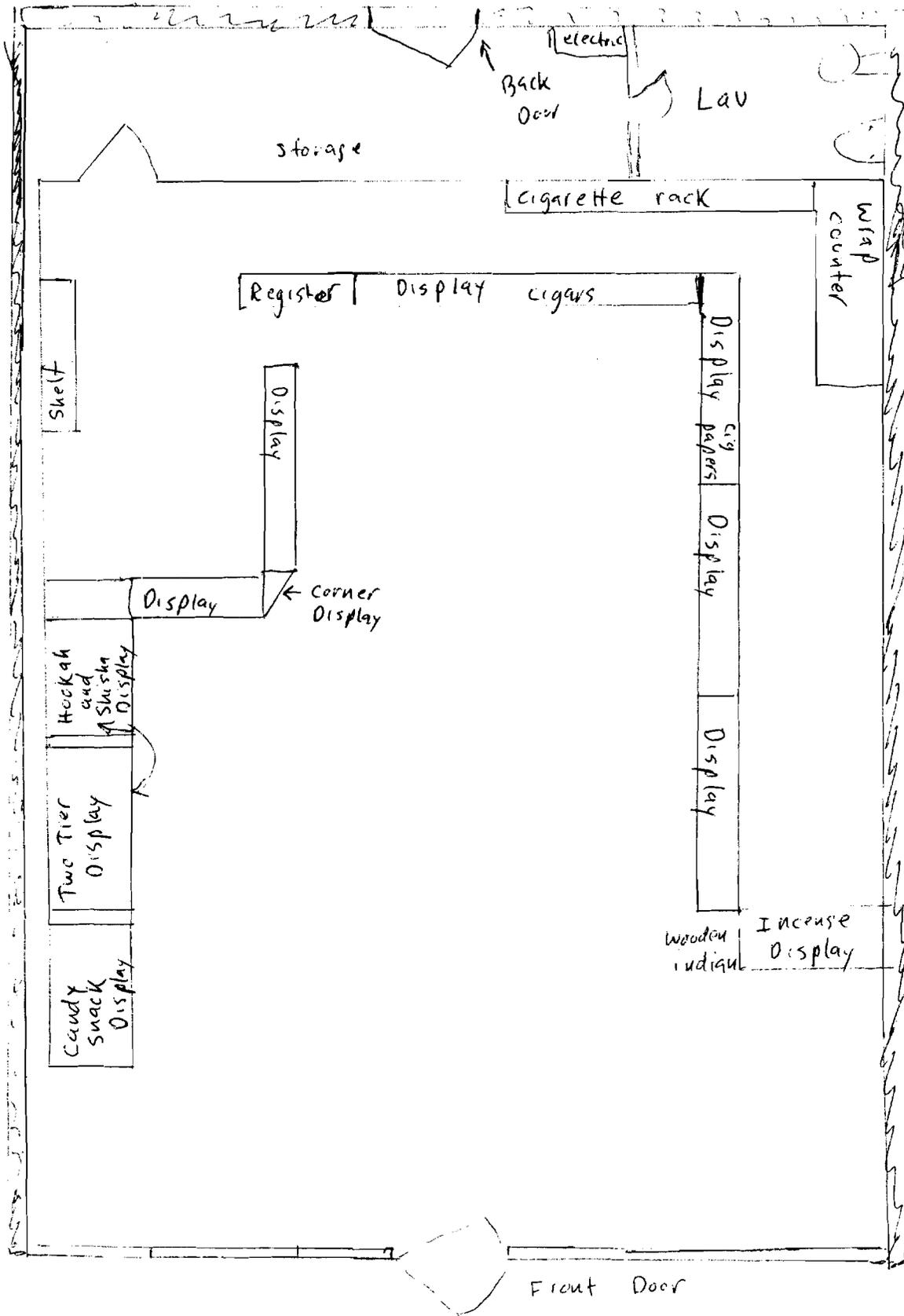
SILVERGATE
 1340 SHOPPING
 17 CENTER

NW 3 T15

01-07
 W. Baseline

Store Detail

23 W. Baseline STE #23-2
Tempe, AZ
Back of mall





PARK PLAZA – UP IN SMOKE

23 WEST BASELINE ROAD, SUITE NO. 2

PL080275

FRONT OF BUSINESS



PARK PLAZA – UP IN SMOKE

23 WEST BASELINE ROAD, SUITE NO. 2

PL080275

**REAR OF BUSINESS – VIEW TO
NORTHEAST**