

**CITY OF TEMPE
HEARING OFFICER**

**Meeting Date: 04/07/2015
Agenda Item: 10**

ACTION: Request approval for use permit to allow tobacco retail for INTERNATIONAL CIGAR CLUB, located at 209 West Southern Avenue. The applicant is Laredo Associates, LLC.

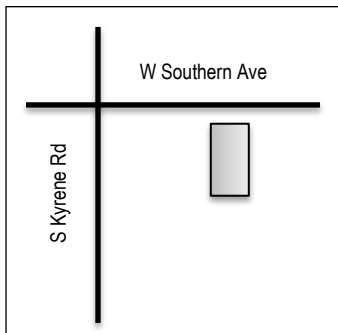
FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approval

BACKGROUND INFORMATION: INTERNATIONAL CIGAR CLUB PL150086 is located in an existing CSS Commercial Shopping and Service center on the SE corner of Southern Avenue and Kyrene Road. There are commercial and general industrial uses to the immediate north, east and west. There is single-family residential to the surrounding north, east and west.

The request includes the following:

ZUP15035 Use Permit to allow tobacco retail



Property Owner:
Applicant:
Zoning District:
Lot Size:
Hours of Operation:

Bruce Goldman
Laredo Associates, LLC
CSS Commercial Shopping and Service
4272 Square feet
11am-730pm Monday through Thursday
11am-830pm Friday
1030am-8pm Saturday
12pm-6pm Sunday

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Alex Acevedo, Planning Technician I (480) 350-8839

Department Director: Dave Nakagawara, Community Development Director

Legal review by: N/A

Prepared by: Alex Acevedo, Planning Technician

Reviewed by: Steve Abrahamson, Planning & Zoning Coordinator

COMMENTS

The City of Tempe Zoning and Development Code's tobacco retailer separation requirements, which took effect in June 2007, prohibit a tobacco retailer from locating within 1,320 feet of a school. This proposal is not within 1,320 feet of a school, thus a tobacco retailer can be allowed subject to an approved Use Permit. The store will be used as a retail sell of cigar and cigar related products such as ash trays, lighters, pipe tobacco and pipes.

PUBLIC INPUT

At the writing of this report, there have been no calls/emails of inquiry/concern regarding this requested use.

USE PERMIT

The proposed use requires a Use Permit, to allow Tobacco Retail sales within the CSS Commercial Shopping and Service zoning district. ***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.***

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

1. *Any significant increase in vehicular or pedestrian traffic.* The proposed use of tobacco retail appears more intense than what was originally occupying the space and therefore should increase vehicular or pedestrian traffic to the center.
2. *Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions.* INTERNATIONAL CIGAR CLUB would occupy access to a patio. The building is required to comply with state smoking laws and building code ventilation requirements. The applicant has not requested a live entertainment permit, so the use of the building is solely for the sale of tobacco and tobacco related products for use. There should be no nuisances arising from this use that would exceed the ambient conditions of the commercial center.
3. *Contribution to the deterioration of the neighborhood or to the downgrading of property values, the proposed use is not 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 considered a retail use. The proposed tobacco retail use is not in conflict with the General Plan or considered deleterious to the surrounding neighborhood.
4. *Compatibility with existing surrounding structures and uses.* The DANELLE PLAZA where the tobacco retail store will be located has existing businesses including the Yucca Tap Room, Quality Thrift Store, and Double Nickels Record Collection, Marijuana Doctor, Smoke Shop, Car Quest Auto Store and AAMCO automotive repair. The proposed use for a tobacco retail store within the existing building is compatible with the existing structure and surrounding uses.
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 not proposing live entertainment, and will not be open late night, therefore the accountability for behavior inside the store, patio and within the parking lot will be managed by manager on duty. The manager on duty as well as the part time employees will be responsible for checking identification for those entering from the tobacco retail store.
6. The manner of conduct and the building for the proposed use will not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general, and that the use will be in full conformity to any conditions, requirement or standards prescribed therefore by this code.

Conclusion

Based on the information provided by the applicant, the public input received and the above analysis staff recommends 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:

1. This Use Permit or Variance 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 **ONLY** valid for the plans as submitted **THAT THE SHOW THE EXISTING BUILDING ONLY** within this application. Any additions or modifications **SUCH AS THE PATIO AND MECHANICAL YARD** may be submitted for further review during Development Plan Review process.
3. 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 to re-evaluate the appropriateness of the Use Permit, which may result in termination of the Use Permit. .
4. No outdoor live entertainment or outdoor speakers shall be allowed.
5. Use Permit for Tobacco Retail does not allow live entertainment - live entertainment requires a separate Use Permit.
6. Hours of operation are 11am-730pm Monday through Thursday, 11am-830pm Friday, 1030am-8pm Saturday, 12pm-6pm Sunday.

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.

- The Use Permit is valid for INTERNATIONAL CIGAR CLUB and may be transferable to successors in interest through an administrative review with the Community Development Director, or designee.
- 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 www.tempe.gov/planning/documents.htm or purchase from Development Services.
- **SITE PLAN REVIEW:** Verify all comments by the Public Works Department, Development Services Department, and Fire Department given on the Preliminary Site Plan Reviews. If questions arise related to specific comments, they should be directed to the appropriate department, and any necessary modifications coordinated with all concerned parties, prior to application for building permit. Construction Documents submitted to the Building Safety Department will be reviewed by planning staff to ensure consistency with this Design Review approval prior to issuance of building permits.
- All business signs shall receive a Sign Permit. Contact sign staff at 480-350-8372.

- Any intensification or expansion of use, including 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.
- This use shall not violate the City of Tempe Smoking Ordinance or Smoke Free Arizona Act A.R.S. §36-601.01.
- The owner/management shall adhere to the City Adopted International Mechanical Code.
- No liquor sales within the International Cigar Club unless a liquor license is obtained specific for this suite.

**ZONING AND
DEVELOPMENT**

CODE REFERENCE:

Section 6-308 Use Permit

Section 3-423 Use Separation Requirements Tobacco Retailer



DEVELOPMENT PROJECT FILE
for
International Cigar Club

ATTACHMENTS:

Cover Sheet

Location Map

Aerial

Letter of Explanation

Site Plan

Building Elevations

Floor Plan

INTERNATIONAL CIGAR CLUB

INTERNATIONAL CIGAR CLUB RENOVATIONS

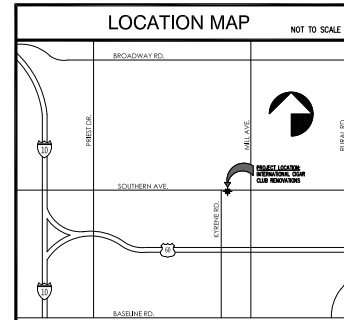
207 W. SOUTHERN AVE. TEMPE, AZ 85282



8481 E. VIA DE NEGOCIO
SCOTTSDALE, AZ 85258
TEL: 480.991.0800
FAX: 480.991.2623
spsplusarchitects.com



PROJECT DATA	
BUILDING CODE ANALYSIS	
TYPE OF CONSTRUCTION: V-B, FIRE SPRINKLERED	
OCCUPANCY: M	
EXITS REQUIRED: 2	
30 SF/OCCUPANT (RETAIL): 1,834 SF ÷ 30 = 39	
15 SF/OCCUPANT (LOUNGE): 527 SF ÷ 15 = 35	
TOTAL: 74	
DEFERRED SUBMITTALS	
CONTRACTOR SHALL SUBMIT & OBTAIN APPROVAL PRIOR TO INSTALLATION	
FIRE SPRINKLER AND FIRE ALARM	
PLUMBING FIXTURE'S	
SERVICE SINK = 1 REQUIRED, 1 PROVIDED	
DRINKING FOUNTAIN = 1 REQUIRED, 1 PROVIDED	
TOILET ROOMS	
MEN = 1 REQUIRED, 1 PROVIDED	
WOMEN = 1 REQUIRED, 1 PROVIDED	



SHEET INDEX		
SEQ.	SHEET #	SHEET DESCRIPTION
1	T1.0	COVER SHEET
2	A1.0	ARCHITECTURAL SITE PLAN
3	A2.0	EXTERIOR ELEVATIONS

PROJECT INFORMATION:	
ADDRESS	
INTERNATIONAL CIGAR CLUB	
207 WEST SOUTHERN AVENUE	
TEMPE, ARIZONA 85282	
PARCEL NUMBER: 133-58-013A	
SITE	
AREA:	4,272 S.F.
LOT COVERAGE:	1,834 S.F. ÷ 4,272 S.F. = 42.9%
LEGAL DESCRIPTION:	
LOT 13, DANELLE PLAZA, ACCORDING TO BOOK 101 OF MAPS, PAGE 15, RECORDS OF MARICOPA COUNTY, ARIZONA, TOGETHER WITH AN UNDIVIDED 1/54TH INTEREST IN TRACT A OF SAID DANELLE PLAZA.	
CODES AND STANDARDS	
2011* TEMPE BUILDING SAFETY ADMINISTRATIVE CODE	
2009* INTERNATIONAL EXISTING BUILDING CODE	
2009* INTERNATIONAL MECHANICAL CODE	
2009* NATIONAL ELECTRICAL CODE	
2009* INTERNATIONAL PLUMBING CODE	
2009* INTERNATIONAL FUEL GAS CODE	
2009* INTERNATIONAL EXISTING BUILDING CODE	
2010* ADA STANDARDS FOR ACCESSIBLE DESIGN	
* WITH CITY OF TEMPE AMENDMENTS, AS ADOPTED OCTOBER 24, 2011	
PARKING REQUIRED:	TOTAL: 8
	ACCESSIBLE: 1
PARKING PROVIDED:	TOTAL: 8
	ACCESSIBLE: 1
SCOPE OF WORK	
RENOVATION TO CONVERT EXISTING INSURANCE BUILDING INTO A CIGAR SHOP. SCOPE OF PROJECT INCLUDES: INTERIOR RENOVATIONS; PAINTING THE EXTERIOR OF THE BUILDING, NEW PATIO TO ADDITION ON WEST SIDE OF BUILDING, NEW MASONRY WALL SURROUNDING PATIO AND HVAC YARD ON WEST SIDE OF BUILDING, AND NEW AIR CONDITIONING UNITS IN HVAC YARD ON WEST SIDE OF BUILDING.	

INTERNATIONAL CIGAR CLUB RENOVATION
INTERNATIONAL CIGAR CLUB
207 WEST SOUTHERN AVENUE
TEMPE, ARIZONA 85282

COVER SHEET

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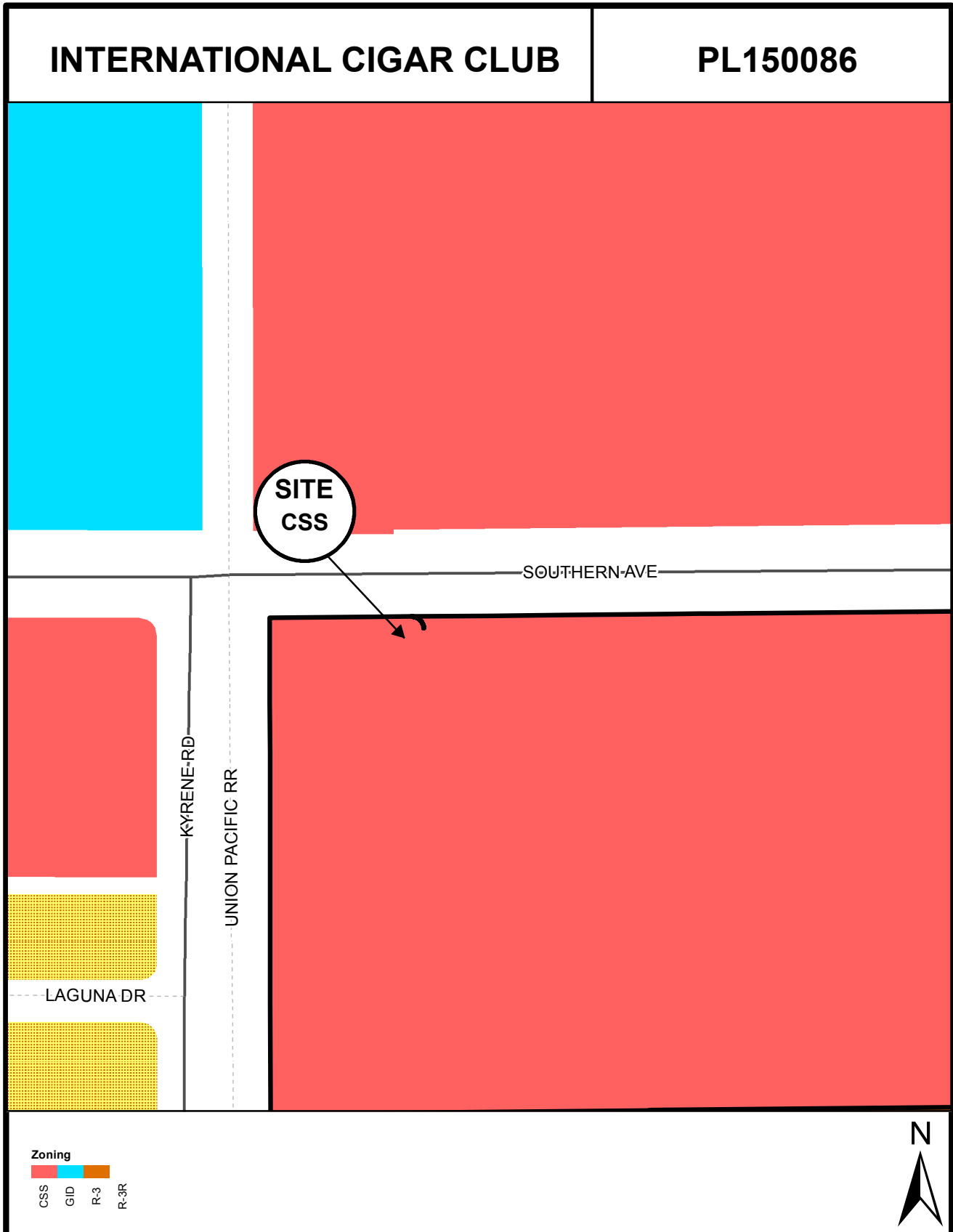
REVISIONS			
MARK	DATE	DESCRIPTION	

REVIEWED BY: MD
DRAWN BY: EL



DATE: 3/5/2015
JOB No: 1442
SHEET:

T1.0



Location Map

INTERNATIONAL CIGAR CLUB

PL150086



Aerial Map

LAREDO ASSOCIATES LLC.....

POST OFFICE BOX 25110

TEMPE, AZ 85285

CITY OF TEMPE

COMMUNITY DEVELOPMENT DEPT.-PLANNING

31 EAST FIFTH STREET,

TEMPE, AZ 85281

March 9, 2015

RE: 207 West Southern Avenue Building Use and Operations Description Submittal
ATT: Planning and Zoning Dept,

TO WHOM IT MAY CONCERN,

Please accept this letter as part of the documents required by the City of Tempe as it pertains to our application for approval and acceptance of our application to the City for the construction of a Cigar Lounge and retail cigar store at the above referenced address.

International Cigar Club (hereinafter referred to as ICC) is a corporation registered by the State of AZ and operating in good standing, EIN number is 47-1903557. ICC is fully licensed by the ADOR whose license number is 1236 (a copy of said license is available upon request).

The store will be used as a retail seller of cigar and cigar related products such as ash trays, lighters, pipe tobacco and pipes. Although the license allows for the sale of cigarettes there is no plan at this time to sell cigarettes.

The lounge area of the building will occupy approximately 25% of the building, which translates into approximately 550square feet and an occupancy of no more than 28 persons. There will also be a climate / temperature controlled area which will be used as a walk in humididor. This humididor will be solely used for the storage and display to the public of the products being sold by ICC. The proposed layout of the building will also include an exterior patio which will accessed from the lounge and the parking lot area. The patio will be approximately 450 square feet and will be bordered by privacy wall constructed of 8"x 8"x 16" cement block and travertine pavers for the floor.

The remaining area of the building will include an office, storage closet, mens and womens lavatories and retail sales area if the same products referenced herein above.

Currently the hours of operations are 6 ½ days per week. Monday through Thursday from 11:00AM until 7:30 PM and Friday from 11:AM until 8:30 PM. The proposed weekend hours are Saturday from 10:30 AM until 8:00 PM other than event evenings and Sunday from noon until 6:00 PM.

The proposed business plan requires a manager on duty at all times with 1 or 2 part time employees at all times. There will not be any sales of food or beverages.

There is ample parking at the site as well. At no time under any conditions does the possibility exist of over crowding as it relates to the parking due to the size and availability of the public parking are of the plaza. Additionally the occupancy of the building will be controlled as it is not a place of assembly. There will be a security system installed along with 24 hour surveillance.

We truly hope this letter answers all questions and provides all the information required by the Planning and Zoning Dept for the City. If there any questions please feel free to contact the undersigned at your convenience.

Thanking you in advance for your cooperation and assistance in this matter, we look forward to hearing from you at your convenience.

BRUCE R. GOLDMAN

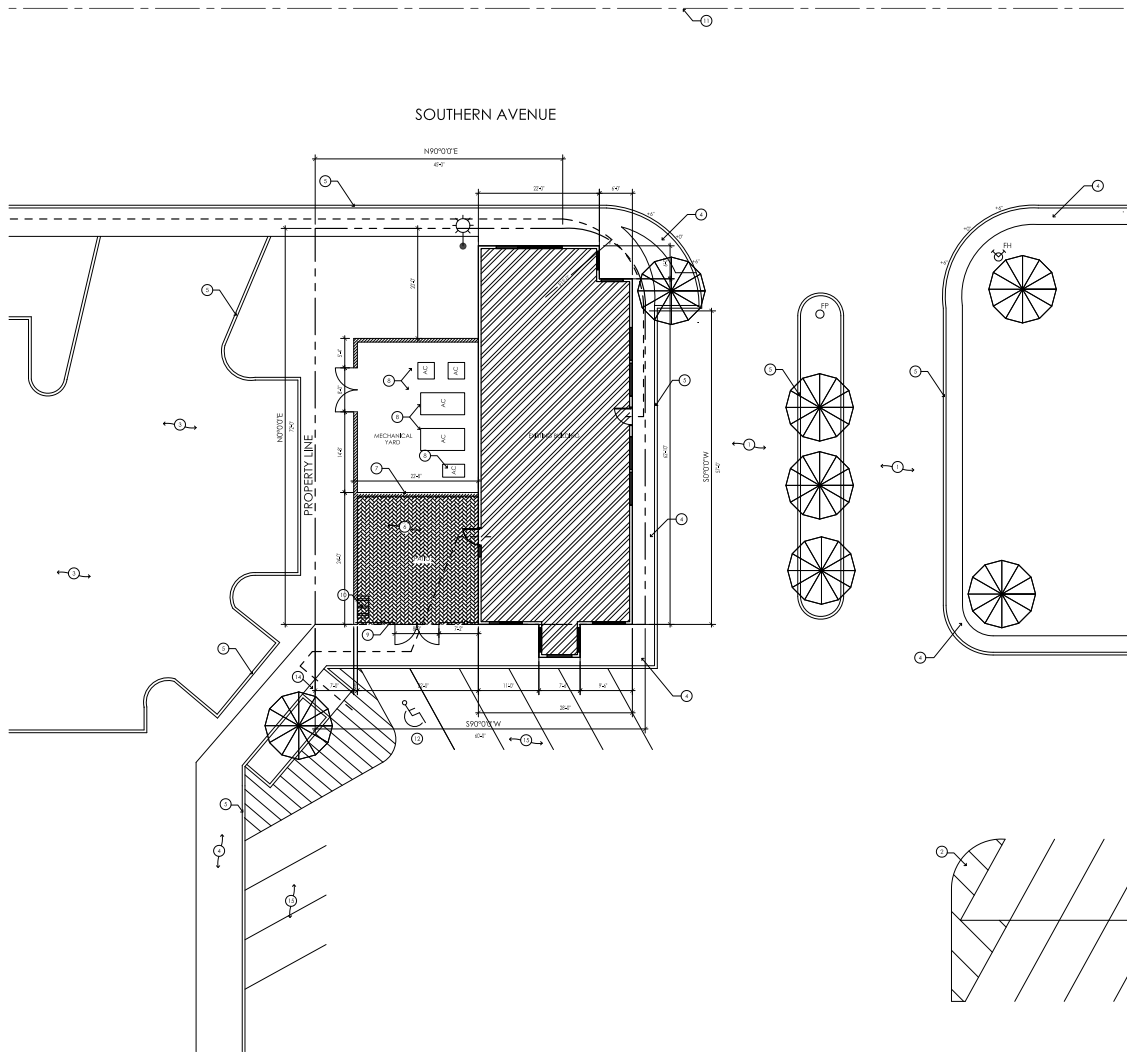


LAREDO ASSOCIATES LLC
2ND CHANCE REAL ESTATE LLC
AMAPOLA HOSPITALITY LLC
INTERNATIONAL CIGAR CLUB LLC

(o) [602-842-7170](tel:602-842-7170) / (602) 842-7170 / (toll free) [866-456-9623](tel:866-456-9623)

[E-MAIL--brg.opulent@gmail.com](mailto:brg.opulent@gmail.com)

brg.amapola@gmail.com



SITE PLAN KEYNOTES:

- EXISTING DRIVEWAY INTO PARKING LOT.
- EXISTING PARKING AREA.
- EXISTING ADJACENT PARKING AREA TO EXISTING BUILDING.
- EXISTING WALKWAY BETWEEN BUILDING AND ALL DRIVEWAYS & PARKING AREAS.
- 6' CURB AS OCCURS.
- NEW 508 SQ. FT. CONCRETE PATIO.
- NEW 8" CMU WALL.
- NEW CONCRETE PADS FOR NEW AIR CONDITIONING LINES.
- NEW ORNAMENTAL IRON FENCE.
- NEW BIKE RACK.
- CENTERLINE OF ROAD.
- NEW ACCESSIBLE PARKING.
- FLOOR PLAN TO BE SUBMITTED TO BUILDING SAFETY FOR APPROVAL.
- ADA RAMP PER MAG 235-4.
- NEW PARKING AREAS.

LEGEND:

- ☼ SITE LIGHT
- ⚑ FLAGPOLE
- ⚓ FIRE HYDRANT
- EXISTING TREE
- ↔ ACCESSIBLE PATH OF TRAVEL

1 SITE PLAN
SCALE: 3/32" = 1'-0"



THE DRAWINGS AND STRAIGHT-
FORWARD OF SERVICE & THE PROPERTY OF
S P S ARCHITECTS LLP SHALL NOT BE
REPRODUCED OR REPRODUCED IN ANY
MANNER WITHOUT WRITTEN
PERMISSION.

REVISIONS		
NO.	DATE	DESCRIPTION

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DRAWN BY: EL



DATE: 3/5/2015
JOB No: 1442
SHEET:

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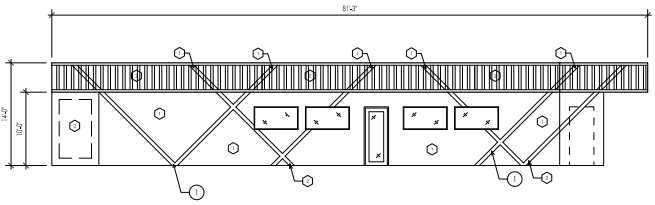
DATE: 3/5/2015
JOB No: 1442
SHEET:

EXTERIOR ELEVATION KEYNOTES:

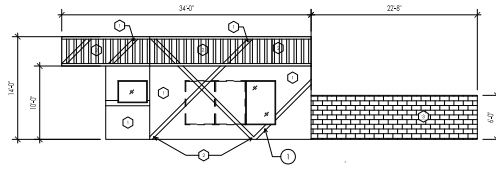
- NEW STUCCO POPOUTS AT 8-1/2" WIDE.
- NEW 8" CMU WALL.
- NEW IRON GATE FOR ACCESS INTO HVAC YARD.

EXTERIOR ELEVATION COLORS:

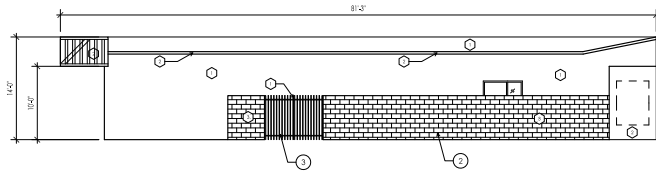
- PAINT COLOR: DUNN EDWARDS - SPICED BERRY (DEA149)
- PAINT COLOR: DUNN EDWARDS - POINTED ROCK (DE4343)
- INTEGRALLY COLORED GRAY FACED SEALED BLOCK.



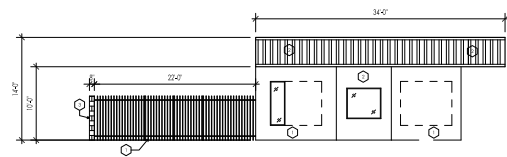
1 EAST ELEVATION
SCALE: 1/8" = 1'-0"



2 NORTH ELEVATION
SCALE: 1/8" = 1'-0"



3 WEST ELEVATION
SCALE: 1/8" = 1'-0"



4 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



5 NORTH LOOKING WEST
SCALE: NOT TO SCALE



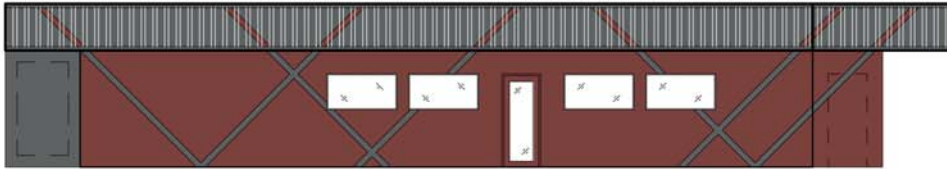
6 NORTHWEST CORNER
SCALE: NOT TO SCALE



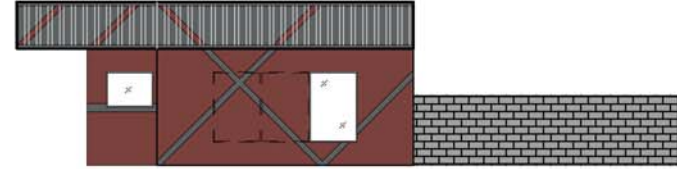
7 SOUTHWEST LOOKING EAST
SCALE: NOT TO SCALE



8 SOUTH LOOKING NORTH
SCALE: NOT TO SCALE



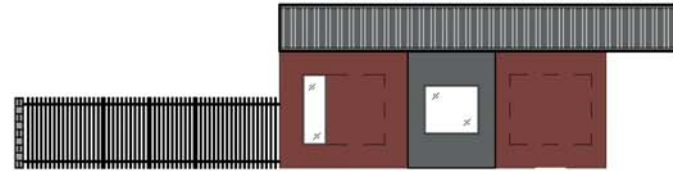
1 EAST ELEVATION
SCALE: NOT TO SCALE



1 NORTH ELEVATION
SCALE: NOT TO SCALE



1 WEST ELEVATION
SCALE: NOT TO SCALE



1 SOUTH ELEVATION
SCALE: NOT TO SCALE

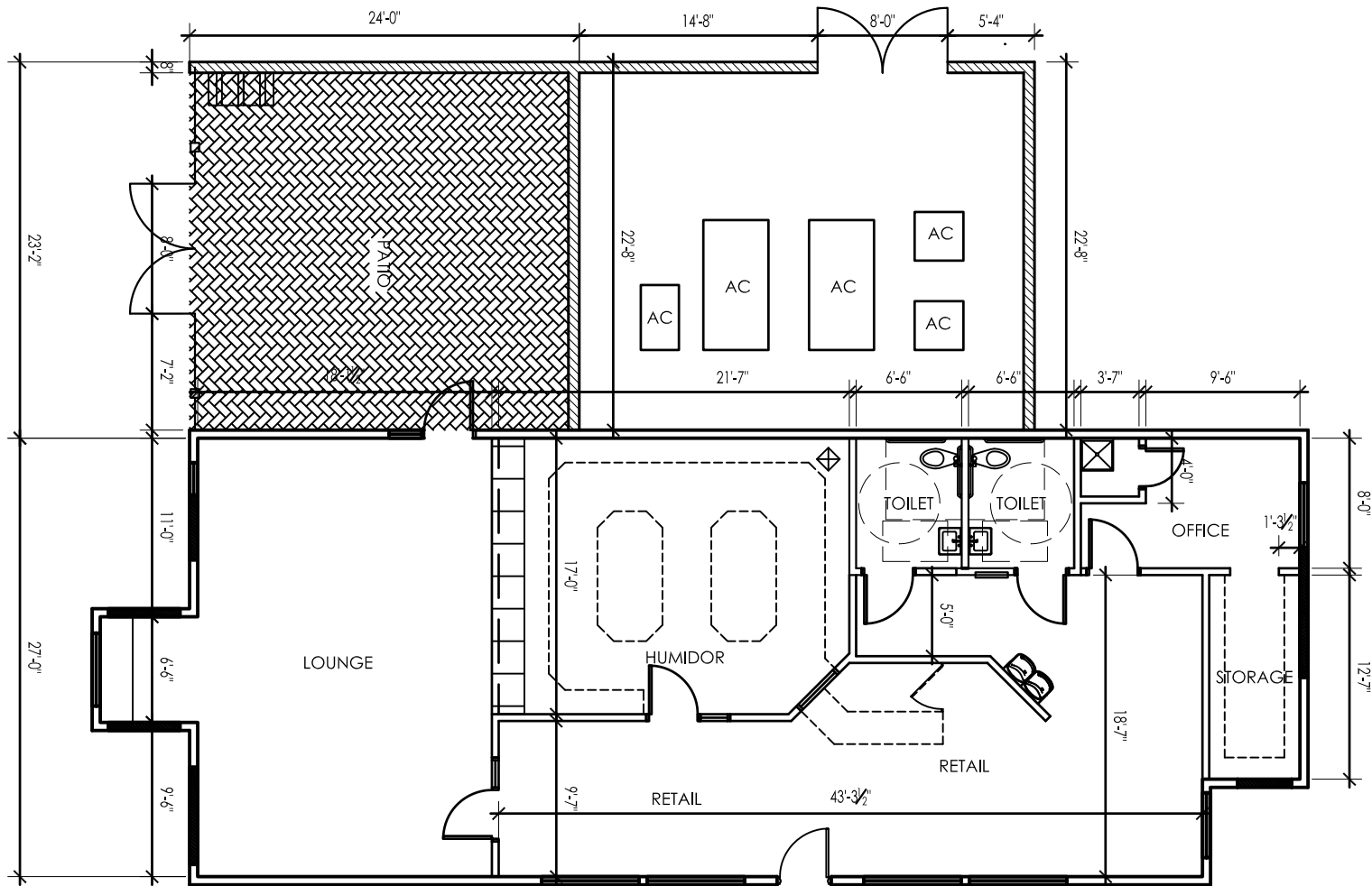


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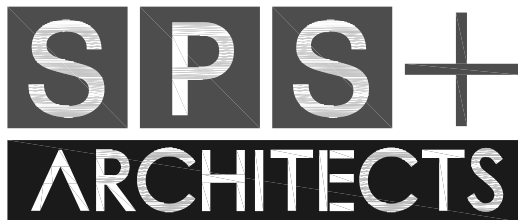
INTERNATIONAL CIGAR CLUB - EXTERIOR RENDERINGS

Scale: NOT TO SCALE
207 W. Southern Ave.
Tempe, AZ 85282

DATE:	03/05/2015	JOB#:	1442
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1 FLOOR PLAN
 SCALE: 3/32" = 1'-0"



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