

# DEVELOPMENT APPLICATION STAFF REPORT

<b>Case Number:</b>	CUP24-01-01	<b>Request:</b>	Conditional Use Permit
<b>Project Name:</b>	Ryu's Smoke and Vape Shop		
<b>Applicant/Owner:</b>	Numata M. Ryuji Jr		
<b>Project Address:</b>	13011 W Greenway Rd, Suite 10. El Mirage, AZ 85335	<b>Acres</b>	N/A

<b>Considerations</b>	The applicant is requesting the approval of a conditional use permit to open and operate a vape and smoke shop in an existing retail suite currently unoccupied. The proposed location is located in a retail commercial property with a variety of food retailers, personal and medical, marijuana dispensaries, and a religious assembly. There is an elementary K-8 school location 631 feet from the vape and smoke shop, City zoning code does not prohibit the shop from being located near a school or religious assembly. House Bill HB2630 regulates the sales of vape and smoke merchandise and also does not regulate a distance restriction from schools and religious assemblies. If the conditional use permit is granted, the applicant shall obtain tenant improvement building permits, a certificate of occupancy, and maintain a yearly city business license.
<b>General Plan Compliance</b>	The El Mirage 2020 General Plan identifies the site as being in the Neighborhoods Planning Area and follows the plan.
<b>Zoning &amp; Land Use</b>	The property is zoned Urban Corridor (UC) and requires a conditional use permit approval from the City to operate. The property has a designated retail commercial land use with a variety of services and retail shops.
<b>ARS 28-8481 Land Use Compatibility</b>	N/A
<b>City Staff Review</b>	City staff has reviewed the application and finds that it meets the zoning code requirements.
<b>Stipulations:</b>	The applicant shall consent and address the TAC Review comments mentioned in the February 29, 2024, memorandum.
<b>Planning Commission</b>	Staff will present and seek a recommendation to the City Council at the March 12, 2024, public hearing.
<b>City Council</b>	Staff will present and seek a final action from the City Council at the April 2, 2024, public hearing.
<b>Attachments</b>	Zoning Application, and TAC Review Comments
<b>Supportive Documents</b>	N/A