



Planning and Zoning Division

Development Services Department

10000 N. El Mirage Road, El Mirage, AZ 85335

623-972-8116; TDD 623-933-3258

www.elmirageaz.gov

STAFF REPORT

Meeting Date: September 8, 2026

ACTION

Zoning Case: CUP260002

Request to Consider

Consideration and recommendation to the El Mirage City Council on a Conditional Use Permit for a retail vape and smoke shop in an urban corridor zone on a property at 11713 W Thunderbird Rd, El Mirage, Arizona 85335.

Goal/Purpose of Request

The applicant requests approval of a Conditional Use Permit (CUP), as required by zoning code section §154.052, to open and operate a vape and smoke retail shop in an existing 4,413-square-foot building in the urban corridor zoning at the location listed below.

Location

Site Plan indicated by the red parcel outline.

11713 W Thunderbird Rd, El Mirage, AZ 85335



Owner

EL-SHIFA INVESTMENT LLC
25907 N 50th Ave
Phoenix, AZ 85083

Applicant

Mustafa Abushanbb
25907 N 50th Ave
Phoenix, AZ 85083
habibismokersaz@gmail.com
602-570-9006

Background

Habibi Smokers is requesting approval of a Conditional Use Permit (CUP) to operate a retail tobacco and smoking-accessories store located at 11713 W Thunderbird Road, El Mirage, Arizona 85335. The business will function strictly as a retail establishment, offering tobacco products, cigars, nicotine products, vapor products, smoking accessories, and related merchandise. No on-site consumption, smoking lounge, or entertainment activities are proposed.

The store will operate within an existing commercial tenant space with no major exterior modifications planned. Proposed hours of operation are 10:00 a.m. to 9:00 p.m., seven days a week. Habibi Smokers states that it will maintain a clean, professional, code-compliant, and adult-only retail environment, adhering to all applicable federal, state, and local regulations, including age-verification requirements and tobacco-sales laws. The use is expected to be compatible with the existing commercial center and to generate minimal impact on surrounding businesses and properties.

The regulatory environment for tobacco, alternative nicotine products, and vapor product sales in Arizona has recently been strengthened through HB2630, which establishes uniform statewide standards for retailers. The legislation raises the minimum legal age for purchasing or possessing these products to 21 and imposes strict penalties for violations, including mandatory fines beginning at \$1,000 for retailers who sell or furnish products to underage individuals. Retailers are required to verify identification for any customer who appears under 30 and must conduct sales through vendor-assisted methods that prevent direct customer access to tobacco or vapor products. HB2630 also mandates that retailers display state-required signage, sell all products in original manufacturer packaging, and maintain compliance with state registration requirements for each retail location. These provisions ensure consistent regulation across Arizona by preempting conflicting local ordinances and reinforcing statewide public-health standards. Habibi Smokers acknowledges and adheres to these comprehensive requirements, supporting its commitment to operating a compliant, responsible, and professionally managed retail tobacco establishment.

The proposed use is appropriately located within an established commercial center and maintains adequate separation from sensitive land uses such as schools, churches, parks, and residential neighborhoods. The site is situated in a built commercial corridor along Thunderbird Road, ensuring compatibility with surrounding uses and compliance with all applicable City of El Mirage zoning and land-use standards.

General Plan Compliance

The 2020 General Plan Land Use Map identifies the site as part of the Thunderbird Core Park Planning Area and notes that it is compatible with the plan.

Zoning, Land Use & Overlays

The site is zoned Urban Corridor (UC), and the proposed vape/smoke shop requires a conditional use permit approval. The site is located within the Thunderbird Road Overlay District but is not subject to its regulations because it is an existing building prior to the overlay's adoption.

ARS 28-8481 Land Use Compatibility

The site is located outside the Noise Contour Zone of Luke Air Force Base (LAFB) and within the Military Airport Territory Area. As a result, the project is not subject to ARS 28-8481 land use compatibility regulations. Therefore, no review from the base is required for this zoning application. Consequently, the proposed development will experience approximately 170 direct flights overhead each day.

City Staff Review

Staff reviewed the application and determined it is ready for the public hearing.

Stipulations

The applicant shall consent to the Technical Advisory Committee's stipulations as set forth in the memorandum dated August 7, 2026.

Planning Commission

Staff is seeking a review of the zoning application and a recommendation to the El Mirage City Council.

City Council

Staff will present and request a final action from the City Council during the public hearing on October 6, 2026.

Public Comments

No public comments have been received.

Conclusion

If the application is approved, the applicant may submit the final site plan and tenant improvement construction documents for staff review and approval.

Attachments

Zoning Application, TAC Review Comments, and Presentation.