

# Staff Summary Report



Hearing Officer Hearing Date: July 21, 2009

Agenda Item Number: 4

**SUBJECT:** This is a public hearing for a request by **AL OMADA HOOKAH (PL090227)** located at 818 West Broadway Road for one (1) use permit.

**DOCUMENT NAME:** 20090721dsdp02 **PLANNED DEVELOPMENT (0406)**

**COMMENTS:** Request by **BROADWAY VILLAGE – ALOMDA HOOKAH (PL090227)** (Mahmoud Ahmed, applicant; Caland Management LLC, property owner) located at 818 West Broadway Road, Suite No. 111 in the CSS, Commercial Shopping and Services District for:

**ZUP09098** Use permit to allow a hookah lounge.

**PREPARED BY:** Derek Partridge, Planner I (480-350-8867)

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

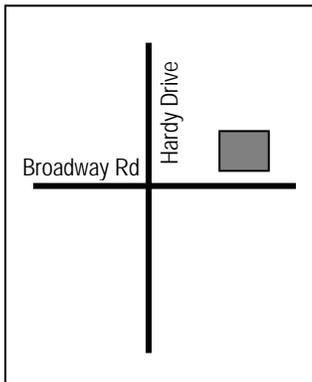
**LEGAL REVIEW BY:** N/A

**DEPARTMENT 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 Hookah lounge located at 818 West Broadway Road in the CSS, Commercial Shopping & Services District. One phone call of opposition has been received to date. Staff supports the request for a use permit as it meets the criteria for a use permit in the Zoning and Development Code.

**PAGES:**

1. List of Attachments
2. Comments
3. Reasons for Approval; 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

## COMMENTS:

The applicant, Mahmoud Ahmed, is requesting a use permit to allow a hookah lounge at 818 West Broadway Road, in the CSS, Commercial Shopping and Services District. The scope of the business is to include a hookah smoking lounge and non-alcoholic beverages only. The primary use will be as a hookah lounge. Hours of operation will be from 4:00 p.m. to 2:00 a.m. Sunday through Thursday and 2:00 p.m. to 4:00 a.m. Friday and Saturday; they will have between 2-6 employees. Peak hours for hookah tend to be after dinner into the late evening.

The City of Tempe Zoning and Development Code hookah lounge separation requirements, which took effect in June of 2007, prohibit a tobacco retailer (hookah lounge) from locating within 1,320 feet of a school. This proposal is not within 1,320 feet of a school (elementary or secondary), thus a hookah lounge can be allowed subject to an approved use permit.

One phone call of concern has been received on this request. Staff supports the request for a use permit to allow a hookah lounge.

## Use Permit

The Zoning and Development Code requires a use permit for a hookah lounge in the CSS, Commercial Shopping and Services District. Evaluating the use permit, the proposal appears to pass the use permit test 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;
  - This is a hookah lounge and will generate smoke; however all hookah smoking shall be contained within the establishment. Moreover, the hookah lounge has its own independent ventilation system. Therefore this use should not adversely impact neighboring businesses with the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare.
- 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 proposed development would not contribute to neighborhood deterioration or downgrade property values. This use permit request 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.
- e) Adequate control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area or general public
  - The proposed use will be fully contained within the building.

## Conclusion

Staff recommends approval of the use permit subject to conditions.

**REASON(S) FOR APPROVAL:**

1. The business is a general commercial use, and is compatible with the other businesses on the property and within the area.
2. No apparent nuisance resulting from noise, smoke, odor, dust, vibration, or glare.
3. No apparent hazards to persons or property from possible explosion, contamination, fire or flood.

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

**CONDITION(S) OF APPROVAL:**

1. The use permit is valid for Al-Omda Hookah and may be transferable to successors in interest through an administrative review with the Development Services Manager, or designee.
2. Any intensification or expansion of this use shall require the applicant to return to the appropriate decision-making body for a new use permit.
3. All permits and clearances required by the Building Safety Division shall be obtained prior to the use permit becoming effective. Since smoking will be permitted on the premises, the owner/management is responsible to adhere to the 2003 International Mechanical Code.
4. 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.
5. The gross sale of beverages and snack items may not exceed that of tobacco and hookah products.
6. All business signs shall receive a Sign Permit. Please contact Planning staff at (480) 350-8331.
7. The use permit is not valid until all required Building Safety permits have been finalized.

**HISTORY & FACTS:**

None pertinent to this case

**DESCRIPTION:**

Owner – Caland Management LLC  
Applicant – Mahmoud Ahmed  
Existing Zoning – CSS, Commercial Shopping & Services District

**ZONING AND DEVELOPMENT**

**CODE REFERENCE:**

Part 3, Section 3-202, Table 3-202A – Permitted Land Uses in CSS, Commercial and Shopping and Services District.  
Part 6, Section 6-308 – Use Permit

# BROADWAY VILLAGE - AL-OMADA HOOKAH

PL090227



## Location Map



**BROADWAY VILLAGE – AL-OMADA HOOKAH (PL090227)**

## **Letter OF Explanation**

Use permit for: Alomda Hookah

Address: 818 W. Broadway Rd., Suite # 110 Tempe, AZ 85282

The use: Hookah lounge

Operation hours: 4:00pm to 2:00am Sunday to Thursday

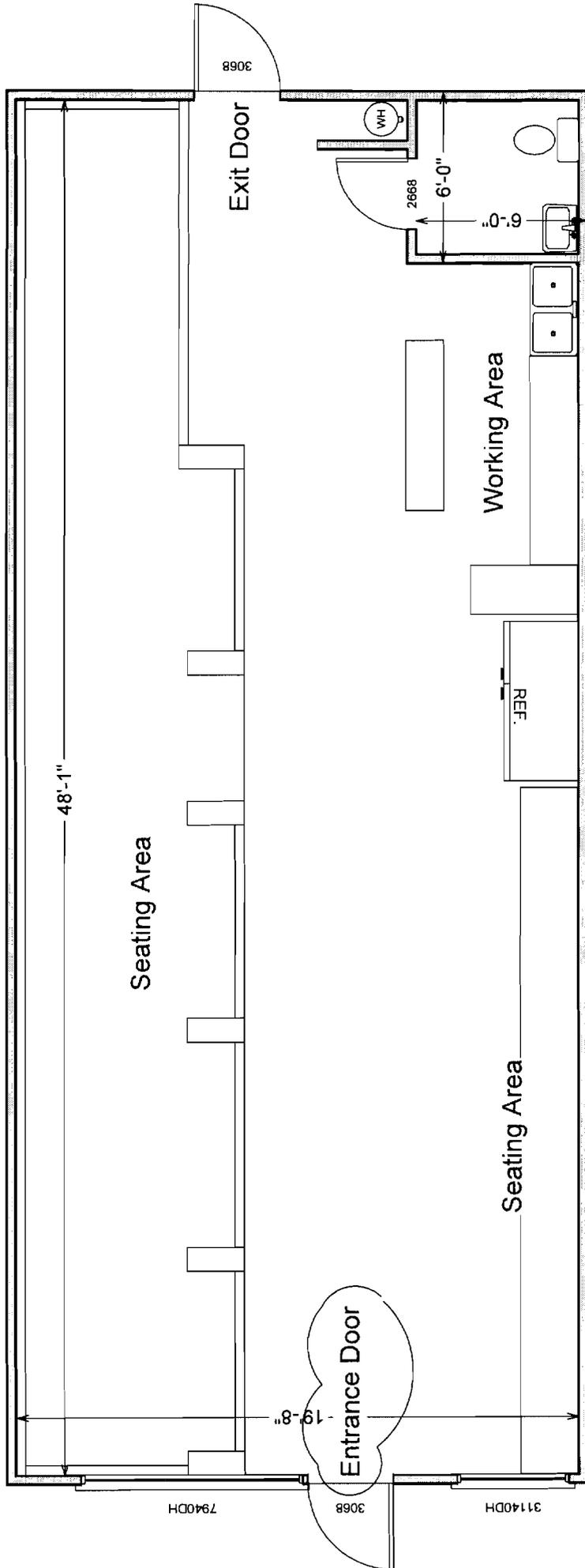
2:00pm to 4:00am Friday & Saturday

Number of employees: will start with 2 and expect to reach 6

The proposed use will:

- a. Be compatible with existing surrounding structures.
- b. Not cause any significant vehicular or pedestrian traffic in adjacent areas.
- c. Not cause any nuisance (odor, dust, gas, noise, vibration, smoke, heat or glare) exceeding that of ambient conditions.
- d. Not contribute to the deterioration of the neighborhood or be in conflict with the goals, objectives and policies of the City.
- e. Not result in any disruptive behavior which may create a nuisance to the surrounding area or general public.





**ALOMDA HOOKAH**  
**AREA: 980 SF**  
**ADDRESS: 818 W. BROADWAY RD., TEMPE, AZ 85282**

**FLOOR PLAN**