

SPECIAL USE PERMIT

Case Coordinator: Michael McCauley

GENERAL PROJECT INFORMATION

SITE ZONING: PD-05 for the (LR-2) Local Retail District.

	<u>SURROUNDING ZONING</u>	<u>SURROUNDING LAND USES</u>
NORTH	PD-05 for the (LR-2) Local Retail District	Retail
SOUTH	(FWY) Freeway District	Retail / Restaurants
EAST	PD-05 for the (LR-2) Local Retail District	Retail
WEST	(FWY) Freeway District	Billiards Academy and Office

REQUEST: Approve a Special Use Permit (SUP) to allow the expansion of an existing smoking lounge

PROPOSED USE: Smoking Lounge

ACRES/LOTS: 3,370 square foot suite with combined suites (140 and 132)

LOCATION: 2640 Old Denton Road, Suite 140 with adjoining Suite 132

HISTORY: A Certificate of Occupancy was issued in 2017 for Suite 140 allowing a tobacco store, which also allowed a hookah lounge under the definition of tobacco stores before the zoning regulations changed in 2022 requiring a SUP for smoking lounges (includes hookahs).

A Certificate of Occupancy was issued in 2022 for Suite 132 allowing a full-service restaurant and prohibiting a smoking and hookah lounge.

COMPREHENSIVE PLAN: Commercial – High Intensity

TRANSPORTATION PLAN: Old Denton Road is designated as an (A8D) Eight-Lane Divided Arterial.

OWNER: AMAFHH Group, Inc.

REPRESENTED BY: Kashish Chadha

STAFF ANALYSIS

REQUEST

This is a request for approval of a SUP to allow a smoking lounge (hookah lounge).

The applicant proposes to expand Suite 140 and the existing smoking lounge into suite 132 (restaurant) and close the restaurant.

ORDINANCE REQUIREMENTS

Article V. of Carrollton's Comprehensive Zoning Ordinance (CZO) requires a SUP for a smoking lounge in the (LR-2) Local Retail District.

ELEMENTS TO CONSIDER

1. On April 5, 2022, City Council approved Ordinance 4066, further regulating smoking lounges (including hookah lounges) to be allowed only with an approved SUP in certain zoning districts, including the (LR-2) Local Retail District.
2. Per CZO Article 34 Definitions, a smoking lounge is defined as "An establishment that allows for the gathering of persons to smoke. This term includes, but is not limited to, a cigar lounge, hookah lounge, entertainment lounge or venue, tobacco or vapor bar, and similar establishments."
3. The applicant currently has a Certificate of Occupancy issued on March 28, 2017, for a tobacco store in Suite 140 (Hookah Hut Lounge). In 2017 a tobacco store also allowed a smoking lounge prior to Council approving Ordinance 4066. Therefore, the current tobacco store may operate a smoking lounge in the same suite, without expansion, as it predates current regulations (Ordinance 4066).
4. Per the Carrollton Police Department, the following information is provided relating to the subject property and use:
 - a. Since January 2022, there have been 13 offenses at 2640 Old Denton.
 - b. The Hookah Hut is the largest contributor to offenses at this commercial center.
 - c. Thirty-eight percent (38% or 5/13) of the offenses at 2640 Old Denton occurred at the Hookah Hut Lounge.
 - d. Sixty percent (60% or 3/5) of offenses were for violating the BYOB permit at the Hookah Hut Lounge. Employees allowed patrons to remain on premises and consume alcoholic beverages after hours. Customers were loitering, the parking lot was filled with vehicles, and the business was operating after hours.
 - e. The remaining 40% (2/5) of offenses at the Hookah Hut Lounge included the theft of AirPods (wireless Bluetooth earbuds) and a drug related offense.
 - f. A known gang member advertised he would be hosting a party at the Hookah Hut Lounge back in June 2022. Due to the potential for violence, CPD and ATF collaborated to gather intel on this event. The event was eventually cancelled due to police intervention.

- g. Thirty-one percent (31%) of Calls For Service at 2640 Old Denton were in reference to the Hookah Hut Lounge.
 - h. The majority (76% or 19/25) of Calls For Service at the Hookah Hut Lounge were burglary alarm calls.
5. Each SUP application is discretionary and must be evaluated as to its probable effect on the adjacent properties and the community welfare and may be approved or denied as the findings indicate appropriate.
 6. A SUP should not have negative impacts that exceed the impacts associated and anticipated with a use permitted “as-of-right” in the zoning district.
 7. The concern and input of neighbors affected by a proposed use is a component of the zoning process.
 8. A public comment card was received.
 9. A three-fourth (3/4) affirmative vote by all members of the City Council is required to overrule the Commission’s recommendation of denial.

PURPOSE OF THE SPECIAL USE PERMIT

The purpose of the Special Use Permit is to authorize and regulate uses which may be beneficial in a specific instance to the general welfare of the community yet ensure that such uses are not detrimental to surrounding property and are consistent with the stated purpose of the zoning district in which such uses are located regarding conditions of operation, location, arrangement, and construction.

CONCLUSION

Staff believes the request for a Special Use Permit to allow for the expansion of the smoking lounge is not appropriate at this location.