
Application: Special Exception SE2021-7
Applicant: Hossam Abudawood
Owner: Sunshine Equity LLC
Address: 695 South Main Street (28-0153 & 28-0372)
Zone: B-2
Description: New Recreational Facility- Hookah Lounge

Proposal

Hossam Abudawood submitted an application for special exception and site plan review for a new recreational facility to be used as a hookah lounge on property located at 695 South Main Street in the B-2 zone pursuant to Sections 33, 44, 55, and 61 of the Middletown Zoning Code.

Existing Conditions

The property is a through lot consisting of two parcels of land totaling 0.61 acres in the B-2 zone with frontage on South Main Street and Highland Avenue. It is bounded by a commercial plaza to the north, a mixed use development with commercial, industrial and residential uses to the south, South Main Street to the east with an auto repair facility beyond, and Highland Avenue to the west with an industrial property beyond.

The property is improved with a 1-story, ±10,500SF, multi-tenant, commercial building, onsite parking, driveway, utilities, and other associated improvements.

Proposed Conditions

The applicant proposes to utilize the existing 1,431 SF tenant space as a hookah lounge. There is no site work proposed and no changes to the interior partitions of the tenant space.

Buildings and Uses

The applicant proposed hookah lounge can be categorized as a commercial recreational facility (61.02.28).

Hookah lounges are not a defined use in the zoning code. Commercial recreational facilities include an array of establishments including billiard parlors, pool halls, bowling alleys, nightclubs, theaters and other assembly halls subject to applicable regulations and such permits and licenses that may be required by law. Hookah lounges seem to fall in the spirit of the other establishments listed.

The applicant proposes only smoking at the establishment. No food or beverages will be prepared or served, as it would be prohibited according to health codes.

The tenant space is 1,431 SF and the proposed use would not alter any interior partitions. The floor plans show a lounge area with seating along the perimeter and coffee tables, an office,

reception area, storage room, bathroom, and a space labeled “kitchen” where the tobacco will be prepared. The space has two means of egress.

Parking, Loading and Circulation

The site is currently improved with 12 parking spaces. The property can be entered from South Main Street across the property located to the south. It is undetermined if any official easements exist for access over the property, but it seems that driveway has been historically used to access the subject property. The property has two curb cuts on Highland Avenue which can be used for ingress and egress.

Indoor recreational facilities demand 200 hundred parking spaces by code, but the Commission may adjust the parking requirements up or down depending on the size of the facility and anticipated intensity of the use (40.04.27). Furthermore, the Commission has the authority to modify the parking requirements for uses since it is an existed developed site and it is difficult to construct more parking (40.08).

The tenant space is 1,431 SF. The previous commercial retail use would have demanded 5 parking spaces (40.04.04).

Drainage

No chances drainage patterns.

Utilities

The existing building is service by city sewer, city water, and electrical service. No changes are proposed.

Erosion & Sediment Controls

N/A

Special Exception Findings (44.04)

The Commission may grant a special exception when making a finding on the following criteria below:

Compliance with the City Plan

The proposal is consistent with the 2020 Plan of Conservation and Development because it adds to the diversity of uses in an area identified as a possible neighborhood center.

Adverse Effects

Even with proper ventilation, the proposed use is unclear if the use will have any adverse impacts on health or safety to residents or workers in the area.

Visibility and Accessibility

N/A

Traffic Movement

The property will maintain existing curb cuts and traffic flow.

Orderly Development

The proposed uses are within a developed commercial site with existing buildings, driveways, and parking spaces. The area, in general, is developed with access points established and designed for capacity.

Property Values and Character

The subject property and adjacent properties are in the B-2 zone with existing commercial, industrial, and residential buildings. The proposal will utilize existing the existing building and parking. It is unlikely the proposed uses would negatively impact property values or character.

Parking and Loading

The Commission should determine if the existing parking is sufficient and in accordance with Section 40 of the Zoning Code.

Compliance with Standards

Indoor recreational facilities have specific special exception standards (44.08.44):

- A. The tenant space will occupy a portion of the existing building which $\pm 39\%$ of the total lot.
- B. The Commission should determine if the existing parking is sufficient for the use.
- C. The use will occupy an existing commercial tenant space. No changes to the exterior building is proposed.

Issues to be Resolved

1. The applicant should discuss with the Commission the ventilation methods and potential impact on health of residents or workers in the area.
2. The applicant should describe the parking utilization patterns on the site and how the proposed use would impact it.
3. The Commission should verify if the existing parking is sufficient for the proposed use.

Staff Recommendations

If the issues above are sufficiently resolved, the following conditions should be placed on the use.

1. No food or beverages shall be prepared or served at the establishment.
2. The establishment shall remain in compliance with all applicable local and state regulations and laws.