

SPECIAL USE PERMIT

Case Coordinator: Loren Shapiro

GENERAL PROJECT INFORMATION

SITE ZONING: PD-45 for the (O-2) Office District

	<u>SURROUNDING ZONING</u>	<u>SURROUNDING LAND USES</u>
NORTH	(SF-8.4/16) Single Family District	Single-Family Residential Detached
SOUTH	PD-45 for the (LR-2) Local Retail District	Retail and Restaurant
EAST	PD-45 for the (LR-2) Local Retail District	Retail and Restaurant
WEST	PD-45 for the (O-2) Office District	Office
REQUEST:	Request a Special Use Permit to allow an amusement arcade in Suite 124 at 1012 MacArthur Drive	
PROPOSED USE:	Amusement arcade	
ACRES/LOTS:	3,400 square feet	
LOCATION:	North Side Of MacArthur Drive Approximately 205 Feet West Of Old Denton Road	
HISTORY:	On March 9, 1982, PD-45 for the (O-2) Office District was established on the properties. On July 2, 2020, a replat was approved by Planning and Zoning Commission.	
COMPREHENSIVE PLAN:	Medium-Intensity Commercial	
TRANSPORTATION PLAN:	MacArthur Drive is designated as a (C4T) Four-Lane Divided TOD Collector.	
OWNER:	Yeo Family LLC.	
REPRESENTED BY:	Kevin Smuckler / MHK Enterprise LLC.	

STAFF ANALYSIS

PROPOSAL/BACKGROUND

The applicant is requesting a Special Use Permit to allow an amusement arcade in a 3,400 square foot space within Suite 124 at 1012 MacArthur Drive.

On April 1, 2025, City Council approved Case No. PLZ 2024-181 changing the base zoning from (O-2) Office District to (LR-2) Local Retail District. The (LR-2) Local Retail allows an arcade with an approved SUP.

ORDINANCE REQUIREMENTS

1. The property is currently zoned PD-45 for the (LR-2) Local Retail District.

An approved SUP for an arcade is required in the (LR-2) Local Retail District.

2. The CZO defines ‘amusement arcade’ as:

“Any place or establishment wherein more than four (4) coin-operated, slug-or token-operated, or electronically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices, or skill machines, are located, whether operable or inoperable. Such machines shall include, but not be limited to, billiard tables, pool tables, and video games and simulated gambling device versions of bingo, keno, blackjack, video lottery terminals (VLTs), roulette, video poker, or facsimile thereof, that operate by chance or partially so.”

3. Article 21 Special Use Permits, Section D(2)(j) of the CZO has the following regulations regarding arcades:

- a. The number of simulated gambling devices may not exceed 75% of the total number of machines or tables located within the establishment.
- b. All simulated gambling devices shall always be clearly visible from the interior side of the front door of the establishment.
- c. Any windows located in perimeter walls of the establishment are prohibited from being obscured and shall be clear of any obstructions.
- d. A label identifying compliance with state law must be clearly displayed on each simulated gambling device located within the establishment.
- e. The Certificate of Occupancy issued by the City showing approval to operate an arcade shall be clearly displayed in the establishment.
- f. A sign shall be posted on each simulated gambling device and on walls adjacent to such devices that states the following:

“This device is for entertainment purposes only and may not be used to provide payouts in violation of Section 47.01 of the Texas Penal Code.”

- g. Signs shall be posted throughout establishments containing simulated gambling devices such that no point in the establishment is more than 50 feet from the nearest sign. Such signs shall state:

“All devices are for entertainment purposes only. No device may be used for illegal gambling purposes. Violators will be prosecuted.”

- h. For establishments not approved for smoking, “No Smoking” signs shall be posted throughout the establishment such that no point in the establishment is more than 50 feet from the nearest sign. Such signs shall be in accordance with the requirements set forth in Section 93.04 of the Code of Ordinances.
- i. The hours of operations shall be established by the Special Use Permit and the approved hours of operations shall be clearly posted at the entrance of the establishment.

ELEMENTS TO CONSIDER

1. 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 properties 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.
2. The amusement arcade will consist of 100 gaming stations.
3. Daily hours of operation shall be limited to 11:00 a.m. to 10:00 p.m.
4. No alcohol will be sold, consumed, or possessed on site.
5. No public comments were received.

PURPOSE OF A SPECIAL USE PERMIT

The purpose of a 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 amusement arcade should not adversely affect surrounding tenants or properties with staff’s recommended stipulations. The proposed SUP is appropriate.