

SPECIAL USE PERMIT

Case Coordinator: Michael McCauley

GENERAL PROJECT INFORMATION

SITE ZONING: PD-63 for the (LR-2) Local Retail District

	<u>SURROUNDING ZONING</u>	<u>SURROUNDING LAND USES</u>
NORTH	PD-63 for the (LR-2) Local Retail District	Commercial
SOUTH	(SF-PH) Single-Family Patio Home District	Commercial
EAST	PD-63 for the (LR-2) Local Retail District	Commercial
WEST	PD-63 for the (LR-2) Local Retail District	Commercial

REQUEST: Approve a Special Use Permit to allow an amusement arcade consisting of 32 gaming devices, including photo booths

PROPOSED USE: Amusement Arcade (excluding adult arcade)

ACRES/LOTS: Approximately 11-acres /2,200 square-foot suite

LOCATION: 3044 Old Denton Road, Suite 117

HISTORY: The building is a multi-tenant commercial building.

COMPREHENSIVE PLAN: Commercial – Low Intensity

TRANSPORTATION PLAN: Old Denton Road is designated as an (A&D) 8-Lane Divided Arterial.

OWNER: Seung H. Kim / Awon Investment, Inc.

REPRESENTED BY: Huy Doan / KMD Investment, LLC.

STAFF ANALYSIS

PROPOSAL/BACKGROUND

The applicant is requesting a SUP to allow an amusement arcade (excluding adult arcade) as an additional use to a proposed (allowed by right) gelato shop 3044 Old Denton Road, Suite 117.

ORDINANCE REQUIREMENTS

1. The Comprehensive Zoning Ordinance (CZO) requires an amusement arcade to obtain a SUP in a (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 32 gaming stations.
3. The previous tenant was a driving school.
4. One public comment card has been received.
5. The suite’s floorspace is approximately 2,200 square feet, and 1,300 square feet will be for the amusement arcade.
6. No alcohol will be sold or consumed on site.

CONCLUSION

Staff believes the amusement arcade should not adversely affect surrounding tenants or properties with staff’s recommended stipulations.