

SPECIAL USE PERMIT

Case Coordinator: Michael McCauley

GENERAL PROJECT INFORMATION

SITE ZONING: PD-45 for the (LR-2) Local Retail District.

	<u>SURROUNDING ZONING</u>	<u>SURROUNDING LAND USES</u>
NORTH	PD-45 for Open Space (Furneaux Creek)	Furneaux Creek (Single-Family Residential Beyond)
SOUTH	PD-45 for the (LR-2) Local Retail District	Retail shopping center (Across Mac Arthur Drive)
EAST	PD-5 for the (LR-2) Local Retail District	Undeveloped parcel (Across Old Denton Road)
WEST	PD-45 for the (O-2) Office District for the (LR-2) Local Retail District	Undeveloped Parcel
REQUEST:	Approval of a Special Use Permit (SUP) for an Amusement Arcade (excluding adult arcade) as an additional use to a proposed café.	
PROPOSED USE:	Amusement Arcade for 60 computer gaming stations and 20 video game console stations (inside an existing restaurant building).	
ACRES/LOTS:	Approximately 7,500 square feet lease space in a two-story, multi-tenant building on an approximately 1.66-acre lot.	
LOCATION:	2701 Old Denton Road, Suite 132.	
HISTORY:	The building was permitted in 2013. The suite was last occupied by Café Paris Coffee & Bakery. PD-45 (Ordinance 3513) was amended in 2012.	
COMPREHENSIVE PLAN:	Medium Intensity Commercial.	
TRANSPORTATION PLAN:	Old Denton Road is designated as an (A8D) Eight-Lane Divided Arterial and MacArthur Drive is designated as a (C4T) Four-Lane Undivided Collector (TOD area).	
OWNER:	BKC Investment, LLC.	
REPRESENTED BY:	Hee “Jeff” Choi/Java Gaming Café.	

STAFF ANALYSIS

PROPOSAL

A Special Use Permit to allow an Amusement Arcade (excluding adult arcade) as an additional use to a proposed café.

ORDINANCE REQUIREMENTS

1. The Comprehensive Zoning Ordinance (CZO) requires an arcade to obtain a Special Use Permit in a (LR-2) Local Retail District.

2. The CZO defines ‘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 be clearly visible at all times 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.

SITE DESIGN AND LANDSCAPING

1. The site has adequate parking and landscaping.
2. The lease space is approximately 7,500 square feet.

ELEMENTS TO CONSIDER

1. The previous tenant was Café Paris Coffee & Bakery.
2. The arcade will have approximately 80 machines.
3. The arcade will be open to all ages.

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 use is appropriate for this site.