

PLANNING DEPARTMENT
City of Carrollton

SPECIAL USE PERMIT NO. 438
DEVELOPMENT NAME: Java Gaming Café

ORDINANCE NUMBER _____

ORDINANCE NO. _____ OF THE CITY OF CARROLLTON AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY ESTABLISHING SPECIAL USE PERMIT NUMBER 438 TO PROVIDE FOR AN AMUSEMENT ARCADE (EXCLUDING ADULT ARCADE) UPON PROPERTY LOCATED AT 2701 OLD DENTON ROAD, SUITE 132; AMENDING THE OFFICIAL ZONING MAP; AND PROVIDING PENALTY, SEVERABILITY, REPEALER AND SAVINGS CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE ON AND AFTER ITS ADOPTION AND PUBLICATION.

WHEREAS, at a public hearing held on the Eighteenth day of August, 2016, the Planning & Zoning Commission considered and made recommendation on a certain request for a Special Use Permit (Case No. 08-16SUP2); and

WHEREAS, this change of zoning is in accordance with the adopted Comprehensive Plan of the City of Carrollton, as amended; and

WHEREAS, the City Council, after determining all legal requirements of notice and hearing have been met, has further determined the following amendment to the zoning laws would provide for and would be in the best interest of the health, safety, morals and general welfare:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CARROLLTON, TEXAS, THAT:

Section 1.

All of the above premises are found to be true and correct legislative and factual findings of the City Council, and they are hereby approved, ratified and incorporated into the body of this Ordinance as if copied in their entirety.

Section 2.

Special Use Permit Number 438 is hereby established for a certain approximately 7,500 square-foot lease space located at 2701 Old Denton Road, Suite 132, and being more specifically described on Exhibit A, providing for the following:

I. Permitted Use

Amusement Arcade (Excluding Adult Arcade)

II. Special Development Standards

Development shall be in accordance with the following special conditions, restrictions and regulations:

1. Approximately 60 computer gaming stations and 20 video game console stations shall be allowed.
2. No alcohol shall be allowed.
3. No simulated gambling devices shall be allowed.
4. The hours of operation will be 11:00 a.m. to 12:00 a.m. (Sundays through Thursdays) and 11:00 a.m. to 2:00 a.m. (Fridays and Saturdays).

Section 3.

The Comprehensive Zoning Ordinance and the Official Map are hereby amended to reflect the action taken herein.

Section 4.

Any person violating a provision of this ordinance, upon conviction, is guilty of an offense punishable as provided in Section 10.99 of the Carrollton City Code.

Section 5.

The provisions of this ordinance are severable in accordance with Section 10.07 of the Carrollton City Code.

Section 6.

Ordinance Number 1470, otherwise known as the Comprehensive Zoning Ordinance and the Official Zoning Map, as amended, shall remain in full force and effect.

Section 7.

This ordinance shall become and be effective on and after its adoption and publication.

PASSED AND APPROVED this the Sixth day of September, 2016.

CITY OF CARROLLTON

By: _____
Matthew Marchant, Mayor

ATTEST:

Laurie Garber
City Secretary

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Susan Keller
Assistant City Attorney

Michael McCauley
Senior Planner

EXHIBIT A
Location Map

