

CITY OF PLANO
PLANNING & ZONING COMMISSION

September 17, 2018

Agenda Item No. 4

Public Hearing: Zoning Case 2018-017

Applicant: MDT Prairie Creek, Ltd.

DESCRIPTION:

Request for a Specific Use Permit for Arcade on 0.1 acre located 579 feet north of 15th Street and 522 feet west of Independence Parkway. Zoned Retail. Project #ZC2018-017.

REMARKS:

The subject property is a 2,598 square foot lease space within an existing retail shopping center. The applicant is requesting a Specific Use Permit (SUP) for Arcade to open a computer gaming business. The purpose and intent of an SUP is to authorize and regulate a use not normally permitted in a district which could be of benefit in a particular case to the general welfare, provided adequate development standards and safeguards are established. The Zoning Ordinance defines arcade as an establishment with six or more player-operated skill or amusement machines, or a combination of six or more such machines and/or connected control panels that provide access to the machines.

Additionally, Section 6.100 (Specific Use Permits) of Article 6 (Specific Use Permits and Certificates of Occupancy) states the following:

- .3 “The Planning & Zoning Commission in considering and determining its recommendations to the City Council on any request for a specific use permit may require from the applicant plans, information, operating data, and expert evaluation concerning the location, function, and characteristics of any building or use proposed. The City Council may, in the interest of the public welfare and to insure compliance with this ordinance, establish conditions of operation, location, arrangement, and type and manner of construction of any use for which a permit is authorized. In authorizing the location of any of the uses listed as specific use permits, the City Council may impose such development standards and safeguards as the conditions and locations indicate important to the welfare and protection of adjacent property from noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view, traffic, or other undesirable or hazardous conditions.”

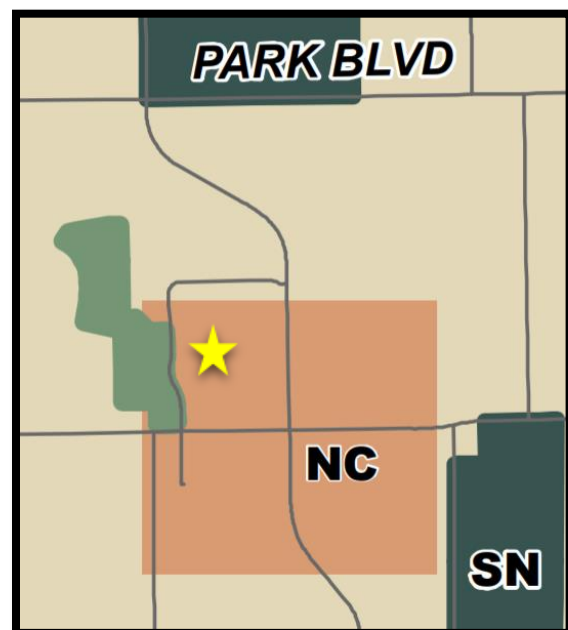
Surrounding Land Use and Zoning

North	Single-family residences zoned Single-Family Residence-9 (SF-9)
East	Shopping center zoned R with retail, restaurant, service, and office.
South	Shopping center zoned R with retail, indoor commercial amusement, dance studio, and minor vehicle repair. Across 15th Street, single-family residences zoned Single-Family Residence Attached (SF-A)
West	Open space zoned Single-Family Residence-9 (SF-9)

Conformance to the Comprehensive Plan

Future Land Use Map - The Future Land Use Map of the city's Comprehensive Plan designates the subject property as Neighborhood Center (NC).

The Neighborhood Center future land use category applies to corner retail sites along major arterials. Redevelopment of existing retail centers is strongly encouraged and should reduce retail square footage, focus on quality design and pedestrian access, and increase the mix of uses. Neighborhood Center uses are typically located in low-rise buildings with retail, service, and office uses that serve the adjacent neighborhoods. The introduction of residential uses within Neighborhood Centers is recommended where it can be accomplished in a context-sensitive manner and integrated into the center. When residential is introduced, single-family uses are desired for compatibility with existing adjacent neighborhoods. Neighborhood centers will be based on the concepts of mixed-use, community design, and transit-oriented design, where possible. Adequate building setbacks must be considered when development is proposed near neighborhoods. Useable open space will be included within the centers to create active and interesting public spaces.



The NC designation recommends retail, service, and office uses which serve adjacent neighborhoods. The addition of an arcade would increase the mix of uses in this development. This request is in conformance with the Future Land Use Map designation.

ISSUES:

Use Separations

Section 15.100 (Arcades) of Article 15 (Use-specific Regulations) of the Zoning Ordinance requires arcades to be separated from certain uses. The distances are measured in a straight line from the front door of the arcade to be permitted to the nearest property line of the associated use. These requirements are as follows:

1. **Residential zoning:** Minimum 300 foot separation. The Prairie Creek Estates neighborhood is located immediately north of the subject property and is zoned Single-Family Residence-9. The front door of the proposed arcade is 100 feet away from the nearest SF-9 zoning district line, as measured in a direct line from the front entrance through the building to the existing six-foot masonry screening wall to the north. The walking distance to the nearest residential property is approximately 405 feet as measured via an existing covered pedestrian walkway that allows direct access from Mollimar Drive to the central portion of the shopping center. The driving distance to the nearest residential property is approximately 1,100 feet.
2. **Religious facilities:** Minimum 300 foot separation. There are no religious facilities within 300 feet of the subject property.
3. **Public or parochial schools:** Minimum 1,000 foot separation. Weatherford Elementary School is located 390 feet to the northwest of the subject property, as measured in a direct line through the building to the school property line. The proposed arcade is separated from the school by a portion of the existing shopping center and Mollimar Drive, a 60-foot street. The walking distance to the property line of the school is 570 feet via the pedestrian walkway. The driving distance is approximately 1,200 feet.

The Zoning Ordinance states:

“The 300-foot separation from a residentially zoned district may be waived altogether, and the 1,000-foot separation between an arcade and a public or parochial school may be reduced to a minimum of 300 feet, if City Council affirmatively finds that issuance of the specific use permit would not be detrimental or injurious to the public health, safety, or general welfare, or otherwise offensive to the neighborhood.”

The applicant has described their business operations and requested waivers from the two separation requirements as noted in the attached letter.

Use Standards

As a part of this request, the applicant has committed to several restrictions on their business operations, as described in their attached letter. These standards are as follows:

1. Limiting the number of machines;
2. Machines will not have wireless internet capability or access; and
3. No alcohol will be served.

The purpose of these restrictions is to alleviate potential concerns about the proximity of the business to the adjacent residential and public school uses. If the Planning & Zoning Commission is concerned about the proximity of the business to the elementary school, it may be appropriate to consider an age-based restriction in line with either the age of the school children, or the target customer identified in the applicant's letter.

Summary

The proposed arcade is complimentary to the existing retail shopping center which includes a variety of nonresidential uses. If the issuance of the SUP is not found to be detrimental or injurious to the public health, safety, or general welfare, or otherwise offensive to the neighborhood, staff is in support of the requested SUP.

RECOMMENDATION:

Recommended for approval subject to the following:

1. Waiving the 300-foot distance separation from the residential zoning district to the north subject to City Council finding that the issuance of the Specific Use Permit for Arcade will not be detrimental or injurious to the public health, safety, or general welfare, or otherwise offensive to the neighborhood; and
2. Reducing the separation requirement from the public school to 300 feet subject to City Council finding that the issuance of the Specific Use Permit for Arcade will not be detrimental or injurious to the public health, safety, or general welfare, or otherwise offensive to the neighborhood; and
3. Arcade machines have the following restrictions:
 - a. Maximum of 50 computers, 10 gaming consoles, and 3 cabinet machines are permitted.
 - b. Must not have wireless internet capability or access.
4. Alcohol must not be served.