

Legislation Text

File #: 21-5504, **Version:** 1

Conduct a public hearing for Zoning Application No. Z0321-0187, submitted by Tuong Nguyen, for a change of zoning from General Retail to General Retail with a Conditional Use Permit to allow a coin-operated amusement gameroom with modifications to allow a coin-operated amusement gameroom within 300 feet of a church and to have one customer restroom instead of the required one customer restroom each for male and female, located at 704 Gross Road.

(One response in favor and none in opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends denial.)

The applicant requested to have a four-game machine gameroom at the same location as the existing Expressway Food Store, a convenience store. The business also includes limited fuel sales. The Zoning Ordinance requires gamerooms to be a minimum of 300 feet from any school, church, or hospital. The applicant is requesting a modification that would allow the gameroom to be approximately 200 feet from a church property instead of the required 300 feet and a modification to have only one restroom. However, in their appeal letter, the applicant stated that they are now asking for only two game machines instead of the four originally requested.

On June 28, 2021, the Planning and Zoning Commission voted 7 to 0 to deny rezoning from General Retail to General Retail with a Conditional Use Permit to allow a coin-operated amusement gameroom with modifications.

The applicant has submitted a timely appeal of the Planning and Zoning Commission's denial.

Recommended/Desired Action

This item is for a public hearing. Should the Council approve the item, an ordinance will be placed on the August 2, 2021, agenda for consideration. It is staff's opinion that the request does not meet the criteria for a conditional use permit.

Attachment(s)

Staff report & maps
P&Z minutes

Drafter

Jeff Armstrong

Head of Department

Jeff Armstrong