



## CITY OF GRAND PRAIRIE ORDINANCE

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**MEETING DATE:** 05/21/2024

**REQUESTER:** Monica Espinoza, Administrative Supervisor

**PRESENTER:** Savannah Ware, AICP, Chief City Planner

**TITLE:** SUP-24-02-0008 - Specific Use Permit - Private Card Room for Palace Poker (City Council District 1). Specific Use Permit for a Private Card Room on 7.92 acres. Tract 31, Michael Farrans Survey, Abstract, No. 469, City of Grand Prairie, Dallas County, Texas, zoned PD-217, within IH 30 Corridor Overlay District, and addressed as 401 Palace Pkwy (On April 8, 2024, the Planning and Zoning Commission recommended denial by a vote of 8-0)

**APPLICANT:** Jonathan Tooley, Hamilton Commercial

**RECOMMENDED ACTION:** Staff takes no position on the Specific Use Permit, but recommends conditions should the SUP be approved.

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### SUMMARY:

Specific Use Permit for a Private Card Room on 7.92 acres. Tract 31, Michael Farrans Survey, Abstract, No. 469, City of Grand Prairie, Dallas County, Texas, zoned PD-217, within IH 30 Corridor Overlay District, and addressed as 401 Palace Pkwy.

### PURPOSE OF REQUEST:

The applicant intends to operate a Private Card Room, which requires City Council approval of a Specific Use Permit.

The purpose of the Specific Use Permit process is to identify those uses that might be appropriate within a zoning district, but due to either their location, functional or operational nature, could have a potentially negative impact on surrounding properties; and provide for a procedure whereby such uses might be permitted by further restricting or conditioning them to eliminate such probable negative consequences.

### ADJACENT LAND USES:

The following table summarizes the zoning designation and existing use for the surrounding properties.

**Table 1. Zoning and Land Use**

Direction	Zoning	Existing Use
North	PD-217	Undeveloped
South	PD-217	IH-30 / Undeveloped
West	PD-217	Undeveloped/Hotels/Apartments
East	PD-217	Ripley's Believe It or Not

**HISTORY:**

- February 21, 2023: City Council denied an SUP request to allow a private card room (SUP-22-10-0043).
- A PD amendment to create a definition of a Private Card Room and amend the uses permitted within PD-217 to allow a Private Card Room with City Council approval of a Specific Use Permit is under concurrent review (ZON-24-02-0006).

**PROPOSED USE CHARACTERISTICS:**

The applicant is proposing to operate a Private Card Room, which is defined as a private place where members gather to play card games, including poker, billiards, chess, or other similar games in which, except for the advantage of skill or luck, the risks of losing and chances for winning are the same for all participants. No person or entity receives any economic benefit other than personal winnings from said games.

The Private Card Room will include a full-service kitchen where food and beverages will be available for purchase. The applicant plans to pursue a TABC license as a private club to allow the sale of alcohol to its members. If the applicant fails to obtain a TABC license as a private club, the applicant shall comply with all applicable City Ordinances regarding alcohol sales.

The applicant proposes to operate initially from 10:00 AM until 2:00 AM but plans to expand hours to 24 hours a day. Proposed security measures include utilizing a private security firm both indoors and outside. The operational plan indicates that security personnel will patrol the parking lot and assist customers to and from their vehicles.

The Private Card Room will require membership and will charge dues for club membership. Members will be charged for hourly seat rentals, food and drinks, and merchandise. Members will be charged an entry fee and a separate administrative fee during tournaments.

**PUBLIC NOTICE:**

Notice of this item was published in the Fort Worth Star Telegram and letters were provided to 21 surrounding properties meeting the distance requirements in the Unified Development Code. As of the writing of this staff memo, the following letters have been received:

In Support: None

In Opposition: None

## **RECOMMENDATION:**

- On April 8, 2024, the Planning and Zoning Commission recommended denial by a vote of 8-0.
- Staff takes no position on the Specific Use Permit, but recommends the following conditions should the Planning and Zoning Commission recommend approval of the request:
  1. Individuals under the age of 21 shall not be permitted inside the location.
  2. The private card room shall check identification at the entrance to ensure all individuals entering the private card room are members and at least 21 years of age.
  3. The membership shall be a minimum of three months. Membership must be limited in number and may not be transferable.
  4. The private card room shall have security personnel, licensed in accordance with the Texas Occupations Code, on-site at all times the business is open, or any employee is present.
  5. The private card room shall have a silent panic or holdup alarm system for which a permit has been issued in accordance with chapter 17, article III of the Code of Ordinances. This system shall, at a minimum, include two panic buttons. One panic button must be located within reach of the cash cage and the other must be located at a place where the entrance is visible. The panic buttons shall be out of view of the customers. Such panic buttons shall generate an alarm signal indicating a holdup or other life-threatening emergency requiring a police department response.
  6. The private card room shall have posted at all public exits and entrances signs or decals indicating that a security alarm system is in use.
  7. The private card room shall have a drop safe on the premises to keep the amount of cash available to employees to a minimum. A drop safe must be bolted to the floor. A drop safe may have a time-delay mechanism to allow small amounts of change to be removed.
  8. The private card room shall have a cash accountability policy to limit the amounts of cash easily accessible to employees.
  9. The private card room shall have digital, high-resolution surveillance cameras which capture high-resolution digital recordings which display the correct date and time of recording and comply with the following:
    - a. The cameras shall be located throughout the parking area and interior of the private card room.
    - b. At least one camera must have an overall view of the cash cage area, one camera must have a view of the main entrance/exit area of the building, and one camera must have a view of the parking lot entrance/exit.
    - c. The parking lot entrance/exit area camera shall be placed to provide a clear and identifiable image of the license plate number of vehicles entering/exiting the parking lot.
    - d. The building entrance/exit area camera shall be placed to provide a clear and identifiable full frame of the filmed individual's face.
    - e. The cameras and recording system shall be operated at all times, including hours when the private card room is not open for business.

- f. The owner shall provide the police department with digital color images in connection with crime investigations upon request.
  - g. The owner shall maintain a library of the recorded digital images for not less than thirty (30) days.
- 10. A private card room shall have posted, at or near the cash cage signs or decals indicating that surveillance cameras are in use.
- 11. Prior to beginning operations as a private card room and at least every year thereafter, the Grand Prairie Police Department shall be allowed to complete a Crime Prevention Through Environmental Design Survey.
- 12. If a court whose jurisdiction is binding upon the location where the property is located issues a judgment or the Criminal District Attorney whose office is responsible for prosecuting criminal offenses occurring at the location where the property is located issues a statement or other opinion and said judgment, statement, or opinion finds that any operations of the type included in the operational plan are a violation of the Texas Constitution, Texas Penal Code laws, or any other state law, this Specific Use Permit and all authority to operate as a Private Card Room shall be reviewed by the Grand Prairie City Council which may elect to amend or revoke this Specific Use Permit.
- 13. If an amendment to state or federal law would make any operations of the type included in the operational plan a violation of law, this Specific Use Permit and all authority to operate as a Private Card Room shall be reviewed by the Grand Prairie City Council which may elect to amend or revoke this Specific Use Permit.
- 14. The operation of the facility shall be in strict compliance with all applicable laws and the requirements of the Environmental Services Department, Building Inspections, Police Department and Fire Administration.
- 15. Any unsafe or authorized operations or activities may be determined as grounds for revocation of the Specific use Permit by the City Council.
- 16. The alcohol sales shall follow all TABC regulations and City ordinances as approved by the Public Health and Environmental Quality Department.
- 17. No indoor smoking or smoking within 25 feet of the facility will be allowed unless the applicant obtains a TABC license as a private club. If the operation is classified as a private club, it will comply with all TABC and City ordinances.

**BODY:**

**AN ORDINANCE OF THE CITY OF GRAND PRAIRIE, TEXAS AMENDING THE ZONING ORDINANCE AND MAP BY SHOWING THE LOCATION, BOUNDARY, AND USE OF CERTAIN PROPERTY FOR A SPECIFIC USE PERMIT FOR A PRIVATE CARD ROOM ON 7.92 ACRES: TRACT 31, MICHAEL FARRANS SURVEY, TRACT 31, MICHAEL FARRANS SURVEY, ABSTRACT, NO. 469, CITY OF GRAND PRAIRIE, DALLAS COUNTY, TEXAS; SAID ZONING MAP AND ORDINANCE BEING NUMBERED ORDINANCE NUMBER 4779 AND PASSED ON NOVEMBER 20, 1990; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A PENALTY; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE AFTER PUBLICATION**

**WHEREAS**, the owners of the property described herein below filed application with the City of Grand Prairie, Texas, petitioning an amendment of the Zoning Ordinance and Map of said city so as to amend the zoning designation of said site to include a Specific Use Permit for a Private Card Room; and

**WHEREAS**, the Planning and Zoning Commission of Grand Prairie, Texas, held a public hearing on said application on April 8, 2024, after written notice of such public hearing before the Planning and Zoning Commission on the proposed Specific Use Permit had been sent to owners of real property lying within 300 feet of the property on which a Private Card Room is proposed, said Notice having been given not less than ten (10) days before the date set for hearing to all such owners who rendered their said property for City taxes as the ownership appears on the last approved City Tax Roll, and such Notice being served by depositing the same, properly addressed and postage paid, in the City Post Office; and

**WHEREAS**, after consideration of said application, the Planning and Zoning Commission of the City of Grand Prairie, Texas voted 8 to 0 to recommend denial to the City Council of Grand Prairie, Texas, that said Zoning Ordinance and Map be amended to allow a Specific Use Permit for a Private Card Room; and

**WHEREAS**, Notice was given of a further public hearing to be held by the City Council of the City of Grand Prairie, Texas, in the City Hall Plaza Building at 6:30 o'clock P.M. on May 7, 2024, to consider the advisability of amending the Zoning Ordinance and Map as recommended by the Planning and Zoning Commission, and all citizens and parties at interest were notified that they would have an opportunity to be heard, such Notice of the time and place of such hearing having been given at least fifteen (15) days prior to such hearing by publication in the, Fort Worth Star Telegram, Fort Worth, Texas, a newspaper of general circulation in such municipality; and

**WHEREAS**, on May 7, 2024, the City Council tabled this item to May 21, 2024; and

**WHEREAS**, all citizens and parties at interest have been given an opportunity to be heard on all the matter of the Specific Use Permit and the City Council of the City of Grand Prairie, Texas, being informed as to the location and nature of the specific use proposed on said property, as well as the nature and usability of surrounding property, have found and determined that the property in question, as well as other property within the city limits of the City of Grand Prairie, Texas, has changed in character since the enactment of the original Zoning Ordinance to the extent that a specific use may be made of said property as herein provided and by reason of changed conditions, does consider and find that this amendatory Ordinance should be enacted since its provisions are in the public interest and will promote the health, safety and welfare of the community.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE, TEXAS THAT:**

**SECTION 1.** Ordinance Number 4779, being the Unified Development Code of the City of Grand Prairie, Texas, showing the locations and boundaries of certain districts, and said Zoning Ordinance and Map having been made a part of an Ordinance entitled:

"THE UNIFIED DEVELOPMENT CODE OF THE CITY OF GRAND PRAIRIE, TEXAS, AS PASSED AND APPROVED BY THE CITY COUNCIL ON THE 20TH DAY OF NOVEMBER, 1990, TOGETHER WITH ALL AMENDMENTS THERETO AND ENACTING A REVISED ORDINANCE ESTABLISHING AND PROVIDING

FOR ZONING REGULATIONS; CREATING USE DISTRICTS IN ACCORDANCE  
WITH A COMPREHENSIVE PLAN..."

passed and approved November 20, 1990, as amended, is hereby further amended so as to establish a Specific Use Permit for a Private Card Room on Tract 31, Michael Farrans Survey, Abstract, No. 469, City of Grand Prairie, Dallas County, Texas, as depicted in Exhibit A – Boundary Description attached hereto.

**SECTION 2.** The purpose of this Ordinance is to provide the appropriate restrictions and development controls that ensure this Specific Use Permit is compatible with the surrounding development and zoning and to also ensure that the development complies with the City's Comprehensive Plan and Unified Development Code.

**SECTION 3.** For the development and operations of a Private Card Room, the following standards and conditions are hereby established as part of this ordinance:

1. The development shall maintain compliance with all Federal, State, and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the Grand Prairie Code of Ordinances and Unified Development Code.
2. Daily operations shall comply with Exhibit B – Operational Plan.
3. The development shall generally adhere to the City Council approved Exhibit C – Floor Plans.
4. Individuals under the age of 21 shall not be permitted inside the location.
5. The private card room shall check identification at the entrance to ensure all individuals entering the private card room are members and at least 21 years of age.
6. The membership shall be a minimum of three months. Membership must be limited in number and may not be transferable.
7. The private card room shall have security personnel, licensed in accordance with the Texas Occupations Code, on-site at all times the business is open, or any employee is present.
8. The private card room shall have a silent panic or holdup alarm system for which a permit has been issued in accordance with Chapter 17, article III of the Code of Ordinances. This system shall, at a minimum, include two panic buttons. One panic button must be located within reach of the cash cage and the other must be located at a place where the entrance is visible. The panic buttons shall be out of view of the customers. Such panic buttons shall generate an alarm signal indicating a holdup or other life-threatening emergency requiring a police department response.
9. The private card room shall have posted at all public exits and entrances signs or decals indicating that a security alarm system is in use.
10. The private card room shall have a drop safe on the premises to keep the amount of cash available to employees to a minimum. A drop safe must be bolted to the floor. A drop safe may have a time-delay mechanism to allow small amounts of change to be removed.
11. The private card room shall have a cash accountability policy to limit the amounts of cash easily accessible to employees.
12. The private card room shall have digital, high-resolution surveillance cameras that capture high-resolution digital recordings that display the correct date and time of recording and comply with the following:

- a. The cameras shall be located throughout the parking area and interior of the private card room.
  - b. At least one camera must have an overall view of the cash cage area, one camera must have a view of the main entrance/exit area of the building, and one camera must have a view of the parking lot entrance/exit.
  - c. The parking lot entrance/exit area camera shall be placed to provide a clear and identifiable image of the license plate number of vehicles entering/exiting the parking lot.
  - d. The building entrance/exit area camera shall be placed to provide a clear and identifiable full frame of the filmed individual's face.
  - e. The cameras and recording system shall be operated at all times, including hours when the private card room is not open for business.
  - f. The owner shall provide the police department with digital color images in connection with crime investigations upon request.
  - g. The owner shall maintain a library of the recorded digital images for not less than thirty (30) days.
13. A private card room shall have posted, at or near the cash cage signs or decals indicating that surveillance cameras are in use.
  14. Prior to beginning operations as a private card room and at least every year thereafter, the Grand Prairie Police Department shall be allowed to complete a Crime Prevention Through Environmental Design Survey.
  15. If a court whose jurisdiction is binding upon the location where the property is located issues a judgment or the Criminal District Attorney whose office is responsible for prosecuting criminal offenses occurring at the location where the property is located issues a statement or other opinion and said judgment, statement, or opinion finds that any operations of the type included in the operational plan are a violation of the Texas Constitution, Texas Penal Code laws, or any other state law, this Specific Use Permit and all authority to operate as a Private Card Room shall be reviewed by the Grand Prairie City Council which may elect to amend or revoke this Specific Use Permit.
  16. If an amendment to state or federal law would make any operations of the type included in the operational plan a violation of law, this Specific Use Permit and all authority to operate as a Private Card Room shall be reviewed by the Grand Prairie City Council which may elect to amend or revoke this Specific Use Permit.
  17. The operation of the facility shall be in strict compliance with all applicable laws and the requirements of the Environmental Services Department, Building Inspections, Police Department, and Fire Administration.
  18. Any unsafe or authorized operations or activities may be determined as grounds for revocation of the Specific Use Permit by the City Council.
  19. The alcohol sales shall follow all TABC regulations and City ordinances as approved by the Public Health and Environmental Quality Department.
  20. No indoor smoking or smoking within 25 feet of the facility will be allowed unless the applicant obtains a TABC license as a private club. If the operation is classified as a private club, it will comply with all TABC and City ordinances.

**SECTION 4.** The operations of a Private Card Room shall comply with the following:

1. By this Ordinance, this Specific Use Permit shall automatically terminate in accordance with Section 5.4.1 of the Unified Development Code if a Certificate of Occupancy is not issued for said use within six (6) months after City Council adoption of this Ordinance, or upon cessation of said use for a period of six (6) months or more.
2. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Grand Prairie. Violation of this provision may be punishable in accordance with Section 1-8 of the Code of Ordinances of the City.
3. This Specific Use Permit shall run with the land and therefore may be transferred from owner to owner; however, each new owner shall obtain a new Certificate of Occupancy.
4. The Certificate of Occupancy shall note the existence of this Specific Use Permit by its number and title.
5. The operation of the facility shall be in strict compliance with all laws and applicable requirements of the Public Health and Environmental Quality Department, Building Inspections, Police Department, and Fire Administration.
6. Any unsafe or unauthorized operations or activities may be determined as grounds for revocation of the Specific Use Permit by the City Council.

**SECTION 5.** All ordinances or parts of ordinances not consistent or conflicting with the provisions of this Ordinance are hereby repealed. Provided that such repeal shall be only to the extent of such inconsistency and in all other respects this Ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered in this Ordinance.

**SECTION 6.** The Unified Development Code of the City of Grand Prairie, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

**SECTION 7.** The terms and provisions of this Ordinance are severable and are governed by Section 1-4 of the Code of Ordinances of the City of Grand Prairie, Texas.

**SECTION 8.** A violation of this Ordinance is a misdemeanor punishable in accordance with Section 1-8 of the Code of Ordinances of the City of Grand Prairie, Texas. The penalty provided herein shall be cumulative of other remedies provided by State law, and the power of injunction as provided in Texas Local Government Code Section 54.016, as amended, may be exercised in enforcing this ordinance whether or not there has been a complaint filed.

**SECTION 9.** This Ordinance shall be in full force and effect from and after its passage, approval, and publication.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE,  
TEXAS, THIS 21ST DAY OF MAY 2024.**

**SPECIFIC USE PERMIT NO. #**

**CASE NO. SUP-24-02-0008**

**ORDINANCE NO. #-2024**