



CITY OF FORT PIERCE

PLANNING DEPARTMENT

REBECCA GROHALL, AICP, PLANNING MANAGER
COMPREHENSIVE PLANNING ♦ DEVELOPMENT REVIEW
HISTORIC PRESERVATION ♦ URBAN DESIGN ♦ URBAN FORESTRY ♦ ZONING

TO: Members of the City of Fort Pierce Planning Board
THROUGH: Rebecca Grohall, AICP, Planning Manager
FROM: Sandy Ramseth, AICP, Senior Planner
SUBJECT: Spin to Win – Conditional Use
DATE: September 2, 2014

STAFF REPORT

Owner/Applicant: Hoyt C. Murphy Inc. Realtors
2400 S. Ocean Drive, Apt. 4200D
Fort Pierce, FL 34949

Representative: Chatsarun Yoosumran
1961 NE Steven Ave.
Jensen Beach, FL 34957

Requested Action: Conditional Use approval for the Spin to Win Adult Arcade

Location: 511/513 Georgia Avenue

Parcel ID: 2415-601-0456-000-6

Current Future Land Use: GC, General Commercial; RM, Residential Medium Density

Current Zoning: C-3, General Commercial

Surrounding Zoning:

North	East	South	West
C-3 and C-1	C-3 and OS-1	C-3 and R-4	C-1 and R-4

Surrounding FLU:

North	East	South	West
GC and OP	GC and COS	RM	RM and OP

Parcel Size: 2.89 acres

Applicant Request:

The applicant is requesting Conditional Use approval for the Spin to Win Adult Arcade. The proposal is to house 50 arcade machines within two adjoining units in the existing Sunrise Plaza Shopping Center located at 511/513 Georgia Avenue.

Per Section 22-22 "Allowed Uses", arcade amusement centers are designated a "Conditional Use" in the C-3 zoning district, which necessitates this application.

The applicant states he would like to operate the 2,877sf facility from 8:00 a.m. until 12:00 midnight on weekdays, and 8:00 a.m. until 2:00 am on weekends, as permitted by Section 22-71(a)(1) of the City Code. The applicant further indicated that all requirements of Section 22-71, "Amusement Arcades and Arcade Amusement Centers", will be met and complied with. In addition, packaged snack food(s) and non-alcoholic drinks will be provided to patrons at no cost throughout their visit. A floor plan of the proposed arcade is depicted in Figure 1(below).

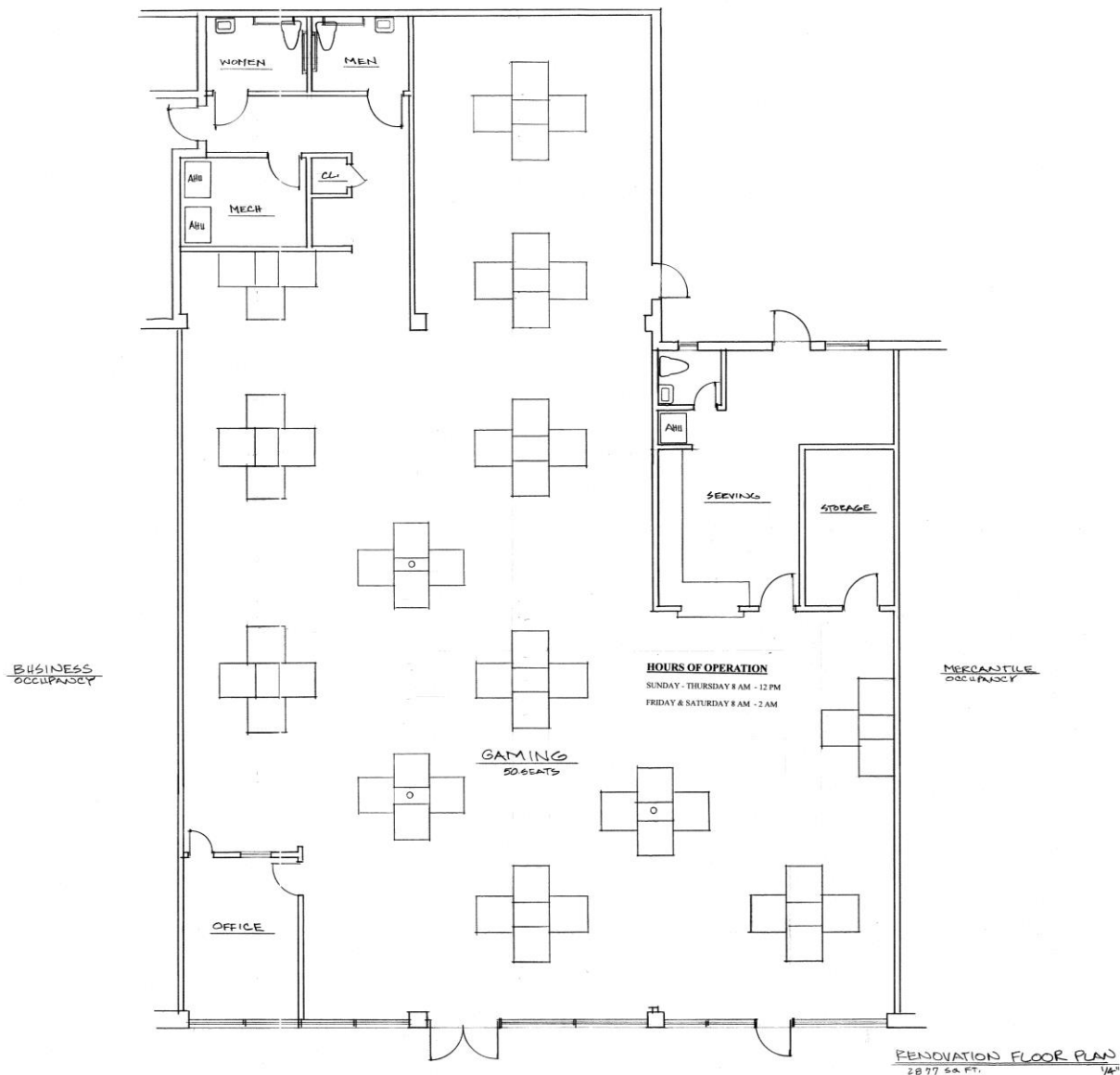


Figure 1

The Applicant has provided the following narrative:

Spin Win Arcade is first and foremost an entertainment facility. It will be a place for people to gather and socialize in a safe and secure environment free from alcohol, smoking, and children.

The arcade games are games of skill that award prizes in a point based system that are redeemable for merchandise. The points based rewards system is modeled after the rewards system found in Chucky Cheese or a carnival fairway.

We will serve free sodas and coffee to our patrons, and occasionally we will serve free snacks as well.

We look forward to serving the people of this community and we look forward to a long relationship with the city of Ft. Pierce.

Hoyt Murphy, the building owner, will be adding trees as required. Hoyt will provide payment in lieu of the sidewalk requirement. All lighting upgrades needed to bring everything up to code will be done prior to opening.

Staff Analysis:

The purpose of the conditional use process is to allow, when desirable, uses that would not be appropriate generally or without restriction throughout the particular zoning district, but which, if controlled as to number, area, location or relation to the neighborhood, would not adversely affect the public health, safety, comfort, good order, appearance, convenience and the general welfare.

In addition to the standard City regulations that any business must comply with, an Arcade establishment has a whole section of the City Code, Section 22-71, devoted just to the regulation of this type of business. It establishes hours of operation; age limits; prohibition of smoking, alcohol and the like; lighting and landscaping requirements; employee requirements; and several other regulations that the City adopted to ensure the safety, comfort, and general welfare of the business' patrons as well as neighboring businesses and residents. A complete copy of Section 22-71 is attached as Exhibit 1.

Prior to Spin to Win Adult Arcade proposing to locate in the Sunrise Plaza, these two units were occupied by a fraternal organization for several years. This organization had a full liquor license and also held bingo and other events that were similar in use to the proposed adult arcade, without issue. However, unlike the former tenant, the new proposed use will not serve liquor, nor will it be permitted, per Section 22-71(b)(5)e.

With the set of regulations put forth by Section 22-71, it would seem this use will be no more disruptive or invasive than any other entertainment establishment allowed in the C-3 zoning district.

TRC Recommendations/Comments:

City Engineering:

The City Engineering Department recommends approval with the following comments:

Developer, Owner, Engineer, Contractor and other members of the Development Team must be aware, the above recommendation is based only on the construction requirements of the engineering plans and other engineering documentation approved by this department. The Development Team shall be responsible for the compliance with other City department

requirements and all approved documents, as well as Local, State and Federal regulations. The development requirements for this project may necessitate additional construction requirements that are not subject to this department's review for approval.

Applicant Response:

So noted by the Applicant.

City Planning:

The following are advisory comments from the Planning Department's review of the application for Conditional Use:

- 1) What is the square footage of the Arcade floor space? Please provide it on the plans.
- 2) What are the hours of operation? Please provide it in a narrative.
The proposed Adult Arcade must comply with all regulations in Section 22-71, Amusement arcades and arcade amusement centers, of the Fort Pierce City Code, with particular attention to the following:
 - 3) Per Section 22-71(b)(1), No sign, display, or merchandise, shall be placed on or adjacent to any window if such placement would interfere with the clear and unobstructed view of the entire interior of the establishment from ground level through exterior windows.
 - 4) Per Section 22-71(b)(3), Window tinting, mirrored windows, or other obscuring elements are prohibited
 - 5) Per Section 22-71(b) (5), all amusement arcades or arcade amusement centers must post at least two conspicuous signs within the premises, and one conspicuous sign at the entrance, stating the following:
 - a. Minimum age requirements as described above.
 - b. School hours use restrictions as described above.
 - c. No smoking.
 - d. No drugs.
 - e. No alcohol.
 - 6) Per Section 22-71(b)(6), Amusement arcades or arcade amusement centers shall provide bicycle racks within enough stalls to accommodate one bicycle for each five (5) game machines located within the premises. Bicycle racks shall be located as close as practical to the entrance of the facility and shall not be located in a manner that obstructs any entrances, exits, sidewalks, driveways, or parking areas.
Please show the Bike racks on the Site Plan.
 - 7) Per Section 22-71(c) (5), Amusement arcades or arcade amusement centers that serve food or provide catering services on premises must be licensed by the Department of Health, Department of Business Professional Regulation, or Department of Agriculture and Consumer Services.
 - 8) The Arcade must comply with Section 22-71(d) (1-6) for machine registration requirements.

Additional Planning Comments:

- 1) Section 22-71(b)(9) states: "Landscaping must comply with requirements of the city's landscaping ordinance prior to the issuance of a business tax receipt.
- 2) In addition, as discussed during your pre-app meeting with the Planning Department, a sidewalk must be installed along South 6th Street as required by Sec. 22-62(b), OR as we had discussed, more likely a payment in lieu. This is required per Section 22-62(b).

Applicant Response:

The information requested by the Planning Department was provided on revised site plans, and a narrative was provided.

Hoyt Murphy, the building owner, will be adding trees as required. Hoyt will provide “payment in lieu” of the sidewalk requirement. These items will be accomplished prior to final inspection. All lighting upgrades needed to bring everything up to code will be done prior to opening per the FPPD.

All other Planning Department comments were advisory.

Other TRC Departments:

All other TRC reviewing Departments either had no comment, or expressed approval without conditions.

Staff Recommendation:

That the Planning Board forward to the City Commission a recommendation of **APPROVAL with the following condition:** *That all landscaping, lighting and payment in lieu for the sidewalks are completed prior to final inspection.*