



TO: Nicholas Mimms, PE, City Manager

THROUGH: Rebecca Grohall, AICP, Planning Director

FROM: Brandon Creagan, LEED Green Associate, Planner

SUBJECT: **Conditional Use No New Construction
 Arcade Amusement Center (50 Machines)
 740 Orange Avenue**

DATE: March 23, 2018

STAFF REPORT

Applicant(s): Yousef Qasem
 250 N. College Park Drive Apt. P16
 Upland, CA 91786

Property Owner: Anthony Mannino
 3210 S. Ocean Blvd
 Highland Beach, FL 33487

Representative Architectonic Inc. - Mike Menard
 806 Delaware Avenue
 Fort Pierce, FL 34950

Requested Action: Recommendation of Disapproval of a Conditional Use for the
 Operation of a 50 Machine Arcade Amusement Center

Location: 740 Orange Avenue

Parcel IDs: 2410-604-0078-000-6

Parcel Size: 0.34 acres

Zoning: C-3, General Commercial

Future Land Use: GC, General Commercial

Surrounding Zoning:

North	East	South	West
C-3	C-3	C-3	C-3

Staff Analysis:

Request

In accordance with Sections 22-22, 22-31, 22-71, and 22-76 of the City Code, the applicant Yousef Qasem, Property Owner Anthony Mannino, and representative Mike Menard are seeking a Conditional Use with No New Construction approval to operate an arcade amusement center at 740 Orange Avenue. The property is .34 acres in size and the building is a multi-tenant building with 5 units. The property is zoned C-3, General Commercial with a Future Land-Use of GC, General Commercial.

Project Summary

The subject site was constructed in 1951 and is approximately 5,859 Square Feet in Size. As noted above the building is a multi-tenant building with 5 units. Currently Unit 1 is vacant, units 2 & 3 are being used as a tax office, unit 4 is a barber shop, and unit 5 will be where the arcade amusement center will be located at. Due to the limited parking on site the arcade amusement center will operate at staggered times. This is because the other businesses in the building also need to use the parking as well. The parking lot only has 18 spaces available for 4 or 5 possible tenants.

The applicant has offered a shared parking scenario that would adjust their hours of operation to accommodate the two other businesses that are located in the building. The arcade amusement center will run at a 50% capacity (25 machines) during normal business hours which are 8am-7pm Monday through Friday. After normal business hours the arcade amusement center will run at a 70% - 100% capacity depending on the closure time of the two businesses in the building. As it stands now the business will run at 100% capacity (50 machines) on Friday from 7pm-2am, Saturday from 2pm-2am, and Sunday from 8am-12am. The business will run at 70% capacity (35 machines) on Saturday from 8am-2pm.

As stated the property currently provides 18 parking spaces and the requirement to have a 50 machine arcade amusement center is 19 parking spaces. The parking calculation pursuant to City Code 22-71 (b)(12) is .75 parking spaces per each machine. Normally a 50 machine arcade amusement center would require 38 spaces, however this parcel is in the Peacock Arts District which grants a 50% reduction in parking for all uses. With the Peacock Arts District reduction the final required number of spaces is 19 spaces. Because the parking lot only provides 18 spaces and no other area for one more additional space can be found the applicant would have the option to provide a payment-in-lieu for the last remaining required space pursuant to City Code 22-60(a)(5).

Staff has worked with the applicant's representative to address City Code Section 22-71, Amusement Arcades and Arcade Amusement Centers. A floor plan for the arcade and a site improvement plan are provided in the application packet. The applicant is proposing enhancements to site landscaping with the addition on an oak tree on the northern section of the property and a hedge on the western side of the building. The parking lot already exists so lighting is existing, but according to the plans provided the applicant will provide one additional light pole in the parking lot to bring the site into compliance with City Code 22-60(j)(a). The applicant or property owner will provide the addition of bicycle racks as required by City Code Section 22-71 (b)(6). The required number of bicycle stalls for a fifty

(50) machine arcade amusement center is 10 bicycle stalls. The site plan shows two existing racks and one proposed rack for 10 bicycles.

Zoning & Compatibility of Surrounding Uses

The site is located within the General Commercial Zone (C-3) district, which is intended to provide for a broad variety of business activities including shoppers' goods stores, convenience goods and service establishments, offices and tourist/entertainment facilities.

The use presents an indoor entertainment facility, restricted to adult occupancy with further exclusions of alcohol consumption or smoking on the premises. 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 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 will be attached to the submittal packet.

The uses in the area are mostly commercial in nature with the exception of residential as you move farther away from Orange Avenue. This site is situated in the Peacock Arts District. There are at least 5 churches close to the site as well as a three markets. There are large patches of vacant land near the site as well. The closest arcade amusement center is Spin Win Arcade, which is .70 miles away located at 513 Georgia Avenue.

Staff has received several letters in opposition citing in compatibility with the goals of the redevelopment proposed for the Peacock Arts District.

Technical Review Committee:

All affected City Departments have reviewed the proposed Conditional Use with No New Construction and have provided conditional approval based on compliance with requirements of the City Code. The comments generated from the technical review are provided for review. The applicant has addressed each reviewers comment and has made the proper corrections.

Planning Board:

At their March 13, 2018 meeting the Planning Board voted 4-2 to recommend denial of the application as presented. Because the Planning Board voted to recommend denial of the application, pursuant to City Code 22-76(2) the application will require a four-fifths vote by City Commission if there is a motion to approve the application. The Planning Boards discussion was centered around their concern for lack of parking for all tenants on site, the compatibility of the intended use with the Peacocks Arts District, and the compatibility with nearby churches.

Public Notification:

There were three letters received before the Planning Board meeting. Those three letters will be included in the packet for your review.

For the City Commission meeting 62 notification letters have been mailed out to owners of property within 500 feet of the proposed Arcade Amusement Center. As of March 23, 2018 one letter has been received in opposition to the request. An update will be given at the City Commission meeting on April 2, 2018.

Staff Recommendation:

Staff recommends that the City Commission disapprove the Conditional Use as the applicant has not demonstrated that the intended use will not adversely affect the health, safety, and general welfare of the surrounding community (City Code 22-74).