

TAB 11



City of Palmetto Agenda Item

Meeting Date

1/3/11

Presenter:

Lorraine Lyn

Department:

Public Works

Title:

Conditional Use Permit (CU-2010-06) for
video amusements/computer slots/games space
at Palm Plaza 1, 1035 Hasko Road

Mr. Amerson, the petitioner is requesting a Conditional Use for 870 square foot of video amusements/computer slots/games space within an existing shopping center located in the Heavy Commercial/Industrial (CHI) zoning district.

**Budgeted
Amount:**

\$0.00

**Budget Page
No(s):**

**Available
Amount:**

\$0.00

**Expenditure
Amount:**

\$0.00

**Additional Budgetary
Information:**

**Funding
Source(s):**

**Sufficient
Funds
Available:** Yes
 No

**Budget
Amendment
Required:** Yes
 No

Source:

**City Attorney
Reviewed:** Yes
 No
 N/A

**Advisory Board
Recommendation:** For
 Against
 N/A

**Consistent
With:** Yes
 No
 N/A

Future Land Use
Plan

**Potential
Motion/
Direction
Requested:**

The City Commission shall APPROVE, APPROVE WITH CONDITION(S) or DENY the proposed conditional use permit.

Staff Contact:

Lorraine Lyn

City Planner

723-4580 Ext. 135

Attachments:

Staff report and Minutes of the P&Z meeting of 11/16/2010

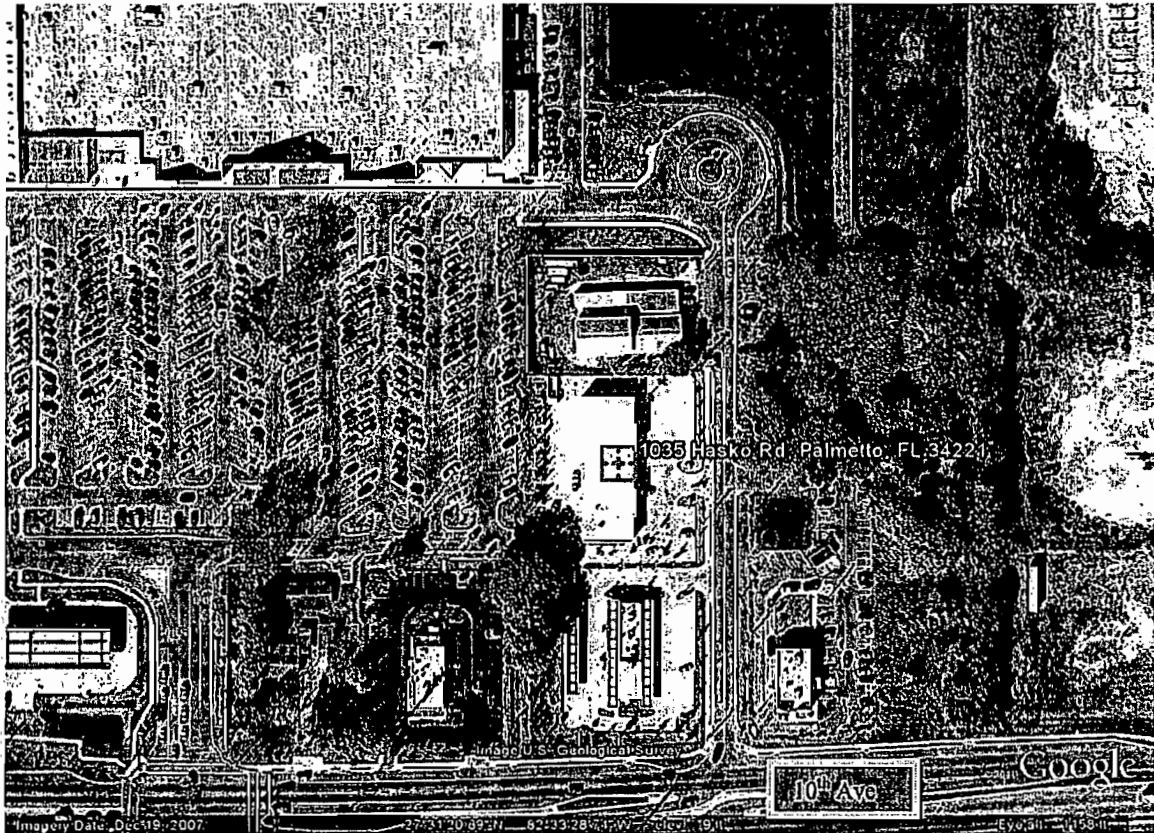
Staff Report
Conditional Use Permit (CU-2010-06)
Palm Plaza I
1035 Hasko Road

BACKGROUND

Palmetto Rental Properties, the owner of Palm Plaza I at 1035 Hasko Road is the applicant of this Conditional Use (CU) for 870 square foot of video amusements/computer slots/games space within the Heavy Commercial/Industrial (CHI) zoning district. The applicant/owner of Palm Plaza I filed this petition in order to rent space within this shopping center for a computer slots/games arcade.

PARCEL ID/SIZE

Parcel ID: 2599700059
Location: Palm Plaza I, 1035 Hasko Road
Size: 1.0 acre



CU-2010-06
Games Arcade
1035 Hasko Road
Revised 12/21/2010

EXISTING LAND USE/ZONING CATEGORY

Future Land Use: Heavy Commercial/Industrial (HCI)

Zoning: Heavy Commercial/Industrial (HCI)

A Recreation and Amusement Service is permitted only as a Conditional Use in the CHI and CG zoning districts subject to public hearings by the Planning and Zoning Board and the City Commission. Recreation and Amusement Services is defined in the Zoning Code as:

A commercial facility providing recreational activities, including, but not limited to, swimming pools, tennis clubs, gymnasiums, amusement arcades, discotheques, bowling alleys, bingo halls, shuffleboard courts, baseball hitting ranges, miniature golf, golf driving ranges, billiards or pool halls, dance schools or classes, skating rinks, zoos, indoor movie theaters, and other similar recreation and amusement uses.

REQUESTED APPROVAL

The following conditions have been analyzed in reviewing this request:

- (1) The proposed use shall be consistent with the purpose and intent of the applicable zoning district regulations, this article, and the comprehensive plan.

The proposed request for a computer slots/games arcade is permitted within the CHI zoning as a Conditional Use. The CHI zoning district is consistent with the proposed Future Land Use Element and CHI plan category on the Future Land Use Plan map.

The proposed use shall be compatible with surrounding land uses and the general character of the area, considering, without limitation, such factors as traffic, lighting, appearance, and effect on surrounding property values. **The surrounding uses in the immediate area are predominantly light or general commercial uses such as a sports bar and dry cleaners within the Palm Plaza I shopping center and Taco Bell and Wal-Mart to the east and west respectively. The CHI zoning district in which the subject property is located, permits the most intense commercial uses allowed in the City by the zoning code.**

- (2) The Conditional Use will not adversely impact on the public interest or adjacent property and all necessary alternative measures shall be taken by the applicant to prevent any such impact.

The proposed amusement arcade use is generally considered a light commercial use since the business will be comprised of computer

terminal stations for individual computer gaming use. The proposed business will be located within a vacant space of an existing shopping center under common ownership. The applicant indicated that management would not tolerate any negative impacts on adjacent uses within the shopping center.

- (3) The Conditional Use is not discriminatory, considering similar situations in the general area and in past decisions under this article.

The Conditional Use is not discriminatory. There are other commercial facilities providing recreational activities and services in the City.

- (4) The purpose of the requirement is otherwise fully achieved, or more important purposes of this article will be served thereby, or the requirement serves no valid public purpose in the particular case.

It appears that because Recreation and Amusement Service uses defined in the Zoning Code vary significantly in scale and intensity, the consideration of each use is the same, the Conditional Use process.

- (5) The proposal shall be consistent with the stated purpose and intent of the applicable district regulations and this article.

All recreation and amusement services within the city, including the subject property must comply with the following requirements pursuant to Sec. 6.22 of the Zoning Code:

- **All sites for recreation and amusement services uses shall front on a principal arterial roadway, and shall utilize such arterial roadway as the primary access for the site.**
- **All recreation and amusement services uses shall provide a six-foot perimeter wall or opaque fence for all portions of the site which are adjacent to residential uses or residentially-zoned property.**
- **Hours of operation for recreation and amusement services uses shall be limited to the hours between 8:00 a.m. and 12:00 a.m.**

- (6) The proposal shall comply, where applicable, with the regulations of the zoning district in which the proposed use is most commonly permitted. **The proposed use is considered a Recreation and Amusement Service which is permitted only as a CU in the CG and CHI districts. Besides the proposed use, other uses considered Recreation and Amusement**

Services include recreation and amusement establishments, marinas, golf courses and clubs, cultural facilities, tennis clubs, swimming clubs and amusement parks, all requiring an approval of a CU.

Recreational uses such as swimming pools, tennis clubs, shuffleboard courts and golf driving ranges may also be approved in a PD zoning as part of a planned residential development or mobile home park.

- (7) The proposal shall not create hazardous vehicular or pedestrian traffic conditions or any other type of unsafe condition.
- Palm Plaza I is accessed from Hasko Road as well as via the east side of Wal-Mart's parking lot. The required parking for the proposed use is the same as a retail use; one (1) vehicle space for each two hundred (200) square feet of floor area for public use. Assuming the total space of 870 square feet will be for public use, 5 parking spaces will be required. The applicant indicated that there are ample parking spaces associated with this shopping center. Palm Plaza I shopping center was approved for 10,000 square feet of retail uses with 50 parking spaces.**

STAFF RECOMMENDATION:

Staff recommends approval of the proposed Conditional Use permit.

PLANNING AND ZONING BOARD RECOMMENDATION:

At its public hearing held on November 16, 2010, the Planning and Zoning Board voted to **APPROVE** the proposed Conditional Use permit.

CITY COMMISSION

The City Commission shall **APPROVE, APPROVE WITH CONDITION(S) or DENY** the proposed Conditional Use permit.