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CITY COUNCIL AGENDA ITEM REPORT

DATE: May 22, 2024

SUBMITTED BY: Greg DeLong, Planning & Community Development

ITEM TYPE: Resolution

AGENDA SECTION: BUSINESS/ADVERTISING, PETITIONS, HEARINGS & COMMUNICATIONS

SUBJECT: **Quasi-Judicial:** RESOLUTION 24-20 - CONTINUATION OF PUBLIC HEARING
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, GRANTING SPECIAL USE PERMIT NO. SU.24.0223 TO PERMIT AN INDOOR AMUSEMENT CENTER AND LOUNGE AT 412 12TH STREET WEST, BRADENTON, FLORIDA (PARCEL ID 3319300004), IN THE T5 TRANSECT ZONING DISTRICT AND MORE PARTICULARLY DESCRIBED HEREIN; MAKING FINDINGS OF FACT AND CONCLUSIONS OF LAW; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

SUGGESTED ACTION: Approval of Resolution 24-20, Case SU.24.0223 with conditions.

Planning Commission met on February 21, 2024, and recommend approval as submitted (vote 6-0).

Is this item Quasi-Judicial?

Yes

Does this item require a public hearing?

Yes

EXPLANATION:

The applicant submitted a Special Use application requesting permission to allow

an Indoor Amusement Center and Lounge at 412 12th Street West. In addition to the subject request, the applicant submitted an alcoholic beverage license application (AB.24.0226) for beer and wine sales. According to the submitted application materials, the proposed use will offer pinball machines and/or retro video games in a family friendly arcade environment. In addition, easily prepared food along with beer and wine are planned to be served.

Staff had originally recommended that they apply for the lounge designation as a precautionary measure in the event that beer and wine sales exceeded non-alcoholic beverages and food. The applicant has now withdrawn that request as they do not feel that the beer and wine sales will exceed non-alcoholic receipts.

An amended list of conditions of approval has been drafted, agreed to by the applicant and submitted in this package for review by City Council.

Planning Commission met on February 21, 2024, and recommended approval of Resolution 24-20 as submitted (vote 6-0). City Council heard this request on March 13, 2024 where it was continued until April 10, 2024. It was continued until the April 24, 2024 meeting to allow staff to list conditions that would be agreed to by the applicant. It was then continued until May 22, 2024 to correct the forms to insure the appropriate parties have signed the application. An additional condition was added to provide that if the business is to close for 30 days or more, the special use will be void.

FINANCIAL IMPACT:

N/A

ATTORNEY REVIEW/RECOMMENDATION:

Reviewed by City Attorney Rudacille.

SUGGESTED MOTION:

Motion to approve Resolution 24-20, subject to the following conditions:

1. Age limited to 21+ after 8pm daily, with signage on the front door depicting the regulation. After 8pm, patrons will be checked at the front door and wristbands given to authorized patrons.
2. Alcohol sales shall be limited to beer and wine only, no liquor sales. Receipts from alcohol sales shall not exceed 49% of the gross revenue.
3. Games shall be limited to pinball and video games with no simulated gambling machines.
4. No interior access to the adjoining same floor properties.
5. Front window will not be obscured with means that would block views into the establishment.
6. Signage and advertising shall not cover more than 1/3 of the total window area.

7. Work with the CRA on CPTED funding and with the Police Department on CPTED principles and safety strategies.
8. The Indoor Amusement Center use shall be the primary use of the property and encompass a majority of the floor area of the property.
9. The use shall close between the hours of 2am and 6am.
10. Should the business close for a period of 30 days or longer, Special Use Permit (Resolution 24-20, Case SU.24.0223) shall become null and void. The 30-day closure requirement may be waived by City Council for good cause upon request by the applicant.

ATTACHMENTS:

[Resolution 24-20](#)

[SU.24.0223 Response to City Council](#)

[SU.24.0223 Proposed Conditions](#)

[SU.24.0223 Applicant Agreement to Conditions](#)

[SU.24.0223 Updated Agent Authorization Forms](#)

[SU.24.0223 Application](#)

[SU.24.0223 Staff Report](#)

[SU.24.0223 Presentation](#)

[02-21-2024 Planning Commission Minutes](#)