

PLANNING AND ZONING BOARD

STAFF REPORT

MEETING OF: June 19, 2017

AGENDA NO. VII.A

AGENDA ITEM: Recommend to the City Commission approval of Ordinance No. 24-17, a privately-initiated amendment to the Land Development Regulations pertaining to Automotive Rental Facilities (File No. 2017-141).

ITEM BEFORE THE BOARD

The action before the Board is a recommendation to the City Commission on a privately-initiated amendment to the Land Development Regulations (LDR) pursuant to LDR Section 2.2.6(D)(6), by amending LDR Section 4.3.3 (C) Special Requirements for Specific Uses, to add regulations for Automotive Rental Facility, Neighborhood and Automotive Rental Facility, Accessory; Section 4.4.9(C)(7), General Commercial (GC) District, to add Automotive Rental Facility, Accessory at large scale home improvement/hardware retail establishments in both the General Commercial (GC) and Planned Commercial (PC) Districts; Section 4.4.12(D)(6), Planned Commercial (PC) District, to add Automotive Rental Facility, Neighborhood as a conditional use; and, Appendix A "Definitions" to provide definitions for Automotive Rental Facility, Accessory and Automotive Rental Facility, Neighborhood by adopting the findings of fact and law contained in the staff report, and finding that the text amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in LDR Section 2.4.5(M).

BACKGROUND

The request was submitted on behalf of the current operators of Enterprise Rent-A-Car located at the Bed Bath & Beyond Plaza at 14832 South Military Trail. The business started in the fall of 2012, which was operated as an office-only facility. Subsequently, the operations expanded to include the on-site rental of vehicles. In 2016, a permit was submitted to the City to install an oil/sand separator system for minor vehicle hand washes. The City denied the permit application as the on-site rental operation was not permitted in the PC zoning district.

The applicant submitted the following justification statement regarding the operation of the Enterprise Rent-a-Car facility at the referenced location and in support of the proposed LDR amendments:

"The neighborhood rental operations of Enterprise Rent-a-Car are far removed from that of full-service automobile dealerships or large-scale full-service rental car operations, and they are in neighborhood commercial centers throughout the country and South Florida. Enterprise Rent-a-Car's neighborhood centers are small-scale retail operations catering to the needs of the

surrounding neighborhood, and in contrast to larger rental-car centers they require only a modest number of parking spaces for temporary storage of rental vehicles.

Although customers will come to these locations, they are often picked up by Enterprise staff because they need a rental vehicle while their car is being serviced or because of other similar circumstances. In addition, because these are small-scale retail locations some minor vehicle prep is ideally done on-site while vehicle service and maintenance is performed at full-service centers elsewhere. Consequently, these centers typically include accessory hand-washing and vacuuming for those vehicles which require very minor cleaning to prepare them for the next customer.

Because of the manner in which these small-scale retail centers operate, to the casual observer they appear to be office uses and have none of the typical impacts associated with automotive uses. A customer comes into the office, completes the requisite paperwork and leaves. The minor vehicle prep is typically done outside of public view as is the temporary storage of vehicles. Also, because the vehicles are not “displayed” for sale like a new or used auto dealership, they appear to be like any customer or employee vehicle on the property.”

The LDRs currently limit the rental of automobiles to the Automotive Commercial (AC) District and to hotels or motels where rental car counters may be provided as an accessory use for their guests. City records reveal that there are two car rental agencies open to the general public which do not operate as a part of an automobile dealership.

PROPOSED AMENDMENT

The proposed Ordinance amends several sections of the LDR as follows:

- LDR Section 4.3.3(C), Special Requirements for Specific Uses: Revised to add general rules for operation and specific site standards such as the prohibition of vehicle sales; that operations related to vehicle returns and customer queuing shall not have an adverse impact on off-street parking lot circulation; on-site storage is not permitted in required off-street parking spaces and shall not be visible from any adjoining right-of-way or properties; vehicle maintenance is limited to only hand-washing and vacuuming and such areas shall be screened by either a wall, opaque fence or hedge and shall not be visible from any adjoining right-of-way or properties; and, all other vehicle services, including repair, maintenance, oil change and fueling shall not be permitted on-site.
- LDR Section 4.4.9(C)(7), General Commercial (GC) District, Accessory Uses and Structures Permitted: Revised to add Automotive Rental Facility, Accessory for large scale home improvement/hardware retail establishments subject to Section 4.3.3(C). The proposed ordinance specifies that a large-scale home improvement/hardware retail establishment shall occupy at least 25,000 sq. ft. gross floor area.
- LDR Section 4.4.12(C)(5), Planned Commercial (PC) District, Accessory Uses and Structures Permitted: Revised to add Automotive Rental Facility, Accessory for large scale home improvement/hardware retail establishments subject to Section 4.3.3(C). The proposed ordinance specifies that a large-scale home improvement/hardware retail establishment shall occupy at least 25,000 sq. ft. gross floor area.

- LDR Section 4.4.12(D)(6), Planned Commercial (PC) District, Conditional Uses and Structures Allowed: Revised to add Automotive Rental Facility, Neighborhood as a conditional use subject to Section 4.3.3(C).
- Appendix A "Definitions" Revised to add two definitions as follows:

**AUTOMOTIVE RENTAL
FACILITY, ACCESSORY**

A commercial establishment for the renting of small trucks and cargo vans up to and including ¾ ton trucks which is accessory to a home improvement/hardware retail establishment. A large-scale home improvement/hardware retail establishment shall occupy at least 25,000 sq. ft. gross floor area. This use is regulated by Section 4.3.3(C).

**AUTOMOTIVE RENTAL
FACILITY, NEIGHBORHOOD**

A vehicle rental establishment for the renting of vehicles such as cars, sport utility vehicles, small pick-up trucks and mini-vans, which due to size, number of vehicles available for rental, and location is generally catering to a neighborhood market. This use is regulated by Section 4.3.3(C).

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| ANALYSIS |
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Pursuant to **LDR Section 2.4.5(M)(1)**, amendments to the Land Development Regulations may be initiated by the City Commission, Planning and Zoning Board or City Administration; or an individual. The proposed amendments are privately-initiated text amendments to the Land Development Regulations.

Pursuant to **LDR Section 2.4.5(M)(5), Findings**, in addition to LDR Section 1.1.6(A), the City Commission must make a finding that the text amendment is consistent with and furthers the Goals, Objectives and Policies of the Comprehensive Plan.

A review of the objectives and policies of the adopted Comprehensive Plan was conducted, and below are applicable to this specific request and proposed ordinance.

Future Land Use Element, Goal Area "A" Land within the planning area shall be developed or redeveloped, to sustain and enhance the existing quality of life, compliment and be compatible with existing land use and result in a mixed, but predominately residential community with a balanced economic base and encourage accessible affordable everyday services.

Policy A-2.4 *Automobile uses are a significant land use within the City and as such they have presented unique concerns. In order to properly control these uses and guide them to locations which best suit the community's future development, the following shall apply:*

- 1) *Auto related uses other than gasoline stations, wash establishments, and auto parts sales, shall not be permitted in the area encompassed by the CBD zone district.*
- 2) *Automobile dealerships shall not locate and/or expand in the following areas:*

- ☐ *Within the CBD zone district;*
 - ☐ *West side of Southbound Federal Highway between George Bush Boulevard and S.E. 10th Street;*
 - ☐ *East side of Federal Highway, between George Bush Boulevard and the north property line of the Delray Swap Shop/Flea Market Property;*
 - ☐ *On properties fronting George Bush Boulevard, east of Federal Highway.*
- 3) *Rezoning to AC (Automotive Commercial) to accommodate auto dealerships shall not be permitted west of I-95.*
- 4) *Automobile dealerships shall be directed to the following areas:*
- ☐ *North of George Bush Boulevard, between Federal and Dixie Highways;*
 - ☐ *East side of Federal Highway north of the north property line of the Delray Swap Shop/Flea Market;*
 - ☐ *South of Linton Boulevard, between Federal and Dixie Highways;*
 - ☐ *On the north side of Linton Boulevard, between I-95 and S.W. 10th Avenue, and along Wallace Drive.*
- 5) *Auto related uses which involve the servicing and repair of vehicles, other than as part of a full service dealership, shall be directed to industrial/commerce areas.*

The Comprehensive Plan identifies automobile uses as a significant land use within the City which, however present unique concerns and have implemented certain controls to guide these uses to locations which best suit the community's future development. Policy A-2.4 identifies geographic restrictions for auto relates uses, automobile dealerships and automotive servicing and repairs, and prohibits the rezoning to AC (Automotive Commercial) to accommodate auto dealerships west of I-95.

The PC district is primarily intended for retail, office and other commercial activities on-large well planned sites which are located along arterial roadways. While automotive rental facilities are not allowed in the PC district, other auto related uses such as automobile brokerage, including vehicle display within an enclosed structure, but excluding any preparation, service, or repair work is allowed as a permitted use. Also, wash establishment or facilities for vehicles; and, vehicle care limited to the changing of oil and filters, and lubrication with no mechanical work or outside storage of vehicles except as a part of a gasoline station are allowed as conditional uses.

Car rental facilities provide an important link in the transportation system in providing short-term use of a vehicle for those who chose to forego ownership, need temporary use of a vehicle and providing transportation for visitors.

The vehicle rental facilities with limited service will not include the negative impacts associated with the more intense automobile dealerships where large volumes of multiple vehicles and repair/service operations are allowed on-site. The proposed Ordinance restricts the use to a rental facility only and the sales of automobiles are prohibited.

Impacts normally associated with this use such as the number and location of vehicles stored on site, the location of the vehicle preparation area and on-site circulation pattern are specifically addressed in the proposed Ordinance.

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| REVIEW BY OTHERS |
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The Community Redevelopment Agency (CRA) reviewed this item at their June 8, 2017 meeting and voted to recommend approval of the LDR text amendment.

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| ALTERNATIVE ACTIONS |
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- A. Move to continue with direction.
- B. Move a recommendation of approval to the City Commission of the amendments to the Land Development Regulations, by amending LDR Section 4.3.3(C) Special Requirements for Specific Uses, to add regulations for Automotive Rental Facility, Neighborhood and Automotive Rental Facility, Accessory; Section 4.4.9(C)(7), General Commercial (GC) District, to add Automotive Rental Facility, Accessory at large scale home improvement/hardware retail establishments within both the GC and PC districts; Section 4.4.12(D)(6), Planned Commercial (PC) District, to add Automotive Rental Facility, Neighborhood as a conditional use; and, Appendix A "Definitions" to provide definitions for Automotive Rental Facility, Accessory and Automotive Rental Facility, Neighborhood by adopting the findings of fact and law contained in the staff report, and finding that the text amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in LDR Section 2.4.5(M).
- C. Move a recommendation of denial to the City Commission of the amendment to the Land Development Regulations, by amending LDR Section 4.3.3(C) Special Requirements for Specific Uses, to add regulations for Automotive Rental Facility, Neighborhood and Automotive Rental Facility, Accessory; Section 4.4.9(C)(7), General Commercial (GC) District, to add Automotive Rental Facility, Accessory at large scale home improvement/hardware retail establishments within both the GC and PC districts; Section 4.4.12(D)(6), Planned Commercial (PC) District, to add Automotive Rental Facility, Neighborhood, as a conditional use; and, Appendix A "Definitions" to provide definitions for Automotive Rental Facility, Accessory and Automotive Rental Facility, Neighborhood by adopting the findings of fact and law contained in the staff report, and finding that the text amendment and approval thereof is not consistent with the Comprehensive Plan and does not meets the criteria set forth in LDR Section 2.4.5(M).

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| RECOMMENDED ACTION |
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Move a recommendation of approval to the City Commission of the amendments to the Land Development Regulations, by amending LDR Section 4.3.3(C) Special Requirements for Specific Uses, to add regulations for Automotive Rental Facility, Neighborhood and Automotive Rental Facility, Accessory; Section 4.4.9(C)(7), General Commercial (GC) District, to add Automotive Rental Facility, Accessory at large scale home improvement/hardware retail establishments within both the GC and PC districts; Section 4.4.12(D)(6), Planned Commercial (PC) District, to add Automotive Rental Facility, Neighborhood as a conditional use; and, Appendix A "Definitions" to provide definitions for Automotive Rental Facility, Accessory and Automotive Rental Facility, Neighborhood by adopting the findings of fact and law contained in the staff report, and finding

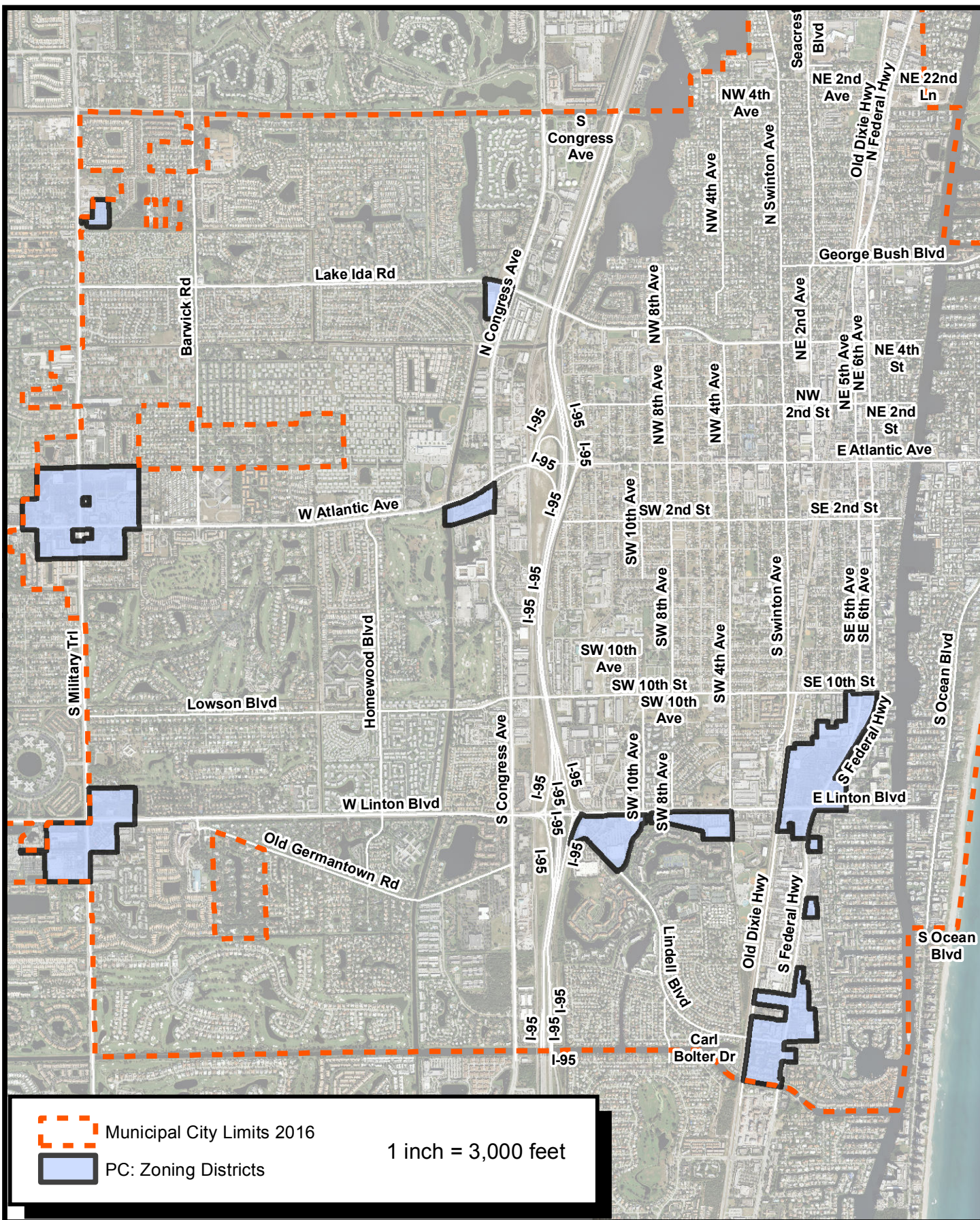
that the text amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in LDR Section 2.4.5(M).

Staff Report Prepared By: Jasmin Allen, Senior Planner

Attachments:

Draft Ordinance

Map showing the location of the Planned Commercial (PC) Districts



PC: ZONING DISTRICTS