



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

## PLANNING AND ZONING BOARD STAFF REPORT

### Enterprise Rent A Car Conditional Use

Meeting	File No.	Application Type
June 17, 2019	2019-156	Conditional Use

#### Request

Provide a recommendation to the City Commission regarding a request for a Conditional Use approval for a Neighborhood Automotive Rental Facility for Enterprise Rent A Car. The property is located at 14802 S. Military Trail.

#### Optional Board Motions for Action Item

- A. Continue with direction.
- B. Recommend **approval** to the City Commission for the Conditional Use request to allow a Neighborhood Automotive Rental Facility at 14802 S. Military Trail for Enterprise Rent A Car, finding that the request is consistent with respect to Land Development Regulations Sections 2.4.5(E) (5) (Conditional Use Findings), 4.3.3(C)(Special Regulations), Chapter 3 (Performance Standards) and the policies of the Comprehensive Plan.
- C. Recommend **approval** to the City Commission for the Conditional Use request to allow a Neighborhood Automotive Rental Facility at 14802 S. Military Trail for Enterprise Rent A Car, finding that the request is consistent with respect to Land Development Regulations Sections 2.4.5(E) (5) (Conditional Use Findings), 4.3.3(C)(Special Regulations), Chapter 3 (Performance Standards) and the policies of the Comprehensive Plan, with the following conditions of approval:
  1. A Class III Site Plan Modification shall be approved prior to establishment of the proposed use;
  2. The establishment shall operate and comply with the special regulations associated with the Conditional Use request per LDR Section 4.3.3(C).
  3. Clarification of the proposed on-site method of disposal of the water runoff generated from the car wash shall be approved by the City Engineer prior to a Board action associated with the Site Plan Modification.
- D. Recommend **denial** to the City Commission for the Conditional Use request to allow a Neighborhood Automotive Rental Facility at 14802 S. Military Trail for Enterprise Rent A Car, finding that the request is inconsistent with respect to Land Development Regulations Sections 2.4.5(E)(5)(Conditional Use Findings), 4.3.3(C)(Special Regulations), Chapter 3 (Performance Standards) and the policies of the Comprehensive Plan.

#### Project Description and Assessment

The request is to allow a 1,983 sf. Neighborhood Automotive Rental Facility for Enterprise Rent A Car to be located at an existing bay in the shopping center located at 14802 S. Military Trail. The proposed use of a Neighborhood Automotive Rental Facility along with the proposed incidental activities of indoor vehicle maintenance (hand-wash and vacuum only) and vehicle storage on-site are allowed as a conditional use in the PC zoning district within the Four Corners overlay district. The use is subject to the requirements of Section 4.3.3(C), which provide that the use shall not fundamentally alter the retail nature of the shopping center and shall comply with the special requirements for specific uses. The proposed facility will comprise 1,086 sf. of office space (gross) and 897 sf. of indoor vehicle washing and vacuuming maintenance area. The use will occupy 2.2% of the gross square footage of the existing shopping center, whereas a maximum of 5% is allowed. Temporary storage of vehicles will be accommodated within the existing parking areas; a total of ten parking spaces in the rear of the building have been designated for the use and storage of vehicles by Enterprise Rent A Car. If additional spaces are needed, the parking spaces in front of the building can be utilized when in accordance with special requirements

for this use. The applicant has submitted a Class III Site Plan Modification in conjunction with the Conditional Use request (as required) and to address the site modifications to accommodate the proposed use. The proposal is consistent with Chapter 3 of the Land Development Regulations and the policies of the Comprehensive Plan. Also, positive findings with respect to LDR Sections 2.4.5(E) (5) (Conditional Use Findings), 4.3.3(C) Neighborhood Automotive Rental Facility can be made as the proposal will not have an adverse impact on the surrounding area nor will it hinder development or redevelopment of nearby properties.

### Background Information

The subject property is located on the southeast corner of West Atlantic Avenue and South Military Trail as part of the Bed Bath & Beyond Plaza, also known as Delray West Plaza. The property is located in the Planned Commercial (PC) zoning district within the Four Corners overlay district, and it has a General Commercial (GC) Future Land Use Map (FLUM) designation. The 8.4 acres site was developed as a commercial shopping center in 1981 prior to its annexation into the City of Delray Beach in 1989. The existing development consists of 89,375 sf. of commercial space including three existing buildings and the recently redeveloped outparcel. A Neighborhood Automotive Rental Facility is allowed as a Conditional Use within the Four Corners Overlay District subject to the requirements of Section 4.3.3(C) of the Land Development regulations (LDRs). Currently, Enterprise Rent A Car has an office within the shopping center but cannot store rental vehicles on-site without an approved conditional use for a Neighborhood Automotive Rental Facility.

### Conditional Use Review and Analysis

#### **REQUIRED FINDINGS: (Chapter 3):**

Pursuant to Section 3.1.1 (Required Findings), prior to the approval of development applications, certain findings must be made in a form which is part of the official record. This may be achieved through information on the application, the staff report, or minutes. Findings shall be made by the body which has the authority to approve or deny the development application. These findings relate to the following four areas.

**FUTURE LAND USE MAP:** The use or structures must be allowed in the zoning district and the zoning district must be consistent with the land use designation).

The subject property has a Future Land Use Map (FLUM) designation of GC, and a zoning designation of PC within the Four Corners Overlay District. PC zoning is consistent with GC FLUM designation. Per LDR Section 4.4.12(D)(6), Neighborhood Automotive Rental Facility is allowed as a conditional use in the Planned Commercial (PC) zoning district within the Four Corners Overlay District. Therefore, a positive finding with this section can be made.

**CONCURRENCY:** Facilities which are provided by, or through, the City shall be provided to new development concurrent with issuance of a Certificate of Occupancy. These facilities shall be provided pursuant to levels of service established within the Comprehensive Plan.

The development proposal is to establish a 1,983 sf. small-scale car rental facility at an existing shopping center. As described in Appendix "A", a positive finding of concurrency for the proposed use and its operations can be made as it relates to applicable standards such as water and sewer, drainage, solid waste and traffic.

**CONSISTENCY:** Compliance with performance standards set forth in Chapter 3 and required findings in Section 2.4.5(E)(5) for the Conditional Use request shall be the basis upon which a finding of overall consistency is to be made. Other objectives and policies found in the adopted Comprehensive Plan may be used in making a finding of overall consistency.

A review of the objectives and policies of the adopted Comprehensive Plan was conducted and the following applicable objectives and policies were found:

**Future Land Use Element - Objective A-1:** Property shall be developed or redeveloped in a manner so that the future use and density are appropriate in terms of soil, topographic, and other applicable physical considerations; encourages affordable goods and services; is complimentary to adjacent land uses, and fulfills remaining land use needs.

No building additions or spatial alterations to the existing structures are proposed to accommodate the conditional use. The request is to allow a 1,983 sf. Neighborhood Automotive Rental Facility for Enterprise Rent A Car to be located in an existing bay within the shopping center. The proposed use will occupy 2.2% of the gross square footage of the existing shopping center, whereas a maximum of 5% is allowed. The proposed use of a Neighborhood Automotive Rental Facility along with the incidental activities of indoor vehicle washing, vacuuming, and vehicle storage on-site, are allowed as a conditional use in the PC zoning district within the Four Corners Overlay District. With respect to the adjacent land uses, the automotive rental facility will be located within the southernmost building in the easternmost bay. The entrance to the wash bay and the vehicle storage area are located along the rear of the building which is adjacent to single family residentially zoned properties (R-1-A). All activities associated with the proposed use will be conducted inside the principal structure; vehicle storage will be in the existing parking spaces in the rear of the building along the existing 6-foot wall and at the existing parking lot in front of the building which is located more than 100 ft from the southernmost property line. The existing masonry wall will serve as a buffer to the adjoining neighborhood from the vehicle storage as it currently does for the parking spaces prior to them being used as storage. The advantage of utilizing these spaces as storage is that it prohibits random overnight parking for non-rental vehicles in this area as Enterprise has a vested interest in keeping the stored vehicles secure; this leads to a more secure rear building area than what is existing. To avoid the increase of spillover lighting or glare, the photometrics will be in accordance with the Land Development Regulations for the parking lot and the fixtures will be required to be full cutoff luminaries on the perimeter of the property. The properties located adjacent to the east of the shopping center are an assisted living facility and a two-story financial institution; these properties will not be impacted as the activities associated with the proposed use will be located indoors and the main access to the vehicle wash bay and storage area will be through the internal two-way driveway located along the southern property line of the development. Based upon the above, a positive finding can be made with respect to Future Land Use Element Objective A-1, that the redevelopment of the subject property will be complimentary to adjacent land uses and will not negatively impact the existing physical conditions of the existing development.

**Transportation Element - Policy A-6.2:** The approval of a modification to an existing site development plan and/or conditional use shall be conditioned upon the upgrading of its points of access to meet adopted standards.

Access to the proposed vehicle wash bay is proposed through the existing internal two-way driveway located along the southern property line. Pursuant to LDR Section 6.1.4(C)(1-2), the minimum width of a two-way driveway is 24 feet. The existing driveway is 24 ft. wide. The proposed access is consistent with the Transportation Element of the Comprehensive Plan and associated policies and meets the LDRs.

#### **COMPLIANCE WITH LAND DEVELOPMENT REGULATIONS:**

In conjunction with the Conditional Use request, a Class III Site Plan Modification was submitted to address the addition of an overhead door to provide vehicle access to the vehicle wash bay, lighting requirements for building entrances and parking lot, delineation of areas not permitted for vehicle storage, permanent dumpster enclosures, and safeguard measures associated with the proposed conditional use.

**Pursuant to Section 4.3.3, Special requirements for specific uses, the following items shall be analyzed:**

Per LDR Appendix A, Definitions, Neighborhood Automotive Rental Facility is a commercial establishment used principally for renting vehicles such as cars, sport utility vehicles, small pick-up trucks and mini-vans that is located within a large retail shopping center or in an outparcel to a large retail shopping center.

#### **Automotive Rental Facility**

Pursuant LDR Section 4.3.3(C)(1-2), Automotive rental facilities outside of the Automotive Commercial (AC) zoning district are regulated as follows:

- a. **These uses are restricted to vehicle rentals only. Vehicle sales are not allowed.**  
The proposed use at the subject location will be a car rental establishment; the sale of vehicles is not proposed.
- b. **Operations related to these uses including, but not limited to, vehicle returns, vehicle maintenance, and customer queuing, shall not impact the off-street parking lot circulation.**

An area designated for customer queuing or vehicle pick-up/drop-off is not proposed. The existing parking spaces will be used to store the rental vehicles. Vehicle washing and vacuuming is proposed indoors with access through the rear. It is recommended that a safeguard be introduced (i.e.: planting island, traffic mirrors, signage, striping) to reduce the possibility of a traffic conflict between vehicles backing out of the wash bay and west bound rear aisle traffic.

- c. **The square footage of the lease space for Automotive Rental Facility, Neighborhood shall be limited to five percent or less of the gross square footage of the shopping center, inclusive of outparcels.**  
The proposed 1,983 sf. automotive rental facility will occupy 2.2% of the gross square footage of the existing shopping center (89,373 sf).
- d. **Approval of a Class III Site Plan shall be required.**  
A Class III Site Plan Modification was submitted and shall be approved prior to establishment of the proposed use.
- e. **Vehicle storage is subject to the following rules:**
- **Vehicle storage is permitted in the off-street parking spaces so long as the off-street parking spaces are not located along the main drive aisles, do not utilize the first two rows of parking spaces typically utilized by retail customers, and are not visible from any adjoining right-of-way and properties.**  
The vehicle storage parking area shall be designated in accordance with LDR Section 4.3.3(C) prior to the Board action associated with the Site Plan Modification application;
  - **Vehicle storage is limited to no more than 10 percent of the off-street parking spaces, and in no event shall exceed 20 off-street parking spaces for each establishment.**  
The existing site has a total of 377 parking spaces. A maximum of 20 off-street parking spaces shall be designated on-site in accordance with the location requirements per LDR Section 4.3.3(C).
- f. **Vehicle maintenance shall be ancillary to the vehicle rental facility. At no time shall the facility serve as a commercial car wash. In addition, the facility shall be subject to the following standards:**
- **Only hand-washing and vacuuming shall be permitted. The washing and vacuuming is permitted only in a designated washing and vacuuming area.**  
Only hand-washing and vacuuming is proposed. The washing and vacuuming will only occur indoors at the designated location.
  - **If the hand-washing and vacuuming area is interior to the principal building, this area shall be limited to one wash bay, which shall be fully enclosed. The access overhead bay door to this area shall remain closed during operation of all maintenance activities.**  
This proposed area is one, fully enclosed wash bay. A note on the site plan states that the access overhead bay door shall remain closed during operation of all maintenance activities.
  - **Run-off from the washing operations shall be collected and contained on site.**  
Clarification of the proposed on-site method of disposal of the water runoff generated from the car wash was requested and shall be approved by the City Engineer prior to a Board action associated with the Site Plan Modification
  - **All other vehicle services, including repair, maintenance, oil change and fueling shall not be permitted onsite. As a condition of site plan approval, the applicant shall provide documentation and an affidavit describing the location where these services will occur.**  
The required documentation and affidavit describing the location where these services will occur was provided.

**Parking Requirement:**

Pursuant to LDR Section 4.6.9(C)(3)(e), shopping centers are required 4 spaces per 1,000 sq. ft. of gross leasable floor area, irrespective of uses, for up to 400,000 sq. ft. The existing shopping center requires 358 (89,375 sf. x 4 / 1,000 = 357.5 rounded up to 358) parking spaces and 374 parking spaces are provided. As no building additions are proposed and vehicle storage is limited to no more than 10 percent of the off-street parking spaces, and in no event shall exceed 20 off-street parking spaces, additional parking spaces are not required; therefore, this requirement is met.

**SECTION 2.4.5(E) REQUIRED FINDINGS: (Conditional Use)**

Pursuant to Section 2.4.5(E)(5) (Findings), in addition to provisions of Chapter 3, the City Commission must make findings that establishing the conditional use will not:

- Have a significantly detrimental effect upon the stability of the neighborhood within which it will be located;
- Nor that it will hinder development or redevelopment of nearby properties.

The following zoning designations and uses are abutting the subject property:

	<b>Zoning Designation:</b>	<b>Current Use:</b>
<i>North:</i>	Planned Commercial (PC)	Shopping Center
<i>South:</i>	Single Family Residential-PBC (RS)	Country Lake Development
<i>East:</i>	General Commercial (GC) Multiple Family Residential (RM-9)	Financial Institution Assisted Living Facility
<i>West:</i>	General Commercial (GC) Single Family Residential (R-1-A)	Veterinary Clinic Single Family Dwelling Units

The subject shopping center is located at the southeast corner of S. Military Trail and W. Atlantic Avenue. The tenant bay proposed to be used as a Neighborhood Automotive Rental Facility is located on the southern portion of the shopping center. The existing shopping center borders residential properties to the south and east. The proposed vehicle wash bay will face the rear yard of the residential properties to the south; there is an existing 35 ft. building setback from the commercial structure to the northmost property line of the single-family homes. An existing 6 ft. solid masonry wall is located inside and adjacent to the portion of the boundary line of the commercially zoned property that abuts other properties, including residentially zoned properties. The establishment of an automotive rental facility, neighborhood will not have a significantly detrimental effect upon the stability of the neighborhood nor will it hinder the development or redevelopment of nearby properties. The existing privacy as well the existing distance to the nearest residential structure mitigates any detrimental effect upon nearby residential property. A positive finding can be made.

#### Review By Others

##### **Public Notice:**

Formal public notice has been provided to property owners within a 500-foot radius of the subject property. Letters of objection, if any, will be presented at the Planning and Zoning Board meeting.

#### Public and Courtesy Notices

N/A Courtesy Notices are not applicable to this request

N/A Courtesy Notices were provided to the following, at least 5 working days prior to the meeting.

N/A Public Notices are not required for this request.

☒ Public Notice was posted at the property on Monday, June 10, 2019, 7 calendar days prior to the meeting.

☒ Public Notice was mailed to property owners within a 500' radius on Friday, June 7, 2019, 10 days prior to the meeting.

N/A Public Notice was mailed to the adjacent property owners on (insert date), 20 days prior to the meeting.

N/A Public Notice was published in the "newspaper" on XX, 10 calendar days prior to the meeting.

☒ Public Notice was posted to the City's website on Friday, June 7, 2019, 10 calendar days prior to the meeting.

☒ Public Notice was posted in the main lobby at City Hall on Friday, June 7, 2019, 10 working days prior to the meeting.



☒ Agenda was posted on Friday, June 7, 2019, at least 5 working days prior to meeting.

## Appendix A-Concurrency

**Pursuant to LDR Section 3.1.1(B), Concurrency, as defined pursuant to Objective B-2 of the Land Use Element of the Comprehensive Plan, must be met and a determination made that the public facility needs of the requested land use and/or development application will not exceed the ability of the City to fund and provide, or to require the provision of, needed capital improvements for the following areas:**

### Water and Sewer:

- Water service is existing on-site via connection to an 8" Water main located within the shopping center.
- Sewer service is existing on-site via connection to a 6" sewer main located within the shopping center.

Pursuant to the Comprehensive Plan, treatment capacity is available at the City's Water Treatment Plant for the City at build-out. Pursuant to the Comprehensive plan, treatment capacity is also available at the South Central County Regional Waste Water Treatment Plant for the City at Build-out.

### Streets and Traffic:

A traffic statement is not required as the proposed use is located at a shopping center; change of uses without affecting the spatial relationship among improvements within established shopping centers do not represent a change in intensity of use.

### Parks and Recreation Facilities:

Park dedication requirements and fees do not apply for non-residential uses. Thus, the proposed development will not have any impact with respect to this standard.

### Solid Waste:

The proposed 1,983 sf. small-scale car rental facility includes 1,086 sf. of office space (gross) and 897 sf. of indoor vehicle washing and vacuuming maintenance area. The proposed use will generate approximately 7 tons of solid waste per year as shown below:

Office Space:  $2.9 \text{ tons} (1,086 \times 5.4 = 5864.4 / 2,000 = 2.9 \text{ tons})$

Vehicle Washing and Vacuuming Maintenance Area:  $4.1 \text{ tons} (897 \times 9.2 = 8,252 / 2,000 = 4.1 \text{ tons})$

The Solid Waste Authority has indicated that its facilities have sufficient capacity to accommodate all development proposals until 2046.

### Schools:

School concurrency findings do not apply for non-residential uses. Thus, the proposed development will not have any impacts with respect to this standard.

### Drainage:

Drainage is accommodated on site via an exfiltration trench system. There should be no impact on drainage as it relates to this standard.