

MEMORANDUM

Development Services

ADMINISTRATIVE REPORT NO. 17-259

DATE: July 7, 2017
TO: Planning & Zoning Board
VIA: David L. Recor, Acting Development Services Director
Jennifer Gomez, Assistant Development Services Director
FROM: Paola A. West, Principal Planner
RE: DALY REAL ESTATE LLC Text Amendment
July 26, 2017 Meeting




P&Z #17-81000001

This is a request for a Public-Initiated Text Amendment. The applicant is requesting the Text Amendment in accordance with Zoning Code §155.2402, Text Amendment.

Summary of Request:

The applicant is requesting a new use be inserted into the Zoning Code, Section 155.4219 (Commercial: Motor Vehicle Sales and Service Uses) as well as Appendix A: Consolidated Use Table.

The proposed use is: "Limited Auto Dealership; Fleet Automobile Sales."

The proposed definition of the use is: a use which consists of premises on which "those automobiles never having an individual owner and were purchased directly from a manufacturer by a corporate entity whose purpose is to purchase a fleet of vehicles and operate that fleet of vehicles for short term rentals which are currently being offered to sale. Fleet vehicles are part of a total fleet exceeding Five Thousand (5,000) vehicles and have never been re-sold for consideration to another person or entity, except to a related corporate entity such as a direct or indirect parent, subsidiary or affiliate."

The goal of the proposed text amendment is to recognize and properly identify auto rental agencies (such as Avis, Budget, etc.) that now offer their vehicles for sale to be purchased by the public. The vehicles being offered for sale are in like-new condition (no older than 2 years) and the sale of automobiles is the principal use of the business, not accessory to car rental.

The proposed permitted by right districts are: I-1 and I-1X.

The proposed permitted by Special Exception districts are: B-3, B-4, and PCD.

STAFF ANALYSIS:

Use Definition / Characteristics:

The proposed use's definition includes the following use characteristics:

- The parcel that includes the use must be 0.75 acres or larger
- The automobiles offered for sale cannot be older than 2 model years
- The automobiles offered for sale must have less than 35,000 miles on the odometer
- The automobiles offered for sale must be in good working condition and not be in any need of mechanical or body repair. Minor scratches and dents, which would not need mechanical or body repair, are not included in this standard.
- In addition to any outdoor display, the premise must include a 1,750 sq. ft. minimum interior show room area for display of the automobiles offered for sale
- The parcel must be located within one-half (½) mile of a New Automobile and Light Truck Sale use. This standard was included by the applicant to emphasize the implied synergy that new automobile and light truck sales, collector car sales, moped sales, and golf cart sales establishments all share when located within close proximity to one another.

This use is proposed to closely resemble a New Automobile and Light Truck Sales use as the automobiles offered for sale are 2 years or less in model age. Another Vehicle Sales and Service Use, agencies that sell or lease collector cars, mopeds, and golf cart, is identified under the definition of a New Automobile and Light Truck Sales and Service use. These types of agencies are only permitted as a Special Exception when they include auto service.

Unlike the proposed use, New Automobile and Light Truck Sales uses have no restrictions on property size, model age, or mileage. Since the proposed use is not specifically identified under the definition of a New Automobile and Light Truck Sales and Service Use, the proposed use is being defined independently as a principal use. Creating a separate use definition under the zoning code also allows the City continued discretion to regulate this type of use with its own set of use standards.

Permitted Locations:

The proposed use's permitted locations are: B-3, B-4, I-1, I-1X, and PCD.

- 18 of the 20 Motor Vehicle Sales and Service uses are permitted, or permitted by Special Exception, in both the I-1 and I-1X zoning districts (exceptions are Automotive Parts Sales without Installation and Car Wash or Auto Detailing).
- None of the Motor Vehicle Sales and Service Uses are permitted in the Residential or Special Districts. (see the table below)

As mentioned above, the proposed use's definition infers it is almost the same as a New Automobile and Light Truck Sales and Service use.

- The Zoning Code does not have any Motor Vehicle Sales and Service uses defined as slightly new. The only uses that are comparable are agencies that sell or lease collector cars, mopeds, and golf carts.
- These uses, similar to the one proposed, are only permitted as a Special Exception if they include auto service.
- Therefore, a Limited Auto Dealership; Fleet Automobile Sales may be permitted only in compliance with the principal use standards, including permitted districts.

REVIEW & SUMMARY

DRC Date: May 17, 2017

Pursuant to Section 155.2304(C) Application Subject to Staff Recommendation, the Development Services Director has compiled the department reports from the meeting which are summarized below:

PLANNING & ZONING

1. Provide a detailed narrative describing the business operation of the use being proposed. Is this principal auto sales? Is it accessory auto sales to rental?
2. Provide justification for 0.75 acres of site area as opposed to 1 acre.
3. The following standards need more justification: 2. Does not conflict with any provision of the Code (cars are not new), 4. Addresses a demonstrated community need, and 6. The amendment would result in a logical and orderly development pattern.
4. What type of agency would license this type of facility?
5. Clarify where the 5,000 vehicles part of the fleet would be kept. If at the subject location, 0.75 acres may not be adequate. If elsewhere, this would be difficult to enforce.
6. Provide the amended section of Appendix A: Consolidated Use Table. In what zoning districts is this use being proposed? In what zoning districts is this use proposed as a Special Exception? In what zoning districts is this use proposed to be prohibited?
7. Remove standard iii. Fleet automobiles offered for sale shall have less than thirty five thousand (35,000) miles on the odometer. This is difficult to enforce.
8. Revise standard iv. Fleet automobiles offered for sale shall be in good working condition such that they shall not be in any need of mechanical or auto repair.
9. Revise standard v. A 1,750 square foot minimum interior showroom area shall be provided for the display of fleet vehicles in addition to any outside display.
10. Revise the text following standard v. to be listed as vi. and state the following: Repair of any type shall not be permitted in conjunction with the sales of fleet cars.
11. Revise the definition to state the following: A Limited Automobile Dealer; Fleet Automobile Sales use consists of premises on which fleet automobiles in operating condition are stored and displayed for sale or lease outdoors. Fleet vehicles are part of a total fleet exceeding five thousand (5,000) vehicles and have never been re-sold for consideration to another person or entity, except to a related corporate entity such as a direct or indirect parent, subsidiary, or affiliate.
12. Clarify what "short term rental" is. This time frame would be difficult to enforce and therefore should be removed. A definition to this term is recommended.
13. Clarify how the use proposed is different from Used Automobile and Light Truck Sales with Outdoor Display and Automobile and Light Truck Rental. Even if one use is more primary than the other, both uses would be treated the same as if they were principal uses.
14. Definition should address what accessory uses are (i.e. administrative offices), whether in the definition itself or under its own use-specific standards.
15. Additional information is required to finalize this code change. Staff recommends a staff meeting to discuss clarifying the proposed use, differentiating it from other uses within the zoning code, and providing specific use standards.

LANDSCAPE REVIEW

No Comments

UTILITIES

1. Please note that additional comments may be forthcoming contingent upon future submittals and the development review process.
2. Given the submittal, the City of Pompano Beach Utilities Department has no comment with regard to the requested Code Amendment to section 155.4219.J.3.b. at this time.

ENGINEERING DEPARTMENT

No Comments

FIRE DEPARTMENT

This P&Z application is able to meet all of the Fire Department requirements at this time for Site Plan Review. However, the petitioner shall maintain all proper fire department access and water supply requirements as per chapter 18 of NFPA 1 as amended from time to time.

*Additional comments may follow throughout the remainder of the permitting process. The buildings shall be in compliance with All NFPA Standards prior to receiving Fire Department approval.

BUILDING DIVISION

No Comments

CRA

This amendment applies to a property that is outside the CRA boundaries and this amendment does not affect the CRA Redevelopment Goals and Objectives. Therefore, the CRA offers no comments or objections at this time.

BSO

Development Review Committee

Subject: CPTED and Security Strengthening

Reviewer: BSO Deputy Patrick Noble for the City of Pompano Beach

Disclaimer: The services of an experienced, qualified and certified Security Crime Prevention/ CPTED Consultant are highly recommended. This review does not guarantee a crime will never occur; it is an effort to mitigate opportunities for crime and to help avoid any present and future security deficiencies, conflicts, or liabilities that might occur without any review.

Note: DRC submissions require a CPTED/ Security Strengthening Narrative Folder and a separate Drawing Folder for review. All mandatory compliance condition requirements MUST BE LISTED AND SPECIFICALLY ADDRESSED WITH DETAILS on Narrative and Drawing plans.

Note: Car dealerships have unique and numerous crime prevention issues and concerns and will require enhanced security measures.

SOLID WASTE AND RECYCLING

No Comments

TEXT AMENDMENT REVIEW STANARDS

Pursuant to Section 155.2402(C), in determining whether to adopt or deny the proposed amendment, the City Commission shall weigh the relevance of and consider whether and the extent to which the proposed amendment:

1. Is consistent with the comprehensive plan;
2. Does not conflict with any provision of this Code or the Code of Ordinances ;
3. Is required by changed conditions;
4. Addresses a demonstrated community need;
5. Is consistent with the purpose and intent of the zoning districts in this Code, or would improve compatibility among uses and would ensure efficient development within the city;
6. Would result in a logical and orderly development pattern; and
7. Would not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

P&Z REVIEW AND RECOMMENDATION

This text amendment was reviewed at DRC on May 17, 2017. Provided the Board approves the text amendment as submitted, staff recommends approval of the text amendment, subject to the following revision:

Use Specific Standard: Add a use specific standard requiring that accessory auto service is subject to Special Exception approval. This requirement would apply in addition to the requirement for the principal use to obtain Special Exception in a B-3, B-4, or PCD zoning district.

155.4219. COMMERCIAL: MOTOR VEHICLE SALES AND SERVICE USES

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V. Limited Auto Dealership; Fleet Automobile Sales

I. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4
														S	S

M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-1
		P	P										P			

2. Definition

A Limited Auto Dealership; Fleet Automobile Sales use consists of premises on which those automobiles never having an individual owner and were purchased directly from a manufacturer by a corporate entity whose purpose is to purchase a fleet of vehicles and operate that fleet of vehicles for short term rentals which are currently being offered to sale. Fleet vehicles are part of a total fleet exceeding Five Thousand (5,000) vehicles and have never been re-sold for consideration to another person or entity, except to a related corporate entity such as a direct or indirect parent, subsidiary or affiliate.

3. Standards

A Limited Auto Dealership; Fleet Automobile Sales use shall comply with the following standards:

- The minimum parcel size for such use shall be 0.75 acres.
- Fleet automobiles offered for sale shall not be more than two (2) model years old;
- Fleet automobiles offered for sale shall have less than thirty five thousand (35,000) miles on the odometer;
- Fleet automobiles offered for sale shall be in good working condition such that they and shall not be in any need of mechanical or auto body repair;
- A 1,750 square foot minimum interior showroom area shall be provided for the display of fleet vehicles in addition to any outside display.
- A Limited Auto Dealership, Fleet Automobile Sales use shall be located within one-half (1/2) mile of a New Automobile and Light Truck Sale use.
- Accessory auto service is subject to Special Exception approval.

APPENDIX A: CONSOLIDATED USE TABLE

P = PERMITTED PRINCIPAL USE S = USE ALLOWED AS A SPECIAL EXCEPTION A = PERMITTED ACCESSORY USE

T = TEMPORARY USE ALLOWED WITH A MAJOR TEMPORARY USE PERMIT t = TEMPORARY USE ALLOWED WITH A MINOR TEMPORARY USE PERMIT
= TEMPORARY USE ALLOWED WITHOUT TEMPORARY USE PERMIT I = INTERIM USE ALLOWED WITH AN INTERIM USE PERMIT
BLANK CELL = PROHIBITED USE

USE CATEGORY (PRINCIPAL USES) AND/OR USE TYPE		RESIDENTIAL DISTRICTS												COMMERCIAL DISTRICTS				INDUSTRIAL DISTRICTS				SPECIAL DISTRICTS				PLANNED DEVELOPMENT DISTRICTS				USE-SPECIFIC STANDARDS						
		RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	I-X	OIP	M-2	TO	PR	CF	PU	T	BP			RPUD	PCD	PD-TO	LAC	PD-I
PRINCIPAL USES																																				
COMMERCIAL USES																																				
Motor Vehicle Sales and Service Uses	Automotive painting or body shop																P			P	P										P				155.42	19.B
	Automotive parts sales without installation														P	P				P				P							P	P	P	P	155.42	19.C
	Automotive parts sales with installation														S	P				P	P										P				155.42	19.D
	Automotive repair and maintenance facility														S	P				P	P										P				155.42	19.E
	Automotive wrecker service															P				P	P										P				155.42	19.F
Motor Vehicle Sales and Service Uses	Battery exchange station														S	P				P	P										P				155.42	19.G
	Car wash or auto detailing														S	S															P				155.42	19.H
	Gasoline filling station													P	P	P				P	P	P									P		P		155.42	19.I
	New Automobile and Light Truck sales														P	P				P	P										P				155.42	19.J
	Used Automobile and Light Truck sales with indoor display only															P				P	P										P				155.42	19.K
	Used Automobile and Light Truck sales with outdoor display															S				S	P										S				155.42	19.L
	Automobile and Light Truck rental														P	P				P	P										P				155.42	19.M
	Muffler/transmission sales and installation														S	P				P	P										P				155.42	19.N

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