

# **Memorandum**

**To:** Planning Commission Members  
**From:** The Development Department  
**CC:** Honorable Members of City Council, Clerk of Council, City Departments  
**Date:** June 1, 2012  
**Re:** Staff Report for Byers Car Rentals LLC – Special Use Permit (Automotive Service)

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**Item #1 – Byers Car Rentals LLC – Special Use Permit (Automotive Service)  
(PID# 201204030019)**

**Application:** Special Use Permit  
**Location:** 3952 Broadway  
**Applicant:** Brock Mackellar  
**Zoning:** CBD  
**Use:** Automotive Service

**Relevant Code Section(s):**

- 1135.09 (b) (12) Special Use Permits

**Project Summary:**

The applicant is requesting a special use permit to operate a car rental facility from suites B & C of 3952 Broadway, at the northeast corner of Broadway and Columbus Street. The applicant has indicated that the facility will act as a transfer station for rental vehicles and vehicles will only be brought to the site if there is a customer scheduled to pick it up. Eight (8) parking spaces will be reserved for employees, customers, and vehicles waiting pick up, all located on the site and indicated on the site plan submitted as part of the application.

Submitted materials state that no maintenance will be performed on any of the rental vehicles on the site, except for vacuuming which will be conducted inside the garage on the site. Vehicles will be taken off site for other cleaning.

The facility will operate from 7:30am to 6pm Monday through Friday and 9am to noon on Saturdays. No business will be conducted on Sundays. Submitted materials state that three employees will be staffed on site.

## **Code Analysis:**

Per Section 1135.09, the Planning Commission is responsible for reviewing Special Use Permit requests and recommending approval, approval with modifications or denial to City Council based on findings of compliance with the standards and requirements of this Code (see *relevant code sections*) and subject to the conditions established by the Planning Commission to ensure compliance with the letter and intent of this Code. The following is the Development Department's evaluation based on code standards and requirements.

1. *The proposed use shall be in harmony with the existing or intended character of the district and nearby affected districts and shall not change the essential character of the districts;*

**Standard is Met:** The site of the proposed car rental facility was previously automotive in nature (automotive repair), thus staff does not feel that the proposed use changes the essential character of the district.

2. *The proposed use shall not adversely affect the use of adjacent property;*

**Standard is Met:** Staff does not feel that the proposed car rental facility will affected the use of adjacent properties. Although the parking area to be utilized by the applicant has also been approved for parking for the adjacent Daystarz Child Care Center (at 3946 Broadway), the applicant has submitted materials indicating that sufficient parking will be available for both uses, in addition to parking for Air Quality Solutions, an existing tenant in one of the suites at 3952 Broadway. Furthermore, because this car rental facility will act as a transfer station, vehicles will not be left on the site for extended periods of time.

3. *The proposed use shall not adversely affect the health, safety, morals, or welfare of persons residing or working in the neighborhood;*

**Standard is Met:** Submitted materials state that six (6) to ten (10) vehicles will be rented per day, with half of the rentals conducted off site, and all vehicles will be individually transported to the site. In the opinion of staff, the scale of the operation is appropriate for the location and will not adversely affect persons residing or working in the neighborhood.

4. *The proposed use shall be served adequately by public facilities and services such as, but not limited to, roads, police and fire protection, storm water facilities, water, sanitary sewer, and school;*

**Standard is Met:** The proposed use will be adequately served by public facilities.

5. *The proposed use shall not impose a traffic impact upon the public right-of-way significantly different from that anticipated from permitted uses of the district;*

**Standard is Met:** The proposed use will not impose a traffic impact significantly different from other uses in the district. The applicant has indicated that they intend to rent between six (6) and ten (10) vehicles per day – 50% of rentals being conducted off site. All vehicles will be transported to and from the site by individual drivers only, with no car haulers or other transfer vehicles used.

6. *The proposed use shall be in accord with the general and specific objectives, and the purpose and intent of this Zoning Code and the Land Use Plan and any other plans and ordinances of the City;*

**Standard is Met:** The use is in accordance with the intent of all applicable code requirements and ordinances of the City.

7. *The proposed use complies with the applicable specific provisions and standards of this Code;*

**Standard is Met:** The use is in accordance with the intent of all applicable code requirements.

8. *The proposed use shall be found to meet the definition and intent of a use specifically listed as a special use in the district in which it is proposed to be located;*

**Standard is Met:** The site of the proposed use is zoned CBD, in which automotive service is permitted with a special use permit.

9. *A completed application indicating the Specific Special Use permit activity intended by the applicant shall be submitted to the Department of Development by the Council approved submittal dates;*

**Standard is Met:** The applicant properly submitted a completed application.

10. *Parking of employee vehicles, vehicles used in the operation of the business, vehicles awaiting service or return to customers after services, and vehicles held for disposal shall only be permitted in the locations approved on the site plan.*

**Standard is Met:** The applicant has submitted a site plan showing parking for the use entirely contained on the parking lot on the site, fronting both Broadway and Columbus Street. A total of eight (8) parking spaces are shown on plans for the proposed use, including employee, customer, and rental vehicles waiting pick up.

11. *Vehicle sales, rental, or leasing shall not be permitted on the site unless specifically approved.*

**Standard is Met:** The applicant is requesting a special use permit to operate a vehicle rental facility. The permit will allow for only the renting of vehicles on the site.

12. *Outdoor repair, preparation, cleaning, assembly, disassembly, of vehicles shall not be permitted unless the nature and location of such activity is specifically identified in the application and approved by the Board. Outdoor display, storage, or sale of goods shall not be permitted on the site unless specifically approved as a condition of the Special Use Permit and in conformance with the supplementary standards for outdoor display, storage, and sale. The storage area shall be completely surrounded by a gated masonry wall six (6) feet in height or other screening approved by the Planning Commission. Such screening shall be set back from residential districts at least six (6) feet and landscaped according to the approved site plan.*

**Standard is Met:** All maintenance and cleaning of vehicles, other than vacuuming, will be conducted off site. Vacuuming of vehicles will be conducted inside the garage on the east side of the building on the site. No cleaning or vehicle preparation will be conducted outside the structure and no outdoor display, storage, or sale of goods is proposed with this application.

### **Recommendation(s):**

After review and consideration, the Development Department recommends Planning Commission make a recommendation of approval to City Council for the Special Use Permit with the following stipulation:

1. No signage shall be placed in or on the vehicles to be rented from the site.