

STAFF REPORT
Community Development Department
Petition Number: SE-13-003

To: Charlotte County Board of Zoning Appeals

From: Shaun Cullinan, Zoning Official

Prepared By: Ken Quillen, AICP, Planner III

Report Date: April 2, 2013

BZA meeting date: April 10, 2013

Requested Action/General Information:

Barbara Luikart, agent for DTG Operations, Inc., is requesting a special exception to allow an automobile rental agency in a Commercial General (CG) zoning district. The subject property consists of a multi-tenant shopping center located at 1931 Tamiami Trail (U.S. 41) in Port Charlotte (see attached **Location Map**). The attached **Zoning Map** shows the zoning of this property, which is Commercial General (CG). This property has a Commercial Future Land Use Map (FLUM) designation.

The applicant is proposing an automobile rental agency in unit #7 of LTM Party Plaza, which is an existing commercial building constructed in 1987. An automobile rental agency may be allowed with a special exception in the Commercial General (CG) zoning district according to **Section 3-9-42 (Exhibit A)**. A special exception was granted for this property on November 9, 1987, to allow a restaurant to serve beer and wine in unit #10 of this building. The attached **Letter of Approval (Exhibit B)** for SE-87-201 is evidence of this approval. Unit #10 is now occupied by an Obee's Sub Shop, which does not currently sell alcoholic beverages.

Section 3-9-52 (Exhibit C) was adopted on November 9, 2004. This section created the U.S. 41 Zoning District Overlay Code and sub-section 3-9-52(e)(1)(A)(i) prohibits new special exception uses within this Overlay District, although they would normally be allowed in a CG zoning district. The intent of the "Overlay Code", as stated in 3-9-52(d), is to: "enhance the corridor and is critical to the promotion of an appealing and attractive image of the county for the benefit of its residents and visitors." It is staff's understanding that one of the primary goals of the Overlay Code is to limit outdoor uses, such as auto sales lots, outdoor storage yards, and outdoor markets along Tamiami Trail. Since there is a pre-existing special exception and because the proposed special exception will store vehicles at the rear of the building, thereby meeting the intent of the Overlay Code, the Zoning Official has determined that this request may be brought before the Board of Zoning Appeals as a modification of an existing special exception.

The applicant has submitted the attached **Boundary Survey (Exhibit D)** which shows the existing 32,296 square foot building and 138 off-street parking spaces located on this property. Code requires 130 parking spaces ($32,295 \div 250 = 129.18$) for this commercial development; therefore, there are eight extra off-street parking spaces on this property. The automobile rental agency is proposed to occupy a 2,000 square foot tenant space and would like to store up to 15 vehicles in spaces located near the rear of the building as indicated by yellow highlighting on the **Boundary Survey**. Two spaces, which are highlighted in blue on the **Boundary Survey**, are also proposed to be used for washing vehicles. The applicant has also submitted the attached **Narrative (Exhibit E)** explaining how they believe this request meets the criteria for granting a special exception. The Community Development Department's Environmental Specialist has performed a cursory review and their comments are in the attached **Memorandum (Exhibit F)** dated March 29, 2013.

Findings: The six standards for approval for a Special Exception according to Section 3-9-7(f) of the Charlotte County Zoning Code are as follows:

1. The requested special exception is either explicitly permitted in the zoning district for which it is requested or is permitted by reasonable implication within that district.

Finding: The Zoning Official has determined that a previously existing special exception (SE-87-201) may be modified for this property based on Sub-section 3-9-52(e)(1)(A)(i) of the Zoning Code.

2. The requested special exception is compatible with existing uses surrounding immediately adjacent and contiguous to the land on which the requested special exception would exist.

Direction	Existing Land Uses	Existing Zoning	FLUM Designation
North	Shopping Center	Commercial General (CG)	Commercial
South	Motel	Commercial General (CG)	Commercial
East	Shopping Center	Commercial General (CG)	Commercial
West	Shopping Center	Commercial General (CG)	Commercial

Finding: The surrounding land uses consist primarily of commercial retail and service uses. Staff believes that the proposed automobile rental agency would be compatible with all of the surrounding land uses, including the U.S. 41 Zoning District Overlay Code.

3. Adequate access shall be provided for ingress and egress to the proposed use in a manner that minimizes hazards and congestion on streets and roads.

Finding: Two existing access drives off of Tamiami Trail provide shared access to this commercial subdivision. No changes are proposed to this existing access.

4. Adequate provision has been made for buffers, landscaping, trees, open space, storm-water or other improvements associated with the proposed use.

Finding: Other code requirements, including setbacks and landscaping, apply to this existing commercial development and must be maintained as originally approved.

5. The requested Special Exception is consistent with the **Smart Charlotte 2050 Plan** (Charlotte County Comprehensive Plan) and Land Development Regulations.

Finding: Staff believes that the proposed automobile rental agency would be in compliance with the **Smart Charlotte 2050 Plan**, which allows retail sales and service uses, and the Land Development Regulations, including the U.S. 41 Zoning District Overlay Code, which allows modifications to an existing special exception.

6. The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety or general welfare.

Finding: Staff believes that the proposed automobile rental agency would not be detrimental to or endanger the public health, safety or general welfare of the surrounding commercial properties since the proposed office will be inside the building and automobile storage and related activities will take place in the designated parking spaces located at the rear of the building and out of sight from public view on Tamiami Trail.

ANALYSIS AND CONCLUSIONS:

After review of the site and the application requesting a modification of an existing special exception staff believes that the proposed automobile rental agency does meet the six criteria for granting a special exception.

If the Board of Zoning Appeals decides to approve the requested special exception staff recommends the following conditions be adopted, as conditions of approval, to ensure the use is in compliance with the purpose and intent of the Zoning Code. The conditions are as follows:

1. The special exception file number SE-87-201 approved by the Board of Zoning Appeals on November 9, 1987, is hereby modified and amended as file number SE-13-003 to allow an automobile rental agency office to occupy up to 2,000 square feet of the existing building located at 1931 Tamiami Trail.
2. This special exception extends only to the land included in the Boundary Survey and legal description submitted with this application.
3. No more than 15 parking spaces may be used for the storage of rental vehicles and all vehicles must be stored only at the locations indicated on the **Boundary Survey** labeled **Exhibit D**.
4. The hand washing of vehicles may only be done in the two parking spaces located on the **Boundary Survey** labeled **Exhibit D**.
5. At least three orange, or yellow, safety cones must be placed four to six feet into the vehicular traffic lane nearest the vehicle washing area when vehicles are being washed.
6. At least two portable caution signs must be placed in the lawn next to the curb, one on each side of the vehicle washing area, when vehicles are being washed.
7. Employees must wear a high visibility safety vest when washing vehicles.
8. The automobile rental agency must provide safety training to employees, including an orientation of the wash area and instruction concerning all safety requirements, prior to their first time washing a vehicle.
9. Any major changes or additions to this special exception shall require a modification of the special exception. Minor changes or additions such as accessory uses or structures may be approved by the Zoning Official.

Please be advised that the final decision regarding the application rests with the Board of Zoning Appeals, and will be decided upon consideration of all the evidence introduced at the hearing.

Attachments: Staff Report (3), Location Map, Zoning Map, Aerial Photo, Section 3-9-42 (2), Approval Letter, Section 3-9-52 (2), Boundary Survey, Narrative (5) and Environmental Specialist Memorandum



Community Development

CHARLOTTE COUNTY

Location Map for SE-13-003



08/40/22 Mid-County

This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guaranties, implied or otherwise, to the accuracy, or completeness. We therefore do not accept any responsibilities as to its use. This is not a survey or is to be used for design. Reflected Dimensions are for informational purposes only and may have been rounded to the nearest tenth. For precise dimensions, please refer to recorded plats and related documents. Created By: Land Information-D. Vance Date Saved: 3/21/2013 3:06:43 PM

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Community Development

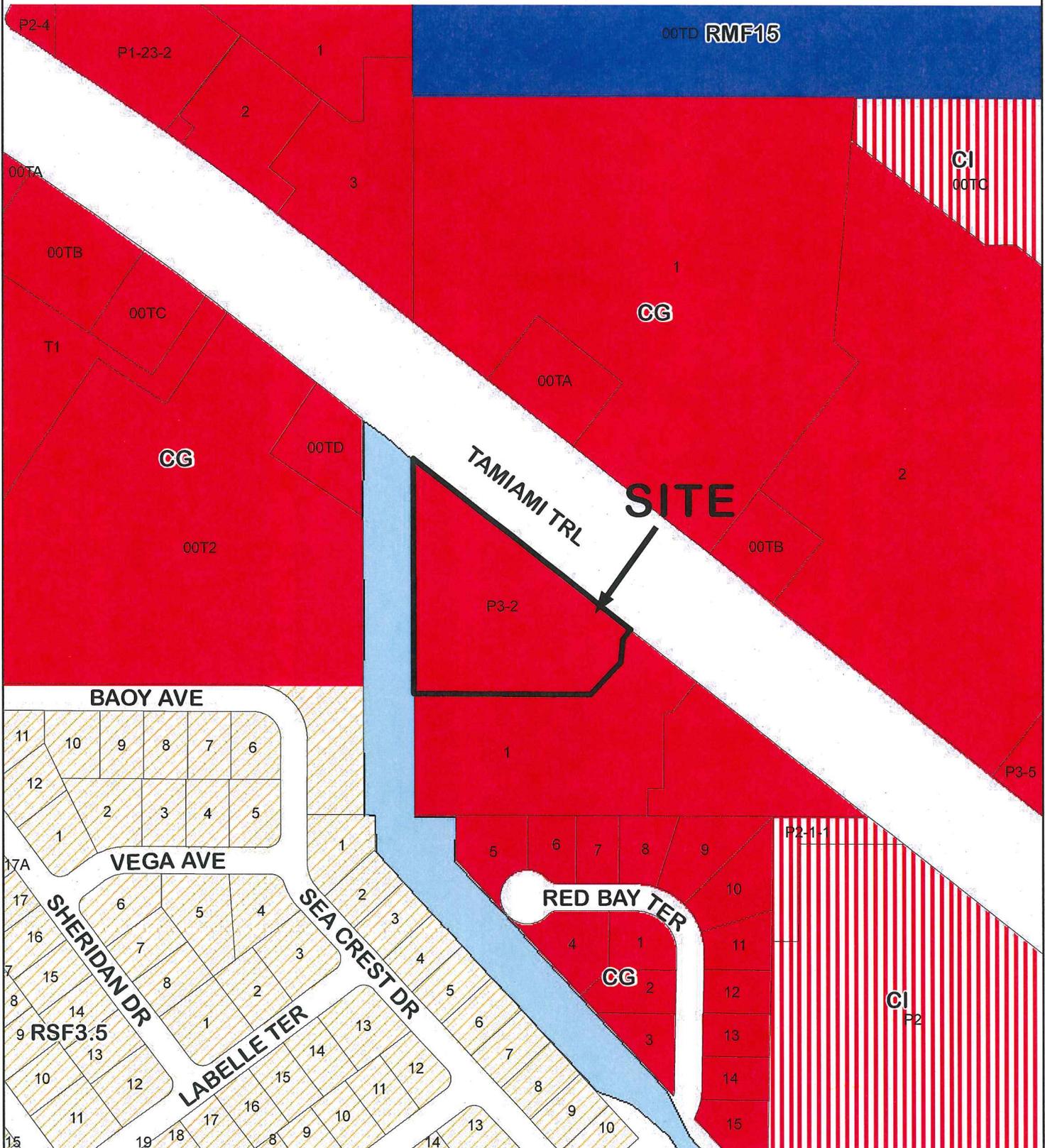
CHARLOTTE COUNTY

Zoning Map for SE-13-003

Charlotte County Government

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Community Development

CHARLOTTE COUNTY

Aerial View for SE-13-003

Charlotte County Government

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Sec. 3-9-42. - Commercial, general (CG).

- (a) *Intent.* The commercial, general (CG) district is intended to provide areas in which the customary and traditional conduct of trade, retail sales and commerce may be carried on without disruption by the encroachment and intrusion of incompatible residential uses and protected from the adverse effects of undesirable industrial uses.
- (b) *Permitted principal uses and structures.* The following uses and structures are permitted in this district:
- (1) Hotels, motels and restaurants.
 - (2) Professional services.
 - (3) Personal services.
 - (4) Business services.
 - (5) Retail sales and services, provided that all merchandise shall be stored and displayed within fully enclosed buildings.
 - (6) Parking lots and parking garages in support of permitted uses in the CG zoning district.
 - (7) Automotive specialty services, including the sale and repair of starters, generators, alternators and electrical parts, carburetors, speedometers and instruments, provided the services are performed on parts off the vehicle and no installation or removal of parts from the vehicle is performed on the premises.
 - (8) Automotive parts, provided no installation is performed on the premises and all parts are stored within a completely enclosed building.
 - (9) Resort marinas.
 - (10) Sport marinas.
 - (11) Garden shops, including the sale of plants, fertilizers and customary garden supplies, equipment and furniture. Storage and sales areas for plants and live vegetation may be outside the building.
 - (12) Private clubs.
 - (13) Post offices.
 - (14) Indoor commercial recreational facilities such as motion picture theaters, swimming pools, bowling alleys and similar uses.
 - (15) Vocational, trade, business schools, colleges and universities, provided all activities are conducted in completely enclosed buildings.
 - (16) Banks and other financial institutions.
 - (17) Animal hospitals with boarding of animals in completely enclosed buildings.
 - (18) Adult congregate living facilities in accordance with section 3-9-63.1
 - (19) Package stores for the sale of liquor.
 - (20) Houses of worship in accordance with section 3-9-80.1
 - (21) Model homes not intended to be used for residential purposes.
 - (22) Funeral homes, crematoria.
 - (23) Laundromats and dry cleaning facilities.
 - (24) Bars, cocktail lounges, nightclubs and taverns for on-premises consumption of alcoholic beverages, greater than one thousand (1,000) feet from a church or school.

Commercial General
(Exhibit A-1)

- (25) Billiard parlors and game arcades.
 - (26) Essential and emergency services.
 - (27) Gas pumps with site plan approval by the development review committee.
 - (28) Car wash with site plan approval by the development review committee.
 - (29) Laboratories, class 3, provided central sewer is available.
 - (30) Child and adult day care facilities.
 - (31) Photocopying shops.
- (c) *Permitted accessory uses and structures.* Uses and structures which are customarily accessory and clearly incidental to permitted uses and structures are also permitted in this district, including a residential dwelling unit within the same structure as the principal use for occupancy by owners or employees of permitted uses.
- (d) *Prohibited uses and structures.* Any use or structure not expressly, or by reasonable implication permitted herein or permitted by special exception shall be unlawful in this district.
- (e) *Special exceptions.* (For procedure see section 3-9-7, "Special exceptions.") The following are special exceptions in this district:
- (1) Bars, cocktail lounges, nightclubs and taverns for on-premises consumption of alcoholic beverages, subject to the provisions of section of section 3-9-66 of this Code, less than one thousand (1,000) feet from a church or school.
 - (2) Mass transit stations.
 - (3) Miniature golf courses.
 - (4) Elementary, middle, and high schools.
 - (5) Outdoor markets.
 - (6) Television and radio transmitter towers.
 - (7) Window tinting and radio installation within an enclosed building.
 - (8) Heliport or helistop.
 - (9) Mini-warehouse.
 - (10) Automobile rental agencies.
 - (11) Such other uses as determined by the zoning official or his/her designee to be:
 - a. Appropriate by reasonable implication and intent of the district.
 - b. Similar to another use either explicitly permitted in that district or allowed by special exception.
 - c. Not specifically prohibited in that district.

The board of zoning appeals shall review a favorable determination of the zoning official under this provision at the time the special exception application is presented to it. An unfavorable determination of the zoning official or his/her designee shall be appealable pursuant to section 3-9-6 of these regulations.

- (f) *Development standards.* The following development standards shall apply in this district:

Minimum lot requirements:

Area, square feet12,000

Width, feet 100

Minimum yard requirements:

Front yard, feet25

Side yard:

InteriorNone

Abutting a road, feet20

**Commercial General
(Exhibit A-2)**



COUNTY of CHARLOTTE

DIVISION OF COMMUNITY DEVELOPMENT

ZONING DEPARTMENT

CHARLOTTE COUNTY ADMINISTRATION CENTER
18500 MURDOCK CIRCLE
PORT CHARLOTTE, FLORIDA 33948-1094
627-1180

ENGLEWOOD OFFICE
PLACIDA ROAD
474-4989

November 9, 1987

Todd Bell
24546 Harborview Road
Apartment B-4
Charlotte Harbor, Florida 33980

Re: #SE-87-201

Dear Petitioner:

This letter is to confirm the decision of the Charlotte County Board of Zoning Appeals meeting held on November 9, 1987, regarding petition #SE-87-201 requesting a special exception to allow on premise consumption of beer and wine in a CG (Commercial, General) zone for property located at 1931 Tamiami Trail, Port Charlotte, Florida.

It was the decision of the Board of Zoning Appeals that petition #SE-87-201 be approved.

Sincerely,

CHARLOTTE COUNTY ZONING DEPARTMENT

A handwritten signature in cursive script that reads 'James R. Kuzdas'.

James R. Kuzdas
Zoning Director

JRK:bma

**Approval Letter
(Exhibit B)**

Sec. 3-9-52. - U.S. 41 zoning district overlay.

- (a) *Short title.* The short title of this section 3-9-52 shall be the U.S. 41 Zoning District Overlay Code (the "overlay code").
- (b) *Boundary.* The area affected by this overlay code shall be the U.S. 41 commercial corridor which is generally located west of U.S. 41 from the Sarasota County line to Gardner Drive and on the east side of U.S. 41 from the Sarasota County line to Hancock Avenue, excluding the Murdock Village Redevelopment Area and Murdock Development of Regional Impact (the "corridor"). The location of the boundary of the corridor is delineated in exhibit "A" attached to Ordinance No. 2008-082 which by this reference is adopted into and declared to be a part of this section 3-9-52
- (c) *Applicability.* The overlay code shall apply to development and/or redevelopment of commercial, office, and residential uses within the corridor and all other matters referenced in the overlay code. The terms development and/or redevelopment shall be construed liberally and shall include any plat, special exception, variance, development review committee approval, site plan approval, building or sign permit, or any other official action of Charlotte County that has the effect of permitting development and/or redevelopment or any application for any of the preceding. The overlay code apply shall apply to the preceding matters notwithstanding the application of another provision(s) of the County Code to said matter(s). In the event of a conflict between another provision of the County Code and the overlay code, the terms of the overlay code shall supersede and control.
- (d) *Intent.* The overlay code is designed to enhance the corridor and is critical to the promotion of an appealing and attractive image of the county for the benefit of its residents and visitors. Towards this end, the intent of the overlay code is to:
- (1) Promote the development and redevelopment of commercial and office uses in order to ensure a lasting and favorable visual impression along and within the corridor, enhance the corridor's overall appearance and improve its functional operation.
 - (2) Reinforce Charlotte County's Comprehensive Plan by modifying specific permitted and prohibited uses of underlying zoning districts and establishing new standards for development.
 - (3) Protect the properties that adjoin the corridor from adverse impacts of intensive activity within and along the corridor.
 - (4) Invigorate the economic and social vitality of the corridor.
 - (5) Protect the unique character of the existing single-family residential communities located behind the corridor.
 - (6) Provide for a compatible mixture of residential, neighborhood business, and commercial and office uses to serve Charlotte County's residents and visitors.
 - (7) Improve the character of and prevent the permanent decline of property within the corridor by controlling nuisances and ensuring that land uses which may contribute to the degradation of the community and possible criminal activity will not be located near residential areas.
 - (8) Design and place different land uses, buildings, streets, and other amenities (such as sidewalks and street lights) within the corridor to ensure that the public's health, welfare, and safety are protected.
- (e)

(Exhibit C-1)

(e)

Permitted and prohibited uses. Permitted and prohibited uses are based upon existing land use classifications in the Charlotte County, Florida Comprehensive Plan ("comprehensive plan") and existing zoning districts within the County Code.

(1) The following permitted and prohibited uses apply to the U.S. 41 overlay mixed use, commercial corridor, commercial center, low intensity industrial and public lands and facilities future land use map (FLUM) designations in the comprehensive plan:

(A) The following permitted and prohibited uses and structures shall apply to lots that are fronting U.S. 41 and to those that are not fronting U.S. 41 but were zoned for commercial or industrial use as of the date of the adoption of the overlay code on November 9, 2004:

(i) *Commercial general.* The overlay code shall not affect permitted principal uses and structures, permitted accessory uses and structures, prohibited uses and structures within subsections 3-9-42(a) through (d) of the commercial general (CG) zoning district. Development in the CG zoning district pursuant to special exceptions that were approved prior to the effective date of the overlay code will be allowed to proceed.

However, no further special exception requests will be considered nor granted as of the date of adoption of the overlay code.

(ii) *Planned development.* The overlay code shall not affect permitted principal uses and structures, permitted accessory uses and structures, prohibited uses and structures within an approved plan adopted pursuant to section 3-9-49 of the planned development (PD) zoning district.

(iii) *Office, medical, and institutional.* The overlay code shall not affect permitted principal uses and structures, permitted accessory uses and structures, prohibited uses and structures and special exceptions within section 3-9-39 of the office, medical, and institutional (OMI) zoning district. If a rezoning to OMI should occur after the adoption date of Ordinance No. 2005-040, the following uses are allowed as permitted principal uses: Subsection 3-9-39(a), (b)(1) through (17), and (c).

(iv) *Commercial intensive and industrial light.* The overlay code shall not affect permitted principal uses and structures, permitted accessory uses and structures and prohibited uses and structures in the existing commercial intensive (CI), section 3-9-43, and industrial light (IL), section 3-9-47, zoning districts. Development in the CI and IL zoning districts pursuant to special exceptions that were approved prior to the effective date of the overlay code will be allowed to proceed. However, no further special exception requests will be considered nor granted as of the date of adoption of the overlay code.

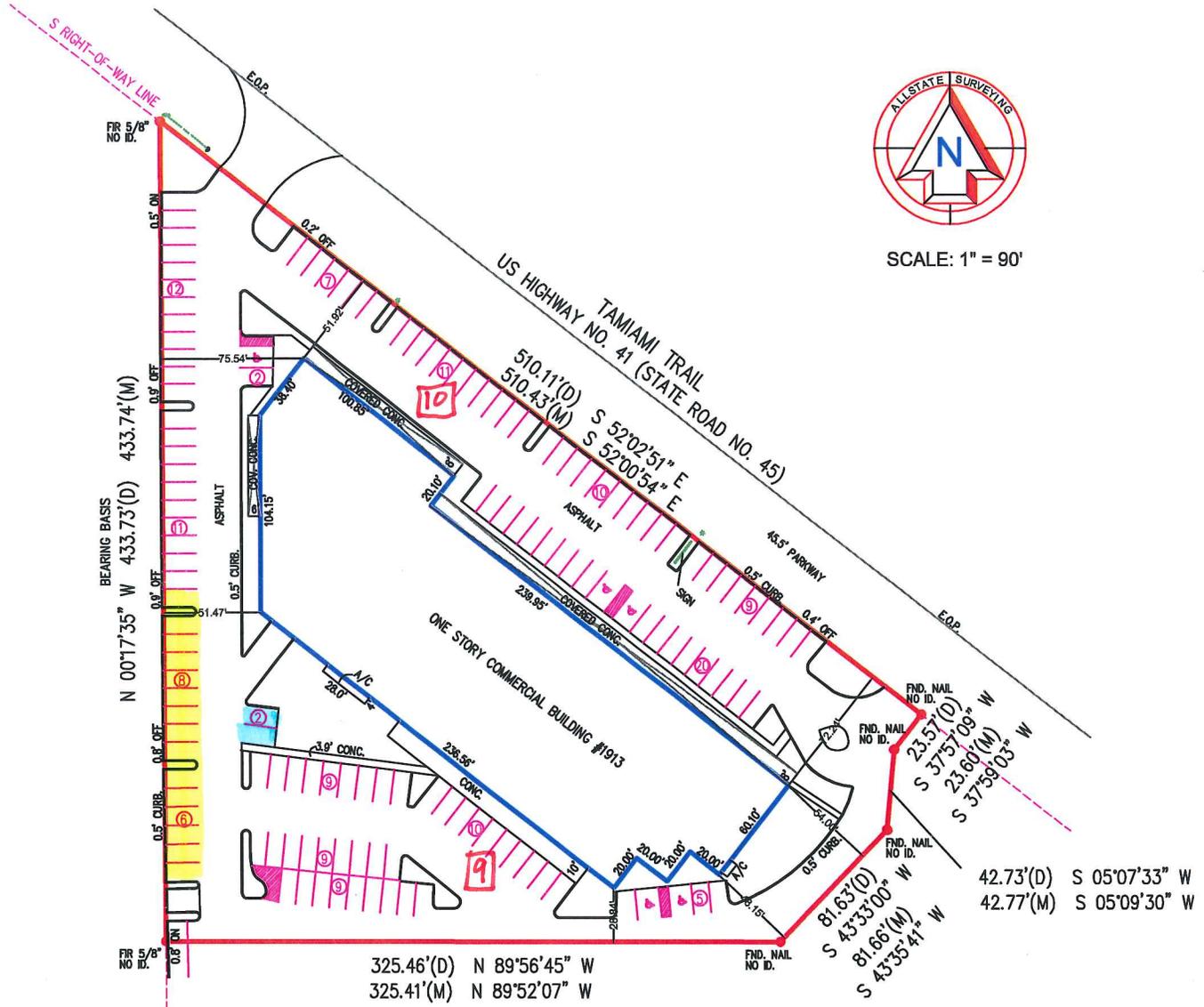
(B) Businesses that face and are adjacent to U.S. 41 will be allowed to expand onto an adjoining rear lot(s) only if the rear lot(s) is designated with a commercial corridor or U.S. 41 overlay mixed use FLUM, CG, OMI, and PD are the preferred zoning districts. Subsequent to such expansion, residential roads located adjacent to the expanded business shall not be utilized for ingress to or egress from said business unless an overriding need can be demonstrated. A minimum type D buffer (section 3-5-393) with a wall shall be required alongside any rear or side property line that borders residential zoning or uses. The following standards shall apply to development of a rear lot. Standards for front lot(s) shall follow subsection (1)(A), inclusive.

(Exhibit C-2)

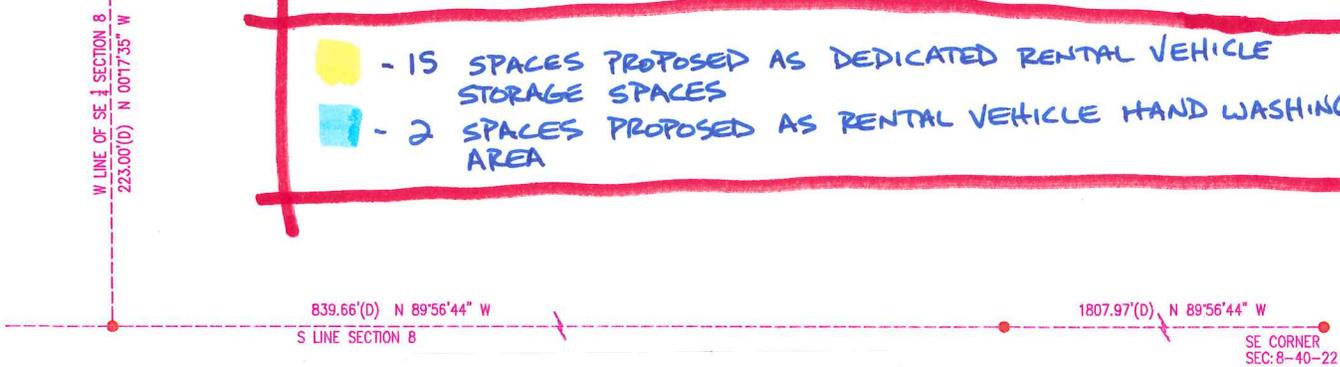
BOUNDARY SURVEY



SCALE: 1" = 90'



- 15 SPACES PROPOSED AS DEDICATED RENTAL VEHICLE STORAGE SPACES
- 2 SPACES PROPOSED AS RENTAL VEHICLE HAND WASHING AREA



Boundary Survey (Exhibit D)

Special Exception Application Narrative

Auto Rental Business at 1931 Tamiami Trail, Port Charlotte, Florida 33948

DTG Operations, Inc. (“DTG”) has agreed, subject to zoning approval, to lease a 2000-square foot suite in the LTM Plaza located at 1931 Tamiami Trail in Port Charlotte (the “Plaza”). DTG desires to operate an auto rental business on the premises. The Plaza is located in a “CG” zoning district. A car rental operation requires a special exception to operate within CG zoning districts, according to Charlotte County zoning code section 3-9-42(e)(10). Accordingly, DTG submits its application for a special exception to operate a car rental facility at the Plaza.

Criteria for Approval

1. According to Charlotte County zoning ordinance 3-9-42(e)(10), the requested special exception to operate a car rental business is explicitly permitted in CG zoning districts.
2. The requested special exception is compatible with existing uses surrounding, immediately adjacent to, and contiguous to the land on which it would exist. The proposed DTG suite would efficiently integrate into the commercial retail environment at the Plaza. Moreover, the use as a rental car operation would complement the Days Inn hotel located on the adjacent property, creating a symbiotic relationship that would benefit both businesses. Finally, the Plaza is located on the Tamiami Trail, the primary commercial artery through Charlotte County. The addition of a small-scale car rental operation to the area is compatible with any neighboring uses.
3. The proposed DTG location is one of fourteen (14) suites within an existing shopping center. The Plaza provides ample ingress and egress to the Tamiami Trail as well as the neighboring hotel. DTG’s expected business will have little congestive effect on the local roads in a highly commercial area.
4. The proposed use as a car rental facility within an existing shopping center requires no additional provisions for buffers, landscaping, trees, open space or storm-water.
5. The requested special exception is consistent with the Charlotte County Comprehensive Plan and Land Development Regulations. As stated above, the proposed use is explicitly permissible under a special exception in the zoning district in which it would exist. Further, it is consistent with the Future Land Use Map “Commercial” designation.
6. The establishment, maintenance and operation of the proposed use shall not be detrimental to or endanger the public health, safety or general welfare. Auto rental businesses are common and create no unique dangers. Additionally, the proposed DTG location would operate with a limited fleet of vehicles available for rent. As such, the proposed use will have a negligible effect on its surroundings.

Storage of Vehicles

As part of the negotiated lease agreement between DTG and the landlord and pending approval of the special exception by the Charlotte County Board of Zoning Appeals, fifteen (15) parking spaces are to be dedicated to the temporary storage of rental cars. The landlord has agreed to allow DTG to use two additional spaces to facilitate the hand washing of the vehicles.

1. Existing Excess Parking Spaces

According to Mr. Ken Quillen, and per Charlotte County zoning code section 3-9-90, the Plaza requires 130 parking spaces. This figure is based on a total building floor area of 32,296 square feet. Charlotte County zoning rules require one (1) parking space per 250 square feet of building floor area for shopping centers of the size of the Plaza located in CG zoning districts. In a letter dated October 11, 2012 and amended in an electronic mail message dated November 7, 2012, Mr. Quillen states that the Plaza has 138 parking spaces. Accordingly, there are eight (8) excess parking spaces that can be used to store rental vehicles without violating minimum zoning requirements.¹

2. Parking Space Allocation Under Zoning Regulations

As a tenant of a 2,000-square foot unit suite, DTG would be entitled to eight (8) of the existing parking spaces, according to the formula required by Charlotte County zoning code section 3-9-90, which requires one (1) space per 250 square feet of building floor area. The nature of DTG's business, however, does not require eight (8) parking spaces for employees and customers. DTG asks that four (4) of the eight (8) spaces allocated to its suite under the zoning formula be used for rental vehicle storage rather than use by employees and customers.

a. Employee Parking Needs

The business of renting vehicles does not require significant manpower. DTG will have no more than two (2) employees on site at any time. As such, only two (2) of the eight (8) allotted parking spaces need be allocated for employee use.

b. Customer Parking Needs

The typical vehicle rental customer does not require a parking space. Rather, the typical customer visiting a car rental facility is without personal transportation. The Plaza is adjacent to and shares ingress and egress with a Days Inn hotel. DTG expects that many of its customers at the Plaza location will arrive on foot from the Days Inn, and thus require no parking spaces. In fact, unlike most businesses, the goal of a car rental agency is to reduce vehicles in the parking lot. A vehicle rental facility of this size and nature, as opposed to a stand-alone facility or a location within or attached to an airport, is not

¹ Please note that the property survey dated February 26, 2013 and included as part of this special exception application package indicates that there are 140 parking spaces at the Plaza. All calculations in this narrative are based on the figure of 138 parking spaces provided by Mr. Quillen. In the event that it is further confirmed that there are, in fact, 140 parking spaces, the Plaza has 10 spaces more than required rather than the 8 excess spaces referenced here and elsewhere in this narrative.

expected to generate high customer volume. DTG expects that there will rarely be more than two (2) customers in the suite at any one time. Further, DTG maintains that the average rental transaction takes less than fifteen (15) minutes.

Based on this information, DTG requests that four (4) of the eight (8) parking spaces allocated to the suite under the Charlotte County zoning formula be used for vehicle rental storage rather than employee or customer parking.

3. Parking Space Usage By Other Tenants

The Plaza consists of thirteen (13) single suites and one larger double suite. Though applicable Charlotte County zoning rules require one (1) parking space per 250 square feet of building space, none of the current tenants at the Plaza are allocated or promised a specific number of parking spaces in their respective leases. Indeed, many of the tenants fail to generate sustained traffic requiring parking availability that approaches the minimum required under the zoning formula. The landlord's real estate broker, Mr. Cliff Martinez with Ocean Partners Real Estate, LLC, has indicated that the parking areas to the north and rear of the building are rarely utilized. The current tenant roll is as follows:

- a. Suite 1 (1,200 s.f.): bead store
- b. Suite 2 (1,600 s.f.): jewelry store
- c. Suite 3 (2,000 s.f.): pottery studio
- d. Suite 4 (2,000 s.f.): salon
- e. Suite 5 (2,000 s.f.): hurricane shutter company

Information provided by the landlord's real estate broker indicates that the hurricane shutter company utilizes its suite primarily as an office rather than a commercial retail site. The suite generates a low level of parking traffic as installation of hurricane shutters is done off-site at the customers' properties.

- f. Suite 6 (2,000 s.f.): dental office
- g. Suite 7 (2,000 s.f.): vacant (proposed DTG suite)
- h. Suite 8 (3,000 s.f.): vacant
- i. Suite 9 (1,000 s.f.): pick-up/drop-off dry cleaner
- j. Suite 10 (2,000 s.f.): sandwich shop
- k. Suite 11 (1,000 s.f.): check cashing center
- l. Suite 12 (1,000 s.f.): income tax preparation office

**Narrative
(Exhibit E-3)**

The landlord's real estate broker, Mr. Martinez, indicates that this office is only open during the tax season—from January to the end of April. It sits vacant the remainder of the year.

m. Suites 13 & 14 (11,000 s.f.): party supply store

Under the zoning code parking formula, the party supply store would be allocated 44 parking spaces. Even during peak operation times, specifically, Halloween and Christmas season, the store does not require its full allotment of parking spaces.

A two-hour observation conducted on February 21, 2013 between the hours of 11:35 a.m. and 1:30 p.m. revealed that the Plaza parking lot was, on average, 50% utilized. Four counts were conducted at half-hour intervals and revealed that available parking spaces numbered between 67 and 71, or between 48.6% and 51.4% total usage during a typical lunch period.

In sum, DTG requests approval of the use of seventeen (17) parking spaces at the Plaza for the temporary storage and hand washing of rental automobiles. To arrive at the total of seventeen (17) dedicated spaces, DTG asks for the use of: (a) the eight (8) spaces² in excess of the minimum 130 spaces required for the Plaza under the zoning formula; (b) four (4) of the eight (8) spaces allocated to DTG's suite under the formula that are not needed for use by DTG employees or customers; and (c) five (5) spaces that are currently not needed by nor dedicated to the other tenants of the Plaza.

Hand Washing of Vehicles

In addition to the fifteen (15) parking spaces dedicated to rental car parking, the Landlord has agreed to assign two (2) adjacent parking spaces (indicated on the attached survey) to be used by DTG employees for periodically hand washing the rental cars. In a letter dated October 11, 2012, Mr. Quillen stated that the hand washing of vehicles would not be objectionable to the storm-water review division, but expressed concerns about pedestrian and vehicle safety within the lot that may be affected by the washing of the vehicles in the spaces indicated on the attached survey. To address these concerns, DTG proposes the following:

- a. Position safety cones near the wash area;
- b. Position portable caution signs;
- c. DTG employees will wear a high visibility safety vest when washing the cars; and
- d. DTG employees will receive safety training including an orientation of the wash area.

Summary

In conclusion, DTG requests a special exception to allow for the operation of an auto rental business in an existing shopping center. The use is compatible with and complementary of

² Please see footnote 1.

the surrounding commercial uses. DTG also requests approval of the dedicated use of 15 parking spaces for the temporary storage and 2 spaces for the hand washing of the rental vehicles.

Narrative
(Exhibit E-5)



MEMORANDUM

Date: March 29, 2013
To: Ken Quillen, Planner III
From: Jamie Scudera, Environmental Specialist
Subject: SE-13-003
DTG Operations, Inc., 1931 Tamiami Trail

The Zoning Environmental Review Section has conducted a cursory review (additional wildlife or environmental reviews may be required by state and/or federal agencies) of the above referenced petition for compliance with Environmental, Tree and Landscaping codes/ordinances and offers the following comments:

- ❖ The site does contain numerous heritage oak trees per Article IX *Tree Requirements*, Section 3-2-190 *Heritage Trees*. All trees located on site must remain preserved and if any trees need to be trimmed in order to accommodate the new business all tree pruning shall be conducted according to the latest edition of the National Arborist Association standards.

If this petition is approved, the following conditions will be reviewed for compliance upon Site Plan Review (if required) and the issuance of any county permit or land improvement activities:

- ❖ As this proposal moves forward, the Environmental Review Section has no issues which need to be addressed.

If there are any questions pertaining to this review please feel free to contact me at (941) 743-1290.

JS

(Exhibit F)