



MEMORANDUM

DATE: December 9, 2024
TO: City Commission
FROM: Brandon Hatch, Planner I
THRU: Jordan Smith, AICP, PP Planning and Development Services Director
SUBJECT: Resolution No. 2024-42 a Conditional Use to allow a 1,400 square foot quick service oil change facility to be developed on +/- 1.37-acre property located at 3150 Howland Boulevard within the C-1, Retail Commercial Zoning District. Applicant: David Holden (Quasi-Judicial – Public Hearing) (Brandon Hatch, Project Manager)

REFERENCES: City Comprehensive Plan, Code of Ordinances.

REQUEST: The applicant is requesting a Conditional Use to allow a 1,400 square foot Automobile Service Station Type A – Quick Service Oil Change facility to be developed on +/- 1.37-acre property located at 3150 Howland Boulevard as well as a reduction in the vehicle stacking per Section 110-828 of the Land Development Code.

The tax parcel number for the subject property is 8108-00-00-0057.

DISCUSSION:

Location and History: The subject property is located on the north side of Howland Boulevard, west of the Dunkin' located at 3150 Howland Boulevard. The Future Land Use is Commercial, and the zoning is C-1, Retail Commercial. The property was rezoned from OR, Office Residential to C-1 in 2024, through Ordinance No. 03-2024.

Project Description: The applicant is requesting a Conditional Use for a 1,400 square foot quick service oil change business to be developed on the property located at 3150 Howland Boulevard, as well as a 5,000 square foot retail space. The property is currently undeveloped.

The proposal of a Take-5 Oil Change facility will allow residents to have the availability and convenience of a local oil change business that provides their vehicles with needed routine maintenance. The facility will operate daily from 7:00 a.m. to 8:00 p.m. and service approximately 30 cars per day.

CONDITIONAL USE: The applicant has applied for a Conditional Use to the following Section of the Code:

1. *Section 110-315 – A conditional use for a Automobile service station, type A; to be allowed within the Retail Commercial (C-1) zoning district.*

CONDITIONAL USE CRITERIA (Section 110-1103):

The Planning and Zoning Board shall make a written recommendation to the City Commission that all of the following criteria have been met:

CRITERIA No. 1:

Is the proposed use consistent with the intent of Chapter 110?

FINDINGS OF FACT No. 1: The proposed oil change facility is consistent with Chapter 110. The site is zoned C-1, Retail Commercial, which requires a Conditional Use application to allow an Automobile Service Station Type A. The applicant is requesting to allow a reduction in the vehicle stacking.

CRITERIA MET: YES

CRITERIA No. 2:

Is the proposed use consistent with the Comprehensive Plan?

FINDINGS OF FACT No. 2: An analysis of the below Comprehensive Plan provision indicate the proposed Conditional Use is consistent with the City Comprehensive Plan. The conditional use fits within the Future Land Use designation of Commercial. The applicant has provided a site plan depicting the proposed parking facility and stacking lanes which the applicant is requesting a condition to allow for two service bay spaces be present instead of three service bay spaces per service bay which is required per Section 110-828 Table 110-9 of the Land Development Code. Existing trees will be maintained, and additional landscaping will be planted within the required landscape buffers, and along the right-of-way line and will be consistent with Section 110-828. The dumpster enclosure will be constructed to meet City Specifications and properly screened per Section 110-808(j) of the Land Development Code. These improvements will aesthetically improve the site.

Policy FLU1-5.12

In implementing the Future Land Use Element, the City shall develop and adopt regulations to ensure to the maximum extent feasible, compatibility of use of areas and properties, including but not limited to such factors as traffic circulation, air quality and odor control, noise control, lighting and aesthetics.

CRITERIA MET: YES

CRITERIA No. 3:

Will the proposal adversely affect the public interest?

FINDINGS OF FACT No. 3: The proposed Oil Change Facility will have a positive effect on the public's interest, as it will provide employment opportunities and serve the needs of the community through local automotive servicing.

CRITERIA MET: YES

CRITERIA No. 4:

Can the applicant meet the expressed requirements of applicable City Conditional Use regulations?

FINDINGS OF FACT No. 4: The applicant can meet all Land Development Code requirements as stated per Section 110-817 of the City's Land Development Code.

CRITERIA MET: YES

CRITERIA No. 5:

Will the applicant be able to meet all requirements imposed by federal, state or local governments, or the commission?

FINDINGS OF FACT No. 5: The applicant has submitted a conditional use site plan, and the applicant will be able to meet all requirements imposed by federal, state or local government. The facility will maintain an active Business Tax Receipt (BTR) with the City and will be required to apply for one prior to the facility opens for business.

CRITERIA MET: YES

CRITERIA No. 6:

Will the use create a hazard or a public nuisance or be dangerous to individuals or to the public?

FINDINGS OF FACT No.6: The proposed use will not generate undue traffic congestion. The oil change facility will operate every day from 7:00 a.m. to 8:00 p.m. and has adequate parking to encompass the daily traffic to and from the facility.

A Trip Generation Analysis performed by TPD Traffic, based upon data from the 11th Edition of the ITE Trip Generation Manual, estimates 120 daily trips to the oil change facility with 9 total trips estimated in the A.M. peak hour and 15 total trips estimated in the P.M. peak hour. Additionally, the 5,000 Square Foot Retail Space is estimated to produce a daily trip amount of 441.

CRITERIA MET: YES

CRITERIA No. 7:

Will the proposed use create a hazard, public nuisance or be dangerous?

FINDINGS OF FACT No. 7: The Oil Change Facility is not expected to create any hazard, public nuisance or be dangerous. The facility shall utilize industry standard and environmentally compliant waste disposal practices including the disposal of used oil per state and federal laws.

CRITERIA MET: YES

CRITERIA No. 8:

Will the proposed use materially alter the character of surrounding neighborhoods or adversely affect the value of surrounding land, structures or buildings?

FINDINGS OF FACT No. 8: The Oil Change facility use, and the retail space will not materially alter the character of the surrounding neighborhoods or the value of the surrounding land. The applicant will be providing onsite improvements which will aesthetically improve this site. There are adequate buffers provided for the residential neighborhood adjacent to the proposed use.

CRITERIA MET: YES

CRITERIA No. 8:

Will the proposed use adversely affect the natural environment, natural resources or scenic beauty or cause excessive pollution?

FINDINGS OF FACT No. 8: The proposed use will not cause excessive pollution, as oil change businesses are regulated by the state.

CRITERIA MET: YES

FINDING OF FACT: Staff finds that all criteria have been met for granting approval of the conditional use and recommends approval with the following condition:

1. The proposed oil change facility has provided adequate information regarding the vehicle stacking and shall be required to have two (2) cars stacking behind each lane in lieu of three (3) per the LDC.
2. All work must be conducted indoors, no outdoor activities are permissible on site.
3. All materials use for business shall be stored inside the building.

4. All solid waste shall be disposed of in the required dumpster.
5. All oil and other fluid shall be stored in containers approved for such fluids and shall be disposed of or recycled as required by law.
6. Monument signage and building signage will be reviewed and approved under a separate permit.
7. Mechanical equipment, electrical meter and service components, and similar utility devices whether ground level, wall mounted, shall be screened from view.
8. All required building permits shall be obtained prior to any work being performed. All such permits shall be subject to the controlling provisions of law applicable thereto and the fee schedule associated therewith.
9. If City staff and the Property Owner are unable to agree to the details of this Development Order, the matter will be submitted to the Planning and Zoning Board for resolution at a public hearing, and the matter will be adjudicated by means of a development order or denial development order thereto.

PLANNING AND ZONING BOARD: At their regular meeting on November 21, 2024, the Planning & Zoning Board voted unanimously, 7 to 0, to recommend that the Mayor and City Commission approve the conditional use with nine (9) conditions as recommended by staff.

NEXT STEPS: The Mayor and City Commission will hear this item on December 9, 2024.

STAFF RECOMMENDATION: Staff recommends approval of Resolution No. 2024-42.

LEGAL DESCRIPTION: BEGIN at the Northwest corner of the Northeast 1/4 of the Northwest 1/4 of Section 8, Township 18 South, Range 31 East, Volusia County, Florida; thence run North 88 degrees 46 minutes 08 seconds East 294.68 feet to the Point of Beginning; thence continue North 88 degrees 46 minutes 08 seconds East 200 feet; thence run South 01 degrees 16 minutes 00 seconds East 299.17 feet to the North right-of-way line of State Road No. 444; thence South 88 degrees 44 minutes 00 seconds West along said Right-of-Way line 200 feet; thence North 01 degrees 16 minutes 00 seconds West 299,29 feet to the POINT OF BEGINNING.

ATTACHMENTS:

- Letter
- Map Series
- Building Permit
- Survey
- Building Dimensions Diagram