



**A REGULAR MEETING MINUTES
PLANNING AND ZONING BOARD
OCTOBER 1, 2012**

1. CALL TO ORDER/INVOCATION/PLEDGE OF ALLEGIANCE

Chairman James Gentry called the meeting of the City of Winter Garden Planning and Zoning Board to order at 6:31 p.m. in the City Hall Commission Chambers. The invocation was given followed by the Pledge of Allegiance.

2. ROLL CALL AND DETERMINATION OF QUORUM

The roll was called and a quorum was declared present at 6:32 p.m.

MEMBERS PRESENT:

Chairman James Gentry, Board Members: James Dunn, Kent Horsley, Mark Maciel, Mac McKinney, Rohan Ramlackhan, and Eric Weiss.

MEMBERS ABSENT/ARRIVED LATE:

None

STAFF PRESENT:

City Attorney Kurt Ardaman, Community Development Director Ed Williams, Senior Planner Laura Smith, Senior Planner Stephen Pash, Planner I Alejandra Fazekas and Customer Service Representative Colene Rivera.

3. APPROVAL OF MINUTES

Approval of minutes from the regular meeting held September 10, 2012.

Motion by James Dunn to approve the September 10, 2012 minutes, seconded by Kent Horsley, the motion carried unanimously 7-0.

SPECIAL EXCEPTION PERMIT(Public Hearing)

4. 1297 Winter Garden Vineland Road – (United Cerebral Palsy) Charter School

Senior Planner Laura Smith presented the special exception for the United Cerebral Palsy which was tabled from the last Planning and Zoning Board meeting to finalize unresolved

issues. This request for a special exception permit is to allow for a charter school within a planned commercial development (PCD) district for enrollment of up to 105 students. The applicant agreed to contribute \$25,000 to assist in the construction of a north bound turn lane on Winter Garden Vineland Road at the project entrance. The City has agreed to design, permit and construct the turn lane. The applicant has also redesigned the parking facilities around the building to more adequately serve the site during student drop-off and pick-up times. Staff have reviewed this proposal and worked out all outstanding issues with the property owner and applicant and we recommend the approval of the special exception permit subject to the conditions outlined in the staff report.

Mathew Smith, real estate land use lawyer, 2105 Park Avenue North, Winter Park, FL, representing the applicant and owner of the property. Mr. Smith says the owner/applicant concur with the City's staff recommendations.

Citizen, Pamela M. Robb, 1311 Winter Garden Vineland Road, Winter Garden, FL 34787 – owner of the building south of the proposed project. Spoke with regard to the traffic flow in and out of his parking lot.

Community Development Director Ed Williams advised that the City Engineer is trying to design the turning lane in the existing right-of-way. The City does not have the ability to acquire any additional right-of-way. This center, where the project is located, has only a small portion built, and the traffic will still increase with its continued development. The City will continue to get the turn lane in as quick as it can. The City Engineer is working on the design and the options available to the City.

The Board had general discussion with City Staff regarding the traffic flow on Winter Garden Vineland Road and the timeline of the turning lane construction, the fencing with a landscape buffer of the playground area for the students and the other site improvements of the site.

Motion by Kent Horsley to approve the Special Exception Permit for 1297 Winter Garden Vineland Road – United Cerebral Palsy Charter School to allow for a charter school for a 105 student capacity subject to Staff recommendations (Attached Exhibit "A"). Seconded by James Dunn, the motion carried unanimously 7-0.

5. 12788 W. Colonial Drive – (Absolute Pawn, LLC)

Senior Planner Laura Smith presented a Special Exception Permit application to allow for automotive and motorcycle sales on property that is located in a C-2 zoning district. The subject property is located on the south side of West State Road 50 just east of 9th Street and has recently been opened by a company called "Absolute Pawn" as a pawn and gun shop. The applicant has requested the special exception permit so that they may display the automobiles and motorcycles that are not redeemed through their pawn process for sale. The automobiles and motorcycles be held by the business on pawn will be stored in the warehouse facility that is located in the existing building, and then when the automobile or motorcycle is not redeemed and the business owner is able to sell them he will display them on the northwest portion of the property. City Staff have reviewed this application for

special exception permit and recommend approval subject to the conditions of the Staff Report, specifically related to the number of vehicles allowed to be offered for sale and the limitation of the type of signage activity.

The Board had general discussion with City Staff regarding the number of the vehicles to be displayed and stored. Steven Sandvik, applicant, advised the Board they have an active auto dealers license. The vehicles will have tags while being stored but it will be surrendered to the pledge at the time the business claims ownership. The business will provide a dealers tag for the vehicles.

The Board expressed its concern that the business becomes or generates business as a “used car” lot. The City Attorney advised the Board that additional conditions or restrictions where the vehicles being sold or stored on site must have been subject to the pawn process of the business and not brought there for sale independently by the Owner or other person. The Owner of business advised that he does have customers that do come in and just want to sell their vehicle instead of pawning it so he does not want to be subject to these conditions or restrictions.

The Board and Staff had a general discussion of the use of pawn shops as an approved use in the state road 50 corridor and how City code designates the use.

Motion by Mack McKinney to approve the Special Exception for 12788 W. Colonial Drive to allow for the use of automotive and motorcycle sales as part of the existing pawn shop business subject to Staff recommendations (Attached Exhibit “B”). Seconded by Mark Maciel, the motion carried unanimously 7-0.

APPEAL OF ADMINISTRATIVE OFFICIALS DECISION(Public Hearing)

6. 3337 Daniels Road – (Firestone Winter Garden) Mays & Company

Community Development Director Ed Williams presented an appeal application to the Board on the administrative interpretation of the Firestone Automotive Service Center special exception permit application. Staff’s determination and representation at the prior Planning and Zoning Board meeting was that the Firestone Automotive Service Center applied for the use of a tire installation and service center but, in fact were to have the uses of major repair services, to include engine repair services, air conditioning repairs services, brake repair services, steering and suspension services. All of these automotive repair services were not anticipated in the freestanding tire installation facility. Staff has re-reviewed the meeting recordings of the original approval of the mall and the requests by the property owner at that time, Sembler, for this particular use as a permitted use. It was not acceptable by the City nor the residents who opposed this project to have automobile repair and service facilities in the mall. It was approved that if a “Sam’s Club” or “Costco” type business that has tire installation with it that would be appropriate and under special exception and review of a free standing tire installation facility may be appropriate.

Firestone submitted an application that identified it as a Firestone Automotive Service Center with Tire Installation. Nothing in the application identified or in the feasibility information

submitted that they would be doing engine repair, transmission repair, a/c repair, brake repair, or any other uses. As the project went along they had a feasibility meeting where Staff indicated they were not supportive of the project, they had numerous meetings with Staff, including the City Manager, where they were told that City Staff would not be supporting their request. They wished to go forward with the project so a community meeting was scheduled. There was opposition representation at the community meeting from the neighborhood citizens. The applicant in answering one of the questions indicated that over 70% of their revenue comes from repair services not tire installation. To staff this was a substantial disclosure that caused a great deal of concern. Staff then further reviewed the public record recordings of the community meeting to establish what was the intent of tire installation as a special exception use at this location, and came to the conclusion and determination that this facility with the amount of service and repair they are proposing is not a tire installation facility, it is in fact an automobile service and repair facility that also does some tire installation. This was brought to your attention at the last meeting they have filed an appeal which is the subject of this public hearing. Staff recommends that you deny the appeal as the use is not being consistent with what is a permitted use or permitted use by special exception in the PCD of the mall.

Miranda Fitzgerald, attorney with Lowndes, Drosdick, Doster, Canter and Reed Law Firm, 215 N. Eola Drive, Orlando, FL, representing the applicant, and Firestone, made a statement that the applicant disagrees with the position the City has taken and maintains the staff was aware of the specific uses of the business and that all issues could be addressed, and classifies the proposed auto service repairs to be that of preventative services not what would be classified as a heavy auto service facility. Ms. Fitzgerald also provided an overhead photograph of the proposed site improvements and further explained the applicant's proposal and the history of the applicant's application process with the City.

The Board had a general discussion with the applicant's representative with a determination of the arguments to justify the appeal and the decision before the Board this evening and not the presentation of the project itself.

Citizen, Dona Gussow, 13537 Glynshel Drive, Winter Garden, FL 34787 – adjacent property owner to the mall, spoke in opposition of the “Firestone” and an automotive service center use at the mall.

Applicant, Steve Meier with Mays & Company, represents “Firestone” made a statement to the Board that as the applicant they have always interpreted their use as a tire store with automotive services and was disappointed with how the City handled his application.

Citizen, Gregg McGowan, 14518 Tabago Bay Drive, Winter Garden, FL 34787 – agrees with the staff and the specifics of the ordinance and spoke in opposition of the use at the mall. Also advised that as the Board of Directors for his Home Owner's Association of 100 homes no one was in favor of the project.

Citizen, Ed DeCrosie, 13809 Glynshel Drive, Winter Garden, FL 34787 – spoke in opposition of the “Firestone” and an automotive service center use at the mall and relies up City Staff’s decision to up hold the administrative decision.

Citizen, Tom Reedy, 14217 Country Estates Drive, Winter Garden, FL 34787 – resident of Unincorporated Orange County adjacent property to the mall spoke in opposition of the use at the mall.

General discussion of the Board with City Attorney, and Staff to clarify the question before the Board, which is to overturn or support Community Development Director Ed Williams decision that the current application does not fall within the uses listed as a special exception under the City Ordinance.

Motion by Mac McKinney to uphold the administrative decision of the Community Development Director Ed Williams finding that the uses described by the applicant, Firestone Automotive Service Center is not subject to approval by special exception and are not permitted at the 3337 Daniels Road site. Seconded by Mark Maciel, the motion carried unanimously 7-0.

GENERAL STATEMENT: Senior Planner Laura Smith requested the Board meet for a special meeting of the Planning and Zoning Board on Monday, October 15, 2012 at 6:30 p.m. in City Hall Commission Chambers, 300 W. Plant Street due to an applicant in a time frame constraint, and if the applicant is not prepared or a quorum is not deemed the meeting will be canceled or continued. Board approved the October 15, 2012 meeting.

GENERAL STATEMENT: Kent Horsley requested his board package be in the form of a hard copy versus an electronic package.

7. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:09 p.m. and scheduled to meet for a special meeting on October 15, 2012 at 6:30 p.m. in the City Hall Commission Chambers, 300 W. Plant Street.

APPROVED:

ATTEST:

Chairman James Gentry

Planning Technician Corrina Williams

EXHIBIT "A"

**CITY OF WINTER GARDEN
PLANNING & ZONING DIVISION**

300 West Plant Street - Winter Garden, Florida 34787-3011 • (407) 656-4111

STAFF REPORT

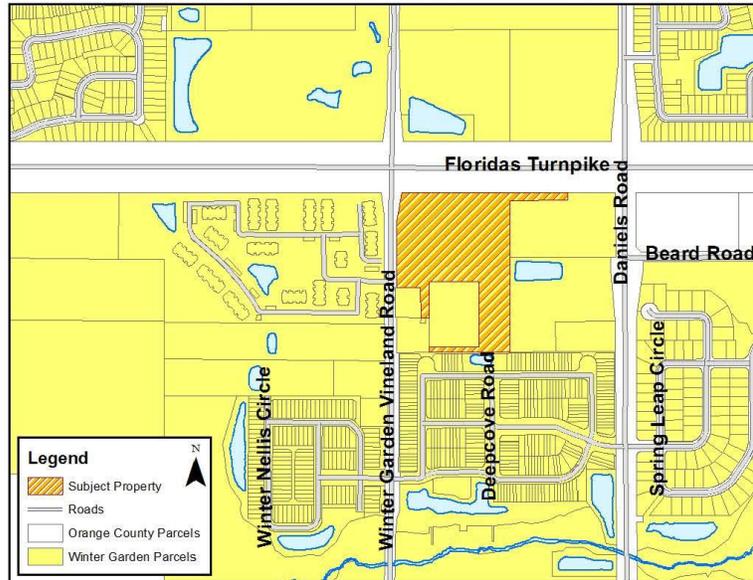
TO: PLANNING AND ZONING BOARD
PREPARED BY: LAURA SMITH, SENIOR PLANNER
DATE: SEPTEMBER 26, 2012
SUBJECT: SPECIAL EXCEPTION PERMIT
1297 Winter Garden Vineland Rd
(United Cerebral Palsy West Orange Charter School)
Winter Garden Business Center
PARCEL ID # 26-22-27-9147-00-010

APPLICANT: Hillcrest Properties III, Inc. & United Cerebral Palsy West Orange Charter School

INTRODUCTION

The purpose of this report is to evaluate the proposed project for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The subject property is generally located on the east side of Winter Garden Vineland Road south of Florida's Turnpike, in the Winter Garden Business Center shopping center. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The applicant is requesting a Special Exception to allow for the subject property to be used for a charter school for enrollment of up to 105 students with up to 44 employees. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation PCD. The subject property is designated Commercial on the Future Land Use Map of the Comprehensive Plan.

EXISTING USE

The property consists of three one-story commercial buildings, two of which are 10,000 square feet each and one which is 12,000 square feet and each building is divided into multiple tenant spaces. The property is zoned PCD and is approved for the construction of up to nine commercial buildings, three of which may be up to 10,000 square feet and six may be up to 12,000 square feet. The PCD for the property also allows for the construction of a self-storage facility with up to six buildings totaling 63,550 square feet on the south portion of the property. The PCD includes one other parcel on the south side of the property which is a 0.87 acre parcel permitted for commercial development.

ADJACENT LAND USE AND ZONING

The subject property is bordered by Florida's Turnpike on the north. Properties located south of the subject property are within the Daniels Landing townhome community zoned R-3 within the City of Winter Garden. The properties located to the west of the subject property include Southern Pines Condominiums zoned PUD and the Lake Apopka Natural Gas office site zoned C-2 in the City of Winter Garden. The properties located to the east of the subject property include a commercial subdivision which contains Bright Horizons Day Care Center zoned C-2 in the City of Winter Garden, and a parcel owned by the City of Winter Garden containing facilities for the City's water system which is zoned R-1 in the City of Winter Garden.

PROPOSED USE

The applicant proposes to open a charter school for enrollment of up to 105 students with 44 employees in 10,000 square feet of the 12,000 square foot building located at 1297 Winter Garden Vineland Road on the east side of the PCD property. The applicant proposed to construct a playground on the vacant building site located on the east side of the 12,000 square foot building located at 1297 Winter Garden Vineland Road, and to construct the 20 parking spaces which would have been constructed around the vacant building site located to the east of the building which they request to operate the school. The proposed school would enroll students ages Infant - 3rd Grade.

SUMMARY

City Staff recommends approval of the proposed use subject to the following conditions.

- The charter school shall be limited to a maximum enrollment capacity of 105 students, expansion of the facility and/or enrollment of more than 105 students will require additional review and amendment to the special exception permit.
- Applicant must submit small scale site plan for all site improvements depicted on the attached conceptual plan. All improvements including parking, paving, fencing, playground construction and landscaping must be permitted and constructed prior to student occupancy of the facility.

- Staff has consulted with the applicant regarding the need for a northbound right turn lane on Winter Garden Vineland Road at the primary entrance to the property. The applicant has expressed their agreement with the City that the proposed use of a charter school requires safe and adequate ingress/egress to the property and that a northbound right turn lane on Winter Garden Vineland Road would support such need for the proposed use of a charter school. Staff has reviewed the feasibility of installing the turn lane and has come to an agreement with the applicant to share the responsibility of causing the construction of the northbound right turn lane. The City has compiled preliminary cost estimates for the construction of the turn lane and the applicant has agreed to pay a portion of the cost of the improvement that the City will construct. The applicant's portion of the cost of the improvement has been determined to be \$25,000.00 which must be paid to the City prior to the issuance of any building permits for the proposed charter school.
- Fence height around the playground depicted on the attached conceptual plan shall not exceed 6 feet in height and must be surrounded on the three sides that are visible from vehicular use areas by an opaque landscape hedge as shown on the attached conceptual plan. Plant material for the landscape hedge shall be minimum 3 gallon plants which shall be no less than 36 inches tall at time of planting, and shall be installed at equal spacing of at least 33 plants for each 100 linear feet which will reach 90% opacity within one year of planting.
- All necessary permits must be obtained prior to beginning any construction on or alterations to the site and/or facility.

MAPS/EXHIBITS

**AERIAL PHOTO
1297 Winter Garden Vineland Road**



Letter of Proposal



September 5, 2012

Ms. Laura Smith
Community Development Department
City of Winter Garden
300 West Plant Street
Winter Garden, FL 34787

Re: Special Exception Permit
United Cerebral Palsy West Orange Charter School
1297 Winter Garden Vineland Road

Dear Ms. Smith:

As you requested, we provide this letter in support of the Special Exception Application to allow United Cerebral Palsy of Central Florida ("UCP") to move our existing school in Winter Garden to the building referenced above.

Since 1955, UCP, a tuition-free public charter school and therapy center, has served children with special needs by providing support, education, and therapy services for children with and without disabilities. With seven locations throughout Central Florida, UCP annually supports more than 2,400 families with children diagnosed with disabilities including autism, spina bifida, speech delays, Down syndrome, neurological disorders and cerebral palsy with the following "S.E.T." of services:

Support:	family support, training and counseling;
Education:	early intervention education, before/after school care and summer camp, recreation and inclusion programs;
Therapy:	physical, occupational, speech and music therapies integrated into our education programs.

We believe all children should learn, play and eventually work together; as such, we serve children with and without disabilities at all of our campuses.

Our current facility in the City of Winter Garden is an Orange County Public School ("OCPS") Charter School located in a shopping center at 630 S. Dillard Street. When OCPS granted UCP a 10 year contract renewal to extend education services to children up to the third grade, we began to look for a larger building and better location for this school. We are thrilled about relocating our school to the building shown on the attached Site Plan (the "Building").

While our current enrollment is 75 students, the new facility is designed to accommodate a maximum enrollment of 105 students. For various health and family reasons, our average daily attendance is only 75% of our enrolled students, which equates to 56 students. Our future average daily attendance, utilizing the same 75%, is estimated to be approximately 79 students ($105 \times 75\% = 78.75$).

To support our student population, we currently employ 35 full and part-time team members. Our team members work varying schedules throughout the day and perform roles including administrative, educational, clinical and custodial. Correlated to our expected enrollment increases we anticipate our future maximum staff to increase to 38 in year 1, 41 in year 2 and 44 in year 3.

As a full time Charter school, the UCP West Orange campus operates from 7:30am – 6:00pm and follows the OCPS academic calendar. Our core education hours are 8:30am – 2:30pm, so the primary drop-off window is 8:15 – 8:45 am, while pick-up is 2:15 – 2:45 pm. Of the 56 students in attendance on an average day, 46 arrive between 8:15 and 8:45 (approximately 82%). Based on that information, once we reach the maximum

Administration Office
1221 W. Colonial Drive
Suite 500
Orlando, FL 32804
tel 407.852.3300
fax 407.852.3301

**Downtown Orlando/
Holloway Campus**
3305 S. Orange Avenue
Orlando, FL 32806
tel 407.852.3300
fax 407.852.3334

Osceola Campus
448 W. Donegan Avenue
Kissimmee, FL 34741
tel 407.852.3300
fax 407.932.3480

West Orange Campus
630 S. Dillard Street
Winter Garden, FL 34787
tel 407.852.3300
fax 407.905.0532

Pine Hills Campus
5800 Golf Club Parkway
Orlando, FL 32808
tel 407.852.3300
fax 407.299.5520

East Orange/Bailes Campus
12702 Science Drive
Orlando, FL 32826
tel 407.852.3300
fax 407.281.0422

Seminole Campus
3390 N. Highway 17-92
Suite 1058
Lake Mary, FL 32746
tel 407.852.3300
fax 407.322.5996

www.ucpcfll.org

enrollment in our new facility, 65 of the 79 students in attendance each day will arrive between 8:15 and 8:45 (79 x 82% = 65).

UCP also operates extended day programs for our families allowing for early drop off from 7:30 am – 8:30 am, and after school pick-up from 3:00 pm to 6:00 pm. Currently we have 10 students enrolled in the early extended day program, and they arrive at the campus prior to the typical drop-off window. We also have 10 students enrolled in the after school program, so they depart after the core day concludes (and after the typical pick-up time).

As the attached Site Plan shows, the Building has 78 parking spaces for UCP's use. The west 2,000 SF of the Building is currently vacant, so we have not included the 6 spaces at that end in our total. UCP staff (38-44 people) will be directed to use the 48 parking spaces labeled for "Staff Parking" on the Site Plan. Based on their varying work schedules, we would not expect to have all team members on campus at the same time. However, if that were to occur, we would still have 4 unused spaces in the Staff Parking Area.

The 30 parking spaces on the south side of the building will be designated as 10 minute drop-off and pick-up spaces for families between the hours of 8:15 am and 8:45 am and between 2:15 pm and 2:45 pm. Our experience operating schools makes us quite comfortable that the 30 parking spaces will be sufficient for drop-off and pick-up because the duration of each stay is so short. Even if we assume each parent parks for 10 minutes, the 30 spaces would accommodate 90 such parents in the 30 minute window. Pick-up times are more staggered than drop off times, so the 10 minute parking spaces will be more than adequate as described above. Finally, if parents do need to wait for a free parking space, the Site Plan illustrates that we have "stacking" for up to 23 vehicles just around the Building and play area.

While we believe the Site Plan provides ample parking for our use, UCP will use its experienced staff ensure smooth and efficient operations. For example, during peak drop off and pick up times, parents will be directed to enter from the southern entrance and to circulate around the north side of the building and approach the drop off parking spaces from the east. A staff member will hold cars at the beginning of the drop off area and direct the next car in line to the next available parking space. If necessary, UCP will implement other operational protocols to make sure our school works well for our families and the rest of the West Orange Business Center.

In hopes of addressing all of the City Staff's comments about the application, we are happy to confirm two issues regarding the site. First, the Site Plan reflects a "4' Tall Aluminum Fence", but based on the City Staff's recommendation, UCP is happy to make that a 60" fence. Second, the fence type proposed by UCP is based on the Crime Prevention Through Environmental Design ("CPTED") standards, but we understands the City Staff's desire for screening. Therefore, since the fence will be largely transparent, UCP agrees to plant and maintain a shrub screen around the perimeter of the play area to create a continuous landscape screen with a 90 percent opacity within one year of planting. The plant material (e.g. viburnum) will be at least 36 inches high at time of planting, and UCP will install thirty-three (33) three-gallon plants per 100 linear feet. These standards will govern over what is depicted on the Site Plan.

UCP is excited about moving our West Orange Charter School to the West Orange Business Center. The new location will be a significant improvement over our current shopping center location. With UCP's decades of experience operating our facilities in Central Florida and the input of the City staff and our consultants, we are sure this facility and location will allow UCP, our students, and their families to flourish.

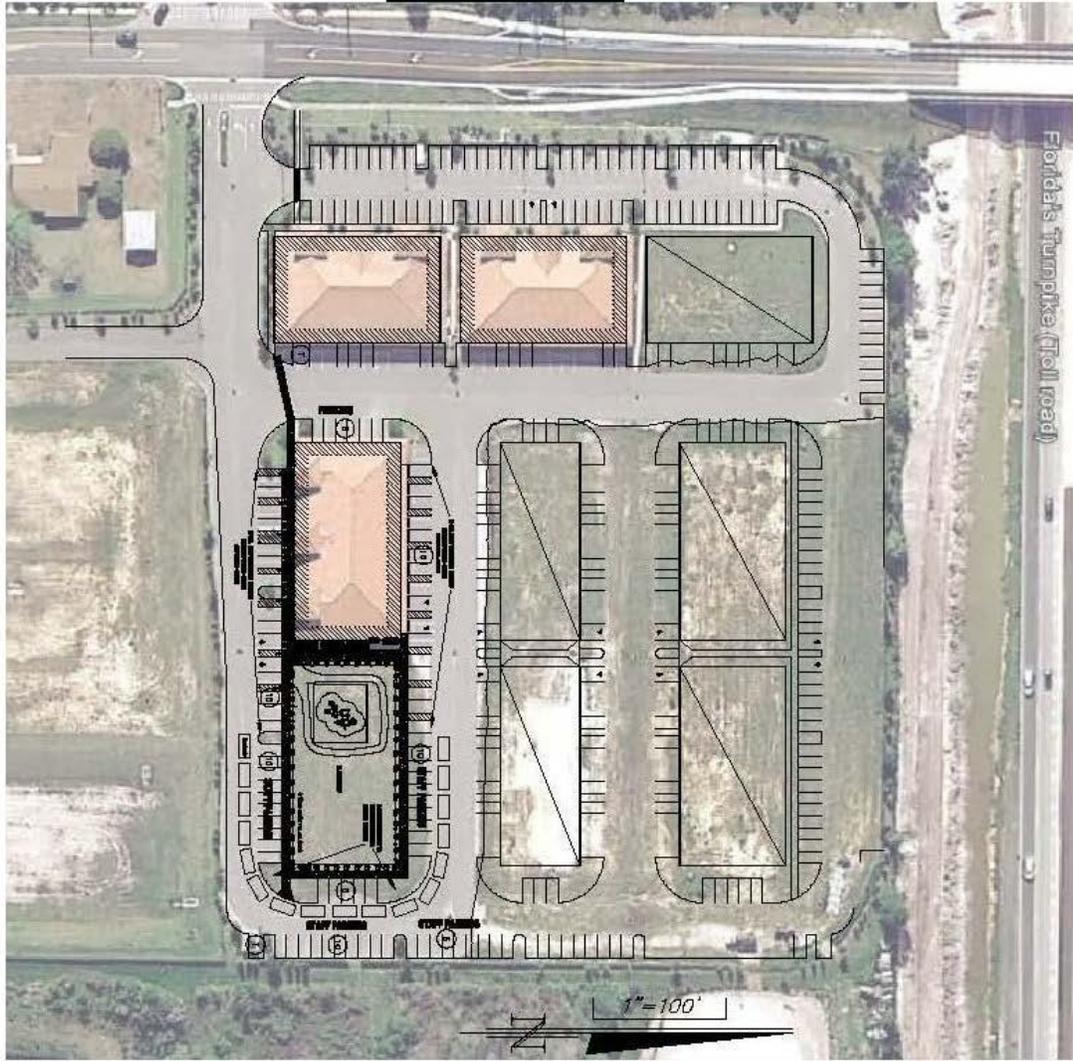
Thank you very much for your hard work and attention to our application. We look forward to working with you and the rest of the City to help us realize our vision for UCP's West Orange Charter School.

Sincerely,



Dr. Ilene Wilkins
President/CEO
UCP of Central Florida

AERIAL SITE PLAN



END OF STAFF REPORT

EXHIBIT "B"

CITY OF WINTER GARDEN PLANNING & ZONING DIVISION

300 West Plant Street - Winter Garden, Florida 34787-3011 • (407) 656-4111

STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: ALEJANDRA FAZEKAS, PLANNER I
DATE: SEPTEMBER 26, 2012
SUBJECT: SPECIAL EXCEPTION PERMIT
12788 W Colonial Drive
(Absolute Pawn, LLC)
PARCEL ID # 12-22-27-6496-23-005

APPLICANT: Steven Sandvik, Business Owner

INTRODUCTION

The purpose of this report is to evaluate the proposed project for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The subject property is generally located on the south side of West State Road 50 east of Gillard Ave and west of Partlow Drive. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The applicant is requesting a Special Exception Permit to allow automobile sales as part of a pawn and gun shop business in the north building on the subject property. The subject property is located within the City of Winter Garden municipal limits, carries the zoning designation C-2, is designated Commercial on the Future Land Use Map of the Comprehensive Plan and is located within the West State Road 50 Overlay.

EXISTING USE

The property consists of two commercial buildings on a 1.82 ± acre lot. One building is located on the north side of the property fronting on SR 50 and the other on the south side of the property. The applicant is currently occupying the entire north building which is approximately 4,240 square feet with 32 parking spaces for the pawn and gun shop business.

ADJACENT LAND USE AND ZONING

The property located to the north of the subject property is Quality Health of Orange County zoned C-2. The property located to the south is vacant unimproved land owned by WS Group zoned C-2. The commercial properties located to the east include Scooter's Car Wash owned by Classic Car Wash IV, LLC and Budget Insurance Office owned by Thomas Joyce both zoned C-2. The property located to the east is Walker Brothers Millworks, Inc zoned I-1. The adjacent properties to the subject property are within the City of Winter Garden.

PROPOSED USE

The applicant operates a pawn and gun shop business that includes automotive/motorcycle titled item pawn. The applicant is requesting permission to sell automotive/motorcycle items being held on pawn from the subject property that do not get redeemed.

The applicant proposes to store up to six vehicles that are on pawn in the existing warehouse in the back of the building, and the automotive/motorcycle items that do not get redeemed will be offered for sale, the applicant proposes to display the items outside on the north west side of the parking lot.

ANALYSIS

The north building on the subject property was previously approved by the Planning and Zoning Board to operate an automobile sales facility by Special Exception Permit on October 7, 2002 which subsequently expired. A Site Plan with the required landscaping, paving and parking striping was approved by the Planning and Zoning Board on February 3, 2003 and it was executed.

The proposed location of the business was a new and used automobile sales facility from 2001 to 2005 with different business owners. Because the automobile sales has not been operating for more than 365 days, a new Special Exception Permit must be approved to allow automobile sales as part of the pawn and gun shop business operation. The proposed location has been occupied by other permitted commercial businesses since 2005.

SUMMARY

City Staff recommends approval of the Special Exception Permit request to operate automotive/motorcycle sales as part of the pawn and gun shop business operations subject to the following conditions:

1. Automobile sales display area:

- i. The automobile sales display area shall be limited to the north west side parking area only for up to 10 vehicles.
- ii. The remaining parking spaces on the north east side of the subject property will be for customers and employees use only.

2. Signs:

a. Permitted Signs:

- i. The building can have one wall sign per frontage. Each sign may be a maximum of 36 square feet and a maximum of 2 feet tall.
- ii. Signs on vehicles to display price, options, etc. are permitted provided they cannot be read from the road.
- iii. Flags, other. Flags include any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device. Standards for flags are as follows:
 1. Only two such flags shall be permitted.
 2. The flags shall not be flown higher than a 35-foot pole, measured from grade.
 3. Only one flag per pole up to six feet by ten feet, or two flags per pole up to four feet by six feet may be flown.
 4. The flag shall extend no closer than ten feet from the edge of any adjacent public right-of-way.
- iv. Grand opening sign. One on-site temporary sign announcing the opening of a newly licensed business, that does not exceed 16 square feet in copy area and that is not displayed for longer than 30 days after the issuance of the occupational tax for the new business shall be allowed.

b. Prohibited Signs:

- i. No sign, permanent or temporary, shall be erected or placed so that it interferes with a clear sight triangle distance per Florida Department of Transportation (FDOT) design standards.
- ii. Portable signs.
- iii. A-frame, T-framed signs.
- iv. Signs on trailer frames with or without mounted wheels.
- v. Vehicle signs or signs on or attached to vehicles which have a total copy area in excess of ten square feet, when the vehicle is not "regularly used in the conduct of the business" and (a) is visible from a street right-of-way within one hundred feet of the vehicle, and (b) is parked for more than two consecutive hours within one hundred feet of any street right-of-way. A vehicle shall not be considered "regularly used in the conduct of the business" if the vehicle is used primarily for advertising, or for the purpose of advertising.
- vi. Flashing, moving, animated coursing, blinker, racer-type, intermittent, rotating, moving or revolving signs, whirligig devices, inflatable signs and

tethered balloons, pennants, banners, ribbons, streamers, spinners, and other similar types of attention-getting devices except for changeable copy signs when in compliance with the applicable regulations of this chapter.

- vii. Signage used on bus transit shelters within the right-of-way.
 - viii. Bench signs.
 - ix. Roof sign.
 - x. Traffic sign replica.
 - xi. Pole signs.
 - xii. Pylon signs.
 - xiii. Changing sign (automatic).
 - xiv. "Stick-in" signs.
3. Parking:
- a. A minimum of one handicap parking space shall be provided on site.
 - b. One (1) customer parking space shall be provided for every five (5) vehicles for sale on the site.
 - c. No vehicles can be parked to prevent access to, from, or through the site.
 - d. The parking areas shall be restriped to define appropriately the parking spaces provided.
4. Vehicle Maintenance:
- a. All work on vehicles shall be done inside. No working on vehicles outdoors is allowed.
 - b. No outdoor storage of any materials is allowed.
 - c. Any vehicles stored outside must have active tags and be in operating condition at all times.

MAPS/EXHIBITS

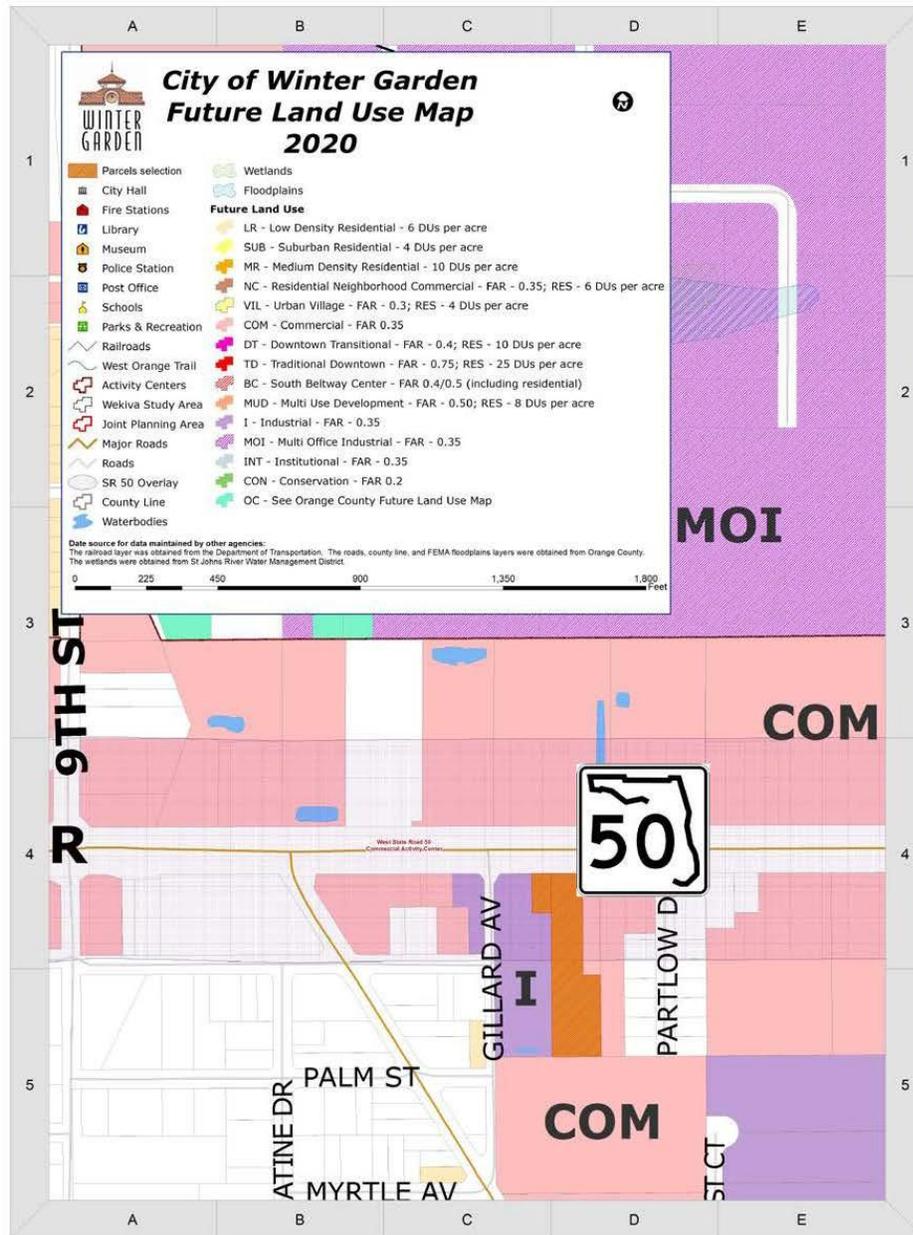
AERIAL PHOTO
12788 W Colonial Drive



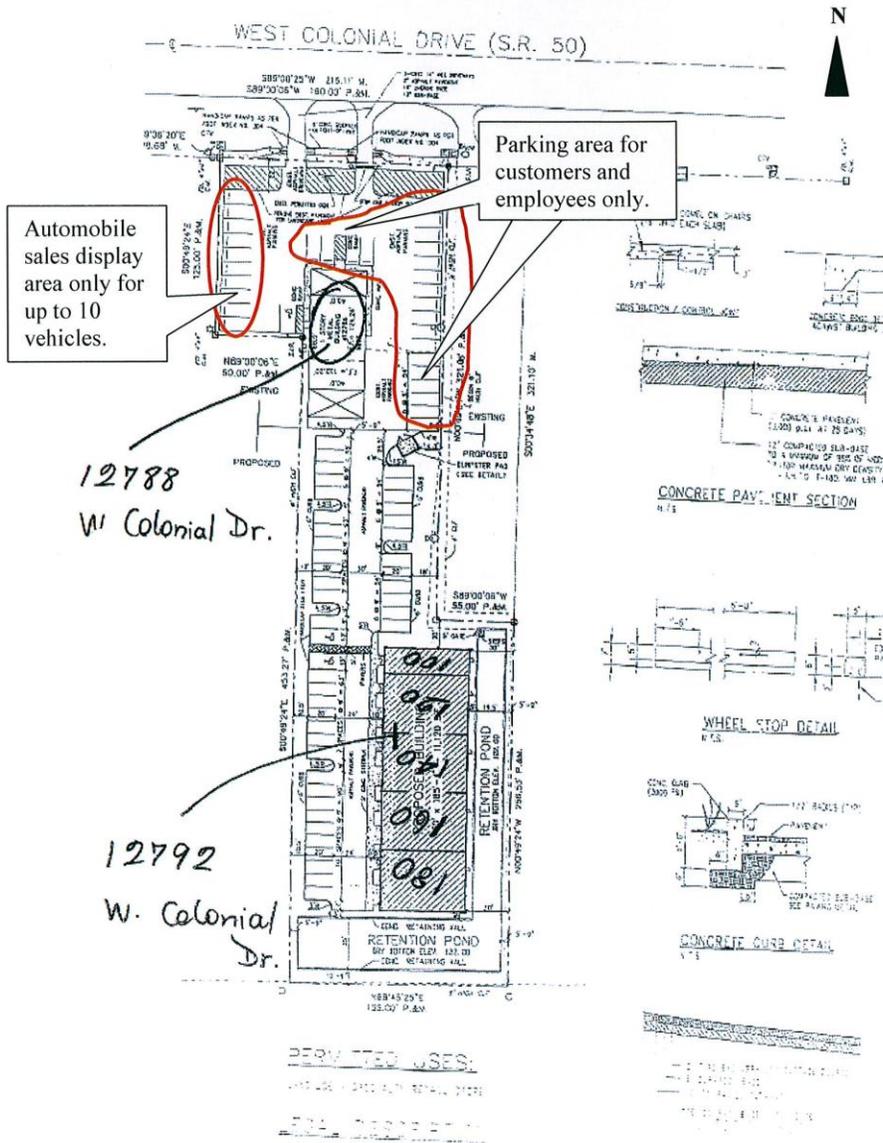
ZONING MAP
12788 W Colonial Drive



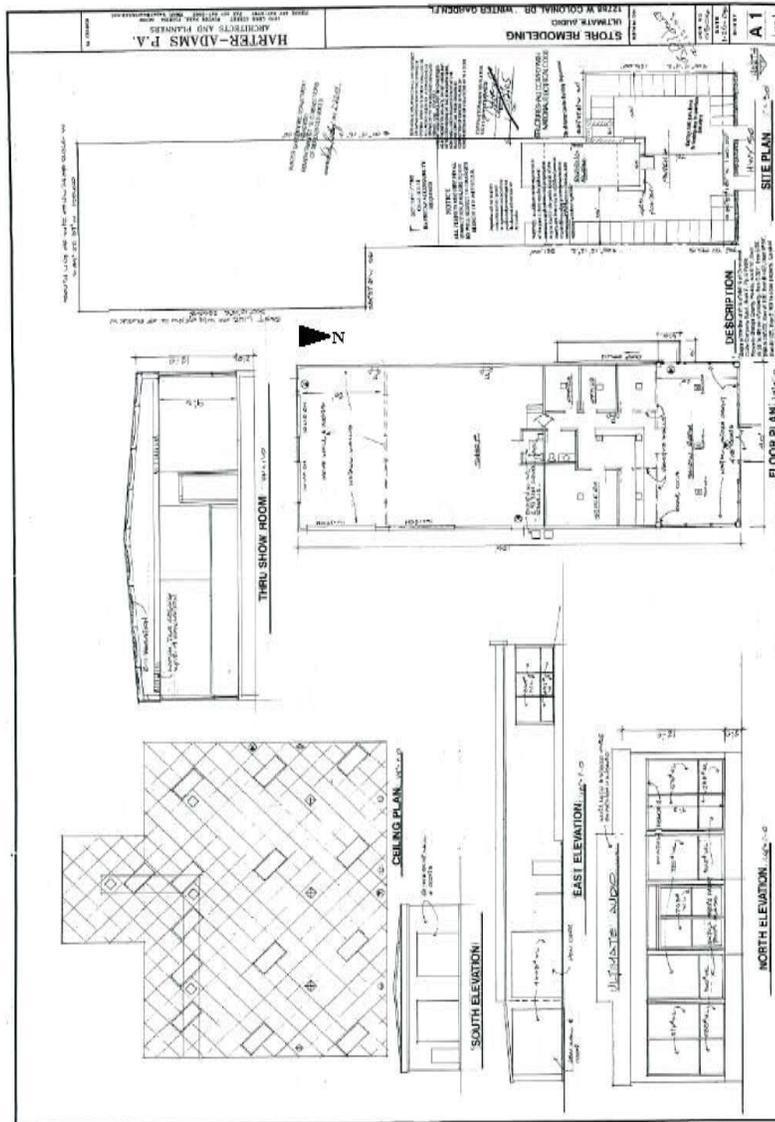
FUTURE LAND USE MAP
12788 W Colonial Drive



**EXISTING SITE PLAN
 12788 W Colonial Drive**



FLOOR PLAN OF NORTH BUILDING
12788 W Colonial Drive





North building



North west parking area



North east parking area

END OF STAFF REPORT