

**MEMORANDUM**

**DATE:** February 24, 2026

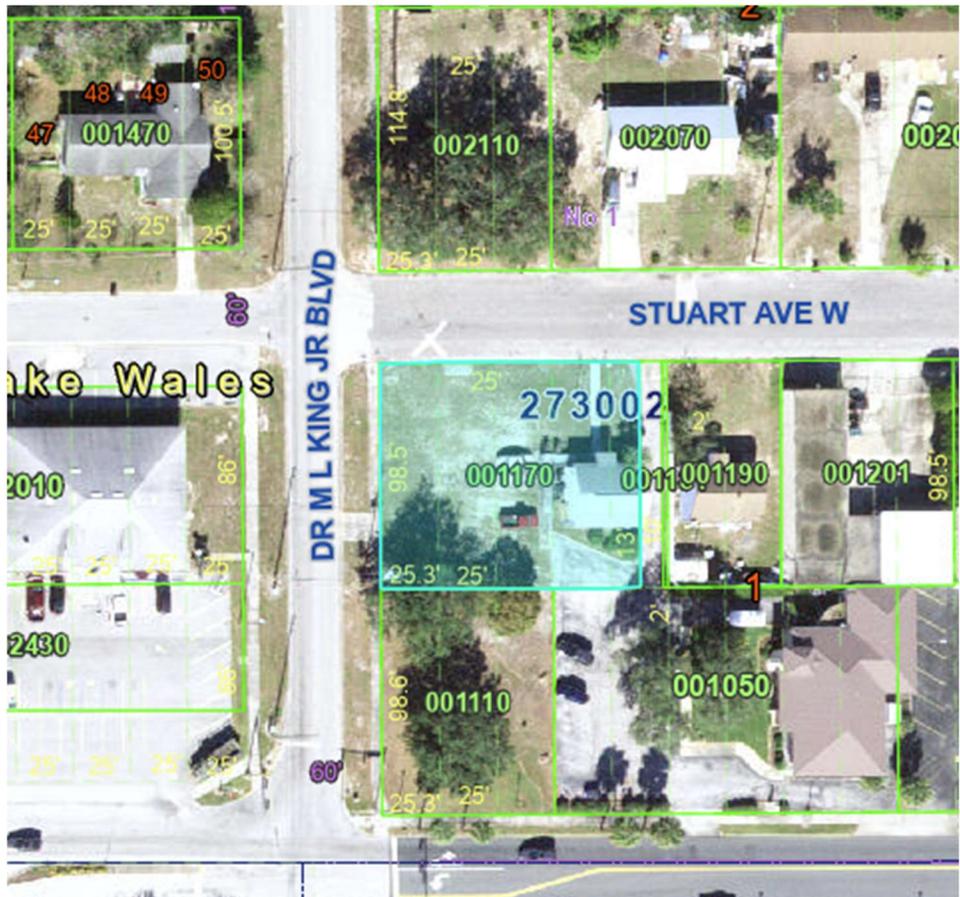
**TO:** Planning and Zoning Board

**FROM:** Shannon Hancock, Development Coordinator

**VIA:** Autumn Cochella, AICP, FRA-RA, Growth Management Consultant

**SUBJECT:** Special Exception Use Permit for Automotive Sales  
Address: 139 Stuart Ave W  
PID: 273002-908000-001170  
**PUBLIC HEARING** – Requirements have been met.

**SYNOPSIS:** *Ivory Wilson, owner, is requesting approval of a Special Exception Use Permit to allow for an automotive sales use in the C-2R zoning district.*



Location Map

## **RECOMMENDATION**

Staff recommends approval of the Special Exception Use Permit, including conditions of approval, finding that the proposed plan and conditions will improve the site and mitigate any potential adverse impacts of the use on the quality of the surrounding area.

## **BACKGROUND**

The property is located on the corner of Dr M L King Jr Blvd and Stuart Ave W. Surrounding properties to this property are made up of commercial and residential uses. This site received a code violation for no business tax receipt in August 2025 and the violation expanded to include the violation of uses in October 2025.



*Google Street View of 139 Stuart Ave W from July of 2024*

Due to current zoning and land development regulations, automotive sales in the C-2R zoning district are only permitted by Special Exception Use Permit with an approval from the Planning and Zoning Board. There has not been an active Business Tax Receipt at this location for over a year which makes the pre-existing use no longer valid without an approved Special Exception Use Permit. Throughout the recent years, the site has expanded beyond what was originally intended.

### *Proposed Site Plan*

The site plan proposes approximately 5,910 square feet of outdoor display for automotive sales and 788 square feet of sales within the existing office space.

Access to the site is along Dr M L King Jr Blvd and Stuart Ave with one (1) customer parking space, one (1) employee parking space and one (1) ADA/paved parking space. A waiver is being requested to reduce the number of required parking spaces, as the applicant has not provided sufficient parking for the site in accordance with Table 23-306B Minimum Off-Street Parking Requirements. Within the downtown district, the parking is flexible and can take advantage of on street parking. A waiver is also being requested to use gravel in lieu of paving the parking area.

Parking Calculations:

Automotive Dealerships	1 space per 250 square feet of retail sales area, plus 1 space per 1,000 square feet of outdoor display area
<i>Required Spaces</i>	$(788/250) + (5,910/1,000) = 9 \text{ spaces}$
TOTAL REQUIRED SPACES	9 spaces
PROVIDED	3 spaces

Non-residential tree density requirements have not been met where 3 trees are required by Section 23-307. A condition of approval includes planting of overstory trees within the landscape buffer area to meet the code requirements, as the code states trees shall be planted at a minimum of one tree for each 50 linear feet within the landscape buffer area. The proposed buffer includes a 2' high shrub; listed in the conditions of approval is language regarding requirements of a 6' high hedge. The addition of a landscaping buffer will greatly improve the existing site conditions.

*Per Section 23-433 – Special Exception Use Permit Review Criteria*

Per Section 23-431, special exception uses are land uses which have the potential of disturbing other land uses that shall be reviewed in terms of compatibility with surrounding uses or in ways that the use may be compatible through limitations of operations or enhancements of site design. The stipulations of approval are mandatory, and valid for the property as long as conditions are met. Review criteria for special exception uses provided in Section 23-433 to determine whether a use is appropriate and compatible with the neighbor are evaluated using the following:

*1. Consistency with the comprehensive plan, particularly in regard to the compatibility of the use with uses allowed under the future land use map classification of land in the neighborhood, whether those lands have been developed or not.*

**Typical uses for the Downtown District land use designation include uses such as financial institutions, specialty shops, restaurants, personal services, professional uses, cultural institutions, educational uses, mixed use, multi-family residential, public open space and governmental buildings. The intent of the district is to provide a mix of uses to create a walkable district.**

**Surrounding uses currently existing in the neighborhood include residential, retail shops, personal services, offices, and automotive uses. The proposed use is not unfamiliar to the surrounding area and existing uses.**

*2. The effect of the use on development and economic value of properties, including undeveloped lands, in the neighborhood.*

**The use of the site due to automotive uses and storage appear to be detrimental to the surrounding area in regard to appearance and attractiveness of the neighborhood, but provides a service for residents within the neighborhood. The auto repair component has been reduced to two bays which may improve the previous conditions of the site.**

*3. General compatibility of the use with existing land uses in the neighborhood with regard to proposed hours of operation, noise, fumes, dust, traffic, glare, dust, vibrations, and other characteristics. Conditions may be imposed such as requirements for buffers, noise barriers, additional setbacks, and/or limitations on activities and hours of operation to lessen impacts.*

**Landscaping buffers have been accommodated on the site along Dr M L King Jr Blvd and Stuart Ave W. The use of the site for auto sales is not unfamiliar to the surrounding property owners.**

*4. Suitability of building(s) in terms of size, type, and location on the site. Setbacks in excess of those required for the zone in which the property is located may be required to lessen the effect of the use.*

**The pre-existing building will not be affected with this request; however, the applicant has accommodated requirements for buffering and parking. Storage of vehicles to be sold are located on the side of the property and stacked to preserve room for site circulation for customer parking.**

*5. Adequacy of parking and ingress/egress to the site and buildings with particular regard for automobile and pedestrian safety and convenience, traffic generation, flow and control, and emergency access.*

**Primary access to the site is located off of Stuart Ave W. Customer parking is located in the front with additional street parking. The site has outdoor display and sales of vehicles stored at the front of the property, but are stacked to have more room for customer parking site circulation. Overall, the site is ultimately automobile oriented and may impede comfortable walkability for pedestrians, but does provide improvements such as landscaping for more comfortable shading.**

6. *Refuse and service areas, including loading and unloading facilities and practices, in regard to location, availability, adequacy, and effect upon surrounding properties.*

**Refuse collection has access from Stuart Ave W.**

7. *Utilities, in regard to location, availability, adequacy, and effect upon surrounding properties.*

**Water and sewer are available at this property and utility accounts have been established historically.**

8. *Proposed signs and exterior lighting with reference to glare, traffic safety, and compatibility and harmony with the character of the neighborhood. Restrictions on sign types, sizes, locations, lighting, materials, and colors may be imposed for the purpose of increasing compatibility, provided adequate signage is allowed for viability of the proposed use.*

**No signage is proposed at this time; Signage shall be required to meet the standards set forth in Section 23-545, and building permits pulled for any additions.**

9. *Environmental quality of the area in which the use is proposed and the effect the special exception use might have on such quality.*

**All fluids must be disposed of in accordance to DEP best Management Practices and reported to the City of Lake Wales Public Works Department for approval relating to wastewater.**

10. *Buffering and screening of the use from surrounding properties and from view from public roads, pathways, and parks.*

**No derelict vehicles may be parked or stored in the outdoor display area. A landscape buffer shall be permanently maintained with shrubs located on the perimeter of all off-street parking areas. Currently proposed is buffer along Dr. M L King Jr Blvd and Stuart Ave W.**

Per Section 23-344 – Automotive Uses

*Automotive uses are those uses listed under "automotive uses" in Article VIII or any establishment involved in the sale, storage, or repair of motor vehicles. All automotive uses shall conform to all applicable provisions of this chapter, and, in addition, the following requirements shall apply:*

*a. Lifts and all other apparatus used in the repair or servicing of vehicles shall be located within buildings or areas screened from view of adjoining properties, public streets, and parks, except for gasoline and air pumps.*

**All repairs and derelict vehicles are prohibited on this site.**

*b. Motor vehicles incapable of being moved under their own power at any time will be stored, serviced or repaired within buildings designated for such purposes or within areas designated on a site plan approved pursuant to section 23-222. Such areas shall be screened from view from adjoining properties, public streets, and parks. Work on vehicles outside of buildings or screened areas shall be limited to minor and incidental repairs of short duration.*

**Outdoor display of vehicles for sales is screened with landscaping along Dr. M L King Jr Blvd and Stuart Ave W. Derelict vehicles will not be permitted on site.**

*c. All automotive uses engaged in the sale of vehicles, whether as a principal or accessory use shall have a sales office located within a building on the premises.*

**The applicant has provided 788 square feet of sales office for the automotive sales use.**

*d. All areas used for the parking, storage, or repair of vehicles shall be surfaced in a stable manner.*

**The vehicles stored outside for display and sales will be parked on gravel/millings according to the site plan.**

*e. Water from the washing of vehicles shall be discharged only in accordance with a valid state permit for the establishment or approval by the city's utilities director, as applicable. Exempt from this requirement are special events for the washing or cleaning of vehicles held by school or religious groups, non-profit clubs, or civic organizations, provided that the administrative official is notified in advance of such an event and provided the events are limited to two (2) days' duration and are held not more than four (4) times in a calendar year by any one organization or on any site.*

**Washing of vehicles have not been contemplated for the auto repair shop, to the best of staff's knowledge; A determination letter or revised permit from the Southwest Florida Water Management District is required prior to issuance of the**

**Certificate of Use and Business Tax Receipt regarding satisfactory drainage for the site.**

*Staff Findings*

1. Pre-existing conditions limit redevelopment and improvement on the site.
2. Expiration of the discontinued use requires a new application, to which the new use is required to be brought back up to code standards.

*Waivers of Strict Compliance Requested by Applicant:*

1. Waiver to reduce the number of parking spaces to three (3), as nine (9) is required by code.
2. Waiver to use gravel for parking in lieu of paving.

*Staff recommends the following Conditions of Approval:*

1. Storage of derelict vehicles or repairs on site will result in code compliance violation.
2. Displaying more than sixteen (16) vehicles for sale at this location will result in a code compliance violation.
3. The side and front perimeter fence may not exceed four (4) feet in height and constructed of new materials. Chain link fencing is prohibited.
4. The landscape buffer must be planted on the exterior of the perimeter fence.
5. Landscape buffering shall include a hedge that will become six (6) feet high at maturity to screen the vehicular sales. The hedge must be a minimum of two (2) feet and fifty (50) percent view blockage at time of planting, and must reach mature height within two (2) years, and one (1) canopy tree per linear foot.
6. Irrigation for plantings shall be installed and inspected by the Zoning inspector prior to issuance of a Certificate of Use and Business Tax Receipt.
7. A separate building permit for signage shall be submitted, meeting Section 23-545.
8. A Certificate of Use and Business Tax Receipt will not be issued until all conditions have been met, and a final site inspection is completed and approved by the Zoning Inspector.

**CODE REFERENCES AND REVIEW CRITERIA**

- Sec. 23-222 Site Plans
- Sec. 23-306 Off-Street Parking and Vehicular Access
- Sec. 23-307 Landscaping Requirements
- Sec. 23-344 Automotive Uses
- Sec. 23-433 Review Criteria for Special Exception Uses

**OTHER OPTIONS**

Deny the request for approval of a Special Exception Use Permit for Auto Sales, stating a finding of fact.

**ATTACHMENTS**

Project Narrative and Site Plan