

STAFF REPORT

Planning & Zoning Commission: August 11, 2003

APPLICANT: David M. Eaton **FILE NUMBER:** CU-03-10

PURPOSE: Conditional Use Permit for a Temporary Use, namely a Roadside Stand

GENERAL

LOCATION: On the east side of US 41, approximately 1300' north of Old Crystal River Road

LEGAL

DESCRIPTION: A portion of Section 11, Township 22 South, Range 19 East, Hernando County, FL

FILE STATUS: All legal obligations have been completed.

CITIZEN RESPONSE: FOR: 0 AGAINST: 0

STAFF FINDINGS:

Surrounding Zoning

North: AR-2
South: AR-2
East: AG
West: C-2

Surrounding Land Uses

Victoria's Steakhouse
Single family
Undeveloped
Industrial

STAFF DISCUSSION

The petitioner requests a temporary use, namely a roadside stand. The subject property is located on the east side of US 41, approximately 1300' north of Old Crystal River Road.

FINDINGS OF FACT

1. The property is currently zoned AR-2 and C-1.
2. The subject property contains approximately 1.6 acres.
3. The subject property contains an abandoned gas station.
4. The site has access from US 41.

5. The subject property is located within a residential land use classification on the adopted Future Land Use Map.
6. The on-site soil types include Blichton loamy fine sand and Nobleton fine sand.
7. The property is located in flood zone C.
8. The subject property contains no wetlands, WHPAs or SPAs according to County data resources.
9. The City of Brooksville has not yet indicated whether central water and sewer are available to serve the subject property.
10. There are adequate public facilities available to serve the subject property.
11. The surrounding area is characterized by commercial and residential uses and undeveloped parcels.

STAFF DISCUSSION

The petitioner requests a conditional use permit for a roadside stand. The Planning staff has observed that the produce stand is already operating. The subject property is paved and contains an abandoned gas station. The property is zoned C-1 and AR-2. The Planning staff is of the opinion that if the request is approved, the activities of the proposed use should be confined to the paved area of the former gas station, which has commercial zoning.

The petitioner has provided a site plan indicating the location of the proposed stand. The petitioner has indicated parking for ten cars will be provided on the paved site. The petitioner has provided a letter from the adjacent property owner indicating his restrooms may be used by the petitioner's customers.

The narrative provided by the petitioner indicates that the proposed hours of operation are 10:00 a.m. to 6:00 p.m., Monday through Saturday. The petitioner indicates he is running the business by himself and may hire an additional worker in the future.

A conditional use permit is intended to be used as a special permit which temporarily allows uses not otherwise permitted by the ordinance. The P&Z has the ability to grant a conditional use permit for a period up to two years. The owner of the property has authorized the petitioner to seek the conditional use permit for the temporary use, namely a roadside stand.

As a temporary use, the request is subject to approval by the Development Review Committee and must meet standards including a site plan, driveway access permits, adequate parking, a covered

trash receptacle with a plastic liner and adequate restroom facilities. The petitioner has provided a letter indicating his patrons may use the restroom facilities in the adjacent commercial building. The staff observed a portable toilet on the premises during a visit to the site.

The subject property has access from US 41. The County Engineer had no comments regarding the request.

The FDOT and the City of Brooksville have been notified of the petition; no responses have yet been received.

FINDINGS OF FACT

The subject property is located within a residential land use category on the adopted Future Land Use Map. The surrounding area is characterized by commercial and residential uses and undeveloped parcels.

The subject property is located in a residential land use classification on the adopted Future Land Use Map

The conditional use permit process is a land use determination and does not constitute a permit for either construction, or use of, the property, or a Certificate of Concurrence. Prior to use of, or construction on, the property, the petitioner must receive approval from the appropriate County Department(s) for the use, which may include review by the Development Review Committee (DRC).

The granting of this land use determination does not protect the owner from civil liability for recorded deed restrictions which may exceed any county land use ordinances. Homeowners associations or architectural review committees require submission of plans for review and approval. The applicant for this land use request should contact the local association or the Public Records for all restrictions applicable to this property.

STAFF RECOMMENDATION:

The Planning staff recommends the Planning and Zoning Commission approve the conditional use permit for a temporary use, namely a roadside stand for a period of two years because it is staff's opinion that the request is consistent with development in the area and would not adversely affect the surrounding area. Approval should be conditioned upon the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and meet all applicable land development regulations, for either construction or use of the property, including review of the proposed use through the DRC process.

2. The activities of the conditional use shall be confined to the paved area of the subject property.
3. The petitioner shall utilize the restrooms at the commercial business adjacent to the subject property pursuant to the agreement with the owner or shall provide and maintain portable facilities on the subject property.
4. The hours of operation are a half-hour after sunrise until a half-hour before sunset.
5. The temporary use shall utilize the existing parking on the site.

P&Z ACTION:

The Planning and Zoning Commission voted 5-0 to approve the conditional use permit for a temporary use, namely a roadside stand for a period of two years conditioned upon the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and meet all applicable land development regulations, for either construction or use of the property, including review of the proposed use through the DRC process.
2. The activities of the conditional use shall be confined to the paved area of the subject property.
3. The petitioner shall utilize the restrooms at the commercial business adjacent to the subject property pursuant to the agreement with the owner or shall provide and maintain portable facilities on the subject property.
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