

STAFF REPORT

Planning & Zoning Commission: September 8, 2003

APPLICANT: Nyla Sue Moore **FILE NUMBER:** CU-03-13

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

GENERAL

LOCATION: North side of County Line Road, approximately 1,300' west of Mariner Boulevard, approximately 800' east of Springtime Street

LEGAL

DESCRIPTION: Tract 71, El Pico, an unrecorded subdivision, located in a portion of Section 36, Township 23 South, Range 17 East, Hernando County, FL

FILE STATUS: All legal obligations have been completed.

CITIZEN RESPONSE: FOR: 0 AGAINST: 0

STAFF FINDINGS:

Surrounding Zoning

Surrounding Land Uses

North: AR-2

Social club

South: Pasco County

Circle K

East: C/PDP, PDP(MF)

Undeveloped

West: AR-2

Undeveloped

STAFF DISCUSSION

The petitioner requests a conditional use permit for a temporary use, namely a roadside stand. The subject property is located on the north side of County Line Road, approximately 1,300' west of Mariner Boulevard, approximately 800' east of Springtime Street.

FINDINGS OF FACT

1. The property is currently zoned AR-2 and C-2.
2. The subject property contains approximately 9.6 acres.
3. The subject property contains a vacant shopping plaza, a pawn shop and a beverage store.
4. The site has access from County Line Road.

5. The subject property is located within a residential land use classification on the adopted Future Land Use Map.
6. The on-site soil type is Candler fine sand. Candler fine sand provides a habitat suitable for gopher tortoises. Since there is the potential for this listed species of special concern to be present, a Florida Fish and Wildlife Conservation Commission permit may be required prior to site alterations.
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. Florida Water Service has indicated central water, but not sewer, is available to serve the subject property.
10. There are adequate public facilities available to serve limited development on the subject property.
11. The surrounding area is characterized by commercial, institutional and residential uses and undeveloped parcels.

STAFF DISCUSSION

The petitioner requests a conditional use permit for a temporary use, namely a roadside stand. The narrative indicates that the petitioner proposes selling frozen refreshments from an 80 square foot portable building. The subject property is paved and contains a pawn shop, a beverage store and a vacant strip shopping center. The property is zoned AR-2 and C-2. The site plan submitted indicates that the temporary stand will be placed on the portion of the property zoned commercial.

The petitioner has provided a site plan indicating the location of the proposed stand in front of the vacant shopping center. The plan shows the stand will be located in a parking space and will not be blocking a doorway into any of the strip center's units. The narrative provided by the petitioner indicates that the proposed hours of operation are 12:00 noon to 9:00 p.m., Tuesday through Sunday, closed on Mondays. The narrative indicates there is a minimum seven (7) parking spaces on the paved parking lot for use by patrons.

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 review through the County's development process 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 verbally indicated that she has been given permission to utilize the bathrooms at the existing commercial businesses on the property; however, has not provided written verification for the file.

The subject property has access from County Line Road. The County Engineer had no comments regarding the request.

Pasco County has been notified of the petition; no response has 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, institutional and residential uses and undeveloped parcels.

The staff finds the petitioner's request with appropriate performance conditions neither inconsistent with the Comprehensive Plan nor incompatible with the surrounding area.

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 Concurrency. 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 a period of 2 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 area indicated on the site plan.
3. The petitioner shall demonstrate the ability to utilize the restroom facilities on site via a letter from the owner. Such letter shall be provided within 30 days of approval or the CUP shall be null and void.
4. The hours of operation shall be from sunrise to 9 p.m. daily.
5. The conditional use permit shall become null and void if the site is developed with a business which requires the parking necessary for this use.

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 2 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 area indicated on the site plan.
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