

STAFF REPORT

Planning & Zoning Commission: December 8, 2003

APPLICANT: Christina Tucci **FILE NUMBER:** CU-03-16

PURPOSE: Conditional Use Permit for a portable roadside stand, namely a hot dog cart

GENERAL

LOCATION: South side of Cortez Boulevard, east side of Nunn Boulevard

LEGAL

DESCRIPTION: Lots 3 and 4, Gulfland Subdivision, as recorded in Plat Book 6, Page 42, of the Public Records of Hernando County, Florida in Section 25, Township 22 South, Range 18 East

FILE STATUS: All legal obligations have been completed.

CITIZEN RESPONSE: FOR: 0 AGAINST: 0

STAFF FINDINGS:

Surrounding Zoning

North: AG
South: R-1A
East: C-2
West: R-1A

Surrounding Land Uses

Undeveloped
Single family
Automotive use
Single family

SUMMARY OF REQUEST

The petitioner has submitted a request for a conditional use permit for a temporary use, namely a hotdog stand. The subject property is located on the south side of Cortez Boulevard, east side of Nunn Boulevard.

FACTUAL INFORMATION

1. The property is zoned C-1.
2. The property comprises two platted lots (lots 3 and 4).
3. The subject site is developed with a commercial business (Beverage 50) and associated parking.

4. The subject property has access to Cortez Boulevard and Nunn Boulevard.
5. The subject property is located within a commercial land use classification on the adopted Future Land Use Map.
6. The on-site soil types include Candler fine sand. The soils and habitat are 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 development.
7. The property is located in flood zone C.
8. The Utilities Department has indicated that central water and sewer are not available to serve the subject property.
9. Adequate public facilities are available to serve a limited development on the property.
10. The subject property does not contain any wetlands, WHPAs or SPAs according to County data resources.
11. The surrounding area is characterized by commercial and residential uses and undeveloped parcels.

STAFF DISCUSSION

The petitioner has submitted a request to renew a conditional use permit for a temporary use, namely a hot dog stand. The P&Z approved the original request in November 2001. The subject property comprises two platted lots. The hot dog cart is located on lot 4. The petitioner is proposing the hot dog cart remain on lot 4.

In October 2001, the Planning and Zoning Commission approved a conditional use permit for a temporary use on lot 4, namely a roadside vegetable stand. The conditional use permit for this vegetable stand has expired and the petitioner has not applied to renew the CUP. Staff noted that it appears that the vegetable stand is still in operation. Code Enforcement has been notified.

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 hot dog cart.

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 provided authorization from the property owner to use the restrooms located in the retail store on the site.

There are 14 paved parking spaces existing on lots 3 & 4.

The narrative provided by the petitioner indicates that the proposed hours of operation are 11:30 a.m. to 4:00 p.m., Monday through Saturday. Only one employee will tend to the stand. The customers drive up, purchase their hotdog and leave. There is no outdoor seating associated with the use.

The County Engineer had no comments.

The City of Brooksville has no comments regarding the request.

FINDINGS OF FACT

The subject property is located within a commercial land use category on the adopted Future Land Use Map. The surrounding area is characterized by commercial and residential uses and undeveloped parcels. The south side of Cortez Boulevard is largely developed with commercial uses proximate to the subject site.

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 renew the Conditional Use Permit for a temporary use for a hot dog cart 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 maintain 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 petitioner may utilize the restrooms at the commercial business on the subject property pursuant to the agreement with the owner.
3. The hours of operation are 11:30 a.m. to 4:00 p.m., Monday through Saturday.
4. The temporary use may utilize the existing parking on the site.
5. No customer seating is allowed.

P&Z ACTION:

The Planning and Zoning Commission voted 5-0 to renew the Conditional Use Permit for a temporary use for a hot dog cart for a period of two years conditioned upon the following performance conditions:

1. The petitioner must maintain 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 petitioner may utilize the restrooms at the commercial business on the subject property pursuant to the agreement with the owner.
3. The hours of operation are 11:30 a.m. to 4:00 p.m., Monday through Saturday.
4. The temporary use may utilize the existing parking on the site.
5. No customer seating is allowed.