

STAFF REPORT

Planning & Zoning Commission: March 8, 2004

APPLICANT: Joseph Priola **FILE NUMBER:** CU-04-06

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

GENERAL

LOCATION: South side of Spring Hill Drive, approximately 800' west of Mariner Boulevard

LEGAL

DESCRIPTION: Lot 2, Block 467, Spring Hill, Unit 8, as per plat thereof recorded in Plat Book 8, Page 34, of the Public Records of Hernando County, Florida in Section 30, Township 23 South, Range 18 East

FILE STATUS: All legal obligations have been completed.

CITIZEN RESPONSE: FOR: 0 AGAINST: 0

STAFF FINDINGS:

Surrounding Zoning

North: PDP(GHC)
South: PDP(SF)
East: PDP(GHC)
West: PDP(GHC)

Surrounding Land Uses

Commercial
Single family
Commercial
Commercial

SUMMARY OF REQUEST

The petitioner requests a conditional use permit for a temporary use, namely a roadside stand. The subject property is located on the south side of Spring Hill Drive, approximately 800' west of Mariner Boulevard.

FACTUAL INFORMATION

1. The property is currently zoned PDP(GHC).
2. The property contains approximately a third of an acre.
3. The site is currently developed with All Sons Decorating Center.

4. The subject property has access from Spring Hill Drive.
5. The subject property is located within a commercial 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 County Utilities Department has indicated water, but not sewer, is available to serve the subject property.
9. Adequate public facilities are available to serve limited development on the property.
10. The area is characterized by commercial development.
11. The subject property does not contain any wetlands, WHPAs, or SPAs according to County data resources.
12. The proposed temporary roadside stand is a portable unit which is only allowable if a conditional use permit is obtained.

STAFF DISCUSSION

The petitioner has submitted a request for a conditional use permit for a temporary use, namely a roadside stand. The petitioner proposes operating a hot dog stand in the parking lot of an interior design materials store on the property. The plan submitted with the request indicates that the hot dog cart will be located within a parking space at northeast corner of the parking lot. The petitioner indicates he operates out of a self-contained mobile unit. The hours of operation are proposed to be 10:00 a.m. to 6:00 p.m., Monday through Saturday. The petitioner indicates in the narrative that he has no additional employees. The narrative asserts that 70% of the customers arrive on foot and the remaining 30% arrive by car.

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.

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. The plan indicates there are 22 available spaces (not including the space containing the stand or the signage) to serve the existing business and hot dog business. The existing business would be required to provide 1.5 spaces per person employed at the business plus 5 spaces per 1000 square feet of building area utilized for retail sales. There appears to be adequate parking provided for the existing business.

FINDINGS OF FACT

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

The staff is of the opinion that the proposed use at the intensity proposed is appropriate, based on the following conclusions:

1. The proposed use will be compatible with the surrounding area and consistent with the Comprehensive Plan.

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 proposed use.

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 (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 receiving development review for the proposed use.
2. The petitioner shall utilize the restrooms at the commercial business on the subject property pursuant to the agreement with the owner.
3. The temporary use may operate only during the hours when the existing permitted use on the property is open.
4. The temporary use may utilize the existing parking on the site.
5. The temporary use must be removed upon termination of the permit, or when the business is no longer operating.

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 (2) 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 receiving development review for the proposed use.
2. The petitioner shall utilize the restrooms at the commercial business on the subject property pursuant to the agreement with the owner.
3. The hours of operation are from sunrise to sunset.
4. The temporary use may utilize the existing parking on the site.
5. The temporary use must be removed upon termination of the permit, or when the business is no longer operating.