

**STAFF REPORT**

Planning & Zoning Commission: November 8, 2004

---

**APPLICANT:** Glennell Williams **FILE NUMBER:** CU-04-17

**PURPOSE:** Conditional Use Permit for a Temporary Use, Namely a Portable Roadside Stand

**GENERAL**

**LOCATION:** North side of Jefferson Street, approximately 120' west of Olmes Road

**LEGAL**

**DESCRIPTION:** A portion of Section 26, Township 22 South, Range 19 East, Hernando County, FL

**FILE STATUS:** All requirements necessary to conduct the public hearing have been satisfied.

---

**CITIZEN RESPONSE:** FOR: 0 AGAINST: 0

**STAFF FINDINGS:**

Surrounding Zoning

Surrounding Land Uses

North: AG

Pasture

South: R-1A

SF, MH, vacant

East: AG

Vacant

West: C-2, City of Brooksville

VFW, County Public Works Department

**SUMMARY OF REQUEST**

The petitioner requests a conditional use permit for a temporary use, namely a portable roadside stand. The subject property is located on the north side of Jefferson Street, approximately 120' west of Olmes Road.

**FACTUAL INFORMATION**

1. The property is currently zoned C-2.
2. The property comprises approximately two (2) acres.
3. The site contains a bowling alley.
4. The site does not contain majestic and specimen trees.

5. The subject property has access from Jefferson Street.
6. The subject property is located within a residential land use classification on the adopted Future Land Use Map.
7. The on-site soil types include Blichton loamy fine sand and Nobleton fine sand.
8. The property is located in a flood zone C.
9. The subject property does not contain any wetlands, WHPAs or SPAs according to County data resources.
10. The City of Brooksville has indicated that central water and sewer are available to serve the subject site.
11. There are adequate public facilities available to serve the subject property.
12. The area contains a mixture of commercial, institutional, residential and agricultural uses, and vacant parcels.
13. 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 selling prepared foods from a 18' x 7.5' mobile food service trailer in Louie's Bowling Center's paved parking lot. The plan submitted indicates the trailer will be located at the front of the property, near Jefferson Street. The hours of operation are proposed to be 11:00 a.m. to 7:00 p.m., Friday through Sunday. The bowling alley is closed on Sundays. The Planning staff is of the opinion that if the request is approved, the hours of operation should be limited to the bowling alley's hours of operation. The narrative indicates the applicant will have as many as three (3) employees.

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 store on the site.

The FDOT and the City of Brooksville have been notified of the request. No responses have yet been received.

### **FINDINGS OF FACT**

The subject property is located within a residential land use classification on the adopted Future Land Use Map. The surrounding area contains a mixture of commercial, institutional, residential and agricultural uses, and vacant parcels. The Veterans of Foreign Wars meeting hall and the County Public Works Department are located to the west of the property. Residential uses are located to the south of the subject property, across Jefferson Street. A pasture is located north of the subject property.

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

1. The proposed use will be compatible with the surrounding area and consistent with the adopted 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 Portable 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 neighborhood. 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, and complete all applicable development review processes.
2. The restrooms at the bowling alley shall be available to the petitioner and her patrons.
3. The temporary use shall only operate during the hours of operation of the principal business.
4. The temporary use, including the structure, must be removed if the primary business on the property ceases to operate.
5. The temporary use, including the structure, must be removed upon termination of the conditional use permit or if the temporary use ceases to operate.

**P&Z ACTION:**

The Planning and Zoning Commission voted 5-0 to approve the Conditional Use Permit for a Temporary Use, Namely a Portable 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, and complete all applicable development review processes.
2. The restrooms at the bowling alley shall be available to the petitioner and her patrons.
3. The temporary use shall only operate during the hours of operation of the principal business.
4. The temporary use, including the structure, must be removed if the primary business on the property ceases to operate.
5. The temporary use, including the structure, must be removed upon termination of the conditional use permit or if the temporary use ceases to operate.