

STAFF REPORT

Planning & Zoning Commission: March 14, 2005

APPLICANT: Roberta Oldread **FILE NUMBER:** CU-05-04

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

GENERAL

LOCATION: West side of US 19, approximately 1,450' south of Palmdale Road

LEGAL

DESCRIPTION: A portion of Section 1, Township 21 South, Range 17 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: R-1C
South: R-1C
East: R-1C
West: R-1C

Undeveloped
Undeveloped
Undeveloped
Undeveloped

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 west side of US 19, approximately 1,450' south of Palmdale Road.

FACTUAL INFORMATION

1. The property is currently zoned C-1.
2. The property comprises approximately a half-acre.
3. The site is developed with a bar, the Ramble Inn.
4. The site does not appear to contain majestic and specimen trees.
5. The subject property has access from US 19.

6. The subject property is located within a rural land use classification on the adopted Future Land Use Map.
7. 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.
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 Utilities Department has indicated that central water and sewer are not available to serve the subject site.
11. There are adequate public facilities available to serve limited development on the subject property.
12. The area is characterized by commercial uses and undeveloped parcels.
13. The petitioner has not requested any deviations from the County's LDRs.

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 items under a tented area on the site. The site has been developed with a bar, the Ramble Inn. The petitioner proposes selling such items as leather jackets, vests, chaps, clothing, hats, jewelry, patches and biker related items.

The plan submitted indicates the 20' x 20' tented concession area will be located adjacent to the parking area. The hours of operation are proposed to be Saturdays and Sundays from 10:00 a.m. to 7:00 p.m. The authorization from the owner of the property indicates that the petitioner proposes operating during the bar's hours of operation. The Planning staff is of the opinion that if the request is approved, the hours of operation should be limited to the Ramble Inn's hours of operation. The narrative indicates the roadside stand will have two (2) 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 restaurant/bar on the site. The plan indicates there are 27 parking spaces. There appears to be adequate parking provided for both uses.

The subject property has access from US 19. The County Engineer has no comment about the request.

The FDOT, SWFWMD and the Gulf Coast Conservancy have been notified of the request; no responses have yet been received.

FINDINGS OF FACT

The area is characterized by commercial uses and undeveloped parcels.

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

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 Concurrency. 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. 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 temporary use shall be located adjacent to the bar, out of the circulation area.
3. The restrooms at the bar shall be available to the petitioner and her patrons.
4. The temporary use shall only operate during the hours of operation of the principal business.
5. The temporary use, including the structure, must be removed if the primary business on the property ceases to operate.
6. 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 4-1 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, and complete all applicable development review processes.
2. The temporary use shall be located adjacent to the bar, out of the circulation area.
3. The restrooms at the bar shall be available to the petitioner and her patrons.
4. The temporary use shall only operate during the hours of operation of the principal business.
5. The temporary use, including the structure, must be removed if the primary business on the property ceases to operate.
6. The temporary use, including the structure, must be removed upon termination of the conditional use permit or if the temporary use ceases to operate.