

STAFF REPORT

Planning & Zoning Commission: January 9, 2006

APPLICANT: Christina Tucci **FILE NUMBER:** CU-06-01

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 per plat thereof 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 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

Undeveloped

South: R-1A

Single family

East: C-2

Automotive use

West: PDP(HC)

Single family

SUMMARY OF REQUEST

The petitioner requests to renew a conditional use permit for a portable roadside stand, namely a hot dog cart. The subject property is located on the south side of Cortez Boulevard and the east side of Nunn Boulevard.

FACTUAL INFORMATION

1. The property is currently zoned C-1.
2. The property comprises two (2) platted lots (lots 3 and 4).
3. The lot is developed with a commercial business (Beverage 50) and associated parking.
4. The site does not contain majestic or specimen trees.

5. The subject property has access from Cortez Boulevard and Nunn Boulevard.
6. The subject property is located within a commercial 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 available to serve the subject site.
11. There are adequate public facilities available to serve the subject property.
12. 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 and a renewal in December 2003. The subject property comprises two platted lots. There are 14 paved parking spaces existing on lots 3 & 4. The hot dog cart is located on lot 4. The petitioner is proposing the hot dog cart remain on lot 4.

In February 2004 the P&Z approved a renewal of a conditional use permit for a roadside stand on the subject property, which will expire in February 2006.

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.

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

The Utilities Department has indicated that central water and sewer are available to serve the subject site. A 12" water line and a 6" sewer force main are located on the south side of Cortez Boulevard.

The County Engineer had no comments.

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

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 is of the opinion that the proposed use 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 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 11:00 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.
6. The temporary use, including the structure, must be removed if the primary business on the property ceases to operate.
7. 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: