

STAFF REPORT

Planning & Zoning Commission: January 9, 2006
Planning & Zoning Commission: February 13, 2006

APPLICANT: Green Acres **FILE NUMBER:** CU-06-02

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

GENERAL

LOCATION: North side of County Line Road, approximately 450' west of Peachtree Drive

LEGAL

DESCRIPTION: A portion of Section 36, Township 23 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

North: AR-2
South: Pasco County
East: AR-2, C-2
West: AR-2

Surrounding Land Uses

Single family
Auto repair, office professional
Single family, commercial
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 north side of County Line Road, approximately 450' west of Peachtree Drive.

FACTUAL INFORMATION

1. The property is currently zoned AR-2 and C-2.
2. The property comprises approximately 10 acres.
3. A landscaping service establishment operates on the subject property.

4. The site contains no majestic or specimen trees.
5. The subject property has access from County Line Road.
6. The subject property is located within a residential 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 capacity is available to serve the subject site.
11. There are adequate public facilities available to serve the subject property.
12. The area is characterized by commercial and single family residential uses, and undeveloped 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 Floratam grass plugs in the southeast corner of the Suncoast Water Gardens property. The plan submitted indicates the stand will be located in the southeastern 8,000 square foot corner of the property. This is an unpaved, undeveloped area of the property, accessed via an unpaved driveway. The paved parking lot serving the existing business is not located in the area the petitioner proposes to operate the roadside stand. The LDRs indicate that such a temporary use is required to meet certain development review standards, including provision of adequate parking.

The petitioner proposes to operate Monday through Friday from 9 a.m. to 3 p.m. Suncoast Water Gardens' hours of operation are 10 a.m. to 5 p.m., Tuesday through Friday, and 9 a.m. to 1 p.m. on

Saturdays. The Planning staff is of the opinion that if the request is approved, the hours of operation should be limited to Suncoast Water Gardens' hours of operation.

The petitioner proposes using a canopy for shade and a shed. The shed, as depicted on the plan, is proposed to be located 30' from County Line Road. The Planning staff recommends that if the request is approved, the shed should not be allowed, as the petitioner proposes placing it within the 125' minimum setback from County Line Road.

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 not yet provided original authorization from the property owner to use the restrooms located in the building on the site. The staff visited the site and noted the area of the proposed use does not contain a paved parking area.

The Utilities Department has indicated that central water and sewer capacity is available to serve the subject site. A 6" water line is located on the west side of Oak Lake Drive approximately 2,550' west of the parcel. A 10" sewer force main is located on the north side of County Line Road in front of the parcel. Connection to the force main will require the installation of a sewer pump station at the developer's expense. The petitioner does not propose connecting to central services.

The subject property has access to County Line Road. The County Engineer indicates that if the request is approved, no additional access points to County Line Road should be allowed on the subject property. The petitioner proposes to use an existing unpaved driveway.

Pasco County has been notified of the request; no response has yet been received.

FINDINGS OF FACT

The subject property is located within a residential land use classification on the adopted Future Land Use Map. Approximately the southern 400' of the subject property was rezoned to C-2 in 1997. The area is characterized by commercial and single family residential uses, and undeveloped parcels.

The staff is of the opinion that the proposed use is not appropriate, based on the following conclusion:

1. The proposed use does not meet the development review standards for adequate parking.

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 deny the Conditional Use Permit for a Temporary Use, Namely a Roadside Stand.

P&Z RECOMMENDATION:

At their January 9th meeting, the Planning and Zoning Commission voted 5-0 to postpone hearing the request to the February 13, 2006 meeting at 10:00 a.m.

NOTE:

The petitioner provided a letter from the owner of the property indicating they could relocate their request anywhere on the site.

P&Z ACTION:

The P&Z voted 5-0 to approve a Conditional Use Permit for a temporary use, namely a roadside stand, to be placed on the parcel addressed for a two (2) year time period with the following stipulations:

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, and complete all applicable development review processes.
2. The temporary use shall utilize the existing parking on the site.
3. The temporary use shall operate only during the business hours of the principal commercial business.

4. The petitioner shall provide a letter of authorization to utilize the restroom facilities of the principal commercial business.