

STAFF REPORT

Planning & Zoning Commission: April 10, 2006

APPLICANT: Randolph Leszek **FILE NUMBER:** CU-06-08

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

GENERAL

LOCATION: North side of High Street, north side of Cortez Boulevard, approximately 900' east of High Point Boulevard

LEGAL

DESCRIPTION: Lot 1, Block C-4, High Point Mobile Home Subdivision, Unit 7, as per plat thereof recorded in Plat Book 13, Pages 53 - 55, of the Public Records of Hernando County, Florida in Section 29, 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

North: PDP(MH)
South: C-1
East: C-2
West: C-2

Surrounding Land Uses

High Point Mobile Home Park
Nursing care home, office
Auto repair
Car Wash

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 High Street, north side of Cortez Boulevard, approximately 900' east of High Point Boulevard.

FACTUAL INFORMATION

1. The property is currently zoned C-2.
2. The property comprises approximately one acre.
3. The site contains a mobile home sales office.

4. The site contains no majestic or specimen trees.
5. The subject property has access from High Street.
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- urban land complex. 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 contains a WHPA-2, but no wetlands 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 capacity issues associated with SR 50.
12. There are adequate public facilities available to serve limited development on the subject property.
13. The area is characterized by commercial, institutional and mobile home residential uses, and undeveloped parcels.
14. The proposed temporary roadside stand is a portable unit which is only allowable if a conditional use permit is obtained.

STAFF DISCUSSION

The petitioner requests a conditional use permit for a temporary use, namely a roadside stand to sell hot dogs and other lunch fare. The narrative indicates the concession trailer is a 7' x 16' enclosed trailer. The petitioner indicates the concession stand will be open Monday through Saturday from 9 a.m. to 6 p.m. CW Homes office hours are generally 9 a.m. to 5 p.m., sometimes until 6 p.m., Monday through Saturday. The Planning staff is of the opinion that if the request is approved, the hours of operation should be limited to CW's hours of operation.

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 office on the site. The staff visited the site and noted there appears to be adequate parking provided for the existing and proposed uses.

The Utilities Department has indicated that central water and sewer are available to serve the subject site. A 12" water line is located on the north side of Cortez Boulevard; the site is an existing water customer. A 6" sewer force main is located along the eastern and northern property lines. The applicant will have to connect to water and/or sewer if they meet the connection standards of the applicable ordinances at the time they apply for development permits.

The County Engineer had no comments.

The FDOT has been notified of the request; no response has yet been received.

FINDINGS OF FACT

The area is characterized by commercial, institutional and mobile home residential uses, and undeveloped parcels. Commercial uses are located to the east and west. The High Point Mobile Home Park is located to the north.

The subject property is located within a commercial land use classification on the adopted Future Land Use Map.

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 on the site as indicated on the plan.
3. The restrooms at the CW mobile home sales office shall be available to the petitioner and his patrons.
4. The temporary use shall only operate during the hours of operation of the principal business.
5. The temporary use shall utilize the existing parking on the site; no parking shall be allowed in the High Street ROW.
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.