

STAFF REPORT
Planning & Zoning Commission: May 8, 2006

APPLICANT: Broadway Dogs LLC **FILE NUMBER:** CU-06-13

PURPOSE: Conditional Use Permit for a Temporary Use, namely a portable cart

GENERAL

LOCATION: East side of US 19, south side of Hunters Lake Road

LEGAL

DESCRIPTION: A portion of Section 32, Township 23 South, Range 17 East, Hernando County Florida

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

CITIZEN RESPONSE: FOR: 0 AGAINST: 0

STAFF FINDINGS:

Surrounding Zoning

North: C-2
South: C-2
East: AG
West: AG

Surrounding Land Uses

Professional Office
Undeveloped
Undeveloped
Undeveloped; church

SUMMARY OF REQUEST

The petitioner has submitted a request for a conditional use permit for a temporary use, namely a portable hot dog cart. The petitioner proposes placing the cart on a developed commercial property on US 19.

FACTUAL INFORMATION

1. The property is currently zoned C-2.
2. The property comprises approximately 2.5 acres.
3. The property has been developed with a commercial business, Friendly Car Wash and related automotive uses.

4. The site does not contain majestic and specimen trees.
5. The subject property has access from Hunters Lake.
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. County records indicate central water and central 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, institutional and undeveloped parcels.
13. The proposed temporary cart 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 portable hot dog cart. The petitioner proposes operating on the same property as Friendly Car Wash and related automotive uses located on US 19.

The petitioner indicates that the business will operate Monday-Saturday from 10:00 a.m. to 4:00 p.m. Further, the petitioner indicates Friendly Car Wash operates from 8:00 a.m. to 5 p.m.

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 Utilities Department has indicated that central water and sewer are available to serve the subject site. The petitioner's use would not require hook up to central services.

The County Engineer had no comments.

FINDINGS OF FACT

The area is characterized by commercial uses. The location of the proposed portable cart is within the parking area of a developed commercial business.

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 would be consistent 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 portable cart for a period of 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 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 principal use shall be available to the petitioner and 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.
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.