

## STAFF REPORT

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**HEARINGS:** Planning & Zoning Commission: April 9, 2007

**APPLICANT:** Sheryl Louise Schaefer

**FILE NUMBER:** CU-07-04

**PURPOSE:** Conditional Use Permit for a Temporary Use, namely a Produce Stand

**GENERAL LOCATION:** Southeast corner of Broad Street (US Hwy 41) and Powell Road

**LEGAL DESCRIPTION:** A portion of Section 17, Township 23 South, Range 19 East, Hernando County, FL

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

**CITIZEN RESPONSE:** Correspondence received as of the date of this report? Yes  No

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### APPLICANT'S REQUEST:

The petitioner is requesting a conditional use permit for a temporary use, namely a produce stand. The subject site is developed with a convenience store and the produce sales will occur in a 20' x 20' area on the north end of the existing building. The existing stand is currently under two (2) canopies and within a chain linked area, installed by the petitioner for security. The petitioner will utilize the convenience stores restrooms for its patrons. County land development regulations (LDRs) allow temporary sales in the parking lot of a commercial business no more than 4 times during a calendar year for an aggregate duration of no more than 60 days as a permitted use. The petitioner has indicated that the sales will occur year round consequently, a conditional use permit is required.

### SITE CHARACTERISTICS:

**Site Size:** 20' x 20' (400 square feet) on an approximate 1.04 acre commercial site

**Surrounding Zoning; Land Uses:** North: AG; Undeveloped  
South: AG; Undeveloped  
East: AG; Undeveloped  
West: C2; Undeveloped

**Current Zoning:** C-3/(Neighborhood Commercial)  
**Future Land Use Map Designation:** Commercial  
**Flood Zone:** C

**ENGINEERING & TRANSPORTATION REVIEW:**

The County Engineer and Transportation Planner has reviewed the subject request and had no comments.

**LAND USE REVIEW:**

The petitioner’s application indicates the conditional use permit is being sought permanently. A conditional use permit is intended to be used as a special permit which temporarily allows uses not otherwise permitted by the ordinance. The Planning and Zoning 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 produce stand is located along the convenience store’s north side, out of the right-of-way, and adjacent to existing parking on the site. As situated, the produce stand does not impede traffic flow or cause any site distance issues.

**COMPREHENSIVE PLAN REVIEW:**

The area is characterized by agricultural and minimal commercial uses. The location of the proposed produce stand is adjacent to an existing business. The subject property is located within a Commercial land use classification on the adopted Future Land Use Map.

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 designation of commercial.

**NOTICE OF APPLICANT RESPONSIBILITY:**

*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 RECOMMENDATIONS:**

It is recommended the Planning and Zoning Commission approve the Conditional Use Permit for a temporary use, namely a produce stand for a period of two (2) years. 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 convenience store shall be available to the petitioner and its patrons.
4. The temporary use shall utilize the existing parking on the site.
5. The temporary use, including the structure, must be removed upon termination of the conditional use permit or if the temporary use ceases to operate.