

## STAFF REPORT

---

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

**APPLICANT:** Kenneth S. Muratore

**FILE NUMBER:** CU-07-06

**PURPOSE:** Conditional Use Permit for a Temporary Use, namely for a Concession Trailer

**GENERAL**

**LOCATION:** North side of County Line Road, approximately 1,655' east of Mariner Boulevard

**LEGAL**

**DESCRIPTION:** Lots 5 and 6, Seven Hills Medical and Business Center, as per plat thereof recorded in plat book 26, pages 3 and 4, public records, less the north 285.00 feet of said Lot 5, Section 31, Township 23 South, Range 18 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

---

### APPLICANT'S REQUEST:

The petitioner requests a conditional use permit for a temporary use, namely a concession trailer to sell such items as coffee, blended drinks, and pre-packaged foods. The petitioner indicates the sales will occur Monday through Sunday between 6:00 am to 8:00 pm. The proposed concession trailer will allow drive-thru and walk-up customers. The petitioner has indicated in their narrative that the bulk of traffic will occur during morning commuting hours and will not have a large impact on the existing gymnastic business.

The petitioners proposed concession trailer will be 8' W x 20' L x 12' H and have the appearance of a permanent structure. The proposed trailer will have electric provided from a new onsite power pole. The petitioner has verbally stated that they have spoken with adjacent tenants and arranged restroom facilities from at least three (3) tenants for their employees and customers if needed. Also the petitioner will utilize the existing business dumpster located at the rear of the property.

**SITE CHARACTERISTICS:**

<b>Site Size:</b>	8' W x 20' L (160 square feet) concession trailer on an approximate 6.23 acre site
<b>Surrounding Zoning; Land Uses:</b>	North: PDP(GC); Undeveloped South: Pasco County; Single Family/ Undeveloped East: PDP(GC); Medical Office West: PDP(GC); Florida Power & Light Easement & Publix Shopping Center
<b>Current Zoning:</b>	PDP(GHC)(General Highway Commercial)
<b>Future Land Use Map Designation:</b>	Commercial
<b>Flood Zone:</b>	C

**SITE CIRCUMSTANCES:**

The proposed location of the trailer is said to be on the far west parking aisle of the existing business. The trailer will have a 10' drive-thru aisle from the edge of pavement along the west side and another 10' drive-thru aisle and 16' by-pass aisle along the east side. The temporary use will be accessed from County Line Road. The petitioner has spoken with the County Engineer and rearranged the trailer location and traffic flow to satisfy the County's requests. Furthermore, they have also communicated with Zoning and Building Department to satisfy their requirements.

**UTILITIES REVIEW:**

The Health Department has indicated that upon approval the petitioner must meet all DBPR (Hotel and Restaurant Division) requirements.

**ENGINEERING & TRANSPORTATION REVIEW:**

The County Engineer has indicated that the east drive-thru aisle would limit the access of the parking available adjacent to the drive aisle. The petitioner has the option to either removing the east drive-thru aisle or arrange with the property owner to close out the parking directly east of the concession stand trailer.

The County's transportation planner has reviewed the subject request and had no comments.

**LAND USE REVIEW:**

The concession trailer sales are proposed to occur on the property of an existing gymnastic school and plaza. 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 concession sales will occur year round, consequently a conditional use permit is required.

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 concession trailer is located along County Line Road, out of the right-of-way, and adjacent to existing parking on the site. As situated, the trailer does not impede traffic flow or cause any site distance issues.

**COMPREHENSIVE PLAN REVIEW:**

The area is characterized by commercial and medical uses. The location of the proposed concession trailer is in front of the existing business and adjacent to a retail plaza (Cottman Transmission; Care-A-Lot; Capone's; Stars and Stripes; Center for the Performing Arts). The subject property is located within a Commercial land use classification on the adopted Future Land Use Map.

The proposed use is appropriate, based on the following conclusion:

1. The proposed request is consistent with the County's land development regulations and 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 concession trailer 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 shall be available to the petitioner and his patrons as indicated.
4. The temporary use shall utilize the existing parking on the site.
5. Development shall occur generally in conformance with the plan submitted.
6. The temporary use shall only operate during the hours of operation of those businesses that have agreed to allow the use of their restrooms.
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.
8. The petitioner has the option to either remove the east side drive-thru aisle or arrange with the property owner to close out the parking directly east of the concession stand trailer. If the petitioner chooses to close out the parking, the parking must be diagonally stripped and signed for no parking.