

STAFF REPORT

HEARINGS: Planning & Zoning Commission: June 13, 2022

APPLICANT: Windy Southall

FILE NUMBER: CU-22-05

REQUEST: Conditional Use Permit for a Portable Roadside Stand, namely, a Produce Stand

GENERAL

LOCATION: South side of Wiscon Road, approximately 750' west of Lykes Dublin Road

PARCEL KEY

NUMBER: 01778455

APPLICANT'S REQUEST:

The petitioner is requesting a Conditional Use Permit for a temporary use to operate a produce stand on a 3.9-acre vacant parcel. The petitioner has indicated that the produce to be sold is not grown or produced on the premises. All fruits and vegetables are bought at markets and will be sold under a 140' x 80' pavilion. Hours of operation are proposed as 11:00 AM to 5:00 PM, Monday through Saturday.

SITE CHARACTERISTICS:

Site Size: 3.9 acres

**Surrounding Zoning;
Land Uses:** North: PDP(RUR); Undeveloped
South: AG; Single Family
East: AG; Undeveloped
West: AG; Undeveloped

Current Zoning: AG/(Agricultural)

**Future Land Use
Map Designation:** Rural

Flood Zone: AE

UTILITIES REVIEW:

The Hernando County Utilities Department (HCUD) has indicated it does not currently supply water or sewer service to this parcel. Sewer service is not available to this parcel.

There is an existing 12-inch water main that runs along Wiscon Road in front of this parcel. HCUD has no objection to the request subject to connection to the central water system at such time that a habitable structure would be constructed.

ENGINEERING & TRANSPORTATION REVIEW:

The subject site is located on the South side of Wiscon Road, approximately 750' west of Lykes Dublin Road. The petitioner proposes two access point to Wiscon Road. The property will have a U-shaped access driveway providing for one-way traffic circulation. The County Engineer has indicated the following:

- Driveways will be required to install paved aprons to protect the roads when vehicles enter or exit.
- This property is mostly within the floodplain. Any future residential development within a floodplain will require specific permitting and mitigation. Residential structures must be raised 1 foot above the floodplain. This floodplain is at 68.6 feet, finished floor must be at 69.6 feet. Any enclosures below the floodplain require flood vents.

LAND USE REVIEW:

In addition to those conditional uses permitted in all zoning districts of the ordinance, the following conditional use is required and permitted in the agricultural district:

Retail sales of permitted agricultural products not produced on the premises: provided that where such products or services are sold from roadside stand, such stand shall be set back from any public street right-of-way at least seventy-five (75) feet and shall be provided with automobile access and off-street parking space in such a manner to not create an undue traffic hazard on the street on which such roadside stand is located.

The petitioner has proposed that a large pavilion will be constructed along Wiscon Road for the proposed use. County LDRs requires a Conditional Use Permit for the retail sales of agricultural products not produced on the premises.

Minimum Building Setbacks:

Front: 75'
Side: 35'
Rear: 50'

The County's LDRs allow for temporary uses and structures subject to meeting the following development review standards:

1. A site plan depicting the proposed use in relation to the overall parcel on which it is to be located must be provided.

Comments: The petitioner has proposed placing the produce stand along Wiscon Road. The property will have a U-shaped access driveway providing for one-way traffic circulation.

2. Driveway access permits shall be obtained.

Comments: The subject site has access via Wiscon Road. Access to Wiscon Road will require a Right-of-Way use permit.

3. Adequate parking shall be provided in conformity with the required standards for the use without reducing the required parking for the established permitted activity.

Comments: The subject site is approximately 3.9 acres. The petitioner has indicated that the site will have a designated parking area. The proposed parking will be unimproved.

4. A covered trash or garbage receptacle with a plastic liner will be kept on site.

Comments: The petitioner has not indicated how garbage disposal will be handled on days of operation. If approved, the petitioner must meet the minimum County requirements for garbage disposal.

5. Adequate restroom facilities shall be provided.

Comments: The petitioner has indicated that restroom will be provided via portable restroom facilities.

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 if they determine that a hardship exists. Conditional Use Permits may be renewed or extended upon reapplication at the end of a two-year period.

FINDING OF FACTS

A Conditional Use Permit for a Portable Roadside Stand, namely a Produce Stand is appropriate based on the following conclusions:

1. The request is consistent with the County's adopted Comprehensive Plan and is compatible with the surrounding land uses subject to compliance with all performance conditions.
2. The proposed use is compatible with the area and not adverse to the public interest.

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. Homeowner 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 that the Planning and Zoning Commission approve a Conditional Use Permit for a portable roadside stand, namely, a produce stand, for a period of up to two (2) years with the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and other applicable agencies 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 must be removed if the primary business on the property ceases to operate and/or upon termination of the conditional use permit.
3. Parking shall not be permitted on the right-of-way.
4. Adequate restroom facilities in accordance with the requirements of the Health Department shall be provided.
5. Hours of operation shall be limited to 11:00 AM to 5:00 PM, Monday through Saturday.
6. Minimum Building Setbacks:
 Front: 75'
 Side: 35'
 Rear: 50'
7. Access to Wiscon Road shall require a Right-of-Way use permit.
8. The Conditional Use Permit shall expire on June 13, 2024.