

STAFF REPORT

HEARINGS: Planning & Zoning Commission: August 12, 2024

APPLICANT: Silverstone Investment Properties, LLC

FILE NUMBER: SE-24-06

PURPOSE: Special Exception Use Permit for a Farmer's Market.

GENERAL LOCATION: South side of Cortez Boulevard, approximately 480' west of Avenue of the Palms

PARCEL KEY NUMBER: 89727, 89736

APPLICANT'S REQUEST:

The petitioner is requesting a Special Exception Use Permit for a farmers' market. The subject site consists of two (2) parcels equaling 0.70 acres. The proposed use will consist of 24 portable 10'x10' easy up tents for vendors. The petitioner has indicated utilizing one of their vacant parcels for the vendors and providing parking on their neighboring parcel (closed restaurant). There will be onsite portable restrooms that will be serviced weekly.

SITE CHARACTERISTICS:

Site Size: 0.70 acres (Combined)

Surrounding Zoning Land Uses:
North: AG; Conservation
South: Cannel
East: C-3; Single Family/at home business
West: CM1; Boat Storage

Current Zoning: PDP (NC)/Planned Development Project
(Neighborhood Commercial)

Future Land Use Map Designation: Residential

Flood Zone: AE

UTILITIES REVIEW:

Hernando County Utilities Department (HCUD) currently provides commercial water and sewer service to the existing closed restaurant parcel. HCUD has no objection to the request.

ENGINEERING REVIEW:

The parcel is located on the south side of Cortez Boulevard, approximately 480' west of Avenue of the Palms. The existing restaurant parcel is a legal conforming use in reference to setbacks and parking. The petitioner has indicated utilizing both parcels which have direct access to SR 50. The County Engineer has reviewed the request and indicated the following:

- Parking or stacking on Cortez Boulevard or in the right-of-way of Cortez Boulevard will not be permitted.
- Any parking or stacking in the right-of-way shall be deemed the Special Exception Use permit null and void.

LAND USE REVIEW:

Places of public assembly are included as special exceptions in all approved zoning districts, Appendix A, Article V, Section 8, subsection C(1)(f) of the Hernando County Code of Ordinances.

Hours of Operation

The subject site has an existing restaurant which is currently closed but undergoing renovations. The hours of operation for the Farmers Market cannot overlap the future restaurant hours once it opens due to limited parking.

Comments: If approved, the following hours of operation should be considered: Friday, Saturday & Sunday from 9:00 AM to 6:00 PM.

Setbacks

Minimum Building Setbacks:

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

Comments: The petitioner has not indicated any new structure. Any future structure shall be required to meet the minimum building setbacks.

Buffers

The petitioner has not indicated buffers against the neighboring parcels along the property line.

Comments: The proposed use will be utilized on a temporary basis. Any future development will be required to meet the minimum commercial buffering standards.

Parking

The petitioner has proposed usage of parking on adjacent parcel 89736. The LDRs indicate that places of public assembly may have up to fifty percent of the required parking spaces (including aisles) surfaced with grass, lawn or other materials as designated in the County parking lot standards; however, if parking demand is such that said grass, lawn or other material is caused to be damaged or destroyed to the extent that said grass or lawn ceases to grow, or the other material otherwise causes a nuisance to the neighborhood, then paving may be required by the Zoning Administrator

Comments: If approved, the petitioner must meet the minimum parking requirements of the County LDRs for each of the uses at the time of development.

Special Exception Use Permits

A special exception use permit is an additional use which may be granted by the Planning and Zoning Commission (P&Z) in accordance with the Land Development Regulations (LDRs). As part of the review, the P&Z must determine that the tract of land is suitable for the type of special exception use proposed by virtue of its location, shape, topography, and nature of surrounding development. The P&Z has the ability to assign reasonable conditions to the approval.

The special exception use permit is a land use determination only. All applicable development rules would have to be met if the permit is approved. Furthermore, special exception use permits shall be in compliance with the minimum Special Exception Use General Standards, Appendix A, Article V, Section 8(B) of the Hernando County Code.

If the special exception use is not established within a period of not more than two (2) years from the approval date, then the special exception use permit shall be null and void.

FINDINGS OF FACT:

The request for a Special Exception Use Permit for an Outdoors Farmers Market is appropriate based on the following conclusions:

The proposed use is compatible with the surrounding area, not adverse to the public interest; and is consistent with the County's adopted Comprehensive Plan.

NOTICE OF APPLICANT RESPONSIBILITY:

The special exception process is a land use determination and does not constitute a permit for either construction on, 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 that the Planning and Zoning Commission approve the petitioner's request for a Special Exception Use Permit for a Place of Public Assembly, namely an outdoor Farmer's Market, 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. Hours of operation will be limited to Friday, Saturday & Sunday from 9:00 AM to 6:00 PM. The restaurant on adjacent parcel key 89736 (Lot 8) and the Farmer's Market cannot have an overlap of hours of operation.
3. For parking to be utilized on adjacent parcel key 89736 (Lot 8), a cross parking agreement should be recorded.
4. There shall be no parking in the county right-of-way.
5. To continue operation of the Farmer's Market after the onsite restaurant opens, parcel key 89727 would require site improvements for parking to meet county commercial standards.