

**STAFF REPORT**

Planning & Zoning Commission: December 11, 2006

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**APPLICANT:** Plants Galore, Inc. **FILE NUMBER:** CU-06-23

**PURPOSE:** Conditional Use Permit for a Temporary Use, Namely Retail Plant Sales

**GENERAL**

**LOCATION:** South side of Cortez Boulevard, at Nunn Boulevard and Cortez Boulevard

**LEGAL**

**DESCRIPTION:** Lots 3 and 4, Gulfland, as per plat thereof recorded in plat book 6, page 42, public records of Hernando County, FL

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

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**Citizen correspondence received as of the date of this report?** Yes  No

**STAFF FINDINGS:**

Surrounding Zoning

Surrounding Land Uses

North: AG

Undeveloped

South: R1-A

Single Family

East: C2

Commercial

West: PDP(HC)

Commercial

**SUMMARY OF REQUEST**

The petitioner has submitted a request for a temporary use, namely retail plant sales. The request is proposed within a commercially zoned parcel that has been developed with Beverage 50, Inc. The property is located along Cortez Boulevard.

**FACTUAL INFORMATION**

1. The property is currently zoned C1.
2. The property comprises approximately 0.94 acres.
3. The subject site is developed with a commercial building being utilized as Beverage 50, Inc.
4. The site does not contain majestic and specimen trees.

5. The subject property has access from Cortex Boulevard and Nunn Boulevard.
6. The subject property is located within a commercial land use classification on the adopted Future Land Use Map.
7. The property is located in a flood zone C.
8. The subject property does not contain any wetlands or Special Protection Areas (SPA) or Wellhead Protection Areas (WHPA) according to County data resources.
9. The Utilities Department has indicated that central water and sewer are available to serve the subject site.
10. There are adequate public facilities available to serve development on the subject property.
11. The subject property is located within a developed commercial area.
12. The proposed temporary plant sales is only allowable if a conditional use permit is obtained.

#### **STAFF DISCUSSION**

The petitioner has submitted a request for a temporary use, namely retail plant sales. The petitioner indicates the sales of plants, flowers and garden materials will occur Monday through Saturday between 9:00 am to 5:00 pm. The petitioner proposes to use an existing prefabricated 10'x20' structure to house plant materials. The petitioner has made arrangements with the existing property owner for the use of their bathroom facilities and parking area. Plant sales are proposed on a vacant portion of the existing beverage store site, which the petitioner will be leasing.

County land development regulations (LDRs) allow temporary sales on 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 plant sales will occur year round consequently, a conditional use permit is required.

The petitioner's application indicates the conditional use permit is being sought for 2 years. 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. Plant sales will be located

along Cortez Boulevard, out of the right of way, and adjacent to an existing business on the site. As situated, the prefabricated structure nor the plants impede traffic flow or cause any site distance issues.

**FINDINGS OF FACT**

The area is characterized by commercial and single family uses. The location of the proposed plant sales is adjacent to an existing business on site.

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.

**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:**

It is recommended that the Planning and Zoning Commission approve the Conditional Use Permit for a temporary use, namely retail plant sales for a period of 2 years the request is consistent with development in the area and would not adversely affect the surrounding neighborhood. 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 Beverage 50, Inc. shall be available to the petitioner and his patrons during operating hours.
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.