

Gene W
6/18

LEON COUNTY
PERMITTED USE VERIFICATION
CERTIFICATE NUMBER: VC100039

ISSUED TO:

Name: Chuck Stensland
Address: 5965 Stoneler Rd, Tallahassee, FL 32303

Phone #: (850) 519-8823

Project Acreage: 6.7 (+/-)
Zoning District: OR-2/CP
Parcel Tax ID#: 21-10-51-361-1185

Status: Conditional

Permanent lunch wagon (8'x 18') with a Smokehouse/Screen Room (14'x 16')

-----COMMENTS-----

The western portion of the parcel is within the Office Residential (OR-2) zoning district (Section 10-6.643 of the Leon County Land Development Code) and the eastern portion of the parcel, where the request is proposed, is within the Commercial Parkway (CP) zoning district (Section 10-6.649 of the Leon County Land Development Code). The CP zoning district allows restaurants and other similar establishments as permissible uses. The entire parcel is designated Suburban on the Future Land Use Map of the Comprehensive Plan (Policy 2.2.5 of the Tallahassee-Leon County Comprehensive Plan). The parcel is located inside of the Urban Service Area (USA) and is subject to the City/County Water and Sewer Agreement. According to the Leon County Property Appraiser's Office, the subject parcel consists of approximately 6.7 (+/-) acres and is developed with three (3) structures totaling 1,248 square feet with an additional 200 square feet of auxiliary square footage. According to the application and supporting documents provided, the request is to establish a smoke house and screen room for an on-site food service operation of approximately 368 square feet.

Currently, the property has a valid development order (Site Plan - LSP030016) which was approved for the construction of a 27,300 sf commercial/shopping center with "out-parcels," a stormwater management facility, stormwater conveyance improvements, proposed parking facilities, proposed sidewalks, and other related urban infrastructure. The approved site plan development order is associated with an approved Environmental Management Permit (LEM040071), both of which is valid until March 11, 2011. Furthermore, there is an existing Final Certificate of Concurrency (LCM030046) that was issued for the referenced development order which expires March 11, 2011. Proposed trip generations for the approved site and development plan are accounted for within the Leon County Concurrency Management System (CMS) while the mentioned development order is active. Contact the Leon County Growth and Environmental Management Concurrency Planner at (850) 606-1300 for additional information as it relates to this request. According to Section 10-7.601 of the LDC (Plats), a building permit cannot be issued until a plat has been accepted by the Board of County Commissioners. A final plat is required for the aforementioned development order, since the approved site and development plan included subdivision of the property. A plat cannot be approved or accepted, until such time as the infrastructure improvements (or a guarantee of their installation. i.e. bond) are installed in accordance with the approved development order. Therefore, consideration of a non-mobile food service operation will require installation of infrastructure improvements and acceptance of a final plat by the Leon County Board of County Commissioners (BCC). Therefore, consideration of a non-mobile food service operation will first require installation of the required infrastructure (as noted on the approved site plan -LSP030016) and subsequent plat approval by the BCC, prior to any further development approvals. The establishment of a permanent food service operation on the referenced parcel will require site and development plan review and approval through the Administrative Streamline Application Process (ASAP) if the size of the establishment is over 300 square feet. If the size of

the establishment is less than 300 square feet, approval of a Project Status Determination (no site plan review required) is required. It should be noted, food service operations that meet the definition of "mobile," may be permissible without site plan review, when specific criteria are met and applicable permits are obtained (see criteria outlined below).

Establishment of a non-mobile food service operation will require connection to the central sanitary sewer system (gravity sewer system is available along the N. Monroe frontage). Stationary holding tanks are not considered an acceptable method for handling wastewater disposal on a permanent basis or non-mobile situation. In addition, applications for site and development plan review shall demonstrate compliance with the "General Layout and Design Standards" set forth in Section 10-7.502 of the LDC. Within the USA, new development shall be designed and constructed to facilitate vehicular and pedestrian mobility in and between adjacent and complementary uses. Sidewalks are required along all public and private street frontages. Within the USA, non-residential development shall provide safe and efficient sidewalk linkages between building entrances and parking areas, adjacent portions of the development, and adjacent rights-of-way. At minimum, one accessible route in accordance with the Florida Accessibility Code shall connect buildings to parking areas and rights-of-ways. The application for site and development plan review shall be designed to accommodate the minimum number of off-street parking spaces for the specific land uses established in Schedule 6-2 of Section 10-7.545 of the LDC (Number of Off-Street Parking Spaces). The number of spaces may, at the applicant's discretion, be equivalent to a range of number of parking spaces established in this section. The minimum dimensions for off-street parking space standards are set forth in Section 10-7.546 of the LDC.

As an option, and consistent with County policy adopted on July 24, 2009, the establishment of a "mobile" food service operation is permissible when all of the following criteria are met:

- 1) The operation is located within a zoning district allowing any of the following uses: restaurant; retail food-service; or, eating and drinking places;
- 2) The operation is contained within a motor vehicle or a trailer that requires a mobile vehicle to tow it;
- 3) The vehicle or trailer is not affixed to the ground with tie-downs, anchors, piers, pilings, or a foundation;
- 4) The vehicle or trailer is not affixed to a permanent structure;
- 5) The operation is entirely self-contained, meaning that it does not utilize the physical infrastructure of an external utility provider;
- 6) Hours of operation are between sunrise and sunset;
- 7) The vehicle or trailer is not located on the same site for more than twelve (12) consecutive hours at a time;
- 8) The vehicle or trailer is not located in the right-of-way; and,
- 9) The operation only sells produce or food products.
- 10) Is not located within 500 feet of any other mobile food service operation on the same parcel of property.

Small food service operations meeting criterion #1, zoning, but not meeting one or more of the other criteria set out above may still be eligible for approval via Project Status Determination or ASAP, as follows: if the total size of the proposed operation is 300 square feet or less, it may be reviewed for approval as a Project Status Determination; if it is less than 1,000 square feet but greater than 300 square feet in size, it will require review and approval through the ASAP (Site Plan Review) process.

In addition to the information provided in this document, the applicant/owner should contact other applicable local and state agencies to ensure compliance with other applicable requirements not specified in this response [i.e. The LCGEM Building Department, the Florida Department of Business Regulations (Division of Hotels and Restaurants), the Tallahassee Fire Department, City of Tallahassee Utilities or other applicable

utility service provider(s)]. Department of Business and Professional Regulation (DBPR) approval is required for the proposed food service establishment: Contact DBPR, Division of Hotels and Restaurants at 850-487-1395

-----**OPTIONS**-----

The following are options and required approvals for each option:

1. Vacate/abandon the current site plan approval – Submit ASAP site plan for a non-mobile, permanent food service operation on the parcel in question.
2. Complete Environmental Management Permit (EMP) to implement approved site plan/final infrastructure (or bond) and record a final plat with Leon County BCC approval. Then submit ASAP site plan for non-mobile operation on the "out-parcel."
3. Environmental Management Permit (EMP): Short Form-B Permit required. Contact Environmental Compliance for details at 850-606-1300.
4. Operate consistent with the criteria (listed above) for a mobile food service.
5. Apply for a Temporary Use Permit (Maximum of 60 consecutive days): Temporary Use Permits are limited to a period of 15 consecutive days with allowances for a one time extension of 15 consecutive days. Not more than two temporary use permits with two 15 day extensions shall be issued on a specific parcel within any given calendar year.

Submittal requirements are pursuant to the Leon County Zoning, Site and Development Plan and Subdivision Procedures and Information Manual for the Process identified above.

Subsequent permitting and site plan review may limit the ability to construct above described development. This certificate is exclusive to the terms and conditions herein and is valid under the 2010 Comprehensive Plan and the Leon County Land Development Regulations in effect at the time of issuance. Amendments to the 2010 Comprehensive Plan or to the Land Development Regulations may alter the terms and conditions of this certificate.

No Permitted Use Verification Application and/or Permitted Use Verification Certificate shall be the basis for any claims of estoppel or vesting against any land development regulations or zoning regulations, which may be adopted on or after the date of the Permitted Use Verification Application and/or the Permitted Use Verification Certificate.

Date: 6/17/10
Revised: N



Development Services Division
Growth and Environmental Management



Charlie Crist
Governor

Ana M. Viamonte Ros, M.D., M.P.H.
State Surgeon General

June 17, 2010

Chubo's
Attn: Chuck Stensland & Bob Bethea
5965 Stoneler Rd
Tallahassee, FL 32303

Dear Sirs:

Per your request on June 14, 2010, agents of the Leon County Health Department conducted an inspection of the sewage disposal system serving Chubo's Mobile Food Dispensing Vehicle, License # MFD3050037. At that time it was discovered that the primary means of sewage disposal was a stationary holding tank. Please be advised that the use of a stationary holding tank is not an approved means of sewage disposal for your operation. As such, you are hereby notified to discontinue use of the stationary holding tank and provide an approved means of sewage disposal. This can be accomplished by either utilizing the on-board sewage storage tank, returning each day to your approved commissary to dump your waste in an approved dump station or connect to the available City of Tallahassee sewer system that abuts the property.

Please be advised that you must also comply with any and all local requirements. If you have additional questions regarding this matter please feel free to contact Kathy Davis at 606-8350.

Sincerely,

A handwritten signature in black ink, appearing to read "Alex Mahon".

Alex Mahon
Environmental Manager

cc: Carter-Wilcox Properties, LTD
DBPR Division of Hotels & Restaurants
✓ Leon County Growth & Environmental Management