

**STAFF REPORT**

Planning & Zoning Commission: February 12, 2007

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**APPLICANT:** Joseph Egosi **FILE NUMBER:** CU-07-01

**PURPOSE:** Conditional Use Permit for a temporary use, namely the sale of area rugs

**GENERAL**

**LOCATION:** Southwest corner of Cortez Boulevard/West Jefferson Street and Cobb Road.

**LEGAL**

**DESCRIPTION:** A portion of Section 20, Township 22 South, Range 19 East, 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

North: C-2  
South: PDP(GHC)  
East: City  
West: PDP(GHC)

Surrounding Land Uses

Hess Station  
Warehouse  
Hardee's  
Commercial

**SUMMARY OF REQUEST**

The petitioner has submitted a request for a temporary use, namely the sale of area rugs. The subject request is proposed within a commercially zoned parcel that has been developed with a gas station, which is currently closed. The property is located at the southwest corner of Cortez Boulevard/West Jefferson Street and Cobb Road.

**FACTUAL INFORMATION**

1. The property is currently zoned C-2 (Highway Commercial).
2. The property comprises approximately 0.43 acres.
3. The subject site was originally developed with a gas station and recently used for a used car lot.

4. The site may contain majestic and specimen trees.
5. The subject property has access from Cortez Boulevard/West Jefferson Street and Cobb Road.
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. According to County resources there are no Well Head Protection Areas, or Special Protection Areas on the subject property.
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 sale of area rugs is only allowable if a conditional use permit is obtained.

### **STAFF DISCUSSION**

The petitioner requests a Conditional Use Permit for a temporary use, namely the sale of area rugs. The sales of the area rugs are proposed to occur on property originally developed with gas station and recently used as a used car lot. The petitioner has indicated that the area rugs will be displayed on a 10' steel pipe structure. Though the property is currently not being utilized, the petitioner has indicated the property owner has authorized use of the existing building's bathroom facilities. 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 sales of area rugs will occur year round consequently, a conditional use permit is required.

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 sales of area rugs is located on the southwest corner of Cortez Boulevard/West Jefferson Street and Cobb Road, out of the right of way. The property only has right-in and right-out access along both Cortez Boulevard/West Jefferson Street and Cobb Road.

### **FINDINGS OF FACT**

The area is characterized by commercial uses. The location of the proposed sales of area rugs is in front of the existing building on site.

The subject property is located within a commercial land use classification on the adopted Future Land Use Map.

The staff is of the opinion that 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 Concurrence. 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 the sales of area rugs for a period of two (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 sales of area rugs must be displayed in such a way not to impede traffic flow or cause any site distance issues.
3. Restrooms shall be available to the petitioner and his patrons during business hours.
4. The temporary use shall utilize the existing parking on the site.
5. The temporary use, including all temporary structures, must be removed upon termination of the Conditional Use Permit or if the temporary use ceases to operate.