

January 12, 2026

**MEMORANDUM**

**TO:** Honorable Chairman and Members of the Board of County Commissioners

**VIA:** Jeffrey Rogers, County Administrator  
County Administrator's Office

**FROM:** Cesar Omar DePablo, Development Services Director

**SUBJECT:** **Conditional Use Actions by the Planning and Zoning Commission on January 12, 2026**

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For the Board's information, on January 12, 2026, the Planning and Zoning Commission (P&Z) held a duly advertised public hearing to consider an advertised request for a Conditional Use Permit(s). Attached to this memorandum is (are) the staff report(s) and action(s) of the P&Z on the Conditional Use Permit request(s) at that scheduled public hearing.

A notification letter was sent on Wednesday, January 14, 2026, to inform the petitioner(s) of the P&Z action(s). According to Appendix A, Zoning, Article V, Section 4(F) of the Hernando County Code of Ordinances, the Board of County Commissioners, by a majority vote, may decide to review any conditional use permit decision rendered by the P&Z. If at least a majority (three (3) members) of the governing body do not vote to review the P&Z decision within thirty (30) days, which would be Wednesday, February 11 2026, (calculated from the date of the P&Z decision), the P&Z decision shall be deemed final and subject only to review by the circuit court.

The review of decision by the BCC would occur on the regular BCC hearing date of Tuesday, March 3, 2026, (calculated from the date of the P&Z decision). "Public notice" for this hearing shall mean publication of notice of the time, place and purpose of such hearing one (1) time in a newspaper of general circulation in the county, such publication to be at least five (5) days prior to such hearing, and such notice shall be posted in a conspicuous place or places around such lots, parcels, or tracts of land as may be involved in the hearing. Affidavit proof of the required publication and posting of the notice shall be presented at the hearing.

The Board may affirm, modify or reverse the decision of the P&Z at the hearing.

**Copies:** Applicant's File

## P&Z CONDITIONAL USE RESULTS FROM January 12, 2026

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### STAFF REPORT

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**HEARINGS:** Planning & Zoning Commission: January 12, 2026

**APPLICANT:** Bryan A. and Nancy L. Pell

**FILE NUMBER:** CU-25-11

**REQUEST:** Conditional Use Permit for a Second Residence Due to Medical Hardship

**GENERAL LOCATION:** West Side of Barclay Road between Smithfield Ave and approximately 650 feet North of Irving St.

**PARCEL KEY NUMBER:** 130799

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### APPLICANT'S REQUEST

The petitioner has submitted a request for a Conditional Use Permit for a second residence due to a medical hardship. The family's physician has recommended that the petitioners' son move into the second residence to provide for an on-site caregiver.

### SITE CHARACTERISTICS

<b>Site Size</b>	4.5 Acres
<b>Surrounding Zoning; Land Uses</b>	North: AR2; Agricultural Residential 2 South: AR2; Agricultural Residential 2 East: ROW & AR2; Agricultural Residential 2 West: ROW & AR2; Agricultural Residential 2
<b>Current Zoning:</b>	AR2 (Agricultural Residential 2)
<b>Future Land Use Map Designation:</b>	Rural

## P&Z CONDITIONAL USE RESULTS FROM January 12, 2026

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### UTILITIES REVIEW

The Hernando County Utilities Department (HCUD) currently supplies water service to this parcel. Wastewater service is currently not available. HCUD has no objection to allow a mobile home on the parcel, subject to connection to existing water meter when mobile home is installed.

**Comment:** The petitioner must obtain a septic permit through the Hernando County Health Department and a well permit through the Southwest Florida Water Management District.

### ENGINEERING REVIEW

The site is located on the West Side of Barclay Road between Smithfield Ave and approximately 650 feet North of Irving St. The Hernando County Department of Public Works Engineering has no objections to the conditional use for a 2<sup>nd</sup> residence.

The applicants need to be advised that there is a road widening project for Barclay Ave., which will require up to 55-feet of right of way along Barclay Ave. This project is currently in design and will be some time before the exact amount of right of way needed will be determined.

### LAND USE REVIEW

Minimum Building Setbacks Required in the Agricultural Residential 2 District:

- Barclay Road: 50'
- Smithfield Ave: 50'
- Side: 10'

A conditional use permit is intended to be used as a special permit which temporarily allows uses not otherwise permitted by the ordinance. The Commission can grant a conditional use permit for a period up to two years if they determine that a hardship exists.

### 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.*

## **P&Z CONDITIONAL USE RESULTS FROM January 12, 2026**

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### **STAFF RECOMMENDATION:**

It is recommended that the Planning and Zoning Commission determine whether a hardship exists; if such a determination is made, the Planning & Zoning Commission may approve the request for a Conditional Use Permit for a Second Residence Due to Medical Hardship with the following performance conditions:

1. The petitioner shall 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 petitioner shall remove the second residence upon expiration of the permit, or when the hardship no longer exists.
3. The applicants should be aware that Barclay Ave. is scheduled for a road-widening project that may require up to 55 feet of right-of-way. The project is still in design, so the exact amount needed has not yet been determined.
4. The conditional use permit shall expire on January 12, 2028.

### **PLANNING AND ZONING COMMISSION ACTION:**

On January 12, 2026, the Planning and Zoning Commission voted 5-0 to approve the petitioner's request for a Conditional Use Permit for a Second Residence Due to Medical Hardship with the following performance conditions:

1. The petitioner shall 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 petitioner shall remove the second residence upon expiration of the permit, or when the hardship no longer exists.
3. The applicants should be aware that Barclay Ave. is scheduled for a road-widening project that may require up to 55 feet of right-of-way. The project is still in design, so the exact amount needed has not yet been determined.
4. The conditional use permit shall expire on January 12, 2028.

## P&Z CONDITIONAL USE RESULTS FROM January 12, 2026

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### STAFF REPORT

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**HEARINGS:** Planning & Zoning Commission: January 12, 2026

**APPLICANT:** Brian Colon and Suzanne Colon

**FILE NUMBER:** CU-25-12

**REQUEST:** Conditional Use Permit for a Temporary Security Residence

**GENERAL LOCATION:** East Side of Rapidan Road approximately 350 feet North of Yellowbird St.

**PARCEL KEY NUMBER:** 620251

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### APPLICANT'S REQUEST

The petitioner is requesting approval of a Conditional Use Permit to allow the use of a Recreational Vehicle (RV) as a temporary security residence. The Petitioner is requesting to stay on site while they build their family home.

### SITE CHARACTERISTICS

<b>Site Size</b>	1.2 Acres
<b>Surrounding Zoning; Land Uses</b>	North: R1C; Residential South: R1C; Residential East: Right-of-Way (ROW)/R1C; Residential West: Right-of-Way (ROW)/R1C; Residential
<b>Current Zoning:</b>	Residential
<b>Future Land Use Map Designation:</b>	Rural

## **P&Z CONDITIONAL USE RESULTS FROM January 12, 2026**

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### **UTILITIES REVIEW**

The Hernando County Utilities Department (HCUD) does not currently supply water or wastewater service to this parcel. Water and wastewater service are not available to this parcel. HCUD has no objection to the conditional use to allow a RV on property while home is being built on parcel.

**Comment:** The petitioner must obtain a septic permit through the Hernando County Health Department and a well permit through the Southwest Florida Water Management District.

### **ENGINEERING REVIEW**

The site is located on the East Side of Rapidan Road approximately 350 feet from Yellowbird Ave. The Engineering Department has reviewed the request and indicated they have no concerns with the request.

### **LAND USE REVIEW**

Minimum Building Setbacks Required in the Agricultural Residential 2 District:

- Rapidan Road: 25'
- Rear: 20'
- Side: 10'

A conditional use permit is intended to be used as a special permit which temporarily allows uses not otherwise permitted by the ordinance. The Commission can grant a conditional use permit for a period up to two years if they determine that a hardship exists.

### **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.*

## **P&Z CONDITIONAL USE RESULTS FROM January 12, 2026**

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### **STAFF RECOMMENDATION:**

It is recommended that the Planning and Zoning Commission determine whether a hardship exists; if such a determination is made, the Planning & Zoning Commission may approve the request for a Conditional Use Permit for a Temporary security residence with the following performance conditions:

1. The petitioner shall 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. No attachments or other structures shall be erected on the property or attached to the RV.
3. The proposed RV shall meet the setbacks of the R1A (Residential) zoning district.  
Front: 25'  
Side: 10'  
Rear: 20'
4. The petitioner shall permit onsite well and septic through the Florida Department of Health in Hernando County.
5. County personnel shall have the ability to inspect the property periodically for the duration of the permit to verify that performance conditions are being followed, and the use has not been abandoned. A final inspection by county staff will occur within thirty (30) days immediately following the expiration of this permit to verify that the use has been discontinued.
6. The Conditional Use Permit shall expire on January 12, 2028.

## **P&Z CONDITIONAL USE RESULTS FROM January 12, 2026**

### **PLANNING AND ZONING COMMISSION ACTION**

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On January 12, 2026, the Planning and Zoning Commission voted 4-0 to approve the petitioner's request for a Conditional Use Permit for a Temporary security residence with the following performance conditions:

1. The petitioner shall 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. No attachments or other structures shall be erected on the property or attached to the RV.
3. The proposed RV shall meet the setbacks of the R1A (Residential) zoning district.  
Front: 25'  
Side: 10'  
Rear: 20'
4. The petitioner shall permit onsite well and septic through the Florida Department of Health in Hernando County.
5. County personnel shall have the ability to inspect the property periodically for the duration of the permit to verify that performance conditions are being followed, and the use has not been abandoned. A final inspection by county staff will occur within thirty (30) days immediately following the expiration of this permit to verify that the use has been discontinued.
6. The Conditional Use Permit shall expire on January 12, 2028.



## P&Z CONDITIONAL USE RESULTS FROM January 12, 2026

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### STAFF REPORT

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**HEARINGS:** Planning & Zoning Commission: January 12, 2026

**APPLICANT:** Pedone Sand Mine

**FILE NUMBER:** CU-25-14

**REQUEST:** Conditional Use Permit for Excavation

**GENERAL LOCATION:** South of Dashback Street and east side of Kettering Road

**PARCEL KEY NUMBER:** 396716

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#### APPLICANT'S REQUEST

On September 11, 2023, the Planning and Zoning Commission approved a Conditional Use Permit (CUP) for excavation on six parcels totaling 152.3 acres, with lot sizes ranging from 59 to 118.5 acres. The petitioner is now requesting to renew and expand the Conditional Use Permit to include excavation on the remaining parcel.

Excavations are allowed under the County Land Development Regulations through a Conditional Use Permit for up to five years, with a maximum of 40 acres at a time. The petitioner has stated that excavation will be limited to 40 acres per phase. Before starting each phase, all required buffers and silt fencing must be installed. Before completing a phase, the buffers and fencing for the next phase must also be in place. After each phase, the disturbed area must be stabilized—typically by seeding, mulching, and watering—to prevent erosion, before moving to the next phase.

Excavation will be done using front-end loaders and track-mounted excavators, extending vertically down to approximately 60 feet, without disturbing clay, limestone, or groundwater. Excavated sand will be temporarily stockpiled onsite for sale and transport. No washing, screening, or processing of materials will occur onsite.

The excavation is planned to operate seven days per week. At the current rate, the site could operate for 5 more years, depending on demand. Approximately 75% of the middle 40-acre site has already been excavated. The 23.93-acre northern parcel and 13.96-acre southern parcel remain undisturbed pasture.

## **P&Z CONDITIONAL USE RESULTS FROM January 12, 2026**

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### **SITE CHARACTERISTICS**

<b>Site Size</b>	116.85 Acres
<b>Surrounding Zoning; Land Uses</b>	North: PDP(IND); Undeveloped South: AG; Undeveloped East: CPDP(SF and MF); Undeveloped West: CPDP; Undeveloped
<b>Current Zoning:</b>	PDP(IND)
<b>Future Land Use Map Designation:</b>	I-75 Planned Development Project

### **UTILITIES REVIEW**

Hernando County Utilities Department (HCUD) does not currently supply water or wastewater service to this parcel. Water is available. There is also a 12” force main that runs along the west side of Kettering Rd. HCUD has no objection to the conditional use to renewing and extending the existing sand mine/pit.

### **ENGINEERING REVIEW**

The property is located east of Kettering Road and south of Dashback Street. Access to the site will be from Kettering Road, south of Dashback Street, via Ariana Dairy Farm, which is also owned by the petitioner.

The County Engineer has reviewed the request and indicated the following:

1. The Road Maintenance Agreement shall be revised with Department of Public Works. Rate reduction is not supported.
2. Staff has been receiving complaints along the route that the trucks are taking to get to Pasco County.
3. Applicant must explain how parcels to the east of parcel key # 396716 will access Kettering Road.

**Comments:** Prior to initiating the conditional use permit, the petitioner shall coordinate with the Department of Public Works to revise the maintenance agreement, address resident complaints and concerns and address access to Kettering Road.

## **P&Z CONDITIONAL USE RESULTS FROM January 12, 2026**

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### **LAND USE REVIEW**

Minimum Building Setbacks Required in the District:

In accordance with the County Land Development Regulations Appendix A Article III Section 3,I, Subsection 6. Setbacks The following minimum distances from the permittee property line shall be maintained for the identified adjacent property uses

- West: 300'
- East: 300'
- North: 100'
- Rear: 100'

**Comments:** At no time shall any single parcel exceed the maximum requirement of 40.0 acres. Additionally, no parcel shall be paired or phased with a larger parcel in order to achieve 40.0 acres

### **Buffer**

The buffer requirement shall be a minimum of one hundred (100) feet measured perpendicular from the property line. Where required, the buffer shall shield adjoining properties when viewed from the property line. The buffer must shield the operation at the time excavation begins. Shielding shall meet an eighty percent (80%) opacity standard. Berms, towers, stockpiles and other similar items which extend above the buffer need not be shielded. The clearing and stripping of vegetation from the land shall not require the pre-establishment of a buffer. If approved, the petitioner must meet the minimum buffering requirements of the County's LDRs. The excavation of the site will have to comply with the County's LDRs relating to excavation. The standards address the provision of screening (vegetative or berm), hours of operation, fugitive dust control, reclamation, etc.

A conditional use permit is intended to be used as a special permit which temporarily allows uses not otherwise permitted by the ordinance. The Commission has the ability to grant a conditional use permit for a period up to five (5) years.

### **FINDINGS OF FACT:**

The requested Conditional Use Permit for excavation, is appropriate based on consistency with the Comprehensive Plan and compatibility with the surrounding land uses.

1. Excavation activities will be limited to a maximum of 40 acres at any given time.
2. The petitioner is requesting approval to conduct excavation in phased sections.
3. All required buffers and silt fencing will be installed prior to moving into each subsequent phase.
4. Upon completion of each phase, the disturbed area will be promptly stabilized to prevent erosion.

## **P&Z CONDITIONAL USE RESULTS FROM January 12, 2026**

### **NOTICE OF APPLICANT RESPONSIBILITY**

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*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 RECOMMENDATION:**

It is recommended that the Planning and Zoning Commission approve the Conditional Use Permit for Excavation for a period of five (5) 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. At no time shall excavation exceed the maximum limit of 40.0 acres. Additionally, the parcel shall be paired or phased as necessary to ensure that excavation activities remain within the 40.0-acre maximum
3. If a clay lens is encountered during the excavation operation, the petitioner must modify the Excavation Permit to review the new elevation of the excavation bottom.
4. The petitioner must maintain a valid SWFWMD permit prior to the issuance of the Excavation Permit.
5. A minimum 100' buffer shall be provided along the perimeter of the excavation site. Any buffer that has been encroached upon by the mining operation shall be restored in accordance with County regulations. Where required, the buffer shall shield adjoining properties when viewed from the property line. The buffer shall shield the operation at the time excavation begins.
6. A minimum 300-foot Setback along the east and west sides, and a 100-foot setback along the north and south sides, shall be maintained around the perimeter of the excavation site. Any portion of the buffer disturbed by mining activities must be restored in accordance with County regulations.

## **P&Z CONDITIONAL USE RESULTS FROM January 12, 2026**

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7. The petitioner is requesting approval to conduct excavation in phased sections, with excavation activities limited to a maximum of 40 acres at any given time.
8. All required buffers and silt fencing shall be installed prior to initiating each subsequent phase. Upon completion of a phase, all disturbed areas shall be promptly stabilized to prevent erosion.
9. The petitioner shall coordinate with the Hernando County Planning Division to ensure no gopher tortoises have re-entered the excavation site
10. The Road Maintenance Agreement shall be revised in coordination with the Department of Public Works. A rate reduction is not supported.
11. The petitioner shall coordinate with the Department of Public Works to revise the maintenance agreement, address resident complaints and concerns, and ensure proper access to Kettering Road.
12. The Department of Public Works has received complaints regarding the truck route used to access Pasco County. The petitioner shall provide a plan identifying the designated routes that trucks will use to travel to Pasco County.
13. The Petitioner shall clarify the proposed access route to Kettering Road for the parcels situated east of Parcel Key #396716.
14. The Conditional Use permit for excavation will expire on January 12, 2031.

## **P&Z CONDITIONAL USE RESULTS FROM January 12, 2026**

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### **PLANNING AND ZONING COMMISSION ACTION**

On January 12, 2026, the Planning and Zoning Commission voted 5-0 to approve the petitioner's request for a Conditional Use Permit for excavation for a period of five (5) 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. At no time shall excavation exceed the maximum limit of 40.0 acres. Additionally, the parcel shall be paired or phased as necessary to ensure that excavation activities remain within the 40.0-acre maximum
3. If a clay lens is encountered during the excavation operation, the petitioner must modify the Excavation Permit to review the new elevation of the excavation bottom.
4. The petitioner must maintain a valid SWFWMD permit prior to the issuance of the Excavation Permit.
5. A minimum 100' buffer shall be provided along the perimeter of the excavation site. Any buffer that has been encroached upon by the mining operation shall be restored in accordance with County regulations. Where required, the buffer shall shield adjoining properties when viewed from the property line. The buffer shall shield the operation at the time excavation begins.
6. A minimum 300-foot Setback along the east and west sides, and a 100-foot setback along the north and south sides, shall be maintained around the perimeter of the excavation site. Any portion of the buffer disturbed by mining activities must be restored in accordance with County regulations.
7. The petitioner is requesting approval to conduct excavation in phased sections, with excavation activities limited to a maximum of 40 acres at any given time.
8. All required buffers and silt fencing shall be installed prior to initiating each subsequent phase. Upon completion of a phase, all disturbed areas shall be promptly stabilized to prevent erosion.
9. The petitioner shall coordinate with the Hernando County Planning Division to ensure no gopher tortoises have re-entered the excavation site

### **P&Z CONDITIONAL USE RESULTS FROM January 12, 2026**

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10. The Road Maintenance Agreement shall be revised in coordination with the Department of Public Works. A rate reduction is not supported.
11. The petitioner shall coordinate with the Department of Public Works to revise the maintenance agreement, address resident complaints and concerns, and ensure proper access to Kettering Road.
12. The Department of Public Works has received complaints regarding the truck route used to access Pasco County. The petitioner shall provide a plan identifying the designated routes that trucks will use to travel to Pasco County.
13. The Petitioner shall clarify the proposed access route to Kettering Road for the parcels situated east of Parcel Key #396716.
14. The petitioner shall provide a harvesting plan for excavation to include the timing and phasing of excavation activities. In addition, the petitioner shall notify the County upon the completion of any phase of excavation and submit a closure plan which invokes and inspection. At no time can the petitioner reopen a previous stage. There shall be clear delineation of where excavation is taking place through monuments that are semi-permanent and can be relocated as excavation moves throughout the site.
15. The Conditional Use permit for excavation will expire on January 12, 2031.