



STAFF REPORT

HEARINGS: Planning & Zoning Commission: June 8, 2026
Board of County Commissioners: August 4, 2026

APPLICANT: M and S Enterprises of Central Florida LLC

FILE NUMBER: H-26-18

REQUEST: Rezoning from AG (Agricultural) to PDP(SU) Planned Development Project (Special Use) with deviations

GENERAL LOCATION: South side of Cortez Boulevard approximately 2972' from Lockhart Road

PARCEL KEY NUMBER(S): 387085

APPLICANT'S REQUEST

The petitioner is requesting to rezone from AG (Agricultural) to PDP SU (Planned Development Project special use to conduct an excavation operation on a 4.60-acre parcel. This project is slated to span five years and is designed with specific environmental and structural safeguards: the operation will strictly avoid penetrating the water table, and the resulting side slopes will be engineered not to exceed a 3:1 ratio. Critically, the permitting process will mandate the submission of a professional engineer's estimate and a corresponding reclamation bond. This assurance is tied to the commitment that the site will be fully reclaimed upon project completion in a manner specifically tailored to facilitate the future development of the property, with all stormwater management being successfully contained on-site.

The petitioner has requested a rezoning in lieu of the Conditional Use Permit for Excavation as they are requesting deviations to the required setbacks. The deviations are requested as follows:

- North: 25' (deviation from 100')
- South: 25' (deviation from 300')
- East: 25' (deviation from 100' and 300')
- West: 25' (deviation from 100')

SITE CHARACTERISTICS

Site Size	4.6 Acres
Surrounding Zoning; Land Uses	North: Agricultural/Commercial R1B (Residential) South: AG (Agricultural) East: AR(Agricultural Residential) West: AG (Agricultural)

Current Zoning: AG (Agricultural)

**Future Land Use
Map Designation:** Rural

ENVIRONMENTAL REVIEW

The petitioner shall be required to comply with all applicable Southwest Florida Water Management District and Florida Fish and Wildlife Conservation Commission (FWC) permits.

UTILITIES REVIEW

Hernando County Utilities Department (HCUD) does not currently supply water or wastewater service to this parcel. Water is available, and there is an 8" force main in the right of way on the south side of Cortez Boulevard. HCUD has no objection to the rezoning for excavation of the property.

ENGINEERING REVIEW

The subject site is located on the South side of Cortez Boulevard approximately 2972' from Lockhart Road. The County Engineer has reviewed the petitioner's request and has the following comments:

- The petitioner is required to make sure all access to Cortez shall be at the existing full median opening of Cortez Blvd.
- The petitioner will need to relocate the access connection further to the west, so there are no conflicts with the existing access to the adjacent parcel to the east.
- The petitioner will be required to obtain an FDOT (Florida Department of Transportation) Access Management Permit.

LAND USE REVIEW

Article III (Specific Regulations) of Appendix A provides that an operator desiring to engage in an excavation operation on forty (40) acres or less, and where the activity is not specifically exempted by The Hernando County Land Development Regulations, shall make written application to the county for a conditional use permit to be processed in accordance with the specific use regulations of that Section. Article VII (Planned Development District) of Appendix A provides for a Special Use designation (SU) which allows for any use not so designated as a specific Planned Development Use. In this case, the specific use regulations of Article III also apply.

The petitioner has requested PDP(SU)/Planned Development Project (Special Use) in order to request a setback deviation for the north and east property lines. Deviations can be approved through the Planned Development Project process.

According to the Hernando County Land Development Regulations, Appendix A, Zoning Article III. - Specific Regulations Section 3(H). - Specific use regulations, the following applies to excavations:

Application:

The application form requires the applicant to submit the following information to the county:

- A legal description of the proposed area for excavation;
- The name, address and phone number of the owner of the land for which application is made, along with evidence of ownership and/or written consent of the owner;
- The name, address and phone number of the person, firm or corporation that will be the mine operator and the designated representative;
- A recent scaled aerial photograph of the property showing the boundary of the proposed area;
- Topographic contours from available mapping;
- Proposed schedules for the excavation activities;
- Estimated depth of the excavation activities;
- Pre- and post-mining conditions

Comment: The applicant has provided all required information.

Applicable Agency Approvals

The applicant must submit all applicable approvals from federal, state, regional and local agencies.

Comment: The petitioner will be required to obtain the appropriate approvals from applicable agencies during the excavation permitting process and prior to commencement of excavation activities.

Other Information as Required by the County

Other information as may reasonably be required by the county.

Comment: No additional information has been requested of the petitioner at this time.

Perimeter Setbacks:

- North: 25' (deviation from 100')
- South: 25' (deviation from 300')
- East: 25' (deviation from 100' and 300')
- West: 25' (deviation from 100')

Comment: The petitioner is requesting 25' setback all around, however staff believes 50' will be more appropriate on the east and south buffers. If approved the following setbacks will be required.

Perimeter Setbacks:

- North: 25' (deviation from 100')
- South: 50' (deviation from 300')
- East: 50' (deviation from 100' and 300')
- West: 25' (deviation from 100')

Buffers:

The buffer requirement shall be a minimum of one hundred (100) feet measured perpendicular from the property line. It should be the same width as the setback and shall be required to meet all other buffer criteria.

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 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.

The buffer shall consist of a vegetated screen augmented by a berm if required to obtain opacity. The following conditions apply to the vegetated screening:

- a. A 100-foot vegetative screen is standard, except where a berm is necessary. Where a berm is necessary, the outer fifty (50) feet of the buffer must consist of the vegetative screen;
- b. If trees exist in the vegetative screen area they must remain;
- c. If sufficient vegetation does not exist, the vegetative screen area shall be planted at spacings and with species to be established by the department. All plantings shall consist primarily of perennial species native to the area;
- d. All plantings used in the buffer must be compatible with the soils in the area as specified by the county forester.

Comments: The petitioner is proposing a 3' high V Berm in order to shield the excavation activity that will be maintained within the setbacks. The buffer shall be the same width as the setback and must meet all other buffer criteria.

Dust Control

The applicant shall submit a plan for the control of fugitive dust.

Comment: The petitioner has indicated that dust control of stockpiles, truck movement and excavation equipment will be handled by onsite watering methods.

COMPREHENSIVE PLAN REVIEW

Strategy 1.01A(5): Proposed development orders will be reviewed for overall consistency with the general intent of the Comprehensive Plan growth strategies. Consistency with each individual goal, objective or strategy is not required.

Strategy 1.04A(2): Review of rezoning requests shall be consistent with the overall intent of the Future Land Use Map (FLUM) and Comprehensive Plan strategies in terms of potential use or character and in terms of potential densities and intensities. Approval of changes to the

FLUM requested by the property owner may be accompanied by a requirement to rezone the property in conformance with the new FLUM designation prior to development.

Rural Category

Objective 1.04C: The Rural Category allows agriculture, agricultural commercial, agri-industrial, recreation, agritourism and residential land uses of a rural character. Certain neighborhood commercial uses may be allowed subject to locational criteria and performance standards. Residential density is 0.1 dwelling units per gross acre (1 unit per ten gross acres) except where otherwise indicated by the strategies listed herein and incorporated into the land development regulations.

FINDINGS OF FACT

The requested rezoning from AG (Agricultural) to PDP SU (Planned Development Project Special Use) is appropriate based on the following findings of fact:

- The request is consistent with the Comprehensive Plan and is compatible with the surrounding uses.

NOTICE OF APPLICANT RESPONSIBILITY

The rezoning 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. 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 recommend the Board of County Commissioners adopt a resolution approving the petitioners request for a rezoning from AG (Agricultural) to PDP SU (Planned Development Project Special Use) based on 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. A buffer consisting of existing natural vegetation will be maintained within the perimeter setback.
3. S.R. 50/Cortez Blvd. is within the jurisdiction of Florida Department of Transportation (FDOT). FDOT will require access management permit and may require drainage permit.
4. Stormwater will be maintained on site.
5. Excavation shall not commence until such time the petitioner applies for and is approved for an Excavation Permit through Hernando County Development Services.
6. The petitioner shall meet the stormwater permitting requirements of the Southwest Florida Water Management District (SWFWMD), Florida Department of Environmental Protection (FDEP) and comply with the Hernando County Facility Design Guidelines prior to commencement of excavation activities.
7. The petitioner shall provide a comprehensive wildlife survey prepared by a qualified professional to identify any listed species present prior to any clearing or development occurring on the property. Furthermore, copies of any required Florida Fish and Wildlife Conservation Commission (FWC) permits shall be provided prior to clearing or development.
8. Hours of operation shall be limited to Monday through Friday, 7:00AM to 6:00 PM.
9. The petitioner shall provide a Reclamation Bond prior to the issuance of an excavation permit.
10. The following minimum setbacks from the permittee property line shall be maintained for adjacent property uses:
 - Excavation and Stockpiles:
 - North: 25' (deviation from 100')
 - South: 50' (deviation from 300')
 - East: 50' (deviation from 100' and 300')
 - West: 25' (deviation from 100')

PLANNING AND ZONING COMMISSION RECOMMENDATION:

On June 8, 2026, the Planning and Zoning Commission voted 5-0 to approve the petitioner's request to rezone from AG (Agricultural) to PDP(SU) Planned Development Project (Special Use) based on the following modified 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. A buffer consisting of existing natural vegetation will be maintained within the perimeter setback. All buffers shall be installed and maintained to achieve a minimum opacity of eighty percent (80%) within eighteen (18) months of planting.
3. S.R. 50/Cortez Blvd. is within the jurisdiction of Florida Department of Transportation (FDOT). FDOT will require access management permit and may require drainage permit.
4. Stormwater will be maintained on site.
5. Excavation shall not commence until such time the petitioner applies for and is approved for an Excavation Permit through Hernando County Development Services.
6. The petitioner shall meet the stormwater permitting requirements of the Southwest Florida Water Management District (SWFWMD), Florida Department of Environmental Protection (FDEP) and comply with the Hernando County Facility Design Guidelines prior to commencement of excavation activities.
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8. Hours of operation shall be limited to Monday through Friday, 7:00AM to 6:00 PM.
9. The petitioner shall provide a Reclamation Bond prior to the issuance of an excavation permit.
10. The following minimum setbacks from the permittee property line shall be maintained for adjacent property uses:
 - Excavation and Stockpiles:
 - North: 25' (deviation from 100')
 - South: ~~75'~~ 50' (deviation from 300')
 - East: 50' (deviation from 100' and 300')
 - West: 25' (deviation from 100')