



## Staff Report for: PAL-24-07 and Z-24-18

**Meeting Date:** February 10, 2025/June 10, 2025/July 22, 2025

**To:** Planning and Zoning Board /Board of County Commissioners (BCC Transmittal/BCC Adoption)

**From:** Jie Shao, AICP, MCP, Planner, Principal (see Exhibit 1 for professional qualifications)

**Regarding:** A request to amend the 2030 Future Land Use Map and the Zoning Atlas

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### Part 1 – General Information

**Applicant:** Bluegrass Land & Mine, 3300 State Road 31, Punta Gorda, FL 33982

**Agent:** Robert H. Berntsson, 3195 S. Access Road, Englewood, FL 34224

**Owners:** Brevard-Harbor Edge LLC, 6140 Dovecote Lane, Memphis, TN 38120  
Williams Farms Partnership, 7622 Ashton Road, Islandton, SC 29929

**Request:** A privately initiated request to:

- Amend Charlotte County FLUM Series Map #1: 2030 Future Land Use from Agriculture (AG) to Mineral Resource Extraction (MRE); and
- Amend the Charlotte County Zoning Atlas from Agriculture (AG) to Excavation and Mining (EM).

**Location:** **Commission District I:** The subject property is located at 42811 Neal Road, 3300, 3440, 3450 and 3460 SR 31, in the Punta Gorda area and within the East County area.

**Area:** The subject property contains a total of 308.01± acres.

**Public Notice:** Public Notice has been given as required by Charlotte County Code, Section 3-9-10; subsections (d) Published Notice; (e) Mailed Notice (1,000-foot Mailed Notice Map); and (f) Posted Notice.

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## Part 2 – Analysis and Conclusion

### ***Request***

The applicant, Bluegrass Land & Mine, is requesting a large scale plan amendment from Agriculture (AG) to Mineral Resource Extraction (MRE) and a companion rezoning from AG to Excavation and Mining (EM). The stated purpose of these two applications is to allow for continued mining operations on the subject property.

The subject property is located on the east side of SR 31, in the Punta Gorda area and within the East County area. The site contains approximately 308.01 acres. The majority of the subject property has an existing commercial excavation operation under Excavation Number 04-EX-10.



**PAL-24-07 and Z-24-18 Area Image**

### ***Current Status***

On February 10, 2025, this large scale plan amendment to Mineral Resource Extraction (MRE); and the associated Excavation and Mining (EM) rezoning for the subject property were presented to the Planning and Zoning Board for their consideration. The Planning and Zoning Board recommended approval of the large scale plan amendment and approval of its rezoning by a unanimous vote.

Subsequently, on June 10, 2025, the Board of County Commissioners (Board) approved this large scale plan amendment application (PAL-24-07) for transmittal to the Florida Department of Commerce and other State review agencies for review and comment via the Expedited State Review process.

On June 26, 2025, the ***Florida Department of Commerce*** issued a letter stating that: *"FloridaCommerce has reviewed the proposed comprehensive plan amendment for Charlotte County (Amendment No. 25-04ESR) received on June 10, 2025. The review was completed under the expedited state review process. FloridaCommerce no comment on the proposed amendment."*

On June 30, 2025, the **Florida Fish and Wildlife Conservation Commission** issued an email stating that: *“Florida Fish and Wildlife Conservation Commission (FWC) staff reviewed the proposed comprehensive plan amendment (PAL-24-07 and PAL-23-00005) in accordance with Chapter 163.3184(3), Florida Statutes. **We have no comments, recommendations, or objections related to listed species and their habitat or other fish and wildlife resources to offer on this amendment.**”*

On July 2, 2025, the **Southwest Florida Water Management District** issued a letter stating that: *“The Southwest Florida Water Management District (District) has reviewed the proposed amendment. **We are not forwarding any comments for consideration.**”*

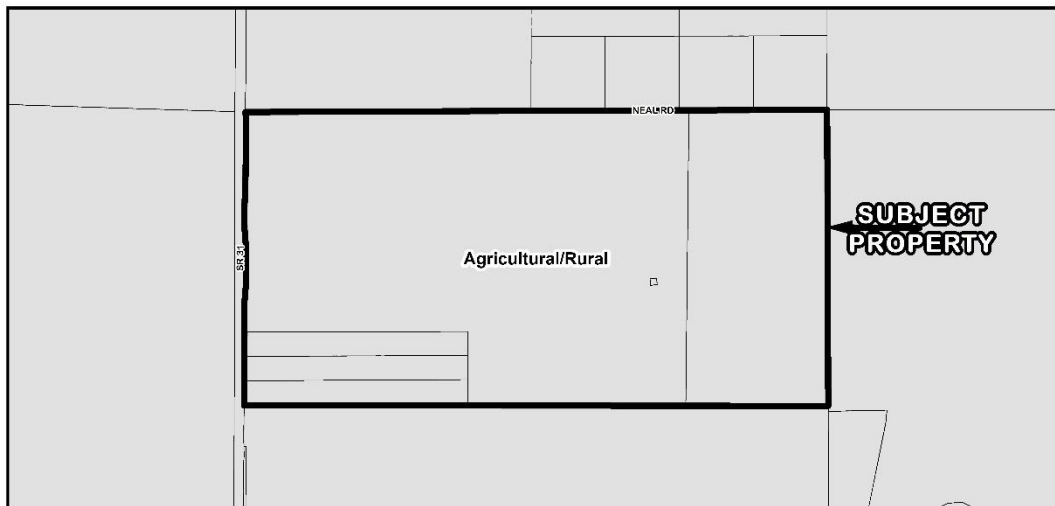
On July 10, 2025, the **Florida Department of Transportation** issued an email stating that: *“**FDOT does not have any comments except for coordination to make sure there is an active FDOT access permit for these sites. I will be coordinating internally with access management.**”*

#### **Compatibility and Impacts on Adjacent Land Uses**

The properties located to the north, south, west and east of the site are zoned AG with AG Future Land Use Map (FLUM) designations. This area is mostly utilized for grazing land. According to the submitted “Rezone For Williams Excavation 500 Foot Features Exhibit” (Attachment 1), there are two residences located to the north of the subject property and within 500 feet of the existing excavation site located on the center of the subject property. There are two wetland areas which will be preserved, and no excavation activities are proposed in these areas. Based on the submitted “Rezone For Williams Excavation ½ Mile Features Exhibit” (Attachment 2), there is also one residence beyond 500 feet and within ½ mile of the site and some isolated wetlands located to the northwest, northeast, east and southeast of the subject property.

#### **Consistency with the County’s Comprehensive Plan**

The site is designated as part of Agricultural/Rural on the 2050 Framework Map. The surrounding properties are mostly utilized for grazing land and designated as part of Agricultural/Rural on the 2050 Framework Map.



**PAL-24-07 and Z-24-18 Framework**

The proposed changes are required by and consistent with **ENV Policy 2.5.2: Commercial Excavations**, which states that “commercial excavation operations shall be allowed to apply for a plan amendment to Mineral Resource Extraction in all areas not prohibited by the standards outlined in the Mineral Resource Extraction (MRE) Future Land Use Map designation. Amendments from Resource Conservation or Preservation to MRE within the non-prohibited area may be allowed if it can first be proven that such designation does not correctly demarcate environmentally sensitive lands. In such cases, should other environmentally sensitive lands exist that are not under a protected FLUM status, the amendment shall include placing those lands under the Preservation or Resource Conservation FLUM.”

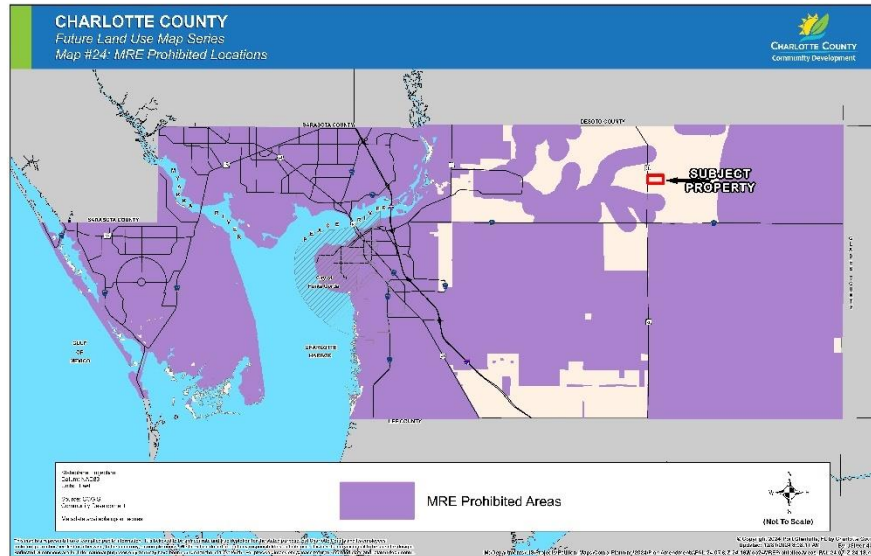
There are specific “Requirements” and “Special Provisions” under the requested MRE FLUM designation, which are as follows:

**Requirements of the Plan Amendment:**

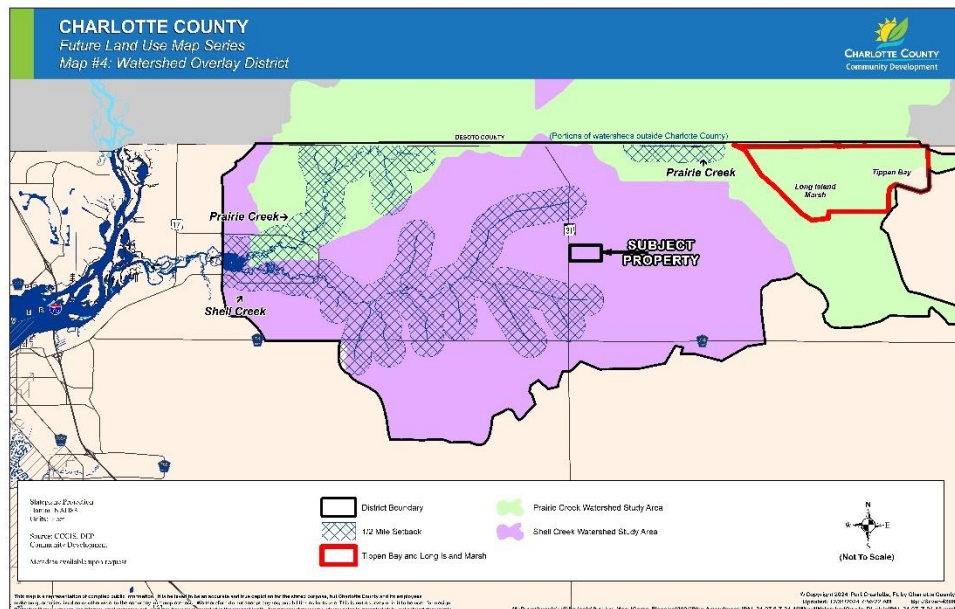
1. *Limitations on Location: FLUM Series Map #24: MRE Prohibited Locations, identifies the areas of the County where this designation is permitted. Generally, permitted locations include properties located in the Rural Service Area east of U.S. 17 and U.S. 41 except properties located within:*

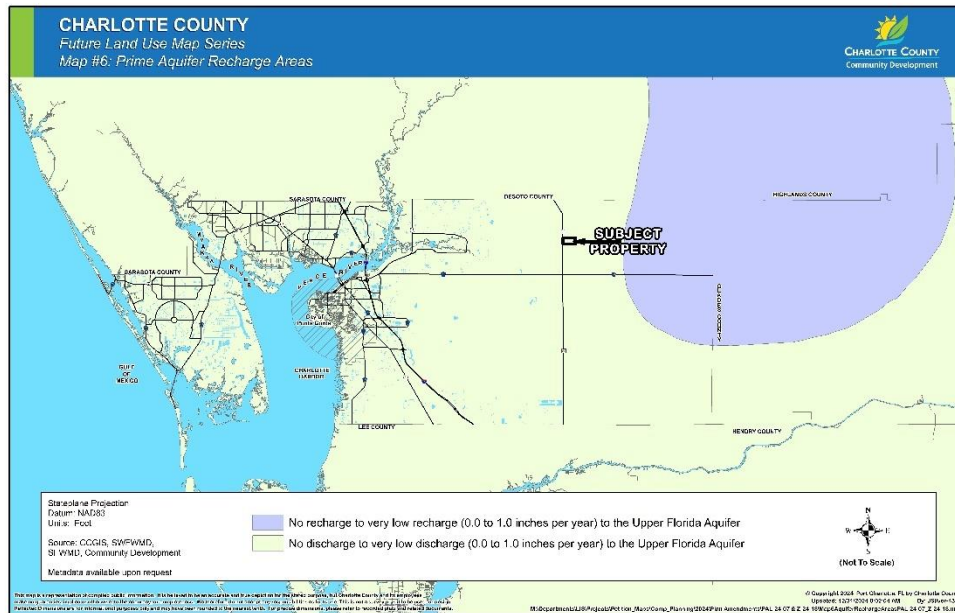
- a. One-half mile setback of the Watershed Overlay District (FLUM Series Map #4), or Tippen Bay and Long Island Marsh areas.*
- b. The Prime Aquifer Recharge Area of northeast Charlotte County (FLUM Series Map #6).*
- c. One-half mile of the recharge area.*

**Analysis:** The subject property is located outside of the MRE prohibited locations.



The subject property is located within the Rural Service Area, in the East County area. The site is located outside of one-half mile setback of the Watershed Overlay District or Tippen Bay and Long Island Marsh areas (FLUM Series Map #4). The subject property is also located outside of the Prime Aquifer Recharge Area of northeast Charlotte County (FLUM Series Map #6) or one-half mile of the recharge area. Therefore, the subject site meets the location limitation requirement of the proposed MRE FLUM designation and is also consistent with **ENV Policy 1.4.9: Watershed Overlay District**. Furthermore, the subject site contains a total of 308.01± acres, which meets the minimum acreage of 50 acres under this MRE FLUM designation.





2. *Submittal Requirements: When applying for this designation, the following items are required:*

- a. *A concept plan showing the approximate boundaries of all potential excavation area(s), along with the probable size, shape, and depth of the excavation area(s), recharge trenches and settling ponds.*
- b. *A map of all man-made features on the excavation site and within 500 feet of the site.*

**Analysis:** As shown in the concept plan (Overall Excavation Plan attached as Attachment 3), a majority of the subject property contains an existing commercial excavation (Permit number 04-EX-10). The main purpose of these requested applications is to allow for continued commercial excavations on the remaining portion of the property with a new mining permit. The concept plan shows the proposed excavation related setbacks, pit bottom, the depth of the proposed excavation, and hydraulic barriers. According to the map of man-made features which is attached (Attachment 1), there are two residence structures to the north and within 500 feet of the subject property, the wetland areas located to the south and southeast of the subject property, as well as an existing commercial excavation site located immediately to the south of the subject property and within 500 feet of the subject property. The application complies with the submittal requirements.

c. *A survey of wetlands on the site and a map showing approximate locations of wetlands and other water features within one-half mile of the site, as applicable, and a discussion of how the proposed excavation will not be a detriment to those resources.*

**Analysis:** According to the submitted Protected Species Assessment report prepared by Lynlee May and dated January 2025, there are two wetland areas, one area contains approximately 2.15 acres and is located on the north portion of the subject property and adjacent to the existing commercial excavation area; and another one area contains approximately 2.61 acres and is located on the north portion of the subject property. The preservation and impacts to onsite and off-site wetlands will be evaluated in the commercial excavation permit process and limitations

to the mining operation are in place to minimize negative impacts. These include limitations on depth and the monitoring of groundwater levels. If the requested land use change to MRE and rezoning to EM are approved by the Board of County Commissioners (Board), any additional mining will need an amendment to the Environmental Resource Permit, which will also require an analysis of impacts to onsite and off-site wetlands.

Therefore, based on the information above, staff finds that the application complies with the requirements of subsection “c.”.

*d. A discussion of quality of life issues, in particular, the effect of a proposed excavation upon the health, safety and welfare of residents within one-half mile of the site.*

**Analysis:** The applicant submitted the project narrative to address and evaluate potential impacts of the proposed excavation upon the health, safety and welfare of residents within one-half mile (2,640 feet) of the site based on public safety, water quality and quantity, influence on living conditions such as noise and visual impacts, increased load on public facilities, and environmental impact. Staff reviewed the report and presents the following conclusions:

*Compatibility and Impacts on Adjacent Uses:*

Based on the submitted project narrative which is part of the application and the County’s Geographic Information System, there are two residential structures located within 500 feet and additional one within half mile of the subject property. The proposed commercial excavation is an expansion of the existing approved commercial mining which will not create adverse impacts additional to those already anticipated in agricultural areas and the existing excavation activities. The applicant is required to provide documents to demonstrate erosion and emission control measures, as well as the proposed Post Reclamation Plan (Attachment 4), and all these documents need to be approved as part of a commercial excavation permit which must be consistent with the County’s Article XXIII. Earthmoving.

The proposed commercial excavation will replace current agricultural activities over the remaining portion of the property, which are mainly the open land. Mining activities will be predominantly below ground level and may not create any short-term issues; longer term, a water body suitable for diverse animal, bird, and other species habitat will be created for improved intermediate to longer term visual pleasure. In addition, the reclaimed lakes are generally quiet and may have a positive impact on property values in the area, providing a reliable and aesthetic water source, and many uses for recreational purposes.

The submitted analysis complies with the requirements of subsection “d.”

*Concurrency Issues:*

- **Potable Water and Sanitary Sewer:** The subject site is located in the Rural Service Area, and no water and sanitary sewer services are available. The proposed excavation will be served by a well and septic system.
- **Student Generation:** The proposed changes will not increase or decrease residential development rights for the subject property. Therefore, no student generation is expected to be changed as a result of the proposed land use change and rezoning.

- **Traffic:** The County's Public Works Department reviewed the applicant's Traffic Impact Study for Williams Excavation Rezone, dated January 23, 2025, and prepared by Protean Design Group, Inc. The County Transportation Engineer agreed with the study, which states that: *"The additional trips generated by the proposed excavation will not be significant enough to affect the LOS of SR-31 or Bermont Road / CR-74. In addition, neither a right turn lane or left turn lane is required due to volume alone at the excavation's entrance (by the construction of the reservoirs alone in the 2024 opening year or 2034 build out year) but due to safety considerations both a right and left turn lane are recommended. Turn lane requirements and permits on SR 31 shall be coordinated with FDOT."*

If the Board approves the petitions, an excavation permit application must be consistent with **FLU Policy 2.1.9: Natural Resource Protection during Mining Activities**, which states that *"the County shall require natural resources to be protected during excavation activities. The County shall review activities in wetlands or listed species habitat for compliance with local, State, and Federal regulations and guidelines; regardless of the issuance of a permit by a State or Federal agency, the County reserves the right to deny a permit when such excavation or its associated activities would impact such resources. The County shall also require a reclamation plan for post-excavation use as a condition of permit issuance."*

Furthermore, if the Board approves the proposed large scale plan amendment and its associated rezoning, the applicant or the property owner may apply for a commercial excavation permit; however, all proposed commercial excavations must be consistent with ENV Objective 2.5: Excavation Activities, which states that *"to minimize the detrimental effects of mineral extraction on groundwater, surface water, wildlife and wildlife habitats, surrounding land uses and values, and the health, safety, and welfare of the general public;"* and also **ENV Policy 2.5.1: Review of Excavation Activities**, which states that:

*"During its review of proposed excavation activities, the County shall ensure that:*

- 1. All mitigation activities proposed by a mining operation are acceptable to Charlotte County prior to the approval of a mining permit.*
- 2. Detrimental effects to groundwater and surface water resources are minimized.*
- 3. Reclamation plans include criteria for beneficial post-operation land use activities. Reclamation plans shall: maximize the reclamation of the resultant waterbodies for fish and wildlife and include the creation and planting of littoral shelves with native plant species to provide wildlife habitat; help improve or maintain water quality; prevent erosion of the shoreline; restore pre-development functions and values, including restoration of similar natural communities; and make the site aesthetically pleasing. The County shall require a bonding mechanism for reclamation expenses in the event of non-compliance by an operator. Reclamation bonds shall be equal to the cost of reclamation.*
- 4. Minimum buffer zones and setbacks are being observed between extractive and non-extractive land use activities.*
- 5. Cumulative impacts to the built and natural environment are assessed.*

6. *The hydrological functions of natural flow ways and sloughs are maintained during and after the proposed excavation activities.”*

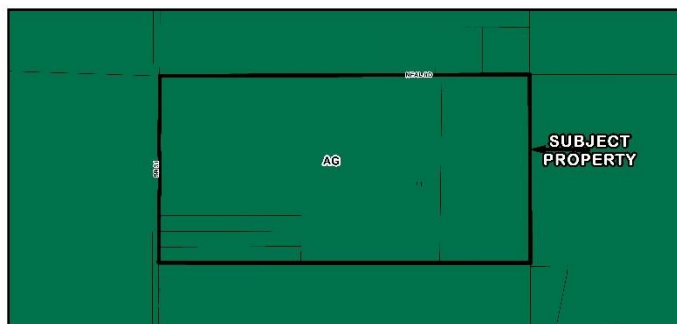
A new Commercial Excavation permit must be submitted and approved by the County. Furthermore, amendments to State and Federal Permits will be required and must be obtained prior to or concurrent with the County’s approval of the proposed commercial excavation permit and prior to any additional excavation activity commencement.

According to the submitted letter from Eman M. Vovsi, Ph.D., Historic Data Analyst from Florida Master Site File, and dated July 10, 2024, there are no previously recorded resources within the subject area.

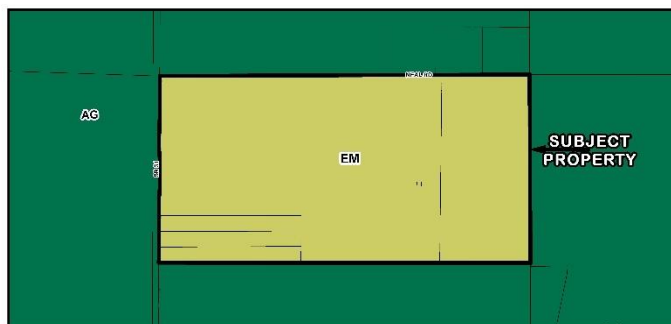
*The following Special Provisions under the Proposed MRE FLUM Designation also apply to these applications.*

1. *The zoning district consistent with this FLUM designation is Excavation and Mining (EM), Charlotte County Code of Laws and Ordinances, as may be amended.*

**Analysis:** The applicant concurrently submitted a rezoning for the subject property from Agriculture (AG) to Excavation and Mining (EM) and the petition number is Z-24-18.



PAL-24-07 and Z-24-18 Existing Zoning Designations



PAL-24-07 and Z-24-18 Proposed Zoning Designations

2. *Properties that have been approved for commercial excavation operations, formerly known as Group III excavations, by the County prior to the adoption of this designation (12/15/2008) shall have a continuing right to conduct excavation operations in accordance with the approved permit.*

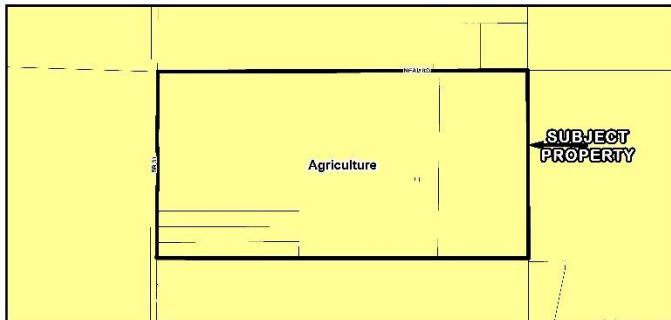
3. *Modifications to commercial excavations formerly known as Group III excavations approved prior to December 15, 2008 shall be permitted only after the property on which the excavation site is located is designated with a Mineral Extraction Resource (MRE) FLUM designation and an Excavation and Mining (EM) zoning district. The following modifications are exempt from this requirement provided there is no changes to the operation:*

- a. *A modification to request to transfer the permit to another permit holder.*
- b. *A request to extend the permit expiration date.*

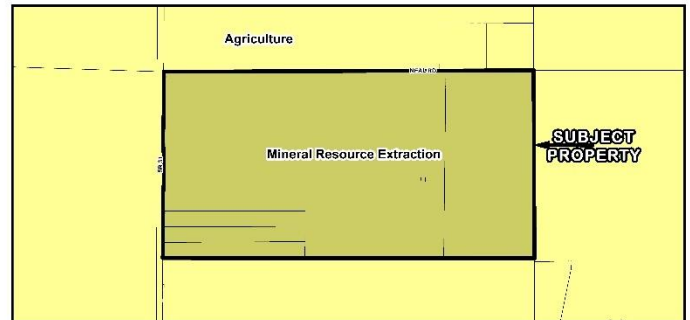
*New commercial excavation permit applications may be granted only after the property proposed to be excavated is designated with a Mineral Resource Extraction FLUM designation and zoned Excavation and Mining (EM).*

**Analysis:** A portion of the subject property contains an existing, permitted and active mining operation that has been ongoing since 2004. The purpose of the requested large scale plan

amendment and its associated EM rezoning is to allow for continued mining operations on the remaining portion of the subject property. A new permit is required and may be granted only after the Board approves the requested land use and rezoning applications.



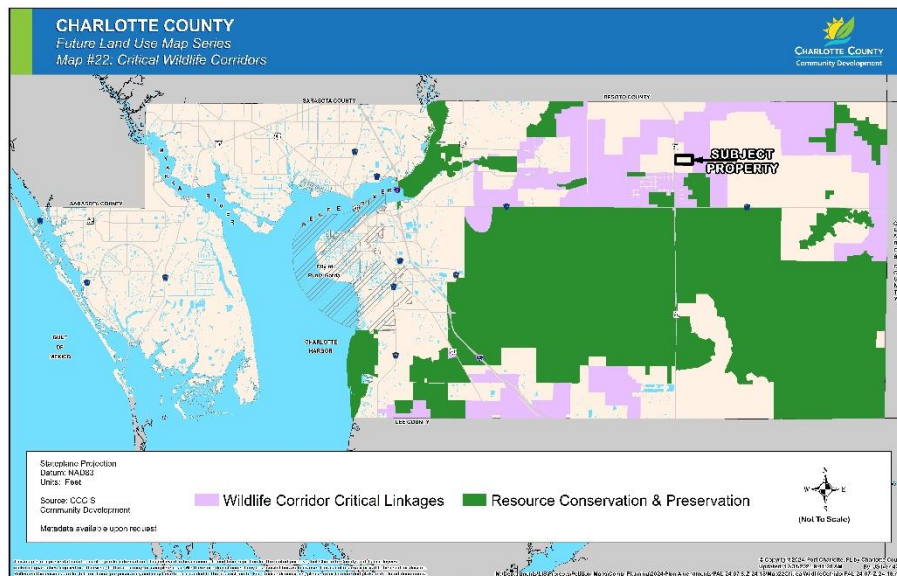
PAL-24-07 and Z-24-18 Existing FLUM Designations



PAL-24-07 and Z-24-18 Proposed FLUM Designations

4. *Commercial excavations within Wildlife Corridor Critical Linkages shall provide wildlife corridor connections through the property, similar to a Conservation Subdivision or Rural Community. These corridors shall be placed under conservation easement.*

**Analysis:** The subject property is located outside of Wildlife Corridor Critical Linkages; therefore, this requirement does not apply to this project.



## Conclusion:

It is staff's professional opinion that the proposed large scale plan amendment to MRE and its associated EM rezoning are consistent with various goals, objectives, and policies set forth in the County's Comprehensive Plan and are unlikely to create any detrimental impacts on the surrounding properties.

## Part 3 – Summary and Recommendation

### Staff Summary:

Based upon the analysis and conclusions set forth herein, in staff's professional opinion, the application (Application No. PAL-24-07) is generally consistent with Charlotte County's Comprehensive Plan, Section 163.3177 Florida Statutes, and Charlotte County's Code of Laws and Ordinances and other applicable guidelines.

Based upon the analysis and conclusions set forth herein, in staff's professional opinion, the application (Application No. Z-24-18) is generally consistent with Charlotte County's Comprehensive Plan, Charlotte County's Code of Laws and Ordinances and other applicable guidelines.

**Planning and Zoning Board recommendation on February 10, 2025:**

*Approve a motion to forward application PAL-24-07 to the Board of County Commissioners with a recommendation of **Approval with a 3-0 vote** of transmittal of application PAL-24-07 to the Florida Department of Commerce and other State review agencies for review and comment, based on the findings and analysis in the staff report dated January 30, 2025, Charlotte County's Comprehensive Plan, and the evidence and testimony presented at the public hearing before the Planning and Zoning Board.*

*Approve a motion to forward application Z-24-18 to the Board of County Commissioners with a recommendation of **Approval with a 3-0 vote**, based on the findings and analysis in the staff report dated January 30, 2025, Charlotte County's Comprehensive Plan, and the evidence and testimony presented at the public hearing before the Planning and Zoning Board.*

## Part 4: Research and Findings

1. **2050 Framework Map Designation:** Agricultural/Rural (FLUM Map #2 - 2050 Framework)
2. **2030 Service Area Delineation:** Within the Rural Service Area
3. **Existing Land Use on the Site:** The majority of the subject property has an existing commercial excavation. (See attached Site Image and Boundary Survey.)
4. **Existing Future Land Use and Zoning Designations:**  
(See attached Future Land Use Map and Zoning Map)

| FLUM:               | Development Standards:                                                                                                                                                                                                                                                                                                                   |
|---------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Agriculture<br>(AG) | <b><u>General Range of Uses</u></b><br>Ranching, crop farming including citriculture, silviculture, aquaculture, and row crops, as well as rural residential, rural recreational uses, rural industrial uses and public services and facilities.                                                                                         |
|                     | <b><u>Minimum and Maximum Density</u></b><br><i>Density:</i> Agricultural lands may not exceed a maximum residential density of one dwelling unit per ten acres when developing under an Agriculture zoning or one dwelling unit per five acres when developing in accordance with FLU Policy 3.1.2 and Conservation Subdivision zoning. |
|                     | <i>Intensity:</i> The maximum FAR is 0.10.                                                                                                                                                                                                                                                                                               |
| Zoning:             | Development Standards:                                                                                                                                                                                                                                                                                                                   |

|                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|--------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Agriculture (AG)</b></p> | <p>The purpose and intent of this district is to allow agriculture, very-low-density residential, rural recreation, and other rural uses. Agriculture and agricultural activities are frequently associated with noise, odors, dust, aerial chemical spraying, and other activities generally incompatible with urban-style living. However, agriculture forms a vital segment of the economy of the state, and provides diversity of economic opportunity and life styles for the county. Therefore, it is the purpose of this district to provide areas for the establishment and/or continuation of agricultural operations with residential uses being permitted only at very low densities and to accommodate those individuals who understand and desire to live in an agricultural environment.</p> <ul style="list-style-type: none"> <li>• Minimum lot area is 10 acres.</li> <li>• Minimum lot width is 250 feet.</li> <li>• Setbacks: <ul style="list-style-type: none"> <li>○ Front: 40 feet</li> <li>○ Side: 20 feet</li> <li>○ Rear: 20 feet</li> <li>○ Abutting water: 20 feet</li> </ul> </li> <li>• Maximum lot coverage of all buildings is 10 percent.</li> <li>• Maximum building height is 38 feet.</li> </ul> <p>Maximum density (units per acre): one unit per 10 acres.</p> |
|--------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**Table 1**

## 5. Proposed Future Land Use and Zoning Designations:

(See attached Future Land Use Map and Zoning Map)

| FLUM:                                           | Development Standards:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Mineral Resource Extraction (MRE)</b></p> | <p><b>General Range of Uses</b><br/>Generally, commercial excavations and extraction of non-renewable substances, agricultural uses, and public services and facilities.</p> <p><b>Minimum and Maximum Density</b><br/><i>Density:</i> The maximum density is equivalent to that of the prior FLUM designation - one dwelling unit per ten acres or one dwelling unit per 40 acres, as applicable.<br/><i>Intensity:</i> The maximum lot coverage by all buildings is ten percent. The maximum height of structures is 60 feet.</p> |
| Zoning:                                         | Development Standards:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <p><b>Excavation and Mining (EM)</b></p>        | <p>The purpose and intent of this district is to allow agriculture, very-low density residential, rural recreation, other rural uses, and commercial excavation activities and associated uses.</p> <ul style="list-style-type: none"> <li>• Minimum lot area is 10 acres.</li> <li>• Minimum lot width is 250 feet.</li> <li>• Setbacks: <ul style="list-style-type: none"> <li>○ Front: 40 feet</li> <li>○ Side: 20 feet</li> <li>○ Rear: 20 feet</li> <li>○ Abutting water: 20 feet</li> </ul> </li> </ul>                       |

|  |                                                                                                                                                                                                                  |
|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <ul style="list-style-type: none"> <li>• Maximum lot coverage of all buildings is 10 percent.</li> <li>• Maximum building height is 38 feet.</li> </ul> Maximum density (units per acre): one unit per 10 acres. |
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**Table 2**

**6. Surrounding Land Uses and their Future Land Use and Zoning Designations:**

| <b>Direction:</b> | <b>Existing Land Use:</b>                              | <b>FLUM Designation:</b>   | <b>Zoning District Designation:</b> |
|-------------------|--------------------------------------------------------|----------------------------|-------------------------------------|
| <b>North</b>      | Vacant lands designated for agricultural uses          | Agriculture (AG)           | Agriculture (AG)                    |
| <b>East</b>       | Vacant lands designated for agricultural uses          | Agriculture (AG)           | Agriculture (AG)                    |
| <b>South</b>      | Vacant lands designated for agricultural uses          | Resource Conservation (RC) | Agriculture (AG)                    |
| <b>West</b>       | SR 31<br>Vacant lands designated for agricultural uses | Agriculture (AG)           | Agriculture (AG)                    |

**Table 3**

**7. Buildout Calculations (square footage or density):**

The proposed large scale plan amendment from Agriculture (AG) to Mineral Resource Extraction (MRE); and a rezoning from Agriculture (AG) to Excavation and Mining (EM) and the proposed changes will not increase or decrease residential development rights for the subject property. The maximum residential development rights are one unit per ten acres and the maximum lot coverage by all buildings is ten percent; however, the maximum height of structures is 38 feet under the existing AG zoning and 60 feet under the proposed EM zoning.

**8. Is subject property in a Community, Special Planning Area or Overlay District?.....Yes**

The subject property is not located within any Community Planning Area or Special Plan area. (FLUM Maps #8, #9, #10 or #11)

**9. Is subject property located adjacent to existing or proposed Federal, State, or County wildlife management areas, parks, preserves or reserves? .....No**

The subject property is not located adjacent to any existing or proposed Federal, State, or County wildlife management areas, parks, preserves or reserves. (SPAM Maps, #35, #74 and #75)

**10. Is the proposed land use designation consistent with the provisions of the:**

- a. Charlotte Harbor Aquatic Preserves Management Plan? (SPAM Map #36)

The subject property is located outside the boundary of the Charlotte Harbor Aquatic Preserves.

**b. Lemon Bay Aquatic Preserve Management Plan? (SPAM Map #36)**

The subject property is located outside the boundary of the Lemon Bay Aquatic Preserve.

**11. Does subject property contain archaeological or historic resources? (SPAM Map #3, #27 & #53)**

According to the submitted letter from Eman M. Vovsi, Ph.D., Historic Data Analyst from Florida Master Site File, and dated July 10, 2024, there are no previously recorded resources within the subject area.

**12. Are there wetlands on the property? .....Yes, according to the submitted Protected Species Assessment report prepared by Lynlee May and dated January 2025, there are two wetland areas, one area contains approximately 2.15 acres and is located on the north portion of the subject property and adjacent to the existing commercial excavation area; and another one area contains approximately 2.61 acres and is located on the north portion of the subject property.**

**a. Number of acres of Category I: .....Unknown, it will be determined during the commercial excavation permitting process.**

**b. Number of acres of Category II: .....Unknown, it will be determined during the commercial excavation permitting process.**

**13. Natural Resources:**

**a. Significant natural resources or critical habitat for endangered species:**

The submitted Protected Species Assessment report prepared by Lynlee May and dated January 2025 states that: *"Search of available online resources revealed that the proposed project area is located within the Florida bonneted bat (Eumops floridanus) FWS Consultation Area. No evidence of utilization by the Florida bonneted bat was observed on-site during the pedestrian transect survey. However, if future development of the subject parcel requires federal authorizations or permitting, consultation with the FWS might be mandatory, requiring project review and approval prior to development.*

*Search of available online resources revealed that the proposed project area is located within the Florida Panther (Puma concolor coryi) Consultation Area Map. No evidence of utilization by the Florida panther was observed on-site during the pedestrian transect survey. If future development of the subject property requires any federal authorizations and/or permits, consultation with the FWS may be triggered, requiring systematic project review and approval by the FWS prior to development of the property.*

*According to the FWC and Audubon Bald Eagles (Haliaeetus leucocephalus) Nest Locators Map, one bald eagles' nest (ID CHO68) has been documented approximately 0.17 ± miles of the subject property. The nest was monitored by the Audubon EagleWatch Program and the nest status was documented to be Destroyed for the 2024 nesting season and the ID status is permanent. According to the Audubon Florida EagleWatch Public Nest Map, the nest is gone.*

*Under current federal guidelines, eagles' nests are allotted a 330' primary protection zone and 660' secondary protection zone. Any development within the 330' primary*

protection zone would require a permit from the FWS along with compensatory mitigation. Construction within the 660' protection zone would require a bald eagle management plan and nest monitoring during the nesting season. (October 1-May 31). This nest is located within the 330' and 660' protection zone, however the nest is documented to be gone. Therefore, coordination with the FWS will likely not be required prior to development of the subject parcel and will not likely entail additional permitting and protection measures relative to the bald eagle.

Search of available online resources revealed that the subject parcel is located within the Consultation Area of the Red-cocked Woodpecker (*Picoides borealis*). According to the FWC Red-cockaded Woodpecker Observation Locations, the nearest documented red-cockaded woodpecker (RCW) is 0.60 ± miles southwest of the proposed project area (OBJECTID: 2457).

Considering the lack of "ideal" red-cockaded woodpecker habitat within the subject property, in conjunction with no observed evidence of site utilization by the species, the red-cockaded woodpecker is not likely to affect the future development of the subject property. However, applicable environmental regulatory agencies may require a species-specific survey relative to the red-cockaded woodpecker prior to development of the property.

Search of available online resources revealed that the proposed project area is located within the FWS Crested Caracara (*Caracara cheriway*) Consultation Area. During the on-site transect survey, no evidence of nesting activity or utilization by the crested caracara was observed. The crested caracara is not anticipated to be utilizing the subject property; therefore, the crested caracara will not likely affect future development. However, applicable regulatory agencies may require a species-specific survey prior to development on the subject property.

Search of available online resources revealed that the proposed project area is not located within the Consultation Area of the Florida Scrub-Jay (*Aphelocoma coerulescens*). Upon further review, the Charlotte County Scrub Jay Permit Boundaries Map revealed the subject property is not in a Florida scrub jay review area, therefore, will not require additional review or permitting relative to the species. Therefore, the Florida scrub jay will not likely affect future development of the subject property.

#### *Other Listed Species*

The subject site contains upland habitats which are being utilized by the gopher tortoise (*Gopherus polyphemus*). Two (2) potentially-occupied gopher tortoise burrows and (1) abandoned burrow were observed on the parcel. A 100% gopher tortoise survey and relocation permit from the Florida Fish and Wildlife Conservation Commission will be required prior to development of the site if gopher tortoise burrows cannot be avoided during construction.

\*Wetlands were observed on site during the pedestrian transect survey. Therefore, coordination with Florida Department of Environmental Protection (FDEP) and/or Army Corps of Engineers (ACOE) will likely be required prior to the development of the subject parcel."

- b. Possible impacts to groundwater, surface water, wetlands or other significant natural resources: **No**
- c. Is subject property in the **Watershed Overlay District?** (FLUM Map #4) .....**No**

- d. Is subject property in the **Surface Water Protection Overlay District**? (FLUM Map #5) .....**No**
- e. Is subject property in the **Prime Aquifer Recharge Area**? (FLUM Map #6) .....**No**
- f. Is subject property in a **Wellhead Protection Area**? (FLUM Map #7).....**No**

**14. Coastal Planning:**

- a. Is the subject site within the **Coastal Planning Area**? (FLUM Map #13).....**No**  
The subject property is located outside of the Coastal Planning Area.
- b. Could the proposed changes impact beach accessibility? .....**No**
- c. Could the proposed change affect other waterfront access? .....**No**
- d. Flood Zone: The subject site is in Flood Zone "X". Flood Zone "X" is an area in which areas determined to be outside the 0.2% annual floodplain.
- e. Storm Surge Evacuation Zone: The site is located within Evacuation Zone "N".
- f. Is the subject site within the Coastal High Hazard Area? (FLUM Map #14) .....**No**.
- g. Could the proposed changes impact evacuation times? .....**No**

**15. Charlotte County Facilities and Services:**

- a. Nearest Park: .....**South County Regional Park** (SPAM Map #74)  
Address:.....670 Cooper Street, Punta Gorda  
Distance: .....approximately 20.7 miles to the southwest of subject property
- b. Nearest Police Station:.....**District 4 Charlotte County Sheriff's Office** (SPAM Map #25)  
Address:.....7474 Utilities Road, Punta Gorda  
Distance: .....approximately 19.3 miles to the southwest of subject property
- c. Nearest Fire/EMS Station: .....**Charlotte County Fire Station No. 5** (SPAM Map #22)  
Address:.....26287 Notre Dame Boulevard, Punta Gorda  
Response Time: .....approximate response time is 15 minutes or greater (SPAM Map #39)
- d. Nearest Library:.....**Punta Gorda Charlotte Library** (SPAM Map #73)  
Address:.....401 Shreve Street, Punta Gorda  
Distance: .....approximately 21.8 miles to the southwest of subject property
- e. Nearest Hospital: .....**ShorePoint Health Port Charlotte** (SPAM Map #24)  
Address:.....2500 Harbor Boulevard, Port Charlotte  
Distance: .....approximately 26.1 miles to the west of subject property
- f. Nearest Emergency Shelter: ..**Kingsway Elementary School** (SPAM Map #21)  
Address:.....23300 Quasar Boulevard, Port Charlotte  
Distance: .....approximately 26.8 miles to the west of subject property
- g. Public School Attendance Boundary:
  - 1. Elementary School: .....**East Elementary School** (SFAM Map #1)

Address:.....27050 Fairway Drive, Punta Gorda  
Distance: .....approximately 22 miles to the southwest of subject property

2. Middle School: .....**Punta Gorda Middle School** (SFAM Map #2)  
Address:.....1001 Education Avenue, Punta Gorda  
Distance: .....approximately 21.3 miles to the southwest of subject property
3. High School: .....**Charlotte High School** (SFAM Map #3)  
Address:.....1250 Cooper Steet, Punta Gorda  
Distance: .....approximately 21 miles to the southwest of subject property

**16. Concurrency:**

- a. **Roads Level of Service:**.....The County's Public Works Department reviewed the applicant's Traffic Impact Study for Williams Excavation Rezone, dated January 23, 2025, and prepared by Protean Design Group, Inc. The County Transportation Engineer agreed with the study, which states that: *"The additional trips generated by the proposed excavation will not be significant enough to affect the LOS of SR-31 or Bermont Road / CR-74. In addition, neither a right turn lane or left turn lane is required due to volume alone at the excavation's entrance (by the construction of the reservoirs alone in the 2024 opening year or 2034 build out year) but due to safety considerations both a right and left turn lane are recommended. Turn lane requirements and permits on SR 31 shall be coordinated with FDOT."*
- b. **Potable Water Level of Service:**
  1. *Analysis:* The subject site is located in the Rural Service Area, and no water and sanitary sewer services are available. The proposed commercial excavation will be served by a well and septic system.
- c. **Sanitary Sewage Level of Service:**
  1. *Analysis:* The subject site is located in the Rural Service Area, and no water and sanitary sewer services are available. The proposed commercial excavation will be served by a well and septic system.
- d. **Park and Recreation Level of Service:**
  1. *Level of Service:*.....**Adopted Level of Service is 16 Park, Recreation & Open Space points (16 PROS points) per 1,000 population.**
  2. *Analysis:* .....**A 2009 analysis shows that the County currently has 17.2 PROS points per 1,000 population.**
- e. **Schools:**.....School concurrency will be determined at Final Site Plan for any residential development in the future.
- f. **Solid Waste:**
  1. *Refuse Collector:* .....**Waste Management Inc. of Florida or another provider**
  2. *Solid Waste Provider:* .....**Public Works Dept. - Municipal Solid Waste Management**

3. *Level of Service:* Zemel Road landfill currently has capacity to dispose of 4.6 million cubic yards of waste. The landfill has a projected remaining lifespan to the year 2027. An estimated 170 acres for future disposal cells will provide disposal capacity beyond the year 2050.

- Solid Waste (Landfill) 5.0 pounds per day per equivalent fulltime resident
- Solid Waste (Recycle) 2.2 pounds per day per equivalent fulltime resident

**g. Drainage: *Level of Service:***

New arterials: flood free in the 100-year rainfall event.

New and improved collectors: not less than one lane of traffic in each direction above the design high water elevation from a 25-year, 24-hour rainfall.

New local residential streets: designed and constructed with the pavement centerline at or above the design high water elevation resulting from a 5-year, 24-hour rainfall.

Storm-water management facilities: in all new subdivisions manage a 25-year, 24-hour rainfall.

New parking facilities: maximum temporary detention depth of nine inches (9") resulting from a 5-year, 24-hour rainfall.

New development on existing platted lots (except single-family, duplex, and triplex dwellings):  
on-site storm-water management for a 25-year, 24-hour rainfall.

**Analysis:** The SW Florida Water Management District and the Community Development Department review storm-water management plans on a project specific basis.

**17. Capital Improvements Program:**

Are any updates to the CIP required because of this petition? .....**No**

**18. Intergovernmental Coordination:**

Does this amendment require comments from, or coordination with adjacent governments or other governmental agencies? .....**Yes**

The large scale plan amendment application will require comments from the State review agencies and the City of Punta Gorda for review and comment.

**19. Has a public hearing been held on this property within the last year? .....No**

**20. 2050 Comprehensive Plan:** Goals, Objectives, and Policies that may be relevant to the proposed amendment:

Various goals, objectives, and policies set forth in the County's Comprehensive Plan as analyzed above.

---

**Part 5 – Approval Criteria**

**21. Standards for Rezoning Approval:** For the rezoning of land, the final action of the Board shall be made after giving due consideration to the following criteria:

**a. Would the proposed change be consistent with the Comprehensive Plan?**

**Finding:** The proposed Excavation and Mining (EM) zoning district is required by and consistent with the proposed Mineral Resource Extraction (MRE) Future Land Use Map (FLUM) designation. The proposed large scale plan amendment and its associated EM rezoning are consistent with “Requirements for Plan Amendment” and “Special Provisions” set forth in the MRE FLUM classification. The proposed changes are also consistent with various goals, objectives, and policies set forth in the County’s Comprehensive Plan, specifically, *FLU Policy 2.1.9: Natural Resource Protection during Mining Activities*, *ENV Policy 1.4.9: Watershed Overlay District (WOD)*, *ENV Objective 2.5: Excavation Activities*, *ENV Policy 2.5.1: Review of Excavation Activities*, and *ENV Policy 2.5.2: Commercial Excavations*.

**b. The existing land use pattern in adjacent areas:**

**Finding:** The surrounding property located to the north, south, west and east of the site is mostly utilized for grazing land. There are three existing residential structures or uses within the half mile of the subject property.

**c. The capacity of public facilities and services, including but not limited to schools, roads, recreational facilities, wastewater treatment, water supply, and storm-water drainage facilities:**

**Finding:** The proposed large scale plan amendment to MRE and rezoning to EM will not increase or decrease residential development rights for the subject property. Therefore, no student generation is expected to be changed as a result of the proposed land use change and rezoning.

In addition, the County’s Public Works Department reviewed the applicant’s Traffic Impact Study for Williams Excavation Rezone, dated January 23, 2025, and prepared by Protean Design Group, Inc. The County Transportation Engineer agreed with the study, which states that: *“The additional trips generated by the proposed excavation will not be significant enough to affect the LOS of SR-31 or Bermont Road / CR-74. In addition, neither a right turn lane or left turn lane is required due to volume alone at the excavation’s entrance (by the construction of the reservoirs alone in the 2024 opening year or 2034 build out year) but due to safety considerations both a right and left turn lane are recommended. Turn lane requirements and permits on SR 31 shall be coordinated with FDOT.”*

Furthermore, the subject site is located in the Rural Service Area, and no water and sanitary sewer services are available. The proposed excavation will be served by a well and septic system.

Therefore, the proposed changes should not create any concurrency issues.

**d. Would the proposed change adversely influence living conditions or property values in adjacent areas?**

**Finding:** Based on the submitted project narrative which is part of the application and the County’s Geographic Information System, there are three residential structure or uses within half mile of the subject site. A portion of the subject site has been used for commercial excavation activities since 2004. The proposed commercial excavation will not

create adverse impacts additional to those already anticipated in agricultural areas and the existing excavation activities. Erosion and emission control measures and the proposed reclamation plans will be submitted and approved as part of a commercial excavation permit be consistent with the County's Article XXIII. Earthmoving.

All the surrounding lands are zoned AG with an Agriculture FLUM classification; agricultural uses will generate noise, dust, and odors, which excavations will typically also generate. In addition, an existing commercial excavation is located to the further west and southwest of the subject property. The proposed commercial excavation will not create adverse impacts additional to those already anticipated in agricultural areas and the existing excavation activities. Therefore, the proposed change should not adversely influence living conditions or property values in adjacent areas.

**e. Would the proposed change affect public safety?**

**Finding:** The submitted Traffic Impact Study for Williams Excavation Rezone, dated February 27, 2024, and prepared by Protean Design Group, Inc. demonstrates that the proposed land use and rezoning for commercial excavation activities shall not generate additional traffic volume on the surrounding roadways; therefore, the proposed changes shall not affect public safety.

**Attachment 1**

**Rezone For Williams Excavation**

**500 Foot Features Exhibit**



**Attachment 2**

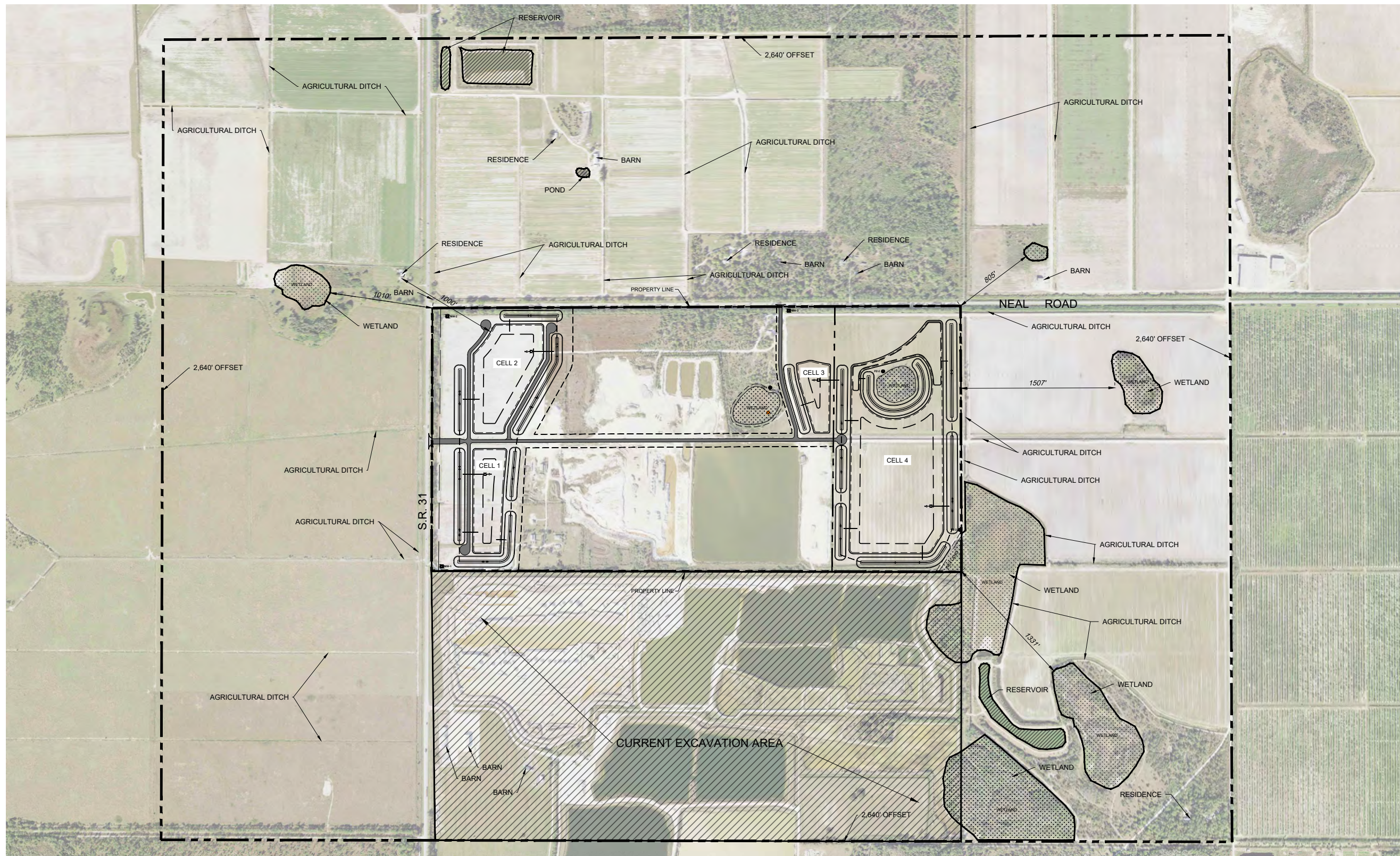
**Rezone For Williams Excavation**

**½ Mile Features Exhibit**



300 150 0 300

SCALE: 1" = 300' (24x36)  
SCALE: 1" = 600' (11x17)



Bar Measures 1 inch



25450 Airport Road, Suite B  
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Certificate of Authorization No. 26551

|      |      |    |      |             |  | Project No.: 23-0630   |
|------|------|----|------|-------------|--|------------------------|
|      |      |    |      |             |  | Project Manager: D H B |
|      |      |    |      |             |  | Project Engineer: -    |
|      |      |    |      |             |  | Project Designer: -    |
|      |      |    |      |             |  | Checked By: -          |
|      |      |    |      |             |  | Approved By: D H B     |
| REV. | DATE | BY | CK'D | DESCRIPTION |  |                        |
|      |      |    |      |             |  |                        |
|      |      |    |      |             |  |                        |
|      |      |    |      |             |  |                        |
|      |      |    |      |             |  |                        |

## REZONE FOR WILLIAMS EXCAVATION 1/2 MILE FEATURES EXHIBIT

PUNTA GORDA

SECTION 19, TOWNSHIP 40 SOUTH, RANGE 26 EAST

FLORIDA

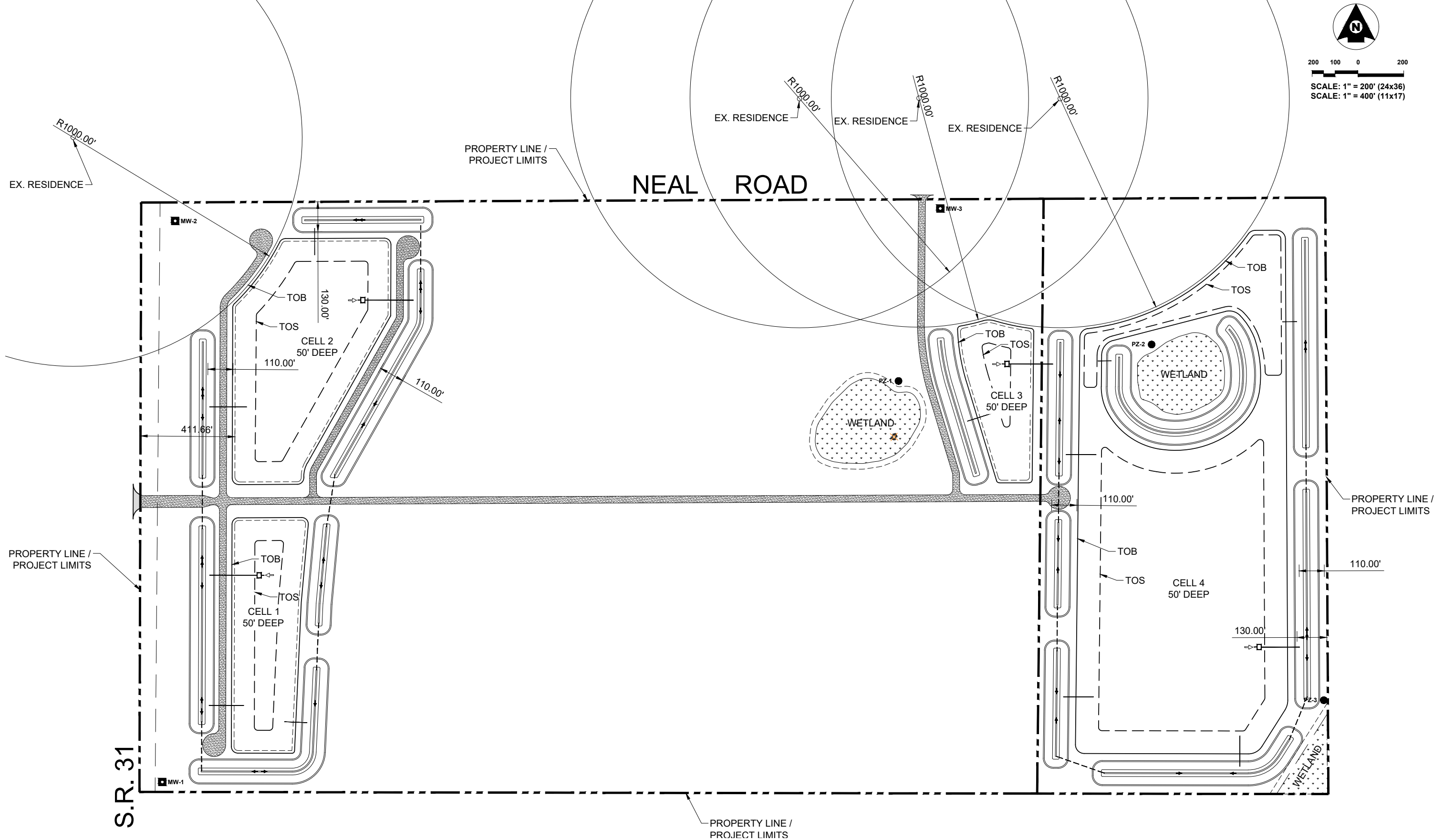
GARY W. BAYNE, P.E.  
FLORIDA REG No. 62474

|                      |                |
|----------------------|----------------|
| DATE: JUNE 2024      | DATUM: NAVD 88 |
| SHEET 7 of 7         |                |
| PROJECT No.: 23-0630 |                |

# **Attachment 3**

## **Overall Excavation Plan**

1/7/2025 10:45:43 AM - P:\23-0630 - WILLIAMS FDP & EXCAVATION EXPANSION\DESIGN\CADD\PLAN SET - REZONE\04\_OVERALL EXCAVATION PLAN.DWG - STEVEN MAYNARD



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|      |      |    |      |             |

|                   |         |
|-------------------|---------|
| Project No.:      | 23-0630 |
| Project Manager:  | D H B   |
| Project Engineer: | -       |
| Project Designer: | -       |
| Checked By:       | -       |
| Approved By:      | D H B   |

## REZONE FOR WILLIAMS EXCAVATION OVERALL EXCAVATION PLAN

PUNTA GORDA

SECTION 19, TOWNSHIP 40 SOUTH, RANGE 26 EAST

FLORIDA

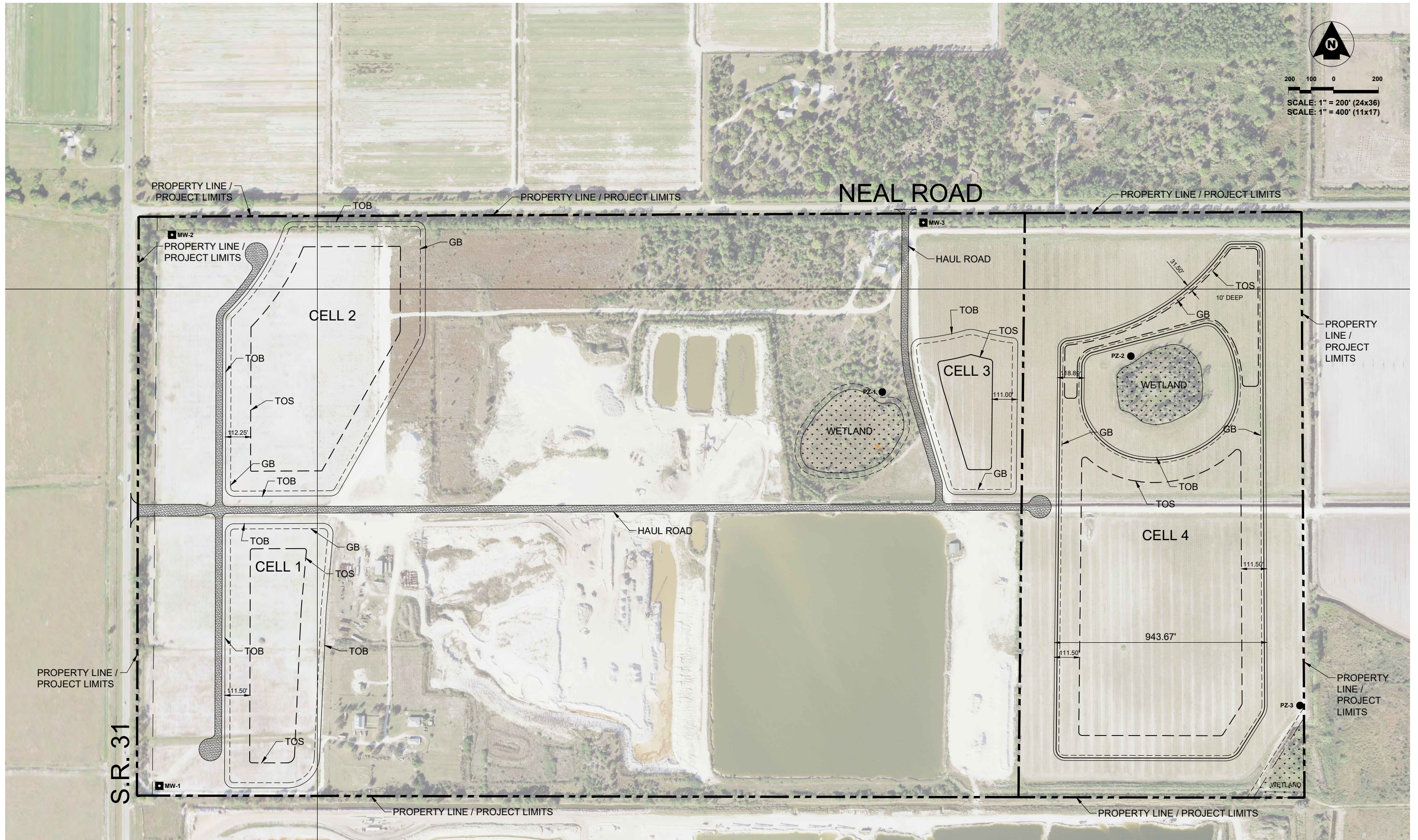
GARY W. BAYNE, P.E.  
FLORIDA REG No. 62474

|              |           |        |         |
|--------------|-----------|--------|---------|
| DATE:        | JUNE 2024 | DATUM: | NAVD 88 |
| SHEET        | 4         | of     | 7       |
| PROJECT No.: | 23-0630   |        |         |

# **Attachment 4**

## **Post Reclamation Plan**

1/7/2025 10:51:11 AM - P:23-0630 - WILLIAMS F&P & EXCAVATION EXPANSION DESIGN/CADD/PLAN SET - REZONE06\_POST RECLAMATION PLAN.DWG - STEVEN MAYNARD



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|------|------|----|------|-------------|
|      |      |    |      |             |
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|      |      |    |      |             |

|                   |         |
|-------------------|---------|
| Project No.:      | 23-0630 |
| Project Manager:  | D H B   |
| Project Engineer: | -       |
| Project Designer: | -       |
| Checked By:       | -       |
| Approved By:      | D H B   |

## REZONE FOR WILLIAMS EXCAVATION POST RECLAMATION PLAN

PUNTA GORDA

SECTION 19, TOWNSHIP 40 SOUTH, RANGE 26 EAST

FLORIDA

GARY W. BAYNE, P.E.  
FLORIDA REG No. 62474

|              |           |        |         |
|--------------|-----------|--------|---------|
| DATE:        | JUNE 2024 | DATUM: | NAVD 88 |
| SHEET        | 5         | of     | 7       |
| PROJECT No.: | 23-0630   |        |         |



### **Qualifications of Jie Shao**

*Position:* Principal Planner

*Years with Charlotte County:* 21

*Position Summary & Experience:* I have worked as a Planner for Charlotte County Community Development Department since January 2004. My main duties include reviewing and making recommendations on plan amendments, zoning map changes and text amendments to the County's Comprehensive Plan, and amendments to the County's Land Development Regulations. I prepare and present staff reports and recommend actions to the Planning and Zoning Board and the Board of County Commissioners.

I evaluate Site Plan Review applications specifically related to development within Development of Regional Impacts for consistency with the County's Comprehensive Plan and Development Orders. I review all development within the Planned Development zoning district. I review applications for establishment of Community Development Districts, applications under the Transfer Density Units (TDU) program and track all TDUs.

In addition, I created the US 41 Zoning District Overlay Code in 2004. I worked with the planning Advisory Committee to successfully create the Little Gasparilla Island Community Plan in 2007 and also created the Little Gasparilla Island Zoning District Overlay Code and the Bridgeless Barrier Island Zoning District in 2013. As a project manager, I successfully completed the US 17 Corridor Planning Study in 2009-2010. I served as a liaison for the South Gulf Cove Advisory Committee and the Little Gasparilla Island Advisory Committee in 2006-2009. I hosted roundtable meetings to solicit public's input. As a team member, I revised and rewrote the County's Land Development Regulations in 2013-2014. Further, I worked on the County's Comprehensive Plan rewrite in 2009-2010, and EAR-based amendments for the County's Comprehensive Plan in 2007, 2014, and 2022.

#### *Education:*

- September 1997 to December 2001  
University of Cincinnati; Cincinnati, Ohio; Obtained a M.S. degree in Community Planning
- September 1986 to July 1990  
Chongqing University China; Obtained a B.S. degree in Architecture

#### *Professional Associations and Certifications:*

- AICP, American Association of Certified Planners since 2017
- American Planning Association (APA), Member since 2004

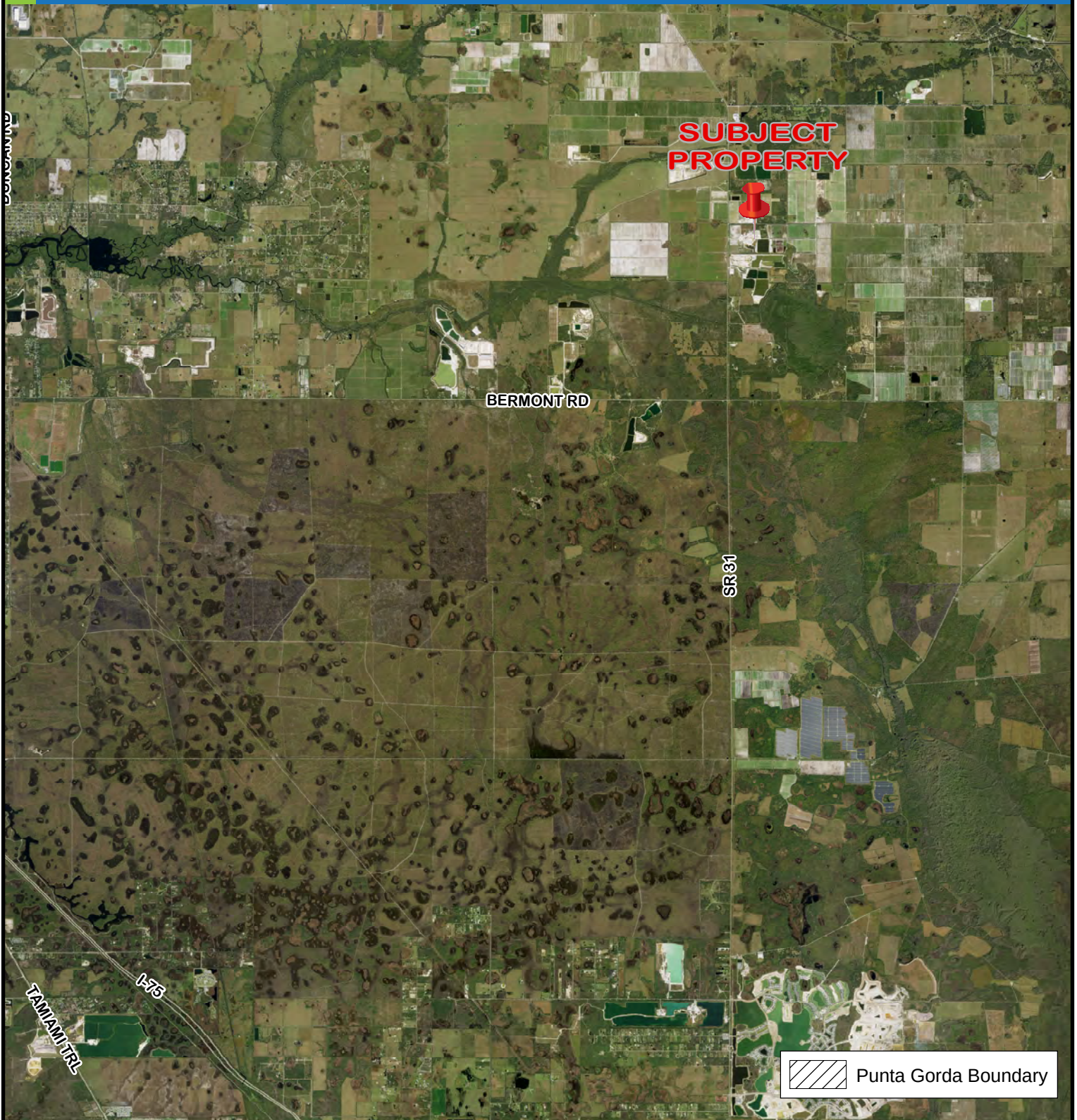
#### *Related Past Experience:*

- Planner, Architectural Graphics Designer, University Instructor in Architecture, Suzhou Planning Bureau/Institute of Urban Construction & Environmental Protection (1990-1994)

# **Exhibit 1**

# CHARLOTTE COUNTY

Location Map for PAL-24-07 and Z-24-18



## 19/40/26 East County



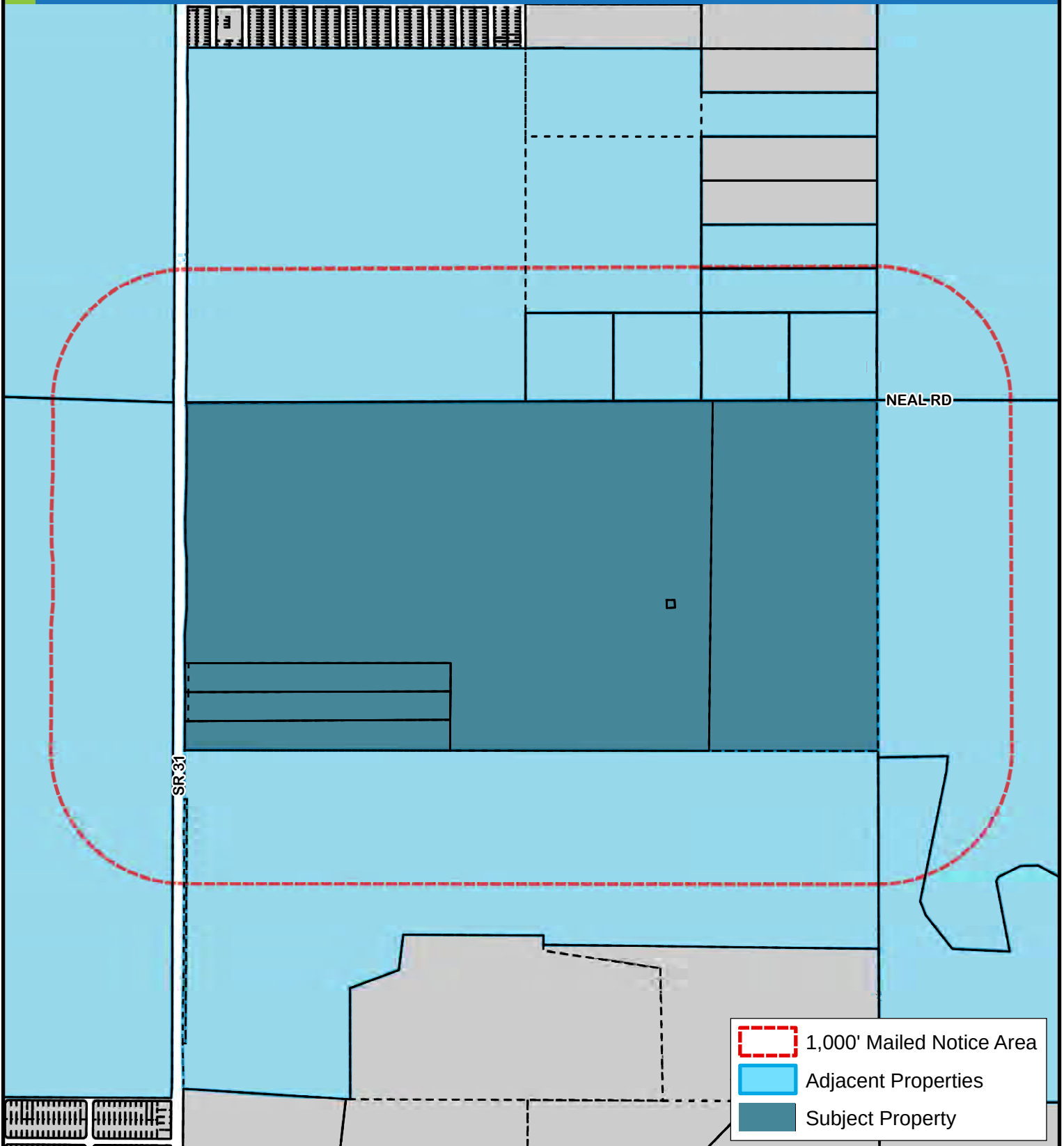
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# CHARLOTTE COUNTY

1,000' Foot Mailed Notice of PAL-24-07 and Z-24-18



19/40/26 East County



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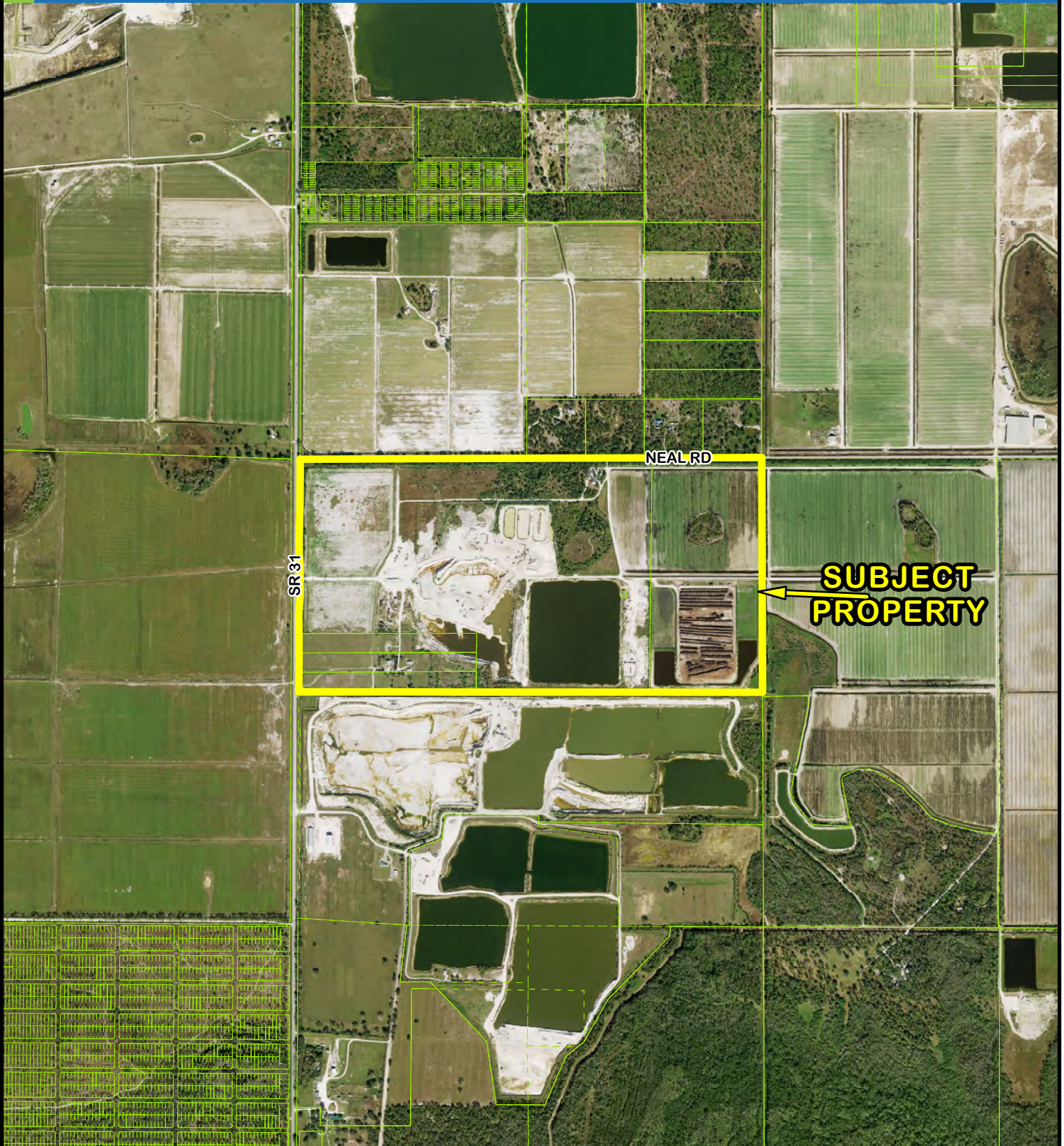
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# CHARLOTTE COUNTY

Area Image for PAL-24-07 and Z-24-18



CHARLOTTE COUNTY  
Community Development



19/40/26 East County



(NOT TO SCALE)

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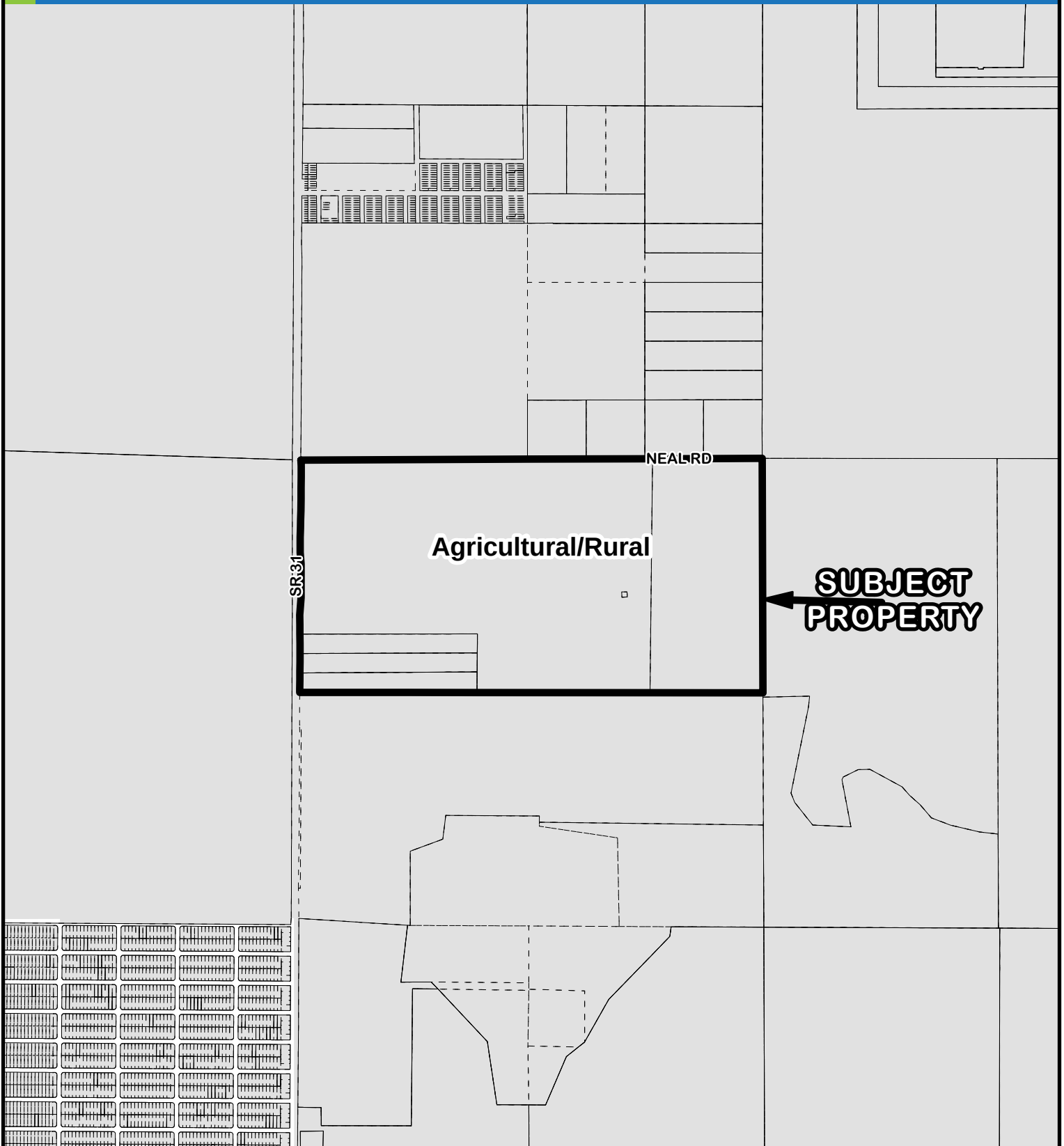
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# CHARLOTTE COUNTY

Framework for PAL-24-07 and Z-24-18



19/40/26 East County



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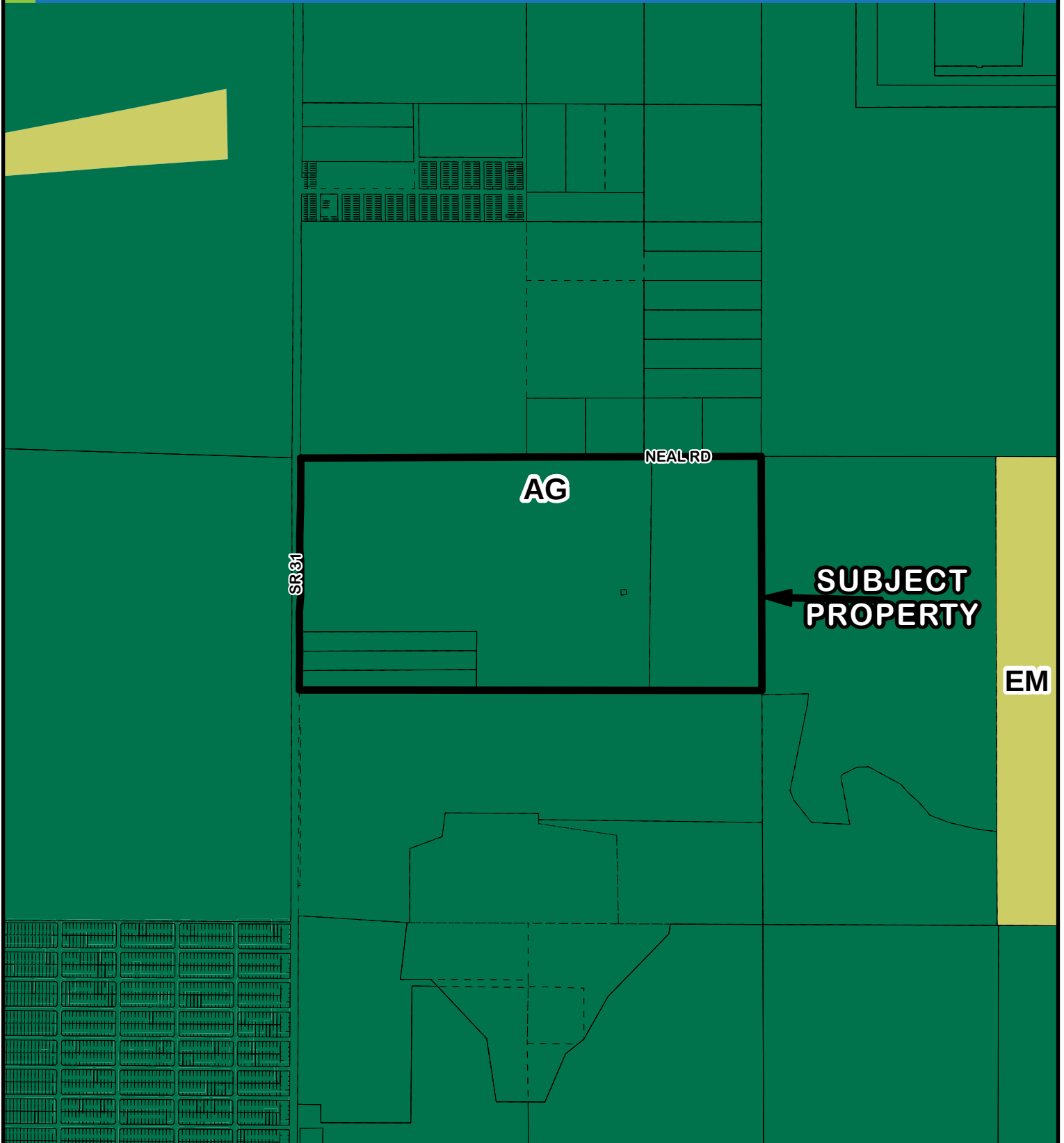
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# CHARLOTTE COUNTY

## Zoning Designations for PAL-24-07 and Z-24-18



19/40/26 East County



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# CHARLOTTE COUNTY

FLUM Designations for PAL-24-07 and Z-24-18

**Mineral  
Resource  
Extraction**

**Agriculture**

**SUBJECT  
PROPERTY**

**Resource  
Conservation**

**19/40/26 East County**



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