



**CHARLOTTE COUNTY
COMMUNITY DEVELOPMENT
DEPARTMENT**

REZONING*

Application Information

***Do not** use this form if submitting a Planned Development rezoning, use the Planned Development Rezoning application form.

Application Submittal Requirements

- **Supply one unbound copy of the Application Materials (see checklist below).** Staff will have up to 5 working days following the application deadline day to review the application for completeness. If incomplete, the application will be returned with a description of the reasons why the application is incomplete. The applicant may resubmit the application any time prior to the next application deadline day.
- **Once deemed complete, the applicant will be notified that the application has been logged-in. The applicant is then required to supply one electronic copy, in PDF format, of all documents.** Additional copies of certain items will be required prior to the public hearing dates. ***Do not*** submit the additional copies to the Building and Growth Management Department until requested by a staff member of the department.
- **If deemed complete, the application will be logged in and assigned to a P&Z and BCC hearing cycle (see attached Application Schedule).** Staff will commence review.
 - The applicant is responsible for promptly providing any information that needs to be updated, modified, or newly submitted as part of the review; otherwise the petition may be continued to a later cycle or a recommendation of denial will be necessary.
- **No additional changes may be made to any information in an application subsequent to one week before the hearing packet is due to be compiled for the Planning and Zoning Board members or the NOVUS Agenda item deadline for the Board of County Commissioners.** The planner in charge of the petition will be able to inform the applicant of the drop-dead date.

Consistency with the Comprehensive Plan

The changes proposed by this application will be reviewed with regard to consistency with the Goals, Objectives, and Policies (GOPs) of the Smart Charlotte 2050 comprehensive plan. Inconsistency with Smart Charlotte will be a basis for a recommendation of denial by Staff.

The review will also be concerned with impacts to infrastructure (i.e. roads, water and sewer facilities, libraries, public buildings, parks, and schools), services (i.e. garbage collection, police protection, and fire/EMS service), the environment (i.e. impact to listed plant and animals species, soil content, erosion, generation of hazardous waste, water quality), and the potential for natural disasters (i.e. hurricanes and flooding).

Application Materials Checklist

- ☐ Completed Application form
- ☐ Survey and accurate legal description (including acreage), signed and sealed by a registered land surveyor
 - For unplatted property, one original boundary survey -- *one hard copy and one copy in AutoCAD format*
 - For platted land, provide one original surveyor's sketch
- ☐ Most current *Title Insurance Policy* or an *Ownership and Encumbrance Report* for subject property
- ☐ Notarized authorization from each owner, as applicable (Form A)
- ☐ Notarized authorization for agent to submit petition, as applicable (Form B)
- ☐ A copy of any covenants, easements or restrictions that have been recorded for the subject site
- ☐ *Environmental Assessment Report*
- ☐ *Traffic Impact Report*
- ☐ Letters of availability of utility service from water and sewer utilities that would provide service to the site and *Estimated Potable Water and Sanitary Sewer Usage Report*
- ☐ *Archeological/Historical Memo* indicating whether or not listed objects are located on the subject site
 - *Archeological/Historical Survey*, as applicable
- ☐ Narrative addressing rezoning standards of approval
- ☐ Adjacent property owners map and an electronic copy of the adjacent property owners list in text format (txt file) provided on disc.
- ☐ Affidavits A & B, signed and notarized
- ☐ Filing fee: **\$2,490.00** with check made payable to the Charlotte County Board of County Commissioners, or CCBCC.

Additional Copies for Board Packet

10 copies each of the following when requested by department staff:

- any bound items
- any maps or other graphics sized larger than 11 X 17 (except surveys)
- any items in color

ATTENTION

If you are submitting an application that, if approved, will increase the amount of density allowed to be developed on your property, read this notice.

FLU Policy 1.2.7 of Smart Charlotte County outlines those situations wherein the Transfer of Density Units program is applicable.

“The TDU program shall be used during the review and approval process for all plan amendments and rezonings that propose to increase the base density on land and street vacations that would result in an accumulation of acreage allowing development of new units of density; this requirement shall continue to apply to lands that have been annexed by the City of Punta Gorda.”

Property may be exempted from the TDU program if located within a Revitalizing Neighborhood with an adopted Revitalization Plan. The exemption would need to be consistent with policies adopted into Smart Charlotte.

If not exempted, property must meet one of these requirements in order to be an acceptable Receiving Zone:

FLU Policy 1.2.10 TDU Receiving Zones

Receiving zones inside the Urban Service Area include lands within the following designations of FLUM Series Map #2: 2050 Framework:

1. Emerging Neighborhoods.
2. Maturing Neighborhoods.
3. Economic Corridors and Centers.
4. CRAs
5. Revitalizing Neighborhoods prior to adoption of a Revitalization Plan and also what may be required in accordance with a Revitalization Plan.

Receiving Zones within the Rural Service Area include lands within:

1. Rural Community Mixed Use areas.
2. The Rural Settlement Area Overlay District.

AND

Must not be in a prohibited Receiving Zone:

FLU Policy 1.2.11 Prohibited Receiving Zones

Density shall not be transferred into:

1. Lands within Managed Neighborhoods (FLUM Series Map #2).
2. Lands within the Resource Conservation and Preservation FLUM categories.
3. Land containing historical or archeological resources, or land deemed to contain environmentally sensitive resources; when a portion of a property contains resources, that area deemed not to contain resources may receive density if it meets one of the criteria of a receiving zone, a conservation easement will be required over the resource along with an undeveloped buffer of at least 100 feet. An historical structure that is to be integrated into a development will not need to be buffered.
4. Lands within the Prime Aquifer Recharge Area (FLUM Series Map #6).
5. Lands within the one-half mile setback of the Watershed Overlay District and Tippen Bay and Long Island Marsh (FLUM Series Map #4).
6. Land within a Public Water System Wellhead Protection Area (FLUM Series Map #7).
7. Land on a barrier island.



CHARLOTTE COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT

APPLICATION for REZONING

Date Received:	Time Received:
Date of Log-in:	Petition #: Accela #:
Receipt #:	Amount Paid:

1. PARTIES TO THE APPLICATION

Name of Applicant: **Farabee Mine and Shell, LLC**

Mailing Address: **3832 SW Addison Ave.**

City: **Arcadia** State: **FL** Zip Code: **34266**

Phone Number: Fax Number:

Email Address: **jimweeks4@yahoo.com**

Name of Agent: **Daniel DeLisi, AICP, DeLisi, Inc.**

Mailing Address: **520 27th Street**

City: **West Palm Beach** State: **FL** Zip Code: **33407**

Phone Number: **239-913-7159** Fax Number:

Email Address: **dan@delisi-inc.com**

Name of Engineer/Surveyor: **RESPEC C/o David Brown, PG**

Mailing Address: **6561 Palmer Park Circle, Suite D**

City: **Sarasota** State: **FL** Zip Code: **34238**

Phone Number: **(941) 552-5657** Fax Number:

Email Address: **David.Brown@respec.com**

Name of Property Owner (if more than one property owner, attach a separate sheet with a list of all owners):

Mailing Address: **See applicant information above.**

City: State: Zip Code:

Phone Number: Fax Number:

Email Address:

2. PROPERTY INFORMATION

If more than one account number exists, attach a separate sheet listing all information required by this section

Property Account #: 402603300001		
Section: 03	Township: 40	Range: 26
Parcel/Lot #:	Block #:	Subdivision:
Total acreage or square feet of the property: 140.7 acres		

3. SURVEY:

- For unplatted property, provide one original boundary survey that is **signed and sealed** by a registered land surveyor and an accurate legal description (including acreage) of the property.
- For platted land, provide one original surveyor's sketch that is **signed and sealed** by a registered land surveyor and an accurate legal description (including acreage) of the property.

4. PROOF OF LAND OWNERSHIP: Provide the most current *Title Insurance Policy* or an *Ownership and Encumbrance Report* on the subject property.

5. NOTARIZED AUTHORIZATION:

- If the applicant is not the owner of the property, a written, notarized authorization from each owner must be provided with this application – use Form A, attached. Property owner authorization is required. If the property owner withdraws permission at any point during the review and approval process, the application is considered null and void.
- If an agent is submitting the application for the applicant – authorization from the applicant is required – use Form B, attached.

6. RESTRICTIONS: Provide a copy of any covenants, easements or restrictions that have been recorded for the subject site.

7. EXISTING LAND USE DESIGNATIONS

Future Land Use Map (FLUM) designation(s)	Acreage
Agriculture	140.7

Zoning District(s)	Acreage
AG	140.7

8. APPLICANT'S PROPOSED CHANGE(S):

Amending Zoning designation(s) to:

The applicant is proposing to change the Zoning Designation to Excavation Mining (EM)
consistent with the majority use of the subject property.

If the proposed change involves an increase in density, which of the Receiving Zone criteria does the property meet, or would this be an exemption consistent with a Revitalization Plan?
N/A

9. REASON FOR PROPOSED CHANGE(S):

The applicant plans to expand the extent of the mining area by 17 acres.

10. CURRENT LAND USE OF SUBJECT PROPERTY (example: house, vacant land, barn, etc.):

Mining and vacant.

11. SURROUNDING LAND USES:

North: **Vacant/Agricultural**

South: **Vacant/Agriculture**

East: **Vacant/Agriculture**

West: **Vacant/Residential**

12. ENVIRONMENTAL ASSESSMENT:

- Provide an *Environmental Assessment Report*, conducted within one year or less from the date of submittal, that includes:
 - Maps and surveys of the subject site illustrating the existing land cover according to Level 3 of the FLUCCS
 - Locations of listed flora and fauna species, if present.
 - If any wetlands are identified on site, provide a survey showing delineations of any wetlands, acreages, and the wetland Category (ENV Policy 3.1.3) under which they fall.
 - If the property is adjacent to any Federal, State, or County wildlife management areas, parks, preserves or reserves, supply a science-based analysis of possible impacts to the environmental resources of these lands and the manner in which these impacts can be eliminated. Where elimination is not possible, the analysis shall detail how these impacts can be reduced and mitigated.

13. INFRASTRUCTURE:

A. Roadway

- i. List the roads or streets upon which vehicles may travel to gain access to the site (generally within ¼ mile radius):
Farabee Road.
-
-

- ii. *Traffic Impact Report*: This narrative does not need to be authored by a registered professional engineer. Address the potential impact to the surrounding road network that would result from the number of vehicle trips that may be generated by development of the subject site at maximum

buildout allowed under the proposed FLUM and Zoning.

B. Potable Water and Sanitary Sewer

- i. Submit a letter from any water or sewer utilities that will be serving the subject site stating availability of utility service to the property.
- ii. Attach an *Estimated Potable Water and Sanitary Sewer Usage Report* showing the gallons per day that may be generated by development of the subject site at maximum buildout allowed under the proposed Zoning.

14. HISTORICAL OR ARCHEOLOGICAL SITES: When the property under review is within the area determined to contain potential historic and archeological resources by the Archaeological Predictive Model (depicted on SPAM Series Map #3), the applicant must submit an *Archeological/Historical Memo* indicating that a review of the National Register of Historic Places, the Florida Master Site File and the Local Historic Register (when available) has been performed and the results of that review. If the subject site contains any object listed in these resources, the applicant must provide an *Archeological/Historical Survey* performed by a professional archeologist licensed in the State of Florida.

15. REZONING NARRATIVE

Charlotte County Code Section 3-9-10(h) lists the following standards for approval. A narrative stating the applicant's justification for the rezoning based upon the following standards of approval is required:

- A. Whether the proposed change would be contrary to the Comprehensive Plan.
- B. The existing land use pattern in adjacent areas.
- C. The capacity of public facilities and services, including but not limited to schools, roads, recreational facilities, wastewater treatment, water supply, and stormwater drainage facilities.
- D. Whether the proposed change will adversely influence living conditions or property values in adjacent areas.
- E. Whether the proposed change will affect public safety.

16. ADJACENT PROPERTY OWNERS INFORMATION:

Provide an *electronic text file (.txt)* that includes the names and addresses of all property owners within 200 feet of the subject property (excluding street right-of-ways), and a map indicating which properties are included in the address list. The Adjacent Property Owner List must be based upon the latest available property records of the Property Appraiser's Office. The list shall include property owner's name, mailing address, and parcel(s) or lot(s) description or account number so each parcel can be referenced on the Adjacent Property Owner Map. Refer to the Geographic Information System Internet site for mapping and owner information at <http://www.ccgis.com/>. (Use a buffer of 250 feet or larger in order to account for right-of-ways, canals, etc.) Every property owner within 200 feet of every parcel of land involved will be notified of the schedule of public hearings

AFFIDAVIT B

The applicant/owner hereby acknowledges and agrees that any staff discussion about conditions of approval are preliminary only, and are not final, nor are they the specific conditions or demands required to gain approval of the application, unless the conditions or demands are actually included in writing in the final development order or the final denial determination or order.

STATE OF Florida, COUNTY OF Charlotte

The foregoing instrument was acknowledged before me this 13th day of June, 2024, by

James Weeks who is personally known to me or has/have produced
FIDL as identification and who did/did not take an oath.

[Signature]
Notary Public Signature

[Signature]
Signature of Applicant or Agent

Sasser Barberena
Notary Printed Signature

James Weeks
Printed Signature of Applicant or Agent

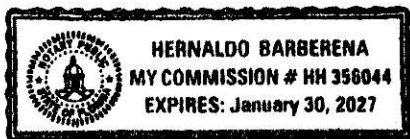
Notary
Title

3832 SW Addison Ave
Address

HH356044
Commission Code

Acadia Fl. 34266
City, State, Zip

772-528-1130
Telephone Number



FORM B. APPLICANT AUTHORIZATION TO AGENT

I, the undersigned, being first duly sworn, depose and say that I am the applicant for this PLAN AMENDMENT of the property described and which is the subject matter of the proposed hearing. I give authorization for Daniel Delisi to be my agent for this application.

STATE OF Florida, COUNTY OF Charlotte

The foregoing instrument was acknowledged before me this 13th day of June, 2021, by

James Weeks who is personally known to me or has/have produced
FDL as identification and who did/did not take an oath.

[Signature]
Notary Public Signature

[Signature]
Signature of Applicant

James Barberena
Notary Printed Signature

James Weeks
Printed Signature of Applicant

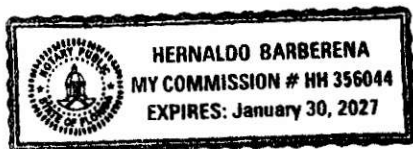
Notary
Title

3832 SW Addison Av.
Address

HH 356044
Commission Code

ARCADIA FL 34266
City, State, Zip

772 528-1130
Telephone Number



BOUNDARY SURVEY PREPARED FOR FARABEE MINE & SHELL, LLC.

PARCEL 1 DESCRIPTION:

A PARCEL OF LAND LYING IN THE SW 1/4 OF SECTION 3, TOWNSHIP 40 SOUTH, RANGE 26 EAST, CHARLOTTE COUNTY, FLORIDA DESCRIBED AS FOLLOWS: BEGIN AT THE SW CORNER OF SAID SECTION 3 FOR POINT OF BEGINNING; THENCE N 00°19'16" E ALONG WEST LINE OF SAID SECTION 3, 1790.29 FEET; THENCE S 89°20'22" E, 152.77 FEET; THENCE N 32°17'17" E, 336.46 FEET; THENCE N 88°29'24" E, 554.27 FEET; THENCE N 81°53'17" E, 1829.97 FEET TO A POINT ON THE EAST LINE OF SW 1/4 OF SAID SECTION 3; THENCE S 00°12'24" E ALONG SAID EAST LINE, 138.86 FEET TO A POINT LYING 436.69 FEET NORTH OF THE SE CORNER OF SW 1/4 OF SAID SECTION 3; THENCE N 89°56'30" E AND PARALLEL TO SOUTHERN LINE OF SAID SW 1/4, 466.69 FEET; THENCE S 00°12'24" E AND PARALLEL TO EAST LINE OF SAID SW 1/4 436.69 FEET TO SOUTHLINE OF SAID SW 1/4; THENCE N 89°56'30" W ALONG SAID SOUTHLINE, 2169.50 FEET TO POINT OF BEGINNING. SUBJECT TO COUNTY ROAD RIGHT-OF-WAY (FARABEE GRADE) ALONG SOUTH SIDE AND ALSO SUBJECT TO RESERVATIONS, RESTRICTIONS AND EASEMENTS OF RECORD.

RESERVING UNTO THE SELLERS AN EASEMENT FOR INGRESS AND EGRESS AND FOR UTILITY PURPOSES ALONG THE WESTERLY 35 FEET.

AND

PARCEL 2 DESCRIPTION:

THE SOUTH 436.69 FEET OF THE EAST 466.69 FEET OF THE SW 1/4 OF SECTION 3, TOWNSHIP 40 SOUTH, RANGE 26 EAST, CHARLOTTE COUNTY, FLORIDA, ALSO DESCRIBED AS:
BEGINNING AT THE SOUTHEAST CORNER OF THE SW 1/4 OF SECTION 3, TOWNSHIP 40 SOUTH, RANGE 26 EAST, CHARLOTTE COUNTY, FLORIDA, AS A POINT OF BEGINNING; THENCE RUN NORTH ALONG THE HALF SECTION LINE, 436.69 FEET; THENCE WEST PARALLEL WITH THE SOUTH SECTION LINE, 466.69 FEET; THENCE SOUTH PARALLEL WITH THE HALF SECTION LINE, 436.69 FEET TO THE COUNTY ROAD; THENCE EAST ALONG THE RIGHT-OF-WAY OF THE COUNTY ROAD 466.69 FEET TO THE POINT OF BEGINNING, LYING AND BEING IN SAID SECTION 3, CHARLOTTE COUNTY, FLORIDA.

PROJECT SPECIFIC NOTES:

- 1) UNLESS SHOWN OTHERWISE, ALL DIMENSIONS ARE DEE(D) AND MEASURED(M).
- 2) SITE ADDRESS: 45030 & 45050 FARABEE ROAD, PUNTA GORDA, FL., 33982.
- 3) PARCEL ID: 402603300001 & 402603300005.
- 4) F.I.R.M. ZONE: "X", MAP NO. 12015C0150F, DATED 05/05/03.
- 5) THE ELEVATIONS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88). REFERENCE BENCHMARK USED: NGS "N 774" PUBLISHED ELEV. 47.85' (NAVD 88).
- 6) THIS SURVEY IS NOT INTENDED TO DEPICT JURISDICTIONAL AREAS OR OTHER AREAS OF LOCAL CONCERN.
- 7) SURVEYOR WAS NOT PROVIDED WITH ANY TITLE INFORMATION FOR THIS PARCEL. SURVEYOR ASSUMES NO RESPONSIBILITY OR LIABILITY FOR THE ACCURACY OF EASEMENT DIMENSIONS SHOWN HEREON, THERE MAY BE OTHER EASEMENTS OR RESTRICTIONS THAT EFFECT THIS PARCEL.
- 8) THE SURVEY DEPICTED HERE IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE.
- 9) PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
- 10) THE DESCRIPTION SHOWN HEREON WAS PROVIDED BY THE CLIENT OR THE CLIENT'S REPRESENTATIVE.
- 11) BEARING REFERENCE: THE NORTH RIGHT-OF-WAY LINE OF FARABEE ROAD IS TAKEN TO BEAR SOUTH 89°46'28" WEST.
- 12) DATE OF LAST FIELD SURVEY: 02/05/24.

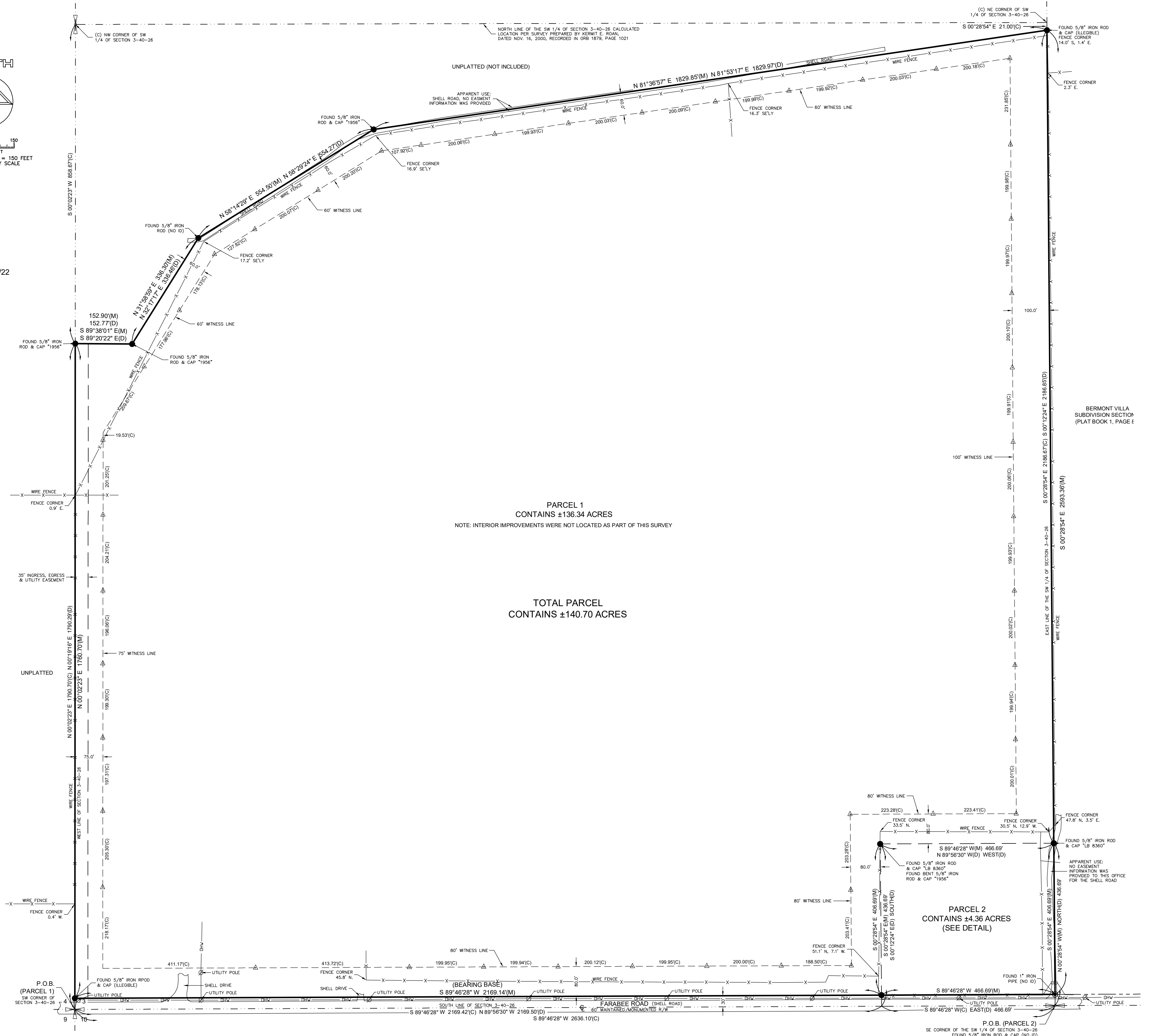
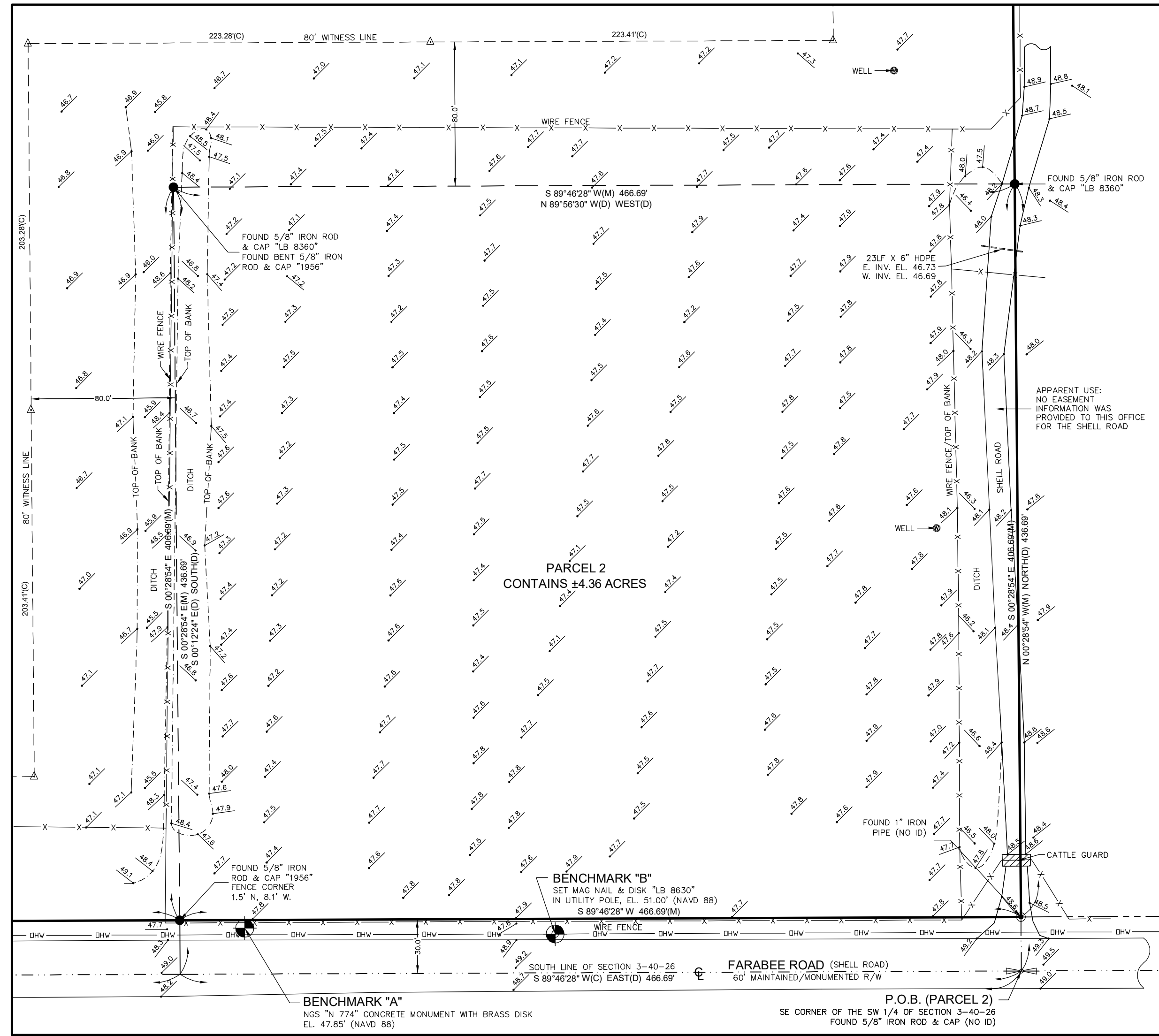
PROJECT SPECIFIC LEGEND:

ID = IDENTIFICATION
 ▲ = SET 4' TALL WOOD STAKE ON WITNESS LINE ON 06/13/22

PREPARED FOR THE EXCLUSIVE USE OF:

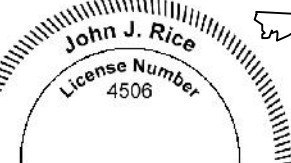
FARABEE MINE & SHELL, LLC.

PARCEL 2 DETAIL: 1' = 50'



TRADEWINDS SURVEYING GROUP, LLC.

200 SW 3rd Avenue
Okeechobee, FL. 34974
Tel: (863) 763-2887
Fax: (863) 763-4342



LB 836C

BOUNDARY SURVEY

LYING IN

SECTION 3, TOWNSHIP 40 SOUTH, RANGE 26 EAST,
CHARLOTTE COUNTY, FLORIDA

- STANDARD NOTES:

1. No search of the public records for determination of ownership or restrictions affecting the lands shown was performed by the surveyor.
2. The survey depicted here is prepared exclusively for those parties noted.
3. No responsibility or liability is assumed by the surveyor for use by others not specifically named.
4. Not valid without the signature and embossed seal of Florida licensed surveyor and mapper #4506.
5. There are no visible above ground encroachments except as shown.
6. No attempt was made to locate underground improvements and/or encroachments (if any) as part of this survey.
7. This survey was prepared in accordance with and conforms to the standards of practice for professional surveyors and mappers as outlined in Chapter 5J-17, Florida Administrative Code.

LEGEND

LEGEND

- Found Iron Rod and Cap "LB 8360"
- Found Pipe (and Cap)
- Found Iron Rod (and Cap) ● Found Pipe (and Cap)

ABBREVIATIONS

●=Baseline; BM=Benchmark; @=Centerline; @=Calculated; CATV=Cable TV; CM=Concrete Monument; CONC=Concrete; D=Dredge; A=Assemble or Central Angle; E=Easterly; L/E=Lateral Edge of Pavement; F/F=Flooded; G/G=Gutter; H/H=Highway; I/I=Intersection; J/J=Junction; K/K=Kilometer; M/M=Mile; N/N=North; N/L=North to South; NGVD=(National Geodetic Vertical Datum) of 1929; N/S=Not to Scale; NH=NewHaven Roads; R/R=Railroad; S/S=Southerly; T/T=Tangent; U/U=Utility; V/V=Vertical Curve; W/W=West; W/LY=Western; UTILITY(ies)=Utility(ies); Spot Elevation based on indicated datum.

DESCRIPTION BOUNDARY SURVEY UPDATE BOUNDARY SURVEY & ADD TOPOGRAPHY ON PARCEL 2		DWG. DATE 11/21/22 03/08/24	FB/PG 370/49 403/72	BY WC WC	CK JJR JJR
SCALE 1" = 150'		DRAWING NUMBER: 22-244			
SHEET 1 OF 1					

FARABEE MINE & SHELL, LLC

Owner's and Encumbrance Report

Beginning Search Date:
August 3, 2001 @ 8:52 am

Ending Search Date:
June 13, 2024 @ 11:00pm

I. The land described in this report is at the ending search date vested in:

FARABEE MINE & SHELL, LLC

II. The land is described as follows:

SEE EXHIBIT "A" ATTACHED HERETO.

III. The following matters were found based upon a search of the public records between the beginning and ending search dates shown above and considered to be significant to the underwriting process:

None within this time period.

IV. This report is subject to the following considerations and exceptions:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, appearing in the public records outside the date range of the each indicated on page one of this opinion.
2. Rights or claims of parties in possession not shown by the public records.
3. Encroachments, overlaps, boundary disputes, and any other matters which would be disclosed by an accurate survey and inspection of the premises.
4. Easements or claims of easements not shown by the public records.
5. Taxes or special assessments which are not shown by the public records.
6. Taxes and assessments for the year 2023 and subsequent years.

This report is issued for the exclusive use of FARABEE MINE & SHELL, LLC and not as a base for title insurance. Liability under this Owner's and Encumbrance Report is limited to the amount charged.

Respectfully Submitted,

FRANK H. FEE, IV, ESQUIRE
Attorney at Law

Issued By:

FEE, YATES & FEE, PLLC
400 NW Second Street
Okeechobee, Florida 34972

EXHIBIT "A"

Parcel 1:

The South 436.69 feet of the East 466.69 feet of the Southwest Quarter (SW ¼) of Section 3, Township 40 South, Range 26 East, Charlotte County, Florida.

Also described as:

Beginning at the Southeast corner of the Southwest Quarter (SW ¼) of Section 3, Township 40 South, Range 26 East, Charlotte County, Florida, as a point of beginning, then run North along the half section line 436.69 feet, the West parallel with the South section line, 466.69 feet, then South parallel with the half section line, 436.69 feet to the County Road, then East along the right of way of the County Road 466.69 feet to the point of beginning, lying and being in said Section 3, Charlotte County, Florida.

Also:

Parcel 2:

A parcel of land lying in the SW ¼ of Section 3, Township 40 South, Range 26 East, Charlotte County, Florida described as follows: Begin at the Southwest corner of said Section 3 for a Point of Beginning; thence N 00 Degrees 19' 16" E along West line of said Section 3, 1790.29 feet; thence S 89 Degrees 20' 22" E, 152.77 feet; thence N 32 Degrees 17' 17" E, 336.46 feet; thence N 58 Degrees 29' 24" E, 554.27 feet; thence N 81 Degrees 53' 17" E, 1829.97 feet to a point on the East line of the SW ¼ of said Section 3, thence S 00 Degrees 12' 24" E along said East line, 2186.85 feet to a point lying 436.69 feet North of the Southeast corner of the SW ¼ of said Section 3, thence n 89 Degrees 56' 30" W and parallel to South line of said SW ¼ 466.69 feet; thence S 00 Degrees 12' 24" E and parallel to East line of said SW ¼, 436.69 feet to South line of said SW ¼; thence N 89 Degrees 56' 30" W along said South line, 2169.50 feet to a Point of Beginning. Subject to County Road right of way (Farabee Grade) along South side.



Application for Rezoning Supporting Narrative

Farabee Mine and Shell

Farabee Mine and Shell, LLC is seeking a rezoning from Agriculture to Excavation and Mining (EM) on a 140.7-acre parcel on Farabee Road, east of State Road 31 in the Rural Services Area of Charlotte County, Florida. The subject property is currently being used for mining. The proposed change will allow for the expansion of the mining area over an additional 17 acres on the property.

History

The Farabee mine is an existing mine that has been in continuous operation since approximately 2007. At the end of 2008, Charlotte County amended the Comprehensive Plan to require that all new mining applications and changes to existing previously approved mines require an amendment to the comprehensive plan to designate the property in the Mineral Resource Extraction (MRE) Future Land Use Category and a concurrent rezoning to the Excavation and Mining (EM) zoning district. FLU Appendix I (Page 12, Special Provisions)) outlines the status of existing mining applications.

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 applicant is requesting a 17-acre expansion to the existing mining operation and therefore is requesting amendment to the comprehensive plan and this concurrent rezoning. While the proposed plan amendment and rezoning is, by requirement, for the entire 140.7 acres, it is important to note that approximately 123 acres are already an existing, permitted and active mining operation that has been ongoing for approximately 17 years.

The existing mining operation, which is not proposed to change with this application, is a very small scale shell excavation operation. There is no blasting on site and total

material excavated has ranged from 250,000 cubic yards to 321,000 cubic yards per year over the last two years, which can be characterized as peak demand years.

The mining operation is only open from 7:30am to 3:45 pm Monday through Friday. The mine does not operate on weekends. The 321,000 cubic yards of material averages just over 41 truckloads per day, Monday through Friday. This is a very insignificant amount of activity.

Zoning Standards of Approval

A. Whether the proposed change would be contrary to the Comprehensive Plan.

The proposed rezoning is being processed concurrent with an amendment to the comprehensive plan. The proposed amendment makes both the comprehensive plan and zoning consistent with the current land use on the subject property. The proposed rezoning is the only implementing zoning category for the Mineral Resource Extraction future land use category and therefore the rezoning will be required if the comprehensive plan amendment is approved.

Both the plan amendment and the zoning are consistent with the locational criteria for mining operations in the comprehensive plan. The subject property is outside of the Watershed Overlay District and the Prime Aquifer Recharge Area. As detailed in the proposed plan amendment, the subject property meets all of the criteria for designation in the Mineral Resource Extraction future land use and therefore the Excavation and Mining zoning category.

B. The existing land use pattern in adjacent areas

As detailed in the comprehensive plan amendment, there are virtually no residential uses within proximity to the subject property. To the west of the subject property is the Gator Wilderness Camp, which includes a clubhouse and several other structures and camping facilities surrounding a small lake. It is not a permanent residential area. To the south is an active citrus grove. To the east and northeast is ranchland with a few scattered houses under single common ownership. To the north is vacant ranch land.

None of the surrounding uses will experience negative health or safety effects. The existing mining operation, which is not proposed to change with this application, is a very small scale shell excavation operation. There is no blasting on site and total material excavated has ranged from 250,000 cubic yards to 321,000 cubic yards per year over the last two years, which can be characterized as peak demand years.

The mining operation is only open from 7:30am to 3:45 pm Monday through Friday. The mine does not operate on weekends. The 321,000 cubic yards of material averages

just over 41 truckloads per day, Monday through Friday. This is a very insignificant amount of activity. The proposed rezoning will have no impact on the surrounding land use pattern.

C. The capacity of public facilities and services, including but not limited to schools, roads, recreational facilities, wastewater treatment, water supply, and stormwater drainage facilities.

Mining does not require very much in the way of public services. He attached memo from TR Transportation demonstrated that there will be no traffic impacts as a result of the rezoning. The mine is currently in operation and the transportation impacts from the mine are already on the roadway network. The proposed expansion of 17 acres does not increase the intensity of the mine or the number of daily trips on the road. There is no impact to schools, recreational facilities, potable water, or wastewater.

The mine currently is operating under an environmental resource permit from the Department of Environmental Protection, demonstrating adequate drainage facilities. This permit will need to be modified to incorporate the additional 17 acres of mining area.

D. Whether the proposed change will adversely influence living conditions or property values in adjacent areas.

As detailed above, none of the surrounding uses will experience a drop in living conditions as a result of this rezoning. The mine is already in existence so to the extent that the mine has had an impact on surrounding property values, that will not be changed by the proposed rezoning.

The existing mining operation, which is not proposed to change with this application, is a very small scale shell excavation operation. There is no blasting on site and total material excavated has ranged from 250,000 cubic yards to 321,000 cubic yards per year over the last two years, which can be characterized as peak demand years.

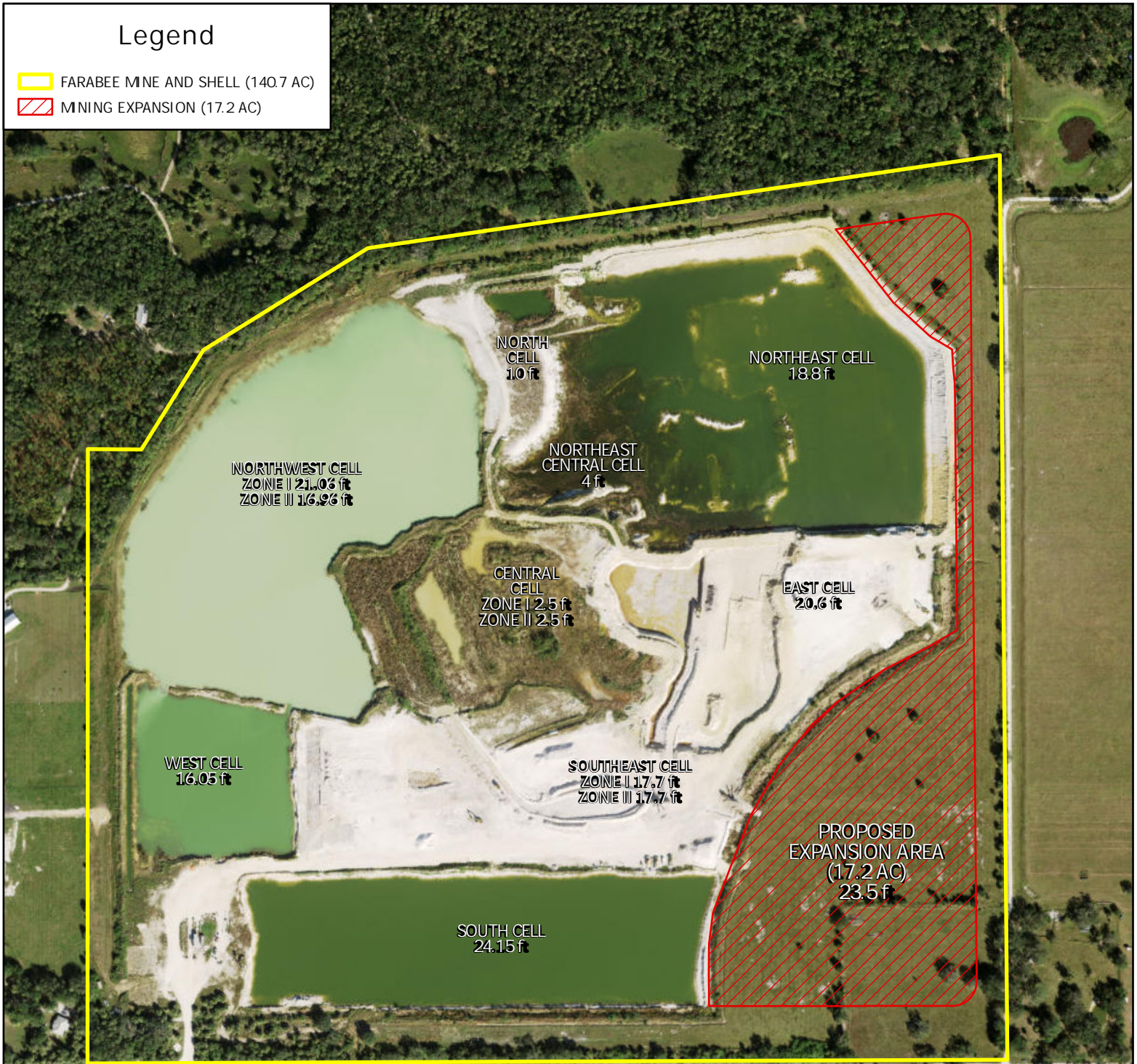
The mining operation is only open from 7:30am to 3:45 pm Monday through Friday. The mine does not operate on weekends. The 321,000 cubic yards of material averages just over 41 truckloads per day, Monday through Friday. This is a very insignificant amount of activity.

E. Whether the proposed change will affect public safety.

The proposed mine will have no impact on public safety.

Legend

- FARABEE MINE AND SHELL (140.7 AC)
- MINING EXPANSION (17.2 AC)





FARABEE RD

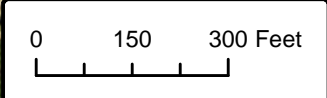
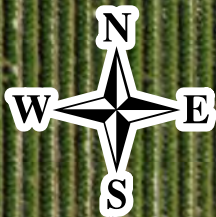
NOTE: EXCAVATION DEPTHS BASED ON LIDAR ESTIMATED LAND SURFACE ELEVATION AND AVERAGE ELEVATION IDENTIFIED IN EXCAVATION DEPTH MINING REPORT

	<div style="text-align: center;"> <h2>SITE PLAN</h2> <h3>FARABEE MINE AND SHELL</h3> <h4>07-EX-06</h4> <h3>CHARLOTTE COUNTY, FL</h3> </div> <div style="display: flex; justify-content: space-between; font-size: small;"> <div> <p>RESPEC Company, LLC has provided the images or data presented in this map for informational purposes only. This data is not intended to be used in lieu of official survey data provided by a Professional Surveyor licensed by the State of Florida</p> <p>Image: ESRI AERIAL</p> </div> <div> <p>7/30/2024</p> </div> </div>	<div style="text-align: center;"> <p>0 200 400 US Feet</p> <p>Scale: 1:4,800</p> </div> <div style="text-align: center; font-size: large; font-weight: bold; color: red;"> </div>
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Legend

-  Approximate Project Boundary (138.45 ac.)
-  FLUCFCS Line (ESA)
- Code, Description, Acreage**
- 160, Extractive, 108.06 ac.
- 210, Cropland and Pastureland, 21.08 ac.
- 211, Improved Pastures, 4.63 ac.
- 630, Wetland Forested Mixed, 2.54 ac.
- 814, Roads and Highways, 2.14 ac.



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

DATE: 07-10-2024
FILE: FarabeeMineSite
FLUCFCS_Map.mxd
AERIAL: ESRI World Imagery
SCALE : 1" = 300'

FLUCFCS MAP
PID #: 402603300001 AND 402603300005
FARABEE MINE SITE EXPANSION
45450 FARABEE RD. PUNTA GORDA, FL. 33982
CHARLOTTE COUNTY, FLORIDA



Ecological
Services Associates
280 Abalone Road
Venice, Florida 34293
P: (941) 330-5549



Ecological Services Associates

21 November 2024

Mr. David J. Brown
National Practice Leader - Hydrogeology
RESPEC
6561 Palmer Park Circle, Suite D
Sarasota, FL 34238

RE: Farabee Mine Site Expansion
Environmental Review
Charlotte County, Florida
Section 3, Township 40 South, Range 26 East
Parcel Numbers: 402603300001 and 402603300005

Dear Mr. Brown:

At the request of RESPEC staff, Ecological Services Associates, LLC (ESA) ecologists completed a review of land use/land cover and potential listed species for a proposed mine expansion project (Farabee Mine Site Expansion) in Charlotte County, Florida, with a property address of 45450 Farabee Road, Punta Gorda, FL 33982.

Land Use/Land Cover

The project site and surrounding land covers were initially mapped by the Southwest Florida Water Management District and field revised by ESA ecologists, using designations from the *Florida Land Use, Cover and Forms Classification System* (FLUCFCS), Florida Department of Transportation, 1999. This land use, vegetative cover and land form classification system was designed primarily to meet the needs of state agencies; local governments and private enterprise; and, to allow use flexibility in modifying the classifications to meet individual project needs without seriously impairing the exchange of data between the parties involved in a project's review.

The specific mine site expansion project area was designated as FLUCFCS 210 (Cropland and Pastureland) and 211 (Improved Pasture). ESA ecologists found evidence that those areas identified as FLUCFCS 210 had evidence of crops and pasture grasses that were grown in rotation with one another versus permanent pastures which are usually tilled for crops in the area identified as FLUCFCS 211. No wetlands or other surface waters were found within the mine expansion area, and it is anticipated that no wetland dependent listed species will be impacted by this project.

Gopher Tortoise

ESA ecologists performed a comprehensive gopher tortoise burrow survey by covering a minimum of 100 percent of the mine site expansion area (plus 25-feet per FWC requirements). This survey was performed using evenly spaced belt transects, distributed

21 November 2024

across all potential tortoise habitats within the above identified areas (GOPHER TORTOISE LOCATION MAP). During the survey, ESA authorized gopher tortoise agents found four gopher tortoise burrows. No burrows are proposed to be impacted by the proposed mining. The burrows are located within the berm but outside of the Hydraulic Barrier Ditch. To ensure tortoises using the project site are protected long-term and have ability to move off-site to remaining potentially occupied habitats, the applicant is proposing to leave a minimum 50-foot set-back (GOPHER TORTOISE EXCLUSION AREAS) from the project southern and eastern boundary and a land bridge will be left to allow movement of tortoises to improved pastures ((FWC) COOPERATIVE LAND COVER MAP) found to the east of the project.


Florida Scrub-Jay

In December 2014, Charlotte County issued an incidental Take Permit (ITP) and associated Habitat Conservation Plan (HCP) to address impacts to the state and federally protected Florida scrub-jay. The HCP was developed as an effect to reduce and streamline the regulatory burden and to provide regulatory certainty to land owners in Charlotte County. The HCP defines a reserve network of Plan Areas to help ensure the long-term survival of the Florida scrub-jay and to establish a development fee system to implement the HCP for the 30-year duration of the ITP. ESA ecologist reviewed the Farabee Mine Site Expansion Project in comparison to the Plan Areas and determined that none of the project area is located within a Plan Area (SCRUB JAY PERMIT AREA MAP); and that no consultation with the United States Fish and Wildlife Service (USFWS) is required for the mine site expansion.

We appreciate your consideration of ESA as your environmental consultant for the environmental review of this project.

Sincerely,

ECOLOGICAL SERVICES ASSOCIATES, LLC



Hugh D. Dinkler, PWS
Managing Ecologist

HDD

• www.ecologicalsa.com •

280 Abalone Road

• Venice, FL 34293 •

(941) 330-5549

Attachments: FLUCFCS MAP

GOPHER TORTOISE LOCATION MAP

GOPHER TORTOISE EXCLUSION AREAS

(FWC) COOPERATIVE LAND COVER MAP



SCRUB JAY PERMIT AREA MAP

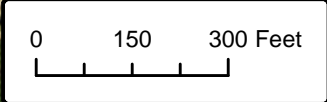
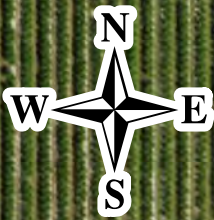
• www.ecologicalsa.com •

280 Abalone Road • Venice, FL 34293 • (941) 330-5549



Legend

-  Approximate Project Boundary (138.45 ac.)
-  FLUCFCS Line (ESA)
- Code, Description, Acreage**
- 160, Extractive, 108.06 ac.
- 210, Cropland and Pastureland, 21.08 ac.
- 211, Improved Pastures, 4.63 ac.
- 630, Wetland Forested Mixed, 2.54 ac.
- 814, Roads and Highways, 2.14 ac.



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

DATE: 11-21-2024
FILE: FarabeeMineSite
FLUCFCS_Map.mxd
AERIAL: ESRI World Imagery
SCALE : 1" = 300'

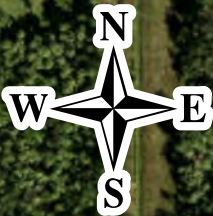
FLUCFCS MAP
PID #: 402603300001 AND 402603300005
FARABEE MINE SITE EXPANSION
45450 FARABEE RD. PUNTA GORDA, FL. 33982
CHARLOTTE COUNTY, FLORIDA






Ecological
Services Associates

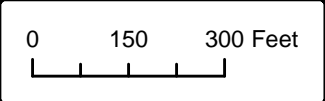
280 Abalone Road
Venice, Florida 34293
P: (941) 330-5549

Burrow ID	Burrow Status	LAT.	LONG.
PO 1	Potentially Occupied	27° 1' 9.393" N	81° 42' 14.715" W
PO 2	Potentially Occupied	27° 1' 6.564" N	81° 42' 20.152" W
PO 3	Potentially Occupied	27° 1' 25.093" N	81° 42' 16.326" W
PO 4	Potentially Occupied	27° 1' 24.780" N	81° 42' 15.979" W



Legend

-  Gopher Tortoise Burrow Location (4 Total)
-  Gopher Tortoise Transect Line
-  Approximate Project Boundary (138.45 AC.)



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

DATE: 11-21-2024
FILE: FarabeeMineSite
GT_Survey_Map(11x17).mxd
AERIAL: ESRI World Imagery
SCALE : 1" = 300'

GOPHER TORTOISE LOCATION MAP
PID #: 402603300001 AND 402603300005
FARABEE MINE SITE EXPANSION
45450 FARABEE RD. PUNTA GORDA, FL. 33982
CHARLOTTE COUNTY, FLORIDA






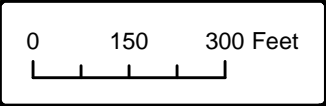
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PO 3	Potentially Occupied	27° 1' 25.093" N	81° 42' 16.326" W
PO 4	Potentially Occupied	27° 1' 24.780" N	81° 42' 15.979" W



Legend

-  Gopher Tortoise Burrow Location (4 Total)
-  Gopher Tortoise Excluision Area (5.29 ac.)
-  Approximate Project Boundary (138.45 AC.)

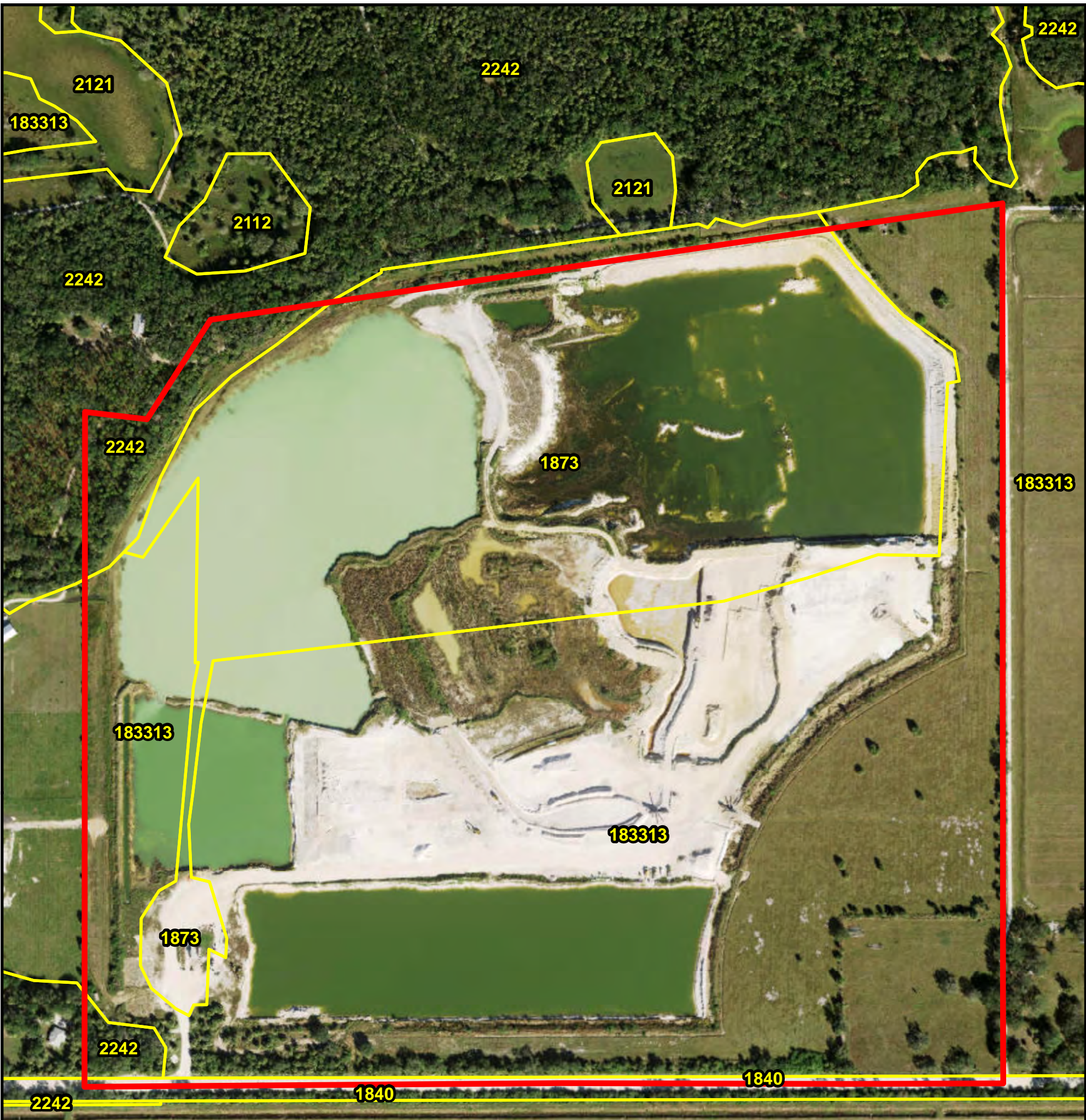


Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community



DATE: 11-21-2024
FILE: FarabeeMineSite
GT_Exclusion_Map(11x17).mxd
AERIAL: ESRI World Imagery
SCALE : 1" = 300'

GOPHER TORTOISE EXCLUSION AREAS
PID #: 402603300001 AND 402603300005
FARABEE MINE SITE EXPANSION
45450 FARABEE RD. PUNTA GORDA, FL. 33982
CHARLOTTE COUNTY, FLORIDA

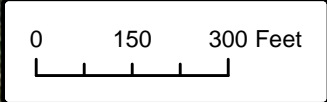
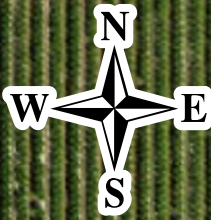
 **Ecological**
Services Associates
280 Abalone Road
Venice, Florida 34293
P: (941) 330-5549



Legend

-  Approximate Project Boundary (138.45 ac.)
-  Cooperative Land Cover Line (FWC)

Code, Description, Acreage		
1840	Transportation	1.23 ac.
1873	Rock Quarries	48.67 ac.
2242	Cypress/Pine/Cabbage Palm	4.23 ac.
183313	Improved Pasture	84.32 ac.

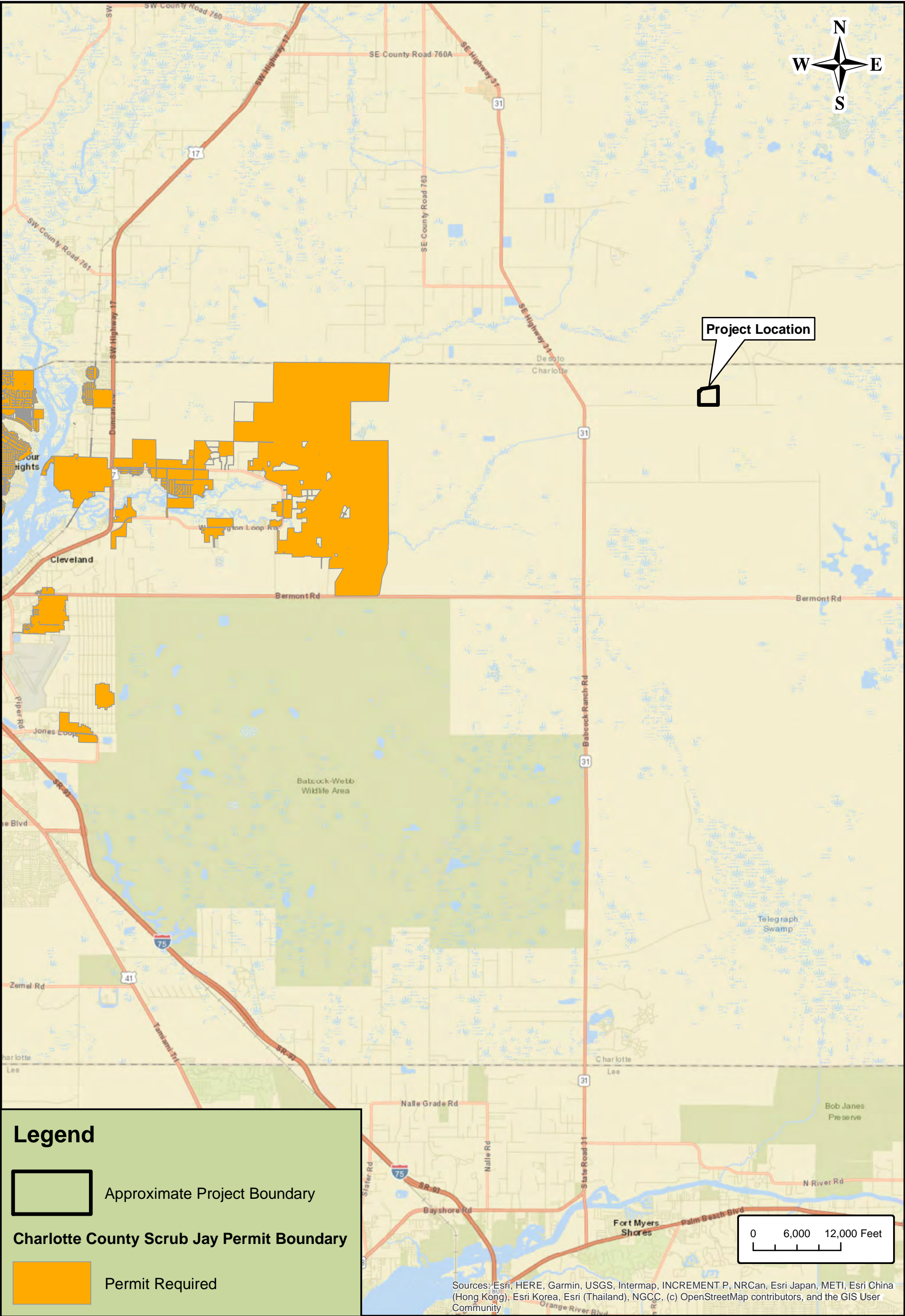


Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

DATE: 11-21-2024
FILE: FarabeeMineSite
FWCLandCover_Map.mxd
AERIAL: ESRI World Imagery
SCALE : 1" = 300'

(FWC) COOPERATIVE LAND COVER MAP
PID #: 402603300001 AND 402603300005
FARABEE MINE SITE EXPANSION
45450 FARABEE RD. PUNTA GORDA, FL. 33982
CHARLOTTE COUNTY, FLORIDA

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Venice, Florida 34293
P: (941) 330-5549



DATE: 11-21-2024
FILE: FarabeeMineSite
ScrubJay_Map(11x17).mxd
AERIAL: ESRI World Street Map
SCALE : 1" = 12,000'

SCRUB JAY PERMIT AREA MAP
PID #: 402603300001 AND 402603300005
FARABEE MINE SITE EXPANSION
45450 FARABEE RD. PUNTA GORDA, FL. 33982
CHARLOTTE COUNTY, FLORIDA



Ecological
Services Associates

280 Abalone Road
Venice, Florida 34293
P: (941) 330-5549



Florida Department of Environmental Protection

Bureau of Mine Reclamation
2051 East Paul Dirac Drive
Tallahassee, Florida 32310-3760

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

ENVIRONMENTAL RESOURCE PERMIT

PERMITTEE/AUTHORIZED ENTITY:

Daniel M. Cugini
Florida Investments, LLC
20020 Veterans Boulevard, Suite 22
Port Charlotte, Florida 33954

Permit/Authorization No. 0269764-001

Date of Issue: April 20, 2007

Expiration Date of Construction Phase:
April 20, 2013

County: Charlotte

Project: Farabee Pit

CONSULTANT:

Michael Hatfield, P.E.
The Weiler Engineering Corporation
20020 Veterans Boulevard, Suite 7-9
Port Charlotte, Florida 33954

This permit is issued under the authority of Part IV of Chapter 373, Florida Statutes (F.S.), and Title 62, Florida Administrative Code (F.A.C.). The activity is not exempt from the requirement to obtain an Environmental Resource Permit. Pursuant to Operating Agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C., the Department is responsible for reviewing and taking final agency action on this activity. This permit also constitutes certification compliance with water quality standards under Section 404 of the Clean Water Act, 33 U.S.C. 1344.

A copy of this authorization also has been sent to the U.S. Army Corps of Engineers (USACOE) for review. The USACOE may require a separate permit. Failure to obtain this authorization prior to construction could subject you to enforcement action by that agency. You are hereby advised that authorizations also may be required by other federal, state, and local entities. This authorization does not relieve you from the requirements to obtain all other required permits and authorizations.

The above-named permittee is hereby authorized to construct the work shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof. **This permit is subject to the limits, conditions, and locations of work shown in the attached drawings, and is also subject to the attached General Conditions and Specific Conditions, which are a binding part of this permit.** You are advised to read and understand these drawings and conditions prior to commencing the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings. If you are utilizing a contractor, the contractor also should read and understand these drawings and conditions prior to commencing the authorized activities. Failure

to comply with all drawings and conditions shall constitute grounds for revocation of the permit and appropriate enforcement action.

Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and with the general and specific conditions of this permit/certification, as specifically described below.

ACTIVITY DESCRIPTION

The applicant, Daniel Cugini, of Florida Investments, LLC, applied on September 22, 2006, to the Department of Environmental Protection for a permit/water quality certification for a surface water management system for a sand and fill mine. The project includes mining 0.37 of an acre of herbaceous wetlands located in a drainage ditch and 0.08 of an acre of other surface waters. None of the project area has been disturbed previously by mining.

The existing land covers and uses within the 137.82-acre mine property are 135.69 acres of unimproved pasture, 1.92 acres of drainage ditches, 0.08 of an acre for a cow pond, and 0.13 of an acre for a graded road. The property is relatively flat with sandy soils. Ditches running east to west were cut through the property to convey storm water. This drainage system continues off the property west to Prairie Creek, a tributary to the Peace River.

Mining is identified to start in the northwest corner of the property. Cells, approximately five acres each, will be dug in dry conditions. When ground water accumulates and prevents further mining, water will be pumped from one cell to an adjacent cell to finish mining out the resource in dry conditions. Once mining is finished in the cell, it will be used for water storage for the mining in adjacent cells. The discharge of pumped water is not authorized. The sand and fill material will be excavated with backhoes, stockpiled and de-saturated on site and dump trucks will be used to transport the extracted material off site.

The only impervious surface proposed for the mine is 0.17 of an acre for the temporary scale house. Mining will be conducted with dewatering among the mining cells and into the recharge ditch surrounding the project site. Wetlands on adjacent property exist 100 feet from the property line. Hydrological effects on adjacent property will be minimized with a 75 foot minimum setback between the extraction and property line, and a recharge ditch along the perimeter of the mine pits which will be maintained with water from the mine pits. During the construction phase, stormwater up to the 25-year, 24-hour storm event will be contained on site by a perimeter berm and runoff will be directed to the mine pit. The berm will be kept mowed (as necessary) and routinely inspected for signs of erosion. Any erosion will be repaired immediately.

The project will result in approximately 99.34 acres of open water and 4.1 acres of littoral zone along the lake shoreline. There will be 33.41 acres of unimproved pasture, and 0.97 of an acre of drainage ditches remaining at the completion of the project. The existing grade for the

site varies between 45 and 47 feet National Geodetic Vertical Datum (NGVD) and the average water elevation is approximately 39.94 feet NGVD. The maximum depth of mining is expected to be an average of 35 feet below existing grade, which is approximately 25.19 feet below the average water level. The 4.1 acres of created littoral zone will be mitigation for dredging 0.37 of an acre of wetlands.

In accordance with the mandatory reclamation requirements for other mine resources in rule 62C-39.008, F.A.C., the perimeters of the lakes will feature gently sloping shorelines that will be revegetated to prevent erosion. The construction phase of this permit will last six years and the estimated life of the mine, including reclamation, is six years.

ACTIVITY LOCATION

The project area is located three miles east of US 31, approximately 14.5 miles south of Arcadia, in Section 3, Township 40 South, Range 26 East, in Charlotte County.

GENERAL CONDITIONS

- 1 All activities shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit.
2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications, shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by Department staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
3. Activities approved by this permit shall be conducted in a manner which does not cause violations of state water quality standards. The permittee shall implement best management practices for erosion and a pollution control to prevent violation of state water quality standards. Temporary erosion control shall be implemented prior to and during construction, and permanent control measures shall be completed within seven days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the permitted work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. Thereafter the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
4. Water quality data for the water discharged from the permittee's property or into the surface waters of the state shall be submitted to the Department as required by the permit. Analyses shall be performed according to procedures outlined in the current edition of Standard

Methods for the Examination of Water and Wastewater by the American Public Health Association or Methods for Chemical Analyses of Water and Wastes by the U.S. Environmental Protection Agency. If water quality data are required, the permittee shall provide data as required on volumes of water discharged, including total volume discharged during the days of sampling and total monthly volume discharged from the property or into surface waters of the state.

5. Department staff must be notified in advance of any proposed construction dewatering. If the dewatering activity is likely to result in off-site discharge or sediment transport into wetlands or surface waters, a written dewatering plan must either have been submitted and approved with the permit application or submitted to the Department as a permit prior to the dewatering event as a permit modification. A water use permit may be required prior to any use exceeding the thresholds in Chapter 40D-2, F.A.C.
6. Stabilization measures shall be initiated for erosion and sediment control on disturbed areas as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than seven days after the construction activity in that portion of the site has temporarily or permanently ceased.
7. Off-site discharges during construction and development shall be made only through the facilities authorized by this permit. Water discharged from the project shall be through structures having a mechanism suitable for regulating upstream stages.
8. The permittee shall complete construction of all aspects of the surface water management system, including wetland compensation (grading, mulching, planting), water quality treatment features, and discharge control facilities prior to beneficial occupancy or use of the development being served by this system.
9. The following shall be properly abandoned or removed:
 - a. Any existing wells in the path of construction shall be properly plugged and abandoned by a licensed well contractor.
 - b. Any existing septic tanks on site shall be abandoned at the beginning of construction.
 - c. Any existing fuel storage tanks and fuel pumps shall be removed at the beginning of construction.
10. All surface water management systems shall be operated to conserve water in order to maintain environmental quality and resource protection; to increase the efficiency of transport, application and use; to decrease waste; to minimize unnatural runoff from the property; and to minimize dewatering of off-site property.

11. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the Department a written notification of commencement indicating the actual start date and the expected completion date.
12. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the occupation of the site or operation of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of that phase or portion of the system to a local government or other responsible entity.
13. Within 30 days after completion of construction of the permitted activity, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by sections 373.117 or 403.0877, or Chapters 471, 472, 481, or 492, F.S., utilizing the required Statement of Completion and Request for Transfer to Operation Entity Form 62-343.900(7), effective July 4, 1995, and adopted by reference in rule 62-343.900, F.A.C. Additionally, if deviation from the approved drawings is discovered during the certification process the certification must be accompanied by a copy of the approved permit drawings with deviations noted.
14. This permit is valid only for the specific processes, operations and designs indicated on the approved drawings or exhibits submitted in support of the permit application. Any substantial deviation from the approved drawings, exhibits, specifications or permit conditions, including construction within the total land area but outside the approved project area(s), may constitute grounds for revocation or enforcement action by the Department, unless a modification has been applied for and approved pursuant to rule 62-343.100, F.A.C. Examples of substantial deviations include excavation of ponds, ditches or sump areas deeper than shown on the approved plans.
15. The operation phase of this permit shall not become effective until the permittee has complied with the requirements of the conditions in subsection (1) above, the Department in accordance with subsections 2.6 through 2.6.3 of the Basis of Review for Environmental Resource Permit Applications within the Southwest Florida Water Management District adopted by reference in rule 40D-4.091, F.A.C., determines the system to be in compliance with the permitted plans, and the entity approved by the Department accepts responsibility for operation and maintenance of the system. The permit may not be transferred to the operation and maintenance entity approved by the Department until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the Department, the permittee shall request transfer of the permit to the responsible operation and maintenance entity approved by the Department, if different from the permittee. Until the permit is transferred pursuant to Subsection 2.6.1 of the Basis of

Review for Environmental Resource Permit Applications within the Southwest Florida Water Management District adopted by reference in rule 40D-4.091, F.A.C., the permittee shall be liable for compliance with the terms of the permit.

16. Should any other regulatory agency require changes to the permitted system, the Department shall be notified in writing of the changes prior to implementation so that a determination can be made whether a permit modification is required.
17. This permit does not eliminate the necessity to obtain any required federal, state, local and special Department authorizations including a determination of the proposed activities' compliance with the applicable comprehensive plan prior to the start of any activity approved by this permit.
18. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapters 40D-4 or 40D-40, F.A.C.
19. The permittee shall hold and save the Department harmless from any and all damages, claims, or liabilities which may arise by reason of the activities authorized by the permit or any use of the permitted system.
20. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under rule 40D-4.042, F.A.C., and Subsections 3.4 through 3.4.6 of the Basis of Review for Environmental Resource Permit Applications within the Southwest Florida Water Management District adopted by reference in rule 40D-4.091, F.A.C.
21. The permittee shall notify the Department in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of rule 62-343.130, F.A.C. The permittee transferring the permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to such sale, conveyance or other transfer.
22. Upon reasonable notice to the permittee, Department authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with Department rules, regulations and conditions of the permits.
23. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the Department and the Florida Department of State, Division of Historical Resources.

24. The permittee shall immediately notify the Department in writing of any previously submitted information that is later discovered to be inaccurate.

SPECIFIC CONDITIONS

1. **Permit Compliance.** The purpose of this permit is to authorize the creation of a surface water management system on certain described lands within the jurisdiction of the Department. In exchange for this authorization, the permittee is obligated to perform certain acts that are described herein. A material part of the reasonable assurances the Department is relying upon in issuing this permit is that the permittee will timely and completely implement all of the conditions of this permit. The permittee understands that its failure to completely and timely comply with all of the conditions of this permit may result in a revocation or suspension of the permit and, if appropriate, that the area be restored.
2. **Listed Species.** Permits shall be obtained from the Florida Fish and Wildlife Conservation Commission prior to the "taking" of any listed animal species. Listed animal species are those animal species listed in rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C. Taking means: taking, attempting to take, pursuing, hunting, molesting, capturing, or killing any listed species, their nests or eggs, by any means, whether or not such actions result in obtaining possession.
3. **"Good Cause Rule".** The permittee is hereby advised that rule 62-343.100(1)(c), F.A.C., provides that for good cause and after notice to the permittee, the Department may require the permittee to conform to new or additional conditions to this permit. Circumstances that constitute "good cause" shall include any of the situations listed in the referenced rule.
4. **Drawing Conflicts.** If the approved permit drawings conflict with the specific conditions, then the specific conditions shall prevail.

Construction

5. **Surface Water Storage Structures.** Any aboveground water management structures shall be constructed of clean fill, devoid of materials or vegetation that could allow water to be piped through the structure. Vegetated structures should be mowed annually. Topsoil storage piles or berms constructed as safety barriers shall not be utilized to store flowable liquid, but may be used to divert stormwater to sumps. Water deeper than one foot above grade shall be pumped away from these structures as expeditiously as possible.
6. **Stormwater Discharge.** The project shall be constructed and maintained to contain a 25-year, 24-hour storm event. All construction, operation, and maintenance of the stormwater system shall be as set forth in the plans, specifications, and performance criteria contained in the Department file and approved by this permit.

7. **Wetland Protection Measures.** Prior to stockpiling material, waste, or overburden in the vicinity of a wetland, or conducting any other earth-disturbing activity in the vicinity of a wetland, the permittee shall implement measures to protect on-site and off-site wetlands and surface waters from turbidity and sediment.
- a. A minimum setback distance of 50 feet shall be maintained between any earth-disturbing activities, (including land clearing, mining, materials and waste stockpiling), and the limits of any un-permitted (avoided) wetlands.
 - b. If the Department makes a determination after conducting an on-site inspection, that any of the avoided wetlands has been degraded by mining activities in the adjacent watershed, appropriate mitigation shall be required.
 - c. The boundaries of any wetlands adjacent to any earth-disturbing activities, or material or waste stockpiles, shall be identified in the field and a silt fence will be properly installed between the activities and adjacent wetlands to prevent any access and any movement of sediments into the wetlands.
 - d. The permittee shall instruct all personnel associated with the project that earth-disturbing activities, including the stockpiling of material or waste, shall not occur adjacent to wetlands or surface waters, where turbidity and sediment control devices are not present.
 - e. Best management practices for turbidity and erosion control shall be implemented and maintained, during earth-disturbing activities adjacent to wetlands, to prevent siltation and turbid discharges in excess of state water quality standards, pursuant to Chapter 62-302, F.A.C. Staked filter cloth, staked hay bales, or other turbidity and sediment control devices shall be installed, where appropriate. The toe of each staked filter cloth shall be buried and panels shall have at least a three-foot staked overlap area. All turbidity and sediment control devices shall be installed prior to the disturbance. All turbidity and sediment control devices shall be maintained until disturbed areas have sufficiently stabilized and vegetated to prevent water quality violations, or the movement of sediment into the wetlands.
 - f. The construction of any berms in the vicinity of wetlands or other surface waters shall only occur upland to turbidity and sediment control devices.
 - g. Berms and other disturbed areas adjacent to wetlands or other surface waters shall be seeded, mulched, sodded or appropriately treated to facilitate the rapid growth of vegetation and stabilization of the area.
8. **Turbidity and Sediment Control.** The permittee shall be responsible for:

- a. Ensuring that erosion control devices and procedures are inspected and maintained daily during all phases of construction authorized by this permit until all areas that were disturbed during construction are sufficiently stabilized to prevent erosion, siltation, and turbid discharges.
 - b. Shall inspect the containment system after every one inch storm event to identify and repair any eroded areas.
9. **Offsite Water Levels.** The mine pit shall not be excavated within 75 feet of a property line. Water shall be maintained in the recharge ditch at all times. The recharge ditch shall be inspected to ensure water is maintained in the recharge ditch at all times.

Monitoring and Reporting

10. **Submittals.** Unless otherwise specified, all notices, plans, reports or other documents or information required to be submitted to the Department in this permit shall be submitted to:

Florida Department of Environmental Protection
Bureau of Mine Reclamation
2051 East Dirac Drive,
Tallahassee, Florida 32310-3760
(850) 488-8217, facsimile (850) 488-1254.

11. **Quality Assurance.** In order to assure minimum field and laboratory quality assurance, methodological and reporting requirements, all field sampling shall follow the applicable collection and quality control protocols and requirements described in Chapter 62-160, F.A.C., and the appropriate Department of Environmental Protection Standard Operation Procedures.
12. **Hazardous Spills.** Florida law requires reporting of oil and hazardous substances spills. Immediately report such spills to the Department's Division of Law Enforcement, Bureau of Emergency Response. State Warning Point: (850) 413-9911, (800) 320-0519, 24 hours. Department Tampa District Emergency Response Office: (813) 744-6462 8 a.m. to 5 p.m. only.
13. **Annual Reports.** Failure to submit reports in a timely manner constitutes grounds for revocation of the permit. Reports shall be provided to the Department by January 31 of each year utilizing the "Annual Status Report Form" [Form No. 62-343.900(4), F.A.C.], and shall include a map and summary of activities conducted during the previous calendar year. The report shall also include a map and summary of work expected for the following calendar year. The first report is due January 31, 2008.

14. **Water Discharge.** The following measures shall be taken immediately by the permittee whenever any water leaves the project area:
- a. Cease all work contributing to the water discharge.
 - b. Modify the work procedures that were responsible for the discharge, and repair any non-functioning containment devices.
 - c. Notify the Department of the time the discharge is first detected, the extent of the discharge, and the corrective measures that have been and will be implemented. This notice shall be provided before the end of the next business day.
 - d. Conduct monitoring for water quality at 8-hour intervals to determine if the discharge violates water quality standards of Chapter 62-302, F.A.C., for Class III waters at the point where the water leaves the project area.

Reclamation

15. **Upland Reclamation.** All final lake contours shall be constructed as shown in the post-reclamation and cross-section drawings attached to this permit. The reclamation shall be created in the following manner:
- a. Contouring activities shall be initiated as soon as practical and be completed no later than one year after the calendar year in which an area becomes available for reclamation and would not interfere with mining operations.
 - b. Upland slopes shall be contoured to the standards of Chapter 62C-39, F.A.C.
 - c. Vegetation activities shall be initiated as soon as practical and completed no later than one year after the calendar year in which the final contours are established in an area and revegetation activities would not interfere with mining operations.
 - d. Upland revegetation shall at least meet the standards of Chapter 62C-39, F.A.C.,
 - e. Mulching, contouring, and other suitable techniques shall be used to enhance stabilization. Should washes or rills develop after revegetation and before final release of the area, the permittee shall repair the eroded areas and stabilize the slopes.
 - f. Reclamation activities through revegetation shall be completed within three years of the final cessation of mining operations at the mine.
16. **Littoral Zone Reclamation.** The zone of fluctuation of the reclaimed lake shall be vegetated with wetland species native to Charlotte County as mitigation for wetland impacts.

Acceptable methods recommended to establish vegetation include spreading muck obtained from areas containing desirable, native, littoral zone plant communities, planting of native wetland vegetation, or natural regeneration of wetland plant species. At least 50 percent of the zone shall have established vegetation for a period of not less than one year after the initial appearance or planting of the vegetation. If vegetative coverage does not meet the required 50 percent, supplemental planting shall be initiated in order to meet release conditions.

Release

17. Release.

- a. All lands shall be reclaimed to a neat, clean condition by removing or adequately burying, where allowed by law, all visible debris, litter, junk, worn-out or unusable equipment or materials, as well as all poles, pilings, and cables.
- b. Large rocks and boulders shall be pushed into the lakes or placed in common locations at the mine surface or buried to a minimum depth of four feet.
- c. All temporary buildings, pipelines, and other man-made structures shall be removed with the exception of those that are of sound construction with potential uses that are compatible with the reclamation goals.
- d. Overburden should be utilized to reduce the occurrence of slopes steeper than four horizontal feet for each vertical foot.
- e. Mulching, contouring, and other suitable techniques shall be used to enhance stabilization. Should washes or rills develop after revegetation and before final release of the area, the operator shall repair the eroded areas and stabilize the slopes.
- f. Shorelines must meet the design standards of the permit.

18. Littoral Zone Release. Herbaceous wetland creation in the littoral zone shall be successful when all of the following criteria have been continuously met for a period of at least one growing season, without intervention in the form of dewatering, removal of undesirable vegetation, or replanting of desirable vegetation.

- a. Not less than 3 acres of the mitigation site are determined by the Department to be jurisdictional pursuant to Section 373.421, F.S.
- b. Percent cover by all desirable species is 80 percent or more, and the plants are reproducing naturally, either by normal, healthy, vegetative spread (in ways that would

be normal for each wetland species) or through seedling establishment, growth and survival.

c. Nuisance species are limited to 5 percent or less of the total cover.

19. **Conversion to Operations Phase.** The procedures for requesting a conversion of this permit from the construction phase to the operation phase and guidelines for the Department's response are provided herein. All documentation shall be submitted to the Department by certified mail addressed to Chief, Bureau of Mine Reclamation.

a. Within thirty (30) days of the completion of construction of the system (including final reclamation) the permittee shall submit the following:

- 1) a copy of the most recent annual report and a narrative describing how the reported data support the contention that each of the permit conditions has been met;
- 2) an As-Built certification signed and sealed by a registered professional [Form 62-343.900(5), F.A.C., with accompanying as-built drawings]; and
- 3) a written site inspection certification by a professional engineer [Form 62-343.900(6), F.A.C.].

b. The permittee shall afford Department personnel the opportunity to schedule and conduct enough on-site inspections to determine whether the conditions are met. After this on-site inspection, the Department shall notify the permittee by certified mail that:

- 1) The permit conditions have been completed and the surface water management system has been built in accordance with the approved plans; or
- 2) The permit conditions have not been completed, identifying specifically those elements that do not meet the conditions; or
- 3) The permit conditions cannot be determined at this time, identifying specifically the information lacking that prevents the determination from being made.

c. After the permittee has received notification that the permit conditions have been completed and the surface water management system has been built in accordance with the approved plans, the permittee shall submit the following:

- 1) a Request for Transfer of Environmental Resource Permit Construction Phase to Operation Phase [Form 62-343.900(7), F.A.C.]; and

Daniel Cugini, Florida Investments, LLC

Farabee Pit

Permit No. 0269764-001

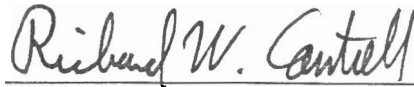
Page 13

- 2) an Application for Transfer of Permit [Form 62-343.900(8) F.A.C.], if the permittee proposes to transfer the ownership or control of the site to another entity. This application will be reviewed in accordance with the procedures and timeline established in rule 62-343.130, F.A.C.

Daniel Cugini, Florida Investments, LLC
Farabee Pit
Permit No. 0269764-001
Page 14

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Richard W. Cantrell, Deputy Director
Division of Water Resource Management
2051 East Dirac Drive
Tallahassee, Florida 32310-3760
850/488-8217

Copies furnished to:

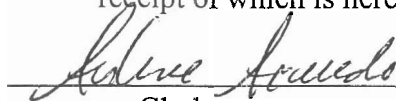
DEP, South District, Environmental Resource Permitting
DEP, South District, Industrial Wastewater Section
Southwest Florida Water Management District, Permitting
Southwest Florida Water Management District, Policy and Planning Office
Charlotte County, Division of Development Review
File

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this permit,
including all copies was mailed before the close of business
on April 20, 2007, to the above listed persons.

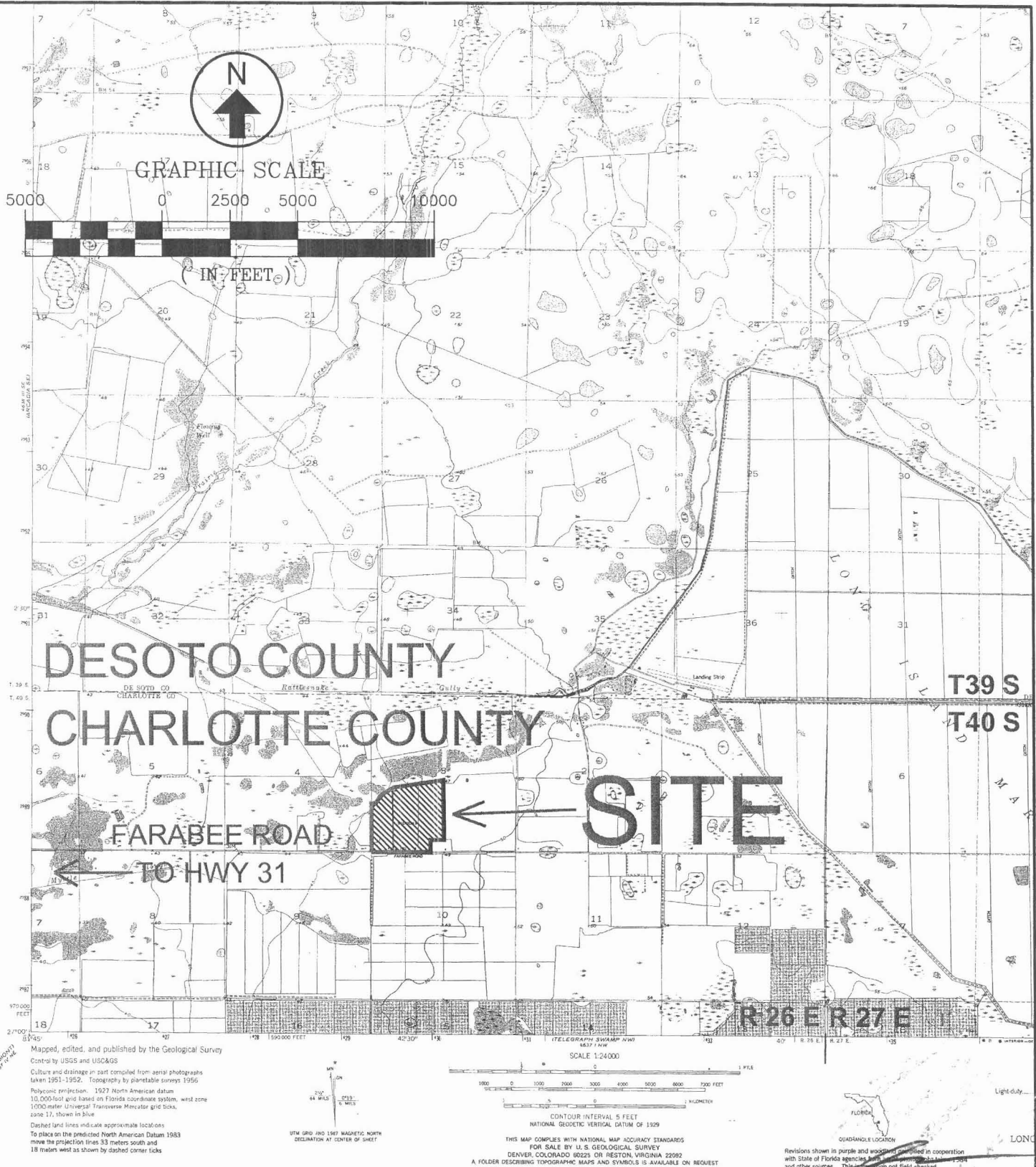
FILING AND ACKNOWLEDGMENT

FILED, on this date pursuant to 120.52,
Florida Statutes, with the designated Department Clerk,
receipt of which is hereby acknowledged.

 4/20/07
Clerk Date

Prepared by: Deborah Fiesler

Attached: 13 pages



WEC

**THE WEILER
ENGINEERING
CORPORATION**

20020 VETERANS BOULEVARD - SUITE 7
PORT CHARLOTTE, FLORIDA 33954
(941) 764-6447

**Figure A2. USGS MAP
Cropped from Long
Island Marsh SW
Quadrangle, Florida -
Charlotte County
Section: 3, Township: 40 S,
Range: 26 E**

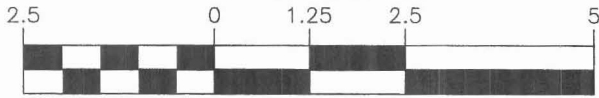
DEC 15 2006
Michael W. Hatfield
Professional Engineer
State of Florida
Registration No. 61286

Scale: NTS

Job no. 05110.004

Date: 08-18-06

GRAPHIC SCALE



(IN MILES)



WEC

THE WEILER
ENGINEERING
CORPORATION

20020 VETERANS BOULEVARD - SUITE 7
PORT CHARLOTTE, FLORIDA 33954
(941) 764-6447

Figure A1. Farabee Pit
Location Map

Section: 3, Township: 40 S,
Range: 26 E

DEC 15 2009
Michael W. Hatfield
Professional Engineer
State of Florida
Registration No. 61286

Scale: NTS

Job no. 05110.004

Date: 08-18-06

PERMIT# 02 69764-001

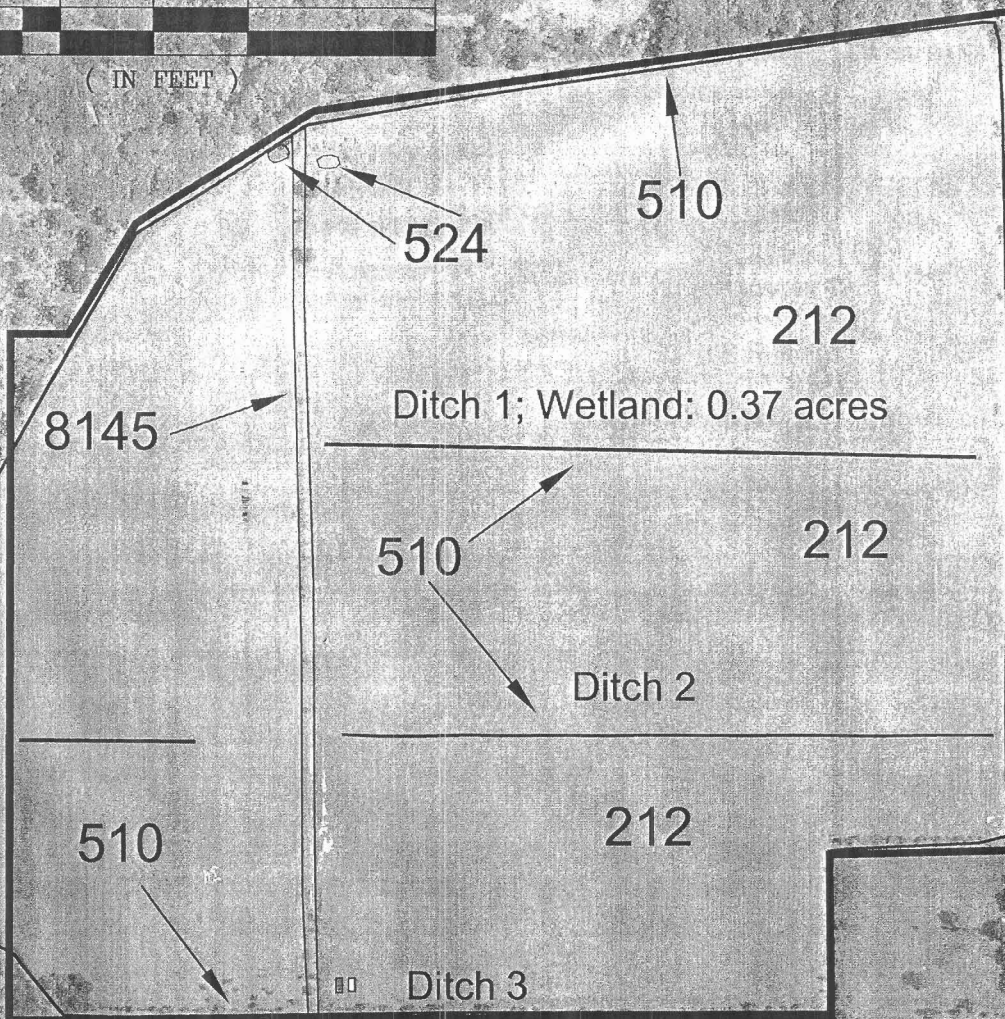


GRAPHIC SCALE

500 0 250 500 1000



(IN FEET)



FARABEE ROAD

212:	Unimproved pasture	135.69 ac	98.46 %
510:	Streams & Waterways	1.92 ac	1.39 %
524:	Lakes less than 10 ac	0.08 ac	0.06 %
8145:	Road-Graded and Drained:	0.13 ac	0.09 %
TOTAL:		137.82 ac	100.00 %

DEC 13 2006

WEC

THE WEILER
ENGINEERING
CORPORATION

Figure A4. Farabee Pit
Existing Land Use Map

Michael W. Hatfield
Professional Engineer
State of Florida
Registration No. 61286

20020 VETERANS BOULEVARD - SUITE 7
PORT CHARLOTTE, FLORIDA 33954
(941) 764-6447

Section: 3,
Township: 40 S,
Range: 26 E

Scale: NTS

Job no. 05110.004

Date: 08-18-06

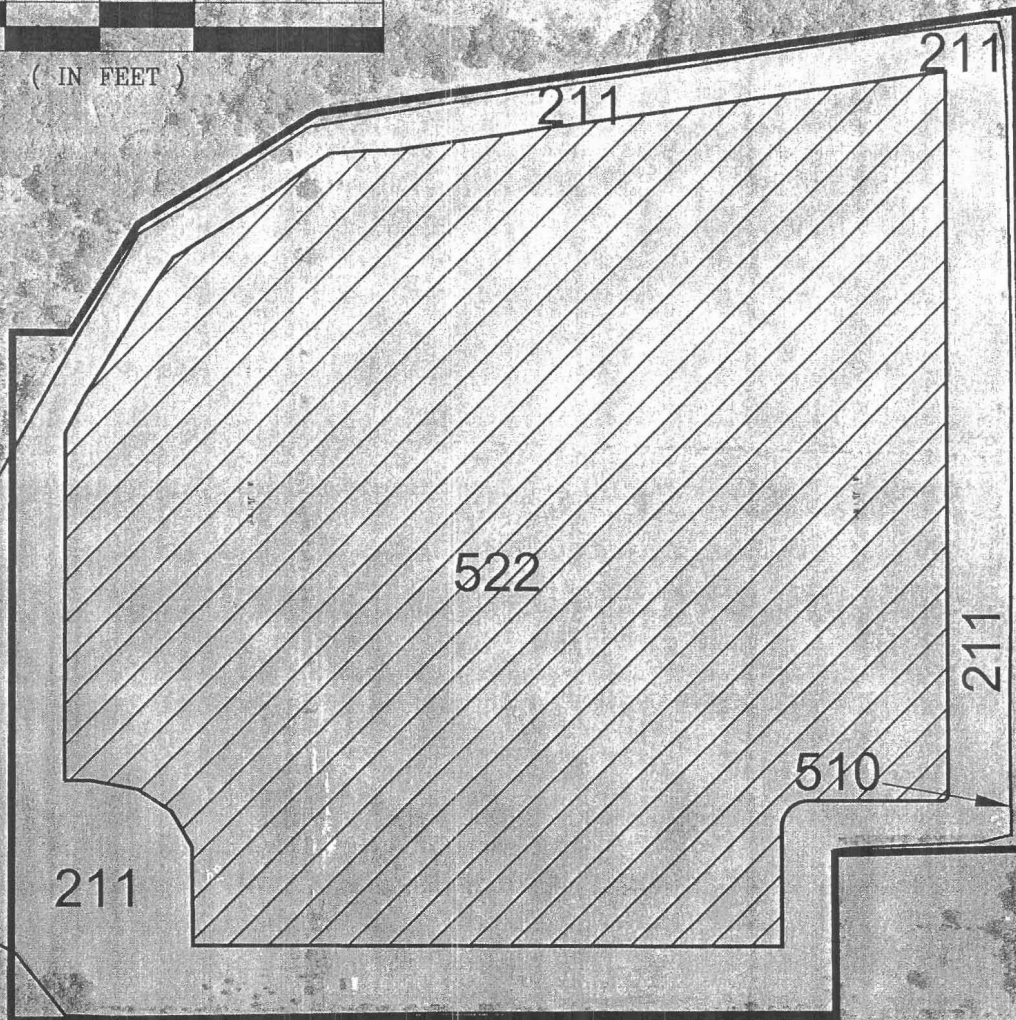
PERMIT# 02 69764-001



GRAPHIC SCALE

500 0 250 500 1000

(IN FEET)



FARABEE ROAD

211:	Improved pasture	33.41 ac	24.24 %
510:	Streams & Waterways	0.97 ac	0.70 %
522:	Lakes less than 500 ac more than 100 ac	103.44 ac	75.06 %
TOTAL:		137.82 ac	100.00 %

WEC

THE WEILER
ENGINEERING
CORPORATION

20020 VETERANS BOULEVARD - SUITE 7
PORT CHARLOTTE, FLORIDA 33954
(941) 764-6447

Figure A7. Farabee Pit
Proposed Land Use MAP

Section: 3,
Township: 40 S,
Range: 26 E

DEC 15 2006
Michael W. Hatfield
Professional Engineer
State of Florida
Registration No. 61286

Scale: NTS

Job no. 05110.004

Date: 08-18-06

PERMIT# 02 69764 - 001

NOT INCLUDED
UNDISTURBED AREA

GRAPHIC SCALE



(IN FEET)
1 inch = 300 ft.

DESCRIPTION:

A PARCEL OF LAND LYING IN THE SW 1/4 OF SECTION 3, TOWNSHIP 40 SOUTH, RANGE 26 EAST, CHARLOTTE COUNTY, FLORIDA DESCRIBED AS FOLLOWS: BEGIN AT THE SW CORNER OF SAID SECTION 3 FOR POINT OF BEGINNING; THENCE N 00°19'46" E ALONG WEST LINE OF SAID SECTION 3, 1790.29 FEET; THENCE S 89°20'22" E, 152.77 FEET; THENCE N 32°17'17" E, 336.46 FEET; THENCE N 58°29'24" E, 554.27 FEET; THENCE N 81°53'17" E, 1829.97 FEET TO A POINT ON THE EAST LINE OF SW 1/4 OF SAID SECTION 3; THENCE S 00°12'24" E ALONG SAID EAST LINE, 2166.85 FEET TO A POINT LYING 436.69 FEET NORTH OF THE SE CORNER OF SW 1/4 OF SAID SECTION 3; THENCE N 89°56'30" W AND PARALLEL TO SOUTH LINE OF SAID SW 1/4, 466.69 FEET; THENCE S 00°12'24" E AND PARALLEL TO EAST LINE OF SAID SW 1/4, 436.69 FEET TO SOUTH LINE OF SAID SW 1/4; THENCE N 89°56'30" W ALONG SAID SOUTH LINE, 2169.50 FEET TO POINT OF BEGINNING. SUBJECT TO COUNTY ROAD RIGHT-OF-WAY (FARABEE GRADE) ALONG SOUTH SIDE AND ALSO SUBJECT TO RESERVATIONS, RESTRICTIONS AND EASEMENTS OF RECORD.

KERMIT E. RUAN
REG. LAND SURVEYOR
FLA. CERT. NO. 1956
JUNE 15, 2006
15 NORTH BREYARD AVENUE
ARCADIA, FL 34266
(863) 494-3399

ALL R.N.G.V.D.
SECTION II = 14.75'
2597.609/76 = 396.3 AC±
SECTION I = 2017'
182821914 = 4197 AC±

LEGEND

- NOT INCLUDED
- UNDISTURBED AREA
- EXISTING DIRT ROAD
- PROPOSED GRASS
- EXISTING BUILDING
- PROPOSED ASPHALT PAVEMENT
- EXISTING BRIDGE
- PROPOSED PAVEMENT GRADE
- DIRECTION OF DRAINAGE FLOW
- EXISTING GROUND ELEVATION

FIGURE 6 - LAKE EXCAVATION PLAN (FULL)
for
FARABEE PIT

FLORIDA INVESTMENTS, LLC 20020 VETERANS BOULEVARD, SUITE 22 PORT CHARLOTTE, FL 33954

WEC THE WEILER ENGINEERING CORPORATION
20020 VETERANS BOULEVARD
SUITE 7-9
PORT CHARLOTTE, FLORIDA 33954
(941) 764-6447
EB #6656

Approved By:	Design:	AY
Scale:	1" = 300'	Drawn: TK
Job No:	05110.004	Checked:
Date Issued:	09/09/06	

Description	Revisions
1. AS PER COMMENTS FILE # 0269764.001	12/04/06 TK
2.	

PERMIT# 0269764-001

GRAPHIC SCALE



(IN FEET)
1 inch = 150 ft.



AG

WEST SIDE

DESCRIPTION:

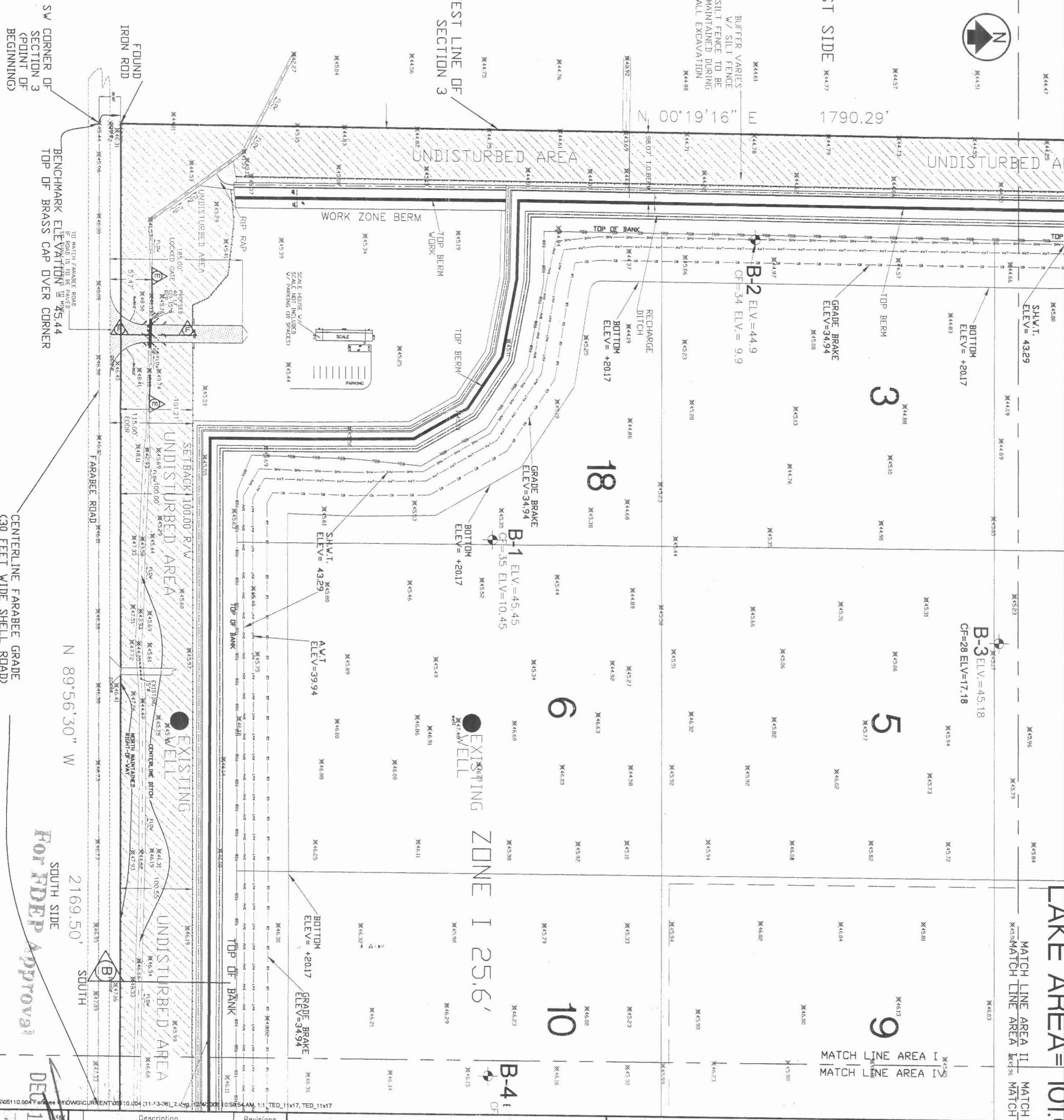
A PARCEL OF LAND LYING IN THE SW¼ OF SECTION 3, TOWNSHIP 40 SOUTH, RANGE 26 EAST, CHARLOTTE COUNTY, FLORIDA DESCRIBED AS FOLLOWS: BEGIN AT THE SW CORNER OF SAID SECTION 3 TOP POINT OF BEGINNING; THENCE N 00°19'16" E ALONG WEST LINE OF SAID SECTION 3, 1790.29 FEET; THENCE S 89°20'22" E, 152.77 FEET; THENCE N 32°17'17" E, 336.46 FEET; THENCE N 58°29'24" E, 554.27 FEET; THENCE N 81°53'17" E, 1829.97 FEET TO A POINT ON THE EAST LINE OF SW¼ OF SAID SECTION 3; THENCE S 00°12'24" E ALONG SAID EAST LINE, 2186.85 FEET TO A POINT LYING 436.69 FEET NORTH OF THE SE CORNER OF SW¼ OF SAID SECTION 3; THENCE N 89°56'30" W AND PARALLEL TO SOUTH LINE OF SAID SW¼, 466.69 FEET; THENCE S 00°12'24" E AND PARALLEL TO EAST LINE OF SAID SW¼, 436.69 FEET TO SOUTH LINE OF SAID SW¼; THENCE N 89°56'30" W ALONG SAID SOUTH LINE, 2169.50 FEET TO POINT OF BEGINNING. SUBJECT TO COUNTY ROAD RIGHT-OF-WAY (FARABEE GRADE) ALONG SOUTH SIDE AND ALSO SUBJECT TO RESERVATIONS, RESTRICTIONS AND EASEMENTS OF RECORD.

KERMIT E. RUAN
REG. LAND SURVEYOR
FLA. CERT. NO. 1956

JUNE 15, 2006
15 NORTH BREVARD AVENUE
ARCADIA, FL 34266
(863) 494-3399

LEGEND

- NOT INCLUDED
- UNDISTURBED AREA
- EXISTING DIRT ROAD
- PROPOSED GRASS
- EXISTING BUILDING
- PROPOSED ASPHALT PAVEMENT
- EXISTING BENCHMARK
- PROPOSED PAVEMENT GRADE
- DIRECTION OF DRAINAGE FLOW
- EXISTING GROUND ELEVATION



LAKE AREA = 101.1

MATCH LINE AREA II
MATCH LINE AREA I

MATCH LINE AREA I
MATCH LINE AREA IV

FIGURE 7 - LAKE EXCAVATION PLAN (AREA I of IV)
for
FARABEE PIT
FLORIDA INVESTMENTS, LLC 20020 VETERANS BOULEVARD, SUITE 22 PORT CHARLOTTE, FL 33954

WEC THE WEILER ENGINEERING CORPORATION
20020 VETERANS BOULEVARD
SUITE 7-9
PORT CHARLOTTE, FLORIDA 33954
(941) 784-6447
EB #6656

Approved By:	AY
Scale:	1" = 150'
Job No:	05110.004
Date Issued:	09/09/06
Design:	TK
Drawn:	
Checked:	

Description	Revisions
1. AS PER COMMENTS FILE # 0269764.001	12/04/06 TK
2.	

DEC 15, 2006

For FDEP Approval

SOUTH SIDE
2169.50' SOUTH

N 89°56'30" W

FARABEE ROAD

BENCHMARK ELEVATION = 45.44
TOP OF BRASS CAP OVER CORNER

SW CORNER OF SECTION 3 (POINT OF BEGINNING)

PROPOSED PAVEMENT GRADE

DIRECTION OF DRAINAGE FLOW

EXISTING GROUND ELEVATION

EXISTING BUILDING

PROPOSED ASPHALT PAVEMENT

PROPOSED GRASS

EXISTING DIRT ROAD

UNDISTURBED AREA

NOT INCLUDED

EXISTING BENCHMARK

PROPOSED ASPHALT PAVEMENT

EXISTING BUILDING

PROPOSED GRASS

EXISTING DIRT ROAD

UNDISTURBED AREA

NOT INCLUDED

EXISTING BENCHMARK

PROPOSED ASPHALT PAVEMENT

EXISTING BUILDING

PROPOSED GRASS

EXISTING DIRT ROAD

UNDISTURBED AREA

NOT INCLUDED

EXISTING BENCHMARK

PROPOSED ASPHALT PAVEMENT

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PROPOSED GRASS

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PROPOSED ASPHALT PAVEMENT

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EXISTING BENCHMARK

PROPOSED ASPHALT PAVEMENT

EXISTING BUILDING

PROPOSED GRASS

EXISTING DIRT ROAD

UNDISTURBED AREA

NOT INCLUDED

EXISTING BENCHMARK

PROPOSED ASPHALT PAVEMENT

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EXISTING BENCHMARK

PROPOSED ASPHALT PAVEMENT

EXISTING BUILDING

PROPOSED GRASS

EXISTING DIRT ROAD

UNDISTURBED AREA

NOT INCLUDED

EXISTING BENCHMARK

PROPOSED ASPHALT PAVEMENT

EXISTING BUILDING

PROPOSED GRASS

EXISTING DIRT ROAD

UNDISTURBED AREA

NOT INCLUDED

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PROPOSED ASPHALT PAVEMENT

EXISTING BUILDING



(IN FEET)
1 inch = 150 ft.

DESCRIPTION:

A PARCEL OF LAND LYING IN THE SW¼ OF SECTION 3, TOWNSHIP 40 SOUTH, RANGE 26 EAST, CHARLOTTE COUNTY, FLORIDA DESCRIBED AS FOLLOWS: BEGIN AT THE SW CORNER OF SAID SECTION 3 FOR POINT OF BEGINNING; THENCE N 00°19'16" E ALONG WEST LINE OF SAID SECTION 3, 1790.29 FEET; THENCE S 89°20'22" E, 152.77 FEET; THENCE N 32°17'17" E, 336.46 FEET; THENCE N 58°29'24" E, 554.27 FEET; THENCE N 81°53'17" E, 1829.97 FEET TO A POINT ON THE EAST LINE OF SW¼ OF SAID SECTION 3; THENCE S 00°12'24" E ALONG SAID EAST LINE, 2186.85 FEET TO A POINT LYING 436.69 FEET NORTH OF THE SE CORNER OF SW¼ OF SAID SECTION 3; THENCE N 89°56'30" W AND PARALLEL TO SOUTH LINE OF SAID SW¼, 466.69 FEET; THENCE S 00°12'24" E AND PARALLEL TO EAST LINE OF SAID SW¼, 436.69 FEET TO SOUTH LINE OF SAID SW¼; THENCE N 89°56'30" W ALONG SAID SOUTH LINE, 2169.50 FEET TO POINT OF BEGINNING. SUBJECT TO COUNTY ROAD RIGHT-OF-WAY (FARABEE GRADE) ALONG SOUTH SIDE AND ALSO SUBJECT TO RESERVATIONS, RESTRICTIONS AND EASEMENTS OF RECORD.

KERMIT E. ROAN
REG. LAND SURVEYOR
FLA. CERT. NO. 1956

JUNE 15, 2006
15 NORTH BREVARD AVENUE
ARCADIA, FL 34266
(863) 494-3399

LEGEND

- NOT INCLUDED
- UNDISTURBED AREA
- EXISTING DIRT ROAD
- PROPOSED GRASS
- EXISTING BUILDING
- PROPOSED ASPHALT PAVEMENT
- EXISTING BOREHOLE
- PROPOSED PAVEMENT GRADE
- DIRECTION OF DRAINAGE FLOW
- EXISTING GROUND ELEVATION

INSTALL SECURITY FENCE
4" TALL TO BE MAINTAINED
DURING ALL EXCAVATION
AND CONSTRUCTION

WEST

NOT INCLUDED
UNDISTURBED AREA

858.67'

S 89°20'22" E
152.77'

WEST

N 32°17'17" E
336.46'

N 58°29'24" E
554.27'

N 81°53'17" E

NORTH

UNDISTURBED AREA

RECHARGE DITCH

A.W.T. ELEV=39.94

GRADE BRAKE ELEV=34.94

BOTTOM ELEV=+14.75

BOTTOM ELEV=+14.75

GRADE BRAKE ELEV=34.94

A.W.T. ELEV=39.94

BOTTOM ELEV=+14.75

BOTTOM ELEV=+14.75

2

195071.40 SQ.FT.
4.48 AC±

4

217572.80 SQ.FT.
4.99 AC±

For FDEP Approval

216739.20 SQ.FT.
4.98 AC±

8

LAKE AREA= 101.60 AC±

MATCH LINE AREA II MATCH LINE AREA III
MATCH LINE AREA I MATCH LINE AREA IV

B-3 ELV.=45.18
CF=28 ELV=17.18

B-6 ELV.=45.75
CF=33 ELV=12.06

DEC 15 2006

PERMIT# 02 69764-001

AY	TK
Design:	Drawn:
Scale: 1" = 150'	Job No: 05110.004
Approved By:	Checked:
Date Issued: 09/09/06	EB #6656
WEC THE WELLER ENGINEERING CORPORATION	
20020 VETERANS BOULEVARD	
SUITE 7-9	
PORT CHARLOTTE, FLORIDA 33954	
(941) 764-6447	
FIGURE 8 - LAKE EXCAVATION PLAN (AREA II of IV)	
for FARABEE PIT	
FLORIDA INVESTMENTS, LLC 20020 VETERANS BOULEVARD, SUITE 22 PORT CHARLOTTE, FL 33954	
Revisions	12/04/06 TK
1. AS PER COMMENTS FILE # 0269764.001	
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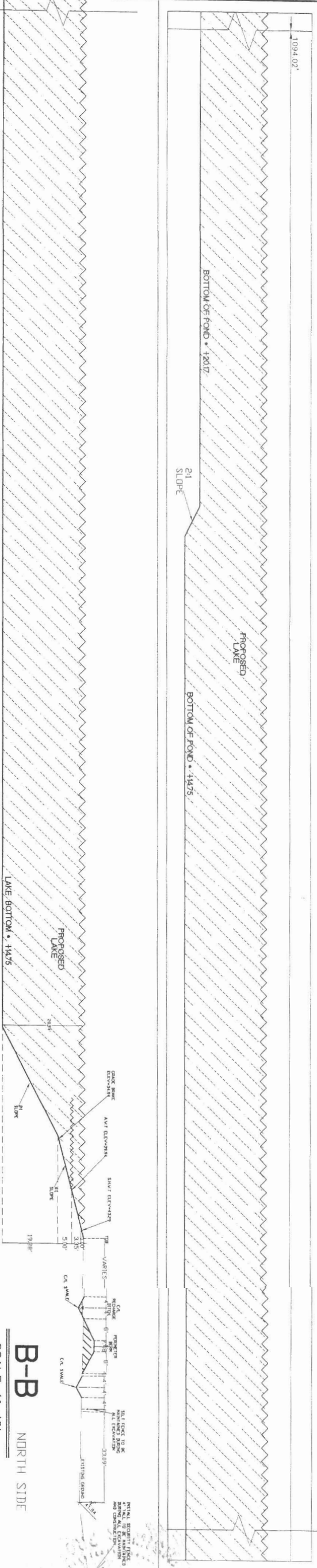
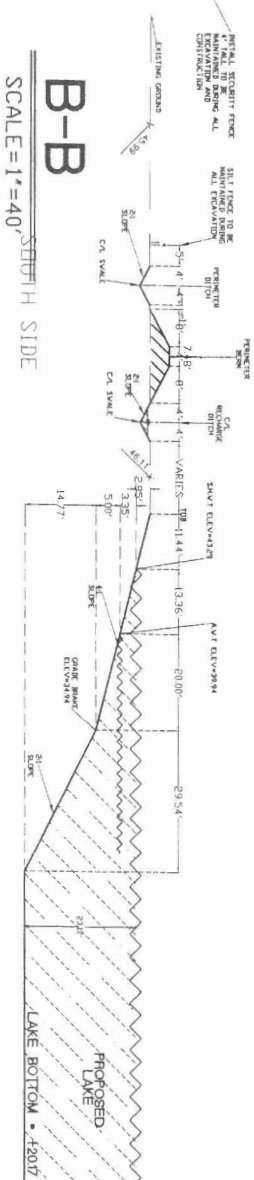
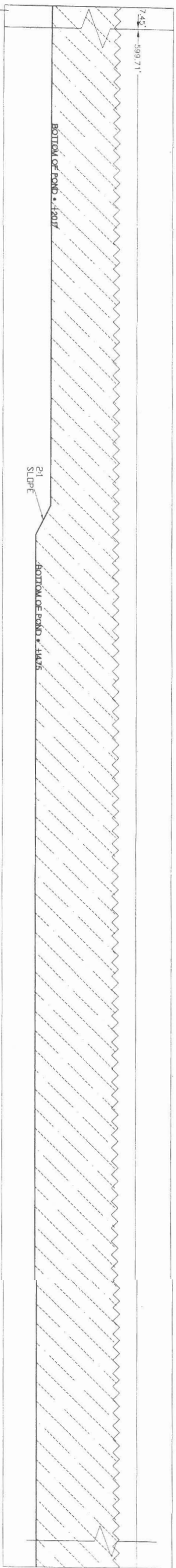


FIGURE 11 - CUT SECTIONS I
for
FARABEE PIT

WEC THE WEILER ENGINEERING
CORPORATION
20020 VETERANS BOULEVARD
SUITE 7-9
PORT CHARLOTTE, FLORIDA 33954
(941) 764-6447

Approved By:	Design:	AY
Scale: 1" = 40'	Drawn:	TK
Job No: 05110.004	Checked:	
Date Issued: 09/09/06		

Description		Revisions
1.	AS PER COMMENTS FILE # 0269764-001	12/04/06 TK
2.		

FLORIDA INVESTMENTS, LLC 20020 VETERANS BOULEVARD, SUITE 22 PORT CHARLOTTE FL 33954

EB #6656

PERMIT# 0269764-001

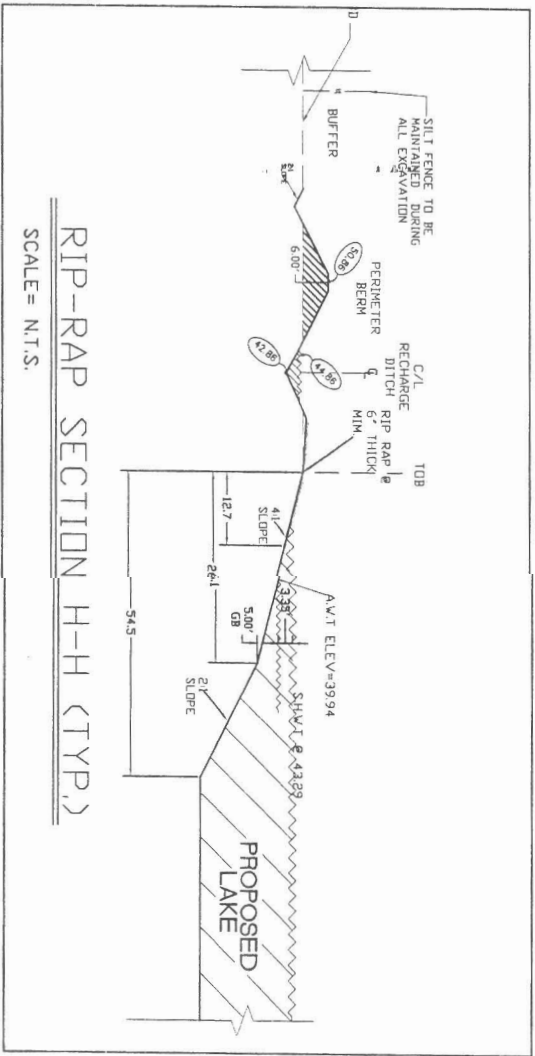
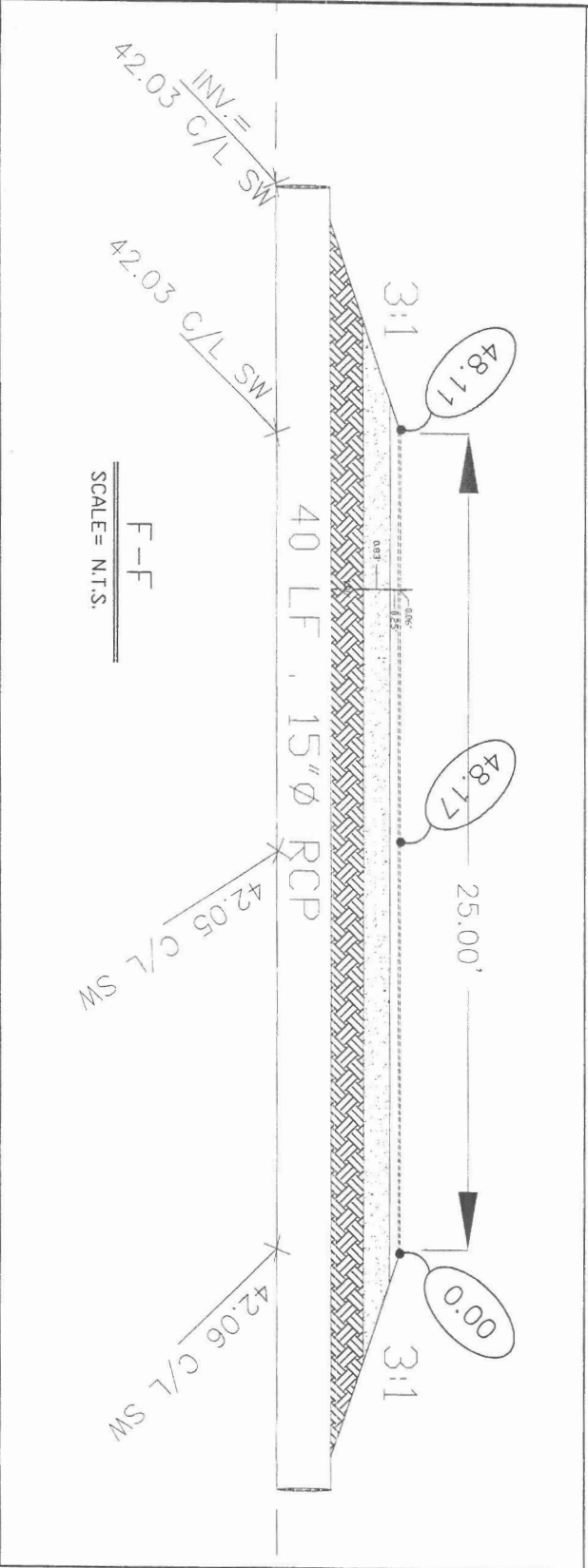
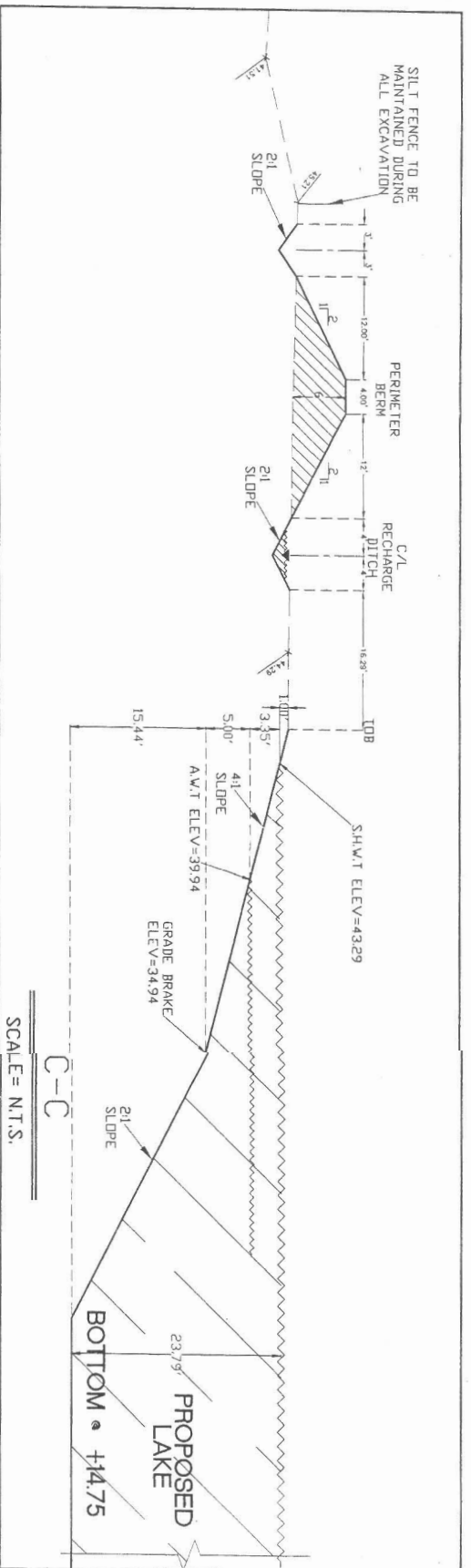
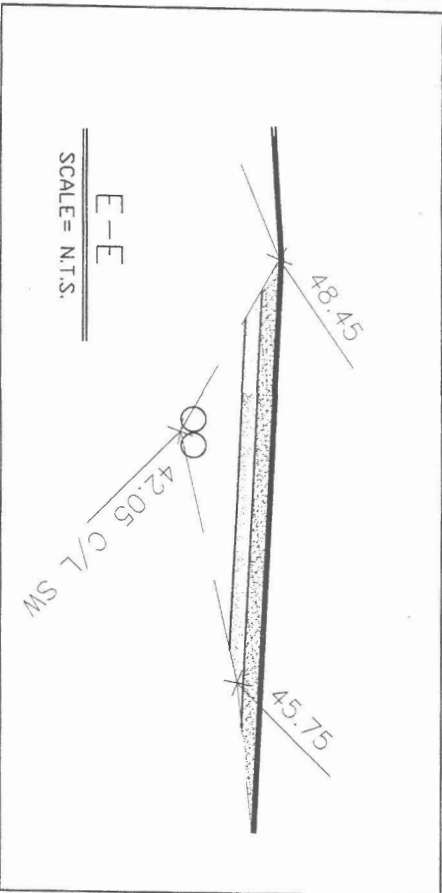


FIGURE 12 - CUT SECTIONS II
for
FARABEE PIT

FLORIDA INVESTMENTS, LLC 20020 VETERANS BOULEVARD, SUITE 22 PORT CHARLOTTE, FL 33954

WEC THE WEILER ENGINEERING CORPORATION
20020 VETERANS BOULEVARD
SUITE 7-9
PORT CHARLOTTE, FLORIDA 33954
(941) 764-6447

Approved By:	Design:	AY
Scale: N.T.S.	Drawn:	TK
Job No: 05110.004	Checked:	
Date Issued: 09/09/06		

EB #6656

FOR RIDEF Approval

PERMIT# 0269764-001

W:\2005\05110.004 Farabee Pit\DWG\CURRENT\05110.004 (11-13-06)_2.dwg, 12/4/2006 11:15:56 AM, 1:1, TED_11x17, TED_11x17

Description	Revisions
AS PER COMMENTS FILE # 0269764.001	12/04/06 TK

DEC 13 2006

MEMORANDUM

TO: Mr. Dan DeLisi
DeLisi, Inc.

FROM: Ted B. Treesh
President

DATE: July 26, 2024

RE: Farabee Mine & Shell
Charlotte County, Florida

TR Transportation Consultants, Inc. has completed a traffic statement for the proposed Comprehensive Plan Amendment and Zoning Amendment application for expansion of the existing mining area within the site located on the north side of Farabee Road approximately 3 miles east of S.R. 31 in Charlotte County, Florida.

EXISTING CONDITIONS

The majority of the 140-acre site is currently being mined for shell rock to a depth of approximately 35 feet based on reports filed with the Florida Department of Environmental Protection. There are two (2) shaker facilities currently being utilized to process the material being removed from the ground prior to it being removed from the site. The mine operates between the hours of 7:00 AM and 3:45 PM Monday through Friday. Based on the last report filed with the State of Florida in 2022, there was approximately 250,000 cubic yards of material removed from the site in the calendar year. Discussions with the operator indicate that on average, there are approximately 30 to 40 trucks per day entering the site to remove material that has been mined and processed.

Access to the site is provided via a single access connection to Farabee Road. Farabee Road is currently a two-lane unpaved roadway that extends east from S.R. 31 serving agricultural and residential uses. Farabee Road is maintained by Charlotte County.

PROPOSED EXPANSION

The proposed mining expansion would include an additional approximately 17.2 acres of area that would be mined within the boundaries of the existing property. The existing two (2) shaker facilities would not be expanded and would remain. Material from the additional 17.2 acres will be hauled to the existing shakers and processed just as the material that is currently being mined is being processed.

The expansion will not create any additional access to Farabee Road and will not have any additional impact on the adjacent roadway network as the expansion project itself will not generate additional trips on adjacent roadway network. Adding the additional mining area will simply provide additional area to be mined for the existing Farabee Mine & Shell Facility. It is anticipated that this additional land will only extend the life of the mine. The demand for the material being mined from the site is driven by the area economy and the construction business, such as home construction and road construction.

As these activities increase, so does the demand for the materials being supplied by this and other mines in the area. As these activities decrease, so does the demand for the materials. The mine operations remove the material from the ground, process the material on-site and stock pile it for removal by independent truck haulers that haul the material to job sites and construction sites throughout Southwest Florida. It is simply providing the supply to meet the demand. Increasing the area to be mined will not impact the demand for the material and will not have an impact on the trip generation of the overall site. The number of employees working at the site will also not be impacted.

Based upon the most recent traffic count data collected by the Florida Department of Transportation along SR 31 south of Farabee Road, SR 31 currently is operating at a Level of Service "C". Based on the attached **Table 1A** and **2A**, it is projected that SR 31 will continue to operate at a LOS "C" in the next several years based on the historical traffic trends in this area. As the proposed Comprehensive Plan and Zoning application for the mine expansion for the Farabee Mine & Shell site will not increase the trip generation potential of the existing site, the trips from the site are already included in the 2023 FDOT traffic counts along SR 31.

Attachments

TABLE 1A
TWO-WAY PROJECT TRAFFIC VS. LOS D LINK VOLUMES
FARABEE MINE & SHELL

TOTAL AM PEAK HOUR PROJECT TRAFFIC =		10 VPH	IN=	5	OUT=	5						
TOTAL PM PEAK HOUR PROJECT TRAFFIC =		5 VPH	IN=	2	OUT=	3						
<u>ROADWAY</u>	<u>SEGMENT</u>	Sta.	ROADWAY #	<u>CLASS</u>	LOS A <u>VOLUME</u>	LOS B <u>VOLUME</u>	LOS C <u>VOLUME</u>	LOS D <u>VOLUME</u>	LOS E <u>VOLUME</u>	PERCENT PROJECT TRAFFIC	TWO-WAY PROJECT TRAFFIC	% PROJ TRAFFIC of LOS "D"
SR 31	N. of Farabee Rd.	194	2LN	0	440	780	780	1,330	2,710	20%	2	0.2%
	S. of Farabee Rd.	145	2LN	0	440	780	780	1,330	2,710	80%	8	0.6%

* Two-way peak hour Level of Service Thresholds taken from the 2023 FDOT Multimodal Quality/Level of Service Handbook for C2 Roadway Context Classification
SR 31 is a C2 Context Classification per FDOT

TABLE 2A
CHARLOTTE COUNTY TRAFFIC COUNTS AND LEVEL OF SERVICE CALCULATIONS
FARABEE MINE & SHELL

TOTAL PROJECT TRAFFIC AM =		10	VPH	IN =	5	OUT=	5
TOTAL PROJECT TRAFFIC PM =		5	VPH	IN =	2	OUT=	3
SR 31	<u>ROADWAY</u>	<u>SEGMENT</u>	Sta.	2023		2025	
				PK HR		PK HR	
				ANNUAL RATE ¹		PK SEASON VOLUME	
				2023 AADT		TWO-WAY TRAFFIC	
			#	VOLUME ²		TWO-WAY TRAFFIC	
	N. of Farabee Rd.		194	646		2	
	S. of Farabee Rd.		145	646		8	
				1.00%		20%	
				1.00%		80%	
						661	
						667	
						C	
						C	

² The 2023 peak hour peak season two-way traffic volumes were factored from the AADT volumes from the FDOT Traffic Online traffic data

C1 & C2

Motor Vehicle Highway Generalized Service Volume Tables

Peak Hour Directional

	B	C	D	E
1 Lane	240	430	730	1,490
2 Lane	1,670	2,390	2,910	3,340
3 Lane	2,510	3,570	4,370	5,010

Peak Hour Two-Way

	B	C	D	E
2 Lane	440	780	1,330	2,710
4 Lane	3,040	4,350	5,290	6,070
6 Lane	4,560	6,490	7,950	9,110

AADT

	B	C	D	E
2 Lane	4,600	8,200	14,000	28,500
4 Lane	32,000	45,800	55,700	63,900
6 Lane	48,000	68,300	83,700	95,900

Adjustment Factors

2 Lane Divided Roadway with Exclusive Left Turn Adjustment: Multiply by 1.05
 Multilane Undivided Highway with Exclusive Left Turn Adjustment: Multiply by 0.95
 Multilane Undivided Highway without Exclusive Left Turn Adjustment: Multiply by 0.75



(C1-Natural & C2-Rural)

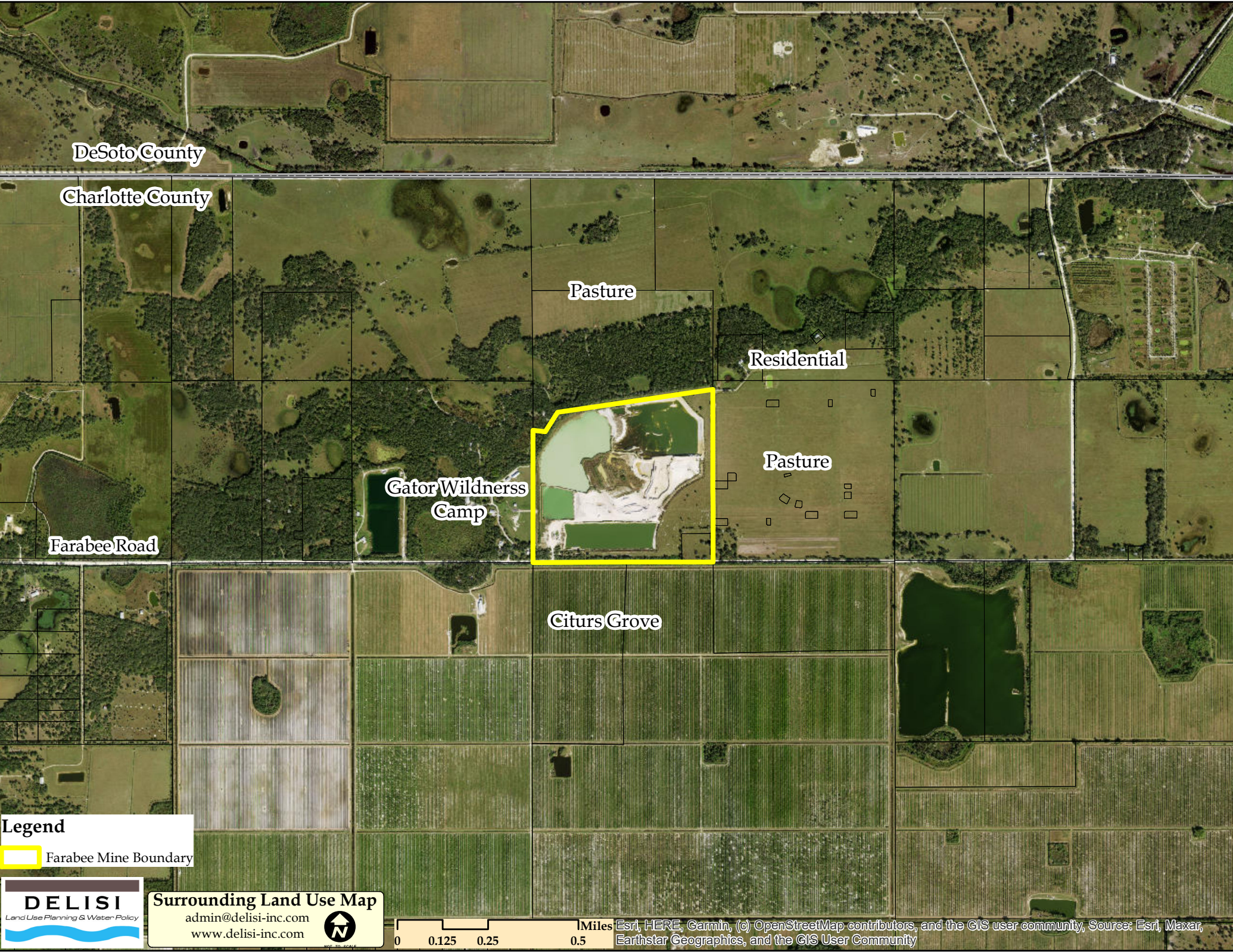
FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2023 HISTORICAL AADT REPORT

COUNTY: 01 - CHARLOTTE

SITE: 0041 - SR 31, NORTH OF CR 74

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2023	6800 F	N 3300	S 3500	9.50	56.80	45.80
2022	6000 C	N 2900	S 3100	9.50	52.10	45.80
2021	4700 C	N 2300	S 2400	9.50	52.80	41.30
2020	6700 C	N 3400	S 3300	9.50	53.70	7.00
2019	6100 E	N 0	S 0	9.50	54.00	13.60
2018	5900 C	N 2800	S 3100	9.50	55.20	26.90
2017	5700 C	N 2900	S 2800	9.50	54.40	39.60
2016	4000 F	N 2000	S 2000	9.50	54.20	39.60
2015	3600 C	N 1800	S 1800	9.50	54.70	39.60
2014	3500 S	N 1900	S 1600	9.50	53.90	45.40
2013	3400 F	N 1800	S 1600	9.50	53.80	45.40
2012	3400 C	N 1800	S 1600	9.50	54.20	45.40
2011	3300 F	N 1700	S 1600	9.50	53.50	39.00
2010	3300 C	N 1700	S 1600	9.91	54.00	39.10
2009	3000 C	N 1600	S 1400	10.02	52.49	36.10
2008	2600 C	N 1300	S 1300	9.88	55.53	40.60

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE
S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE
V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN
*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES



DeSoto County

Charlotte County

Pasture

Residential

Pasture

Gator Wildnerss
Camp

Farabee Road

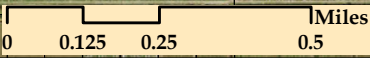
Citurs Grove

Legend

 Farabee Mine Boundary

DELISI
Land Use Planning & Water Policy

Surrounding Land Use Map
admin@delisi-inc.com
www.delisi-inc.com



Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community. Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Archived: Tuesday, July 23, 2024 3:16:02 PM

From: [Miller, Marissa L.](#)

Sent: Monday, June 10, 2024 8:20:33 AM

To: [Daniel DeLisi](#)

Subject: RE: Letter on Historic Resources

Importance: Normal

Sensitivity: None

Attachments:

[Map.pdf](#) 

Good morning Daniel,

I have completed your search and there are no previously recorded resources within your requested area. I have attached a map for your reference. Let me know if you need anything else or if you have any questions. Have a great day!



This record search is for informational purposes only and does NOT constitute a project review. This search only identifies resources recorded at the Florida Master Site File and does NOT provide project approval from the Division of Historical Resources. Contact the Compliance and Review Section of the Division of Historical Resources at 850-245-6333 for project review information.

Marissa Miller

Historic Data Analyst | Florida Master Site File | Bureau of Historic Preservation | Division of Historical Resources |
Florida Department of State | 500 South Bronough Street | Tallahassee, Florida
32399 | 850.245.6424 | 1.800.847.7278 | Fax: 850.245.6439 | flheritage.com



From: Daniel DeLisi <dan@delisi-inc.com>

Sent: Sunday, June 9, 2024 3:13 PM

To: FMSFILE <FMSFILE@dos.myflorida.com>

Subject: RE: Letter on Historic Resources

EMAIL RECEIVED FROM EXTERNAL SOURCE

The attachments/links in this message have been scanned by Proofpoint.

Greetings,

The attached is a request to search for previously recorded cultural resources on the subject property. I have attached the appropriate form, and a property boundary overlaid on an aerial. If you should require any additional information, please do not hesitate to contact me.

Best regards.

Daniel DeLisi, AICP
DeLisi, Inc.

dan@delisi-inc.com

www.delisi-inc.com





DE01149

Farabee Rd

Farabee Rd

Farabee Rd

Legend

- FARABEE MINE AND SHELL (140.7 AC)
- MINING EXPANSION (17.2 AC)



SITE PLAN FARABEE MINE AND SHELL 07-EX-06 CHARLOTTE COUNTY, FL	
RESPEC Company, LLC has provided the images or data presented in this map for informational purposes only. This data is not intended to be used in lieu of official survey data provided by a Professional Surveyor licensed by the State of Florida Image: ESRI AERIAL	6/24/2024

N 0 200 400 US Feet Scale: 1:4,800	
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