



Staff Report for: PAL-24-05 and Z-24-15

Meeting Date: December 9, 2024/January 28, 2025/March 25, 2025

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

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

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

Part 1 – General Information

Applicant: Farabee Mine and Shell, LLC, 3832 SW Addison Avenue, Arcadia, FL 34266

Agent: Daniel DeLisi, AICP DeLisi, Inc., 520 27th Street, West Palm Beach, FL 33407

Owner: Farabee Mine and Shell, LLC, 3832 SW Addison Avenue, Arcadia, FL 34266

Request: A privately initiated request to:

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

Location: **Commission District I:** The subject property is located at 45030 and 45450 Farabee Road, in the Punta Gorda area and within the East County area.

Area: The subject property contains a total of 140.70± acres.

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

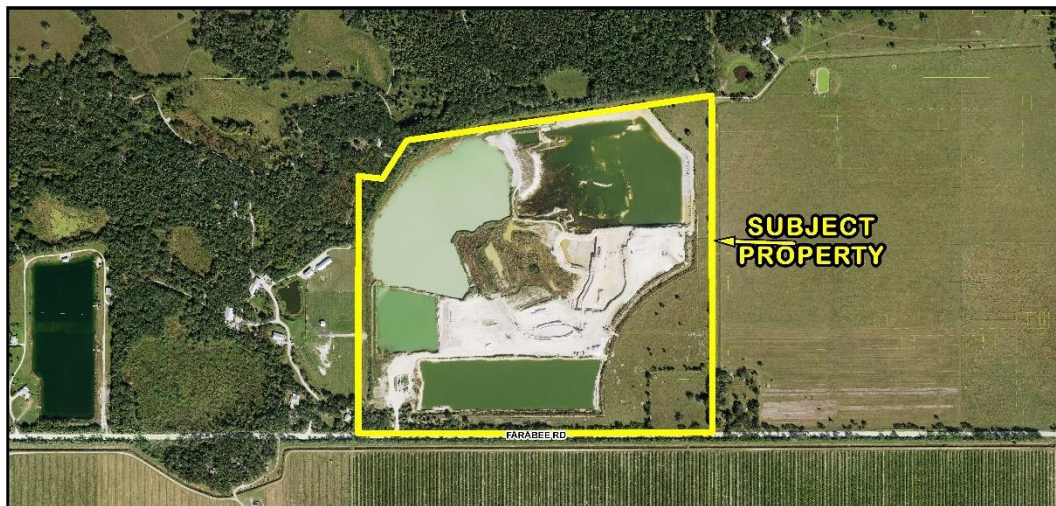
Part 2 – Analysis and Conclusion

Request

The applicant/property owner, Farabee Mine and Shell, LLC, is requesting a large scale plan amendment from Agriculture (AG) to Mineral Resource Extraction (MRE) and a companion rezoning from Agriculture (AG) to Excavation and Mining (EM). The stated purpose of these two applications is to ensure that the Future Land Use Map designation and zoning district are

consistent with the majority use of the subject property for commercial excavation activities and to allow for expansion of the existing mining area by 17 acres.

The subject property is located at 45030 and 45450 Farabee Road, which is located three miles to the east of SR 31, in the Punta Gorda area and within the East County area. The site contains approximately 140.70 acres. The majority of the subject property has an existing commercial excavation operation.



PAL-24-05 and Z-24-15 Area Image



PAL-24-05 and Z-24-15 Area Image

Current Status

On December 9, 2024, this large scale plan amendment to Mineral Resource Extraction (MRE); and the associated Excavation and Mining (EM) rezoning for the subject property were presented to the Planning and Zoning Board for their consideration. The Planning and Zoning Board recommended approval of the large scale plan amendment and approval of its rezoning by a unanimous vote.

Subsequently, on January 28, 2025, the Board of County Commissioners (Board) approved this large scale plan amendment application (PAL-24-05) for transmittal to the Florida Department of Commerce and other State review agencies for review and comment via the Expedited State Review process.

On February 28, 2025, the **Florida Department of Commerce** issued a letter stating that: *"FloridaCommerce has reviewed the proposed comprehensive plan amendment for Charlotte County (Amendment No. 25-01ESR) received on January 29, 2025. The review was completed under the expedited state review process. **We have no comment on the proposed amendment.**"*

On February 26, 2025, the **Southwest Florida Water Management District** issued a letter stating that: *"The Southwest Florida Water Management District (District) has reviewed the proposed amendment. We are not forwarding any comments for consideration."*

On February 26, 2025, the **Florida Fish and Wildlife Conservation Commission** issued an email stating that: *"Florida Fish and Wildlife Conservation Commission (FWC) staff reviewed the proposed comprehensive plan amendment in accordance with Chapter 163.3184(3), Florida Statutes. We have no comments, recommendations, or objections related to listed species and their habitat or other fish and wildlife resources to offer on this amendment."*

On March 20, 2025, the **Florida Department** issued an email stating that: *"FDOT reviewed Charlotte County's proposed Comprehensive Plan Amendment (CPA) package 25-01ESR.*

The CPA-25-01ESR is a privately initiated request to amend Charlotte County FLUM Series Map #1: 2030 Future Land Use from Agricultural (AG) to Mineral Resource Extraction (MRE) and amend the Charlotte County Zoning Atlas from Agricultural (AG) to Excavation and Mining (EM). The 140.70-acre property is located at 45030 and 45450 Farabee Road in the Punta Gorda area, about 3 miles west of SR 31.

FDOT Technical Review Comment:

The property is located just east of SR 31, which is the main way in and out of the property. The department would like to request the development's TIS for a review of its impacts on SR 31 and its interactions with Farabee Road and Turner Road. Additionally, the property already has mining activities, and the proposal would only expand the site. Some clarification would help us determine a more accurate impact on the state facilities. The Department also requests to be involved in any coordination efforts to mitigate impacts to SR 31 and the intersection with Farabee Road.

SR 31 is a 2-lane Principal Arterial roadway. Its current capacity is 8,200 AADT, and its LOS D is 2029 and 2045. This segment is anticipated to remain a 2-lane road in the foreseeable future (2045)."

Staff's Response

All State review agencies' comments have been forwarded to the applicant's agent for consideration.

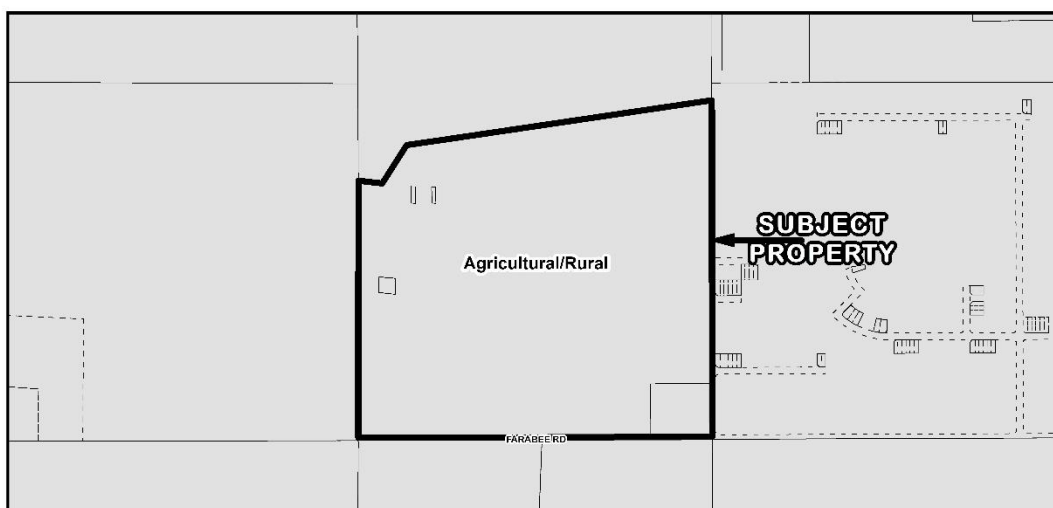
Compatibility and Impacts on Adjacent Land Uses

The property located to the north, south, west and east of the site is zoned Agriculture (AG) with an Agriculture (AG) Future Land Use Map (FLUM) designation. This area is mostly utilized for

grazing land. According to the submitted “1/2 Mile Distance Map” (Attachment 1), there is only a shed associated with the campground located to west of the subject property and within 500 feet of the site. There is also one wetland area located to the northwest corner of the subject property, containing approximately 2.54 acres, which will be preserved, and no mining is allowed.

Consistency with the County’s Comprehensive Plan

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



PAL-24-05 and Z-24-15 Framework

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

There are specific “Requirements” and “Special Provisions” under the proposed Mineral Resource Extraction (MRE) FLUM designation, which are as follows:

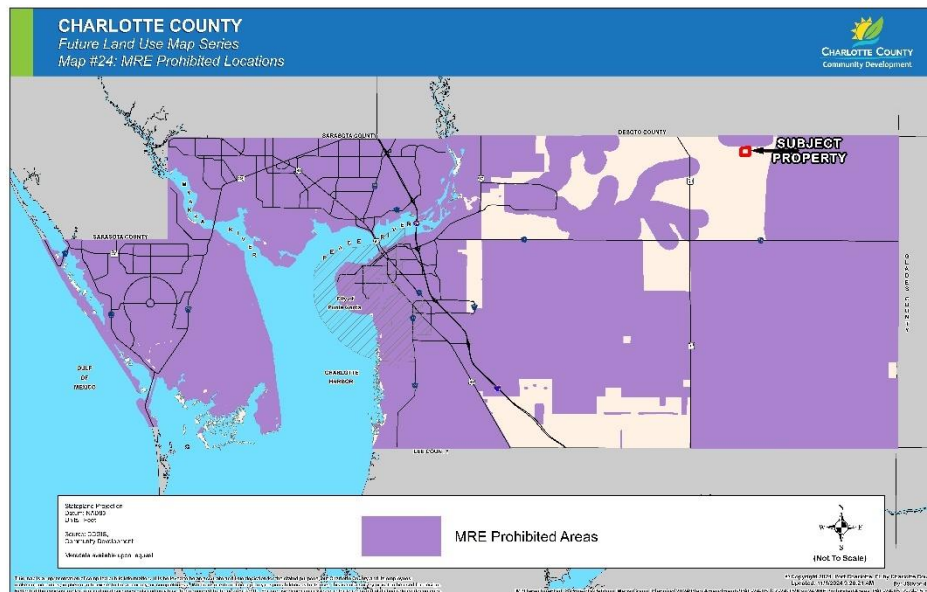
Requirements of the Plan Amendment:

1. *Limitations on Location: FLUM Series Map #24: MRE Prohibited Locations identifies the areas of the County where this designation is permitted. Generally, permitted locations include*

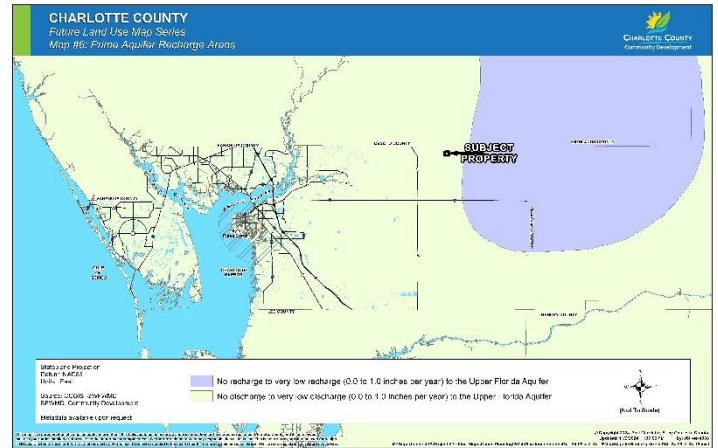
properties located in the Rural Service Area east of U.S. 17 and U.S. 41 except properties located within:

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

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



The subject site is located within the Rural Service Area and is in the East County area. The site is located outside of one-half mile setback of the Watershed Overlay District or Tippen Bay and Long Island Marsh areas (FLUM Series Map #4). The subject property is also located outside of the Prime Aquifer Recharge Area of northeast Charlotte County (FLUM Series Map #6) or one-half mile of the recharge area. Therefore, the subject site meets the location limitation requirement of the proposed MRE FLUM designation and is also consistent with **ENV Policy 1.4.9: Watershed Overlay District**, which states that commercial excavations are prohibited. Furthermore, the subject site contains a total of 140.70± acres, which meets the minimum acreage of 50 acres under this MRE FLUM designation.



Analysis: According to the submitted Florida Land Use, Cover and Forms Classification System (FLUCFCS) map and an Environmental Assessment report prepared by Ecological Service Associates and dated November 21, 2024, there is a wetland area, containing approximately 2.54 acres, located on the northwest portion of the subject property and adjacent to the existing commercial excavation area. The proposed expansion area contains both the “cropland and pastureland” and the “improved pastures”. In addition, based on the application, the existing mining activities have been operating under an environmental resource permit number 0269764-001 with the Department of Environmental Protection. The preservation and impacts to onsite and off-site wetlands were evaluated in that process and limitations to the mining operation are in place to ensure that there are no negative impacts. These include limitations on depth and the monitoring of groundwater levels. If the requested land use change to MRE and rezoning to EM

are approved by the Board of County Commissioners (Board), any additional mining will need an amendment to the Environmental Resource Permit, which will also require an analysis of impacts to onsite and off-site wetlands.

Therefore, based on the information above, staff concurs that the proposed changes should not have negative impacts on the current County's wetland resources.

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

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

Compatibility and Impacts on Adjacent Uses:

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

Visually, the proposed commercial excavation will replace current agricultural activities over the approximately 17 acres, which are mainly the pastureland. Mining activities will be predominantly below ground level and may not create any short-term issues; longer term, a water body suitable for diverse animal, bird, and other species habitat will be created for improved intermediate to longer term visual pleasure. In addition, the reclaimed lakes are generally quiet and may have a positive impact on property values in the area, providing a reliable and aesthetic water source, and many uses for recreational purposes.

Concurrency Issues

- **Potable Water and Sanitary Sewer:** The subject site is located in the Rural Service Area, and no water and sanitary sewer services are available. The proposed excavation will be served by a well and septic system.

- **Student Generation:** The proposed changes will not increase or decrease residential development rights for the subject property. Therefore, no student generation is expected to be changed as a result of the proposed land use change and rezoning.

- **Traffic:** The County's Public Works Department reviewed the applicant's Traffic Impact Statement (TIS) Memorandum for Farabee Mine & Shell, dated July 26, 2024, and prepared by TR

Transportation Consultants, Inc. The County Transportation Engineer agreed with the TIS, which states that: *“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.”*

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

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

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

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

4. Minimum buffer zones and setbacks are being observed between extractive and non-extractive land use activities.

5. Cumulative impacts to the built and natural environment are assessed.

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

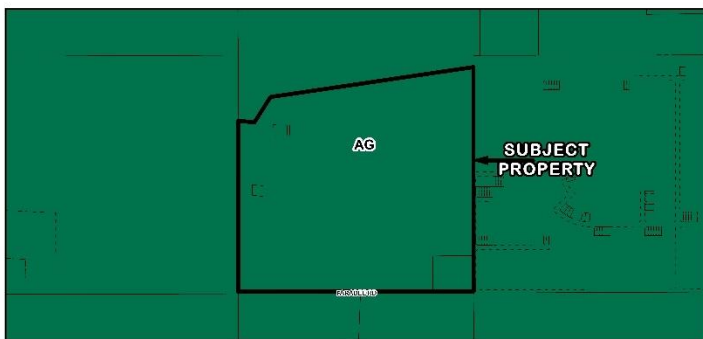
An amendment to the existing Commercial Excavation Permit 07-EX-06 or a new Commercial Excavation permit must be submitted and approved by the County. Furthermore, amendments to State and Federal Permits will be required and must be obtained prior to or concurrent with the County’s approval of the proposed commercial excavation permit and prior to any additional excavation activity commencing.

According to the submitted email from Marissa Miller, Historic Data Analyst from Division of Historical Resources, Florida Department of State and dated July 23, 2024, there are no previously recorded resources within the subject area.

Special Provisions under the Proposed MRE FLUM Designation

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

Analysis: The applicant concurrently submitted a rezoning for the subject property from Agriculture (AG) to Excavation and Mining (EM) and the petition number is Z-24-15.



PAL-24-05 and Z-24-15 Existing Zoning Designations



PAL-24-05 and Z-24-15 Proposed Zoning Designations

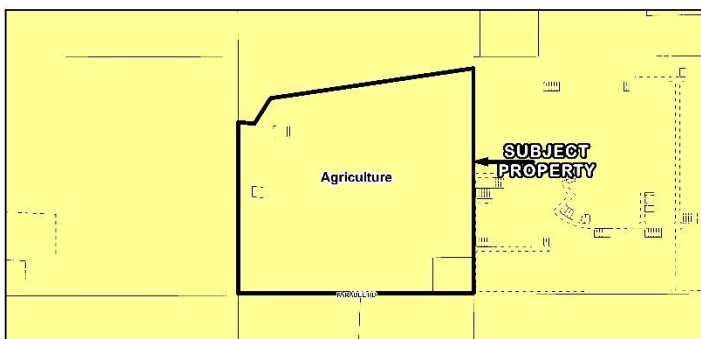
2. Properties that have been approved for commercial excavation operations, formerly known as Group III excavations, by the County prior to the adoption of this designation (12/15/2008) shall have a continuing right to conduct excavation operations in accordance with the approved permit.

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

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

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

Analysis: The majority of the subject property, containing approximately 123 acres, are an existing, permitted and active mining operation that has been ongoing since 2007. The purpose of the requested large scale plan amendment and its associated EM rezoning is to expand the commercial excavation to the remaining approximately 17.2 acres of the subject property. An amendment to the existing commercial excavation permit or a new permit is required and may be granted only after the Board approves the requested land use and rezoning applications.



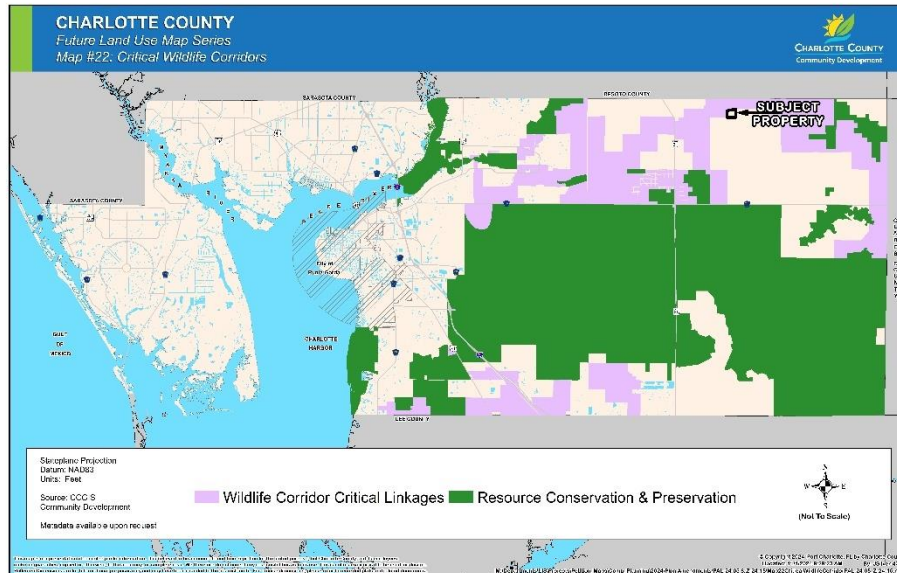
PAL-24-05 and Z-24-15 Existing FLUM Designations



PAL-24-05 and Z-24-15 Proposed FLUM Designations

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

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



Conclusion

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

Part 3 – Summary and Recommendation

Staff Summary:

Based upon the analysis and conclusions set forth herein, in staff's professional opinion, the application (Application No. PAL-24-05) is generally consistent with Charlotte County's Comprehensive Plan, Section 163.3177 Florida Statutes, and Charlotte County's Code of Laws and Ordinances and other applicable guidelines.

Based upon the analysis and conclusions set forth herein, in staff's professional opinion, the application (Application No. Z-24-15) is generally consistent with Charlotte County's Comprehensive Plan, Charlotte County's Code of Laws and Ordinances and other applicable guidelines.

Planning and Zoning Board recommendation on December 9, 2024:

*Approve a motion to forward application PAL-24-05 to the Board of County Commissioners with a recommendation of **Approval /Deny** of transmittal of application PAL-24-05 to the Florida Department of Commerce and other State review agencies for review and comment, based on the findings and analysis in the staff report dated December 2, 2024, Charlotte County's Comprehensive Plan, and the evidence and testimony presented at the public hearing before the Planning and Zoning Board.*

*Approve a motion to forward application Z-24-15 to the Board of County Commissioners with a recommendation of **Approval /Deny**, based on the findings and analysis in the staff report dated*

Part 4: Research and Findings

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

FLUM:	Development Standards:
Agriculture (AG)	<u>General Range of Uses</u> Ranching, crop farming including citriculture, silviculture, aquaculture, and row crops, as well as rural residential, rural recreational uses, rural industrial uses and public services and facilities. <u>Minimum and Maximum Density</u> <i>Density:</i> Agricultural lands may not exceed a maximum residential density of one dwelling unit per ten acres when developing under an Agriculture zoning or one dwelling unit per five acres when developing in accordance with FLU Policy 3.1.2 and Conservation Subdivision zoning. <i>Intensity:</i> The maximum FAR is 0.10.
Zoning:	Development Standards:
Agriculture (AG)	The purpose and intent of this district is to allow agriculture, very-low-density residential, rural recreation, and other rural uses. Agriculture and agricultural activities are frequently associated with noise, odors, dust, aerial chemical spraying, and other activities generally incompatible with urban-style living. However, agriculture forms a vital segment of the economy of the state, and provides diversity of economic opportunity and life styles for the county. Therefore, it is the purpose of this district to provide areas for the establishment and/or continuation of agricultural operations with residential uses being permitted only at very low densities and to accommodate those individuals who understand and desire to live in an agricultural environment. • Minimum lot area is 10 acres. • Minimum lot width is 250 feet. • Setbacks: ○ Front: 40 feet ○ Side: 20 feet ○ Rear: 20 feet ○ Abutting water: 20 feet • Maximum lot coverage of all buildings is 10 percent. • Maximum building height is 38 feet. Maximum density (units per acre): one unit per 10 acres.

Table 1

5. Proposed Future Land Use and Zoning Designations:

(See attached Future Land Use Map and Zoning Map)

FLUM:	Development Standards:
Mineral Resource Extraction (MRE)	<u>General Range of Uses</u> Generally, commercial excavations and extraction of non-renewable substances, agricultural uses, and public services and facilities. <u>Minimum and Maximum Density</u> <i>Density:</i> The maximum density is equivalent to that of the prior FLUM designation - one dwelling unit per ten acres or one dwelling unit per 40 acres, as applicable. <i>Intensity:</i> The maximum lot coverage by all buildings is ten percent. The maximum height of structures is 60 feet.
Zoning:	Development Standards:
Excavation and Mining (EM)	The purpose and intent of this district is to allow agriculture, very-low density residential, rural recreation, other rural uses, and commercial excavation activities and associated uses. • Minimum lot area is 10 acres. • Minimum lot width is 250 feet. • Setbacks: ○ Front: 40 feet ○ Side: 20 feet ○ Rear: 20 feet ○ Abutting water: 20 feet • Maximum lot coverage of all buildings is 10 percent. • Maximum building height is 38 feet. Maximum density (units per acre): one unit per 10 acres.

Table 2

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

Direction:	Existing Land Use:	FLUM Designation:	Zoning District Designation:
North	Vacant lands designated for agricultural uses	Agriculture (AG)	Agriculture (AG)
East	Vacant lands designated for agricultural uses	Agriculture (AG)	Agriculture (AG)

South	Vacant lands designated for agricultural uses	Resource Conservation (RC)	Agriculture (AG)
West	Vacant lands designated for agricultural uses	Agriculture (AG)	Agriculture (AG)

Table 3

7. Buildout Calculations (square footage or density):

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

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

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

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

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

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

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

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

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

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

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

According to the submitted email from Marissa Miller, Historic Data Analyst from Division of Historical Resources, Florida Department of State and dated July 23, 2024, there are no previously recorded resources within the subject area.

12. Are there wetlands on the property?Yes, according to the submitted FLUCFCS map, there is a wetland area, containing approximately 2.54 acres, located on the northwest portion of the subject property and adjacent to the existing commercial excavation area.

a. Number of acres of Category I:Possible

b. Number of acres of Category II:Possible

13. Natural Resources:

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

The submitted FLUCFCS map and an Environmental Assessment report prepared by Ecological Service Associates and dated November 21, 2024 states that four gopher tortoise burrows were found and 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 longterm 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. 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. However, there is a wetland area, containing approximately 2.54 acres, located on the northwest portion of the subject property and adjacent to the existing commercial excavation area.

- b. Possible impacts to groundwater, surface water, wetlands or other significant natural resources: **No**
- c. Is subject property in the **Watershed Overlay District**? (FLUM Map #4)**No**
- d. Is subject property in the **Surface Water Protection Overlay District**? (FLUM Map #5)**No**
- e. Is subject property in the **Prime Aquifer Recharge Area**? (FLUM Map #6)**No**
- f. Is subject property in a **Wellhead Protection Area**? (FLUM Map #7)**No**

14. Coastal Planning:

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

15. Charlotte County Facilities and Services:

- a. Nearest Park:**South County Regional Park** (SPAM Map #74)
Address:670 Cooper Street, Punta Gorda
Distance:approximately 26.1 miles to the southwest of subject property
- b. Nearest Police Station:**District 4 Charlotte County Sheriff's Office** (SPAM Map #25)
Address:7474 Utilities Road, Punta Gorda
Distance:approximately 24 miles to the southwest of subject property

- c. Nearest Fire/EMS Station:**Charlotte County Fire Station No. 5** (SPAM Map #22)
Address:.....26287 Notre Dame Boulevard, Punta Gorda
Response Time:approximate response time is 15 minutes or greater (SPAM Map #39)
- d. Nearest Library:.....**Punta Gorda Charlotte Library** (SPAM Map #73)
Address:.....401 Shreve Street, Punta Gorda
Distance:approximately 26.8 miles to the southwest of subject property
- e. Nearest Hospital:**ShorePoint Health Punta Gorda** (SPAM Map #24)
Address:.....809 E Marion Avenue, Punta Gorda
Distance:approximately 25 miles to the southwest of subject property
- f. Nearest Emergency Shelter: ..**Kingsway Elementary School** (SPAM Map #21)
Address:.....23300 Quasar Boulevard, Port Charlotte
Distance:approximately 31.6 miles to the west of subject property
- g. Public School Attendance Boundary:
 - 1. Elementary School:**East Elementary School** (SFAM Map #1)
Address:.....27050 Fairway Drive, Punta Gorda
Distance:approximately 23.2 miles to the southwest of subject property
 - 2. Middle School:**Punta Gorda Middle School** (SFAM Map #2)
Address:.....1001 Education Avenue, Punta Gorda
Distance:approximately 25.9 miles to the southwest of subject property
 - 3. High School:**Charlotte High School** (SFAM Map #3)
Address:.....1250 Cooper Steet, Punta Gorda
Distance:approximately 26.1 miles to the southwest of subject property

16. Concurrency:

- a. **Roads Level of Service:**.....The County's Public Works Department reviewed the applicant's Traffic Impact Statement (TIS) Memorandum for Farabee Mine & Shell, dated July 26, 2024, and prepared by TR Transportation Consultants, Inc. The County Transportation Engineer agreed with the statement that there shall be no negative impacts on the surrounding roadways.
- b. **Potable Water Level of Service:**
 - 1. *Analysis:* The subject site is located in the Rural Service Area, and no water and sanitary sewer services are available. The proposed commercial excavation will be served by a well and septic system.
- c. **Sanitary Sewage Level of Service:**
 - 1. *Analysis:* The subject site is located in the Rural Service Area, and no water and sanitary sewer services are available. The proposed commercial excavation will be served by a well and septic system.

d. Park and Recreation Level of Service:

1. *Level of Service:*.....**Adopted Level of Service is 16 Park, Recreation & Open Space points (16 PROS points) per 1,000 population.**
2. *Analysis:***A 2009 analysis shows that the County currently has 17.2 PROS points per 1,000 population.**

e. Schools:.....School concurrency will be determined at Final Detail Site Plan I.

f. Solid Waste:

1. *Refuse Collector:***Waste Management Inc. of Florida or another provider**
2. *Solid Waste Provider:***Public Works Dept. - Municipal Solid Waste Management**
3. *Level of Service:* Zemel Road landfill currently has capacity to dispose of 4.6 million cubic yards of waste. The landfill has a projected remaining lifespan to the year 2027. An estimated 170 acres for future disposal cells will provide disposal capacity beyond the year 2050.
 - Solid Waste (Landfill) 5.0 pounds per day per equivalent fulltime resident
 - Solid Waste (Recycle) 2.2 pounds per day per equivalent fulltime resident

g. Drainage: *Level of Service:*

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

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

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

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

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

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

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

17. Capital Improvements Program:

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

18. Intergovernmental Coordination:

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

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

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

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

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

Part 5 – Approval Criteria

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

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

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

b. The existing land use pattern in adjacent areas:

Finding: The surrounding property located to the north, south, west and east of the site is mostly utilized for grazing land. There one existing residential structure located within the half mile of the subject property.

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

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

In addition, the County's Public Works Department reviewed the applicant's Traffic Impact Statement (TIS) Memorandum for Farabee Mine & Shell, dated July 26, 2024, and prepared by TR Transportation Consultants, Inc. The County Transportation Engineer agreed with the statement, which states that: *"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 1 7.2 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."

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

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

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

Finding: Based on the submitted project narrative which is part of the application and the County's Geographic Information System, there are no residential structure or uses within half mile of the subject site. The majority of the subject site has been used for commercial excavation activities since 2007. The proposed commercial excavation will not create adverse impacts additional to those already anticipated in agricultural areas and the existing excavation activities. Erosion and emission control measures and the proposed reclamation plans will be submitted and approved as part of a commercial excavation permit be consistent with the County's Article XXIII. Earthmoving.

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

e. Would the proposed change affect public safety?

Finding: The submitted Traffic Impact Statement (TIS) Memorandum for Farabee Mine & Shell, dated July 26, 2024, and prepared by TR Transportation Consultants, Inc demonstrates that the proposed land use and rezoning for commercial excavation activities shall not generate additional traffic volume on the surrounding roadways; therefore, the proposed changes shall not affect public safety.

Attachment 1

1/2 Mile Distance Map”

DeSoto County

Charlotte County

Farabee Road



Legend

1/2 Mile Distance

Farabee Mine Boundary

DELISI

Land Use Planning & Water Policy

1/2 Mile Distance Map

admin@delisi-inc.com

www.delisi-inc.com

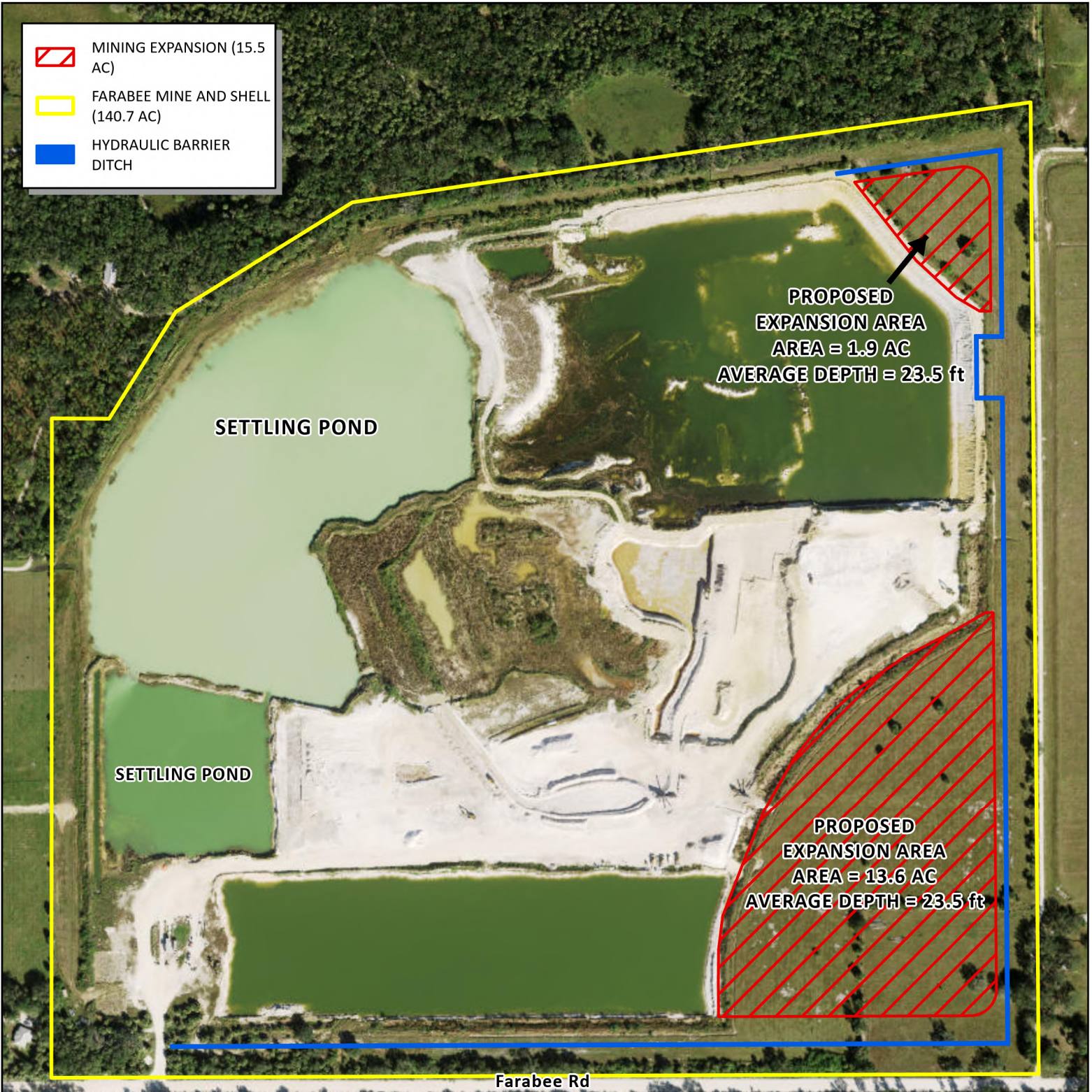


0 0.125 0.25 0.5 Miles

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

Attachment 2

Proposed Site Plan



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

DESOTO HIGHLANDS Charlotte CHARLOTTE GLADES	Farabee Mine Concept Plan <i>Charlotte County, Florida</i> 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 World Imagery 11/11/2024	0 90 180 360 US Feet Scale: 1:4,300
--	--	--



Qualifications of Jie Shao

Position: Principal Planner

Years with Charlotte County: 20

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

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

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

Education:

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

Professional Associations and Certifications:

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

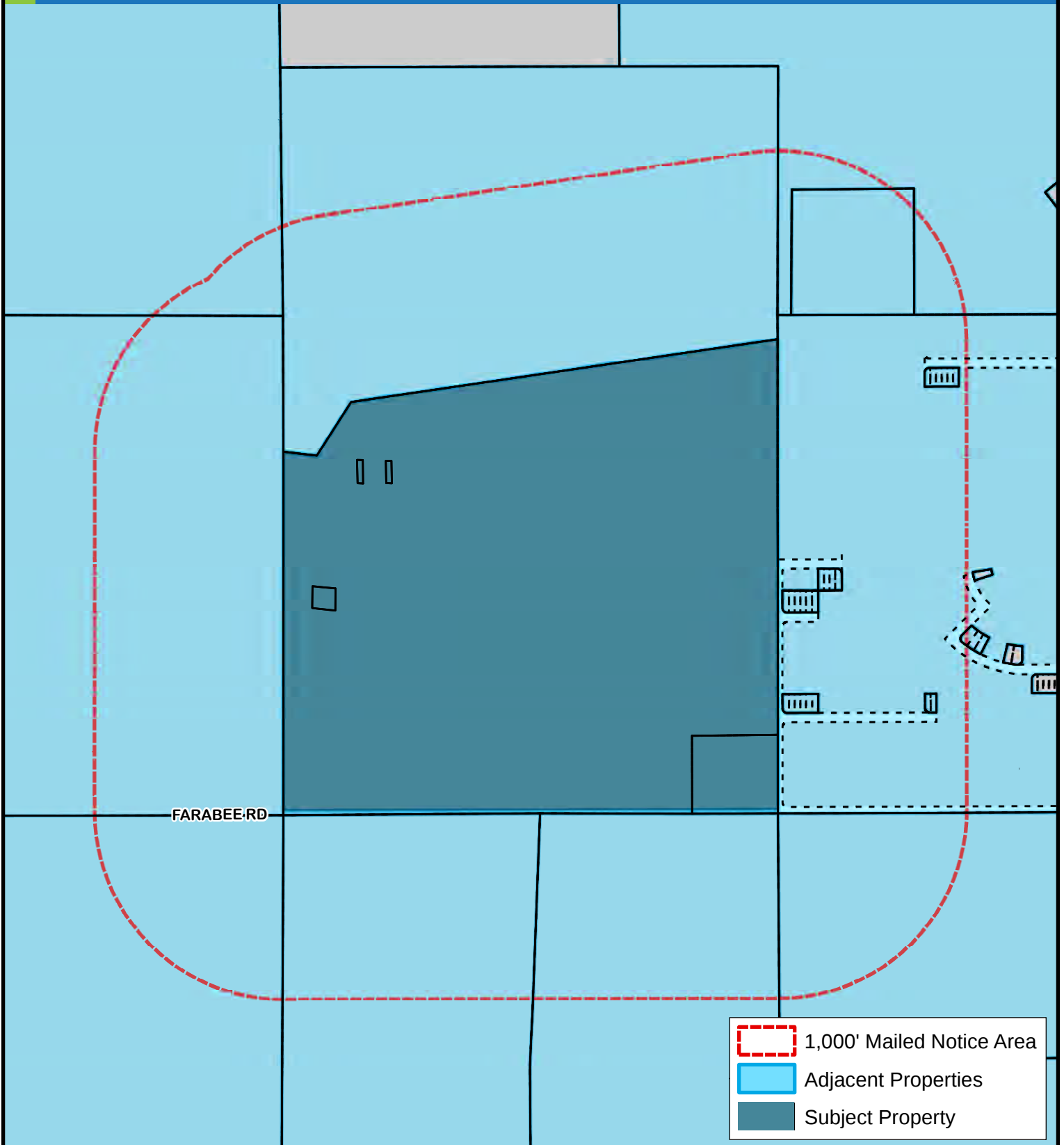
Related Past Experience:

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

Exhibit 1

CHARLOTTE COUNTY

1,000' Foot Mailed Notice of PAL-24-05 and Z-24-15



03/40/26 East County



This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guarantees, implied or otherwise, to the accuracy, or completeness. We therefore do not accept any responsibilities as to its use. This is not a survey or is it to be used for design. Reflected Dimensions are for informational purposes only and may have been rounded to the nearest tenth. For precise dimensions, please refer to recorded plats and related documents.

© Copyright 2024 Port Charlotte, FL by Charlotte County

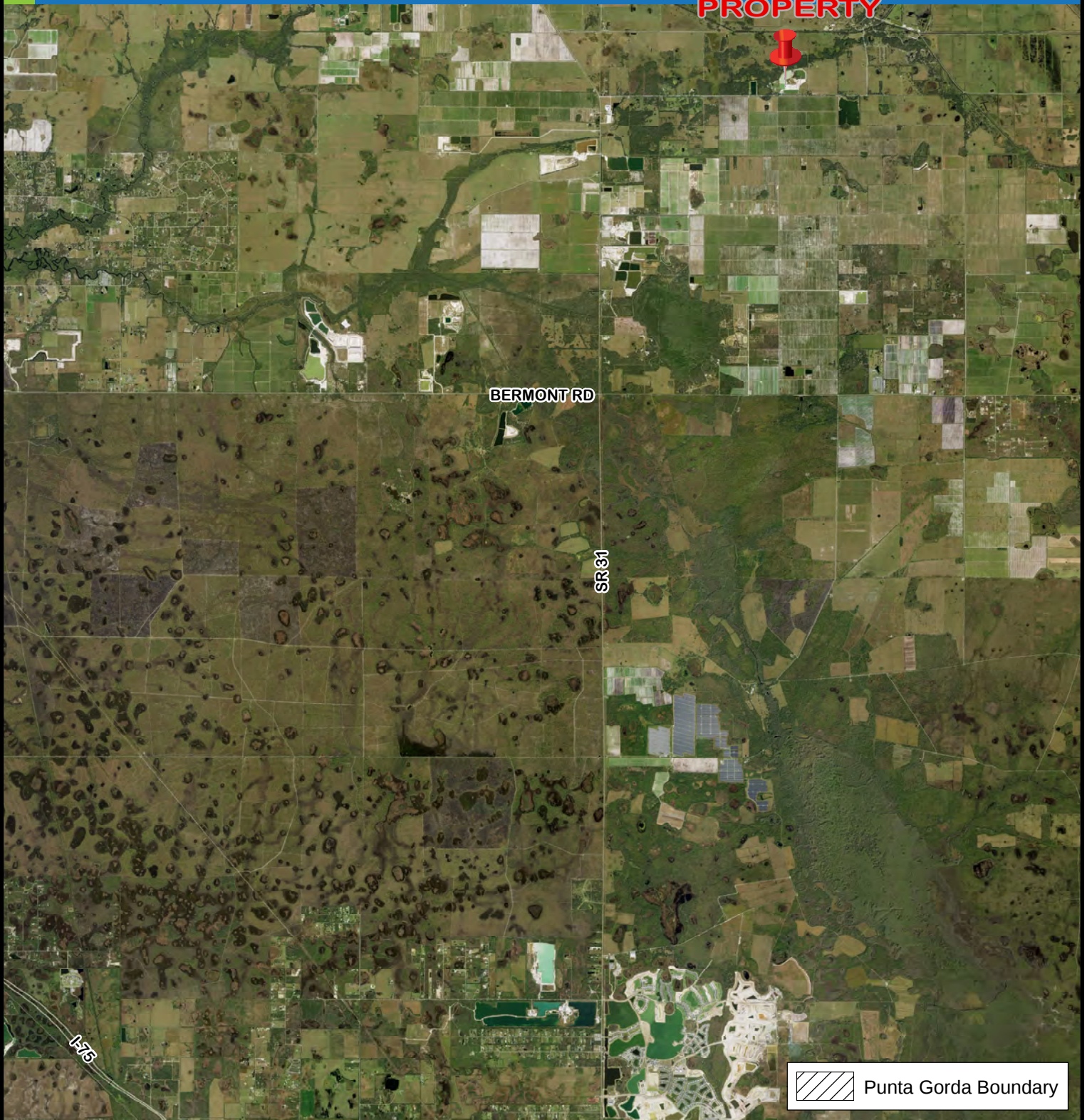
Date Saved: 11/16/2024 11:46:05 AM By: Shaoj-#SR-13265

M:\Departments\GIS\Projects\Petition_Maps\Comp_Planning\2024\Plan Amendments\PAL-24-05 & Z-24-15\PKT1000ftBufferMap_PAL-24-05_Z-24-15.mxd

CHARLOTTE COUNTY

Location Map for PAL-24-05 and Z-24-15

**SUBJECT
PROPERTY**



03/40/26 East County



This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guarantees, implied or otherwise, to the accuracy, or completeness. We therefore do not accept any responsibilities as to its use. This is not a survey or is it to be used for design. Reflected Dimensions are for informational purposes only and may have been rounded to the nearest tenth. For precise dimensions, please refer to recorded plats and related documents.

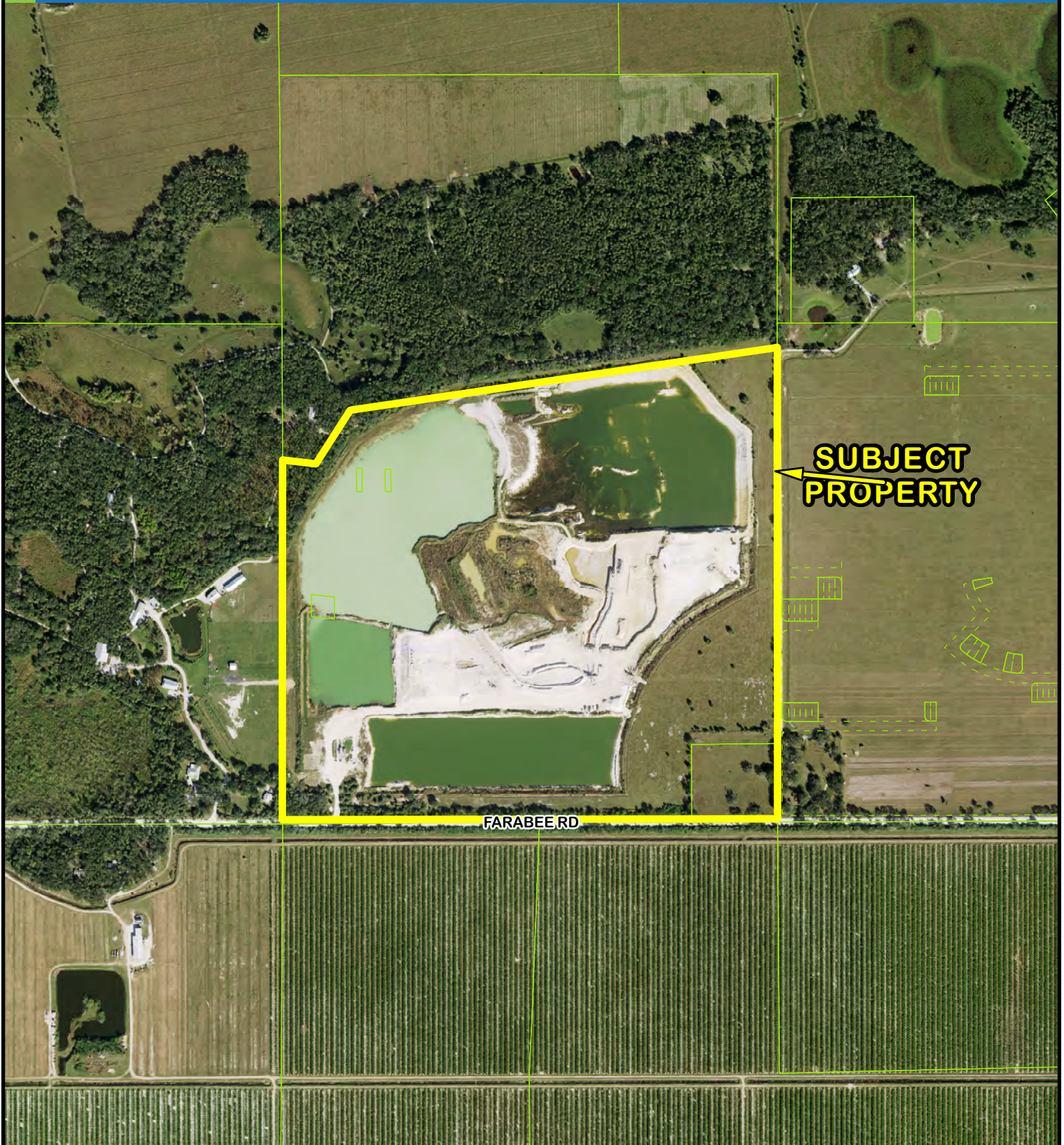
© Copyright 2024 Port Charlotte, FL by Charlotte County

Date Saved: 11/16/2024 8:51:54 AM By: Shaoj-#SR-13265

M:\Departments\GIS\Projects\Petition_Maps\Comp_Planning\2024\Plan Amendments\PAL-24-05 & Z-24-15\PKT\LocationMap_PAL-24-05_Z-24-15.mxd

CHARLOTTE COUNTY

Framework for PAL-25-05 and Z-24-15



03/40/26 East County



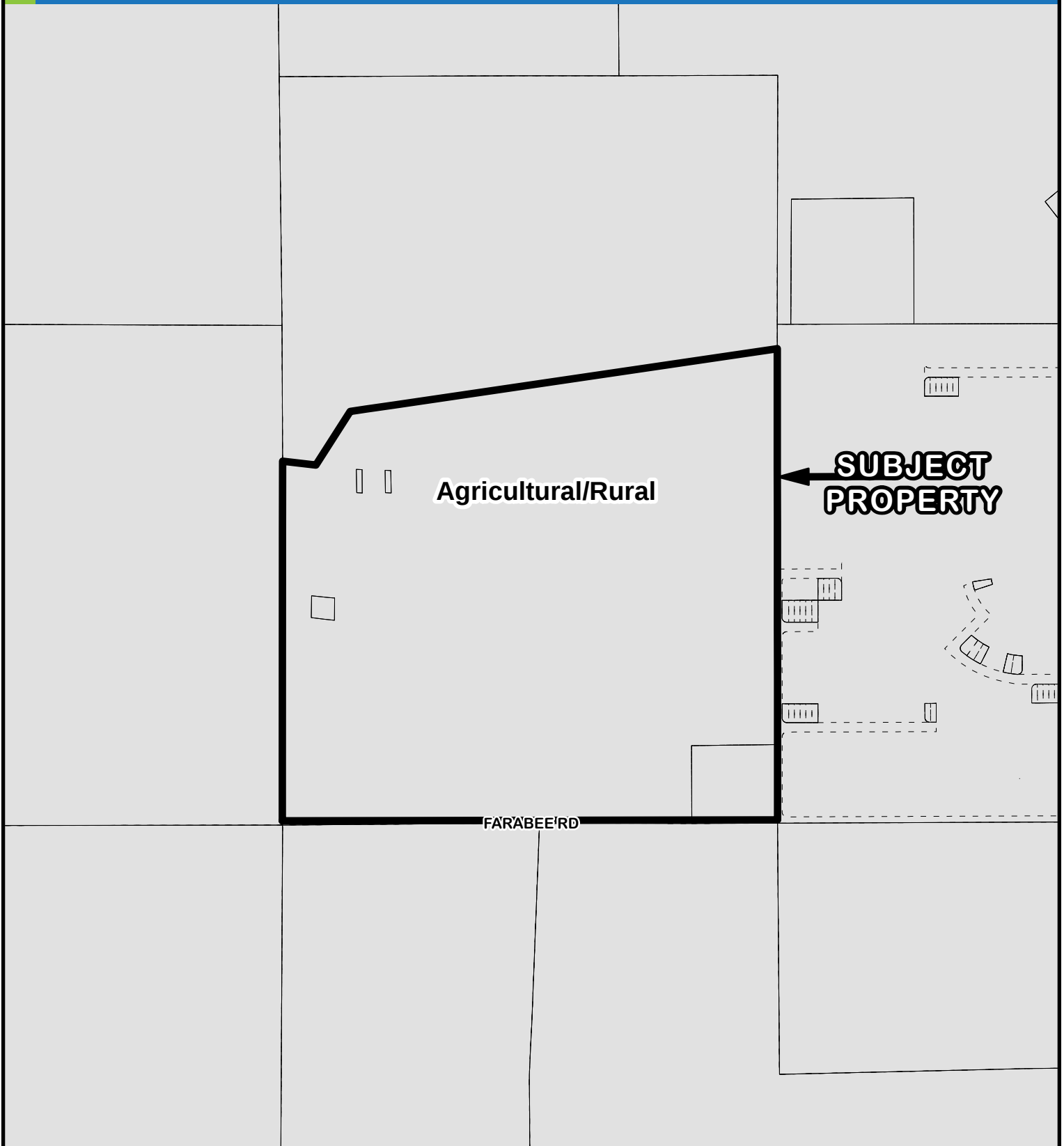
This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guarantees, implied or otherwise, to the accuracy, or completeness. We therefore do not accept any responsibilities as to its use. This is not a survey or is it to be used for design. Reflected Dimensions are for informational purposes only and may have been rounded to the nearest tenth. For precise dimensions, please refer to recorded plats and related documents.

© Copyright 2024 Port Charlotte, FL by Charlotte County
Date Saved: 11/16/2024 9:30:01 AM By: Shaoj-#SR-13265

M:\Departments\GIS\Projects\Petition_Maps\Comp_Planning\2024\Plan Amendments\PAL-24-05 & Z-24-15\PKTArea_PAL-24-05_Z-24-15.mxd

CHARLOTTE COUNTY

Framework for PAL-25-05 and Z-24-15



03/40/26 East County



This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guarantees, implied or otherwise, to the accuracy, or completeness. We therefore do not accept any responsibilities as to its use. This is not a survey or is it to be used for design. Reflected Dimensions are for informational purposes only and may have been rounded to the nearest tenth. For precise dimensions, please refer to recorded plats and related documents.

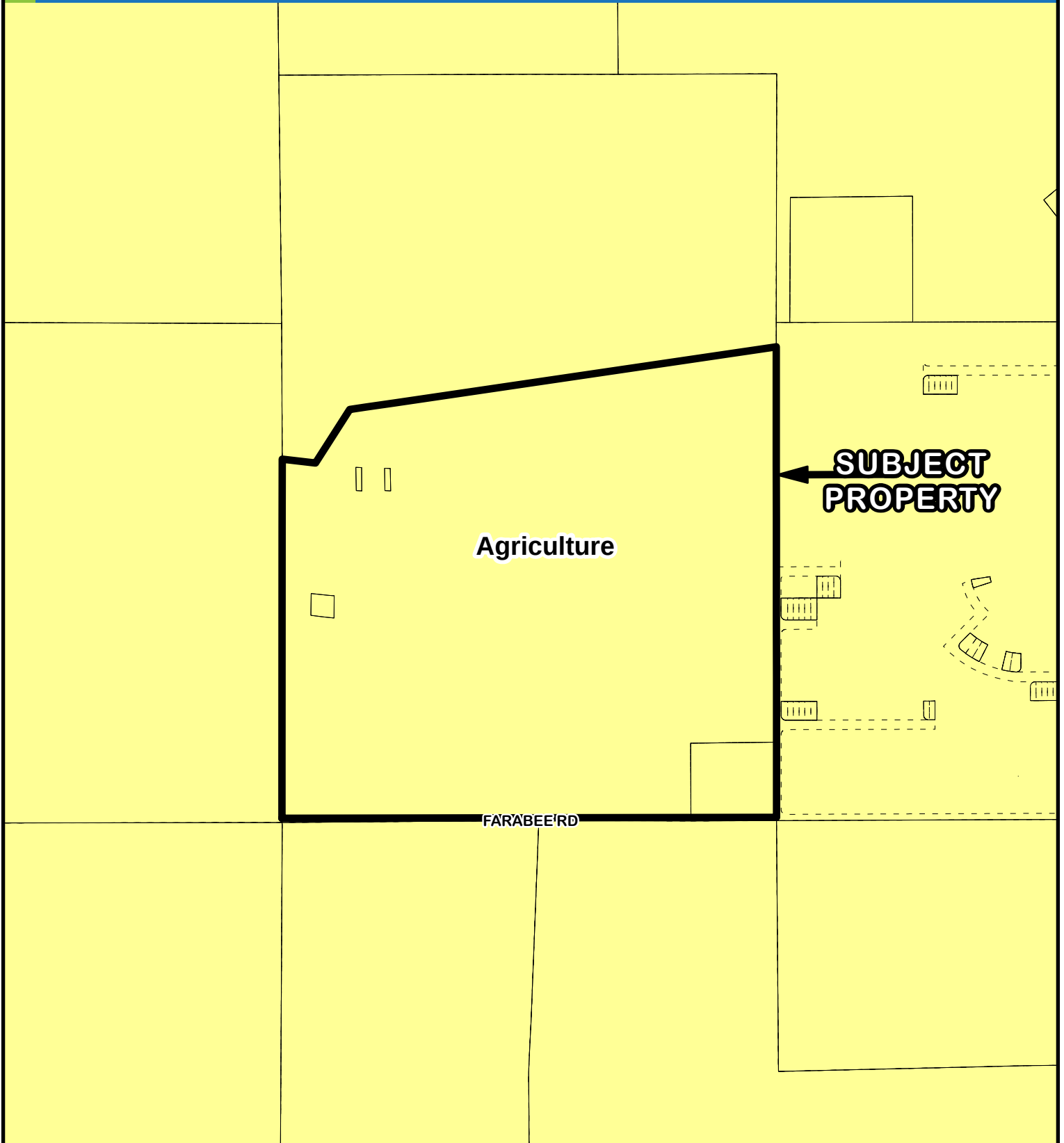
© Copyright 2024 Port Charlotte, FL by Charlotte County

Date Saved: 11/16/2024 9:41:16 AM By: Shaoj-#SR-13265

M:\Departments\GIS\Projects\Petition_Maps\Comp_Planning\2024\Plan Amendments\PAL-24-05 & Z-24-15\PKTFramework_PAL-24-05_Z-24-15.mxd

CHARLOTTE COUNTY

FLUM Designations for PAL-25-05 and Z-24-15



03/40/26 East County



This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guarantees, implied or otherwise, to the accuracy, or completeness. We therefore do not accept any responsibilities as to its use. This is not a survey or is it to be used for design. Reflected Dimensions are for informational purposes only and may have been rounded to the nearest tenth. For precise dimensions, please refer to recorded plats and related documents.

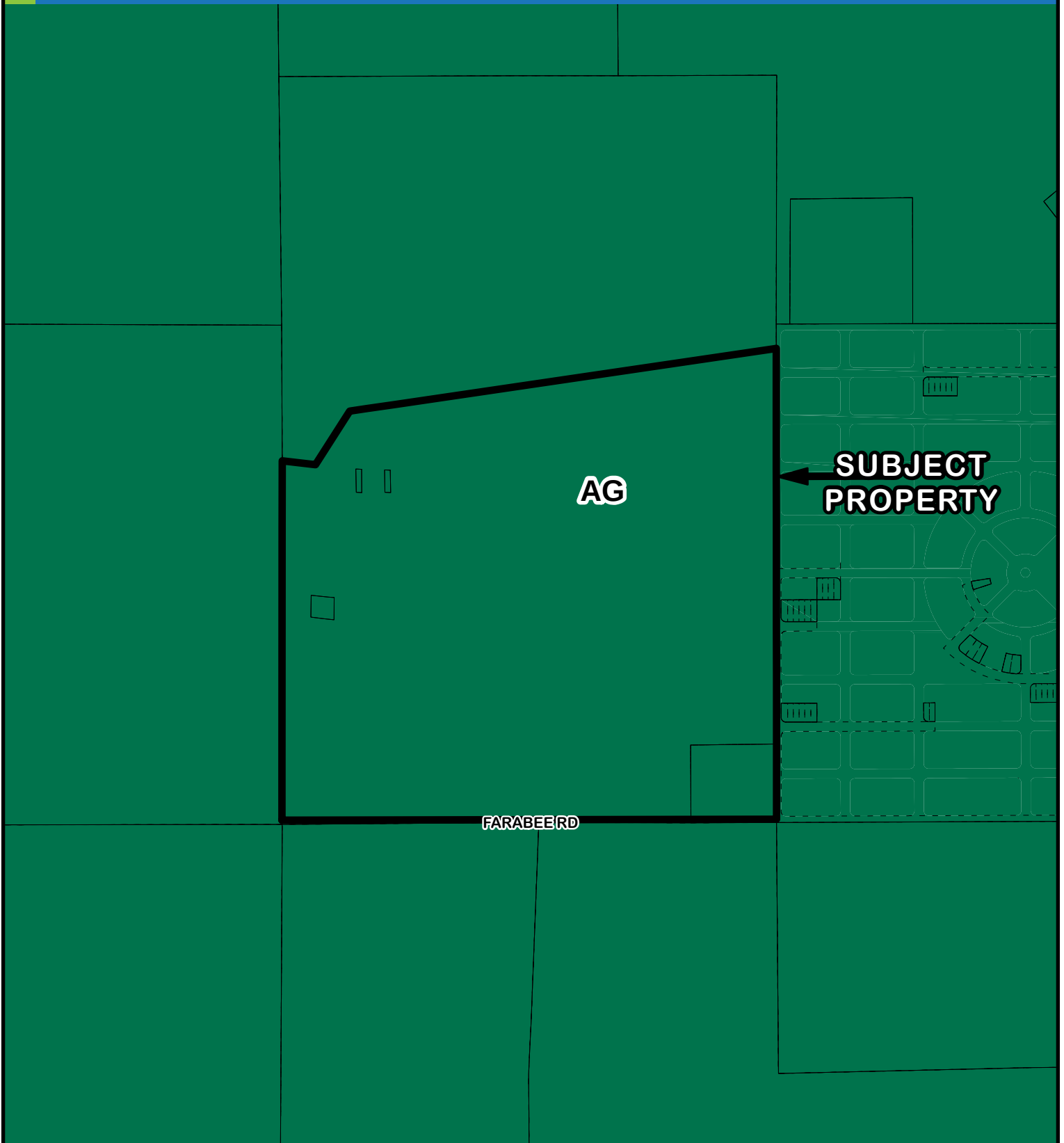
© Copyright 2024 Port Charlotte, FL by Charlotte County

Date Saved: 11/16/2024 11:05:48 AM By: Shaoj-#SR-13265

M:\Departments\GIS\Projects\Petition_Maps\Comp_Planning\2024\Plan Amendments\PAL-24-05 & Z-24-15\PKTFLUM_PAL-24-05_Z-24-15.mxd

CHARLOTTE COUNTY

Zoning Designations for PAL-25-05 and Z-24-15



03/40/26 East County



This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guarantees, implied or otherwise, to the accuracy, or completeness. We therefore do not accept any responsibilities as to its use. This is not a survey or is it to be used for design. Reflected Dimensions are for informational purposes only and may have been rounded to the nearest tenth. For precise dimensions, please refer to recorded plats and related documents.

© Copyright 2024 Port Charlotte, FL by Charlotte County
Date Saved: 11/16/2024 11:17:09 AM By: Shaoj-#SR-1326

M:\Departments\GIS\Projects\Petition_Maps\Comp_Planning\2024\Plan Amendments\PAL-24-05 & Z-24-15\PKT\Zoning_PAL-24-05_Z-24-15.mxd