

# GIS Tracking Sheet

Case No.: DCI2003-00031

Post-it®eLabel 005 725 423

Intake Date:

Project Name: EAST COUNTY WATER CONTROL DISTRICT



STRAP Number(s): 30-44-27-00-00001.018A

Planner Name:

Ext.

## LEGAL DESCRIPTION VERIFICATION and INITIAL GIS MAPPING

Date: 29 JULY 03

INTAKE: DCI03031

LEGAL SUFFICIENT

YES

NO

Initials: JOP

If not, give brief explanation:

## MAP UPDATE following FINAL ACTION

Date: 11 June 04

Hearing Examiner Decision



Board of County Commissioner's Resolution

Administrative Approval

Blue Sheet

Zoning Notes: Z-03-069, DCI2003-00031, 15 MAR 04, REZ 3.18+ FM AG-2 TO CPD; CONDS

MAP UPDATED

YES

NO

Initials: JOP

If not, give brief explanation:

CREATED -> CPD: 000174

LEGAL DESCRIPTION: (ORB 1760 PG. 2200)

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 30, TOWNSHIP 44 SOUTH, RANGE 27 EAST, LEE COUNTY, FLORIDA, THENCE N02°23'20"W, ALONG THE EAST SECTION LINE OF SAID SECTION 30, A DISTANCE OF 604.00 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF ABLE CANAL; THENCE N56°08'10"W ALONG SAID RIGHT OF WAY OF ABLE CANAL, A DISTANCE OF 111.02 FEET, TO A DEFLECTION IN THE RIGHT OF WAY OF ABLE CANAL; THENCE N68°58'14"W, STILL ALONG SAID RIGHT OF WAY OF ABLE CANAL, A DISTANCE OF 329.63 FEET TO THE POINT OF BEGINNING OF A TRACT OF LAND HEREIN DESCRIBED; THENCE S02°23'20"E, A DISTANCE OF 34.05 FEET TO A POINT ON A CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 1626.24 FEET, A DELTA ANGLE OF 12°29'45", A CHORD OF 353.97 FEET AND A CHORD BEARING OF S83°45'45"W; THENCE WESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 354.67 FEET TO THE POINT OF TANGENCY; THENCE S77°24'09"W, A DISTANCE OF 389.05 FEET; THENCE N12°35'51"W, A DISTANCE OF 88.67 FEET TO THE CORNER OF THE PROPERTY OF LEHIGH CORPORATION, BEING UTILIZED BY LAND DEVELOPMENT; THENCE N33°52'09"E, ALONG THE PROPERTY OF LAND DEVELOPMENT, A DISTANCE OF 193.68 FEET; THENCE N21°01'46"E, STILL ALONG THE PROPERTY OF LAND DEVELOPMENT, A DISTANCE OF 146.19 FEET, TO THE SOUTHERLY RIGHT OF WAY LINE OF ABLE CANAL; THENCE S68°58'14"E, ALONG SAID RIGHT OF WAY LINE OF ABLE CANAL, A DISTANCE OF 631.11 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINING 3.182 ACRES MORE OR LESS.

CREATING OR RESERVING IN FAVOR OF PUBLIC UTILITIES SERVING THE SUBJECT PROPERTY AND IN FAVOR OF EAST COUNTY WATER CONTROL DISTRICT, A 6 FOOT UTILITY AND DRAINAGE EASEMENT ON THE PERIMETER OF THE TRACT.

DCI 2003-00031

**RECEIVED**  
JUL 22 2003  
PERMIT COUNTER

DCI 2003-00031

Applicant's Legal Checked  
by GP

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

WHEREAS, Aim Engineering filed an application on behalf of the property owner, East County Water Control District, to rezone 3.18±-acre parcel from Agricultural (AG-2) to Commercial Planned Development (CPD), in reference to East County Water Control District Rezone.

WHEREAS, a public hearing was advertised and held on December 10, 2003, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case # DCI2003-00031; and

WHEREAS, a second public hearing was advertised and held on March 15, 2004, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to rezone a 3.18±-acre parcel from AG-2 to CPD to permit a maximum floor area of 50,000 square feet for commercial warehousing, maintenance, and office uses. The property is located in the Public Facilities Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. Development of this project must be consistent with the 1-page Master Concept Plan (MCP) entitled "A MASTER CONCEPT PLAN FOR EAST COUNTY WATER CONTROL DISTRICT" stamped Received Permit Counter Apr 28 2004, last revised 04/15/04, except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.
2. The following limits apply to the project and uses:

COPY

03/15/04

a. Schedule of Uses

**AREA A (1.83 ACRES)**

ACCESSORY USES AND STRUCTURES  
ADMINISTRATIVE OFFICES  
ENTRANCE GATES AND GATEHOUSE  
ESSENTIAL SERVICES  
ESSENTIAL SERVICE FACILITIES: GROUP I  
EXCAVATION: WATER RETENTION (NO BLASTING)  
FENCES, WALLS  
GOVERNMENT MAINTENANCE FACILITY  
PARKING LOT: ACCESSORY, TEMPORARY  
SIGNS, IN COMPLIANCE WITH CHAPTER 30  
TEMPORARY USES, IN COMPLIANCE WITH LDC § 34-3041

**AREA B (1.35 ACRES)**

ACCESSORY USES AND STRUCTURES  
ADMINISTRATIVE OFFICES  
BUSINESS SERVICES: GROUP I AND II (NO AUTOMOBILE  
REPOSSESSING SERVICES)  
CLEANING AND MAINTENANCE SERVICES  
CONTRACTORS AND BUILDERS: GROUP I, GROUP II (NO  
OUTDOOR STORAGE OR FABRICATION PERMITTED WITH THIS USE)  
ENTRANCE GATE AND GATE HOUSE  
ESSENTIAL SERVICES  
ESSENTIAL SERVICE FACILITIES: GROUP I  
EXCAVATION: WATER RETENTION (NO BLASTING)  
FENCES, WALLS  
GOVERNMENT MAINTENANCE FACILITY  
PARKING LOT: ACCESSORY, TEMPORARY  
RESEARCH AND DEVELOPMENT LABORATORY: GROUP II, GROUP  
IV (GROUP IV ENGINEERING ONLY)  
SIGNS, IN COMPLIANCE WITH CHAPTER 30  
STORAGE, OPEN - ANCILLARY TO A GOVERNMENT MAINTENANCE  
FACILITY ONLY.  
TEMPORARY USES, IN COMPLIANCE WITH LDC § 34-3041  
WHOLESALE ESTABLISHMENTS: GROUP III INDOOR STORAGE. NO OPEN  
STORAGE)  
TEMPORARY USES IN COMPLIANCE WITH LDC § 34-3041  
WAREHOUSE, PRIVATE (INDOOR ONLY)

b. Site Development Regulations

The project may be developed with a maximum of 50,000± square feet of floor area with a maximum of 25,000± square feet of floor area for Area "A" and a maximum of 25,000± square feet of floor area for Area "B".

Minimum Area Dimensions:

Min. Lot Area	Area A: ± 1.83 acres
	Area B: ± 1.35 acres
Min. Lot Depth	N/A
Min. Lot Width	N/A

Minimum Building Setbacks:

Street	25 feet
Side	15 feet
Perimeter	15 feet
Separation Between Buildings	15 feet
Rear	15 feet
Water (Retention Pond)	10 feet
Water (Able Canal Right of Way)	25 feet
Accessory Structures (Side & Rear)	5 feet
Maximum Building Height	35 feet / three stories
Maximum Lot Coverage	60 percent
Minimum Open Space	30 percent

3. Prior to local development order approval, the plan must demonstrate how 30 percent or 0.95 acres of open space will be provided on the project as a whole. A minimum of 15 percent open space must be provided within Area "A" and Area "B" delineated on the MCP.
4. No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.
5. Uses prohibited:
  - (a) Agriculture is not a permitted use within this planned development.
  - (b) Retail sales are not permitted within this planned development.
  - (c) Fabrication (if any) must take place within an enclosed building.
  - (d) Storage of heavy equipment (i.e. bulldozers, drag lines, earthmovers, or any vehicle 10 tons or more) is prohibited.

6. Buffers:

Prior to approval of any Development Order, the landscape plans must delineate the following:

- a. A Type "B" buffer (minimum 15 feet in width, 5 trees per linear feet, double-staged hedge row) will be provided on the entire northern boundary of Area A and Area B along the Able Canal.

- b. All buffers must utilize 100 percent native vegetation.
  - c. Buffers must utilize canopy-type trees (no palms) a minimum of 16 feet in height and four-inch caliper at time of planting.
7. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
  8. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC § 34-2194 "Setbacks from Bodies of Water" requirement that no building or structure be placed closer than 25 feet to a water body, so as to allow a 10-foot setback for buildings adjacent to retention and detention ponds. This deviation is APPROVED but is limited to the existing structure shown as #1 in Area "A" of the approved MCP.
2. Deviation (2) - Withdrawn by the applicant.
3. Deviation (3) seeks relief from the LDC § 10-714(a) requirement to provide cul-de-sacs that are symmetrical about the centerline, to allow for an off-center cul-de-sac. This deviation is APPROVED but is limited to the cul-de-sac shown as #3 in Area "B" of the approved MCP.
4. Deviation (4) seeks relief from LDC § 10-296, Table 3, which requires minimum right-of-way widths for privately maintained streets for two-way closed drainage or inverted crown to be 35 feet, to allow a right-of-way width of 30 feet to match the existing roadway section. This deviation is APPROVED but is limited to the entrance road shown as #4 on the approved MCP.

SECTION D. EXHIBITS AND STRAP NUMBER:

The following exhibits are attached to this resolution and incorporated by reference:

- Exhibit A: Legal description of the property  
Exhibit B: Zoning Map (subject parcel identified with shading)  
Exhibit C: The Master Concept Plan date stamped received Apr 28 2004, last revised 04/15/04

The applicant has indicated that the STRAP number for the subject property is: 30-44-27-00-00001.018A

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and other applicable codes and regulations.
2. The CPD rezoning, as conditioned:
  - a. meets or exceeds the performance and locational standards set forth for the potential uses allowed by the request; and,
  - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
  - c. is compatible with existing or planned uses in the surrounding area; and,
  - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development; and,
  - e. will not adversely affect environmentally critical areas or natural resources.
3. The approval of this rezoning request satisfies the following criteria:
  - a. the proposed use or mix of uses is appropriate at the subject location; and
  - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
  - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan will be available and adequate to serve the proposed land use.
5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner Judah, seconded by Commissioner Janes, and, upon being put to a vote, the result was as follows:

Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Aye
John E. Albion	Absent

DULY PASSED AND ADOPTED this 15<sup>th</sup> day of March 2004.

ATTEST:  
CHARLIE GREEN, CLERK

BY: Cindy Morrison  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: [Signature]  
Chairman

Approved as to form by:

[Signature]  
County Attorney's Office

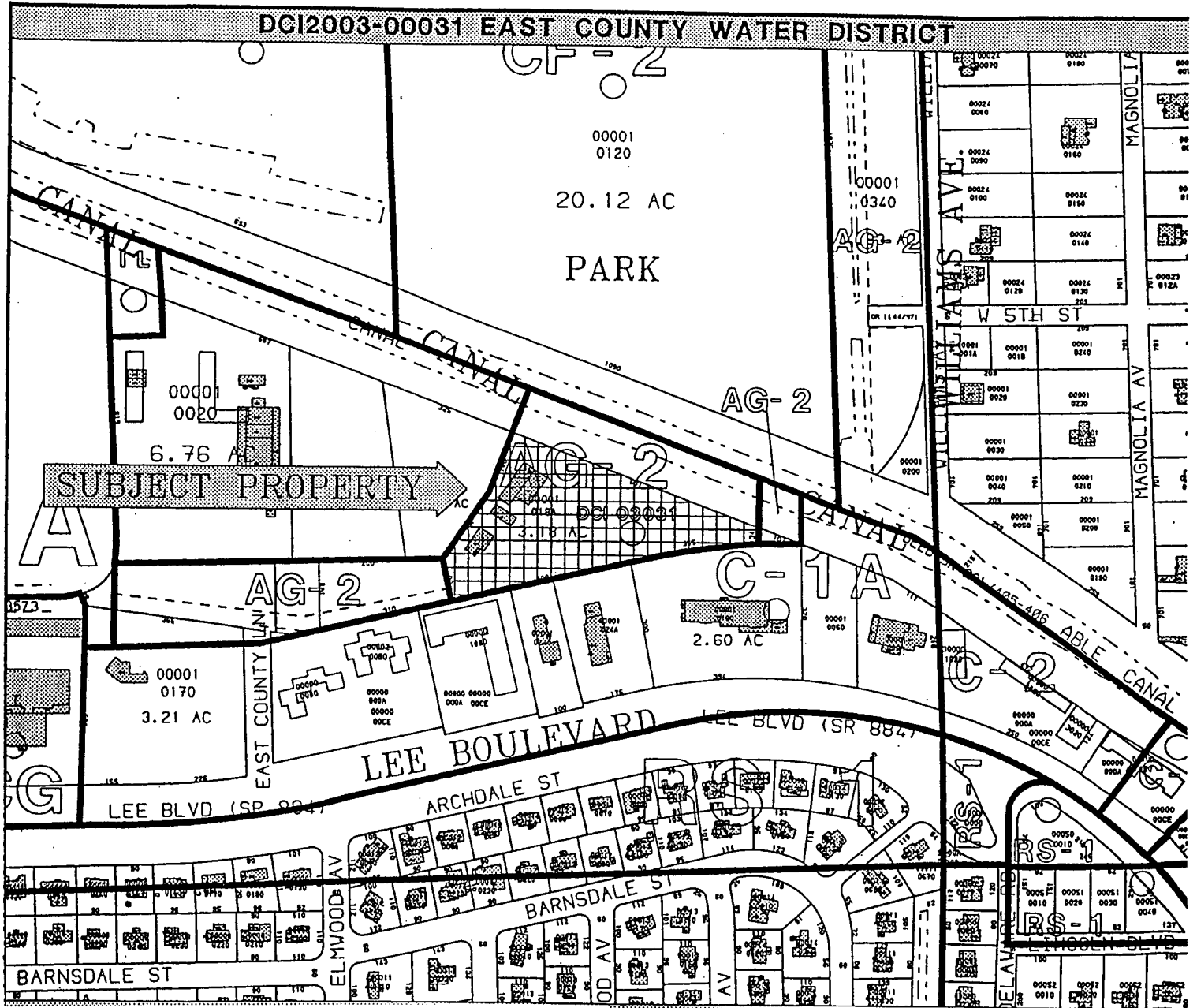


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EXHIBIT B





OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2003-00031  
APPLICANT: AIM ENGINEERING & SURVEYING, INC., in reference to  
EAST COUNTY WATER CONTROL DISTRICT REZONE  
HEARING DATE: DECEMBER 10, 2003

RECEIVED  
JAN 27 2004  
COMMUNITY DEVELOPMENT  
REC'D SECOND FLOOR

I. APPLICATION:

This matter came before the Lee County Hearing Examiner as an Application for a Rezoning to a Commercial Planned Development (CPD) pursuant to the Lee County Land Development Code (LDC).

Filed by AIM ENGINEERING & SURVEYING, INC., 5300 Lee Boulevard, Lehigh Acres, Florida 33971-1026 (Applicant); EAST COUNTY WATER CONTROL DISTRICT, 601 East County Lane, Lehigh Acres, Florida 33936 (Owner); L. J. LEWIS, PROJECT MANAGER, % AIM ENGINEERING & SURVEYING, INC., 5300 Lee Boulevard, Lehigh Acres, Florida 33971-1026 (Agent).

Request is for a rezoning from the Agricultural (AG-2) zoning district to the Commercial Planned Development (CPD) zoning district to permit a maximum floor area of 50,000 square feet for commercial, warehousing, maintenance, and office uses for the East County Water Control District on 3.18 acres of land. No development blasting is being requested.

The subject property is located at 601 East County Lane, Lehigh Acres, Florida (East County Lane north of Lee Boulevard to dead end. East County Lane is just east of Homestead Road and Lee Boulevard intersection.), in Section 30, Township 44 South, Range 27 East, Lee County, Florida (District #5).

II. STAFF REPORT AND RECOMMENDATION: APPROVE WITH CONDITIONS

The Department of Community Development Staff Report was prepared by Tony Palermo. The Staff Report is incorporated herein by this reference.

III. RECOMMENDATION OF HEARING EXAMINER:

The undersigned Lee County Hearing Examiner recommends that the Lee County Board of County Commissioners **APPROVE** the Applicant's request for a rezoning from AG-2 to CPD for the real estate described in Section IX. Legal Description WITH THE FOLLOWING CONDITIONS AND DEVIATIONS:

**A. CONDITIONS:**

1. The development of this project must be consistent with the 1-page Master Concept Plan entitled "A MASTER CONCEPT PLAN FOR EAST COUNTY WATER CONTROL DISTRICT" stamped Received Permit Counter July 22, 2003 except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at time of local Development Order Approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

2. The following limits apply to the project and uses:

a. Schedule of Uses

**AREA A (1.83 ACRES)**

ACCESSORY USES AND STRUCTURES  
ADMINISTRATIVE OFFICES  
ENTRANCE GATES AND GATEHOUSE  
ESSENTIAL SERVICES  
ESSENTIAL SERVICE FACILITIES: GROUP I  
EXCAVATION: WATER RETENTION (NO BLASTING)  
FENCES, WALLS  
GOVERNMENT MAINTENANCE FACILITY  
PARKING LOT: ACCESSORY, TEMPORARY  
SIGNS, IN COMPLIANCE WITH CHAPTER 30  
TEMPORARY USES, IN COMPLIANCE WITH LDC SEC. 34-3041

**AREA B (1.35 ACRES)**

ACCESSORY USES AND STRUCTURES  
ADMINISTRATIVE OFFICES  
BUSINESS SERVICES: GROUP I AND II (NO AUTOMOBILE  
REPOSSESSING SERVICES)  
CLEANING AND MAINTENANCE SERVICES  
CONTRACTORS AND BUILDERS: GROUP I, GROUP II (NO  
OUTDOOR STORAGE OR FABRICATION PERMITTED WITH  
THIS USE)  
ENTRANCE GATE AND GATE HOUSE  
ESSENTIAL SERVICES  
ESSENTIAL SERVICE FACILITIES: GROUP I  
EXCAVATION: WATER RETENTION (NO BLASTING)  
FENCES, WALLS  
GOVERNMENT MAINTENANCE FACILITY  
PARKING LOT: ACCESSORY, TEMPORARY  
RESEARCH AND DEVELOPMENT LABORATORY: GROUP II, GROUP  
IV (GROUP IV ENGINEERING ONLY)  
SIGNS, IN COMPLIANCE WITH CHAPTER 30  
STORAGE, OPEN - ANCILLARY TO A GOVERNMENT MAINTENANCE  
FACILITY ONLY.

TEMPORARY USES, IN COMPLIANCE WITH LDC SEC. 34-3041  
WHOLESALE ESTABLISHMENTS: GROUP III INDOOR STORAGE.  
(NO OPEN STORAGE)  
TEMPORARY USES IN COMPLIANCE WITH LDC SEC. 34-3041  
WAREHOUSE, PRIVATE (INDOOR ONLY)

b. Site Development Regulations

The project may be developed with a maximum of 50,000± square feet of floor area with a maximum of 25,000± square feet of floor area for Area "A" and a maximum of 25,000± square feet of floor area for Area "B".

Minimum Area Dimensions:

Min. Lot Area	Area A: ± 1.83 acres
	Area B: ± 1.35 acres
Min. Lot Depth	N/A
Min. Lot Width	N/A

Minimum Building Setbacks:

Street	25 feet
Side	15 feet
Perimeter	15 feet
Separation Between Buildings	15 feet
Rear	15 feet
Water (Retention Pond)	10 feet
Water (Able Canal Right of Way)	25 feet
Accessory Structures (Side & Rear)	5 feet
Maximum Building Height	35 feet / three stories
Maximum Lot Coverage	60 percent
Minimum Open Space	30 percent

3. Prior to local development order approval, the plan must demonstrate how 30 percent or 0.95 acres of open space will be provided on the project as a whole. A minimum of 15 percent open space must be provided within Area "A" and Area "B" delineated on the Master Concept Plan.

4. No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.

5. Uses prohibited:

- (i) Agriculture is not a permitted use within this planned development.
- (ii) Retail sales are not permitted within this planned development.
- (iii) Fabrication (if any) must take place within an enclosed building.
- (iv) Storage of heavy equipment (i.e. bulldozers, draglines, earthmovers, or any vehicle 10 tons or more) is prohibited.

6. Buffers:

Prior to approval of any Development Order, the landscape plans must delineate the following:

- a. A Type "B" buffer (minimum 15 feet in width, 5 trees per linear feet, double-staggered hedge row) will be provided on the entire northern boundary of Area A and Area B along the Able Canal.
- b. All buffers must utilize 100 percent native vegetation.
- c. Buffers must utilize canopy-type trees (no palms) a minimum of 16 feet in height and four-inch caliper at time of planting.

7. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.

8. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.

**B. DEVIATIONS:**

Deviation 1 seeks relief from LDC Section 34-2194 "Setbacks from Bodies of Water" which requires that no building or structure shall be placed closer than 25 feet to a waterbody to allow a 10-foot setback for buildings adjacent to retention and detention ponds. The Hearing Examiner recommends **APPROVAL** of the proposed deviation subject to the following condition:

Approval is limited to an existing structures shown as #1 in Area "A" of the approved Master Concept Plan.

Deviation 2 - WITHDRAWN BY THE APPLICANT.

Deviation 3 seeks relief from LDC Section 10-714 (a) which requires culs-de-sac to be symmetrical about the centerline, to allow for an off-center cul-de-sac. The Hearing Examiner recommends **APPROVAL** of the proposed deviation subject to the following condition:

Approval is limited to the cul-de-sac as shown as #3 in Area "B" of the approved Master Concept Plan.

Deviation 4 seeks relief from LDC Section 10-296, Table 3 which requires minimum right-of-way widths for a privately maintained street for two-way closed drainage or inverted crown to be 35 feet; to allow a right-of-way width of 30 feet to match the existing roadway section. The Hearing Examiner recommends **APPROVAL** of the proposed deviation subject to the following condition:

Approval is limited to the entrance road as shown as #4 on the approved Master Concept Plan.

#### **IV. HEARING EXAMINER DISCUSSION:**

The Applicant, the East County Water Control District, is requesting a rezoning from the Agricultural (AG-2) zoning district to the Commercial Planned Development (CPD) zoning district for a 3.18-acre parcel located at 601 East County Lane, Lehigh Acres, Lee County, Florida. If approved, the Applicant wishes to develop up to 50,000 square feet of commercial, warehouse, maintenance, and office uses for the East County Water Control District.

This site is in the Public Facilities land use category as is the site to the north. The properties to the east, west, and south are in the Central Urban land use category (with a portion of the property to the east also in the Urban Community land use category).

To the north is the Able Canal and then to the north of that is the Lehigh Community Park (containing baseball fields, and playgrounds). To the east is another portion of the Able Canal that is followed by Williams Avenue. To the east of that are mixtures of single family homes and commercial office (i.e., medical) uses. To the south are commercial uses, and to the west are some East County Water Control District Facilities (the District).

The District is responsible for the conservation and management of Lehigh Acres' community water resources. It maintains a network of canals, water control devices, and structures, and it contains nearly 311 miles of canals in its more than 63,000-acre jurisdiction. It receives its funding through acreage assessments on all parcels located within its boundaries.

The Staff has recommended approval of the request as well as approval of three deviations (one having been withdrawn by the Applicant before the hearing began).

As envisioned by the Applicant, a new Administration Office for the District will be constructed to replace an existing temporary structure that currently houses eight employees of the District. The new structure will hold offices, files, storage, and a meeting room for the District's Board of Supervisors.

The District is proposing to divide the project into two development areas. Area "A" consist of the existing buildings, parking, maintenance, and the aforementioned temporary building. They plan to continue the existing uses on this portion of the site and to replace the temporary building with the permanent one. The current structures utilize 9,291 square feet of floor area. If the zoning is approved, Area "A" will be limited to no more than 25,000 square feet of uses, in structures not to exceed 35 feet (three stories), in height.

Area "B" is currently undeveloped, and may be used in the future for expansion of the District's facilities, or for office uses (such as, builders and contractors). It too will be confined to no more than 25,000 square feet of uses and 35 feet (three stories) in height.

Although the Staff has recommended approval of the request, it had a concern with the project's compatibility with the Lehigh Community Park located north of the site across the Able Canal. Even though the Canal is 200 feet wide, the Staff felt that since the District property was visible from the Park and its' playgrounds, swimming pool, tennis courts and softball fields, that an enhanced Type "B" buffer was needed to block the impact of the

project.<sup>1</sup> Furthermore, the Staff has recommended a limitation on the commercial uses that would be allowed on the commercial portion of the project. Any of the more intense uses that could go into a CPD zoned project have been prohibited. For example, no retail sales will be allowed, nor will the storage of any heavy equipment (i.e., bulldozers, draglines, earthmovers, or any vehicles of 10 tons or more). Furthermore, fabrication of any kind must take place within an enclosed building. Finally, blasting is prohibited on the site.

The Applicant has also asked for three (3) deviations that have been recommended for approval by the Staff with conditions. The first deviation is a request that the Applicant be allowed to have a building setback 10 feet from a waterbody rather than the customary 25 feet called for in the Land Development Code (LDC). Since there is an existing building that is set back 10 feet from a waterbody, it is recommended that this deviation be allowed for that building only.

The next deviation (Deviation 3) that has been requested would allow a cul de sac to be off-center, rather than symmetrical as called for in the LDC. This deviation has been recommended for approval because there is a proposed easement that lies parallel to the property line and this prevents the cul de sac from being symmetrical.

The last deviation (Deviation 4) would allow the Applicant to have a privately maintained street right-of-way a minimum 30 feet wide rather than the 35 feet called for in the LDC. This deviation has been recommended for approval because it will allow the Applicant to extend the existing 30-foot-wide right-of-way into the proposed Area "B" as shown on the Master Concept Plan. The roadway design section of the LDC will be kept; it is only the width that will deviate.

Only one member of the public spoke at the public hearing. He was concerned with some of the statutory powers of the District. This concern was outside the scope of the zoning request. He was allowed to place his concerns in the record, but he was informed that his concerns went beyond the Hearing Examiner's or Board of County Commission's authority in a zoning hearing.

Therefore, having considered all of the foregoing, it is found that the requested rezoning is compatible, as conditioned, with the surrounding uses, and is consistent with the Lee Plan and the Land Development Code. It is recommended that the Lee County Board of County Commissioners approve the request.

## **V. FINDINGS AND CONCLUSIONS:**

Based upon the Staff Report, the testimony and exhibits presented in connection with this matter, the undersigned Hearing Examiner makes the following findings and conclusions:

A. That the Applicant has proved entitlement to the rezoning by demonstrating compliance with the Lee Plan, the Land Development Code, and any other applicable code or regulation.

B. That the request will meet or exceed all performance and locational standards set forth for the potential uses allowed by the request.

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<sup>1</sup> A Type "B" buffer is minimum of 15 feet wide, with five trees per linear foot, with a double-staggered hedge row.

- C. That the request is consistent with the densities, intensities and general uses set forth in the Lee Plan.
- D. That the request is compatible with existing or planned uses in the surrounding area.
- E. That approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development.
- F. That, where applicable, the request will not adversely affect environmentally critical areas and natural resources.
- G. That the proposed use or mix of uses is appropriate at the subject location.
- H. That the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest.
- I. That the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
- J. That the requested deviations enhance the achievement of the objectives of the planned development.
- K. That the requested deviations preserve and promote the general intent of Chapter 34, Land Development Code, to protect the public health, safety and welfare.
- L. That, where the change proposed is within a future urban area category, urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

**VI. LIST OF EXHIBITS:**

Aerial & Zoning Map, dated July 21, 2003, not revised, prepared by AIM Engineering & Surveying, Inc., date stamped "Received July 22, 2003 Permit Counter"

Lee County Zoning Intergraph Map, generated 06 AUG 03 13.21.10

Master Concept Plan, dated July 21, 2003, not revised, prepared by AIM Engineering & Surveying, Inc., date stamped "Received July 22, 2003 Permit Counter" [two copies]

**STAFF'S EXHIBITS**

- 1 Composite Exhibit consisting of colored photographs of the subject property and surrounding area, taken by Tony Palermo on August 19, 2003

Résumés of Lee County Staff are on file with the Hearing Examiner's Office and are incorporated herein.

## **APPLICANT'S EXHIBITS**

- 1 Composite Exhibit composed of an Aerial and Zoning map, a Master Concept Plan, a Future Land use map and the Lehigh Acres Lee Plan Overlay Zones map

Résumés of Applicant's consultants are on file with the Hearing Examiner's Office and are incorporated herein.

## **VII. PRESENTATION SUMMARY:**

The Hearing Examiner explained the hearing process and placed all the participants under oath. First to speak was Joe Lewis of Aim Engineering & Surveying, Inc., who indicated that David Lindsay, the Manager of the East County Water Control District, was also present to request that a portion of their property be rezoned.

The request was to rezone the 3.18 acres, located at 601 East County Lane in Lehigh Acres, from AG-2 to CPD. The property was within the Central Urban core of the Lehigh Acres Business District and bound on the north by the Able Canal, a 200-foot-wide right-of-way owned by East County Water Control District. To the east, was Williams Avenue, a privately owned road by East County Water Control District. To the south, it was bounded by several commercial offices and to the west, was Industrial Light (IL) property owned by Lee County Utilities, now the FGUA, and the location of their Waste Water Treatment Plant.

Mr. Lewis presented Applicant's Exhibit 1, a composite of maps consisting of an aerial and zoning map, a Master Concept Plan, a Future Land use map and a Lehigh Acres Overlay Zones map. Directing his attention to the Master Concept Plan, he stated that Area "A" showed existing offices, maintenance facilities and a series of retention/detention lakes. Area "B" was a vacant piece of land with possibly some pieces of machinery parked on it. The Future Land Use and Overlay maps drew attention to the location of the subject property.

Continuing, Mr. Lewis noted that Area "A" would basically remain the same with some future expansions of the administration buildings. However, they had requested some small nonmetal office uses on Area "B."

At that point, the Hearing Examiner stated that Staff had recommended approval of the request with a set of conditions and asked if Mr. Lewis had reviewed them? He replied they had been reviewed and were found favorable.

Next, to deliver Staff's presentation, Tony Palermo, Senior Planner with the Department of Community Development, stated that his resume was on file with the Hearing Examiner's Office and requested to be accepted as an expert witness in land use and planning. After hearing no objections, the Hearing Examiner accepted him as such.

Mr. Palermo indicated that the Hearing Examiner was in possession of the Staff Report, dated November 24, 2003, and the related attachments. The only correspondence regarding the case was received from Frank Lohlein, who was present at the hearing. Mr. Lohlein and Mike Pavese, County Lands Division, expressed interest and had been contacted on this matter. No other phone calls or letters had been received.

Then, Mr. Palermo presented and explained a series of color photographs of the site that were taken on August 19, 2003 and marked as Staff's Exhibit 1. He further stated that the request was to rezone the 3.18 acre subject property located at 601 East County Lane in Lehigh Acres, from AG-2 to CPD, to permit a maximum floor area of 50,000 square feet for commercial, warehousing, maintenance and office uses for the East County Water Control District. The Future Land use for the facility was Public Facilities and currently being used for the East County Water Control District office, maintenance building, storage and parking.

To the north, across the 200-foot-wide Able Canal, was Community Facilities zoning where Lehigh Acres Community Park, with baseball fields and playgrounds, was located. To the east was another part of the Able Canal and then Williams Avenue, where some commercial areas, medical buildings and a single-family neighborhood existed. To the south was an additional commercial property consisting of medical uses and plazas. The surrounding commercial areas were designated as Central Urban Future Land use. To the west, there was existing IL zoning, which included Lee County Utilities and the Waste Water Treatment Plant.

Continuing, Mr. Palermo stated that Staff recommended approval of the request with conditions and three deviations, as listed on pages 2 through 5 of the Staff Report, along with the allowable uses in Areas "A" and "B." The project could be developed with 50,000 square feet of floor area. Mr. Palermo noted that he had omitted the plus or minus sign ( $\pm$ ) when referring to the 50,000 square feet, which would allow the Applicant some flexibility. The same omission applied to the descriptions of Areas "A" and "B."

He explained that the conditions were very basic, in that there would be no development blasting, no agriculture, and no retail sales because the site did not meet those standards. Staff also wanted to ensure that if any fabrication took place, it would be in an enclosed building. Additionally, there would be a limitation on the storage of heavy equipment to not more than 10 tons. Due to the neighboring Lehigh Acres Community Park, a Type "B" buffer was required. The Applicant had agreed to the conditions and Staff approved the deviations, with the exception of Deviation 2, that was withdrawn.

The subject property was not located in the Lehigh Acres Commercial overlay zone, although it was very close to that area. The East County Water Control District was responsible for the conservation management of water resources in the Lehigh Acres community. The property currently had a Special Exception for government services and accessory structures, which explained the existing structures on AG-zoned property.

Staff's primary concern and the reason for the conditions, was to protect the Lehigh Acres Community Park, located just north of the subject property and across the Able canal. The subject property was clearly visible from the playground, swimming pool, tennis court and softball fields in the park. A Type "B" buffer would minimize the visual and consensual noise from the park.

Staff further recommended limiting the uses on the property to those compatible with the neighboring park. It was not an appropriate location for intensive uses such as Automobile Repair, Automobile repossession, Building Material sales, Group III (fabrication and outdoor storage of heavy equipment), or Outdoor storage. It was appropriate for some uses in conjunction with the maintenance facility in Area "B" and with a limited number of compatible office and business uses in Area "B."

Mr. Palermo noted that the Future Land use designation for the property was CF and the Applicant was working with Planning Staff to evaluate the appropriateness of a change in land use to Central Urban, the zoning for the surrounding area. After evaluation, Staff would make a recommendation to the BOCC regarding the addition of land into that category or, in some instances, removing it from that category.

Planning Staff appeared to support changing the future land use category to Central Urban. Only a small portion of the property was CF, with the balance of the land designated as CF Future Land use. The zoning was appropriate for the park, but Staff deemed it inappropriate for the requested use and they suggested a change to Central Urban. However, Staff did not intend that the rezoning issue alone should unnecessarily delay the rezoning request. The Department of Community Development did not require a small scale amendment to be completed prior to consideration of the request with compatible commercial uses. Further, Staff recommended a CPD rather than a Community Facility Planned Development (CFPD), in anticipation that the future land use would be changed to a more appropriate category.

The Hearing Examiner asked if the Future Land use was changed on the subject property, were the uses appropriate? Mr. Palermo replied, "absolutely." The Staff Report indicated that the request was consistent with the Public Facilities Future Land use category and if the Future Land use category was changed to Central Urban, the request would still be consistent.

Continuing, Mr. Palermo stated that Staff also found the request consistent with Lee Plan Policy 5.1.5, which was for the protection of residential areas from uses that would be potentially destructive to the integrity of the residential environment. Staff found no significant environmental issues, as it was an existing site. Also, there were no significant transportation issues because there were no retail or controversial issues.

In conclusion, he stated that the rezoning, as conditioned, met the criteria necessary for a CPD, including consistency with the Lee Plan. The request was compatible with neighboring properties and the deviations recommended for approval, as conditioned, enhanced the objectives of the planned development to preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

First to speak from the public was Frank Lohlein, a resident of 620 McArthur Avenue in Lehigh Acres. He indicated that he was a tax payer and, at a recent meeting with the East County Water Control District, the District engineer reported that he had spoken with Mary Gibbs and another Staff member who stated that the subject rezoning would only require administrative approval.

Mr. Lohlein found that to be strange and subsequently spoke with Mr. Palermo who advised him that the rezoning request was scheduled for a public hearing. Mr. Stout, the Board Chairman for the East County Water Control District, advised everyone at the meeting that there would not be hearing to attend. Mr. Lohlein believed that because the Water District Board was in possession of the date of the hearing, they were lying and not correctly informing the public as to what was happening.

Continuing, Mr. Lohlein stated that the property was supposed to have been sold to a contractor who went out of business. He provided Mr. Palermo with a copy of his objections during the first sale and a copy of those details were sent to the Hearing Examiner, which the Hearing Examiner acknowledged receipt of. Mr. Lohlein summarized his submission as follows:

A memo from the East County Water Control District said that they could sell property as stated in their Bill 1509, Chapter 2,423, page 33, lines 1 through 4. That memo referred to contractual agreements and other revenue sources and was based on only one of the four opinions of the districts in the Attorney General's opinion 2002-1, the Melbourne-Tillman Water Control District. It did not consider the Loxahatchee District, the Ponte Vedre Beach District or the Florosa Fire Control District opinions. The point made was that the East County Water Control District should ask for an opinion from the Attorney General, thereby resolving the question of the legality of the sale of the land.

The Hearing Examiner asked if Mr. Lohlein had any actual objection to the proposed rezoning request? He further explained that the purpose of the instant hearing was to address the rezoning request and that he had no control or jurisdiction over the sale of any property or related issues.

Mr. Lohlein requested that the Hearing Examiner's recommendation for the rezoning request be delayed until an opinion had been made regarding the legality of the land sale. Further, he wanted to point out that Area "B" was completely land locked. Supervisor Barrett, of the East County Water Control District, had previously indicated that, if the land was sold, there would be no room to expand their administrative garage. Therefore, he suggested that the portion of the property be attached to the park, until such time that it was needed for the East County Water Control District expansion.

Additionally, he said pointed out that the Attorney General's opinion reiterated the four previous opinions and was suggested by the Attorney General that, if it was not in the laws, it should be. It gave powers to the supervisors, but did not state that the land could be sold.

In the memorandum by East County Water Control District, the interpretation of "Contractual Agreement," stated that contracts were to hire or return services or equipment and not to make a contract to sell land from outside agencies. The revenue raising section was a moot point because they had now collected more than 25 percent over the tax assessment revenues in the past year.

The first and second contractors both wished to purchase the property, which raised the questioned of, if it was found legal to sell the property, an opinion would be pursued after the hearing.

Mr. Lohlein wanted to know why the contract insisted that the tax payers pay for the access road, the fence and the cost to apply for the rezoning. He believed the owner of the land had to apply and pay for the rezoning. In closing, he requested that the rezoning request be denied or not acted upon until the legal challenges of the land sale were resolved.

The Hearing Examiner indicated that he would conduct a site visit prior to issuing his recommendation sometime in January 2004. At that point, the hearing was closed.

**VIII. OTHER PARTICIPANTS AND SUBMITTALS:**

**ADDITIONAL APPLICANT'S REPRESENTATIVES:**

**ADDITIONAL COUNTY STAFF:**

1. Donna Marie Collins, Assistant County Attorney, P. O. Box 398, Ft. Myers, Florida 33902-0398
2. Mike Pavese, Lee County Lands Division, P. O. Box 398, Ft. Myers, Florida 33902-0398

**PUBLIC PARTICIPATION:**

**A. THE FOLLOWING PERSONS TESTIFIED OR SUBMITTED EVIDENCE FOR THE RECORD AT THE HEARING (SEE SECTION VII.):**

**For: NONE**

**Against:**

1. Frank Lohlein, 620 McArthur Avenue, Lehigh Acres, Florida 33972

**B. THE FOLLOWING PERSONS SUBMITTED A LETTER/COMMENT CARD, OR OTHERWISE REQUESTED A COPY OF THE HEARING EXAMINER RECOMMENDATION:**

**For: NONE**

**Against: NONE**

**IX. LEGAL DESCRIPTION:**

See Exhibit A (scanned legal description).

**X. UNAUTHORIZED COMMUNICATIONS:**

Unauthorized communications shall include any direct or indirect communication in any form, whether written, verbal or graphic, with the Hearing Examiner, or the Hearing Examiner's staff, any individual County Commissioner or their executive assistant, by any person outside of a public hearing and not on the record concerning substantive issues in any proposed or pending matter relating to appeals, variances, rezonings, special exceptions, or any other matter assigned by statute, ordinance or administrative code to the Hearing Examiner for decision or recommendation. . . . [Administrative Code AC-2-5]

No person shall knowingly have or attempt to initiate an unauthorized communication with the Hearing Examiner or any county commissioner [or their staff]. . . . [LDC Section 34-52(a)(1), emphasis added]

Any person who knowingly makes or attempts to initiate an unauthorized communication . . . [may] be subject to civil or criminal penalties which may include: [Section 34-52(b)(1), emphasis added]

Revocation, suspension or amendment of any permit variance, special exception or rezoning granted as a result of the Hearing Examiner action which is the subject of the unauthorized communication. [LDC Section 34-52(b)(1)b.2.]; OR

A fine not exceeding \$500.00 per offense, by imprisonment in the county jail for a term not exceeding 60 days, or by both such fine and imprisonment. [LDC Section 1-5(c)]

**XI. HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS:**

A. This recommendation is made this 27<sup>th</sup> day of January, 2004. Notice or copies will be forwarded to the offices of the Lee County Board of County Commissioners.

B. The original file and documents used at the hearing will remain in the care and custody of the Department of Community Development. The documents are available for examination and copying by all interested parties during normal business hours.

C. The Board of County Commissioners will hold a hearing at which they will consider the record made before the Hearing Examiner. The Department of Community Development will send written notice to all hearing participants of the date of this hearing before the Board of County Commissioners. Only participants, or their representatives, will be allowed to address the Board. The content of all statements by persons addressing the Board shall be strictly limited to the correctness of Findings of Fact or Conclusions of Law contained in the recommendation, or to allege the discovery of relevant new evidence which was not known by the speaker at the time of the earlier hearing before the Hearing Examiner and not otherwise disclosed in the record.

D. The original file containing the original documents used in the hearing before the Hearing Examiner will be brought by the Staff to the hearing before the Board of County Commissioners. Any or all of the documents in the file are available on request at any time to any County Commissioner.

**XII. COPIES OF TESTIMONY AND TRANSCRIPTS:**

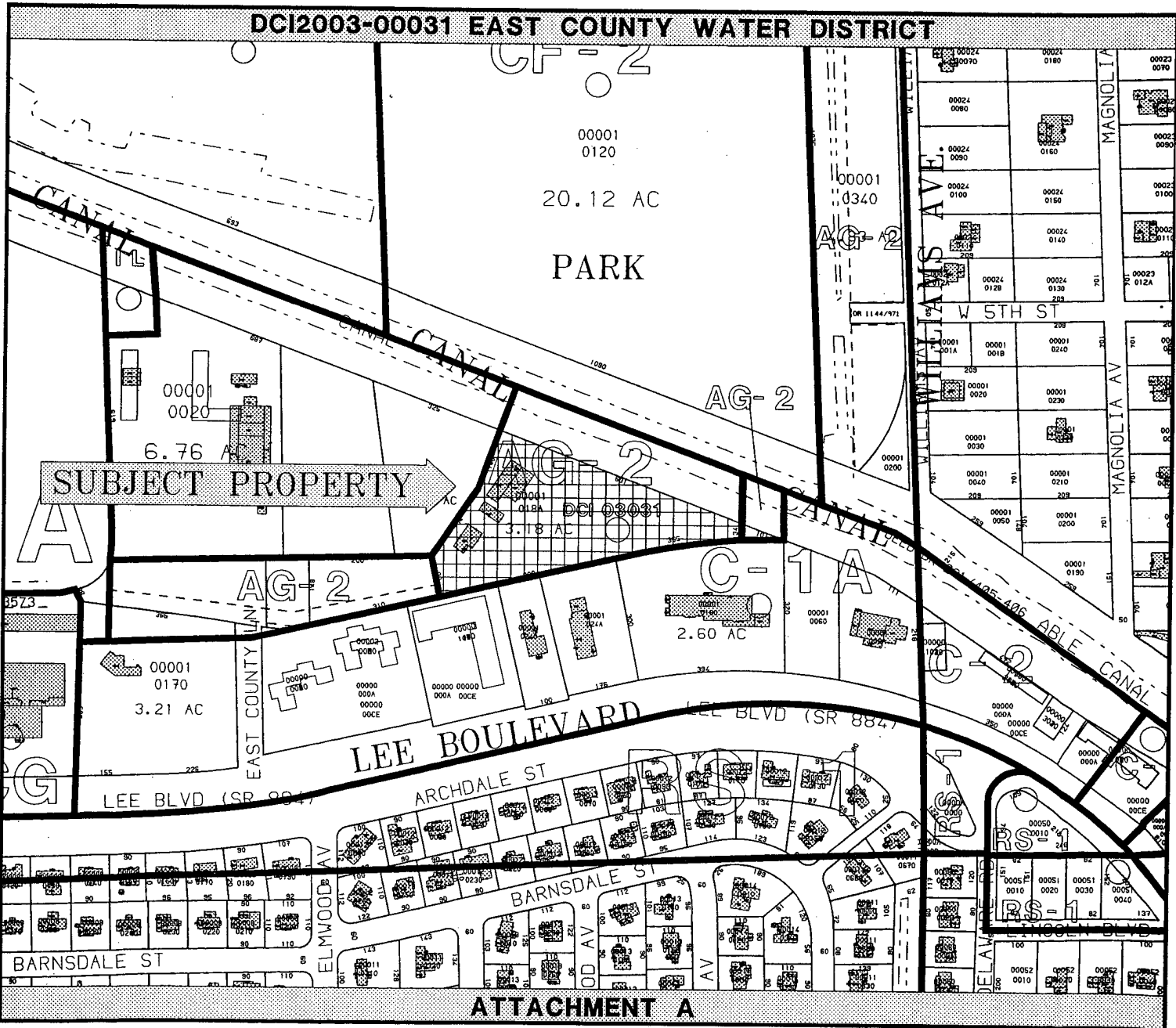
A verbatim transcript of the testimony presented at the hearing can be purchased from the court reporting service under contract to the Hearing Examiner's Office. The original documents and file in connection with this matter are located at the Lee County Department of Community Development, 1500 Monroe Street, Fort Myers, Florida.



SALVATORE TERRITO  
LEE COUNTY HEARING EXAMINER  
1500 Monroe Street, Suite 218  
Post Office Box 398  
Fort Myers, FL 33902-0398  
Telephone: 239/479-8100  
Facsimile: 239/479-8106



DCI2003-00031 EAST COUNTY WATER DISTRICT



**LEE COUNTY, FLORIDA  
COMMUNITY DEVELOPMENT DEPARTMENT, ZONING DIVISION  
STAFF REPORT**

**TYPE OF CASE:** PLANNED DEVELOPMENT/DCI  
**CASE NUMBER:** DCI2003-00031  
**HEARING EXAMINER DATE:** DECEMBER 10, 2003

**I. APPLICATION SUMMARY:**

- A. Applicant: East County Water Control District
- B. Request: Rezoning request from Agriculture (AG-2) to Commercial Planned Development (CPD) to permit a maximum floor area of 50,000 square feet for commercial, warehousing, maintenance, and office uses for the East County Water Control District on ± 3.18 acres of land. No development blasting is being requested.
- C. Location: The subject property is located at 601 East County Lane, Lehigh Acres, FL (East County Lane north of Lee Boulevard to dead end. East County Lane is just east of Homestead Road and Lee Boulevard intersection.), in S30-T44S-R27E, Lee County, FL. (District #5)
- D. Future Land Use Plan Designation, Current Zoning and Use of Subject Property:

Future Land Use:	Public Facilities
Zoning:	Agriculture (AG-2)
Use:	East County offices, maintenance buildings, storage, parking.

E. Surrounding Land Use:

<u>Existing Zoning &amp; Land Use</u>	<u>Future Land Use Map</u>
North: Able Canal, then zoned Community Facilities (CF-2), Lehigh Community Park, baseball fields, playgrounds.	Public Facilities
East: Able Canal, then Williams Avenue, Zoned Commercial (C-2) and Residential Single-Family (RS-1), Commercial offices (medical) then single-family dwelling units.	Central Urban, Urban Community
South: Zoned Commercial (C-1A), Commercial plazas with medical and other office uses.	Central Urban
West: Zoned Industrial Light (IL), East County Water District facilities.	Central Urban

F. Size of Property: ± 3.18 Acres

## II. RECOMMENDATION:

Staff recommends **APPROVAL** of the Applicant's request for rezoning from Agriculture (**AG-2**) to Commercial Planned Development (**CPD**) with the following conditions and four deviations:

### A. Conditions

1. The development of this project must be consistent with the 1-page Master Concept Plan entitled "A MASTER CONCEPT PLAN FOR EAST COUNTY WATER CONTROL DISTRICT" stamped Received Permit Counter July 22, 2003 except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at time of local Development Order Approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.
2. The following limits apply to the project and uses:
  - a. Schedule of Uses

#### **AREA A ± 1.83 ACRES**

**ACCESSORY USES AND STRUCTURES  
ADMINISTRATIVE OFFICES  
ENTRANCE GATES AND GATEHOUSE  
ESSENTIAL SERVICES  
ESSENTIAL SERVICE FACILITIES: GROUP I  
EXCAVATION: WATER RETENTION (NO BLASTING)  
FENCES, WALLS  
GOVERNMENT MAINTENANCE FACILITY  
PARKING LOT: ACCESSORY, TEMPORARY  
SIGNS, IN COMPLIANCE WITH CHAPTER 30  
TEMPORARY USES, IN COMPLIANCE WITH LDC SEC. 34-3041**

#### **AREA B ± 1.35 ACRES**

**ACCESSORY USES AND STRUCTURES  
ADMINISTRATIVE OFFICES  
BUSINESS SERVICES: GROUP I AND II (NO AUTOMOBILE REPOSSESSING SERVICES)  
CLEANING AND MAINTENANCE SERVICES  
CONTRACTORS AND BUILDERS: GROUP I, GROUP II (NO OUTDOOR STORAGE OR FABRICATION PERMITTED WITH THIS USE)  
ENTRANCE GATE AND GATE HOUSE  
ESSENTIAL SERVICES  
ESSENTIAL SERVICE FACILITIES: GROUP I  
EXCAVATION: WATER RETENTION (NO BLASTING)**

**FENCES, WALLS**  
**GOVERNMENT MAINTENANCE FACILITY**  
**PARKING LOT: ACCESSORY, TEMPORARY**  
**RESEARCH AND DEVELOPMENT LABORATORY: GROUP II,**  
**GROUP IV (GROUP IV ENGINEERING ONLY)**  
**SIGNS, IN COMPLIANCE WITH CHAPTER 30**  
**STORAGE, OPEN - ANCILLARY TO A GOVERNMENT**  
**MAINTENANCE FACILITY ONLY.**  
**TEMPORARY USES, IN COMPLIANCE WITH LDC SEC. 34-**  
**3041**  
**WHOLESALE ESTABLISHMENTS: GROUP III INDOOR**  
**STORAGE. (NO OPEN STORAGE)**  
**TEMPORARY USES IN COMPLIANCE WITH LDC SEC. 34-3041**  
**WAREHOUSE, PRIVATE (INDOOR ONLY)**

b. Site Development Regulations

The project may be developed with a maximum of 50,000 square feet of floor area with a maximum of 25,000 square feet of floor area for Area "A" and a maximum of 25,000 square feet of floor area for Area "B".

**Minimum Area Dimensions:**

◆ Min. Lot Area	Area A: ± 1.83 acres
	Area B: ± 1.35 acres
◆ Min. Lot Depth	N/A
◆ Min. Lot Width	N/A
<b>Minimum Building Setbacks:</b>	
◆ Street	25-ft.
◆ Side	15-ft.
◆ Perimeter	15-ft.
◆ Separation Between Buildings	15-ft.
◆ Rear	15-ft.
◆ Water (Retention Pond)	10-ft.
◆ Water (Able Canal Right of Way)	25-ft.
◆ Accessory Structures (Side & Rear)	5-ft.
Maximum Building Height	35-ft./3 stories
Maximum Lot Coverage	60%
Minimum Open Space	30%

3. Prior to local development order approval, the plan must demonstrate how 30% or 0.95 acres of open space will be provided on the project as a whole. A minimum of 15% open space must be provided within Area "A" and Area "B" delineated on the Master Concept Plan.
4. No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.

5. Uses prohibited:
  - a. Agriculture is not a permitted use within this planned development.
  - b. Retail sales are not permitted within this planned development.
  - c. Fabrication (if any) must take place within an enclosed building.
  - d. Storage of heavy equipment (i.e. bulldozers, draglines, earthmovers, or any vehicle 10 tons or more) is prohibited.
6. Buffers:

Prior to approval of any Development Order, the landscape plans must delineate the following:

  - a. A Type "B" buffer (minimum 15 feet in width, 5 trees per linear foot, double-staggered hedge row) will be provided on the entire northern boundary of Area A and Area B along the Able Canal.
  - b. All buffers must utilize 100% native vegetation.
  - c. Buffers must utilize canopy-type trees (no palms) a minimum of 16 feet in height and 4-inch caliper at time of planting.
7. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
8. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.

## **B. Deviations**

**Deviation #1** seeks relief from LDC Section 34-2194 "Setbacks from Bodies of Water" which requires that no building or structure shall be placed closer than 25 feet to a waterbody to allow a 10-foot setback for buildings adjacent to retention and detention ponds.

Staff recommends **APPROVAL** of the proposed deviation subject to the following condition:

1. Approval is limited to an existing structures shown as #1 in Area "A" of the approved Master Concept Plan.

The proposal would allow for an existing building to be maintained in place 10 feet from a retention pond (#1 on the MCP). Staff offers no objection in granting the request finding it helps achieve the proposed development while not adversely impacting the public's health safety or welfare.

**Deviation #2 WITHDRAWN BY THE APPLICANT.**

**Deviation #3** seeks relief from LDC Sec. 10-714 (a) which requires cul-de-sacs to be symmetrical about the centerline, to allow for an off-center cul-de-sac.

Staff recommends **APPROVAL** of the proposed deviation subject to the following condition:

1. Approval is limited to the cul-de-sac as shown as #3 in Area "B" of the approved Master Concept Plan.

The applicant argues this is necessary due to the location of the proposed easement along the property line which does not allow the cul-de-sac to be symmetrical with the centerline. The proposal would allow the cul-de-sac to be placed as shown on the MCP. Staff offers no objection in granting the request finding it helps achieve the proposed development while not adversely impacting the public's health safety or welfare.

**Deviation #4** seeks relief from LDC Sec. 10-296, Table 3 which requires minimum right of way widths for privately maintained street for two-way closed drainage or inverted crown to be 35 feet, to allow a right-of-way width of 30 feet to match existing roadway section.

Staff recommends **APPROVAL** of the proposed deviation subject to the following condition:

1. Approval is limited to the entrance road as shown as #4 on the approved Master Concept Plan.

The applicant argues the deviation will allow the developer to extend the existing 30-foot wide right of way section with closed drainage (curb and gutter) from Area "A" to Area "B". Staff offers no objection in granting the request finding it helps achieve the proposed development while not adversely impacting the public's health, safety or welfare.

**Findings and Conclusions:**

Based upon an analysis of the application and the standards for approval of planned development rezonings, staff makes the following findings and conclusions:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes and regulations.
2. The requested zoning, as conditioned:
  - a) meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;
  - b) is consistent with the densities, intensities and general uses set forth in the Lee Plan;
  - c) is compatible with existing or planned uses in the surrounding area; and
  - d) will not adversely affect environmentally critical areas or natural resources.

3. Approval of the request as conditioned will not place an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
5. The proposed use or mix of uses as conditioned is appropriate at the subject location.
6. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest.
7. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.
8. The deviations granted:
  - a) enhance the objectives of the planned development; and
  - b) preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

### **III. BACKGROUND INFORMATION AND ANALYSIS:**

#### **Introduction/Synopsis**

The applicant is requesting a rezoning from Agriculture (AG-2) to Commercial Planned Development (CPD) to allow for the development of a new Administration Office for the East County Water Control District. This will replace a temporary structure where the District staff of 8 is now working. The new office, as proposed, will be a 4,416 square-foot building with offices, files, storage, and a meeting room for the District's Board of Supervisors.

The subject property is to the east of the District's existing facilities, located at the eastern end of East County Lane in Lehigh Acres. The subject property is not in any of the Lehigh Acres Commercial Overlay Zones.

The project is divided into two development areas (A and B) with A consisting of existing structures, and B consisting of future structures. The applicant proposes a total of 50,000 square feet of floor area including offices, maintenance buildings, and warehousing and storage of materials. Buildings are limited to 35-feet in height and 3 stories.

Area "A" consists of the existing buildings, parking, maintenance, and temporary office for the District. The District seeks to continue this use, and build a permanent facility in place of the temporary building. The current structures utilizes 9,291 square feet of floor area.

Area "B" is currently undeveloped. The District is seeking to either utilize this portion for a an office building (for uses such as builders and contractors) or utilize it for future expansion of the District's facilities.

The East County Water Control District (ECWCD) is responsible for the conservation and management of Lehigh Acres community water resources. The District maintains a network

of canals, water control devices, and structures. The East County Water Control District encompasses over 63,000 acres of land and approximately 311 miles of canals. The District is funded through acreage assessments on all parcels within its boundaries.

The subject property has a special exception for government services and accessory structures Resolution #ZB-85-358 (Attachment K). It was also the subject of an old rezoning (Attachment L - Resolution #Z-75-111 rezoning from GU to BU-2A and IU and from GU and BU-1 to BU-2A and IU). Those zoning districts (IU, BU-2A) were converted to Commercial (C-1), Industrial Light (IL) under Lee County's Land Development Regulations.

The property's current zoning is Agricultural (AG-2). It is in the Public Facilities Future Land Use category of the Lee Plan. Located at the end of East County Lane, the subject property does not meet commercial site location standards for retail uses as found in the Lee Plan. Office, storage, and government maintenance uses do not have to meet commercial site location standards.

Staff's primary concern is for the project's compatibility with the Lehigh Community Park to the north, across from Able Canal. Although the canal is 200 feet, the District property is clearly visible from the playgrounds, swimming pool, tennis courts and softball fields on the park. Staff recommends an enhanced Type B buffer to both minimize the visual impacts and potential noise impacts from the proposed commercial uses.

Staff recommends limiting the uses on the subject property to those compatible with an existing public park. It is not an appropriate location for some of the more intensive uses requested such as Auto Repair, Auto Repossession, Building Materials and Sales, Contractors and Builders Group III (outdoor fabrication and outdoor heavy equipment). It is also not appropriate for commercial outdoor storage. It is appropriate to allow some uses in conjunction with a government maintenance facility (Area "A") with a limited number of compatible office and business uses in Area "B".

The Future Land Use designation of the subject property is Community Facilities. The applicant is working with Planning staff to evaluate the appropriateness of a change in land use to Central Urban. Periodically, the Planning staff evaluates the appropriateness of Community Facilities land in the county, and recommends to the Board of County Commissioners adding land into this category and removing it from this category. Changing the Future Land Use category to Central Urban is a change planning staff can support. Staff does not want this Future Land Use issue alone to unnecessarily delay this rezoning request, and the Department of Community Development is not requiring a Small Scale Amendment to be completed prior to considering this request with commercial uses.

Staff is also recommending a Commercial Planned Development, rather than a Community Facilities Planned Development, in anticipation that the Future Land Use will likely be changed to a more appropriate land use category.

## Master Concept Plan

The 1-page Master Concept Plan shows the development of this property located at the eastern end of East County Lane. The parcel is divided into two areas. Area "A" (±1.83 acres) is the developed parcel with offices, parking, retention, and a metal maintenance building for the District's vehicles and equipment. Area "B" (±1.35 acres) is vacant property with a proposed development area and parking area for both parcels on the MCP. Although Area B is currently vacant, there are some material stored outdoors. The MCP shows the location of the Deviations 1,3 and 4 (Deviation 2 was withdrawn). The MCP shows a schedule of uses for both development areas, and proposed development regulations and open space calculations. The MCP does not propose a buffer to the north along the Able Canal.

## Lee Plan Considerations

***POLICY 1.1.8:*** *The Public Facilities areas include the publicly owned lands within the county such as public schools, parks, airports, and other governmental facilities. The allowable uses within these areas are determined by the entity owning each such parcel and the local government having zoning and permitting jurisdiction.*

Staff is evaluating the appropriateness of changing the Future Land Use from Community Facilities to Central Urban, which would be consistent with the surrounding Central Urban properties on this street and adjacent to the property. Planning staff is generally supportive of such a change.

Under the existing future land use, the request is appropriate for the East County Water District's headquarters as well as a limited number of commercial uses compatible with the surrounding areas. As conditioned and limited to these appropriate uses, the request for a Commercial Planned Development is **CONSISTENT** with **Policy 1.1.8** of the Lee Plan.

***POLICY 1.1.3:*** *The Central Urban areas can best be characterized as the "urban core" of the county. These consist mainly of portions of the city of Fort Myers, the southerly portion of the city of Cape Coral, and other close-in areas near these cities; and also the central portions of the city of Bonita Springs, Iona/McGregor, Lehigh Acres, and North Fort Myers. This is the part of the county that is already most heavily settled and which has or will have the greatest range and highest levels of urban service--water, sewer, roads, schools, etc. Residential, commercial, public and quasi-public, and limited light industrial land uses (see Policy 7.1.6) will continue to predominate in the Central Urban area. This category has a standard density range from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre) and a maximum density of fifteen dwelling units per acre (15 du/acre). (Amended by Ordinance No. 94-30, 02-02)*

If the Future Land Use category is changed to Central Urban, as is being contemplated, this request would also be **CONSISTENT** with **Policy 1.1.3** of the Lee Plan.

**POLICY 1.7.6:** *The Planning Communities Map and Acreage Allocation Table (see Map 16 and Table 1(b) and Policies 1.1.1 and 2.2.2) depicts the proposed distribution, extent, and location of generalized land uses for the year 2020. Acreage totals are provided for land in each Planning Community in unincorporated Lee County. No final development orders or extensions to final development orders will be issued or approved by Lee County which would allow the acreage totals for residential, commercial or industrial uses contained in Table 1(b) to be exceeded.*

The subject property is located in the Planning Community of Lehigh Acres. The existing commercial acreage is 267.76 acres with 452 allocated for 2020, leaving 184.24 available for commercial allocation. Staff finds the request to rezone ± 3.18 acres to Commercial Planned Development **CONSISTENT** with the allocations for the Planning Community of Lehigh Acres.

**OBJECTIVE 2.1: DEVELOPMENT LOCATION.** *Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities. (Amended by Ordinance No. 94-30, 00-22)*

**POLICY 2.1.3:** *All land use categories and Planning Community Map areas permit the consideration of churches and schools (except in Wetlands and Airport Noise Zones), public uses and buildings, public utilities and resource recovery facilities, public recreational uses (including franchised quasi-commercial uses in conjunction with a public use), and sites for compatible public facilities when consistent with the goals, objectives, policies, and standards in this plan and applicable zoning and development regulations. (Amended by Ordinance No. 94-30, 98-09)*

**OBJECTIVE 2.2: DEVELOPMENT TIMING.** *Direct new growth to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in F.S. 163.3164(7)) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, Florida Statutes and the county's Concurrency Management Ordinance. (Amended by Ordinance No. 94-30, 00-22)*

The subject property is located in an area and surrounded by existing public park, commercial and industrial development. The rezoning from agricultural to Commercial Planned Development (CPD) promotes a contiguous growth pattern and is **CONSISTENT** with **Objectives 2.1** and **2.2** as they relate to location and timing of development, and, as conditioned is **CONSISTENT** with **Policy 2.1.3** relating to compatible public facilities.

**POLICY 2.2.1:** *Rezoning and development-of-regional-impact proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare. (Amended by Ordinance No. 94-30, 00-22)*

This area of Lee County has experienced commercial and residential growth. This subject property is located in proximity to existing residential developments, a public park, schools, and commercial shopping. It has the necessary characteristics of urban infill. The proposed development is in an area where urban services already exist and are serving residential neighborhoods nearby. The development is in the Florida Water Services Corporation service area for potable water and sewer, and is within the service area for Lehigh Acres Fire Department, and the Lee County Sheriff's Office. The proposed project, as conditioned, is **CONSISTENT** with **POLICY 2.2.1** of the Lee Plan.

***POLICY 5.1.5:** Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Requests for conventional rezonings will be denied in the event that the buffers provided in Chapter 10 of the Land Development Code are not adequate to address potentially incompatible uses in a satisfactory manner. If such uses are proposed in the form of a planned development or special exception and generally applicable development regulations are deemed to be inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. The Land Development Code will continue to require appropriate buffers for new developments. (Amended by Ordinance No. 94-30, 99-15, 00-22)*

This is a commercial development in proximity to other commercial developments on East County Lane and Lee Boulevard. As conditioned it does not present a compatibility issue with residential developments. Those portions of the property next to an existing public park and residential neighborhoods on Williams Avenue are separated by a 200-foot canal. A vegetative buffer is appropriate to minimize the visual and potential sound impacts caused by this project. As conditioned, this proposed development is **CONSISTENT** with **POLICY 5.1.5** of the Lee Plan.

***POLICY 6.1.2:** All commercial development must be consistent with the location criteria in this policy, except where specifically excepted by this policy or by Policy 6.1.7, or in Lehigh Acres by Policies 1.8.1 through 1.8.3.*

The subject property is at the end of a private street and does not meet the commercial retail site location standards. As such, staff cannot support retail uses, or commercial uses which generate much traffic. Staff can support government maintenance uses, related accessory uses, and some other non-retail office and commercial uses. As conditioned, this proposed development is **CONSISTENT** with **Policy 6.1.2** of the Lee Plan.

***POLICY 6.1.7:** Prohibit commercial developments from locating in such a way as to open new areas to premature, scattered, or strip development; but permit commercial development to infill on small parcels in areas where existing commercial development would make a residential use clearly unreasonable.*

This project is in an infill area and is **CONSISTENT** with **Policy 6.1.7** of the Lee Plan.

**GOAL 70:** *To provide public facilities and services in Lee County adequate to serve the needs of both existing and future development.*

This project furthers the goal of and is **CONSISTENT** with **Goal 70** of the Lee Plan as it relates to expanding a public facility in Lehigh Acres.

### **Neighborhood Compatibility**

The Lee Plan describes the community of Lehigh Acres as follows:

*This community is the Lehigh Acres development, which was platted starting in 1954. This community is located south of Township 43 South, generally north of SR 82, and east of Buckingham Road/the Buckingham Rural Community Preserve to the eastern Lee County line. This community is designated as Urban Community, Central Urban, Industrial Development and Public Facilities. The Lehigh Community will continue to grow through the year 2020 at a rate faster than the county average growth rate. This community, however, will not be close to build out by 2020. The Lehigh community will grow from a 1996 permanent population of 26,000 to over 71,000 permanent residents in the year 2020. The build out potential for the Lehigh Community is more than double the projected 2020 population. Lehigh will continue to struggle with providing sufficient non-residential uses to accommodate a community of its size. New provisions for providing these uses has been implemented and will aid in this problem, however, residents will continue to commute from this community to the core communities such as Fort Myers, South Fort Myers, and Gateway/Airport for employment, shopping and other services. This community will also struggle with providing an adequate road network to reduce traffic congestion as the population grows.*

North of the subject property is Lehigh Community Park. The Park is zoned Community Facilities (CF-2) and was approved for a rezoning to CF-2 in 1989. The park is bound on the north by Village on the Lakes, a residential and community facilities planned development. The subject property is physically separated from the park by a 200-foot canal. Visually, the park is impacted by the subject property. From the playgrounds and the softball fields, the existing buildings and storage of materials is easily visible. Staff therefore recommends sufficient buffering, with trees and vegetation (no wall), to minimize the visual impact and give users of the park a more pleasant view across the canal.

South of the subject property is a series of commercial and medical office buildings including Coral Plaza, Bob White Centre, 21<sup>st</sup> Century Oncology, and Radiology Regional Center. These plazas front Lee Boulevard and have a variety of uses such as attorneys, medical offices, title companies, surveyors, mortgage companies, and one tattoo parlor.

West of the subject property are the East County Water Control District properties which have intensive uses such as storage of material, vehicles, and other uses related to the water district.

East of the subject property is a small tract of Agricultural property owned by the Water

Control District, Williams Avenue, and more commercial uses on Lee Boulevard and residential single-family uses along Williams Avenue and Magnolia Avenue.

Given the existing development and the existing canal between the subject property and developed properties including the park, and the conditions above, this request is compatible with the surrounding neighborhood.

### **Environmental Issues**

The Division of Environmental Sciences staff reviewed the proposed project conducted a field inspection. The property does not contain any Lee County listed species. There are no existing indigenous plant communities, or native trees for preservation. The Master Concept Plan states 30% open space will be provided with a minimum of 15% open space within Area 'A' and Area 'B' delineated on the MCP. Environmental staff recommend one condition to confirm open space requirements, which are incorporated into the staff recommendations.

### **Transportation**

The proposed project will consist of a maximum 50,000 square foot administration and maintenance headquarters building. The anticipated build out year is 2004.

Based on the 2002 Traffic Count Report issued by the Lee County Department of Transportation, the 2005 background peak hour, peak season, peak direction volume of flow on Lee Blvd. east of Sunshine Blvd. will be 1,853 vehicles per hour, and on Lee Blvd. north of Leeland Heights Blvd. will be 664 vehicles per hour. With these volumes, based on the Lee County D.O.T. Generalized Peak Hour Directional Service Volumes for Urbanized Areas, both of these roadway segments will operate at level of service "B". When the project traffic is added to these background traffic volumes the levels of service will remain at "B".

### **Conclusions**

In conclusion, this requested rezoning as conditioned meets the criteria necessary for a commercial planned development including consistency with the Lee Plan. The request is compatible with neighboring properties, and the deviations recommended for approval as conditioned enhance the objectives of the planned development; and, preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

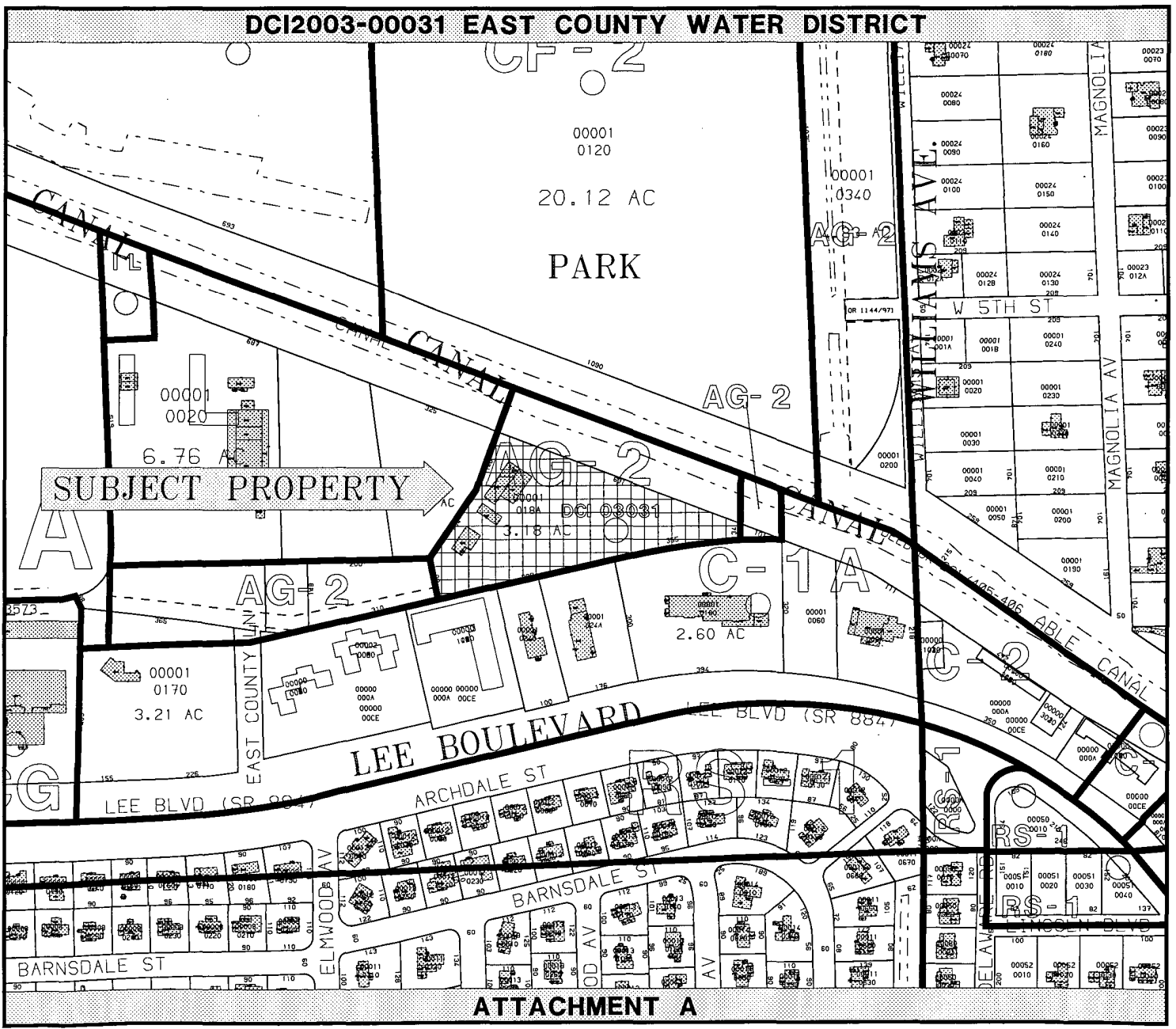
IV. ATTACHMENTS:

- A. Map of surrounding zoning
- B. Schedule of Uses
- C. Development Regulations
- D. Applicant's Narrative
- E. Applicant's Deviation Requests
- F. Applicant's July 17, 2003 correspondence with Tony Palermo, Senior Planner
- G. Environmental Sciences Comments
- H. Development Services Traffic Comments
- I. Applicant's Traffic Impact Statement
- J. Applicant's Aerial and Zoning Map
- K. Resolution #ZB-85-358 Special Exception for Government Services (Subject Property).
- L. Resolution #Z-75-111 Rezoning from GU to BU-2A and IU and from GU and BU-1 to BU-2A and IU. (Subject Property).

cc: Applicant  
County Attorney  
Zoning/DCI File  
Dave Berra, Lee County Parks and Recreation  
Mike Pavese, Lee County Public Works



DCI2003-00031 EAST COUNTY WATER DISTRICT



# **ATTACHMENT B**

## **East County CPD Schedule of Uses**

### **AREA A +/-1.83 ACRES**

**ACCESSORY USES AND STRUCTURES  
ADMINISTRATIVE OFFICES  
ENTRANCE GATES AND GATEHOUSE  
ESSENTIAL SERVICES  
ESSENTIAL SERVICE FACILITIES: GROUP I  
EXCAVATION: WATER RETENTION (NO BLASTING)  
FENCES, WALLS  
GOVERNMENT MAINTENANCE FACILITY  
PARKING LOT: ACCESSORY, TEMPORARY  
SIGNS, IN COMPLIANCE WITH CHAPTER 30  
TEMPORARY USES, IN COMPLIANCE WITH LDC SEC. 34-  
3041**

# **ATTACHMENT B**

## **East County CPD Schedule of Uses**

### **AREA B +/- 1.35 ACRES**

#### **ACCESSORY USES AND STRUCTURES**

#### **ADMINISTRATIVE OFFICES**

#### **BUSINESS SERVICES: GROUP I AND II (NO AUTOMOBILE REPOSSESSING SERVICES)**

#### **CLEANING AND MAINTENANCE SERVICES**

#### **CONTRACTORS AND BUILDERS: GROUP I, GROUP II (NO OUTDOOR STORAGE OR FABRICATION PERMITTED WITH THIS USE)**

#### **ENTRANCE GATE AND GATE HOUSE**

#### **ESSENTIAL SERVICES**

#### **ESSENTIAL SERVICE FACILITIES: GROUP I**

#### **EXCAVATION: WATER RETENTION (NO BLASTING)**

#### **FENCES, WALLS**

#### **GOVERNMENT MAINTENANCE FACILITY**

#### **PARKING LOT: ACCESSORY, TEMPORARY**

#### **RESEARCH AND DEVELOPMENT LABORATORY: GROUP II, GROUP IV (GROUP IV ENGINEERING ONLY)**

#### **SIGNS, IN COMPLIANCE WITH CHAPTER 30**

#### **STORAGE, OPEN - ANCILLARY TO A GOVERNMENT MAINTENANCE FACILITY ONLY.**

#### **TEMPORARY USES, IN COMPLIANCE WITH LDC SEC. 34-3041**

#### **WHOLESALE ESTABLISHMENTS: GROUP III INDOOR STORAGE. (NO OPEN STORAGE)**

#### **TEMPORARY USES IN COMPLIANCE WITH LDC SEC. 34-3041**

#### **WAREHOUSE, PRIVATE (INDOOR ONLY)**

# ATTACHMENT C

## East County CPD Development Regulations

The project may be developed with a maximum of 50,000 square feet of floor area with a maximum of 25,000 square feet of floor area for Area “A” and a maximum of 25,000 square feet of floor area for Area “B”.

### Minimum Area Dimensions:

◆ Min. Lot Area	Area A: +/- 1.83 acres
	Area B: +/- 1.35 acres
◆ Min. Lot Depth	N/A
◆ Min. Lot Width	N/A
Minimum Building Setbacks:	
◆ Street	25-ft.
◆ Side	15-ft.
◆ Perimeter	15-ft.
◆ Separation Between Buildings	15-ft.
◆ Rear	15-ft.
◆ Water (Retention Pond)	10-ft.
◆ Water (Able Canal Right of Way)	25-ft.
◆ Accessory Structures (Side & Rear)	5-ft.
Maximum Building Height	35-ft./3 stories
Maximum Lot Coverage	60%
Minimum Open Space	30%

April 22, 2003

**NARRATIVE STATEMENT**  
**COMPLIANCE WITH LEE PLAN**

This Narrative Statement is prepared in connection with an application to rezone the subject property from AG to CPD and is made to correct any error or ambiguity. There are urban services, as defined in The Lee Plan available and adequate to serve the proposed land use change and the proposed change is not intended to rectify errors on the official zoning map.

The change in the subject property and surrounding area make the requested zoning change appropriate in that the subject area is not and has not been for many years agricultural in nature. The development of surrounding property is in keeping with the nature of consumer-oriented commercial facilities of a type not suited for and generally not desirable locations in neighborhoods, sales or regional shopping centers. The intended use is in connection with a residential building contractor and administrative offices. The business is to be used and is appropriate for the storage or display of goods. The subject site is easily accessible from an arterial road, Lee Boulevard and East County Lane. The requested change is consistent with the goals, objectives, policies and intent of The Lee Plan and meets or exceeds all performance and locational standards set forth for the proposed use.

The following representations are made in accordance with the application request:

1. There are no environmentally critical areas and/or natural resources impacted by this proposed change;
2. The request is compatible with existing or planned uses and will not cause damage, hazard, nuisance or other detriment to persons or property; and,
3. The requested use will be in compliance with all general zoning provisions and supplemental regulations pertaining to the use as set forth in LDC Chapter 34.

DCI 2003-00031

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APR 30 2003

ATTACHMENT D

COMMUNITY DEVELOPMENT

REQUEST FOR DEVIATIONS

Deviation No. 1

*Request relief from LDC Section 34-2194, which required that no building or structure shall be placed closer than 25 feet to a waterbody to allow a 10 feet set back for building adjacent to retention and detention ponds.*

This request is for the existing structures in Area "A" of the Master Concept Plan and will have no effect on Area "B".

Deviation No. 2

*Request relief from LDC Section 34-935 (e) (4), which requires that, unless otherwise specified, where there are two or more principal buildings on a development tract, the minimum separation of buildings must be one half the sum of their heights, or 20 feet, whichever is greater, to allow a 15 feet separation.*

This request is withdrawn by the Applicant. Not required.

Deviation No. 3

*Request relief from LDC Section 10-714, Table 3 which requires cul-de-sacs to be symmetrical about the centerline, to allow for off-center cul-de-sac.*

This Deviation is required due to the location of the proposed easement laying parallel to the property line therefore not allowing the cul-de-sac to be symmetrical about the centerline.

Deviation No. 4

*Request relief from LDC Section 10-296, Table 3 which requires minimum right-of-way widths for privately maintained streets for two-way closed drainage or inverted crown to be 35 feet, to allow a right-of-way width of 30 feet to match existing roadway section.*

This Deviation will allow the Developer to extend the existing 30 foot wide right-of-way section with closed drainage (curb & gutter) into the proposed Area "B" of the Master Concept Plan. This is a reduction from 35 feet to 30 feet right-of-way width only. The roadway design section shall be as designated in LDC Section 10-296, Table 3.

ATTACHMENT E



# AIM Engineering & Surveying, Inc.

Corporate Office:  
5300 Lee Boulevard (33971-1026)  
Post Office Box 1235  
Lehigh Acres, Florida 33970-1235

239-332-4569  
239-675-3696  
800-226-4569  
Fax: 239-332-8734

July 17, 2003

Mr. Tony Palermo  
Department of Community Development  
Zoning Division  
P. O. Box 398  
Fort Myers, Florida 33902-0398

**Re: East County Water Control District  
DC 12003-00031**

**RECEIVED**  
JUL 22 2003  
PERMIT COUNTER

12003-00031 DC

Dear Mr. Palermo:

Please find herewith the required information requested in the Planned Development Sufficiency Checklist for the above referenced, dated May 20, 2002.

- 1) Mr. David Lindsay is the Manager of the East County Water Control District. The Covenant of Unified Control has been changed to reflect same.
- 2) Blasting LDC 34-202(b)(6).  
No blasting is anticipated for this project.
- 3) Agriculture uses LDC 34-202(b)(7).  
There are no agricultural uses on subject property. The site is being used as an office and maintenance facility for the East County Water Control District.

### Zoning Comments

- 1) The Legal Description has been removed from the Master Concept Plan and included herewith as a separate attachment.
- 2) The name of the private road accessing the property is East County Lane.
- 3) The zoning, future land use and current use has been added to the Master Concept Plan.
- 4) The subject property is separated from the property to the north by a 200 foot wide canal right-of-way (Able Canal). The existing use to the north is a ball field and tennis court. Additional buffers in the case seem unnecessary.

## ATTACHMENT F



July 17, 2003  
Page Two

DCI 2003-00031

RECEIVED  
JUL 22 2003

PERMIT COUNTER

- 5) The existing floor area for Area "A" is 0.0 s.f. The proposed floor area will be a combination of office and warehouse totaling not to exceed a maximum of 25,000 s.f. The existing floor area for Area "B" is 9,291 s.f. and not to exceed a maximum of 25,000 s.f.
- 6) The proposed maximum building height is 35 feet or 3 stories.
- 7) The minimum setback from the street is 25 feet. The minimum set back from the existing lake on site is 10 feet. The minimum setback from the body of water (Able Canal) is 15 feet from the right-of-way line. (Exceeds minimum of 25 feet from water body).
- 8) The existing uses and square footage of improvements of Area "B" have been labeled on the Master Concept Plan.
- 9) Water Retention, Parking Lot, Accessory, Signs per LDC Chapter 30, and Essential Services have been added to Schedule of Uses. Mini warehouse has been deleted as a use and the number of square footage allowable is a combination of office and warehouse not to exceed 25,000 s.f.  
  
Also, Entrance Gate and Gatehouse and Fences and Walls have been added as uses to Area "A" and "Retail and Wholesale Sales, when clearly incidental and subordinate to a permitted principal use on the same premises" had been added to Area "B" as a permitted use.
- 10) This Plan is for two tracts, 1.35 acres and 1.38 acres. Minimum lot sizes are N/A. The minimum lot width and depth is N/A. The maximum lot coverage is 60%.
- 11) The required deviations have been added to the Master Concept Plan.
- 12) This is not a Phased Project.

ATTACHMENT F



July 17, 2003

Page 3

DCI 2003-00031

Miscellaneous Items

The Master Concept Plan is for a future lot split.

4) Area "A" (The existing headquarters of East County Water Control District) is now accessed by a private road which consist of 20 foot wide pavement and 2 feet curb and gutter each side (closed drainage) and is recorded in OR Book 2404, Page 3575 of the Lee County Public Records.

To access the future lot split Area "B", the private road will be extended with a circular turn around. The road shall meet or exceed the requirements of a private local street with closed drainage as described in Lee County Land Development Code Chapter 10-710 (See Deviation Request No. 4).

1a1) Letter of Authorization for Agent:

The Owner has signed a Covenant of Unified Control Authorizing AIM Engineering & Surveying, Inc. as the Agent. (Provided herewith)

6a) Meets & Bounds Description:

A Meets and Bounds Description excluding the descriptions of the external easements is provided herewith on 8 ½ x 11 paper.

Also transmitted herewith are ten (10) copies of the Revised Master Concept Plan.

If you have any questions, please call me at 239-332-4569, Extension 106.

Sincerely,  
AIM Engineering & Surveying, Inc.

L. J. Lewis  
Project Manager

ATTACHMENT F

Enclosures

Cc: David E. Lindsay

**STAFF REPORT  
FROM  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
DIVISION OF ENVIRONMENTAL SCIENCES**

**Date:** August 29, 2003

**To:** Tony Palermo, Senior Planner  
**From:** Kim Trebatoski; Principal Environmental Planner  
**Phone:** (239) 479-8183  
**E-mail:** trebatkm@leegov.com



**Project:** East County Water Control District CPD  
**Case:** DCI2003-00031  
**STRAP:** 30-44-27-00-00001.018A

The Division of Environmental Sciences (ES) staff have reviewed the proposed East County Water Control District Commercial Planned Development and conducted a field inspection. The property does not contain any Lee County listed species. There are no existing indigenous plant communities, or native trees for preservation.

The Master Concept Plan (MCP) states that 30% open space will be provided with a minimum of 15% open space within Area 'A' and Area 'B' delineated on the MCP. ES staff recommend the following condition to confirm open space requirements:

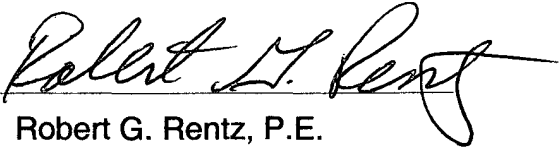
***Prior to local development order approval, the plans must demonstrate how 30% or 0.95 acres of open space will be provided on the project as a whole. A minimum of 15% open space must be provided within Area 'A' and Area 'B' delineated on the Master Concept Plan.***

**ATTACHMENT G**

MEMORANDUM  
FROM THE  
DEPARTMENT OF  
COMMUNITY DEVELOPMENT  
DEVELOPMENT SERVICES DIVISION

DATE: August 7, 2003

To: Tony Palermo  
Senior Planner

FROM:   
Robert G. Rentz, P.E.  
Development Review  
Engineer

RE: **East County Water Control District**  
Case No. DCI2003-00031

The proposed project will consist of a maximum 50,000 square foot administration and maintenance headquarters building. The anticipated build out year is 2004.

Based on the 2002 Traffic Count Report issued by the Lee County Department of Transportation, the 2005 background peak hour, peak season, peak direction volume of flow on Lee Blvd. east of Sunshine Blvd. will be 1,853 vehicles per hour, and on Lee Blvd. north of Leeland Heights Blvd. will be 664 vehicles per hour. With these volumes, based on the Lee County D.O.T. Generalized Peak Hour Directional Service Volumes for Urbanized Areas, both of these roadway segments will operate at level of service "B". When the project traffic is added to these background traffic volumes the levels of service will remain at "B".

ATTACHMENT H



# AIM Engineering & Surveying, Inc.

Corporate Office:  
5300 Lee Boulevard (33971-1026)  
Post Office Box 1235  
Lehigh Acres, Florida 33970-1235

239-332-4569  
239-675-3696  
800-226-4569  
Fax: 239-332-8734

RECEIVED

## TRAFFIC IMPACT STATEMENT EAST COUNTY WATER CONTROL DISTRICT ADMINISTRATION OFFICE

APR 30 2003

This report is being prepared for a new Administration Office which will replace the temporary structure that the East County staff of approximately 8, is now working from. The new office will be a 4,416 sq. ft. building with offices, files and storage area and a meeting room where the Board can meet.

The project is located at the end of East County Lane in Lehigh Acres.

Exhibit 1 depicts the site location and the surrounding roadway infrastructure. The proposed ingress and egress connection is East County Lane onto Lee Boulevard.

Vehicular trip ends generated by this project were calculated based on the methodology provided by the Trip Generation Manual of the Institute of Transportation Engineers, 6<sup>th</sup> Edition. It was determined the Land Use Code 714 (Corporate Headquarters) was applicable.

Table 1 provides a detail of the projects raw trip generation totals. It is expected this development will generate 38 daily trips on an average weekday, with the p.m. peak hour driveway volume being 10. Calculations were also made with 10 employees, however, the results were the same.

Exhibit 2 provides a detail of the distribution of the traffic of the proposed project.

Lee Boulevard is a county maintained arterial street with a 40 mph speed limit. The estimated 2001 100<sup>th</sup> highest hour for this link is 594 with a level of Service "B".

Lee Boulevard is currently under construction for widening. Full median access with right turn storage (see attached drawings) is being provided at East County Lane.

The anticipated build-out is June, 2003.

2003-00051

### Conclusion:

Based on the analysis detailed in this report, no turn lanes or other site related improvements will be required for this project.

## ATTACHMENT I

LJL:bw  
8/20/02  
O:\WPDOCS\JOELEWIS\ECWCD\TRAFFIC IMPACT STATEMENT.wpd



## LEVEL OF SERVICE

The estimated peak direction of flow during the 100<sup>th</sup> highest hour for 2001 on Lee Boulevard is 594 VPH.

The 2001 Traffic Count Report shows 10 years of background growth at a rate of 01.8% and a directional split of 62% eastbound and 38% westbound.

Existing Traffic = 594 plus two years growth @1.8% = 615 VPH

615 + (highest turning movement of project) 6 = 621 VPH

Lee Boulevard now operates at a level of Service "B" and should be operating at a level of Service "B" at project build-out.

LJL:bw  
8/21/02  
O:\WPDOCS\VOELEWIS\ECWCD\TRAFFIC IMPACT STATEMENT.wpd

## ATTACHMENT I

EAST COUNTY ADMINISTRATION BUILDING  
 Summary of Trip Generation Calculation  
 For 4.4 Th.Gr.Sq.Ft. of Corporate Headquarters Building  
 August 19, 2002

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	8.65	0.00	1.00	38
7-9 AM Peak Hour Enter	1.56	0.00	1.00	7
7-9 AM Peak Hour Exit	0.12	0.00	1.00	1
7-9 AM Peak Hour Total	1.68	0.00	1.00	7
4-6 PM Peak Hour Enter	0.24	0.00	1.00	1
4-6 PM Peak Hour Exit	1.98	0.00	1.00	9
4-6 PM Peak Hour Total	2.22	0.00	1.00	10
AM Pk Hr, Generator, Enter	1.56	0.00	1.00	7
AM Pk Hr, Generator, Exit	0.12	0.00	1.00	1
AM Pk Hr, Generator, Total	1.68	0.00	1.00	7
PM Pk Hr, Generator, Enter	0.24	0.00	1.00	1
PM Pk Hr, Generator, Exit	1.98	0.00	1.00	9
PM Pk Hr, Generator, Total	2.22	0.00	1.00	10
Saturday 2-Way Volume	0.00	0.00	1.00	0
Saturday Peak Hour Enter	0.00	0.00	1.00	0
Saturday Peak Hour Exit	0.00	0.00	1.00	0
Saturday Peak Hour Total	0.00	0.00	1.00	0
Sunday 2-Way Volume	0.00	0.00	1.00	0
Sunday Peak Hour Enter	0.00	0.00	1.00	0
Sunday Peak Hour Exit	0.00	0.00	1.00	0
Sunday Peak Hour Total	0.00	0.00	1.00	0

Note: A zero indicates no data available.

The above rates were calculated from these equations:

24-Hr. 2-Way Volume:  $LN(T) = .971LN(X) + 2.201, R^2 = 0.95$   
 7-9 AM Peak Hr. Total:  $LN(T) = .955LN(X) + .584$   
 $R^2 = 0.81, 0.93$  Enter, 0.07 Exit  
 4-6 PM Peak Hr. Total:  $LN(T) = .877LN(X) + .98$   
 $R^2 = 0.79, 0.11$  Enter, 0.89 Exit  
 AM Gen Pk Hr. Total:  $LN(T) = .955LN(X) + .584$   
 $R^2 = 0.81, 0.93$  Enter, 0.07 Exit  
 PM Gen Pk Hr. Total:  $LN(T) = .877LN(X) + .98$   
 $R^2 = 0.79, 0.11$  Enter, 0.89 Exit  
 Sat. 2-Way Volume: 0,  $R^2 = 0$   
 Sat. Pk Hr. Total: 0  
 Sun. 2-Way Volume: 0,  $R^2 = 0$   
 Sun. Pk Hr. Total: 0  
 $R^2 = 0, 0$  Enter, 0 Exit

Source: Institute of Transportation Engineers  
 Trip Generation, 6th Edition, 1997.

EAST COUNTY ADMINISTRATION BUILDING  
 Summary of Trip Generation Calculation  
 For 4.4 Th.Gr.Sq.Ft. of Corporate Headquarters Building  
 August 19, 2002

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	8.65	0.00	1.00	38
7-9 AM Peak Hour Enter	1.56	0.00	1.00	7
7-9 AM Peak Hour Exit	0.12	0.00	1.00	1
7-9 AM Peak Hour Total	1.68	0.00	1.00	7
4-6 PM Peak Hour Enter	0.24	0.00	1.00	1
4-6 PM Peak Hour Exit	1.98	0.00	1.00	9
4-6 PM Peak Hour Total	2.22	0.00	1.00	10
Saturday 2-Way Volume	0.00	0.00	1.00	0
Saturday Peak Hour Enter	0.00	0.00	1.00	0
Saturday Peak Hour Exit	0.00	0.00	1.00	0
Saturday Peak Hour Total	0.00	0.00	1.00	0

Note: A zero indicates no data available.

The above rates were calculated from these equations:

24-Hr. 2-Way Volume:	$LN(T) = .971LN(X) + 2.201, R^2 = 0.95$
7-9 AM Peak Hr. Total:	$LN(T) = .955LN(X) + .584$ $R^2 = 0.81, 0.93$ Enter, 0.07 Exit
4-6 PM Peak Hr. Total:	$LN(T) = .877LN(X) + .98$ $R^2 = 0.79, 0.11$ Enter, 0.89 Exit
AM Gen Pk Hr. Total:	$LN(T) = .955LN(X) + .584$ $R^2 = 0.81, 0.93$ Enter, 0.07 Exit
PM Gen Pk Hr. Total:	$LN(T) = .877LN(X) + .98$ $R^2 = 0.79, 0.11$ Enter, 0.89 Exit
Sat. 2-Way Volume:	0, $R^2 = 0$
Sat. Pk Hr. Total:	0
Sun. 2-Way Volume:	0, $R^2 = 0$
Sun. Pk Hr. Total:	0 $R^2 = 0, 0$ Enter, 0 Exit

Source: Institute of Transportation Engineers  
 Trip Generation, 6th Edition, 1997.

TRIP GENERATION BY MICROTRANS

ATTACHMENT I

EAST COUNTY ADMINISTRATION BUILDING  
 Summary of Average Vehicle Trip Generation  
 For 4.4 Th.Gr.Sq.Ft. of Corporate Headquarters Building  
 August 19, 2002

	24 Hour Two-Way Volume	7-9 AM Pk Hour Enter	Exit	4-6 PM Pk Hour Enter	Exit
Average Weekday	38	7	1	1	9

	24 hour Two-Way Volume	Peak Hour Enter	Exit
Saturday	0	0	0
Sunday	0	0	0

Note: A zero indicates no data available.

The above rates were calculated from these equations:

24-Hr. 2-Way Volume:  $LN(T) = .971LN(X) + 2.201, R^2 = 0.95$   
 7-9 AM Peak Hr. Total:  $LN(T) = .955LN(X) + .584$   
 $R^2 = 0.81, 0.93$  Enter, 0.07 Exit  
 4-6 PM Peak Hr. Total:  $LN(T) = .877LN(X) + .98$   
 $R^2 = 0.79, 0.11$  Enter, 0.89 Exit  
 AM Gen Pk Hr. Total:  $LN(T) = .955LN(X) + .584$   
 $R^2 = 0.81, 0.93$  Enter, 0.07 Exit  
 PM Gen Pk Hr. Total:  $LN(T) = .877LN(X) + .98$   
 $R^2 = 0.79, 0.11$  Enter, 0.89 Exit  
 Sat. 2-Way Volume: 0,  $R^2 = 0$   
 Sat. Pk Hr. Total: 0  
 Sun. 2-Way Volume: 0,  $R^2 = 0$   
 Sun. Pk Hr. Total: 0  
 $R^2 = 0, 0$  Enter, 0 Exit

Source: Institute of Transportation Engineers  
 Trip Generation, 6th Edition, 1997.

TRIP GENERATION BY MICROTRANS

ATTACHMENT I

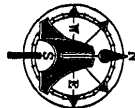
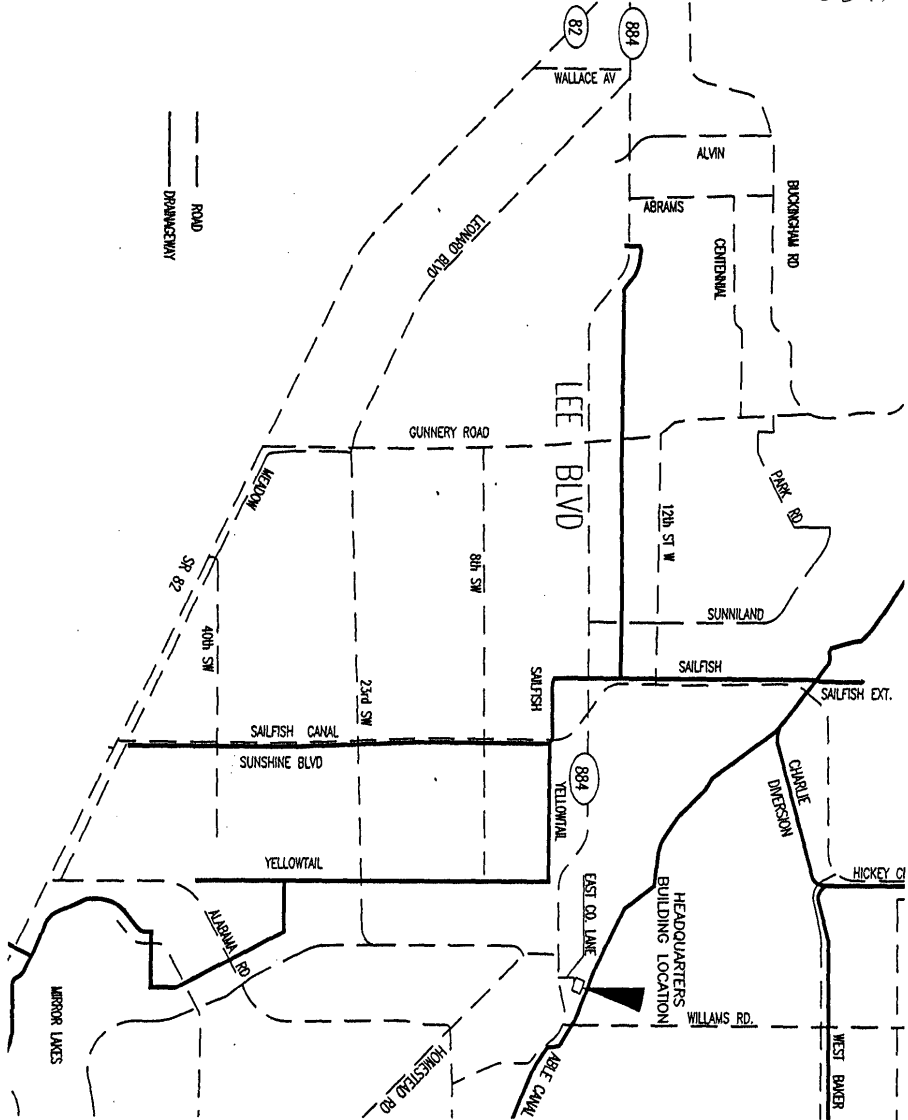
RECEIVED

APR 30 2003

ATTACHMENT I

COMMUNITY DEVELOPMENT

2003-00031



EAST COUNTY WATER CONTROL DISTRICT

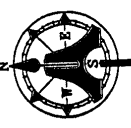
**AIM Engineering & Surveying, Inc.**  
 CIVIL • SANITARY • TRANSPORTATION • DEVELOPMENT • PROJECT MANAGEMENT  
 8300 LEE BOULEVARD  
 Fort. Office Box 1338  
 Lehigh Acres, Florida 33970  
 Fort Myers, Lehigh Acres 841-332-4889  
 Lehigh 841-332-3898  
 Fort 841-332-8734

NO.	DATE	REVISION DESCRIPTION
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DRAWN BY: GANTON R. MAJERS, P.E.  
 CHECKED BY: [ ]  
 DATE: 08/21/02  
 PROJECT: EAST COUNTY WATER CONTROL DISTRICT  
 SHEET: 1 OF 1  
 ECWCD  
 EXHIBIT ONE  
 00-7813

NO. OF SHEETS	1
TOTAL SHEETS	1
DATE	04/30/03
PROJECT NO.	DCI 2003-00031
PROJECT NAME	LEE BLVD. (SR 884)
CLIENT	LEE
DESIGNER	LEE
CHECKED BY	
DATE	
SCALE	
PROJECT LOCATION	
PROJECT DESCRIPTION	

EAST COUNTY WATER CONTROL DISTRICT



RECEIVED

APR 30 2003

COMMUNITY DEVELOPMENT

DCI 2003-00031

EAST COUNTY WATER  
 CONTROL DISTRICT  
 HEADQUARTERS

4 : 6 PM PK HR = 10  
 DIRECTION SPLIT = 62% EB  
 38% WB  
 PM = 1 ENTER  
 9 EXIT  
 AM = 7 ENTER  
 1 EXIT

PRIVATE ROAD

EAST COUNTY LANE

3 PM  
 1 PM  
 3 AM

4 AM  
 6 PM  
 1 AM

LEE BLVD. (SR 884)

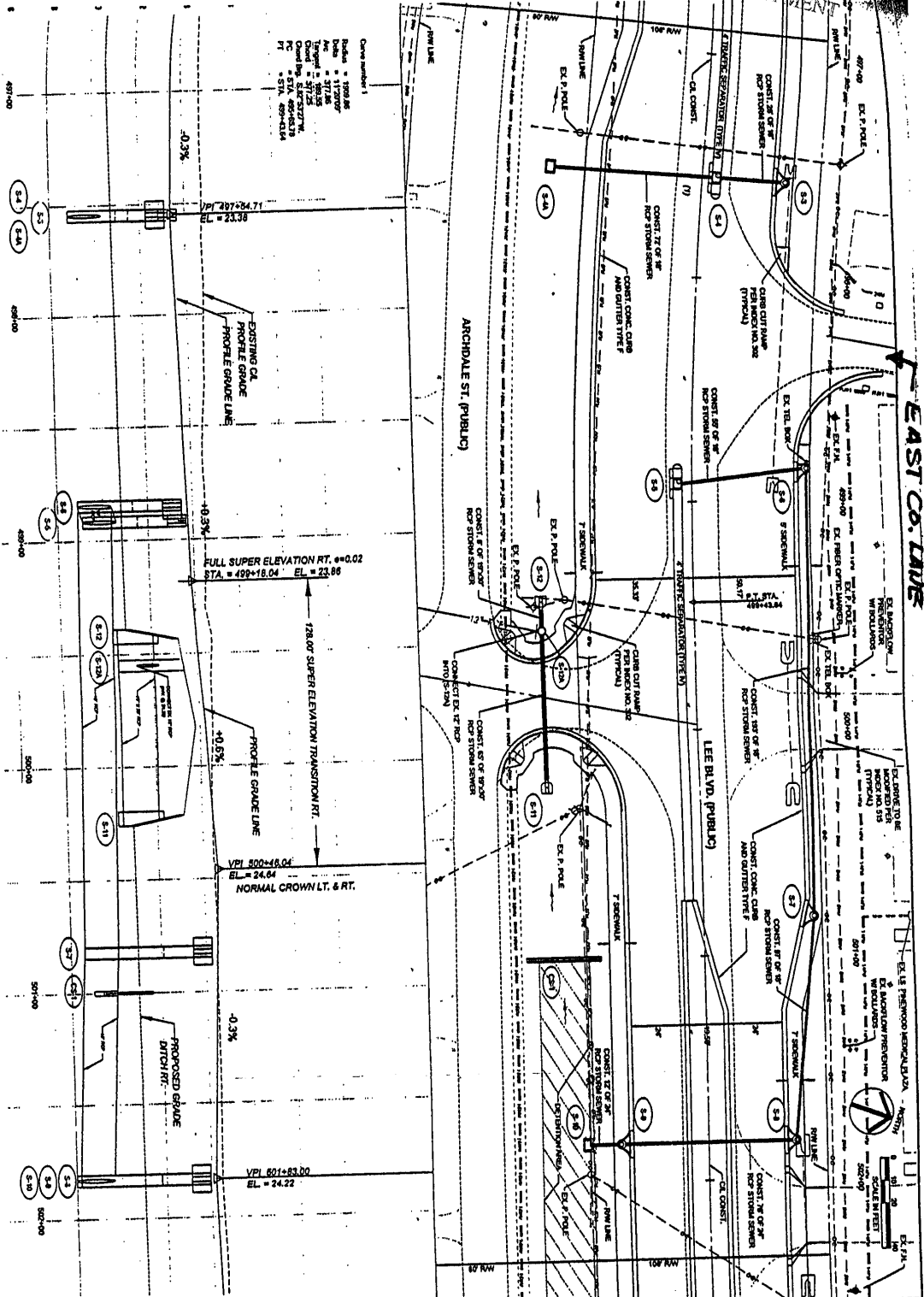
ATTACHMENT I

EXHIBIT TWO

RECEIVED  
APR 30 2003

ATTACHMENT I

COMMUNITY DEVELOPMENT



**Lee COUNTY**  
DEPARTMENT OF  
TRANSFORMATION

Lee County Board of Commissioners  
Lee County Courthouse  
100 North Main Street  
Tallahassee, Florida 32301  
Phone: 904.224.2000  
Fax: 904.224.2001  
www.lee.org

**BATTACO**  
and Associates, Inc.  
Professional Engineers  
1000 North West Street, Suite 4  
Tallahassee, Florida 32301  
Phone: 904.224.2000  
Fax: 904.224.2001  
www.battaco.com

NO.	REVISION	DATE
1	ISSUED FOR PERMIT	04/23/03
2	ISSUED FOR PERMIT	04/23/03
3	ISSUED FOR PERMIT	04/23/03
4	ISSUED FOR PERMIT	04/23/03
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49	ISSUED FOR PERMIT	04/23/03
50	ISSUED FOR PERMIT	04/23/03

APPROVED FOR PERMIT  
Lee County Board of Commissioners  
Lee County Courthouse  
100 North Main Street  
Tallahassee, Florida 32301  
Phone: 904.224.2000  
Fax: 904.224.2001  
www.lee.org

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Lee County Courthouse  
100 North Main Street  
Tallahassee, Florida 32301  
Phone: 904.224.2000  
Fax: 904.224.2001  
www.lee.org



OUTFALL #1  
TO PHASE III  
TIER SYSTEM

30 2003

COMMUNITY DEVELOPMENT

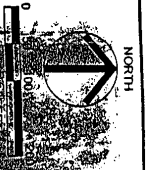
ATTACHMENT

301 2003

ARCHDALE ST

SITE

WILLIAMS ROAD



839 Ave

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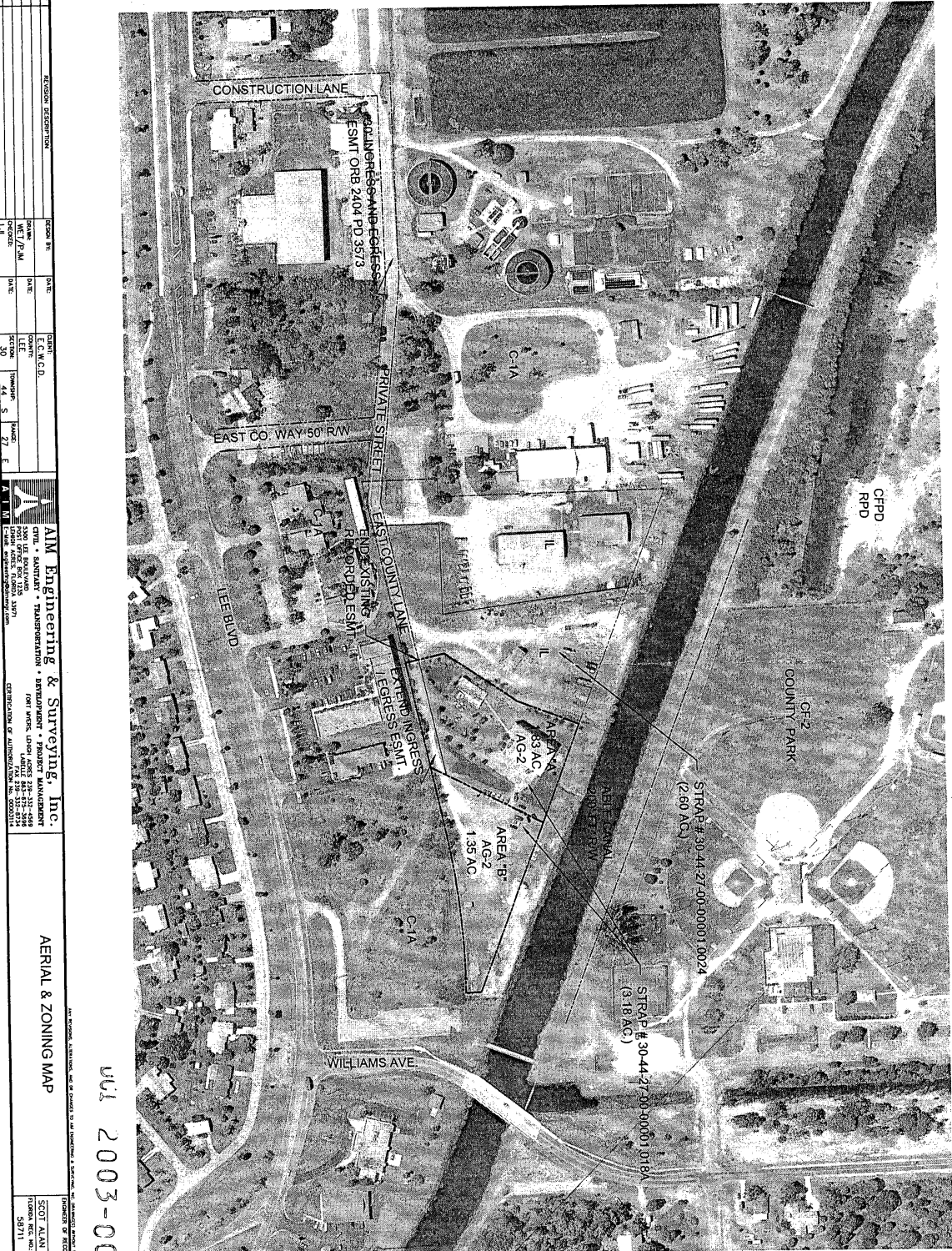
DESIGNER	DATE	PROJECT
W.E./J.M.	1/1/03	CONSTRUCTION
DATE	1/1/03	SECTION
DATE	1/1/03	NO. OF SHEETS
DATE	1/1/03	TOTAL SHEETS

CLIENT	PROJECT
E.C.R.C.D.	CONSTRUCTION
SECTION	1/1
NO. OF SHEETS	1
TOTAL SHEETS	1

PROJECT NUMBER	SHEET
97-6927	1
DATE	1/1/03
PROJECT	CONSTRUCTION
NO. OF SHEETS	1
TOTAL SHEETS	1



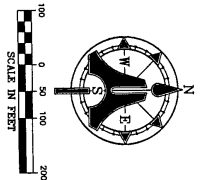
ATTACHMENT J

**AIM Engineering & Surveying, Inc.**  
 CIVIL, SURVEYING, TRANSPORTATION, RECREATION, PROJECT MANAGEMENT  
 1000 W. 10th Street, Suite 200  
 Oklahoma City, Oklahoma 73106  
 Phone: (405) 233-2300  
 Fax: (405) 233-2301  
 Website: www.aim-engineering.com

**AERIAL & ZONING MAP**

UCL 2003-00031

**RECEIVED**  
 APR 25 2003  
 PERMIT COUNTY



2100343

RESOLUTION OF THE ZONING BOARD  
OF LEE COUNTY, FLORIDA

9.04  
BILLED

RECORD VERIFIED - CHARLIE GIBBS, CLERK  
BY: H. FERNSTROM, D.C. 98

REC 1048PG019

WHEREAS, East County Water Control District, has properly filed an application for: Special exception in the AG district for Government Services and accessory buildings and structures (to construct a district office and equipment storage) (Sec. 601.C) on a piece of property located in Lehigh Acres, Florida, described more particularly as;

LEGAL DESCRIPTION: Section 30, Township 44 South, Range 27 East, Lee County, Florida.

Commencing at the southeast corner of Section 30, Township 44 South, Range 27 East, Lee County, Florida, thence north 02°23'20" West, along the east section line of said Section 30, a distance of 604.00 feet to the southerly right-of-way line of Able Canal; thence north 56°08'10" west along said right-of-way of Able canal, a distance of 111.02 feet, to a deflection in the right-of-way of Able Canal; thence north 68°58'14" west, still along said right-of-way of Able Canal, a distance of 329.63 feet to the point of beginning of a tract of land herein described: thence south 02°23'20" east, a distance of 34.05 feet to a point on a curve, concave southerly, having a radius of 1,626.24 feet, a delta angle of 12°29'45", a chord of 353.97 feet and a chord bearing of south 83°45'45" west; thence westerly along the arc of said curve, a distance of 354.67 feet to the point of tangency; thence south 77°24'09" west, a distance of 389.05 feet; thence N 12°35'51" west, a distance of 88.67 feet to the corner of the property of Lehigh Corporation, being utilized by land development; thence north 33°52'09" east, along the property of land development, a distance of 193.68 feet; thence north 21°01'46" east, still along the property of land development, a distance of 146.19 feet, to the southerly right-of-way line of Able Canal; thence south 68°58'14" east, along said right-of-way line of Able Canal a distance of 631.11 feet to the point of beginning. Said parcel containing 3.182 acres more or less. Creating and reserving a 6-foot utility and drainage easement on the perimeter of the tract, together with a 30-foot easement for ingress and egress, 15-foot either side of the following described centerline: commencing at the southwestern most corner of the above described tract; thence north 12°35'51" west a distance of 73.37 feet to the point of beginning of the centerline of a 30-foot ingress and egress easement; thence south 88°44'13" west, a distance of 427.26 feet; thence south 79°35'50" west, a distance of 452.85 feet; thence south 87°41'51" W a distance of 348.79 feet, and there terminating at the easterly right-of-way line of a 50-foot easement, known as construction lane, owned by Lehigh Utilities, Inc. whom will grant an ingress and egress across their property.

AND Ingress and Egress Easement:

Commencing at the southwest corner of Section 30, Township 44 South, Range 27 East, Lee County, Florida; thence north 00°36'16" west, along the west section line of said Section 30, a distance of 242.14 feet to the prolongation of the northerly right-of-way line of Lee Boulevard, thence N 88°44'13" E along the prolongation and the northerly right-of-way line of Lee Boulevard a distance of 2,991.18 feet to the centerline of a 50-foot easement, known as Construction Lane, and the point of beginning of a 50-foot easement 25

ATTACHMENT K

feet either side of the following described centerline, in which Lehigh Utilities, Inc. does hereby grant an ingress and egress easement to Lee County Water Control District; thence north 01°15'47" west, a distance of 427.21 feet and there terminating.

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Zoning Board; and

WHEREAS, in the legislative process the Lee County Zoning Board gave full and complete consideration to the recommendations of the Staff, the Local Planning Agency, the documents on file with the County, and the testimony of all interested persons:

NOW, THEREFORE, BE IT RESOLVED BY THE LEE COUNTY ZONING BOARD that the Zoning Board does hereby grant special exception in the AG district for Government Services and accessory buildings and structures (to construct district office and equipment storage) (Sec. 601.C)..

The foregoing Resolution was adopted by the Lee County Zoning Board upon a motion by Zoning Board Member Ruth Kaune-Baucom, and seconded by Zoning Board Member Marie E. Keohane and, upon being put to a vote, was as follows:

Emily Barefield	Absent
Leonard J. Howell	Aye
Thad Taylor	Absent
Ruth Kaune-Baucom	Aye
Harry Flint	Aye
Truman A. Morris	Aye
Marie E. Keohane	Aye

DULY PASSED AND ADOPTED this 20th day of December, A.D., 1985.

Approved as to form by:

*[Signature]*  
County Attorney's Office

# ATTACHMENT K

RECORDED AND RETURNED TO  
*[Signature]*  
CLERK CIRCUIT COURT  
LEE COUNTY FLA.

MAY 28 12 51 PM '86

OFF 1848PG0020

RESOLUTION NUMBER ZB-85-358

HEARING NUMBER 85-12-15

RESOLUTION Z-75- 111

The following resolution was offered by Commissioner Bowen  
and seconded by Commissioner Whan, and upon poll of the  
members present the vote was as follows:

George Goldtrap	ABSENT
James Sweeney	AYE
Richard Sayers	NAY
Bob Whan	AYE
Betty Bowen	AYE

WHEREAS, Lehigh Acres Development Inc., et al has requested a zoning  
change on Tract I from GU to BU-2A and IU, and on Tract II from GU and BU-1 to  
BU-2A and IU

SUBJECT PROPERTY:

SEE ATTACHED LEGAL DESCRIPTION

## ATTACHMENT L

WHEREAS, a public hearing of the Lee County Zoning Board was advertised and  
held, as requested by law, and after hearing all interested parties and considering  
adjacent areas, the Zoning Board recommended that the petition be denied for a  
zoning change on Tract I from GU to BU-2A and IU, and on Tract II from GU and BU-1  
to BU-2A and IU and recommended that the County Commissioners approve the change in  
zoning on Tract I from GU to BU-1A.

WHEREAS, this Board after reviewing the records and recommendations of the  
Zoning Board and having given an opportunity to all interested persons to be heard  
after being duly sworn according to law, and upon due and proper consideration  
having been given to this matter, this Board took action as hereinafter described.

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Lee County,  
Florida, that the decision of the Zoning Board recommending denial for a zoning change  
on Tract I from GU to BU-2A and IU, and on Tract II from GU and BU-1 to BU-2A and  
IU and recommending approval for a zoning change on Tract I from GU to BU-1A be  
set aside and allow BU-1A on Tract I contingent on the applicant following the pro-  
posals as stated in James Gardner's letter of June 2, 1975, on file in County office,  
with the stipulation that the County road be built according to County specifications  
and the noise pollution level meet the requirements of Lee County DOT. Farly Funeral  
Home is to be zoned BU-1A without the contingency of the County Road.

PASSED AND ADOPTED THIS 9th DAY OF June, 1975

Approved As  
To Form. 75-3-25  
Heard March 24, 1975  
By [Signature]  
County Attorney

(Bowen) LOCATION: Lying North of Lee Boulevard and South of Able Canal, Lehigh

SUBJECT PROPERTY: TRACT I

Commencing at the South West corner of Section 30, Township 44 S, Range 27 E, Lehigh Acres, Lee County Florida; thence North  $00^{\circ}-36'-16''$  West along the Westerly line of said Section 30 a distance of 242.14 feet to the Northerly right-of-way line of Lee Boulevard, extended; thence North  $88^{\circ}-44'-13''$  East along said line of Lee Boulevard a distance of 3041.14 feet to the Point of Beginning of tract of land herein described; thence North  $88^{\circ}-44'-13''$  East along the Northerly right-of-way line of Lee Boulevard a distance of 510.38 feet to a Point of Curvature of a curve to the left, having a radius of 1856.86 feet, a Delta Angle of  $11^{\circ}-20'-04''$ ; thence along said Curve an Arc distance of 367.33 feet to a Point of Tangency; thence North  $77^{\circ}-24'-09''$  East a distance of 792.17 feet to a Point of Curvature of a curve to the right having a radius of 1326.24 feet, a Delta Angle of  $30^{\circ}-24'-21''$ ; thence along said curve an arc distance of 703.81 feet to a point on the Easterly line of Section 30, Township 44 S, Range 27 E; thence North  $02^{\circ}-23'-20''$  West along the Easterly line of said Section 30 a distance of 218.94 feet to the Southerly right-of-way line of Able Canal; thence North  $56^{\circ}-08'-01''$  West along said canal right-of-way a distance of 111.06 feet; thence North  $68^{\circ}-$

$58'-14''$  West a distance of 120.37 feet, to a Point on a Curve to the left having a radius of 1626.24 feet, a Delta Angle of  $15^{\circ}-58'-55''$ ; thence along said curve an arc distance of 453.62 feet to a Point of Tangency; thence South  $77^{\circ}-24'-09''$  West a distance of 792.17 feet to a Point of Curvature of a curve to the right, having a radius of 1556.86 feet, a Delta Angle of  $11^{\circ}-20'-04''$ ; thence along said curve an arc distance of 307.98 feet to a Point of Tangency; thence South  $88^{\circ}-44'-13''$  West a distance of 510.38 feet to the Easterly right-of-way line of a 50' road; thence South  $01^{\circ}-15'-47''$  East a distance of 300.00 feet to the Northerly right-of-way line of Lee Boulevard and the Point of Beginning.

Said Parcel of Land Containing 16.018 ac. ±

ATTACHMENT L

TRACT II

Commencing at the South West corner of Section 30, Township 44 S, Range 27 E, Lehigh Acres, Lee County Florida; thence North  $00^{\circ}-36'-16''$  West along the Westerly line of said Section 30 a distance of 242.14 feet to the Northerly right-of-way line of Lee Boulevard extended; thence North  $88^{\circ}-44'-13''$  East along said line of Lee Boulevard a distance of 3041.14 feet; thence North  $01^{\circ}-14'-47''$  West a distance of 300.00 feet to the Point of Beginning of a tract of land herein described; thence South  $88^{\circ}-44'-13''$  West a distance of 357.03 feet; thence North  $02^{\circ}-23'-20''$  West a distance of 1260.45 feet to the Southerly right-of-way line of Able Canal; thence South  $62^{\circ}-53'-19''$  East along said canal right-of-way a distance of 463.47 feet; thence South  $68^{\circ}-58'-14''$  East a distance of 2181.50 feet to a Point on a Curve in the Southerly right-of-way line of Able Canal; thence along said curve to the left having a radius of 1626.24 feet, a Delta Angle of  $15^{\circ}-58'-55''$ ; thence along said curve an arc distance of 453.62 feet to a Point of Tangency; thence South  $77^{\circ}-24'-09''$  West a distance of 792.17 feet to a Point of Curvature of a curve to the right, having a radius of 1556.86 feet, a Delta Angle of  $11^{\circ}-20'-04''$ ; thence along said curve an arc distance of 307.98 feet to a Point of Tangency; thence South  $88^{\circ}-44'-13''$  West a distance of 535.34 feet to the Point of Beginning.

Said parcel of land containing 35.250/ac. ±

ATTACHMENT L

**INSTRUCTIONS**

(Section 1.1.c., Lee County Administrative Code 12-8)

A zoning sign must be posted on the parcel subject to any zoning application for a minimum of fifteen CALENDAR (15) days in advance of the Hearing Examiner's Public Hearing and maintained through the Board of County Commissioners Hearing, if any. This sign will be provided by the Development Services Division in the following manner:

- a. Signs for case #DCI2003-00031 must be posted by **November 25, 2003**.
- b. The sign must be erected in full view of the public, not more than five (5) feet from the nearest street right-of-way or easement.
- c. The sign must be securely affixed by nails, staples or other means to a wood frame or to a wood panel and then fastened securely to a post, or other structure. The sign may not be affixed to a tree or other foliage.
- d. The applicant must make a good faith effort to maintain the sign in place, and readable condition until the requested action has been heard and a final decision rendered.
- e. If the sign is destroyed, lost, or rendered unreadable, the applicant must report the condition to the Development Services Division, and obtain duplicate copies of the sign from the Development Services Division.

The Division may require the applicant to erect additional signs where large parcels are involved with street frontages extending over considerable distances. If required, such additional signs must be placed not more than three hundred (300) feet apart.

When a parcel abuts more than one (1) street, the applicant must post signs along each street. When a subject parcel does not front a public road, the applicant must post the sign at a point on a public road which leads to the property, and the sign must include a notation which generally indicates the distance and direction to the parcel boundaries and the dimensions of the parcel.

**NOTE: AFTER THE SIGN HAS BEEN POSTED, THE AFFIDAVIT OF POSTING NOTICE, BELOW, SHOULD BE RETURNED NO LATER THAN THREE (3) WORKING DAYS BEFORE THE INITIAL HEARING DATE TO LEE COUNTY DEVELOPMENT SERVICES DIVISION, 1500 MONROE ST., FT. MYERS, FL 33901.**

**(Return the completed Affidavit below to the Development Services Division as indicated in previous paragraph.)**

AFFIDAVIT OF POSTING NOTICE

STATE OF FLORIDA  
COUNTY OF LEE

BEFORE THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED JARED LESSER  
WHO ON OATH SAYS THAT HE/SHE HAS POSTED PROPER NOTICE AS REQUIRED BY SECTION 34-236(b) OF THE  
LEE COUNTY LAND DEVELOPMENT CODE ON THE PARCEL COVERED IN THE ZONING APPLICATION  
REFERENCED BELOW:

[Signature]  
SIGNATURE OF APPLICANT OR AGENT

JARED LESSER  
NAME (TYPED OR PRINTED)

5300 LEE BLVD  
ST. OR PO BOX

LEHIGH ACRES, FL 33971  
CITY, STATE & ZIP

#DCI2003-00031/ECWCD/12-10-03 / bjj

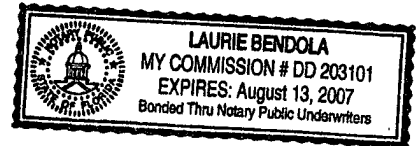
STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was sworn to and subscribed before me this 21 day of November,  
2003 by Jared Lesser, personally known to me or who produced personally known to me  
as identification and who did/did not take an oath.

[Signature]  
Signature of Notary Public

\_\_\_\_\_  
Printed Name of Notary Public

My Commission Expires:  
(Stamp with serial number)

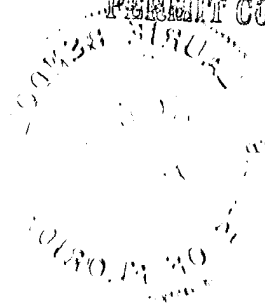


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NOV 24 2003

*MKW*

PERMIT COUNTER





PETERSON  
 REAR  
 NO HIGH OCCUPATION  
 N  
 REAR



# LEE COUNTY

## APPLICATION FOR REQUEST FOR CONTINUANCE, DEFERRAL, WITHDRAWAL, OR REHEARING

REQUEST FOR: (refer to back of sheet for special notes)

       CONTINUANCE     DEFERRAL           WITHDRAWAL  
       REHEARING           WITHDRAWAL OF ADMINISTRATIVE APPEAL

If a DEFERRAL OR CONTINUANCE is requested, please indicate:

BOC 2003-00031

Length of time 60 DAYS

From:  Hearing Examiner           BOCC

1. Date of Scheduled Hearing: OCTOBER 15, 2003
2. Hearing/Application: EAST COUNTY WATER CONTROL DISTRICT REZONING HEARING
3. Tracking/Hearing/Application Number: DL 12003-00031
4. Date Decision was Rendered: SEPTEMBER 23, 2003
5. Type of Application HEARING DEFERRAL  
 Rezoning           Special Exception           Variance           Other
6. Reason for request (If rehearing is requested, see Special Notes on Back):

TO ALLOW ELWCO BOARD ENOUGH TIME TO MEET  
AND MAKE DECISIONS.

Jared Lesser  
Signature of applicant or

9/25/03  
Date

JARED LESSER ; AIM ENGINEERING & SURVEYING, INC.  
Name (typed or printed legibly)

5700 LEE BLVD., LEHIGH ACRES, FL 33971  
Address

STATE OF FLORIDA  
COUNTY OF LEE

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SEP 25 2003

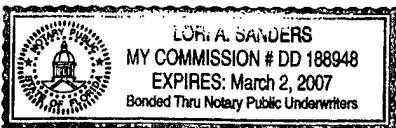
The foregoing instrument was acknowledged before me this 25th day of September  
2003 by Jared Lesser who is personally known to me or who produced  
       as identification.

Lori A. Sanders  
Signature of Notary Public

Signature of Notary Public

Lori A. Sanders  
Printed Name of Notary Public

Printed Name of Notary Public



FEE \$       

DATE PAID:       

RECEIPT NUMBER:       

INTAKE BY:

### **SPECIAL NOTES**

1. **Requests for DEFERRAL or CONTINUANCE must be in accordance with Section 34-235(1) or 34-235(2) of the Land Development.**
2. **If request for DEFERRAL or CONTINUANCE is for more than 60 days (or is indefinite), the applicant must apply in writing at least 45 days prior to the preferred hearing date to reactivate the case. All new evidence must be presented at that time.**
3. **CONTINUANCE: In the case of a request for CONTINUANCE, the applicant or his authorized agent, must submit this application to, and the application must be received by Lee County Community Development prior to the advertised hearing date, OR the applicant or his authorized agent must appear before the hearing board, and orally request the continuance.**

**The hearing board may deny or grant the request for continuance:**

- a. **If the request for CONTINUANCE is denied, the hearing will proceed in accordance with the published agenda.**
- b. **If a request for CONTINUANCE is approved, the hearing board may set date certain for hearing the application.**

**Not more than one (1) applicant-initiated CONTINUANCE will be granted on the same application by each hearing board**

4. **DEFERRAL: To qualify as a deferral, this application form must be received by Lee County Community Development prior to the time the Department submits notice of the hearing to the newspaper for publication. If application is not received in time, the applicant must request a CONTINUANCE instead.**
5. **REHEARING must be filed within 30 days of the decision.**
6. **REHEARING: You must attach a statement that explains with particularity any new evidence and the points of law or fact which you believe the Board of County Commissioners over-looked or misunderstood: include all documentation to support the request for a rehearing in accordance with Section 34-84(b). No oral testimony will be allowed when the Board considers whether to grant a rehearing of this case.**
7. **APPLICANT: must be the property owner OR his duly authorized representative OR, if for a rehearing, the aggrieved party.**
8. **FEES: A fee must be paid by the applicant or aggrieved party, in accordance with the adopted fee schedule.**

**LEE COUNTY  
COMMUNITY DEVELOPMENT  
1500 MONROE STREET P.O. BOX 398  
FORT MYERS, FLORIDA 33902  
PHONE (941) 479-8585**



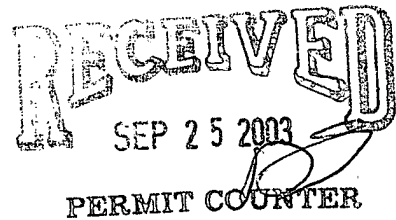
**AIM Engineering  
& Surveying, Inc.**

Corporate Office:  
5300 Lee Boulevard (33971-1026)  
Post Office Box 1235  
Lehigh Acres, Florida 33970-1235

239-332-4569  
800-226-4569  
Fax: 239-332-8734

September 25, 2003

Mr. Tony Palermo  
Department of Community Development  
Zoning Division  
P.O. Box 398  
Ft. Myers, FL 33902-0398



**Re: East County Water Control District  
DC 12003-00031**

Dear Mr. Palermo:

Please find herein the *Application for Request for Continuance, Deferral, Withdrawal, or Rehearing* completed by AIM Engineering & Surveying, Inc. acting on behalf of Mr. David E. Lindsay, Manager of ECWCD. The application requests deferral of a rezoning meeting currently scheduled for October 15, 2003.

Should you have any comments or questions, please call me at (239) 332-4569 ext. 114.

Sincerely,  
**Aim Engineering & Surveying, Inc.**

Jared Lesser, E.I.  
Staff Engineer

Enclosures: as stated above

**DCI 2003-00031**



LEE COUNTY

APPLICATION FOR PUBLIC HEARING FOR PLANNED DEVELOPMENT UNINCORPORATED AREAS ONLY

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Applicant's Name: AIM Engineering & Surveying, Inc.
Project Name: East County Water Control District Rezone
STRAP Number(s): 30-44-27-00-00001.018A

STAFF USE ONLY

Commissioner District: 05 Case Number: DCI 2003-00031
Planning Community: Lehigh Creek Date of Application: 4/30/03
Current Zoning: AG-2 Date found sufficient:
Land Use Classification(s): Public Fee Date HEX Public Hearing:
Lee Plan Density Range: Fee: 4000.00
Planner in charge:

TYPE OF APPLICATION

DRI DCI - Major DCI - Minor
PD - Existing Development PD - Amendment

LEE COUNTY COMMUNITY DEVELOPMENT P.O. BOX 398 (1500 MONROE STREET) FORT MYERS, FLORIDA 33902 PHONE (941) 479-8585

## GENERAL INSTRUCTIONS

- a. The applicant is responsible for the accuracy and completeness of this application. Any time delays or additional expenses necessitated due to the submittal of inaccurate or incomplete information will be the responsibility of the applicant.
- b. All information submitted with the application or submitted at the public hearing becomes part of the public record and will be a permanent part of the file.
- c. All applications must be submitted in person. Mailed-in applications will not be processed.
- d. All attachments and exhibits submitted must be of a size that will fit or conveniently fold to fit into a letter size (8 1/2" x 11") folder.
- e. The Department staff will review this application for compliance with requirements of the Lee County Land Development Code. If any deficiencies are noted, the applicant will be notified.
- f. All applicants must pay an application fee as set forth in the county External Fees and Charges Manual. (Administrative Code 3-10 Appendix C) [34-202(a)(9) & 34-373(a)(1)]

UPON WRITTEN REQUEST, THE DIRECTOR MAY MODIFY THE SUBMITTAL REQUIREMENTS CONTAINED IN THIS SECTION IF THE APPLICANT CLEARLY DEMONSTRATES THAT THE SUBMISSION WILL HAVE NO BEARING ON THE REVIEW AND PROCESSING OF THE APPLICATION. THE REQUEST TO THE DIRECTOR MUST BE SUBMITTED PRIOR TO SUBMITTING THIS APPLICATION. MULTIPLE WAIVER REQUESTS MUST BE MADE ON INDIVIDUAL REQUEST FORMS INDICATING EACH SEPARATE REQUEST. THE DIRECTOR'S WRITTEN RESPONSE MUST ACCOMPANY THE APPLICATION SUBMITTED AND WILL BECOME A PART OF THE PERMANENT FILE. [34-202(a)]

## COMPLETING THE APPLICATION

1. Please respond to all questions.
  - ✓ = the question or statement is applicable and the exhibit, if required, is being submitted with the application.
  - NA = the question or statement does not apply to this application or to the property in question.
2. The total number of copies of each exhibit required is indicated in part vi and includes one original of each exhibit. Please mark all original documents as "original" in either RED or BLUE ink.
3. If more information is needed, refer to the Land Development Code section number at the end of the question.

## SUPPLEMENTAL INFORMATION - PART I

- I.C.1. Where there is more than one owner, either legal or equitable, then all such owners must jointly initiate the application or have designated an authorized representative. Exceptions to this are set forth in Section 34-201(a). [Sec. 34-201(a)]
- I.C.2. The list must contain the names and addresses of all owners of the subject property. See I.D.1
- I.D. Date property was acquired by present owner(s).
- I.D.1.& D.2. If the owner or buyer is an entity whose interest in the property is other than solely equity interest(s) which are regularly traded on an established commodities market in the United States or another Country, they are required to file a disclosure form. Complete Exhibit I-D-1 and attached to the application. If a disclosure form is not required, indicate "NA". [Sec. 34-201(b)(1)a]

PART I  
APPLICANT/PROPERTY OWNERSHIP INFORMATION

001 2003-00031

A. Application Initiated By:

- A.1. N/A Application is owner-initiated or applicant is authorized by a Covenant of Unified Control. A copy of the Covenant of Unified control is attached as **Exhibit I-A-1.** [34-202(b)(1)b.]
- A.2. X Applicant has been authorized by the owner(s) to represent them for this action. A copy of the Notarized Authorization form is attached as **Exhibit I-A-2.** [34-202(b)(1)c.]
- A.3. N/A Applicant is a contract purchaser/vendee. A copy of the Notarized Authorization form is attached as **Exhibit I-A-3.** [34-202(b)(1)d.]

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B. Name of applicant: AIM Engineering & Surveying, Inc.

Mailing Address: Street 5300 Lee Boulevard COMMUNITY DEVELOPMENT

City: Lehigh Acres State: FL Zip: 33971-1026

Phone Area Code: 239 Number: 332-4569 Ext: 106

Fax Area Code: 239 Number 332-8734

E-mail: jlewis@aimengr.com

C. Property Ownership

C.1. Name of property owner(s) East County Water Control District

Mailing Address: Street: 601 East County Lane

City: Lehigh Acres State: FL Zip: 33936

Phone Area Code: 239 Number: 368-0044 Ext: \_\_\_\_\_

Fax Area Code: 239 Number 368-3412

E-mail: \_\_\_\_\_

C.2. X Property owners list: A list of all owners of the subject property and their mailing addresses, is attached as **Exhibit I-C-2.** [34-202(a)(5)]

D. Date property was acquired by present owner(s): December 10, 1984

D.1. X The owner(s) is/are required to file a disclosure form. The completed disclosure form is attached as **Exhibit I-D-1.** [34-202(b)(1)a]

D.2. N/A The property is subject to a sales contract or sales option and the contract purchaser(s) is/are required to file a disclosure form. The completed disclosure form is attached as **Exhibit I-D-2.** [34-202(b)(1)a]

E. Deed Restrictions:

E.1. N/A Existing deed restrictions or other covenants on this property may affect this request. A copy of the deed restrictions or other covenants is attached as **Exhibit I-E-1.** [34-202(b)2]

E.2. N/A A narrative statement explaining how the restrictions may affect the requested action is attached as **Exhibit I-E-2.** [34-202(b)2]

**I.F.1. Authorized Agent:** The owner or authorized applicant may authorize one person (authorized agent) to act on his/her behalf. The person so designated will be the primary person the county will contact regarding notices of sufficiency, scheduling, etc. **[Sec. 34-202(b)(1)c.]**

**1.F.2. Additional Agent(s):** The owner or authorized applicant may authorize other agencies who the county will be working with during the processing of the application. List the agent(s) name, mailing address, phone number, etc. If additional agents are authorized, please submit a separate sheet and attach it to this application. **[Sec. 34-202(b)(1)c.]**

F.1. **Authorized Agent:** This is the person who will receive all county-initiated correspondence regarding this application. [34-202(b)(1)c.]

Company Name: AIM Engineering & Surveying, Inc.  
Address: 5300 Lee Boulevard, Lehigh Acres, FL 33971-1026  
Contact Person: L. J. Lewis, Project Manager  
Phone Number: 239-332-4569, ext. 106 Fax Number: 239-332-8734  
E-mail: jlewis@aimengr.com

F.2. **Additional Agent(s):** List the names of other authorized agents the county may contact concerning this application. [34-202(b)(1)c.]

F.2.a. Company Name: N/A  
Address: \_\_\_\_\_  
Contact Person: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_  
E-mail: \_\_\_\_\_

DCI 2003-00031

F.2.b. Company Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Contact Person: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_  
E-mail: \_\_\_\_\_

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F.2.c. Company Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Contact Person: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_  
E-mail: \_\_\_\_\_

F.2.d. Company Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Contact Person: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_  
E-mail: \_\_\_\_\_

## SUPPLEMENTAL INFORMATION - PART II

- II.B. If rezoning to more than one district, a separate legal description and a certified sketch of description must be provided for each classification requested.
- II.B.1. If the property does not consist solely of undivided lots within a platted subdivision recorded in the official plat books of Lee County, a complete legal description must be attached which is sufficiently detailed and legible so as to be able to locate said property on county maps or aerial photographs. The legal description must include the STRAP number(s).

If the application includes multiple contiguous parcels, the legal description must describe the perimeter boundary of the total area, and need not describe each individual parcel, except where different zoning requests are made on individual parcels.

If an electronic copy of the legal description is available, please provide it in either WORD or WORD PERFECT format.

- II.B.2. If the request is owner-initiated, a survey or a certified sketch of description as set out in chapter 61G 17-6.006, Florida Administrative Code must be submitted, unless the subject property consists of one or more undivided platted lots.

The Director has the right to reject any legal description which is not sufficiently detailed or legible so as to locate said property, and may require a certified survey or boundary-survey prepared by a surveyor meeting the minimum technical standards for land surveying in the state, as set out in chapter 61G 17-6, F. A.C. **Boundaries must be clearly marked with a heavy line. The boundary line must include the entire area to be developed. If the request is owner-initiated the Federal Emergency Management Agency flood zone and required finished floor elevation must be shown as well as the location of existing structures on the property.**

- II.C.1. If unknown, the address may be obtained from the Lee County E-911 Addressing Division at 335-1630.
- II.C.2.. Provide a brief narrative describing the general location of the property in reference to known major streets. For example, "Take U.S.41 south to Corkscrew Road; turn east on Corkscrew Road to Gator Road; turn north on Gator Road. Go approximately ½ miles to property."
- II.D.1. If the Planning Community in which the project is located is not known, please contact the Lee County Planning Division at (941) 479-8585.
- II.D.2. Submit a map, at a suitable scale, drawn on 8½ inch by 11 inch paper, depicting the subject property in relation to the surrounding neighborhood. The map must be sufficiently referenced to known major streets or other physical boundaries in the surrounding area so as to be clearly identifiable to the general public.
- II.D.3. Two copies of a list of property owners, and their mailing addresses, for all property within 500 feet of the perimeter of the subject parcel or the portion thereof that is the subject of the request.\*
- II.D.4. Submit a map displaying all parcels of property within 500 feet of the perimeter of the subject parcel or the portion thereof that is the subject of the request. This map must reference by number or other symbol the names on the property owners list. The applicant is responsible for the accuracy of the map.\*

\*NOTE: In those instances where fewer than 10 owners of property would be notified, the distance must be expanded to include all owners of property within 750 feet.

- II.D.5. Two sets of mailing labels for all names and addresses indicated in II.D.3.\*\*

\*\*Note: Mailing labels and the property owners list may be obtained from the Lee County Property Appraisers Office at 2480 Thompson Street, Fort Myers 33901. Mailing Address is P.O. Box 1546 Fort Myers, FL. 33901. Phone Number (941) 339-6159.

PART II  
GENERAL INFORMATION

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A. Action Requested

Rezoning from: AG-2 TO: CPD

Other - Provide specific details: \_\_\_\_\_

~~COMMUNITY DEVELOPMENT~~

DCI 2003-00031

B. Legal Description and Certified sketch of description:

B.1.  Attached is a legible copy of the legal description labeled **Exhibit II-B-1.A.** [34-202(a)(1)]

N/A Attached is an electronic copy of the legal description labeled **Exhibit II-B-1.B.**

B.2.  Attached is a Certified sketch of description as set out in chapter 61G 17-6.006 FAC. labeled **Exhibit II-B-2.** [34-202(a)(2)]

B.3.  N/A The property consists only of one or more undivided lots within a platted subdivision recorded in the Official Plat Books of Lee County. Attached is a copy of the Plat Book Page labeled **Exhibit II-B-3,** with the subject property clearly marked. [34-202(a)(2)]

B.4. Subdivision Name: N/A

Plat Book: \_\_\_\_\_ Page \_\_\_\_\_ Unit \_\_\_\_\_ Block \_\_\_\_\_ Lot(s) \_\_\_\_\_

Section: \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_

C. Property Location

C.1. Project Street Address: 601 East County Lane

C.2. General Location Of Property: East County Lane north of Lee Boulevard to dead end. East County Lane is just east of Homestead Road and Lee Boulevard intersection. (Just past Eckerd Drugs if you are headed east)

D. Notice Information

D.1.  N/A Planning Community(ies) in which located: \_\_\_\_\_

D.2.  Area Location Map: An area location map, 8 by 11 inches in size, is attached as **Exhibit II-D-2:** [34-202(a)(4)]

D.3.  A list of surrounding property owners is attached as **Exhibit II-D-3.** [34-202(a)(6)]

D.4.  A map displaying all surrounding parcels attached as **Exhibit II-D-4.** [34-202(a)(7)]

D.5.  Two copies of mailing labels attached as **Exhibit II-D-5.**

- II.E.3. Submit a copy of any amendment being proposed to the Lee Plan by the applicant which may affect the subject property as well as the Planning Division's reference number for the amendment. Include a statement as to how the amendment will affect your property.
- II.E.4. Submit a narrative statement as to how the amendment will affect your property.
- II.F. List the section number and a brief title for all items for which a waiver was requested and approved by the Director. Attach a copy of the approved waiver(s).

### **SUPPLEMENTAL INFORMATION - PART III**

**All maps must be at the same scale as the master concept plan. If more than one of the following requirements is shown on the same set of maps or photos, please mark the document with all appropriate exhibition numbers.**

- III.A.2. Indicate the zoning district designation and the current use (i.e. single-family residence, multiple-family, retail commercial, office, industrial, etc.) of all property within 500 feet of the subject parcel.
- III.B.1. Information on historical or archaeological sites may be obtained from the Florida Master Site File or the Lee County Historical Site Survey. If assistance is required, please contact Gloria Sajgo at (941) 479-8311.

**E. The Lee Plan & Other Narrative Statements**

- E.1.  The Land Use Classification(s) is/are: Central Urban
- E.2.  Attached as Exhibit II-E-2, is a narrative explanation as to how the proposed development complies with the Lee Plan. [34-373(a)(5)]
- E.3.  N/A The attached proposed amendment to the Lee Plan may affect this property. The proposed amendments and a statement as to how the proposed amendment will affect the property is attached as Exhibit II-E-3.
- E.4.  N/A Attached as Exhibit II-E-4, is a narrative explanation as to how the proposed development complies with the Design Standards set forth in Section 34-411. [34-373(a)(5)]
- E.5.  Attached as Exhibit II-E-5, is a narrative explanation as to how the proposed development complies with the guidelines for decision-making embodied in sections 34-145(c)(2)a and e., and 34-145(d)(3). [34-373(a)(5)]

**F. Waivers from Application Submission Requirements**

N/A The following waivers have been approved by the Director of Development Services. Copies of the approved waiver(s) are attached as Exhibit II-F-1.

**Section Number**

**Name of Item**


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APR 30 2003

COMMUNITY DEVELOPMENT

DCI 2003-00031

**PART III  
EXISTING CONDITIONS**

**A. Location, Zoning and Surrounding land uses.**

- A.1.  Attached as Exhibit III-A-1 is a map showing the location of the property to be developed in relation to arterial and collector streets as well as the location of existing easements and rights-of-way on or abutting the property. [34-373(a)(4)a.]
- A.2.  Attached as Exhibit III-A-2 is a map or other depiction of the existing zoning and current land uses surrounding the tract or parcel to a distance of 500 feet. [34-373(a)(4)b.]
- A.3.  Attached as Exhibit III-A-3 is an aerial photograph with the site clearly delineated. [34-373(a)(4)c.]

**B. Archaeological/Historical**

- B.1.  N/A Attached as Exhibit III-B-1 is a map indicating the nature and location of known or recorded historical or archaeological sites and the location of any part of the property that is located within level 1 or level 2 zones of archaeological sensitivity pursuant to chapter 22. The plan shows the outline of historic buildings and approximate extent of archaeological sites. [34-373(a)(4)f.]
- B.2.  N/A Attached as Exhibit III-B-2 is a description of proposed improvements that may impact archaeological or historical resources. [34-373(a)(4)f.]

## SUPPLEMENTAL INFORMATION - PART III CONTINUED

III.C.1. & C.2. If uncertain, contact (941) 479-8331.

III.C.4. Include all wetlands (as defined in the Lee Plan Policy 77.1.(2); flow-ways, creek beds, sand dunes, and other unique land forms or listed species occupied habitat (Section 10-474 of the LDC).

Areas of encroachment by undesirable exotic (floral) species, the line of mean high water, jurisdictional boundaries of state and federal agencies, and Coastal Construction Setback Lines must be indicated on a map. If the site contains unique landforms or biological areas such as creek beds, sand dunes, coastal or interior hammocks, or old growth pine flatwoods, additional information may be required including wildlife and plant inventories and hydrologic details, in order to identify the highest quality biological communities and develop suitable conservation measures. Please contact the Lee County Division of Environmental Sciences at 335-2477 with any questions concerning this environmental assessment.

III.C.6. Vegetation and ground cover must be classified in accordance with the Florida Land Use and Cover Classification System (FLUCCS), with significant areas of rare/unique upland habitats as defined in the Lee Plan highlighted.

III.D.1. Submit a map or other depiction of the property in relation to existing and proposed public transit routes, as well as to bus stops, if located within the Lee Tran public transit service area. [Sec. 34-373(a)(4)e]

III.E.1 & E.2. Property Dimensions: If the parcel is irregularly shaped, indicate the average width and depth of the property. Indicate the length of property abutting any existing street rights-of-way or easements.

III.E.3. If property abuts more than one street, indicate frontage on each street.

C. **Drainage, Water Control and Environmental Issues**

- C.1. N/A The property is within an Area of Special Flood Hazard as indicated in the Flood Insurance Rate Maps (FIRM)s.
- C.2. X The minimum elevation required for the first habitable floor is 8 NGVD (MSL)
- C.3. N/A Attached is **Exhibit III-C-3**, the Environmental Assessment Report required by Section 34-1573.
- C.4. N/A Environmentally sensitive lands on the subject property are delineated on the following maps.
- C.5.        **Exhibit III-C-5: Soils**, classified in accordance with the USDA/SCS System;
- C.6.        **Exhibit III-C-6: Vegetation and ground cover** in accordance with the FLUCCS.
- C.7.        **Exhibit III-C-7: Topography or a USGS quadrangle map** showing the subject property.
- C.8.        **Exhibit III-C-8: Protected Species Survey** ( if applicable) as required by Section 10-473.

D. **Public Transit**

- D.1. X Property is within the Lee Tran public transit service area.
- D.2. X **Exhibit III-D-1** shows the property in relation to existing and proposed public transit routes, including bus stops.

E. **Property Dimensions [34-202(a)(8)]**

- E.1 Width (average if irregular parcel) 582 Feet Avg.
- E.2 Depth (average if irregular parcel): 237 Feet Avg.
- E.3 Frontage on road or street: 238 Feet Street Name: East County Lane
- E.4 Total land area: 3.18 Acres or Square Feet

DCI 2003-00031

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F. **Land Area Calculations (Based on total property)**

- F.1 Undevelopable Areas:
  - a. Existing natural and manmade waterbodies. 0.25 Ac+/-
  - b. Freshwater wetland areas: N/A COMMUNITY DEVELOPMENT
  - c. Other wetland areas: N/A
  - d. Submerged land subject to tidal influence N/A
  - e. Total (a + b + c + d): 0.25 Ac+/-
- F.2 Remaining developable land (E.4 less F.1.e): 2.92

G. **Present Use of Property**

- G.1. X The property is not vacant. The owner or applicant's signature on this application indicates that the Owner agrees to either remove all existing buildings and structures, OR that the proposed use of the building or structure(s) will be in compliance with all applicable requirements of the Land Development Code. [34-202(b)(3)]
- G.2. X Briefly describe current use of the property: Administration and  
maintenance headquarters for East County Water Control District

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PART IV  
PROPOSED DEVELOPMENT

APR 30 2003

COMMUNITY DEVELOPMENT

A. Copies of Master Concept Plan

- A.1.  X  Attached are copies of Exhibit IV-A-1 entitled "Proposed Master Concept Plan" drawn to scale on 24 inch by 36 inch medium. [34-373(a)(6)]
- A.2.  X  Attached are copies of Exhibit IV-A-2. entitled "Proposed Master Concept Plan" drawn to scale on 11 inch by 17 inch medium. [34-373(a)(6)]

B. Vehicular Ingress & Egress, Public Transit

DCI 2003-00031

- B.1.  X  The master concept plan indicates the exact location of all points of vehicular ingress and egress from existing easements or rights-of-way into the development. [34-373(a)(6)a]
- B.2.  X  The proposed development includes plans for subdividing. The master concept plan shows the general location of all proposed internal street rights-of-way or easements [34-373(a)(6)a]
- B.3.  X  The master concept plan indicates the general location from the proposed internal rights-of-way or easements into multiple-family, commercial and industrial lots. [34-373(a)(6)a]
- B.4.  N/A  Proposed access and public transit facilities have been indicated on the master concept plan as required by Sections 34-411(e) and 10-442. [34-373(a)(4)e]

C. Parks, Open Space and Indigenous areas.

- C.1.  N/A  The general location of proposed parks and recreation areas and facilities, has been shown and identified on the master concept plan. [34-373(a)(6)e]
- C.2.  N/A  The general location of indigenous areas to be preserved has been shown and identified on the master concept plan. [34-373(a)(6)e]
- C.3.  N/A  The development is a subdivision consisting solely of conventional single-family units on lots of no less than 6,500 square feet. [34-373(a)(6)f]
- C.4.  X  Approximately  20'  percent of the property will be open space. [34-373(a)(6)f]
- C.5.  X  The minimum open space required by Section 10-329(f)(7) for commercial and industrial lots and outlots has been indicated on the master concept plan. [34-373(a)(6)f]

D. Buffers

- D.1.  X  The master concept plan indicates the types and minimum widths of buffers proposed along the perimeter of the property as well as between the individual development areas where required. [34-373(a)(6)g]
- D.2.  X  All buffer types shown refer to buffers described in Chapter 10 of the Land Development Code unless clearly noted otherwise. [34-373(a)(6)g]

E. Surface Water Management

- E.1.  N/A  The property is located within a flood plain or flow way and compensation for impacts to flood storage capacity or flow ways due to filling of the site will be made at the time of local development order or district permitting. [34-373(b)(1)]
- E.2.  X  A written description of the proposed surface water master plan is submitted as Exhibit E.2.

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**F. Excavations**

- F.1. X The general location of excavations for on-site fill and wet retention have been indicated on the master concept plan. [34-373(a)(6)i]
- F.2. N/A Preliminary calculations for cuts and fills have been made and:
- F.3. X No excavated materials will be removed from the site.
- F.4. X Excavated materials to be removed from the site will comply with the definition of "surplus material" or will not exceed ten percent of the total material excavated.
- F.5. N/A Excavated materials to be removed from the premises exceed the definition of "surplus materials" or will exceed ten percent of the total material excavated. Calculations have been submitted as **Exhibit IV-F-5**. [34-373(a)(6)i]
- F.6. N/A This application includes "mining" as a requested use and a "general mining permit" has been requested in accordance with section 10-329(f)(7). [34-373(a)(6)i]

**G. Subdivisions**

- G.1. X The proposed development will be divided into lots or parcels. [34-373(a)(6)b]
- G.2. X The uses proposed for each lot or parcel have been indicated and keyed to the proposed list of uses submitted with the application. [34-373(a)(6)b]
- G.3. X The master concept plan indicates the general location, configuration, and approximate dimensions of the lots or parcels (including outparcels), lot coverage, and the minimum proposed setbacks for principal buildings. [34-373(a)(6)b]
- N/A Special property development regulations are proposed for this development and are set forth in Exhibit IV-G-4. To the extent a property development is not indicated in the exhibit, the regulations of the Land Development Code will be used.
- X The property development regulations for the CPD zoning district will be used. [34-373(a)(6)b]

COMMUNITY DEVELOPMENT

**H. Individual Development Areas [34-373(a)(6)c]**

- H.1. X The boundary of each individual development area within which buildings, parking or other uses will be located has been delineated on the master concept plan indicating:
- H.2. N/A Residential uses by type for each development area have been indicated (if applicable) including the maximum number of living units by type.
- H.3. N/A Development areas proposed for hotel or motel use have been indicated as well as the number of hotels/motels and the maximum number of rooms by size.
- H.4. N/A Development areas proposed to contain health care facilities have been indicated as well as the maximum number of beds.
- H.5. X Commercial uses by type for each development area have been indicated (if applicable) including the maximum floor area proposed. Where the use includes outdoor areas for display or storage, the outdoor area has been indicated separately from the floor area.
- H.6. N/A Industrial uses by type for each development area have been indicated (if applicable) including the maximum floor area proposed. Where the use includes outdoor areas for display or storage, the outdoor area has been indicated separately from the floor area.
- H.7. N/A Parking under the building(s) is proposed and the number of parking stories has been indicated.
- H.8. N/A The total number of living stories has been indicated.
- H.9. X The maximum height of the buildings, including parking stories, has been indicated.
- H.10. X The general location of service areas for delivery of goods or services has been delineated on the master concept plan.

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**I Summary list of uses.**

- I.1. N/A A list of all uses, including types and number of units for residential, hotel/motel and assisted living facilities as well as square footage of each type of commercial and industrial use, proposed for the entire development is attached as **Exhibit IV-I-1.** [34-373(a)(8)]

**J. Master list of deviations. [34-373(a)(6)]**

- J.1. N/A A list of all deviations requested as well as a written justification for the deviation, has been submitted as **Exhibit IV-J-1.**
- J.2. N/A The proposed location for each requested deviation, keyed to the schedule of requested deviations (Exhibit IV-J-1), has been indicated on the master concept plan.
- J.3. N/A Drawings demonstrating the effect of the requested deviations are submitted as **Exhibit IV-J-3.**
- J.4. X No deviations are requested.

**K. Traffic Impact Statement [34-373(a)(7)]**

- K.1. X The Traffic Impact statement has been submitted as **Exhibit IV-K-1.**
- K.2. N/A The director has waived the requirement for this minor planned development. The signed waiver is attached hereto as **Exhibit I-F-1.**

**L Phasing Plan**

- L.1. N/A The project will be developed in phases OR the Traffic Impact Statement utilized phasing. A description of the phasing plan has been submitted as **Exhibit IV-L-1.** [34-376(b)(3)]

**M. Special Concerns**

- M.1. N/A This project includes a private port facility. Attached is a Hazardous Materials Emergency Plan labeled **Exhibit IV-M-1.** [34-202(b)(4)]
- M-2 N/A This project includes rezoning of a mobile home park. Attached as **Exhibit IV-M-2** is the information required by section 34-203(d). [34-203(d)].
- M-3 N/A This project includes a request to use Bonus Density units. Attached as **Exhibit IV-M-3** is information on the type of bonus density units to be used, the source of the bonus density units, and the effect on the overall project. [34-202(b)(5)]
- M-4 N/A The project is a Residential Planned Development located in either a Rural or Outer Island land use classification. Attached as **Exhibit IV-M-4** is the impact analysis. [34-442]
- M-5 N/A This project is subject to the airport hazard regulations. Attached is **Exhibit IV-M-5.** [34-1001]

APR 30 2003

COMMUNITY DEVELOPMENT

DCI 2003-00031

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PART V - AFFIDAVIT

I, L. J. Lewis certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data or other supplementary matter attached to and made a part of this application, are honest and true. I also authorize the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application.

*[Handwritten Signature]*

Signature of Owner or Owner-authorized Agent

4/24/03

Date

LEONARD J. LEWIS AGENT

Typed or printed name and title

STATE OF FLORIDA )  
COUNTY OF LEE )

The foregoing instrument was certified and subscribed before me this 24<sup>th</sup> day of April 2003, by L. J. Lewis who is personally known to me or who has produced \_\_\_\_\_ as identification.

*[Handwritten Signature]*

Signature of notary public

(SEAL)

TERRI L. SMITH

Printed name of notary public



APR 30 2003  
COMMUNITY DEVELOPMENT

DCI 2003-00031

**SUPPLEMENTAL INFORMATION - PART VI**

**THE TOTAL NUMBER OF COPIES OF EACH EXHIBIT REQUIRED IS INDICATED IN PART VI AND INCLUDES ONE ORIGINAL OF EACH EXHIBIT. PLEASE MARK ALL ORIGINAL DOCUMENTS AS "ORIGINAL" IN EITHER RED OR BLUE INK.**

PART VI  
SUBMITTAL REQUIREMENTS

RECEIVED

COPIES REQUIRED including 1 original					Exhibit #	Item
SUB	NR	DRI	DCI	MINOR		
		12	11	11	✓	Completed application [34-201(b) & 34-373(a)(1)]
		3	3	3	✓	I-A-1 Covenant Of Unified Control [34-202(b)(1)b & 34-373(a)(3)]
		3	3	3	✓	I-A-2, I-A-3 Authorization Form [34-201(a)(1)] & [34-202(b)(1)c]
		2	2	2	✓	I-C-2 Subject property owners list [34-202(a)(5)]
		3	3	3	✓	I-D-1, I-D-2 Disclosure Form [34-201(b)(1)a]
		3	3	3	✓	I-E-1 Deed Restrictions [34-202(b)(2)]
		3	3	3	✓	I-E-2 Deed Restrictions Narrative [34-202(b)(2)]
		3	3	3	✓	II-B-1-A Legal Description [34-202(a)(1)]
		1	1	1	✓	II-B-1-B Electronic version of legal description NW
		3	3	3	✓	II-B-2 Certified sketch of description [34-202(a)(2)]
		3	3	3	✓	II-B-3 Plat Book Page [34-202(a)(1)]
		2	2	2	✓	II-D-2 Area Location Map on 8 1/2 by 11 paper [34-202(a)(4)]
		2	2	2	✓	II-D-3 Surrounding Property Owners List [34-202(a)(6)]
		2	2	2	✓	II-D-4 Surrounding parcels Map [34-202(a)(7)]
		2	2	2	✓	II-D-5 Mailing labels (sets)
		12	11	11	✓	II-E-2 Compliance with Lee Plan. [34-373(a)(5) & 34-491]
		12	11	11	✓	II-E-3 Lee Plan Amendment [34-373(a)(5) & 34-491] Na
		3	3	3	✓	II-E-4 Compliance with design standards of 34-411. [34-373(a)(5)] NW
		3	3	3	✓	II-E-5 Compliance with decision-making guidelines. [34-373(a)(5)] NE
		12	11	11	✓	III-A-1 Existing easements and r-o-w map. [34-373(a)(4)a.]
		12	11	11	✓	III-A-2 Exist. zoning & current land use map/photo [34-373(a)(4)b]
		3	3	3	✓	III-A-3 Aerial photograph [34-373(a)(4)c]
		3	3	3	✓	III-B-1 Map of Historical & Archaeological sites [34-373(a)(4)f]
		3	3	3	✓	III-B-2 Possible impacts on Hist. & Arch. sites [34-373(a)(4)f]
		12	11	4	✓	III-C-3 Environmental Assessment Report
		12	11	4	✓	III-C-5 Soils [34-373(a)(4)d.i]
		12	11	4	✓	III-C-6 Vegetation\ground cover [34-373(a)(4)d]
		12	11	4	✓	III-C-7 Topography. [34-373(a)(4)d.iv]
		4	4	-	✓	III-C-8 Protected Species Survey (if applicable) [34-373(b)(2)]
		12	11	4	✓	III-D-1 Public transit routes map (if applicable) [34-373(a)(4)e.]
		12	11	11	✓	IV-A-1 Master Concept Plan 24 X 36 inches [34-373(a)(6)a.]
		3	3	3	✓	IV-A-2 Master Concept Plan 11 X 17 inches [34-373(a)(6)a.]
		4	4	-	✓	IV-E-2 Surface Water Management Plan [34-373(b)(1)]
		4	4	4	✓	IV-F-5 Excavation calculations [34-373(a)(6)i]
		12	11	11	✓	IV-I-1 Master List of uses for entire development [34-373(a)(8)]
		12	11	11	✓	IV-J-1 List of deviations & justification [34-373(a)(9)]
		12	11	11	✓	IV-J-3 Drawings demonstrating deviations [34-373(a)(6)j]
		4	4	4*	✓	IV-K-1 Traffic Imp. Statement [34-373(a)(7)]
		12	11	11	✓	IV-L-1 Program for phased development [34-373(b)(3)]
		12	11	11	✓	IV-M Facilities for the development
		4	4	4	✓	IV-M-1 Haz. Mat Emer Plan [34-202(b)(4)]
		4	4	4	✓	IV-M-2 Mobile Home Park Information [34-203(d)]
		4	4	4	✓	IV-M-3 Bonus Density units 34-202(b)(5)
		4	4	4	✓	IV-M-4 Sanitary Sewer Facilities

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AIM Engineering  
& Surveying, Inc.

Corporate Office:  
5300 Lee Boulevard (33971-1026)  
Post Office Box 1235  
Lehigh Acres, Florida 33970-1235

LEE COUNTY  
RECEIVED

239-332-4569  
800-226-4569  
Fax: 239-332-8734

03 NOV 14 AM 9:04

November 13, 2003

COMM. DEV/  
PUB. WRKS. CNTR.  
SECOND FLOOR

Mr. Tony Palermo  
Department of Community Development  
Zoning Division  
P. O. Box 398  
Fort Myers, Florida 33902-0398

**Re: East County Water Control District  
DC 12003-00031**

Dear Mr. Palermo:

Please disregard the Deferral Request dated November 5<sup>th</sup>, 2003 for the above public hearing and proceed as scheduled.

It is my understanding that the existing land use for the above referenced rezoning will be classified as central urban.

Sincerely,  
AIM Engineering & Surveying, Inc.

L. J. Lewis  
Project Manager

Cc: Mary Gibbs, Director – Lee County Development Services  
David E. Lindsay, Manager – East County Water Control District



APPLICATION FOR REQUEST FOR CONTINUANCE, DEFERRAL, WITHDRAWAL, OR REHEARING

REQUEST FOR: (refer to back of sheet for special notes)

CONTINUANCE [ ] DEFERRAL [X] WITHDRAWAL [ ]
REHEARING [ ] WITHDRAWAL OF ADMINISTRATIVE APPEAL [ ]

RECEIVED
NOV 06 2003
DCI 2003-00031
PERMIT COUNTER

If a DEFERRAL OR CONTINUANCE is requested, please indicate:

Length of time INDEFINITE

From: [X] Hearing Examiner [ ] BOCC

- 1. Date of Scheduled Hearing: DEC. 10, 2003
2. Hearing/Application DCI 2003-00031 EAST COUNTY WATER DIST.
3. Tracking/Hearing/Application Number: DCI 2003-00031
4. Date Decision was Rendered:
5. Type of Application PLANNED DEVELOPMENT
[X] Rezoning [ ] Special Exception [ ] Variance [ ] Other
6. Reason for request (If rehearing is requested, see Special Notes on Back):

PLAN Amendment

Signature of applicant or

Date 11/5/03

DAVID E. LINDSAY

Name (typed or printed legibly)

Address East County Water Control District 601 East County Lane W. High, FL 33936

PAULA HINSPETER
Notary Public, State of FL
My Comm. Exp. Jan. 12, 2007
Comm. No. DD 173611

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 5 day of November 20 03 by DAVID E LINDSAY who is personally known to me or who produced as identification.

Signature of Notary Public

Printed Name of Notary Public PAULA HINSPETER

FEE \$
DATE PAID:

RECEIPT NUMBER:
INTAKE BY:

**SPECIAL NOTES**

1. Requests for DEFERRAL or CONTINUANCE must be in accordance with Section 34-235(1) or 34-235(2) of the Land Development.
2. If request for DEFERRAL or CONTINUANCE is for more than 60 days (or is indefinite), the applicant must apply in writing at least 45 days prior to the preferred hearing date to reactivate the case. All new evidence must be presented at that time.
3. CONTINUANCE: In the case of a request for CONTINUANCE, the applicant or his authorized agent, must submit this application to, and the application must be received by Lee County Community Development prior to the advertised hearing date, OR the applicant or his authorized agent must appear before the hearing board, and orally request the continuance.

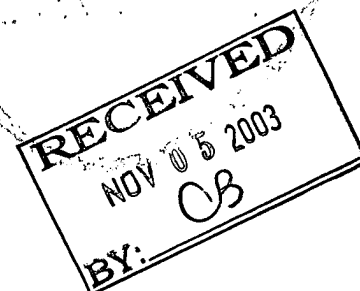
The hearing board may deny or grant the request for continuance:

- a. If the request for CONTINUANCE is denied, the hearing will proceed in accordance with the published agenda.
- b. If a request for CONTINUANCE is approved, the hearing board may set date certain for hearing the application.

Not more than one (1) applicant-initiated CONTINUANCE will be granted on the same application by each hearing board

4. DEFERRAL: To qualify as a deferral, this application form must be received by Lee County Community Development prior to the time the Department submits notice of the hearing to the newspaper for publication. If application is not received in time, the applicant must request a CONTINUANCE instead.
5. REHEARING must be filed within 30 days of the decision.
6. REHEARING: You must attach a statement that explains with particularity any new evidence and the points of law or fact which you believe the Board of County Commissioners overlooked or misunderstood: include all documentation to support the request for a rehearing in accordance with Section 34-84(b). No oral testimony will be allowed when the Board considers whether to grant a rehearing of this case.
7. APPLICANT: must be the property owner OR his duly authorized representative OR, if for a rehearing, the aggrieved party.
8. FEES: A fee must be paid by the applicant or aggrieved party, in accordance with the adopted fee schedule.

LEE COUNTY  
COMMUNITY DEVELOPMENT  
1500 MONROE STREET P.O. BOX 398  
FORT MYERS, FLORIDA 33902  
PHONE (941) 479-8585





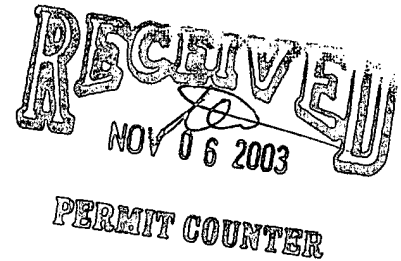
AIM Engineering  
& Surveying, Inc.

Corporate Office:  
5300 Lee Boulevard (33971-1026)  
Post Office Box 1235  
Lehigh Acres, Florida 33970-1235

239-332-4569  
800-226-4569  
Fax: 239-332-8734

November 6, 2003

Mr. Tony Palermo  
Department of Community Development  
Zoning Division  
P. O. Box 398  
Fort Myers, Florida 33902-0398



Re: **East County Water Control District**  
**DC 12003-00031**

Dear Mr. Palermo:

Please find herein the *Application for Request for Continuance, Deferral, Withdrawal, or Rehearing* completed by AIM Engineering & Surveying, Inc. acting on behalf of Mr. David E. Lindsay, Manager of ECWCD. The application requests deferral of an indefinite length of time for the rezoning meeting currently scheduled for December 10<sup>th</sup>, 2003.

If you have any questions, please call me at 239-332-4569, Extension 106.

Sincerely,  
AIM Engineering & Surveying, Inc.

L. J. Lewis  
Project Manager

Enclosures

Cc: David E. Lindsay

LJL/cmt  
O:\Bobbie\WPDOCS\UOELEWIS\ECWCD\ECWCD APPLICATION FOR CONTINUANCE PALERMO LTR.doc

DCI 2003-00031

EXHIBIT I-A-1  
COVENANT OF UNIFIED CONTROL

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as 601 East County Lane and (street address) legally described in exhibit A attached hereto.

RECEIVED  
PLANNED DEVELOPMENT

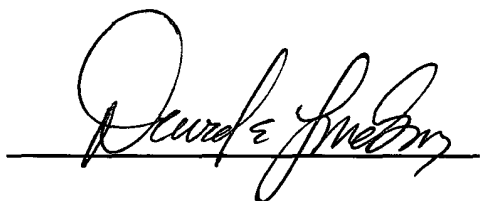
The property described herein is the subject of an application for planned development zoning. We hereby designate AIM Engineering & Surveying, Inc. as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorization of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development approval on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended covenant of unified control is delivered to Lee County.

The undersigned recognize the following and will be guided accordingly in the pursuit of development of the project:

1. The property will be developed and used in conformity with the approved master concept plan including all conditions placed on the development and all commitments agreed to by the applicant in connection with the planned development rezoning.
2. The legal representative identified herein is responsible for compliance with all terms, conditions, safeguards, and stipulations made at the time of approval of the master concept plan, even if the property is subsequently sold in whole or in part, unless and until a new or amended covenant of unified control is delivered to and recorded by Lee County.
3. A departure from the provisions of the approved plans or a failure to comply with any requirements, conditions, or safeguards provided for in the planned development process will constitute a violation of the Land Development Code.
4. All terms and conditions of the planned development approval will be incorporated into covenants and restrictions which run with the land so as to provide notice to subsequent owners that all development activity within the planned development must be consistent with those terms and conditions.
5. So long as this covenant is in force, Lee County can, upon the discovery of noncompliance with the terms, safeguards, and conditions of the planned development, seek equitable relief as necessary to compel compliance. The County will not issue permits, certificates, or licenses to occupy or use any part of the planned development and the County may stop ongoing construction activity until the project is brought into compliance with all terms, conditions and safeguards of the planned development.

East County Water Control District  
Owner

BY: David E. Lindsay, Manager  
Printed Name

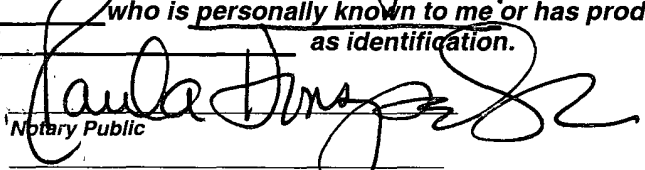


STATE OF FLORIDA)  
COUNTY OF LEE)

Sworn to (or affirmed) and subscribed before me this 15<sup>TH</sup> day of July, 2003

by DAVID E. LINDSAY who is personally known to me or has produced as identification.

PAULA HINSPETER  
Notary Public, State of FL  
My Comm. Exp. Jan. 12, 2007  
Comm. No. DD 173611



Notary Public

(Name typed, printed or stamped)  
(Serial Number, if any)

2003-00031

LETTER OF AUTHORIZATION

TO LEE COUNTY COMMUNITY DEVELOPMENT

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as East Co. Water Control Dist. and legally described in exhibit A attached hereto.

The property described herein is the subject of an application for zoning or development. We hereby designate AIM Engineering & Surveying, Inc. as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development approval on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended authorization is delivered to Lee County.

David E. Lindsay MAJNGEN  
Owner\* (signature)  
DAVID E. LINDSAY  
Printed Name

Owner\* (signature)  
Printed Name  
PERMIT COUNTER  
Owner\* (signature)  
Printed Name

For East Co. Water Control District  
Owner\* (signature)  
Printed Name

STATE OF FLORIDA  
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 16<sup>th</sup> day of December, 2002 by David E. Lindsay who is personally known to me or who has produced \_\_\_\_\_ as identification.

 PAULA HINSPETER  
Notary Public, State of Florida  
My comm. expires Jan. 12, 2003  
Comm. No. CC801755  
I.D. #856427  
Bonded thru Service Insurance Company, Inc.

Paula Hinspeter  
Notary Public  
PAULA HINSPETER  
(Name typed, printed or stamped)

\*If more than one owner then all owners must sign. See explanation on back.



RECEIVED  
JAN 07 2003  
AIM LEHIGH OFFICE

Case # DCI2003-00031

Jurisdiction : Lee County

Agent/Applicant :

Owner EAST COUNTY WATER CONTRO  
601 EAST COUNTY LN  
LEHIGH ACRES FL 33936

**RECEIVED**  
APR 30 2003

Description of Request

---

COMMUNITY DEVELOPMENT

Following is a list of submittal requirements which were missing from your application received on 04/30/2003

Topography (11 copies required)  
[Mandatory w/o Waiver]  
Comment:

This document is for informational purposes only and is not intended to be construed as a finding of sufficiency or completeness of the application or documentation submitted.

DCI 2003-00031

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AERIAL PHOTOGRAPH . III-A-3

MASTER CONCEPT PLAN (24 x 36 & 11 x 17) ..... IV-A-1

MASTER CONCEPT PLAN ..... IV-A-2

MASTER LIST OF USES FOR ENTIRE DEVELOPMENT .... IV-I-1

TRAFFIC IMPACT STATEMENT..... IV-K-1

FACILITIES FOR DEVELOPMENT ..... IV-M

RECEIVED

APR 30 2003

COMMUNITY DEVELOPMENT

**SUBJECT PROPERTY OWNERS**  
**30/44/27/00/00001.018A**

**EAST COUNTY WATER CONTROL DISTRICT**  
**601 EAST COUNTY LANE**  
**LEHIGH ACRES, FL 33936**

DCT 2003-00031

RECEIVED

APR 30 2003

COMMUNITY DEVELOPMENT



5. If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

Name, Address, & Office(if applicable)	Percentage of Stock
Gassner Development, Inc.	Johann Pfuner, Vice President 50%
	Johansen Pfuner - President 100%

Date of Contract: \_\_\_\_\_

6. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

Name and Address	

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest shall be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

Signature: *L. J. Lewis*  
(Applicant)  
L. J. LEWIS  
(Printed or typed name of applicant)

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 25<sup>th</sup> day of April 2003,  
by L. J. Lewis who is personally known to me or who has  
produced \_\_\_\_\_ as identification.



*Terri L. Smith*  
Signature of Notary Public

5. If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

Name, Address, & Office(if applicable)	Percentage of Stock
Gassner Development, Inc.	Johann Pfuner, Vice President
	50%
	Johansen Pfuner - President
	100%

Date of Contract: \_\_\_\_\_

6. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

Name and Address	

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest shall be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

Signature: *[Handwritten Signature]*  
(Applicant)

L. J. LEWIS  
(Printed or typed name of applicant)

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 25<sup>th</sup> day of April 2003,  
 by L. J. Lewis who is personally known to me or who has  
 produced \_\_\_\_\_ as identification.



*[Handwritten Signature]*  
 Signature of Notary Public

EXHIBIT I-D-1 or I-D-2  
DISCLOSURE OF INTEREST FORM FOR:

DCI 2003-00031

STRAP NO. 30-44-27-00-00001.018A

CASE NO.

1. If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

Name and Address  
East County Water Control District  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Percentage of Ownership  
100%  
RECEIVED  
APR 30 2003  
COMMUNITY DEVELOPMENT

2. If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

Name, Address, and Office  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Percentage of Stock  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

Name and Address  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Percentage of Interest  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. If the property is in the name of a GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP, list the names of the general and limited partners.

Name and Address  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Percentage of Ownership  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(over)

5. If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

Name, Address, & Office(if applicable)	Percentage of Stock
Gassner Development, Inc.	Johann Pfuner, Vice President
	50%
	Johansen Pfuner - President
	100%

Date of Contract: \_\_\_\_\_

6. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

Name and Address	

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest shall be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

Signature: *[Handwritten Signature]*  
 (Applicant)

L. J. LEWIS  
 (Printed or typed name of applicant)

STATE OF FLORIDA  
 COUNTY OF LEE

The foregoing instrument was acknowledged before me this 25<sup>th</sup> day of April 2003,  
 by L. J. Lewis who is personally known to me or who has  
 produced \_\_\_\_\_ as identification.



*[Handwritten Signature]*  
 Signature of Notary Public

LEGAL DESCRIPTION: (ORB 1760 PG. 2200)

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 30, TOWNSHIP 44 SOUTH, RANGE 27 EAST, LEE COUNTY, FLORIDA, THENCE N02°23'20"W, ALONG THE EAST SECTION LINE OF SAID SECTION 30, A DISTANCE OF 604.00 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF ABLE CANAL; THENCE N56°08'10"W ALONG SAID RIGHT OF WAY OF ABLE CANAL, A DISTANCE OF 111.02 FEET, TO A DEFLECTION IN THE RIGHT OF WAY OF ABLE CANAL; THENCE N68°58'14"W, STILL ALONG SAID RIGHT OF WAY OF ABLE CANAL, A DISTANCE OF 329.63 FEET TO THE POINT OF BEGINNING OF A TRACT OF LAND HEREIN DESCRIBED; THENCE S02°23'20"E, A DISTANCE OF 34.05 FEET TO A POINT ON A CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 1626.24 FEET, A DELTA ANGLE OF 12°29'45", A CHORD OF 353.97 FEET AND A CHORD BEARING OF S83°45'45"W; THENCE WESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 354.67 FEET TO THE POINT OF TANGENCY; THENCE S77°24'09"W, A DISTANCE OF 389.05 FEET; THENCE N12°35'51"W, A DISTANCE OF 88.67 FEET TO THE CORNER OF THE PROPERTY OF LEHIGH CORPORATION, BEING UTILIZED BY LAND DEVELOPMENT; THENCE N33°52'09"E, ALONG THE PROPERTY OF LAND DEVELOPMENT, A DISTANCE OF 193.68 FEET; THENCE N21°01'46"E, STILL ALONG THE PROPERTY OF LAND DEVELOPMENT, A DISTANCE OF 146.19 FEET, TO THE SOUTHERLY RIGHT OF WAY LINE OF ABLE CANAL; THENCE S68°58'14"E, ALONG SAID RIGHT OF WAY LINE OF ABLE CANAL, A DISTANCE OF 631.11 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINING 3.182 ACRES MORE OR LESS.

CREATING OR RESERVING IN FAVOR OF PUBLIC UTILITIES SERVING THE SUBJECT PROPERTY AND IN FAVOR OF EAST COUNTY WATER CONTROL DISTRICT, A 6 FOOT UTILITY AND DRAINAGE EASEMENT ON THE PERIMETER OF THE TRACT.

RECEIVED  
JUL 12 2003  
PERMIT COUNTER

1760-2200-0001



# AIM Engineering & Surveying, Inc.

Corporate Office:  
5300 Lee Boulevard (33971-1026)  
Post Office Box 1235  
Lehigh Acres, Florida 33970-1235

239-332-4569  
239-675-3696  
800-226-4569  
Fax: 239-332-8734

July 17, 2003

Mr. Tony Palermo  
Department of Community Development  
Zoning Division  
P. O. Box 398  
Fort Myers, Florida 33902-0398

**Re: East County Water Control District  
DC 12003-00031**

RECEIVED  
JUL 22 2003  
PERMIT COUNTER

12003-00031 DC

Dear Mr. Palermo:

Please find herewith the required information requested in the Planned Development Sufficiency Checklist for the above referenced, dated May 20, 2002.

- 1) Mr. David Lindsay is the Manager of the East County Water Control District. The Covenant of Unified Control has been changed to reflect same.
- 2) Blasting LDC 34-202(b)(6).  
No blasting is anticipated for this project.
- 3) Agriculture uses LDC 34-202(b)(7).  
There are no agricultural uses on subject property. The site is being used as an office and maintenance facility for the East County Water Control District.

### Zoning Comments

- 1) The Legal Description has been removed from the Master Concept Plan and included herewith as a separate attachment.
- 2) The name of the private road accessing the property is East County Lane.
- 3) The zoning, future land use and current use has been added to the Master Concept Plan.
- 4) The subject property is separated from the property to the north by a 200 foot wide canal right-of-way (Able Canal). The existing use to the north is a ball field and tennis court. Additional buffers in the case seem unnecessary.



July 17, 2003  
Page Two

DCI 2003-00031

RECEIVED  
JUL 22 2003

PERMIT COUNTER

- 5) The existing floor area for Area "A" is 0.0 s.f. The proposed floor area will be a combination of office and warehouse totaling not to exceed a maximum of 25,000 s.f. The existing floor area for Area "B" is 9,291 s.f. and not to exceed a maximum of 25,000 s.f.
- 6) The proposed maximum building height is 35 feet or 3 stories.
- 7) The minimum setback from the street is 25 feet. The minimum set back from the existing lake on site is 10 feet. The minimum setback from the body of water (Able Canal) is 15 feet from the right-of-way line. (Exceeds minimum of 25 feet from water body).
- 8) The existing uses and square footage of improvements of Area "B" have been labeled on the Master Concept Plan.
- 9) Water Retention, Parking Lot, Accessory, Signs per LDC Chapter 30, and Essential Services have been added to Schedule of Uses. Mini warehouse has been deleted as a use and the number of square footage allowable is a combination of office and warehouse not to exceed 25,000 s.f.  
  
Also, Entrance Gate and Gatehouse and Fences and Walls have been added as uses to Area "A" and "Retail and Wholesale Sales, when clearly incidental and subordinate to a permitted principal use on the same premises" had been added to Area "B" as a permitted use.
- 10) This Plan is for two tracts, 1.35 acres and 1.38 acres. Minimum lot sizes are N/A. The minimum lot width and depth is N/A. The maximum lot coverage is 60%.
- 11) The required deviations have been added to the Master Concept Plan.
- 12) This is not a Phased Project.



July 17, 2003  
Page 3

DCI 2003-00031

Miscellaneous Items

The Master Concept Plan is for a future lot split.

4) Area "A" (The existing headquarters of East County Water Control District) is now accessed by a private road which consist of 20 foot wide pavement and 2 feet curb and gutter each side (closed drainage) and is recorded in OR Book 2404, Page 3575 of the Lee County Public Records.

To access the future lot split Area "B", the private road will be extended with a circular turn around. The road shall meet or exceed the requirements of a private local street with closed drainage as described in Lee County Land Development Code Chapter 10-710 (See Deviation Request No. 4).

1a1) Letter of Authorization for Agent:

The Owner has signed a Covenant of Unified Control Authorizing AIM Engineering & Surveying, Inc. as the Agent. (Provided herewith)

6a) Meets & Bounds Description:

A Meets and Bounds Description excluding the descriptions of the external easements is provided herewith on 8 1/2 x 11 paper.

Also transmitted herewith are ten (10) copies of the Revised Master Concept Plan.

If you have any questions, please call me at 239-332-4569, Extension 106.

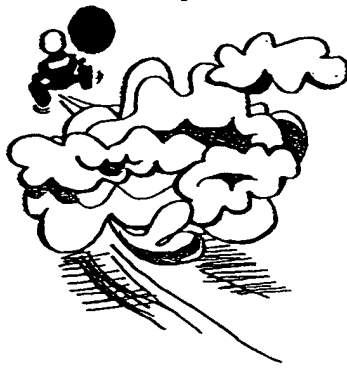
Sincerely,  
AIM Engineering & Surveying, Inc.

  
L. I. Lewis  
Project Manager

Enclosures

Cc: David E. Lindsay

Hal Colby  
Company Courier



"Simple Requests - Immediate Results  
Impossible Requests - May Take A Little Longer"

## COURIER REQUEST FORM

DATE OF REQUEST May 1<sup>ST</sup>

REQUESTED BY Joe Lewis

NEEDED BY \_\_\_\_\_

COMPANY NAME \_\_\_\_\_

CONTACT NAME \_\_\_\_\_

TELEPHONE \_\_\_\_\_

ADDRESS \_\_\_\_\_

### INSTRUCTIONS

Topo Surveys 4 RA FOR EAST COUNTY

SUBMITTAL / TAKE TO DIANE AT DO REVIEW,

THANKS

Case # DCI2003-00031

Jurisdiction : Lee County

Agent/Applicant :

Owner EAST COUNTY WATER CONTRO  
601 EAST COUNTY LN  
LEHIGH ACRES FL 33936

Description of Request

Following is a list of submittal requirements which were missing from your application received on 04/30/2003

Topography

*4* *Drane* (11 copies required)  
[Mandatory w/o Waiver]  
Comment: *[Signature]*

This document is for informational purposes only and is not intended to be construed as a finding of sufficiency or completeness of the application or documentation submitted.

DCI 2003-00031

RECEIVED  
MAY 01 2003  
COMMUNITY DEVELOPMENT

ZONING DIVISION  
LEE COUNTY  
PLANNED DEVELOPMENT SUFFICIENCY REVIEW  
TRANSMITTAL SHEET

TO: Distribution

Joan Henry, Asst. County Attorney  
TIS Reviewer - Bob Rentz  
DS Reviewer - Don Blackburn  
Paul O'Connor, Planning  
Kim Trebatoski, Environmental Sciences  
Andy Getch, LCDOT  
Stephanie Keyes, Lee County School District  
Roland Ottolini, Natural Resources  
Jerry Murphy, Zoning

FROM: Tony Palermo

DATE: 05/02/2003

**\* REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: EAST COUNTY WATER CONTROL DIST

CASE #: DCI2003-00031

INFORMATION SUMMARY:

**NEW SUBMITTAL**

- To update your file  
 Review and forward sufficiency questions or make finding of sufficiency

**RESPONSE REQUIRED BY: 05/16/2003**

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).

Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file  
DCI Zone File

Distributed by: Jessica M Smith

Date: 05/02/2003

ZONING DIVISION  
LEE COUNTY  
PLANNED DEVELOPMENT SUFFICIENCY REVIEW  
TRANSMITTAL SHEET

TO: Distribution

FROM: Tony Palermo

DATE: 05/01/2003

DS Reviewer - Don Blackburn  
Jerry Murphy, Zoning

**\* REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: EAST COUNTY WATER CONTROL DIST

CASE #: DCI2003-00031

INFORMATION SUMMARY:

**RESUBMITTAL**

- To update your file  
 Review and forward sufficiency questions or make finding of sufficiency

**RESPONSE REQUIRED BY: 05/15/2003**

Additional Comments:

AG-2 to CPD

(DCI) Lee County LDC Section 34-373(d)(1).  
Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file  
DCI Zone File

Distributed by: Jamie Princing

Date: 05/05/2003

ZONING DIVISION  
LEE COUNTY  
PLANNED DEVELOPMENT SUFFICIENCY REVIEW  
TRANSMITTAL SHEET

TO: Distribution

FROM: Tony Palermo

DATE: 07/22/2003

Joan Henry, Asst. County Attorney  
TIS Reviewer - Bob Rentz  
DS Reviewer - Don Blackburn  
Paul O'Connor, Planning  
Kim Trebatoski, Environmental Sciences  
Andy Getch, LCDOT  
Stephanie Keyes, Lee County School District  
Roland Ottolini, Natural Resources  
Josh Philpott, Zoning

**\* REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: EAST COUNTY WATER CONTROL DIST

CASE #: DCI2003-00031

INFORMATION SUMMARY:

**RESUBMITTAL**

- To update your file  
 Review and forward sufficiency questions or make finding of sufficiency

**RESPONSE REQUIRED BY: 08/05/2003**

Additional Comments:

2nd Round -- Sufficiency

(DCI) Lee County LDC Section 34-373(d)(1).  
Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file  
DCI Zone File

Distributed by: Becky Tatlock

Date: 07/22/2003



LEE COUNTY  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 239-479-8325

Bob Janes  
*District One*

Douglas R. St. Cerny  
*District Two*

Ray Judah  
*District Three*

Andrew W. Coy  
*District Four*

John E. Albion  
*District Five*

Donald D. Stilwell  
*County Manager*

James G. Yeager  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

May 20, 2003

L. J. LEWIS  
AIM ENGINEERING, & SURVEYING,  
5300 LEE BLVD  
LEHIGH ACRES, FL 33971

2003-00031

Re: EAST COUNTY WATER CONTROL DIST  
DCI2003-00031 - PDS Application (Minor PD)

RECEIVED  
JUL 22 2003  
PERMIT COUNTER

Dear AIM ENGINEERING & SURVEYING IN :

The Zoning Division has reviewed the information provided for the above zoning application. The Land Development Code requires additional information for the application to be sufficient. Please respond to each requirement not satisfied on the attached sufficiency checklists. For your assistance, we have enclosed any additional memoranda from the various Lee County reviewing agencies.

If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the Code requires that this application be considered withdrawn. Please feel free to contact me or the staff reviewers if you have any questions.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Zoning Division

Tony Palermo  
Senior Planner

L. J. LEWIS  
AIM ENGINEERING, & SURVEYING,  
RE: EAST COUNTY WATER CONTROL DIST  
DCI2003-00031  
May 20, 2003  
Page 3

**Lee County Sufficiency Checklist for Planned Developments,  
Amendments, and Existing Developments Requesting Planned  
Development Zoning**

*20) Contact. The Zoning Planner may be contacted regarding any questions on  
the Planned Development Sufficiency Checklist.*

Contact Tony Palermo, #239-479-8325.

The County Attorney's Office had the following comments:

1. The property is owned by the East County Water Control District. The Covenant of Unified Control is executed by David Lindsay but does not state his title nor does it reference the owner. The signature line and notary jurat should include: East County Water Control District, by David Lindsay, (title).
2. The applicant did not address blasting LDC 34-202(b)(6).
3. The applicant did not address agricultural uses LDC 34-202(b)(7).

DCI 2003-00031

RECEIVED  
JUL 29 2003

PERMIT COUNTER

DCI 2003-00031

Zoning has the following comments:

1. The MCP has the legal description on the left top corner. This can be included on a separate attachment. It is not needed on the MCP.
2. Does the private road accessing the property have a name? (also see Development Services comments regarding the road and lot split)
3. Please show the future land uses of the surrounding properties and their uses on the MCP. Please include the zoning, future land uses, and current uses of the properties across the canal. You've done this for the zoning map which is appreciated, but the MCP also needs to show this information.
4. Even though a buffer is not required on the north, you may want to propose an enhanced buffer and/or setback shielding the public park.
5. Can you propose maximum floor areas for Area A and B? 18,589 seems to represent Area B. Is this total - office, industrial, retail, warehouse? Please also provide floor area proposed for Area A. (existing, and/or future)
6. Can you propose a maximum # of stories?
7. You should include minimum setbacks for roads. If you need a deviation from street setbacks, you'll need to ask for one. You also need a setback for waterbodies, including the existing lake on site. Please also propose a perimeter setback and a setback between buildings.
8. Please provide detail about buildings and uses on the property. You have "metal building" temp office, and other areas but do not have uses assigned to the buildings. Please also provide approximate square footages of buildings and other areas if relevant (such as concrete, carport, pond).
9. Add WATER RETENTION, PARKING LOT: ACCESSORY, COMMERCIAL (PARKING: TEMPORARY if needed) and ESSENTIAL SERVICES to the list of uses. Do you need ESSENTIAL SERVICE FACILITIES GROUP I, II, or III? Also restate WAREHOUSE: MINI, PRIVATE, OR PUBLIC. You may want to specify the # of square feet for warehouse uses, or # of units. Also SIGNS (PER LDC CH. 30) is acceptable. You may want to look through the list of uses in the LDC to make sure you have all of the existing and future uses you may want or need.
10. Are there minimum lot sizes proposed? Also, % maximum lot coverage? Please also request minimum lot width and depth.
11. If you need deviations from water setbacks, street setbacks, perimeter setbacks, or separation of structures, please include. (See Sec. 34-935).
12. If there are phases, please specify on MCP.

RECEIVED  
JUL 22 2003  
EAST COUNTY

**Development Review Checklist**

L. J. LEWIS  
AIM ENGINEERING, & SURVEYING,  
RE: EAST COUNTY WATER CONTROL DIST  
DCI2003-00031  
May 20, 2003  
Page **RS**

DCI 2003-00031

4) *Miscellaneous items.*

The MCP is confusing as to what the proposed request is. It appears that the proposal is a future Lot Split. The proposed road to the new lot will have to meet the minimums of the LDC, including a circular turn around. The proposed 30 foot easement does not comply to the LDC. I would advise the applicant call to schedule a meeting to discuss the proposed plan.

5) *Contact. The reviewer may be contacted regarding questions on the Development Review Sufficiency Checklist.*

Don Blackburn - 479-8587

1a1) *If the owner(s) has authorized an agent to prepare and sign the application and to represent him in all matters pertaining to the application, the agent must provide a document establishing his authority which has been signed by the owner and notarized by a notary public. [34-202(b)(1)b.]*

The applicant needs to provide staff with a Letter of Authorization for agent.

6a) *Legal description. The request must include a legal description of the property upon which the action is to be initiated. [34-202(a)(1)]*

The applicant needs to provide staff with a metes and bounds description excluding the description of external easements on 8.5 by 11.

7) *Miscellaneous Items.*

Sufficiency or non-applicability of legal requirements subject to change upon review of subsequent resubmittals.

RECEIVED  
MAY 22 2003  
PERMIT COUNTER

L. J. LEWIS  
AIM ENGINEERING, & SURVEYING,  
RE: EAST COUNTY WATER CONTROL DIST  
DCI2003-00031  
May 20, 2003  
Page 2

cc. Andi McDowell, Zoning

cc: Pamela Houck, Division Director  
Paul O'Connor, Planning  
Joan Henry, Assistant County Attorney  
Kim Trebatoski, Environmental Sciences  
Roland Ottolini, Natural Resources  
Andy Getch, LCDOT  
Billie Jacoby, DCD Admin  
Don Blackburn, Development Review  
DCI Zoning File  
DCI Working File

DCI 2003 00031

Bob Janes  
District One

Douglas R. St. Cerny  
District Two

Ray Judah  
District Three

Andrew W. Coy  
District Four

John E. Albion  
District Five

Donald D. Stilwell  
County Manager

James G. Yeager  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

May 20, 2003

L. J. LEWIS  
AIM ENGINEERING, & SURVEYING,  
5300 LEE BLVD  
LEHIGH ACRES, FL 33971

Re: EAST COUNTY WATER CONTROL DIST  
DCI2003-00031 - PDS Application (Minor PD)

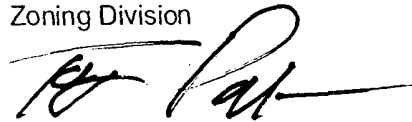
Dear AIM ENGINEERING & SURVEYING IN :

The Zoning Division has reviewed the information provided for the above zoning application. The Land Development Code requires additional information for the application to be sufficient. Please respond to each requirement not satisfied on the attached sufficiency checklists. For your assistance, we have enclosed any additional memoranda from the various Lee County reviewing agencies.

If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the Code requires that this application be considered withdrawn. Please feel free to contact me or the staff reviewers if you have any questions.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Zoning Division



Tony Palermo  
Senior Planner

L. J. LEWIS  
AIM ENGINEERING, & SURVEYING,  
RE: EAST COUNTY WATER CONTROL DIST  
DCI2003-00031  
May 20, 2003  
Page 2

cc. Andi McDowell, Zoning

cc: Pamela Houck, Division Director  
Paul O'Connor, Planning  
Joan Henry, Assistant County Attorney  
Kim Trebatoski, Environmental Sciences  
Roland Ottolini, Natural Resources  
Andy Getch, LCDOT  
Billie Jacoby, DCD Admin  
Don Blackburn, Development Review  
DCI Zoning File  
DCI Working File

**Lee County Sufficiency Checklist for Planned Developments,  
Amendments, and Existing Developments Requesting Planned  
Development Zoning**

*20) Contact. The Zoning Planner may be contacted regarding any questions on the Planned Development Sufficiency Checklist.*

Contact Tony Palermo, #239-479-8325.

The County Attorney's Office had the following comments:

1. The property is owned by the East County Water Control District. The Covenant of Unified Control is executed by David Lindsay but does not state his title nor does it reference the owner. The signature line and notary jurat should include: East County Water Control District, by David Lindsay, (title).
2. The applicant did not address blasting LDC 34-202(b)(6).
3. The applicant did not address agricultural uses LDC 34-202(b)(7).

Zoning has the following comments:

1. The MCP has the legal description on the left top corner. This can be included on a separate attachment. It is not needed on the MCP.
2. Does the private road accessing the property have a name? (also see Development Services comments regarding the road and lot split)
3. Please show the future land uses of the surrounding properties and their uses on the MCP. Please include the zoning, future land uses, and current uses of the properties across the canal. You've done this for the zoning map, which is appreciated, but the MCP also needs to show this information.
4. Even though a buffer is not required on the north, you may want to propose an enhanced buffer and/or setback shielding the public park.
5. Can you propose maximum floor areas for Area A and B? 18,589 seems to represent Area B. Is this total - office, industrial, retail, warehouse? Please also provide floor area proposed for Area A. (existing, and/or future)
6. Can you propose a maximum # of stories?
7. You should include minimum setbacks for roads. If you need a deviation from street setbacks, you'll need to ask for one. You also need a setback for waterbodies, including the existing lake on site. Please also propose a perimeter setback and a setback between buildings.
8. Please provide detail about buildings and uses on the property. You have "metal building" temp office, and other areas but do not have uses assigned to the buildings. Please also provide approximate square footages of buildings and other areas if relevant (such as concrete, carport, pond).
9. Add WATER RETENTION, PARKING LOT: ACCESSORY, COMMERCIAL (PARKING: TEMPORARY if needed) and ESSENTIAL SERVICES to the list of uses. Do you need ESSENTIAL SERVICE FACILITIES GROUP I, II, or III? Also restate WAREHOUSE: MINI, PRIVATE, OR PUBLIC. You may want to specify the # of square feet for warehouse uses, or # of units. Also SIGNS (PER LDC CH. 30) is acceptable. You may want to look through the list of uses in the LDC to make sure you have all of the existing and future uses you may want or need.
10. Are there minimum lot sizes proposed? Also, % maximum lot coverage? Please also request minimum lot width and depth.
11. If you need deviations from water setbacks, street setbacks, perimeter setbacks, or separation of structures, please include. (See Sec. 34-935).
12. If there are phases, please specify on MCP.

**Development Review Checklist**

*4) Miscellaneous items.*

The MCP is confusing as to what the proposed request is. It appears that the proposal is a future Lot Split. The proposed road to the new lot will have to meet the minimums of the LDC, including a circular turn around. The proposed 30 foot easement does not comply to the LDC. I would advise the applicant call to schedule a meeting to discuss the proposed plan.

*5) Contact. The reviewer may be contacted regarding questions on the Development Review Sufficiency Checklist.*

Don Blackburn - 479-8587

*1a1) If the owner(s) has authorized an agent to prepare and sign the application and to represent him in all matters pertaining to the application, the agent must provide a document establishing his authority which has been signed by the owner and notarized by a notary public. [34-202(b)(1)b.]*

The applicant needs to provide staff with a Letter of Authorization for agent.

*6a) Legal description. The request must include a legal description of the property upon which the action is to be initiated. [34-202(a)(1)]*

The applicant needs to provide staff with a metes and bounds description excluding the description of external easements on 8.5 by 11.

*7) Miscellaneous Items.*

Sufficiency or non-applicability of legal requirements subject to change upon review of subsequent resubmittals.

**MEMORANDUM**  
FROM THE  
**DEPARTMENT OF**  
**COMMUNITY DEVELOPMENT**  
**DEVELOPMENT SERVICES DIVISION**

TO: File DC/2003-00031      DATE: November 25, 2003  
FROM: Billie Jacoby  
DCD Administration

RE: Notice of Public Hearing - Dec. 10, 2003 HEX

I, Billie Jacoby, Secretary, Internal Services, Development Services Division, do hereby certify that I have mailed **notices to the adjacent property owners** on the above referenced date, in the attached style, pursuant to the list marked and attached hereto and made a part of this certification.

# NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

CASE NUMBER: DCI2003-00031

CASE NAME: EAST COUNTY WATER CONTROL DIST.

REQUEST: Rezoning request from Agriculture (AG-2) to Commercial Planned Development (CPD) to permit a maximum floor area of 50,000 square feet for commercial, warehousing, maintenance, and office uses for the East County Water Control District on +/- 3.18 acres of land. No development blasting is being requested.

LOCATION: The subject property is located at 601 East County Lane, Lehigh Acres (East County Lane north of Lee Boulevard to dead end. East County Lane is just east of Homestead Road and Lee Boulevard intersection.), in S30 (Section)-T44 (Township)S-R27 (Range)E, Lee County, Florida.

SIZE OF PROPERTY: 2.92 Acres ±

STAFF REPORT: Direct inquiries to Tony Palermo, Senior Planner, at 239-479-8325, at the Department of Community Development, 1500 Monroe St., Ft. Myers, FL 33901.

PROPERTY OWNER'S REPRESENTATIVE: MR. L.J. LEWIS  
AIM ENGINEERING & SURVEYING  
941-332-4569

Notice is hereby given that the Lee County Hearing Examiner will hold a public hearing at 1:00 p.m. on December 10, 2003, on the above case. The public hearing will be held in the Hearing Examiner's Meeting Room, 1500 Monroe St., Ft. Myers, FL 33901.

You must appear in person, or through counsel, or an authorized agent and provide testimony, legal argument or other evidence at the hearing to become a participant with the right to address the Board of County Commissioners.

After the Hearing Examiner has made a written recommendation, the case will be scheduled for a public hearing before the Board of County Commissioners who will review the recommendation and make a final decision.

**If you do not appear before the Hearing Examiner, by law, you will not be allowed to appear before the Board of County Commissioners at the final hearing in this case.**

Copies of the staff report will be available two weeks prior to the hearing. The file may be reviewed at the Development Services Division, 1500 Monroe St., Fort Myers, FL 33901. Call 239/479-8585 for additional information.

**In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Billie Jacoby at 239/479-8585.**

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Development Services Division

30-44-27-00-00001.018A  
EAST COUNTY WATER CONTROL DIST  
601 EAST COUNTY LN  
LEHIGH ACRES, FL 33936

29-44-27-01-00001.0040  
STERR KARL + INGE  
P O BOX 1101  
LEHIGH ACRES, FL 33970

29-44-27-13-00000.00CE  
PARK PLACE CONDO  
C/O ASSOCIATION  
1000 LEE BLVD  
LEHIGH ACRES, FL 33936

30-44-27-00-00001.002A  
EAST COUNTY WATER CONTROL DIST  
601 EAST COUNTY LN  
LEHIGH ACRES, FL 33936

30-44-27-00-00001.0060  
EAST COUNTY WATER CONTROL DIST  
601 EAST COUNTY LN  
LEHIGH ACRES, FL 33936

30-44-27-00-00001.0120  
LEE COUNTY  
C/O PARKS & REC.  
P O BOX 398  
FT MYERS, FL 33902

30-44-27-00-00001.0180  
805 DEL PRADO BLD PARTNERSHIP  
3680 BROADWAY CIR  
FORT MYERS, FL 33901

30-44-27-00-00001.0240  
PLAZA LAPOINTE DEV CORP  
P O BOX 895  
LEHIGH ACRES, FL 33936

30-44-27-00-00001.0340  
EAST COUNTY WATER CONTROL DIST  
601 EAST COUNTY LN  
LEHIGH ACRES, FL 33936

30-44-27-02-00012.0040  
TRIPPANY JAMES  
1222 ARCHDALE ST  
LEHIGH ACRES, FL 33936

29-44-27-01-00001.0030  
FINK JAMES A  
831 E SHORE DR  
HUBERTUS, WI 53033

29-44-27-01-00001.0050  
BLEDSOE MELISA W  
P O BOX 61124  
FT MYERS, FL 33906

30-44-27-00-00001.0020  
OLDING CLAYTON L + LINDA L  
688 MILWAUKEE BL  
LEHIGH ACRES, FL 33936

30-44-27-00-00001.002B  
EAST COUNTY WATER CONTROL DIST  
601 EAST COUNTY LN  
LEHIGH ACRES, FL 33936

30-44-27-00-00001.006A  
B + J CORPORATION  
%SCI MGMT CORP TAX DEPT  
P O BOX 130548  
HOUSTON, TX 77219

30-44-27-00-00001.0170  
ZIMMERMAN LEHIGH PROPERTY  
P O BOX 576  
LEHIGH ACRES, FL 33970

30-44-27-00-00001.0200  
EAST COUNTY WATER CONTROL DIST  
601 EAST COUNTY LN  
LEHIGH ACRES, FL 33936

30-44-27-00-00001.024A  
LEHIGH RADIATION ASSOCIATES  
2234 COLONIAL BLVD  
FT MYERS, FL 33907

30-44-27-02-00012.0030  
KONDAN RICHARD G  
209 GARFIELD RD  
KING OF PRUSSIA, PA 19406

30-44-27-02-00012.0050  
MCKINLEY HARRY W  
1800 90TH ST  
KENOSHA, WI 53143

30-44-27-02-00012.0060  
JONES LLYOD R +  
1218 ARCHDALE ST  
LEHIGH ACRES, FL 33936

30-44-27-02-00012.0080  
SMITH DALE R  
1214 ARCHDALE ST  
LEHIGH ACRES, FL 33936

30-44-27-02-00012.0100  
DUNN THOMAS E + ARLENE M  
8034 W TONOPAH DR  
PEORIA, AZ 85382

30-44-27-02-00012.0120  
MCCARTHY LINDA M  
1206 ARCHDALE ST  
LEHIGH ACRES, FL 33936

30-44-27-07-00000.0020  
GUTSTEIN DAVID  
13181 PONDEROSA WAY  
FORT MYERS, FL 33907

30-44-27-07-00000.0040  
GORDON CHARLES E TR  
306 MONTEREY DR  
NAPLES, FL 34419

30-44-27-07-00000.0060  
HILL DARRELL R  
1154 LEE BLVD STE 6  
LEHIGH ACRES, FL 33936

30-44-27-07-00002.00A0  
THOMPSON KENNETH K  
618 LINCOLN AVE  
LEHIGH ACRES, FL 33936

30-44-27-07-00002.00C0  
PENARANDA CARLO + FE S  
1150 LEE BLVD STE C  
LEHIGH ACRES, FL 33936

30-44-27-07-00002.00E0  
YLISASTIGUI PEDRO P  
11 LINCOLN AV  
LEHIGH ACRES, FL 33972

30-44-27-02-00012.0070  
ERICKSON JOHN G + JOAN R  
1216 ARCHDALE ST  
LEHIGH ACRES, FL 33936

30-44-27-02-00012.0090  
GRAY KRISTINE +  
1212 ARCHDALE ST  
LEHIGH ACRES, FL 33936

30-44-27-02-00012.0110  
PAUL MICHAEL E + JEAN R  
1208 ARCHDALE ST  
LEHIGH ACRES, FL 33936

30-44-27-07-00000.0010  
SOUTH FLORIDA HEALTH GROUP INC  
15 LINCOLN AV  
LEHIGH ACRES, FL 33936

30-44-27-07-00000.0030  
YLISASTIGUI PEDRO P  
1154 LEE BLVD STE 3  
LEHIGH ACRES, FL 33936

30-44-27-07-00000.0050  
HOOPER ROBERT L + TERESITA S  
4863 LAUREL LN  
FT MYERS, FL 33908

30-44-27-07-00000.00CE  
PINWOOD MEDICAL PLAZA ASSOC  
C/O DR ROBERT L HOOPER  
1154 LEE BLVD UT 5  
LEHIGH ACRES, FL 33936

30-44-27-07-00002.00B0  
PRABAKARAN BALA + JANSI  
312 PRATHER DR  
FT MYERS, FL 33919

30-44-27-07-00002.00D0  
YLISASTIGUI PEDRO P  
11 LINCOLN AV  
LEHIGH ACRES, FL 33972

30-44-27-07-00002.00F0  
CROLEY JAMES E III + AMELIA H  
613 DEL PRADO BLVD S  
CAPE CORAL, FL 33990

30-44-27-08-00000.00CE  
CORAL PLAZA CONDO ASSOC  
1140 LEE BLVD  
LEHIGH ACRES, FL 33936

30-44-27-08-00000.1020  
I + E GROUP INC  
P O BOX 1361  
LEHIGH ACRES, FL 33970

30-44-27-08-00000.1040  
I + E GROUP INC  
P O BOX 1361  
LEHIGH ACRES, FL 33970

30-44-27-08-00000.1060  
I + E GROUP INC  
P O BOX 1361  
LEHIGH ACRES, FL 33970

30-44-27-08-00000.1080  
I + E GROUP INC  
P O BOX 1361  
LEHIGH ACRES, FL 33970

30-44-27-08-00000.1100  
AT THE TOP INC  
1140 LEE BLVD #110  
LEHIGH ACRES, FL 33936

30-44-27-09-0000A.0020  
VILLAGE ASSOCIATES INC  
6489 SUNSET DR  
S MIAMI, FL 33143

30-44-27-08-00000.1010  
I + E GROUP INC  
P O BOX 1361  
LEHIGH ACRES, FL 33970

30-44-27-08-00000.1030  
I + E GROUP INC  
P O BOX 1361  
LEHIGH ACRES, FL 33970

30-44-27-08-00000.1050  
I + E GROUP INC  
P O BOX 1361  
LEHIGH ACRES, FL 33970

30-44-27-08-00000.1070  
I + E GROUP INC  
P O BOX 1361  
LEHIGH ACRES, FL 33970

30-44-27-08-00000.1090  
KEELAN MICHAEL L  
1209 E 3RD ST  
LEHIGH ACRES, FL 33972

30-44-27-08-00000.1110  
I + E GROUP INC  
P O BOX 1361  
LEHIGH ACRES, FL 33970

AIM ENGINEERING  
c/o L.J. Lewis  
5300 Lee Blvd  
Lehigh Acres, FL 33971

(\*Lehigh Acres)  
NONE



**LEE COUNTY**  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 479-8585

November 14, 2003

Bob Janes  
District One

Douglas R. St. Cerny  
District Two

Ray Judah  
District Three

Andrew W. Coy  
District Four

John E. Albion  
District Five

Donald D. Stilwell  
County Manager

James G. Yaeger  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

**AIM ENGINEERING**  
c/o L.J. Lewis  
5300 Lee Blvd  
Lehigh Acres, FL 33971

Re: **Agenda Schedule for East County Water Control District Zone**  
**Case No. DCI2003-00031**

Dear Mr. Lewis:

Your zoning request has been scheduled before the Hearing Examiner on **DECEMBER 10, 2003, at 1:00 p.m.** The hearing will be conducted in the Hearing Examiner Meeting Room, 1500 Monroe St., Ft. Myers, FL.

Be advised all exhibits presented to Hearing Examiner will be retained for the records. The Hearing Examiner encourages the applicant to provide reduced copies of these exhibits for the record as an alternative to a full size copy.

Your zoning sign will be ready for pickup any time after November 14, 2003, at the drive-thru window at 1500 Monroe St., Ft. Myers, FL. This sign must be posted in accordance with Department procedures no later than November 25, 2003, and is to remain posted until final decision is rendered.

Call if you have any questions.

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Development Services Division

Billie Jacoby  
Administrative Assistant

cc: East County Water Control District  
Mr. Tony Palermo, Senior Planner  
Zoning File

U:\200311\DCI20030.003\1\APPLICANT LTR FOR DEC. 10 HEX.WPD



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number: 479-8585

Bob Janes  
District One

February 25, 2004

Douglas R. St. Cerny  
District Two

Ray Judah  
District Three

Andrew W. Coy  
District Four

John E. Albion  
District Five

Donald D. Stilwell  
County Manager

James G. Yaeger  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

Aim Engineering  
c/o L.J. Lewis  
5300 Lee Blvd.  
Lehigh Acres, FL 33971

**Re: Agenda Schedule for East County Water Control District  
Case No. DCI2003-00031**

Dear Mr. Lewis:

Your zoning request has been scheduled before the Board of County Commissioners to take final action after reviewing the Hearing Examiner's recommendation.

**DATE & TIME:** March 15, 2004, Meeting commences at 9:30 a.m.

**LOCATION:** Commissioners' Meeting Room  
2120 Main Street  
Ft. Myers, Florida

Call if you have any questions.

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Zoning Division

  
Billie Jacoby  
Administrative Assistant

cc: East County Water Control District  
Mr. Tony Palermo, Senior Planner  
Zoning File

U:\200402\DCI20030.003\1\APPLICANT LETTER BCC.WPD

**MEMORANDUM**  
From The  
**Department Of**  
**Community Development**  
Zoning Division

Date: March 3, 2004  
To: DC/2003-00031  
From: Billie Jacoby  
RE: Notice of Public Hearing - March 15, 2004 BCC  
Lee County Board of County Commissioners Meeting

I, Billie Jacoby, Administrative Assistant, Zoning Division, do hereby certify that I have mailed **notices to the participants** in regard to the above referenced meeting, in the attached style, pursuant to the list marked and attached hereto and made a part of the certification.

File

**NOTICE TO PARTICIPANT**

CASE NUMBER: DCI2003-00031

NAME: East County Water Control District

REQUEST: Request is for a rezoning from the Agricultural (AG-2) zoning district to the Commercial Planned Development (CPD) zoning district to permit a maximum floor area of 50,000 square feet for commercial, warehousing, maintenance, and office uses for the East County Water Control District on 3.18 acres of land. No development blasting is being requested.

LOCATION: The subject property is located at 601 East County Lane, Lehigh Acres (East County Lane north of Lee Boulevard to dead end. East County Lane is just east of Homestead Road and Lee Boulevard intersection.), in S30, T44S, R27E, Lee County, FL.

**PROPERTY OWNER'S REPRESENTATIVE:**

L. J. Lewis, Project Manager  
Aim Engineering & Surveying, Inc.  
239-332-4569

Notice is hereby given that the Lee County Board of Commissioners will hold a public hearing at 9:30 a.m. on March 15, 2004, to review the written recommendation made by the Hearing Examiner and make a final decision in the above-referenced case. This hearing will be held in the Commissioners' Meeting Room, 2120 Main St., Ft. Myers, FL.

The law states that, as a participant, you have the right to appear and address the Board on this case. However, the law strictly limits all testimony before the Board to statements challenging the correctness of findings and conclusions contained in the record, or statements alleging the discovery of relevant new evidence which was not known by the speaker at the time of the Hearing Examiner's hearing and not otherwise disclosed in the record. Statements will be limited to five (5) minutes or as the Board may otherwise allow.

Additional copies of the Hearing Examiner's recommendation may be obtained or the file reviewed at the Zoning Division, 1500 Monroe St., Ft. Myers, FL. Call 479-8585 additional information.

**In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Billie Jacoby at 479-8585.**

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Zoning Division



East County Water Control District  
601 East County Ln  
Lehigh Acres, FL 33936

Frank Lohlein  
620 McArthur Avenue  
Lehigh Acres, Florida 33972

Aim Engineering  
c/o L.J. Lewis  
5300 Lee Blvd.  
Lehigh Acres, FL 33971

DCI2003-00031

LEE COUNTY  
RECEIVED

04 FEB 27 AM 11:53

CONSL. DEV/  
PUB. WRKS. CNTR.  
SECOND FLOOR

**MEMORANDUM**  
FROM THE  
**OFFICE OF COUNTY ATTORNEY**

DATE: February 27, 2004

To: Billie Jacoby  
Development Services

FROM:

*Ann Polito*  
Ann Polito  
Legal Administrative Secretary

RE: East County Water Control District Rezone  
Case # ~~REZ~~2003-00031 DCI 2003-00031  
Resolution # Z-03-069

Attached is the legal verification letter pursuant to the above-referenced zoning case. Please place this letter in the appropriate zoning case file.

If you have any questions, do not hesitate to contact me.

/amp  
Attachment

cc: Joan C. Henry, Assistant County Attorney



# AIM Engineering & Surveying, Inc.

Corporate Office:  
5300 Lee Boulevard (33971-1026)  
Post Office Box 1235  
Lehigh Acres, Florida 33970-1235

239-332-4569  
800-226-4569  
Fax: 239-332-8734

February 26, 2004

Ms. Donna Marie Collins  
Assistant County Attorney  
P. O. Box 398  
Fort Myers, Florida 33902-0398

**Re: East County Water Control District Rezone  
Case No. DC12003-00031  
Resolution No. Z-03-069**

2004 FEB 27 AM 8:05  
RECEIVED BY  
LEE CO. ATTORNEY

Dear Ms. Collins:

I have reviewed the attached Legal Descriptions and find them to be the same as the property to be rezoned.

If you have any questions please call me at 239-332-4569, extension 106.

Sincerely,  
**AIM Engineering & Surveying, Inc.**

L. J. Lewis  
Project Manager

Enclosures

Cc: David E. Lindsay, Manager – East County Water Control District

LJL/cmb

P:\OBS\8000-8999\03-8500 (ECWCD FY 2004)\03-8500 (REZONING ADMIN BUILDING)\Administration\03-8500 REZONE LTR CO. ATTORNEY.doc



ZONING DIVISION  
LEE COUNTY  
PLANNED DEVELOPMENT SUBSTANTIVE REVIEW  
TRANSMITTAL SHEET

TO: Distribution

FROM: Tony Palermo

DATE: 08/14/2003

Joan Henry, Asst. County Attorney  
TIS Reviewer - Bob Rentz  
DS Reviewer - Don Blackburn  
Paul O'Connor, Planning  
Kim Trebatoski, Environmental Sciences  
Andy Getch, LCDOT  
Stephanie Keyes, Lee County School District  
Roland Ottolini, Natural Resources

PROJECT NAME: EAST COUNTY WATER CONTROL DIST

CASE #: DCI2003-00031

INFORMATION SUMMARY:

To update your file  
 Review and forward substantive comments **ASAP**.

**RESPONSE REQUIRED BY: 08/25/03**

Additional Comments:

cc: DCI planner/working file  
DCI Zone File

Distributed by: Jamie Prancing

Date: 08/14/2003



**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number: 239-479-8325

Bob Janes  
*District One*

Douglas R. St. Cemy  
*District Two*

Ray Judah  
*District Three*

Andrew W. Coy  
*District Four*

John E. Albion  
*District Five*

Donald D. Stilwell  
*County Manager*

James G. Yeager  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

August 14, 2003

L. J. LEWIS  
AIM ENGINEERING, & SURVEYING,  
5300 LEE BLVD  
LEHIGH ACRES, FL 33971

Re: EAST COUNTY WATER CONTROL DIST  
DCI2003-00031 - PDS Application (Minor PD)

Dear AIM ENGINEERING & SURVEYING IN :

The Zoning Division has reviewed the information provided and supplemented for the rezoning request referenced above. The application is now sufficient and the formal request has been drafted from your application as follows:

Rezoning request from Agriculture (AG-2) to Commercial Planned Development (CPD) to permit a maximum floor area of 50,000 square feet for the administration and maintenance headquarters for the East County Water Control District on +/- 3.18 acres of land.

NOTE: If approved, the Master Concept Plan (available for inspection at 1500 Monroe St., in Ft. Myers) may deviate from certain Land Development Code (LDC) standards.

Please review this language carefully, and notify me in writing by August 28, 2003 whether or not this wording is satisfactory. Staff's substantive comments, along with the staff report, are being prepared. This request has been tentatively scheduled for public hearing before the Lee County Hearing Examiner on October 15, 2003. However, please note that this is a tentative date that is subject to change and that Lee County will be held harmless for any potential delay in effectuating compliance with the tentative hearing date.

L. J. LEWIS  
AIM ENGINEERING, & SURVEYING,  
RE: EAST COUNTY WATER CONTROL DIST  
DCI2003-00031  
August 14, 2003  
Page 2

You may schedule or waive a formal pre-hearing conference to discuss substantive issues. Contact me if you have any questions or if you would like to meet informally prior to the public hearings.

Sincerely,

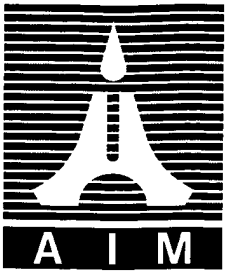
DEPARTMENT OF COMMUNITY DEVELOPMENT  
Zoning Division

A handwritten signature in black ink that reads "Tony Palermo". The signature is written in a cursive style with a long horizontal stroke at the end.

Tony Palermo  
Senior Planner

copy w/o attachments

Pamela Houck, Division Director  
Joan Henry, Assistant County Attorney  
DS Reviewer - Don Blackburn  
Paul O'Connor, Planning  
Kim Trebatoski, Environmental Sciences  
Roland Ottolini, Natural Resources  
Andy Getch, LCDOT  
Stephanie Keyes, Lee County School District  
Billie Jacoby, DCD Admin  
DCI Zoning File  
DCI Working File



# LETTER OF TRANSMITTAL

AIM Engineering & Surveying, Inc.  
 Headquarters Office  
 5300 Lee Boulevard  
 Post Office Box 1235  
 Lehigh Acres, Florida 33970-1235  
 (239) 332-4569 ♦ (239) 675-3696  
 (800) 226-4569 ♦ FAX: (239) 332-8734

DATE: August 25, 2003	JOB NO: 97-6927
ATTENTION: Mr. Tony Palermo	
Re: ECWCD RE-ZONING /DC 12003-00031	

TO: Department of Community Development  
 P. O. Box 398  
 Fort Myers, FL 33902-0398

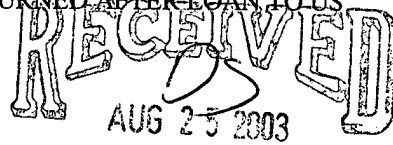
WE ARE SENDING YOU: Attached Hand Delivered

Copies	Date	Description
2	8/25/03	Master Concept Plan – East County Water Control District Rezoning DC 12003-00031

THESE ARE TRANSMITTED as checked below:

- |                        |                          |                                    |
|------------------------|--------------------------|------------------------------------|
| For approval           | Approved as submitted    | Resubmit ___ copies for approval   |
| For your use           | Approved as noted        | Submit ___ copies for distribution |
| <u>As requested</u>    | Returned for corrections | Return ___ corrected prints        |
| For review and comment |                          |                                    |
| FOR BIDS DUE _____     |                          |                                    |

PRINTS RETURNED AFTER LOAN TO US



PERMIT COUNTER

REMARKS:

Please call me if you have any questions.

COPY TO \_\_\_\_\_

SIGNED L. J. Lewis by awb  
 L. J. Lewis, Project Manager

DCI 2003-00031

ZONING DIVISION  
LEE COUNTY  
PLANNED DEVELOPMENT SUBSTANTIVE REVIEW  
TRANSMITTAL SHEET

TO: Distribution

FROM: Tony Palermo

DATE: 04/28/2004

Donna Marie Collins, Asst. County Atty  
DS Reviewer - Don Blackburn  
Kim Trebatoski, Environmental Sciences  
Andy Getch, LCDOT

PROJECT NAME: EAST COUNTY WATER CONTROL DIST

CASE #: DCI2003-00031

INFORMATION SUMMARY:

To update your file  
 Review and forward substantive comments ASAP.

**RESPONSE REQUIRED BY:** 05/04/2004

**Additional Comments:**

Please review the attached plan to determine if it accurately reflects the approval by the BoCC on March 15, 2004 in accordance with LDC 34-377(b)(6).

cc: DCI planner/working file  
DCI Zone File

Distributed by: Adella Ahmadi

Date: 04/29/2004



# AIM Engineering & Surveying, Inc.

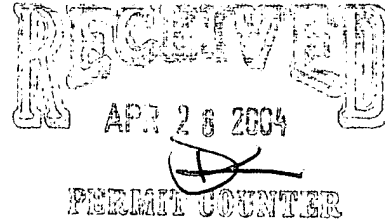
Corporate Office:  
5300 Lee Boulevard (33971-1026)  
Post Office Box 1235  
Lehigh Acres, Florida 33970-1235

239-332-4569  
800-226-4569  
Fax: 239-332-8734

*Consultants in General Civil, Transportation, Land Planning, Site Development, Utilities, Stormwater Management, Permitting, Project Management, Land Surveying & Platting*

April 28, 2004

Ms. Donna Marie Collins  
Assistant County Attorney  
P. O. Box 398  
Fort Myers, Florida 33902-0398



**Re: East County Water Control District Rezoning  
Zoning Case #DCI 2003-00031  
Resolution No. 2-03-069**

Dear Ms. Collins:

The Master Concept Plan for the above referenced zoning case has been revised to conform with the Board's approval.

Transmitted herewith for your use are eleven (11) 24" x 36" and eleven (11) 11" x 17" copies of said Plan.

If you have any questions please call me at (239) 332-4569, extension 106.

Sincerely,  
**AIM Engineering & Surveying, Inc.**

L. J. Lewis  
Project Manager

Cc: David Lindsay – ECWCD Manager

LJL/cmb

P:\OBS\8000-8999\03-8500 (ECWCD FY 2004)\03-8500 (REZONING ADMIN BUILDING)\Administration\03-8500 4-28-04 REZONE LTR CO. ATTORNEY.doc

DCI2003-00031



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number: (239) 335-2236

Facsimile 239-335-2606

Bob Janes  
District One

Douglas R. St. Cerny  
District Two

Ray Judah  
District Three

Andrew W. Coy  
District Four

John E. Albion  
District Five

Donald D. Stilwell  
County Manager

James G. Yaeger  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

March 29, 2004

L. J. Lewis, Project Manager  
AIM Engineering & Surveying, Inc.  
5300 Lee Boulevard  
Lehigh Acres, FL 33971-1026

Re: East County Water Control District Rezone  
Zoning Case #DCI2003-00031  
Resolution No. Z-03-069

Dear Mr. Lewis:

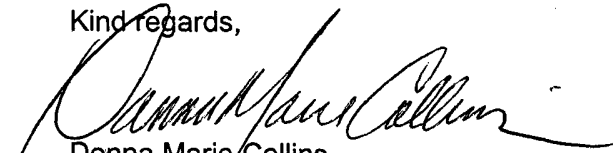
On March 15, 2004, the Board approved a request for a rezoning for East County Water Control District from AG-2 to CPD. The enclosed resolution draft has been prepared to reflect the Board's approval. However, before this document may be sent to the Chairman for execution, a revised Master Concept Plan (MCP) must be attached.

The MCP currently in my files does not accurately reflect the Board's action. Please submit a revised MCP to the Department of Community Development for review, approval, and transmittal to our office for attachment to the resolution. A marked copy of the available MCP is attached to assist in compliance with this request.

Once prepared, the revised MCP, including the required 11 copies (in both full-sized and reduced 11" by 17" sheets), must be delivered to County Staff at the first floor zoning counter at the Department of Community Development (1500 Monroe Street). After the revised MCP has been received, it will be reviewed for conformity with the Board's approval and, if correct, will be attached to the zoning resolution and directed to the Chairman for execution.

Should you have any questions concerning the above, please do not hesitate to contact me. Please note, at your request, our office will schedule a meeting that includes appropriate County staff to discuss the required changes to the MCP and resolution to conform these documents to the Board's action.

Kind regards,

  
Donna Marie Collins  
Assistant County Attorney

DMC/amp  
Enclosure

DCI 2003-00031

cc: Joan C. Henry, Assistant County Attorney  
Tony Palermo, Senior Planner, Zoning Division  
Pam Houck, Zoning Division Director, Development Services  
Kim Trebatoski, Environmental Sciences

Case # DCI2003-00031

Jurisdiction : Lee County

Agent/Applicant : AIM ENGINEERING, & SURVEYING,

Owner EAST COUNTY WATER CONTRO  
601 EAST COUNTY LN  
LEHIGH ACRES FL 33936

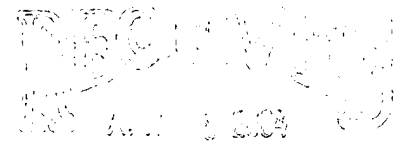
Description of Request Rezoning request from Agriculture (AG-2) to Commercial Planned Development (CPD) to permit a maximum floor area of 50,000 square feet for commercial, warehousing, maintenance, and office uses for the East County Water Control District on +/- 3.18 acres of land. No development blasting is being requested.

---

Following is a list of submittal requirements which were missing from your application received on 04/30/2003

Topography (4 copies required)  
[Mandatory w/o Waiver]  
Comment:

This document is for informational purposes only and is not intended to be construed as a finding of sufficiency or completeness of the application or documentation submitted.



PAUL J. ...

To TOMY PALERMO AND HEARING OFFICER

LEE COUNTY RECEIVED

From FRANK WOLFEIN - 369 4904

03 DEC -4 AM 11:49

COMM. DEV/  
PUB. WRKS. CNTR.  
SECOND FLOOR

DEAR TOMY

PLEASE MAKE COPIES AND GIVE TO EACH ZONING BOARD MEMBER AS IT MIGHT TAKE MORE THAN THE ALLOTTED TIME FOR ME TO PRESENT - IT IS IMPORTANT THAT THEY ALL HAVE TIME TO STUDY AND FORMULATE QUESTIONS OF THE BOARD.

Excuse Me.

1. WILL THE TOWN HAVE TO PAY FOR THE REROUTING OF THE ROAD AND THE INSTALLATION OF A PROPERTY CONDUIT FENCE -
2. IS THIS THE ONLY REASON TO ~~ASK~~ ASK TO SUE UNDER THE CONTRACTUAL & REVENUE REASONS. CHANGE IN 1509.

3 WHY HAVEN'T YOU RESPONDED TO THE PUBLIC RECORDS REQUEST BY FRANK WOLFEIN.

④ MAIN QUESTION - WHY DOESN'T THE BOARD ANY. ASK FOR AN ATTORNEY GENERAL'S OPINION?

Notes -

Enc - 1 MEMO FROM ATTY HILL.

1 COPY BILL 1509 ENABLING ACT.

THE HILL MEMO QUOTING 1509 -

PAGE 33 LINES 1 + 4 OUTLINED IN RED INK.

ACCORDING DRAINAGE DIST SS. 298 -

THERE IS NO PERMISSION TO MAKE A

CONTRACT TO SELL PROPERTY - ONLY

EQUIPMENT - AMN TO CONTRACT FOR

SERVICES FROM OUTSIDE COMPANIES -

DO TO THE CURRENT FINANCIAL SITUATION

OF EAST CITY DIST. FROM APP. 2002

TO NOW SHOWS A HUGE SURPLUS OF

FUNDS OVER 1.7 MILLION DOLLARS FROM

BACK ASSESSMENTS AND FULL DIST SALE.

SO THERE IS NO NEED TO RAISE REVENUE

DO TO HARBY STIP -

FRANK LOHLEIN  
369 4904

ANGELA M. HILL  
ATTORNEY AT LAW  
11834 LEE BOULEVARD, #6  
LEHIGH ACRES, FLORIDA 33936  
Telephone: (941) 690-1516  
Facsimile: (941) 690-2816  
Florida Bar No. 784926

RECEIVED  
APR 04 2002

Mr. [ ]  
Mr. [ ]  
Mr. [ ]  
Mr. [ ]  
Mr. [ ]  
Mr. [ ]

**MEMORANDUM**

TO: David Lindsay, Manager for East County Water Control District, "the District" and  
Nate Stout, C.P.A., President of the District  
FROM: Angela M. Hill, Esq. *Angela M. Hill*  
DATE: April 4, 2002  
RE: Melbourne-Tilman Attorney General Opinion

Pursuant to your memo of April 2, 2002, regarding the above-referenced matter, it is my understanding that you need answers to the following:

**QUESTION NO. 1**

Does the January, 2002, Attorney General Opinion regarding the Melbourne-Tilman Water Control District restrict the District's ability to sell real property?

**BRIEF ANSWER**

No. The January 2002, Attorney General Opinion regarding the Melbourne-Tilman Water Control District does not restrict the District's ability to sell real property.

**LEGAL ANALYSIS**

The January 2002, Attorney General Opinion, relating to the Melbourne-Tilman Water Control District, "AGO," does not apply to the District. The District's enabling legislation contains the following relevant language:

"...The District shall have and the Board may exercise and hold all powers, functions, and duties set forth in this act and chapters 189, 197, and 298, Florida Statutes, as they may be amended from time to time, including, but not limited to, non-ad valorem assessments, bond issuance, other revenue-raising capabilities, and contractual agreements." Chapter 2000-423, Laws of Florida at Section 8. (8) *[Emphasis added.]*

Section 298.22, Florida Statutes, 2001, as amended, provides specific powers of supervisors, that do not include the "other revenue-raising capabilities... and contractual agreements" language contained in the District's special enabling legislation quoted above. Rules of statutory construction provide that when construing conflicting provisions of general and special law, the provisions of the special law(s) take precedent over the provisions of the general law(s). Accordingly, the language set forth in the District's special enabling legislation clearly contemplates the District Board of Supervisors entering into contractual agreements for the purpose of raising revenue. This language would

*MEET PAGE*


*no TO  
JILL  
OR  
WASH  
PROPERTY*

*Does CONTRACTUAL AGREEMENTS Allow TO MAKE CONTRACTS FOR BUSINESS TO BE CONDUCTED IF IT IS NOT STATED IN THE ENABLING LEGISLATION?*

*John Telle  
3694964*






November 13, 2003  flsenate.gov will be unavailable from Friday, November 14, 11:00 p.m. EDT until Sunday, November 16, 12:00 a.m. EDT due to maintenance.

**House Bill 1509er**

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions

*PAGE 32  
LINES 1 + 4*

Jump To Bill 

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Chamber:  

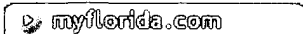
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ENROLLED

2000 Legislature

HB 1509, First En

1  
2 An act relating to the East County Water  
3 Control District in Hendry and Lee Counties;  
4 providing for codification of special laws  
5 relating to the East County Water Control  
6 District pursuant to s. 189.429, F.S.;

7 providing legislative intent; codifying,  
8 reenacting, and amending chapters 63-1549,  
9 65-1824, 67-901, 70-498, 74-525, 80-525,  
10 81-412, 83-445, 85-445, 86-460, 87-477, 88-509,  
11 90-393, 93-309, and 98-460, Laws of Florida;  
12 providing for creation, status, charter  
13 amendments, and boundaries of the district;  
14 providing for installment assessments and  
15 collection thereof; providing for maintenance  
16 assessments and collection thereof; providing

17 for a Board of Supervisors; providing for the  
 18 election of district supervisors; providing  
 19 election procedures; providing for  
 20 qualification by candidates for district  
 21 supervisor; providing for organization of the  
 22 board of supervisors; authorizing the board of  
 23 supervisors to employ a General Manager of the  
 24 district; providing powers and duties of the  
 25 Board of Supervisors; specifying methods for  
 26 assessing and collecting non-ad valorem  
 27 assessments, fees, and service charges;  
 28 providing for district planning requirements;  
 29 specifying requirements for financial  
 30 disclosure, meeting notices, reporting, public  
 31 records maintenance, and per diem expenses;

1

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2000 Legislature

HB 1509, First En

1 making District bonds tax exempt and payable  
 2 within 40 years; providing for electronic  
 3 assessment records; authorizing the Board of  
 4 Supervisors to exercise special powers relating  
 5 to public improvements and community  
 6 facilities; providing for construction of the  
 7 act; providing severability; repealing chapters  
 8 63-1549, 65-1824, 67-901, 70-498, 74-525,

9 80-525, 81-412, 83-445, 85-445, 86-460, 87-477,  
 10 88-509, 90-393, 93-309, and 98-460, Laws of  
 11 Florida; providing an effective date.

12

13 Be It Enacted by the Legislature of the State of Florid

14

15 Section 1. Intent.--Pursuant to section 189.429  
 16 Florida Statutes, this act constitutes the codification  
 17 special acts relating to the East County Water Control  
 18 District. It is the intent of the Legislature in enact  
 19 this law to provide a single, comprehensive special act  
 20 charter for the district, including all current legisla  
 21 authority granted to the district by its several legisl  
 22 enactments and any additional authority granted by this  
 23 and chapters 189 and 298, Florida Statutes, as amended  
 24 time to time. It is further the intent of this act to  
 25 preserve all district authority as set forth in this ac  
 26 chapters 189 and 298, Florida Statutes, and any other  
 27 applicable general or special law.

28 Section 2. Codification.--Chapters 63-1549, 65-  
 29 67-901, 70-498, 74-525, 80-525, 81-412, 83-445, 85-445,  
 30 86-460, 87-477, 88-509, 90-393, 93-309, and 98-460, Law  
 31 Florida, relating to the East County Water Control Dist

2

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2000 Legislature

HB 1509, First En

1 are codified, reenacted, amended, and repealed as prov  
2 herein.

3 Section 3. The East County Water Control Distr  
4 re-created and the charter for said district is re-cre  
5 reenacted to read:

6 Section 1. Creation; Status; Charter amendment  
7 District boundaries.--

8 (1) The decree of the circuit court in and for  
9 twelfth (12th) judicial circuit, Lee County, entered i  
10 chancery no. 12,429 on May 5, 1958, created the East Cc  
11 Water Control District, and the subsequent decree of th  
12 circuit court in and for the twelfth (12th) judicial ci  
13 Lee County, extended the boundaries of said District to  
14 include additional lands in Lee County and Hendry Count  
15 decree being entered in chancery no. 12,429 on May 26,  
16 together with all subsequent proceedings taken in said  
17 court concerning said District which were ratified, con  
18 and approved by special act of the Legislature in 1963.  
19 East County Water Control District is therefore declare  
20 exist as an independent special district.

21 (2) The boundaries of the District are hereby c  
22 to be as follows:

23

24 LANDS IN LEE COUNTY, FLORIDA

25

26 TOWNSHIP 43 SOUTH, RANGE 26 EAST

27

28 SECTION 25:

29

30 The following portions of Section 25;

31

3

6

7 SECTION 30:

8

9 The West 1/2 of Section 30.

10

11 SECTION 31:

12

13 The West 1/2 of Section 31.

14

15 Section 2. Installment assessments and the collection16 thereof.—Annual installment assessments, which are levied17 under section 298.36, Florida Statutes, shall become due and18 be collected during each year at the same time that county19 taxes are due and collected, pursuant to section 298.36,20 Florida Statutes, chapter 197, Florida Statutes, and this act.21 Said assessments shall be a lien until paid on the property22 against which assessed, and enforceable in like manner as23 county taxes.24 Section 3. Maintenance assessments.—Maintenance25 assessments as provided for under section 298.54, Florida26 Statutes, shall be apportioned upon the basis of the net27 assessments of benefits assessed as accruing from original28 construction, and shall be due and collected pursuant to29 section 298.54, Florida Statutes, chapter 197, Florida30 Statutes, and this act. Said assessments shall be a lien until

31

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2000 Legislature

HB 1509, First Engrossed

1 paid on the property against which assessed and enforceable in  
2 like manner as county taxes.

3 Section 4. Board of Supervisors; elections; candidate  
4 qualifications; powers and duties.—The provisions of chapter  
5 298, Florida Statutes, to the contrary notwithstanding, the  
6 following provisions, to the extent of any conflict, shall  
7 control the East County Water Control District:

8 (1) The Board of Supervisors of the East County Water  
9 Control District shall be composed of five members who shall  
10 be registered voters and residents of the District. The Board  
11 of Supervisors shall be elected at large by the electors  
12 residing in the District. Terms of all supervisors shall be  
13 for 4 years.

14 (2) All District Supervisor elections shall be held on  
15 the first Tuesday after the first Monday in November of  
16 even-numbered years. All District Supervisors shall be  
17 elected at large by nonpartisan plurality vote with the  
18 candidate who receives the highest number of votes for each  
19 seat winning the election. Only registered voters residing  
20 within the District shall be permitted to vote. The cost of  
21 any election shall be borne by the District. Terms of all  
22 supervisors shall begin on the day after the election as  
23 established by this act. The terms of the Board of  
24 Supervisors of the East County Water Control District serving  
25 on May 27, 1998, shall be extended for one year to the first  
26 Tuesday after the first Monday in November of the  
27 even-numbered year following the year in which their term is

28 currently due to expire.  
 29 (3) Qualifying for the position of District Supervisor  
 30 shall be coordinated by the supervisors of elections of the  
 31 counties within which the District is located. Methods of

31

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2000 Legislature                      HB 1509, First Engrossed

1 qualifying shall be uniform pursuant to section 99.092,  
 2 Florida Statutes. Candidates shall be required to open  
 3 depositories and appoint treasurers prior to accepting any  
 4 contributions or expending any funds.  
 5 (4) Vacancies on the Board shall be filled pursuant to  
 6 section 298.12, Florida Statutes.  
 7 (5) The members of the Board shall be reimbursed for  
 8 their expenses pursuant to section 112.061, Florida Statutes,  
 9 and paid a flat fee of \$250 per calender month during term of  
 10 office as established herein, provided however, the flat fee  
 11 of \$250 per calendar month shall only be payable in the event  
 12 the member of the Board attends at least one (1) full  
 13 regularly scheduled session of the Board during the subject  
 14 calendar month.  
 15 (6) Each year, the Board of Supervisors shall hold an  
 16 annual organizational meeting, at which a Chair, Vice-Chair,  
 17 Secretary and Treasurer shall be elected, whose duties shall  
 18 be established by Resolution of the Board.  
 19 (7) The Board of Supervisors shall have the power to

20 employ a person to be designated General Manager of the  
 21 District and to vest in him or her such authority and to  
 22 delegate to him or her the performance of such duties and to  
 23 provide such compensation as may be determined by the Board of  
 24 Supervisors. The Board may require the General Manager to  
 25 furnish bond with good and sufficient surety in such amount as  
 26 the Board may by resolution determine.

27 (8) The District shall have and the Board may exercise  
 28 and hold all powers, functions, and duties set forth in this  
 29 act and chapters 189, 197, and 298, Florida Statutes, as they  
 30 may be amended from time to time, including, but not limited  
 31 to, non-ad valorem assessments, bond issuance, other

32

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2000 Legislature

HB 1509, First Engrossed

1 revenue-raising capabilities, budget preparation and approval,  
 2 liens and foreclosure of liens, use of tax deeds and tax  
 3 certificates as appropriate for non-ad valorem assessments,  
 4 and contractual agreements.

5 (9) The methods for assessing and collecting non-ad  
 6 valorem assessments, fees, or service charges shall be as set  
 7 forth in chapter 189, chapter 197, or chapter 298, Florida  
 8 Statutes, as amended from time to time.

9 (10) The District's planning requirements shall be as  
 10 set forth in this act and chapters 189 and 298, Florida  
 11 Statutes, as amended from time to time.

12 (11) Requirements for financial disclosure, meeting  
 13 notices, reporting, public records maintenance, and per diem  
 14 expenses for officers and employees shall be as set forth in  
 15 chapters 112, 119, 189, 286, and 298, Florida Statutes, as  
 16 amended from time to time.

17 Section 5. Bonds issuable for 40  
 18 years.—Notwithstanding the provisions of section 298.47,  
 19 Florida Statutes, the Board of Supervisors may issue bonds  
 20 maturing at annual intervals within 40 years.

21 Section 6. Assessment records.—Notwithstanding the  
 22 provisions of section 298.36(2), Florida Statutes, the  
 23 secretary of the Board of Supervisors, as soon as said total  
 24 assessment is levied, shall, at the expense of the District,  
 25 prepare a list of all assessments levied, said list to be  
 26 stored in electronic format.

27 Section 7. Public improvements and community  
 28 facilities.—In addition to the powers provided in chapter  
 29 298, Florida Statutes, the District shall have, and the Board  
 30 may exercise, subject to the regulatory jurisdiction and  
 31 permitting authority of all applicable governmental bodies.

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2000 Legislature

HB 1509, First Engrossed

1 agencies, and special districts having authority with respect  
 2 to any area included therein, any or all of the following  
 3 special powers relating to public improvements and community

4 facilities authorized by this act:

5 (1) Conservation, mitigation, and wildlife

6 habitat.—The power to finance, fund, plan, establish,

7 acquire, construct or reconstruct, enlarge or extend, equip,

8 operate, and maintain systems, facilities, and basic

9 infrastructure for conservation areas, mitigation areas, and

10 wildlife habitat, including the maintenance of any plant or

11 animal species, and any related interest in real or personal

12 property;

13 (2) Recreational, cultural, and educational.—After

14 the Board has obtained the consent of the local general

15 purpose government within the jurisdiction of which the

16 specified power is to be exercised, the power to plan,

17 establish, acquire, construct or reconstruct, enlarge or

18 extend, equip, operate and maintain additional systems and

19 facilities for parks and facilities for indoor and outdoor

20 recreational, cultural, and educational uses; and

21 (3) Navigational and boating facilities.—The power to

22 construct and maintain navigational and boating facilities in

23 its canals, including, but not limited to, locks and dams, to

24 widen and deepen its canals, to make them usable for

25 navigation and boating, and to regulate in all respects the

26 use of its canals for navigation and boating, including, but

27 not limited to, the size of boats, their speed and hours of

28 use.

29 Prior to the District having the powers described in

30 subsection (2), the additional power granted to the District

31 must receive approval by a majority vote of the qualified

ENROLLED

2000 Legislature

HB 1509, First Engrossed

1 electors of the district voting in a referendum election to be  
2 called by the District at the next general election, with the  
3 exception of the following three parks:

4 (a) Lake Camille Park

5 (b) Williams Park

6 (c) Eco Park.

7 Section 4. Chapters 63-1549, 65-1824, 67-901, 70-498,  
8 74-525, 80-525, 81-412, 83-445, 85-445, 86-460, 87-477,  
9 88-509, 90-393, 93-309, and 98-460, Laws of Florida, are  
10 hereby repealed.

11 Section 5. This act shall be construed as remedial and  
12 shall be liberally construed to promote the purpose for which  
13 it is intended.

14 Section 6. In the event any section or provision of  
15 this act is determined to be invalid or unenforceable, such  
16 determination shall not affect the validity of or  
17 enforceability of each other section and provision of this  
18 act.

19 Section 7. This act shall take effect upon becoming  
20 law.

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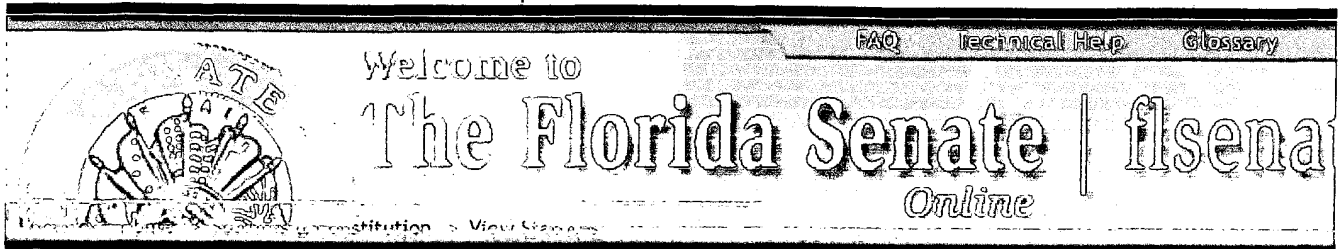
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December 02, 2003

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The 2003 Florida Statutes

Title XXI	Chapter 298	<a href="#">View Ent</a>
DRAINAGE	DRAINAGE AND WATER CONTROL	

298.22 Powers of supervisors.--The board of supervisors of the district has full pov authority to construct, complete, operate, maintain, repair, and replace any and al improvements necessary to execute the water control plan. Subject to the applicabl chapter 373 or chapter 403, the board of supervisors:

Jump To Bill

Session:

Bill #:

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(1) May employ persons and purchase machinery to directly supervise, construct, m operate the works and improvements described in the water control plan, or may cc others for the supervision, construction, maintenance, and operation of such works improvements either as a whole or in part. Contracts for the construction of district be awarded under s. 255.20 and applicable general law.

(2) May clean out, straighten, open up, widen, or change the course and flow, alter canal, ditch, drain, river, watercourse, or natural stream; and concentrate, divert, flow of water in or out of said district; construct and maintain main and lateral ditc levees, dikes, dams, sluices, revetments, reservoirs, holding basins, floodways, pum and siphons, and may connect same, or any of them, with any canals, drains, ditche other works that may have been heretofore, or which may be hereafter constructed Department of Environmental Protection or jurisdictional water management distric natural stream, lake, or watercourse in or adjacent to said district.

(3) May build and construct any other works and improvements deemed necessary t maintain the works in or out of said district; acquire, construct, operate, maintain, convey, transfer or otherwise provide for pumping stations, including pumping mach equipment, electric lines and all appurtenant or auxiliary machines, devices or equi

(4) May contract for the purchase, construction, operation, maintenance, use, sale, and transfer of the said pumping stations, machinery, motive equipment, electric lii appurtenant equipment, including the purchase of electric power and energy for the the same.

(5) May construct or enlarge, or cause to be constructed or enlarged, any and all br be needed in or out of said district, across any drain, ditch, canal, floodway, holdin excavation, public highway, railroad right-of-way, track, grade, fill or cut; construc levees and embankments; construct any and all of said works and improvements acr over any public highway, railroad right-of-way, track, grade, fill or cut, in or out of remove any fence, building or other improvements, in or out of said district.

(6) Shall have the right to hold, control and acquire by donation or purchase and if condemn any land, easement, railroad right-of-way, sluice, reservoir, holding basin

or out of said district, for right-of-way, holding basin for any of the purposes herein for material to be used in constructing and maintaining said works and improvement implementation of the district water control plan.

(7) May condemn or acquire, by purchase or grant, for the use of the district, any land within or without said district not acquired or condemned by the court as identified in an engineer's report, and shall follow the procedure set out in chapter 73. Such powers to acquire any land or property within or without the district shall also be available for the requirements imposed on those districts subject to s. 373.4592.

(8) May adopt resolutions and policies to implement the purposes of this chapter.

(9) May assess and collect reasonable fees for the connection to and use of the water control district.

(10) May implement and authorize the comprehensive water control activities, including protection, water quantity management, and water quality protection and improvement in the water control plan.

(11) May construct and operate facilities for the purpose of controlling and preventing or introduction of agricultural pests and diseases.

(12) May construct, manage, or authorize construction and management of resource and recreational facilities that may include greenways, trails, and associated facilities.

**History.**--s. 26, ch. 6458, 1913; s. 1, ch. 7897, 1919; RGS 1123; CGL 1476; s. 1, ch. 25, 27, 35, ch. 69-106; s. 11, ch. 72-291; s. 1, ch. 85-154; s. 9, ch. 94-115; s. 124, ch. 97-40; s. 5, ch. 98-329; s. 7, ch. 2000-308; s. 9, ch. 2001-275.

	<a href="#">Session:</a> Bills · Calendars · Journals · Citator · Search · Appropriations · Redistricting · Video <a href="#">Committees:</a> Committee Pages · Committee Publications · Meeting Packets · Committee Reports <a href="#">Senators:</a> President's Page · Member Pages · District Information · Find Your Legislators <a href="#">Information Center:</a> Introduction · About the Legislature · Publications · Glossary · Help · Link <a href="#">Statutes &amp; Constitution:</a> Introduction · View Statutes · Search Statutes · Constitution · Laws of <a href="#">Lobbyist Information:</a> Introduction · Lists · Legislative Directory · Guide Book · Forms
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Disclaimer: The information on this system is unverified. The journals or printed bills of the respective chambers should be consulted for more information.  
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IT DOES NOT SAY THAT LAND CAN BE  
 DISPOSABLE OR SOLD IN 298.22  
 AND ALSO IN 1509 CHAPTER 2001-275



Translations: [Flags] Disclaimer

October 26th 2003

Overview

Print Version

Florida Attorney General

### Advisory Legal Opinion

Frequently Asked Questions

e-Newsletter

Programs and Units

Number: AGO 2002-01

How to Contact Us

Date: January 3, 2002

Consumer Protection

Subject: Water control district, disposal of real property

News Releases

Citizen Safety Center

Crime Prevention

Crime Victims' Services

Sunshine Law

Attorney General Opinions

Civil Rights

Statewide Prosecutor

Solicitor General

Technology

Employment and Internships

Government Links

Mr. James P. Beadle  
Attorney for the Melbourne-Tillman  
Water Control District  
5205 Babcock Street Northeast  
Palm Bay, Florida 32905

RE: WATER MANAGEMENT DISTRICTS-REAL PROPERTY-WATER CONTROL DISTRICTS-authority of water control district to sell, lease or otherwise dispose of real property. Ch. 2001-336, Laws of Florida; Ch. 298, Florida Statutes.

Dear Mr. Beadle:

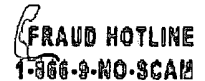
On behalf of the Board of Directors of the Melbourne-Tillman Water Control District, you have asked for my opinion on the following question:

Is the Melbourne-Tillman Water Control District authorized to lease, sell or otherwise convey or dispose of its real property?

In sum.

The board of supervisors of the Melbourne-Tillman Water Control District may sell, convey or transfer pumping stations, machinery, motive equipment, electric lines and appurtenant equipment of the district, but may not convey other real property of the district.

The existing special laws relating to the Melbourne-Tillman Water Control District have been recodified and reenacted in Chapter 2001-336, Laws of Florida. [1] By enacting Chapter 2001-336, the Legislature intended to "provide a single, comprehensive special act charter for the district" as directed by section 189.429, Florida



Consumer Alerts

Household/Beneficial

Taxol

Leasecomm

BuSpar

Cardizem

Medicaid Fraud

1

SEE PAGE 3  
Bottom  
PARAGRAPH

SEE LAST PAGE 4  
SUMMARY

Statutes. [2]

The charter of the Melbourne-Tillman Water Control District seeks to provide for a "responsive, efficient, and effective local government entity to secure, operate, and maintain an adequate, dependable surface water management system[.]" To that purpose the Legislature expressed its intent that the district "possess the full power and authority to implement, finance, and operate all existing surface water management system facilities, and those to be constructed within the boundaries of the District[.]" [3]

According to its charter, the Melbourne-Tillman Water Control District is charged by the Legislature to:

"(1) Establish a water management system which will accomplish objectives as follows:

(a) Prevent damage from flood, soil erosion, and excessive drainage.

(b) Promote the conservation, development, and proper utilization of surface and ground water.

(c) Preserve natural resources, fish, and wildlife.

(d) Maintain water quality in the District and the receiving waters from the District.

(e) Preserve and protect the natural systems in the District, Turkey Creek, the Indian River, and the St. Johns River.

(f) Purchase and establish conservation areas and passive recreation areas to protect the natural resources, including the sloughs, wetlands, and natural areas, which exist in the District or along the receiving waters, where the District finds it is appropriate for environmental protection or conservation of the natural resources. The District shall utilize the best management practices in implementing and operating its water management system."

As a statutorily created entity, the Melbourne-Tillman Water Control District may only exercise such powers as have been expressly granted by statute or must necessarily be exercised in order to carry out an express power, and any reasonable doubt as to the lawful existence of a particular power sought to be exercised must be resolved against the exercise thereof. [4]

The authority of a special district to convey real property purchased by the district with public funds would appear to be a substantive power for which specific statutory authorization must exist. In Attorney General's Opinion 86-90, this office considered whether the governing board of the Loxahatchee River Environmental Control District was authorized to grant a long-term lease for surplus real property to a nonprofit private organization. While concluding that the district

(1A) ?

2

Attorney General

RAB/tgh

[1] Chapter 2001-336, Laws of Florida, repealed Chs. 86-418, 90-401, 91-341, 92-239, and 94-424, Laws of Florida, and recreated the district and reenacted the district charter. See, title to Ch. 2001-336, Laws of Florida.

[2] See, s. 1, Ch. 2001-336, Laws of Florida.

[3] Section 3, Ch. 2001-336, Laws of Florida.

[4] See, State ex rel. Greenberg v. Florida State Board of Dentistry, 297 So. 2d 628 (Fla. 1st DCA 1974), cert. dismissed, 300 So. 2d 900 (Fla. 1974); City of Cape Coral v. GAC Utilities, Inc., of Florida, 281 So. 2d 493 (Fla. 1973).

[5] Section 13, Ch. 71-822, Laws of Florida, as amended. And see, e.g., Ops. Att'y Gen. Fla. 86-75 (1986), dealing with the Municipal Service District of Ponte Vedra Beach and noting that the district had been granted the authority to "purchase, hold, lease, sell or otherwise acquire and convey real and personal property"; and 87-38 (1987), discussing the nature of the Florosa Fire Control District and noting that the Legislature had granted the district the power to "lease, own, possess and convey real and personal property[.]"

[6] Section 3, Ch. 2001-336, Laws of Florida.

[7] See, Alsop v. Pierce, 19 So. 2d 799 (Fla. 1944) (express statutory direction as to the manner of doing a thing is implied prohibition of its being done in any contrary manner); and Op. Att'y Gen. Fla. 86-90 (1986).

THE A GO OPINIONS AS SHOWN IN THIS DOCUMENT SAYS ONLY BY SPECIAL ACTS CAN YOU SELL LAND THE EAST CITY WATER CONTROL DIST; ACT 1509 DOES NOT SAY THAT. TITLE MUST GO TO THE LEGISLATURE

ALL CONTRACT NOTATIONS ARE IN

RED ink.  
on all docs!

Subj: Request for information under public records law 119--  
Date: 11/19/2003 12:20:06 PM Eastern Standard Time  
From: Lazylion97  
To: email@ecwcd.com

I would like the information naming the enabling act 1509, any statutes in 298, and any and all other, if any, laws of florida which is being used to legally justify the sale of a piece of property to I&E corp or any other prospective buyer. I would like the specific statute, chapter, section and paragraph which is being used by the board. thank you, frank lohlein —lazylion97@aol.com



Frank Lohlein

369 4904

I HAVE SENT 2 E-MAILS AND TWO FAX'S, WITH NO REPLY FROM THE DIST. HQ.

THE CASE HAS BEEN LAID OUT THAT NO LEGISLATIVE AUTHORITY SPELLS OUT THAT THIS LAND CAN BE SOLD - THERE FOR NO REASON TO REZONE IT

UNLESS MY REQUEST FROM THE BOARD FOR ANY INFORMATION THAT THEY HAVE ANOTHER REASON THAN CONTRACTUAL AGREEMENTS & REVIEW SEARCHES, (COURTS) AND REFUSE TO DISCLOSE IT UNDER PUBLIC RECORDS LAW 119-- THEN THE REZONING SHOULD BE DENIED

Thursday, November 20, 2003 America Online: Lazylion97

FRANK LOHLEIN 369 4904



**LEE COUNTY**  
SOUTHWEST FLORIDA

**COURTESY NOTICE  
OF RECEIPT OF ZONING APPLICATION**

Date: May 5, 2003

Case Number: DCI2003-00031

Case Name: EAST COUNTY WATER CONTROL DIST

Request: Request to rezone from Agriculture (AG-2) to Commercial Planned Development (CPD) to permit an administration and maintenance headquarters for the East County Water Control District on 3.18 acres of land.

Location: 601 East County Lane, Lehigh Acres (East County Lane north of Lee Boulevard to dead end. East County Lane is just east of Homestead Road and Lee Boulevard intersection.)

Location Map: SEE REVERSE

PROPERTY OWNER'S  
REPRESENTATIVE: AIM ENGINEERING & SURVEYING IN  
941-332-4569

Lee County Planner: Tony Palermo  
239-479-8325

The file may be reviewed Monday through Friday between the hours of 7:30 a.m. and 4:30 p.m. at the Lee County Development Services Division, 1500 Monroe St., Fort Myers, FL 33901. Call 239/479-8585 for additional information.

This is a courtesy notice. A public hearing date has not yet been set. You will receive another notice once the hearing date and time have been established.

JSS



30-44-27-00-00001.018A  
EAST COUNTY WATER CONTROL DIST  
601 EAST COUNTY LN  
LEHIGH ACRES, FL 33936

29-44-27-01-00001.0040  
STERR KARL + INGE  
P O BOX 1101  
LEHIGH ACRES, FL 33970

29-44-27-13-00000.00CE  
PARK PLACE CONDO  
C/O ASSOCIATION  
1000 LEE BLVD  
LEHIGH ACRES, FL 33936

~~30-44-27-00-00001.002A  
EAST COUNTY WATER CONTROL DIST  
601 EAST COUNTY LN  
LEHIGH ACRES, FL 33936~~

~~30-44-27-00-00001.0060  
EAST COUNTY WATER CONTROL DIST  
601 EAST COUNTY LN  
LEHIGH ACRES, FL 33936~~

30-44-27-00-00001.0120  
LEE COUNTY  
C/O PARKS & REC.  
P O BOX 398  
FT MYERS, FL 33902

30-44-27-00-00001.0180  
805 DEL PRADO BLD PARTNERSHIP  
3680 BROADWAY CIR  
FORT MYERS, FL 33901

30-44-27-00-00001.0240  
PLAZA LAPOINTE DEV CORP  
P O BOX 895  
LEHIGH ACRES, FL 33936

~~30-44-27-00-00001.0340  
EAST COUNTY WATER CONTROL DIST  
601 EAST COUNTY LN  
LEHIGH ACRES, FL 33936~~

30-44-27-02-00012.0040  
TRIPPANY JAMES  
1222 ARCHDALE ST  
LEHIGH ACRES, FL 33936

29-44-27-01-00001.0030  
FINK JAMES A  
831 E SHORE DR  
HUBERTUS, WI 53033

29-44-27-01-00001.0050  
BLEDSOE MELISA W  
P O BOX 61124  
FT MYERS, FL 33906

30-44-27-00-00001.0020  
OLDING CLAYTON L + LINDA L  
688 MILWAUKEE BL  
LEHIGH ACRES, FL 33936

~~30-44-27-00-00001.002B  
EAST COUNTY WATER CONTROL DIST  
601 EAST COUNTY LN  
LEHIGH ACRES, FL 33936~~

30-44-27-00-00001.006A  
B + J CORPORATION  
%SCI MGMT CORP TAX DEPT  
P O BOX 130548  
HOUSTON, TX 77219

30-44-27-00-00001.0170  
ZIMMERMAN LEHIGH PROPERTY  
P O BOX 576  
LEHIGH ACRES, FL 33970

~~30-44-27-00-00001.0200  
EAST COUNTY WATER CONTROL DIST  
601 EAST COUNTY LN  
LEHIGH ACRES, FL 33936~~

30-44-27-00-00001.024A  
LEHIGH RADIATION ASSOCIATES  
2234 COLONIAL BLVD  
FT MYERS, FL 33907

30-44-27-02-00012.0030  
KONDAN RICHARD G  
209 GARFIELD RD  
KING OF PRUSSIA, PA 19406

30-44-27-02-00012.0050  
MCKINLEY HARRY W  
1800 90TH ST  
KENOSHA, WI 53143

30-44-27-02-00012.0060  
JONES LLYOD R +  
1218 ARCHDALE ST  
LEHIGH ACRES, FL 33936

30-44-27-02-00012.0080  
SMITH DALE R  
1214 ARCHDALE ST  
LEHIGH ACRES, FL 33936

30-44-27-02-00012.0100  
DUNN THOMAS E + ARLENE M  
8034 W TONOPAH DR  
PEORIA, AZ 85382

30-44-27-02-00012.0120  
MCCARTHY LINDA M  
1206 ARCHDALE ST  
LEHIGH ACRES, FL 33936

30-44-27-07-00000.0020  
GUTSTEIN DAVID  
13181 PONDEROSA WAY  
FORT MYERS, FL 33907

30-44-27-07-00000.0040  
GORDON CHARLES E TR  
306 MONTEREY DR  
NAPLES, FL 34419

30-44-27-07-00000.0060  
HILL DARRELL R  
1154 LEE BLVD STE 6  
LEHIGH ACRES, FL 33936

30-44-27-07-00002.00A0  
THOMPSON KENNETH K  
618 LINCOLN AVE  
LEHIGH ACRES, FL 33936

30-44-27-07-00002.00C0  
PENARANDA CARLO + FE S  
1150 LEE BLVD STE C  
LEHIGH ACRES, FL 33936

30-44-27-07-00002.00E0  
YLISASTIGUI PEDRO P  
11 LINCOLN AV  
LEHIGH ACRES, FL 33972

30-44-27-02-00012.0070  
ERICKSON JOHN G + JOAN R  
1216 ARCHDALE ST  
LEHIGH ACRES, FL 33936

30-44-27-02-00012.0090  
GRAY KRISTINE +  
1212 ARCHDALE ST  
LEHIGH ACRES, FL 33936

30-44-27-02-00012.0110  
PAUL MICHAEL E + JEAN R  
1208 ARCHDALE ST  
LEHIGH ACRES, FL 33936

30-44-27-07-00000.0010  
SOUTH FLORIDA HEALTH GROUP INC  
15 LINCOLN AV  
LEHIGH ACRES, FL 33936

30-44-27-07-00000.0030  
YLISASTIGUI PEDRO P  
1154 LEE BLVD STE 3  
LEHIGH ACRES, FL 33936

30-44-27-07-00000.0050  
HOOPER ROBERT L + TERESITA S  
4863 LAUREL LN  
FT MYERS, FL 33908

30-44-27-07-00000.00CE  
PINWOOD MEDICAL PLAZA ASSOC  
C/O DR ROBERT L HOOPER  
1154 LEE BLVD UT 5  
LEHIGH ACRES, FL 33936

30-44-27-07-00002.00B0  
PRABAKARAN BALA + JANSI  
312 PRATHER DR  
FT MYERS, FL 33919

~~30-44-27-07-00002.00D0  
YLISASTIGUI PEDRO P  
11 LINCOLN AV  
LEHIGH ACRES, FL 33972~~

30-44-27-07-00002.00F0  
CROLEY JAMES E III + AMELIA H  
613 DEL PRADO BLVD S  
CAPE CORAL, FL 33990

30-44-27-08-00000.00CE  
CORAL PLAZA CONDO ASSOC  
1140 LEE BLVD  
LEHIGH ACRES, FL 33936

30-44-27-08-00000.1010  
I + E GROUP INC  
P O BOX 1361  
LEHIGH ACRES, FL 33970

~~30-44-27-08-00000.1020  
I + E GROUP INC  
P O BOX 1361  
LEHIGH ACRES, FL 33970~~

~~30-44-27-08-00000.1030  
I + E GROUP INC  
P O BOX 1361  
LEHIGH ACRES, FL 33970~~

~~30-44-27-08-00000.1040  
I + E GROUP INC  
P O BOX 1361  
LEHIGH ACRES, FL 33970~~

~~30-44-27-08-00000.1050  
I + E GROUP INC  
P O BOX 1361  
LEHIGH ACRES, FL 33970~~

~~30-44-27-08-00000.1060  
I + E GROUP INC  
P O BOX 1361  
LEHIGH ACRES, FL 33970~~

30-44-27-08-00000.1070  
I + E GROUP INC  
P O BOX 1361  
LEHIGH ACRES, FL 33970

~~30-44-27-08-00000.1080  
I + E GROUP INC  
P O BOX 1361  
LEHIGH ACRES, FL 33970~~

30-44-27-08-00000.1090  
KEELAN MICHAEL L  
1209 E 3RD ST  
LEHIGH ACRES, FL 33972

30-44-27-08-00000.1100  
AT THE TOP INC  
1140 LEE BLVD #110  
LEHIGH ACRES, FL 33936

~~30-44-27-08-00000.1110  
I + E GROUP INC  
P O BOX 1361  
LEHIGH ACRES, FL 33970~~

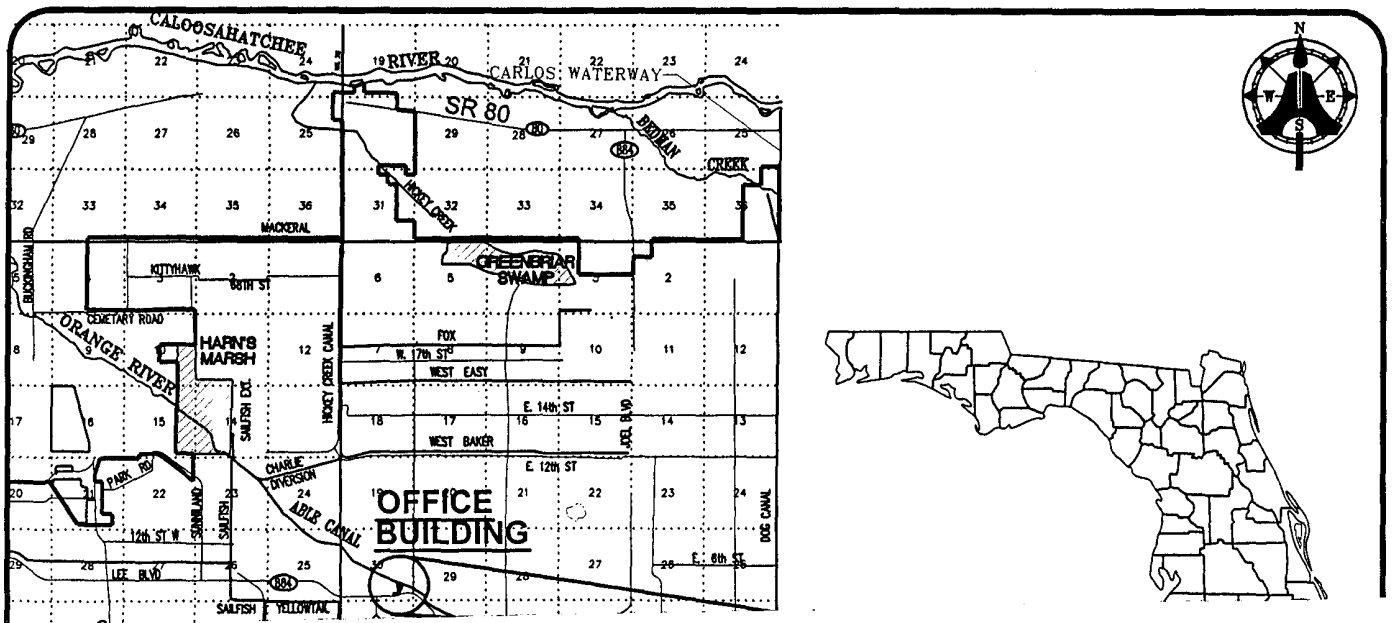
30-44-27-09-0000A.0020  
VILLAGE ASSOCIATES INC  
6489 SUNSET DR  
S MIAMI, FL 33143

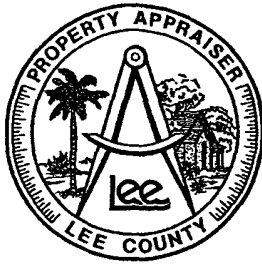
DCI 2003-00031

RECEIVED  
APR 30 2003

COMMUNITY DEVELOPMENT

SECTION 30, TOWNSHIP 44 SOUTH, RANGE 27 EAST,  
LEHIGH ACRES, FLORIDA





# Lee County Property Appraiser

Kenneth M. Wilkinson, C.F.A.

GIS Department / Map Room

Phone: (239) 339-6159 • Fax: (239) 339-6139 • eMail: MapRoom@LeePA.org

## VARIANCE REPORT

Date of Report: April 18, 2003

Buffer Distance: 500 ft

Parcels Affected: 52

Subject Parcel: 30-44-27-00-00001.018A

APR 30 2003

DCI 2003-00031

DEVELOPMENT

<u>OWNER NAME AND ADDRESS</u>	<u>STRAP AND LOCATION</u>	<u>LEGAL DESCRIPTION</u>	<u>Map Index</u>
EAST COUNTY WATER CONTROL DIST 601 EAST COUNTY LN LEHIGH ACRES FL 33936	<b>30-44-27-00-00001.018A</b> 595/601 EAST COUNTY LN LEHIGH ACRES FL 33936	PARL IN SE 1/4 OF SE 1/4 DESC IN OR 1760 PG 2200	1
FINK JAMES A 831 E SHORE DR HUBERTUS WI 53033	<b>29-44-27-01-00001.0030</b> 414 WILLIAMS AVE LEHIGH ACRES FL 33936	LEHIGH ACRES UNIT 1 BLK.1 DB 254 PG 20 LOT 3	2
STERR KARL + INGE P O BOX 1101 LEHIGH ACRES FL 33970	<b>29-44-27-01-00001.0040</b> 412 WILLIAMS AVE LEHIGH ACRES FL 33936	LEHIGH ACRES UNIT 1 BLK.1 DB 254 PG 20 LOT 4	3
BLEDSOE MELISA W P O BOX 61124 FT MYERS FL 33906	<b>29-44-27-01-00001.0050</b> 410 WILLIAMS AVE LEHIGH ACRES FL 33936	LEHIGH ACRES UNIT 1 REPLT BLK.1 DB 263 PG 344 LOT 5	4
PARK PLACE CONDO C/O ASSOCIATION 1000 LEE BLVD LEHIGH ACRES FL 33936	<b>29-44-27-13-00000.00CE</b> 0 HDR: PARK PLACE LEHIGH ACRES FL 33936	PARK PLACE CONDO COMMON AREA DESC OR BK 1695 PG 2191 + OR BK 3081 PG0949	5
OLDING CLAYTON L + LINDA L 688 MILWAUKEE BL LEHIGH ACRES FL 33936	<b>30-44-27-00-00001.0020</b> 555/557 CONSTRUCTION LN LEHIGH ACRES FL 33936	FR SW COR N242.14FT E3394. 73FT N403.03FT TO POB DESC OR2422/2062LES 1.002A/002B LESS ROW OR 2945/1311	6
EAST COUNTY WATER CONTROL DIST 601 EAST COUNTY LN LEHIGH ACRES FL 33936	<b>30-44-27-00-00001.002A</b> 581 EAST COUNTY LN LEHIGH ACRES FL 33936	FR SW COR N242.14 FT E3550 .53FT NELY 262.55FT N302. 95FT ELY 138.88FT TO POB	7
EAST COUNTY WATER CONTROL DIST 601 EAST COUNTY LN LEHIGH ACRES FL 33936	<b>30-44-27-00-00001.002B</b> 559/561 EAST COUNTY LN LEHIGH ACRES FL 33936	PARC LOCATED IN SW 1/4 SOUTH OF ABLE CANAL DESC OR 2737/2186 LESS ROW OR 2945/1311	8
EAST COUNTY WATER CONTROL DIST 601 EAST COUNTY LN LEHIGH ACRES FL 33936	<b>30-44-27-00-00001.0060</b> 1106 LEE BLVD LEHIGH ACRES FL 33936	PARL IN S 1/2 OF SE 1/4 DESC OR 1763 PG 4220	9
B + J CORPORATION %SCI MGMT CORP TAX DEPT P O BOX 130548 HOUSTON TX 77219	<b>30-44-27-00-00001.006A</b> 1100 LEE BLVD LEHIGH ACRES FL 33936	PARL IN S1/2 OF SE1/4 DESC IN OR1887 PG1103	10
LEE COUNTY C/O PARKS & REC. P O BOX 398 FT MYERS FL 33902	<b>30-44-27-00-00001.0120</b> 1400 W 5TH ST LEHIGH ACRES FL 33936	FROM SE COR RUN N 02 DEG 23 MIN 20 SEC W ALG E LI AS DESC IN OR 1144 PG 973	11
ZIMMERMAN LEHIGH PROPERTY BOX 576 LEHIGH ACRES FL 33970	<b>30-44-27-00-00001.0170</b> 1170 LEE BLVD LEHIGH ACRES FL 33936	PARL 400 FT ON LEE BLVD IN S 1/2 OF SE 1/4 OF SEC LESS ROW OR 2945/1315	12
805 DEL PRADO BLD PARTNERSHIP 3680 BROADWAY CIR FORT MYERS FL 33901	<b>30-44-27-00-00001.0180</b> 1110 LEE BLVD LEHIGH ACRES FL 33936	PARL IN S 1/2 OF SE 1/4 LESS PARS 1.020 + 1.024 + 1.018A + PT 1.006 +1.0020	13

<b>OWNER NAME AND ADDRESS</b>	<b>STRAP AND LOCATION</b>	<b>LEGAL DESCRIPTION</b>	<b>Map Index</b>
EAST COUNTY WATER CONTROL DIST 601 EAST COUNTY LN LEHIGH ACRES FL 33936	<b>30-44-27-00-00001.0200</b> 413 WILLIAMS AVE LEHIGH ACRES FL 33936	PARL IN SE 1/4 N OF ABLE CANAL DESC OR 2217 PG 259	14
LAPOINTE DEV CORP P O BOX 895 LEHIGH ACRES FL 33936	<b>30-44-27-00-00001.0240</b> 1130 LEE BLVD LEHIGH ACRES FL 33936	PARL IN SE 1/4 DESC OR 1807 PG 1716 LESS PAR 1.24A 1.23A	15
LEHIGH RADIATION ASSOCIATES 2234 COLONIAL BLVD FT MYERS FL 33907	<b>30-44-27-00-00001.024A</b> 1120 LEE BLVD LEHIGH ACRES FL 33936	PARL IN SE 1/4 N OF LEE BLVD DESC IN OR 1806 PG 3336	16
EAST COUNTY WATER CONTROL DIST 601 EAST COUNTY LN LEHIGH ACRES FL 33936	<b>30-44-27-00-00001.0340</b> 505 WILLIAMS AVE LEHIGH ACRES FL 33936	PARL LOC IN THE E 1/2 OF THE SE 1/4 OF SECT AS DESC IN OR 3078 PG 751	17
KONDAN RICHARD G 209 GARFIELD RD KING OF PRUSSIA PA 19406	<b>30-44-27-02-00012.0030</b> 1224 ARCHDALE ST LEHIGH ACRES FL 33936	WEDGEWOOD BLK 12 PB 15 PG 127 LOT 3	18
TRIPPANY JAMES 1222 ARCHDALE ST LEHIGH ACRES FL 33936	<b>30-44-27-02-00012.0040</b> 1222 ARCHDALE ST LEHIGH ACRES FL 33936	WEDGEWOOD BLK 12 PB 15 PG 127 LOT 4	19
MCKINLEY HARRY W 1800 90TH ST KENOSHA WI 53143	<b>30-44-27-02-00012.0050</b> 1220 ARCHDALE ST LEHIGH ACRES FL 33936	WEDGEWOOD BLK 12 PB 15 PG 127 LOT 5	20
JONES LLYOD R + 1218 ARCHDALE ST LEHIGH ACRES FL 33936	<b>30-44-27-02-00012.0060</b> 1218 ARCHDALE ST LEHIGH ACRES FL 33936	WEDGEWOOD BLK 12 PB 15 PG 127 LOT 6	21
ERICKSON JOHN G + JOAN R 1216 ARCHDALE ST LEHIGH ACRES FL 33936	<b>30-44-27-02-00012.0070</b> 1216 ARCHDALE ST LEHIGH ACRES FL 33936	WEDGEWOOD BLK 12 PB 15 PG 127 LOT 7	22
SMITH DALE R 1214 ARCHDALE ST LEHIGH ACRES FL 33936	<b>30-44-27-02-00012.0080</b> 1214 ARCHDALE ST LEHIGH ACRES FL 33936	WEDGEWOOD BLK 12 PB 15 PG 127 LOT 8	23
GRAY KRISTINE + 1212 ARCHDALE ST LEHIGH ACRES FL 33936	<b>30-44-27-02-00012.0090</b> 1212 ARCHDALE ST LEHIGH ACRES FL 33936	WEDGEWOOD BLK 12 PB 15 PG 127 LOT 9	24
DUNN THOMAS E + ARLENE M 8034 W TONOPAH DR PEORIA AZ 85382	<b>30-44-27-02-00012.0100</b> 1210 ARCHDALE ST LEHIGH ACRES FL 33936	WEDGEWOOD BLK 12 PB 15 PG 127 LOT 10	25
PAUL MICHAEL E + JEAN R 1208 ARCHDALE ST LEHIGH ACRES FL 33936	<b>30-44-27-02-00012.0110</b> 1208 ARCHDALE ST LEHIGH ACRES FL 33936	WEDGEWOOD BLK 12 PB 15 PG 127 LOT 11	26
MCCARTHY LINDA M 1206 ARCHDALE ST LEHIGH ACRES FL 33936	<b>30-44-27-02-00012.0120</b> 1206 ARCHDALE ST LEHIGH ACRES FL 33936	WEDGEWOOD BLK 12 PB 15 PG 127 LOT 12	27
SOUTH FLORIDA HEALTH GROUP INC 15 LINCOLN AV LEHIGH ACRES FL 33936	<b>30-44-27-07-00000.0010</b> 1154 LEE BLVD #1 LEHIGH ACRES FL 33936	PINEWOOD MEDICAL PLAZA OR 1764 PG 0783 UNIT 1 PHASE I	*28
GUTSTEIN DAVID 13181 PONDEROSA WAY FORT MYERS FL 33907	<b>30-44-27-07-00000.0020</b> 1154 LEE BLVD #2 LEHIGH ACRES FL 33936	PINEWOOD MEDICAL PLAZA OR 1764 PG 0783 UNIT 2 PHASE I	*28
YLISASTIGUI PEDRO P 1154 LEE BLVD STE 3 LEHIGH ACRES FL 33936	<b>30-44-27-07-00000.0030</b> 1154 LEE BLVD #3 LEHIGH ACRES FL 33936	PINEWOOD MEDICAL PLAZA OR 1764 PG 0783 UNIT 3 PHASE I	*28
ORDON CHARLES E TR 1154 MONTEREY DR NAPLES FL 34419	<b>30-44-27-07-00000.0040</b> 1154 LEE BLVD #4 LEHIGH ACRES FL 33936	PINEWOOD MEDICAL PLAZA OR 1764 PG 0783 UNIT 4 PHASE I	*28

<u>OWNER NAME AND ADDRESS</u>	<u>STRAP AND LOCATION</u>	<u>LEGAL DESCRIPTION</u>	<u>Map Index</u>
HOOPER ROBERT L + TERESITA S 4863 LAUREL LN FT MYERS FL 33908	<b>30-44-27-07-00000.0050</b> 1154 LEE BLVD #5 LEHIGH ACRES FL 33936	PINEWOOD MEDICAL PLAZA OR 1764 PG 0783 UNIT 5 PHASE I	*28
WEL DARRELL R 1154 LEE BLVD STE 6 LEHIGH ACRES FL 33936	<b>30-44-27-07-00000.0060</b> 1154 LEE BLVD #6 LEHIGH ACRES FL 33936	PINEWOOD MEDICAL PLAZA OR 1764 PG 0783 UNIT 6 PHASE I	*28
PINEWOOD MEDICAL PLAZA ASSOC C/O DR ROBERT L HOOPER 1154 LEE BLVD UT 5 LEHIGH ACRES FL 33936	<b>30-44-27-07-00000.00CE</b> 0 HDR: PINEWD MED LEHIGH ACRES FL 33936	A CONDOMINIUM LOCATED IN SEC 30 TWP 44 RGE 27 AS DESC IN OR 1764 PG 783 LESS ROW OR 2945 PG 1307 + LESS ROW OR 3030 PG 2466 COMMON ELEMENTS	29
THOMPSON KENNETH K 618 LINCOLN AVE LEHIGH ACRES FL 33936	<b>30-44-27-07-00002.00A0</b> 1150 LEE BLVD LEHIGH ACRES FL 33936	PINEWOOD MEDICAL PLAZA OR 1764 PG 0783 PH-II UNIT A	*30
PRABAKARAN BALA + JANSI 312 PRATHER DR FT MYERS FL 33919	<b>30-44-27-07-00002.00B0</b> 1150 LEE BLVD LEHIGH ACRES FL 33936	PINEWOOD MEDICAL PLAZA OR 1764 PG 0783 PH-II UNIT B	*30
PENARANDA CARLO + FE S 1150 LEE BLVD STE C LEHIGH ACRES FL 33936	<b>30-44-27-07-00002.00C0</b> 1150 LEE BLVD LEHIGH ACRES FL 33936	PINEWOOD MEDICAL PLAZA OR 1764 PG 0783 PH-II UNIT C	*30
YLISASTIGUI PEDRO P 11 LINCOLN AV LEHIGH ACRES FL 33972	<b>30-44-27-07-00002.00D0</b> 1150 LEE BLVD LEHIGH ACRES FL 33936	PINEWOOD MEDICAL PLAZA OR 1764 PG 0783 PH-II UNIT D	*30
YLISASTIGUI PEDRO P 11 LINCOLN AV LEHIGH ACRES FL 33972	<b>30-44-27-07-00002.00E0</b> 1150 LEE BLVD LEHIGH ACRES FL 33936	PINEWOOD MEDICAL PLAZA OR 1764 PG 0783 PH-II UNIT E	*30
CROLEY JAMES E III + AMELIA H 213 DEL PRADO BLVD S LEHIGH ACRES FL 33990	<b>30-44-27-07-00002.00F0</b> 1150 LEE BLVD LEHIGH ACRES FL 33936	PINEWOOD MEDICAL PLAZA OR 1764 PG 0783 PH-II UNIT F	*30
CORAL PLAZA CONDO ASSOC 1140 LEE BLVD LEHIGH ACRES FL 33936	<b>30-44-27-08-00000.00CE</b> 0 COMMON ELEMENTS LEHIGH ACRES FL 33936	CORAL PLAZA CONDO DESC OR BK 2236 PG 0050 CE: LAND ONLY	31
I + E GROUP INC P O BOX 1361 LEHIGH ACRES FL 33970	<b>30-44-27-08-00000.1010</b> 1140 LEE BLVD #101 LEHIGH ACRES FL 33936	CORAL PLAZA OR 2236 PG 0050 UNIT 101	*32
I + E GROUP INC P O BOX 1361 LEHIGH ACRES FL 33970	<b>30-44-27-08-00000.1020</b> 1140 LEE BLVD #102 LEHIGH ACRES FL 33936	CORAL PLAZA OR 2236 PG 0050 UNIT 102	*32
I + E GROUP INC P O BOX 1361 LEHIGH ACRES FL 33970	<b>30-44-27-08-00000.1030</b> 1140 LEE BLVD #103 LEHIGH ACRES FL 33936	CORAL PLAZA OR 2236 PG 0050 UNIT 103	*32
I + E GROUP INC P O BOX 1361 LEHIGH ACRES FL 33970	<b>30-44-27-08-00000.1040</b> 1140 LEE BLVD #104 LEHIGH ACRES FL 33936	CORAL PLAZA OR 2236 PG 0050 UNIT 104	*32
I + E GROUP INC P O BOX 1361 LEHIGH ACRES FL 33970	<b>30-44-27-08-00000.1050</b> 1140 LEE BLVD #105 LEHIGH ACRES FL 33936	CORAL PLAZA OR 2236 PG 0050 UNIT 105	*32
I + E GROUP INC P O BOX 1361 LEHIGH ACRES FL 33970	<b>30-44-27-08-00000.1060</b> 1140 LEE BLVD #106 LEHIGH ACRES FL 33936	CORAL PLAZA OR 2236 PG 0050 UNIT 106	*32
I + E GROUP INC P O BOX 1361 LEHIGH ACRES FL 33970	<b>30-44-27-08-00000.1070</b> 1140 LEE BLVD #107 LEHIGH ACRES FL 33936	CORAL PLAZA OR 2236 PG 0050 UNIT 107	*32
I + E GROUP INC P O BOX 1361 LEHIGH ACRES FL 33970	<b>30-44-27-08-00000.1080</b> 1140 LEE BLVD #108 LEHIGH ACRES FL 33936	CORAL PLAZA OR 2236 PG 0050 UNIT 108	*32



April 22, 2003

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**NARRATIVE STATEMENT**  
**COMPLIANCE WITH LEE PLAN**

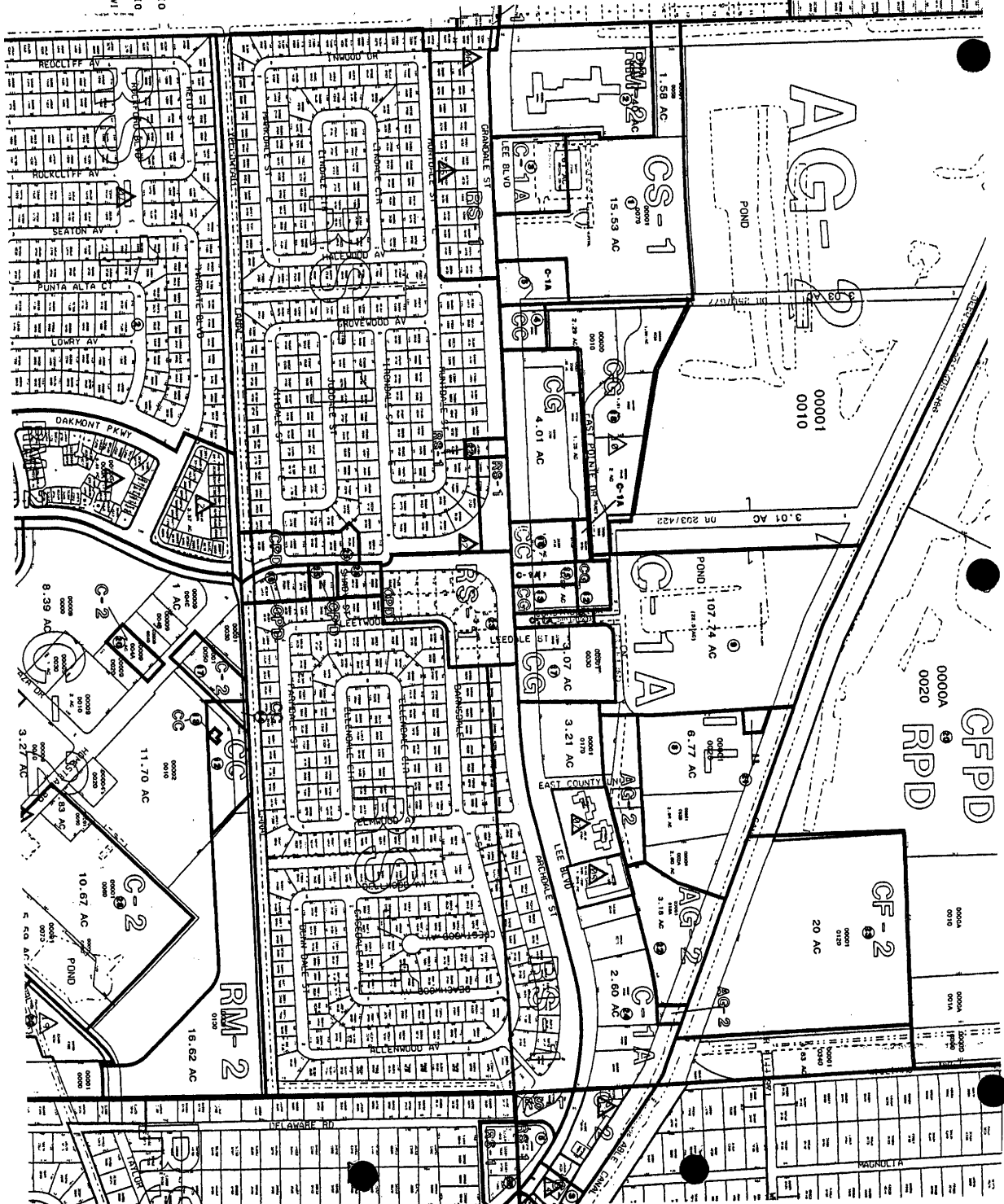
This Narrative Statement is prepared in connection with an application to rezone the subject property from AG to CPD and is made to correct any error or ambiguity. There are urban services, as defined in The Lee Plan available and adequate to serve the proposed land use change and the proposed change is not intended to rectify errors on the official zoning map.

The change in the subject property and surrounding area make the requested zoning change appropriate in that the subject area is not and has not been for many years agricultural in nature. The development of surrounding property is in keeping with the nature of consumer-oriented commercial facilities of a type not suited for and generally not desirable locations in neighborhoods, sales or regional shopping centers. The intended use is in connection with a residential building contractor and administrative offices. The business is to be used and is appropriate for the storage or display of goods. The subject site is easily accessible from an arterial road, Lee Boulevard and East County Lane. The requested change is consistent with the goals, objectives, policies and intent of The Lee Plan and meets or exceeds all performance and locational standards set forth for the proposed use.

The following representations are made in accordance with the application request:

1. There are no environmentally critical areas and/or natural resources impacted by this proposed change;
2. The request is compatible with existing or planned uses and will not cause damage, hazard, nuisance or other detriment to persons or property; and,
3. The requested use will be in compliance with all general zoning provisions and supplemental regulations pertaining to the use as set forth in LDC Chapter 34.

CONDOS  
 PARK  
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 H GARDENS LANDO  
 SHOPPING PLAZA  
 1  
 2  
 3  
 HAVON SQ. 1  
 HAVON SQ. 2  
 VILLAS CONDOMINIUM  
 VILLAS 2 PHASE 1 CONDOMINIO  
 VILLAS 2 PHASE 2 CONDOMINIO  
 VILLAGE PHASES 1-2 CONDOMINIUM  
 W. JARDON  
 TAD  
 MND  
 HGS-76



CFPD  
 0000A  
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CF-2  
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RM-2  
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SCHEDULE OF USE

AREA "A" 1.83± ACRES	AREA "B" 1.35± ACRES
<p>ACCESSORY USES AND STRUCTURAL ADMINISTRATIVE OFFICE AUTO REPAIR: GROUPS 1 &amp; 2 BUSINESS SERVICES: GROUP 1 CONTRACTORS AND BUILDERS GROUP 3 GOVERNMENT MAINTENANCE FACILITY SIGNS (PROVIDED SUCH SIGNS COMPLY WITH THE LEE COUNTY SIGN ORDINANCE)</p>	<p>ACCESSORY USES AND STRUCTURES ADMINISTRATIVE OFFICES BUSINESS SERVICES: GROUPS 1 &amp; 2 BUILDING MATERIALS, SALES BUSINESS SERVICES GROUP 1 AUTOMOTIVE REPAIR GROUP 1 &amp; 2 CLEANING &amp; MAINTENANCE SERVICES CONTRACTOR &amp; BUILDERS: GROUPS 1 &amp; 2 RESEARCH &amp; DEVELOPMENT LABORATORIES : GROUPS 2 &amp; 4 (GROUP 4 LIMITED TO ENGINEERING ONLY) SIGNS, IN ACCORDANCE WITH CHAPTER 30 STORAGE, OPEN (ANCILLARY TO A PERMITTED USE) WAREHOUSE: MINI PRIVATE OR PUBLIC WHOLESALE ESTABLISHMENTS: GROUP 3 &amp; 4 (NO RETAIL SALES)</p>

DEVIATIONS: NONE

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DCT 2007000031



# AIM Engineering & Surveying, Inc.

Corporate Office:  
5300 Lee Boulevard (33971-1026)  
Post Office Box 1235  
Lehigh Acres, Florida 33970-1235

239-332-4569  
239-675-3696  
800-226-4569  
Fax: 239-332-8734

## TRAFFIC IMPACT STATEMENT EAST COUNTY WATER CONTROL DISTRICT ADMINISTRATION OFFICE

This report is being prepared for a new Administration Office which will replace the temporary structure that the East County staff of approximately 8, is now working from. The new office will be a 4,416 sq. ft. building with offices, files and storage area and a meeting room where the Board can meet.

The project is located at the end of East County Lane in Lehigh Acres.

Exhibit 1 depicts the site location and the surrounding roadway infrastructure. The proposed ingress and egress connection is East County Lane onto Lee Boulevard.

Vehicular trip ends generated by this project were calculated based on the methodology provided by the Trip Generation Manual of the Institute of Transportation Engineers, 6<sup>th</sup> Edition. It was determined the Land Use Code 714 (Corporate Headquarters) was applicable.

Table 1 provides a detail of the projects raw trip generation totals. It is expected this development will generate 38 daily trips on an average weekday, with the p.m. peak hour driveway volume being 10. Calculations were also made with 10 employees, however, the results were the same.

Exhibit 2 provides a detail of the distribution of the traffic of the proposed project.

Lee Boulevard is a county maintained arterial street with a 40 mph speed limit. The estimated 2001 100<sup>th</sup> highest hour for this link is 594 with a level of Service "B".

Lee Boulevard is currently under construction for widening. Full median access with right turn storage (see attached drawings) is being provided at East County Lane.

The anticipated build-out is June, 2003.

Conclusion:

COMMUNITY DEVELOPMENT

Based on the analysis detailed in this report, no turn lanes or other site related improvements will be required for this project.

LJL-bw  
8/20/02  
O:\WPDOCS\JOELEWIS\ECWCD\TRAFFIC IMPACT STATEMENT.wpd



## LEVEL OF SERVICE

The estimated peak direction of flow during the 100<sup>th</sup> highest hour for 2001 on Lee Boulevard is 594 VPH.

The 2001 Traffic Count Report shows 10 years of background growth at a rate of 01.8% and a directional split of 62% eastbound and 38% westbound.

Existing Traffic = 594 plus two years growth @1.8% = 615 VPH

615 + (highest turning movement of project) 6 = 621 VPH

Lee Boulevard now operates at a level of Service "B" and should be operating at a level of Service "B" at project build-out.

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8/21/02  
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EAST COUNTY ADMINISTRATION BUILDING  
 Summary of Trip Generation Calculation  
 For 4.4 Th.Gr.Sq.Ft. of Corporate Headquarters Building  
 August 19, 2002

COMMUNITY DEVELOPMENT

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	8.65	0.00	1.00	38
7-9 AM Peak Hour Enter	1.56	0.00	1.00	7
7-9 AM Peak Hour Exit	0.12	0.00	1.00	1
7-9 AM Peak Hour Total	1.68	0.00	1.00	7
4-6 PM Peak Hour Enter	0.24	0.00	1.00	1
4-6 PM Peak Hour Exit	1.98	0.00	1.00	9
4-6 PM Peak Hour Total	2.22	0.00	1.00	10
AM Pk Hr, Generator, Enter	1.56	0.00	1.00	7
AM Pk Hr, Generator, Exit	0.12	0.00	1.00	1
AM Pk Hr, Generator, Total	1.68	0.00	1.00	7
PM Pk Hr, Generator, Enter	0.24	0.00	1.00	1
PM Pk Hr, Generator, Exit	1.98	0.00	1.00	9
PM Pk Hr, Generator, Total	2.22	0.00	1.00	10
Saturday 2-Way Volume	0.00	0.00	1.00	0
Saturday Peak Hour Enter	0.00	0.00	1.00	0
Saturday Peak Hour Exit	0.00	0.00	1.00	0
Saturday Peak Hour Total	0.00	0.00	1.00	0
Sunday 2-Way Volume	0.00	0.00	1.00	0
Sunday Peak Hour Enter	0.00	0.00	1.00	0
Sunday Peak Hour Exit	0.00	0.00	1.00	0
Sunday Peak Hour Total	0.00	0.00	1.00	0

Note: A zero indicates no data available.

The above rates were calculated from these equations:

24-Hr. 2-Way Volume:  $LN(T) = .971LN(X) + 2.201, R^2 = 0.95$   
 7-9 AM Peak Hr. Total:  $LN(T) = .955LN(X) + .584$   
 $R^2 = 0.81, 0.93$  Enter, 0.07 Exit  
 4-6 PM Peak Hr. Total:  $LN(T) = .877LN(X) + .98$   
 $R^2 = 0.79, 0.11$  Enter, 0.89 Exit  
 AM Gen Pk Hr. Total:  $LN(T) = .955LN(X) + .584$   
 $R^2 = 0.81, 0.93$  Enter, 0.07 Exit  
 PM Gen Pk Hr. Total:  $LN(T) = .877LN(X) + .98$   
 $R^2 = 0.79, 0.11$  Enter, 0.89 Exit  
 Sat. 2-Way Volume: 0,  $R^2 = 0$   
 Sat. Pk Hr. Total: 0  
 Sun. 2-Way Volume: 0,  $R^2 = 0$   
 Sun. Pk Hr. Total: 0  
 $R^2 = 0, 0$  Enter, 0 Exit

Source: Institute of Transportation Engineers  
 Trip Generation, 6th Edition, 1997.

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EAST COUNTY ADMINISTRATION BUILDING  
 Summary of Trip Generation Calculation  
 For 4.4 Th.Gr.Sq.Ft. of Corporate Headquarters Building  
 August 19, 2002

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	8.65	0.00	1.00	38
7-9 AM Peak Hour Enter	1.56	0.00	1.00	7
7-9 AM Peak Hour Exit	0.12	0.00	1.00	1
7-9 AM Peak Hour Total	1.68	0.00	1.00	7
4-6 PM Peak Hour Enter	0.24	0.00	1.00	1
4-6 PM Peak Hour Exit	1.98	0.00	1.00	9
4-6 PM Peak Hour Total	2.22	0.00	1.00	10
Saturday 2-Way Volume	0.00	0.00	1.00	0
Saturday Peak Hour Enter	0.00	0.00	1.00	0
Saturday Peak Hour Exit	0.00	0.00	1.00	0
Saturday Peak Hour Total	0.00	0.00	1.00	0

Note: A zero indicates no data available.

The above rates were calculated from these equations:

24-Hr. 2-Way Volume:  $LN(T) = .971LN(X) + 2.201, R^2 = 0.95$   
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 $R^2 = 0.79, 0.11$  Enter, 0.89 Exit  
 AM Gen Pk Hr. Total:  $LN(T) = .955LN(X) + .584$   
 $R^2 = 0.81, 0.93$  Enter, 0.07 Exit  
 PM Gen Pk Hr. Total:  $LN(T) = .877LN(X) + .98$   
 $R^2 = 0.79, 0.11$  Enter, 0.89 Exit  
 Sat. 2-Way Volume: 0,  $R^2 = 0$   
 Sat. Pk Hr. Total: 0  
 Sun. 2-Way Volume: 0,  $R^2 = 0$   
 Sun. Pk Hr. Total: 0  
 $R^2 = 0, 0$  Enter, 0 Exit

Source: Institute of Transportation Engineers  
 Trip Generation, 6th Edition, 1997.

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TRIP GENERATION BY MICROTRANS  
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DOI 2003-00031

EAST COUNTY ADMINISTRATION BUILDING  
 Summary of Average Vehicle Trip Generation  
 For 4.4 Th.Gr.Sq.Ft. of Corporate Headquarters Building  
 August 19, 2002

	24 Hour Two-Way Volume	7-9 AM Pk Hour Enter	Exit	4-6 PM Pk Hour Enter	Exit
Average Weekday	38	7	1	1	9

	24 hour Two-Way Volume	Peak Hour Enter	Exit
Saturday	0	0	0
Sunday	0	0	0

Note: A zero indicates no data available.

The above rates were calculated from these equations:

24-Hr. 2-Way Volume:  $LN(T) = .971LN(X) + 2.201, R^2 = 0.95$   
 7-9 AM Peak Hr. Total:  $LN(T) = .955LN(X) + .584$   
 $R^2 = 0.81, 0.93$  Enter, 0.07 Exit  
 4-6 PM Peak Hr. Total:  $LN(T) = .877LN(X) + .98$   
 $R^2 = 0.79, 0.11$  Enter, 0.89 Exit  
 AM Gen Pk Hr. Total:  $LN(T) = .955LN(X) + .584$   
 $R^2 = 0.81, 0.93$  Enter, 0.07 Exit  
 PM Gen Pk Hr. Total:  $LN(T) = .877LN(X) + .98$   
 $R^2 = 0.79, 0.11$  Enter, 0.89 Exit  
 Sat. 2-Way Volume: 0,  $R^2 = 0$   
 Sat. Pk Hr. Total: 0  
 Sun. 2-Way Volume: 0,  $R^2 = 0$   
 Sun. Pk Hr. Total: 0  
 $R^2 = 0, 0$  Enter, 0 Exit

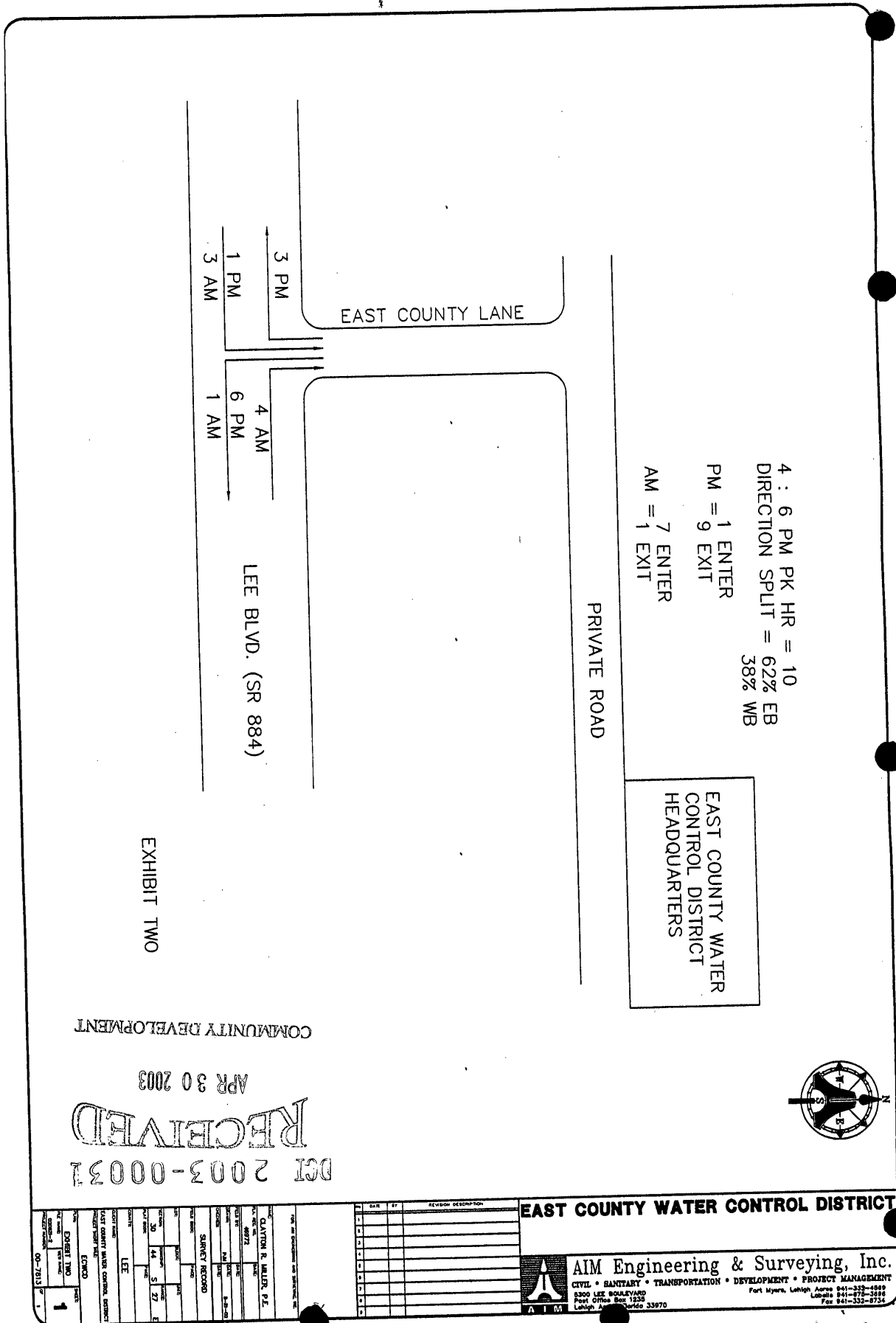
Source: Institute of Transportation Engineers  
 Trip Generation, 6th Edition, 1997.

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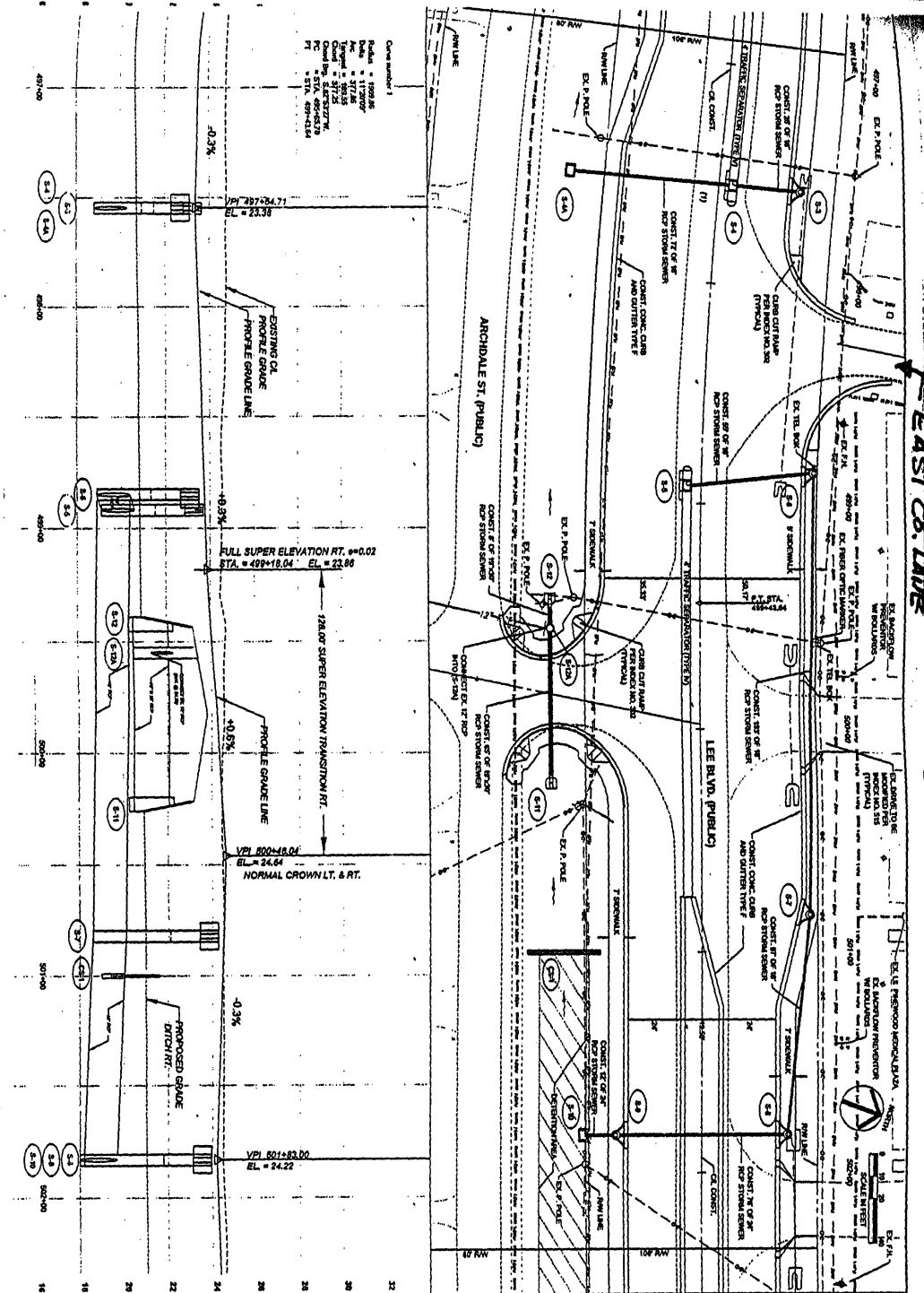
EAST COUNTY WATER CONTROL DISTRICT CIVIL • SANITARY • TRANSPORTATION • DEVELOPMENT • PROJECT MANAGEMENT 8300 LEE BOULEVARD Fort Myers, Lehigh Acres 341-531-6669 Post Office Box 1235 Lehigh Acres, Florida 33970 Mobile 941-872-5886 Fax 941-532-8754	
PROJECT NO. _____ SHEET NO. _____ DATE _____ DRAWN BY _____ CHECKED BY _____ SURVEY RECORD DATE _____ BY _____ PROJECT NAME EAST COUNTY WATER CONTROL DISTRICT HEADQUARTERS BUILDING	REVISION DESCRIPTION NO. DATE BY 1 2 3 4 5 6 7 8 9 10

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**Barrack**  
and Associates, Inc.  
10000 Lee Boulevard  
Suite 100  
Lee, Virginia 22042  
Tel: 703-441-1111  
Fax: 703-441-1112  
www.barrack.net

**LEE COUNTY**  
DEPARTMENT OF  
TRANSPORTATION  
10000 Lee Boulevard  
Lee, Virginia 22042  
Tel: 703-441-1111  
Fax: 703-441-1112  
www.lee.net

**LEE BLVD. BOULEVARD PHASE IV**

APPROVAL, SUBMITTAL, PLAN  
NOT FOR CONSTRUCTION

PLAN AND PROFILE  
LEE BOULEVARD  
STA. 497+00 TO 502

DATE: 1/14/03



OUTFALL #1  
TO PHASE III  
TREATMENT SYSTEM

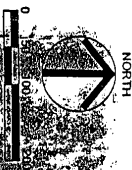
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SITE

ARCHDALE ST

WILLIAMS ROAD



HURON



August 07, 2002

CCI 2003-00031

JD

APR 30 2003

Mr. L. J. Lewis  
AIM Engineering & Surveying, Inc.  
5300 Lee Boulevard  
Lehigh Acres, FL 33971-1026

COMMUNITY DEVELOPMENT

Re: Service Availability for East County New Administration Bld.  
Florida Water Services Project No. 2417, Lehigh, Lee County

Dear Mr. Lewis:

This letter confirms that Florida Water Services is the water and wastewater service provider to the referenced property in Lee County, Florida.

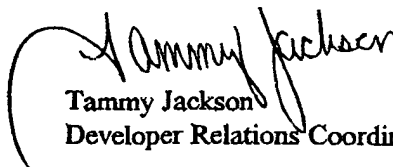
If a main extension is required, the design, permitting, and construction of the extension is the responsibility of the developer. Plan review by Florida Water Services is required for all commercial projects or those projects involving a main extension. Construction shall meet Florida Water Service' Standards and Specifications. The Standards and Specifications Manual, with Standard Details, is available via e-mail or regular mail.

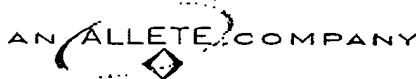
When you are ready to proceed, submit six sets of signed/sealed engineering plans for review. Provide one copy of the FDEP Permit Applications (fax, or include with plan submittal.) Florida Water Services will red-line the Operating Utility information, and return, for you to incorporate onto the Applications. Upon completion, provide the number of completed, signed/sealed original Applications required by FDEP, plus one original for our files.

Please note that applicable fees are to be paid, and plans are to be stamped "Authorized For Construction," before the FDEP permit applications will be returned for your submittal to FDEP. Upon plan approval, Florida Water Services will conduct construction inspection. Also, legal documents as necessary to convey the new facilities to Florida Water Services are to be completed, and FDEP/HRS clearance must be received prior to service being provided. Example legal documents will be provided by Florida Water Services to assist during this phase of the project.

If you have any questions please call me, (239) 278-5050, extension 203. Service will be provided in accordance with the rules and regulations of the Florida Public Service Commission or County Regulatory Commission, whichever is applicable.

Sincerely,  
Florida Water Services

  
Tammy Jackson  
Developer Relations Coordinator



4110 Center Pointe Drive, Suite 204 / Fort Myers, FL 33916-9424 / Phone 941/278-5050 / Fax 941/278-5090

Water For Florida's Future