



May 30, 2024

Dirk Danley Jr., AICP
Lee County Community Development
Zoning Section
1500 Monroe Street, 2nd Floor
Fort Myers, Florida 33902

RE: **Lehigh Acres WTP No2 –Rezoning RAI #1 Response**
DCI2024-00003 – Minor PD

Dear Mr. Danley:

Attached, please find the information requested in your sufficiency review of the above referenced project. The issues raised by staff have been addressed as follows:

Zoning Section Review

1. Please provide evidence of a public information meeting consistent with LDC Section 33-1401. Please confirm whether deviations will be requested as part of the application. Please be aware that deviations must be keyed to the Master Concept Plan. The deviations must also include a separate written request and justifications.

Response: A public information meeting consistent with LDC Section 33-1401 and Lee Plan Policy 17.3.5 was held on May 23, 2024 before the Lehigh Acres Architectural Planning and Zoning Review Board (LAAPZRB) at 601 East County Lane, Lehigh Acres, FL 33936. Evidence of presentation has been provided. The Applicant and Agent presented information about the rezoning request. Board members asked a few questions regarding the technical aspects of the water treatment plant expansion and future plans for the water system. There were no public comments. A meeting summary will be provided once the Board approves and finalizes the meeting minutes.

A Deviation has been added seeking relief from the provisions of LDC Sec. 34-1748(1)d. & e. and (5) for entrance gates. This has been keyed to the Master Concept Plan and includes a separate written request and justification.

2. In the schedule of uses, the applicant seeks to include 'Essential Service Facilities, Group II' which includes sewage treatment or disposal facilities and other uses that may have compatibility concerns for adjacent residential uses. Please clarify.

Response: This site was approved in 2002 as an Essential Service Facility, Group II (SE2002-00033) for a water treatment plant, above ground water storage facilities and water distribution facilities in conjunction with the water treatment plant. No sewage treatment or disposal facilities are proposed for the site. The schedule of uses table has been updated to specifically exclude those uses.

3. Please confirm the height of the proposed storage tanks.

May 30, 2024

Page 2

Response: *A maximum height of 35 feet is listed in the submitted property development regulations. This includes the maximum height of the proposed storage tanks.*

4. Please confirm the maximum intensity sought for the entirety of the development, including total square footage of mechanical building area and office/administration area.

Response: *As noted in the application, the existing mechanical equipment building is about 3,500sq ft. The proposed RO building and administrative office will be approximately 13,000sq ft, and may be constructed in two separate phases over the next ten or twenty years to accomplish long-term goals. The maximum intensity of occupied structures will be 20,000sq ft. Not included in this total are various types of mechanical equipment in unenclosed structures, wells, and water storage tanks.*

Planning Review

1. Please provide an analysis of the following in your Lee Plan Narrative: Standards 4.1.1(1-7), 4.1.2(1-6), Policies 7.1.1 (1-5), 7.1.3, 7.1.7, 7.1.8, 63.2.3, and Objective 63.2.

Response: *The Request Statement and Narrative has been updated to address these standards and policies.*

2. Please ensure your analysis of policies under Goal 7 are updated to include the amended language in Ord. 23-08.

Response: *The Narrative has been updated to include language in Ordinance 23-08.*

Development Services Review

1. 34-373(a)(6)(a) requires the MCP to show the location and explanation of all existing easements, whether or not those easements are recorded. Please confirm that all easements are shown on the MCP.

Response: *The MCP has been updated to show a temporary easement that was granted June 15, 2023 for all required electrical facilities for the construction of a deep injection well (INSTR #2023000244909), and a 16-foot-wide utility easement that was granted June 20, 2007 (INSTR #2007000238100). These are the only known easements on the subject site.*

2. 34-1748(1) - (5)] Entrance Gates & Gatehouses. The provisions of LCLDC Section 34-1748 apply to entrance gates or gatehouses that control access to three or more dwelling units or recreational vehicles, or any commercial, industrial or recreational facility. Is an entrance gate proposed as part of this project? Please note that the requirements set forth in LDC Sec. 34-1748 will apply, or the appropriate deviation will need to be sought.

Response: *The entrance gate is existing and will remain. Gate details were included in the approved Development Order, DOS2003-00185 and are a component of the existing 8-foot-tall concrete wall along the southern and eastern boundaries which was approved through permit FNC2006-02583. The entrance gate is located 20 feet from the eastern property line within the existing 25ft Type "E" Buffer. Because of the existing site design layout, the entrance gate cannot be relocated to conform with all of the requirements set forth in LDC Sec. 34-1748. As such, a Deviation is being sought for relief from the provisions of LDC Sec. 34-1748(1)d. & e. &*

May 30, 2024

Page 3

(5) to reduce the 100 foot minimum distance between the entrance gate and existing intersecting street right-of-way to 20 foot, to eliminate the requirement that right and left turn auxiliary lanes be provided on the intersecting street at the project entrance, and to eliminate the requirement for a turn-around. Please see Deviation Justifications document.

3. 34-373(a)(6)e. The general location of service areas for delivery of goods or services must be shown for all developments that are not residential subdivisions must be shown on the MCP.

Response: *The existing loading area location will remain and has been identified on the MCP.*

Environmental Services Review

1. The MCP states 20% open space is required; however, the schedule of uses states 30% open space. Please refer to the definitions for small and large projects in LDC 10-1. Please determine if you are a small or large development; open space will be applied per the definition.

Response: *The site is less than ten acres, so it is considered a small development per LDC 10-1. The MCP and property development regulations have been updated to state that 20% open space is required.*

2. Please indicate if the fence on the north and west is opaque.

Response: *The fence near the northern and western boundaries is not opaque. It is an existing 8ft tall chain link fence and will remain. Details were included in the approved Development Order, DOS2003-00185. This fence meets the criteria of LDC Sec. 34-1747(a) regarding enclosure of utility structures or equipment of potential hazard to residents or passersby. The MCP has been updated to describe the existing fence and reference the code section.*

3. The environmental survey does not indicate any exotics. Please revise the FLUCCS map to reflect the exotic or E-values through each FLUCCS (for ex: E1= 0-25%, E2=26-50%, E3= 51-75%, E4=76-100% exotic).

Response: *The Preliminary Environmental Assessment has been updated (page 2) to clarify that no exotic plant species were observed on site.*

4. Native vegetation has been presented to be onsite. LDC 10-415(b) states if the development area does not contain existing indigenous native vegetation communities, but does contain existing indigenous native trees, then 50 percent of their open space percentage requirement must be met through the on-site preservation of existing native trees. Please demonstrate those areas on the subject MCP.

Response: *The existing native trees are located within the existing perimeter buffers. These trees were required to be preserved as a condition of the special exception approval of the existing use (SE2002-00033 and SE2008-00015). The existing native trees will continue to be preserved within the buffer areas. The total open space required for the ±9.97-acre site is ±1.99 acres. Thus, the required area for on-site preservation of existing native trees is ±1.0*

May 30, 2024

Page 4

acres. The onsite native tree preservation area provided on the subject site is ± 1.6 acres, which exceeds the LDC standard. This information has been added to the MCP.

5. Please provide a Lee Plan Analysis for policy 123.4.3.

Response: *The Request Statement and Narrative has been updated to address this policy.*

6. The environmental consultant stated that no fox squirrel nest were observed; however a survey specific to Big Cypress Fox Squirrel was not conducted. Please note that staff will be conditioning a Big Cypress Fox Squirrel Survey at the time of development order.

Response: *Acknowledged.*

7. Additional comments may follow pending the resubmittal of the applicants exhibits.

Response: *Acknowledged.*

Solid Waste Review

1. Plans do not include a proposed dumpster enclosure location in accordance with LDC 10-261.

Response: *A proposed dumpster enclosure location has been identified on the revised MCP.*

Natural Resources Review

1. Please provide an analysis of Lee Plan policies 125.1.2, 126.1.4, and 127.1.1.

Response: *The Request Statement and Narrative has been updated to address these policies.*

Also, please note that the FGUA address has changed in recent weeks, so all relevant rezoning application documentation has been revised and resubmitted for your convenience.

I hope that this letter and the attached information has adequately addressed staff's comments and the application can now be considered sufficient. If you have any further questions, please let me know.

Sincerely,

JOHNSON ENGINEERING, INC.



Christine M. Fisher, AICP
Principal Planner

cc: John Carlson
20236066-002

Rezoning Application



APPLICATION FOR PLANNED DEVELOPMENT PUBLIC HEARING UNINCORPORATED AREAS ONLY

Project Name: Lehigh Acres Water Treatment Plant No. 2

Request: Rezone from: RM-2 To: CFPD

Type: ☐ Major PD ☒ Minor PD ☐ DRI w/Rezoning ☐ PRFPD
☐ Major PD Amendment ☐ Minor PD Amendment

Bonus Density included? ☒ NO ☐ YES¹ for: _____ Bonus Units

¹ If **YES**, submit additional fee required by LDC 2-147(A)(3)

Summary of Project:

Rezone a ±9.97-acre site with existing potable water storage and booster pump station from Residential Multiple-Family-2 (RM-2) district to Community Facilities Planned Development (CFPD) district to allow a water treatment facility with up to 8.0 - 10 MGD RO treatment system with raw water wells and deep injection well, RO building/administrative offices, associated equipment, and piping.

PART 1 APPLICANT/AGENT INFORMATION

A. Name of Applicant: Florida Governmental Utility Authority ("FGUA") c/o Accenture

Address: 9400 Southpark Center Loop, Ste 400

City, State, Zip: Orlando, FL 32819

Phone Number: (407) 629-6900

E-mail Address: scott.towler@fgua.com

B. Relationship of Applicant to owner (check one) and provide [Affidavit of Authorization](#) form:

☒ Applicant is the sole owner of the property. [34-201(a)(1)a.1.]

☐ Applicant has been authorized by the owner(s) to represent them for this action. [34-202(a)(3)]

☐ Application is County initiated. Attach BOCC authorization.

C. Authorized Agent: (If different than applicant) Name of the person who is to receive all County-initiated correspondence regarding this application. [34-202(a)(4)]

1. Company Name: Johnson Engineering, Inc.

Contact Person: Christine M. Fisher, AICP

Address: 2122 Johnson Street

City, State, Zip: Fort Myers, FL 33901

Phone Number: (239) 461-2456

Email: cfisher@johnsoneng.com

2. **[Additional Agent\(s\)](#):** Provide the names of other agents that the County may contact concerning this application. [34-202(a)(4)]

LEE COUNTY COMMUNITY DEVELOPMENT
PO BOX 398 (1500 MONROE STREET), FORT MYERS, FL 33902
PHONE (239) 533-8585

PART 2 PROPERTY OWNERSHIP

A. Property owner(s): If multiple owners (corporation, partnership, trust, association), provide a list with owner interest. [34-202(a)(2)]

Name: Florida Government Utility Authority c/o Accenture

Address: 9400 Southpark Center Loop, Suite 400

City, State, Zip: Orlando, FL 32819

Phone Number: (407) 629-6900

Email: scott.towler@fgua.com

B. Disclosure of Interest [34-202(a)(2)]:

☒ Attach [Disclosure of Interest](#) Form.

C. Multiple parcels:

☐ Property owners list. [34-202(a)(8)]

☐ Property owners map. [34-202(a)(8)]

D. Certification of Title and Encumbrances [34-202(a)(7)]:

1. Title certification document, no greater than 90 days old.

2. Date property was acquired by present owner(s): 12/5/2003

PART 3 PROPERTY INFORMATION

A. STRAP Number(s): [Attach extra sheets if additional space is needed.] [34-203(a)(5)]

23-45-27-L1-01000.30A0

B. Street Address of Property: 913 Bolivia Drive, Lehigh Acres, FL 33974

C. Legal Description (must submit) [34-202(a)(5)]:

☐ Legal description (metes and bounds) (8½"x11") and sealed sketch of the legal description.

OR

☒ Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. ([Click here](#) to see an example of a legal description with no metes and bounds.)

AND

Boundary Survey [34-202(a)(6)]:

☐ A Boundary survey, tied to the state plane coordinate system.

OR

☒ Not required if the property is located within a subdivision platted per F.S. Chapter 177.

D. Surrounding property owners (within 500 feet of the perimeter of the subject parcel or portion thereof that is subject of the request):

1. ☒ List of surrounding property owners. [34-202(a)(9)]

2. ☒ Map of surrounding property owners. [34-202(a)(9)]

3. ☒ One set of mailing labels. [34-202(a)(9)]

Note: When the case is found complete/ sufficient, a new list and mailing labels must be submitted.

E. Current Zoning of Property: Residential Multiple-Family -2 (RM-2)

☒ Provide a list of all Zoning Resolutions and Zoning Approvals applicable to the subject property.

F. Use(s) of Property:

1. Current uses of property are: Water storage and booster pump station classified as Essential Services, Group 2

2. Intended uses of property are: Water storage and treatment plant facilities classified as Essential Services, Group 2

G. Future Land Use Classification (Lee Plan):

Urban Community	<u>+/-9.97</u>	Acres	<u>100%</u>	% of Total
		Acres		% of Total
		Acres		% of Total

H. Property Dimensions:

1. Width (average if irregular parcel):	<u>666</u>	Feet		
2. Depth (average if irregular parcel):	<u>652</u>	Feet		
3. Total area:	<u>+/-9.97</u>	Acres or square feet		
4. Frontage on road or street:	<u>60</u>	Feet on	<u>Bolivia Drive</u>	Street
2 nd Frontage on road or street:	<u>n/a</u>	Feet on	<u>n/a</u>	Street

I. Planning Communities/Community Plan Area Requirements: If located in one of the following planning communities/community plan areas, provide a meeting summary document of the required public informational session.

- ☐ Not Applicable
☐ Captiva Planning Community (Captiva Island). [33-1612(a)&(b); Lee Plan Policy 13.1.7]
☐ North (Upper) Captiva Community Plan area. [33-1711]
☐ Boca Grande Planning Community. [Lee Plan Policy 22.1.5]
☐ Caloosahatchee Shores Community Plan area. [33-1482(a)&(b); Lee Plan Policy 21.6.3]
☐ Page Park Community Plan area. [33-1203(a) & (b); Lee Plan Policy 27.11.2]
☐ Palm Beach Boulevard Community Plan area. [Lee Plan Policy 23.5.2]
☐ Buckingham Planning Community. [Lee Plan Policy 17.7.2]
☐ Pine Island Planning Community. [33-1004(a) & (b); Lee Plan Policy 14.7.1]
☒ Lehigh Acres Planning Community. [33-1401(a)&(b); Lee Plan Policy 32.12.2]
☐ North Fort Myers Planning Community. [33-1532(a)&(b)]
☐ North Olga Community Plan area. [33-1663(a)&(b)]

J. Waivers from Application Submission Requirements: Attach waivers, if any, approved by the Director of Zoning. [34-201(c)]

PART 4 TYPES OF LAND AREA ON PROPERTY

A. Gross Acres (total area within described parcel)		<u>9.97</u>	Acres
1. Submerged land subject to tidal influence		<u>0</u>	Acres
2. a. Preserved freshwater wetlands	<u>0</u>	Acres	
b. Impacted wetlands	<u>0</u>	Acres	
c. Preserved saltwater wetlands	<u>0</u>	Acres	
d. Total wetlands (A.2.a. plus A.2.b. plus A.2.c.)		<u>0</u>	Acres
3. R-O-W providing access to non-residential uses		<u>0</u>	Acres
4. Non-residential use areas ^{(1) (2)}		<u>9.97</u>	Acres
B. Total area not eligible as gross residential acreage (Items A.1. + A.3. + A.4.).		<u>9.97</u>	Acres
C. Gross residential acres. (A minus B) ⁽³⁾		<u>0</u>	Acres
D. Gross residential acres (by Land Use Category)			
1. a. Intensive Development – upland		<u>0</u>	Acres
b. Intensive Development – preserved freshwater wetlands		<u>0</u>	Acres
c. Intensive Development – impacted wetlands		<u>0</u>	Acres
2. a. Central Urban – upland		<u>0</u>	Acres
b. Central Urban – preserved freshwater wetlands		<u>0</u>	Acres
c. Central Urban – impacted wetlands		<u>0</u>	Acres
3. a. Urban Community or Suburban – upland		<u>0</u>	Acres
b. Urban Community or Suburban – preserved freshwater wetlands		<u>0</u>	Acres
c. Urban Community or Suburban – impacted wetlands		<u>0</u>	Acres

4.	a.	Suburban – upland	0	Acres
	b.	Suburban – preserved freshwater wetlands	0	Acres
	c.	Suburban – impacted wetlands	0	Acres
5.	a.	Outlying Suburban – upland	0	Acres
	b.	Outlying Suburban – preserved freshwater wetlands	0	Acres
	c.	Outlying Suburban – impacted wetlands	0	Acres
6.	a.	Sub-Outlying Suburban – upland	0	Acres
	b.	Sub-Outlying Suburban – preserved freshwater wetlands	0	Acres
	c.	Sub-Outlying Suburban – impacted wetlands	0	Acres
7.	a.	Rural, Outer Island, Rural Community Preserve – upland	0	Acres
	b.	Rural, Outer Island, Rural Community Preserve – wetlands	0	Acres
8.	a.	Open Lands – upland	0	Acres
	b.	Open Lands – wetlands	0	Acres
9.	a.	Resource – upland	0	Acres
	b.	Resource – wetlands	0	Acres
10.	a.	Wetlands	0	Acres
11.	a.	New Community – upland	0	Acres
	b.	New Community – wetlands	0	Acres
12.	a.	University Community – upland	0	Acres
	b.	University Community – wetlands	0	Acres
13.	a.	Coastal Rural – upland	0	Acres
	b.	Coastal Rural – wetlands	0	Acres

TOTAL (should equal "C" above)

0 Acres

Notes:

- (1) Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included except within the Mixed Use Overlay {see Note (2) below}.
- (2) Within the Mixed Use Overlay, lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses may be included in density calculations {see Lee Plan Objective 4.3}.
- (3) Lands to be used for residential uses including land within the development proposed to be used for streets & street rights of way, utility rights-of-way, public & private parks, recreation & open space, schools, community centers, & facilities such as police, fire & emergency services, sewage & water, drainage, and existing man-made waterbodies.

PART 5 RESIDENTIAL DEVELOPMENT - PRELIMINARY DENSITY CALCULATIONS

- i. Complete only if living units are proposed in a Future Land Use Category.
- ii. If more than one classification, calculations for each classification must be submitted. Attach extra sheets as necessary.
- iii. If wetlands are located on the property, density calculations are considered preliminary pending a wetlands jurisdictional determination.

A. Future Land Use Category: Urban Community

Lee Plan Table 1(a)			
	Max. standard density		Units
1. Standard Units			
a. Total upland acres (from Part 4, D.)	_____ x _____	equals	0
b. Total preserved freshwater wetlands acres (from Part 4, D.)	_____ x _____	equals	0
c. Total impacted wetlands acres (from Part 4, D.)	_____ x _____	equals	0
d. Total Allowed Standard Units ⁽¹⁾			0
2. Bonus Units [2-143]			
a. Site-built Affordable Housing			0
b. Transferrable Dwelling Units			0
c. Sub-total			0
3. Total Permitted Units ⁽¹⁾			0

Note:

- (1) Subject to revision if wetlands jurisdictional determination indicates a different acreage of wetlands.

PART 6
COMMERCIAL, INDUSTRIAL, MINING, ASSISTED LIVING FACILITIES, HOTELS & MOTELS
PRELIMINARY INTENSITY CALCUATIONS

		Height	Total Floor Area (Square Feet)
A. Commercial			
1.	Medical		0
2.	General Office		0
3.	Retail		0
4.	Other: Essential Services Grp 2 RO Bldg/Admin Office	<35ft	Phase 2: ~10,000 / Phase 3: ~3,000
5.	TOTAL FLOOR AREA		13,000
B. Industrial			
1.	Under Roof - Exist. Mech. Equip. Bldg	<35ft	3,500
2.	Not Under Roof	<35ft	Multiple WTP structures
3.	TOTAL FLOOR AREA		3,500
C. Mining		Depth	Total Acres
1.	Area to be excavated		0
D. Assisted Living Facilities		Height	Total Beds/Units
1.	Dependent Living Units		0
2.	Independent Living Units		0
3.	TOTAL BEDS/UNITS		0
E. Hotels/Motels (Room Size)		Height	Total Rental Units
1.	< 425 sq. ft.		0
2.	426-725 sq. ft.		0
3.	725 < sq. ft.		0
4.	TOTAL UNITS		0

PART 7
ACTION REQUESTED

- A. Request Statement:** Provide a single narrative explaining the nature of the request and how the property qualifies for the rezoning to a planned development. This narrative should include how the proposed development complies with the Lee Plan, the Land Development Code, and the applicable findings/review criteria set forth in LDC section 34-145(d)(4). This narrative may be utilized by the Board of County Commissioners, Hearing Examiner and staff in establishing a factual basis for the granting or denial of the rezoning. **[34-373(a)(5)]**
- B. Traffic Impact Statement.** A traffic impact statement in a format and to the degree of detail required by the County and in conformance with the adopted Lee County Administrative Code. TIS is not required for an existing development. **[34-373(a)(7)]**
- C. Master Concept Plan:**
- Master Concept Plan, Non-PRFPD:** A graphic illustration (Master Concept Plan) of the proposed development, showing and identifying the information required by LCLDC Section 34-373(a)(6)a. Copies of the Master Concept Plan must be provided in two sizes, 24"x36" and 11"x17", and must be clearly legible and drawn at a scale sufficient to adequately show and identify the required information. In addition to the Master Concept Plan, an open space design plan delineating the indigenous preserves and/or native tree preservation areas as required by LDC Section 10-415(b) must be submitted. **[34-373(a)(6)]**
 - Schedule of Uses:** A schedule of uses keyed to the Master Concept Plan as well as a summary for the entire property including the information required by LCLDC Section 34-373(a)(8)]. **[34-373(a)(8)]**

3. **Schedule of Deviations and Written Justification:** A schedule of deviations and a written justification for each deviation requested as part of the Master Concept Plan accompanied by documentation including sample detail drawings illustrating how each deviation would enhance the achievement of the objectives of the planned development and will not cause a detriment to public interests. The location of each requested deviation must be located/shown on the Master Concept Plan. **[34-373(a)(9)]**

D. Bonus Density: [34-202(a)(11)]

- ☒ Not Applicable
☐ Bonus Density will be used. Provide the number of Bonus Density units being requested and a narrative of how the request meets the requirements of LDC Section 2-146.

PART 8 ENVIRONMENTAL REQUIREMENTS

- A. Topography:** Describe the range of surface elevations of the property. Attach a county topographic map (if available) or a USGS quadrangle map showing the subject property. **[34-373(a)(4)b.iv.]**
 The property is relatively flat with the perimeter at 28'- 29' NAVD and highest elevations of 31' NAVD near the Control Bldg and existing water storage tank.
-
- B. Sensitive Lands:** Identify any environmentally sensitive lands, including, but not limited to, wetlands (as defined in the LEE Plan Section XII), flowways, creek beds, sand dunes, other unique land forms [see LEE Plan Policy 77.1.1 (2)] or listed species occupied habitat [see LCLDC Section 10-473(f)].
 See submitted Preliminary Environmental Study.
-
- C. Preservation/Conservation of Natural Features:** Describe how the lands listed in PART 6.B. above will be protected by the completed project:
 n/a
-
- D. Shoreline Stabilization:** If the project is located adjacent to navigable natural waters, describe the method of shoreline stabilization, if any, being proposed:
 n/a
-
- E. Soils Map:** Attach maps drawn at the same scale as the Master Concept Plan marked or overprinted to show the soils classified in accordance with the USDA/SCS System. **[34-373(a)(4)b.i.]**
- F. FLUCCS Map:** A Florida Land Use, Cover and Classification System (FLUCCS) map, at the same scale as the Master Concept Plan, prepared by an environmental consultant. The FLUCCS map must clearly delineate any Federal and State jurisdictional wetlands and other surface waters, including the total acreage of Federal and State wetlands. **[34-373(a)(4)c.]**
- G. Rare & Unique Upland Habitat Map:** Maps drawn at the same scale as the Master Concept Plan marked or overprinted to show significant areas of rare and unique upland habitat as defined in the LEE Plan Section XII. **[34-373(a)(4)b.iii.]**
- H. Existing and Historic Flow-Ways Map:** Map(s) drawn at the same scale as the master concept plan marked or overprinted to show existing and historic flow-ways. **[34-373(a)(4)b.v.]**

PART 9 SANITARY SEWER & POTABLE WATER FACILITIES

- A. Special Effluent:** If the discharge of any special effluent is anticipated, please specify what it is and what strategies will be used to deal with its' special characteristics:
 n/a
-
- B. Private On-Site Facilities:** If a private on-site wastewater treatment and disposal facility is proposed, please provide a detailed description of the system including:
1. Method and degree of treatment:
 EXISTING SEPTIC SYSTEM TO BE UTILIZED (SEE MCP) AND IMPROVED AS NEEDED
 2. Quality of the effluent:
 n/a

3. Expected life of the facility:
n/a

4. Who will operate and maintain the internal collection and treatment facilities:
n/a

5. Receiving bodies or other means of effluent disposal:
n/a

C. Spray Irrigation: If spray irrigation will be used, specify:

1. The location and approximate area of the spray fields:
n/a

2. Current water table conditions:
n/a

3. Proposed rate of application:
n/a

4. Back-up system capacity:
n/a

**PART 10
ADDITIONAL REQUIREMENTS**

A. Major Planned Developments:

1. **Surface Water Management Plan.** A written description of the surface water management plan as required by LCLDC Section 34-373(b)(1). **[34-373(b)(1)]**
2. **Phasing Program.** If the development is to be constructed in phases or if the Traffic Impact Statement utilized phasing, then a description of the phasing program must be submitted. **[34-373(b)(3)]**
3. **Protected Species Survey.** A protected species survey is required for large developments (as defined in LCLDC Section 10-1) as specified in LCLDC Section 10-473. **[34-373(b)(2)]**

B. Amendments to Built Planned Developments: The consent of the owners of the remainder of the original planned development is not required, but these owners must be given notice of the application and other proceedings as if they were owners of property abutting the subject property regardless of their actual proximity to the subject property. Attach proof of notice to other property. **[34-373(c)]**

C. Development of Regional Impact: Binding letter of interpretation from DCA or a complete and sufficient ADA. (See also Application for Public Hearing for DRI Form.) **[34-373(d)(9)]**

D. Private Recreational Facility Planned Developments (PRFPDs):

1. **Master Concept Plan, PRFPD.** Master Concept Plan showing and identifying information required by LDC Section 34-941(g)(1). Copies of the Master Concept Plan must be provided in two sizes, 24"x36" and 11"x17", and must be clearly legible and drawn at a scale sufficient to adequately show and identify the required information. **[34-941(g)(1)]**
2. **Conceptual Surface Water Management Plan.** A Conceptual Surface Water Management Plan must be submitted. The plan must be viable and take into consideration any natural flowway corridors, cypress heads, natural lakes, and the restoration of impacted natural flowway corridors. **[34-941(d)(3)b.i.1]**
3. **Well Drawdown Information.** If within an area identified as an anticipated drawdown area for existing or future well development, demonstration of compliance with LCLDC Section 34-941(d)(3)d.i & ii. must be provided. **[34-941(d)(3)d.]**
4. **Preliminary Indigenous Restoration Plan.** A Preliminary Indigenous Restoration Plan must be provided if on-site indigenous restoration is being used to meet the indigenous native plant community preservation requirement. **[34-941(e)(5)f.iii.]**

5. **Environmental Assessment.** An Environmental Assessment must be provided which includes, at a minimum, an analysis of the environment, historical and natural resources. **[34-941(g)(2)]**
6. **Demonstration of Compatibility.** Written statements concerning how the applicant will assure the compatibility of the proposed development with nearby land uses (by addressing such things as noise, odor, lighting and visual impacts), and the adequate provision of drainage, fire and safety, transportation, sewage disposal and solid waste disposal must be provided. **[34-941(g)(4)]**
- E. **Potable Water & Central Sewer.** Will the project be connected to potable water and central sewer as part of any development of the property?
- ☒ **YES** (Provide a letter from the appropriate Utility to which the connection(s) are proposed confirming availability of service.) **[34-202(a)(10)] PUBLIC WATER FROM FGUA**
- ☒ **NO** (Provide a narrative explaining why the connection is not planned and how the water and sewer needs of the project will be met.) **[34-202(a)(10)] EXISTING ON-SITE SEPTIC SYSTEM**
- F. **Existing Agricultural Use:** If the property owner intends to continue an existing agricultural use on the property subsequent to the zoning approval, an Existing Agricultural Use Affidavit must be provided. Entitle as "Existing Agricultural Uses at Time of Zoning Application." **[34-202(a)(12)]**
- G. **Flood Hazard:**
- ☒ Not applicable
- ☐ The property is within an Area of Special Flood Hazard as indicated in the Flood Insurance Rate Maps (FIRM)s.
- ☐ The minimum elevation required for the first habitable floor is _____ NAVD (MSL)
- H. **Excavations/Blasting:**
- ☒ No blasting will be used in the excavation of lakes or other site elements.
- ☐ If blasting is proposed, provide Information Regarding Proposed Blasting (including soil borings, a map indicating the location of the proposed blasting, and other required information).
- I. **Hazardous Materials Emergency Plan for Port Facilities: [12-110(a)(16)]**
- ☒ Not Applicable
- ☐ Provide a Hazardous materials emergency plan.
- J. **Mobile Home Park: [34-174(h)]**
- ☒ Not Applicable
- ☐ Request includes rezoning of a Mobile Home Park. Provide facts related to the relocation of dislocated owners that meets the requirements of F.S. § 723.083 (1995).
- K. **Airport Zones & Lee County Port Authority (LCPA) Requirements:**
- ☒ Not Applicable
- ☐ Property is located within _____ Airport Noise Zone: **[34-1104]**
- ☐ Property is located within Airport Runway Protection Zone. Indicate which Zone below. **[34-1105]**
- ☐ Property is located within Airport Residential and Educational Protection Zone: **[34-1106]**
- ☐ Property is located in an Airport Obstruction Notification Zone and subject to LCPA regulations. **[34-1107]**
- ☐ A Tall Structures Permit is required. **[34-1108]**

PART 5 SUBMITTAL REQUIREMENT CHECKLIST		
<i>Clearly label your attachments as noted in bold below</i>		
Copies Required		SUBMITTAL ITEMS
3	☒	Completed application for Public Hearing [34-202(a)(1)]
1	☒	Filing Fee - [34-201(d)]
1	☐	Bonus Density Filing Fee - (if applicable) [34-202(a)(11)] N/A
3	☒	Affidavit of Authorization (notarized) Form [34-202(a)(3)]
3	☒	Additional Agents [34-202(a)(4)]
3	☐	Multiple Owners List (if applicable) [34-202(a)(2)] N/A
3	☒	Disclosure of Interest Form (multiple owners) [34-202(a)(2)]
3	☒	Legal description (must submit) [34-202(a)(5)]
	☐	Legal description (metes and bounds) and sealed sketch of legal description
		OR
	☒	Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. (Click here to see an example of a legal description with no metes and bounds.)
3	☐	Boundary Survey – not required if platted lot (2 originals required) [34-202(a)(6)] N/A
3	☐	Property Owners list (if applicable) [34-202(a)(8)] N/A
3	☐	Property Owners map (if applicable) [34-202(a)(8)] N/A
3	☒	Confirmation of Ownership/Title Certification [34-202(a)(7)]
3	☐	STRAP Numbers (if additional sheet is required) [34-202(a)(5)] N/A
1	☒	List of Surrounding Property Owners [34-202(a)(9)]
1	☒	Map of Surrounding Property Owners [34-202(a)(9)]
1	☒	Mailing labels [34-202(a)(9)]
3	☒	List of Zoning Resolutions and Approvals
3	☒	Summary of Public Informational Session (if applicable)
3	☐	Waivers from Application Submission Requirements (if applicable) [34-201(c)] N/A
3	☐	Preliminary Density Calculations (if applicable) N/A
3	☒	Request Statement [34-373(a)(5)]
3	☒	Traffic Impact Statement (TIS) (not required for existing development) [34-373(a)(7)]
3	☒	Master Concept Plan (MCP), Non-PRFPD [34-373(a)(6)]
3	☒	Schedule of Uses [34-373(a)(8)]
3	☒	Schedule of Deviations and Written Justification [34-373(a)(9)]
3	☒	Topography (if available) [34-373(a)(4)b.iv.]
3	☒	Soils Map [34-373(a)(4)b.9.]
3	☒	FLUCCS Map [34-373(a)(4)c.]
3	☒	Rare & Unique Upland Habitat Map [34-373(a)(4)b.iii.]
3	☒	Existing and Historic Flow-Ways Map [34-373(a)(4)b.v.]
3	☒	Surface Water Management Plan (if applicable) [34-373(b)(1)]
3	☒	Phasing Program (if applicable) [34-373(b)(3)]
3	☒	Protected Species Survey (if applicable) [34-373(b)(2)]
3	☐	Proof of Notice (if applicable) [34-373(c)] N/A

3	☐	Binding Letter from DCA (if applicable) [34-373(d)(9)] N/A
3	☐	Master Concept Plan (MCP), PRFPD (if applicable) [34-941(g)(1)] N/A
3	☐	Conceptual Surface Water Management Plan (if applicable) [34-941(d)(3)b.i.1)] N/A
3	☐	Well Drawdown Information (if applicable) [34-941(d)(3)d.] N/A
3	☐	Preliminary Indigenous Restoration Plan (if applicable) [34-941(e)(5)f.iii.] N/A
3	☐	Environmental Assessment (if applicable) [34-941(g)(2)] N/A
3	☐	Demonstration of Compatibility (if applicable) [34-941(g)(4)] N/A
3	☒	Potable Water & Sanitary Sewer. Letter from the appropriate utility entity indicating the utility entity or explanation of how water and sewer needs will be met if connection will not be made. [34-202(a)(10)]
3	☐	Existing Agricultural Use Affidavit (if applicable) [34-202(a)(12)] N/A
3	☐	Information Regarding Proposed Blasting (if applicable). N/A
3	☐	Hazardous Materials Emergency Plan (if applicable) N/A
3	☐	Mobile Home Park Dislocated Owners Information (if applicable) [34-202(b)(4)] N/A
3	☐	Tall Structures Permit (if applicable) [34-1108] N/A

Lehigh Acres WTP No. 2 CFPD Rezoning
Request and Compliance Narrative

Provide a single narrative explaining the nature of the request and how the property qualifies for the rezoning to a planned development. This narrative should include how the proposed development complies with the Lee Plan, the Land Development Code, and the applicable findings/review criteria set forth in LDC section 34-145(d)(4). This narrative may be utilized by the Board of County Commissioners, Hearing Examiner and staff in establishing a factual basis for the granting or denial of the rezoning. [34-373(a)(5)]

Request

The Applicant, Florida Governmental Utility Authority (FGUA), is requesting approval to rezone ±9.97 acres from Residential Multiple-Family-2 (RM-2) District to Community Facilities Planned Development (CFPD) District to allow for the recommission and expansion of a public water treatment facility, known as the Lehigh Acres WTP No. 2. The parcel (STRAP No. 23-45-27-L1-01000.30A0) is located at 913 Bolivia Drive (formerly 925 Bolivia Drive) in the Lehigh Acres Community Planning Area and is designated Urban Community on the Lee County Future Land Use Map.

The site was approved by Special Exception to allow an Essential Service Facilities, Group 2 use in the Residential Multiple-Family-2 (RM-2) district in 2002. In 2013 the water treatment plant was converted to a booster station. The Applicant is now seeking to convert the existing facility to a reverse osmosis (RO) treatment system with deep injection well and implement other technologies to improve water quality and meet current and future potable water demands in Lee County. Pursuant to LDC Section 34-714, the Essential Service Facilities, Group 2 use is permitted as “existing only”. In order to expand the use, the property must be rezoned as a planned development (LDC Section 34-934).

The proposed rezoning of the subject property will allow the Applicant to recommission and expand the existing water treatment plant. The planned upgrades will increase water supply to the Lehigh Acres community, provide higher quality water by adding raw water wells that source from a deeper aquifer, meet future demand from commercial and residential growth, and improve water system reliability and resiliency.

Background

The subject property was purchased in 2002 by Florida Water Services Corporation with the intent of constructing a water service facility on the vacant land. Lee County granted a Special Exception approval to allow an Essential Service Facilities, Group 2 use in the Residential Multiple-Family-2 (RM-2) zoning district (SE2002-00033). The following year, FGUA purchased the site and was issued a development order to drill three shallow Upper Sandstone (SS) aquifer wells, a storage tank, high service pumping building, and electrical and associated facilities (DOS2003-00185).

The wells were repeatedly found to contain high concentrations of total dissolved solids (TDS) that exceed Florida Department of Environmental Protection's maximum contaminant level (MCL) standards per rule 62-550.320, Florida Administrative Code. To improve water quality, FGUA sought to upgrade the facility using membrane softening technology with Deep Injection Well (DIW). A Special Exception was approved in 2008 (SE2008-00015) to allow the Essential Services, Group 2 use with DIW in the RM-2 Zoning District and a Variance was approved (VAR2008-00044) to reduce the 100-foot required perimeter setback to a 50-foot setback. Due to fiscal constraints and a significant decrease in finished water demand resulting from the state of the economy at the time, the DIW was not constructed and additional plans to implement a Reverse Osmosis (RO) water treatment system were vacated (LDO2009-00001 & LDO2011-00297). In 2013, FGUA elected to convert the plant to a booster pump station (LDO2012-00482).

The Lehigh Acres Water System presently has only one active water supply source, the groundwater wells at WTP No. 1 and consists of the following major components:

- WTP No. 1 - a 3.87 MGD permit capacity lime softening water treatment plant constructed in 1965 with thirteen production groundwater wells, two treatment reactors, ground storage, and High Service Pumps (HSPs) located at 305 Coolidge Avenue;
- WTP No. 2 - a repump booster station with a 2.0 MG ground storage tank and HSPs located at 913 Bolivia Drive;
- Lee Boulevard Water Booster Pump Station - a repump booster station with 0.50 MG ground storage tank and HSPs;
- One 0.25 MG elevated storage tank; and
- Water Main Distribution System.

FGUA has recently completed a needs analysis and has determined that, based upon population and water demand projections, there is justification to expand and improve the existing water treatment facilities. A pre-application meeting was held on March 13, 2023, to discuss the proposed improvements with Lee County staff. Per LDC Section 34-714, the Essential Services, Group 2 use is permitted as "existing only" in the RM-2 Zoning District. Furthermore, LDC Section 34-934, Table 34-934, note (45) states that "all new or expanded Essential Services Group 2 uses must be approved as a planned development". Therefore, FGUA may only expand the water treatment plant if the property is rezoned. The proposed request is to rezone the property from Residential Multiple-Family – 2 (RM-2) to Community Facility Planned Development (CFPD).

Proposed Development Program

As identified on the Master Concept Plan (MCP) submitted with this rezone petition, the proposed improvements to the Lehigh Acres WTP No. 2 will consist of development phases that will allow additional capacity to come online as demand increases in the future. The initial phase will be a 2 MGD plant expansion with the ability in future phases to increase capacity to 8.0-10 MGD.

The Lehigh Acres WTP No. 2 is currently operating as a repump booster pump station with the following components:

- A clearwell with two (2) transfer pumps
- One 2.0 MG ground water storage tank
- Three High Service Pumps (HSP)

Other existing infrastructure includes:

- $\pm$ 3,200 square foot high service building/MCC control room
- $\pm$ 460 square foot structure for liquid NH_3 storage
- $\pm$ 860 square foot structure for acid and caustic feed systems
- $\pm$ 770 square foot structure for liquid NaOCl storage
- Existing UFA raw water production well
- Water meter
- Generator

The site is currently being expanded to include:

- A 2.0 MGD RO facility complete with pretreatment and chemical feed facilities
- Construction of two additional UFA raw water production wells
- Construction of 2.17 MGD Deep Injection Well and Dual Zone Monitoring Well (DZMW) for the disposal of RO concentrate

Other improvements will include a pre-engineered $\pm$ 9,120 square foot membrane building for reverse osmosis equipment and administrative offices, as well as construction of an additional degas tower, concentrate disposal pump station, sand separator, and calcite contractor system.

To meet 20-year long term projected water demands, FGUA has future plans to implement Phase 3 improvements at Lehigh Acres WTP No. 2, which will include up to two additional 2-3 MG storage tanks, expansion of the membrane building for additional RO skids and cartridge filters, expansion of the clearwell, and addition of a third degasifier. Maximum system capacity at Lehigh Acres WTP No. 2 is anticipated to be 8.0 -10 MGD annual average daily flow.

The surrounding land use pattern consists of some residential dwellings and vacant lots zoned residential single family (RS-1) district. To the east and south are 15 residential single family (RS-1) zoned lots of which only three have been developed and two are currently under construction. To the north and west are 150-foot-wide canal rights-of-way. The existing facility and planned improvements will be located and designed to minimize noise, odor, and other potential impacts on public health, welfare, and safety as follows:

Per LDC Section 10-351, the utilities facility is subject to enhanced setbacks including 100-foot perimeter setbacks for aboveground and partially aboveground structures and 50-foot setback from the nearest residential lots (south and east) for belowground disposal facilities. Although a Variance was approved in 2008 (VAR2008-00044) to reduce the 100-foot required perimeter setback to a 50-foot setback to accommodate a deep injection well in the northeast corner of the property, the structures were never installed. The deep injection well and associated equipment will now be located on the northwest corner of the property, away from abutting residential properties, and the reduced setbacks will no longer be necessary. The project will meet the setback criteria within LDC Section 10-351(d)(2).

The subject site will continue to be subject to the following conditions:

- 30-foot "Type F" buffer along the northern and western property boundary lines abutting the 150-foot canal right-of-way;
- 25-foot "Type E" landscape buffer with an 8-ft masonry wall along the southern and eastern property boundary lines that abut residential property;
- Preservation of existing native trees located outside of proposed impact areas;
- Above-ground structures will be painted color(s) that will approximate natural colors or earth tones; and
- Lighting shall be adequately shielded and directed inward or downward to preclude adverse off-site illumination impacts.

Since the subject site is within the Lehigh Acres Planning Community, landscape buffers must also comply with LDC Section 33-1405. Should it be determined at the time of development order that existing landscape conditions do not meet LDC requirements, buffers will be enhanced.

Stormwater dry detention swales and a $\pm 6,400$ sf dry detention area are located along the southern and western property lines to allow for a greater separation from the adjacent properties.

Potable water will continue to be provided to the subject site by FGUA, who is the Applicant for the rezoning petition. Although the subject site is located within the FGUA Wastewater Franchise Area, central sewer is not available in the area. As such, the existing, approved septic system will continue to be utilized and enhanced as needed with site improvements.

The existing facility was constructed with a low-profile storage tank and aeration chamber to reduce visual impacts, and all pumps, aeration chambers, and generators are enclosed to limit potential sound nuisances. All new structures will be subject to the same standards.

These conditions will remain in effect and, as appropriate, have been incorporated into the proposed MCP and Site Development Regulations submitted with this rezone petition.

Land Development Code Compliance

This rezoning action is compliant with the applicable findings/review criteria set forth in LDC section 34-145(d)(4)a. as described below.

1. Rezoning. The Hearing Examiner must find the request:

a) Complies with the Lee Plan;

See page 8 of this narrative document for the explanation of Lee Plan compliance.

b) Meets this Code and other applicable County regulations or qualifies for deviations;

The proposed rezone meets or exceeds all performance and dimensional standards in the LDC and other applicable County regulations, with the exception of one deviation being sought for relief from the requirements in LDC Section 34-1748(1)d. & e & (5). pertaining to entrance gates. The criteria stipulates that entrance gates should be at least 100 feet from the existing intersecting street right-of-way, include auxiliary lanes and a turn-around. The existing entrance gate, a component of the approved 8-foot tall concrete wall within the landscape buffer, is located 20 feet from the eastern boundary. It is to remain and cannot be relocated due to the existing site design layout. Furthermore, there is not enough space on the subject site between the eastern property boundary and existing entrance gate to effectively provide auxiliary lanes and a turn-around on-site.

The request meets all performance and dimensional standards set forth in LDC Section 10-351 for utilities and water treatment facilities. The Applicant will be required to obtain all necessary Federal, State, and local permits and comply with regulatory provisions associated with any proposed project improvements.

c) Is compatible with existing and planned uses in the surrounding area;

Land uses immediately around the subject property to the east and south are residential, including 15 residential single family (RS-1) zoned lots. These lots remain vacant except for three existing residential dwellings and two new homes currently under construction. The majority of the subdivision remains undeveloped. To the north and west are 150-foot-wide canal rights-of-way followed by some residential dwellings and vacant lots zoned residential single family (RS-1) district.

The rezone request will be compatible with surrounding land uses; any potential impacts will be minimized through screening, setbacks, and other compatibility criteria that have been conditioned upon approval of the water treatment plant use on the site.

d) Will provide access sufficient to support the proposed development intensity;

The MCP and TIS submitted with this rezone petition identify one access point to the subject site which is provided from Bolivia Drive, a 2-lane local roadway to the east. Bolivia Drive connects to Bedford Drive and Ashley Road (both local streets), which connect to Alcutt Street (a local street), and then to Eisenhower Boulevard (a collector street), and then to Immokalee Road/State Road

82 (an arterial roadway). Therefore, the project will have direct access to Lee County's arterial roadway system and can support the proposed development intensity.

e) The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;

Approval of the requested rezone will not significantly impact the surrounding roadway network. The water treatment plant expansion is projected to employ 4 full time equivalent employees and at build-out may employ approximately 8 to 10 employees per day. As identified in the TIS submitted with this rezone petition, the proposed WTP expansion may generate up to an additional net new 22 A.M. peak hour trips, 12 P.M. peak hour trips, and 63 daily trips at maximum buildout of the site. The LOS analysis under future conditions is expected to operate within the LOS performance standard and no additional roadway capacity improvements are recommended.

f) Will not adversely affect environmentally critical or sensitive areas and natural resources; and

The subject site is already developed. This proposed rezoning action does not result in impacts to environmentally critical or sensitive areas or natural resources. A Preliminary Environmental Assessment, Listed Species Survey and Habitat Evaluation Report completed in March 2023 was submitted with this rezoning petition.

g) Will be served by urban services, defined in the Lee Plan, if located in a Future Urban area category.

As demonstrated by this application, the site currently is and will continue to be serviced by urban services in terms of supporting transportation infrastructure, Fire, EMS, Law Enforcement, and Solid Waste. Potable water will continue to be provided to the subject site by FGUA, who is the Applicant for the rezoning petition. Although the subject site is located within the FGUA Wastewater Franchise Area, central sewer is not available in the area. As such, the existing, approved septic system will continue to be utilized and enhanced as needed with site improvements.

2. Planned Development Rezonings. The Hearing Examiner must also find:

a) The proposed use or mix of uses is appropriate at the proposed location;

The proposed permitted uses in the CFPD allow for development of public facilities that provide necessary essential services to the surrounding community. The existing facility does not generate significant traffic and does not create adverse impacts to adjoining homes regarding noise, lights, or odor. The proposed rezone to allow for the recommission and expansion of the existing water treatment facility will not negatively impact the surrounding land uses, which primarily consist of sparsely developed residential single-family lots. The use is generally compatible and consistent with the surrounding uses and the CFPD District is the appropriate zoning district for the parcel.

b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development.

Certain conditions were imposed on the subject property as part of the original Special Exception Approvals for the Essential Service Facility, Group 2 use (SEZ2002-00033) and Deep Injection Well (SEZ2008-00015) in the RM-2 Zoning District. The conditions of approval to safeguard the public interest include an 8-foot-high masonry wall along the southern and eastern property lines; enhanced landscaping consisting of a 30-foot "Type F" landscape buffer along the northern and western property boundary lines and 25-foot "Type E" landscape buffer along the southern and eastern property boundary lines; above-ground structures (water storage tanks) painted a neutral color; preservation of existing native trees located outside the proposed impact areas; and shielded and adequately directed lighting. In addition, the site was constructed with a low-profile storage tank and aeration chamber to reduce visual impacts, and all pumps, aeration chambers, and generators are enclosed to limit potential sound nuisances. These conditions will remain in effect and, as appropriate, have been incorporated into the proposed MCP and Site Development Regulations submitted with this rezone petition.

The proposed rezoning request will provide a public benefit to the community with minimal adverse impacts. Safeguards to the public interest are also provided through the conformance of the Master Concept Plan, with use and development standards of the LDC, with the intent to protect the health, safety, and welfare of the community.

c) If the application includes deviations pursuant to Section 34-373(a)(9), that each requested deviation:

- 1) Enhances the achievement of the objectives of the planned development; and**
- 2) Preserves and promotes the general intent of this Code to protect the public health, safety and welfare.**

As indicated in the submitted Schedule of Deviations and Written Justification and Master Concept Plan, (1) one proposed deviation is requested with this petition. The Schedule of Deviations and Justifications submitted with this application demonstrates that the requested deviation enhances the achievement of the objectives of the planned development and preserve and promote the general intent of the code to protect public health, safety and welfare.

Lee Plan Consistency

The following is an analysis of the consistency of the proposed CFPD rezoning with all applicable goals, objectives and policies of the Lee County Comprehensive Plan (Lee Plan).

VISION STATEMENT: The Lee Plan is designed to depict Lee County as it will appear in the year 2045 when the population is projected to be 1,056,600 permanent residents with an additional 18% seasonal residents. In order to balance the County's projected growth with evolving planning priorities, the following trends are expected to continue through the year 2045 planning horizon: The County's public facilities will be maintained at adequate levels of service, partly by the construction of new facilities and partly by the use of new methods to conserve the capacity of existing facilities.

RESPONSE:

The Lehigh Acres water system consists of one (1) 3.87 MGD water treatment plant at 305 Coolidge Avenue, 16 production wells and 2 booster pump stations, including the facility at 913 Bolivia Drive. Although FGUA currently serves over 14,000 water customers in the Lehigh Acres Service Area, less than 50% of Lehigh Acres is served by public water service. Lee County has grown significantly in recent years, necessitating expansion of water and wastewater utilities. No other public water supply is available to meet project demands, so the alternative is to expand and improve the existing FGUA water facilities in Lehigh Acres. The proposed rezoning allows for the recommission and expansion of an existing water treatment facility to maintain adequate levels of water service for current and future customers.

POLICY 1.1.4: The Urban Community future land use category are areas characterized by a mixture of relatively intense commercial and residential uses. The residential development in these areas will be at slightly lower densities than other future urban categories described in this plan. As vacant properties within this category are developed, the existing base of public services will need to be maintained which may include expanding and strengthening them accordingly. As in the Central Urban future land use category, predominant land uses in this category will be residential, commercial, public and quasi-public, and limited light industrial with future development encouraged to be mixed use, as described in Objective 11.1, where appropriate. The standard density range is from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum total density of ten dwelling units per acre (10 du/acre). The maximum total density may be increased to fifteen dwelling units per acre (15 du/acre) utilizing Greater Pine Island Transfer of Development Units.

RESPONSE:

The rezoning of the ±9.97 acre subject site from RM-2 to CFPD is consistent with the Urban Community future land use category which supports public and quasi-public uses. The recommission and expansion of the existing water treatment plant further supports this policy of maintaining, expanding, and strengthening the existing base of public services as vacant properties are developed.

POLICY 2.1.3: All land use categories and Planning Districts permit the consideration of churches and schools (except in Wetlands and Airport Noise Zones A and B), public uses and buildings, public utilities and resource recovery facilities, public recreational uses (including franchised quasicommercial 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.

RESPONSE:

The Lehigh Acres Water Treatment Plant No 2 is a public utilities facility that is permitted for consideration in all land use categories and Planning Districts, including the Urban Community future land use category and Lehigh Acres Community Planning Area. The use is consistent with the goals, objective, policies and standards of the Lee Plan and the development is consistent with applicable zoning and development regulations.

POLICY 2.2.2: The Future Land Use Map indicates the uses and density ranges that will ultimately be permitted on a given parcel. However, it is not a guarantee that such densities or uses are immediately appropriate, as the map provides for the County's growth beyond the 2045 planning horizon. During the rezoning process the Board of County Commissioners will balance the overall standards and policies of this plan with three additional factors:

1. Whether a given proposal would further burden already overwhelmed existing and committed public facilities such that the approval should be delayed until the facilities can be constructed; and
2. Whether a given proposal is for land so far beyond existing development or adequate public facilities that approval should be delayed in an effort to encourage compact and efficient growth patterns; and
3. Whether a given proposal would result in unreasonable development expectations that may not be achievable because of acreage limitations contained in the Acreage Allocation Table (see Table 1(b)).

RESPONSE:

The proposed recommission and expansion of the Lehigh Acres Water Treatment Plant No 2 will help increase water supply and sources to the Lehigh Acres community, provide higher quality water by adding raw water wells that source from a deeper aquifer, meet future demand from commercial and residential growth, and improve water system reliability and resiliency.

The existing facility already receives public services such as Solid Waste, Fire, EMS, Law Enforcement, and potable water and the proposed improvements will not further burden those services. The site is located in an urbanized area of Lee County that is not beyond existing development nor does it encourage inefficient growth patterns.

The proposed rezone will not result in an unreasonable development expectation that is not achievable by the acreage allocations provided for in Table 1(b) Year 2045 Allocation of the Lee County Comprehensive Plan. As this is an existing developed facility, it is already accounted for in the acreage allocations.

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 the LDC, Chapter 10, 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 LDC will continue to require appropriate buffers for new developments.

RESPONSE:

The subject property abuts single family zoned property to the east and south and is bordered on the north and west by a 150-foot-wide canal right-of-way (Sandhill Canal and Ibis Canal).

Conditions were attached to the special exception approval of the existing use (SEZ2002-00033 and SEZ2008-00015) to minimize potential impacts to adjacent residential uses. These include the following:

- 25-foot "Type E" landscape buffer and installation of an 8-foot-high masonry wall along the southern and eastern property lines that abut residential property;
- 30-foot "Type F" landscape buffer along the northern and western boundaries;
- Preservation of existing native trees located outside of proposed impact areas;
- Structures on the subject property must be painted color(s) that will approximate natural colors or earth tones; and
- Lighting shall be adequately shielded and directed inward or downward to preclude adverse off-site illumination impacts.

In addition to the above conditions, the site was constructed with a low-profile storage tank and aeration chamber to reduce visual impacts, and all pumps, aeration chambers, and generators are enclosed to limit potential sound nuisances.

The Applicant does not intend to seek modification of the conditions of approval nor propose deviations from the LDC buffer requirements. The existing vegetation will be enhanced should it be determined at site development plan that existing conditions do not meet LDC requirements. Consistent with LDC Sections 10-351(d)(2) & (3), all existing and proposed above-ground and partially above-ground equipment will maintain a minimum 100-foot setback from any perimeter property line and below-ground disposal facilities, including injection wells, shall be no closer than 50 feet from the nearest residential lot.

GOAL 7: INDUSTRIAL LAND USES. To promote opportunities for well-planned industrial development at suitable locations within the County.

OBJECTIVE 7.1: All development approvals for industrial land uses must be consistent with the following policies, the general standards under Goal 4, and other provisions of this plan.

POLICY 7.1.1: In addition to the standards required herein, the following factors apply to industrial rezoning and development order applications:

1. The development must comply with local, state, and federal air, water, and noise pollution standards.
2. When located next to residential areas, industry must not generate noise levels incompatible with the residential development.
3. Bulk storage or production of toxic, explosive, or hazardous materials will not be permitted near residential areas.
4. Contamination of ground or surface water will not be permitted.
5. Applications for industrial development will be reviewed and evaluated as to:
 - a. air emissions (rezoning and development orders);
 - b. impacts and effects on environmental and natural resources (rezoning and development orders);
 - c. effect on neighbors and surrounding land use (rezoning);
 - d. impacts on water quality and water needs (rezoning and development orders);
 - e. drainage system (development orders);
 - f. employment characteristics (rezoning);
 - g. fire and safety (rezoning and development orders);
 - h. noise and odor (rezoning and development orders);
 - i. buffering and screening² (Planned Development rezoning and development orders);
 - j. impacts on transportation facilities and access points (rezoning and development orders);
 - k. access to rail, major thoroughfares, air, and, if applicable, water (rezoning and development orders);
 - l. utility needs (rezoning and development orders); and
 - m. sewage collection and treatment (rezoning and development orders).

² Except for properties within the Industrial Development future land use category that are adjacent to lands redesignated to the Urban Community future land use category by Ordinance I 6-17 will retain their development potential and land development regulations (including buffers and setbacks) consistent with the requirements previous to the redesignation, as though the redesignated lands are non-residential in use.

RESPONSE:

The proposed improvements will comply with local, state and federal air, water, and noise pollution standards. Although it is located next to residential development, neither the existing facility nor the proposed improvements are anticipated to generate noise levels incompatible with residential development, nor will any bulk storage or production of toxic, explosive, or hazardous materials be near residential areas. Ground or surface waters shall be protected from contamination. The surface management plan, submitted with this petition, ensures that the system protects and mimics the “functions of the natural systems.” The system will be permitted through both the SFWMD and Lee County Development Services and will be consistent with good engineering practices, adopted environmental criteria/standards, and the relevant policies of the Lee Plan.

POLICY 7.1.3: Industrial land uses must be located in areas appropriate to their special needs and constraints, including, but not limited to, considerations of: topography; choice and flexibility in site selection; access by truck, air, deep water, and rail; commuter access from home-to-work trips; and utilities; greenbelt and other amenities; air and water quality considerations; proximity to supportive and related land uses; and compatibility with neighboring uses.

POLICY 7.1.6: Maintain land development regulations that require industrial uses be adequately buffered and screened from adjacent existing or proposed residential areas so as to prevent visual blight and noise pollution.

POLICY 7.1.7: Industrial development will not be permitted if it allows industrial traffic to travel through predominantly residential areas.

POLICY 7.1.8: Lee County will discourage conversion of lands within the Tradeport and Industrial Development future land use categories to other future land use categories to ensure adequate land is available for industrial uses and other employment opportunities.

RESPONSE:

By nature of the operation, the existing and proposed improvements are considered industrial. It is located adjacent to residential land uses to the east and south, but conditions were attached to the special exception approval of the existing use (SEZ2002-00033 and SEZ2008-00015) to minimize potential impacts to the neighborhood. These include the following:

- Provision of a 25-foot "Type E" landscape buffer and installation of an 8-foot-high masonry wall along the southern and eastern property lines that abut residential property;
- Provision of a 30-foot "Type F" landscape buffer along the northern and western boundaries;
- Preservation of existing native trees located outside of proposed impact areas;
- Structures on the subject property must be painted color(s) that will approximate natural colors or earth tones; and
- Lighting shall be adequately shielded and directed inward or downward to preclude adverse off-site illumination impacts.

The existing landscape buffers and 8-foot-high wall provide adequate screening between the equipment and abutting residential land uses to the east and south.

In addition to the above conditions, the site was constructed with a low-profile storage tank and aeration chamber to reduce visual impacts, and all pumps, aeration chambers, and generators are enclosed to limit potential sound nuisances.

Industrial traffic is infrequent and limited to trucks providing deliveries or servicing equipment at the facility. The proposed improvements should not significantly impact the intensity of industrial traffic.

The Applicant does not intend to seek modification of the conditions of approval nor propose deviations from the LDC buffer requirements. Should it be determined at site development plan that existing conditions do not meet LDC requirements, the existing

vegetation will be enhanced. Consistent with LDC Sections 10-351(d)(2) & (3), all existing and proposed above-ground and partially above-ground equipment will maintain a minimum 100-foot setback from any perimeter property line and below-ground disposal facilities, including injection wells, shall be no closer than 50 feet from the nearest residential lot.

OBJECTIVE 17.3: PUBLIC INPUT. To provide opportunities for public input as part of the comprehensive plan and land development code amendment process.

POLICY 17.3.5: Additional public information meetings may be required as provided in the LDC.

RESPONSE:

A community information meeting was held with the Lehigh Acres Architectural, Planning and Zoning Review Board on May 23, 2024 at 601 East County Lane, Lehigh Acres, FL 33936, in accordance with this policy and Lee County LDC Section 33.1401. The Applicant and Agent presented information about the rezoning request. Board members asked a few questions regarding the technical aspects of the water treatment plant expansion and future plans for the water system. There were no public comments.

OBJECTIVE 25.9: SEWER AND WATER. Expedite the staged extension of water and sewer systems, connect lots previously served by on-site septic and wells, and discourage additional development that is reliant upon on-site well and septic systems.

POLICY 25.9.2: Direct new development and redevelopment in Lehigh Acres to areas that can be reasonably expected to receive public services and infrastructure during the planning horizon.

POLICY 25.9.3: Lee County will work with Florida Governmental Utilities Authority (FGUA) to prioritize areas for the expansion of utilities.

RESPONSE:

The proposed rezone of the subject property from RM-2 to CFPD to allow for the recommission and expansion of the water treatment facility supports the extension of the potable water supply system to existing and potential customers in the Lehigh Acres service area. Approval of the rezone supports intergovernmental coordination efforts between Lee County and FGUA to prioritize areas for the expansion of utilities.

Potable water will continue to be provided to the subject site by FGUA, who is the Applicant for the rezoning petition. Although the subject site is located within the FGUA Wastewater Franchise Area, central sewer is not available in the area. As such, the existing, approved septic system will continue to be utilized and enhanced as needed with site improvements.

GOAL 53: POTABLE WATER INFRASTRUCTURE. Provide high-quality central potable water service throughout Lee County. Ensure that the costs of providing facilities is borne by those who benefit from them.

OBJECTIVE 53.1: The County will ensure the provision of acceptable levels of potable water service throughout the future urban areas of the unincorporated County, either directly by Lee County Utilities, or indirectly through franchised utility companies.

POLICY 53.1.4: Utilities are encouraged to construct and install sufficient treatment facilities and distribution systems to meet or exceed the minimum acceptable service standards and with the capacity to deliver water at a pressure of 40 pounds per square inch (wp PSI static) at the meter anywhere on the individual system (excluding fire flow conditions). All utilities will be required to advise the County of system expansions or modifications.

RESPONSE:

The proposed rezoning allows for the recommission and expansion of an existing water treatment facility to maintain adequate levels of water service for current and future Lehigh Acres customers. The subject site will continue to be serviced by FGUA, who is the Applicant for the rezoning petition.

OBJECTIVE 55.1: Ensure an adequate, reliable, and economical supply of potable water and sanitary sewer service to meet the forecasted needs for all residents of Lee County.

POLICY 55.1.1: Plan and coordinate with other government agencies for well field protection, aquifer recharge, water supply, sanitary sewer service, and related capital facilities.

RESPONSE:

Approval of the rezone from RM-2 to CFPD supports intergovernmental coordination efforts between Lee County and FGUA to ensure an adequate, reliable, and economical supply of potable water to meet the forecasted needs of Lehigh Acres customers.

OBJECTIVE 63.2: POTABLE GROUNDWATER. Base all future development and use of groundwater resources on determinations of the safe yield of the aquifer system(s) in order not to impair the native groundwater quality or create other environmental damage. Criteria for safe-yield determinations will be determined by the SFWMD, the agency charged with permitting these activities.

POLICY 63.2.3: Identify water needs consistent with projections of human population and the needs of natural systems in order to determine the future demands for groundwater.

RESPONSE:

The Lehigh Acres water system presently has only one active water supply source, the groundwater wells at WTP No. 1 located near Homestead Road and Lee Boulevard. Although FGUA currently serves over 14,000 water customers in the Lehigh Acres Service Area, less than 50% of Lehigh Acres is served by public water service. FGUA has recently completed a needs analysis and has determined that, based upon population and water demand projections, there is justification to expand and improve the existing water treatment facilities. No other public water supply is available to meet project demands, so the alternative is to expand and improve the existing FGUA water facilities in Lehigh Acres. The proposed petition will allow the recommissioning of the water treatment facility on the subject property with the intent of including a deep injection well, monitoring well, and RO system. Other improvements will include the addition of two new Upper Floridan aquifer (UFA) raw water wells. FGUA has applied to get a water use permit (WUP) from SFWMD to accommodate a phased expansion to treat up to 10.0 MGD to meet projected population/water demand that the service area needs over the next 20 years (2045). As noted, criteria for safe-yield determinations will be determined by

the SFWMD through the permitting process, to ensure that FGUA is not over withdrawing water from the aquifer where it will not be able to recharge to maintain certain water level in the aquifer system.

This project will meet water quality and potable water demands in eastern Lee County. The Applicant will be required to obtain all necessary Federal, State, and local permits and comply with regulatory provisions associated with any proposed project improvements to ensure the safe yield of the aquifer system and not impair the native groundwater quality or create other environmental damage.

POLICY 123.4.3: Require detailed inventories and assessments of the impacts of development where it threatens habitat of endangered and threatened species and species of special concern.

RESPONSE:

The Preliminary Environmental Assessment, Table 1, provides a list of protected animals that could occur on site and listed by the USFWS, FWC and FDA as Endangered, Threatened or Species of Special Concern. As noted, only one listed species, a Big Cypress fox squirrel, was observed foraging in the open grass field located in the southwest corner of the subject site in March 2023. No nests were found to be located on or within the subject site or adjacent offsite lands.

The site is already developed and located in a highly developed area. Considering that only minor modifications to the existing facility are projected to occur, impacts to this species or their habitats are unlikely. Additionally, since no nests were observed on site or within the adjacent properties, no limitations to construction (i.e. construction only during the non-nesting season and/or monitoring of an active nest etc.) are anticipated. Therefore, the project is expected to have either a “no effect” or a “may effect, not likely to adversely affect” determination on the species. Due to the proximity of the project area to surrounding roadways and higher density/intensity development, the potential for onsite occurrence of other listed and non-listed species is limited.

POLICY 125.1.2: New development and additions to existing development must not degrade surface and ground water quality.

POLICY 126.1.4: Development designs must provide for maintaining or improving surface water flows, groundwater levels, and lake levels at or above existing conditions.

POLICY 127.1.1: Development must prevent significant emissions of air pollution.

RESPONSE:

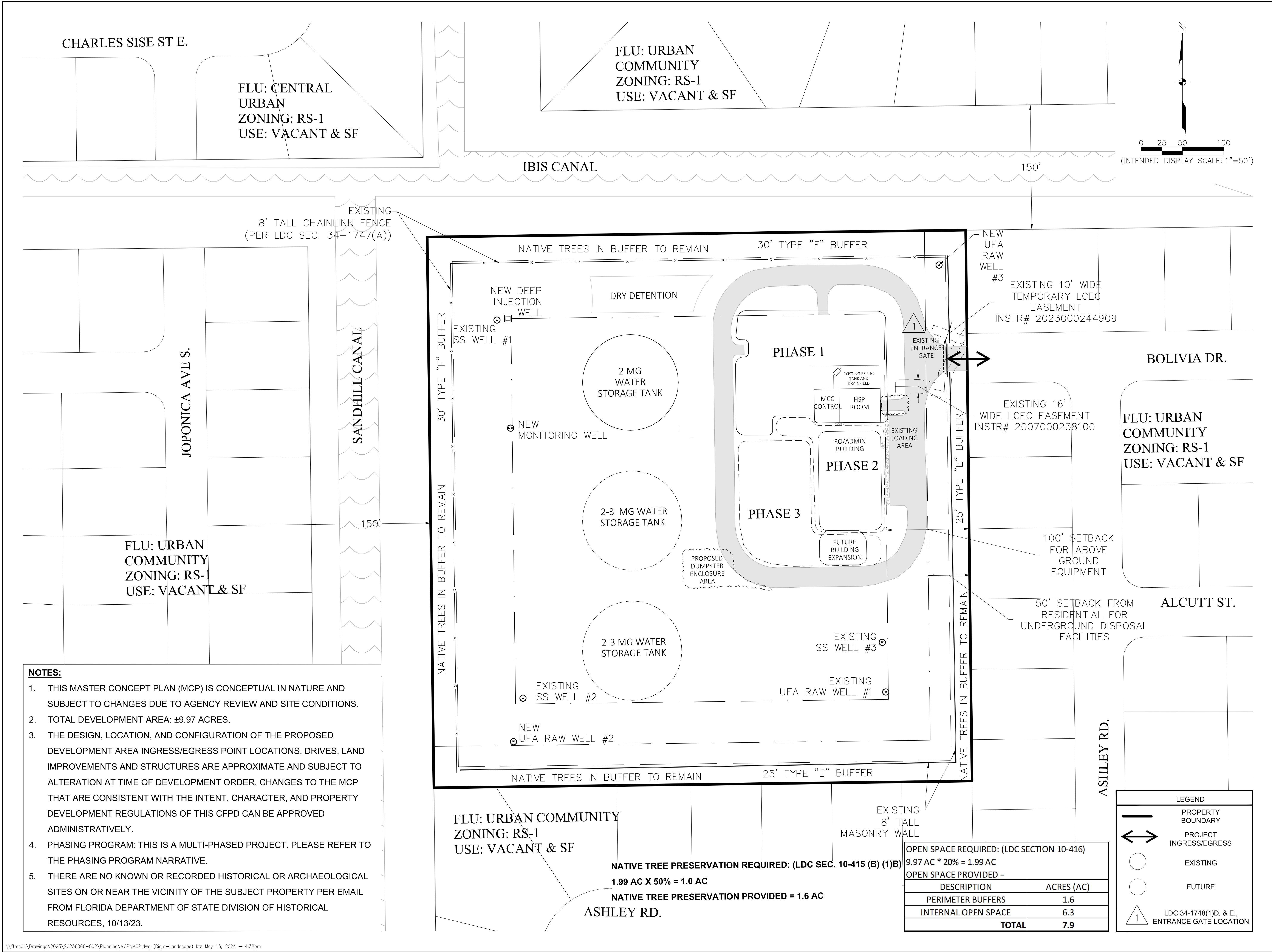
The proposed improvements to the existing development will not degrade surface and ground water quality. The site will also include a monitoring well. In accordance with LDC Section 34-373(b)(1), a surface water management plan was submitted with this petition. The system will be permitted through both the SFWMD and Lee County Development Services and will be consistent with good engineering practices, adopted environmental criteria/standards, and the relevant LeePlan Policies under Objectives 61.2 and 6.3. The

existing and proposed uses on the site do not produce significant emissions of air pollution.

Standard 4.1.1 & 4.1.2: Water & Sewer

Potable water is currently provided to the existing facility by Florida Governmental Utility Authority (FGUA), who is the Applicant for the rezoning petition. A Letter of Availability from FGUA was included in the application package and estimates that the proposed improvements to the Water Treatment Plant will result in an estimated potable water usage demand of 100 GPD. Currently FGUA facilities are able to accommodate these demands.

Although the subject site is located within the FGUA Wastewater Franchise Area, central sewer is not available. As such, the existing, approved septic system will continue to be utilized and enhanced as needed with site improvements.



JOHNSON ENGINEERING

JOHNSON ENGINEERING, INC.
2122 JOHNSON STREET
FORT MYERS, FLORIDA 33901
PHONE: (239) 334-0046
FAX: (239) 334-3661
E.B. #642 & L.B. #642

fgua
FLORIDA
GOVERNMENTAL
UTILITY AUTHORITY

LEHIGH ACRES WATER TREATMENT PLANT NO. 2
LEE COUNTY, FLORIDA

REVISIONS	DATE
DESCRIPTION	
NO.	

DATE: SEPT 2023
PROJECT NO. 20236066-002
FILE NO. 23-45-27
SCALE: 1" = 200'

MASTER CONCEPT PLAN

SHEET NUMBER

1 OF 1

Lehigh Acres Water Treatment Plant No. 2 CFPD Rezoning

Schedule of Uses

A schedule of uses keyed to the Master Concept Plan as well as a summary for the entire property including the information required by LCLDC Section 34-373(a)(8)). [34-373(a)(8)]

A. Schedule of Uses

ACCESSORY USES AND STRUCTURES
ADMINISTRATIVE OFFICES
ENTRANCE GATES AND GATEHOUSE
ESSENTIAL SERVICES
ESSENTIAL SERVICE FACILITIES (34-622(C)(13)): GROUP I
ESSENTIAL SERVICE FACILITIES (34-622(C)(13)): GROUP II, INCLUDING ABOVE
GROUND WATER STORAGE FACILITIES, WATER TREATMENT FACILITIES,
COMMUNICATIONS ONLY
EXCAVATION: WATER DETENTION AND RETENTION ONLY
FENCES, WALLS
GOVERNMENT AGENCIES (OFFICES ONLY)
MAINTENANCE FACILITY (GOVERNMENT)
PARKING LOT (ACCESSORY)
SIGNS IN ACCORDANCE WITH CHAPTER 30
STORAGE, INDOOR ONLY
TEMPORARY USES

Lehigh Acres Water Treatment Plant No. 2 CFPD Rezoning

Property Development Regulations

A property development regulations table that establishes the minimum lot area and dimensions, minimum setbacks, maximum height, and maximum lot coverage within the planned development. Uses that have specific setback requirements within the LDC will be subject to the requirements set forth in the LDC, unless specifically stated within the proposed property development regulations table. [34-373(a)(10)]

B. Site Development Regulations

Minimum Lot Area: 1 acre

Minimum Lot Width: 100 feet

Minimum Lot Depth: 100 feet

Minimum Building Separation: 10 feet

Minimum Building Setbacks

Street: 25 feet (LDC Sec. 34-2192(a))

Side: 15 feet (LDC Sec. 34-935(b)(1)b.)

Rear: 25 feet

Water Body: 25 feet (LDC Sec. 34-2194(b))

Minimum Aboveground/Partially Aboveground Utilities Facilities Perimeter Setbacks:

100 feet (LDC Sec. 10-351(d)(2))

Minimum Belowground Disposal Facilities Perimeter Setbacks: 50 feet (LDC Sec. 10-351(d)(3))

Maximum Height: 35 feet

Maximum Lot Coverage: 35%

Minimum Open Space: 20%

Lehigh Acres WTP No2 CFPD Rezoning

Schedule of Deviations and Written Justification

A schedule of deviations and a written justification for each deviation requested as part of the Master Concept Plan accompanied by documentation including sample detail drawings illustrating how each deviation would enhance the achievement of the objectives of the planned development and will not cause a detriment to public interests. The location of each requested deviation must be located/shown on the Master Concept Plan. [34-373(a)(9)]

If the application includes deviations pursuant to section 34-373(a)(9), that each requested deviation:

- 1) Enhances the achievement of the objectives of the planned development; and*
- 2) Preserves and promotes the general intent of this Code to protect the public health, safety and welfare. [34-145(d)(4) a.2.c)]*

Deviation (1) requests relief from the requirements in LDC Section 34-1748(1)d. & e. and (5), which allow for an entrance gate or gatehouse with controlled access to the property 24-hours a day based on certain provisions, to reduce the 100 foot minimum distance between the entrance gate and existing intersecting street right-of-way to 20 foot, and eliminate the requirement that right and left turn auxiliary lanes be provided on the intersecting street at the project entrance and eliminate the requirement for a turn-around.

Justification: The entrance gate is existing and will remain. Gate details were included in the approved Development Order, DOS2003-00185 and are a component of the existing 8-foot-tall concrete wall along the southern and eastern boundaries which was approved through permit FNC2006-02583. The entrance gate is located 20 feet from the eastern property line within the existing 25ft Type "E" Buffer. Because of the existing site design layout, the entrance gate cannot be relocated to allow for the 100-foot minimum distance between the entrance gate and existing intersecting street right-of-way. Furthermore, since the subject property is located at the terminus of Bolivia Drive which is a 2-lane local roadway within the subdivision, there is minimal traffic to justify the need for auxiliary lanes and a turn-around, nor is there enough space on the subject site between the eastern property boundary and existing entrance gate to effectively provide these on-site.

**LEHIGH ACRES
WATER TREATMENT PLANT - 2**

PRELIMINARY ENVIRONMENTAL ASSESSMENT

***Listed Species Survey and Habitat Evaluation
Report***

Prepared for:

**Florida Governmental Utility Authority
Government Services Group, Inc.
280 Wekiva Springs Road
Protegrity Plaza, Suite 2070
Longwood, Florida 32779**

Prepared by:



**Ardurra Group, Inc.
4921 Memorial Highway – Suite 300
Tampa, FL 33634**

March 2023

Project No. 2023-0228-00

TABLE OF CONTENTS

1.0 INTRODUCTION	1
1.1 Methodology	1
2.0 RESULTS	2
2.1 Onsite Habitats & Cover Types.....	2
2.2 Web-based GIS Data Search Results.....	3
2.3 Preliminary Listed Species Assessment.....	3
2.3.1 Gopher Tortoise (<i>Gopherus polyphemus</i>).....	4
2.3.2 Southern Bald Eagle (<i>Haliaeetus leucocephalus</i>).....	4
2.3.3 Southeastern American Kestrel (<i>Falco sparverius paulus</i>).....	4
2.3.4 Snail Kite (<i>Rostrhamus sociabilis plumbeus</i>).....	5
2.3.5 Audubon's Crested Caracara (<i>Polyborus plancus audubonii</i>)	6
2.3.6 Wood Stork (<i>Mycteria americana</i>).....	6
2.3.7 American Alligator (<i>Alligator mississippiensis</i>).....	6
2.3.8 Florida Panther (<i>Puma concolor coryi</i>)	7
2.3.9 Florida Bonneted Bat (<i>Eumops floridanus</i>).....	7
2.3.10 Big Cypress Fox Squirrel (<i>Sciurus niger avicennia</i>).....	8
2.3.11 Wading Birds	8
3.0 SUMMARY AND DEVELOPMENT CONSIDERATIONS	8

LIST OF EXHIBITS & ATTACHMENT

Exhibit 1	Location Map
Exhibit 2	Aerial Map
Exhibit 3	GIS Land Use (FLUCS) Mapping
Exhibit 4	Web-based Data Search Map
Exhibit 5	Listed Species Observation
Exhibit 6	Gopher Tortoise Suitability Map
Attachment 1	Project Site Photographs

1.0 INTRODUCTION

The Lehigh Acres Water Treatment Plant -2 (WTP2) property is predominantly developed land functioning as an active wastewater treatment facility. Initially, the proposed project activities will consist of assessing the WTP facility and headworks for potential improvements under State Revolving Funds (SRF) program funding. The subject +/- 8.25 acre property is located on the corner of Ibis Canal to the north and a smaller unnamed canal to the west. Ashley Road runs along the eastern property boundary with access off of Bolivia Drive, within Section 23, Township 45 South, Range 27 East; Lee County, Florida (**Exhibit 1**). The proposed improvements to the facility all fall within the existing property. This preliminary environmental assessment is being conducted to address SRF requirements.

Ardurra ecologists completed a preliminary field assessment of the subject property during March 2023. The purpose of this assessment was to determine the onsite presence (or potential for occurrence) of protected wildlife and plant species as listed in "Florida's Endangered Species, Threatened Species and Species of Special Concern", Official Lists, Updated December 2022, published by the Florida Fish and Wildlife Conservation Commission (FWC), or sensitive habitats, to the extent that such presence could impact proposed site improvements.

1.1 Methodology

Based on the known range of occurrence and the existing onsite vegetative cover/habitat types, Ardurra developed a "potential presence" species list for the site along with a review of the pertinent literature for those listed species that were observed or could potentially occur on the subject property. Specifically, automated searches of the following existing databases were completed:

- FWC website Waterbird Colony Locator records to determine if that agency has documented any Waterbird breeding colonies on or in the vicinity of the subject area.
- FWC website Bald Eagle Nest Location Data Records to determine if the FWC has documented any Bald Eagle nests on or in the vicinity of the subject area.
- FWC Wildlife Observation Records Databases.
- Florida Natural Areas Inventory (FNAI) Element Occurrence Records.
- Lee County Map of Ecological Corridors.
- Natural Resources Conservation Services (NRCS) Web Soil Survey.
- FDOT Efficient Transportation Decision Making (ETDM) website.

Ardurra also maintains multiple Geographic Information System (GIS) ArcInfo data layers and shape files, including existing land use data that was obtained from the Southwest Florida Water Management District (SWFWMD) that includes land use polygon mapping based on “desk-top” aerial photography interpretation. As an initial step in the process of completing this assessment, the GIS shape files of land use and property boundary information were overlain on a digital aerial photograph of the site (**Exhibit 2**).

Field reconnaissance of the property was accomplished via vehicular, and pedestrian transects through representative onsite habitats, with particular attention being made to limits of (and connectivity between) onsite wetland habitats. Additionally, special attention was given to detecting the presence of listed species, which included frequent stops to assess the surrounding area for signs (i.e., tracks, nests, vocalizations) of listed species during field reconnaissance. The results of this assessment are provided below.

2.0 RESULTS

2.1 Onsite Habitats & Cover Types

Existing onsite habitat/land use types were classified according to the Florida Land Use Cover and Forms Classification System (FLUCS). Land use classifications and limits were annotated on a 1"= 200' scale color aerial photograph of the property. Ardurra Ecologists ground-truthed the classifications of land use boundaries that were assigned by SWFWMD in the available GIS files by spot-checking these areas in the field. Any discrepancies observed in the field were corrected by field-marking aerial graphics. The field-annotated maps were updated within the GIS system to represent observed conditions, as depicted on **Exhibit 3**. Photographs were taken to document site conditions present at the time of this assessment (**Attachment 1**).

Descriptions of each land use type (plant community) are provided in the following section. Scientific names of plant species are provided with the initial usage in the text.

UPLANDS

The project site is located within a moderate residentially developed portion of Lehigh Acres. Surrounding land uses consist predominately of medium to high density residential developments (FLUCS Code 1200 or 1300) along with a mix of Commercial and Services (FLUCS Code 1400), light industrial (FLUCS Code 1550) and Roads and Highways (FLUCS Code 8140) situated along Ashley Road and Bolivia Drive. The onsite uplands within the property are classified as Water Supply Plants with associated pumping stations (FLUCS Code 8330). This classification includes treatment plants, settling, basins, water storage towers and well fields (**Exhibit 3**). During the site assessment, no exotic plant species were observed on site.

WETLANDS

While there are no natural wetlands present within the identified project limits, there are man-made surface water bodies present at the WTP2 site. This includes a drainage ditch/swale system surrounding the perimeter of the site and a dry stormwater pond to the north. The upland cut ditch/swale is classified as a Stream or Waterways (FLUCS Code 5100) whereas the stormwater pond is considered to be a Reservoir less than 10

acres (FLUCS Code 5340). Highly limited aquatic vegetation exists within this feature, predominantly consisting of pennywort (*Hydrocotyle* sp.) and some sedge species.

2.2 Web-based GIS Data Search Results

The results of the web-based data search, with respect to previously documented and mapped environmental resources (i.e., wildlife, listed species, plants or sensitive habitats) revealed that the Project Site falls within Florida Wood Stork Core Foraging Habitat (CFA) (**Exhibit 4**). The implications of Wood Storks near the project area (Section 2.2.6). There was also a single identified Bald Eagle nest mapped well outside the allotted buffer zone (Section 2.2.2). Lastly, no wading bird rookeries were located within 1 mile of the project area and are well beyond any recommended setback zones relative to the proposed project area (Section 2.2.11).

2.3 Preliminary Listed Species Assessment

Exhibit 5 depicts locations of listed species observed during field reconnaissance conducted by Ardurra during March of 2023. Only one potential listed species, the Big Cypress fox squirrel was observed onsite. **Table 1** below provides a summary list of protected animals that could occur on site and are listed by the United States Fish and Wildlife Service (USFWS), Florida Fish and Wildlife Conservation Commission (FWC) and Florida Department of Agriculture (FDA) as Endangered, Threatened or Species of Special Concern. For each animal species regulated in the county or observed on-site, along with a summary discussion of species requirements and management implications is provided in the following section.

TABLE 1

List Of Occurring or Potentially Occurring Listed Faunal Species Lehigh Acres WTP2 Lee County, FL			
SCIENTIFIC NAME	COMMON NAME	USFWS	FWC
REPTILES			
<i>Alligator mississippiensis</i>	American Alligator	T(S/A)	T(S/A)
<i>Drymarchon corais couperi</i>	Eastern Indigo Snake	T	T
<i>Gopherus polyphemus</i>	Gopher Tortoise	-	T
AVIAN			
<i>Falco sparverious paulus</i>	Southeastern American kestrel	1	T
<i>Grus canadensis pratensis</i>	Florida Sandhill Crane	-	T
<i>Haliaeetus leucocephalus leucocephalus</i>	Southern Bald Eagle	1	1
<i>Mycteria americana</i>	Wood Stork	T	T
<i>Pandion haliaetus</i>	Osprey	1	SSC ²
<i>Rostrhamus sociabilis plumbeus</i>	Snail Kite	E	E
<i>Polyborus plancus audubonii</i>	Audubon's Crested Caracara	T	T
MAMMALS			
<i>Puma concolor coryi</i>	Florida Panther	E	E
<i>Sciurus niger avicennia</i> **	Big Cypress Fox Squirrel**	-	T
<i>Eumops floridanus</i>	Florida Bonneted Bat	E	E

Legend:

** Species observed onsite

USFWS United States Fish and Wildlife Service

FWC Florida Fish and Wildlife Conserv. Commission

SSC² Sp. of Special Concern (Monroe Co.)

E Endangered

T Threatened

T(S/A) Threatened due to Similarity of Appearance

U Under Review for Listing

1 Remains Protected under BGEPA & MBTA

2.3.1 Gopher Tortoise (*Gopherus polyphemus*)

The gopher tortoise is classified as a state “Threatened” species, and as such, tortoises, their eggs, and burrows are afforded protection under Rule 68A-27.004, F.A.C. Ardurra accessed NRCS data to compile a gopher tortoise suitability map of the subject property (**Exhibit 6**). Findings from this database search were consistent with field observations and include two (2) distinct soil types. One out of the two soil types are considered to be unsuitable, making up 87% of the project area. While the other soil type is considered to be less suited and makes up approximately 13% of the proposed project area. During the field assessment a preliminary survey was performed via pedestrian transects through the proposed project area. No gopher tortoise burrows, bolus or above ground individuals were observed during the wildlife survey. The site is unlikely for this species to inhabit the area due to the high level of industrialization, ongoing human activity and poor soils. Should a gopher tortoise burrow be discovered within the proposed project area in the future, in accordance with the current FWC guidelines a relocation permit may need to be obtained prior to construction activities.

2.3.2 Southern Bald Eagle (*Haliaeetus leucocephalus*)

Bald eagles are federally protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 68a–668c) and the Migratory Bird Treaty Act (16 U.S.C. 703–711). In Florida, Rule 68A-16.002, Florida Administrative Code (F.A.C.), prohibits take (as defined in Rule 68A1.004), feeding, disturbance, possession, and sale of bald eagles, their nests and eggs, or parts thereof.

The FWC and USFWS have published Bald Eagle Management Guidelines that include recommended setbacks from Bald Eagle nests and provide recommendations relative to proposed development activities in the vicinity of eagle nests. Based on these Guidelines, in order to avoid disturbance to an active nest, a buffer of at least 660 feet must be maintained between proposed development activities and the nest site. Any clearing, external construction or related activities must be restricted to outside the nesting season (the recognized nesting season in the Southeast is generally Oct 1 - May 15).

Ardurra accessed the FWC website Bald Eagle Nest Location Data and automated records to determine if that agency has documented any Bald Eagle nests on or in the vicinity of the subject property. This search revealed that there are **no** documented Bald Eagle nests on the subject property. FWC has documented one nest in the area, but it is located just over 1 mile off the subject property and is well outside the area of concern. Therefore, it is not anticipated that any project constraints would occur due to Bald Eagle nest setbacks.

2.3.3 Southeastern American Kestrel (*Falco sparverius paulus*)

The Southeastern American Kestrel (SEK), which is the non-migratory subspecies of the American Kestrel, is classified as a Threatened species by the FWC due to a decline in nesting and foraging habitats. The more common (non-listed) American Kestrel subspecies over-winters in Florida and migrates north during the breeding season (approximately April through August), leaving only the non-migratory listed Kestrel to be present within Florida during that time period. As described in the FWC publication “Ecology and Habitat Protection Needs of the Southeastern American Kestrel (*Falco*

sparverius paulus) on Large Scale Development Sites” (Stys, 1993), Kestrels typically prefer open fields and improved pastures for foraging purposes and utilize snags (dead trees) for perching and nesting. While kestrels will nest in just about any suitable opening affording sufficient cover and security, they typically utilize cavity trees for nesting. Nest trees usually consist of pine snags with cavities that were created and previously utilized by nesting woodpeckers, but this species is known to utilize utility poles as well. In association with the recent adoption of the Imperiled Species Management Plan (ISMP) by the FWC in 2017, Species Action Plans were developed and adopted for certain state listed species the draft Species Action Plan (SAP) for the Southeastern American Kestrel (SEK) was published in 2013 and new Guidelines for this species were adopted by the FWC in December of 2020. The new Guidelines will serve as the management plan and regulatory process for this species.

During the March 2023 site visit, no kestrels or evidence of the species were observed on the property nor is suitable foraging habitat present within the proposed project area.

Despite the lack of site observations and depending on the timing for site development, it is possible that the FWC and/or local regulatory agencies could request that an FWC-methodology kestrel survey be conducted to confirm presence/absence of kestrels or kestrel nesting on the property.

2.3.4 Snail Kite (*Rostrhamus sociabilis plumbeus*)

The Snail Kite is a federally listed endangered species found exclusively in the South Florida region. This somewhat rare, medium sized raptor is unique in that it is specifically adapted to and almost exclusively feeds on, the Florida apple snail (or similar apple snail species). For this reason, the Snail Kite typically utilizes marshes and lakes with large expanses of shallow (<5 ft deep) interconnected open water habitats, containing only patchy emergent vegetation suitable to support a stable apple snail population. This species is gregarious in nature, nesting and roosting in loose colonies often associated with waterbird nesting colonies found in close proximity to their preferred food source. Nesting can be variable occurring nearly year-round, though December through July is more commonly observed. Depending on location and water levels, nesting sites can occur in emergent vegetation along the shoreline and in shrubs/small trees (including exotic plant species) situated over, or in close proximity to, water.

While the Lehigh Acres WTP2 site is outside of federally designated critical habitat for this species, it is located within the USFWS Consultation Area for the Snail Kite. In addition, recent correspondence with the FWC has documented prior Snail Kite nesting activity approximately 3 miles northwest of the Lehigh Acres site in the Harn Marsh system along the Able Canal in 2010-2011.

During the March 2023 review no snail kites were observed on site or around the immediate project area. In addition, there was a clear lack of potential foraging or nesting habitat as outlined above on site or in proximity to the site which would prompt species to occupy the site. Therefore, the Snail Kite is not likely to be adversely affected by any of the proposed water plant improvements.

2.3.5 Audubon's Crested Caracara (*Polyborus plancus audubonii*)

The Audubon's crested caracara is listed as federally designated threatened species by the USFWS and is protected by the Endangered Species Act (ESA) as well as the Migratory Bird Treaty Act.

This raptor is large, boldly patterned with a crest, naked face, and heavy bill. It has a body length of approximately 50-60 centimeters (cm) (20-24 inches) and a wingspan of about 124 cm (50 inches). The adult is blackish brown on the crown, upper abdomen, rump, wings, and thighs.

Caracaras inhabit open xeric to mesic habitats. The species preferred habitat is native dry or wet prairie with associated marshes, cabbage palm, and cabbage palm-live hammocks. As native prairie habitats are being reduced in Florida from development, caracaras will frequently utilize unimproved and improved pastures. Breeding activity can occur between September and June with the primary season being November through April. Suitable nest trees are an important component of caracara habitat. Cabbage palms are most frequently utilized. Live oaks, cypress (*Taxodium spp.*), and occasionally Australian pine (*Casuarina spp.*) are also possible nesting trees.

During the site assessment no Caracara's or evidence of habitat utilization was directly observed within or adjacent to the project limits.

Based on the project location and the fact that activities proposed for the headwork improvements would not impact any potential roosting trees, the project should have a "no effect" determination for the Caracara.

2.3.6 Wood Stork (*Mycteria americana*)

The Wood Stork is listed as a threatened species by the FWC, and the USFWS. Like other Florida wading birds, Wood Storks commonly forage along lake margins, shallow marshes and pools within forested wetlands. They typically nest in colonies or "rookeries" within large contiguous forested wetland systems, tree stands or islands within lakes or non-forested wetlands. The recognized nesting period for Wood Storks typically extends from mid-January through April in the Central Florida region.

Results of the data searches and limited field assessment indicated that no rookeries, nesting or roosting activities were found for this listed species on the subject property or within 1-mile radius of the project area. The project, however, falls within a USFWS recognized Wood Stork core foraging area (CFA) that extends out for a distance of 18.6-mile radius of an identified Wood Stork nesting colony. Based on the project location and the fact that activities proposed for the headwork improvements would not impact wetlands, the project should have a "no effect" determination for the Wood Stork.

2.3.7 American Alligator (*Alligator mississippiensis*)

American alligators were not observed within the onsite water features. This large reptile is listed as a Species of Special Concern by the FWC mainly due to their similar appearance to the American crocodile, and as a Federally designated Threatened species by Florida's Endangered and Threatened Species Rule. This species is

commonly found in both natural and man-made ponds and lakes throughout Florida. Alligators may nest along the shorelines of ponds, lakes, rivers and other water bodies during the warmer spring and summer months. As with all listed protected wildlife species, it is illegal to harass or take an alligator, its nest or its eggs. Since the project will not affect any wetland habitats onsite, impacts to this species are not expected to occur as result of project construction.

2.3.8 Florida Panther (*Puma concolor coryi*)

The Florida panther is listed as endangered by both the USFWS and FWC. The Florida Panther typically occupies a home range from 75 to 200 square miles with a preference towards large areas of undeveloped forested habitats including oak hammocks, pine flatwoods and cypress/mixed hardwood wetlands adjacent to non-forested habitats. While the Lehigh Acres WTP2 site is located within the USFWS Consultation Area for the Florida Panther and is in the Panther HPP Secondary Zone, no recent documentation of panther occurrences within a 2-mile radius of the site has been recorded over the past 2 years. While many project types and activities can have both direct and indirect impacts to this species, the fact that the project is located in a highly developed area, is relatively small, and will occur as a modification to an existing facility, impacts to this species are unlikely. Therefore, the project is expected to have either a “no effect” or a “may effect, not likely to adversely affect” determination on the Florida Panther for the USFWS.

2.3.9 Florida Bonneted Bat (*Eumops floridanus*)

The Florida Bonneted Bat was listed as Endangered under the USFWS Endangered Species Act in 2013. This is Florida’s largest bat species and is generally believed to inhabit forested upland and wetland ecotones. However, in some instances, the species has been found to roost in urban areas, abandon dwellings and out structures. Florida bonneted bats are reproductively active most of the year and often travel long distances to forage. This leads to an increased vulnerability to disturbances around the roost and an increased focus on maintaining key foraging habitat. In October 2019, the USFWS developed the “Florida Bonneted Bat Consultation Guidelines to avoid and minimize potential negative effects to roosting and foraging habitats utilized by bonneted bats. The Consultation Key and consultation area was established within these Guidelines to assist applicants in evaluating proposed projects and identifying the appropriate consultation paths.

During the recent field assessment, Ardurra ecologists found no direct evidence or observations of roosting bats on the subject property. A general lack of suitable roosting features (mature trees with cavities higher than 16-feet above ground, tall out structures exceeding 15-feet in height with suitable gaps) were observed, and no colony or individual observations were noted in Ardurra’s GIS database search. This suggests that the site likely would not be considered to provide suitable roosting habitat as defined by the USFWS Guidelines but could provide limited foraging habitat for this species. The USFWS key indicates that, for any site larger than 50 acres, and within 8 miles of “high quality roosting habitat”, a full acoustic survey is required due to the potential large-scale loss of foraging habitat. Considering that the subject property does not fall within an 8 mile radius of high quality roosting habitat Ardurra ecologists have reached a “not likely to adversely affect” determination with no additional conservation efforts required.

2.3.10 Big Cypress Fox Squirrel (*Sciurus niger avicennia*)

Review of available Florida Natural Areas Inventory data and Information for Planning and Consultation (IPaC) records revealed that this species has been observed within Lee County. This species is known to prefer a habitat of mature long leaf pine and/or live oak trees with an open, park-like understory, and will commonly utilize open spaces (such as pastures, fields, parks and passive recreational areas) for foraging. Big cypress fox squirrels' (BCFS) nest in trees where they build their nests out of leaves, pine needles and Spanish moss. Fox squirrels can mate at any time throughout the year, however there are two major recognized breeding seasons. Most breeding occurs between November and February with a peak in December and between April and July with a peak in June.

During the field review of WTP2 a fox squirrel was observed foraging in the open grass field located in the southwest corner of the site (**Exhibit 5**). Despite the observed foraging behavior upon further investigation no nests were found to be located on or within the adjacent offsite lands.

It is important to note that although a fox squirrel was observed, Ardurra ecologists could not conclude the observed individual was in fact the protected BCFS sub species. According to the species distribution map contained in the Species Action Plan Report published by the FWC on November 1, 2013; the WTP2 project area falls within the 'unclear distribution' area just south of the Caloosahatchee River. This zone is considered an overlap area between the protected BCFS and the no longer regulated Sherman's fox squirrel (*Sciurus niger shermani*).

With the project being relatively small in size, located in a highly developed area and considering that only minor modifications to the existing facility is projected to occur, impacts to this species or their habitats are unlikely. Additionally, since no nests were observed on site or within the adjacent properties, no limitations to construction (i.e. construction only during the non-nesting season and/or monitoring of an active nest etc.) are anticipated. Therefore, the project is expected to have either a "no effect" or a "may effect, not likely to adversely affect" determination on the species.

2.3.11 Wading Birds

Similar searches of the FWC Waterbird Colony locator and database revealed there to be no wading bird colonies within 1-mile of the project site (**Exhibit 4**). It is presumed that the proposed development would have no impact to any wading bird rookeries due to a lack of proximity to known nesting sites.

3.0 SUMMARY AND DEVELOPMENT CONSIDERATIONS

As indicated in the sections above, due to the proximity of the project area to surrounding roadways and highly density development, the potential for onsite occurrence of listed and non-listed species is limited. Nevertheless, since the findings were inconclusive regarding whether the observed fox squirrel was the protected BCFS subspecies, a final determination of required actions or protection measures will need to be reassessed. For this reason, a follow up pre-construction site survey to confirm 1) the continued

occupation of the fox squirrel or identification of potential active nests on site, and if so, 2) provide a definitive determination of whether it is indeed the protected BCFS subspecies. If it is determined to be the BCFS subspecies, including a potentially active nest, then implementation of the protection guidelines in consultation with FWC is recommended prior to initiating site construction activities.

Otherwise, the results of the preliminary environmental assessment indicate that the proposed project improvements should result in either a “no effect” or a “may effect, not likely adversely affect” determination for most of the listed species known to occur in Lee County. Based on these results, it appears unlikely that any significant issues relating to the presence, or potential presence, of listed species or their habitats should be an impediment to the proposed WTP2 facility improvements.

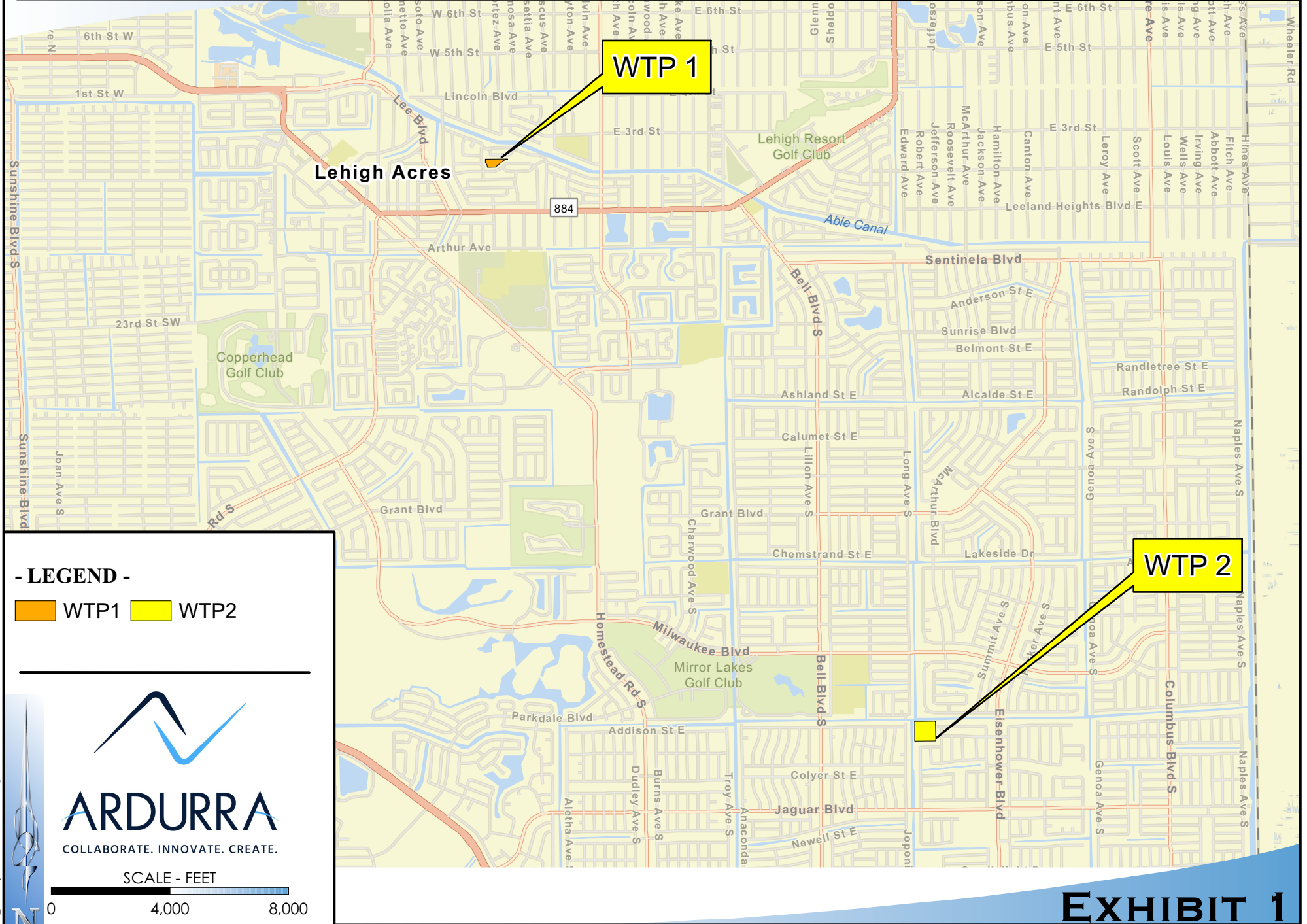
Due to the preliminary status of this listed species assessment and the temporal nature of the results, conclusions contained herein are for planning purposes only and do not preclude the potential for other listed species occurrences in the project vicinity based on known species ranges and habitat preferences. A final determination of listed species occurrence/involvement can only be ascertained following final project design and prior to the commencement of construction by conducting an updated survey assessment to reconfirm the preliminary findings (e.g., the continued presence/absence of listed species within the project construction limits). Should listed species be documented to occur in the project limits, then species-specific surveys would need to be conducted pursuant to accepted wildlife methodologies and coordinated with the wildlife agencies having specific jurisdiction.

EXHIBIT 1

LOCATION MAP

LEHIGH ACRES WTP 1 & 2

Location Map



GRAPHIC REPRESENTATIONS ARE GENERAL IN NATURE AND SHOULD BE USED FOR PLANNING PURPOSES ONLY

EXHIBIT 2

AERIAL MAP

LEHIGH ACRES WTP 2

Aerial Map



- LEGEND -

 WTP2

G:\ENV_SCI\Projects\2023\0228\GIS\Lehigh.aprx



SCALE - FEET

0 100 200

EXHIBIT 2

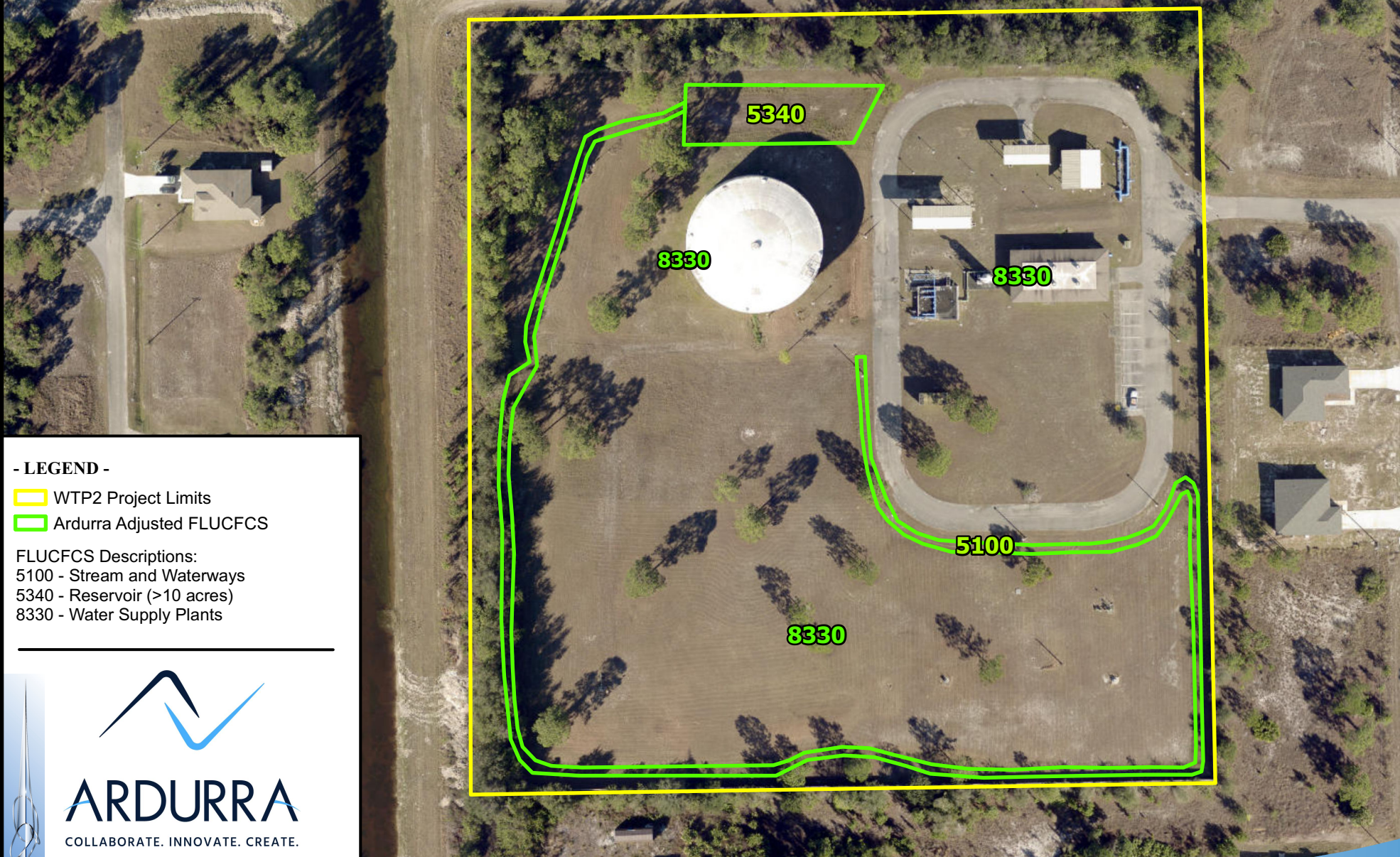
GRAPHIC REPRESENTATIONS ARE GENERAL IN NATURE AND SHOULD BE USED FOR PLANNING PURPOSES ONLY

EXHIBIT 3

GIS LAND USE (FLUCS) MAPPING

LEHIGH ACRES WTP 2

FLUCFCS Map



- LEGEND -

 WTP2 Project Limits

 Ardurra Adjusted FLUCFCS

FLUCFCS Descriptions:

5100 - Stream and Waterways

5340 - Reservoir (>10 acres)

8330 - Water Supply Plants

G:\ENV_SCI\Projects\2023\0228\GIS\Lehigh.aprx



COLLABORATE. INNOVATE. CREATE.

SCALE - FEET

0 100 200

EXHIBIT 3

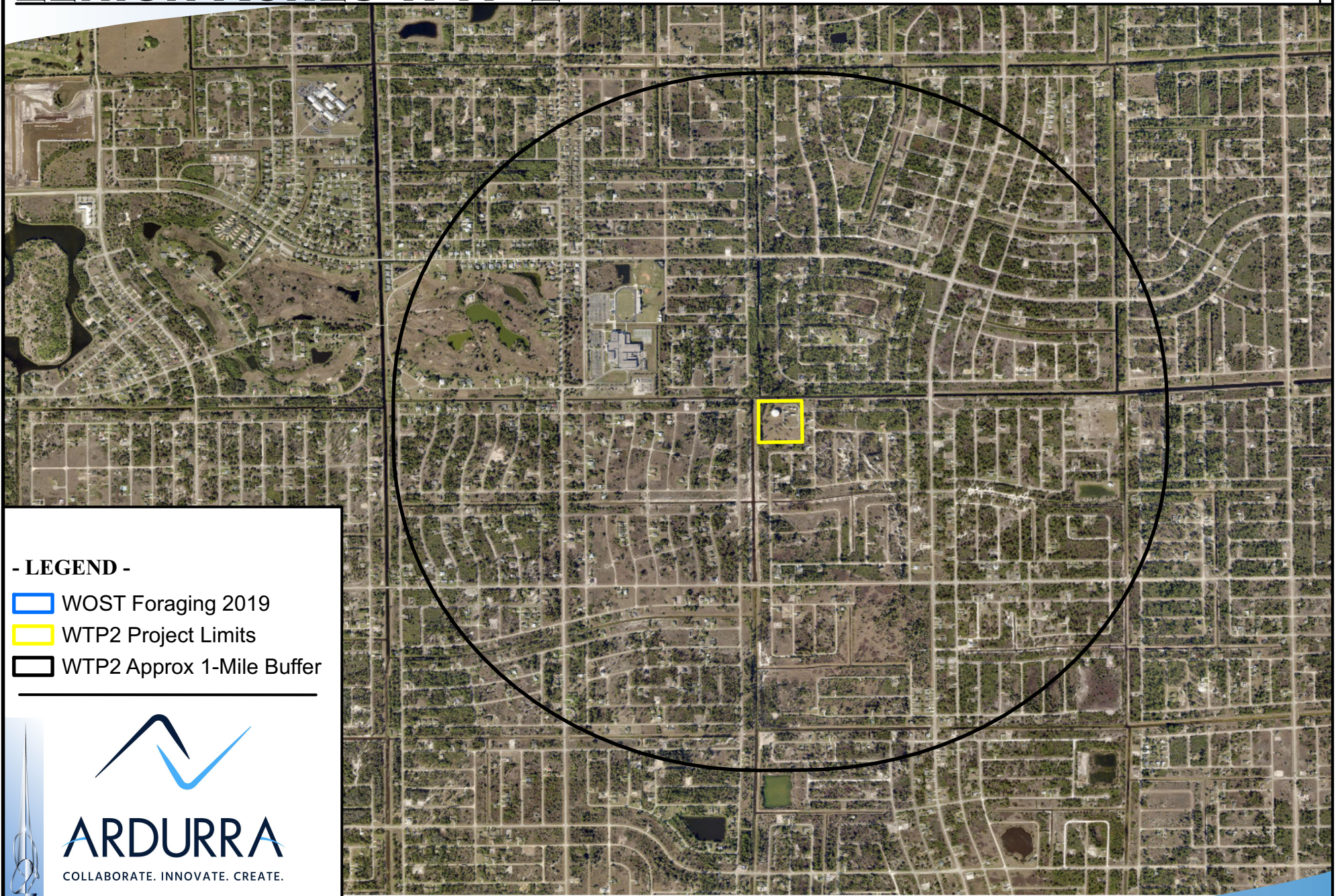
GRAPHIC REPRESENTATIONS ARE GENERAL IN NATURE AND SHOULD BE USED FOR PLANNING PURPOSES ONLY

EXHIBIT 4

WEB-BASED DATA SEARCH MAP

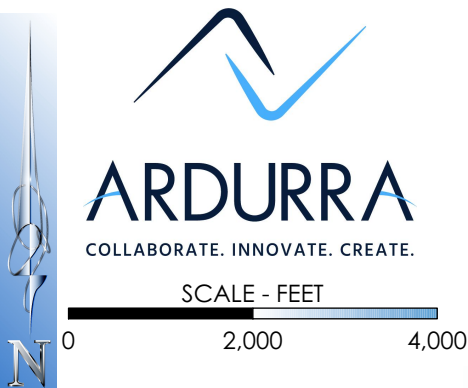
LEHIGH ACRES WTP 2

Web-Based Data Search Map



- LEGEND -

-  WOST Foraging 2019
-  WTP2 Project Limits
-  WTP2 Approx 1-Mile Buffer



GRAPHIC REPRESENTATIONS ARE GENERAL IN NATURE AND SHOULD BE USED FOR PLANNING PURPOSES ONLY

EXHIBIT 4

EXHIBIT 5

LISTED SPECIES OBSERVATIONS

LEHIGH ACRES WTP 2

Listed Species Observations



- LEGEND -

-  WTP2 Project Limits
-  Fox Squirrel Observation

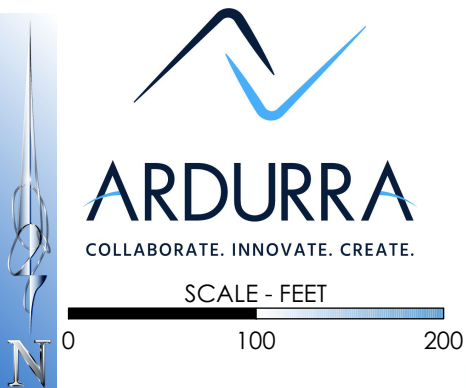


EXHIBIT 6

GOPHER TORTOISE SUITABILITY MAP

WLF - Gopher Tortoise Burrowing Suitability—Lee County, Florida
(Lehigh Acres WTP2)



**WLF - Gopher Tortoise Burrowing Suitability—Lee County, Florida
(Lehigh Acres WTP2)**

MAP LEGEND

Area of Interest (AOI)			US Routes
	Area of Interest (AOI)		Major Roads
Soils			Local Roads
Soil Rating Polygons			Background
	Unsuitable		Aerial Photography
	Less suited		
	Moderately suited		
	Highly suited		
	Not rated or not available		
Soil Rating Lines			
	Unsuitable		
	Less suited		
	Moderately suited		
	Highly suited		
	Not rated or not available		
Soil Rating Points			
	Unsuitable		
	Less suited		
	Moderately suited		
	Highly suited		
	Not rated or not available		
Water Features			
	Streams and Canals		
Transportation			
	Rails		
	Interstate Highways		

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Lee County, Florida
Survey Area Data: Version 20, Sep 1, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Nov 14, 2021—Nov 23, 2021

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

WLF - Gopher Tortoise Burrowing Suitability

Map unit symbol	Map unit name	Rating	Component name (percent)	Rating reasons (numeric values)	Acres in AOI	Percent of AOI
36	Immokalee sand-Urban land complex, 0 to 2 percent slopes	Less suited	Immokalee (43%)	Water table (0.20)	1.1	12.7%
			Oldemar (4%)	Water table (0.20)		
124	Myakka fine sand, ponded-Urban land complex, 0 to 1 percent slopes	Unsuitable	Myakka (45%)	Ponding (0.00)	7.3	87.3%
				Water table (0.00)		
			Pompano (4%)	Water table (0.00)		
				Placid (3%)		
			Water table (0.00)			
			St. Johns (3%)	Water table (0.00)		
				Floridana (1%)		
			Water table (0.00)			
			Samsula (1%)	Ponding (0.00)		
				Water table (0.00)		
Texture (0.50)						
Totals for Area of Interest					8.4	100.0%

Rating	Acres in AOI	Percent of AOI
Unsuitable	7.3	87.3%
Less suited	1.1	12.7%
Totals for Area of Interest	8.4	100.0%

Description

This soil interpretation is intended to provide ratings based on the dominant soil characteristics that influence the suitability of the soil for excavation, maintenance, and preservation of burrows by gopher tortoises (*Gopherus polyphemus*). The information allows the user to identify areas of potentially suitable habitat area prior to the application of conservation practices. The ratings are for the soils in their natural condition and do not consider present land use, existing vegetation, water sources, and the presence or absence of wildlife in the area. The presence or absence of a species is determined at the local level and by many factors including soil characteristics.

The gopher tortoise (*Gopherus polyphemus*) is a burrowing reptile that inhabits open pine forests throughout the southeastern United States. Historically, typical gopher tortoise habitat consisted of open, frequently burned longleaf pine or longleaf pine/scrub oak uplands and flatwoods on moderately well drained to xeric soils. The burrows of a gopher tortoise are the habitat and center of normal feeding, breeding, and sheltering activity. Gopher tortoises excavate and use more than one burrow for shelter beneath the ground surface. Burrows, which may extend for more than 30 feet, provide shelter from canid predators, winter cold and summer heat.

The soil criteria that are taken into account in this soil interpretation are those that have been determined to have the most effect on burrow excavation, maintenance, and preservation. These include the soil texture, percent coarse fragments, depth to a restrictive layer or layer with greater than or equal to 35% clay, ponding or flooding frequency, slope, and depth to seasonal high water table.

Each soil criteria is assigned a numerical rating between 0 and 1. In this rating, 1 represents more suitable soil characteristics, and 0 represents less suitable soil characteristics. Each criterion is calculated separately and the lowest rating is reported as the overall soil suitability rating, representing the most limiting factor in the soil's suitability for gopher tortoise burrows.

Rating classes have been defined as follows:

Highly suited (numerical rating 0.95-1): These soils have no restrictions for use and are favorable for burrowing by gopher tortoise. Colonization and population densities may be above average if other habitat factors are not limiting.

Moderately suited (numerical rating 0.5-0.95): These soils are suitable and somewhat favorable for burrowing by gopher tortoise. Some restrictive features may limit the use of the site to a minor extent. Colonization and population densities may be average to above for the area if the other habitat requirements are met.

Less suited (numerical rating 0.05-0.5): These soils have characteristics that may limit establishment, maintenance, or use of the site by gopher tortoise. Colonization and population densities may be below average or restricted in the area due to the limiting factors even though all of the other species habitat requirements are met.

Unsuitable (numerical rating 0-0.05): These soils have characteristics that may limit establishment, maintenance, or use of the site by gopher tortoise. Areas of

Included soils with better drainage may provide suitable soil properties in some locations.

Not Rated: Miscellaneous areas are given a not rated status.

The map unit components listed for each map unit in the accompanying Summary by Map Unit table in Web Soil Survey or the Aggregation Report in Soil Data Viewer are determined by the aggregation method chosen, which is displayed on the report. An aggregated rating class is shown for each map unit. The components listed for each map unit are only those that have the same rating class as listed for the map unit. The percent composition of each component in a particular map unit is presented to help the user better understand the percentage of each map unit that has the rating presented.

Other components with different ratings may be present in each map unit. The ratings for all components, regardless of the map unit aggregated rating, can be viewed by generating the Selected Soil Interpretations report with this interpretation included from the Soil Reports tab in Web Soil Survey or from the Soil Data Mart site. Onsite investigation may be needed to validate these interpretations and to confirm the identity of the soil on a given site.

Citations:

U.S. Fish and Wildlife Service and Natural Resources Conservation Service. 2012. Gopher Tortoise (*Gopherus polyphemus*) Soil Classifications for the Federally Listed Range using the National Soil Information System Database, Version 1.

Rating Options

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

ATTACHMENT 1

PROJECT SITE PHOTOGRAPHS



Representative upland field where Big Cypress Fox Squirrel was observed – View Southwest



Representative site photo of current facility – View North



Representative site photo of current facility – View South



Representative dry pond along northern project boundary – View Northwest



Drainage conveyance that runs the perimeter of property – View Southwest



Currently facility on site – View East

LEHIGH ACRES ARCHITECTURAL PLANNING & ZONING REVIEW BOARD

LEHIGH ACRES ARCHITECTURAL PLANNING AND ZONING REVIEW BOARD APPLICATION

Date Received: _____

File Name : _____

LAAPZRB Date: _____

(1) GENERAL INFORMATION (Use additional sheets if necessary)

1. Name of Project: Lehigh Acres Water Treatment Plant No. 2
2. Street Address of Project: 913 Bolivia Drive
3. Strap No. 23-45-27-L1-01000.30A0
4. Application Request: (i.e.: Zoning change, Variance, Site/Project Approval)
Rezone a +/- 9.97 acre site with existing potable water storage and booster pump station from Residential Multiple Family-2 (RM-2) to Community Facilities Planned Development (CFPD) district to allow a water treatment facility including RO treatment system with raw water wells and deep injection well, RO Bldg/Admin Office, associated equipment and piping.
5. Applicant Name / Title: Florida Governmental Utility Authority (FGUA)/Scott Towler, P.E., System Manager
Address: c/o Accenture, 9400 Southpark Center Loop, Suite 400, Orlando, FL 32819
Phone: (407)629-6900 Email: scott.towler@fgua.com
6. Date of LAAPZRB meeting requested for presentation May 23, 2024
(Applicant shall be notified to confirm placement on the agenda) *Mike Currier FGUA*
Cristine Fisher
7. Primary Firm/Person Presenting Project to LAAPZRB:
Name / Title: Johnson Engineering Inc/Christine M. Fisher, AICP, Principal Planner
Address: 2122 Johnson Street, Ft Myers, FL 33901
Phone: (239)461-2456 Email: cfisher@johnsoneng.com
8. Provide name and contact information of additional persons to receive correspondence from the LAAPZRB.
John Carlson, P.E., Capital Program Manager, Florida Governmental Utility Authority (FGUA): john.carlson@fgua.com
Scott Towler, P.E., System Manager, Florida Governmental Utility Authority (FGUA): scott.towler@fgua.com
9. County staff Reviewer: Dirk Danley, Jr, AICP
10. Has project been presented to Community Development or Lee County Hearing Examiner or other public presentations: Yes ☒ No ☐ Dates: pre-app 3/13/2023
Application No.: DCI2024-00009

LEHIGH ACRES ARCHITECTURAL PLANNING & ZONING REVIEW BOARD

11. Direction to the project site:

The subject property is at the western terminus of Bolivia Drive (f.k.a. Bedford Drive) in the Lehigh Estates subdivision.

12. Proposed Use:

Conversion of existing water booster pump station to a reverse osmosis water treatment plant (Essential Services, Group 2)

13. Adjacent Zoning and Land Uses:

North: RS-1: canal (150ft r-o-w) and scattered single family homes and vacant lots

South: RS-1: scattered single family homes and vacant lots

East: RS-1: scattered single family homes and vacant lots

West: RS-1: canal (150ft r-o-w) and scattered single family homes and vacant lots

14. Project summary. Provide information of how the project will provide for, achieve and maintain a unified and pleasing aesthetic quality as defined by the community standards set forth in Chapter 33 and other similar projects previously approved and built:

Approval for the current facility was conditioned on enhanced setbacks and 30-foot "Type F" landscape buffers along the northern and western property lines abutting the 150-foot canal right-of way, and 25-foot "Type E" landscape buffers with an 8-ft masonry wall along the southern and eastern property lines that abut residentially zoned property. Landscape buffers will comply with LDC Sec. 33-1405. If it is determined at the time of development order that existing landscaping conditions are not adequate, buffers will be enhanced. Existing native trees are located outside the impact area, within the perimeter buffers and total +/-1.6 acres of the site, which exceeds LDC standards. Lighting shall be adequately shielded and directed inward or downward. Above-ground structures will be painted natural or earth tone colors. The project will not exceed the height regulations set forth in LDC Section 33-1417. These conditions will remain through rezoning and future on-site improvements. Any other applicable standards required under Chapter 33 will be provided prior to local development order approval.

15. Project Checklist submitted: ☒ Yes ☐ No

16. Application Fee Submitted: Type 1 \$50.00 ☐ Type 2: \$150.00 ☒

PROPERTY OWNER/APPLICANT

I hereby certify that I am the owner of record or authorized agent for the property described in Section 1 above and that I approve of the requested action herein.

Signature: Christine M. Fisher

Date: 4/30/24

Print Name: Christine M. Fisher, AICP

Title: Principal Planner, Johnson Engineering Inc

☒ **ACTION TAKEN**
LAAPZRB

DATE
5/23/24

DECISION
Approved

Initials: B

Attachments: _____