

**LEE COUNTY, FLORIDA
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING SECTION
STAFF REPORT**

CASE NUMBER: DCI2024-00003
CASE NAME: LEHIGH ACRES WTP NUMBER 2 COMMUNITY FACILITIES
PLANNED DEVELOPMENT (CFPD)
TYPE OF CASE: MAJOR PLANNED DEVELOPMENT
HEARING EXAMINER DATE: OCTOBER 3, 2024
SUFFICIENCY DATE: JULY 26, 2023

REQUEST:

An application has been submitted by Christine M. Fischer AICP of Johnson Engineering, Inc, on behalf of Florida Governmental Utility Authority, to rezone a 9.97-acre parcel from Residential Multiple-Family District (RM-2) to Community Facilities Planned Development (CFPD) to allow an Essential Service Facility, Group II (Water Treatment Plant). The maximum development intensity considered for this development is the infrastructure necessary to allow for production of up to 10 million gallons of water per day (MGD) including storage tanks, administrative offices, and buildings to store mechanical equipment.

The subject property is located at 913 Bolivia Drive, Lehigh Acres Planning Community, Lee County, FL. (District #5), STRAP Number 23-45-27-L1-01000.30A0. The legal description for this property can be found in Attachment N.

SUMMARY:

Staff recommends APPROVAL of the applicant's request subject to the conditions found in Attachment C.

HISTORY OF PARCEL AND CHARACTER OF THE AREA:

The subject property is currently developed with a decommissioned Water Treatment Plant that was most recently used as a water booster station for Lehigh. The original treatment plant was developed in accordance with a special exception (SEZ2002-00033) which approved 10,000 square feet of office area and two two-million gallon above ground storage tanks (Attachment J). A subsequent Special Exception and Variance approval (SEZ2008-00015\VAR2008-00044, Attachment K) approved a deep injection well for the property and a variance from the required 100-foot setback line to allow a 50-foot setback for the installation of the deep injection well. In 2013, the property was converted from a water treatment plant to a water booster station. The subject property is located at the western terminus Bolivia Drive, a County-maintained local roadway, and is bounded by the Sandhill Canal to the west and the Ibis Canal to the north. The subject property is designated as Urban Community within the Lee County Future Land Use Map and is within the Lehigh Acres Community Plan Area.

Lands surrounding the subject property are all zoned Residential Single-Family District (RS-1) and are in the Urban Community future land use category. They are divided into single-family residential lots and are intermittently developed with single-family homes.

ANALYSIS:

This request is to rezone a 9.97-acre parcel from Residential Multiple-Family District (RM-2) to Community Facilities Planned Development (CFPD) to allow an Essential Service Facility, Group II (Water Treatment Plant). The maximum development considered for this development is the infrastructure necessary to facilitate the production of up to 10 million gallons of water per day (MGD); requisite site improvements include storage tanks, administrative offices, and buildings to store mechanical equipment. The subject request is intended to allow the applicant to recommission and expand the capacity of the decommissioned water treatment plant.

Rezoning Criteria:

Section 34-612 of the Lee County Land Development Code describes the intent of the utilization of the Planned Development zoning district. The purpose of planned development zoning is to further implement the goals, objectives, and policies of the Lee Plan, while providing some degree of flexibility in the planning and design of proposed developments.

LDC Section 34-145(d) establishes the review criteria for all rezoning requests. Before recommending approval of a rezoning request, the Hearing Examiner must find the request:

- a) Complies with the Lee Plan;
- b) Meets the Land Development Code and other applicable County regulations or qualifies for deviations;
- c) Is compatible with existing and planned uses in the surrounding area;
- d) Will provide access sufficient to support the proposed development intensity;
- e) The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;
- f) Will not adversely affect environmentally critical or sensitive areas and natural resources; and
- g) Will be served by urban services, defined in the Lee Plan, if located in a Future Urban Area category.

For Planned Development rezoning requests, the Hearing Examiner must also find:

- a) The proposed use or mix of uses is appropriate at the proposed location;
- 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; and
- c) 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.

The applicant's request statement addresses the decision-making criteria for a Planned Development Rezoning and the consistency of the subject request with the Lee Plan (Attachment G).

Master Concept Plan:

The applicant has provided a one-page master concept plan entitled "Lehigh Acres Water Treatment Plan No. 2" date stamped August 31, 2024 (Attachment D). The Master Concept Plan shows the location of existing and proposed wells, a series of water storage tanks, and proposed mechanical and administrative buildings. The Master Concept Plan also depicts proposed phasing for the

development. The entire facility will be bordered by an existing 8-foot chain link fence that will remain on the interior of the required landscape buffers. The deviation location of the one proposed deviation associated with this request is also referenced on the Master Concept Plan.

Policy 1.1.4 describes the Urban Community future land use category as characterized by relatively intense commercial and residential uses with a mix of commercial, public and quasi-public, and limited light industrial development. The proposed rezoning will facilitate the re-establishment and expansion of a water treatment plant operated by a quasi-public entity. This request is consistent with Policy 1.1.4.

Objectives 2.1 and 2.2 encourage new growth in future urban areas where adequate facilities exist or are assured and where compact and contiguous development patterns can be created. Policy 2.2.1 encourages development within Lee County where sufficient infrastructure exists. The applicant has provided sufficient documentation to demonstrate that available infrastructure will support the development intensity proposed by the request (see Attachments H and L). Staff notes that this project is also intended to address the utility needs for approved projects within the Lehigh Acres Community Plan Area. Staff finds this request consistent with Objective 2.1, Objective 2.2, and Policy 2.2.1.

Policy 2.1.3 states that certain uses including places of worship, schools, public uses, public utilities and resource recovery facilities are permitted in all future land use categories when consistent with the goals, objectives, policies, and standards in the Lee Plan. The requested use is considered by this policy, and staff finds the request consistent with this category.

Policy 5.1.5 of the Lee Plan aims to protect uses that are potentially destructive to the character and integrity of residential environment. The site has been previously developed with a water treatment plant and although it has been decommissioned, structures within the development exist, and future additions to the property will be generally consistent with the historic use of the subject property. Staff finds the request, as conditioned, consistent with Policy 5.1.5.

The subject property is in the Lehigh Acres Community Plan as described in Goal 25 of the Lee Plan. Policy 25.9.3 states that Lee County will work with Florida Governmental Utility Authority (FGUA) to prioritize areas for the expansion of utilities. Staff notes that this project will allow for the expansion of utilities within the Lehigh Acres community; therefore, staff finds the request consistent with Policy 25.9.3.

Policies 60.1.1 and 60.1.2 seeks to incorporate, utilize, and where possible, to restore natural surface water flowways and associated habitats. This is expanded by Policy 123.2.3, which prohibits water management and development projects from disrupting the natural functions of natural systems. Policy 126.1.1 states that natural water system features which are essential to detention, purification, runoff, recharge, and maintenance of stream flows must be identified, protected, and managed. The project contains an existing stormwater management system that will be improved and expanded to accommodate the proposed expansion consistent with current Lee Plan and Land Development Code requirements. The project design will also comply with State requirements for water quality and quantity. Staff finds the request consistent with Policies 60.1.1, 60.1.2, 123.2.3, and 126.1.1.

Goal 125 of the Lee Plan establishes objectives and policies to ensure that water quality is maintained or improved for the environment and people of Lee County. Objective 125.1 states that development must maintain high water quality, meeting or exceeding state and federal water quality standards. Policies 125.1.2 and 125.1.3 require new development to not degrade surface and ground water

quality and require the design of drainage systems that minimize nutrient loading and pollution in off-site charges. The subject property will utilize existing stormwater systems, which are proposed to be improved to meet current local and state permitting requirements. Staff finds the request, as conditioned, consistent with Goal 115, Objective 125.1, and Policies 125.1.2 and 125.1.3.

Transportation Considerations:

The applicant has provided a Traffic Impact Statement for the Community Facilities Planned Development (CFPD) (Attachment L). Lee County Department of Transportation staff has provided analysis regarding the TIS provided in support of the proposed Community Facilities Planned Development (CFPD) (Attachment M). The proposed use is not anticipated to have a detrimental impact on the roadway system.

Urban Services:

The nearest Fire and EMS Substation is two miles west of the property, while a Sheriff's substation is approximately 9.3 miles northwest of the development. There are other available urban services available for this development, but the nature of the request does not merit further review. Water and Wastewater will be provided to this site per the Utility Availability Letter provided by the applicant (Attachment H).

Deviation Requests:

The applicant has requested one deviation in conjunction with this rezoning. An analysis and justification for the requested deviations is attached (Attachment F). Staff's analysis of this deviation is as follows:

1. Deviation (1) requests relief from the requirements in LDC Section 34-1748(1)d. & e. and (5), which requires entrance gates or gatehouses that control access to a property 24 hours a day to be set back 100 feet from an existing right-of-way or easement and to be designed to provide adequate turn lanes and turnarounds to safely enter and exit the development, to allow a reduction in the 100-foot minimum distance between the entrance gate and existing intersecting street right-of-way to 20 feet, and to eliminate the right and left turn auxiliary lane and turnaround requirements.

Staff notes that the infrastructure intended to accommodate utilities are typically low trip generators; therefore, it is anticipated that the entrance gate to the facility will be minimally used. Staff also notes that the existing gate location and design was approved in DOS2003-00185. The applicant intends to continue to use the existing gate to regulate access to the recommissioned potable water facility. Staff recommends **approval** of this deviation.

CONCLUSION:

Based on the analysis provided above, staff offers the following review of the decision-making criteria for the planned development rezoning request. Staff finds that the proposed request:

- a) Complies with the Lee Plan;

Based on the analysis above, staff finds that the request is consistent with the Lee Plan. The proposed uses are compatible with existing and proposed uses and meet or exceed the objectives and policies above.

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

The applicant seeks one deviation to facilitate the subject request, and staff recommends approval of the deviation. Staff finds that the request meets or exceeds County regulations.

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

The area surrounding the subject property is characterized by platted single-family residential lots. The request, as conditioned, is compatible with surrounding existing and planned uses.

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

Access to the subject property is proposed from Bolivia Drive. Staff finds that there is sufficient access to support the development.

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

Staff has reviewed the anticipated transportation impacts and finds that, as conditioned, impacts to the roadway system are adequately addressed.

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

Staff has reviewed the potential environmental impacts associated with this request and has determined that the request, as conditioned, meets the requirements of the Land Development Code and Lee Plan and sufficiently protects existing environmentally critical areas and natural resources.

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

As indicated in the Lee Plan analysis above, the property is served by requisite urban services. It should also be noted that the request, if approved, will enhance the availability of urban services to the surrounding community, which is undergoing rapid development.

Additionally, staff has concluded:

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

The proposed use is appropriate for the location based on site configuration and proposed enhancements to ensure compatibility with the nearby residential uses.

- 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; and

Staff finds the recommended conditions of approval appropriate to sufficiently address the public's interest with respect to the proposed development.

- c) That each requested deviation enhances the achievement of the objectives of the planned development and reserves and promotes the general intent of the Land Development Code to protect the public health, safety, and welfare:

Staff recommends approval of one deviation and finds that the deviation enhances the achievement of the objectives of the planned development and protects public health, safety, and welfare.

Staff, therefore, recommends approval of this planned development rezoning request, as conditioned in Attachment C.

ATTACHMENTS:

- A. Expert Witness List
- B. Aerial, Current Zoning, and Future Land Use Maps
- C. Conditions and Deviations
- D. Master Concept Plan
- E. Applicant's Proposed Schedule of Uses
- F. Applicant's Schedule of Deviations and Justifications
- G. Applicant's Request Narrative and Lee Plan Consistency
- H. Utility and Public Service Availability Correspondence
- I. Public Information Session Summary Documents: Lehigh Acres
- J. SEZ2002-00033
- K. SEZ2008-00015 and VAR2008-00044
- L. Traffic Impact Statement
- M. Lee County Infrastructure Planning Staff Memorandum
- N. Legal Description, Sketch and Boundary Survey

ATTACHMENT A

LEE COUNTY STAFF EXPERT WITNESS INFORMATION
PROVIDED PURSUANT TO AC-2-6, SECTION 2.2.b(5)(f)3.

Dirk Danley, AICP, Principal Planner, Zoning, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code, Lee Plan, zoning, and land use planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

Elizabeth Workman, Principal Planner, Zoning, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code, Lee Plan, zoning, and land use planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

Marcus Evans P.E., Senior Engineer, Development Services, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in Traffic Engineering and Transportation Planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

Brandon Dunn, Planning Manager, Planning, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee Plan and land use planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

Katherine Woellner, AICP, Planner, Principal, Planning, 1500 Monroe Street, Fort Myers, FL 33901

- Seeking to be qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
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Rebecca Sweigert, Senior Manager, DCD, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee Plan and land use planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

Nicholas DeFilippo, Senior Environmental Planner, Planning, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee Plan and land use planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

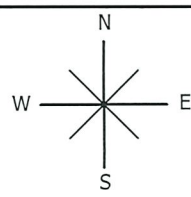
Phil Gillogly, P.E., Surface Water Manager, Natural Resources, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee Plan and land use planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

Lee Werst, Natural Resources Supervisor, Natural Resources, 1500 Monroe Street, Fort Myers, FL 33901

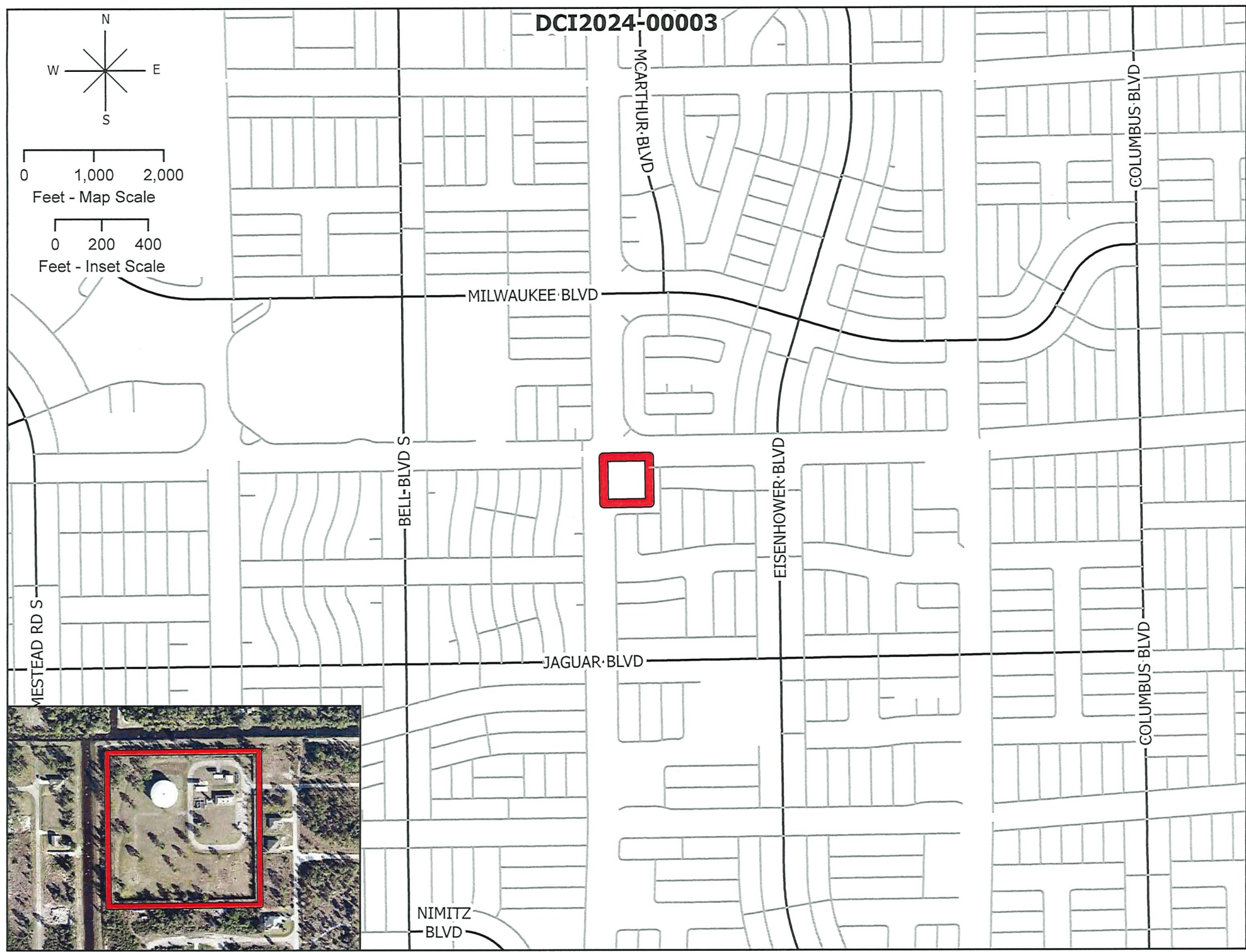
- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee Plan and land use planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

DCI2024-00003



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Feet - Map Scale

0 200 400
Feet - Inset Scale

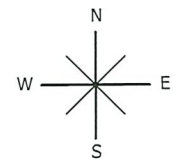




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Aerial

 Subject Property



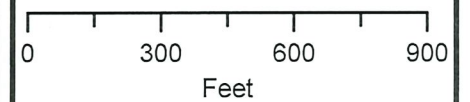
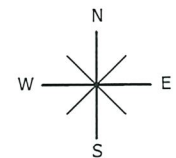
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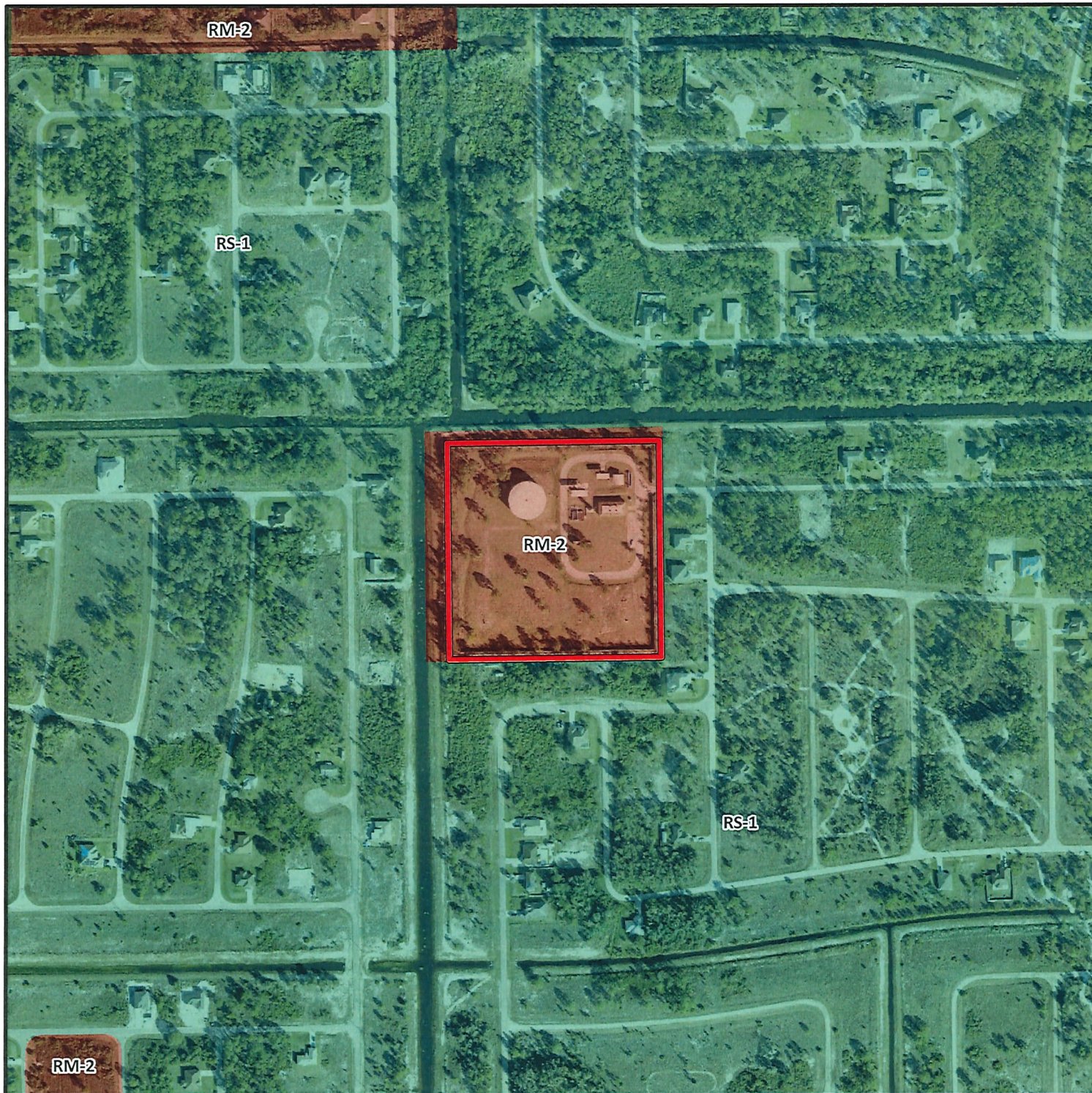


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Future Land Use

-  Subject Property
-  Central Urban
-  Urban Community

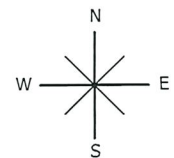




DCI2024-00003

Zoning

 Subject Property



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Feet



ATTACHMENT C

A. Conditions:

1. Master Concept Plan/Development Parameters

The development of this project must be consistent with the one-page Master Concept Plan entitled "Lehigh Acres Water Treatment Plant No. 2" date stamped August 31, 2024, except as modified by the conditions below. Development must comply with all the requirements of the LDC at the time of local development order approval, except as may be granted by deviation as part of this planned development. Subsequent amendments to the Master Concept Plan or the conditions or deviations attached thereto are subject to the planned development amendment process established by the Land Development Code.

The maximum development considered for this development is the infrastructure necessary for production of up to 10 million gallons of water per day (MGD) including storage tanks, administrative offices, and buildings to store mechanical equipment.

2. Use and Site Development Regulations

The following limits apply to the project and uses:

a. Schedule of Uses

Accessory Uses and Structures

Administrative Offices

Entrance Gates and Gatehouse

Essential Services

Essential Service Facilities: Groups I and II (Group II – Limited to Above Ground Water

Storage Facilities, Water Treatment Plants, and Communications only)

Excavation: Water Retention Only

Fences, Walls

Government Agencies, Offices Only

Maintenance Facility (Government)

Parking Lot, accessory

Signs

Storage, Indoor

Temporary Uses

b. Site Development Regulations

Minimum lot area and dimensions:

Lot area: 43,560 Square Feet

Lot width: 100 feet

Lot Depth: 100 feet

Setbacks:

Water Treatment Facilities: In accordance with LDC Sec. 10-351

Minimum Below Ground Disposal Perimeter Setbacks – 50 feet

All other buildings and structures

Street: 25 feet

Waterbody: 25 feet

Maximum building height: 35 feet except for structures referenced in LDC
Section 34-2173

Minimum Open Space: 20 percent

Maximum lot coverage: 35 percent

3. Open Space

Prior to the issuance of the first development order, the development order plans must depict 7.9 acres of open space.

B. Deviations

1. Deviation (1) requests relief from the requirements in LDC Section 34-1748(1)d. & e. and (5), which requires entrance gates or gatehouses that control access to a property 24 hours a day to be set back 100 feet from an existing right-of-way or easement and to be designed to provide adequate turn lanes and turnarounds to safely enter and exit the development, to allow a reduction in the 100-foot minimum distance between the entrance gate and existing intersecting street right-of-way to 20 feet, and to eliminate the right and left turn auxiliary lane and turnaround requirements.

This deviation is **approved**.



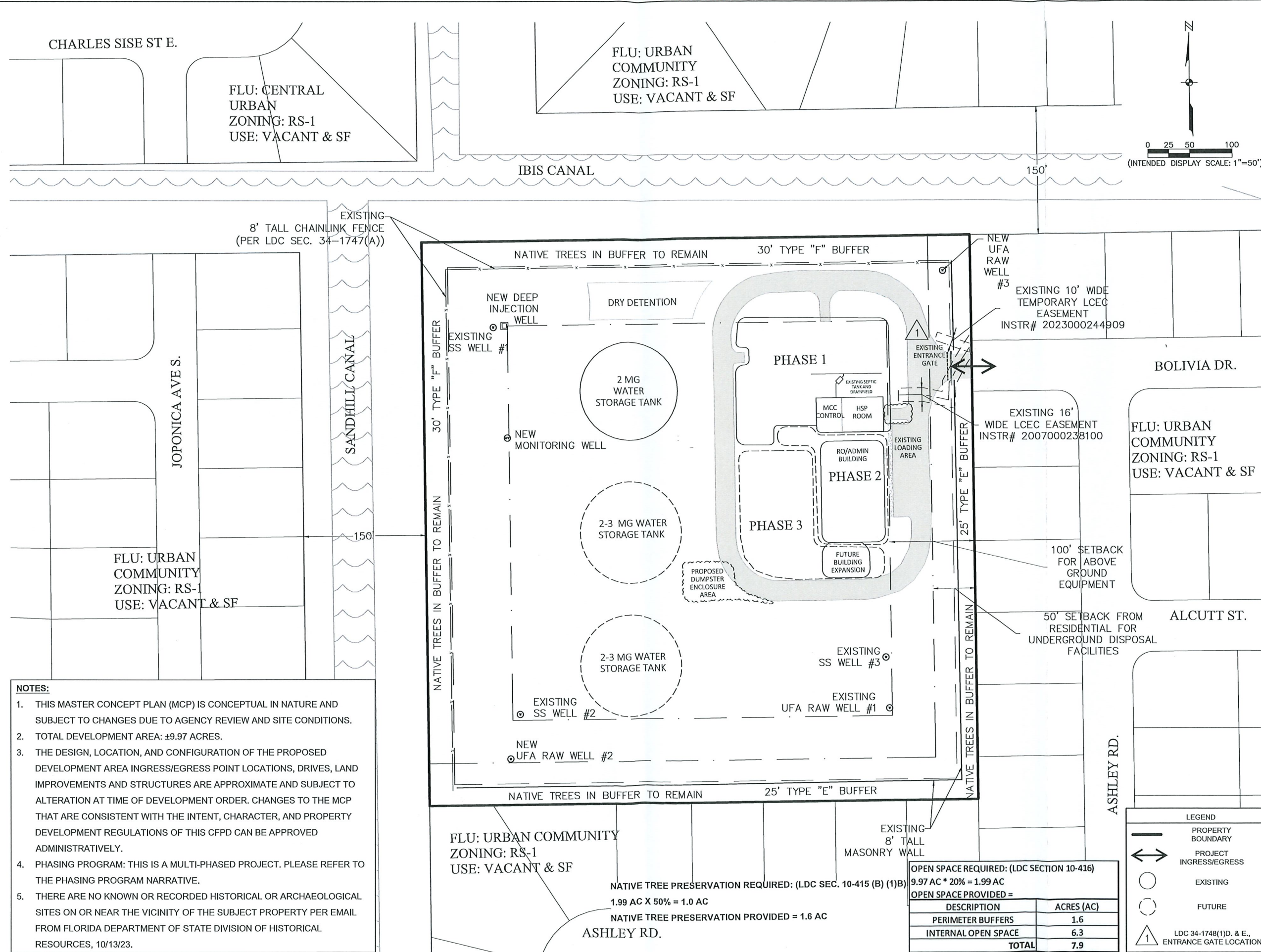
LEHIGH ACRES WATER TREATMENT PLANT
NO. 2
LEE COUNTY, FLORIDA

REVISIONS	DATE
DESCRIPTION	

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

MASTER
CONCEPT
PLAN

SHEET NUMBER
1 OF 1



NOTES:

1. THIS MASTER CONCEPT PLAN (MCP) IS CONCEPTUAL IN NATURE AND SUBJECT TO CHANGES DUE TO AGENCY REVIEW AND SITE CONDITIONS.
2. TOTAL DEVELOPMENT AREA: ±9.97 ACRES.
3. THE DESIGN, LOCATION, AND CONFIGURATION OF THE PROPOSED DEVELOPMENT AREA INGRESS/EGRESS POINT LOCATIONS, DRIVES, LAND IMPROVEMENTS AND STRUCTURES ARE APPROXIMATE AND SUBJECT TO ALTERATION AT TIME OF DEVELOPMENT ORDER. CHANGES TO THE MCP THAT ARE CONSISTENT WITH THE INTENT, CHARACTER, AND PROPERTY DEVELOPMENT REGULATIONS OF THIS CFPD CAN BE APPROVED ADMINISTRATIVELY.
4. PHASING PROGRAM: THIS IS A MULTI-PHASED PROJECT. PLEASE REFER TO THE PHASING PROGRAM NARRATIVE.
5. THERE ARE NO KNOWN OR RECORDED HISTORICAL OR ARCHAEOLOGICAL SITES ON OR NEAR THE VICINITY OF THE SUBJECT PROPERTY PER EMAIL FROM FLORIDA DEPARTMENT OF STATE DIVISION OF HISTORICAL RESOURCES, 10/13/23.

ATTACHMENT E

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

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%

ATTACHMENT F

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.

ATTACHMENT G

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 (SEZ2002-00033). 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 (SEZ2008-00015) 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:

- ± 3,200 square foot high service building/MCC control room
- ± 460 square foot structure for liquid NH₃ storage
- ± 860 square foot structure for acid and caustic feed systems
- ± 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 ±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 Rezoning. 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.

ATTACHMENT H

Potable Water & Sewer Availability Letter

**FGUA Operations Office**

Government Services Group, Inc.
280 Wekiva Springs Rd., Ste 2070
Longwood, FL 32779-6026

(877) 552-3482 Toll Free
(407) 629-6900 Tel
(407) 629-6963 Fax

January 24, 2024

John Carlson
Florida Governmental Utility Authority
9400 Southpark Center Loop, Ste 400
Orlando, FL 32819
john.carlson@fgua.com

RE: Potable Water, Wastewater, and/or Reclaim Water Availability – LOA ID#: 24-028 LED

Parcel ID No.: 234527L10100030A0

913 Bolivia Dr., Lehigh Acres, FL 33974

Lehigh Acres WTP 2 Rezoning

Dear Mr. Carlson:

The FGUA has received your Application for Service Availability, and upon review, it has been determined that potable water service is generally available to the address provided. The attached site map indicates the approximate size and location of the existing mains in the area. Please be advised that main extensions, connection to the reclaimed water system, and other system enhancements funded by the project sponsor may be required.

The application indicated that the proposed project consists of a Water Treatment Plant with an estimated potable water usage demand of 100 GPD. Currently, FGUA facilities are able to accommodate these demands. However, due to water supply limitations, projects in the Lehigh Acres Service Area will be supplied on a first come, first served basis, which will be determined once the required impact fees have been paid. Additionally, during the design process, if existing conditions warrant, a hydraulic analysis may need to be performed by the project engineer to evaluate the impacts the proposed project may have on the existing water and wastewater systems.

This letter should not be construed as a commitment to serve, but only as a statement of the availability of service and is effective for twelve (12) months from the date of issue. The FGUA commitment to serve will be made once a Utility Infrastructure Conveyance and Service Agreement (CSA) is fully executed. To move this project forward, contact Development Services via email at devservices@fgua.com to receive a plan submittal package and schedule the pre-application meeting if required.

FGUA Board of Directors

PAM KEYES, P.E., Vice Chair, Lee County / KEN CHEEK, P.E., Citrus County / SHANE PARKER, P.E., Vice Chair, Hendry County / TAMARA RICHARDSON, P.E., Chair, Polk County / DAVID ALLEN, P.E., Pasco County / JODY KIRKMAN, P.E., Marion County / HEIDI PETITO, Flagler County

Sincerely,

FLORIDA GOVERNMENTAL UTILITY AUTHORITY

Douglas W. Black Digitally signed by Douglas W Black
Date: 2024.01.24 14:44:28 -05'00'

Douglas W. Black, PSM, PLS
Property & Development Manager

CC: Mike Currier, South Region Area Manager

Encl.

1. Pre-Application Meeting Information
2. Utility Locates
3. Fee Statement/Receipt

FGUA Board of Directors

PAM KEYES, P.E., Vice Chair, Lee County / KEN CHEEK, P.E., Citrus County / SHANE PARKER, P.E., Vice Chair, Hendry County / TAMARA RICHARDSON, P.E., Chair, Polk County / DAVID ALLEN, P.E., Pasco County / JODY KIRKMAN, P.E., Marion County / HEIDI PETITO, Flagler County



Development Services Division

Pre-Application Meeting Information

Purpose:

The pre-application meeting is designed to be an informative discussion, specifically geared toward assisting the applicant (owner/developer/engineer) understand the FGUA's policies and development process. The pre-application meeting may be required prior to the formal submission and review of any utility construction plans by the Development Division.

It is our goal to assist you through the FGUA development process as smoothly as possible, and for your development to be a success. This pre-application meeting, if required, will provide you with the details you need to make this a successful and stress-free process.

What to Expect:

If the meeting is required, you will be provided with a variety of both general and specific information regarding the FGUA's development process. This will include, but not be limited to staff contact information, plan review guidelines, current fees, conveyance, and closeout procedures.

Who Should Attend:

It is encouraged that a representative from the property owner, developer, and engineer, at a minimum, attend this meeting. Representatives of the FGUA's Development Division, including the Development Technician, Development Coordinator, Real Property Coordinator and utility system Area Manager will also be in attendance as required.

In an effort to accommodate the potential long-distance commute between the FGUA's Operations Office in Longwood, Florida and the FGUA system areas, these meetings will take place via Microsoft Teams.

Meeting Requests:

Please e-mail Development Services to request a meeting at devservices@fgua.com.

Please have your FGUA Letter of Availability (LOA) Number (included on the first page of your previously issued Letter of Availability) ready when you email to schedule this meeting.

You will also be required to provide a preliminary site utility plan for staff review before the meeting is scheduled.

FGUA Board of Directors

PAM KEYES, P.E., Vice Chair, Lee County / KEN CHEEK, P.E., Citrus County / SHANE PARKER, P.E., Vice Chair, Hendry County / TAMARA RICHARDSON, P.E., Chair, Polk County / DAVID ALLEN, P.E., Pasco County / JODY KIRKMAN, P.E., Marion County/ HEIDI PETITO, Flagler County

1/24/2024

Project Name: Lehigh Acres WTP 2 Rezoning

STRAP/PID #: 234527L10100030A0

Property Address: 913 Bolivia Dr., Lehigh Acres, FL 33974



ALL UTILITY LOCATIONS SHOWN HERE ARE APPROXIMATE. THE DEVELOPER IS SOLELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS VIA POTHOLING OR OTHER ACCEPTABLE MEANS.

Rezoning from RM-2 to CFPD



Water Treatment Plant No. 2

913 Bolivia Drive

Lehigh Acres, FL 33974

Lehigh Acres Architectural Planning &
Zoning Review Board
May 23, 2024

ATTACHMENT I

Rezoning from RM-2 to CFPD

Lehigh Acres Water Treatment Plant No. 2

Applicant / Owner:

Florida Governmental Utility
Authority (FGUA)

Mike Currier
South Region Area Manager



Representative:

Christine M. Fisher, AICP
Principal Planner



About FGUA

Applicant / Owner:

Florida Governmental Utility
Authority (FGUA)

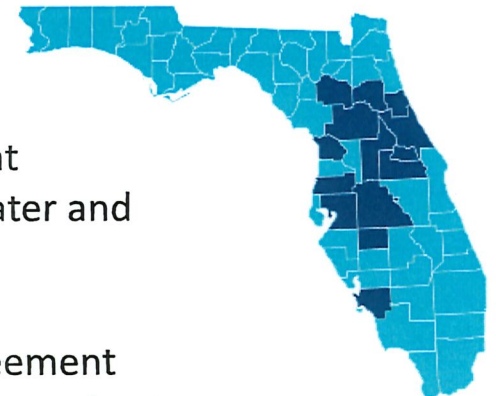
Mike Currier
South Region Area Manager



FGUA is a special purpose government that acquires, owns, improves and operates water and wastewater utilities

Formed in 1999 through an interlocal agreement between Brevard, Lee, Polk and Sarasota counties

Today, provides water and wastewater services to approximately 120,000 customers over 98 systems in 14 counties across Florida



About FGUA – Lehigh Acres Water System

Applicant /
Owner:

Florida Governmental Utility
Authority (FGUA)

Mike Currier
South Region Area Manager



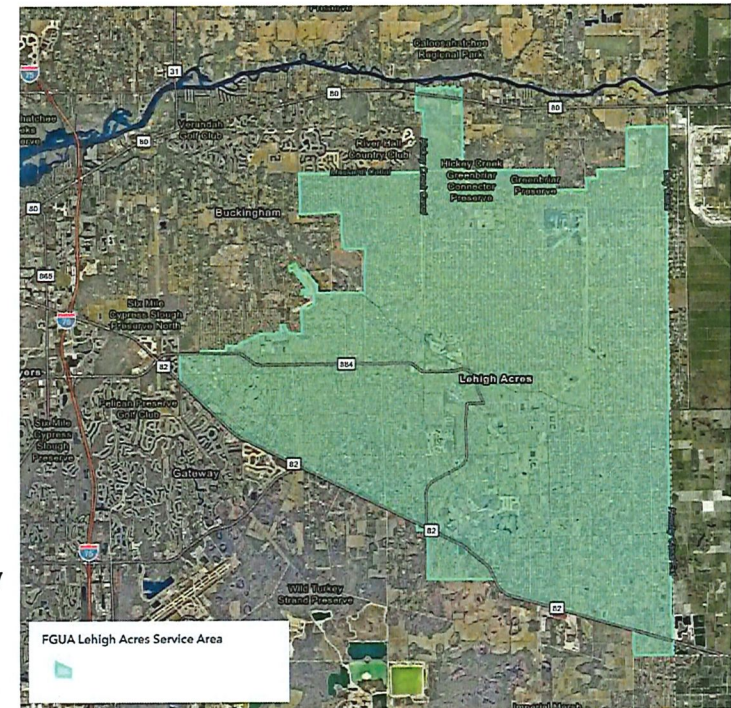
Consists of one 3.87 MGD WTP at 305 Coolidge Ave, 16 production wells and 2 booster stations, including 913 Bolivia Drive

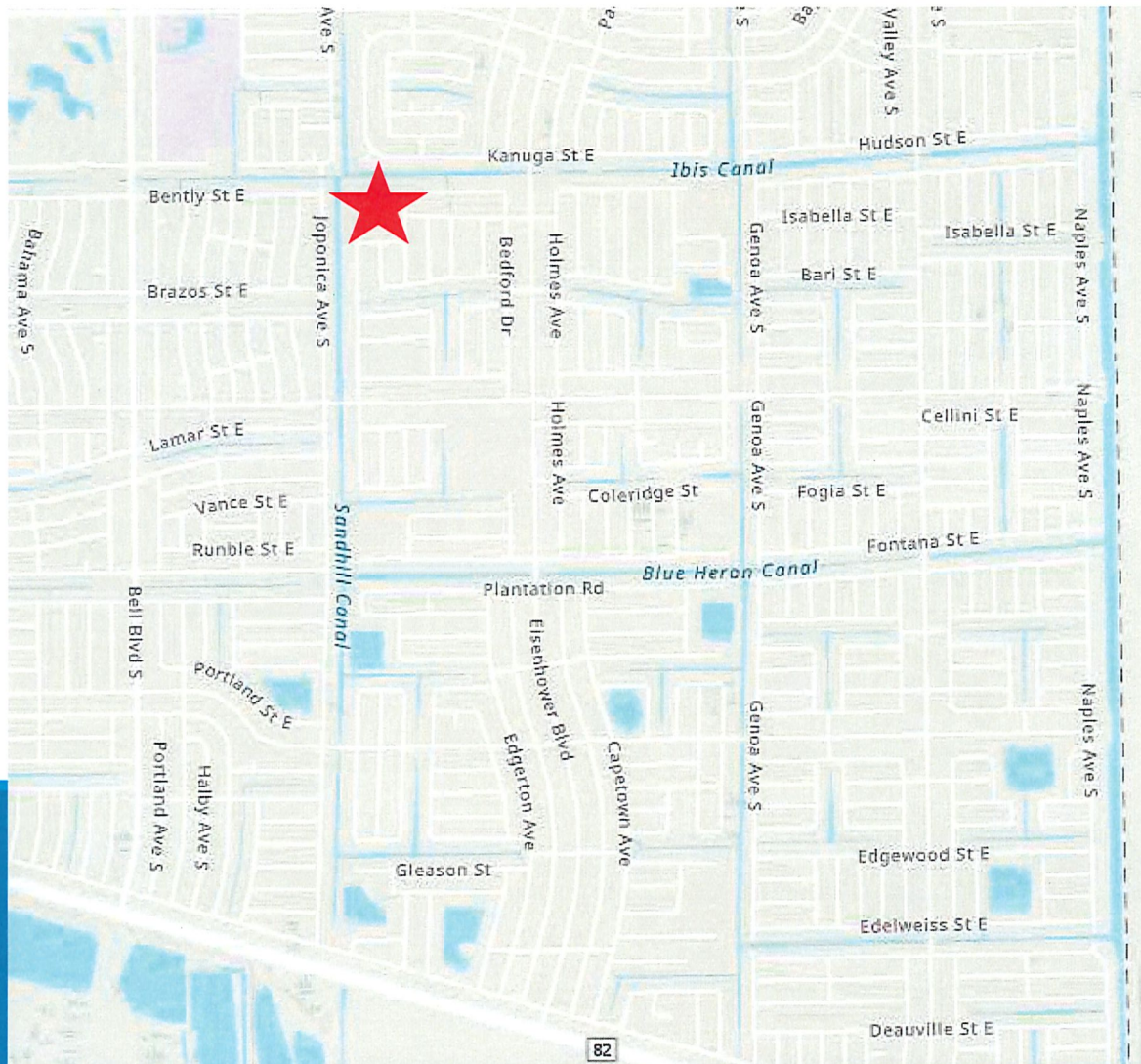
Service area is about 95 sq. miles

Serves over 14,000 water customers (approx. 50% of service area)

Lee County has grown significantly

Must expand to meet current and 20-year demands





Subject Property:

- ±9.97 acres located at the western terminus of Bolivia Drive in southeast Lehigh Acres
- Address
**913 BOLIVIA DR
LEHIGH ACRES FL 33974**

- 2002 - Special Exception [SEZ2002-00033]
Essential Service Facilities, Group 2 water treatment plant use in the Residential Multiple-Family 2 (RM-2) district
- 2006-2008 – Permitting and construction of water treatment plant
- 2008 – Special Exception [SEZ2008-00015]
Essential Service Facilities, Group 2 water treatment plant use with deep injection well (DIW)

DIW was not constructed
- 2013 - Water treatment plant was converted to a booster pump station

Background



Subject Property:

- Existing Use: Potable water storage & booster pump station
- Proposed Use: Convert to reverse osmosis water treatment facility (Essential Services, Group 2)

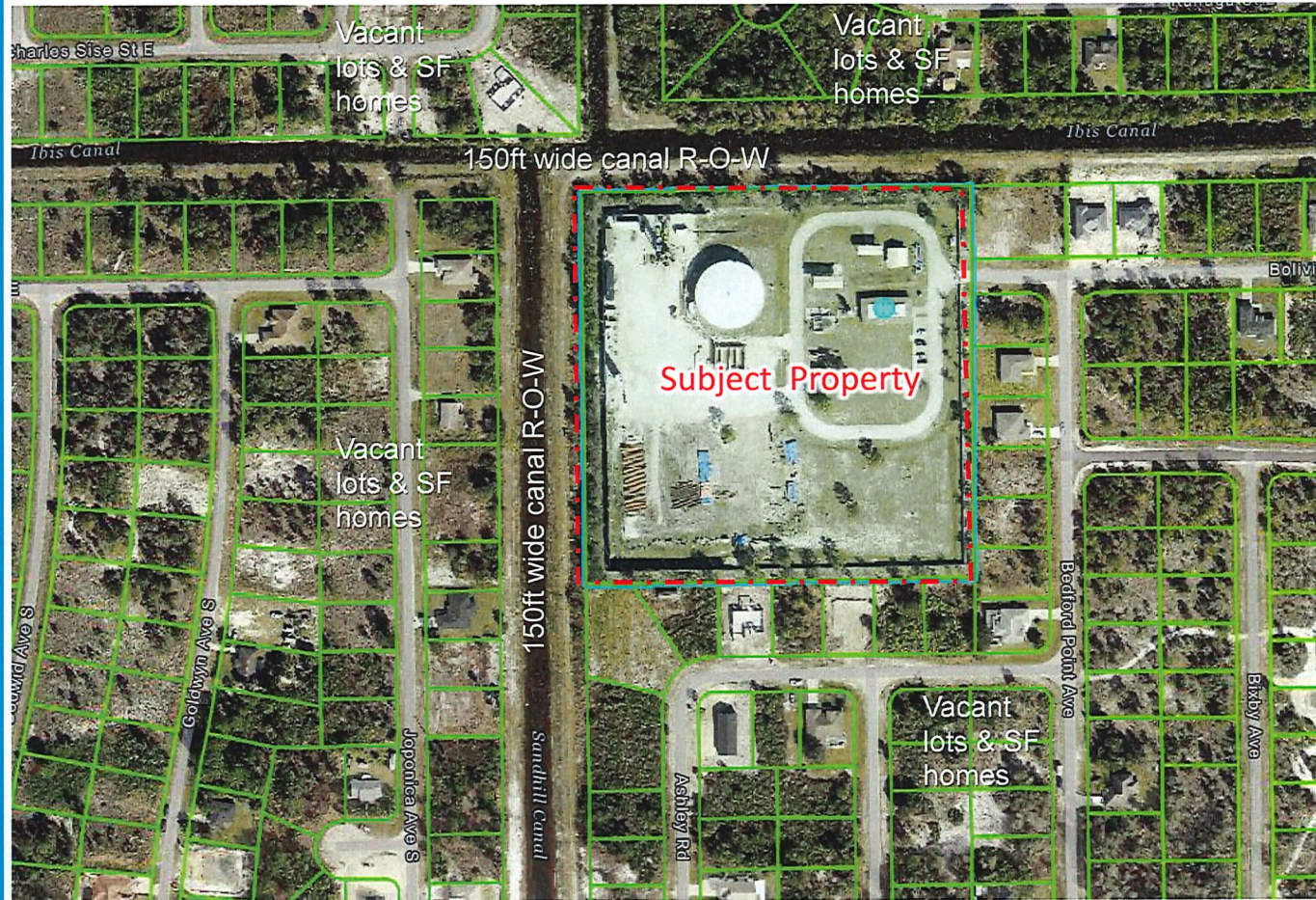
Property Information

- Convert to a reverse osmosis treatment system with deep injection well to improve water quality and meet current and future potable water demands in its service area
- To expand the use, must rezone as a planned development - LDC Sec. 34-934, note (45)
- Rezone from RM-2 to Community Facility Planned Development (CFPD)
- Planned Development zoning actions in Lehigh Acres are subject to community review (Lehigh Acres Architectural Planning and Review Board) - LDC Sec. 33-1401

Rezoning Request

Current Uses

- Surrounding Parcels:
 - North & West –
Canal (150ft R-O-W);
vacant lots and single
family homes
 - South & East –
Vacant lots and single
family homes



Lee County Future Land Use Map

- Lee County Designations:
 - Subject property -
Urban Community
 - North, South, East & West –
Urban Community
 - Northwest –
Central Urban

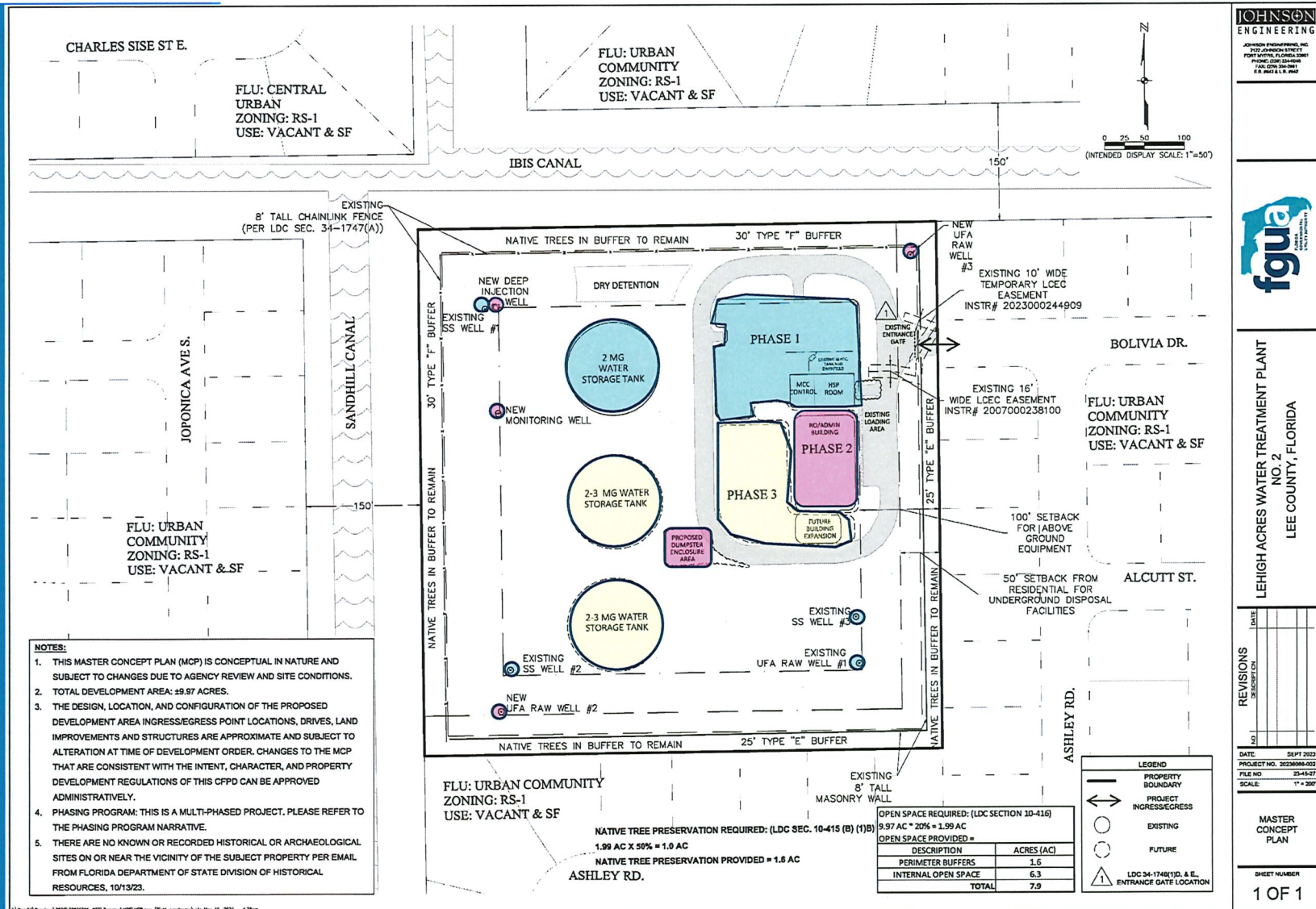


Lee County Zoning Map

- Lee County Districts:
 - Subject property
RM-2
 - North, South, East & West
RS-1



- **Phase 1 (existing):**
*Booster pump station /
vacated WTP*
- **Phase 2 (FY24-25):**
*Recommission WTP /
convert to RO*
2 UFA raw wells
DIW / monitoring well
±10,000sf RO bldg/
admin offices
- **Phase 3 (TBD):**
Expansion
2 water storage tanks
±3,000sf RO bldg

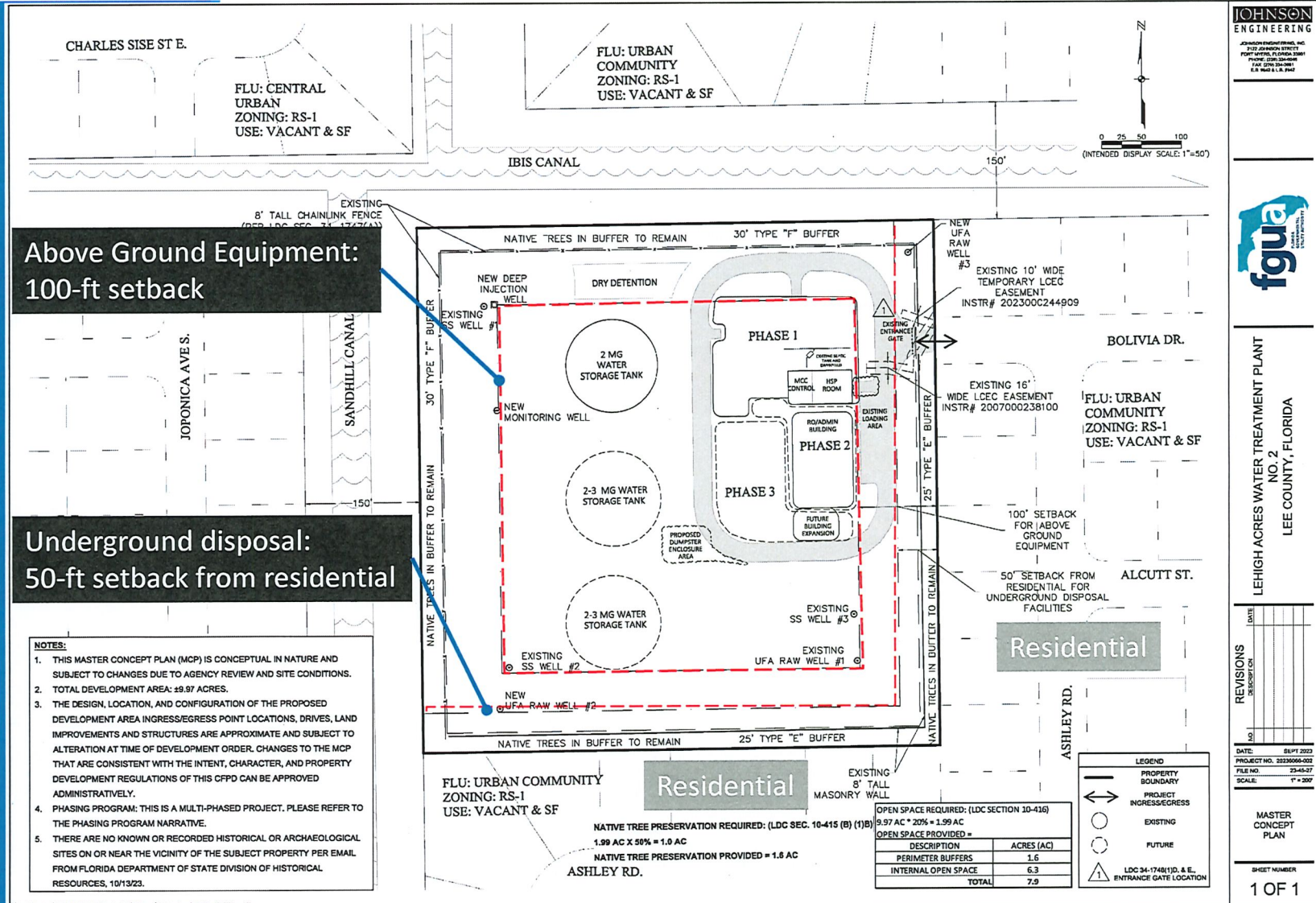


Key Development Standards

- Enhanced Setbacks
 - 50ft
 - 100ft
- Buffers/Vegetation
 - 30-ft Type "F" at north and west
 - 25-ft Type "E" at south and east
- Native Tree Preservation
 - 1.0 Ac required
 - 1.6 Ac provided
- Lighting
- Max Height
 - 35ft

JOHNSON
ENGINEERING

May 23, 2024



JOHNSON
ENGINEERING

fqua
Florida Quality
Assurance

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

DATE	BY
05/23/2024	
PROJECT NO. 2330066-002	
FILE NO. 73-40-27	
SCALE: 1" = 300'	

MASTER
CONCEPT
PLAN

SHEET NUMBER
1 OF 1

KEY DEVELOPMENT STANDARDS

1. Provide enhanced setbacks [LDC Section 10-351]
2. Must meet minimum landscape standards [LDC Sec. 10-416(d)(4) & 33-1405]
3. Must preserve existing native trees located outside the impact areas [LDC Sec. 10-415(b)(1)b.]
4. Lighting shall be adequately shield and directed inward or downward [SEZ2002-00033]
5. Proposed 35-ft max. height consistent with code and current zoning district [LDC Sec. 33-1417]

DEVIATION REQUEST

One deviation requests relief from LDC Section 34-1748(1)d. & e. and (5) regarding entrance gates that control access to any commercial or industrial facility 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 on the ingress side of the gate.

Justification:

The existing entrance gate, which was approved and constructed more than 18 years ago, does not meet these standards. The existing site design layout does not offer enough space for these items to be provided on-site. As the use generates minimal traffic and is at the terminus of Bolivia Drive, these items should not be needed.

In summary, the proposed Rezoning Request:

Allows for the expansion of a public purpose use

Supports the Goals, Objectives and Policies of the Lee Plan

Complies with the Land Development Code as set forth in LDC Section 34-145(d)(4)a.

Meets the applicable standards required under Chapter 33

**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-L-1-01000.30A0
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*
Christine Fisher
7. Primary Firm/Person Presenting Project to LAARZB:
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. 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: _____

Sign IN Sheet 5/23/24

D W SCHANUTH

Tom Sacharski, RVI Planning

Mike Gavin Fort

Christine Fisher Johnson Eng.

Carlos R. Gonzalez

Diego Penaloza

ISRAEL penaloza

tsacharski@rviplanning.com

Debbie Vernon

Mohamed T. Yassin

LEHIGH ACRES ARCHITECTURAL, PLANNING & ZONING REVIEW BOARD

Meeting Minutes – May 23, 2023

5:30 pm

In Person Meeting

Lehigh Acres Municipal Services Improvement District

601 East County Lane, Lehigh Acres, FL 33936

Call To Order: 5:30 pm

Roll Call: Tami Baker, Thomas Pfuner, Mike Cook, Derek Felder, Laurie Sternowski, Mohamed Yasin
(arrived at 5:45 pm)

Excused: Inke Schirmmacher

Consulting: Janis Williams – Lehigh Acres Fire and Rescue District

Minutes: Melissa Barry

Public Comments on Non-agenda Items: None

Approval of Agenda: Tabled

Approval of Minutes: Tabled

**need to approve the minutes from December to now

New Project Reviews:

A. 2631 1st Street

Presented by This is .27 acres by Alva and Lee Blvd. It is currently RS1 central urban and mixed-use overlay. We are wanting to change it to CN3 for an office building. There is a canal at the rear of the site. The CN3 will limit the hours are night.

Board Member Comments:

Laurie – 1) what type of entities are you looking to put in there? 2) how about traffic? Do you have a buffer?

Response to Laura – 1) It will be a small office building? More like a doctor so that it won't be too high traffic. There are not end users as of right now. The parking will have to be constrained

Tami – No comment

Response to Tami -

Derek – 1) this is a small parcel with everything it is.

Response to Derek-

Mike – 1) I agree with Derek – you haven't submitted drainage. I can't see how you can have a building, drainage, parking, storage, and septic all on this small parcel.

Response to Mike –

Thomas – 1) what about utilities?

Response to Thomas – 1) We will not have direct FGUA but it is small so it won't be too much.

Mohomed – 1) I am concerned about not knowing the end use. This has gotten us into trouble before.

Response to Mohamed

Public Comment: none

NO Motion was presented – they weren't against it, but they were worried about the size of the lot.

B. Lehigh Water Treatment for FGUA – Mike Currier

Christine Fisher with Johnson Engineering. Mike Currier explained how the water treatment works and the purpose of it. Christine – 14,000 water customers. There are 19.97 acres at this site. It was approved in 2008 for a special exception for a deep injection well but it was not constructed. Back in 2013, we put a portable water storage. Now we would like to update. We are asking to rezone from RNA to CFPD. It is surrounded by urban community. We are looking at doing this in phases including recommission reverse osmoses system, deep injections wells, constructing offices, and storage tanks, there are 50-foot setbacks from the residential for saline concentrate. There is a 30-foot buffer and a buffer with a wall with a tree preserve. The lighting is down. We need a deviation for the entrances gate. There is no way to move it and it is only 20 feet from the road.

Board Member Comments:

Laurie – No questions

Response to Laura –

Tami – 1) Do you purchase and update then sell? 2) what about noise pollution? And Flooding?

Response to Tami - 1) No 2) There is a wall for noise pollution. And the wells are construction for flooding

Derek – 1) What about septic to sewer? How soon? 2) The existing well – what is the depth 3) Where does it pull from? 4) In Phase 3, what is the compacity?

Response to Derek- 1) we are working on making that trade o sewer. Within a year. 2) The sandstone well is deeper than then a residential well. 3) The only one putting down is deep water injection well. The others are pull out. 4) When we fall under the 75% with the rate of 3.86 we have to start working on it.

Mike – Have received drainage and they will have comments. How does the entrance work?

Response to Mike – 1) FGUA owns the south east side and trucks can us that for turning around.

Thomas – 1) Are you going to explained in Lehigh? 2) in Phase 3 what is the time line for that?
Response to Thomas – 1) Yes, but only by contacts. There is no mandate to tie into the water line like there is a for the sewer line. 2) we are looking at greater to 5 years.

Public Comment – None

Motion to approve as presented: First – 1st by Derek and 2nd by Laurie

Motion: Passes

C. This is a simple rezoning. I am looking to rezone from single family dwelling to multifamily dwelling.

Board Member Comments:

Laurie – 1) Is there multifamily around? 2) what is the access
Response to Laura –) yes 2) the driveways are on opposite sides

Tami – No Comment
Response to Tami -

Derek – 1) It is showing that it is zoned RN-2
Response to Derek-

Mike – 1) the single-family dwellings do not need drainage. There are not any duplexes in that area.
Response to Mike – 2) the future land use will stop the building of more and there are rules for this.

Thomas – 1) when were these lots bought? 2) What about the traffic – are you doing anything to improve it? 3) What about the water and sewer.
Response to Thomas – 1) about 6 years ago 2) I will pay impact fees. There will be two wells and septic to help with the impact.

Mohamed – 1) there is multifamily about 6 blocks away from this lots. We have plenty of duplexes and I don't think I is right to rezone single family lots for multifamily. We are doing a disservice to the single families.
Response to Mohamed 1) the future land use meets the multifamily units.

Public Comment – None

Motion to deny based on not wanting to rezone from a single-family lot when there multifamily lots available.: First – 1st by Laurie and 2nd by Thomas

Motion: Passed

C. 839

Presenting – the same as the last presentation

Board Member Comments:

Laurie – Same comments as last presentation
Response to Laura –

Tami –
Response to Tami -

Derek – this is the same as the last presentation. Has this been submitted to the county
Response to Derek- 1) It does fall in to the comprehensive plan

Mike – It looks like the closest Multifamily units are off of Bell Blvd and that is not close to this
Response to Mike –

Thomas – same comments as last presentation
Response to Thomas –

Mohamed – Same as before.
Response to Inke

Public Comment – None

Motion to deny based on not wanting to rezone from a single-family lot when there multifamily lots available.: First – 1st by Laurie and 2nd by Thomas

Motion Passes

Old Business:

- a. Please make sure the minutes are approved. Make sure there is a motion for the approval of all the minutes since December.

New Business:

- a) Board Members Comments
 - a. Mohamed – have a safe Memorial Day and remember to observe Freedom
 - b.

Motion to Adjourn – 1st by Derek and 2nd by Laurie

Adjourn: 6:31 pm

Next LAAPZRB Meeting on June 27, 2024 (if projects are submitted)

Project Submittal Deadline is June 17,2024

**LEHIGH ACRES ARCHITECTURAL PLANNING AND
ZONING REVIEW BOARD APPLICATION**

Date Received: _____

File Name : _____

LAAPZRB Date: _____

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

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2. Street Address of Project: 913 Bolivia Drive
3. Strap No. 23-45-27-L1-01000.30A0
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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*
Christine Fisher
7. Primary Firm/Person Presenting Project to LAARZB:
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.

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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: _____

ATTACHMENT J

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER DECISION

RECEIVED
FEB 12 2003

SPECIAL EXCEPTION: SEZ2002-00033
APPLICANT: FLORIDA WATER SERVICE CORPORATION, et al. to
LEHIGH WATER TREATMENT PLANT #2
HEARING DATE: FEBRUARY 6, 2003

COMMUNITY DEVELOPMENT
REC'D SECOND FLOOR

I. APPLICATION:

Filed by WILLIAM D. DENNY, VICE PRESIDENT, % FLORIDA WATER SERVICES CORPORATION, 1000 Color Place, Apopka, FL 32703-7797 (Applicant/Owner); % JIM JACK, P.E., % INK ENGINEERING, A DIVISION OF LBFH, INC., 1400 Colonial Boulevard, Suite 31, Ft. Myers, FL 33907 and BEVERLY GRADY, % ROETZEL & ANDRESS, 2320 First Street, Suite 1000, Ft. Myers, FL 33901 (Agents).

Request is for a Special Exception for an Essential Service Facilities, Group II use (Florida Water Services Corporation - Lehigh Water Treatment Plant # 2) in the Multiple-Family Residential (RM-2) zoning district, on approximately 9.97 acres of land, per Land Development Code, Sections 34-714 and 34-1611 et. seq.

The subject property is located at 925 Bolivia Drive (property is in South Eastern Lehigh Acres, take Immokalee Road (SR82) to Eisenhower Avenue to Alcutt Street, West on Alcutt Street to Bedford Point Avenue to site), in S23-T45S-27E, Lee County, FL. (District #5)

The Strap # as furnished by the Applicant is: 23-45-27-01-00000.30A0

II. STAFF RECOMMENDATION: APPROVE WITH CONDITIONS

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

III. HEARING EXAMINER DECISION:

The undersigned Lee County Hearing Examiner APPROVES the Applicant's request for a Special Exception for Essential Service Facilities, Group II in the RM-2 zoning district for the real estate described in Section VIII. Legal Description WITH THE FOLLOWING CONDITIONS:

1. The Special Exception is only for a water treatment plant, above ground water storage facilities, and water distribution facilities in conjunction with the water treatment plant. Any other uses allowed as an Essential Service Facility, Group II use will be by separate Special Exception approval.

2. The site must be developed substantially in compliance with the one page site plan entitled "Lehigh Water Treatment Plant", prepared by Ink Engineering, a Division of LBFH, Inc., dated 11-26-02, LBFH Project No. 02-7017, stamped "Received, December 6, 2002" and "SEZ2002-00033."

3. Prior to issuance of a development order, the applicant must provide a minimum 30-foot-wide Type "F" buffer along the north and west sides of the property as stated in Lee County Land Development Code (LDC) Section 10-416 (d) (4).

4. Prior to issuance of a development order, the applicant must provide a minimum 25-foot-wide Type "E" buffer along the south and east sides of the property as stated in Lee County Land Development Code (LDC) Section 10-416 (d) (4).

5. The existing native trees located outside the proposed impact areas must be preserved.

6. An exotic vegetation and removal and maintenance plan must be established to insure the removal of existing exotic vegetation within one year of the issuance of the Special Exception. The site must be maintained free of melaleuca, Brazilian pepper, earleaf acacia, Australian pine, downy rose myrtle, and tropical soda apple in perpetuity.

7. No structure in conjunction with the water treatment plant, other than the wall or berm and wall combination required as a Type "E" buffer, may be located closer than 100 feet from any property boundary. Potable water wells are not considered structures and may be closer than 100 feet from the property boundary.

8. The structures on the subject property, particularly the water storage tanks, must be painted color(s) that will approximate natural colors or earth tones. Final approval of the colors shall lie with the Director of Development Services as part of the development order process.

9. Incandescent lamps are encouraged, and mercury vapor lamps/lights are prohibited. However, nothing in this condition shall preclude lighting necessary to provide security to the facility. Such additional lighting shall be adequately shielded and directed inward or downward to preclude adverse off-site illumination impacts.

10. If the use is discontinued for a period of five consecutive years, the Special Exception will become null and void.

IV. HEARING EXAMINER DISCUSSION:

This is a request for a Special Exception to allow the construction of a water treatment facility, and associated treatment structures, on a 9.97-acre RM-2 (Multi-family) parcel located in southeast Lehigh Acres. The subject property is a vacant parcel bordered on the north and west sides by a 150-foot-wide canal right-of-way, and on the east and south sides by sparsely developed single-family zoned lots. It is designated Urban Community in the Lee Plan, and the proposed use is consistent with the intent of that designation.

Applicant explained that the water treatment facility will consist of two 2-million-gallon , above-ground water storage tanks, and a 10,000-square-foot building, with several small outbuildings that will be used to store the chemicals, machinery, and materials needed for the processing. These buildings and structures will be constructed in two phases: Phase I will consist of one storage tank, the smaller outbuildings, and approximately half of the 10,000-square-foot building, as well as the drilling of the necessary wells for the supply of water. The second Phase will complete the second water tank and the rest of the main building.

The proposed facility will be known as Lehigh Water Treatment Plant #2, and is intended to serve the homes and businesses in the southeast area of Lehigh Acres. Applicant noted that the existing water treatment plant has almost reached its capacity, and will shortly be unable to serve the southeast area. Even though the residential development in this area has been quite slow, Applicant anticipates that its development will soon pick up, and they want to have the water treatment plant in service when that occurs.

The subject property is squarish in shape, being approximately 651 feet deep and 666 feet wide, and directly abuts single-family lots only on the east and south. Recognizing the potential residential character of the neighborhood, Applicant proposes to restrict the height of the buildings and water tanks to something below 30 feet. In addition, Applicant has agreed to locate the 10,000-square-foot building and the water storage tanks at least 100 feet from those perimeters. They agreed to install an 8-foot-high wall and vegetative buffer (Type "E") along the east and south property lines, and a Type "F" buffer, which does not require a wall, along the north and west canal banks as additional screening of this use.

Traffic accessing this site must travel along a couple of local (neighborhood) roads, but LCDOT Staff do not believe this will create adverse impacts on those neighborhoods. The facility will operate and be staffed 24-hours a day. A preliminary traffic analysis indicates that there will be a total of 10 employees, which will only generate about six peak hour trips, which is much fewer trips than would be generated if the property was developed with multi-family residences. There will also be infrequent deliveries of chemicals and materials needed in the treatment process, but those trips will be few and will generally not occur during the local traffic peak hours.

Staff recommended approval of the Special Exception, with conditions, finding that the request met the criteria for approval and was consistent with the intent and provisions of the Lee Plan and Land Development Code. They also found that the request, as conditioned, would be compatible with the planned residential uses in the area, and would not be detrimental or injurious to a residential neighborhood.

One adjacent property owner attended the public hearing to register his concerns that the proposed project would result in a decrease in his property values. Specifically, he was concerned about the visibility of the plant from his properties, and suggested that the County purchase all the lots that bordered the subject property.

The undersigned Hearing Examiner concurs with Staff's analysis, findings and recommendation of approval, with conditions, finding the request, as conditioned, meets the criteria for approval set out in LDC Section 34-145, and is consistent with the intent of the Lee Plan and the Land Development Code. She also finds that the proposed use, as conditioned, is compatible with the planned uses in the neighborhood, and will not be detrimental or injurious to the surrounding persons, properties or the general public.

It is the Hearing Examiner's opinion that the conditions imposed herein are reasonably related to the impacts anticipated from the proposed use, and, with other regulations, will safeguard the public interests.

V. FINDINGS AND CONCLUSIONS:

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

A. That the Applicant has proved entitlement to the Special Exception, as conditioned, by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes and regulations.

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

C. That the request, as conditioned, is consistent with the densities, intensities and general uses set forth in the Lee Plan.

D. That the request, as conditioned, is compatible with existing or planned uses in the surrounding area.

E. That approval of the request, as conditioned, will not place an undue burden upon existing transportation or planned infrastructure facilities, and the development will be served by streets with the capacity to carry traffic it generates.

F. That the request, as conditioned, will not adversely affect environmentally critical areas and natural resources.

G. That urban services, as defined in the Lee Plan, will be available and adequate to serve the proposed land use.

H. That the conditions imposed herein are reasonably related to the impacts anticipated from the proposed use, and, with other regulations, will adequately safeguard the public's interests.

VI. PRESENTATION SUMMARY:

The Hearing Examiner explained the hearing process and placed all the participants under oath. Beverly Grady, with Roetzel and Andress law firm, introduced herself as the representative of the Applicant, Florida Water Services, Inc. She noted that Jim Jack with Ink Engineering, Inc., the project engineer, and Robert Leetch, with Florida Water Services, Inc., were also present.

The request is for a Special Exception for A Group II Essential Service Facilities, which will consist of a water treatment plant, water storage and water distribution facility. The subject property is comprised of 9.97 acres and is located at 925 Bolivia Drive, in Section 23-T45S-27E of Lee County. The property is located in the Urban Community land use category and is zoned Multi-family Residential (RM-2), which gave the Applicant the opportunity to request a Special Exception for the plant. The application, prepared and submitted by the engineer, reflects that this facility is consistent with the goals, objectives and policies of the Lee Plan.

A water treatment plant facility and storage are essential services and are very much needed to provide water service to Lehigh residents as the existing water treatment plant is approaching its capacity. Ms. Grady said the new facility is geographically located to provide service to the expanding southeast area of Lehigh and, in their presentation, they will demonstrate that the facility meets the performance and location standards of the Land Development Code (LDC).

The previously cleared site consists of scattered pine trees, with very little understory, and no environmentally sensitive lands. It is surrounded on two sides by canals, with existing berms along the canals. Ms. Grady stated that only a portion of the site would be developed with buildings and the treatment facility. The site plan shows the remainder of the property and areas where the wells would be located.

The proposed water treatment plant is consistent with the provision of adequate potable water as stated in Lee Plan Goal 33 and Objective 33.1 as follows:

1. Lee Plan Policy 2.1.3 provides for public utility uses (in all land use designations).
2. Lee Plan Goal 33, Objective 33.1 states, "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 . . . or indirectly through franchised utility companies."

The Applicant agrees with Staff that the proposed location is compatible with the neighborhood and meets the criteria for a Special Exception. Some revisions to the Staff Report will be offered and Jim Jack will address them along with buffering requirements.

Jim Jack, introduced himself and referenced the reduced scale site plan - Attachment "B" to the Staff Report. He explained that the Applicant had designed a "low profile" water treatment facility with storage tanks. Unlike many facilities, the tanks in this facility will not exceed thirty feet in height. The "low profile" system was used to promote and protect the residential character of the neighborhood, even though very few residential homes currently exist in the area. Keeping safety issues in mind, they are not proposing to use a gaseous chlorine for the disinfectant and processing of the well water; liquid chemicals will be used.

The site will be screened with vegetative buffers abutting the future residential area. They had requested a Type "F" buffer along the east and south property lines; however, Staff advised that a Type "E" buffer would be required adjacent to those residential lots. A 25-foot-wide Type "E" buffer requires an 8-foot-high solid wall, or a wall and berm combination. A variance would be needed to deviate from that requirement. They would have preferred a fully vegetative buffer, but they have agreed with Staff's recommended Type "E" buffer, because they do not have the time to proceed with a variance request.

Mr. Jack indicated that one of the main requirements for this type of facility is site security. The security aspect also impacts on other areas such as buffering, lighting and fencing. Quoting from an "Immediate Release" notice from the Department of Environmental Protection in Tallahassee on January 22, 2003, he read the following:

Today the Florida Department of Environmental Protection formally called for State water utility companies to step up emergency notification efforts. Effective immediately, a new emergency rule requires owners and operators of public water systems to alert State authorities directly following discovery of any suspicious incident, security breach or suspected sabotage.

He noted that the notice provides instructions on how to achieve that.

He referenced the understory vegetation previously mentioned, pointing out that it is very important for the staff manning the facility to be able to see the perimeter of the facility.

Trees are acceptable because they allow visibility under the canopy area; however, understory vegetation prohibits that view and needed to be removed.

Site lighting designs are also impacted. Site lighting is probably the most important portion of the security aspect. They worked with Staff regarding the concern with Condition 9 and Ms. Grady will provide the wording that will meet both their needs and their responsibility to the neighbors.

In conclusion, Mr. Jack said that this facility is definitely an essential service that is needed as quickly as possible. They intended to immediately proceed with the development order process and the necessary State permitting for the water plant, and commence construction as soon as possible.

Ms. Grady asked Mr. Jack if the design of the facility was engineered to be compatible with the existing surrounding residential area? He replied that the surrounding residential area had been definitely taken into consideration when designing the site. Ms. Grady also inquired if the design was in compliance with the performance and location standards of the LDC? Mr. Jack agreed that is was.

The Hearing Examiner asked for the building setbacks, to which Mr. Jack advised that the setbacks will be in excess of 100 feet from the property lines for all the buildings that have machinery for the process. The phase one storage tank is the closest to the north property line at approximately 90 feet. In all cases, it is the Applicant's intent to make slight adjustments to the site plan, as necessary, to meet the required 100-foot setback for the structures from the nearest property line. Otherwise, a deviation would be required.

The Hearing Examiner indicated that, because of the canal on the north and east sides, it would actually be about 240 feet from the proposed phase one tank to the residential lots located on the other side of the canal. Mr. Jack stated that they will have significant distances, mainly because their site is not simply a water treatment facility. They are also utilizing it for a well-field area which will incorporate much of the green space and setbacks.

The Hearing Examiner wondered if all the buildings would be enclosed, to which Mr. Jack responded that the buildings with pumping machinery would be enclosed. Originally the on-site emergency generator was not enclosed, but the plans were recently changed to enclose it, as well. The Hearing Examiner also inquired about the setbacks for the liquid NH storage containers, which Mr. Jack indicated would be relocated further away from the property line.

The Hearing Examiner inquired about existing wells, and Mr. Jack advised that, to his knowledge, there was only one existing well. It was a test well, which was drilled to ensure that the site had the capabilities they needed for good drinking water. Permitting and construction of additional wells will proceed after the rezoning is approved.

Kirk Crane, Development Services, stated that, in looking at the second picture of Attachment "G" of the Staff Report, there appeared to be two wells on the property. Mr. Jack agreed that there may be a couple wells, however, he was only familiar with the one used for testing. Robert Leetch, Florida Water Services, Inc., interjected that the second well housing was a bathometer.

Mr. Jack stated his understanding that a wall was only required along the east and south property lines.

John J. Fredyma, Assistant County Attorney, said that, according to the LDC, after a planned development goes to the Board of County Commissioners (BOCC) for approval, the Master Concept Plan (MCP) is revised to reflect what was approved in the decision. This case is somewhat similar, but the process is different because it is a Special Exception, which means that the decision stops with the Hearing Examiner unless it is appealed. In this instance there is a site plan, the equivalent of an MCP, that is now inconsistent with what is being proposed, and he wondered if it was appropriate for the Hearing Examiner to request a revised site plan at the conclusion of the hearing, before the decision is rendered. The Hearing Examiner questioned which of the changes discussed in the hearing did the Assistant County Attorney believe were relevant. Mr. Fredyma replied that the changes in the setbacks would be relevant, but added that the condition establishing the 100-foot setback would control over whatever is depicted on the site plan - whether the site plan was or was not revised.

The Hearing Examiner stated that the only other item to be changed was the location of the nitrogen storage building to the north. She pointed out that the conditions already require the Applicant to "substantially comply" with the site design "except as" modified by the conditions of approval, and asked if he thought this was not legally sufficient to cover this concerns. Mr. Fredyma believed that it would, but noted, however, that the question was whether it was be more appropriate to have a revised plan? He explained that, with the planned development MCP's, there is a window of opportunity to attach a revised plan, but he was unsure if that same opportunity existed with the Special Exception process. The Hearing Examiner stated that, if the site plan was revised, the condition would then become redundant. She advised that she would make a decision on the matter before the end of the hearing.

Next, Ms. Grady listed the requested changes to the conditions:

Condition 1 In the first line, add "above ground water storage" after "water treatment plant" and before "water distribution."

Mr. Crane asked that it be worded as "above ground water storage facilities" and Ms. Grady agreed.

Condition 4 On the second line, replace "north and west" with "east and south."

Mr. Crane stated that was his error.

Condition 5 Replace "vegetation" with "trees."

The Applicant agreed to protect the trees but didn't want to have to preserve the understory. Mr. Crane advised that Kim Trebatoski, Environmental Sciences, had reviewed this condition in light of the Applicant's concerns, and had suggested the same change.

Condition 8 On the second line, replace "colors of natural vegetation" with "colors of nature or earth tones."

Mr. Crane requested that the statement that "final approval of colors shall be by the County Development Services Director" also be added. If there was any dispute, it would be clear who had final approval. The Hearing Examiner asked if the County usually got that detailed in their conditioning at the zoning

stage? Mr. Crane replied that purpose was to ensure that the facilities blend in and have as little visual impact on the surrounding properties as possible. Staff felt that earth tones and natural colors are fine, but they wanted to have the ability to ensure that the shade of the color chosen is acceptable to the County. Ms. Grady advised that they did not have any problems with the added condition, and that they would be happy to provide a sample color during the development order stage.

It was agreed that the wording would be "final approval of colors shall be by the County Development Services Director as part of the development order process."

Condition 9 Eliminate the first sentence. The second sentence would remain. The following language would be added: "However, nothing in this condition shall preclude lighting necessary to provide security to the facility. Such additional lighting shall be adequately shielded and directed to preclude adverse off-site illumination impacts."

In conclusion, Ms. Grady stated that they requested approval of the Special Exception with the inclusion of the revised conditions.

Kirk Crane, Development Services, stated that his resume is on file with the Hearing Examiner's Office. For purposes of this hearing he asked to be qualified to provide expert testimony on land use, zoning and planning matters. After hearing no objections, the Hearing Examiner accepted him as such.

He stated this request is for a Special Exception in a Multiple-family Residential district (RM-2). The property is located in the sparsely-developed southeastern portion of Lehigh Acres. There is one single-family residence north of the canal and one immediately west of the canal, adjoining the property line. Most of the area remains undeveloped, but the roads are paved. All adjoining properties are zoned Single-Family Residential (RS-1) and have the potential for future development. He noted that the residential zoning was a major concern during his review of this Special Exception.

Essential Service Facilities, Group II, allows for a water treatment plant, as well as a number of other types of facilities in that category. Condition 1 ensures that this would be only a water treatment plant, aboveground water storage facilities and water distribution facilities. Staff did not want this to become a sewage treatment plant, a solid waste transfer station or any other type facility listed in the Essential Service Facilities, Group II use. It was accepted that a water treatment plant has the potential to be compatible with the single-family residential area.

The area is planned for Urban Community development, and the lots, although slow to be developed, are zoned Residential (RS-1) for single family homes. The Applicant is proposing a low profile, buffered facility with two water tanks approximately 25.9 feet in height and painted in colors that are compatible with the area.

Mr. Crane said there was a canal on both the north and west sides of the subject property. The lands abutting the other side of those canals are also zoned RS-1. There is no buffer required on the north or west sides because of the 150-foot-wide right-of-way for each canal.

The subject property lies along the back or the side of the undeveloped single-family lots to the south and east, respectively. Those are the lots that would be most affected by the proposed use. The subject property is required, by LDC Section 10-416, to have a Type "E" buffer, consisting of a 25-foot-wide buffer with an 8-foot-high wall, or wall and berm combination. The wall and berm would not be located at the edge of the adjoining properties, but within the 25 feet buffer width. The landscape strip would be located on the outside of the wall, between it and the RS-1 lots. The structures would not be built higher than 25.9 feet, as indicated by Mr. Jack.

Essential Service Facilities are allowed in any land use category, which is consistent with the provisions of Lee Plan Policy 2.13. It is also consistent with Goal 33 and Objective 33.1, which deal with the provisions of potable water and require the County to ensure that adequate and high-quality central potable water service is available throughout the future urban area.

Staff believed that the facility would be an attribute to the area and felt there would be fewer and lesser off-site impacts than if the site was developed with RM-2 uses. Water treatment plants have shown to have limited off-site impacts.

Continuing, Mr. Crane stated that Attachment "D" of the Staff Report shows that the traffic impact for this project would be very minimal. The few deliveries expected are usually conducted during daylight hours to provide chemicals to the site. Traffic was a concern because it would be coming off of State Road 82 (Immokalee Road) to the south, traveling north on Eisenhower Blvd., a collector street, and eventually pass through Bolivia Drive, a local residential street. The impact on those residential streets would be minimal because the facility will only have approximately eight or ten employees during a 24-hour shift.

Attachment "F" of the Staff Report indicated that there are no traffic counts for Eisenhower Blvd., a local street. Immokalee Road is currently operating at Level of Service (LOS) "C" and would continue at the same level with this project. Traffic would be significantly less than if the property were developed with multiple-family residential units.

Staff believes that the request is compatible with the neighborhood, as conditioned. These conditions were discussed with the Applicant and the changes mentioned by Ms. Grady are acceptable to Staff.

In conclusion, Mr. Crane stated that Staff believed the request meets the required findings for approval of a Special Exception and they recommended Approval, as conditioned and modified.

Mr. Fredyma pointed out that Condition 3 references a Type "F" buffer and Condition 4 references a Type "E" buffer. Mr. Crane explained that a Type "F" buffer is not required on the north and west sides, but Staff had suggested that type buffer because it abuts a canal. The Applicant had initially offered to place a Type "F" buffer all around the property. A Type "F" buffer requires a 30-foot-wide landscape strip. Additionally, there is the 150-foot-wide canal right-of-way, and no structure would be built any closer than 100 feet to the property line. Mr. Crane said there would be a Type "E" and Type "F" buffer along the north and west boundaries, and a Type "E" buffer along the south and east boundaries. Mr. Fredyma pointed out that, in this case, the site plan is incorrect and the Type "F" buffer should actually be listed as a Type "E" buffer.

The Hearing Examiner noted that Mr. Fredyma was referring to the site plan and asked, if in his opinion, the condition of approval requiring the Type "E" buffer was adequate for future review. Mr. Fredyma explained that he was just noting that the plan was different from the conditions.

Mr. Crane believed that Condition 2 would address Mr. Fredyma's concerns. He read Condition 2 as follows:

"The site must be developed substantially in compliance with the one page site plan . . . except as modified by other conditions of approval."

Therefore, the two conditions would modify the site plan to require the Type "E" buffer along the south and east, leaving the Type "F" buffer on the north and west sides. Mr. Fredyma agreed that would make it clear to the extent that, if there was any conflict between the site plan and the conditions, the conditions would control.

Mr. Jack mentioned there was a naturally created berm on the north and west portion of the property that probably resulted during the construction of the canal. The berm is located just off the subject property and is covered with a lot of vegetation. He was wondering if some of those existing trees could be counted toward their buffering requirements. They will, however, plant every required tree and shrub from the 30-foot-wide buffer, but significant vegetation exists already that could mitigate the amount of planting required.

The Hearing Examiner asked Mr. Crane if there wasn't a tree credit situation for native trees over a certain size that could be used toward buffering and general tree requirements? Mr. Crane believed that a tree survey would be conducted and credit given for trees already in the buffer area. Although, much of the understory is being cleared, the Applicant would probably be allowed to keep as much of the natural vegetation as possible. Environmental Sciences would calculate the amount of credit during the development order process and he believed the number of trees required to be planted for the Type "F" would be minimized because of it. Mr. Crane did not believe the condition needed to be changed; it could be worked out through the development order.

Ms. Grady asked Mr. Crane if it was his testimony that, with the modifications to the conditions, the design was consistent with the Lee Plan and the performance and location standards of the LDC? Mr. Crane agreed.

Ms. Grady also asked that Mr. Jack, a professional Engineer, be accepted as an expert witness in Civil Engineering. The Hearing Examiner asked Mr. Jack if he had appeared in these hearings before and if his resume was on file with the Hearing Examiner's Office. He replied that he had previously appeared and he hoped his resume was on file. The Hearing Examiner asked Mr. Jack to explain his general duties. He explained that he has been registered as a professional engineer for more than 20 years in Lee County and has performed engineering design, management and consulting. Ms. Grady inquired if a substantial amount of his work included the preparation of development orders for Lee County approval? Mr. Jack agreed that it did.

The Hearing Examiner asked if his experience was specifically in water management facilities or different types of facilities. He replied that he does not specialize in one area. He has done commercial development and considerable utilities for commercial and

residential development standards. After hearing no objections, the Hearing Examiner accepted him as an expert in engineering.

Mr. Jack preferred that the Applicant did not have to return with an amended plan because he believed the 100-foot setback and buffers were clearly defined.

The Hearing Examiner determined that the language indicated, as modified by other conditions of approval, was sufficient. The discussed modifications are relatively minor and would fall within the intent of that condition.

Louis Tyma introduced himself and indicated that he and the County, because of unpaid taxes, own Lot 8, which is located at the southeast corner of the subject property. He believed that the construction of this proposed facility would diminish the value of all the surrounding lots to practically zero. He thought it might make sense to have the County buy all the surrounding lots. This may make all the problems of the borders and berms simpler and save money for the County in the process.

The Hearing Examiner asked Mr. Tyma if he lives in Lehigh Acres? Mr. Tyma indicated that he did not.

The Hearing Examiner asked if there was another water treatment plant near Mirror Lakes that she could visit, to which Mr. Leetch stated that the only other plant in Lehigh was located off of Lee Boulevard and Coolidge. It had been built in the late 1960's. The County was involved with reuse pipeline around the Mirror Lakes area, and they may have applied at some time for a water treatment plant, but it was his understanding that a water treatment plant will never be built at that location. The Hearing Examiner asked if the existing plant had been updated to current technology? Mr. Leetch replied that it had been updated with new treatment facilities. A residential neighborhood surrounds that facility on all four sides.

Because of Mr. Tyma's comments, the Hearing Examiner indicated her desire to visit a comparable water treatment plant to get an idea of the noise and visibility aspects, but felt that it needed to be a recently constructed facility. Mr. Jack stated that there was very little noise from a water plant; the generator would cause the most noise, and it would be housed inside a building.

The Hearing Examiner then asked if anyone had any idea why a water treatment facility would reduce property values? Mr. Jack stated there would be no odor to contend with; the only factor he could foresee was visibility. The Hearing Examiner wondered how visible the buildings and tanks would really be with the 8-foot-high wall and lots of trees.

Mr. Jack stated that the plant at Coolidge conforms to the older regulations with the 8-foot-high fence around the perimeter and buildings within 30 feet of the property line.

Mr. Fredyma mentioned, for Mr. Tyma's benefit, that the proposed plant is not being built or run by the County.

Mr. Tyma then added that perhaps the private company running the plant would want to buy the lots surrounding the proposed facility as a more economical solution to the border and berm situation.

Mr. Fredyma said, that considering the County growth rate, it may not be that long before the neighborhood fills up. Mr. Tyma replied that, since he inherited the lots from his father 10 years ago, it did not seem to him that growth was not moving very fast and this facility would certainly slow the sale of lots bordering the plant. Mr. Fredyma added that facilities are usually best located in the areas they will serve. Mr. Tyma stated that he understood that.

Next, Mr. Crane said that under the "Neighborhood Compatibility," on Page 6 of the Staff Report, it states "The proposed use will generate very little traffic and not create adverse impacts to adjoining properties, such as noise, lights, odor, hazardous materials, or significant additional traffic." That was the finding of Staff and it was their experience that, other than a visual impact, water treatment plants are not really objectionable neighbors when properly conditioned and buffered.

Mr. Crane said that, as a result of the public hearing notices, he had received three phone calls and had sent two Staff Reports to out-of-state lot owners. Mr. Dawson from Illinois just wanted to know more about the facility and did not call back. Ms. Assmann from Maryland had indicated that the facility would be a benefit because it would provide potable water and at least initiate some kind of development in the area. Many of the people indicated they had held the lots for a significant time, some in excess of 30 years, and they were mostly inherited from parents. Staff believes that, as conditioned, this facility will not have an adverse effect on the adjoining properties.

The Hearing Examiner stated that a site visit would be conducted prior to rendering her decision. If the request is approved, it would include the discussed language and a revised site plan would not be required because the condition language is legally sufficient to cover any of the minor changes proposed.

Mr. Tyma mentioned the poor condition of the streets. Some have weeds growing up through the pavement. He felt that some improvement was needed to the streets serving the proposed facility.

The Hearing Examiner advised him that those types of issues are addressed during another process at the development order stage. The Applicant will have to prove adequate access to the property before the County will issue a development order. The hearing was then closed.

VII. OTHER PARTICIPANTS AND SUBMITTALS:

ADDITIONAL APPLICANT'S REPRESENTATIVES:

1. Robert Leetch, Florida Water Services, Inc., 4110 Center Point, Suite 204, Ft. Myers, FL 33901

ADDITIONAL COUNTY STAFF:

1. John J. Fredyma, Assistant County Attorney, P. O. Box 398, Ft. Myers, FL 33902-0398

PUBLIC PARTICIPATION:

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

For: NONE

Against: NONE

General:

1. Louis Tyma, 932 S. Clay St., Hinsdale, IL 60521

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

For: NONE

Against: NONE

General:

1. Ronald & Jacqueline Dawson, 840 Saddlewood Dr., Glen Ellyn, IL 60137
2. Jane Piette, 5 5th St, #N64, Brookfield, MA 01506
3. Evelyn Wetzel, 1502 Buckhorn Rd., Sykesville, MD 21784

VIII. LEGAL DESCRIPTION:

See Exhibit A (scanned legal description).

IX. UNAUTHORIZED COMMUNICATIONS:

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

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

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

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

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

X. **APPEALS:**

This Decision becomes final on the date rendered. A Hearing Examiner Decision may be appealed to the Circuit Court in Lee County. Appeals must be filed within thirty (30) days of the date the Hearing Examiner Decision is rendered. Appeal is by Petition for Writ of Certiorari in accordance with Lee County Land Development Code Section 34-146.

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

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

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

This decision is rendered this 12th day of February, 2003. Notice or copies of this decision will be delivered to the offices of the Lee County Board of County Commissioners.



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

EXHIBIT "A"
SEZ2002-00033
PAGE 1 OF 1

11-B-1-A

Legal Description

Tract "A", Plat of Unit 1, Section 23, Township 45 South, Range 27 East, a subdivision of Lehigh Acres, Lee County, Florida, Recorded in Plat Book 20, Page 21 of the Public Records of Lee County, Florida.

Strap #23-45-27-01-00000.30A0

RECEIVED

DEC 06 2002

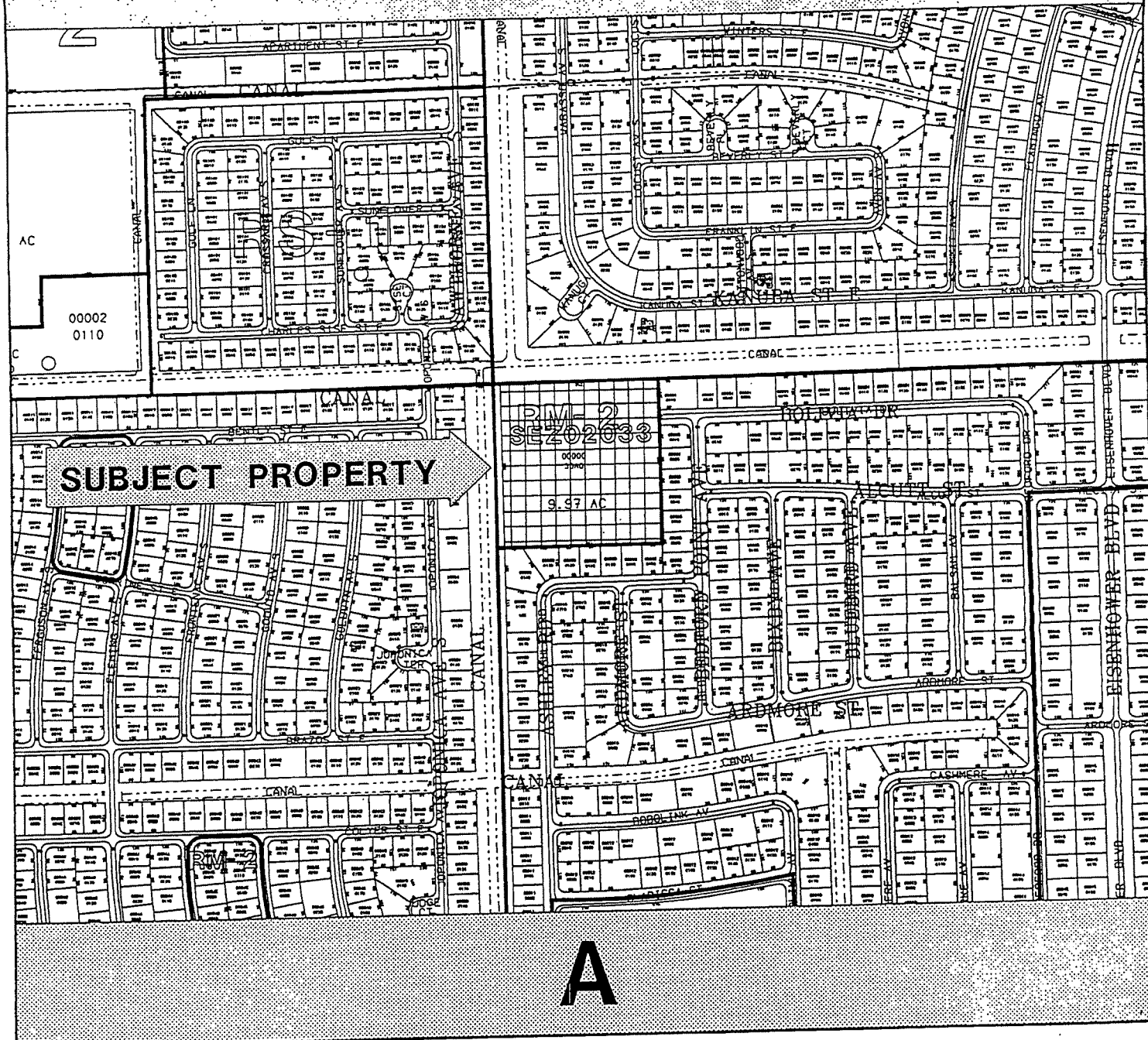
COMMUNITY DEVELOPMENT

SEZ 2002-00033

Applicant's Legal Checked
by 12-13-02

CTEX\1\7\2\4\1\2\3\4\5\6\7\8\9\10\11\12\13\14\15\16\17\18\19\20\21\22\23\24\25\26\27\28\29\30\31\32\33\34\35\36\37\38\39\40\41\42\43\44\45\46\47\48\49\50\51\52\53\54\55\56\57\58\59\60\61\62\63\64\65\66\67\68\69\70\71\72\73\74\75\76\77\78\79\80\81\82\83\84\85\86\87\88\89\90\91\92\93\94\95\96\97\98\99\100\101\102\103\104\105\106\107\108\109\110\111\112\113\114\115\116\117\118\119\120\121\122\123\124\125\126\127\128\129\130\131\132\133\134\135\136\137\138\139\140\141\142\143\144\145\146\147\148\149\150\151\152\153\154\155\156\157\158\159\160\161\162\163\164\165\166\167\168\169\170\171\172\173\174\175\176\177\178\179\180\181\182\183\184\185\186\187\188\189\190\191\192\193\194\195\196\197\198\199\200\201\202\203\204\205\206\207\208\209\210\211\212\213\214\215\216\217\218\219\220\221\222\223\224\225\226\227\228\229\230\231\232\233\234\235\236\237\238\239\240\241\242\243\244\245\246\247\248\249\250\251\252\253\254\255\256\257\258\259\260\261\262\263\264\265\266\267\268\269\270\271\272\273\274\275\276\277\278\279\280\281\282\283\284\285\286\287\288\289\290\291\292\293\294\295\296\297\298\299\300\301\302\303\304\305\306\307\308\309\310\311\312\313\314\315\316\317\318\319\320\321\322\323\324\325\326\327\328\329\330\331\332\333\334\335\336\337\338\339\340\341\342\343\344\345\346\347\348\349\350\351\352\353\354\355\356\357\358\359\360\361\362\363\364\365\366\367\368\369\370\371\372\373\374\375\376\377\378\379\380\381\382\383\384\385\386\387\388\389\390\391\392\393\394\395\396\397\398\399\400\401\402\403\404\405\406\407\408\409\410\411\412\413\414\415\416\417\418\419\420\421\422\423\424\425\426\427\428\429\430\431\432\433\434\435\436\437\438\439\440\441\442\443\444\445\446\447\448\449\450\451\452\453\454\455\456\457\458\459\460\461\462\463\464\465\466\467\468\469\470\471\472\473\474\475\476\477\478\479\480\481\482\483\484\485\486\487\488\489\490\491\492\493\494\495\496\497\498\499\500\501\502\503\504\505\506\507\508\509\510\511\512\513\514\515\516\517\518\519\520\521\522\523\524\525\526\527\528\529\530\531\532\533\534\535\536\537\538\539\540\541\542\543\544\545\546\547\548\549\550\551\552\553\554\555\556\557\558\559\560\561\562\563\564\565\566\567\568\569\570\571\572\573\574\575\576\577\578\579\580\581\582\583\584\585\586\587\588\589\590\591\592\593\594\595\596\597\598\599\600\601\602\603\604\605\606\607\608\609\610\611\612\613\614\615\616\617\618\619\620\621\622\623\624\625\626\627\628\629\630\631\632\633\634\635\636\637\638\639\640\641\642\643\644\645\646\647\648\649\650\651\652\653\654\655\656\657\658\659\660\661\662\663\664\665\666\667\668\669\670\671\672\673\674\675\676\677\678\679\680\681\682\683\684\685\686\687\688\689\690\691\692\693\694\695\696\697\698\699\700\701\702\703\704\705\706\707\708\709\710\711\712\713\714\715\716\717\718\719\720\721\722\723\724\725\726\727\728\729\730\731\732\733\734\735\736\737\738\739\740\741\742\743\744\745\746\747\748\749\750\751\752\753\754\755\756\757\758\759\760\761\762\763\764\765\766\767\768\769\770\771\772\773\774\775\776\777\778\779\780\781\782\783\784\785\786\787\788\789\790\791\792\793\794\795\796\797\798\799\800\801\802\803\804\805\806\807\808\809\810\811\812\813\814\815\816\817\818\819\820\821\822\823\824\825\826\827\828\829\830\831\832\833\834\835\836\837\838\839\840\841\842\843\844\845\846\847\848\849\850\851\852\853\854\855\856\857\858\859\860\861\862\863\864\865\866\867\868\869\870\871\872\873\874\875\876\877\878\879\880\881\882\883\884\885\886\887\888\889\890\891\892\893\894\895\896\897\898\899\900\901\902\903\904\905\906\907\908\909\910\911\912\913\914\915\916\917\918\919\920\921\922\923\924\925\926\927\928\929\930\931\932\933\934\935\936\937\938\939\940\941\942\943\944\945\946\947\948\949\950\951\952\953\954\955\956\957\958\959\960\961\962\963\964\965\966\967\968\969\970\971\972\973\974\975\976\977\978\979\980\981\982\983\984\985\986\987\988\989\990\991\992\993\994\995\996\997\998\999\1000\1001\1002\1003\1004\1005\1006\1007\1008\1009\1010\1011\1012\1013\1014\1015\1016\1017\1018\1019\1020\1021\1022\1023\1024\1025\1026\1027\1028\1029\1030\1031\1032\1033\1034\1035\1036\1037\1038\1039\1040\1041\1042\1043\1044\1045\1046\1047\1048\1049\1050\1051\1052\1053\1054\1055\1056\1057\1058\1059\1060\1061\1062\1063\1064\1065\1066\1067\1068\1069\1070\1071\1072\1073\1074\1075\1076\1077\1078\1079\1080\1081\1082\1083\1084\1085\1086\1087\1088\1089\1090\1091\1092\1093\1094\1095\1096\1097\1098\1099\1100\1101\1102\1103\1104\1105\1106\1107\1108\1109\1110\1111\1112\1113\1114\1115\1116\1117\1118\1119\1120\1121\1122\1123\1124\1125\1126\1127\1128\1129\1130\1131\1132\1133\1134\1135\1136\1137\1138\1139\1140\1141\1142\1143\1144\1145\1146\1147\1148\1149\1150\1151\1152\1153\1154\1155\1156\1157\1158\1159\1160\1161\1162\1163\1164\1165\1166\1167\1168\1169\1170\1171\1172\1173\1174\1175\1176\1177\1178\1179\1180\1181\1182\1183\1184\1185\1186\1187\1188\1189\1190\1191\1192\1193\1194\1195\1196\1197\1198\1199\1200\1201\1202\1203\1204\1205\1206\1207\1208\1209\1210\1211\1212\1213\1214\1215\1216\1217\1218\1219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ZONING MAP



ATTACHMENT K

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER DECISION

VARIANCE: SEZ2008-00015 & VAR2008-00044
APPLICANT: TAREK M. FAHMY, P.E., CGC., DIRECTOR OF OPERATIONS,
in reference to LEHIGH ACRES WATER TREATMENT
PLANT #2 DEEP INJECTION WELL
HEARING DATE: NOVEMBER 12, 2008

I. APPLICATION:

Filed by TAREK M. FAHMY, P.E., CGC., DIRECTOR OF OPERATIONS, FLORIDA GOVERNMENTAL UTILITY AUTHORITY (FGUA), 280 Wekiva Springs Road, Suite 2000, Longwood, Florida 32779 (applicant/owner); BRADLEY S. MCMAHEN, P.E., POST, BUCKLEY, SCHUH & JERNIGAN (PBS&J), 482 South Keller Road, Orlando, Florida 32810.

Requests are for:

- A) Special Exception in the Residential (RM-2) zoning district pursuant to the Lee County Land Development Code Section 34-714, to permit an Essential Service Facility, Group II to allow a deep injection well at the Lehigh Acres Water Treatment Plant #2.
- B) A Variance from Lee County Land Development Code Section 10-351(d)(2) which requires a minimum 100-foot setback from any property line, to permit a minimum 50-foot setback from any perimeter property line to allow installation of a deep injection well at the Lehigh Acres Water Treatment Plant #2.

The subject property is located at 925 Bolivia Drive, Lehigh Acres Planning Community, Lee County, FL. (District # 5)

The Strap # as furnished by the Applicant is: 23-45-27-01-00000.30A0

II. STAFF RECOMMENDATION: **APPROVED WITH CONDITIONS**

The Department of Community Development Staff Report was prepared by Lisa C. Hines. The Staff Report is incorporated herein by this reference.

III. HEARING EXAMINER DECISION:

The undersigned Lee County Hearing Examiner **APPROVES** the Applicant's request for a Special Exception for an Essential Service Facility, Group II, and **APPROVES** the Applicant's request for a Variance to permit a minimum 50-foot setback from any perimeter property line to allow the installation of a deep injection well at the Lehigh Acres Water Treatment Plant #2 for the real estate described in Section VIII. Legal Description WITH THE FOLLOWING CONDITIONS:

A. CONDITIONS:

1. The Special Exception is only for a deep injection well in conjunction with the existing water treatment plant.
2. The deep injection well must be developed in substantial compliance with the 1-page Site Plan, stamped received June 24, 2008, and attached hereto as **Exhibit B**, except as modified by conditions of approval.
3. All development of the subject property must be in compliance with the approved Special Exception case number SEZ2002-00033 and Development Order (DOS2003-00185), specifically the required wall and landscaped buffers, except as modified by conditions of approval. Compliance must be demonstrated prior to issuance of the development order for the deep injection well.
4. The deep injection well must be designed and constructed in accordance with local, state and federal standards.
5. All above-ground equipment associated with the deep injection well must be located a minimum of 50 feet from any perimeter property line.
6. Deleted at the public hearing.
7. The Applicant must apply for a development order for installation of the deep irrigation well and to ensure compliance with the conditions of the Special Exception Case number SEZ2002-00033, this case and applicable regulations.
8. Prior to issuance of a development order, the project site plan must be reviewed by Lee County Utilities and Natural Resources for compliance with applicable regulations.
9. Prior to local development order approval, the project site plans must indicate if the slash pines used to meet the general tree requirements of DOS2003-00185 are to be impacted. If the slash pines located within the project footprint are impacted and were used to meet the Applicant's general tree requirements per DOS2003-00185, then per the Lee County Land Development Code Section 10-410(j)(2) the trees must be replaced at a five to one ratio.

IV. HEARING EXAMINER DISCUSSION:

This is a request for a Special Exception pursuant to Lee County Land Development Code Section 34-714, to permit a deep injection well at the Lehigh Acres Water Treatment Plant Number 2; and for a Variance from Lee County Land Development Code Section 10-351(d)(2) to permit a 50-foot setback (instead of the required 100-foot setback) from any perimeter property line to allow installation of the subject well. The property is a 9.97-acre tract, located at 925 Bolivia Drive in Lehigh Acres. Florida Governmental Utility Authority

owns it (FGUA), and they are operating it as a water treatment plant. The subject property is within the Urban Community Future Land Use Category.¹

The deep injection well, and associated above ground equipment, will be located 50 feet from the northern property line. There will be a concrete pad placed around the equipment, for stability and safety purposes. This plant supplies water for more than 12,000 customers. The Lehigh Acres community is growing rapidly and the provision of water services is an integral part of this growth to support new and existing or expanding land uses. The Lehigh Water Treatment Plant Number 2 was approved, in 2002, as a water treatment plant, including ground water storage facilities and water distribution facilities. It is classified as an Essential Service Facility, Group II. The requested deep injection well is not a water production well. Rather, it is used for the disposal of brine rejects. It is anticipated to be permitted by the Florida Department of Environmental Protection to accept three million gallons per day of this water treatment by-product. The substance, to be injected into the well is reject water, from the Reverse Osmosis Filter system. This water is non-hazardous. This well will satisfy the treatment plant through its build-out, anticipated in 2025. The proposed operation date of the well is January 2010. The deep injection well will connect to the reverse osmosis facility. This facility is currently under design and will be permitted separately.

Accessed is obtained from Bolivia Drive, a county-maintained local road. The surrounding area is sparsely developed with residential single-family uses. There are 15 single-family lots directly abutting the subject property, along the eastern and southern boundaries. One of those lots is developed with a residential dwelling. The western and northern property perimeters are adjacent to a 150-foot canal, which separates it from other residential parcels.

The existing water treatment plant generates very little traffic, and does not create adverse impacts to adjoining homes, uses such as noise, lights or odor. The proposed Special Exception and Variance, to permit the additional use of a deep injection well, will not negatively affect the surrounding land uses.

The Lee County Division of Natural Resources has reviewed this application and has not submitted any objections or comments. Similarly, The Division of Environmental Sciences reviewed the request and their requested condition, of the approval, is incorporated in this approval.

Finally, the Lee County Department of Transportation did a review of the application and had no comment. The Applicant requested a waiver from the requirement of submitting a Traffic Impact Statement. This waiver was approved. The deep injection well will not generate additional traffic or impact to the existing, adjacent land uses.

¹ Lee County Comprehensive Plan Policy 1.1.4:

The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, Fort Myers Beach, South Fort Myers, the city of Bonita Springs, Pine Island, and Gasparilla Island. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public and limited light industry (see Policy 7.1.6). Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum of ten dwelling units per acre (10 du/acre). (Amended by Ordinance No. 94-30, 02-02)

This Hearing Examiner finds both requests to be consistent with Lee County Comprehensive Plan Policy 1.1.4. (See Footnote 1) The Special Exception and Variance request will permit an Essential Service Facility, Group II to allow a deep injection well, as an addition to an existing water treatment plant. A water treatment plant provides public utilities to residential, commercial and industrial uses.

The request will permit an additional use, to an existing water treatment plant, which provides public utilities to residential, commercial and industrial uses. It is consistent with Policy 2.1.3 of the Lee County Comprehensive Plan.²

The existing and proposed use is industrial, by the nature of the operation. The required landscaped buffers, and an eight-foot high wall, provide screening between the new equipment and residential land uses. A 150-foot wide canal provides separation between the uses. The request is therefore consistent with Policy 7.1.8 of the Lee County Comprehensive Plan.³

The addition, of a deep injection, well will benefit the operations of the water treatment plant, which provides water services to new and existing land uses. The request is also consistent with Goal 53 and Objective 53.1 of the Lee County Comprehensive Plan.⁴

The undersigned Hearing Examiner finds that the requested Special Exception and Variance, meets the criteria necessary for approval, including consistency with the Lee County Comprehensive Plan and Lee County Land Development Code. The requests are compatible with neighboring properties. Consequently, this Hearing Examiner approves the requested Special Exception, pursuant to Lee County Land Development Code Section 34-714 to permit development of a deep water injection well at the Lehigh Acres Water Treatment Plant Number 2, and approves the requested Variance from Lee County Land Development Code Section 10-351(d)(2), to permit a 50-foot setback from any perimeter property line to allow installation of a deep injection well at the subject water treatment plant, subject to the

² Lee County Comprehensive Plan Policy 2.1.3:

All land use categories and Planning Community Map areas permit the consideration of churches and schools (except in Wetlands and Airport Noise Zones), public uses and buildings, public utilities and resource recovery facilities, public recreational uses (including franchised quasi-commercial uses in conjunction with a public use), and sites for compatible public facilities when consistent with the goals, objectives, policies and standards in this plan and applicable zoning and development regulations.

³ Lee County Comprehensive Plan Policy 7.1.8:

Land development regulations will require that industrial uses be adequately buffered and screened from adjacent existing or proposed residential areas so as to prevent visual blight and noise pollution.

⁴ Lee County Comprehensive Plan Goal 53.

POTABLE WATER INFRASTRUCTURE. To ensure the public health, welfare and safety, by the provisions of high-quality central potable water service throughout the future urban areas of unincorporated Lee County and to ensure that the costs of providing facilities for the supply of potable water are borne by those who benefit from them.

Lee County Comprehensive Plan Objective 53.1:

The County will ensure the provisions 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.

conditions set forth herein. In compliance with Section 3.1 of Lee County Administrative Code AC-2-6, the undersigned Hearing Examiner conducted a site visit to the subject real property prior to issuing this decision.

V. FINDINGS AND CONCLUSIONS:

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

A. As to the requested Special Exception:

- 1) The request is consistent with the goals, objectives, policies and intent of the Lee County Comprehensive Plan.
- 2) The request meets or exceeds all performance and locational standards set forth for the proposed use;
- 3) The request, as conditioned, will be compatible with existing or planned uses;
- 4) The request, as conditioned, will not cause damage, hazard, nuisance or other detriment to persons or property; and
- 5) The request will be in compliance with all general zoning provisions and supplemental regulations pertaining to the uses set forth in the Lee County Land Development Code.

B. As to the requested Variance:

- 1) There are exceptional or extraordinary conditions or circumstances inherent to the property.
- 2) The exceptional or extraordinary conditions or circumstances are not the result or actions of the Applicant taken subsequent to the adoption of the ordinance.
- 3) Application of the County regulations to the subject property places an unreasonable burden on the Applicant in question to his property.
- 4) The granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- 5) The condition or situation of the specific piece of property, or the intended use of the property, for which the variance is sought, is not of a general or recurrent nature so as to make it more reasonable and practical to amend the ordinance.

VI. LIST OF EXHIBITS:

STAFF'S EXHIBITS

- 1 Aerial photograph (color) (24" x 36")

2 New Condition 3 (language)(8.5" x 11")

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

APPLICANT'S EXHIBITS

1 Site Plan, entitled FGUA Lehigh WTP No.2 Wellfield Expansion (24" x 36")

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

VII. PRESENTATION SUMMARY:

The Hearing Examiner introduced himself and announced the case. Since there were no members of the public present, the Assistant County Attorney, did not explain the public hearing process or make any opening comments. He also placed all the participants under oath and asked the Applicant to proceed.

Scott Richards, with PBS & J Consulting firm, introduced himself as the Applicant's representative. The proposed request is for a Special Exception for the deep injection well installation at the Lehigh Acres Water Treatment Plant #2, and a variance to allow a 50-foot setback from the perimeter property for the existing well on the northwest corner of the subject property, instead of the required 100-foot setback.

For clarification purposes, the Hearing Examiner asked Mr. Richards to describe what a deep injection well on the record. Mr. Richards explained that they pull water out of the ground, filtered, and the deep injection well is used for disposal of the burning concentrate (non hazardous brine product) that is the byproduct of reverse osmosis process. The deep injection well is approximately 2,800 feet deep, which is well below any of the drinking water aquifers.

The Hearing Examiner asked if the injection well would be a danger to the environment or the public. Mr. Richards stated he was a mechanical engineer, not a professional geologist. However, they had geologist on staff that designed the well and go through the FDEP permitting process for the injection well.

Michael Jacob asked if Mr. Richards believed the proposed requests were consistent with the . Mr. Richards believed it was consistent and necessary for the expansion of the existing water treatment facility.

At this time, Lisa Hines, Planner with Community Development, introduced herself. Her resume was on file with the Hearing Examiner's Office and asked to be accepted as an expert witness in land use and planning matters, as she has been in the past. After hearing no objection from the Applicant's representative, the Hearing Examiner accepted her as such.

Ms. Hines began Staff's presentation by stating the subject property is located 925 Bolivia Drive in Lehigh Acres and is currently developed with a Water Treatment Plant that was approved in Case #SEZ2002-00033, as an Essential Service Facility, Group II. Approval of that Special Exception specifically noted that any other use allowed would be required to

obtain separate Special Exception approval. Therefore, the proposed request is a Special Exception for a deep injection well, and a Variance to allow a reduction in the required setback from the property perimeter line from 100 feet to 50 feet.

The subject property of the condition of the original Special Exception has a 8-foot-high masonry wall on the southern and eastern property perimeters, and the northern and western property perimeters are encumbered by 150-foot-wide canal, and additional landscaping in order to provide separation between the water treatment plant and residential homes located on the other side of the canal.

Staff has found the request consistent with the and Land Development Code, as conditioned. There are nine conditions. However, as a housekeeping measure, she needed to point out on the record that Condition 3 and Condition 6 are the same. Therefore, Condition 6 should be eliminated, and combined its language with Condition 3. That change results in a total of only eight conditions, instead of nine conditions.

Lee County Department of Transportation (LCDOT) reviewed the request and had no comment. Their review took place through the development order process for the construction of the water treatment plant. Therefore, they did not require a new traffic impact statement. The Applicant also submitted a waiver from a new TIS, due to the existing conditions.

Environmental Sciences (ES) also reviewed the request and offered one condition, which is currently Condition 9, regarding the replacement of slash pines, if those trees are impacted during the construction of the deep injection well. However, that matter can be addressed during the development order process.

Staff has recommended approval of the proposed requests, with conditions. Lee County Utilities and Lee County Natural Resources also reviewed the requests and just requested that they have the ability to review the development order application upon submittal to ensure compliance with Lee County regulations, as well as compliance with the Florida Department of Environmental Protection (FDEP) requirements.

Staff found the deep injection well to be an ancillary use to the existing water treatment plant and would not be detrimental to the existing single-family residential uses. She received only one phone call from a resident that lives on the corner, who was only concerned of whether this was going to entail some type of major improvement or construction on the subject property. Once she explained the details of the request and the location of the well, he had no further comments or questions.

Mr. Jacob asked if, prior to development order approval, all required buffering and landscaping had to be in place. Ms. Hines stated that was correct. Mr. Richards agreed with the condition.

The Hearing Examiner accepted an aerial photograph and new Condition 3 language into the hearing record as Staff's Exhibit 1 and Staff's Exhibit 2. He also accepted a Site Plan, entitled FGUA Lehigh WTP No. 2 Wellfield Expansion, into the hearing record as Applicant's Exhibit 1.

Lastly, the Hearing Examiner stated he would conduct a site visit prior to rendering his decision in this case. The hearing was then closed.

VIII. OTHER PARTICIPANTS AND SUBMITTALS:

ADDITIONAL APPLICANT'S REPRESENTATIVES:

ADDITIONAL COUNTY STAFF:

1. Michael Jacob, Assistant County Attorney, P. O. Box 398, Ft. Myers, Florida 33902

PUBLIC PARTICIPATION:

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

For: NONE

Against: NONE

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

For: NONE

Against: NONE

IX. LEGAL DESCRIPTION:

See Exhibit A (scanned legal description).

X. UNAUTHORIZED COMMUNICATIONS:

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

No person shall knowingly have or attempt to initiate an unauthorized communication with the hearing examiner or any county commissioner [or their staff]. . . . [Lee County Land Development Code Section 34-52(a)(1), emphasis added]

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

Revocation, suspension or amendment of any permit variance, special exception or rezoning granted as a result of the hearing examiner action which is the subject of the unauthorized communication. [Lee County Land Development Code Section 34-52(b)(1)b.2.]; OR

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

XI. APPEALS:

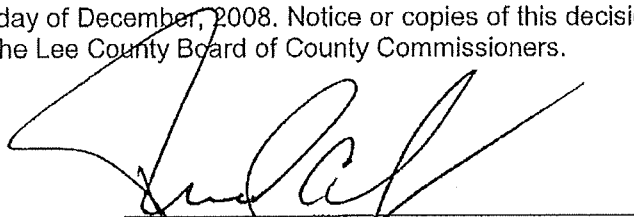
This Decision becomes final on the date rendered. A Hearing Examiner Decision may be appealed to the Circuit Court in Lee County. Appeals must be filed within thirty (30) days of the date the Hearing Examiner Decision is rendered. Appeal is by Petition for Writ of Certiorari in accordance with Lee County Land Development Code Section 34-146.

XII. COPIES OF TESTIMONY AND TRANSCRIPTS:

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

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

This decision is rendered this 3rd day of December, 2008. Notice or copies of this decision will be delivered to the offices of the Lee County Board of County Commissioners.



RICHARD A. GESCHEIDT
LEE COUNTY HEARING EXAMINER
1500 Monroe Street, Suite 218
Post Office Box 398
Fort Myers, FL 33902-0398
Telephone: 239/533-8100
Facsimile: 239/485-8406

Legal Description

**Tract A, Unit 1, Lehigh Acres, a subdivision , located in
Section 23, Township 45 South, Range 27 East, according to
the plat thereof on file and recorded in Plat Book 20, Page 21,
of the Public Records of Lee, County, Florida.**

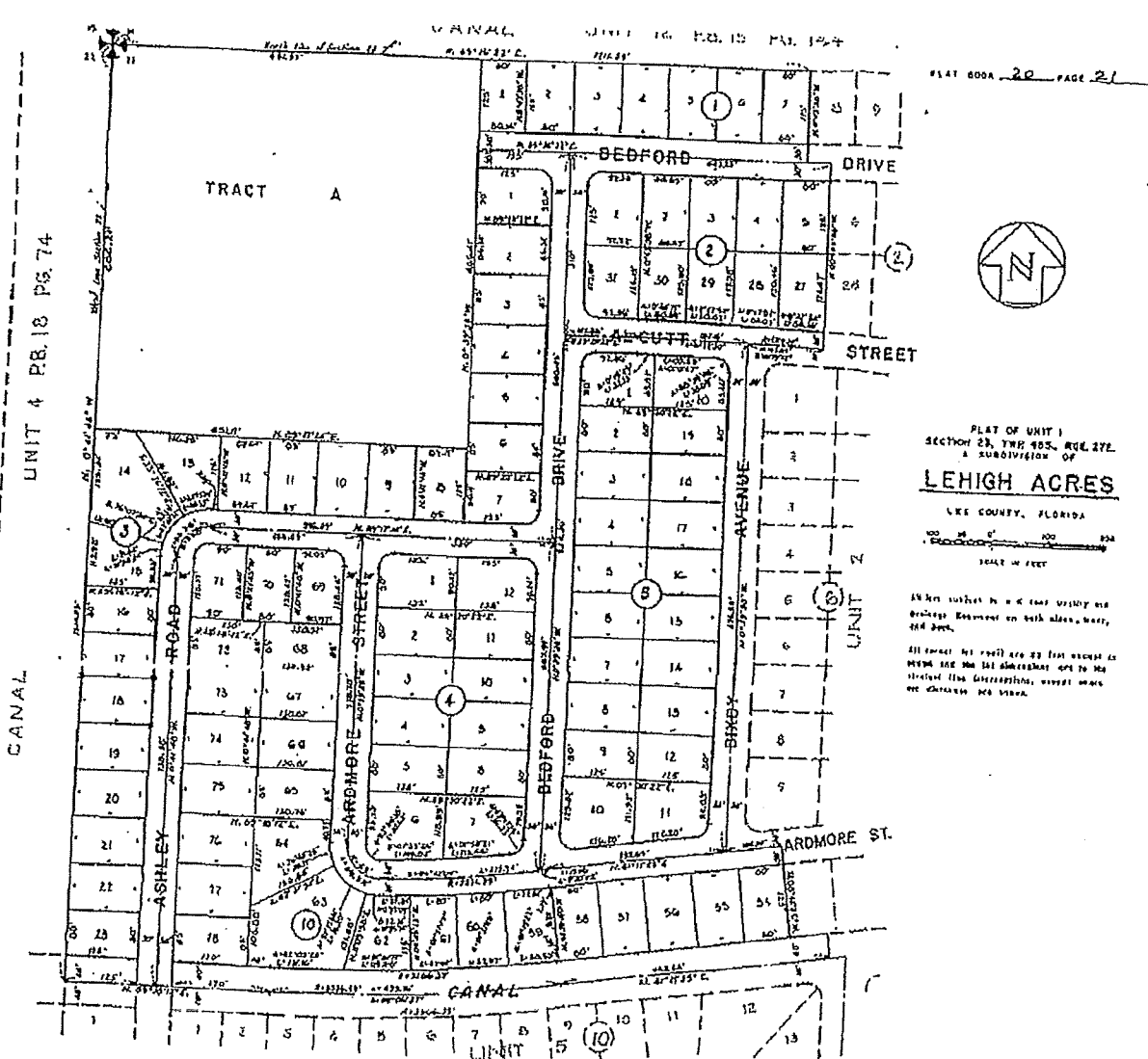
Strap Number

23-45-27-01-00000.30A0

SEZ2008-00015

Applicant's Legal Checked
by BSJ 7-2-08

EXHIBIT A



SHEET 2 OF 11

RECEIVED
JUN 24 2008

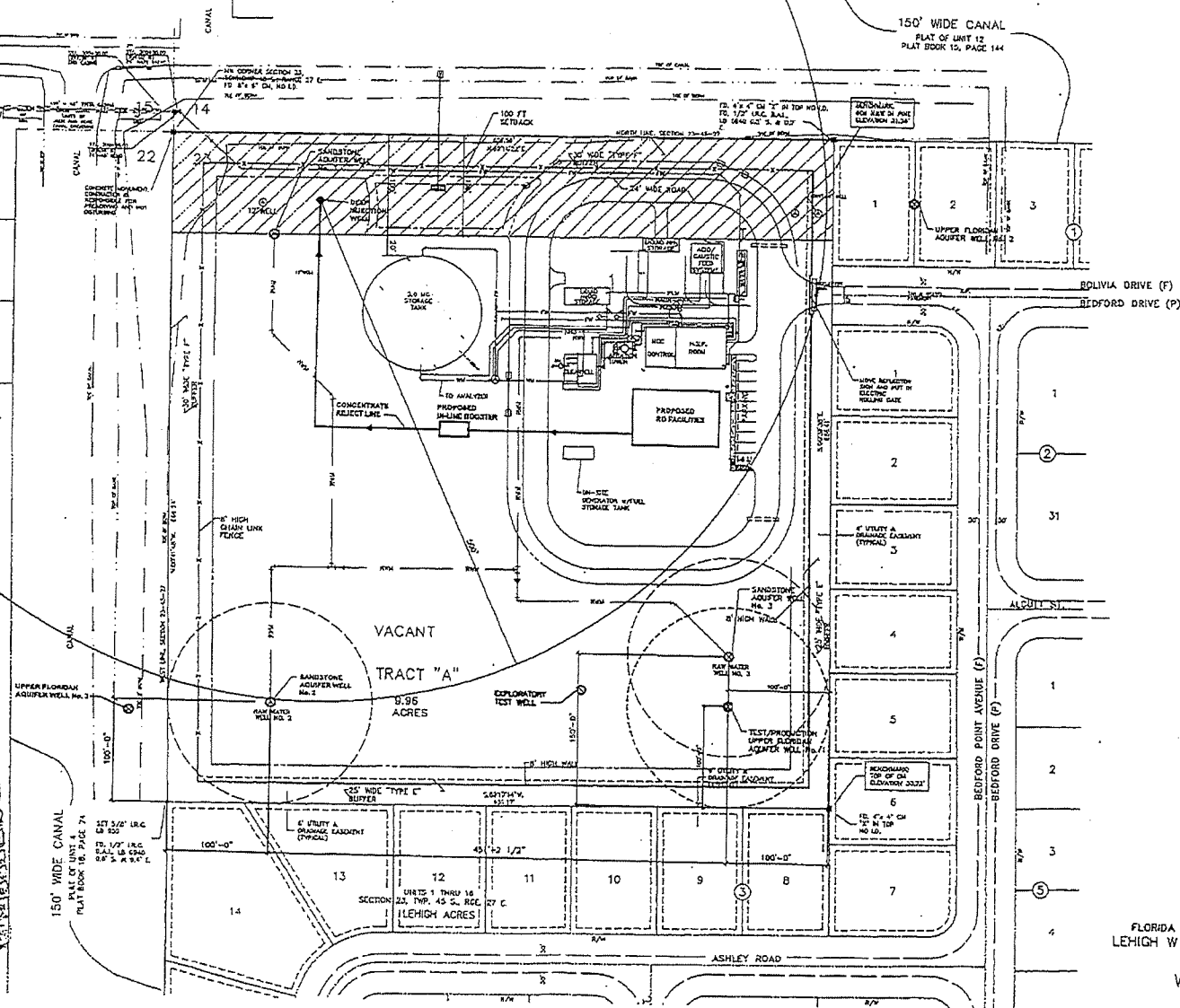
SEZ 2008-00015

PERMIT COUNTER

SEZ 2008-00015

PERMIT COURTESY

RECEIVED
JUN 24 2008



FLORIDA
LEHIGH W

HORITY
PANSION

WELL LOCATIONS

EXHIBIT B

ATTACHMENT L

ZONING TRAFFIC STUDY

FOR

FLORIDA GOVERNMENTAL UTILITY AUTHORITY

LEHIGH ACRES WATER TREATMENT PLANT NO. 2

NOVEMBER 2023

Prepared for:



280 Wekiva Springs Road, Suite 2070
Longwood, Florida 32779

Prepared by:

JOHNSON
ENGINEERING
2122 Johnson Street
Fort Myers, Florida 33901
(239) 334-0046
EB 642



Digitally
signed by Leah
M. Holmes, P.E.

Date: _____
2023.11.03

13:59:49 -04'00'

Date

*This item has been digitally signed and sealed by Leah
M. Holmes on the date adjacent to the seal.*

*Printed copies of this document are not considered
signed and sealed and the signature must be verified on
any electronic copies.*

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2.0	SITE ACCESS	1
3.0	TRIP GENERATION	3
4.0	TRIP DISTRIBUTION AND TRIP ASSIGNMENT	4
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6.0	TURN LANE ANALYSIS	8
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APPENDICES

Appendix A	ITE Trip Generation
Appendix B	Lee County Generalized Service Volume Tables
Appendix C	Florida Traffic Online AADT
Appendix D	2022 Lee County Concurrency Report

FIGURES

Figure 2-1	Project Location Map
Figure 4-1	Project Distributions
Figure 4-2	A.M. Peak Hour Project Trips
Figure 4-3	P.M. Peak Hour Project Trips

TABLES

Table 3-1	ITE Trip Generation Summary
Table 5-1	Summary of 2028 Level of Service Analysis



1.0 INTRODUCTION

The purpose of this zoning traffic study (ZTS) is to assess the potential transportation impacts associated with the rezoning for the proposed Water Treatment Plant improvements to the existing Water Treatment Plant No. 2 in Lehigh Acres, Florida. The current zoning of the site is Residential Multiple-Family-2 (RM-2) and is being requested to be rezoned to Community Facilities Planned Development (CFPD). This report documents the estimation of traffic volume increase on the adjacent roadways associated with this rezoning.

2.0 SITE ACCESS

The project site is located on Bolivia Drive, which is a two-lane undivided roadway located north of Jaguar Boulevard in Lehigh Acres. There is one existing site access that is to remain (see **Figure 2-1**).

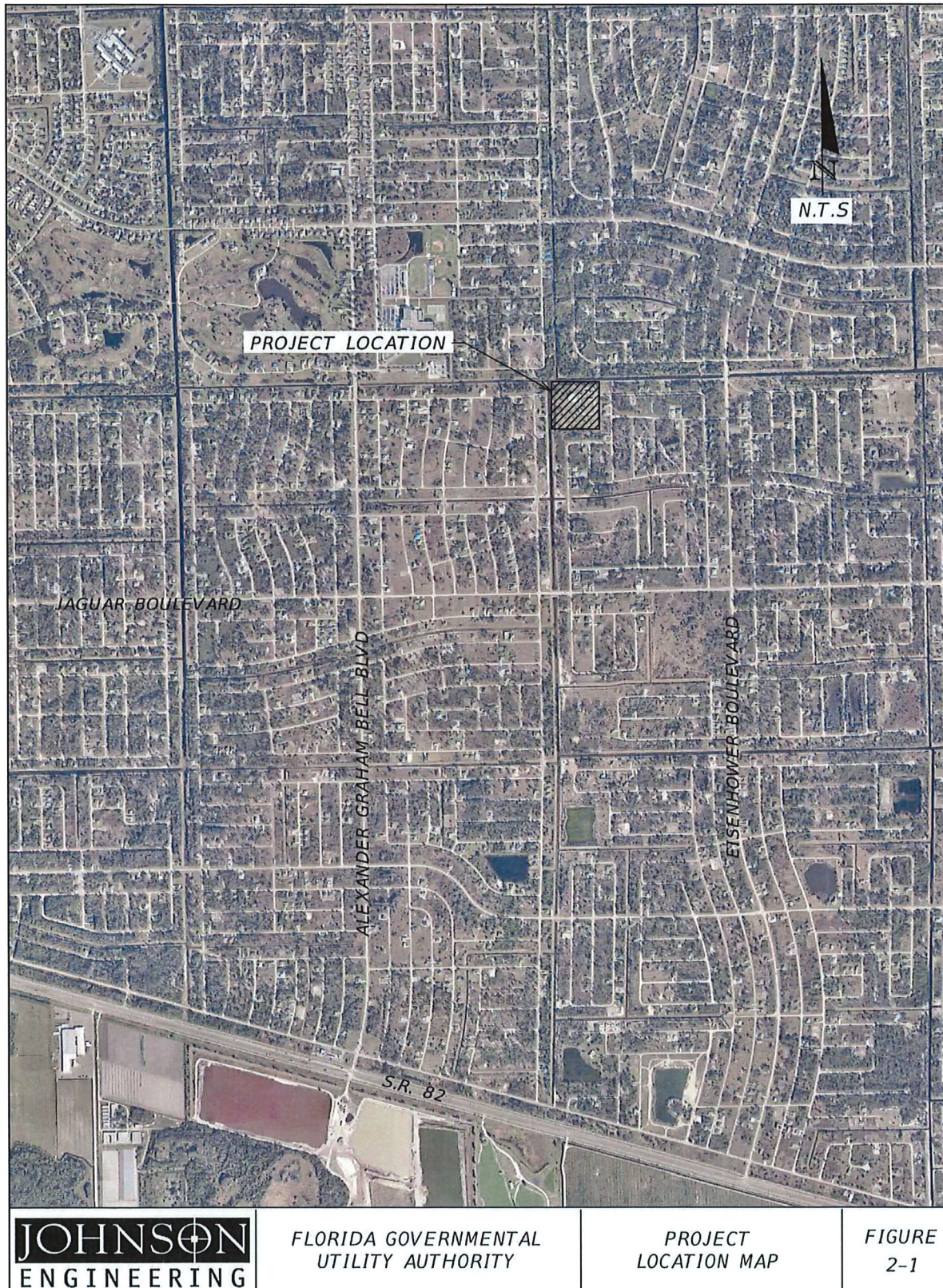


Figure 2-1: Project Location Map



3.0 TRIP GENERATION

The A.M. peak hour, P.M. peak hour, and daily trip generations for the project were estimated using trip generation rates and equations from the Institute of Transportation Engineers (ITE) *Trip Generation* (11th Edition) for the proposed 13,000 square foot Water Treatment Buildings. The existing Water Treatment Plant on the site includes a 3,500 square foot building.

The ITE trip generation estimates are summarized in **Table 3-1** and included in **Appendix A**.

Table 3-1: ITE Trip Generation Summary

Building	Land Use Code	Land Use	ITE Rate/Equation ⁽¹⁾	Square Footage	A.M. Peak Hour			P.M. Peak Hour			Daily
					In	Out	Total	In	Out	Total	
Existing WTP	170	Utility	AM: 2.33	3,500	7	1	8	1	6	7	39
			PM: Ln(T) = 0.81Ln(X)+0.86								
			Weekday: Ln(T) = 0.74Ln(X)+2.73								
Proposed WTP	170	Utility	AM: 2.33	13,000	26	4	30	3	16	19	102
			PM: Ln(T) = 0.81Ln(X)+0.86								
			Weekday: Ln(T) = 0.74Ln(X)+2.73								
Total Net New Trips					19	3	22	2	10	12	63

Footnote:

(1) ITE Trip Generation (11th Edition)



4.0 TRIP DISTRIBUTION AND TRIP ASSIGNMENT

The project A.M. and P.M. peak hour turning movements were estimated based on surrounding area demographics and roadways. **Figure 4-1** depicts the estimated percent distributions for the project traffic. Based on the estimated percent distributions of project traffic, the estimated project trips for the A.M. peak hour and P.M. peak hour are depicted in **Figure 4-2** and **Figure 4-3**.

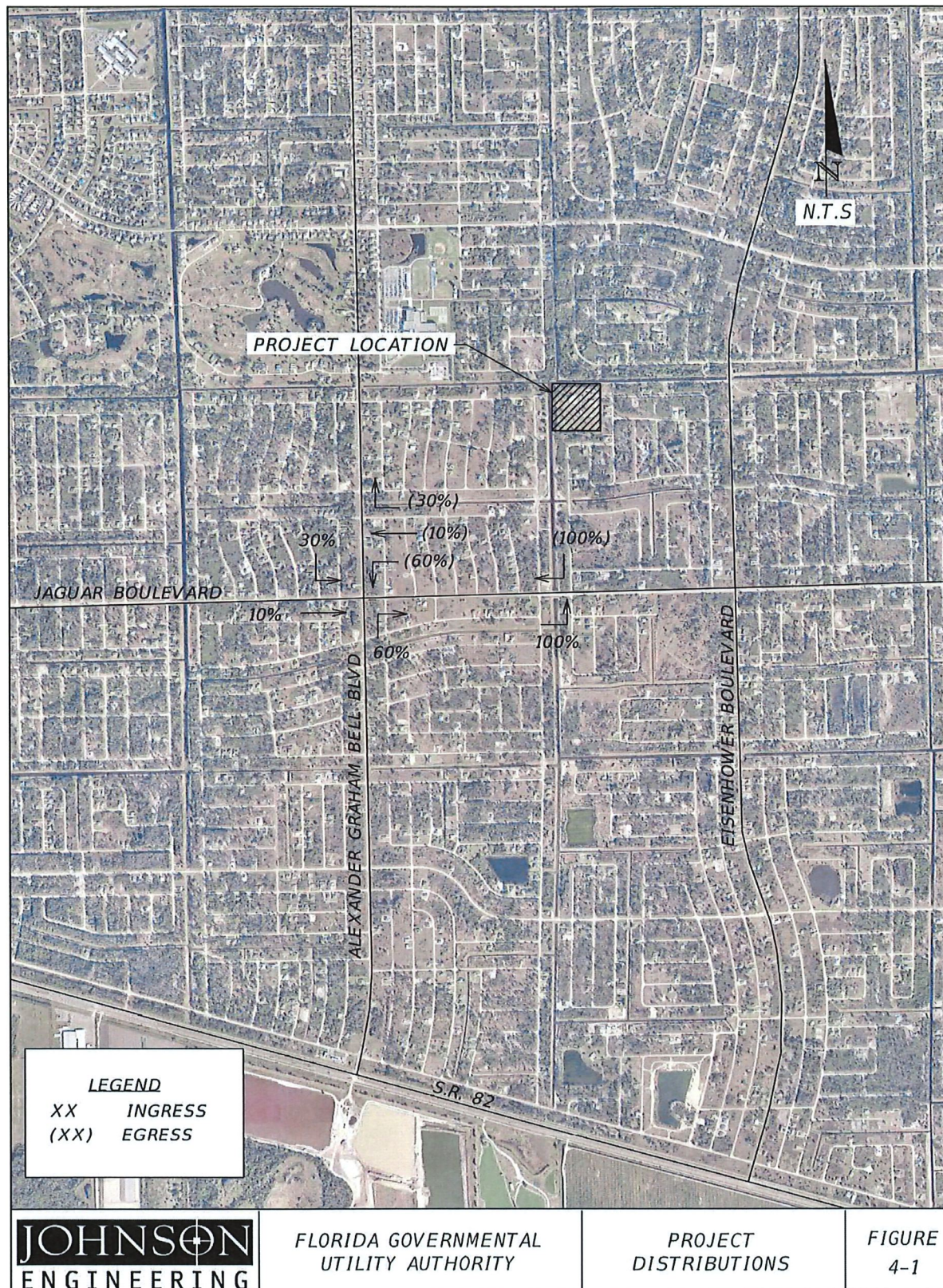


Figure 4-1: Project Distributions

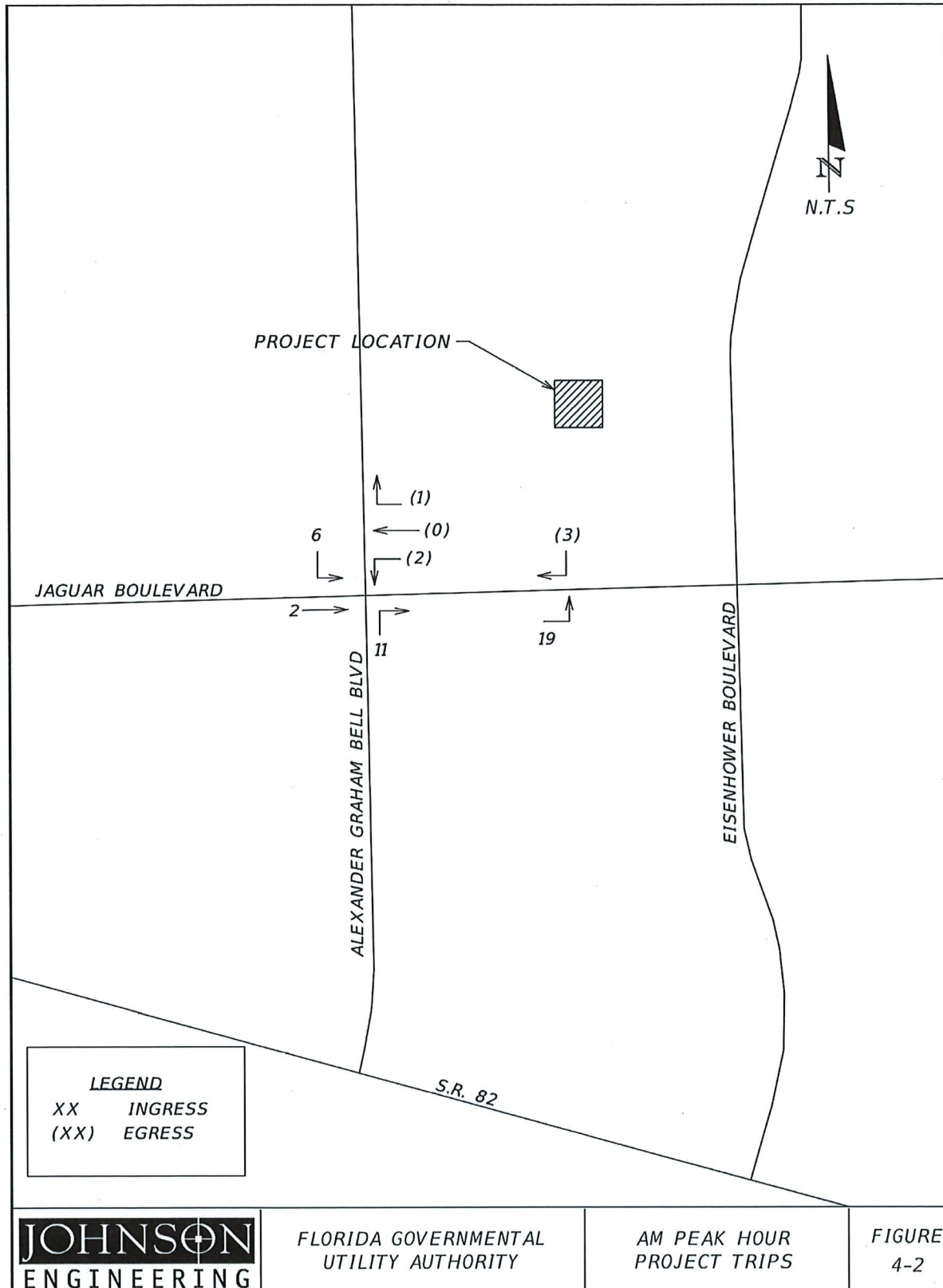


Figure 4-2: A.M. Peak Hour Project Trips

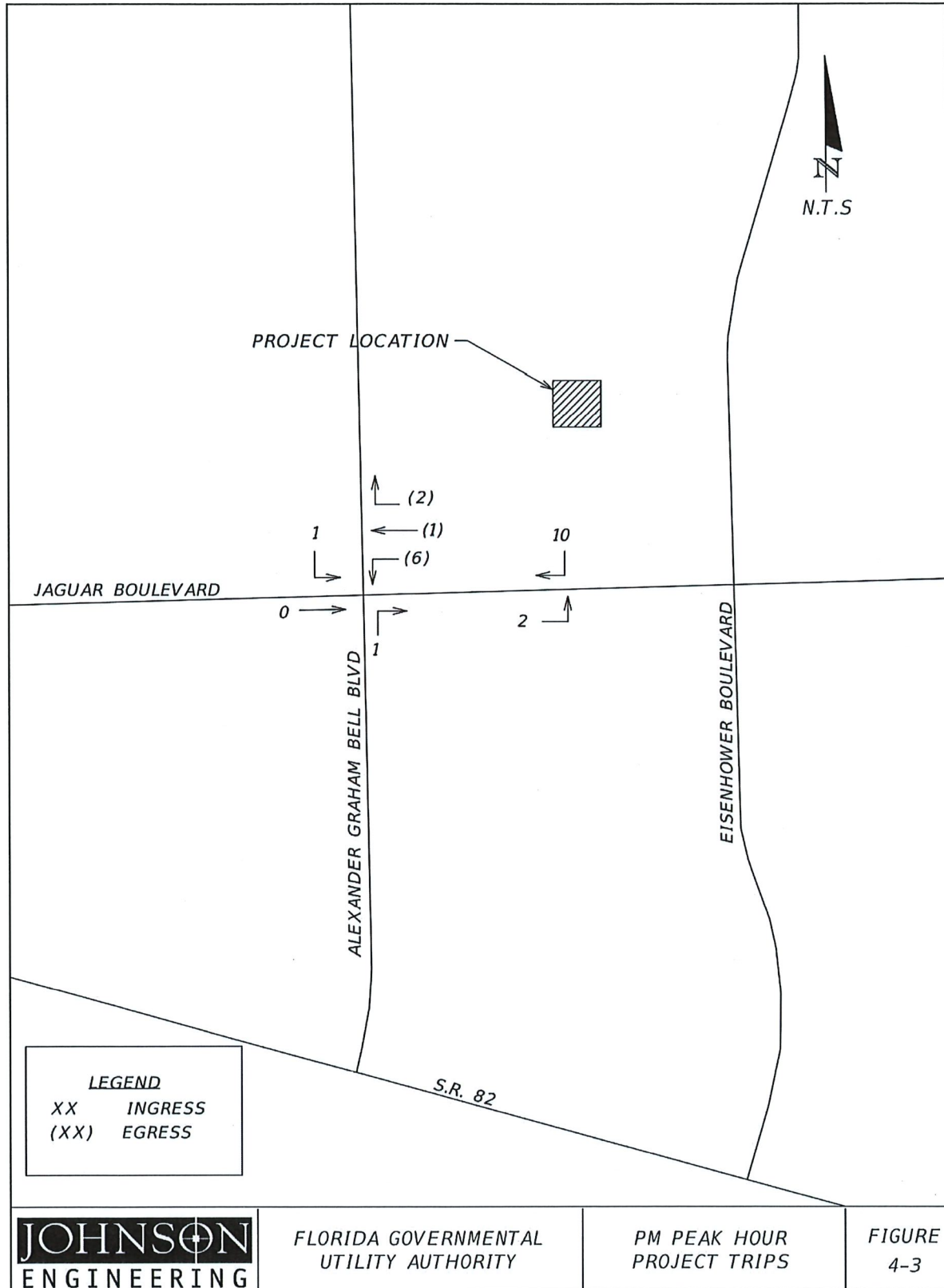


Figure 4-3: P.M. Peak Hour Project Trips

5.0 LEVEL OF SERVICE (LOS) ANALYSIS

A link LOS analysis was conducted for the surrounding roadways for the 2026 horizon year at project maximum build-out. The performance standard along the roadways were established using the Lee County Generalized Service Volume Tables, see **Appendix B**.

Existing traffic volumes along Jaguar Boulevard were estimated from the Florida Traffic Online AADT, see **Appendix C**. Existing traffic volumes along Alexander Graham Bell Boulevard were obtained from the 2022 Lee County Concurrency Report, see **Appendix D**. The 2026 horizon year background traffic volumes were estimated using a 2% growth rate, see **Table 5-1**.

Table 5-1: Summary of 2028 Level of Service Analysis

Location	Lanes	Performance Standard ⁽¹⁾		2021 100th Highest Hour Directional Volume		2026 100th Highest Hour Directional Volume		2026 100th Highest Hour Directional Volume + Project	
		LOS	Capacity	LOS	Volume	LOS	Volume	LOS	Volume
Jaguar Boulevard from S.R. 82 to Naples Avenue South	2UD	E	740	C	119 ⁽²⁾	C	131	C	150
Alexander Graham Bell Boulevard from S.R. 82 to Milwaukee Boulevard	2UD	E	740	C	561 ⁽³⁾	D	619	D	629

Footnotes:

(1) Estimated from the Lee County Generalized Service Volume Tables

(2) Estimated from 2021 AADT Volumes

(3) Obtained from the Lee County Concurrency

6.0 TURN LANE ANALYSIS

A turn lane warrant analysis at the project entrance is to be conducted during the Lee County Development Order process.

7.0 CONCLUSIONS

The following conclusions are based on the preliminary analysis of this rezoning traffic impact statement:

1. The project 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.
2. The LOS analysis under future conditions is expected to operate within the LOS performance standard. No additional roadway capacity improvements are recommended.
3. A turn lane warrant analysis at the project entrance is to be conducted during the Development Order process.

APPENDIX A

ITE TRIP GENERATION

Land Use: 170

Utility

Description

A utility is a free-standing building that can house office space, a storage area, and electromechanical or industrial equipment that support a local electrical, communication, water supply or control, or sewage treatment utility.

Additional Data

The technical appendices provide supporting information on time-of-day distributions for this land use. The appendices can be accessed through either the ITETripGen web app or the trip generation resource page on the ITE website (<https://www.ite.org/technical-resources/topics/trip-and-parking-generation/>).

The sites were surveyed in the 1980s, the 1990s, the 2000s, and the 2010s in California, Delaware, Oregon, and Texas.

Source Numbers

422, 443, 538, 876

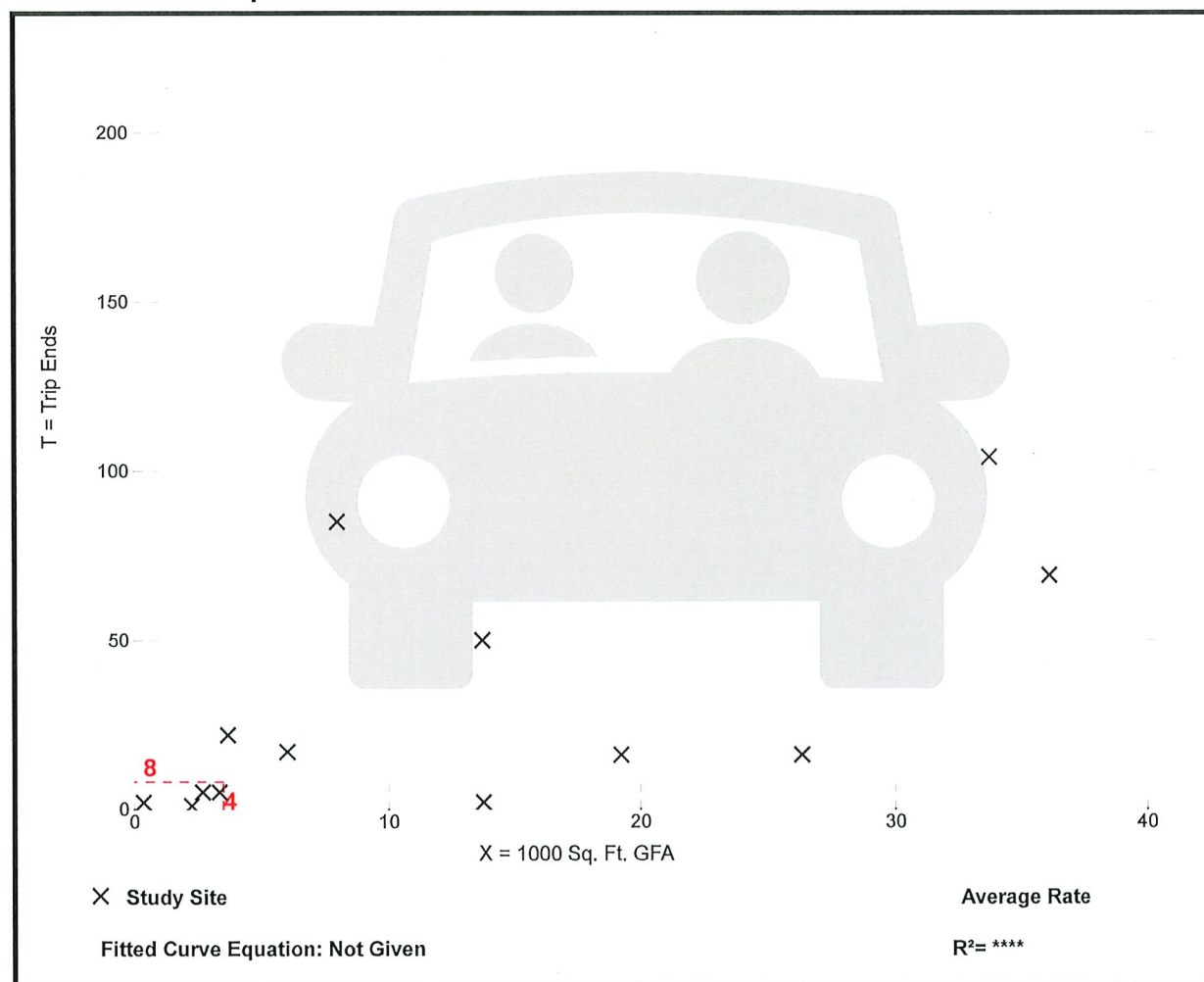
Utility (170)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
 On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 7 and 9 a.m.
 Setting/Location: General Urban/Suburban
 Number of Studies: 13
 Avg. 1000 Sq. Ft. GFA: 13
 Directional Distribution: 87% entering, 13% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
2.33	0.15 - 10.67	2.34

Data Plot and Equation



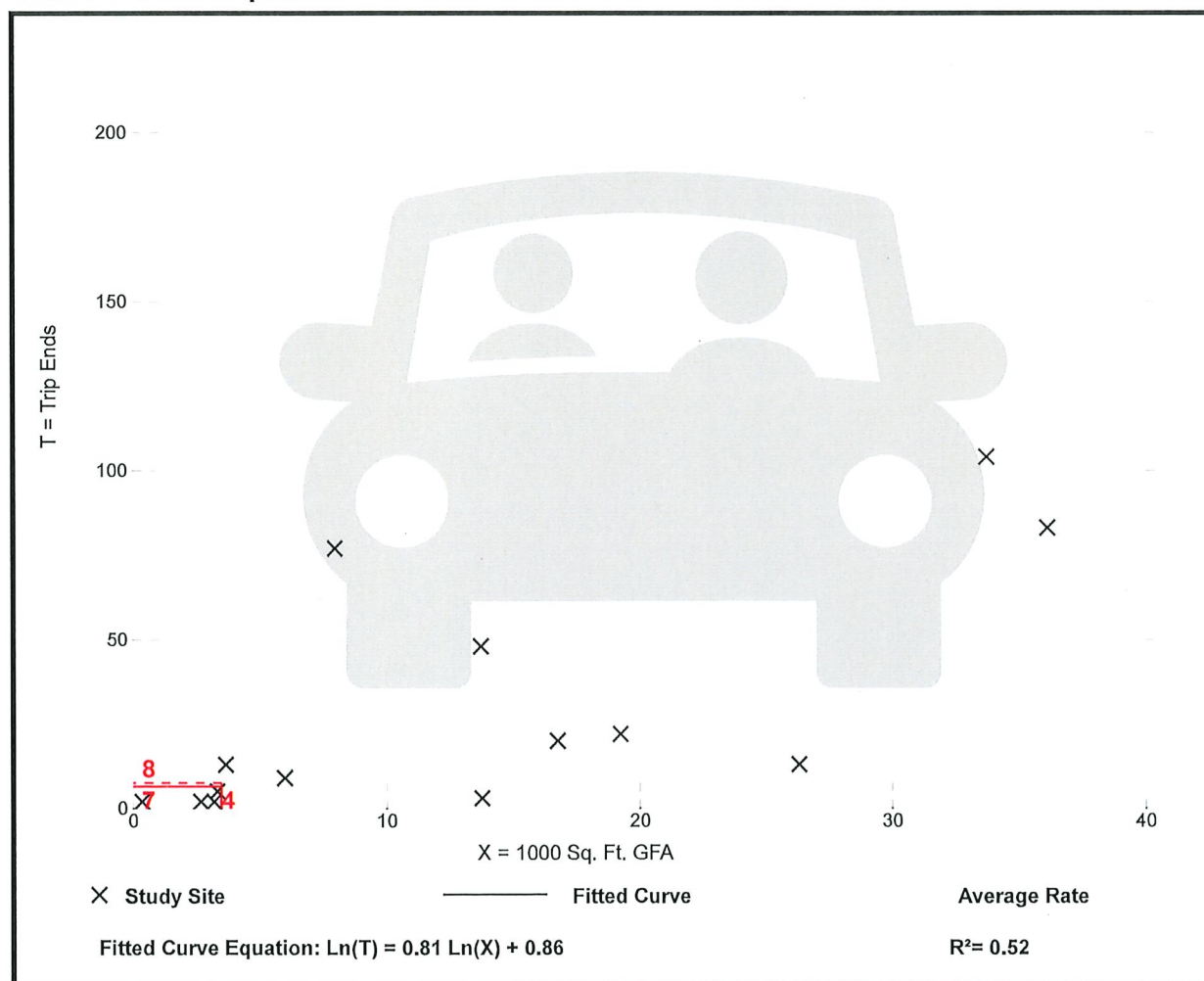
Utility (170)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
 On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 4 and 6 p.m.
 Setting/Location: General Urban/Suburban
 Number of Studies: 14
 Avg. 1000 Sq. Ft. GFA: 13
 Directional Distribution: 18% entering, 82% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
2.16	0.22 - 9.67	2.00

Data Plot and Equation



Utility (170)

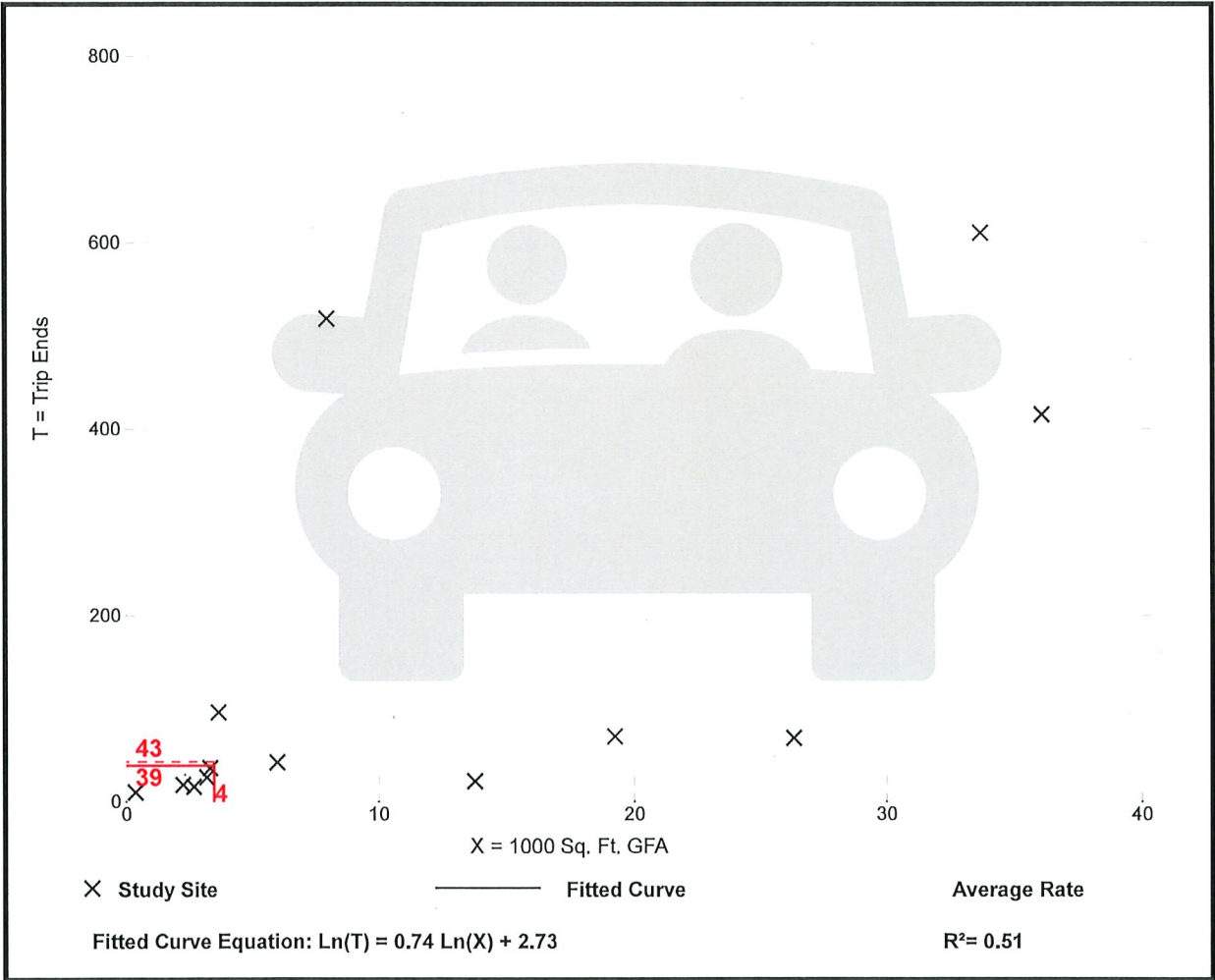
Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 13
Avg. 1000 Sq. Ft. GFA: 12
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
12.29	1.60 - 65.03	14.32

Data Plot and Equation



Utility (170)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA

On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban

Number of Studies: 13

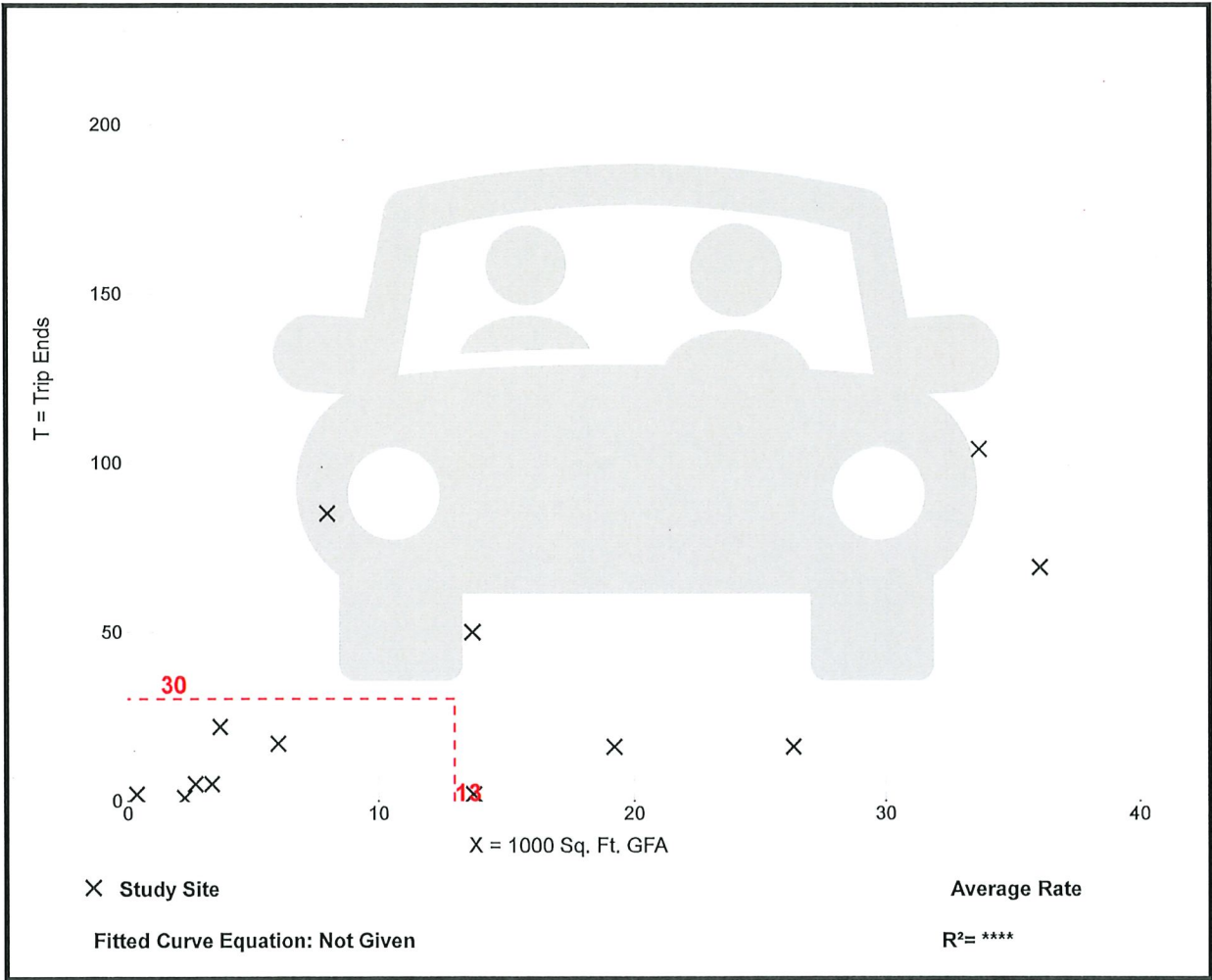
Avg. 1000 Sq. Ft. GFA: 13

Directional Distribution: 87% entering, 13% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
2.33	0.15 - 10.67	2.34

Data Plot and Equation



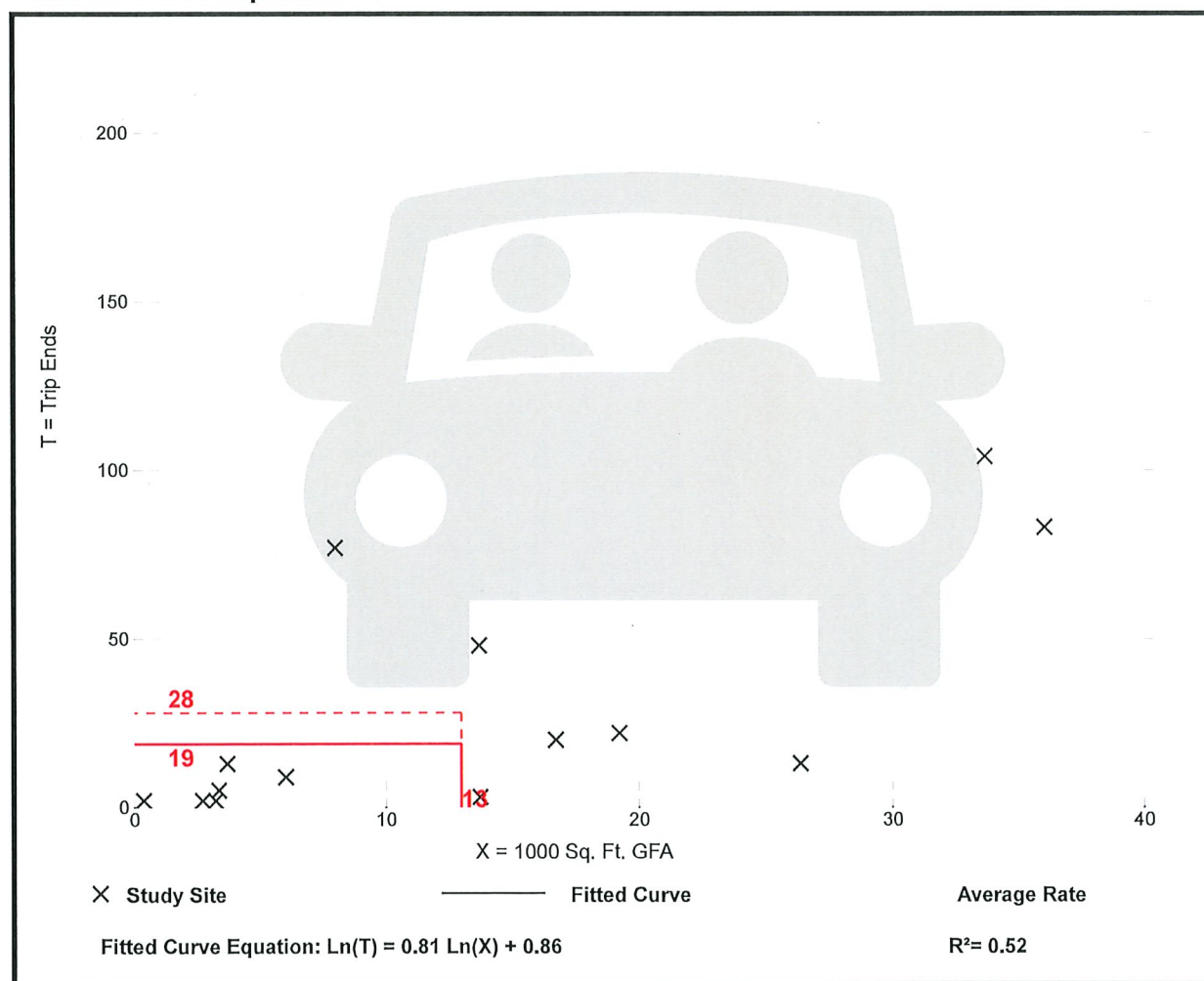
Utility (170)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
 On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 4 and 6 p.m.
 Setting/Location: General Urban/Suburban
 Number of Studies: 14
 Avg. 1000 Sq. Ft. GFA: 13
 Directional Distribution: 18% entering, 82% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
2.16	0.22 - 9.67	2.00

Data Plot and Equation



Utility (170)

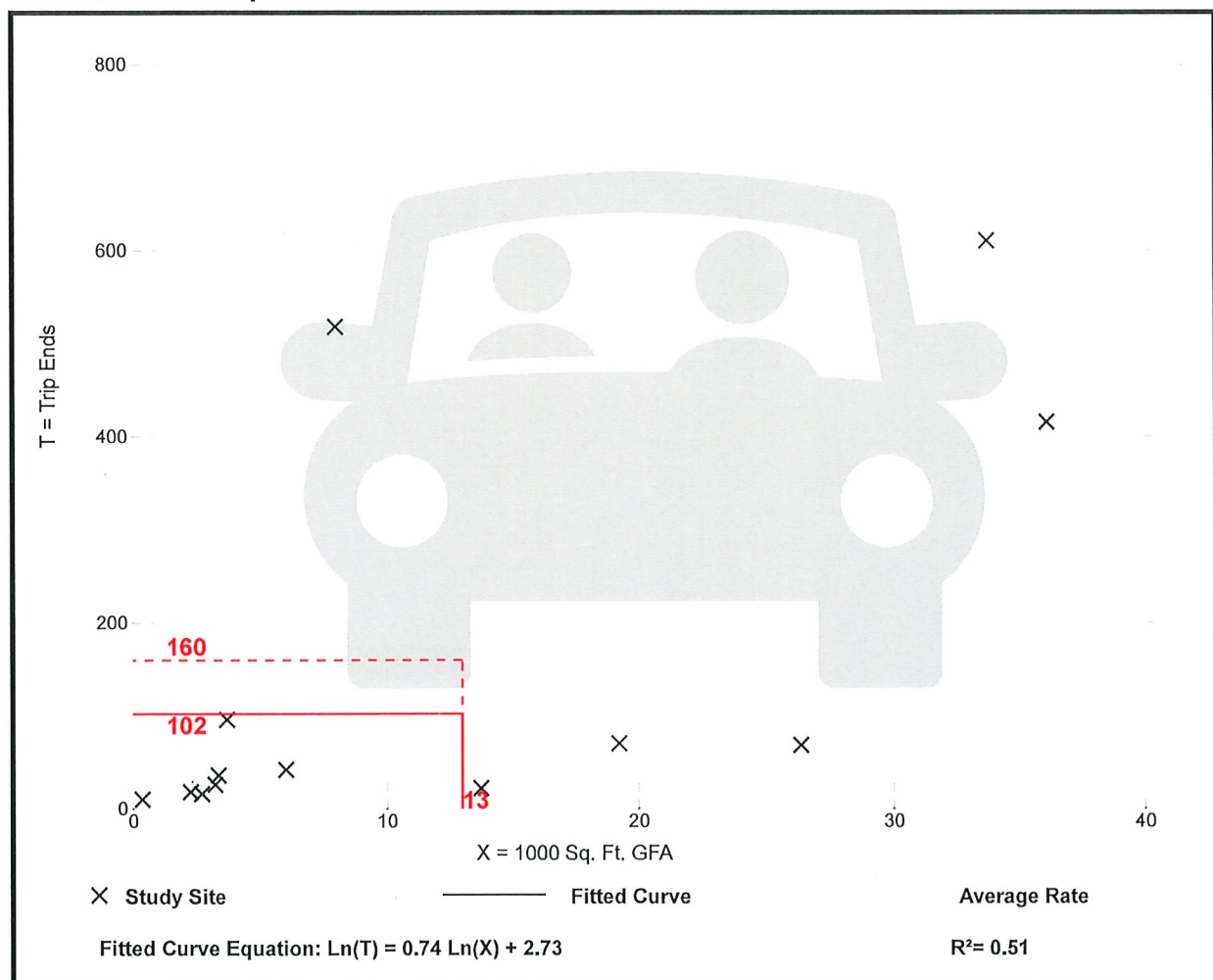
Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 13
Avg. 1000 Sq. Ft. GFA: 12
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
12.29	1.60 - 65.03	14.32

Data Plot and Equation



APPENDIX B

LEE COUNTY GENERALIZED SERVICE VOLUME TABLES

c:\input5

Uninterrupted Flow Highway						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	130	420	850	1,210	1,640
2	Divided	1,060	1,810	2,560	3,240	3,590
3	Divided	1,600	2,720	3,840	4,860	5,380

Arterials						
Class I (40 mph or higher posted speed limit)						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	140	800	860	860
2	Divided	*	250	1,840	1,960	1,960
3	Divided	*	400	2,840	2,940	2,940
4	Divided	*	540	3,830	3,940	3,940

Class II (35 mph or slower posted speed limit)						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	*	330	710	780
2	Divided	*	*	710	1,590	1,660
3	Divided	*	*	1,150	2,450	2,500
4	Divided	*	*	1,580	3,310	3,340

Controlled Access Facilities						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	160	880	940	940
2	Divided	*	270	1,970	2,100	2,100
3	Divided	*	430	3,050	3,180	3,180

Collectors						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	*	310	660	740
1	Divided	*	*	330	700	780
2	Undivided	*	*	730	1,440	1,520
2	Divided	*	*	770	1,510	1,600

Note: the service volumes for I-75 (freeway), bicycle mode, pedestrian mode, and bus mode should be from FDOT's most current version of LOS Handbook.

APPENDIX C

FLORIDA TRAFFIC ONLINE AADT

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2022 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 0152 - JAGUAR BLVD, E OF SR 82

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
----	-----	-----	-----	-----	-----	-----
2022	2600 X	0	0	9.00	53.90	16.40
2021	2500 X	0	0	9.00	53.50	14.50
2020	2400 E	0	0	9.00		9.90
2019	2400 E	E 0	W 0	9.00		11.60
2018	2100 C	E 1000	W 1100	9.00	53.30	11.60
2017	3900 S	E 1900	W 2000	9.00	55.40	10.50
2016	3700 F	E 1800	W 1900	9.00	63.90	10.80
2015	3500 C	E 1700	W 1800	9.00	55.50	11.00

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE

S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE

V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN

*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

APPENDIX D

2022 LEE COUNTY CONCURRENCY REPORT



PUBLIC FACILITIES LEVEL OF SERVICE AND CONCURRENCY REPORT

2022 - INVENTORY AND PROJECTIONS



November, 2022

Infrastructure Planning Section
Department of Community Development

Table 21 b): Link-Level Service Volumes and LOS Table

Table 21 b) 1 of 7

LEE COUNTY ROAD LINK VOLUMES (County- and State-Maintained Roadways)														
Link No.	NAME	ROADWAY LINK		F. Class	ROAD TYPE	PERFORMANCE STANDARD		2021 100TH HIGHEST HOUR			FUTURE FORECAST (2026)			Notes
						LOS	DIRECTIONAL CAPACITY	LOS	VOL	V/C	LOS	VOL	V/C	
		FROM	TO											
00100	A & W BULB RD	GLADIOLUS DR	McGREGOR BLVD	Maj. Col	2LN	E	860	C	342	0.40	C	360	0.42	
00200	ALABAMA RD	SR 82	MILWAUKEE BLVD	M. Art	2LN	E	990	C	265	0.27	C	279	0.28	
00300	ALABAMA RD	MILWAUKEE BLVD	HOMESTEAD RD	M. Art	2LN	E	990	C	349	0.35	C	367	0.37	
00400	ALEXANDER BELL BLVD	SR 82	MILWAUKEE BLVD	M. Art	2LN	E	990	D	561	0.57	D	590	0.60	
00500	ALEXANDER BELL BLVD	MILWAUKEE BLVD	LEELAND HEIGHTS	M. Art	2LN	E	990	D	561	0.57	D	654	0.66	Shadow Lakes
00590	ALICO RD	US 41	DUSTY RD	P. Art	4LD	E	1,980	B	1,171	0.59	B	1,230	0.62	
00600	ALICO RD	DUSTY RD	LEE RD	P. Art	6LD	E	2,960	B	1,171	0.40	B	1,532	0.52	Alico Business Park
00700	ALICO RD	LEE RD	THREE OAKS PKWY	P. Art	6LD	E	2,960	B	1,171	0.40	B	1,419	0.48	Three Oaks Regional Center
00800	ALICO RD	THREE OAKS PKWY	I-75	P. Art	6LD	E	2,960	B	2,428	0.82	B	2,552	0.86	EEPCO Study
00900	ALICO RD	I-75	BEN HILL GRIFFIN BLVD	P. Art	6LD	E	2,960	B	1,278	0.43	B	1,425	0.48	EEPCO Study
01000	ALICO RD	BEN HILL GRIFFIN BLVD	GREEN MEADOW DR	Maj. Col	2LN	E	1,100	C	395	0.36	E	808	0.73	4 Ln constr 2018, EEPCO Study*
01050	ALICO RD	GREEN MEADOW DR	CORKSCREW RD	Maj. Col	2LN	E	1,100	B	131	0.12	B	224	0.20	EEPCO Study
01200	BABCOCK RD	US 41	ROCKEFELLER CIR	Min. Col	2LN	E	860	C	55	0.06	C	162	0.19	old count
01400	BARRETT RD	PONDELLA RD	PINE ISLAND RD (US 78)	Maj. Col	2LN	E	860	C	103	0.12	C	116	0.14	old count projection(2009)
01500	BASS RD	SUMMERLIN RD	GLADIOLUS RD	Maj. Col	4LN	E	1,790	C	564	0.32	C	822	0.46	
01600	BAYSHORE RD (SR 78)	BUS 41	NEW POST RD/HART RD	State	4LD	D	2,100	C	1,975	0.94	D	2,076	0.99	
01700	BAYSHORE RD (SR 78)	HART RD	SLATER RD	State	4LD	D	2,100	C	1,821	0.87	D	2,152	1.02	
01800	BAYSHORE RD (SR 78)	SLATER RD	I-75	State	4LD	D	2,100	C	1,222	0.58	C	1,441	1.09	
01900	BAYSHORE RD (SR 78)	I-75	NALLE RD	State	2LN	D	924	C	741	0.80	D	941	1.02	
02000	BAYSHORE RD (SR 78)	NALLE RD	SR 31	State	2LN	D	924	C	741	0.80	D	941	1.02	
02100	BEN HILL GRIFFIN PKWY	CORKSCREW RD	FGCU ENTRANCE	P. Art	4LD	E	2,000	B	1,361	0.68	B	1,763	0.88	
02200	BEN HILL GRIFFIN PKWY	FGCU BOULEVARD S	COLLEGE CLUB DR	P. Art	4LD	E	2,000	B	1,361	0.68	B	1,430	0.72	
02250	BEN HILL GRIFFIN PKWY	COLLEGE CLUB DR	ALICO RD	P. Art	6LD	E	3,000	A	1,123	0.37	A	1,215	0.41	
26950	BEN HILL GRIFFIN PKWY	ALICO RD	TERMINAL ACCESS RD	Controlled xs	4LD	E	1,980	A	980	0.49	A	1,030	0.52	
02300	BETH STACEY BLVD	23RD ST	HOMESTEAD RD	Maj. Col	2LN	E	860	C	340	0.40	C	565	0.66	
02400	BONITA BEACH RD	HICKORY BLVD	VANDERBILT DR	P. Art	4LD	E	1,900	C	736	0.39	C	774	0.41	Constrained In City Plan *
02500	BONITA BEACH RD	VANDERBILT DR	US 41	P. Art	4LD	E	1,900	C	1,433	0.75	C	1,506	0.79	Constrained In City Plan
02600	BONITA BEACH RD	US 41	OLD 41	P. Art	4LD	E	1,860	C	1,427	0.77	C	1,500	0.81	Constrained, old count projection(2010)
02700	BONITA BEACH RD	OLD 41	IMPERIAL ST	P. Art	6LD	E	2,800	C	1,908	0.68	C	2,005	0.72	Constrained In City Plan(2010)
02800	BONITA BEACH RD	IMPERIAL ST	W OF I-75	P. Art	6LD	E	2,800	C	2,091	0.75	C	2,197	0.78	Constrained In City Plan
02900	BONITA BEACH RD	E OF I-75	BONITA GRAND DR	M. Art	4LD	E	2,020	B	626	0.31	B	658	0.33	Constrained In City Plan
02950	BONITA BEACH RD	BONITA GRANDE DR	Logan Boulevard	M. Art	4LD	E	2,020	B	626	0.31	B	658	0.33	Constrained In City Plan
03100	BONITA GRANDE DR	BONITA BEACH RD	E TERRY ST	Maj. Col	2LN	E	860	D	692	0.80	E	782	0.91	old count projection(2009)
03200	BOYSCOUT RD	SUMMERLIN RD	US 41	P. Art	6LN	E	2,520	E	1,847	0.73	E	1,941	0.77	
03300	BRANTLEY RD	SUMMERLIN RD	US 41	Maj. Col	2LN	E	860	C	287	0.33	C	302	0.35	
03400	BRIARCLIFF RD	US 41	TRIPLE CROWN CT	Maj. Col	2LN	E	860	C	158	0.18	C	166	0.19	
03500	BROADWAY RD (ALVA)	SR 80	North RIVER RD	Maj. Col	2LN	E	860	C	280	0.33	C	294	0.34	old count projection(2009)
03700	BUCKINGHAM RD	SR 82	GUNNERY RD	P. Art	2LN	E	990	D	491	0.50	D	516	0.52	
03730	BUCKINGHAM RD	GUNNERY RD	ORANGE RIVER BLVD	P. Art	2LN	E	990	C	395	0.40	C	415	0.42	
03800	BUCKINGHAM RD	ORANGE RIVER BLVD	SR 80	P. Art	2LN	E	990	D	644	0.65	D	1,057	1.07	Buckingham 345 & Portico
03900	BURNT STORE RD	SR 78	VAN BUREN PKWY	Controlled xs	4LD	E	2,950	B	828	0.28	B	870	0.29	
04000	BURNT STORE RD	VAN BUREN PKWY	COUNTY LINE	Controlled xs	2LN	E	1,140	C	528	0.46	C	626	0.55	
04200	BUS 41 (N TAMIAHI TR, \$CITY LIMITS (N END EDISON BRG))	PONDELLA RD		State	6LD	D	3,171	C	1,715	0.54	C	2,082	0.66	
04300	BUS 41 (N TAMIAHI TR, \$PONDELLA RD)	SR 78		State	6LD	D	3,171	C	1,715	0.54	C	2,082	0.66	
04400	BUS 41 (N TAMIAHI TR, \$SR 78)	LITTLETON RD		State	4LD	D	2,100	C	994	0.47	C	1,245	0.59	
04500	BUS 41 (N TAMIAHI TR, \$LITTLETON RD)	US 41		State	4LD	D	2,100	C	596	0.28	C	796	0.38	
04600	CAPE CORAL BRIDGE	DEL PRADO BLVD	McGREGOR BLVD	P. Art	4LB	E	4,000	D	3,097	0.77	D	3,255	0.81	
04700	CAPTIVA DR	BLIND PASS	SOUTH SEAS	Maj. Col	2LN	E	860	C	267	0.31	C	302	0.35	Constrained, old count(2010)

County-Maintained Collector Roadway - Unincorporated Lee County

County-Maintained Collector Roadway - Incorporated Lee County

County-Maintained Arterial Roadway - Unincorporated Lee County

County-Maintained Arterial Roadway - Incorporated Lee County

State-Maintained Arterial Roadway - Unincorporated Lee County

County Maintained Controlled Access Arterial Facility

County Maintained Expressway

ATTACHMENT M



DCI2024-00003 Lehigh Acres WTP No2.DOCX
DEPARTMENT OF COMMUNITY
DEVELOPMENT

Memo

To: Dirk Danley Jr, Planner, Principal

From: Tim Brooks, Project Manager, DOT

Date: 6-5-24

Subject: Lehigh Acres WTP No2 (DCI2024-00003) Transportation-Related Analysis

Proposed Development

This application requests approval to rezone approximately 9.96 acres from Residential Multiple Family (RM-2) to Community Facilities Planned Development (CFPD) to allow a maximum of 13,000 ft² of utilities.

Site Location

The site is in section 27 of the township 45S and the range of 27E (23-45-27-L1-01000.30A0) approximately 5/8 mi NW of the intersection of Eisenhower Blvd & Jaguar Blvd. The address is:
913 Bolivia Dr
Lehigh Acres, FL 33974

Site Access

Access to the subject site is proposed to Bolivia Dr, a County-Maintained Local Road, via a single connection.

Trip Generation Review

The trip generation for the proposed development was determined by referencing the Institute of Transportation Engineer's (ITE) Trip Generation 11th Edition Report. Table 1 outlines the proposed project's new trip generation for weekday AM and PM peak hours and daily traffic volumes.

Table 1: New Trip Generation

Land Use	Weekday A.M Peak Hour			Weekday P.M Peak Hour			Daily (2-Way)
	In	Out	Total	In	Out	Total	
Utility-170 (13,000 ft ²)	19	3	22	2	10	12	63

Roadway Section Traffic Operation Level of Service Analysis

The proposed development was assumed to be completed by 2026 (build-out year). So, the roadway significantly impacted by the proposed development was analyzed for the horizon year 2026 without and with the proposed development (Table 2).

Table 2: Arterial/Collector Roadway Section(s) Adjacent to Site Expected to be Significantly Impacted by the Proposed Development

Roadway	Segment	Significant Impact Expected	Level of Service		
			Existing	Future	Future+ Project
Jaguar Blvd	SR 82 to Naples Ave S	No	C	C	C
Alexander Graham Bell Blvd	SR 82 to Milwaukee Blvd	No	C	D	D

Roadway Intersection Traffic Operation Level of Service Analysis

The new trip ends (peak hour) generated for the proposed development is expected to be less than 100. Therefore, certain items from the TIS, such as Roadway Intersection Traffic Operation Level of Service Analysis, are not necessary.

Conclusion

The proposed project will not have a detrimental impact on the surrounding roadway system as per LDC 34-145(d)(4)(a)(1)(d) & (e). However, please consider recommending the following condition be added to the zoning resolution:

“Regardless of any land use density/intensity conversion allowed per the Land Development Code or zoning condition specific to this development, the development is allowed a maximum calculated development intensity with respect to new trip generation utilizing the following development scenario based upon the Institute of Transportation Engineers (ITE) Trip Generation Manual in effect at the time of local development order: 13,000-SF utility use.”

ATTACHMENT N

Exhibit A

Legal Description & Plat

REVIEWED
DCI2024-00003
Rick Burris, Principal
Planner
Lee County DCD/Planning
3/13/2024

Legal Description

Tract "A", Plat of Unit 1, Section 23, Township 45 South, Range 27 East, a subdivision of Lehigh Acres, Lee County, Florida, Recorded in Plat Book 20, Page 21 of the Public Records of Lee County, Florida.

Strap #23-45-27-01-00000.30A0

REVIEWED
DCI2024-00003
Rick Burris, Principal
Planner
Lee County DCD/Planning
3/13/2024

