

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

WHEREAS, an application was filed by the property owner, Florida Governmental Utility Authority ("FGUA") c/o Accenture, to rezone a 9.97± acre parcel from Residential Multiple-Family District (RM-2) to Community Facilities Planned Development (CFPD) in reference to Lehigh Acres WTP No2; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Donna Marie Collins, was advertised and held on October 3, 2024; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2024-00003 and recommended APPROVAL of the Request; and

WHEREAS, a second public hearing was advertised and held on December 4, 2024 before the Lee County Board of Commissioners; and,

WHEREAS, the Lee County Board of Commissioners gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to rezone a 9.97± acre parcel from RM-2 to CFPD, to allow Essential Service Facility, Group II to facilitate development of water treatment plant infrastructure necessary to produce up to 10 million gallons of water per day. Improvements will also include storage tanks, administrative offices, and buildings for mechanical equipment.

The property is located in the Urban Community Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS

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

1. Master Concept Plan/Approved Development Parameters

Master Concept Plan. Development must be consistent with the one-page Master Concept Plan (MCP) entitled "Lehigh Acres Water Treatment Plant No. 2" date stamped May 31, 2024, except as modified by the conditions below (Exhibit C).

Lee Plan and Land Development Code. Development must comply with the Lee Plan and LDC, except where deviations are approved herein. Changes to approved development parameters, conditions, or MCP may require further development approvals.

Approved Development Parameters. The infrastructure necessary to produce up to 10 million gallons of water per day including storage tanks, 13,000 square feet of administrative offices, and buildings to store mechanical equipment.

2. Permitted Uses and Property 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, 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 § 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 structures ref. in LDC § 34-2173

Minimum Open Space: 20 percent

Maximum Lot Coverage: 35 percent

3. Open Space

Development order plans must depict 7.9 acres of open space.

SECTION C. DEVIATIONS

1. Entrance Gates and Gatehouses. Deviation (1) seeks relief the LDC §§ 34-1748(1)d. & e. and (5), which require entrance gates/gatehouses that control access to property 24 hours a day to be set back 100 feet from existing rights-of-way or easements and designed to provide adequate turn lanes and turnarounds to safely enter/exit the development, to reduce 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 auxiliary turn lane and turnaround requirements. This deviation is APPROVED.

SECTION D. EXHIBITS

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

- Exhibit A: Legal description of the property
- Exhibit B: Zoning Map (with the subject parcel indicated)
- Exhibit C: The Master Concept Plan

SECTION E. FINDINGS AND CONCLUSIONS

Based upon its review, the Board of County Commissioners adopts the recommendation of the Hearing Examiner, including the following findings and conclusions:

1. The requested CFPD is consistent with the Lee Plan. Lee Plan Goals 2, 4, 25, 53, 95, 125; Objectives 2.1, 2.2, 2.9, 4.1, 25.9, 39.1, 53.1, 55.1, 125.1, 126.2, 158.3, and Policies 1.1.4, 2.1.1, 2.1.2, 2.2.1, 25.9.2, 25.9.3, 54.1.3, 55.1.1, 125.1.2, 125.1.3, Lee Plan Maps 1-A, 1-B, 2-A.
2. As conditioned, the CFPD zoning district:
 - a. Is consistent with the LDC or qualifies for deviations. LDC Chapters 2, 10, 33, and 34.
 - b. Is compatible with existing or planned uses in the surrounding area. Lee Plan Objectives 2.1, 2.2, and Policies 5.1.5, 135.9.6; LDC §§ 34-411, 34-413.
 - c. Provides sufficient road access to support proposed development intensity.
 - d. Expected impacts on transportation facilities will be addressed by County regulations and conditions of approval. Lee Plan Objective 39.1, Policies 38.1.1, 38.1.5, 39.1.1; LDC § 34-411.
 - e. Will not adversely affect environmentally sensitive areas or natural resources. Lee Plan Goal 77, Objectives 77.3, 125.1, 126.2, Policies 54.1.3, 77.3.2, 126.2.1.
 - f. Public services and infrastructure will be available to serve the development. Goals 2, 4, 95, Objectives 2.1, 2.2, 4.1, Policies 2.2.1.

3. The proposed uses are appropriate at the location. Lee Plan Goals 2, 25, Objectives 2.1, 2.2, Policies 2.1.1, 2.1.2.
4. The County regulations and recommended conditions provide sufficient safeguards to protect the public interest and relate to impacts expected from the proposed development.
5. Deviations recommended for approval enhance the planned development and preserve public health, safety, and welfare. LDC §§ 34-373(a)(9), 34-377(a)(4).

SECTION F. SCRIVENER'S ERRORS

The Board intends that this resolution can be renumbered or relettered and typographical errors that do not affect the intent and are consistent with the Board's action can be corrected with the authorization of the County Manager or his designee, without the need for a public hearing.

Commissioner Pendergrass made a motion to adopt the foregoing resolution, seconded by Commissioner Mulicka. The vote was as follows:

Adopted by unanimous consent.

Kevin Ruane	Aye
Cecil L Pendergrass	Aye
David Mulicka	Aye
Brian Hamman	Absent
Mike Greenwell	Aye

DULY PASSED AND ADOPTED this 4th day of December 2024.

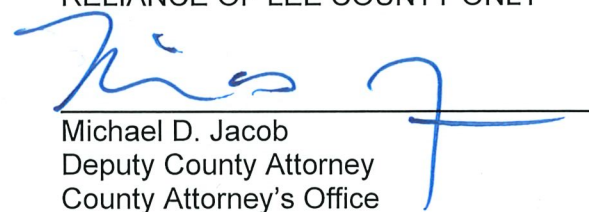
ATTEST:
KEVIN C. KARNES
CLERK OF CIRCUIT COURT

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Deputy Clerk

BY: 
Kevin Ruane, Chair

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY


Michael D. Jacob
Deputy County Attorney
County Attorney's Office



RECEIVED
MINUTES OFFICE
2024 DEC 10 PM 1:48

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

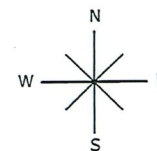
REVIEWED
DCI2024-00003
Rick Burris, Principal
Planner
Lee County DCD/Planning
3/13/2024



DCI2024-00003

Zoning

 Subject Property



0 300 600 900
Feet





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

DATE	DESCRIPTION

DATE: SEPT 2023
PROJECT NO. 20230606-002
FILE NO. 23-45-27
SCALE: 1" = 200'

MASTER
CONCEPT
PLAN

SHEET NUMBER
1 OF 1

