

**M E M O R A N D U M**  
**FROM**  
**THE OFFICE OF THE**  
**LEE COUNTY HEARING EXAMINER**

**DATE:** December 6, 2023

**TO:** Board of County Commissioners    **FROM:** Amanda L. Rivera  
Lee County Deputy Hearing Examiner

**RE:** SOUTHEAST ADVANCED WATER RECLAMATION FACILITY  
Hearing Examiner Recommendation

Deputy Hearing Examiner Amanda L. Rivera has rendered a Recommendation on the following zoning request:

**SOUTHEAST ADVANCED WATER RECLAMATION FACILITY**

**DCI2023-00011**

**HEARD:** October 19, 2023

The Zoning Section of the Department of Community Development will schedule a final hearing before the Board in the coming weeks.

cc: Michael Jacob, Esq. / County Attorney's Office  
Joseph Adams, Esq. / County Attorney's Office  
Anthony Rodriguez, AICP / Zoning Section  
Dirk Danley, Jr. / Zoning Section  
Warren Baucom / Economic Development  
Phil Gillogly / Natural Resources  
Jamie Prining / Community Development  
Applicant(s) & Representative(s)  
Other Interested Parties

Summary of Hearing Examiner Recommendation

**SOUTHEAST ADVANCED WATER  
RECLAMATION FACILITY**

Lee County Utilities seeks to construct a water reclamation facility north of Alico Road to service existing and emerging development.

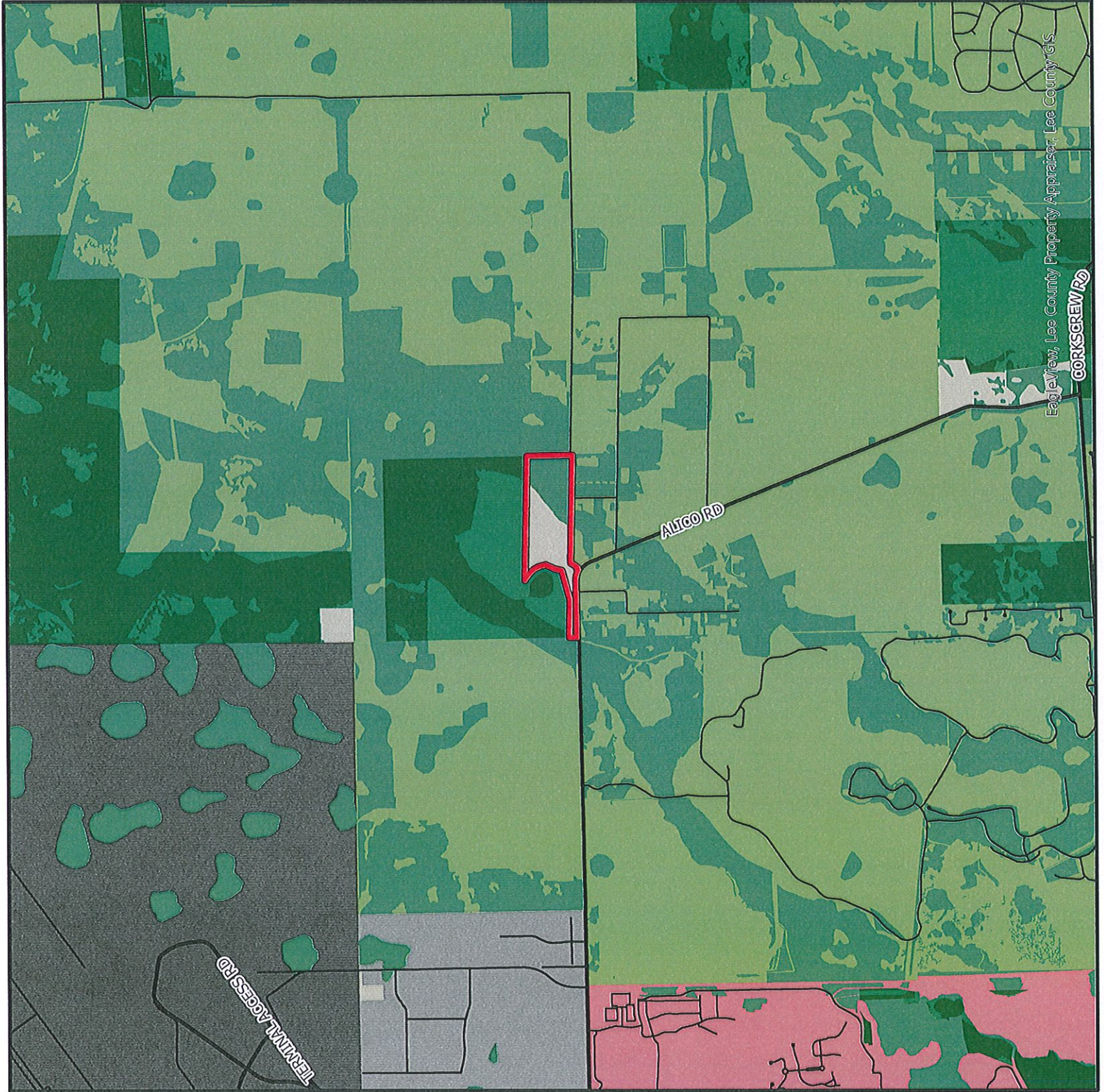
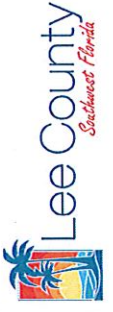
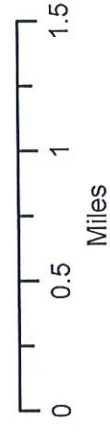
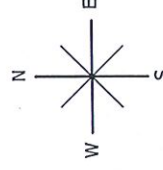
*Detailed recommendation follows*



DCI2023-00011

Future Land Use

- Subject Property
- Public Facilities
- University Community
- Tradeport
- Airport
- Density Reduction/  
Groundwater Resource
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland

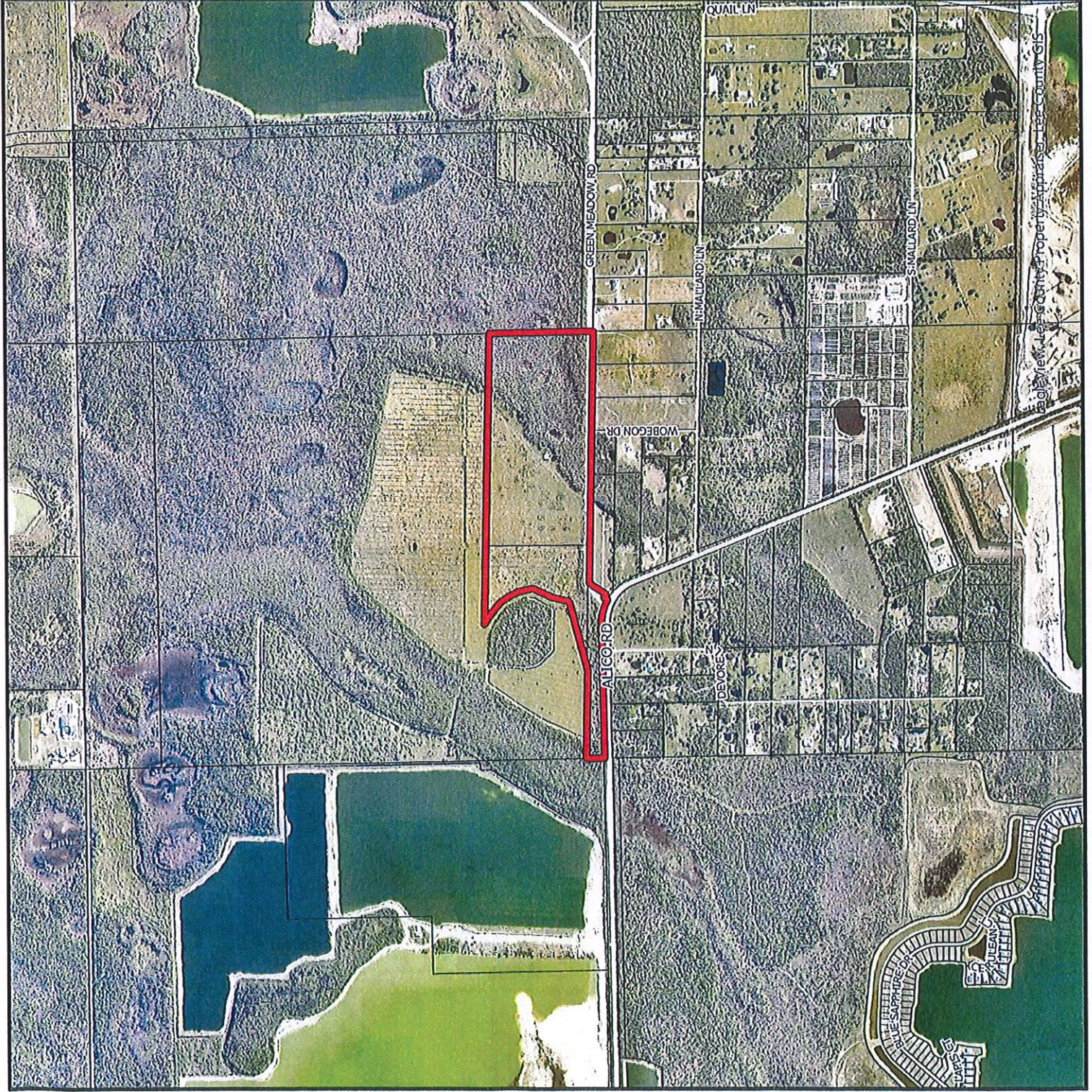
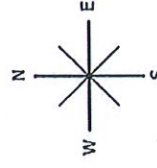




DCI2023-00011

Aerial

 Subject Property



Map View, Lee County Property Appraiser, Lee County GIS



OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

**REZONING:** DCI2023-00011

**Regarding:** SOUTHEAST ADVANCED WATER RECLAMATION FACILITY

**Location:** 18940 Green Meadow Road  
Southeast Lee County Planning Community  
(District 2)

**Hearing Date:** October 19, 2023

**I. Request**

Rezone 112.21± acres from Agricultural (AG-2) to Community Facilities Planned Development (CFPD) to allow Essential Services Facilities, Group II (Wastewater Treatment Plant), including 25,000 square feet of office, maintenance, administration buildings, and infrastructure necessary for the treatment of up to 10 million gallons of wastewater per day (MGD).

The property's legal description is set forth in Exhibit A.

**II. Hearing Examiner Recommendation**

Approval, subject to the conditions and deviations set forth in Exhibit B.

**III. Discussion**

The Hearing Examiner serves in an advisory capacity to the Board of County Commissioners (Board) on applications to rezone property.<sup>1</sup> In satisfaction of this duty, the Hearing Examiner accepted testimony and evidence on the application to rezone to CFPD.

In preparing a recommendation to the Board, the Hearing Examiner must consider the Lee County Comprehensive Plan (Lee Plan), the Land Development Code (LDC), and other applicable County regulations to the facts presented in a rezoning request.<sup>2</sup> Specifically, the Hearing Examiner must find the request compatible with surrounding uses and complies with Lee Plan and LDC requirements relating to such items as transportation facilities, natural resources, and urban services.<sup>3</sup> The

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<sup>1</sup> LDC §34-145(d)(1)(a) & (2)(a).

<sup>2</sup> LDC §34-145(d)(3).

<sup>3</sup> LDC §34-145(d)(4).



Hearing Examiner may take judicial notice of previous Board decisions.<sup>4</sup> The Hearing Examiner's recommendation must be based on competent and substantial evidence.<sup>5</sup>

Discussion supporting the recommendation of approval of the proposed CFPD follows below.

### **Request Synopsis**

Lee County Utilities (LCU) seeks to construct a water reclamation facility on 112.21± acres to serve existing and emerging development.<sup>6</sup> The area is developing at a rapid pace. Recent approvals permit 15,208 new dwelling units and 800,000 square feet of commercial development in need of utilities.<sup>7</sup> The proposed treatment facility is designed to meet anticipated demand with a capacity of 10 MGD.<sup>8</sup>

Site design proposes 25,000 square feet of office, maintenance, and administration buildings with supporting infrastructure. The Green Meadow Road/future Alico Road extension provides sole access, with a maintenance access to adjoining Conservation 20/20 lands.<sup>9</sup>

The Board recently adopted a Lee Plan amendment to re-designate the property from Density Reduction/Ground Water Resource (DR/GR) to Public Facilities.<sup>10</sup> The site remains vacant except for a wireless communication facility.<sup>11</sup>

### **Zoning Review Criteria**

Before recommending approval, the Hearing Examiner must find the request:

- A. Complies with the Lee Plan;
- B. Meets the LDC 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;

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<sup>4</sup> Lee Co. Admin. Code 2-6, §2.3.D(4)(b).

<sup>5</sup> Lee Co. Admin. Code 2-6, §3.3.A(2); LDC §34-83(a)(4)(a)(1)(a).

<sup>6</sup> See Staff Report (pg. 1-2, Attachment D).

<sup>7</sup> See Staff Report (pg. 2, Attachments I-J, referencing the FFD and Kingston settlement agreements).

<sup>8</sup> See Staff Report (pg. 3).

<sup>9</sup> See Staff Report (Attachment D); MCP.

<sup>10</sup> Lee Co. Ord. 23-28. Applicant is seeking a concurrent Lee Plan amendment to change the property's future land use designation from DR/GR to Public Facilities. CPA2023-00003; Staff Report (Attachment K).

<sup>11</sup> See Staff Report (pg. 1, citing SEZ2008-00013).



- E. Addresses impacts on transportation facilities by County regulations or conditions of approval;
- F. Will not adversely affect environmentally critical/sensitive areas or natural resources; and
- G. Will be served by urban services if located in a Future Urban area.<sup>12</sup>

When the requested zoning action is a planned development, the Hearing Examiner must also find:

- H. The proposed use/mix of uses is appropriate at the proposed location;
- I. Recommended conditions (1) provide sufficient safeguards to the public interest, and (2) reasonably relate to impacts on the public interest expected from the proposed development; and
- J. Requested deviations (1) enhance achievement of the objectives of the planned development, and (2) promote the LDC's intent to protect public health, safety, and welfare.<sup>13</sup>

### **Site History**

The property has been cleared and used for agricultural pursuits since the 1960s. Row crops historically occupied the site until cattle grazing commenced in 2002.<sup>14</sup> In 2008, the site received special exception approval for a wireless communication facility.<sup>15</sup>

In 2016, the county completed the Corkscrew Overlay Area Wastewater Master Planning Report (the "Report").<sup>16</sup> The Report identified a need to construct a wastewater treatment plant in Southeast Lee County to meet existing and emerging growth. The Report analyzed two potential sites, adding the subject property in a 2017 addendum.<sup>17</sup> County staff reviewed siting options, ultimately selecting this location after extensive due diligence.<sup>18</sup>

Applicant submitted a zoning request in 2018 to develop a wastewater treatment plant on the site with a collocated solid waste transfer station.<sup>19</sup> Staff withdrew the

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<sup>12</sup> LDC §34-145(d)(4)(a)(1).

<sup>13</sup> LDC §34-145(d)(4)(a)(2).

<sup>14</sup> See Staff Report (Attachment K).

<sup>15</sup> SE22008-00013 and LDO2009-00045; See Staff Report (Attachment K).

<sup>16</sup> See Staff Report (Attachment K, pg. 6).

<sup>17</sup> See *Id.*

<sup>18</sup> See *Id.*

<sup>19</sup> See Staff Report (pg. 1, Attachment K).



request to address public concerns and evaluate design alternatives. Since then, public utilities demand has continued to increase.<sup>20</sup>

The current request does not include a solid waste component.<sup>21</sup>

### **Surrounding Area**<sup>22</sup>

Lands to the north, east, and west are zoned agricultural within the DR/GR. These lands are vacant, predominantly restoration areas under conservation easements prohibiting future development. The Florida Rock mine sits farther east.<sup>23</sup>

Green Meadow Road abuts to the south. Properties south of the road are a mix of residential and agricultural uses on large lots. The nearest residence is 350 feet southeast.<sup>24</sup>

### **Lee Plan Consistency**

Rezoning requests must be compatible with existing/planned uses in the surrounding area.<sup>25</sup> Planned developments must be consistent with the Lee Plan<sup>26</sup> and located to minimize negative effects of proposed uses on neighboring properties.<sup>27</sup>

The Lee Plan designates the property within the Public Facilities and Wetlands future land use categories in the Southeast Lee County Planning Community.<sup>28</sup> Applicant recently secured a Lee Plan amendment to change 36± acres of the property from the DR/GR future land use designation to Public Facilities.<sup>29</sup> Proposed development occurs on Public Facilities lands.<sup>30</sup>

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<sup>20</sup> The FFD and Kingston Settlement Agreements approve a combined 15,208 dwelling units, 800,000 square feet commercial uses, and 240 hotel rooms in the service area. See Staff Report (Attachment D, I, J, K).

<sup>21</sup> The removal of the solid waste transfer station is paramount in distinguishing this request from the 2018 request. Compatibility concerns raised by that request were primarily related to the solid waste component. Applicant explained there is no longer space for the solid waste transfer facility on the MCP, and the Schedule of Uses does not include this use.

<sup>22</sup> See Staff Report (pg. 1-2).

<sup>23</sup> See Staff Report (Attachment H: Z-12-003).

<sup>24</sup> See Staff Report (pg. 5); Applicant Ex. 1 (slide 24).

<sup>25</sup> LDC §34-145(d)(4)(a).

<sup>26</sup> LDC §34-411(a).

<sup>27</sup> LDC §34-411(c) and (i).

<sup>28</sup> Lee Plan Map 1-A.

<sup>29</sup> CPA2023-00003; Staff Report (Attachment K).

<sup>30</sup> See Staff Report (pg. 4, Attachment B).



Public Facilities areas are publicly owned lands hosting uses including parks, schools, airports, and other governmental facilities.<sup>31</sup> Public utility facilities such as the proposed water treatment plant are permitted in all land use categories.<sup>32</sup>

Much of the site remains within the Wetlands category. Permitted uses in Wetlands consist of low density residential and recreational uses that do not adversely affect wetland ecological function. The request does not propose development within Wetlands areas.<sup>33</sup>

The Southeast Lee County Community Plan endeavors to protect natural resources through acquisition/restoration efforts.<sup>34</sup> Public facilities are an identified permitted use in this community.<sup>35</sup> Allowable uses must be compatible with protecting the community's environment.<sup>36</sup> Applicant designed the proposed facility to avoid on-site wetlands and preserve historic flowways and associated habitat.<sup>37</sup> Applicant provided surface/groundwater models in satisfaction of Lee Plan directives.

The Lee Plan highlights the need to provide wastewater treatment/disposal throughout the county.<sup>38</sup> Utilities must construct sufficient treatment facilities to meet/exceed acceptable service standards.<sup>39</sup> The requested facility is necessary to supplement the Three Oaks Water Reclamation Facility and meet wastewater demand in the region.<sup>40</sup>

#### **Compatibility/Master Concept Plan (MCP)**

Site design divides the property into three tracts:

- Tract A occupies 50.57± acres and contains the development footprint: the wastewater treatment plant, storage tanks, pump station, injection well, maintenance/administration buildings, and supporting infrastructure.<sup>41</sup>
- Tract B is reserved for future Alico Road Extension right-of-way.
- Tract C runs along the eastern border, comprised of wetland preserves.

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<sup>31</sup> Lee Plan Policy 1.1.8.

<sup>32</sup> Lee Plan Policy 2.1.3; Goal 33.

<sup>33</sup> Preserved areas remain within the Wetlands categories.

<sup>34</sup> Lee Plan Goal 33.

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

<sup>37</sup> See MCP; Lee Plan Goal 33, Policies 33.1.7, 60.1.1, 60.1.2.

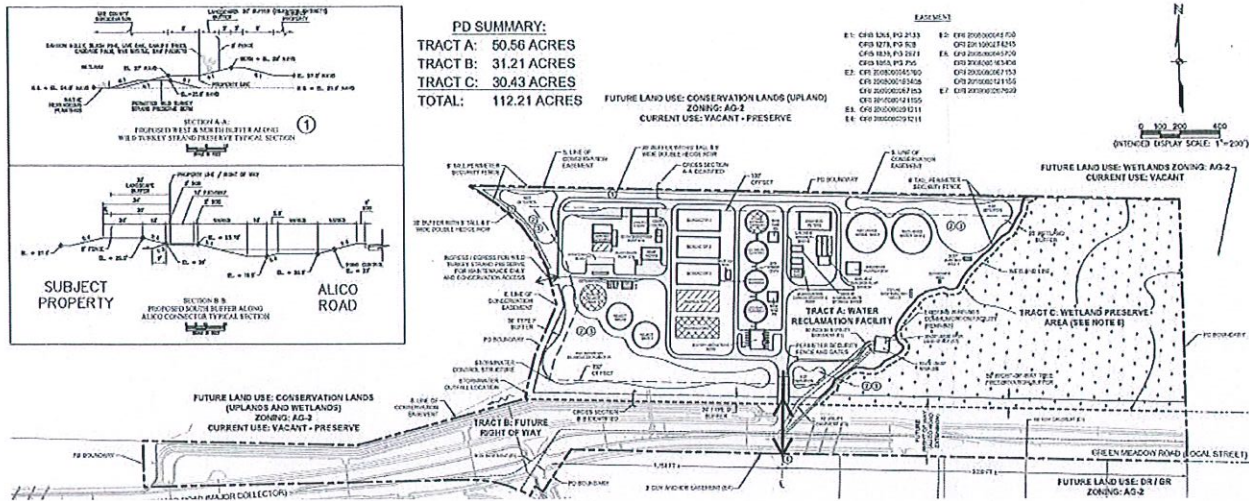
<sup>38</sup> Lee Plan Goal 56.

<sup>39</sup> Lee Plan Policy 56.1.3.

<sup>40</sup> See Staff Report (pg. 5). That facility is not suited to meet demands within the service area.

<sup>41</sup> See Staff Report (Attachment D).





Proposed site design includes various measures to protect area residents:<sup>42</sup>

- Development is setback more than 100 feet from property lines and 200 feet from the Alico Road Extension right-of-way;
- The facility will be bordered by an eight-foot-tall fence with landscaping along the fence exterior;
- Nearest residents are separated by a sizable water detention area, enhanced Type D buffer on Tract A. Tract C is separated by a 50-foot right-of-way tree preservation buffer;
- Structures are located as far north as possible to minimize visual impacts;
- Limits height to 35-60 feet, although utilities structures are generally exempt from height requirements;<sup>43</sup> and
- Committed to use best management practices to limit odor.

Phased development will occur across three phases. The initial phase proposes a 6 MGD plant with capacity expansion potential to 10 MGD.<sup>44</sup> Applicant explained that expansion will pace development to ensure capacity is available as demand increases.<sup>45</sup>

## Transportation

Planned developments must have access to roads with sufficient capacity to support proposed intensity.<sup>46</sup> Existing regulations or conditions of approval must address expected impacts on transportation facilities.<sup>47</sup>

<sup>42</sup> Lee Plan Policy 5.1.5.

<sup>43</sup> See Staff Report (pg. 5, citing LDC §34-2173(a)(2)).

<sup>44</sup> See Staff Report (Attachment D). Phase 1 accommodates a 6 MGD facility, Phase 2 increases to 8 MGD, and Phase 3 expands to 10 MGD.

<sup>45</sup> Beals Testimony (Transcript pg. 18-19).

<sup>46</sup> LDC §34-145(d)(4)(a)(1)(d); §34-411(d)(1).

<sup>47</sup> LDC §34-145(d)(4)(a)(1)(e); §34-411(d)(2).



The MCP denotes a single access point to Green Meadow Road/Alico Road extension. Applicant demonstrated the request provides sufficient access to support proposed development.

Applicant's transportation expert prepared a Traffic Impact Statement (TIS) to assess transportation impacts of the proposed facility.<sup>48</sup> The TIS conservatively estimated the request generates 166 daily peak trips.<sup>49</sup> Expert testimony reflected the request will likely generate less trips based upon limited staffing and the nature of the use. Access is confined primarily to employees and service vehicles.<sup>50</sup> The facility will be staffed by two to three employees per shift, with three shifts per day to ensure constant operation.<sup>51</sup> Staff reviewed the TIS and concluded the request will not adversely impact the surrounding roadway system.<sup>52</sup>

Site related impacts will be evaluated during development order review.<sup>53</sup>

### **Environmental and Natural Resources**

Planned development design should reflect creative use of open space.<sup>54</sup> Developers must try to protect and preserve natural site features.<sup>55</sup>

Site design limits development to upland disturbed areas. Conservation 20/20 lands abut the property to the north and west. The site plan protects onsite jurisdictional wetlands as preserves. Thirty acres of indigenous preserves maintain connectivity with the historic wetland slough.<sup>56</sup> On-site preserves connect to off-site preservation lands to maintain vital connections. Record evidence demonstrates the request poses no impacts to on-site wetlands/preserves or to off-site conservation lands.<sup>57</sup>

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<sup>48</sup> Traffic Circulation Analysis prepared by Johnson Engineering, dated June 2023. Applicant Ex. A: 48-Hour Memorandum dated October 16, 2023. The study reflects a daily generation of 166 peak hour trips.

<sup>49</sup> Traffic Circulation Analysis prepared by Johnson Engineering, dated June 2023. Applicant Ex. A: 48-Hour Memorandum dated October 16, 2023.

<sup>50</sup> Hildebrand and Howard Testimony (Transcript pg. 59-60). The facility is staffed with two to three operators at all times across three shifts. *Id.*

<sup>51</sup> *Id.*

<sup>52</sup> See Staff Report (pg. 8, Attachment P). Applicant's expert opined the TIS anticipates far more trips than comparable LCU facilities produce.

<sup>53</sup> Site related improvements include capital improvements and right-of-way dedications for "direct access" improvements to the project. Direct access improvements include site driveways/roads, median cuts made necessary by driveways/roads, right-turn, left-turn and deceleration/acceleration lanes serving driveways/roads, traffic control measures, and roads/intersection improvements whose primary purpose at the time of construction is to provide access to the development. See, Lee Plan Glossary and LDC §2-264; Lee Plan Objective 39.1, Policy 39.1.1. LDC §2-66 *et. seq.*

<sup>54</sup> LDC §34-411(h).

<sup>55</sup> LDC §34-411(g).

<sup>56</sup> See Staff Report (Attachment D).

<sup>57</sup> See Staff Report (pg. 6, Attachment D, M); Herrero Testimony (Transcript pg. 43-56).



Applicant's ecologist observed no protected species during environmental assessment.<sup>59</sup> Site design incorporates two wildlife crossings connecting the property to conservation lands to preserve ecological corridors.<sup>60</sup>

Integrated surface and groundwater modeling demonstrates proposed development will maintain historic levels.<sup>61</sup> Record submittals evidence the facility will not impact adjacent properties.<sup>62</sup> Proposed conditions of approval require Applicant to submit a Water Quality Monitoring Plan.<sup>63</sup>

The site plan doubles LDC open space requirements.<sup>64</sup> Substantial buffers separate development from adjoining lands.

### **Public Services**

Public/urban services are the facilities, capital improvements, and infrastructure necessary to support development.<sup>65</sup> The Lee Plan requires an evaluation of available urban services during the rezoning process.<sup>66</sup>

The proposed wastewater treatment plant is infrastructure that will provide sanitary sewer service to the surrounding area.<sup>67</sup>

There are adequate public services to support the proposed development.<sup>68</sup> The property directly accesses Green Meadow Road/Future Alico Road extension. Lee County Utilities services the site with sufficient capacity.<sup>69</sup> Emergency service providers can accommodate the requested development.<sup>70</sup>

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<sup>59</sup> See Staff Report (Attachment M).

<sup>60</sup> See Staff Report (pg. 6). The Staff Report references a proposed condition requiring this connection. Applicant testified the crossing is part of the Alico Road extension project plans rather than the CFPD. Crespo Testimony (Transcript pg. 11). Herrero Testimony (Transcript pg. 46-48).

<sup>61</sup> See Staff Report (pg. 6, Attachment N); Howard Testimony (Transcript pg. 41-42).

<sup>62</sup> See *Id.* Mr. Howard testified the injection zone is 2,000 feet with the nearest residential well more than 800 feet away. His expert opinion concluded no supply wells will be affected by the request. Transcript pg. 40.

<sup>63</sup> See Condition 4; Howard Testimony (Transcript pg. 42).

<sup>64</sup> The LDC requires 24.3± acres open space, the MCP reflects 48.82± acres. See Staff Report (Attachment D). Testimony reflects 37% of development area will be indigenous preserve. Herrero Testimony (Transcript pg. 49).

<sup>65</sup> Lee Plan Glossary: Public services include public water/sewer, paved streets/roads, public transit, parks/recreation facilities, urban levels of police, fire, and emergency services, urban surface water management, schools, employment, industrial, and commercial centers, institutional, public, or administrative facilities, community facilities such as senior citizens centers, libraries, and community centers.

<sup>66</sup> Lee Plan Policy 2.2.1.

<sup>67</sup> See Staff Report (Attachment L).

<sup>68</sup> See Staff Report (Attachment D, pg. 6-7).

<sup>69</sup> See Staff Report (Attachment D, L). Developer funded improvements may be required to connect to potable water lines. See *Id.* at Attachment L.

<sup>70</sup> See Staff Report (Attachment D, pg. 7 & Attachment K, pg. 8).



## **Public**

Applicant conducted public outreach including an information session to discuss the proposed facility and a website dedicated to the request.<sup>70</sup> Applicant reported the session was well-attended, and the website was routinely updated to reflect current application materials.

Several members of the public appeared at hearing.<sup>71</sup> Speakers provided extensive testimony on traffic, environmental impact, and compatibility concerns.<sup>72</sup>

## **Deviations**

"Deviations" are departures from LDC regulations.<sup>73</sup> The request seeks four deviations relating to buffers, bank slopes/plantings, and access. Staff recommended approval of all deviations.

The Hearing Examiner's standard of review requires a finding that the deviation:

1. Enhances achievement of objectives of the planned development; and
2. Preserves and promotes the general intent of the LDC to protect the public health, safety, and welfare.<sup>74</sup>

Applying LDC deviation standards of review to testimony and evidence in the record, the Hearing Examiner concludes requested deviations meet approval criteria.<sup>75</sup>

## **Conditions**

The county must administer the zoning process so proposed land uses acceptably minimize adverse impacts to adjacent property. Conditions must plausibly relate to anticipated impacts from the proposed development and must be pertinent to mitigation of those impacts on public health, safety, and welfare.<sup>76</sup>

The CFPD will be subject to conditions of approval. The conditions relate to impacts anticipated from the project.<sup>77</sup> The Hearing Examiner recommends:

1. Revisions to conditions to improve clarity; and

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<sup>70</sup> Applicant detailed community outreach efforts, including open house style session and website. Crespo Testimony (Transcript pg. 60-61); Applicant Ex. 1 (slide 70).

<sup>71</sup> Five speakers offered testimony on the record. See Transcript (pg. 79-203).

<sup>72</sup> Some testimony touched on matters outside the scope of Hearing Examiner review. See LDC §34-145(d)(1)&(4), (f).

<sup>73</sup> LDC §34-2.

<sup>74</sup> LDC §34-145(d)(4).

<sup>75</sup> LDC §34-377(a)(4).

<sup>76</sup> LDC §34-932(b).

<sup>77</sup> LDC §34-83(b)(4)a.3.



1. Revisions to conditions to improve clarity; and
2. Deletion of conditions that restate LDC standards and criteria applicable to the project pursuant to Condition 1.

### **Conclusion**

The Hearing Examiner concurs with staff's analysis and recommendation of approval.

### **IV. Findings and Conclusions**

The Hearing Examiner makes the following findings and conclusions based on the testimony and evidence in the record:

A. *As conditioned herein*, the proposed CFPD:

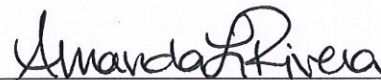
1. Complies with the Lee Plan. See, Lee Plan Goals 2, 4, 33, 56, 77, 115, 124, 125, Objectives 1.5, 2.1, 2.2, 125.1, 158.3, and Policies 1.1.8, 2.2.1, 5.1.5, 33.1.7, 56.1.3, 60.1.1, 60.1.2, 123.2.3, 125.1.2, 125.1.3, 126.1.1, Standards 4.1.1, 4.1.2, 4.1.4; Lee Plan Maps 1A-B, 4B.
2. Complies with the LDC and other County regulations or qualifies for deviations. See, LDC Chapters 10 and 34.
3. Is compatible with existing and planned uses in the area. See, Lee Plan Policies 1.1.8, 2.1.1, 2.1.2, 2.2.1; LDC 34-411(c), (i), and (j).
4. Provides sufficient access to support the proposed development intensity, with expected impacts on transportation facilities addressed by existing County regulations or conditions of approval. See Lee Plan Policy 37.3.3, 39.1.1.
5. Will not adversely affect environmentally critical areas and natural resources. See, Lee Plan Goals 77, 124, 125, Objectives 1.5, 4.1, 77.1, Policy 124.1.2, 125.1.2, 125.1.3, Standard 4.1.4, LDC 34-411(h).
6. Will be served by urban services. See, Lee Plan Glossary, Map 4A-B, Goal 2; Objectives 2.1, 2.2, 4.1, 53.1, 56.1; Policies 2.2.1, and Standards 4.1.1 and 4.1.2; LDC 34-411(d).

- B. The Master Concept Plan reflects sufficient access to support the intensity of development. In addition, County regulations and conditions of approval will address expected impacts to transportation facilities. See, Lee Plan Goal 39, Objective 39.1; LDC 34-411(d).



- C. The proposed mix of uses is appropriate at the proposed location. See, Lee Policies 1.1.8, 2.1.1.
- D. The recommended conditions are sufficient to protect the public interest and reasonably relate to the impacts expected from the development. See, LDC Chapters 10 and 34.
- E. As conditioned herein, the deviations:
  - 1. Enhance the objectives of the planned development; and
  - 2. Promote the intent of the LDC to protect public health, safety, and welfare. See, 34-377(b)(4).

Date of Recommendation: December 6, 2023.



Amanda L. Rivera  
Deputy Hearing Examiner

Lee County Hearing Examiner  
1500 Monroe Street, Suite 218  
Post Office Box 398  
Fort Myers, FL 33902-0398

**Exhibits to Hearing Examiner's Recommendation**

- Exhibit A Legal Description and Vicinity Map
- Exhibit B Recommended Conditions and Deviations
- Exhibit C Exhibits Presented at Hearing
- Exhibit D Hearing Participants
- Exhibit E Information



**Exhibit A**

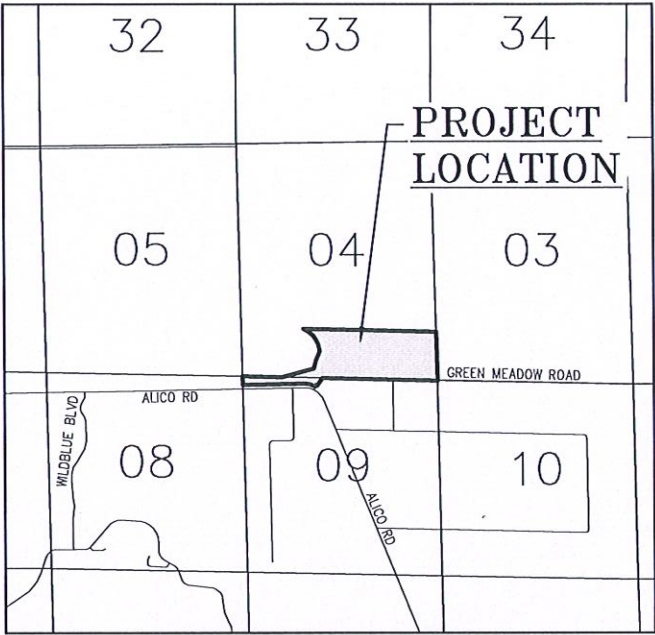
**LEGAL DESCRIPTION AND VICINITY MAP**



SKETCH AND DESCRIPTION  
SOUTHEAST ADVANCED WATER  
RECLAMATION FACILITY (SEAWRF)

A PARCEL OF LAND LYING IN  
SECTION 4, TOWNSHIP 46 SOUTH, RANGE 26 EAST,  
LEE COUNTY, FLORIDA

VICINITY MAP  
1"=5000'



REVIEWED  
DCI2023-00011  
Rick Burris, Principal  
Planner  
Lee County DCD/Planning  
5/24/2023

0 1250 2500 5000

(INTENDED DISPLAY SCALE: 1"=5000') THIS IS NOT A SURVEY.

NOTES:

1. THIS IS NOT A BOUNDARY SURVEY, NOR IS IT INTENDED TO BE USED AS ONE.
2. HORIZONTAL DATA AND COORDINATES SHOWN HEREON ARE IN FEET AND ARE PROJECTED ONTO THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1983 (NAD83), 2011 ADJUSTMENT.
3. BEARINGS SHOWN HEREON ARE BASED ON THE SOUTHERLY BOUNDARY OF THE SOUTHEAST 1/4 OF SECTION 4, WHEREIN SAID BOUNDARY BEARS N88°44'03"W.
4. PARCEL CONTAINS 112.21 ACRES, MORE OR LESS.
5. P.O.B. = POINT OF BEGINNING
6. ORB = OFFICIAL RECORDS BOOK
7. ORI = OFFICIAL RECORDS INSTRUMENT
8. PG = PAGE
9. ROW, R/W = RIGHT-OF-WAY
10. SQ. FT. = SQUARE FEET
11. N: = NORTHING
12. E: = EASTING
13. CL = CENTERLINE
14. DESCRIPTION ON SHEETS 4 AND 5.
15. NOT VALID WITHOUT SHEETS 1 THROUGH 5 OF 5.
16. DESCRIPTION PER A BOUNDARY SURVEY OF THE SUBJECT PARCEL BY BWLK ENGINEERS, DATED 10/19/2018, AS PROVIDED BY LEE COUNTY.

I HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THE LEGAL DESCRIPTION AND ATTACHED SKETCH WERE PREPARED IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF CHAPTER 5J-17.05, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472, FLORIDA STATUTES.



Digitally signed by  
Richard G. Daniels  
LS7229 State of  
Florida  
Date: 2023.02.06  
13:55:15 -05'00'

THIS SKETCH HAS BEEN DIGITALLY SIGNED BY:  
RICHARD G. DANIELS (FOR THE FIRM L.B. 642)  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NO. 7229  
ON THE DATE ADJACENT TO THE SEAL.

PRINTED COPIES OF THIS DOCUMENT ARE NOT  
CONSIDERED SIGNED AND SEALED, AND THE DIGITAL  
SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC  
COPIES.



JOHNSON ENGINEERING, INC.  
2122 JOHNSON STREET  
P.O. BOX 1550  
FORT MYERS, FLORIDA 33902-1550  
PHONE: (239) 334-0046  
E.B. #642 & L.B. #642

SKETCH AND DESCRIPTION SEAWRF				
SECTION 4, TOWNSHIP 46 SOUTH, RANGE 26 EAST LEE COUNTY, FLORIDA				
DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
01/31/2023	20181232-001	4-46-26	AS SHOWN	1 OF 5

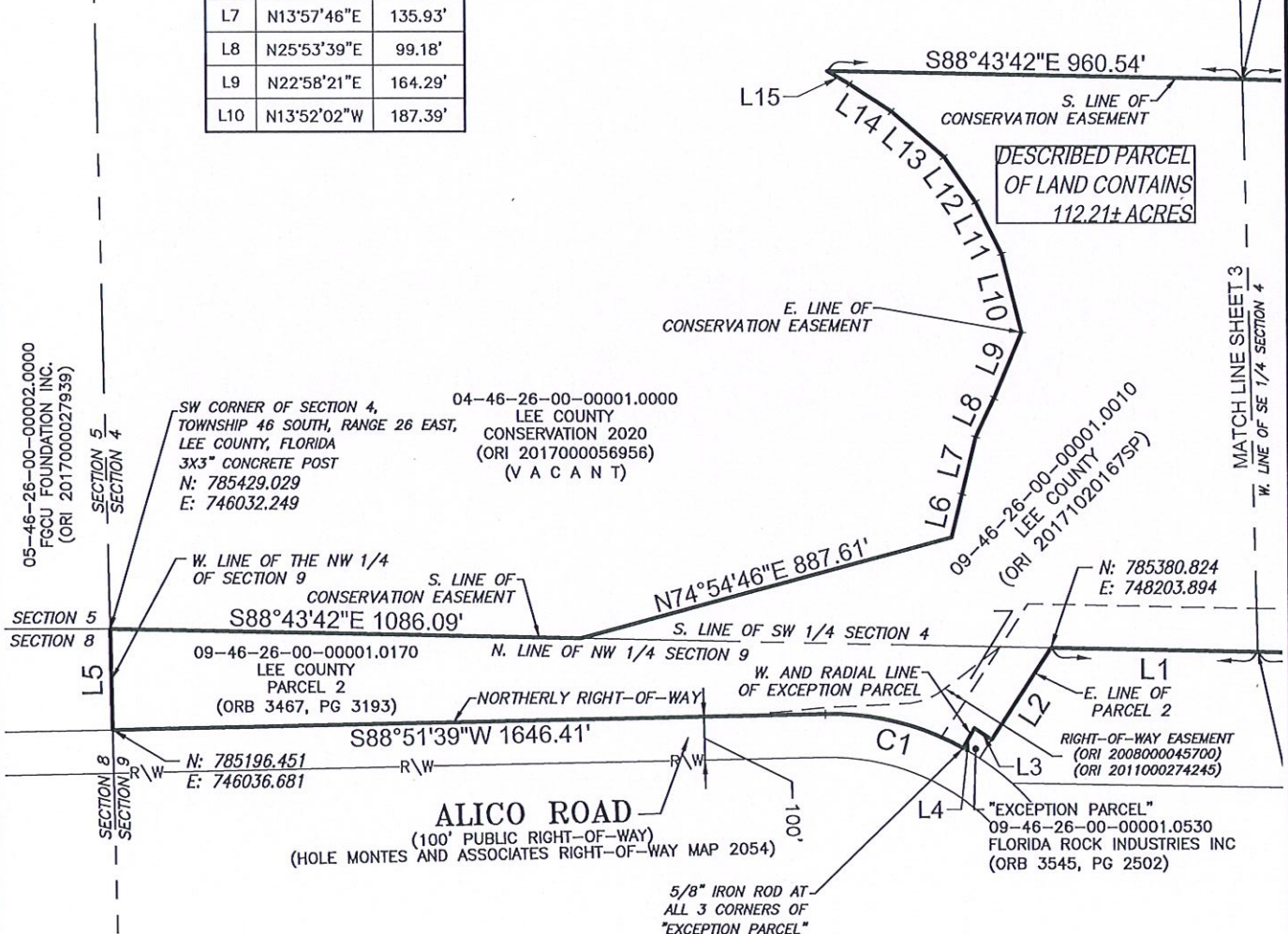
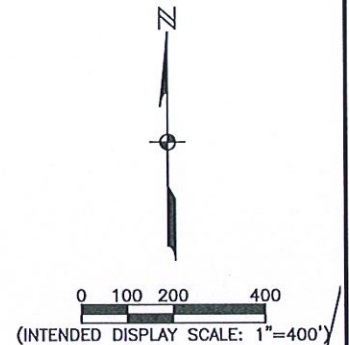


REVIEWED  
DCI2023-00011  
Rick Burris, Principal  
Planner  
Lee County DCD/Planning  
5/24/2023

CURVE TABLE					
CURVE	RADIUS	DELTA	CHORD BEARING	CHORD	LENGTH
C1	621.78'	30°23'54"	N75°56'24"W	326.03'	329.89'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N88°43'42"W	479.91'
L2	S33°20'29"W	252.32'
L3	N56°39'29"W	48.06'
L4	S29°15'33"W	53.27'
L5	N01°05'30"W	232.62'
L6	N13°37'39"E	102.68'
L7	N13°57'46"E	135.93'
L8	N25°53'39"E	99.18'
L9	N22°58'21"E	164.29'
L10	N13°52'02"W	187.39'

LINE TABLE		
LINE	BEARING	DISTANCE
L11	N26°44'22"W	133.22'
L12	N34°43'47"W	127.36'
L13	N49°07'04"W	159.47'
L14	N56°07'08"W	114.44'
L15	N59°55'40"W	59.60'



THIS IS NOT A SURVEY.

**JOHNSON**  
ENGINEERING

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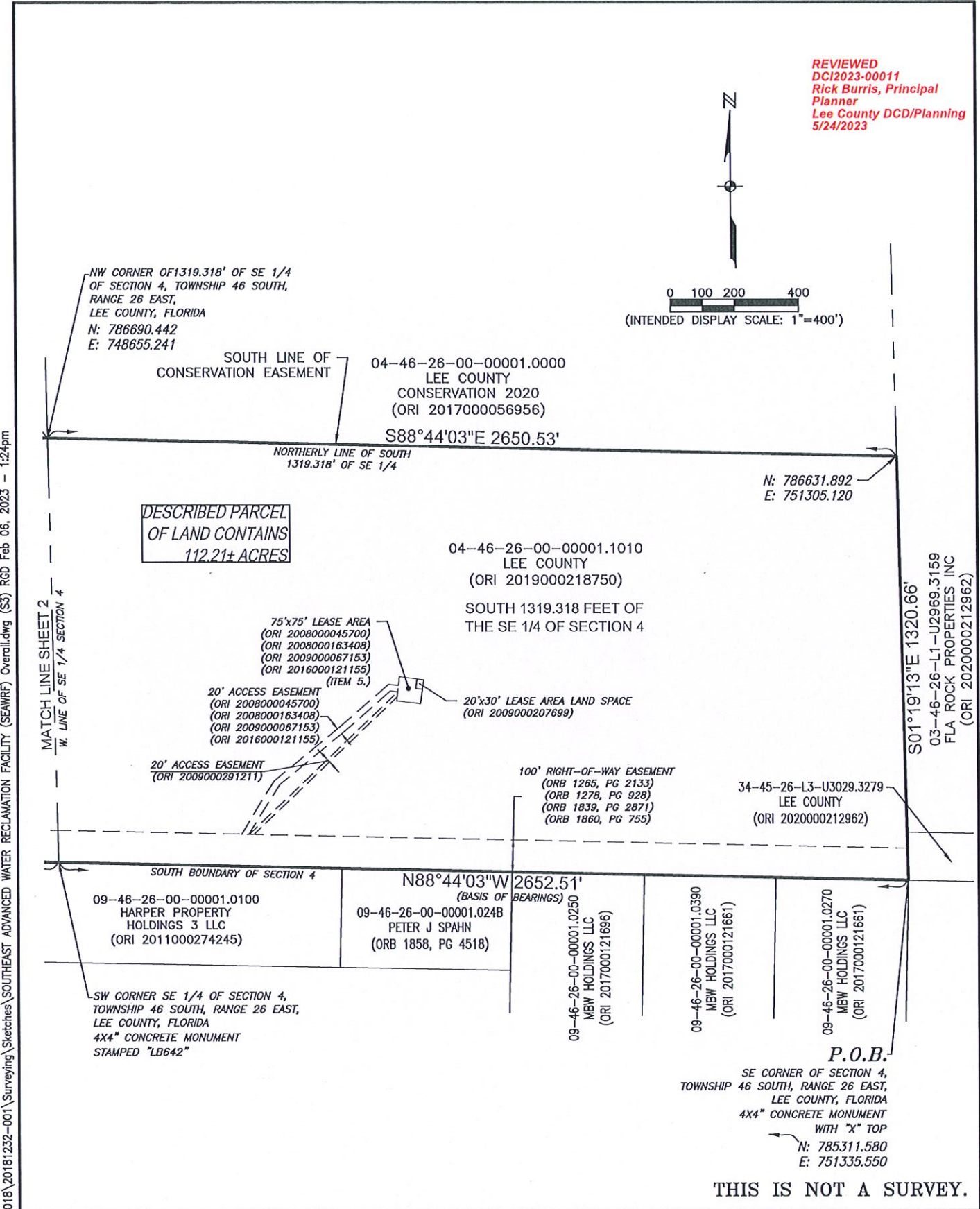
SKETCH AND DESCRIPTION  
SEAWRF

SECTION 4, TOWNSHIP 46 SOUTH, RANGE 26 EAST  
LEE COUNTY, FLORIDA

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
01/31/2023	20181232-001	4-46-26	AS SHOWN	2 OF 5



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SECTION 4, TOWNSHIP 46 SOUTH, RANGE 26 EAST				
LEE COUNTY, FLORIDA				
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01/31/2023	20181232-001	4-46-26	AS SHOWN	3 OF 5



REVIEWED  
DCI2023-00011  
Rick Burris, Principal  
Planner  
Lee County DCD/Planning  
5/24/2023

DESCRIPTION

SOUTHEAST ADVANCED WATER RECLAMATION FACILITY (SEAWRF)  
PARCEL LYING IN  
SECTIONS 4 AND 9, TOWNSHIP 46 SOUTH, RANGE 26 EAST  
LEE COUNTY, FLORIDA  
(AS PROVIDED BY LEE COUNTY)

A PARCEL OF LAND LYING IN SECTIONS 4 AND 9, TOWNSHIP 46 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA. (OVERALL PARCEL-UTILITIES WASTEWATER TREATMENT PLANT AND SOLID WASTE TRANSFER STATION)

A PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, BEING THE SOUTH 1319.318 FEET OF THE SOUTHEAST QUARTER (SE 1/4) AND THAT PORTION OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 4, TOWNSHIP 46 SOUTH, RANGE 26 EAST LYING SOUTH AND EAST OF THE CONSERVATION EASEMENT PARCEL AS RECORDED IN INSTRUMENT NUMBER 2017000056956 AND ALSO PARCEL NUMBER 2 AS RECORDED IN OFFICIAL RECORD BOOK 3467 AT PAGE 3193, BEING A PARCEL OF LAND LYING NORTH OF ALICO ROAD IN THE NORTHWEST QUARTER (NW 1/4) OF SECTION 9, TOWNSHIP 46 SOUTH, RANGE 26 EAST, AND FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT A 4" X 4" CONCRETE MONUMENT WITH "X" ON TOP MARKING THE SOUTHEAST CORNER OF SAID SECTION 4; THENCE N88°44'03"W ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 4 FOR 2652.51 FEET TO A 4" X 4" CONCRETE MONUMENT STAMPED "LB642" MARKING THE SOUTHWEST CORNER OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SAID SECTION 4; THENCE CONTINUE N88°43'42"W ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 4 FOR 479.91 FEET TO THE NORTHEAST CORNER OF SAID PARCEL NUMBER 2 AS RECORDED IN OFFICIAL RECORD BOOK 3467 AT PAGE 3193; THENCE S33°20'29"W ALONG THE EAST LINE OF SAID PARCEL NUMBER 2 FOR 252.32 FEET TO A 5/8" IRON ROD MARKING THE NORTHEAST CORNER OF AN EXCEPTION PARCEL AS DESCRIBED IN SAID OFFICIAL RECORD BOOK 3467 AT PAGE 3193 FOR PARCEL NUMBER 2; THENCE N56°39'29"W ALONG THE NORTH LINE OF SAID EXCEPTION PARCEL FOR 48.06 FEET TO A 5/8" IRON ROD MARKING THE NORTHWEST CORNER OF SAID EXCEPTION PARCEL; THENCE S29°15'33"W ALONG A RADIAL LINE AND ALONG THE WEST LINE OF SAID EXCEPTION PARCEL FOR 53.27 FEET TO A 5/8" IRON ROD MARKING AN INTERSECTION WITH A CURVE LYING ON THE NORTHERLY RIGHT-OF-WAY LINE OF ALICO ROAD CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 621.78 FEET AND TO WHICH POINT A RADIAL LINE BEARS N29°15'33"E; THENCE CONTINUE NORTHWESTERLY AND WESTERLY ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 30°23'54" (CHORD BEARING N75°56'24"W) FOR AN ARC DISTANCE OF 329.89 FEET TO A POINT OF TANGENCY; THENCE S88°51'39"W ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID ALICO ROAD FOR 1646.41 FEET TO THE WEST LINE OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SAID SECTION 9, BEING THE SOUTHWEST CORNER OF SAID PARCEL NUMBER 2 AS RECORDED IN OFFICIAL RECORD BOOK 3467 AT PAGE 3193; THENCE N01°05'30"W ALONG THE WEST LINE OF SAID NORTHWEST ONE-QUARTER (NW 1/4) OF SAID SECTION 9 FOR 232.62 FEET TO A 3"x3" CONCRETE POST MARKING THE SOUTHWEST CORNER OF SAID SECTION 4, THE SAME BEING THE SOUTHWEST CORNER OF A CONSERVATION EASEMENT PARCEL AS RECORDED IN INSTRUMENT NO. 2017000056956; THENCE S88°43'42"E ALONG THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SAID SECTION 4 AND ALONG THE SOUTH LINE OF SAID CONSERVATION EASEMENT PARCEL FOR 1086.09 FEET; THENCE N74°54'46"E ALONG THE SOUTH LINE OF SAID CONSERVATION EASEMENT PARCEL FOR 887.61 FEET; THENCE N13°37'39"E ALONG THE EAST LINE OF SAID CONSERVATION EASEMENT PARCEL FOR 102.68 FEET; THENCE N13°57'46"E ALONG THE EAST LINE OF SAID CONSERVATION EASEMENT PARCEL FOR 135.93 FEET; THENCE N25°53'39"E ALONG THE EAST LINE OF SAID CONSERVATION EASEMENT PARCEL FOR 99.18 FEET; THENCE N22°58'21"E ALONG THE EAST LINE OF SAID CONSERVATION EASEMENT PARCEL FOR 164.29 FEET; THENCE N13°52'02"W ALONG THE EAST LINE OF SAID (CONTINUED ON SHEET 5)

THIS IS NOT A SURVEY.



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SKETCH AND DESCRIPTION  
SEAWRF

SECTION 4, TOWNSHIP 46 SOUTH, RANGE 26 EAST  
LEE COUNTY, FLORIDA

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
01/31/2023	20181232-001	4-46-26	AS SHOWN	4 OF 5

\\FTMS01\Drawings\2018\20181232-001\Surveying\Sketches\SOUTHEAST ADVANCED WATER RECLAMATION FACILITY (SEAWRF) Overall.dwg (S4) RSD Feb 06, 2023 - 1:24pm



\\FTMS01\Drawings\2018\20181232-001\Surveying\Sketches\SOUTHEAST ADVANCED WATER RECLAMATION FACILITY (SEAWRF) Overall.dwg (S5) RGD Feb 06, 2023 - 1:24pm

DESCRIPTION

SOUTHEAST ADVANCED WATER RECLAMATION FACILITY (SEAWRF)  
PARCEL LYING IN  
SECTIONS 4 AND 9, TOWNSHIP 46 SOUTH, RANGE 26 EAST  
LEE COUNTY, FLORIDA  
(AS PROVIDED BY LEE COUNTY)

(CONTINUED FROM SHEET 4)  
CONSERVATION EASEMENT PARCEL FOR 187.39 FEET; THENCE N26°44'22"W ALONG THE EAST LINE OF SAID CONSERVATION EASEMENT PARCEL FOR 133.22 FEET; THENCE N34°43'47"W ALONG THE EAST LINE OF SAID CONSERVATION EASEMENT PARCEL FOR 127.36 FEET; THENCE N49°07'04"W ALONG THE EAST LINE OF SAID CONSERVATION EASEMENT PARCEL FOR 159.47 FEET; THENCE N56°07'08"W ALONG THE EAST LINE OF SAID CONSERVATION EASEMENT PARCEL FOR 114.44 FEET; THENCE N59°55'40"W ALONG THE EAST LINE OF SAID CONSERVATION EASEMENT PARCEL FOR 59.60 FEET TO AN INTERSECTION WITH A LINE BEARING N88°43'42"W (BEING PARALLEL WITH THE SOUTH LINE OF THE SOUTHWEST (SW 1/4) OF SAID SECTION 4) AND PASSING THROUGH THE NORTHWEST CORNER OF THE SOUTH 1319.318 FEET OF THE SOUTHEAST ONE QUARTER (SE 1/4) OF SAID SECTION 4; THENCE CONTINUE S88°43'42"E ALONG SAID PARALLEL LINE AND ALONG THE SOUTH LINE OF SAID CONSERVATION EASEMENT PARCEL FOR 960.54 FEET TO THE NORTHWEST CORNER OF THE SOUTH 1319.318 FEET OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SAID SECTION 4; THENCE CONTINUE S88°44'03"E ALONG THE NORTH LINE OF THE SOUTH 1319.318 FEET OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SAID SECTION 4 AND ALONG THE SOUTH LINE OF SAID CONSERVATION EASEMENT PARCEL FOR 2650.53 FEET TO THE NORTHEAST CORNER OF SAID PARCEL; THENCE S01°19'13"E ALONG THE EAST LINE OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SAID SECTION 4 FOR 1320.66 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 4 AND THE POINT OF BEGINNING.

CONTAINING 112.21 ACRES, MORE OR LESS.

BEARINGS ARE STATE PLANE GRID (FLORIDA WEST ZONE) WITH THE SOUTH LINE OF THE SOUTHWEST ONE QUARTER OF SECTION 4 AS BEARING N88°43'42"W

REVIEWED  
DCI2023-00011  
Rick Burris, Principal  
Planner  
Lee County DCD/Planning  
5/24/2023

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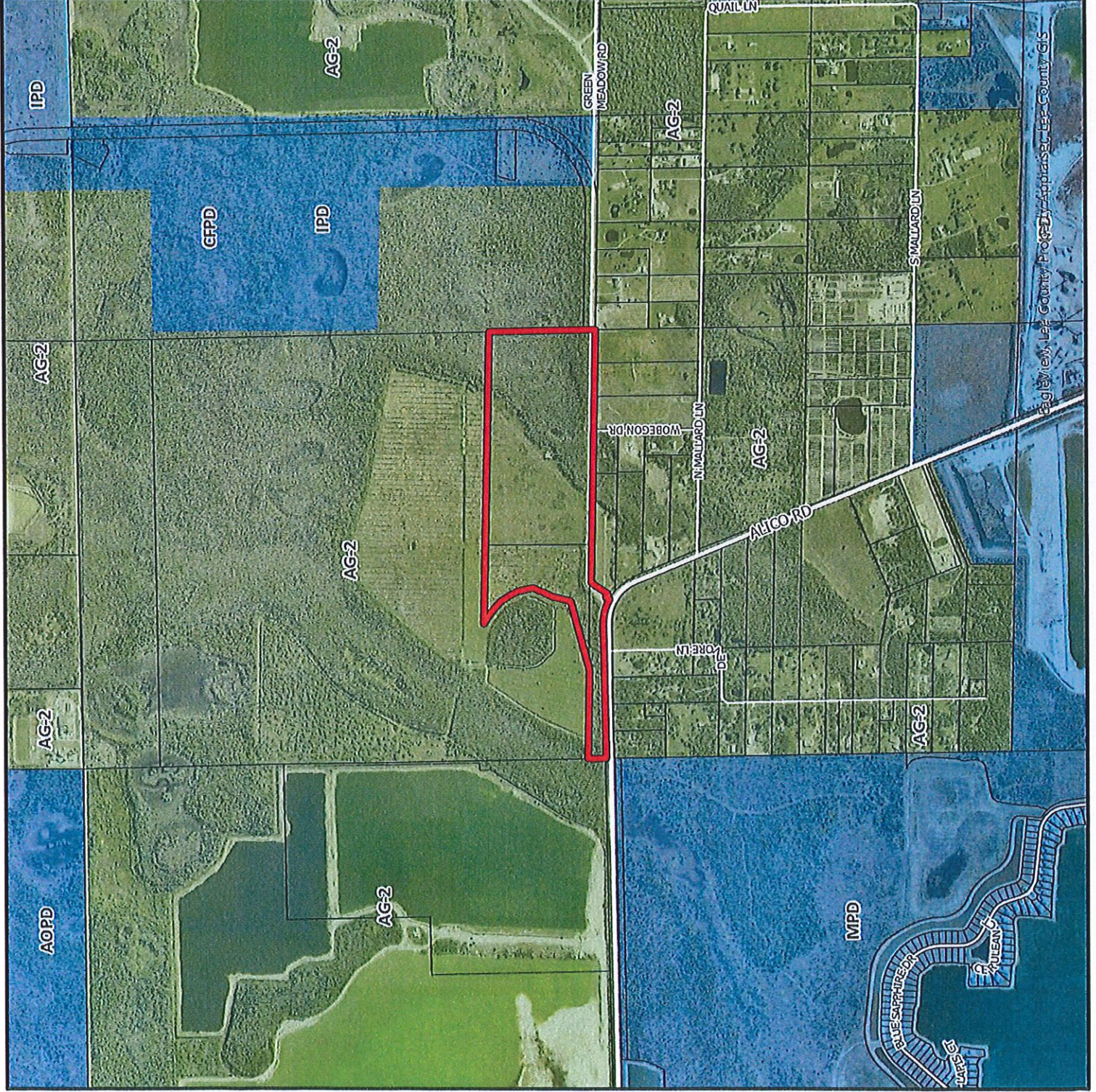
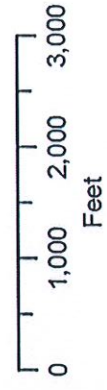
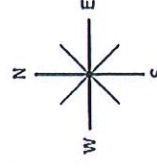
SKETCH AND DESCRIPTION				
SEAWRF				
SECTION 4, TOWNSHIP 46 SOUTH, RANGE 26 EAST				
LEE COUNTY, FLORIDA				
DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
01/31/2023	20181232-001	4-46-26	AS SHOWN	5 OF 5



DCI2023-00011

Zoning

 Subject Property





## Exhibit B

### RECOMMENDED CONDITIONS AND DEVIATIONS

#### CONDITIONS

##### 1. Master Concept Plan/Development Parameters

- a. MCP. Development must be substantially consistent with the one-page MCP entitled "Southeast Advanced Water Reclamation Facility" dated October 2023, except as modified by the conditions below.
- b. LDC and Lee Plan. Development must comply with the LDC and Lee Plan 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.
- c. Development Parameters. Project intensity is limited to a maximum intensity of 25,000 square feet of office, maintenance, and administration buildings, and the infrastructure necessary for up to 10 million gallons of wastewater per day.

##### 2. Uses and Site Development Regulations

###### a. Schedule of Uses

Accessory Uses and Structures  
Administrative Offices  
Communication Facility, Wireless (LDC §34-1441 *et. seq.*),  
See Condition 3  
Entrance Gates and Gatehouse  
Essential Services  
Essential Service Facilities: Groups I and II (Excluding Solid Waste Transfer Facilities)  
Excavation: Water Retention Only  
Fences, Walls  
Government Agencies, Offices Only  
Maintenance Facility (Government)  
Parking Lot, accessory  
Signs  
Storage, Indoor  
Water Retention/ Detention



b. Site Development Regulations

Minimum lot area and dimensions:

Lot area: 39,500 Square Feet

Lot width: 100 feet

Lot Depth: 130 feet

Setbacks:

Wastewater Treatment Plant: In accordance with LDC §10-351

Street: 200 feet (Alico Road ROW)  
100 feet (All other Perimeter Boundaries)

Waterbody, other: 25 feet

Maximum height: 45 feet except for structures referenced  
in LDC §34-2173 are limited to 60 feet

Minimum Open Space: 30%

Maximum lot coverage: 35%

3. Wireless Communication Facility

The Wireless Communication Facility approved in the Hearing Examiner's Decision SEZ2008-00013 remains in full force and effect.

4. Water Quality Monitoring

The Water Quality Monitoring Plan for Southeast Advanced Water Reclamation Facility (dated August 2023) must be provided for Lee County Division of Natural Resources approval prior to development order issuance.

5. Open Space

Development order plans must depict 60.3% (48.82 acres) of open space.

6. Environmental Conditions

a. Development order plans must include:

- i. A site plan depicting 31.39 acres of indigenous open space.
- ii. An indigenous management plan, consistent with LDC §10-415(b)4, over the entire preservation area, including supplemental plantings if required by the habitat type and removal of exotics. Development services staff must approve plans prior to the issuance of the first development order.



- iii. A map depicting where mechanical and hand-removal methods of exotic vegetation removal will be located. Mechanical clearing must be limited to non-indigenous areas. Native vegetation must be protected by tree barricades.
  - iv. The indigenous management plan must demonstrate hand removal/treatment within saturated areas of the proposed preserve to avoid grade change.
  - v. A vegetation removal permit with a survey point map depicting the preservation and restoration areas and mechanical clearing limits.
  - vi. An indigenous monitoring plan for five years after the initial time zero report.
  - vii. A schedule for exotic removal and restoration of indigenous habitat to begin concurrently with improvements to land.
  - viii. A schedule for the indigenous preservation and restoration to be completed within the first five years.
  - ix. Landscape plans depicting native species for the required supplemental plantings.
- b. No development in wetlands regulated by the State of Florida may be commenced without the appropriate state agency permit/authorization. Development orders/permits authorizing development within wetlands or lands located within the Wetlands future land use category may be issued subject to a condition that construction may not commence until issuance of required state permits.
- c. Prior to the issuance of a Certificate of Compliance, if the proposed restoration plantings fail, Applicant must provide temporary irrigation approved by Lee County Development Services Staff.

**7. Buffer Conditions**

Development order plans must depict a:

- a. 30-foot Type D right-of-way buffer along the south property line;
- b. 30-foot Type F buffer along the southern portion of the west property line; and
- c. 20-foot buffer with an 8-foot-tall fence and a 6-foot double hedge row to be planted at 48 inches tall and maintained at 72 inches tall along the northern property line.

**8. Development Permits**

County development permits do not create rights to obtain permits from state/federal agencies. Further, County development permits do not create liability on the part of the County if Applicant fails to obtain requisite approvals or fulfill obligations imposed by state/federal agencies or undertakes actions in violation of



state/federal law. Applicant must obtain applicable state/federal permits prior to commencing development.

## **DEVIATIONS**

1. Buffer. Deviation 1 seeks relief from LDC §10-416(d)(3), which requires a 30-foot Type F Buffer for wastewater treatment plants when abutting public preserve lands for conservation and/or passive recreation, to allow a 30-foot Type F buffer with an 8-foot tall fence extending from the southwest corner of Tract A northward for approximately 300 feet and a 20-foot buffer with an 8-foot tall fence and a 5-foot double hedge row to be planted at 48 inches tall and maintained at 60 inches tall along the remaining west and north boundary of Tract A.

*HEX Recommendation:* Approved, subject to the following condition:

Prior to the issuance of the first development order, development order plans must depict a 20-foot buffer with an 8-foot-tall fence and a 6-foot double hedge row to be planted at 48 inches tall and maintained at 72 inches tall along the northern property line.

2. Lake Bank Slope. Deviation 2 seeks relief from LDC §10-329 (d)(4) which requires a 6:1 lake bank slope to allow for a 4:1 lake bank slope with enhanced slope protection measures for retention/detention areas within the project.

*HEX Recommendation:* Approve, subject to the following condition:

Prior to the approval of a development order, a cross-section demonstrating the reinforcement or turf mats must be submitted and signed/sealed by a licensed engineer. The cross-section must be approved by Development Services Staff.

3. Littoral Shelf. Deviation 3 seeks relief from LDC §10-418(2)(c), which requires a 20-foot-wide planted littoral shelf extending waterward of the control elevation at a depth no greater than 2 feet below the control elevation, to allow no planted littoral shelf.

*HEX Recommendation:* Approve, subject to the following condition:

Applicant must demonstrate compliance with Florida Statute's surface water quality standards.

4. Access. Deviation 4 seeks relief from LDC §10-291(3), which requires commercial or industrial development of more than ten acres to provide more than one means of ingress or egress for the development, to allow for only one means of ingress or egress from the facility.



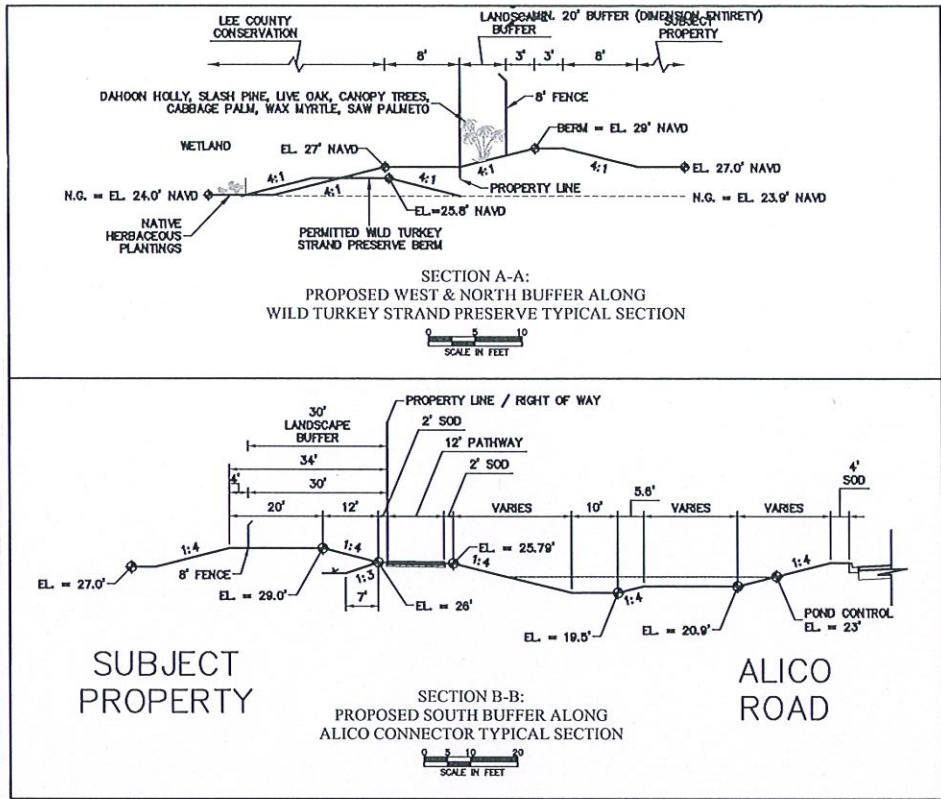
*HEX Recommendation:* Approved, subject to the following condition:

The developer must record a notice to all future property owners, in the public record, prior to issuance of a local development order allowing construction of the access to the development. The notice must detail the emergency access plan and provide information as to where a copy of this plan may be obtained from the developer or developer's successor.

Exhibits to Conditions:

B1 Master Concept Plan dated October 2023

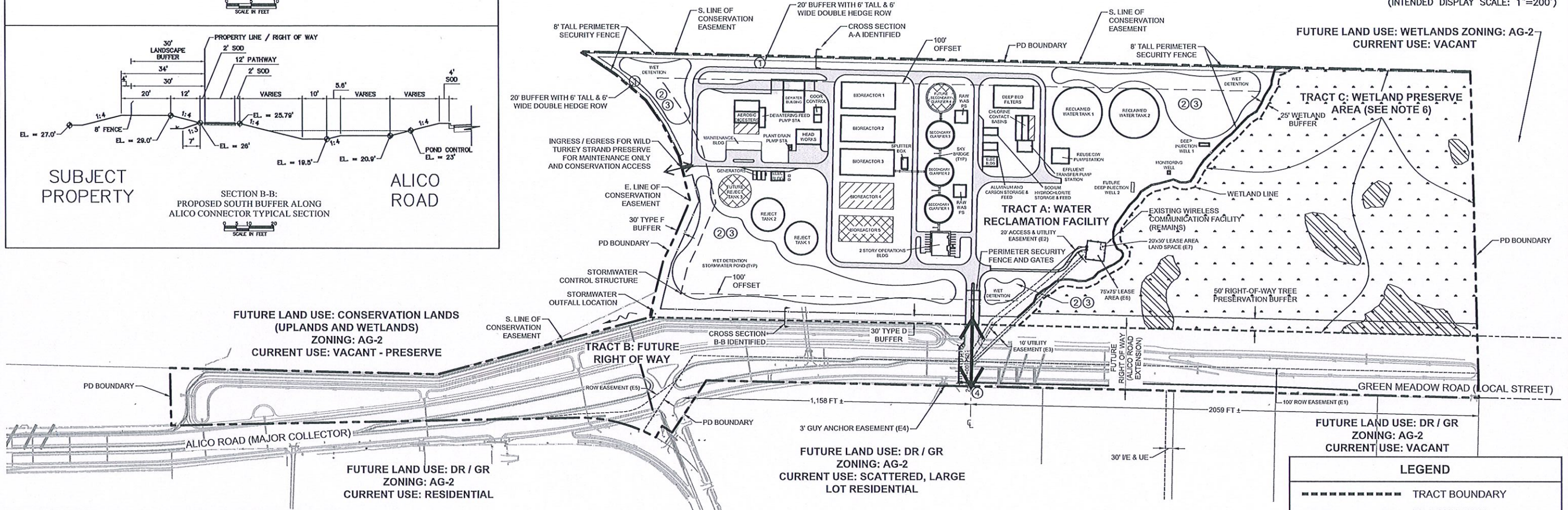
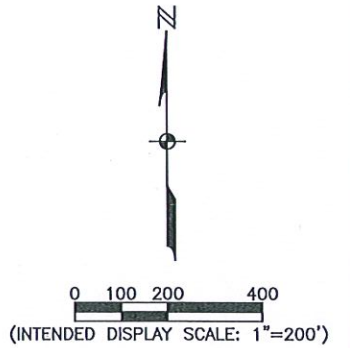




PD SUMMARY:  
TRACT A: 50.56 ACRES  
TRACT B: 31.21 ACRES  
TRACT C: 30.43 ACRES  
TOTAL: 112.21 ACRES

FUTURE LAND USE: CONSERVATION LANDS (UPLAND)  
ZONING: AG-2  
CURRENT USE: VACANT - PRESERVE

EASEMENT:  
E1: ORB 1265, PG 2133  
ORB 1278, PG 928  
ORB 1839, PG 2871  
ORB 1860, PG 755  
E2: ORI 2008000045700  
ORI 2008000163408  
ORI 2009000067153  
ORI 2016000121155  
E3: ORI 2009000291211  
E4: ORI 2009000291211  
E5: ORI 2008000045700  
ORI 2011000274245  
E6: ORI 2008000045700  
ORI 2008000163408  
ORI 2009000067153  
ORI 2016000121155  
E7: ORI 2009000207699



OPEN SPACE AND INDIGENOUS PRESERVE	
OPEN SPACE REQUIRED	(81 x 0.30) = 24.30 AC
OPEN SPACE PROVIDED	48.82 AC
INDIGENOUS PRESERVE REQUIRED	(24.30 x 0.5) = 12.15 AC
INDIGENOUS PRESERVE PROVIDED	31.39 AC
EXISTING INDIGENOUS PRESERVE	28.55 AC
INDIGENOUS PRESERVE WITH RESTORATION	2.84 AC
DETAILED OPEN SPACE / INDIGENOUS PRESERVE CALCULATIONS	
WETLAND PRESERVE (INDIGENOUS PRESERVE)	30.43 AC
25' WETLAND BUFFERS (INDIGENOUS PRESERVE)	0.96 AC
PERIMETER BUFFERS	1.43 AC
INTERNAL OPEN SPACE	16.00 AC
TOTAL	48.82 AC

NOTES:

- THIS MASTER CONCEPT PLAN (MCP) IS CONCEPTUAL IN NATURE AND SUBJECT TO CHANGES DUE TO AGENCY REVIEW AND SITE CONDITIONS.
- TOTAL DEVELOPMENT AREA: 112.21 ACRES MINUS FUTURE RIGHT OF WAY (31.21 ACRES) IS 81 ACRES.
- THE DESIGN, LOCATION, AND CONFIGURATION OF THE PROPOSED DEVELOPMENT AREA TRACTS, INTERNAL AND EXTERNAL INGRESS/EGRESS POINT LOCATIONS, DRIVES, LAND IMPROVEMENTS AND STRUCTURES ARE APPROXIMATE AND SUBJECT TO ALTERATION AT TIME OF DEVELOPMENT ORDER FOR EACH TRACT. CHANGES TO THE MCP THAT ARE CONSISTENT WITH THE INTENT, CHARACTER, AND PROPERTY DEVELOPMENT REGULATIONS OF THIS CFPD CAN BE APPROVED ADMINISTRATIVELY.
- FUTURE LAND USE DESIGNATION: PUBLIC FACILITIES, WETLANDS, AND DR/GR
- PHASING PROGRAM: THIS IS A MULTI-PHASED PROJECT. PLEASE REFER TO THE PHASING PROGRAM NARRATIVE.
- THE WETLAND PRESERVE AREA WILL PROVIDE FOR AND EXCEED THE REQUIRED 30' TYPE "F" BUFFER REQUIREMENT ALONG A PORTION OF THE NORTHERN AND ENTIRE EASTERN PROPERTY BOUNDARY AS WELL AS THE REQUIRED 50' RIGHT-OF-WAY TREE PRESERVATION BUFFER ALONG A PORTION OF THE SOUTHERN PROPERTY BOUNDARY.
- FOR PURPOSES OF CALCULATING OPEN SPACE REQUIRED AND PROVIDED, THE PROPERTY AREA USED IS ONLY THAT PORTION OF THE PLANNED DEVELOPMENT WITHIN TRACTS A AND C DUE TO THE REDUCED LAND AREA AS A RESULT OF THE LAND TO BE UTILIZED FOR THE FUTURE ALICO ROAD EXTENSION RIGHT OF WAY.
- DEVIATIONS 2 & 3 APPLY TO ALL LAKES.
- AN ONSITE AREA FOR THE DISPOSAL OF SOLID WASTE IN ACCORDANCE WITH LDC SECTION 10-261 WILL BE PROVIDED AT TIME OF DEVELOPMENT ORDER.
- MAXIMUM HEIGHT OF STRUCTURES, HABITABLE AND NON-HABITABLE SHALL NOT EXCEED 60 FEET MEASURED FROM MINIMUM FLOOD ELEVATION.

LEGEND	
---	TRACT BOUNDARY
---	PD BOUNDARY
↔	PROJECT INGRESS/EGRESS
#	DEVIATION LOCATIONS
...	WETLAND PRESERVE AREA
▨	INDIGENOUS PRESERVE WITH RESTORATION
○	PHASE 1 (6 MGD)
▨	PHASE 2 (8 MGD)
▨	PHASE 3 (10 MGD)

REVISIONS	



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ERIK LEE HOWARD, PE  
FL License No. 66574

SOUTHEAST ADVANCED WATER RECLAMATION FACILITY Lee County Utilities CFPD Master Concept Plan				
DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
October 2023	20181232-002		As Shown	







## Exhibit C

### EXHIBITS PRESENTED AT HEARING

#### STAFF EXHIBITS

- a. *48-Hour Notice*: Memorandum from Dirk Danley, Jr., to Amanda L. Rivera, dated October 18, 2023 (multiple pages – 8.5"x11")
1. *DCD Staff Report with attachments for DCI*: Prepared by Dirk Danley, Jr., Principal Planner, date received October 4, 2023 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]
2. *Land Development Code*: Section 10-351, General Provisions (1 page – 8.5"x11")
3. *PowerPoint Presentation*: Prepared by Lee County Staff for DCI2023-00011, Southeast Advanced Water Reclamation Facility, Staff Presentation, dated October 19, 2023 (multiple pages – 8.5"x11")[color]
4. *Future Land Use Map*: Generated October 2023, for CPA2023-00003 (1 page – 8.5"x11")[color]

#### APPLICANT EXHIBITS

- a. *48-Hour Notice*: Email from Josephine Medina, to Hearing Examiner, with copies to Diana Francois, Jordan L. Varble, Laura Herrero, Nathan Beals, Alexis Crespo, Kerstin Kenty, Erik Howard, Bill Beddow, Randy Boe, Matthew Tennant, Michael Avoglia, Pamela Keyes, Anthony Rodriguez, Dirk Danley, Jr., and Amanda Swindle, Esq., dated Monday, October 16, 2023 4:18 PM (multiple pages – 8.5"x11")[color]
1. *PowerPoint Presentation*: Prepared by RVI Planning for Southeast Advanced Reclamation Facility, DCI2023-00011, dated October 19, 2023 (multiple pages – 8.5"x11")[color]

#### OTHER EXHIBITS

- 1(a) *PowerPoint Presentation*: Prepared for Southeast Advanced Reclamation Facility, DCI2023-00011(multiple double-sided pages – 8.5"x11")[color]
- 1(b) *Letter*: From Marsha Ellis, Lee County resident, to Commissioners, dated October 18, 2023, regarding Small Scale Amendment CPA2023-00003 SEAWF BOCC Zoning and Comprehensive Plan Hearing (2 pages – 8.5"x11")



**Exhibit D**

**HEARING PARTICIPANTS**

**County Staff:**

1. Dirk Danley, Jr.

**Applicant Representatives:**

1. Nathan Beals
2. Alexis Crespo
3. Laura Herrero
4. Josh Hilderbrand
5. Erik Howard
6. Matthew Tennant

**Public Participants:**

1. Marsha Ellis
2. Julia Lambert
3. Peter Spahn
4. Serge Thomas
5. Patty Whitehead



**Exhibit E**  
**INFORMATION**

**UNAUTHORIZED COMMUNICATIONS**

The LDC prohibits communications with the Hearing Examiner or her staff on the substance of pending zoning actions. There are limited exceptions for written communications requested by the Hearing Examiner, or where the Hearing Examiner seeks advice from a disinterested expert.

**HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS**

- A. The Hearing Examiner will provide a copy of this recommendation to the Board of County Commissioners.
- B. The Board will hold a final hearing to consider the Recommendation and record made before the Hearing Examiner. The Department of Community Development will notify hearing participants of the final hearing date. Only Parties and participants may address the Board at the final hearing. Presentation by participants are limited to the substance of testimony presented to the Hearing Examiner, testimony concerning the correctness of Findings of Fact or Conclusions of Law contained in the Recommendation, or allegations of relevant new evidence not known or that could not have been reasonably discovered by the speaker at the time of the Hearing Examiner hearing.
- C. Participants may not submit documents to the Board of County Commissioners unless they were marked as Exhibits by the Hearing Examiner. Documents must have the Exhibit number assigned at hearing.

**COPIES OF TESTIMONY AND TRANSCRIPTS**

- A. Every hearing is recorded. Recordings are public records that become part of the case file maintained by the Department of Community Development. The case file and recordings are available for public examination Monday through Friday between 8:00 a.m. and 4:30 p.m.
- B. A verbatim transcript may also be available for purchase from the court reporting service.