



GIS Tracking Sheet

Case No.: DC12006-00035

Intake Date: 4/18/06

Project Name: Morris McGregor Center CPD

STRAP Number(s): 02.46.23.01.0000C.0010, .0020 & 02.46.23.01.0000D.0160

Planner Name:

Shawn

Ext.

8484

LEGAL DESCRIPTION VERIFICATION and INITIAL GIS MAPPING

Date: 6/08/2006

LEGAL SUFFICIENT☒ YES

INTAKE: ArcGIS: DC106035

☐ NO

Initials:

LGM

If not, give brief explanation:

MAP UPDATE following FINAL ACTION

Date:

☐ Hearing Examiner Decision☐ Administrative Approval☐ Board of County Commissioner's Resolution☐ Blue Sheet

Zoning Notes: 2-07-029 18 JUNE 07, DC12006-00035, MORRIS MCGREGOR CENTER, REZONE 1.85 ACRES FROM CN-1 AND AG-2 to CPD to PERMIT 11,892 square Feet of OFFICE, AND 8,780 square Feet of Retail/Comps.

MAP UPDATED 10-25-07☒ YES☐ NO

Initials:

LGM

If not, give brief explanation:

ZONE CPD 501388

Untitled

ZONE:CPD:501388

Z-07-020, 18JUNE07, DCI2006-00035, MORRIS MCGREGOR CENTER, REZONE 1.85 ACRES FROM CN-1 AND AG-2 TO CPD TO PERMIT 11,892 SQUARE FEET OF OFFICE AND 8,780 SQUARE FEET OF RETAIL; CONDS.

ZAB-83-88, 88-3-9, DBC FM AG TO CN. (AG-2 & CN-1, AS CONVERTED)



Survey Description:

(As prepared by the firm)

DCI 2006-00035

A tract or parcel of land lying in Section 2, Township 46 South, Range 23 East Lee County, Florida which tract or parcel is more particularly described as follows:

Commencing at the Southwest corner of Lot 5, Cottage Point Subdivision, as recorded in Plat Book 9, Page 133 public records of Lee County, Florida thence N49°28'00"E along the North right of way line of McGregor Blvd, State Road 869 (100' wide right of way) Deed Book 305, Page 482 public records of Lee County, Florida, a distance of 50.00' feet to the Point of Beginning, said point being on the northerly line of Oleander Drive.

From said Point of Beginning thence run along the northerly line of said Oleander Drive (50' wide right of way) the following courses and distances: N40°32'00"W for a distance of 189.99' feet, Thence N49°28'00"E for a distance of 10.56' feet, thence N01°02'10"W for a distance of 154.75' feet to the southwest corner of Lot 15, Block "D", Cottage Point, as recorded in Official Records Book (O.R.) 2627 at Page 2471, thence run along the Southerly line of said Lot 15 N88°57'50"E a distance of 187.74' feet, thence N49°28'00"E for a distance of 15.88' feet to the Southwesterly corner of Lot 15, Block "C", said Cottage Point, thence run along the Southerly line of said S88°05'10"E for a distance of 185.26' feet to a point on the West right of way of John Morris Road (right of way width varies) O.R. Book 1596, Page 1248 public records of Lee County, Thence S01°02'10"E along said right of way of John Morris Road a distance of 55.67' feet, thence continue S34°59'11"W along said right of way a distance of 87.97' feet to a point on the aforementioned North right of way of McGregor Blvd., State Road 869 (100' wide right of way) Deed Book 305, Page 482 public records of Lee County, Florida, Thence S49°28'00"W along said North right of way of McGregor Blvd. a distance of 285.86' feet to the Point of Beginning.

Parcel contains an area of 1.85 acres, more or less.

Applicant's Legal Checked
by ben 6/8/2006

Surveyors Notes:

1. BEARINGS SHOWN HEREON ARE BASED UPON CENTERLINE OF MCGREGOR BOULEVARD, TO BEAR NORTH 49°28'00" EAST, AS RECORDED IN PLAT BOOK 9 PAGE 133, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
2. ALL DIMENSIONS SHOWN ARE TAKEN FROM PLAT UNLESS OTHERWISE NOTED.
3. TYPICAL EASEMENTS: AS SHOWN ON RECORDED PLAT AND AS SHOWN ON SKETCH.
4. ALL RECORDED INFORMATION SHOWN HAS BEEN TAKEN FROM THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
5. SEE SHEET 1 OF 2 FOR SKETCH. NOT VALID WITHOUT BOTH SHEETS.

FOR GRAPHICS SEE SHEET 1 OF 2
NOT VALAD WITHOUT BOTH SHEETS

SHEET 2 OF 2

For: MORRIS MCGREGOR, LLC

Survey Date: 7-01-06

Job #: 4623046-A

Drawn By: T-WILSON

STEVEN L. FORD
PROFESSIONAL SURVEYOR & MAPPER #4992
STATE OF FLORIDA
NOT VALID WITHOUT THE SURVEYOR'S SIGNATURE & ORIGINAL RAISED SEAL.

 **DRMP**
ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS
Phone: (239) 337-1109
L.B. #2648

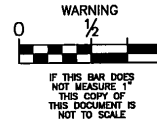
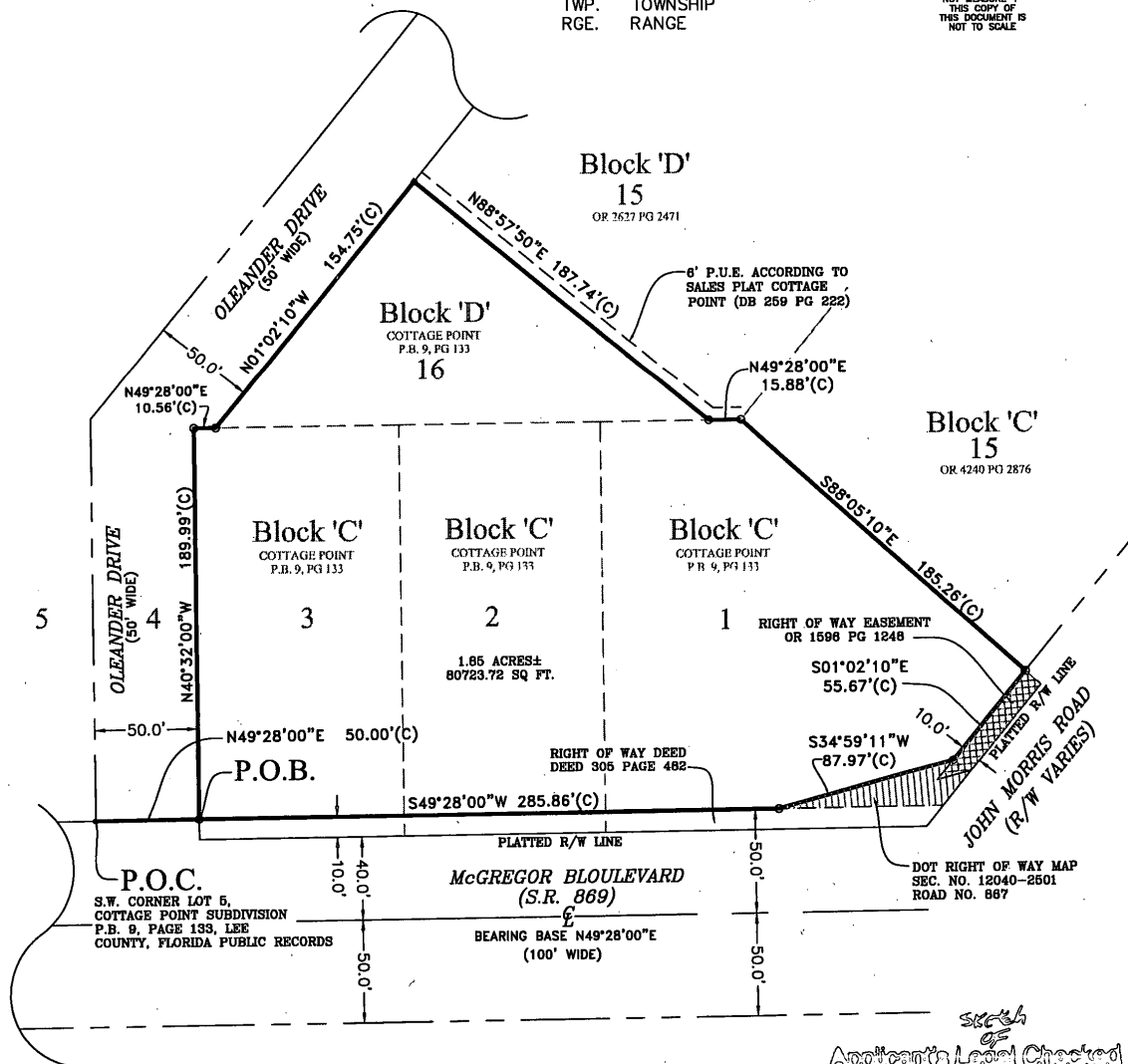
11440 Metro Parkway Fort Myers, Florida 33912

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JUN 8 2006

DCI 2006-00035

LEGEND:

P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT
P.B. PLAT BOOK
PG. PAGE
COR. CORNER
SEC. SECTION
TWP. TOWNSHIP
RGE. RANGE



SKETCH OF SURVEY DESCRIPTION

NOTE: SEE SHEET 2 OF 2 FOR DESCRIPTION & NOTES.
NOT VALAD WITHOUT BOTH SHEETS

SHEET 1 OF 2
NOT A BOUNDARY SURVEY

For: MORRIS McGREGOR, LLC.
Scale: 1" = 80'
Survey Date: 7-01-06
Job #: 4623046-A
Drawn By: T. WILSON

STEVEN L. FORD
PROFESSIONAL SURVEYOR & MAPPER #4992
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Phone: (239) 337-1109
L.B. #2648
11440 Metro Parkway Fort Myers, Florida 33912

Applicant's Legal Checked
by *[Signature]* 6/08/2006

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

WHEREAS, an application was filed by the property owner, Morris McGregor LLC, to rezone 1.85 acres from Commercial (CN-1) and Agriculture (AG-2) to Commercial Planned Development (CPD), in reference to Morris McGregor Center CPD; and,

WHEREAS, a public hearing was advertised and held on March 29, 2007, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2006-00035; and

WHEREAS, a second public hearing was advertised and held on June 18, 2007, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to rezone 1.85 acres from CN-1 and AG-2 to CPD to permit two buildings (2-stories/35 feet maximum height) not to exceed 19,672 square feet. The first building will be a 2-story general office and retail commercial building not to exceed 15,560 square feet. The second building will be a general office building not to exceed 4,112 square feet. The development will connect to existing potable water and sanitary sewer. The property is located in the Suburban 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. The development of this project must be consistent with the 1-page Master Concept Plan (MCP) entitled "Master Concept Plan, Morris McGregor Center CPD," prepared by DRMP, Inc., dated October 1, 2006, last revised July 3, 2007, and stamped "Received Jul 17 2007 Community Development," and attached hereto as Exhibit "C," except as modified by the conditions below.

This development must comply with all requirements of the LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

Development is limited to a maximum of 11,892 square feet of general office and 7,780 square feet of commercial retail use.

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

a. Schedule of Uses

Administrative Offices
Business Services - Group I
Cleaning and Maintenance Services
Clothing Stores, General
Excavation, Water Retention
Excess Spoil Removal
Fences, Walls
Food Stores - Group I (excluding Supermarkets and Groceries)
Gift and Souvenir Shop
Hobby, Toy and Game Shops
Insurance Companies
Parking Lot, Accessory
Personal Services - Group I (limited to barbershops, beauty shops,
shoe repair and tailors/alterations)
Pet Services - indoor only
Pet Shop - no outdoor runs
Real Estate Sales Office
Repair Shops - Group I
Signs (in accordance with Chapter 30)
Specialty Retail Shops - Groups I and II
Studios

b. Site Development Regulations

Minimum Lot Area and Dimensions:

Area	1.85 acres
Width	55± feet along east property line (John Morris Road)
	345± feet along west property line (South Oleander Drive)
Depth	310± feet

Minimum Building Setbacks, Height & Lot Coverage

South Oleander Drive	25 feet
John Morris Road	25 feet
McGregor Blvd.	25 feet
Rear	25 feet
Maximum Height	35 feet / 2-Stories)
Maximum Lot Coverage	40 percent

3. All required buffers must utilize 100 percent native vegetation. The applicant may use non-native plantings (such as palms, etc.) for accent above the required plantings.
4. Prior to local development order approval, all development order plans must delineate 16,145 square feet (0.37 acres) of open space.
5. Prior to local development order approval, the landscape plans must delineate an 18-foot-wide buffer consisting of five live oak trees per 100 linear feet and a double staggered hedgerow of cocoplum along South Oleander Drive, and a 6-foot-high vinyl coated chain link fence, from the project entrance to the north property line. The live oaks must have a minimum 14-foot height, 2.5-inch caliper at planting. The shrubs must be a minimum of 24 inches in height, three gallon container size at the time of planting and maintained at a minimum of 72 inches in height.
6. Prior to local development order approval, the landscape plans must delineate a 25-foot-wide buffer with an 8-foot-high solid wall and Type "F" plantings (a minimum of five trees per 100 linear feet, and a double staggered hedgerow 48 inches in height at planting; thereafter maintained at a minimum 72 inches in height) along the north property line abutting the residentially zoned parcels. In accordance with Deviation #3 - as approved herein, the wall must be located (set back) at least 15 feet from the north property line. At least 75 percent of the required plantings must be located on the north side of the wall. The dry detention area on the south side of the 25-foot-wide buffer must be planted with appropriate native herbaceous vegetation (minimum 1-gallon container size, planted 3-foot on center).
7. "No Outlet" sign(s) must be placed on South Oleander Drive, as depicted on the MCP, and an additional sign, at the project's exit, indicating right turns onto South Oleander Drive, except for local traffic, are prohibited, and there is no outlet.
8. The asphalt overlay and sidewalk area along South Oleander Drive will terminate just beyond the project's proposed entrance, as depicted on the MCP.
9. Regular business hours are limited to 7:00 a.m. to 9:00 p.m.
10. Lighting for the signs are limited to ground lighting and must be turned off at 9:00 p.m.

11. The development must connect to existing potable water and sanitary sewer.
12. Outdoor storage and display is prohibited.
13. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.
14. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.
15. All project lighting must conform to §§34-624 and 34-625, to preclude light trespass or intrusion into the abutting residential properties.

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from §10-296, Table 4 (2)(c)2.b., which requires a minimum specification for street Improvements of 24-foot-wide pavement for 2-way traffic on privately maintained streets with swale drainage or valley gutter drainage, or 24-foot-wide pavement with curb and gutter drainage, to allow South Oleander Drive to remain unimproved and without a sidewalk beyond the project entrance to retain the existing character of the streetscape and neighborhood. This deviation is APPROVED, SUBJECT TO Conditions 5, 6, 7, and 8 above.
2. Deviation (2) seeks relief from §10-256(b)(2)a., which requires all development along arterial and collector roadways to provide bikeways and pedestrian ways, in the public right-of-way for any project abutting a street shown on the plan, to allow South Oleander Drive to remain unimproved and without a sidewalk beyond the project entrance to retain the existing character of the streetscape and neighborhood. This deviation is APPROVED, SUBJECT TO Conditions 5, 6, 7, and 8 above.
3. Deviation (3) seeks relief from §10-416(d)(4)(6), which requires projects that have roads, drives, or parking areas located less than 125 feet from an existing single-family residential subdivision or single-family residential lots to provide a solid wall or combination berm and solid wall not less than eight (8) feet in height to be constructed not less than 25 feet from the abutting property and landscape with a minimum of five (5) trees and eighteen (18) shrubs per 100 lineal feet or a 30-foot-wide Type F buffer with a hedge planted a minimum of 20 feet from the abutting property, to allow, in the alternative, a 25-foot-wide buffer, with Type F plantings and hedge, with a 6-foot-high vinyl coated chain link fence, at a minimum setback of 12.4± feet. This deviation is DENIED, but a provision has been approved to allow the 8-foot-high wall to be installed a minimum of 15 feet

from the north property line (residential property line), SUBJECT to the provisions of Condition 6.

SECTION D. EXHIBITS AND STRAP NUMBER:

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

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

The applicant has indicated that the STRAP numbers for the subject property are: 02-46-23-01-0000C.0010; 02-46-23-01-0000C.0020 and 02-46-23-02-0000D.0160

SECTION E. FINDINGS AND CONCLUSIONS:

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

5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

Commissioner Tammara Hall made a motion to adopt the foregoing resolution, seconded by Commissioner Robert P. Janes. The vote was as follows:

Robert P. Janes	Aye
Brian Bigelow	Absent
Ray Judah	Absent
Tammara Hall	Aye
Frank Mann	Nay

DULY PASSED AND ADOPTED this 18th day of June 2007.

ATTEST:
CHARLIE GREEN, CLERK

BY: *Theresa L. Pierce*
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: *Robert P. Janes*
Robert P. Janes Chair

Approved as to form by:

John J. Fredyma
John J. Fredyma
Assistant County Attorney
County Attorney's Office



RECEIVED
MINUTES OFFICE

2007 SEP 13 AM 8:42

EXHIBIT "A"
LEGAL DESCRIPTION
Property located in Lee County, FL

Survey Description:

(As prepared by the firm)

A tract or parcel of land lying in Section 2, Township 46 South, Range 23 East Lee County, Florida which tract or parcel is more particularly described as follows:

Commencing at the Southwest corner of Lot 5, Cottage Point Subdivision, as recorded in Plat Book 9, Page 133 public records of Lee County, Florida thence N49°28'00"E along the North right of way line of McGregor Blvd, State Road 869 (100' wide right of way) Deed Book 305, Page 482 public records of Lee County, Florida, a distance of 50.00' feet to the Point of Beginning, said point being on the northerly line of Oleander Drive.

From said Point of Beginning thence run along the northerly line of said Oleander Drive (50' wide right of way) the following courses and distances: N40°32'00"W for a distance of 189.99' feet, Thence N49°28'00"E for a distance of 10.56' feet, thence N01°02'10"W for a distance of 154.75' feet to the southwest corner of Lot 15, Block "D", Cottage Point, as recorded in Official Records Book (O.R.) 2627 at Page 2471, thence run along the Southerly line of said Lot 15 N88°57'50"E a distance of 187.74' feet, thence N49°28'00"E for a distance of 15.88' feet to the Southwesterly corner of Lot 15, Block "C", said Cottage Point, thence run along the Southerly line of said S88°05'10"E for a distance of 185.26' feet to a point on the West right of way of John Morris Road (right of way width varies) O.R. Book 1596, Page 1248 public records of Lee County, Thence S01°02'10"E along said right of way of John Morris Road a distance of 55.67' feet, thence continue S34°59'11"W along said right of way a distance of 87.97' feet to a point on the aforementioned North right of way of McGregor Blvd., State Road 869 (100' wide right of way) Deed Book 305, Page 482 public records of Lee County, Florida, Thence S49°28'00"W along said North right of way of McGregor Blvd. a distance of 285.86' feet to the Point of Beginning.

Parcel contains an area of 1.85 acres, more or less.

RECEIVED

OCT 10 2006

COMMUNITY DEVELOPMENT

Surveyors Notes:

1. BEARINGS SHOWN HEREON ARE BASED UPON CENTERLINE OF MCGREGOR BOULEVARD, TO BEAR NORTH 49°28'00" EAST, AS RECORDED IN PLAT BOOK 9 PAGE 133, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
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5. SEE SHEET 1 OF 2 FOR SKETCH. NOT VALID WITHOUT BOTH SHEETS.

DCI 2006-00035

FOR GRAPHICS SEE SHEET 1 OF 2
NOT VALID WITHOUT BOTH SHEETS

SHEET 2 OF 2

For: MORRIS MCGREGOR, LLC

Survey Date: 7-01-06

Job #: 4623046-A

Drawn By: T-WILSON

11/9/06

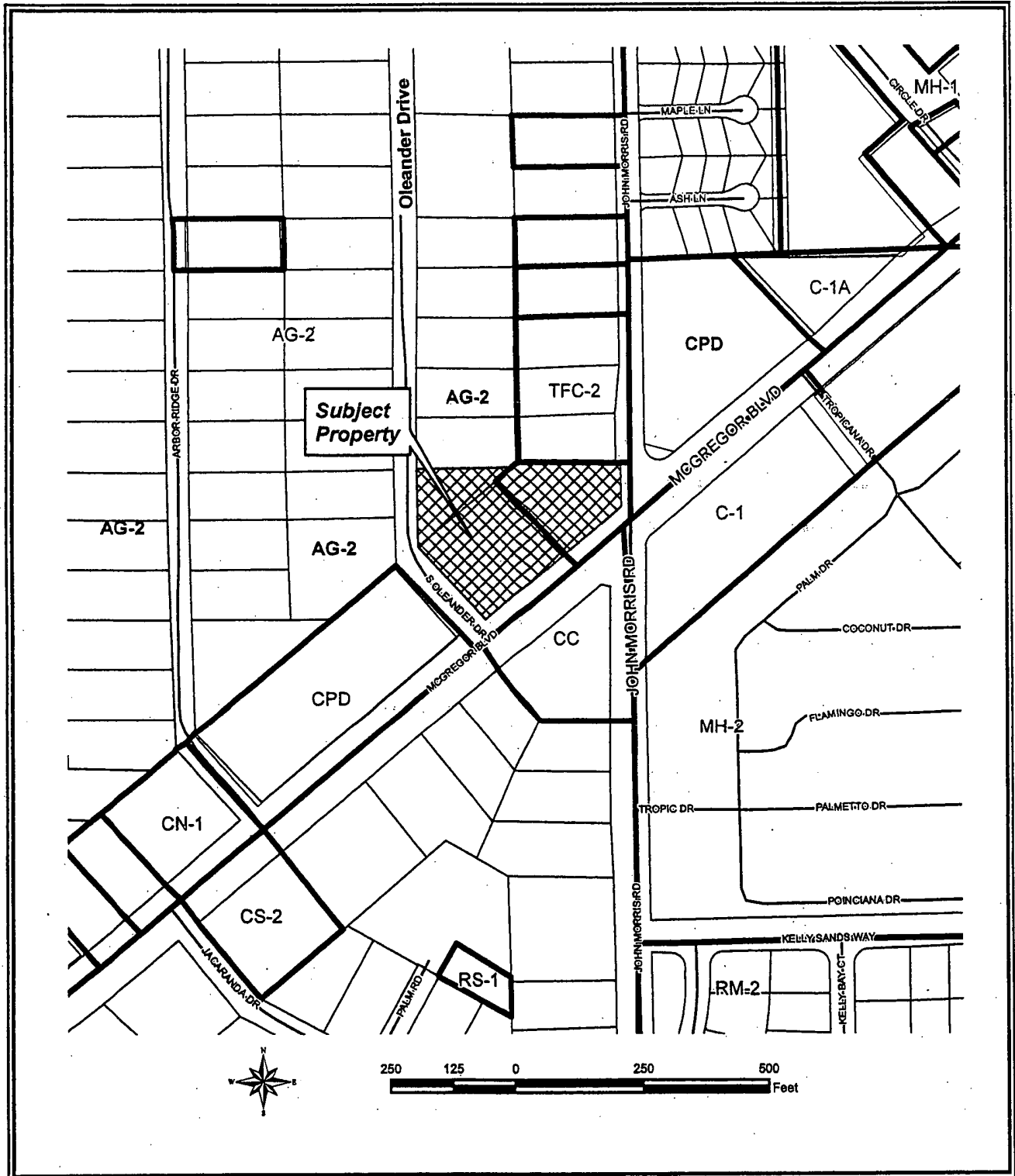
Signature

STEVEN L. FORD
PROFESSIONAL SURVEYOR & MAPPER #4982
STATE OF FLORIDA
NOT VALID WITHOUT THE SURVEYOR'S SIGNATURE & ORIGINAL RAISED SEAL

DRMP
ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS
Phone: (239) 337-1109
L.B. #2648

11440 Metro Parkway, Fort Myers, Florida 33912

ZONING MAP



ZONING
LEE COUNTY
 SOUTHWEST FLORIDA

16758 McGregor Boulevard

File # DCI2006-00035

FORT MYERS, FLORIDA
 03/13/07

EXHIBIT "B"

OPEN SPACE CALCULATIONS:

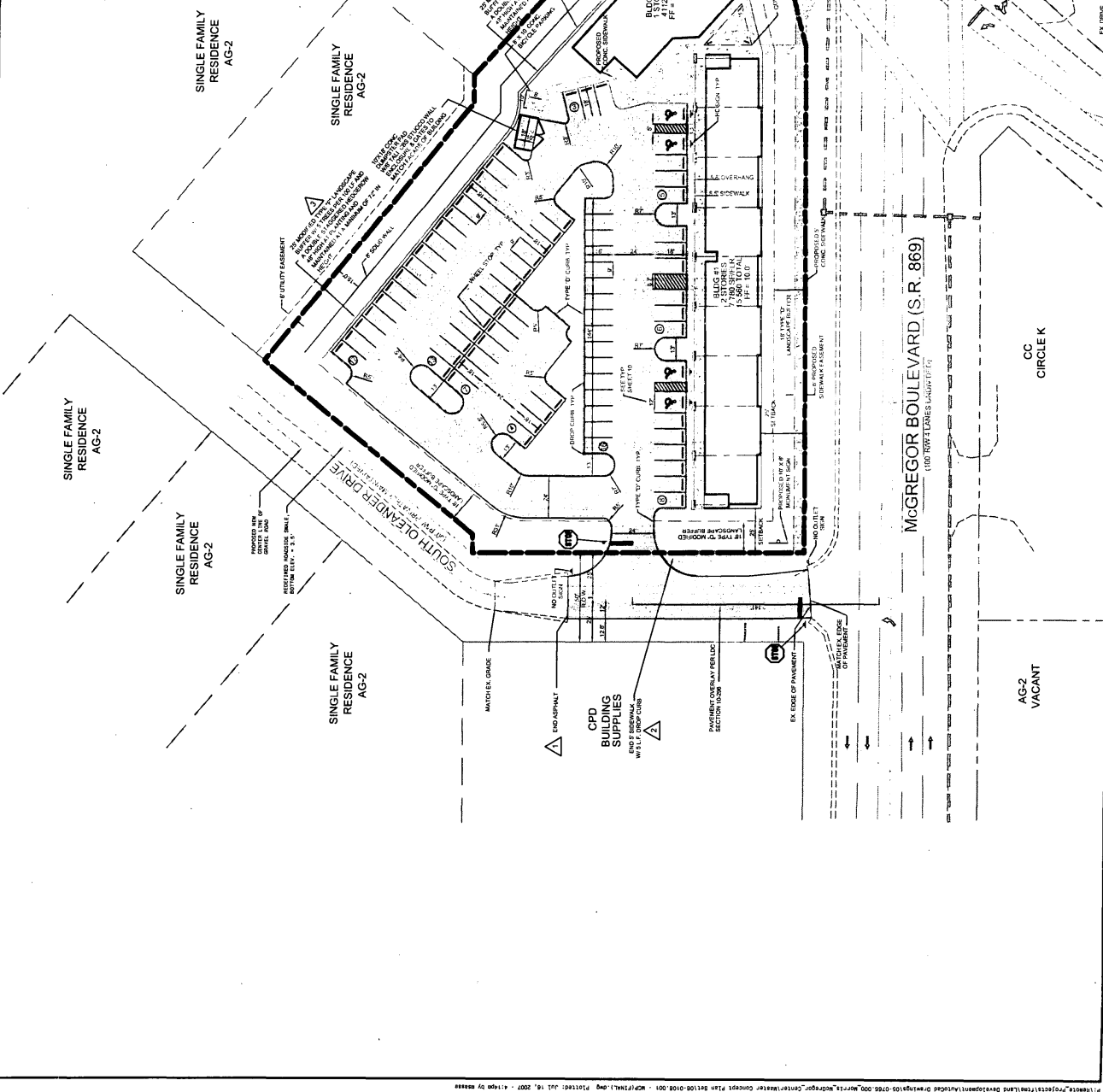
20% OPEN SPACE REQUIRED FOR COMMERCIAL DEVELOPMENT:
80,723 SF • 0.20 = 16,145 SF REQ'D.
33,023 SF (40.77%) PROVIDED

AG-2 = AGRICULTURAL
CU-1 = COMMERCIAL PLANNED DEVELOPMENT
TTC-2 = RESIDENTIAL, TWO FAMILY
CC = COMMUNITY COMMERCIAL
C-1 = COMMERCIAL
TYP = TYPICAL
+ HANDICAPPED PARKING SPACE
+ PROPOSED CONCRETE
= PROPOSED PAVEMENT
= DEVIATIONS

2006-00035

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JUL 17 2007
COMMUNITY DEVELOPMENT

DCI 2006-00035



**LEE COUNTY, FLORIDA
ZONING DIVISION
STAFF REPORT**

TYPE OF CASE: PLANNED DEVELOPMENT/DCI

CASE NUMBER: DCI2006-00035

HEARING EXAMINER DATE: March 29, 2007

I. APPLICATION SUMMARY:

- A. Applicant: Morris McGregor LLC, in ref to Morris McGregor Center CPD
- B. Request: Rezone 1.85 acres from Commercial (CN-1) and Agriculture (AG-2) to Commercial Planned Development (CPD) to permit two buildings (2 stories/35 feet maximum height) not to exceed 19,672 square feet. The first building will be a 2-story general office and retail commercial building not to exceed 15,560 square feet. The second building will be a general office building not to exceed 4,112 square feet. The development will connect to existing potable water and sanitary sewer.
- C. Location: The subject property is located at 16758 McGregor Blvd, Ft. Myers (Intersection of McGregor Blvd, John Morris Rd and S Oleander Dr.), in S02-T46S-R23E, Lee County, FL. (District #1)
- D. Future Land Use Plan Designation, Current Zoning and Use of Subject Property:
- | | |
|------------------------------|---|
| Future Land Use Designation: | Suburban |
| Zoning: | Agriculture (AG-2) & Neighborhood Commercial (CN-1) |
| Current Use: | Produce stand/retail fishing supplies |
| Road Classification: | McGregor Boulevard (County Maintained Arterial)

John Morris Road (County Maintained Major Collector)

Oleander Drive (Private local road) |

E. Surrounding Land Use:

<u>Existing Zoning & Land Use</u>	<u>Future Land Use Map</u>
North: Single-Family Residences zoned agriculture (AG-2) and Duplex zoned two-family conservation (TFC-2)	Suburban
East: John Morris Road then a restaurant zoned commercial planned development (CPD)	Suburban
South: McGregor Boulevard then Gas Station / Convenience Store zoned community commercial (CC)	Urban Community
West: Oleander Drive then Single-Family Residence zoned AG-2 and an existing Commercial Use with CPD zoning	Suburban

F. Size of Property: 1.85± Acres

II. RECOMMENDATION:

Staff recommends **APPROVAL** of the Applicant's request for rezoning from Neighborhood Commercial (CN-1) and Agriculture (AG-2) to Commercial Planned Development (CPD) with the following conditions and deviations:

A. Conditions

1. The development of this project must be consistent with the one page Master Concept Plan entitled "Morris McGregor Center CPD" sheet 2 of 5, prepared by DRMP, Inc., dated revised October 01, 2006 and stamped received December 13, 2006 by except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at time of local Development Order Approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

Development is limited to a maximum of 11,892 square feet of general office and 7,780 square feet of commercial retail use.

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

a. Schedule of Uses

Administrative Offices
Business services: Group I
Cleaning and maintenance services
Clothing stores, general

~~Convenience food and beverage~~
~~Drug Store, pharmacy~~
 Excavation: water retention
 Excess spoil removal
 Fences, walls
~~Food and beverage service, limited~~
 Food stores: Group I
 Excluding Supermarkets and Groceries
 Gift and souvenir shop
~~Hardware store~~
 Hobby, toy and game shops
 Insurance companies
~~Package store~~
 Parking lot: Accessory
 Personal services: ~~Group(s)~~ Group I, limited to
 Barbershops and/or beauty shops
 Pet services (indoor only)
 Pet shop (no outdoor runs)
 Real estate sales office
 Repair Shops: Groups I
 Signs (in accordance with chapter 30)
 Specialty retail shops Groups I and II
 Studios

b. Site Development Regulations

Minimum Lot Area and Dimensions:

Area	1.85 acres
Width	55± feet along east property line (John Morris Road)
	345± feet along west property line (S Oleander Drive)
Depth	310± feet

Minimum Building Setbacks:

S Oleander Drive	25 feet
John Morris Road	25 feet
McGregor Boulevard	25 feet
Rear	25 feet
Maximum Height	35 feet (2-Story)
Maximum Lot Coverage	40%

3. All required buffers must utilize 100% native vegetation. The applicant may use non-native plantings (such as palms, etc.) for accent above the required plantings.
4. Prior to local development order approval, all development order plans must delineate 16,145 square feet (0.37 acres) of open space.
5. Prior to local development order approval, the landscape plans must delineate an 18-foot wide buffer consisting of 5 live oak trees per 100 linear feet and a double staggered hedgerow of cocoplum along Oleander Drive from the project access way north to the north property line. The live oaks must have a minimum 14-foot height, 2 ½ inch caliper at planting. The shrubs must be a minimum of 24 inches in height, 3 gallon container size at the time of planting and maintained at a minimum of 60 inches in height.
6. Prior to local development order approval, the landscape plans must delineate a 25-foot wide buffer with Type "E" plantings (A minimum of 5 trees per 100 linear feet, and a double staggered hedgerow 48 inch height at planting; maintained at a minimum 60 inch height) along the north property line abutting the residentially zoned parcels. The dry detention area on the south side of the 25-foot buffer must be planted with appropriate native herbaceous vegetation (minimum 1-gallon container size planted 3-foot on center). The eight foot high solid wall is still required.
7. Signage indicating "No Outlet" shall be placed on Oleander Dr, as depicted on the MCP.
8. End of asphalt overlay and end sidewalk area along Oleander Drive will terminate at the developments proposed entrance connection, as depicted on the MCP.
9. Regular business hours are limited to 7:00 A.M to 9:00 P.M.
10. Lighting for the signs shall be limited to ground lighting and must be turned off at 9:00 P.M.
11. The development will connect to existing potable water and sanitary sewer.
12. Outdoor storage and display is prohibited.
13. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
14. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.

B. Deviations

Meetings with the neighborhood residents has resulted in the applicant requesting the following deviations:

DEVIATION #1: *The applicant requests a deviation from the LDC Sec. 10-296 Table 4 (2)(c)2.b. Minimum Specifications for Street Improvements which requires 24-foot wide pavement for two-way traffic on privately maintained streets with swale drainage or valley gutter drainage, or 24-foot pavement with curb and gutter drainage.*

DEVIATION #2: *The applicant requests a deviation from the LDC Sec. 10-256 2.a., Bikeways and pedestrian ways, requiring all development proposed along the arterial and collector roadways depicted on the plan must provide for bikeways and pedestrian ways. The developer must construct a bikeway or pedestrian way in the public road right-of-way if the subject property abutting a street shown on the plan.*

Access to the development will be made via Oleander Drive, an unimproved private gravel road. The neighborhood feels that a paved road and sidewalk beyond the entrance of the development will encourage greater thru traffic into the residential community. The residents would like to maintain the character of the streetscape by leaving the road unimproved and without a sidewalk beyond the entrance.

Enhanced landscaping, as recommended in Condition #5 and Condition #6, and signage indicating Oleander Drive as having "No Outlet", as recommended in Condition #7 will provide a separation of the commercial and residential use. Condition #8 limits the extent of the pavement and side walk.

Approval of these deviations would enhance the overall planned development.

Staff recommends **APPROVAL** of both deviations, subject to Condition II.A.5, Condition II.A.6, Condition II.A.7 and Condition II.A.8.

DEVIATION #3: *The applicant requests a Deviation from Section 10-416(d)(4)(6) of the Lee County Land Development Code which requires projects that have roads, drives, or parking areas located less than 125 feet from an existing single-family residential subdivision or single-family residential lots to provide a solid wall or combination berm and solid wall not less than eight (8) feet in height to be constructed not less than 25 feet from the abutting property and landscape with a minimum of five (5) trees and eighteen (18) shrubs per 100 lineal feet or a 30-foot wide Type F buffer with a hedge planted a minimum of 20-feet from the abutting property to allow in the alternative a 25-foot Type F buffer width and hedge planted at a minimum of 12.4± feet.*

The applicant has prepared a narrative, outlying justification for this deviation. (See Attachment "I"). Given the strong desire for the community to separate the commercial and residential uses, staff does not support removal of the wall requirement. (See Attachment "J"). Approval of this deviation would not enhance the overall planned development.

Staff recommends **DENIAL** of this request.

C. Findings and Conclusions:

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

1. The applicant has prove entitlement to the Rezoning by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes and regulations.
2. The requested zoning, as conditioned:
 - a) meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;
 - b) is consistent with the densities, intensities and general uses set forth in the Lee Plan;
 - c) is compatible with existing or planned uses in the surrounding area; and
 - d) will not adversely affect environmentally critical areas or natural resources.
3. Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development.
4. Urban services, as defined in the Lee Plan, are available and adequate to serve the proposed land use.
5. The proposed use or mix of uses is appropriate at the subject location.
6. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest.
7. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.
8. The deviations granted:
 - a) enhanced the of the planned development; and
 - b) preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

III. BACKGROUND INFORMATION AND ANALYSIS:

Introduction/Synopsis

The subject property is located at the intersection of McGregor Boulevard and John Morris Road, and comprises 1.85 acres. The request involves a rezoning from Neighborhood Commercial (CN-1) and Agriculture (AG-2) to Commercial Planned Development (CPD) to

permit two buildings with a maximum floor area of 19,672 square feet and a maximum height of 2-stories / 35 feet. The property is irregular in shape with 345 feet fronting McGregor Boulevard, a 100 foot wide County maintained arterial road. Additional road frontages include John Morris Road, a County maintained major collector and Oleander Drive, a private local road, providing access to the site.

The applicant seeks to rezone from CN-1 and AG-2 to CPD with deviations. The rezoning request, if granted, will enable the applicant to develop the site as depicted on the master concept plan.

Zoning

The subject property is zoned Neighborhood Commercial (CN-1) and AG-2 (Agriculture). A portion of the subject property was rezoned in April 1981, from agriculture (AG, converted to AG-2) to Neighborhood Commercial (CN, converted to CN-1), pursuant to Zoning Resolution ZAB-83-88. Refer to Attachment "H". The area is characterized by commercial development fronting McGregor Boulevard with existing residential development immediately north and west of the subject property.

Directly to the north of the subject site are single-family homes with AG-2 zoning and duplexes on TFC-2 zoned parcels. To the west of the subject properties is Oleander Drive then commercial parcel zoned CPD with a trucking operation and single family homes on AG-2 zoned parcels. To the south is McGregor Boulevard then a Gas Station / Convenience Store with CC Zoning. To the east is John Morris Road then a restaurant zoned CPD. Refer to Attachment "A".

Master Concept Plan

The Master Concept Plan, is a one-page plan entitled "Morris McGregor Center CPD", prepared by DRMP, Inc., dated revised October 01, 2006 and stamped received December 13, 2006 by Community Development. The applicant is proposing two commercial office/retail buildings on the property. (See Attachment "B"). The applicant has provided a conceptual rendering of the proposed buildings. (See Attachment "G").

The parking lot is located between Oleander Drive and the proposed buildings and will accommodate 79 vehicles. The proposed project also proposes to maintain the existing character of Oleander Drive by requesting deviations from the minimum roads standards and requirements for sidewalks required by the LDC. The proposed access to the site will be from Oleander Drive.

Master Concept Plan Issues

Proposed uses

The applicant has requested an extensive list of commercial uses. If granted, some of these uses allow for the introduction of substantial higher intensities adjacent to a residentially zoned parcel. Additionally, staff can only support uses for the property that has the least impact on the parking requirements. Given the limited size of the parcel, the site is unable to support uses that require additional parking than the parking requirements for business

service establishments, personal services, limited retail uses and general offices. Staff continues to discourage uses that cannot be supported at this location, ensuring that the uses are of the appropriate scale and intensity. Many of the uses, drug stores, convenience stores, package stores, laundromats and retail uses are high traffic generators and require additional parking, which the site is unable to accommodate. Staff has recommended that a number of uses be deleted from the schedule of uses and have shown these in strike through format.

The parking lot will accommodate 79 vehicles which is the minimum number of parking spaces required for two buildings with 19,672 square footage. The applicant has calculated the parking based on the ratio of 1 space for 200 square feet for the 7,780 square foot building and 1 space for 300 square feet for the 11,892 square foot building. Allowing some limited retail and business services will provide for additional shopping and small business opportunities to the community.

Enhanced Buffers

The LDC does not require landscaping along private roads. After hearing the concerns of adjacent property owners, staff has conditioned the approval to provide enhanced buffering from the entrance of the development running along Oleander Drive. Live Oaks planted at 14 feet in height with a double hedge row will provide the residents a visual buffer from the parking lot (See Condition II.A.5). Additionally, a double staggered hedgerow 48 inch height at planting maintained at a minimum 60 inches will be planted along the north property line abutting the residentially zoned parcels (See Condition II.A.6.).

Lee Plan Considerations

1. Commercial Land Uses in Suburban Land Use Category.

The subject properties are located within the Suburban land use area on the Future Land Use Map. The Lee Plan States:

Policy 1.1.5: *The Suburban areas are or will be predominantly residential areas that are either on the fringe of the Central Urban or Urban Community areas or in areas where it is appropriate to protect existing or emerging residential neighborhoods. These areas provide housing near the more urban areas but do not provide the full mix of land uses typical of urban areas. The standard residential densities are the same as the Urban Community category. Higher densities, commercial development greater than neighborhood centers, and industrial uses are not permitted. Bonus densities are not allowed. (Amended by Ordinance No. 94-30)*

The subject property is consistent with Policy 1.1.5 of the Lee County Comprehensive plan by providing for neighborhood commercial growth in the Suburban Land Use category. The subject property is located near an adequate road network to serve the transportation needs of the proposed uses. Commercial uses listed within the schedule of uses are considered appropriate at this location.

Staff finds the rezoning request, as conditioned, **consistent** with Policy 1.1.5. of the Lee Plan.

2. Commercial Land Use Standards.

The proposed size of the development and location meet the commercial location standards as stated in Lee Plan Policy 6.1.2:

1. Minor Commercial

- | | |
|-------------------------------------|--|
| a. Major function | <i>Provides for the sale of convenience goods and services.</i> |
| b. Location | <i>Must be located as follows except where this plan provides specific exceptions (e.g., Policy 6.1.7):
(1) On or near the intersection (within 330 feet of the adjoining rights-of-way of the intersection roads) of local and collector, local and arterial, or collector and collector roads. Proposed interconnections of future internal access roads or driveways servicing only the subject parcel with an arterial or collector shall not comply with the requirements of this section;

(2) At the intersection (as defined below) of collector and arterial or arterial and arterial roads; or

(3) Within a residential planned development provided it is located and designed primarily to meet the commercial needs of the residents of the development.</i> |
| c. Site Area | <i>Two acres or less.</i> |
| d. Range of Gross Floor Area | <i>Less than 30,000 square feet.</i> |

The proposed rezoning to CPD (Commercial Planned Development) will allow 19,672 square feet of commercial office and retail space on 1.85± acres, and is intended to provide compatibility with adjoining uses and minimize impacts on other properties. The development, will not be greater than a neighborhood center, therefore will not exceed the thresholds established for commercial development within the Suburban future land use category. The proposed size of the commercial building (maximum of 19,672 square feet) is designated as "Minor Commercial" per Policy 6.1 of the Lee Plan. Thus, is less than that of a neighborhood center which is consistent with Policy 1.1.5. Additionally, the subject property is appropriately located at the intersection of an arterial (McGregor Boulevard) and a major collector road (John Morris Road).

Staff finds the rezoning request, as conditioned, **consistent** with Lee Plan Policy 6.1.2.

3. Commercial Development in the Suburban Land Use Category.

The Lee Plan encourages efficient use of existing infrastructure in urban areas.

OBJECTIVE 2.1: DEVELOPMENT LOCATION. *Contiguous and compact growth patterns shall be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities.*

OBJECTIVE 2.2: DEVELOPMENT TIMING. *Direct new growth to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in F.S. 163.3164(7)) shall be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, Florida Statutes and the county's Concurrency Management Ordinance.*

The property abuts commercial property and the applicant has indicated Lee County Utilities potable water and sewer will be available at the site.

The proposed rezoning is consistent with Objective 2.1, and Objective 2.2 of the Lee County Comprehensive Plan by locating commercial land uses adjacent to existing commercial uses. The proposed rezoning provides a contiguous growth pattern for commercial development and will limit the need for commercial development to locate in areas where there are not adequate existing services to serve commercial uses.

Staff finds the rezoning request, as conditioned, **consistent** with Objective 2.1, and Objective 2.2

4. Buffering and screening from residential uses.

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. If such uses are proposed in the form of a planned development and generally applicable development regulations are deemed to be inadequate, conditions shall be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application shall be denied altogether.*

A limited list of scheduled uses will ensure commercial uses be compatible with and not intrude onto the adjacent residential zoned property. Enhanced trees planting and scrubs will adequately provide protection from the less intensive commercial uses found in the requested rezoning. Furthermore, the applicant has worked closely with the nearby residential property owners to develop a site plan that places the structure closer to McGregor thereby reducing impacts to those nearby property owners.

Staff finds the rezoning request, as conditioned, **consistent** with Policy 5.1.5.

5. Commercial compatibility with residential uses.

POLICY 135.9.5. *New development adjacent to areas of established residential neighborhoods must be compatible with or improve the area's existing character. (Amended by Ordinance No. 00-22)*

Staff has recommended that a number of uses be deleted from the schedule of uses and have shown these in strike through format. The Commercial Planned Development (CPD) will ensure commercial uses be compatible with and not intrude onto the nearby residentially zoned parcel. Enhanced buffer requirements will adequately provide protection from the proposed less intensive uses.

Established commercial uses such as restaurants, offices, and convenience stores with gas pumps (Circle K) are located nearby. These uses are compatible with the office / retail uses proposed by this rezoning request. Staff notes that although intensive commercial uses are found nearby, they would be inappropriate on this small site adjacent to residential uses.

Staff finds the rezoning request, as conditioned, **consistent** with Policy 135.9.5.

6. Water and Sewer

The Lee Plan encourages efficient use of existing infrastructure in urban areas.

STANDARD 11.1: WATER. *Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross leasable (floor) area per parcel, must connect to a public water system (or a "community" water system as that is defined by Chapter 17-22, F.A.C.).*

STANDARD 11.2: SEWER. *Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.*

The subject property is located within the Lee County Utilities Franchise Area for water and sewer. Central sewer and water lines are in place. Lee County Utilities has indicated to staff there is capacity to serve this parcel with water and sewer. See Attachment "C".

Staff finds the rezoning request, as conditioned **consistent** with Standard 11.1 and Standard 11.2

7. Lee Plan: 2020 Allocation Issues

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

contained in Table 1(b) to be exceeded.

The subject property is located in the Iona/McGregor Planning Community. The Planning Community Year 2020 Allocations, indicate that 2283 acres in the Iona/McGregor Planning Community have been allocated for commercial use. Of that acreage, 217 acres are available for Iona/McGregor Planning Community.

This finding is not a guarantee that there will be sufficient allocations for commercial development in the future. Project Consistency with Policy 1.7.6 will be made at time of local development order.

Environmental Issues

The Division of Environmental Sciences (ES) staff reviewed the proposed commercial planned development (CPD), and offer the following comments in Attachment "D". The property contains no indigenous vegetated planted communities and the applicant will provide the twenty percent open space required per the Land Development Code (LDC). Condition II.A.4 ensures the open space requirement is met on the site.

Community Concerns

Lee County sends out courtesy notices to surrounding property owners when rezonings are requested. This provides an opportunity for citizen participation in the planning process. In this case, staff have received numerous phone calls expressing concern for this request. The applicant was responsive to the community concerns and has removed incompatible uses from the schedule of uses. Additionally, the applicant has redesigned the site to place the buildings and entrance closer to McGregor.

Neighborhood Compatibility

The subject property is partly surrounded by both commercial and residential uses. Development of this site, as depicted on the Master Concept Plan, and as conditioned will reduce the impacts on the adjacent residential parcels and therefore allows this project to be compatible with the local development pattern.

Transportation

Lee County Department of Transportation (Trip Generation):

County staff examined the impact of additional 20,000 square feet of commercial and office uses on McGregor Boulevard will generate 47 new trips in the P.M. peak hour. Based on the data from the 2006 Lee County Traffic Count Report, McGregor Boulevard (from Summerlin Road to Kelly Road) operates at Level of Service "B", or at 23 percent capacity. At project build-out in 2008, McGregor Boulevard is projected at LOS "B" as well, or at 36% of capacity (See Attachment "E").

Lee County Department of Transportation (Access Issues):

The applicant originally designed the site with entrances on both Oleander Drive and McGregor

Boulevard. Citing traffic concerns with two entrances, Lee County Transportation opposes any entrance off McGregor and endorses the Oleander Drive entrance (See Attachment "F").

Conclusion

Staff concludes that this project, as conditioned, is **CONSISTENT with the Lee Plan**, and recommends **APPROVAL with conditions of the rezoning request**.

IV. SUBJECT PROPERTY:

- A. STRAP: The applicant indicates the STRAP numbers are: 02-46-23-01-0000C.0010, .0020 & 02-46-23-02-0000D.0160
- B. LEGAL DESCRIPTION: See Exhibit A

V. ATTACHMENTS:

- A. Map of surrounding zoning
- B. Master Concept Plan (reduced)
- C. Utilities Letter
- D. Environmental Sciences Staff Report
- E. Development Services Traffic Impact Statement
- F. Department of Transportation Memo
- G. Rendering
- H. Zoning Resolution ZAB-83-88
- I. Applicant's Narrative
- J. Email from Jennifer Dorning

cc: Applicant
County Attorney
Zoning File

EXHIBIT A

Survey Description:

(As prepared by the firm)

A tract or parcel of land lying in Section 2, Township 46 South, Range 23 East Lee County, Florida which tract or parcel is more particularly described as follows:

Commencing at the Southwest corner of Lot 5, Cottage Point Subdivision, as recorded in Plat Book 9, Page 133 public records of Lee County, Florida thence N49°28'00"E along the North right of way line of McGregor Blvd, State Road 869 (100' wide right of way) Deed Book 305, Page 482 public records of Lee County, Florida, a distance of 50.00' feet to the Point of Beginning, said point being on the northerly line of Oleander Drive.

From said Point of Beginning thence run along the northerly line of said Oleander Drive (50' wide right of way) the following courses and distances: N40°32'00"W for a distance of 189.99' feet, Thence N49°28'00"E for a distance of 10.56' feet, thence N01°02'10"W for a distance of 154.75' feet to the southwest corner of Lot 15, Block "D", Cottage Point, as recorded in Official Records Book (O.R.) 2627 at Page 2471, thence run along the Southerly line of said Lot 15 N88°57'50"E a distance of 187.74' feet, thence N49°28'00"E for a distance of 15.88' feet to the Southwesterly corner of Lot 15, Block "C", said Cottage Point, thence run along the Southerly line of said S88°05'10"E for a distance of 185.26' feet to a point on the West right of way of John Morris Road (right of way width varies) O.R. Book 1596, Page 1248 public records of Lee County, Thence S01°02'10"E along said right of way of John Morris Road a distance of 55.67' feet, thence continue S34°59'11"W along said right of way a distance of 87.97' feet to a point on the aforementioned North right of way of McGregor Blvd., State Road 869 (100' wide right of way) Deed Book 305, Page 482 public records of Lee County, Florida, Thence S49°28'00"W along said North right of way of McGregor Blvd. a distance of 285.86' feet to the Point of Beginning.

Parcel contains an area of 1.85 acres, more or less.

RECEIVED
OCT 10 2006

COMMUNITY DEVELOPMENT

Surveyors Notes:

1. BEARINGS SHOWN HEREON ARE BASED UPON CENTERLINE OF MCGREGOR BOULEVARD, TO BEAR NORTH 49°28'00" EAST, AS RECORDED IN PLAT BOOK 9 PAGE 133, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
2. ALL DIMENSIONS SHOWN ARE TAKEN FROM PLAT UNLESS OTHERWISE NOTED.
3. TYPICAL EASEMENTS: AS SHOWN ON RECORDED PLAT AND AS SHOWN ON SKETCH.
4. ALL RECORDED INFORMATION SHOWN HAS BEEN TAKEN FROM THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
5. SEE SHEET 1 OF 2 FOR SKETCH. NOT VALID WITHOUT BOTH SHEETS.

DCI 2006-00035

FOR GRAPHICS SEE SHEET 1 OF 2
NOT VALID WITHOUT BOTH SHEETS

SHEET 2 OF 2

For: MORRIS MCGREGOR, LLC

Survey Date: 7-01-06

Job #: 4623046-A

Drawn By: T-WILSON

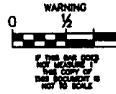
11/9/06
STEVEN L. FORD
PROFESSIONAL SURVEYOR & MAPPER #4992
STATE OF FLORIDA
NOT VALID WITHOUT THE SURVEYOR'S SIGNATURE & ORIGINAL RAISED SEAL.

DRMP
ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS
Phone: (239) 337-1109
L.B. #2848
(1440 Metro Parkway, Fort Myers, Florida 33912)

DCI 2006-00035

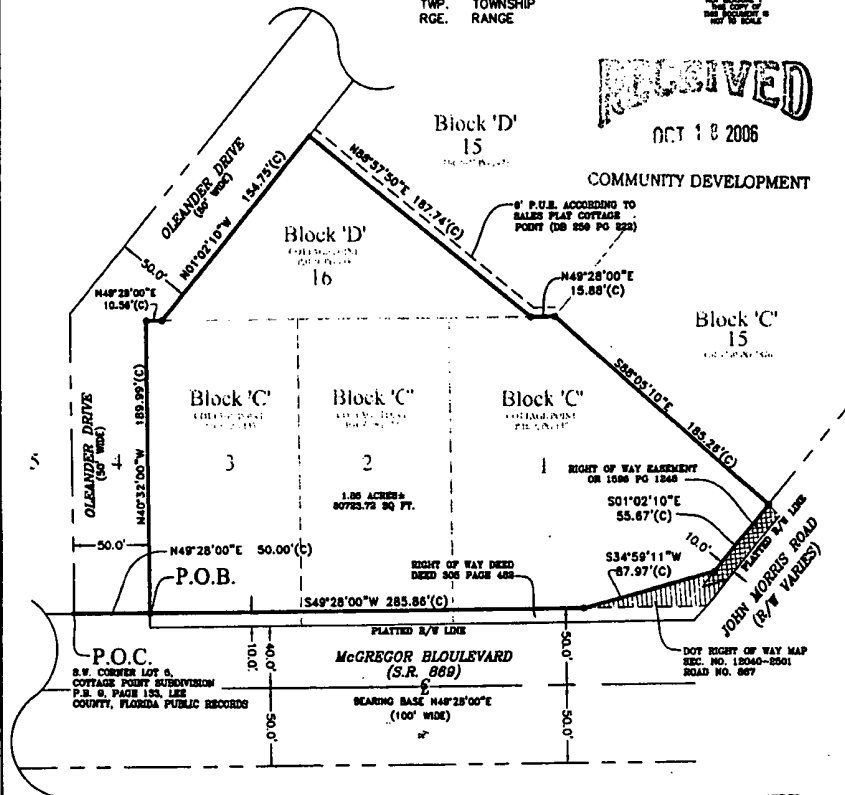
LEGEND:

P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT
P.B. PLAT BOOK
PG. PAGE
COR. CORNER
SEC. SECTION
TWP. TOWNSHIP
RGE. RANGE



RECEIVED
OCT 18 2006

COMMUNITY DEVELOPMENT



SKETCH OF SURVEY DESCRIPTION

**APPROVED
LEGAL
SKETCH**
10/12/06
CSJ

NOTE: SEE SHEET 2 OF 2 FOR DESCRIPTION & NOTES.
NOT VALID WITHOUT BOTH SHEETS

SHEET 1 OF 2
NOT A BOUNDARY SURVEY

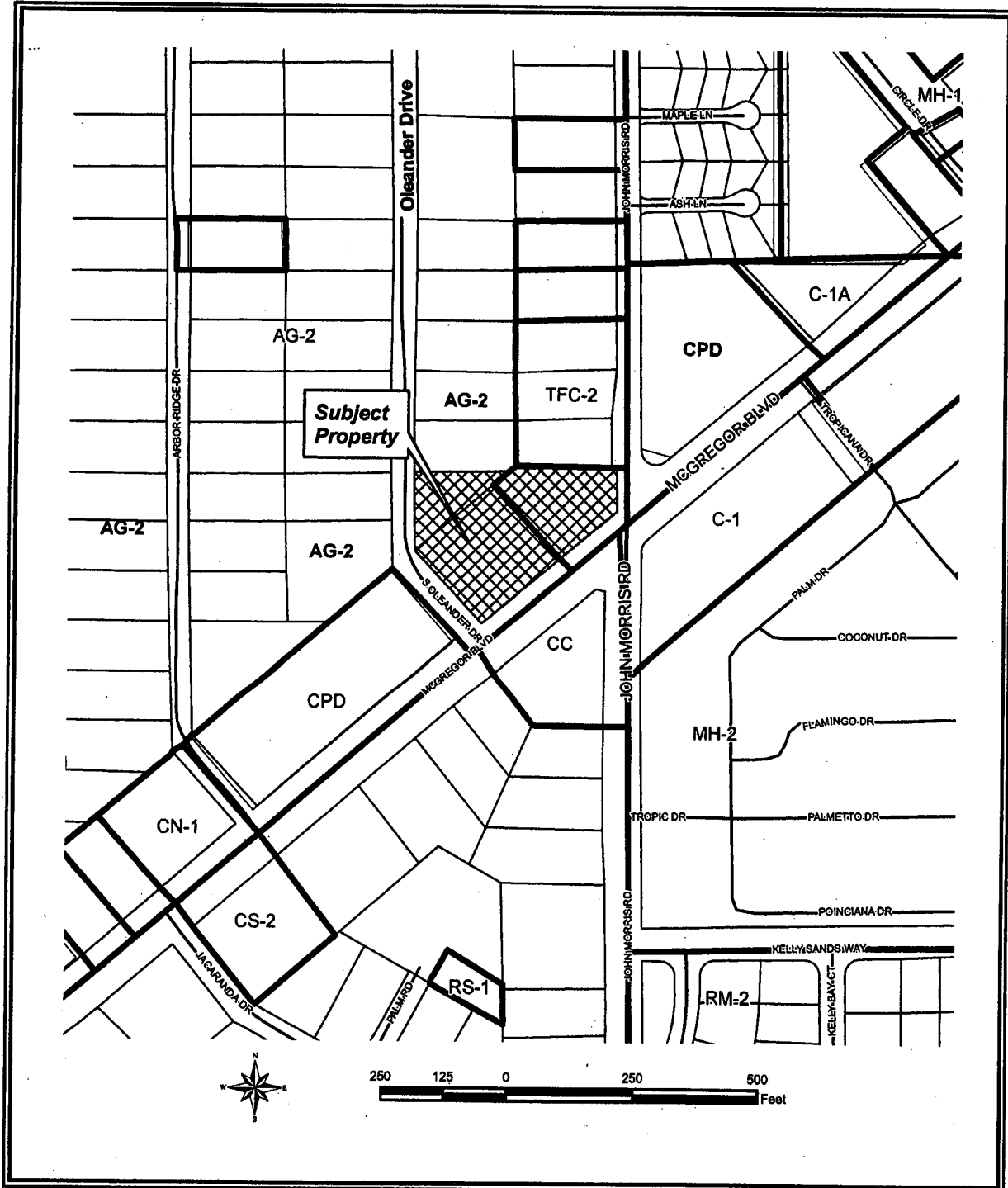
For: MORRIS McGREGOR, LLC.
Scale: 1" = 80'
Survey Date: 7-01-06
Job #: 4623046-A
Drawn By: T. WILSON

STEVEN L. FORD
PROFESSIONAL SURVEYOR & MAPPER #4992
STATE OF FLORIDA
NOT VALID WITHOUT THE SURVEYOR'S SIGNATURE & ORIGINAL BASED SEAL.

DRMP
DESIGNER • SURVEYOR • PLANNER • SCIENTIST
Phone: (239) 337-1109
L.B. 12848
11440 Myers Parkway Fort Myers, Florida 33912

[illegible]

ATTACHMENT A: ZONING MAP



ZONING
LEE COUNTY
 SOUTHWEST FLORIDA

16758 McGregor Boulevard

File # DCI2006-00035

FORT MYERS, FLORIDA
 03/13/07

ATTACHMENT C

**LEE COUNTY**
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

(239)479-8531

Bob Janes
District One

January 26, 2007

A. Brian Bigelow
District Two

Michael Sasse

Ray Judah
District Three

DRMP, Inc.

Tammy Hall
District Four

1404 Dean Street, Suite 300

Frank Mann
District Five

Fort Myers, FL 33901

RE: Potable Water & Waste-water Service Availability
McGregor-Morris Center CPD (Project ID 06-0106.001)
Strap #s: 02-46-23-01-0000C.0010, .0020 & 02-46-23-02-0000D.0160

Donald D. Stilwell
County Manager

Dear Mr. Sasse:

David M. Owen
County Attorney

In response to your request for a Letter of Availability for Development Order Submittal purposes; please be advised that Lee County Utilities owns and maintains potable water and waste-water lines adjacent to the proposed commercial project referenced above.

Diana M. Parker
County Hearing Examiner

Your firm has indicated that this project will consist of one (1) 11,892 SF commercial office building and one (1) 7,780 SF retail building. Based upon estimates provided by your firm, the project will have an estimated potable flow demand of approximately 2,562 gallons per day. Lee County Utilities presently has sufficient available capacity to provide potable water and sanitary sewer service to the project as estimated.

This letter should not be construed as a commitment to serve, but only as to the availability of service. Lee County Utilities will commit to serve only upon receipt of all appropriate connection fees, a signed request for service and/or executed service agreement, and the approval of all State and local regulatory agencies.

FURTHER, THIS LETTER OF AVAILABILITY OF POTABLE WATER AND/OR WASTE-WATER SERVICE IS TO BE UTILIZED FOR DEVELOPMENT REVIEW FOR THIS PROJECT ONLY. INDIVIDUAL LETTERS OF AVAILABILITY WILL BE REQUIRED FOR THE PURPOSE OF OBTAINING BUILDING PERMITS.

Sincerely,

LEE COUNTY UTILITIES

Terry A. Kelley
Development Review Representative
Utilities Engineering Division

VIA FACSIMILE #344-0057
Original Mailed 01/26/07

S:\ENGR\TAK\LETTERS\DOFY 2007\MCGREGOR-MORRIS CENTER CPD - TAK.DOC

Lamey, Shawn C.

From: Trebatoski, Kim
Sent: Wednesday, February 21, 2007 7:39 AM
To: Lamey, Shawn C.
Subject: Morris McGregor CPD

Shawn – There are no ES issues with this case. Please let me know if you have any questions regarding buffering.

Kim Trebatoski
Principal Environmental Planner
Lee County Division of Environmental Sciences
(239)479-8183
trebatkm@leegov.com
Fax: (239)479-8144
<http://www.lee-county.com>

2/22/2007



**DEPARTMENT OF
TRANSPORTATION**

Memo

To: Shawn Lamey, Senior Planner
Zoning Division

From: Lili Wu 
Sr. Transportation Planner

Date: March 1, 2007

Subject: Morris McGregor Center CPD (DCI2006-00035)

The Lee County Department of Transportation (LCDOT) has reviewed the application for public hearing. This project is located on the northwest corner of the McGregor Blvd/John Morris Rd intersection and consists of about 20,000 square feet commercial and office uses which will generate 47 new trips in the P.M peak hour.

Based on data from the 2006 Lee County Traffic Count Report, McGregor Blvd (from Summerlin Rd to Kelly Rd) operates at Level of Service "B", or at 23 percent of capacity. The applicant's TIS indicates that McGregor Blvd (from Summerlin Rd to Kelly Rd) is estimated to have 715 background trips in the P.M peak hour peak direction with 17 additional project trips for a total of 732 estimated trips in Year 2008 (build-out year). The Lee County Link-Specific Service Volume identifies McGregor Blvd the Maximum service volume at Level of Service "E" (equivalent to capacity) at 2,050. At project build-out in 2008, McGregor Blvd is projected to operate at LOS "B" as well, or at 36% of capacity.

LW/dn

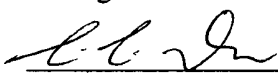
cc: File



**DEPARTMENT OF
TRANSPORTATION**

Memo

To: Shawn Lamey
Senior Planner
Zoning Division

From: 
Lili Wu
Sr. Transportation Planner

Date: February 8, 2007

Subject: Morris McGregor Center CPD (DCI2006-00035)

The subject property is in front of John Morris Road to the east, McGregor Blvd to the south and Oleander Dr to the west. Lee County DOT supports the proposed project entrance being placed on Oleander Dr and aligned with a driveway of the approved CPD to the east because the frontage of the subject property on John Morris Road is about 83 feet, about 340 feet on McGregor Blvd and the intersection of John Morris Blvd/McGregor Blvd is a signalized intersection. If a driveway is placed onto McGregor Blvd or John Morris Road, it will cause traffic operation problems.

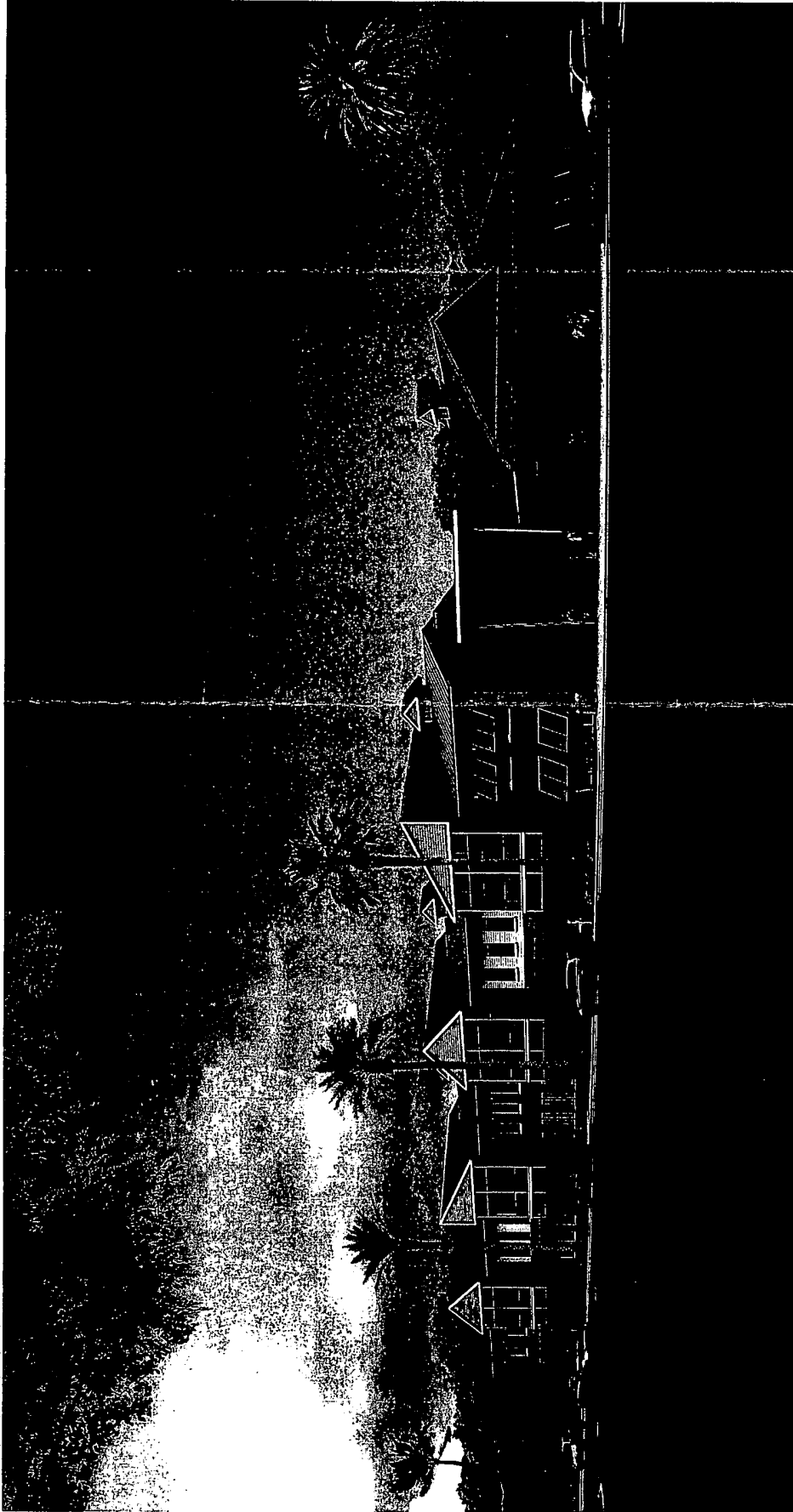
LW/llj

cc: Project File

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ATTACHMENT G

 THE ARCHITECTURE FIRM, INC. ARCHITECTS 1001 CLAYDALE DRIVE SUITE 100 FORT MYERS, FLORIDA 33901 TEL: 941-939-1100 FAX: 941-939-1101 WWW.ARFIRM.COM	DEVELOPMENT ORDER DOCUMENTS FOR THE MORRIS-MCGREGOR CENTER FORT MYERS, FLORIDA	Project: 20044-01	Date: 1/2/07 Scale: N.T.S.	Sketch From Sheet
---	--	-------------------	-------------------------------	----------------------



1 **RENDERING**
SCALE: N.T.S.

DCI2006-00035

RESOLUTION NUMBER ZAB-83-88

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS

OF LEE COUNTY, FLORIDA

WHEREAS, Nancy's Produce, has properly filed an application for a District Boundary Change from AG to CN on a piece of property located at John Morris/Bunche Beach Road at McGregor Boulevard, described more particularly as;

Section 02, Township 46 South, Range 23 East, Lee County, Florida.

Lot 1, Block C, Cottage Point Subdivision, PB 9, Pg. 133.

WHEREAS, Emma Linton, the owner of the subject parcel has given proper authorization to Ellen Maddox to act as her agent, and has given her the authority to pursue this zoning action; and,

WHEREAS, a public hearing was legally and properly held before the Lee County Zoning Board, with full consideration of all the evidence available to the Zoning Board; and,

WHEREAS, the Lee County Zoning Board fully reviewed the matter and recommended approval of a district boundary change to CN based on the finding the proposed use is consistent with the Lee County Comprehensive Plan. Granting this request will complete a minor commercial node at John Morris/Bunche Beach Road at McGregor Boulevard.

WHEREAS, an appeal was timely filed by an aggrieved person/the Division of Community Development; and,

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

WHEREAS, the Board of County Commissioners considered the recommendations of the Staff, the Local Planning Authority, the Zoning Board, the documents on file with the County, and the testimony of all interested persons,

The Board of County Commissioners after full and complete consideration of the matter does hereby make the following findings of fact:

That the property is presently being used as a produce stand and is at an intersection that is targeted on all studies to be a commercial node. The Board finds that the land use is appropriate for the John Morris and McGregor Blvd. intersection, and has no objection to the rezoning.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS AS THE ZONING APPEALS BOARD, that the Zoning Appeals Board does hereby grant a change in zoning from AG to CN.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon motion by Commissioner Roberts, and seconded by Commissioner Fussell, and upon being put to a vote, was as follows:

Porter J. Goss	Aye
Roland Eastwood	Absent
Roland Q. Roberts	Aye
Bill Fussell	Aye
Fred Bartleson	Aye

DULY PASSED AND ADOPTED this 18th day of April, A.D., 1983.

ATTEST:
SAL GERACI, CLERK

BY: Lois Kurtz
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: R. Eastwood
Chairman

Approved as to form by:

William Montgomery
County Attorney

RESOLUTION NUMBER ZAB-83-88
(152B-D-11,12)

HEARING NUMBER 83-3-9

Page 2 of 2

ATTACHMENT I

Morris McGregor CPD Deviation #3

Deviation from Section 10-416(d)(4)(6) of the Lee County Land Development Code which requires projects that have roads, drives, or parking areas located less than 125 feet from an existing single-family residential subdivision or single-family residential lots to provide a solid wall or combination berm and solid wall not less than eight (8) feet in height to be constructed not less than 25 feet from the abutting property and landscape with a minimum of five (5) trees and eighteen (18) shrubs per 100 lineal feet or a 30-foot wide Type F buffer with a hedge planted a minimum of 20-feet from the abutting property to allow in the alternative a 25-foot Type F buffer width and hedge planted at a minimum of 12.4± feet.

Morris McGregor CPD Justification for Deviation #3

The Master Concept Plan for the Morris McGregor CPD has provided a 25-foot wide buffer with an eight (8) foot tall solid wall on the property line between the proposed project and adjacent single-family residential lots. At the suggestion of Lee County's Department of Environmental Sciences staff the applicant has agreed to request this deviation from the Lee County Land Development Code to allow for the flexibility of providing an alternative buffer design which the County's environmental staff believes is a superior alternative for the conditions which exist for this project.

The applicant will be providing at least Type-F sized buffer tree and shrub plantings within the proposed 25-foot wide alternative buffer area. Included within the proposed 25-foot wide buffer alternative is the installation of a continuous vegetative hedge that will be planted initially at a minimum of 48-inches high and will ultimately be maintained at no less than 60-inches or 5-feet in height at maturity growth. This continuous vegetative hedge will be planted approximately 12.4± feet from the property line lying between the project's parking areas and buildings and abutting single-family lots.

The applicant's proposed Master Concept Plan does comply with the minimum buffer and wall requirements of the Lee County Land Development Code. The purpose of this deviation is to allow for flexibility in determining the most effective buffer design for the project given the particular circumstances of this proposed Planned Development. The applicant believes that either alternative will achieve the main purpose of the buffer requirement which is to provide an adequate barrier that will soften the intensity of a proposed project and an adjacent single-family property. The applicant wishes to defer to the Lee County Zoning and Environmental Staff, Lee County Hearing Examiner and/or the Lee County Board of County Commissioners in determining what is the most appropriate and effective buffer for this project?

ATTACHMENT J

Lamey, Shawn C.

From: Jennifer Dorning [jdorning@cella.cc]
Sent: Wednesday, March 07, 2007 11:06 AM
To: Lamey, Shawn C.
Subject: South Oleander

Shawn,

Due to recent crime in the neighborhood the residents of South Oleander are concerned that a wall separating the CPD from the neighborhood has been dropped out of the plan. We would like to request that a wall remain shown on the northerly property line.

Thank you,
Jennifer

Jennifer Dorning
Cella Molnar & Associates, Inc.
1631 Hendry Street
Fort Myers, FL 33901
phone: 239.337-1071
fax: 239.337-1076

3/13/2007

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2006-00035
APPLICANT: MORRIS MCGREGOR LLC, in reference to
MORRIS MCGREGOR CENTER CPD
HEARING DATE: MARCH 29, 2007

RECEIVED
MAY 15 2007

**COMMUNITY DEVELOPMENT
REC'D SECOND FLOOR**

I. APPLICATION:

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

Filed by MORRIS MCGREGOR LLC, c/o JOHN E. STAMPS, 12730 New Brittany Boulevard #205, Fort Myers, Florida 33907 (Applicant/Owner); DRMP, INC., c/o KENNETH E. GRIFFITH, AICP, 1404 Dean Street, Suite 300, Fort Myers, Florida 33901; HENDERSON, FRANKLIN, STARNES, & HOLT, P.A., c/o CODY VAUGHAN-BIRCH, ESQUIRE and CHARLES J. BASINAIT, ESQUIRE, 1715 Monroe Street, Fort Myers, Florida 33901(Agents).

Request is to rezone 1.85 acres from Commercial (CN-1) and Agriculture (AG-2) to Commercial Planned Development (CPD) to permit two buildings (2-stories/35 feet maximum height) not to exceed 19,672 square feet. The first building will be a 2-story general office and retail commercial building not to exceed 15,560 square feet. The second building will be a general office building not to exceed 4,112 square feet. The development will connect to existing potable water and sanitary sewer.

The subject property is located at 16758 McGregor Boulevard, Ft. Myers (Intersection of McGregor Boulevard, John Morris Road and S. Oleander Drive), in Section 02, Township 46 South, Range 23 East, Lee County, Florida (District #1).

II. STAFF REPORT AND RECOMMENDATION: APPROVE WITH CONDITIONS

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

III. RECOMMENDATION OF HEARING EXAMINER:

The undersigned Lee County Hearing Examiner recommends that the Lee County Board of County Commissioners **APPROVAL** the Applicant's request for a rezoning from CN-1 & AG-2 to CPD for the real estate described in Section IX. Legal Description WITH THE FOLLOWING CONDITIONS AND DEVIATIONS:

A. CONDITIONS:

1. The development of this project must be consistent with the 1-page Master Concept Plan entitled "Morris McGregor Center CPD," Sheet 2 of 5, prepared by DRMP, Inc., dated revised March 10, 2007, and stamped received March 13, 2007 by Community Development, and attached hereto as **Exhibit B**, except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at time of local Development Order Approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

Development is limited to a maximum of 11,892 square feet of general office and 7,780 square feet of commercial retail use.

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

a. Schedule of Uses

Administrative Offices
Business Services: Group I
Cleaning and Maintenance Services
Clothing Stores, General
Excavation: Water Retention
Excess Spoil Removal
Fences, Walls
Food Stores: Group I
 Excluding Supermarkets and Groceries
Gift and Souvenir Shop
Hardware store - limited to Building #2, with entrance only on south
 side - not to exceed 4,112 single-family
Hobby, Toy and Game Shops
Insurance Companies
Parking Lot: Accessory
Personal Services: Group I, limited to barbershops, beauty shops,
 shoe repair and tailors/alterations
Pet Services - indoor only
Pet Shop - no outdoor runs
Real Estate Sales Office
Repair Shops: Group I
Signs (in accordance with Chapter 30)
Specialty Retail Shops, Groups I and II
Studios

b. Site Development Regulations

Minimum Lot Area and Dimensions:

Area	1.85 acres
Width	55± feet along east property line (John Morris Road)
	345± feet along west property line (S Oleander Drive)
Depth	310± feet

Minimum Building Setbacks, Height & Lot Coverage

S Oleander Dr	25 feet
John Morris Rd	25 feet
McGregor Blvd	25 feet
Rear	25 feet
Maximum Height	35 feet (2-Story)
Maximum Lot Coverage	40 percent

3. All required buffers must utilize 100 percent native vegetation. The applicant may use non-native plantings (such as palms, etc.) for accent above the required plantings.

4. Prior to local development order approval, all development order plans must delineate 16,145 square feet (0.37 acres) of open space.

5. Prior to local development order approval, the landscape plans must delineate an 18-foot-wide buffer consisting of five live oak trees per 100 linear feet and a double staggered hedgerow of coco plum along Oleander Drive, and a 6-foot-high vinyl coated chain link fence, from the project entrance to the north property line. The live oaks must have a minimum 14-foot height, 2.5-inch caliper at planting. The shrubs must be a minimum of 24 inches in height, three gallon container size at the time of planting and maintained at a **minimum of 72 inches** in height.

6. Prior to local development order approval, the landscape plans must delineate a 25-foot-wide buffer with an 8-foot-high solid wall and Type "F" plantings (a minimum of five trees per 100 linear feet, and a double staggered hedgerow 48 inches in height at planting; thereafter maintained at a **minimum 72 inches** in height) along the north property line abutting the residentially zoned parcels. In accordance with Deviation #3 - as approved herein, the wall must be located (set back) at least 15 feet from the north property line. At least 75 percent of the required plantings must be located on the north side of the wall. The dry detention area on the south side of the 25-foot-wide buffer must be planted with appropriate native herbaceous vegetation (minimum 1-gallon container size, planted 3-foot on center).

7. "No Outlet" sign(s) shall be placed on Oleander Dr, as depicted on the Master Concept Plan (MCP), and an additional sign, at the project's exit, prohibiting right turns onto Oleander Drive.

8. The asphalt overlay and sidewalk area along Oleander Drive will terminate just beyond the project's proposed entrance, as depicted on the Master Concept Plan.

9. Regular business hours are limited to 7:00 a.m. to 9:00 p.m.

10. Lighting for the signs shall be limited to ground lighting and must be turned off at 9:00 p.m.

11. The development will connect to existing potable water and sanitary sewer.

12. Outdoor storage and display is prohibited.

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

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

B. DEVIATIONS:

DEVIATION 1 seeks relief from LDC Section 10-296 Table 4 (2)(c)2.b., which requires a minimum specifications for street Improvements of 24-foot-wide pavement for 2-way traffic on privately maintained streets with swale drainage or valley gutter drainage, or 24-foot-wide pavement with curb and gutter drainage, to leaving the road unimproved and without a sidewalk beyond the project entrance to retain the existing character of the streetscape and neighborhood. The Hearing Examiner recommends this deviation be **APPROVED**, subject to Conditions 5, 6, 7, and 8 above.

DEVIATION 2 seeks relief from LDC Section 10-256 2.a., which requires all development along arterial and collector roadways to provide bikeways and pedestrian ways, in the public right-of-way for any project abutting a street shown on the plan, to allow the Oleander Drive to remain unimproved and without a sidewalk beyond the project entrance to retain the existing character of the streetscape and neighborhood. The Hearing Examiner recommends this deviation be **APPROVED**, subject to Conditions 5, 6, 7, and 8 above.

DEVIATION 3 seeks relief from LDC Section 10-416(d)(4)(6), which requires projects that have roads, drives, or parking areas located less than 125 feet from an existing single-family residential subdivision or single-family residential lots to provide a solid wall or combination berm and solid wall not less than eight (8) feet in height to be constructed not less than 25 feet from the abutting property and landscape with a minimum of five (5) trees and eighteen (18) shrubs per 100 lineal feet or a 30-foot-wide Type F buffer with a hedge planted a minimum of 20 feet from the abutting property, to allow, in the alternative, a 25-foot-wide buffer, with Type F plantings and hedge, with a 6-foot-high vinyl coated chain link fence, at a minimum setback of 12.4± feet. The Hearing Examiner recommends this deviation be **DENIED**, but that a **Deviation from this provision be approved to allow the 8-foot-high wall to be installed a minimum of 15 feet from the north property line (residential property line), subject to the provisions of Condition 6.**

IV. HEARING EXAMINER DISCUSSION:

This is a request to rezone a 1.85-acre parcel, located in the northwest corner of the John Morris Road/McGregor Boulevard intersection, from CN-1 and AG-2 to CPD to allow development of a maximum of 19,672 square feet of mixed office and retail uses. The irregularly shaped property is abutted on three sides by roads: on the south by McGregor Boulevard (an undivided 4-laned arterial), on the east by John Morris Road (a 2-laned collector), and on the west by Oleander Drive (a private, unimproved 50-foot-wide roadway). Residential uses abut the north side and northwest corner of the property, and there are a mix of commercial uses and zoning districts on the opposite sides of the three roadways. It is designated Suburban in the Lee Plan, and is in the Iona/McGregor Planning Community.

Issues:

- 1) 8-foot-high solid wall in 25-foot-wide buffer on north property line, instead of enhanced Type "F" plantings (five taller trees and a 48-inch double hedge, at planting, per 100 linear feet)
- 2) Compatibility and appropriateness of certain commercial uses with adjacent residential neighborhood
- 3) Hours of operation - particularly, closing time of 9 p.m.

Background

Approximately one-half of the 1.85-acre subject property is currently zoned CN-1 and has been "developed" with a farm produce market and a bait store for many years. The balance of the site is zoned AG-2, and is undeveloped, although other AG-2 zoned lots to the north and west are developed with single-family homes.

Given the irregular shape of the subject property, it has about 55 feet of frontage on John Morris Road, about 489 feet of frontage on McGregor Boulevard, and 345 feet of frontage on Oleander Drive. McGregor Boulevard is an arterial requiring an intersection separation of 660 feet; John Morris Road is a major collector requiring an intersection separation of 330 feet; and Oleander Drive is a private, local road, requiring an intersection separation of 125 feet.

Applicant submitted numerous iterations of the Master Concept Plan (MCP) over the past year and a half, initially showing access points onto McGregor Boulevard and/or John Morris Road. The final MCP depicts only one access point - and this is to Oleander Drive, approximately 141 feet from the centerline of McGregor Boulevard. That location was chosen because it aligns this access/entrance directly across Oleander Drive from the approved entrance for a 2.27-acre CPD (LCD Trucking - Case #DCI2001-00078), approved for a mix of retail and office uses totaling 27,500 square feet of building and 31,000 square feet of open storage.

Lee County Department of Transportation (LCDOT) Staff vetoed any access points onto McGregor Boulevard or John Morris Road, citing public safety reasons. They explained that any access onto McGregor Boulevard or John Morris Road would be too close to existing intersections and too close to other existing roads or access points. Such an access point/entrance would be dangerous to anyone driving on those surrounding roadways, as well as to anyone trying to enter or leave the subject property.

Applicant explained that, after meeting with the residents of the abutting neighborhood, they re-designed the site to move the two proposed buildings as far away from the homes as possible. The latest MCP depicts two buildings - a long, narrow 2-story building (totaling 15,560 square feet) located along the McGregor Boulevard frontage; and a more-squarish (4,112 square feet) 1-story building located in the northeast corner of the site - abutting John Morris Road. The 2-story building is designed for mostly office uses, with some minor retail uses on the ground floor, and the 1-story building is designed for the retail uses. The two buildings will share a parking lot, which will lie between the two buildings and the adjacent residential uses.

Applicant is proposing to install enhanced buffers along the north boundary and Oleander Drive (west side) to shield the parking lot and buildings from view of the residents of that area. They explained that no buffer is required, under the Land Development Code, along Oleander Drive because it is a private roadway, but they are proposing to install an 18-foot-wide buffer, with enhanced plantings. The trees and plants will be installed on the 2-foot-high water management berm, and will consist - at planting - of ten 14-foot-high canopy trees and a 48-inch-high double hedge that will be maintained at no less than 60 inches when mature. They believed that the plants and the landscape design will adequately hide the parking lot and the two buildings from the view of the residents along Oleander Drive. They also indicated that they could install a 6- or 8-foot-high vinyl coated chain link fence inside the buffer, which would be covered by the plants, but would still provide the neighbors protection from trespassers.

The north boundary abuts existing residential uses, and Applicant proposes a 25-foot-wide buffer with a 10 trees and a continuous hedge, set about 12.5 feet from the adjacent property lines. That buffer would be much the same as the west buffer for plants and trees, and they could also install a chain link fence in this buffer. The MCP depicted an 8-foot-high wall along the north boundary, but Applicant explained that Environmental Sciences' Staff suggested the "enhanced" buffer as an alternative a masonry wall.

Applicant is also requesting a mix of retail and office uses for the site. The office uses include administrative, real estate, business services, cleaning and maintenance, and insurance companies. The retail uses include such uses as: gift shops, specialty retail and general clothing stores, toy and hobby shops, food stores (no supermarkets or grocery stores), pet shop and services, and beauty and barbershops.

Although requested, they conceded with Staff's deletion of the following uses from their list: package stores; convenience food and beverage stores; and food and beverage service (for private clubs). However, they objected to the deletion of drug store/pharmacy and hardware store, stating that other CPDs in the area had been approved with those or similar uses, and that their plan would not allow them to have a Walgreen's or CVS store, or a Lowe's or Home Depot. They were envisioning more of the "mom and pop" operation - a small, necessities only type store intended to serve the immediate neighborhood.

Applicant agreed to Staff's limitation on the hours of operation from 7 a.m. to 9 p.m., but disagreed when Staff changed that recommendation to a closing time of 7 p.m. after listening to the residents during public input at the hearing. They asserted that the residents had agreed with the 9 p.m. closing time before the public hearing, and could not understand why they changed their minds. They pointed out that the other commercial operations and approvals in the area did not have limited hours of operation.

Applicant also requested three Deviations from the Land Development Code provisions. The first two Deviations relate to not having to comply with the County's requirements for paving Oleander Drive and providing a sidewalk along the property's west boundary (Oleander Drive). They propose to pave Oleander Drive, and provide the necessary drainage improvements, from McGregor Boulevard to just north of the proposed entrance to this project, instead of northward to the north boundary of the site. This proposal was made in response to the concerns and fears of the residents that a paved road and a sidewalk to the property's north boundary will encourage pedestrians and drivers to continue on into their residential neighborhood. They wanted the paving and sidewalk to stop just after the entrance to this project, hoping that would deter people from continuing north on Oleander Drive.

The third Deviation relates to the buffer along the north boundary. The LDC requires that a parking area within 125 feet of residential uses or zoning must have an 8-foot-high wall and plantings constructed at least 25 feet from the residential property line or a 30-foot-wide Type F buffer, with a hedge planted at least 20 feet from the residential property line. In this instance, Applicant proposed to install a 25-foot-wide Type F buffer, with the hedge planted at 12.4 feet from the residential property line, in accordance with the suggestion of Environmental Sciences' Staff. The hedge will be at least 4 feet tall when planted and will be maintained at a minimum height of 5 feet in the future. They believed that the 5-foot-high hedge and the additional trees will provide a more aesthetically pleasing buffer than would the 8-foot-high wall and plantings. For instance, if the wall was placed with a 25-foot setback, there would not be any room to landscape it on the parking lot side. Thus, the wall might be aesthetically pleasing from the residential neighborhood, but it would not be pleasing from the proposed buildings or parking lot.

Staff recommended approval of the requested rezoning, with conditions, finding that the CPD plan, as conditioned, was consistent with the intent of the Lee Plan and Land Development Code, and the uses were appropriate at this location. They found that the proposed development, as conditioned, was consistent and compatible with the mix of commercial and residential uses in the area, and would not be injurious or detrimental to the neighborhood or the public health, safety and welfare.

Staff explained that they had deleted the drug store/pharmacy and hardware stores from the list of uses, because the site can only accommodate 79 parking spaces. These two uses generate more traffic than the other retail uses, which will increase the number of vehicles entering and leaving the site, and will require more on-site parking, which cannot be provided. They understood that other CPDs might have been approved for those uses, but did not know if those cases had similar circumstances. They believed that these uses, by virtue of their higher traffic generation, would be incompatible with the health, safety and welfare of the residents in the area.

In the same vein, Zoning Staff recommended that Applicant be required to install the 8-foot-high wall along the north boundary, to protect the adjacent residents from the noise, odors, and view of this commercial development. They understood Applicant was following the alternative buffer suggested by Environmental Sciences' Staff, but disagreed that such a buffer was adequate, given the close proximity of the single-family residential uses.

Staff recommended approval of Deviations 1 and 2, with conditions, but recommended denial of Deviation 3, requiring instead that Applicant supply the enhanced plantings and the 8-foot-high wall. However, Staff made no provision to reduce the setback for the wall, so that some landscaping could occur on both sides.

Public

The residents of Oleander Street appeared at the public hearing to express their concerns and objection to the access/entrance for this project being located on their private road. They conceded that the entrance was as close to McGregor Boulevard as possible, but believed that having the entrance on their road would encourage traffic to drive through their neighborhood. They explained that Oleander Street is a dead-end street, and any traffic "sight-seeing" in the area has to turn around in one of their driveways. They did not want non-residential traffic on their end of the street, citing safety concerns for their families and homes. They agreed with the condition requiring that signs be posted notifying drivers that Oleander Drive was a dead-end road, and believed that a sign prohibiting a right turn from the subject property onto Oleander Drive would keep the drivers from going down their road.

They asserted that it was already very difficult for them to make a left turn out onto McGregor Boulevard and that adding the vehicles from this project would greatly increase that difficulty. Given the amount of traffic on McGregor Boulevard and John Morris Road, they sometimes have to wait a long time to make that left turn. They did not want more traffic prolonging their wait to exit Oleander Drive.

The residents were adamant about having the wall along the north boundary; they simply did not believe that the buffer - even with a chain link fence - would be adequate to protect their safety or quality of life. They were concerned that light from the cars in the parking lot would shine through the hedge, and that the hedge would not stop the noise and odors from the cars and people in the parking lot. They were also concerned that the hedge and trees would only partially shield their view of the 2-story building, and that the lights in the parking lot and on the building would intrude on their privacy. They did not believe that the hedge would be strong enough or dense enough to prevent trespassers from leaving the parking lot and wandering around their properties.

They were also adamant that Applicant not put in a sidewalk alongside the subject property, as they did not want anything to "draw" people into their neighborhood. While a couple of property owners wanted the entire length of Oleander Drive paved - at Applicant's expense, the majority of them wanted the paved portion to stop just north of the entrance to the subject property. They even wanted a gate erected across Oleander Drive to keep traffic associated with this project out of their community.

Several of the residents objected to the proposed 9 p.m. closing time, insisting that hour was too late to be adjacent to a residential community. They believed that 7 p.m. was a more appropriate time. When it was pointed out that the CPD immediately west of this project was approved without limitations, and with an access/entrance onto Oleander Drive, the residents asserted that was no reason to "compound" the error by approving this project in the same manner.

Lastly, the residents objected to there being a drug store/pharmacy on this site noting there were already two "within crawling distance" of their homes. They feared a drug store would attract too many people, particularly vagrants or others intent on vandalizing or burglarizing their properties and threatening their families.

Hearing Examiner Analysis

The undersigned Hearing Examiner concurs with Staff's analysis, findings and recommendation of approval, with conditions, finding that the request, as conditioned herein, 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 request, as conditioned herein, is consistent and compatible with the mix of uses in the area, and will not be detrimental or injurious to the neighborhood or the health, safety and welfare of the residents or general public.

With regard to the issues:

1) The Hearing Examiner concurs with Zoning Staff's recommendation that Applicant install an 8-foot-high solid wall in the 25-foot-wide buffer along the north boundary line. She finds that the wall will provide more immediate coverage and protection to the adjacent residents than will a buffer that require time to grow into the height and density needed to provide opacity. She also finds that the wall will provide a better barrier for the numerous sounds associated with a parking lot.

2) Having compared the traffic generation rates for hardware stores, drug stores/pharmacies (without drive-thru), and general shopping center, the Hearing Examiner concurs with Staff's deletion of the drug stores/pharmacies, but not the hardware store. She found the trip generation rates for drug stores/pharmacies ranged from about even to more than double the number of trips of a hardware store, depending on the time of day and day of week. For example, the Institution of Transportation Engineering (ITE) Trip Generation Manual, 7th Edition, showed (Applicant's Exhibit #6):

	Hardware Store [per 1,000 sq ft]	Pharmacy [per 1,000 sq ft]	Shopping Center [per 1,000 sq ft]
weekday AM peak hour	4.91 trips (average)	7.64 trips (average)	Not included in submittal
weekday PM peak hour	4.74 trips (average)	11.07 trips (average)	Not included in submittal
weekday total	51.29 trips (average)	90.06 trips (average)	42.94 trips (average)
Saturday peak hour	11.18 trips (average)	10.68 trips (average)	4.97 trips (average)

The Hearing Examiner concurs with Staff's concerns that the drug store use will significantly increase the demand for parking, as well as the number of vehicles entering and leaving Oleander Drive. For that reason, she recommends that the drug store use be deleted from Applicant's Schedule of Uses.

3) The Hearing Examiner finds that the 9 p.m. closing time is consistent with the closing times of other commercial uses in the area, and, as buffered and conditioned herein, will not be detrimental to the residential neighborhood. She points out that the CPD on the west side of Oleander Drive was approved, in November 2002, for many of the same uses and without any restrictions on hours of operation.

Although Staff recommended, in the public hearing, that Applicant be required to improve Oleander Drive, where it intersects with McGregor Boulevard, with separate right-out and left-out turn lanes, the Hearing Examiner is not including that condition in her Recommendation for a couple of reasons. First, this CPD is not the only development that will be contributing traffic to this roadway; the existing residential units already have traffic on that road, and the CPD to the west will also contribute traffic on Oleander Drive. For that reason, the Hearing Examiner does not believe that it is reasonable or equitable to require this developer to shoulder the whole burden of alleviating an existing condition or a condition that may worsen in the future when both CPDs are completed. Second, the determination of turn lanes and intersection improvements are more appropriately handled during the development order review process, when all the facts and circumstances regarding the neighborhood and development are known.

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

It is also the Hearing Examiner's opinion that the Deviations approved herein, as conditioned, will enhance the objective of the planned development, and will promote the public health, safety and welfare. The Hearing Examiner is recommending approval of Deviation #3, as it pertains to the wall, allowing the wall to be setback at least 15 feet from the residential property and requiring at least 75 percent of the plants to be placed on the north side of the wall. This will allow a landscaped buffer on both sides, but will provide the bulk of the plants adjacent to the residential uses.

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 this request, as conditioned, by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes or regulations.
- B. That the CPD, as conditioned, will meet or exceed all performance and locational standards set forth for the potential uses allowed by the request.
- C. That the proposed development, as conditioned, is consistent with the intensities and general uses set forth in the Lee Plan.
- D. That the proposed uses, as conditioned, are compatible with existing or planned uses in the surrounding area.
- E. That approval of the CPD, 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 proposed development, as conditioned, will not adversely affect environmentally critical areas and natural resources.

G. That the proposed mix of uses, as conditioned, are appropriate at the subject location.

H. That the recommended conditions to the Master Concept Plan are reasonably related to the impacts anticipated from the proposed development, and, with other regulations, will provide sufficient safeguard to the public interest.

I. That the approved Deviations, as conditioned, will enhance the objective of the proposed development, and will promote the protection of the public health, safety and welfare.

J. That urban services, as defined in the Lee Plan, are available and adequate to serve the proposed land use, and Applicant will connect to local sewer and water lines.

VI. LIST OF EXHIBITS:

Aerial photograph, dated March 2007 (color)(18" x 20")

STAFF'S EXHIBITS

1 Aerial photograph, dated February 28, 2007 (color)(24" x 36")

2 Two photographs, dated February 28, 2007 (color)(24" x 36")

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

APPLICANT'S EXHIBITS

1a Power Point presentation for Morris McGregor Center CPD, dated march 29, 2007, prepared by DRMP, Inc. (8.5" x 11")

1b Power Point presentation Compact Disk (CD)

2 Master Concept Plan (MCP) for Morris McGregor Center CPD, last revised March 10, 2007, Sheet 2 of 5, prepared by DRMP, Inc. (24" x 36") [board]

3 Landscape Plan for Morris McGregor Center CPD, dated December 14, 2006 [sic 2007], Sheet L-2, prepared by David M. Jones, Jr, and Associates, Inc. (24" x 36") [board]

4a Landscape Cross-Sections for Morris-McGregor Center CPD, dated December 14, 2006 [sic 2007], Sheet L-3, prepared by David M. Jones and Associates, Inc. (24" x 36") [board]

4b Landscape Building Elevations for Morris-McGregor Center CPD, dated December 14, 2006 [sic 2007], Sheet L-4, prepared by David M. Jones and Associates, Inc. (24" x 36")

5 Lee Plan Compliance (multi-page document)(8.5" x 11")

6 Composite exhibit consisting of Land Use #816 - Hardware/Paint Store; #820 - Shopping Center; and #880 - Pharmacy/Drugstore without Drive-Through Window (8.5" x 11")

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

OTHER EXHIBITS

Johnny Dorning

- 1 Letter of Opposition (8.5" x 11")
- 2 Eight (8) photographs (color) (8.5" x 11")

Jennifer Dorning

- 1 Letter of Opposition (8.5" x 11")

VII. PRESENTATION SUMMARY:

See Official Court Reporter Transcript

VIII. OTHER PARTICIPANTS AND SUBMITTALS:

ADDITIONAL APPLICANT'S REPRESENTATIVES:

1. Greg Diserio, c/o Dave Jones & Associates, 2221 McGregor Boulevard, Fort Myers, Florida 33901
2. Jason Dontje, c/o Architecture, Inc., 9681 Gladiolus Boulevard, Fort Myers, Florida 33908
3. Barry Jones, c/o DRMP, 1404 Dean Street, #300, Fort Myers, Florida 33901
4. Vincent Franceschelli, c/o DRMP, Inc., 1404 Dean Street, #300, Fort Myers, Florida 33901

ADDITIONAL COUNTY STAFF:

1. John J. Fredyma, Assistant County Attorney, P. O. Box 398, Fort Myers, Florida 33902
2. Andy Getch, Department of Transportation, P. O. Box 398, Fort Myers, Florida 33902

PUBLIC PARTICIPATION:

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

For: NONE

Against:

1. Ian Johnstone, 16541 S. Oleander Drive, Fort Myers, Florida 33908
2. Richard Ferrel, 16501 S. Oleander Drive, Fort Myers, Florida 33908

3. Lisa Hungerford, 16561 S. Oleander Drive, Fort Myers, Florida 33908
4. Dan Hahn, 629 Astarias Circle, Fort Myers, Florida 33919
5. Jennifer Dorning, 16580 S. Oleander Drive, Fort Myers, Florida 33908
6. Johnny Dorning, 16580 S. Oleander Drive, Fort Myers, Florida 33908
7. Jeanine Welker Passmore, 16500 S. Oleander Drive, Fort Myers, Florida 33908
8. Michael Passmore, 16500 S. Oleander Drive, Fort Myers, Florida 33908
9. David Doane, 1660 S. Oleander Drive, Fort Myers, Florida 33908
10. David Frank, 16560 S Oleander, Fort Myers, Florida 33908

General:

1. Richard Balsamo, 16481 S. Oleander Drive, Fort Myers, Florida 33908

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

For: NONE

Against:

1. John Hart, 16521 S. Oleander Drive, Fort Myers, Florida 33908
2. Stephanie Hahn, 629 Astarias Circle, Fort Myers, Florida 33919

IX. LEGAL DESCRIPTION:

See Exhibit A (scanned legal description).

X. UNAUTHORIZED COMMUNICATIONS:

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

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

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

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

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

XI. HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS:

A. This recommendation is made this 15TH day of May, 2007. Notice or copies will be forwarded to the offices of the Lee County Board of County Commissioners.

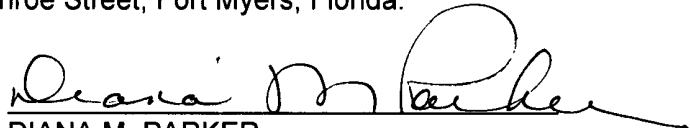
B. The original file and documents used at the hearing will remain in the care and custody of the Department of Community Development. The documents are available for examination and copying by all interested parties during normal business hours.

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

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

XII. COPIES OF TESTIMONY AND TRANSCRIPTS:

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



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

Survey Description:

(As prepared by the firm)

A tract or parcel of land lying in Section 2, Township 46 South, Range 23 East Lee County, Florida which tract or parcel is more particularly described as follows:

Commencing at the Southwest corner of Lot 5, Cottage Point Subdivision, as recorded in Plat Book 9, Page 133 public records of Lee County, Florida thence N49°28'00"E along the North right of way line of McGregor Blvd, State Road 869 (100' wide right of way) Deed Book 305, Page 482 public records of Lee County, Florida, a distance of 50.00' feet to the Point of Beginning, said point being on the northerly line of Oleander Drive.

From said Point of Beginning thence run along the northerly line of said Oleander Drive (50' wide right of way) the following courses and distances: N40°32'00"W for a distance of 189.99' feet, Thence N49°28'00"E for a distance of 10.56' feet, thence N01°02'10"W for a distance of 154.75' feet to the southwest corner of Lot 15, Block "D", Cottage Point, as recorded in Official Records Book (O.R.) 2627 at Page 2471, thence run along the Southerly line of said Lot 15 N88°57'50"E a distance of 187.74' feet, thence N49°28'00"E for a distance of 15.88' feet to the Southwesterly corner of Lot 15, Block "C", said Cottage Point, thence run along the Southerly line of said S88°05'10"E for a distance of 185.26' feet to a point on the West right of way of John Morris Road (right of way width varies) O.R. Book 1596, Page 1248 public records of Lee County, Thence S01°02'10"E along said right of way of John Morris Road a distance of 55.67' feet, thence continue S34°59'11"W along said right of way a distance of 87.97' feet to a point on the aforementioned North right of way of McGregor Blvd., State Road 869 (100' wide right of way) Deed Book 305, Page 482 public records of Lee County, Florida, Thence S49°28'00"W along said North right of way of McGregor Blvd. a distance of 285.86' feet to the Point of Beginning.

Parcel contains an area of 1.85 acres, more or less.

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Surveyors Notes:

1. BEARINGS SHOWN HEREON ARE BASED UPON CENTERLINE OF McGREGOR BOULEVARD, TO BEAR NORTH 49°28'00" EAST, AS RECORDED IN PLAT BOOK 9 PAGE 133, PUBLIC RECORDS OF LEE COUNTY, FLORIDA..
2. ALL DIMENSIONS SHOWN ARE TAKEN FROM PLAT UNLESS OTHERWISE NOTED.
3. TYPICAL EASEMENTS: AS SHOWN ON RECORDED PLAT AND AS SHOWN ON SKETCH.
4. ALL RECORDED INFORMATION SHOWN HAS BEEN TAKEN FROM THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
5. SEE SHEET 1 OF 2 FOR SKETCH. NOT VALID WITHOUT BOTH SHEETS.

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FOR GRAPHICS SEE SHEET 1 OF
NOT VALAD WITHOUT BOTH SHEETS

EXHIBIT A

SHEET 2 OF 2

For: MORRIS McGREGOR, LLC

Survey Date: 7-01-06

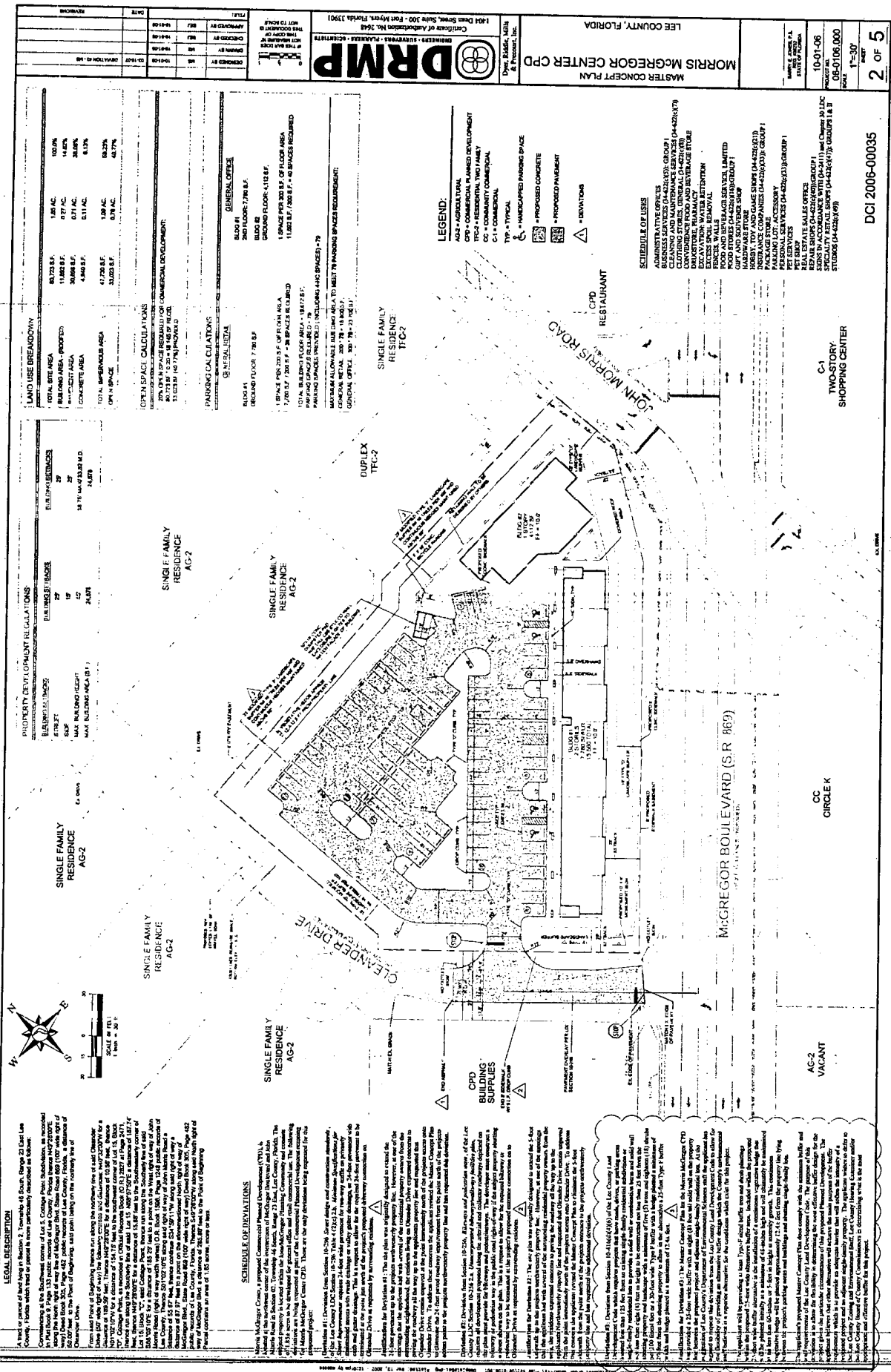
Job #: 4623046-A

Drawn By: T-WILSON

11/9/06
STEVEN L. FORD
PROFESSIONAL SURVEYOR & MAPPER #4992
STATE OF FLORIDA
NOT VALID WITHOUT THE SURVEYOR'S SIGNATURE & ORIGINAL RAISED SEAL.

 **DRMP**
ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS
Phone: (239) 337-1109
L.B. #2648
11440 Meun Parkway Fort Myers, Florida 33912

11440 Metro Parkway Fort Myers, Florida 33912



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C-1
THREE-STORY
SHOPPING CENTER

CC
CIRCLE K

AG-2
VACANT

INSTRUCTIONS

(Section C.1.c., Lee County Administrative Code AC 2-8)

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

- Signs for case #DCI2006-00035 must be posted by **Tuesday, March 13, 2007**.
- The sign must be erected in full view of the public, not more than five (5) feet from the nearest street right-of-way or easement.
- The sign must be securely affixed by nails, staples or other means to a wood frame or to a wood panel and then fastened securely to a post, or other structure. The sign may not be affixed to a tree or other foliage.
- The applicant must make a good faith effort to maintain the sign in place, and readable condition until the requested action has been heard and a final decision rendered.
- If the sign is destroyed, lost, or rendered unreadable, the applicant must report the condition to the Zoning Division, and obtain duplicate copies of the sign from the Zoning Division.

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

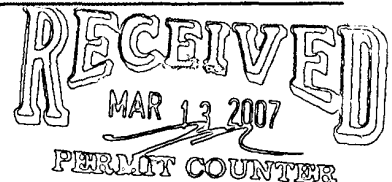
When a parcel abuts more than one (1) street, the applicant must post signs along each street. When a subject parcel does not front a public road, the applicant must post the sign at a point on a public road which leads to the property, and the sign must include a notation which generally indicates the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

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

(Return the completed Affidavit below to the Zoning Division as indicated in previous paragraph.)

AFFIDAVIT OF POSTING NOTICE

STATE OF FLORIDA
COUNTY OF LEE



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

SIGNATURE OF APPLICANT OR AGENT
Michael F. Sasse

NAME (TYPED OR PRINTED)
1404 Dean Street, Suite 300
ST. OR PO BOX
Fort Myers, FL 33901
CITY, STATE & ZIP

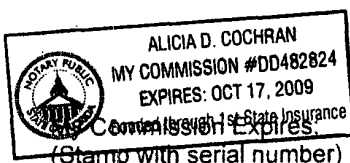
#DCI2006-00035/MORRIS MCGREGOR CENTER CPD/03/29/2007/BZP

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to and subscribed before me this 13th day of March,
2007, by Michael F. Sasse, personally known to me or who produced
as identification and who did/did not take an oath.

Alicia D. Cochran
Signature of Notary Public

Alicia D. Cochran
Printed Name of Notary Public



DCI 2006-00035



APPLICATION FOR PUBLIC HEARING FOR UNINCORPORATED AREAS ONLY

Applicant's Name: Morris McGregor, LLC

Project Name: Morris McGregor Center CPD

STRAP Number(s): 02-46-23-01-0000C.0010, 02-46-23-01-0000C.0020, 02-46-23-02-0000D.0160

TYPE OF APPLICATION

- ☐ Special Exception (attach Supplement A)
- ☐ Variance (attach Supplement B)
- ☐ Conventional Zoning (attach Supplement C)
- ☒ Planned Development (not PRFPD) (attach Supplement D)
- ☐ Amendment to built Planned Development (Supplement D may be required)
- ☐ Private Recreational Facilities Planned Development (attach Supplement D)
- ☐ DRI - with rezoning (attach Supplement D and completed DRI Application)
- ☐ DRI - without rezoning (attach copy of ADA)

Is this project located in the Estero or Captiva Planning Community or in the Caloosahatchee Shores Community Plan?

Yes* X No *If yes, please provide the meeting summary document and label accordingly.

STAFF USE ONLY

Case Number: DC12006-00035

Commission District:

Current Zoning: CNI / AG-2

Fee Amount:

Land Use Classification: Suburban

Intake by:

Planning Community: Iona / McGregor

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LEE COUNTY
COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET)
FORT MYERS, FLORIDA 33902 PHONE (239) 479-8585

PART 1
APPLICANT\AGENT INFORMATION

A. Name of applicant: Morris McGregor LLC, c.o. John E. Stamps managing member

Address: Street: 12730 New Brittany Boulevard #205
City: Fort Myers State: Florida Zip: 33907
Phone: Area Code: 239 Number: 425-0771 Ext:
Fax: Area Code: 239 Number: 425-1089
E-mail address: johnestamps@yahoo.com

B. Relationship of Applicant to owner (check one):

Applicant (individual or husband & wife) is the sole owner of the property. [34-201(a)(1)a.1.]

☒ Applicant has been authorized by the owner(s) to represent them for this action.

Notarized Affidavit of Authorization form is attached as Exhibit PH-1.B.2.

[34-202(b)(1)c.]

Applicant is a contract purchaser/vendee. [34-202(b)(1)d.]

Notarized Affidavit of Authorization form is attached as Exhibit PH-1.B.2.

[34-202(b)(1)c.]

Application is County initiated. BOCC authorization is attached as Exhibit PH-1.B.3

C. Authorized Agent: Name of the person who is to receive all county-initiated correspondence regarding this application. [34-202(b)(1)c.]

C.1. Company Name: DRMP, Inc.

Contact Person: Kenneth E. Griffith, AICP
Address: Street : 1404 Dean Street, Suite 300
City: Ft. Myers State: FL Zip: 33901
Phone: Area Code: 239 Number: 344-0050 Ext: 3104
Fax: Area Code: 239 Number: 344-0057
E-mail address: kgriffith@drmp.com

C.2. Additional Agent(s): The names of other agents that the county may contact concerning
☒ this application are attached as Exhibit PH-1.C.2. [34-202(b)(1)c.]

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**PART 2
PROPERTY OWNERSHIP**

A. Property Ownership: Single owner (individual or husband & wife only) [34-201(a)(1)a.1.]

A.1. Name:

Mailing Address: _____ Street: _____
City: _____ State: _____ Zip: _____
Phone: _____ Area Code: _____ Number: _____ Ext: _____
Fax: _____ Area Code: _____ Number: _____
E-mail: _____

B. Property Ownership: Multiple owners (Corporation, partnership, trust, association) [34-201(a)(1)].

B.1. X Disclosure Form is attached as **Exhibit PH-2.B.1.** [34-201(b)2]

C. Multiple parcels

C.1. N/A Property owners list is attached as **Exhibit PH-2.C.1.** [34-202(a)(4)]

C.2. N/A Property owners map is attached as **Exhibit PH-2.C.2.** [34-202(a)(5)]

D. Date property was acquired by present owner(s): 10th February 2006

**PART 3
PROPERTY INFORMATION**

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A. STRAP Number(s): 02-46-23-01-0000C.0010

02-46-23-01-0000C.0020

02-46-23-02-0000D-0160

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B. Street Address of Property: 16758 McGregor Boulevard, Fort Myers, FL 33908

C. Legal Description

☒ **Legal description** (on 8 1/2" by 11" paper) is attached as **Exhibit PH-3.C.1.** [34-202(a)(1)]

☒ **Electronic version of the legal description** is attached as **Exhibit PH-3.C.2.**

D. Boundary Survey or certified sketch of description: (check appropriate response)

☒ The property consists of one or more undivided platted lots in a subdivision recorded in the Official County Plat Books. A copy of the applicable plat book page is attached as **Exhibit PH-3.D.1.** [34-202(a)(2)]

☐ The request is for a conventional rezoning, special exception, or variance on a parcel less than ten acres in area. Attached is a (check one) ☐ Certified sketch of description attached as **Exhibit PH-3.D.2.** or a

☒ Boundary survey attached as **Exhibit PH-3.D.2** [34-202(a)(2)]

The request is for a Planned Development or consists of ten or more acres. A Boundary survey, tied to the state plane coordinate system, is attached as **Exhibit PH-3.D.3.** [34-202(a)(2)]

E. Planning Community: Iona/McGregor Planning Community

F. General Location of Property:

F.1. X Area location map is attached as **Exhibit PH-3.F.** [34-202(a)(4)]

F.2. Directions to property: From downtown Ft. Myers get onto McGregor Boulevard (CR-867) and head Southwesterly. Continue on McGregor Boulevard for 10.5± miles, through the intersection of Colonial Boulevard (Mid-Point Bridge), College Parkway and Cypress Lake Drive until you come to the intersection of Gladiolus Drive/ McGregor Boulevard. Turn right (west) at the intersection to continue onto McGregor Boulevard. Travel in a southwesterly direction for about 1.8± miles until you come to John Morris Road. The subject property is located at the northwesterly corner of the McGregor/ John Morris intersection.

G. Surrounding property owners:

G.1. X List of surrounding property owners is attached as **Exhibit PH.3.G.1.** [34-202(a)(6)]

G.2. X Map of surrounding property owners is attached as **Exhibit PH.3.G.2.** [34-202(a)(7)]

G.3. X 2 sets of mailing labels are attached as **Exhibit PH.3.G.3.** [34-202(a)(6)]

H. Current Zoning of Property: CN-1, AG-2

I. Current use of property:

X Current Non-agricultural uses of the property are:

Produce stand/retail fishing supplies

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Current Agricultural uses on the property are shown in **Exhibit PH-3.I.** [34-202(b)(7)]

J. Land Use Classification:

Suburban	1.85	Acres	100	% of total
		Acres		% of total
		Acres		% of total
		Acres		% of total

K. Flood Hazard (write NA if not applicable) [34-202(a)(8)]

X The property is within an Area of Special Flood Hazard as indicated in the Flood Insurance Rate Maps (FIRM)s.

X The minimum elevation required for the first habitable floor is 10 NGVD (MSL)

L. Deed Restrictions

- L.1.** ☒ There are no deed restrictions or other covenants on this property that affect this request.
- L.2.** ☐ Deed restrictions\ covenants that may affect this request are attached as **Exhibit PH-3.L.2.**
- L.3.** ☐ A narrative explanation as to how the deed restrictions or covenants may affect this request. is attached as **Exhibit PH-3.L.3** [34-202(b)(2)]

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

- | | | | |
|---|--------------|----------------------|------------------------|
| 1. Width (average if irregular parcel): | <u>285±</u> | Feet | |
| 2. Depth (average if irregular parcel): | <u>150±</u> | Feet | |
| 3. Total area: | <u>1.85±</u> | Acres or square feet | |
| 4. Frontage on road or street: | <u>489±</u> | Feet on | <u>McGregor</u> Street |
| 2 nd Frontage on road or street: | <u>345±</u> | Feet on | <u>Oleander</u> Street |

PART 4
ACTION REQUESTED

A. Action Requested: [check applicable action(s)]

- ☐ **Special Exception for** _____ **Attached is Supplement A**
- ☐ **Variance for** _____ **Attached is Supplement B**
- ☐ **Conventional Rezoning from:** _____ **to** _____ **Attached is Sup. C**
- ☒ **Planned Development rezoning from** CN-1, AG-2 **to** CPD
- ☐ **DCI - Major: Attached is Supplement D**
- ☒ **DCI - Minor: Attached is Supplement D**
- ☐ **Request is for PRFPD zoning in the Private Recreational Facilities Overlay Area.**
- ☐ **Attached is Supplement D**
- ☐ **Planned Development Amendment. Attached is the Supplement D**
- ☐ **Public Hearing for DRI**
- ☐ **No rezoning is required.**
- ☐ **Rezoning is required. Attached is the Supplement D**

B. Excavations:

- ☒ **No blasting will be used in the excavation of lakes or other site elements.**
- ☐ **A map indicating the general location of the proposed blasting locations is attached as Exhibit PH-4.B**
[34-202(b)(6)]
- C. Bonus Density** (put NA if not applicable)
- ☐ **Bonus density will be used. Attached is Exhibit PH-4.C showing calculations.** [34-202(b)(5)]
- D. Hazardous materials** (put NA if not applicable)
- ☐ **N/A A Hazardous materials emergency plan is attached as Exhibit PH-4.D** [34-202(b)(4)]

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E. **Mobile Home Park** (put NA if not applicable)

N/A Request includes rezoning of a Mobile Home Park. **Attached is Exhibit PH-4.E** [34-203(d)]

F. **Aviation Hazard** (put NA if not applicable)

N/A Property is subject to Airport Hazard District regulations. **Attached is Exhibit PH-4.F** [34-1001 et seq]

N/A A tall structures permit will be required.

N/A Property is located within Noise zone: _____

G. **Estero Planning Community** (put NA if not applicable)

N/A A summary of public informational session. **Attached is Exhibit PH-4.G** [34-373(a)(10)]

H. **Captiva Planning Community** (put NA if not applicable)

N/A A summary of public informational session. **Attached is Exhibit PH-4.H** [Lee Plan Policy 13.1.7]

I. **Caloosahatchee Shores Community Plan** (put NA if not applicable)

N/A A summary of public informational session. **Attached is Exhibit PH-4.I** [Lee Plan Policy 21.6.3]

J. **Waivers from Application Submission Requirements:** The following waivers have been approved by the Director of Zoning Services and are attached as **Exhibit PH-4.I** [Section 34-202(a)]

Section Number

Name of item

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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**EXHIBIT PH-1.C.2
ADDITIONAL AGENTS**

Company Name: DRMP, Inc.

Contact Person: Kenneth E. Griffith, AICP

Address: Street : 1404 Dean Street, Suite 300

City: Fort Myers State: Florida Zip: 33901

Phone: Area Code: 239 Number: 344-0050 Ext:

Fax: Area Code: 239 Number: 344-0057

E-mail address: Kgriffith@drmp.com

Company Name: Henderson, Franklin, Starnes & Holt, P.A.

Contact Person: Cody Vaughan-Birch, Esq.

Address: Street : 1715 Monroe Street

City: Fort Myers State: Florida Zip: 33901

Phone: Area Code: 239 Number: 334-1249 Ext:

Fax: Area Code: 239 Number: 334-1542

E-mail address: Cody.Vaughanbirch@henlaw.com

Company Name: Henderson, Franklin, Starnes & Holt, Inc.

Contact Person: Charles J. Basinait, Esq.

Address: Street : 1715 Monroe Street

City: Fort Myers State: Florida Zip: 33901

Phone: Area Code: 239 Number: 344-4100 Ext:

Fax: Area Code: 239 Number: 334-1204

E-mail address: Charles.basinait@henlaw.com

Company Name:

Contact Person:

Address: Street :

City: State: Zip:

Phone: Area Code: Number: Ext:

Fax: Area Code: Number:

E-mail address:

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COMMUNITY DEVELOPMENT
Zip:

PART V AFFIDAVIT A2
(EXHIBIT PH-1.B.2)

AFFIDAVIT FOR PUBLIC HEARING
APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED
COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, JOHN E STAMPS as MANAGING MEMBER of
MORRIS MCGREGOR LLC, swear or affirm under oath, that I am the owner or
the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I am hereby authorizing the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

MORRIS MCGREGOR LLC
*Name of Entity (corporation, partnership, LLP, LC, etc)

DCI 2006-00035

[Signature]
Signature
MANAGING MEMBER
(title of signatory)

JOHN E STAMPS
(Type or printed name)
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STATE OF Florida
COUNTY OF Lee

COMMUNITY DEVELOPMENT
The foregoing instrument was sworn to (or affirmed) and subscribed before me this 2/28/06 (date) by
John E. Stamps (name of person providing oath or affirmation), who is
(personally known to me or who has produced _____) (type of identification)
as identification.

[Signature]
Signature of person taking oath or affirmation

NOTARY PUBLIC-STATE OF FLORIDA
Deborah L. Krikorian
Commission # DD511090
Name of Notary Public or Firm
Expires JAN. 28, 2010
Bonded Thru Atlantic Bonding Co., Inc.

Title or rank

Serial number, if any

*Notes:

- If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.
- If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.), then the documents should typically be signed by the Company's "Managing Member."
- If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.
- If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.
- If the applicant is a trustee, then they must include their title of "trustee."
- In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.

**EXHIBIT PH-2.B.1
DISCLOSURE OF INTEREST FORM FOR:**

STRAP NO. _____ **CASE NO.** _____

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

Name and Address

Percentage of Ownership

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COMMUNITY DEVELOPMENT

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

Name and Address

Percentage of Stock

DCI 2006-00035

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

Name and Address

Percentage of Interest

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

Name and Address

Percentage of Ownership

JOHN E STAMPS
12730 NEW BRITANNY BLVD
#205
FORT MYERS FL. 33907-3646

100 %

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

Name and Address	Percentage of Stock

DCI 2006-00035

Date of Contract: _____

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

Name and Address	

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

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

Signature:



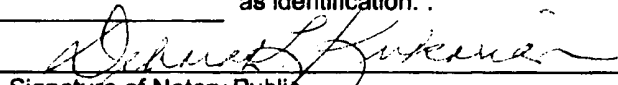
(Applicant)

JOHN E STAMPS

(Printed or typed name of applicant)

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 28th day of Feb. 2006
by John E Stamps who is personally known to me or who has produced
_____ as identification. .


Signature of Notary Public

Printed Name of Notary Public

(SEAL)
NOTARY PUBLIC-STATE OF FLORIDA
 Deborah L. Krikorian
Commission # DD511090
Expires: JAN. 26, 2010
Bonded Thru Atlantic Bonding Co., Inc.

Page 2 of 2

PART 6
SUBMITTAL REQUIREMENTS

THE NUMBER OF COPIES REQUIRED FOR EACH EXHIBIT IS BASED ON THE ACTION REQUESTED AS INDICATED BELOW. TO BE SUBMITTED FOR EACH OF THE FOLLOWING EXHIBITS IS AS FOLLOWS:

			Exhibits	SUBMITTAL ITEMS
Var.	Conv. Rez. or Spe. Exc.	PDs & DRIs		
1	1	13		Completed application for Public Hearing [34-201(b)]
1	1	1		Filing Fee - [34-202(a)(9)]
				SUPPLEMENTAL FORMS (select applicable form)
0	1	0	SUP A	Special Exception supplement
1	0	0	SUP B	Variance supplement
0	1	0	SUP C	Conventional rezoning
0	0	13	SUP D	Planned Development Rezoning or DRI with PD Rezoning requested
0	0	13	SUP-D	Planned Development Amendment
0	0	13	SUP D	PRFPD in in Overlay Area Rezoning supplement
0	0	13	ADA	DRI no rezoning requested
				EXHIBITS
1	1	3	PH-1.B.2	Notarized Affidavit of Authorization Form [34-202(b)(1)c]
1	1	1	PH-1.B.3	BOCC authorization (if applicable)
1	1	13	PH-1.C.2	Additional agents
1	1	3	PH-2.B.1.	Disclosure Form [34-201(b)(2)a]
1	1	3	PH-2.C.1	Subject property owners list (if applicable) [34-202(a)(5)]
1	1	3	PH-2.C.2	Subject Property Owners map (if applicable) [34-202(a)(5)]
2	2	5	PH-3.C.1	Legal Description [34-202(a)(1)]
1	1	1	PH-3.C.2	Electronic version of legal description (if available)
1	1	5	PH-3.D.1	Copy of Plat Book Page (if applicable) [34-202(a)(1)]
1	1	5	PH-3.D.2	Certified sketch of description (less than ten acres) [34-202(a)(2)]
1	1	5	PH-3.D.3	Boundary survey (all PDs and anything ten acres or more) [34-202(a)(2) & [34-373(a)(4)a.]
1	1	0	PH-3.F	Area Location Map on 8 by 11 paper pursuant to sec. 34-202(a)(4). (Non Planned Developments)
0	0	0		Area Location Map for Planned Developments - see Supplement D
1	1	3	PH-3.G.1	List of Surrounding Property Owners [34-202(a)(6)]
1	1	3	PH-3.G.2	Map of Surrounding Property Owners [34-202(a)(7)]
2	2	2	PH-3.G.3	Mailing labels [34-202(a)(6)]
0	1	13	PH-3.I	Agricultural uses at time of zoning application. [34-202(b)(7)]
1	1	3	PH-3.L.2	Deed Restrictions\Covenants [34-202(b)(2)]

1	1	3	PH-3.L.3	Narrative addressing effect of Deed Restrictions [34-202(b)(2)]
1	1	13	PH-4.B	Location of proposed blasting (if applicable). [34-202(b)(6)]
0	0	4	PH-4.C	Bonus Density units (if applicable) [34-202(b)(5)]
1	1	4	PH-4.D	Hazardous materials emergency plan (if applicable) [34-202(b)(4)]
0	1	4	PH-4.E	Mobile Home Park Information (if applicable) [34-203(d)]
1	1	4	PH-4.F	Aviation Hazard (if applicable) [34-1001 et seq.]
1	1	4	PH-4.G	Developments located within Estero Planning District [34-373-(a)(10)]
1	1	4	PH-4.H	Developments located within Captiva Planning District [Lee Plan Policy 21.7]
1	1	13	PH-4.I	Approved Waivers [34-202(a)]
ADDITIONAL REQUIREMENTS FOR DRIs NOT INVOLVING A REZONING				
0	0	13		Notice of proposed change Substantial Deviations Form RPM-BSP-Proposed Change - 1 pursuant to Section 380.06(19) F.S.
0	0	13		DRI, AMDA, FQD Form RPM-BSP-ADA - 1. Application for Development Approval pursuant to Section 380.06 F.S.
0	0	13		Abandonment Form RPM-BSP-Abandonment-DRI-1. Application for abandonment of a DRI.

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PART V AFFIDAVIT A2
(EXHIBIT PH-1.B.2)

AFFIDAVIT FOR PUBLIC HEARING
APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED
COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, JOHN E STAMPS as MANAGING MEMBER of
MORRIS MCGREGOR LLC, swear or affirm under oath, that I am the owner or
the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I am hereby authorizing the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

MORRIS MCGREGOR LLC
*Name of Entity (corporation, partnership, LLP, LC, etc)

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APR 18 2006

[Signature]
Signature
MANAGING MEMBER
(title of signatory)

JOHN E STAMPS
(Type or printed name)

STATE OF Florida
COUNTY OF Lee

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 2/28/06 (date) by
John E. Stamps (name of person providing oath or affirmation), who is
personally known to me or who has produced (type of identification)
as identification.

[Signature]
Signature of person taking oath or affirmation

NOTARY PUBLIC-STATE OF FLORIDA
Deborah L. Krikorian
Commission # DD511090
Expires: JAN. 26, 2010
Bonded Thru Atlantic Bonding Co., Inc.

Title or rank

Serial number, if any

*Notes:

- If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.
- If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.), then the documents should typically be signed by the Company's "Managing Member."
- If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.
- If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.
- If the applicant is a trustee, then they must include their title of "trustee."
- In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.

DCI 2006-00035

EXHIBIT PH-2.B.1
DISCLOSURE OF INTEREST FORM FOR:

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APR 18 2006

STRAP NO. _____ CASE NO. _____

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

Name and Address	Percentage of Ownership
_____	_____
_____	_____
_____	_____
_____	_____

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

Name and Address	Percentage of Stock
_____	_____
_____	_____
_____	_____
_____	_____

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

Name and Address	Percentage of Interest
_____	_____
_____	_____
_____	_____
_____	_____

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

Name and Address	Percentage of Ownership
JOHN E STAMPS	_____
12730 NEW BRITANNY BLVD	_____
#205	_____
FORT MYERS FL. 33907-3646	100 %
_____	_____

Page 1 of 2

DCI 2006-00035

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

Name and Address	Percentage of Stock

Date of Contract: _____

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

Name and Address	

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

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

Signature: _____

[Handwritten Signature]
(Applicant)

JOHN E STAMPS

(Printed or typed name of applicant)

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 28th day of Feb. 2006
by John E. Stamps who is personally known to me or who has produced
_____ as identification.

[Handwritten Signature]
Signature of Notary Public

(SEAL)
NOTARY PUBLIC-STATE OF FLORIDA
Deborah L. Krikorian
Commission # DD511090
Expires: JAN. 26, 2010
Bonded Thru Atlantic Bonding Co., Inc.

Printed Name of Notary Public

Page 2 of 2



SUPPLEMENT D

ADDITIONAL REQUIRED INFORMATION FOR A PLANNED DEVELOPMENT APPLICATION UNINCORPORATED LEE COUNTY

Case Number: DCI2006-00035

Project Name: Morris McGregor Center CPD

Authorized agent: DRMP, Inc. – Kenneth E. Griffith, AICP

STRAP Number(s): 02-46-23-01-0000C.0010

02-46-23-01-0000C.0020

02-46-23-02-0000D.0160

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COMMUNITY DEVELOPMENT

DCI 2006-00035

Select one only

- | | | |
|--------------------------|--|---|
| ☐ | DRI (rezoning required) | DCI-Minor - Amend. to approved master concept plan ⁽²⁾ |
| ☐ | DCI-Major | Amend. to built planned development meeting DCI |
| X | DCI-Minor | threshold. ⁽³⁾ |
| ☐ | DCI-Minor - Existing Dev. ⁽¹⁾ | PRFPD in Private Recreational Facilities Overlay |
| | | Area [(34-341(a)(2)] |

Notes:

- (1) Existing development. A development that has already been developed but does not conform to the regulations for a conventional district and is requesting a rezoning to a planned development classification. It will be reviewed in the same manner as a minor planned development except that a traffic impact statement will not be required. [34-341(b)(2)d.1.]
- (2) Amendments to application. Application to amend an approved major or minor master concept plan or its attendant documentation, or for the extension of a vacated master concept plan originally approved prior to December 2, 1991. It will be treated procedurally as minor planned developments. These applications will require only as much information, as deemed necessary by the director, needed to describe the changes requested, to specify the incremental change in impacts expected from the amendment, and to detail the changes in development, environment and background (surrounding land use, traffic volumes, water, wastewater and other service availability, etc.), that have occurred since the original application. [34-341(b)(2)d.2.]
- (3) Amendments to built planned developments (PD). An application for a variance or other approval covered by this chapter wherein the subject property is the only part of the original planned development for which the approval is sought. Application meets the threshold for a development of county impact and will be reviewed in accordance with the provisions for reviewing developments of county impact. Applicant must be the owner of the subject property and the consent of the owners of the remainder of the original planned development will be unnecessary. However, these owners must be given notice of the application and other proceedings as if they were owners of property abutting the subject property regardless of their actual proximity to the subject property.

For purposes of this subsection, the term "built" means that all of the roads, utilities, buffering, open space, surface water management features and structures, common space, common amenities, common landscaping, gatehouses, entrance signs, entrance ways and other similar items identified as part of the final approved master concept plan have been constructed and acknowledged by the county as complete. In the case of residential planned developments or mixed developments which include residential structures, the term "built" does not mean that all residential structures must have been constructed on individual platted lots.

**PART 1
GENERAL INFORMATION**

A. Comprehensive Plan Amendments (check one):

- ☒ There are **NO** Lee Plan Amendments pending that could affect the future use of this property.
The following Lee Plan Amendments **ARE** pending and could affect the future use of this property. (List uses and brief explanation of their effect on this application):

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B. Archaeological/Historical (check one):

There are **NO** known or recorded historical or archaeological sites on the property and no part of the property is located within a level 1 or level 2 zone of archaeological sensitivity pursuant to chapter 22. [34-373(a)(4)f.]

- ☒ There are known or recorded historical or archaeological sites on the property or part of the property is located within a level 1 or level 2 zone of archaeological sensitivity pursuant to chapter 22. Attached as **Exhibit 1-B** is a map indicating the nature and location of known or recorded historical or archaeological or areas of the property located within level 1 or level 2 zones of archaeological sensitivity including the outline of historic buildings and approximate extent of archaeological sites. [34-373(a)(4)f.]

C. Public Transit (check one):

Property is **NOT** within the Lee Tran public transit service area.

- ☒ Property is within the Lee Tran public transit service area. **Exhibit 1-C** shows the property in relation to existing and proposed public transit routes,

D. Density

- ☒ There are no residential dwelling units proposed for this development.
☐ The property is located within one or more Future Land Use categories. Density has been calculated in **Part 3** of this application and is summarized below:

Intensive Development	_____	Proposed dwelling units
Central Urban	_____	Proposed dwelling units
Urban Community	_____	Proposed dwelling units
Suburban	_____	Proposed dwelling units
Outlying Suburban	_____	Proposed dwelling units
TOTAL	_____	Proposed dwelling units

PART 2 TYPES OF LAND AREA ON PROPERTY

A.	Gross Acres (total area within described parcel)	_____	Acres
1.	Submerged land subject to tidal influence:	_____	Acres
2.	Other non-freshwater Wetlands:	_____	Acres
3.	R-O-W providing access to non-residential uses:	_____	Acres
4.	Non-residential use areas ⁽¹⁾	_____	Acres
B.	Total area not eligible as gross residential acreage. Items A.1. + A.2 + A.3. + A.4.	_____	Acres
C.	Gross residential acres. (A minus B) ⁽²⁾		Acres
D.	Gross residential acres by Land Use Category		
1.	a. Intensive development - Upland	_____	Acres
	b. Intensive development - freshwater wetland	_____	Acres
2.	a. Central Urban - Upland	_____	Acres
	b. Central Urban - freshwater wetland	_____	Acres
3.	a. Urban Community or Suburban - Upland	_____	Acres
	b. Urban Community or Suburban freshwater wetland	_____	Acres
4.	a. Outlying Suburban - Upland	_____	Acres
	b. Outlying Suburban - freshwater wetland	_____	Acres
5.	a. Rural, Outer Island, Rural Community Preserve - Upland	_____	Acres
	b. Rural, Outer Island, Rural Community Preserve - freshwater wetland	_____	Acres
6.	a. Open Lands - Upland	_____	Acres
	b. Open Lands - freshwater wetland	_____	Acres
7.	a. DR/GR - Upland	_____	Acres
	b. DR/GR - freshwater wetland	_____	Acres
8.	a. Wetlands - freshwater	_____	Acres
	b. Wetlands - not - freshwater	_____	Acres
9.	a. New Community - Upland	_____	Acres
	b. New Community - freshwater wetland	_____	Acres
10.	a. University Community - Upland	_____	Acres
	b. University Community - freshwater wetland	_____	Acres
11.	TOTAL (should equal "C" above)	_____	Acres

NOTES:

- (1) Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included.
- (2) Lands to be used for residential uses including land within the development proposed to be used for streets and street rights of way, utility rights-of-way, public and private parks, recreation and open space, schools, community centers, and facilities such as police, fire and emergency services, sewage and water, drainage, and existing man-made waterbodies.

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PART 3 **RESIDENTIAL DEVELOPMENTS** **PRELIMINARY DENSITY CALCULATIONS***

- * Notes: 1. Complete only if living units are proposed in a Future Land Use Category.
 2. If more than one classification, calculations for each classification must be submitted.
 3. If wetlands are located on the property, density calculations are considered preliminary pending a wetlands jurisdictional determination.

A. Intensive Development Category

1. Preliminary Standard Units	Maximum standard density	Units
a. Total upland Acres (from Part 2, D.1.a.)	times 14 equals	
b. Total freshwater wetland Acres (from Part 2, D.1.b.)	times 14 equals	
c. Preliminary Total Standard units (a. plus b.) ⁽¹⁾		
2. Maximum Permitted Units	Maximum permitted	Units
a. Total upland Acres (from Part 2, D.1.a.)	times 18 equals	
3. Total allowed standard units (A.1.c. or A.2.a., whichever is less)		
4. Bonus Units⁽²⁾		
a. Low-moderate housing density:		
b. TDR units:		
c. Sub-total (A.4.a. plus A.4.b.)		
5. Total Permitted Units (A.3. plus A.4.c.):⁽¹⁾		

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B. Central Urban Category

1. Preliminary Standard Units	Maximum standard density	Units
a. Total upland Acres (from Part 2, D.2.a.)	times 10 equals	
b. Total freshwater wetland Acres (from Part 2, D.2.b.)	times 10 equals	
c. Preliminary Total Standard units (a. plus b.) ⁽¹⁾		
2. Maximum Permitted Units	Maximum permitted	Units
a. Total upland Acres (from Part 2, D.2.a.)	times 12.5 equals	
3. Total allowed standard units (B.1.c. or B.2.a., whichever is less)		
4. Bonus Units⁽²⁾		
a. Low-moderate housing density:		
b. TDR units:		
c. Sub-total (B.4.a. plus B.4.b.)		
5. Total Permitted Units (B.3. plus B.4.c.):⁽¹⁾		

DCI 2006-00035

Notes:

- (1) Subject to revision if wetlands jurisdictional determination indicates a different acreage of wetlands.
 (2) If low-moderate housing density credits or Transfer of Development Rights (TDRs) credits are included, attach the calculations and approvals hereto.

C. Urban Community Category

1. Preliminary Standard Units	Maximum standard density	Units
a. Total upland Acres (from Part 2, D.3.a.)	_____ times 6 equals	_____
b. Total freshwater wetland Acres (from Part 2, D.3.b.)	_____ times 6 equals	_____
c. Preliminary Total Standard units (a. plus b.) ⁽¹⁾	_____	_____
2. Maximum Permitted Units	Maximum permitted	Units
a. Total upland Acres (from Part 2, D.3.a.)	_____ times 8 equals	_____
3. Total allowed standard units (C.1.c. or C.2.a, whichever is less)		_____
4. Bonus Units ⁽²⁾		
a. Low-moderate housing density:		_____
b. TDR units:		_____
c. Sub-total (D.4.a. plus D.4.b.)		_____
5. Total Permitted Units (C.3. plus C.4.c.): ⁽¹⁾		_____

Notes:

- (1) Subject to revision if wetlands jurisdictional determination indicates a different acreage of wetlands.
(2) If Low-moderate housing density credits or Transfer of Development Rights (TDRs) credits are included, attach the calculations and approvals hereto.

D. Suburban Category

1. Preliminary Standard Units	Maximum standard density	Units
a. Total upland Acres (from Part 2, D.3.a.)	_____ times 6 equals	_____
b. Total freshwater wetland Acres (from Part 2, D.3.b.)	_____ times 6 equals	_____
c. Preliminary Total Standard units (a. plus b.) ⁽¹⁾	_____	_____
2. Maximum Permitted Units	Maximum permitted	Units
a. Total upland Acres (from Part 2, D.3.a.)	_____ times 8 equals	_____
3. Total allowed standard units (D.1.c. or D.2.a., whichever is less)		_____

E. Outlying Suburban Category

1. Preliminary Standard Units	Maximum standard density	Units
a. Total upland Acres (from Part 2, D.4.a.)	_____ times 3 equals	_____
b. Total freshwater wetland Acres (from Part 2, D.4.b.)	_____ times 3 equals	_____
c. Preliminary Total Standard units (a. plus b.) ⁽¹⁾	_____	_____
2. Maximum Permitted Units	Maximum permitted	Units
a. Total upland Acres (from Part 2, D.4.a.)	_____ times 4 equals ⁽¹⁾	_____
3. Total allowed standard units (E.1.c. or E.2.a., whichever is less)		_____

Notes:

- (1) Outlying suburban land located north of the Caloosahatchee River and east of Interstate-75, north of Pondella Road and south of Pine Island Road (SR 78), and in the Buckingham area (see Goal 19 of the Lee Plan), the maximum upland density is two (2) units per acre plus one (1) for a total of three (3) units per acre.

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PART 3A
COMMERCIAL, INDUSTRIAL, MINING, ASSISTED LIVING FACILITIES,
HOTELS & MOTELS
PRELIMINARY DENSITY CALCULATIONS

A.	Commercial	Habitable Stories	Height	Total Floor Area	
A.1.	Medical				Sq. Ft.
A.2.	General Office (Building 1: 2 nd Floor)	1	34'	7,780	Sq. Ft.
A.3.	Retail (Building 1: 1 st Floor)	1	34'	7,780	Sq. Ft.
A.4.	General Office	1	20' 6"	4,112	Sq. Ft.
A.5.	TOTAL FLOOR AREA			19,672	Sq. Ft.

B.	Industrial	Habitable Stories	Height	Total Floor Area	
B.1.	Under Roof				Sq. Ft.
B.2.	Not under Roof	NA			Sq. Ft.
B.3.	TOTAL FLOOR AREA				Sq. Ft.

C.	Mining	Depth	Total Acres	
C1.	Area to be excavated	NA		Acres

D.	Assisted Living Facilities	Habitable Stories	Height	Total Number of Beds/Units	
D.1.	Dependent Living Units				Beds/Units
D.2.	Independent Living Units				Beds/Units
D.3.	TOTAL BEDS/UNITS				Beds/Units

E.	Hotels/Motels	Room Size	Habitable Stories	Height	Number of Rental Units	
E.1.		< 425 sq. ft.				Units
E.2.		426-725 sq. ft.				Units
E.3.		725 < sq. ft.				Units
E.4.	TOTAL UNITS					Units

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PART 4

ENVIRONMENTAL ISSUES

A. Topography: Describe the range of surface elevations of the property:

The existing property elevations range from 4.7'± N.G.V.D. along the edge of pavement of McGregor Boulevard to 5.7'± N.G.V.D. Interior property elevations range from 3.9'± N.G.V.D. to 4.8'± N.G.V.D.

B. Sensitive Lands: Identify any environmentally sensitive lands, including, but not limited to, wetlands (as defined in the Lee Plan), flowways, creek beds, sand dunes, other unique land forms [see Lee Plan Policy 77.1.1 (2)] or listed species occupied habitat (see Sec. 10-4730 of the Land Development Code.

N/A

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C. Preservation/Conservation of Natural Features: Describe how the lands listed in B. above will be protected by the completed project:

N/A

D. Shoreline Stabilization: If the project is located adjacent to navigable natural waters, describe the method of shoreline stabilization, if any, being proposed:

N/A

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PART 5

SANITARY SEWER FACILITIES (34-415)

- A. **Special Effluent:** If special effluent is anticipated, please specify what it is and what strategies will be used to deal with its' special characteristics:

N/A

- B. **Private On-site Facilities:** If a private on-site wastewater treatment and disposal facility is proposed, please provide a detailed description of the system including:

1. Method and degree of treatment:

N/A

2. Quality of the effluent:

N/A

3. Expected life of the facility:

N/A

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

N/A

5. Receiving bodies or other means of effluent disposal:

N/A

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

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

N/A

2. Current water table conditions:

N/A

3. Proposed rate of application:

N/A

4. Back-up system capacity:

N/A

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EXHIBIT - PH-3.C.1

REVISED 06/01/06

Survey Description:

(As prepared by the firm)

A tract or parcel of land lying in Section 2, Township 46 South, Range 23 East Lee County, Florida which tract or parcel is more particularly described as follows:

Commencing at the Southwest corner of Lot 5, Cottage Point Subdivision, as recorded in Plat Book 9, Page 133 public records of Lee County, Florida thence N49°28'00"E along the North right of way line of McGregor Blvd, State Road 869 (100' wide right of way) Deed Book 305, Page 482 public records of Lee County, Florida, a distance of 50.00' feet to the Point of Beginning, said point being on the northerly line of Oleander Drive.

From said Point of Beginning thence run along the northerly line of said Oleander Drive (50' wide right of way) the following courses and distances: N40°32'00"W for a distance of 189.99' feet, Thence N49°28'00"E for a distance of 10.56' feet, thence N01°02'10"W for a distance of 154.75' feet to the southwest corner of Lot 15, Block "D", Cottage Point, as recorded in Official Records Book (O.R.) 2627 at Page 2471, thence run along the Southerly line of said Lot 15 N88°57'50"E a distance of 187.74' feet, thence N49°28'00"E for a distance of 15.88' feet to the Southwesterly corner of Lot 15, Block "C", said Cottage Point, thence run along the Southerly line of said S88°05'10"E for a distance of 185.26' feet to a point on the West right of way of John Morris Road (right of way width varies) O.R. Book 1596, Page 1248 public records of Lee County, Thence S01°02'10"E along said right of way of John Morris Road a distance of 55.67' feet, thence continue S34°59'11"W along said right of way a distance of 87.97' feet to a point on the aforementioned North right of way of McGregor Blvd., State Road 869 (100' wide right of way) Deed Book 305, Page 482 public records of Lee County, Florida, Thence S49°28'00"W along said North right of way of McGregor Blvd. a distance of 285.86' feet to the Point of Beginning.

Parcel contains an area of 1.85 acres, more or less.

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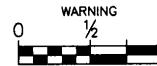
COMMUNITY DEVELOPMENT

 WARNING IF THIS BAR DOES NOT MEASURE 1/2" THIS COPY OF THIS DOCUMENT IS NOT TO SCALE	CADD	NAME	DATE			
	REVISED BY	TW	06/01/06			
	DRAWN BY	TW	02/24/06			
	CHECKED BY					
	APPROVED BY					
FILED						
DRMP ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS Certificate of Authorization No. 2648 1404 Dean Street, Suite 300 - Fort Myers, Florida 33907				EXHIBIT - PH-3.C.1 LEGAL DESCRIPTION MORRIS MCGREGOR CENTER CPD LOTS 1 & 2 AND 3, BLOCK C, COTTAGE POINT SUBDIVISION, PLAT BOOK 9, PAGE 133; & LOT 16, BLOCK D, COTTAGE POINT SUBDIVISION, DEED BOOK 259, PAGE 224; SECTION 2, TOWNSHIP 46 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA		PROJECT NO. 06-0106.00 DATE 02/24/06 SCALE N.T.S. SHEET 1 OF 1

DCI 2006-00035

LEGEND:

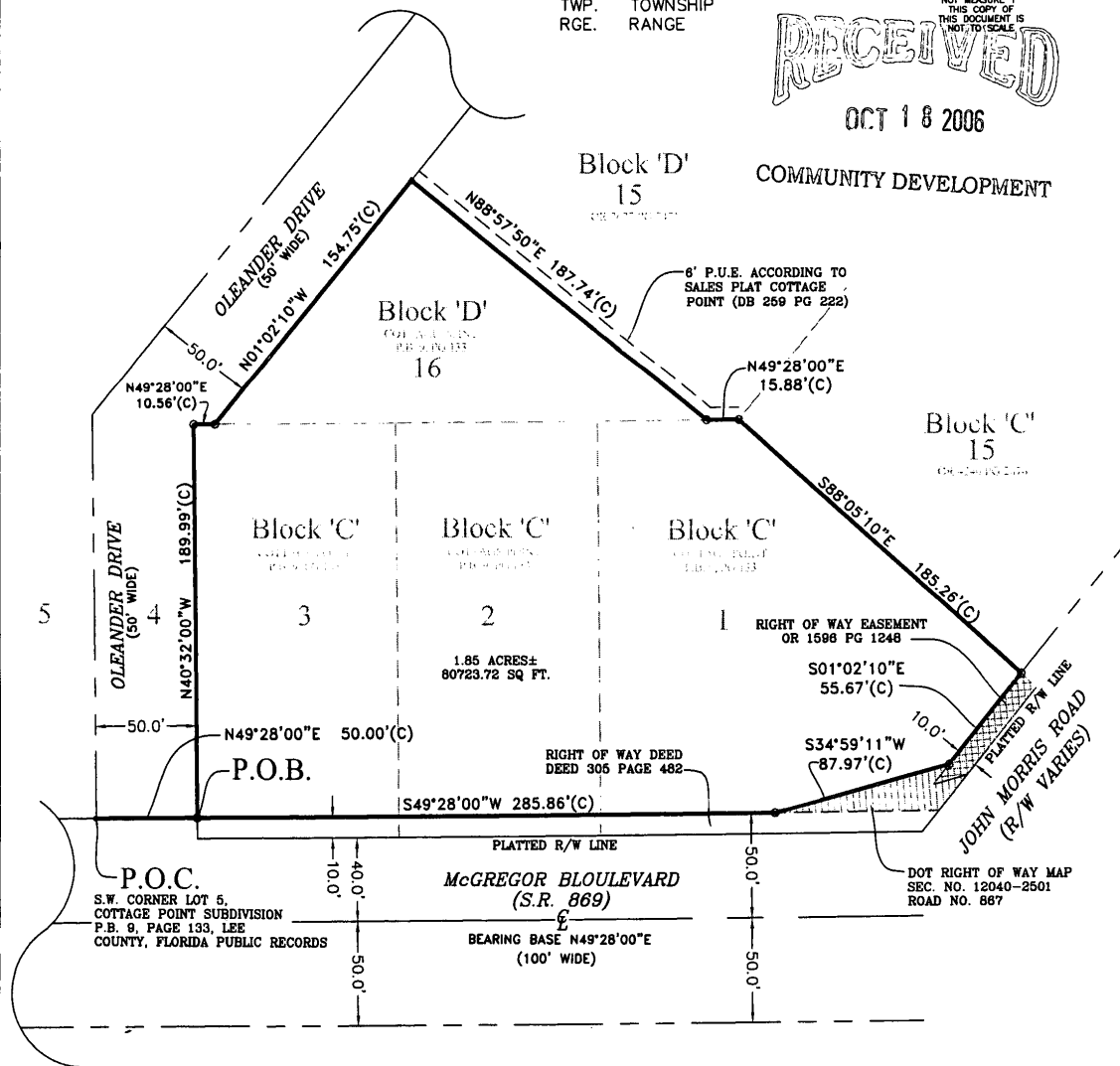
P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT
P.B. PLAT BOOK
PG. PAGE
COR. CORNER
SEC. SECTION
TWP. TOWNSHIP
RGE. RANGE



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SKETCH OF SURVEY DESCRIPTION

NOTE: SEE SHEET 2 OF 2 FOR DESCRIPTION & NOTES.
NOT VALAD WITHOUT BOTH SHEETS

SHEET 1 OF 2
NOT A BOUNDARY SURVEY

For: MORRIS MCGREGOR, LLC.

Scale: 1" = 80'

Survey Date: 7-01-06

Job #: 4623046-A

Drawn By: T. WILSON

STEVEN L. FORD
PROFESSIONAL SURVEYOR & MAPPER #4992
STATE OF FLORIDA
NOT VALID WITHOUT THE SURVEYOR'S SIGNATURE & ORIGINAL RAISED SEAL.



Phone: (239) 337-1109

L.B. #2648

11440 Metro Parkway Fort Myers, Florida 33912

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Survey Description:

(As prepared by the firm)

COMMUNITY DEVELOPMENT

A tract or parcel of land lying in Section 2, Township 46 South, Range 23 East Lee County, Florida which tract or parcel is more particularly described as follows:

Commencing at the Southwest corner of Lot 5, Cottage Point Subdivision, as recorded in Plat Book 9, Page 133 public records of Lee County, Florida thence N49°28'00"E along the North right of way line of McGregor Blvd, State Road 869 (100' wide right of way) Deed Book 305, Page 482 public records of Lee County, Florida, a distance of 50.00' feet to the Point of Beginning, said point being on the northerly line of Oleander Drive.

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Parcel contains an area of 1.85 acres, more or less.

Surveyors Notes:

1. BEARINGS SHOWN HEREON ARE BASED UPON CENTERLINE OF MCGREGOR BOULEVARD, TO BEAR NORTH 49°28'00" EAST, AS RECORDED IN PLAT BOOK 9 PAGE 133, PUBLIC RECORDS OF LEE COUNTY, FLORIDA..
2. ALL DIMENSIONS SHOWN ARE TAKEN FROM PLAT UNLESS OTHERWISE NOTED.
3. TYPICAL EASEMENTS: AS SHOWN ON RECORDED PLAT AND AS SHOWN ON SKETCH.
4. ALL RECORDED INFORMATION SHOWN HAS BEEN TAKEN FROM THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
5. SEE SHEET 1 OF 2 FOR SKETCH. NOT VALID WITHOUT BOTH SHEETS.

FOR GRAPHICS SEE SHEET 1 OF 2
NOT VALAD WITHOUT BOTH SHEETS

SHEET 2 OF 2

For: MORRIS MCGREGOR, LLC

Survey Date: 7-01-06

Job #: 4623046-A

Drawn By: T-WILSON

Steven L. Ford 10/9/06
STEVEN L. FORD SIGNATURE DATE
PROFESSIONAL SURVEYOR & MAPPER #4992
STATE OF FLORIDA
NOT VALID WITHOUT THE SURVEYOR'S SIGNATURE & ORIGINAL RAISED SEAL.

DRMP
ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS
Phone: (239) 337-1109
L.B. #2648

11440 Metro Parkway Fort Myers, Florida 33912

EXHIBIT 6-G - PAGE 1 OF 5

Lee Plan Compliance

Morris McGregor Center CPD

Revised: 10-16-06

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COMMUNITY DEVELOPMENT

Compliance with The Lee Plan

Morris McGregor Center, a proposed Commercial Planned Development (CPD), is located at the northwest corner of the McGregor Boulevard and John Morris Road intersection in Section 02, Township 46 South, Range 23 East, Lee County, Florida. The subject property, consisting of 1.85± acres, is located in a Suburban land use category, within the Iona/McGregor Planning Community, and is proposed to be developed as a commercial project containing both retail and general office uses. Below is the applicant's narrative outline as to how the proposed commercial planned development complies with the goals, objectives and policies of the Lee County Comprehensive Plan (The Lee Plan).

Planning Community:

The subject property is located within the Iona/McGregor Planning Community according to the Planning Community Map (Map 16) of The Lee Plan. The vision statement for the Iona/ McGregor Planning Community is described as follows:

The Iona/McGregor Community is located primarily south of Gladiolus Drive west of Hendry Creek and contains all of the islands not included in the Town of Fort Myers Beach. This community primarily has lands designated as Central Urban, Urban Community, Suburban, and Outlying Suburban. There is also an industrial area located west of Pine Ridge road north and south of Summerlin Road. This community, due to its proximity to the area beaches, will continue to be a popular area for seasonal residents. This community has three discernible subareas: McGregor Boulevard/San Carlos Boulevard, Summerlin Road, and San Carlos Island.

The McGregor Blvd./San Carlos Blvd area will be approaching build out by 2020 and some of the older (pre 1980) developments will begin to redevelop to take advantage of a higher end market seeking a combination of quick beach access and closeness to urban services. This area will remain primarily residential with retail uses located at the major intersections.

The Summerlin Road Corridor will develop a new look by 2020 and will emerge as one of the county's primary medical service areas. This portion of the community will also continue to develop as a strong residential area with an influx of new gated communities.

The San Carlos Island area, which is nearly built out today, will continue to develop its infill areas while maintaining its marine oriented nature.

Residents of this community will address current planning concerns in a comprehensive review of this area and future amendments to this plan will be made to address these concerns. This area is anticipated to grow from a current permanent population of 24,000 to 32,000 by 2020. The Iona/McGregor area is also expected to be home to an additional 14,000 seasonal residents by 2020. (Added by Ordinance No. 99-15)

DCI 2006-00035 CONT. ON PAGE 2

	CPD NO.	NAME	DATE				
	DESIGNED BY						
	DRAWN BY	TW	2-27-06				
	CHECKED BY						
	APPROVED BY						
				EXHIBIT 6-G LEE PLAN COMPLIANCE MORRIS MCGREGOR CENTER CPD 1404 Dean Street, Suite 300 - Fort Myers, Florida 33901		PROJECT NO. 06-0106.000 DATE 10-12-06 TITLE N.T.S. SHEET 1 OF 5	

EXHIBIT 6-G - PAGE 2 OF 5

LEE PLAN COMPLIANCE

The proposed Morris McGregor Center CPD project is located in the McGregor Boulevard/San Carlos Boulevard sub-area of the Iona/McGregor Planning Community. This sub-area is estimated for build-out by the year 2020. The area is anticipated to be primarily residential with the retail uses being located at the major intersections. Given the location of the proposed Morris McGregor Center CPD project at the intersection of two arterial roads, McGregor Boulevard and John Morris Road, the proposed retail commercial and general office uses, as requested in the Schedule of Uses for this project, are consistent with the type of land uses intended to be developed at the major intersections with the Iona/McGregor Planning Community as outlined in the foregoing vision for that community.

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Future Land Use Map Designation:

COMMUNITY DEVELOPMENT

The subject property is located in the "suburban" land use category according to the Future Land Use Map (FLUM) as attached (Map 1) to the Lee Plan. The Lee Plan describes the Suburban areas in Policy 1.1.5 as follows:

"POLICY 1.1.5: The Suburban areas are or will be predominantly residential areas that are either on the fringe of the Central Urban or Urban Community areas or in areas where it is appropriate to protect existing or emerging residential neighborhoods. These areas provide housing near the mor eurban areas but do not provide the full mix of land uses typical of urban areas. The standard residential densities are the same as the Urban Community category. Higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. Bonus densities are not allowed"

Based upon the description of the Suburban land use category as provided in Policy 1.1.5 of the Lee Plan, it is reasonable to conclude that the proposed uses requested for this project, commercial retail and general office as part of an approved Commercial Planned Development would be consistent with the Lee Plan. Therefore, no amendments to the Lee Plan or Future Land Use Map designation are necessary for development of this project.

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

The 1.85± acre site currently consists of two (2) different zoning classifications, Neighborhood Commercial (CN-1) and Agricultural (AG-2). The applicant's request is to rezone the subject properties to a Commercial Planned Development (CPD) category in order to develop the 1.85± acre site as a planned and unified commercial retail and general office project. With the extensive commercial land uses surrounding the subject property and in consideration of the existing commercial development that already exists on the property, the proposed commercial planned development is an appropriate infill development and allows new commercial opportunity for this now aging and under-utilized site. The development as proposed will not create urban sprawl and does allow for the conservation of land and water resources. It will minimize cost of services and protect other valuable natural resources by developing an infill parcel that has previously been rezoned and developed for a commercial retail use in an area of the community where existing utilities, roadways and other public services currently exist.

DCI 2006-00035

CONT. ON PAGE 3

<p>WARNING</p> <p>IF THIS BAR DOES NOT MEASURE 1.2" THIS COPY OF THIS DOCUMENT IS NOT TO SCALE</p>	<p>CADD</p> <p>DESIGNED BY</p> <p>DRAWN BY TW</p> <p>CHECKED BY</p> <p>APPROVED BY</p> <p>FILE</p>	<p>NAME</p> <p>DATE 2-27-06</p>	<p>DRMP</p> <p>ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS</p> <p>Certificate of Authorization No. 2648</p> <p>1404 Dean Street, Suite 300 - Fort Myers, Florida 33901</p>	<p>EXHIBIT 6-G</p> <p>LEE PLAN COMPLIANCE</p> <p>MORRIS MCGREGOR CENTER CPD</p> <p>LOTS 1, 2 AND 3, BLOCK 1, POSTAGE POINT SUBDIVISION,</p> <p>PLAT 18709, PAGE 133, 134, 135, BLOCK 2, POSTAGE POINT SUBDIVISION,</p> <p>PLAT 18709, PAGE 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, 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06-0106.000</p> <p>DATE 10-16-06</p> <p>SCALE N.T.S.</p> <p>SHEET 2 OF 5</p>
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EXHIBIT 6-G - PAGE 3 OF 5

LEE PLAN COMPLIANCE

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

1. Minor Commercial

a. Major function: Provides for the sale of convenience goods and services.

b. Location: The entire retail use, including buildings and outdoor sales area, must be located as follows except where this plan provides specific exceptions (e.g., Policy 6.1.7):

(1) On or near the intersection (within 330 feet of the adjoining rights-of-way of the intersection roads) of local and collector, local and arterial, or collector and collector roads. In Commercial Planned Developments where future road improvements that are included in the Capital Improvement Program will enable the property to qualify for the higher level of commercial development specified in Subsection 2 below, and which are conditioned to allow the increased commercial intensity when the roadway actually functions at the higher level of a collector road, the Minor Commercial use may extend beyond 330 feet of such intersections provided the Master Concept plan specifically indicates the phasing of the development from Minor to Neighborhood Commercial use. Proposed interconnections of future internal access roads or driveways servicing only the subject parcel with an arterial or collector will not comply with the requirements of this section;

(2) At the intersection (as defined below) of collector and arterial or arterial and arterial roads; or

(3) Within a residential planned development provided it is located and designed primarily to meet the commercial needs of the residents of the development.

c. Site Area: Two acres or less.

d. Range of Gross Floor Area: Less than 30,000 square feet.

The Morris McGregor Center CPD is consistent with Policy 6.1.2.1 (minor commercial) of the Lee Plan. This policy provides the location and criteria for commercial development. Although the subject property could qualify for the "Neighborhood Commercial" type retail intensity based on the FLUM category of Suburban, its location at the intersection of McGregor Boulevard (an arterial road) and John Morris Road (a collector road) and the intensity of the project contained on the proposed Master Concept Plan the project would only need to meet the Minor Commercial locational criteria. The site will be developed under a unified plan of development with commercial retail and general office uses that will provide much needed services to existing residents. The site is less than two (2) acres in size, measuring 1.85± acres, and the proposed two-story commercial retail/general office building and the one-story general office building have a combined floor area of 19,672 square feet. Based on these factors, the proposed project clearly falls within the intensity of Minor Commercial development.

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DESIGNED BY		
DRAWN BY	TW	2-27-06
CHECKED BY		
APPROVED BY		
FILE		



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Certificate of Authorization No. 2648

1404 Dean Street, Suite 300 - Fort Myers, Florida 33901

DCI 2006-00035

EXHIBIT 6-G
LEE PLAN COMPLIANCE
MORRIS MCGREGOR CENTER CPD
LEE COUNTY, FLORIDA

CONT. ON PAGE 4

PROJECT NO.	06-0106.000
DATE	10-16-06
SCALE	N.T.S.
SHEET	3 OF 5

EXHIBIT 6-G - PAGE 5 OF 5

LEE PLAN COMPLIANCE

6. If a development lies outside any service area as described above, the developer may:
- request that the service area of an adjacent water utility be extended to incorporate the property;
 - establish a community water system for the development; or
 - develop at an intensity that does not require a community water system. (Amended by Ordinance No. 94-30, 00-22)

The proposed Morris McGregor CPD project will connect to the public potable water system available to the project as evidenced by the Letter of Availability received by the applicant on March 7, 2006 from the Lee County Utilities Division stating that the proposed developments potable water needs will not exceed the supply and facility capacity of the Public Utility. Therefore, the proposed Morris McGregor CPD project is consistent with Standard 11.1 of the Lee Plan.

DCI 2006-00035

STANDARD 11.2: SEWER.

1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.
2. If the proposed development exceeds the thresholds listed above and lies within the boundaries of a sewer utility's certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 7), and that utility has sufficient capacity to provide minimum service to the development, then the development must connect to that sewer utility if there is existing infrastructure adequate to accept the effluents of the development within 1/4 mile from any part of the development.
3. If there is not sufficient capacity nor adequate infrastructure within 1/4 mile of the development, the developer must provide proof in the form of a clearly stated rejection of service.
4. If a new development is located in a certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 7), and the utility cannot provide the service, or cannot provide the service except at a clearly unreasonable cost to the developer, the developer may establish on a temporary basis a self-provided sanitary sewer facility for the development, to be abated when the utility extends service to the site. The developer may also petition the appropriate regulatory agency to contract the service area of the utility in order that another utility may be invited to provide the service.
5. If a development lies outside any service area as described above, the developer may:
 - request that the service area of an adjacent sewer utility be expanded to incorporate the property;
 - establish a self-provided sanitary sewer system for the development;
 - develop at an intensity that does not require sanitary sewer service; or
 - if no more than 5000 gallons of effluent per day per parcel is produced, an individual sewer disposal system per Chapter 10D-6 may be utilized, contingent on approval by all relevant authorities. (Amended by Ordinance No. 94-30, 00-22)

The proposed Morris McGregor Center CPD project will connect to the public Sanitary Sewer System available to the project as evidenced by the Letter of Availability received by the applicant on March 7, 2006 from the Lee County Utilities Division stating that the proposed developments sanitary sewer needs will not exceed the facilities capacity to accept additional effluent. Therefore, the Morris McGregor CPD project is consistent with Standard 11.2 of the Lee Plan.

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EXHIBIT 6-H - PAGE 1 OF 6

DESIGN STANDARDS COMPLIANCE

Revised: 10-16-06

Morris McGregor Center, a proposed Commercial Planned Development (CPD) is located at the northwest corner of the McGregor Boulevard and John Morris Road intersection in Section 02, Township 46 South, Range 23 East, in Lee County, Florida. The subject property, consisting of 1.85± acres, is located within the Iona/McGregor Planning Community and is planned to be developed as a commercial retail and general office building.

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Compliance with Section 34-411. General Standards.

COMMUNITY DEVELOPMENT

The following is a narrative outlining how the proposed development complies with the design standards of Section 34-411 of the Lee County Land Development Code:

(a) *All planned developments shall be consistent with the provisions of the Lee Plan.*

As outlined in Exhibit 6-G, the applicant has demonstrated the proposed developments compliance with the Lee Plan.

(b) *All planned developments, unless otherwise excepted, shall be designed and constructed in accordance with the provisions of all applicable county development regulations in force at that time.*

The Morris McGregor Center CPD project has been designed and will be developed in accordance with all applicable County development regulations that are in force, as appropriate.

(c) *The tract or parcel proposed for development under this article must be located so as to minimize the negative effects of the resulting land uses on surrounding properties and the public interest generally, and must be of such size, configuration and dimension as to adequately accommodate the proposed structures, all required open space, including private recreational facilities and parkland, bikeways, pedestrian ways, buffers, parking, access, on-site utilities, including wet or dry runoff retention, and reservations of environmentally sensitive land or water.*

The location and layout of the site infrastructure and buildings for the proposed Morris McGregor Center CPD project was so selected and designed as to minimize potential impacts to surrounding properties. The site is located at an intersection designated on the *Commercial Site Location Standards Map (Map 19 of the Lee Plan)* as suitable for Neighborhood Commercial Development (see Figure 1). The only possible impacts to surrounding properties would be to the existing residential area located to the rear of the project. For this reason, the applicant opted to pursue a CPD zoning rather than a conventional zoning to allow for enhancement of protective measures (setbacks, buffers, landscaping, etc.) between the proposed project and these residential properties. Furthermore, the applicant completely redesigned the Master Concept Plan after meeting with the surrounding residential property owners to relocate the proposed buildings as close to McGregor Boulevard as possible and relocated the access on to Oleander Drive further away from the residential areas further reducing any possible impact to the surrounding residential neighborhood. The site has been designed to accommodate all proposed structures, required open space, buffers, parking, access, on-site utilities, and wet or dry runoff retention.

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EXHIBIT 6-H DESIGN STANDARDS COMPLIANCE MORRIS MCGREGOR CENTER CPD LOTS 1 & 2 AND 3 BLOCK C, COTTAGE POINT SUBDIVISION, PLAT BOOK 4, PAGE 133; A LOT 10, BLOCK D, COTTAGE POINT SUBDIVISION, DEED BOOK 259, PAGE 234; SECTION 2, TOWNSHIP 46 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA			
PROJECT NO. 06-0106.000 DATE 2-27-06 SCALE N.T.S. SHEET 1 OF 6			

EXHIBIT 6-H - PAGE 2 OF 6

DESIGN STANDARDS COMPLIANCE

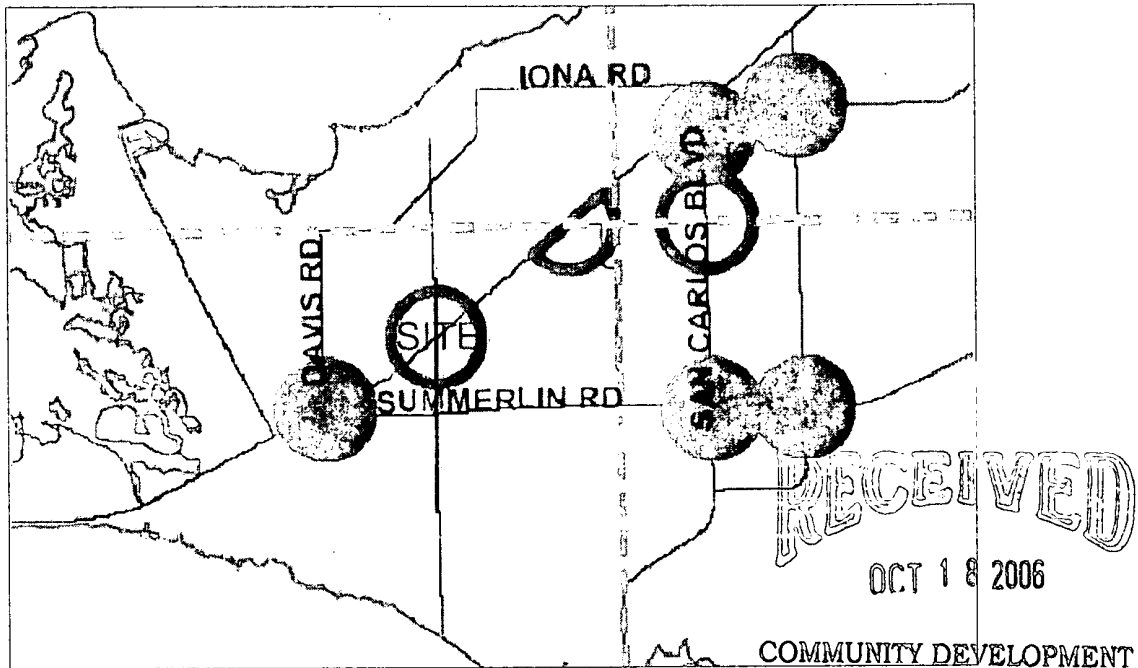


Figure 1: From: Lee County's *Commercial Site location Standards Map*. The black circle indicates and intersection suitable for Neighborhood Commercial Development.

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- (d) The tract or parcel shall have access to existing or proposed roads:
- (1) In accordance with Chapter 10 and as specified in the Lee Plan traffic circulation element or the official traffic ways map of the county;
 - (2) That have either sufficient existing capacity or the potential for expanded capacity to accommodate both the traffic generated by the proposed land use and that traffic expected from the background (through traffic plus that generated by surrounding land uses) at a level of service D or better on an annual average basis and level of service E or better during the peak season, except where higher levels of service on specific roads have been established in the Lee Plan; and
 - (3) That provides ingress and egress without requiring site-related industrial traffic to move through predominantly residential areas.

The proposed project is located on a segment of McGregor Boulevard that is dominated by existing commercial uses. The subject property has 88± feet of frontage on John Morris Road, an 80-foot wide, 2-lane, undivided, county collector road; and 369± feet of frontage on Oleander Drive, a 50-foot wide, unpaved, county local road; and 369± feet of frontage along McGregor Boulevard (CR 867), a 100-foot wide, 4-lane, divided, major county arterial road.

As a major arterial road, McGregor Blvd. (CR 867) from Summerlin Road (CR 869) east to Kelly Road is presently operating at a Level of Service (LOS) B. This segment has a performance LOS standard of E, which means this road is operating well below the assigned LOS. The forecasted future volume is also LOS B.

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EXHIBIT 6-H - PAGE 3 OF 6

DESIGN STANDARDS COMPLIANCE

COMMUNITY DEVELOPMENT

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As a major collector road, John Morris Road, from Summerlin Road (CR 869) north to Iona Road is presently operating at a Level of Service (LOS) C. This segment has a performance LOS standard of E, which means this road is operating below the assigned LOS. The forecasted future volume is also LOS C.

(e) *If within the Lee Tran public transit service area, the development shall be designed to facilitate the use of the transit system.*

LeeTran, the County's public transportation system, has a bus route that runs along the southeast corner of the subject property at the John Morris Road and McGregor Boulevard intersection. Although currently not the location of an existing stop, a bus stop will be provided if enough need warrants it. The project's proximity to public transportation is an amenity to the development and could provide the ability for workers to not have to drive personal vehicles to work and individuals without transportation would be able to work or shop in this area.

(f) *Development and subsequent use of the planned development shall not create or increase hazards to persons or property, whether on or off the site, by increasing the probability or degree of flood, erosion or other danger, nor shall it impose a nuisance on surrounding land uses or the public's interest generally through emissions of noise, glare, dust, odor, air or water pollutants.*

The proposed commercial development will not create or increase onsite or offsite hazards, including but not limited to, flooding, erosion, noise, glare, dust, odor, air or water pollutants. All development will be consistent with and comply with the requirements of both the Lee County Comprehensive Plan and the Lee County Land Development Code.

(g) *Every effort shall be made in the planning, design and execution of a planned development to protect, preserve or to not unnecessarily destroy or alter natural, historic or archaeological features of the site, particularly mature native trees and other threatened or endangered native vegetation. Alteration of the vegetation or topography that unnecessarily disrupts the surface water or groundwater hydrology, increases erosion of the land, or destroys significant wildlife habitat is prohibited. That habitat is significant that is critical for the survival of rare, threatened or endangered species of flora or fauna.*

According to Lee County Archeological Sensitivity Map, the site is located in a Level 2 archeologically sensitive area.

(h) *A fundamental principle of planned development design is the creative use of the open space requirement to produce an architecturally integrated human environment. This shall be coordinated with the achievement of other goals, e.g., the preservation or conservation of environmentally sensitive land and waters or archaeological sites.*

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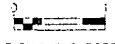
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EXHIBIT 6-H - PAGE 4 OF 6

DESIGN STANDARDS COMPLIANCE

The site is an urban infill project, in that it is developed with urban uses on all sides: residential to the north, and commercial to the east, west and south. The site is currently being used as a commercial fruit/vegetable market and therefore, exhibits some disturbance. The site has no existing wetland or environmentally sensitive land or habitats located on it. The open space and buffering areas within the project have been designed to provide sufficient buffering and screening between the project and adjacent properties.

(i) *Site planning and design shall minimize any negative impacts of the planned development on surrounding land and land uses.*

The location and layout of the buildings and site infrastructure for the proposed Morris McGregor Center CPD project was designed so as to minimize potential impacts to surrounding properties. The buffers and landscaping along the northerly and westerly property lines have been enhanced to minimize any potential impacts of the project on the surrounding residential areas.

(j) *Where a proposed planned development is surrounded by existing development or land use with which it is compatible and of an equivalent intensity of use, the design emphasis shall be on the integration of this development with the existing development, in a manner consistent with current regulation.*

Immediately to the east of the subject property is John Morris Road and then a commercially zoned property with an existing commercial building which is currently being remodeled. To the west is South Oleander Drive and then a property with a previously approved CPD that has a building material business consisting of sales of stone, soil, sand, and shell located on it. The proposed Morris McGregor Center CPD project has aligned its driveway access point with the driveway access point of the approved CPD. To the south of the subject property is McGregor Boulevard and then commercially zoned property with; a small strip-type shopping center to the southeast and a Circle K convenience store with gas pumps to the southwest. The commercial developments that exist in the vicinity are mostly aged and consist of varying types, from the strip center to the convenience store to the outdoor storage and sales of building materials. The proposed project will enhance the existing development aesthetically and should add increased value to this older, less attractive commercial area.

(k) *Where the proposed planned development is surrounded by existing development or land use with which it is not compatible or which is of a significant higher or lower intensity of use (plus or minus ten percent of the gross floor area per acre if a commercial or industrial land use, or plus or minus 20 percent of the residential density), or is surrounded by undeveloped land or water, the design emphasis will be to separate and mutually protect the planned development and its environs.*

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COMMUNITY DEVELOPMENT

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EXHIBIT 6-H - PAGE 5 OF 6

DESIGN STANDARDS COMPLIANCE

COMMUNITY DEVELOPMENT

The subject property is located in an area of unincorporated Lee County characterized by older and less attractive commercial development and single and two-family residential development. Immediately north of the proposed project are two developed single-family residential properties. Further to the north and west are additional residential properties, and then a mobile home park. In developing the Master Concept Plan for the proposed project, the applicant has taken measures to minimize potential impacts of the project on adjacent properties and provided assurances of adequate screening, buffering and landscaping to the project for reasonable compatibility. This site is not suitable for residential use given its extensive road frontage on three (3) sides, two sides fronting on arterial and collector roads, and its proximity amongst the other commercial uses.

Additionally, the proposed development has been designed in such a way and in accordance with all Lee County Land Development Regulations so as to offer a greater level of protection and mitigation of any impacts that may otherwise result from commercial development at this location.

(l) In large residential or commercial planned developments, the site planner is encouraged to create subunits, neighborhoods or internal communities which promote pedestrian activity and community interaction.

This standard does not really apply to this project, as the site is too small for integration of this nature.

(m) In order to enhance the viability and value of the resulting development, the designer shall ensure the internal buffering and separation of potentially conflicting uses within the planned development.

The proposed Schedule of Uses developed for the Morris McGregor Center CPD project, as provided in Exhibit 6-M, was developed in a manner where there will be little in the way of conflicting uses within the proposed CPD.

(n) Density or type of use, height and bulk of buildings and other parameters of intensity should vary systematically throughout the planned development. This is intended to permit the location of intense or obnoxious uses away from incompatible land uses at the planned development's perimeter, or, conversely, to permit the concentration of intensity where it is desirable, e.g., on a major road frontage or at an intersection.

The maximum height proposed for the project will be for the two-story building, which has been reduced from the previous three-story building and has been relocated as close to the John Morris Road and McGregor Boulevard intersection as possible. Because all uses will be contained within the buildings and located on the south side of the site abutting McGregor Boulevard, the buildings will have little impact on the abutting residential properties to the rear. Additionally, an eight-foot concrete block wall and Type E landscaping buffer is planned at the rear of the property between the project and the residential properties.

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(o) Unless otherwise provided for in this article, minimum parking and loading requirements shall be as set forth in article VII, divisions 25 and 26, of this chapter. Where it can be reasonably anticipated that specified land uses are generators of occasional peak demand for parking space,

a portion of the required parking shall be provided for semi-residential uses subject to the condition that the construction of a parking lot shall be so as to provide for the Morris McGregor Center CPD

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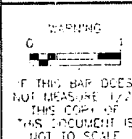
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	<p>1404 Dean Street, Suite 300 - Fort Myers, Florida 33907</p>	<p>LEE COUNTY, FLORIDA</p>

EXHIBIT 6-H - PAGE 6 OF 6

DESIGN STANDARDS COMPLIANCE

In all cases, however, sufficient parking shall be provided to prevent the spilling over of parking demand onto adjacent properties or rights-of-way at times of peak demand.

The Master Concept Plan has been designed to provide the required number of on-site parking spaces for the proposed uses requested.

(p) *Joint use of parking by various land uses within the planned development may be permitted by special condition where it can be demonstrated or required that the demand for parking by the various uses will not conflict. Joint parking agreements between uses within and uses without the planned development shall be governed by agreement per general regulation (see section 34-2018), without exception.*

Not applicable to this project.

(q) *Internal consistency through sign control, architectural controls, uniform planting schedules and other similar controls is encouraged.*

Internal consistency will be addressed and considered at time of Development Order Application on the project.

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COMMUNITY DEVELOPMENT

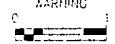
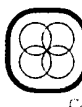
 WARNING IF THIS BAR DOES NOT MEASURE 1/2" THIS COPY OF THIS DOCUMENT IS NOT TO SCALE.	DATE	NAME	DATE	 DRMP ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS Certificate of Authorization No. 2648 1404 Dean Street, Suite 300 • Fort Myers, Florida 33907	EXHIBIT 6-H DESIGN STANDARDS COMPLIANCE MORRIS MCGREGOR CENTER CPD <small>LOT 5 & 2400 1/2 AC. COTTAGE POINT SUBDIVISION, PLAT BOOK 3, PAGE 133, & LOT 10, BLOCK D, COTTAGE POINT SUBDIVISION, DEED BOOK 389, PAGE 224, SECTION 2, TOWNSHIP 16 SOUTH, RANGE 23 EAST.</small> LEE COUNTY, FLORIDA	PROJECT NO.	06-0106.000
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EXHIBIT 6-I - PAGE 1 OF 4

Revised: 10-16-06

DECISION MAKING GUIDELINE COMPLIANCE

Compliance with Decision-Making Guidelines

The Morris McGregor Center, a proposed Commercial Planned Development (CPD) is located at the northwest corner of the McGregor Boulevard and John Morris Road intersection in Section 02, Township 46 South, Range 23 East, in Lee County, Florida. The subject property consisting of 1.85± acres is located in the Suburban land use category and within the Iona/McGregor Planning Community and is planned to be developed as a retail commercial and general office use project.

The following is the applicant's narrative explanation as to how the proposed development complies with the guidelines for decision-making bodies as provided in Sections 34-145(c)(2)a and e, and 34-145(d)(3) of the Lee County Land Development Code.

Compliance with Section 34-145(c)(2)a

Sections 34-145(c)(2)a states, *"In reaching his decision, the hearing examiner must consider the following, whenever applicable: a. Whether there exist changed or changing conditions that make approval of the request appropriate."*

The applicant would submit that the properties which are currently zoned AG-2 are certainly outdated given the intensity of development that surrounds the proposed project and that many of these older (pre-1980) and outdated commercial areas will start to redevelop in order to facilitate the needs of this growing community and to take advantage of the high-end market demanded by seasonal residents that populate this area of the county.

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Compliance with Section 34-145(c)(2)e

Section 34-145(c)(2)e states, *"Whether the request is consistent with the goals, objectives, policies and intent of the Lee Plan."*

The proposed Morris McGregor Center CPD project is consistent with the goals, objectives, policies and intent of The Lee Plan, governing development in this area of Lee County. See Exhibit 6-G for a complete narrative on the proposed project's consistency with the goals, objectives, policies and intent of the Comprehensive Plan (The Lee Plan).

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COMMUNITY DEVELOPMENT

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EXHIBIT 6-I - PAGE 2 OF 4

DECISION MAKING GUIDELINE COMPLIANCE

Compliance with Section 34-145(d)(3)

Section 34-145(d)(3) states: "**Findings.** Before preparing his recommendation to the Board of County Commissioners on a rezoning, the hearing examiner must find that:

- a. The applicant has proved entitlement to the rezoning or special exception by demonstrating compliance with the Lee Plan, this land development code, and any other applicable code or regulation; and
- b. The request will meet or exceed all performance and locational standards set forth for the potential uses allowed by the request; and
- c. The request, including the use of TDR or affordable housing bonus density units, is consistent with the densities, intensities and general uses set forth in the Lee Plan; and
- d. The request is compatible with existing or planned uses in the surrounding area; and
- e. Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and
- f. Where applicable, the request will not adversely affect environmentally critical areas and natural resources.
- g. In the case of a planned development rezoning, the decision of the hearing examiner must also be supported by the formal findings required by sections 34-377(a)(2) and (4).
- h. Where the change proposed is within a future urban area category, the hearing examiner must also find that urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use."

In response to the aforementioned requirements,

- a. As demonstrated in the section above, the proposed project complies with Section 34-145(c)(2)e of the Lee County Land Development Code, and by doing so also demonstrates compliance with the Lee Plan.
- b. The CPD rezoning request will meet all performance standards set forth for the potential uses allowed by this request.
- c. Not applicable.
- d. The Morris McGregor Center CPD has been designed to minimize potential impacts to surrounding properties and is compatible with existing land uses in the area. The site is at an intersection designated on the *Commercial Site Location Standards Map (Map 19 of The Lee Plan)* as suitable for Neighborhood Commercial Development.

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COMMUNITY DEVELOPMENT

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DECISION MAKING GUIDELINE COMPLIANCE

Immediately adjacent to the north of the property are two (2) residential properties. Immediately to the east of the subject property is the John Morris Road R.O.W. and then a commercially zoned property with a commercial building that is currently being remodeled, located to the west is the South Oleander Drive R.O.W. and then a previously approved CPD with a building material business with sales consisting of stone, soil, sand, and shell operating on it. To the south of the subject property is the McGregor Boulevard R.O.W. and then commercial businesses. A small strip-type shopping center is located to the southeast and a Circle K convenience store with gas pumps lies to the southwest of the property.

The site will be developed in consideration for the surrounding residential uses to the rear and in compliance of all Lee County Land Development Code regulations to protect and mitigate any potential impacts to the proposed projects on the residential properties. The commercial uses in the area are old and outdated the new development will enhance and bring increased value to the area.

- e. The proposed project is located on a segment of McGregor Boulevard that is dominated by existing commercial uses. The subject property has 88± feet on John Morris Road, an 80-foot wide, 2-lane, undivided county collector road; and 369± feet of frontage along McGregor Boulevard (CR-867), a 100-foot wide, 4-lane, divided, major county arterial road.

As a major arterial road, McGregor Boulevard (CR 867) from Summerlin Road (CR 869) east to Kelly Road is presently operating at a Level of Service (LOS) B. This segment has a performance LOS standard of E, which means this road is operating well below the assigned LOS. The forecasted future volume is also LOS B.

As a major collector road, John Morris Road, from Summerlin Road (CR 869) north to Iona Road is presently operating at a Level of Service (LOS) C. This segment has a performance LOS standard of E, which means this road is operating below the assigned LOS. The forecasted future volume is also LOS C.

- f. There are no environmentally critical areas on the subject property. Open space will be provided per Lee County Land Development Code requirements.

- g. Section 34-377(a)(2) and 34-377(a)(4) of the Lee County Development Code also requires that the findings must address whether the following criteria can be satisfied:

- a. *The proposed use or mix of uses is appropriate at the subject location:*

The location and layout of the buildings and site improvements for the proposed Morris McGregor Center CPD was designed as to minimize any potential impacts to surrounding properties. The site is located at an intersection designated on the *Commercial Site Location Standards Map (Map 19 of The Lee Plan)* as an appropriate Neighborhood Commercial Development location.

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CONT. ON PAGE 4

<p>GRAPHING</p> <p>IF THIS BAR DOES NOT MEASURE 1" = 2' THIS COPY OF THIS DOCUMENT IS NOT TO SCALE</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="font-size: small;">CADD</td> <td style="font-size: small;">NAME</td> <td style="font-size: small;">DATE</td> </tr> <tr> <td style="font-size: x-small;">DESIGNED BY</td> <td></td> <td></td> </tr> <tr> <td style="font-size: x-small;">DRAWN BY</td> <td>TW</td> <td>2-27-06</td> </tr> <tr> <td style="font-size: x-small;">CHECKED BY</td> <td></td> <td></td> </tr> <tr> <td style="font-size: x-small;">APPROVED BY</td> <td></td> <td></td> </tr> <tr> <td style="font-size: x-small;">FILE</td> <td></td> <td></td> </tr> </table>	CADD	NAME	DATE	DESIGNED BY			DRAWN BY	TW	2-27-06	CHECKED BY			APPROVED BY			FILE			<p>DRMP</p> <p style="font-size: x-small;">ENGINEERS - SURVEYORS - PLANNERS - SCIENTISTS</p> <p style="font-size: x-small;">Certificate of Authorization No. 2648</p> <p style="font-size: x-small;">1404 Dean Street, Suite 300 - Fort Myers, Florida 33907</p>	<p style="text-align: center;">EXHIBIT 6-I</p> <p style="text-align: center;">DECISION MAKING GUIDELINE COMPLIANCE</p> <p style="text-align: center;">MORRIS MCGREGOR CENTER CPD</p> <p style="font-size: x-small;">LOT 1 & 2 AND 3 BLOCK C COTTAGE POINT SUBDIVISION, PLAT BOOK 14, PAGE 131, & LOT 16 BLOCK D COTTAGE POINT SUBDIVISION, PLAT BOOK 14, PAGE 132, SECTION 2 TOWNSHIP 4 SOUTH, RANGE 22 EAST, LEE COUNTY, FLORIDA</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="font-size: xx-small;">PROJECT NO</td> <td>06-0106.000</td> </tr> <tr> <td style="font-size: xx-small;">DATE</td> <td>2-27-06</td> </tr> <tr> <td style="font-size: xx-small;">SCALE</td> <td>N.T.S.</td> </tr> <tr> <td style="font-size: xx-small;">SHEET</td> <td>3 OF 4</td> </tr> </table>	PROJECT NO	06-0106.000	DATE	2-27-06	SCALE	N.T.S.	SHEET	3 OF 4
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EXHIBIT 6-I - PAGE 4 OF 4

DECISION MAKING GUIDELINE COMPLIANCE

b. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest:

To be determined by the Hearing Examiner and Board of County Commissioners.

c. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development:

To be determined by the Hearing Examiner and Board of County Commissioners.

Section 34-377(a)(4) states, "If the application includes a schedule of deviations pursuant to section 34-412, the hearing examiner's recommendation must approve, approve with modification or reject each requested deviation based upon a finding that each item."

There is one deviation being requested as part of the Morris McGregor Center CPD project. See Exhibit 6-N of the application for the Schedule of Deviations and Justification of Deviations as well as a detailed drawing depicting the extent of the deviation.

- h. Per the Lee County *Concurrency Management, Inventory and Projections, 2004/05 - 2005/06*, there are no known concurrency deficiencies in this area at the present time. A summary of the facilities that are reviewed for concurrency are as follows:
- Solid Waste - All unincorporated areas of Lee County are concurrent with the Level of Service standard set forth in The Lee Plan for solid waste.
- Potable Water - New developments located in unincorporated areas of Lee County, which are within franchised service areas of the Public Service Commission or Lee County regulated potable water utility companies should not experience any capacity problems provided distribution mains have been, or will be, installed to serve the development prior to issuance of occupancy permits.
- Sanitary Sewer Facilities - New developments located within the franchised service areas of the Public Service Commission or Lee County regulated sewage utility companies should not experience any capacity problems provided a collection system has been, or will be, installed to serve the development prior to issuance of occupancy permits.

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	DESIGNED BY	NAME	DATE
	DRAWN BY	TW	2-27-06
	CHECKED BY		
	APPROVED BY		
	FILE		
		DRMP ENGINEERS - SURVEYORS - PLANNERS - SCIENTISTS Certificate of Authorization No. 2648 1404 Dean Street, Suite 300 - Fort Myers, Florida 33907	
EXHIBIT 6-I DECISION MAKING GUIDELINE COMPLIANCE MORRIS MCGREGOR CENTER CPD LOTS 1, 2 AND 3, BLOCK C, COTTAGE POINT SUBDIVISION, PLAT BOOK 11, PAGE 113, A LOT IN BLOCK B, COTTAGE POINT SUBDIVISION, DEED BOOK 100, PAGE 224, SECTION 2, TOWNSHIP 26 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA			
PROJECT NO. 06-0106.000		DATE 2-27-06	
SCALE N.T.S.		SHEET 4 OF 4	

EXHIBIT 6-L

TRAFFIC IMPACT STATEMENT
MORRIS MCGREGOR CENTER CPD

PROJECT DESCRIPTION:

This project proposes to construct a 2-story building with 15,560 S.F. of floor space and a 1-story building with 4,112 S.F. of floor space. The buildings will be used for office and retail space leasing. The types of businesses anticipated to lease available office would likely be professional service providers such as insurance agents, real estate agents, consultants etc. The anticipated office hours would be 7:00 a.m. to 6:00 p.m. The project is located in South Lee County, north of McGregor and west of John Morris Road. The build out year for this project will be 2008.

PROJECT ACCESS:

This project will have one access point via Oleander Drive, a local road allowing all movements.

TRIP GENERATION:

Proposed Trip Generation for this project is generated from 7th Edition, 2003, of the Institute of Transportation Engineer Trip Generation Manual. Peak P.M. weekday volume of 47 vehicles per hour can be expected, with 17 entering and 30 exiting the site during the peak hour of the adjacent street traffic between 4:00 and 6:00 P.M. The P.M. peak hour factor is 1.49 vehicles per 1,000 square feet of office space and 3.75 for the general retail space. The A.M. peak hour factor is 1.55 vehicles per 1,000 square feet of office space and 1.03 for the general retail space.

USE CODE: General Office Building (710)

AMPHTE'S: 18 (16-enter (88%), 2-exit (12%))

PMPHTE'S: 18 (3-enter (17%), 15-exit (83%))

USE CODE: Shopping Center (820)

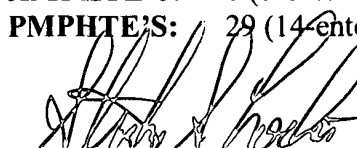
AMPHTE'S: 8 (5-enter (61%), 3-exit (39%))

PMPHTE'S: 29 (14-enter (48%), 15-exit (52%))

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Stephen S. Lockett, P.E.

Date

State of Florida Registration No. 38232



Certificate of Authorization No. 2648

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TRIP DISTRIBUTION & ASSIGNMENT:

Anticipated trip distribution was derived generated from Lee County 2005 Traffic Count Report.

McGregor Blvd.

a). Permanent Count Station No. 38

b). AADT: 19,800 trips

c). Seasonal Distribution:

i. AM: Peak Hour Flow – 5.6% 57% WB 43% EB

ii. PM: Peak Hour Flow – 7.2% 44% WB 56% EB

See exhibit A for more information.

Resultant project trip assignment is shown in exhibit B.

EXISTING TRAFFIC CONDITION:

Existing traffic conditions were derived from the Lee County Concurrency Management Inventory Road Link Volumes (June 2004) and Link Specific Service Volumes (2004) presented below:

Link Specific Service Volumes (2004 Data) – Peak Hour Peak Direction

McGregor Blvd. (Summerlin Rd. to Kelly Rd.)- Arterial

LOS-A	240
LOS-B	1,630
LOS-C	1,990
LOS-D	2,050
LOS-E	2,050

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McGregor Blvd. has an Existing Level of Service of B.

COMMUNITY DEVELOPMENT

Concurrency Management Inventory Road Link Volumes (June 2004)

a). McGregor Blvd. (From Summerlin Rd to Kelly Rd – Link 16000)

b). Estimated 2005 100th hour volume: 643-peak hour, peak direction trips

FUTURE BACKGROUND TRAFFIC CONDITION:

Future background traffic coincident with project build out is derived from historic Growth Rate Factor.

Periodic Count Station Data (2005 Traffic Count Report):

- a). Street: McGregor Blvd.
- b). Location: East of Davis Rd.
- c). Station No: 329
- d). Beginning Year: 1996
- e). Beginning Count: 8,900 trips
- f). Ending Year: 2005

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g). Ending Count: 11,300 trips
h). No. of Growth Years 9

Growth Rate Factor Calculation:

McGregor Blvd.

$8,900 (X)^9 = 11,300 \Rightarrow X = (11,300/8,900)^{(1/9)} \Rightarrow X = 1.0269$
Future Background traffic $\Rightarrow 643 (1.0269)^4 = 715$

FUTURE TRAFFIC CONDITION:

Future traffic condition including the project was derived by adding the estimated project trips to the projected background traffic is presented below:

$A (B)^C + D (1-E/100) = \text{Projected LOS Peak Hour Peak Direction Trips}$

McGregor Blvd.

A = 2005 Estimated 100th Highest Hour Volume in the Peak Flow Direction = 643

B = Growth Rate Factor = 1.0269

C = # Yrs from Estimated Volume to LOS Analysis = 4 (Bldout-'08, LOS-'09)

D = Site Generated Peak Hour Traffic = 19 (Left Turn Entering- PM Peak Hr)

E = % Pass by Traffic during Peak Hour = 0%

$643 (1.0269)^4 + 15 = 730$

CONCLUSION:

1. The building size is 19,672 sq. ft. and will be used for office space. The build out year will be 2008.
2. Proposed project generated 30 trips PM peak hour entering McGregor Blvd.
3. Under existing condition McGregor Blvd. operates at Level of Service B.
4. At project build out McGregor Blvd. continues at same Level of Service at Level B. No improvements are necessary.

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735 VPH EAST BOUND 2009
P.M. PEAK

$\frac{\text{P.M.}}{13}$
 $\frac{\text{A.M.}}{12}$
 $\frac{\text{A.M.}}{17}$
 $\frac{\text{P.M.}}{9}$

EXHIBIT B

C1
SHOPPING CENTER

CC
CIRCLE K

AG-2
VACANT

10-01-06

PROJECT NO	06-0106.000
SCALE	

1"=30'	SCALE
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TRIP GENERATION
MORRIS MCGREGOR CENTER CPD
LEES COUNTY, FLORIDA

DRMP ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS

(Certificate of Authorization No. 2948
1401 Ocean Street, Suite 400 • Fort Myers, Florida 33901)



Dyer, Riddle, Mills
At-Passicut, Inc.

REMARKS	DATE	781		
		40 10 00	55	ARMED BY
		10 10 00	55	CHECKED BY
		10 10 00	55	ARMED BY
		20 10 00	55	DEARMED BY

PERIODIC COUNT STATION DATA

Daily Traffic Volume (AADT)															
STREET	LOCATION	Sta- tion #	M A P	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	NOTE	PERM- ANENT STATION
DR. MARTIN LUTHER KING, JR. BLVD. (SR 82)	E OF FOWLER ST	208	E	16000	18300	17500	19400	16300	16000	20300	22400	27100	28600		22
	W OF CRANFORD AVE	211	A	12600	13300	12700	13600	12200	10200	11200	17300	21900	23600		22
	W OF ORTIZ AVE	214	A	18700	19100	18600	21600	20900	20100	20500	N/A	27800	35000		22
	W OF I-75	20	E	15700	16000	17000	17900	17100	17500	18500	N/A	27300	31900		
MAPLE DR	E OF SUMMERLIN RD	318	B	2800	3100	3200	3400	2300	3000	3500	3900	3400	4700		35
MARSH AVE	N OF PALM BEACH BLVD	633	A								3200	4100	3800		5
McGREGOR BLVD (CR 867)	@ SANIBEL TOLL PLAZA	320	I	16700	17500	17900	18000	17600	19300	18300	11300			3	36
	E OF PORT COMFORT RD	323	G	19600	20500	20200	20600	21200	22100	22200	18800	19800	19800		36
	E OF DAVIS RD	329	G	8900	9700	10300	9700	9900	10700	10700	10800	10800	11300		38
	E OF KELLY RD	38	G	15000	15800	15600	15000	15300	16400	16500	15600	14900	19800		
McGREGOR BLVD	N OF GLADIOLUS DR	326	G	18200	19500	18700	15700	17800	21700	23800	23900	23700	24900		37
	S OF PINE RIDGE RD	37	G	19500	20300	20900	19500	N/A	24700	26300	26600	26900	28200		
	S OF CYPRESS LAKE DR	324	G	22200	27100	27200	28600	29900	35900	33200	35300	37200	36600		35
	S OF COLLEGE PKWY	332	G	20600	24600	25700	26800	25700	28600	28700	32500	38200	35500		35
	S OF WINKLER RD	331	B	14700	14400	13800	14400	12900	15300	15800	15900	17800	17500		35
	N OF WHISKEY CREEK DR	322	B	21500	20600	18600	21700	19900	18500	22500	23200	24200	24400		29
	S OF COLONIAL BLVD	321	B	20600	21000	18900	21600	20800	20200	22900	23300	23400	23100		29
	S OF HILL AVE	325	B	21600	20400	13900	18200	16200	18500	20500	20600	20900	20100		29
	N OF MANUELS DR	29	A	17500	18100	12700	12600	14100	14800	16400	16700	17100	17100		
MIDFIELD TERMINAL RD	E OF TREELINE AVE	59	E										21800	5	
METRO PKWY (SR 739)	N OF SIX MILE PKWY	337	G	7800	8300	8100	9300	9100	9900	9300	9200	10400	9200		45
	N OF DANIELS PKWY	335	G	19000	19600	20100	22400	20900	24000	23000	23400	25400	21700		45
	N OF CRYSTAL DR		B												
	N OF ARC WAY	45	B	24900	24800	25300	24700	24400	24500	26000	26200	25200	23200		
	S OF COLONIAL BLVD	336	B	26500	27000	30300	30100	31700	34000	31600	30200	35700	36900		45
	N OF COLONIAL BLVD	339	B	17100	17500	18700	18400	19000	18400	17600	19500	21600	19700		45
	N OF WINKLER AVE	334	B	14900	15000	16400	16900	18800	17200	19100	19600	21500	20300		45
	S OF HANSON ST	338	B	13300	14500	13400	14100	14200	12300	14700	15200	17800	15100		45

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PERMANENT COUNT STATION 38
McGREGOR BLVD (CR 867) N OF KELLY RD

2005 AADT = 19800
 K100 Factor - 0.083

Monthly ADT as a % of Annual ADT

January	110%
February	117%
March	122%
April	111%
May	96%
June	89%
July	88%
August	90%
September	85%
October	86%
November	104%
December	104%

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Day of Week as a % of Annual ADT

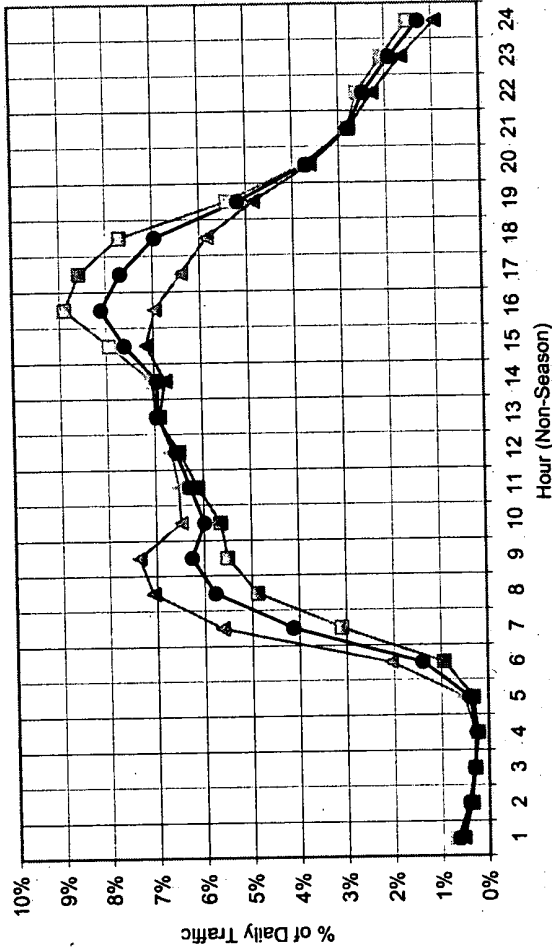
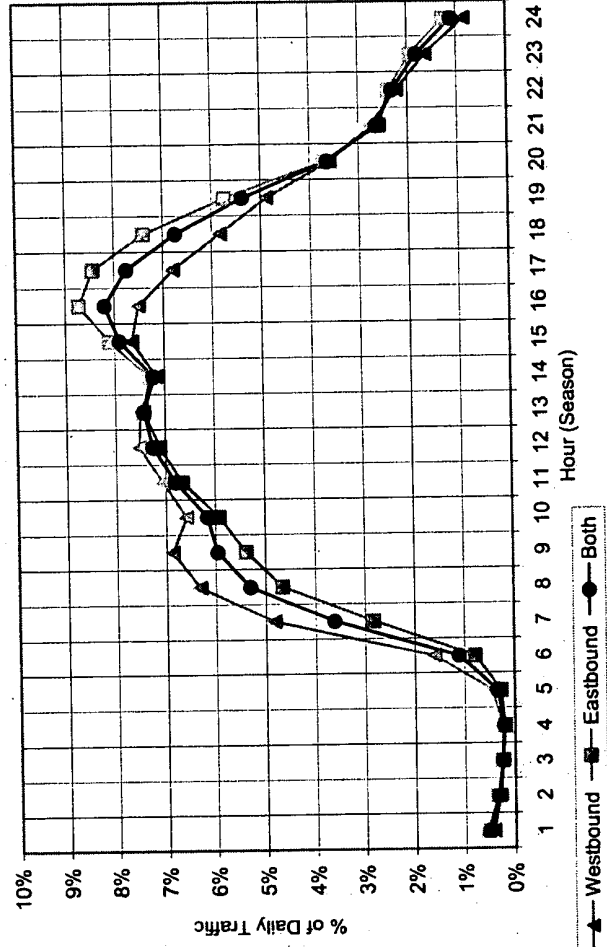
Monday	101%
Tuesday	106%
Wednesday	107%
Thursday	107%
Friday	110%
Saturday	93%
Sunday	76%

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Weekday Peak Flow Characteristics	Non-Season	Season
Peak Flow between 7 a.m. and 9 a.m.	6.0%	5.6%
1) as a % of weekday traffic	58%	57%
2) directional Split (peak direction)	Westbound	Westbound
Peak Flow between 4 p.m. and 6 p.m.	7.3%	7.2%
1) as a % of weekday traffic	57%	56%
2) directional Split (peak direction)	Eastbound	Eastbound

PERMANENT COUNT STATION 38

McGREGOR BLVD (CR 867) N OF KELLY RD



LINK-SPECIFIC SERVICE VOLUMES ON ARTERIALS IN LEE COUNTY (2004 DATA)

Sept. 2005

ROAD SEGMENT	FROM	TO	TRAFFIC DISTRIC	LENGTH (MILE)	ROAD TYPE	SERVICE VOLUMES (PEAK HOUR PEAK DIRECTION)					SERVICE VOLUMES (PEAK HOUR - BOTH DIRECTIONS)				
						A	B	C	D	E	A	B	C	D	E
GUNNERY RD	SR 82	LEE BLVD	3	2.5	4LD	450	1,630	1,900	1,950	1,950	840	3,020	3,510	3,600	3,600
	LEE BLVD	BUCKINGHAM RD	3	1.5	2LN	0	530	900	950	950	0	880	1,500	1,590	1,590
HANCOCK BRIDGE PKWY	DEL PRADO BLVD	NE 24TH AVE	5	1.1	4LD	0	1,340	1,980	2,070	2,070	0	2,440	3,600	3,760	3,760
	NE 24TH AVE	ORANGE GROVE BLVD	2	0.5	4LD	0	1,340	1,980	2,070	2,070	0	2,440	3,600	3,760	3,760
	ORANGE GROVE BLVD	MOODY RD	2	1.2	4LD	0	1,340	1,980	2,070	2,070	0	2,440	3,600	3,760	3,760
	MOODY RD	US 41	2	0.9	4LD	0	1,340	1,980	2,070	2,070	0	2,440	3,600	3,760	3,760
HICKORY BLVD	BONITA BEACH RD	McLAUGHLIN BLVD	8	1.1	2LN	0	300	500	680	850	0	560	930	1,250	1,570
	McLAUGHLIN BLVD	MELODY LANE	8	0.7	2LN	0	300	500	680	850	0	560	930	1,250	1,570
	MELODY LANE	ESTERO BLVD	8	6.7	2LN	0	300	500	680	850	0	560	930	1,250	1,570
	SR 82	LEE BLVD	3	5.6	2LN	0	140	340	550	990	0	270	660	1,050	1,900
HOMESTEAD RD	LEE BLVD	LEE BLVD	3	1.1	4LD	0	1,200	1,790	1,880	1,920	0	2,310	3,440	3,610	3,690
	COUNTRY LINE	BONITA BEACH RD	8	1.0	4LD	450	1,630	1,900	1,950	1,950	840	3,020	3,510	3,600	3,600
	COLLIER CO. LINE	BONITA BEACH RD	8	1.0	4LF	1,290	2,130	2,890	3,420	3,800	2,350	3,870	5,250	6,220	6,910
	BONITA BEACH RD	CORKSCREW RD	8	7.4	4LF	1,290	2,130	2,890	3,420	3,800	2,350	3,870	5,250	6,220	6,910
IMPERIAL ST	CORKSCREW RD	ALICO RD	4	4.3	4LF	1,290	2,130	2,890	3,420	3,800	2,350	3,870	5,250	6,220	6,910
	ALICO RD	DANIELS PKWY	4	3.8	4LF	1,290	2,130	2,890	3,420	3,800	2,350	3,870	5,250	6,220	6,910
	DANIELS PKWY	COLONIAL BLVD	4	4.5	4LF	1,290	2,130	2,890	3,420	3,800	2,350	3,870	5,250	6,220	6,910
	COLONIAL BLVD	M.L.K.	1	1.6	4LF	1,290	2,130	2,890	3,420	3,800	2,350	3,870	5,250	6,220	6,910
JOEL BLVD	M.L.K.	LUCKETT RD	1	1.5	4LF	1,290	2,130	2,890	3,400	3,800	2,350	3,870	5,250	6,220	6,900
	LUCKETT RD	SR 80	1	1.9	4LF	1,290	2,130	2,890	3,400	3,800	2,350	3,870	5,250	6,220	6,900
	SR 80	SR 78	1 & 2	2.4	4LF	1,290	2,130	2,890	3,400	3,800	2,350	3,870	5,250	6,220	6,900
	SR 78	COUNTRY LINE	2	5.7	4LF	1,290	2,130	2,890	3,400	3,800	2,350	3,870	5,250	6,220	6,900
LEE BLVD	BELL BLVD	COUNTRY CLUB(N)	3	0.9	4LN	590	970	1,400	1,850	2,250	1,110	1,830	2,630	3,480	4,250
	COUNTRY CLUB(N)	16TH ST	3	3.9	4LN	590	970	1,400	1,850	2,250	1,110	1,830	2,630	3,480	4,250
	16TH ST	SR 80	3	3.1	2LN	0	150	350	550	1,010	0	280	660	1,040	1,910
	SR 80	GUNNERY RD	3	3.6	6LD	620	2,600	3,060	3,140	3,140	1,030	4,340	5,100	5,240	5,240
LEE BLVD	GUNNERY RD	HOMESTEAD RD	3	3.9	6LD	620	2,600	3,060	3,140	3,140	1,030	4,340	5,100	5,240	5,240
	HOMESTEAD RD	LEE BLVD	3	1.6	2LN	0	410	870	1,010	1,040	0	680	1,450	1,680	1,730
	LEE BLVD	JOEL BLVD	3	0.4	4LN	0	540	1,780	2,030	2,080	0	890	2,960	3,380	3,470
	JOEL BLVD	ORITZ AVE	3	1.6	4LN	0	540	1,780	2,030	2,080	0	890	2,960	3,380	3,470
LUCKETT RD	ORITZ AVE	SR 75	1	0.8	2LN	0	0	0	600	910	0	0	0	990	1,510
	SANIBEL TOLL PLAZA	HARBOR DR	4	0.2	4LD	240	1,630	1,990	2,050	2,050	440	3,080	3,760	3,870	3,870
	HARBOR DR	SUMMERLIN RD	4	2.2	4LD	240	1,630	1,990	2,050	2,050	440	3,080	3,760	3,870	3,870
	SUMMERLIN RD	KELLY RD	4	1.7	4LD	240	1,630	1,990	2,050	2,050	440	3,080	3,760	3,870	3,870
LEE BLVD	KELLY RD	THORNTON RD	4	0.3	4LD	240	1,630	1,990	2,050	2,050	440	3,080	3,760	3,870	3,870
	THORNTON RD	SAN CARLOS BLVD	4	0.7	4LD	240	1,630	1,990	2,050	2,050	440	3,080	3,760	3,870	3,870
	SAN CARLOS BLVD	GRIFFIN BLVD	4	1.0	4LD	0	1,110	1,890	1,990	1,990	0	2,090	3,560	3,750	3,750
	GRIFFIN BLVD	A & W BLVD	4	1.0	4LD	0	1,110	1,890	1,990	1,990	0	2,090	3,560	3,750	3,750
LUCKETT RD	A & W BLVD	CYPRESS LAKE DR	4	0.7	4LD	0	1,110	1,890	1,990	1,990	0	2,090	3,560	3,750	3,750
	CYPRESS LAKE DR	COLLEGE PKWY	4	0.8	4LD	0	1,110	1,890	1,990	1,990	0	2,090	3,560	3,750	3,750

OCT 16 2006

DCI 2006-00035
COMMUNITY DEVELOPMENT

ROAD LINK VOLUMES													
Peak Direction of Flow													
ROADWAY LINK NAME	FROM	TO	ROAD TYPE	PERFORMANCE STANDARD		2004 100th HIGHEST HOUR		EST 2005 100th HIGHEST HOUR		FORECAST FUTURE VOL		NOTES*	LINK NO.
				LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME	LOS	VOLUME		
McGREGOR BLVD. (C.R. 867)	SUMMERLIN RD. (C.R. 869)	KELLY RD.	4LD	E	2,100	B	624	B	643	B	691		16000
McGREGOR BLVD. (C.R. 867)	KELLY RD.	GLADIOLUS DR.	4LD	E	2,100	B	804	B	808	B	823		16100
McGREGOR BLVD. (S.R. 867)	GLADIOLUS DR.	IONA LOOP RD.	4LD	E	1,940	C	1,068	C	1,089	C	1,091		16200
McGREGOR BLVD. (S.R. 867)	IONA LOOP RD.	PINE RIDGE RD.	4LD	E	1,940	C	1,297	C	1,299	C	1,310		16300
McGREGOR BLVD. (S.R. 867)	PINE RIDGE RD.	CYPRESS LAKE DRIVE	4LD	E	1,940	D	1,843	D	1,847	D	1,917		16400
McGREGOR BLVD. (S.R. 867)	CYPRESS LAKE DRIVE	COLLEGE PARKWAY	4LD	E	1,940	D	1,892	D	1,896	D	1,899		16500
McGREGOR BLVD. (S.R. 867)	COLLEGE PARKWAY	WINKLER ROAD	2LN	E	1,080	C	882	C	949	C	961	Constrained v/c=0.82	16600
McGREGOR BLVD. (S.R. 867)	WINKLER ROAD	TANGLEWOOD BLVD.	2LN	E	1,080	F	1,231	F	1,234	F	1,234	Constrained v/c=1.14	16700
McGREGOR BLVD. (S.R. 867)	TANGLEWOOD BLVD.	COLONIAL BLVD. (S.R. 884)	2LN	E	1,080	F	1,190	F	1,192	F	1,192	Constrained v/c=1.10 Design for turn lane at Colonial funded in 04/05	16800
METRO PARKWAY (S.R. 739)	SIX MILE CYPRESS PKWY.	DANIELS ROAD	2LN	E	860	C	530	C	531	C	644	6 Lane funded by FDOT in 09/10	16900
METRO PARKWAY (S.R. 739)	DANIELS ROAD	CRYSTAL DR.	4LD	E	1,960	B	1,295	B	1,319	B	1,384		17000
METRO PARKWAY (S.R. 739)	CRYSTAL DR.	DANLEY DR.	4LD	E	1,960	B	1,375	B	1,385	B	1,417		17100
METRO PARKWAY (S.R. 739)	DANLEY DR.	COLONIAL BLVD. (S.R. 884)	4LD	D	1,960	C	1,820	C	1,823	C	1,826	4L Plantation Ext. Funded 06/07	17200
MILWAUKEE BLVD.	ALABAMA BLVD.	A.G. BELL BLVD.	2LU	E	880	B	5	B	72	B	72		17600

DCI 2006-00035

OCT 18 2006

COMMUNITY DEVELOPMENT

EXHIBIT 6-M SCHEDULE OF USES

REVISED 10/10/06

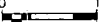
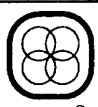
Morris McGregor Center CPD

Administrative offices
Business services (34-622(c) (5)): Group I
Cleaning and maintenance services (34-622(c)(7))
Clothing Stores, General (34-622(c)(8))
Convenience Food and Beverage Store
Drugstore, Pharmacy
Excavation: Water Retention
Excess Spoil Removal
Fences, Walls
Food and Beverage Service, Limited
Food Stores (34-622(c)(16))
Gift and Souvenir Shop
Hobby, Toy and Game Shops (34-622(c)(21))
Insurance Companies (34-622(c)(33)): Group I
Package Store
Parking Lot: Accessory
Personal Services (34-622(c)(33)): Group I
Pet Services
Pet Shop
Real Estate Sales Office
Repair Shops (34-622(c)(40)): Group I
Signs in Accordance With
Specialty Retail Shops (34-622(c)(47)): Groups I & II
Studios (34-622(c)(49))

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OCT 18 2006

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COMMUNITY DEVELOPMENT

WARNING  IF THIS BAR DOES NOT MEASURE 1/2" THIS COPY OF THIS DOCUMENT IS NOT TO SCALE	CADD REVISION DRAWN BY CHECKED BY APPROVED BY	NAME AC TW 	DATE 10-10-06 2-27-06 	 DRMP ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS Certificate of Authorization No. 2648 1404 Dean Street, Suite 300 - Fort Myers, Florida 33907	EXHIBIT 6-M SCHEDULE OF USES MORRIS MCGREGOR CENTER CPD <small>LOTS 1 & 2 AND 3, BLOCK C, COTTAGE POINT SUBDIVISION, PLAT BOOK 9, PAGE 133; & LOT 18, BLOCK D, COTTAGE POINT SUBDIVISION, DEED BOOK 258, PAGE 224; SECTION 2, TOWNSHIP 48 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA</small>	PROJECT NO. 06-0106.00
			DATE 2-27-06			
			SCALE N.T.S.			
			SHEET 1 OF 1			

COMPOSITE EXHIBIT 6-N

SCHEDULE OF DEVIATIONS & JUSTIFICATION

Morris McGregor Center, a proposed Commercial Planned Development (CPD), is located at the northwest corner of the intersection of McGregor Boulevard and John Morris Road in Section 02, Township 46 South, Range 23 East, Lee County, Florida. The subject property is located within the Iona/McGregor Planning Community and consists of 1.86± acres to be developed as general office and retail commercial. The following deviation is being requested as part of the Commercial Planned Development rezoning for Morris McGregor Center CPD. This is the only deviation being requested for this proposed project.

Deviation #1: Deviation from Section 10-296 *Street design and construction standards*, of the Lee County LDC. Section 10-296 Table 4 (2)(c) 2.b. *Minimum Specifications for Street Improvements* requires 24-foot wide pavement for two-way traffic on privately maintained streets with swale drainage or valley gutter drainage, or 24-foot pavement with curb and gutter drainage. This is a request to allow for the required 24-foot pavement to be terminated at the point just north of the project's proposed driveway connection on Oleander Drive.

Justification for Deviation #1: The site plan was originally designed to extend the 24-foot pavement up to the projects northwesterly property line. However, at one of the meetings that the applicant had with several of the residential property owners from the surrounding neighborhood, the residents living on Oleander Drive expressed concerns to paving the roadway all the way up to the applicants property line and requested that Oleander Drive remain unpaved at the point immediately north of the projects access onto Oleander Drive. To address these concerns the applicant revised the Master Concept Plan to eliminate the paved roadway improvements north of the projects access point and has requested this new deviation.

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COMMUNITY DEVELOPMENT

WARNING IF THIS BAR DOES NOT MEASURE 1/2" THIS COPY OF THIS DOCUMENT IS NOT TO SCALE	CADD	NAME	DATE	 DRMP ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS Certificate of Authorization No. 2648 1404 Dean Street, Suite 300 - Fort Myers, Florida 33901	EXHIBIT 6-N SCHEDULE OF DEVIATIONS MORRIS MCGREGOR CENTER CPD <small>LOTS 1 & 2 AND 1 BLOCK C, COTTAGE POINT SUBDIVISION, PLAT BOOK 248, PAGE 224, ALLEY, ELODIA, COTTAGE POINT SUBDIVISION, DEED BOOK 248, PAGE 224, SECTION 2, TOWNSHIP 46 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA</small>	PROJECT NO.	06-0106.00
	REVISION					DATE	10-16-06
	DRAWN BY	ADC	10-16-06			SCALE	N.T.S.
	CHECKED BY						
	APPROVED BY						
FILE:						SHEET	1 OF 2

EXHIBIT 6-N

PROPERTY LINE

TO REMAIN UNPAVED

OLEANDER DRIVE

18' TYPE "D" MODIFIED LANDSCAPE BUFFER W/ 10 TREES PER 100'

NO OUTLET SIGN

END ASPHALT OVERLAY

STOP

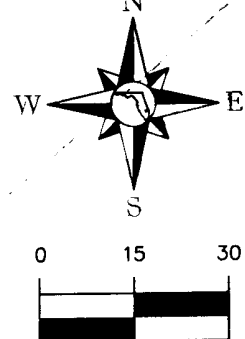
6' CROSS-WALK

WHEEL STOP, T

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OCT 18 2006

COMMUNITY DEVELOPMENT



SCALE IN FEET
1 inch = 30 ft.

DCI 2006-00035

<p>WARNING</p> <p>IF THIS BAR DOES NOT MEASURE 1 1/2" THIS COPY OF THIS DOCUMENT IS NOT TO SCALE</p>	<p>CADD</p> <p>DESIGNED BY</p> <p>DRAWN BY</p> <p>CHECKED BY</p> <p>APPROVED BY</p> <p>FILE</p>	<p>NAME</p> <p>MS</p>	<p>DATE</p> <p>10-10-06</p>	<p>DRMP</p> <p>ENGINEERS - SURVEYORS - PLANNERS - SCIENTISTS</p> <p>Certificate of Authorization No. 2648</p> <p>1404 Dean Street, Suite 300 - Fort Myers, Florida 33901</p>	<p>EXHIBIT 6-N</p> <p>SCHEDULE OF DEVIATIONS</p> <p>MORRIS MCGREGOR CENTER CPD</p> <p>LOTS 1, 4, 7 AND 9, BLOCK C, COTTAGE POINT SUBDIVISION, PLAT BOOK 319, PAGE 131, & LOTS 10, BLOCK D, COTTAGE POINT SUBDIVISION, DEED BOOK 319, PAGE 224, SECTION 2, TOWNSHIP 46 SOUTH, RANGE 23 EAST.</p> <p>LEE COUNTY, FLORIDA</p>	<p>PROJECT NO.</p> <p>06-0106.000</p>
	<p>DATE</p> <p>10-10-06</p>					
	<p>SCALE</p> <p>1"=30'</p>					
	<p>SHEET</p> <p>2 OF 2</p>					
	<p>FILE</p>					

Dyer, Riddle, Mills
& Precourt, Inc.

Principals

Wayne D. Chalifoux
Donaldson K. Barton, Jr.
Lucius J. Cushman, Jr.
Jon S. Meadows
Stephen L. Precourt
Lawrence L. Smith, Jr.

AFFIDAVIT REGARDING PROPOSED USE

As required per LDC Section 34-202(b)(3), I, **John E. Stamps, Trustee**, the applicant for the rezoning application for properties known as:

02-46-23-01-0000C.0010, 02-46-23-01-0000C.0020, and 02-46-23-02-0000D.0160.

Do affirm that it is my intent to ensure that:

☒

All existing buildings on site will be removed prior to development; or

☐

That the proposed use of all existing buildings, structures, and land is, or will be in compliance with all applicable requirements of Chapter 10 and the Lee County Land Development Code.

MORRIS MCGREGOR LLC BY

OWNER / TRUSTEE: JOHN E STAMPS

SIGNED: [Signature]

TITLE: MANAGING MEMBER

DATE: 1 JUNE 2006

COUNTY OF: LEE

Before me this day personally appeared JOHN E. STAMPS who Being first sworn, deposes and says that the above statement is true and correct to the best of his/her knowledge.

Sworn and subscribe to me this 1ST day of June, 2006.

1404 Dean Street
Suite 300
Ft. Myers, Florida 33901
Phone: 239.344.0050
Fax: 239.344.0057

Notary Public

[Signature]

RECEIVED
JUN 08 2006

My Commission Expires:

NOTARY PUBLIC-STATE OF FLORIDA
Deborah L. Krikorian
Commission # DD511090
Expires: JAN. 26, 2010
Bonded Thru Atlantic Bonding Co., Inc.

- Bartow, Florida
- Charlotte, North Carolina
- Chipley, Florida
- DeLand, Florida
- Jacksonville, Florida
- Orlando, Florida
- Panama City Beach, Florida
- Tallahassee, Florida
- Tampa, Florida

Morris McGregor Center CPD

DCI 2006-00035

EXHIBIT 6-N

SCHEDULE OF DEVIATIONS & JUSTIFICATION

The Morris McGregor Center, a proposed Commercial Planned Development (CPD) is located on the northwest corner of the McGregor Boulevard and John Morris Road intersection in Section 02, Township 46 south, Range 23 East, in Fort Myers. The subject property is located within the Iona/McGregor Planning Community., and consists of 1.86± acres to be developed as commercial office building.

The following is a narrative explanation as to the deviations requested and the justification for each. The development and rezoning for the Morris McGregor Center CPD proposed two deviations from the Lee County Land Development Regulations.

Deviation #1: The first deviation is from Section 10-285 *Connection Separation*, of the LDC. Section 10-285 requires that the connection of accessways must be in accordance with the minimum standards provided in the section, namely that any drive or accessway must be no less than 660 feet from the center line along an arterial road. This is a request to allow for a shorter separation distance than 660 feet to the east between the proposed development's main accessway (on McGregor Boulevard) and John Morris Road, a Lee County collector road. The separation distance requested is 196 feet. It also includes a request for a lesser separation than 660 feet to the west from Oleander Drive, a local road, of 173 feet

REVISED 6-05-06

Justification: The subject property is 1.86± acres in size with a collector road (John Morris Road) to the east and a local road (Oleander Drive) to the west. These two roads currently have a total separation distance of 369 feet, making the 660 separation requirement unattainable. Further, a shared access to this site cannot be accommodated as the site does not abut another parcel to provide shared access. Aside from the very close distance between these two access points, the site design would not provide for a good flow for interior traffic or building placement at the greatest distance from the existing residential use to the rear. Therefore, in consideration for the site layout and limited frontage along McGregor Boulevard, this request is being made.

Deviation #2: The second deviation is from Section 10-416(d)(6) whereby if roads, drives or parking areas are located less than 125 feet from an existing residential lot, a solid wall or combination berm and solid wall not less than 8 feet in height must be constructed not less than 25 feet from the abutting property and landscaped. This is a request to allow for a reduction in the minimum number of feet between the solid wall and the abutting property from 25 feet to 15 feet.

Justification: The site plan was designed to create the least amount of impact to the abutting residential property. In doing so, it was determined that keeping the 3-story building the greatest distance from the abutting residential would be the best. However, if the building were positioned to the rear of the site, only a 15-foot buffer would be required. However, with the building to the far west of the site, the parking is positioned near the rear of the site, which abuts the residential property. This configuration requires an 8 foot wall no less than 25 feet from the abutting residential property. We feel the impact of the parking for an office building behind an 8 foot wall would *create far less impact* than the 3-story building abutting the residential property, and therefore request that the buffer between the wall and abutting residential property be reduced to a 15 foot with landscaping, rather than the required 25 foot. The eight foot wall with landscaping will be constructed in all cases.

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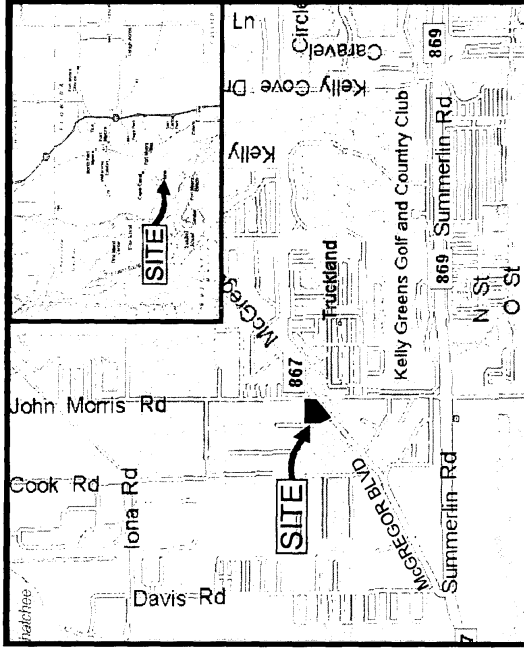
2006-00035

<p>WARNING</p> <p>IF THIS BAR DOES NOT MEASURE 1/2" THIS COPY OF THIS DOCUMENT IS NOT TO SCALE</p>	CADD	NAME	DATE	 DRMP <small>ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS</small> Certificate of Authorization No. 2648 1404 Dean Street, Suite 300 - Fort Myers, Florida 33907	EXHIBIT 6-N SCHEDULE OF DEVIATIONS MORRIS MCGREGOR CENTER CPD <small>LOTS 1 & 2 AND 3, BLOCK C, COTTAGE POINT SUBDIVISION, PLAT BOOK 9, PAGE 133; & LOT 18, BLOCK D, COTTAGE POINT SUBDIVISION, DEED BOOK 259, PAGE 224; SECTION 2, TOWNSHIP 46 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA</small>	PROJECT NO.	DATE
	REVISION	TW	6-05-06			06-0106.00	
	DRAWN BY	TW	2-27-06			2-27-06	
	CHECKED BY					N.T.S.	
	APPROVED BY						
FILE						SHEET	1 of 2

MORRIS MCGREGOR CENTER CPD

MASTER CONCEPT PLAN SET

LOTS 1 & 2 AND 3, BLOCK C, COTTAGE POINT SUBDIVISION,
PLAT BOOK 9, PAGE 133; & LOT 16, BLOCK D, COTTAGE POINT SUBDIVISION,
DEED BOOK 259, PAGE 224; SECTION 2, TOWNSHIP 46 SOUTH, RANGE 23 EAST,
LEE COUNTY, FLORIDA



LOCATION MAP

PROPERTY OWNER:

MORRIS MCGREGOR, LLC
2730 NEW BRITANNY BLVD, SUITE 205
FORT MYERS, FL 33907

DEVELOPER:

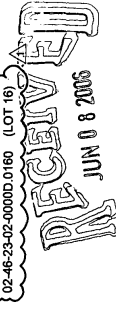
MORRIS MCGREGOR, LLC
2730 NEW BRITANNY BLVD, SUITE 205
FORT MYERS, FL 33907

INDEX OF SHEETS:

1. COVER SHEET
2. MASTER CONCEPT PLAN
3. NOTES
4. SOILS / EXISTING CONDITIONS
5. FLOODS PLAN
6. AERIAL PHOTOGRAPH

STRAP NUMBERS:

02-46-23-01-0000C.0020 (LOTS 2 & 3)
02-46-23-01-0000C.0010 (LOT 1)
02-46-23-02-0000D.0160 (LOT 16)



DCI 2006-00035



Certificate of Authorization No. 2648
1404 Dean Street, Suite 300 - Fort Myers, Florida 33907

EXHIBIT 6-J

COVER SHEET MORRIS MCGREGOR CENTER CPD		LEE COUNTY, FLORIDA DEED BOOK 259, PAGE 133; & LOT 16, BLOCK D, COTTAGE POINT SUBDIVISION, PLAT BOOK 9, PAGE 133; & LOT 16, BLOCK D, COTTAGE POINT SUBDIVISION, DEED BOOK 259, PAGE 224; SECTION 2, TOWNSHIP 46 SOUTH, RANGE 23 EAST.	
1404 Dean Street, Suite 300 - Fort Myers, Florida 33907 Certificate of Authorization No. 2648 ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS DRMP Dyer, Riddle, Mills & Prescott, Inc.		1404 Dean Street, Suite 300 - Fort Myers, Florida 33907 Certificate of Authorization No. 2648 ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS DRMP Dyer, Riddle, Mills & Prescott, Inc.	
DATE	2-20-06	DATE	2-20-06
PROJECT	06-0106.000	PROJECT	06-0106.000
SCALE	N.T.S.	SCALE	N.T.S.
1 OF 6		1 OF 6	

EXHIBIT 6-M

Deviation #1: The first deviation is from Section 10-285 *Connection, Separation, of* the I.D.C. Section 10-285 requires that the connection of accessways must be in accordance with the minimum standards provided in the section, namely that any drive or accessway must be no less than 660 feet from the center line along an arterial road. This is a request to allow for a shorter separation distance than 660 feet to the east from the proposed development's main accessway (on McGregor Boulevard) and John Morris Road, a Lee County collector road. The separation distance requested is 96 feet. It also includes a request for a lesser separation than 660 feet to the west from Oleander Drive, a local road, of 73 feet.

Deviation #2: The second deviation is from Section 10-416(d)(6) whereby if roads, drives or parking areas are located less than 125 feet from an existing residential lot, a solid wall or combination berm and solid wall not less than 8 feet in height must be constructed not less than 25 feet from the abutting property and landscaped. This is a request to allow for a reduction in the minimum number of feet between the solid wall and the abutting property from 25 feet to 15 feet.

Justification: The site plan was designed to create the least amount of impact to the adjoining residential property. In doing so, it was determined that keeping the 3-story building the greatest distance from the abutting residential would be the best option. However, if the building were placed on the other side of the site, it would buffer the residential property from the noise of the site, which would be a positive impact. The parking lot is positioned between the two sides of the building, which has the residential property configuration requires an 8 foot wall no less than 25 feet from the abutting residential property. We feel the impact of the parking for an office building within 8 foot wall would create *for less impact* than the 3-story building abutting the residential property, and therefore require the buffer between the wall and abutting residential property be reduced to a 15 foot wall with landscaping, rather than the required 25 foot. The eight foot wall with landscaping will be constructed in all cases.

Survey Description:
As prepared by the firm)

A tract or parcel of land lying in Section 2, Township 46 South, Range 23 East Lee County, Florida which tract or parcel is more particularly described as follows:

Commencing at the Southwest corner of Lot 5, Cottage Point Subdivision, as recorded in Plat Book 9, Page 133 public records of Lee County, Florida thence N49°28'00"E along the North right of way line of McGregor Blvd, State Road 869 (100' wide right of way) Deed Book 305, Page 482 public records of Lee County, Florida, a distance of 50.00' feet to the Point of Beginning, said point being on the northerly line of Oleander Drive.

From said Point of Beginning, thence run along the northern line of said Overland Drive 200.00 wide right of way the following corners: thence N89°22'00"W for a distance of 163.95 feet, thence N49°28'00"E for a distance of 0.56 feet, thence N01°20'10"W for a distance of 154.75 feet to the southwest corner of Lot 15, block "D", Cottage Point, as recorded in Official Records (Book C) 2627 at Page 271; thence run along the northern line of said Overland Drive 200.00 wide right of way the following corners: thence N89°22'00"E for a distance of 15.68 feet to the Southwest corner of Lot 15, Block "C", Cottage Point, thence run along the Southern line of way of John Morris Road for a width of 185.26 feet to a point on the West right of way of John Morris Road for a width of 185.26 feet, thence S44°54'54"W along said right of way a distance of 57.97 feet to a point on the West right of way of McGreggor Blvd., State Road 869, (100' wide right of way) Deed Book 303, page 482; public records of Lee County, thence S44°54'54"W along said North right of way of McGreggor Blvd., a distance of 265.86 feet to the North right of way of McGreggor Blvd., a distance of 185.86 feet or less; thence

EXHIBIT 6-M

Morris McGregor Center CPD Uses

Accessories uses and structures
Administrative offices
Antennae radio antennas and satellite earth stations
Broadcast radio, commercial radio and television
Business services (34-622(c)(5)); Group II
Cleaning and maintenance services (34-622(c)(7))
Communication facility, wireless
Consumption on premises
Contractors and builders (34-622(c)(9)), all groups
Entrance gates and gatehouse
Essential services
Essential service facilities (34-622(c)(13)); Group I, Group II
Elevators, walls
Health care facilities (34-622(c)(20)); Group I, Group II, Group III, Group IV
Insurance companies (34-622(c)(23))
Medical office
Motion picture production studio
Personal services (34-622(c)(33)); Group I, Group II, Group III, Group IV
Post office
Printing and publishing (34-622(c)(36))
Real estate sales office
Research and development laboratories (34-622(c)(41)); Group II, Group IV
Schools. Commercial (34-622(c)(45)), Noncommercial
Signs in accordance with
Special services (34-622(c)(46)); Group I, Group II, Group III
Studies (34-622(c)(49))

PARKING CALCULATIONS:

FIRST FLOOR - GENERAL OFFICE (8/28 S.F.)
 SPACE PER 300 S.F. OF FLOOR AREA
 46,226 S.F. / 300 S.F. = 28 SPACES REQUIRED
 SECOND FLOOR - GENERAL OFFICE (8/28 S.F.)
 SPACE PER 300 S.F. OF FLOOR AREA
 46,226 S.F. / 300 S.F. = 28 SPACES REQUIRED
 THIRD FLOOR - GENERAL OFFICE (8/28 S.F.)
 SPACE PER 300 S.F. OF FLOOR AREA
 46,226 S.F. / 300 S.F. = 28 SPACES REQUIRED
 TOTAL PARKING PROVIDED = 84 SPACES
 TOTAL PARKING REQUIRED = 84 SPACES
 (INCLUDING 4 HC SPACES &
 11 CLOAKING SPACES = 108 SPACES)

LAND USE BREAKDOWN:			
TOTAL SITE AREA	80,723 S.F.	1.85 AC.	100.0%
BUILDING AREA - (ROOFED)	8,532 S.F.	0.20 AC.	10.57%
PAVEMENT/CONCRETE AREA	42,199 S.F.	0.97 AC.	52.27%
OPEN SPACE	29,892 S.F.	0.68 AC.	37.10%
IMPERVIOUS AREA	50,731 S.F.	1.17 AC.	62.84%

PROPERTY DEVELOPMENT REGULATIONS:	
BUILDING SETBACKS:	
STREET	25'
SIDE	15'
REAR	20'
MAX. BUILDING HEIGHT	45'

MASTER CONCEPT PLAN NOTES MORRIS MORRIS CONCEPT CENTER CPD		LEE COUNTY, FLORIDA	
LOT 1 2 AND 3 BLOCK C, CONTAINING PORTION SUBDIVISION PLAT BOOK 368, PAGE 126, SECTION 2, TOWNSHIP 36 SOUTH, RANGE 23 EAST, DEED BOOK 368, PAGE 126, SECTION 2, TOWNSHIP 36 SOUTH, RANGE 23 EAST.		1404 West Street, Suite 300 - Fort Myers, Florida 33907 Certificate of Authorization No. 2548 Dyer, Riddle, Mills & Prescott, Inc.	
		ENGINEERS - SURVEYORS - PLANNERS - SCIENTISTS NOT TO SCALE	
WARNING 		IF THIS PLAN DOES NOT INDICATE THIS DOES NOT MEAN THE DOCUMENT IS NOT TO SCALE	
DESIGNED BY: TWC CHECKED BY: TWC DATE: 2-20-06		DESIGNED BY: TWC CHECKED BY: TWC DATE: 2-20-06	
APPROVED BY: TWC DATE: 2-20-06		APPROVED BY: TWC DATE: 2-20-06	
REVISIONS PER LEE COUNTY COMMENTS		REVISIONS PER LEE COUNTY COMMENTS	

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EXHIBIT 6-J

EXHIBIT - PH-3.C.1

REVISED 06/01/06

Survey Description:

(As prepared by the firm)

A tract or parcel of land lying in Section 2, Township 46 South, Range 23 East Lee County, Florida which tract or parcel is more particularly described as follows:

Commencing at the Southwest corner of Lot 5, Cottage Point Subdivision, as recorded in Plat Book 9, Page 133 public records of Lee County, Florida thence N49°28'00"E along the North right of way line of McGregor Blvd, State Road 869 (100' wide right of way) Deed Book 305, Page 482 public records of Lee County, Florida, a distance of 50.00' feet to the Point of Beginning, said point being on the northerly line of Oleander Drive.

From said Point of Beginning thence run along the northerly line of said Oleander Drive (50' wide right of way) the following courses and distances: N40°32'00"W for a distance of 189.99' feet, Thence N49°28'00"E for a distance of 10.56' feet, thence N01°02'10"W for a distance of 154.75' feet to the southwest corner of Lot 15, Block "D", Cottage Point, as recorded in Official Records Book (O.R.) 2627 at Page 2471, thence run along the Southerly line of said Lot 15 N88°57'50"E a distance of 187.74' feet, thence N49°28'00"E for a distance of 15.88' feet to the Southwesterly corner of Lot 15, Block "C", said Cottage Point, thence run along the Southerly line of said S88°05'10"E for a distance of 185.26' feet to a point on the West right of way of John Morris Road (right of way width varies) O.R. Book 1596, Page 1248 public records of Lee County, Thence S01°02'10"E along said right of way of John Morris Road a distance of 55.67' feet, thence continue S34°59'11"W along said right of way a distance of 87.97' feet to a point on the aforementioned North right of way of McGregor Blvd., State Road 869 (100' wide right of way) Deed Book 305, Page 482 public records of Lee County, Florida, Thence S49°28'00"W along said North right of way of McGregor Blvd. a distance of 285.86' feet to the Point of Beginning.

Parcel contains an area of 1.85 acres, more or less.

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WARNING IF THIS BAR DOES NOT MEASURE 1/2" THIS COPY OF THIS DOCUMENT IS NOT TO SCALE	CADD	NAME	DATE	 DRMP ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS Certificate of Authorization No. 2648 1404 Dean Street, Suite 300 - Fort Myers, Florida 33907	EXHIBIT - PH-3.C.1 LEGAL DESCRIPTION MORRIS MCGREGOR CENTER CPD <small>LOTS 1 & 2 AND 3, BLOCK C, COTTAGE POINT SUBDIVISION, PLAT BOOK 9, PAGE 133; & LOT 16, BLOCK D, COTTAGE POINT SUBDIVISION, DEED BOOK 268, PAGE 224; SECTION 2, TOWNSHIP 46 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA</small>	PROJECT NO. 06-0106.00
	REVISED BY	TW	06/01/06			DATE 02/24/06
	DRAWN BY	TW	02/24/06			SCALE N.T.S.
	CHECKED BY					SHEET 1 of 1
	APPROVED BY					
FILE						

EXHIBIT 6-L

TRAFFIC IMPACT STATEMENT MORRIS MCGREGOR CENTER CPD

PROJECT DESCRIPTION:

This project proposes to construct a 3-story building with 24,678 S.F. of floor space. The building will be used for leasing. The types of businesses anticipated to lease available office space would likely be professional service providers such as insurance agents, real estate agents, consultants etc. The anticipated office hours would be 7:00 a.m. to 6:00 p.m. Project is located in South Lee County, north of McGregor and west of John Morris Road. The build out year for this project will be 2008.

PROJECT ACCESS:

Project will have two access points. The first one will be via McGregor Boulevard, a 4 lane divided arterial road approximately 200 feet west of John Morris Road and this access will be limited to right in and right out movements only. The second access point will be via Oleander Drive, a local road allowing all movements.

TRIP GENERATION:

Proposed Trip Generation for this project is generated from 7th Edition, 2003, of the Institute of Transportation Engineer Trip Generation Manual. Peak P.M. weekday volume of 37 vehicles per hour can be expected with 17 percent entering and 83 percent exiting the site during the peak hour of the adjacent street traffic between 4:00 and 6:00 P.M. The P.M. peak hour factor is 1.49 vehicles per 1,000 square foot of office space.

USE CODE: General Office Building (710)

AMPHTE'S: 37 (33-enter, 4-exit)

PMPHTE'S: 37 (6-enter, 31-exit)



Stephen S. Lockett, P.E. Date
State of Florida Registration No. 38232

 **DRMP**
ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS
Certificate of Authorization No. 2648

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TRIP DISTRIBUTION & ASSIGNMENT:

Anticipated trip distribution was derived generated from Lee County 2005 Traffic Count Report.

McGregor Blvd.

- a). Permanent Count Station No. 38
- b). AADT: 19,800 trips
- c). Seasonal Distribution:
 - i. AM: Peak Hour Flow – 5.6% 57% WB 43% EB
 - ii. PM: Peak Hour Flow – 7.2% 44% WB 56% EB

See exhibit A for more information.

Resultant project trip assignment is shown in exhibit B.

EXISTING TRAFFIC CONDITION:

Existing traffic conditions were derived from the Lee County Concurrency Management Inventory Road Link Volumes (June 2004) and Link Specific Service Volumes (2004) presented below:

Link Specific Service Volumes (2004 Data) – Peak Hour Peak Direction

McGregor Blvd. (Summerlin Rd. to Kelly Rd.)- Arterial

LOS-A	240
LOS-B	1,630
LOS-C	1,990
LOS-D	2,050
LOS-E	2,050

McGregor Blvd. has an Existing Level of Service of B.

Concurrency Management Inventory Road Link Volumes (June 2004)

- a). McGregor Blvd. (From Summerlin Rd to Kelly Rd – Link 16000)
- b). Estimated 2005 100th hour volume: 643-peak hour, peak direction trips

FUTURE BACKGROUND TRAFFIC CONDITION:

Future background traffic coincident with project build out is derived from historic Growth Rate Factor.

Periodic Count Station Data (2005 Traffic Count Report):

- a). Street: McGregor Blvd.
- b). Location: East of Davis Rd.
- c). Station No: 329
- d). Beginning Year: 1996
- e). Beginning Count: 8,900 trips
- f). Ending Year: 2005

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g). Ending Count: 11,300 trips
h). No. of Growth Years 9

Growth Rate Factor Calculation:

McGregor Blvd.

$$8,900 (X)^9 = 11,300 \Rightarrow X = (11,300/8,900)^{(1/9)} \Rightarrow X = 1.0269$$

$$\text{Future Background traffic} \Rightarrow 643 (1.0269)^4 = 715$$

FUTURE TRAFFIC CONDITION:

Future traffic condition including the project was derived by adding the estimated project trips to the projected background traffic is presented below:

$$A (B)^E + D (1-E/100) = \text{Projected LOS Peak Hour Peak Direction Trips}$$

McGregor Blvd.

A = 2005 Estimated 100th Highest Hour Volume in the Peak Flow Direction = 643

B = Growth Rate Factor = 1.0269

C = # Yrs from Estimated Volume to LOS Analysis = 4 (Bldout-'08, LOS-'09)

D = Site Generated Peak Hour Traffic = 19 (Left Turn Entering- PM Peak Hr)

E = % Pass by Traffic during Peak Hour = 0%

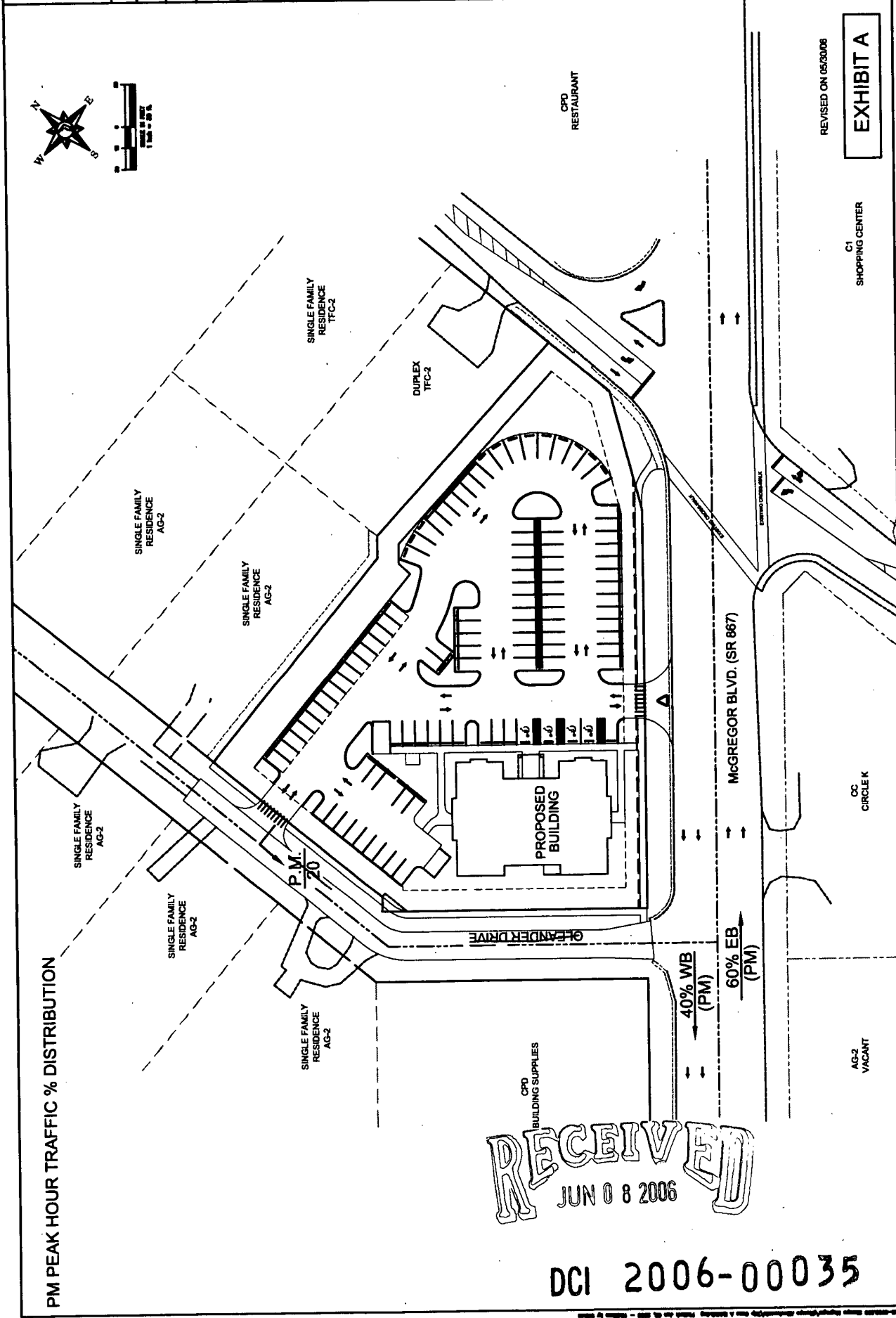
$$643 (1.0269)^4 + 19 = 734$$

CONCLUSION:

1. The building size is 24,678 sq. ft. and will be used for office space. The build out year will be 2008.
2. Proposed project generated 37 trips PM peak hour entering McGregor Blvd.
3. Under existing condition McGregor Blvd. operates at Level of Service B.
4. At project build out McGregor Blvd. continues at same Level of Service at Level B. No improvements are necessary.

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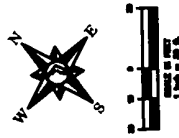
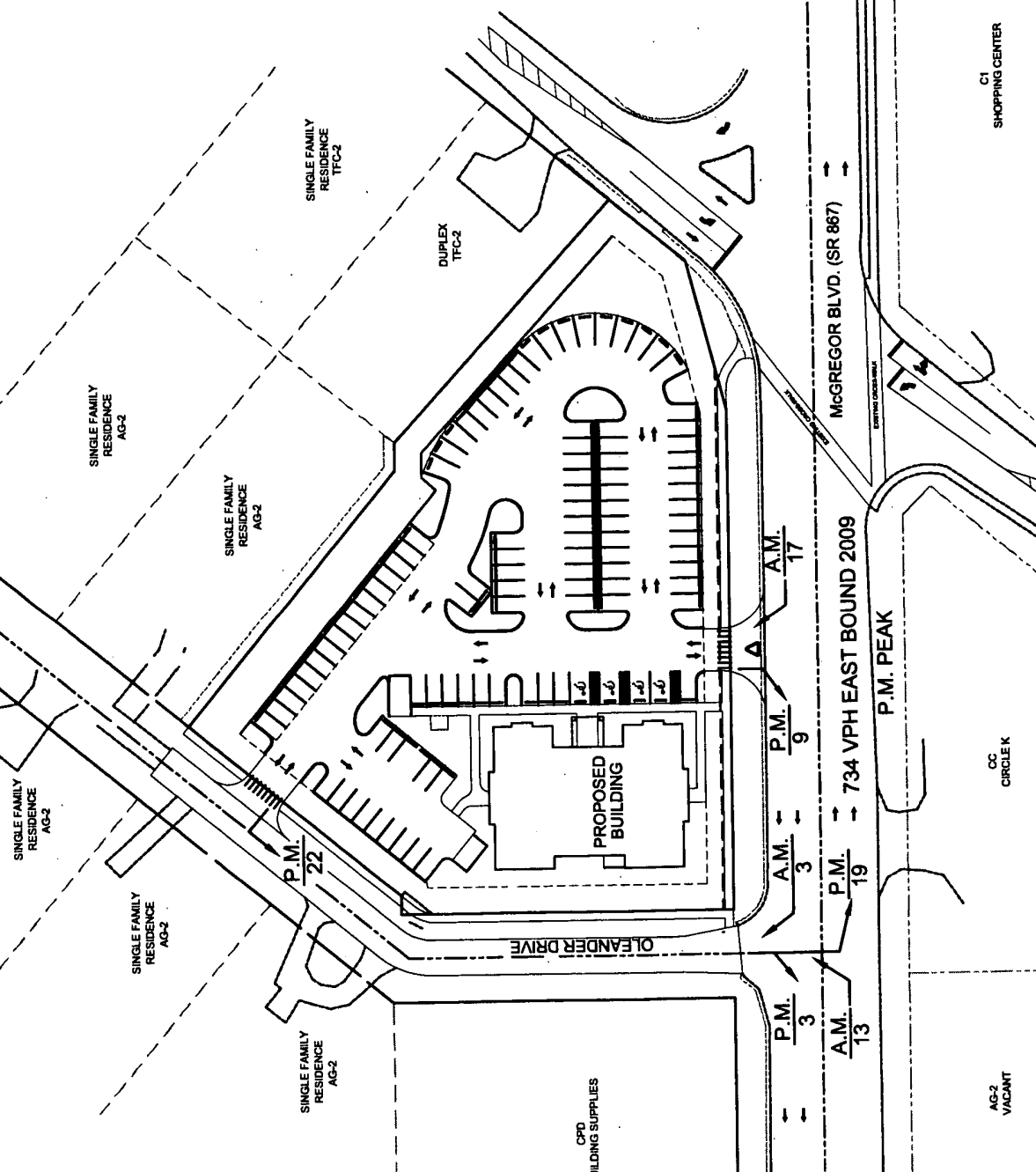


REVISED ON 05/30/06

EXHIBIT A

C1 SHOPPING CENTER

AM & PM PEAK HOUR TRAFFIC VOLUME DISTRIBUTION



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REVISED ON 05/30/06

C1 SHOPPING CENTER

EXHIBIT B

CC CIRCLE K

AG-2 VACANT

2-20-06

08-0106.000

1"=30'

5 OF 9

TRIP GENERATION
MORRIS MCGREGOR CENTER CPD
LEE COUNTY, FLORIDA

DRMP
DRMP & ASSOCIATES, INC.
1404 Dean Street, Suite 300 - Fort Myers, Florida 33907

DATE	REVISION
2-20-06	1
2-20-06	2
2-20-06	3
2-20-06	4
2-20-06	5
2-20-06	6
2-20-06	7
2-20-06	8
2-20-06	9
2-20-06	10

PERIODIC COUNT STATION DATA

Daily Traffic Volume (AADT)

STREET	LOCATION	Sta- tion #	M A P	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	NOT ALOT	PERM- ANENT STATION
DR. MARTIN LUTHER KING, JR. BLVD. (SR 82)	E OF FOWLER ST	208	E	16000	18300	17500	19400	16300	16000	20300	22400	27100	28600	22	22
	W OF CRANFORD AVE	211	A	12600	13300	12700	13600	12200	10200	11200	17300	21900	23600	22	22
	W OF ORTIZ AVE	214	A	18700	19100	18600	21600	20900	20100	20500	N/A	27800	35000	22	22
	W OF I-75	20	E	15700	16000	17000	17900	17100	17500	18500	N/A	27300	31900		
MAPLE DR	E OF SUMMERLIN RD	318	B	2800	3100	3200	3400	2300	3000	3500	3900	3400	4700	35	35
MARSH AVE	N OF PALM BEACH BLVD	633	A								3200	4100	3800	5	5
MCGREGOR BLVD (SR 867)	@ SANIBEL TOLL PLAZA	320	I	16700	17500	17900	18000	17600	19300	18300	11300			3	36
	E OF PORT COMFORT RD	323	G	19600	20500	20200	20600	21200	22100	22200	18800	19800	19800	36	36
	E OF DAVIS RD	329	G	8900	9700	10300	9700	9900	10700	10700	10800	10800	11300	38	38
	E OF KELLY RD	38	G	15000	15800	15600	15000	15300	16400	16500	15600	14900	19800		
MCGREGOR BLVD	N OF GLADIOLUS DR	326	G	18200	19500	18700	15700	17800	21700	23800	23900	23700	24900	37	37
	S OF PINE RIDGE RD	37	G	19500	20300	20900	19500	N/A	24700	26300	26600	26900	28200		
	S OF CYPRESS LAKE DR	324	G	22200	27100	27200	28600	29800	35900	33200	35300	37200	36600	35	35
	S OF COLLEGE PKWY	332	G	20600	24600	25700	26800	25700	28600	28700	32500	38200	35500	35	35
	S OF WINKLER RD	331	B	14700	14400	13800	14400	12900	15300	15800	15900	17800	17500	35	35
	N OF WHISKEY CREEK DR	322	B	21500	20600	18600	21700	19900	18500	22500	23200	24200	24400	29	29
	S OF COLONIAL BLVD	321	B	20600	21000	18900	21600	20800	20200	22900	23300	23400	23100	29	29
	S OF HILL AVE	325	B	21600	20400	13900	18200	16200	18500	20500	20600	20900	20100		
	N OF MANUELS DR	28	A	17500	18100	12700	12600	14100	14800	16400	16700	17100	17100		
MIDFIELD TERMINAL RD	E OF TREE LINE AVE	59	E										21800	5	5
METRO PKWY (SR 739)	N OF SIX MILE PKWY	337	G	7800	8300	8100	9300	9100	9900	9300	9200	10400	9200	45	45
	N OF DANIELS PKWY	335	G	19000	19600	20100	22400	20900	24000	23000	23400	25400	21700		
	N OF CRYSTAL DR		B												
	N OF ARC WAY	45	B	24900	24800	25300	24700	24400	24500	26000	26200	25200	23200		
	S OF COLONIAL BLVD	336	B	26500	27000	30300	30100	31700	34000	31600	30200	35700	36900	45	45
	N OF COLONIAL BLVD	339	B	17100	17500	18700	18400	19000	18400	17600	19500	21600	19700		
	N OF WINKLER AVE	334	B	14900	15000	16400	16900	18800	17200	19100	19600	21500	20300	45	45
	S OF HANSON ST	338	B	13300	14500	13400	14100	14200	12300	14700	15200	17800	15100		

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PERMANENT COUNT STATION 38

McGREGOR BLVD (CR 867) N OF KELLY RD

2005 AADT = 19800

K100 Factor - 0.083

Monthly ADT as a % of Annual ADT

January	110%
February	117%
March	122%
April	111%
May	96%
June	89%
July	88%
August	90%
September	85%
October	86%
November	104%
December	104%

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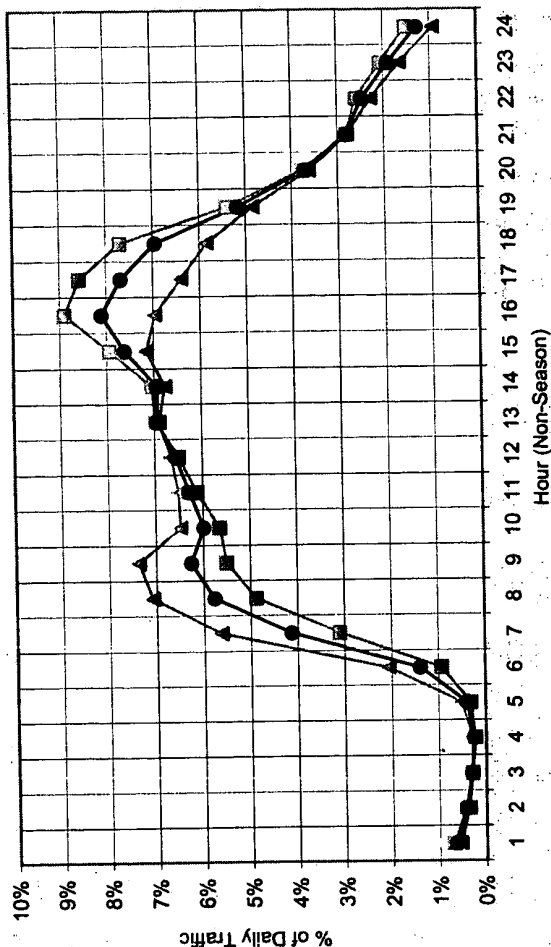
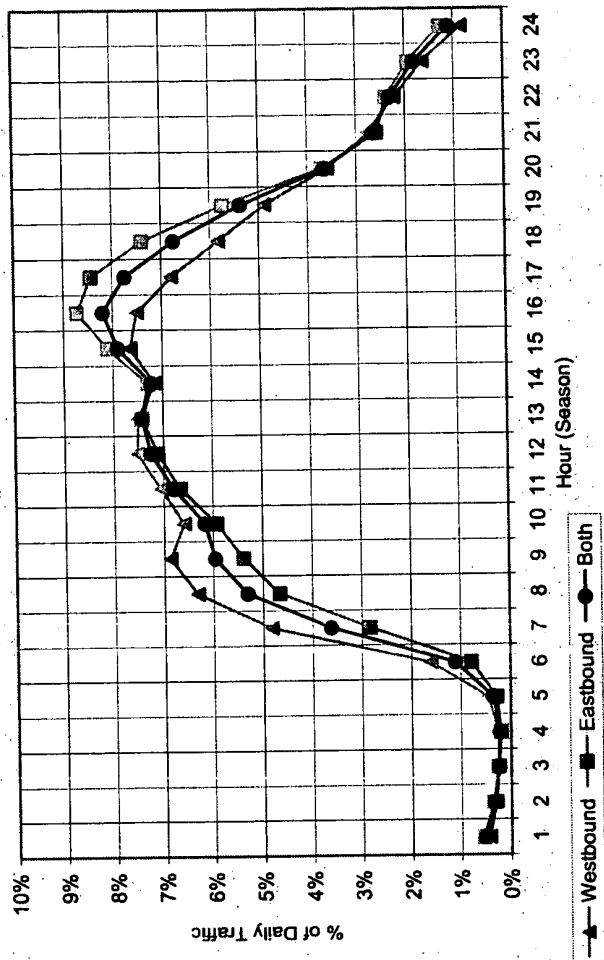
Day of Week as a % of Annual ADT

Monday	101%
Tuesday	106%
Wednesday	107%
Thursday	107%
Friday	110%
Saturday	93%
Sunday	76%

Weekday Peak Flow Characteristics	Non-Season	Season
Peak Flow between 7 a.m. and 9 a.m.	6.0%	5.6%
1) as a % of weekday traffic	58%	57%
2) directional Split (peak direction)	Westbound	Westbound
Peak Flow between 4 p.m. and 6 p.m.	7.3%	7.2%
1) as a % of weekday traffic	57%	56%
2) directional Split (peak direction)	Eastbound	Eastbound

PERMANENT COUNT STATION 38

McGREGOR BLVD (CR 867) N OF KELLY RD



LINK-SPECIFIC SERVICE VOLUMES ON ARTERIALS IN LEE COUNTY (2004 DATA)

ROAD SEGMENT	FROM	TO	TRAFFIC DISTRICT	LENGTH (MILE)	ROAD TYPE	SERVICE VOLUMES (PEAK HOUR PEAK DIRECTION)					SERVICE VOLUMES (PEAK HOUR - BOTH DIRECTIONS)				
						A	B	C	D	E	A	B	C	D	E
GUNNERY RD	SR 82	LEE BLVD	3	2.5	4LD	450	1,630	1,900	1,900	1,950	840	3,020	3,510	3,600	3,600
	LEE BLVD	BUCKINGHAM RD	3	1.5	2LN	0	530	900	900	950	0	880	1,500	1,590	1,590
HANCOCK BRIDGE PKWY	DEL PRADO BLVD	NE 24TH AVE	5	1.1	4LD	0	1,340	1,980	2,070	2,070	0	2,440	3,600	3,760	3,760
	NE 24TH AVE	ORANGE GROVE BLVD	2	0.5	4LD	0	1,340	1,980	2,070	2,070	0	2,440	3,600	3,760	3,760
HICKORY BLVD	ORANGE GROVE BLVD	MOODY RD	2	1.2	4LD	0	1,340	1,980	2,070	2,070	0	2,440	3,600	3,760	3,760
	MOODY RD	US 41	2	0.9	4LD	0	1,340	1,980	2,070	2,070	0	2,440	3,600	3,760	3,760
HOMESTEAD RD	BONITA BEACH RD	McLAUGHLIN BLVD	8	1.1	2LN	0	300	500	680	850	0	560	930	1,250	1,570
	McLAUGHLIN BLVD	MELODY LANE	8	0.7	2LN	0	300	500	680	850	0	560	930	1,250	1,570
IMPERIAL ST	MELODY LANE	ESTERO BLVD	8	6.7	2LN	0	300	500	680	850	0	560	930	1,250	1,570
	LEE AND HEIGHTS	LEE BLVD	3	5.6	2LN	0	140	340	550	990	0	270	660	1,050	1,900
I-75	COUNTRY LINE	BONITA BEACH RD	8	1.0	4LD	450	1,630	1,900	1,900	1,950	840	3,020	3,510	3,600	3,600
	COLLIER CO. LINE	BONITA BEACH RD	8	1.0	4LF	1,290	2,130	2,890	3,420	3,800	2,350	3,870	5,250	6,220	6,910
JOEL BLVD	BONITA BEACH RD	CORKSCREW RD	8	7.4	4LF	1,290	2,130	2,890	3,420	3,800	2,350	3,870	5,250	6,220	6,910
	CORKSCREW RD	ALICO RD	4	4.3	4LF	1,290	2,130	2,890	3,420	3,800	2,350	3,870	5,250	6,220	6,910
LEE BLVD	ALICO RD	DANIELS PKWY	4	3.8	4LF	1,290	2,130	2,890	3,420	3,800	2,350	3,870	5,250	6,220	6,910
	DANIELS PKWY	COLONIAL BLVD	4	4.5	4LF	1,290	2,130	2,890	3,420	3,800	2,350	3,870	5,250	6,220	6,910
LUCKETT RD	COLONIAL BLVD	M.L.K.	1	1.6	4LF	1,290	2,130	2,890	3,420	3,800	2,350	3,870	5,250	6,220	6,900
	M.L.K.	LUCKETT RD	1	1.5	4LF	1,290	2,130	2,890	3,400	3,800	2,350	3,870	5,250	6,220	6,900
LUCKETT RD	LUCKETT RD	SR 80	1 & 2	1.9	4LF	1,290	2,130	2,890	3,400	3,800	2,350	3,870	5,250	6,220	6,900
	SR 80	SR 78	1 & 2	2.4	4LF	1,290	2,130	2,890	3,400	3,800	2,350	3,870	5,250	6,220	6,900
JOEL BLVD	COUNTRY LINE	COUNTRY CLUB(N)	2	5.7	4LF	1,290	2,130	2,890	3,400	3,800	2,350	3,870	5,250	6,220	6,900
	BELL BLVD	COUNTRY CLUB(N)	3	0.9	4LN	590	970	1,400	1,850	2,250	1,110	1,830	2,630	3,480	4,250
LEE BLVD	COUNTRY CLUB(N)	16TH ST	3	3.9	4LN	590	970	1,400	1,850	2,250	1,110	1,830	2,630	3,480	4,250
	16TH ST	SR 80	3	3.1	2LN	0	150	350	550	1,010	0	280	660	1,040	1,910
LEE BLVD	SR 82	GUNNERY RD	3	3.6	6LD	620	2,600	3,060	3,140	3,140	1,030	4,340	5,100	5,240	5,240
	GUNNERY RD	HOMESTEAD RD	3	3.9	6LD	620	2,600	3,060	3,140	3,140	1,030	4,340	5,100	5,240	5,240
LEE AND HEIGHTS	HOMESTEAD RD	LEE AND HEIGHTS	3	1.6	2LN	0	410	870	1,010	1,040	0	680	1,450	1,680	1,730
	LEE BLVD	LEE BLVD	3	0.4	4LN	0	540	1,780	2,030	2,080	0	890	2,960	3,380	3,470
LUCKETT RD	LEE BLVD	JOEL BLVD	3	1.6	4LN	0	540	1,780	2,030	2,080	0	890	2,960	3,380	3,470
	ORTIZ AVE	I-75	1	0.8	2LN	0	0	0	600	910	0	0	0	990	1,510
McGREGOR BLVD	SANIBEL TOLL PLAZA	HARBOR DR	4	0.2	4LD	240	1,630	1,990	2,050	2,050	440	3,080	3,760	3,870	3,870
	HARBOR DR	SUMMERLIN RD	4	2.2	4LD	240	1,630	1,990	2,050	2,050	440	3,080	3,760	3,870	3,870
LEE BLVD	SUMMERLIN RD	KELLY RD	4	1.7	4LD	240	1,630	1,990	2,050	2,050	440	3,080	3,760	3,870	3,870
	KELLY RD	THORNTON RD	4	0.3	4LD	240	1,630	1,990	2,050	2,050	440	3,080	3,760	3,870	3,870
McGREGOR BLVD	THORNTON RD	SAN CARLOS BLVD	4	0.7	4LD	240	1,630	1,990	2,050	2,050	440	3,080	3,760	3,870	3,870
	SAN CARLOS BLVD	GRIFFIN BLVD	4	1.0	4LD	0	1,110	1,890	1,990	1,990	0	2,090	3,560	3,750	3,750
McGREGOR BLVD	GRIFFIN BLVD	A & W BULB RD	4	1.0	4LD	0	1,110	1,890	1,990	1,990	0	2,090	3,560	3,750	3,750
	A & W BULB RD	CYPRESS LAKE DR	4	0.7	4LD	0	1,110	1,890	1,990	1,990	0	2,090	3,560	3,750	3,750
McGREGOR BLVD	CYPRESS LAKE DR	COLLEGE PKWY	4	0.8	4LD	0	1,110	1,890	1,990	1,990	0	2,090	3,560	3,750	3,750
	COLLEGE PKWY		4	0.8	4LD	0	1,110	1,890	1,990	1,990	0	2,090	3,560	3,750	3,750

DCI 2006-00035

ROAD LINK VOLUMES

Peak Direction of Flow

ROADWAY LINK NAME	FROM	TO	ROAD TYPE	PERFORMANCE STANDARD		2004 100th HIGHEST HOUR		EST 2005 100th HIGHEST HOUR		FORECAST FUTURE VOL		NOTES*	LINK NO.
				LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME	LOS	VOLUME		
McGREGOR BLVD. (C.R. 867)	SUMMERLIN RD. (C.R. 869)	KELLY RD.	4LD	E	2,100	B	624	B	643	B	691		16000
McGREGOR BLVD. (C.R. 867)	KELLY RD.	GLADIOLUS DR.	4LD	E	2,100	B	804	B	808	B	823		16100
McGREGOR BLVD. (S.R. 867)	GLADIOLUS DR.	IONA LOOP RD.	4LD	E	1,940	C	1,068	C	1,089	C	1,091		16200
McGREGOR BLVD. (S.R. 867)	IONA LOOP RD.	PINE RIDGE RD.	4LD	E	1,940	C	1,297	C	1,289	C	1,310		16300
McGREGOR BLVD. (S.R. 867)	PINE RIDGE RD.	CYPRESS LAKE DRIVE	4LD	E	1,940	D	1,843	D	1,847	D	1,917		16400
McGREGOR BLVD. (S.R. 867)	CYPRESS LAKE DRIVE	COLLEGE PARKWAY	4LD	E	1,940	D	1,892	D	1,896	D	1,899		16500
McGREGOR BLVD. (S.R. 867)	COLLEGE PARKWAY	WINKLER ROAD	2LN	E	1,080	C	882	C	949	C	961	Constrained v/c=0.82	16600
McGREGOR BLVD. (S.R. 867)	WINKLER ROAD	TANGLEWOOD BLVD.	2LN	E	1,080	F	1,231	F	1,234	F	1,234	Constrained v/c=1.14	16700
McGREGOR BLVD. (S.R. 867)	TANGLEWOOD BLVD.	COLONIAL BLVD. (S.R. 884)	2LN	E	1,080	F	1,190	F	1,192	F	1,192	Constrained v/c=1.10 Design for turn lane at Colonial funded in 04/05	16800
METRO PARKWAY (S.R. 739)	SIX MILE CYPRESS PKWY.	DANIELS ROAD	2LN	E	860	C	530	C	531	C	644	6 Lane funded by FDOT in 09/10	16900
METRO PARKWAY (S.R. 739)	DANIELS ROAD	CRYSTAL DR.	4LD	E	1,960	B	1,295	B	1,319	B	1,384		17000
METRO PARKWAY (S.R. 739)	CRYSTAL DR.	DANLEY DR.	4LD	E	1,960	B	1,375	B	1,385	B	1,417		17100
METRO PARKWAY (S.R. 739)	DANLEY DR.	COLONIAL BLVD. (S.R. 884)	4LD	D	1,960	C	1,820	C	1,823	C	1,826	4L Plantation Ext. Funded 06/07	17200
MILWAUKEE BLVD.	ALABAMA BLVD.	A G. BELL BLVD.	2LU	E	880	B	5	B	72	B	72		17600

60

JUN 08 2006

DCI 2006-00035 of 9



Survey Description:

(As prepared by the firm)

DCI 2006-00035

A tract or parcel of land lying in Section 2, Township 46 South, Range 23 East Lee County, Florida which tract or parcel is more particularly described as follows:

Commencing at the Southwest corner of Lot 5, Cottage Point Subdivision, as recorded in Plat Book 9, Page 133 public records of Lee County, Florida thence N49°28'00"E along the North right of way line of McGregor Blvd, State Road 869 (100' wide right of way) Deed Book 305, Page 482 public records of Lee County, Florida, a distance of 50.00' feet to the Point of Beginning, said point being on the northerly line of Oleander Drive.

From said Point of Beginning thence run along the northerly line of said Oleander Drive (50' wide right of way) the following courses and distances: N40°32'00"W for a distance of 189.99' feet, Thence N49°28'00"E for a distance of 10.56' feet, thence N01°02'10"W for a distance of 154.75' feet to the southwest corner of Lot 15, Block "D", Cottage Point, as recorded in Official Records Book (O.R.) 2627 at Page 2471, thence run along the Southerly line of said Lot 15 N88°57'50"E a distance of 187.74' feet, thence N49°28'00"E for a distance of 15.88' feet to the Southwesterly corner of Lot 15, Block "C", said Cottage Point, thence run along the Southerly line of said S88°05'10"E for a distance of 185.26' feet to a point on the West right of way of John Morris Road (right of way width varies) O.R. Book 1596, Page 1248 public records of Lee County, Thence S01°02'10"E along said right of way of John Morris Road a distance of 55.67' feet, thence continue S34°59'11"W along said right of way a distance of 87.97' feet to a point on the aforementioned North right of way of McGregor Blvd., State Road 869 (100' wide right of way) Deed Book 305, Page 482 public records of Lee County, Florida, Thence S49°28'00"W along said North right of way of McGregor Blvd. a distance of 285.86' feet to the Point of Beginning.

Parcel contains an area of 1.85 acres, more or less.

Surveyors Notes:

1. BEARINGS SHOWN HEREON ARE BASED UPON CENTERLINE OF MCGREGOR BOULEVARD, TO BEAR NORTH 49°28'00" EAST, AS RECORDED IN PLAT BOOK 9 PAGE 133, PUBLIC RECORDS OF LEE COUNTY, FLORIDA..
2. ALL DIMENSIONS SHOWN ARE TAKEN FROM PLAT UNLESS OTHERWISE NOTED.
3. TYPICAL EASEMENTS: AS SHOWN ON RECORDED PLAT AND AS SHOWN ON SKETCH.
4. ALL RECORDED INFORMATION SHOWN HAS BEEN TAKEN FROM THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
5. SEE SHEET 1 OF 2 FOR SKETCH. NOT VALID WITHOUT BOTH SHEETS.

FOR GRAPHICS SEE SHEET 1 OF 2
NOT VALAD WITHOUT BOTH SHEETS

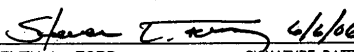
SHEET 2 OF 2

For: MORRIS MCGREGOR, LLC

Survey Date: 7-01-06

Job #: 4623046-A

Drawn By: T-WILSON


STEVEN L. FORD
PROFESSIONAL SURVEYOR & MAPPER #4992
STATE OF FLORIDA
NOT VALID WITHOUT THE SURVEYOR'S SIGNATURE & ORIGINAL RAISED SEAL.

 **DRMP**
ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS
Phone: (239) 337-1109
L.B. #2648

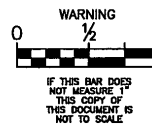
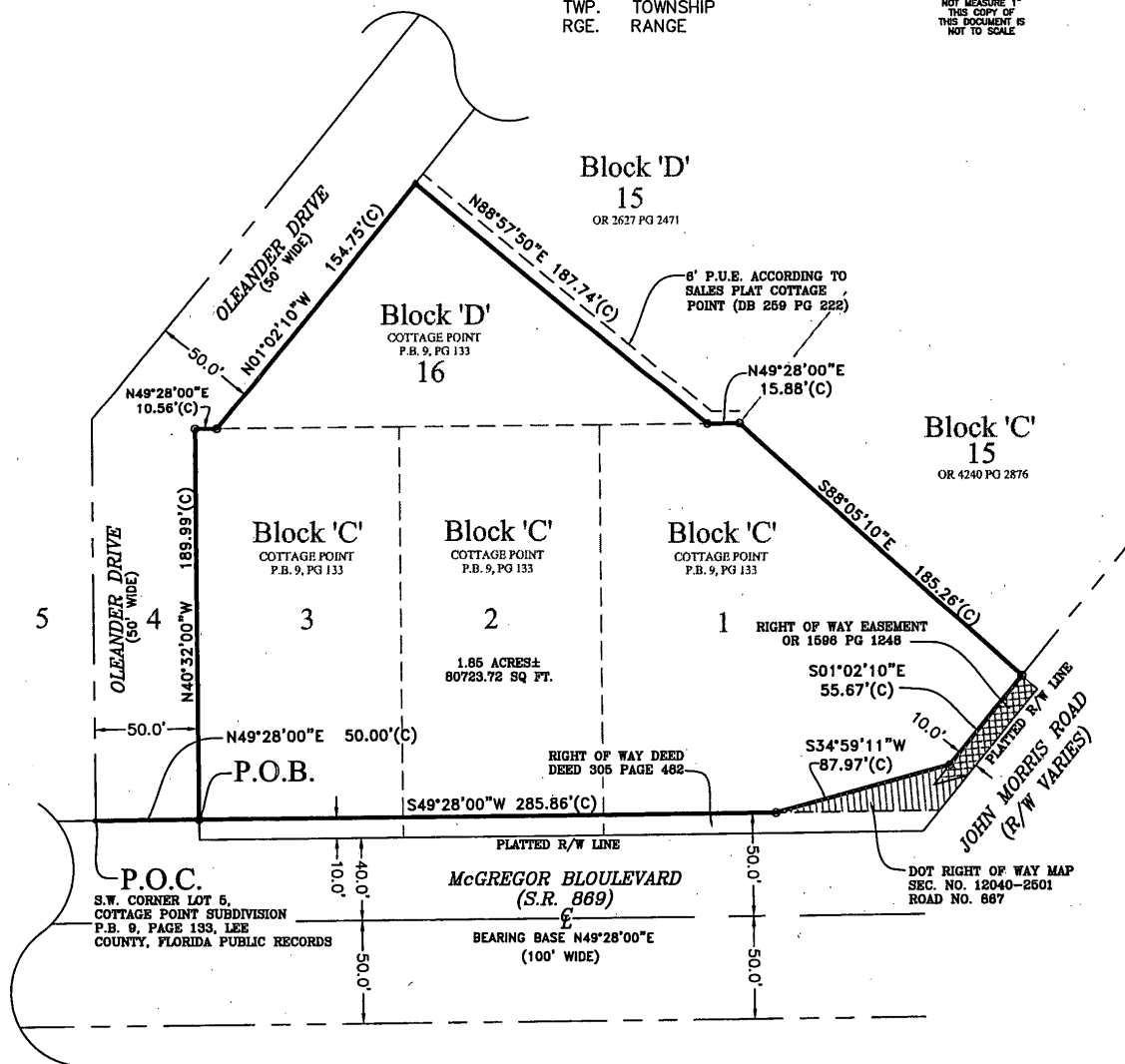
11440 Metro Parkway Fort Myers, Florida 33912

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LEGEND:

P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT
P.B. PLAT BOOK
PG. PAGE
COR. CORNER
SEC. SECTION
TWP. TOWNSHIP
RGE. RANGE



SKETCH OF SURVEY DESCRIPTION

NOTE: SEE SHEET 2 OF 2 FOR DESCRIPTION & NOTES.
NOT VALAD WITHOUT BOTH SHEETS

SHEET 1 OF 2
NOT A BOUNDARY SURVEY

For: MORRIS MCGREGOR, LLC.

Scale: 1" = 80'

Survey Date: 7-01-06

Job #: 4623046-A

Drawn By: T. WILSON

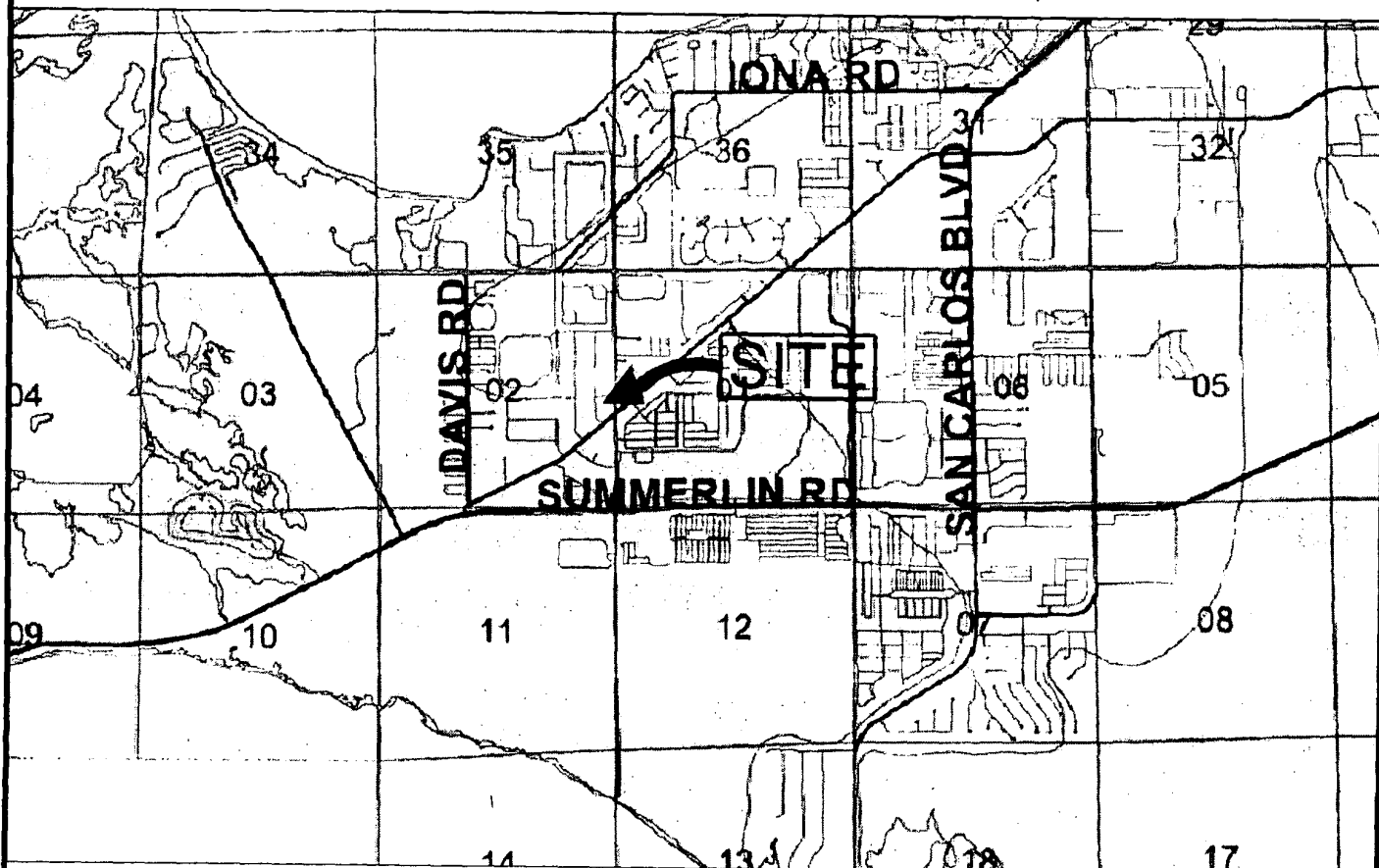
Steven L. Ford 6-6-06
STEVEN L. FORD SIGNATURE DATE
PROFESSIONAL SURVEYOR & MAPPER #4992
STATE OF FLORIDA
NOT VALID WITHOUT THE SURVEYOR'S SIGNATURE & ORIGINAL RAISED SEAL

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L.B. #2648

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EXHIBIT 1-B ARCHAEOLOGICAL ZONE MAP

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*PROJECT SITE FALLS IN ARCHAEOLOGICAL SENSITIVITY ZONE #2

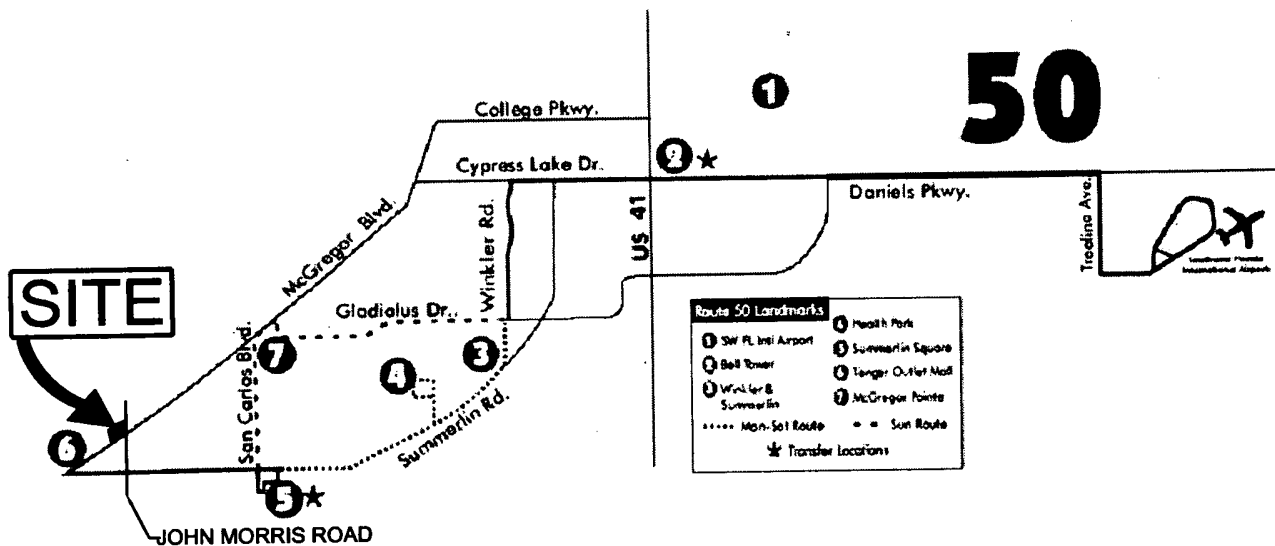
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NORTH

<p>WARNING</p> <p>IF THIS BAR DOES NOT MEASURE 1/2" THIS COPY OF THIS DOCUMENT IS NOT TO SCALE.</p>	CADD	NAME	DATE	<p>DRMP</p> <p>ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS</p> <p>Certificate of Authorization No. 2648</p> <p>1404 Dean Street, Suite 300 - Fort Myers, Florida 33907</p>	<p>EXHIBIT 1-B ARCHAEOLOGICAL ZONE MAP MORRIS MCGREGOR CENTER CPD</p> <p>LOTS 1 & 2 AND 3, BLOCK C, COTTAGE POINT SUBDIVISION, PLAT BOOK 9, PAGE 133; & LOT 16, BLOCK D, COTTAGE POINT SUBDIVISION, DEED BOOK 259, PAGE 224; SECTION 2, TOWNSHIP 46 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA</p>	PROJECT NO.	06-0106.00
	DESIGNED BY					DATE	2-27-06
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	CHECKED BY						
	APPROVED BY						
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EXHIBIT 1-C PUBLIC TRANSIT MAP

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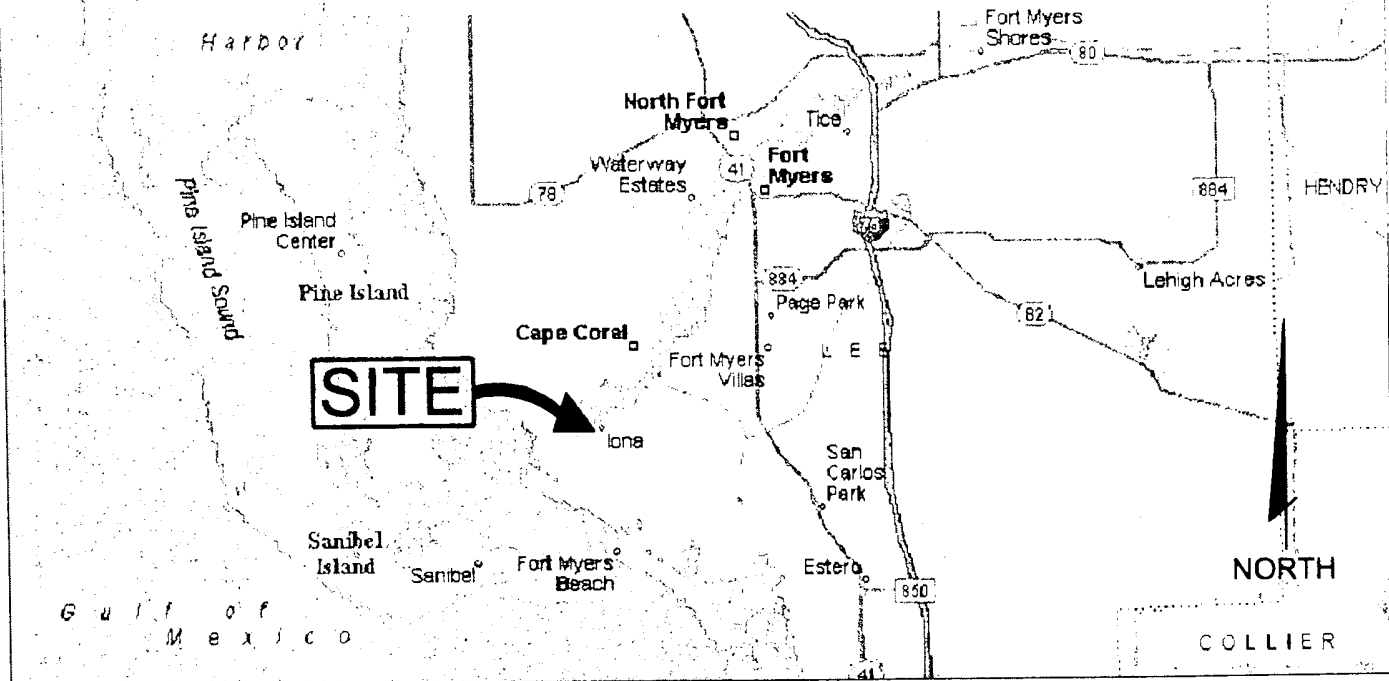
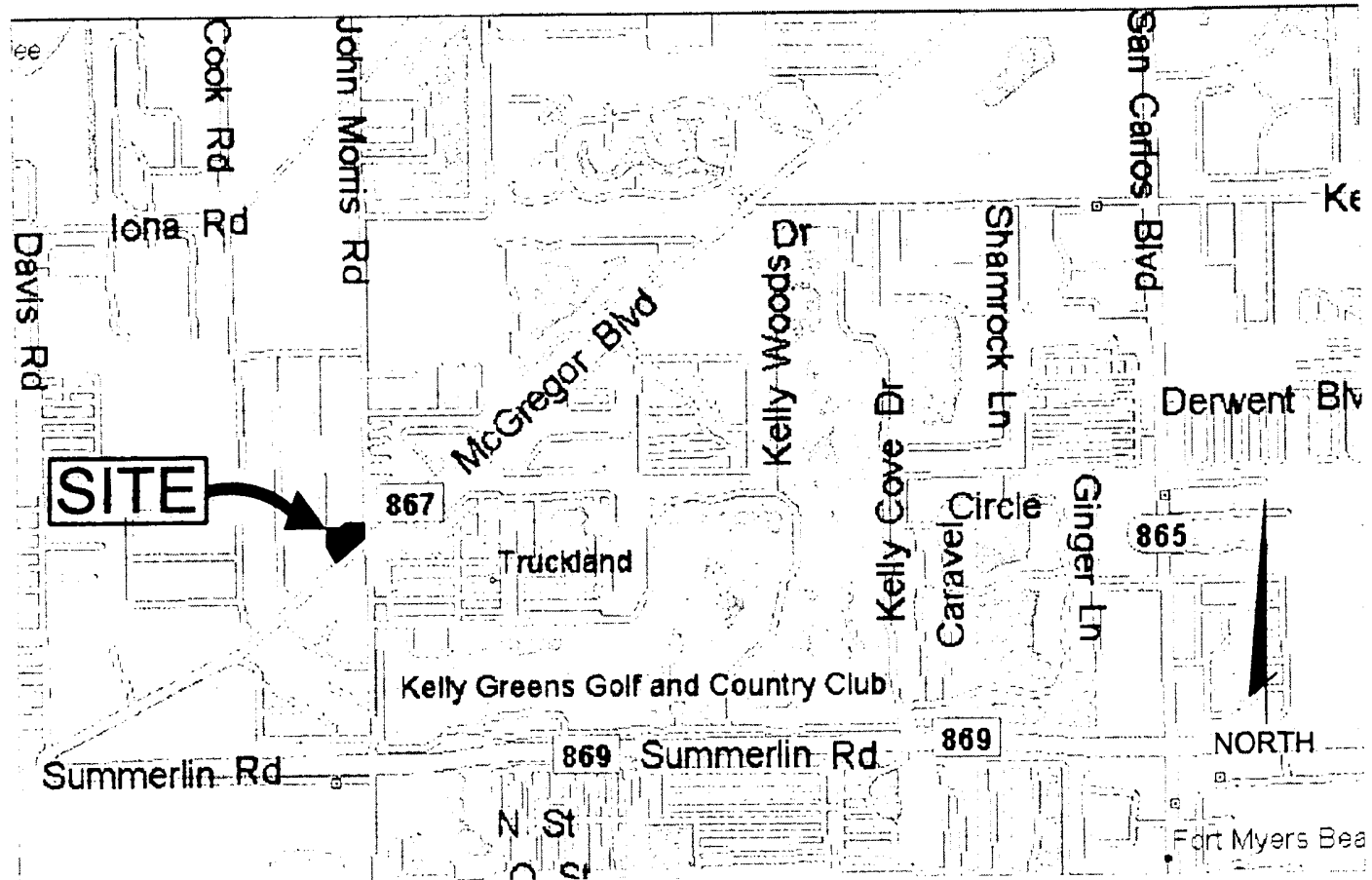
1404 Dean Street, Suite 300 - Fort Myers, Florida 33907

EXHIBIT 1-C
PUBLIC TRANSIT MAP
MORRIS MCGREGOR CENTER CPD
LOTS 1 & 2 AND 3, BLOCK C, COTTAGE POINT SUBDIVISION,
PLAT BOOK 9, PAGE 133; & LOT 16, BLOCK D, COTTAGE POINT SUBDIVISION,
DEED BOOK 259, PAGE 234; SECTION 2, TOWNSHIP 46 SOUTH, RANGE 23 EAST,
LEE COUNTY, FLORIDA

PROJECT NO.
06-0106.00
DATE
2-27-06
SCALE
N.T.S.
SHEET 1 of 1

EXHIBIT 6-B AREA LOCATION MAP

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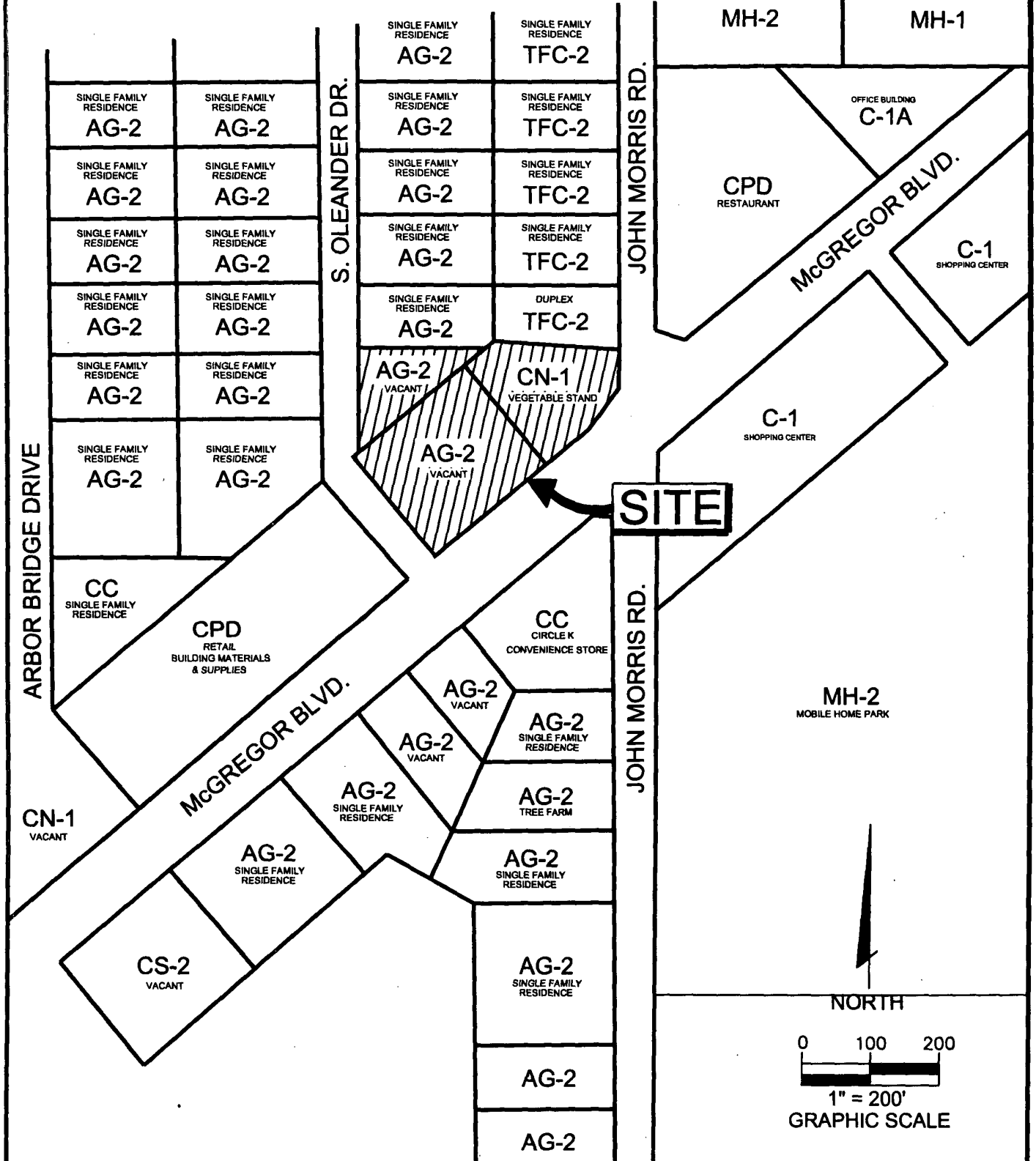
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AREA LOCATION MAP
MORRIS MCGREGOR CENTER CPD
LOTS 1 & 2 AND 3, BLOCK C, COTTAGE POINT SUBDIVISION,
PLAT BOOK 9, PAGE 133; & LOT 16, BLOCK D, COTTAGE POINT SUBDIVISION,
DEED BOOK 259, PAGE 224; SECTION 2, TOWNSHIP 46 SOUTH, RANGE 23 EAST,
LEE COUNTY, FLORIDA

PROJECT NO.	06-0108.00
DATE	2-27-06
SCALE	N.T.S.
SHEET	1 of 1

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EXHIBIT 6-C ZONING & EXISTING LAND USE

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EXHIBIT 6-C
ZONING & EXISTING LAND USE
MORRIS MCGREGOR CENTER CPD

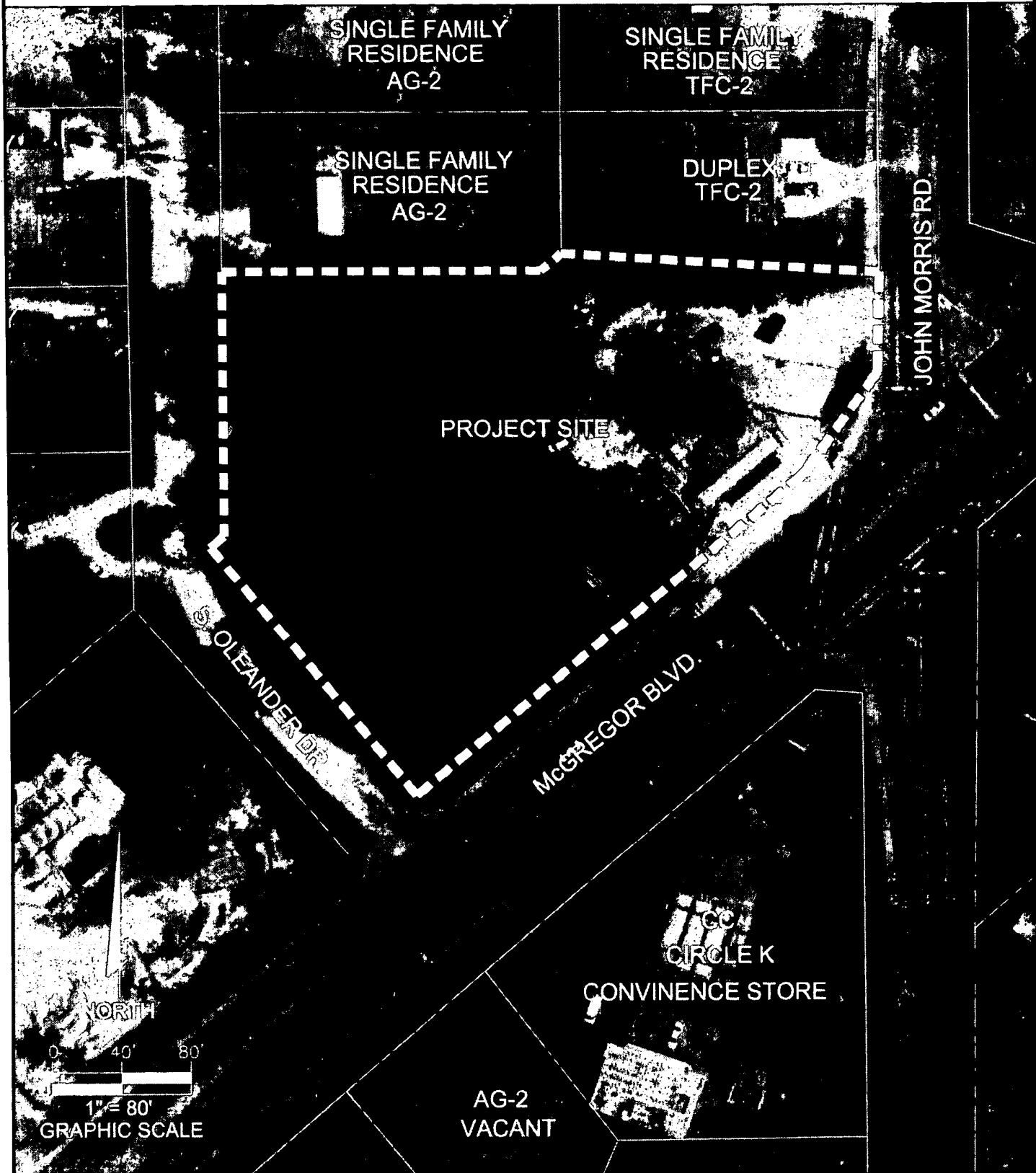
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PLAT BOOK 9, PAGE 133; & LOT 18, BLOCK D, COTTAGE POINT SUBDIVISION,
DEED BOOK 259, PAGE 224; SECTION 2, TOWNSHIP 46 SOUTH, RANGE 23 EAST,
LEE COUNTY, FLORIDA

PROJECT NO.	08-0108.00
DATE	2-27-08
SCALE	1" = 200'
SHEET	1 OF 1

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EXHIBIT 6-D AERIAL PHOTOGRAPH

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EXHIBIT 6-D
AERIAL PHOTOGRAPH
MORRIS MCGREGOR CENTER CPD
LOTS 1 & 2 AND 3, BLOCK C, COTTAGE POINT SUBDIVISION,
PLAT BOOK 9, PAGE 133; & LOT 16, BLOCK D, COTTAGE POINT SUBDIVISION,
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PROJECT NO.	08-0025.000
DATE	2-27-06
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EXHIBIT 6-G - PAGE 1 OF 5

LEE PLAN COMPLIANCE

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Compliance with Lee Plan

The Morris McGregor Center, a proposed Commercial Planned Development (CPD) is located on the northwest corner of the McGregor Boulevard and John Morris Road intersection in Section 02, Township 46 south, Range 23 East, in Fort Myers. The subject property is located within the Iona/McGregor Planning Community., and consists of 1.85± acres to be developed as commercial office building.

Compliance with the Lee Plan.

The following is a narrative explanation as to how the proposed development complies with the Lee Plan.

Planning Community:

The subject property is located within the Iona/McGregor Planning Community. The Iona/McGregor Planning Community is described in the Vision Statement portion of the Lee Plan as follows:

The Iona/McGregor Community is located primarily south of Gladiolus Drive west of Hendry Creek and contains all of the islands not included in the Town of Fort Myers Beach. This community primarily has lands designated as Central Urban, Urban Community, Suburban, and Outlying Suburban. There is also an industrial area located west of Pine Ridge road north and south of Summerlin Road. This community, due to its proximity to the area beaches, will continue to be a popular area for seasonal residents. This community has three discernible subareas: McGregor Boulevard/San Carlos Boulevard, Summerlin Road, and San Carlos Island.

The McGregor Blvd./San Carlos Blvd area will be approaching build out by 2020 and some of the older (pre 1980) developments will begin to redevelop to take advantage of a higher end market seeking a combination of quick beach access and closeness to urban services. This area will remain primarily residential with retail uses located at the major intersections.

The Summerlin Road Corridor will develop a new look by 2020 and will emerge as one of the county's primary medical service areas. This portion of the community will also continue to develop as a strong residential area with an influx of new gated communities.

The San Carlos Island area, which is nearly built out today, will continue to develop its infill areas while maintaining its marine oriented nature.

Residents of this community will address current planning concerns in a comprehensive review of this area and future amendments to this plan will be made to address these concerns. This area is anticipated to grow from a current permanent population of 24,000 to 32,000 by 2020. The Iona/McGregor area is also expected to be home to an additional 14,000 seasonal residents by 2020. (Added by Ordinance No. 99-15)

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EXHIBIT 6-G LEE PLAN COMPLIANCE MORRIS MCGREGOR CENTER CPD LOTS 1 & 2 AND 3, BLOCK C, COTTAGE POINT SUBDIVISION, PLAT BOOK 9, PAGE 133; & LOT 16, BLOCK D, COTTAGE POINT SUBDIVISION, DEED BOOK 259, PAGE 224; SECTION 2, TOWNSHIP 46 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA											
<table border="1"><tr><td>PROJECT NO.</td><td>06-0106.000</td></tr><tr><td>DATE</td><td>2-27-06</td></tr><tr><td>SCALE</td><td>N.T.S.</td></tr><tr><td>SHEET</td><td>1 of 5</td></tr></table>				PROJECT NO.	06-0106.000	DATE	2-27-06	SCALE	N.T.S.	SHEET	1 of 5
PROJECT NO.	06-0106.000										
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SHEET	1 of 5										

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LEE PLAN COMPLIANCE

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Based on the description of the Iona/McGregor Planning Community, the proposed use of an office building is consistent with the context of this planning community.

Future Land Use Map Designation:

The Future Land Use Map designation as depicted in the Lee County Comprehensive Plan (the Lee Plan) for the subject property is **Suburban**. The Lee County Comprehensive Plan states,

"POLICY 1.1.5: The Suburban areas are or will be predominantly residential areas that are either on the fringe of the Central Urban or Urban Community areas or in areas where it is appropriate to protect existing or emerging residential neighborhoods. These areas provide housing near the more urban areas but do not provide the full mix of land uses typical of urban areas. The standard residential densities are the same as the Urban Community category. Higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. Bonus densities are not allowed."

Based on the description of the Suburban land use designation, the site is restricted as to the size and intensity of commercial uses that can be constructed upon it. A "Minor Commercial" development which provides for the sale of convenience goods and services would be a viable type of commercial development suitable for this site as defined by the Lee Plan. It meets the location criteria as set forth by the Lee Plan for a minor commercial development; the entire retail use, including buildings and outdoor sales area, must be located at the intersection of a collector and arterial or arterial and arterial roads. McGregor Blvd, an arterial road and John Morris Road, a collector road, meets this intersection requirement. The site typically is of two acres or less and the combined gross floor area of any commercial buildings cannot exceed 30,000 square feet. The County does allow some latitude in the acreage of the site and has allowed sites of greater than two acres; however, the gross floor area restriction is an absolute, and cannot exceed 30,000 square feet per development site. It is noted that the restrictions apply only to retail and related activities and are not applied to offices, or hotel uses.

Based on the description of the Suburban land use designation and the location policies of the Lee Plan for commercial use, it would appear that the proposed use of this property for an office building with a Commercial Planned Development zoning designation would be consistent with the Lee Plan. No amendments to the Lee Plan or the Future Land Use designation would be necessary.

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

The subject property currently contains two zoning classifications, Neighborhood Commercial (CN-1) and Agriculture (AG-2). The applicant wishes to rezone the subject property to Community Planned Development (CPD) in order to develop a single office building on the 1.85± acre site. With the surrounding commercial land uses, and existing commercial

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EXHIBIT 6-G - PAGE 3 OF 5

LEE PLAN COMPLIANCE



development on the site, this proposed development could be defined as infill redevelopment, providing new commercial life to an existing commercial site. The proposed redevelopment of the subject site will not cause urban sprawl, will conserve land and water, minimize cost of services, and protect other valuable natural resources by utilizing a property that has previously been developed, albeit not zoned, for commercial development.

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

1. Minor Commercial

a. Major function:

Provides for the sale of convenience goods and services.

b. Location

The entire retail use, including buildings and outdoor sales area, must be located as follows except where this plan provides specific exceptions (e.g., Policy 6.1.7):

(1) On or near the intersection (within 330 feet of the adjoining rights-of-way of the intersection roads) of local and collector, local and arterial, or collector and collector roads. In Commercial Planned Developments where future road improvements that are included in the Capital Improvement Program will enable the property to qualify for the higher level of commercial development specified in Subsection 2 below, and which are conditioned to allow the increased commercial intensity when the roadway actually functions at the higher level of a collector road, the Minor Commercial use may extend beyond 330 feet of such intersections provided the Master Concept plan specifically indicates the phasing of the development from Minor to Neighborhood Commercial use. Proposed interconnections of future internal access roads or driveways servicing only the subject parcel with an arterial or collector will not comply with the requirements of this section;

(2) At the intersection (as defined below) of collector and arterial or arterial and arterial roads; or

(3) Within a residential planned development provided it is located and designed primarily to meet the commercial needs of the residents of the development.

c. Site Area:

Two acres or less.

d. Range of Gross Floor Area:

Less than 30,000 square feet.

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LEE PLAN COMPLIANCE

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Morris McGregor Center CPD is consistent with Policy 6.1.2 in that the site meets the location criteria for a minor commercial development. The site will be developed as an office building that could provide services to the community. The site is located at the intersection of a collector road and an arterial road. The site is less than two acres in size, measuring 1.85± acres. And it is proposed the three-story building will have a total area of 24,678 square foot, which is in keeping with the requirements of this policy.

POLICY 6.1.4: *Commercial development will be approved only when compatible with adjacent existing and proposed land uses and with existing and programmed public services and facilities. (Amended by Ordinance No. 94-30, 00-22)*

Morris McGregor Center CPD is consistent with Policy 6.1.4 in that office uses are a good transition between residential and higher intensity commercial uses. The subject site is not appropriate for residential use, which would be the most compatible to the existing residential uses to the rear of the site. Therefore to allow a low intensity commercial use such as office would provide a good transition and protection from the higher impacts of the arterial roadway to the south and the commercial uses to the east and west of the subject site.

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

The proposed development can be defined as an infill redevelopment in that the subject site is surrounding by existing uses, and the site itself is currently being used as a commercial open-air vegetable market. The site is certainly inappropriate for a residential use, so the best alternative is to allow for low intensity commercial use such as office. This use will be a good commercial transition to the existing residential to the rear and the higher intensively commercial uses to the east and west.

STANDARD 11.1: WATER.

1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross leasable (floor) area per parcel, must connect to a public water system (or a "community" water system as that is defined by Chapter 17-22, F.A.C.).
2. If the proposed development lies within the boundaries of a water utility's certificated or franchised service area, or Lee County Utilities' future potable water service area (see Map 6), then the development must be connected to that utility.
3. The developer must provide proof that the prior commitments of the water utility, plus the projected need of the developer, do not exceed the supply and facility capacity of the utility.
4. All waterline extensions to new development will be designed to provide minimum fire flows, as well as adequate domestic services as required by Chapter 10D-4, F.A.C.
5. If a new development is located in a certificated or franchised service area, or Lee County Utilities' future potable water service area (see Map 6), and the utility cannot provide the service

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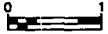
WARNING  IF THIS BAR DOES NOT MEASURE 1/2" THIS COPY OF THIS DOCUMENT IS NOT TO SCALE	CADD DESIGNED BY DRAWN BY CHECKED BY APPROVED BY FILE	NAME TW DATE 2-27-06	 DRMP ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS Certificate of Authorization No. 2648 1404 Dean Street, Suite 300 - Fort Myers, Florida 33907	EXHIBIT 6-G LEE PLAN COMPLIANCE MORRIS MCGREGOR CENTER CPD <small>LOTS 1 & 2 AND 3, BLOCK C, COTTAGE POINT SUBDIVISION, PLAT BOOK 9, PAGE 133; & LOT 16, BLOCK D, COTTAGE POINT SUBDIVISION, DEED BOOK 298, PAGE 234; SECTION 2, TOWNSHIP 48 SOUTH, RANGE 23 EAST.</small> LEE COUNTY, FLORIDA	PROJECT NO. 06-0106.000 DATE 2-27-06 SCALE N.T.S. SHEET 4 of 5	

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LEE PLAN COMPLIANCE

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or cannot provide the service except at a clearly unreasonable cost to the developer, the developer is encouraged to petition the appropriate regulatory agency to contract the service area so that the development may establish its own community water system or invite another adjacent utility to expand its service area in order to provide the required service.

6. *If a development lies outside any service area as described above, the developer may:*

- *request that the service area of an adjacent water utility be extended to incorporate the property;*
- *establish a community water system for the development; or*
- *develop at an intensity that does not require a community water system. (Amended by Ordinance No. 94-30, 00-22)*

Based on the Letter of Water Availability received on March 7, 2006 the proposed development will not exceed the supply of the water facility.

STANDARD 11.2: SEWER.

1. *Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.*

2. *If the proposed development exceeds the thresholds listed above and lies within the boundaries of a sewer utility's certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 7), and that utility has sufficient capacity to provide minimum service to the development, then the development must connect to that sewer utility if there is existing infrastructure adequate to accept the effluents of the development within 1/4 mile from any part of the development.*

3. *If there is not sufficient capacity nor adequate infrastructure within 1/4 mile of the development, the developer must provide proof in the form of a clearly stated rejection of service.*

4. *If a new development is located in a certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 7), and the utility cannot provide the service, or cannot provide the service except at a clearly unreasonable cost to the developer, the developer may establish on a temporary basis a self-provided sanitary sewer facility for the development, to be abated when the utility extends service to the site. The developer may also petition the appropriate regulatory agency to contract the service area of the utility in order that another utility may be invited to provide the service.*

5. *If a development lies outside any service area as described above, the developer may:*

- *request that the service area of an adjacent sewer utility be expanded to incorporate the property;*
- *establish a self-provided sanitary sewer system for the development;*
- *develop at an intensity that does not require sanitary sewer service; or*
- *if no more than 5000 gallons of effluent per day per parcel is produced, an individual sewer disposal system per Chapter 10D-6 may be utilized, contingent on approval by all relevant authorities. (Amended by Ordinance No. 94-30, 00-22)*

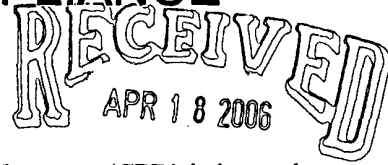
Based on the Letter of Sewer Availability received on March 7, 2006 the proposed development will not exceed the supply of the wastewater facility.

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DESIGN STANDARDS COMPLIANCE



Compliance with Design Standards

The Morris McGregor Center, a proposed Commercial Planned Development (CPD) is located on the northwest corner of the McGregor Boulevard and John Morris Road intersection in Section 02, Township 46 south, Range 23 East, in Fort Myers. The subject property is located within the Iona/McGregor Planning Community., and consists of 1.85± acres to be developed as commercial office building.

Compliance with Section 34-411. General Standards.

The following is a narrative explanation as to how the proposed development complies with the design standards of Section 34-411:

(a) *All planned developments shall be consistent with the provisions of the Lee Plan.*

As demonstrated in Exhibit 6-G, the proposed development complies with the Lee Plan.

(b) *All planned developments, unless otherwise excepted, shall be designed and constructed in accordance with the provisions of all applicable county development regulations in force at that time.*

The Morris McGregor Center will be designed and developed in accordance with all applicable County development regulations that are in force as appropriate.

(c) *The tract or parcel proposed for development under this article must be located so as to minimize the negative effects of the resulting land uses on surrounding properties and the public interest generally, and must be of such size, configuration and dimension as to adequately accommodate the proposed structures, all required open space, including private recreational facilities and parkland, bikeways, pedestrian ways, buffers, parking, access, on-site utilities, including wet or dry runoff retention, and reservations of environmentally sensitive land or water.*

The location and layout for the proposed Morris McGregor Center was so selected and designed as to minimize any and all impacts to surrounding properties. The site is located in an area designated on the County's *Commercial Site Location Standards Map* as suitable for Neighborhood Commercial Development (see Figure 1). Any possible impacts to dissimilar surrounding properties are to the rear, where existing single family residential units are located. For this reason the applicant has opted to request CPD zoning rather than conventional zoning; to allow for enhancement of protective measures to these properties. Further, it is the intent of the applicant to locate less intensive uses away from the rear portion of the property, further reducing any possible impact to the surrounding residential neighborhood. The site will be designed to accommodate all proposed structures, required open space, buffers, parking, access, on-site utilities, and wet or dry runoff retention.

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DESIGN STANDARDS COMPLIANCE

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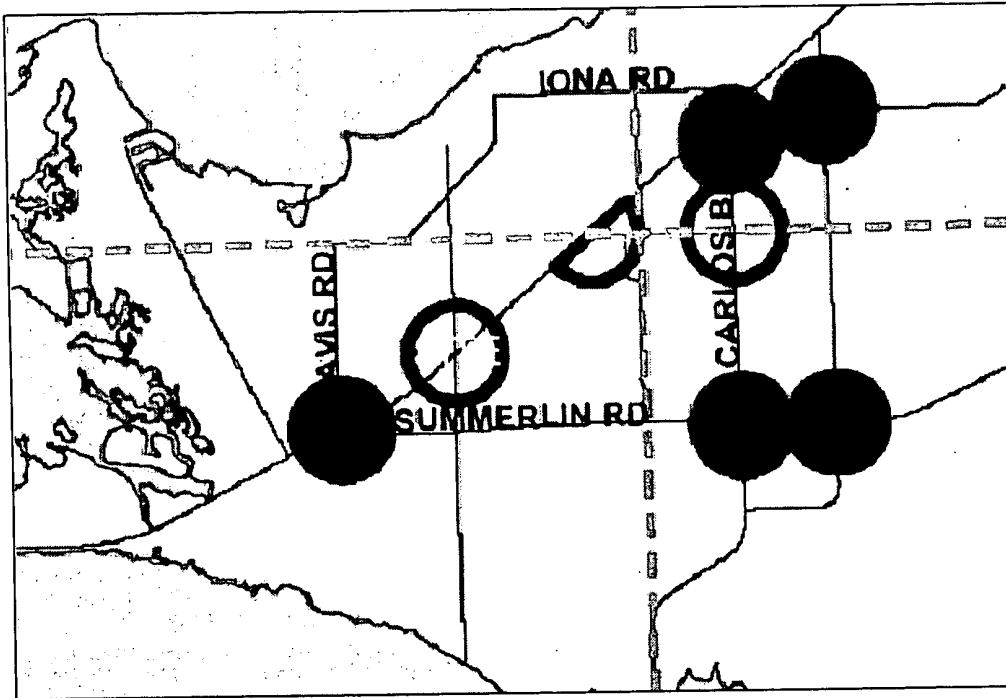


Figure 1: From: Lee County's *Commercial Site location Standards Map*. The black circle indicates an intersection suitable for Neighborhood Commercial Development.

(d) The tract or parcel shall have access to existing or proposed roads:

- (1) In accordance with Chapter 10 and as specified in the Lee Plan traffic circulation element or the official traffic ways map of the county;
- (2) That have either sufficient existing capacity or the potential for expanded capacity to accommodate both the traffic generated by the proposed land use and that traffic expected from the background (through traffic plus that generated by surrounding land uses) at a level of service D or better on an annual average basis and level of service E or better during the peak season, except where higher levels of service on specific roads have been established in the Lee Plan; and
- (3) That provides ingress and egress without requiring site-related industrial traffic to move through predominantly residential areas.

The subject parcel is located on a section of McGregor Boulevard that is dominated by commercial uses. Immediately to the east of the subject property for a length of 88 feet, is John Morris Road, an 80-foot wide, 2-lane, undivided, county collector road. To the west is South Oleander Drive, a 50-foot wide, unpaved, county local road. And to the south for a length of 369 feet, is McGregor Blvd. (CR 867), a 100-foot wide, 4-lane, divided, major county arterial road.

The major arterial road, McGregor Blvd. (CR 867) from Summerlin Road (CR 869) east to Kelly Road is presently operating at a Level of Service (LOS) B. This segment has a performance LOS standard of E, which means this road is operating below the assigned LOS. The forecasted future volume is also LOS B.

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The collector road, John Morris Road, from Summerlin Road (CR 869) north to Iona Road is presently operating at a Level of Service (LOS) C. This segment has a performance LOS standard of E, which means this road is operating below the assigned LOS. The forecasted future volume is also LOS C.

(e) *If within the Lee Tran public transit service area, the development shall be designed to facilitate the use of the transit system.*

LeeTran, the County's public transportation system, has a bus route that passes the southeast corner of the subject property at John Morris Road and McGregor Boulevard intersection. Although currently not the location of an existing stop, a bus stop could be provided given enough rationale and need. This close proximity to public transportation could be considered an amenity to the development in that it could enhance the ability for workers to choose to not drive to work, or allow individuals without transportation to be able to work at this industrial development.

(f) *Development and subsequent use of the planned development shall not create or increase hazards to persons or property, whether on or off the site, by increasing the probability or degree of flood, erosion or other danger, nor shall it impose a nuisance on surrounding land uses or the public's interest generally through emissions of noise, glare, dust, odor, air or water pollutants.*

The proposed commercial development will not create or increase onsite or offsite hazards, including but not limited to, flooding, erosion, noise, glare, dust, odor, air or water pollutants. All development will be consistent with and comply with the Lee County Plan and the Lee County Land Development Code.

(g) *Every effort shall be made in the planning, design and execution of a planned development to protect, preserve or to not unnecessarily destroy or alter natural, historic or archaeological features of the site, particularly mature native trees and other threatened or endangered native vegetation. Alteration of the vegetation or topography that unnecessarily disrupts the surface water or groundwater hydrology, increases erosion of the land, or destroys significant wildlife habitat is prohibited. That habitat is significant that is critical for the survival of rare, threatened or endangered species of flora or fauna.*

According to Lee County Archeological Sensitivity Map, the site is located in a Level 2 archeologically sensitive area.

(h) *A fundamental principle of planned development design is the creative use of the open space requirement to produce an architecturally integrated human environment. This shall be coordinated with the achievement of other goals, e.g., the preservation or conservation of environmentally sensitive land and waters or archaeological sites.*

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The site could be defined as an urban infill project, in that it is developed with urban uses on all sides: residential to the north, and commercial and street right-of-way to east, west and south. The site is currently being used as a commercial fruit/vegetable open air market and therefore, exhibits some disturbance. The site has no wetland or environmentally sensitive land or habitats. Therefore, only the open space as required by County regulation will be set aside, since nothing else noteworthy exists on site.

(i) *Site planning and design shall minimize any negative impacts of the planned development on surrounding land and land uses.*

The location and layout for the proposed Morris McGregor Center was so selected and designed as to minimize any and all impacts to surrounding properties. The site is located in an area designated on the County's *Commercial Site Location Standards Map* as suitable for Neighborhood Commercial Development. Any possible impacts to dissimilar surrounding properties are to the rear, where existing single family residential units are located. For this reason the applicant has opted to request CPD zoning rather than conventional zoning; to allow for enhancement of protective measures to these properties. Further, it is the intent of the applicant to locate less intensive uses away from the rear portion of the property, further reducing any possible impact to the surrounding residential neighborhood. The site will be designed meeting all existing County regulations which offer protection to dissimilar land uses.

(j) *Where a proposed planned development is surrounded by existing development or land use with which it is compatible and of an equivalent intensity of use, the design emphasis shall be on the integration of this development with the existing development, in a manner consistent with current regulation.*

Immediately to the east of the subject property is John Morris Road with a vacant commercial building across the street which is currently being remodeled. To the west is South Oleander Drive. Across South Oleander Drive is a building material business consisting of sales of stone, soil, sand, and shell. To the south of the subject property is McGregor Blvd. with commercial businesses across McGregor; a small strip-type shopping center to the east and a Circle K convenience store with gas pumps to the west. The commercial development in the vicinity are relatively aged and of varying types, from a strip mall to a convenience store to an outdoor storage of building materials. The proposed site will exceed the existing development aesthetically and add increased value to this commercial area.

(k) *Where the proposed planned development is surrounded by existing development or land use with which it is not compatible or which is of a significant higher or lower intensity of use (plus or minus ten percent of the gross floor area per acre if a commercial or industrial land use, or plus or minus 20 percent of the residential density), or is surrounded by undeveloped land or water, the design emphasis will be to separate and mutually protect the planned development and its environs.*

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The subject property is located in an area of unincorporated Lee County characterized by small lot residential development, in the planning community known as Iona/McGregor. Immediately adjacent to the north of the property are two developed single-family residential lots. Further to the north and west are a variety of residential lots and subdivisions, and a mobile home park. In developing the subject site, the answer would not be to build another residential site as to provide a similar development to those abutting to the rear, as this site is not suitable for residential for a number of reasons.

However, the proposed development will be designed in such a way and according to all Lee County Land Development Regulation so as to offer protection and mitigation of any impacts that may otherwise result from commercial development.

(l) In large residential or commercial planned developments, the site planner is encouraged to create subunits, neighborhoods or internal communities which promote pedestrian activity and community interaction.

Not applicable, as the site is of single use and too small for any integration of this nature.

(m) In order to enhance the viability and value of the resulting development, the designer shall ensure the internal buffering and separation of potentially conflicting uses within the planned development.

Based on the list of uses as proposed in Exhibit 6-M, there will be little in the way of conflicting uses within the proposed CPD.

(n) Density or type of use, height and bulk of buildings and other parameters of intensity should vary systematically throughout the planned development. This is intended to permit the location of intense or obnoxious uses away from incompatible land uses at the planned development's perimeter, or, conversely, to permit the concentration of intensity where it is desirable, e.g., on a major road frontage or at an intersection.

The maximum height proposed for the three-story structure within the Morris McGregor Center is 45 feet. Because all uses will be contained in one building, which is located on the west side of the site abutting S. Oleander Drive and across the street from the building materials business, the building will have the least possible impact on the abutting residential properties to the rear. The separation between the proposed building and the abutting residential units to the rear is a minimum of 120 feet, with an eight-foot concrete block wall and landscaping located at the rear of the property

(o) Unless otherwise provided for in this article, minimum parking and loading requirements shall be as set forth in article VII, divisions 25 and 26, of this chapter. Where it can be reasonably anticipated that specified land uses are generators of occasional peak demand for parking space, a portion of the required parking may be pervious or semi-pervious surfaces subject to the condition that it be constructed and maintained so as to prevent erosion of soil.

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DESIGN STANDARDS COMPLIANCE

In all cases, however, sufficient parking shall be provided to prevent the spilling over of parking demand onto adjacent properties or rights-of-way at times of peak demand.

All parking requirements will be addressed and complied with at time of building permit application.

(p) Joint use of parking by various land uses within the planned development may be permitted by special condition where it can be demonstrated or required that the demand for parking by the various uses will not conflict. Joint parking agreements between uses within and uses without the planned development shall be governed by agreement per general regulation (see section 34-2018), without exception.

Not applicable.

(q) Internal consistency through sign control, architectural controls, uniform planting schedules and other similar controls is encouraged.

Any consistency requirements will be addressed and complied with at time of building permit application.

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DECISION MAKING GUIDELINE COMPLIANCE

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Compliance with Decision-making Guidelines

The Morris McGregor Center, a proposed Commercial Planned Development (CPD) is located on the northwest corner of the McGregor Boulevard and John Morris Road intersection in Section 02, Township 46 south, Range 23 East, in Fort Myers. The subject property is located within the Iona/McGregor Planning Community., and consists of 1.85± acres to be developed as commercial office building.

The following is a narrative explanation as to how the proposed development complies with the guidelines for decision-making embodies in Sections 34-145(c)(2)a and e, and 34-145(d)(3).

Compliance with Section 34-145(c)(2)a

Sections 34-145(c)(2)a states, *"In reaching his decision, the hearing examiner must consider the following, whenever applicable: a. Whether there exist changed or changing conditions that make approval of the request appropriate."*

Although there is no one single aspect to the subject property or the immediately surrounding vicinity that could be considered a "change" or "changing conditions" which would make the approval for this rezoning request appropriate, it is important to recognize the changes that are occurring in Fort Myers, Lee County, and the southwest Florida region as a whole. Lee County and Southwest Florida sustained tremendous growth in population from 2000-2005, increasing 25 percent in Lee County and 22 percent in the region.

According to the U.S. Census an average of 20,700 people move to Lee County annually, adding an estimated average of 11,400 people to the labor pool. Southwest Florida's 18-24 year old population (those available to enter the workforce) is growing about twice as fast as that of Florida and many times faster than that of the U.S.

With close to 10 million people (three-quarters of Florida's population) already residing within a 150-mile radius of Fort Myers, it is expected that this number will increase to more than 13 million by 2010, through the addition of new residents at the rate of 500-1,000 per month.

It is this significant local and regional population change that should be considered when determining the appropriateness of this rezoning request. More people will require more jobs, and more jobs will require new locations to establish them. It is with this intent-to establish a new commercial office development-that this rezoning application has been prepared.

Compliance with Section 34-145(c)(2)e

Section 34-145(c)(2)e states, *"Whether the request is consistent with the goals, objectives, policies and intent of the Lee Plan."*

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DECISION MAKING GUIDELINE COMPLIANCE

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The proposed CPD development is consistent with the goals, objectives, policies and intent of the Lee Plan. See Exhibit 6-G, for a complete narrative on the request's consistency with the goals, objectives, policies and intent of the Lee Plan.

Compliance with Section 34-145(d)(3)

Section 34-145(d)(3) states: "**Findings.** Before preparing his recommendation to the Board of County Commissioners on a rezoning, the hearing examiner must find that:

- a. The applicant has proved entitlement to the rezoning or special exception by demonstrating compliance with the Lee Plan, this land development code, and any other applicable code or regulation; and
- b. The request will meet or exceed all performance and locational standards set forth for the potential uses allowed by the request; and
- c. The request, including the use of TDR or affordable housing bonus density units, is consistent with the densities, intensities and general uses set forth in the Lee Plan; and
- d. The request is compatible with existing or planned uses in the surrounding area; and
- e. Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and
- f. Where applicable, the request will not adversely affect environmentally critical areas and natural resources.
- g. In the case of a planned development rezoning, the decision of the hearing examiner must also be supported by the formal findings required by sections 34-377(a)(2) and (4).
- h. Where the change proposed is within a future urban area category, the hearing examiner must also find that urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use."

In response to the aforementioned requirements,

- a. As demonstrated in the section above, the proposed project complies with Section 34-145(c)(2)e of the Lee County Land Development Code, and by doing so also demonstrates compliance with the Lee Plan.
- b. The CPD rezoning request will meet all performance standards set forth for the potential uses allowed by this request.
- c. Not applicable.
- d. The location proposed Morris McGregor Center was so selected to minimize any and all impacts to surrounding properties. The site is located in an area designated on the County's *Commercial Site Location Standards Map* as suitable for Neighborhood Commercial Development.

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Immediately adjacent to the north of the property are two developed single-family residential lots. Immediately to the east of the subject property is John Morris Road with a vacant commercial building across the street which is currently being remodeled. To the west is South Oleander Drive. Across South Oleander Drive is a building material business consisting of sales of stone, soil, sand, and shell. To the south of the subject property is McGregor Blvd. with commercial businesses across McGregor; a small strip-type shopping center to the east and a Circle K convenience store with gas pumps to the west.

The site will be developed in consideration for the residential uses to the rear and with compliance of all Lee County Land Development Regulation to protect and mitigate any potential impact o these residential uses. The commercials uses in the area are a bit aged and the new development will enhance the area and bring increased value to the commercial uses of the area.

- a. The subject parcel is located on a section of McGregor Boulevard that is dominated by commercial uses. Immediately to the east of the subject property for a length of 88 feet, is John Morris Road, an 80-foot wide, 2-lane, undivided, county collector road. To the west is South Oleander Drive, a 50-foot wide, unpaved, county local road. And to the south for a length of 368 feet, is McGregor Blvd. (CR 867), a 100-foot wide, 4-lane, divided, major county arterial road.

The major arterial road, McGregor Blvd. (CR 867) from Summerlin Road (CR 869) east to Kelly Road is presently operating at a Level of Service (LOS) B. This segment has a performance LOS standard of E, which means this road is operating below the assigned LOS. The forecasted future volume is also LOS B.

The collector road, John Morris Road, from Summerlin Road (CR 869) north to Iona Road is presently operating at a Level of Service (LOS) C. This segment has a performance LOS standard of E, which means this road is operating below the assigned LOS. The forecasted future volume is also LOS C. Therefore, the proposed development will no put any undue burden on the existing transportation infrastructure.

- b. There are no environmentally critical areas on the subject property. Opens space will be provided per Lee County Land Development Regulations.
- c. Section 34-377(a)(2) and 34-377(a)(4) of the Lee County Development Code also requires that the findings must address whether the following criteria can be satisfied:

a. *The proposed use or mix of uses is appropriate at the subject location:*

The location and layout for the proposed Morris McGregor Center was so selected and designed as to minimize any and all impacts to surrounding properties. The site is located in an area designated on the County's *Commercial Site Location Standards Map* as suitable for Neighborhood Commercial Development.

DCI 2006-00035

CONT. ON PAGE 4

<p>WARNING</p> <p>IF THIS BAR DOES NOT MEASURE 1/2" THIS COPY OF THIS DOCUMENT IS NOT TO SCALE</p>	CADD	NAME	DATE	<p style="font-size: 1.5em; font-weight: bold;">DRMP</p> <p style="font-size: 0.8em;">ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS</p> <p style="font-size: 0.8em;">Certificate of Authorization No. 2648</p> <p style="font-size: 0.8em;">1404 Dean Street, Suite 300 - Fort Myers, Florida 33907</p>	<p style="font-weight: bold;">EXHIBIT 6-I</p> <p style="font-weight: bold;">DECISION MAKING GUIDELINE COMPLIANCE</p> <p style="font-weight: bold;">MORRIS MCGREGOR CENTER CPD</p> <p style="font-size: 0.8em;">LOTS 1 & 2 AND 3, BLOCK C, COTTAGE POINT SUBDIVISION, PLAT BOOK 9, PAGE 133; A LOT 16, BLOCK D, COTTAGE POINT SUBDIVISION, DEED BOOK 258, PAGE 224; SECTION 2, TOWNSHIP 46 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA</p>	PROJECT NO.	06-0106.000
	DESIGNED BY					DATE	2-27-06
	DRAWN BY	TW	2-27-06			SCALE	N.T.S.
	CHECKED BY					SHEET	3 of 4
	APPROVED BY						
FILE:							

EXHIBIT 6-I - PAGE 4 OF 4

DECISION MAKING GUIDELINE COMPLIANCE

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The proposed commercial development will encompass approximate 100% of the 1.85± acre site, and the remainder to be left as parking, drives, and retention.

b. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest:

To be determined.

c. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development:

To be determined.

Section 34-377(a)(4) states, "If the application includes a schedule of deviations pursuant to section 34-412, the hearing examiner's recommendation must approve, approve with modification or reject each requested deviation based upon a finding that each item."

There are two deviations being requested as part of the Morris McGregor Center CPD application. See Exhibit 6-N for the Schedule of Deviations and Justification.

h. Per the Lee County *Concurrency Management, Inventory and Projections, 2004/05 - 2005/06*, there are no known concurrency deficiencies in this area at the present time. A summary of the facilities that are reviewed for concurrency are as follows:

Solid Waste - All unincorporated areas of Lee County are concurrent with the Level of Service standard set forth in The Lee Plan for solid waste.

Potable Water - New developments located in unincorporated areas of Lee County, which are within franchised service areas of the Public Service Commission or Lee County regulated potable water utility companies, should not experience any capacity problems provided distribution mains have been, or will be, installed to serve the development prior to issuance of occupancy permits.

Sanitary Sewer Facilities - New developments located within the franchised service areas of the Public Service Commission or Lee County regulated sewage utility companies should not experience any capacity problems provided a collection system has been, or will be, installed to serve the development prior to issuance of occupancy permits.

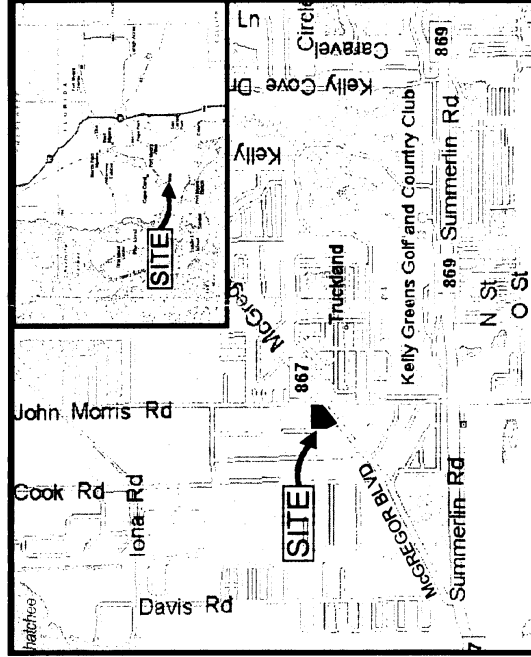
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WARNING IF THIS BAR DOES NOT MEASURE 1/2" THIS COPY OF THIS DOCUMENT IS NOT TO SCALE	CADD	NAME	DATE				
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FILE							
 DRMP ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS Certificate of Authorization No. 2648 1404 Dean Street, Suite 300 - Fort Myers, Florida 33907				EXHIBIT 6-I DECISION MAKING GUIDELINE COMPLIANCE MORRIS MCGREGOR CENTER CPD <small>LOTS 1 & 2 AND 3, BLOCK C, COTTAGE POINT SUBDIVISION, PLAT BOOK 9, PAGE 133; & LOT 18, BLOCK D, COTTAGE POINT SUBDIVISION, DEED BOOK 256, PAGE 224; SECTION 2, TOWNSHIP 46 SOUTH, RANGE 23 EAST,</small> LEE COUNTY, FLORIDA		PROJECT NO. 06-0106.000 DATE 2-27-06 SCALE N.T.S. SHEET 4 OF 4	

MORRIS MCGREGOR CENTER CPD

MASTER CONCEPT PLAN SET

LOTS 1 & 2 AND 3, BLOCK C, COTTAGE POINT SUBDIVISION,
PLAT BOOK 9, PAGE 133; & LOT 16, BLOCK D, COTTAGE POINT SUBDIVISION,
DEED BOOK 259, PAGE 224; SECTION 2, TOWNSHIP 46 SOUTH, RANGE 23 EAST,
LEE COUNTY, FLORIDA



LOCATION MAP

PROPERTY OWNER:

MORRIS MCGREGOR, LLC
2730 NEW BRITANNY BLVD, SUITE 205
FORT MYERS, FL 33907

DEVELOPER:

MORRIS MCGREGOR, LLC
2730 NEW BRITANNY BLVD, SUITE 205
FORT MYERS, FL 33907



Certificate of Authorization No. 2648
1404 Dean Street, Suite 300 - Fort Myers, Florida 33907

DCI 2006-00035

EXHIBIT 6-J

INDEX OF SHEETS:

1. COVER SHEET
2. MASTER CONCEPT PLAN
3. NOTES
4. SOILS / EXISTING CONDITIONS
5. FLUCCS PLAN
6. AERIAL PHOTOGRAPH

STRAP NUMBERS:

02-46-23-01-0000C.0020 (LOTS 2 & 3)
02-46-23-01-0000C.0010 (LOT 1)
02-46-23-01-0000D.0160 (LOT 16)

WARNING:
IF THIS MAP BOOK
IS NOT OPEN OR
THIS DOCUMENT IS
NOT TO SCALE



COVER SHEET
MORRIS MCGREGOR CENTER CPD
LEE COUNTY, FLORIDA
LOT 1 & 2 AND 3, BLOCK C, COTTAGE POINT SUBDIVISION
PLAT BOOK 9, PAGE 133; & LOT 16, BLOCK D, COTTAGE POINT SUBDIVISION,
DEED BOOK 259, PAGE 224; SECTION 2, TOWNSHIP 46 SOUTH, RANGE 23 EAST.

STATIONING: COUNTY: F.L.
PROJECT NO.:
DATE: 2-20-06
PROJECT NO.: 06-0106.000
SCALE: N.T.S.
SHEET: 1 OF 6

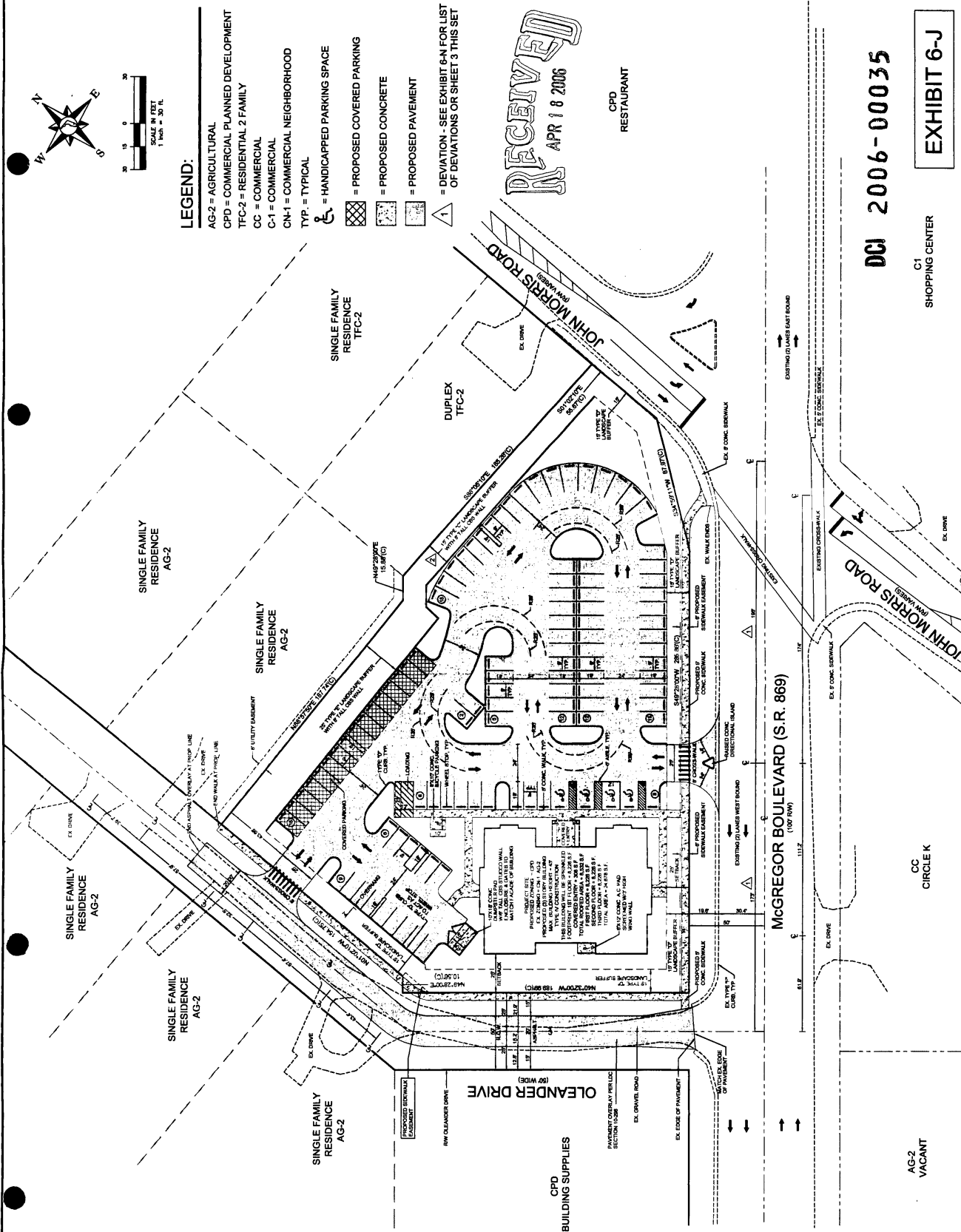


EXHIBIT 6-N

Schedule of Deviations and Justification

The Morris McGregor Center, a proposed Commercial Planned Development (CPD) is located on the northwest corner of the McGregor Boulevard and John Morris Road intersection in Section 02, Township 46 south, Range 23 East, in Fort Myers. The subject property is located within the Iona/McGregor Planning Community, and consists of 1.86± acres to be developed as commercial office building.

The following is a narrative explanation as to the deviations requested and the justification for each. The development and rezoning for the Morris McGregor Center CPD proposed two deviations from the Lee County Land Development Regulations.

Deviation #1: The first deviation is from Section 10-285 *Connection Separation*, of the LDC. Section 10-285 requires that the connection of accessways must be in accordance with the minimum standards provided in the section, namely that a drive or accessway must be no less than 330 feet from the center line of a collector road. This is a request to allow for a shorter separation distance than 330 feet between the proposed development's main accessway (on McGregor Boulevard) and John Morris Road, a Lee County collector road. The separation distance requested is 196 feet.

Justification: The subject property is only 1.86± acres with a collector road to the east and a local road to the west. These two roads currently have a total separation distance of 388 feet. If the site's access were situated to accommodate the full separation distance of 330 feet to John Morris Road, there would be a separation of only 58 feet between the site's access and the local road to the west. Aside from the very close distance between these two access points, the site design would not provide for a good flow for interior traffic or building placement at the greatest distance from the existing residential use to the rear. Therefore, in consideration for the site layout and limited frontage along McGregor Boulevard, this request is being made.

Deviation #2: The second deviation is from Section 10-416(d)(6) whereby if roads, drives or parking areas are located less than 125 feet from an existing residential lot, a solid wall or combination berm and solid wall not less than 8 feet in height must be constructed not less than 25 feet from the abutting property and landscaped. This is a request to allow for a reduction in the minimum number of feet between the solid wall and the abutting property from 25 feet to 15 feet.

Justification: The site plan was designed to create the least amount of impact to the abutting residential property. In doing so, it was determined that keeping the 3-story building the greatest distance from the abutting residential would be the best. However, if the building were positioned to the rear of the site, only a 15-foot buffer would be required. However, with the building to the far west of the site, the parking is positioned near the rear of the site, which abuts the residential property. This configuration requires an 8 foot wall no less than 25 feet from the abutting residential property. We feel the impact of the parking for an office building behind an 8 foot wall would *create far less impact* than the 3-story building abutting the residential property, and therefore request that the buffer between the wall and abutting residential property be reduced to a 15 foot with landscaping, rather than the required 25 foot. The eight foot wall with landscaping will be constructed in all cases.

EXHIBIT 6-M

Morris McGregor Center CPD Uses

Accessory uses and structures
Administrative offices
Amateur radio antennas and satellite earth stations
ATM (automatic teller machine)
Broadcast studio, commercial radio and television
Business services (34-622(c)(5)); Group I, Group II
Cleaning and maintenance services (34-622(c)(7))
Communication facility, wireless
Consumption on premises
Contractors and builders (34-622(c)(9)), all groups
Drive-through facility for any permitted use
Entrance gates and gatehouse
Essential services
Fences, walls
Health care facilities (34-622(c)(20)); Group I, Group II, Group III, Group IV
Insurance companies (34-622 (c)(23))
Medical office
Motion picture production studio
Personal services (34-622(c)(33)); Group I, Group II, Group III, Group IV
Post office
Printing and publishing (34-622 (c)(36))
Real estate sales office
Research and development laboratories (34-622(c)(41)); Group II, Group IV
Schools: Commercial (34- 622(c)(45)), Noncommercial
Signs in accordance with
Social services (34-622(c)(46)); Group I, Group II, Group III
Studies (34-622(c)(49))

EXHIBIT PH-3.C.1

LEGAL DESCRIPTION

OR BOOK 1672 PAGE 1026 (TRANSCRIBED VERBATIM)

LOT 1, BLOCK C, OF THAT CERTAIN SUBDIVISION KNOWN AS COTTAGE POINT, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE AND RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT, LEE COUNTY, FLORIDA, IN PLAT BOOK 9, PAGE 133, LESS AND EXCEPTING THEREFROM THAT PORTION LYING WITHIN STATE ROAD 867 AND BEING MORE PARTICULARLY DESCRIBED IN ORDER OF TAKING FILED NOVEMBER 4, 1989 IN COUNTY BOOK 41 PAGE 348, STATE ROAD #113, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

ALSO LESS AND EXCEPTING THEREFROM THAT PORTION CONVEYED TO LEE COUNTY IN OFFICIAL RECORDS BOOK 1586 AT PAGES 1247 AND 1248, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

AND

LOTS 2 AND 3, BLOCK C, OF THAT CERTAIN SUBDIVISION KNOWN AS COTTAGE POINT, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE AND RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT, LEE COUNTY, FLORIDA, IN PLAT BOOK 9, PAGE 133, LESS AND EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE STATE OF FLORIDA IN DEED BOOK 305 AT PAGE 482, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

AND

LOT 18, BLOCK D, OF THAT CERTAIN SUBDIVISION KNOWN AS COTTAGE POINT, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE AND RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT, LEE COUNTY, IN PLAT BOOK 9, AT PAGE 133, AND ACCORDING TO THE MAP OR PLAT ATTACHED TO AND MADE A PART OF DEED RECORDED IN DEED BOOK 296, AT PAGE 224, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

LAND USE BREAKDOWN:

TOTAL SITE AREA	80,723 S.F.	1.85 AC.	100.0%
BUILDING AREA - (ROOFED)	8,532 S.F.	0.20 AC.	10.57%
PAVEMENT/CONCRETE AREA	42,199 S.F.	0.97 AC.	52.27%
OPEN SPACE	29,992 S.F.	0.68 AC.	37.16%
IMPERVIOUS AREA	50,731 S.F.	1.17 AC.	62.84%

PROPERTY DEVELOPMENT REGULATIONS:

BUILDING SETBACKS	
STREET	25'
FRONT	25'
SIDE	15'
REAR	15'
MAX. BUILDING HEIGHT	45'

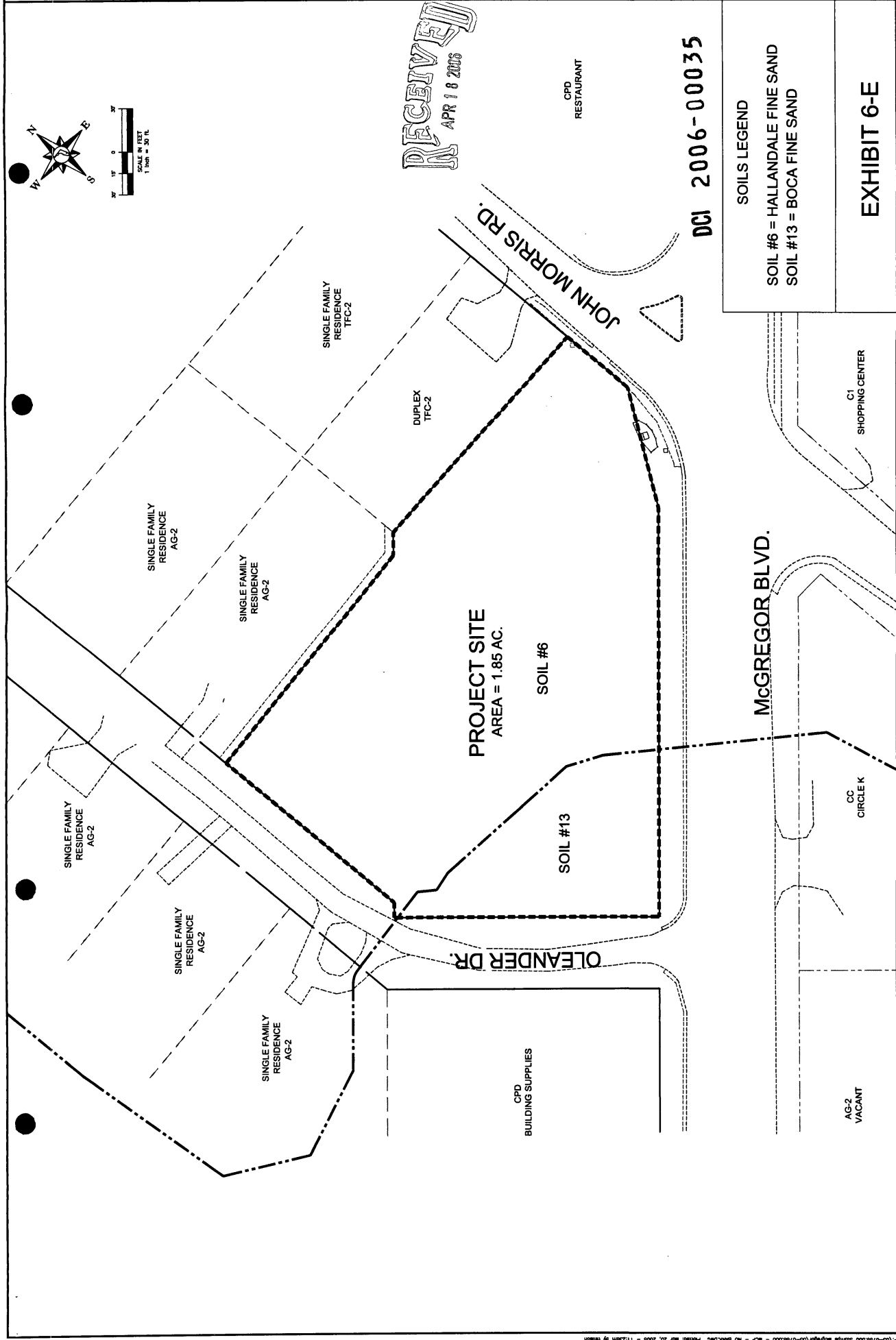
PARKING CALCULATIONS:

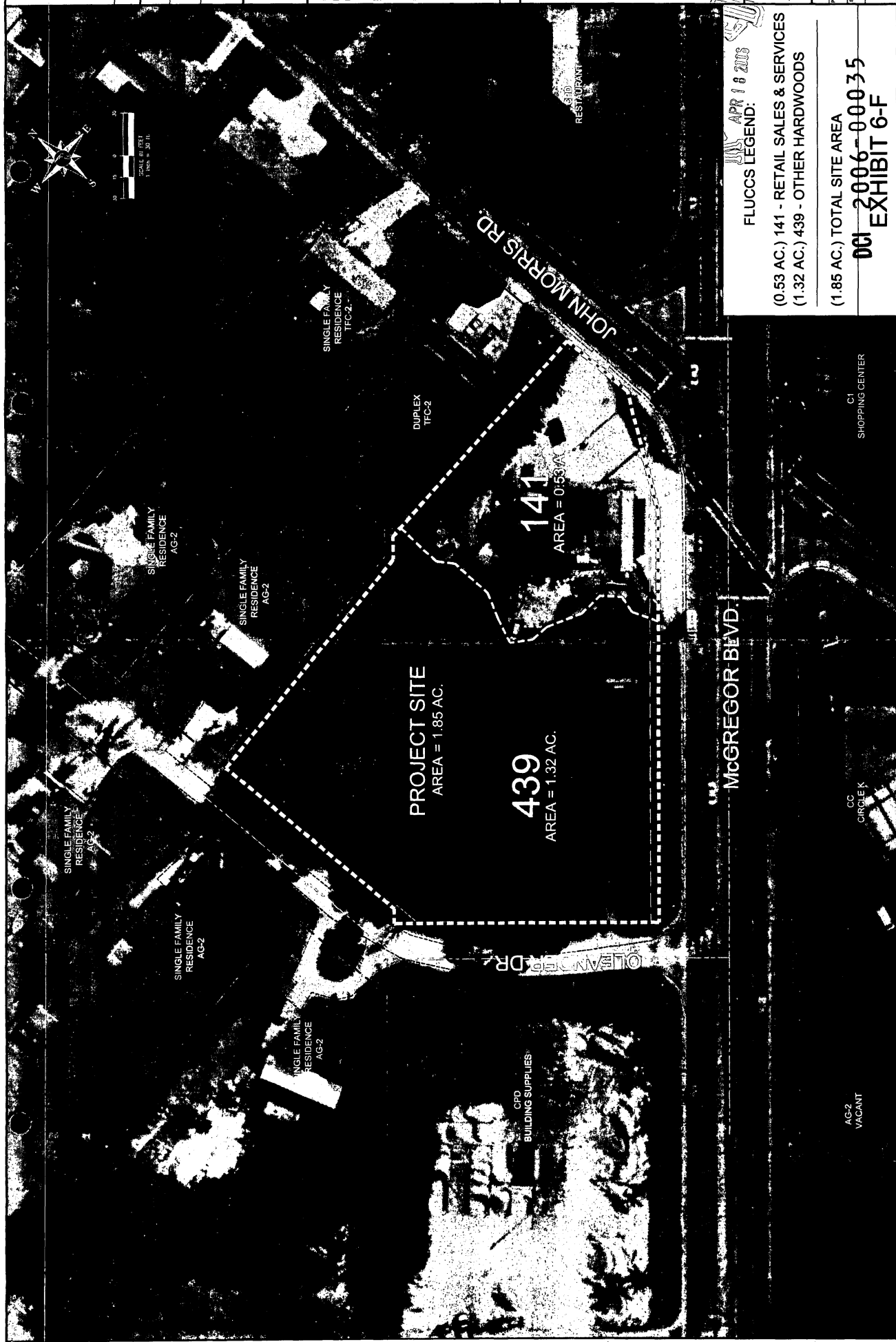
1ST FLOOR - BANK (8,228 S.F.)
1 SPACE PER 300 S.F. OF FLOOR AREA
8,228 S.F. / 300 S.F. = 28 SPACES REQUIRED
2ND FLOOR - GENERAL OFFICE (8,228 S.F.)
1 SPACE PER 300 S.F. OF FLOOR AREA
8,228 S.F. / 300 S.F. = 28 SPACES REQUIRED
3RD FLOOR - GENERAL OFFICE (8,228 S.F.)
1 SPACE PER 300 S.F. OF FLOOR AREA
8,228 S.F. / 300 S.F. = 28 SPACES REQUIRED
TOTAL PARKING REQUIRED = 84 SPACES
TOTAL PARKING PROVIDED = 108 SPACES
(INCLUDING 4 MC SPACES &
& 1 LOADING SPACE) = 108 SPACES

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EXHIBIT 6-J





AERIAL PHOTOGRAPH
MORRIS MCGREGOR CENTER CPD
LOTS 1 & 2 AND 3, BLOCK C, COTTAGE POINT SUBDIVISION,
PLAT BOOK 256, PAGE 224, SECTION 2, TOWNSHIP 45 SOUTH, RANGE 25 EAST.

Dyer, Riddle, Mills
& Precourt, Inc.

DRMP
ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS

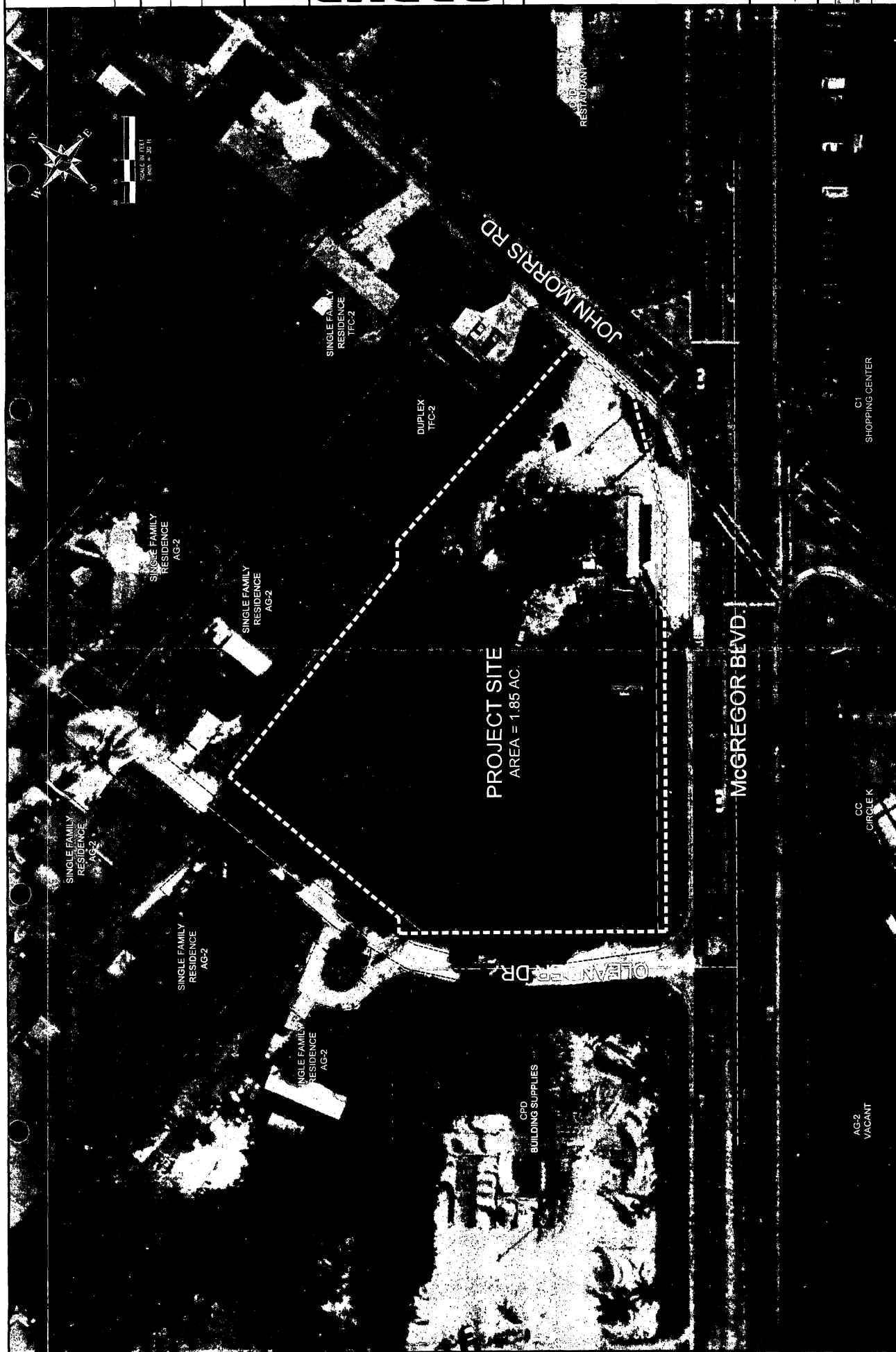
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DESIGNED BY	TW	2-20-06
DRAWN BY	TW	2-20-06
CHECKED BY	SST	2-20-06
APPROVED BY	SST	2-20-06

REVISIONS	DATE

SCALE
1"=30'
SHEET
6 OF 6

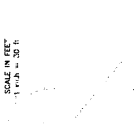
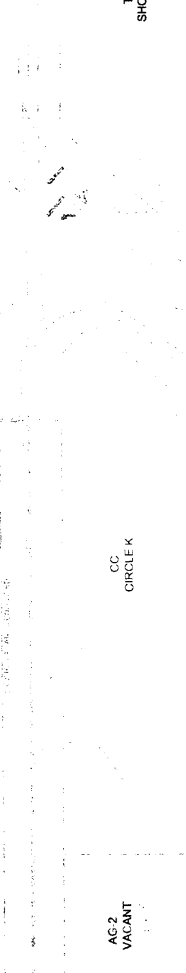
STEPHEN B. LOCKETT, P.E.
REG. #34232
STATE OF FLORIDA



A tract or parcel of land lying in Section 2, Township 46 South, Range 23 East Lee County, Florida which tract or parcel is more particularly described as follows:

[illegible]

At the McGraw-Hill Center for the Extension of McGraw-Hill and Jobs, a proposed Commercial Planned Development (CPD) is located at the northwest corner of the intersection of McGraw-Hill and Jobs Roads in Section 02, Township 04 South, Range 23 East, County of Platte, Nebraska. Property is located within the Iowa-McGraw Planning Community and contains approximately 1.6 acres. The property has potential office and retail commercial use. The following information is being disclosed as part of the Commercial Plan and Development according to the Nebraska Uniform Commercial Plan and Development Act (Neb. Rev. Stat. § 21-1201 for the Month of May, 2016, Center 7/17). These are the only deviations being requested for this project.

[illegible][illegible][illegible][illegible]

LAND USE BREAKDOWN		
TOTAL BUILD AREA	60 723.81	119.46
BUILDING AREA (FOOTPRINT)	11 892.81	0.77 AC
TOTAL PAVEMENT AREA	30 888.81	0.71 AC
CONCRETE AREA	4 467.81	0.17 AC
TOTAL ASPHALT/GRASS AREA	47 230.81	1.09 AC
PAVEMENT	33 232.81	0.76 AC
		40.77%
OPEN SPACE CALCULATIONS:		
TOTAL OPEN SPACE (AS REQUIRED)		
33 023 SF (40.77%) REQUIRED		
PARKING CALCULATIONS		

[illegible]

**SINGLE FAMILY
RESIDENCE
TFC-2**

CPU = COMMERCIAL PLANNED DEVELOPMENT
 THC 2 = RESIDENTIAL TWO FAMILY
 CC = COMMUNITY COMMERCIAL
 C-1 = COMMERCIAL
 TYP = TYPICAL
 A = HANDICAPPED PARKING SPACE

ROAD

CPD
RESTAURANT

SCHEDULE OF USES

ADMINISTRATIVE OFFICES
BUSINESS SERVICES (14-62643) (GROUP 1)
CLEANING AND MAINTENANCE SERVICES (14-62264) (GROUP 1)
CONTAINERED FOOD AND BEVERAGE SERVICE
DRUGSTORE, PHARMACY
FURNITURE, HOME FURNISHINGS
LACEDS, SCOTCH REMOVAL
FENCES, WALLS
FRAGILE SHIPMENT, LIMITED
FOOD SERVICES (14-62643) (GROUP 1)
LIGHT AND SHUTTER SHOP

HARDWARE STORE
 INSURANCE, HOME SUPPLIES (A-4270231)
 INSURANCE COMPANIES (A-4270231)
 PACKAGE STORES
 PET SUPPLIES
 PERSONAL SERVICES (A-427663)
 REAL ESTATE OFFICES
 REPAIR SHOPS (A-427640)
 SPECIALTY RETAIL SHOPS (A-4242473)
 STUDIOS (A-4242469)

C-1
 TWO-STORY
 SHOPPING CENTER

DCI 2006-00035

PROPERTY DEVELOPMENT REGULATIONS	
BUILDING SETBACKS	BUILDING SETBACKS
STREET	75'
SIDE	25'
MAX. BUILDING HEIGHT	35'
MIN. BUILDING AREA, SQ. FT.	3,000
	247.6

[illegible]

0 100 FEET

NEW BRIDGE

EXISTING BRIDGE

HIGHWAY 101

HIGHWAY 102

[illegible]

SINGLE FAMILY
RESIDENCE
AG-2

R DRIVE

SINGLE FAMILY
RESIDENCE
AG-2

SINGLE FAMILY
RESIDENCE
AG-2

[illegible]

AG 2
VACANT

EXHIBIT 6-L

TRAFFIC IMPACT STATEMENT MORRIS MCGREGOR CENTER CPD

PROJECT DESCRIPTION:

This project proposes to construct a 3-story building with 24,678 S.F. of floor space. The building will be used for leasing. The types of businesses anticipated to lease available office space would likely be professional service providers such as insurance agents, real estate agents, consultants etc. The anticipated office hours would be 7:00 a.m. to 6:00 p.m. Project is located in South Lee County, north of McGregor and west of John Morris Road. The build out year for this project will be 2008.

PROJECT ACCESS:

Project will have two access points. The first one will be via McGregor Boulevard, a 4 lane divided arterial road approximately 200 feet west of John Morris Road and this access will be limited to right in and right out movements only. The second access point will be via Oleander Drive, a local road allowing all movements.

TRIP GENERATION:

Proposed Trip Generation for this project is generated from 7th Edition, 2003, of the Institute of Transportation Engineer Trip Generation Manual. Peak P.M. weekday volume of 37 vehicles per hour can be expected with 17 percent entering and 83 percent exiting the site during the peak hour of the adjacent street traffic between 4:00 and 6:00 P.M. The P.M. peak hour factor is 1.49 vehicles per 1,000 square foot of office space.

USE CODE: General Office Building (710)

AMPHTE'S: 37 (33-enter, 4-exit)

PMPHTE'S: 37 (6-enter, 31-exit)

TRIP DISTRIBUTION & ASSIGNMENT:

Anticipated trip distribution was derived generated from Lee County 2004 Traffic Count Report.

McGregor Blvd.

a). Permanent Count Station No. 38

b). AADT: 14,900 trips

c). Seasonal Distribution:

i. AM:	Peak Hour Flow – 6.0%	55% WB	45% EB
ii. PM:	Peak Hour Flow - 6.7%	47% WB	53% EB

See exhibit A for more information.

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EXISTING TRAFFIC CONDITION:

Existing traffic conditions were derived from the Lee County Concurrency Management Inventory Road Link Volumes (June 2004) and Link Specific Service Volumes (2002) presented below:

Link Specific Service Volumes (2002 Data) – Peak Hour Peak Direction

McGregor Blvd. (Summerlin Rd. to Kelly Rd.)- Arterial

LOS-A	100
LOS-B	1,630
LOS-C	2,030
LOS-D	2,100
LOS-E	2,100

McGregor Blvd. has an Existing Level of Service of B.

Concurrency Management Inventory Road Link Volumes (June 2004)

- a). McGregor Blvd. (From Summerlin Rd to Kelly Rd – Link 16000)
- b). Estimated 2005 100th hour volume: 643-peak hour, peak direction trips

FUTURE BACKGROUND TRAFFIC CONDITION:

Future background traffic coincident with project build out is derived from historic Growth Rate Factor.

Periodic Count Station Data (2004 Traffic Count Report):

- a). Street: McGregor Blvd.
- b). Location: East of Davis Rd.
- c). Station No: 329
- d). Beginning Year: 1995
- e). Beginning Count: 9,300 trips
- f). Ending Year: 2004
- g). Ending Count: 10,800 trips
- h). No. of Growth Years 9

Growth Rate Factor Calculation:

McGregor Blvd.

$$9,300 (X)^9 = 10,800 \Rightarrow X = (10,800/9,300)^{(1/9)} \Rightarrow X = 1.0168$$

$$\text{Future Background traffic} \Rightarrow 643 (1.0168)^3 = 676$$



FUTURE TRAFFIC CONDITION:

Future traffic condition including the project was derived by adding the estimated project trips to the projected background traffic is presented below:

$$A (B)^c + D (1-E/100) = \text{Projected LOS Peak Hour Peak Direction Trips}$$

DCI 2006-00035

McGregor Blvd.

A = 2005 Estimated 100th Highest Hour Volume in the Peak Flow Direction= 643

B = Growth Rate Factor = 1.0168

C = # Yrs from Estimated Volume to LOS Analysis = 3

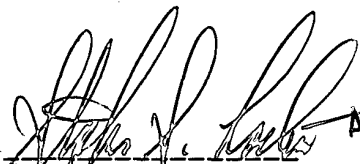
D = Site Generated Peak Hour Traffic = 17 (Left Turn Entering- PM Peak Hr)

E = % Pass by Traffic during Peak Hour = 0%

$$643 (1.0168)^3 + 17 = 693$$

CONCLUSION:

1. The building size is 24,678 sq. ft. and will be used for office space. The build out year will be 2008.
2. Proposed project generated 37 trips PM peak hour entering McGregor Blvd.
3. Under existing condition McGregor Blvd. operates at Level of Service B.
4. At project build out McGregor Blvd. continues at same Level of Service at Level B. No improvements are necessary.


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Stephen S. Lockett, P.E. #38232
State of Florida

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AM & PM PEAK HOUR TRAFFIC VOLUME DISTRIBUTION

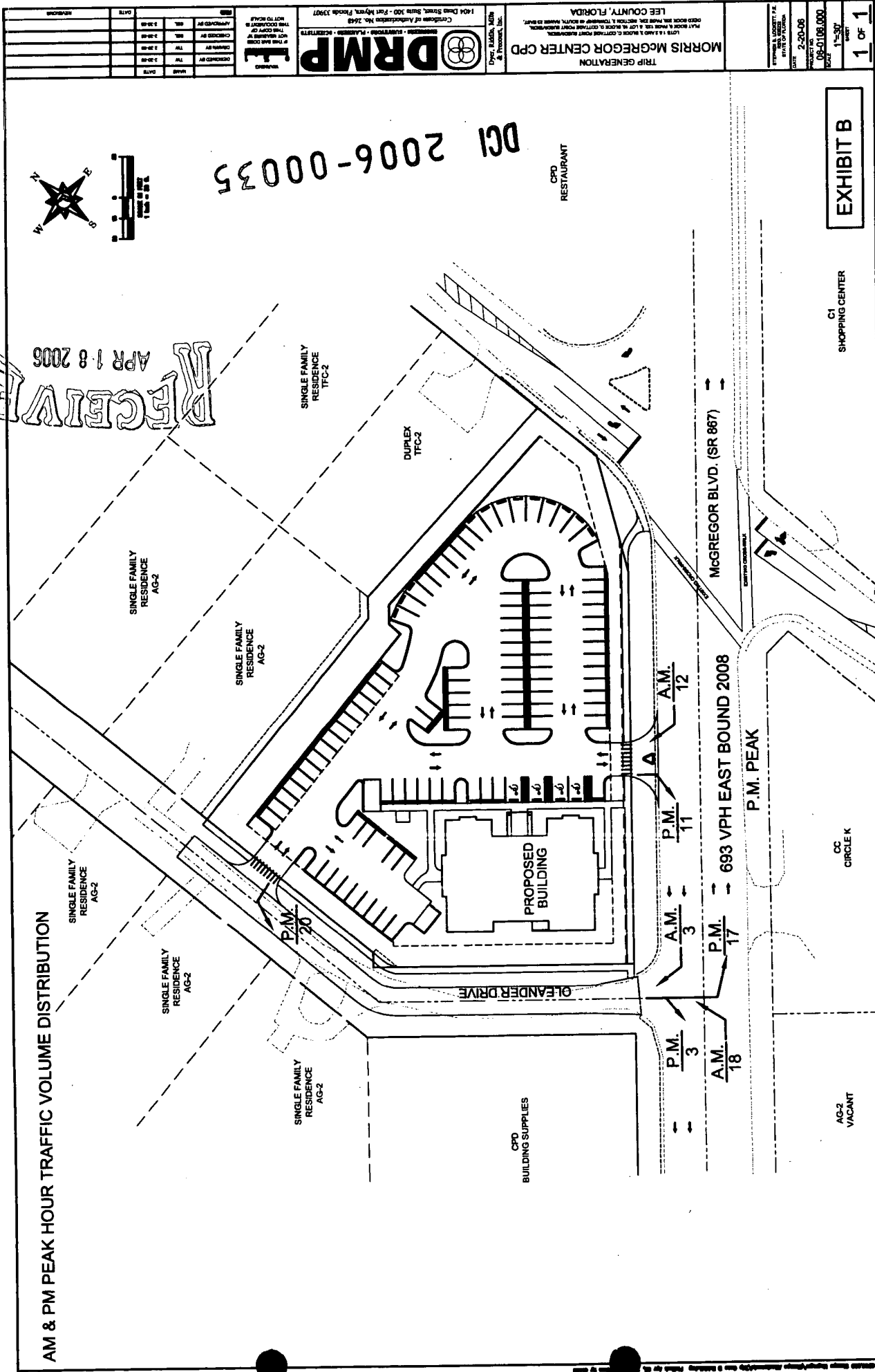


EXHIBIT B

C1 SHOPPING CENTER

CC CIRCLE K

AG-2 VACANT

McGREGOR BLVD. (SR 867)

693 VPH EAST BOUND 2008

P.M. PEAK

O'LEANDER DRIVE

CPD BUILDING SUPPLIES

CPD RESTAURANT

DUPLEX TFC-3

SINGLE FAMILY RESIDENCE TFC-2

SINGLE FAMILY RESIDENCE AG-2

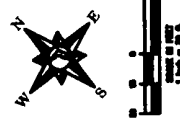
SINGLE FAMILY RESIDENCE AG-2

SINGLE FAMILY RESIDENCE AG-2

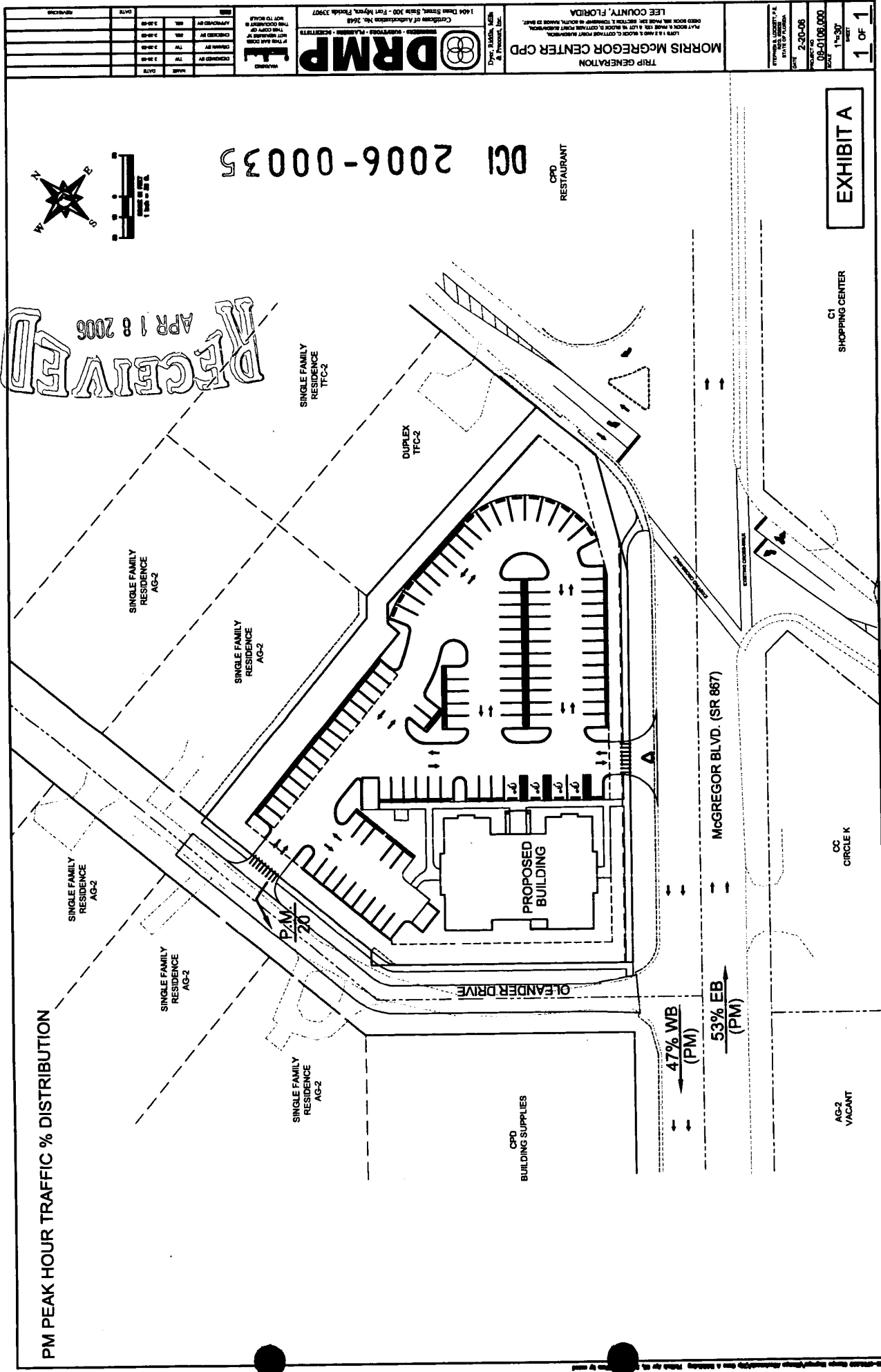
SINGLE FAMILY RESIDENCE AG-2

SINGLE FAMILY RESIDENCE AG-2

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DCI 2006-00035



DRMP 1404 Davis Street, Suite 300 - Fort Myers, Florida 33907 (813) 938-1100 www.drmp.com		TRIP GENERATION MORRIS MCGREGOR CENTER CPD LOTS 1 & 2, BLOCK 1, SECTION 1, TOWNSHIP 36 NORTH, RANGE 20 WEST, LEE COUNTY, FLORIDA PREPARED BY: DRMP DATE: 2-20-06 PROJECT NO: 06-0106.000 SCALE: 1"=30' SHEET: 1 OF 1	
DATE: _____ TIME: _____ BY: _____ FOR: _____	CHECKED BY: _____ DATE: _____ TIME: _____ BY: _____ FOR: _____	CHECKED BY: _____ DATE: _____ TIME: _____ BY: _____ FOR: _____	CHECKED BY: _____ DATE: _____ TIME: _____ BY: _____ FOR: _____

ROAD LINK VOLUMES

Peak Direction of Flow

ROADWAY LINK NAME	FROM	TO	ROAD TYPE	PERFORMANCE STANDARD		2004 100th HIGHEST HOUR		EST 2005 100th HIGHEST HOUR		FORECAST FUTURE VOL		NOTES*	LINK NO.
				LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME	LOS	VOLUME		
McGREGOR BLVD. (C.R. 867)	SUMMERLIN RD. (C.R. 869)	KELLY RD.	4LD	E	2,100	B	624	B	643	B	691		16000
McGREGOR BLVD. (C.R. 867)	KELLY RD.	GLADIOLUS DR.	4LD	E	2,100	B	804	B	808	B	823		16100
McGREGOR BLVD. (S.R. 867)	GLADIOLUS DR.	IONA LOOP RD.	4LD	E	1,940	C	1,068	C	1,089	C	1,091		16200
McGREGOR BLVD. (S.R. 867)	IONA LOOP RD.	PINE RIDGE RD.	4LD	E	1,940	C	1,297	C	1,299	C	1,310		16300
McGREGOR BLVD. (S.R. 867)	PINE RIDGE RD.	CYPRESS LAKE DRIVE	4LD	E	1,940	D	1,843	D	1,847	D	1,917		16400
McGREGOR BLVD. (S.R. 867)	CYPRESS LAKE DRIVE	COLLEGE PARKWAY	4LD	E	1,940	D	1,892	D	1,896	D	1,899		16500
McGREGOR BLVD. (S.R. 867)	COLLEGE PARKWAY	WINKLER ROAD	2LN	E	1,080	C	882	C	949	C	961	Constrained v/c=0.82	16600
McGREGOR BLVD. (S.R. 867)	WINKLER ROAD	TANGLEWOOD BLVD.	2LN	E	1,080	F	1,231	F	1,234	F	1,234	Constrained v/c=1.14	16700
McGREGOR BLVD. (S.R. 867)	TANGLEWOOD BLVD.	COLONIAL BLVD. (S.R. 884)	2LN	E	1,080	F	1,190	F	1,192	F	1,192	Constrained v/c=1.10 Design for turn lane at Colonial funded in 04/05	16800
METRO PARKWAY (S.R. 739)	SIX MILE CYPRESS PKWY.	DANIELS ROAD	2LN	E	860	C	530	C	531	C	644	6 Lane funded by FDOT in 09/10	16900
METRO PARKWAY (S.R. 739)	DANIELS ROAD	CRYSTAL DR.	4LD	E	1,960	B	1,295	B	1,319	B	1,384		17000
METRO PARKWAY (S.R. 739)	CRYSTAL DR.	DANLEY DR.	4LD	E	1,960	B	1,375	B	1,385	B	1,417		17100
METRO PARKWAY (S.R. 739)	DANLEY DR.	COLONIAL BLVD. (S.R. 884)	4LD	D	1,960	C	1,820	C	1,823	C	1,826	4L Plantation Ext. Funded 06/07	17200
MILWAUKEE BLVD.	ALABAMA BLVD.	A.G. BELL BLVD.	2LU	E	880	B	5	B	72	B	72		17600

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PERIODIC COUNT STATION DATA

Daily Traffic Volume (AADT)														
STREET	LOCATION	Station #	MAP	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	PERM-ANENT STATION
DR. MARTIN LUTHER KING, JR. BLVD. (SR 82)	E OF FOWLER ST	208	E	14100	16000	18300	17500	19400	16300	16000	20300	22400	27100	22
	W OF CRANFORD AVE	211	A		12600	13300	12700	13600	12200	10200	11200	17300	21900	22
	W OF ORTIZ AVE	214	A	17800	18700	19100	18600	21600	20900	20100	20500	N/A	27800	22
	W OF I-75	20	E	15200	15700	16000	17000	17900	17100	17500	18500	N/A	27300	
MAPLE DR	E OF SUMMERLIN RD	318	B	2900	2800	3100	3200	3400	2300	3000	3500	3900	3400	35
MARSH AVE	N OF PALM BEACH BLVD	633	A									3200	4100	5
McGREGOR BLVD (CR 887)	@ SANIBEL TOLL PLAZA	320	I	17900	16700	17500	17900	18000	17600	19300	18300	11300	See Sanibel Causeway	36
	E OF PORT COMFORT RD	323	G	19700	19800	20500	20200	20600	21200	22100	22200	18800	18800	38
	E OF DAVIS RD	329	G	9300	8900	9700	10300	9700	9900	10700	10700	10800	10800	
	E OF KELLY RD	38	G	15300	15000	15800	15600	15000	15300	16400	16500	15600	14900	
McGREGOR BLVD	N OF GLADIOLUS DR	326	G	16100	18200	19500	18700	15700	17800	21700	23800	23900	23700	37
	S OF PINE RIDGE RD	37	G	20300	19500	20300	20900	19500	N/A	24700	26300	26600	26900	
	S OF CYPRESS LAKE DR	324	G	23500	22200	27100	27200	28600	29900	35900	33200	35300	37200	35
	S OF COLLEGE PKWY	332	G	21900	20600	24600	25700	26800	25700	28600	28700	32500	38200	35
	S OF WINKLER RD	331	B	16800	14700	14400	13800	14400	12900	15300	15800	15900	17800	35
	N OF WHISKEY CREEK DR	322	B	22300	21500	20600	18600	21700	19900	18500	22500	23200	24200	29
	S OF COLONIAL BLVD	321	B	24700	20600	21000	18900	21600	20800	20200	22900	23300	23400	29
	S OF HILL AVE	325	B	21500	21600	20400	13900	18200	16200	18500	20500	20600	20900	29
	N OF MANUELS DR	28	A	18400	17500	18100	12700	12600	14100	14800	16400	16700	17100	
METRO PKWY (SR 739)	N OF SIX MILE PKWY	337	G	8500	7800	8300	8100	9300	9100	9900	9300	9200	10400	45
	N OF DANIELS PKWY	335	G	20500	19000	19600	20100	22400	20900	24000	23000	23400	25400	45
	N OF CRYSTAL DR		B	27800										
	N OF ARC WAY	45	B		24900	24800	25300	24700	24400	24500	26000	26200	25200	
	S OF COLONIAL BLVD	336	B	28900	26500	27000	30300	30100	31700	34000	31600	30200	35700	45
	N OF COLONIAL BLVD	339	B	18800	17100	17500	18700	18400	19000	18400	17600	19500	21600	45
	N OF WINKLER AVE	334	B	16100	14800	15000	16400	16900	18800	17200	19100	19800	21500	45
	S OF HANSON ST	338	B	13800	13300	14500	13400	14100	14200	12300	14700	15200	17800	45

U/C - Area under construction
NEW - New count this year

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PERMANENT COUNT STATION 38
McGREGOR BLVD (CR 867) N OF KELLY RD

2004 AADT = 14900

Monthly ADT as a % of Annual ADT

January	111%
February	121%
March	127%
April	115%
May	97%
June	91%
July	91%
August	82%
September	82%
October	92%
November	98%
December	100%

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Day of Week as a % of Annual ADT

Monday	100%
Tuesday	104%
Wednesday	106%
Thursday	106%
Friday	114%
Saturday	91%
Sunday	76%

Weekday Peak Flow Characteristics

Season	Non-season	Westbound	Eastbound
Peak Flow between 7 a.m. and 9 a.m.	6.7%	6.0%	
1) as a % of weekday traffic	56%	55%	
2) directional Split (peak direction)		Westbound	Eastbound
Peak Flow between 4 p.m. and 6 p.m.	6.6%	6.7%	
1) as a % of weekday traffic	55%	53%	
2) directional Split (peak direction)		Eastbound	Eastbound

PERMANENT COUNT STATION 38
McGREGOR BLVD (CR 867) N OF KELLY RD

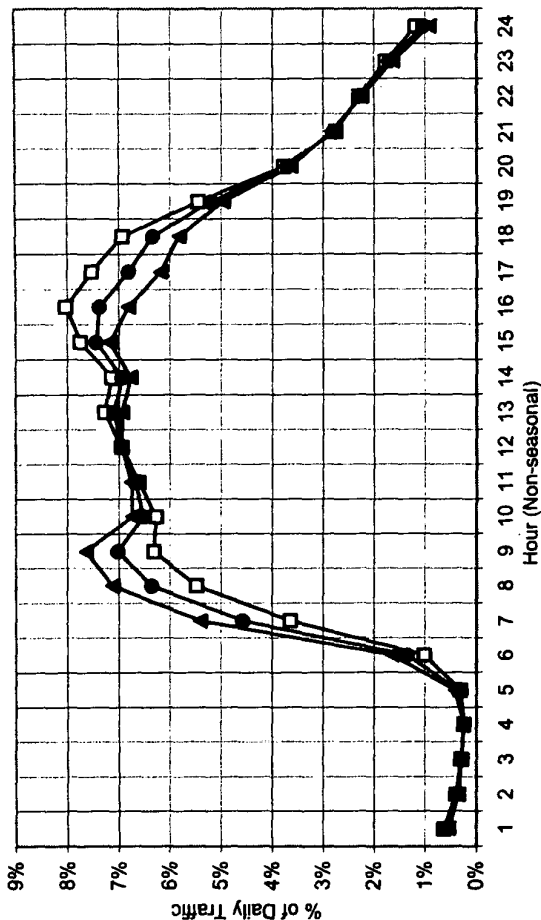
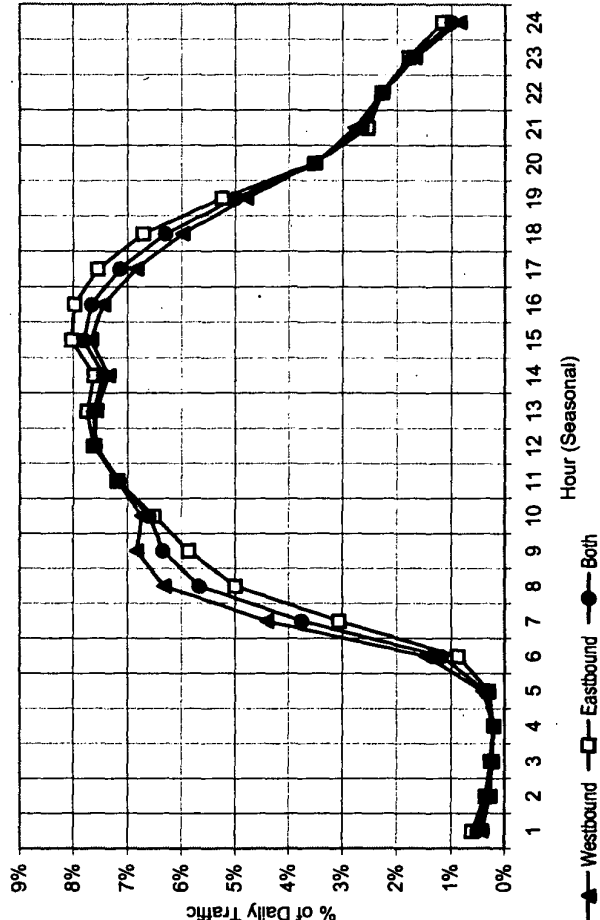


EXHIBIT 6-M SCHEDULE OF USES

Morris McGregor Center CPD Uses

Accessory uses and structures
 Administrative offices
 Amateur radio antennas and satellite earth stations
 ATM (automatic teller machine)
 Broadcast studio, commercial radio and television
 Business services (34-622(c) (5)): Group I, Group II
 Cleaning and maintenance services (34-622(c)(7))
 Communication facility, wireless
 Consumption on premises
 Contractors and builders (34 622(c)(9)), all groups
 Entrance gates and gatehouse
 Essential services
 Essential service facilities (34-622(c)(13)): Group I, Group II
 Fences, walls
 Health care facilities (34-622(c)(20)): Group I, Group II, Group III, Group IV
 Insurance companies (34-622 (c)(23))
 Medical office
 Motion picture production studio
 Personal services (34-622(c) (33)): Group I, Group II, Group III, Group IV
 Post office
 Printing and publishing (34-622 (c)(36))
 Real estate sales office
 Research and development laboratories (34-622(c)(41)): Group II, Group IV
 Schools: Commercial (34- 622(c)(45)), Noncommercial
 Signs in accordance with
 Social services (34-622(c)(46)l: Group I, Group II, Group III
 Studios (34-622(c)(49))

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WARNING  IF THIS BAR DOES NOT MEASURE 1/2" THIS COPY OF THIS DOCUMENT IS NOT TO SCALE	CADD DESIGNED BY DRAWN BY CHECKED BY APPROVED BY	NAME TW 	DATE 2-27-06 	 DRMP ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS Certificate of Authorization No. 2648 1404 Dean Street, Suite 300 - Fort Myers, Florida 33907	EXHIBIT 6-M SCHEDULE OF USES MORRIS MCGREGOR CENTER CPD <small> LOTS 1 & 2 AND 3, BLOCK C, COTTAGE POINT SUBDIVISION, PLAT BOOK 9, PAGE 133; & LOT 16, BLOCK D, COTTAGE POINT SUBDIVISION, DEED BOOK 258, PAGE 224; SECTION 2, TOWNSHIP 46 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA </small>	PROJECT NO. 08-0106.00
						DATE 2-27-06
						SCALE N.T.S.
						SHEET 1 OF 1
	FILE: 6-M SCHEDULE OF USES.dwg					

EXHIBIT 6-N

SCHEDULE OF DEVIATIONS & JUSTIFICATION

The Morris McGregor Center, a proposed Commercial Planned Development (CPD) is located on the northwest corner of the McGregor Boulevard and John Morris Road intersection in Section 02, Township 46 south, Range 23 East, in Fort Myers. The subject property is located within the Iona/McGregor Planning Community., and consists of 1.85± acres to be developed as commercial office building.

The following is a narrative explanation as to the deviations requested and the justification for each. The development and rezoning for the Morris McGregor Center CPD proposed two deviations from the Lee County Land Development Regulations.

Deviation #1: The first deviation is from Section 10-285 *Connection Separation*, of the LDC. Section 10-285 requires that the connection of accessways must be in accordance with the minimum standards provided in the section, namely that a drive or accessway must be no less than 330 feet from the center line of a collector road. This is a request to allow for a shorter separation distance than 330 feet between the proposed development's main accessway (on McGregor Boulevard) and John Morris Road, a Lee County collector road. The separation distance requested is 196 feet.

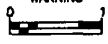
Justification: The subject property is only 1.85± acres with a collector road to the east and a local road to the west. These two roads currently have a total separation distance of 369 feet. If the site's access were situated to accommodate the full separation distance of 330 feet to John Morris Road, there would be a separation of only 58 feet between the site's access and the local road to the west. Aside from the very close distance between these two access points, the site design would not provide for a good flow for interior traffic or building placement at the greatest distance from the existing residential use to the rear. Therefore, in consideration for the site layout and limited frontage along McGregor Boulevard, this request is being made.

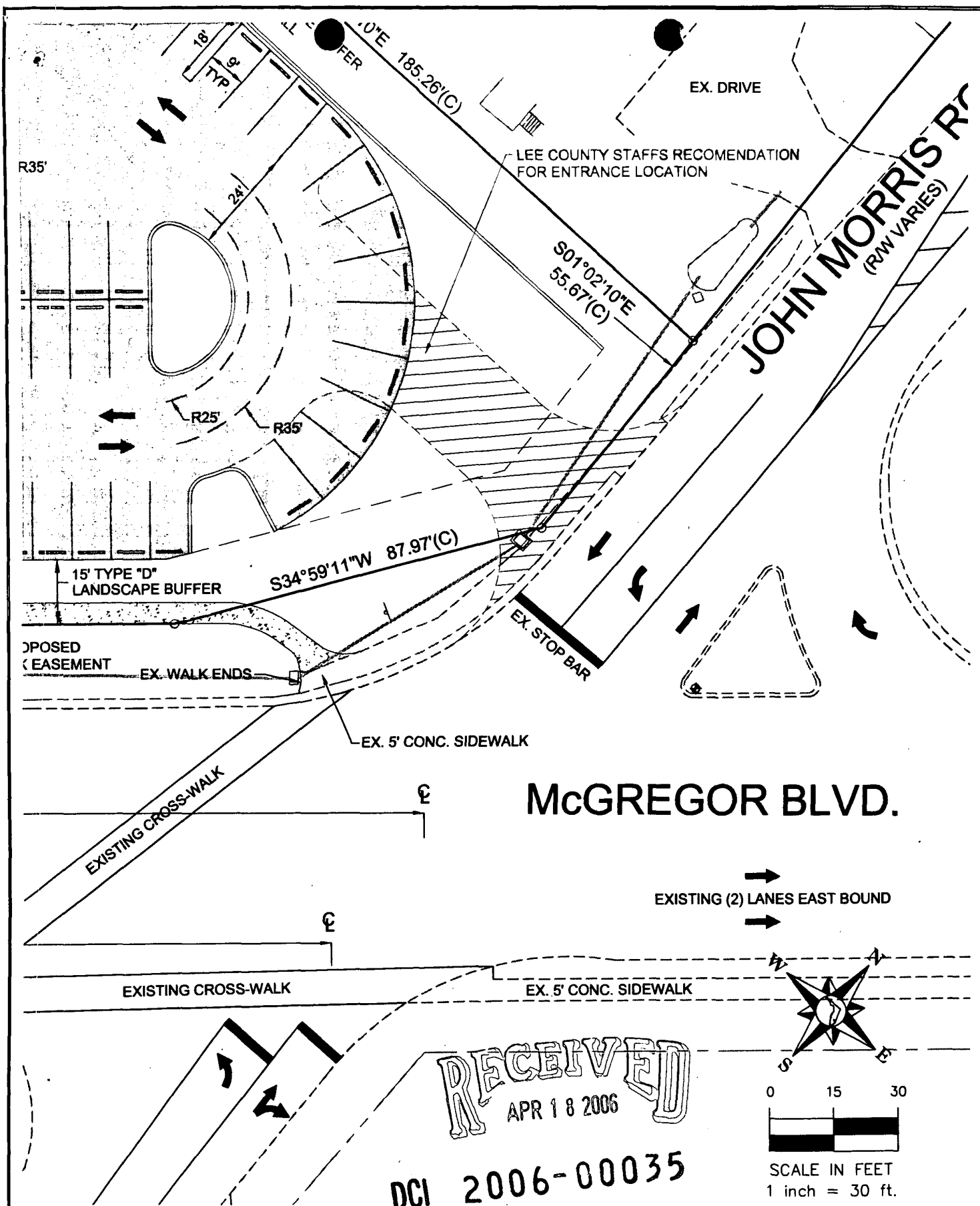
Deviation #2: The second deviation is from Section 10-416(d)(6) whereby if roads, drives or parking areas are located less than 125 feet from an existing residential lot, a solid wall or combination berm and solid wall not less than 8 feet in height must be constructed not less than 25 feet from the abutting property and landscaped. This is a request to allow for a reduction in the minimum number of feet between the solid wall and the abutting property from 25 feet to 15 feet.

Justification: The site plan was designed to create the least amount of impact to the abutting residential property. In doing so, it was determined that keeping the 3-story building the greatest distance from the abutting residential would be the best. However, if the building were positioned to the rear of the site, only a 15-foot buffer would be required. However, with the building to the far west of the site, the parking is positioned near the rear of the site, which abuts the residential property. This configuration requires an 8 foot wall no less than 25 feet from the abutting residential property. We feel the impact of the parking for an office building behind an 8 foot wall would *create far less impact* than the 3-story building abutting the residential property, and therefore request that the buffer between the wall and abutting residential property be reduced to a 15 foot with landscaping, rather than the required 25 foot. The eight foot wall with landscaping will be constructed in all cases.

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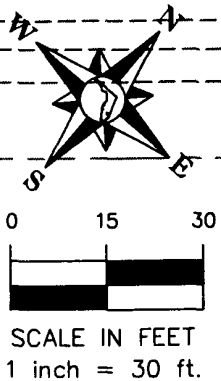
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<p>WARNING</p>  <p>IF THIS BAR DOES NOT MEASURE 1/2" THIS COPY OF THIS DOCUMENT IS NOT TO SCALE.</p>	CADD	NAME	DATE	 <p>DRMP ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS Certificate of Authorization No. 2648 1404 Dean Street, Suite 300 - Fort Myers, Florida 33907</p>	<p>EXHIBIT 6-N SCHEDULE OF DEVIATIONS MORRIS MCGREGOR CENTER CPD</p> <p><small>LOTS 1 & 2 AND 3, BLOCK C, COTTAGE POINT SUBDIVISION, PLAT BOOK 9, PAGE 133; & LOT 18, BLOCK D, COTTAGE POINT SUBDIVISION, DEED BOOK 236, PAGE 224; SECTION 2, TOWNSHIP 46 SOUTH, RANGE 23 EAST.</small></p> <p>LEE COUNTY, FLORIDA</p>	PROJECT NO. 06-0106.00
	DESIGNED BY					DATE 2-27-06
	DRAWN BY	TW				
	CHECKED BY					
	APPROVED BY					
FILE:						SCALE N.T.S.
						SHEET <u>1</u> OF <u>2</u>



McGREGOR BLVD.

EXISTING (2) LANES EAST BOUND



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CONT. ON PAGE 2

WARNING IF THIS BAR DOES NOT MEASURE 1/2" THIS COPY OF THIS DOCUMENT IS NOT TO SCALE	CADD	NAME	DATE	 DRMP ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS Certificate of Authorization No. 2648 1404 Dean Street, Suite 300 - Fort Myers, Florida 33907	EXHIBIT 6-N SCHEDULE OF DEVIATIONS MORRIS MCGREGOR CENTER CPD <small>LOTS 1 & 2 AND 3, BLOCK C, COTTAGE POINT SUBDIVISION, PLAT BOOK 9, PAGE 133; & LOT 16, BLOCK D, COTTAGE POINT SUBDIVISION, DEED BOOK 259, PAGE 224; SECTION 2, TOWNSHIP 46 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA</small>	PROJECT NO.
	DESIGNED BY					06-0106.000
	DRAWN BY	TW	2-27-06			DATE
	CHECKED BY					2-27-06
	APPROVED BY					SCALE
FILE						1"=30'
						SHEET
						2 of 2

Lee Property Appraiser Web Tax Map



Tax Map Legend

Selected Parcel

Road Centerlines

Parcels

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Aerial Image Set	2005 (Color)	Map Currency Date	3/20/2006 2:01:37 PM
Selected Parcel	02-46-23-02-0000D.0160	Legal Description	COTTAGE POINT UNREC. BLK D DB 259/224 LOT 16
Parcel Owner	MORRIS MCGREGOR LLC 12730 NEW BRITTANY BLVD #205 FORT MYERS FL 33907	Property Address	16581 S OLEANDER DR Fort Myers FL 33908

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Lee Property Appraiser Web Tax Map



Tax Map Legend



Selected Parcel



Road Centerlines

Parcels

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Aerial Image Set	2005 (Color)	Map Currency Date	3/20/2006 2:02:44 PM
Selected Parcel	02-46-23-01-0000C.0020	Legal Description	COTTAGE POINT BLK C PB 9 PG 133 LOTS 2 + 3
Parcel Owner	MORRIS MCGREGOR LLC 12730 NEW BRITTANY BLVD #205 FORT MYERS FL 33907	Property Address	16766 MCGREGOR BLVD Fort Myers FL 33908

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Lee Property Appraiser Web Tax Map



Tax Map Legend



Selected Parcel



Road Centerlines

Parcels

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Aerial Image Set	2005 (Color)	Map Currency Date	3/20/2006 2:03:25 PM
Selected Parcel	02-46-23-01-0000C.0010	Legal Description	COTTAGE POINT SUBD. BLK C PB 9 PG 133 LOT 1
Parcel Owner	MORRIS MCGREGOR LLC 12730 NEW BRITTANY BLVD #205 FORT MYERS FL 33907	Property Address	16758 MCGREGOR BLVD Fort Myers FL 33908

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Prepared by and return to:

Jay A. Brett

Attorney at Law

Sheppard, Brett, Stewart, Hersch & Kinsey, P.A.

9100 College Pointe Court

Fort Myers, FL 33919

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this 10th day of February, 2006 between DWIGHT S. BAIRD, JR., INDIVIDUALLY AND AS TRUSTEE, whose address is: 9005 Colby Drive, Unit 1907, Fort Myers, FL 33919, Grantor, and MORRIS MCGREGOR LLC, a Florida Limited Liability Company, whose address is: 12730 New Brittany Blvd., #205, Fort Myers, FL 33907, Grantee:

(Whenever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said Grantee, and Grantee's heirs and assigns forever, the following described land, situate, lying and being in Lee County, Florida to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE.

Property Appraiser's Parcel Identification Number: 02-46-23-01-0000C.0010
02-46-23-01-0000C.0020
02-46-23-02-0000D.0160

SUBJECT to taxes for the current calendar year, easements, restrictions and reservations of record, if any.

THE ABOVE DESCRIBED PROPERTY IS NEITHER HOMESTEAD PROPERTY NOR THE RESIDENCE OF THE GRANTOR. THE GRANTOR RESIDES AT 9005 COLBY DRIVE, UNIT 1907, FORT MYERS, FL 33919.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

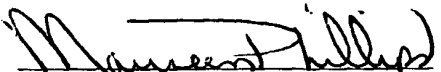
And the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2005.

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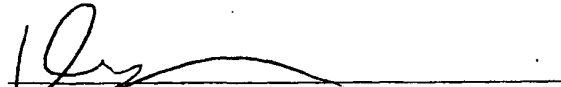
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In Witness Whereof, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:


Witness Name: MAUREEN PHILLIPS

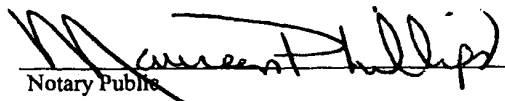
Witness Name: LAUREN D. TAYLOR


DWIGHT S. BAIRD, JR., Individually and as Trustee

State of Florida
County of Lee

The foregoing instrument was acknowledged before me this 10th day of February, 2006 by DWIGHT S. BAIRD, JR., INDIVIDUALLY AND AS TRUSTEE, who ☒ is personally known or ☐ has produced a Florida driver's license as identification.

[Notary Seal]


Notary Public
Printed Name: MAUREEN PHILLIPS
My Commission Expires: _____



DCI 2006-00035

EXHIBIT "A"

Lot 1, Block C, of that certain subdivision known as Cottage Point, according to the map or plat thereof on file and recorded in the Office of the Clerk of the circuit Court of Lee County, Florida, in Plat Book 9, page 133, less and excepting there from that portion lying within State Road 867 and being more particularly described in Order of Taking filed November 4, 1959 in County Book 41, Page 349, State Road #113, Public Records of Lee County, Florida. Also less and excepting there from that portion conveyed to Lee County in O.R. Book 1596, Page 1247 and 1248, Public Records of Lee County, Florida.

and

Lots 2 and 3, Block C of that certain subdivision known as Cottage Point, according to the map or plat thereof on file and recorded in the Office of the Clerk of the Circuit Court, Lee County, Florida in Plat Book 9, Page 133, less and excepting there from that portion conveyed to the State of Florida in Deed Book 305, Page 482, Public Records of Lee County, Florida.

and

Lot 16, Block D, of that certain Subdivision known as Cottage Point, according to the map or plat thereof on file and recorded in the Office of the Clerk of the Circuit Court, Lee County, Florida in Plat Book 9, Page 133 and according to the map or plat attached to and made part of Deed recorded in Deed Book 259 Page 224, Public Records of Lee County, Florida.

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LEE COUNTY

SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (941) 479-8181

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Tammy Hall
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

March 7, 2006

Tim Wilson
DRMP
1404 Dean Street, Suite 300
Fort Myers, FL 33901

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**RE: POTABLE WATER AND WASTEWATER AVAILABILITY
MCGREGOR MORRIS CENTER CPD
STRAP # 02-46-23-00-0000C.0010, 0020 & 02-46-23-02-0000D.0160**

Dear Mr. Wilson:

Potable water lines and waste-water lines are in operation in the vicinity of the proposed project mentioned above. However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions may be required.

Your firm has indicated that this project will consist of 1 commercial unit, with an estimated flow demand of approximately 4,050 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water and sanitary sewer service as estimated above.

Prior to beginning design work on this project, a meeting should be scheduled with Thom Osterhout to determine the best point of connection and discuss requirements for construction.

Availability of potable water and sanitary sewer service is contingent upon final acceptance of the infrastructure to be constructed by the developer. Upon completion and final acceptance of this project, potable water service will be provided through our Green Meadows Water Treatment Plant and Sanitary sewer service will be provided by our Fort Myers Beach Wastewater Treatment Plant. The Lee County Utilities' Operations Manual requires the project engineer to perform hydraulic computations to determine what impact this project will have on our existing system.

This letter should not be construed as a commitment to serve, but only as to the availability of service. Lee County Utilities will commit to serve only upon receipt of all appropriate connection fees, a signed request for service and/or an executed service agreement, and the approval of all State and local regulatory agencies.

THIS LETTER OF AVAILABILITY OF POTABLE WATER AND/OR WASTE-WATER SERVICE IS TO BE UTILIZED FOR ZONING APPLICATION PURPOSES FOR THIS PROJECT ONLY. INDIVIDUAL LETTERS OF AVAILABILITY WILL BE REQUIRED FOR THE PURPOSE OF OBTAINING BUILDING PERMITS.

Sincerely,

LEE COUNTY UTILITIES

Mary McCormic
Senior Engineering Tech.

VIA FACSIMILE
Original Mailed

DCI 2006-00035

S:\Engr\MMML\LETTERS\OTHER\01A - ZONING.doc

P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 335-2111
Internet address <http://www.lee-county.com>
AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER

Spatial District Query Report

STRAP Number: 02-46-23-01-0000C.0010


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District Name	District Value	Pct of Parcel in District (If fractional)	Notes
Airport Noise Zone		NOT FOUND	
Airspace Notification		NOT FOUND	
Census Tract	Tract ID	19.04	100.02%
Coastal Building Zone		NOT FOUND	
Coastal High Hazard Area	Coastal High Hazard Zone	High hazard	
Fire District	Fire District Taxing Authority	Iona-McGregor 050	
Flood Insurance Zone	Flood Zone	A10-EL10	
FIRM Floodway		NOT FOUND	
Flood Insurance Panel	Community	125124	69.95%
	Panel	0426	
	Version	C	
	Date	110492	
	Community	125124	17.29%
	Panel	0427	
	Version	C	
	Date	110492	
	Community	125124	12.7%
	Panel	0325	
	Version	C	
	Date	110492	
DNR Flood Zones		NOT FOUND	
Flood Insurance Coastal Barrier		NOT FOUND	
Lighting District		NOT FOUND	
Planning Community	ID	12	
	Plan Community	Iona/McGregor	
Planning Land Use 2010	Landuse	Suburban	
Sanibel/County Agreement	Agreement	YES	1
School Board District	District	1	94.25%
	School Board Member	Robert Chilmonik	
	District	3	5.75%
School Choice Zone	School Board Member	Jane E. Kucel, Ph.D.	2
	Choice Zones	South Zone	
Solid Waste District	Choice Zones	South Zone 1	
	District Area	Area 2	
Storm Surge	Category	1	
Subdivisions	Subdivision No.	02462301	
	Subdivision Name	COTTAGE POINT SUB	
	Book Page 1		
	Book Page 2		
	Book Page 3		
Traffic Analysis Zone			
Archaeological Sensitivity	Sensitivity Level	2	

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Sea Turtle Lighting Zone			NOT FOUND	
Watersheds	Shed ID	Iona		
FLUCCS1995	Code	121		
	Landuse	Fixed single family units		
Vegetation Permit Required			NOT FOUND	
Soil	Map Symbol	6		
	Soil Name	HALLANDALE FINE SAND		
Panther Habitat			NOT FOUND	
Eagle Nesting Site Buffer			NOT FOUND	
Commissioner District	District	1	94.25%	
	Commissioner	Robert Janes		
	District	3	5.75%	2
	Commissioner	Ray Judah		
Unincorporated Lee County Zoning	Zoning Designation	CN-1	Zoning Notes	
Development Orders			NOT FOUND	
Road Impact Fee Districts	District	54		
	Tidemark ID	54		
	Name	SOUTHWEST		
Water Franchise	Franchise Name	Lee County Utilities		
Wastewater Franchise	Franchise Name	Lee County Utilities		
Res. Garbage Collection Day	Hauling Day	Wednesday		
Res. Recycling Collection Day	Hauling Day	Wednesday		
Res. Horticulture Collection Day	Hauling Day	Thursday		

[Modify Report Settings]

Note	Details
1	Per Interlocal, City of Sanibel to be notified of all zoning cases.
2	Small percentages can result from slight variations in the way lines are drawn or imported into our system. Such values may not accurately reflect an overlap with the subject parcel.

Our goal is to provide the most accurate data available, however no warranties, expressed or implied, are provided with this data, its use, or interpretation.
All information subject to change without notice.

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**PART 6
SUBMITTAL REQUIREMENTS**

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THE NUMBER OF COPIES REQUIRED FOR EACH EXHIBIT IS BASED ON THE ACTION REQUESTED AS INDICATED BELOW. TO BE SUBMITTED FOR EACH OF THE FOLLOWING EXHIBITS IS AS FOLLOWS:

			Exhibits	SUBMITTAL ITEMS
Var.	Conv. Rez. or Spe. Exc.	PDs & DRIs		
1	1	13 ✓		Completed application for Public Hearing [34-201(b)]
1	1	1 ✓		Filing Fee - [34-202(a)(9)]
SUPPLEMENTAL FORMS (select applicable form)				
0	1	0	SUP A	Special Exception supplement
1	0	0	SUP B	Variance supplement
0	1	0	SUP C	Conventional rezoning
0	0	13	SUP D	Planned Development Rezoning or DRI with PD Rezoning requested
0	0	13	SUP-D	Planned Development Amendment
0	0	13	SUP D	PRFPD in in Overlay Area Rezoning supplement
0	0	13	ADA	DRI no rezoning requested
EXHIBITS				
1	1	3 ✓	PH-1.B.2	Notarized Affidavit of Authorization Form [34-202(b)(1)c]
1	1	1 ✓	PH-1.B.3	BOCC authorization (if applicable)
1	1	13 ✓	PH-1.C.2	Additional agents
1	1	3 ✓	PH-2.B.1.	Disclosure Form [34-201(b)(2)a]
1	1	3 ✓	PH-2.C.1	Subject property owners list (if applicable) [34-202(a)(5)]
1	1	3 ✓	PH-2.C.2	Subject Property Owners map (if applicable) [34-202(a)(5)]
2	2	5 ✓	PH-3.C.1	Legal Description [34-202(a)(1)]
1	1	1	PH-3.C.2	Electronic version of legal description (if available)
1	1	5 ✓	PH-3.D.1	Copy of Plat Book Page (if applicable) [34-202(a)(1)]
1	1	5	PH-3.D.2	Certified sketch of description (less than ten acres) [34-202(a)(2)]
1	1	5 ✓	PH-3.D.3	Boundary survey (all PDs and anything ten acres or more) [34-202(a)(2) & [34-373(a)(4)a.]
1	1	0	PH-3.F	Area Location Map on 8 by 11 paper pursuant to sec. 34-202(a)(4). (Non Planned Developments)
0	0	0		Area Location Map for Planned Developments - see Supplement D
1	1	3 ✓	PH-3.G.1	List of Surrounding Property Owners [34-202(a)(6)]
1	1	3 ✓	PH-3.G.2	Map of Surrounding Property Owners [34-202(a)(7)]
2	2	2 ✓	PH-3.G.3	Mailing labels [34-202(a)(6)]
0	1	13 ✓	PH-3.I	Agricultural uses at time of zoning application. [34-202(b)(7)]
1	1	3	PH-3.L.2	Deed Restrictions\Covenants [34-202(b)(2)]
1	1	3	PH-3.L.3	Narrative addressing effect of Deed Restrictions [34-202(b)(2)]

			Exhibits	SUBMITTAL ITEMS
1	1	13	PH-4.B	Location of proposed blasting (if applicable). [34-202(b)(6)]
0	0	4	PH-4.C	Bonus Density units (if applicable) [34-202(b)(5)]
1	1	4	PH-4.D	Hazardous materials emergency plan (if applicable) [34-202(b)(4)]
0	1	4	PH-4.E	Mobile Home Park Information (if applicable) [34-203(d)]
1	1	4	PH-4.F	Aviation Hazard (if applicable) [34-1001 et seq.]
1	1	4	PH-4.G	Developments located within Estero Planning District [34-373-(a)(10)]
1	1	4	PH-4.H	Developments located within Captiva Planning District [Lee Plan Policy 21.7]
1	1	13	PH-4.I	Approved Waivers [34-202(a)]
				ADDITIONAL REQUIREMENTS FOR DRIs NOT INVOLVING A REZONING
0	0	13		Notice of proposed change Substantial Deviations Form RPM-BSP-Proposed Change - 1 pursuant to Section 380.06(19) F.S.
0	0	13		DRI, AMDA, FQD Form RPM-BSP-ADA - 1. Application for Development Approval pursuant to Section 380.06 F.S.
0	0	13		Abandonment Form RPM-BSP-Abandonment-DRI-1. Application for abandonment of a DRI.

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COMPOSITE EXHIBIT 6-N

SCHEDULE OF DEVIATIONS & JUSTIFICATION

Morris McGregor Center, a proposed Commercial Planned Development (CPD), is located at the northwest corner of the intersection of McGregor Boulevard and John Morris Road in Section 02, Township 46 South, Range 23 East, Lee County, Florida. The subject property is located within the Iona/McGregor Planning Community and consists of 1.86± acres to be developed for general office and retail commercial use. The following deviations are being requested as part of the Commercial Planned Development rezoning for Morris McGregor Center CPD. These are the only deviations being requested for this proposed project:

Deviation #1: Deviation from Section 10-296 *Street design and construction standards*, of the Lee County LDC Section 10-296 Table 4 (2)(c) 2.b. *Minimum Specifications for Street Improvements* requires 24-foot wide pavement for two-way traffic on privately maintained streets with swale drainage or valley gutter drainage, or 24-foot pavement with curb and gutter drainage. This is a request to allow for the required 24-foot pavement to be terminated at the point just north of the project's proposed driveway connection on Oleander Drive as requested by surrounding residents.

Justification for Deviation #1: The site plan was originally designed to extend the 24-foot pavement up to the projects northwesterly property line. However, at one of the meetings that the applicant had with several of the residential property owners from the surrounding neighborhood, the residents living on Oleander Drive expressed concerns to paving the roadway all the way up to the applicants property line and requested that Oleander Drive remain unpaved at the point immediately north of the projects access onto Oleander Drive. To address these concerns the applicant revised the Master Concept Plan to eliminate the 24-foot paved roadway improvement from the point north of the projects access point to the projects northwesterly property line and has requested this deviation.

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	REVISION					DATE	03-12-07
	DRAWN BY	MS	03-12-07			SCALE	N.T.S.
	CHECKED BY						
	APPROVED BY						
FILE:						SHEET	1 of 5

COMPOSITE EXHIBIT 6-N

SCHEDULE OF DEVIATIONS & JUSTIFICATION

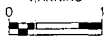
Deviation #2: Deviation from Section 10-256, *Bikeways and pedestrian ways*, of the Lee County LDC Section 10-256 2.a. *Unincorporated bikeways/walkways facilities plan*, requires all development proposed along the arterial and collector roadways depicted on the plan must provide for bikeways and pedestrianways. The developer must construct a bikeway or pedestrianway in the public road right-of-way if the subject property abutting a street shown on the plan. This is a request to allow for the required bikeway or pedestrianway to be terminated at the project's proposed entrance connection on to Oleander Drive as requested by surrounding residents.

Justification for Deviation #2: The site plan was originally designed to extend the 5-foot sidewalk up to the projects northwesterly property line. However, at one of the meetings that the applicant had with several of the surrounding residential property owners from the area, the residents expressed concerns to paving the roadway all the way up to the applicants Northwesterly property line and requested that Oleander Drive remain unpaved from the point immediately north of the projects access onto Oleander Drive. To address this concern the applicant revised the Master Concept Plan to eliminate the 5-foot sidewalk from the point north of the projects entrance to the projects northwesterly property line and has requested this additional deviation.

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			DATE 03-12-07			
			SCALE N.T.S.			
			SHEET 2 OF 5			

COMPOSITE EXHIBIT 6-N

SCHEDULE OF DEVIATIONS & JUSTIFICATION

Deviation #3: Deviation from Section 10-416(d)(4)(6) of the Lee County Land Development Code which requires projects that have roads, drives, or parking areas located less than 125 feet from an existing single-family residential subdivision or single-family residential lots to provide a solid wall or combination berm and solid wall not less than eight (8) feet in height to be constructed not less than 25 feet from the abutting property and landscape with a minimum of five (5) trees and eighteen (18) shrubs per 100 lineal feet or a 30-foot wide Type F buffer with a hedge planted a minimum of 20-feet from the abutting property to allow in the alternative a 25-foot Type F buffer width and hedge planted at a minimum of 12.4± feet.

Justification for Deviation #3: The Master Concept Plan for the Morris McGregor CPD has provided a 25-foot wide buffer with an eight (8) foot tall solid wall on the property line between the proposed project and adjacent single-family residential lots. At the suggestion of Lee County's Department of Environmental Sciences staff the applicant has agreed to request this deviation from the Lee County Land Development Code to allow for the flexibility of providing an alternative buffer design which the County's environmental staff believes is a superior alternative for the conditions which exist for this project.

The applicant will be providing at least Type-F sized buffer tree and shrub plantings within the proposed 25-foot wide alternative buffer area. Included within the proposed 25-foot wide buffer alternative is the installation of a continuous vegetative hedge that will be planted initially at a minimum of 48-inches high and will ultimately be maintained at no less than 60-inches or 5-feet in height at maturity growth. This continuous vegetative hedge will be planted approximately 12.4± feet from the property line lying between the project's parking areas and buildings and abutting single-family lots.

The applicant's proposed Master Concept Plan does comply with the minimum buffer and wall requirements of the Lee County Land Development Code. The purpose of this deviation is to allow for flexibility in determining the most effective buffer design for the project given the particular circumstances of this proposed Planned Development. The applicant believes that either alternative will achieve the main purpose of the buffer requirement which is to provide an adequate barrier that will soften the intensity of a proposed project and an adjacent single-family property. The applicant wishes to defer to the Lee County Zoning and Environmental Staff, Lee County Hearing Examiner and/or the Lee County Board of County Commissioners in determining what is the most appropriate and effective buffer for this project?

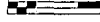
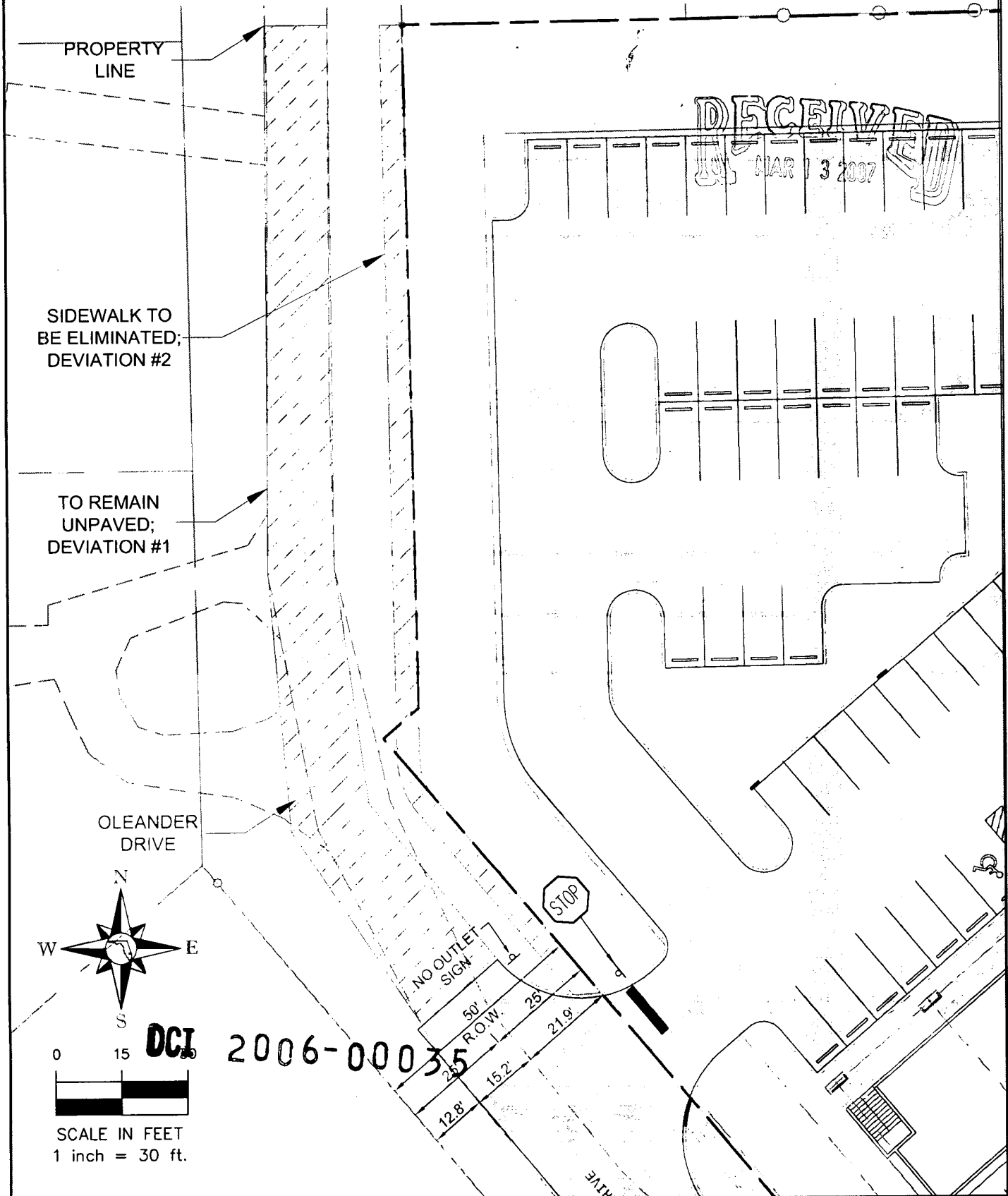
WARNING  IF THIS BAR DOES NOT MEASURE 1 1/2" THIS COPY OF THIS DOCUMENT IS NOT TO SCALE	CADD	NAME	DATE	 DRMP ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS Certificate of Authorization No. 2648 1404 Dean Street, Suite 300 - Fort Myers, Florida 33901	EXHIBIT 6-N SCHEDULE OF DEVIATIONS MORRIS MCGREGOR CENTER CPD <small>LOTS 1 & 2 AND 3, BLOCK C, COTTAGE POINT SUBDIVISION; PLAT BOOK 9, PAGE 133; & LOT 16, BLOCK D, COTTAGE POINT SUBDIVISION, DEED BOOK 259, PAGE 224; SECTION 2, TOWNSHIP 46 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA</small>	PROJECT NO.	06-0106.00
	REVISION					DATE	03-12-07
	DRAWN BY	MS	03-12-07			SCALE	N.T.S.
	CHECKED BY					SHEET	3 OF 5
	APPROVED BY						
FILE:							

EXHIBIT 6-N



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SCHEDULE OF DEVIATIONS
MORRIS MCGREGOR CENTER CPD
LOTS 1 & 2 AND 3, BLOCK C, COTTAGE POINT SUBDIVISION,
PLAT BOOK 9, PAGE 133; & LOT 15, BLOCK D, COTTAGE POINT SUBDIVISION,
DEED BOOK 259, PAGE 224; SECTION 2, TOWNSHIP 46 SOUTH, RANGE 23 EAST,
LEE COUNTY, FLORIDA

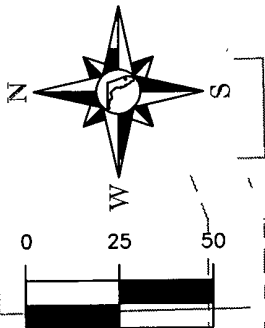
PROJECT NO.	06-0106.000
DATE	03-12-07
SCALE	1"=30'
SHEET	4 OF 5

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MODIFIED
TYPE "F"
BUFFER;
DEVIATION #3

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SCALE IN FEET
1 inch = 50 ft.

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	CHECKED BY		
	APPROVED BY		
FILE:			



1404 Dean Street, Suite 300 - Fort Myers, Florida 33901

EXHIBIT 6-N
SCHEDULE OF DEVIATIONS
MORRIS MCGREGOR CENTER CPD

LOTS 1 & 2 AND 3, BLOCK C, COTTAGE POINT SUBDIVISION.
PLAT BOOK 6, PAGE 133, & LOT 16, BLOCK 2, COTTAGE POINT SUBDIVISION,
DEED BOOK 259, PAGE 224; SECTION 2, TOWNSHIP 46 SOUTH, RANGE 23 EAST,
LEE COUNTY, FLORIDA

PROJECT NO.	06-0106.000
DATE	03-12-07
SCALE	1"=50'
SHEET	5 OF 5

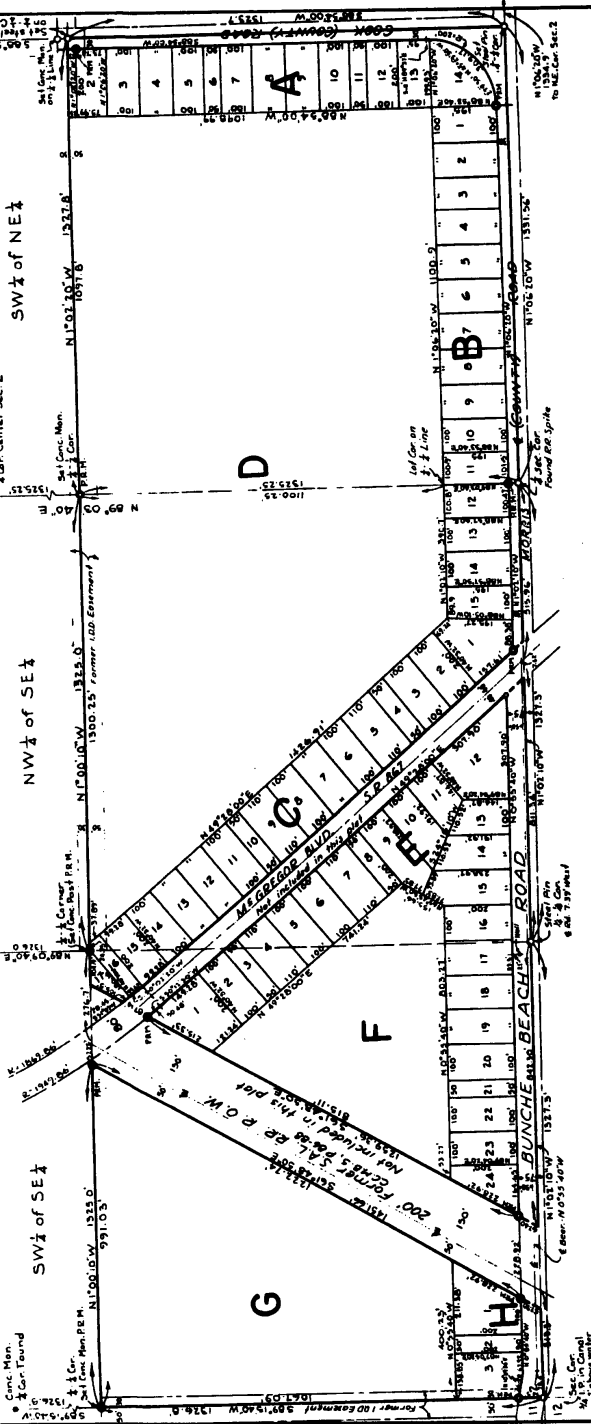
COTTAGE POINT

A SUBDIVISION OF
E½ of SE¼ and SE¼ of NE¼ SECTION 2, T.46S, R. 23E.
LEE COUNTY, FLORIDA
JANUARY 1955

SCALE: 1" = 200'

From S.R. 867
& Survey

N



DESCRIPTION

The east half (E½) of the southeast quarter (SE¼) less the former right-of-way of the Seaboard Air-Line Railway as de-
scribed in the public records of Lee County, less the right-of-way of
State Road No. 867 (formerly No. 230 or McGregor Blvd. and
subjecting to Lee County and subject to the right-of-way
of the Bunch Beach County Road.
Also the southeast quarter (SE¼) of the northeast long
Drainage District and County Road along the East
and North sides thereof, all in Section 2, T.46S, R.23E.

NOTES

P.R.M.'s are 4" x 4" x 24" concrete monuments or 4" x 4" x 60"
with the point and distances are shown on curved lines
where a significantly different with chard bearings.
All lot corners marked with steel pins.
I HEREBY CERTIFY that this plat of COTTAGE POINT is true and
correct according to a recent survey made and made (P.R.M.'s)
have been set in accordance with the provisions of Section 1,
Chapter 10275, Laws of Florida, Acts of 1955.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS that I, Theodore
Bundell, executor of the Estate of R.W. Bundell, deceased,
the owner of the herein described lands has caused this
plat of COTTAGE POINT to be made and does hereby dedicate
the same to the public use of Lee County, Florida, and
IN WITNESS WHEREOF the owner has hereunto set his hand
and seal this 12th day of January, A.D. 1955.

WITNESS: W. B. BUNN As executor aforesaid
WITNESS: Robert D. Rogers

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF LEE
I, CLAUDE E. GEESE, Clerk of the County, do hereby
appear in and who executed the foregoing dedication and
the same and purports therein mentioned to be made
by the owner and purports to be made in accordance with
the laws and Statute of Florida, Acts of 1955.

WITNESS my hand and official seal of Lee County,
Florida, this 12th day of January, A.D. 1955.

William E. Stewart
Notary Public, State of Florida of Large. My Comm. expires Feb. 14, 1957.

APPROVALS

This plat accepted this 19th day of January 1955 in open meeting
of the Board of County Commissioners of Lee County, Florida.

William E. Gatz
Chairman
W. B. Bunn
Clerk

158905

I HEREBY CERTIFY that this plat of COTTAGE POINT has
been examined by me and from my examination I find that it
conforms to the requirements of Chapter 10275,
Laws of Florida, Acts of 1955.
I FURTHER CERTIFY that said plat was filed for record of
10304 M. in the Public Records of Lee County, Florida,
in Plat Book 9, of Page 133 of the public records
of Lee County, Florida.

D. J. Farabee

Clerk of the Circuit Court in and for Lee County

Exhibit

PH3-3.D.1

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EXHIBIT - PH-3.C.1

LEGAL DESCRIPTION

OR BOOK 1672 PAGE 1026 (TRANSCRIBED VERBATIM)

LOT 1, BLOCK C, OF THAT CERTAIN SUBDIVISION KNOWN AS COTTAGE POINT, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE AND RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT, LEE COUNTY, FLORIDA, IN PLAT BOOK 9, PAGE 133, LESS AND EXCEPTING THERE FROM THAT PORTION LYING WITHIN STATE ROAD 867 AND BEING MORE PARTICULARLY DESCRIBED IN ORDER OF TAKING FILED NOVEMBER 4, 1959 IN COUNTY BOOK 41 AT PAGE 349, STATE ROAD #113, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

ALSO LESS AND EXCEPTING THERE FROM THAT PORTION CONVEYED TO LEE COUNTY IN OFFICIAL RECORDS BOOK 1596 AT PAGES 1247 AND 1248, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

AND

LOTS 2 AND 3, BLOCK C, OF THAT CERTAIN SUBDIVISION KNOWN AS COTTAGE POINT, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE AND RECORDED IN THE OFFICE OF CLERK OF THE CIRCUIT COURT, LEE COUNTY, FLORIDA IN PLAT BOOK 9, PAGE 133, LESS AND EXCEPTING THERE FROM THAT PORTION CONVEYED TO THE STATE OF FLORIDA IN DEED BOOK 305 AT PAGE 482, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

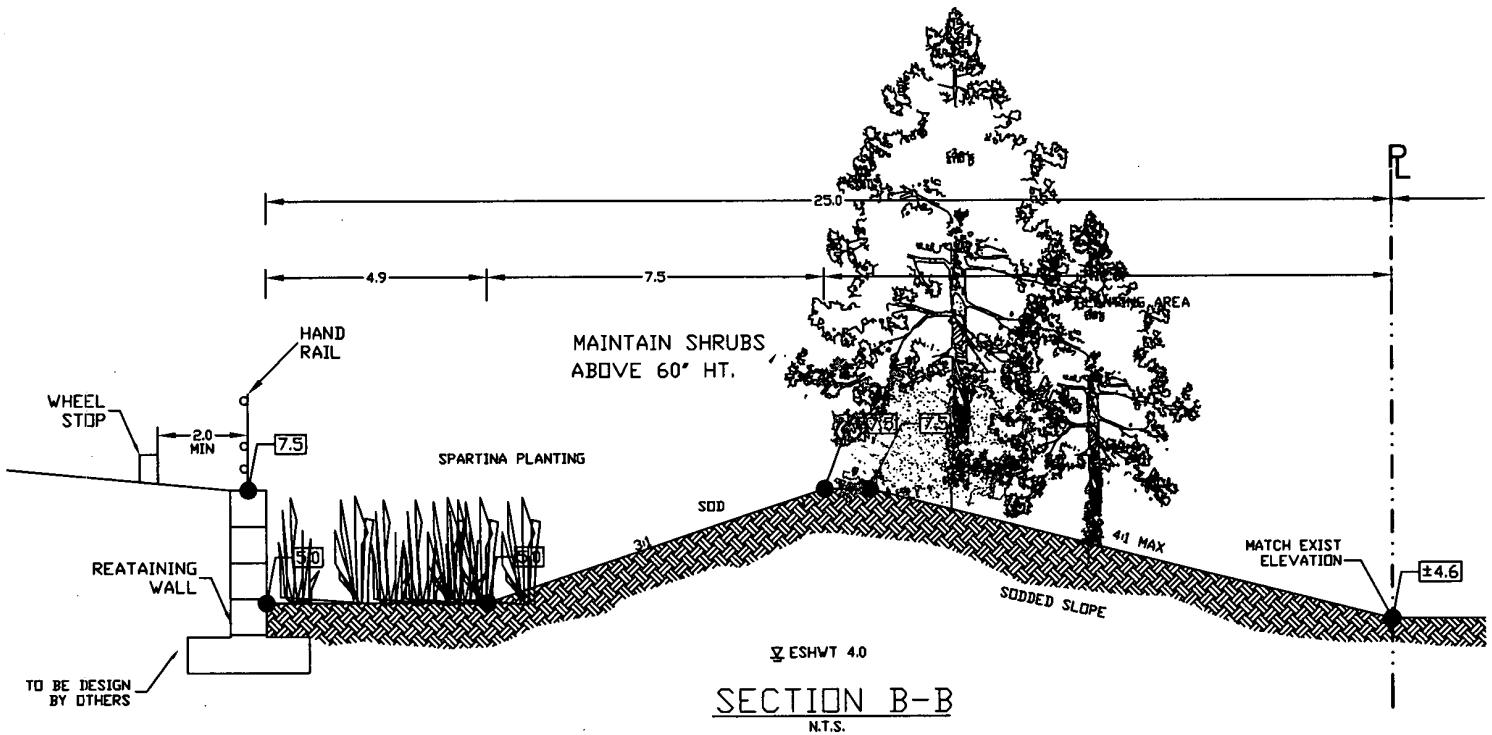
AND

LOT 16, BLOCK D, OF THAT CERTAIN SUBDIVISION KNOWN AS COTTAGE POINT, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE AND RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT, LEE COUNTY, IN PLAT BOOK 9, AT PAGE 133, AND ACCORDING TO THE MAP OR PLAT ATTACHED TO AND MADE A PART OF DEED RECORDED IN DEED BOOK 259, AT PAGE 224, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

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	APPROVED BY		
FILE:			
 DRMP ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS Certificate of Authorization No. 2648 1404 Dean Street, Suite 300 - Fort Myers, Florida 33907			
EXHIBIT - PH-3.C.1 LEGAL DESCRIPTION MORRIS MCGREGOR CENTER CPD LOTS 1 & 2 AND 3, BLOCK C, COTTAGE POINT SUBDIVISION, PLAT BOOK 9, PAGE 133; & LOT 16, BLOCK D, COTTAGE POINT SUBDIVISION, DEED BOOK 259, PAGE 224; SECTION 2, TOWNSHIP 46 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA			
PROJECT NO. 06-0106.00 DATE 02/24/06 SCALE N.T.S. SHEET 1 OF 1			



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DAVID M. JONES JR. AND ASSOCIATES, INC.
LANDSCAPE ARCHITECTS AND PLANNERS

2221 MCGREGOR BOULEVARD FORT MYERS FLORIDA 33901
(941) 337-5525 FAX (941) 337-4494

PROJECT NAME:

MORRIS MCGREGOR CPD

REVISION DEVIATION #3 DETAILS

DATE	BY	REVISION	DATE
GJD	GJD	12960	N.T.S.
			3-6-07

PROJECT NUMBER:

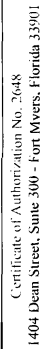
2

2 OF 2

5 MASTER CONCEPT PLAN SET
 LOTS 1 & 2 AND 3, BLOCK C, COTTAGE POINT SUBDIVISION,
 PLAT BOOK 9, PAGE 133; & LOT 16, BLOCK D, COTTAGE POINT SUBDIVISION,
 DEED BOOK 259, PAGE 224; SECTION 2, TOWNSHIP 46 SOUTH, RANGE 23 EAST,
 LEE COUNTY, FLORIDA

1

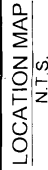
JASON DONTJE
ARCHITECTURE INC.
9681 GLADIOLUS DRIVE
FORT MYERS, FL 33908
PHONE: (239) 476-8888



Certificate of Authorization NO. 22048
1404 Dean Street, Suite 300 - Fort Myers, Florida 33901

Certificate of Authorization NO. 22048
1404 Dean Street, Suite 300 - Fort Myers, Florida 33901

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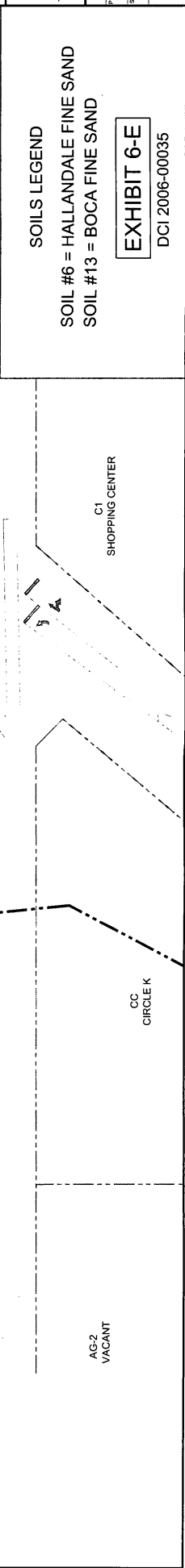
	AREA	PERCENT
TOTAL SITE AREA	86,723 S.F.	100.0%
BUILDING AREA (ROOFED)	9,747 AC	14.62%
PAVEMENT AREA	30,899 S.F.	36.68%
CONCRETE AREA	4,944 S.F.	5.73%
TOTAL IMPERVIOUS AREA	47,793 S.F.	59.33%
OPEN SPACE	33,007 S.F.	40.77%

LEGEND:

- AG 2 = AGRICULTURAL
- CPD = COMMERCIAL PLANNED DEVELOPMENT
- TC2 = RESIDENTIAL TWO FAMILY
- CC = COMMUNITY COMMERCIAL
- C1 = COMMERCIAL
- TP = TYPICAL
- H = HANDICAPPED PARKING SPACE
- = PROPOSED CONCRETE
- = PROPOSED PAVEMENT
- Δ = DEVIATIONS

C-1 SHOPPING CENTER

DCI 2006-00035





DCI 2006-00

SHOPPING CENTER

PROJECT SITE
ARE. 1.85 AC.

SINGLE FAMILY
RESIDENCE
AG-2

H. MORRIS RD

DRMP

MORRIS MCGREGOR CENTER CPD

Survey Description:
(As prepared by the firm)

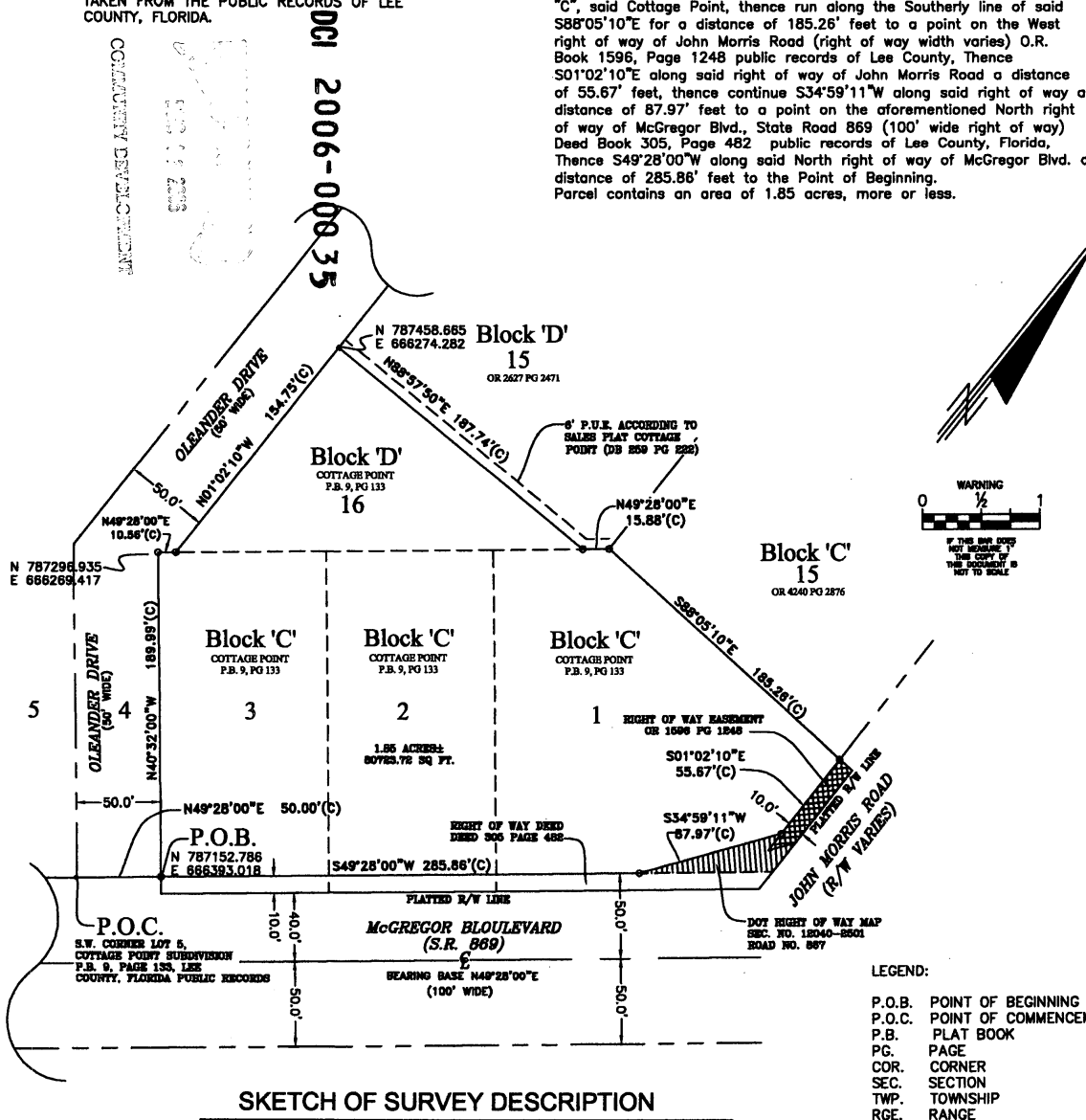
A tract or parcel of land lying in Section 2, Township 46 South, Range 23 East Lee County, Florida which tract or parcel is more particularly described as follows:

Commencing at the Southwest corner of Lot 5, Cottage Point Subdivision, as recorded in Plat Book 9, Page 133 public records of Lee County, Florida thence N49°28'00"E along the North right of way line of McGregor Blvd, State Road 869 (100' wide right of way) Deed Book 305, Page 482 public records of Lee County, Florida, a distance of 50.00' feet to the Point of Beginning, said point being on the northerly line of Oleander Drive.

From said Point of Beginning thence run along the northerly line of said Oleander Drive (50' wide right of way) the following courses and distances: N40°32'00"W for a distance of 189.99' feet, Thence N49°28'00"E for a distance of 10.56' feet, thence N01°02'10"W for a distance of 154.75' feet to the southwest corner of Lot 15, Block "D", Cottage Point, as recorded in Official Records Book (O.R.) 2627 at Page 2471, thence run along the Southerly line of said Lot 15 N88°57'50"E a distance of 187.74' feet, thence N49°28'00"E for a distance of 15.88' feet to the Southwesterly corner of Lot 15, Block "C", said Cottage Point, thence run along the Southerly line of said S88°05'10"E for a distance of 185.26' feet to a point on the West right of way of John Morris Road (right of way width varies) O.R. Book 1596, Page 1248 public records of Lee County, Florida, Thence S01°02'10"E along said right of way of John Morris Road a distance of 55.67' feet, thence continue S34°59'11"W along said right of way a distance of 87.97' feet to a point on the aforementioned North right of way of McGregor Blvd., State Road 869 (100' wide right of way) Deed Book 305, Page 482 public records of Lee County, Florida, Thence S49°28'00"W along said North right of way of McGregor Blvd. a distance of 285.86' feet to the Point of Beginning. Parcel contains an area of 1.85 acres, more or less.

Surveyors Notes:

1. BEARINGS SHOWN HEREON ARE BASED UPON THE CENTERLINE OF MCGREGOR BOULEVARD, TO BEAR NORTH 49°28'00" EAST, AS RECORDED IN PLAT BOOK 9 PAGE 133, PUBLIC RECORDS OF LEE COUNTY, FLORIDA TO BEAR NORTH 49°28'00" EAST, AS RECORDED IN PLAT BOOK 9 PAGE 133, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
2. ALL DIMENSIONS SHOWN ARE TAKEN FROM PLAT UNLESS OTHERWISE NOTED.
3. TYPICAL EASEMENTS: AS SHOWN ON RECORD PLAT AND AS SHOWN ON SKETCH.
4. ALL RECORDED INFORMATION SHOWN HAS BEEN TAKEN FROM THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.



- LEGEND:**
- P.O.B. POINT OF BEGINNING
 - P.O.C. POINT OF COMMENCEMENT
 - P.B. PLAT BOOK
 - PG. PAGE
 - COR. CORNER
 - SEC. SECTION
 - TWP. TOWNSHIP
 - RGE. RANGE

SHEET 1 OF 1
NOT A BOUNDARY SURVEY

Revised 12/06/06 combine S&D to same page per county comments.
Revised 11/30/06 to add State Plane Coordinates to drawing.

For: MORRIS MCGREGOR, LLC.
Scale: 1" = 80'
Survey Date: 6-01-06
Job #: 4623046-A
Drawn By: T. WILSON

DRMP
ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS
Phone: (941) 505-1072
L.B. #2648
204 E. McKensie, Punta Gorda, Florida 33950

STEVEN L. FORD 12/6/06
PROFESSIONAL SURVEYOR & MAPPER #4992
STATE OF FLORIDA
NOT VALID WITHOUT THE SURVEYOR'S SIGNATURE & ORIGINAL RAISED SEAL.

Dyer, Riddle, Mills
& Precourt, Inc.

Principals

Wayne D. Chalifoux
Donaldson K. Barton, Jr.
Lucius J. Cushman, Jr.
Jon S. Meadows
Stephen L. Precourt
Lawrence L. Smith, Jr.
William T. Stone



December 11, 2006

DRMP Job #06-0106.000

DCI 2006-00035

Mr. Shawn Lamey, Senior Planner
Lee County Department of Community Development
Division of Zoning
PO Box 398
Fort Myers, FL 33902-0398



**Subject: Morris McGregor Center CPD
DCI2006-00035—PDS Application (Minor PD)
2nd Sufficiency Response Submittal**

Dear Shawn:

The following information is being submitted as the applicant's response to the staff review sufficiency comments letter dated November 8, 2006. The following responses have been prepared using the same format of the staff's sufficiency letter and in the same sequential order.

6c3) If the property encompasses 10 or more acres the survey must be tied to the state plane coordinate system for the Florida West Zone (North America Datum of 1983/1990 Adjustment). [34-202(a)(2)]

Section 34-202(a)(2) was revised in October of 2005. It eliminates verbiage of 10 or more acres and now requires boundary surveys to be tied to the state plane coordinate system for the Florida West Zone (North American Datum of 1983/1990) with two coordinates, one coordinate being the point of beginning (P.O.B.) and the other an opposing corner. Please provide a boundary survey to scale on 11 x 17" paper meeting these requirements. We are sorry for any confusion this may have caused you.

Applicant's Response: A revised Boundary Survey meeting the requirements of the revised Section 34-202(a)(2) of the Lee County Land Development Code has been completed and copies are included as part of this resubmittal.

7) Miscellaneous Items.

Please provide an Ag affidavit. It appears there may be an ongoing Ag use at this time.

Applicant's Response: Although no AG use is ongoing at this time, an Agricultural Use Affidavit is included as part of this resubmittal. The produce stand and bait stand are located on a commercially zoned parcel.

DCI2006-00035

1404 Dean Street
Suite 300
Fort Myers, FL 33901
Phone: 239.344.0050
Fax: 239.344.0057

Charlotte, North Carolina
Chipley, Florida
Columbia, South Carolina
DeLand, Florida
Ft. Lauderdale, Florida
Gainesville, Florida
Jacksonville, Florida
Lakeland, Florida
Orlando, Florida
Palm Coast, Florida
Panama City Beach, Florida
Pensacola, Florida
Punta Gorda, Florida
Tallahassee, Florida
Tampa, Florida

1.800.375.3767
www.drmp.com

Please provide an 11 x 17 version of the MCP.

Applicant's Response: Included with this resubmittal are fifteen (15) copies of the current Master Concept Plan printed to scale on 11" x 17" paper.

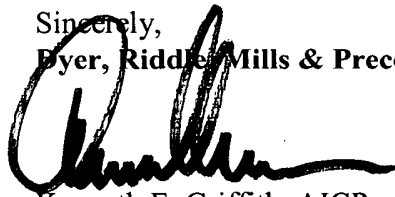
21) *Miscellaneous Items.*

The residents have requested a deviation from the sidewalk requirement on Oleander Street.

Applicant's Response: The Master Concept Plan and Schedule of Deviations have been revised to reflect the deviation requested by surrounding residents. Justification for this deviation is provided on the revised Exhibit 6-N, included herein.

After your review of the applicant's responses, the updated Master Concept Plan, revised Boundary Survey and revised Justification for Deviations please do not hesitate to call if you have questions or need additional information concerning this project. We look forward to receiving your staff report in the very near future.

Sincerely,
Byer, Riddle Mills & Precourt, Inc.



Kenneth E. Griffith, AICP
Associate in Charge

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COMMUNITY DEVELOPMENT

DCI 2006-00035

COMPOSITE EXHIBIT 6-N

SCHEDULE OF DEVIATIONS & JUSTIFICATION

DCI 2006-00035

LEE CO 2006

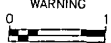
COMMUNITY DEVELOPMENT

Morris McGregor Center, a proposed Commercial Planned Development (CPD), is located at the northwest corner of the intersection of McGregor Boulevard and John Morris Road in Section 02, Township 46 South, Range 23 East, Lee County, Florida. The subject property is located within the Iona/McGregor Planning Community and consists of 1.86± acres to be developed for general office and retail commercial use. The following deviations are being requested as part of the Commercial Planned Development rezoning for Morris McGregor Center CPD. These are the only deviations being requested for this proposed project:

Deviation #1: Deviation from Section 10-296 *Street design and construction standards*, of the Lee County LDC Section 10-296 Table 4 (2)(c) 2.b. *Minimum Specifications for Street Improvements* requires 24-foot wide pavement for two-way traffic on privately maintained streets with swale drainage or valley gutter drainage, or 24-foot pavement with curb and gutter drainage. This is a request to allow for the required 24-foot pavement to be terminated at the point just north of the project's proposed driveway connection on Oleander Drive as requested by surrounding residents.

Justification for Deviation #1: The site plan was originally designed to extend the 24-foot pavement up to the projects northwesterly property line. However, at one of the meetings that the applicant had with several of the residential property owners from the surrounding neighborhood, the residents living on Oleander Drive expressed concerns to paving the roadway all the way up to the applicants property line and requested that Oleander Drive remain unpaved at the point immediately north of the projects access onto Oleander Drive. To address these concerns the applicant revised the Master Concept Plan to eliminate the 24-foot paved roadway improvement from the point north of the projects access point to the projects northwesterly property line and has requested this deviation.

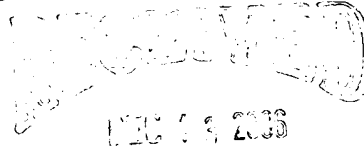
DCI2006-00035

WARNING  IF THIS BAR DOES NOT MEASURE 1/2" THIS COPY OF THIS DOCUMENT IS NOT TO SCALE	CADD REVISION DRAWN BY CHECKED BY APPROVED BY FILE:	NAME ADC DATE 10-16-06	 DRMP ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS Certificate of Authorization No. 2648 1404 Dean Street, Suite 300 - Fort Myers, Florida 33901	EXHIBIT 6-N SCHEDULE OF DEVIATIONS MORRIS MCGREGOR CENTER CPD <small>LOTS 1 & 2 AND 3, BLOCK C, COTTAGE POINT SUBDIVISION, PLAT BOOK 9, PAGE 133; & LOT 16, BLOCK D, COTTAGE POINT SUBDIVISION, DEED BOOK 259, PAGE 224; SECTION 2, TOWNSHIP 46 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA</small>	PROJECT NO. 06-0106.00 DATE 10-16-06 SCALE N.T.S. SHEET <u>1</u> OF <u>2</u>

COMPOSITE EXHIBIT 6-N

SCHEDULE OF DEVIATIONS & JUSTIFICATION

DCI 2006-000 35



COMMUNITY DEVELOPMENT

Deviation #2: Deviation from Section 10-256, *Bikeways and pedestrian ways*, of the Lee County LDC Section 10-256 2.a. *Unincorporated bikeways/walkways facilities plan*, requires all development proposed along the arterial and collector roadways depicted on the plan must provide for bikeways and pedestrianways. The developer must construct a bikeway or pedestrianway in the public road right-of-way if the subject property abutting a street shown on the plan. This is a request to allow for the required bikeway or pedestrianway to be terminated at the project's proposed entrance connection on to Oleander Drive as requested by surrounding residents.

Justification for Deviation #2: The site plan was originally designed to extend the 5-foot sidewalk up to the projects northwesterly property line. However, at one of the meetings that the applicant had with several of the surrounding residential property owners from the area, the residents expressed concerns to paving the roadway all the way up to the applicants Northwesterly property line and requested that Oleander Drive remain unpaved from the point immediately north of the projects access onto Oleander Drive. To address this concern the applicant revised the Master Concept Plan to eliminate the 5-foot sidewalk from the point north of the projects entrance to the projects northwesterly property line and has requested this additional deviation.

DCI2006-0035

<p>WARNING IF THIS BAR DOES NOT MEASURE 1/2" THIS COPY OF THIS DOCUMENT IS NOT TO SCALE</p>	CADD	NAME	DATE	<p>DRMP ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS Certificate of Authorization No. 2648 1404 Dean Street, Suite 300 - Fort Myers, Florida 33901</p>	<p>EXHIBIT 6-N SCHEDULE OF DEVIATIONS MORRIS MCGREGOR CENTER CPD</p> <p>LOTS 1 & 2 AND 3, BLOCK C, COTTAGE POINT SUBDIVISION, PLAT BOOK 9, PAGE 133; & LOT 18, BLOCK D, COTTAGE POINT SUBDIVISION, DEED BOOK 259, PAGE 224; SECTION 2, TOWNSHIP 46 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA</p>	PROJECT NO. 06-0106.00
	REVISION					DATE 11-14-06
	DRAWN BY MS	11-14-06				SCALE N.T.S.
	CHECKED BY					
	APPROVED BY					
FILE:					SHEET <u>2</u> OF <u>2</u>	



DCI 2006-00035

AGRICULTURAL USE AFFIDAVIT

Before me this day appeared, John E. Stamps, who, being first duly sworn, deposes and says:

COMMUNITY DEVELOPMENT

He is the Owner of the property and Applicant in case DCI2006-00035

No Existing bona fide agricultural uses on this site have shown to be in existence on the date of zoning application.

STATE OF FLORIDACOUNTY OF LEE

Signature

Date

14 NOV 2006

Printed Name

JOHN E. STAMPS

The foregoing instrument was acknowledged before me this 14TH day of NOVEMBER, 2006 by John E. Stamps who is personally known to me ☒ or who has produced _____ as identification [].

Notary Public

Printed Name

Deborah L. Krikorian

My Commission Expires:

NOTARY PUBLIC-STATE OF FLORIDA
Deborah L. Krikorian
Commission # DD511090
Expires: JAN. 26, 2010
Bonded Thru Atlantic Bonding Co., Inc.

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NOV 16 2006

Dyer, Riddle, Mills
& Precourt, Inc.



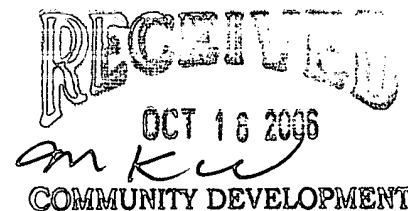
Principals

Wayne D. Chalifoux
Donaldson K. Barton, Jr.
Lucius J. Cushman, Jr.
Jon S. Meadows
Stephen L. Precourt
Lawrence L. Smith, Jr.
William T. Stone

October 17, 2006

DRMP Job #06-0106.000

Mr. Shawn Lamey, Senior Planner
Lee County Department of Community Development
Division of Zoning
PO Box 398
Fort Myers, FL 33902-0398



**Subject: Morris McGregor Center CPD
DCI2006-00035—PDS Application (Minor PD)
1st Sufficiency Response Submittal**

Dear Shawn:

The following information is being submitted as the applicant's response to the staff review sufficiency comments letter dated May 24, 2006, which was written in response to the original application submittal made on April 18, 2006 for the above-referenced CPD zoning request. The response information has been prepared using the same format of the sufficiency comments review letter and in the same sequential order.

As you are aware, the applicant has been working with surrounding property owners in an effort to address the concerns presented in response to the original CPD application submittal. The applicant has worked diligently with the surrounding property owners and the project consultants to redesign the proposed layout of the buildings and other site improvements to address the concerns. The applicant had two (2) productive neighborhood meetings with many of the surrounding residential property owners that own properties along Oleander Drive and John Morris Road. As a result of these meetings, the applicant has significantly revised the Master Concept Plan (MCP) and other application documents that were submitted with the original application submittal. Therefore, at the conclusion of providing the following applicant responses to staff sufficiency review comments, the applicant will provide a listing of the original application documents that have been revised and which are being resubmitted herewith.

ENVIRONMENTAL SCIENCES PLANNED DEVELOPMENT CHECKLIST

8) Design Standards: Environmentally Sensitive Areas. Every effort shall be made in the planning, design and execution of a planned development to protect, preserve or to not unnecessarily destroy or alter natural features of the site, particularly mature native trees and threatened or endangered native vegetation [34-411(g)]

Will any of the existing mature native trees be incorporated into the site design? Please clarify.

DCI 2006-00035

1404 Dean Street
Suite 300
Fort Myers, Florida 33901
Phone: 239.344.0050
Fax: 239.344.0057

Charlotte, North Carolina
Chipley, Florida
Columbia, South Carolina
DeLand, Florida
Ft. Lauderdale, Florida
Gainesville, Florida
Jacksonville, Florida
Lakeland, Florida
Orlando, Florida
Palm Coast, Florida
Panama City Beach, Florida
Pensacola, Florida
Punta Gorda, Florida
Tallahassee, Florida
Tampa, Florida

1 800 375 3767
www.drmp.com

Applicant's Response: No, existing trees are not planned to be incorporated into the site design. With the significant amount of fill (4.5' – 5.0') being estimated for development of this site, in accordance with local and federal requirements, it is highly doubtful that any of the existing mature trees could survive the impacts of the additional fill on the root zone. All new trees will be planted and maintained per Lee County Land Development Code requirements.

12) Miscellaneous Items.

Per Lee Plan Policy 6.1.6, commercial developments must provide appropriate buffering and is encouraged to be architecturally designed as to enhance the appearance of parking areas and blend with the character of existing land uses. Please provide a statement that this project will be consistent with this Lee Plan policy.

Applicant's Response: It is the intent of this project to provide extensive landscape buffering as required by the LDC to mitigate any potential impact of this commercial development on the abutting residential properties. The site improvements and proposed buildings have been relocated and significantly redesigned in an architecturally aesthetic manner so as to enhance the proposed project's cohesiveness with the surrounding development in the area and to provide a heightened and more naturally occurring aesthetic appeal for the proposed project.

DEVELOPMENT REVIEW CHECKLIST'

2) Deviations. The application must include a schedule of deviations including detail drawings and written justifications. [34-412(a)]

For Deviation #1 regarding intersection separation, the distance of 173' should be requested also.

Applicant's Response: As a result of the Master Concept Plan being significantly redesigned since the original submittal, the project's previously proposed access onto McGregor Boulevard has been eliminated. Therefore, this deviation is no longer needed or being requested. However, a new deviation has been added to the submittal at the request of the neighboring residential property owners. This deviation is a request that the required twenty-four (24) foot wide paving of Oleander Drive up to the applicant's northwesterly property line be terminated at a point just north of the projects proposed driveway connection on Oleander Drive. The neighbors wish to keep Oleander Drive as an unimproved, non-paved, roadway through their neighborhood. A revised Schedule of Deviations, including the new detailed drawing depicting the extent of the deviation and the applicant's written justification for approval of the deviation have been included with this resubmittal response.

4) Miscellaneous Items.

Lee Plan Policy 39.1.4 is not met. This project will bring commercial traffic through an existing residential area.

Applicant's Response: The Oleander Drive access point which was previously designed to be located at the far northwesterly part of the project, has been omitted in the revised Master Concept Plan and as a result no commercial traffic will be moving through the residential

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COMMUNITY DEVELOPMENT

DCI 2006-00035

area. The Lee County DOT and Lee County Development Review staff have indicated that a second emergency access point will not be required for this project and as a result, the project will only have the one access point, which has been designed to align with the driveway location of the approved CPD project directly across the street from the proposed project on Oleander Drive.

1) Sufficiency Comments.

1. McGregor Blvd. is an arterial and has a 660' intersection separation requirement. Deviation #1 needs to be revised.

Applicant's Response: As stated previously, the project's proposed access onto McGregor Boulevard has been eliminated; therefore, this deviation is no longer needed or being requested.

T.I.S. CHECKLIST

- 4) *Background Traffic.* The TIS must contain 100th highest hour traffic for the current year and for the year following the year in which the project is expected to be completed.

The 2005 Traffic Count Report has been available for some time, and should be used instead of the 2004 report.

Applicant's Response: A revised TIS, using the 2005 Lee County Traffic Count Report, has been included with this resubmittal response.

- 5) *Directional Splits.* The TIS must contain a drawing showing the percentage, number of trips, and the direction of travel for trips entering and exiting the project at each proposed access point.

The traffic distribution may not necessarily be the same as the Traffic Count Report. The majority of existing residential development seems to be to the north and east of this site, so perhaps a higher percentage of project traffic should be distributed in that direction.

Applicant's Response: A revised TIS has been included with this resubmittal response and includes the revised directional split drawing. Please refer to Exhibit 6L.

- 7) *Level of Service Analysis.* The TIS for projects generating more than 100 net new trips during the A.M. or P.M. peak hour of the adjacent street must contain an analysis of the Level of Service for all links within the area of influence.

1. The 2004 data of the Lee County D.O.T. link specific service volumes has been available for some time, and should be used instead of the 2002 data.

2. The level of service analysis must be for year 2008, the year following project build out.

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Applicant's Response: A revised TIS has been included with this resubmittal response and it has been projected by the project engineer that less than 100 net new trips during the A.M. or P.M. peak hour of the adjacent street and therefore a level of service analysis is not required for the proposed project.

LEGAL REQUIREMENTS SUFFICIENCY CHECKLIST

6) *All applications requiring a public hearing must include the following:*
[34-202(a)]

See Below:

6a3) *If the application includes multiple abutting parcels or consists of other than one or more undivided platted lots, the legal description must specifically describe the perimeter of the total property, by metes & bounds with accurate bearings and distances for every line, but need not describe each individual parcel. [34-202(a) (1)].*

The type of legal description provided with the application package does not comply with the LDC. As per the above-referenced LDC requirement, please have your surveyor to generate a metes & bounds legal description (per calculated survey calls) to more specifically describe the perimeter boundary of the property after any right-of-way takings. Print on an 8.5"x 11" sheet of paper at a font size suitable for recording in the County's Public Records. Thanks.

Applicant's Response: A revised metes and bounds legal description typed on 8½" x 11" paper and signed and sealed by the project surveyor has been included with this resubmittal response. See Exhibit PH-3.C.1.

6a4) *The individual STRAP number for each parcel must be provided. [34-202(a)(1)]*

Please revise the application and any applicable exhibit to make sure all STRAP #'s are correct: Provided STRAP #02-46-23-01-0000D.0160 should be #02-46-23-02-0000D.0160. Thanks

Applicant's Response: The Public Hearing application and all related documents have been revised to reflect the correct property strap numbers.

6b) *Certified sketch of description. A certified sketch of description as set out in chapter 61G 17-6.006, Florida Administrative Code, must be provided unless the subject property consists of one or more undivided platted lots in a subdivision recorded in the Official County Plat Books. [34-202(a)(2)].*

As per the above-referenced LDC requirement, please provide a certified sketch to accompany the revised legal description. This sketch must be printed on an 8 ½"x11" or 11"x14" sheet of paper for suitable attachment to the zoning resolution. A reduced copy of the 24"x36" survey is not acceptable for this purpose as the scale gets distorted and the legibility of the document is compromised. Thanks.

Applicant's Response: A revised sketch of description printed on an 8½" x 14" sheet of paper and signed and sealed by the project surveyor has been included with this resubmittal response.

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OCT 18 2006

COMMUNITY DEVELOPMENT

6c3) If the property encompasses 10 or more acres the survey must be tied to the state plane coordinate system for the Florida West Zone (North America Datum of 1983/1990 Adjustment). [34-202(a)(2)].

Since the subject property encompasses more than 10 acres the Boundary Survey must be tied to the state Plane Coordinate System for the Florida West Zone (North America Datum of 1983/1990 Adjustment). Ergo, please tie and display at least (2) coordinates, one coordinate being the point of beginning (POB) of the subject property and the other an opposing corner on Survey. Thanks.

Applicant's Response: The property is 1.86± acres in size and therefore this comment does not apply to this project.

7) *Miscellaneous Items.*

1. Does the property have an agricultural exemption or use in place? If so, please provide the appropriate AG affidavits and exhibits. The property owner must notarized the affidavit and describe the type and intensity of agricultural uses in existence on the property on the date of the application. The statement must include acreage figures for each use and must also include an exhibit depicting the location of the uses on a copy of the boundary sketch. The exhibit should be entitled "Agricultural Uses at time of Zoning Application."

Applicant's Response: The property does not currently have an agricultural exemption or use in place. The parcels which are zoned AG-2 are currently vacant and the parcel that currently has the produce stand and fishing supplies operations located on it is zoned CN-1. Therefore, no agricultural use affidavit is required to be submitted.

2. Please provide an affidavit regarding proposed use. Since buildings or structures exist on the property, then the owner must submit said type of affidavit stating that the buildings and structures will be removed or that the proposed use of the buildings, structures, and land is, or will be, in compliance with all applicable requirements of the LDC. [34-202(b)(3)]

Applicant's Response: A Proposed Use Affidavit, which has been signed by the applicant and duly notarized, has been included with this resubmittal response.

21) *Miscellaneous Items.*

Staff has concerns over the intensity of this commercial project, adjacent to residential property.

Applicant's Response: The statement is noted but the applicant would submit that the concerns are not warranted for the proposed project especially in light of the redesigned Master Concept Plan wherein the site improvements and buildings have been relocated. Additionally, the project complies with the commercial location criteria of Policy 6.1.2 and outlined on Map 19, Commercial Site Location Standards Map, as provided in the Lee County Comprehensive Plan. According to the map, the intersection of McGregor Boulevard and John Morris Road meets Neighborhood Commercial Center standards (see

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Policy 6.1.2.2). Furthermore, the list of requested uses has been revised to include only minimally intensive commercial and office uses and was developed with the surrounding residential properties in mind. Also, it should be noted that the ATM's, Banks and Financial Institutions uses have been eliminated from the project's proposed Schedule of Uses. Additionally, the project building which was centrally located on the approved MCP and also much closer to the residential properties has been relocated on the site as far away from the adjacent residential uses as possible.

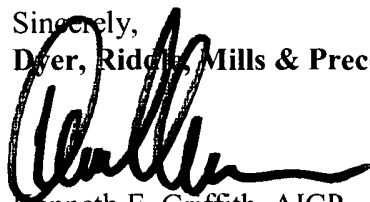
I trust that the forgoing responses will address the staff's sufficiency review comments on our original application submittal. However, if anyone has further questions or comments concerning the proposed project, please do not hesitate to contact me to discuss. The applicant wishes to remain cooperative throughout the entire review process and provide any additional information that is necessary for approval of the proposed project.

As we have mentioned throughout this document, many of the original application documents have been revised and updated as a result the applicant's efforts in working with the surrounding property owners. In order to provide staff with updated information, we have included herewith the following application submittal documents that have been revised pursuant to the redesigned MCP:

- Application for Public Hearing
- Supplement D to Application for Public Hearing
- Exhibit PH-3.C.1 (Survey Description and Sketch of Survey Description)
- Exhibit 6-G (Lee Plan Compliance)
- Exhibit 6-H (Design Standards Compliance)
- Exhibit 6-I (Decision-making Compliance)
- Exhibit 6-L (Traffic Impact Statement)
- Exhibit 6-M (Schedule of Uses)
- Exhibit 6-N (Schedule of Deviations and Justification)

After your review of the applicants response, the updated Master Concept Plan and other ancillary application documents, please do not hesitate to contact me if you have any questions or need any additional information to complete your review of this project.

Sincerely,
Dyer, Ridgely, Mills & Precourt, Inc.



Kenneth E. Griffith, AICP
Associate in Charge

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COMMUNITY DEVELOPMENT

DCI 2006-00035

Dyer, Riddle, Mills
& Precourt, Inc.

Principals

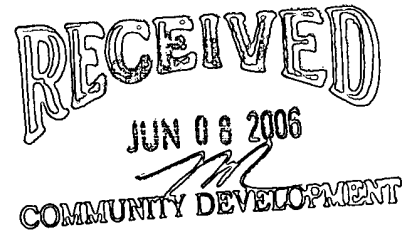
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Jon S. Meadows
Stephen L. Precourt
Lawrence L. Smith, Jr.



June 6, 2006

DRMP Job #06-0106.000

Lee County Government
Department of Community Development
PO Box 398
Fort Myers, FL 33902-0398



**Subject: Morris McGregor Center CPD
DCI2006-00035—PDS Application (Minor PD)**

Dear Mr. Lamey:

The following narrative is in response to your sufficiency letter dated May 24, 2006. Should you have any additional question or concerns please contact me at your earliest convenience.

ENVIRONMENTAL SCIENCES PLANNED DEVELOPMENT CHECKLIST

8) Design Standards: Environmentally Sensitive Areas. Every effort shall be made in the planning, design and execution of a planned development to protect, preserve or to not unnecessarily destroy or alter natural features of the site, particularly mature native trees and threatened or endangered native vegetation [34-411(g)]

Will any of the existing mature native trees be incorporated into the site design? Please clarify.

Response: No. With the significant amount of fill (4.5 ft.) required to develop this site, it is doubtful whether any of the existing mature trees would survive the impacts of fill on their root zone. All trees will be installed per Lee County Development Code.

12) Miscellaneous Items.

Per Lee Plan Policy 6.1.6, commercial developments must provide appropriate buffering and is encouraged to be architecturally designed as to enhance the appearance of parking areas and blend with the character of existing land uses. Please provide a statement that this project will be consistent with this Lee Plan policy.

Response: It is the intent of this project to provide adequate and appropriate landscaping, and buffering to mitigate the impact of this commercial development on the abutting residential properties. The site and building will be designed in an

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Fax: 239.344.0057

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- Chipley, Florida
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- Jacksonville, Florida
- Orlando, Florida
- Panama City Beach, Florida
- Tallahassee, Florida
- Tampa, Florida

1.800.375.3767
www.drmp.com

Morris McGregor Center CDP



Principals

Wayne D. Chalifoux
Donaldson K. Barton, Jr.
Lucius J. Cushman, Jr.
Jon S. Meadows
Stephen L. Precourt
Lawrence L. Smith, Jr.



architecturally aesthetic manner so as to enhance the site and provide a heightened aesthetic appeal to this location.

DEVELOPMENT REVIEW CHECKLIST

2) *Deviations.* The application must include a schedule of deviations including detail drawings and written justifications. [34-412(a)]

For Deviation #1 regarding intersection separation, the distance of 173' should be requested also.

Response: So noted. A revised Deviation Exhibit 6-N has been included in the resubmitted application packet.

4) *Miscellaneous Items.*

Lee Plan Policy 39.1.4 is not met. This project will bring commercial traffic through an existing residential area.

Response: Policy 39.1.4 states: "Main access points from new development will not be established where traffic is required to travel through areas with significantly lower densities or intensities (e.g. multifamily access through single-family areas, or commercial access through residential areas) except where adequate mitigation can be provided."

It is not the intent or design of the Morris McGregor Center CPD to provide the "main" access point through an existing residential area. The main access point to this project is off McGregor Boulevard. The access point on Oleander Drive is secondary only, and is provided as a convenience and for increased safety and not as a necessity, as the internal turn movements meet all County fire and safety regulations.

This secondary location was selected in order to provide the greatest distance from the proposed structure to any existing residential properties and structures.

1) *Sufficiency Comments.*

1. McGregor Blvd. is an arterial and has a 660' intersection separation requirement. Deviation #1 needs to be revised.

Response: So noted. A revised Deviation Exhibit 6-N has been included in the resubmitted application packet.

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T.I.S. CHECKLIST

Morris McGregor Center CDP

RECEIVED
JUN 08 2006

DCI 2006-00035

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Lawrence L. Smith, Jr.



4) *Background Traffic. The TIS must contain 100th highest hour traffic for the current year and for the year following the year in which the project is expected to be completed.*

The 2005 Traffic Count Report has been available for some time, and should be used instead of the 2004 report.

Response: A revised TIS has been provided as part of the resubmittal package.

5) *Directional Splits. The TIS must contain a drawing showing the percentage, number of trips, and the direction of travel for trips entering and exiting the project at each proposed access point.*

The traffic distribution may not necessarily be the same as the Traffic Count Report. The majority of existing residential development seems to be to the north and east of this site, so perhaps a higher percentage of project traffic should be distributed in that direction.

Response: A revised TIS has been provided as part of the resubmittal package.

7) *Level of Service Analysis. The TIS for projects generating more than 100 net new trips during the A.M. or P.M. peak hour of the adjacent street must contain an analysis of the Level of Service for all links within the area of influence.*

1. The 2004 data of the Lee County D.O.T. link specific service volumes has been available for some time, and should be used instead of the 2002 data.

2. The level of service analysis must be for year 2008, the year following project build out.

Response: A revised TIS has been provided as part of the resubmittal package.

LEGAL REQUIREMENTS SUFFICIENCY CHECKLIST

6) *All applications requiring a public hearing must include the following:*
[34-202(a)]

6a3) If the application includes multiple abutting parcels or consists of other than one or more undivided platted lots, the legal description must specifically describe the perimeter of the total property, by metes & bounds with accurate bearings and distances for every line, but need not describe each individual parcel. [34-202(a) (1)].

The type of legal description provided with the application package does not comply with the LDC. As per the above-referenced LDC requirement, please have your surveyor to generate a metes & bounds legal description (per calculated survey calls) to more specifically describe the perimeter boundary of the property after any right-of-way takings. Print on an 8.5"x 11" sheet of paper at a font size suitable for recording in the County's Public Records. Thanks

Morris McGregor Center CDP

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3

Principals

Wayne D. Chalifoux
Donaldson K. Barton, Jr.
Lucius J. Cushman, Jr.
Jon S. Meadows
Stephen L. Precourt
Lawrence L. Smith, Jr.



Response: A revised legal description survey has been submitted as part of the resubmittal package.

6a4) The individual STRAP number for each parcel must be provided. [34-202(a)(1)]

Please revise the application and any applicable exhibit to make sure all STRAP #'s are correct: Provided STRAP #02-46-23-01-0000D.0160 should be #02-46-23-02-0000D.0160. Thanks

Response: So noted. The application and all applicable exhibits have been revised to reflect the correct strap numbers.

6b) Certified sketch of description. A certified sketch of description as set out in chapter 61G 17-6.006, Florida Administrative Code, must be provided unless the subject property consists of one or more undivided platted lots in a subdivision recorded in the Official County Plat Books. [34-202(a)(2)].

As per the above-referenced LDC requirement, please provide a certified sketch to accompany the revised legal description. This sketch must be printed on an 8 1/2"x11" or 11"x14" sheet of paper for suitable attachment to the zoning resolution. A reduced copy of the 24"x36" survey is not acceptable for this purpose as the scale gets distorted and the legibility of the document is compromised. Thanks.

Response: A revised certified sketch of description has been submitted as part of the resubmittal package.

6c3) If the property encompasses 10 or more acres the survey must be tied to the state plane coordinate system for the Florida West Zone (North America Datum of 1983/1990 Adjustment). [34-202(a)(2)].

Since the subject property encompasses more than 10 acres the Boundary Survey must be tied to the state Plane Coordinate System for the Florida West Zone (North America Datum of 1983/1990 Adjustment). Ergo, please tie and display at least (2) coordinates, one coordinate being the point of beginning (POB) of the subject property and the other an opposing corner on Survey. Thanks.

Response: The property measures only 1.86± acres in size and therefore this comment is not applicable to this project.

7) Miscellaneous Items.

1. Does the property have an agricultural exemption or use in place? If so, please provide the appropriate AG affidavits and exhibits. The property owner must notarized the affidavit and describe the type and intensity of agricultural uses in existence on the property on the date of the application. The statement must include acreage figures for each use and must also include an exhibit depicting the location of the uses on a copy of

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DCI 2006-00035

Dyer, Riddle, Mills
& Precourt, Inc.

Principals

Wayne D. Chalifoux
Donaldson K. Barton, Jr.
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Jon S. Meadows
Stephen L. Precourt
Lawrence L. Smith, Jr.



the boundary sketch. The exhibit should be entitled "Agricultural Uses at time of Zoning Application."

Response: The site does not have an agricultural exemption or use in place. The parcels which are zoned AG-2 is currently vacant and the parcel that has the vegetable market is currently zoned CN-1. Therefore, an agricultural use affidavit is not applicable for this project.

2. Please provide an affidavit regarding proposed use. Since buildings or structures exist on the property, then the owner must submit said type of affidavit stating that the buildings and structures will be removed or that the proposed use of the buildings, structures, and land is, or will be, in compliance with all applicable requirements of the LDC. [34-202(b)(3)]

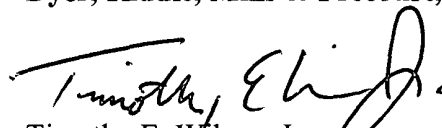
Response: A signed Affidavit from the applicant has been included with the resubmitted application packet.

21) Miscellaneous Items.

Staff has concerns over the intensity of this commercial project, adjacent to residential property.

Response: So noted, however, the site complies with the commercial locational criteria found in Policy 6.1.2 of the Lee Plan and Map 19, Commercial Site Location Standards Map of the Lee Plan. Per Map 19, the intersection of McGregor Blvd. and John Morris Road meets Neighborhood Commercial Center Standards (Policy 6.1.2.2). Further, the list of requested uses is low impact in nature. Please note, the use of ATM has been REMOVED from our requested list of uses. Finally, the location of the building was selected in order to provide the greatest distance from the proposed structure to any existing residential properties and structures.

Sincerely,
Dyer, Riddle, Mills & Precourt, Inc.


Timothy E. Wilson, Jr.
Project Manager

1404 Dean Street
Suite 300
Ft. Myers, Florida 33901
Phone: 239.344.0050
Fax: 239.344.0057

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cc: John Stamps

DCI 2006-00035

Morris McGregor Center CDP



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MAY 22 2007

(239) 533-2236

COMMUNITY DEVELOPMENT

Facsimile: (239) 485-2106

May 21, 2007

Kenneth E. Griffith, AICP
DRMP, Inc.
Suite 300
1404 Dean Street
Fort Myers, FL 33901

Cody Vaughan-Birch, Esq.
Henderson, Franklin, Starnes
& Holt, P.A.
1715 Monroe Street
Fort Myers, FL 33901

Re: Morris McGregor Center CPD
Zoning Case #DCI2006-00035
Resolution No. Z-07-020

Dear Messrs. Griffith and Vaughan-Birch:

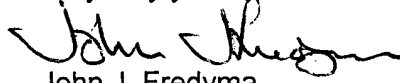
Enclosed is the current draft resolution pertaining to the above-referenced zoning case. It is based on the Hearing Examiner's recommendation with the understanding that changes may be made by the Commissioners at the final hearing. Please review this draft and let me know if any changes are necessary to accurately reflect the Hearing Examiner's recommendation. County staff will also review the draft resolution.

The Hearing Examiner recommendation encompasses changes to the MCP and they are indicated on the enclosed "Changes to final Master Concept Plan (MCP)." A revised MCP consistent with the resolution adopted by the Board will be required for attachment to the zoning resolution prior to Board execution of the resolution. If you would like to meet to discuss any necessary changes after the final hearing, please contact the Planner at 479-8585. The revised MCP, including the required 11 full-size and three 11" by 17" sheets, must be delivered to County Staff at the first floor zoning counter at the Department of Community Development (1500 Monroe Street).

We have found that the legal description submitted with the zoning application often does not truly represent the property intended to be rezoned. Therefore, to prevent potential errors in the resolution, please review the attached legal description to confirm that all of the property intended to be rezoned is accurately described. Please advise my office in writing regarding the results of your review. If the property to be rezoned is not completely and correctly described, necessary changes must be made before the final hearing so that the resolution can be signed promptly after the hearing.

Please contact me if you have any questions.

Very truly yours,


John J. Fredyma
Assistant County Attorney

JJF/mms
Enclosure

cc: w/ enclosure

Dawn E. Perry-Lehnert, Assistant County Attorney
Pam Houck, Director, Zoning Division, DCD/Zoning
Kim Trebatoski, Principal Planner, DCD/Environmental Sciences
Shawn Lamey, Senior Planner, DCD/Zoning
Billie Jacoby, Administrative Specialist, DCD/Zoning Division

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September 05, 2007

533-8585

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County Manager

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County Attorney

Diana M. Parker
County Hearing
Examiner

MR. KENNET E. GRIFFITH
DRMP, INC.
1404 DEAN STREET, SUITE 300
FORT MYERS, FL 33901

RE: MORRIS MCGREGOR CENTER CPD
Case No. DCI2006-00035

Dear MR. KENNET E. GRIFFITH :

The above referenced project was heard by the Board of County Commissioners on Monday, June 18, 2007. The opportunity for an appeal of the BCC determination has expired; therefore, the poster board exhibits used for public hearing are available for pick up.

If these exhibits are not claimed by Wednesday, September 19, 2007, they will be recycled/destroyed per Administrative Code 2-13 Section 3(1)(b). Should you have any questions, please call 533-8585. Pick up location: 1500 Monroe Street, Ft. Myers, Second Floor.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division



Catherine A Keller
Administrative Assistant

cc: Billie Jacoby
Shawn Lamey, Senior Planner
Zoning File



LEE COUNTY
SOUTHWEST FLORIDA

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May 29, 2007

479-8585

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County Attorney

Diana M. Parker
County Hearing Examiner

MR. KENNET E. GRIFFITH
DRMP, INC.
1404 DEAN STREET, SUITE 300
FORT MYERS, FL 33901

RE: **Agenda Schedule for MORRIS MCGREGOR CENTER CPD**
Case No. DCI2006-00035

Dear MR. KENNET E. GRIFFITH :

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

DATE & TIME: Monday, June 18, 2007. Meeting commences at 9:30 a.m.

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

Call if you have any questions.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Catherine Keller

Catherine A Keller
Administrative Assistant

cc: MR. JOHN E STAMPS, MORRIS MCGREGOR
MORRIS MCGREGOR LLC
Shawn Lamey, Senior Planner
Zoning File



LEE COUNTY
SOUTHWEST FLORIDA

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County Manager

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County Attorney

Diana M. Parker
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Examiner

February 26, 2007

479-8585

MR. KENNET E. GRIFFITH
DRMP, INC.
1404 DEAN STREET, SUITE 300
FORT MYERS, FL 33901

RE: Agenda Schedule for MORRIS MCGREGOR CENTER CPD
Case No. DCI2006-00035

Dear MR. KENNET E. GRIFFITH :

Your zoning request has been scheduled before the Hearing Examiner on Thursday, March 29, 2007, at 9:00 AM. The hearing will be conducted in the Hearing Examiner Meeting Room, 1500 Monroe St., Ft. Myers, FL.

Be advised all exhibits presented to Hearing Examiner will be retained for the records. The Hearing Examiner accepts exhibits on boards for demonstrative purposes and for use in her/his decision making; however, an official exhibit entered into the record must be either a foldable copy of the exhibit or an 11 x 17 duplicate of the board exhibit (clipping the exhibit to the board rather than gluing it is an acceptable form since it can be removed from the board and folded to be put in the file.

Your zoning sign will be ready for pickup any time after Wednesday, February 28, 2007, at the second floor reception desk at 1500 Monroe St., Ft. Myers, FL. If you would like to pick them up at the drive-thru window, please call 479-8585 to make the appropriate arrangements. This sign must be posted in accordance with Department procedures no later than Tuesday, March 13, 2007, and is to remain posted until final decision is rendered.

Call if you have any questions.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Brady X Proctor
Administrative Assistant

cc: MR. JOHN E STAMPS, MORRIS MCGREGOR
MORRIS MCGREGOR LLC
Shawn Lamey, Senior Planner
Zoning File



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 479-8484

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David Owen
County Attorney

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Examiner

January 29, 2007

MR. KENNET E. GRIFFITH
DRMP, INC.
1404 DEAN STREET, SUITE 300
FORT MYERS, FL 33901

Re: MORRIS MCGREGOR CENTER CPD
DCI2006-00035 - PDS Application (Minor PD)

Dear MR. KENNET E. GRIFFITH :

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

Rezone 1.85 acres from Commercial (CN-1) and Agriculture (AG-2) to Commercial Planned Development (CPD) to permit a 3-story 24,678 square foot general office building. The applicant intends to connect the proposed development to existing potable water and sanitary sewage.

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

Please review this language carefully, and notify me in writing by February 12, 2007 whether or not this wording is satisfactory. Staff's substantive comments, along with the staff report, are being prepared. This request has been tentatively scheduled for public hearing before the Lee County Hearing Examiner on March 29, 2007. However, please note that this is a tentative date that is subject to change and that Lee County will be held harmless for any potential delay in effectuating compliance with the tentative hearing date.

MR. KENNETH GRIFFITH
DRMP, INC.
RE: MORRIS MCGREGOR CENTER CPD
DCI2006-00035
January 29, 2007
Page 2

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

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division



Shawn Lamey
Senior Planner

copy w/o attachments

Dawn Lehnert, Assistant County Attorney
DS Reviewer - Susan L Hollingsworth
Pamela Houck, Division Director
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Sam Lee, Natural Resources
Lili Wu, LCDOT
Ellen Lindblad, Lee County School District
Jamie Prancing, DCD Administration

DCI Zoning File
DCI Working File



BOARD OF COUNTY COMMISSIONERS

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County Manager

David Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

November 8, 2006

MR. KENNET E. GRIFFITH
DRMP, INC.
1404 DEAN STREET, SUITE 300
FORT MYERS, FL 33901

Re: MORRIS MCGREGOR CENTER CPD
DCI2006-00035 - PDS Application (Minor PD)

Dear MR. KENNET E. GRIFFITH :

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

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

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division


Shawn Lamey
Senior Planner

MR. KENNETH E. GRIFFITH
DRMP, INC.
RE: MORRIS MCGREGOR CENTER CPD
DCI2006-00035
November 8, 2006
Page 2

cc: Pamela Houck, Division Director
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Roland Ottolini, Natural Resources
Andy Getch, LCDOT
Jamie Princing, DCD Administration
Dawn Lehnert, Assistant County Attorney
Susan L Hollingsworth, Development Review
DCI Zoning File
DCI Working File

MR. KENNET E. GRIFFITH
DRMP, INC.
RE: MORRIS MCGREGOR CENTER CPD
DCI2006-00035
November 8, 2006
Page 3

6c3) If the property encompasses 10 or more acres the survey must be tied to the state plane coordinate system for the Florida West Zone (North America Datum of 1983/1990 Adjustment). [34-202(a)(2)]

Section 34-202(a)(2) was revised in October of 2005. It eliminate verbage of 10 or more acres and now requires boundary surveys be tied to the state plane coordinate system for the Florida West Zone (North America Datum of 1983/1990) with two coordinates, one coordinate being the point of beginning (P.O.B.) and the other an opposing corner. Please provide a boundary survey to scale on 11 x 17" paper meeting these requirements. We are sorry for any confussion this may have caused you.

7) Miscellaneous Items.

Please provide an Ag affidavit. It appears there may be an ongoing Ag use at this time.

Please provide an 11 x 17 version of the MCP.

21) Miscellaneous Items.

The residents have requested a deviation from the sidewalk requirement on Oleander Street.



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

September 05, 2006

479-8585

Douglas R. St. Cerny
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County Attorney

Diana M. Parker
County Hearing
Examiner

MR. DAVID DEPEW PHD, AICP
MORRIS-DEPEW ASSOCIATES
2216 ALTAMONT AVE
FT MYERS, FL 33901

RE: Agenda Schedule for YOUNGQUIST GATOR 20
Case No. DCI2005-00035

Dear MR. DAVID DEPEW PHD, AICP :

Your zoning request has been scheduled before the Hearing Examiner on Wednesday, October 4, 2006, at 9:00 AM. The hearing will be conducted in the Hearing Examiner Meeting Room, 1500 Monroe St., Ft. Myers, FL.

Be advised all exhibits presented to Hearing Examiner will be retained for the records. The Hearing Examiner accepts exhibits on boards for demonstrative purposes and for use in her/his decision making; however, an official exhibit entered into the record must be either a foldable copy of the exhibit or an 11 x 17 duplicate of the board exhibit (clipping the exhibit to the board rather than gluing it is an acceptable form since it can be removed from the board and folded to be put in the file.

Your zoning sign will be ready for pickup any time after Wednesday, September 6, 2006, at the second floor reception desk at 1500 Monroe St., Ft. Myers, FL. If you would like to pick them up at the drive-thru window, please call 479-8585 to make the appropriate arrangements. This sign must be posted in accordance with Department procedures no later than Tuesday, September 19, 2006, and is to remain posted until final decision is rendered.

Call if you have any questions.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division


Jamie Prancing
Administrative Assistant

cc: MR. TIMOTHY YOUNGQUIST
ALICO LAKESIDE LLC
MR. RUSSELL SCHROPP, HENDERSON FRANKLIN STARNES HOL
Alvin Block, AICP, Principal Planner
Zoning File



BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 479-8484

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District Four

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David Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

May 24, 2006

MS. SANDRA RAMSETH
DRMP, INC.
1404 DEAN STREET, SUITE 300
FORT MYERS, FL 33901

Re: MORRIS MCGREGOR CENTER CPD
DCI2006-00035 - PDS Application (Minor PD)

Dear MS. SANDRA RAMSETH :

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

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

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division


Shawn Lamey
Senior Planner

MS. SANDRA RAMSETH
DRMP, INC.
RE: MORRIS MCGREGOR CENTER CPD
DCI2006-00035
May 24, 2006
Page 2

cc: Pamela Houck, Division Director
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Brad Vance, Natural Resources
Andy Getch, LCDOT
Jamie Prining, DCD Administration
Dawn Lehnert, Assistant County Attorney
Susan L Hollingsworth, Development Review
DCI Zoning File
DCI Working File

MS. SANDRA RAMSETH
DRMP, INC.
RE: MORRIS MCGREGOR CENTER CPD
DCI2006-00035
May 24, 2006
Page 3

Environmental Sciences Planned Development Sufficiency Checklist

8) Design Standards: Environmentally Sensitive Areas. Every effort shall be made in the planning, design and execution of a planned development to protect, preserve or to not unnecessarily destroy or alter natural features of the site, particularly mature native trees and threatened or endangered native vegetation. [34-411(g)]

Will any of the existing mature native trees be incorporated into the site design? Please clarify.

12) Miscellaneous Items.

Per Lee Plan Policy 6.1.6, commercial developments must provide appropriate buffering and is encouraged to be architecturally designed as to enhance the appearance of parking areas and blend with the character of existing land uses. Please provide a statement that this project will be consistent with this Lee Plan policy.

13) Contact. The Environmental Planner may be contacted regarding any question on the Environmental Sciences Sufficiency Checklist.

Brent Cunningham, Environmental Planner
239-479-8337
bcunningham@leegov.com

Development Review Checklist

2) Deviations. The application must include a schedule of deviations including detail drawings and written justifications. [34-412(a)]

For Deviation #1 regarding intersection separation, the distance of 173' should be requested also.

4) Miscellaneous items.

Lee Plan Policy 39.1.4 is not met. This project will bring commercial traffic through an existing residential area.

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

Susan Hollingsworth 479-8587 x 16.

1) Sufficiency Comments.

1. McGregor Blvd is an arterial and has a 660' intersection separation requirement. Deviation #1 needs to be revised.

2) The LCDOT reviewer may be contacted regarding any questions on the LCDOT Checklist.

Lili Wu 479-8580 ext 5395

MS. SANDRA RAMSETH
DRMP, INC.
RE: MORRIS MCGREGOR CENTER CPD
DCI2006-00035
May 24, 2006
Page 4

T.I.S. Checklist

4) Background Traffic. The TIS must contain 100th highest hour traffic for the current year and for the year following the year in which the project is expected to be completed.

The 2005 Traffic Count Report has been available for some time, and should be used instead of the 2004 Report.

5) Directional Splits. The TIS must contain a drawing showing the percentage, number of trips, and the direction of travel for trips entering and exiting the project at each proposed access point.

The traffic distribution may not necessarily be the same as the Traffic Count Report. The majority of existing residential development seems to be to the north and east of this site, so perhaps a higher percentage of project traffic should be distributed in that direction.

7) Level of Service Analysis. The TIS for projects generating more than 100 net new trips during the A.M. or P.M. peak hour of the adjacent street must contain an analysis of the Level of Service for all links within the area of influence.

1. The 2004 data of the Lee County D.O.T. link-specific service volumes has been available for some time, and should be used instead of the 2002 data.

2. The level of service analysis must be for year 2008, the year following project build out.

11) Contact. The reviewer may be contacted with any questions relative to this TIS Sufficiency Checklist.

Contact Bob Rentz @ 479-8587, OR rentzrg@leegov.com

Legal Requirements Sufficiency Checklist

*6) All applications requiring a public hearing must include the following:
[34-202(a)]*

See below:

6a3) If the application includes multiple abutting parcels or consists of other than one or more undivided platted lots, the legal description must specifically describe the perimeter of the total property, by metes & bounds with accurate bearings and distances for every line, but need not describe each individual parcel. [34-202(a)(1)]

The type of legal description provided with the application package does not comply with the LDC. As per the above-referenced LDC requirement, please have your surveyor to generate a metes & bounds legal description (per calculated survey calls) to more specifically describe the perimeter boundary of the property after any right-of-way takings. Print on an 8.5" x 11" sheet of paper at a font size suitable for recording in the County's Public Records.
Thanks.

MS. SANDRA RAMSETH
DRMP, INC.
RE: MORRIS MCGREGOR CENTER CPD
DCI2006-00035
May 24, 2006
Page 5

*6a4) The individual STRAP number for each parcel must be provided.
[34-202(a)(1)]*

Plerase revise the application and any applicable exhibit to meke sure all STRAP #s are correct:
Provided STRAP # 02-46-23-01-0000D.0160 should be #
02-46-23-02-0000D.0160. Thanks.

6b) Certified sketch of description. A certified sketch of description as set out in chapter 61G 17-6.006, Florida Administrative Code, must be provided unless the subject property consists of one or more undivided platted lots in a subdivision recorded in the Official County Plat Books. [34-202(a)(2)]

As per the above-referenced LDC requirement, please provide a certified sketch to accompany the revised legal description. This sketch must be printed on an 8 1/2" x 11" or 11" x 14" sheet of paper for suitable attachment to the zoning resolution. A reduced copy of the 24" x 36" survey is not acceptable for this purpose as the scale gets distorted and the legibility of the document is compromised. Thanks.

6c3) If the property encompasses 10 or more acres the survey must be tied to the state plane coordinate system for the Florida West Zone (North America Datum of 1983/1990 Adjustment). [34-202(a)(2)]

Since the subject property encompasses more than 10 acres the Boundary Survey must be tied to the state Plane Coordinate System for the Florida West Zone (North America Datum of 1983/1990 Adjustment). Ergo, please tie and display at least (2) coordinates, one coordinate being the point of beginning (POB) of the subject property and the other an opposing corner on Survey. Thanks.

7) Miscellaneous Items.

1. Does the property have an agricultural exemption or use in place? If so, please provide the appropriate AG affidavits and exhibits. The property owner must notarized the affidavit and describe the type and intensity of agricultural uses in existence on the property on the date of the application. The statement must include acreage figures for each use and must also include an exhibit depicting the location of the uses on a copy of the boundary sketch. The exhibit should be entitled "Agricultural Uses at time of Zoning Application."

2. Please provide an affidavit regarding proposed use. Since buildings or structures exist on the property, then the owner must submit said type of affidavit stating that the buildings and structures will be removed or that the proposed use of the buildings, structures, and land is, or will be, in compliance with all applicable requirements of the LDC. [34-202(b)(3)].

MS. SANDRA RAMSETH
DRMP, INC.
RE: MORRIS MCGREGOR CENTER CPD
DCI2006-00035
May 24, 2006
Page 6

8) Contact. The Planner may be contacted regarding any questions on this Checklist.

Please contact Luis G. Machado at (239) 479-8485
or e-mail: lmachado@leegov.com

21) Miscellaneous Items.

Staff have concerns over the intensity of this commercial project, adjacent to residential property.

Dyer, Riddle, Mills
& Precourt, Inc.



DRMP Job # 06-00106.000

Principals
Wayne D. Chalifoux
Donaldson K. Barton, Jr.
Lucius J. Cushman, Jr.
Jon S. Meadows
Stephen L. Precourt
Lawrence L. Smith, Jr.
William T. Stone

March 12, 2007

Shawn Lamey, Senior Planner
Lee County Department of
Community Development
Division of Zoning
1500 Monroe Street
Fort Myers, Florida 33901



Reference: Morris McGregor CPD – Additional Deviation #3
Case # DCI 2006-00035

Dear Shawn:

On behalf of our client, John E. Stamps, Managing Partner of Morris McGregor LLC, we are hereby submitting fourteen (14) copies of the following revised documents which have been updated to include an additional deviation request. Approval of the additional deviation, Deviation #3, is necessary to employ a 25-foot wide landscape buffer, instead of the requisite 30-foot, between the proposed project and abutting single-family residences to the north. The 25-foot wide landscape buffer, with Type-F plantings and 60-inch high vegetative hedge being planted in doubled staggered rows, has been provided in lieu of constructing an 8-foot high solid wall between the proposed Morris McGregor CPD project and abutting single-family residential lots:

1. Fourteen (14) copies of the Revised Master Concept Plan (MCP), Sheet 2 of 5 of the Morris McGregor CPD Plan Set.
2. Fourteen (14) copies of the Revised Schedule of Deviations, Justification for Deviations and Detailed Deviation Drawings - Composite Exhibit 6-N, Sheets 1 of 5 thru 5 of 5.

As you know, the deviation is being added at the suggestion of Kim Trebatoski, Principal Environmental Planner, with the Lee County Department of Environmental Sciences. Ms. Trebatoski recommended this buffer option alternative pursuant to a particular set of circumstances as is presented by Morris McGregor CPD Project. The proposed Type-F buffer option of providing a 30-foot wide Type-F buffer with a continuous hedge planted in double-staggered rows at 48-inches high and then maintained at a minimum of 60-inches high within one-year of planting as outlined in Sec. 10-416(d)(6) of the Lee County Land Development Code.

Should you have any questions or require any additional information in your review of the proposed project or the newly requested deviation, please do not hesitate to call me at (239) 344-0050.

Sincerely,

Kenneth E. Griffith, AICP
Associate In Charge

DCI 2006-00035

1404 Dean Street
Suite 300
Ft. Myers, Florida 33901
Phone: 239.344.0050
Fax: 239.344.0057

Boca Raton, Florida
Charlotte, North Carolina
ChIPLEY, Florida
Columbia, South Carolina
DeLand, Florida
Gainesville, Florida
Jacksonville, Florida
Lakeland, Florida
Norcross, Georgia
Orlando, Florida
Palm Coast, Florida
Panama City Beach, Florida
Pensacola, Florida
Punta Gorda, Florida
Tallahassee, Florida
Tampa, Florida

1.800.375.3767
www.drmp.com

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

DATE: March 15, 2007

TO: File - DCI2006-00035

FROM: Brady Proctor
Secretary, Internal Services

RE: Notice of Public Hearing - March 29, 2007 HEX

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

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

CASE NUMBER: DCI2006-00035

CASE NAME: MORRIS MCGREGOR CENTER CPD

REQUEST: Rezone 1.85 acres from Commercial (CN-1) and Agriculture (AG-2) to Commercial Planned Development (CPD) to permit two buildings (2 stories/35 feet maximum height) not to exceed 19,672 square feet. The first building will be a 2-story general office and retail commercial building not to exceed 15,560 square feet. The second building will be a general office building not to exceed 4,112 square feet. The development will connect to existing potable water and sanitary sewer.

LOCATION: The subject property is located at 16758 McGregor Blvd, Ft. Myers (Intersection of McGregor Blvd, John Morris Rd and S Oleander Dr.), in S02-T46S-R23E, Lee County, FL.

SIZE OF PROPERTY: 1.85 Acres ±

STAFF REPORT: Direct inquiries to Shawn Lamey, Senior Planner, at (239) 479-8484, at the Department of Community Development, 1500 Monroe St., Ft. Myers, FL 33901.

PROPERTY OWNER'S REPRESENTATIVE: MR. KENNET E GRIFFITH
DRMP, INC.
239-344-0050

Notice is hereby given that the Lee County Hearing Examiner will hold a public hearing at 9:00 AM on 03/29/2007 on the above case. The public hearing will be held in the Hearing Examiner's Meeting Room, 1500 Monroe St., Ft. Myers, FL 33901.

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

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

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

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

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

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division

01-46-23-00-00027.0000
WOLTER GARY
16680 MCGREGOR BLVD
FORT MYERS, FL 33908

01-46-23-00-00027.001A
ROUMELY INC
16681 MCGREGOR BLVD #208
FORT MYERS, FL 33908

01-46-23-00-00027.0020
DRISCOLL LLC
16740 MCGREGOR BLVD
FORT MYERS, FL 33908

01-46-23-02-00000.1230
PLANTATION ESTS
ROBERT + CHRISTINE CAMUGLIA
4963 MANOR HILL DR
SYRACUSE, NY 13215

01-46-23-02-00000.1250
PLANTATION ESTS
BERNARD + SUE SATTERLY
310 COLONIAL DR
MOUNT WASHINGTON, KY 40047

02-46-23-01-0000B.0110
VIDUSSI HARVEY + MARILYN
16480 JOHN MORRIS RD #82
FORT MYERS, FL 33908

02-46-23-01-0000B.0130
PURCELL WILLIAM F TR
16520 JOHN MORRIS RD #22
FORT MYERS, FL 33908

02-46-23-01-0000B.0150
FESTA JEFFREY A
16560 JOHN MORRIS RD APT A
FORT MYERS, FL 33908

02-46-23-01-0000E.0060
CURTIS + MCDONALD LLC 37.8% +
16791 PALM RD
FORT MYERS, FL 33908

02-46-23-01-0000E.0100
EDWARDS WILLIAM C + CARMEN H
21950 SW 177TH AVE
GOULDS, FL 33170

01-46-23-00-00027.0010
MARTIN RICHARD A A TR
11611 PALM DR
FORT MYERS, FL 33908

01-46-23-00-00027.001B
MARTIN RICHARD A A TR
16731 MCGREGOR BLVD STE 105
FORT MYERS, FL 33908

01-46-23-02-00000.1220
PLANTATION ESTS
HARRIS C E + JOYCE
904 RIDGEWOOD CT
CONNERSVILLE, IN 47331

01-46-23-02-00000.1240
PLANTATION ESTS
WILLIAM E + JANICE M WHITAKER
124 ASH LN
FORT MYERS, FL 33908

02-46-23-01-0000B.0100
DUMONT DONALD F + LINDA A
16460 JOHN MORRIS RD
FORT MYERS, FL 33908

02-46-23-01-0000B.0120
PLUMMER KATELYN +
340 FAIRWEATHER LN
FORT MYERS BEACH, FL 33931

02-46-23-01-0000B.0140
ALLEN JOHN + MARY
11672 PLANTATION PRESERVE
FORT MYERS, FL 33966

02-46-23-01-0000C.0050
LCD TRUCKING INC
16806 MCGREGOR BLVD
FORT MYERS, FL 33908

02-46-23-01-0000E.0080
MARLATT MARLY T
JOSEPH LOPATOFISKY
2002 WYOMING AVE
WYOMING, PA 18644

02-46-23-01-0000E.0110
EDWARDS WILLIAM C + CARMEN H
21950 SW 177TH AVE
GOULDS, FL 33170

DC12006-00035

02-46-23-01-0000E.0120
JET ENTERPRISES
CIRCLE K CORP DC17
PO BOX 52085 DC-17
PHOENIX, AZ 85072

02-46-23-01-0000E.0140
BUSCH ROBERT + ANNA
16710 JOHN MORRIS RD
FORT MYERS, FL 33908

02-46-23-02-0000D.0090
HAHN DANIEL R + STEPHANIE S
629 ASTARIAS CIR
FORT MYERS, FL 33919

02-46-23-02-0000D.0120
FERREL RICHARD T +
16501 S OLEANDER DR
FORT MYERS, FL 33908

02-46-23-02-0000D.0140
JOHNSTONE IAIN
16541 S OLEANDER DR
FORT MYERS, FL 33908

02-46-23-02-0000D.0170
DOANE DAVID
16600 S OLEANDER DR
FORT MYERS, FL 33908

02-46-23-02-0000D.0190
FRANK DAVID J
16560 S OLEANDER DR
FORT MYERS, FL 33908

02-46-23-02-0000D.0210
LUPSKI WILLIAM F
16480 S OLEANDER DR
FORT MYERS, FL 33908

02-46-23-02-0000D.0230
LUPSKI WILLIAM F + DEBRA J
16480 S OLEANDER DR
FORT MYERS, FL 33908

02-46-23-02-0000D.0450
BIANCA GAIL
14300 RIVA DEL LAGO DR #1604
FORT MYERS, FL 33907

02-46-23-01-0000E.0130
EDGE MICHAEL W SR TR
16670 JOHN MORRIS RD
FORT MYERS, FL 33908

02-46-23-01-0000E.0150
BUSCH ROBERT + ANNA
16710 JOHN MORRIS RD
FORT MYERS, FL 33908

02-46-23-02-0000D.0110
BALSAMO RICHARD
16481 S OLEANDER DR
FORT MYERS, FL 33908

02-46-23-02-0000D.0130
HART JOHN + PHYLLIS TR
16521 S OLEANDER DR
FORT MYERS, FL 33908

02-46-23-02-0000D.0150
HUNGERFORD LISA M
16561 S OLEANDER DR
FORT MYERS, FL 33908

02-46-23-02-0000D.0180
DORNING JOHNNY RAY + JENNIFER
16580 S OLEANDER DR
FORT MYERS, FL 33908

02-46-23-02-0000D.0200
MADIGOSKY ROBERT
15244 N PEBBLE LN
FORT MYERS, FL 33912

02-46-23-02-0000D.0220
PASSMORE MICHAEL + JEANNINE
16500 S OLEANDER DR
FORT MYERS, FL 33908

02-46-23-02-0000D.0440
SYRACUSA GREGORY J
16481 ARBOR RIDGE DR
FORT MYERS, FL 33908

02-46-23-02-0000D.0460
DENSON PAMELA ANN
12743 BREWSTER DR
FORT MYERS, FL 33908

DC12006-00035

02-46-23-02-0000D.0470
HENWARD MARGARET
16541 ARBOR RIDGE DR
FORT MYERS, FL 33908

02-46-23-02-0000D.0480
MCGEE KAREN S TR
16561 ARBOR RIDGE DR
FORT MYERS, FL 33908

02-46-23-02-0000D.0490
LAWRENCE PAUL + KRISTEN
16581 ARBOR RIDGE DR
FORT MYERS, FL 33908

02-46-23-02-0000D.0500
ENNIS IRENE T WARBURTON TR
569 BAYSIDE DR
FORT MYERS, FL 33919

02-46-23-02-0000D.0510
HEALY BRIAN K
PO BOX 1098
SANIBEL, FL 33957

02-46-23-02-0000D.0520
DENSON LEE C TR
16806 MCGREGOR BLVD
FORT MYERS, FL 33908

02-46-23-02-0000D.0570
MAGGIFERT MARK + SHELLY M
16620 ARBOR RIDGE DR
FORT MYERS, FL 33908

02-46-23-02-0000D.0580
GIBSON DAVID W + DEBORAH R
16600 ARBOR RIDGE DR
FORT MYERS, FL 33908

02-46-23-02-0000D.0590
ALMEIDA ILONA
16580 ARBOR RIDGE DR
FORT MYERS, FL 33908

02-46-23-02-0000D.0600
CIANCARELLI MARK A + CLAUDIA R
16560 ARBOR RIDGE DR
FORT MYERS, FL 33908

02-46-23-02-0000F.0010
MCDONALD BRIAN
16791 PALM RD
FORT MYERS, FL 33908



MORRIS MCGREGOR LLC
12730 NEW BRITTANY BLVD #205
FORT MYERS FL 33907

MR. KENNETH E GRIFFITH
DRMP, INC.
1404 DEAN STREET, SUITE 300
FORT MYERS FL 33901

MR. JOHN E STAMPS
MORRIS MCGREGOR
12730 NEW BRITTANY BOULEVARD
#205
FORT MYERS FL 33907

MR. SHAWN LAMEY

Jerry Murphy
Town of Fort Myers Beach
2523 Estero Boulevard
Fort Myers Beach, FL 33931

Barbara England, CAM
Lexington Country Club
16257 Willowcrest Way
Fort Myers, FL 33908

Charles Fuechsel, President
Palm Acres Homeowner's Association
P.O. Box 08191
Fort Myers, FL 33908

Nancy Feldman, Chairperson
Kelly Greens Community Awareness Committee
16161 Kelly Cove Drive
Fort Myers, FL 33908

MEMORANDUM
From The
Department Of
Community Development
Development Services Division

Date: June 5, 2007

To: DCI2006-00035

FROM: Cathy Keller

RE: Notice of Public Hearing - June 18, 2007
 Lee County Board of County Commissioners Meeting

I, Cathy Keller, Internal Services Secretary, Development Services Division, do hereby certify that I have mailed **notices to the participants** in regard to the above referenced meeting, in the attached style, pursuant to the list marked and attached hereto and made a part of the certification.

NOTICE TO PARTICIPANT

CASE NUMBER: DCI2006-00035

NAME: MORRIS MCGREGOR CENTER CPD

REQUEST: Rezone 1.85 acres from Commercial (CN-1) and Agriculture (AG-2) to Commercial Planned Development (CPD) to permit two buildings (2 stories/35 feet maximum height) not to exceed 19,672 square feet. The first building will be a 2-story general office and retail commercial building not to exceed 15,560 square feet. The second building will be a general office building not to exceed 4,112 square feet. The development will connect to existing potable water and sanitary sewer.

LOCATION: 16758 McGregor Blvd, Ft. Myers (Intersection of McGregor Blvd, John Morris Rd and S Oleander Dr.), in S02-T46S-R23E, Lee County, FL.

**PROPERTY OWNER'S
REPRESENTATIVE:** MR. KENNET E GRIFFITH
239-344-0050

Notice is hereby given that the Lee County Board of Commissioners will hold a public hearing at 9:30 am on Monday, June 18, 2007, to review the written recommendation made by the Hearing Examiner and make a final decision in the above-referenced case. This hearing will be held in the Commissioners' Meeting Room, 2120 Main St., Ft. Myers FL.

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

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

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

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division



DCI2006-00035

Morris McGregor Center CPD

MORRIS MCGREGOR LLC
12730 NEW BRITTANY BLVD #205
FORT MYERS FL 33907

MR. JOHN E STAMPS
MORRIS MCGREGOR
12730 NEW BRITTANY BOULEVARD
#205
FORT MYERS FL 33907

MR. KENNET E GRIFFITH
DRMP, INC.
1404 DEAN STREET, SUITE 300
FORT MYERS FL 33901

MR. SHAWN LAMEY

Mr. Richard Balsamo
16481 S. Oleander Drive
Fort Myers, FL 33908

Mr. David Doane
1660 S. Oleander Drive
Fort Myers, FL 33908

Ms. Jennifer Dorning
16580 S. Oleander Drive
Fort Myers, FL 33908

Mr. Johnny Dorning
16580 S. Oleander Drive
Fort Myers, FL 33908

Mr. Richard Ferrel
16501 S. Oleander Drive
Fort Myers, FL 33908

Mr. David Frank
16560 S. Oleander Drive
Fort Myers, FL 33908

Mr. Dan Hahn
629 Astarias Circle
Fort Myers, FL 33919

Ms. Lisa Hungerford
16561 S. Oleander Drive
Fort Myers, FL 33908

Mr. Ian Johnstone
16541 S. Oleander Drive
Fort Myers, FL 33908

Ms. Jeanine Walker Passmore
16500 S. Oleander Drive
Fort Myers, FL 33908

Mr. Michael Passmore
16500 S. Oleander Drive
Fort Myers, FL 33908



MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY

DATE: June 14, 2007

To: Jamie Princing

Community Development - ISA

FROM: Maria M. Sanchez

Legal Administrative Assistant

RE: Morris McGregor Center CPD
Zoning Case #DCI2006-00035
Resolution No. Z-07-020

Attached hereto please find an e-mailed legal verification in connection with the above matter. Please place this e-mail in the appropriate file.

Thank you.

/mms
Attachment

SANCHEZ, Maria

From: Ken Griffith [KGriffith@drmp.com]
Sent: Thursday, June 14, 2007 11:46 AM
To: Fredyma, John J.
Cc: SANCHEZ, Maria; johnestamps@yahoo.com; cody.vaughanburch@henlaw.com
Subject: RE: Morris McGregor Center CPD DCI2006-00035

John:

Yes, the legal description contained in the draft zoning resolution is correct **and** the legal description describes the property the applicant intended to rezone in this case. If you have any questions or need any additional information, please do not hesitate to contact me. Thank you.

From: Fredyma, John J. [mailto:FREDYMJJ@leegov.com]
Sent: Thursday, June 14, 2007 11:04 AM
To: Ken Griffith
Cc: SANCHEZ, Maria
Subject: Morris McGregor Center CPD DCI2006-00035

Mr. Griffith,

We still need a final confirmation from you, as the agent for this zoning case, that 1) the legal description contained in the attached draft zoning resolution is correct, **and** 2) that the property described is the property intended to be rezoned in this case.

This confirmation is needed before the advertised zoning hearing with the Board of County Commissioners on Monday, June 18, 2007. A failure to provide the requested confirmations may result in this case not being heard as currently scheduled.

Your prompt attention to this request is both anticipated and appreciated.

Very truly yours,

John

John J. Fredyma
Assistant County Attorney
Lee County Attorney's Office
P.O. Box 398
Fort Myers, Florida 33902
(2115 Second Street - 33901)
Tel. 239/533-2236
Fax 239/485-2106
E-mail: fredymjj@leegov.com [Note: There is no "a" in the e-mail spelling of Fredyma.]

Please note: Florida has a very broad public records law. Most written communications to or from County employees and officials regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure.

6/14/2007



BOARD OF COUNTY COMMISSIONERS

RECEIVED
MAY 22 2007

(239) 533-2236

COMMUNITY DEVELOPMENT

Facsimile: (239) 485-2106

May 21, 2007

Bob Janes
District One

A. Brian Bigelow
District Two

Ray Judah
District Three

Tammy Hall
District Four

Frank Mann
District Five

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing Examiner

Kenneth E. Griffith, AICP
DRMP, Inc.
Suite 300
1404 Dean Street
Fort Myers, FL 33901

Cody Vaughan-Birch, Esq.
Henderson, Franklin, Starnes
& Holt, P.A.
1715 Monroe Street
Fort Myers, FL 33901

Re: Morris McGregor Center CPD
Zoning Case #DCI2006-00035
Resolution No. Z-07-020

Dear Messrs. Griffith and Vaughan-Birch:

DCI 2006-00035

Enclosed is the current draft resolution pertaining to the above-referenced zoning case. It is based on the Hearing Examiner's recommendation with the understanding that changes may be made by the Commissioners at the final hearing. Please review this draft and let me know if any changes are necessary to accurately reflect the Hearing Examiner's recommendation. County staff will also review the draft resolution.

The Hearing Examiner recommendation encompasses changes to the MCP and they are indicated on the enclosed "Changes to final Master Concept Plan (MCP)." ~~A revised MCP~~ consistent with the resolution adopted by the Board will be required for attachment to the zoning resolution prior to Board execution of the resolution. If you would like to meet to discuss any necessary changes after the final hearing, please contact the Planner at 479-8585. The revised MCP, including the required 11 full-size and three 11" by 17" sheets, must be delivered to County Staff at the first floor zoning counter at the Department of Community Development (1500 Monroe Street).

We have found that the legal description submitted with the zoning application often does not truly represent the property intended to be rezoned. Therefore, to prevent potential errors in the resolution, please review the attached legal description to confirm that all of the property intended to be rezoned is accurately described. Please advise my office in writing regarding the results of your review. If the property to be rezoned is not completely and correctly described, necessary changes must be made before the final hearing so that the resolution can be signed promptly after the hearing.

Please contact me if you have any questions.

Very truly yours,

John J. Fredyma
Assistant County Attorney

RECEIVED
JUL 17 2007

COMMUNITY DEVELOPMENT

JJF/mms
Enclosure

cc: w/ enclosure

Dawn E. Perry-Lehnert, Assistant County Attorney
Pam Houck, Director, Zoning Division, DCD/Zoning
Kim Trebatoski, Principal Planner, DCD/Environmental Sciences
Shawn Lamey, Senior Planner, DCD/Zoning
Billie Jacoby, Administrative Specialist, DCD/Zoning Division

P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 335-2111
Internet address <http://www.lee-county.com>

AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER

Dyer, Riddle, Mills
& Precourt, Inc.



Principals

Wayne D. Chalifoux
Donaldson K. Barton, Jr.
Lucius J. Cushman, Jr.
Jon S. Meadows
Stephen L. Precourt
Lawrence L. Smith, Jr.
William T. Stone

Letter of Transmittal

To: Department of Community Development Date: July 17th 2007
DRMP Job #: 06-0106.000 DRMP Task:
Subject: Morris McGregor CPD – DCI 2006-00035

We are sending you:

☐ Attached	☐ Courier	☐ DHL	☐ FedEX
☐ First Class	☒ Hand Deliver	☐ Pick-Up	☐ UPS
☐ Email	☐ Fax	☐ Other	

Copies	Date	Description
11	7-17-07	24x36 Master Concept Plans
3	7-17-07	11x17 Master Concept Plans

For:

☐ Approved as submitted	☐ For review & comment	☒ As requested	☐ For your approval
☐ For your use	☐ For your files	☐ Returned from loan	☐ Other

Remarks: If you have any questions regarding this transmittal, please contact our office.

Sincerely,
Dyer, Riddle, Mills & Precourt, Inc.

Michael Sasse
Project Engineer

DCI 2006-00035

RECEIVED
JUL 17 2007

COMMUNITY DEVELOPMENT

1404 Dean Street
Suite 300
Ft. Myers, Florida 33901
Phone: 239.344.0050
Fax: 239.344.0057

Boca Raton, Florida
Charlotte, North Carolina
Chipley, Florida
Columbia, South Carolina
DeLand, Florida
Gainesville, Florida
Jacksonville, Florida
Lakeland, Florida
Norcross, Georgia
Orlando, Florida
Panama City Beach, Florida
Pensacola, Florida
Punta Gorda, Florida
Tallahassee, Florida
Tampa, Florida

1.800.375.3767
www.drmp.com

ZONING DIVISION
LEE COUNTY

PLANNED DEVELOPMENT SUBSTANTIVE REVIEW
TRANSMITTAL SHEET

TO: Distribution FROM: Shawn Lamey DATE: 07/17/2007
Dawn Lehnert, Asst County Attorney
DS Reviewer - Susan L Hollingsworth
TIS Reviewer - temporarily reviewed by DOT
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Lili Wu, LCDOT
Sam Lee, Natural Resources
Chick Jackaki, Zoning
Mike Pavese, Public Works

PROJECT NAME: MORRIS MCGREGOR CENTER CPD CASE #: DCI2006-00035

INFORMATION SUMMARY:

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

RESPONSE REQUIRED BY: 07/27/2007

Additional Comments:

Please review the attached plan to determine if it accurately reflects the approval by the BoCC on June 18, 2007 in accordance with LDC 34-377(b)(6).

cc: DCI planner/working file
DCI Zone File

Distributed by: Luisa V Villa

Date: 07/17/2007

Princing, Jamie L.

From: Jason Clark [northernoffshore@earthlink.net]
Sent: Monday, August 28, 2006 10:50 PM
To: Princing, Jamie L.
Subject: So. Orleander # story Bldg.
Attachments: DSC00162.JPG; DSC00160.JPG; DSC00161.JPG

Dear Zoning, I live 1 street over from this planed proposal. It will ruin the neighbor. It's a Residential area with kids everywhere not to mention the dangerous access and totally flooding problems to all neighbors surrounded by this giant unapropriate structure. Enclosed are pictures of my yard after last rains. Are you really going to send more water on to our properties? Thank you Jason clark, Arbor Ridge dr. this is about The 3 story, 108 parking space, 5' above mcgregor blvd. improper access, and most of all flooding out neighbors on all sides office building, 2nd preliminary hearing Fri. 9:00 sept. 1, Shawn Lamey Planer that threatens our neighborhood. Please stop this development and find another way to develop this property in consideration of all those that will be affected. Thank you again jason clark.

8/29/2006



Doc 2006-00035



Doc 121006-00035



12-12006-00035

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUBSTANTIVE REVIEW
TRANSMITTAL SHEET

TO: Distribution
Dawn Lehnert, Asst County Attorney
Kim Trebatoski, Environmental Sciences

FROM: Shawn Lamey

DATE: 03/13/2007

PROJECT NAME: MORRIS MCGREGOR CENTER CPD

CASE #: DCI2006-00035

INFORMATION SUMMARY:

To update your file

X Review and forward substantive comments **ASAP**.

RESPONSE REQUIRED BY: 03/23/2007

Additional Comments:

cc: DCI planner/working file
DCI Zone File

Distributed by: Catherine A Keller

Date: 03/15/2007

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUBSTANTIVE REVIEW
TRANSMITTAL SHEET

TO: Distribution

FROM: Shawn Lamey

DATE: 01/29/2007

Dawn Lehnert, Asst County Attorney
DS Reviewer - Susan L Hollingsworth
TIS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Lili Wu, LCDOT
Ellen Lindblad, Lee County School District
Sam Lee, Natural Resources
Chick Jackaki, Zoning
Mike Pavese, Public Works

PROJECT NAME: MORRIS MCGREGOR CENTER CPD

CASE #: DCI2006-00035

INFORMATION SUMMARY:

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

RESPONSE REQUIRED BY: 02/08/2007

Additional Comments:

Sufficiency Letter Distribution.

cc: DCI planner/working file
DCI Zone File

Distributed by: Vicky S Tatlock

Date: 01/29/2007

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution
Dawn Lehnert, Asst County Attorney
DS Reviewer - Susan L Hollingsworth
Chick Jackaki, Zoning

FROM: Shawn Lamey

DATE: 12/13/2006

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

PROJECT NAME: MORRIS MCGREGOR CENTER CPD

CASE #: DCI2006-00035

INFORMATION SUMMARY:

RESUBMITTAL

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

RESPONSE REQUIRED BY: 12/27/2006

Additional Comments:

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

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

cc: DCI planner/working file
DCI Zone File

Distributed by: Brady X Proctor

Date: 12/15/2006

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution
Dawn Lehnert, Asst County Attorney
DS Reviewer - Susan L Hollingsworth
TIS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Roland Ottolini, Natural Resources
Chick Jackaki, Planning
Mike Pavese, Public Works

FROM: Shawn Lamey

DATE: 10/18/2006

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

PROJECT NAME: MORRIS MCGREGOR CENTER CPD

CASE #: DCI2006-00035

INFORMATION SUMMARY:

RESUBMITTAL

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

RESPONSE REQUIRED BY: 11/01/2006

Additional Comments:

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

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

cc: DCI planner/working file
DCI Zone File

Distributed by: Brady X Proctor

Date: 10/20/2006

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution
Dawn Lehnert, Asst County Attorney
DS Reviewer - Susan L Hollingsworth
TIS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Luis Machado, Zoning

FROM: Shawn Lamey

DATE: 06/08/2006

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

PROJECT NAME: MORRIS MCGREGOR CENTER CPD

CASE #: DCI2006-00035

INFORMATION SUMMARY:

RESUBMITTAL

To update your file

☒ Review and forward sufficiency
questions or make finding of
sufficiency

RESPONSE REQUIRED BY: 06/22/2006

Additional Comments:

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

Sufficiency and Completeness

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

cc: DCI planner/working file

DCI Zone File

Distributed by: Luisa V Villa

Date: 06/12/2006

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution

FROM: Shawn Lamey

DATE: 04/25/2006

Dawn Lehnert, Asst County Attorney
DS Reviewer - Susan L Hollingsworth
TIS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Ellen Lindblad, Lee County School District
Brad Vance, Natural Resources
Luis Machado, Zoning

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

PROJECT NAME: MORRIS MCGREGOR CENTER CPD

CASE #: DCI2006-00035

INFORMATION SUMMARY:

NEW SUBMITTAL

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

RESPONSE REQUIRED BY: 05/09/2006

Additional Comments:

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

Sufficiency and Completeness

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

cc: DCI planner/working file
DCI Zone File

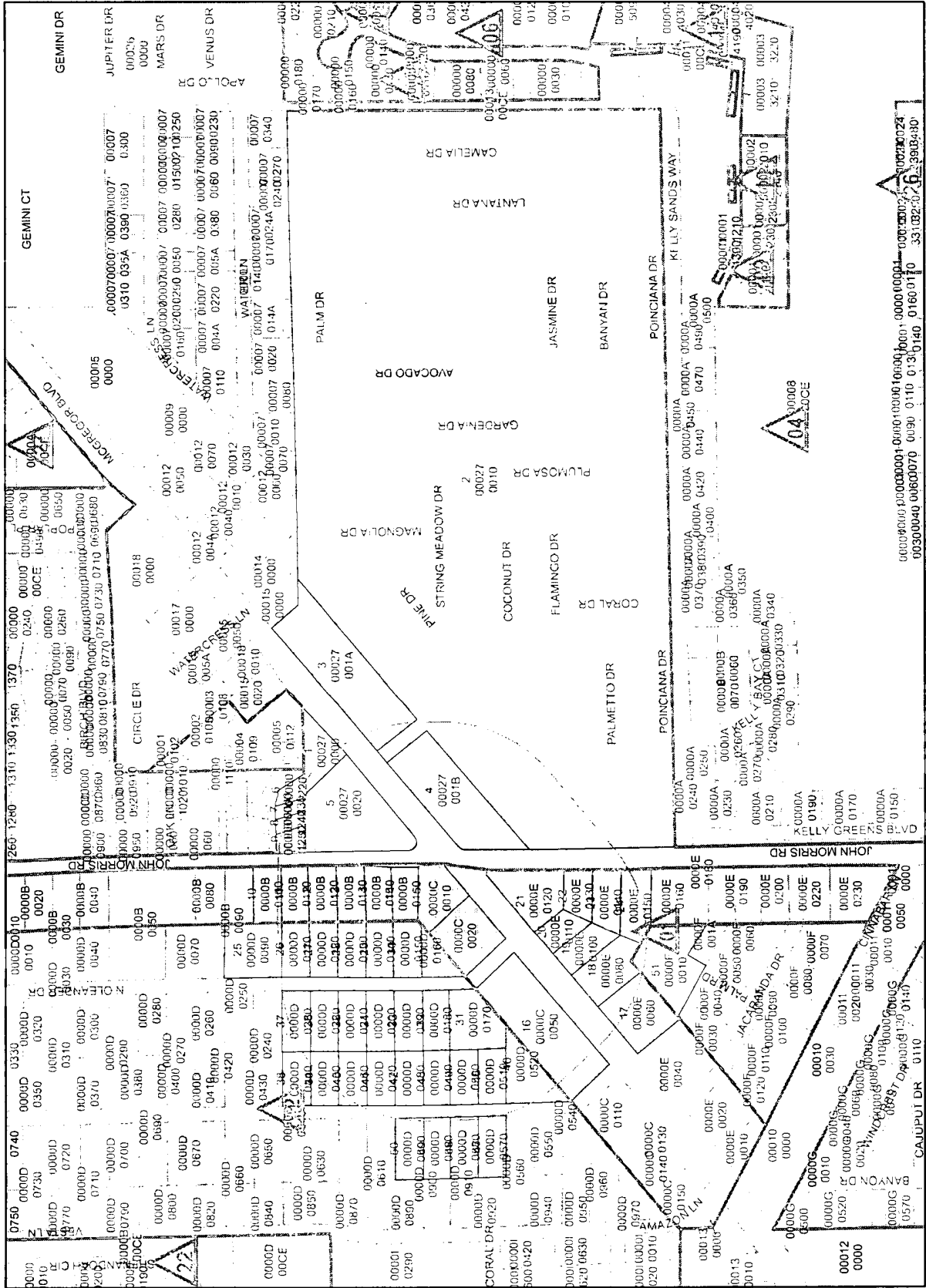
Distributed by: Catherine A Keller

Date: 04/25/2006

VARIANCE REPORT

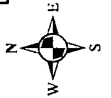
2/22/2006

Subject Parcels : 3 Affected Parcels : 51 Buffer Distance : 500 ft



DCI 2006-00035

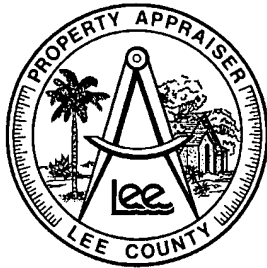
RECEIVED
APR 18 2006



02-46-23-01-0000C.0010 et al.

600 300 0 600 Feet

EXHIBIT PH-3.6.2



Lee County Property Appraiser

EXHIBIT - PA-3.G.1

Kenneth M. Wilkinson, C.F.A.

GIS Department / Map Room

Phone: (239) 339-6159 • Fax: (239) 339-6139 • eMail: MapRoom@LeePA.org

VARIANCE REPORT

RECEIVED
APR 18 2006
DCI 2006-00035

Date of Report: February 22, 2006
Buffer Distance: 500 ft
Parcels Affected: 51
Subject Parcel: 02-46-23-01-0000C.0010, 02-46-23-01-0000C.0020,
02-46-23-02-0000D.0160

<u>OWNER NAME AND ADDRESS</u>	<u>STRAP AND LOCATION</u>	<u>LEGAL DESCRIPTION</u>	<u>Map Index</u>
WOLTER GARY 16680 MCGREGOR BLVD FT MYERS FL 33908	01-46-23-00-00027.0000 16680 MCGREGOR BLVD FORT MYERS FL 33908	NW 1/4 OF SW 1/4 LYING N + W OF ST RD 867 LESS PARL .002 + RRW AKA TROPICANA MOBILE MANOR	1
MARTIN RICHARD A A TR 16731 MCGREGOR BLVD STE 105 FORT MYERS FL 33908	01-46-23-00-00027.0010 16711 MCGREGOR BLVD FORT MYERS FL 33908	N 1/2 OF SW 1/4 LYING SELY OF STATE RD 867 LESS PAR 27.001A + 27.001B AKA TROPICANA MOBILE MANOR	2
ROUMELY INC 16681 MCGREGOR BLVD #208 FT MYERS FL 33908	01-46-23-00-00027.001A 16681 MCGREGOR BLVD FORT MYERS FL 33908	PARL IN NW1/4 OF SW1/4 +TH S1/2 OF SW1/4 OF NW1/4 AS DESC IN OR 1437/1371	3
MARTIN RICHARD A A TR 16731 MCGREGOR BLVD STE 105 FORT MYERS FL 33908	01-46-23-00-00027.001B 16731 MCGREGOR BLVD FORT MYERS FL 33908	PARL IN N 1/2 OF SW 1/4 LYING SELY OF SR 867 DESC OR 1745 PG 4758	4
MANNING JAMES P 101 WORTH AVE APT 4D PALM BEACH FL 33480	01-46-23-00-00027.0020 16740 MCGREGOR BLVD FORT MYERS FL 33908	PARL IN SEC 01 T46 R23 DESC OR 1452 PG 264	5
PLANTATION ESTS HARRIS C E + JOYCE 904 RIDGEWOOD CT CONNERSVILLE IN 47331	01-46-23-02-00000.1220 122 ASH LN FORT MYERS FL 33908	PLANTATION ESTS M/H PK OR 1858 PG 4091 LOT 122	6
PLANTATION ESTS ROBERT + CHRISTINE CAMUGLIA 4963 MANOR HILL DR SYRACUSE NY 13215	01-46-23-02-00000.1230 123 ASH LN FORT MYERS FL 33908	PLANTATION ESTS M/H PK OR 1858 PG 4091 LOT 123	7
PLANTATION ESTS WILLIAM E + JANICE M WHITAKER 124 ASH LN FORT MYERS FL 33908	01-46-23-02-00000.1240 124 ASH LN FORT MYERS FL 33908	PLANTATION ESTS M/H PK OR 1858 PG 4091 LOT 124	8
PLANTATION ESTS BERNARD + SUE SATTERLY 310 COLONIAL DR MT WASHINGTON KY 40047	01-46-23-02-00000.1250 125 ASH LN FORT MYERS FL 33908	PLANTATION ESTS M/H PK OR 1858 PG 4091 LOT 125	9
DUMONT DONALD F + LINDA A 16460 JOHN MORRIS RD FT MYERS FL 33908	02-46-23-01-0000B.0100 16460 JOHN MORRIS RD FORT MYERS FL 33908	COTTAGE POINT BLK B PB 9 PG 133 LOT 10	10
VIDUSSI HARVEY + MARILYN 16480 JOHN MORRIS RD #82 FORT MYERS FL 33908	02-46-23-01-0000B.0110 16480 JOHN MORRIS RD #82 FORT MYERS FL 33908	COTTAGE POINT BLK B PB 9 PG 133 LOT 11	11
RICHARD PATRICIA A 16500 JOHN MORRIS RD FT MYERS FL 33908	02-46-23-01-0000B.0120 16500 JOHN MORRIS RD FORT MYERS FL 33908	COTTAGE POINT SUBD. BLK B PB 9 PG 133 LOT 12	12

<u>OWNER NAME AND ADDRESS</u>	<u>STRAP AND LOCATION</u>	<u>LEGAL DESCRIPTION</u>	<u>Map Index</u>
PAYNE MARGARET 15961 JOHN MORRIS RD FORT MYERS FL 33908	02-46-23-01-0000B.0130 16520 JOHN MORRIS RD #22 FORT MYERS FL 33908	COTTAGE POINT BLK B PB 9 PG 133 LOT 13	13
ALLEN JOHN + MARY 2149 TREE HAVEN CIR FORT MYERS FL 33907	02-46-23-01-0000B.0140 16540 JOHN MORRIS RD #42 FORT MYERS FL 33908	COTTAGE POINT BLK B PB 9 PG 133 LOT 14 LESS RD R/W	14
FESTA JEFFREY A 16560 JOHN MORRIS RD APT A FORT MYERS FL 33908	02-46-23-01-0000B.0150 16560 JOHN MORRIS RD #62 FORT MYERS FL 33908	COTTAGE POINT BLK B PB 9 PG 133 LOT 15 LESS RD R/W	15
LCD TRUCKING INC 16806 MCGREGOR BLVD FT MYERS FL 33908	02-46-23-01-0000C.0050 16782 MCGREGOR BLVD FORT MYERS FL 33908	COTTAGE POINT BLK C PB 9 PG 133 LOTS 5 THRU 9	16
CURTIS + MCDONALD LLC 37.8% + 16791 PALM RD FORT MYERS FL 33908	02-46-23-01-0000E.0060 16807 MCGREGOR BLVD FORT MYERS FL 33908	COTTAGE POINT SUBD BLK E PB 9 PG 133 LOTS 6 + 7	17
MARLATT MARLY T JOSEPH LOPATOFKY 2002 WYOMING AVE WYOMING PA 18644	02-46-23-01-0000E.0080 16799 MCGREGOR BLVD FORT MYERS FL 33908	COTTAGE POINT SUBD. BLK E PB 9 PG 133 LOTS 8 + 9	18
EDWARDS WILLIAM C + CARMEN H 21950 SW 177TH AVE GOULDS FL 33170	02-46-23-01-0000E.0100 16789 MCGREGOR BLVD FORT MYERS FL 33908	COTTAGE POINT SUBD. BLK E PB 9 PG 133 LOT 10	19
EDWARDS WILLIAM C + CARMEN H 21950 SW 177TH AVE GOULDS FL 33170	02-46-23-01-0000E.0110 16781 MCGREGOR BLVD FORT MYERS FL 33908	COTTAGE POINT BLK E PB 9 PG 133 LOT 11	20
JET ENTERPRISES CIRCLE K CORP DC17 PO BOX 52085 DC-17 PHOENIZ AZ 85072	02-46-23-01-0000E.0120 16769 MCGREGOR BLVD FORT MYERS FL 33908	COTTAGE POINT BLK E PB 9 PG 133 LOT 12 LESS R/W	21
EDGE MICHAEL W SR 16670 JOHN MORRIS RD FORT MYERS FL 33908	02-46-23-01-0000E.0130 16670 JOHN MORRIS RD FORT MYERS FL 33908	COTTAGE POINT SUBD. BLK E PB 9 PG 133 LOT 13	22
BUSCH ROBERT + ANNA 16710 JOHN MORRIS RD FORT MYERS FL 33908	02-46-23-01-0000E.0140 16690 JOHN MORRIS RD FORT MYERS FL 33908	COTTAGE POINT BLK.E PB 9 PG 133 LOT 14	23
BUSCH ROBERT + ANNA 16710 JOHN MORRIS RD FORT MYERS FL 33908	02-46-23-01-0000E.0150 16710 JOHN MORRIS RD FORT MYERS FL 33908	COTTAGE POINT BLK E PB 9 PG 133 LOT 15	24
HAHN DANIEL R + STEPHANIE S 629 ASTARIAS CIR FORT MYERS FL 33919	02-46-23-02-0000D.0090 16441 S OLEANDER DR FORT MYERS FL 33908	COTTAGE POINT UNREC BLK.D DB259/224 LOTS 9 + 10	25
BALSAMO RICHARD 16481 S OLEANDER DR FORT MYERS FL 33908	02-46-23-02-0000D.0110 16481 S OLEANDER DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK.D DB 259 PG 224 LOT 11	26
FERREL RICHARD T + 16501 S OLEANDER DR FORT MYERS FL 33908	02-46-23-02-0000D.0120 16501 S OLEANDER DR FORT MYERS FL 33908	COTTAGE POINT UNREC BLK D DB 259 PG 224 LOT 12	27
HART JOHN + PHYLLIS TR 16521 S OLEANDER DR FORT MYERS FL 33908	02-46-23-02-0000D.0130 16521 S OLEANDER DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK.D PB 259 PG 224 LOT 13	28
JOHNSTONE IAIN 16541 S OLEANDER DR FORT MYERS FL 33908	02-46-23-02-0000D.0140 16541 S OLEANDER DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK D DB 259/224 LOT 14	29
MADIGOSKY ROBERT 15244 N PEBBLE LN FT MYERS FL 33912	02-46-23-02-0000D.0150 16561 S OLEANDER DR FORT MYERS FL 33908	COTTAGE POINT UNREC BLK D DB259/224 LOT 15	30

<u>OWNER NAME AND ADDRESS</u>	<u>STRAP AND LOCATION</u>	<u>LEGAL DESCRIPTION</u>	<u>Map Index</u>
DOANE DAVID 16600 S OLEANDER DR FT MYERS FL 33908	02-46-23-02-0000D.0170 16600 S OLEANDER DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK D DB 259/224 LOT 17	31
DORNING JOHNNY RAY + JENNIFER 16580 S OLEANDER DR FORT MYERS FL 33908	02-46-23-02-0000D.0180 16580 S OLEANDER DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK D DB 259/224 LOT 18	32
FRANK DAVID J 16560 S OLEANDER DR FORT MYERS FL 33908	02-46-23-02-0000D.0190 16560 S OLEANDER DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK.D DB 259 PG 224 LOT 19	33
MADIGOSKY ROBERT 15244 N PEBBLE LN FORT MYERS FL 33912	02-46-23-02-0000D.0200 16540 S OLEANDER DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK.D DB 259 PG 224 LOT 20	34
LUPSKI WILLIAM F 16480 S OLEANDER DR FORT MYERS FL 33908	02-46-23-02-0000D.0210 16520 S OLEANDER DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK D DB 259 PG 224 LOT 21	35
PASSMORE MICHAEL + 16500 S OLEANDER DR FORT MYERS FL 33908	02-46-23-02-0000D.0220 16500 S OLEANDER DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK D DB 259/224 LOT 22	36
LUPSKI WILLIAM F + DEBRA J 16480 S OLEANDER DR FORT MYERS FL 33908	02-46-23-02-0000D.0230 16480 S OLEANDER DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK D DB 259/224 LOT 23	37
SYRACUSA GREGORY J 16481 ARBOR RIDGE DR FT MYERS FL 33908	02-46-23-02-0000D.0440 16481 ARBOR RIDGE DR FORT MYERS FL 33908	COTTAGE POINT UNREC BLK D PB 259 PG 224 LOT 44	38
BIANCA GAIL 14300 RIVA DEL LAGO DR #1604 FORT MYERS FL 33907	02-46-23-02-0000D.0450 16501 ARBOR RIDGE DR FORT MYERS FL 33908	COTTAGE POINT UNREC BLK D PB 259 PG 224 LOT 45	39
DENSON PAMELA ANN 12743 BREWSTER DR FT MYERS FL 33908	02-46-23-02-0000D.0460 16521 ARBOR RIDGE DR FORT MYERS FL 33908	COTTAGE POINT UNREC BLK D DB 259 PG 224 LOT 46	40
HENWARD MARGARET 16541 ARBOR RIDGE DR FORT MYERS FL 33908	02-46-23-02-0000D.0470 16541 ARBOR RIDGE DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK.D DB 259 PG 224 LOT 47	41
MCGEE KAREN S TR 16561 ARBOR RIDGE DR FORT MYERS FL 33908	02-46-23-02-0000D.0480 16561 ARBOR RIDGE DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK.D DB 259 PG 224 LOT 48	42
LAWRENCE PAUL + KRISTEN 16581 ARBOR RIDGE DR FORT MYERS FL 33908	02-46-23-02-0000D.0490 16581 ARBOR RIDGE DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK D DB 259 PG 224 LOT 49	43
ENNIS IRENE T WARBURTON TR 569 BAYSIDE DR FORT MYERS FL 33919	02-46-23-02-0000D.0500 16601 ARBOR RIDGE DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK D DB 259/224 LOT 50	44
HEALY BRIAN K P O BOX 1098 SANIBEL FL 33957	02-46-23-02-0000D.0510 16621 ARBOR RIDGE DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK D DB 259/224 LOT 51	45
DENSON LEE C TR 16806 MCGREGOR BLVD FORT MYERS FL 33908	02-46-23-02-0000D.0520 16641 ARBOR RIDGE DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK D DB 259 PG 224 LOTS 52 + 53	46
MAGGIFERT MARK + SHELLY M 16620 ARBOR RIDGE DR FT MYERS FL 33908	02-46-23-02-0000D.0570 16620 ARBOR RIDGE DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK.D DB 259 PG 224 LOT 57	47
GIBSON DAVID W + DEBORAH R 16600 ARBOR RIDGE DR FT MYERS FL 33908	02-46-23-02-0000D.0580 16600 ARBOR RIDGE DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK.D DB 259 PG 224 LOT 58	48

OWNER NAME AND ADDRESS

ALMEIDA PAUL + ILONA
16580 ARBOR RIDGE DR
FT MYERS FL 33908

STRAP AND LOCATION

02-46-23-02-0000D.0590
16580 ARBOR RIDGE DR
FORT MYERS FL 33908

LEGAL DESCRIPTION

COTTAGE POINT UNREC.
BLK.D PB 9 PG 133
LOT 59

Map Index

49

CIANCARELLI MARK A + CLAUDIA R
16560 ARBOR RIDGE DR
FT MYERS FL 33908

02-46-23-02-0000D.0600
16560 ARBOR RIDGE DR
FORT MYERS FL 33908

COTTAGE POINT UNREC
BLK D PB 9 PG 133
LOT 60

50

MCDONALD BRIAN
16791 PALM RD
FORT MYERS FL 33908

02-46-23-02-0000F.0010
16791 PALM RD
FORT MYERS FL 33908

COTTAGE POINT UNREC.
BLK F DB 259/224
LOTS 1 + 2 LESS F.001A

51

51 RECORDS PRINTED



COURTESY NOTICE TO ADJACENT PROPERTY OWNERS OF RECEIPT OF ZONING APPLICATION

Date: April 25, 2006

Case Number: DCI2006-00035

Case Name: MORRIS MCGREGOR CENTER CPD

Request: Rezone 1.85 acres from Commercial (CN-1) and Agriculture (AG-2) to Commercial Planned Development (CPD) to permit a 3-story 24,678 square foot general office building. The applicant intends to connect the proposed development to existing potable water and sanitary sewage.

Location: 16758 McGregor Blvd, Ft. Myers (Intersection of McGregor Blvd, John Morris Rd and S Oleander Dr.), in S02-T46S-R23E, Lee County, FL.

PROPERTY OWNER'S
REPRESENTATIVE: MS. SANDRA RAMSETH
DRMP, INC.
239-344-0050

Lee County Planner: Shawn Lamey
(239) 479-8484

The file may be reviewed Monday through Friday between the hours of 7:30 a.m. and 4:30 p.m. at the Lee County Development Services Division, 1500 Monroe St., Fort Myers, FL 33901. Call 239/479-8585 for additional information.

This is a courtesy notice. A public hearing date has not yet been set. You will receive another notice once the hearing date and time have been established.

CAK

01-46-23-00-00027.0000
WOLTER GARY
16680 MCGREGOR BLVD
FT MYERS, FL 33908

01-46-23-00-00027.001A
ROUMELY INC
16681 MCGREGOR BLVD #208
FT MYERS, FL 33908

01-46-23-00-00027.0020
MANNING JAMES P
101 WORTH AVE APT 4D
PALM BEACH, FL 33480

01-46-23-02-00000.1230
PLANTATION ESTS
ROBERT + CHRISTINE CAMUGLIA
4963 MANOR HILL DR
SYRACUSE, NY 13215

01-46-23-02-00000.1250
PLANTATION ESTS
BERNARD + SUE SATTERLY
310 COLONIAL DR
MT WASHINGTON, KY 40047

02-46-23-01-0000B.0110
VIDUSSI HARVEY + MARILYN
16480 JOHN MORRIS RD #82
FORT MYERS, FL 33908

02-46-23-01-0000B.0130
PAYNE MARGARET
15961 JOHN MORRIS RD
FORT MYERS, FL 33908

02-46-23-01-0000B.0150
FESTA JEFFREY A
16560 JOHN MORRIS RD APT A
FORT MYERS, FL 33908

02-46-23-01-0000E.0060
CURTIS + MCDONALD LLC 37.8% +
16791 PALM RD
FORT MYERS, FL 33908

02-46-23-01-0000E.0100
EDWARDS WILLIAM C + CARMEN H
21950 SW 177TH AVE
GOULDS, FL 33170

01-46-23-00-00027.0010
MARTIN RICHARD A A TR
16731 MCGREGOR BLVD STE 105
FORT MYERS, FL 33908

01-46-23-00-00027.001B
MARTIN RICHARD A A TR
16731 MCGREGOR BLVD STE 105
FORT MYERS, FL 33908

01-46-23-02-00000.1220
PLANTATION ESTS
HARRIS C E + JOYCE
904 RIDGEWOOD CT
CONNERSVILLE, IN 47331

01-46-23-02-00000.1240
PLANTATION ESTS
WILLIAM E + JANICE M WHITAKER
124 ASH LN
FORT MYERS, FL 33908

02-46-23-01-0000B.0100
DUMONT DONALD F + LINDA A
16460 JOHN MORRIS RD
FT MYERS, FL 33908

02-46-23-01-0000B.0120
RICHARD PATRICIA A
16500 JOHN MORRIS RD
FT MYERS, FL 33908

02-46-23-01-0000B.0140
ALLEN JOHN + MARY
2149 TREE HAVEN CIR
FORT MYERS, FL 33907

02-46-23-01-0000C.0050
LCD TRUCKING INC
16806 MCGREGOR BLVD
FT MYERS, FL 33908

02-46-23-01-0000E.0080
MARLATT MARLY T
JOSEPH LOPATOFISKY
2002 WYOMING AVE
WYOMING, PA 18644

02-46-23-01-0000E.0110
EDWARDS WILLIAM C + CARMEN H
21950 SW 177TH AVE
GOULDS, FL 33170

02-46-23-01-0000E.0120
JET ENTERPRISES
CIRCLE K CORP DC17
PO BOX 52085 DC-17
PHOENIZ, AZ 85072

02-46-23-01-0000E.0140
BUSCH ROBERT + ANNA
16710 JOHN MORRIS RD
FORT MYERS, FL 33908

02-46-23-02-0000D.0090
HAHN DANIEL R + STEPHANIE S
629 ASTARIAS CIR
FORT MYERS, FL 33919

02-46-23-02-0000D.0120
FERREL RICHARD T +
16501 S OLEANDER DR
FORT MYERS, FL 33908

02-46-23-02-0000D.0140
JOHNSTONE IAIN
16541 S OLEANDER DR
FORT MYERS, FL 33908

02-46-23-02-0000D.0170
DOANE DAVID
16600 S OLEANDER DR
FT MYERS, FL 33908

02-46-23-02-0000D.0190
FRANK DAVID J
16560 S OLEANDER DR
FORT MYERS, FL 33908

02-46-23-02-0000D.0210
LUPSKI WILLIAM F
16480 S OLEANDER DR
FORT MYERS, FL 33908

02-46-23-02-0000D.0230
LUPSKI WILLIAM F + DEBRA J
16480 S OLEANDER DR
FORT MYERS, FL 33908

02-46-23-02-0000D.0450
BIANCA GAIL
14300 RIVA DEL LAGO DR #1604
FORT MYERS, FL 33907

02-46-23-01-0000E.0130
EDGE MICHAEL W SR
16670 JOHN MORRIS RD
FORT MYERS, FL 33908

02-46-23-01-0000E.0150
BUSCH ROBERT + ANNA
16710 JOHN MORRIS RD
FORT MYERS, FL 33908

02-46-23-02-0000D.0110
BALSAMO RICHARD
16481 S OLEANDER DR
FORT MYERS, FL 33908

02-46-23-02-0000D.0130
HART JOHN + PHYLLIS TR
16521 S OLEANDER DR
FORT MYERS, FL 33908

02-46-23-02-0000D.0150
MADIGOSKY ROBERT
15244 N PEBBLE LN
FT MYERS, FL 33912

02-46-23-02-0000D.0180
DORNING JOHNNY RAY + JENNIFER
16580 S OLEANDER DR
FORT MYERS, FL 33908

02-46-23-02-0000D.0200
MADIGOSKY ROBERT
15244 N PEBBLE LN
FORT MYERS, FL 33912

02-46-23-02-0000D.0220
PASSMORE MICHAEL +
16500 S OLEANDER DR
FORT MYERS, FL 33908

02-46-23-02-0000D.0440
SYRACUSA GREGORY J
16481 ARBOR RIDGE DR
FT MYERS, FL 33908

02-46-23-02-0000D.0460
DENSON PAMELA ANN
12743 BREWSTER DR
FT MYERS, FL 33908

02-46-23-02-0000D.0470
HENWARD MARGARET
16541 ARBOR RIDGE DR
FORT MYERS, FL 33908

02-46-23-02-0000D.0480
MCGEE KAREN S TR
16561 ARBOR RIDGE DR
FORT MYERS, FL 33908

02-46-23-02-0000D.0490
LAWRENCE PAUL + KRISTEN
16581 ARBOR RIDGE DR
FORT MYERS, FL 33908

02-46-23-02-0000D.0500
ENNIS IRENE T WARBURTON TR
569 BAYSIDE DR
FORT MYERS, FL 33919

02-46-23-02-0000D.0510
HEALY BRIAN K
P O BOX 1098
SANIBEL, FL 33957

02-46-23-02-0000D.0520
DENSON LEE C TR
16806 MCGREGOR BLVD
FORT MYERS, FL 33908

02-46-23-02-0000D.0570
MAGGIFFERT MARK + SHELLY M
16620 ARBOR RIDGE DR
FT MYERS, FL 33908

02-46-23-02-0000D.0580
GIBSON DAVID W + DEBORAH R
16600 ARBOR RIDGE DR
FT MYERS, FL 33908

02-46-23-02-0000D.0590
ALMEIDA PAUL + ILONA
16580 ARBOR RIDGE DR
FT MYERS, FL 33908

02-46-23-02-0000D.0600
CIANCARELLI MARK A + CLAUDIA R
16560 ARBOR RIDGE DR
FT MYERS, FL 33908

02-46-23-02-0000F.0010
MCDONALD BRIAN
16791 PALM RD
FORT MYERS, FL 33908

MS. SANDRA RAMSETH
1404 DEAN STREET, SUITE 300
FORT MYERS, FL 33901

Jerry Murphy
Town of Fort Myers Beach
2523 Estero Boulevard
Fort Myers Beach, FL 33931

Charles Fuechsel, President
Palm Acres Homeowner's Association
P.O. Box 08191
Fort Myers, FL 33908

Barbara England, CAM
Lexington Country Club
16257 Willowcrest Way
Fort Myers, FL 33908

Len Ahlfeld, Chairman
Kelly Greens Community Awareness Committee
12811 Kelly Sands Way
Fort Myers, FL 33908