



GIS Tracking Sheet

Case No.: REZ2005-00005

Intake Date: 3-14-05

Project Name: Lots 4+5 Block E, Cottage Point Rezoning

STRAP Number(s): 02-46-23-01.0000E.0040

Planner Name: Ext.

Chahram 8372

LEGAL DESCRIPTION VERIFICATION and INITIAL GIS MAPPING

Date: 3/21/2005

ArcGIS

INTAKE: REZ05005

LEGAL SUFFICIENT

☒ YES

☐ NO

Initials: LGM

If not, give brief explanation:

MAP UPDATE following FINAL ACTION

Date: 02 DEC 05

☐ Hearing Examiner Decision

☐ Board of County Commissioner's Resolution

☐ Administrative Approval

☐ Blue Sheet

Zoning Notes: Z-05-052, REZ2005-00005, 17 OCT 05, REZONE A 39,900 SQ. FT. PARCEL FROM AG-2 TO CS-2 TO ALLOW DEVELOPMENT OF OFFICE BUILDING.

MAP UPDATED

☒ YES

☐ NO

Initials: AJM

If not, give brief explanation:

CREATED CS:2:501264

EXHIBIT "A"

REZ2005-00005

LEGAL DESCRIPTION:

LOTS 4 AND 5, BLOCK E, COTTAGE POINT, IN SECTION 2, TOWNSHIP 46 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 9, PAGE 133, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

Applicant's Legal Checked
by Lgm 3/2/2005

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

WHEREAS, an application was filed by the property owner, Peter D. Craig, to rezone a 39,900 sq. ft. parcel from Agricultural (AG-2) to Special Commercial Office District (CS-2), in reference to Lots 4 & 5 Block E, Cottage Point; and,

WHEREAS, a public hearing was advertised and held on June 22, 2005, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #REZ2005-00005; and

WHEREAS, a second public hearing was advertised and held on October 17, 2005, 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 a 39,900 sq. ft. parcel from AG-2 to CS-2 to allow the development of the site with an office building. The property is located in the Urban Community Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED.

SECTION B. 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)

The applicant has indicated that the STRAP number for the subject property is:
02-46-23-01-0000E.0040

SECTION C. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the Lee County Land Development Code (LDC), and any other applicable code or regulation.

COPY

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. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner John E. Albion, seconded by Commissioner Ray Judah and, upon being put to a vote, the result was as follows:

Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Tammy Hall	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 17th day of October 2005.

ATTEST:
CHARLIE GREEN, CLERK

BY: *Shirley Pierce*
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: *Tammy Hall*
Vice Chairman

Approved as to form by:

John J. Medynar
County Attorney's Office



CASE NO: REZ2005-00005

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2005 OCT 28 PM 4:25

Z-05-052
Page 2 of 2

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SEP 12 2005

**MEMORANDUM
FROM
THE OFFICE OF THE
LEE COUNTY HEARING EXAMINER**

COMMUNITY DEVELOPMENT
REC'D SECOND FLOOR

DATE: September 12, 2005

TO: Board of County Commissioners

**FROM: Diana M. Parker
County Chief Hearing Examiner**

RE: Hearing Examiner Recommendation

Enclosed you will find the following Examiner Recommendation:

HEARING DATE: JUNE 22, 2005

REZ2005-00005

**MR. PETER D. CRAIG., in reference to
LOTS 4-5, BLOCK E COTTAGE POINT REZONING**

The above referenced Hearing Examiner Recommendation has been rendered as of this date. The Development Services Division has advised that the BOCC Zoning Hearing is tentatively scheduled for **Monday, October 17, 2005**. Development Services will forward a copy of the Recommendation to the Board prior to that time in the pink zoning notebooks.

If you have any procedural questions, please let our office know.

**cc: Tim Jones / CAO
Jamie Princing / Community Development
Andy Getch / LCDOT
Matt Noble / Community Development**

**REZ2005-00005
John Fredyma / Asst. Co. Atty.
Chahram Badamtchian / Community Dev.
Sue Noe / Economic Development**

**JAMIE PRINCING
COMMUNITY DEVELOPMENT**

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: REZ2005-00005
APPLICANT: PETER D. CRAIG, in reference to
LOTS 4 & 5 BLOCK E, COTTAGE POINT
HEARING DATE: JUNE 22, 2005

RECEIVED
SEP 12 2005
COMMUNITY DEVELOPMENT
REC'D SECOND FLOOR

I. APPLICATION:

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

Filed by PETER D. CRAIG, 4720 SE 15th Avenue #206, Cape Coral, Florida 33904 (Applicant/Owner); TRACY N. BEAN, AICP, % BEAN, WHITAKER, LUTZ & KAREH, INC., 13041 McGregor Boulevard, Fort Myers, Florida 33919 (Agent).

Request is to rezone a 39,900-square-foot parcel from the Agricultural (AG-2) zoning district to the Special Commercial (CS-2) zoning district to allow the development of the site with an office building.

The subject property is located at 16829 McGregor Boulevard, in Section 2, Township 46 South, Range 23 East, Lee County, Florida (District #3).

II. STAFF REPORT AND RECOMMENDATION: APPROVAL

The Department of Community Development Staff Report was prepared by Chahram Badamtchian. 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 **APPROVE** the Applicant's request for a rezoning from AG-2 to CS-2 for the real estate described in Section IX. Legal Description.

IV. HEARING EXAMINER DISCUSSION:

This is a request to rezone a vacant 39,000-square-foot parcel, located on the southeast side of McGregor Boulevard, west of John Morris Road, from AG-2 to CS-2 (Special Commercial). The subject property is abutted on three sides (north, east and south) by AG-2 zoned lots, developed with single-family homes, and on the west by CN-1 zoning, developed with a construction company. It is designated Suburban in the Lee Plan, which allows small scale office uses.

Applicant intends to develop the subject property with a 7,200-square-foot office building, that will contain his mortgage office and possibly several other small offices. The 39,000-square-foot site will easily contain the office building, the required 20 per cent open space and 30 parking spaces. The Land Development Code requires that a 15-foot-wide vegetative buffer,

with 8-foot-high wall, be installed along the east, north and south property lines to buffer the adjacent residential uses from the proposed office uses.

The subject property is located at the intersection of McGregor Boulevard and Jacaranda Drive near the Iona-McGregor area. Access to the site will be from Jacaranda, and Applicant will have to pave and improve that gravel roadway as far as his eastern property line when he obtains his Development Order.

Applicant found that McGregor Boulevard, in the vicinity of the subject property, was operating at LOS "E," and this small office use would not adversely impact that LOS.

Staff recommended approval of the CS-2 zoning, finding that the proposed office uses would be consistent and compatible with the mixture of residential, commercial and light industrial uses scattered throughout the vicinity of the site. They found that the CS-2 zoning would be consistent with the intent of the Lee Plan and the Land Development Code, and would not be injurious or detrimental to the neighborhood or public health, safety and welfare.

An adjacent property owner attended the public hearing to question the purpose of having the access off of Jacaranda Drive, instead of directly onto McGregor Boulevard. He expressed concerns that the office traffic would continue eastward and enter into their residential neighborhood, which he felt was not appropriate. He indicated that he preferred to see the access from McGregor Boulevard and that the 30 parking spaces be located in front of the building - closer to McGregor Boulevard.

The undersigned Hearing Examiner concurs with Staff's analysis, findings and recommendation of approval, noting that no conditions can be imposed in this request as it is for a conventional zoning district. She finds that the request meets the criteria for approval set out in LDC Section 34-145, and the requested uses will be consistent with the intent of the Lee Plan and the Land Development Code. She also finds that the proposed uses will be consistent and compatible with the surrounding uses, and will not be detrimental or injurious to the neighborhood or public health, safety and welfare.

V. FINDINGS AND CONCLUSIONS:

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

- A. That the Applicant has proved entitlement to the CS-2 zoning by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes and regulations.
- B. That the request will meet or exceed all performance and locational standards set forth for the potential uses allowed by the request.
- C. That the requested use is consistent with the densities, intensities and general uses set forth in the Lee Plan.
- D. That the office use is compatible with existing or planned uses in the surrounding area.

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

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

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

H. That no conditions are or can be imposed herein as this is a request for a conventional zoning district.

VI. LIST OF EXHIBITS:

STAFF'S EXHIBITS

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

APPLICANT'S EXHIBITS

Aerial Photograph showing site location, prepared by Bean, Whitaker, Lutz & Kareh, Inc., dated June 13, 2005.

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

VII. PRESENTATION SUMMARY:

The Hearing Examiner explained the hearing process and placed all the participants under oath. Tracy Bean, a Certified Planner with Bean Whitaker Lutz & Kareh, introduced herself and noted that her resume was on file in the Hearing Examiner's Office. She requested to be accepted as an expert witness in land use, planning and zoning for the subject case. After hearing no objections from Staff, the Hearing Examiner accepted her as such.

Ms. Bean stated the intent of the application was to rezone the subject parcel, located at 16829 McGregor Boulevard, from Agricultural (AG-2) to Specialized Commercial (CS-2) to allow for development of the site with an office building. The property was located on McGregor Boulevard, south of San Carlos Boulevard, at the intersection of Jacaranda Drive.

She pointed out the location on the posted aerial map, and described the surrounding features. The property consisted of two lots, Lots 4 and 5, in Block E. Jacaranda Drive was an unimproved street at this time, and the property owner was aware of that. When the Applicant submitted for a Development Order, he would have to improve that road, at least as far back as his east property line, in order to have access off of Jacaranda Drive. The only access to the property would be from Jacaranda; no access was planned from McGregor Boulevard.

Due to it fronting on McGregor and the development trend in the area, this site does not really lend itself to residential development. It is surrounded with AG-2 properties, and some single-family homes. There is Mobile Home (MH-2) zoning near the Tanger Factory Stores, out on Davis Road and Summerlin Road. The Factory Stores are an outlet mall, zoned CPD, and there was CPD, CN-2 and C-1 zoning on the opposite side of McGregor Boulevard. The west side of McGregor Boulevard has been developed with small strip centers and offices. A contractor, who received the CPD rezoning in the past year, had landscaping materials on his property. However, with this side of McGregor Boulevard being designated Urban Community, it was probably more likely to be developed with offices.

The Applicant wanted to develop a small office for his mortgage business, and possibly some space to lease. Ms. Bean felt they could get about 7,200 square feet of office on the property, based on 20 percent open space and the required buffers. That would allow for about 30 parking spaces. She also felt that use would fit in with the CS-2 zoning designation, as CS-2 was basically a zoning allowed in Urban Community to buffer existing residential uses from higher intensive uses.

Ms. Bean noted that they concurred with the Staff Report. They felt this project was consistent with the overall vision of the Lee Plan, specifically its goals, objectives and policies, as to growth management. Urban Community land use designation and agricultural zoning is not consistent and this rezoning will correct that. Further, residential uses are not compatible or appropriate on McGregor Boulevard in this area, nor is the AG-2 zoning consistent with what is already existing there.

Urban services were available to the site, including sewer and water. It was noted that McGregor Boulevard was a four-lane, divided road with a continuous left turn lane, so the site was well served by the urban services needed. Access would be available from Jacaranda, and Jacaranda would be improved at the time the Development Order was approved.

Ms. Bean said they had not found that this particular rezoning would increase traffic to the point that off-site improvements would be needed. According to the 2004 traffic count prepared by Lee County DOT, the daily traffic volume at the permanent count station that was just east of Davis Road, had remained at 10,800 trips since 2003. McGregor Boulevard between San Carlos Boulevard, Davis Road, and Summerlin Road was County maintained, and operated at a Level of Service (LOS) "E." The requested rezoning would not adversely impact that LOS.

There were no significant environmental concerns on the site. The site does have some cabbage palms, and the owner was expected to relocate those palms on the site, once he obtained his Development Order. For all the above reasons, Ms. Bean believed the CS-2 zoning was compatible with the surrounding neighborhood, and it should be approved.

Next, Chahram Badamtchian, Senior Planner with the Lee County Department of Community Development, introduced himself and indicated that his resume was on file in the Hearing Examiner's Office. He requested to be accepted as an expert witness in land use, planning and zoning; after hearing no objections from the Applicant, the Hearing Examiner accepted him as such.

Mr. Badamtchian began Staff's presentation by stating he agreed with Ms. Bean's comprehensive presentation. Basically, the property, a 39,000-square-foot parcel, is designated Urban Community, and is zoned AG-2. Staff reviewed the request for compliance with all the requirements in the Lee Plan. The Applicant had been found to be in full compliance with all the applicable sections of the Lee Plan, including Policy 5.1.5, which stated:

Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment.

The Applicant was requesting a rezoning from AG-2 to the CS-2 zoning district. The LDC states that district is intended to separate higher and lower intensities, such as schools or parks from higher intensity commercial uses by the use of appropriate buffers. Basically, the proposed request is in full compliance with all the requirements of the LDC and the Lee Plan. Therefore, Staff was recommending approval of it.

At this point, the hearing was opened for public input and Brian McDonald introduced himself as a resident of 16791 Palm Road, in Fort Myers. He owned Lots 1, 2, 6 and 7, which surrounded the subject property. He wondered why the access point would be off Jacaranda and not off McGregor Boulevard.

Ms. Bean explained that, when they first met with Lee County Staff, the general discussion was that Staff did not want the Applicant to access off McGregor Boulevard. They preferred the Applicant provide an access off Jacaranda, and be responsible for improving that road to County standards for private use, which would be limited to the Applicant's property. Mr. McDonald inquired about the rationale for bringing traffic onto Jacaranda, when all of the other properties on McGregor Boulevard had direct access from McGregor Boulevard.

Ms. Bean indicated that, in the last few zoning cases she handled involving commercial property along McGregor Boulevard, the applicants were required to have access from secondary roads. She believed Staff limited access points off McGregor Boulevard, unless there were no alternatives or there was an existing access point into the property.

Mr. McDonald commented that Jacaranda was a gravel road, and that he, and others, had improved the road. His concern was that he lived immediately behind the subject property. This was the first time he had heard that the access would be off Jacaranda. It seemed that, if they were talking about 30 parking spaces and a 7,200-square-foot commercial building, access off what was a very small, self-maintained, gravel road it had a potential to change the nature of the area. It was his concern, being a resident and owning a substantial amount of property immediately surrounding the subject property, that such a change may not necessarily benefit the surrounding residential properties, due to the increase in traffic.

Ms. Bean agreed it would make a significant difference for the subject property. Mr. McDonald asserted that it would significantly increase the traffic of the entire surrounding area, which would change the nature (character) of the area. He agreed that some of those changes were unavoidable, however, not having access off McGregor Boulevard would force commercial traffic back into the residential area. Ms. Bean said the traffic would be limited to the subject property. She felt that Development Services had looked at that issue in reviewing the request in a preliminary review, noting that the commercial traffic would have

no reason to go back into the residential area. The County could not deny the Applicant access, so the alternative was that the access would be on Jacaranda.

The other question Mr. McDonald had was regarding the setback on the east side of the property. He wanted to know what kind of setback would be required, and what kind of buffers, walls, and plantings would be required. Ms. Bean said against the residential, which would be the east and the north sides, there would be a 15-foot-wide vegetative buffer and an 8-foot-high wall. The vegetation would be planted on the out side of the wall, which would be solid concrete.

Mr. McDonald questioned if the parking area would be behind or in front of the building. Ms. Bean indicated, at this point, that had not been concluded. A couple of preliminary site plans had been done, but it would depend upon what the Applicant decided what would work for him. She noted the buffer would help in either way, and the building would be closed after 5:00 p.m. There would be no noise, lights, or traffic after that time for them to experience since the property was not being developed for retail use. Mr. McDonald noted that he would rather have the parking facing McGregor Boulevard rather than abutting the residential properties, regardless of what kind of buffer or wall was there.

John Fredyma, Assistant County Attorney, wondered if that part of McGregor Boulevard was County or State owned. It was determined that Lee County Department of Transportation (LCDOT) would have jurisdiction with respect to access.

In concluding the hearing, the Hearing Examiner indicated that she would conduct a site visit to the subject property and surrounding area prior to issuing her recommendation to the Board of County Commissioners (BOCC). She noted that, since the proposed request was for a conventional zoning district, there would be no conditions imposed. Therefore, she had to determine that the proposed development complied with the LDC and the Lee Plan before recommending approval. The hearing was then closed.

VIII. OTHER PARTICIPANTS AND SUBMITTALS:

ADDITIONAL APPLICANT'S REPRESENTATIVES:

1. Craig Smith, c/o W. Dexter Bender & Associates, Inc., 2052 Virginia Avenue, Fort Myers, Florida 33901

ADDITIONAL COUNTY STAFF:

1. John Fredyma, Assistant County Attorney, P. O. Box 398, Fort Myers, Florida 33902-0398

PUBLIC PARTICIPATION:

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

For: NONE

Against: NONE

General:

1. Brian McDonald, 16791 Palm Road, Ft. 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: NONE

IX. LEGAL DESCRIPTION:

See Exhibit A (scanned legal description).

X. UNAUTHORIZED COMMUNICATIONS:

Unauthorized communications shall include any direct or indirect communication in any form, whether written, verbal or graphic, with the Hearing Examiner, or the Hearing Examiner's staff, any individual County Commissioner or their executive assistant, by any person outside of a public hearing and not on the record concerning substantive issues in any proposed or pending matter relating to appeals, variances, rezonings, special exceptions, or any other matter assigned by statute, ordinance or administrative code to the Hearing Examiner for decision or recommendation. . . . [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 12th day of September, 2005. 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.

A handwritten signature in black ink, appearing to read "Diana M. Parker", is written over a horizontal line.

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

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

REZ2005-00005

LEGAL DESCRIPTION:

LOTS 4 AND 5, BLOCK E, COTTAGE POINT, IN SECTION 2, TOWNSHIP 46
SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, ACCORDING TO THE
PLAT RECORDED IN PLAT BOOK 9, PAGE 133, OF THE PUBLIC RECORDS
OF LEE COUNTY, FLORIDA.

Applicant's Legal Checked
by Lgm 3/2/2005

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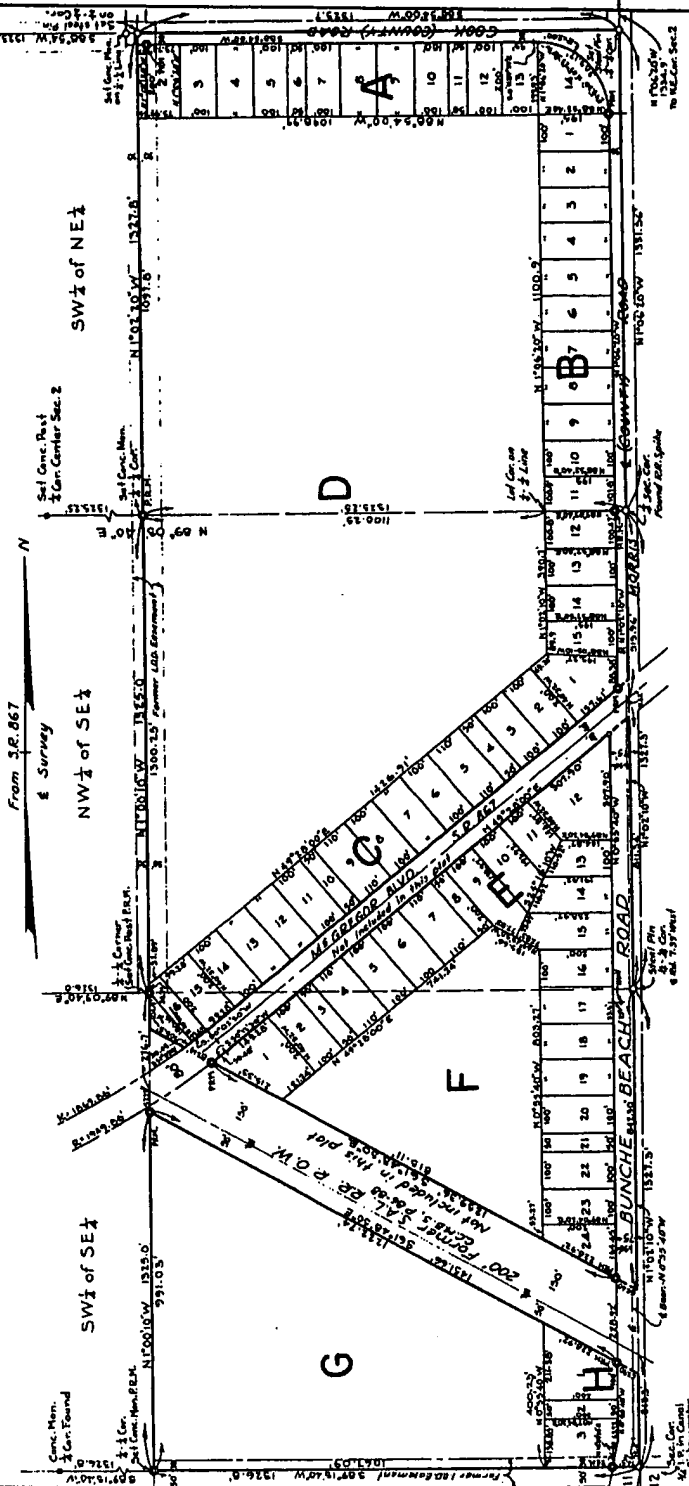
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MAR 14 2005

PERMIT COUNTER

REZ 2005-00005

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'



REZ-2005-00005

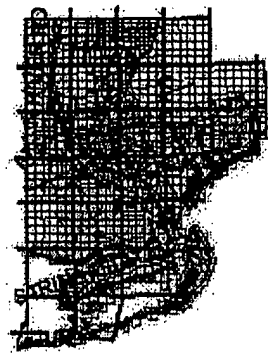


EXHIBIT "A"

REZ2005-00005

LEGAL DESCRIPTION:

LOTS 4 AND 5, BLOCK E, COTTAGE POINT, IN SECTION 2, TOWNSHIP 46
SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, ACCORDING TO THE
PLAT RECORDED IN PLAT BOOK 9, PAGE 133, OF THE PUBLIC RECORDS
OF LEE COUNTY, FLORIDA.

Applicant's Legal Checked

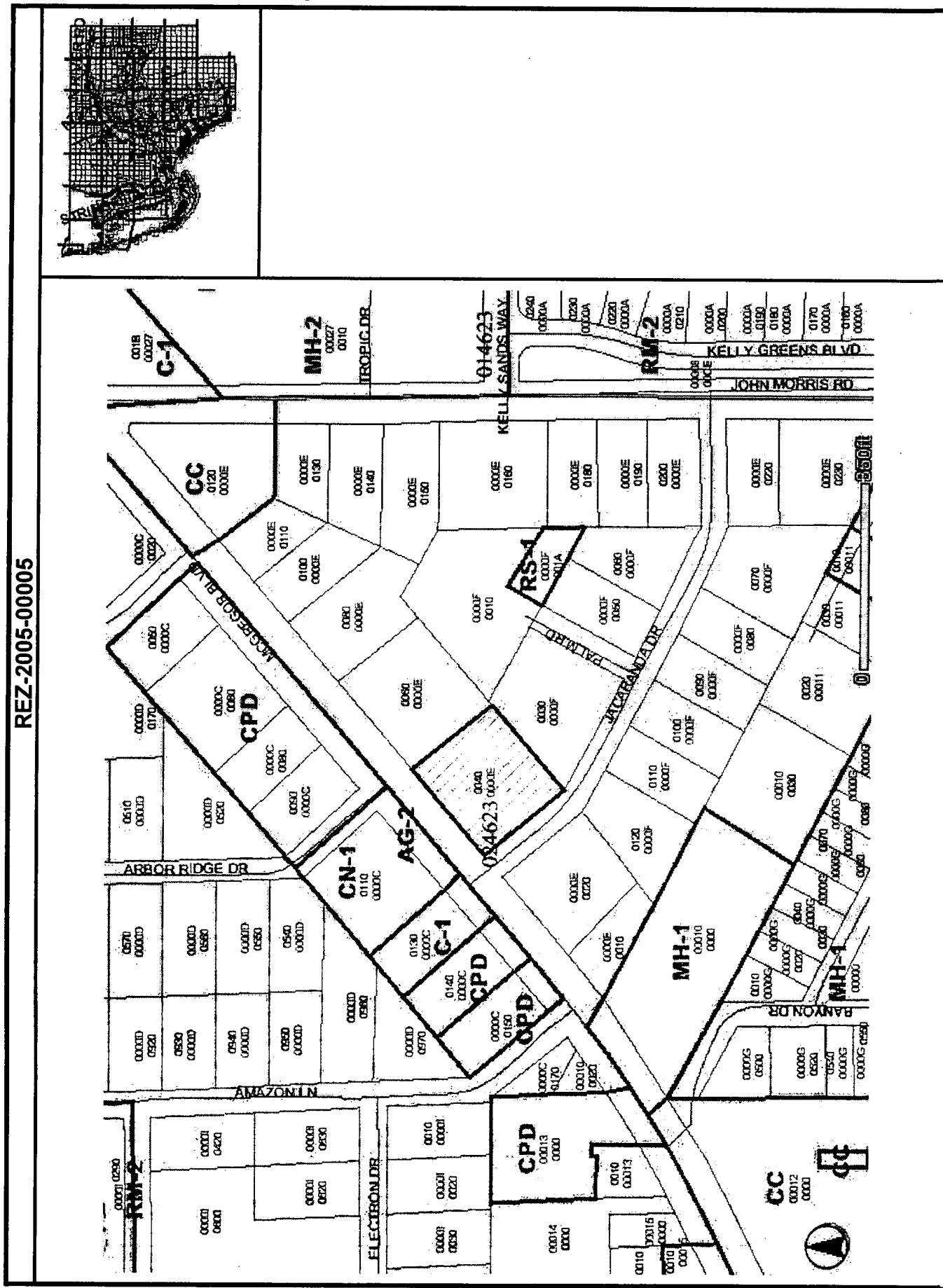
by Lgm 3/2/2005

EXHIBIT A

RECEIVED

MAR 14 2005

ZONING



ATTACHMENT "A"

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

TYPE OF CASE: CONVENTIONAL ZONING DISTRICT

CASE NUMBER: REZ2005-00005

HEARING EXAMINER DATE: June 22, 2005

I. APPLICATION SUMMARY:

- A. Applicant: Mr. Peter D. Craig in ref to Lots 4 & 5 Block E, Cottage Point Rezoning
- B. Request: Rezone a 39,900 sq. ft. parcel from Agricultural (AG-2) to Special Commercial Office District (CS-2) to allow the development of the site with an office building.
- C. Location: The subject property is located at 16829 McGregor Boulevard, in Section 02, Township 46S, Range 23E, Lee County, FL. (District #3)

D. Future Land Use Plan Designation, Current Zoning and Use of Subject Property:

The Future Land Use designation of the subject property is "Urban Community". The Current zoning is "AG-2". The site is currently vacant.

E. Surrounding Land Use:

Existing Zoning & Land Use:

Future Land Use Map

North: Zoned "AG-2", developed with a single-family residence.

Suburban

East: Zoned "AG-2", developed with a single family residence.

Suburban

South: Zoned "AG-2", developed with a single family residence.

Urban Community

West: Zoned "CN-1", developed with a construction company

Urban Community

F. Size of Property: .92± acres

II. RECOMMENDATION:

Staff recommends **Approval** of the Applicant's request for rezoning from AG-2 to CS-2 .

Findings and Conclusions:

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

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes and regulations.
2. 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.
3. Urban services, as defined in the Lee Plan, are available and adequate to serve the proposed land use.
4. The requested zoning district:
 - 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 and natural resources.

III. BACKGROUND AND ANALYSIS:

Introduction/Synopsis:

The subject property is 210 foot wide and 190 foot deep and is comprised of 2 vacant lots. The applicant is requesting the CS-2 zoning designation for the property. This zoning will enable the applicant to develop the site with an office building. The owner is planning to use a part of the building for his mortgage business. It is important to note that the CS-2 zoning is intended to allow office uses. A few low-impact service and other commercial uses are also permissible by Special Exception, provided certain criteria are met.

Lee Plan Considerations:

The Future Land Use Map of the Lee Plan classifies the area in which this property is located as "*Urban Community*". Staff has reviewed this petition for consistency with the Goals, Objectives, Policies and Standards of the Lee Plan and offers the following comments:

POLICY 1.1.4: The Urban Community areas are areas outside of Fort Myers and Cape Coral

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

The subject property is located on an arterial roadway (McGregor Blvd.). The proposed zoning change from AG-2 to CS-2 is consistent with the requirements of this Policy.

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 proposed rezoning is located in an area with properties developed with commercial uses. This rezone request will not cause urban sprawl and, will minimize the cost of providing the required services.

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)) will 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. (Amended by Ordinance No. 94-30, 00-22)*

The timing is obviously now, when the applicant plans to develop the site with an office building for his own business. Adequate public facilities exist in the area.

POLICY 5.1.5: *Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Requests for conventional rezonings will be denied in the event that the buffers provided in Chapter 10 of the Land Development Code are not adequate to address potentially incompatible uses in a satisfactory manner. If such uses are proposed in the form of a planned development or special exception and generally applicable development regulations are deemed to be inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. The Land Development Code will continue to require appropriate buffers for new developments. (Amended by Ordinance No. 94-30, 99-15, 00-22)*

The subject property, which is a corner lot, is adjacent on two sides to agriculturally zoned, residentially used properties. The required buffers are as follows:

- 1- A solid wall, berm or wall and berm combination, not less than eight feet in height. All trees and shrubs required in the buffer must be placed on the residential side of the wall. Walls must be constructed to ensure that historic flow patterns are accommodated and all stormwater from the site is directed to on-site detention/retention areas in accordance with the SFWMD requirements.
- 2- Hedges must be planted in double staggered rows and be maintained so as to form a 36-inch high.
- 3- Trees within the ROW buffer must be appropriately sized in mature form so that conflict with overhead utilities, lighting and signs are avoided. The clustering of trees and use of palms within the ROW buffer will add design flexibility and reduce conflicts.

In the opinion of the staff, the buffer and landscape requirements of Chapter 10 of the Land Development Code will adequately protect the neighboring properties from any potential adverse effect that may be caused by the development of the site with an office building.

GOAL 6: COMMERCIAL LAND USES. *To permit orderly and well-planned commercial development at appropriate locations within the county. (Amended by Ordinance No. 94-30)*

OBJECTIVE 6.1: *All development approvals for commercial land uses must be consistent with the following policies, the general standards under Goal 11 and other provisions of this plan. (Amended by Ordinance No. 94-30)*

POLICY 6.1.1: *All applications for commercial development will be reviewed and evaluated as to:*

- a. *Traffic and access impacts (rezoning and development orders);*
 - b. *Landscaping and detailed site planning (development orders);*
 - c. *Screening and buffering (planned development rezoning and development orders);*
 - d. *Availability and adequacy of services and facilities (rezoning and development orders);*
 - e. *Impact on adjacent land uses and surrounding neighborhoods (rezoning);*
 - f. *Proximity to other similar centers (rezoning); and*
 - g. *Environmental considerations (rezoning and development orders).*
- (Amended by Ordinance No. 00-22)*

This rezoning request has been reviewed and evaluated as to traffic and access impacts, impact on adjacent land uses and surrounding neighborhood, proximity to other similar centers, and environmental considerations. The rezoning of this small parcel from AG-2 to CS-2 should have negligible impact on the traffic count and Level Of Service (LOS) on the adjacent road network. The access will be reviewed at the time of Development Order review to make sure that it is safe and in compliance with the County Codes. There are no environmental concerns. And the area is served with adequate urban services. Therefore, this request is consistent with the Policy 6.1.1 of the Lee Plan.

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.*

e. *When developed as part of a mixed use planned development, and meeting the use limitations, modified setback standards, signage limitations and landscaping provisions, retail uses may deviate from the locational requirements and maximum square footage limitations, subject to conformance with the Estero Community Plan as outlined in Policies 19.2.3 and 19.2.4, and through approval by the Board of County Commissioners.*

The subject property is located at the intersection of McGregor Boulevard (classified as arterial road) and Jacaranda Drive (classified as local road). The site is less than 2 acres in size, and the proposed building will be less than 30,000. The uses allowed by the requested CS-2 zoning district are low impact office type uses. Therefore, this request is consistent with Policy 6.1.2 of the Lee Plan.

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)*

The property in question is zoned Agricultural and is surrounded on three sides by agriculturally zoned and residentially used properties. The requested zoning is a very low intensity commercial zoning. According to the Land Development Code the CS-2 zoning designation is intended to separate and buffer residential land uses from higher intensity commercial and light industrial land uses.

POLICY 6.1.5: *The land development regulations will require that commercial development be designed to protect the traffic -carrying capacity of roads and streets. Methods to achieve this*

include, but are not limited to:

- frontage roads;
- clustering of activities;
- limiting access;
- sharing access;
- setbacks from existing rights-of-way;
- acceleration, deceleration and right-turn-only lanes; and
- signalization and intersection improvements (Amended by Ordinance No. 94-30, 00- 22)

All of the above requirements are a part of the Development Order review function and not necessarily a function of the rezoning action.

POLICY 6.1.6: *The land development regulations will require that commercial development provide adequate and appropriate landscaping, open space, and buffering. Such development is encouraged to be architecturally designed so as to enhance the appearance of structures and parking areas and blend with the character of existing or planned surrounding land uses.*

A site plan is not required for conventional rezoning cases. At the time of the Development Order review, the reviewing staff will be required to review the project for compliance with the requirements of all County Codes, which include landscaping, buffering, parking, etc.

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 subject property is in an area that contains a multitude of commercial uses.

POLICY 6.1.9: *Prohibit commercial development from locating near existing or planned school areas in such a way as to jeopardize the safety of students. (Amended by Ordinance No. 00-22)*

There are no planned or existing schools in the vicinity of the proposed rezoning.

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.

Water and sanitary sewer are available to the site and property will be required to connect the those services.

Lee Plan review conclusion:

An in-depth review of this petition for consistency with the requirements of the Lee Plan indicates that the request to rezone the subject property from AG-2 to CS-2 is **consistent with all applicable Goals, Objectives, Policies and Standards of the Lee Plan.**

Neighborhood Compatibility

The neighborhood is developed with a mixture of residential, commercial and light industrial. There are several vacant lots and parcels in the area. Most of the vacant parcels are zoned Agricultural. The request to change the zoning of this property to develop it with an office building will not look out of character with the neighborhood.

McGregor Boulevard is a major thoroughfare and lots located directly on McGregor Boulevard are not well suited for residential uses.

Environmental Issues

No environmental issues were revealed during this review. Should any environmental issues arise in the future, it will be dealt for during the Development Order Review stage.

Conclusion:

The proposed rezoning from AG-2 to CS-2 is **CONSISTENT** with the Lee Plan and is in full compliance with the Lee County Land Development Code. Staff recommends **APPROVAL** of this request.

IV. ATTACHMENTS:

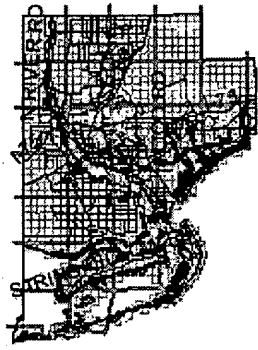
- A. Map of surrounding zoning

LEGAL DESCRIPTION

- A. Strap Number: The applicant indicates the strap number is : 02-46-23-01-0000E.0040
- B. Legal Description: See Exhibit "A"

cc: Applicant
County Attorney
Zoning File

REZ-2005-00005



ATTACHMENT "A"

EXHIBIT "A"

REZ2005-00005

LEGAL DESCRIPTION:

LOTS 4 AND 5, BLOCK E, COTTAGE POINT, IN SECTION 2, TOWNSHIP 46 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 9, PAGE 133, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

Applicant's Legal Checked

by Lgin 3/2/2005

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ZONING**

(100' RIGHT-OF-WAY)
McGREGOR BOULEVARD S.R. 867

ASPHALT PAVEMENT

ASPHALT BICYCLE PATH

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NOTES

- 1) THE PROPERTY SHOWN HEREON IS LYING IN ZONE A 10 (EL 10) OF THE NATIONAL FLOOD INSURANCE PROGRAM. COMMUNITY-PANEL NUMBER 125124 0325 C. (DATE OF FIRM INDEX 05/05/03).
- 2) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH AND MAY BE SUBJECT TO OTHER EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD. ON THIS SURVEY.
- 3) IMPROVEMENTS OTHER THAN THOSE SHOWN NOT LOCATED.
- 4) PARCEL IS VACANT.

PROPERTY ADDRESS:
16829 McGREGOR BOULEVARD
FORT MYERS, FLORIDA

CERTIFICATIONS

PETER D. CRAIG AND PATRICIA L. CRAIG
FIRM TITLE SERVICES OF FLORIDA
COMMONWEALTH LAND TITLE INSURANCE COMPANY
FIRST NATIONAL BANK OF FLORIDA

Applicant's Survey Checked

By Lgm 3/21/2005

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PERMIT COUNTER

Robert D. Reige
ROBERT D. REIGE, P.S.
PROFESSIONAL SURVEYOR & MAPPER No. 4074
STATE OF FLORIDA

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

BOUNDARY SURVEY

LOTS 4 AND 5, BLOCK E, COTTAGE POINT, AS RECORDED IN PLAT BOOK 9, PAGE 133, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

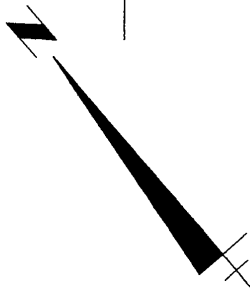
PROJECT NO. 04890
SHEET 1 OF 1
SCALE 1" = 50'
FIELD SURVEY DATE:
12/14/04
SURVEY ISSUE DATE:
12/15/04

REV	DATE	DESCRIPTION
1	01/07/05	CHANGED LENDER
2		
3		
4		

LEGEND

- FIR - FOUND IRON ROD (AS NOTED)
- FIP - FOUND IRON PIPE (AS NOTED)
- FCM - FOUND 4" X 4" CONCRETE MONUMENT
- D - DEED
- P - PLAT
- UT - UNRECORDED
- PO - POWER POLE
- WM - WATER METER
- TE - TELEPHONE COMPANY PEDestal
- TE - TELEPHONE COMPANY BOX
- CB - CABLE BOX
- OW - OVERHEAD WIRES
- UN - UNKNOWN FENCE
- D & PUE - DRAINAGE & PUBLIC UTILITY EASEMENT
- CON - CONCRETE

SCALE IN FEET
0 25 50



INSTRUCTIONS

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(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 (15) calendar 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 Development Services Division in the following manner:

- Sign for case # **REZ2005-00005 must be posted by June 7, 2005.**
- 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 Development Services Division, and obtain duplicate copies of the sign from the Development Services 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 HEARING DATE TO LEE COUNTY DEVELOPMENT SERVICES DIVISION, 1500 Monroe Street, Fort Myers, FL 33901

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

AFFIDAVIT OF POSTING NOTICE

STATE OF FLORIDA
COUNTY OF LEE

BEFORE THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED
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:

R.M. Standerfer
SIGNATURE OF APPLICANT OR AGENT
R.M. STANDERFER
NAME (TYPED OR PRINTED)
13041 McGregor BLVD.
ST. OR PO BOX
FT MYERS, FL. 33919
CITY, STATE & ZIP

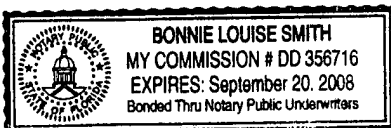
#REZ2005-00005/Cottage Point Subdivision 6/22/05 JLP

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to and subscribed before me this 7th day of June,
2005, by R.M. Standerfer, personally known to me or who produced _____
as identification and who did not take an oath.

Bonnie Louise Smith
Signature of Notary Public
Bonnie Louise Smith
Printed Name of Notary Public

My Commission Expires: 09-20-06
(Stamp with serial number)





APPLICATION FOR PUBLIC HEARING FOR UNINCORPORATED AREAS ONLY

Applicant's Name: Peter D. Craig
Project Name: Lots 4-5, Block E, Cottage Point Rezoning
STRAP Number(s): 02-46-23-01.0000E.0040

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

STAFF USE ONLY

Case Number: R132 2005-00005 Commission District: 3
Current Zoning: AG-2 Fee Amount: \$2500.00
Land Use Classification: Urban comm Intake by: MKW
Planning Community: Lona McGregor

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

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ZONING

PART 1
APPLICANT/AGENT INFORMATION

A. Name of applicant: Peter D. Craig
Address: **Street:** 4720 S.E. 15th Avenue #206
City: Cape Coral **State:** FL **Zip:** 33904
Phone: **Area Code:** 239 **Number:** 945-7222 **Ext:** _____
Fax: **Area Code:** 239 **Number:** 945-7293
E-mail address: N/A

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: Bean, Whitaker, Lutz & Kareh, Inc.
Contact Person: Tracy N. Bean, AICP
Address: **Street:** 13041 McGregor Boulevard
City: Fort Myers **State:** FL **Zip:** 33919
Phone: **Area Code:** 239 **Number:** 481-1331 **Ext:** _____
Fax: **Area Code:** 239 **Number:** 481-1073
E-mail address: fmooffice@bw1k.net

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: Peter D. Craig

Mailing Address: Street: 4720 S.E. 15th Avenue #206

City: Cape Coral State: FL Zip: 33904

Phone: Area Code: 239 Number: 945-7222 Ext: _____

Fax: Area Code: 239 Number: 945-7293

E-mail: _____

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

B.1. N/A 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)(5)]

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): January, 2005

**PART 3
PROPERTY INFORMATION**

A. STRAP Number(s): 02-46-23-01-0000E.0040

B. Street Address of Property: 16829 McGregor Boulevard, Fort Myers, FL 33908

C. Legal Description

X 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)

N/A 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)]

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

N/A 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)]

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L. Deed Restrictions

- L.1. X There are no deed restrictions or other covenants on this property that affect this request.
- L.2. N/A Deed restrictions\ covenants that may affect this request are attached as **Exhibit PH-3.L.2.**
- L.3. N/A 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>210+/-</u> | Feet | |
| 2. Depth (average if irregular parcel): | <u>190+/-</u> | Feet | |
| 3. Total area: | <u>0.92+/-</u> | Acres or square feet | |
| 4. Frontage on road or street: | <u>210+/-</u> | Feet on | <u>McGregor Street</u> XXXX Boulevard |
| 2 nd Frontage on road or street: | <u>190+/-</u> | Feet on | <u>Jacaranda Street</u> XXXX Drive |

**PART 4
ACTION REQUESTED**

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

N/A **Special Exception for** _____ **Attached is Supplement A**

N/A **Variance for** _____ **Attached is Supplement B**

X **Conventional Rezoning from:** AG-2 **to** CN-2 **Attached is Sup. C**

N/A **Planned Development rezoning from** _____ **to** _____

_____ **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**

N/A **Planned Development Amendment. Attached is the Supplement D**

N/A **Public Hearing for DRI**

_____ **No rezoning is required.**

_____ **Rezoning is required. Attached is the Supplement D**

B. Excavations:

X **No blasting will be used in the excavation of lakes or other site elements.**

N/A **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)

N/A **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)]

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 21.7]

I. 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
<u>N/A</u>	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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**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	12		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	12	SUP D	Planned Development Rezoning or DRI with PD Rezoning requested
0	0	12	SUP-D	Planned Development Amendment
0	0	12	SUP D	PRFPD in in Overlay Area Rezoning supplement
0	0	12	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	12	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	3	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	4	PH-3.D.1	Copy of Plat Book Page (if applicable) [34-202(a)(1)]
1	1	4	PH-3.D.2	Certified sketch of description (less than ten acres) [34-202(a)(2)]
1	1	4	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	12	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	12	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	12	PH-4.I	Approved Waivers [34-202(a)]
				ADDITIONAL REQUIREMENTS FOR DRIs NOT INVOLVING A REZONING
0	0	12		Notice of proposed change Substantial Deviations Form RPM-BSP-Proposed Change - 1 pursuant to Section 380.06(19) F.S.
0	0	12		DRI, AMDA, FQD Form RPM-BSP-ADA - 1. Application for Development Approval pursuant to Section 380.06 F.S.
0	0	12		Abandonment Form RPM-BSP-Abandonment-DRI-1. Application for abandonment of a DRI.

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

STRAP NO. 02-46-23-01.0000E.0040 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
Peter D. Craig	100%
_____	_____
_____	_____
_____	_____
_____	_____

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
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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: _____

[Signature]

(Applicant)

2/28/05

Peter D. Craig

(Printed or typed name of applicant)

STATE OF FLORIDA
COUNTY OF LEE

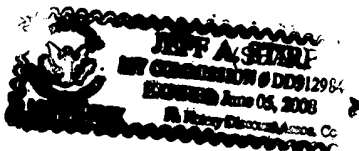
The foregoing instrument was acknowledged before me this 28 day of Feb 2005

by Peter D. Craig

who is personally known to me or who has produced

driver license

as identification.



[Signature]
Signature of Notary Public

Jeff A. Seitz
Printed Name of Notary Public

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

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Company Name: W. Dexter Bender & Associates, Inc.
Contact Person: Craig Smith
Address: Street: 2052 Virginia Avenue
City: Fort Myers **State:** FL **Zip:** 33901
Phone: Area Code: 239 **Number:** 334-3680 **Ext:** _____
Fax: Area Code: 239 **Number:** 334-8714
E-mail address: _____

Company Name: _____
Contact Person: _____
Address: Street: _____
City: _____ **State:** _____ **Zip:** _____
Phone: Area Code: _____ **Number:** _____ **Ext:** _____
Fax: Area Code: _____ **Number:** _____
E-mail address: _____

Company Name: _____
Contact Person: _____
Address: Street: _____
City: _____ **State:** _____ **Zip:** _____
Phone: Area Code: _____ **Number:** _____ **Ext:** _____
Fax: Area Code: _____ **Number:** _____
E-mail address: _____

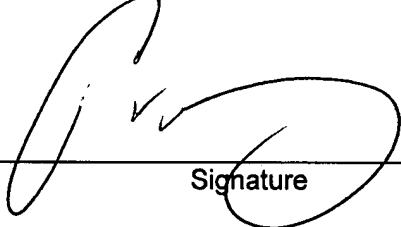
Company Name: _____
Contact Person: _____
Address: Street: _____
City: _____ **State:** _____ **Zip:** _____
Phone: Area Code: _____ **Number:** _____ **Ext:** _____
Fax: Area Code: _____ **Number:** _____
E-mail address: _____

PART V AFFIDAVIT A1
(EXHIBIT PH-1.B.2)

AFFIDAVIT FOR PUBLIC HEARING
APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, Peter D. Craig, swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

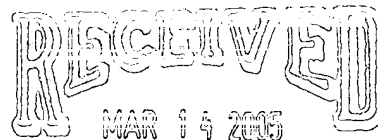
1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized 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.



Signature

Peter D. Craig

(Type or printed name)

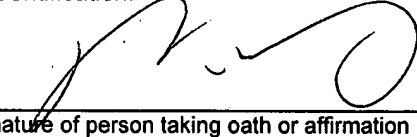


STATE OF Florida

COUNTY OF Lee

PERMIT COUNTER

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 2-20-05
(date) by Peter D. Craig (name of person providing oath or affirmation), who is
personally known to me or who has produced drivers license (type of identification)
as identification.



Signature of person taking oath or affirmation

owner

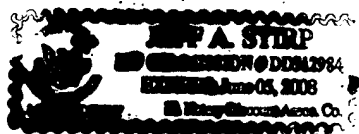
Title or rank



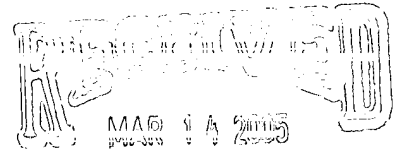
Name typed, printed or stamped

DD312984

Serial number, if any



REZ 2005-00005



PERMIT COUNTY

SUPPLEMENT C

ADDITIONAL REQUIRED INFORMATION FOR A CONVENTIONAL REZONING APPLICATION UNINCORPORATED LEE COUNTY

Case Number: **REZ2005-00005**

Project Name: Lots 4-5, Block E, Cottage Point Rezoning

Authorized agent: Tracy N. Bean, AICP, Bean, Whitaker, Lutz & Kareh, Inc.

STRAP Number(s): 02-46-23-01-0000E.0040

X Rezoning from AG-2 to CN-2

N/A Variances included?(check one) X No _____ Yes for _____

_____ Special Exception included? (check one) X No _____ Yes for _____

ZONING

LOTS 4 & 5, BLOCK E, COTTAGE POINT SUBDIVISION

NARRATIVE REGARDING ZONING REQUEST

Narrative to explain guidelines for decision making embodied in Section 34-145(d)(2)a and b, and 34-145(d)(3).

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RFZ2005-00005

**NARRATIVE STATEMENT FOR A CONVENTIONAL REZONING
AG-2 TO CN-2**



PERMIT COUNTER

INTRODUCTION

The intent of this Application for Public Hearing is to rezone the subject parcel at 16829 McGregor Boulevard from Agricultural (AG-2) to Commercial Neighborhood (CN-2). The site is located on McGregor Boulevard south of San Carlos Boulevard at the intersection with Jacaranda Drive, a private road accessing the residential lots of Cottage Point. The site is adjacent to Cottage Point, a platted subdivision. Due to its frontage on McGregor Boulevard, the site does not lend itself to residential development but is more suited for offices.

The applicant requests the rezoning to CN-2 to develop professional office space for his mortgage business. The AG-2 zoning is not consistent or compatible with the surrounding residential lots or with the existing neighborhood centers along McGregor Boulevard.

The project is consistent with the overall vision of the Lee Plan and specifically implements several Lee Plan Goals, Objectives and Policies. The principal goal of the Lee Plan implemented by this project is Goal 2: Growth Management. This rezoning exemplifies the Lee Plan vision for 2020, complies with the Future Land Use Map, avoids impact and, therefore, protects important natural resources, adds to the economic base and utilizes existing facilities.

This narrative is intended to address the requirements of Section 34-145(d)(2)a and b which reads as follows:

- (2) *Considerations. In preparing his recommendation on any matter, the hearing examiner must consider the criteria set forth in Subsection (c)(2) of this section as well as the following, if application:*
 - a. **Whether there exists an error or ambiguity which must be corrected;** the urban community land use area and AG-2 zoning are not consistent nor is compatible development possible with the AG-2 zoning in place.
 - b. **Whether urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve a proposed land use change when reviewing a proposed change to a future urban category.** The site is definitely served well by all required urban services. Both water and sewer services are available to the site. Access is available from Jacaranda Drive to McGregor Boulevard.

This request complies with Lee Plan Policy 1.1.4 - Urban Community Criteria - by providing general and professional office space for businesses that will serve the population in the Iona-McGregor area. Unlike the less intensive land use on the north side of McGregor Boulevard, the Urban Community Land use allows for strengthening and expanding urban services. Permitted uses within this land use designation are expected to include commercial, public and quasi-public, limited light industry as well as residential.

The request meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request. Utilities and a road network are in place as well as sidewalks so that the site has pedestrian access as well as vehicular access. The site will have an entrance on Jacaranda Drive. Hours of operation will be during the day and it is unlikely that traffic entering and leaving the site will interfere with residential traffic during the day.

The request will allow development of general offices that are within the intensity of use discussed for parcels in the Urban Community areas. Drainage and open space requirements of the Land Development Code will limit the building and parking areas on the site.

The request is compatible with existing or planned uses in the surrounding area. Many of the parcels along this segment of McGregor Boulevard have been rezoned and developed with commercial retail or office space. The south side of McGregor Boulevard is more likely to request conventional zoning for the smaller sites as the urban community and central urban land use areas fall on the south side. North of McGregor Boulevard is suburban land use which supports residential and very low intensity commercial uses or requires planned development zoning for uses that may have more impact on the existing residences.

According to the 2004 Traffic County prepared by Lee County Department of Transportation, the daily traffic volume at Permanent Count Station 38 for Segment 239 of McGregor Boulevard east of Davis Road has remained at 10,800 since 2003. McGregor Boulevard, between San Carlos Boulevard and Davis/Summerlin Road, is County maintained and operates at a Level of Service E. The requested rezoning will not adversely impact the level of service or cause offsite turn lanes to be required. Jacaranda Drive will most likely be required to be improved to the properties south boundary at time of development order.

There are no significant environmental concerns on the site. No protected species were found and the cabbage palms onsite have been relocated to the perimeter of the property. For these reasons we believe CN-2 zoning is compatible with the surrounding neighborhood and the uses permitted will not cause traffic or drainage issues for existing residents to the south.

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0 SCALE OF MILES 1/2 1
0 660 1320 1980 2640 SCALE OF FEET 5280

TWP.46S.-RNG.23E.

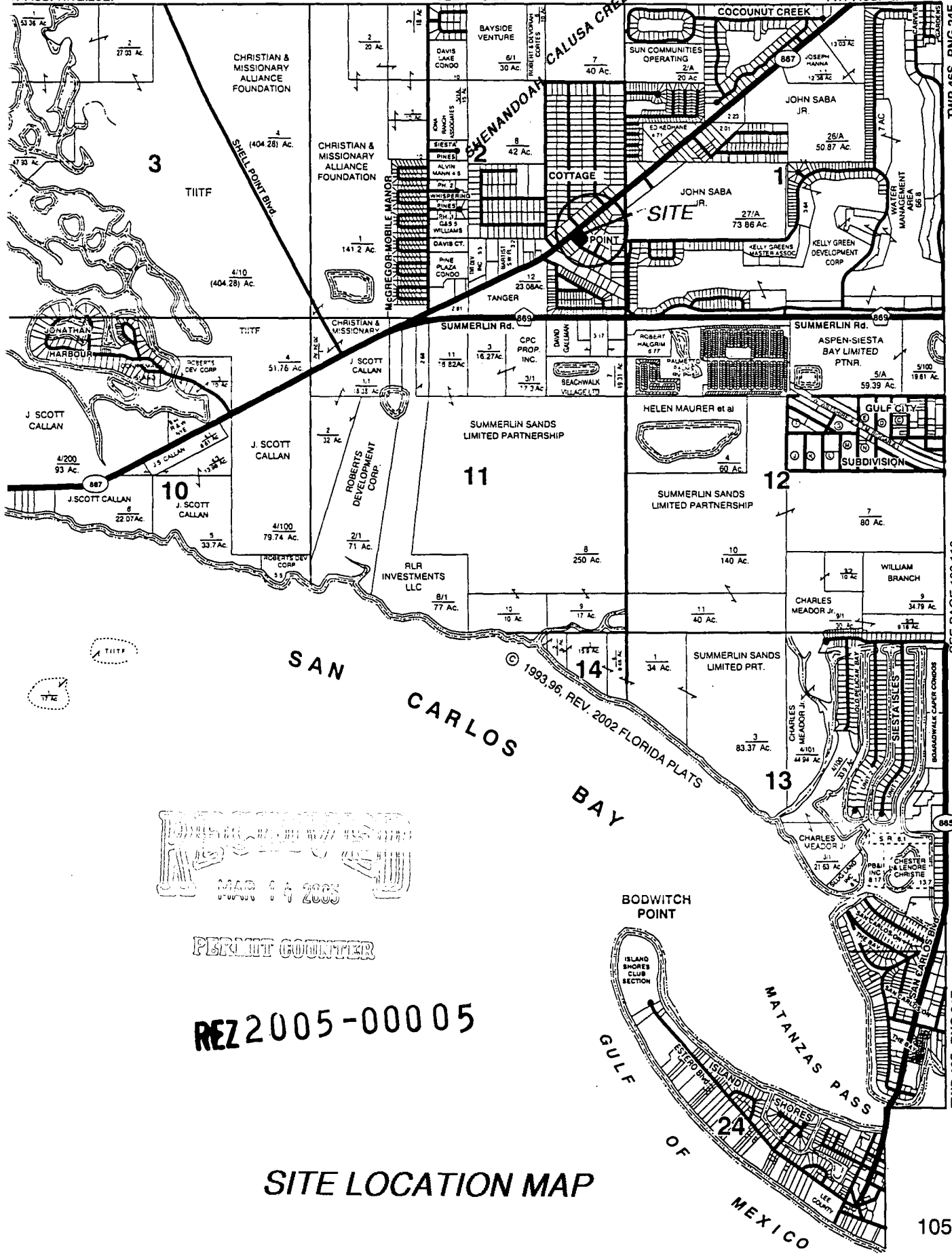
EAST PART
LEE COUNTY, FLORIDA

SEE PAGE 81

1P.45S.-RNG.23E.

TWP.45S.-RNG.23E.

TWP.46S.-RNG.24E.



REZ2005-00005

SITE LOCATION MAP

SECTION: 2
TOWNSHIP: 46 S
RANGE: 23 E

SOIL MAP

0 25 50
SCALE FEET



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16829-00005

MCGREGOR BLVD

SCS 13

JACARANDA BLVD

Soil Legend

SCS 13 - Boca fine sand

PERMIT USE ONLY,
NOT FOR CONSTRUCTION

February 07, 2005 9:40:54 a.m.
Drawing: CRAIG1PLN.DWG (DCS)



W. DEXTER BENDER
AND ASSOCIATES
ENVIRONMENTAL & MARINE CONSULTING
FORT MYERS 239/334-3680
PORT CHARLOTTE 941/255-1462

16829
MCGREGOR BLVD

SHEET

ENVIRONMENTAL ASSESSMENT

16829 McGregor Boulevard



PERMIT COUNTER

The predominant vegetation association was mapped in the field on 2002 digital 1" = 50' scale aerial photography. One vegetation associations was identified using the Florida Land Use, Cover and Forms Classification System (FLUCCS). The attached vegetation map depicts the approximate location and configuration of this vegetation association. A brief description of this FLUCCS association is also provided below.

FLUCCS 740, Disturbed Land

The entire 0.90± acre property is significantly disturbed and dominated by exotics. Australian pine (*Casuarina* sp.) dominates the canopy while Brazilian pepper (*Schinus terebinthifolius*) dominates the midstory. Additional exotic species occurring in these strata include melaleuca (*Melaleuca quinquenervia*), earleaf acacia (*Acacia auriculiformis*), bamboo (*Bambusa* sp.), and java plum (*Syzygium jambolana*). Widely scattered cabbage palm (*Sabal palmetto*) and one slash pine (*Pinus elliotii*) are also present. Ground cover consists primarily of bare ground and Australian pine/Brazilian pepper leaf duff. Scattered open areas are vegetated by species such as St. Augustine grass (*Stenotaphrum secundatum*), life plant (*Kalanchoe* sp.), nightblooming cactus (*Hylocereus undatus*), carrotwood (*Cupania anacardioides*) seedlings, air potato (*Dioscorea bulbifera*), rosary pea (*Abrus precatorius*), and Virginia creeper (*Parthenocissus quinquefolia*). Evidence of previous dumping and earthwork is also present.

The Soil Survey of Lee County, Florida depicts one non hydric soil type (Boca fine sand) as occurring on the entire parcel (see attached soil map). Under natural conditions, this soil typically occurs in upland pine flatwoods. The parcel and the surrounding lands appear to have been cleared of native vegetation prior to 1977. Development had also occurred on much of the land in the vicinity of this parcel by that time.

During the vegetation mapping the parcel was evaluated for the presence of jurisdictional wetlands and listed species. No areas that would meet the state or federal criteria for jurisdictional wetlands were found. No species listed by the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service as threatened, endangered, or species of special concern were observed during our site inspection.

Due to the previous clearing, dominance of exotic species, adjacent roadway (McGregor Boulevard), and the existing surrounding development, there are no native vegetative communities on-site and the natural resource value of the site is virtually non-existent. No wetlands or listed species have been observed on-site.

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Spatial District Query Report

STRAP Number: 02-46-23-01-0000E.0040

District Name	District Value(s)		Pct of Parcel in District (if fractional)	Notes
Airport Noise Zone			NOT FOUND	
Airspace Notification			NOT FOUND	
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 Panel Version Date	125124 0426 C 110492		
DNR Flood Zones			NOT FOUND	
Flood Insurance Coastal Barrier			NOT FOUND	
Planning Community	ID Plan Community	12 Iona/McGregor		
Planning Land Use 2010	Landuse	Urban Community		
Sanibel/County Agreement	Agreement	YES		1
Storm Surge	Category	T S		
Subdivisions	Subdivision No.	02462301	99.99%	
	Subdivision Name	COTTAGE POINT SUB		
	Book Page 1			
	Book Page 2			
	Book Page 3			
	Subdivision No.	02462302	0.01%	2
Soil	Subdivision Name	BLOCKS DFGI COTTAGE POINT		
	Book Page 1			
	Book Page 2			
	Book Page 3			
	Map Symbol	13		
	Soil Name	BOCA FINE SAND		
Commissioner District	District	3	79.33%	
	Commissioner	Ray Judah		
	District	1	20.67%	
	Commissioner	Robert Janes		
Unincorporated Lee County Zoning	Zoning Designation	AG-2		
Development Orders			NOT FOUND	
Fort Myers Beach Interim Zoning			NOT FOUND	

[[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.

MEMORANDUM
From The
Department Of
Community Development
Development Services Division

Date: October 4, 2005

To: REZ2005-00005

From: Luisa Villa

RE: Notice of Public Hearing - October 17, 2005
Lee County Board of County Commissioners Meeting

I, Luisa Villa, 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: REZ2005-00005

NAME: LOTS 4 & 5 BLOCK E, COTTAGE PO

REQUEST: Rezone a 39,900 sq. ft. parcel from Agricultural (AG-2) to Special Commercial Office District (CS-2) to allow the development of the site with an office building.

LOCATION: 16829 McGregor Boulevard

PROPERTY OWNER'S REPRESENTATIVE: MS. TRACY BEAN
239-481-1331

Notice is hereby given that the Lee County Board of Commissioners will hold a public hearing at 9:30 am on Monday, October 17, 2005, 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

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 Luisa V Villa at 479-8585.

DEPARTMENT OF COMMUNITY
DEVELOPMENT

CASE NUMBER

REZ2005-00005

NAME OF CASE

Lot 4 & 5 Block E
Cottage Point

Ms. Tracy Bean
Bean, Whitaker, Lutz & Kareh, Inc.
13041 McGregor Blvd.
Fort Myers, FL 33919

Brian McDonald
16791 Palm Road
Ft. Myers, Florida 33908

EXHIBIT "A"

REZ2005-00005

LEGAL DESCRIPTION:

LOTS 4 AND 5, BLOCK E, COTTAGE POINT, IN SECTION 2, TOWNSHIP 46 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 9, PAGE 133, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

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MAR 14 2005

COTTAGE POINT

A SUBDIVISION OF
EAST OF SE 1/4 AND SE 1/4 OF NE 1/4 SECTION 2, T. 46S., R. 23E.
LEE COUNTY, FLORIDA
SCALE: 1" = 200'

SCALE: 1" = 200'

From S.R. 867
£ Survey

SW $\frac{1}{4}$ of SE $\frac{1}{4}$

W $\frac{1}{4}$ of SE $\frac{1}{4}$

SW $\frac{1}{4}$ of NE $\frac{1}{4}$

6

W

DESCRIPTION

The east half (½) of the southeast quarter (SE¼), less the former right-of-way of the Southern Railway Company as described in Circuit Court Minute Book 56 at Pages 85-86 or the public records of Lee County, less the right-of-way of the Southern Railway Company at Taylor Bend and subject to the easement right-of-way at Taylor Bend and conveyed to Lee County and subject to the right-of-way of the Bunche Beach (County) Road.

(The northeast corner (NEC) of the northeast quarter (NE¼) subject to the easement right-of-way Drainage District and County Roads along the East and North sides thereof all in Section 27, T4S, R23E,

NOTES

NOTES
P.R.M.'s are 4'4"x24" concrete Monuments or 4'1"x60"
concrete posts.
Both chord and arc distances are shown on curved lines
where significantly different, with chord 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 plotted under my direction and that permanent reference monuments (P.R.M.'s) have been set in accordance with the provisions of Section 7, Chapter 10275, Laws of Florida, Acts of 1925.

Paul J. Lawrence
Registered Land Surveyor, Florida Cert No. 351

DEDICATION

KNOW ALL MEN BY THESE PRESENTS that M^r. Theodore Randall, executor of the Estate of E.W. Randall, deceased, of the County of COTEAU, State of New York, has caused this plat of COTEAU to be made and does hereby dedicate to the perpetual use of the people of said county, however the exclusive use of the well located lands shown hereafter meeting and adjoining the same as more fully described upon said plat, all land IN WITNESS WHEREOF the owner has hereunto set his hand and seal this 19th day of January, A.D. 1953.

WITNESS: John C. Sullivan Attorney General
AS executor aforesaid

WITNESS: Robert P. Mahan

ACKNOWLEDGMENT

STATE OF FLORIDA
HEREBY CERTIFY that on this day before me personally appeared M. Theodore Randall, to me known to be the person described in and who executed the foregoing affidavit and was acknowledged before me that he executed the same for the uses and purposes therein mentioned and otherwise said. IN WITNESS my hand and official seal of Fort Myers, said County and State this 19th day of January, A.D. 1955.

William L. Stewart
Notary Public, State of Florida at Large. My Comm. expires Feb. 13, 1957

APPROVALS

This plot accepted this 19th day of January 1955 in open meeting of the Board of County Commissioners of Lee County, Florida

Wilson East
Chairman

27 Wallace
Clerk

158905

I HEREBY CERTIFY that this plat of COTTAGE POINT has been examined by me and from my examination I find that said plat complies in form with the requirements of Chapter 10275, Laws of Florida, of 1923.

I FURTHER CERTIFY that said plat was filed for record at 10:00 A.M. this 14th day of April, A.D. 1925 and duly recorded in Plat Book 9, of Page 133 of the public records of Lee County, Florida.

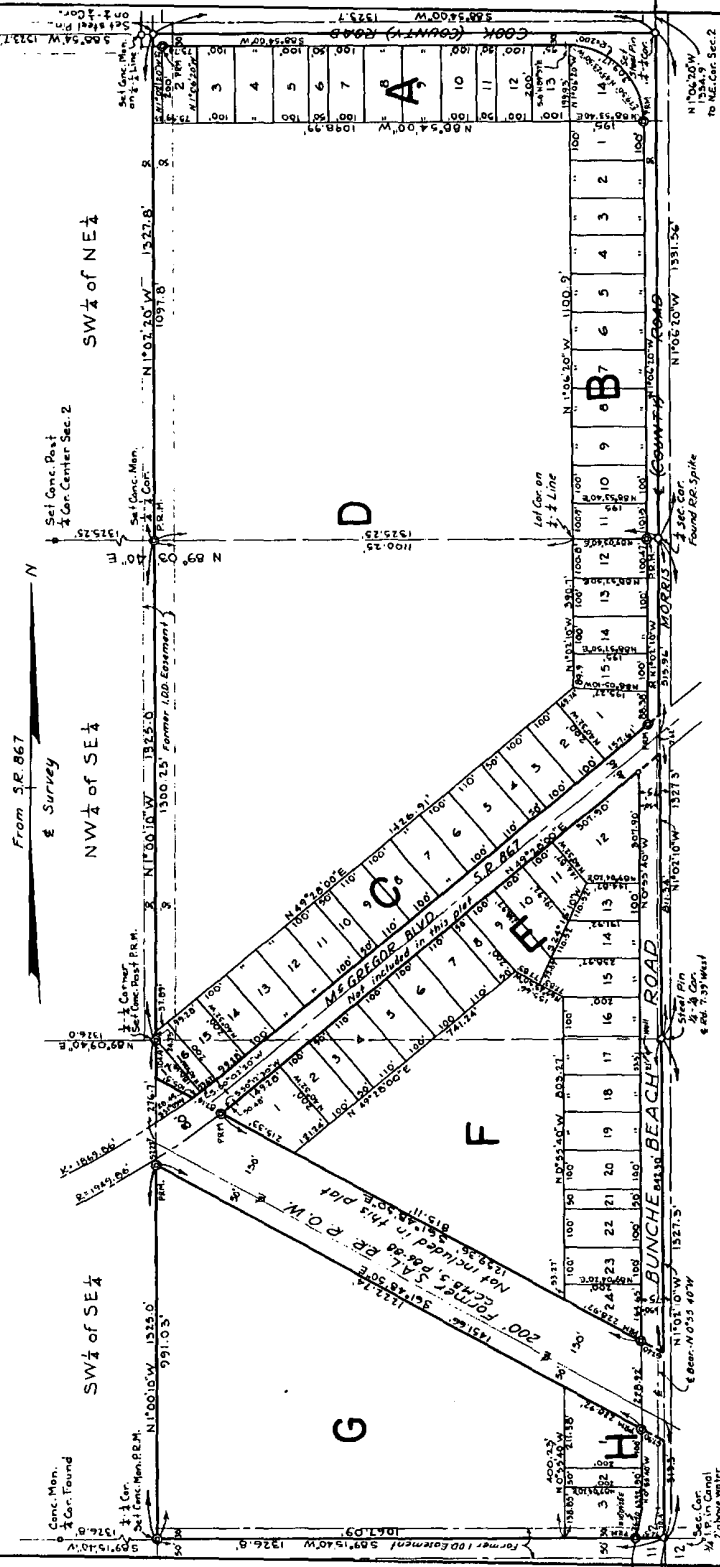
DJ Farabee
Clerk of the Circuit Court in and for Lee County

REF 2005-00005

COTTAGE POINT

A SUBDIVISION OF
E½ OF SE¼ AND SE¼ OF NE¼ SECTION 2, T.46S., R.23E.
LEE COUNTY, FLORIDA

SCALE: 1" = 200'



DESCRIPTION

The east half (E1/2) of the southeast quarter (SE1/4) of the former right-of-way of the Seaboard Air Line Railroad, as depicted in Circuit Court Minute Book 5, at Pages 86, 87 and 88, is hereby sold to Lee County, less the right-of-way of the Seaboard Air Line Railroad, in the eastern right-of-way of the line of and conveyed to Lee County and subject to the right-of-way of the Bunche Beach County Road.

The quarter (NE1/4) of the (SE1/4) of the northeast Drainage District and County Road along the East and North sides thereof, all in Section 2, T4S, R23E.

NOTES

P.R.M.'s are 4"x4"x24" concrete Monuments or 4"x4"x60" concrete piers.
Both chord and arc distances are shown on curved lines where significantly different, with chord bearings. All lot corners marked with steel pins.

I HEREBY CERTIFY that this plat of COITAGE POINT is true and correct according to a recent survey made and plotted in this direction and that permanent reference monuments (P.R.M.'s) have been set in accordance with the provisions of Section 7, Chapter 10275, Laws of Florida, Acts of 1935.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS that M. Theodore Randall, executor of the last will and testament of J. M. Randall, deceased, the owner of the herein said lot, has caused this plat of COTTAGE POINT to be made and recorded to the perpetual use of the public at large, among heretofore dedicated to the exclusive use of the well located in Dunsmuir Beach Road, and IN WITNESS WHEREOF the owner has hereunto set his hand and seal this 19th day of January, A.D. 1955.

WITNESS: Paul G. Sullivan Mr. Theodore Vandell Seal
As executor aforesaid

WITNESS: Robert P. Chapman

ACKNOWLEDGMENT

STATE OF FLORIDA

COUNTY OF LEE
HEREBY CERTIFY that on this day before me personally appeared M. Theodore Randall, to me known to be the person described in and who executed the foregoing dedication and who is acknowledged before me that he executed the same for the uses and purposes therein mentioned, at another above said, my hand and official seal of Fort Myers, said County and State this 19th day of January, A.D. 1955.

APPROVALS

This plot accepted this 19th day of January 1935 in open meeting of the Board of County Commissioners of Lee County Florida.

Wilson Giff
Chairman

20770
Clerk

158905

I HEREBY CERTIFY that this plot of COTTAGE POINT #03 was examined by me and from my examination I find that said plot complies with all of the requirements of Chapter 102-15, Laws of Florida, Act of 1955.

FURTHER CERTIFY that said plot was filed for record of 10.000 A.M. this 14th day of April, 4 D. 1955 and fully recorded 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

MEMORANDUM
From The
Department Of
Community Development
Development Services Division

Date: October 4, 2005

To: RE22005-00005 From: Luisa Villa

RE: Notice of Public Hearing - October 17, 2005
Lee County Board of County Commissioners Meeting

I, Luisa Villa, 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: REZ2005-00005

NAME: LOTS 4 & 5 BLOCK E, COTTAGE PO

REQUEST: Rezone a 39,900 sq. ft. parcel from Agricultural (AG-2) to Special Commercial Office District (CS-2) to allow the development of the site with an office building.

LOCATION: 16829 McGregor Boulevard

PROPERTY OWNER'S MS. TRACY BEAN
REPRESENTATIVE: 239-481-1331

Notice is hereby given that the Lee County Board of Commissioners will hold a public hearing at 9:30 am on Monday, October 17, 2005, 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

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 Luisa V Villa at 479-8585.

DEPARTMENT OF COMMUNITY
DEVELOPMENT

CASE NUMBER

REZ2005-00005

NAME OF CASE

Lot 4 & 5 Block E
Cottage Point

Ms. Tracy Bean
Bean, Whitaker, Lutz & Kareh, Inc.
13041 McGregor Blvd.
Fort Myers, FL 33919

Brian McDonald
16791 Palm Road
Ft. Myers, Florida 33908

**MEMORANDUM
FROM THE
DEPARTMENT OF
COMMUNITY DEVELOPMENT
ZONING DIVISION**

DATE: June 7, 2005

TO: File - REZ2005-00005

FROM: Jamie Prancing
Secretary, Internal Services

RE: Notice of Public Hearing - June 22, 2005 HEX

I, Jamie Prancing, 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: REZ2005-00005

CASE NAME: LOTS 4 & 5 BLOCK E, COTTAGE PO

REQUEST: Rezone a 39,900 sq. ft. parcel from Agricultural (AG-2) to Special Commercial Office District (CS-2) to allow the development of the site with an office building.

LOCATION: The subject property is located at 16829 McGregor Boulevard, in S02 (Section)-T46 (Township)S-R23 (Range)E, Lee County, Florida.

SIZE OF PROPERTY: 0.92 Acres ±

STAFF REPORT: Direct inquiries to Chahram Badamtchian, Senior Planner, at (239) 479-8372, at the Department of Community Development, 1500 Monroe St., Ft. Myers, FL 33901.

PROPERTY OWNER'S REPRESENTATIVE: MS. TRACY BEAN
BEAN, WHITAKER, LUTZ, & KAREH
239-481-1331

Notice is hereby given that the Lee County Hearing Examiner will hold a public hearing at 9:00 AM on 06/22/2005 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 Jamie Prining at 239/479-8585.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division

02-46-23-00-00010.0000
UNITED TELEPHONE CO OF FL
ATTN: KERI SULLIVAN
P O BOX 12913
SHAWNEE MISSION, KS 66282

02-46-23-00-00010.0030
STROUD JOHN L + PATRICIA A
16885 MCGREGOR BLVD
FT MYERS, FL 33908

02-46-23-00-00013.0000
AMAZON ENTERPRISES INC
15630 MCGREGOR BLVD
FORT MYERS, FL 33908

02-46-23-01-0000C.0060
LCD TRUCKING INC
16806 MCGREGOR BLVD
FT MYERS, FL 33908

02-46-23-01-0000C.0090
LCD TRUCKING INC
16806 MCGREGOR BLVD
FT MYERS, FL 33908

02-46-23-01-0000C.0130
LANDBEL INC
16836 MCGREGOR BLVD
P O BOX 08337
FT MYERS, FL 33908

02-46-23-01-0000C.0150
IRVELLO MARLO + KATHY
14721 LAKE OLIVE DR
FORT MYERS, FL 33919

02-46-23-01-0000E.0010
MCCANCE MARCUS R + R GAYLE
1811 VALLEY VISTA DR
BORDEN, IN 47106

02-46-23-01-0000E.0060
MARTZ JAMES E + DONNA L
16807 MCGREGOR BLVD
FORT MYERS, FL 33908

02-46-23-01-0000E.0100
TARVIN ROBERT TR
16191 CARVER GARDNES DR
FORT MYERS, FL 33908

02-46-23-00-00010.0020
AMAZON ENTERPRISES INC
15630 MCGREGOR BLVD #102
FORT MYERS, FL 33908

02-46-23-00-00011.0020
ROHL STEVEN L + SHERRY
13091 CINNABAR LN
FT MYERS, FL 33908

02-46-23-01-0000C.0050
LCD TRUCKING INC
16806 MCGREGOR BLVD
FT MYERS, FL 33908

02-46-23-01-0000C.0080
LCD TRUCKING INC
16806 MCGREGOR BLVD
FT MYERS, FL 33908

02-46-23-01-0000C.0110
LANDBEL INC
P O BOX 08337
FORT MYERS, FL 33908

02-46-23-01-0000C.0140
MASSEY ROY
16400 COOK ROAD
FT MYERS, FL 33908

02-46-23-01-0000C.0170
FLAG CORPORATION
ROBERT NOVACK ESQ
EDWARDS + ANGELL LLP
51 JOHN F KENNEDY PKWY
SHORT HILLS, NJ 07078

02-46-23-01-0000E.0020
MCCANCE MARCUS R + R GAYLE
16839 MCGREGOR BLVD
FORT MYERS, FL 33908

02-46-23-01-0000E.0080
MARLATT MARLY T
C/O JOSEPH LOPATOFISKY
2002 WYOMING AVE
WYOMING, PA 18644

02-46-23-01-0000E.0110
TARVIN ROBERT TR
16191 CARVER GARDENS DR
FORT MYERS, FL 33908

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

02-46-23-01-0000E.0180
FOLEY THERESA V + EDWARD S
16790 JOHN MORRIS RD
FORT MYERS, FL 33908

02-46-23-01-0000E.0200
ROWLANDS HOWARD +
16790 JOHN MORRIS RD
FORT MYERS, FL 33908

02-46-23-02-0000D.0510
HEALY BRIAN K
P O BOX 1098
SANIBEL, FL 33957

02-46-23-02-0000D.0540
O'DONNELL KELLY +
16680 ARBOR RIDGE DR
FORT MYERS, FL 33908

02-46-23-02-0000D.0560
JOHNSON DANIEL J
16640 ARBOR RIDGE DR
FORT MYERS, FL 33908

02-46-23-02-0000D.0950
OCONNELL LEE ANN
16681 AMAZON LN
FORT MYERS, FL 33908

02-46-23-02-0000D.0970
NELLIS HARRY L + ANNE MARIE
14581 DAFFODIL DR UNIT 2107
FORT MYERS, FL 33919

02-46-23-02-0000F.001A
HAELY EILEEN K +
16801 PALM RD
FORT MYERS, FL 33908

02-46-23-01-0000E.0140
BUSCH ROBERT + ANNA
16710 JOHN MORRIS RD
FORT MYERS, FL 33908

02-46-23-01-0000E.0160
BROWNING TED R + TERESA L
611 HENRY AVE
LEHIGH ACRES, FL 33936

02-46-23-01-0000E.0190
SPARKS THERESA V
16790 JOHN MORRIS RD
FT MYERS, FL 33908

02-46-23-02-0000D.0170
DOANE DAVID
16600 S OLEANDER DR
FT MYERS, FL 33908

02-46-23-02-0000D.0520
DENSON LEE C TR
16806 MCGREGOR BLVD
FORT MYERS, FL 33908

02-46-23-02-0000D.0550
WILCOX LANCE C
1339 SANTOS RD
FORT MYERS BEACH, FL 33931

02-46-23-02-0000D.0940
DEEBOLD ANNA TR
15025 BONAIRE CIR
FT MYERS, FL 33908

02-46-23-02-0000D.0960
BURPEE MARILYN
16710 JOHN MORRIS RD
FORT MYERS, FL 33908

02-46-23-02-0000F.0010
MCDONALD BRIAN
16791 PALM RD
FORT MYERS, FL 33908

02-46-23-02-0000F.0030
FARMERS + MERCHANTS STATE
484 E MAIN ST
BUSHNELL, IL 61422

02-46-23-02-0000F.0050
GOMEZ HUBERT G
16811 JACARANDA DR
FORT MYERS, FL 33908

02-46-23-02-0000F.0070
FARST RUSSELL A + PATRICIA M
3784 COQUINE DR
SANIBEL, FL 33957

02-46-23-02-0000F.0090
WILLIAMSON KAREN F
16830 JACARANDA DR
FORT MYERS, FL 33908

02-46-23-02-0000F.0110
MCCANCE MARCUS R + R GAYLE
1811 VALLEY VISTA DR
BORDEN, IN 47106

02-46-23-02-0000G.0010
DANIELS CLARENCE E +
16758 MCGREGOR BLVD
FT MYERS, FL 33908

02-46-23-02-0000G.0030
MILLIGAN CLARA F
16817 WINDCREST DR
FORT MYERS, FL 33908

02-46-23-02-0000G.0050
DELL STEVEN E
16833 WINDCREST DR
FT MYERS, FL 33908

02-46-23-02-0000G.0070
NEWCOMB PAUL R + CARMEL B
10081 FOREST RIVER LN
FORT MYERS, FL 33908

02-46-23-02-0000I.0010
WILLIAMS JAMES P + ROXANA M
P O BOX 8367
FORT MYERS, FL 33908

02-46-23-02-0000F.0060
MURRAY PATRICIA L
16831 JACARANDA DR
FORT MYERS, FL 33908

02-46-23-02-0000F.0080
WILLIAMSON KAREN F
16830 JACARANDA DR
FORT MYERS, FL 33908

02-46-23-02-0000F.0100
WILLIAMS ROBERT D + ANN H
22 HALEWOOD RD
GATEACRE
LIVERPOOL L253PG,
UNITED KINGDOM

02-46-23-02-0000F.0120
MCCANCE MARCUS R + R GAYLE
1811 VALLEY VISTA DR
BORDEN, IN 47106

02-46-23-02-0000G.0020
LAVORGNA ANTHONY N + CATHERINE
16809 WINDCREST DR
FORT MYERS, FL 33908

02-46-23-02-0000G.0040
KLOHS GEORGE +
16825 WINDCREST DR
FORT MYERS, FL 33908

02-46-23-02-0000G.0060
FURA KENNETH C + CAROL J
4632 CAMBRIA-WILSON RD
LOCKPORT, NY 14094

02-46-23-02-0000G.0080
DUNGAN ANN M
297 DONORA BLVD
FORT MYERS BEACH, FL 33931

Ms. Tracy Bean
Bean, Whitaker, Lutz & Kareh, Inc.
13041 McGregor Blvd.
Fort Myers, FL 33919

Mr. Craig Smith
W. Dexter Bender & Associates, Inc.
2052 Virginia Avenue
Fort Myers, FL 33901

Peter D. Craig
4720 SE 15th Ave. #206
Cape Coral, FL 33904

Barbara England, CAM
Lexington Country Club
16257 Willowcrest Way
Ft. Myers, FL 33908

(*Iona/McGregor)

John Fulton
Harbour Isle Estates
12377 Anglers Cove
Ft. Myers, FL 33908

(*Iona/McGregor)

Len Ahlfeld, Chairman (*Iona/McGregor)
Kelly Greens Community Awareness Committee
12811 Kelly Sands Way
Fort Myers FL 33908

Charles Fuechsel, President (*Iona/McGregor)
Palm Acres Homeowner's Assoc.
P.O. Box 08191
Ft. Myers, FL 33908

Jerry Murphy (*Iona/McGregor)
Town Of Fort Myers Beach
2523 Estero Blvd.
Fort Myers Beach, FL 33931

(*Iona/McGregor)



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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

James G. Yeager
County Attorney

Diana M. Parker
County Hearing
Examiner

September 28, 2005

479-8585

MS. TRACY BEAN
BEAN, WHITAKER, LUTZ, & KAREH
13041 MCGREGOR BLVD
FT. MYERS, FL 33919

**RE: Agenda Schedule for LOTS 4 & 5 BLOCK E, COTTAGE PO
Case No. REZ2005-00005**

Dear MS. TRACY BEAN :

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, October 17, 2005. 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

Luisa V Villa
Administrative Assistant

cc: MR. PETER D CRAIG
MR. & MRS. PETER & PATRICIA CRAIG
Chahram Badamtchian, Senior Planner
Zoning File

MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY

RECEIVED
SEP 29 2005

COMMUNITY DEVELOPMENT

DATE: September 28, 2005

To: Jamie Princing

Community Development - ISA

Lots 4 & 5, Cottage Point

RE: Zoning Case #REZ2005-00005
Resolution No. Z-05-052

FROM: Maria M. Encarnacion

Legal Administrative Secretary

Attached hereto please find a legal verification letter in connection with the above matter.
Please place this letter in the appropriate file.

Thank you.

/mme
Attachment



Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard
Fort Myers, Florida 33919-5910
email – fmoffice@bwlk.net
(Ph) 239-481-1331 (Fax) 239-481-1073

RECEIVED BY
LEE CO. ATTORNEY

2005 SEP 28 AM 8:02

September 26, 2005

Mr. John J. Fredyma, Assistant County Attorney
Lee County Attorneys Office
Post Office Box 398
Fort Myers, FL 33902-0398

Reference: Lots 4-5, Cottage Point
Zoning Case No. REZ 2005-00005
Resolution No. Z-05-052
BWLK Project No. 36385

Dear Mr. Fredyma:

I have reviewed the language in the draft resolution and find it accurately reflects the Hearing Examiner's recommendation. The legal description provided is also correct and accurately reflects the platted information.

Sincerely,

Bean, Whitaker, Lutz & Kareh, Inc.

Tracy N. Bean, AICP
Zoning & Land Use Coordinator

TNB/AJ

cc: Chahram Badamtchian, Senior Planner, DCD/Zoning
36385FREDYMA1

PRINCIPALS

WILLIAM E. BEAN, PSM, CHAIRMAN
SCOTT C. WHITAKER, PSM, PRESIDENT
JOSEPH L. LUTZ, PSM
AHMAD R. KAREH, PE, MSCE, VICE PRESIDENT

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS



ASSOCIATES:

TRACY N. BEAN, AICP
CHARLES D. KNIGHT, PSM
W. BRITT POMEROY, JR., PSM
STEPHEN H. SKORUPSKI, PSM
ELWOOD FINEFIELD, PSM
JAMES A. HESSLER, PSM
JAMES R. COLEMAN, PSM
RUDOLF A. NORMAN, PE

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 479-8585

Bob Janes
District One

May 23, 2005

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

Ms. Tracy Bean
Bean, Whitaker, Lutz & Kareh, Inc.
13041 McGregor Blvd.
Fort Myers, FL 33919

Re: Agenda Schedule for Lots 4-5, Block E Cottage Point Rezoning
Case No. REZ2005-00005

Dear Ms. Tracy Bean:

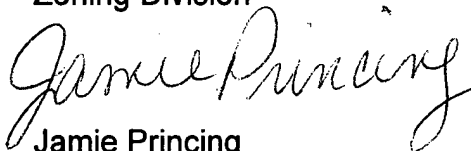
Your zoning request has been scheduled before the Hearing Examiner on June 22, 2005, at 9:00 a.m. The hearing will be conducted in the Hearing Examiner Meeting Room, 1500 Monroe St., Ft. Myers, FL.

Be advised all exhibits presented to Hearing Examiner will be retained for the records. The Hearing Examiner encourages the applicant to provide reduced copies of these exhibits for the record as an alternative to a full size copy.

Your zoning sign will be ready for pickup any time after May 25, 2005, at the drive-thru window at 1500 Monroe St., Ft. Myers, FL. This sign must be posted in accordance with Department procedures no later than June 7, 2005, and is to remain posted until final decision is rendered.

Call if you have any questions.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division



Jamie Princing
Administrative Assistant

cc: Peter D. Craig
W. Dexter Bender & Associates, Inc.
Chahram Badamtschian, Senior Planner
Zoning File

U:\200505\REZ20050.000\5\APPLICANTLETTER.WPD



Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard
Fort Myers, Florida 33919-5910
email – fmoffice@bwlk.net
(Ph) 239-481-1331 (Fax) 239-481-1073

April 8, 2005

Mr. Chahram Badamtchian, Senior Planner
Division of Zoning
Lee County Department of Community Development
1500 Monroe Street, 2nd Floor
Fort Myers, FL. 33901

Reference: REZ2005-00005
Lots 4 and 5, Block E, Cottage Point Subdivision
BWLK Project No. 36385

Dear Mr. Badamtchian:

I have reviewed the information provided for the zoning application referenced above and find the language satisfactory. The tentative date of June 8, 2005 is not convenient for me as I will be unavailable June 6 through June 15, 2005. If a new date can be scheduled after the 15th, I would appreciate it.

Sincerely,

Bean, Whitaker, Lutz & Kareh, Inc.

Tracy N. Bean, AICP
Zoning & Land Use Coordinator

TNB/BS

36385Badamtchian1

RECEIVED
APR 07 2005

COMMUNITY DEVELOPMENT

PRINCIPALS

WILLIAM E. BEAN, PSM, CHAIRMAN
SCOTT C. WHITAKER, PSM, PRESIDENT
JOSEPH L. LUTZ, PSM
AHMAD R. KAREH, PE, MSCE, VICE PRESIDENT

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS



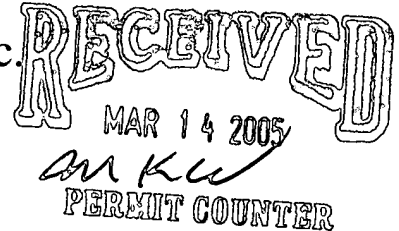
ASSOCIATES:

TRACY N. BEAN, AICP
CHARLES D. KNIGHT, PSM
W. BRITT POMEROY, JR., PSM
STEPHEN H. SKORUPSKI, PSM
ELWOOD FINEFIELD, PSM
JAMES A. HESSLER, PSM
JAMES R. COLEMAN, PSM
RUDOLF A. NORMAN, PE



Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard
Fort Myers, Florida 33919-5910
email - fmoffice@bwlk.net
(Ph) 239-481-1331 (Fax) 239-481-1073



March 14, 2005

Hand Delivered

Ms. Pamela Houck, Director
Division of Zoning
Lee County Department of Community Development
1500 Monroe Street
Fort Myers, FL 33901

Reference: Lots 4-5, Block E, Cottage Point Subdivision
Rezone 0.96 Acres from AG-2 to CN-2
BWLK Project No. 36385 2-46-23

Dear Ms. Houck:

Enclosed herewith is an Application for a Public Hearing for a Conventional Rezoning of 0.96 acres. The parcel is located at the southeast corner of McGregor Boulevard and Jacaranda Drive.

The following items are included for your review:

1. A check for the review fee for a Conventional Rezoning of \$2,500.00 and two (2) sets of mailing labels.
2. One (1) original application and one (1) copy of all required exhibits/attachments.
3. One (1) original environmental assessment, soils and FLUCCS map and a copy of the most recent warranty deed.

If you should have any questions, please do not hesitate to call me.

Sincerely,

Bean, Whitaker, Lutz & Kareh, Inc.

Tracy N. Bean, AICP
Zoning & Land Use Coordinator

TNB/AJ

Enclosures

cc: Mr. Peter Craig, Owner/Applicant
36385HOUCK1

PRINCIPALS

WILLIAM E. BEAN, PSM, CHAIRMAN
SCOTT C. WHITAKER, PSM, PRESIDENT
JOSEPH L. LUTZ, PSM
AHMAD R. KAREH, PE, MSCE, VICE PRESIDENT

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS



ASSOCIATES:

TRACY N. BEAN, AICP
CHARLES D. KNIGHT, PSM
W. BRITT POMEROY, JR., PSM
STEPHEN H. SKORUPSKI, PSM
ELWOOD FINEFIELD, PSM
JAMES A. HESSLER, PSM
JAMES R. COLEMAN, PSM
RUDOLF A. NORMAN, PE



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 479-8372

Bob Janes
District One

Douglas R. St.
Cerny

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yeager
County Attorney

Diana M. Parker
County Hearing
Examiner

April 07, 2005

MS. TRACY BEAN
BEAN, WHITAKER, LUTZ, & KAREH
13041 MCGREGOR BLVD
FORT MYERS, FL 33919

Re: LOTS 4 & 5 BLOCK E. COTTAGE PO
REZ2005-00005 - REZ Application (conv rezone)

Dear MS. TRACY BEAN :

The Zoning Division has reviewed the information provided and supplemented for the rezoning request referenced above. The application is now complete and the formal request has been drafted from your application as follows:

Application to rezone a 39,900 sq. ft. parcel from Agricultural (AG-2) to Special Commercial Office District (CS-2) to allow the development of the site with an office building.

Please review this language carefully, and notify me in writing by April 21, 2005 whether or not this wording is satisfactory. The Staff Report is now being prepared. This request has been tentatively scheduled for public hearing before the Lee County Hearing Examiner on June 22, 2005. 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.

MS. TRACY BEAN
BEAN, WHITAKER, LUTZ, & KAREH
RE: LOTS 4 & 5 BLOCK E, COTTAGE PO
REZ2005-00005
April 7, 2005
Page 2

Please 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



Chahram Badamtchian
Senior Planner

copy w/o attachments:

Dawn Lehnert, Assistant County Attorney
Pamela Houck, Division Director
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Jamie Prining, DCD Admin
Tina Silcox, Lee County School District
Zoning/REZ Files



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 479-8372

Bob Janes
District One

Douglas R. St.
Cerny

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yeager
County Attorney

Diana M. Parker
County Hearing
Examiner

March 31, 2005

MS. TRACY BEAN
BEAN, WHITAKER, LUTZ, & KAREH
13041 MCGREGOR BLVD
FORT MYERS, FL 33919

Re: LOTS 4 & 5 BLOCK E. COTTAGE PO
REZ2005-00005 - REZ Application (conv rezone)

Dear MS. TRACY BEAN :

The Zoning Division has reviewed the information provided and supplemented for the rezoning request referenced above. The application is now complete and the formal request has been drafted from your application as follows:

Application to rezone a 39,900 sq. ft. parcel from Agricultural (AG-2) to Special Commercial Office District (CS-2) to allow the development of the site with an office building.

Please review this language carefully, and notify me in writing by April 14, 2005 whether or not this wording is satisfactory. The Staff Report is now being prepared. This request has been tentatively scheduled for public hearing before the Lee County Hearing Examiner on June 8, 2005. 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.

MS. TRACY BEAN
BEAN, WHITAKER, LUTZ, & KAREH
RE: LOTS 4 & 5 BLOCK E, COTTAGE PO
REZ2005-00005
March 31, 2005
Page 2

Please 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


Chahram Badamtchian
Senior Planner

copy w/o attachments:
Dawn Lehnert, Assistant County Attorney
Pamela Houck, Division Director
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Jamie Princing, DCD Admin
Tina Silcox, Lee County School District
Zoning/REZ Files

BEAN, WHITAKER, LUTZ & KAREH, INC.
CIVIL ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS
13041 MCGREGOR BOULEVARD
FORT MYERS, FL 33919-5910
E-mail – FMOFFICE@BWLK.NET

Phone: 239-481-1331

Fax: 239-481-1073

FAX TRANSMITTAL LETTER

TO: Chahram Badamtchian, Planner Date: 03-18-05
COMPANY: Lee County Community Development - Division of Zoning
PHONE NO.: 479-8585
FAX NO.: 479-8313
FROM: Tracy N. Bean, AICP
COMPANY: Bean, Whitaker, Lutz & Kareh, Inc.
PROJECT NO.: 36385/REZ 2005-00005
NO. PAGES: 2

Comment: After reviewing the list of uses in the CN-2 District, we find it is more appropriate to change our request to CS-2, Special Office District. It is not the applicants intent to develop a convenience store or gas station or other use that would be incompatible with the surrounding residential neighborhood.

Thank You,
Tracy N. Bean, AICP

cc: Peter Craig, Applicant

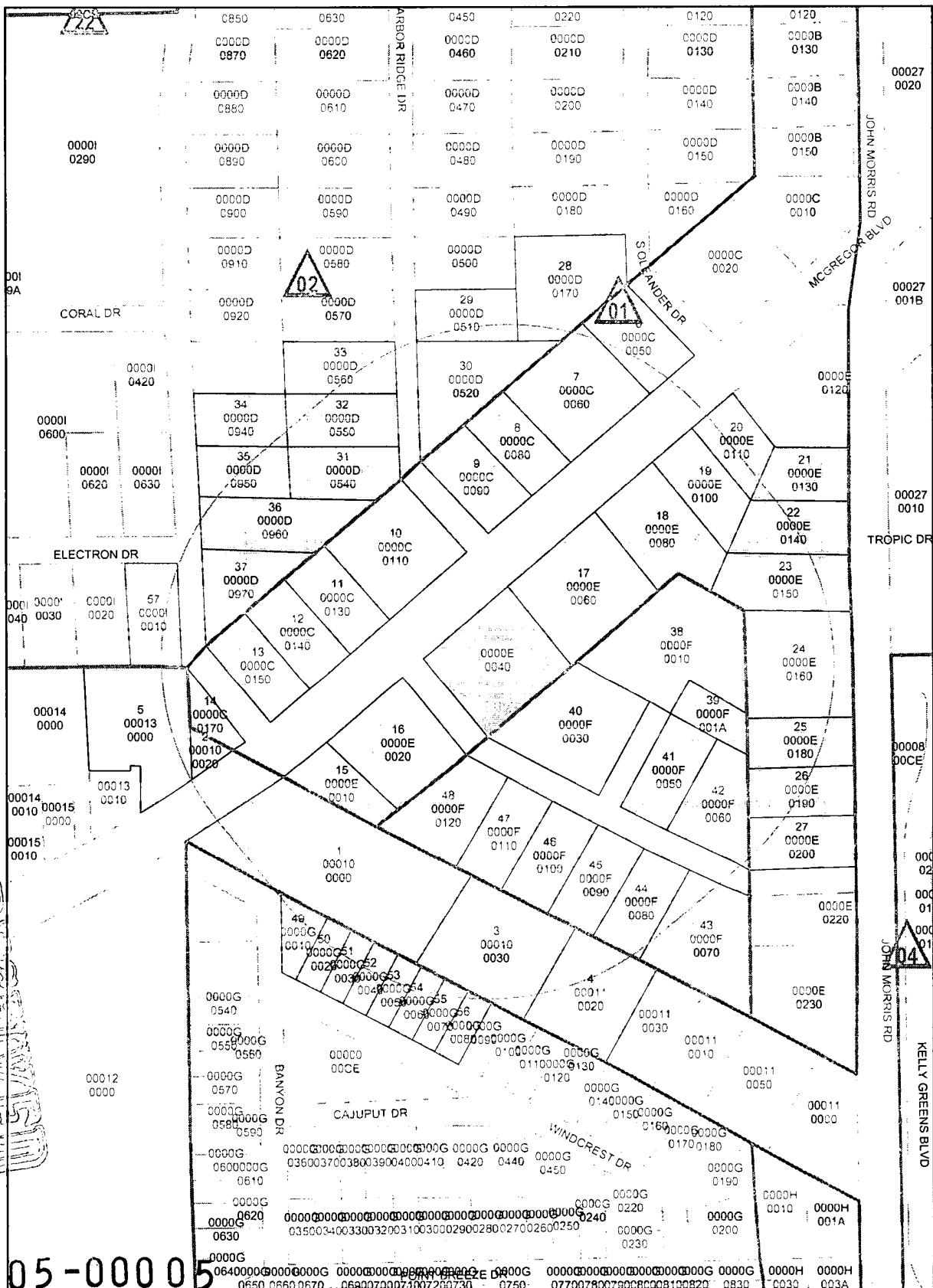
IF YOU EXPERIENCE DIFFICULTIES OR DO NOT RECEIVE ALL PAGES, PLEASE TELEPHONE THE ABOVE NAMED AT 239-481-1331.

Fax Trans BWLK

VARIANCE REPORT

2/22/2005

Subject Parcels : 1 Affected Parcels : 57 Buffer Distance : 500 ft

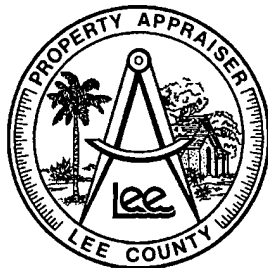


RECEIVED
MAR 14 2005
PERMIT

REZ2005-00005



02-46-23-01-0000E.0040 320 160 0 320 Feet



Lee County Property Appraiser

Kenneth M. Wilkinson, C.F.A.

GIS Department / Map Room

Phone: (239) 339-6159 • Fax: (239) 339-6139 • eMail: MapRoom@LeePA.org

VARIANCE REPORT

Date of Report: February 22, 2005
Buffer Distance: 500 ft
Parcels Affected: 57
Subject Parcel: 02-46-23-01-0000E.0040

RECEIVED
MAR 14 2005

PERMIT COUNTER

REZ2005-00005

<u>OWNER NAME AND ADDRESS</u>	<u>STRAP AND LOCATION</u>	<u>LEGAL DESCRIPTION</u>	<u>Map Index</u>
UNITED TELEPHONE CO OF FL ATTN: KERI SULLIVAN P O BOX 12913 SHAWNEE MISSION KS 66282	02-46-23-00-00010.0000 16875 MCGREGOR BLVD FORT MYERS FL 33908	PARL IN SE 1/4 OF SE 1/4 DESC OR 1455 PG 230 LESS PARLS 100.001 THRU 10.003	1
AMAZON ENTERPRISES INC 15630 MCGREGOR BLVD #102 FORT MYERS FL 33908	02-46-23-00-00010.0020 16874 MCGREGOR BLVD FORT MYERS FL 33908	PARL IN S E 1/4 OF S E 1/4 SEC 2 TWP 46 R 23	2
STROUD JOHN L + PATRICIA A 16885 MCGREGOR BLVD FT MYERS FL 33908	02-46-23-00-00010.0030 16885 MCGREGOR BLVD FORT MYERS FL 33908	FR SW COR SE1/4 OF SE1/4 TH N991 TH SE500 TO POB TH SE218 NE200 NW218 SW200POB	3
ROHL STEVEN L + SHERRY 13091 CINNABAR LN FT MYERS FL 33908	02-46-23-00-00011.0020 13091 CINNABAR LN FORT MYERS FL 33908	A PAR AS DESC IN OR 1288 PG 1758 + OR 2435 PG 3813	4
AMAZON ENTERPRISES INC 15630 MCGREGOR BLVD FORT MYERS FL 33908	02-46-23-00-00013.0000 16886 MCGREGOR BLVD FORT MYERS FL 33908	BEG NE COR SW 1/4 OF SE 1/4 W 200 FT.S TO BLVD. NELY ALG N SI BLVD.TO PT S	5
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 LOT 5	6
LCD TRUCKING INC 16806 MCGREGOR BLVD FT MYERS FL 33908	02-46-23-01-0000C.0060 16790 MCGREGOR BLVD FORT MYERS FL 33908	COTTAGE POINT BLK C PB 9 PG 133 LOTS 6 + 7	7
LCD TRUCKING INC 16806 MCGREGOR BLVD FT MYERS FL 33908	02-46-23-01-0000C.0080 16806 MCGREGOR BLVD FORT MYERS FL 33908	COTTAGE POINT BLK C PB 9 PG 133 LOT 8	8
LCD TRUCKING INC 16806 MCGREGOR BLVD FT MYERS FL 33908	02-46-23-01-0000C.0090 16814 MCGREGOR BLVD FORT MYERS FL 33908	COTTAGE POINT BLK C PB 9 PG 133 LOT 9	9
LANDBEL INC P O BOX 08337 FORT MYERS FL 33908	02-46-23-01-0000C.0110 16824 MCGREGOR BLVD FORT MYERS FL 33908	COTTAGE POINT BLK C PB 9 PG 133 LOTS 11 + 12	10
LANDBEL INC 16836 MCGREGOR BLVD P O BOX 08337 FT MYERS FL 33908	02-46-23-01-0000C.0130 16836 MCGREGOR BLVD FORT MYERS FL 33908	COTTAGE POINT BLK C PB 9 PG 133 LOT 13	11
MASSEY ROY 16400 COOK ROAD FT MYERS FL 33908	02-46-23-01-0000C.0140 16842 MCGREGOR BLVD FORT MYERS FL 33908	COTTAGE POINT BLK C PB 9 PG 133 LOT 14	12
IRVELLO MARLO + KATHY 14721 LAKE OLIVE DR FORT MYERS FL 33919	02-46-23-01-0000C.0150 16848 MCGREGOR BLVD FORT MYERS FL 33908	COTTAGE POINT BLK C PB 9 PG 133 LOT 15	13

<u>OWNER NAME AND ADDRESS</u>	<u>STRAP AND LOCATION</u>	<u>LEGAL DESCRIPTION</u>	<u>Map Index</u>
FLAG CORPORATION ROBERT NOVACK ESQ EDWARDS + ANGELL LLP 51 JOHN F KENNEDY PKWY SHORT HILLS NJ 07078	02-46-23-01-0000C.0170 16858 MCGREGOR BLVD FORT MYERS FL 33908	COTTAGE POINT BLK.C PB 9 PG 133 LOT 17	14
MCCANCE MARCUS R + R GAYLE 1811 VALLEY VISTA DR BORDEN IN 47106	02-46-23-01-0000E.0010 16849 MCGREGOR BLVD FORT MYERS FL 33908	COTTAGE POINT SUBD. BLK E PB 9 PG 133 PT LOT 1	15
MCCANCE MARCUS R + R GAYLE 16839 MCGREGOR BLVD FORT MYERS FL 33908	02-46-23-01-0000E.0020 16839 MCGREGOR BLVD FORT MYERS FL 33908	COTTAGE POINT BLK E PB 9 PG 133 LT 2 + PT LOT 1 E 80 FT	16
MARTZ JAMES E + DONNA L 16807 MCGREGOR BLVD 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 C/O JOSEPH LOPATOFSKY 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
TARVIN ROBERT TR 16191 CARVER GARDNES DR FORT MYERS FL 33908	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
TARVIN ROBERT TR 16191 CARVER GARDENS DR FORT MYERS FL 33908	02-46-23-01-0000E.0110 16781 MCGREGOR BLVD FORT MYERS FL 33908	COTTAGE POINT BLK E PB 9 PG 133 LOT 11	20
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	21
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	22
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	23
BROWNING TED R + TERESA L 611 HENRY AVE LEHIGH ACRES FL 33936	02-46-23-01-0000E.0160 16730 JOHN MORRIS RD FORT MYERS FL 33908	COTTAGE POINT SUBD. BLK E PB 9 PG 133 LOTS 16 + 17	24
FOLEY THERESA V + EDWARD S 16790 JOHN MORRIS RD FORT MYERS FL 33908	02-46-23-01-0000E.0180 16770 JOHN MORRIS RD FORT MYERS FL 33908	COTTAGE POINT SUBD. BLK E PB 9 PG 133 LOT 18	25
SPARKS THERESA V 16790 JOHN MORRIS RD FT MYERS FL 33908	02-46-23-01-0000E.0190 16790 JOHN MORRIS RD FORT MYERS FL 33908	COTTAGE POINT SUBD BLK E PB 9 PG 133 LOT 19	26
ROWLANDS HOWARD + 16790 JOHN MORRIS RD FORT MYERS FL 33908	02-46-23-01-0000E.0200 16810 JOHN MORRIS RD FORT MYERS FL 33908	COTTAGE POINT SUBD. BLK E PB 9 PG 133 LOT 20	27
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	28
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	29
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	30
O'DONNELL KELLY + 16680 ARBOR RIDGE DR FORT MYERS FL 33908	02-46-23-02-0000D.0540 16680 ARBOR RIDGE DR FORT MYERS FL 33908	COTTAGE POINT UNREC BLK D DB 259/224 LOT 54.	31

<u>OWNER NAME AND ADDRESS</u>	<u>STRAP AND LOCATION</u>	<u>LEGAL DESCRIPTION</u>	<u>Map Index</u>
WILCOX LANCE C 1339 SANTOS RD FORT MYERS BEACH FL 33931	02-46-23-02-0000D.0550 16660 ARBOR RIDGE DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK D DB 259/224 LOT 55	32
JOHNSON DANIEL J 16640 ARBOR RIDGE DR FORT MYERS FL 33908	02-46-23-02-0000D.0560 16640 ARBOR RIDGE DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK D DB 259 PG 224 LOT 56	33
DEEBOLD ANNA TR 15025 BONAIRE CIR FT MYERS FL 33908	02-46-23-02-0000D.0940 16661 AMAZON LN FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK D PB 9 PG 133 LOT 94	34
OCONNELL LEE ANN 16681 AMAZON LN FORT MYERS FL 33908	02-46-23-02-0000D.0950 16681 AMAZON LN FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK.D DB 259 PG 224 LOT 95	35
BURPEE MARILYN 16710 JOHN MORRIS RD FORT MYERS FL 33908	02-46-23-02-0000D.0960 16701 AMAZON LN FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK.D DB 259 PG 224 LOT 96	36
NELLIS HARRY L + ANNE MARIE 14581 DAFFODIL DR UNIT 2107 FORT MYERS FL 33919	02-46-23-02-0000D.0970 16721 AMAZON LN FT MYERS FL 33908	COTTAGE POINT UNREC. BLK D DB 259 PG 224 LOT 97	37
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	38
HAELY EILEEN K + 16801 PALM RD FORT MYERS FL 33908	02-46-23-02-0000F.001A 16801 PALM RD FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK F DB 259 PG 224PT LT 1 OR 1354 PG 996	39
FARMERS + MERCHANTS STATE 484 E MAIN ST BUSHNELL IL 61422	02-46-23-02-0000F.0030 16751 JACARANDA DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK F DB 259/224 LOTS 3 + 4	40
GOMEZ HUBERT G 16811 JACARANDA DR FORT MYERS FL 33908	02-46-23-02-0000F.0050 16811 JACARANDA DR #13 FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK F DB 259 PG 224 LOT 5	41
MURRAY PATRICIA L 16831 JACARANDA DR FORT MYERS FL 33908	02-46-23-02-0000F.0060 16831 JACARANDA DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK.F DB259/224 LOT 6	42
FARST RUSSELL A + PATRICIA M 3784 COQUINE DR SANIBEL FL 33957	02-46-23-02-0000F.0070 16850 JACARANDA DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK F DB 259/224 LOT 7	43
WILLIAMSON KAREN F 16830 JACARANDA DR FORT MYERS FL 33908	02-46-23-02-0000F.0080 16830 JACARANDA DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK F DB 259 PG 224 LOT 8	44
WILLIAMSON KAREN F 16830 JACARANDA DR FORT MYERS FL 33908	02-46-23-02-0000F.0090 16810 JACARANDA DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK.F DB259/224 LOT 9	45
WILLIAMS ROBERT D + ANN H 22 HALEWOOD RD GATEACRE LIVERPOOL L253PG UNITED KINGDOM	02-46-23-02-0000F.0100 16790 JACARANDA DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK.F DB 259 PG 224 LOT 10	46
MCCANCE MARCUS R + R GAYLE 1811 VALLEY VISTA DR BORDEN IN 47106	02-46-23-02-0000F.0110 16770 JACARANDA DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK.F DB 259 PG 224 LOT 11	47
MCCANCE MARCUS R + R GAYLE 1811 VALLEY VISTA DR BORDEN IN 47106	02-46-23-02-0000F.0120 16750 JACARANDA DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK.F DB 259 PG 224 LOT 12	48
DANIELS CLARENCE E + 16758 MCGREGOR BLVD FT MYERS FL 33908	02-46-23-02-0000G.0010 16801/03 BANYON DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK G DB 259/224 LOT 1	49

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
LAVORGNA ANTHONY N + CATHERINE 16809 WINDCREST DR FORT MYERS FL 33908	02-46-23-02-0000G.0020 16809 WINDCREST DR FORT MYERS FL 33908	COTTAGE POINT DB 259 PG 224 LOT 2	50
MILLIGAN CLARA F 16817 WINDCREST DR FORT MYERS FL 33908	02-46-23-02-0000G.0030 16817 WINDCREST DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK.G DB 259 PG 224 LOT 3	51
KLOHS GEORGE + 16825 WINDCREST DR FORT MYERS FL 33908	02-46-23-02-0000G.0040 16825 WINDCREST DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK.G DB 259 PG 224 LOT 4	52
DELL STEVEN E 16833 WINDCREST DR FT MYERS FL 33908	02-46-23-02-0000G.0050 16833 WINDCREST DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK G DB 259 PG 224 LOT 5	53
FURA KENNETH C + CAROL J 4632 CAMBRIA-WILSON RD LOCKPORT NY 14094	02-46-23-02-0000G.0060 16841 WINDCREST DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK.G DB 259 PG 224 LOT 6	54
NEWCOMB PAUL R + CARMEL B 10081 FOREST RIVER LN FORT MYERS FL 33908	02-46-23-02-0000G.0070 16849 WINDCREST DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK.G DB 259 PG 224 LOT 7	55
DUNGAN ANN M 297 DONORA BLVD FORT MYERS BEACH FL 33931	02-46-23-02-0000G.0080 16857 WINDCREST DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK G DB 259/224 LOT 8	56
WILLIAMS JAMES P + ROXANA M P O BOX 8367 FORT MYERS FL 33908	02-46-23-02-0000I.0010 13251 ELECTRON DR FORT MYERS FL 33908	COTTAGE POINT UNREC. BLK I DB 259/224 LOT 1	57

57 RECORDS PRINTED



COURTESY NOTICE TO ADJACENT PROPERTY OWNERS OF RECEIPT OF ZONING APPLICATION

Date: March 24, 2005

Case Number: REZ2005-00005

Case Name: LOTS 4 & 5 BLOCK E, COTTAGE PO

Request: Application to rezone a 39,900 sq. ft. parcel from Agricultural (AG-2) to Special Commercial Office District (CS-2) to allow the development of the site with an office building.

Location: 16829 McGregor Boulevard, Fort Myers, FL 33908

Location Map: SEE REVERSE

PROPERTY OWNER'S
REPRESENTATIVE: MS. TRACY BEAN
BEAN, WHITAKER, LUTZ, & KAREH
239-481-1331

Lee County Planner: Chahram Badamtchian
(239) 479-8372

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.

JMP

0 SCALE OF MILES 1/2
0 660 1320 1980 2640 SCALE OF FEET 5280

TWP.46S.-RNG.23E.

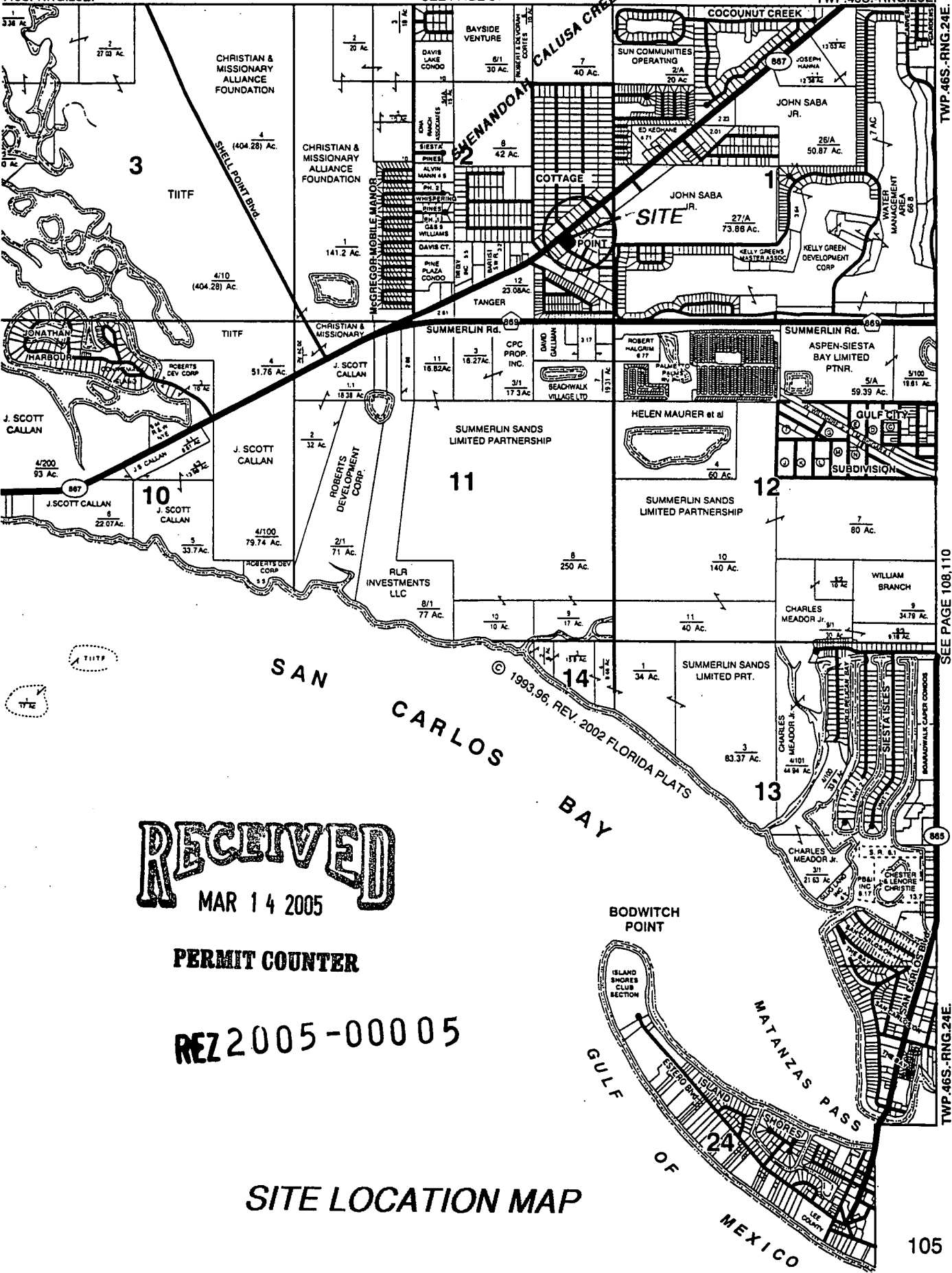
EAST PART
LEE COUNTY, FLORIDA

45S.-RNG.23E.

SEE PAGE 81

TWP.45S.-RNG.23E.

TWP.46S.-RNG.24E.



RECEIVED
MAR 14 2005

PERMIT COUNTER

REZ2005-00005

SITE LOCATION MAP

02-46-23-00-00010.0000
UNITED TELEPHONE CO OF FL
ATTN: KERI SULLIVAN
P O BOX 12913
SHAWNEE MISSION, KS 66282

02-46-23-00-00010.0030
STROUD JOHN L + PATRICIA A
16885 MCGREGOR BLVD
FT MYERS, FL 33908

02-46-23-00-00013.0000
AMAZON ENTERPRISES INC
15630 MCGREGOR BLVD
FORT MYERS, FL 33908

02-46-23-01-0000C.0060
LCD TRUCKING INC
16806 MCGREGOR BLVD
FT MYERS, FL 33908

02-46-23-01-0000C.0090
LCD TRUCKING INC
16806 MCGREGOR BLVD
FT MYERS, FL 33908

02-46-23-01-0000C.0130
LANDBEL INC
16836 MCGREGOR BLVD
P O BOX 08337
FT MYERS, FL 33908

02-46-23-01-0000C.0150
IRVELLO MARLO + KATHY
14721 LAKE OLIVE DR
FORT MYERS, FL 33919

02-46-23-01-0000E.0010
MCCANCE MARCUS R + R GAYLE
1811 VALLEY VISTA DR
BORDEN, IN 47106

02-46-23-01-0000E.0060
MARTZ JAMES E + DONNA L
16807 MCGREGOR BLVD
FORT MYERS, FL 33908

02-46-23-01-0000E.0100
TARVIN ROBERT TR
16191 CARVER GARDNES DR
FORT MYERS, FL 33908

02-46-23-00-00010.0020
AMAZON ENTERPRISES INC
15630 MCGREGOR BLVD #102
FORT MYERS, FL 33908

02-46-23-00-00011.0020
ROHL STEVEN L + SHERRY
13091 CINNABAR LN
FT MYERS, FL 33908

02-46-23-01-0000C.0050
LCD TRUCKING INC
16806 MCGREGOR BLVD
FT MYERS, FL 33908

02-46-23-01-0000C.0080
LCD TRUCKING INC
16806 MCGREGOR BLVD
FT MYERS, FL 33908

02-46-23-01-0000C.0110
LANDBEL INC
P O BOX 08337
FORT MYERS, FL 33908

02-46-23-01-0000C.0140
MASSEY ROY
16400 COOK ROAD
FT MYERS, FL 33908

02-46-23-01-0000C.0170
FLAG CORPORATION
ROBERT NOVACK ESQ
EDWARDS + ANGELL LLP
51 JOHN F KENNEDY PKWY
SHORT HILLS, NJ 07078

02-46-23-01-0000E.0020
MCCANCE MARCUS R + R GAYLE
16839 MCGREGOR BLVD
FORT MYERS, FL 33908

02-46-23-01-0000E.0080
MARLATT MARLY T
C/O JOSEPH LOPATOFISKY
2002 WYOMING AVE
WYOMING, PA 18644

02-46-23-01-0000E.0110
TARVIN ROBERT TR
16191 CARVER GARDENS DR
FORT MYERS, FL 33908

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

02-46-23-01-0000E.0180
FOLEY THERESA V + EDWARD S
16790 JOHN MORRIS RD
FORT MYERS, FL 33908

02-46-23-01-0000E.0200
ROWLANDS HOWARD +
16790 JOHN MORRIS RD
FORT MYERS, FL 33908

02-46-23-02-0000D.0510
HEALY BRIAN K
P O BOX 1098
SANIBEL, FL 33957

02-46-23-02-0000D.0540
O'DONNELL KELLY +
16680 ARBOR RIDGE DR
FORT MYERS, FL 33908

02-46-23-02-0000D.0560
JOHNSON DANIEL J
16640 ARBOR RIDGE DR
FORT MYERS, FL 33908

02-46-23-02-0000D.0950
OCONNELL LEE ANN
16681 AMAZON LN
FORT MYERS, FL 33908

02-46-23-02-0000D.0970
NELLIS HARRY L + ANNE MARIE
14581 DAFFODIL DR UNIT 2107
FORT MYERS, FL 33919

02-46-23-02-0000F.001A
HAELY EILEEN K +
16801 PALM RD
FORT MYERS, FL 33908

02-46-23-01-0000E.0140
BUSCH ROBERT + ANNA
16710 JOHN MORRIS RD
FORT MYERS, FL 33908

02-46-23-01-0000E.0160
BROWNING TED R + TERESA L
611 HENRY AVE
LEHIGH ACRES, FL 33936

02-46-23-01-0000E.0190
SPARKS THERESA V
16790 JOHN MORRIS RD
FT MYERS, FL 33908

02-46-23-02-0000D.0170
DOANE DAVID
16600 S OLEANDER DR
FT MYERS, FL 33908

02-46-23-02-0000D.0520
DENSON LEE C TR
16806 MCGREGOR BLVD
FORT MYERS, FL 33908

02-46-23-02-0000D.0550
WILCOX LANCE C
1339 SANTOS RD
FORT MYERS BEACH, FL 33931

02-46-23-02-0000D.0940
DEEBOLD ANNA TR
15025 BONAIRE CIR
FT MYERS, FL 33908

02-46-23-02-0000D.0960
BURPEE MARILYN
16710 JOHN MORRIS RD
FORT MYERS, FL 33908

02-46-23-02-0000F.0010
MCDONALD BRIAN
16791 PALM RD
FORT MYERS, FL 33908

02-46-23-02-0000F.0030
FARMERS + MERCHANTS STATE
484 E MAIN ST
BUSHNELL, IL 61422

02-46-23-02-0000F.0050
GOMEZ HUBERT G
16811 JACARANDA DR
FORT MYERS, FL 33908

02-46-23-02-0000F.0070
FARST RUSSELL A + PATRICIA M
3784 COQUINE DR
SANIBEL, FL 33957

02-46-23-02-0000F.0090
WILLIAMSON KAREN F
16830 JACARANDA DR
FORT MYERS, FL 33908

02-46-23-02-0000F.0110
MCCANCE MARCUS R + R GAYLE
1811 VALLEY VISTA DR
BORDEN, IN 47106

02-46-23-02-0000G.0010
DANIELS CLARENCE E +
16758 MCGREGOR BLVD
FT MYERS, FL 33908

02-46-23-02-0000G.0030
MILLIGAN CLARA F
16817 WINDCREST DR
FORT MYERS, FL 33908

02-46-23-02-0000G.0050
DELL STEVEN E
16833 WINDCREST DR
FT MYERS, FL 33908

02-46-23-02-0000G.0070
NEWCOMB PAUL R + CARMEL B
10081 FOREST RIVER LN
FORT MYERS, FL 33908

02-46-23-02-0000I.0010
WILLIAMS JAMES P + ROXANA M
P O BOX 8367
FORT MYERS, FL 33908

02-46-23-02-0000F.0060
MURRAY PATRICIA L
16831 JACARANDA DR
FORT MYERS, FL 33908

02-46-23-02-0000F.0080
WILLIAMSON KAREN F
16830 JACARANDA DR
FORT MYERS, FL 33908

02-46-23-02-0000F.0100
WILLIAMS ROBERT D + ANN H
22 HALEWOOD RD
GATEACRE
LIVERPOOL L253PG,
UNITED KINGDOM

02-46-23-02-0000F.0120
MCCANCE MARCUS R + R GAYLE
1811 VALLEY VISTA DR
BORDEN, IN 47106

02-46-23-02-0000G.0020
LAVORGNA ANTHONY N + CATHERINE
16809 WINDCREST DR
FORT MYERS, FL 33908

02-46-23-02-0000G.0040
KLOHS GEORGE +
16825 WINDCREST DR
FORT MYERS, FL 33908

02-46-23-02-0000G.0060
FURA KENNETH C + CAROL J
4632 CAMBRIA-WILSON RD
LOCKPORT, NY 14094

02-46-23-02-0000G.0080
DUNGAN ANN M
297 DONORA BLVD
FORT MYERS BEACH, FL 33931



Barbara England, CAM
Lexington Country Club
16257 Willowcrest Way
Ft. Myers, FL 33908

(*Iona/McGregor)

John Fulton
Harbour Isle Estates
12377 Anglers Cove
Ft. Myers, FL 33908

(*Iona/McGregor)

Jack Myatt, Chairman (*Iona/McGregor)
Kelly Greens Community Awareness Committee
16221 Kelly Woods Drive
Fort Myers FL 33908

Charles Fuechsel, President (*Iona/McGregor)
Palm Acres Homeowner's Assoc.
P.O. Box 08191
Ft. Myers, FL 33908



SECTION: 2
TOWNSHIP: 46 S
RANGE: 23 E

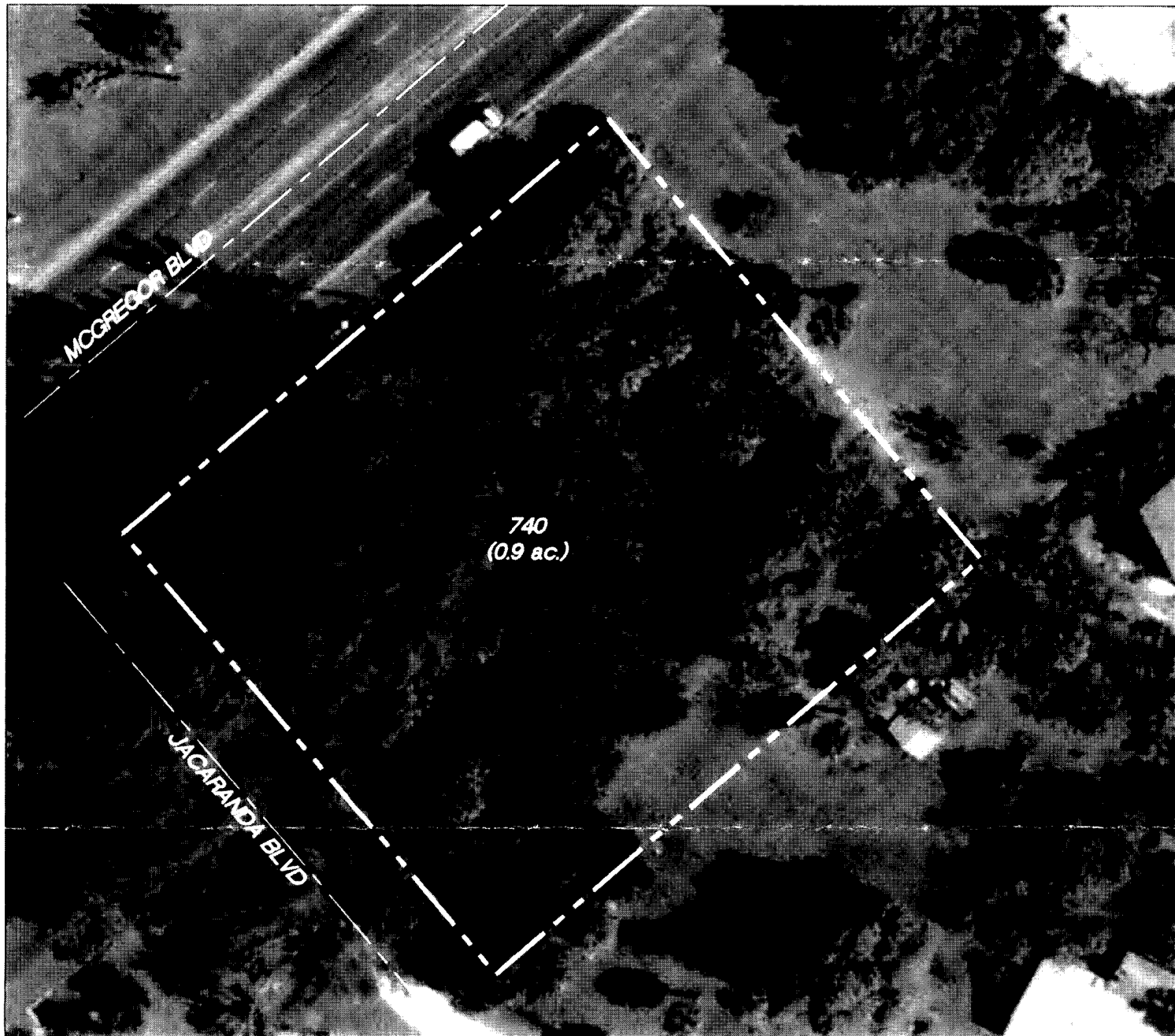
● VEGETATION MAP ●

0 25 50
SCALE FEET



Notes:

1. Mapping based on photointerpretation of 1" = 50' scale 2002 aerial photography and ground truthing in January 2005.
2. Property boundary obtained from survey by BASE LINE, INC.



FLUCCS
740

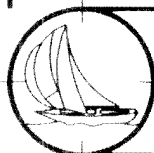
Description
Disturbed Land

Acreage
0.9 ac.

*PERMIT USE ONLY,
NOT FOR CONSTRUCTION*

February 07, 2005 9:40:54 a.m.
Drawing: CRAIG1PLN.DWG (DCS)

REF 2005-00005



**W. DEXTER BENDER
AND ASSOCIATES**
ENVIRONMENTAL & MARINE CONSULTING
FORT MYERS 239/334-3680
PORT CHARLOTTE 941/255-1462

**16829
MCGREGOR BLVD**

SHEET