

EXHIBITS

CASE # REZ2022-00014

CASE NAME: MCGREGOR STORAGE
REZONING

Attach copy of this form to top of packet of exhibits & place exhibits in case file.

ARE THERE ANY BOARD EXHIBITS? YES NO

LOCATION OF BOARDS _____

If there are any board exhibits, attach another copy of this form to boards for identification purposes.

EXHIBITS

Case # REZ2022-00014

APPLICANT

9,48 Hour

#1 power point

#2 _____

#3 _____

#4 _____

#5 _____

#6 _____

#7 _____

#8 _____

#9 _____

#10 _____

STAFF

#1 Staff Report

#2 power point

#3 _____

#4 _____

#5 _____

#6 _____

#7 _____

#8 _____

#9 _____

#10 _____

OTHER EXHIBITS

NAME

NUMBER

DESCRIPTION

_____ # _____

_____ # _____

_____ # _____

_____ # _____

_____ # _____

_____ # _____

Perez, Maria

From: Sharon Hrabak <Sharon@qainc.net>
Sent: Monday, November 7, 2022 10:51 AM
To: Perez, Maria
Cc: Chris King; Al Quattrone
Subject: [EXTERNAL] REZ2022-00014 MCGREGOR STORAGE REZONING
Attachments: Applicant's 48 Hour Notice REZ2022-00014.pdf

Maria

Please see the attached 48-hour notice.

Thank you,

Sharon Hrabak



4301 Veronica Shoemaker Blvd.
Fort Myers, Florida 33916
P: 239-936-5222 | F: 239-936-7228
sharon@qainc.net | www.qainc.net



Engineers, Planners & Development Consultants

**4301 Veronica Shoemaker Blvd. Fort Myers, FL
239.936.5222 | QAINC.net | f 239.936.7228**

November 4, 2022

Office of the Lee County Hearing Examiner
Lee County Department of Community Development
1500 Monroe Street, Room 218
Fort Myers, Florida 33901
Attention: Ms. Amanda L. Rivera

**Re: 48-Hour Notice for Case No. REZ2022-00014
McGregor Storage Rezoning
Hearing Date November 9, 2202**

Dear Madame Hearing Examiner Rivera

Please be advised that this firm represents the Applicant, Land America, LLC in reference to McGregor Storage Rezone. This is the Applicant's 48-hour letter regarding the staff report prepared on September 14, 2022, for the November 9, 2022, hearing date.

Notice of Outstanding Issues:

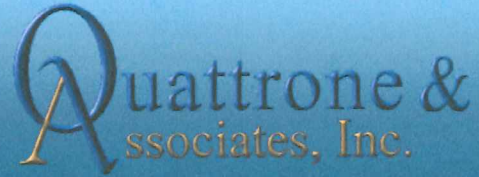
None

List of Exhibits

- I. PowerPoint Presentation – Exhibit 'B' (to be provided at hearing)

Sincerely,
Quattrone & Associates, Inc.


Al Quattrone, P.E.
President



Engineers, Planners & Development Consultants

McGregor Storage Conventional Rezoning

Lee County Hearing Examiner Public Hearing

Wednesday, November 9, 2022

11/01/2022

MCGREGOR STORAGE REZONING
REZ2022-00014

APPLICANT EXHIBIT#1

THE TEAM

AL QUATTRONE, P.E.

Land Use Consultant - Quattrone & Associates, Inc.

11/01/2022

MCGREGOR STORAGE REZONING
REZ2022-00014

PRESENTATION OUTLINE

- I. Zoning Request
- II. The Request
- III. Project Overview
- IV. Location
- V. Existing Zoning and Surrounding Uses
- VI. Future Land Use Map
- VII. Lee Plan Consistency
- VIII. Conclusion

THE REQUEST

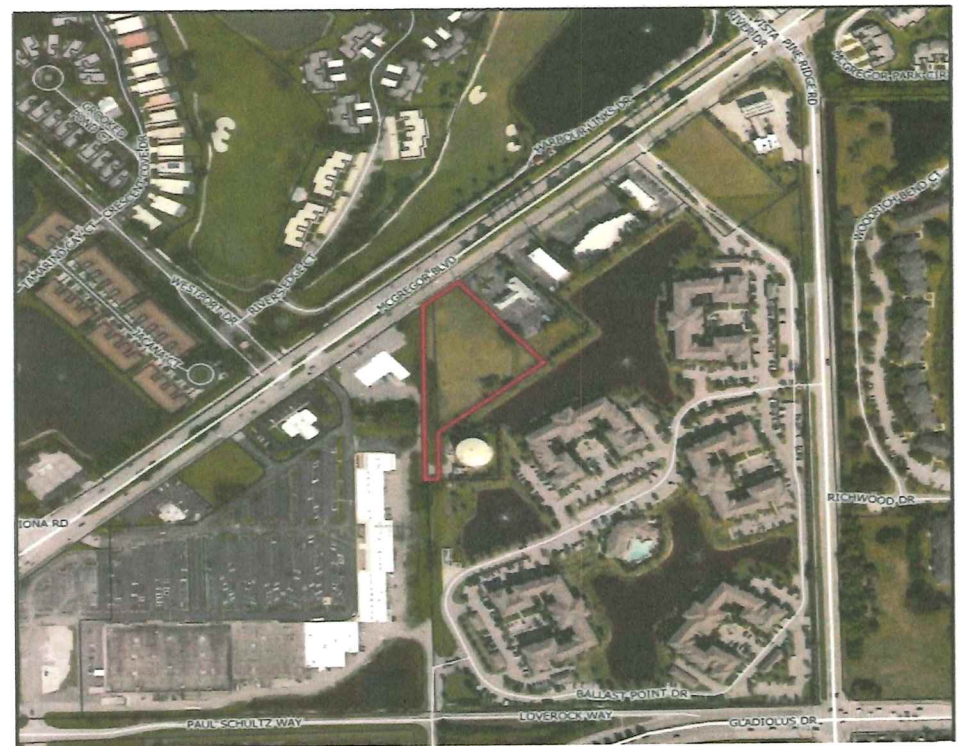
- Rezone ±2.06 acres from Community Commercial (CC) and Residential Multifamily District's (RM-2) to Commercial District (C-2)

OVERVIEW

- The project area consists of two abutting parcels on the south side of McGregor Boulevard approximately a quarter mile northeast of the Iona Road and McGregor Boulevard Intersection in Section 31, Township 45 South, Range 24 East, Lee County, Florida.
- The project consists of one parcel that is 1.60 acres and a 30' x 554' strip of land that is 0.45 acres.
- The subject property is in the Iona/McGregor Planning Community.
- The larger parcel has been zoned for commercial development since 1980 with a zoning classification of CC. The strip is zoned RM-2 and primarily served as an accessway to the water storage tank south
- The property is currently undeveloped.
- The proposed request will unify the two parcels under a single commercial district and combine the parcels into one development making the previous ADD unnecessary

LOCATION

- The subject property is part of the commercial node located at the intersection of McGregor Boulevard, Iona Road, San Carlos Boulevard and Gladiolus Drive. This commercial node, including the subject parcel are within the Mixed-Use Overlay which allows for rezonings to C-2 zoning district.



MCGREGOR STORAGE REZONING
REZ2022-00014

EXISTING ZONING AND SURROUNDING USES

- West, North and Northwest: The Gulf Harbour Planned Unit Development is north and west of McGregor Boulevard. This is a gated residential community which sits directly across McGregor Boulevard from the subject property. It extends southwest to the intersection of McGregor Boulevard and Iona Road.
- Northeast: between the subject property and Pine Ridge Road (approximately 1,065 feet), all of the land southeast of McGregor Boulevard is zoned Community Commercial (CC).
- Southeast: The Blue Stone Residential Planned Development (RPD) has been developed to the east and southeast of the subject property. It was approved for 326 multi-family residential units by Zoning Resolution Z-04-054.
- South: directly south of the subject property is a parcel owned by Lee County Utilities that is zoned Multi-family Residential (RM-2) and which is developed with a large potable water tank.
- Southwest: Abutting the subject property to the southwest is a large retail center that is zoned General Commercial (CG). An outparcel of this retail center abuts McGregor Boulevard and is zoned General Commercial (CG)

FUTURE LAND USE MAP

- LAND USE AND ZONING

The subject property is within the Central Urban Future Land Use Category (FLUC) and the Mixed-Use Overlay district (delineated on Lee Plan Map 1-C) within the Iona/McGregor Planning Community



MCGREGOR STORAGE REZONING
REZ2022-00014

LEE PLAN CONSISTENCY

- **POLICY 1.1.3: CENTRAL URBAN AND SUBURBAN AREAS**

The subject property is located within the Central Urban Future Land Use Category. This category is intended for a variety of residential and commercial uses. The proposed C-2 District is compatible with this category as it permits a variety of commercial and residential uses.

- **Goal 2: Growth Management**

Objective 2.1 Development Location- Promoting contiguous and compact growth patterns through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, and minimize the cost of services.

Objective 2.2 Development Timing- The subject property is within a well-developed area of the County with a full range of municipal services and is in a Future Urban Area. Development of the subject property constitutes infill development due to the location of existing commercial development along McGregor Boulevard

LEE PLAN CONSISTENCY

- **Goal 4: General Development Standards**

Objective 4.1 Water, Sewer and Environmental Standards-Utility service is available to proposed project through Lee County Utilities as verified by the LCU letter of availability provided with this submittal. The developer will undertake any improvements that may be required to connect the project to these existing services.

- **Goal 5: Residential Land Uses**

Objective 5.1.5 Although the property abuts a residential zoning to the northeast, the change from CC/RM-2 to C-2 zoning will not increase intensity or create additional impacts to the bordering residential use. Buffering will be provided in accordance with LDC requirements to address any impacts to the adjacent residential use

LEE PLAN CONSISTENCY

34-145 (d) 4 REZONING CONSIDERATIONS

a) Complies with the Lee Plan;

The request is consistent with the goals, objectives, policies, and the intent of the Lee Plan.

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

The request is for a conventional zoning that does not allow for deviations from the LDC therefore requiring the future development of the site to meet the code and other applicable regulations. Moreover, the rezoning combines two different zoning districts into one unified zoning.

c) Is compatible with existing and planned uses in the surrounding area; **The subject property is currently zoned for commercial development. It is also located within the Mixed-Use Overlay. Both facts demonstrate the suitability and appropriateness of commercial development of the property. Approval of a conventional rezoning from CC and RM-2 to C-2 provides additional redevelopment opportunities that do not exist in the current zoning category. These additional uses are consistent with the level of intensity contemplated by the Lee Plan and the existing development within this area. Any perceived incompatibilities that may arise can be fully addressed through the development order permitting process required to successfully achieve redevelopment under the approved C-2 zoning category**

LEE PLAN CONSISTENCY

34-145 (d) 4 REZONING CONSIDERATIONS

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

Sufficient access to the subject property is currently in place to support the proposed commercial use of the property. However, a traffic impact statement will be required at the time of development order approval to demonstrate redevelopment of the property will not adversely affect the Level of Service applicable to surrounding road networks.

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

The Lee County 2021 Public Facilities Level of Service and Concurrency Report classifies McGregor Blvd as a State Maintained Road with the 100th highest hour directional volume LOS C capacity of 2,100, 2020 count of 1,599 for LOS C, and the projected forecast count of 1,624. No impacts to transportation facilities are anticipated by approval of the requested rezoning to C-2 and will remain within the roadway capacity limits. County regulations require a traffic impact statement during local development order approval, therefore any unanticipated impacts can and will be addressed at that time.

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

The site has previously been cleared and did not show any environmentally critical or sensitive areas. Consequently, it is appropriate to determine approval of rezoning to C- 2 will not adversely affect environmentally critical or sensitive areas and natural resources. Additionally, development of the subject property will be required to meet LDC requirements applicable to environmental impacts, open space, buffering and landscaping.

LEE PLAN CONSISTENCY

34-145 (d) 4 REZONING CONSIDERATIONS

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

The subject commercially zoned property has access to McGregor Blvd (State Maintained arterial roadway) by way of conveyance deed with the property north as well as an approved driveway connection directly onto McGregor Blvd.

The property is located within the Lee County Utility service franchise area for central sewer and water lines.

Iona McGregor Fire Department, Station 75 at 15660 Pine Ridge Road will provide fire protection and emergency response.

The Lee County Sheriff Department station for West Fort Myers Area is located at 15650 Pine Ridge Road.

There is an existing sidewalk along the McGregor Boulevard.

CONCLUSION

- **The proposed rezoning is consistent with the Land Development Code to the extent that it promotes uses compatible with established land use and development patterns.**
- **The rezoning will allow greater variety of commercial uses on the subject property, while remaining compatible with the neighboring area.**
- **The property has sufficient access, via McGregor Boulevard to support proposed commercial development.**
- **The project will not adversely affect environmentally critical or sensitive areas and natural resources.**
- **The project will be served by adequate urban services.**
- **The property is sufficiently served by fire, police, and emergency services personnel**

**Lee County, Florida
Department of Community Development
Zoning Section
Staff Report**

LEE COUNTY
HEARING EXAMINER
2022 OCT 26 PM 2:59

Case Number: REZ2022-00014
Case Name: McGregor Storage Rezone
Area to be Rezoned: +/- 2.06 Acres
Type of Case: Conventional Rezoning
Hearing Date: November 9, 2022
Found Sufficient: September 14, 2022

Request

The applicant, Al Quattrone, has filed an application to rezone approximately 2.06 acres of land south of McGregor Boulevard from Community Commercial (CC) and Multi-Family Residential (RM-2) to Commercial (C-2).

The subject property consists of two contiguous parcels located on the southern side of McGregor Boulevard across from the Gulf Harbour Planned Unit Development. The STRAP numbers associated with the subject property are: 31-45-24-00-00007.3000 and 31-45-24-00-00007.5030. A legal description of the subject property is attached as Attachment "D."

Recommendation

Staff recommends **APPROVAL** of the applicant's request.

Property History and Character

The subject property consists of two abutting parcels on the south side of McGregor Boulevard approximately 1,100 feet northeast of the intersection of McGregor Boulevard and Iona Road. The larger parcel is the easternmost and is an approximately 1.6 acre quadrilateral. The shortest edge of the parcel fronts on McGregor Boulevard for approximately 117 feet. The western parcel is a narrow rectangle aligned along the north/south axis. It is 35 feet wide and 554 feet long. It abuts the larger parcel for approximately 404 feet of its length and is approximately 0.45 acres. The entire property is currently undeveloped although a paved access crosses the southernmost portion of the western parcel. This is an access way between the commercially developed property to the west and a water storage tank on a parcel to the south and east of the subject property. The larger parcel is zoned Community Commercial (CC) and the smaller parcel is zoned Multi-family Residential (RM-2). Both of the parcels were rezoned from Agricultural (AG-2) to their current districts in 1980 by Zoning Resolution Z-80-191. An administrative variance case, ADD2002-00013, provided relief from LDC Section 34-884, which requires a minimum lot width of 100 feet, to allow a minimum lot width of 92.35 feet (see Exhibit "H").

Character of the Area

The subject property is part of the commercial node located at the intersection of McGregor Boulevard, Iona Road, San Carlos Boulevard and Gladiolus Drive (See Attachment "B1"). The node is largely linear, running along the McGregor/San Carlos Boulevard Corridor, although there are commercial zoning districts and commercial development running east and south of the node.

The subject property is near the northeast corner of the node, although there are commercial districts to the northeast of the property. Much of the commercial development in the area is intensely developed, consisting of large retail centers. There are both conventionally zoned and planned development-zoned centers. All of the large retail centers near the subject property are located southeast of McGregor Boulevard. Much of this node, including the subject property, lays within the Mixed Use Overlay, as defined by the Lee County Comprehensive Plan.

The following uses and zoning districts are found immediately near the subject property (see Attachment “B2”):

West, North and Northwest: The Gulf Harbour Planned Unit Development is north and west of McGregor Boulevard. This is a gated residential community which sits directly across McGregor Boulevard from the subject property. It extends southwest to the intersection of McGregor Boulevard and Iona Road.

Northeast: between the subject property and Pine Ridge Road (approximately 1,065 feet), all of the land south east of McGregor Boulevard is zoned Community Commercial (CC).

Southeast: The Blue Stone Residential Planned Development (RPD) has been developed to the east and southeast of the subject property. It was approved for 326 multi-family residential units by Zoning Resolution Z-04-054.

South: directly south of the subject property is a parcel owned by Lee County Utilities that is zoned Multi-family Residential (RM-2) and which is developed with a large potable water tank.

Southwest: Abutting the subject property to the southwest is a large retail center that is zoned General Commercial (CG). An outparcel of this retail center abuts McGregor Boulevard and is zoned General Commercial (CG).

According to the Lee County Future Land Use Map, the future land use designation of the subject property is Central Urban (see Attachment “B3”). The area designated as Central Urban lay southeast of McGregor Boulevard and runs south to Summerlin Road. The Central Urban area also runs east to Pine Ridge Road and west to the intersection of Old McGregor Boulevard and Thornton Road. North and west of McGregor Boulevard all the way to the Caloosahatchee River, the land is in the Suburban Future Land Use Category. East of Pine Ridge Road, the land is designated Urban Community. The Lee County Utilities property to the south of the subject property is in the Public Facilities Future Land Use Category.

The subject property is also located within the Mixed Use Overlay as designated on Lee Plan Map 1C (see Attachment “C”).

Analysis

The intent of this request is to rezone the subject property from Community Commercial (CC) and Multi-Family Residential (RM-2) to Commercial (C-2) to allow for more intensive commercial development than is currently possible under the Community Commercial (CC) district. (See

Attachment “E”). The proposed rezoning would also permit commercial uses in the existing residentially-zoned portion of the subject property.

Section 34-145 of the Lee County Land Development Code establishes the review criteria for requests for conventional rezoning. Before approving or recommending approval of a conventional rezoning request, the Hearing Examiner must find that the request:

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

The following sections provide an analysis of whether the request meets these established criteria.

Lee Plan Compliance

The subject property is located in the Iona McGregor Planning District, as established by the Lee Plan. The Lee Plan does not contain any goals, objectives, or policies specifically addressing this Planning District.

The subject property is located within the Central Urban Future Land Use Category (See Attachment “B3”). This category is intended for a variety of residential and commercial uses. The proposed C-2 District is compatible with this category as it permits a variety of commercial and residential uses.

Lee Plan Objective 2.1 promotes contiguous and compact growth patterns within designated Future Urban Areas in order to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, and minimize the cost of services. Policy 2.1.1 states that most development, including residential, is expected to occur within the designated Future Urban Areas. Lee Plan Objective 2.2 and Policy 2.2.1 address development timing. Objective 2.2 states that new growth will be directed to Future Urban Areas where adequate public facilities exist or are assured, and where compact and contiguous development patterns can be created. Per Policy 2.1.1, rezoning proposals will be evaluated as to the availability and proximity of the road network, and facilities and services, including community facilities, schools, EMS, etc.

The subject property is within a well-developed area of the County with a full range of municipal services and is in a Future Urban Area. Development of the subject property constitutes infill development due to the location of existing commercial development along McGregor Boulevard. Therefore, the requested district is appropriate and compatible with the neighborhood. The request is consistent with Objectives 2.1 and 2.2 and Policies 2.1.1 and 2.2.1 of the Lee Plan.

Objective 4.1 on the Lee Plan addresses the availability of potable water and sanitary sewer service to the subject property. The application includes a letter of service availability from Lee County Utilities, the relevant service provider for the property (see Attachment “G”). This letter states that the utility currently has sufficient capacity to handle the proposed level of development on the property and that there are both potable water lines and sanitary sewer lines in close proximity to the property. Staff finds that the proposed rezoning conforms to Objective 4.1.

Policy 5.1.5 addresses the encroachment of incompatible of uses into residential areas. The current zoning of the subject property is Community Commercial (CC). Rezoning to Commercial (C-2) is not a change in the basic zoning type of the property and is not a change from residential to commercial zoning. The abutting residential development to the southeast is buffered from the subject property by intervening water features. Therefore, the proposed rezoning conforms to Policy 5.1.5.

Land Development Code Compliance

The property is proposed for the C-2 zoning district. Any development of the subject property will be required to either conform to the relevant section of the Lee County Land Development Code, or to seek variances therefrom. No variances are being sought in conjunction with the rezoning. In addition, the property was granted relief by Zoning Resolution ADD2002-00013 from LDC Section 34-854, which requires a minimum lot width of 100 feet in the CC zoning district, to allow a minimum lot width of 92.35 feet. The C-2 zoning district has a required minimum width of 75 feet. The proposed rezoning would combine the two existing zoning districts into a single district which would meet the minimum required lot width. Therefore, the proposed rezoning would bring the subject property into greater conformance with the LDC. The subject property already meets the minimum lot depth of 100 feet and the minimum lot size of 10,000 square feet required by the C-2 district.

LDC Section 34-491 requires all rezoning requests to comply with the Goals, Objectives and Policies of The Lee Plan. The subject request complies with the Lee Plan. In particular, the proposed rezoning conforms to the Future Land Use Category for the property. The proposed rezoning therefore meets the criteria of LDC Section 34-491.

LDC Section 34-841(b) states that properties are not normally permitted to rezone to the C-2 zoning district unless the property is within the Mixed Use Overlay. The commercial node surrounding the intersection of McGregor Boulevard, San Carlos Boulevard, Iona Road and Gladiolus Drive, including the subject property, is within the Mixed Use Overlay and therefore allows rezoning to the C-2 district.

Compatibility with Surrounding Uses

The C-2 district permits single family and multi-family residences, townhouses, duplexes and two-family attached residences. This would allow for a wider variety of residential uses on the subject parcel than is currently permitted by the Community Commercial (CC) district but approximately the same types as permitted in the Multifamily Residential (RM-2) district. The C-2 district also permits a wide variety of commercial uses, including retail and office uses. Manufacturing uses are also permitted in the C-2 district.

This variety of permitted uses is similar in character to the range of uses permitted with the General Commercial (CG) zoning district abutting the subject parcel on the west and within the larger commercial node located around the intersection of McGregor Boulevard, San Carlos Boulevard and Gladiolus Drive. This node consists of large, high-intensity commercial development that is often found within the C-2 zoning district. Therefore, the proposed C-2 district conforms to the character of the local neighborhood.

The nearby residential development to the north and south are buffered from the subject property by the presence of McGregor Boulevard and intervening lakes, respectively. This, combined with buffering regulations in the Land Development Code, will mitigate the effect of potentially incompatible uses on nearby residential development.

Sufficiency of Access and Transportation Impacts

Access to the subject property is directly from McGregor Boulevard. A secondary road connection on the southern portion of the property allows access from the subject property to the shopping center to the west and to the Lee County Utilities property to the south. A Traffic Impact Study is not required for the case.

Environmental Impacts

The subject property appears to have always been vacant. According to a memorandum from Environmental Review staff dated September 14, 2022 (See Attachment “F”), the site has been previously cleared and maintained. Currently, no vegetation, protected species, or indigenous habitats are located onsite. None of the subject property is shown in the Wetlands Future Land Use Category. Any future development of the site will be required to conform to environmental regulations of the Land Development Code.

Access to Urban Services

The subject property is fully served by urban services. Potable water service and sanitary sewer service is currently available, and service providers have stated that sufficient capacity exists to serve the subject property (See Attachment “G”). The subject property is located within Solid Waste Area 2 as delineated by Lee County Solid Waste. The proposed rezoning will not impact solid waste collection on the subject property.

The subject property is served by Iona-McGregor Fire Station #75, which is approximately 2,200 feet to the southeast on Pine Ridge Road, which also contains Lee County EMS Medic 27. The subject property is within the Lee County Sheriff’s West W2 District. The subject property is located within the Iona-McGregor Fire District, and is served by Lee County School Concurrency Service Area 3.

Conclusion

The requested rezoning from Community Commercial (CC) and Multi-family Residential (RM-2) to Commercial (C-2) is substantially consistent with the Lee Plan. The proposed rezoning is consistent with the Land Development Code to the extent that it promotes uses compatible with established land use and development patterns. The proposed rezoning is intended to allow greater variety of commercial uses on the subject property, while remaining compatible with the neighboring area. The subject property has sufficient access via McGregor Boulevard. The

proposed C-2 district is not significant with respects to environmental impacts. The rezoning will not result in any negative impacts to urban services or infrastructure. The subject property is sufficiently served by fire, police, and emergency services personnel. The request will not impact any protected species or indigenous habitats. Based on the general compatibility of the proposed C-2 zoning district with the Future Land Use Category, neighboring zoning districts, and neighboring uses, staff recommends **approval** of the proposed rezoning.

Attachments

- A. Expert Witness List
- B. Aerial, Current Zoning, and Future Land Use Maps
- C. Mixed Use Overlay Map
- D. Legal Description
- E. Request Statement
- F. Environmental Review Letter
- G. Utilities Letter
- H. ADD2002-00013

ATTACHMENT A

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

Case Number: REZ2022-00014

Project Name: McGregor Storage Rezoning

Hearing Examiner Date: November 9, 2022

Peter Blackwell, AICP, Planner, Zoning, 1500 Monroe Street, Fort Myers, FL 33901

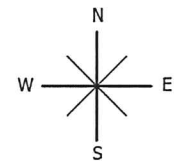
- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is available for the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code, the Lee Plan, zoning, and land use planning.
- Report and documents are submitted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



REZ2022-00014

Aerial

 Subject Property



0 500
Feet



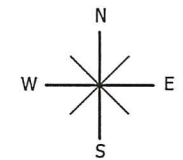
Attachment B2



REZ2022-00014

Zoning

 Subject Property



0 500
Feet



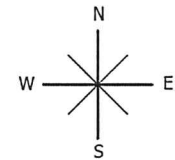
Attachment B3



REZ2022-00014

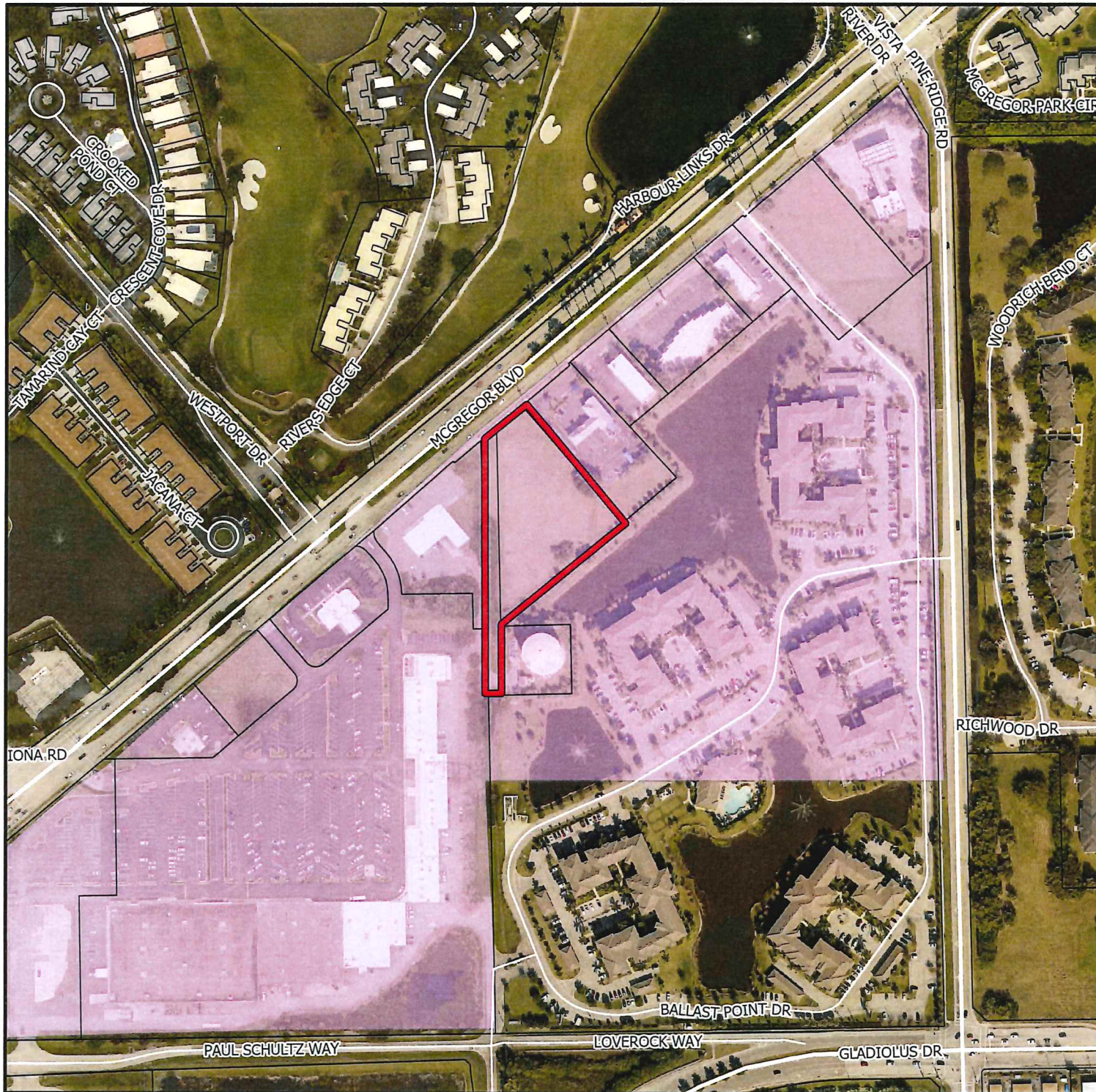
Future Land Use

-  Subject Property
-  Central Urban
-  Urban Community
-  Suburban
-  Public Facilities



0 500
Feet

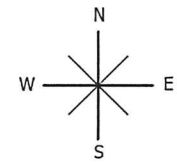




REZ2022-00014

Mixed Use Overlay

-  Subject Property
-  Mixed Use Overlay



0 500
Feet

LEGAL DESCRIPTION & SKETCH
15149 MCGREGOR BLVD
SECTION 31, TOWNSHIP 45 SOUTH, RANGE 24 EAST
FORT MYERS, FLORIDA

Attachment D

DESCRIPTION:

A PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, SECTION 31, TOWNSHIP 45 SOUTH, RANGE 24 EAST, BEING PART OF PARCEL I AND ALL OF PARCEL II AS DESCRIBED IN OFFICIAL RECORD BOOK 3007 AT PAGE 141 AND FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 31: THENCE N89°41'24"W ALONG THE NORTH LINE OF SAID SECTION 31 FOR 238.87 FEET TO THE FORMER RIGHT-OF-WAY LINE OF MCGREGOR BOULEVARD (S.R. 867- 80 FEET WIDE); THENCE S50°28'00"W ALONG SAID FORMER RIGHT-OF-WAY LINE FOR 742.18 FEET TO THE NORTHEAST CORNER OF SAID PARCEL I AS DESCRIBED IN OFFICIAL RECORD BOOK 3007 AT PAGE 141; THENCE S41°20'06"E ALONG THE NORTHEASTERLY LINE OF SAID PARCEL FOR 10.00 FEET TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF MCGREGOR BOULEVARD BY ORDER OF TAKING AS RECORDED IN OFFICIAL RECORDS BOOK 2463 AT PAGE 1913; THENCE CONTINUE S41°20'06"E ALONG SAID NORTHEASTERLY LINE FOR 340.17 FEET; THENCE S50°28'00"W PARALLEL WITH MCGREGOR BOULEVARD FOR 151.33 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S50°28'00"W FOR 345.63 FEET; THENCE S00°17'04"E FOR 150.00 FEET; THENCE S89°42'56"W FOR 35.00 FEET; THENCE N00°17'04"W FOR 553.99 FEET TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF MCGREGOR BOULEVARD BY SAID ORDER OF TAKING AS RECORDED IN OFFICIAL RECORD BOOK 2463 AT PAGE 1913; THENCE N50°28'00"E ALONG SAID RIGHT-OF-WAY LINE FOR 117.13 FEET; THENCE S39°32'00"E FOR 335.00 FEET TO THE POINT OF BEGINNING.

REVIEWED
REZ2022-00014
Hunter Searson, GIS
Planner
Lee County Government
8/9/2022

NOTES:

1. BEARINGS ARE BASED ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 31 AS BEARING N 89°51'24" W.
2. ALL DIMENSIONS ARE IN U.S. SURVEY FEET OR DECIMALS THEREOF.
3. NOT VALID WITHOUT THE ATTACHED SKETCH OF DESCRIPTION.
4. THIS IS NOT A BOUNDARY SURVEY
5. THIS LEGAL AND SKETCH HAS BEEN REVISED ON 05/02/22 TO REMOVE A 35' AND 25' ROADWAY EASEMENT; AND ON 07/06/22 TO CHANGE THE OFFICIAL RECORD BOOK OF THE WATERMAIN EASEMENT TO 1489.



Digitally signed
by Darren
Townsend
Date:
2022.07.07
09:04:43 -04'00'

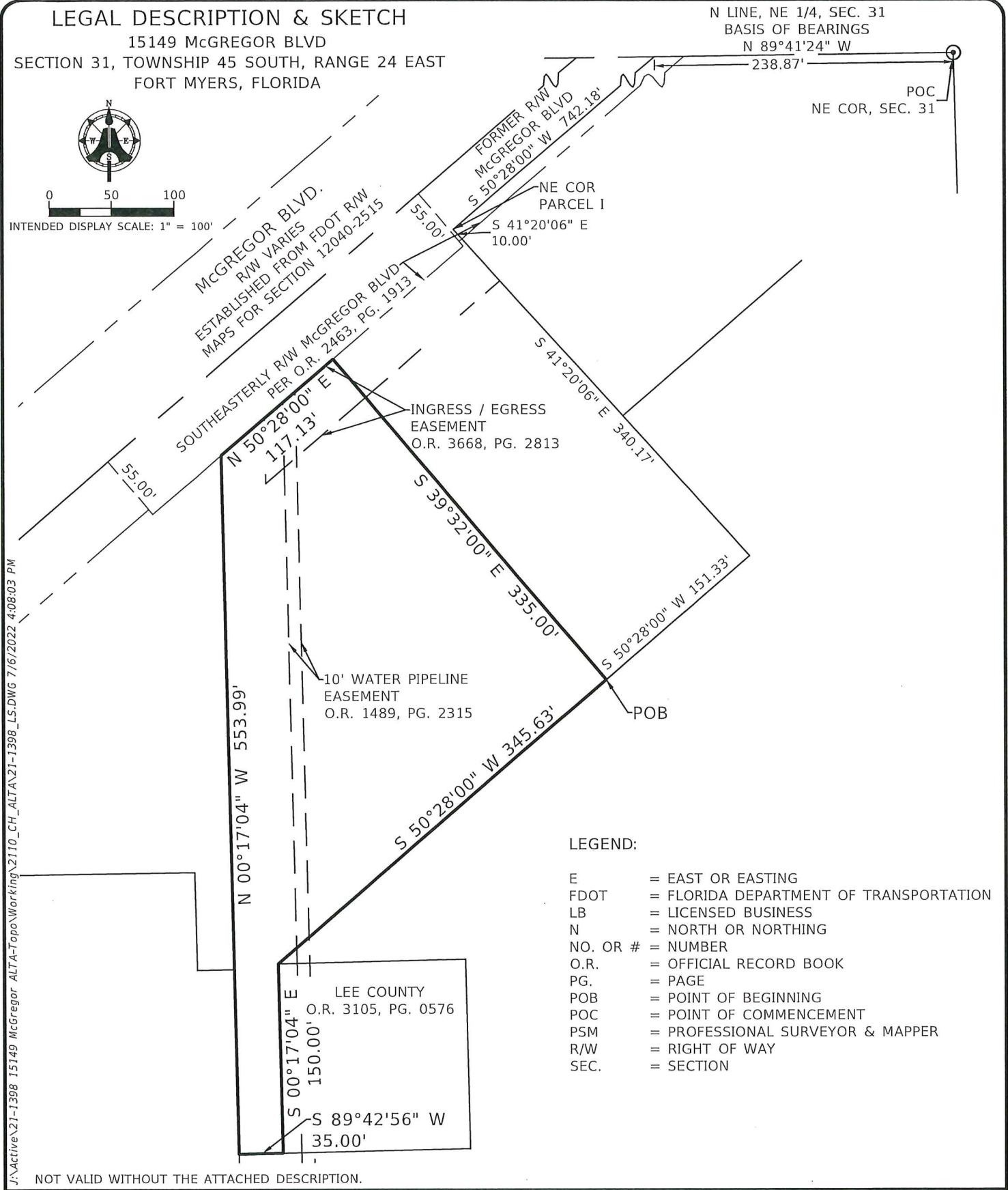
DARREN TOWNSEND
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 6476
NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND
SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.



AIM Engineering & Surveying, Inc.
2161 FOWLER STREET, SUITE 100
FORT MYERS, FLORIDA 33901
www.aimengr.com
PHONE (239) 332-4569
TOLL FREE (800) 226-4569
LICENSED BUSINESS No. 3114

LEGAL DESCRIPTION & SKETCH
15149 MCGREGOR BLVD

DRAWN: CH 04-25-22		CHECKED: DT 04-25-22		CLIENT: LAND AMERICA, LLC		
PROJECT NO.: 21-1398	SECTION: 31	TOWNSHIP: 45 S	RANGE: 24 E	COUNTY: LEE	SHEET 1 OF 2	



NOT VALID WITHOUT THE ATTACHED DESCRIPTION.



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DRAWN:		CHECKED:		CLIENT:	
CH 04-25-22		DT 04-25-22		LAND AMERICA, LLC	
PROJECT NO.:	SECTION:	TOWNSHIP:	RANGE:	COUNTY:	SHEET 2 OF 2
21-1398	31	45 S	24 E	LEE	

Attachment E

REQUEST STATEMENT

McGregor Storage
Conventional Rezoning
±2.06 AC.
STRAP#: 31-45-24-00-00007.3000 and 31-45-24-00-00007.5030,
15149 McGregor Blvd, Fort Myers, FL 33908

REQUEST

The applicant, Land America, LLC, as Contract Purchaser, is requesting approval for a Conventional Rezoning for a ±2.06 acres site from Community Commercial (CC) and Residential Multifamily District's (RM-2) to Commercial District (C-2), as encouraged by the property's location in the mixed-use overlay.

PROPERTY OVERVIEW AND HISTORY

The subject property is located a quarter mile northeast of the Iona Road and McGregor Blvd Intersection in the Iona/McGregor Planning Community. The parcels are a single lot and a 60' strip located east on McGregor Blvd. (state Maintained, arterial roadway). The properties are in Section 31, Township 45 South, Range 24 East, Lee County, Florida.

The larger parcel has been zoned for commercial development since 1980 with a zoning classification of CC and RM-2 by Resolution Z-80-181 and was subsequently amended by ADD2002-00013. ADD2002-00013 approved an Administrative Variance from LDC Section 34-884 to reduce the required lot width from 100 feet, to allow a lot width of 92.35 feet. The property is currently undeveloped. The proposed request will unify the two parcels under a single commercial district and combine the parcels into one development making the previous ADD unnecessary





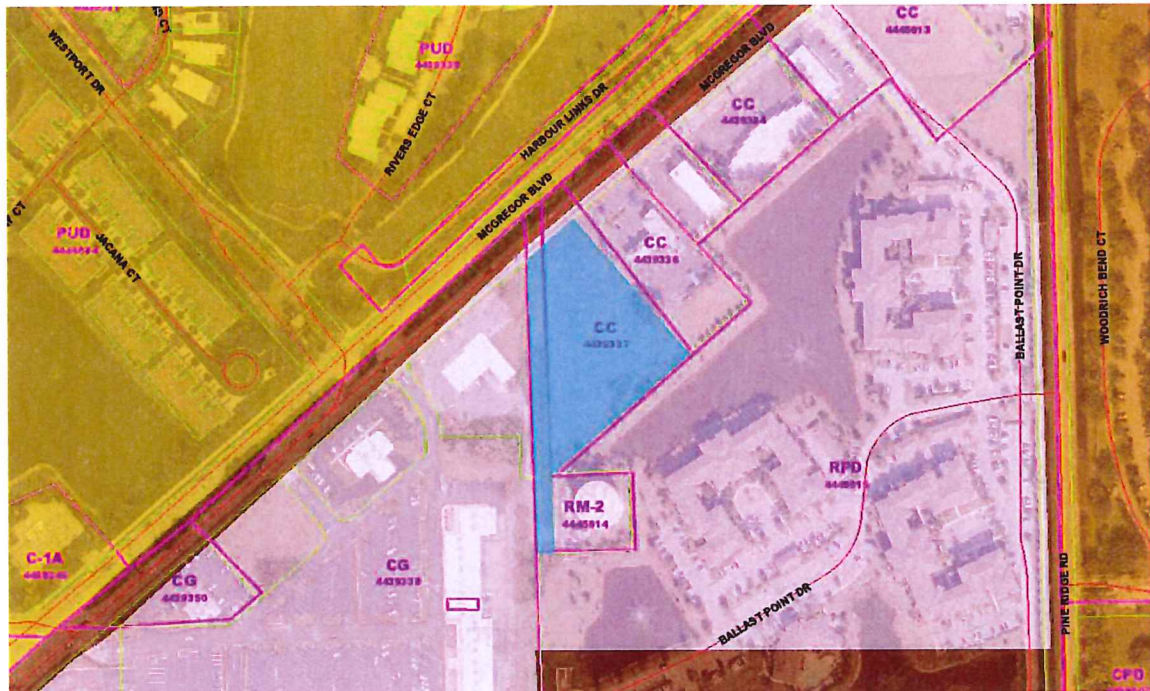
LAND USE AND ZONING

The subject property is within the Central Urban Future Land Use Category (FLUC) and the Mixed-Use Overlay district (delineated on Lee Plan Map I-C) within the Iona/McGregor Planning Community.

Table I: Inventory of Surrounding Lands

	FUTURE LAND USE	OVERLAY	ZONING	EXISTING LAND USES
NORTH	Central Urban	Mixed-Use	PUD	Residential
SOUTH	Central Urban	Mixed-Use	RPD	Residential
EAST	Central Urban	Mixed-Use	CC	Commercial
WEST	Central Urban	Mixed-Use	CG	Commercial

The adjacent property to the northwest is McGregor ROW then zoned PUD (Planned Unit Development) and developed as Residential Multifamily Subdivision. To the northeast is zoned CC and developed with Spot on car Wash & Auto Spa. To the southeast is zoned RPD (Residential Planned Development) and developed as Residential Multifamily Subdivision. To the southwest is zoned CG and developed as Firestone Complete Auto Care.





LEE PLAN COMPLIANCE

The Lee Plan has designated the property as Central Urban future land use category and the property is within the mixed-use overlay. The adjacent neighboring properties share this land use designation. The requested C-2 rezoning is appropriate within the Mixed-Use Overlay, is consistent with the Lee Plan and will comply with the Land Development Code in the following manner:

POLICY 1.1.3: *The Central Urban future land use category can best be characterized as the “urban core” of the County. These areas are already the most heavily settled and have, or will have, the greatest range and highest levels of public services. Residential, commercial, public and quasipublic, and limited light industrial land uses will continue to predominate in the Central Urban future land use category. Future development in this category is encouraged to be mixed use, as described in Objective 1.1.1, where appropriate. The standard density range is from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre), with a maximum total density of fifteen dwelling units per acre (15 du/acre). The maximum total density may be increased to twenty dwelling units per acre (20 du/acre) utilizing Greater Pine Island Transfer of Development Units. (Ord. No. 94-30, 02-02, 09-06, 16-07, 21-09*

The property is located in the Central Urban Future Land Use category on the Lee Plan Future Land Use Map. The project is also within the mixed-use overlay which allows for the rezoning to C-2 district. The property is surrounded by commercial uses zoned CC and CG and can be considered infill development. The project has infrastructure and public services available to accommodate the C-2 zoning including water, sewer, electric, cable, and public safety services. This policy encourages future development in the Central Urban land use category to be developed as a mixed-use the project is consistent with 1.1.4.

POLICY 1.6.5: *The Planning Districts Map and Acreage Allocation Table (Map 1-B and Table 1(b)) depict the proposed distribution, extent, and location of generalized land uses through the Plan’s horizon. Acreage totals are provided for land in each Planning District in unincorporated Lee County. No development orders or extensions to development orders will be issued or approved by Lee County that would allow the acreage totals for residential, commercial or industrial uses contained in Table 1(b) to be exceeded. This policy will be implemented as follows:*

The property is located within District 12, Iona/McGregor District. The district has allocated to it 774 acres of Commercial lands and 198 acres of Industrial lands. (See Ordinance 21-09/CPA2021-00001: Lee Plan 2045 Update, Table 1(b) 2045 Allocation). The proposed 2.06-acre C-2 Commercial rezoning is consistent with Policy 1.6.5, as the site is already within a commercial zoning category

GOAL 2: GROWTH MANAGEMENT. *To provide for an economically feasible plan which coordinates the location and timing of new development with the provision of infrastructure by government agencies, private utilities, and other sources.*

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, and prevent development patterns where large*



tracts of land are by-passed in favor of development more distant from services and existing communities. (Ordinance No. 94-30, 00-22)

The subject property is in the Central Urban land use category and the Mixed Use Overlay. Rezoning to C-2 meets this objective of promoting contiguous and compact growth patterns through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, and minimize the cost of services. The properties being location adjacent to McGregor Blvd. makes it suitable for commercial uses. Development exists adjacent to the subject property on the west, east and south and in close proximity on the north. The subject property is therefore considered in-fill development and represents a compact growth pattern. The project is consistent with Objective 2.1

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 Section 163.3164(7), F.S.) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, F.S. and the concurrency requirements in the Land Development Code. (Ordinance No. 94-30, 00-22, 17-19)*

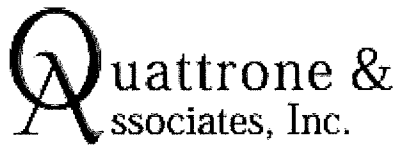
POLICY 2.2.1: *Rezoning and Development of Regional Impact proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare. (Ordinance No. 94-30, 00-22)*

The subject commercially zoned property has access to McGregor Blvd (State Maintained arterial roadway) by way of conveyance deed with the property north as well as an approved driveway connection directly onto McGregor Blvd. The property is located within the Lee County Utility service franchise area for central sewer and water lines. Iona McGregor Fire Department, Station 75 at 15660 Pine Ridge Rd. will provide fire protection and emergency response. The Lee County Sheriff Department station for West Fort Myers Area is located at 15650 Pine Ridge Road. There is an existing sidewalk along the McGregor Blvd. The requested rezoning to C-2 is consistent with Policy 2.2.1.

POLICY 2.2.3: *When an area within the county is approaching the capacity of the necessary facilities as described above, requested rezoning's to increase densities and intensities may be deferred or denied giving preference to existing vacant lots and other valid development approvals, provided that a constitutionally mandated reasonable use of land would still be permitted*

The property lies within the Iona/McGregor Planning Community and is in compliance with the Lee Plan Acreage Allocation Table. The rezoning does not request additional intensity on the site. The project remains consistent with Policy 2.2.3.

GOAL 4: GENERAL DEVELOPMENT STANDARDS. *Pursue or maintain land development regulations which protect the public health, safety and welfare, encourage creative site designs and balance*



development with service availability and protection of natural resources. (Ordinance No. 94-30, 07-15, 17-13)

OBJECTIVE 4.1: WATER, SEWER, AND ENVIRONMENTAL STANDARDS. Consider water, sewer, and environmental standards during the rezoning process. Ensure the standards are met prior to issuing a local development order. (Ordinance No. 17-13)

STANDARD 4.1.1: WATER.

1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross leasable (floor) area per parcel, must connect to a public water system (or a "community" water system as that is defined by Fla. Admin. Code R. 62-550)

STANDARD 4.1.2: SEWER.

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

Utility service is available to proposed project through Lee County Utilities as verified by the LCU letter of availability provided with this submittal. The developer will undertake any improvements that may be required to connect the project to these existing services. The project is consistent with Policy 4.1.1 and Policy 4.1.2.

STANDARD 4.1.4: ENVIRONMENTAL FACTORS.

In any case where there exists or there is the probability of environmentally sensitive areas (as identified by Lee County, the Corps of Engineers, Department of Environmental Protection, South Florida Water Management District, or other applicable regulatory agency), the developer/applicant must prepare an environmental assessment that examines the existing conditions, addresses existing or anticipated environmental problems, and proposes means and mechanisms to protect, conserve, or preserve the environmental and natural resources.

The subject parcel has been previously cleared and partially developed. There are no environmentally sensitive areas located on-site. The project is consistent with Policy 4.1.4.

GOAL 5: RESIDENTIAL LAND USES To accommodate the projected population of Lee County in the year 2045 in appropriate locations, guided by the Future Land Use Map, and in attractive and safe neighborhoods with a variety of price ranges and housing types. (Ord. No. 94-30, 07-12, 21-09)

OBJECTIVE 5.1: All development approvals for residential, commercial, and industrial land uses must be consistent with the following policies, the general standards under Goal 4, and other provisions of this plan. (Ord. No. 94-30, 00-22)

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 rezoning will be denied in the event that the buffers provided in the LDC, Chapter 10, are not adequate to address potentially incompatible uses in a satisfactory manner. If such uses are proposed in the form of a planned development or special exception and generally applicable development regulations are deemed to



be inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. The LDC will continue to require appropriate buffers for new developments. (Ord. No. 94-30, 99-15, 00-22)

Although the property abuts a residential zoning to the northeast, the change from CC/RM-2 to C-2 zoning will not increase intensity or create additional impacts to the bordering residential use. Buffering will be provided in accordance with LDC requirements to address any impacts to the adjacent residential use. The project remains consistent with Policy 5.1.5.

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

OBJECTIVE 6.1: *Development approvals for commercial land uses must be consistent with the following policies, the general standards under Goal 4 and other provisions of this plan. (Ordinance No. 94-30, 11-18)*

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)

McGregor Blvd is currently operating within its Level of Service at “C” with 1,599 trips, according to the 2021 Lee County performance standard is a “D” at 2100 trips. The project does not generate unanticipated and unacceptable traffic. All roads will continue to have adequate level of service. The change from CC/RM-2 zoning to C-2 zoning does not increase intensity and is not expected to generate additional trips from the project site.

c. Screening and buffering (planned development rezoning and development orders);

The proposed rezoning to C-2 will not be requesting any changes to buffering. Buffers will be provided in compliance with Land Development Code requirements and consistent with the requirements of the current zoning categories.

d. Availability and adequacy of services and facilities (rezoning and development orders);

Services and facilities serving this property are currently adequate. Refer to the discussion under Objective 2.2 above.

e. Impact on adjacent land uses and surrounding neighborhoods (rezoning);

As detailed above, the proposed rezoning is compatible with surrounding uses. To the north and south are other commercial uses. To the east is residential development that will be adequately screened from the proposed use. The rezoning will not create any negative impacts on surrounding uses.

f. Proximity to other similar centers (rezoning); and

The property is already zoned commercial and is adjoined by commercial zoning to the north and south, the proposed rezoning is proximate to other commercial uses.

g. Environmental considerations (rezoning and development orders).



The subject property has already been cleared for development. There are no environmental impacts of significance that will result from the proposed rezoning.

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. (Ordinance No. 94-30, 00-22)

As noted above, the subject property has been zoned commercial since 1980, therefore rezoning would remain compatible with adjacent properties. The project is consistent with 6.1.4.

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. (Ordinance No. 94-30, 00-22)

The subject property is in an area where capacity exists on adjacent roadway network. The rezoning to C-2 does not add any uses that are no more intensive that has not already been approved. The project is consistent with 6.1.5

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.

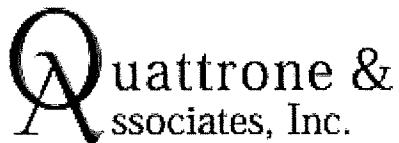
The subject property will not have impacts on landscaping, open space or buffering. The proposed future development will provide adequate open space and buffering as required by the Land Development Code (LDC) at the time of Development Order. The project is consistent with 6.1.6

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 parcel has been zoned commercial since 1980. The proposed development is surrounded on two sides by other commercial development and is therefore an in-fill commercial parcel. The request remains consistent with 6.1.7

GOAL 11: MIXED USE. Encourage mixed use developments that integrate multiple land uses, public amenities and utilities at various scales and intensities in order to provide: diversified land development; a variety of housing types; greater connectivity between housing, workplaces, retail businesses, and other destinations; reduced trip lengths; more transportation options; and pedestrian and bicycle-friendly environments. (Ord. No. 17-13)

OBJECTIVE 11.1: MIXED USE DEVELOPMENT. Allow and encourage mixed use development within certain future land use categories and at appropriate locations where sufficient infrastructure exists to support development. (Ord. No. 17-13)



POLICY 11.1.1: *Developments located within the Intensive Development, Central Urban, or Urban Community future land use categories that have existing connectivity or can demonstrate that connectivity may be created to adjacent neighborhoods are strongly encouraged to be developed with two or more of the following uses: residential, commercial (including office), and light industrial (including research and development use). (Ord. No. 17-13)*

The subject property is located in a Central Urban future land use category. The requested C-2 zoning is one of few zoning districts that permit mixed use.

OBJECTIVE 11.2: MIXED USE OVERLAY. *The County will maintain an Overlay in the future land use map series identifying locations appropriate for mixed use located in proximity to public transit routes; education facilities; recreation opportunities; and, existing residential, shopping and employment centers. Mixed Use, Traditional Neighborhood, and Transit Oriented development patterns are encouraged and preferred within the Mixed-Use Overlay. (Ord. No. 07-15, 17-13)*

POLICY 11.2.2: *Development in the Mixed-Use Overlay should accommodate connections to adjacent uses. (Ord. No. 07-15, 17-13)*

POLICY 11.2.4: *Use of conventional zoning districts will be encouraged within the Mixed Use Overlay in order to promote continued redevelopment. (Ord. No. 17-13)*

POLICY 11.2.5: *Lee County will maintain land development regulations for properties within the Mixed-Use Overlay that allow for urban forms of development and a variety of uses. (Ord. No. 17-13)*

Rezoning the subject property from CC/RM-2 to C-2 is contemplated by and consistent with the Policies set forth to achieve Lee Plan Objective 11.2. The property has existing shared access, with the adjacent Spot-on Car Wash & Auto Spa and an approved proposed connection directly onto McGregor Blvd, consistent with Policy 11.2.2. Policy 11.2.4 encourages the use of conventional rezoning to promote redevelopment, which is the Applicant's intent underlying this request. Approval of the rezoning will expand the variety of uses allowed on the site, consistent with Policy 11.2.5

LEE PLAN/LDC CONSISTENCY SUMMARY ACCORDING TO LDC 34-145(d)4
REZONING CONSIDERATIONS

For rezoning to conventional districts, the applicant must prove entitlement based on the following criteria

a) Complies with the Lee Plan;

The request is consistent with the goals, objectives, policies, and the intent of the Lee Plan.

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

RESPONSE: The request is for a conventional zoning that does not allow for deviations from the LDC therefore requiring the future development of the site to meet the code and other applicable regulations. Moreover, the rezoning eliminates a legacy zoning district bringing the entitlement into the current used commercial district of C-2



creating a site that is in greater compliance with the modern portions of the LDC such as property development regulations and the permitted uses

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

The subject property is currently zoned for commercial development. It is also located within the Mixed-Use Overlay. Both facts demonstrate the suitability and appropriateness of commercial development of the property. Approval of a conventional rezoning from CC + RM-2 to C-2 provides additional redevelopment opportunities that do not exist in the current zoning category. These additional uses are consistent with the level of intensity contemplated by the Lee Plan and the existing development within this area. Any perceived incompatibilities that may arise can be fully addressed through the development order permitting process required to successfully achieve redevelopment under the approved C-2 zoning category.

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

Sufficient access to the subject property is currently in place to support the existing commercial use of the property. However, a traffic impact statement will be required at the time of development order approval to demonstrate redevelopment of the property will not adversely affect the Level of Service applicable to surrounding road networks

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

The Lee County 2021 Public Facilities Level of Service and Concurrency Report classifies McGregor Blvd as a State Maintained Road with the 100th highest hour directional volume LOS C capacity of 2,100, 2020 count of 1,599 for LOS C, and the projected forecast count of 1,624. No impacts to transportation facilities are anticipated by approval of the requested rezoning to C-2 and will remain within the roadway capacity limits.

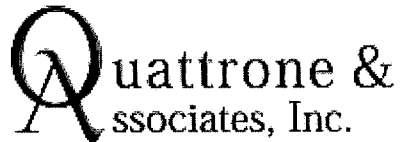
County regulations require a traffic impact statement during local development order approval, therefore any unanticipated impacts can and will be addressed at that time

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

The site has previously been cleared and did not show any environmentally critical or sensitive areas. Consequently, it is appropriate to determine approval of rezoning to C-2 will not adversely affect environmentally critical or sensitive areas and natural resources. Additionally, development of the subject property will be required to meet LDC requirements applicable to environmental impacts, open space, buffering and landscaping.

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

The subject commercially zoned property has access to McGregor Blvd (State Maintained arterial roadway) by way of conveyance deed with the property north as well as an approved driveway connection directly onto McGregor Blvd. The property is located within the Lee County Utility service franchise area for central sewer and water lines. Iona McGregor Fire Department, Station 75 at 15660 Pine Ridge Rd. will provide fire protection and emergency response. The Lee County Sheriff Department



station for **West Fort Myers Area** is located at **15650 Pine Ridge Road**. There is an existing sidewalk along the **McGregor Blvd**.

Conclusion

In accordance with the above, the proposed rezoning from **CC** and **RM-2** to **C-2** complies with the **Lee County Comprehensive Plan**, **Lee County Development Code**; is compatible with existing or planned uses in the surrounding area; provides sufficient access to support proposed commercial development; will not adversely affect environmentally critical or sensitive areas and natural resources; and will be served by adequate urban services. For these reasons, the Applicant respectfully requests that the rezoning to **C-2** be approved.

Attachment F

Lee County, Florida
DEPARTMENT OF COMMUNITY DEVELOPMENT
ENVIRONMENTAL SCIENCES STAFF REPORT

CASE NUMBER: REZ2022-00014
TYPE OF CASE: Rezoning
CASE NAME: McGregor Storage
TOTAL ACREAGE: 2.06 acres
SUFFICIENCY DATE: September 14, 2022
HEARING EXAMINER DATE: November 9, 2022

Request

The applicant has requested to rezone approximately 2.06 acres site from Community Commercial (CC) and Residential Multifamily District's (RM-2) to Commercial District (C-2). Environmental Sciences staff have reviewed the case and provides the following analysis.

Protected Species and Indigenous Habitat

The site has been previously cleared and maintained. Currently, no vegetation, protected species, or indigenous habitats are located onsite.

Open Space and Landscaping

Depending on the amount of impervious proposed to support the use, the site may be considered a large development (over two-acres of impervious). The applicant will be required to provide 10% open space per Land Development Code Section 10-425(a) if the project is considered a small development, and 20% if the project is considered a large development. The applicant will be required to provide buffers per LDC Section 10-425(f) and if the section is silent to any buffers, code will refer back to section 10-416(d). At time of development order, the applicant must comply with the LDC or seek a variance.

SUMMARY

In order for the rezoning case to be considered for approval, the hearing examiner must make a number of findings per LDC Section 34-145(d)(4). One of the findings is that the proposed rezoning case will not adversely affect environmentally critical or sensitive areas and natural resources. As described, the 2.06 acre project did not contain protected species and does not have native hardwood species with potential to provide habitat for protected species. There were no environmentally sensitive areas on site. The applicant will be required to comply with all state and federal requirements. Therefore, this finding is being met.

Attachment G



Lee County
Southwest Florida

BOARD OF COUNTY COMMISSIONERS

John E. Manning
District One

Cecil L. Pendergrass
District Two

Raymond Sandelli
District Three

Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wm Wesch
County Attorney

Donna Marie Collins
*County Chief
Hearing Examiner*

May 17, 2022

Via E-Mail

Sharon Hrabak
Quattrone & Associates, Inc.
4301 Veronica Shoemaker Blvd.
Fort Myers, FL 33916

RE: **Potable Water and Wastewater Availability**
McGregor Storage, 15149 McGregor Blvd
STRAP # 31-45-24-00-00007.3000 and 31-45-24-00-00007.5030

Dear Ms. Hewitt:

The subject property is located within Lee County Utilities Future Service Area as depicted on Maps 4A and 4B of the Lee County Comprehensive Land Use Plan. Potable water and sanitary sewer lines are in operation adjacent to the property mentioned above. However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions may be required.

Your firm has indicated that this project will consist of 1 commercial unit with an estimated flow demand of approximately 275 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water and sanitary sewer service as estimated above.

Availability of potable water and sanitary sewer service is contingent upon final acceptance of the infrastructure to be constructed by the developer. Upon completion and final acceptance of this project, potable water service will be provided through our Green Meadows Water Treatment Plant.

Sanitary sewer service will be provided by our Fort Myers Beach Water Reclamation Facility. The Lee County Utilities' Design Manual requires the project engineer to perform hydraulic computations to determine what impact this project will have on our existing system.

There are no reuse mains in the vicinity of this parcel.

Prior to beginning design work on this project, please meet with LCU Staff to determine the best point of connection and discuss requirements for construction.

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

Attachment G

approval of all State and local regulatory agencies.

Further, this letter of availability of potable water and sanitary sewer service is to be utilized for Zoning only. Individual letters of availability will be required for the purpose of obtaining building permits.

Sincerely,

LEE COUNTY UTILITIES



Mary McCormic
Technician Senior
239-533-8532
UTILITIES ENGINEERING

Attachment H

Acco

ADMINISTRATIVE APPROVAL (LS) ADD2002-00013

ADMINISTRATIVE APPROVAL LEE COUNTY, FLORIDA

WHEREAS, Plantation Auto Wash filed an application for Administrative Approval for administrative relief for the subdivision of a property located at 15145 McGregor Blvd., described more particularly as:

LEGAL DESCRIPTION: In Section 31, Township 45 South, Range 24 East, Lee County, Florida:

See attached legal description as EXHIBIT "A" (four pages)

WHEREAS, the applicant has indicated the property's current STRAP numbers are 31-45-24-00-00007.3000; 31-45-24-00-00007.5000; and

WHEREAS, the property is zoned community commercial (CC); and

WHEREAS, the subject property comprises two parcels (STRAP #'s 31-45-24-00-00007.3000 and 31-45-24-00-00007.5000) with a combined lot area of 3.18± acres; and

WHEREAS, an existing car wash (Peak Autowash) is the only use approved for the subject property; and

WHEREAS, a 3,780 sq. ft. building was constructed in 1999 in accordance with Development Order 98-03-203.00D; and

WHEREAS, the applicant desires to split the subject property to two new parcels; and

WHEREAS, the proposed car wash parcel will contain 1.12± acres and the remainder parcel (west parcel) will contain 2.06± acres; and

WHEREAS, Lee County Land Development Code Section 34-2221 provides for administrative relief from the non compliance of the individual lots with property development regulations in the LDC for matters involving setbacks, lot width, depth, area requirements, height limitations, open space requirements, parking requirements and other similar relief, provided that the overall development complies with all other applicable zoning requirements; and

WHEREAS, an application for administrative relief has been filed pursuant to Lee County Land Development Code Section 34-2221; and

WHEREAS, the applicant is requesting relief from the lot width requirements of the property development regulations, contained in section 34-844 of the Land Development Code (LDC); and

WHEREAS, the applicant is requesting relief from the required minimum lot width of 100 feet to 92.35 feet for the proposed remainder parcel (west parcel), as contained in the property development regulations of the LDC ; and

WHEREAS, the subject application and plans have been reviewed by the Lee County

Attachment H

Department of Community Development in accordance with applicable regulations for compliance with all terms of the Administrative Approval; and

WHEREAS, the following findings of fact are offered:

- A. The relief will not alter the general appearance and character of the community.
- B. The relief will not be injurious to the area involved or otherwise detrimental to the public health, safety or welfare.
- C. The proposed subdivision of the site will not create an adverse impact on the overall development.
- D. The relief will not reduce or eliminate the requirements of the Lee County Land Development Code, wherein the resulting lots are developed as a single entity.
- E. The relief is not to be construed as providing relief from any development regulations not specifically listed and approved.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for Administrative Approval for relief from the Lee County Land Development Code Section 34-2221, to:

- a) reduce the required minimum lot width from 100 feet to allow a minimum lot width of 92.35 feet.

is **APPROVED**, subject to the following conditions:

- 1. The lot split must be in substantial compliance with the attached **SITE PLAN FOR ADMINISTRATIVE COMMERCIAL LOT SPLIT, PEAK AUTOWASH SITE**, dated 2-08-02, and stamped received by community development on February 8, 2002. A reduced copy is attached hereto.
- 2. At the time of lot split approval, by development services division, the applicant must record a public access road easement as depicted on the original Development Order 98-03-203.00D, subject to review and approval by the County Attorney's office. In addition, the public access road easement must extend across the remainder parcel (west parcel) to the proposed 60 wide road referenced in O.R. Book 1479, Page 701 and O.R. Book 1445, Page 1394, as shown on the attached **SITE PLAN FOR ADMINISTRATIVE COMMERCIAL LOT SPLIT, PEAK AUTOWASH SITE**, dated 2-08-02, and stamped received by community development on February 8, 2002.

DULY PASSED AND ADOPTED this 25th day of February, A.D., 2002.

BY: Pam Houck

Pam Houck, Director
Division of Zoning
Department of Community Development

Attachment H

EXHIBIT "A"
ADD2002-00013
PAGE 1 OF 4



Bean, Whitaker, Lutz & Karch, Inc.
13041 McGregor Boulevard, Suite 1
Fort Myers, Florida 33919-5910
email - lmo@bwk.net
(Ph) 941-481-1331 (Fax) 941-481-1073

RECEIVED

FEB 08 2002

Description of a Parcel of Land
Lying in
Section 31, Township 45 South, Range 24 East
Lee County, Florida
(Parent Parcel)

COMMUNITY DEVELOPMENT

A parcel of land situated in the State of Florida, County of Lee, Section 31, Township 45 South, Range 24 East, being the same as Parcel I and Parcel II as described in Official Record Book 3007 at Page 141 and further described as follows:

Commencing at the northeast corner of said Section 31; thence N89°41'24"W along the north line of said Section 31 for 238.87 feet to the former right-of-way line of McGregor Boulevard (S.R. 867 - 80 feet wide); thence S50°28'00"W along said former right-of-way line for 742.18 feet to the northeast corner of said Parcel I as described in Official Record Book 3007 at Page 141; thence S41°20'06"E along the northeasterly line of said parcel for 10.00 feet to the Point of Beginning; thence continue S41°20'06"E along said line for 190.00 feet to the centerline of a 24 foot wide roadway easement (Official Record Book 1479, Page 701) which runs parallel with said McGregor Boulevard; thence continue S41°20'06"E along said line for 150.17 feet; thence S50°28'00"W parallel with McGregor Boulevard for 496.96 feet to the easterly right-of-way line of a proposed road as indicated in Official Record Book 1479 at Page 701; thence S00°17'04"E along the easterly line of said proposed road for 150.00 feet; thence S89°42'56"W for 35.00 feet; thence N00°17'04"W for 553.99 feet to the southeasterly right-of-way line of McGregor Boulevard by Order of Taking as recorded in Official Record Book 2463 at Page 1913; thence N50°28'00"E along said right-of-way line for 253.11 feet; thence N39°32'00"W for 5.00 feet; thence N50°28'00"E for 4.66 feet to the Point of Beginning.

Containing 3.19 acres (138,780 square feet), more or less.

Bearings are based on the east line of the Northeast One Quarter (NE 1/4) of Section 31, Township 45 South, Range 24 East as bearing S00°23'30"E.

Subject to easements, restrictions, reservations and rights-of-way (recorded and unrecorded, written and unwritten).

Applicant's Legal Checked

By Jan 2/22/02

PAGE 1 OF 4

Bean, Whitaker, Lutz & Karch, Inc. (13041)

ADD 2002-00013

Scott C. Whitaker, P.S.M. 4324

32979DESC1

12/13/01

PRINCIPALS:

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

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS

ASSOCIATES:

CHARLES D. KNIGHT, PSM
ELWOOD FINEFIELD, PSM
TRACY N. DEAN, AICP
PAUL I. POKORNY, PE

Attachment H

EXHIBIT "A"
ADD2002-00013
PAGE 2 OF 4



Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard, Suite 1
Fort Myers, Florida 33919-5910
email - lmoffice@bwlk.net
(Ph) 941-481-1331 (Fax) 941-481-1073

Description of a Parcel of Land
Lying in
Section 31, Township 45 South, Range 24 East
Lee County, Florida
(Car Wash Parcel)

RECEIVED

FEB 08 2002

COMMUNITY DEVELOPMENT

A parcel of land situated in the State of Florida, County of Lee, Section 31, Township 45 South, Range 24 East and further described as follows:

Commencing at the northeast corner of said Section 31; thence N89°41'24"W along the north line of said Section 31 for 238.87 feet to the former right-of-way line of McGregor Boulevard (S.R. 867 - 80 feet wide); thence S50°28'00"W along said former right-of-way line for 742.18 feet to the northeast corner of Parcel I as described in Official Record Book 3007 at Page 141; thence S41°20'06"E along the northeasterly line of said parcel for 10.00 feet to the Point of Beginning; thence continue S41°20'06"E along said line 340.17 feet; thence S50°28'00"W parallel with McGregor Boulevard for 151.33 feet; thence N39°32'00"W for 335.00 feet to the southeasterly right-of-way line of McGregor Boulevard by Order of Taking as recorded in Official Record Book 2463 at Page 1913; thence N50°28'00"E along said right-of-way line for 135.98 feet; thence N39°32'00"W along said right-of-way line for 5.00 feet; thence N50°28'00"E along said right-of-way line for 4.66 feet to the Point of Beginning.

Containing 1.12 acres (48,955 square feet), more or less.

Bearings are based on the east line of the Northeast One Quarter (NE 1/4) of Section 31, Township 45 South, Range 24 East as bearing S00°23'30"E.

Subject to easements, restrictions, reservations and rights-of-way (recorded and unrecorded, written and unwritten).

Applicant's Legal Checked

by gm 2/22/02

Bean, Whitaker, Lutz & Kareh, Inc. (LJ 4919)

PAGE 2 OF 4

32979DESC2

12/17/01

Scott C. Whitaker
Scott C. Whitaker, P.S.M. 4324

ADD 2002-00013

PRINCIPALS:

WILLIAM E. BEAN, PSM, CHAIRMAN

SCOTT C. WHITAKER, PSM, PRESIDENT

JOSEPH L. LUTZ, PSM

ABDUL R. KAREH, PE, MSCE, VICE PRESIDENT

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS

ASSOCIATES:

CHARLES D. KNIGHT, PSM

ELWOOD FINEFIELD, PSM

TRACY N. BEAN, AICP

PAUL T. POKORNY, PE

Attachment H

EXHIBIT "A"
ADD2002-00013
PAGE 3 OF 4



Bean, Whitaker, Lutz & Kareh, Inc.
13041 McGregor Boulevard, Suite 1
Fort Myers, Florida 33919-5910
email - fmoffice@bwk.net
(Ph) 941-481-1331 (Fax) 941-481-1073

Description of a Parcel of Land
Lying in
Section 31, Township 45 South, Range 24 East
Lee County, Florida
(Remaining Parcel - West Parcel)

RECEIVED
FEB 08 2002

COMMUNITY DEVELOPMENT

A parcel of land situated in the State of Florida, County of Lee, Section 31, Township 45 South, Range 24 East, being part of Parcel I and all of Parcel II as described in Official Record Book 3007 at Page 141 and further described as follows:

Commencing at the northeast corner of said Section 31; thence N89°41'24"W along the north line of said Section 31 for 238.87 feet to the former right-of-way line of McGregor Boulevard (S.R. 867 - 80 feet wide); thence S50°28'00"W along said former right-of-way line for 742.18 feet to the northeast corner of said Parcel I as described in Official Record Book 3007 at Page 141; thence S41°20'06"E along the northeasterly line of said parcel for 10.00 feet to the southeasterly right-of-way line of McGregor Boulevard by Order of Taking as recorded in Official Record Book 2463 at Page 1913; thence continue S41°20'06"E along said northeasterly line for 340.17 feet; thence S50°28'00"W parallel with McGregor Boulevard for 151.33 feet to the Point of Beginning; thence continue S50°28'00"W for 345.63 feet; thence S00°17'04"E for 150.00 feet; thence S89°42'56"W for 35.00 feet; thence N00°17'04"W for 553.99 feet to the southeasterly right-of-way line of McGregor Boulevard by said Order of Taking as recorded in Official Record Book 2463 at Page 1913; thence N50°28'00"E along said right-of-way line for 117.13 feet; thence S39°32'00"E for 335.00 feet to the Point of Beginning.

Containing 2.06 acres (89,825 square feet), more or less.

Bearings are based on the east line of the Northeast One Quarter (NE 1/4) of Section 31, Township 45 South, Range 24 East as bearing S00°23'30"E.

Subject to easements, restrictions, reservations and rights-of-way (recorded and unrecorded, written and unwritten).

Applicant's Legal Checked

by Jm 2/22/02

PAGE 3 OF 4

32979DESC3

12/13/01

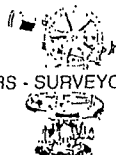
Bean, Whitaker, Lutz & Kareh, Inc. (LB 4919)

Scott C. Whitaker
Scott C. Whitaker, P.S.M. 4324

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



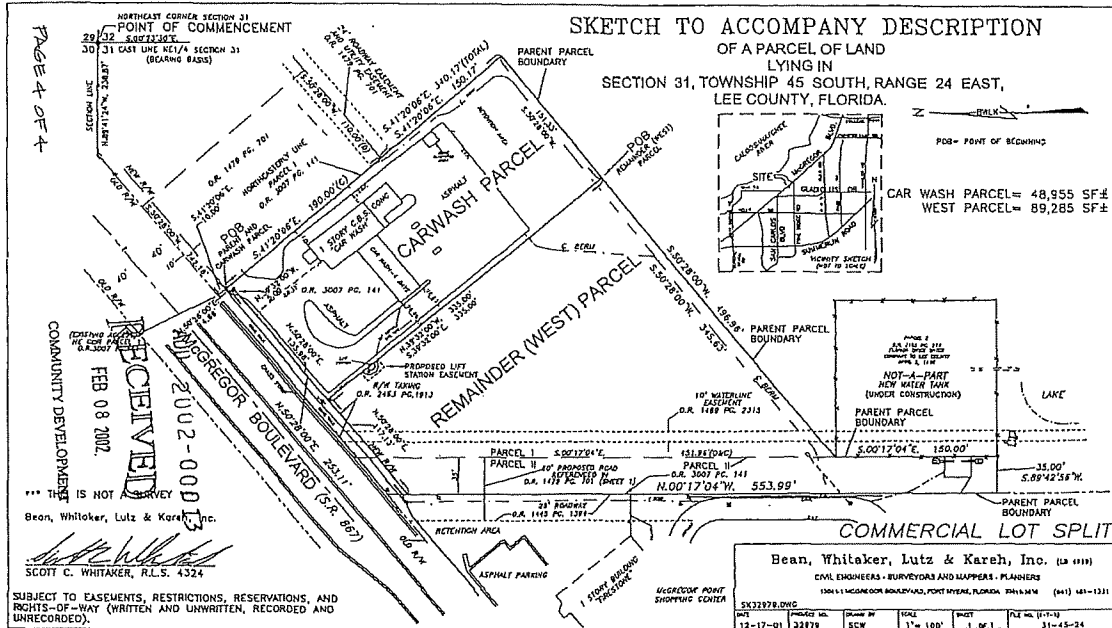
ADD 2002-00013

ASSOCIATES:

CHARLES D. KNIGHT, PSM
ELWOOD FINEFIELD, PSM
TRACY N. BEAN, AICP
PAUL T. POKORNY, PE

Attachment H

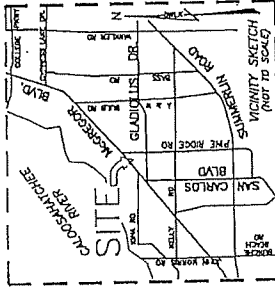
EXHIBIT "A"
ADD2002-00013
PAGE 4 OF 4



ATTACHMENT
SITE PLAN FOR ADMINISTRATIVE COMMERCIAL LOT SPLIT
A PARCEL OF LAND
LYING IN

ADD 2002-00013

RECEIVED
FEB 08 2005
POINT OF BEGINNING
BULK MAIL
COMMUNITY DEVELOPMENT



REMAINDER PARCEL

PROPOSED U/I
STATION EASEMENT
- 25' SETBACK

PEAK AUTOWASH SITE

Bean, Whitaker, Lutz & Kareh, Inc. (LB 4919)
CIVIL ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS
1304-1 MCGREGOR BOULEVARD, FORT MYERS, FLORIDA 33919-5910
(941) 481-

1. Deviation from Section 34-844 requirement that parcels in the CC district provide 100 L.F. frontage to allow a minimum width of 90 L.F. measured at the setback in accordance with Section 10-705 and the definition of lot width in Section 10-1.

DATE 2-08-02	PROJECT NO.	DRAWN BY SCW	SCALE 1" = 80'	SHEET 1 OF 1	FILE NO. (S-T-R) 31-45-24
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REZ2022-00014

MCGREGOR STORAGE REZONING STAFF REPORT

STAFF EXHIBIT# _____

2

Overview

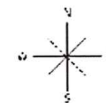
- ▶ Request to rezone 2.06 acres from Community Commercial (CC) and Multi-Family Residential (RM-2) to Commercial (C-2).
- ▶ Subject property is in the Central Urban Future Land Use Category.
- ▶ Property located on McGregor Blvd NE of Iona Rd.
- ▶ Two parcels: large triangular parcel zoned CC and long, thin parcel zoned RM-2.
- ▶ Located in Mixed-Use Overlay.
- ▶ North, Northwest, and west: Gulf Harbor PUD.
- ▶ South: Utility parcel zoned RM-2.
- ▶ Southeast: Bluestone RPD.
- ▶ Southwest: Shopping center zoned CG.

Attachment B1

REZ2022-00014

Aerial

 Subject Properly



A horizontal number line with a vertical tick mark at the left end labeled '0' and another vertical tick mark at the right end labeled '500'. Below the line, centered between the two tick marks, is the word 'Feet'.



Attachment B2



REZ2022-00014

Zoning

Subject Property



0 Feet 500



Attachment B3



REZ2022-00014

Future Land Use

Subject Property
Central Urban
Urban Community
Suburban
Public Facilities



0 Feet 500



Review Criteria

- ▶ LDC 34-145(d)(4)
 - ▶ Is consistent with the Lee Plan;
 - ▶ Meets the Land Development Code and other applicable County regulations or qualifies for deviations;
 - ▶ Is compatible with existing and planned uses in the surrounding area;
 - ▶ Will provide access sufficient to support the proposed development intensity;
 - ▶ Will not impact transportation facilities;
 - ▶ Will not adversely affect environmentally critical or sensitive areas and natural resources; and
 - ▶ Will be served by urban services, as defined in the Lee Plan.

LDC 34-145(d)4 Development Review Criteria: Compliance with Lee Plan

- ▶ Conforms with Central Urban FLUC (Policy 1.1.3).
- ▶ Location is suitable for commercial activity (Objectives 2.1 and 2.2).
- ▶ Utilities are available (Objective 4.1).
- ▶ Is not an encroachment of inappropriate use (Policy 5.1.5).
 - ▶ Already zoned commercial.
 - ▶ Abuts existing commercial
- ▶ Represents well-planned commercial development (Goal 6).
 - ▶ Traffic impacts will be addressed through the development process (Policy 6.1.1).
 - ▶ Does not create premature development (Policy 6.1.7).

Compliance with LDC and Other County Regulations

- ▶ Requests are following proper procedures for REZ process.
- ▶ The applicant is not seeking any variances.
- ▶ Brings lot-size into compliance with development regulations.
- ▶ Potential uses of C-2 zoning are appropriate for this location.
- ▶ Future development and variances must follow development order process and other LDC Regulations.

Compatibility With Surrounding Area

- ▶ Property is between commercially zoned parcels.
- ▶ Property constitutes infill Development.
- ▶ Part of large existing commercial node.
- ▶ Well-buffered from residential uses by McGregor Blvd and abutting lakes.
- ▶ LDC will address any required buffering, screening and site design issues during development.

Sufficient Access

- ▶ Entrance Located on McGregor Blvd.
- ▶ Has secondary access to abutting shopping center.

Transportation Facility Impact

- ▶ No TIS required for REZ.
- ▶ Traffic impacts will be addressed during DO process.

Environmental Impact

- ▶ Property has been previously cleared.
- ▶ No protected species and native vegetation found by Environmental staff.
- ▶ Will be subject to Local DO review
- ▶ Will require appropriate landscape and buffering.

Urban Services

- ▶ Water and sewer service available.
- ▶ Police substation is 4 miles away.
- ▶ Fire and EMS are 2,200 feet away.
- ▶ Does not abut LeeTran route.

Conclusion

- ▶ Complies with the Lee Plan;
- ▶ Meets the Land Development Code and other applicable County regulations or qualifies for deviations;
- ▶ Is compatible with existing and planned uses in the surrounding area;
- ▶ Will provide access sufficient to support development;
- ▶ Will address expected impacts on transportation facilities through existing regulations and conditions of approval;
- ▶ Will not adversely affect environmentally critical or sensitive areas or natural resources; and
- ▶ Will be sufficiently served by urban services, as defined in the Lee Plan.

Staff recommends **approval** of the requests to rezone the subject property from CC and RM-2 to C-2.