Lee County, Florida
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING STAFF REPORT

Case Number: REZ2026-00010
Type of Case: Conventional Rezoning
Case Name: McGregor Nursery Rezone
Area to be Rezoned: +/-1.56 acres
Sufficiency Date: August 24, 2026
Hearing Examiner Date: November 5, 2026

REQUEST

The applicant, Cindy Brizuela of En-Site, on behalf of property owner Juergen Schreyer is requesting to rezone three contiguous parcels totaling approximately +/-1.56 acres from Agricultural (AG-2) to General Commercial (CG). The applicant is proposing to expand the existing plant nursery to include a lawn and garden supply store in accordance with the permitted uses in the General Commercial (CG) zoning district.

The site for this request spans three parcels located at 16781, 16789, and 16799 McGregor Boulevard, and are further identified by the following STRAP#'s: 02-46-23-01-0000E.0110, 02-46-23-01-0000E.0100, and 02-46-23-01-0000E.0080. The subject properties are within the Urban Community Future Land Use Category. A legal description of the subject property is attached (See Attachment "C").

SUMMARY

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

HISTORY OF PARCEL AND CHARACTER OF THE AREA

The subject properties are zoned Agricultural (AG-2) and are in the Urban Community future land use category. The subject properties are contiguous parcels; north of the subject properties is the McGregor Boulevard right-of-way and across the right-of-way property is zoned Commercial Planned Development (CPD); to the east of 16781 McGregor Boulevard the property is zoned Community Commercial (CC), west of 16807 McGregor Boulevard the property is zoned Special Commercial Office District (CS-2) and south of the subject properties are parcels zoned Agricultural (AG-2).

ANALYSIS

According to the stated purpose and intent in Land Development Code (LDC Sec. 34-841) the Commercial General Zoning District (CG) is intended to permit the designation of suitable locations for and to facilitate the proper development and use of consumer-oriented commercial facilities which are of a type or scale which are not suited for and do not generally seek locations in neighborhood, community, or regional shopping centers. Such uses frequently consist of a single principal building containing sales, administration, repair services or manufacture; often rely on large ground areas for storage or display of goods; and are relatively insensitive to the impacts of adjacent land uses while generating substantial impacts on their neighbors. High visual exposure and easy accessibility, usually from arterial roads or suburban highways, are important.

LDC Section 34-145 establishes the review criteria for requests for conventional rezoning. Before recommending approval of a conventional rezoning request, the Hearing Examiner must find 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 applicant has provided a request statement addressing the motive of rezoning and analysis of the decision-making criteria (see Attachment "D"). The following sections provide staff's analysis of the request, as measured against the review criteria. Specifically, staff finds the request:

a. Complies with the Lee Plan

The subject parcel is in the Urban Community future land use category. The application is consistent with the uses and intensities set forth for the underlying Urban Community future land use designation. The rezoning will allow for the expansion of an existing nursery to include the retail commercial operations of a lawn and garden supply store. **Policy 1.1.4** of the Lee Plan states that this category consists of areas characterized by a mixture of relatively intense commercial and residential uses. The residential development in these areas will be at slightly lower densities than other future urban categories described in this plan. As vacant properties within this category are developed, the existing base of public services will need to be maintained which may include expanding and strengthening them accordingly. As in the Central Urban future land use category, predominant land uses in this category will be residential, commercial, public and quasi-public, and limited light industrial with future development encouraged to be mixed use, as described in **Objective 11.1**, where appropriate. The subject properties have frontage along McGregor Boulevard, a county-maintained arterial road. The subject property is located in an area that is settled, as there are many adjacent and surrounding parcels that are developed with commercial uses. The applicant has provided a Utility Availability Letter from Lee County Utilities confirming that the subject property does have the required public services available (i.e. potable water and wastewater disposal) and potable water and sanitary sewer lines are in operation adjacent to the property. Developer funded system enhancements may be required for future development (see Attachment "E"). Staff finds the request is consistent with **Policy 1.1.3** of the Lee Plan.

Objective 2.1 of the Lee Plan states that 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. The rezoning of these parcels supports compact growth as the properties are located along McGregor Boulevard, a county-maintained arterial roadway. The request is consistent with surrounding land uses, as it features commercial development along the corridor. The subject property is in an area that is already developed with commercial and residential uses. The request allows for the expansion of commercial land uses in a location where urban services are readily available, which reduces urban sprawl, minimizes energy costs, and aids in the conservation of land, water, and natural resources. Additionally, proximity to existing and available urban services minimizes the cost of services.

Policy 2.1.1 of the Lee Plan states residential, commercial, industrial, and public facilities development is expected to occur within the designated future urban areas on the Future Land Use Map through the assignment of very low densities to the non-urban categories. This rezoning, if approved, will allow the expansion of an existing non-residential use to include a lawn and garden supply store. **Policy 2.2 Development Location** seeks to 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 §163.3164, Fla. Stat.) will be granted only when consistent with the provisions of §163.3202(2)(g) and § 163.3180, Fla. Stat. and the concurrency requirements in the LDC. The subject property is surrounded by development and abuts McGregor Boulevard, an arterial roadway, which promotes site visibility and accessibility without requiring patrons to traverse through residential corridors or local roads. The subject property is also located in an area where the development has available utilities and services to support the proposed development expansion. **Policy 2.2.1** of the Lee Plan states that rezoning and DRI 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. The subject property is in the Future Water Service Area for Lee County Utilities per Map 4-A. A letter of availability has been provided by Lee County Utilities confirming the available utilities. Staff finds that adequate public utilities and services exist to support the request consistent with **Policy 2.1, Policy 2.1.1, Policy 2.2 and Policy 2.2.1** of the Lee Plan.

As previously stated, the applicant has provided a Letter of Availability from Lee County Utilities (LCU) stating potable water and wastewater disposal is available, the subject property has the required public services available (i.e. potable water and wastewater disposal), and potable water and sanitary sewer lines are in operation adjacent to the property (see Attachment "E"). The subject property is in the Future Water Service Area for Lee County Utilities per Map 4-A and Future Sewer Service Areas per Map 4-B, fulfilling requirements of **Standard 4.1.1: Water and Standard 4.1.2: Sewer** of the Lee Plan. **Standard 4.1.3 Reuse** states that if there is not sufficient capacity or adequate infrastructure within ¼ mile of the development, the developer must provide proof in the form of a clearly stated rejection of service. If a development has been rejected for reuse service, the proposed source of irrigation water must be identified consistent with Policy 61.1.6. The applicant's Letter of Availability for this request has not quantified the availability of sufficient infrastructure to support reuse demand for existing nursery use and the intended expansion of the use to include a lawn and garden supply store. At the time of development order the applicant will need to demonstrate compliance with this Lee Plan standard.

Standard 4.1.4 Environmental Factors; aerial imagery depicts the human activity and disturbance which has occurred on the subject properties as a result of the existing nursery use. The subject properties have not been identified as having environmentally critical or sensitive areas on site. The Applicant will need to undergo additional permitting for site related improvements including a Development Order for future development on the property. At time of DO, a site plan must be designed/engineered to ensure

the integration of land uses/structures with the natural topography/features of the site. Additionally, the subject properties are located along an arterial roadway where street and utility improvements are unlikely to be necessary due to the high-volume capacity of the adjacent roadway and its associated infrastructure. Staff finds the request is consistent with **Standard 4.1.1, Standard 4.1.2, Standard 4.1.3 and Standard 4.1.4.**

Goal 6 Commercial Land Uses intends to permit orderly and well-planned commercial development at appropriate locations within the County. **Objective 6.1** states that 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. **Policy 6.1.1** address commercial land uses to ensure that commercial uses are in appropriate areas, provide sufficient access to support the uses, landscaping and buffering are designed to screen offsite uses to prevent impacting surrounding neighborhoods and ensure that there are similar centers within the same proximity as the subject parcel. The proposed commercial rezone will be served by adequate infrastructure. Any further analysis with respect to site related infrastructure improvements will be conducted at time of development order. All future development on the site will be in compliance with the buffering and screening requirements outlined in the LDC applicable to the CG zoning district. The site has direct access via McGregor Boulevard, a county-maintained arterial roadway. The request does not require a Traffic Impact Analysis, as this request is a conventional rezoning. Future development will be required to provide a detailed traffic study at time of Development Order. The subject properties are located within both the Lee County Utilities Future Sewer and Potable Water Service Areas per Lee Plan Maps 4-A and 4-B. A Letter of Availability from LCU has been provided to further support this request. The subject properties also abut an arterial roadway, which promotes accessibility to the site and facilitates travel for patrons who will not need to traverse through residential corridors to access the subject property. The proposed rezone is not anticipated to have adverse impacts on the adjacent land uses and surrounding neighborhood. There are numerous commercial uses developed along McGregor Boulevard in proximity to the site, including a gas station, dollar store, and a number of plant nurseries.

Policy 6.1.4 states that commercial development will only be approved when compatible with the existing and proposed land uses and with existing public service. The proposed commercial rezoning is compatible with adjacent zoning, existing conditions, and public services. This request for conventional rezone does not require an environmental report or protected species survey; however, future improvements to the subject properties will require environmental assessments at the time of Development Order to ensure consistency with the Lee Plan and the Land Development Code. The parcels to the north are zoned Commercial Planned Development and the parcels to the south are zoned Agricultural (AG-2). The request, if approved, will facilitate continued commercial zoning on property fronting McGregor Boulevard.

Policy 6.1.5 seeks to maintain land development regulations that require 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. The applicant has stated that any future improvements to the subject parcel will be required to undergo a development order; during this time, a detailed traffic analysis will be required to ensure protection of McGregor Boulevard's capacity and subsequent Level of Service.

Policy 6.1.6 seeks to maintain land development regulations that require commercial development provide adequate and appropriate landscaping, open space, buffering, and architectural standards. The applicant's request is for a conventional rezoning, and therefore, the subject property will be

required to provide appropriate landscaping, open space, and buffering consistent with the Land Development Code's requirements at time of Development Order.

Policy 6.1.7 states that commercial development is prohibited from locating in such a way as to open new areas to premature, scattered, or strip development; but permits commercial development to infill on small parcels in areas where existing commercial development would make residential use clearly unreasonable. The subject properties are currently developed with commercial uses, preventing new areas from being developed with premature, scattered, or strip development. The request will allow future expansion of an existing quasi-commercial use on a property that directly abuts an arterial roadway. Staff finds the request is consistent with **Goal 6, Objective 6.1 Policy 6.1.1, Policy 6.1.4, Policy 6.1.5, Policy 6.1.6 and Policy 6.1.7.**

Policy 61.1.1 states that Lee County acknowledges that fresh water must be managed and allocated wisely, and the county supports water allocations by ensuring enough water is available to preserve or restore important natural systems. The subject property does not have any designated wetlands where freshwater would accumulate. Staff finds the request is consistent with **Policy 61.1.1.**

Policy 125.1.2 states that new development and additions to existing development must not degrade surface and ground water quality. An Environmental Resource Permit (ERP) or "10-2" permit from the SFWMD will be required prior to site construction activities. The applicant has stated their intention is to adhere to the Lee Plan and all applicable Land Development Code requirements for this proposed rezoning, as well as all applicable State regulations. **Policy 125.1.3** states that the design, construction, and maintenance of artificial drainage systems must provide for retention or detention areas and vegetated swale systems that minimize nutrient loading and pollution of freshwater and estuarine systems. The applicant's Request Statement does not include any mention of the surface water management impacts for the proposed commercial rezoning. An Environmental Resource Permit (ERP) or "10-2" permit from the SFWMD will be required prior to future development. Staff finds the request is consistent with **Policy 125.1.2 and Policy 125.1.3.**

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

No variances or deviations are being requested with this rezone. The applicant has stated that the request will meet or exceed all performance and locational standards set forth for the proposed Commercial General (CG) zoning district. Access to the site will continue to be provided from McGregor Boulevard. Urban services are available to service this site as stated in the availability letter provided by the applicant from LCU. Traffic impacts and compliance with applicable LDC standards will be addressed at the time of local development order review.

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

The property is located within the Urban Community future land use category which supports commercial uses. The use as proposed is compatible with existing and planned uses in the surrounding area, as the proposed request is complementary to existing commercial development along McGregor Boulevard. The rezoning being sought has the potential to increase the intensity of use on the property as Commercial General uses offer higher intensity uses than the existing Agricultural (AG-2) zoning district. The lawn and garden supply store use, as proposed to be an expansion of the existing nursery, alternatively could be requested as a Special Exception in the Agricultural (AG-2) zoning district which would require traffic analysis and site plan for review. Subsequent development on the property will be required to comply with the applicable provisions of

the LDC, including open space and buffer requirements intended to foster compatibility between commercial and residential uses.

d. Will provide access sufficient to support the proposed development intensity.

The subject properties abut McGregor Boulevard, an arterial roadway, and are in close proximity to John Morris Road, a major collector roadway. These roadways provide sufficient access to the site for the existing use and future development resulting from approval of the requested commercial zoning. Further transportation analysis and the design of future access will be subject to the Lee County Department of Transportation review at time of development order.

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

Access to the subject site was evaluated against Lee County Land Development Code standards. Subsequent development will be subject to Chapter 10 and Admin code requirements at the time of development order.

f. *Will not adversely affect environmentally critical or sensitive areas and natural resources.*

The requested rezoning will not adversely affect environmentally critical areas and natural resources. The subject property is developed with a plant nursery. Future development will be subject to environmental requirements, consistent with the County's Land Development Code, at the time of Development Order. There are no designated wetlands present onsite.

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

The subject property is located within the Urban Community future land use category which is a Future Urban area. The site is serviced by Lee County Utilities for water and wastewater uses and is proximate to existing urban services, such as the Iona McGregor Fire Department (Station 75) and the Lee County Sheriff's Office (West District).

OPEN SPACE

The project meets the small development definition (Land Development Code 10-1). LDC Section 10-425(a) requires 10 percent open space for small commercial developments.

BUFFERING

Buffering must comply with LDC Sections 10-416(d). The subject property abuts agriculturally-zoned property to the west and south. Future development must meet buffer requirements established in this section at the time of development order.

UTILITIES

The applicant has provided a Letter of Availability from Lee County Utilities (LCU) stating potable water and wastewater disposal is available with utility lines in operation adjacent to the property (see Attachment "E").

FIRE AND MEDIC

The subject property is served by Iona McGregor Fire Department (Station 72 and Medic 15) located ±0.5 miles northeast at 16551 McGregor Boulevard, Fort Myers, FL 33908

SHERIFF

Lee County Sheriff's office is located (West District) located ±2.8 miles northeast at 15650 Pine Ridge Rd, Fort Myers, FL 33908.

CONCLUSION

The requested rezoning from Agricultural (AG-2) to Commercial General District (CG) is consistent with the Lee Plan and Land Development Code. The proposed rezoning provides consistency with allowable commercial development within the Urban Community future land use and within the designated future urban area. Staff has concluded that the rezoning will not result in negative impacts to urban services, infrastructure, or surrounding property. The subject property is sufficiently served by fire, police, and emergency services personnel. The request will not adversely affect environmentally critical or sensitive areas or natural resources. Therefore, staff recommends **APPROVAL** of the applicant's request.

ATTACHMENTS

A. Expert Witness List
B. Case Maps
C. Legal Description
D. Request Statement
E. LCU Letter of Availability
F. Lee County DOT Staff Memorandum

Attachment "A"

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

Case Number: **REZ2026-000010**
Project Name: **McGregor Nursery**
Hearing Examiner Date: **November 5, 2026**

Kam Muhammad, Planner, Zoning, 1500 Monroe Street, Fort Myers, FL 33901

- Qualified as an expert witness by the Lee County Hearing Examiner. Current resume is not on file with the Hearing Examiner.
- Qualified as an expert witness in the Lee County Land Development Code and Lee Plan.
- 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.

Lindsey R Karczewski, Planner, Planning, 1500 Monroe Street, Fort Myers, FL 33901

- Has not been qualified as an expert witness in the Lee County Land Development Code and Lee Plan.
- Staff reviewed and provided comments for sufficiency. 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.

Brian Roberts, Director, Development Services, 1500 Monroe Street, Fort Myers, FL 33901

- Qualified as an expert witness in the Lee County Land Development Code and Lee Plan.
- Staff reviewed and provided comments for sufficiency. 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.

Robert Price, Director, Department of Transportation, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- 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.

Jillian Scholler, Deputy Director, Department of Transportation, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- 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.

Nic DeFilippo, Senior Environmental Planner, Planning, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- 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.

Paige Carroll, Environmental Planner, Zoning, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Report and documents were not required to be included with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: Environmental Staff Memorandum along with the Lee County Land Development Code, the Lee Plan, and documentation submitted by the applicant as part of the subject application.

REZ2026-00010

Attachment B

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IONA-RD

THORNTON-RD

KELLY-RD

JOHN-MORRIS-RD

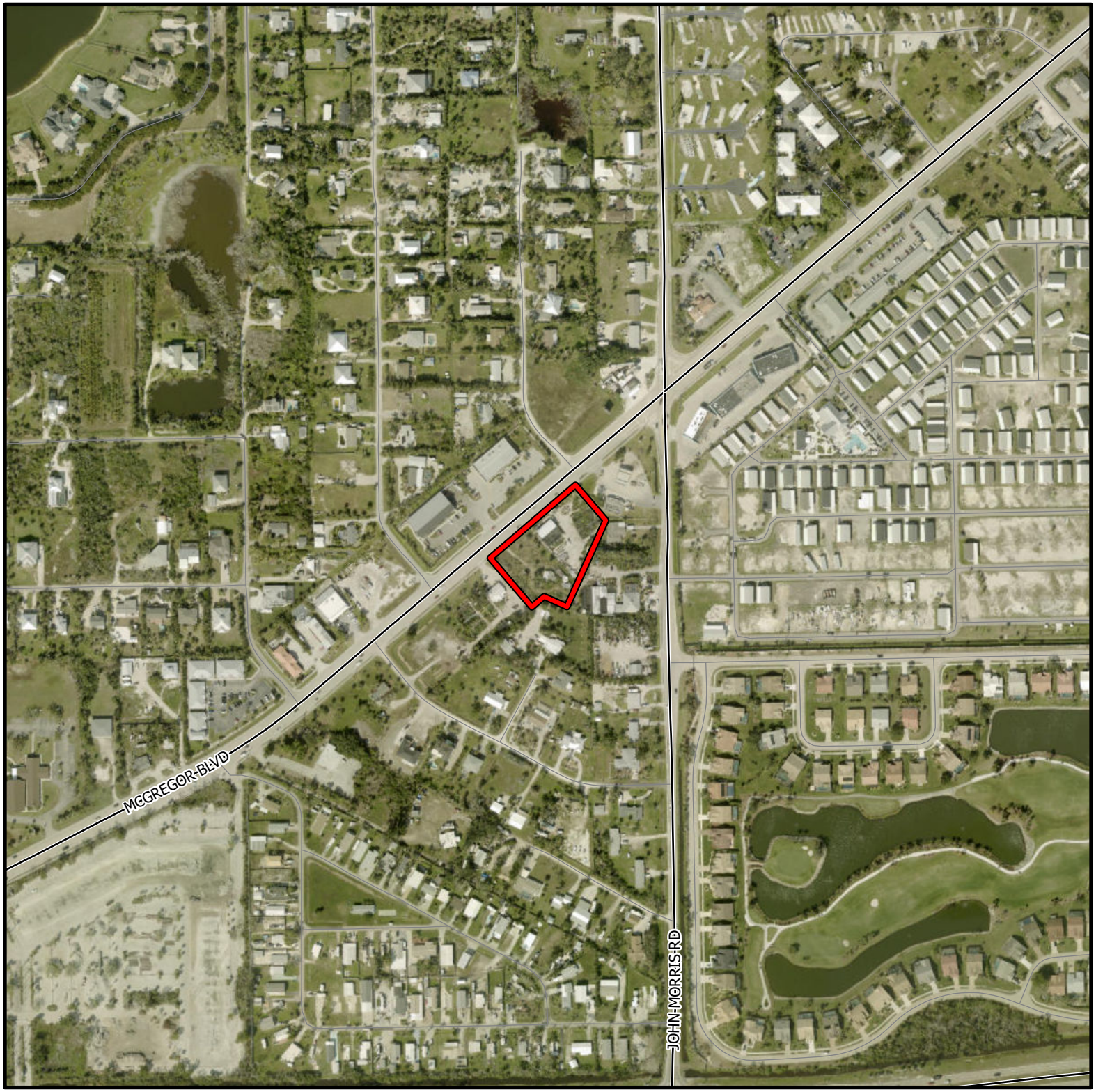
DAVIS-RD

SUMMERLIN-RD

MCGREGOR-BLVD

PINE-RIDGE-RD

SAN-CARLOS-BLVD



REZ2026-00010

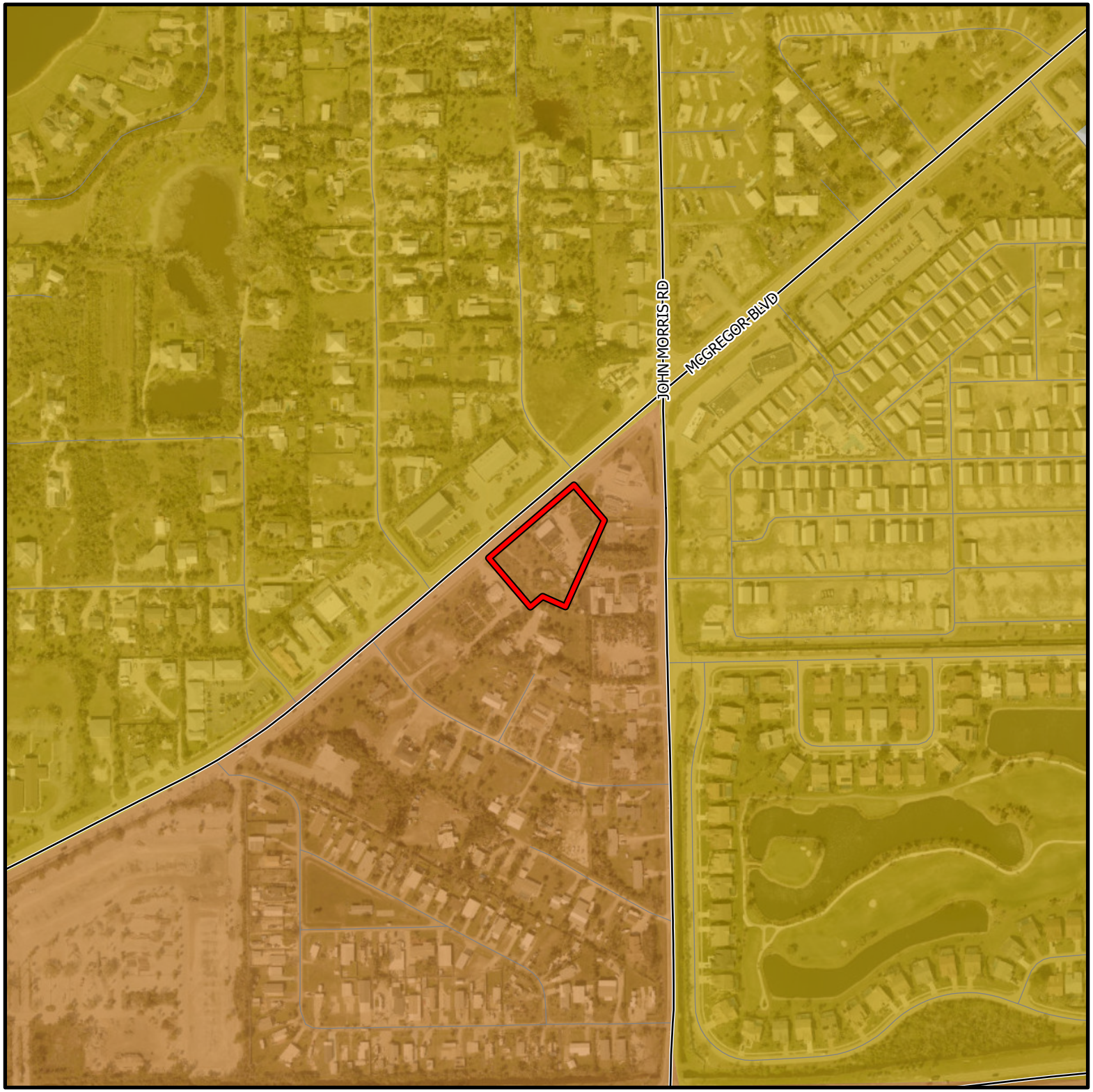
Aerial

Subject Property

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Lee County
Southwest Florida



REZ2026-00010

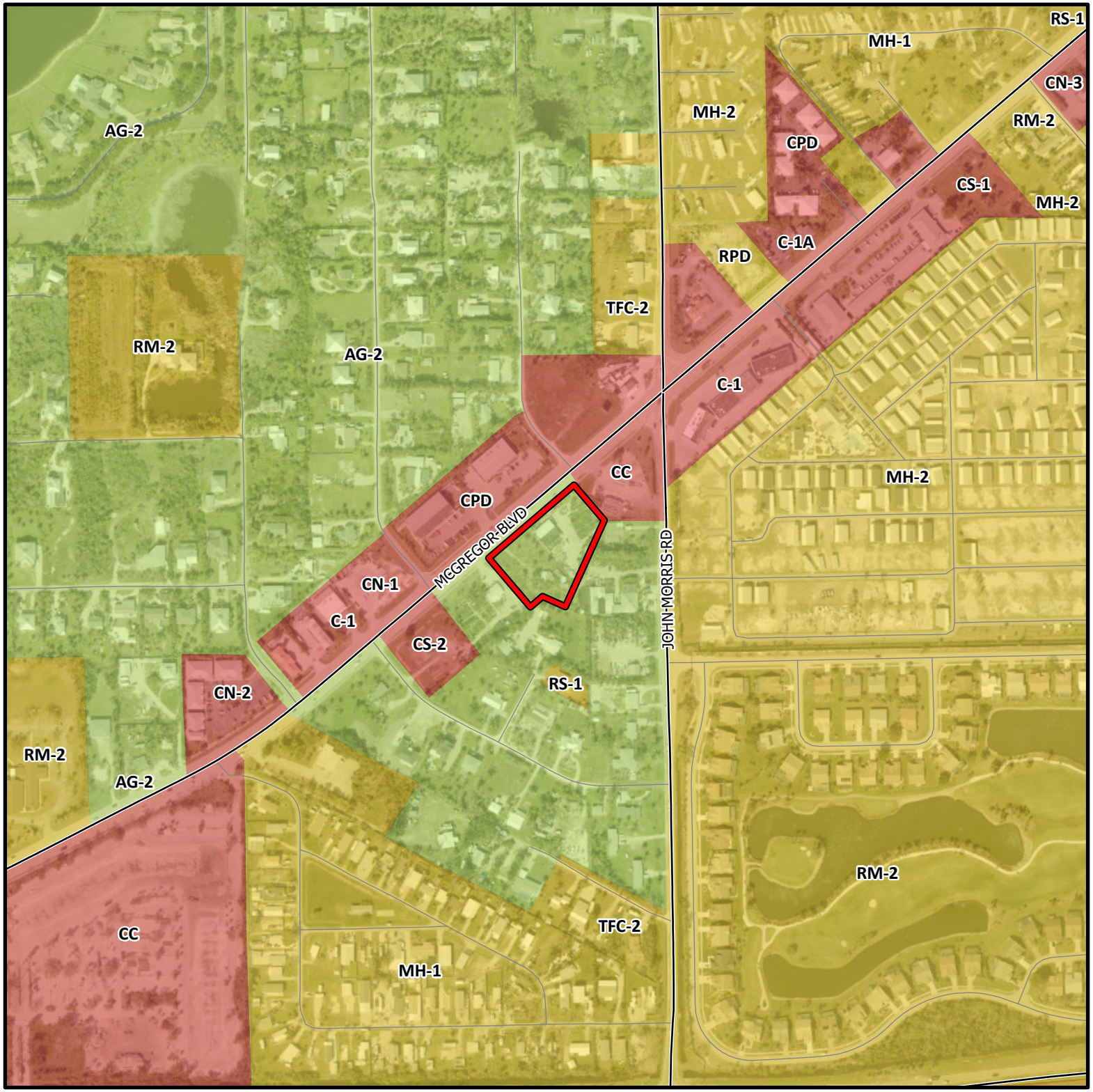
Future Land Use

Subject Property
Urban Community
Suburban
Public Facilities

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Lee County
Southwest Florida



REZ2026-00010

Zoning

Subject Property

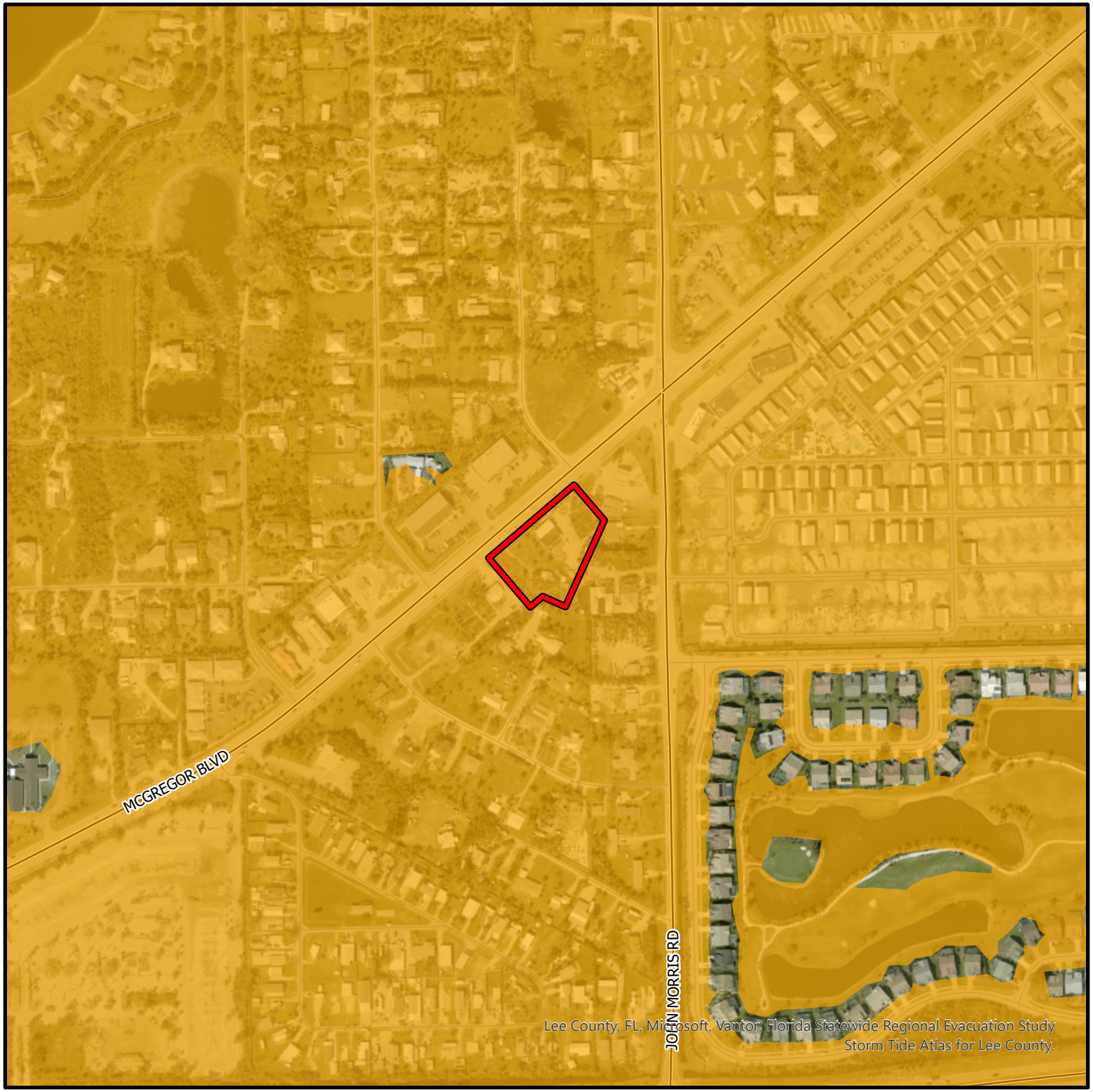
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Lee County
Southwest Florida

REZ2026-00010

Coastal High Hazard Map



Subject Property

CoastalHighHazardArea

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Lee County
Southwest Florida

Attachment "C"

LEGAL DESCRIPTION

WITH NO METES AND BOUNDS

EXHIBIT A

DESCRIPTION:

LOTS 8, 9, 10, AND 11, BLOCK E OF COTTAGE POINT SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 9, PAGE 133 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

STRAP NOs.

02-46-23-01-0000E.0080

02-46-23-01-0000E.0100

02-46-23-01-0000E.0110

REVIEWED
Project: REZ2026-00010
By: Richard Burris
Dept: Legal Review
Date: 07/28/2026

Attachment "D"

Lee County
Dept. of Community Development
Zoning Section
1500 Monroe Street
Fort Myers, FL 33901

ensite

MCGREGOR NURSERY
Conventional Rezoning
REQUEST NARRATIVE

I. BACKGROUND & REQUEST

The subject property is comprised of three (3) parcels with the addresses 16781, 16789, and 16799 McGregor Boulevard in unincorporated Lee County. The property is under three (3) STRAPs 02-46-23-01-0000E.0110, 02-46-23-01-0000E.0100, and 02-46-23-01-0000E.0080. The property is in the southwest area of unincorporated Lee County, specifically southeast of McGregor Blvd and west of John Morris Road. All three (3) parcels are zoned AG-2 and are in the Urban Community future land use designation. The parcels are located within the Iona/McGregor Planning District. The subject property is currently developed as a plant nursery, and the Applicant is requesting to rezone the property to from AG-2 to Commercial General (CG) to expand use of the nursery to include a lawn/garden supply store.



Figure 1. Aerial of Subject Property

II. SURROUNDING LAND USES & COMPATIBILITY

The subject property is surrounded by a range of existing and planned uses, which are further described in Table 1.

	EXISTING USE	ZONING	FUTURE LAND USE
NORTH	Gas station	CC	Urban Community
EAST	Single-family residential, Plant nursery, ROW (John Morris Rd)	AG-2	Urban Community
SOUTH	Plant nursery, Single-family residence	AG-2	Urban Community
WEST	ROW (McGregor Blvd), Dollar store	CPD	Suburban

Table 1. Surrounding Land Uses

Immediately to the north of the subject property is a Circle K gas station with CC zoning. To the east of the subject property is a single-family residence located at 16670 John Morris Road. Immediately south of this home, abutting the eastern perimeter of two (2) of the subject parcels, is a plant nursery. East of the plant nursery is John Morris Road, a county-maintained major collector. To the south of the subject property is a plant nursery located at 16807 McGregor Blvd, and to the east of this nursery is a single-family residence, which abuts the southernmost subject property. The subject property is situated so that McGregor Blvd, a county-maintained arterial roadway, runs northwest of the three (3) parcels. Northwest of the subject property, across McGregor Blvd, is CPD-zoned development, which is currently developed with a Dollar General.

Further supporting the compatibility of the proposed rezoning, the property will need to be developed consistent with a Development Order to address site improvements which include the delineation of 20% of the site as open space consistent with LDC Sec. 10-415(a) and consistency with LDC Sec. 10-416(d)(3) & (4) for buffering requirements. The LDC requires a 15-foot wide Type D buffer along McGregor Blvd, a 5-foot wide Type A buffer between commercial uses, and a C/F buffer where abutting a single-family residence.

III. LEE PLAN ANALYSIS

The proposed CG rezoning is consistent with several goals, objectives, and policies outlined in the Lee Plan, as noted below.

Policy 1.1.4: The Urban Community future land use category area areas characterized by a mixture of relatively intense commercial and residential uses. The residential development in these areas will be at slightly lower densities than other future urban categories described in this plan. As vacant properties within this category are developed, the existing base of public services will need to be maintained which may include expanding and strengthening them accordingly. As in the Central Urban future land use category, predominant land uses in this category will be residential, commercial, public and quasi-public, and limited light industrial with future development encouraged to be mixed use, as described in Objective 11.1, where appropriate. The standard density range is from one swelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum density of ten dwelling units per acre (10 du/acre). The maximum total density may be increased to fifteen dwelling units per acre (15 du/acre) utilizing Greater Pine Island Transfer of Development Units.

The subject property is located within the Urban Community future land use category. The request to rezone the subject property from AG-2 to CG to expand the lawn/garden supply store uses is consistent with Policy 1.1.4, as it expands commercial development, which is one of the predominant land uses characteristic of the Central Urban FLU. No residential density is proposed as part of this rezoning request.

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.

The property's location along McGregor Blvd, a county-maintained arterial roadway, is consistent with surrounding land uses, as it features commercial development along the corridor. The subject property is in an area that is already developed with commercial and residential uses and features compactly configured platted lots. The request allows for the expansion of commercial land uses in a location where urban services are readily available, which reduces urban sprawl, minimizes energy costs, and aids in the conservation of land, water, and natural resources. Additionally, proximity to existing and available urban services minimizes the cost of 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 §163.3164, Fla. Stat.) will be granted only when consistent with the provisions of §163.3202(2)(g) and § 163.3180, Fla. Stat. and the concurrency requirements in the LDC.

The subject property is surrounded by development and abuts McGregor Blvd, an arterial roadway, which promotes site visibility and accessibility without requiring patrons to traverse through residential corridors. The subject property is also located in an area where the development has readily available utilities and services to support the proposed development expansion. This is further supported by the Letter of Availability received from LCU on 7/1/26.

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.

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.

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).*

2. *If the proposed development lies within the boundaries of a water utility's certificated or franchised service area, or Lee County Utilities' future potable water service area (see Map 4A), then the development must be connected to that utility.*
3. *The developer must provide proof that the prior commitments of the water utility, plus the projected need of the developer, do not exceed the supply and facility capacity of the utility.*
4. *All waterline extensions to new development will be designed to provide minimum fire flows, as well as adequate domestic services as required by Fla. Admin. Code R. 62-555.*
5. *If a new development is located in a certificated or franchised service area, or Lee County Utilities' future potable water service area (see Map 4-A), and the utility cannot provide the service or cannot provide the service except at a clearly unreasonable cost to the developer, the developer is encouraged to petition the appropriate regulatory agency to contract the service area so that the development may establish its own community water system or invite another adjacent utility to expand its service area in order to provide the required service.*
6. *If a development lies outside any service area as described above, the developer may:*
   - *request that the service area of Lee County Utilities or an adjacent water utility be extended to incorporate the property;*
   - *establish a community water system for the development; or*
   - *develop at an intensity that does not require a community water system.*
7. *Lee County Utilities may provide potable water service to properties not located within the future water service area when such potable water service is found to benefit public health, safety, and welfare, including protection of Lee County's natural resources.*

The subject property is in the Future Water Service Area for Lee County Utilities per Map 4-A. A letter of availability has been provided by Lee County Utilities as part of this submittal package to ensure sufficient capacity for the proposed project.

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.*
2. *If the proposed development exceeds the thresholds listed above and lies within the boundaries of a sewer utility's certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 4-B), and that utility has sufficient capacity to provide minimum service to the development, then the development must connect to that sewer utility if there is existing infrastructure adequate to accept the effluents of the development within l/4 mile from any part of the development.*
3. *If there is not sufficient capacity nor adequate infrastructure within l/4 mile of the development, the developer must provide proof in the form of a clearly stated rejection of service.*
4. *If a new development is located in a certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 4-B), and the utility cannot provide the service, or cannot provide the service except at a clearly unreasonable cost to the developer, II-16 April 2024 Future Land Use the developer may establish on a temporary basis a self-provided sanitary sewer facility for the development, to be abated when the utility extends service to the site. The developer may also petition the appropriate regulatory agency to contract the service area of the utility in order that another utility may be invited to provide the service.*
5. *If a development lies outside any service area as described above, the developer may:*
   - *request that the service area of Lee County Utilities or an adjacent sewer utility be expanded to incorporate the property;*

- *establish a self-provided sanitary sewer system for the development;*
- *develop at an intensity that does not require sanitary sewer service; or*
- *if no more than 5000 gallons of effluent per day per parcel is produced, an individual sewage disposal system per Fla. Admin. Code R. 64E-6 may be utilized, contingent on approval by all relevant authorities.*

6. *Lee County Utilities may provide sanitary sewer service to properties not located within the future sewer service area when such sanitary sewer service is found to benefit public health, safety, and welfare, including protection of Lee County's natural resources.*

The subject property is in the Future Sewer Service Areas per Map 4-B. A letter of availability has been provided by Lee County Utilities, as part of this submittal package, to ensure sufficient capacity for the proposed project.

Standard 4.1.4: ENVIRONMENTAL FACTORS.

1. *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 (SFWMD), 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.*
2. *Ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site.*
3. *Ensure development minimizes the need for expansion and construction of street and utility improvements.*

Aerial imagery demonstrates the human activity/disturbance which has occurred on the subject property due to the existing nursery use. The subject property is not environmentally sensitive. The Applicant will need to undergo additional permitting for site related improvements including a Development Order. At time of DO, a site plan will be designed/engineered and will ensure the integration of land uses/structures with the natural topography/features of the site. Additionally, the subject property is located along an arterial roadway where street and utility improvements are unlikely to be necessary due to the high volume capacity of the adjacent roadway and its associated infrastructure.

Goal 6: COMMERCIAL LAND USES. To permit orderly and well-planned commercial development at appropriate locations within the County.

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.

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

1. *Traffic and access impacts (rezoning and development orders);*

   The site has direct access through McGregor Blvd, an arterial roadway. The request does not require a Traffic Impact Analysis, as this request is for a conventional rezoning. Future development will be required to provide a detailed traffic study at time of Development Order.

2. *Landscaping and detailed site planning (development orders);*

   Not applicable for this request.

3. *Screening and buffering (Planned Development rezoning and development orders);*

   Not applicable for this request. The request is for a conventional rezone and will feature landscaping consistent with the Land Development Code as required at time of Development Order.

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

   The subject property is located within both the Lee County Utilities Future Sewer and Potable Water Service Areas per Lee Plan Maps 4-A and 4-B. A Letter of Availability from LCU has been provided to further support this request. The subject property also abuts an arterial roadway, which promotes accessibility to the site and facilitates travel for patrons who will not need to traverse through residential corridors to access the subject property.

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

   The proposed rezone is consistent with the adjacent land uses and surrounding neighborhoods. There are numerous commercial uses developed on McGregor Blvd in proximity to the site, which include a gas station, dollar store, and a number of plant nurseries.

6. *Proximity to other similar centers (rezoning); and*

   The subject property is developed with a plant nursery and is in an area developed with various commercial uses along an arterial roadway, McGregor Blvd. The purpose of the request is to provide local patrons with lawn/garden supply operations in addition to the existing plant nursery.

7. *Environmental considerations (rezoning and development orders).*

   The request is for a conventional rezone, which does not require an environmental report or protected species survey; however, future improvements to the subject property will require environmental assessments at the time of Development Order to ensure consistency with the Lee Plan and the Land Development Code.

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.

Consistent with Policy 6.1.4, the proposed project is compatible with existing and planned adjacent uses. The proposed CG rezone compliments the surrounding commercial zoning and development along the McGregor Blvd corridor. The property abuts McGregor Blvd, an arterial roadway, which supports the proposed land uses. Additionally, the project will be serviced via

Lee County Utilities for potable water and sanitary sewer, as noted in the Letter of Availability provided.

Policy 6.1.5: Maintain land development regulations that require 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.

Any future improvements to the subject parcel will be required to undergo a development order; during this time, a detailed traffic analysis will be required to ensure protection of McGregor Boulevard's capacity and subsequent Level of Service.

Policy 6.1.6: Maintain land development regulations that require commercial development provide adequate and appropriate landscaping, open space, buffering, and architectural standards.

The request is for a conventional rezoning, and therefore, the subject property will provide appropriate landscaping, open space, and buffering consistent with the Land Development Code's requirements at time of Development Order

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 currently developed with commercial uses, preventing new areas from being developed with premature, scattered, or strip development. The request expands the land uses, which may be developed on small parcels that directly abut an arterial roadway. This configuration, in conjunction with the surrounding land uses, makes residential use at this location clearly unreasonable.

Policy 6.1.8: Prohibit commercial development from locating near existing or planned school areas in such a way as to jeopardize the safety of students.

The subject property is not located near an existing or planned school.

IV. REVIEW CRITERIA

LDC Sec. 34-145(d)(4)(a)(1)

Section 34-145(d)(4)(a)(1) of the Land Development Code establishes the review criteria for all zoning matters. The review criteria applicability for this application is as follows:

a) *Complies with the Lee Plan;*

As described in the above Lee Plan consistency, the request complies with Policy 1.1.4, Objectives 2.1 & 2.2, Goal 4 and its sub-policies, and Goal 6 and its sub-policies.

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

The proposed request meets or exceeds County regulations and does not request deviations.

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

The use is highly compatible with existing and planned uses in the surrounding area, as the proposed request is complimentary to existing commercial development along McGregor Blvd.

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

The subject property abuts McGregor Blvd, an arterial roadway, and it is in proximity to John Morris Rd, a major collector roadway. These roadways provide sufficient access to the site for the expansion of the requested commercial land uses. Additionally, a detailed traffic analysis will be required at time of Development Order when future improvements on the subject property are determined.

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

As previously mentioned, a detailed traffic analysis will be required at time of Development Order when future improvements on the subject property are determined.

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

The subject property will be required to undergo environmental analysis, consistent with the County's Land Development Code, at the time of Development Order to ensure compliance with local permitting requirements.

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

The subject property is located within a Future Urban area category, specifically the Urban Community FLU. The site is serviced by Lee County Utilities for water and wastewater uses and is proximate to existing urban services, such as the Iona McGregor Fire Department (Station 75) and the Lee County Sheriff's Office (West District).

V. CONCLUSION

The proposed rezoning from AG-2 to CG is consistent with several policies set forth by the Lee Plan. The request is also compatible with existing and planned developments in this corridor, as the subject property is in proximity to both an arterial roadway and a major collector roadway, surrounded by developed commercial land uses, and proximate to readily available urban services. The proposed request is further supported by a Letter of Availability from Lee County Utilities for potable water and sanitary sewer. As an already developed plant nursery, the rezone to CG would allow for the expansion of commercial land uses in this corridor.

Please contact me directly at (239) 226-0024 or CindyL@En-Site.com if you should have any questions or require additional information.

Sincerely,
EnSite, Inc.



Cindy C. Leal Brizuela, AICP, MURP
Principal Planner

Attachment "E"

Lee County
Southwest Florida

Board of County Commissioners

Kevin Ruane
District One

Cecil L Pendergrass
District Two

David Mulicka
District Three

Brian Hamman
District Four

Trish Petrosky
District Five

Dave Harner, II
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
County Hearing Examiner

July 1, 2026 Via E-Mail

Cindy Leal Brizuela, AICP, MURP
EnSite, Inc
2401 First Street, Suite 201
Fort Myers, FL 33901

RE: **Potable Water and Wastewater Availability**
McGregor Nursery
16781, 16789, 16799 McGregor Blvd., Fort Myers, FL 33908
STRAP # 02-46-23-01-0000E.0110, 02-46-23-01-0000E.0100, 02-46-23-01-0000E.0080

To whom this may concern:

The subject properties are 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, to provide service to the subject parcels, developer funded system enhancements may be required.

Your firm has indicated that this project will consist of one commercial building of 5,000 sq. ft., 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.

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 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 rezoning purposes only. Individual letters of availability will be required for the purpose of obtaining building permits.

Sincerely,

Aixa Cruz

LEE COUNTY UTILITIES
Utilities Plan Reviewer
239-533-8531

Attachment F

DEPARTMENT OF TRANSPORTATION

Memo

To: Khalil Muhammad, Planner

From: John Podczerwinsky, AICP CTP, Principal Planner, D O T Engineering

Date: Sep 30, 2026

Subject: REZ2026-00010_McGregor Nursery Transportation-Related Analysis

Proposed Development

This application (REZ2026-00010, McGregor Nursery) requests a rezoning application from AG-2 to Commercial General (CG) to expand the use of the existing plant nursery to include a lawn/garden supply store.

Site Location

The subject property is located at addresses 16781, 16789, and 16799 McGregor Boulevard, in the southwest area of unincorporated Lee County. The site is situated on the south side of McGregor Blvd, south-southwest of John Morris Road, and north of Summerlin Road.

Site Access & Interconnection

Access to the subject site was evaluated against Lee County Land Development Code standards. Staff recommends approval subject to the following conditions, which the applicant has committed to address at the time of Development Order (DO):

- Interconnection: Per LDC Sections 10-285(c) and 10-295, existing informal interconnections to the southwest property (16807 McGregor Blvd) must be formalized via a recorded cross-access easement at the time of DO.
- Access Spacing: LDC Section 10-285 requires 440-foot driveway spacing on McGregor Blvd, and at least one connection does not meet the standard. Closure of one driveway and formalization of the remaining driveway must be addressed at the time of DO.

Conclusion

Based on the nature of the rezone application (REZ2026-00010, McGregor Nursery), a traffic impact study and associated Level of Service analyses are not required. Final engineering details, cross-access easements, access management compliance, and any necessary adjustments will be fully evaluated and resolved during the subsequent Development Order stage.