

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

Case Number: DCI2022-00017

Case Name: Calusa Cay CPD

Type of Case: Amendment to Minor Planned Development

Area Affected by Planned Development Amendment: 26.77 Acres

Sufficiency Date: June 30, 2022

Hearing Date: August 31, 2022

Request

Banks Engineering has filed a request to amend an existing Commercial Planned Development (CPD) to modify the Schedule of Uses to add EMS, Fire, or Sheriff's Station, limited to Sheriff's Station in the Retail Tract and add warehouse, public and mini-warehouse to Parcel 3; reduce the retail square footage from 96,500 square feet to 89,600 square feet; add 60,000 square feet of self-storage use within Parcel 3; increase the height allowed on Parcel 3 for self-storage use only from 35 feet to 38 feet above average grade or 45 feet above mean sea level, whichever is lower; and update the Master Concept plan to reflect these changes.

The subject property consists of a series of parcels located north of Pine Island Road NW and east of Stringfellow Road. A legal description of the subject property is attached as Attachment I.

Summary

Staff recommends **APPROVAL** of the applicant's request as conditioned in Attachment C. The conditions and deviations recommended by Staff for prior zoning approvals are carried forward with the exception of the current request to add EMS, Fire, or Sheriff's Station and the warehouse, public and mini-warehouse uses, the changes to retail square feet and height increase limited to the self-storage use only on Parcel 3.

Property History and Character of the Area

The subject property is a parcel of land located on the northern side of Pine Island Road within the Greater Pine Island Planning Community (see Attachment B). The property is currently being developed with a grocery store as approved by COM2020-00482.

The property was originally rezoned from Agricultural (AG-2) and Commercial (C-1A) to Commercial Planned Development (CPD) by Resolution Z-13-007. The CPD permitted a maximum of 95,000 square feet of commercial development intensity including a grocery store and three outparcels as shown on the approved MCP. The CPD was amended by ADD2020-00020 to redistribute the commercial square footage on site, reconfigure building and parking orientation, establish three (3) commercial outparcels on the site, and modify three deviations approved by Resolution Z-13-007 relating to roadway construction, building floor area, and buffer requirements. The CPD was further amended by ADD2021-00051 to subdivide the main commercial tract into a grocery and retail tract with corresponding site development regulations

for the retail tract, address the access to the retail tract, update the signage plan, add four deviations to allow the creation of the Retail Tract without abutting or having access to a public or private street, and to allow the installation of ground-mounted signs for the commercial development and for an off-site residential development to the north of this property. The uses were further amended to add with a package store to the approved schedule of uses and to allow being a deviation from the 500-foot separation requirement for package stores by Resolution Z-21-015. All conditions and deviations from prior approvals were carried forward into this document (see Attachment H).

The subject property is located within the Urban Community Future Land Use Map category as designated by the Lee Plan (see Attachment B). The areas surrounding the subject property can be characterized as follows:

North and East

Lands to the north of the subject property are designated Urban Community, Conservation Lands Wetland, and Conservation Lands Upland future land use categories by the Lee Plan and are zoned Residential Multiple-Family (RM-2) and Environmentally Critical (EC) (see Attachment B). DOS2021-00118, which proposes the construction of 94 multi-family units in 17 buildings, an amenity center and pool on the RM-2-zoned property to the north is currently under review. The properties to the east are held in conservation by Lee County and by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (TIITF).

West

Lands to the west of the subject property are designated Public Facilities and Urban Community by the Lee Plan and are zoned Agricultural (AG-2), Commercial (C-1 and C-1A) and Residential Two-Family Conservation (TFC-2). These properties are developed with a school (Pine Island Elementary School), and a mix of uses including a nursery, a commercial building, a church, and duplex residential uses.

South

Lands to the south of the subject property (across Pine Island Road) are designated Urban Community by the Lee Plan and are zoned Community Commercial (CC), Commercial General (CG), Commercial (C-1A), Residential Two-Family Conservation (TFC-2) and Light Industrial (IL) (see Attachment B). These properties are developed with a mix of commercial and single family residential uses.

Analysis

The intent of the proposed planned development amendment is to amend the schedule of uses to permit an EMS, Fire, or Sheriff's Station, limit Sheriff's Station in the Retail Tract and add warehouse, public and mini-warehouse to Parcel 3; reduce the retail square footage from 96,500 square feet to 89,600 square feet; add 60,000 square feet of self-storage use in Parcel 3; increase the height allowed on Parcel 3 for the self-storage use only from 35 feet to 38 feet above average grade or 45 feet above mean sea level, whichever is lower; and update the Master Concept plan (see Attachments D and E).

Section 34-145 of the Land Development Code (LDC) establishes the review criteria for all rezoning requests. Before recommending approval of a 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.

For Planned Development rezoning requests, the Hearing Examiner must also find:

- a) The proposed use or mix of uses is appropriate at the proposed location;
- b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development; and
- c) That each requested deviation:
 - 1) Enhances the achievement of the objectives of the planned development; and
 - 2) Preserves and promotes the general intent of this Code to protect the public health, safety and welfare.

The following sections provide an analysis of the request and whether the request meets the criteria to be entitled to the planned development amendment in accordance with the Land Development Code.

Lee Plan Compliance

As noted above, the subject property is designated Urban Community according to the Future Land Use Map of the Lee Plan. **Lee Plan Policy 1.1.4** notes:

The Urban Community land use areas are characterized by a mixture of relatively intense commercial and residential uses. These areas are urban in character but should be developed at lower intensities to develop at a scale appropriate for the existing urban services and expand or improve them when appropriate.

The existing CPD provides for a mix of commercial uses along an arterial roadway. The request is consistent with the types of land uses and the mix of uses contemplated for the Urban Community Future Land Use category. Therefore, the requested amendment is **CONSISTENT with Lee Plan Policy 1.1.4**.

Goal 2, Objectives 2.1 and 2.2 and Policies 2.1.1, 2.1.2, and 2.2.1 of the Lee Plan promote contiguous and compact growth patterns to contain urban sprawl, minimize energy and urban

service costs, and conserve natural resources. The Lee Plan seeks to direct development within designated future urban areas with available urban services in a manner that is consistent with the Future Land Use Map and the goals, objectives, policies, and standards of the Lee Plan. The subject property is already entitled with respect to development intensity, and the proposed reduction in retail square feet and addition of self-storage square feet does not increase intensity. The property has adequate access to the surrounding roadway network and adequate urban services (including paved access, proximity to emergency services, etc.). The request provides for development that limits urban sprawl by utilizing existing commercial development for the proposed use, and does not impact environmentally sensitive lands or natural resources. Therefore, the request is **CONSISTENT with Goal 2, Objectives 2.1 and 2.2, and Policies 2.1.1, 2.1.2, and 2.2.1 of the Lee Plan.**

Lee Plan Policy 5.1.5 establishes the need to protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. The Land Development Code implements this compatibility-related policy through the establishment of a specific roof height limitation within the Greater Pine Island Community Plan for commercial building design that cannot be granted a deviation through the planned development process (see LDC Section 33-1087). The zoning resolution property development regulations were approved for a maximum of 35 feet. The applicant is requesting an increase in height for the public warehouse and mini-warehouse uses on Parcel 3 only. Any other uses on Parcel 3 or any other tract are limited to a maximum 35 feet. The height must be measured from 35 feet to 38 feet above average grade or 45 feet above mean sea level, whichever is lower, in accordance with LDC Section 33-1087. In addition, the established CPD is intended to be developed with a mix of commercial uses which, if proposed to include EMS, Fire, or Sheriff Station, Warehouse, Mini-warehouse and Public warehouse. The addition of these uses is consistent with the types of uses allowed in a CPD in accordance with LDC 34-934 and the development of these uses is not anticipated to present any substantive compatibility concern as it relates to existing and planned commercial uses in the development. Therefore, the request is **CONSISTENT with Policy 5.1.5 of the Lee Plan.**

Lee Plan Policy 6.1.4 states that commercial development will be approved only when compatible with adjacent existing and proposed land uses and with existing and programmed public services and facilities. The approved CPD permits indoor storage only and the applicant is requesting to add mini-warehouse and public warehouse within Parcel 3 only to the schedule of uses, which would allow indoor storage a principal use within the CPD. The planned development amendment request does not substantially alter the compatibility of commercial development on the subject property with the character of the surrounding area or with adjacent uses, and is therefore **CONSISTENT with Policy 6.1.4 of the Lee Plan.**

Lee Plan Policy 24.4.1 states that non-residential developments within the Greater Pine Island Community Plan Area should provide employment opportunities, serve the day to day needs of residents and visitors and reduce the number of vehicular trips through Matlacha. The proposed planned development amendment continues to allow a diverse range of commercial uses that will provide employment opportunities within the Pine Island area, will provide day to day services to

Pine Island residents, and reduce the local vehicular trips through Matlacha to the mainland for day to day shopping needs, and is therefore **CONSISTENT with Policy 24.4.1 of the Lee Plan**.

In conclusion, **the planned development amendment request, as conditioned, is CONSISTENT with the Lee Plan**. The subject property is designated Urban Community by the Lee Plan, and the property is sufficiently served by a host of urban services and infrastructure. The requested amendment to the schedule of uses is consistent with the types of commercial uses currently permitted within the existing planned development, and the development of the property contemplated by the request will remain compatible with the mix of uses existing and planned uses approved for and developed around the subject property.

Land Development Code Compliance and Deviations

Section 34-411 of the Lee County Land Development Code requires all planned developments to be consistent with the Lee Plan and the Land Development Code except to the extent that deviations from the Land Development Code are requested as part of an application for a planned development. As noted above, the proposed Commercial Planned Development amendment is consistent with the Lee Plan.

Four deviations were approved for the existing CPD by Resolution Z-13-007. ADD2020-00020 modified two conditions and three deviations previously approved by Resolution Z-13-007. ADD2021-00051 modified the site development regulations, added four deviations and created new conditions regarding signage and road access originally approved by Resolution Z-13-007. Resolution Z-21-015 approved one deviation and one condition associated with a package store use and codified all previously approved conditions and deviations. These changes are reflected and noted in Attachment C.

The applicant has not requested additional deviations as part of this request.

Compatibility with Surrounding Uses and Transportation Impacts

As noted above, the existing Commercial Planned Development is consistent with the Future Land Use Map designation for the subject property and has been deemed compatible with established uses surrounding the property. The requested planned development amendment will reduce retail uses from 96,500 square feet to 89,600 square feet and add 60,000 square feet of mini or public warehouse use, thus reducing the amount of traffic from the previous uses. Infrastructure Planning reviewed the request and had no comment due to this anticipated reduction in traffic, the proposed changes will not substantially alter the property's compatibility with surrounding uses.

The access to the subject property was approved by Resolution Z-13-007, was codified in Resolution Z-21-015, is proposed to remain unchanged by the request. The request, if approved, will not substantially alter the traffic or environmental impacts of the development considered at the time of rezoning to Commercial Planned Development.

Public Information Meeting

The subject property is located within the Greater Pine Island Community Plan Area, which requires a public information session for planned development zoning actions prior to obtaining approval

or a finding of sufficiency as outlined in LDC Section 33-1003. A public information session was held on May 3, 2022 in conjunction with the Greater Pine Island Civic Association with seventy (70) attendees. The main concerns documented were addressing the request to increase height on Parcel 3 for all uses or just the self-storage use, questions regarding if the self-storage is built, and questions about why there needs to be a sheriff substation. The response to these questions are provided in the meeting summary is included as Attachment G.

Findings and Conclusion

The proposed planned development amendment to include mini-warehouse and public warehouse use on Parcel 3 and EMS, Fire, and Sheriff in the Retail Tract in the approved schedule of uses; reduce the retail square footage from 96,500 square feet to 89,600 square feet; add 60,000 square feet of self-storage use in Parcel 3; and increase the height allowed on Parcel 3 for self-storage use only from 35 feet to 38 feet above average grade or 45 feet above mean sea level, whichever is lower; and update the Master Concept plan is consistent with the Lee Plan.

The proposed planned development amendment meets all the criteria for rezoning and is compliant with the Land Development Code. The request is compatible with existing and planned uses in the surrounding area and will not adversely affect environmentally critical or sensitive areas or natural resources. The subject property will be served by urban services, and sufficient access will be provided to support the proposed development intensity. Staff also finds that the mix of uses is appropriate for the subject property, that the approved and proposed conditions provide sufficient safeguards to the public interest, and that the conditions are reasonably related to the impacts on the public interest expected from the proposed development.

Attachments

- A. Expert Witness List
- B. Aerial, Future Land Use, and Current Zoning Maps
- C. Recommended Conditions and Deviations
- D. Master Concept Plan dated 8/11/22
- E. Applicant Schedule of Uses
- F. Applicant Request Narrative and Justification
- G. Public Information Meeting
- H. Resolution Z-21-015
- I. Legal Description
- J. Calusa Cay CPD Lee County Wetland Enhancement and Creation Plan dated April 2020
- K. ADD2021-00051 Sign Plan

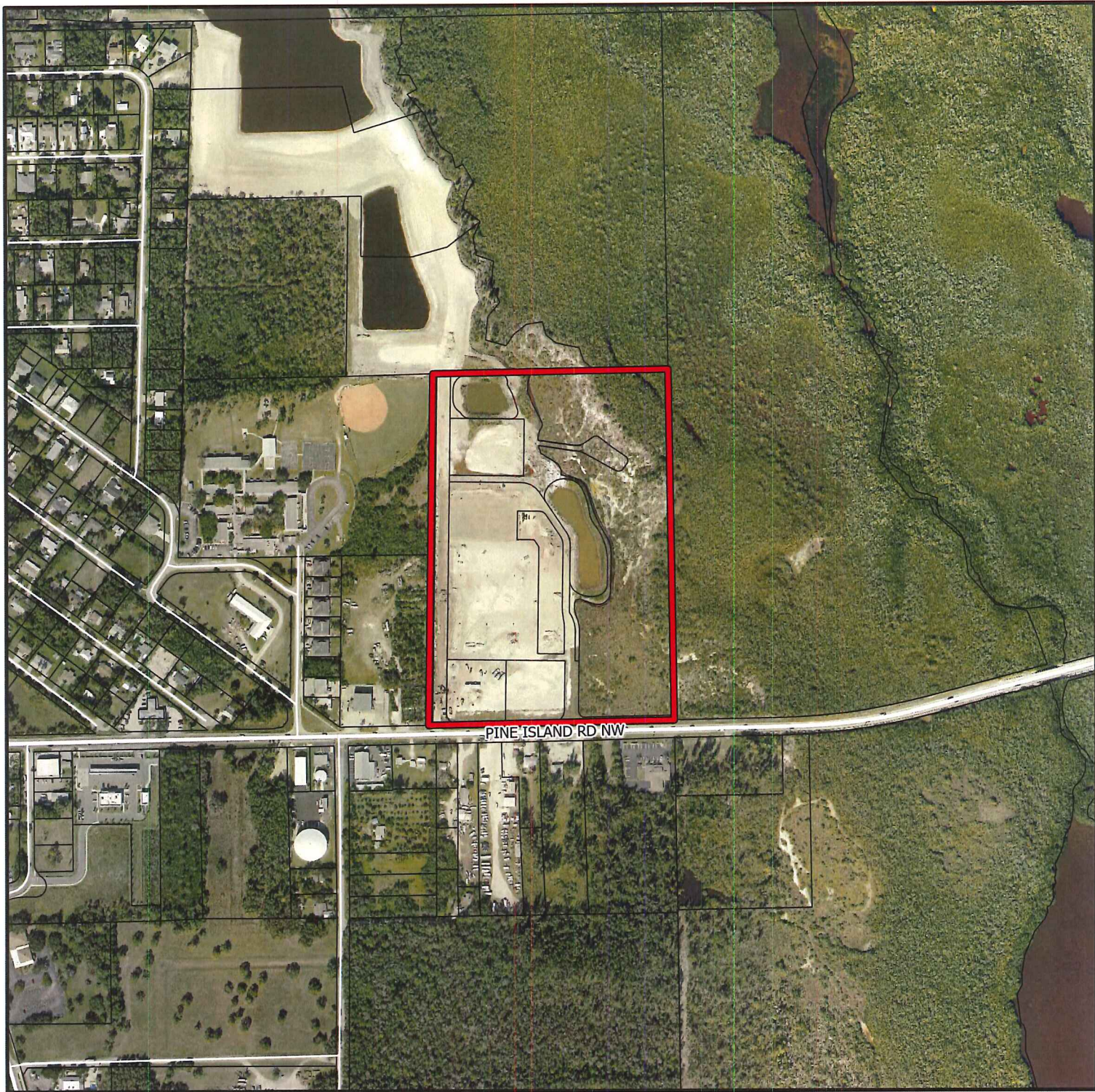
ATTACHMENT A

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

Case Number: DCI2022-00017
Project Name: Calusa Cay CPD
Hearing Examiner Date: August 31, 2022

Beth Workman, Senior Environmental Planner, Zoning, 1500 Monroe Street, Fort Myers, FL 33901

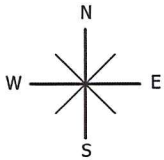
- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code, Lee Plan, and Environmental Sciences.
- Report and documents are submitted with 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.



DCI2022-00017

Aerial

 Subject Property

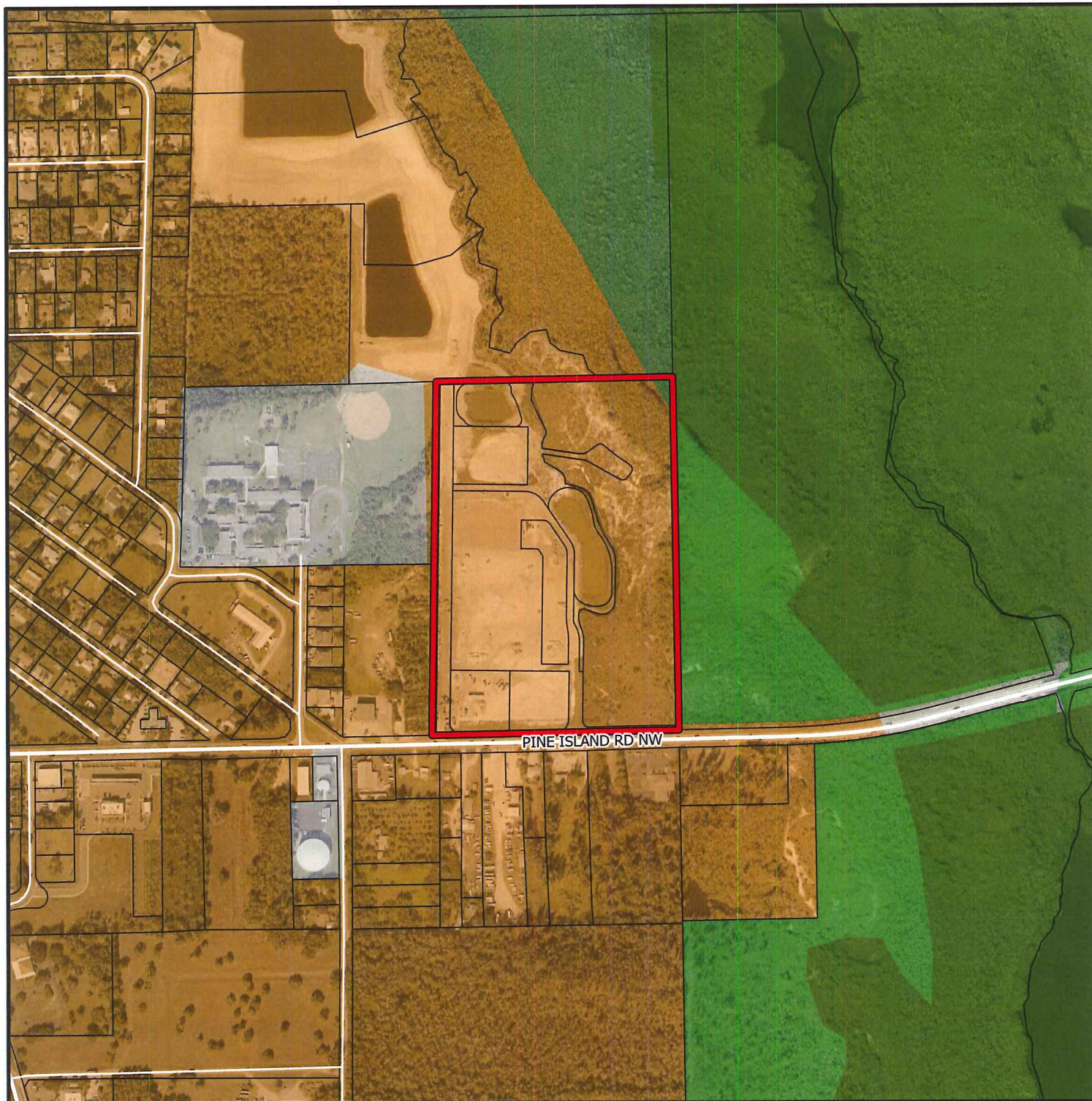


0 500 1,000
Feet

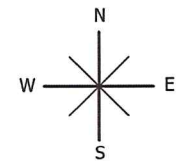
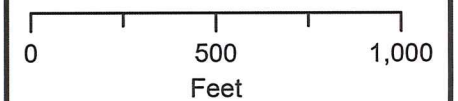


DCI2022-00017

Future Land Use



-  Subject Property
-  Urban Community
-  Public Facilities
-  Conservation Lands - Upland
-  Wetlands
-  Conservation Lands - Wetland

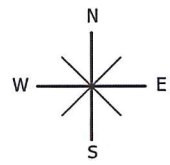
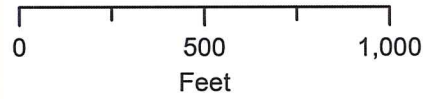




DCI2022-00017

Zoning

 Subject Property



SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. Development of this project must be consistent with the one-page Master Concept Plan (MCP) entitled "Calusa Cay CPD," prepared by Banks Engineering, date stamped 8/11/2022, attached hereto as Attachment D, except as modified by the conditions below. Development must comply with all requirements of the LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

Development Parameters.

- Maximum Commercial Floor Area: 89,600 square feet of floor area including commercial office and/or retail square footage
- Maximum 60,000 square feet of self-storage use on Parcel 3.
- The anchor grocery and retail tract buildings are limited to a maximum of 59,600 square feet.
- Outparcels one and two are limited to a maximum 30,000 square feet of commercial square feet (see Condition 2 for specific use limitations).

2. Uses and Site Development Regulations

- a. Schedule of Uses:

Accessory Uses and Structures

Administrative Offices

Animals: Clinic or Kennel (no outdoor runs)

ATM (automatic teller machine)

Auto Parts Store

Bait and Tackle Shop

Banks and Financial Establishments, Group I

Boats: Boat Parts Store

Business Services, Group I

Car Wash (limited to 1 for the CPD, and must be on an outparcel)

Cleaning and Maintenance Services

Clothing Stores, General

Computer and Data Processing Services

Consumption on Premises: Indoor only in conjunction with a Group III Restaurant, restricted to a 4-COP-SRX license (See Condition 17).

Outdoor consumption on premises requires a public hearing amendment to the planned development.

Contractors and Builders, Group I

Convenience Food and Beverage Store (limited to 1 for the CPD and must be on an outparcel) (See Self-Service Fuel Pumps)

Day Care Center: Child, Adult

Drive-Through Facility for any permitted use (except Group III Restaurants)
Drugstore, Pharmacy
EMS, Fire, or Sheriff's Station (limited to Sheriff's Station on Retail Tract)
Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities, Group I only
Excavation: Water Retention, no blasting (does not include removal of excavated material from site)
Fences, Walls
Food and Beverage Service
Food Stores: Groups I and II
Gift and Souvenir Shop
Hardware Store
Laundry and Dry Cleaning, Group I
Lawn and Garden Supply Stores (no outdoor display or storage)
Non-store Retailers, All Groups
Package Store, Limited to one within the CPD
Paint, Glass and Wallpaper (no outdoor display or storage)
Parcel and Express Services
Parking Lot: Accessory, Temporary
Personal Services, Groups I, II and III (excluding massage parlors)
Pet Services (no outdoor runs)
Pet Shop (no outdoor runs)
Post Office
Printing and Publishing
Real Estate Sales Office
Repair Shops, Groups I and II (excluding gunsmiths)
Restaurant, Fast Food (limited to the multi-occupancy plaza and 1 stand-alone fast food restaurant limited to an outparcel)
Restaurant: Groups I, II and III (Group III restaurants limited to a maximum of one on the anchor parcel and a maximum of one on the outparcels, with no drive-through)
Retail and Wholesale Sales, when clearly incidental and subordinate to a principal permitted use on the same premises
Schools: Commercial
Self Service Fuel Pumps, only in conjunction with Convenience Food and Beverage Store only, 12 pumps maximum
Signs
Social Services - Groups I and II
Specialty Retail Shops, Groups I, II, III and IV (excluding ammunition, firearms, hunters equipment, tobacco stores. Groups I and II uses limited to total of three establishments in the anchor parcel, with a maximum of 1,500 square feet of floor area for each of the three uses)
Storage, indoor only
Studios
Temporary Uses
Used Merchandise Stores, Groups I and II (no outdoor storage/display)
Variety Store
Warehouse: Mini or Public (limited to Parcel 3)

b. Site Development Regulations:

Minimum Lot Area and Dimensions

Lot Size: 10,000 square feet
Lot Width: 100 feet
Lot Depth: 100 feet

Minimum Setbacks*

Public Street: 25 feet
Private Street: 20 feet
Side: 10 feet
Rear: 15 feet
Water body: 20 feet
Preserve: 25 feet

Maximum Lot Coverage: 40 percent**

Building/Structure Height: 35 feet ***

Accessory use and structure setbacks must comply with LDC §34-1171 *et seq.* and LDC §34-2194.

* Setbacks for the “Retail Tract” may be reduced as shown on the Master Concept Plan. No setback is required for the Grocery building from the Retail Tract.

**The Maximum Lot Coverage requirement does not apply to the Retail tract.

***Buildings/structures must also comply with building height restrictions on Pine Island per LDC §33-1087. Self-storage use on Outparcel 3 is limited to 38-feet above average grade.

3. Water and Sewer

The subject property must connect to public potable water service and public sanitary sewer service. At time of any local development order, the developer must also demonstrate there is adequate water and sewer capacity to handle the proposed level of development. No on-site well systems may be utilized for potable water. No septic tanks or package plants may be utilized for sanitary sewer service.

4. Accessory Uses

Within the Commercial Planned Development, accessory uses must be located on the same tract, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel or outparcel.

5. Solid Waste/Recycling

As part of any local development order approval for vertical development, the development order plans must include facilities in compliance with LDC §10-261 and Solid Waste Ordinance #11-27 for the pick-up/disposal of solid waste and recyclables. The minimum area required for, and specific locations of these facilities will be reviewed at the time of local development order application.

6. Sidewalks

An internal sidewalk system no less than 5 feet in width must be built at least on one side of every road within the development. All internal sidewalks must be interconnected. When deemed appropriate, the Community Development Director may approve an alternate sidewalk system.

7. Design Standards

- a. All commercial buildings or structures must comply with the commercial building design standards in LDC §33-1083 and Chapter 10, Article IV of the LDC. Development of the anchor parcel must include a minimum of two breezeways to break up the appearance of the building. The anchor parcel must be developed as a multi-use commercial facility, such as a grocery store and other complementary commercial office and retail uses as permitted above. No single-use or “big-box” retail development (more than 50,000 square feet in floor area) will be permitted on the anchor parcel.
- b. All commercial signage on the planned development and design of the buildings on the outparcels must be consistent with the design of the multi-use building on the anchor parcel. A proposed sign plan must be submitted in conjunction with development orders for vertical construction of the outparcels and the anchor parcel. Deviation 6 addresses on site signage and the corresponding signage plan is included at attachment L.
- c. Development orders for vertical construction on the anchor and the outparcels must also comply with the “Community Review” requirements in LDC §33-1004. The applicant must include architectural elevations for all proposed buildings and commercial signage consistent with this resolution and the LDC.

8. Sidewalk/Bike Path – Pine Island Road.

At the time of local development order approval, the applicant will evaluate the feasibility of construction of a sidewalk/bicycle path from the subject site to Avenue C in order to provide a connection to the bicycle path on Stringfellow Road for non-vehicular traffic. Should construction of the pathway be considered feasible in the opinion of the Director of Development Services, then the applicant will be required to construct the pathway prior to the issuance of a Certificate of Compliance for the development of the anchor parcel on the site. Should the improvement be deemed infeasible, a fee in lieu of construction of the pathway must be provided to construct the pathway in accordance with LDC §10-256.

9. Bald Eagle Management Plan

- a. As part of development order approvals, the development order plans must illustrate

compliance with the Calusa Cay CPD Bald Eagle Nest LE-081 Management Plan, dated Revised November 2012 included as Attachment N. This condition updates the Bald Eagle Management plan in Resolution Z-13-007.

- b. As part of development order approvals, the development order phasing plans must indicate construction of the turn lane for the easternmost access off Pine Island Road will occur outside bald eagle nesting season (May 16th-September 30th).

10. Open Space

The overall project must provide a minimum of 12.4 acres of open space in substantial compliance with the approved MCP.

11. Preserve and Mitigation Areas

- a. As part of local development order approval, development order plans must depict a minimum of 10.55 acres of preserve and mitigation area in substantial compliance with the approved MCP. The preserve and mitigation area includes 2.65 acres of indigenous preserve, 5.74 acres of enhanced indigenous wetlands, and 0.08 acre shallow filter marsh.
- b. As part of local development order approval, the applicant must provide an indigenous management plan as per LDC §10-415(b)(4) requirements for the 11.2 acres of preserve and mitigation areas.

12. Buffer/Screening (North)

As part of development order approval, the landscape plans must illustrate that the mitigation plantings provided to meet the Type F buffer requirement along the north property line must be upsized to meet LDC §10-416(d)(4) 10-foot in height tree and shrubs 48-inch in height at installation to be maintained at minimum 60-inch continuous visual screen within one year after time of planting requirement.

13. South Buffer

As part of first development order approval, the landscape plans must depict the south property line to provide buffers as per the approved Bald Eagle Management Plan IV. General Development Guidelines B. 3. & 4. The south property line buffers must be installed immediately after any permitted clearing and grading construction activities and prior to October 1st of the next bald eagle nesting season.

14. The consumption on premises (COP) use is allowed only within a Group III restaurant. Only a 4-COP-SRX liquor license is allowed, and at least 51 percent of the restaurant's revenue must come from the sale of food, and no more than 49 percent of the revenue can be from the sales of alcoholic beverages.

15. Retail/Grocery Tract

- a. Retail Tract Parking, open space, water management, and all other required infrastructure for the Retail Tract must be provided on the Grocery Tract.

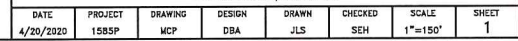
- b. The Retail Tract cannot be developed before the development of the Grocery Tract.
16. Signage
- a. Monument Signs A, B and C must be in substantial compliance with the sign plans attached hereto as Attachment K.
 - b. Offsite signage is limited to one 9.4 square foot tenant panel affixed to Monument Sign C, limited to identification of the proposed residential community north and adjacent to the shopping center. (condition of ADD2021-00051)
 - c. Signage within the Retail Tract identified on the Master Concept Plan is limited to wall-mounted signs and temporary signs in accordance with the Land Development Code.
 - d. Outparcels 1 and 2 may be developed with individual ground-mounted identification signs in accordance with LDC Section 33-1043 for future tenants of each respective parcel. A subsequent approval is required should Future Parcels 1 and 2 propose future ground-mounted signage greater than the limitations imposed by Land Development Code Sec. 33-1043.
17. The package store use cannot be located closer than 319 feet from the property line and must be located as proposed on the MCP dated 8/11/2022.

SECTION C. DEVIATIONS:

- 1. Deviation (1) seeks relief from the LDC §10-285(a) requirement to provide connection separation along arterial roads to be a minimum distance of 660 feet, to allow connection separation distances of 0 feet (where distances of edge of pavement to edge of pavement overlap) and +/- 87 feet along Pine Island Road for a previously approved access point and connection separation distances of 0 feet (where distances from edge of pavement to edge of pavement overlap) and +/- 28 feet along Pine Island Road for a proposed secondary access. This deviation is APPROVED SUBJECT TO the condition that the proposed project eastern driveway must be aligned with the driveway to the south of Pine Island Road per Development Order DOS2018-10050 to ensure smooth operation of turn movements at the driveway.
- 2. Deviation (2) seeks relief from the LDC §33-1083(c) requirement to provide new commercial buildings on Pine Island be limited to 10,000 square feet of floor area per building, to allow a 26,500-square-foot multi-use retail building and a 30,000-square-foot grocery store. This deviation is APPROVED SUBJECT TO compliance with Condition 10 above.
- 3. Deviation (3) seeks relief from the LDC §33-1082(a) requirement to provide land on Pine Island abutting state-designated aquatic preserves and associated wetlands and natural tributaries be preserved or a 50-foot-wide native vegetative buffer area to be created between the development and the water body or associated wetlands, to allow a modified buffer in accordance with Lee Plan Policy 14.1.5. This deviation is APPROVED SUBJECT TO the condition that as part of development order approvals, the development order plans must illustrate the planting of the mitigation area

consistent with the Calusa Cay CPD Lee County Wetland Enhancement and Creation Plan, dated Revised April 2020 described in attachment J.

4. Deviation (4) seeks relief from the LDC §10-416(d)(3) requirement to provide all commercial developments provide a minimum 15-foot Type "D" buffer where the project abuts a road right-of-way, to allow no roadway buffer along the property's easterly 366 feet of frontage on Pine Island Road, shown on the proposed MCP as a preserve area and a mitigation planting area. This deviation is APPROVED SUBJECT TO the condition that at the time of local development order approval, the development order plans must depict the south property line between the preserve/mitigation area and Pine Island Road to be planted with a minimum of 10 trees and palms per 100 linear feet. The trees must be a minimum 10-foot-high slash pine (*Pinus elliottii* var. *densa*) and clusters of cabbage palms (*Sabal palmetto*) at staggered heights having a minimum of 10-foot clear trunk when measured from final grade of Pine Island Road. These trees must be installed immediately after any permitted clearing and grading construction activities and prior to October 1st of the next bald eagle nesting season. Trees and palms planted within the mitigation area along Pine Island Road may be used to meet this requirement, so long as they meet the timing, species and size specifications.
5. Deviation (5) seeks relief from the LDC Section 10-291(2) requirement that all developments must abut and have access to a public or private street designed, and constructed or improved, to meet the standards in LDC Section 10-296, to allow the proposed Retail Tract to utilize internal vehicular circulation without abutting a street. This deviation is approved.
6. Deviation (6a) seeks relief from LDC 30-153(3) which allows 2 ground-mounted identification signs for an establishment having frontage on more than one public right of way (one primary and one 24 square-foot secondary), to allow one additional ground mounted sign on each of outparcels 1 and 2, identifying the overall development (Shoppes at Calusa Cay). This deviation was approved by ADD2021-00051.
7. Deviation (6b) seeks relief from LDC Section 33-1044, which establishes a maximum ground-mounted identification sign area of 48 square feet, 12 feet in height and 12 feet in width for individual businesses and multiple-occupancy complexes with five or less establishments in the Pine Island Planning Community, to allow 136.14 square feet in sign area, 16 feet in height and 14 feet 8 inches in width for the project pylon ground-mounted signs identifying the overall development (Monument Signs B and C), and to allow 54.90 square feet of sign area for Monument Sign A. This deviation is approved.
8. Deviation (6c) seeks relief from LDC Section 30-181(a), which requires off-site directional signs for residential projects to be non-illuminated, to allow an illuminated 9.4 square-foot tenant panel affixed to Pylon Sign C. This deviation is approved.
9. Deviation (7) seeks relief from Lee County Land Development Code Section 34-1263(e), which requires a separation distance of 500 feet between a package store or other establishment primarily engaged in the retail sale of liquor for consumption off-site and noncommercial schools, to allow a package store to be located 319 feet from a noncommercial school. This Deviation is APPROVED.





Professional Engineers, Planners & Land Surveyors

Calusa Cay CPD

Schedule of Uses

DCI2022-00017 – Revised May 2022

Accessory Uses and Structures

Administrative Offices

Animals: Clinic or Kennel (no outdoor runs)

ATM (automatic teller machine)

Auto Parts Store

Bait and Tackle Shop

Banks and Financial Establishments, Group I

Boats: Boat Parts Store

Business Services, Group I

Car Wash (limited to 1 for the CPD, and must be on an outparcel)

Cleaning and Maintenance Services

Clothing Stores, General

Computer and Data Processing Services

Consumption on Premises: Indoor only in conjunction with a Group III Restaurant, restricted to a 4-COP-SRX license (see Condition 17). Outdoor consumption on premises requires a public hearing amendment to the planned development.

Contractors and Builders, Group I

Convenience Food and Beverage Store (limited to 1 for the CPD and must be on an outparcel) (see Self-Service Fuel Pumps)

Day Care Center: Child, Adult

Drive-Through Facility for any permitted use (except Group III Restaurants)

Drugstore, Pharmacy

EMS, fire or sheriff's station (limited to Sheriff's station in Retail Tract)

Entrance Gates and Gatehouse

Essential Services

Essential Service Facilities, Group I only

Excavation: Water Retention, no blasting (does not include removal of excavated material from site)

Fences, Walls

Food and Beverage Service

Food Stores: Groups I and II

Gift and Souvenir Shop

Hardware Store

Laundry and Dry Cleaning, Group I

Lawn and Garden Supply Stores (no outdoor display or storage)

Non-store Retailers, All Groups

Package Store, Limited to one within the CPD

Paint, Glass and Wallpaper (no outdoor display or storage)

Parcel and Express Services

Parking Lot: Accessory, Temporary
Personal Services, Groups I, II and III (excluding massage parlors)
Pet Services (no outdoor runs)
Pet Shop (no outdoor runs)
Post Office
Printing and Publishing
Real Estate Sales Office
Repair Shops, Groups I and II (excluding gunsmiths)
Restaurant, Fast Food (limited to the multi-occupancy plaza and 1 stand-alone fast food restaurant limited to an outparcel)
Restaurant, Groups I, II and III (Group III restaurants limited to a maximum of one on the anchor parcel and one on the outparcels, with no drive-through)
Retail and Wholesale Sales, when clearly incidental and subordinate to a principal permitted use on the same premises
Schools: Commercial
Self Service Fuel Pumps, only in conjunction with Convenience Food and Beverage Store, 12 pumps maximum
Signs
Social Services, Groups I and II
Specialty Retail Shops, Groups I, II, III and IV (excluding ammunition, firearms, hunters equipment, tobacco stores. Groups I and II uses limited to three establishments in the anchor parcel, with a maximum of 1,500 square feet of floor area for each of the three uses)
Storage, indoor only Studios
Temporary Uses
Used Merchandise Stores, Groups I and II (no outdoor storage/display)
Variety Store
Warehouse: Mini-warehouse, Public (limited to Parcel 3)



Professional Engineers, Planners & Land Surveyors

Calusa Cay CPD

Narrative of Request

DCI2022-00017 – Revised May 2022

Introduction/Request

The applicant is requesting approval of a minor amendment to the Calusa Cay CPD to (1) add EMS, Fire or Sheriff's Station, limited to Sheriff's Station in the Retail Tract to the Schedule of Uses, (2) reduce retail square footage from 96,500 square feet to 89,600 square feet, (3) add 60,000 square feet of self-storage use on Parcel 3, (4) add warehouse, public and mini-warehouse to the schedule of uses for Parcel 3, (5) increase height on Parcel 3 for self-storage use only from 35 feet to 38 feet above average grade or 45 feet above mean sea level, whichever is lower, and (6) update Master Concept Plan to reflect these changes.

The Calusa Cay CPD is 26.77± acres located on the north side of Pine Island Road, 320± feet east of Betsy Parkway just east of Pine Island Elementary School. The site is currently developed with Calusa Cay Publix. The applicant owns the Retail Tract and outparcels 1, 2 and 3. The subject property's addresses are: 5130, 5140 & 5110/5120 Pine Island Road NW and Parcel 3 is not yet assigned an address.

The 26.77± acre Calusa Cay CPD was originally approved on June 17, 2013 by Resolution Z-13-007 and has been amended multiple times. The latest amendment and controlling document which codified and superseded all prior approvals is Resolution Z-21-015 approved December 8, 2021. The existing approved intensity is a maximum 96,500 square feet including commercial office and retail. The property is located in the Urban Community Future Land Use Category and within the Greater Pine Island Community Plan area.

The request is minor in nature as it results in a reduction of traffic and utility flows compared to the existing CPD approval. The requested EMS, Fire or Sheriff's Station use, limited to a Sheriff's Station in the Retail Tract is appropriate for the site and more intense uses such as standard restaurant with consumption on premises, convenience food and beverage store, food stores and fast food restaurants are currently approved for the site. The potential use falls within Social Services Group I which is already included in the Schedule of Uses but which will also have a police presence. The request for the addition of the Sheriff station use is to provide further clarification. The proposed self-storage public warehouse and/or mini-warehouse use is limited to Parcel 3 which is internal to the site and tucked behind the existing Publix building. Onsite preservation areas abut the east and a lake is proposed to the north. To the east is the internal access road and then property owned by the Lee County District School Board with some existing vegetation then the baseball field for Pine Island Elementary School. Parcel 3's lot line is 65 feet from the western property line. The self-storage use requests a minor height increase from existing maximum 35 feet to allow a maximum 38 feet above average grade or 45 feet above mean sea level, whichever is lower.

Land Development Code Analysis

The property qualifies for the amendment to the CPD and meets the applicable required findings/review criteria set forth in Land Development Code (LDC) Section 34-145(d)(4)a.1. as follows:

(a) Complies with the Lee Plan

The CPD has been approved for a 96,500 SF shopping center including a grocery store, retail square footage and outparcels since 2013. The CPD just received approval for an amendment in December of 2021. The CPD has been found by staff, the Hearing Examiner and the Board of County Commissioners to be consistent with the Lee Plan, the LDC, including the Pine Island Community Plan, and any other applicable code or regulation and the requested minor amendments remain consistent. The Publix parcel has been constructed as approved by the existing Development Order.

The Subject Property is designated Urban Community which is defined by Policy 1.1.4 as follows:

POLICY 1.1.4: The Urban Community future land use category are 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 dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum total 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 requested minor amendments remain consistent with Policy 1.1.4 and expand the allowable uses on the site promoting infill development on the outparcels where adequate infrastructure and public services are available for connection. The request results in a reduction of traffic and utility usage from that which is currently approved by the site. The proposed uses are consistent with the mixture of relatively intense commercial and residential uses that characterize this future land use category.

POLICY 24.1.5: New development, including "planned development" rezoning approvals, new subdivisions, and agriculture, that adjoin state-designated aquatic preserves and associated wetlands and natural tributaries must preserve or create a 50-foot-wide native vegetated buffer area between the development and the waterbody or associated wetlands. This requirement will not apply to existing subdivided lots...

The placement and width of the 50-foot vegetated buffer can be modified to accommodate development; however, the development must meet all of the following criteria:

- impact less than 1.5 acres of the associated wetlands; and,*
- the impacted area must consist primarily of exotic vegetation; and,*
- avoid all impacts to mangrove swamps and tidal flats (FLUCCS Code 612 and 651); and,*
- be in the Urban Community Future Land Use Category; and,*
- be a planned development.*

In addition to the listed criteria, the development must create an onsite wetland area. The created wetland area must meet the following:

- must be a minimum of 1.5 square feet for each square foot of impacted associated wetlands; and,*
- consist of 100% native wetland species; and,*
- consist of 6' wetland trees to be planted 15' on center and 3-gallon wetland shrubs planted*

- 3' on center; and,
- maintain a hydrologic connection with the remaining preserved associated wetlands; and,
- the wetland creation area may be comprised of planted dry detention, filter marsh or other similar green infrastructure techniques; and,
- the created wetlands are not intended to replace any state or federal required offsite mitigation for permitted impacts to wetlands.

The requested minor amendment remains consistent with Policy 24.1.5. The MCP demonstrates the 50-foot native vegetated buffer and the requested amendment does not proposed any changes to this previously approved buffer. The preservation areas were previously permitted and are within an existing conservation easement with no proposed changes.

POLICY 24.1.6: The county will continue to encourage the preservation of environmentally sensitive areas, rare and unique uplands, eagle nesting areas, and archaeological and historic sites on Greater Pine Island in accordance with the priorities set out in this Plan.

The requested minor amendment remains consistent with Policy 24.1.6. The preservation areas were previously permitted and are within an existing conservation easement with no proposed changes. Eagle nest LE-081 and associated buffer zones are identified on the existing MCP and no changes are proposed to the existing approved bald eagle management plan.

POLICY 24.4.1: The future urban areas in Pine Island Center are targeted for most future commercial and industrial uses, as permitted by other portions of this plan. Non-residential developments within Pine Island Center are encouraged to provide employment opportunities; serve the day to day needs of residents and visitors; demonstrate a positive impact on traffic patterns within Greater Pine Island; and reduce the number of vehicular trips through Matlacha.

The requested minor amendment remains consistent with Policy 24.4.1. The proposed additional uses expand the ability to provide employment opportunities and the proposed uses of EMS, Fire or Sheriff's Station, limited to Sheriff's Station in the Retail Tract or self-storage public warehouse or mini-warehouse uses will serve the day to day needs of residents and visitors. The request results in a reduction of traffic impacts when compared to the existing zoning approval, demonstrating a positive impact on traffic patterns within Greater Pine Island and reducing the number of potential vehicle trips through Matlacha.

POLICY 101.1.1: Require that development within the Coastal High Hazard Area be compatible with natural systems, such as, water retention and purification, wildlife habitat, primary productivity, and defense against coastal flooding.

POLICY 101.3.2: Restrict development in the Coastal High Hazard Area to uplands except as needed for the provision of public facilities.

The requested minor amendment is consistent with Policy 101.1.1. The site is located within the Coastal High Hazard Area. There are no changes to the previously approved and permitted site design which has been found consistent with the Lee Plan. All environmental considerations associated with development of the subject property were addressed in existing zoning approvals, South Florida Water Management District permitting and development order case number DOS2019-00130. There is an existing conservation easement that was recorded in 2014 and no changes are proposed to the preservation areas shown on the existing approved MCP. The existing approval includes a bald eagle management plan with no changes proposed. The requested amendment adds uses to Parcel 3 and the Retail Tract which are both outside of the eagle nest buffer zones.

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

The site will be developed in compliance with the Comprehensive Plan and the Land Development Code. No additional deviations are included with the request and the existing approved deviations are proposed to remain which have previously been determined to qualify for approval by staff, Lee County Hearing Examiner and the Board of County Commissioners. The requested increase in height meets the requirements of LDC Section 33-1087 which states that no building can have a peak of roof that exceeds 38 feet above the average grade of the lot or 45 feet above mean seal level, whichever is lower. The average grade of the lot is $4\pm$ feet + 38 feet = 42 feet or 45 - Base Flood Elevation of 7 = 38 feet. The requested height of 38 feet above average grade or 45 feet above mean sea level, whichever is lower, for any self-storage use on Parcel 3 meets this requirement. Compliance with design-related provisions of the Land Development Code will be demonstrated at the time of Local Development Order.

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

The CPD has been found by staff, the Hearing Examiner and the Board of County Commissioners to be compatible with the existing and planned uses in the surrounding area and the proposed minor amendments remain compatible. No changes are proposed to the existing approved layout of the Master Concept Plan. The minor height increase of 3 feet will have no change on the existing compatibility.

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

There are no changes proposed to the existing approved access points and site layout on the approved MCP. Access to the site has been constructed and includes a right-in/right-out access and a full access to Pine Island Road (C.R. 78), a two-lane arterial roadway. The submitted Traffic Impact Statement concludes the requested amendment REDUCES the transportation related impacts the project could have on the surrounding road network. Pine Island Road and Stringfellow Road will continue to operate within the parameters established by the Lee Plan and LDC and will have remaining capacity. The additional uses requested with this minor amendment will serve the residents and visitors to Pine Island, thus limiting the amount of "new" traffic.

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

Any expected impacts on transportation facilities will be adequately addressed during the development order application process by existing county regulations. The submitted Traffic Impact Statement concludes the requested amendment REDUCES the transportation related impacts the project could have on the surrounding road network. Pine Island Road and Stringfellow Road will continue to operate within the parameters established by the Lee Plan and LDC and will have remaining capacity. The additional uses requested with this minor amendment will serve the residents and visitors to Pine Island, thus limiting the amount of "new" traffic.

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

All environmental considerations associated with the subject property were addressed in existing zoning approvals, South Florida Water Management District permitting and development order case number DOS2019-00130. There is an existing conservation easement that was recorded in 2014 and no changes are proposed to the preservation areas shown on the existing approved MCP.

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

The site is located within a Future Urban Area and the CPD has been found by the staff, the Hearing Examiner and the Board of County Commissioners to be served by adequate urban services. The request results in a reduction of traffic and utility usage from that which is currently approved by the site.

The proposed amendment complies with the findings provided in the Land Development Code Section 34-145(d)(4)a.2 as follows:

a) The proposed use or mix of uses is appropriate at the proposed location;

The request is minor in nature as it results in a reduction of traffic and utility flows compared to the existing CPD approval. The requested EMS, Fire or Sheriff's Station use, limited to a Sheriff's Station in the Retail Tract is appropriate for the site and more intense uses such as standard restaurant with consumption on premises, convenience food and beverage store, food stores and fast food restaurants are currently approved for the site. The proposed self-storage public warehouse and/or mini-warehouse use is limited to Parcel 3 which is internal to the site and tucked behind the existing Publix building. Onsite preservation areas about the east and a lake is proposed to the north. To the east is the internal access road and then property owned by the Lee County District School Board with some existing vegetation then the baseball field for Pine Island Elementary School. Parcel 3's lot line is 65 feet from the western property line. The self-storage use requests a minor height increase from existing maximum 35 feet to allow a maximum 38 feet above average grade or 45 feet above mean sea level, whichever is lower.

b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development.

The existing and proposed modified conditions of approval will require the CPD to be consistent with the MCP and existing conditions of approval which provides sufficient safeguards to the public interest.

c) If the application includes deviations pursuant to section 34-373(a)(9), that each requested deviation:

- 1)Enhances the achievement of the objectives of the planned development;***
- and***
- 2)Preserves and promotes the general intent of this Code to protect the public health, safety and welfare.***

The request does not include any additional deviation requests and no changes are proposed to the existing approved deviations. The existing approved deviations were found to enhance the achievement of the objectives of the planned development and preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

In conclusion, the proposed minor amendment to the Calusa Cay CPD allows for infill development in an existing shopping center that results in a reduction of potential traffic and utility impacts expected from the project. The request is in compliance with the Lee County Comprehensive Plan, the Land Development Code and other applicable codes and regulations; is compatible with existing and planned uses in the surrounding area; will provide access sufficient to support the proposed development

intensity; the expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval; will not adversely affect environmentally critical or sensitive areas and natural resources; and will be served by urban services, defined in the Lee Plan. The proposed use is appropriate at the proposed location; conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development. For these reasons, the applicant respectfully submits that the minor amendment to the CPD should be approved.



Professional Engineers, Planners & Land Surveyors

**CALUSA CAY CPD
ADMINISTRATIVE AMENDMENT
SUMMARY OF PUBLIC INFORMATION SESSION
DCI2022-00017**

Consistent with Lee County Land Development Code Section 33-1003, a Public Information Session within the Greater Pine Island Planning Community was held on May 3, 2022, at 6:30 p.m. along with the Greater Pine Island Civic Association at the Pine Island Methodist Church, 5701 Pine Island Rd. NW, Bokeelia, FL 33922. The applicant provided a general overview of the request and the process. Attached please find the following backup documentation:

- Public Notice - Copy of notice placed in the Pine Island Eagle
- PowerPoint Presentation
- Sign-in sheets

The following questions were received, followed by the applicant's response:

QUESTIONS/COMMENTS:

Question/comment: A sheriff's department is going into one of these retail stores?

Response: Proposed is a use that could have a Sheriff presence. The use defined in Lee County code includes EMS/Fire/Sheriff station together and the revised request further limits the use to sheriff station limited to the Retail Tract.

Question/comment: Sheriff's department will be paying rent to whoever, correct? At anytime whoever owns it is and is collecting rent can decide, we don't want a sheriff department here anymore, were going to have whatever store here now, where the rent's going to be this, correct?

Response: There would be an agreed upon lease agreement just like any other property.

Question/comment: For how long? I mean a year. *Someone else steps in:* I believe what he's asking is, if the Sheriff's department left would there be retail at that location?

Response: Yes, the schedule of uses outlines the permitted uses.

Question/comment: Well not only if they leave, but they could also be asked to leave, right?

Response: I don't presume that would happen, but it will be agreed upon lease between the owner and any user.

Question/comment: And if I understand the retail space is going to shrink by what, 6,600 square feet? They're asking for an increase of space for the storage facility of what was it, like 60,000?

Response: There is a reduction of 6,900 SF of retail space and addition of 60,000 SF of self-storage space which includes all 3 floors.

Question/comment: Where is the proposed residential development in reference to this map?

Response: This project is a commercial planned development and the residential development is to the north, but not part of this request. It has conventional residential zoning and we are not here on that project tonight.

Question/comment: This is a vacant lot, why don't you build what complies? Why should they give you a variance at all, just build what permitted?

Response: The request is not a variance, it is a request for an amendment to the schedule of uses. As projects move forward, it is common for uses to come up that may not have been contemplated.

Question/comment: Could this structure be built to the three stories without the deviation to get the extra three feet.

Response: This is not a deviation it's an amendment to the zoning but the request is to allow the 38 feet as part of storage use. The request is in compliance with the Pine Island plan and going through a public hearing amendment requesting this change.

Question/comment: Just curious, most of the storage that I've seen is a single story for self-storage. three levels seem unusual, can you clarify that? Is there a difference between the self-storage and the warehouse?

Response: The indoor storage, this is a typical development that you'll see that the single story storage is typically a mini warehouse, with the overhead garage doors. This is anticipated to be more of an indoor storage or a combination of both on the first floor. The multiple stories is to allow more storage space for individuals to use.

Question/comment: Question regarding the warehouse, is that a Publix warehouse? Like for their storage or is it a rentable warehouse?

Response: The request is for a potential public self-storage facility to be located behind the Publix.

Question/comment: Again, we're going to subtract retail space by 7,000 feet but increase the storage by 60,000 feet and you said that would lower traffic going through Matlacha, did I hear that correctly? Is this just thought up? Any chance anybody can get a copy of this study?

Response: Traffic Impact Statement notes that a storage facility has extremely less traffic than a retail store does, resulting in a reduction in traffic from the existing zoning intensities. The traffic expert prepared a Traffic Impact Statement based on the Institute of Transportation Engineers model and studies that are in place for this very purpose. The submitted documents are online with Lee County on the website link that the GPICA has provided.

Question/comment: I'm guessing this study was paid for by whoever wants to build this garage.

Response: Any developer that comes in hires a traffic expert and then Lee County staff has traffic experts that review it and have to agree on the analysis before it moves forward.

Question/comment: So when the Publix was first built, Pine Island elementary was flooded for months and months. What is to say that you're about to build now which is twice as big as the tiny little Publix dumping more on that elementary school? Causing effect to the surrounding areas including the wetlands to the north and south, our river flow, there's a bridge just north of there. Who's going to clean up their garbage with a self-storage unit and how many jobs is this going to create for Pine Island because I don't see many. We already have storage units here that are not full, we also have home structures here that have not been filled that have been permitted year after year for the last 6-8 years. 153 developments under development currently so why do we need this major one when we have 153 that have not been developed yet. And another thing lighting how is that going to effect mother nature? Extreme because you're lighting at Publix now, looks like an airport. So, you get a warehouse how much lighting is going to be needed for that? How much security is going to be needed for that and what kind of security are you providing to the neighborhood?

The kids at the school couldn't use the playground, it was underwater. They had to play in the parking lot where the parents pick up the kids and drop them off because of the flooding in there and all this is going to do is increase that.

Response: The development is required to have South Florida Water Management District approval of the site stormwater management system which works as a whole and is approved as part of the development order.

It should be noted that the Publix site was filled several years ago. After Hurricane Elsa in July of 2021, the project engineer was contacted by the School District of Lee County and immediately met with them and started coordinating with their consultant. The drainage issues at the school are not a result of this development, they are a result of how long ago the school was built with inadequate onsite drainage. The applicant and the engineer have been coordinating with Pine Island Elementary School and their consultants and have incorporated and permitted a pipe through the Orchid Cove property which will remain to allow for better drainage for the school site.

Garbage will be required to be maintained just as any other use on the site. The lighting will be required to comply with code requirements.

Question/comment: But that is a whole lot more pavement then was originally planned, a lot harder surface then was originally planned for. The lot size hasn't but what is being covered with hard surface has.

Response: There are no changes to the parcel configuration or property development regulations except for the 3' height increase. A retail building would require more parking than self-storage.

Question/comment: What was planned for that lot originally?

Response: There are a large schedule of uses that are allowed on this site, and it could have been any of those uses that are in the schedule of uses today.

Question/comment: I have one more question about the fire station, okay so we have a fire station in there. Who pays the fire fighter or police officer in the substation?

Response: We are amending the request to remove the fire station.

Question/comment: So, what you're doing is pulling the wool over somebody's eyes and say oh we're going to have this. We have a substation at Philips Park, and we also have a sub station at the center already. So, some people are going to look at it and go "oh this is a beautiful thing" but it's really nothing.

Response: It is very typical to be approached by a potential user and if not included on the schedule of uses, you can request an amendment which any property is allowed to do. The applicant has received interest in these uses and that is why we are going through this process.

Question/comment: Money interest, not Pine Island interest. Nobody is calling you guys asking you to put up warehouses I promise you that. Is this proposal, currently an approved use for that site?

Response: **The applicant is going through the public hearing process to request the use changes.**

Question/comment: This is the second town hall meeting that I've been to about this proposed development, and it seems to me that the first one was asking for variances as well and changes to the original plan and the second one is now asking for more changes. So, I just think every time you open another door to these changes like the ones that are approved and then we come along, and we say "oh were going to change it" so you open another door. So, I guess I'm just kind of confused as why all the changes.

Response: **If somebody approaches the owner and wants to be located on a site and it is not on the schedule of uses, then you can come forward and ask for changes for uses that weren't contemplated originally. There is review criteria that has to be passed as part of the process, which we will be required to demonstrate that it meets the criteria.**

Question/comment: In the Pine Island Comprehensive land use plan, we've had a 35-foot height restriction on the island.

Response: **The requirement is 38 feet above average grade or 45 feet above mean sea level, whichever is lower. The request is in compliance with the Pine Island plan regulations.**

Question/comment: And if the sub station were to go in, would that cause our taxes to go up? Would we be paying for that? The residents of Pine Island on a new sheriff's substation.

Response: **The application will not cause taxes to go up.**

Question/comment: We're talking about the allowable uses of parcel 3 and right now its proposed for self-storage but that's a beautiful building and you can see it someday being used for something else, could you tell use what the allowable uses are? Could it be a hotel?

Response: **There are several uses provided in the approved Schedule of Uses with the proposed minor additions. A hotel is not allowed on this site.**

Question/comment: We have a public storage facility and that's not full, so why do we need more?

Response: The applicant has been approached with interest in this use, so we are going through this process.

Question/comment: Okay, where do we go? Any of us who want to go and be a part of the review and speak out about how we feel about these reviews?

Response: The application is available for review online and as we get closer to the public hearing, public notice will be mailed to property owners within 500 feet of the property. Once the application is determined complete, it will be scheduled for public hearing before the Lee County Hearing Examiner who will make a recommendation and then it will be scheduled before the Board of County Commissioners for the final hearing. You have to speak before the Hearing Examiner to be able to speak at the Board of County Commissioners.

Question/comment: The 38 feet, is that the height of the building or is that with land built up? Because most houses that are going in now bring the land up to a certain height before they can build on it and if the land gets built up to create those 38 feet that's going to cause even more drainage issues and again to the elementary school being flooded. The land won't drain properly, and I know that, if they have to build land up that's what's going to happen.

Response: No changes are proposed to the site layout and existing parcels. The finished floor elevation has already been established with the South Florida Water Management District, along with the approved stormwater management system. So, there's no change in where its going to be built up from for the currently approved uses that could be built today.

Question/comment: If this doesn't go through, the developer has the right to use the parcel for any other uses that you pointed out. Are there any limited factors on square footage of those other uses this is 60,000 sq feet? If they want to put in some other retail that's approved, what's the limiting factor on the amount of square feet that can go in there?

Response: 30,000 square feet of retail can be placed on the out parcels.

Question/comment: Okay so potentially what we're giving up is another 30,000, is what they're asking for in addition to what they can legal do today or what they're approved to do today.

Response: The request is to incorporate an option for a different use on outparcel 3 to allow the option for a 60,000 SF storage facility.

Question/comment: The 500 feet of notification, are you going by the center of the parcel or what are you actually going by the location of?

Response: 500 feet from the boundary of the Commercial Planned Development. The list can be found in the application materials at the Lee County link the GPICA has been providing.

Question/comment: Could you explain to me how this is a coastal rural land use.

Response: The site is not located in the Coastal Rural future land use category.

Question/comment: Are they required to do any type of environmental impact study with this?

Response: The environmental impacts for this site have been established since the original zoning approval and permitted and we are not proposing any changes. There is already a conservation easement over the preserve lands.

Question/comment: I've already heard about the light pollution that's happening with Publix and I was wondering if there was like, I mean are you bound by any environmental like light pollution and you know they were talking about the middle school getting flooded. I mean who over sees that? See were talking about a developer that's coming in and he wants to put a big building in and so its not really serving us at all and then the problem is we have environmental impact. We have light pollution, we have flooding, you're taking away wetlands which absorbs water.

Response: The proposed amendment does not include any changes to the layout of the site which has been previously permitted, including the environmental preservation areas.

Question/comment: But my question is, we heard already that there's light pollution from Publix, is there any, in other words, is there any kind of governing that we can go to and say this isn't working. This is an environmental impact because you know you're paving over wetlands and so my thing is, is I'm just wondering who, you have to adhere to it but already it's not being adhered to so.

Response: I'm representing the application for this project, which is Lake Jefferson, but I do understand that there were some complaints with the lighting at Publix, which is being looked into and coordinated with Lee County.

Question/comment: But Publix sold this property to somebody else, is that right?

Response: There been quite a few real estate transactions with it but it's the original owner that I'm representing tonight. In regard to lighting impacts, there are Lee County codes in place regarding the lighting that must be complied with. The zoning also included an approved Bald Eagle management plan and the development needs to demonstrate compliance with these.

Question/comment: But you've just heard two complaints, I mean the light pollution and the flooding of the elementary school and I'm saying my biggest worry is, in other words you're disturbing wetlands, you're disturbing environment. There is going to be impact and I was just wondering if that is even study, even though the proposal was passed. Has anyone come up with an environmental impact, because obviously it is impacting it. But it's not working, already there's two things, do you see what I'm saying?

Response: There is a permitted stormwater management system that is being installed on this site that had to demonstrate it would not discharge more than it was before to obtain the permit. The site has to comply with permit approvals from SFWMD and Lee County and applicable codes.

Question/comment: The last thing I want to say is there's no building that looks like that on Pine Island, there's no big building and you know its nice on the outside, but it really doesn't function anything and I've got a feeling people are coming into to put storage in there. I don't see it reducing traffic.

Response: The requested uses result in a reduction of traffic when compared to the existing zoning approved retail intensities.

Question/comment: Increase height on parcel 3 for self-storage use ONLY from 35 feet to 38 feet. Asking for the 3 additional feet, see I don't have the Pine Island land use plan in front of me but I always though it was 35 feet and that you were asking for 3 additional feet over the height restriction that we have.

Response: If Parcel 3 is developed for a retail use, it will not include the 3 additional feet. If the self-storage use goes in on parcel 3, we are asking for that 3 additional feet. Lee County staff has provided a comment and the applicant has amended the language to state the verbatim language in the code, compliant with the Pine Island community regulations. 38 feet above the average grade of the lot equates to 42 feet but code states either 38 feet above average grade or 45 feet above mean sea level and the finished floor is 7. If you subtract that from the 45 that's where you get the 38. And that's why were choosing the lower of the two the 42 or the 38.

Question/comment: Okay so out of those 60,000 square feet you're going to have a warehouse public and a mini warehouse. Who is coming to use that? Is that coming from

people from Matlacha, or do they believe people from Pine Island are going to use all that?

Response: The self-storage facility would be open to the public. Typically people get storage facilities near their home, but there is no limitation on who could use it, just like any storage facility.

Question/comment: Who decides on this, Lee County decides on this? Anyone from Pine Island have a decision on this?

Response: Lee County Board of County Commissioners makes the final decision. We are going to take your feedback and submit a document summarizing your feedback.

Question/comment: Can I contact somebody from Lee County. Put an objection in this?

Response: There is a case number to reference and staff member contact information for the reviewer for Lee County. The request will go through the public hearing process that was outlined where the public hearing is opened and people that speak at the first public hearing, that will be scheduled on a set date. It will get a recommendation and go to the Board of County Commissioners and if you spoke at the first hearing, you're able to speak at the second hearing.

Question/comment: How far away are you before we see reality in this, if it all happens the way you're hoping it happens.

Response: I don't know the end user's time frame, but this process going back and forth with staff can take a month or two more with answering questions from the county staff . Once the application is deemed complete, it will be approximately 60 days before the hearing date.

Question/comment: So, I have to get in touch with Lee County planning community and find out who represents us from Pine Island, is that it? We're having it built in our own town and have nothing to say about it?

Response: That is why we are having the public information meeting and going through the public hearing process, so you can come and let your voice be heard.

Question/comment: I'm asking who can I get in touch to object to this?

Response: You could contact the staff reviewer at Lee County Community Development. Then you can attend the Lee County Hearing Examiner hearing and voice

your concerns and if you speak at the Hearing Examiner hearing, you can voice your concerns at the Board of County Commissioners hearing.

Question/comment: So, this is certainly not detrimental to your position and your case but if the Lee County Commissioners and the people who represent the Lee County here continue to disregard the wants and the welfare of this Pine Island their going to force us to incorporate and they don't want it and we don't want it. So, they better start paying attention to what we're doing.

Response: This public hearing process allows your voices to be heard.

Question/comment: Is there paperwork somewhere that I can get a packet so people who do not go online or cell phone can all read it as a family and understand all this because nobody, you know we need it in writing.

Response: The County staff has copies of it available to you too and you can request copies from Lee County.

Question/comment: I happened to check with the local fire department, and their tallest ladder is 35 feet. So, I wouldn't want to be in the other three feet.

Response: The applicant had a follow up meeting with the Pine Island Fire Chief who was present at the meeting. It should be noted that the third floor, floor level will only be at 20'± and only the roof that will be at the maximum height. The applicant has committed to include as a requisite in any sale of the property that exceeds the maximum height that there will be an exterior access to the third floor so the ladder will reach.

Question/comment: It looks like a hotel; it looks like a trojan horse that's being built because it's easier to put a storage unit in than other things. You change it later, 2, 3, 5 years later down the road it's going to be something else. That will attract more people, it will create more traffic. We're getting a soft sell now. As far as putting a police station there, that's a little hook for people to say, "Oh it'll give it a warm fuzzy feeling, maybe we'll have more cops", I don't know if we need more cops or not but you know they've got plenty of stations to go. Everyone's mentioned the environment, the water, and things along those lines but its an industrial type thing, lets put it back in the industrial area. I don't think we'd have too many complaints on that here but hey there's main street, it looks just like Cape Coral, and I don't think anyone here wants to live in Cape Coral. We moved here for what the Pine Island is.

Response: The parcel 2 is located behind the Publix and the building is going to be oriented towards the internal spine road, so this isn't going to be up on Pine Island Road. There are no industrial uses proposed. The self-storage uses

are included in the allowable uses for a commercial planned development. The colors are proposed to match the Publix which adjusted its colors to match the Fire Station in response to comments received at public information meetings.

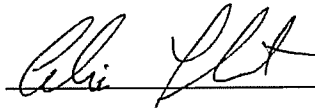
Question/comment: The Greater Pine Island Civic Association took votes on the requested items:

- Add sheriff use: 60 opposed; 10 in favor
- Reduce retail from 95,000 SF to 89,600 SF: 44 opposed; 26 in favor
- Add 60,000 SF self-storage use on Parcel 3: 67 opposed; 3 in favor
- Add warehouse, public & mini-warehouse to the schedule of uses for Parcel 3: 67 opposed; 3 in favor
- Increase height on Parcel 3 for self-storage use only from 35 feet to 38 feet above average grade or 45 feet above mean sea level, whichever is lower: 70 opposed
- Update Master Concept Plan to reflect these changes: 67 opposed; 3 in favor

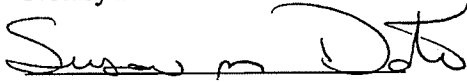
Response: The LDC specifically states that the applicant is not required to receive an affirmative vote or approval of citizens present at the meeting.

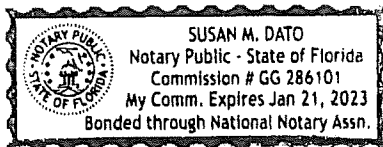
**PINE ISLAND EAGLE
PUBLISHED WEEKLY
LEE COUNTY, FLA
Affidavit of Publication
State of Florida
County of Lee**

Before the undersigned authority personally appeared Cecilia Yndart who on oath says that he/she is the ADVERTISING REPRESENTATIVE of the Pine Island Eagle newspaper, published at Lee County, Florida that the attached copy of advertisement, being a Display Ad 3x6.5, in the matter of Public Information Meeting, published in said newspaper in the issues of April 20, 2022. Affiant further says that the said Pine Island Eagle is a newspaper published at Lee County, said Lee County, Florida and that the said newspaper has heretofore been continuously published in said Lee County, Florida, weekly, and has been entered as a second class mail matter at the post office in Fort Myers in said Lee County, Florida for a period of one year preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said Newspaper.



SWORN TO AND SUBSCRIBED before me this
May 12, 2022
Notary Public





Cat of the Week

Liberty

Out of all the kitties that took a turn on the bunny's lap, Liberty was the only one that cuddled right in. She's a natural born lap cat that will take affection from anyone willing to give it - even a giant stuffed bunny! Liberty is a special girl. She was diagnosed with cerebellar ataxia. To put it simply, she has a neurological disorder that affects her ability to walk. She has had it from birth and although she wobbles and appears uncoordinated, she gets around fine and is improving with age. When Liberty arrived at the shelter a year ago, she was barely able to walk. She's almost 2 years old now, and can run and play with the other cats. Liberty doesn't notice that she's different, and she certainly doesn't let it stop her. If you have room in your heart for this sweet girl, please call Helping Paws Animal Sanctuary at 239-283-9100 or if you'd rather just donate, our address is 10060 Mallory Parkway, E., Unit D, St. James City, FL, 33956 or there's always our web-site www.helpingpawsanimalsanctuary.com.



PUBLIC INFORMATION MEETING Greater Pine Island Planning Community

The public is invited to attend a Public Information Meeting presentation within the Pine Island Planning Community by Banks Engineering, along with the Greater Pine Island Civic Association at a meeting held on: **Tuesday, May 3, 2022 at 6:30 pm at Pine Island Methodist Church, 5701 Pine Island Rd. NW, Bokeria, FL 33922.**

Calusa Cay CPD is 26.77± acres located at the Publix Shopping Center at 5100 Pine Island Road NW, Bokeria, FL 33922, on the north side of Pine Island Road 320'± east of Betsy Pkwy and is proposing a minor amendment to the Commercial Planned Development (CPD) zoning to (1) add EMS, Fire or Sheriff's Station to the overall Schedule of Uses, (2) reduce retail square footage from 96,500 square feet to 89,600 square feet, (3) add 60,000 square feet of self-storage use on Parcel 3 (located behind the Publix building), (4) add warehouse, public and mini-warehouse to the schedule of uses for Parcel 3, (5) increase height on Parcel 3 for self-storage use only from 35 feet to 38 feet, and (6) update Master Concept Plan to reflect these changes (Lee County Case No. DC12022-00017).

During the meeting, developer representative will provide a general overview of the project. All interested citizens are encouraged to attend the presentation and ask questions regarding the proposed development in person or online via live-stream on the GPICA's Facebook page <https://www.facebook.com/PineIslandCivicAssociation>.

Questions or comments can be directed to: Stacy Ellis Hewitt, Banks Engineering (showitt@bankseng.com), (239) 770-2527; 10511 Six Mile Cypress Pkwy, Fort Myers, FL 33966



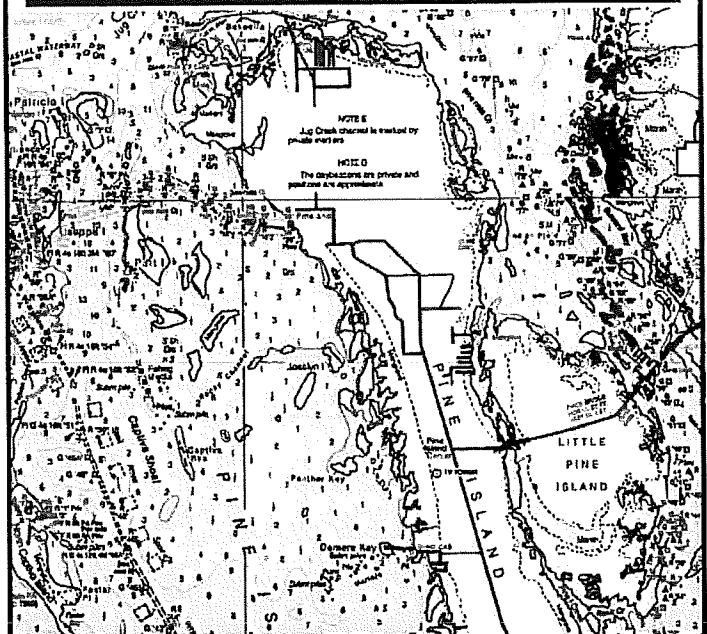
Main: 239-425-7667

Cell: 239-872-3472

Serving Pine Island, Barrier Islands and Lee County

- Home Watch Service
- Lawn Service & Maintenance
- Irrigation Installation & Maintenance
- Landscape Lighting • Tree Trimming & Removal
- Landscaping • House Cleaning • Pressure Washing
- Garbage Removal & Pickup
- Additional Services Available

Referral to all licensed and insured general contractors



LICENSED & INSURED
Pine Island Native Owned

CALUSA CAY CPD AMENDMENT

DCI2022-00017

GPICA Public Information Meeting

May 3, 2022

PROJECT LOCATION



Existing Publix at Calusa Cay - North side of Pine Island Road, 320' ±
east of Betsy Pkwy – east of Pine Island Elementary School

PROJECT AERIAL



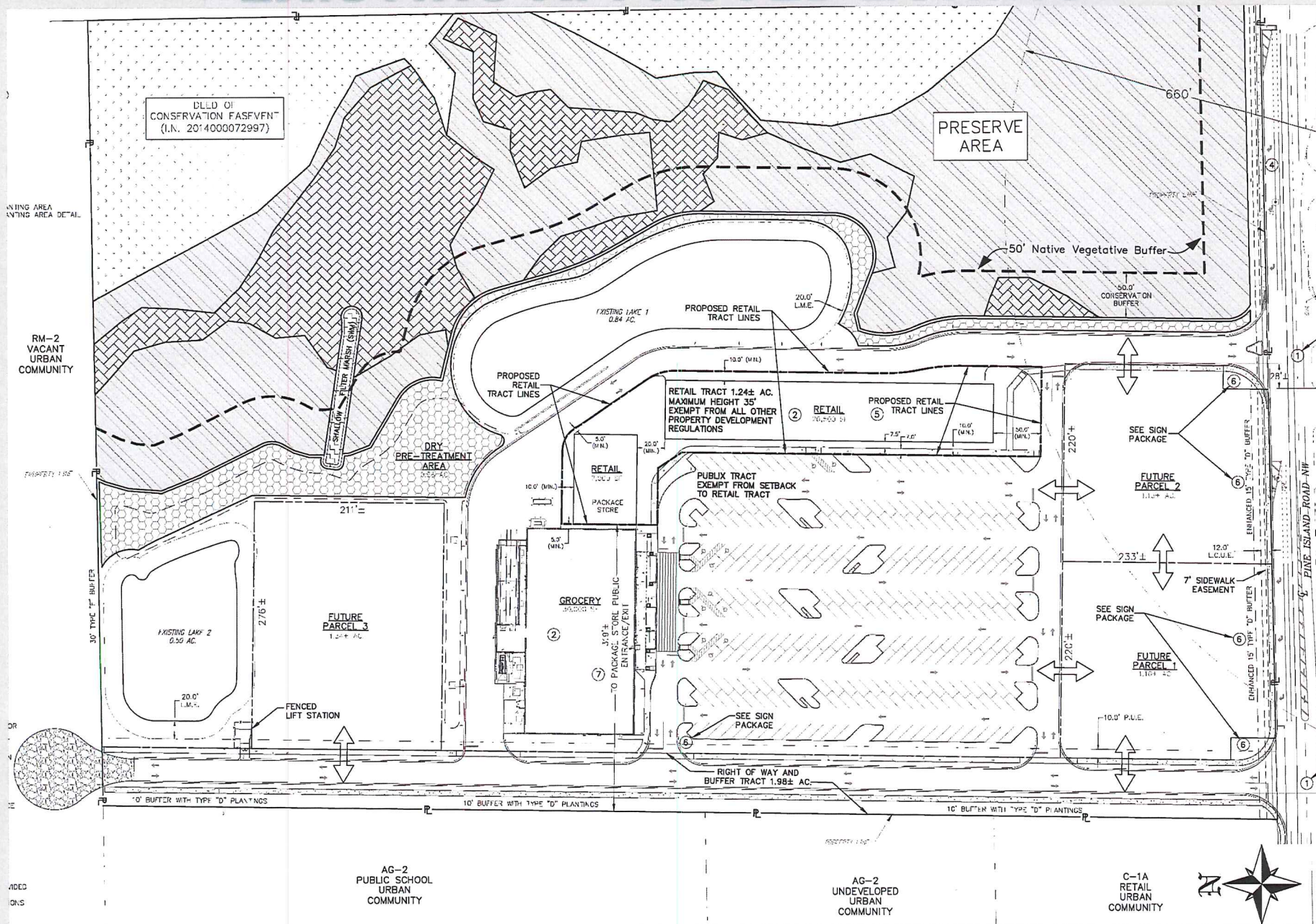
±26.77 ac on North side of Pine Island Road, ±320' east of Betsy Pkwy – east of Pine Island Elementary School

INTRODUCTION

Request: Amend Commercial Planned Development (CPD) to:

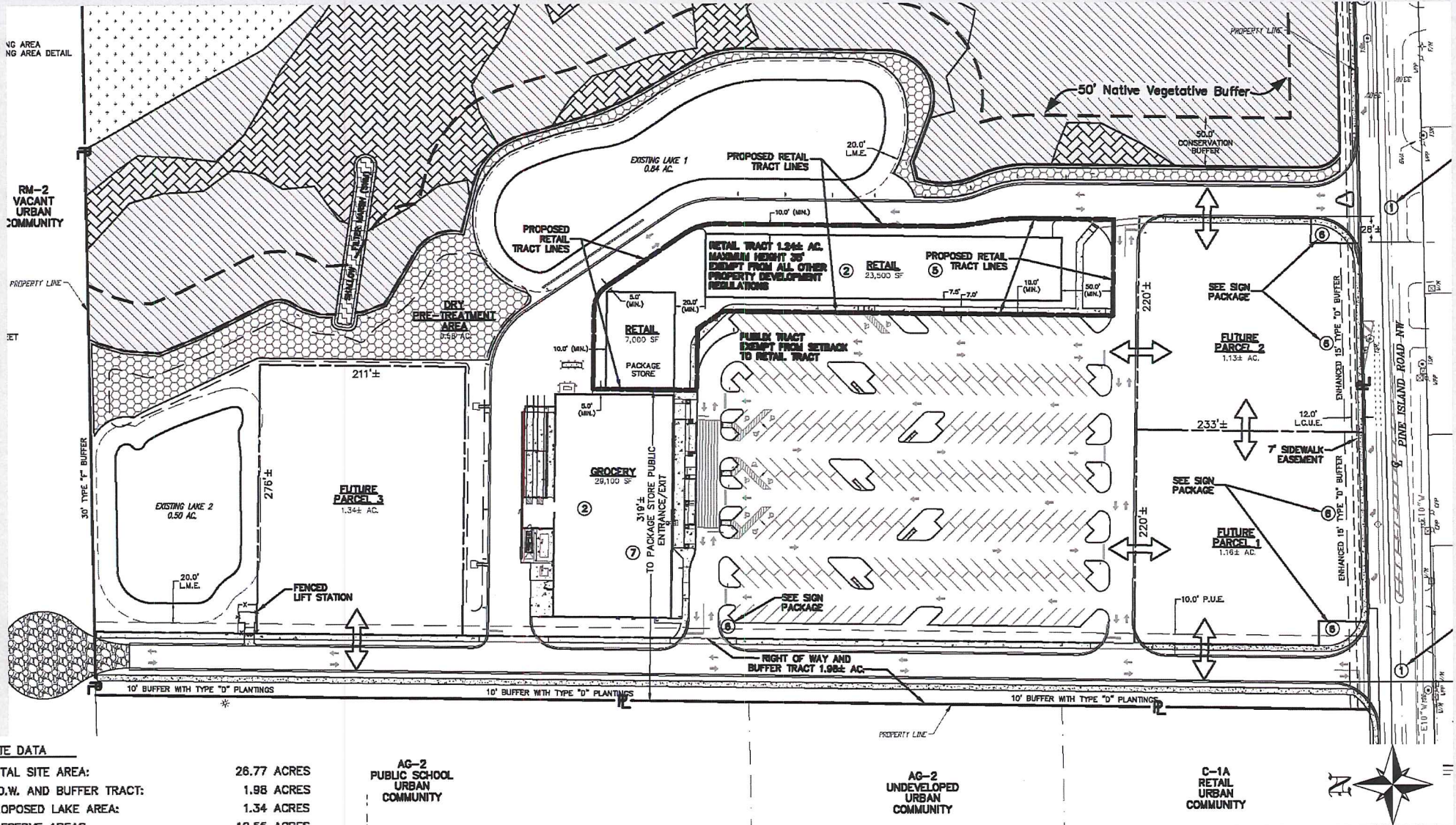
- (1) add EMS, Fire or Sheriff's Station, limited to Sheriff's Station on Retail Tract ~~the overall~~ Schedule of Uses,
- (2) reduce retail square footage from 96,500 square feet to 89,600 square feet,
- (3) add 60,000 square feet of self-storage use on Parcel 3,
- (4) add warehouse, public and mini-warehouse to the schedule of uses for Parcel 3,
- (5) increase height on Parcel 3 for self-storage use only from 35 feet to 38 feet above average grade or 45 feet above mean sea level, whichever is lower, and
- (6) update Master Concept Plan to reflect these changes.

EXISTING APPROVED ZONING



- Z-21-015 approved 12/8/21 – 96,500 SF (66,500 SF shopping center and 30,000 SF on 3 outparcels)

PROPOSED MINOR PUBLIC HEARING AMENDMENT



SITE DATA

TOTAL SITE AREA:	28.77 ACRES
R.O.W. AND BUFFER TRACT:	1.98 ACRES
PROPOSED LAKE AREA:	1.34 ACRES
PRESERVE AREAS	10.55 ACRES
COMMERCIAL FLOOR AREA:	89,600 SF. ¹
SELF STORAGE (PARCEL 3)	60,000 SF.
MAXIMUM BUILDING HEIGHT:	35 FEET. ²

AG-2
PUBLIC SCHOOL
URBAN
COMMUNITY

AG-2
UNDEVELOPED
URBAN
COMMUNITY

**C-1A
RETAIL
URBAN
COMMUNITY**

- Reduce Retail from 96,500 SF to 89,600 SF
- Add 60,000 SF Self-Storage to Parcel 3 and increase height to maximum allowed by Pine Island (38 feet above grade or 45 feet above mean sea level)
- Add EMS, Fire or Sheriff Station use

GREATER PINE ISLAND

Complies with Lee Plan Policy 24.4.1. – Commercial Land Uses

- Uses that serve the day to day needs of residents and visitors
- Positive impact on traffic patterns within Greater Pine Island; and reduce the number of vehicular trips through Matlacha
 - TIS demonstrates REDUCTION in traffic as result of request

Will Comply with LDC Sec. 33-1087. - Maximum height of buildings and structures.

No building or structure may be erected or altered so that the peak of the roof exceeds 38 feet above the average grade of the lot in question or 45 feet above mean sea level, whichever is lower.

Renderings

Calusa Cay Self Storage Building



Artist's Conception



SW 7757



SW 7561



SW 6736



SW 6799

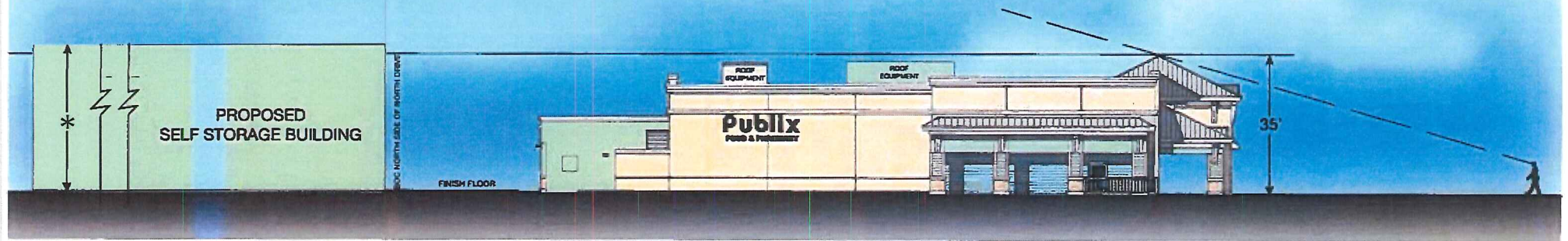


Pearl White

Hano

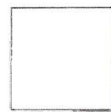
Renderings

Calusa Cay Self Storage Building



Artist's Conception

WEST ELEVATION (SIDE)



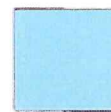
SW 7757



SW 7561



SW 6736



SW 6799



Pearl White

*** Will Comply with LDC Sec. 33-1087. - Maximum height of buildings and structures.**

No building or structure may be erected or altered so that the peak of the roof exceeds 38 feet above the average grade of the lot in question or 45 feet above mean sea level, whichever is lower.

Questions?

Public Information Meeting: May 3, 2022 @ 6:30 PM

Thank you for coming! Please leave your name and contact information.

2

ATTACHMENT H

RESOLUTION NUMBER Z-21-015

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

WHEREAS, Roetzel & Andress LPA filed an application on behalf of the property owner, Publix Super Markets Inc., to amend the Calusa Cay Commercial Planned Development (CPD), in reference to Calusa Cay CPD; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Amanda L. Rivera, was advertised and held on September 23, 2021; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case # DCI2021-00018 and recommended APPROVAL of the Request with conditions; and

WHEREAS, a second public hearing was advertised and held on December 8, 2021 before the Lee County Board of Commissioners; and,

WHEREAS, the Lee County Board of Commissioners gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to amend the Calusa Cay CPD to add: (1) package store to the Schedule of Uses; and (2) deviation from Lee County LDC §34-1263(e) to allow the package store 319 feet from a noncommercial school.

The property is located in the Urban Community Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County LDC.

This zoning action codifies and supersedes Resolution Z-13-007, ADD2020-00020, and ADD2021-00051.

1. Development of this project must be consistent with the 1-page Master Concept Plan (MCP) entitled "Calusa Cay CPD," prepared by Banks Engineering, date stamped received July 8, 2021, and attached hereto as Exhibit C, except as modified by the conditions below. Development must comply with all requirements of the LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

Development Parameters. The CPD is limited to a maximum floor area of 96,500 square feet, including commercial office and retail. The anchor center/shopping center buildings are limited to a maximum of 66,500 square feet. The three outparcels are limited to a maximum 30,000 square feet of commercial square feet (see Condition 2 for specific use limitations).

2. Uses and Site Development Regulations

a. Schedule of Uses:

Accessory Uses and Structures
Administrative Offices
Animals: Clinic or Kennel (no outdoor runs)
ATM (automatic teller machine)
Auto Parts Store
Bait and Tackle Shop
Banks and Financial Establishments, Group I
Boats: Boat Parts Store
Business Services, Group I
Car Wash (limited to 1 for the CPD, and must be on an outparcel)
Cleaning and Maintenance Services
Clothing Stores, General
Computer and Data Processing Services
Consumption on Premises: Indoor only in conjunction with a Group III Restaurant, restricted to a 4-COP-SRX license (see Condition 17). Outdoor consumption on premises requires a public hearing amendment to the planned development.
Contractors and Builders, Group I
Convenience Food and Beverage Store (limited to 1 for the CPD and must be on an outparcel) (see Self-Service Fuel Pumps)
Day Care Center: Child, Adult
Drive-Through Facility for any permitted use (except Group III Restaurants)
Drugstore, Pharmacy
Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities, Group I only
Excavation: Water Retention, no blasting (does not include removal of excavated material from site)
Fences, Walls
Food and Beverage Service
Food Stores: Groups I and II
Gift and Souvenir Shop
Hardware Store
Laundry and Dry Cleaning, Group I
Lawn and Garden Supply Stores (no outdoor display or storage)
Non-store Retailers, All Groups
Package Store, Limited to one within the CPD
Paint, Glass and Wallpaper (no outdoor display or storage)
Parcel and Express Services
Parking Lot: Accessory, Temporary

Personal Services, Groups I, II and III (excluding massage parlors)
 Pet Services (no outdoor runs)
 Pet Shop (no outdoor runs)
 Post Office
 Printing and Publishing
 Real Estate Sales Office
 Repair Shops, Groups I and II (excluding gunsmiths)
 Restaurant, Fast Food (limited to the multi-occupancy plaza and 1 stand-alone fast food restaurant limited to an outparcel)
 Restaurant, Groups I, II and III (Group III restaurants limited to a maximum of one on the anchor parcel and one on the outparcels, with no drive-through)
 Retail and Wholesale Sales, when clearly incidental and subordinate to a principal permitted use on the same premises
 Schools: Commercial
 Self Service Fuel Pumps, only in conjunction with Convenience Food and Beverage Store, 12 pumps maximum
 Signs
 Social Services, Groups I and II
 Specialty Retail Shops, Groups I, II, III and IV (excluding ammunition, firearms, hunters equipment, tobacco stores. Groups I and II uses limited to three establishments in the anchor parcel, with a maximum of 1,500 square feet of floor area for each of the three uses)
 Storage, indoor only
 Studios
 Temporary Uses
 Used Merchandise Stores, Groups I and II (no outdoor storage/display)
 Variety Store

b. Site Development Regulations:

Minimum Lot Area and Dimensions

Lot Size: 10,000 square feet
 Lot Width: 100 feet
 Lot Depth: 100 feet

Minimum Setbacks*

Public Street: 25 feet
 Private Street: 20 feet
 Side: 10 feet
 Rear: 15 feet
 Water body: 20 feet
 Preserve: 25 feet

Maximum Lot Coverage: 40 percent**

Building/Structure Height: 35 feet ***

Accessory use and structure setbacks must comply with LDC §34-1171 *et seq.* and LDC §34-2194.

*Setbacks for the "Retail Tract" may be reduced as shown on the MCP. No setback required for the Grocery building from the Retail Tract.

**The Maximum Lot Coverage requirement does not apply to the Retail tract.

***Buildings/structures must also comply with building height restrictions on Pine Island per LDC §33-1087.

3. Water and Sewer.

The property must connect to public potable water service and public sanitary sewer service. At time of local development order, Developer must demonstrate adequate water and sewer capacity to handle the proposed level of development. No on-site well systems or septic tanks may be utilized for potable water or sanitary sewer service.

4. Accessory Uses.

Accessory uses must be incidental and subordinate to the principal use of the tract, parcel, or outparcel on which it is located.

5. Solid Waste/Recycling.

Development order plans must include facilities in compliance with LDC §10-261 and Solid Waste Ordinance 11-27 for the pick-up/disposal of solid waste and recyclables. The minimum area required and specific locations of these facilities will be reviewed at time of local development order application.

6. Sidewalks.

An internal sidewalk system no less than 5 feet in width must be built on at least one side of every road within the CPD. Internal sidewalks must be interconnected. When deemed appropriate, the Community Development Director may approve an alternate sidewalk system.

7. Design Standards.

- a. Commercial buildings or structures must comply with the commercial building design standards in LDC §33-1083 and LDC Chapter 10, Article IV. Development of the anchor parcel must include a minimum of two breezeways to break up the appearance of the building. The anchor parcel must be developed as a multi-use commercial facility, such as a grocery store and other complimentary commercial office and retail uses as permitted above. No single-use or "big-box" retail development (more than 50,000 square feet in floor area) will be permitted on the anchor parcel.
- b. All commercial signage in the CPD and building design on the outparcels must be consistent with the multi-use building design on the anchor parcel. A proposed sign plan must be submitted in conjunction with development orders for vertical construction of the outparcels and the anchor parcel. (See Deviations 6a-c and the signage plan, Exhibit D).

- c. Development orders for vertical construction on the anchor parcel and outparcels must also comply with the "Community Review" requirements in LDC §33-1003. Developer must include architectural elevations for all proposed buildings and commercial signage consistent with this resolution and the LDC.

8. Sidewalk/Bike Path – Pine Island Road.

At the time of local development order approval, Developer will evaluate the feasibility of construction of a sidewalk/bicycle path from the subject site to Avenue C in order to provide a connection to the bicycle path on Stringfellow Road for non-vehicular traffic. Should construction of the pathway be considered feasible in the opinion of the Director of Development Services, Developer will be required to construct the pathway prior to the issuance of a Certificate of Compliance for anchor parcel development. Should the improvement be deemed infeasible, a fee in lieu of construction of the pathway must be provided to construct the pathway in accordance with LDC §10-256.

9. Bald Eagle Management Plan.

- a. Development order plans must illustrate compliance with the Calusa Cay CPD Bald Eagle Nest LE-081 Management Plan, revised November 2012 (Exhibit E).
- b. Development order phasing plans must indicate turn lane construction for the easternmost access off Pine Island Road will occur outside bald eagle nesting season (May 16th-September 30th).

10. Open Space.

The CPD must provide a minimum of 12.4 acres of open space in substantial compliance with the MCP.

11. Preserve and Mitigation Areas.

- a. Development order plans must depict a minimum of 10.55 acres of preserve and mitigation area in substantial compliance with the MCP. The preserve and mitigation area includes 2.65 acres of indigenous preserve, 5.74 acres of enhanced indigenous wetlands, and 0.08 acre shallow filter marsh.
- b. Developer must provide an indigenous management plan per LDC §10-415(b)(4) requirements for the 10.55 acres of preserve and mitigation areas.

12. Northern Buffer/Screening.

As part of development order approval, landscape plans must illustrate the mitigation plantings provided to meet the Type F buffer requirement along the north property line must be upsized to meet LDC §10-416(d)(4) 10-foot in height tree and shrubs 48-inch in height at installation to be maintained at minimum 60-inch continuous visual screen within one year after time of planting requirement.

13. Southern Buffer.

As part of first development order approval, landscape plans must depict the southern property line to provide buffers per the approved Bald Eagle Management Plan IV. General Development Guidelines B. 3. & 4. The south property line buffers must be installed immediately after any permitted clearing and grading construction activities and prior to October 1st of the next bald eagle nesting season.

14. Consumption on Premises (COP).

COP is allowed only within a Group III restaurant. Only a 4-COP-SRX liquor license is allowed, and at least 51 percent of the restaurant's revenue must come from the sale of food, and no more than 49 percent of the revenue can be from the sales of alcoholic beverages.

15. Retail/Grocery Tract.

- a. Retail Tract Parking, open space, water management, and all other required infrastructure for the Retail Tract must be provided on the Grocery Tract. (condition of ADD2021-00051)
- b. The Retail Tract cannot be developed before the Grocery Tract. (condition of ADD2021-00051)

16. Signage.

- a. Monument Signs A, B, and C must be in substantial compliance with the Signage Plans (Exhibit D).
- b. Offsite signage is limited to one 9.4 square foot tenant panel affixed to Monument Sign C to identify the proposed residential community north and adjacent to the shopping center.
- c. Signage within the Retail Tract identified on the MCP is limited to wall-mounted signs and temporary signs in accordance with the LDC.
- d. Outparcels 1 and 2 may be developed with individual ground-mounted identification signs in accordance with LDC §33-1043 for future tenants of each respective parcel. A subsequent approval is required should Future Parcels 1 and 2 propose future ground-mounted signage greater than the limitations imposed by LDC §33-1043.

17. Package Store.

The package store use cannot be located closer than 319' feet from the property line and must be site as proposed on the MCP dated 7/08/2021.

SECTION C. DEVIATIONS:

1. Connection Separation. Deviation (1) seeks relief from the LDC §10-285(a) requirement to provide connection separation along arterial roads a minimum distance of 660 feet, to allow connection separation distances of 0 feet (where distances of edge of pavement to edge of pavement overlap) and 87± feet along Pine Island Road for a previously approved access point and connection separation distances of 0 feet (where distances from edge of pavement to edge of pavement overlap) and 28± feet along Pine Island Road for a proposed secondary access.
2. Floor Area. Deviation (2) seeks relief from the LDC §33-1083(c) requirement that new commercial buildings on Pine Island be limited to 10,000 square feet of floor area per building, to allow a 26,500-square-foot multi-use retail building and a 30,000-square-foot grocery store. This deviation is APPROVED, SUBJECT TO Condition 10.
3. Buffer. Deviation (3) seeks relief from the LDC §33-1082(a) requirement to provide land on Pine Island abutting state-designated aquatic preserves and associated wetlands and natural tributaries be preserved or a 50-foot-wide native vegetative buffer area to be created between the development and the water body or associated wetlands, to allow a modified buffer in accordance with Lee Plan Policy 14.1.5. This deviation is APPROVED, SUBJECT TO the condition that development order plans must illustrate planting of the mitigation area consistent with the Calusa Cay CPD Lee County Wetland Enhancement and Creation Plan, dated Revised April 2020.
4. Roadway Buffer. Deviation (4) seeks relief from the LDC §10-416(d)(3) requirement that commercial developments provide a minimum 15-foot Type "D" buffer where the project abuts a road right-of-way, to allow no roadway buffer along the property's easterly 366 feet of frontage on Pine Island Road, shown on the MCP as a preserve area and a mitigation planting area. This deviation is APPROVED, SUBJECT TO the condition that development order plans must depict the south property line between the preserve/mitigation area and Pine Island Road to be planted with a minimum of 10 trees and palms per 100 linear feet. Trees must be a minimum 10-foot-high slash pine (*Pinus elliotii* var. *densa*) and clusters of cabbage palms (*Sabal palmetto*) at staggered heights having a minimum of 10-foot clear trunk when measured from final grade of Pine Island Road. These trees must be installed immediately after any permitted clearing and grading construction activities and prior to October 1st of the next bald eagle nesting season. Trees and palms planted within the mitigation area along Pine Island Road may be used to meet this requirement, so long as they meet the timing, species, and size specifications.
5. Internal Circulation. Deviation (5) seeks relief from the LDC §10-291(2) requirement that all developments must abut and have access to a public or private street designed, and constructed or improved, to meet the standards in LDC §10-296, to allow the proposed Retail Tract to utilize internal vehicular circulation without abutting a street. This deviation is APPROVED.
6. Outparcel Signage. Deviation (6a) seeks relief from the LDC §30-153(3) requirement which allows 2 ground-mounted identification signs for an establishment having frontage on more than one public right of way (one primary and one 24 square-foot secondary), to allow one additional ground mounted sign on each of outparcels 1 and 2, identifying the overall development (Shoppes at Calusa Cay). This deviation is APPROVED.

7. Monument Sign. Deviation (6b) seeks relief from the §33-1044 requirement which establishes a maximum ground-mounted identification sign area of 48 square feet, 12 feet in height and 12 feet in width for individual businesses and multiple-occupancy complexes with five or less establishments in the Pine Island Planning Community, to allow 136.14 square feet in sign area, 16 feet in height and 14 feet 8 inches in width for the project pylon ground-mounted signs identifying the overall development (Monument Signs B and C), and to allow 54.90 square feet of sign area for Monument Sign A. This deviation is APPROVED.
8. Off-site Sign. Deviation (6c) seeks relief from the LDC §30-181(a) requirement which requires off-site directional signs for residential projects to be non-illuminated, to allow an illuminated 9.4 square-foot tenant panel affixed to Pylon Sign C. This deviation is APPROVED.
9. Package Store. Deviation (7) seeks relief from the LDC §34-1263(e) requirement which requires a separation distance of 500 feet between a package store or other establishment primarily engaged in the retail sale of liquor for consumption off-site and noncommercial schools, to allow a package store to be located 319 feet from a noncommercial school. This deviation is APPROVED.

SECTION D. EXHIBITS:

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

- Exhibit A: Legal description of the property
- Exhibit B: Zoning Map (with the subject parcel indicated)
- Exhibit C: The Master Concept Plan
- Exhibit D: Signage Plan
- Exhibit E: Calusa Cay CPD Bald Eagle Nest LE-081 Management Plan

SECTION E. FINDINGS AND CONCLUSIONS:

Based upon its review, the Board of County Commissioners adopts the recommendation of the Hearing Examiner, including the following findings and conclusions:

1. As conditioned herein, the proposed amendment to the Calusa Cay CPD:
 - a. Complies with the Lee Plan. See, Lee Plan Vision Statement Paragraph 16 (Pine Island Planning Community), Lee Plan Goals 2, 4, 6, 24, Objectives 2.1, 2.2, 5.1, and Policies 1.1.4, 2.1.1, 2.1.2, 2.2.1, 5.1.5, 6.1.4, 24.4.1; Lee Plan Maps 1, 16.
 - b. Complies with the LDC and other County regulations. See, LDC Chapters 10, 33, and 34.
 - c. Is compatible with existing and planned uses in the area. See, Lee Plan Policies 1.1.4, 2.1.1, 2.1.2, 2.2.1, 5.1.5; LDC §34-411(c), (i), and (j).
 - d. Will not adversely affect environmentally critical areas and natural resources. See, Lee Plan Goal 77, LDC §34-411(h).

- e. Will be served by urban services. *See*, Lee Plan Glossary, Maps 6, 7, Goal 2; Objectives 2.1, 2.2, 4.1, 53.1, 56.1; Policy 2.2.1, and Standards 4.1.1 and 4.1.2; LDC §34-411(d).
- 2. The Master Concept Plan reflects sufficient access to support the intensity of development. In addition, County regulations and conditions of approval will address expected impacts to transportation facilities. *See*, Lee Plan Goal 39, Objective 39.1; LDC §34-411(d).
- 3. The proposed mix of uses is appropriate at the proposed location. *See*, Lee Plan Policies 1.1.4, 2.1.1, and 6.1.4.
- 4. The recommended conditions are sufficient to protect the public interest and reasonably relate to the impacts expected from the development. *See*, Lee Plan Policies 5.1.5, 6.1.4; *See also*, LDC Chapters 10, 33, and 34.
- 5. As conditioned herein, the deviations:
 - a. Enhance the objectives of the planned development; and
 - b. Promote the intent of the LDC to protect the public health, safety, and welfare. *See*, §34-377(b)(4).

SECTION F. SCRIVENER'S ERRORS

The Board intends that this resolution can be renumbered or relettered and typographical errors that do not affect the intent and are consistent with the Board's action can be corrected with the authorization of the County Manager or his designee, without the need for a public hearing.

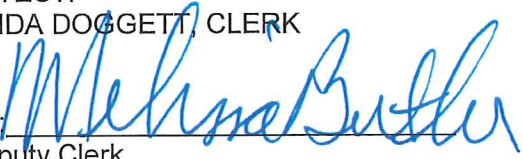
Commissioner Mann made a motion to adopt the foregoing resolution, seconded by Commissioner Hamman. The vote was as follows:

Adopted by unanimous consent.

Kevin Ruane	Aye
Cecil L Pendergrass	Aye
Raymond Sandelli	Aye
Brian Hamman	Aye
Frank Mann	Aye

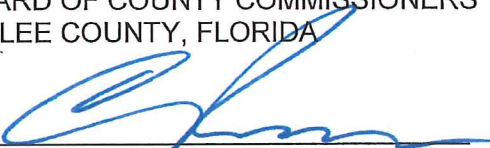
DULY PASSED AND ADOPTED this 8th day of December 2021.

ATTEST:
LINDA DOUGGETT, CLERK

BY: 
Deputy Clerk

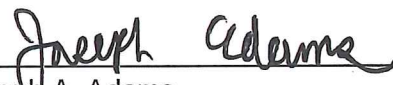


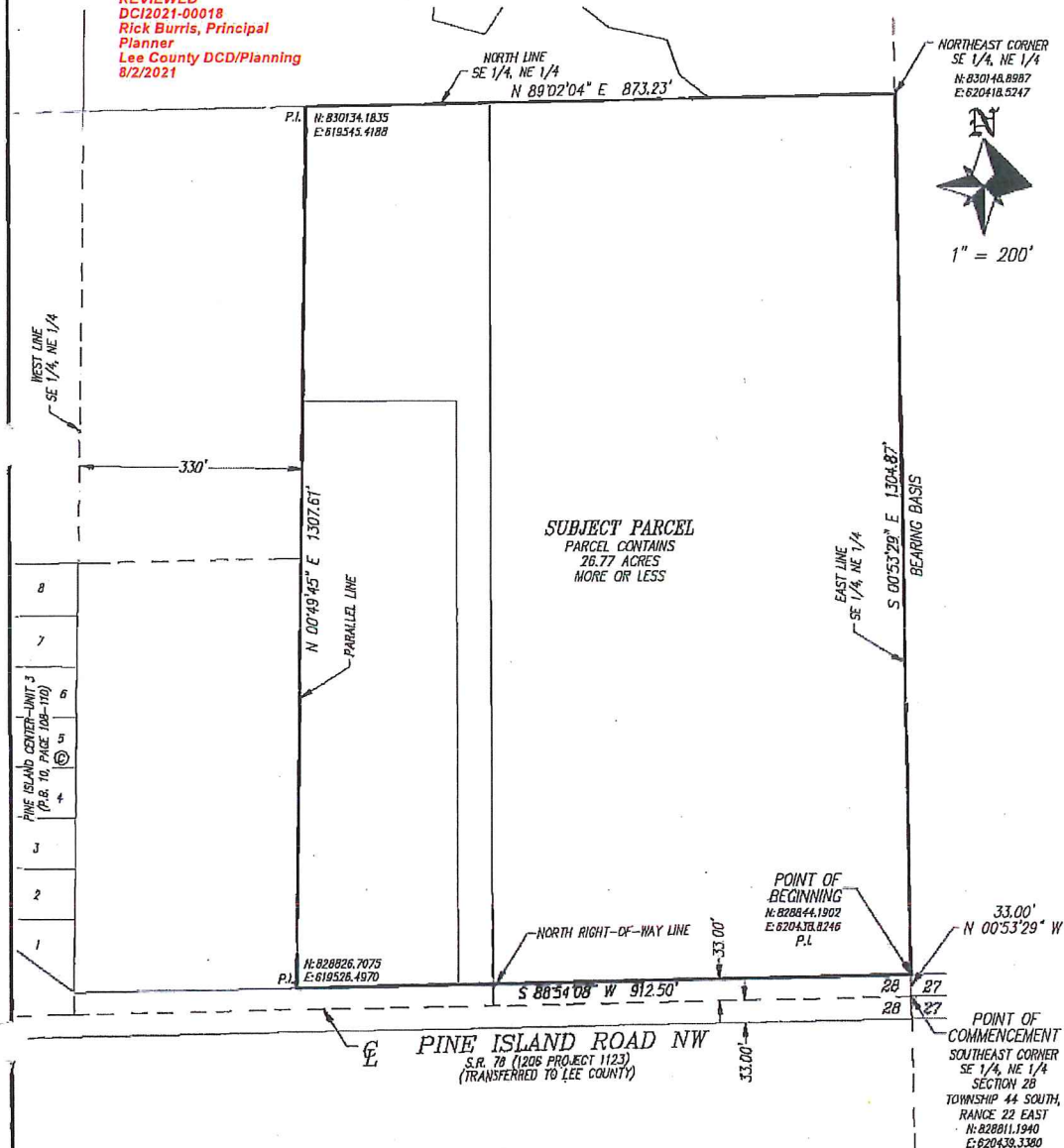
BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

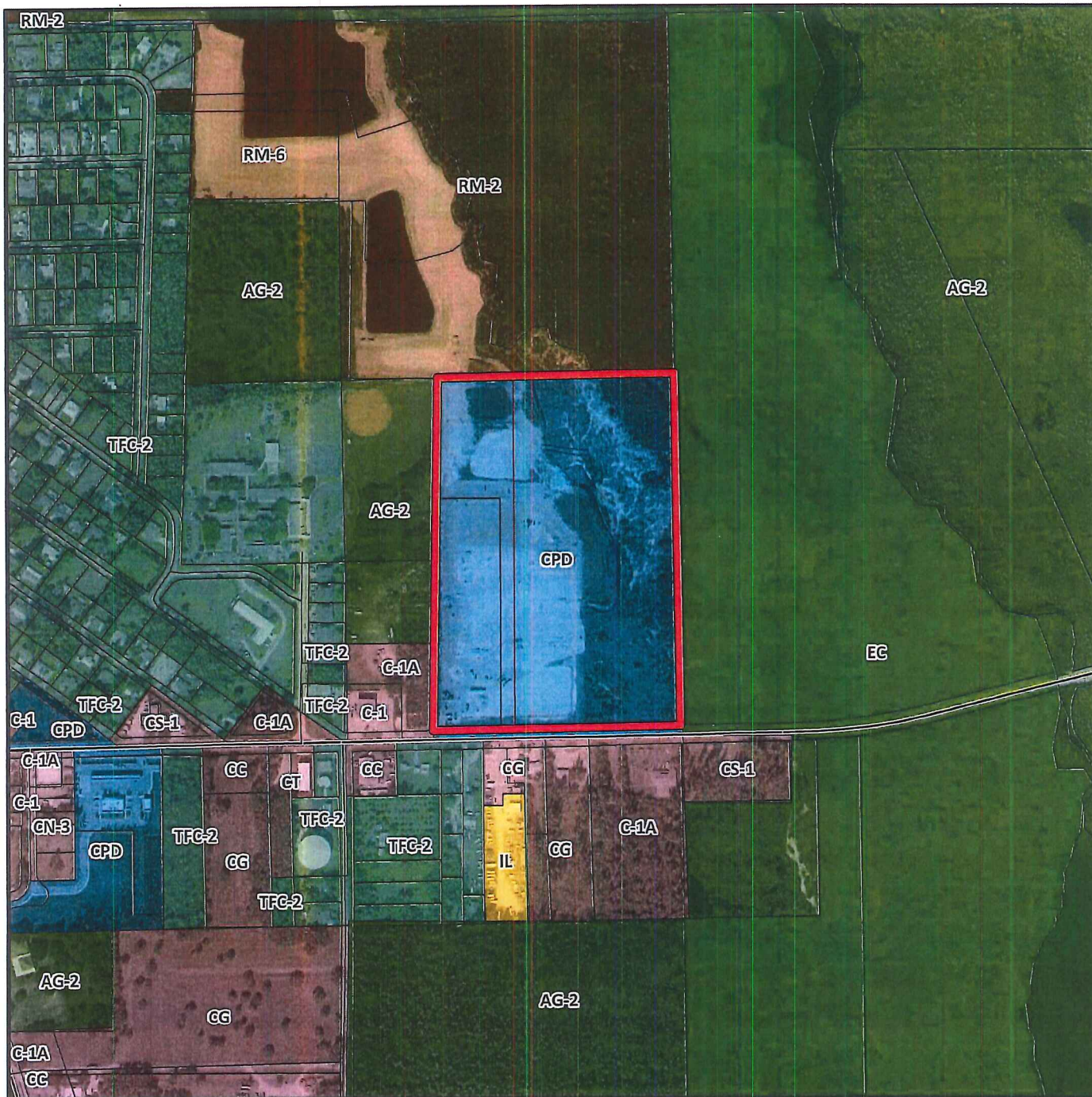
BY: 
Cecil L Pendergrass, Chair

Commissioner Cecil L Pendergrass, Chairman
Lee County Board of County Commissioners
District 2

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY


Joseph A. Adams
Assistant County Attorney
County Attorney's Office

BANKS
ENGINEERINGProfessional Engineers, Planners, & Land Surveyors
Serving The State Of Florida10511 SIX MILE CYPRESS PARKWAY, SUITE 101
FT. MYERS, FLORIDA 33966
PHONE (239)939-5490 FAX (239)939-2523
ENGINEERING LICENSE # EB 6468
SURVEY LICENSE # LB 6690
WWW.BANKSENG.COM**SKETCH OF DESCRIPTION**OF
A TRACT OR PARCEL OF LAND LYING IN
SECTION 28, TOWNSHIP 44 SOUTH, RANGE 22 EAST,
LEE COUNTY, FLORIDAREVIEWED
DCI2021-00018
Rick Burris, Principal
Planner
Lee County DCD/Planning
8/2/2021

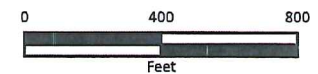


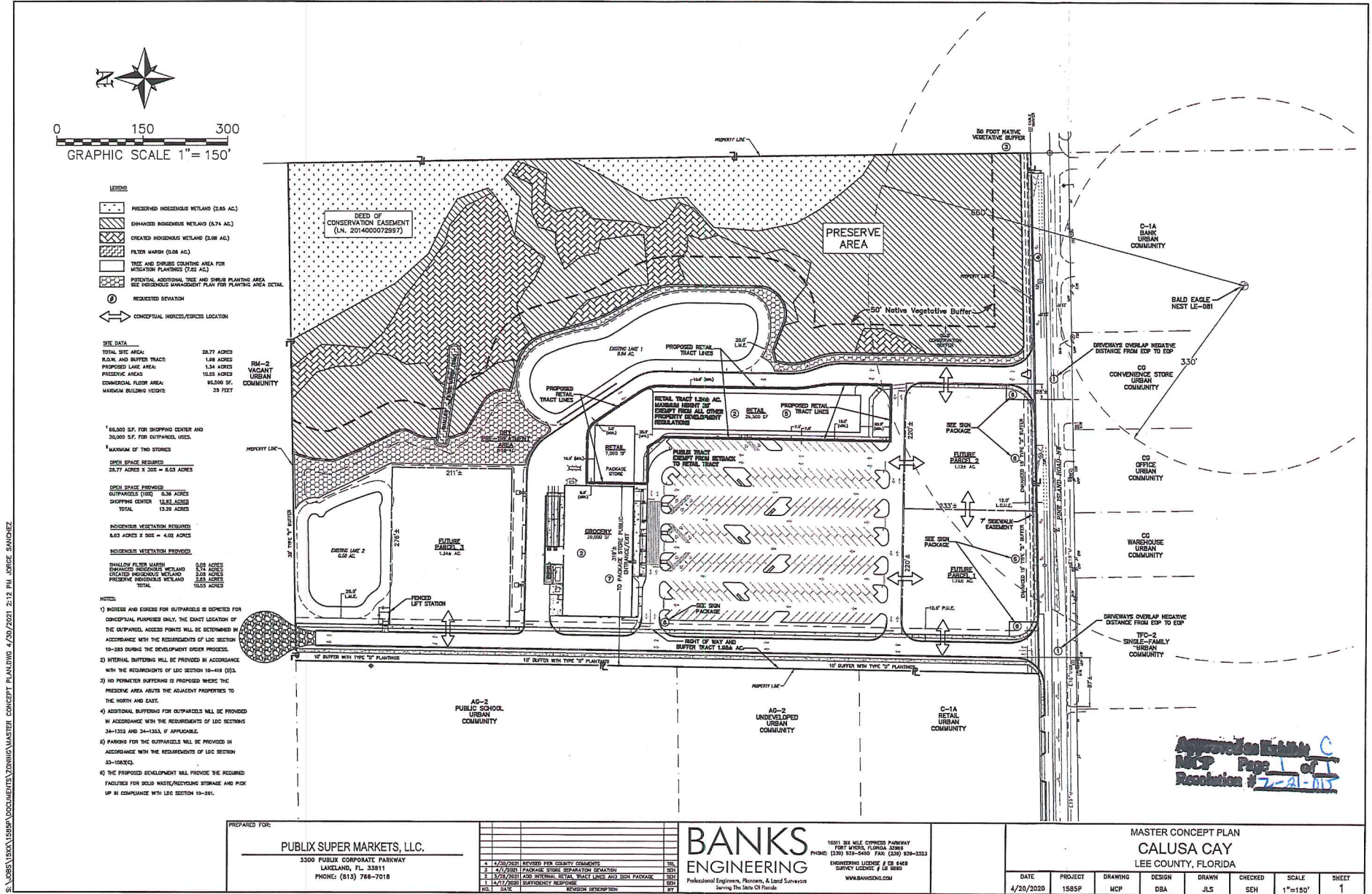
DCI2021-00018

Zoning

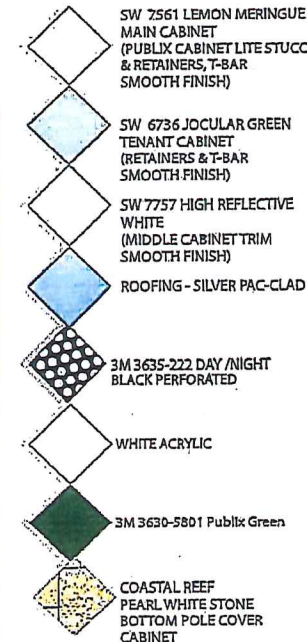
EXHIBIT B

 Subject Property





EXHIBIT



Revised Square footage to 1,300 and update
 notes. SLD 01-03-20
 Review height, remove stone PC & trim.
 04-14-20 SLD
 Revised MS A & B per client photo.
 04-21-20 SLD
 Add stone back in bottom cabinet.
 SLD 04-24-20
 JCS 04-27-21 Revisit SQ. FT



3M™ MCS™ Warranty

Scale: 1/4"=1'-0"

Publix
Pine Island, FL

Celebrating 51 Years of Quality Manufacturing and Service

51



D/F LED Illuminated Main Identity Monument B

Dotted red line calculates $\square$: Total Cabinet $9'-3" \times 14'-8" = 136.14 \square$

Scale: $1/4"=1'-0"$

-  SW 7561 LEMON MERINGUE MAIN CABINET (PUBLIX CABINET LITE STUCCO & RETAINERS, T-BAR SMOOTH FINISH)
-  SW 6736 JOCULAR GREEN TENANT CABINET (RETAINERS & T-BAR SMOOTH FINISH)
-  SW 7757 HIGH REFLECTIVE WHITE (MIDDLE CABINET TRIM SMOOTH FINISH)
-  ROOFING - SILVER PAC-CLAD
-  3M 3635-222 DAY/NIGHT BLACK PERFORATED
-  WHITE ACRYLIC
-  3M 3630-5801 Publix Green
-  COASTAL REEF PEARL WHITE STONE BOTTOM POLE COVER CABINET

Pylon textures and paint to match building architectural features. Manufacture new routed Shopping Center aluminum faces backed with white acrylic Day/Night 3M dual color film black. "Publix" face is pan-formed white acrylic with embossed Publix® & flat sub-copy 3M 3630-5801 Publix Green vinyl overlay. Tenant faces are flat acrylic with vinyl (TBD). Cabinet trim to be aluminum painted SW 7757 High Reflective White Smooth finish. LED's and power supplies to provide illumination.

THOMAS
SIGN & AWNING CO INC
4590 118TH Avenue North
Clearwater, Florida 33762
800-526-3325
www.thomassign.com

CLIENT

Publix 95
Design Number: 86437 Pylon Rend
Installation Address: NEC Pine Island Rd & Orchid Cove Road Pine Island, FL

Project Identity Number: 86763

SALES ASSOCIATE:	PROJECT TEAM:
TSA	BM
DESIGNER:	DATE:
SLD	12-26-10

Project Update:
Revise signage forage to 150' and update notes, SLD 01-05-10
Revise height, remove stone PC & trim, SLD 12-26-10
Revise MC & S per client photo, SLD 01-20-10
Add stone back in bottom cabinet, SLD 01-20-10
JLS 04-26-11 Revise SQ, RT

UL Underwriters Laboratories, Inc.
LISTING 84514
ELECTRIC SIGN
COMPLIES TO UL 48



3M™ MDS™ Warranty

Page	Sheet
1	1 of 1
Local: 727-573-7757 Fax: 727-573-0328	

Publix
Pine Island, FL

Celebrating 51 Years of Quality Manufacturing and Service

51



THOMAS
SIGN & AWNING CO. INC.
4590 118TH Avenue North
Clearwater, Florida 33762
800-526-3325

www.thomassign.com

CLIENT
Publix 95
Design Number:
86437 MS Rend
Installation Address:
NEC Pine Island Rd
& Orchid Cove Road
Pine Island, FL
Project Identity Number:
86763
Sales Associate: Project Team:
TSA BM
Designer: Date:
SLD 12-26-19
Project Update:

-  SW 7561 LEMON MERINGUE
MAIN CABINET
(FILLER LITE STUCCO
& RETAINERS
SMOOTH FINISH)
-  SW 6254 LAZY GRAY
LITE STUCCO FINISH
(POLE COVER TRIM)
-  SW 7757 HIGH REFLECTIVE
WHITE
(CABINET TRIM SMOOTH FINISH)
-  ROOFING - SILVER PAC-CLAD
-  COASTAL REEF
PEARL WHITE STONE
-  WHITE ACRYLIC
-  3M 3630-5801 Publix Green



Monument textures and paint to match building architectural features.
"Publix" face is pan-formed white acrylic with embossed Publix® & flat sub-copy
3M 3630-5801 Publix Green vinyl overlay.
Cabinet trim to be aluminum painted
SW 7757 High Reflective Smooth finish.
Base to be Coastal Reef Pearl White Stone.
Aluminum trim accent on base is
SW 6254 Lazy Gray stucco finish.
LED's and power supplies to provide illumination.



Page: 1 Sheet: 1 of 1
Local: 727-573-7757
Fax: 727-573-0328

LED Illuminated Main Identity Monument A

Dotted red line calculates $4'-11" \times 11'-2" = 54.90'$

Scale: 3/8"=1'-0"

**CALUSA CAY CPD
BALD EAGLE NEST LE-081
MANAGEMENT PLAN**

Section 28, Township 44 South, Range 22 East
Lee County, Florida

November 2012

Prepared for:

**Banks Engineering
10511 Six Mile Cypress Parkway, Suite 101
Fort Myers, FL 33966**

Prepared by:

**W. Dexter Bender & Associates, Inc.
4470 Camino Real Way, Suite 101
Fort Myers, FL 33966
(239) 334-3680**

I. INTRODUCTION

The Calusa Cay CPD is a 26.77± acre project located on the north side of Pine Island Road within a portion of Section 28, Township 44 South, Range 22 East, on Pine Island in Lee County, Florida (Figure 1). The Orchid Cove residential project (permitted but not yet developed) is located to the north. Mangrove wetlands are present to the east. Pine Island Road forms the south property line. Existing commercial development and Pine Island Elementary School are present to the west. The vast majority of the property is either a field that is periodically mowed or areas dominated by exotic vegetation.

A southern bald eagle (*Haliaeetus leucocephalus*) nest is present in an Australian pine (*Casuarina equisetifolia*) tree located approximately 370 feet south of the south property boundary and on the south side of Pine Island Road (Figure 2, Exhibit A). This nest is currently identified by the Florida Fish and Wildlife Conservation Commission (FWC) as Bald Eagle Nest LE-081 and was first reported during the 2009 - 2010 nesting season. The nest successfully fledged young during the 2009 - 2010, 2010 - 2011, and 2011 - 2012 nesting seasons.

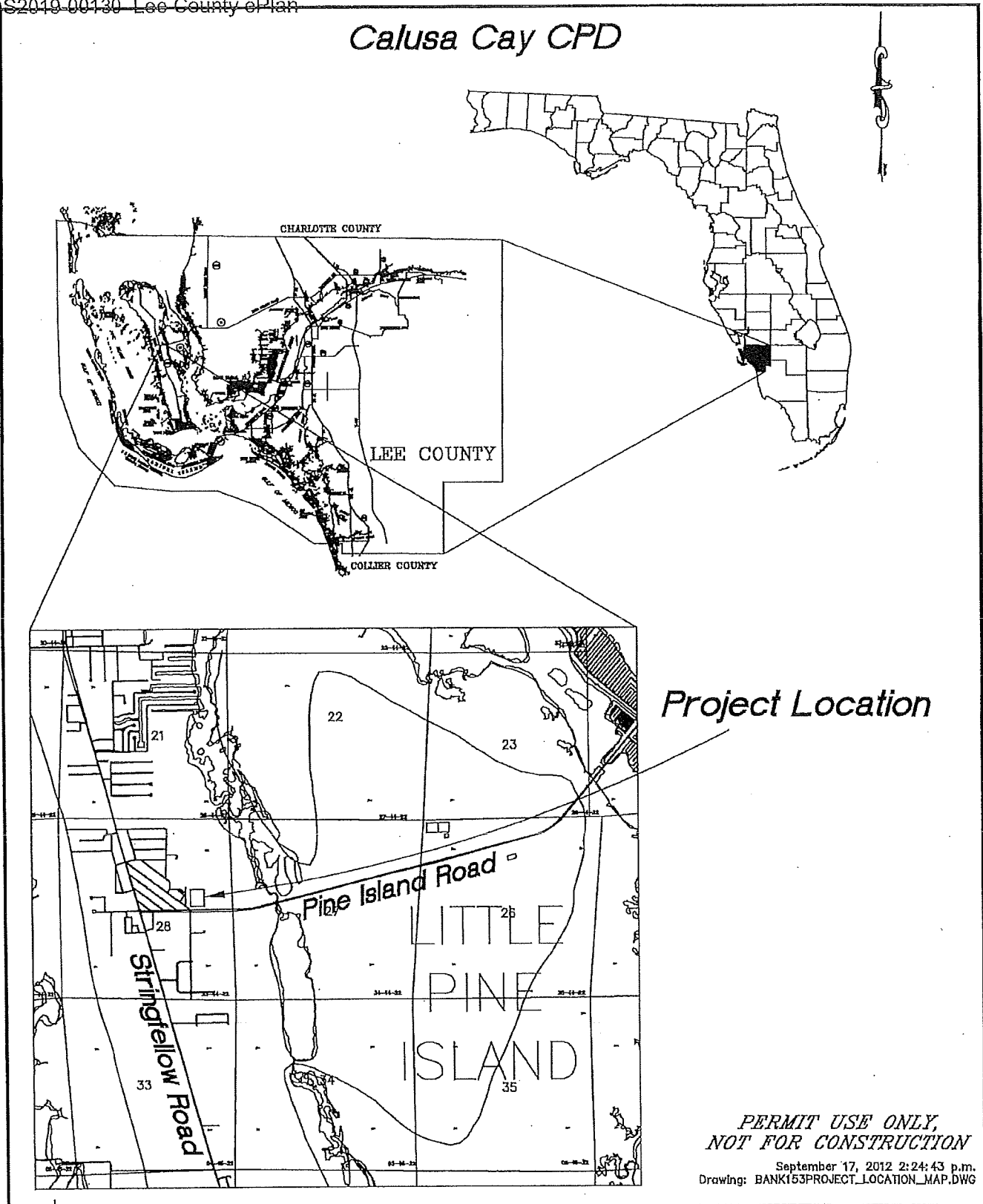
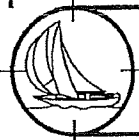
Existing one story commercial structures (10 to 23 feet in height), including a Bank of America, are located between 186 to 645 feet from the nest. Parking for Bank of America is located 165 feet north of the nest and the drive through for the bank is located 180 feet northeast of the nest. Additional existing development is located to the west. These lands are zoned CS-1, CG, IL, and TFC which allows for commercial, industrial and residential uses. All of the lands in the immediate vicinity of the nest are within the Urban Community Future Land Use. Lands within 1,000 feet south of the nest are undeveloped with varying levels of exotics. Lands to the east and southeast of the nest have been purchased by Lee County through the Conservation 20/20 program.

The proposed project consists of the construction of commercial shopping center with two commercial out parcels, water management facilities, and a 10.20± acre wetland/upland preservation area. The portion of the development within 660 feet of the nest consists of portions of two out parcels, approximately six parking spaces in the main parking area, a turning lane on the north side of Pine Island Road, the eastern project access point, and 2.10 acres of the preservation area (Figure 3).

This management plan has been created to outline the project's proposed protection measures for Bald Eagle Nest LE-081. The plan will be incorporated into a FWC Eagle Permit and/or an Incidental Take Permit from the U.S. Fish and Wildlife Service (FWS) if such permits are deemed to be required.

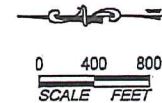
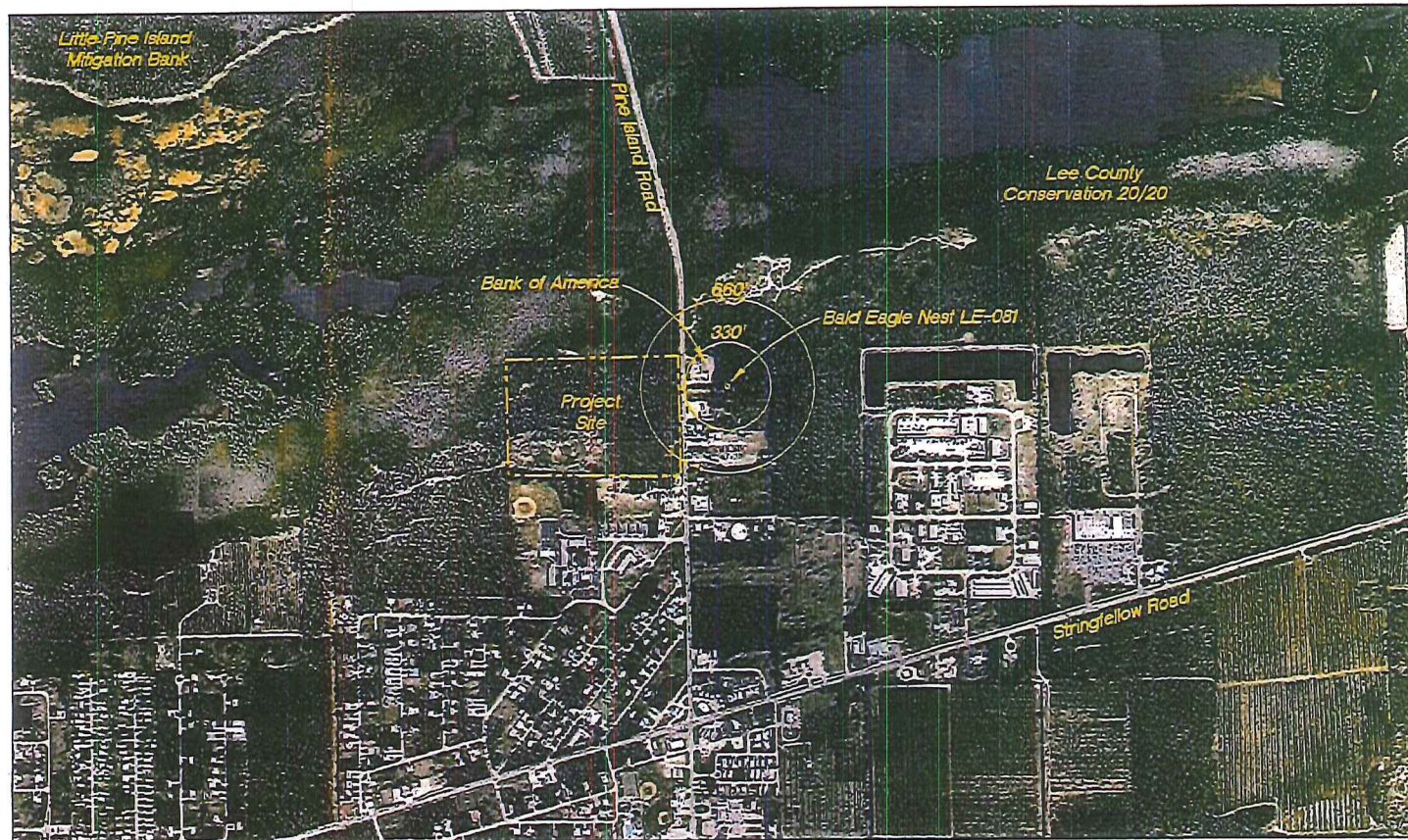
II. SITE CONDITIONS

The vast majority of this property has been significantly disturbed in the past. The western third of the property was cleared over 30 years ago and has been periodically mowed to maintain the area as an open field (Figure 4). Most of the rest of the site



W. DEXTER BENDER
& ASSOCIATES, INC.
ENVIRONMENTAL & MARINE CONSULTING
FORT MYERS 239/334-3680

Figure 1. Project Location Map



- Notes:
1. 2012 Aerial Photography
 2. Bald eagle nest location obtained from Banks Engineering, Inc.

PERMIT USE ONLY, NOT FOR CONSTRUCTION

September 17, 2012 2:31:25 p.m.
Drawing: BANK153PLAN_03_12.DWG

Figure 2. Bald Eagle Nest LE-081 Vicinity Map

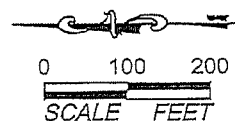
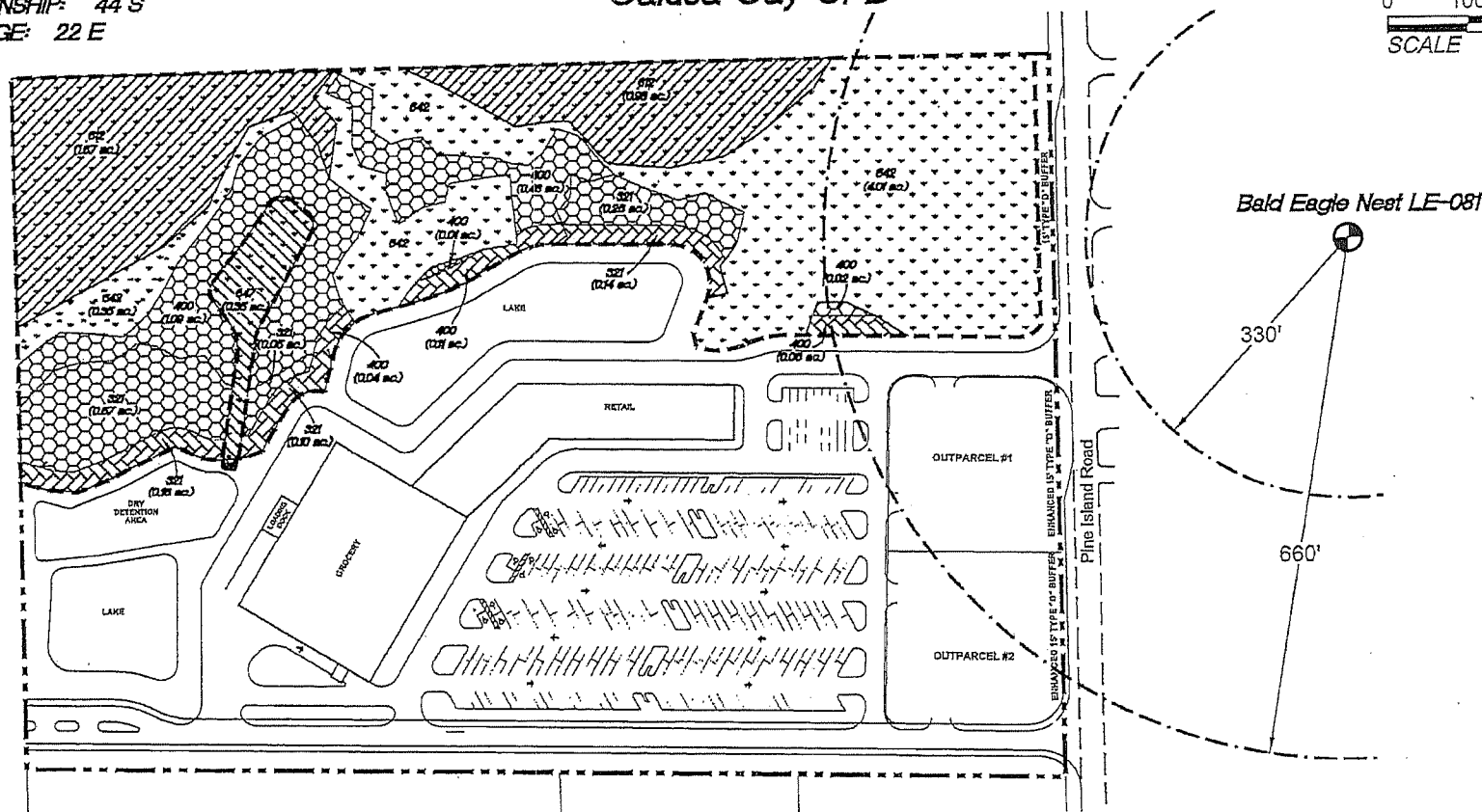
Calusa Cay CPD

W. DEXTER BENDER
& ASSOCIATES, INC.
ENVIRONMENTAL & MARINE CONSULTING
FORT MYERS 239-334-3580



SECTION: 28
TOWNSHIP: 44 S
RANGE: 22 E

Calusa Cay CPD



----- Conservation Easement Boundary (10.20 ac.)

	Wetland Preserve (2.65 ac.)
	Wetland Enhancement (Exotic Treatment) (4.36 ac.)
	Upland Enhancement (Exotic Treatment) (2.58 ac.)
	Herbaceous Filter Marsh (0.35 ac.)
	Buffer (0.61 ac.)

FLUCCS	Description
321	Palmetto Prairies
400	Upland Forests
612	Mangrove Swamps
642	Saltwater Marsh
647	Herbaceous Filter Marsh

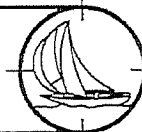
- Notes:
1. Property boundary, surveyed wetland line, site plan, and bald eagle nest location obtained from Banks Engineering, Inc.
 2. Mapping based on photointerpretation of 2005 aerial photography and ground truthing in March 2008.
 3. Delineation of jurisdictional wetlands field reviewed and approved by the COE and SFHMD.
 4. The 0.35 acre filter marsh is not included within the SFHMD required conservation easement area.
 5. Approximately 1.13 acres of the southwest corner of the preserve will be planted with native species pursuant to Lee County requirements.

PERMIT USE ONLY, NOT FOR CONSTRUCTION

September 17, 2012 2:29:43 p.m.
Drawing: BANK153PLAN_05_12.DWG

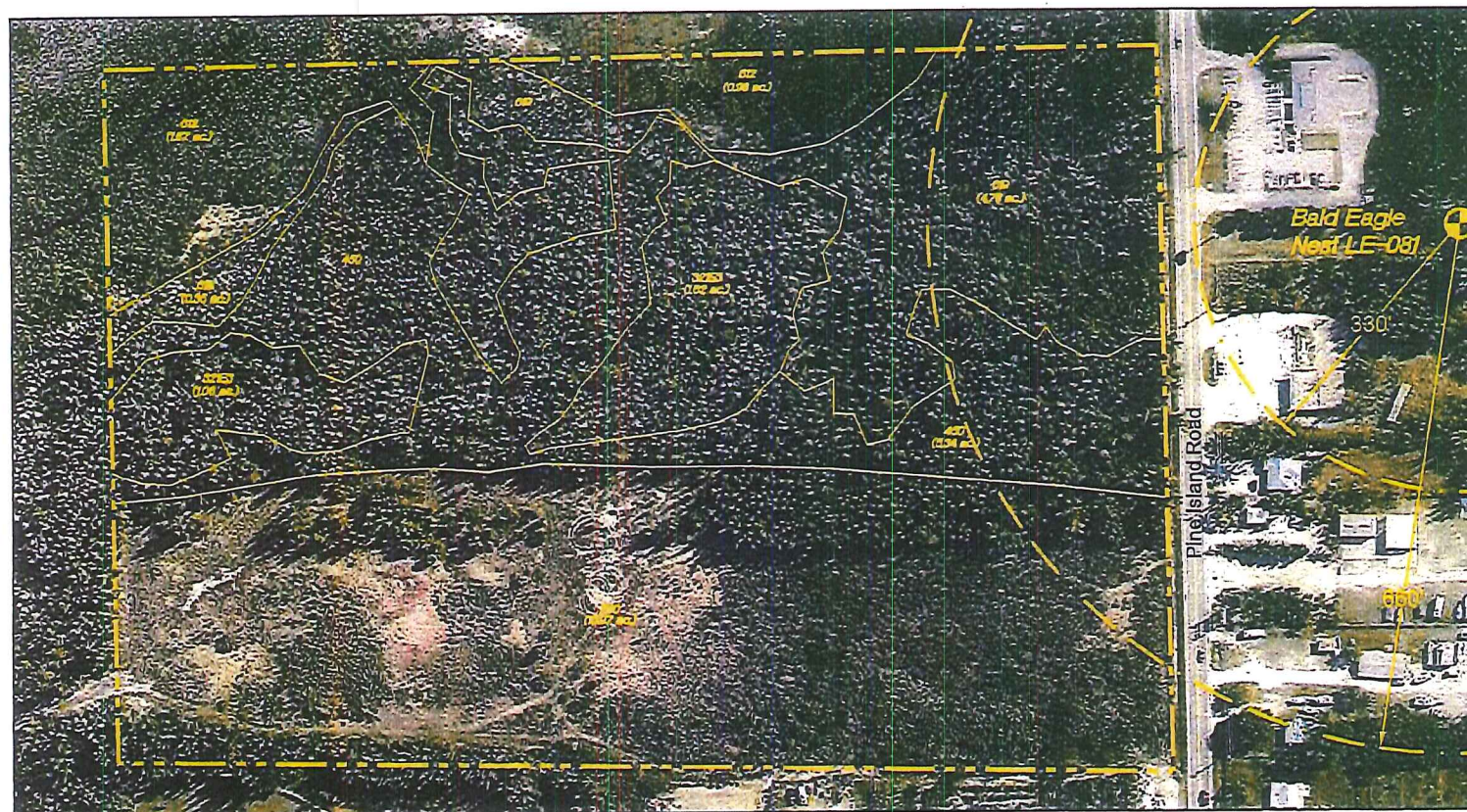
Figure 3. Site Plan

W. DEXTER BENDER
& ASSOCIATES, INC.
ENVIRONMENTAL & MARINE CONSULTING
FORT MYERS 239-334-3680



5

A graphic scale bar with markings for 0, 100, and 200 feet. The bar is divided into two segments: a light gray segment from 0 to 100 feet and a dark gray segment from 100 to 200 feet. The word "SCALE" is written below the 0-100 segment, and "FEET" is written below the 100-200 segment.



<u>FLUCCS</u>	<u>Description</u>	
321E3	Palmetto Prairies invaded by Exotics (51-75%)	
450	Mixed Exotic Upland Forest	
612	Mangrove Swamps	<i>P</i>
619	Exotic Wetland Hardwoods	<i>NOT</i>
740	Disturbed Land	

- PERMIT USE ONLY,
NOT FOR CONSTRUCTION

September 17, 2012 2:31:28 p.m.
Drawing: BANK153PLAN_05_12.DWG

Figure 4. Vegetation Map

**W. DEXTER BENDER
& ASSOCIATES, INC.**
ENVIRONMENTAL & MARINE CONSULTING
FORT MYERS 239-334-3680



DOS2019-00130 Lee County ePlan

is dominated by a dense growth of Australian pine (*Casuarina* sp.), melaleuca (*Melaleuca quinquenervia*), and Brazilian pepper (*Schinus terebinthifolius*). A small area of mangrove swamp is located along the eastern property line.

III. BALD EAGLE OBSERVATIONS

No monitoring of Bald Eagle Nest LE-081 has been undertaken to document the eagle's flight path. Four monitoring events of nest occurred in October and November 2012. Of the 44 flights recorded to/from the nest 33 were to the south of the nest. Only four flights were to the northwest.

IV. GENERAL DEVELOPMENT GUIDELINES

The proposed site plan for the Calusa Cay CPD has been designed to minimize potential impacts to the bald eagles nesting in LE-081. This includes enhancing 10.2± acres of preserve via exotic treatment and supplemental plantings, buffer plantings along the southern perimeter of the two commercial outparcels, and seasonal restrictions on construction activities (Figure 3).

The protection measures outlined below have been designed utilizing the FWS's *National Bald Eagle Management Guidelines* (FWS 2007a), the FWC's *Bald Eagle Management Plan* (FWC 2008), and Section 14-111 through 14-120 of the Lee County Land Development Code. These proposed restrictions and requirements apply only to the Calusa Cay CPD project and are not binding on any other property in the vicinity of Bald Eagle Nest LE-081.

If Bald Eagle Nest LE-081 is vacated before the end of the nesting season (May 15th) or if Lee County Division of Environmental Sciences (DES) determines that Nest LE-081 has been abandoned, construction activities may commence upon confirmation of those conditions by DES. If the nest is not active by March 15th or as confirmed by DES, then the nesting season for Nest LE-081 shall be considered over and the construction restrictions shall not apply. A determination that the nest is not active shall be consistent with the *Bald Eagle Monitoring Guidelines* (FWS 2007b).

None of the Calusa Cay CPD property is within the 330 Feet Zone (property lying within 330 feet of the nest tree). Approximately 4.05 acres of the site is within the 330 - 660 Feet Zone (property lying between 330 and 660 feet of Bald Eagle Nest LE-081). The remainder of the property (22.72± acres) is more than 660 feet from the nest. Specific elements of this Bald Eagle Management Plan are provided below.

A. 330 Feet Zone Activities and Restrictions

As stated above and depicted on Figure 3 none of the property is within the 330 Feet Zone and therefore no restrictions apply.

B. 330 - 660 Feet Zone Activities and Restrictions

The proposed uses of the property between 330 and 660 feet of the nest tree consists of portions of two commercial out parcels, one parking space in the main parking area, a turning lane on the north side of Pine Island Road, the eastern project access drive, and 2.10 acres of the preservation area (Figure 3). The restrictions described below are only applicable to the portion of the property within 660 feet of Bald Eagle Nest LE-081.

1. Major exterior construction activities, such as initial site clearing, major earth work, grading, driving of building support piles, building pad construction, building exterior framing, exterior roofing, and initial exotic species treatments shall only be conducted during the non-nesting season (i.e., May 16th - September 30th).
2. Construction traffic associated with Calusa Cay CPD shall not utilize the easterly access drive entrance during the nesting season (October 1st through May 15th).
3. The buildings within the two out parcels will be designed to have the main entrances and the majority of the parking on the north and west sides of the buildings unless a site plan or architectural constraint prevents the owner from doing so. A 15-foot wide enhanced Type D buffer will be provided along the south boundary of the commercial outparcels. The required trees, six per 100 linear feet, shall consist of species such as slash pine, longleaf pine, cabbage palm, or mahogany. Additional palm trees may be added at the owner's discretion. Hedges will be planted in double staggered rows and maintained so as to form a 36-inch tall continuous visual screen within one year of planting. This buffer will be installed prior to October 1st of the first year after exotics have been removed from the development area within 660 feet of the nest. Once the trees have become established the trees may be trimmed in accordance with good arboreal practices to allow visibility of the buildings from Pine Island Road while still providing visual screening of the parking areas north of the buildings. All such trimming shall be approved in writing in advance by DES staff.
4. In the event that the main entrance of an outparcel building is located on the south or east side of the outparcel building or the majority of the parking is located on the east side of an outparcel building, the Type D buffer described above for that outparcel will be increased to 25 feet in width. This expanded buffer will be planted with the species described in Item IV.B.3 above plus an additional five midstory trees per 100 linear feet. The midstory tree species to be used may include holly, buttonwood, geiger tree, paurotis palm, and Florida thatch palm. Trimming shall be limited to maintaining tree health and approved in advance by DES staff. In the event that Bald Eagle Nest LE-081 is deemed to be abandoned (see Item V below) these midstory trees may be trimmed to improve views from Pine Island Road or removed by the owner so long as the trees were not used to meet other Lee County tree requirements.

5. The exterior construction activities listed below may occur during the nesting season provided that the activities do not disturb the nesting bald eagles as defined by the *Bald Eagle Monitoring Guidelines*. Whenever the exterior construction activities listed below occur during the nesting season, monitoring consistent with the *Bald Eagle Monitoring Guidelines* shall be required. One additional afternoon monitoring event per week will also be conducted.
 - a. Parking area, turn lanes, and sidewalk paving
 - b. Landscape installation and maintenance
 - c. Installation of supplemental plantings within the preserve
 - d. Exterior painting

DES will be notified of these proposed activities and the activities will not be initiated until written authorization has been received from DES.

6. Interior construction (i.e., electrical, drywall, carpeting, etc.) may occur at any time, including during the nesting season without implementing monitoring so long as reasonable measure to reduce noise audible outside of the building are taken (i.e., keep windows and doors closed during finishing activities). All deliveries of construction materials, construction dumpsters, and parking of vehicles will be limited to the west and north sides of the out parcel buildings. DES will be notified when interior construction activities will occur.
7. No outdoor dining (associated with a restaurant use) will be permitted in the two outparcels. In addition no exterior flashing, moving, or audible signage will be allowed. Dumpsters associated with a restaurant use will be kept closed at all times.
8. The owners of the commercial outparcels shall not be permitted to conduct any carnival or other entertainment in the parking areas or conduct any sales of merchandise outdoors (unless completely screened from view of the eagle nest by the building) without DES staff written approval if the event shall occur during the bald eagle nesting season.
9. The use of any chemicals that are known to be toxic to wildlife shall be prohibited within 660± feet of the bald eagle nest. The use of all chemical will be in accordance with labeling instructions.
10. Outdoor lighting installed within 660± feet of the bald eagle nest shall be subdued, shielded, and directed away from the nest tree.
11. After construction is completed, normal commercial activities will be allowed throughout the year.

C. Greater Than 660 Feet Zone Activities and Restrictions

The proposed uses of the property more than 660 feet of Bald Eagle Nest LE-081 consist of the remainder of the commercial outparcels, the primary shopping center building with its associated access drives and parking, the water management system, and 8.10± acres of the preservation area. Construction activities and normal commercial activities will be allowed outside of 660± feet of the bald eagle nest throughout the year.

V. IMPLEMENTATION

The land owner/developer and the future Property Owners Association (if any) will be responsible for following this Bald Eagle Management Plan. A qualified ecologist will monitor Bald Eagle Nest LE-081 (if work as described by Item IV.B.5 above is undertaken during the nesting season) consistent with the *Bald Eagle Monitoring Guidelines* and will submit the reports to DES on a monthly basis. DES staff will review these reports and may also inspect the site to verify compliance with the conditions of this Bald Eagle Management Plan. Any violation of these conditions may result in a Stop Work Order being issued to halt all construction activity during the bald eagle nesting season, including building inspections, until the violation is resolved.

All of the management practices will remain in effect until the nest is deemed abandoned or lost by DES pursuant to Section 14-112 of the Land Development Code. The nest will be defined as abandoned if the nest is intact or partially intact but has been inactive through five or more consecutive nesting seasons. The nest will be defined as lost if the nest or nest tree is destroyed by natural causes (e.g. nest that fell apart or was blown out of a tree, or the tree itself was lost) and is not rebuilt in the same tree within three nesting seasons.

At the time of Development Order approval, the preserve area will be evaluated to determine the potential to kill one or more Australian pines in place in order to provide potential perch trees for the bald eagles.

VI. BALD EAGLE MANAGEMENT PLAN MODIFICATIONS

Any changes to this Bald Eagle Management Plan must be reviewed and approved by DES staff through the planned development administrative amendment process. Any future owners of the Calusa Cay CPD (including the commercial outparcels) that are affected by this Bald Eagle Management Plan will be provided with a copy of this plan. At the time of platting, the Bald Eagle Management Plan will be included in the property association documents.

REFERENCES

Florida Fish and Wildlife Conservation Commission. 2008. Bald Eagle Management Plan. 60p.

U.S. Fish and Wildlife Service. 2007a. National Bald Eagle Management Guidelines. 23p.

U.S. Fish and Wildlife Service. 2007b. Bald Eagle Monitoring Guidelines. 20p.

EXHIBIT A
PHOTOGRAPH OF NEST LE-081



Bald Eagle Nest LE-081

ATTACHMENT I

LEGAL DESCRIPTION

DCI2022-00017 – Revised May 2022

TRACT "F-3" (OUTPARCEL 3) AND TRACT "F-5" (RETAIL TRACT), CALUSA CAY, ACCORDING TO THE PLAT THEREOF AS RECORDED IN INSTRUMENT NUMBER 2022000058182 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

LEGAL DESCRIPTION

DCI2022-00017 – Calusa Cay CPD - Overall

August 2022

TRACTS "A" (ROADWAY TRACT), "B-1" (COMMON AREA TRACT), "BT-1" (BUFFER TRACT), "F-1" (OUTPARCEL 1), "F-2" (OUTPARCEL 2), "F-3" (OUTPARCEL 3), "F-4" (PUBLIX TRACT), "F-5" (RETAIL TRACT), "L-1" (STORMWATER POND 1), "L-2" (STORMWATER POND 2), AND "P-1" (PRESERVE TRACT), CALUSA CAY, ACCORDING TO THE PLAT THEREOF AS RECORDED IN INSTRUMENT NUMBER 2022000058182 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

STRAP NUMBERS:

28-44-22-L2-120A0.00CE – Tract A

28-44-22-L2-120B1.00CE – Tract B-1

28-44-22-L2-12BT1.00CE – Tract BT-1

28-44-22-L2-12000.0F10 – Tract F-1

28-44-22-L2-12000.0F20 – Tract F-2

28-44-22-L2-12000.0F30 – Tract F-3

28-44-22-L2-12000.0F40 – Tract F-4

28-44-22-L2-12000.0F50 – Tract F-5

28-44-22-L2-120L1.00CE – Tract L-1

28-44-22-L2-120L2.00CE – Tract L-2

28-44-22-L2-120P1.00CE – Tract P-1

REVIEWED
DCI2022-00017
Hunter Searson, GIS
Planner
Lee County Government
8/15/2022

CALUSA CAY CPD LEE COUNTY WETLAND ENHANCEMENT AND CREATION PLAN

Section 28, Township 44 South, Range 22 East
Lee County, Florida

April 2020

Prepared for:

**Shagbark Properties, LLC.
5422 Bay Center Drive, Suite 120
Tampa, FL 33609**

Prepared by:

***DexBender*
4470 Camino Real Way, Suite 101
Fort Myers, FL 33966
(239) 334-3680**

I. INTRODUCTION

The 26.77± acre Calusa Cay CPD project is located within a portion of Section 28, Township 44 South, Range 22 East, on Pine Island in Lee County, Florida. This parcel is bordered to the north by a residential project, to the east by mangrove dominated wetlands, to the south by Pine Island Road, and to the west by existing development. Prior to 2016 the western portion of the Calusa Cay CPD property was a cleared field. The eastern portion of the site was uplands and wetlands dominated exotics, and a fringe of mangrove wetlands along the east property line (Figure 1).

The project development resulted in 0.77± acre of impacts to an exotic dominated wetland. In order to provide the functional wetland replacement required by SFWMD Environmental Resource Permit Number 36-07179-P, Calusa Cay CPD has purchased 1.29 credits from the Little Pine Island Mitigation Bank. The 0.77± acre of exotic dominated wetland was adjacent to the Matlacha Pass Aquatic Preserve. Lee Plan Policy 24.1.5 requires that impacts adjacent to an Aquatic Preserve be mitigated at a 1:1.5 ratio. Therefore, in order to comply with The Lee Plan, the project is required to create 1.16± acre of wetland and plant the wetland creation area and/or adjacent green infrastructure with 225 trees and 5,615 shrubs.

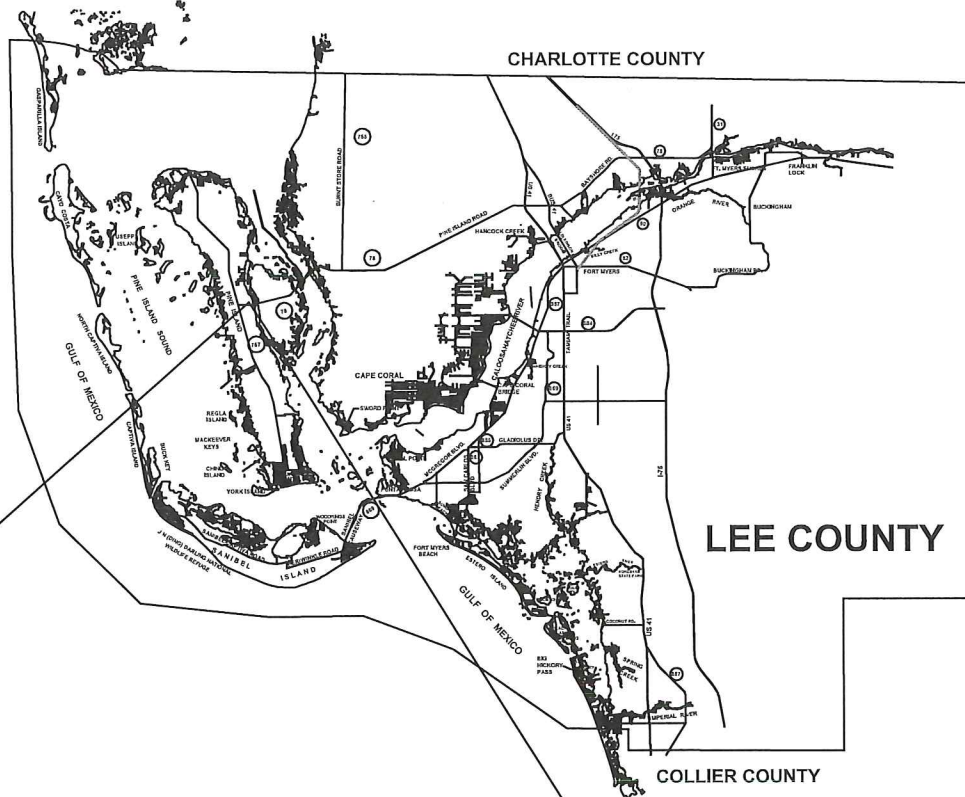
Lee County Zoning Resolution Z-13-007 contained the January 2013 Calusa Cay CPD Lee County Wetland Restoration Plan. The plan was prepared prior to the removal of the exotics from the preserve based on the best available information available at that time and specifically stated “The final species to be planted in the restoration area will be based upon site specific conditions and on plant material availability at the time of planting.”

II. Existing Conditions

The initial mechanical removal of exotics (primarily Australian pine (*Casuarina equisetifolia*) and melaleuca (*Melaleuca quinquenervia*)) occurred in April 2016. Follow up treatments of re-sprouts as well as removal of additional woody debris was conducted in January and February 2018 with regular exotic maintenance treatments occurring thereafter. Currently, the majority of the 10.55± acres outside of the filled development footprint is a good quality high salt marsh community (Figure 2). Portions of the high marsh contain significant densities of buttonwood (*Conocarpus erectus*) with lesser densities of saltbush (*Baccharis halimifolia*), black mangrove (*Avicennia germinans*), and white mangrove (*Laguncularia racemosa*). Slightly higher areas are also vegetated by white indigo berry (*Randia aculeata*), Christmasberry (*Lycium carolinaum*), and snowberry (*Chiococca alba*). The dominant ground cover are seashore paspalum (*Paspalum vaginatum*), glasswort (*Salicornia* sp.), sea-purslane (*Sesuvium portulacastrum*), leather fern (*Acrostichum* sp.), and salt grass (*Distichlis spicata*). The northern portion of the preserve also contain areas of bare ground with a high salt content layer at the surface. Based on the species that have naturally recruited into the preserve and the observation of salt deposits at the surface, the area currently has higher salinity levels than were previously anticipated.

SECTION: 28
TOWNSHIP: 44 S
RANGE: 22 E

Calusa Cay CPD



Project Location

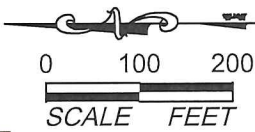
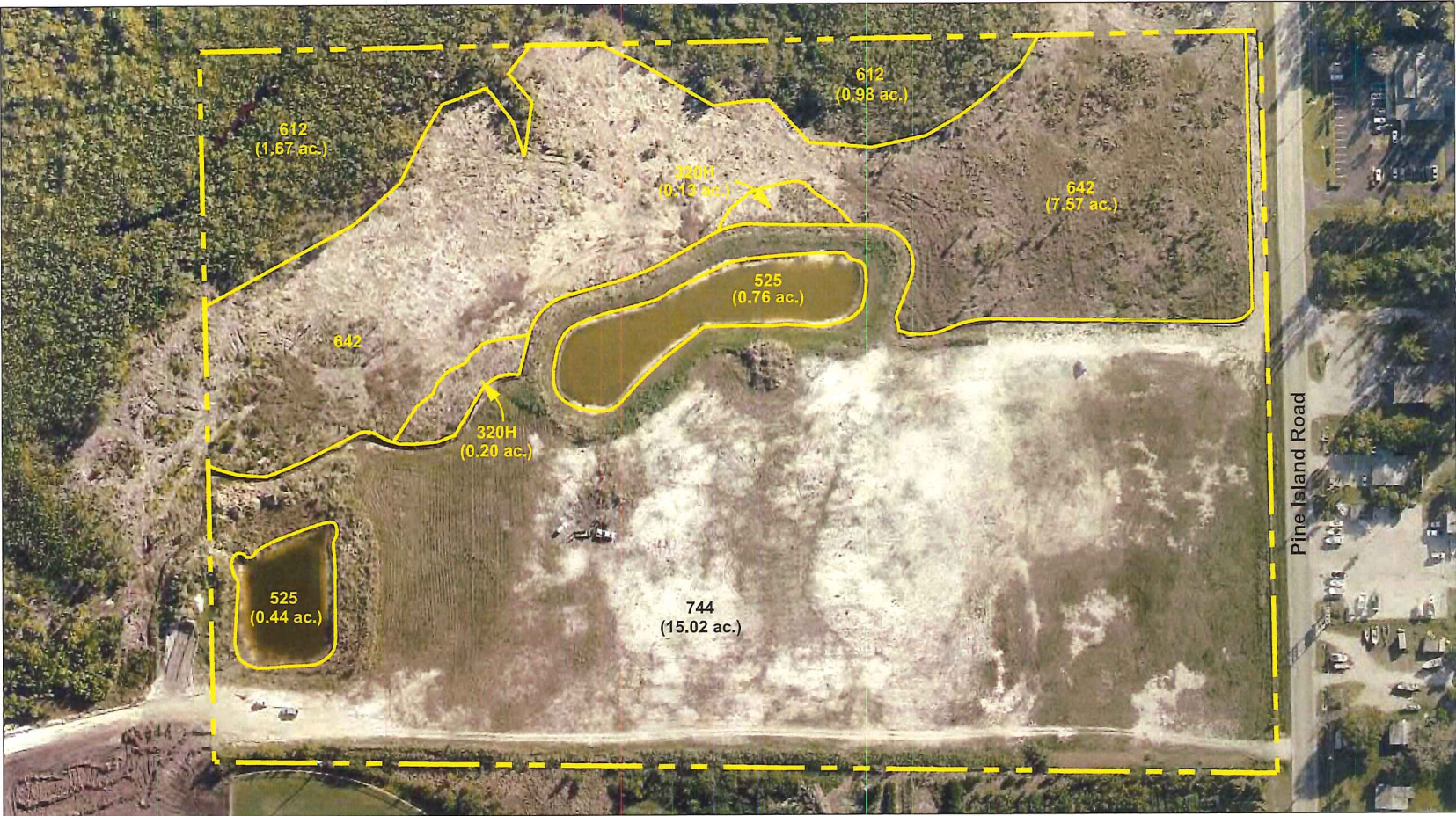
*PERMIT USE ONLY,
NOT FOR CONSTRUCTION*

April 06, 2020 9:52:50 a.m.
Drawing: SHAGBARK2LOCATION.DWG

Figure 1. Location Map

SECTION: 28
TOWNSHIP: 44 S
RANGE: 22 E

Calusa Cay CPD



Notes:
1. Property boundary and edge of development obtained from Banks Engineering, Inc.
2. Vegetation mapped on March 23, 2020 using 2019 aerial photography.

FLUCCS	Description	Acreage
320H	Hydric Shrub and Brush	0.33 ac.
525	Stormwater Management Pond	1.20 ac.
612	Mangrove Swamps	2.65 ac.
642	Saltwater Marsh	7.57 ac.
744	Fill Areas	15.02 ac.
Total		26.77 ac.

PERMIT USE ONLY,
NOT FOR CONSTRUCTION

April 09, 2020 12:46:10 p.m.
Drawing: SHAGBARK2PLAN.DWG

Figure 2. Vegetation Map

III. PROPOSED WETLAND ENHANCEMENT AND CREATION PLAN

When the January 2013 wetland restoration plan was prepared it was anticipated that the areas dominated by exotics would become fresh water (or very low salinity) transitional pine flatwoods habitat. Therefore, the tree and shrub species proposed to be planted were predominately freshwater species. The vast majority of those species would not survive if planted in the current high marsh habitat.

This report describes the proposed revised enhancement and creation plan based on site conditions present in March 2020.

Exotic Control

All exotics (as defined by the Florida Exotic Pest Plant Council's *2011 List of Invasive Plant Species*) within the 7.90± acre at grade area (including the filter marsh which has not yet been built) outside of the development footprint have been mechanically removed. The vegetative debris resulting from this activity was removed from the area. In the 2.65± acre mangrove dominated area, exotic control was accomplished by chain saw or machete.

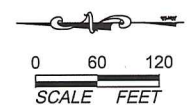
Wetland Creation

The mechanical treatment of the exotics described above has also resulted in the removal of the substantial Australian pine duff layer that existed in the non-native uplands. This has resulted in the creation of 2.08± acres of high salt marsh wetlands from previously exotic dominated upland (Figure 3). These areas have become colonized by wetland species such as buttonwood, saltbush, black mangrove, white mangrove, seashore paspalum, glasswort, sea-purslane, and salt grass.

Supplemental Plantings

The Lee Plan requires that 225 trees and 5,615 shrubs be planted within 1.16± acres of required wetland creation and/or adjacent green infrastructure. The Zoning Section of the Lee County Department of Community Development has agreed that plants that have naturally recruited into the at grade preserve (excluding the 2.65± acres of pre-existing mangrove swamp) will count towards the planting requirements. Acceptable trees include native woody vegetation in excess of six feet in height. Acceptable shrubs include native woody vegetation greater than two feet in height or two feet in spread and less than six feet in height. Given the specific habitat type, leather fern and snowberry that meet the height/spread requirement are also acceptable shrubs.

On April 1 and 2, 2020 the native trees and shrubs described above were counted within the 7.82± acres of at grade area (excluding the 0.08± acre truncated filter marsh which has not yet been built and the 2.65± acres of pre-existing mangrove swamp) outside of the development footprint. The counting area was divided into eight zones (Figure 3). A total of 162 trees and 4,225 shrubs were identified (Table 1). The percent cover of those trees and shrubs were also visually estimated by zone (Table 2). Photographs of representative portions of each counting zone is provided in Appendix A.



SECTION: 28
TOWNSHIP: 44 S
RANGE: 22 E

-  Overall Counting Area (7.82 ac.)
-  Individual Counting Area ID (typ.)(8)
-  Photo Station (typ.)(8)

Area	Acreage	Trees		Shrubs	
		Count	No. per Ac.	Count	No. per Ac.
1	0.68	117	172	507	746
2	0.31	20	65	204	658
3	2.17	9	4	593	273
4	0.22	0	0	253	1150
5	1.77	3	2	608	344
6	0.19	2	11	203	1068
7	0.48	8	17	1013	2110
8	2.00	3	2	844	422
Totals	7.82	162		4225	

Trees and shrubs counted on April 1 and 2, 2020

Notes:
1. Property boundary and edge of development obtained from Banks Engineering, Inc.
2. Vegetation mapped on March 23, 2020 using 2019 aerial photography.

PERMIT USE ONLY, NOT FOR CONSTRUCTION

April 06, 2020 2:42:01 p.m.
Drawing: SHAGBARK2PLANTING.DWG

Figure 3. Tree and Shrub Counting Areas Map

Calusa Cay CPD

BDEXBENDER
ENVIRONMENTAL CONSULTING
FORT MYERS 239-334-3680

Table 1. Existing Tree and Shrub Counts within Eight Counting Zones

		AREAS								
TAXON	COMMON NAME	1	2	3	4	5	6	7	8	TOTAL
TREES										
<i>Bursera simaruba</i>	Gumbo limbo		1							1
<i>Coccoloba uvifera</i>	Sea-grape		5							5
<i>Conocarpus erectus</i>	Buttonwood	116	9	9		2	2	8	2	148
<i>Ficus aurea</i>	Strangler fig	1	5			1			1	8
TOTAL TREES		117	20	9	0	3	2	8	3	162
SHRUBS										
<i>Acrostichum</i> sp.	Leather fern	41	18	64		1		3	2	129
<i>Avicennia germinans</i>	Black mangrove	14		7		12		2	98	133
<i>Baccharis halimifolia</i>	Saltbush	32	102	96	11	8	10	30	18	307
<i>Bursera simaruba</i>	Gumbo limbo		2							2
<i>Chiococca alba</i>	Snowberry	2		5	42	82	37	81	22	271
<i>Coccoloba uvifera</i>	Sea-grape	1	5	2		1				9
<i>Conocarpus erectus</i>	Buttonwood	404	47	184	65	345	39	478	505	2067
<i>Ficus aurea</i>	Strangler fig	1	3	3			1			8
<i>Laguncularia racemosa</i>	White mangrove	2	5	134		49		25	115	330
<i>Lycium carolinaum</i>	Christmasberry	4	5	24	1	3				37
<i>Myrica cerifera</i>	Wax myrtle				3					3
<i>Randia aculeata</i>	White indigo berry	4	17	59	91	96	108	388	82	845
<i>Rapanea punctata</i>	Myrsine	2		15	32	10	8	6	2	75
<i>Serenoa repens</i>	Saw palmetto				8	1				9
TOTAL SHRUBS		507	204	593	253	608	203	1013	844	4225

Table 2. Estimated Percent Cover within Counting Zones

COUNTING ZONE	PERCENT COVER	
	TREE	SHRUB
1	25	50
2	15	45
3	1	15
4	0	30
5	1	10
6	1	35
7	1	65
8	1	20

Based on the existing tree and shrub counts, 63 trees and 1,390 shrubs will be planted within portions of the adjacent green infrastructure identified as Potential Additional Tree and Shrub Planting Areas on Figure 4. The potential species and minimum sizes to be installed are provided in Table 3. Buttonwood may also be installed in the at grade preserve, if needed, to attain the required planting totals. The final species to be planted in the green infrastructure will be based upon site specific conditions and on plant material availability at the time of planting. Any proposed changes will be submitted to Lee County Development Services for review and approval.

Table 3. Potential Species to be Installed Adjacent Green Infrastructure Areas

TAXON	COMMON NAME	SIZE	NUMBER
TREES			
<i>Coccoloba uvifera</i>	Sea-grape	6 Feet	TBD
<i>Conocarpus erectus</i>	Buttonwood	6 Feet	TBD
<i>Pinus elliotii</i>	Slash pine	6 Feet	TBD
<i>Quercus laurifolia</i>	Laurel oak	6 Feet	TBD
<i>Sabal palmetto</i>	Cabbage palm	6 Feet	TBD
TOTAL TREES			63
SHRUBS			
<i>Baccharis halimifolia</i>	Saltbush	3 Gallon	TBD
<i>Chrysobalanus icaco</i>	Cocoplum	3 Gallon	TBD
<i>Conocarpus erectus</i>	Buttonwood	3 Gallon	TBD
<i>Ilex glabra</i>	Gallberry	3 Gallon	TBD
<i>Myrica cerifera</i>	Wax myrtle	3 Gallon	TBD
TOTAL SHRUBS			1390

III. FILTER MARSH

The January 2013 Calusa Cay CPD Lee County Wetland Restoration Plan included a 0.35± acre filter marsh to convey treated stormwater runoff from the water management lake towards the enhanced wetlands on-site. The exotics were mechanically removed from this area as described above and the area has transitioned into a high salt marsh

vegetated by numerous native shrubs. In order to preserve as much of the created high salt marsh wetland as possible the filter marsh has been reduced in size to 0.08± acre (Figure 4). The filter marsh will be recontoured to approximately 0.5 foot below existing grade and will still allow for sheet flow of treated surface water into the wetlands to the east. The area will then be planted with four inch liner size native ground cover species (5± feet on center). The species to be installed may include leather fern, salt grass, black needle rush (*Juncus roemerianus*), and seashore paspalum. The final species to be planted in the filter marsh will be based upon site specific conditions and on plant material availability at the time of planting. Any proposed changes will be submitted to Lee County Development Services for review and approval.

IV. DRY PRE-TREATMENT AREA

A dry pre-treatment area will also be created to treat stormwater runoff from the developed portion of the site. This area will be planted with grasses such as salt grass, seashore paspalum, and sand cordgrass. Additional native tree and shrubs may be planted in and around the dry pre-treatment area.

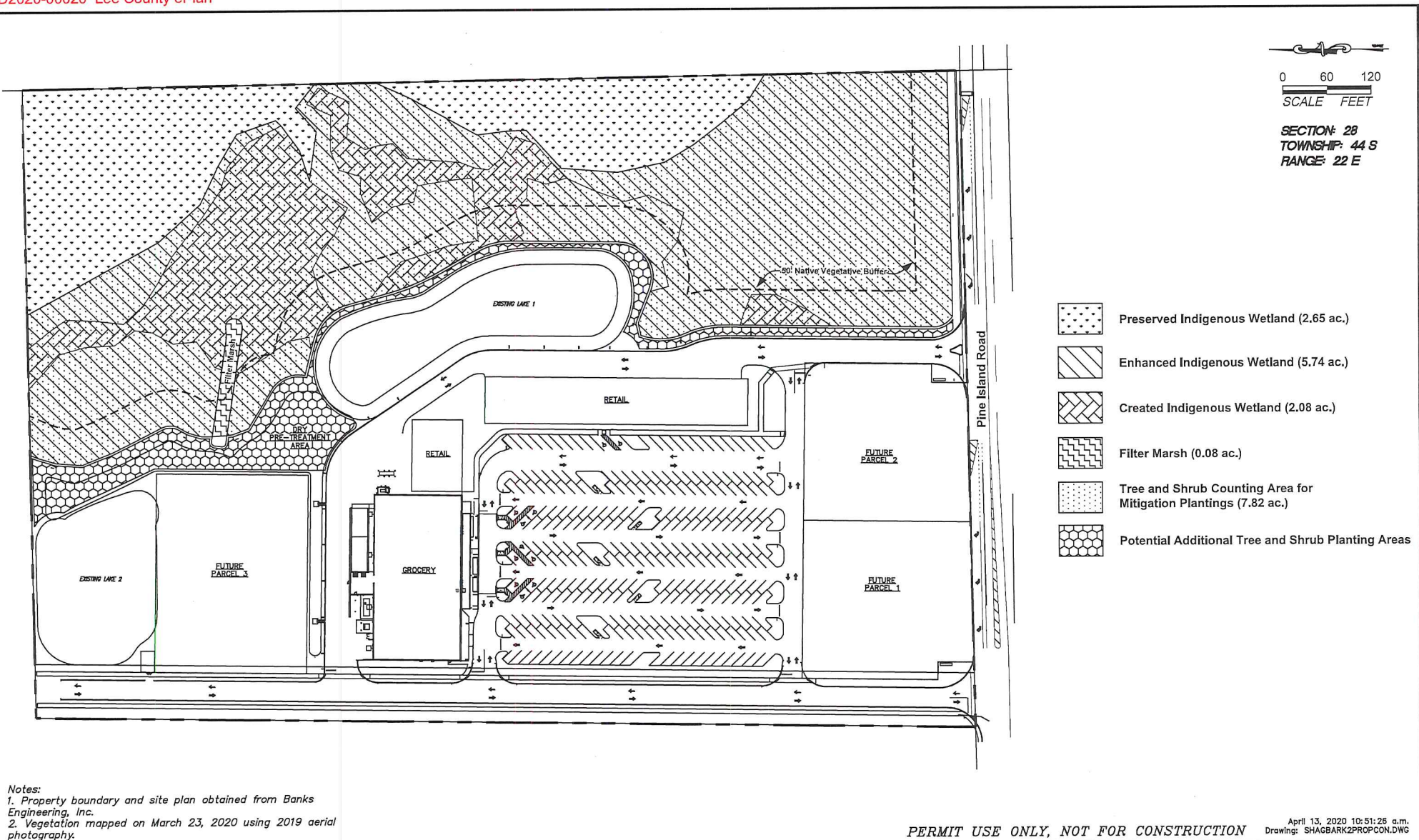


Figure 4. Master Concept Plan with Indigenous Areas

Calusa Cay CPD

BDEXBENDER
ENVIRONMENTAL CONSULTING
FORT MYERS 239-334-3680

APPENDIX A.

Photographs of Representative Portions of Each Counting Zone



Tree and Shrub Counting Area 1 – Facing East



Tree and Shrub Counting Area 2 – Facing West



Tree and Shrub Counting Area 3 – Facing South



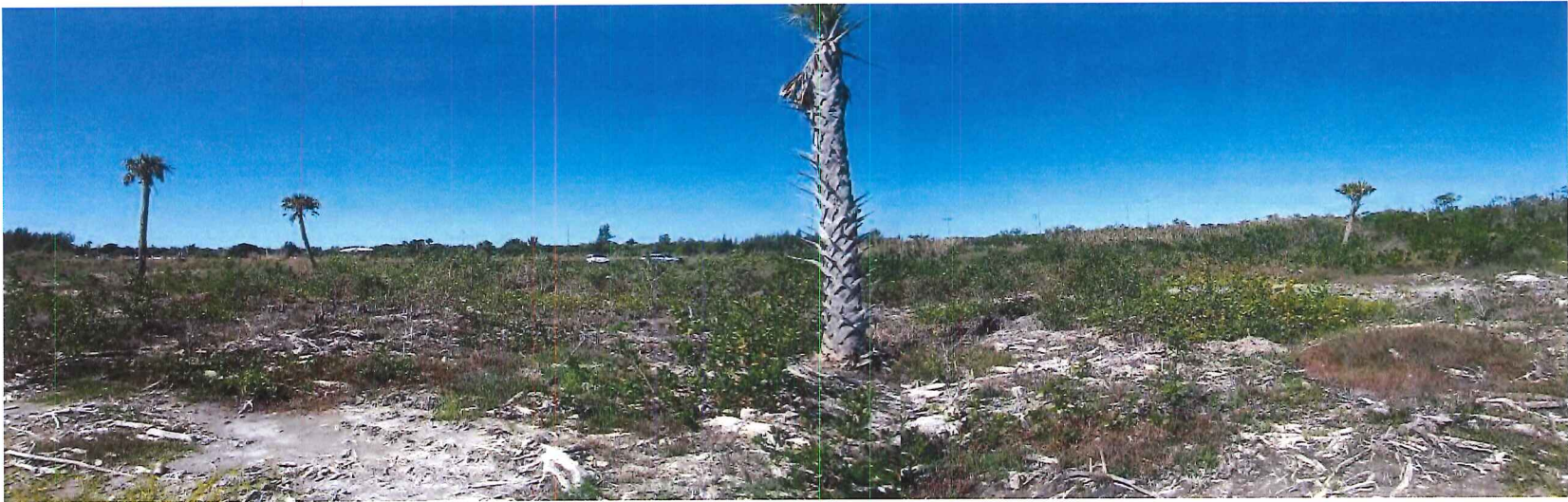
Tree and Shrub Counting Area 4 – Facing West



Tree and Shrub Counting Area 5 – Facing South



Tree and Shrub Counting Area 6 – Facing West



Tree and Shrub Counting Area 7 – Facing West



Tree and Shrub Counting Area 8 – Facing North

Publix
Pine Island, FL

Celebrating 51 Years of Quality Manufacturing and Service



THOMAS

SIGN & AWNING CO INC
4590 118TH Avenue North
Clearwater, Florida 33762

800-526-3325

www.thomassign.com

CLIENT

Publix 95
Design Number:
86437 Pylon Rend
Installation Address:
NEC Pine Island Rd
& Orchid Cove Road
Pine Island, FL

Project Identity Number:
86763

Sales Associate: **Project Team:**

TSA BM

Designer: **Date:**

SLD 12-26-19

Project Updates:
Revise square footage to 150.0' and update
notes. SLD 01-03-20
Revise height, remove stone PC & trim.
04-14-20 SLD
Revised MS A & B per client photo.
04-21-20 SLD
Add stone back in bottom cabinet.
SLD 04-26-20
JES 04-22-21 Revise SQ. FT



Page **Sheet**

1 **1 of 1**

Local: 727-573-7757
Fax: 727-573-0328



- SW 7561 LEMON MERINGUE
MAIN CABINET
(PUBLIX CABINET LITE STUCCO
& RETAINERS, T-BAR
SMOOTH FINISH)
- SW 6736 JOCLAR GREEN
TENANT CABINET
(RETAINERS & T-BAR
SMOOTH FINISH)
- SW 7757 HIGH REFLECTIVE
WHITE
(MIDDLE CABINET TRIM
SMOOTH FINISH)
- ROOFING - SILVER PAC-CLAD
- 3M 3635-222 DAY /NIGHT
BLACK PERFORATED
- WHITE ACRYLIC
- 3M 3630-5801 Publix Green
- COASTAL REEF
PEARL WHITE STONE
BOTTOM POLE COVER
CABINET

Pylon textures and paint to match
building architectural features.
Manufacture new routed Shopping Center
aluminum faces backed with white acrylic
Day/Night 3M dual color film black.
"Publix" face is pan-formed white acrylic with
embossed Publix® & flat sub-copy
3M 3630-5801 Publix Green vinyl overlay.
Tenant faces are flat acrylic with vinyl (TBD).
Cabinet trim to be aluminum painted
SW 7757 High Reflective White Smooth finish.
LED's and power supplies to provide
illumination.

D/F LED Illuminated Main Identity Monument C
Dotted red line calculates $\square$: Total Cabinet $9'-3" \times 14'-8" = 136.14 \square$

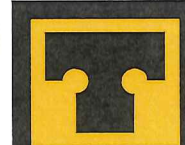
Scale: 1/4"=1'-0"

ATTACHMENT K

Publix
Pine Island, FL

Celebrating 51 Years of Quality Manufacturing and Service

51



THOMAS

SIGN & AWNING CO INC

4590 118TH Avenue North
Clearwater, Florida 33762

800-526-3325

www.thomassign.com

CLIENT

Publix 95

Design Number:
86437 Pylon Rend

Installation Address:
NEC Pine Island Rd
& Orchid Cove Road
Pine Island, FL

Project Identity Number:

86763

Sales Associate: | Project Team:

TSA

BM

Designer:

Date:

SLD

12-26-19

Project Updates:
Revise square footage to 150.0' and update
notes. SLD 01-03-20
Revise height, remove stone PC & trim.
04-14-20 SLD
Revised M&A & B per client photo.
04-21-20 SLD
Add stone back in bottom cabinet.
SLD 04-24-20
JES 04-22-21 Revise SQ. FT



3M™ MCS™ Warranty

- SW 7561 LEMON MERINGUE
MAIN CABINET
(PUBLIX CABINET LITE STUCCO
& RETAINERS, T-BAR
SMOOTH FINISH)
- SW 6736 JOCULAR GREEN
TENANT CABINET
(RETAINERS & T-BAR
SMOOTH FINISH)
- SW 7757 HIGH REFLECTIVE
WHITE
(MIDDLE CABINET TRIM
SMOOTH FINISH)
- ROOFING - SILVER PAC-CLAD
- 3M 3635-222 DAY /NIGHT
BLACK PERFORATED
- WHITE ACRYLIC
- 3M 3630-5801 Publix Green
- COASTAL REEF
PEARL WHITE STONE
BOTTOM POLE COVER
CABINET

Pylon textures and paint to match building architectural features.
Manufacture new routed Shopping Center aluminum faces backed with white acrylic Day/Night 3M dual color film black.
"Publix" face is pan-formed white acrylic with embossed Publix® & flat sub-copy 3M 3630-5801 Publix Green vinyl overlay.
Tenant faces are flat acrylic with vinyl (TBD).
Cabinet trim to be aluminum painted SW 7757 High Reflective White Smooth finish.
LED's and power supplies to provide illumination.



D/F LED Illuminated Main Identity Monument B

Dotted red line calculates $\square$: Total Cabinet $9'-3'' \times 14'-8'' = 136.14 \square$

Scale: 1/4"=1'-0"

Page Sheet

1

1 of 1

Local: 727-573-7757
Fax: 727-573-0328

Publix
Pine Island, FL

Celebrating 51 Years of Quality Manufacturing and Service

51



THOMAS

SIGN & AWNING CO INC

4590 118TH Avenue North
Clearwater, Florida 33762

800-526-3325

www.thomassign.com

CLIENT

Publix 95

Design Number:

86437 MS Rend

Installation Address:

NEC Pine Island Rd
& Orchid Cove Road
Pine Island, FL

Project Identity Number:

86763

Sales Associate:

TSA

Project Team:

BM

Designer:

SLD

Date:

12-26-19

Project Updates:



THIS ARTICLE IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 605 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THE INCLUDED PROPER USAGE AND MAINTENANCE OF THIS SIGN.

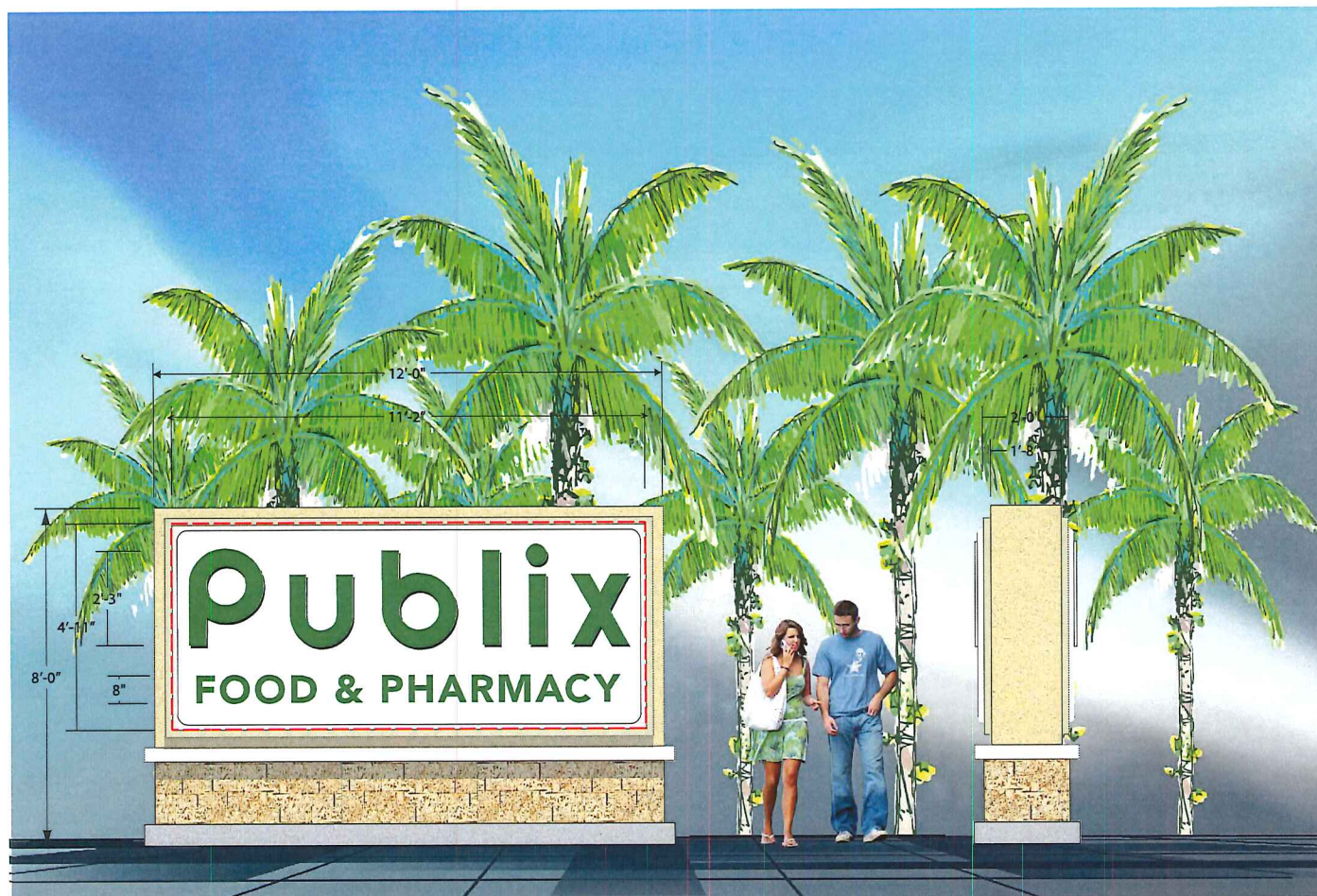


3M™ MCS™ Warranty

-  SW 7561 LEMON MERINGUE
MAIN CABINET
(FILLER LITE STUCCO
& RETAINERS
SMOOTH FINISH)
-  SW 6254 LAZY GRAY
LITE STUCCO FINISH
(POLE COVER TRIM)
-  SW 7757 HIGH REFLECTIVE
WHITE
(CABINET TRIM SMOOTH FINISH)
-  ROOFING - SILVER PAC-CLAD
-  COASTAL REEF
PEARL WHITE STONE
-  WHITE ACRYLIC
-  3M 3630-5801 Publix Green

Monument textures and paint to match building architectural features.

"Publix" face is pan-formed white acrylic with embossed Publix® & flat sub-copy 3M 3630-5801 Publix Green vinyl overlay. Cabinet trim to be aluminum painted SW 7757 High Reflective Smooth finish. Base to be Coastal Reef Pearl White Stone. Aluminum trim accent on base is SW 6254 Lazy Gray stucco finish. LED's and power supplies to provide illumination.



LED Illuminated Main Identity Monument A

Dotted red line calculates $\square$: Cabinet Face - 4'-11" x 11'-2" = 54.90' $\square$

Scale: 3/8"=1'-0"

Page Sheet

1

1 of 1

Local: 727-573-7757
Fax: 727-573-0328

Publix
Pine Island, FL

Celebrating 51 Years of Quality Manufacturing and Service

51



THOMAS

SIGN & AWNING CO INC

4590 118TH Avenue North
Clearwater, Florida 33762

800-526-3325

www.thomassign.com

CLIENT

Publix 95

Design Number:

86437 MS Rend

Installation Address:

NEC Pine Island Rd
& Orchid Cove Road
Pine Island, FL

Project Identity Number:

86763

Sales Associate: Project Team:

TSA BM

Designer: Date:

SLD 12-26-19

Project Updates: Add update to sign plan
per request. SLD 03-22-21



3M™ MCS™ Warranty

Page Sheet

1 1 of 1

Local: 727-573-7757

Fax: 727-573-0328

Site Plan

NTS

