

EXHIBITS

CASE # DCI2022-00017

CASE NAME: CALUSA CAY CPD

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

ARE THERE ANY BOARD EXHIBITS?	YES	NO

LOCATION OF BOARDS

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

EXHIBITS

Case # DCI2022-00017

APPLICANT

Q. 48-hour

#1 power print

#2 MCP (same as 48hr hr)

#3 supplement exhibits

#4 _____

#5 _____

#6 _____

#7 _____

#8 _____

#9 _____

#10 _____

STAFF

#1 Staff Report

#2 traffic memo

#3 _____

#4 _____

#5 _____

#6 _____

#7 _____

#8 _____

#9 _____

#10 _____

OTHER EXHIBITS

NAME

NUMBER

DESCRIPTION

Swisher exhibits

1

DCI2022-000017

August 31, 2022

- 1 Add Sheriff's Station in the Retail Track
- 2 Add Warehouse, public and mini-warehouse to Parcel 3
- 3 Reduce retail square footage from 96,500 square feet to 89,600 square feet
- 4 Add 60,000 square feet of self-storage use within Parcel 3
- 5 Increase the height allowed on Parcel 3

1 Adding Sheriff's Station in the Retail Track, no objection

3 Reduce retail square footage from 96,500 square feet to 89,600 square feet

Per Resolution number Z-13-007, allowing commercial uses allowing "...maximum 96,500 square feet of commercial use including a grocery store and two outparcel. Maximum height requested is 35 feet."

Currently on the property,	Grocery	29,100 square feet	
	retail	2,000 square feet	
	<u>planned retail</u>	<u>23,500 square feet</u>	
	used	54,600	making 35,000 square feet available from Z-13-007 to complete the build.

ADD2020-0020 - Update Master Concept Plan to revise building square footage, building orientation, parking area, expand the detention area and add an additional outparcel.

The Developer may have rearranged and added lots and added "Parcel 3" to the development, but the original Z-13-007 Maximum Square feet of 96,500 still stands. the ADD2020-00020 did not add additional allowed square feet the CPD processed in December 2021 does not appear to change the allowable square feet for the build.

I strongly disagree with allowing applicant

adding Warehouse, public and mini warehouse to Parcel 3 is one request, but then adding 60,000 square feet of warehouse space to Parcel 3. is an outrages request.

The requesting of 60,000 square feet, is not consistence with **Sec 33-1083 (c) "New commercial buildings are limited to 10,000 square feet of floor area per building..."** This section provides design standard for commercial buildings in the Greater Pine Island and protects the coastal rural

per Resolution number Z-13-007 which allowed and restricted development to 96,500 for the development site. According to the site map, it shows retail build totaling 54,600 retail space earmarked or used already. The developer only has 35,000 square feet available for the remaining 3 undeveloped parcels on the site. The site should only be built within the original restrictions placed on the build per Z-13-0007.

The deviation to the maximum height of buildings and should not be allowed or even considered a "minor" height increase. Pine Island has

33-1087 "No Building or structure may be erected or altered so 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. The Applicate stated, Base Flood elevation, the correct use of correct use is Sea level. the starting point for measuring heights from the average grade of the lot. The applicate may have had to add 4 feet (give or take) to build at base flood elevation, but the code stated from Sea Level.

Sec 33-1087 (d) "No deviations from these height restrictions may be granted through the planned development process"..This section is strongly worded and if this request was to be approved it would set a precedent for future developments on Pine Island. Furthermore section (e) (3) of the Sec22-1087 states that the **sole exception being where the relief is required to maintain or improve the health, safety, or welfare of the general public (not just the health, safety or welfare of the owners, customers, occupants, or residents of the property in question).**

Deborah Swisher-Hicks

PUBLIC'S EXHIBIT # _____

Thank you

Deborah Swisher Hicks

This instrument was prepared
by and after recording return to:
Thomas E. Maloney, Esq.
3050 Horseshoe Drive, #105
Naples, FL 34104

Developer's Property Strap #s

21-44-22-00-00011.0190
28-44-22-00-00011.0000
28-44-22-00-00011.0030
28-44-22-00-00012.002A
28-44-22-00-00012.0020
28-44-22-00-00012.002B
28-44-22-00-00012.0000

Receiver's Property Strap #s

04-45-22-00-00010.0000

(THIS SPACE RESERVED FOR RECORDING)

Exhibit A: Legal for Receivers' Property
Exhibit B: Graphic for Receivers' Property
Exhibit C: Legal for Developers' Property
Exhibit D: Graphic for Developers' Property

**AGREEMENT TO PROVIDE PROPERTY TO RECEIVE
EFFLUENT WATER FROM LEE COUNTY'S
PINE ISLAND WASTEWATER TREATMENT PLANT
FOR PURPOSE OF BENEFITING SPECIFIED PRIVATE PROPERTY**

(ALLOCATION AGREEMENT)

This Agreement is made and entered into this 21 day of AUGUST,
2007, between NORDIC INVESTMENT CORP., an Illinois corporation, and ISLAND
FARMS 1031, LLC, a Florida Limited Liability Company, hereinafter collectively
referred to as "Receivers", and the following Companies, all of which are hereinafter
collectively referred to as "Developers."

LAKE JEFFERSON, LLC
RAINTREE & PRICE, LLC
PINE TARR, LLC
And ISLAND PINE, LLC, all of which are Florida
Limited Liability Companies

Q1
[Signature]
me

STATE OF Florida
COUNTY OF Collier

The foregoing instrument was acknowledged before me on the 21st day of August, 2007, by Filippo Mastrocola as Its Manager of Island Farms 1031, LLC, a Florida Limited Liability Company, who (☒) is personally known to me, or () produced _____ as identification. ✓



NOTARY PUBLIC

Print Name of Notary Public
My Commission Expires:

STATE OF Florida
COUNTY OF Collier

The foregoing instrument was acknowledged before me on the 21st day of August, 2007, by William T. Higgs as Manager of Lake Jefferson, LLC, a Florida Limited Liability Company, who (☒) is personally known to me, or () produced _____ as identification.



NOTARY PUBLIC

Print Name of Notary Public
My Commission Expires:

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was acknowledged before me on the 21 day of AUGUST, 2007, by Michael J. Carr, Sr. as Manager of Raintree & Price, LLC, a Florida Limited Liability Company, who (☒) is personally known to me, or () produced _____ as identification.



Thomas E. Maloney
MY COMMISSION # DD248083 EXPIRES
November 21, 2007
BONDED THROUGH TROY FARM INSURANCE, INC.

NOTARY PUBLIC

Print Name of Notary Public
My Commission Expires:

STATE OF Florida
COUNTY OF Collier

The foregoing instrument was acknowledged before me on the 21st day of August, 2007, by William T. Higgs as Manager of Pine Tarr, LLC, a Florida Limited Liability Company, who ☒ is personally known to me, or () produced _____ as identification.



[Signature]
NOTARY PUBLIC
Print Name of Notary Public
My Commission Expires:

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was acknowledged before me on the 21 day of AUGUST, 2007, by Michael J. Carr, Sr. as Manager of Island Pine, LLC, a Florida Limited Liability Company, who ☒ is personally known to me, or () produced _____ as identification.



Thomas E. Maloney
MY COMMISSION # DD248063 EXPIRES
November 21, 2007
BONDED THROUGH TROY FARM INSURANCE, INC.

[Signature]
NOTARY PUBLIC
Print Name of Notary Public
My Commission Expires:

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

WHEREAS, an application was filed by the property owner, Pine Tarr, LLC and Lake Jefferson, LLC, to rezone a 26.77± acre parcel from Agricultural (AG-2) and Commercial (C-1A) to Commercial Planned Development (CPD) in reference to Calusa Cay CPD; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Diana M. Parker, was advertised and held on April 3, 2013. At the conclusion of the hearing, the Hearing Examiner left the record open and requested Staff and the Applicant to submit written submissions to her Office on or before April, 10, 2013; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2012-00022 and recommended APPROVAL of the Request; and

WHEREAS, a second public hearing was advertised and held on June 17, 2013 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

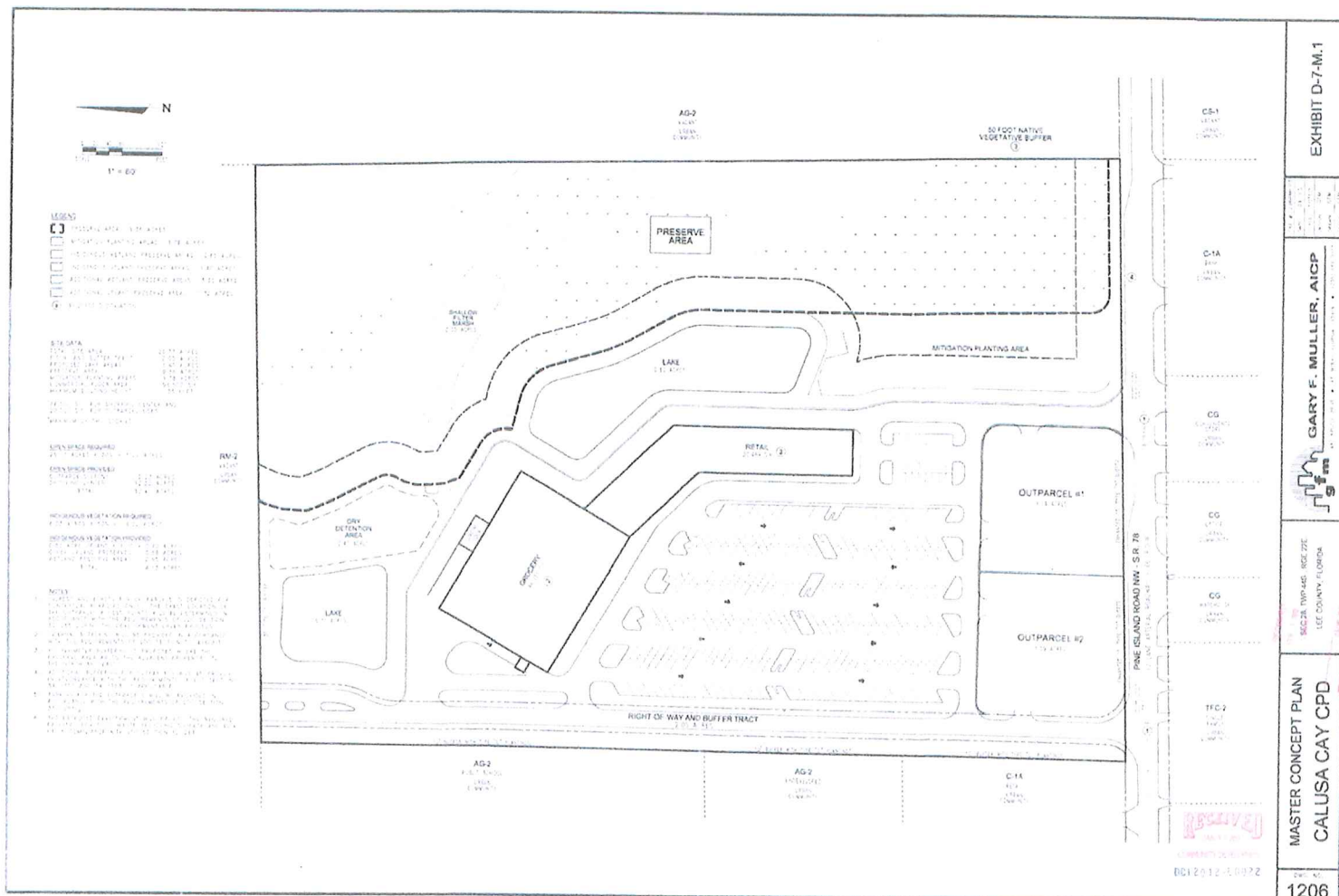
The applicant filed a request to rezone a 26.77± acre parcel from AG-2 and C-1A to CPD, to allow a maximum 96,500 square feet of commercial uses including a grocery store and two outparcels. Maximum height requested is 35 feet. No development blasting is requested. Development will be required to connect to public potable water and public sanitary sewer service.

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

SECTION B. CONDITIONS:

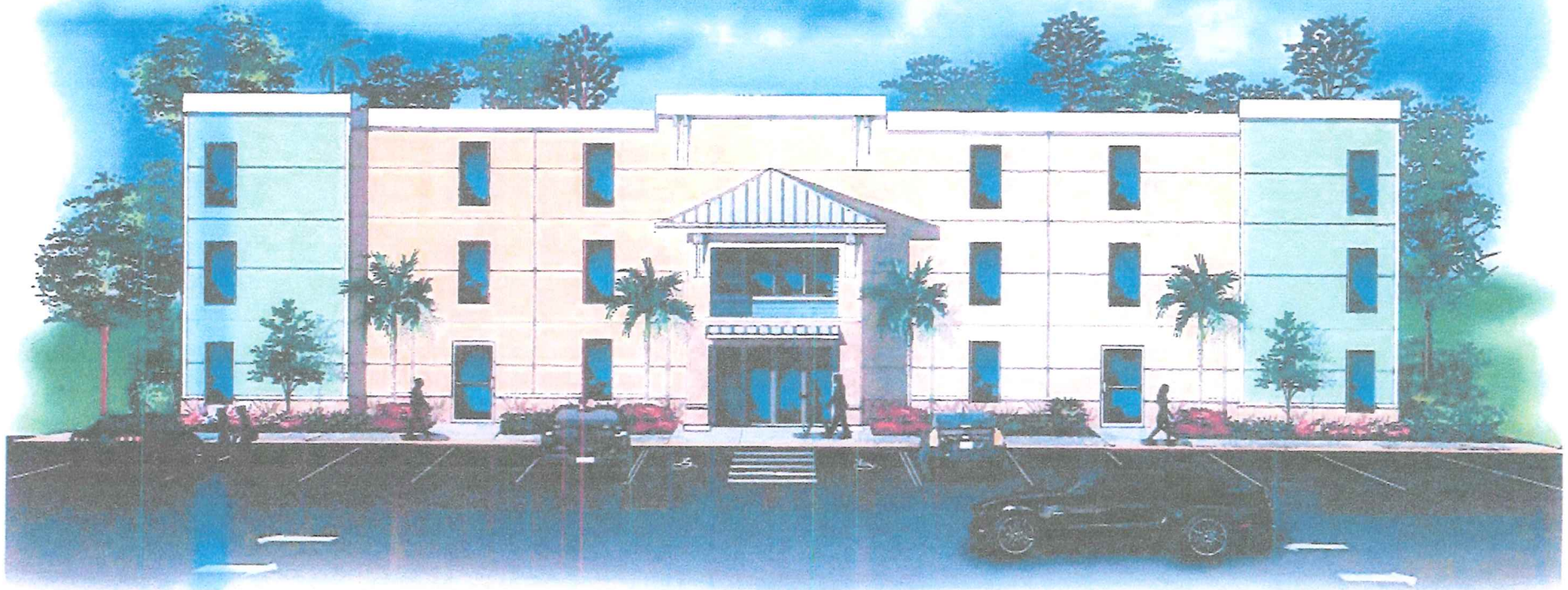
All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. Development of this project must be consistent with the one-page Master Concept Plan (MCP) entitled "Calusa Cay CPD," prepared by Gary F. Muller dated 02/13, stamped received FEB 14 2013 Community Development, and attached hereto as Exhibit C, except as modified by the conditions below. Development must comply with all



Renderings

Calusa Cay Self Storage Building



Artist's Conception



SW 7757



SW 7567



SW 6736



SW 6799

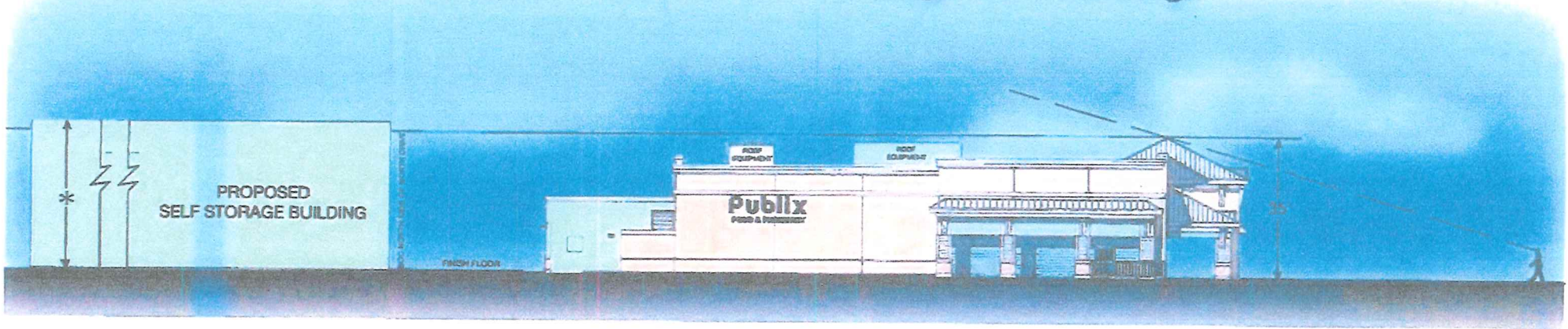


Pearl White

Hans

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.

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.

Workman, Elizabeth

From: Wu, Lili
Sent: Wednesday, August 24, 2022 10:45 AM
To: Workman, Elizabeth
Subject: FW: Sufficiency comments for DCI2022-00017 (Calusa Cay CPD)

From: Wu, Lili
Sent: Tuesday, July 19, 2022 1:16 PM
To: Workman, Elizabeth <EWorkman@leegov.com>
Cc: Butt, Farhan <FButt@leegov.com>; Evans, Marcus <MEvans@leegov.com>
Subject: Sufficiency comments for DCI2022-00017 (Calusa Cay CPD)

Beth:
This application is to amend the existing development (CPD) to reduce retail uses from 96,500 sf to 89,600 sf and add 60,000 sf of mini-warehouse uses. I have no comment for this project because the proposed change will reduce the traffic from the previous approved uses. If you have any questions, please let me know.

Wu



Lili Wu | Senior Planner

Department of Community Development

1500 Monroe St, Fort Myers, FL 33901

office: (239) 533-8585 Ext 48134

email: wulx@leegov.com

web: www.leegov.com/dcd

Connect With Us On Social Media



Receive updates from Lee County Government by [subscribing to our newsletter](#)

Please note: Florida has a very broad public records law. Most written communications to or from County Employees and officials regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure.

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

STAFF EXHIBIT# 2

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

LEE COUNTY
HEARING EXAMINER
2022 AUG 17 PM 1:42

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

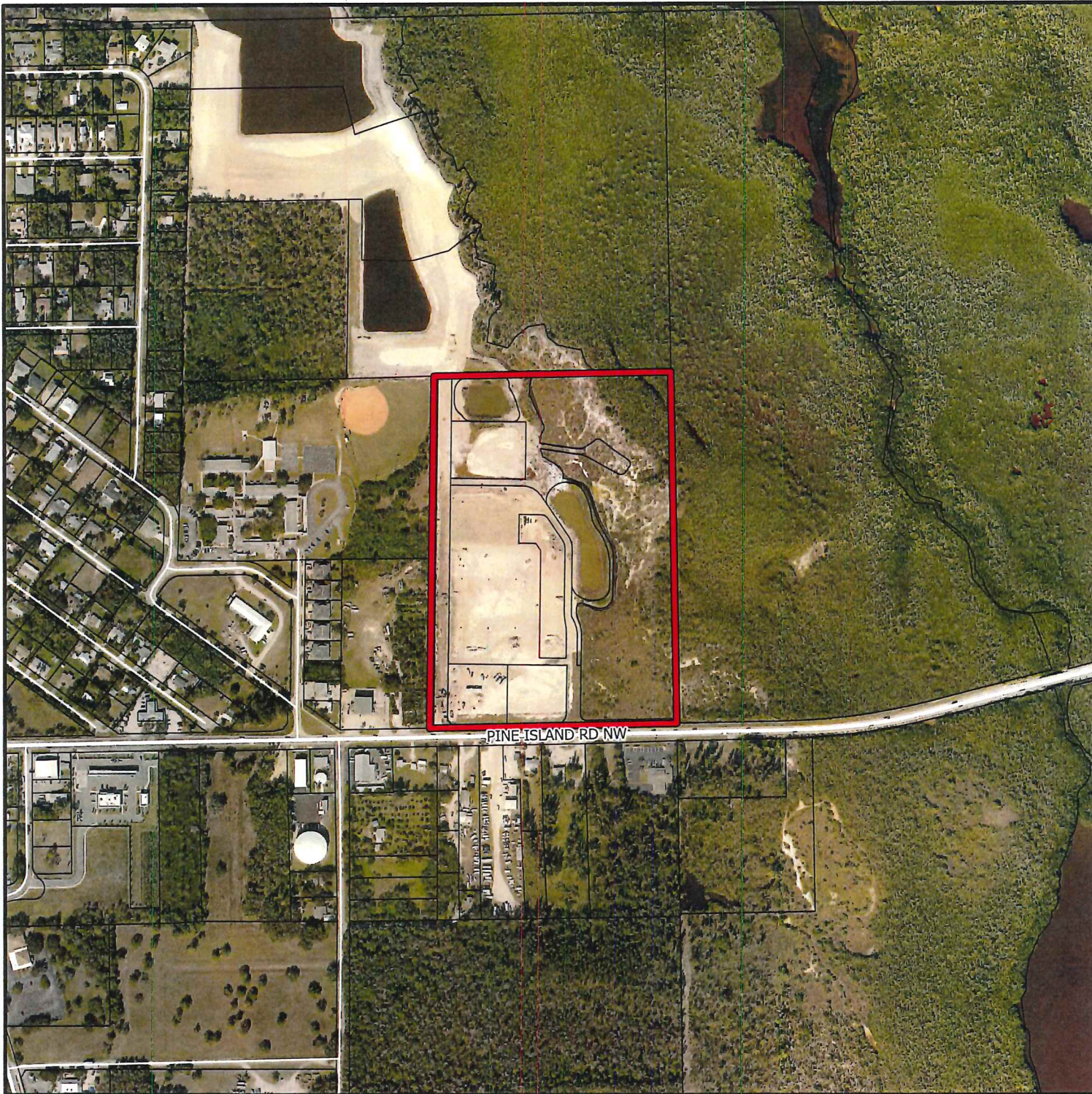
ATTACHMENT A

**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

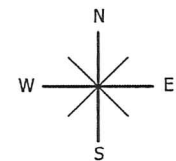
- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code, Lee Plan, and Environmental Sciences.
- Report and documents are submitted with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



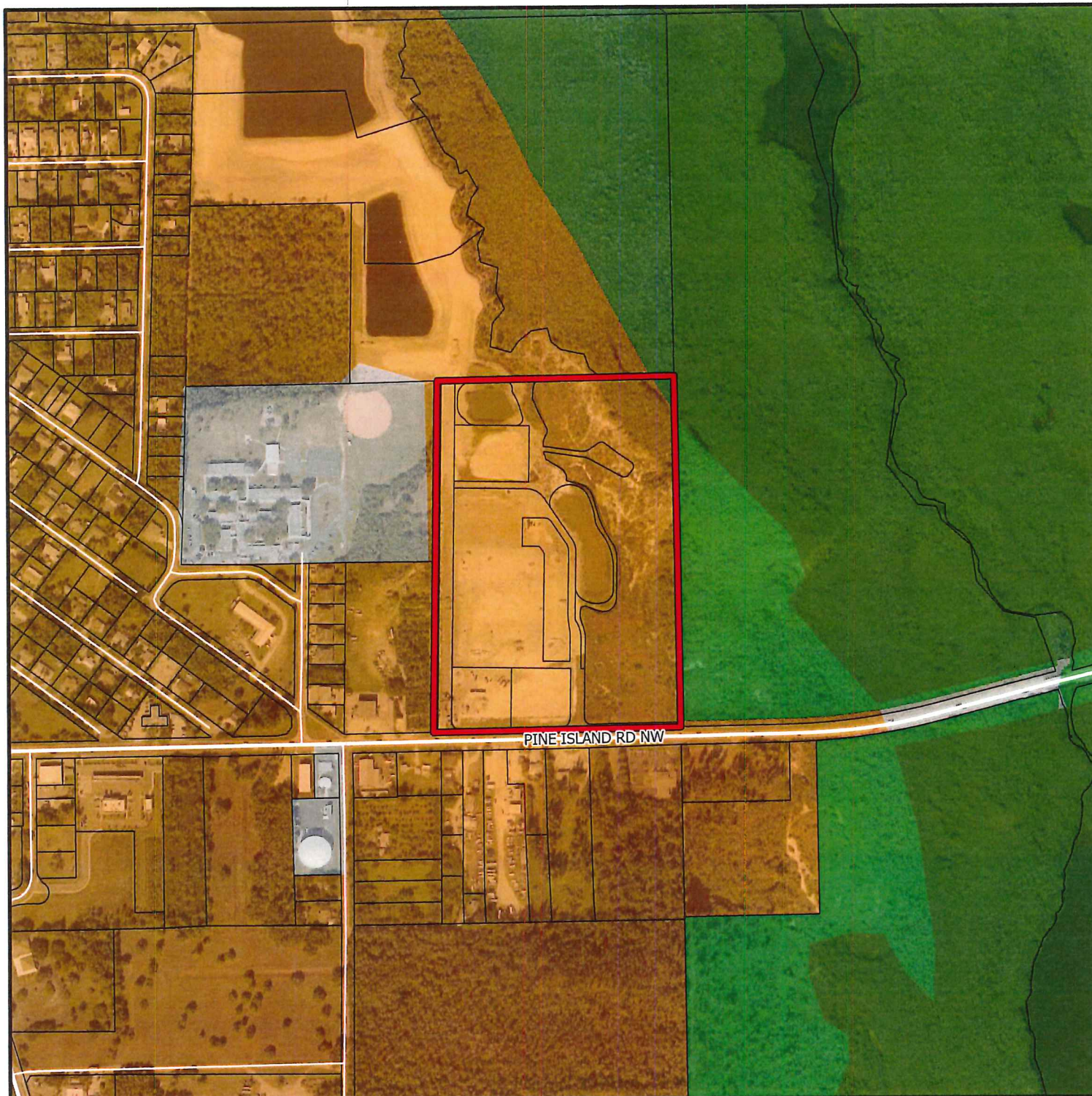
0 500 1,000
Feet



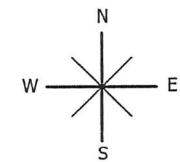
ATTACHMENT B

DCI2022-00017

Future Land Use

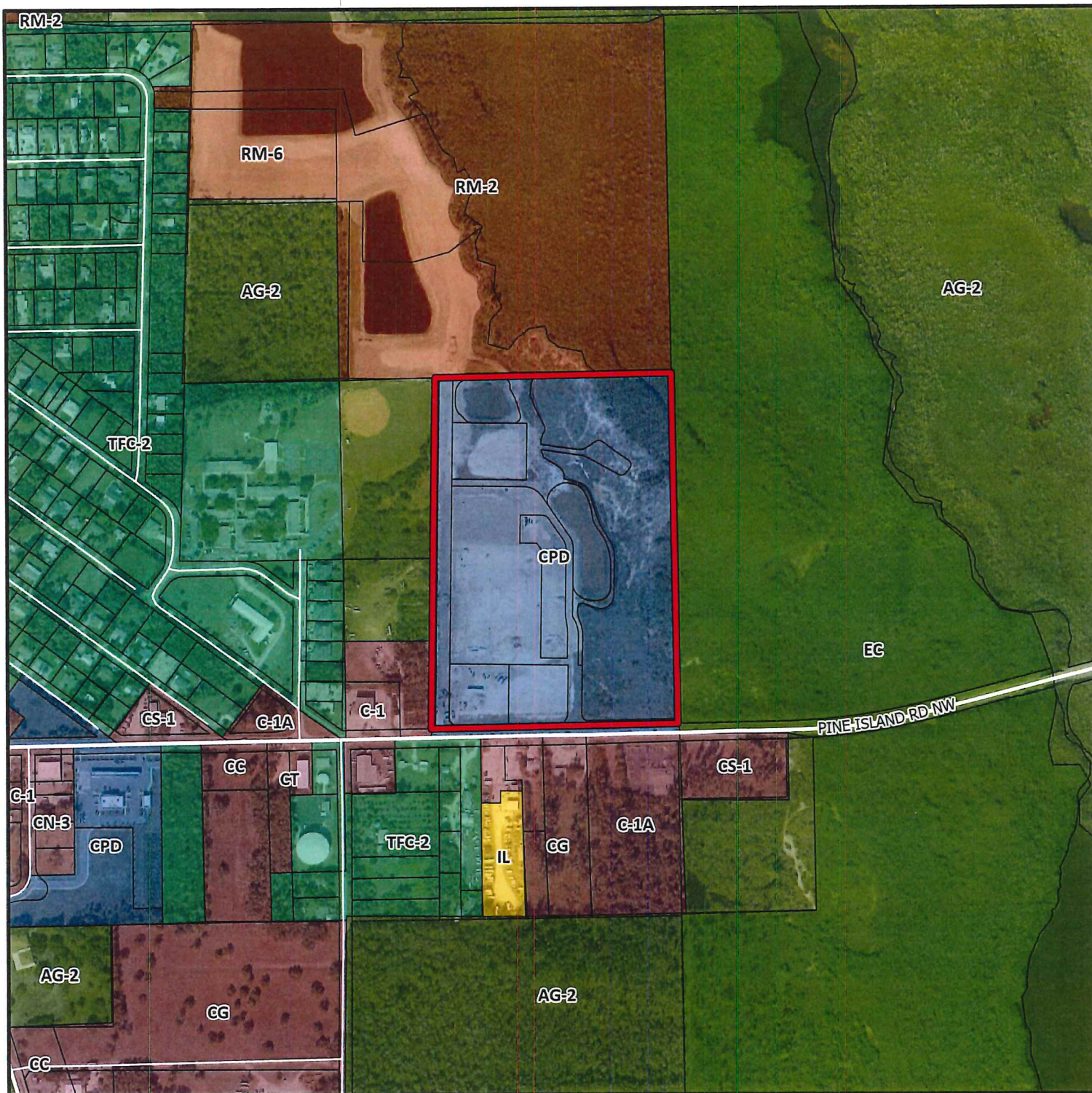


-  Subject Property
-  Urban Community
-  Public Facilities
-  Conservation Lands - Upland
-  Wetlands
-  Conservation Lands - Wetland



0 500 1,000
Feet

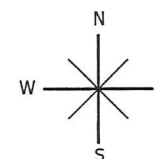




DCI2022-00017

Zoning

 Subject Property



0 500 1,000
Feet



ATTACHMENT C

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 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.

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 $4\pm \text{ feet} + 38 \text{ feet} = 42 \text{ feet}$ or $45 - \text{Base Flood Elevation of } 7 = 38 \text{ feet}$. 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 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.

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.

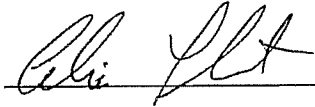
Question/comment: The Greater Pine Island Civic Association took votes on the requested items:

- 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

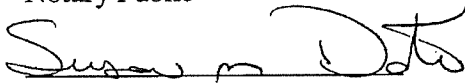
Response: The LDC specifically states that the applicant is not required to receive an affirmative vote or approval of citizens present at the meeting.

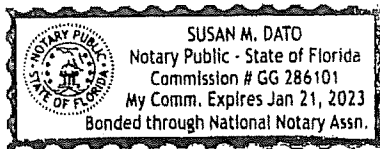
**PINE ISLAND EAGLE
PUBLISHED WEEKLY
LEE COUNTY, FLA
Affidavit of Publication
State of Florida
County of Lee**

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, Bokeelia, FL 33922.**

Calusa Cay CPD is 26.77± acres located at the Publix Shopping Center at 5100 Pine Island Road NW, Bokeelia, 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. DCI2022-00017).

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 (shewitt@bankseng.com), (239) 770-2527; 10511 Six Mile Cypress Pkwy, Fort Myers, FL 33966



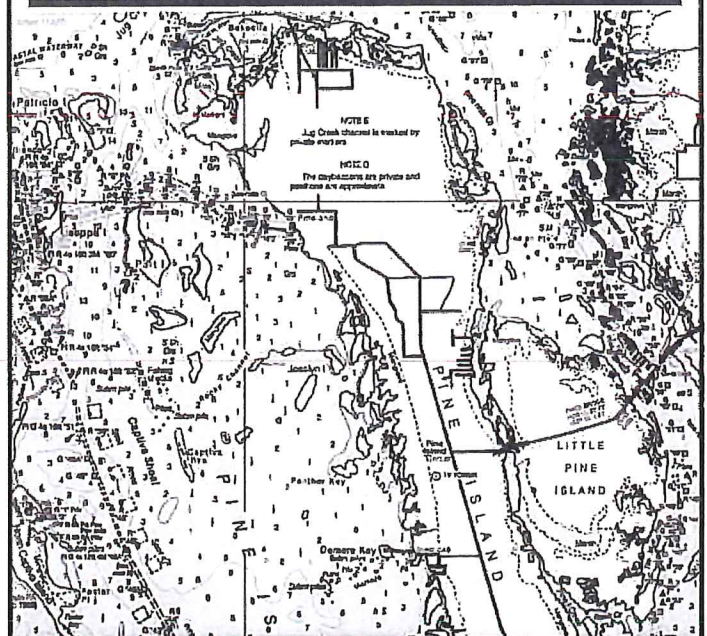
Main: 239-425-7667

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

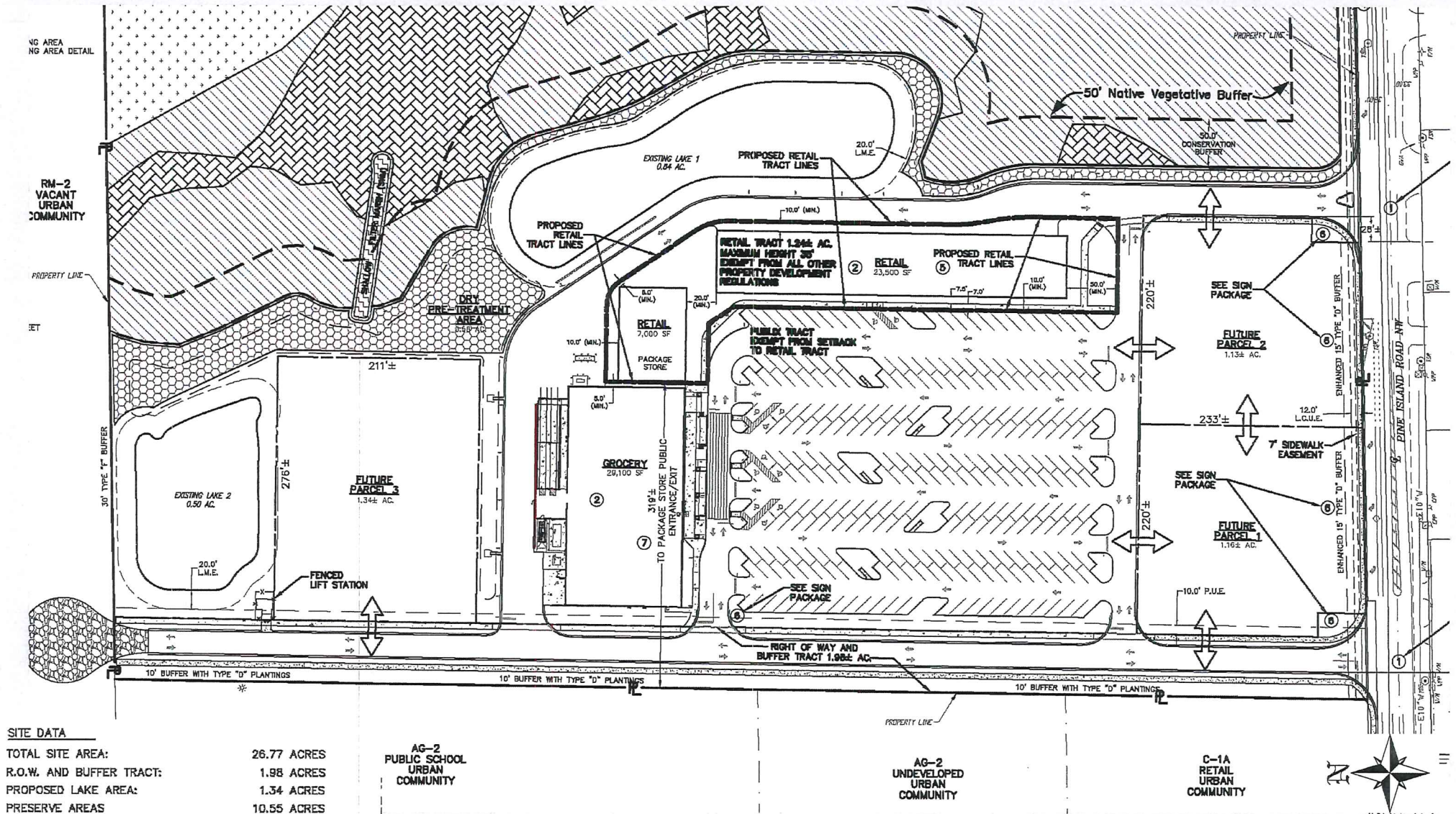
Request: Amend Commercial Planned Development (CPD) to:

- (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.

[illegible]

- 5

PROPOSED MINOR PUBLIC HEARING AMENDMENT



- 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

Handwritten signature

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?

2

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

[illegible]

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

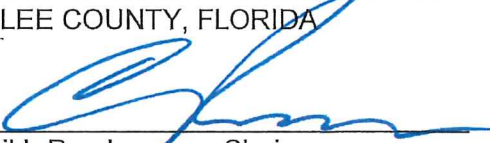
DULY PASSED AND ADOPTED this 8th day of December 2021.

ATTEST:
LINDA DOGGETT, 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

Exhibit A



Professional Engineers, Planners & Land Surveyors



DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 28, TOWNSHIP 44 SOUTH, RANGE 22 EAST
LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, BEING A PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 44 SOUTH, RANGE 22 EAST, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER; THENCE N 00°53'29" W ALONG THE EAST LINE OF SAID FRACTION FOR 33.00 FEET TO AN INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF PINE ISLAND ROAD NW, STATE ROAD 78 (66.00 FEET WIDE) AND THE POINT OF BEGINNING OF A PARCEL OF LAND HEREIN DESCRIBED; THENCE S 88°54'08" W ALONG SAID NORTH LINE FOR 912.50 FEET TO AN INTERSECTION WITH A LINE 330 FEET EAST OF AND PARALLEL WITH (AS MEASURED ON A PERPENDICULAR) THE WEST LINE OF SAID FRACTION; THENCE N 00°49'45" E ALONG SAID PARALLEL LINE FOR 1,307.61 FEET TO AN INTERSECTION WITH THE NORTH LINE OF SAID FRACTION; THENCE N 89°02'04" E ALONG SAID NORTH LINE FOR 873.23 FEET TO THE NORTHEAST CORNER OF SAID FRACTION; THENCE S 00°53'29" E ALONG THE EAST LINE OF SAID FRACTION FOR 1,304.87 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 26.77 ACRES MORE OR LESS

BEARINGS AND DISTANCES ARE BASED ON "THE STATE PLANE COORDINATE SYSTEM" FLORIDA ZONE WEST NAD 83 (CORS) WHEREIN THE EAST LINE OF THE NE 1/4 OF SECTION 28, TOWNSHIP 44 SOUTH, RANGE 22 EAST BEARS S 00°53'29" E THE SCALE FACTOR IS 0.99994344.

DESCRIPTION PREPARED 07-31-2019.

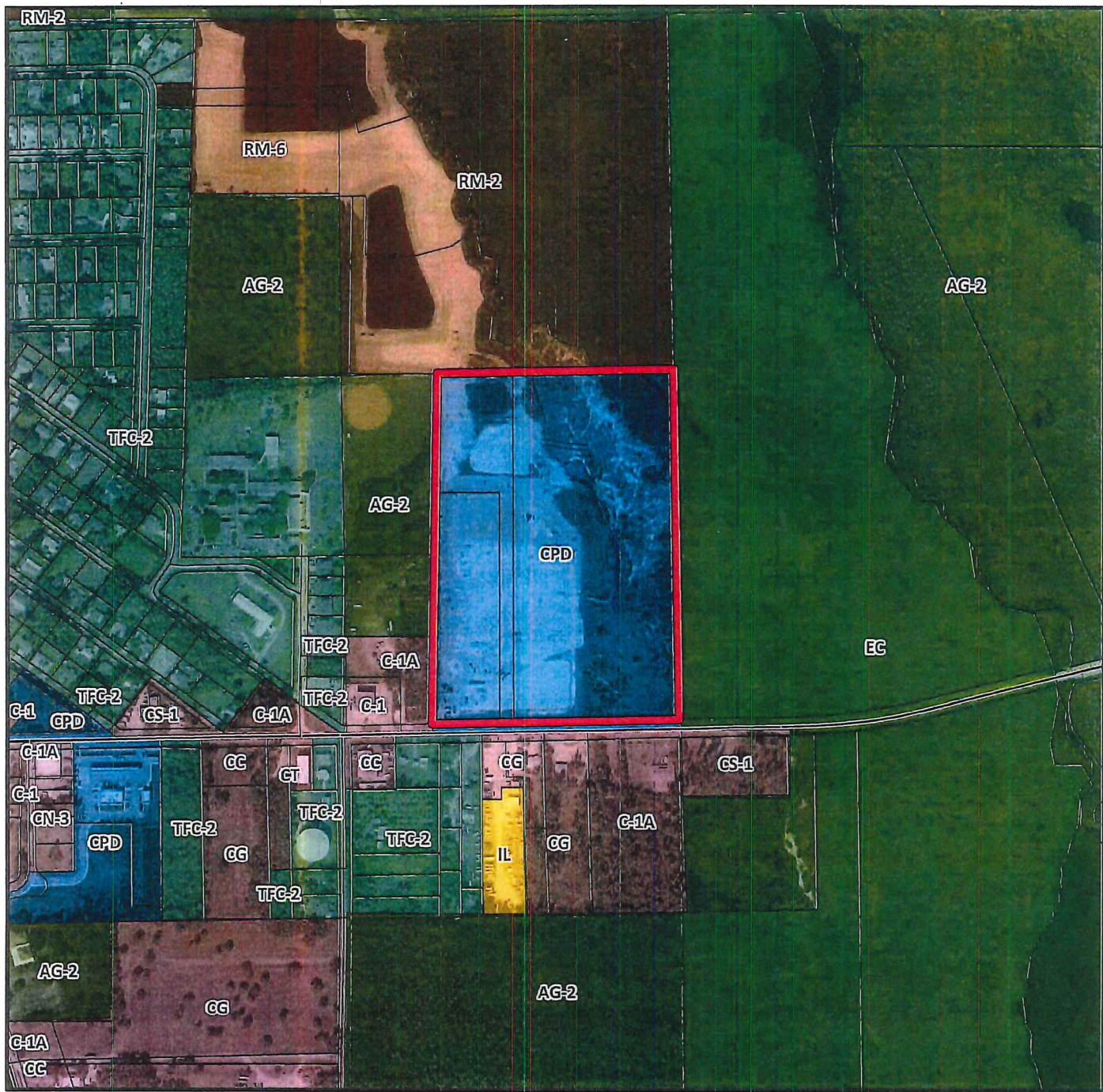

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009
DATE SIGNED: 07-31-2019

Digitally signed by Richard M. Ritz, R.L.S. #4009 State of Florida using an SHA-1 authentication code. Printed copies of this document are not considered signed and sealed and the SHA-1 authentication code must be verified on any electronic .copies
Date: 2019.08.01 08:59:55 -04'00

REVIEWED
DCI2021-00018
Rick Burris, Principal
Planner
Lee County DCD/Planning
8/2/2021

SHEET 1 OF 2

SERVING THE STATE OF FLORIDA

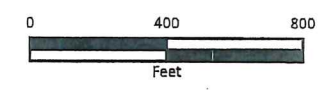


DCI2021-00018

Zoning

EXHIBIT B

 Subject Property



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

THOMAS (Location)	Project Team:
TSA	BA
Design:	Color:
SLD	12-26-19

Project Update:
Revised design to 150' and update
notes. SLD 11-03-20
Revised design, remove stone PC & trim.
4-1-20 SLD
Revised AC A & B per client photo.
8-21-20 SLD
Add stone back in bottom cabinet.
SLD 10-26-20
20 04-25-21 Revised SLD IT

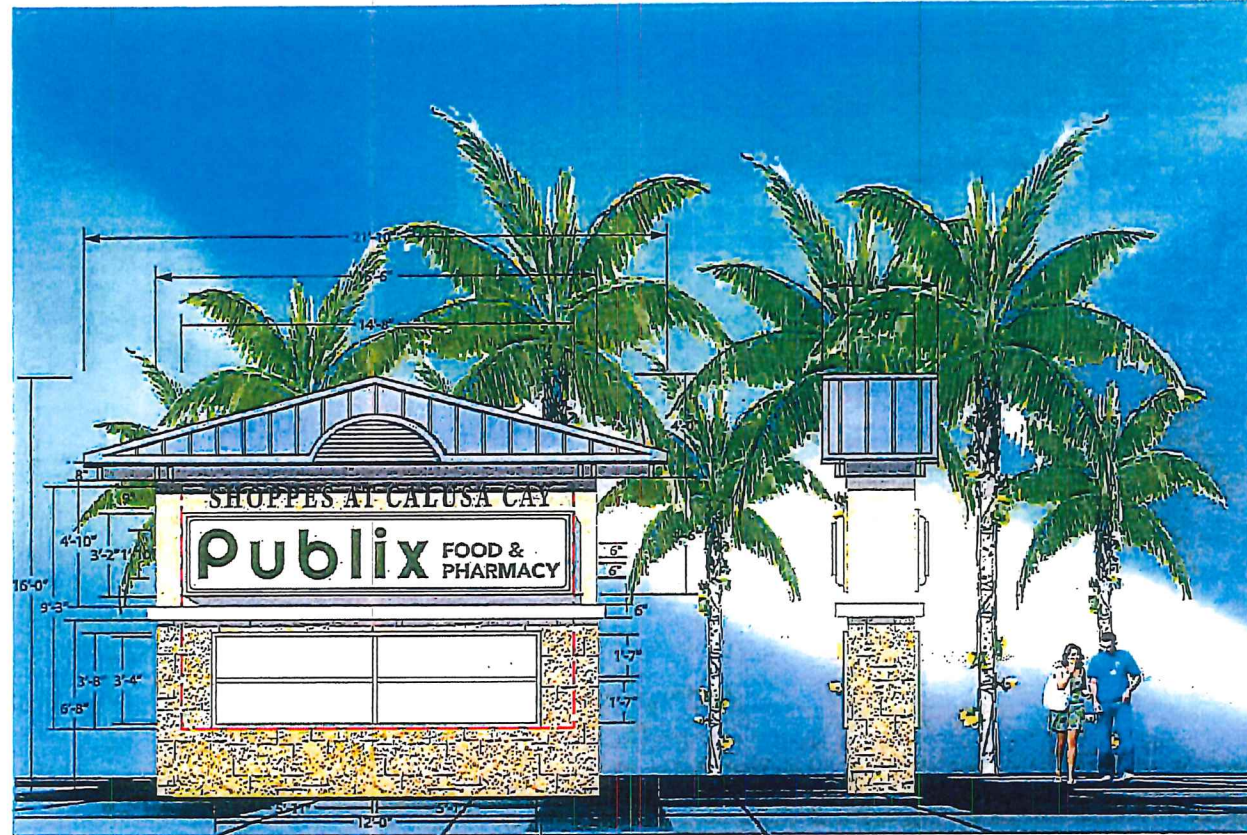
UL Underwriters
Laboratories, Inc.
UL LISTED
ELECTRIC SIGN
COMPLIES TO UL 48



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 C

Dotted red line calculates: Total Cabinet: 9'-3" x 14'-8" = 136.14 sq

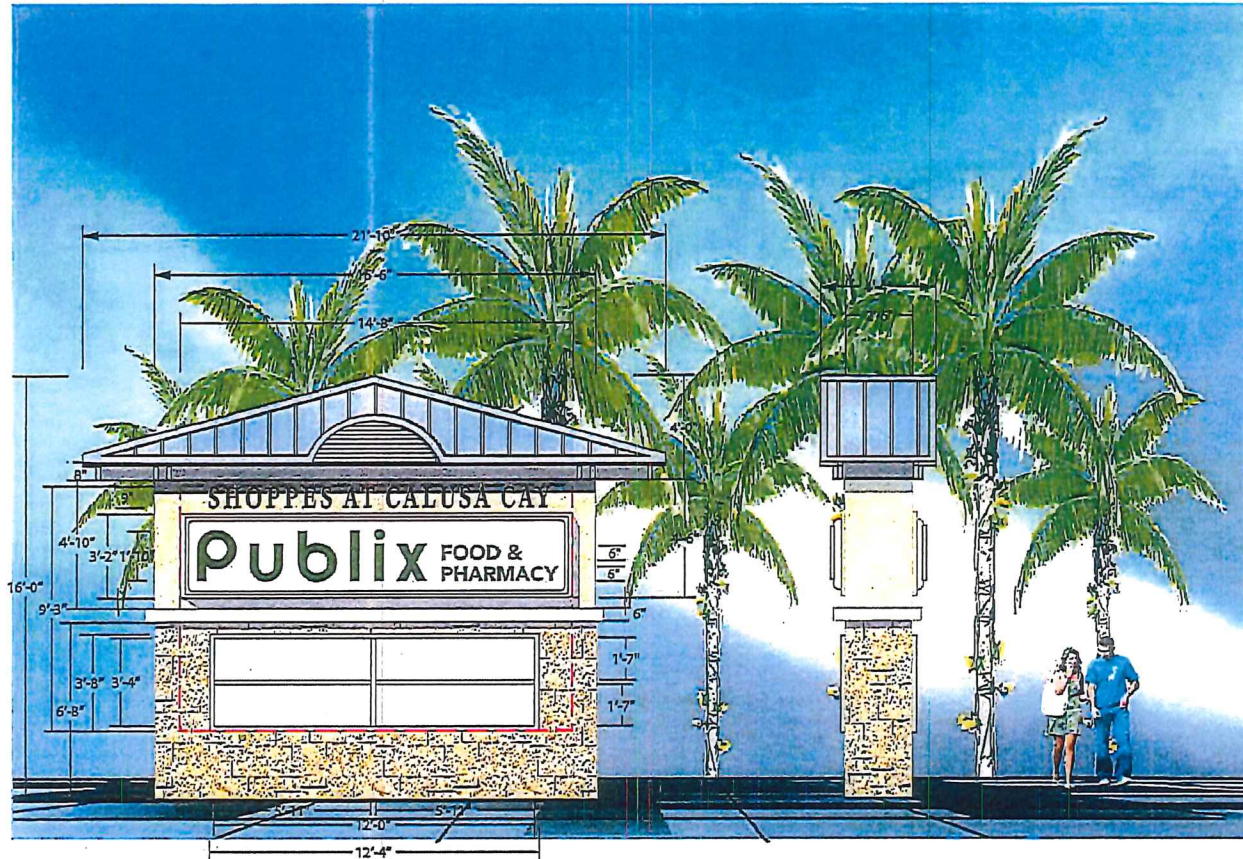
Scale: 1/4"=1'-0"

EXHIBIT D

Publix
Pine Island, FL

Celebrating 51 Years of Quality Manufacturing and Service

51



- 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.

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 Cave Road
Pine Island, FL
Project Identity Number:
86763
Sales Associate: Project Team:
TSA BM
Designer: Date:
SLD 12-26-19
Project Update:
Revised to include 150' and update
notes. SLD 01-03-20
Revised to include 150' and update
notes. SLD 01-03-20
Revised to include 150' and update
notes. SLD 01-03-20
Add a line back in bottom cabinet,
SLD 04-26-20
JLS 04-26-21 Revise SLD IT



D/F LED Illuminated Main Identity Monument B

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

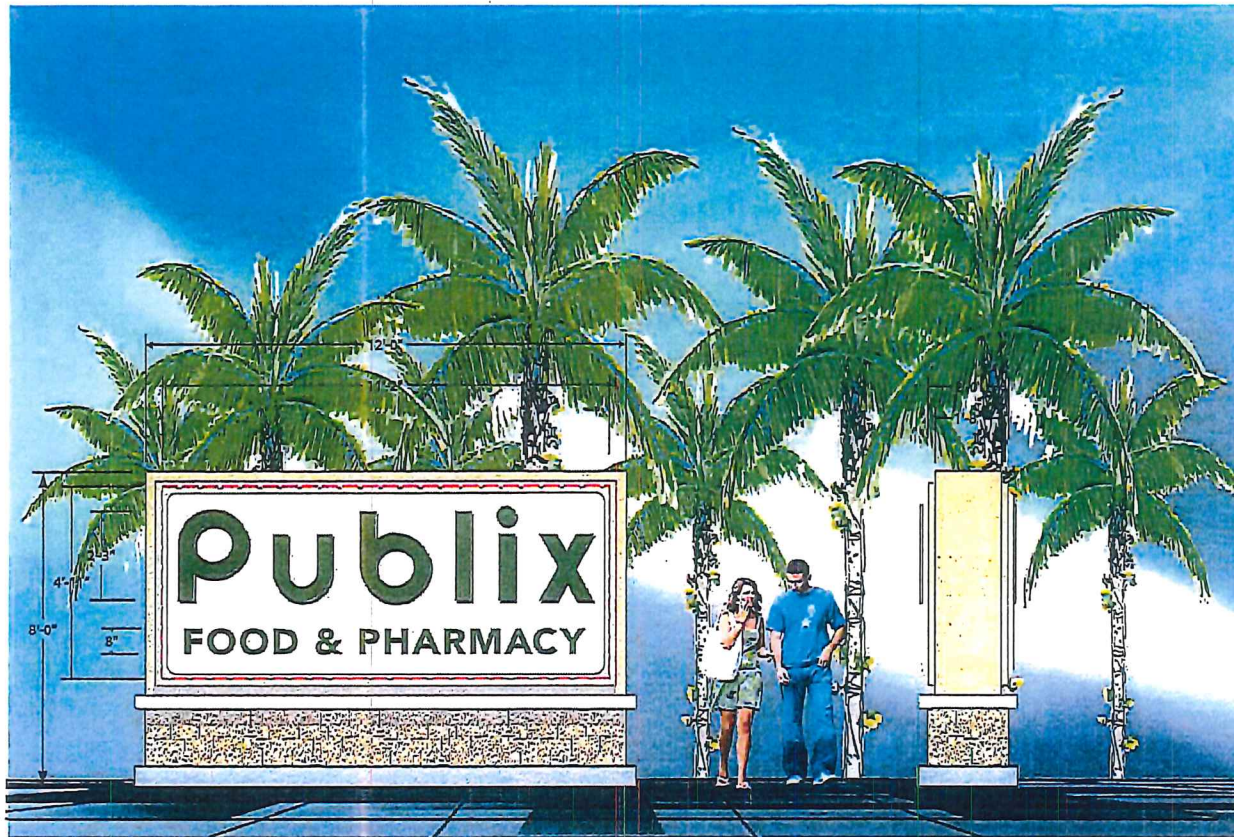
Scale: 1/4"=1'-0"

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



LED Illuminated Main Identity Monument A

Dotted red line calculates 12'-5" Cabinet Face - 4'-11" x 11'-2" = 54.90' 12'

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

- 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.

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	BA
Designer:	Date:
SLD	12-26-19
Project Update:	

UL Underwriters
Laboratories, Inc.
LIMITED WARRANTY
ELECTRIC SIGN
COMPLIES TO UL 48



3M™ MCST™ Warranty

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

**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.

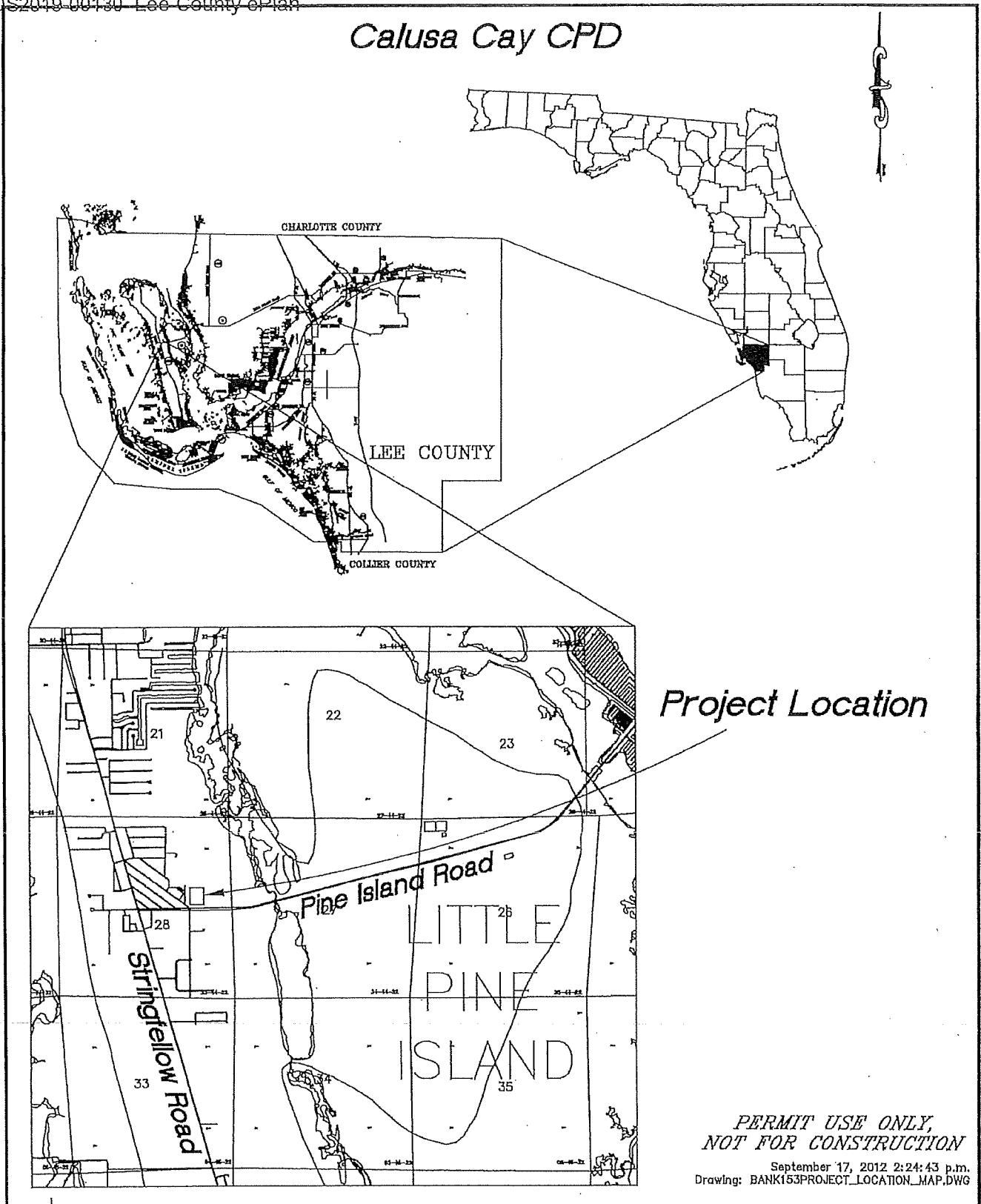
Existing one story commercial structures (10 to 23 feet in height), including a Bank of America, are located between 186 to 645 feet from the nest. Parking for Bank of America is located 165 feet north of the nest and the drive through for the bank is located 180 feet northeast of the nest. Additional 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 2:31:28 p.m.
Drawing: BANK133PLAN_05_12.DWG

Figure 2. Bald Eagle Nest LE-081 Vicinity Map

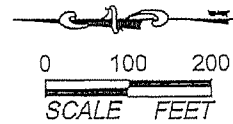
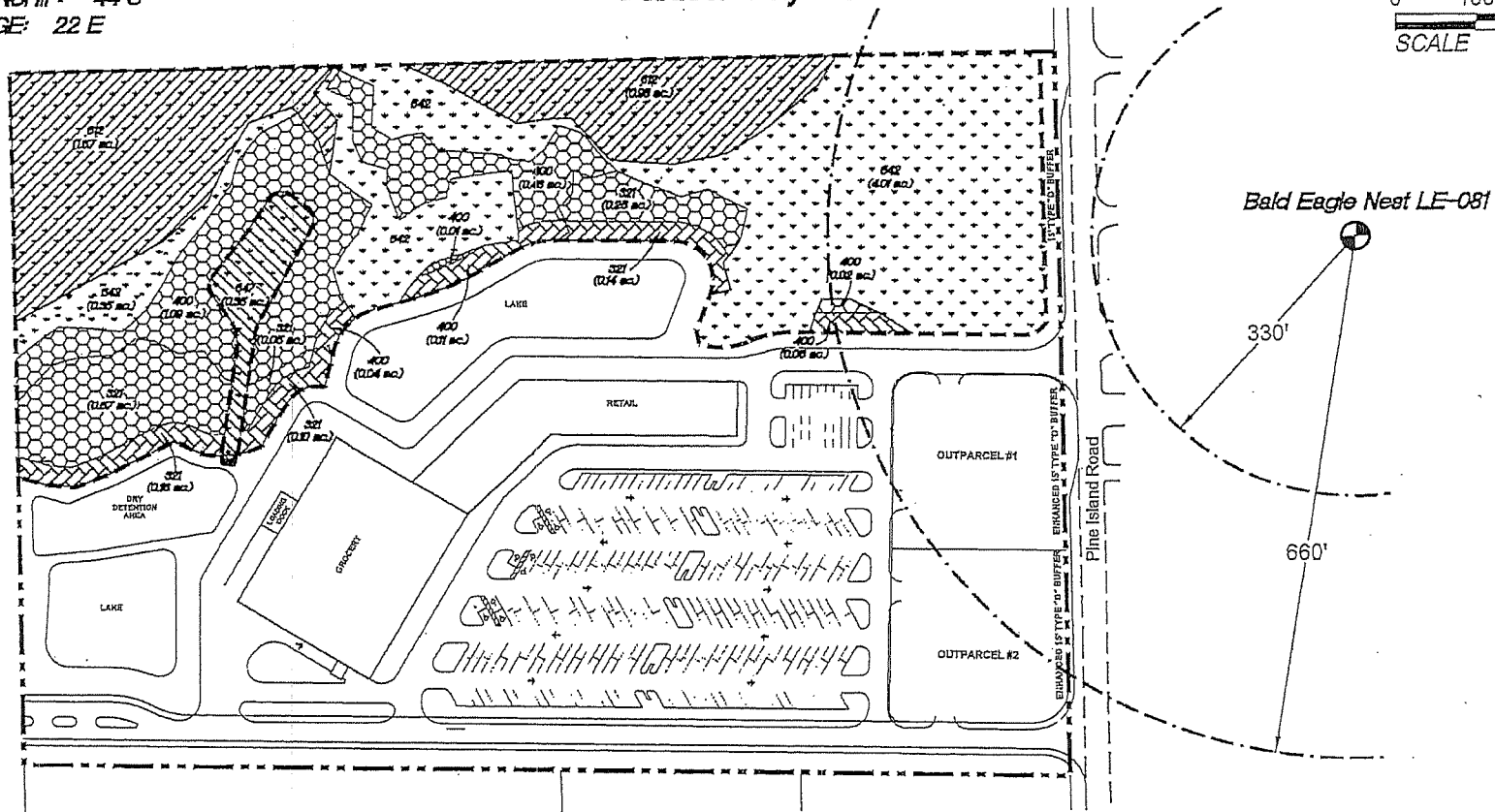
Calusa Cay CPD

W. DEXTER BENDER
& ASSOCIATES, INC.
ENVIRONMENTAL & MARINE CONSULTING
FORT MYERS 239-336-3680



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.)

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 SFWMD.
4. The 0.35 acre filter marsh is not included within the SFWMD 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.

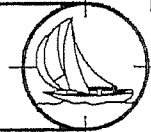
FLUCCS	Description
321	Palmetto Prairies
400	Upland Forests
612	Mangrove Swamps
642	Saltwater Marsh
647	Herbaceous Filter Marsh

PERMIT USE ONLY, NOT FOR CONSTRUCTION

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

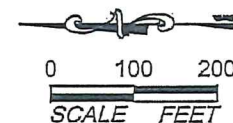
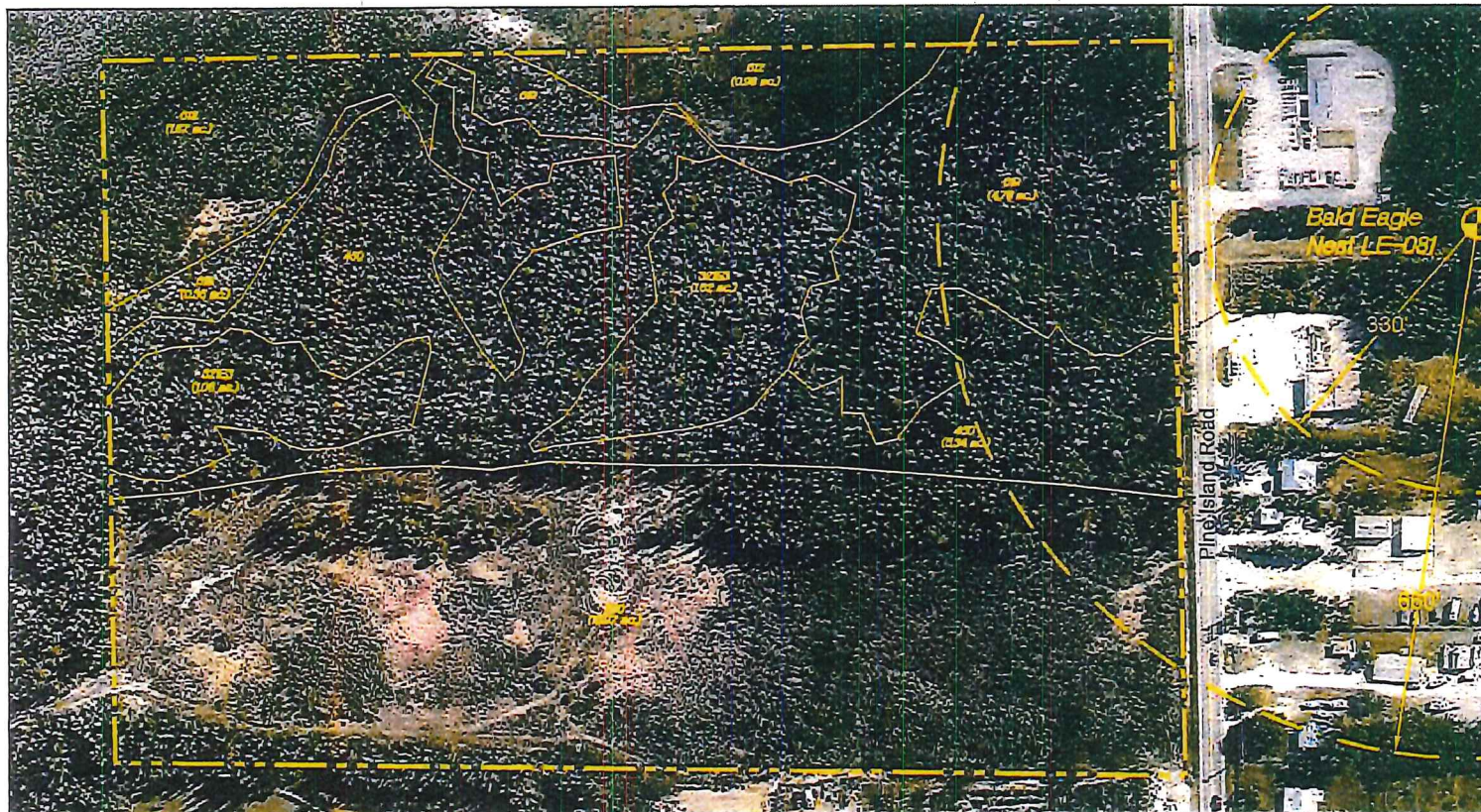
Figure 3. Site Plan

W. DEXTER BENDER
& ASSOCIATES, INC.
ENVIRONMENTAL & MARINE CONSULTING
FORT MYERS 889-334-3680



SECTION: 28
TOWNSHIP: 44 S
RANGE: 22 E

Calusa Cay CPD



Notes:

1. Property boundary, surveyed wetland line, 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 approved by the South Florida Water Management District on September 25, 2008.
4. 2012 aerial shown.

FLUCCS	Description
321E3	Palmetto Prairies invaded by Exotics (51-75%)
450	Mixed Exotic Upland Forest
612	Mangrove Swamps
619	Exotic Wetland Hardwoods
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



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.

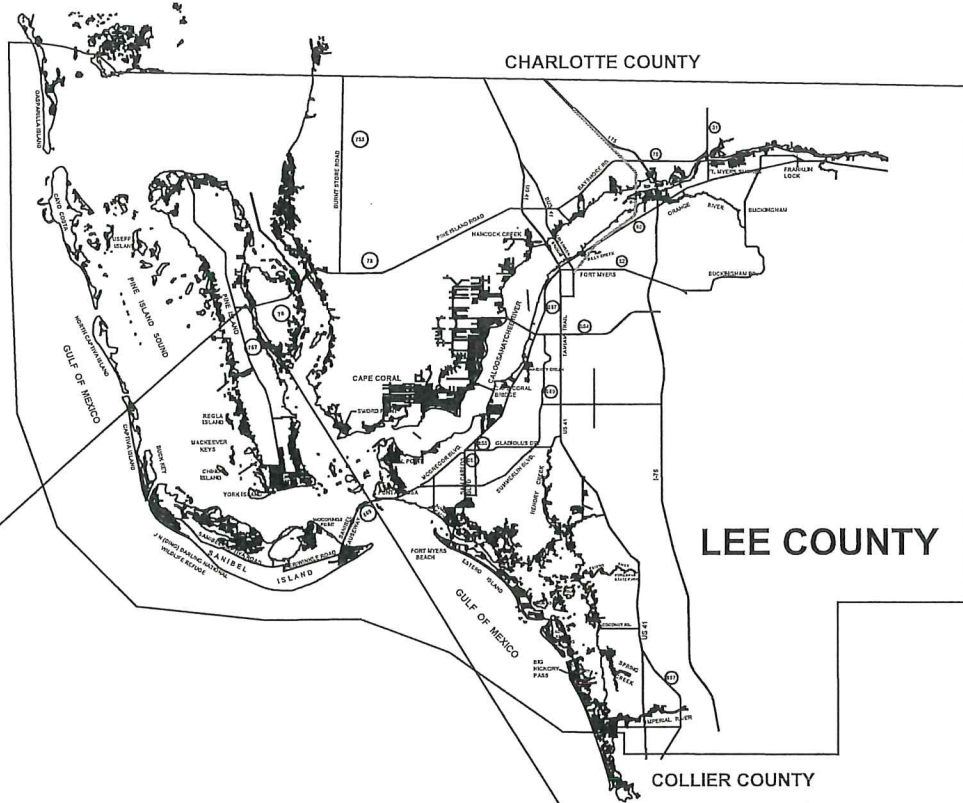
Lee County Zoning Resolution Z-13-007 contained the January 2013 Calusa Cay CPD Lee County Wetland Restoration Plan. The plan was prepared prior to the removal of the exotics from the preserve based on the best available information available at that time and specifically stated "The final species to 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 carolinum*), 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

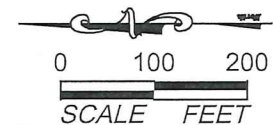
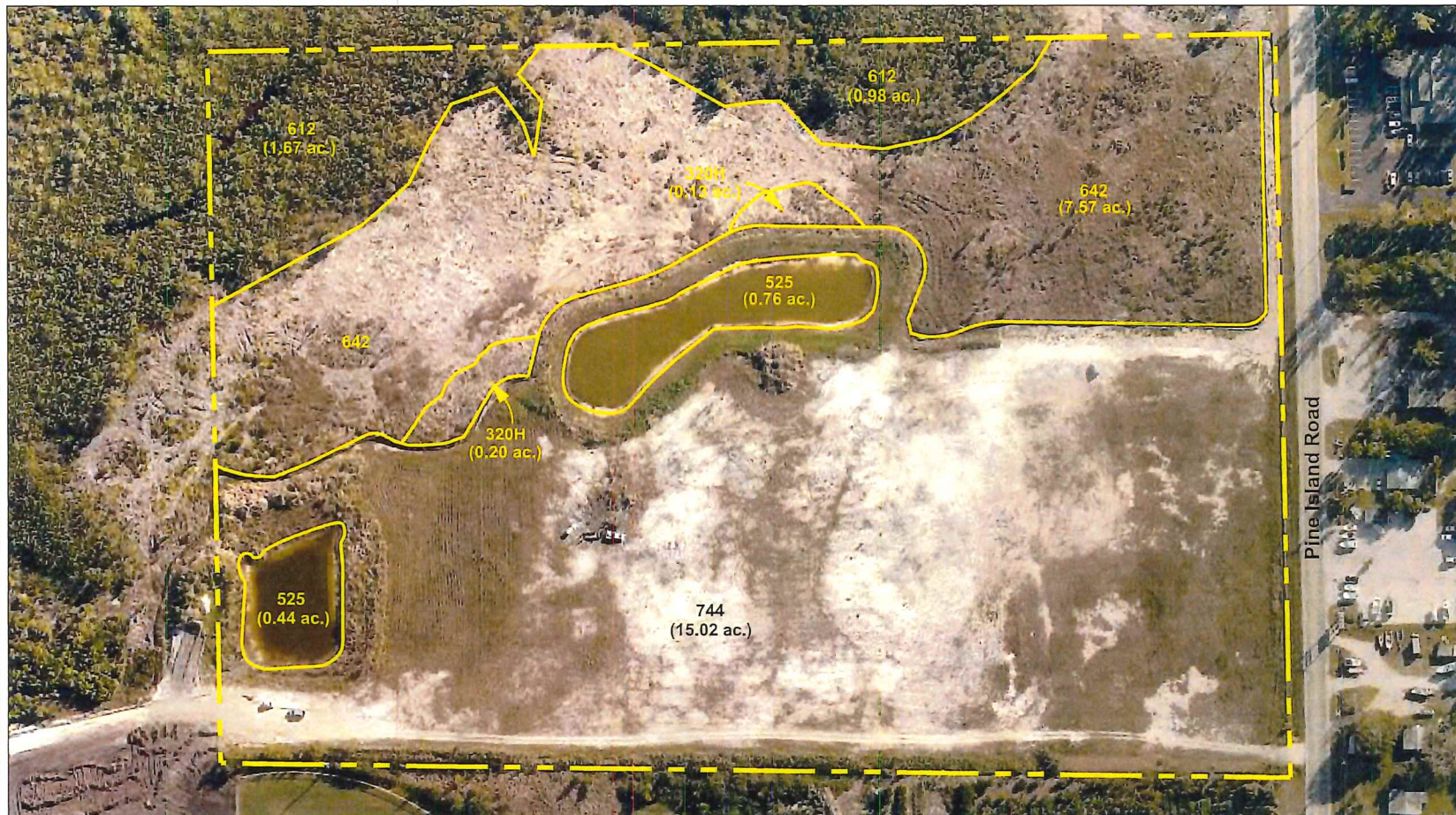
*PERMIT USE ONLY,
NOT FOR CONSTRUCTION*

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

DEXBENDER
ENVIRONMENTAL CONSULTING
FORT MYERS 239-334-3680

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.

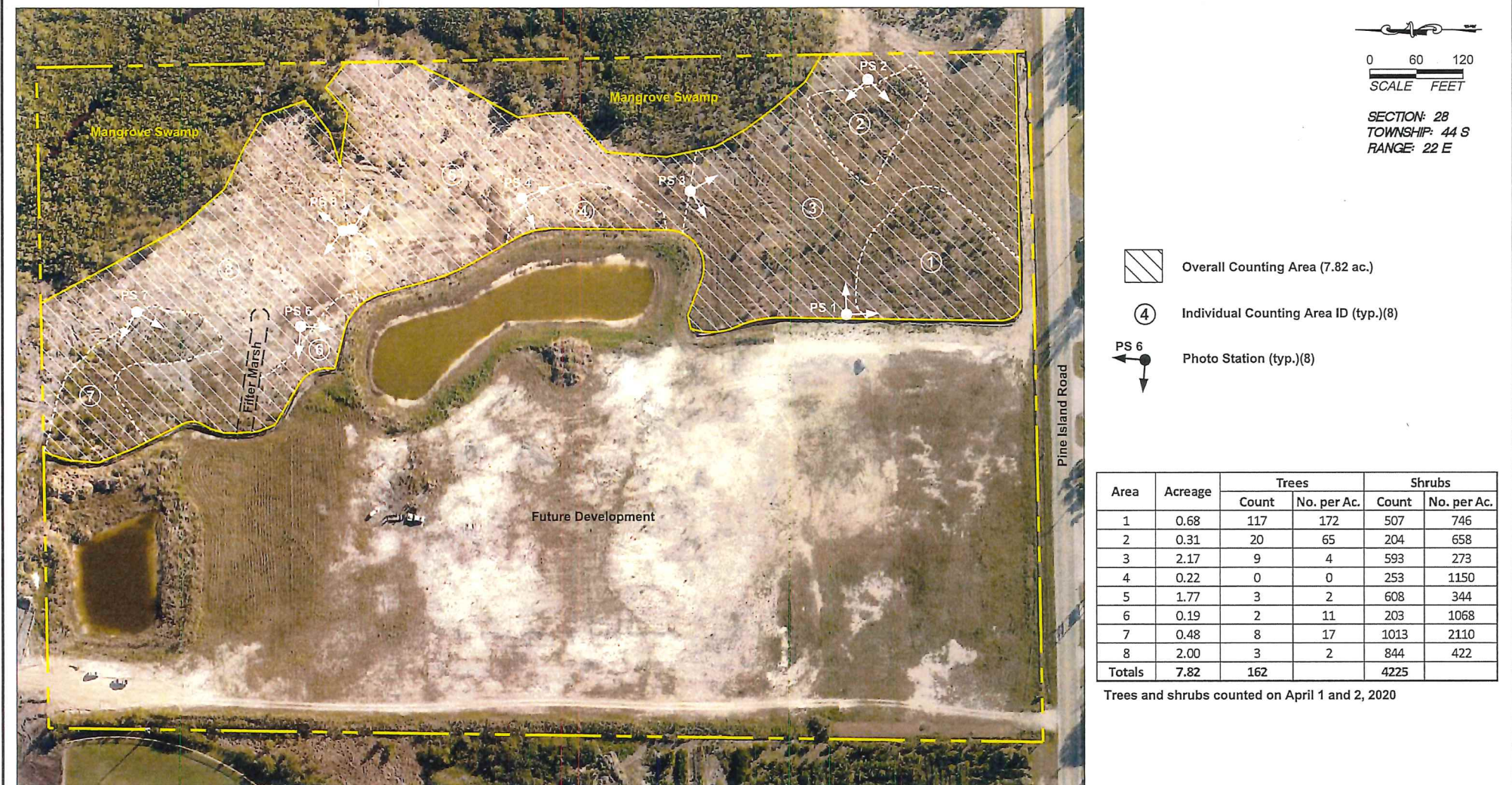
Wetland Creation

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.



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

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

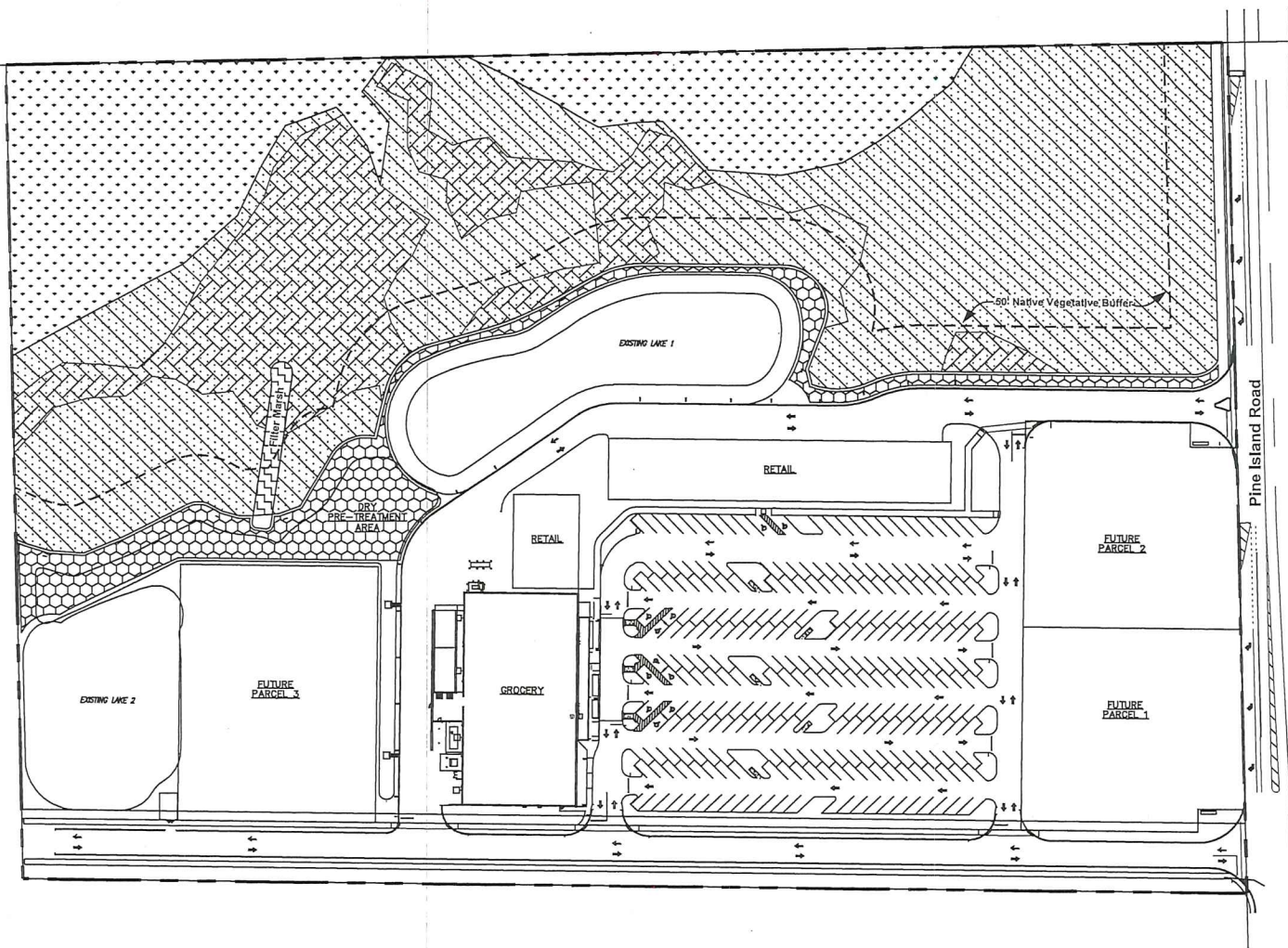
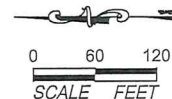
III. FILTER MARSH

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.



SECTION: 28
TOWNSHIP: 44 S
RANGE: 22 E

-  Preserved Indigenous Wetland (2.65 ac.)
-  Enhanced Indigenous Wetland (5.74 ac.)
-  Created Indigenous Wetland (2.08 ac.)
-  Filter Marsh (0.08 ac.)
-  Tree and Shrub Counting Area for Mitigation Plantings (7.82 ac.)
-  Potential Additional Tree and Shrub Planting Areas

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

PERMIT USE ONLY, NOT FOR CONSTRUCTION April 13, 2020 10:51:26 a.m.
Drawing: SHAGBARK2PROPCON.DWG

Figure 4. Master Concept Plan with Indigenous Areas

Calusa Cay CPD

DEXBENDER
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



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 04-24-20

JES 04-22-21 Revise SQ. FT

UL Underwriters Laboratories, Inc.

LISTING E89514

ELECTRIC SIGN

COMPLIES TO UL 48

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.

THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.

TM

3M™ MCS™ Warranty

Page Sheet

1 1 of 1

Local: 727-573-7757

Fax: 727-573-0328

ATTACHMENT K



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"

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 MSA & 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.

UL Underwriters Laboratories, Inc.

LISTING E89514

ELECTRIC SIGN

COMPLIES TO UL 48

THIS ARTICLE IS INTENDED TO BE INSTALLED IN ACCORDANCE

WITH THE REQUIREMENTS OF ARTICLE 60 OF THE NATIONAL

ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES.

THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.

3M™ MGS™ Warranty

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 B

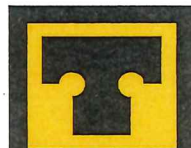
Dotted red line calculates □: Total Cabinet 9'-3" x 14'-8" = 136.14 □

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

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

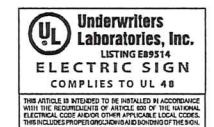
Sales Associate: **Project Team:**

TSA BM

Designer: **Date:**

SLD 12-26-19

Project Updates:



3M™ MCS™ Warranty

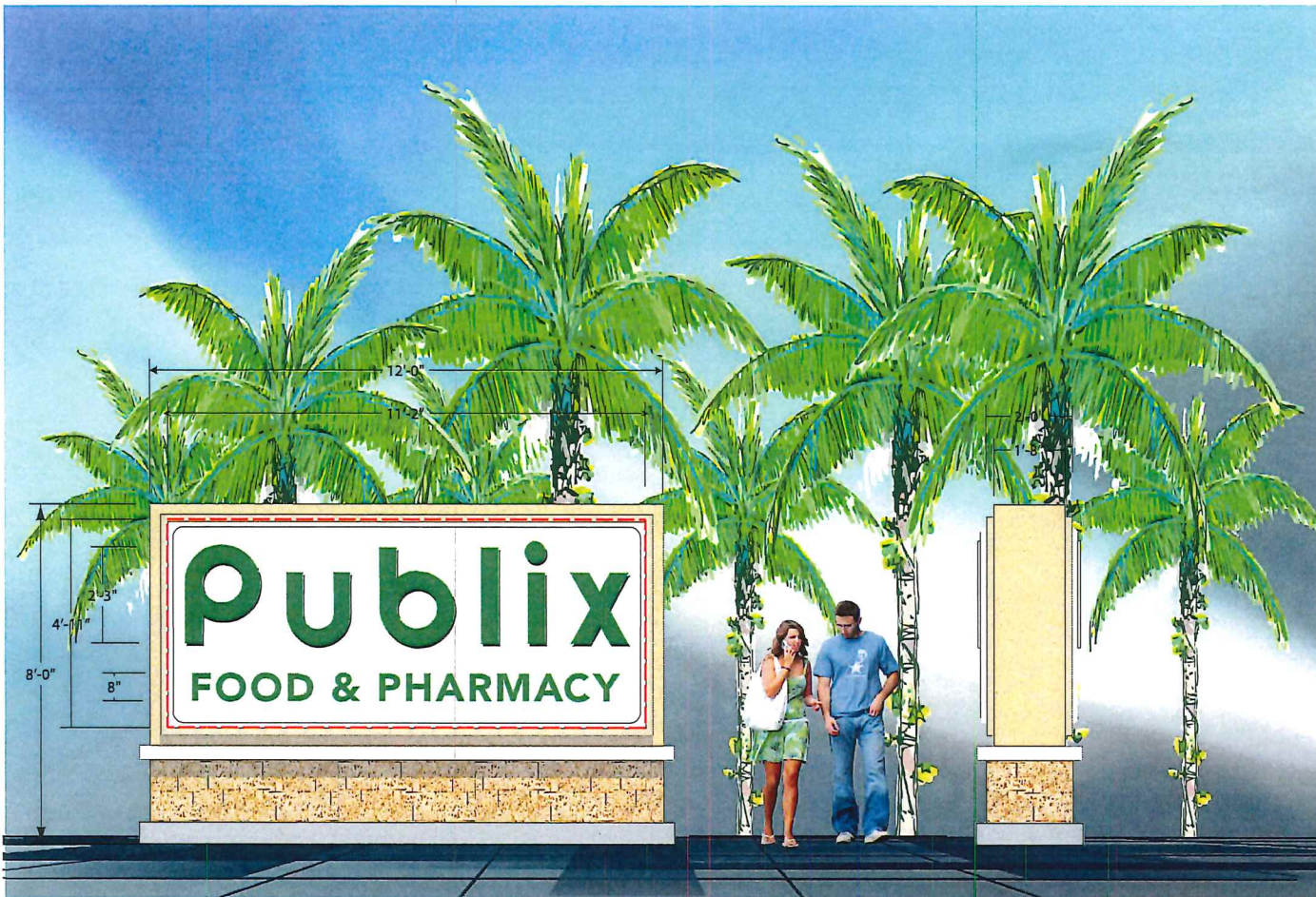
Page **Sheet**

1 **1 of 1**

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

-  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 □ : Cabinet Face - 4'-11" x 11'-2" = 54.90' □

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

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

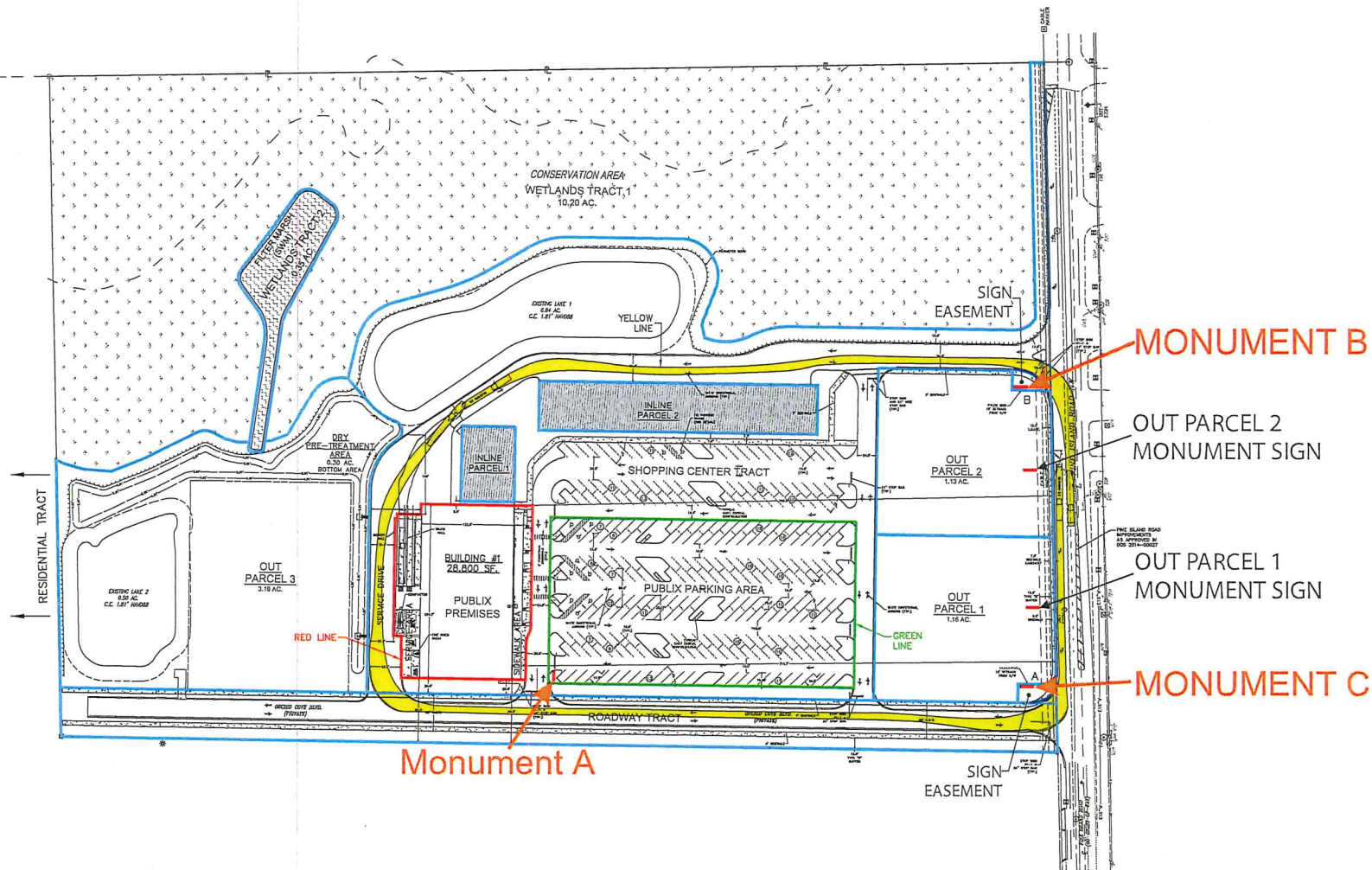
Sales Associate: Project Team:

TSA BM

Designer: Date:

SLD 12-26-19

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



Site Plan

NTS

Page Sheet

1 1 of 1

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



3M™ MCS™ Warranty

Perez, Maria

From: Stacy Hewitt <SHewitt@BanksEng.com>
Sent: Monday, August 29, 2022 8:05 AM
To: Hearing Examiner
Cc: Workman, Elizabeth; Perez, Maria; Boone, Tina; Temerario, Erica; Schaefer, Lauren; Adams, Joseph; Jacob, Michael; Swindle, Amanda; Rodriguez, Anthony
Subject: [EXTERNAL] DCI2022-00017 / Calusa Cay CPD - Applicant 48-Hr Notice

Good morning 😊 I hope all is well.

Below please find a link to the Applicant's 48 Hour Notice and Exhibit/Witness List for the above referenced case.

 [DCI2022-00017 -Calusa Cay CPD - Applicant 48-Hr Notice-Exhibit-Witness List with attachments.pdf](#)

I look forward to the hearing.

Thank you and hope you have a great day,
Stacy



Stacy Ellis Hewitt, AICP

Director of Planning

C: 239-770-2527

P: 239-939-5490

F: 239-939-2523

E: shewitt@bankseng.com

10511 Six Mile Cypress Pkwy, Suite 101
Fort Myers, FL 33966

www.banksengfla.com



Professional Engineers, Planners & Land Surveyors

August 29, 2022

VIA ELECTRONIC MAIL ONLY

Amanda Rivera, Esq.
Lee County Hearing Examiner
1500 Monroe Street – Suite 218
Fort Myers, FL 33901

Reference: **DCI2022-00017 – CALUSA CAY CPD AMENDMENT**
HEARING DATE: AUGUST 31, 2022
APPLICANT'S 48-HOUR NOTICE AND EXHIBIT/WITNESS LISTS

Dear Madam Hearing Examiner:

The applicant has reviewed the Staff Report and attachments received August 17, 2022 and has identified no unresolved issues. The Applicant submits the following clarifications/corrections and supplemental information which has been coordinated with staff and no objections have been received to date.

Staff Report

1. Page 4, 2nd paragraph, 10TH line typo: *The height must be measured from 35-feet to 38 feet above average grade...*

Staff Report Attachment C: Recommended Conditions and Deviations

Applicant's proposed revisions to Staff Report Attachment C: Recommended Conditions and Deviations are attached in redline version with deletions in **strike-through** and additions in **underline** and clean version. The conditions and deviations in Staff Report Attachment C were inadvertently created from the staff proposed conditions from case number DCI2021-00018 instead of Zoning Resolution Z-21-015. Below items 2 through 5 are proposed revisions simply to reflect Z-21-015 and are shown in detail on the attached revisions. Items 6 through 10 include additional changes and discussion as outlined below. Changes to conditions that are related to this application are **highlighted** in both attachments to focus on those related to this application.

2. Page 1, add following statement just before Condition 1:
This zoning action codifies and supersedes Resolution Z-13-007, ADD2020-00020, ADD2021-00051 and Z-21-015.
3. Page 2, Condition 2.a., Schedule of Uses – following changes to match Z-21-015:
...Restaurant: Groups I, II and III (...maximum of one on the anchor parcel and ~~a maximum of one on the outparcels...~~)
...Specialty Retail Shops, Groups I, II, III and IV (...Groups I and II uses limited to ~~total of three establishments...~~)
4. Pages 3-6, Conditions 3 through 17: Revisions to match Z-21-015 as shown in attachments.
5. Pages 6-7, Deviations 1, 5, 6, 7, 8, and 9: Revisions to match Z-21-015 as shown in attachments.

6. Page 1, Condition 1 - Revise date of MCP to the attached version revised to reflect the below clarification to intensities and minor language revisions to match Z-21-015. If Parcel 3 is not developed with self-storage use, it will retain the right to develop a portion of the 30,000 square feet of commercial designated for the outparcels.
...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 8/11/22 last revision date 8/25/22, attached hereto...
...Development Parameters
- ~~The CPD is limited to a maximum floor area of Maximum Commercial Floor Area: 89,149,600 square feet, of floor area including commercial office, and/or retail square footage and self-storage as follows:~~*
 - ~~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~~ 1, 2 and 3* are limited to a maximum 30,000 square feet of commercial square feet (see Condition 2 for specific use limitations).*
 - *Parcel 3 may alternatively be developed with maximum 60,000 square feet of self-storage use....*
7. Page 3, Condition 2.b., Building/Structure Height - note clarification "****"
****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 or 45 feet above mean sea level, whichever is lower.*
8. Page 6, Deviation (2) - Following revisions to match Z-21-015 language and to update square footage to match proposed square footages and new MCP:
Floor Area. Deviation (2) seeks relief from the LDC §33-1083(c) requirement to provide that new commercial buildings on Pine Island be limited to 10,000 square feet of floor area per building, to allow a 2623,500-square-foot multi-use retail building and a 30,00029,100-square-foot grocery store. This deviation is APPROVED SUBJECT TO compliance with Condition 10 above.
9. Pages 6-7, Deviation (3) – The Calusa Cay CPD Lee County Wetland Enhancement and Creation Plan dated April 2020 was attached as Exhibit C of ADD2020-00020 to revise and replace Exhibit E of Z-13-007. This exhibit was not attached to Z-21-015. This updated wetland plan is included as attachment J to the Staff Report. ADD2020-00020 and Z-13-007 are attached for reference. Applicant defers to Hearing Examiner's discretion if this document is included as an attachment to the condition of this deviation.
10. Page 7, Deviation (4) – Attached revisions to match Z-21-015 and on 9-10th line - Request following amendment to address code violation for replacing trees that died related to pending certification of compliance for the buffer:
.....The ~~t~~Trees must be a minimum 10-foot-high slash pine (Pinus elliottii var. densa) and Green Buttonwood (Conocarpus erectus) or other appropriate species such as 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....

Staff Report Attachment D: Master Concept Plan

11. Replace with attached MCP revised 8/25/22 to update the commercial floor area and building height in the Site Data table to reflect the proposed changes to Condition 1 and 2.b. outlined above.

Submitted Application Materials to supplement Staff Report Attachments:

- Traffic Impact Statement submitted 3/21/22

- GEN2021-00364 - Submittal Requirement Waiver with utility generation comparison. It should be noted that the request has changed since approval of the waiver, however, the water and sewer flows are still reduced (6,900 SF reduction is 1,035± gpd and the proposed self storage use is only 400± gpd).

For the Applicant's Exhibit List, the Applicant will refer to the Lee County Land Development Code, the Lee Plan, the Staff Report including its Attachments, this letter with attachments and submitted application materials and intends to provide the following Exhibits at the hearing:

- Applicant's PowerPoint Presentation
- 24"x36" Master Concept Plan

The following individuals will be attending the hearing as the Applicant's witnesses.

1. Stacy Ellis Hewitt, AICP (Planning and Zoning)
 - 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, Zoning, Site Planning, and Land Use Planning, and as they relate to Lee County zoning and planning.
2. Ted B. Treesh, PTP (Transportation Planning)
 - 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 Traffic and Transportation Planning as they relate to Lee County zoning and planning.

I look forward to seeing you at the upcoming hearing.

Sincerely,

BANKS ENGINEERING



Stacy Ellis Hewitt, AICP
Director of Planning

Attachments: Applicant's proposed revisions to Conditions and Deviations (strike-through/underline)
Applicant's proposed revisions to Conditions and Deviations (clean)
ADD2020-00020
Z-13-007
Master Concept Plan Revised 8/25/22 (11"x17" & 24"x36")
Traffic Impact Statement submitted 3/21/22
Submittal Requirement Waiver GEN2021-00364

cc: Beth Workman, Principal Planner
Joseph A. Adams, Esq.
Amanda L. Swindle, Esq.
Michael D. Jacob, Esq.

ATTACHMENT C

SECTION B. CONDITIONS:

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

This zoning action codifies and supersedes Resolution Z-13-007, ADD2020-00020, ADD2021-00051 and Z-21-015.

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 last revision date 8/25/22-8/11/2022, attached hereto as Exhibit C/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.

- The CPD is limited to a maximum floor area of ~~Maximum Commercial Floor Area: 89149,600~~ square feet, ~~of floor area~~ including commercial office, ~~and/or~~ retail square footage and self-storage as follows:
- 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~~ 1, 2 and 3* are limited to a maximum 30,000 square feet of commercial square feet (see Condition 2 for specific use limitations).
- *Parcel 3 may alternatively be developed with maximum 60,000 square feet of self-storage use

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 or 45 feet above mean sea level, whichever is lower.

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 d~~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 or~~ septic tanks ~~or package plants~~ may be utilized for potable water or 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 on which it is located.

5. Solid Waste/Recycling.

~~As part of any local development order approval for vertical development, the d~~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 on at least ~~on~~ one side of every road within the ~~development~~CPD. ~~All i~~Internal sidewalks must be interconnected. When deemed appropriate, the Community Development Director may approve an alternate sidewalk system.

7. Design Standards.

- a. ~~All e~~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 in the CPD~~ and building design ~~of the buildings~~ on the outparcels must be consistent with the ~~design of 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 addresses on site signage and the corresponding signage plan, Exhibit D/attachment K) is included at attachment L.~~
- c. Development orders for vertical construction on the anchor parcel and ~~the~~ outparcels must also comply with the "Community Review" requirements in LDC §33-100~~34~~. ~~The applicant~~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, ~~the applicant~~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, ~~then the applicant~~Developer 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 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. ~~As part of development order approvals, the d~~Development order plans must illustrate compliance with the Calusa Cay CPD Bald Eagle Nest LE-081 Management Plan, ~~dated R~~revised November 2012 ~~included as Attachment N. This condition updates the Bald Eagle Management plan in Resolution Z-13-007(Exhibit E/Attachment H: Resolution Z-21-015 Exhibit E).~~
- b. ~~As part of development order approvals, the d~~Development order phasing plans must indicate ~~construction of the~~ 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 ~~overall project~~CPD 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, d~~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~~Developer must provide an indigenous management plan as per LDC §10-415(b)(4) requirements for the ~~11.210.55~~ acres of preserve and mitigation areas.

12. Northern 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. Southern Buffer.

As part of first development order approval, ~~the~~ landscape plans must depict the southern 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. Consumption on Premises (COP).

~~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. (condition of ADD2021-00051)

- b. The Retail Tract cannot be developed before the ~~development of the~~ Grocery Tract. (condition of ADD2021-00051)

16. Signage.

- a. Monument Signs A, B, and C must be in substantial compliance with the ~~sign~~ Signage Plans (Exhibit D/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 MCP~~ is limited to wall-mounted signs and temporary signs in accordance with the ~~LDC and 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 ~~LDC and Development Code Sec. §33-1043.~~

17. Package Store.

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 8/11/25/2022.

SECTION C. DEVIATIONS:

- 1. Connection Separation. 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. Floor Area. Deviation (2) seeks relief from the LDC §33-1083(c) requirement ~~to provide that~~ new commercial buildings on Pine Island be limited to 10,000 square feet of floor area per building, to allow a 2623,500-square-foot multi-use retail building and a 30,00029,100-square-foot grocery store. This deviation is APPROVED SUBJECT TO ~~compliance with~~ Condition 10-above.
- 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 ~~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/Exhibit F.

4. Roadway Buffer. Deviation (4) seeks relief from the LDC §10-416(d)(3) requirement ~~to provide all 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 ~~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 t~~Trees must be a minimum 10-foot-high slash pine (*Pinus elliottii* var. *densa*) and Green Buttonwood (*Conocarpus erectus*) or other appropriate species such as 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 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~~APPROVED.
6. Outparcel Signage. Deviation (6a) seeks relief from 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 ~~was is~~ APPROVED~~approved by ADD2021-00051~~.
7. Monument Sign. Deviation (6b) seeks relief from ~~LDC Section §~~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~~APPROVED.
8. Off-site Sign. Deviation (6c) seeks relief from LDC ~~Section §~~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~~APPROVED.
9. Package Store. Deviation (7) seeks relief from ~~Lee County Land Development Code the LDC Section §~~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

SECTION B. CONDITIONS:

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

This zoning action codifies and supersedes Resolution Z-13-007, ADD2020-00020, ADD2021-00051 and Z-21-015.

1. Development of this project must be consistent with the one-page Master Concept Plan (MCP) entitled "Calusa Cay CPD," prepared by Banks Engineering, last revision date 8/25/22, attached hereto as Exhibit C/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.

- The CPD is limited to a maximum floor area of 149,600 square feet, including commercial office, retail and self-storage as follows:
- The anchor grocery and retail tract buildings are limited to a maximum of 59,600 square feet.
- Outparcels 1, 2 and 3* are limited to a maximum 30,000 square feet of commercial square feet (see Condition 2 for specific use limitations).
- *Parcel 3 may alternatively be developed with maximum 60,000 square feet of self-storage use

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 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 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 or 45 feet above mean sea level, whichever is lower.

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 the 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 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 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 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/attachment K)
- 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/Attachment H: Resolution Z-21-015 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 as 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 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. 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/Attachment K).
- 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 located as proposed on the MCP dated 8/25/2022.

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. 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. 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 23,500-square-foot multi-use retail building and a 29,100-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 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/Exhibit F.

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 elliottii* var. *densa*) and Green Buttonwood (*Conocarpus erectus*) or other appropriate species such as 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 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 § 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 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 §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 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.

ADMINISTRATIVE AMENDMENT (PD) ADD2020-00020

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Lake Jefferson, LLC filed an application for an administrative amendment to a Commercial Planned Development on a project known as Calusa Cay CPD to amend the Master Concept Plan to revise the building square footage and orientation, parking area, detention area, add an additional outparcel, revise Conditions 1 and 14, and Deviations 1 through 3 on property located 5100 Pine Island Road NW, described more particularly as:

LEGAL DESCRIPTION: In Section 28, Township 44 South, Range 22 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

WHEREAS, the property was rezoned in Resolution Number Z-13-007; and

WHEREAS, the subject property is zoned Commercial Planned Development (CPD) and is located in the Urban Community Future Land Use Category as designated by the Lee Plan; and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, the applicant has provided an amended Master Concept Plan dated 4/20/2020, (Attached as Exhibit "B") to revise the building square footage and orientation, parking area, detention area, and the addition of an outparcel; and

WHEREAS, the applicant has revised the anchor parcel building square footage from 76,500 square-feet to 66,500 square-feet in the revised Master Concept Plan; and

WHEREAS, the applicant has proposed an additional outparcel with a maximum of 10,000 square-feet of commercial uses in the revised Master Concept Plan; and

WHEREAS, the revised Master Concept Plan (66,500 square-feet in the anchor parcel and 30,000 square-feet in three outparcels) does not increase the 96,500 square feet of commercial use as originally approved in Resolution Number Z-13-007 and does not increase development intensity; and

WHEREAS, the applicant has requested to revise Conditions 1 and 14, and Deviations 1 through 3 originally approved in Resolution Z-13-007 to address changes proposed in the revised Master Concept Plan; and

WHEREAS, the applicant has submitted a Lee County Wetland Enhancement and Creation Plan revised April 2020 (Attached as Exhibit "C") to propose revised enhancement and creation plans based on site conditions present in March 2020 and to comply with Lee Plan Policy 24.1.5 for lands that adjoin state-designated aquatic preserves and associated wetlands; and

WHEREAS, the applicant conducted the required community review informational meeting on June 18, 2019 (Exhibit "D"); and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to a Commercial Planned Development is **APPROVED, subject to the following conditions:**

1. The Conditions, Deviations, and Master Concept Plan approved by Resolution Number Z-13-007 are hereby amended as shown below:

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 ~~Gary F. Muller dated 02/13;~~ Banks Engineering, dated 4/20/20 stamped received FEB 14 2013 Community Development, and attached hereto as Exhibit G"B, 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.

Maximum Commercial Floor Area: 96,500 square feet of floor area including commercial office and/or retail square footage. The anchor center/shopping center buildings are limited to a maximum of ~~76,500~~ 66,500 square feet in total. The ~~three~~ outparcels are limited to a maximum ~~2030~~,000 square feet of commercial square feet in total.

Also see Condition 2 "Schedule of Uses" under Specialty Retail Shops.

Also see Deviation 2.

Conditions 2 through 13 – NO CHANGES

14. Preserve and Mitigation Areas

As part of local development order approval, development order plans must depict a minimum of ~~44.210.55~~ acres of preserve and mitigation area in substantial compliance with the approved MCP. The preserve and mitigation area includes ~~4.052.65~~ acres of indigenous wetland preserve, ~~5.02 acres of~~

~~non-indigenous wetland and uplands~~ 5.74 acres of enhanced indigenous wetlands, 2.08 acres of created indigenous wetland, and 0.350.08 acres of shallow filter marsh ~~and 1.78 acres mitigation area.~~

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 44.210.55 acres of preserve and mitigation areas.

Conditions 15 through 17 – NO CHANGES

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 ~~single~~ driveway to the south of Pine Island Road per Development Order ~~DOS2008-00102~~ 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 ~~30,469~~ 26,500 square-foot multi-use retail building and a ~~46,034~~ 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 ~~Restoration~~ Enhancement and Creation Plan, ~~dated Revised January 2013~~ April 2020 described in attached Exhibit E"C".

Deviation (4) – NO CHANGES

2. If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Zoning Manager may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the

necessary approvals by filing an application for public hearing in accordance with Chapter 34.

Duly passed, adopted, and electronically signed on 5/19/2020

Audra Ennis, Zoning Manager

Exhibits

Exhibit "A" – Legal Description

Exhibit "B" – Master Concept Plan dated 04/20/2020

Exhibit "C" – Lee County Wetland Enhancement and Creation Plan revised April 2020

Exhibit "D" – Community Meeting Minutes

EXHIBIT A

CASE NUMBER: ADD2020-00020

STRAP NUMBERS

28-44-22-00-00012.0000

28-44-22-00-00012.002A

28-44-22-00-00012.002B

***REVIEWED
ADD2020-00020
Daniel Munt, Planner
Lee County DCD
2/28/2020***



Exhibit C

**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.

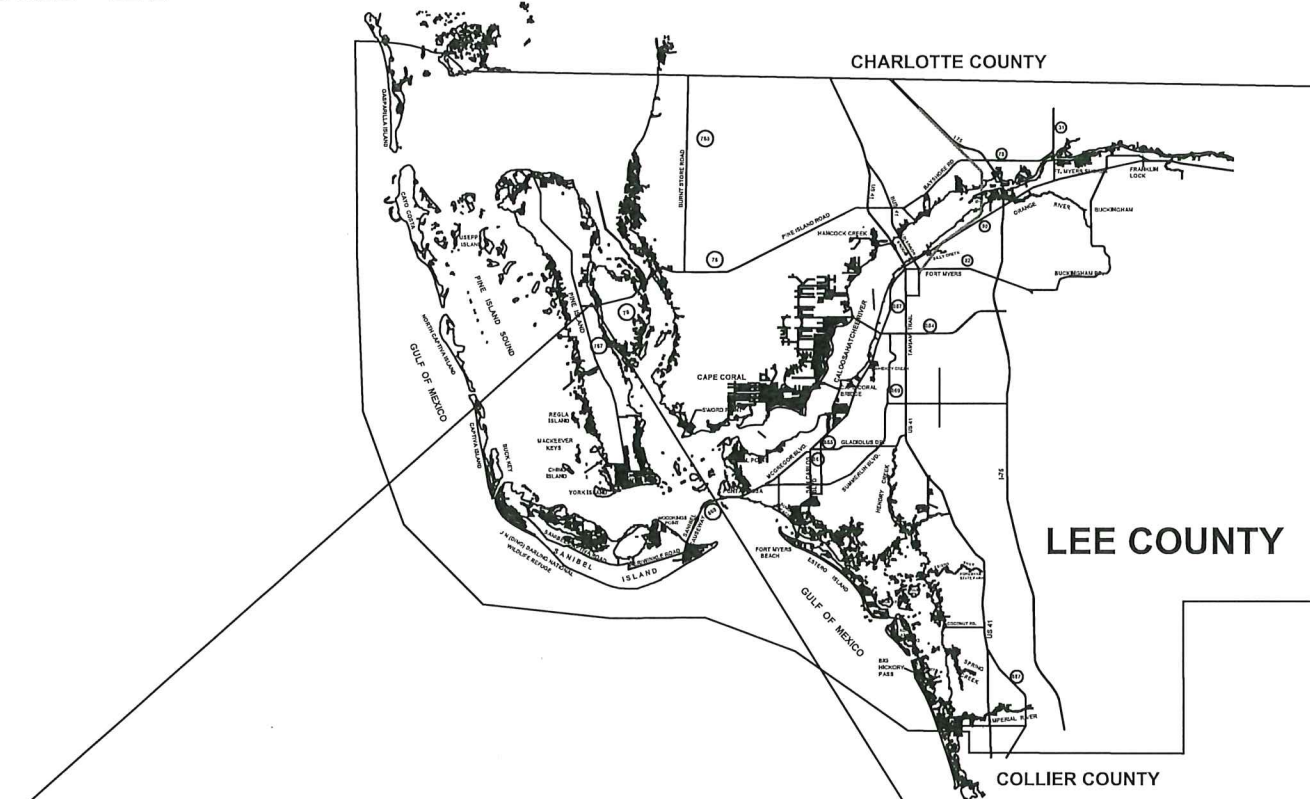
Lee County Zoning Resolution Z-13-007 contained the January 2013 Calusa Cay CPD Lee County Wetland Restoration Plan. The plan was prepared prior to the removal of the exotics from the preserve based on the best available information available at that time and specifically stated “The final species to 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

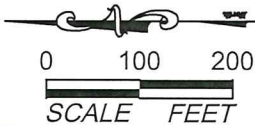
*PERMIT USE ONLY,
NOT FOR CONSTRUCTION*

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.

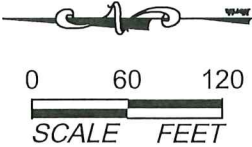
Wetland Creation

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

DEXBENDER
ENVIRONMENTAL CONSULTING
FORT MYERS 239-334-3680

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

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 elliottii</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

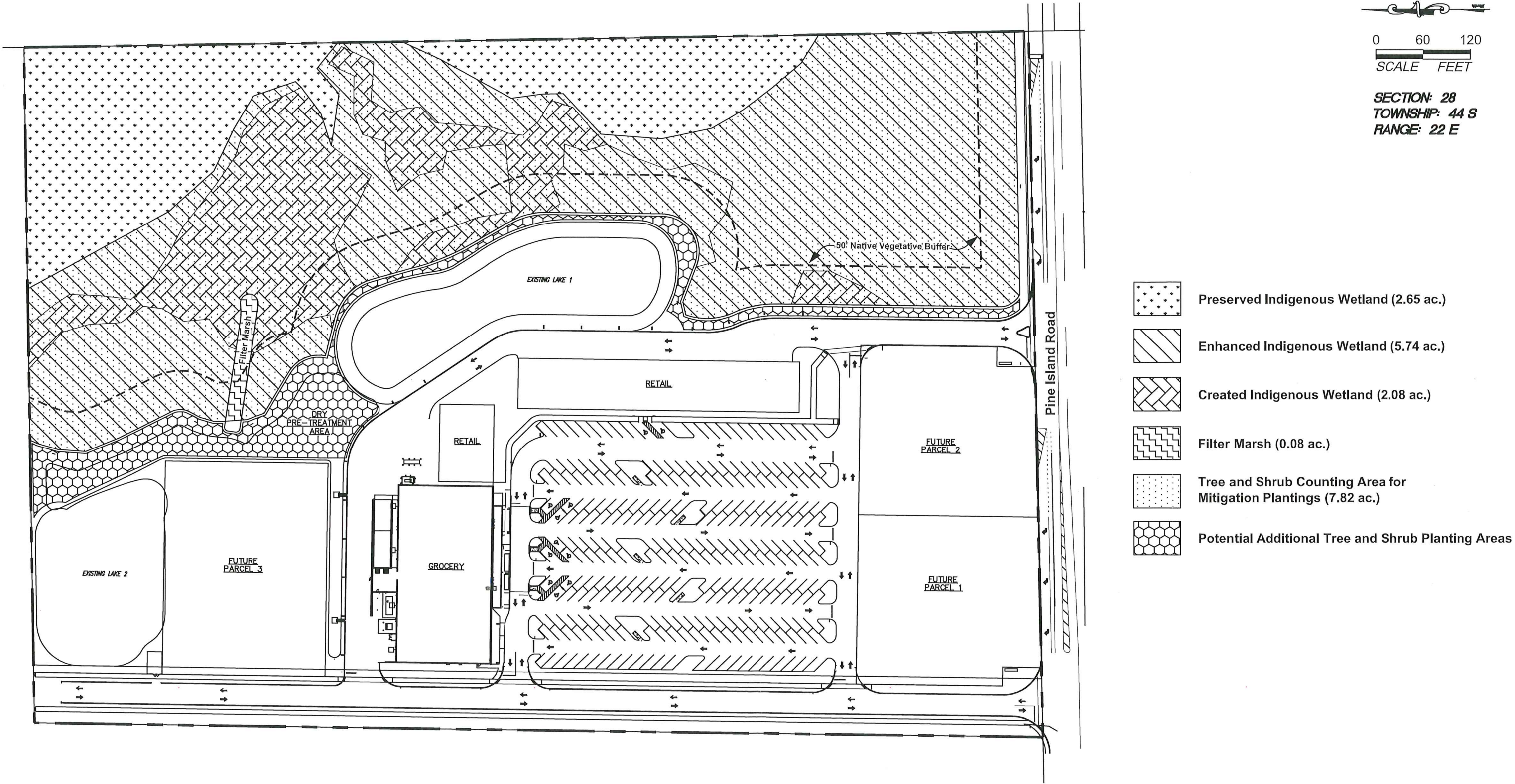
III. FILTER MARSH

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.



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

PERMIT USE ONLY, NOT FOR CONSTRUCTION

April 13, 2020 10:51:26 a.m.
Drawing: SHAGBARK2PROPCON.DWG

Figure 4. Master Concept Plan with Indigenous Areas

Calusa Cay CPD

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

The News-Press media group

news-press.com A GANNETT COMPANY

Attn: Stacy Ellis Hewitt
BANKS ENGINEERING
10511 SIX MILE CYPRESS PARKWAY
FORT MYERS, FL 33966

STATE OF FLORIDA COUNTY OF LEE:

Before the undersigned authority personally appeared Diana Figueroa, who on oath says that he or she is a Legal Assistant of the News-Press, a daily newspaper published at Fort Myers in Lee County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of

PUBLIC MEETING NOTICE
 GREATER PINE ISLAND NEIGHBORHOOD INFORMATION MEETING
 PUBLIC PRESENTATION DATE: June 18, 2019 at 6:00 p.m.
 MEETING LOCATION: Pine Island Fire Control Station 1, 5700 Pine Island Road, Bokeelia, FL 33922
 APPLICANT: Pine Tarr, LLC, c/o D. Brent Addison, VP, Banks Engineering (239-939-5490 baddison@bankseng.com)
 PROJECT NAME: Calusa Cay CPD/DOS2014-00027
 PROJECT LOCATION: 5100 Pine Island Road NW, Pine Island (Located just before Greater Pine Island Water Association if heading west on Pine Island Road, or just after Greater Pine Island Water Association if heading east.)
 ACTION REQUESTED: Development Order Application for construction of a Shopping Center containing a Grocery Store. Amendment to Zoning Ordinance No: Z-13-007, to revise the Master Concept Plan.
 AD# 3619279 June 13, 2019

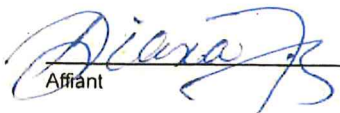
Notice of Meetings

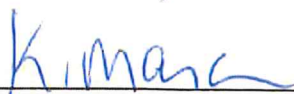
In the Twentieth Judicial Circuit Court was published in said newspaper in the issues of:

06/13/19

Affiant further says that the said News-Press is a paper of general circulation daily in Lee County and published at Fort Myers, in said Lee County, Florida, and that the said newspaper has heretofore been continuously published in said Lee County, Florida each day and has been entered as periodicals matter at the post office in Fort Myers, in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never 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 13th of June 2019, by Diana Figueroa who is personally known to me.


 Affiant


 Notary



ADD2020-00020 Lee County ePlan

PUBLIC MEETING NOTICE

GREATER PINE ISLAND NEIGHBORHOOD
INFORMATION MEETING

PUBLIC PRESENTATION DATE: June 18, 2019 at
6:00 pm.

MEETING LOCATION: Pine Island Fire Control
Station 1, 5700 Pine Island Road, Bokeelia, FL
33922

APPLICANT: Pine Tarr, LLC, c/o D. Brent
Addison, VP, Banks Engineering 239-939-5490
baddison@bankseng.com

PROJECT NAME: Calusa Cay CPD/DOS2014-
00027

PROJECT LOCATION: 5100 Pine Island Road
NW, Pine Island (Located just before Greater
Pine Island Water Association if heading west on
Pine Island Road, or just after Greater Pine
Island Water Association if heading east).

ACTION REQUESTED: Development Order
Application for construction of a Shopping
Center containing a Grocery Store. Amendment
to Zoning Ordinance No: Z-13-007, to revise the
Master Concept Plan.

AD# 3619279 June 13, 2019

SIGN IN

Name:

1. Conner Gallagher
2. Debbi Memoli
- Robert Smeyers
- Nancy Harwood
- Ed F. Adams

E-mail:

conner@shagbark.fl.com
 kniscape1@earthlink.net
 smokeysmeta@aol.com
 nancyrheembarr@mail.com
 efrank@breeze

Richard & Ida Cabral
 Nadine Simak-GPICK
 Eric Oldham
 Scott Wilkinson

naypages.com
 icc9@live.com
 nadine@vettedcommunication.com
 dudoldve@yrhoo.com
 SCOTTL9482@YAHOO.COM

Jim Heitz
 Jim Messeri
 Jay C. Miller
 Robert Voth

MIDWESTMETEOR@EARTHLINK.NET
 CITIZEN
 jayc.miller@gmail.com

Shawn Finley
 Jim McCalla
 Jonathan Wagner
 Michael Dreikorn
 Mike Sullivan
 Virginia LaCom
 John Wood

Shawn.R.Finley@gmail.com
 JGMCCALLA@gmail.com
 jwagner@jwaia.com
 DREIKORNE@TheIRGroup.com
 MSWEENEY1010@quintic.com
 Virginia.LaCom1@gmail.com
 Roy327C@Yahoo.com

Jim + Jill Filgut
 Donna Hone
 Dan Hone
 Marlene James
 Joyce Bieber
 Scott Bieber

Jillfilgut@gmail.com
 donna@hone.com
 dan@hone.com
 jamesmar1958@aol.com
 JBieber0626@gmail.com
 SBieber3283@gmail.com

WName	E-mail
Tyler Murrell	tdmurrell@gmail.com
Claudia Bringe	bbringe@comcast.net
Hayley Pond	Hayleyann98@outlook.com
Corey Parzyk	CPard/CHAYAL100.COM
M. TORREY WOLFE	wolfecall50@hotmail.com
Jill Hammer	Jill Hammer54@gmail.com
Steve Poppel	Steve and Gina 44@gmail.com
Gina Poppel	
MAUREEN MASSEY	NA
Beth Durling	
Tony Player	tonyaplay@embarrmail.com
HORROR SEIDLER	GREENGROUT@aol

Sign In
Name

Email

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49

50

51

52

53

54

55

56

Darrin Laqua

Barbara Cleveland

Tom Adams

darrin.laqua@gmail.com

bcpe@msd812@gmail.com

tadams2000@yahoo.com



Fire Station #1 Meeting Notes Caluse Cay

6/18/19
6-1

Tom Lenhardt BANKS
Brent Addison
Michael Leeds
- PUBLIX
? CMT?

Fisher Architects

Mike early 2021
Constr start 8-12 m

Reduced Footprint

Questions

Does it
4. Matter what we say
or think?

We have a gas station
with everything!

Pine Island Plan
has been blown
to HELL!

2. Was not approved
here on Pine Island!

3. Done deal? Just doing
the monkey business
w/US! Use already
built grocery stores
or any other cleared/develop
area

4. Publix 3 miles
down road
multiple

5. We did not want
it → want to
see e-mails
requesting it
PUBLISH
THEM

6. Traffic concerns
traffic into/out of
parking lot

7. Said adding a 3rd
lane - explosion of
unhappiness

8. How long ago was the
Traffic Study done

9. Not an improvement

10. Outdated b/c Gas Station already built

1. Approved based on Traffic Study
Has one been done?
12. Can you put new traffic study online?
13. Fire District has problems w/flow
I see a patch work solutions?
14. Looking @ 7-11 for traffic study?
15. What ~~EXACTLY~~^{modified} is being in Season?
15. Can they do this^{AS} in Season?
16. Set backs to building?
19. Donate Conservation to GPI?
18. Lake open to public
20. Drainage Plan water from pavement
22. Still concerns about water flowing into conservation down creek into My Backs
21. Sewer Hook up?
23. How much tidal wetlands did you fill?
24. County made these rules - BUT it could improve traffic and force competitors to Step it up.
25. Is TIS done @ full build out?
How many cars CAN FIT? Full BUILD OUT SF?
26. Are you aware that there is a 30,000 SF of retail being built already so that's 60,000 SF
27. So building out parking lot to full capacity leaves a lot of excess parking
28. Can you just build the needed_{parking} for Publix
29. Does it^{parking lot} have green space

30. How many stores will be built in these storefronts?
31. How many trucks to deliver to Publix?
32. What happens if the TIS comes back too high?
33. If the Zoning goes forward than how are the outparcels developed?
34. Do you have to redo the TIS as the parcels are developed?
35. Would Publix be willing to change the color of the store to match new fine station? (like in Pine Island Park)
36. Can we do crushed shells instead of pavement?
37. What will the sign look like? PI PLAN
38. Can the lighting be yellow lights rather than LEDs?
39. HOURS?
40. Do you turn off the store signs @ night?
41. How many jobs would be brought into PI
42. Is this the size of the Publix @ Burnt Store Downtown Ft Myers
43. Liquor Store? w/in 500 feet of School?
44. Where will the sign be (marquee)
45. Residential Property past Publix - any insight?
46. Met w/ Calusa Land Trust to give some Conserv to PI for land trust
47. The land trust has no incentive to take it b/c maintenance
48. We REALLY want you to take the concerns to heart.

49. Does anyone know the Lee County notice system

50. Can anyone notify the GPI community of any meetings/hearings

51. Explain the process moving forward

52 Does store have a backup generator

53 Fire District Chairman
Have gone to Lee County about patchwork of drainage flows
We will be writing a letter.

54. Do improvements include sidewalks



Professional Engineers, Planners & Land Surveyors

CALUSA CAY CPD Summary of Public Information Session

ADD2020-00020

A Public Information Session within the Greater Pine Island Planning Community was held on June 18, 2019 at 6:00p.m., consistent with the requirements of Land Development Code (LDC) Section 33-1003. The applicant presented the Development Order plans and Administrative Amendment to the Planned Development to facilitate the request for development order application for construction of a shopping center containing a grocery store and an amendment to the zoning to amend the master concept plan.

Below is a summary of the comments/questions raised followed by the applicant's responses.

Comment: Residents were concerned about the traffic on Pine Island Road and traffic entering and exiting the project.

Response: We responded that right and left turn lanes are proposed to address this.

Comment: They said that fire department has issues with flow.

Response: A fire flow test was performed and the water system was designed to ensure adequate fire protection.

Comment: There were concerns about drainage.

Response: The proposed system was explained demonstrating water quality and that the site drained to the East as it does today.

Comment: They asked about sewer.

Response: We explained we were connecting to central sewer.

Comment: They asked about green space.

Response: We responded with the proposed amount of pervious including the large preserve.

Comment: They asked if Publix would be willing to change the colors to be closer to the new fire station.

Response: The colors were revised accordingly.

Comment: They asked if the store had back up power.

Response: We replied that it does.

• SERVING THE STATE OF FLORIDA •

Comment: There were many questions on the TIS

Response. We responded that our TIS meets the requirements of the LDC.

Comment: They asked if sidewalks were included.

Response: We responded that they are.

Comment: There was concern about the Pylon sign size.

Response: We said we would go back to Publix with their concerns.

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

WHEREAS, an application was filed by the property owner, Pine Tarr, LLC and Lake Jefferson, LLC, to rezone a 26.77± acre parcel from Agricultural (AG-2) and Commercial (C-1A) to Commercial Planned Development (CPD) in reference to Calusa Cay CPD; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Diana M. Parker, was advertised and held on April 3, 2013. At the conclusion of the hearing, the Hearing Examiner left the record open and requested Staff and the Applicant to submit written submissions to her Office on or before April, 10, 2013; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2012-00022 and recommended APPROVAL of the Request; and

WHEREAS, a second public hearing was advertised and held on June 17, 2013 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 rezone a 26.77± acre parcel from AG-2 and C-1A to CPD, to allow a maximum 96,500 square feet of commercial uses including a grocery store and two outparcels. Maximum height requested is 35 feet. No development blasting is requested. Development will be required to connect to public potable water and public sanitary sewer service.

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

SECTION B. CONDITIONS:

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

1. Development of this project must be consistent with the one-page Master Concept Plan (MCP) entitled "Calusa Cay CPD," prepared by Gary F. Muller dated 02/13, stamped received FEB 14 2013 Community Development, 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.

Maximum Commercial Floor Area: 96,500 square feet of floor area including commercial office and/or retail square footage. The anchor center/shopping center buildings are limited to a maximum of 76,500 square feet in total. The two outparcels are limited to a maximum 20,000 square feet of commercial square feet in total.

Also see Condition 2 "Schedule of Uses" under Specialty Retail Shops.

Also see Deviation 2.

2. Schedule of Uses

A. The following limits apply to the project and 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 entire planned development and limited to the outparcels

Cleaning and Maintenance Services

Clothing Stores, General

Computer and Data Processing Services

Consumption on Premises – indoor only and only in conjunction with a Group III Restaurant, and restricted to a 4-COP-SRX license (See Condition 17).
Outdoor consumption on premises will require an amendment to the planned development (public hearing required)

Contractors and Builders, Group I

Convenience Food and Beverage Store - limited to 1 for the entire planned development and limited to an outparcel. See Self-Service Fuel Pumps below

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. Not to 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
 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 - in conjunction with Convenience Food and Beverage Store only, limited to 12 pumps maximum
 Signs Per Chapter 30 of the LDC and LDC Chapter 33 Division 4 "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 or display
 Variety Store

Site Development Regulations

B. 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

Accessory use and structure setbacks must comply with LDC §34-1171 *et seq.* and LDC §32-2194.

Maximum Lot Coverage: 40 percent

Building/Structure Height: 35 feet

Any buildings or structures must also comply with building height restrictions on Pine Island per LDC §33-1088 as follows: "No more than 38 feet above the average grade of the lot or parcel or 45 feet above mean sea level, whichever is lower."

3. No Blasting

No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.

4. Traffic

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

5. Lee Plan Consistency/Concurrency

Approval of this rezoning does not guarantee local development order approval, or issuance of a Concurrency Certificate. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with all other Lee Plan provisions, including the concurrency requirements for greater Pine Island.

Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in the LDC and the Lee Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.

6. 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.

7. 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.

8. 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.

9. 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.

10. Design Standards

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 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.

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.

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.

11. 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.

12. Bald Eagle Management Plan

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 described in attached Exhibit D.

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).

13. Open Space

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

14. Preserve and Mitigation Areas

As part of local development order approval, development order plan must depict a minimum of 11.2 acres of preserve and mitigation area in substantial compliance with the approved MCP. The preserve and mitigation area includes 4.05 acres of indigenous preserve, 5.02 acres of non-indigenous wetland and uplands, 0.35 acre shallow filter marsh; and 1.78 acres mitigation area.

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.

15. 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.

16. 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.

17. 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.

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 single driveway to the south of Pine Island Road per Development Order DOS2008-00102 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 30,469-square-foot multi-use retail building and a 46,031-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 Restoration Plan, dated Revised January 2013 described in attached Exhibit E.
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.

SECTION D. EXHIBITS AND STRAP NUMBER:

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

- Exhibit A: Legal description of the property
- Exhibit B: Zoning Map (with the subject parcel indicated)
- Exhibit C: The Master Concept Plan
- Exhibit D: Bald Eagle Nest LE-081 Management Plan
- Exhibit E: Lee County Wetland Restoration Plan

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, particularly the Pine Island Community Plan, and any other applicable code or regulation.
2. The rezoning, as approved:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan;
 - c. is compatible with existing or planned uses in the surrounding area;
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities, and will have little or no actual effect on the PM peak hour traffic volume on Pine Island Road, in accordance with Lee Plan Policy 14.2.2.; and
 - e. will not adversely affect environmentally critical areas or natural resources, including the bald eagles nesting about 370 feet south of Pine Island Road.
3. The rezoning satisfies the following criteria:
 - a. the proposed use or mix of uses is appropriate at the subject location;
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
 - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.

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

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

John Manning	Aye
Cecil L Pendergrass	Aye
Larry Kiker	Aye
Tammara Hall	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 17th day of June, 2013.

ATTEST:
LINDA DOGGETT, CLERK

BY: Lisa S. Perce
Deputy Clerk

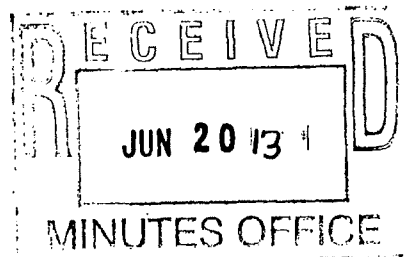
BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: [Signature]
Cecil L Pendergrass, Chair



Approved as to form by:

[Signature]
Michael D. Jacob
Assistant County Attorney
County Attorney's Office



DCI 2012-00022

Banks Engineering

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA ♦ PORT CHARLOTTE

RECEIVED
MAY 31 2012

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 28, TOWNSHIP 44 SOUTH, RANGE 22 EAST, COMMUNITY DEVELOPMENT
LEE COUNTY, FLORIDA

EXHIBIT "A"

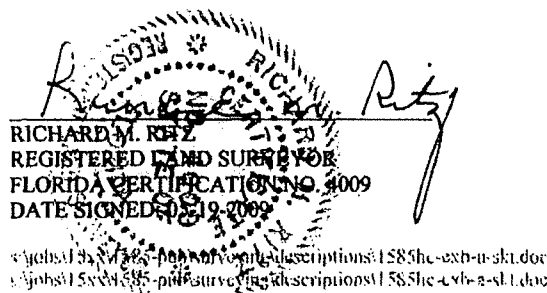
A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, BEING A PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 44 SOUTH, RANGE 22 EAST, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER; THENCE N 00°53'29" W ALONG THE EAST LINE OF SAID FRACTION FOR 33.00 FEET TO AN INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF PINE ISLAND ROAD NW, STATE ROAD 78 (66.00 FEET WIDE) AND THE POINT OF BEGINNING OF A PARCEL OF LAND HEREIN DESCRIBED; THENCE S 88°54'08" W ALONG SAID NORTH LINE FOR 912.50 FEET TO AN INTERSECTION WITH A LINE 330 FEET EAST OF AND PARALLEL WITH (AS MEASURED ON A PERPENDICULAR) THE WEST LINE OF SAID FRACTION; THENCE N 00°49'45" E ALONG SAID PARALLEL LINE FOR 1,307.61 FEET TO AN INTERSECTION WITH THE NORTH LINE OF SAID FRACTION; THENCE N 89°02'04" E ALONG SAID NORTH LINE FOR 873.23 FEET TO THE NORTHEAST CORNER OF SAID FRACTION; THENCE S 00°53'29" E ALONG THE EAST LINE OF SAID FRACTION FOR 1,304.87 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 26.77 ACRES MORE OR LESS

BEARINGS AND DISTANCES ARE BASED ON "THE STATE PLANE COORDINATE SYSTEM" FLORIDA ZONE WEST NAD 83 (CORS) WHEREIN THE EAST LINE OF THE NE 1/4 OF SECTION 28, TOWNSHIP 44 SOUTH, RANGE 22 EAST BEARS S 00°53'29" E THE SCALE FACTOR IS 0.99994344.

DESCRIPTION PREPARED 08-28-2008.


RICHARD M. REITZ
REGISTERED PROFESSIONAL ENGINEER
FLORIDA CERTIFICATION NO. 1009
DATE SIGNED 08-28-2008
c:\johs\1585he-exh-a-skt.doc
c:\johs\1585he-exh-a-skt.doc

6.7.12
APPROVED
LEGAL



SHEET 1 OF 2

10511 Six Mile Cypress Pkwy, Suite 101, Ft Myers, Florida 33966 • (239) 939-5490 • Fax (239) 939-2923

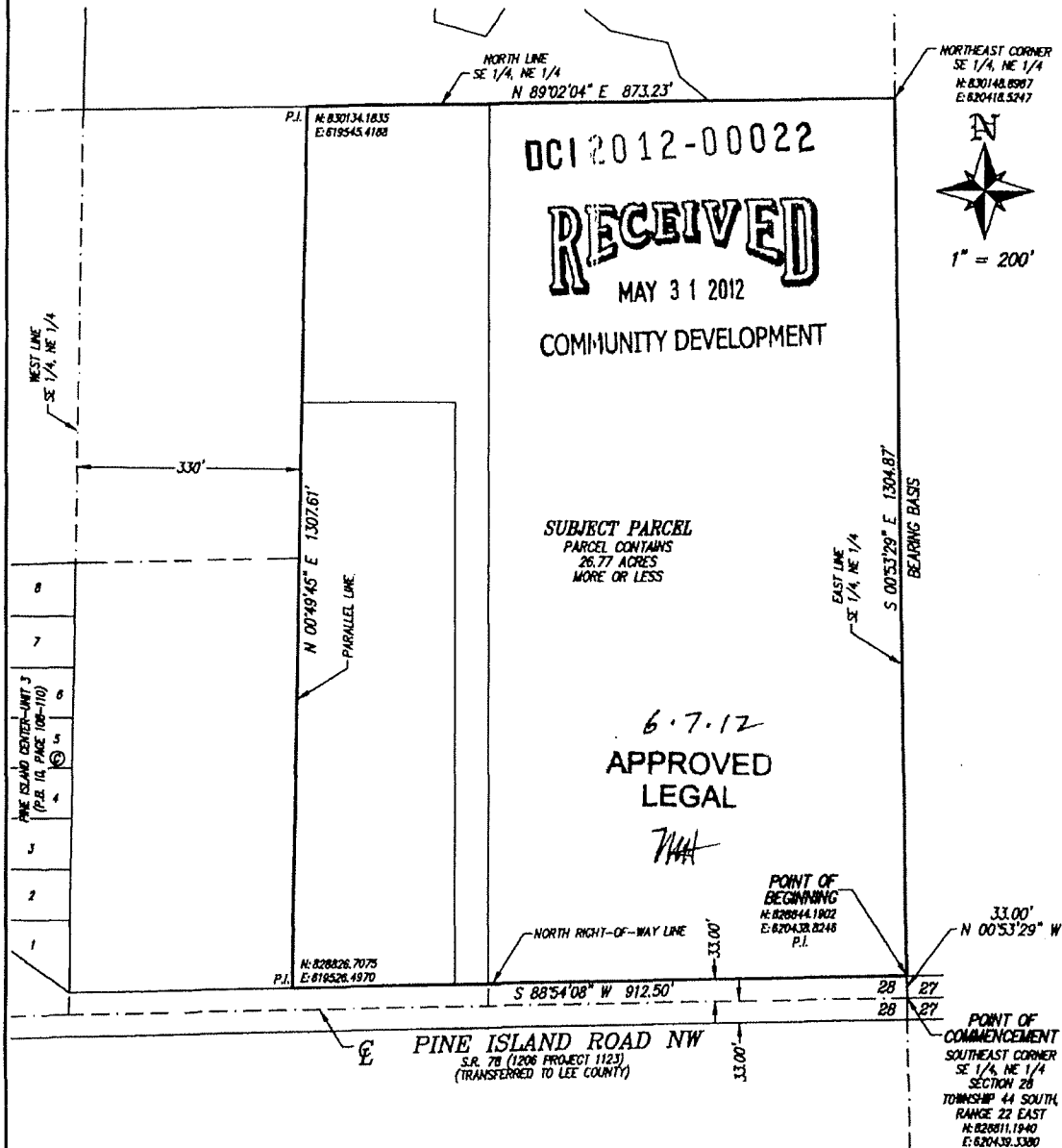
EXHIBIT A

Banka Engineering

PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS
FLORIDA BUSINESS CERTIFICATION NUMBER LB 0690
10811 SIX MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33906
(839) 939-0490

SKETCH OF DESCRIPTION

OF
A TRACT OR PARCEL OF LAND LYING IN
SECTION 28, TOWNSHIP 44 SOUTH, RANGE 22 EAST,
LEE COUNTY, FLORIDA



NOTES:

- 1.) BEARINGS, DISTANCES AND COORDINATES ARE BASED ON "THE STATE PLANE COORDINATE SYSTEM" FLORIDA ZONE WEST HAD 83 (CORS) WHEREIN THE EAST LINE OF THE NE 1/4 OF SECTION 28, TOWNSHIP 44 SOUTH, RANGE 22 EAST BEARS S 00°53'29" E. THE SCALE FACTOR IS 0.99994344.

LEGEND:

S.R. INDICATES STATE ROAD
C INDICATES CENTERLINE
P.I. INDICATES POINT OF INTERSECTION
CORS INDICATES CONTINUOUSLY OPERATING REFERENCE STATION

SEE SHEET 1 OF 2 FOR COMPLETE
METES AND BOUNDS DESCRIPTION.

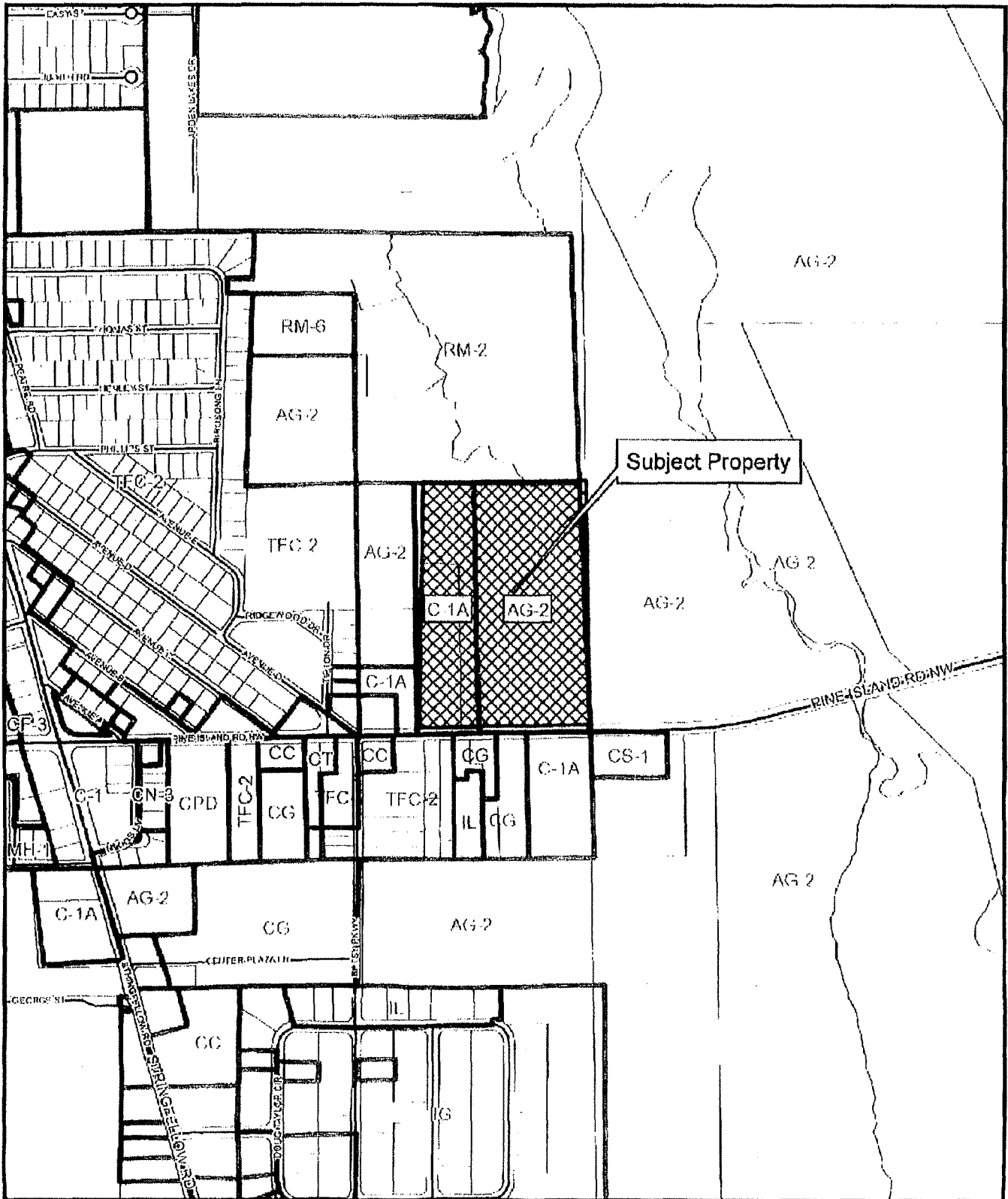
THIS SKETCH OF DESCRIPTION
IS NOT A BOUNDARY SURVEY

Richard M. Ritz
RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009
- DATE SIGNED: 08-28-2008
- THIS SKETCH OF DESCRIPTION IS NOT VALID
WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED
SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

EXHIBIT "A"
PREPARED 08-28-2008
SHEET 2 OF 2

S:\0055\1501\1505-PUB\SURVEYING\DESCRIPTIONS\1505HC-EXB-A-SKT.DOC
S:\0055\1501\1505-PUB\SURVEYING\DESCRIPTIONS\1505HC-EXB-A-SKT.DWG

Zoning Map



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

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

RECEIVED
JAN 31 2013

COMMUNITY DEVELOPMENT

DEC 20 12 00022

**September 2012
Revised October 2012
Revised 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**

EXHIBIT D

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).

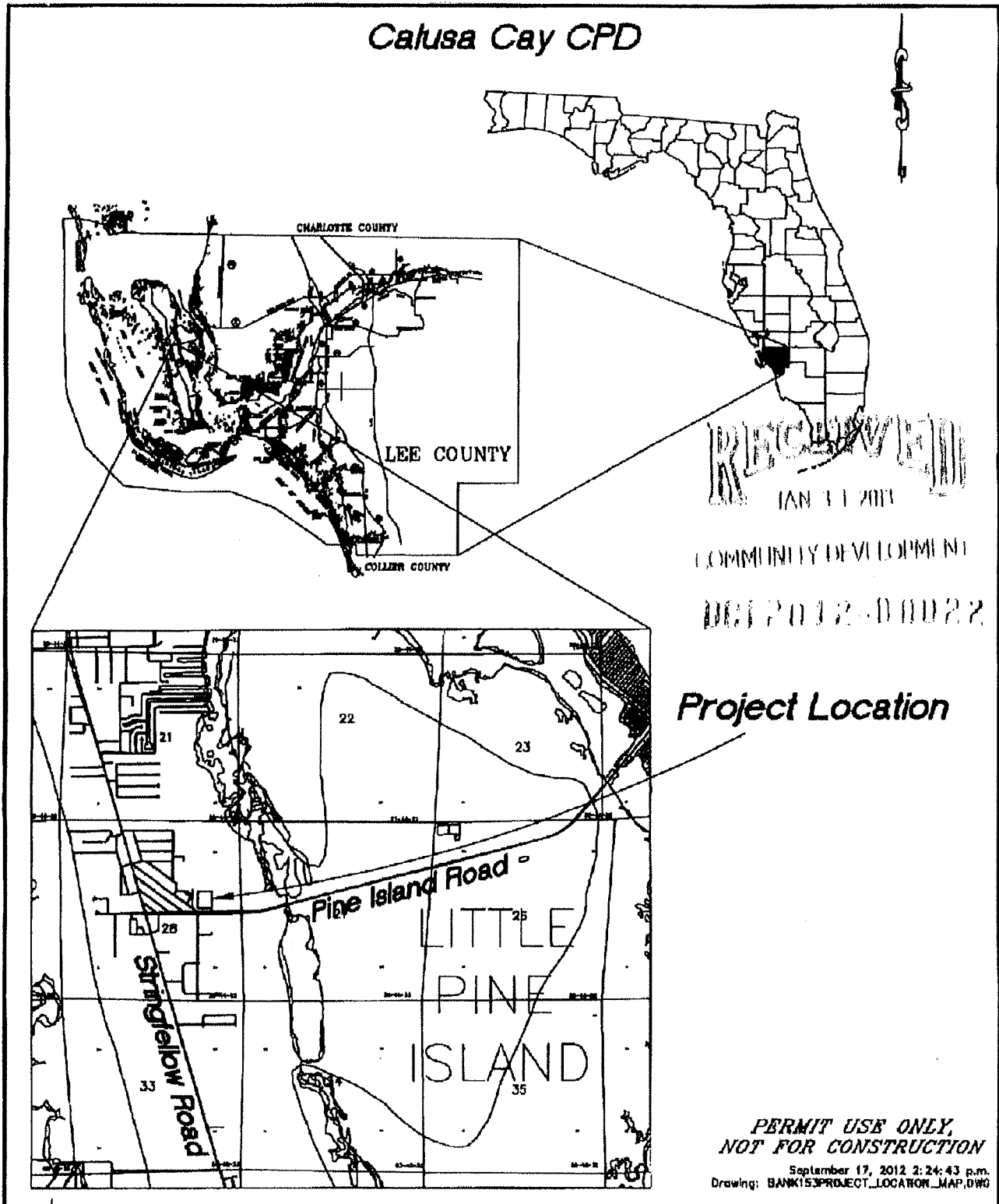
This management plan has been created to outline the project's proposed protection measures for Bald Eagle Nest LE-081. The plan will be incorporated into a FWC Eagle Permit and/or an Incidental Take Permit from the U.S. Fish and Wildlife Service (FWS) if such permits are deemed to be required.

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

RECEIVED
JAN 11 2011
COMMUNITY DEVELOPMENT
3000 2011 11 11 2011

Calusa Cay CPD



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

Figure 1. Project Location Map



0 400 800
SCALE FEET

COMMUNITY DEVELOPMENT
DEC 2012 00022

RECEIVED
JAN 31 2013

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

PERMIT USE ONLY, NOT FOR CONSTRUCTION

September 17, 2012 2:21:12 P.M.
Drawing: BANCROFT/PLM/AL/0000

Figure 2. Bald Eagle Nest LE-081 Vicinity Map

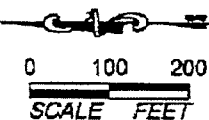
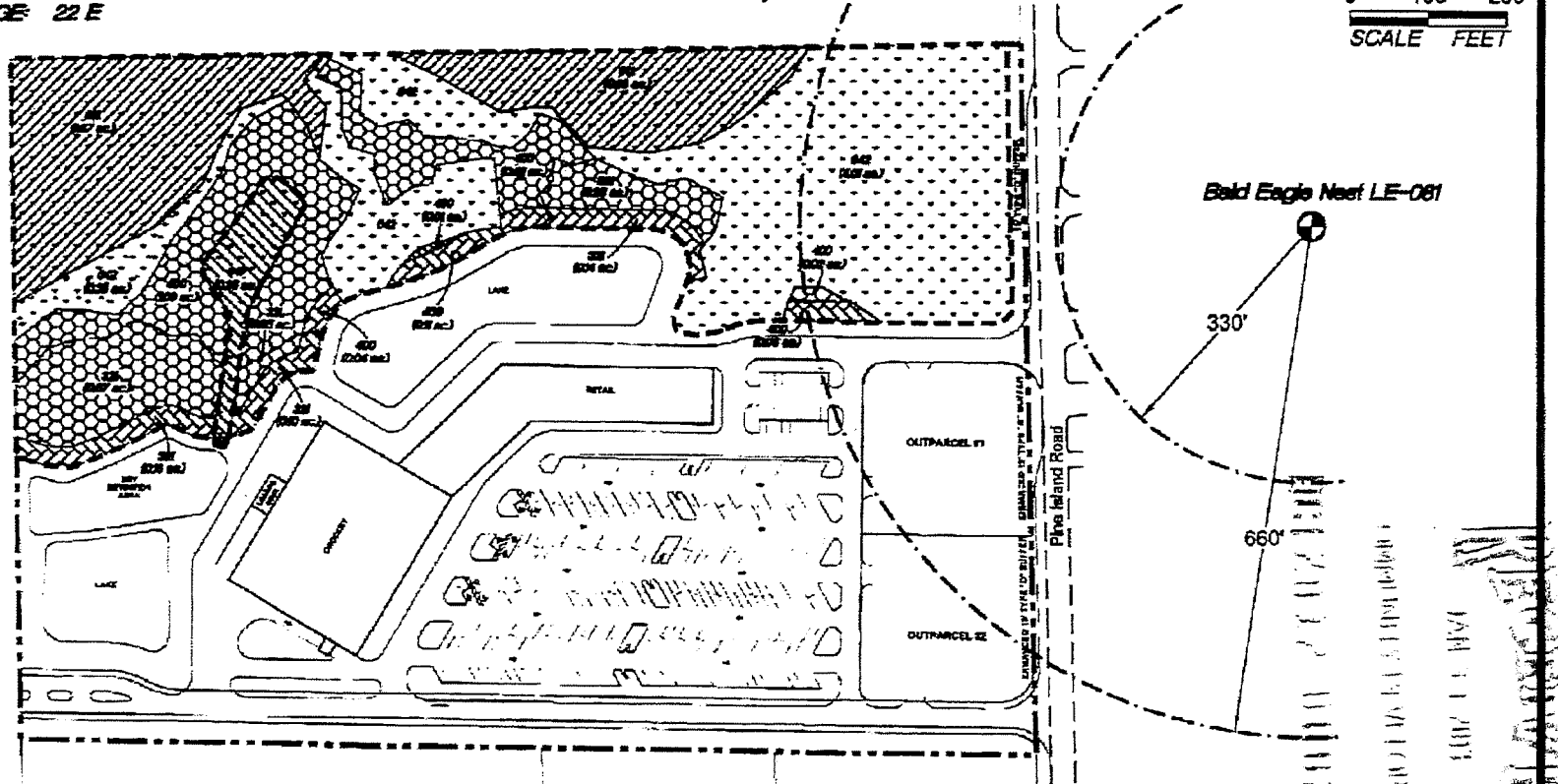
Cakusa Cay CPD

W. DEXTER BENDER
& ASSOCIATES, INC.
ENVIRONMENTAL & MARINE CONSULTING
FORT MYERS 888-334-9888



SECTION: 28
TOWNSHIP: 44 S
RANGE: 22 E

Calusa Cay CPD



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

Notes:

1. Property boundary, surveyed wetland line, site plan, and bald eagle nest location obtained from Bents Engineering, Inc.
2. Mapping based on presentation of 2008 aerial photography and ground truthing in March 2008.
3. Collection of jurisdictional wetlands field reviewed and approved by the the CDE and SFWMD.
4. The 0.35 acre filter marsh is not included within the SFWMD required conservation easement area.
5. Approximately 1.73 acres of the southwest corner of the preserve will be planted with native species pursuant to Lee County requirements.

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

	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.)

PERMIT USE ONLY, NOT FOR CONSTRUCTION

September 17, 2012 2:29:43 p.m.
Drawing: BANC153PLAN_05_12.DWG

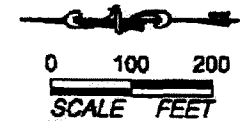
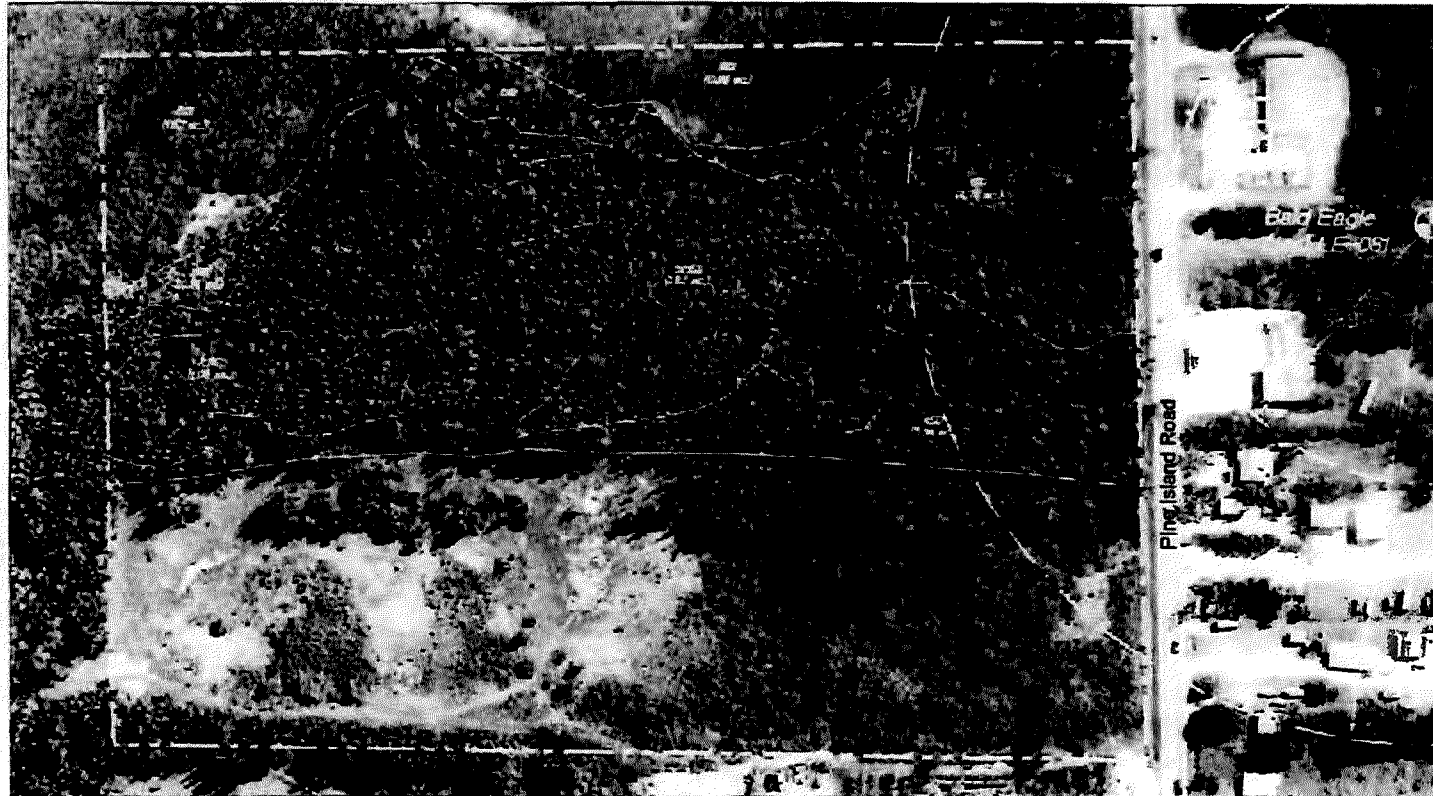
Figure 3. Site Plan

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



SECTION: 28
TOWNSHIP: 44 S
RANGE: 22 E

Cakusa Cay CPD



Notes:

1. Property boundary, surveyed wetland line, 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 approved by the South Florida Water Management District on September 25, 2008.
4. 2012 aerial shown.

FLUCCS	Description
321E3	Palmetto Prairies invaded by Exotics (51-75%)
450	Mixed Exotic Upland Forest
612	Mangrove Swamps
619	Exotic Wetland Hardwoods
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



RECEIVED
JAN 11 2013
COMMUNITY DEVELOPMENT
0012012-00022

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.

APPROVED FOR CONSTRUCTION
DATE: 11/1/2012
PROJECT: CALUSA CAY CPD

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.

RECEIVED
JAN 31 2011
COMMUNITY DEVELOPMENT
DESIGN & PLANNING

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.

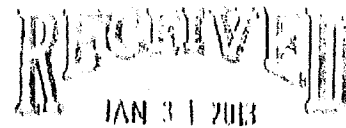
Y:\BANK-1631\Bald Eagle\Bald Eagle Management Plan Nov 2012.doc

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.



COMMUNITY DEVELOPMENT

MS 2012-00022

EXHIBIT A
PHOTOGRAPH OF NEST LE-081

RECEIVED
JAN 31 2013

COMMUNITY DEVELOPMENT

DEI 2012-00022



Bald Eagle Nest LE-081

ES EXHIBIT 4

RECEIVED
JAN 31 2013

COMMUNITY DEVELOPMENT

DEC 2012 00022

CALUSA CAY CPD LEE COUNTY WETLAND RESTORATION PLAN

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

**November 2012
Revised January 2013**

RECEIVED
JAN 11 2013

COMMUNITY DEVELOPMENT

NOV 20 12 10:00 AM

Prepared for:

**Banks Engineering, Inc.
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**

EXHIBIT E

I. INTRODUCTION

The applicant proposes to construct a commercial development at this location. This will include buildings, roads, parking facilities, a surface water management system, 1.78± acres of Lee County required wetland mitigation plantings and 9.36± acres of preserve area. The project development will result 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 proposed to be impacted is adjacent to the Matlacha Pass Aquatic Preserve. Therefore, in order to comply with Policy 14.1.5 of The Lee Plan, wetland restoration will be conducted on-site (Figure L-1). This report describes the proposed restoration plan.

II. PROPOSED WETLAND RESTORATION PLAN

Exotic Control

All exotics (as defined by the Florida Exotic Pest Plant Council's 2011 List of Invasive Plant Species) within the 1.78± acre wetland restoration area be mechanically removed from wetland and upland areas that are currently dominated with exotics and therefore have very few native species present (i.e. polygons mapped as FLUCCS Codes 619 and 450 on the existing conditions Vegetation Map). The limits of the areas from which exotics may be mechanically removed will be determined based on site specific conditions at the time of clearing. All vegetative debris resulting from this activity will be removed from the restoration area. This mechanical activity may result in temporary disturbance to the soil. Once the exotic control is completed, ruts caused by the use of heavy equipment will be graded to blend within adjacent grades within the portions of the restoration area that will remain at existing grade. This will result in slight depressions which will effectively concentrate wading bird prey (i.e. small fish and amphibians) In the event mechanical removal of exotics is not deemed to be practicable, exotics within these areas will be treated as described below.

In the remaining areas (if any), exotic control will be accomplished by chain saw or machete. Large trees (greater than four inch diameter at breast height (DBH)) may be girdled and killed in place with a stump specific herbicide suitable for aquatic application. The four inch DBH and smaller trees and shrubs will be cut just above natural grade and the stump treated with an appropriate herbicide suitable for aquatic application. The resulting vegetative material will be disposed of by one or more of the following methods: 1) cut into four to six foot sections and stacked on the ground with alternating layers of trees at right angles to each other (log cabin) with the stacks no higher than 5± feet, 2) cut and placed into piles (tee-pee) with piles spaced a minimum of 100± feet apart, 3) where exotic density is less than 25 percent the exotics may be cut into two to four foot sections and scattered on the ground, and 4) woody, exotic vegetation may be removed from the restoration area. Herbicides will be used in strict



DMA

271 01173 0002 0205
271 0002 27 111 0001

1940-1941

1. The first part of the document is a list of names and addresses, which appears to be a directory or a list of contacts. The names are written in a cursive script, and the addresses are listed below them. The list includes names such as "J. H. Smith", "W. J. Jones", and "M. J. Brown", among others.

--	--

CALLUSA
CAY

88

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49

50

51

52

53

54

55

56

57

58

59

60

61

62

63

64

65

66

67

68

69

70

71

72

73

74

75

76

77

78

79

80

81

82

83

84

85

86

87

88

89

90

91

92

93

94

95

96

97

98

99

100

101

102

103

104

105

106

107

108

109

110

111

112

113

114

115

116

117

118

119

120

121

122

123

124

125

126

127

128

129

130

131

132

133

134

135

136

137

138

139

140

141

142

143

144

145

146

147

148

149

150

151

152

153

154

155

156

157

158

159

160

161

162

163

164

165

166

167

168

169

170

171

172

173

174

175

176

177

178

179

180

181

182

183

184

185

186

187

188

189

190

191

192

193

194

195

196

197

198

199

200

201

202

203

204

205

206

207

208

209

210

211

212

213

214

215

216

217

218

219

220

221

222

223

224

225

226

227

228

229

230

231

232

233

234

235

236

237

238

239

240

241

242

243

244

245

246

247

248

249

250

251

252

253

254

255

256

257

258

259

260

261

262

263

264

265

266

267

268

269

270

271

272

273

274

275

276

277

278

279

280

281

282

283

284

285

286

287

288

289

290

291

292

293

294

295

296

297

298

299

300

301

302

303

304

305

306

307

308

309

310

311

312

313

314

315

316

317

318

319

320

321

322

323

324

325

326

327

328

329

330

331

332

333

334

335

336

337

338

339

340

341

342

343

344

345

346

347

348

349

350

351

352

353

354

355

356

357

358

359

360

361

362

363

364

365

366

367

368

369

370

371

372

373

374

375

376

377

378

379

380

381

382

383

384

385

386

387

388

389

390

391

392

393

394

395

396

397

398

399

400

401

402

403

404

405

406

407

408

409

410

411

412

413

414

415

416

417

418

419

420

421

422

423

424

425

426

427

428

429

430

431

432

433

434

435

436

437

438

439

440

441

442

443

444

445

446

447

448

449

450

451

452

453

454

455

456

457

458

459

460

461

462

463

464

465

466

467

468

469

470

471

472

473

474

475

476

477

478

479

480

481

482

483

484

485

486

487

488

489

490

491

492

493

494

495

496

497

498

499

500

501

502

503

504

505

506

507

508

509

510

511

512

513

514

515

516

517

518

519

520

521

522

523

524

525

526

527

528

529

530

531

532

1

1	2
---	---

1

1111

10

1	2
---	---

1

11

DATE
NAME

三

WETLAND IMPACT AND MITIGATION AREA

77 AC. Wetland Impact x 1.5 Mitigation Factor = 1.18 ac [50,550 sf] of planting requires Mitigation Planting Area of 1.78 AC to include:
- 50,530 sf of (Shrub) planted 15" O.C. 3x3's = 3,515 Shrubs Required and Provided
- 50,530 sf / 725 (Trees planted 15" O.C. 15x15's = 233 sf) = 225 Trees Required and Provided

100

1

accordance with label directions by trained applicators. Care will be taken to reduce damage to non-target native species to the maximum extent practical.

Additionally 9.36± acres of uplands and wetlands will be preserved outside of the restoration area. Exotics will be treated as described above. It is anticipated that native wetland ground cover species will become re-established in these areas once the exotics have been treated and therefore no supplemental plantings are proposed.

Supplemental Plantings

Once the exotics have been removed and the final grades obtained in the 1.78± acre wetland restoration area native trees and shrubs will be installed. The species, quantities, size, and approximate locations of the trees and shrubs to be installed are depicted on Figures L-2 and L-3. 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. Any proposed changes will be submitted to Lee County Division of Environmental Sciences for review and approval.

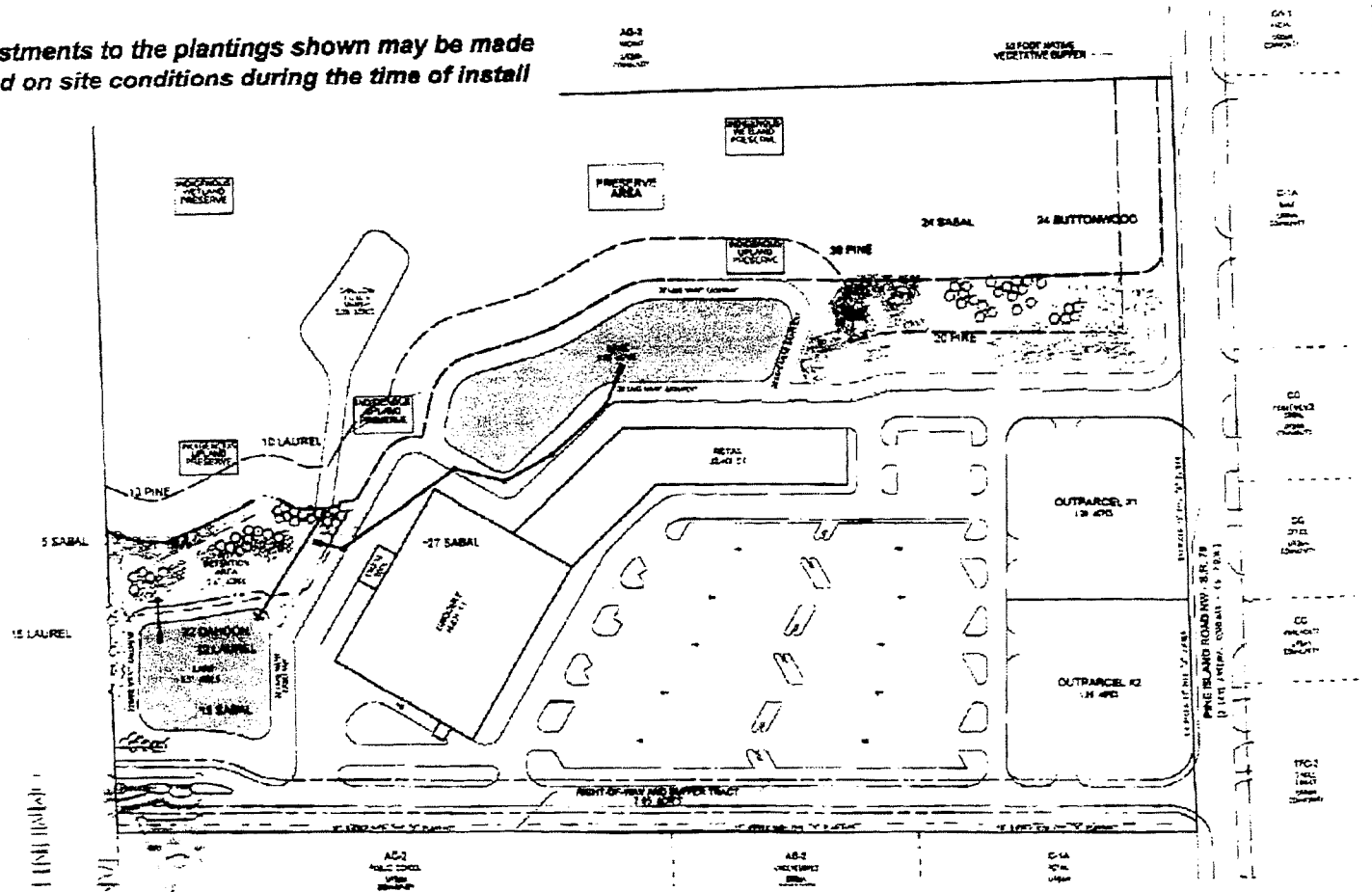
III. FILTER MARSH

A filter marsh will convey treated stormwater runoff from the water management lake towards the preserved wetlands on-site. The proposed filter marsh is located primarily within an area of uplands dominated by exotics. The exotics will be mechanically removed as described above and the area will be re-contoured to approximately 0.5 foot below existing grade. The 0.35± acre area will then be planted with four inch liner size native ground cover species (5± feet on center). See Table 1 for the approximate density, quantities, and sizes of plants to be installed in the filter marsh. 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 Division of Environmental Sciences for review and approval.

Table 1. Plants to be Installed in 0.35± Acre of Filter Marsh

BOTANICAL NAME	COMMON NAME	SIZE	DENSITY (plants per acre)	ESTIMATED NUMBER OF PLANTS
Ground Covers				
<i>Acrostichum</i> sp.	Leather fern	4" liner	87	30
<i>Borrchia frutescens</i>	Sea oxeye	4" liner	87	30
<i>Cladium jamaicense</i>	Saw-grass	4" liner	87	30
<i>Distichlis spicata</i>	Salt grass	4" liner	348	123
<i>Eleocharis</i> sp.	Splkerush	4" liner	524	183
<i>Juncus roemerianus</i>	Needle rush	4" liner	87	30
<i>Paspalum vaginatum</i>	Seashore paspalum	4" liner	348	123
<i>Spartina bakeri</i>	Sand cordgrass	4" liner	174	61
Total			1,742	610

Adjustments to the plantings shown may be made based on site conditions during the time of install



TREE PLANTING PLAN

SCALE 1"=100'

1.78 AC Mitigation Planting Area

SELECTED SPECIES 6' HT PER ENVIRONMENTAL CONSULTANT:

225 TOTAL TREES 225 REQUIRED

1" HT DRILL BUTTONGWOOD SPACED @ 15' OC
 6' HT BAY-SON-HOLLY SPACED @ 15' OC
 1" HT LAUREL BAY SPACED @ 15' OC
 6' HT SHADY-PINE SPACED @ 15' OC
 1" HT SABEL PALM SPACED @ 15' OC

DMIA
 DESIGN, MONITORING, AND INSTALLATION
 CONSULTING ENGINEERS

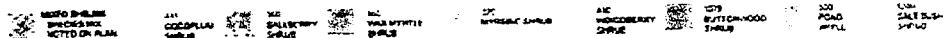
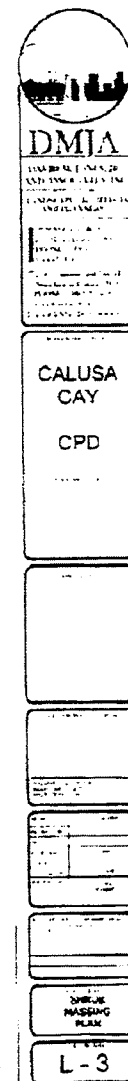
CALLISA CAY
 CPD

TREE PLANTING PLAN

L-2

1. *Journal of the American Statistical Association*, 1991, 86(414), 1013-1024.

~~SHRUB MASSING PLAN~~



IV. DRY DETENTION

A dry detention 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.

RECEIVED
JAN 31 2013

COMMUNITY DEVELOPMENT
JAN 20 2013 10:00:22

ES EXHIBIT 7



	PRESERVED INDEGENOUS WETLAND (2.65 AC.)
	ENHANCED INDIGENOUS WETLAND (5.74 AC.)
	CREATED INDIGENOUS WETLAND (2.08 AC.)
	FILTER MARSH (0.08 AC.)
	TREE AND SHRUBS COUNTING AREA FOR MITIGATION PLANTINGS (7.82 AC.)
	POTENTIAL ADDITIONAL TREE AND SHRUB PLANTING AREA SEE INDEGENOUS MANAGEMENT PLAN FOR PLANTING AREA DETAIL.

① REQUESTED DEVIATION

 CONCEPTUAL INGRESS/EGRESS LOCATION

<u>SITE DATA</u>	
TOTAL SITE AREA:	26.77 ACRES
R.O.W. AND BUFFER TRACT:	1.98 ACRES
PROPOSED LAKE AREA:	1.34 ACRES
PRESERVE AREAS	10.55 ACRES
COMMERCIAL FLOOR AREA:	MAXIMUM 149,600 SF ¹
MAXIMUM BUILDING HEIGHT:	35 FEET ²

*PARCEL 3 MAY ALTERNATIVELY BE DEVELOPED WITH
MAXIMUM 60,000 SF. SELF STORAGE

² SELF STORAGE USE ON PARCEL 3 MAXIMUM HEIGHT 38 FEET ABOVE AVERAGE GRADE OR 45 FEET ABOVE MEAN SEA LEVEL, WHICHEVER IS LOWER.

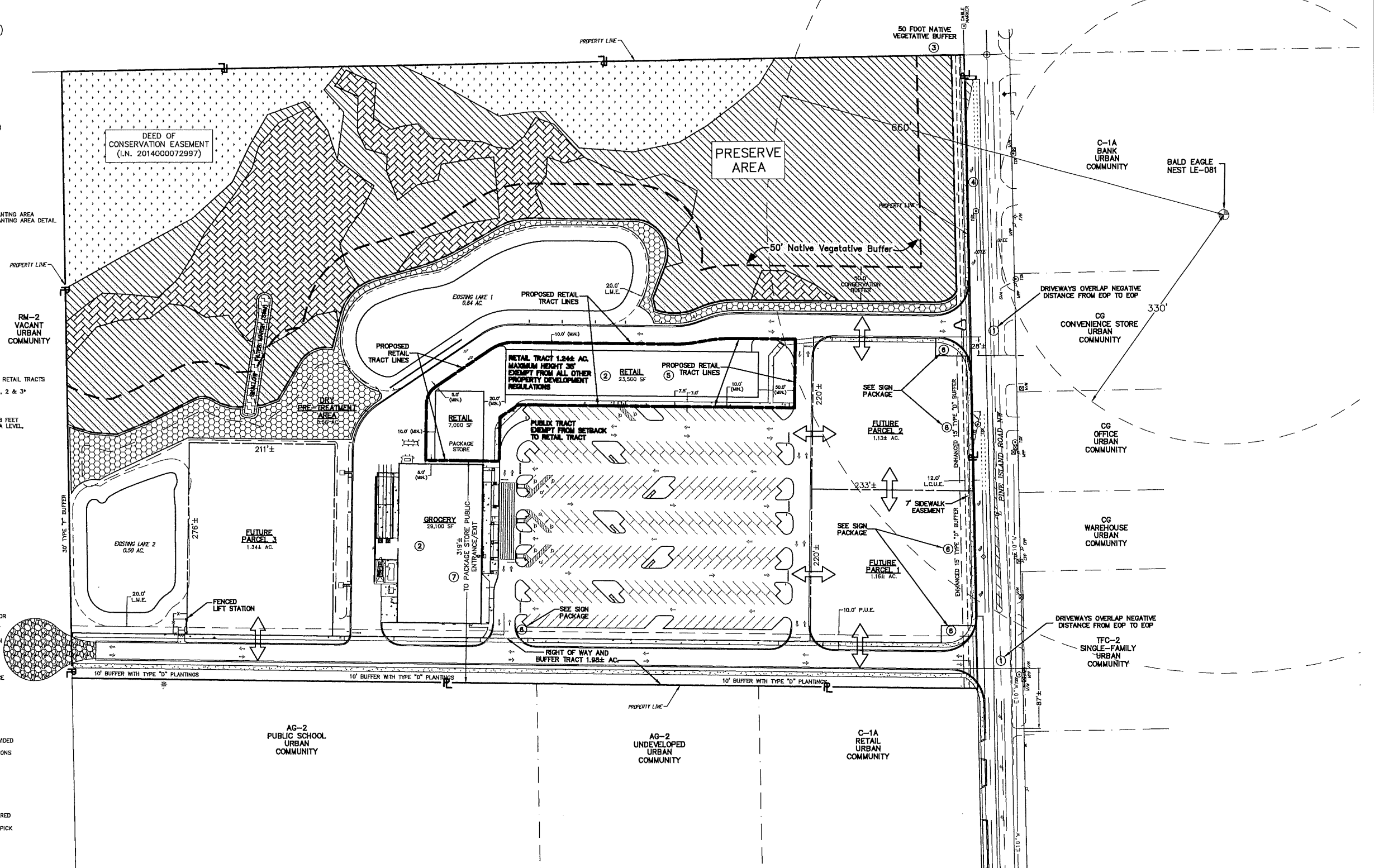
OPEN SPACE REQUIRED

<u>OPEN SPACE PROVIDED</u>	
OUTPARCELS (10%)	0.36 ACRES
SHOPPING CENTER	<u>12.93 ACRES</u>
TOTAL	13.29 ACRES

INDIGENOUS VEGETATION REQUIRED
8.03 ACRES X 50% = 4.02 ACRES

<u>INDIGENOUS VEGETATION PROVIDED</u>	
SHALLOW FILTER MARSH	0.08 ACRES
ENHANCED INDIGENOUS WETLAND	5.74 ACRES
CREATED INDIGENOUS WETLAND	2.08 ACRES
PRESERVE INDIGENOUS WETLAND	2.65 ACRES
TOTAL	10.55 ACRES

- 1) INGRESS AND EGRESS FOR OUTPARCELS IS DEPICTED FOR CONCEPTUAL PURPOSES ONLY. THE EXACT LOCATION OF THE OUTPARCEL ACCESS POINTS WILL BE DETERMINED IN ACCORDANCE WITH THE REQUIREMENTS OF LDC SECTION 10-285 DURING THE DEVELOPMENT ORDER PROCESS.
- 2) INTERNAL BUFFERING WILL BE PROVIDED IN ACCORDANCE WITH THE REQUIREMENTS OF LDC SECTION 10-416 (D)(3).
- 3) NO PERMITTER BUFFERING IS PROPOSED WHERE THE PRESERVE AREA ADJUTS THE ADJACENT PROPERTIES TO THE NORTH AND EAST.
- 4) ADDITIONAL BUFFERING FOR OUTPARCELS WILL BE PROVIDED IN ACCORDANCE WITH THE REQUIREMENTS OF LDC SECTIONS 34-1352 AND 34-1353, IF APPLICABLE.
- 5) PARKING FOR THE OUTPARCELS WILL BE PROVIDED IN ACCORDANCE WITH THE REQUIREMENTS OF LDC SECTION 33-108X(G).
- 6) THE PROPOSED DEVELOPMENT WILL PROVIDE THE REQUIRED FACILITIES FOR SOLID WASTE/RECYCLING STORAGE AND PICK UP IN COMPLIANCE WITH LDC SECTION 10-261.



PREPARED FOR:

LAKE JEFFERSON, LLC

3050 NORTH HORSESHOE DRIVE, SUITE 105
NAPLES, FL. 34104

B	8/25/2022	48-HOUR NOTICE		SERIALIZED
C	7/14/2022	POST-SUFFICIENCY SUBMITTAL SHOWING EAGLE NEST BUFFER		SERIALIZED
D	6/19/2022	DCI 2022-00017 SUFFICIENCY RESPONSE		SERIALIZED
E	3/17/2022	UPDATE SF# & PARCEL 3 HEIGHT		SERIALIZED
F	4/30/2021	REVISED PER COUNTY COMMENTS		SERIALIZED
G	4/1/2021	PACKAGE STORE SEPARATION DEMOTION		SERIALIZED
H	2/3/2021	ADD INTERNAL RETAIL TRACT LINES AND SIGN PACKAGE		SERIALIZED
I	4/17/2020	SUFFICIENCY RESPONSE		SERIALIZED
NO.	DATE	REVISION DESCRIPTION		BY

BANKS
ENGINEERING

Professional Engineers, Planners, & Land Surveyors
Serving The State Of Florida

10511 SIX MILE CYPRESS PARKWAY
FORT MYERS, FLORIDA 33966
PHONE: (239) 939-5490 FAX: (239) 939-2523
ENGINEERING LICENSE / EB 6469
SURVEY LICENSE / LB 6690
WWW.BANKSENG.COM

MASTER CONCEPT PLAN
CALUSA CAY - CPD
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
4/20/2020	1585P	MCP	DBA	JLS	SEH	1"=150'	1



	PRESERVED INDEGENOUS WETLAND (2.65 AC.)
	ENHANCED INDIGENOUS WETLAND (5.74 AC.)
	CREATED INDIGENOUS WETLAND (2.08 AC.)
	FILTER MARSH (0.08 AC.)
	TREE AND SHRUBS COUNTING AREA FOR MITIGATION PLANTINGS (7.82 AC.)
	POTENTIAL ADDITIONAL TREE AND SHRUB PLANTING AREA SEE INDIGENOUS MANAGEMENT PLAN FOR PLANTING AREA DETAIL

 CONCEPTUAL INGRESS/EGRESS LOCATION

TOTAL SITE AREA:	26.77 ACRES
R.O.W. AND BUFFER TRACT:	1.98 ACRES
PROPOSED LAKE AREA:	1.34 ACRES
PRESERVE AREAS	10.55 ACRES
COMMERCIAL FLOOR AREA:	MAXIMUM 149,600 SF. ¹
MAXIMUM BUILDING HEIGHT:	35 FEET ²

PROPERTY LINE -

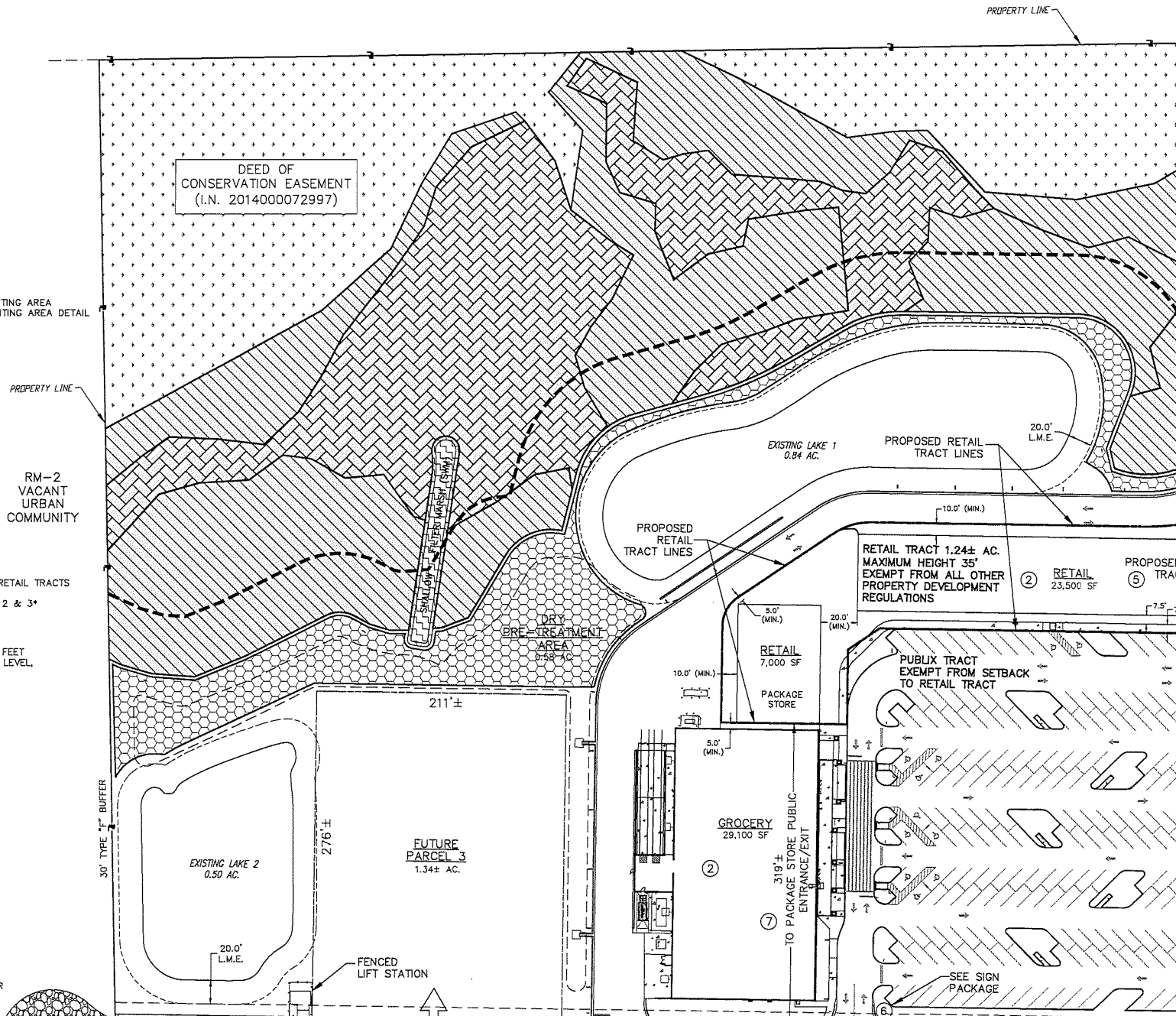
² SELF STORAGE USE ON PARCEL 3 MAXIMUM HEIGHT 38 FEET ABOVE AVERAGE GRADE OR 45 FEET ABOVE MEAN SEA LEVEL, WHICHEVER IS LOWER.

<u>OPEN SPACE PROVIDED</u>	
OUTPARCELS (10%)	0.36 ACRES
SHOPPING CENTER	<u>12.93 ACRES</u>
TOTAL	13.29 ACRES

INDIGENOUS VEGETATION PROVIDED

NOTES:

1) INGRESS AND EGRESS FOR OUTPARCELS IS DEPICTED FOR CONCEPTUAL PURPOSES ONLY. THE EXACT LOCATION OF





2726 OAK RIDGE COURT, SUITE 503
FORT MYERS, FL 33901-9356
OFFICE 239.278.3090
FAX 239.278.1906

TRAFFIC ENGINEERING
TRANSPORTATION PLANNING
SIGNAL SYSTEMS/DESIGN

TRAFFIC IMPACT STATEMENT

FOR

CALUSA CAY CPD

PROJECT NO. F1205.02

PREPARED BY:

**TR Transportation Consultants, Inc.
Certificate of Authorization Number: 27003
2726 Oak Ridge Court, Suite 503
Fort Myers, Florida 33901-9356
(239) 278-3090**

**REVISED:
November 11, 2021**



CONTENTS

- I. INTRODUCTION
- II. EXISTING CONDITIONS
- III. PROPOSED DEVELOPMENT
- IV. TRIP GENERATION
- V. TRIP DISTRIBUTION
- VI. FUTURE TRAFFIC CONDITIONS
- VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS
- VIII. TRIP GENERATION COMPARISON
- IX. CONCLUSION



I. INTRODUCTION

TR Transportation Consultants, Inc. has conducted a traffic impact statement to fulfill requirements set forth by Lee County for projects seeking approval for re-zoning. The site is located on the north side of Pine Island Road less than ½ mile to the east of Stringfellow Road on Pine Island in Lee County, Florida. The approximate location of the subject site is illustrated on **Figure 1**.

The proposed rezoning request would amend the current CPD zoning that was approved under Z-13-007 which permitted the development of up to 96,500 square feet of commercial uses to reduce the retail floor area to approximately 89,600 square feet and add approximately 60,000 square feet of self-storage uses to the Schedule of Uses. Access to the site has been constructed and includes a right-in/right-out access and a full access to Pine Island Road.

This report examines the impact of the development on the surrounding roadways and intersections. Trip generation and assignments to the various site access drives will be completed and analysis conducted to determine the impacts of the development on the surrounding streets and intersections.

II. EXISTING CONDITIONS

The subject site is currently occupied by a Publix store containing approximately 29,065 square feet. This store was constructed under DOS2019-00130. The site access drive connections to Pine Island Road and the turn lanes along Pine Island Road were constructed to serve the entire 96,500 square feet of commercial uses and were constructed under DOS2014-00027. The site is bordered by existing commercial uses to the west. To the south, the site is bordered by Pine Island Road. South of Pine Island Road is a gas station/convenience store and a bank with drive-through lanes. To the north is a residential planned development and to the east is vacant land.





Pine Island Road (C.R. 78) is a two-lane arterial roadway in the vicinity of the subject site. The subject site has access to Pine Island Road via two proposed access drives. Pine Island Road has a posted speed limit of 40 mph and is under the jurisdiction of the Lee County Department of Transportation.

III. PROPOSED DEVELOPMENT

The amendment to the Calusa Cay CPD will include decreasing the commercial retail floor area from 96,500 square feet to 89,600 square feet and adding in a self-storage use that would include up to 60,000 square feet in addition to the commercial retail floor area. **Table 1** summarizes the land use utilized for trip generation purposes for the subject development.

Table 1
Calusa Cay CPD
Land Uses

Land Use	Proposed	Approved	Change
Shopping Center (LUC 821)	89,600 sq. ft.	96,500 sq. ft.	-6,900 sq. ft.
Self-Storage (LUDC 151)	60,000 sq. ft.	0	+60,000 sq. ft.

IV. TRIP GENERATION

The trip generation for the proposed development was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled ***Trip Generation***, 11th Edition. For the trip generation purposes of the development, Land Use Code 151 (Mini-Warehouse) was utilized for the self-storage use and Land Use Code 821 (Shopping Plaza (40 – 150k) – Supermarket – Yes) was utilized for the commercial uses. The equations for these land uses are contained in the Appendix of this report for reference. **Table 2** outlines the anticipated weekday A.M. and P.M. peak hour trip generation of the amended Calusa Cay CPD as proposed.



Table 2
Trip Generation – Total Trips
Calusa Cay CPD

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Shopping Center (89,600 sq. ft.)	196	120	316	387	419	806	8,308
Self-Storage (60,000 sq. ft.)	3	2	5	4	5	9	87
	199	122	321	391	424	815	8,395

As discussed in the original zoning TIS for this project, the location of this grocery anchored retail center will have some unique impacts on the trip generation of the uses. Being located on a barrier island will limit the amount of “new” trips the site will add to the surrounding roadway network. The principle market area of this the site is greater Pine Island and the Matlacha area. There is an existing grocery anchored shopping center located at the intersection of Burnt Store Road and Pine Island Road, approximately 4.7 miles east of the subject site on the mainland. This existing center is very similar in nature to the retail center proposed as part of this development.

There are a limited number of retail uses on Pine Island, limiting the shopping selections for residents and visitors to the island. The only other large grocery store on the island is Winn-Dixie, which is located on Stringfellow Road south of Pine Island Road. Due to the existing lack of a similar retail facilities on-island, it is likely that the portion of vehicle trips from the island that currently shop at the Publix anchored shopping center at Burnt Store Road and Pine Island Road would utilize the new Publix and ancillary retail services. Therefore, these trips would be diverted from the existing Publix anchored shopping center to the new Publix anchored shopping center.

In the previous traffic study completed under DCI2012-00022, an analysis was completed utilizing the FSUTMS model to determine the amount of diverted link trips that would be eliminated from traveling east to the existing retail center on the mainland as a result of this new retail center. Based upon the analysis that was completed by Lee County staff,



approximately 8.3% of the trips to/from the existing Publix anchored shopping located at Burnt Store Road originated from greater Pine Island. These trips represent trips that are already traveling Pine Island Road between Stringfellow Road and Burnt Store Road. These trips will now be patronizing the existing shopping center and will be eliminated from the existing traffic volumes on Pine Island Road east of the site traveling to Burnt Store and through the Matlacha Pass. **Table 3** indicates the amount of diverted link trips and the total trips the retail uses are anticipated to generate.

Table 3
Trip Generation – Diverted Link Trips
Calusa Cay CPD

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Shopping Center (89,600 sq. ft.)	196	120	316	387	419	806	8,308
Less 8.3% Diverted Link Trips Retail Trips	-16	-10	-26	-32	-35	-67	-703
Total Trips Less Diverted	180	110	290	355	384	739	7,605

In addition to the diverted link trips, due to the location of the project on a barrier island, it is anticipated that a significant amount of the site related traffic will be pass-by trips. Pass-by trips are trips that are already “passing by” the subject site in the background traffic volumes. These trips are not new trips added to the road, they are simply trips that are already on the adjacent road that stop at the center to shop then return to the roadway to complete the primary purpose of their trip, which is typically a work-to-home trip or vice versa. The ITE *Trip Generation Handbook*, 3rd Edition, suggests that the average percent pass-by trip reduction for a Shopping Center land use is 34%.

Typically Lee County would limit the maximum pass-by reduction for the Shopping Center land use code to thirty percent (30%). However, given the unique characteristics of the proposed development and the fact that the subject site is located on Pine Island, a higher pass-by reduction is realistic. Therefore, the pass-by reduction as contained in the ITE Trip Generation Handbook of 34% was utilized. In the previous zoning traffic



analysis conducted as part of DCI2012-00022, a 39.4% pass-by reduction was utilized as that was the most current information available in the ITE *Trip Generation Handbook* published at that time. Since then, ITE has published an update to the *Trip Generation Handbook* that indicates the average pass-by rate reduction is 34%.

For this analysis, the pass-by traffic was accounted for to determine the number of new trips the development will add to the surrounding roadways. **Table 4** summarizes the development traffic and the breakdown between the new trips the development is anticipated to generate and the pass-by trips the development is anticipated to attract. The Self-Storage trips are not subject to the pass-by trip reduction, therefore, the trips from this use were then added to the Net New Retail trips to estimate the Net New Trips from the entire project, which is reflected in Table 4. It should be noted that the driveway volumes are not reduced as a result of the pass-by reduction, only the traffic added to the surrounding streets and intersections.

Table 4
Trip Generation – Net New Trips
Calusa Cay CPD

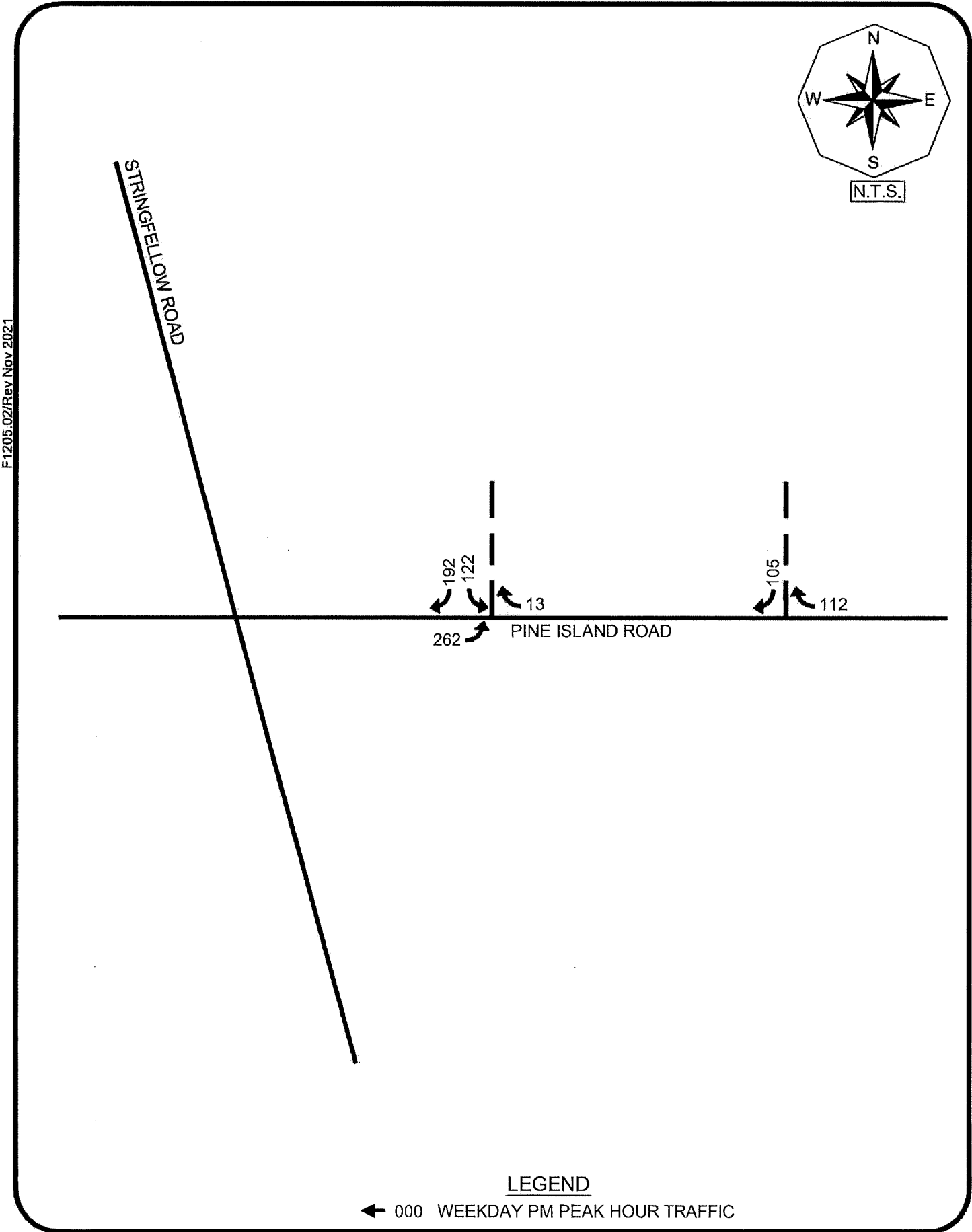
Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Total Retail Trips Less Diverted Link Retail Trips	180	110	290	355	384	739	7,605
Less 34% Pass-by Trips	-49	-49	-98	-125	-125	-250	-2,586
Net New Retail Trips	131	61	192	230	259	489	5,019
Self-Storage Trips	3	2	5	4	5	9	87
Net New Project Trips	134	63	197	234	259	489	5,106



V. TRIP DISTRIBUTION

The trips the proposed development is anticipated to generate were assigned to the site access drives and the surrounding roadway network. The net new trips anticipated to be added to the surrounding roadway network were assigned based upon the traffic distribution agreed upon with County Staff as part of the original rezoning application. **Figure A-1**, included in the Appendix of this report, illustrates the percent project traffic distribution and assignment of the net new project trips. **Figure A-2** illustrates the assignment of the diverted link trips that, prior to the proposed development, would have traveled from Pine Island to the existing Publix anchored shopping center at Pine Island Road and Burnt Store Road. The assignment of pass-by trips was based upon the historical traffic count data from the Pine Island Road/Stringfellow Road intersection. **Figure A-3**, included in the Appendix of this report illustrates the percent project traffic distribution and assignment of pass-by trips. **Figure 2** illustrates the resulting assignment of all project related trips (net new + diverted link + pass-by).

In order to determine which roadway segments surrounding the site will be significantly impacted as outlined in the Lee County Traffic Impact Statement Guidelines, **Table 1A**, contained in the Appendix, was created. This table indicates which roadway links will accommodate greater than 10% of the Peak Hour – Peak Direction Level of Service “C” volumes, as defined by the Lee County Link Specific Level of Service Tables provided by the Lee County Department of Transportation. Based on the information contained within Table 1A, Pine Island Road between Stringfellow Road and Burnt Store Road and Stringfellow Road north and south of Pine Island Road are anticipated to be significantly impacted by the proposed development.



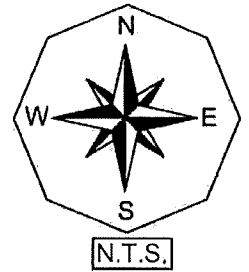
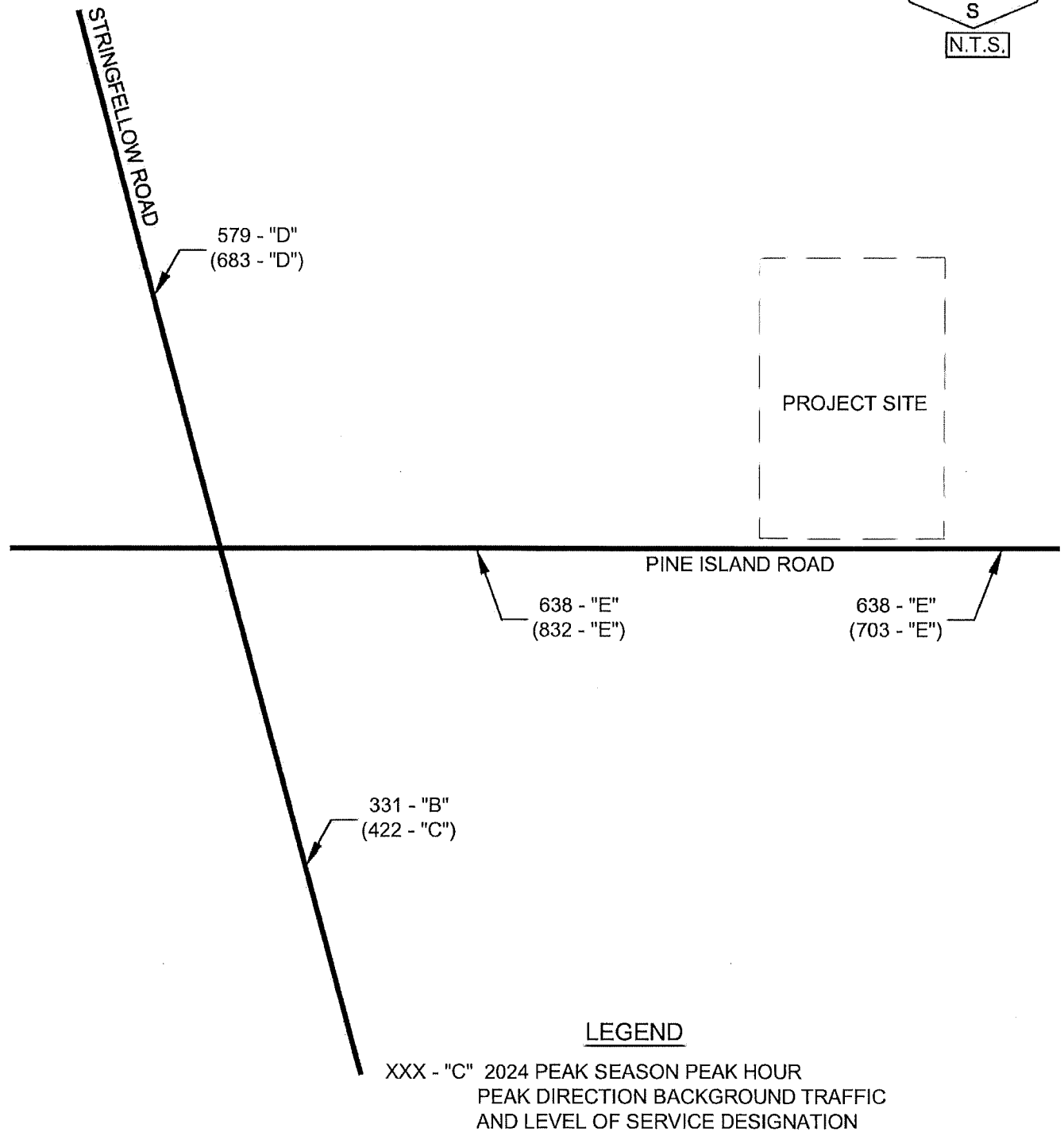


VI. FUTURE TRAFFIC CONDITIONS

A horizon year analysis of 2024 was selected for the future conditions traffic analysis. A growth rate was applied to the existing traffic conditions for all roadway links and intersections that could be significantly impacted by this development. The growth rate was obtained through comparisons of annual traffic data obtained from the most recent Lee County Traffic Count Report. Based on the project distribution indicated earlier within this report, the link data was analyzed for the existing conditions, year 2024 without the development and year 2024 with the development.

Table 2A in the Appendix of the report indicates the methodology utilized to obtain the year 2024 build-out traffic volumes as well as the growth rate utilized for each roadway segment. The base year traffic volumes were obtained from the 2020 Lee County Public Facilities Level of Service and Concurrency Report. **Figure 3** indicates the year 2024 peak hour – peak direction traffic volumes and Level of Service for the various roadway links within the study area. Noted on Figure 3 is the peak hour – peak direction volume and Level of Service of each link should no development occur on the subject site and the peak hour – peak direction volume and Level of Service for the weekday P.M. peak hour with the development traffic added to the roadways. These figures are derived from **Table 2A** contained in the Appendix.

F1205.02/Rev Nov 2021





VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS

As can be seen from Figure 3, all roadway links analyzed as a part of this report were shown to operate at an acceptable Level of Service in 2024 both with and without the proposed development. These Level of Service thresholds are consistent with Lee Plan Objective 24.2 and Land Development Code Section 33-1011. Therefore, no roadway link capacity improvements are necessary to accommodate the additional trips generated by the proposed re-zoning.

VIII. TRIP GENERATION COMPARISON

The trip generation calculated as part of this report was compared to the trip generation that the existing center, as approved, could generate based on the current ITE Trip Generation information as previously described in this report. **Table 5** illustrates the trip generation of the project as currently approved based on Z-13-007, which included retail uses (grocery anchored) up to 96,500 square feet. **Table 6** then compares the total trips from Table 2 to the total trips from Table 5 to illustrate that the proposed zoning amendment to reduce the retail floor area from 96,500 square feet to 89,600 square feet and add in 60,000 square feet of self-storage uses will not cause any additional traffic impacts from what is currently approved.

Table 5
Trip Generation – Total Trips AS APPROVED
Calusa Cay CPD

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Shopping Center (96,500 sq. ft.)	211	130	341	412	447	859	8,839



Table 6
Trip Generation Comparison Approved vs. Proposal Total Trips
Calusa Cay CPD

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Proposed Shopping Center (89,600 sq. ft. + 60,000 sq. ft. Self Storage)	199	122	321	391	424	815	8,395
Approved Shopping Center (96,500 sq. ft.)	-211	-130	-341	-412	-447	-859	-8,839
Resultant Trip Change	-12	-8	-20	-21	-23	-44	-444

Note: A negative number in the Resultant Trip Change row represents a DECREASE in trips from the approved zoning

As can be seen from Table 6, the zoning amendment to reduce the retail floor area and to add a self-storage use up to 60,000 square feet will actually DECREASE the overall trip generation potential of the subject site.

IX. CONCLUSION

The amendment to the zoning of the Calusa Cay CPD to reduce the retail floor area from 96,500 square feet to 89,600 square feet and add in approximately 60,000 square feet of Self-Storage uses will actually REDUCE the transportation related impacts the project could have on the surrounding roadway network. The analysis conducted in this report indicates that based on the projected 2024 traffic conditions, Pine Island Road and Stringfellow Road will continue to operate within the parameters established in the Lee County Comprehensive Plan and Land Development Code and will both have remaining capacity on the roads once all of the project trips are added to the roadway network.

Due to the unique nature of the site location on Pine Island, the retail and commercial facilities on this site will serve the residents and visitors to Pine Island, thus limiting the amount of “new” traffic that is generated to the surrounding roadway network. Due to the lack of existing commercial uses on the island, this site has the potential to attract a significant amount of its trips that originate from the island.

APPENDIX

TABLES 1A & 2A

TABLE 1A
PEAK DIRECTION
PROJECT TRAFFIC VS. 10% LOS C LINK VOLUMES

TOTAL PM PEAK HOUR PROJECT TRAFFIC = 493 VPH

IN= 234 OUT= 259

<u>ROADWAY</u>	<u>SEGMENT</u>	<u>ROADWAY</u> <u>CLASS</u>	<u>LOS A</u> <u>VOLUME</u>	<u>LOS B</u> <u>VOLUME</u>	<u>LOS C</u> <u>VOLUME</u>	<u>LOS D</u> <u>VOLUME</u>	<u>LOS E</u> <u>VOLUME</u>	<u>PERCENT</u>		
								<u>PROJECT</u> <u>TRAFFIC</u>	<u>PROJECT</u> <u>TRAFFIC</u>	<u>PROJ/</u> <u>LOS C</u>
Pine Island Road	E. of Stringfellow	2LN	70	220	380	530	950	75%	194	51.1%
	E. of Site Access	2LN	70	220	380	530	950	25%	65	17.0%
Stringfellow Road	N. of Pine Island Rd.	2LN	130	340	570	780	1060	40%	104	18.2%
	S. of Pine Island Road	2LN	130	340	570	780	1060	35%	91	15.9%

Level of Service thresholds taken from Lee County Link Specific Peak Hour Directional Service Volume Table, dated June 2016

**TABLE 2A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS**

TOTAL PROJECT TRAFFIC PM = 493 VPH IN= 234 OUT= 259

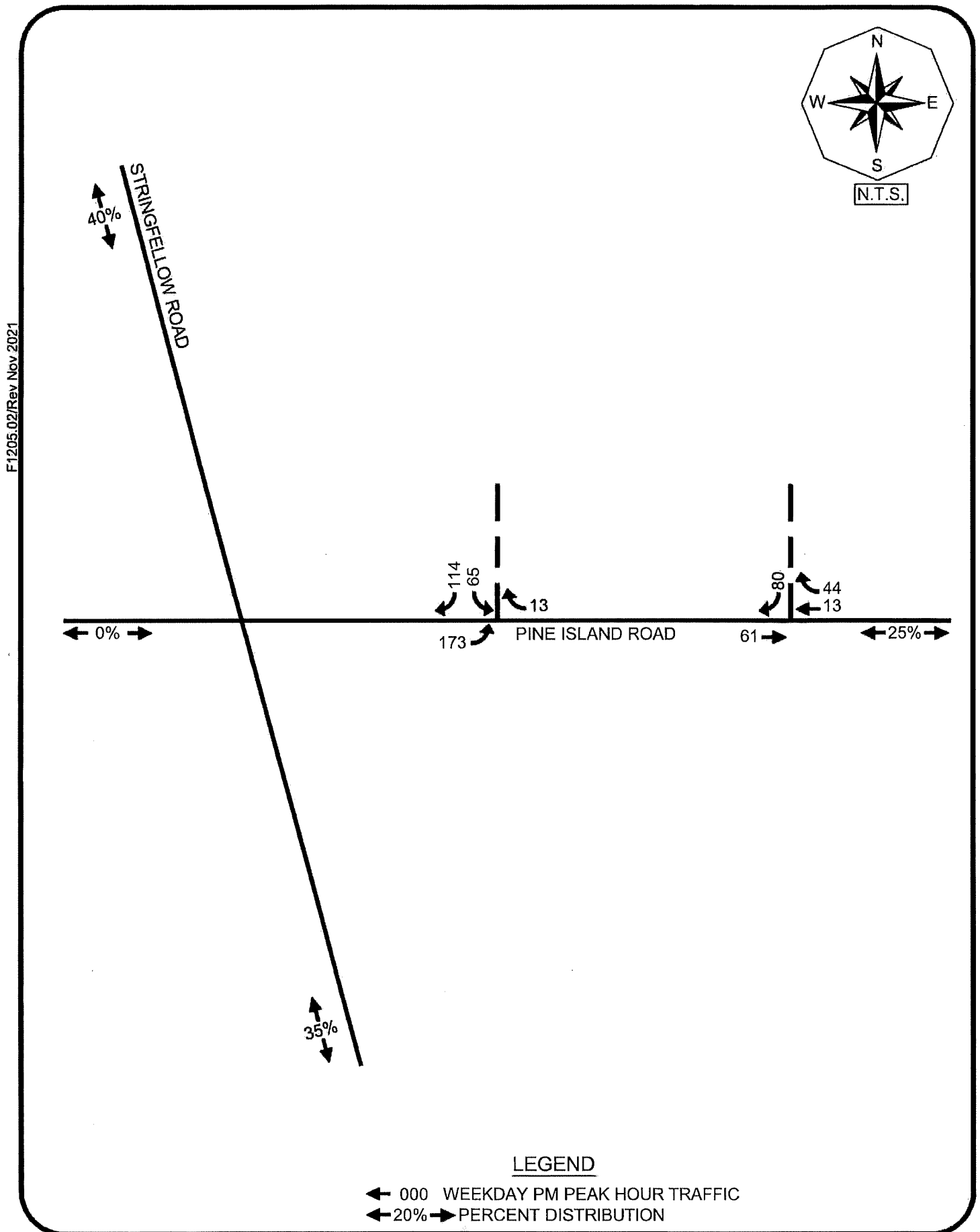
ROADWAY	SEGMENT	PCS	BASE YR	2011	YRS OF	ANNUAL	2019	2024	PERCENT	PM PROJ	2024
							PK HR	PK HR			BCKGRND
							PK SEASON	PK SEASON			+ PM PROJ
				ADT	GROWTH	RATE	PEAK DIR. ¹	PEAK DIR.	TRAFFIC	TRAFFIC	TRAFFIC
Pine Island Road	E. of Stringfellow	3	11200	10100	9	1.00%	607	638	75.00%	194	832
	E. of Site Access	3	11200	10100	9	1.00%	607	638	25.00%	65	703
Stringfellow Road	N. of Pine Island Rd.	27	9200	7700	9	1.00%	551	579	40.00%	104	683
	S. of Pine Island Road	27	9400	8800	7	1.00%	315	331	35.00%	91	422

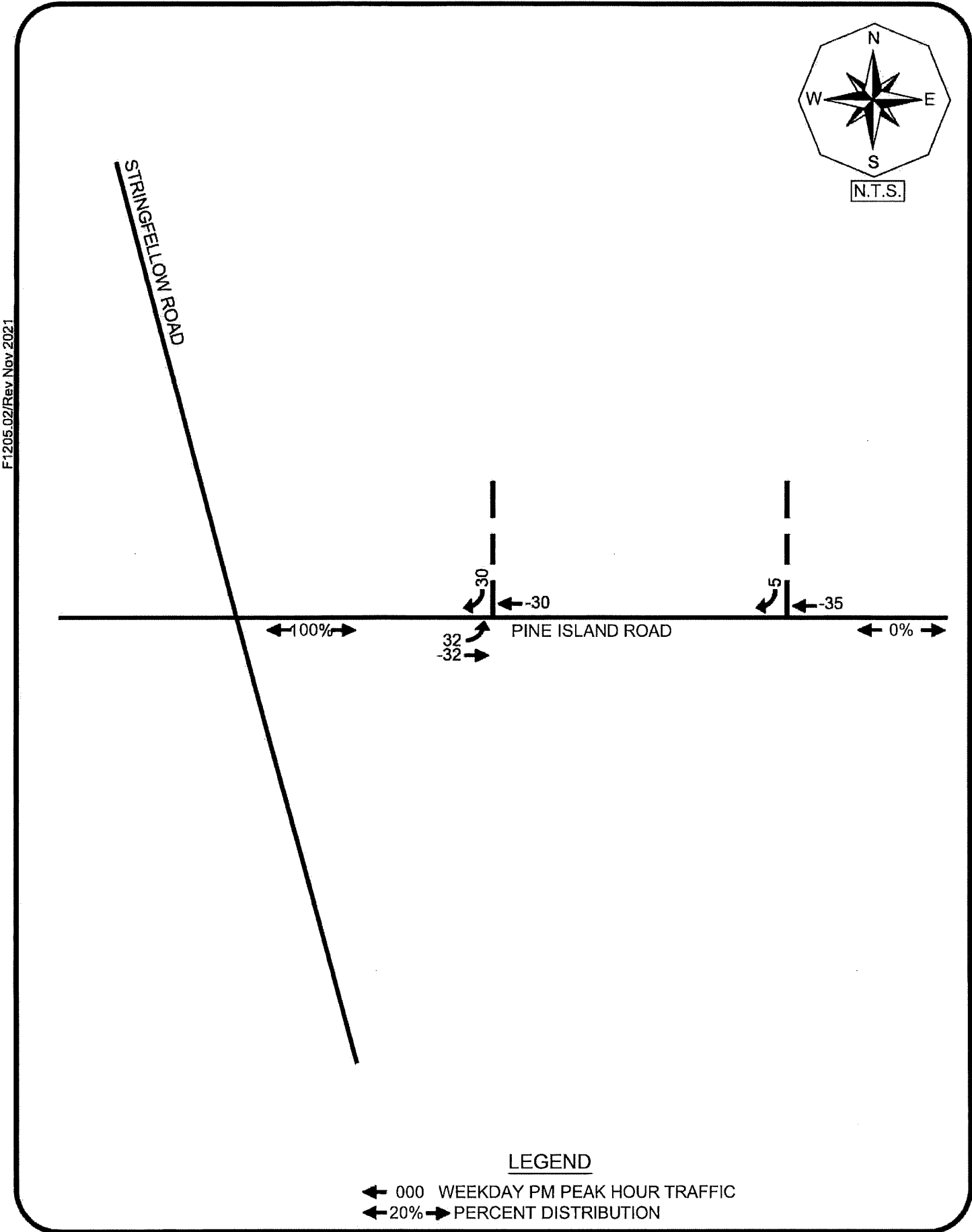
¹ The 2019 Peak Hour, Peak Season, Peak Direction Traffic Volume was obtained from the 2020 Lee County Public Facilities and Level of Service Report

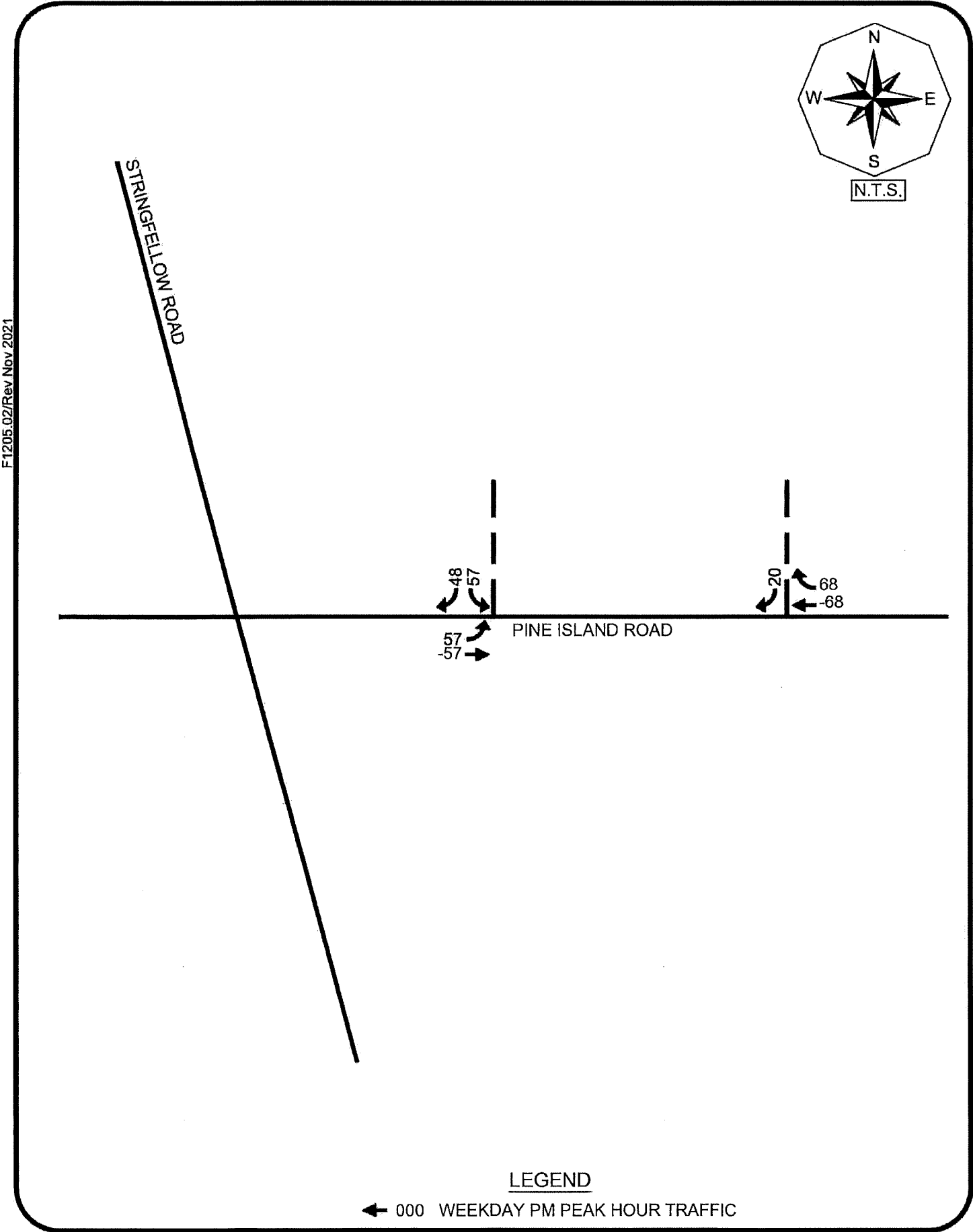
100th Highest Hour LOS Analysis

		2024
		<u>BCKGRND</u>
		<u>+ PM PROJ</u>
		<u>TRAFFIC</u>
Pine Island Road	E. of Stringfellow	E
	E. of Site Access	E
Stringfellow Road	N. of Pine Island Rd.	D
	S. of Pine Island Road	C

ASSIGNMENT OF PROJECT TRIPS
FIGURES A-1, A-2, & A-3







ITE PASS-BY DATA FOR LUC 820

**Table E.9 (Cont'd) Pass-By and Non-Pass-By Trips Weekday, PM
Peak Period Land Use Code 820—Shopping Center**

SIZE (1,000 SQ. FT. GLA)	LOCATION	WEEKDAY SURVEY DATE	NO. OF INTERVIEWS	TIME PERIOD	PASS-BY TRIP (%)	NON-PASS-BY TRIP (%)			ADJ. STREET PEAK HOUR VOLUME	AVERAGE 24-HOUR TRAFFIC	SOURCE
						PRIMARY	DIVERTED	TOTAL			
921	Albany, NY	July & Aug 1985	196	4:00–6:00 p.m.	23	42	35	77	—	60,950	Raymond Keyes Assoc.
108	Overland Park, KS	July 1988	111	4:30–5:30 p.m.	26	61	13	74	—	34,000	—
118	Overland Park, KS	Aug. 1988	123	4:30–5:30 p.m.	25	55	20	75	—	—	—
256	Greece, NY	June 1988	120	4:00–6:00 p.m.	38	62	—	62	—	23,410	Sear Brown
160	Greece, NY	June 1988	78	4:00–6:00 p.m.	29	71	—	71	—	57,306	Sear Brown
550	Greece, NY	June 1988	117	4:00–6:00 p.m.	48	52	—	52	—	40,763	Sear Brown
51	Boca Raton, FL	Dec. 1987	110	4:00–6:00 p.m.	33	34	33	67	—	42,225	Kimley-Horn and Assoc. Inc.
1,090	Ross Twp, PA	July 1988	411	2:00–8:00 p.m.	34	56	10	66	—	51,500	Wilbur Smith and Assoc.
97	Upper Dublin Twp, PA	Winter 1988/89	—	4:00–6:00 p.m.	41	—	—	59	—	34,000	McMahon Associates
118	Tredyffrin Twp, PA	Winter 1988/89	—	4:00–6:00 p.m.	24	—	—	76	—	10,000	Booz Allen & Hamilton
122	Lawnside, NJ	Winter 1988/89	—	4:00–6:00 p.m.	37	—	—	63	—	20,000	Pennoni Associates
126	Boca Raton, FL	Winter 1988/89	—	4:00–6:00 p.m.	43	—	—	57	—	40,000	McMahon Associates
150	Willow Grove, PA	Winter 1988/89	—	4:00–6:00 p.m.	39	—	—	61	—	26,000	Booz Allen & Hamilton
153	Broward Cnty., FL	Winter 1988/89	—	4:00–6:00 p.m.	50	—	—	50	—	85,000	McMahon Associates
153	Arden, DE	Winter 1988/89	—	4:00–6:00 p.m.	30	—	—	70	—	26,000	Orth-Rodgers & Assoc. Inc.
154	Doylestown, PA	Winter 1988/89	—	4:00–6:00 p.m.	32	—	—	88	—	29,000	Orth-Rodgers & Assoc. Inc.
164	Middletown Twp, PA	Winter 1988/89	—	4:00–6:00 p.m.	33	—	—	87	—	25,000	Booz Allen & Hamilton
168	Haddon Twp, NJ	Winter 1988/89	—	4:00–6:00 p.m.	20	—	—	80	—	8,000	Pennoni Associates
205	Broward Cnty., FL	Winter 1988/89	—	4:00–6:00 p.m.	55	—	—	45	—	62,000	McMahon Associates

**Table E.9 (Cont'd) Pass-By and Non-Pass-By Trips Weekday, PM Peak Period
Land Use Code 820—Shopping Center**

SIZE (1,000 SQ. FT. GLA)	LOCATION	WEEKDAY SURVEY DATE	NO. OF INTERVIEWS	TIME PERIOD	PASS-BY TRIP (%)	NON-PASS-BY TRIP (%)			ADJ. STREET PEAK HOUR VOLUME	AVERAGE 24-HOUR TRAFFIC	SOURCE
						PRIMARY	DIVERTED	TOTAL			
237	W. Windsor Twp, NJ	Winter 1988/89	—	4:00–6:00 p.m.	48	—	—	52	—	46,000	Booz Allen & Hamilton
242	Willow Grove, PA	Winter 1988/89	—	4:00–6:00 p.m.	37	—	—	63	—	26,000	McMahon Associates
297	Whitehall, PA	Winter 1988/89	—	4:00–6:00 p.m.	33	—	—	67	—	26,000	Orth-Rodgers & Assoc. Inc.
360	Broward Cnty., FL	Winter 1988/89	—	4:00–6:00 p.m.	44	—	—	56	—	73,000	McMahon Associates
370	Pittsburgh, PA	Winter 1988/89	—	4:00–6:00 p.m.	19	—	—	81	—	33,000	Wilbur Smith
150	Portland, OR	—	519	4:00–6:00 p.m.	68	6	26	32	—	25,000	Kittelson and Associates
150	Portland, OR	—	655	4:00–6:00 p.m.	65	7	28	35	—	30,000	Kittelson and Associates
760	Calgary, Alberta	Oct.-Dec. 1987	15,436	4:00–6:00 p.m.	20	39	41	80	—	—	City of Calgary DOT
178	Bordentown, NJ	Apr. 1989	154	2:00–6:00 p.m.	35	—	—	65	—	37,980	Raymond Keyes Assoc.
144	Manalapan, NJ	July 1990	178	3:30–6:15 p.m.	32	44	24	88	—	89,347	Raymond Keyes Assoc.
549	Natick, MA	Feb. 1989	—	4:45–5:45 p.m.	33	26	41	67	—	48,782	Raymond Keyes Assoc.

Average Pass-By Trip Percentage: 34

“—” means no data were provided

**LEE COUNTY PUBLIC FACILITIES
LEVEL OF SERVICE AND
CONCURRENCY REPORT**

5/25/2020

LEE COUNTY Road Link Volumes (County- and State-Maintained Roadways)

LINK NO	NAME	ROADWAY LINK		ROAD TYPE	PERFORMANCE STANDARD		2019 100TH HIGHEST HOUR		FORECAST FUTURE		NOTES
		FROM	TO		LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME	
13500	IMPERIAL PKWY	COUNTY LINE	BONITA BEACH RD	4LD	E	1,920	B	1,017	B	1,069	*
13550	IMPERIAL PKWY	E TERRY ST	COCONUT RD	4LD	E	1,920	B	1,015	B	1,067	
13600	IONA RD	DAVIS RD	McGREGOR BLVD	2LN	E	860	C	381	C	460	
13700	ISLAND PARK RD	PARK RD	US 41	2LN	E	860	C	79	C	251	
13800	JOEL BLVD	BELL BLVD	18TH ST	4LN	E	2,120	B	660	B	876	Joel Blvd CPD
13900	JOEL BLVD	18TH ST	SR 80	2LN	E	1,010	D	495	D	520	
14000	JOHN MORRIS RD	BUNCHE BEACH	SUMMERLIN RD	2LN	E	860	C	62	C	72	old count projection
14100	JOHN MORRIS RD	SUMMERLIN RD	IONA RD	2LN	E	860	C	256	C	267	
14200	KELLY RD	McGREGOR BLVD	SAN CARLOS BLVD	2LN	E	860	C	277	C	291	
14300	KELLY RD	SAN CARLOS BLVD	PINE RIDGE RD	2LN	E	860	C	106	C	120	old count projection(2010)
14500	LAUREL DR	BUS 41	BREEZE DR	2LN	E	860	C	324	C	340	*
14600	LEE BLVD	SR 82	ALVIN AVE	6LD	E	2,840	B	2,202	B	2,318	
14700	LEE BLVD	ALVIN AVE	GUNNERY RD	6LD	E	2,840	B	2,161	B	2,340	
14800	LEE BLVD	GUNNERY RD	HOMESTEAD RD	6LD	E	2,840	B	2,131	B	2,240	
14900	LEE BLVD	HOMESTEAD RD	WILLIAMS AVE	4LD	E	1,980	B	630	B	662	
14930	LEE BLVD	WILLIAMS AVE	LEELEND HEIGHTS	2LN	E	1,020	B	630	B	665	
15000	LEE RD	SAN CARLOS BLVD	ALICO RD	2LN	E	860	C	544	D	614	old count projection(2015)
15100	LEELEND HEIGHTS	HOMESTEAD RD	JOEL BLVD	4LN	E	1,800	B	832	B	867	*
15200	LEONARD BLVD	GUNNERY RD	WESTGATE BLVD	2LN	E	860	D	650	D	706	
15300	LITTLETON RD	CORBETT RD	US 41	2LN	E	860	C	470	C	494	
15400	LITTLETON RD	US 41	BUS 41	2LN	E	860	C	417	C	439	*
15500	LUCKETT RD	ORTIZ AVE	I-75	2LN	E	880	B	326	B	401	4 Ln design & ROW
15600	LUCKETT RD	I-75	COUNTRY LAKES DR	2LN	E	860	C	273	C	287	
15700	MAPLE DR*	SUMMERLIN RD	2ND AVE	2LN	E	860	C	77	C	89	old count projection
15800	McGREGOR BLVD	SANIBEL T PLAZA	HARBOR DR	4LD	E	1,960	B	1,153	B	1,212	
15900	McGREGOR BLVD	HARBOR DR	SUMMERLIN RD	4LD	E	1,960	B	1,114	B	1,170	
16000	McGREGOR BLVD	SUMMERLIN RD	KELLY RD	4LD	E	1,960	A	964	B	1,022	
16100	McGREGOR BLVD	KELLY RD	GLADIOLUS DR	4LD	E	1,960	A	964	A	1,013	
16200	McGREGOR BLVD (SR 867)	OLD McGREGOR BLVD/G	IONA LOOP RD	4LD	D	2,100	C	1,594	C	1,731	
16300	McGREGOR BLVD (SR 867)	IONA LOOP RD	PINE RIDGE RD	4LD	D	2,100	C	1,594	C	1,731	
16400	McGREGOR BLVD (SR 867)	PINE RIDGE RD	CYPRESS LAKE DR	4LD	D	2,100	C	1,832	D	2,082	
16500	McGREGOR BLVD (SR 867)	CYPRESS LAKE DR	COLLEGE PKWY	4LD	D	2,100	C	1,832	D	2,082	
16600	McGREGOR BLVD (SR 867)	COLLEGE PKWY	WINKLER RD	2LN	D	924	C	792	C	861	Constrained
16700	McGREGOR BLVD (SR 867)	WINKLER RD	TANGLEWOOD BLVD	2LN	D	970	C	1,187	C	1,260	Constrained
16800	McGREGOR BLVD (SR 867)	TANGLEWOOD BLVD	COLONIAL BLVD	2LN	D	970	C	1,187	C	1,260	Constrained
16900	METRO PKWY (SR 739)	SIX MILE PKWY	DANIELS PKWY	6LD	D	3,171	C	1,123	C	1,391	
17000	METRO PKWY (SR 739)	DANIELS PKWY	CRYSTAL DR	4LD	D	2,100	C	1,193	C	1,441	
17100	METRO PKWY (SR 739)	CRYSTAL DR	DANLEY DR	4LD	D	2,100	C	1,544	C	1,764	
17200	METRO PKWY (SR 739)	DANLEY DR	COLONIAL BLVD	4LD	D	2,100	C	1,615	C	1,845	
	MICHAEL RIPPE PKWY	US 41	SIX MILES PKWY	6LD	D	3,171	C	1,381	C	1,945	
17600	MILWAUKEE BLVD	ALABAMA BLVD	BELL BLVD	2LN	E	860	C	171	C	180	
17700	MILWAUKEE BLVD	BELL BLVD	COLUMBUS BLVD	2LN	E	860	C	171	C	183	
17800	MOODY RD	HANCOCK B. PKWY	PONDELLA RD	2LN	E	860	C	182	C	206	old count projection(2009)
17900	NALLE GRADE RD	SLATER RD	NALLE RD	2LN	E	860	C	68	C	71	
18000	NALLE RD	SR 78	NALLE GRADE RD	2LN	E	860	C	114	C	134	
18100	NEAL RD	ORANGE RIVER BLVD	BUCKINGHAM RD	2LN	E	860	C	120	C	126	
18200	NO RIVER RD	SR 31	FRANKLIN LOCK RD	2LN	E	1,140	A	156	B	275	
18300	NO RIVER RD	FRANKLIN LOCK RD	BROADWAY RD	2LN	E	1,140	A	156	B	301	
18400	NO RIVER RD	BROADWAY RD	COUNTY LINE	2LN	E	1,140	A	108	A	141	
18900	OLGA RD*	SR 80 W	SR 80 E	2LN	E	860	C	82	C	95	old count projection
19100	ORANGE GROVE BLVD	CLUB ENTR.	HANCOCK B. PKWY	2LN	E	860	C	393	C	488	old count(2009)
19200	ORANGE GROVE BLVD	HANCOCK B. PKWY	PONDELLA RD	4LN	E	1,790	C	590	C	620	
19300	ORANGE RIVER BLVD	SR 80	STALEY RD	2LN	E	1,000	C	427	C	449	
19400	ORANGE RIVER BLVD	STALEY RD	BUCKINGHAM RD	2LN	E	1,000	C	427	C	461	
19500	ORIOLE RD	SAN CARLOS BLVD	ALICO RD	2LN	E	860	C	130	C	136	
19600	ORTIZ AVE	COLONIAL BLVD	SR 82	2LN	E	900	B	764	C	803	
19700	ORTIZ AVE	SR 82	LUCKETT RD	2LN	E	900	B	749	C	788	4 Ln design & ROW
19800	ORTIZ AVE	LUCKETT RD	SR 80	2LN	E	900	B	382	B	402	4 Ln design & ROW
19900	PALM BEACH BLVD (SR 80)	PROSPECT AVE	ORTIZ AVE	4LD	D	2,100	C	1,175	C	1,310	
20000	PALM BEACH BLVD (SR 80)	ORTIZ AVE	I-75	6LD	D	3,171	C	1,199	C	1,310	
20100	PALM BEACH BLVD (SR 80)	I-75	SR 31	6LD	D	3,171	C	1,701	C	2,056	
20200	PALM BEACH BLVD (SR 80)	SR 31	BUCKINGHAM RD	4LD	D	2,100	C	1,774	C	1,824	
20300	PALM BEACH BLVD (SR 80)	BUCKINGHAM RD	WERNER DR	4LD	D	3,280	B	1,361	B	1,421	
20330	PALM BEACH BLVD (SR 80)	WERNER DR	JOEL BLVD	4LD	C	1,607	C	1,180	C	1,234	
20400	PALM BEACH BLVD (SR 80)	JOEL BLVD	HENDRY CO. LINE	4LD	C	2,210	B	954	B	1,006	
20500	PALOMINO LN	DANIELS PKWY	PENZANCE BLVD	2LN	E	860	C	393	C	418	
20600	PARK MEADOWS DR	SUMMERLIN RD	US 41	2LN	E	860	C	197	C	207	
20800	PENZANCE BLVD	RANCHETTE RD	SIX MILE PKWY	2LN	E	860	C	173	C	185	
20900	PINE ISLAND RD	STRINGFELLOW RD	BURNT STORE RD	2LN	E	950	E	607	E	657	Constrained

5/25/2020

LEE COUNTY Road Link Volumes (County- and State-Maintained Roadways)

LINK NO	NAME	ROADWAY LINK		ROAD TYPE	PERFORMANCE STANDARD		2019 100TH HIGHEST HOUR		FORECAST FUTURE		NOTES
		FROM	TO		LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME	
21400	PINE ISLAND RD (SR 78)	CITY LIMITS E OF BARRETT RD	US 41	4LD	D	2,100	C	1,696	C	1,843	
21500	PINE ISLAND RD (SR 78)	US 41	BUS 41	4LD	D	2,100	C	1,690	C	1,750	
21600	PINE RIDGE RD	SAN CARLOS BLVD	SUMMERLIN RD	2LN	E	860	C	499	C	545	*
21700	PINE RIDGE RD	SUMMERLIN RD	GLADIOLUS DR	2LN	E	860	C	286	C	545	Heritage Isle*
21800	PINE RIDGE RD	GLADIOLUS DR	MCGREGOR BLVD	2LN	E	860	C	286	C	301	
21900	PLANTATION RD	SIX MILE PKWY	DANIELS PKWY	2LN	E	860	C	288	C	417	Intermed Park
22000	PLANTATION RD	DANIELS PKWY	IDLEWILD ST	2LN	E	860	D	672	D	706	FDOT Metro Pkwy 6-laning
22050	PLANTATION RD	IDLEWILD ST	COLONIAL BLVD	4LN	E	1,790	C	841	C	884	
22100	PONDELLA RD	SR 78	ORANGE GROVE BLVD	4LD	E	1,890	B	736	B	774	*
22200	PONDELLA RD	ORANGE GROVE BLVD	US 41	4LD	E	1,890	B	1,164	B	1,230	
22300	PONDELLA RD	US 41	BUS 41	4LD	E	1,890	B	933	B	1,002	
22400	PRITCHETT PKWY	SR 78	RICH RD	2LN	E	860	C	73	C	541	old count, Stoneybrook North(2009)
22500	RANCHETTE RD	PENANCE BLVD	IDLEWILD ST	2LN	E	860	C	93	C	98	
22600	RICH RD	SLATER RD	PRITCHETT PKWY	2LN	E	860	C	55	C	62	old count projection(2009)
22700	RICHMOND AVE	LEE LAND HEIGHTS	E 12TH ST	2LN	E	860	C	79	C	91	*
22800	RICHMOND AVE	E 12TH ST	GREENBRIAR BLVD	2LN	E	860	C	79	C	83	*
23000	SAN CARLOS BLVD (SR 865)	MANTANZAS PASS B.	MAIN ST	2LD	D	970	C	1,055	C	1,176	Constrained
23100	SAN CARLOS BLVD (SR 865)	MAIN ST	SUMMERLIN RD	4LD	D	2,100	C	1,055	C	1,176	PD&E Study
23180	SAN CARLOS BLVD (SR 865)	SUMMERLIN RD	KELLY RD	2LD	D	970	C	744	C	847	
23200	SAN CARLOS BLVD (SR 865)	KELLY RD	GLADIOLUS DR	4LD	D	2,100	C	744	C	847	
23230	SAN CARLOS BLVD	US 41	THREE OAKS PKWY	2LN	E	860	C	427	C	449	*
23260	SANIBEL BLVD	US 41	LEE RD	2LN	E	860	C	484	C	508	
23300	SANIBEL CAUSEWAY	SANIBEL SHORELINE	TOLL PLAZA	2LN	E	1,140	E	944	E	992	
23400	SHELL POINT BLVD	MCGREGOR BLVD	PALM ACRES	2LN	E	860	C	290	C	304	*
23500	SIX MILE PKWY (SR 739)	US 41	METRO PKWY	4LD	D	2,100	C	1,778	C	1,950	
23600	SIX MILE CYPRESS	METRO PKWY	DANIELS PKWY	4LD	E	2,000	B	1,398	B	1,409	
23700	SIX MILE CYPRESS	DANIELS PKWY	WINKLER EXT	4LD	E	1,900	B	1,149	B	1,352	
23800	SIX MILE CYPRESS	WINKLER EXT	CHALLENGER BLVD	4LD	E	1,900	B	1,050	B	1,104	
23900	SIX MILE CYPRESS	CHALLENGER BLVD	COLONIAL BLVD	6LD	E	2,860	A	1,050	A	1,104	
24000	SLATER RD	SR 78	NALLE GRADE RD	2LN	E	1,010	C	402	C	423	*
24100	SOUTH POINTE BLVD	CYPRESS LAKE DR	COLLEGE PKWY	2LD	E	910	D	644	D	677	*
24200	SR 31 (ARCADIA RD)	SR 80	SR 78	2LN	D	970	C	643	C	610	PD&E/SEIR Study
24300	SR 31 (ARCADIA RD)	SR 78	COUNTY LINE	2LN	C	820	C	564	C	460	PD&E/SEIR Study
24400	STALEY RD	TICE	ORANGE RIVER BLVD	2LN	E	860	C	189	C	215	*
24500	STRINGFELLOW RD	1ST AVE	BERKSHIRE RD	2LN	E	1,060	B	315	D	672	Constrained
24600	STRINGFELLOW RD	BERKSHIRE RD	PINE ISLAND RD	2LN	E	1,060	B	315	C	448	Constrained
24700	STRINGFELLOW RD	PINE ISLAND RD	PINELAND RD	2LN	E	1,060	C	551	D	652	Constrained
24800	STRINGFELLOW RD	PINELAND RD	MAIN ST	2LN	E	1,060	C	551	D	648	
24900	SUMMERLIN RD	MCGREGOR BLVD	KELLY COVE RD	4LD	E	1,980	A	1,243	A	1,306	
25000	SUMMERLIN RD	KELLY COVE RD	SAN CARLOS BLVD	4LD	E	1,980	A	1,243	A	1,306	
25100	SUMMERLIN RD	SAN CARLOS BLVD	PINE RIDGE RD	6LD	E	3,000	A	1,919	A	2,149	
25200	SUMMERLIN RD	PINE RIDGE RD	BASS RD	6LD	E	3,000	A	1,919	A	2,016	
25300	SUMMERLIN RD	BASS RD	GLADIOLUS DR	6LD	E	3,000	A	1,919	A	2,016	
25400	SUMMERLIN RD	GLADIOLUS DR	CYPRESS LAKE DR	4LD	E	1,900	C	1,454	C	1,552	
25500	SUMMERLIN RD	CYPRESS LAKE DR	COLLEGE PKWY	6LD	E	2,880	B	1,783	B	1,874	
25600	SUMMERLIN RD	COLLEGE PKWY	PARK MEADOW DR	6LD	E	2,880	B	1,916	B	2,014	
25700	SUMMERLIN RD	PARK MEADOW DR	BOY SCOUT	6LD	E	2,880	B	1,916	B	2,014	
25800	SUMMERLIN RD	BOY SCOUT	MATHEWS DR	4LD	E	1,820	D	1,260	D	1,324	
25900	SUMMERLIN RD	MATHEWS DR	COLONIAL BLVD	4LD	E	1,820	D	1,260	D	1,324	
26000	SUNRISE BLVD	BELL BLVD	COLUMBUS BLVD	2LN	E	860	C	42	C	53	
26100	SUNSHINE BLVD	SR 82	23RD ST SW	2LN	E	1,010	C	369	C	388	*
26150	SUNSHINE BLVD	23RD ST SW	LEE BLVD	2LN	E	1,010	C	369	C	388	*
26200	SUNSHINE BLVD	LEE BLVD	W 12TH ST	2LN	E	1,010	D	596	D	626	*
26300	SUNSHINE BLVD	W 12TH ST	W 75TH ST	2LN	E	860	D	623	D	655	
26400	SW 23RD ST	GUNNERY RD	SUNSHINE BLVD	2LN	E	860	D	650	D	683	
26500	THREE OAKS PKWY	COCONUT RD	ESTERO PKWY	4LD	E	1,940	B	1,230	B	1,413	
26600	THREE OAKS PKWY	ESTERO PKWY	SAN CARLOS BLVD	4LD	E	1,940	A	623	B	724	
26700	THREE OAKS PKWY	SAN CARLOS BLVD	ALICO RD	4LD	E	1,940	A	633	B	976	
26800	TICE ST	SR 80	ORTIZ AVE	2LN	E	860	C	163	C	171	old count(2010)
26900	TICE ST	ORTIZ AVE	STALEY RD	2LN	E	860	C	203	D	716	Elementry U.
27000	TREELINE AVE	TERMINAL ACCESS RD	DANIELS PKWY	4LD	E	1,980	A	1,272	A	1,510	Harley Davidson
27030	TREELINE AVE	DANIELS PKWY	AMBERWOOD RD	4LD	E	1,980	A	880	A	924	
27070	TREELINE AVE	AMBERWOOD RD	COLONIAL BLVD	4LD	E	1,980	A	880	A	924	
29800	US 41 (S TAMIAHI TR)	OLD 41	CORKSCREW RD	6LD	D	3,171	C	2,662	C	2,712	
29900	US 41 (S TAMIAHI TR)	CORKSCREW RD	SANIBEL BLVD	6LD	D	3,171	C	2,422	C	2,485	
30000	US 41 (S TAMIAHI TR)	SANIBEL BLVD	ALICO RD	6LD	D	3,171	C	2,623	C	2,686	
30100	US 41 (S TAMIAHI TR)	ALICO RD	ISLAND PARK RD	6LD	D	3,171	C	2,623	C	2,730	
30200	US 41 (S TAMIAHI TR)	ISLAND PARK RD	BRIARCLIFF RD	6LD	D	3,171	C	2,905	D	3,092	

LEE COUNTY LINK SPECIFIC SERVICE VOLUMES

JUNE 2016

LINK-SPECIFIC SERVICE VOLUMES ON ARTERIALS IN LEE COUNTY (2015 DATA)

PAGE 4

ROAD SEGMENT	FROM	TO	TRAFFIC DISTRIC	LENGTH (MILE)	ROAD TYPE	SERVICE VOLUMES (PEAK HOUR PEAK DIRECTION)					SERVICE VOLUMES (PEAK HOUR--BOTH DIRECTIONS)				
						A	B	C	D	E	A	B	C	D	E
McGREGOR BLVD	COLLEGE PKWY	WINKLER RD	4	1.4	2LN	0	830	900	900	900	0	1,630	1,780	1,780	1,780
	WINKLER RD	BRENTWOOD	1	0.8	2LN	0	830	900	900	900	0	1,630	1,780	1,780	1,780
	BRENTWOOD	COLONIAL BLVD	1	0.8	2LN	0	830	900	900	900	0	1,630	1,780	1,780	1,780
METRO PKWY	US 41	SIX MILE PKWY	4	2.5	6LD	0	2,280	2,280	2,280	2,280	0	4,060	4,060	4,060	4,060
	SIX MILE PKWY	DANIELS PKWY	4	1.3	6LD	0	0	2,060	2,060	2,060	0	0	3,670	3,670	3,670
	DANIELS PKWY	CRYSTAL DR	4	1.3	4LD	0	1,340	1,660	1,660	1,660	0	2,400	2,980	2,980	2,980
	CRYSTAL DR	DANLEY DR	4	1.1	4LD	0	1,340	1,660	1,660	1,660	0	2,400	2,980	2,980	2,980
	DANLEY DR	COLONIAL BLVD	1	1.2	4LD	0	1,340	1,660	1,660	1,660	0	2,400	2,980	2,980	2,980
DR. MARTIN LUTHER KING, JR. BLVD (SR 82)	MICHIGAN LINK	ORTIZ AVE	1	0.8	4LD	260	1,700	1,700	1,700	1,700	450	2,940	2,940	2,940	2,940
	ORTIZ AVE	I-75	1	0.6	6LD	400	2,560	2,560	2,560	2,560	690	4,430	4,430	4,430	4,430
	I-75	BUCKINGHAM RD	1	1.5	6LD	0	2,740	2,740	2,740	2,740	0	4,730	4,730	4,730	4,730
	BUCKINGHAM RD	COLONIAL BLVD	1	1.0	6LD	0	2,740	2,740	2,740	2,740	0	4,730	4,730	4,730	4,730
	COLONIAL BLVD	GATEWAY BLVD	3	1.0	2LN	700	1,160	1,160	1,160	1,160	1,210	2,010	2,010	2,010	2,010
	GATEWAY BLVD	GUNNERY RD	3	3.5	2LN	1,040	1,040	1,040	1,040	1,040	1,670	1,670	1,670	1,670	1,670
	GUNNERY RD	ALABAMA RD	3	3.5	2LN	140	450	860	1,210	1,360	230	730	1,390	1,960	2,200
	ALABAMA RD	BELL BLVD	3	4.2	2LN	140	450	860	1,210	1,360	230	730	1,390	1,960	2,200
	BELL BLVD	COUNTY LINE	3	2.7	2LN	140	450	860	1,210	1,360	230	730	1,390	1,960	2,200
NORTH RIVER RD	SR 31	FRANKLIN LOCK RD	2	4.5	2LN	170	370	620	860	1,140	280	610	1,020	1,410	1,870
	FRANKLIN LOCK RD	BROADWAY RD	2	5.7	2LN	170	370	620	860	1,140	280	610	1,020	1,410	1,870
	BROADWAY RD	COUNTY LINE	2	3.6	2LN	170	370	620	860	1,140	280	610	1,020	1,410	1,870
ORANGE RIVER BLVD	SR 80	STALEY RD	3	1.3	2LN	110	260	430	590	1,000	210	500	820	1,120	1,890
	STALEY RD	BUCKINGHAM RD	3	3.0	2LN	110	260	430	590	1,000	210	500	820	1,120	1,890
ORTIZ AVE	COLONIAL BLVD	SR 82	1	1.7	2LN	0	790	900	900	900	0	1,340	1,520	1,520	1,520
	SR 82	BALLARD ST	1	1.1	2LN	0	790	900	900	900	0	1,340	1,520	1,520	1,520
	BALLARD ST	TICE ST	1	1.3	2LN	0	790	900	900	900	0	1,340	1,520	1,520	1,520
	TICE ST	SR 80	1	0.3	2LN	0	790	900	900	900	0	1,340	1,520	1,520	1,520
PINE ISLAND RD/ BAYSHORE RD (SR 78)	STRINGFELLOW RD	BURNT STORE RD	5 & 6	5.4	2LN	70	220	380	530	950	140	440	750	1,040	1,870
	BURNT STORE RD	CHIUQUITA BLVD	5	2.0	4LD	1,230	1,820	1,820	1,820	1,820	2,280	3,370	3,370	3,370	3,370
	CHIUQUITA BLVD	SANTA BARBARA BLVD	5	2.3	4LD	1,250	2,020	2,020	2,020	2,020	2,320	3,760	3,760	3,760	3,760

JUNE, 2016

LINK-SPECIFIC SERVICE VOLUMES ON ARTERIALS IN LEE COUNTY (2015 DATA)

PAGE 5

ROAD SEGMENT	FROM	TO	TRAFFIC DISTRIC	LENGTH (MILE)	ROAD TYPE	SERVICE VOLUMES (PEAK HOUR PEAK DIRECTION)					SERVICE VOLUMES (PEAK HOUR--BOTH DIRECTIONS)				
						A	B	C	D	E	A	B	C	D	E
PINE ISLAND RD/ BAYSHORE RD (SR 78)	SANTA BARBARA BLVD	DEL PRADO BLVD	5	2.3	4LD	1,250	2,020	2,020	2,020	2,020	2,320	3,760	3,760	3,760	3,760
	DEL PRADO BLVD	BARNETT RD	5	2.1	4LD	1,250	2,020	2,020	2,020	2,020	2,320	3,760	3,760	3,760	3,760
	BARNETT RD	US 41	2	0.5	4LD	1,250	2,020	2,020	2,020	2,020	2,320	3,760	3,760	3,760	3,760
	US 41	BUSINESS 41	2	1.2	4LD	0	0	1,320	1,700	1,700	0	0	2,450	3,140	3,140
	BUSINESS 41	HART RD	2	1.1	4LD	1,100	1,920	1,920	1,920	1,920	2,080	3,610	3,610	3,610	3,610
	HART RD	BREWERS RD	2	0.4	4LD	1,100	1,920	1,920	1,920	1,920	2,080	3,610	3,610	3,610	3,610
	BREWERS RD	SLATER RD	2	0.8	4LD	1,100	1,920	1,920	1,920	1,920	2,080	3,610	3,610	3,610	3,610
	SLATER RD	I-75	2	2.9	4LD	1,100	1,920	1,920	1,920	1,920	2,080	3,610	3,610	3,610	3,610
	I-75	NALLE RD	2	0.6	2LN	130	350	580	780	1,100	250	670	1,100	1,480	2,080
PONDELLA RD	NALLE RD	SR 31	2	2.7	2LN	130	350	580	780	1,100	250	670	1,100	1,480	2,080
	SR 78	WESTWOOD RD	5	0.9	4LD	0	1,890	1,890	1,890	1,890	0	3,100	3,100	3,100	3,100
	WESTWOOD RD	ORANGE GROVE BLVD	2	0.6	4LD	0	1,890	1,890	1,890	1,890	0	3,100	3,100	3,100	3,100
	ORANGE GROVE BLVD	US 41	2	1.6	4LD	0	1,890	1,890	1,890	1,890	0	3,100	3,100	3,100	3,100
SAN CARLOS BLVD	US 41	BUS 41	2	0.6	4LD	0	1,890	1,890	1,890	1,890	0	3,100	3,100	3,100	3,100
	ESTERO BLVD	MAIN ST	4	0.6	2LB	960	1,040	1,040	1,040	1,040	1,750	1,890	1,890	1,890	1,890
	MAIN ST	SUMMERLIN RD	4	2.5	4LD	0	900	1,780	1,780	1,780	0	1,640	3,250	3,250	3,250
	SUMMERLIN RD	KELLY RD	4	1.1	2LN	60	850	900	900	900	110	1,550	1,640	1,640	1,640
	KELLY RD	McGREGOR BLVD	4	0.6	4LN	150	1,810	1,810	1,810	1,810	280	3,300	3,300	3,300	3,300
SANIBEL CAUSEWAY	SANIBEL SHORELINE	TOLL PLAZA	4	2.9	2LN	100	220	440	620	1,140	180	390	780	1,090	2,010
SIX MILE CYPRESS	US 41	METRO PKWY	4	1.2	4LD	0	1,740	2,000	2,000	2,000	0	3,290	3,770	3,770	3,770
	METRO PKWY	DANIELS PKWY	4	1.8	4LD	0	1,740	2,000	2,000	2,000	0	3,290	3,770	3,770	3,770
	DANIELS PKWY	CHALLENGER BLVD	4	4.4	4LD	800	1,900	1,900	1,900	1,900	1,360	3,220	3,220	3,220	3,220
	CHALLENGER BLVD	WAL-MART INTERSECTION	4	0.3	6LD	1,250	2,860	2,860	2,860	2,860	2,120	4,840	4,840	4,840	4,840
	WAL-MART INTERSECTION	COLONIAL BLVD	4	0.3	6LD	1,250	2,860	2,860	2,860	2,860	2,120	4,840	4,840	4,840	4,840
SLATER RD	SR 78	NALLE GRADE RD	2	4.0	2LN	120	290	490	660	1,010	230	550	930	1,250	1,910
SR 31	SR 80	SR 78	2 & 3	1.4	2LN	640	1,300	1,300	1,300	1,300	1,120	2,270	2,270	2,270	2,270
	SR 78	N. RIVER RD	2	1.3	2LN	150	420	740	1,010	1,360	270	760	1,340	1,820	2,450
	N. RIVER RD	COUNTY LINE	2	2.0	2LN	150	420	740	1,010	1,360	270	760	1,340	1,820	2,450
SR 80	PROSPECT AVE	ORTIZ AVE	1	1.3	4LD	0	1,650	1,820	1,820	1,820	0	2,710	3,000	3,000	3,000
	ORTIZ AVE	I-75	1	1.2	6LD	0	2,550	2,760	2,760	2,760	0	4,190	4,520	4,520	4,520
	I-75	SR 31	3	2.7	6LD	1,830	2,820	2,820	2,820	2,820	2,920	4,640	4,640	4,640	4,640
	SR 31	BUCKINGHAM RD	3	2.5	4LD	1,150	1,880	1,880	1,880	1,880	1,890	3,080	3,080	3,080	3,080
	BUCKINGHAM RD	HICKEY CREEK RD	3	2.5	4LD	940	1,600	2,260	2,860	3,170	1,550	2,630	3,710	4,690	5,200
	HICKEY CREEK RD	MITCHELL AVE	3	0.9	4LD	940	1,600	2,260	2,860	3,170	1,550	2,630	3,710	4,690	5,200
	MITCHELL AVE	JOEL BLVD	3	4.0	4LD	940	1,600	2,260	2,860	3,170	1,550	2,630	3,710	4,690	5,200
	JOEL BLVD	COUNTY LINE	3	2.2	4LD	940	1,600	2,260	2,860	3,170	1,550	2,630	3,710	4,690	5,200
STRINGFELLOW RD	1ST AVE	PINE ISLAND RD	6	7.9	2LN	130	340	570	780	1,060	250	630	1,060	1,450	1,970
	PINE ISLAND RD	PINELAND RD	6	3.3	2LN	130	340	570	780	1,060	250	630	1,060	1,450	1,970
	PINELAND RD	MAIN ST	6	3.7	2LN	130	340	570	780	1,060	250	630	1,060	1,450	1,970

LEE PLAN OBJECTIVE 24.2
&
LAND DEVELOPMENT CODE
SECTION 33-1011

POLICY 24.1.8: Lee County will support practices that reduce pesticides, fertilizers, animal waste, and other pollutants entering Greater Pine Island's estuarine and wetland resources. (Ordinance No. 16-07, 18-18)

POLICY 24.1.9: Lee County will support the use of central sanitary sewer service to reduce potential contamination to groundwater or the surrounding estuarine systems from on-site septic systems. (Ordinance No. 16-07, 18-18)

OBJECTIVE 24.2: ROAD IMPROVEMENTS. The county will continually monitor traffic levels within Greater Pine Island to maintain hurricane evacuation clearance times in accordance with Objective 24.7. (Ordinance No. 00-22, 16-07, 18-18, 18-28)

POLICY 24.2.1: Lee County will monitor impacts to the existing transportation infrastructure of Greater Pine Island recognizing the limited access to the community and the seasonal nature of infrastructure demand. (Ordinance No. 16-07, 18-18)

POLICY 24.2.2: Lee County will continue to work toward attaining a level of service for out of county hurricane evacuation in a Category 5 storm event that does not exceed 18 hours. (Ordinance No. 16-07, 18-18)

POLICY 24.2.3: Lee County will work with the Florida Department of Transportation to identify hurricane evacuation roadway capacity improvements in order to maintain evacuation clearance time standards for Greater Pine Island. (Ordinance No. 16-07, 18-18)

POLICY 24.2.4: The county will make every effort to continue extending the bicycle path to run the entire length of Stringfellow Road. This path should be designed similar to the bicycle path north of Pineland that was completed in 2001. (Ordinance No. 03-03, 16-07, 18-18)

POLICY 24.2.5: Lee County will continue to evaluate pedestrian safety and circulation, and will seek to minimize pedestrian-vehicular conflicts within the Matlacha Historic District. (Ordinance No. 16-07, 18-18)

POLICY 24.2.6: Lee County will assess the benefits of expanding mass transit services to Greater Pine Island to minimize the number of vehicular trips through Matlacha, and will encourage projects to accommodate bus stops, multi-modal opportunities, ride share lots, water taxis, and/or pedestrian connectivity. (Ordinance No. 16-07, 18-18)

OBJECTIVE 24.3: RESIDENTIAL LAND USES. County regulations, policies, and discretionary actions will recognize certain unique characteristics of Greater Pine Island which justify different treatment of existing and future residential areas than in mainland Lee County, as described in the following policies. (Ordinance No. 94-30, 00-22, 18-18)

POLICY 24.3.1: Due to the constraints on future development posed by the limited road connections to mainland Lee County, only Greater Pine Island TDUs are permitted in Greater Pine Island consistent with Table 1(a), Note 4. Only the portion of Greater Pine Island defined as Pine Island Center is eligible to receive Greater Pine Island TDUs. (Ordinance No. 16-07, 18-18)

POLICY 24.3.2: When warranted by actual construction and occupancy of homes, existing substandard subdivisions may become subject to Municipal Service Taxing or Benefit Districts to provide roads, drainage, and other public facilities. (Ordinance No. 18-18)

Sec. 33-1011. - Greater Pine Island road level of service.

The roadway level of service standards set forth in Lee Plan Policy 24.2.1 and a maximum hurricane evacuation clearance time of 18 hours for Pine Island residents as set forth in Lee Plan Policy 24.2.2 must be maintained for Pine Island Road.

- (a) The minimum acceptable peak hour, peak season, peak direction roadway level of service standard for Pine Island Road between Burnt Store Road and Stringfellow Boulevard is level of service "E" calculated in accordance with Policy 37.1.1 of the Lee County Comprehensive Plan. This standard will be measured at the County's permanent count station #3 on Little Pine Island at the western edge of Matlacha and will apply to all of Greater Pine Island.
- (b) If the level of service standards and/or maximum hurricane evacuation clearance time is exceeded, new development approvals will be subject to the mitigation requirements set forth in chapter 2.

(Ord. No. 07-19, § 5, 5-29-07; Ord. No. 16-09, § 3, 4-5-16; Ord. No. 21-08, § 8, 6-1-21)

TRIP GENERATION EQUATIONS

Mini-Warehouse (151)

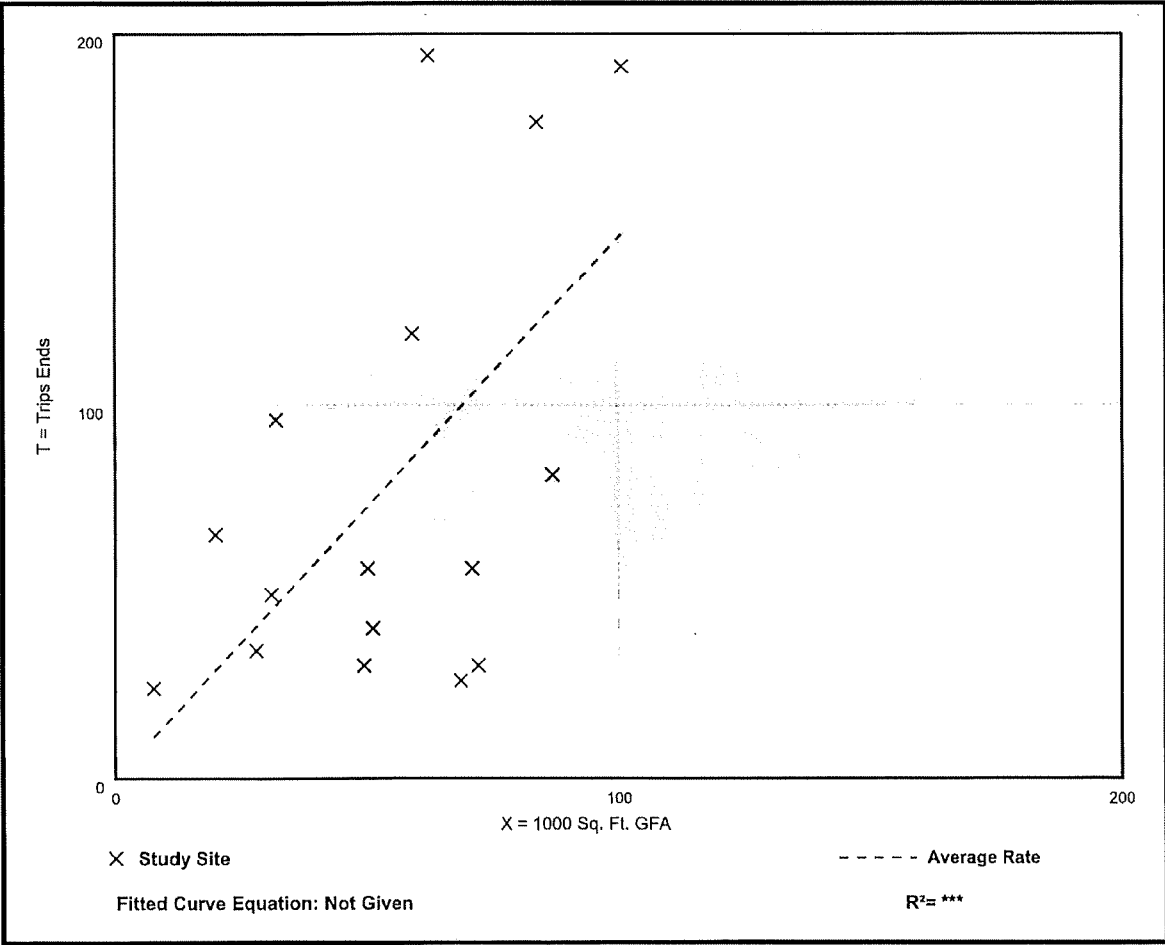
Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 16
Avg. 1000 Sq. Ft. GFA: 55
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
1.45	0.38 - 3.25	0.92

Data Plot and Equation



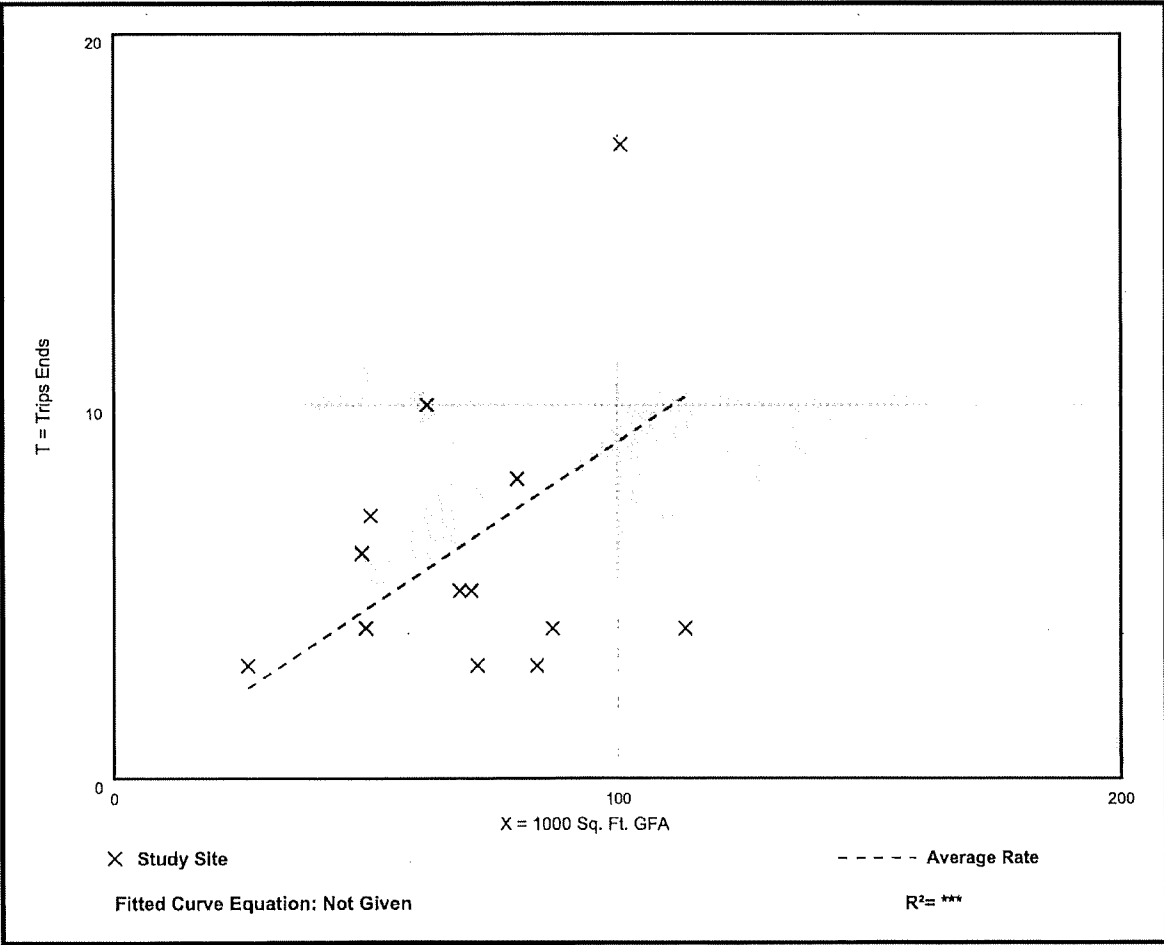
Mini-Warehouse (151)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.
Setting/Location: General Urban/Suburban
Number of Studies: 13
Avg. 1000 Sq. Ft. GFA: 70
Directional Distribution: 59% entering, 41% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
0.09	0.04 - 0.17	0.05

Data Plot and Equation



Mini-Warehouse (151)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA

On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 18

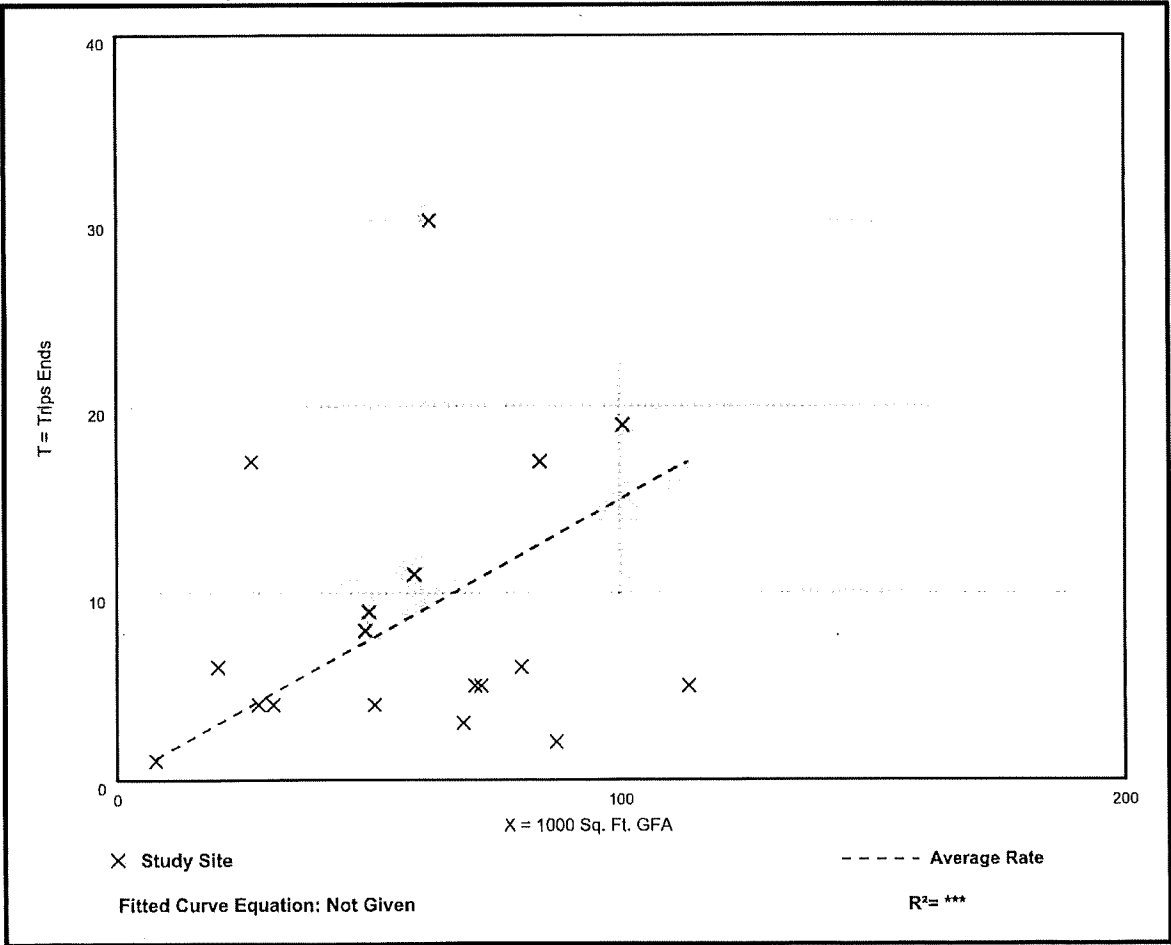
Avg. 1000 Sq. Ft. GFA: 59

Directional Distribution: 47% entering, 53% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
0.15	0.02 - 0.64	0.14

Data Plot and Equation



Shopping Plaza (40-150k) - Supermarket - Yes (821)

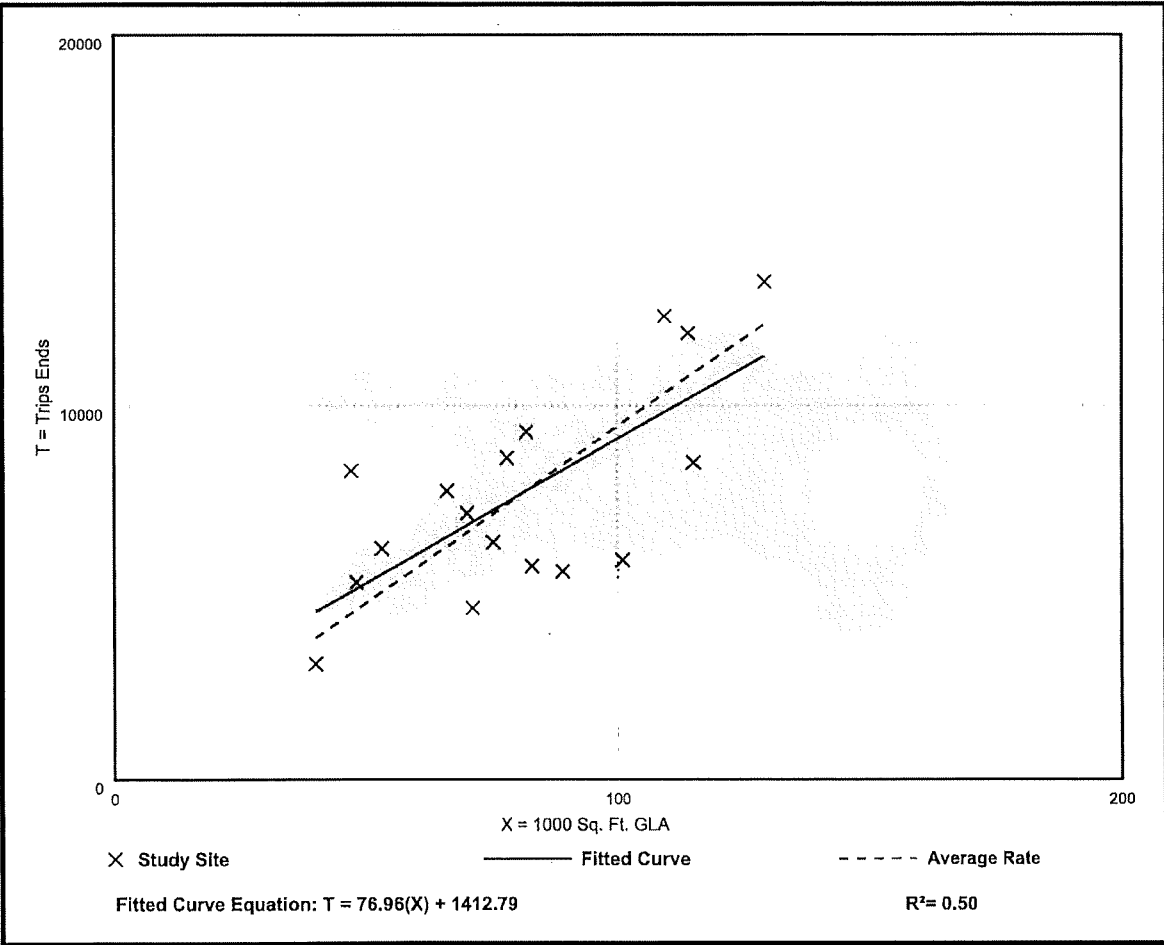
Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 17
Avg. 1000 Sq. Ft. GLA: 81
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
94.49	57.86 - 175.32	26.55

Data Plot and Equation



Shopping Plaza (40-150k) - Supermarket - Yes (821)

Vehicle Trip Ends vs: 1000 Sq. Ft. GLA

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban

Number of Studies: 16

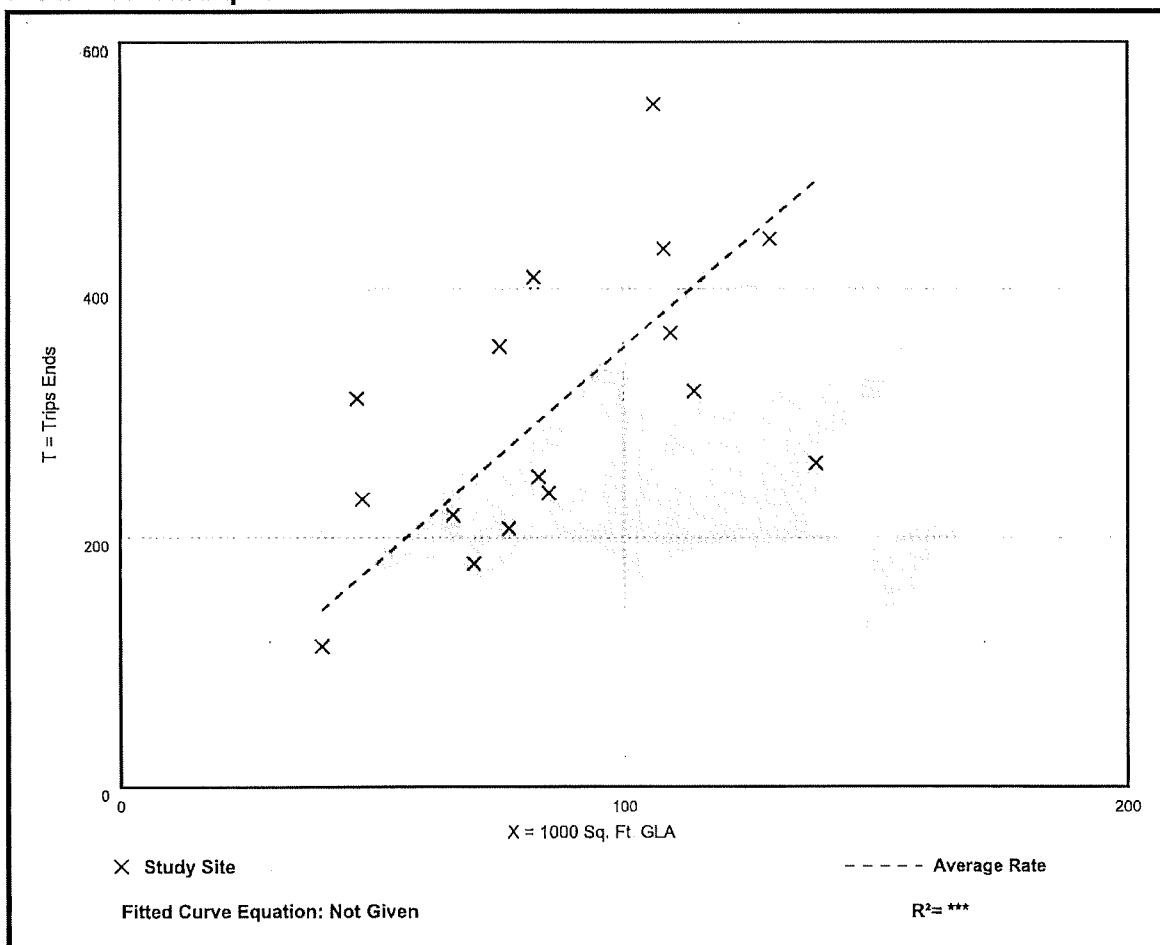
Avg. 1000 Sq. Ft. GLA: 86

Directional Distribution: 62% entering, 38% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
3.53	1.88 - 6.62	1.17

Data Plot and Equation



Shopping Plaza (40-150k) - Supermarket - Yes (821)

Vehicle Trip Ends vs: 1000 Sq. Ft. GLA

On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 51

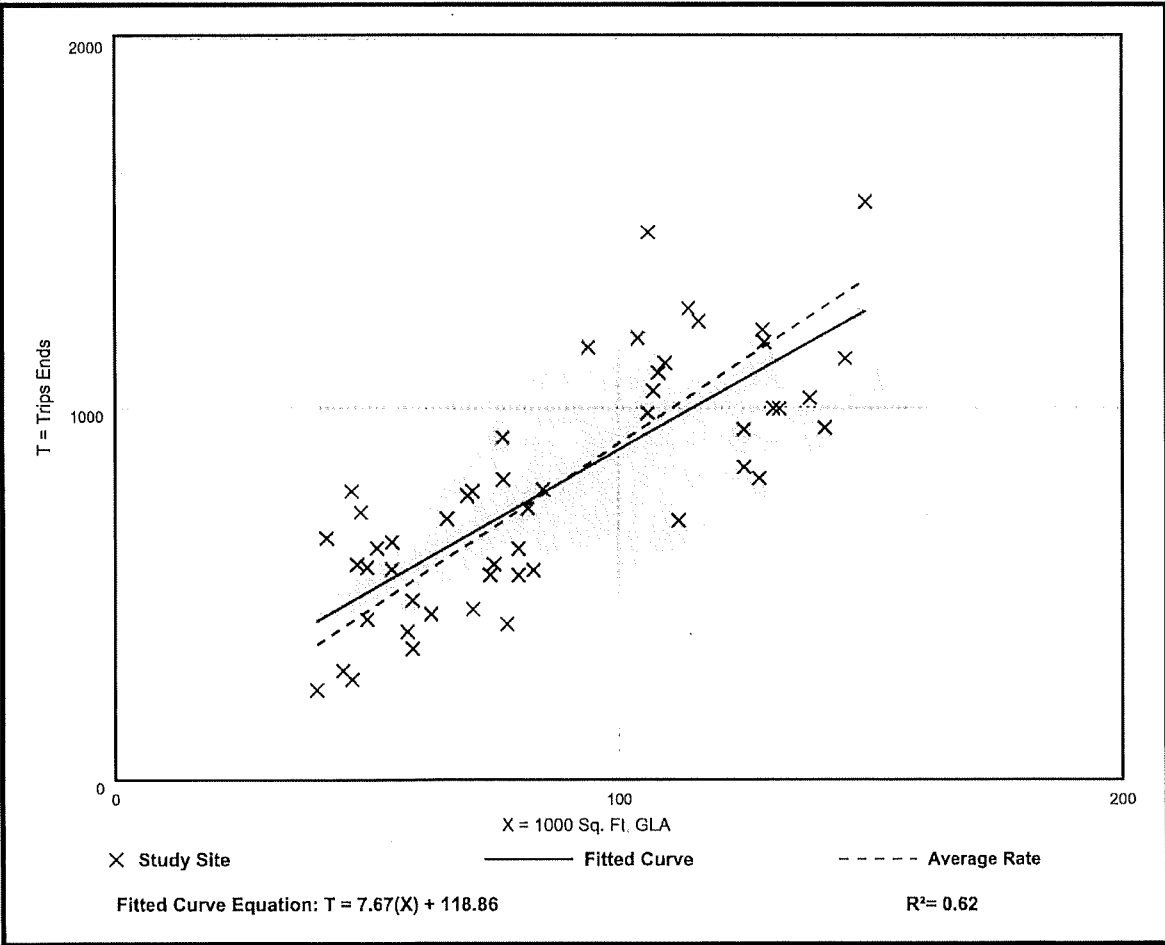
Avg. 1000 Sq. Ft. GLA: 87

Directional Distribution: 48% entering, 52% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
9.03	5.35 - 16.45	2.37

Data Plot and Equation





REQUEST FOR SUBMITTAL REQUIREMENT WAIVER FOR UNINCORPORATED AREAS ONLY

Upon written request, the Director may modify the submittal requirements for Public Hearings, Development Orders, Limited Review Development Orders and other Administrative Action Applications where it can be clearly demonstrated that the submission will have no bearing on the review and processing of the application. The request and the Director's written response must accompany the application submitted and will become a part of the permanent file.

APPLICATION FOR WAIVER OF REQUIRED SUBMITTAL ITEMS (indicate the appropriate application type)

- ☒ Public Hearing - General Requirements (34-202)
- ☐ Public Hearing - Mining Excavation Planned Development (12-110)
- ☒ Public Hearing - Additional Requirements for:
 - ☐ Development of Regional Impact (34-202(b)(1))
 - ☐ Planned Developments (34-202(b)(2))
 - ☒ Planned Development Amendment (34-202(b)(2))
 - ☐ Rezoning other than Planned Developments (34-202(b)(3))
 - ☐ Special Exceptions (34-202(b)(5))
 - ☐ Variances (34-202(b)(6))
 - ☐ Limited Amendment to Existing Mine Zoning Approval [12-121(j)]
 - ☐ Private Recreational Facilities Planned Development (34-941(g))
- ☐ Development Order - Submittal Requirements (10-152)
 - ☐ Application Form and Contents (10-153)
 - ☐ Additional Required Submittals (10-154)
- ☐ Limited Review Development Order – Submittal Requirements (10-152)
 - ☐ Required Submittals (10-175)
- ☐ Administrative Action Application Requirements [34-203]

State the Type of Administrative Application: _____

PLEASE PRINT OR TYPE:

STRAP Number: 28-44-22-L2-U8933.4442, 28-44-22-00-00012.002B & 28-44-22-00-00012.0000
 Name of Project: Calusa Cay CPD – Parcel 3

Name of Agent: Stacy Ellis Hewitt, AICP, Banks Engineering
 Street Address: 10511 Six Mile Cypress Parkway, Suite 101
 City, State, Zip: Fort Myers, FL 33966
 Phone Number: 239-770-2527/239-939-5490 Email Address: shewitt@bankseng.com

Name of Applicant*: Power Corporation
 Street Address: 3050 N. Horseshoe Drive, Suite 105
 City, State, Zip: Naples, FL 34104
 Phone Number: c/o 239-770-2527/239-939-5490 Email Address: c/o shewitt@bankseng.com

***If applicant is not the owner, a letter of authorization from the owner must be submitted.**

LEE COUNTY COMMUNITY DEVELOPMENT
 P.O. BOX 398 (1500 MONROE STREET), FORT MYERS, FLORIDA 33902
 PHONE (239) 533-8585

A. SPECIFIC SECTION(S) AND REQUIREMENT(S) FOR WHICH A WAIVER IS SOUGHT:

	Section Number	Requirement
#1	34-202(a)(6) & 34-373(a)(4)a	Boundary Survey
#2	34-202(a)(7)	Certification of title and encumbrances
#3	34-373(a)(4)b.i	Soils Map
#4	34-373(4)b.ii & 34-373(a)(4)c	Vegetation & ground cover/FLUCCS map
#5	34-373(a)(4)b.iii	Rare & Unique upland habitats
#6	34-373(a)(4)b.iv	Topographic map
#7	34-373(a)(4)b.v	Existing & historic flowways
#8	34-373(a)(4)d	Archaeological or historical resources
#9	34-373(a)(6)	Master Concept Plan
#10	34-373(b)(1)	Description of Surface Water Management Plan
#9	34-373(b)(2)	Protected Species Survey
#10	34-202(a)(10)	Proof of potable water and sewer availability

B. SCOPE OF PROJECT AND REASON(S) FOR REQUEST:

Please provide an explanation of the scope of the project and the reason(s) why you think the request for submittal waiver(s) should be approved. Use additional sheets if necessary and attach to this application form. (Please print or type)

The applicant is in the process of preparing a public hearing amendment to the CPD to add warehouse, public and mini-warehouse to the schedule of uses for Parcel 3, and reduce the retail square footage from 96,500 SF to 79,600 SF (16,900 SF reduction) and add 60,000 SF self-storage use to Parcel 3 only which is located behind the grocery store. The zoning for the subject property was just amended under case number DCI2021-00018 which provided updated title work and boundary survey. No changes are proposed to the Master Concept Plan. Applicant requests to provide copies of items #1, #2 and #9 that were deemed sufficient for case number DCI2021-00018 as part of the pending zoning application. The subject property has also received development order approval for the grocery store under DOS2019-00130. All environmental and surface water management issues have been previously addressed and are on file with Lee County in the above referenced cases. The change in the development intensities will reduce the amount of water and sewer flows significantly (the 16,900 SF reduction is 2,535 gpd and the proposed self storage use is only ±400 gpd) so no letter of availability should be required for this change. The submittal of any of the requested items would have no bearing on the review and processing of the application.

Under penalties of perjury, I declare that I have read the foregoing application and that the facts stated in it are true.



Signature of Applicant

October 1, 2021

Date

.....
FOR STAFF USE ONLY

DIRECTOR'S DECISION:

☐

Request Denied

☒

Request Approved #3 through #8, #9 (protected species), #10

☒

Request Approved Per Attached Comments #1, #2, #9 (MCP)

Electronically signed on 10/4/2021 by
 Anthony R. Rodriguez, AICP, Zoning Manager
 Lee County Department of Community Development

Director Signature

Date

GEN2021-00364

Legal

Items #1 and #2 (HxS)

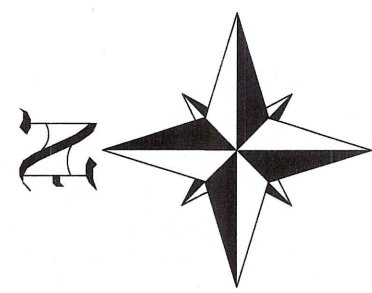
Request that the applicant provide copies of the documents in lieu of obtaining new documents. Also request an affidavit of no change to accompany the title certification document.

Environmental Sciences (EAW)

Approval of #3 - #7 and #9 Protected Species Survey

Item # 9 Master Concept Plan (PHD)

The most recent MCP from case 2021-0018 would be accepted, however, if the scope of the case warrants changes to the MCP, a new MCP would be required.



0 60 120 180
GRAPHIC SCALE 1"= 60'

LEGEND

- PRESERVED INDEGENOUS WETLAND (2.65 AC.)
- ENHANCED INDEGENOUS WETLAND (5.74 AC.)
- CREATED INDEGENOUS WETLAND (2.08 AC.)
- FILTER MARSH (0.08 AC.)
- TREE AND SHRUBS COUNTING AREA FOR MITIGATION PLANTINGS (7.82 AC.)
- POTENTIAL ADDITIONAL TREE AND SHRUB PLANTING AREA SEE INDEGENOUS MANAGEMENT PLAN FOR PLANTING AREA DETAIL

REQUESTED DEVIATION

CONCEPTUAL INGRESS/EGRESS LOCATION

SITE DATA

TOTAL SITE AREA: 26.77 ACRES
R.O.W. AND BUFFER TRACT: 1.98 ACRES
PROPOSED LAKE AREA: 1.34 ACRES
PRESERVE AREAS: 10.55 ACRES
COMMERCIAL FLOOR AREA: MAXIMUM 149,600 SF¹
MAXIMUM BUILDING HEIGHT: 35 FEET²

RM-2
VACANT
URBAN
COMMUNITY

¹ MAXIMUM 59,600 S.F. COMMERCIAL FOR GROCERY AND RETAIL TRACTS

MAXIMUM 30,000 S.F. COMMERCIAL FOR OUTPARCELS 1, 2 & 3*
*PARCEL 3 MAY ALTERNATIVELY BE DEVELOPED WITH MAXIMUM 50,000 SF SELF STORAGE

² SELF STORAGE USE ON PARCEL 3 MAXIMUM HEIGHT 38 FEET ABOVE AVERAGE GRADE OR 45 FEET ABOVE MEAN SEA LEVEL, WHICHEVER IS LOWER.

OPEN SPACE REQUIRED
26.77 ACRES X 30% = 8.03 ACRES

OPEN SPACE PROVIDED
OUTPARCELS (10%) 0.36 ACRES
SHOPPING CENTER 12.93 ACRES
TOTAL 13.29 ACRES

INDEGENOUS VEGETATION REQUIRED
8.03 ACRES X 50% = 4.02 ACRES

INDEGENOUS VEGETATION PROVIDED

SHALLOW FILTER MARSH 0.08 ACRES
ENHANCED INDEGENOUS WETLAND 5.74 ACRES
CREATED INDEGENOUS WETLAND 2.08 ACRES
PRESERVE INDEGENOUS WETLAND 2.65 ACRES
TOTAL 10.55 ACRES

NOTES:

- INGRESS AND EGRESS FOR OUTPARCELS IS DEPICTED FOR CONCEPTUAL PURPOSES ONLY. THE EXACT LOCATION OF THE OUTPARCEL ACCESS POINTS WILL BE DETERMINED IN ACCORDANCE WITH THE REQUIREMENTS OF LDC SECTION 10-285 DURING THE DEVELOPMENT ORDER PROCESS.
- INTERNAL BUFFERING WILL BE PROVIDED IN ACCORDANCE WITH THE REQUIREMENTS OF LDC SECTION 10-416 (D)3.
- NO PERIMETER BUFFERING IS PROPOSED WHERE THE PRESERVE AREA ABUTS THE ADJACENT PROPERTIES TO THE NORTH AND EAST.
- ADDITIONAL BUFFERING FOR OUTPARCELS WILL BE PROVIDED IN ACCORDANCE WITH THE REQUIREMENTS OF LDC SECTIONS 34-1352 AND 34-1353, IF APPLICABLE.
- PARKING FOR THE OUTPARCELS WILL BE PROVIDED IN ACCORDANCE WITH THE REQUIREMENTS OF LDC SECTION 33-1083(G).
- THE PROPOSED DEVELOPMENT WILL PROVIDE THE REQUIRED FACILITIES FOR SOLID WASTE/RECYCLING STORAGE AND PICK UP IN COMPLIANCE WITH LDC SECTION 10-261.

DEED OF
CONSERVATION EASEMENT
(I.N. 2014000072997)

PRESERVE
AREA

50' Native Vegetative Buffer

EXISTING LAKE 1
0.84 AC.

PROPOSED RETAIL
TRACT LINES

20.0' L.M.E.

PROPOSED RETAIL
TRACT LINES

5.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

7.5' - 7.0'

10.0' (MIN.)

50.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

5.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

7.5' - 7.0'

10.0' (MIN.)

50.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

5.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

7.5' - 7.0'

10.0' (MIN.)

50.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

5.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

7.5' - 7.0'

10.0' (MIN.)

50.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

5.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

7.5' - 7.0'

10.0' (MIN.)

50.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

5.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

7.5' - 7.0'

10.0' (MIN.)

50.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

5.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

7.5' - 7.0'

10.0' (MIN.)

50.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

5.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

7.5' - 7.0'

10.0' (MIN.)

50.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

5.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

7.5' - 7.0'

10.0' (MIN.)

50.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

5.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

7.5' - 7.0'

10.0' (MIN.)

50.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

5.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

7.5' - 7.0'

10.0' (MIN.)

50.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

5.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

7.5' - 7.0'

10.0' (MIN.)

50.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

5.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

7.5' - 7.0'

10.0' (MIN.)

50.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

5.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

7.5' - 7.0'

10.0' (MIN.)

50.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

5.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

7.5' - 7.0'

10.0' (MIN.)

50.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

5.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

7.5' - 7.0'

10.0' (MIN.)

50.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

5.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

7.5' - 7.0'

10.0' (MIN.)

50.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

5.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

7.5' - 7.0'

10.0' (MIN.)

50.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

5.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

7.5' - 7.0'

10.0' (MIN.)

50.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

5.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

7.5' - 7.0'

10.0' (MIN.)

50.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

5.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

7.5' - 7.0'

10.0' (MIN.)

50.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

5.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

7.5' - 7.0'

10.0' (MIN.)

50.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

5.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

7.5' - 7.0'

10.0' (MIN.)

50.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

5.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

7.5' - 7.0'

10.0' (MIN.)

50.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

5.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

7.5' - 7.0'

10.0' (MIN.)

50.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

5.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

7.5' - 7.0'

10.0' (MIN.)

50.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

5.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

7.5' - 7.0'

10.0' (MIN.)

50.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

5.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

7.5' - 7.0'

10.0' (MIN.)

50.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

5.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

7.5' - 7.0'

10.0' (MIN.)

50.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

5.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

7.5' - 7.0'

10.0' (MIN.)

50.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

5.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

7.5' - 7.0'

10.0' (MIN.)

50.0' (MIN.)

20.0' (MIN.)

10.0' (MIN.)

CALUSA CAY CPD AMENDMENT

DCI2022-00017

**LEE COUNTY HEARING EXAMINER
PUBLIC HEARING
August 31, 2022**

APPLICANT EXHIBIT# _____
1.

APPLICANT'S REPRESENTATIVES

Stacy Ellis, Hewitt, AICP
Planner



Ted B. Treesh, PTP
Transportation

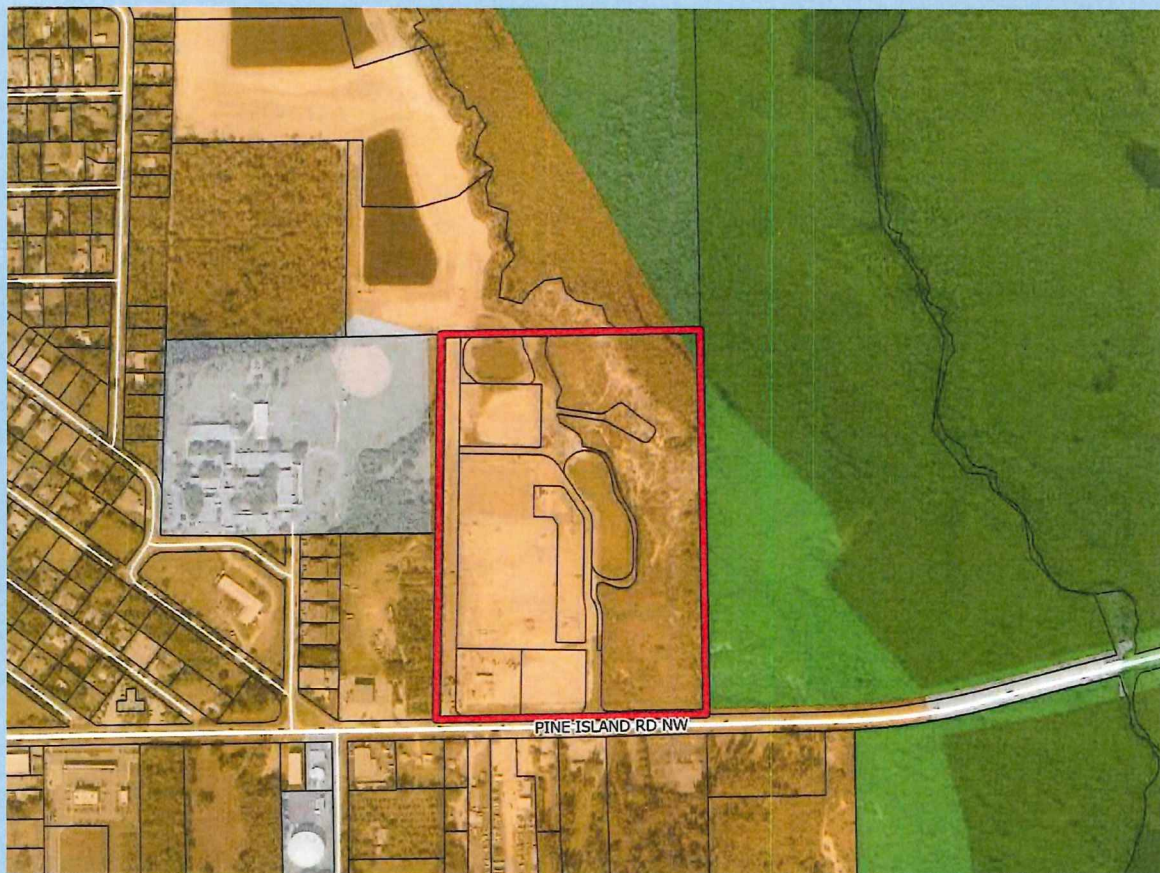


PROJECT LOCATION



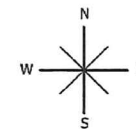
26.77± acres on north side of Pine Island Road, ±320' east of Betsy Pkwy – east of Pine Island Elementary School.

FUTURE LAND USE

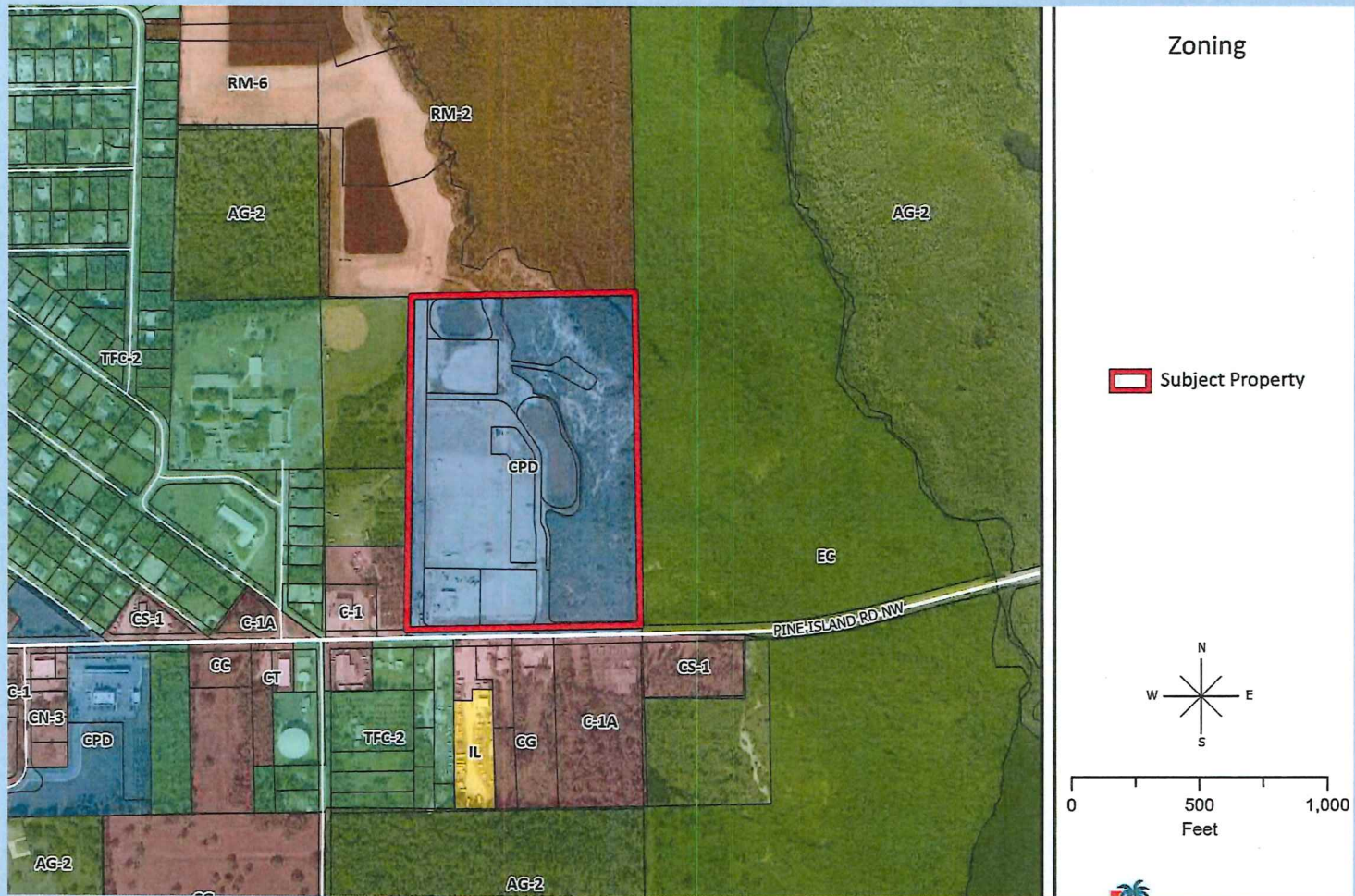


Future Land Use

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



ZONING



INTRODUCTION

Request: Amend 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**
 - 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 option for 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**
- update the Master Concept plan to reflect these changes

Planning Community: Greater Pine Island

Future Land Use: Urban Community

PROJECT AERIAL



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

STAFF REPORT

- Staff recommends approval with conditions
- Applicant in agreement with proposed conditions as amended by 48-Hr Notice
- Request to incorporate staff report and 48-Hr Notice with attachments as part of testimony

ZONING HISTORY

Z-13-007: Approved 6/17/13 – Rezoned from AG-2 & C-1A to CPD to allow maximum 96,500 SF

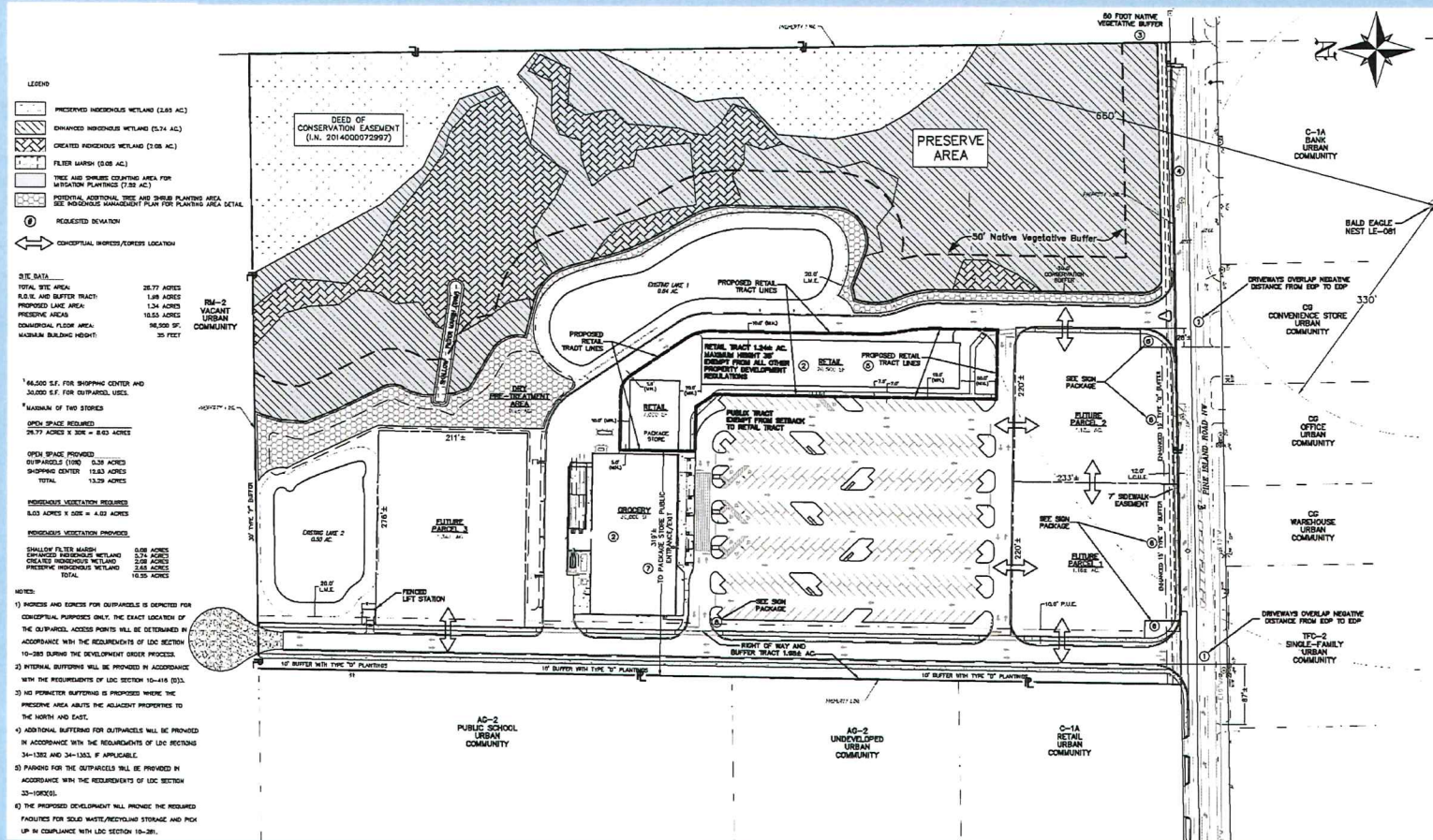
- 76,500 SF shopping center
- 20,000 SF on 2 outparcels

ADD2020-00020: Approved 5/19/20 – Amended Master Concept Plan to revise building square footage and site layout, create additional outparcel, amended conditions and deviations.

- 66,500 SF shopping center
- 30,000 SF on 3 outparcels
- Updated Wetland Enhancement and Creation Plan

ADD2021-00051 – Approved 8/18/21 - Amended Master Concept Plan to subdivide grocery tract into two parcels, reduced a retail building from 10,000 to 7,000 SF, amended property development regulations and added access and signage Deviations

EXISTING APPROVED ZONING



Z-21-015 – Approved 12/8/21 – Added Package Store to Schedule of Uses & Deviation 7 from LDC Sec. 34-1263(e) to allow Package Store 319' from a non-commercial school

EXISTING APPROVED ZONING

SITE DATA

TOTAL SITE AREA:	26.77 ACRES
R.O.W. AND BUFFER TRACT:	1.98 ACRES
PROPOSED LAKE AREA:	1.34 ACRES
PRESERVE AREAS	10.55 ACRES
COMMERCIAL FLOOR AREA:	96,500 SF.
MAXIMUM BUILDING HEIGHT:	35 FEET

¹ 66,500 S.F. FOR SHOPPING CENTER AND
30,000 S.F. FOR OUTPARCEL USES.

² MAXIMUM OF TWO STORIES

OPEN SPACE REQUIRED

26.77 ACRES X 30% = 8.03 ACRES

OPEN SPACE PROVIDED

OUTPARCELS (10%)	0.36 ACRES
SHOPPING CENTER	12.93 ACRES
TOTAL	13.29 ACRES

INDIGENOUS VEGETATION REQUIRED

8.03 ACRES X 50% = 4.02 ACRES

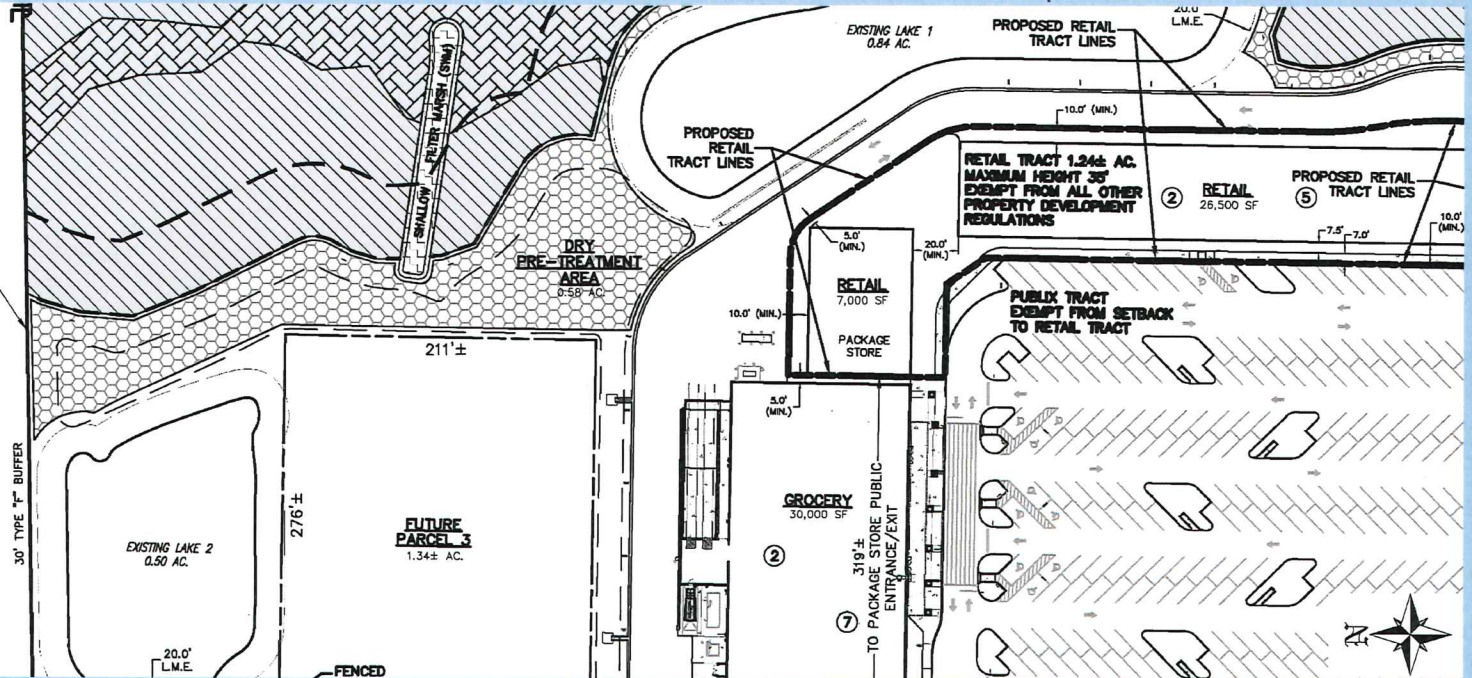
INDIGENOUS VEGETATION PROVIDED

SHALLOW FILTER MARSH	0.08 ACRES
ENHANCED INDIGENOUS WETLAND	5.74 ACRES
CREATED INDIGENOUS WETLAND	2.08 ACRES
PRESERVE INDIGENOUS WETLAND	2.65 ACRES
TOTAL	10.55 ACRES

NOTES:

RM-2
VACANT
URBAN
COMMUNITY

PROPERTY LINE



PROPOSED MINOR PUBLIC HEARING AMENDMENT

150 300
GRAPHIC SCALE 1" = 150'

LEGEND

- PRESERVED INDIGENOUS WETLAND (3.85 AC)
- ENHANCED INDIGENOUS WETLAND (5.74 AC)
- CREATED INDIGENOUS WETLAND (2.08 AC)
- FILTER MARSH (0.08 AC)
- TREE AND SHRUBS COUNTING AREA FOR MITIGATION PLANTINGS (7.82 AC)
- POTENTIAL ADDITIONAL TREE AND SHRUB PLANTING AREA
SEE INDIGENOUS MANAGEMENT PLAN FOR PLANTING AREA DETAIL
- REQUESTED DETENTION
- CONCEPTUAL INGRESS/EGRESS LOCATION

SITE DATA

TOTAL SITE AREA	58.77 ACRES	RM-2 VACANT URBAN COMMUNITY
R.O.W. AND BUFFER TRACT	1.98 ACRES	
PROPOSED LAKE AREA	1.34 ACRES	
PRESERVE AREAS	10.35 ACRES	
COMMERCIAL FLOOR AREA	MAINTAIN 146,620 SF	
MAXIMUM BUILDING HEIGHT	35 FEET	

¹ MAXIMUM 58,800 SF, COMMERCIAL FOR GROCERY AND RETAIL TRACTS
MAXIMUM 58,800 SF, COMMERCIAL FOR SUPERMARKET 1, 2 & 3
PARCEL 3 MAY ALTERNATIVELY BE DEVELOPED WITH
MAXIMUM 58,800 SF, SELF STORAGE

² SELF STORAGE USE ON PARCELS 3 MAXIMUM HEIGHT 35 FEET
OR 40 FEET ABOVE NEAR SEA LEVEL
WHICHEVER IS LOWER

OPEN SPACE REQUIRED

25.77 ACRES 3,300' = 8.03 ACRES

OPEN SPACE PROVIDED

OUTPARCELS (100)	0.34 ACRES
SHIPPING CENTER	12.53 ACRES
TOTAL	13.87 ACRES

INDIGENOUS VEGETATION REQUIRED

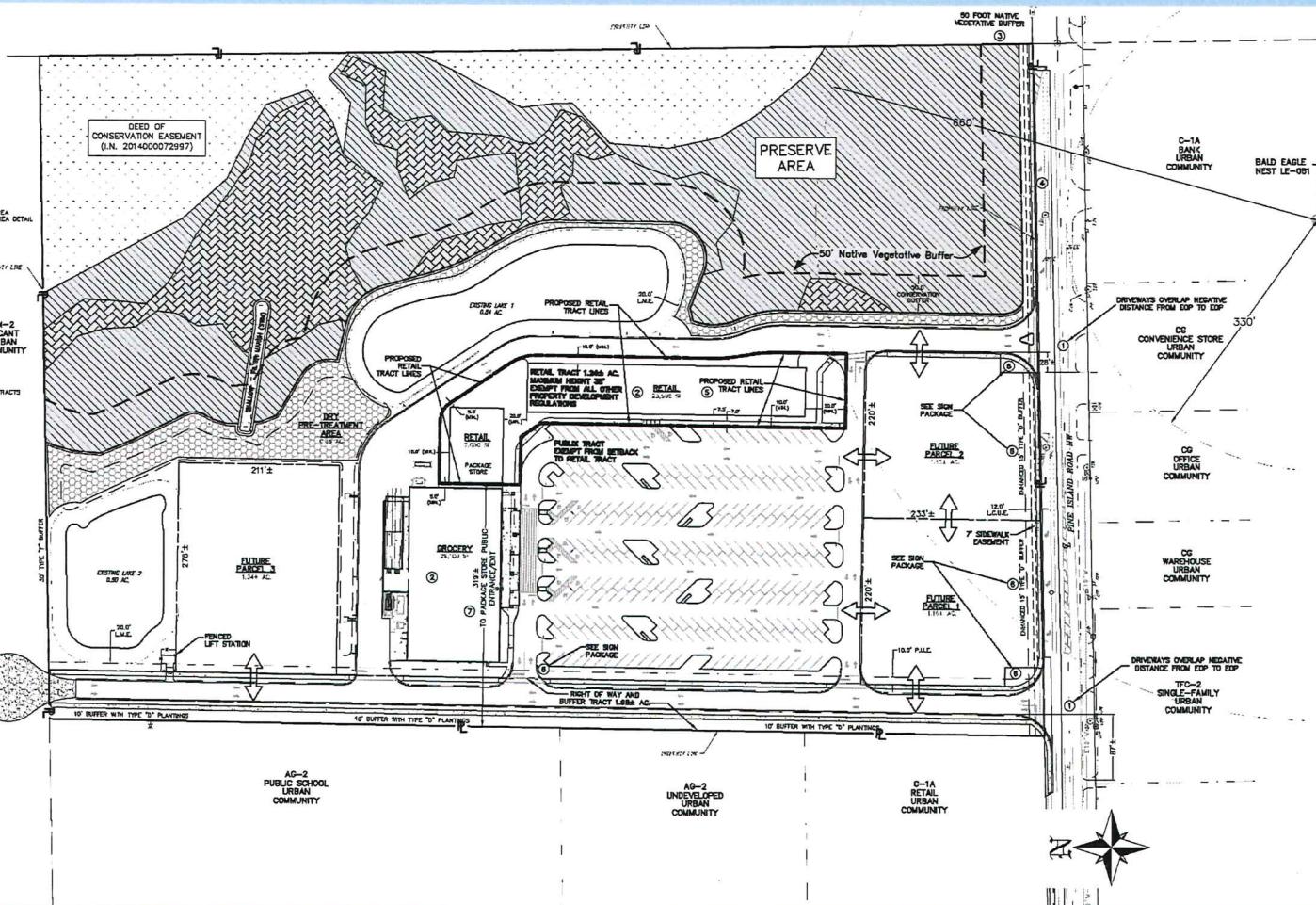
8.03 ACRES 3,300' = 4.02 ACRES

INDIGENOUS VEGETATION PROVIDED

SHALLOW FILTER MARSH	0.08 ACRES
ENHANCED INDIGENOUS WETLAND	5.74 ACRES
CREATED INDIGENOUS WETLAND	2.08 ACRES
TOTAL	10.55 ACRES

NOTES

- 1) INGRESS AND EGRESS FOR OUTPARCELS IS DEPICTED FOR CONCEPTUAL PURPOSES ONLY. THE EXACT LOCATION OF THE OUTPARCEL ACCESS POINTS WILL BE DETERMINED IN ACCORDANCE WITH THE REQUIREMENTS OF LDC SECTION 10-388 DURING THE DEVELOPMENT ORDER PROCESS.
- 2) INTERNAL BUFFERING WILL BE PROVIDED IN ACCORDANCE WITH THE REQUIREMENTS OF LDC SECTION 10-418 (D3).
- 3) NO PERIMETER BUFFERING IS PROPOSED WHERE THE PRESERVE AREA ADJUTS THE ADJACENT PROPERTIES TO THE NORTH AND EAST.
- 4) ADDITIONAL BUFFERING FOR OUTPARCELS WILL BE PROVIDED IN ACCORDANCE WITH THE REQUIREMENTS OF LDC SECTIONS 34-1302 AND 34-1303, IF APPLICABLE.
- 5) PARKING FOR THE OUTPARCELS WILL BE PROVIDED IN ACCORDANCE WITH THE REQUIREMENTS OF LDC SECTION 35-10A(2).
- 6) THE PROPOSED DEVELOPMENT WILL PROVIDE THE REQUIRED FACILITIES FOR SOLID WASTE/RECYCLING STORAGE AND PICK UP IN COMPLIANCE WITH LDC SECTION 10-261.



PROPOSED MINOR PUBLIC HEARING AMENDMENT

SITE DATA

TOTAL SITE AREA: 26.77 ACRES
 R.O.W. AND BUFFER TRACT: 1.98 ACRES
 PROPOSED LAKE AREA: 1.34 ACRES
 PRESERVE AREAS: 10.55 ACRES

**RM-2
 VACANT
 URBAN
 COMMUNITY**

COMMERCIAL FLOOR AREA: MAXIMUM 149,600 SF¹
 MAXIMUM BUILDING HEIGHT: 35 FEET²

¹ MAXIMUM 59,600 S.F. COMMERCIAL FOR GROCERY AND RETAIL TRACTS

MAXIMUM 30,000 S.F. COMMERCIAL FOR OUTPARCELS 1, 2 & 3*
 *PARCEL 3 MAY ALTERNATIVELY BE DEVELOPED WITH
 MAXIMUM 60,000 SF. SELF STORAGE

² SELF STORAGE USE ON PARCEL 3 MAXIMUM HEIGHT 38 FEET
 ABOVE AVERAGE GRADE OR 45 FEET ABOVE MEAN SEA LEVEL,
 WHICHEVER IS LOWER.

OPEN SPACE REQUIRED

26.77 ACRES X 30% = 8.03 ACRES

OPEN SPACE PROVIDED

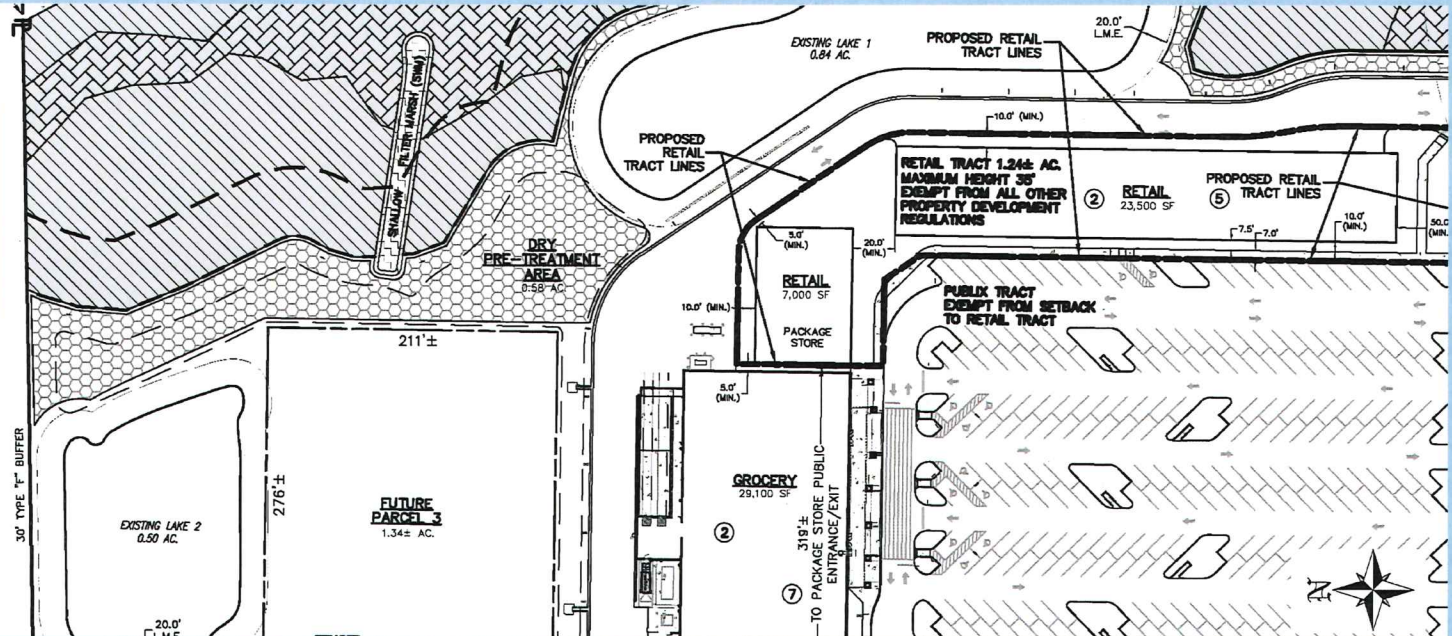
OUTPARCELS (10%) 0.36 ACRES
 SHOPPING CENTER 12.93 ACRES
 TOTAL 13.29 ACRES

INDIGENOUS VEGETATION REQUIRED

8.03 ACRES X 50% = 4.02 ACRES

INDIGENOUS VEGETATION PROVIDED

SHALLOW FILTER MARSH 0.08 ACRES
 ENHANCED INDIGENOUS WETLAND 5.74 ACRES
 CREATED INDIGENOUS WETLAND 2.08 ACRES
 PRESERVE INDIGENOUS WETLAND 2.65 ACRES
 TOTAL 10.55 ACRES



- 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 to Retail Tract

Tract	Existing Approved Retail	Proposed Retail Only	*Proposed Alternate with Self Storage on Parcel 3
Grocery	30,000 SF	29,100 SF	29,100 SF Retail
Retail Tract North Building	10,000 SF	7,000 SF	7,000 SF Retail
Retail Tract South Building	26,500 SF	23,500 SF	23,500 SF Retail
Outparcel 1	30,000 SF	30,000 SF total for Outparcels 1 - 3	30,000 SF total Retail for Outparcels 1-2
Outparcel 2			
Outparcel 3			*Alternate 60,000 SF Self Storage on Outparcel 3
Totals	96,500 SF	89,600 SF	89,600 SF Retail & 60,000 SF Self Storage = 149,600 SF total

Request results in REDUCTION in traffic (-444 Daily, -20 AMPH, -44 PMPH)
& REDUCTION in utility impacts (6,900 SF retail = 1,035± GPD, Self Storage = 400± GPD)

TRANSPORTATION

Ted B. Treesh, PTP



TRANSPORTATION

Project currently zoned for buildout of 96,500 square feet of commercial uses

Current proposed zoning to reduce the retail floor area to 89,600 square feet and add 60,000 square feet of self-storage uses generates LESS traffic than what is currently approved

Traffic impacts of Project at Buildout will remain the same with or without this requested rezoning

Project meets the Goals and Objectives of the Lee Plan and Land Development Code with respect to the Transportation Impact and the project will pay impact fees as mitigation for off-site road impacts

Commercial facilities on site serve residents and visitors, thus limiting amount of “new” traffic

APPLICANT 48-HR NOTICE

Staff Report

- Page 4, 2nd paragraph, 10TH line typo: *The height must be measured from 35-feet to 38 feet above average grade...*

Staff Report Attachment C: Recommended Conditions and Deviations

Applicant's proposed revisions to Staff Report Attachment C: Recommended Conditions and Deviations are attached in redline version with deletions in ~~strike-through~~ and additions in underline and clean version. The conditions and deviations in Staff Report Attachment C were inadvertently created from the staff proposed conditions from case number DCI2021-00018 instead of Zoning Resolution Z-21-015. Below items 2 through 5 are proposed revisions simply to reflect Z-21-015 and are shown in detail on the attached revisions. Items 6 through 10 include additional changes and discussion as outlined below. Changes to conditions that are related to this application are **highlighted** in both attachments to focus on those related to this application.

- Page 1, add following statement just before Condition 1:
This zoning action codifies and supersedes Resolution Z-13-007, ADD2020-00020, ADD2021-00051 and Z-21-015.
- Page 2, Condition 2.a., Schedule of Uses – following changes to match Z-21-015:
*...Restaurant: Groups I, II and III (...maximum of one on the anchor parcel and a maximum of one on the outparcels...)
...Specialty Retail Shops, Groups I, II, III and IV (...Groups I and II uses limited to total of three establishments...)*
- Pages 3-6, Conditions 3 through 17: Revisions to match Z-21-015 as shown in attachments.
- Pages 6-7, Deviations 1, 5, 6, 7, 8, and 9: Revisions to match Z-21-015 as shown in attachments.
- Page 1, Condition 1 - Revise date of MCP to the attached version revised to reflect the below clarification to intensities and minor language revisions to match Z-21-015. If Parcel 3 is not developed with self-storage use, it will retain the right to develop a portion of the 30,000 square feet of commercial designated for the outparcels.
...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 8/11/22 last revision date 8/25/22, attached hereto...
...Development Parameters
 - ~~*The CPD is limited to a maximum floor area of Maximum Commercial Floor Area: 89,149,600 square feet, of floor area including commercial office, and/or retail square footage and self-storage as follows:*~~
 - ~~*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 1, 2 and 3* are limited to a maximum 30,000 square feet of commercial square feet (see Condition 2 for specific use limitations).*
 - *Parcel 3 may alternatively be developed with maximum 60,000 square feet of self-storage use....*

- Page 3, Condition 2.b., Building/Structure Height - note clarification "****"

****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 or 45 feet above mean sea level, whichever is lower.*

- Page 6, Deviation (2) - Following revisions to match Z-21-015 language and to update square footage to match proposed square footages and new MCP:
Floor Area. Deviation (2) seeks relief from the LDC §33-1083(c) requirement to provide that new commercial buildings on Pine Island be limited to 10,000 square feet of floor area per building, to allow a 2623,500-square-foot multi-use retail building and a 30,000 29,100-square-foot grocery store. This deviation is APPROVED SUBJECT TO compliance with Condition 10 above.
- Pages 6-7, Deviation (3) – The Calusa Cay CPD Lee County Wetland Enhancement and Creation Plan dated April 2020 was attached as Exhibit C of ADD2020-00020 to revise and replace Exhibit E of Z-13-007. This exhibit was not attached to Z-21-015. This updated wetland plan is included as attachment J to the Staff Report. ADD2020-00020 and Z-13-007 are attached for reference. Applicant defers to Hearing Examiner's discretion if this document is included as an attachment to the condition of this deviation.
- Page 7, Deviation (4) – Attached revisions to match Z-21-015 and on 9-10th line - Request following amendment to address code violation for replacing trees that died related to pending certification of compliance for the buffer:
.....The trees must be a minimum 10-foot-high slash pine (Pinus elliottii var. densa) and Green Buttonwood (Conocarpus erectus) or other appropriate species such as 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....

Staff Report Attachment D: Master Concept Plan

- Replace with attached MCP revised 8/25/22 to update the commercial floor area and building height in the Site Data table to reflect the proposed changes to Condition 1 and 2.b. outlined above.

Submitted Application Materials to supplement Staff Report Attachments:

- Traffic Impact Statement submitted 3/21/22
- GEN2021-00364 - Submittal Requirement Waiver with utility generation comparison. It should be noted that the request has changed since approval of the waiver, however, the water and sewer flows are still reduced (6,900 SF reduction is 1,035± gpd and the proposed self storage use is only 400± gpd).

APPLICANT 48-HR NOTICE

DCI2022-00017 – Applicant's 48-Hr Notice – Recline Revisions to Staff Report
ATTACHMENT C

SECTION B. CONDITIONS:

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

This zoning action codifies and supersedes Resolution Z-13-097, ADD2020-00020, ADD2021-00051 and 2021-0115.

- 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 and revised on date 8/25/22-8/31/2022, attached hereto as Exhibit C, 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:

- The CPD is limited to a maximum floor area of Medium Commercial Floor Area: 89,149,600 square feet - of floor area including commercial office, and/or retail square footage and self-storage as follows:
- 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, 2 and 3* are limited to a maximum 30,000 square feet of commercial square feet (see Condition 2 for specific use limitations).
- *Parcel 3 may alternatively be developed with maximum 60,000 square feet of self-storage use.

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 or 45 feet above mean sea level, whichever is lower.

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 dDeveloper 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 or septic tanks or package plants may be utilized for potable water or sanitary sewer service.

APPLICANT 48-HR NOTICE

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 on which it is located.~~

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 ~~on~~ at least ~~on~~ one side of every road within the ~~development~~CPD. ~~All~~ internal sidewalks must be interconnected. When deemed appropriate, the Community Development Director may approve an alternate sidewalk system.

7. Design Standards

- ~~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.
- All commercial signage ~~on the planned development in the CPD and building design of the buildings on the outparcels must be consistent with the design of 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 addresses on-site signage and the corresponding signage plan. Exhibit D/attachment K is included as attachment L.~~
- Development orders for vertical construction on the anchor ~~parcel and the outparcels must also comply with the "Community Review" requirements in LDC §33-10034. The applicant/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, ~~the applicant/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, ~~then the applicant/Developer~~ 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 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

- ~~As part of development order approval, 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-12-007/Exhibit E/Attachment H: Resolution Z-21-015 Exhibit F).~~

- ~~As part of development order approval, the development order phasing plans must indicate construction of the 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 ~~overall project~~CPD must provide a minimum of 12.4 acres of open space in substantial compliance with the ~~approved~~MCP.

11. Preserve and Mitigation Areas

- ~~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.~~

- ~~As part of local development order approval, the applicant/Developer must provide an indigenous management plan as per LDC §10-415(b)(4) requirements for the 44-10.55 acres of preserve and mitigation areas.~~

12. Northern 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. Southern Buffer

As part of first development order approval, ~~the~~ landscape plans must depict the southern 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. Consumption on Premises (COP)

~~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

- 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)~~
- The Retail Tract cannot be developed before the development of the Grocery Tract. ~~(condition of ADD2021-00051)~~

16. Signage

- Monument Signs A, B, and C must be in substantial compliance with the ~~sign~~ Signage Plans ~~(Exhibit D/attached hereto as Attachment K).~~
- Offsite signage is limited to one 9.4 square foot tenant panel affixed to Monument Sign C. ~~Signage to identify location of the proposed residential community north and adjacent to the shopping center. (condition of ADD2021-00051)~~

- Signage within the Retail Tract identified on the ~~Master Concept Plan MCP~~ is limited to wall-mounted signs and temporary signs in accordance with the ~~LDC and Development Code.~~

- 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 ~~LDC and Development Code Sec. §33-1043.~~

17. Package Store

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 8/4/25/2022.

SECTION C. DEVIATIONS:

- Connection Separation. 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 ~~4-87~~ 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 ~~4-28~~ 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.
- Floor Area. Deviation (2) seeks relief from the LDC §33-1083(c) requirement ~~to~~ ~~provide that~~ new commercial buildings on Pine Island be limited to 10,000 square feet of floor area per building, to allow a ~~663~~ 500-square-foot multi-use retail building and a ~~46,000-3,100~~ square-foot grocery store. This deviation is APPROVED SUBJECT TO ~~compliance with~~ Condition 10 ~~above~~.

APPLICANT 48-HR NOTICE

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 ~~as part of development order approval, 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/Exhibit F.

4. Roadway Buffer Deviation (4) seeks relief from the LDC §10-416(d)(3) requirement ~~to provide all 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 ~~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 elliotii* var. *densa*) and Green Buttonwood (*Conocarpus erectus*) or other appropriate species such as 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 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~~ APPROVED.

6. Outparcel Signage Deviation (6a) seeks relief from 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 ~~was~~ is APPROVED ~~approved by~~ ADD2024-00064.

7. Monument Sign Deviation (6b) seeks relief from ~~LDC Section §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~~ APPROVED.

8. Off-site Sign Deviation (6c) seeks relief from LDC ~~Section §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~~ APPROVED.

9. Package Store Deviation (7) seeks relief from ~~Lee County Land Development Code the LDC Section §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.

Findings for Zoning Matters LDC Section 34-145(d)(4)a.1.

a) Complies with the Lee Plan;

Policy 1.1.4 – Urban Community – Mix of commercial uses along arterial - Previously found and remains consistent

Objective 2.1, Policies 2.1.1 & 2.1.2 – Development Location – compact and contiguous in Future Urban Area - Previously found and remains consistent

Objective 2.2, Policy 2.2.1 – Development Timing – adequate public facilities - Previously found and remains consistent

Policy 5.1.5 – Protecting residential – Sheriff located in retail tract and self-storage behind grocery – minor increase in height consistent with Pine Island Plan - Previously found and remains consistent

Policy 6.1.4 – Requested use is similar to existing approved uses and adequate public facilities exist - Previously found and remains consistent

Policy 24.4.1 – Commercial Land Uses.

- Uses that provide employment opportunities and serve the day to day needs of residents & visitors
- Positive impact on traffic patterns within Greater Pine Island; & reduces number of vehicular trips through Matlacha - Previously found and remains consistent
- TIS demonstrates **REDUCTION in traffic** as result of request compared to existing approval

Findings for Zoning Matters LDC Section 34-145(d)(4)a.1.

b) Meets the Land Development Code and other applicable County regulations or qualifies for deviations;

Community Meeting held May 3, 2022 consistent with Sec. 33-1003 – Requested height consistent with Sec. 33-1087 – minor changes to deviations 2 & 4 still qualify for deviations.

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

Previously found compatible and remains compatible

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

Submitted TIS demonstrates request results in REDUCTION of trips compared to existing approval. No changes to existing approved access – previously found and remains consistent.

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

Submitted TIS demonstrates request results in REDUCTION of trips compared to existing approval - previously found and remains consistent.

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

No changes to environmental conditions

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

Request results in reduction of traffic and utility generation compared to existing approval - previously found and remains consistent.

Findings for Zoning Matters LDC Section 34-145(d)(4)a.2.

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

Sheriff station and self-storage uses (warehouse, public and mini-warehouse) are appropriate at the proposed location and add to the variety of uses in the existing approved development. These uses are limited to specific Parcels internal to the development.

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

Codifies previously approved conditions.

Findings for Zoning Matters LDC Section 34-145(d)(4)a.2.

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.**
- No new deviation requests.
 - Minor amendment to Deviations 2 & 4 remain consistent.
 - All deviations continue to enhance the objectives of the planned development and protect the public health, safety and welfare.

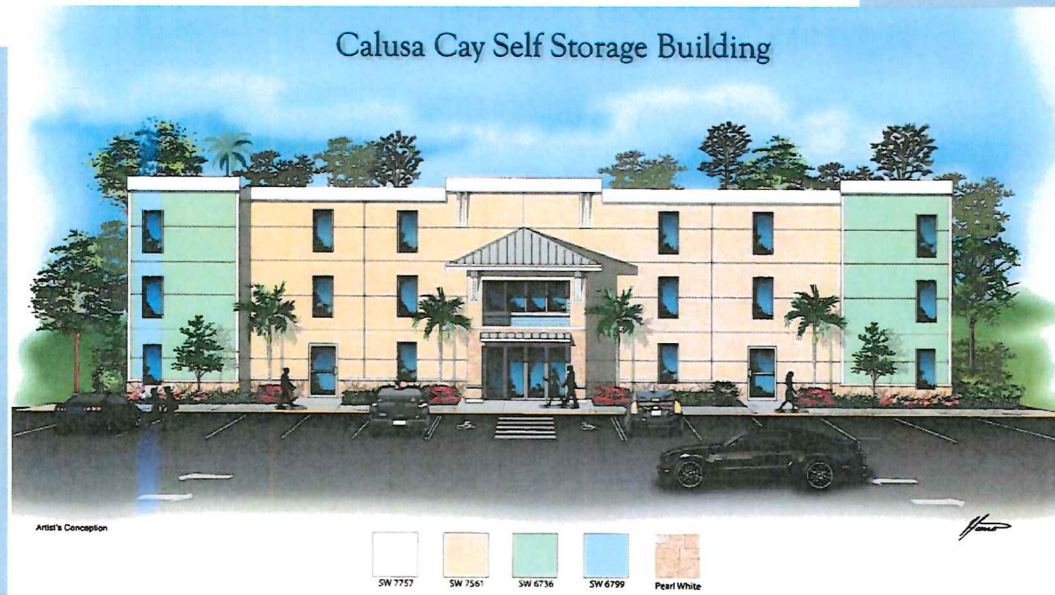
QUESTIONS?

PUBLIX & 7,000 SF RETAIL BUILDING



Artist's Conception

Calusa Cay Publix



Artist's Conception

Calusa Cay Self Storage Building



DCI 2022-00017

APPLICANT EXHIBIT# 3

Renderings

Calusa Cay Self Storage Building



Artist's Conception



SW 7757



SW 7561



SW 6736



SW 6799

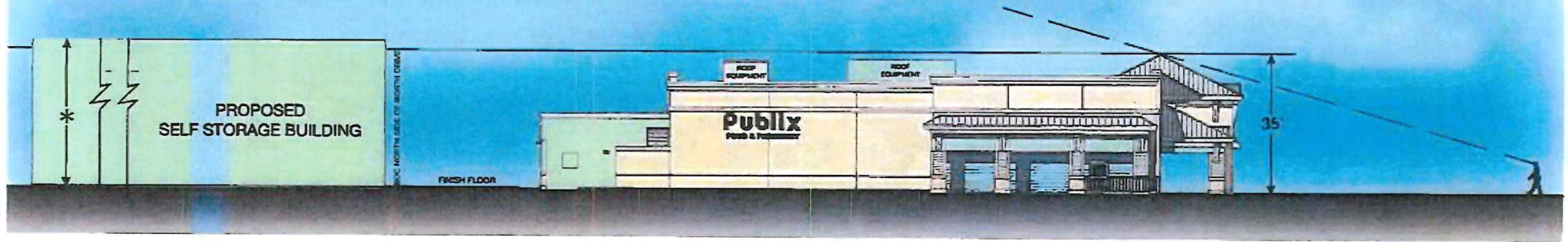


Pearl White

Handwritten signature

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.