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Writer's Direct Dial Number: 239-533-8890

February 12, 2024

Matthew S. Speath, P.E.
10491 Six Mile Cypress Parkway, Suite 1850
Fort Myers, FL 33966

Re: Port Phoenix Water Way Marina
DCI2023-00054 - Major PD

Dear Matthew S. Speath, P.E.,

The Zoning Section has reviewed the information provided for the above zoning application. The Land Development Code requires additional information for the application to be sufficient. Please respond to each requirement not satisfied on the attached checklists. For your assistance, we have enclosed any additional memoranda from the various Lee County reviewing agencies.

A public hearing date will not be scheduled until a complete application is submitted.

If you do not provide the requested supplements or corrections within 30 calendar days of this letter, the Code requires that this application be considered withdrawn. Please feel free to contact me or the staff reviewers if you have any questions.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Section

Electronically signed on 02/12/2024
by Brian Roberts, Planner

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ZONING

Application:

1. Please revise the Summary of Project on page 1 of the application to the proposed total maximum square footage of commercial development including a restaurant, offices, ship store, boat repair and maintenance and dry slips.
2. Part 2 B. please provide the required Disclosure of Interest.
3. Part 3 A. only lists two STRAP numbers. The proposed development appears to include three separate STRAP numbers please clarify.
4. Part 3 C. the applicant has indicated that a (8 ½" x 11") legal description and sealed sketch of the legal description has been submitted. Staff could not locate the sealed sketch in the submittal. Please provide the required document with your resubmittal.
5. Part 3 C. the boundary survey provided was not tied to the state plane coordinate system. Please revise.
6. Part 3 E. Current zoning of the property is not complete on the application. Please revise.
7. Part 3 I. the subject parcel is in the North Fort Myers Planning Community. A public meeting is required. Please provide the required documentation in accordance LDC 33-1532(b).
8. Part 6 A. Commercial Square Feet – The applicant lists footprint and interior square feet on the MCP and has provided differing calculations. Additionally, the applicant is requesting a maximum height of 59 feet but does not indicate any multiple story buildings except a 2nd floor balcony on the maintenance and member building. Please clarify the request and remove all references to "interior square feet" from the application and the MCP. Please provide the total square footage of commercial development proposed.
9. Part 7 A. provide a Request Statement that describes how the property qualifies for the rezoning, how the development complies with the Lee Plan, the Land Development Code, and the applicable finding/review criteria set forth in LDC 34-145(d)(4). In your narrative, please provide a description of onsite operations including but not limited to: public access to the site, operation and method of boat launching, public use of facilities, where maintenance/repair of boats will take place, ect. Please be as detailed as possible.
10. Please provide a property development regulations table that establishes at a minimum the minimum lot area and dimensions, minimum setbacks, maximum height, and maximum lot coverage within the planned development. Staff notes that a portion of this information is included on the MCP. This should be provided as a separate document.
11. Given the location of the proposed development in proximity to existing residential development, staff recommends the applicant provide an emergency preparedness plan in accordance with LDC 10-154(21)(b) and AC 7-7 during the rezoning process.

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12. Staff recommends the applicant review zoning resolution Z-06-065 and provide an analysis of the conditions and provide any recommended conditions.

Schedule of Uses:

1. Staff recommends the applicant add "Accessory uses and structures."
2. Please add "EMS, fire or sheriff's station" to the Schedule of Uses.
3. Staff recommends the applicant review the LDC 34-1 definition of Marina and Marina accessory uses and adjust the Schedule of Uses accordingly. Specifically, are the additional uses of Boat Parts Store, Boat Repair and Service, Rental Establishments, Group I, and Vehicle and Equipment Dealers, Group I uses necessary?
4. Boat Repair and Service, Rental Establishment, Group I and Vehicle and Equipment Dealers Group III may be subject to the requirements of LDC 34-1352 and 34-3001. Please indicate the areas on the MCP where these uses will occur if these uses will remain.
5. Docking and Mooring Facilities, Sales of Fuel and Lubricants, and Sanitary Facilities are not uses listed in the Land Development Code and are included under Marina, accessory uses. Please remove them from the proposed Schedule of Uses.
6. The Schedule of Uses includes Restaurant. Is it intended to be all groups (I – IV) or only specific groups listed in LDC 34-622(43). Please clarify what groups are intended on the Schedule of Uses.
7. The Schedule of Uses includes Consumption on Premises. Please note that this use will be subject to the administrative or public hearing process in accordance with LDC 34-1264, unless specified in this application.

Deviations:

1. The Schedule of Deviations must include a written justification for each deviation request and must include documentation, including sample detail drawings illustrating how each deviation would enhance the achievement of the objectives of the planned development and not cause a detriment to public interest. Please provide a written justification for each deviation request with the required information.
2. Please provide a written deviations request for each deviation in a "to provide" format. For example, "...a deviation from Land Development Code Chapter 34-2017(a)(1-2), which requires all parking aisle and parking spaces in high turnover parking lots to a paved, dustfree, all-weather surface to provide"
3. Please revise your request for Deviation #3. It is requesting a deviation from all property development regulations in LDC Chapter 34-935, Property Development Regulations, and establishes only a maximum height of 59 feet. If the applicant intends to establish property

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development regulations that do not meet the requirements in LDC Chapter 34-935 please provide a deviation request and justification for each requirement that will not be met.

4. Deviation #3 appears to only seek a deviation from LDC 34-935(f)(1)(e). Are all buildings proposed to exceed 45 feet above minimum flood elevation or more than three habitable stories? Please note that building height can exceed the district regulation provided every applicable setback is increased by one-half foot for every one foot the building exceeds the height limitation as described in LDC 34-2174. Is this request necessary?

5. The location of any requested deviations, keyed to the schedule of deviations, must be shown on the MCP.

Master Concept Plan (MCP):

1. LDC 34-373(6)(a) The location and explanation of all existing easements, whether or not those easements are recorded. If an easement is based upon a recorded document, the official records book reference must be stated. The survey and the MCP must show all existing easements on the site. If the easement has been vacated or released, please provide the associated documentation.

2. LDC 34-373(6)(e) The general location of service areas for delivery of goods or services must be shown for all developments that are not residential subdivisions. Although the MCP includes note #5 the delivery areas must be shown on the MCP. The applicant is encouraged to review LDC 34-1986 for off-street loading area requirements. The description provided in note #5 (delivery of boats, boat parts, equipment ect.) indicate that deliveries may be made by semitrailer or full trailer trucks and the appropriate off-street loading area will be required. These areas must be reflected on the MCP.

3. Please remove all information not specifically required in LDC 34-373(6), such as deviations, notes, and site development regulations, from the MCP. The requested deviations and site development regulations should be provided as a separate attachment.

4. Please show where the boats are being launched on the MCP.

DEVELOPMENT SERVICES

1. LDC 34-373(b) Please provide the required surface water management plan than address the requirements in a.-e. of the reference section. The subject property is in VE-EL12 and AE-EL10 flood zones. Please address the finish floor requirements with regard to the existing site elevations and any compensating storage requirements that may be required given the existing elevations onsite. Staff is concerned that adequate area for stormwater management may not be reserved onsite.

2. NOTE: The MCP lists a total of 224 parking spaces. The MCP only shows 5 ADA accessible parking spaces. The minimum requirement is 7. Individual parking space striping is not required at time of rezoning however this will be required at time of development order.

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3. LDC 34-2015(2)e. Pedestrian System. In any parking lot with more than one tier of parking spaces is to be developed, walkways must be provided which will accommodate safe and convenient pedestrian movement from vehicles to buildings and other walking destinations. Although the MCP does include onsite sidewalks there are parking areas in the southwest that do not provide a safe and convenient pedestrian movement as required.
4. LDC 10-261 Refuse and solid waste disposal facilities are not shown on the MCP. These will be required at time of development order.
5. Note: LDC 34-2016(4) parking angle only allows different parking angles on a single site in certain circumstances as detailed in (a) and (b) of that paragraph. Unless a deviation is approved this will be required at time of development order.

TIS

1. The proposed retail, office/ship store's floor area in MCP exceeds the estimate used for trip generation in Table 1B. Could you explain this inconsistency and consider the worst-case scenario for trip generation?
2. The Maintenance & Member Building, with a floor area of 9,907 SF (showed in MCP), was not considered in the trip generation estimates. Kindly explain this omission.
3. As the projected trip volume exceeds 100, the TIS must provide intersection LOS analyses for site accesses and nearby intersections (within a quarter-mile radius) in existing and future conditions, using HCS or Synchro program.

ENVIRONMENTAL

1. The applicant included open storage on the schedule of uses. Z-06-065 restricted outdoor storage of boats. Please clarify if the use is being proposed at this time. If so, please indicate how the applicant intends to meet 34-3005 of the LDC and identify the location of the outdoor storage on the MCP.
2. LDC 33-1543 requires a 30-foot buffer when a high intensity development abut subdivided lots in a large residential development. please indicate how the applicant intends to screen the adjacent residential units per 6.1.6 of the Lee Plan.
3. Resolution Z-06-065 required a 8-foot pre-casted wall as well as a 10-foot buffer along the northwest and a 5-foot buffer to the north. The applicant is requesting a deviation from 10-416(d)(6). However, the applicant does not explain what the proposed planting material is and how it is meeting 6.1.6 and 5.1.5 of the Lee Plan. Please provide a detailed justification for the buffer, as well as a cross-section of the deviation.
4. The applicant did not provide a FLUCCS map per LDC 34-373 requirements. Please provide.
5. The environmental consultant stated they utilized Lee County approved methodology; however, they did not specify which methodology was used. Please provide a specific transect

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methodology.

6. The applicant is listing the required open space at 20%. The development is considered large per LDC 10-1. Therefore, 30% open space is required. Please revise the open space and provide an open space exhibit.

7. The applicant requested a deviation from 10-416(d)(6) to the north; however, the applicant did not request a deviation from the south. The south parking isles are within a 125 feet of residential zoned property. Please indicate how the applicant will offset the impacts of headlights and meet Lee Plan Policies 5.1.5 and 6.1.6.

8. At the entrance of the development, the aerials depict an existing wall. Please indicate if the wall will be included as part of the development. If so, please indicate how the applicant will meet LDC 10-421(8).

9. Please provide a Lee Plan analysis and how the applicant intends to meet the LDC.

10. Please provide more details within the narrative.

NATURAL RESOURCES

1. Please number all wet and dry slips on the MCP. Please note trailer parking spaces need to be included in the dry slip count.

2. Please provide a Manatee Protection Plan evaluation from the Lee County Division of Natural Resources per Lee Plan policy 128.4.6.

3. Please provide a written description of the surface water management plan that complies with LDC 34-373(b)(1).

4. Please provide an analysis of Lee Plan Objectives 101.4, 128.4 and 128.5, as well as applicable polices within Goals 30, 60, 101, and 125.

5. Please demonstrate how the proposed design will comply with LDC 26-71(b)(2), 26-71(f)(2), 26-75(a), and 26-76.

6. The survey identifies a boat ramp. Is the boat ramp intended to remain as part of the proposal? Will the ramp be open to the general public? Where will trailers be parked?

LEGAL

Sec. 34-202(a). Submittal requirements for applications requiring public hearing.

1. (5) Please provide a legal description and sketch in accordance with the requirements of Lee County LDC §34-202(a)(5).

Legal description and sketch to accompany legal description. A metes and bounds legal description along with a sketch of the legal description, prepared by a Florida Licensed Surveyor and Mapper,

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must be submitted. If the subject property is one contiguous parcel, the legal description must specifically describe the entire continuous perimeter boundary of the property subject to the zoning action with accurate bearings and distances for every line.

- The legal description does not include a sketch and is not signed by a Florida Licensed Surveyor.
- The legal description for parcel 1 does not close.
- The subject property is one contiguous parcel which requires the legal description to describe the entire continuous perimeter boundary of the subject property.

2. (6) Please provide a boundary survey of the subject property in accordance with the requirements of Lee County LDC §34-202(a)(6).

Boundary survey. A boundary survey of the subject property must be submitted. The survey must be based upon the title certification submitted in accordance with Section 34-201(a)(7) and certified to the present owner as reflected in the title documentation submitted in accordance with Section 34-201(a)(7). The boundary survey must identify and depict all easements affecting the subject property, whether recorded or unrecorded, and all other physical encumbrances readily identified by a field inspection. All boundary surveys must meet the minimum technical standards for land surveying in the State, as set out in F.A.C. Ch. 5J-17. The survey must be tied to the State plane coordinate system for the Florida West Zone (the most current adjustment is required) with two coordinates, one coordinate being the point of beginning (POB) and the other an opposing corner. The perimeter boundary must be clearly marked with a heavy line and must include the entire area to be developed.

- The boundary survey does not indicate a tie to an acceptable title certification and does not depict easements affecting the subject property.
- The boundary survey does not include state plan coordinates at the POB an opposing corner.
- The legal description for parcel 1 does not close.
- The legal description should describe the boundary perimeter of the subject property consistent with teh description provided with the legal description and sketch. If the legal description of the title certification is in a different format, both descriptions should be included on the boundary survey and should describe the same property.

3. (7) Please provide a title certification for the property subject to zoning approval in accordance with the requirements of Lee County LDC §34-202(a)(7).

Certification of title and encumbrances. Certification of title and encumbrances submitted for property subject to zoning approval must meet the following criteria:

- a. Form. The certification of title must be in one of the following forms: i. Title certificate or title opinion, no greater than 90 days old at the time of the initial development order submittal. Or, ii. Title insurance policy with appropriate schedules, no greater than five years old at the time of the initial zoning case submittal and an affidavit of no change covering the period of time between issuance of the policy and the application date.
- b. Content. The certification of title must include, at a minimum, the following: i. The name of the owner of the fee title; ii. All mortgages secured by the property; iii. All easements encumbering

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the property; iv. The legal description of the property; and v. The certification of title documentation must be unequivocal.

- The title certification provided is a 2007 Title insurance policy which does not meet the requirements of the LDC. Please ensure that the new boundary survey is based on the new title certification provided.

-The submitted title insurance commitment is not an accepted form of certification of title and encumbrances.

PLANNING

1. Provide an analysis of the project's consistency with the Lee Plan. The analysis should address all policies, objectives, or goals within the Lee Plan that apply to the project. Include the policy number, policy language, and a response describing how the project is consistent with the policy for each applicable policy.