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

May 17, 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or corrections within 30 calendar days of this letter, the Code requires that this application be considered withdrawn.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 05/17/2024
by Brian Roberts, Planner

Matthew S. Speath, P.E.
Speath Engineering
Re: Port Phoenix Water Way Marina
DCI2023-00057
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ZONING

Application:

1. REPEAT COMMENT: 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).
 - LDC 33-1532(b) requires the agent to provide a general overview of the project for any interested citizens. Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised. A summary of the concerns or issues raised at the meeting, a list of attendees, and a proposal for how the applicant will respond to any issues that were raised at the meeting were not included with the resubmitted documents. Please provide the required information.
2. REPEAT COMMENT: 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, etc. Please be as detailed as possible.
 - The resubmittal included a brief public access and operations narrative. The response to the comments did not provide a complete narrative to include a Lee Plan analysis or an analysis of the applicable finding/review criteria set forth in LDC 34-145(d)(4). Please provide the required analysis in your resubmittal.
3. Please provide additional information in your public access and operations narrative concerning the operations in and around the "lift well" on the southwest corner of the site. Will this area be used to move boats in and out of the water? What equipment will be used in this area? Will equipment be traversing the gravel parking area?

Property Development Regulations:

1. The property development regulations indicated a minimum side yard setback of 4'. Please clarify the necessity of this proposed setback.

Schedule of Uses:

2. 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.
 - The subject comment was provided as a courtesy to the applicant. It is the applicant's responsibility to evaluate the proposed operation against the requirements of LDC 34-1264 to

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determine if additional approvals will be required. The Land Development Code has specific requirements with regard to outdoor consumption on premises including locational standards and requirements for consumption on premises located near other establishments or residences.

Schedule of Deviations:

1. Deviation #1 – in the schedule of deviations please detail what surface is being provided in lieu of a paved dust free all-weather surface. Also, please provide a narrative detailing how the alternative surface will be maintained, the dust control measures to prevent degradation of water quality, prevention of turbidity, and how the deviation enhances the achievement of the objectives of the planned development and protects the health, safety, and welfare of the public.
2. Deviation #7 – The applicant has requested a deviation to reduce the number of required parking spaces from 225 to 217 spaces. A decrease of approximately 3.6% is requested. Your attention is directed to LDC 34-2020(c) "Parking reduction for nonresidential uses." There are several conditions that will allow the justification of parking reduction up to a maximum of ten percent of the required total. Please provide the justification to support the requested reduction in your deviation request.

Master Concept Plan:

1. REPEAT COMMENT: 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. Public records show all existing easement on the site. If the easement has been vacated or released, please provide the associated documentation.
 - The MCP has been revised to show the existing easements but does not include the required recording information. Please revised the MCP to include the recording information.
2. Please clarify the proposed docking inlet area. Is this a boat ramp? Will boats be moved in and out of the water at this location? How will the location be accessed? Is it through the unpaved valet parking area? Please provide additional information in your narrative addressing any the use of this area.
3. Please revise the MCP to show the residential zoning and uses abutting the southwest portion of the site across from the existing lift well.

DEVELOPMENT SERVICES

1. The response to Development Services comment #3 indicates that employees may traverse the valet parking area to access the restaurant building. Is employee parking intended in the area of stabilized limerock and gravel? Is it the intent that employees walk across the area where boats will be launched and recovered? Please clarify how this is consistent with the requirements in LDC 34-2015(2)e which requires safe and convenient pedestrian movement from vehicles to buildings.

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2. LDC 10-610(c)(2) requires shielding of loading areas, mechanical equipment etc. from adjacent properties when viewed from ground level to a height equal to or greater than the items, delivery trucks or facilities being shielded. How is this being accomplished given the loading zones, equipment, and operations being proposed?

3. INFORMATIONAL: LDC 10-291 requires all development to abut and have access to a public or private street designed, and constructed or improved, to meet the standards in Section 10-296. Inlet Drive is a County-maintained local roadway. The applicant is encouraged to review the roadway requirements in LDC 10-296 to ensure that Inlet Drive meets the minimum requirements or request the appropriate deviations if necessary.

TIS

1. Please include the LOS analysis for the Intel Dr. and Orange Grove Blvd. intersection.

2. Will the Boat Repair and Services, as outlined in the Master Concept Plan (MCP), be accessible to the public?

3. As outlined in the MCP/Narrative statement, kindly provide the total floor area (in square footage) of the ancillary uses mentioned.

ENVIRONMENTAL

1. The applicant has requested deviations from required buffering. Please describe why the deviations are being requested, please provide cross-sections of the buffers as requested in the first insufficiency, please provide a landscape plan, and please provide an analysis of how the applicant intends to meet Lee Plan Analysis 5.1.5 and 6.1.6. Please note that staff cannot make a finding on the requested deviations until additional details are provided.

2. Please provide an exotic value for the mangrove area. Staff visited the site and observed exotics. Please provide an exotic value after the FLUCCS code (E-1, E-2, E-3, E-4).

3. LDC 10-415(d) discusses the use of open space. The use of open space states that not more than 20% can be impervious. Please note that compacted limestone/shell is considered impervious per LDC 10-1. Please provide information on how the applicant will meet the open space use.

4. The accessway is within 125 feet of single-family residences. Please demonstrate the required buffer per LDC 10-416(d)(6) along the accessway.

5. Please provide a strikethrough and underline of the previous zoning to clarify changes to the MCP.

NATURAL RESOURCES

1. Please provide an analysis of Lee Plan policies within Objectives 101.4, 128.4 and 128.5,

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as well as applicable polices within Goals 30, 60, 101, and 125. Staff could not locate the Lee Plan analysis referenced by the applicant in the response letter.

2. Please note that Lee Plan policy 128.5.9 requires new fuel facilities to be located on the uplands of a marina site. Please address how the proposed design is consistent with this policy.
3. Please revise the Surface Water Management Plan to address each element outlined in LDC 34-373(b)(1). Please provide the Surface Water Management Plan as a stand-alone document.
4. Please demonstrate how the proposal will comply with LDC 26-71(f)(2). This section of Code requires a minimum water depth adjacent to and within a marina. This is a repeat comment as it was not sufficiently addressed in the response letter.
5. The Application, Property Development Regulations Table, and several other places state there will be 45 wet slips, but the Manatee Plan Summary only allows for 44 wet slips and the MCP depicts 44 wet slips. Please revise the Property Development Regulations table to be consistent with the MCP and provided Manatee Plan Summary.
6. The SFWMD permit referenced in the Manatee Plan Summary allows for 300 linear feet of temporary tie up mooring, but the proposed MCP depicts approximately 480 linear feet of temporary mooring. Please detail how the requested increase is consistent with the active permit referenced in the Manatee Summary. Will the requested temporary mooring be used for the dry storage staging and the restaurant?

LEGAL

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

1. Sec. 34-202(a). Submittal requirements for applications requiring public hearing.
The legal description and sketch and the Boundary Survey provided do not include "Tract D" of Waterway Estates Unit 2 PB 12 Pg. 64 Tract D which was part of the CPD being rezoned and is under common ownership. The tract is included in the Title Certification.

Please update the documents to consistent. If tract D is to be included, the boundary survey will need to include a metes and bounds description with state plane coordinates for the point of beginning and opposing corner.

PLANNING

1. The comment response letter notes that the Lee Plan Analysis was attached; however, there did not appear to be a Lee Plan Analysis included in the resubmittal materials. --Repeat Comment: 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.