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

September 10, 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or corrections within 30 calendar days of this letter, the Code requires that this application be considered withdrawn.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 09/10/2024
by Brian Roberts, Planner

ZONING

1. A deviation is required from LDC 34-935(b)(1)(b) which requires a minimum setback of 15 feet for all structures and buildings from the development perimeter boundaries for properties to be zoned CPD.
2. It is the applicant's responsibility to request any approvals required for consumption on premises and provide the required documents in LDC 34-1261 if applicable. The applicant is encouraged to review the land development code requirements and request specific approvals as part of the public hearing process as required. Staff does not have adequate information to evaluate the operation and determine if deviations from the LDC or appropriate conditions are required. Please consider the following: Outdoor Patio Seating Area with COP to be covered? If so, please show this on the MCP. Is there a bar at the private club? Is ordering available from the restaurant for delivery (food/beverage) to the outdoor patio or private club? Is a setback deviation required (34-1264(b)) for COP areas? Is outdoor entertainment anticipated? If so, what are the proposed hours? Are any hours of operation of the private club/outdoor COP proposed?
3. The MCP contains information that is not required in LDC 34-373(a)(6). Please revise the MCP to only include the necessary information. Staff has attached suggested revisions.
4. The conservation easement is not correctly reflected on the MCP. Please revise the MCP to correctly reflect the property being rezoned. Please provide a darkened line that clearly indicated the entire area to be rezoned. See Legal comments below for additional information.
5. LDC 10-296(d)(3) requires a deviation from standards in LDC 10-296 for road design to meet the standards and criteria established by FDOT in the Florida Greenbook with consideration of the Plans Preparation Manual and guidance in AASHTO publications. Please provide reference to accepted publications that allow the reduction in lane width requested in the deviation. See additional comments from DOT below.
6. Staff notes the 2nd floor balcony (private club) encroaches on an existing FPL easement. Has there been any coordination with the applicable utility regarding the easement?

INFORMATIONAL COMMENT: Staff intends to recommend a condition that any operation around the lift well be limited to emergency operations only.

INFORMATIONAL COMMENT: Staff has concerns that deviation #1 does not meet the required finding in LDC 34-145(d)(4)(a)(2)(c)(1) which requires deviations to enhance the achievement of the objectives of the planned development.

INFORMATIONAL COMMENT: Staff concerns regarding the health, safety, welfare, and LDC requirements in 34-2015(2)(e) and LDC 10-610(d)(1)(a) of pedestrian traffic walking across the boat lift area remain.

INFORMATIONAL COMMENT: Parking requirements are not evaluated at time of rezoning due to variability of design at development order. However, staff notes that the applicant has not provide parking for the Private Club and Boat Repair & Service and instead notes "Ancillary to Marina Use." Table 34-2020(b) Marina includes Note (1) which reads: Accessory or ancillary uses must be calculated separately and in compliance with this division. Based on this note adequate parking onsite is not provided. Additionally, any outdoor seating at the restaurant/COP area must be calculated as restaurant square footage for parking requirements in accordance with Table 34-2020(b). Additional information will be required at time of development order to establish the required parking is met.

TIS

1. The MCP uses and square footages are not consistent with the TIS. The outdoor seating should be included in the trip generation. Will there be additional outdoor seating around the restaurant as hatched out on the MCP? The 4,635sf of storage associated with the marina LUC needs to be separated based on the LUC description for Marina. Will it be used for the repair center?

DOT

Staff acknowledges the justifications provided for the requested deviation from the technical standards in LDC section 10-296(e) - Street Design and Construction Standards for Inlet Dr, a County-maintained suburban local street (Deviation 9).

1. Please provide additional information/justifications to demonstrate that the proposal to remain the 20-ft lane width will be able to accommodate all anticipated vehicles, including commercial trucks without any adverse impacts to the Inlet Dr right-of-way.

2. Please provide plan(s), sealed by a registered professional engineer, that accurately reflect the applicant's alternative proposal for the Inlet Dr right-of-way. The requested plan must show and specify typical cross section(s) for the proposed and existing improvements to the Inlet Dr right-of-way with information on dimensions, elevations, cross and side slopes and related information/specifications in comparison with the street design and construction standards for a suburban local street in LDC Section 10-296.

ENVIRONMENTAL

1. LDC Section 10-416(d)(6) applies to all roads, drives, parking vehicle use areas that are within 125 feet from residential uses. The development is proposing vehicle use areas along the west, south, and a portion of the north that are all within 125 feet from single-family residential lots. The applicant must provide a 30-foot-wide, Type-F buffer or a 25-foot-wide buffer with a wall setback 25 feet from the property line. Deviation #3 is incomplete and cannot be enforced the way it is written because the applicant has not provided individual "to allow" statements for each buffer area.

2. Revise Deviation #3 to itemize each requested deviation (i.e. 3a., 3b. etc). Provide a "to allow" statement stating the width of the buffer and the content of the buffer, for example five trees

Matthew S. Speath, P.E.
Speath Engineering
Re: Port Phoenix Water Way Marina
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per 100 linear feet and a hedge row. This will provide a clear buffer description for each side of the development where LDC Section 10-416(d)6 is required.

3. Revise the Master Concept Plan to depict deviation 3a, 3b, etc.
4. Cross sections for particular property lines have been provided. Revise to provide cross sections for each area that the applicant is requesting a deviation from to provide details to demonstrate compatibility.
5. The entry road will need to be included in Deviation #3. Provide the details as described above.).

NATURAL RESOURCES

1. Please detail the marina operation methods that will be implemented to ensure state water quality standards are met per Lee Plan policy 128.4.10.
2. Is the applicant proposing to provide a fuel and/or oil contingency plan, per Lee Plan policy 128.5.3, prior to issuance of local development order?

LEGAL

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

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

The legal description and sketch to accompany legal description was not revised to include "Tract D" of Waterway Estates Unit 2 PB 12 Pg. 64.

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

The boundary survey was not revised to include "Tract D" of Waterway Estates Unit 2 PB 12 Pg. 64.

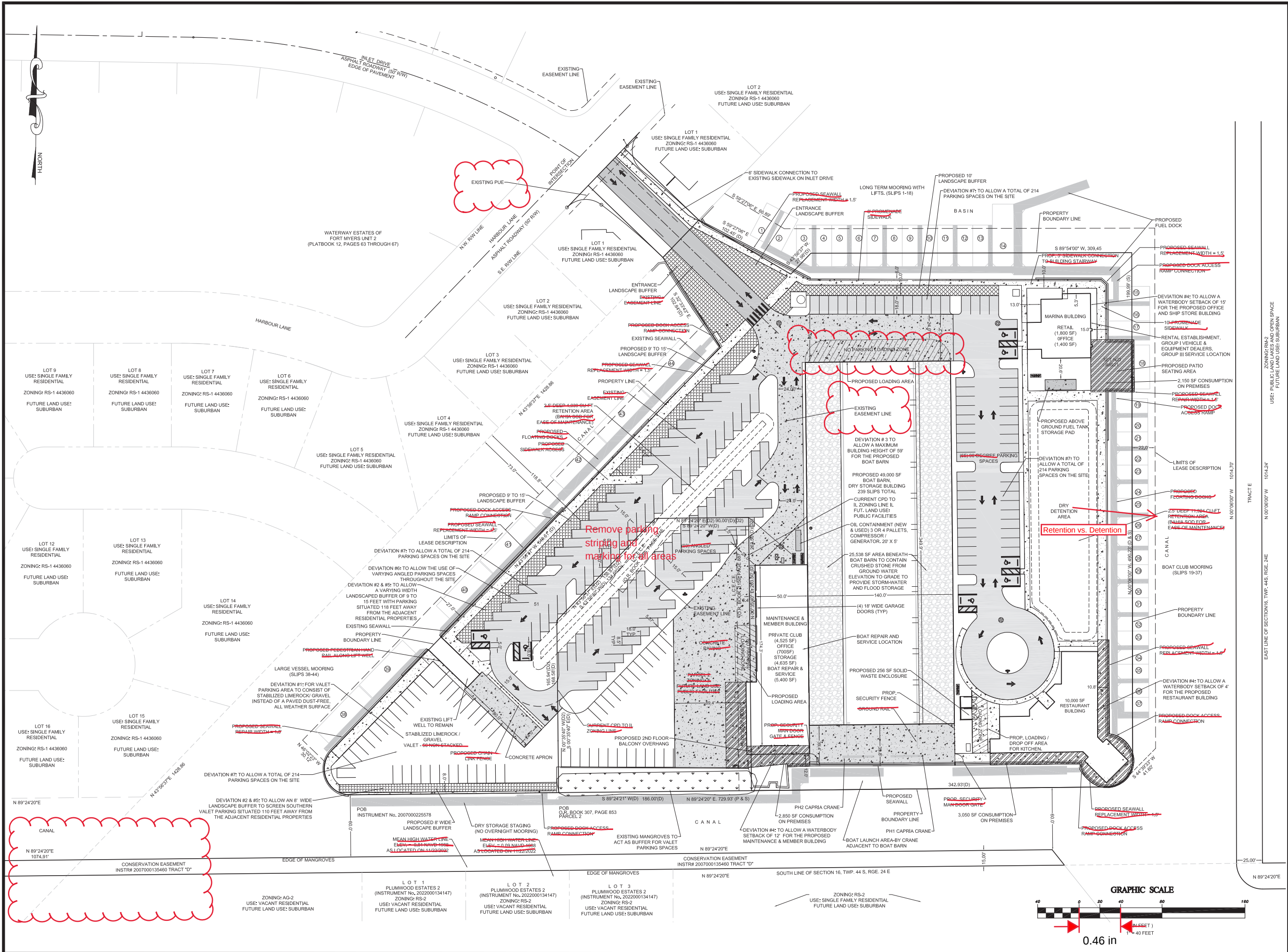
PLANNING

1. Add analysis of the following policies and objectives to the Lee Plan Analysis sent via email on 8/12/2024:

- Policy 1.1.5 regarding the Suburban Future Land Use Category
- Policy 1.1.8 regarding the Public Facilities FLUC
- Objective 2.1 (Development Location)
- Objective 2.2 (Development Timing)
- Objective 4.1, Water, Sewer, and environmental Standards -- Specifically Policies 4.1.1,

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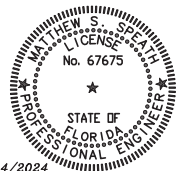
- 4.1.2, 4.1.3, and 4.1.4
- Policy 6.1.1
- Policy 6.1.3
- Policy 6.1.4
- Policy 6.1.7



REVISIONS	DATE	BY
0. INITIAL SUB	12/12/23	TG
1. CNTY CMNTS	04/19/24	TG
1. CNTY CMNTS	08/14/24	TG

SPEATH
ENGINEERING
SPEATH ENGINEERING FL, LLC - 3311 BRICKELL AVE, 10TH FL.
MIAMI, FL 33131 - PHONE 305-841-4235

MASTER CONCEPT PLAN
FOR
PORT PHOENIX
SAFE HARBOR MARINAS
LEE COUNTY, FLORIDA



08/14/2024
THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY MATTHEW S. SPEATH P.E. ON THE DATE ADJACENT TO THE SEAL. PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

MATTHEW S. SPEATH P.E.
LIC. #67675
FBPE # 31292

c=US, o=Speath Engineering FL LLC,
dnQualifier=A01410C0000181A0FCE75A00026
A6E, cn=Matthew Speath
2024.08.14 18:12:26 -04'00'

DRAWN	TCC
CHECK	MSS
DATE	08/14/24
SCALE	1" = 40'
PROJ. NO.	F22-56

SHEET:

MCP
1 OF 1