



Consolidated Review Comments

Record Number: [DCI2026-00010](#)

Click the record number to open it in the eConnect/ACA portal.

Department of Community Development
Zoning
P.O. Box 398
Fort Myers, FL 33902

Report Date: 04/07/2026

Record Type: Planned Development

Address: 16498 TORTUGA ST, BOKEELIA, FL 33922

Project Name: Jug Creek Marina MPD

Record Description: Request to rezone 1.11± acres from Marine Industrial (IM) to Mixed Use Planned Development (MPD).

The Zoning Section has reviewed the submission package for the above-referenced application in accordance with the submittal requirements contained in the Lee County Land Development Code (LDC). Please be advised that the application is insufficient at this time. The application cannot be deemed sufficient for public hearing until the deficiencies provided in the attached comments are addressed.

If you are unable to resubmit within thirty (30) days of this letter, you may request an extension and waive the statutory review deadlines set forth in F.S. 125.022 by completing and returning the [Request for Waiver Form](#).

If you have any questions prior to resubmitting, please contact the lead reviewer for a meeting to discuss the attached comments.

GENERAL COMMENTS:

The information below is an advisory summary of any significant issues identified for the project.

<u>Corrections</u>	<u>Review Comments</u>	<u>Reviewer</u>	<u>Status</u>	<u>Comment ID</u>
<u>Development Services Review</u>				
Yes	Development Services Development Services has reviewed the plans provided and offers the following comments. These comments are intended to make the applicant aware of issues with the design that may cause delays or possible changes at time of the development order submittal. Please demonstrate how the existing fuel tanks are shielded as required under LDC Section 10-610(c)(2). Development Services staff requests additional information in regards to Deviation #2 from LDC Sec. 34-2017(a)(1)&(2) to allow crushed shell surfacing for the Jug Creek MPD. The justification provided states that the crushed shell parking surface is characteristic of working waterfront properties throughout the Greater Pine Island Community Planning Area as well as other restaurants on Pine Island. Please provide examples of nearby similar developments that utilize this type of parking surface in a high turnover parking setting. Development Services staff requests additional information in regards to Deviation #2 from LDC Sec. 34-2017(a)(1)&(2) to allow crushed shell surfacing for the Jug Creek MPD. The justification provided indicates	Allyson Hall	Open	9

<u>Corrections</u>	<u>Review Comments</u>	<u>Reviewer</u>	<u>Status</u>	<u>Comment ID</u>
	that full asphalt paving would increase impervious coverage within a constrained coastal environment. Please demonstrate how the surface water system in its existing state with the shell surface functions adequately and how a paved surface would impact the drainage. INFORMATIONAL COMMENT: Development order approval is required in addition to this zoning action. Compliance with Chapter 10 of the Lee County Land Development Code will be reviewed further at that time. INFORMATIONAL COMMENT: At time of development order, please demonstrate that the proposed parking spaces meet the dimensional requirements in LDC Section 34-2016(1).			
<u>DOT Review</u>				
Yes	DOT: All parking and loading for marina and restaurant uses must be contained on-site. While not proposed on the MCP, off-site parking has been observed in the Tortuga Street right of way [ROW], where parking and loading within the Tortuga Street ROW is strictly prohibited. Site-related improvements: Site related access improvements and restoration are necessary. The applicant must repair and restore damage to the Tortuga Street pavement and shoulders attributable to ongoing project-related parking overflow. In addition, road signage is required; the applicant must install MUTCD-compliant "No Parking" and "No Loading" signage at the Tortuga Street terminus in order to contain parking and loading operations within the project limits. Deviations: DOT staff does not offer objection to the stated deviation requests. Recommendation 1: An additional deviation is recommended, in which it is suggested the applicant seek deviation from the applicable section of LDC § 10-296(e)(3)e.4.iii - Cross Section. Supportable justification is that the rational nexus between upgrading Tortuga Street (County-maintained, Local Road, posted 25mph) to accommodate the net additional traffic proposed by the project is considered disproportionate when compared to the net new trips recognized in the traffic study. Recommendation 2: An additional deviation is recommended, in which it is suggested the applicant seek deviation from the applicable section of LDC § 10-296(k) Cul-de-sacs. Supportable justification may be evidenced through demonstration of turnaround space within the site meeting the dimensional standards of the LDC, or an alternative design. DOT will accept alternative designs that are endorsed by the local fire district.	John Podczerwinsky	Open	7
<u>Environmental Review</u>				
Yes	Please submit the multiple waiver requests separately from the zoning application. Revise MCP to depict all buffer widths and open space required and provided. Demonstrate compliance with LDC Section 33-1082 to provide a 50-foot wide buffer where the property abuts the State-designated aquatic preserve or demonstrate that the property meets the exemption criteria per LDC Section 33-1082(c). Demonstrate compliance with LDC Section 10-416(d)(6) for roads, drives, parking within 125 feet from residential single-family lots or subdivisions, a 25-foot wide buffer with eight foot wall setback 25 feet must be provided. Revise MCP to depict required buffer.	Elizabeth Workman	Open	6

<u>Corrections</u>	<u>Review Comments</u>	<u>Reviewer</u>	<u>Status</u>	<u>Comment ID</u>
	Demonstrate compliance with LDC Section 34-3005(b). Demonstrate compliance with LDC Section 10-416(d)(6) for roads, drives, parking within 125 feet from residential single-family lots or subdivisions, a 25-foot wide buffer with eight foot wall setback 25 feet must be provided. Revise MCP to depict required buffer. Revise the narrative to clarify if the proposed development will meet LDC Section 10-416 for general trees, building perimeter to support commercial uses, and parking island landscaping. Open space for the site is based on the acreage of commercial verses acreage for industrial marine. Please clarify how the applicant is meeting the open space requirement per LDC Section 10-415.			
<u>Legal Review</u>				
Yes	§34-373(a)(4) Legal description and sketch to accompany legal description. - The legal description and sketch is prepared irrespective of the requirements described in §34-373(a)(4). - A metes and bounds legal description along with a sketch of the legal description, prepared by a Florida Licensed Surveyor and Mapper, must be submitted.	Larissa Narkiewicz	Open	5
Yes	§34-373(a)(4)(a) Boundary Survey. - A boundary survey of the subject property must be submitted.	Larissa Narkiewicz	Open	10
<u>Natural Resources Review</u>				
Yes	Staff could locate past approvals for the 36 boat slips the applicant has depicted on the MCP. Please provide a Manatee Protection Plan (MPP) evaluation to ensure the requested 36 boat slips comply with the MPP. Please contact Lesli Haynes at Lhaynes@leegov.com.	Nicholas DeFilippo	Open	1
Yes	Please provide a disaster preparedness plan per Lee Plan policy 128.5.6	Nicholas DeFilippo	Open	2
Yes	Please detail how the fueling facilities are designed to preclude spills and prepared to contain any spills which reach the water per Lee Plan policy 128.5.7.	Nicholas DeFilippo	Open	3
Yes	Please provide an analysis of Lee Plan policies 123.7.3, 123.7.4, 128.4.3, 128.5.3, 128.5.4, 128.5.9, and 128.5.14.	Nicholas DeFilippo	Open	4
<u>Planning Review</u>				
Yes	Staff acknowledges the Utility narrative; however, restaurant uses typically use a lot of water and generate a high amount of sewage/wastewater per day. Provide an analysis of Standards 4.1.1 and 4.1.2 as part of the utilities narrative. If the proposed use will generate more than 5,000 gallons of sewage per day, the project will need to find a solution consistent with the subsections of these policies.	Katherine Burgess	Open	17
<u>Zoning Review</u>				
Yes	Please provide a Letter of Availability from the Greater Pine Island Water Association to satisfy the requirements of LDC Section 34-202(a)(10).	Adam Mendez	Open	11
Yes	Per LDC Section 33-1003(a), the applicant (or their authorized agent) must conduct one publicly advertised informational session prior to receiving approval or sufficiency determination. A summary document of the session must also be submitted as part of the application record and contain the minimum information specified in LDC Section 33-1003(b).	Adam Mendez	Open	12
Yes	Please revise the narrative to address the following: 1. (a) Based on the proportional allocation of site area, trip generation characteristics, and operational intensity, the restaurant	Adam Mendez	Open	13

<u>Corrections</u>	<u>Review Comments</u>	<u>Reviewer</u>	<u>Status</u>	<u>Comment ID</u>
	component appears to function as a principal use rather than as an accessory use to the marina. (b) Accordingly, the delta is best characterized as the addition of a destination Restaurant (Group III) integrated within an existing marina, rather than a marina with an incidental or subordinate restaurant component. The scale, intensity, and operational characteristics of the restaurant component exceed what would typically be considered subordinate or incidental to the existing/proposed marina operations demonstrated onsite. 2. Noise Safeguards. The proposed operational model introduces a distinct shift from historically water-dependent, daytime-oriented marina activities to a higher-intensity, evening-oriented use with characteristics more typical of a standalone restaurant/bar. The narrative references compliance with the County's Noise Ordinance. Please identify the applicable receiving land use category for the surrounding properties and the corresponding sound level limits. In addition, please address the applicability of the "establishment of use" provision in Section 6, Subsection A.(2), including whether the surrounding residential uses would be subject to the commercial or industrial sound level standards set forth in Table 1 of Section 6. The response should clearly identify the applicable sound level limits at adjacent residential property lines during both daytime and nighttime hours. 3. Justification relies, in part, on operational data derived from an unpermitted restaurant use, which does not, in itself, establish compliance with applicable Land Development Code requirements. 4. The referenced C-2 zoning district is located at a distance and is not reflective of the prevailing development pattern in the immediate vicinity of the subject property, which is predominantly developed with single-family residential uses proximate to water-dependent uses.			
Yes	The Master Concept Plan should identify the following information: 1. The description of all existing easements on the subject property. Any easements identified on the required boundary survey must be depicted on the Master Concept Plan once the survey is provided, in accordance with LDC Section 34-373(a)(4)a. 2. The general location of service areas for delivery of goods or services must be shown for all developments that are not residential subdivisions.	Adam Mendez	Open	14
Yes	The proposed Schedule of Uses requires additional clarification to ensure consistency with the Master Concept Plan and supporting documents, as well as to evaluate the overall intensity and character of the proposed planned development. 1. Essential Service Facilities, Group II The Schedule of Uses includes "Essential Service Facilities, Group II," which encompasses uses such as aboveground water storage facilities, utility distribution facilities, sewage treatment, and solid waste transfer stations. These uses are not reflected in the narrative or MCP. Please either remove this use group or provide additional detail regarding the scope, location, and necessity of such facilities. 2. Food Truck Park The request references a "food truck park"; however, this level of intensity is not depicted or supported in the Master Concept Plan or accompanying materials. Please clarify the intent of this use, including the number of vendors, frequency of operation, and how it is accommodated on-site. 3. Processing and Warehousing Uses Please clarify the extent of any proposed processing and warehousing activities. Staff recommends limiting this uses classification to use directly related to marine operations to ensure consistency with the character of the	Adam Mendez	Open	15

<u>Corrections</u>	<u>Review Comments</u>	<u>Reviewer</u>	<u>Status</u>	<u>Comment ID</u>
	site and surrounding area. 4. Retail Uses The Schedule of Uses includes a range of retail uses. Staff recommends that all listed retail uses be clearly limited to those that are incidental and subordinate to the existing marina use.			
Yes	Parking. During expanded restaurant operations, the application proposes a parking supply that is less than the minimum required pursuant to LDC Section 34-2020 (Off-Street Parking Requirements), as calculated based on the applicable use classifications. While the applicant references differing operational characteristics between uses, the Land Development Code does not provide for reductions in required parking based on timing of peak demand beyond the standards incorporated into Section 34-2020 (see multiple-use column). Staff further notes that the proposed Master Concept Plan parking calculations identify a code required parking of 54.4 spaces during expanded operations, which rounds up to 55 required spaces, while only 51 spaces are proposed. As such, even under the proposed peak hour/operational phasing approach, the proposed parking supply does not meet the minimum code parking spaces for the restaurant intensity proposed. Regarding the peak hour/operational phasing approach, Ordinance 12-20, which amended LDC Section 34-411 and repealed Section 34-2018, removed the prior provisions that provided for a structured shared or joint use parking methodology based on differing peak demand periods within mixed-use or planned development projects. As such, there is no longer a codified mechanism to reduce required parking based solely on non-overlapping operational characteristics. Accordingly, any request to provide fewer parking spaces than required (the total sum of all uses) must be pursued through a deviation. Any justification provided in support of a deviation must demonstrate that sufficient parking will be available to serve all uses on-site. In all cases, adequate parking must be provided to prevent the spillover of parking demand onto adjacent properties or public rights-of-way during periods of peak demand (LDC Section 34-411(o)). Staff notes that spillover conditions have been observed associated with the existing restaurant use operating without approval, and prevention of such conditions should be specifically addressed as part of the justification.	Adam Mendez	Open	16

CORRECTIONS NEEDED:

Items marked Yes must be resolved before the plan review can be approved. Items marks "No" may be deferred to subsequent submittals and are not required to be addressed prior to approval of plans and documents.

REVIEWER CONTACT INFORMATION:

<u>Reviewer Name</u>	<u>Reviewer Email</u>	<u>Reviewer Phone</u>
John Podczerwinsky	jpodczerwinsky@leegov.com	-
Larissa Narkiewicz	lnarkiewicz@leegov.com	-
Adam Mendez	amendez@leegov.com	239-533-8325
Nicholas DeFilippo	ndefilippo@leegov.com	239-533-8983
Elizabeth Workman	eworkman@leegov.com	239-533-8793
Katherine Burgess	kburgess@leegov.com	239-533-8362
Allyson Hall	ahall@leegov.com	239-533-8553