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June 5, 2026

SENT VIA PORTAL

Adam Mendez
Principal Planner
Department of Community Development, Zoning
1500 Monroe St.
Fort Myers, FL 33901
amendez@leegov.com

RE: Jug Creek Marina MPD
DCI2026-00010

Dear Adam:

The purpose of this letter is to provide a response to the Department of Community Development review comments dated April 7th, 2026 for the above referenced application. The following list of items are enclosed with this submittal to address staff comments:

1. Revised 2-page Master Concept Plan;
2. Waiver Approval GEN2026-00118;
3. Revised PD Conditions including Schedule of Uses;
4. Revised Schedule of Deviations and Justifications;
5. Revised Request Narrative;
6. Revised Utilities Narrative;
7. Greater Pine Island Water Association Letter of Availability; and
8. Revised Legal Description.

Development Services Review

Reviewed by: Allyson Hall

1. *Please demonstrate how the existing fuel tanks are shielded as required under LDC Section 10-610(c)(2).*

Response: The Applicant respectfully notes that the referenced provisions of LDC Chapter 10, Article III are applicable to *commercial zoning districts and commercial components of planned developments*. The existing fuel tanks on the subject property are not associated with the proposed commercial restaurant/COP component of the MPD, but rather are associated with the established marina and Industrial Marina ("IM") operations on the site, which are water-dependent marine industrial uses that have historically existed on the property. As such, the Applicant does not believe the referenced shielding requirements are directly applicable to the marina fuel storage facilities, and a deviation is not warranted.

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However, the Applicant acknowledges Staff's concern regarding visibility of the tanks from adjacent properties. The MPD proposes substantial landscaping improvements, including along the eastern boundary between the existing fuel tanks and the existing dwelling units, which will substantially improve screening and buffering conditions along the eastern property boundary compared to existing conditions.

Additionally, the existing site configuration already provides substantial separation between the fuel tanks and the nearest residential properties to the east. Specifically, the tanks are separated from the residential lots by an internal parking area, approximately 50 feet of canal width, docks, boat lifts, canopies, boats moored/lifted parallel to the seawalls, and the proposed enhanced landscaping. Given this existing physical separation and the additional buffering proposed as part of the MPD, the fuel tanks should have very limited visibility from the adjacent residential properties.

2. *Development Services staff request additional information in regard 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 the 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.*

Response: There are several examples on Pine Island/St. James City where a high turnover parking setting/restaurant utilizes an alternative surface such as crushed shell or gravel parking. The following are a few examples: The Lazy Flamingo; The Eagle's Nest Restaurant Bar & Grill; Kickstands Pub & Grub; Low Key Tiki; Phuzzy's Boat Shack; The Waterfront Restaurant & Marina; and Cositas Bakery & Coffee Shop. Photos of these examples are shown below.

Lazy Flamingo:



The Eagle’s Nest Restaurant Bar & Grill:



Kickstands Pub & Grub



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Low Key Tiki**Phuzzy's Boat Shack**

The Waterfront Restaurant and Marina**Cositas Bakery & Café**

3. *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 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.*

Response: See attached revised Schedule of Deviations with revised justification for Deviation #2, which no longer references increased impervious coverage in a constrained coastal environment. The applicant is proposing to reduce the amount of crushed shell/gravel surfacing and increase the pervious area on the site which is a net improvement from a water quality standpoint.

The Jug Creek Marina site is currently developed and has historically functioned with a crushed shell parking surface. Under existing conditions, stormwater is managed

through natural percolation and sheet flow across the site, with runoff directed toward adjacent surface waters consistent with the site's longstanding marina use. The existing surface has demonstrated adequate performance in accommodating typical rainfall events without documented drainage deficiencies.

Given the site's limited upland area and its location within a coastal environment bounded by navigable waters, the introduction of additional paving could alter existing drainage patterns and require structural stormwater controls that are not currently necessary for the functioning of the site.

The proposed MPD does not expand the overall parking footprint beyond what exists today and maintains a total of 51 parking spaces. The continued use of crushed shell surfacing allows the site to function in a manner consistent with its historical drainage characteristics while avoiding increases in impervious coverage.

Accordingly, the requested deviation maintains adequate site functionality, does not create adverse drainage impacts, and is appropriate given the site's established condition and waterfront context.

4. *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.*

Response: Acknowledged.

5. *At time of development order, please demonstrate that the proposed parking spaces meet the dimensional requirements in LDC Section 34-2016(1).*

Response: Acknowledged.

DOT Review

Reviewed by: John Podczerwinsky

1. *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.*

Response: All proposed parking is contained on-site. This application does not propose any off-site loading or parking on Tortuga Street.

2. *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.

Response: An unimproved de-facto boat ramp has existed at the terminus of Tortuga Street adjacent to the subject property for decades and has historically served both the surrounding residential neighborhood and the general boating public. As a result, on-street parking activity associated with boat launching and the residential uses on Tortuga Street has existed for decades and is not solely attributable to the proposed MPD or current marina operations.

Additionally, "No Parking" signage is already present along portions of Tortuga Street, including in the vicinity of the boat ramp and adjacent to the subject property. The Applicant is willing to continue coordinating with County staff regarding any additional signage deemed necessary to improve traffic circulation and discourage unauthorized parking, loading and boat ramp access outside of the project boundaries. However, the Applicant respectfully notes that the existing roadway conditions and shoulder wear are longstanding conditions associated with the historical use pattern of Tortuga Street, rather than impacts uniquely created by the proposed rezoning request.

3. *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.

Response: Acknowledged. The Applicant appreciates the suggestion. Please refer to the revised Deviations and Justifications Narrative, which now includes Deviation #4 to provide relief from this code section pertaining to non-urban local streets.

4. *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.*

Response: LDC Section 10-296(k), Cul-de-sacs, applies to the design and construction of new public and private streets. The proposed MPD does not include the creation of any new streets, roadway extensions, or modifications to the existing public roadway network. Rather, the application primarily seeks to recognize and allow the continued operation of an established marina facility with limited site improvements associated with outdoor dining areas. Accordingly, the Applicant respectfully maintains that Section 10-296(k) is not directly applicable to the existing internal parking and circulation areas of the site.

Notwithstanding the foregoing, the Applicant has evaluated the comment and notes that compliance with the minimum cul-de-sac dimensional standards of LDC Section 10-296(k) is not feasible within either the existing Tortuga Street right-of-way or on the subject property. The site is constrained by its unique waterfront configuration, existing development pattern, and established marina operations.

Accommodating a code-compliant cul-de-sac would require substantial reconstruction of existing site improvements, parking areas, and operational features and would effectively impose the burden of correcting a longstanding roadway condition upon a single private property owner.

Further, the proposed MPD does not materially alter the existing vehicular circulation pattern serving the site. The property has historically functioned with an open parking and maneuvering area at the terminus of Tortuga Street, and the proposed plan maintains that same general circulation arrangement. No new access points are proposed, no internal streets are being created, and no modifications are proposed that would increase the need for turnaround facilities beyond those that have existed and functioned on the property for decades. As such, the proposed rezoning does not create a circumstance that would justify construction of a new cul-de-sac or turnaround feature.

The proposed site configuration does not reduce existing turnaround capability and, in several respects, continues to provide practical opportunities for vehicles to maneuver and turn around within the site rather than backing onto Tortuga Street. The internal parking and circulation areas remain available for vehicle maneuvering and provide an operationally functional alternative to a formalized cul-de-sac design.

Additionally, the site has operated as a marina, fish house, and commercial marine facility for decades with the existing roadway and circulation configuration without identified concerns related to emergency access, fire code compliance, or roadway geometry. No new enclosed structures, modifications to site access points, or material changes to emergency access conditions are proposed as part of this application. The current Code Enforcement matter associated with the property similarly does not

identify any deficiencies related to fire access, emergency operations, or turnaround design.

Based on the foregoing, the Applicant does not believe construction of a code-compliant cul-de-sac is warranted or reasonably related to the proposed MPD request.

Environmental Review

Reviewed by: Elizabeth Workman

1. *Please submit the multiple waiver requests separately from the zoning application.*

Response: The waiver requests have been approved pursuant to GEN2026-00118. The waiver approval is included in this resubmittal.

2. *Revise MCP to depict all buffer widths and open space required and provided.*

Response: Please refer to the included Landscape Deviations Exhibit which is intended to be adopted as revised MCP Sheet 2, which now depicts all proposed buffer widths. Sheet 2 of the MCP now also depicts the open space both visually (in green) and as a calculation in the Open Space Summary table.

3. *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).*

Response: The property meets the exemption criteria. Please refer to the revised Request Narrative, which now includes an analysis of how the project is consistent with LDC Sec. 33-1082, and is exempt from providing a 50-foot-wide buffer where the Property abuts the state-designated aquatic preserve due to these areas of the marina providing direct water access consistent with LDC Sec. 33-1082(c)(2).

4. *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.*

Response: Please refer to the revised Deviations and Justifications Narrative, which now includes a deviation from this section of the LDC. Please also refer to MCP Set Sheet 2, Landscape Deviation Exhibit, which depicts the proposed landscape buffers. The Applicant is requesting approval of several deviations for the constrained project site related to landscaping.

5. *Demonstrate compliance with LDC Section 34-3005(b).*

Response: The code section referenced refers to Open Storage and required fencing and screening for this particular use. However, the MCP does not propose any areas of open storage. Open storage is listed in the Schedule of Uses, and if it is to be provided on the site, then the proper fencing and screening will be provided in accordance with LDC Sec. 34-3005(b). The Applicant is not requesting any deviations from this code section at this time.

6. *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.*

Response: Please see response to comment #4 above.

7. *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.*

Response: Please refer to the revised Deviations and Justifications Narrative, which now includes a deviation to address building perimeter plantings and parking island landscaping. The MPD intends to comply with the general tree requirements and is not seeking relief from the code. Please also refer to MCP Set Sheet 2, Landscape Deviation Exhibit, which depicts the proposed landscape buffers and landscaping requirements seeking relief through a deviation.

8. *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.*

Response: Pursuant to LDC Sec. 10-415, the minimum required open space for industrial uses is 10%, while commercial uses require 20% open space. Although the proposed MPD includes a mixture of industrial marina and commercial components, the MCP provides approximately 21% open space across the overall development, as depicted on the MCP.

As proposed, the MPD exceeds the minimum open space requirement applicable to the industrial marine portions of the site and satisfies the more restrictive commercial open space standard across the project as a whole. As such, the proposed development provides more open space than would otherwise be required if the industrial marina and commercial components were evaluated independently under the minimum code requirements.

The Applicant believes this approach is appropriate given the integrated nature of the marina operations and associated commercial amenities, while also providing an overall site design that preserves functional open areas and maintains compatibility with the unique waterfront character of the property.

Legal Comments

Reviewed by: Larissa Narkiewicz

1. *The legal description and sketch is prepared irrespective of the requirements described in §34-373(a)(4).*

Response: Please refer to the attached revised Legal Description.

2. *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.*

Response: Please refer to the attached revised Legal Description.

3. *A boundary survey of the subject property must be submitted.*

Response: Please note, per correspondence with the Staff reviewer on May 27, 2026, Staff confirmed the Applicant may disregard this comment since the legal description confirms that the subject parcel consists of a platted lot. Therefore, no boundary survey has been provided.

Natural Resource Comments

Reviewed by: Nicholas DeFilippo

1. *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.*

Response: The Applicant respectfully submits that the existing 36-slip facility is consistent with the Lee County Manatee Protection Plan ("MPP") and that no increase in the number of slips is proposed as part of this application.

The Lee County MPP, adopted June 17, 2004, identifies a total of 36 boat slips associated with the property. Specifically, Table 7b (Lee County Mooring Inventory) assigns 36 slips to Velma Padilla, consisting of 30 wet slips, 1 trailer slip, 1 seawall slip, and 4 beach-blocked slips. The MPP therefore recognizes a total slip inventory of 36 slips associated with this marina facility.

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The current owner, Jug Creek LLC, can be directly traced to the ownership identified within the MPP. Public records demonstrate that Jug Creek LLC acquired the property from Tortuga St. Fish House and Marina, LLC, which had acquired the property from Padilla Properties, LLC, an entity controlled by the Padilla family. Accordingly, the marina facility identified within the MPP inventory is the same facility that exists today under successor ownership.

Further support is provided within the MPP itself. Table 6, Inventory of Marinas and Ramps, identifies Jug Creek Marina (Map No. 52) as an existing marina facility within Lee County's inventory. The marina has historically operated as a 36-slip facility, and the MCP reflects the continuation of that existing condition.

The Applicant is not requesting authorization for additional slips, expansion of marina capacity, or any increase beyond the slip inventory already recognized by the MPP. The application simply reflects the existing 36-slip marina facility that has historically operated on the property.

Based upon the MPP's inventory of 36 slips, the ownership history linking the current owner to the marina facility identified in the MPP, and the fact that no additional slips are proposed demonstrates that the existing 36-slip marina is consistent with and accounted for in the Lee County Manatee Protection Plan.

PADILLA VELMA TR	Marina	Beached/Blocked	4
PADILLA VELMA TR	Marina	Seawall	1
PADILLA VELMA TR	Marina	Trailer	1
PADILLA VELMA TR	Marina	Wet Slip	30

Source: Lee County Mooring Inventory, Table 7b, Page 140 of Lee County MPP

2. Please provide a disaster preparedness plan per Lee Plan policy 128.5.6

Response: A disaster preparedness plan is not required for this project. Lee Plan Objective 128.5, Marina Design Criteria, which is the parent objective to Lee Plan Policy 128.5.6, states "...The County will utilize the following criteria in evaluating the design of new marinas (or expansion of wet slip facilities at existing marinas) in order to minimize negative impacts; detailed regulations on these subjects may be contained in the County's development regulations." The proposed MPD rezone does not seek to provide a new marina or to expand wet slip facilities. The Jug Creek Marina is an existing marina designated on the Water Dependent Overlay Lee Plan Map 1-H, and has been in existence since the 1950s. Lee Plan Policy 128.5.6 does not apply to the request made in this application.

3. *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.*

Response: Similar to the response provided for Comment #2 above, an analysis of Lee Plan Policy 128.5.7 is not required for this project. Lee Plan Objective 128.5, Marina Design Criteria, which is the parent objective to Lee Plan Policy 128.5.6, states “...The County will utilize the following criteria in evaluating the design of new marinas (or expansion of wet slip facilities at existing marinas) in order to minimize negative impacts; detailed regulations on these subjects may be contained in the County's development regulations.” The proposed MPD rezone does not seek to provide a new marina or to expand wet slip facilities and therefore Lee Plan Policy 128.5.6 does not apply to the request made in this application and the project is not required to respond to criteria for new marinas or expansion of wet slip facilities at existing marinas.

4. *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.*

Response: The Applicant respectfully notes that Lee Plan Policies 123.7.3 and 123.7.4 appear to function primarily as County-level implementation and public education directives, rather than development standards directly applicable to private property owners or marina operators through the zoning process. Specifically, the policies direct Lee County to “inform and educate the public” and to disseminate educational materials and signage regarding manatee protection in areas where manatees and humans congregate and at public boat access locations. The policies do not establish mandatory development regulations, operational criteria, or measurable performance standards applicable to individual rezoning applications.

Further, the subject property is an existing marina facility operating within an established Industrial Marine zoning district and does not propose a new public boat ramp, new docks, dredging activity, or any substantial expansion of in-water infrastructure that would intensify impacts to manatee habitat beyond the longstanding marine use of the property. As such, the applicant is not proposing any changes through the proposed MPD rezoning that are inconsistent with Objective 123.7 or the referenced policies.

Notwithstanding the above, the Applicant recognizes the importance of manatee awareness and protection within Lee County's waterways. The marina has historically operated in conjunction with existing federal, state, and local manatee protection regulations applicable throughout the surrounding waterways, including posted speed zones and boating regulations administered by the Florida Fish and Wildlife Conservation Commission and other applicable agencies.

To the extent deemed necessary by Staff, the Applicant is willing to coordinate with Lee County regarding the placement of informational manatee educational materials or signage at the marina in a manner consistent with the intent of Policies 123.7.3 and 123.7.4. However, the Applicant respectfully maintains that implementation of these broad public education policies is principally a governmental function rather than a land use entitlement criterion specific to this rezoning request.

Lee Plan Policies 128.4.3, 128.5.3, 128.5.4, 128.5.9, and 128.5.14 do not apply to this project. Lee Plan Objective 128.5, Marina Design Criteria, which is the parent objective to Lee Plan Policy 128.5.6, states “...*The County will utilize the following criteria in evaluating the design of new marinas (or expansion of wet slip facilities at existing marinas) in order to minimize negative impacts; detailed regulations on these subjects may be contained in the County's development regulations.*” The request does not seek approval of a new or expanded marina. The marina is existing and is not being expanded.

Planning Review

Reviewed by: Katherina Burgess

1. *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.*

Response: Please refer to the revised utilities narrative, which now addresses Lee Plan Standards 4.1.1 and 4.1.2.

Zoning Review

Reviewed by: Adam Mendez

1. *Please provide a Letter of Availability from the Greater Pine Island Water Association to satisfy the requirements of LDC Section 34-202(a)(10).*

Response: Please refer to the enclosed Letter of Availability from Greater Pine Island Water Association.

2. *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).*

Response: Please note the Applicant has set a date for the community meeting and will be conducting the meeting the first week of July. A summary of the meeting will be provided shortly thereafter.

3. *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 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.

Response: Please refer to the revised Request Narrative, which now refers to the restaurant component as an addition to the site rather than as an accessory use to the marina.

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.*

Response: The proposed MPD does not represent the introduction of a new standalone bar or entertainment venue into a previously quiet residential area, but rather the continuation and refinement of longstanding marine industrial and commercial activities that have historically operated from the property for decades. The subject property has operated in some form of marine industrial/commercial capacity since at least 1968 and was specifically established as Lot 1 within the Knights Bokeelia Isles subdivision, where the original plat restrictions contemplated commercial and marine-related activities on the property. Further, the property has been zoned Industrial Marina (IM) since 1984 pursuant to Resolution ZAB-84-202 and

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has historically operated with marina, fish house, seafood processing, retail, and related commercial activities.

The property is uniquely situated at the terminus of a peninsula surrounded by water on three sides. To the east of the property is a 50-foot-wide canal separating the site from other properties, and to the north and west are the Jug Creek waterbody and conservation lands. The only directly abutting property line to the south is adjacent to a residential lot owned by one of the members of the Applicant. The surrounding land uses consist of a mixture of marina, water-dependent commercial, vacation rental, and residential uses typical of the Pine Island waterfront environment. Notably, another Industrial Marina-zoned marina operation, Knight's Landing Marina, is located directly across the canal to the east.

Pursuant to Section 6(A) of the Lee County Noise Control Ordinance, as amended, the applicable receiving land use category for nearby residential properties would generally be "Residential, public space or agricultural." Under Table 1 of the Ordinance, the maximum permissible sound levels for residential receiving land are 66 dBA / 71 dBC between 7:00 a.m. and 10:00 p.m., and 55 dBA / 60 dBC between 10:00 p.m. and 7:00 a.m.

However, Section 6(A)(2), "Establishment of Use," is also applicable to the property. That section provides that where a commercial or industrial use was established prior to residential encroachment, and residential uses later developed adjoining the commercial or industrial use, the sound level limit for the receiving residential use shall be that of the commercial or industrial use, whichever is applicable.

The historical development pattern surrounding the property supports applicability of this provision. The subject property has long operated as a marina, fish house, and commercial marine facility and was specifically exempted from the original subdivision plat's residential-only restriction, thereby recognizing and anticipating non-residential use of the property from the inception of the subdivision. The surrounding residential development therefore occurred in the context of, and with notice of, longstanding marine industrial and commercial activities associated with the property. Additionally, the surrounding area continues to include other active marina and water-dependent commercial uses, including IM-zoned properties directly across the canal from the site. Accordingly, the Applicant believes the "Establishment of Use" provision is applicable and that the surrounding residential uses are appropriately evaluated within the context of a longstanding marine industrial/commercial waterfront environment rather than as isolated suburban residential lots.

Accordingly, pursuant to Section 6(A)(2), the adjacent residential properties would be subject to the commercial or industrial sound level standards set forth in Table 1 of

Section 6, whichever is determined applicable by Lee County. Under the commercial/business standard, the applicable sound level limits at the adjacent residential property lines would be 72 dBA / 77 dBC between 7:00 a.m. and 10:00 p.m., and 65 dBA / 70 dBC between 10:00 p.m. and 7:00 a.m. Under the manufacturing/industrial standard, the applicable limit would be 75 dBA / 80 dBC at all times.

Further, the Applicant is voluntarily proposing operational conditions intended to minimize potential noise impacts and ensure compatibility with nearby uses.

Specifically:

- Consumption on Premises operations are limited to 11:00 a.m. – 10:00 p.m. daily;
- Amplified sound is limited to the same hours of operation;
- All activities on-site remain subject to the Lee County Noise Control Ordinance, as may be amended; and
- The site includes physical separation features including the 50-foot canal, water frontage, existing structures, and landscape buffering.

The proposed MPD therefore incorporates operational safeguards and site design characteristics that appropriately address compatibility with surrounding properties while recognizing the longstanding working waterfront and Industrial Marina character of the site and surrounding area.

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.

Response: The Applicant acknowledges that historical operational data alone does not establish legal compliance with current Land Development Code requirements.

However, the historical operational data was not provided for the purpose of asserting entitlement, grandfathering, or automatic compliance with the requested zoning approvals. The information was provided as a factual operational benchmark to assist in evaluating the actual intensity and utility demands associated with the established use of the property.

The historical water consumption and wastewater generation data were specifically utilized to demonstrate the practical operational characteristics of the site and to provide a conservative basis for evaluating potable water demand, septic capacity, and utility impacts associated with the proposed MPD request. The data establishes that the property has historically functioned at a level substantially below the Lee Plan threshold requiring connection to public sewer service and within the permitted capacity of the existing onsite wastewater treatment system.

Use of historical operational information in rezoning and planned development applications is a common and appropriate planning practice because it allows the County to evaluate actual site conditions, operational characteristics, compatibility considerations, infrastructure demand, and potential impacts in instead of relying on theoretical maximum code calculations. The Applicant is not asserting that the prior operations independently establish compliance with the Land Development Code; rather, the proposed MPD seeks the appropriate land use approvals and operational conditions necessary to bring the site into compliance moving forward.

Further, the proposed MPD includes operational limitations and conditions, including restrictions on hours of operation and amplified sound, and remains subject to all applicable permitting, licensing, building, fire, health department, and code compliance requirements prior to operation of the requested uses.

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.

Response: The Applicant respectfully disagrees with the characterization that the referenced C-2 zoning districts are too remote to inform the development pattern and compatibility analysis for the subject property. While the immediately adjacent properties include single-family residential uses, the broader surrounding area reflects a longstanding mixed waterfront environment consisting of residential, transient lodging, marina, marine commercial, and commercial zoning districts that collectively establish the character and expectations of the area.

Importantly, the residential lots situated between the subject property and the nearby C-2 zoned properties were developed within the context of an established working waterfront and adjacent commercial zoning pattern. The original subdivision plat specifically exempted several lots, including the subject property, from the plat's residential-only restriction, thereby recognizing and anticipating non-residential use of those properties from the inception of the subdivision. As such, the nearby residential uses were not established within an isolated low-intensity suburban residential setting, but rather adjacent to properties intended for non-residential waterfront activity and longstanding marine-oriented operations.

Further, the nearby C-2 zoning districts are relevant because they demonstrate the range and intensity of uses contemplated and permitted within the surrounding area under the existing zoning. The C-2 district permits numerous relatively intensive commercial uses by right, including hotels, service stations, restaurants of all groups,

drive-through facilities, retail commercial uses, and other high-activity uses without requiring a zoning map amendment or public hearing process. In contrast, the proposed MPD is narrowly tailored to allow a restaurant with consumption on premises in conjunction with the existing marina and fish house operations, subject to specifically proposed operational conditions limiting hours of operation and amplified sound.

The surrounding area does not function as a uniform or fully stabilized single-family residential neighborhood. The area includes a combination of owner-occupied residences, active vacation rentals, marina-related activities, vacant platted lots, and transient lodging patterns typical of Pine Island waterfront communities. Multiple homes in the immediate vicinity are actively utilized as short-term rentals, contributing to a mixed occupancy pattern with regular visitor turnover and boating-related activity. The presence of undeveloped lots throughout the subdivision further demonstrates that the area remains characterized by a blend of uses and development intensities rather than a singular residential character.

The subject property itself is physically separated from many surrounding residences by substantial water features, including the existing 50-foot canal and the Jug Creek waterbody, which provide natural buffering uncommon in traditional suburban development patterns. The proposed restaurant component is also intended to function as an addition to and as a complementary use to the longstanding marina operations, with boat-accessible features reinforcing the site's water-dependent character and operational relationship to the marina.

Accordingly, while residential uses are present in the vicinity of the property, the Applicant respectfully submits that the compatibility analysis should evaluate the site within the context of the broader mixed waterfront zoning pattern, longstanding marine industrial character, transient lodging activity, nearby commercial entitlements, and physical separation conditions that collectively define the existing built environment surrounding the property.

4. *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.*

Response: Please refer to the revised MCP, which now includes a note stating there are no easements on the property.

2. *The general location of service areas for delivery of goods or services must be shown for all developments that are not residential subdivisions.*

Response: Please refer to the Schedule of Deviations and Justifications, which includes Deviation #1 from LDC Sec. 34-1986. Please also refer to the revised MCP, which now depicts the general areas for delivery of goods and services.

5. *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.

Response: Please refer to the revised Schedule of Uses, which no longer includes Essential Service Facilities, Group II.

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.

Response: Please refer to the revised Schedule of Uses, which no longer includes Food Truck Park.

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 site and surrounding area.

Response: Please refer to the revised Schedule of Uses, which now limits the Processing and warehousing uses, to marina operations only. This is intended to protect and preserve the existing marina operations related to processing, packaging, storing, and shipping seafood products.

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.

Response: Please refer to the revised Schedule of Uses, which now limits the retail uses to those that support the marina.

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6. *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).*

Response: Please refer to the revised Schedule of Deviations and Justifications, which now includes a deviation from LDC Sec. 34-2020 to address the proposed parking allocation table shown on the MCP.

- a. *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.*

Response: Please note the 51 spaces is what remains after the 10% reduction for boat slip parking that is provided for in LDC 34-2020(c)(2). This is also accounted for as Note 4 under the parking table on Sheet 1 of the MCP.

- b. *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.

Response: Please refer to the revised Schedule of Deviations and Justifications, which now includes a deviation from LDC Sec. 34-2020 to address the proposed parking allocation table shown on the MCP. Please also refer to the proposed Conditions, which further restrict the hours of operation on the site for the specific uses in accordance with the proposed parking allocation table.

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Please let us know if there is anything else needed for the approval of this request.

Sincerely,

MORRIS-DEPEW ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read "Ben Smith", with a long horizontal flourish extending to the right.

Ben Smith, AICP
Director of Planning

Cc: Jug Creek Marina, LLC
Mark A. Ebelini, Esq., Knott Ebelini Hart

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Request Narrative

REVISED JUNE 2026**I. Introduction & Request**

Jug Creek LLC ("Applicant") is requesting approval of a planned development rezoning to rezone the 1.11 ac property known as the Jug Creek Marina from the Marina Industrial (IM) zoning district to the Mixed Use Planned Development (MPD) zoning district. The rezone will allow the continuation of the existing IM uses, including the marina and marina accessory uses, and in addition will allow for a Restaurant with Consumption on Premises (COP). The restaurant will feature live music, which will be regulated by proposed operational conditions of the MPD. The Property is within the Suburban Future Land Use Category, is within the Greater Pine Island Community Planning Area, and is designated on Lee Plan Map 1-H Water Dependent Overlay as a water-dependent land use. The Property is located at 16498 Tortuga St., Bokeelia, on the northern end of Pine Island, in unincorporated Lee County, shown in Figure 1 below.

**Figure 1: Aerial of Subject Property**

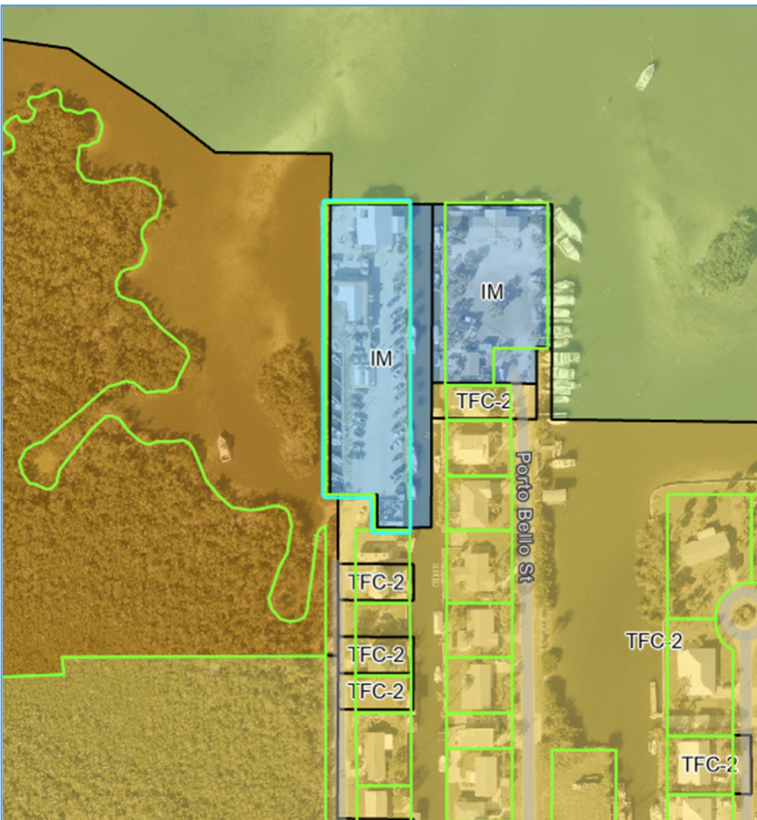


Figure 2: Current Zoning



Figure 3: Future Land Use

II. Property History

The Property was platted as Lot 1 in the Knights Bokeelia Isles subdivision in 1955 per Plat Book 9 Page 142. Specifically, it was described as "KNIGHTS BOKEELIA ISLE RPLT BLK A PB 9 PG 142 LOT 1". The plat was originally setup to provide for working waterfront uses at the north end, with housing for commercial fisherman and other water related tradesmen in the middle, and supporting commercial uses at the south end.

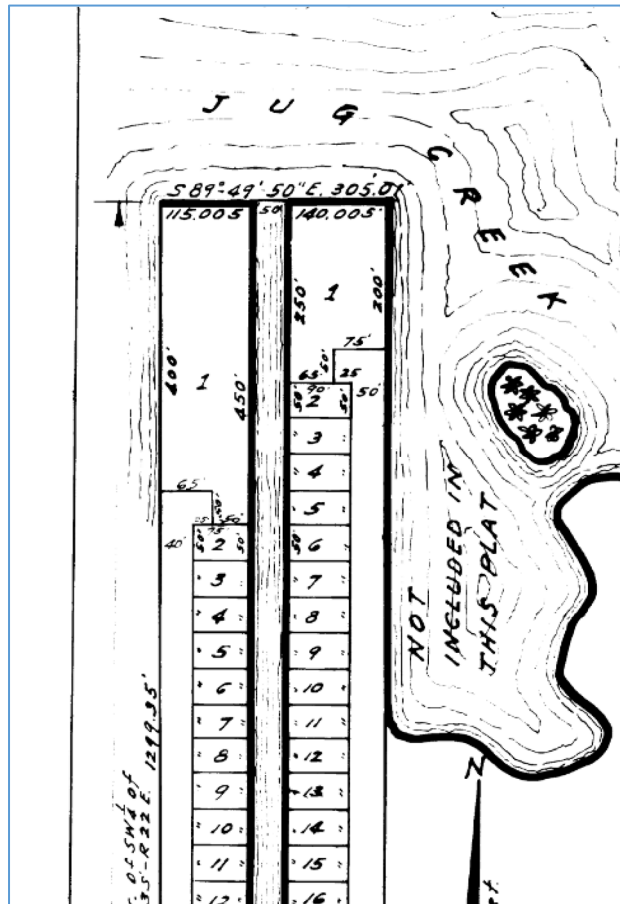


Figure 4: Knights Bokeelia Isles Plat

According to historical aerial imagery and based on the plat restrictions, it's evident that the Jug Creek Marina property has been operating in some form of a marine industrial/commercial capacity since at least 1968. Figures 4 through 6 depict the Property in 1968, 1972 and 1979 and demonstrate the intensification of the property over time, which was expected given the plat restriction which states "*all lots shall be used for residential purposes only, except Lot 1, Lot 40, Lot 41, Block 'A', and Lot 1 and Lot 39, Block 'B'.*". The Property was originally in the TFC-2 and C-2 zoning districts (formerly known as RM-1 and C-2) but was subsequently zoned entirely to IM (formerly known as CM-2) by Resolution ZAB-84-202. That 1984 rezoning approval was considered on the basis that the proposed use would be a steel building inside of which boat repair work of more than a minor nature could be done.

In 1987 the owners at the time filed a variance application for the property, which was known as the "Bokeelia Fish House". The owners were requesting relief from the required 25-foot rear setback from a waterbody to allow for a 0-foot setback. After the public hearing the owner withdrew the variance request.

due to it no longer being needed since “annotations to the Lee Plan” had been made addressing the issue. In the current Lee County Land Development Code (LDC), in the property development regulations for the IM zoning district, Note 3 for waterbody setbacks states “Boat service buildings or boat service structures may be built up to the mean high-water line.”

In 1997, a Special Exception was approved to allow a seafood market pursuant to case number 97-07-088.018. At the time of the 1997 approval, the property had been developed and was operating with a wholesale fish processing business for the previous 30 years, or nearly 60 years as of 2025. This operation is still ongoing. Fresh fish are delivered to the site by boat, where it is processed, and shipped out. The special exception approval allowed the sale of fresh fish to the local residents in a small store providing an enhancement to the marina’s offerings and a convenient service for local residents and visitors alike.

Currently, the Property Owner, Jug Creek, LLC has a state-issued 2APS license (BEV4608207) and County administrative approval (COP2020-00038) to sell beer and wine for off premises consumption from the property in connection with the marina business.



Figure 5: 1968 Aerial Image



Figure 6: 1972 Aerial Image



Figure 7: 1979 Aerial Image

III. Surrounding Land Uses

The Property is located on Pine Island at the end of a peninsula that is surrounded by water on three sides. To the east of the Property is a 50-foot-wide canal, to the north and east is the natural Jug Creek waterbody that connects to Charlotte Harbor and Pine Island Sound. The Property’s only abutting neighbor is a residential lot to the south, which is owned by one of the members of the Applicant. The existing residential uses in the area were constructed with the original plat restrictions in place, which contemplated commercial/industrial use of the Property.

Located directly to the east of the Property across the 50-foot canal is another marina known as Knight’s Landing Marina, which is also zoned IM. The Subject Property is accessed via a local roadway, Tortuga Street, which serves the adjacent residential uses as well as the Jug Creek Marina. Table 1 below provides an inventory of the surrounding future land uses, zoning districts and existing land uses.

Table 1: Inventory of Surrounding Lands

	Zoning	Future Land Use	Existing Land Use
North	AG-2	N/A	Jug Creek Waterbody
East	IM	Suburban	Canal; Knights Landing (Marina and Rentals); Bokeelia Boathouse (Lodging); Single-Family Residential/Vacation Rentals
South	TFC-2	Suburban	Single-Family Residential/ Vacation Rentals; Vacant Lots
West	RV-3	N/A; Conservation Lands	Jugg Creek Waterbody; TIITF Lands

Regarding the surrounding residential uses, the rezone request must be evaluated within the context of the area’s existing zoning pattern and built environment. The Property, a long-established marina, is located north of several single-family residential lots that are positioned between the marina to the north and parcels to the south zoned C-2 (Commercial), all of which were referenced in the 1950s plat as non-residential. The C-2 zoning district permits a wide range of relatively intensive commercial uses by right, including auto parts stores, service stations, car washes, hotels/motels, medical offices, and other high-traffic or potentially high-intensity uses — all without the need for a zoning map amendment or public hearing. Importantly, C-2 also permits restaurants of all groups (I, II, III, and IV), including fast food with drive-thru service and establishments with extended hours or entertainment components, subject only to standard code regulations.

The surrounding residential streets, including Tortuga Street and Porto Bello Street, also reflect a mixed pattern of occupancy. Of the three (3) single-family homes directly across the canal from the subject property, two (2) are actively advertising as vacation rentals. In addition, several other homes on Tortuga Street and Porto Bello Street — at least 10 currently advertised on short-term rental platforms — are functioning as transient lodging. These properties experience regular visitor turnover, seasonal occupancy fluctuations, and boating-related activity consistent with a waterfront destination community. The area therefore includes a combination of owner-occupied residences, short-term rentals, vacant lots, and marina-related uses.

It is also notable that multiple platted residential lots within the subdivision remain vacant, particularly along Tortuga Street and Porto Bello Street. The presence of these undeveloped lots further reflects that

the subdivision has not built out as a uniform, fully stabilized single-family neighborhood, but rather retains a mix of developed, undeveloped, and transiently occupied properties within a waterfront commercial context.

Conversely, the proposed MPD rezone is narrowly tailored and limited to include a restaurant with consumption on premises, designed to function as a complementary enhancement to the existing marina. The request is further limited by proposed conditions including restricted hours of operation and noise limitations for outdoor entertainment. The restaurant will be boater-accessible, with existing available marina slips for patrons arriving by water, reinforcing its water-oriented function.

Additionally, the marina and the surrounding water bodies provide substantial natural separation and buffering from adjacent properties. The proposed open-air restaurant, featuring fresh seafood and operating within the established industrial marina footprint, builds upon the site's longstanding history as one of the few remaining operating fish houses serving the Pine Island community. The MPD rezone provides a more predictable and conditioned development framework than the uses that could otherwise be established by right on nearby C-2 parcels. With enforceable operational conditions, the proposed use supports the working waterfront while maintaining compatibility with the surrounding residential and mixed-use environment.

IV. Rezoning Criteria

The proposed development is in full compliance with the rezoning criteria set forth by LDC Section 34-145(d)(4)(a)(1), as referenced below.

a) *Complies with the Lee Plan;*

The subject site is located within the Suburban Future Land Use Category, and the proposed rezoning to Mixed Use Planned Development (MPD) is consistent with the Lee Plan, including the policies described below.

Policy 1.1.5 – Suburban Future Land Use Category

Policy 1.1.5 provides that the Suburban Future Land Use Category consists predominantly of residential areas located on the fringe of urban areas or in locations where it is appropriate to protect existing or emerging residential neighborhoods. While industrial land uses are not permitted, the category contemplates limited, context-sensitive non-residential uses that are compatible with surrounding development patterns and that serve the local community.

The proposed MPD rezoning will allow for a Restaurant with Consumption on Premises as a complementary component of the long-established marina use on the Property. The marina predates the adoption of the Lee Plan, as demonstrated by historical documentation reflecting its existence as early as 1968, well before the Lee Plan's adoption in 1989. The proposed rezoning does not introduce a new stand-alone commercial center or urban intensity inconsistent with the Suburban designation; rather, it formalizes and conditions a use that is directly supportive of an existing, legally established water-dependent facility.

The restaurant use enhances the operational viability and long-term sustainability of the marina by providing food and beverage services to boaters, residents, and seasonal visitors. It promotes recreational use of the waterfront and reinforces the Property's historic role as a neighborhood gathering place on Pine Island. Importantly, the rezoning does not increase residential density, does not introduce industrial activity, and does not conflict with the density limitations or character protections established for the Suburban category. Instead, it builds upon an existing marina use in a manner that is compatible, proportional, and consistent with the surrounding development pattern. Furthermore, at the time of platting, it was established that residential lots within the Knights Bokeelia Isles subdivision would exist in proximity to non-residential marina uses.

Therefore, the requested MPD rezoning is consistent with Policy 1.1.5.

Policy 1.6.4 – Water-Dependent Overlay (WDO)

The Property is designated on Lee Plan Map 1-H within the Water-Dependent Overlay (WDO). Policy 1.6.4 prioritizes water-dependent land uses in designated shoreline areas, including Greater Pine Island, and supports regulatory mechanisms that reinforce the viability of such uses. This Policy meets a directive of Florida Statute 163.3177(6)(a)(3)(c) which states, "The future land use plan element shall include criteria to be used to... encourage preservation of recreational and commercial working waterfronts for water-dependent uses in coastal communities."

The Property is currently developed and operating as a marina, a quintessential water-dependent use. The proposed MPD rezoning will not convert shoreline property to a non-water-dependent use, nor will it diminish the marina's core function. Instead, the restaurant and consumption-on-premises component will operate as a complementary marina amenity, a common and customary feature of working waterfront facilities, intended to support marina patrons, boaters, and waterfront visitors, as well as the sustained viability of the marina use.

The MPD zoning district provides a site-specific zoning structure with enforceable development and operational conditions to ensure that the restaurant remains subordinate and complementary to the marina use. The rezoning strengthens the economic sustainability of the water-dependent operation while maintaining public access and recreational use of the waterfront. By ensuring the viability of the working waterfront identity of the Property and avoiding displacement of water-dependent activities, the request advances a directive of Florida Statute and the intent of Policy 1.6.4 and the WDO.

Policy 5.1.5 – Compatibility with Residential Areas

Lee Plan Policy 5.1.5 addresses the prevention of inappropriate encroachment into residential areas. The proposed MPD rezoning satisfies this policy by establishing tailored development standards, site design, and operational conditions that ensure compatibility with adjacent residential uses.

The Property is constrained by water on three sides, and nearby residential properties are separated from the marina by a 50-foot-wide canal. These water bodies function as substantial natural buffers. Additionally, the restaurant and consumption-on-premises area is proposed in the northwest portion of the site, maximizing separation from the three residential lots located

to the east and focusing the intensity of the site toward the north where it is adjacent to another existing marina in the IM zoning district.

Through the proposed conditions, operational standards will be incorporated to limit potential impacts, including restrictions on hours of operation, limitations on outdoor entertainment and live music, and enforceable noise controls consistent with County standards. The MPD also incorporates modified landscape buffering through several deviations due to the site constraints; however, the proposed landscaping is beyond what exists today particularly along the canal edge adjacent to residential properties.

These measures ensure that the rezoning will not result in destructive encroachment or degradation of residential character. Rather, the MPD provides a structured and enforceable mechanism to maintain compatibility while supporting an existing waterfront business.

Goal 8 and Objective 8.1 – Protection of Marine-Oriented Uses

Goal 8 of the Lee Plan seeks to designate prime locations for marine-oriented land uses and protect them from incompatible or preemptive redevelopment. Objective 8.1 specifically addresses the preservation of water-dependent overlay properties.

The requested rezoning to MPD supports these policies by strengthening the long-term viability of an existing marina within the WDO. The restaurant use is not a conversion of the site to a non-water-dependent use, nor is it speculative commercial encroachment. Instead, it is a supportive marina amenity that enhances operational sustainability while maintaining the Property's maritime character.

The MPD tool is particularly appropriate because it allows the County to tailor permitted uses, development standards, and operational conditions through a public hearing process. By reinforcing, rather than displacing, the marina's function, the rezoning is consistent with and advances the objectives of Goal 8 and Objective 8.1.

Goal 24 – Greater Pine Island Community Plan

Goal 24 seeks to manage growth on Greater Pine Island in a manner that protects natural resources, maintains rural and coastal character, supports local businesses, and safeguards public health and safety.

The proposed MPD rezoning is consistent with Goal 24. The site is already developed as a marina and fish house. No expansion into agricultural lands, conservation areas, or environmentally sensitive lands is proposed. The rezoning does not increase residential density and does not expand the physical development footprint of the site. While the request introduces the addition of a restaurant use within the existing development area, the scale and operational parameters are specifically tailored through the MPD to ensure that the intensity remains compatible with the surrounding residential context and subordinate to the primary marina use.

By allowing the addition of a Restaurant with Consumption on Premises within a controlled MPD, the request supports the economic resilience of a legacy waterfront business and strengthens Pine Island's working waterfront economy. The scale and character of the proposed restaurant remain consistent with Pine Island's rural coastal identity, serving boaters and local residents in a

manner that reflects the island's historic working waterfront and small-scale development pattern.

The proposed conditions incorporated into the MPD will protect surrounding residential uses and ensure that public health, safety, and hurricane preparedness considerations remain unaffected.

Goal 128 – Maintenance of Water-Dependent Shoreline Uses

Goal 128 encourages the maintenance and development of water-dependent shoreline uses and discourages their displacement by non-water-dependent activities.

The proposed MPD rezoning is in direct compliance with this goal by providing a regulatory structure that enhances the marina's financial sustainability without supplanting its water-dependent function. The restaurant component is supportive and subordinate, designed to serve marina patrons and reinforce the working waterfront identity of the Property. No displacement of marina operations is proposed.

The proposed rezoning strengthens (rather than weakens) the long-term presence of water-dependent use along this shoreline.

Great Calusa Blueway Context

Lee Plan Map 4-E depicts the Great Calusa Blueway passing adjacent to the Property via Jug Creek, with Shell Cut providing marked access to Charlotte Harbor. The Property serves as a logical waterfront destination for boaters navigating these waterways. The ability to access the marina and restaurant by boat reinforces the complementary relationship between the proposed restaurant use and the existing water-dependent marina operations, further supporting Lee Plan policies promoting recreational boating and working waterfront vitality.

The proposed rezoning to Mixed Use Planned Development to allow the addition of a Restaurant with Consumption on Premises to an existing marina is consistent with the Lee Plan and with the Greater Pine Island Community Plan. The request reinforces an existing marina use within the Water-Dependent Overlay, supports Greater Pine Island's working waterfront economy, incorporates enforceable compatibility standards, and maintains the rural coastal character envisioned by the Lee Plan.

b) Meets this Code and other applicable County regulations or qualifies for deviations;

The proposed MPD rezoning meets the requirements of the Land Development Code (LDC) and other applicable County regulations, or qualifies for deviations as expressly authorized under the MPD zoning district provisions.

The planned development zoning district is intended to provide flexibility in site design and development standards through the approval of site-specific deviations, subject to public hearing and consistency findings. The Applicant is requesting several deviations from standard LDC requirements due to the site's unique configuration and existing constraints. Each requested deviation is identified on the MCP and supported by justifications outlined in the Schedule of Deviations and Justifications demonstrating that the deviation:

- Is necessitated by the unique physical characteristics of the site, including its waterfront configuration and limited upland area;
- Does not adversely affect adjacent properties;
- Maintains the overall intent and purpose of the applicable Code provisions; and
- Results in a development pattern that is equal to or better than strict Code compliance in terms of compatibility and functionality.

In accordance with LDC Sec. 33-1082(c)(2), Development abutting an aquatic preserve, the marina is exempt from the requirement to preserve or create a 50-foot-wide native vegetative buffer area between the development and the waterbody due to portions of the marina providing direct water access. The marina has historically provided direct water access in the areas shown on the MCP. The northern property boundary consists of the existing fish house docking, the eastern boundary consists of the existing fuel docks and commercial vessel docking, and the western boundary consists of the existing docking and rental boat slips, demonstrating that the entire perimeter of the site provides direct water access. In accordance with LDC Sec. 33-1082(c)(2), the 50-foot vegetative buffer does not apply to portions of marinas that provide direct water access.

Accordingly, the proposed MPD rezoning meets the Land Development Code and other applicable County regulations, or qualifies for deviations as expressly permitted by the Code.

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

The proposed rezoning to Mixed Use Planned Development (MPD) is compatible with existing and planned uses in the surrounding area.

The Property is a long-established marina and fish house that has operated on the site for decades, predating the construction of most nearby residences. The historic character of this portion of Pine Island has long included working waterfront and commercial marina activity. The proposed MPD does not introduce a new commercial center or alter the fundamental character of the site; rather, it formalizes and regulates a restaurant use that is complementary and subordinate to the existing water-dependent marina operation.

The adjacent property directly across the canal, also zoned Marine Industrial (IM), is developed with Knights Landing Marina, reinforcing the maritime and service-oriented character of this subdivision. The surrounding land use pattern reflects a mix of marina, commercial, and residential uses that have coexisted for decades in a waterfront setting.

The proposed restaurant with consumption on premises is a customary marina amenity and represents a logical extension of the established waterfront commercial context.

Importantly, the single-family residential lots within the subdivision are situated between two zoning districts that permit relatively intensive commercial uses. Properties to the north are zoned Marine Industrial (IM) and developed with operating marinas, while properties to the south are zoned C-2, which permits a broad range of commercial uses by right, including auto service stations, car washes, and restaurants of all groups (I–IV).

In contrast, the proposed MPD will limit permitted uses to those specifically listed in the Schedule of Uses and provide site-specific development and operational standards to ensure compatibility with adjacent residences.

Of the three (3) single-family residences located directly across the canal from the subject property, two (2) (16461 and 16447 Porto Bello Street) are actively advertising as vacation rentals. In addition, several other single-family residences on Tortuga Street and Porto Bello Street, at least 10 currently advertised on short-term rental platforms such as VRBO and Airbnb, are similarly operating as transient lodging. As such, portions of the surrounding residential area function in practice as short-term vacation accommodations, with guests arriving and departing regularly.

This established pattern of transient occupancy reflects a mixed residential and waterfront-oriented character rather than a purely static, low-activity residential enclave. Short-term vacation rentals, by their nature, involve regular guest turnover, varying occupancy levels, and activity patterns that can include gatherings, outdoor recreation, boating traffic, amplified music, increased vehicle parking demand, and weekend or seasonal peak usage. Unlike owner-occupied residences with relatively predictable daily routines, vacation rental properties often accommodate larger groups of visitors and may experience fluctuating levels of activity on a weekly or even daily basis.

The presence of multiple active short-term rental properties in the immediate vicinity demonstrates that transient lodging and associated recreational activity already occur within this waterfront neighborhood in proximity to established marina operations. These dynamics further illustrate that the area functions as a mixed-use coastal environment where residential, transient, and marine-oriented activities coexist. See Figure 8 below, which depicts the nature of the lots on Tortuga Street and Porto Bello Street, including existing vacation rentals, vacant lots, commercial zoning, and operating marinas.



Figure 8: Inventory of Lots on Tortuga St. & Porto Bello St.

The proposed restaurant use is complementary to this existing pattern. Waterfront dining amenities serve both marina patrons and visitors staying in nearby vacation rentals, reinforcing the area's recreational and boating-oriented character. Rather than introducing an incompatible commercial intrusion into a quiet residential neighborhood, the MPD formalizes a marina-supportive use within an area that already accommodates a blend of residential, transient lodging, and waterfront commercial activity. Accordingly, the rezoning does not create a new land use dynamic but continues and regulates an established pattern of mixed waterfront use.

The proposed MPD allows the County to tailor permitted uses, hours of operation, outdoor activity limitations, and performance standards such as noise controls, thereby providing greater predictability and compatibility protections than the underlying conventional zoning district. Additionally, the site's geography, surrounded by water on three (3) sides and separated from nearby residences by a 50-foot-wide canal, provides substantial natural buffering that mitigates potential impacts. The MPD proposes modified buffering that enhances the landscaping beyond existing conditions along the canal interface with residential properties, thereby providing additional visual screening and attenuation of noise and activity-related impacts. The MPD also provides more than the required amount of open space.

The rezoning does not expand development into previously undeveloped areas and does not alter the existing marina function of the Property. Instead, it strengthens the viability of a long-standing water-dependent use while maintaining the established waterfront land use pattern.

For these reasons, the proposed rezoning to Mixed Use Planned Development is compatible with existing and planned uses in the surrounding area.

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

The proposed MPD rezoning will provide access sufficient to support the proposed development intensity.

The subject property is accessed via a single point of ingress and egress from Tortuga Road, a local roadway that has historically served the marina and fish house operations for decades. This access configuration is long-established and has supported prior and existing industrial marina-related activity without documented operational or safety deficiencies. The proposed rezoning does not introduce a new access point nor alter the established circulation pattern; rather, it continues to utilize the same access that has historically functioned for the site.

A Traffic Impact Statement (TIS) prepared in support of the rezoning demonstrates that the anticipated trip generation associated with the proposed Restaurant use, in combination with the existing marina operations, will not result in unacceptable impacts to Tortuga Road or the surrounding roadway network. The analysis confirms that the adjacent roadway segments and intersections will continue to operate within acceptable levels of service and that the existing roadway infrastructure is adequate to accommodate projected traffic volumes.

Additionally, Tortuga Road functions as a low-speed local road serving a limited geographic area, primarily consisting of waterfront residential properties, many of which function as vacation rentals, vacant lots, and vacant commercial property at the south end. The projected traffic associated with the MPD remains consistent with the established character and functional classification of the roadway. The marina's waterborne access further diversifies arrival modes, as a significant portion of restaurant patrons arrive by boat via Jug Creek and the surrounding waterways, thereby reducing vehicular demand on the roadway network.

Accordingly, the existing access point and surrounding roadway system are sufficient to support the proposed development intensity, and the rezoning will not create adverse traffic conditions or exceed the capacity of the local transportation network.

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

The expected impacts on transportation facilities associated with the proposed MPD rezoning will be adequately addressed through existing County regulations and conditions of approval.

A Traffic Impact Statement (TIS) prepared in support of this application evaluates the projected trip generation associated with the proposed Restaurant use in conjunction with the existing marina operations. The analysis demonstrates that the anticipated traffic volumes will not cause the surrounding roadway network to operate below adopted Level of Service standards. Tortuga Road and the adjacent roadway segments have sufficient capacity to accommodate the projected trips, and no off-site roadway improvements are warranted based on the analysis.

The proposed development will be subject to Lee County's transportation concurrency requirements and Land Development Code provisions. Any site-specific transportation-related conditions identified during the rezoning or subsequent development order process will be incorporated into the MPD and enforced at the time of permitting.

In addition to vehicular access, the site benefits from multimodal connectivity. Patrons may arrive by boat via Jug Creek and the surrounding waterways, consistent with the marina's water-dependent function. The surrounding neighborhood street network also allows for pedestrian and bicycle access from nearby residences and vacation rentals, further reducing reliance on the roadway system. This multimodal access pattern is consistent with the waterfront setting and supports a diversified transportation system.

Through compliance with established County regulations, concurrency review, and enforceable conditions, any transportation impacts associated with the proposed rezoning will be appropriately addressed and mitigated. Accordingly, this criterion is satisfied.

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

The proposed rezoning to MPD will not adversely affect environmentally critical or sensitive areas or natural resources.

The subject property is an existing, fully developed marina and fish house site. No wetlands are located onsite, and no dredging, wetland impacts, shoreline alterations, or expansion into submerged lands are proposed as part of this rezoning. The Restaurant with Consumption on Premises components will be located entirely within the site's existing uplands and developed footprint. The rezoning does not authorize expansion into previously undisturbed areas, nor does it permit encroachment into resource protection areas.

The site is bordered by water on three sides; however, the proposed MPD does not modify the shoreline configuration or the existing docks onsite. All marina operations will continue to comply with applicable federal, state, and County environmental regulations, including required marina best management practices designed to protect water quality and aquatic resources. The MPD does not require any updates to the Lee County Manatee Protection Plan ("MPP") as the existing 36 slips are already accounted for in the MPP.

Because the rezoning formalizes and regulates activity within an already developed waterfront site, without increasing impervious surface, disturbing natural habitats, or expanding into environmentally sensitive lands, the request will not result in adverse impacts to coastal resources, water quality, or surrounding natural systems.

By utilizing existing developed uplands and maintaining compliance with established environmental regulations, the proposed MPD supports Lee County's objectives to conserve shoreline character, protect aquatic resources, and ensure that water-dependent and water-related uses operate sustainably within Pine Island's unique coastal environment.

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

The Property is not located within a Future Urban area category, as the property is designated as Suburban FLU which is considered a Future Suburban area.

The proposed development is in full compliance with the planned development criteria set forth by LDC Section 34-145(d)(4)(a)(2), as referenced below.

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

The proposed Mixed Use Planned Development (MPD), allowing a Restaurant with Consumption on Premises as a complementary component of the existing marina, is appropriate at the proposed location.

The Property has operated for decades as a marina and fish house and is designated within the Water-Dependent Overlay. Its waterfront location on Jug Creek, with direct access to Charlotte Harbor and Pine Island Sound, makes it particularly suited for marine-oriented and waterfront-supportive uses. A restaurant serving boaters, marina patrons, residents, and visitors is a customary and historically associated amenity of many marina facilities throughout coastal Lee County.

The surrounding land use pattern further supports the appropriateness of the request. The Property is bordered by water on three (3) sides and is separated from nearby residences by a 50-foot-wide canal, providing substantial natural buffering. Directly across the canal is another operating marina zoned Marine Industrial (IM), reinforcing the working waterfront character of the immediate area. Located at the southern terminus of Tortuga St. are parcels zoned C-2 (Commercial), which permit restaurants of all groups, drive-through establishments, and other

intensive commercial uses by right. Compared to the broader commercial entitlements available nearby, the proposed MPD is narrower in scope and subject to tailored operational conditions.

Additionally, portions of the surrounding residential streets include short-term vacation rentals and vacant platted lots, reflecting a mixed waterfront environment rather than a fully built-out, exclusively low-intensity residential enclave. The proposed restaurant is consistent with this recreational, boating-oriented setting and serves as a complementary waterfront amenity rather than an unrelated commercial intrusion.

The MPD does not introduce a new stand-alone commercial center or alter the fundamental character of the site. Instead, it reinforces and sustains a long-established water-dependent use by allowing a limited restaurant component that enhances the marina's viability while remaining geographically contained within the existing developed footprint.

Given the site's historic marina use, Water-Dependent Overlay designation, waterfront geography, surrounding zoning pattern, and established mix of residential, transient, and marine-oriented uses, the proposed mix of uses is appropriate at this 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.

The recommended conditions of approval incorporated into the MPD provide sufficient safeguards to the public interest and are directly related to the potential impacts associated with the proposed restaurant use.

The MPD includes specific, enforceable conditions addressing hours of operation, limitations on outdoor entertainment and live music, noise standards, and site design parameters. These conditions are tailored to address the primary compatibility considerations associated with a Restaurant with Consumption on Premises in proximity to residential uses. By establishing operational limitations within the zoning document itself, the County ensures predictability and long-term enforceability beyond what would otherwise apply under conventional zoning.

In addition, the MPD incorporates landscaping along the canal interface with residential properties. This landscaping, combined with the natural separation created by the 50-foot-wide canal and surrounding water bodies, provides additional mitigation of potential visual and noise impacts. These measures are directly related to preserving the character and livability of nearby residential properties.

Transportation impacts have been evaluated through a Traffic Impact Statement, which confirms that the surrounding roadway network can accommodate projected trips. The development will remain subject to concurrency, access management standards, and all applicable Land Development Code requirements, except where a deviation is requested, ensuring that transportation facilities operate safely and efficiently.

Importantly, the MPD zoning district itself serves as a safeguard to the public interest. Unlike uses permitted by right in nearby commercial districts, this rezoning narrowly defines the permitted use and development standards for the site. Any future modification would require additional public review and approval, thereby maintaining continued oversight.

Collectively, the recommended conditions are proportional to the scale and nature of the proposed restaurant use, directly address identified impact areas, and provide enforceable protections for surrounding properties and the broader community. Accordingly, the proposed conditions provide sufficient safeguards to the public interest and are reasonably related to the anticipated impacts of the development.

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***

See attached Schedule of Deviations, which provides appropriate justifications meeting these criteria.

V. Conclusion

The proposed MPD rezoning to allow a Restaurant with Consumption on Premises at the existing Jug Creek Marina is consistent with the intent and requirements of the Lee County LDC and the Lee Plan, including the policies specific to Greater Pine Island and the Water-Dependent Overlay. The MPD also advances a directive of Florida Statute to preserve recreational and commercial working waterfronts for water-dependent uses in coastal communities. The request represents a logical, site-specific enhancement to a long-established water-dependent use and will not result in the displacement of marina operations or degradation of surrounding residential properties.

The MPD incorporates tailored operational limitations, site design parameters, that, together with the natural buffering provided by the surrounding water bodies and canal separation, ensure continued compatibility with neighboring properties. The rezoning does not expand development into environmentally sensitive areas, does not alter shoreline conditions, and does not create adverse impacts to public infrastructure or the surrounding roadway network.

Rather than introducing an incompatible use, the request strengthens the economic sustainability of an existing working waterfront facility while maintaining the established land use pattern of the area. The proposed restaurant will serve boaters, residents, and visitors in a manner consistent with Pine Island's coastal and recreational character, supporting the local economy while remaining subject to enforceable conditions that safeguard the public interest.

Accordingly, the proposed MPD rezoning promotes the public health, safety, and welfare by supporting local economic activity, ensuring the sustained viability of a legacy marina operation, and preserving the working waterfront character that defines this portion of Pine Island.

For these reasons, the Applicant respectfully requests approval of the Mixed Use Planned Development rezoning.



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: 304322020000A0010

Name of Project: Jug Creek Marina Mixed Use Planned Development Rezone

Name of Agent: Ben Smith, AICP, Morris-Depew Associates & Mark Ebelini, Esq.

Street Address: 2914 Cleveland Ave.

City, State, Zip: Fort Myers, FL 33901

Phone Number: 239-337-3993 Email Address: BSmith@m-da.com; mebelini@knott-law.com

Name of Applicant*: Jug Creek LLC c/o Steve King

Street Address: 2944 South St.

City, State, Zip: Fort Myers, FL 33902

Phone Number: N/A Email Address: Steve@WBWilliamson.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	[34-373(a)(4)b.iv.]	Topography Map
#2	[34-373(a)(4)b.9.]	Soils Map
#3	[34-373(a)(4)c.]	FLUCCS Map
#4	[34-373(a)(4)b.iii.]	Rare & Unique Upland Habitat Map
#5	[34-373(a)(4)b.v.]	Existing & Historic Flow-Ways Map
#6		
#7		
#8		
#9		

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 respectfully requests that the PD public hearing requirements noted in Section A be waived due to the existing site conditions. The Property is currently operating as an industrial land use as the Jug Creek Marina, marina accessory uses, and a fish house and has been operating as such for more than 50 years. The site is entirely cleared of vegetation and contains no habitat.

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

2/27/2026

Date

.....
FOR STAFF USE ONLY
.....

DIRECTOR'S DECISION:

☐

Request Denied

☒

Request Approved **#1, #3, #4, #5**

☒

Request Approved Per Attached Comments **#2**

Electronically signed on 03/13/2026

By: Anthony R. Rodriguez, AICP, CPM

Department: Zoning Review

Director Signature

Date

GEN2026-00118

Waiver Comments

1. Environmental

The applicant has requested a waiver from the Soils Map requirement but cited the wrong section of the LDC on the application. Waiver #3 approved from 34-373(a)(4)b.i

MORRIS

2914 Cleveland Avenue | Fort Myers, Florida 33901

DEPEW

Phone (239) 337-3993 | Toll Free (866) 337-7341

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ENGINEERS · PLANNERS · SURVEYORS
LANDSCAPE ARCHITECTS**Jug Creek Marina MPD**

Proposed Conditions

REVISED JUNE 2026**Maximum Development Intensity**

525 square feet of office floor area
781 square feet of retail floor area
2,026 square feet of industrial floor area
4,351 square feet of restaurant customer service area
36 boat slips

Property Development Regulations

Lot Size:	1.11 acres
Lot Width:	115 feet
Lot Depth:	450 feet
Minimum Abutting Parcel Setback:	15 feet
Minimum Street Setback:	20 feet
Minimum Waterbody Setback:	0 feet (See Deviation 5)
Maximum Building Height:	33 feet
Minimum PD Open Space:	20%

Schedule of Uses

Administrative offices
Accessory Uses and Structures
Bait and tackle shop
Boat parts store
Boat ramps
Boat rental
Boat repair and service
Boat sales
Boat storage, dry
Boatyard
Caretaker's Residence
Commercial fishery, including land support (with accessory retail/wholesale fish market)
Commercial dockage and mooring
Consumption on premises including outdoor seating in conjunction with a Restaurant
Docking or mooring facilities

Entrance gates and gatehouse
Essential services
Fish house, wholesale
Marina
Marina Accessory Uses
Parking Lot, accessory
Processing or packaging of agricultural or fish products
Processing and warehousing, Limited to marina operations only
Recreation Facilities, personal; private on-site
Rental Establishments, Group I
Restaurant, Groups I, II, and III
Sale of fuel and lubricants
Signs
Storage, Indoor
Storage, Open
Temporary Uses
Transportation Services, Group I-A
Vehicle and equipment dealers, Group III
Warehouse, cold storage only

Conditions

1. Consumption On Premises

- a. Alcoholic beverage service is limited to the COP area specifically shown on the MCP and does not include areas designated for parking.
- b. Approval is limited to indoor/outdoor consumption of alcohol (beer, wine and liquor) in conjunction with food and beverage service, in conjunction with the marina.
- c. Hours of operation for the COP are limited to 11:00a.m. – 10:00p.m. daily.

2. Sound Regulation

- a. Amplified sound is limited to the hours provided in paragraph 1.
- b. Activity on site is subject to the Lee County Noise Control Ordinance, as may be amended.
- c. Outdoor live entertainment shall be permitted on the property, including the use of a temporary or relocatable stage. Any speakers or amplified sound associated with live entertainment activities shall be oriented generally to the north or west and shall not be directed toward the east adjacent residential properties. Additionally, in advance of any declared tropical storm warning, hurricane warning, or other significant weather emergency affecting Lee County, any temporary or relocatable stage structure shall be dismantled, secured, or removed from the site as appropriate to protect public safety and minimize storm-related impacts.

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ENGINEERS · PLANNERS · SURVEYORS
LANDSCAPE ARCHITECTS**Jug Creek Marina MPD**

Schedule of Deviations & Justifications

REVISED JUNE 2026

1. Deviation #1 from LDC Sec. 34-1986, Off Street loading access, which requires commercial, industrial and nonresidential uses that receive or ship goods via large semitrailer or full trailer trucks must provide an off-street loading area on the lot or parcel it serves that does not obstruct, hinder or endanger the movement of vehicles and pedestrians, to allow for the Jug Creek MPD's site parking and circulation area to continue to be used as the loading area for deliveries and shipments necessary to support the site operations and water-dependent uses.

Justification: Jug Creek Marina is a long-established working waterfront facility where deliveries and fish shipments occur in coordination with marina operations. Due to the site's narrow configuration, canal and creek frontages, and water boundaries on three sides, providing a separate dedicated loading area would eliminate functional parking and materially impair the viability of the water-dependent uses on the property.

Loading activity at the site is limited in scale and frequency and is operationally coordinated to avoid peak customer periods. Historically, deliveries and shipments have occurred within the existing parking and circulation area without documented safety conflicts or a designated loading area.

As proposed, the MPD formalizes the existing operational pattern. The shared loading approach maintains adequate vehicular maneuverability and pedestrian safety while recognizing the physical constraints unique to this waterfront parcel. Requiring a dedicated loading space on a 1.11-acre site surrounded by water would be impractical and would not materially advance the intent of the Code. The requested deviation will not negatively impact public health, safety or welfare.

2. Deviation #2 from LDC Sec. 34-2017(a)(1)&(2), High turnover parking isle and parking spaces, which requires paved, dust-free, all-weather surfaces; to allow alternative surfacing/no asphalt (crushed shell, rock or gravel) surfacing for the Jug Creek MPD.

Justification: The Jug Creek MPD proposes the addition of a restaurant with Consumption on Premises to the existing marina-related uses. In conjunction with the proposed restaurant use, the site plan provides a total of 51 parking spaces. The MCP demonstrates that the parking demand associated with the restaurant component is addressed.

The MPD establishes a defined operational structure:

- **Standard Operations:** Boat slips, offices, retail/business, wholesale/processing/warehousing, boat rentals, and a limited restaurant footprint operate concurrently, requiring 51 spaces.
- **Expanded Operations:** The marina support uses (boat slips, offices, wholesale/processing/warehousing) are not active during expanded evening hours, and the restaurant footprint increases. Total required parking remains 51 spaces.

This operational phasing ensures that cumulative parking demand does not exceed 51 spaces at any time. The MPD therefore caps overall site intensity while accommodating the proposed restaurant use.

Marina parking is listed as a use type example of low turnover parking in the County's definition of "Low Turnover" provided in LDC 34-2012. The existing alternative surface has historically served the marina operations and is consistent with working waterfront properties throughout the Greater Pine Island Community Planning Area as well as other restaurants on Pine Island – see examples below. Given the site's 1.11-acre waterfront configuration, full asphalt paving would alter the established waterfront character, and require substantial site reconstruction without increasing parking supply or operational intensity.

The MPD does not expand the overall parking beyond 51 spaces and does not introduce traffic volumes inconsistent with the site's historical marina activity. As indicated in the submitted TIS, the project does not add more than 100 peak hour trips to the roadway network, which is the threshold established by Lee County that is deemed as a negligible increase as outlined in Lee County Administrative Code Section AC-13-17. An alternative surface such as crushed shell or gravel provides adequate load-bearing capacity and functional all-weather access appropriate to the site's marina-oriented context. The Applicant is requesting for this existing condition to remain.

Full asphalt paving would introduce a suburban commercial design element inconsistent with the community-specific design direction established under Policy 24.4.3 of the Greater Pine Island Community Plan, which emphasizes preservation of coastal rural character and context-sensitive site design. An alternative surface such as crushed shell or gravel parking surface is characteristic of working waterfront properties and maintains the scale and visual compatibility of the site within the Pine Island community.

Given the unique waterfront setting, the capped parking supply, and the operational phasing that prevents simultaneous peak demand from multiple uses, the requested

deviation maintains the functional intent of Section 34-2017 while preserving compatibility with the Pine Island community character. Some other examples of Pine Island Restaurants with the same character and alternative surface parking facilities are as follows:

Lazy Flamingo:



The Eagle's Nest Restaurant Bar & Grill:



Kickstands Pub & Grub**Low Key Tiki**

Phuzzy's Boat Shack**The Waterfront Restaurant and Marina**

3. Deviation #3 from LDC Sec. 34-1264(b)(1)(a)(2), Consumption on Premises, which states that establishments offering alcoholic beverages for consumption on the premises may not be located within 500 feet of a dwelling unit under separate ownership, to allow a minimum separation distance of 135 feet.

Justification: LDC Section 34-1264(b)(1)(a)(2) establishes a 500-foot separation requirement between establishments offering alcoholic beverages for consumption on the premises and dwelling units under separate ownership. The intent of this requirement is to prevent land use incompatibility associated with stand-alone alcohol-focused establishments within residential areas.

The proposed Consumption on Premises (COP) use at Jug Creek Marina is accessory to a Restaurant use and will operate in compliance with all applicable State licensing requirements. Alcohol service will be incidental to the preparation and service of full-course meals and will not function as a stand-alone bar or cocktail lounge.

The subject property is located within the Greater Pine Island Community Planning Area and outside Pine Island Center. Policy 24.4.2 of the Lee County Comprehensive Plan provides that commercial development in these areas should be limited to marinas, fish houses, and minor commercial uses serving the day-to-day needs of residents and visitors, and must be designed to minimize impacts to residential uses.

Jug Creek Marina is an established Marine Industrial (IM) zoning district and marina facility that has long operated with intensive water-dependent uses, including boat slips, fueling, fish processing/packing/shipping, and related commercial activity. Surrounding residential properties have historically existed adjacent to a fully functioning marina within the IM zoning district, consistent with the intent of the Knights Bokeelia Isles subdivision when it was created. The proposed MPD does not introduce a new commercial district into a residential subdivision; rather, it formalizes and regulates a restaurant use integrated with an existing working waterfront facility consistent with Policy 24.4.2.

Although the nearest dwelling unit under separate ownership is approximately 135 feet from the proposed restaurant area with COP, the site is uniquely situated at the terminus of Tortuga Street and is bounded by navigable waters on three sides. A 50-foot-wide canal separates the marina property from residential properties to the east, creating a substantial physical and visual buffer not typical of upland commercial-residential interfaces.

Further, the MCP provides landscaping, to the maximum extent possible, beyond what exists today along the canal frontage adjacent to residential uses. This additional vegetative treatment improves visual buffering and reinforces compatibility across the waterway, thereby mitigating potential impacts associated with the reduced separation distance.

In addition to physical buffering, the MPD will incorporate operational conditions designed to minimize impacts, including defined standard and expanded hours of operation; limitations on the location and duration of outdoor seating areas; operational controls addressing noise levels; and restrictions governing live music and outdoor entertainment activities.

These enforceable conditions provide a level of oversight and impact limitation not currently imposed under the existing Marine Industrial zoning classification.

The proposed restaurant and accessory COP use support the local marine-based economy and provide a service-oriented amenity for island residents and visitors consistent with Goal 24 of the Greater Pine Island Community Plan, which emphasizes maintaining coastal character and supporting local businesses while protecting residential quality of life.

Given the accessory nature of the restaurant COP use, the long-standing presence of intensive marina operations under IM zoning, the physical separation created by the 50-foot canal and surrounding waters, the landscaping provided, and the operational safeguards incorporated into the MPD, the requested deviation does not undermine the intent of the 500-foot separation requirement and will not create incompatible land use impacts.

4. Deviation #4 from LDC Sec. 10-296(e)(3)e.4.iii – Non-urban local streets cross section, which requires Tortuga Street to be improved to the applicable non-urban local street cross section standards, to allow for no improvements to Tortuga Street.

Justification: This deviation is justified based on the unique context and operational characteristics of the proposed MPD, the limited scale of additional traffic associated with the proposed MPD, and the disproportionate nature of requiring full roadway improvements relative to the project's impacts. The subject property is located at the terminus of Tortuga Street on a constrained waterfront peninsula surrounded on three sides by water. Tortuga Street is an existing County-maintained local roadway with a posted speed limit of 25 mph that has historically functioned as access to the existing marina and commercial marine operations on the site. The roadway currently adequately serves the existing development pattern and operational character of the area, including an entire street comprised of a mix of single-family residential uses, vacation rentals with transient guests, and patrons accessing the established marina and commercial marine operations located at the terminus of Tortuga Street.

As demonstrated in the project traffic analysis, the proposed redevelopment is not anticipated to generate a level of net new traffic that would create operational deficiencies

or necessitate reconstruction of Tortuga Street to a modern non-urban local street cross section. The proposed request represents a continuation and modernization of established marina-related and commercial activity on the property rather than the introduction of an entirely new intensity of use in an undeveloped area. The traffic study concludes that the net additional trips associated with the project are relatively limited in the context of the roadway network and do not create impacts proportionate to the extent of improvements otherwise required by strict application of the Code.

Additionally, requiring full cross section improvements along Tortuga Street would be constrained by the existing built environment, narrow roadway corridor, adjacent residential development pattern, and the environmentally sensitive coastal setting of Pine Island. Such improvements could result in unnecessary disturbance, additional impervious area, and alteration of the existing low-speed community character that is consistent with the surrounding area. The requested deviation represents a reasonable accommodation that balances transportation functionality, environmental considerations, and compatibility with the established character of the area.

The deviation is further supported by the fact that Tortuga Street has historically operated as a low-volume local access road serving a mix of residential and marine-related uses, including the established marina operations on the subject property. The proposed MPD does not alter the functional classification of the roadway, nor does it create a demand for urbanized roadway conditions inconsistent with the surrounding area. Accordingly, the Applicant believes strict application of the required non-urban local street cross section standards is not reasonably necessitated by the impacts of the proposed development and that the requested deviation is justified. The requested deviation will not negatively impact public health, safety or welfare.

5. Deviation #5 from LDC Sec. 34-2194, Waterbody setbacks, which requires various minimum setbacks from water bodies, to allow the following setbacks:
 - a. 0 feet for the existing fish house
 - b. 0 feet for existing office building
 - c. 20 feet for the chickee covered sidewalk
 - d. 20 feet for the existing bait and tackle shop
 - e. 15 feet for the existing solid waste enclosure
 - f. 0 feet for the relocatable stage

Justification: The requested deviation is necessary to recognize and memorialize longstanding existing site conditions associated with an established marina property within the Water Dependent Overlay. The subject property has operated for decades as a working

waterfront marina facility and contains several existing structures and site improvements that were historically developed in close proximity to adjacent water bodies in support of the site's marine-oriented operations. The proposed MPD does not introduce new structures within the reduced setback areas, nor does it propose expansion of the existing encroachments. The deviation is requested to acknowledge the existing development pattern as part of the rezoning process.

The subject property is uniquely constrained due to its narrow linear configuration and its location surrounded by water on three sides. Strict application of the standard 25-foot waterbody setback to the existing development pattern would create practical difficulties and would not reflect the historic or functional realities of the site as an established water-dependent marina facility. Many of the existing structures such as the fish house and bait and tackle shop are integral components of the marina operation and have historically functioned in their current locations without adverse impacts to surrounding properties or water-dependent operations.

Additionally, the underlying Industrial Marine zoning district currently recognizes the unique operational characteristics of marine facilities through Footnote (3) to LDC Section 34-2194, which allows boat service buildings and boat service structures to be constructed up to the mean high-water line. The requested deviation is therefore consistent with the existing development regulations applicable to the property and the historic expectations for marine industrial and water-dependent uses within the area.

The deviation will not intensify impacts to adjacent properties or water resources, as no expansion of the existing structures is proposed and no additional encroachments are being introduced. The request simply allows the existing marina improvements to remain in place while facilitating redevelopment of the property under a unified MPD zoning district consistent with the established character and operational needs of the site.

6. Deviation #6 from LDC Sec. 10-416(b), Building perimeter plantings, which requires commercial components of planned development districts to provide building perimeter plantings equal to 10% of the proposed building gross ground level floor area abutting 3 sides of the building, to allow for no building perimeter plantings for the commercial components of the Jug Creek Marina.

Justification: The requested deviation is justified due to the unique physical constraints and established development pattern of the Jug Creek Marina property. The site is an existing, narrow, linear waterfront marina facility located within the Water Dependent Overlay and surrounded by water on three sides, with limited upland area available for additional landscaping improvements without negatively impacting circulation, parking, loading, and established marina operations.

The only existing structure on the property that would otherwise trigger the building perimeter planting requirement is the existing bait and tackle shop, which has operated on

the site for many years as part of the established marina use. As an Industrial Marine-zoned property within the Water Dependent Overlay, the site has historically operated without building perimeter plantings being required. The requested deviation is therefore largely intended to memorialize the site's existing development conditions through the MPD rezoning process rather than facilitate new commercial building construction.

Additionally, the proposed restaurant expansion area does not include permanent enclosed structures or additional gross floor area, but instead consists primarily of outdoor seating and gathering areas associated with the existing marina operations. Strict application of the building perimeter planting requirements would be impractical on this constrained waterfront site and would not meaningfully improve compatibility or aesthetics given the existing development pattern and operational nature of the property.

7. Deviation #7 from LDC Sec. 10-416(d)(6), Landscape buffers, which requires a solid wall or a combination of a berm and solid wall, at least eight (8) feet in height, must be constructed not less than 25 feet from the abutting property, to allow for no buffer along the southwest portion of the southern boundary of the MPD.

Justification: The portion of the southern property boundary subject to this request is an extremely limited area consisting of approximately 25 linear feet adjacent to the primary entrance and access area to the marina facility. Due to the constrained nature of the site, there is insufficient room to accommodate a buffer wall and associated plantable area located a minimum of 25 feet from the adjacent property line while still maintaining safe and functional vehicular access to the site.

This area serves as the primary entry point into the marina and includes the established access drive and de facto boat ramp area. The installation of a solid wall and buffer in this location would be incompatible with the functional design and visibility needs of a working waterfront marina facility and would create operational conflicts at the site entrance. Additionally, the marina's monument signage is proposed within this same area, and installation of the required buffer would substantially obstruct visibility of the sign from the public right-of-way, undermining wayfinding and identification for the facility.

The request is also appropriate given the historical development pattern of the property and surrounding area. The original subdivision plat specifically contemplated non-residential use of this lot, and the property has historically operated as a marina and marine-oriented commercial facility without a buffer in this location. The requested deviation therefore largely serves to memorialize the site's existing conditions and operational layout through the MPD rezoning process.

Further, the property is located at the dead end of Tortuga Street in a uniquely constrained waterfront setting. The only single-family residence located within approximately 125 feet of the subject area is owned by a member of the Applicant entity. As such, the required

buffer would provide little to no practical compatibility benefit in this location and would not further the underlying intent of the code requirement.

8. Deviation #8 from LDC Sec. 10-416(d)(6), Landscape buffers, which requires a solid wall or a combination of a berm and solid wall, at least eight (8) feet in height, must be constructed not less than 25 feet from the abutting property, to allow for no wall and plantings to be located less than 25 feet from the abutting property for the southeast boundary of the MPD.

Justification: The MPD site plan is capable of accommodating a landscaped buffer area approximately 15 feet in width along the southeast property boundary; however, the site cannot reasonably accommodate the code-required requirement for a wall or berm/wall combination located not less than 25 feet from the adjacent property line without creating significant impacts to site circulation, parking, and marina operations.

In lieu of the required wall, the Applicant is proposing enhanced landscaping within this area consisting of trees and shrubs generally consistent with the plant material requirements of a standard Type C buffer. While the plantings will be located less than 25 feet from the abutting property line, the proposed landscaping will still provide meaningful visual screening and represent a substantial enhancement compared to the site's existing conditions, which currently contain little to no formal buffering in this location.

The requested deviation is also appropriate given the surrounding ownership and context. The only adjacent single-family residential property along this portion of the boundary is owned by a member of the Applicant entity. As such, the absence of the required wall and reduced setback for plantings will not create adverse compatibility impacts and would provide limited practical benefit relative to the intent of the code requirement.

Additionally, the request is largely intended to memorialize and improve upon an existing condition associated with this established waterfront marina facility rather than facilitate new intensive development. The proposed landscaping will improve the appearance and screening of the site while maintaining the functional operational needs of the marina within the physical constraints of the property. Accordingly, the requested deviation is reasonable and compatible with the existing character and development pattern of the area.

9. Deviation #9 from LDC Sec. 10-416(d)(6), Landscape buffers, which requires a solid wall or a combination of a berm and solid wall, at least eight (8) feet in height, must be constructed not less than 25 feet from the abutting property, to allow for no wall and proposed plantings to be located less than 25 feet from the abutting property for the eastern boundary of the MPD adjacent to residential.

Justification: The eastern boundary area functions as an active waterfront access area containing existing docks and canal frontage where boaters routinely pull up, access the site, and circulate between the docks and marina facilities. As such, the area must remain

open to accommodate pedestrian access, loading, unloading, and safe movement between vessels and the site. Construction of a solid wall or berm/wall combination in this location would interfere with these longstanding marina operations and is not feasible given the water-dependent nature of the use.

The site is also physically constrained, with the available buffer area ranging from approximately two (2) feet to fifteen (15) feet in width, making compliance with the required 25-foot setback for the wall impractical. In lieu of a wall, the Applicant proposes enhanced landscape plantings within the available area to provide additional screening and visual softening along the residential interface.

Importantly, this portion of the property has historically operated as marina-related parking and access circulation without any landscape buffering or wall. The adjacent residential lots have long existed adjacent to these established marina operations and parking areas. The proposed MPD does not intensify or materially alter this portion of the site, which will continue to function as parking and pedestrian access associated with the marina. Accordingly, the proposed plantings represent a substantial enhancement over existing conditions and provide buffering where none currently exists, while still preserving the operational functionality necessary for the continued use of the marina and waterfront access areas.

10. Deviation #10 from LDC Sec. 10-416(c)(2)d., Landscaping of parking and vehicular use areas, which requires 10-foot-wide landscape islands every 13 uninterrupted parking spaces, to allow for landscape islands that are less than 10-feet wide, but not less than 5 feet wide.

Justification: The subject property is a long, narrow waterfront parcel that has historically operated as a marina, fish house, and related marine commercial facility. The site is bounded by water on multiple sides and contains numerous existing improvements, docks, access drives, parking areas, and operational features that significantly limit opportunities to reconfigure parking and landscaping to fully comply with current dimensional standards.

LDC Section 10-416(c)(2)d. requires landscape islands to be a minimum of ten (10) feet in width and generally intended to interrupt long rows of parking. However, the proposed parking layout does not contain parking rows exceeding ten (10) consecutive parking spaces. As a result, the underlying purpose of the regulation—to break up large expanses of pavement, improve aesthetics, and provide landscape relief within extensive parking fields—is already substantially achieved through the site's dispersed parking configuration.

The proposed landscape islands, while less than ten (10) feet in width, will be no less than five (5) feet wide and will continue to accommodate required landscaping and trees. Requiring ten-foot-wide islands would result in the loss of parking and maneuvering area on a site that is already highly constrained by existing development, waterfront access requirements, and operational needs associated with marina activities. Such a requirement

would provide minimal additional benefit given the absence of large uninterrupted parking fields and the relatively small scale of the individual parking areas throughout the site.

Furthermore, the requested deviation is being sought as part of an application that largely memorializes existing site conditions and established marina operations rather than introducing substantial redevelopment or expansion of the parking areas. The proposed landscape treatment represents an enhancement over existing conditions while maintaining the operational functionality necessary for the continued use of the property as a working marina.

Accordingly, the requested deviation represents a reasonable accommodation of existing site constraints while continuing to satisfy the intent of the landscaping regulations through the provision of landscape islands, trees, and planting areas integrated throughout the parking and vehicular use areas.

11. Deviation #11 from LDC Sec. 34-2020, which requires 70 parking spaces for the entire MPD including all operations at once, to allow for 51 standard parking spaces to be provided for the entire MPD based on alternating hours of operation for specific uses.

Justification: The requested deviation is necessary to accommodate the unique operational characteristics of the existing marina property and to recognize the complementary, non-overlapping nature of the proposed uses and hours of operation. Pursuant to LDC Section 34-2020, a strict cumulative parking calculation assuming all uses operate simultaneously at full intensity would require 70 parking spaces. However, such a scenario is not representative of the actual operations proposed for the site.

The proposed MPD utilizes a structured alternating-hours operational model consisting of two distinct operating scenarios: "Standard Operations" and "Expanded Operations," each with different parking demands occurring at different times. Standard marina-oriented operations, including the boat slips, office, retail, wholesale processing/warehousing activities, and limited restaurant operations, occur daily between 5:00 a.m. and 5:00 p.m. During this timeframe, the site requires and provides 51 parking spaces, inclusive of the applicable boat slip parking reduction permitted by LDC Section 34-2020(c)(2).

Expanded operations occur only between 5:00 p.m. and 10:00 p.m. on Fridays, Saturdays, and Sundays and are limited primarily to the expanded outdoor restaurant seating area and associated entertainment activity. During these evening hours, the marina-related uses with the highest parking demand, including wholesale processing/warehousing activities and the daytime marina operations, are no longer operating at peak demand levels. As demonstrated in the Parking Allocation Table, the site continues to require and provide 51 parking spaces during this alternate operational scenario.

The expanded operations do not introduce additional enclosed floor area or an independent second use operating concurrently with the daytime marina functions, but

rather allow the same site to transition between different operational modes depending on the time of day and day of week. The requested deviation therefore reflects the practical utilization of shared parking among uses with differing peak demand periods, even though the specific operational structure is not expressly contemplated within the standard parking ratios of Section 34-2020.

The subject property is also an established marina site located on a constrained waterfront parcel surrounded by water on three sides and existing development patterns that limit the practical ability to expand parking areas without negatively impacting marina functionality, circulation, or waterfront access. Requiring parking sufficient to accommodate a theoretical maximum occupancy of all uses simultaneously would result in an excessive parking field that would remain underutilized for the vast majority of the site's operational times and would be incompatible with the historic operational character of the property.

The proposed deviation allows the property to continue functioning as a working marina while supporting a limited expansion of restaurant and entertainment activity during evening hours. The shared parking approach ensures adequate parking is available during all operational scenarios while avoiding unnecessary overparking on a constrained waterfront industrial marine site. Additionally, the proposed 51-space parking supply includes the required accessible parking spaces and remains sufficient to serve the actual operational demands of the property based on the proposed conditions and limited hours of expanded operations. This deviation will not negatively impact public health, safety or welfare.

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LANDSCAPE ARCHITECTS**DESCRIPTION:**

LOT 1, BLOCK A, KNIGHT'S BOKEELIA ISLES REPLAT, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 9, PAGE 142, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

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ENGINEERS · PLANNERS · SURVEYORS
LANDSCAPE ARCHITECTS**Jug Creek Marina MPD****Potable Water and Sanitary Sewer Narrative*****REVISED JUNE 2026***

In accordance with the provisions of LDC 34-202(a)(10), this narrative and the attached water bill records verify that the appropriate provider of potable water has the ability to provide service to the development and how the existing onsite wastewater treatment system will continue to meet the sanitary sewer needs of the development. The subject property is currently developed with an existing marina located within the Marine Industrial (IM) zoning district, the Suburban Future Land Use category, the Greater Pine Island Community Planning Area, and is designated as a water-dependent land use on the Water Dependent Overlay map. The Property is located in the Greater Pine Island Water Association Water Franchise Area and within the Lee County Utilities Wastewater Franchise Area. The property has potable water service via an existing connection to the public water supply system. A fire hydrant is also located in the right-of-way near the entrance of the site, providing fire protection in accordance with local fire safety requirements.

Public sanitary sewer service is not available to Pine Island and infrastructure is not available within several miles of the subject property at this time. As such, the site is required to utilize an existing on-site wastewater treatment system that has adequate capacity to accommodate the wastewater demands of the existing operations including the marina and the restaurant.

An analysis of sewage demand was prepared to address concerns about the wastewater disposal requirements in the Lee Plan and LDC. This review of the uses and how they contribute sewage generation considers the demand and onsite treatment capacity. The basis of the review includes the records of the applicant's 2025 water bills from the Greater Pine Island Water Association. These records serve two purposes: they demonstrate there is an existing public potable water connection and available capacity to serve the planned development, and they also demonstrate the amount of water that was used each month while the marina and restaurant operations were ongoing. Consistent with the Lee County Code Enforcement Notice of Violation, a Group II Restaurant has been operating at the site in conjunction with the Marina operations during the time period associated with these water bills.

The monthly water bill records provided in the corresponding tables below demonstrate that the operations create an average demand for 1,393 gallons of water per day.

2025 Greater Pine Island Water Bill Data	
Water Bill Month	Gallons
January	38,000
February	33,000
March	46,000
April	41,000
May	44,000
June	44,000
July	52,000
August	39,000
September	38,000
October	47,000
November	42,000
December	43,000
Annual Total	507,000
Annual Average	42,250

Potable Water & Sanitary Sewage Demand	
Average Gallons Per Week	9,750
Average Gallons Per Day (Assumes 5 Day Week)	1,950
Average Gallons Per Day (Assumes 7 Day Week)	1,393

There are no activities that would contribute to the generation of sewage output greater than the consumption of water (input) so these are determined to be equivalent as a conservative means of accounting for their rate of use. Following approval of this request, the existing uses will continue to operate on the existing septic system consistent with Lee Plan Policy 4.1.2, which requires that any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day must connect to a sanitary sewer system. With a demonstrated maximum potential sewer generation of 1,393 gallons per day, the operations generate substantially less (only 28%) of the 5,000 gallons per day threshold for a new commercial development.

The existing onsite wastewater treatment facility is permitted for a capacity of 2,500 GPD. The daily sewage creation by the existing uses is within the design capacity of the treatment system.

To support the proposed Planned Development Rezoning and the request to allow Restaurant Groups I, II, and III with consumption on-premises, modular restroom facilities will also be utilized on-site. These modular restrooms will be self-contained and are intended to serve the needs of the restaurant patrons and staff. The use of modular units is a practical and sanitary solution to limit the demand and reduce impacts on the existing septic system.

All applicable health department and building code requirements will continue to be met to ensure the safe and compliant operation of both the existing and proposed uses. The utilities and wastewater management systems in place are appropriate for the nature and scale of the uses proposed, especially given the project's location in Bokeelia at the northern end of Pine Island where public sewer service is not currently available.

STANDARD 4.1.1: WATER.

- 1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross leasable (floor) area per parcel, must connect to a public water system (or a "community" water system as that is defined by Fla. Admin. Code R. 62-550).*
- 2. If the proposed development lies within the boundaries of a water utility's certificated or franchised service area, or Lee County Utilities' future potable water service area (see Map 4-A), then the development must be connected to that utility.*
- 3. The developer must provide proof that the prior commitments of the water utility, plus the projected need of the developer, do not exceed the supply and facility capacity of the utility.*
- 4. All waterline extensions to new development will be designed to provide minimum fire flows, as well as adequate domestic services as required by Fla. Admin. Code R. 62-555.*
- 5. If a new development is located in a certificated or franchised service area, or Lee County Utilities' future potable water service area (see Map 4-A), and the utility cannot provide the service or cannot provide the service except at a clearly unreasonable cost to the developer, the developer is encouraged to petition the appropriate regulatory agency to contract the service area so that the development may establish its own community water system or invite another adjacent utility to expand its service area in order to provide the required service.*
- 6. If a development lies outside any service area as described above, the developer may:*
 - request that the service area of Lee County Utilities or an adjacent water utility be extended to incorporate the property;*
 - establish a community water system for the development; or*
 - develop at an intensity that does not require a community water system.*
- 7. Lee County Utilities may provide potable water service to properties not located within the future water service area when such potable water service is found to benefit public health, safety, and welfare, including protection of Lee County's natural resources.*

STANDARD 4.1.2: SEWER.

- 1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.*

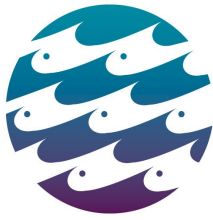
- 2. If the proposed development exceeds the thresholds listed above and lies within the boundaries of a sewer utility's certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 4-B), and that utility has sufficient capacity to provide minimum service to the development, then the development must connect to that sewer utility if there is existing infrastructure adequate to accept the effluents of the development within 1/4 mile from any part of the development.*
- 3. If there is not sufficient capacity nor adequate infrastructure within 1/4 mile of the development, the developer must provide proof in the form of a clearly stated rejection of service.*
- 4. If a new development is located in a certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 4-B), and the utility cannot provide the service, or cannot provide the service except at a clearly unreasonable cost to the developer, the developer may establish on a temporary basis a self-provided sanitary sewer facility for the development, to be abated when the utility extends service to the site. The developer may also petition the appropriate regulatory agency to contract the service area of the utility in order that another utility may be invited to provide the service.*
- 5. If a development lies outside any service area as described above, the developer may:*
 - request that the service area of Lee County Utilities or an adjacent sewer utility be expanded to incorporate the property;*
 - establish a self-provided sanitary sewer system for the development;*
 - develop at an intensity that does not require sanitary sewer service; or*
 - if no more than 5000 gallons of effluent per day per parcel is produced, an individual sewage disposal system per Fla. Admin. Code R. 64E-6 may be utilized, contingent on approval by all relevant authorities.*
- 6. Lee County Utilities may provide sanitary sewer service to properties not located within the future sewer service area when such sanitary sewer service is found to benefit public health, safety, and welfare, including protection of Lee County's natural resources.*
- 7. Prohibit the installation of new onsite sewage treatment and disposal systems, as defined by State Statute, constructed within a basin management action plan area, a reasonable assurance plan, or a pollution reduction plan where connection to a publicly owned or investor-owned sewerage system is available as defined in F.S. 381.0065 (2)(a).*
- 8. On lots of one acre or less within a basin management action plan area, a reasonable assurance plan, or a pollution reduction plan, where a publicly owned or investor-owned sewerage system is not available, the installation of enhanced nutrient-reducing onsite sewage treatment and disposal systems, as defined by State Statute, or other wastewater treatment systems that achieve at least 65 percent nitrogen reduction is required.*

The proposed MPD is consistent with Lee Plan Standard 4.1.1 (Water). The subject property is located within the Greater Pine Island Water Association franchise area and is currently served by an existing public potable water connection. The narrative and supporting utility bill records demonstrate that potable water service is already available to and actively serving the existing marina and restaurant operations. Further, the utility usage records demonstrate that the provider has sufficient existing capacity to continue

serving the development. The site also includes access to fire protection infrastructure via an existing fire hydrant located adjacent to the property. Accordingly, the project satisfies the intent and requirements of Standard 4.1.1, including the requirement that commercial development within a franchised service area connect to a public water system and demonstrate available utility capacity.

The proposed MPD is also consistent with Lee Plan Standard 4.1.2 (Sewer). Although the property lies within the Lee County Utilities wastewater franchise area, no public sanitary sewer infrastructure exists within one-quarter mile of the subject property. The utility narrative establishes that the existing and proposed operations generate approximately 1,393 gallons of sewage per day, which is substantially below the 5,000 gallon per day threshold established in Standard 4.1.2 for mandatory connection to a sanitary sewer system. Further, the existing onsite wastewater treatment system is permitted for 2,500 gallons per day and therefore has sufficient capacity to accommodate the demonstrated wastewater demand associated with the existing marina and restaurant operations. As such, the continued use of the existing onsite wastewater treatment system is consistent with Standard 4.1.2(5), which expressly permits individual sewage disposal systems when development produces less than 5,000 gallons of effluent per day and public sewer service is unavailable.

Additionally, the proposed use of modular restroom facilities further reduces demand on the existing septic system and provides an additional operational measure to ensure continued compliance with applicable health and safety regulations. Given the absence of available public sewer infrastructure on Pine Island, the existing public potable water connection, and the demonstrated wastewater generation well below the Lee Plan threshold for mandatory sewer connection, the proposed MPD is consistent with the intent and requirements of Lee Plan Standards 4.1.1 and 4.1.2.



Greater Pine Island Water Association, Inc.

June 4, 2026

To Whom It May Concern:

Please be advised that the following address has water availability to the site:

Lot 1
Knights Bokeelia Isle
16498 Tortuga St
Bokeelia, FL 33922
30-43-22-02-00000A.0010

Under normal operating conditions, static water pressure in the main will be at least 20 PSI at the point where water service will be provided. As of this date, the Greater Pine Island Water Association, Inc. has sufficient capacity to provide 500 gallons per day of potable water to this site.

Sincerely,

Greater Pine Island Water Association

5281 Pine Island Road, Bokeelia, Florida 33922 Phone (239) 283-1071 Fax (239) 283-7792

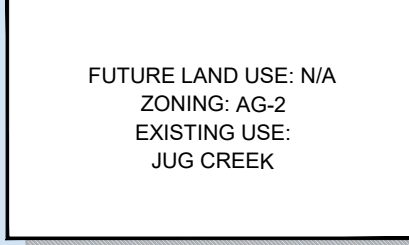
DEVIATIONS LIST	
1	LOADING AREAS
2	ALTERNATIVE PARKING SURFACE
3	COP LOCATION
4	NON-URBAN LOCAL STREETS
5	WATERBODY SETBACKS
6	BUILDING PERIMETER PLANTINGS
7	SOUTHWEST LANDSCAPE BUFFER
8	SOUTHEAST LANDSCAPE BUFFER
9	EASTERN LANDSCAPE BUFFER
10	PARKING LANDSCAPE ISLANDS
11	PARKING REDUCTION

SITE SUMMARY	
STRAP NO.:	30-43-22-02-0000A.0010
PROPERTY AREA:	1.11 AC
CURRENT ZONING:	MIXED USE PLANNED DEVELOPMENT (MPD)
FUTURE LAND USE:	SUBURBAN
PLANNING COMMUNITY:	GREATER PINE ISLAND

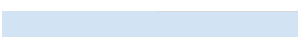
GENERAL NOTES	
1)	SEE SHEET 2 OF THE MCP FOR OPEN SPACE SUMMARY AND LANDSCAPE DEVIATIONS
2)	NO EASEMENTS EXIST ON THE SUBJECT PROPERTY
3)	THIS PLAN IS CONCEPTUAL IN NATURE AND SUBJECT TO SLIGHT CHANGES AT TIME OF DEVELOPMENT ORDER

FUTURE LAND USE: N/A
ZONING: RV-3
EXISTING LAND USE:
JUG CREEK

JUG CREEK



LEGEND

	COP AREA
	RESTAURANT AREA
	EXPANDED OPERATIONS
	VEHICULAR EGRESS/INGRESS
	OPEN SPACE
	WATER
	DEVIATION LOCATION
	PARKING SPACE NUMBERS
	SERVICE/LOADING AREA

PROJECT:

JUG CREEK
MARINA
MPD

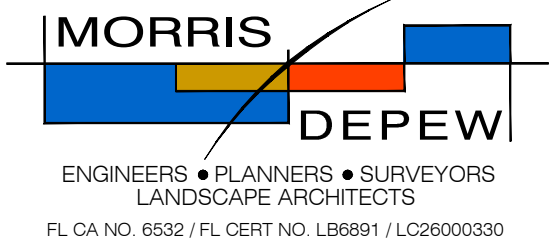
LOCATION

16498 TORTUGA STREET
BOKEELIA, FLORIDA, 33922

CLIENT:

JUG CREEK MARINA,
LLC.

CONSULTANT



Fort Myers
14 Cleveland Avenue
Myers, Florida 33901
(239) 337-3993
Fax: (239) 337-3994
Toll free: 866-337-7341

Tallahassee
113 South Monroe Street
1st Floor
Tallahassee, Florida 32301
Toll free: 866-337-7341

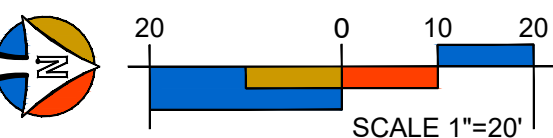
Destin
655 Grand Boulevard
Unit #D-105
Ft. Walton Beach, Florida 32550
Toll free: 866-337-7341

PREPARED BY

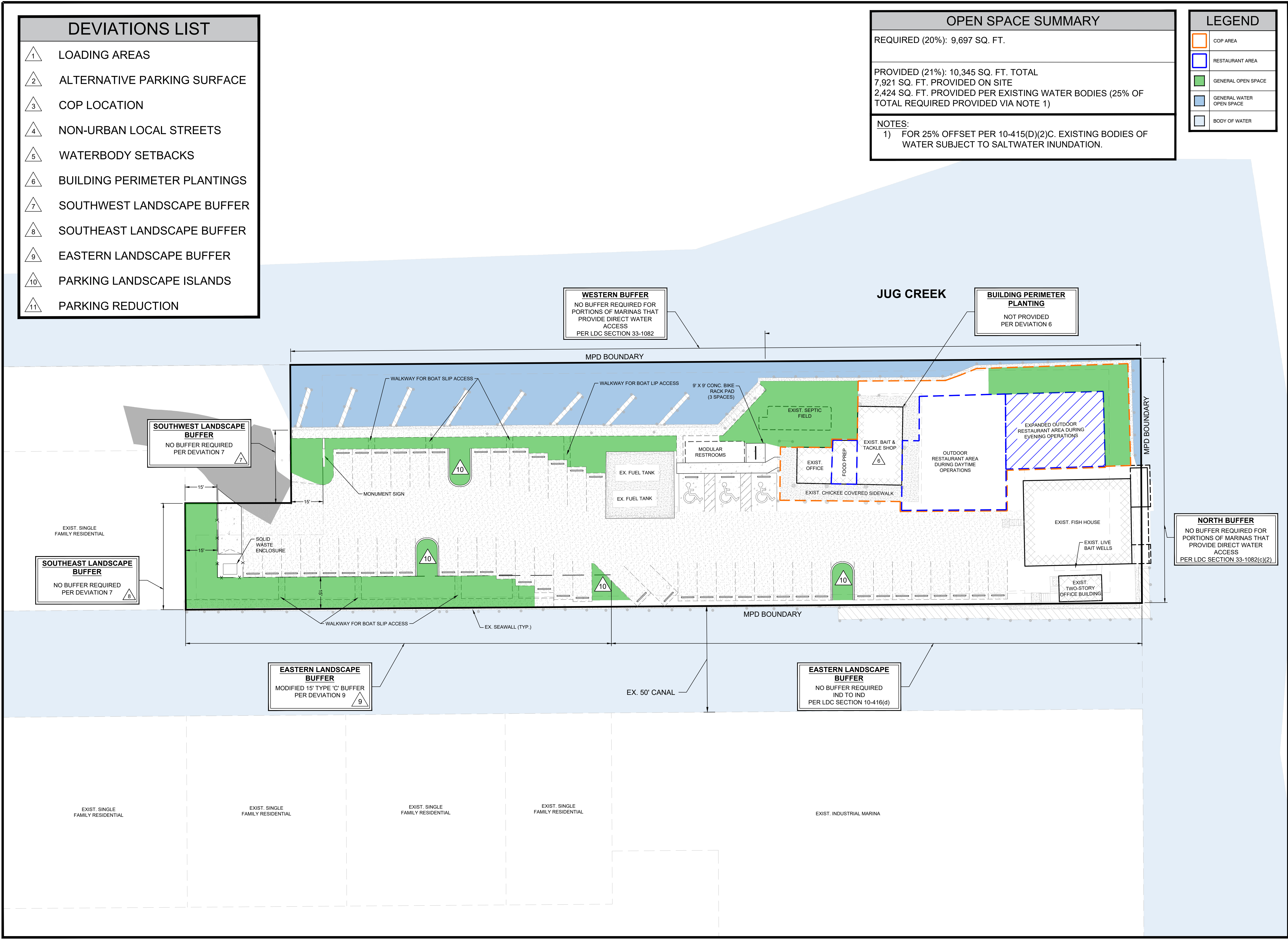
REVISIONS	DATE
REVISED PER COUNTY COMMENTS	05/22/2026
PROJECT MANAGER:	BM
DRAWING BY:	WM
JURISDICTION:	LEE COUNTY
DATE:	6/5/2026

MASTER CONCEPT PLAN

SHEET NUMBER: SHEET 1 OF 2



JOB/FILE NUMBER: 25012-03



PROJECT:

**JUG CREEK MARINA
MPD**

LOCATION:

16498 TORTUGA STREET
BOKEELIA, FLORIDA, 33922

CLIENT:

**JUG CREEK MARINA,
LLC.**

CONSULTANT:

**MORRIS
DEPEW**

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LANDSCAPE ARCHITECTS

FL CA NO. 6532 / FL CERT NO. L98691 / LC26000330

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