



Consolidated Review Comments

Record Number: [DCI2026-00010](#)

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

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

Report Date: 07/02/2026

Record Type: Planned Development

Address: 16498 TORTUGA ST, BOKEELIA, FL 33922

Project Name: Jug Creek Marina MPD

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

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

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

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

GENERAL COMMENTS:

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

<u>Corrections</u>	<u>Review Comments</u>	<u>Reviewer</u>	<u>Status</u>	<u>Comment ID</u>
<u>Development Services Review</u>				
Yes	Development Services Development services staff has no objection to the request in Deviation #2 from LDC Sec. 34-2017(a)(1)&(2) to allow crushed shell surfacing for the Jug Creek MPD with a CONDITION that a reduction in impervious area does not negate the property from meeting the water quality standards in the LDC and SFWMD requirements for redevelopment including nutrient removal which will be evaluated at the time of development order.	Allyson Hall	Open	22
<u>DOT Review</u>				
Yes	DOT: 1. Right-of-Way Restoration & Signage (Response to Applicant Comment #2) The applicant's assertion that right-of-way restoration is optional, or that attribution to de-facto/unpermitted historical public use excuses accountability, is incorrect. While staff acknowledges the historical presence of the de-facto boat ramp, its existence does not preclude the application of Land Development Code requirements. The intensification of the site via the Master Planned Development (MPD) for commercial marina and restaurant uses directly generates ongoing overflow parking and loading operations within the Tortuga Street shoulders, exacerbating the parking and operational problems at this terminus.	John Podczerwinsky	Open	19

<u>Corrections</u>	<u>Review Comments</u>	<u>Reviewer</u>	<u>Status</u>	<u>Comment ID</u>
	Restoration of the damaged pavement and shoulders within the Tortuga Street ROW directly adjacent to the project boundaries—which serves as the project's sole access—is a mandatory requirement for site-related impacts. The applicant must revise the Master Concept Plan (MCP) or current commitments to explicitly include the repair of these shoulders and the installation of the required MUTCD-compliant "No Parking" and "No Loading" signs at the terminus. This action directly supports statements provided by the applicant in their own justification for Deviation #4. In that narrative, the applicant argues against full roadway upgrades, stating that such improvements would cause "unnecessary disturbance, additional impervious area, and alteration of the existing low-speed community character." Because DOT staff intended to support Deviation #4 to avoid these disruptive structural upgrades and protect the "established character of the area," the applicant must, at a minimum, restore the existing, degraded ROW shoulders at areas adjacent to/serving this site and install signage to prevent further degradation of either the roadway or shoulder where site-related overflow parking is actively occurring. Accepting a code deviation to preserve the current roadway footprint establishes a clear linkage to maintain and restore the roadway cross section affected by this site's activities to ensure a safe, functional, and lawful condition will result from this zoning action. 2. Cul-de-Sac Standards & Deviation Requirement (Response to Applicant Comment #4) The applicant must update the Deviations and Justifications Narrative to include an additional request (Deviation #5) seeking relief from the literal requirements of LDC § 10-296(k). The justification should specify that turnaround capabilities are provided internally. Staff Clarification offered: Because Tortuga Street is a public local road terminating at the property boundary, the lack of a formal turnaround facility triggers the design standards of Land Development Code (LDC) § 10-296(k). To legally authorize the site to function without building a standard cul-de-sac—and to formally recognize the internal parking/circulation area as the alternative turnaround space—the applicant must obtain a formal code deviation. To support this deviation, it is strongly recommended that the applicant obtain written endorsement from the local Fire District confirming that the existing internal configuration provides acceptable emergency vehicle turnaround access. Absent the deviation request, the cul-de-sac turnaround will be a site requirement.			
<u>Environmental Review</u>				
Yes	Environmental Sciences Revise the deviations and justifications to consolidate deviations 7, 8, and 9 into one deviation to allow a 15-foot-wide buffer with Type C plantings within the 15-foot-wide buffer and no wall. Please revise the MCP deviation callouts to match the revised deviations and justifications. Staff will not support no buffer along the southwest property line and recommends incorporating the southwest buffer into the overall deviation. Provide a buffer deviation for the proposed parking areas and pathways traversing and/or disrupting the buffer area. LDC Section 10-416(d)(11)(b) allows 20 percent of the required buffer width to be comprised of impervious. A Type C buffer requires five trees and 18 shrubs every 100 linear feet. The applicant will not be able to meet these specifications due to the impervious. Demonstrate compliance or request a deviation and demonstrate compatibility. The open space breakdown on sheet two is incorrect. The site is 1.11 acres and requires 20 percent open space (0.222 ac. or 9,670 square feet).	Elizabeth Workman	Open	18

<u>Corrections</u>	<u>Review Comments</u>	<u>Reviewer</u>	<u>Status</u>	<u>Comment ID</u>
	Saltwater inundation or waterbodies per LDC Section 10-415(d)(2)(c) may offset up to 25 percent of the required open space (0.0555 ac or 2,417 square feet). The Open Space Summary is incorrect. Revise accordingly.			
<u>Natural Resources Review</u>				
Yes	Staff cannot verify that the 36 boat slips depicted on the MCP are consistent with the Manatee Protection Plan (MPP). Table 7b in the MPP was an attempt by a 3rd party (Seas Grant) to capture what was existing at time of MPP adoption. This information was never verified and has been found to be inadequate in other circumstances, so the County has been consistent in not applying that data. The applicant may elect one of the following options to demonstrate that the requested boat slip count complies with the MPP: Provide authorizations for all existing docking structures therefore demonstrating that there is no increase in slips and exempting the request from MPP per Section 8.4 of MPP. Staff searched for but could not locate applicable authorizations. Request a MPP evaluation based on current conditions and data from the Lee County Natural Resources department. Please contact Lesli Haynes at Lhaynes@leegov.com. Request a historic slip determination from FWC's Imperiled Species Management (ImperiledSpecies@myfwc.com). This determination recognizes historic use of the property and is coordinated with Lee County Natural Resources department. Without additional information staff cannot determine if the request represents an expansion of wet slips at an existing marina. Staff agrees with the applicant's Lee Plan analysis if it is determined that the request does not constitute an expansion of wet slip facilities at an existing marina.	Nicholas DeFilippo	Open	1
<u>Zoning Review</u>				
Yes	Per LDC Section 33-1003(a), the applicant (or their authorized agent) must conduct one publicly advertised informational session prior to receiving approval or sufficiency determination. A summary document of the session must also be submitted as part of the application record and contain the minimum information specified in LDC Section 33-1003(b).	Adam Mendez	Open	12

CORRECTIONS NEEDED:

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

REVIEWER CONTACT INFORMATION:

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