



Consolidated Review Comments

Record Number: [DCI2026-00020](#)

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

Report Date: 08/11/2026

Record Type: Planned Development

Address: 8520 BAYSHORE RD, NORTH FORT MYERS, FL 33917

Project Name: Cooperfish MPD

Record Description: Rezone 16.7 acres from Agricultural (AG-2) to Mixed Use Planned Development (MPD) for commercial and residential uses

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

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

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

GENERAL COMMENTS:

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

<u>Corrections</u>	<u>Review Comments</u>	<u>Reviewer</u>	<u>Status</u>	<u>Comment ID</u>
<u>Development Services Review</u>				
Yes	Development Services Development Services has reviewed the plans provided and offers the following comments. These comments are intended to make the applicant aware of issues with the design that may cause delays or possible changes at time of the development order submittal. 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. Please provide an updated MCP in compliance with LDC Section [34-373(a)(6)c.-e.] Additional comments may arise pending submittal of a more detailed plan. Pursuant to LDC Section [10-256(b)(2)c.3.] sidewalks on both sides of all internal streets are required for all new nonresidential developments and must extend from intersection to intersection. •NOTE: At time of development order the applicant must demonstrate compliance with this requirement.	Allyson Hall	Open	13
<u>DOT Review</u>				

<u>Corrections</u>	<u>Review Comments</u>	<u>Reviewer</u>	<u>Status</u>	<u>Comment ID</u>
Yes	TIS 1. The current TIS and methodology are generally correct, however the TIS is out of date. Please update the TIS to demonstrate ITE 12th Edition trip generation rates correlated to the list of proposed land uses. 2. The proposed land uses do not closely match the total number of residential multifamily units - detailed in the applicant's Request Statement as 97 multifamily DUs, plus 170 multi-family DU's with bonus units. At lowest, this represents 267 multifamily DUs plus up to 170 bonus units - a total of 337 units. Depending on their intended use, the 170 bonus units may align to a different ITE rate (example: LUC 260 - Recreational Homes) and should be considered in the TIS. Alternate trip generation rates, if proposed, will require staff endorsement for use in the TIS. Please update the residential component of the trip generation to reflect the maximum units, by type, in the trip generation estimate. Other TIS outputs may require update as appropriate to accommodate any additional trips generated by these units.	John Podczerwinsky	Open	10
Yes	DOT 1. There is a current FDOT project under design for Bayshore Road. It is advised to include the current Bayshore Road Design Plans plans in the submittal to ensure that the MCP reflects the current access provisions, signal location, and ROW limits consistent with FDOT plans. 2. Note: The project will meet consistency with Map 3-D of the Lee Plan by demonstrating FDOT's 8' pathway on the Bayshore Rd frontage. 3. Deviation 2 may require modification, contingent on approval of FDOT access to Bayshore Road. Please provide documentation of preliminary FDOT approval for access locations as supporting documentation / justification for Deviation 2. 4. The access driveway(s) onto Bayshore Rd (SR 78) within the right-of-way are subject to the Florida Department of Transportation (FDOT) approval. State FDOT permit(s) and/or construction agreement will be required PRIOR TO commencement construction within the FDOT right-of-way. The final certificate of completion (C.C.) of this development order will require the final sign-off from the FDOT for all improvements within the FDOT right-of-way.	John Podczerwinsky	Open	11
<u>Environmental Review</u>				
Yes	Environmental: 1. Please revise the inconsistency within the Application and Request Statement documents. Staff have found inconsistency between number of dwelling units, office/retail square footage, and requested number of hotel rooms. 2. Staff will not support deviation 1 from natural waterbody setback. LDC Section 10-416(d)(6) states that existing vegetation is to remain and can utilize existing vegetation to meet planting requirements within natural waterway buffer. Supplementary plantings may be planted within the buffer if existing vegetation does not meet code requirements. The justification does not provide how the proposed relief will enhance the proposed project. 3. The natural waterway buffer is measured from mean high water or top of bank, whichever is further landward. Provide a cross section demonstrating how the 50-foot-wide buffer is being measured. 4. Please note LDC Section 10-421(a)(5) which states no required buffer plantings may be planted within any easements without a letter of no objection from the easement holder. 5. Please clarify how the applicant is demonstrating compliance with LDC Section 10-328(a) for required natural waterway easement. 6. Please provide cross sections of the proposed bridge transecting the natural waterway on the site.	Paige Carroll	Open	8

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	7. Please provide a new deviation LDC Section 10-416(d)(9) to allow an interruption in the natural waterway buffer where proposed bridge is being depicted on the MCP. 8. Please revise required indigenous acreage for Tract 2. The open space table provided on the MCP shows that 0.6 acres is required and only 0.41 acres will be provided.			
Yes	9. The schedule of uses submitted includes uses listed in LDC Section 10-424. Please revise Narrative and MCP to include a statement that if any of the uses listed in LDC Section 10-424 are to be developed, the required buffering and screening must be established for that specific use. 10. Staff who completed a site inspection do not support the FLUCCS map provided in the application. Provide a revised FLUCCS map that matches those conditions of the most recent JD and the observations of Staff. 11. Staff could not confirm the amount of exotics as identified on the FLUCCS map provided by Atwell. Revise the FLUCCS map to more accurately describe the exotic invasive vegetation as described on the most recent JD. 12. Please revise FLUCCS map. The FLUCCS map provided within Army Corps of Engineers is inconsistent with the FLUCCS map provided within the Protected Species Assessment. 13. Please clarify why Area #2 is being called out as Floodway when the hatching provided is for indigenous preserve. Please revise. 14. Please clarify if the areas with stormwater management hatching is wet or dry detention. 15. Additional comments may follow pending applicants responses.	Paige Carroll	Open	9
<u>Legal Review</u>				
Yes	Sec. 34-202(a). Submittal requirements for applications requiring public hearing. (6) Boundary Survey. The survey must be based upon the title certification submitted in accordance with Section 34-201(a)(7) and certified to the present owner as reflected in the title documentation submitted in accordance with Section 34-201(a)(7). The survey is based on a September 23, 2024, title certification, not the April 21, 2026, title certification. The line following L3 does not include a bearing. The metes and bounds description describes L3 and the following line as on continuous line. Revise the survey to indicate the bearing does not change between the two line segments or depict them as one continuous line as in the metes and bound description, separate legal description and sketch document and April 21, 2026, title certification.	Richard Burris	Open	12
<u>Natural Resources Review</u>				
Yes	Please address how the project will comply with LDC 10-328(a). An easement for access and maintenance purposes must be provided.	Nicholas DeFilippo	Open	1
<u>Zoning Review</u>				
Yes	1. Development Intensity: Revise the application and supporting documents to consistently identify the maximum development program. The amended request identifies 200,000 square feet of commercial retail/office, 150 hotel rooms, and a maximum of 170 multifamily units, while other application materials identify different intensities. 2. Traffic Impact Statement: Revise the TIS to reflect a consistent development program. The TIS narrative and Table 1 identify different commercial and residential intensities, and neither matches the current amended request.	Adam Mendez	Open	14

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	3. Schedule of Uses: Clarify that the maximum residential and hotel entitlements apply to the MPD as a whole and are not cumulative by tract. 4. Nonresidential Intensity: Clarify how warehouse, storage, automobile repair/service, and other non-retail uses listed in the Schedule of Uses are counted toward the overall nonresidential intensity. Revise the request statement as needed to accurately describe the proposed mix of uses. Utility Availability: Provide updated utility availability documentation, or confirmation that the existing utility letter remains applicable to the current development program. 5. Bonus Density: Revise the application to clearly identify the requested standard and bonus density and reconcile the 170-unit maximum with the density calculations provided in the application. 6. North Fort Myers Community Meeting: Please supplement this Record with the North Fort Myers Community Plan Area meeting summary document. If relying on the public information session conducted for the prior zoning case, provide the meeting materials in this case file and confirm that the proposal presented at that meeting is not materially different from the current request. 7. FLUCCS/Jurisdictional Areas: Revise the FLUCCS map to clearly delineate the Federal and State jurisdictional wetlands and other surface waters applicable to the subject MPD and identify the acreage of each. Clearly distinguish the jurisdictional areas applicable to the subject property from those associated with the larger 34.76-acre parent property. The current SFWMD determination applies to the larger parent tract. 8. Rare and Unique Uplands: Revise the environmental exhibits to identify whether rare and unique upland habitat occurs on the subject property. If none exists, the applicable exhibit should clearly state that determination rather than relying solely on separate correspondence. 9. Existing and Historic Flow-Ways: Provide the existing and historic flow-way exhibit required by LDC §34-373(a)(4)b.v. The stormwater narrative identifies historical dredging and alteration of the onsite waterway; however, the submitted materials do not clearly depict the existing and historic flow-way conditions at the same scale as the MCP.			
Yes	10. Historic/Archaeological Resources: Address the Florida Master Site File record associated with 8520 Bayshore Road in accordance with LDC §34-373(a)(4)d. Identify the location and status of the recorded historic resource and any applicable archaeological sensitivity area and describe whether the proposed development will impact the resource 11. Request Narrative: Revise the request narrative to satisfy LDC §34-373(a)(5). Provide a single narrative explaining the nature of the request, how the property qualifies for MPD zoning, and how the proposed development complies with the Lee Plan and applicable Land Development Code requirements. The current amended request statement primarily identifies the proposed development intensity. 12. Master Concept Plan: Revise the MCP as necessary to incorporate the corrected environmental, jurisdictional, historic-resource, and flow-way information identified in the comments above. Ensure all applicable features and requested deviations are clearly located and dimensioned. 13. Traffic Impact Statement: In addition to Comment 2, revise the TIS to clearly state whether the analyzed development program represents a conservative or worst-case trip-generation scenario for all uses requested in the Schedule of Uses. 14. Schedule of Uses: In addition to Comments 3 and 4, revise the Schedule of Uses to clearly identify the maximum project-wide	Adam Mendez	Open	15

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	development parameters and ensure those limitations are keyed to the MCP and applicable tracts. 15. Deviation 1 – Waterbody Buffer: Revise Deviation 1 and the MCP to clearly identify the existing Code requirement, the exact relief requested, and the location and dimensions of the proposed alternative buffer. The current description of the 25-foot/75-foot buffer configuration is unclear. 16. Deviation Justifications: Revise the deviation justifications, as necessary, to specifically demonstrate how each requested deviation enhances the objectives of the planned development and protects the public health, safety, and welfare consistent with LDC §34-373(a)(9). 17. Property Development Regulations: Revise the Property Development Regulations to identify the applicable waterbody setback and any other tract-specific development standard affected by a requested deviation. The current table addresses lot dimensions, setbacks, height, and lot coverage but does not identify the waterbody setback associated with Deviation 1.			

CORRECTIONS NEEDED:

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

Document: LeePlan Narrative.pdf

<u>Corrections</u>	<u>Page Ref</u>	<u>Review Comments</u>	<u>Reviewer</u>	<u>Status</u>	<u>Comment ID</u>
<u>Planning Review</u>					
Yes	2	Include an analysis of Lee Plan Policy 5.1.2 and 5.1.5 in the Request Narrative.	Lindsey Karczewski	Open	2
Yes	4	Include an analysis of Lee Plan Policy 6.1.3, 6.1.5, 6.1.6, and 6.1.7 within the Request Narrative.	Lindsey Karczewski	Open	3
Yes	4	Lee Plan Objective 11.1 is reproduced within the Request Narrative but there is no analysis. Please include an analysis.	Lindsey Karczewski	Open	5
Yes	4	The subject area is designated as a North Fort Myers Corridor Overlay District. Provide further analysis of Goal 30, including Objective 30.2 and Policy 30.2.5.	Lindsey Karczewski	Open	6
Yes	7	The request is proposing residential development, and a portion of the subject area is within the coastal high hazard area. Include an analysis of Policy 101.3.5 within the Request Narrative.	Lindsey Karczewski	Open	7

REVIEWER CONTACT INFORMATION:

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