



## Board of County Commissioners

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April 29, 2022

Ahmad Kareh  
Haley Ward, Inc.  
13041 McGregor Boulevard  
Fort Myers, FL 33919

### **RE: Resurgence Brewery & Rock Gym (Planned Development Rezoning Application) DCI2022-00019**

Dear Ahmad Kareh:

The Zoning Section has reviewed the information provided for the above-referenced application. The Lee County Land Development Code (LDC) requires additional information for the application to be sufficient. Please respond to each requirement not satisfied on the attached checklist. For your assistance, we have enclosed any additional memoranda from the various Lee County reviewing agencies.

A public hearing date will not be scheduled until a complete application is submitted.

Please respond to the sufficiency review comments contained within sixty (60) calendar days of the date of this letter. This application may be considered withdrawn if no response is received within this timeframe. Please feel free to contact me at [Amendez@leegov.com](mailto:Amendez@leegov.com) or (239) 533-8325 if you have any questions.

### **Zoning Section**

1. Affidavit of Authorization & Disclosure of Interest Form. The provided documents are versions from 2013 and are no longer sufficient. Please find and complete the updated forms at: <https://www.leegov.com/dcd/zoning/apps>

2. Schedule of Uses.

- A. The schedule of uses proposes **Studios (34-622(c)(49))**, **Specialty retail shops (34-622(c)(47))**, **Hobby, toy and game shops (34-622(c)(21))**, **Used merchandise stores (34-622(c)(54))**, **Personal services (34-622(c)(33))**, **Groups I and IV**, **Social services (34-622(c)(46))**, **Group I and Banks and financial establishments (34-622(c)(3))**, **Groups I and II**. Pursuant to LDC Table 34-934, the aforementioned uses are not obtainable in an IPD District. Please revise the proposed schedule of uses accordingly.

- B. The schedule of uses proposes **Stone, clay, glass and concrete products (34-622(c)(48)), Group IV**, which includes a use activity permitting the manufacturing of asbestos. Given the proposed mix of uses, consider excluding or limiting this use activity within the planned development due to the known potential health effects of asbestos and chrysotile (white) asbestos.
- C. The schedule of uses proposes **Chemical and allied products (34-622(c)(6)), Group II**, which includes a use activities permitting the manufacturing of Industrial inorganic chemicals, paints, varnishes, lacquers, enamels, agricultural chemicals, and miscellaneous chemical products (including explosives). Given the proposed mix of uses, consider excluding or limiting this use activity within the planned development due to potential health and safety concerns.
- D. The schedule of uses proposes “**Subordinate Uses**” which is not identified as a use in Table 34-934. The schedule does propose **Temporary Uses**, which staff believes addresses the issue. Furthermore “**Parking**” and “**Outdoor Lighting**” are not identified as a uses in Table 34-934 and would be recognized as accessory uses accordingly.
- E. The schedule of uses proposes **Food Stores, Group I**, Pursuant to Table LDC 34-934, Note 9, the use is only permitted when accessory to an airport or other transportation facility, hotel or motel, or an office complex of 50,000 or more square feet. The proposed development scheme does not currently meet the criteria for this use in an IPD District. Consider removing the use.
- F. The schedule of uses propose **Recreation facilities, commercial Group III** which permits outdoor recreation. The request currently conveys that all recreation will occur inside the “rock gym” (Group IV). Does the covered “Rock Garden” on the MCP proposing outdoor recreation? Please clarify.

### **Development Services Section**

1. Note: The subject parcel is in the Intensive Development future land use category. At time of development order bikeways and pedestrian ways will be required in accordance with 10-256(a).
2. Please provide a surface water narrative with your resubmittal in accordance with 34-373(b)(1)(a-e).
3. The MCP shows parking and site development in an existing drainage easement. Please provide documentation that the easement can be used for the improvements. Staff understands that the easement may be piped but please provide authorization to use the easement from the appropriate entity (POA, Grantee). Was the easement used to meet any water quality requirements in the SFWMD Permit?
4. LDC 34-2015(2)e – In any parking lot with more than one tier of parking spaces walkways must be provided to accommodate safe pedestrian movement from vehicles to buildings and other walking destinations. Pleaser revise your MCP to incorporate these walkways for the eastern and western parking area.

5. The parking calculations on the plan note an administrative deviation of 2.5%. Staff could not locate the deviation request of justifications in the documents submitted. Please provide the specific deviation requested and provide the justification as required.
6. The parking calculations do not match the square foot numbers in the building footprint. Please clarify.

### **Environmental Sciences Section**

1. Active and passive recreation areas such as playgrounds, golf courses, beach frontage, nature trails, bikeways, pedestrian ways, tennis courts, swimming pools and other similar uses are considered open spaces, as long as not more than 20 percent of the recreational area credited as open space consists of impervious surface (10-415(d)(2)(d)). On the Master Concept Plan, it is unclear where 54% open space will be located. Please provide an open space exhibit.
2. According to Section 10-421(a)(2), trees and shrubs used in buffers must be planted in a minimum width area equal to one-half the required width of the buffer. Utility or drainage easements may overlap required buffers; however, no code required trees or shrubs may be located in any utility or drainage easement unless a written statement, from the entity holding the beneficial interest in the easement (10-421(a)(5)). The buffer area abutting the right-of-way does not meet the minimum width due to the 10 foot easement overlapping the buffer area. Please revise the master concept plan to provide code required buffers.
3. Section 10-416(b) states, "All new development in commercial zoning districts and commercial components of planned development districts and DRIs must provide building perimeter plantings equal to ten percent of the proposed building gross ground level floor area. These planting areas must be located abutting three sides of the building with emphasis on the sides most visible to the public, not including the loading area." Please demonstrate how the applicant will comply with the building perimeter requirements.

### **Legal Description**

1. Boundary survey. A boundary survey of the subject property must be submitted, unless the property consists of one or more undivided lots within a subdivision platted in accordance with F.S. ch. 177. The survey must be based upon the title certification submitted in accord 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 boundary survey does not have the required state plane coordinate at the point of beginning (POB)

### **Natural Resources**

1. The proposal is within the Six Mile Cypress Watershed which has been identified as a critical area for surface water management by the Lee Plan. Please provide an analysis of Lee Plan policies 60.3, 125.1.2, 125.1.3, and 125.1.4.

### **DOT Section**

1. The Master Concept Plan (MCP) needs to show the distance between the proposed most east driveway on Exchange Ln and Trader St.

### **Traffic Impact Statement**

1. The application shows the project has 35,072 sf (23,718 sf and 11,354 sf). But, the Traffic Impact Statement (TIS) has 38,410 sf. A clarification is required.
2. Since the project generates more than 100 trips per hour, the intersection level of service (LOS) analysis for the proposed project's driveways and the intersections within quarter miles (including Six Mile Pkwy/Exchange Ln/Plantation intersection) are required with and without the project in build-out year condition.

### **Solid Waste**

1. Solid Waste has reviewed DCI2022-00019, ensure that dumpster enclosure gates provide a minimum 12ft of width for collection and dimensions of enclosures should be provided in accordance with Ordinance 11-27.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Zoning Section

Electronically signed on 04/29/2022 by  
Adam Mendez,  
Planner

AVM