



CONSULTING. ENGINEERING. CONSTRUCTION.

January 25, 2023

Ms. Brittany Banker
Lee County Department of Community Development
1500 Monroe Street
Fort Myers, FL 33901

**Subject: Fort Myers Brewing Company
DOS2022-00075
4th Resubmittal**

Dear Ms. Banker:

Enclosed please find responses to your insufficiency letter dated December 21, 2022. The following information has been provided to assist in the review and approval:

1. One (1) electronic copy of the Comment Response Letter; and
2. One (1) electronic copy of the Approved ADD Resolution ADD2022-00151.

The following is a list of Lee County staff comments with our responses in **bold**:

Development Services Comments: Brittany Banker

Please demonstrate compliance with the MCP in Z-21-007, for example but not limited to the lake and the food truck staging area. An amendment to the MCP may be required. [Amendment approval will be required prior to approval of Development Order] {The ADD is still under review.}

Response: The amendment to the MCP has been approved. Please see attached signed Administrative Amendment (ADD2022-00151).

[14-476(a)(3))] Clean Water Requirements, NOI. For all projects one acre in size and larger, a notice of intent (NOI) must be filed with FDEP in Tallahassee in accordance with DEP Document No. 62-621, as well as with the Director, at least 48 hours prior to the start of construction. [14-476(a)(3))] STIPULATION: Not less than forty-eight (48) hours prior to the start of construction, provide to Development Services Division copy of the Notice of Intent with evidence that it has been filed with FDEP. (JMcpherson@leegov.com or lsimmons@leegov.com).

Response: Acknowledged. A NOI will be submitted prior to the start of construction.

[34-625(d)(1), Table 1, Note (2)] At time of inspection for issuance of a Certificate of Compliance initial illumination may not exceed 0.5 foot candles (fc) as measured at the property line, or 0.2 fc measured at 10 feet from the property line onto an adjacent residentially zoned property or use. STIPULATION: Prior to final inspection for a certificate of compliance pursuant to §10-183, site verified foot candle readings must be provided demonstrating that the outdoor lighting, as installed, conforms with the approved photometrics and the letter of substantial compliance provided by a registered professional engineer must include a certification that the outdoor lighting is in compliance with this code. Please be reminded that at the time of inspection for issuance of a Certificate of

Compliance, initial illumination may not exceed 0.5 foot candles as measured at the property line, or 0.2 foot candles measured at 10 feet from the property line onto adjacent residentially zoned property or use.

Response: Acknowledged. Lighting certificate of compliance will be provided prior to final inspection.

[10-321(a)] General surface water management (SFWMD ERP) Development parcels exceeding the threshold for a South Florida Water Management District (SFWMD) ERP must have stormwater management systems designed in accordance with SFWMD requirements & the issuance of a SFWMD permit will be accepted as compliance with the County requirements. Review of these projects will be limited to external impacts & wet season water table elevation.

Response: Acknowledged. ERP has been approved by SFWMD and was included in prior submittal.

STIPULATION: NO CONSTRUCTION OF ANY KIND MAY OCCUR BEFORE A COPY OF THE APPROVED SFWMD ERP IS PROVIDED TO THIS OFFICE. Once received, County staff will review the SFWMD ERP to ensure consistency with the approved Development Order.

Response: Acknowledged. ERP has been approved by SFWMD and was included in prior submittal.

No permit inspections, Certificates of Compliance or Certificates of Occupancy will be issued until the SFWMD ERP is provided and County staff find that the approved development order is consistent with the SFWMD ERP.

Response: Acknowledged. ERP has been approved by SFWMD and was included in prior submittal.

Please be advised that, if the development order requires a revision to be consistent with the issued ERP, the revision must be approved prior to commencement of any portion of the work covered by the amendment.

Response: Acknowledged.

Approval and issuance of any Certificate of Compliance will be based solely upon compliance with the plans and documents approved under this development order, as well as the Lee County Land Development Code.

Response: Acknowledged.

STIPULATION: Prior to the issuance of a Certificate of Compliance for any project, or any phase of a project, which contains a surface water management system permitted by the South Florida Water Management District (SFWMD), a copy of the executed SFWMD Construction Completion/Construction Certification Form must be submitted to this office.

Response: Acknowledged.

[10-154(26)] Assurance of Completion. Assurance of completion for all off-site improvements is required prior to commencing any off-site or on-site development; for all on-site subdivision

improvements it is required prior to the acceptance of a Plat. STIPULATION: Prior to issuance of the vegetation removal permit, a prerequisite to commencing any site improvement, security in the form of a surety or case bond, as provided by §10-154(26)a. of the LCLDC, must be posted with the board and made payable to the County in an amount equal to 110 percent of the full cost of installing the off-site improvements approved by the county. Prior to acceptance, bonds must be reviewed and approved by the County Attorney's Office. To avoid double bonding, please consider use of new, revised surety forms to accommodate both LCDOT R.O.W. permit requirements and Development Services performance requirements.

Response: Acknowledged.

[10-329(d)(3)a.] Controlled Water Depth Between Twelve (12) Feet & Twenty (20) Feet. For all lakes deeper than twelve (12) feet to a maximum of twenty (20) feet, a "Deep Lake Management Plan" must be submitted and approved prior to development order issuance. Please either reduce the depth or provide a Deep Lake Management Plan. {Please revise plans accordingly, it still states 20' max on plans}

Response: Per the Geotech report by Velocity Engineering, a layer of hard limestone was encountered below depths of approximately 8.5 to 9.5 feet below ground surface (BGS). Based on these findings and coordination with Client, the lake excavation will not exceed the limestone layer which is shallower than 12' thus a deep lake management plan will not be required. If in the event that a lake does exceed a 12' depth then a deep lake management plan will be provided.

DOT Comments: Pakorn Sutitarnnontr
STIPULATIONS:

1. After the Development Order is approved, a Lee County Right of Way (ROW) Permit and Bond will be required PRIOR TO commencement of construction activities within the County ROW or easements including any type of access to the road ROW and temporary construction access for lot clearing and truck hauling operations. The ROW Permit application will require the LDC Approved stamped set of plans.

Response: Acknowledged. ROW permit will be filed for.

2. Temporary Traffic Control (TTC) or Maintenance of Traffic (MOT) plans shall be reviewed and approved in the ROW permit review process. The permittee/contractor shall coordinate with LCDOT staff to conduct construction operations to minimize interference with, or interruption of vehicular, bicycle, or pedestrian traffic upon and along the roadways. No work can proceed until the MOT plans are approved by LCDOT. Pedestrian/Bicycle traffic accommodations must be included as part of the MOT plans; any temporary facility must meet current ADA standards.

Response: Acknowledged. MOT will be included with ROW permit.

3. The permittee shall be responsible for damage to any County-owned utilities, drainage structures, sidewalk/shared use path, regulatory and traffic signs, traffic control devices, traffic count stations, pull boxes, fiber optic cables, and pavement within the County ROW due to the proposed construction activities. The existing LCDOT's traffic detectors and communications infrastructure including traffic count stations, pull boxes, and fiber optic cable shall be protected during the construction of the project. The contractor shall coordinate with the LCDOT Traffic Section to repair all damages to traffic signal equipment, traffic detectors, and communications infrastructure within 24 hours of being damaged.

Response: Acknowledged. All existing LCDOT traffic detectors and communications infrastructure shall be protected during the construction of the project. The contractor shall coordinate with the LCDOT Traffic Section to repair all damages to traffic signal equipment, traffic detectors, and communications infrastructure within 24 hours of being damaged.

4. The concrete thickness of the sidewalk/shared use path within the County ROWs and easements shall be a minimum thickness of six (6) inches. All sidewalk/shared use path shall be constructed/reconstructed with a cross slope of 2% or less, and unless at a curb ramp, shall have a running slope of 5% or less. All sidewalk construction/reconstruction must comply with latest edition of the Florida Greenbook and FDOT's Design Standards, including curb ramps and detectable warning surfaces.

Response: Acknowledged. Note has been added to the plans and sidewalk detail. Please refer to Sheets 11 and 12 of the revised construction plans.

5. No utility structures, water valves, meter boxes, power poles, fire hydrants, or pull boxes shall be allowed within the sidewalk within the County ROW and/or easement. The developer/contractor shall coordinate with the utilities and power companies to relocate the structures/facilities to be outside the sidewalk. When relocation is not feasible, the surface feature of the structures in the location of the sidewalk must be adjusted to meet the ADA requirements for surfaces including non-slip top surfaces and adjustment to be flush with and at the same surface slope as the sidewalk.

Response: Acknowledged.

6. Detectable warning surfaces and sidewalk curb ramps meeting the current FDOT design standards shall be constructed at each street crossing where there is a curb or other change in level. All detectable warning surfaces shall be cast-in-place (wet-set and anchored in concrete).

Response: Acknowledged. Note has been added to crosswalk details. Please refer to Sheet 12 of the revised construction plans.

7. Installation of all traffic signs within the County ROW shall comply with the current Lee County Design Standard for Sign Installation.

Response: Acknowledged.

8. Existing pavement markings shall be removed using a method approved by the LCDOT staff such that pavement surface scars or traces of the removed pavement markings will not conflict with new pavement markings. Painting to blackout, hide, or disguise existing pavement markings shall not be allowed.

Response: Acknowledged. Existing pavement markings will be coordinated with LCDOT staff prior to removal.

9. Preformed thermoplastic material pavement markings shall be applied for all the pavement markings within the County ROW.

Response: Acknowledged, please see note 2 of Signage and Pavement Marking Notes on Sheet 2 of the revised DO plans.

10. Pavement markings and signage of the turn lane and crosswalk on Commerce Lakes Dr shall be in compliance with the current FDOT Standard Plans and applicable MUTCD standards. The permittee/contractor shall be solely responsible to correct any errors and omissions shown and specified on the plans that are not in compliance with the current FDOT Standard Plans.

Response: Acknowledged. Pavement markings and signage of the turn lane and crosswalk on Commerce Lakes Dr will be installed per the current FDOT Standard Plans and applicable MUTCD standards. The contractor shall correct any errors and omissions shown and specified on the plans that are not in compliance with the current FDOT Standard Plans.

11. Prior to any commencement of construction in the Daniels Pkwy ROW and issuance of a ROW Permit, the applicant/developer shall obtain Environmental Resource Permit (ERP) or other authorization forms from the South Florida Water Management District (SFWMD) for the proposed construction activities within the Daniels Pkwy ROW. The ERP application shall be authorized by the LCDOT. Water quality and quantity requirements for the additional impervious surfaces as well as encroachment onto the existing stormwater management areas due to the offsite improvements must be compensated by the onsite stormwater management system and shall be addressed in the ERPs. If the offsite improvements do not qualify for an exemption from the ERP requirements, prior to issuance of the Certificate of Completion (C.C.) of the County ROW Permit and this development order, the applicant shall provide the Construction Completion Certification Acceptance of the ERP from the SFWMD to the Lee County DOT staff.

Response: Acknowledged. An ERP modification for Daniels Parkway will be submitted to SFWMD and the approval submitted to Lee County prior to the commencement of construction of any offsite ROW improvements within the Daniels Parkway ROW. Coordination with Lee County for the application will occur at time of modification.

12. LCDOT approval is not intended to be all inclusive of errors and omissions. It should not be assumed that any issues that are not addressed in this correspondence are acceptable to LCDOT. The consultant is solely responsible for technical accuracy, engineering judgment and quality of their work. At the permittee's sole expense, the permittee shall address any errors and omissions, which are not in compliance with the current land development codes, LCDOT, LCU, FDOT, MUTCD, and ADA standards as well as LCDOT maintenance operations, found during the construction.

Response: Acknowledged.

Environmental Comments: Abby B Henderson

STIPULATION: Per condition 5(b) of zoning resolution Z-21-007, the vegetation removal permit application must include a wetland mitigation plan for impacts to jurisdictional wetlands or a copy of the receipt confirming payment of offsite wetland mitigation.

Response: Acknowledged. The vegetation removal permit submittal package will include a wetland mitigation plan.

STIPULATION: Per condition 10 of zoning resolution Z-21-007, Developer must submit pre-construction surveys for Big Cypress Fox Squirrel and Florida Bonneted Bat prior to approval of a vegetation removal permit.

Response: Acknowledged.

STIPULATION: Per condition 11 of zoning resolution Z-21-007, Developer must install Florida Black Bear signage at each intersection of a public parking area and pedestrian access to development uses prior to County issuance of a certificate of compliance.

Response: Acknowledged. Florida Black Bear signage will be installed per plan (see Sheet 6) prior to County issuance of a certificate of compliance.

Fire Comments: Ame Davis-Plans Examiner

Inspection Requirements:

Separate FIR permit is required for installation of underground Fire Line. FIR permit is required to comply with NFPA 24: Chapter 4.

Response: A FIR permit will be filed for prior to construction.

Permit Conditions:

FDC- shall be a 5inch Knox Storz Connection with locking cap.

Additional fire protection requirements shall be addressed with future development.

Response: Acknowledged.

Inspector Comments: DOS2022-00075 Fort Myers Brewing Company Resubmittal-02 APPROVED WITH NOTES

Response: Acknowledged.

This project has been reviewed to determine compliance with the Florida Fire Prevention Code (FFPC 7th and the Lee County Land Development Code (LDC). The fire review is limited to the documents provided and available during the ePlan fire review.

Response: Acknowledged.

NPDES Comments: Jessica McPherson

STIPULATION: Please contact Jessica McPherson (jmcpherson@leegov.com, 239-839-3168) for an on-site preconstruction meeting with the contractor.

Response: Acknowledged, a pre-construction meeting will be coordinated.

TIS Comments: Marcus Evans

>> STIPULATION: If future submittals for this project, including submittals for development order minor changes and/or amendments, depict or describe a change in use and/or development density/intensity in terms of trip generation that differs from that considered in the most current TIS, the applicant will provide a revised TIS reflecting said change for subsequent staff review(s). Failure to provide a revised TIS along with a submittal package that reflects said changes may delay development order and/or building permit approval. (11/29/2022 ME)

Response: Acknowledged. If there is a change in use and/or development density/intensity in terms of trip generation in future submittals, a revised TIS will be provided.

Utilities Comments: Shawn Jackow

INFORMATIONAL COMMENT: Comments noted herein are intended to reflect the Lee County LDC requirements as well as LCU requirements however, this review in no way guarantees that full compliance with the criteria set forth by the LCU Design Manual has been achieved. Please be aware that additional requirements &/or concerns may become evident during subsequent reviews. LCU Staff reserves the right to comment on &/or require revisions as necessary until the plans are deemed sufficient for Approval to Construct. The LCU Design Manual is available on our web-page via the following link: <https://www.leegov.com/utilities/design-manual>

Response: Acknowledged.

INFORMATIONAL COMMENT 1: LCU recently revised its Standard Plan Notes (on 08/04/2022) from 28 items to a 19 item document. Although the provided 28 item list is sufficient and may remain in the plan set, the comment is being provided for informational purposes. For future new project D.O. and L.D.O. submittals, please provide the revised LCU Standard Plan Notes set.

Response: Acknowledged.

INFORMATIONAL COMMENT 2: Please be aware that the LCU Design Manual has specific easement and separation requirements in addition to those in the LDC. One such requirement is that LCU does not allow trees, structures or encroaching of other easements within LCU easements. In addition, the trunk of all shade trees are to be planted no closer than 10' and the trunk of all palm trees are to be planted no closer than 5' from any existing or proposed LCU infrastructure. – Section 1.3A2c of the LCU Design Manual and 10-421 of the Lee County LDC provide language in regards to this.

Response: Acknowledged.

STIPULATION: This project will require a separate submittal to LCU. Prior to submitting to LCU, please revise the plans to address the concerns noted herein, complete a Lee County Utilities New Project: Project Information/Submittal Form which is available on our web-site under General Forms via the following link: <https://www.leegov.com/utilities/design-manual/forms> and submit to Mary McCormic at MMcormic@leegov.com. She will provide a fee quote and checklists identifying what is to be included in your LCU Approval to Construct submittal.

Response: Acknowledged. All noted LCU comments will be addressed before the LCU Utility New Project submittal.

STIPULATED COMMENT 1: On sheet 5,

A) There is a call out for SDR-26 PVC pipe between the master manhole and the lift station. Although this was addressed on the other utility sheets to reflect DR-18 C900 PVC, this was not addressed on the utility master sheet. Please address.

Response: Call out has been revised. Please refer to Sheet 5 of the revised DO plans.

B) Inset A, C, and D all call out 10" gate valves for the fire hydrants. None of the plan sheets specifically call out 6" gate valves for the fire hydrants. Please address.

Response: Call out has been revised. Please refer to Sheet 5 of the revised DO plans.

C) The plan sheets call out for a 10" gate valve for the fire hydrant at Inset C (island in main entry road) in multiple locations in the plan set. Please address.

Response: Call out has been revised. Please refer to Sheet 5 of the revised DO plans.

D) Even though it was LCU that requested the hydrant valves be shift from the hydrant base back to the tee, it appears at Inset C, the hydrant valve will now fall within the curb. Please shift the valve out of the curb, into the green area between the tee and hydrant please.

Response: Gate valve has been shifted out of the curb and into the green space. Please refer to Sheet 5 of the revised DO plans.

STIPULATED COMMENT 2: The plans do not indicate the size of the gate valve, the DDCV assembly size, or the pipe size and material type for the proposed fire line. The only call out in the plan set is near the building on the private side which calls out PVC. LCU requires ductile iron pipe from the point of connection up to and through the above ground assembly. Please address.

Response: Acknowledged, fire service is labeled. Please see Sheet 5 of the DO plans.

STIPULATED COMMENT 3: The sanitary clean out to the proposed tap room is outside the LCU easement. Please address.

Response: There is a cleanout at the LCU easement line, please see Sheet 5 of the DO plans.

STIPULATED COMMENT 4: At the future development parcel, even though the easement lines are clear, provide a note in the plan set indicating that LCU's ownership of the sanitary laterals ends at the first clean out.

Response: There is a cleanout at the LCU easement line, please see Sheet 5 of the DO plans.

STIPULATED COMMENT 5: The gate valve for the dead end is not reflected in the profile on sheet 9 and as noted in comment 1, no associated size call out is provided. Please address.

Response: Acknowledged, will be addressed with the LCU submittal.

STIPULATED COMMENT 6: Indicated in the plan set that hydrant lines are to be constructed of Class 350 ductile iron pipe. Please address.

Response: Acknowledged, will be addressed with the LCU submittal.

STIPULATED COMMENT 7: On sheet 10 in the profile, there is a call out for 4" HDPE Force Main C900, DR18. The call out conflicts as those are separate types of pipe materials. Please address.

Response: Label has been revised, please see Sheet 10 of DO plans.

STIPULATED COMMENT 8: On sheet 16,

A) The proposed lift station design does not reflect an above ground assembly. LCU is concerned the proposed design may not provide sufficient space to construct the wetwell, above ground assembly, and leave adequate space between the assembly and fencing for general access and maintenance. If the above ground assembly was accounted for when the layout and scaling was completed, then disregard this comment

Response: Acknowledged, will be coordinated with the LCU submittal.

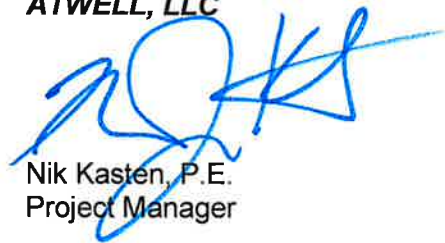
B) If possible, center the cantilever gate opening on the wet well instead of offset as proposed, and indicate the width of both the cantilever and pedestrian gates.

Response: Due to site constraints, this configuration was discussed with reviewer and approved. Appropriate access is provided to lift station.

If you have questions or require additional information, please contact me at (239) 405-7777 or nkasten@atwell-group.com.

Sincerely,

ATWELL, LLC



Nik Kasten, P.E.
Project Manager

cc: 1227 Holdings, LLC