



Writer's Direct Dial Number: 239-533-8894

BOARD OF COUNTY COMMISSIONERS

Kevin Ruane
District One

Cecil L. Pendergrass
District Two

Rav Sandelli
District Three

Brian Hamman
District Four

Mike Greenwell
District Five

Roger Desjarlais
County Manager

Richard Wesch
County Attorney

Donna Marie Collins
County Hearing Examiner

February 03, 2023

Jeremy Arnold
Atwell, LLC
28100 Bonita Grande Dr. Suite 305
Bonita Springs, FL 34135

RE: Fort Myers Brewing Company
DOS2022-00075
DO Submittal Large

Dear Jeremy Arnold:

Your plans for the above-referenced project have been reviewed and approved for Concurrence and a Development Order with stipulation(s). Concurrence and the Development Order are granted for the following:

Approved for construction of infrastructure to support a maximum 7,543-SF single-story single-tenant commercial building for a brewery tap room use with 2,258-SF outdoor seating area and staging area to accommodate 4 food trucks on an approximate 20.26 acre site with indirect access to Daniels Pkwy, related site grading, and other improvements including constructing/installing with the required permits: utility (i.e. electric, gas, sanitary sewer, water, etc.) connections, a water pump station, an irrigation system, a solid waste dumpster enclosure, stormwater management infrastructure, a paved, uncovered parking lot and driveway access, traffic signing and pavement markings, a bicycle rack, a sidewalk/walkway, outdoor lighting, landscaping, and related improvements in conformance with the approved plans. [CNC2022-00075]

THIS CERTIFICATE OF CONCURRENCE SHALL BE VALID AND EFFECTIVE UNTIL 2/3/2026. DURING THE NEXT THREE (3) YEARS, Development Services is authorized to issue building permits for the construction of the building(s) indicated above without further review of the Concurrence requirements by the Division. Upon expiration of the Concurrence Certificate, the project will be subject to the concurrence program in effect at the time of expiration. No vested right to a Concurrence Certificate will exist solely due to the existence of an otherwise effective Development Order.

This approval does not relieve the development from the responsibility to obtain all other necessary Federal, State and local permits.

THIS DEVELOPMENT ORDER WILL BE VALID FOR A PERIOD OF SIX (6) YEARS AND IS SCHEDULED TO EXPIRE ON 2/3/2029.

Atwell, LLC
Fort Myers Brewing Company
DOS2022-00075
February 03, 2023

Page 2

Approval is subject to the following stipulation(s) and/or comment(s):

Development Services Comments:

[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. (JMcperson@leegov.com or Isimmons@leegov.com).

[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.

[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.

Please contact Ohdet H Kleinmann at OKleinmann@leegov.com or by calling 239-533-8894 with any questions regarding the above review comments.

DOT Comments:

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.

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.

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

Atwell, LLC
Fort Myers Brewing Company
DOS2022-00075
February 03, 2023

Page 3

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.

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.

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).

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

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.

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

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.

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.

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.

Please contact Pakorn Sutitarnnontr at PSutitarnnontr@leegov.com or by calling 239-533-8516 with any questions regarding the above review comments.

Atwell, LLC
Fort Myers Brewing Company
DOS2022-00075
February 03, 2023

Page 4

Environmental Comments:

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.

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.

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.

Please contact Abby B Henderson at AHenderson@leegov.com or by calling 239-533-8305 with any questions regarding the above review comments.

Fire Comments:

Inspection Requirements:

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

24: Chapter 4.

South Trail Fire Department-Fire Plan Review by Ame Davis

Date of Approval: 9/26/2022

Permit Conditions:

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

Additional fire protection requirements shall be addressed with future development.

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

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.

Contact South Trail Fire if additional clarification is required.

Ame Davis-Plans Examiner

239-938-4824 cell

Please contact Brittany Banker at bbanker@leegov.com or by calling 239-533-8316 with any questions regarding the above review comments.

NPDES Comments:

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

Please contact Jessica McPherson at JMcPherson@leegov.com or by calling 239-533-8121 with any questions regarding the above review comments.

TIS Comments:

>> 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)

Please contact Marcus Evans at MEvans@leegov.com or by calling 239-533-8355 with any questions regarding the above review comments.

Atwell, LLC
Fort Myers Brewing Company
DOS2022-00075
February 03, 2023

Page 5

Utilities Comments:

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>

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.

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.

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 MMccormic@leegov.com. She will provide a fee quote and checklists identifying what is to be included in your LCU Approval to Construct 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.

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.

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.

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.

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.

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

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.

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.

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

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.

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

Atwell, LLC
Fort Myers Brewing Company
DOS2022-00075
February 03, 2023

Page 6

above ground assembly was accounted for when the layout and scaling was completed, then disregard this comment

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.

Reviewer: The utility and/or landscaping plan set mark-ups are available by request.
Shawn Jackow – SJackow@leegov.com – 239-533-8572

Please contact Shawn Jackow at SJackow@leegov.com or by calling 239-533-8572 with any questions regarding the above review comments.

If you have any questions concerning this matter, please contact this office.

Sincerely,

Electronically signed on 2/3/2023 by
Jessica Sulzer, PE, Manager
Lee County Development Services

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Section