



Writer's Direct Dial Number: 239-533-8316

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December 01, 2022

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:

The Development Services Section has reviewed the information provided from the above-referenced Development Order application. The Land Development Code requires additional information for the application to be sufficient. Please respond to each requirement not satisfied.

See attached checklist.

In accordance with Section 10-110 of the Land Development Code, you may redraft and submit the required documents (showing the corrections for specified deficiencies) to the Director of the Development Services Division within thirty (30) days of the date hereon or the application will be deemed withdrawn unless the applicant requests an extension and waives in writing the statutory development order review deadlines in F.S. 125.022, as it may be amended. A Request for Waiver of Statutory Development Order Review Deadlines is enclosed for your convenience. If deemed withdrawn, a new application along with appropriate fees will be required; or you have thirty (30) calendar days from the date hereon to file an appeal of this decision to the Hearing Examiner's office. Applications are available from the Development Services Division. Please notify development services staff to schedule a meeting to attempt to resolve outstanding issues.

PLEASE INDICATE THE ABOVE DEVELOPMENT ORDER NUMBER ON ANY FUTURE CORRESPONDENCE.

PLEASE RESUBMIT 1 COMPLETE SET OF REVISED PLANS ALONG WITH APPLICABLE RESUBMITTAL FEES. IF THIS APPLICATION WAS SUBMITTED DIRECTLY THROUGH EPLAN, NOTIFY ECONNECT@LEEgov.com WHEN YOU ARE READY TO RESUBMIT SO WE MAY OPEN THE PROJECT FOR YOUR UPLOAD. REMEMBER TO KEEP THE ORDER AND NUMBER OF DOCUMENTS THE SAME IN EACH FILE. THE FILE NAME MUST BE THE SAME AS THE FILE IT IS REPLACING.

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

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Section

Electronically signed on 12/1/2022 by
Brittany Banker, Development Services Plan
Reviewer
Lee County Development Services

Atwell, LLC
Fort Myers Brewing Company
DOS2022-00075
December 01, 2022

Page 2



REQUEST FOR WAIVER OF STATUTORY DEVELOPMENT ORDER REVIEW DEADLINES

Please email application to Bodom@leegov.com or submit to the Zoning counter at 1500 Monroe St. Fort Myers, FL 33901. Call 239-533-8585 with questions.

*Please provide the required information below.

*Project Case Number: _____

*Project Name: _____

*Applicant Name: _____

*Phone Number: _____

*Email: _____

In accordance with § 10-110(b) of the Lee County Land Development Code, Applicant hereby requests a waiver of the statutory development order review deadlines found in § 125.022, Florida Statutes, for the application identified above. This waiver will allow additional time for Applicant to submit, and for Lee County to review, any supplemental or corrected materials which have been deemed necessary by the Director of Development Review to substantiate compliance with Chapter 10 of the Lee County Land Development Code. Applicant acknowledges that the maximum response time, notwithstanding this waiver request, is 180 days from receipt of the notice of insufficiency. Failure to respond to Lee County's requests for supplemental or corrected materials for a period of 180 days from receipt of the notice of insufficiency will result in the application being deemed withdrawn.

*Signature

*Date

Atwell, LLC
Fort Myers Brewing Company
DOS2022-00075
December 01, 2022

Page 3

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

Development Services Comments:

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, ADD2022-00151, will be required prior to approval of Development Order]

[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 lsimmons@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.

[10-321(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.

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.

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.

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.

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.

Future 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.

[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

Atwell, LLC
Fort Myers Brewing Company
DOS2022-00075
December 01, 2022

Page 4

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.

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

DOT Comments:

As discussed in the teleconference with Nik Kasten, P.E. of Atwell, LLC on October 27th, 2022, please address the following comments.

1. Plan sheet 4 – Revise the phasing plan to clearly specify the bikeways and pedestrian ways (i.e., sidewalk and shared use path) along the property frontage on Daniels Pkwy required in LDC Section 10-256 to be constructed in the first phase of construction.
2. Provide a pedestrian street crossing (i.e., crosswalk) with associated curb ramps/landings complying with the ADA standards at the Commerce Lakes Dr and Daniels Pkwy intersection.
3. A sidewalk easement is required for the sidewalk along Commerce Lakes Dr encroaching on the private property. The sidewalk easement area must be a minimum two feet wider than the width of the required sidewalk and perpetually open to the public in accordance with LDC Section 10-256. This sidewalk must be maintained by the property owner, developer, or entity declared legally responsible for maintenance.
4. Provide the complete offsite improvement plans (i.e., turn lane, sidewalk/shared use path construction in the Commerce Lakes Dr and Daniels Pkwy ROW) with construction level details including grading information, cross sections, existing and proposed pavement markings and signage plan to ensure the turn lane and sidewalk/shared use path are designed in compliance with latest edition of the Florida Greenbook, FDOT's Design Manual Standards and FDOT Plan Preparation Manual. In addition, the plans must show and specify all the existing drainage swales, structures, headwalls, and pipes as well as conflicts between the proposed sidewalk/shared use path and the existing utilities and above-ground facilities. Additional comments may be necessary upon detail review of the requested information.
5. At least two-foot wide graded area on both sides, flush with the sidewalk and having a maximum 1:6 slope must be provided for the 8-ft wide sidewalk/shared use path not adjacent to the curb.
6. Plan sheet 10 – Clearly show the proposed 10" casing pipe for the force main crossing Daniels Pkwy in the profile. The casing must be of adequate strength and of sufficient length to extend a minimum of four feet (4') beyond each edge of the roadway surface, or a minimum of two feet (2') beyond the back of curb/gutter sections.
7. Please provide written confirmation from the SFWMD indicating a modification to the existing Environmental Resource Permit (ERP) of Daniels Pkwy is not required due to the proposed improvements in the Daniels Pkwy ROW. If the modification to the Daniels Pkwy ERP is required, the ERP application must be authorized by the LCDOT. The requirements for water quality and quantity for the additional impervious surfaces as well as encroachment onto the existing stormwater management areas due to the offsite improvements shall be provided within the on-site development area and addressed in the ERP. Prior to issuance of the Certificate of Completion (C.C.) of the County ROW Permit, the applicant shall provide the Construction Completion Certification Acceptance of the ERP from the SFWMD to the Lee County DOT staff.

Atwell, LLC
Fort Myers Brewing Company
DOS2022-00075
December 01, 2022

Page 5

8. Eliminate the sudden turns (e.g., 90-degree turns) of the sidewalk/shared use path alignment along Daniels Pkwy. The sidewalk/shared use path alignment must be curved with more smooth transition to make it more friendly for pedestrian and bike traffic.

9. Upon the sufficiency of the traffic impact statement (TIS), additional offsite improvements including, but are not limited to lengthening existing or constructing additional turn lanes may be required. Please ensure the plans show and reflect all necessary offsite improvements consistent with the traffic impact statement evaluation.

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 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.

4. 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.

5. 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).

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

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

8. Review comments are based upon information presented on the latest submitted plans. LCDOT staff reserves the right to comment on and/or require revisions to any portion of the plans, whether or not it was part of the original submittal or subsequent revisions, until the plans have been deemed sufficient for inclusion in the project file.

9. LCDOT comments and approval are 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.

Atwell, LLC
Fort Myers Brewing Company
DOS2022-00075
December 01, 2022

Page 6

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.

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

Atwell, LLC
 Fort Myers Brewing Company
 DOS2022-00075
 December 01, 2022

Page 7

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.

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

Atwell, LLC
Fort Myers Brewing Company
DOS2022-00075
December 01, 2022

Page 8

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 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.