



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

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July 13, 2023

Kevin Roberson
Kimley-Horn
445 24th St Suite 200
Vero Beach, Florida 32960

RE: CAPITAL GRILLE
DOS2022-00162
DO Submittal Small

Dear Kevin Roberson:

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 the single-phase construction of infrastructure to support a maximum 10,156-SF single-story commercial building for a high-turnover (sit-down) restaurant use with no outdoor seating area on a 0.99-acre site with indirect access to Bell Tower Shops Avenue, related site grading, and other improvements including constructing/installing with the required permits: utility (i.e. electric, gas, sanitary sewer, water, etc.) connections, irrigation system, solid waste dumpster enclosure, stormwater management infrastructure, paved uncovered parking lot, traffic signing and pavement markings, sidewalk/walkways, outdoor lighting, monument sign, landscaping, and related improvements in conformance with the approved plans. [CNC2022-00162]

THIS CERTIFICATE OF CONCURRENCE SHALL BE VALID AND EFFECTIVE UNTIL 7/13/2026. 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 7/13/2029.

Kimley-Horn
CAPITAL GRILLE
DOS2022-00162
July 13, 2023

Page 2

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

Development Services Comments:

STIPULATION: Prior to commencement of construction of the water/sewer service connections, a copy of the respective utility franchise, Florida Department of Environmental Protection (FDEP) and Florida Department of Health (FDOH) potable water/sewer service connection permits must be submitted to Lee County Department of Community Development (LCDCD).

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.

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.

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

Environmental Comments:

STIPULATION: Prior to any site work, a vegetation removal permit must be obtained.

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

NPDES Comments:

STIPULATION: Please contact Leigh Simmons lsimmons@leegov.com to schedule a preconstruction meeting with the contractor.

Please contact Leigh A Simmons at LSimmons@leegov.com or by calling 239-533-8135 with any questions regarding the above review comments.

Solid Waste Comments:

STIPULATION: Dumpster staging areas to ensure 65ft of unobstructed collection accessibility, 12ft minimum width, and 22ft overhead clearance.

Please contact Justin Lighthall at JLighthall@leegov.com or by calling with any questions regarding the above review comments.

TIS Comments:

>> STIPULATION: Prior to issuance of any certificate of compliance, or at the time of a minor change or amendment request to the development order, the applicant will provide to the satisfaction of the Development Services Director a revised traffic impact statement sufficient for inclusion in the project file that at minimum addresses the following comments: (1) The TIS does not appear to include the raw traffic counts that were utilized in the turn lane analyses. Please review and revise the TIS accordingly. [see also 6/9/2023 review comment] (2) Raw traffic counts should be adjusted using peak season adjustment factors derived from nearby Lee County permanent counts stations. Please review and revise the TIS accordingly. [see also 6/9/2023 review comment] (3) The turn lane transition/deceleration distances appear incorrect (assumed to be at least 5 mph greater than the posted speed unless a lower value is stated in the latest construction plan). Please review and revise the TIS accordingly. (7/7/2023 ME)

Kimley-Horn
CAPITAL GRILLE
DOS2022-00162
July 13, 2023

Page 3

>> 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. (7/7/2023 ME)

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

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

Sincerely,

Electronically signed on 7/13/2023 by
Ohdet Kleinmann, Interim Development Services
Manager
Lee County Development Services

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Section