



Writer's Direct Dial Number: 239-533-8892

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September 29, 2020

Ahmad Kareh, P.E., M.S.C.E.
Bean, Whitaker, Lutz & Kareh
13041 McGregor Blvd.,
Suite 1
Fort Myers, FL 33919

RE: Little Caesars Pizza Plaza
DOS2018-00026
DO Submittal Small

Dear Ahmad Kareh, P.E., M.S.C.E.:

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:

Single-phase construction of infrastructure to support a 4,458-SF single-story multi-tenant commercial building for a shopping center use to include a 1,873-SF fast-food restaurant with no outdoor seating area on a 0.72-acre site with direct access to First Street and West Road, related site grading, and other improvements including constructing/installing with the required permits: utility (i.e. electric, gas, sanitary sewer, water, etc.) connections, an irrigation system and well, a solid waste dumpster enclosure, stormwater management infrastructure, a paved uncovered parking lot and driveway accesses, traffic signing and pavement markings, bicycle racks, sidewalk, outdoor lighting, a monument sign, landscaping, and related improvements in conformance with the approved plans. [CNC2018-00026]

THIS CERTIFICATE OF CONCURRENCE SHALL BE VALID AND EFFECTIVE UNTIL 9/29/2023. 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 9/29/2026.

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

Development Services Comments:

LC DOS Commercial Design Standards-Site Design Standards Checklist (Ord. 12-01)

3) STIPULATION: Prior to issuance of a Certificate of Compliance for the project, or any phase of the project proposed herein, demonstrate that all mechanical equipment, including all roof top mechanical equipment (e.g. heating/air conditioning, tanks, etc.) is fully shielded from adjacent properties and the road and consistent with design treatment of the primary facades per LCLDC Section 10-604, and 10-610(c).

LC DOS General/Submittal Checklist (Ord. 12-01)

26) STIPULATION: Prior to Final Inspection for a Certificate of Compliance and issuance of a Certificate of Compliance for the project proposed herein, demonstrate that all of local, state, and federal permits required to construct the site of this development have been obtained and finalized per LCLDC Section 10-114(2), 10-153(4)d, 10-153(6)a, 10-153(6)b, and 10-183.

50) INFORMATIONAL: Staff acknowledges the submittal of the Engineer's Opinion of Probable Cost; however, the review of the EOPC will be done at the time of surety review per LCLDC Section 10-154(25).

51)

STIPULATION: Prior to issuance of the vegetation removal permit, a prerequisite to commencing any site improvement, security in the form of a surety or cash performance bond, as provided by Section 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.

INFORMATIONAL: 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.

60) STIPULATION: This development order has been proposed across multiple lots of record as they have all been represented as being under unified control. Sale of any lot or parcel subject to this development order out of unified control will require an amendment to the development order or redevelopment of the property per LCLDC Section 10-7(c), 10-7(f), 10-122, and 10-183.

LC DOS Non-Franchise Areas Utilities Checklist (Ord. 12-01)

5c) STIPULATION: Prior to commencement of construction of the irrigation well, a copy of the South Florida Water Management District (SFWMD) Water Use Permit (WUP) and the Lee County Well Permit must be submitted to Lee County Department of Community Development (LCDCD) per LCLDC Section 10-116, 10-153(6)a, 10-153(6)b, 10-154(19), and 10-154(22).

LC DOS Outdoor Lighting Checklist (Ord. 12-01)

5b)

STIPULATION: Prior to Final Inspection for a Certificate of Compliance and issuance of a Certificate of Compliance for the project proposed herein, pursuant to §10-183, site verified foot candle readings must be provided demonstrating that the outdoor lighting, as installed, conforms with the proposed 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 per LCLDC Section 10-183, 34-625, and 34-625(d)(1) Table 1 Note (2).

INFORMATIONAL: No illuminated billboards and signs, free standing or building mounted, not expressly shown on the approved outdoor lighting plan of this development, may be located on this property without

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revision to this development order or permitted by another development order per LCLDC Section 10-183, 34-625, and 34-625(d)(3)e.

INFORMATIONAL: All non-essential exterior commercial lighting must be turned off after business hours. Where all night safety or security lighting is to be provided, the lighting intensity levels should provide the lowest possible illumination to discourage crime and undesirable activity and to effectively allow surveillance but may not exceed 50 percent of the levels normally permitted for the use as specified in the Lee County Land Development Code per LCLDC Section 10-183, 34-625, 34-625(d) Table 1 Note (4), and 34-625(d) Table 1 Note (4)(3)(g).

LC DOS Stormwater Management Requirements Checklist (Ord. 12-01)
3c)

STIPULATION: NO CONSTRUCTION OF ANY KIND MAY OCCUR BEFORE A COPY OF THE APPROVED FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) 10/2 SELF-CERTIFICATION GENERAL PERMIT IS PROVIDED TO THIS OFFICE. Once received, County staff will review the FDEP 10/2 Self-Certification General Permit to ensure consistency with the approved Development Order) per LCLDC Section 10-116, 10-153(4)d, 10-153(6)a, 10-154(19), 10-154(22), and 10-321.

INFORMATIONAL: No permit inspections, Certificates of Compliance or Certificates of Occupancy will be issued until the Florida Department of Environmental Protection (FDEP) 10/2 Self-Certification General Permit is provided and County staff find that the approved development order is consistent with the Florida Department of Environmental Protection (FDEP) 10/2 Self-Certification General Permit per LCLDC Section 10-153(4)d, 10-153(6)a, 10-154(19), 10-154(22), 10-183, and 10-321.

LC DOS Zoning Checklist

10) **INFORMATIONAL:** Please be advised that the improvements to the site must be constructed in compliance with the ADA Accessibility guidelines, including but not limited to, the surfaces, slopes, markings and warnings of the site parking lots, disabled parking spaces, accessible routes and sidewalks, to the extent required under the Americans with Disabilities Act of 1990 (ADA) per LCLDC Section 10-1(b) ADA Accessibility guidelines, and 34-2016.

LC DOS Caloosahatchee Shores Design Standards-Basic Elements Checklist (Ord. 12-01)

3c) **STIPULATION:** Prior to issuance of a Certificate of Compliance for the project, or any phase of the project proposed herein, demonstrate that the approved Parking Lot Interconnection Easement has been recorded in the Lee County Land Records per LCLDC Section 10-610(e), 33-1493(c), and 34-2015(2)f.

Please contact John P Mahlbacher at JMahlbacher@leegov.com or by calling 239-533-8892 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 with associated bond will be required PRIOR TO commencement of construction in a County-Maintained road ROW, including any type of access to the road ROW and the temporary construction access for lot clearing and truck hauling operations. The ROW Permit application will require the LDC Approved stamped set of plans.
2. The permittee / developer shall be responsible for damage to any existing utilities, drainage structures, sidewalk, and pavement within the County ROW due to the construction.
3. Preformed thermoplastic material pavement markings must be applied for all the pavement markings

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within the County maintained rights-of-way and easements.

4. 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.

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: Prior to any site work or issuance of a building permit, 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.

TIS Comments:

>> STIPULATION: If prior to development order approval, a future submittal for this project depicts or describes 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. (7/13/2020 ME)

>> INFORMATION: Review staff comments may or may not apply to all elements, including assumptions, methods, conclusions, and recommendations, contained within the traffic analysis provided for this project. Comments are generally limited to elements that relate to the minimum traffic analysis requirements of the Lee County Land Development Code and related guidelines/policies applicable to the project. If staff does or does not provide comments related to specific elements of the analysis, the applicant or others may not assume that Lee County does or does not accept or agree with these elements. (7/13/2020 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:

1) Design-Generally. Connections to potable water and sanitary sewer systems must be designed and constructed in accordance with county, state, and federal standards. [10-351]

INFORMATIONAL COMMENT: Comments noted herein are intended to reflect 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. . The LCU Design Manual is available on our web-site via the following link: <http://www.leegov.com/utilities/design-manual>

STIPULATION: Prior to any utility construction, 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 mccormmm@leegov.com. She will provide a fee quote and checklists identifying what is to be included in your LCU Approval to Construct Submittal.

8a1) LCDOT ROW Permit Required. A right-of-way permit issued by LCDOT is required for all construction within Lee County maintained rights-of-way and easements. {See LC Transportation Checklist, Item #17} [10-296(o)(1)]

STIPULATION: Please provide LCU with copies of any applicable permits prior to any utility construction.

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10) Proposed Development Plan Drawings. Proposed Development Plan Drawings must be submitted showing location & size of all water mains & services, fire hydrants, sewer mains & services & pumping stations. [10-154(7)j.3.]{See LC DO Application Form PART VIII.}

STIPULATION: Although the plans include the required information, please revise to address the following:

a) The existing LCU Water Main crossing West Road at First Street is ductile iron pipe within steel casing rather than PVC as noted. Please address. (Sheet C-3)

b) Please identify the fire line lead as Pressure Class 350 DIP from the point of connection up to & including the assembly per LCU Standard Detail 6.23. (Sheets C-3 & C-4)

10e) All proposed and existing utility easements must be shown on the drawings. [10-355(a)(2)]

STIPULATION 1: Section 1.3A1a) of the LCU Design Manual requires all potable water, sanitary sewer, and reclaimed water infrastructure to be owned and maintained by LCU shall be installed in County owned rights-of-way or within dedicated LCU easement(s). Above ground facilities such as fire line assemblies, large master-meter assemblies and pump stations are not to be located within the R-O-W therefore, require dedicated LCU Easements. Please provide an appropriately sized LCU Easement covering up to and including the 1st OS & Y valve of the Fire Line Assembly. (Sheets C-3 & C-4)

INFORMATIONAL COMMENT: 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.

STIPULATION 2: Both the Utility Plans and the Drainage Plans have changed since the last Landscaping Plans were submitted resulting in at least one tree being in conflict with existing and proposed utilities and/or not meeting separation requirements. Please revise the Landscaping Plans to reflect the current Utility & Drainage Plans and adjust as needed to address any conflicts and to meet separation requirements.

Please contact Terry A Kelley at TKelley2@leegov.com or by calling with any questions regarding the above review comments.

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

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Section

Electronically signed on 9/29/2020 by
Jessica Sulzer, Manager
Lee County Development Services