



March 2, 2022

Brittany Banker
Development Services Plan Reviewer
Lee County Department of Community Development
1500 Monroe Street, 2nd Floor
Fort Myers, FL 33901

RE: Inspiration at South Pointe
DOS2021-00058 3rd Resubmittal

Dear Brittany:

Please accept this letter as our response to your December 21, 2021 request for additional information for the above referenced project. Our responses are in bold and in order in which received.

Development Services Comments:

Light poles may not exceed 15' in height in accordance with LCLDC Sec 34-625, it does not appear this has been addressed according to the table on E03.

Response: The light poles have been reduced in height along the perimeter of the project since they may be in proximity to adjacent residential developments. All interior poles were left at 25' since this still complies with the LDC.

Illumination may not exceed 0.5 foot candles at the property line. Staff recommends considering house shield on the light fixtures closest to the right-of-way. The plans submitted do not appear to show the required foot candles of 0.5 at the property line per LCLDC 34-625.

Response: This requirement is met.

[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. Non-Subdivision 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 §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

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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: EOPCs for onsite and offsite improvements are under review with Lee County and bonds shall be obtained once the EOPCs are approved.

[10-321(a)] 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.

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.

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.

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.

Response: Acknowledged.

INFORMATIONAL COMMENT: [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. Lake may not be any deeper than 12' without a Deep Lake Management Plan submitted with an amendment.

Response: The proposed lake is only 12' deep so this comment is not applicable.

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[10-329(d)(3)d] Bathymetric Survey. A post-construction bathymetric survey, sealed by a Professional Surveyor and Mapper with spot elevations to create a contour map on four-foot intervals depicting the entire lake profile including bank slopes must be submitted prior to certificate of compliance for all lakes regardless of depth. STIPULATION: Pursuant to LDC 10-329(d)(3)(d). Prior to the issuance of a Certificate of Compliance, a bathymetric as-built survey must be submitted, demonstrating compliance with the approved lake depth.

Response: Acknowledged.

Planning

STIPULATION: Prior to issuance of building permit, the developer must provide an executed copy of the partial extinguishment document that was reviewed as part of this development order. The executed extinguishment document will be recorded by the County, consistent with Administrative Code 13-5 B. (3)b.iv.

Response: Acknowledged.

DOT Comments:

1. Please provide the resolution demonstrating approval of ADD2021-00136.

Response: ADD2021-00136 is under review.

2. After a site visit and reviewing the site and the landscape plans, LCDOT would need at least 15 feet of flat surface to be able to safely maintain the canal along College Pkwy with heavy equipment. If the landscaping is placed to the property line, it would conflict with the LCDOT canal maintenance operations. Please consider providing a 15-foot wide flat surface area along the north bank for canal maintenance access route. As an alternative, please consider extending the existing double 42" RCPs.

Response: Per the meeting with LCDOT, we are providing a 2'-4' wide easement along the College Parkway right-of-way frontage to provide 12' unobstructed area for an LCDOT maintenance road between top of bank of the existing ditch and the toe of slope of the proposed development. This easement(s) shall be recorded prior to certification of the project. Attached is a draft easement example we shall use as a template for drafting this proposed easement.

STIPULATIONS:

1. After the Development Order is approved, a Lee County Right of Way (ROW) Permit will be required PRIOR TO commencement of construction activities within the County maintained 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.

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.

3. The pavement section specifications of the sidewalk within the County ROW and easement shall comply with the minimum pavement design specifications in Table 3 of LDC Section 10-296 (6" Stabilized Subgrade, 4" Compacted Limerock Base, and 6" Portland Cement Concrete).

Response: The sidewalk details have been updated to meet the LDC. See sheet C10.

4. All sidewalk construction/reconstruction shall be constructed 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.

5. No utility structure, water valves, meter boxes, power poles, fire hydrants, or pull boxes shall be allowed within the sidewalk within the County ROW and easement. The developer/contractor shall coordinate with the utilities and power companies to relocate the existing and proposed structures to be outside the sidewalk.

Response: Acknowledged.

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

Response: Acknowledged.

7. The permittee shall be responsible for damage to any existing utilities, drainage structures, sidewalk, 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.

Response: Acknowledged.

8. All detectable warning surfaces shall be cast-in-place (wet-set and anchored in concrete).

Response: Acknowledged.

9. Preformed thermoplastic material pavement markings shall be used for all pavement markings within the County right-of-way.

Response: Acknowledged.

10. The existing LCDOT 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.

11. Obtaining approval from the South Florida Water Management District (SFWMD) for the proposed modification to the existing Environmental Resource Permit (ERP) of College Pkwy is necessary for this project. The ERP application shall be authorized by the LCDOT. Water quality and quantity requirements for the additional impervious surfaces (i.e., turn lanes) as well as encroachment onto the existing stormwater management areas due to the proposed project shall be provided within the onsite 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.

Response: Acknowledged.

12. The permittee shall be responsible, at the permittee's sole expense, for any necessary repair and reconstruction of the existing sidewalk along the property frontage on College Pkwy to address pedestrians safety issues.

Response: Acknowledged.

13. 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.

Response: Acknowledged.

14. 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. 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 and operation programs and procedures, found during the construction.

Response: Acknowledged.

Environmental Comments:

All environmental comments are repeated, as new landscape plans were not submitted.

Please provide the required general trees on the landscape plans, staff did not locate any tree symbols pertaining to the required general trees. {General trees must be provided in addition to buffer and vehicle use trees, per LDC 10-425(b). Please add the additional trees to the landscape plan and clearly delineate the general tree use.} {Staff does not agree with the response from the applicant regarding this comment, general trees must be provided in addition to buffer and vehicle use trees.}

Response: The landscape plans have been revised to provide the required general trees.

The response letter indicates sheet C07 has open space information. However the calculation is not specific to this site, it is a citation of the code requirements. The civil and landscape plans need to provide a specific calculation for open space per LDC 10-425(a), including acreage calculations. Then a diagram needs to be provided to illustrate the open space areas to insure that minimum width requirements are being met per LDC 10-415. This can be done with an overall site plan with cross hatching or shading.

Response: The proposed pervious area provided on site is twice the required amount of open space (open space requirement is 20% and provided pervious area is 40%) so this project greatly exceeds the open space requirement for the mixed use overlay. The LDC sections listed above do not indicate a requirement for a diagram to be provided on the plans. The open space requirement for the project site is provided on the landscape plans.

Per LDC 10-415(a)(4) For large developments, effort must be made to preserve native heritage trees with at least a 20-inch caliper dbh. Preserved heritage trees may be counted at a 5:1 credit ratio towards the general tree requirement. If a heritage tree must be removed from a site then a replacement native canopy tree with a minimum 20-foot height must be planted within an appropriate open space area. The replacement tree can only be counted at a 1:1 ratio towards meeting the general tree requirement. Please revise the landscape plans accordingly.

Response: Native heritage tree proposed for removal and preservation have been located and added to the landscape plan including Heritage tree replacements and Heritage tree credit calculations toward general tree requirements.

Please indicate the linear feet of retaining wall on the proposed lake, per LDC 10-418(3) hardened shoreline structures may comprise up to 20 percent of an individual lake shoreline. {Further comments may be forthcoming pending ADD2021-00136.}

Response: The lake retaining wall has been approved by the SFWMD and will be approved by Lee County as part of ADD2021-00136 per verbal conversations with Lee County zoning staff.

Please provide the required compensatory littorals per LDC 10-418(3) for the proposed hardened shoreline (retaining wall). {Further comments may be forthcoming pending ADD2021-00136.}

Response: Compensatory littoral planting calculations are shown on the landscape plans.

Hurricane Comments:

Per Article XI Hurricane Preparedness, Sect. 2-482 and Sec. 2-485, the developer must mitigate shelter impacts. Sec. 2-485(b) provides a list of options the developer may choose from to meet compliance with the article's shelter mitigation requirement. Approval of the option(s) chosen by the developer must be provided by Lee County Emergency Management prior to the issuance of a development order. If the developer chooses the "in lieu" option, the developer will need to pay \$19,902.89 in shelter mitigation fees prior to the issuance of a building permit.

Response: A check will be provided for this fee.

NPDES Comments:

STIPULATION - Please contact Leigh Simmons lsimmons@leegov.com 239-533-8135 for an on-site preconstruction meeting with contractor.

Response: Acknowledged.

TIS Comments:

STIPULATION: Each future development phase is required to review the Lee County Land Development Code (LDC), Section 10-610(f)(1), with respect to the number of inbound lanes at the project access point along College Parkway. The developer is required to modify, design, and construct to the satisfaction of the Development Services Director additional improvements to inbound lanes to comply with this LDC section. Additional improvements may include, but are not limited to widening the inbound approach to include two entry lanes.

Response: Acknowledged.

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.

Response: Acknowledged.

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]

Response: Acknowledged.

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>

Response: Acknowledged.

STIPULATION: This project will require a separate submittal to LCU. 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.

Response: Acknowledged.

7a) The Existing Conditions and Improvements Drawing must show the location of public water and sewer systems, private wells, irrigation & flowing wells on or abutting the property & location & purpose of abutting utility easements.[10-154(6)h.]

Response: Acknowledged, this infrastructure is shown.

STIPULATION: LCU Record Drawings 1999-1115-01 indicates that the existing 10" water main ends with a 10" gate valve followed by a blow-off rather than a meter box as noted. In addition, those Record Drawings show the existing gravity main is 10" SDR26 PVC rather than clay as noted. Please address. (Sheet C05)

Response: Acknowledged, these items have been addressed.

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.}

Response: Acknowledged.

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

a) LCU owns & maintains an existing 16" water main along the north side of College Pkwy as well as an existing 10" water main that connects to that 16" main and runs north along the west side of South Pointe Blvd. Please include that infrastructure on the College Pkwy Improvement Plan, address any potential conflicts/impacts & demonstrate that required separation & cover are being achieved/maintained. (Sheet C10)

Response: Existing 16” Water Main is shown with no conflicts/impacts. See sheet C10.

b) The proposed 10” water main running north from its point of connection on College Pkwy is identified as 10” Ductile Iron Pipe (C-900, CL150, DR18). Please revise to specify which pipe will be used. (Sheet 15)

Response: All DIP references have been addressed.

c) Sections 1.3A & 2.2E5c) of the LCU Design Manual requires there to be a minimum of 5' separation between proposed light pole foundations and all existing or proposed LCU pipe or facility. Please address. If this is difficult to demonstrate, a note may be added to each plan sheet related to LCU infrastructure stating this requirement. (Sheets C15, C16 & C17)

Response: General note added to sheet C15, C16 & C17.

d) FDEP has requested that LCU require sewer service laterals for condominiums, high rise & complex buildings, apartments, and commercial/industrial facilities to be a minimum of 8” in diameter. Please revise the plans accordingly.

Response: Plans updated to reflect 8” minimum sewer service lateral diameter.

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

Response: Acknowledged, they have been.

INFORMATIONAL COMMENT 1: The County Attorney's office has opined that although Sections 10-355(a)(1)&10-355(a)(2) of the Lee County Land Development Code language reserves PUEs for 'dry utilities' such as cable, gas, phone, electric, etc. and further states that water distribution & sewage collection lines shall be installed within the right-of-way; LCU is a 'Public Utility' by definition therefore, does have the right to be within those Public Utility Easements as well. However, the limitations presented by the typical 10' PUE width does not take into consideration LCU separation requirements. In addition, Section 1.3A1a) of the LCU Design Manual requires all infrastructure to be owned and maintained by LCU is to be installed in County owned rights-of-way or within dedicated LCU easement(s).

Response: All infrastructure to be turned over to LCU is proposed in the right-of-way or in a LCUE.

STIPULATION 1: LCU will accept underground infrastructure (mains & related fittings & appurtenance) to be located within private road R-O-Ws that are also to be dedicated as a P. U. E. however, above- ground facilities including but may not be limited to Sewage Pump Stations, Master-Meter Assemblies & Fire Line Assemblies are all to be located on private property and within specifically dedicated LCU Easements. Please address. (Sheets C15, C16 & C17)

Response: All infrastructure to be turned over to LCU is proposed in the right-of-way or in a LCUE.

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.

Response: Acknowledged.

STIPULATION 2: Please add the above note to the Landscaping Plans. In addition, please demonstrate that LCU separation requirements noted are being achieved/maintained. In addition, the landscaping may need to be adjusted so that there is no encroachments into the LCU Easements required for the proposed potable master-meter assemblies & fire line assemblies. Please address.

Response: The landscape plans have been revised to accommodate these requirements.

10f) Plan and profile drawings showing the depth of utility lines and points where utility lines cross one another or cross storm drains or water management facilities must be provided. [10-154(7)j.3.]

Response: All crossing/conflicts are labeled.

STIPULATION: Although the required information is included in the plans, please revise to address the following:

a) The plans noted the minimum cover for the proposed water main as 36" however, per Section 2.2D4 of the LCU Design Manual, the minimum cover for water mains is 30" from the top of pipe to finished grade unless under pavement where 36" is required. Please address.

Response: Plans updated per request.

b) There are two instances of duplicated labels. Please address. (Sheets C16 & C17) In addition, there are two missing dimensions in the plan view. (Sheets C19 & C21)

Response: Plans updated per request.

10g) Irrigation Systems. The proposed method of irrigation must be indicated on the plans. [10-354(a)]

Response: Note added to sheet C15.

INFORMATIONAL COMMENT: LCU prefers a well be used for irrigation purposes. Before LCU can consider the use of potable water, we will need to receive flow calculations utilizing the Blaney-Criddle Formula used by the South Florida Water Management District for review.

Response: A well will be provided as an irrigation source.

STIPULATION: Please include the required flow calculations with your LCU Approval to Construct Submittal Package for review. Please be aware that per Section 2.2A2f) of the LCU Design Manual, LCU has a threshold of 2,000 gallons per day when irrigating with potable water is requested. LCU cannot approve irrigation flows that exceed 2,000GPD. Depending on the flows required, the plans may need to be revised to eliminate the proposed irrigation meter. (Sheets C15 & C16)

Response: A well will be provided as an irrigation source, no irrigation meter is proposed.

14) HRS Water Line Extension Permit must be submitted prior to the commencement of construction on the site.[10-154(22)] {See LC DO Application Form PART VI-A & PART VIII.}

Response: Acknowledged.

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

Response: Acknowledged.

16) FDEP Sewer Line Extension Permit must be submitted prior to the commencement of construction on the site.[10-154(22)] {See LC DO Application Form PART VI-A & PART VIII.}

Response: Acknowledged.

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

Response: Acknowledged.

18) Miscellaneous items.

STIPULATION 1: Please provide LCU with signed and sealed hydraulic calculations showing what impact this project may have on our existing sewer facilities. Please Note: These calculations are to be included in your LCU Approval to Construct Submittal.

Response: Acknowledged.

STIPULATION 2: There are 2 instances on the Notes sheet where the information/notes provided do not meet or are in conflict with LCU Standards and Specifications. Please address.

Response: We are uncertain where these conflicts exist but these will be dealt with during the LCU approval to construct submittal process.

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Thank you for your continued assistance with this project and should you have any questions while reviewing this information for approval, please feel free to contact us.

Very truly yours,

JOHNSON ENGINEERING, INC.

A handwritten signature in blue ink, appearing to read "Tyler Sharpe", with a stylized flourish at the end.

Tyler Sharpe, P.E.

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cc: 20192125-000