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Writer's Direct Dial Number: 239-533-8317

October 18, 2018

STEVEN C HARTSELL, ESQ
PAVESE LAW FIRM
1833 HENDRY STREET
FORT MYERS, FL 33901

Re: CYPRESS LAKE CENTER DRI
DRI2018-10002 - Development of Regional Impact (DRI) Abandonment

Dear STEVEN C HARTSELL, ESQ:

The Zoning Section has reviewed the information provided for the above zoning application. The Land Development Code requires additional information for the application to be sufficient. Please respond to each requirement not satisfied on the attached checklists. For your assistance, we have enclosed any additional memoranda from the various Lee County reviewing agencies.

A public hearing date will not be scheduled until a complete application is submitted.

If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the Code requires that this application be considered withdrawn. Please feel free to contact me or the staff reviewers if you have any questions.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Section

Electronically signed on 10/18/2018 by
Dirk A Danley Jr, Senior Planner

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Zoning Review:

1. Please provide demonstration of notification to all property owners within the Development of Regional Impact.
2. Please demonstrate that all conditions of the DRI Development order have been complied with up to the point of the Rescission request, and how these conditions will be enforced for the development after the DRI Development Order has been rescinded.

Natural Resources

Cypress Lake Center storm water discharges into headwaters of Hendry Creek. This Creek was included on the Verified List of impaired waters for the Everglades West Coast Basin that was adopted by FDEP Secretarial Order in June 2008. The Hendry Creek has an approved Total Maximum Daily Load allocation and is currently subjected to a State of Florida Basin Management Action Plan for Everglades West Coast Basin.

1. What design changes were created to meet condition B.1 of DRI DO 7-8384-47 for all properties? In addition, what actions are in place to maintain the water treatment systems perpetuity?

Condition B.1 states that the drainage system for the proposed project must be redesigned to provide greater upland (dry) retention/detention of runoff prior to discharge into the on-site lake system.

2. Please provide staff with photos, design specs and other evidence of the required mechanisms installed by the applicant, suitable to address condition B.2 of DRI DO 7-8384-47 for all properties, and plans for maintenance in perpetuity.

Condition B.2 states that the discharge structure must include a baffle skimmer, or other mechanism suitable for preventing oil & grease from discharging from retention/detention areas.

3. Provide staff with the design standards and Best Management Practices implemented as required in Condition B.3.

Condition B.3 states the drainage system shall implement the design standards and "best management practices" as outlined in the ADA and in all supplementary material.

4. Provide the required monitoring plan for staff review, as approved by the required agencies. The plan must include sample location points, a list of constituents monitored for and dates taken, as stated in condition B.4. Also include a plan to maintain this program in perpetuity. Please provide laboratory test results of water quality monitoring program conducted thus far. Please be advised that storm water leaving the Cypress Lake Center must meet state water quality standards.

Condition B.4. states the developer and or his successors (s), shall implement an on-going maintenance and monitoring program that regularly inspects, maintains and

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samples the stormwater drainage system. The program shall be designed in consultation with the staffs of the Southwest Florida Regional Planning Council, the South Florida Water Management District, and Lee County. Final approval of the program rest with Lee County. The program shall be redesigned, if necessary to incorporate any county ordinances and/ or policies relating to the Lakes Park drainage basin. If the quality of surface water runoff does not meet any present or future standards, then the developer shall take remedial measures to improve the system to meet these standards, entirely at the developer's expense. The developer shall be responsible for any remedial measures required by the county, including all costs.

5. Provide staff with documentation of regularly scheduled vacuum sweeping according to DRI condition B.5., and plans to maintain this practice in perpetuity.

Condition B.5. states a regular program of vacuum sweeping of all project parking lots shall be utilized both during and after construction.

6. Provide proof of central sewage hook-up and service by your local utility, as required in condition B.6.

Condition B.6. states that the project shall be served by a central sewage system.

7. What measures has the applicant taken to meet all of the regulations enacted for the protection of the Lakes Park Watershed water quality as required in Condition B.7.? Explain how the applicant has met, and continues to meet, the requirements of Condition B.7.

Condition B.7. states the project shall be subject to all regulations of Lee County for the protection of the Lakes Regional Park Watershed and Lakes Regional Park water quality.

Environmental Review:

1. The DRI requires that the preserves be managed to eliminate exotics. Environmental Sciences Zoning staff did a site inspection on October 9, 2018 and all preserves contain exotics and have not been managed. The preserves abutting Cypress Lake Drive and US 41 have muscadine grape vine, lead tree, and air potato that could be managed by hand. The preserve located to the south of Costco has larger 10 foot to 15 foot tall lead trees, Brazilian pepper, ear leaf acacia, and scattered garbage. This must be completed prior to rescission of the DRI.