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

January 24, 2019

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or corrections within 60 calendar days of this letter, the Code requires that this application be considered withdrawn.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 1/24/2019 by
Dirk A Danley Jr, Planner, Senior

STEVEN C HARTSELL, ESQ
PAVESE LAW FIRM
Re: CYPRESS LAKE CENTER DRI
DRI2018-10002
January 24, 2019

Please provide comments for the following insufficiency items. It is requested that a meeting is set up for staff and applicant to meet to discuss these items prior to applicant re-submittal.

Zoning Review:

1. Because this Rescission request will affect all property owners within the DRI, please provide evidence that the applicant has provided notification to all property owners of this rescission application.
2. Please provide evidence 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request, and how these conditions will be enforced for the development after the DRI Development Order has been rescinded.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. Please provide a monitoring plan, which incorporates all of the required conditions of all of the previous development orders. In addition, it should also address any and all improvements made, if any, along with perpetual maintenance and monitoring for approval by the Division of Natural Resources.

1. What design changes were created to meet condition B.1 of DRI DO 7-8384-47 for all properties? In review of the applicant's response, please describe the design changes throughout the design amendment process, which satisfies this condition.

Please describe the actions taken as well as future drainage maintenance schedules for the storm water treatment system to be enacted by means of a legal document, which is acknowledged by all parties.

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. In review of the applicant's response, please describe all actions and enhancements taken as well as future maintenance schedules for the storm water treatment system. Please include the enacted legal maintenance agreement, which is acknowledged by all parties. Please provide an assessment of the existing conditions as compared to current standards, along with any proposed changes for review and approval by the Division of Natural Resources (DNR) as required.
3. Provide staff with the design standards and Best Management Practices implemented as required in Condition B.3. . In review of the applicant's response, please provide an assessment of the existing conditions as compared to current standards, along with any proposed changes as required.

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4. Provide the required monitoring plan for staff review, as approved by the required agencies. In review of the applicant's response, Monitoring records should exist. Please research and provide all baseline, and yearly monitoring data to date along with a program for review and approval by the DNR to be instituted in perpetuity.

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.

5. Provide staff with documentation of regularly scheduled vacuum sweeping according to DRI condition B.5., and plans to maintain this practice in perpetuity. In review of the applicant's response, no documentation was provided for review. Please research and provide up to date records. Please describe all actions taken as well as future maintenance schedules by means of the enacted legal maintenance agreement, which satisfies Condition B.5, and which is acknowledged by all parties.
6. 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. In review of the applicant's response, no documentation was provided for review. Please research and provide up to date records. Please describe the actions taken as well as future maintenance schedules by means of the enacted legal maintenance agreement, which satisfies Condition B.7, and which is acknowledged by all parties.