



HALEY WARD

ENGINEERING | ENVIRONMENTAL | SURVEYING

June 17, 2022

Mr. Adam V. Mendez, Planner
Zoning Section
Lee County Department of Community Development
1500 Monroe Street, 2nd Floor
Fort Myers, FL 33901

RE: Resurgence Brewery & Rock Gym
DCI2022-00019
Haley Ward Project Number 2011255.001(21-59)

Dear Mr. Mendez:

Enclosed herewith for your review and approval are our response letter, various attachments, and the revised Master Concept Plan for the above referenced project. Moreover, the following are chronological responses to the various staff comments as listed in your sufficiency letter dated April 29th, 2022:

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

Zoning Section

Comment 1. Affidavit of Authorization & Disclosure of Interest Form. The provided documents are versions from 2013 and are no longer sufficient. Please find and complete the updated forms at: <https://www.leegov.com/dcd/zoning/apps>

Response 1: See the attached updated Affidavit of Authorization and Disclosure of Interest Form.

Comment 2. Schedule of Uses.

*Comment A. The schedule of uses proposes **Studios (34-622(c)(49)), Specialty retail shops (34-622(c)(47)), Hobby, toy and game shops (34-622(c)(21)), Used merchandise stores (34-622(c)(54)), Personal services (34-622(c)(33)), Groups I and IV, Social services (34-622(c)(46)), Group I and Banks and financial establishments (34-622(c)(3)), Groups I and II.** Pursuant to LDC Table 34-934, the aforementioned uses are not obtainable in an IPD strict. Please revise the proposed schedule of uses accordingly.*

Response A. The above listed uses have been removed from the Schedule of Proposed Uses.

Mr. Adam v. Mendez, Lee Co. | 1st Sufficiency Response | 06.17.2022 | 2011255.001(21-59)



13041 McGregor Boulevard, Fort Myers, FL 33919
T: 239.481.1331 | [HALEYWARD.COM](https://www.haleyward.com)



Comment B. The schedule of uses proposes **Stone, clay, glass and concrete products (34-622(c)(48)), Group IV**, which includes a use activity permitting the manufacturing of asbestos. Given the proposed mix of uses, consider excluding or limiting this use activity within the planned development due to the known potential health effects of asbestos and chrysotile (white) asbestos.

Response B. The above listed use has been removed from the Schedule of Proposed Uses.

Comment C. The schedule of uses proposes **Chemical and allied products (34- 622(c)(6)), Group II**, which includes a use activities permitting the manufacturing of Industrial inorganic chemicals, paints, varnishes, lacquers, enamels, agricultural chemicals, and miscellaneous chemical products (including explosives). Given the proposed mix of uses, consider excluding or limiting this use activity within the planned development due to potential health and safety concerns.

Response C. The above listed use has been removed from the Schedule of Proposed Uses.

Comment D. The schedule of uses proposes **"Subordinate Uses"** which is not identified as a use in Table 34-934. The schedule does propose **Temporary Uses**, which staff believes addresses the issue. Furthermore **"Parking"** and **"Outdoor Lighting"** are not identified as a uses in Table 34-934 and would be recognized as accessory uses accordingly.

Response D. The language of the Schedule of Proposed Uses has been revised accordingly.

Comment E. The schedule of uses proposes **Food Stores, Group I**, Pursuant to Table LDC 34-934, Note 9, the use is only permitted when accessory to an airport or other transportation facility, hotel or motel, or an office complex of 50,000 or more square feet. The proposed development scheme does not currently meet the criteria for this use in an IPD District. Consider removing the use.

Response E. The above listed use has been removed from the Schedule of Proposed Uses.

Comment F. The schedule of uses propose **Recreation facilities, commercial Group III** which permits outdoor recreation. The request currently conveys that all recreation will occur inside the "rock gym" (Group IV). Does the covered "Rock Garden" on the MCP proposing outdoor recreation? Please clarify.

Response F. The Recreational Facilities, Commercial - Group III use includes the rock garden, but is not limited to the rock garden, as per LDC Section 34-622. states this use includes "Passive and active recreational and educational activities.... where little or no on-site facilities or capital investment are required and the natural environment, with little or no alteration of the natural landscape, is utilized". The Master Concept Plan has been revised to include the rock garden area in the parking calculations.



Development Services Section

Comment 1. Note: The subject parcel is in the Intensive Development future land use category. At time of development order bikeways and pedestrian ways will be required in accordance with 10-256(a).

Response 1. Acknowledged.

Comment 2. Please provide a surface water narrative with your resubmittal in accordance with 34-373(b)(1)(a-e).

Response 2. See the attached "Stormwater Management Narrative".

Comment 3. The MCP shows parking and site development in an existing drainage easement. Please provide documentation that the easement can be used for the improvements. Staff understands that the easement may be piped but please provide authorization to use the easement from the appropriate entity (POA, Grantee). Was the easement used to meet any water quality requirements in the SFWMD Permit?

Response 3. As the Engineer-of-Record for the original development / subdivision, the existing drainage easement encompasses an existing swale for conveyance and not water quantity or quality. Hence, it can be piped. This will be permitted with S.F.W.M.D. during the Development Order Process.

Comment 4. LDC 34-2015(2)e – In any parking lot with more than one tier of parking spaces walkways must be provided to accommodate safe pedestrian movement from vehicles to buildings and other walking destinations. Pleaser revise your MCP to incorporate these walkways for the eastern and western parking area.

Response 4. The Master Concept Plan has been revised to include pedestrian walkways from each tier of parking.

Comment 5. The parking calculations on the plan note an administrative deviation of 2.5%. Staff could not locate the deviation request of justifications in the documents submitted. Please provide the specific deviation requested and provide the justification as required.

Response 5. See the attached Deviation and Written Justification.



Comment 6. The parking calculations do not match the square foot numbers in the building footprint. Please clarify.

Response 6. The parking calculations are correct. Please note that the bar areas are split between indoor and outdoor, as shown in the plans. For simplicity they are combined in the parking calculations (200 S.F. + 200 S.F. + 438 S.F. = 838 S.F.).

Environmental Sciences Section

Comment 1. Active and passive recreation areas such as playgrounds, golf courses, beach frontage, nature trails, bikeways, pedestrian ways, tennis courts, swimming pools and other similar uses are considered open spaces, as long as not more than 20 percent of the recreational area credited as open space consists of impervious surface (10-415(d)(2)(d)). On the Master Concept Plan, it is unclear where 54% open space will be located. Please provide an open space exhibit.

Response 1. The Master Concept Plan has been revised to include an “Overall Parcel & Open Space Inset” that shows a hatched area delineating the proposed open space within the drainage easement / water management area.

Comment 2. According to Section 10-421(a)(2), trees and shrubs used in buffers must be planted in a minimum width area equal to one-half the required width of the buffer. Utility or drainage easements may overlap required buffers; however, no code required trees or shrubs may be located in any utility or drainage easement unless a written statement, from the entity holding the beneficial interest in the easement (10-421(a)(5)). The buffer area abutting the right-of-way does not meet the minimum width due to the 10 foot easement overlapping the buffer area. Please revise the master concept plan to provide code required buffers.

Response 2. The Master Concept Plans correctly accounts for the required overlap. The 15' wide buffer is set back 17.5' from the property line, leaving $15'/2 = 7.5'$ of planting area outside of the 10' wide public utility easement. Dimensions showing the 7.5' planting area have been added at several places along the roadway buffer on the revised Master Concept Plan to clarify compliance with this requirement.

Comment 3. Section 10-416(b) states, “All new development in commercial zoning districts and commercial components of planned development districts and DRIs must provide building perimeter plantings equal to ten percent of the proposed building gross ground level floor area. These planting areas must be located abutting three sides of the building with emphasis on the sides most visible to the public, not including the loading area.” Please demonstrate how the applicant will comply with the building perimeter requirements.



Response 3. Hatching of building perimeter planting areas has been added to the revised Master Concept Plan to clarify compliance with this requirement. See the added "Building Perimeter Landscape Calculations".

Legal Description

Comment 1. Boundary survey. A boundary survey of the subject property must be submitted, unless the property consists of one or more undivided lots within a subdivision platted in accordance with F.S. ch. 177. The survey must be based upon the title certification submitted in accord with section 34-201(a)(7) and certified to the present owner as reflected in the title documentation submitted in accordance with section 34-201(a)(7). The boundary survey does not have the required state plane coordinate at the point of beginning (POB)

Response 1. The subject project is a part of a platted subdivision, thus there is no point of beginning. Moreover, state plane coordinates have been added at several points. See the attached revised survey.

Natural Resources

Comment 1. The proposal is within the Six Mile Cypress Watershed which has been identified as a critical area for surface water management by the Lee Plan. Please provide an analysis of Lee Plan policies 60.3, 125.1.2, 125.1.3, and 125.1.4.

Response 1. See the attached Stormwater Management Narrative.

DOT Section

Comment 1. The Master Concept Plan (MCP) needs to show the distance between the proposed most east driveway on Exchange Ln and Trader St.

Response 1. The distance to Trader Street has been added on the revised Master Concept Plan.

Traffic Impact Statement

Comment 1. The application shows the project has 35,072 sf (23,718 sf and 11,354 sf). But, the Traffic Impact Statement (TIS) has 38,410 sf. A clarification is required.

Response 1. The Traffic Impact Statement conservatively includes the outdoor seating and bar areas in the generation calculations, and thus is larger than the building footprints.



Comment 2. Since the project generates more than 100 trips per hour, the intersection level of service (LOS) analysis for the proposed project's driveways and the intersections within quarter miles (including Six Mile Pkwy/Exchange Ln/Plantation intersection) are required with and without the project in build-out year condition.

Response 2. The project does not meet the 300 trips threshold to require roadway network analysis as described in LDC Section 10-286. Furthermore, the subject site is in a platted subdivision that has already considered impacts to the roadway network and provided improvements to both Six Mile Cypress Parkway & Micheal G. Rippe Parkway during the original development order permitting process. The 100 trips per hour threshold applies to traffic loading per access point, which the subject development does not trip.

Solid Waste

Comment 1. Solid Waste has reviewed DCI2022-00019, ensure that dumpster enclosure gates provide a minimum 12ft of width for collection and dimensions of enclosures should be provided in accordance with Ordinance 11-27.

Response 1. The Master Concept Plan is compliant with this requirement. Additional dimensions demonstrating compliance have been added to the revised Master Concept Plan.

We trust the information provided herewith is complete to consider the case sufficient. However, if you should have any questions regarding any of the above, please do not hesitate to call me.

Very truly yours,

HALEY WARD, INC.

Ahmad R. Kareh, P.E., M.S.C.E.
Senior Vice President & Regional Engineering Manager
ARK/js

Enclosures

cc: Mr. David Kulbacki, President
Kulbacks, Inc.
w/enclosures

AFFIDAVIT OF AUTHORIZATION

APPLICATION IS SIGNED BY INDIVIDUAL OWNER, APPLICANT, CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, **AHMAD R. KAREH** (name), as **AUTHORIZED PERSON** (owner/title) of RED CANYON, LLC (company/property), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

***Notes:**

- If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.
- If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.), then the documents should typically be signed by the Company's "Managing Member."
- If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.
- If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.
- If the applicant is a trustee, then they must include their title of "trustee."
- In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.

Under penalties of perjury, I declare that I have read the foregoing Affidavit of Authorization and that the facts stated in it are true.



Signature

Date

**AHMAD R. KAREH, AUTHORIZED PERSON
RED CANYON, LLC**

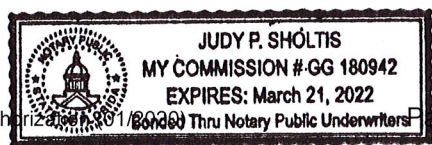
*****NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS*****
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

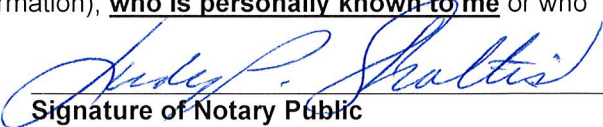
STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 17TH day of JUNE, 20 22, by

AHMAD R. KAREH (name of person providing oath or affirmation), who is personally known to me or who has produced N/A (type of identification) as identification.

STAMP/SEAL




Signature of Notary Public

DISCLOSURE OF INTEREST AFFIDAVIT

BEFORE ME this day appeared AHMAD R. KAREH, who, being first duly sworn and deposed says:

1. That I am the record owner, or a legal representative of the record owner, of the property that is located at 6090-6150 EXCHANGE LANE, FORT MYERS, FL 33912 and is the subject of an Application for zoning action (hereinafter the "Property").

2. That I am familiar with the legal ownership of the Property and have full knowledge of the names of all individuals that have an ownership interest in the Property or a legal entity owning an interest in the Property.

[OPTIONAL PROVISION IF APPLICANT IS CONTRACT PURCHASER: In addition, I am familiar with the individuals that have an ownership interest in the legal entity that is under contract to purchase the Property.]

3. That, unless otherwise specified in paragraph 6 below, no Lee County Employee, County Commissioner, or Hearing Examiner has an Ownership Interest in the Property or any legal entity (Corporation, Company, Partnership, Limited Partnership, Trust, etc.) that has an Ownership Interest in the Property or that has contracted to purchase the Property.

4. That the disclosure identified herein does not include any beneficial Ownership Interest that a Lee County Employee, County Commissioner, or Hearing Examiner may have in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, whose interest is for sale to the general public.

5. That, if the Ownership Interest in the Property changes and results in this affidavit no longer being accurate, the undersigned will file a supplemental Affidavit that identifies the name of any Lee County Employee, County Commissioner, or Hearing Examiner that subsequently acquires an interest in the Property.

6. Disclosure of Interest held by a Lee County Employee, County Commissioner, or Hearing Examiner.

Name and Address	Percentage of Ownership
NONE	

Under penalty of perjury, I declare that I have read the foregoing and the facts alleged are true to the best of my knowledge and belief.



Property Owner

AHMAD R. KAREH, AUTHORIZED PERSON

Print Name

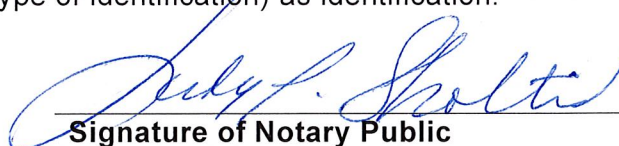
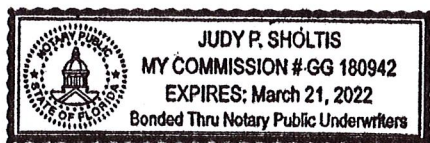
RED CANYON, LLC

*****NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS*****
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, on **JUNE 17, 2022** (date) by **AHMAD R. KAREH** (name of person providing oath or affirmation), **who is personally known to me** or who has produced **N/A** (type of identification) as identification.

STAMP/SEAL



Signature of Notary Public



HALEY WARD

ENGINEERING | ENVIRONMENTAL | SURVEYING

FORMERLY:
CES INC

DEVIATION AND WRITTEN JUSTIFICATION

1. APPLICANT IS REQUESTING A DEVIATION FROM SECTION 34-2020.(b) OF THE LEE COUNTY LAND DEVELOPMENT CODE TO REDUCE THE REQUIRED NUMBER OF PARKING SPACES BY 10%.

JUSTIFICATION:

THE REDUCTION IS JUSTIFIED BY PROVIDING ADDITIONAL BICYCLE PARKING SPACES AND THE COMPLIMENTARY NATURE OF THE PROPOSED USES. MOREOVER, THE PROXIMITY TO LEE TRAN ROUTE 80 ALONG SIX MILE CYPRESS PARKWAY, AND THE NEW DEVELOPMENTS ALONG THIS CORRIDOR WILL PROVIDE NON-VEHICULAR UTILIZATION OF THE PROPOSED DEVELOPMENT THROUGH PEDESTRIAN ACCESS.

Deviation & Written Justification | 06.17.2022 | 2011255.001(21-59)



13041 McGregor Boulevard, Fort Myers, FL 33919
T: 239.481.1331 | HALEYWARD.COM



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

LOWER WEST COAST REGIONAL SERVICE CENTER 2301 McGregor Boulevard, Fort Myers, FL 33901
(239) 338-2929 • FL WATS 1-800-248-1201 • Suncom 748-2929 • Fax (239) 338-2936 • www.sfwmd.gov/org/exo/ftmyers/

March 4, 2005

RECEIVED MAR - 7 2005

Ahmad R. Kareh, P.E.
Bean, Whitaker, Lutz, and Kareh Inc
13041 McGregor Blvd.,
Fort Myers, FL 33919

Subject: The Lake at Metro
Application No: 050203-18
Lee County, Section 30, Township 45S, Range 25W

Dear Mr. Kareh:

The staff has completed a review of the above referenced application. The District's project analysts are Shona M. Gibson, E.I. and Marie Dessources. Based on the information submitted staff has determined the current Permit #36-02664-S issued on January 13, 1994 is still active. A new permit or permit modification is not required as long as development of the project proceeds within the conditions and scope outlined in the original District Permit.

Please be aware if the ACOE requires any changes to the development which are outside the scope of the permit, or inconsistent with any condition outlined in the original permit, a permit modification will be required.

Staff strongly recommends the system be certified and transferred to the operational phase. Please submit a Surface Water Management Construction Completion Certification for Projects Permitted Before October 3 1995 (SFWMD Form #0881 B).

A refund for the permit fee in the amount of \$2000.00 will be processed when a request for withdrawal for application # 050203-18 is submitted and processed.

If you have any questions about the above comments, please contact the appropriate analysts at (239) 338-2929.

Sincerely,

A handwritten signature in black ink, appearing to read "Shona Gibson".

Shona Gibson, E.I.
Staff Engineer
Lower West Coast Service Center

A handwritten signature in black ink, appearing to read "Marie Dessources".

Marie Dessources
Environmental Analyst
Lower West Coast Service Center

Enclosure: Surface Water Management Construction Completion Certification for Projects Permitted Before October 3 1995

C: Juan Hitters, Red Canyon, LLC
Parke Lewis, W. Dexter bender & Associates, Inc.

GOVERNING BOARD

Nicolás J. Gutiérrez, Jr., Esq., *Chair*
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EXECUTIVE OFFICE

Henry Dean, *Executive Director*



South Florida Water Management District

3301 Gun Club Road • P.O. Box 24680 • West Palm Beach, FL 33416-4680 • (407) 686-8800 • FL WATS 1-800-432-2045

CON 24

Permit No. 36-02664-S

January 19, 1994

HARRIS V M - TRUSTEE
(SIX MILE CYPRESS SUBDIVISION)
PO BOX 2366
FT MYERS, FL 33902

Dear Permittee:

Enclosed is your Permit as authorized by the Governing Board of the South Florida Water Management District at its meeting on 01/13/94.

Special conditions to your Permit require reports to be filed with this District. Please read these conditions and use the enclosed form(s), as applicable, for your submittal of these required reports.

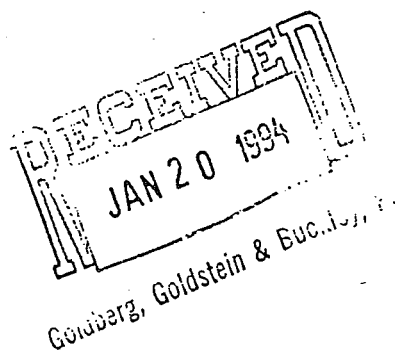
It is requested that you read your Permit thoroughly and understand its contents and conditions. If you have any questions, please do not hesitate to contact this office.

Sincerely,

A handwritten signature in dark ink, appearing to read "Vern Kaiser", is written over a horizontal line.

Vern Kaiser
Deputy Clerk
Regulation Department

Enclosure: (1)



Governing Board:
Valerie Boyd, Chairman
Frank Williamson, Jr., Vice Chairman
Annie Betancourt

William Hammond
Betsy Krant
Allan Milledge

Eugene K. Pettis
Nathaniel P. Reed
Leah G. Schad

Tilford C. Creel, Executive Director
Thomas K. MacVicar, Deputy Executive Director



South Florida Water Management District

*Certification For Stormwater Discharge*Form #0113
Rev 7/91**SURFACE WATER MANAGEMENT PERMIT NO. 36-02664-S**
(NON-ASSIGNABLE)

Date Issued: JANUARY 13, 1994

Authorizing: CONSTRUCTION AND OPERATION OF A SURFACE WATER MANAGEMENT SYSTEM TO
SERVE A 35.21 ACRE COMMERCIAL PROJECT DISCHARGING TO SIX MILE
CYPRESS SLOUGH.

Located In: LEE COUNTY, SEC. 30 TWP. 45S RGE. 25E

Issued To: V.M. HARRIS, TRUSTEE
(SIX MILE CYPRESS SUBDIVISION)
PO BOX 2366
FORT MYERS, FL 33902-2366

This Permit is issued pursuant to Application for Permit No. 920430-1 dated April 16, 1992. Permittee agrees to hold and save the South Florida Water Management District and its successors harmless from any and all damages, claims or liabilities which may arise by reason of the construction, operation, maintenance or use of any work or structure involved in the Permit. Said Application, including all plans and specifications attached thereto, as addressed by the Staff Report, is by reference made a part hereof.

This Permit may be revoked or modified at anytime pursuant to the appropriate provisions of Chapter 373, Florida Statutes.

This Permit does not convey to Permittee any property rights or privileges other than those specified herein, nor relieve the Permittee from complying with any law, regulation or requirement affecting the rights of other bodies or agencies. All structures and works installed by Permittee hereunder shall remain the property of the Permittee.

Within thirty (30) days after the completion of the construction of any work or structure relative to this Permit, the Permittee shall file with the District a written statement of completion on the appropriate form provided by the Board.

Special Conditions are as follows:

SEE SHEETS 2-4 OF 6 - 21 SPECIAL CONDITIONS.
SEE SHEETS 5-6 OF 6 - 12 LIMITING CONDITIONS.

Filed with the Clerk of the South
Florida Water Management District

South Florida Water Management
District, by its Governing Board

On

By

1-18-94

Deputy Clerk

By

Assistant Secretary

PERMIT NO: 36-02664-S

PAGE 2 OF 6

SPECIAL CONDITIONS

- 1 . MINIMUM BUILDING FLOOR ELEVATION: BASIN: DEVELOPED SITE - 15.00 FEET NGVD.
- 2 . MINIMUM ROAD CROWN ELEVATION: BASIN: DEVELOPED SITE - 13.30 FEET NGVD.
- 3 . DISCHARGE FACILITIES:
 - 1-.33' DIA. CIRCULAR ORIFICE WITH INVERT AT ELEV. 10' NGVD.
 - 1-.5' DIA. CIRCULAR ORIFICE WITH INVERT AT ELEV. 11.4' NGVD.
 - 24 LF OF 1.25' DIA. RCP CULVERT.
- RECEIVING BODY : SIX MILE CYPRESS SLOUGH
- CONTROL ELEV : 10 FEET NGVD. /10 FEET NGVD DRY SEASON.
- 4 . THE PERMITTEE SHALL BE RESPONSIBLE FOR THE CORRECTION OF ANY EROSION, SHOALING OR WATER QUALITY PROBLEMS THAT RESULT FROM THE CONSTRUCTION OR OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM.
- 5 . MEASURES SHALL BE TAKEN DURING CONSTRUCTION TO INSURE THAT SEDIMENTATION AND/OR TURBIDITY PROBLEMS ARE NOT CREATED IN THE RECEIVING WATER.
- 6 . THE DISTRICT RESERVES THE RIGHT TO REQUIRE THAT ADDITIONAL WATER QUALITY TREATMENT METHODS BE INCORPORATED INTO THE DRAINAGE SYSTEM IF SUCH MEASURES ARE SHOWN TO BE NECESSARY.
- 7 . PRIOR TO THE INITIATION OF ANY WITHDRAWAL OF WATER (IRRIGATION, DEWATERING, PUBLIC WATER SUPPLY, ETC.), IT WILL BE NECESSARY TO APPLY FOR A WATER USE PERMIT. THE PERMITTEE IS CAUTIONED THAT A MINIMUM OF 90 DAYS IS REQUIRED FOR CONSIDERATION OF THE WATER USE PERMIT APPLICATION. THE PERMITTEE IS CAUTIONED THAT THE ISSUANCE OF A SURFACE WATER MANAGEMENT PERMIT SHALL NOT BE CONSTRUED TO BE A GUARANTEE THAT WATER WILL BE AVAILABLE.
- 8 . FACILITIES OTHER THAN THOSE STATED HEREIN SHALL NOT BE CONSTRUCTED WITHOUT AN APPROVED MODIFICATION OF THIS PERMIT.
- 9 . A BENCHMARK SHALL BE PROVIDED IN THE VICINITY OF THE CONTROL STRUCTURE AND A DESCRIPTION PROVIDED TO THE DISTRICT WHEN CERTIFYING CONSTRUCTION COMPLETION OF THE DRAINAGE FACILITIES.
10. PRIOR TO FEBRUARY 12, 1994, THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT SHALL BE NOTIFIED BY THE PERMITTEE OR AUTHORIZED AGENT (VIA THE SUPPLIED CONSTRUCTION COMMENCEMENT NOTICE OR EQUIVALENT) OF THE ACTUAL OR ANTICIPATED CONSTRUCTION START DATE AND THE EXPECTED COMPLETION DATE/DURATION.
11. WHEN THE DURATION OF CONSTRUCTION EXCEEDS ONE YEAR, CONSTRUCTION STATUS REPORTS SHALL BE SUBMITTED TO THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT ON AN ANNUAL BASIS (VIA THE SUPPLIED ANNUAL STATUS REPORT OR EQUIVALENT)

BEGINNING ONE YEAR AFTER THE INITIAL COMMENCEMENT OF CONSTRUCTION DATE.

12. WITHIN 30 DAYS AFTER COMPLETION OF CONSTRUCTION OF THE SURFACE WATER MANAGEMENT SYSTEM, THE PERMITTEE OR AUTHORIZED AGENT SHALL NOTIFY THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT OF THAT COMPLETION DATE AND SUBMIT CERTIFICATION BY A FLORIDA REGISTERED PROFESSIONAL ENGINEER THAT ALL FACILITIES HAVE BEEN CONSTRUCTED IN ACCORDANCE WITH THE DESIGN APPROVED BY THE DISTRICT (VIA THE SUPPLIED CONSTRUCTION COMPLETION/CONSTRUCTION CERTIFICATION OR EQUIVALENT). SUCH CERTIFICATION MAY CONSIST OF WORDING IN PARAGRAPH 3.1.7 "CONSTRUCTION COMPLETION CERTIFICATION" OF THE CURRENT BASIS OF REVIEW FOR SURFACE WATER MANAGEMENT PERMIT APPLICATIONS WITHIN THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT. IF THE CERTIFICATION LANGUAGE USED IS DIFFERENT FROM THE SUGGESTED LANGUAGE, A SET OF RECORD DRAWINGS CONSISTING OF ELEVATIONS, LOCATIONS AND DIMENSIONS OF COMPONENTS OF THE SURFACE WATER MANAGEMENT SYSTEM SHALL ALSO BE SUBMITTED.
13. OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM SHALL BE THE RESPONSIBILITY OF SIX MILE CYPRESS PARK ASSOCIATION, INC..
14. SILT SCREENS, HAY BALES OR OTHER SUCH SEDIMENT CONTROL MEASURES SHALL BE UTILIZED DURING CONSTRUCTION. THE SELECTED SEDIMENT CONTROL MEASURES SHALL BE INSTALLED LANDWARD OF THE UPLAND BUFFER ZONES AROUND ALL PROTECTED WETLANDS. ALL AREAS SHALL BE STABILIZED AND VEGETATED IMMEDIATELY AFTER CONSTRUCTION TO PREVENT EROSION INTO THE WETLANDS AND UPLAND BUFFER ZONES.
15. THE PERMITTEE SHALL SUBMIT TO THE SFWMD COPIES OF ALL NECESSARY PERMITS FROM THE DEPARTMENT OF ENVIRONMENTAL REGULATION FOR ANY PROPOSED WORKS REQUIRING A WETLAND RESOURCE PERMITTING AUTHORIZATION. SUBMITTALS SHALL BE CONCURRENT WITH ENGINEERING CERTIFICATION OF CONSTRUCTION COMPLETION.
16. THE SFWMD RESERVES THE RIGHT TO REQUIRE REMEDIAL MEASURES TO BE TAKEN BY THE PERMITTEE IF WETLAND AND/OR UPLAND MONITORING OR OTHER INFORMATION DEMONSTRATES THAT ADVERSE IMPACTS TO PROTECTED, CONSERVED, INCORPORATED OR MITIGATED WETLANDS OR UPLANDS HAVE OCCURRED DUE TO PROJECT RELATED ACTIVITIES.
17. ANY FUTURE CHANGES IN LAND USE OR TREATMENT OF WETLANDS AND/OR UPLAND BUFFER/COMPENSATION AREAS MAY REQUIRE A SURFACE WATER MANAGEMENT PERMIT MODIFICATION AND ADDITIONAL ENVIRONMENTAL REVIEW BY DISTRICT STAFF. PRIOR TO THE PERMITTEE INSTITUTING ANY FUTURE CHANGES NOT AUTHORIZED BY THIS PERMIT, THE PERMITTEE SHALL NOTIFY THE SFWMD OF SUCH INTENTIONS FOR A DETERMINATION OF ANY NECESSARY PERMIT MODIFICATIONS.
18. THE WETLAND CONSERVATION AREAS AND UPLAND BUFFER ZONES AND/OR UPLAND PRESERVATION AREAS SHOWN ON EXHIBIT(S) 2 MAY IN NO WAY BE ALTERED FROM THEIR NATURAL STATE. ACTIVITIES PROHIBITED WITHIN THE CONSERVATION AREAS INCLUDE, BUT ARE NOT LIMITED TO: CONSTRUCTION OR PLACING OF BUILDINGS ON OR ABOVE THE GROUND; DUMPING OR PLACING SOIL OR OTHER SUBSTANCES SUCH AS TRASH; REMOVAL OR DESTRUCTION OF TREES, SHRUBS, OR OTHER VEGETATION - WITH THE EXCEPTION OF EXOTIC/NUISANCE VEGETATION REMOVAL; EXCAVATION, DREDGING, OR REMOVAL OF SOIL MATERIAL; DIKING OR FENCING; AND ANY OTHER ACTIVITIES DETRIMENTAL TO DRAINAGE, FLOOD CONTROL, WATER CONSERVATION, EROSION CONTROL, OR FISH AND WILDLIFE HABITAT CONSERVATION OR PRESERVATION.

PERMIT NO: 36-02664-S
PAGE 4 OF 6

19. WETLAND PRESERVATION/MITIGATION AREAS, UPLAND BUFFER ZONES AND/OR UPLAND PRESERVATION AREAS SHALL BE DEDICATED AS CONSERVATION AND COMMON AREAS IN THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AS WELL AS ON THE PLAT IF THE PROJECT WILL BE PLATTED. RESTRICTIONS FOR USE OF THE CONSERVATION/Common AREAS SHALL STIPULATE:

THE WETLAND PRESERVATION/MITIGATION AREAS, UPLAND BUFFER ZONES, AND/OR UPLAND PRESERVATION AREAS ARE HEREBY DEDICATED AS CONSERVATION AND COMMON AREAS. THE CONSERVATION/Common AREAS SHALL BE THE PERPETUAL RESPONSIBILITY OF SIX MILE CYPRESS COMMERCIAL PARK ASSOCIATION, INC. AND MAY IN NO WAY BE ALTERED FROM THEIR NATURAL STATE AS DOCUMENTED IN THE PERMIT FILE, WITH THE EXCEPTION OF PERMITTED RESTORATION ACTIVITIES. ACTIVITIES PROHIBITED WITHIN THE CONSERVATION AREAS INCLUDE, BUT ARE NOT LIMITED TO: CONSTRUCTION OR PLACING SOIL OR OTHER SUBSTANCES SUCH AS TRASH REMOVAL OR DESTRUCTION OF TREES, SHRUBS, OR OTHER VEGETATION - WITH THE EXCEPTION OF EXOTIC/NUISANCE VEGETATION REMOVAL; EXCAVATION, DREDGING, OR REMOVAL OF SOIL MATERIAL; DIKING OR FENCING; AND ANY OTHER ACTIVITIES DETRIMENTAL TO DRAINAGE, FLOOD CONTROL, WATER CONSERVATION, EROSION CONTROL, OR FISH AND WILDLIFE HABITAT CONSERVATION OR PRESERVATION.

COPIES OF RECORDED DOCUMENTS SHALL BE SUBMITTED CONCURRENT WITH ENGINEERING CERTIFICATION OF CONSTRUCTION COMPLETION.

20. IF THE PROJECT DESIGN IS CHANGED AS A RESULT OF OTHER AGENCY REQUIREMENTS, A SURFACE WATER MANAGEMENT PERMIT MODIFICATION MAY BE REQUIRED. THE PERMITEE SHALL NOTIFY SFWMD STAFF OF DESIGN CHANGES REQUIRED BY OTHER AGENCIES FOR A DETERMINATION OF ANY NECESSARY PERMIT MODIFICATIONS.
21. PRIOR TO ANY CONSTRUCTION ON THE INDIVIDUAL LOTS, THE APPLICANT(S) MUST SUBMIT PAVING, GRADING, AND DRAINAGE PLANS TO THE DISTRICT FOR REVIEW AND APPROVAL. IMPERVIOUS COVERAGE ON EACH LOT SHALL NOT EXCEED 70 EACH APPLICATION WILL BE REVIEWED AS A GENERAL PERMIT MODIFICATION TO THE ORIGINAL PERMIT.

PERMIT NO: 36-02664-S

PAGE 5 OF 6

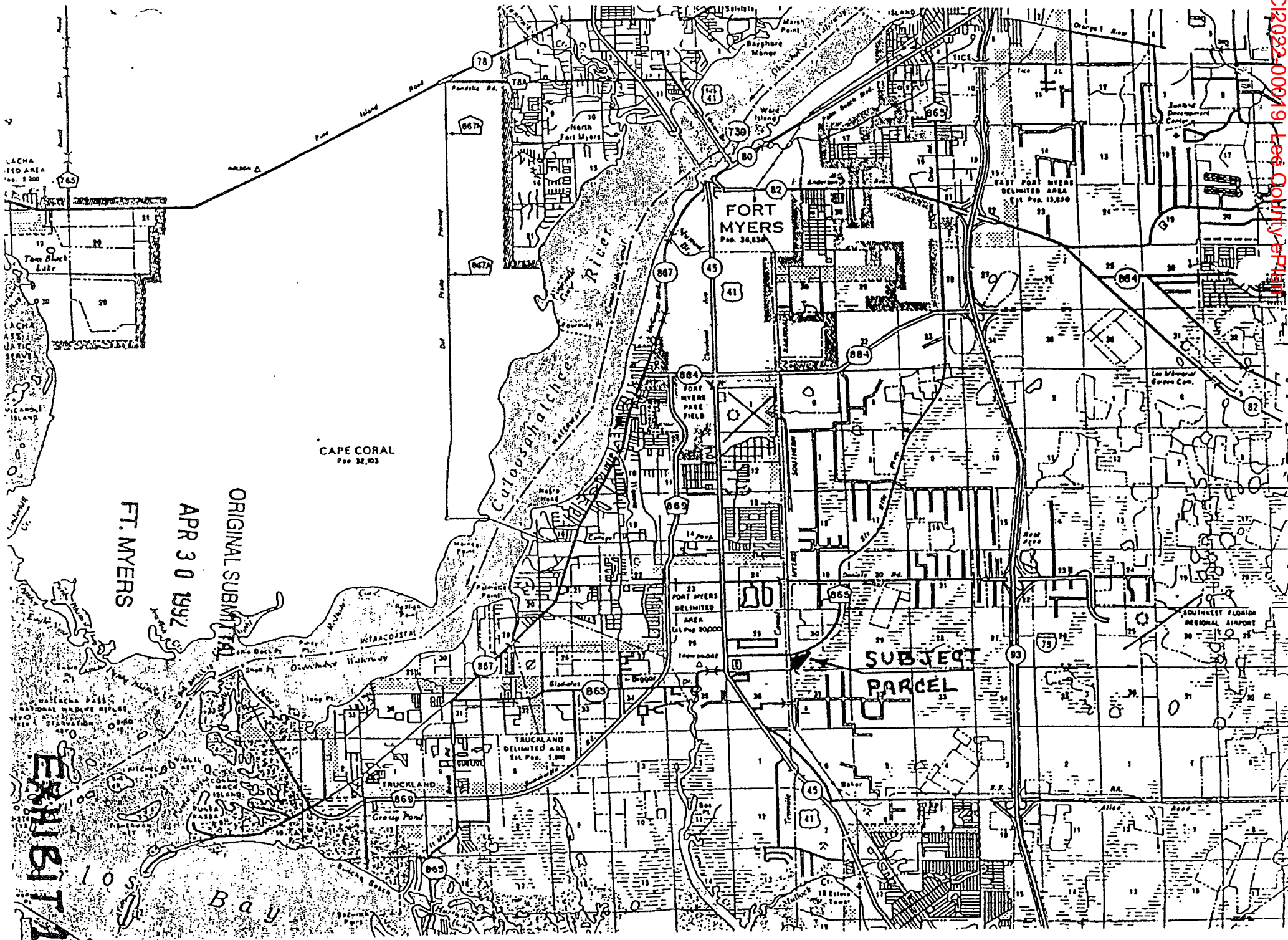
LIMITING CONDITIONS

- 1 . THE PERMITTEE SHALL PROSECUTE THE WORK AUTHORIZED IN A MANNER SO AS TO MINIMIZE ANY ADVERSE IMPACT OF THE WORKS ON FISH, WILDLIFE, NATURAL ENVIRONMENTAL VALUES, AND WATER QUALITY. THE PERMITTEE SHALL INSTITUTE NECESSARY MEASURES DURING THE CONSTRUCTION PERIOD, INCLUDING FULL COMPACTION OF ANY FILL MATERIAL PLACED AROUND NEWLY INSTALLED STRUCTURES, TO REDUCE EROSION, TURBIDITY, NUTRIENT LOADING AND SEDIMENTATION IN THE RECEIVING WATERS.
- 2 . WATER QUALITY DATA FOR THE WATER DISCHARGED FROM THE PERMITTEE'S PROPERTY OR INTO SURFACE WATERS OF THE STATE SHALL BE SUBMITTED TO THE DISTRICT AS REQUIRED. PARAMETERS TO BE MONITORED MAY INCLUDE THOSE LISTED IN CHAPTER 17-302. IF WATER QUALITY DATA IS REQUIRED, THE PERMITTEE SHALL PROVIDE DATA AS REQUIRED, ON VOLUMES OF WATER DISCHARGED INCLUDING TOTAL VOLUME DISCHARGED, DURING THE DAYS OF SAMPLING AND TOTAL MONTHLY DISCHARGES FROM THE PROPERTY OR INTO SURFACE WATERS OF THE STATE.
- 3 . THE PERMITTEE SHALL COMPLY WITH ALL APPLICABLE LOCAL SUBDIVISION REGULATIONS AND OTHER LOCAL REQUIREMENTS. IN ADDITION, THE PERMITTEE SHALL OBTAIN ALL NECESSARY FEDERAL, STATE, LOCAL AND SPECIAL DISTRICT AUTHORIZATIONS PRIOR TO THE START OF ANY CONSTRUCTION OR ALTERATION OF WORKS AUTHORIZED BY THIS PERMIT.
- 4 . THE OPERATION PHASE OF THIS PERMIT SHALL NOT BECOME EFFECTIVE UNTIL A FLORIDA REGISTERED PROFESSIONAL ENGINEER CERTIFIES THAT ALL FACILITIES HAVE BEEN CONSTRUCTED IN ACCORDANCE WITH THE DESIGN APPROVED BY THE DISTRICT. WITHIN 30 DAYS AFTER COMPLETION OF CONSTRUCTION OF THE SURFACE WATER MANAGEMENT SYSTEM, THE PERMITTEE SHALL SUBMIT THE CERTIFICATION AND NOTIFY THE DISTRICT THAT THE FACILITIES ARE READY FOR INSPECTION AND APPROVAL. UPON APPROVAL OF THE COMPLETED SURFACE WATER MANAGEMENT SYSTEM, THE PERMITTEE SHALL REQUEST TRANSFER OF THE PERMIT TO THE RESPONSIBLE ENTITY APPROVED BY THE DISTRICT.
- 5 . ALL ROADS SHALL BE SET AT OR ABOVE ELEVATIONS REQUIRED BY THE APPLICABLE LOCAL GOVERNMENT FLOOD CRITERIA.
- 6 . ALL BUILDING FLOORS SHALL BE SET AT OR ABOVE ELEVATIONS ACCEPTABLE TO THE APPLICABLE LOCAL GOVERNMENT.
- 7 . OFF-SITE DISCHARGES DURING CONSTRUCTION AND DEVELOPMENT SHALL BE MADE ONLY THROUGH THE FACILITIES AUTHORIZED BY THIS PERMIT. NO ROADWAY OR BUILDING CONSTRUCTION SHALL COMMENCE ON-SITE UNTIL COMPLETION OF THE PERMITTED DISCHARGE STRUCTURE AND DETENTION AREAS. WATER DISCHARGED FROM THE PROJECT SHALL BE THROUGH STRUCTURES HAVING A MECHANISM SUITABLE FOR REGULATING UPSTREAM WATER STAGES. STAGES MAY BE SUBJECT TO OPERATING SCHEDULES SATISFACTORY TO THE DISTRICT.
- 8 . NO CONSTRUCTION AUTHORIZED HEREIN SHALL COMMENCE UNTIL A RESPONSIBLE ENTITY ACCEPTABLE TO THE DISTRICT HAS BEEN ESTABLISHED AND HAS AGREED TO OPERATE

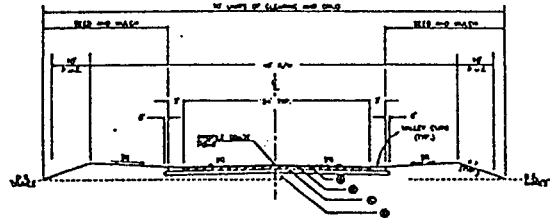
PERMIT NO: 36-02664-S
PAGE 6 OF 6

AND MAINTAIN THE SYSTEM. THE ENTITY MUST BE PROVIDED WITH SUFFICIENT OWNERSHIP SO THAT IT HAS CONTROL OVER ALL WATER MANAGEMENT FACILITIES AUTHORIZED HEREIN. UPON RECEIPT OF WRITTEN EVIDENCE OF THE SATISFACTION OF THIS CONDITION, THE DISTRICT WILL ISSUE AN AUTHORIZATION TO COMMENCE CONSTRUCTION.

9. THE PERMIT DOES NOT CONVEY TO THE PERMITTEE ANY PROPERTY RIGHT NOR ANY RIGHTS OR PRIVILEGES OTHER THAN THOSE SPECIFIED IN THE PERMIT AND CHAPTER 40E-4, FAC.
10. THE PERMITTEE SHALL HOLD AND SAVE THE DISTRICT HARMLESS FROM ANY AND ALL DAMAGES, CLAIMS, OR LIABILITIES WHICH MAY ARISE BY REASON OF THE CONSTRUCTION, OPERATION, MAINTENANCE OR USE OF ANY FACILITY AUTHORIZED BY THE PERMIT.
11. THIS PERMIT IS ISSUED BASED ON THE APPLICANT'S SUBMITTED INFORMATION WHICH REASONABLY DEMONSTRATES THAT ADVERSE OFF-SITE WATER RESOURCE RELATED IMPACTS WILL NOT BE CAUSED BY THE COMPLETED PERMIT ACTIVITY. IT IS ALSO THE RESPONSIBILITY OF THE PERMITTEE TO INSURE THAT ADVERSE OFF-SITE WATER RESOURCE IMPACTS DO NOT OCCUR DURING CONSTRUCTION.
12. PRIOR TO DEWATERING, PLANS SHALL BE SUBMITTED TO THE DISTRICT FOR APPROVAL. INFORMATION SHALL INCLUDE AS A MINIMUM: PUMP SIZES, LOCATIONS AND HOURS OF OPERATION FOR EACH PUMP. IF OFF-SITE DISCHARGE IS PROPOSED, OR OFF-SITE ADVERSE IMPACTS ARE EVIDENT, AN INDIVIDUAL WATER USE PERMIT MAY BE REQUIRED. THE PERMITTEE IS CAUTIONED THAT SEVERAL MONTHS MAY BE REQUIRED FOR CONSIDERATION OF THE WATER USE PERMIT APPLICATION.

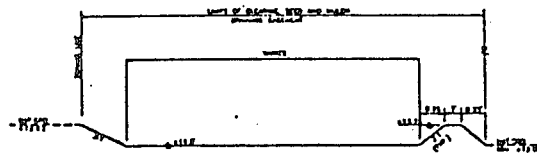




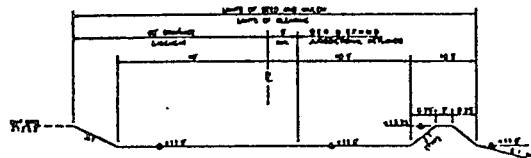


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- 2. 1/2" DIA. 10' SPACING - SEE DETAIL TO SEE OF CHANNEL
- 3. 1/2" DIA. 10' SPACING - SEE DETAIL TO SEE OF CHANNEL
- 4. 1/2" DIA. 10' SPACING - SEE DETAIL TO SEE OF CHANNEL
- 5. 1/2" DIA. 10' SPACING - SEE DETAIL TO SEE OF CHANNEL

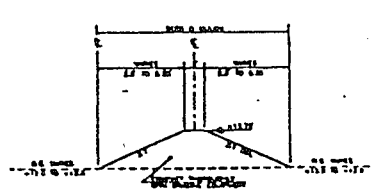
TYPICAL PERIMETER CROSS SECTION
SECTION A-A



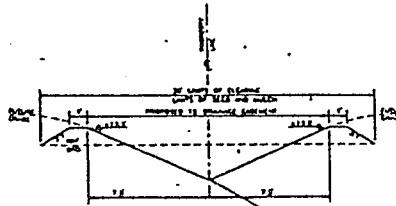
SECTION B-B



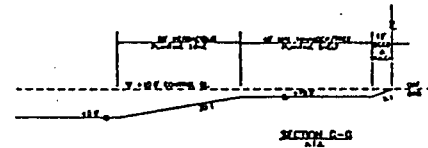
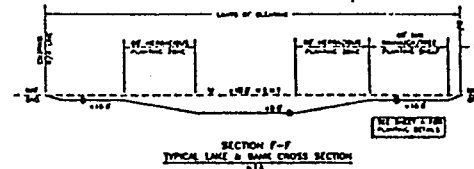
SECTION C-C



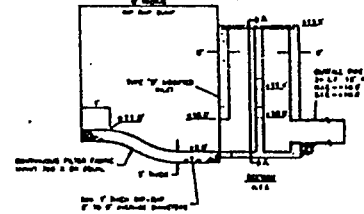
TYPICAL PERIMETER CROSS SECTION
SECTION D-D



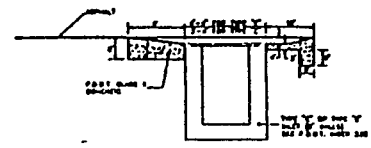
SECTION E-E



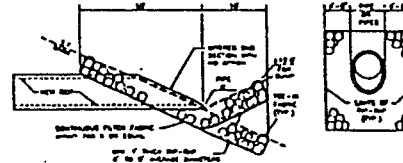
SECTION G-G



CONTROL STRUCTURE DETAIL

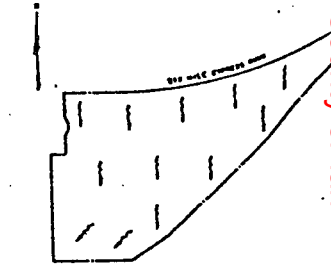


TYPE 'C' & 'T' DETAIL APRON DETAIL

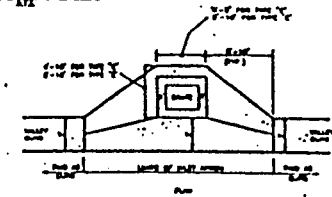


RIP-RAP PORE END TREATMENT DETAIL

DESIGNED & DEVELOPED BY
S. J. LUTZ & BARNES, INC.
CONSULTING ENGINEERS AND SURVEYORS
11111 S. W. 111TH AVENUE, SUITE 100, MIAMI, FLORIDA 33156
(305) 555-1111



PRE DEVELOPMENT SURFACE HYDROLOGY



VALLEY CURB DETAIL

EXHIBIT 3

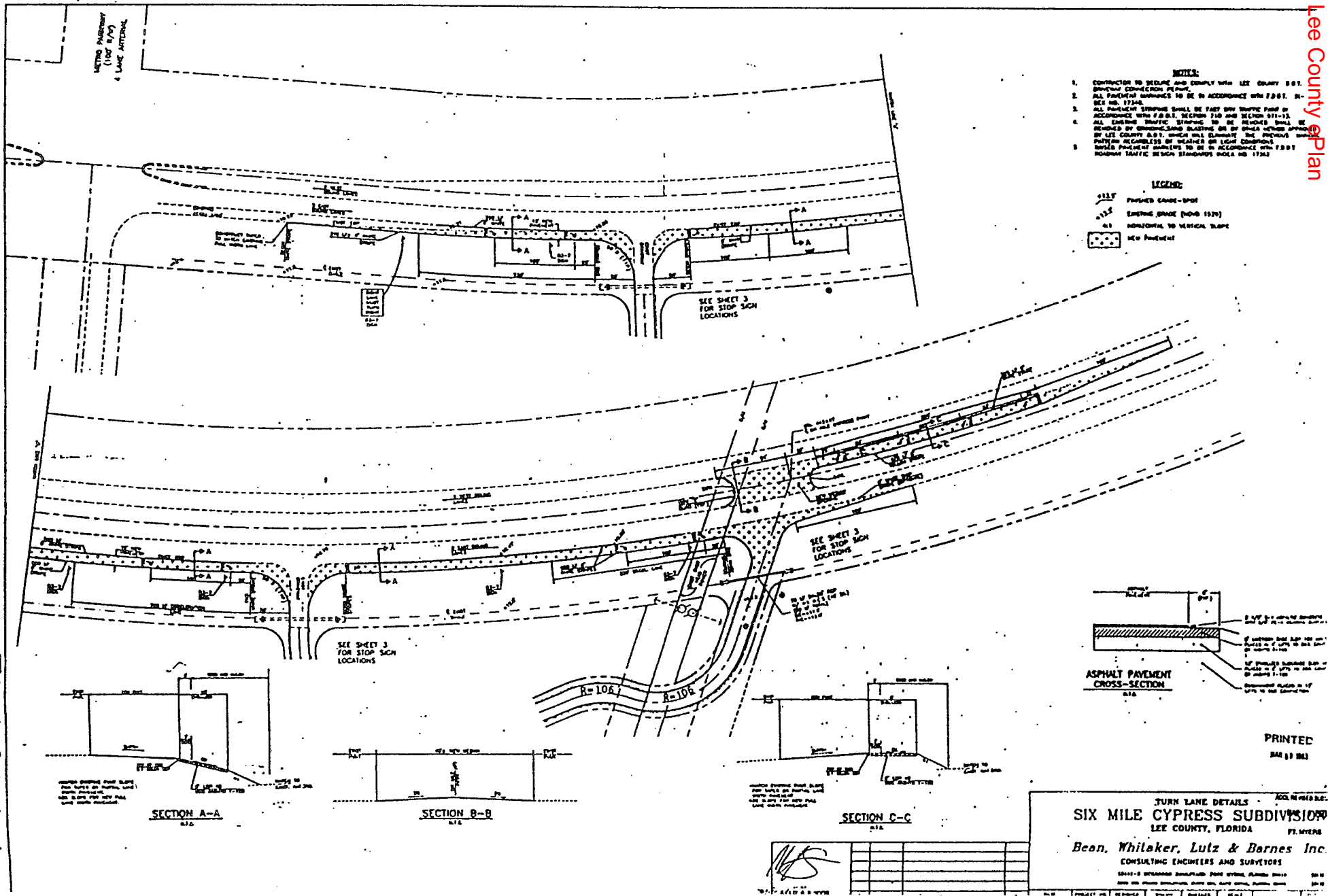
Sub. No.
12/6/13

PAVING, GRADING & DRAINAGE SECTIONS & DETAILS
SIX MILE CYPRESS SUBDIVISION
LEE COUNTY, FLORIDA

Bean, Whitaker, Lutz & Barnes, Inc.
CONSULTING ENGINEERS AND SURVEYORS

11111 S. W. 111TH AVENUE, SUITE 100, MIAMI, FLORIDA 33156
(305) 555-1111

EXHIBIT 4-



STAFF REPORT DISTRIBUTION LIST

PROJECT: SIX MILE CYPRESS SUBDIVISION
APPLICATION NUMBER: 920430-1

INTERNAL DISTRIBUTION

Reviewer:

X Craig A. Medlock
X Karen M. Johnson
X Clayton R. Miller, P.E.
X Karen M. Johnson
X T. Bates
X B. Colavecchio - REG
X M. Cruz
X F. Davis - LMD
X J. Golden
X B. Malone - LMD
X C. Merriam - GPA
X R. Mireau - OMD
X P. Rhoads - EVR
X C. Rinaldi - LMD
X R. Robbins
X R. Rogers - REG
 M. Slayton
 D. Thatcher
 W. Van Voorhess
 P. Walker - GPA
X K. Wallace
X A. Waterhouse
X Area Engineer
X Day File
X Enforcement
X Field Representative
X Office of Counsel
X Permit File

GOVERNING BOARD MEMBERS

Ms. Annie Betancourt
 Ms. Valerie Boyd
 Mr. William Hammond
 Ms. Betsy Krant
 Mr. Allan Milledge
 Mr. Eugene K. Pettis
 Mr. Nathaniel P. Reed
X Ms. Leah Schad
 Mr. Frank Williamson, Jr.

DEPT. OF ENVIRONMENTAL PROTECTION

X Ft. Myers

EXTERNAL DISTRIBUTION

X Applicant:

V.M. HARRIS, TRUSTEE

X Applicant's Consultant:

BEAN WHITAKER LUTZ BARNES INC

X Engineer, County of:

LEE

Engineer, City of:

X Local Drainage District:

NOT APPLICABLE

COUNTY

X Lee

-Development & Review

-Div of Natural Resources Mgmt

-Mosquito Control

BUILDING AND ZONINGOTHER

X B&M Plumbing, Inc. (Janice Milson)
 Dept of Natural Resources (K.Alvarez)
X Div of Recreation and Park - District 8
 F.G.F.W.F.C.
X Florida Audubon - Charles Lee
 Port St. Lucie Planning Division
X S.W.F.R.P.C. - Glenn Heath
 Sierra Club - Central Florida Group



South Florida Water Management District

3301 Gun Club Road • P.O. Box 24680 • West Palm Beach, FL 33416-4680 • (407) 686-8800 • FL WATS 1-800-432-2045

December 17 , 1993

V.M. Harris, Trustee
P.O. Box 2366
Fort Myers, FL 33902-2366

Dear Sir or Madam:

Subject: Application No. 920430-1, Six Mile Cypress Subdivision,
Lee County, S30/T45S/R25E

Enclosed is a copy of this District's staff report covering the request for permit application referenced therein. It is requested that you read this staff report thoroughly and understand its contents. The recommendations as stated in the staff report will be presented to our Governing Board for consideration on January 13, 1994.

Should you wish to object to the staff recommendation or file a petition, please provide written objections, petitions and/or waivers (refer to the attached "Notice of Rights") to:

Vern Kaiser, Deputy Clerk
South Florida Water Management District
Post Office Box 24680
West Palm Beach, Florida 33416-4680

The "Notice of Rights" addresses the procedures to be followed if you desire a public hearing or other review of the proposed agency action. You are advised, however, to be prepared to defend your position regarding the permit application when it is considered by the Governing Board for final agency action, even if you agree with the staff recommendation, as the Governing Board may take final agency action which differs materially from the proposed agency action.

Please contact the District if you have any questions concerning this matter. If we do not hear from you prior to the date on the "Notice of Rights", we will assume you concur with our recommendations.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a "Notice of Rights" has been mailed to the addressee and the persons listed in the attached distribution list not later than 5:00 p.m. this 17th day of December 1993 in accordance with Section 120.60 (3), Florida Statutes.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Lamb", is written over the word "Sincerely,".

Steve Lamb
Director
Regulation Department

CERTIFIED MAIL #P 253 287 821
RETURN RECEIPT REQUESTED

Governing Board:

Valerie Boyd, Chairman
Frank Williamson, Jr., Vice Chairman
Annie Betancourt

William Hammond
Betsy Krant
Allan Milledge

Eugene K. Pettis
Nathaniel P. Reed
Leah G. Schad

Tilford C. Creel, Executive Director
Thomas K. MacVicar, Deputy Executive Director



Form #0300
Rev. 7/93

South Florida Water Management District

Notice Of Rights

NOTICE OF RIGHTS

Enclosed is a copy of the Staff Review Summary regarding the subject permit application, which is this agency's Notice of Proposed Agency Action.

PETITION FOR FORMAL ADMINISTRATIVE PROCEEDINGS

Any person whose substantial interests are or may be affected by the action which is proposed in the enclosed Notice of Proposed Agency Action/Staff Review Summary, may petition for an administrative hearing in accordance with the requirements of Rule 40E-1.521, Florida Administrative Code, and be filed with (received by) the District Clerk, 3301 Gun Club Road, West Palm Beach, Florida 33406. Petitions for administrative hearing on the above application must be filed within fourteen (14) days of actual receipt of this Notice of Proposed Agency Action. Failure to file a petition within this time period shall constitute a waiver of any rights such person may have to request an administrative determination (hearing) under section 120.57, Florida Statutes, concerning the subject permit application. Petitions which are not filed in accordance with the above provisions are subject to dismissal.

FLORIDA LAND AND WATER ADJUDICATORY COMMISSION

A party to the proceeding below may seek review of a Final Order rendered on the permit application before the Land and Water Adjudicatory Commission. Review under section 373.114, Florida Statutes, is initiated by filing a request for review with the Land and Adjudicatory Commission and serving a copy on the Department of Environmental Protection and any person named in the Order within applicable statutory timeframes. This review is appellate in nature and limited to the record below.

DISTRICT COURT OF APPEAL

A party who is adversely affected by final agency action on the permit application is entitled to judicial review in the District Court of Appeal pursuant to section 120.68, Florida Statutes, as provided therein. Review under section 120.68, Florida Statutes, is initiated by filing a Notice of Appeal in the appropriate District Court of Appeal in accordance with Florida Rule of Appellate Procedure 9.110.

CIRCUIT COURT

Section 373.617(2), Florida Statutes, provides:

Any person substantially affected by a final action of any agency with respect to a permit may seek review within 90 days of the rendering of such decision and request monetary damages and other relief in the circuit court in the judicial circuit in which the affected property is located; however, circuit court review shall be confined solely to determining whether final agency action is an unreasonable exercise of the state's police power constituting a taking with just compensation. Review of final agency action for the purpose of determining whether the action is in accordance with existing statutes or rules and based on competent substantial evidence shall proceed in accordance with Chapter 120.

Form 0300/side 2

Rev. 7/93

40E-1.521 Initiation of Formal Proceedings

(1) Initiation of formal proceedings shall be made by filing a petition with the District Clerk within the applicable timeframes set forth in this chapter. The term petition includes any application or other document which expresses a request for formal proceedings.

(2) All petitions filed under these rules shall contain:

- (a) The name and address of the District and the District's file or identification number, if known;
- (b) The name and address of the petitioner or petitioners;
- (c) An explanation of how each petitioner's substantial interests will be affected by the District's determination;
- (d) A statement of when and how petitioner received notice of agency action or notice of proposed agency action;
- (e) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (f) A concise statement of the ultimate facts which petitioner believes entitle petitioner to the relief sought as well as the rules and statutes which support petitioner's claim for relief;
- (g) A demand for the relief to which the petitioner deems himself entitled; and
- (h) Other information which the petitioner contends is material.

(3) Upon receipt of a petition for formal proceedings, the Office of Counsel shall review the petition for compliance with subsection (2). The Board shall accept those petitions in substantial compliance therewith, which have been timely filed, which establish that the petitioner is a substantially affected party, and which state a dispute which is within the jurisdiction of the District to resolve. If accepted, the Board shall designate the presiding officer of the administrative hearing. The District shall promptly give written notice to all parties of the action taken on the petition, and shall state with particularity its reasons therefor.

(7) If the Board designates a Hearing Officer assigned by the Division of Administrative Hearings as the presiding officer, the District Clerk shall forward the petition and all relevant materials filed with the District to the Division of Administrative Hearings, and shall notify all parties of its action.

Specific Authority 373.044, 373.113 F.S.

Law Implemented 120.53(1), 120.57 F.S.

History --- New 9-3-81, Amended 5-11-93.

Formerly 16K-1.09(1), 16K-1.112(1) through (3), 16K-1.12

LAST DATE FOR GOVERNING BOARD ACTION:
JANUARY 13, 1994

SURFACE WATER MANAGEMENT STAFF REVIEW SUMMARY

I. ADMINISTRATIVE

APPLICATION NUMBER: 920430-1

PROJECT NAME: SIX MILE CYPRESS SUBDIVISION

LOCATION: LEE COUNTY
S30/T45S/R25E

APPLICANT'S NAME: V.M. HARRIS, TRUSTEE

OWNERS NAME AND ADDRESS: V.M. HARRIS, TRUSTEE
PO BOX 2366
FORT MYERS, FL 33902-2366

DEVELOPER: V.M. HARRIS, TRUSTEE

ENGINEER: BEAN WHITAKER LUTZ BARNES INC

II. PROJECT DESCRIPTION

PROJECT AREA: 35.21 acres DRAINAGE AREA: 23.11 acres

DISTRICT DRAINAGE BASIN: SIX MILE CYPRESS SLOUGH

RECEIVING BODY: SIX MILE CYPRESS SLOUGH

CLASSIFICATION: CLASS III

SPECIAL DRAINAGE DISTRICT: NOT APPLICABLE

PURPOSE:

This application is a request for Construction and Operation of a surface water management system to serve a 35.21 acre commercial project discharging to the Six Mile Cypress Slough. Staff recommends approval of the request with conditions.

EXISTING FACILITIES:

There are no surface water management facilities on this project site. The site lies within the Six Mile Cypress watershed at the southern end of the Six Mile Cypress Slough with flow patterns running generally northeast to southwest. Existing site elevations vary from approximately 11.3' NGVD in the southwest to approximately 13.7' NGVD in the northeast. All of the existing site lies below the 100 year storm event stage in this part of the Six Mile Cypress Slough Basin.

PROPOSED FACILITIES:

The applicant proposes to construct the infrastructure for a 23.11 acre development within a 35.21 acre parcel. The ultimate project will consist of 21 commercial lots to be developed by the individual lot owners. This application proposes to construct an access road, a surface water management system with 5.36 acre dry detention area designed to treat and attenuate stormwater, the associated drainage facilities to convey stormwater, and a 7.64 acre lake on the south 1/2 of the project designed to provide compensating storage. A total of 11.47 acres in the south 1/2 of the project is dedicated to providing the required compensation for basin storage lost to the adjacent slough as a result of the proposed construction. Compensating storage is a requirement of any project site that encroaches into a known floodplain and acts as an "importer" of basin runoff. Essentially, the amount of storage available to the basin in it's pre-developed state must be available in the post-developed state and floodplain conveyance cannot be reduced. The design of this project provides the required compensating storage.

Another requirement of a site which encroaches into the floodplain is that it must detain the runoff from the 100 year-3 day rainfall event, with no uncontrolled discharge. This project design meets this criteria.

The required water quality treatment for the Six Mile Cypress Subdivision is provided in the backbone surface water management system to be constructed at this time. Treatment is provided for 2.5" times the percentage impervious over the 23.11 acre developed site.

Prior to construction authorization for the individual lots, the applicant(s) must submit paving, grading, and drainage plans to the District for review and compliance approval. Each lot will be limited to an impervious coverage of 70% as indicated in Special Condition No. 21. Lots which exceed this percentage will be required to provide additional treatment on their sites.

BASIN INFORMATION:

Basin	Area Acres	WSWT Elev (ft, NGVD)	Normal/Dry Ctrl Elev (ft, NGVD)	Method of Determination
DEVELOPED SITE	23.11	10.00	10/10	WATER TABLE CONTOUR MAP

DISCHARGE STRUCTURE INFORMATION:**Water Quality Structures:**

Basin	Str. #	Bleeder Type	Dimensions	Invert Elev. (ft, NGVD)
DEVELOPED SITE	1	CIRCULAR ORIFICE	.33' dia.	10.00
DEVELOPED SITE	1	CIRCULAR ORIFICE	.5' dia.	11.40

Discharge Culverts:

Basin	Str. #	Description
DEVELOPED SITE	1	24' long, 1.25' dia. RCP

Receiving Body:

Basin	Str. #	Receiving Body
DEVELOPED SITE	1	SIX MILE CYPRESS SLOUGH

III. PROJECT EVALUATION**Discharge Rate:**

As shown in the table below, the proposed project discharge is within the allowable limit for the area.

Design Storm Frequency: 25YEAR-3DAY Design Rainfall: 10.30 inches

Basin	Allow Disch (cfs)	Method of Determination	Design Disch (cfs)	Design Stage (ft, NGVD)
DEVELOPED SITE	1.34	SIX MILE CYPRESS SLOUGH (37 CSM)	1.2	13.1

WATER QUALITY:

Water quality treatment is provided for 2.5" times the percentage impervious for the 23.11 acre developed site.

Basin	Treatment Method	Vol Req'd. (ac-ft)	Vol Prov'd (ac-ft)
DEVELOPED SITE	5.36 acres DRY DETENTION	1.99	2.30

ROAD DESIGN:

As shown in the following table, minimum road center lines have been set at or above the calculated design storm flood elevation.

Design Storm Freq: 10YEAR-1DAY

Design Rainfall: 6.40 inches

Basin	Flood Elevation (ft., NGVD)	Minimum Centerline Elevation (ft., NGVD)
DEVELOPED SITE	12.1	13.2

FINISHED FLOORS:

As shown in the following table, minimum finished floor elevations have been set above the calculated design storm flood elevation.

Design Storm Frequency: 100YEAR-3DAY

Design Rainfall: 12.90 inches

Basin	Flood Elevation (ft., NGVD)	FEMA Elevation (ft., NGVD)	Minimum Design Elev (ft., NGVD)
DEVELOPED SITE	13.6	n/a	13.7

IV. ENVIRONMENTAL ASSESSMENT

The project site contains disturbed uplands and melaleuca wetlands. The subject property was previously cleared and the uplands revegetated with a variety of upland grasses. The wetland area, measuring approximately 7.7 acres, consists of hydric melaleuca. The melaleuca is very dense and as a result understory vegetation is lacking. However, adventitious rooting is evident on the bases of the melaleuca trees, indicating that the area experiences prolonged standing water. As a result of the severe melaleuca invasion, the onsite wetland is in poor condition. The project site is located adjacent to the Six Mile Cypress Slough Preserve.

The project as proposed includes the construction of surface water management

facilities to serve a commercial development. Under the proposed development plan, the onsite wetlands will be cleared of melaleuca. A floodplain compensation storage area will be created within the existing melaleuca wetland. The existing wetland area will have all melaleuca trees removed and will be scraped down approximately 1' to 3' below existing grade. The control elevation will be set at approximately 10.0' NGVD.

To offset the proposed wetland impacts resulting from creation of the floodplain compensation area, the applicant is proposing to create a 100' wide littoral area around the perimeter of the excavation. This littoral area will consist of a 40' wide hammock/tree planting shelf and a 60' wide herbaceous planting zone.

Water quality treatment will be provided prior to discharge from the developed portions of the site into the wetland mitigation area.

The proposed wetland impacts and mitigation activities are located within Waters of the State and the applicant filed with the Department of Environmental Regulation (DER) for a dredge and fill permit prior to the effective date of the Operating Agreement. To avoid conflicting or duplicative mitigation/monitoring requirements, District staff has deferred final review of the proposed mitigation plan to DER staff. The recent submittal to the DER includes plans for the planting of vegetative zones within the littoral areas. Zone A will consist of tree plantings with cypress, red maple, laurel oak, dahoon holly and pop ash. Zone B will consist of mixed tree shrub and herbaceous plantings. Zone C will include herbaceous plantings only. Zone D will consist of the western exotic removal area. Within this zone the existing grade will be lowered approximately 1' and seeded with fast growing groundcover such as knot-grass to prevent regrowth of the melaleuca. The wetland creation area will be monitored pursuant to DER guidelines.

WETLAND INVENTORY -**NEW PHASE - SIX MILE CYPRESS SUBDIVISION****ONSITE**

	Cypress	Marsh	Trans.	Mix Forest	Totals
Total Wet. AC	0	0	7.7	0	7.7
Wet. Preserved					0
Wet. Impacted			7.7		7.7
Wet. Disturbed					0
Wet. Improved			4.3		4.3
Wet. Created		3.26		.1	3.36
		Uplands			
Other Compensation		N/A			

SYSTEM OPERATION:

Six Mile Cypress Commercial Park Association, Inc.

PROPOSED LAND USE(S):

Commercial

WATER USE PERMIT STATUS:

No irrigation of landscaped areas is proposed at this time.

POTABLE WATER SUPPLIER:

Lee County Utilities

WASTE WATER SYSTEM/SUPPLIER:

Lee County Utilities

DRI STATUS:

This project is not a DRI.

SAVE OUR RIVERS:

The project is adjacent to lands previously purchased under the Six Mile Cypress Slough Aquisition program administered by Lee County and the Save Our Rivers program.

SWIM BASIN:

The project is not within nor does it discharge directly to a designated SWIM basin.

RIGHT-OF-WAY PERMIT STATUS:

A Right-of-Way Permit is not required for this project.

ENFORCEMENT ACTIVITY:

There has been no enforcement activity associated with this application.

THIRD PARTY INTEREST:

No third party has contacted the District with concerns about this application.

WELL FIELD ZONE OF INFLUENCE:

The project is not located within the zone of influence of a wellfield.

PRIMARY ISSUES RESOLVED:

1. Floodplain encroachment (compensating storage)
2. Wetland impacts
3. Wetland mitigation

V. APPLICABLE LAND AREA

The TOTAL PROJECT site consists of 35.21 acres. An FP&L easement, listed as OTHER, is 0.63 acres of the site. The site area to be developed is 23.11 acres.

WTMT acreage consists of 5.36 acres dry detention, a 7.64 acre lake for compensating storage and a 3.83 acre area excavated for exotic removal and for compensating storage.

The PRESERVED acreage figure includes the 100' wide littoral planting areas and the area of melaleuca removal with no littoral plantings.

PROJECT

	<u>TOTAL PROJECT</u>	<u>PREVIOUSLY PERMITTED</u>	<u>THIS PHASE</u>	
TOTAL ACRES	35.21	.00	35.21	acres
WTRM ACREAGE	16.83	.00	16.83	acres
PAVEMENT	8.96	.00	8.96	acres
BUILD COVERAGE	4.50	.00	4.50	acres
PRESERVED	7.66	.00	7.66	acres
PERVIOUS	21.75	.00	21.75	acres
OTHER	.63	.00	.63	acres

VI. STAFF RECOMMENDATION

The Staff recommends that the following be issued:

AUTHORIZATION FOR CONSTRUCTION AND OPERATION OF A SURFACE WATER MANAGEMENT SYSTEM TO SERVE A 35.21 ACRE COMMERCIAL PROJECT DISCHARGING TO SIX MILE CYPRESS SLOUGH.

Based on the information provided, District rules have been adhered to.

Staff recommendation is for approval subject to the attached Standard Limiting and Special Conditions.

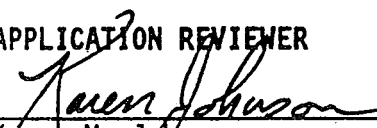
VII. STAFF REVIEW

AREA MANAGER


Benjamin C. Pratt, P.E., P.L.S.

**NATURAL RESOURCE MANAGEMENT DIVISION APPROVAL**

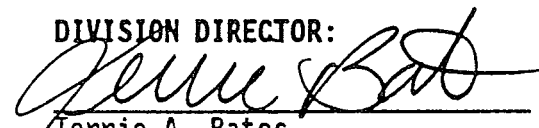
APPLICATION REVIEWER


Karen M. Johnson

SUPERVISING PROFESSIONAL


Karen M. Johnson

DIVISION DIRECTOR:


Terrie A. Bates

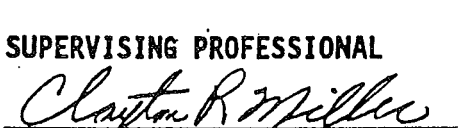
DATE: 12-14-93

SURFACE WATER MANAGEMENT DIVISION APPROVAL

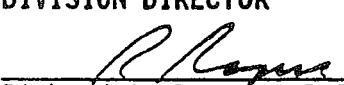
APPLICATION REVIEWER


Craig A. Medlock

SUPERVISING PROFESSIONAL


Clayton R. Miller, P.E.

DIVISION DIRECTOR


Richard A. Rogers, P.E.

DATE: 12/16/93

LIMITING CONDITIONS

- 1 . THE PERMITTEE SHALL PROSECUTE THE WORK AUTHORIZED IN A MANNER SO AS TO MINIMIZE ANY ADVERSE IMPACT OF THE WORKS ON FISH, WILDLIFE, NATURAL ENVIRONMENTAL VALUES, AND WATER QUALITY. THE PERMITTEE SHALL INSTITUTE NECESSARY MEASURES DURING THE CONSTRUCTION PERIOD, INCLUDING FULL COMPACTION OF ANY FILL MATERIAL PLACED AROUND NEWLY INSTALLED STRUCTURES, TO REDUCE EROSION, TURBIDITY, NUTRIENT LOADING AND SEDIMENTATION IN THE RECEIVING WATERS.
- 2 . WATER QUALITY DATA FOR THE WATER DISCHARGED FROM THE PERMITTEE'S PROPERTY OR INTO SURFACE WATERS OF THE STATE SHALL BE SUBMITTED TO THE DISTRICT AS REQUIRED. PARAMETERS TO BE MONITORED MAY INCLUDE THOSE LISTED IN CHAPTER 17-302. IF WATER QUALITY DATA IS REQUIRED, THE PERMITTEE SHALL PROVIDE DATA AS REQUIRED, ON VOLUMES OF WATER DISCHARGED INCLUDING TOTAL VOLUME DISCHARGED, DURING THE DAYS OF SAMPLING AND TOTAL MONTHLY DISCHARGES FROM THE PROPERTY OR INTO SURFACE WATERS OF THE STATE.
- 3 . THE PERMITTEE SHALL COMPLY WITH ALL APPLICABLE LOCAL SUBDIVISION REGULATIONS AND OTHER LOCAL REQUIREMENTS. IN ADDITION, THE PERMITTEE SHALL OBTAIN ALL NECESSARY FEDERAL, STATE, LOCAL AND SPECIAL DISTRICT AUTHORIZATIONS PRIOR TO THE START OF ANY CONSTRUCTION OR ALTERATION OF WORKS AUTHORIZED BY THIS PERMIT.
- 4 . THE OPERATION PHASE OF THIS PERMIT SHALL NOT BECOME EFFECTIVE UNTIL A FLORIDA REGISTERED PROFESSIONAL ENGINEER CERTIFIES THAT ALL FACILITIES HAVE BEEN CONSTRUCTED IN ACCORDANCE WITH THE DESIGN APPROVED BY THE DISTRICT. WITHIN 30 DAYS AFTER COMPLETION OF CONSTRUCTION OF THE SURFACE WATER MANAGEMENT SYSTEM, THE PERMITTEE SHALL SUBMIT THE CERTIFICATION AND NOTIFY THE DISTRICT THAT THE FACILITIES ARE READY FOR INSPECTION AND APPROVAL. UPON APPROVAL OF THE COMPLETED SURFACE WATER MANAGEMENT SYSTEM, THE PERMITTEE SHALL REQUEST TRANSFER OF THE PERMIT TO THE RESPONSIBLE ENTITY APPROVED BY THE DISTRICT.
- 5 . ALL ROADS SHALL BE SET AT OR ABOVE ELEVATIONS REQUIRED BY THE APPLICABLE LOCAL GOVERNMENT FLOOD CRITERIA.
- 6 . ALL BUILDING FLOORS SHALL BE SET AT OR ABOVE ELEVATIONS ACCEPTABLE TO THE APPLICABLE LOCAL GOVERNMENT.
- 7 . OFF-SITE DISCHARGES DURING CONSTRUCTION AND DEVELOPMENT SHALL BE MADE ONLY THROUGH THE FACILITIES AUTHORIZED BY THIS PERMIT. NO ROADWAY OR BUILDING CONSTRUCTION SHALL COMMENCE ON-SITE UNTIL COMPLETION OF THE PERMITTED DISCHARGE STRUCTURE AND DETENTION AREAS. WATER DISCHARGED FROM THE PROJECT SHALL BE THROUGH STRUCTURES HAVING A MECHANISM SUITABLE FOR REGULATING UPSTREAM WATER STAGES. STAGES MAY BE SUBJECT TO OPERATING SCHEDULES SATISFACTORY TO THE DISTRICT.
- 8 . NO CONSTRUCTION AUTHORIZED HEREIN SHALL COMMENCE UNTIL A RESPONSIBLE ENTITY ACCEPTABLE TO THE DISTRICT HAS BEEN ESTABLISHED AND HAS AGREED TO

OPERATE AND MAINTAIN THE SYSTEM. THE ENTITY MUST BE PROVIDED WITH SUFFICIENT OWNERSHIP SO THAT IT HAS CONTROL OVER ALL WATER MANAGEMENT FACILITIES AUTHORIZED HEREIN. UPON RECEIPT OF WRITTEN EVIDENCE OF THE SATISFACTION OF THIS CONDITION, THE DISTRICT WILL ISSUE AN AUTHORIZATION TO COMMENCE CONSTRUCTION.

- 9 . THE PERMIT DOES NOT CONVEY TO THE PERMITTEE ANY PROPERTY RIGHT NOR ANY RIGHTS OR PRIVILEGES OTHER THAN THOSE SPECIFIED IN THE PERMIT AND CHAPTER 40E-4, FAC.
10. THE PERMITTEE SHALL HOLD AND SAVE THE DISTRICT HARMLESS FROM ANY AND ALL DAMAGES, CLAIMS, OR LIABILITIES WHICH MAY ARISE BY REASON OF THE CONSTRUCTION, OPERATION, MAINTENANCE OR USE OF ANY FACILITY AUTHORIZED BY THE PERMIT.
11. THIS PERMIT IS ISSUED BASED ON THE APPLICANT'S SUBMITTED INFORMATION WHICH REASONABLY DEMONSTRATES THAT ADVERSE OFF-SITE WATER RESOURCE RELATED IMPACTS WILL NOT BE CAUSED BY THE COMPLETED PERMIT ACTIVITY. IT IS ALSO THE REponsIBILITY OF THE PERMITTEE TO INSURE THAT ADVERSE OFF-SITE WATER RESOURCE IMPACTS DO NOT OCCUR DURING CONSTRUCTION.
12. PRIOR TO DEWATERING, PLANS SHALL BE SUBMITTED TO THE DISTRICT FOR APPROVAL. INFORMATION SHALL INCLUDE AS A MINIMUM: PUMP SIZES, LOCATIONS AND HOURS OF OPERATION FOR EACH PUMP. IF OFF-SITE DISCHARGE IS PROPOSED, OR OFF-SITE ADVERSE IMPACTS ARE EVIDENT, AN INDIVIDUAL WATER USE PERMIT MAY BE REQUIRED. THE PERMITTEE IS CAUTIONED THAT SEVERAL MONTHS MAY BE REQUIRED FOR CONSIDERATION OF THE WATER USE PERMIT APPLICATION.

SPECIAL CONDITIONS

- 1 . MINIMUM BUILDING FLOOR ELEVATION: BASIN: DEVELOPED SITE - 15.00 FEET NGVD.
- 2 . MINIMUM ROAD CROWN ELEVATION: BASIN: DEVELOPED SITE - 13.30 FEET NGVD.
- 3 . DISCHARGE FACILITIES:
 - 1-.33' DIA. CIRCULAR ORIFICE WITH INVERT AT ELEV. 10' NGVD.
 - 1-.5' DIA. CIRCULAR ORIFICE WITH INVERT AT ELEV. 11.4' NGVD.
 - 24 LF OF 1.25' DIA. RCP CULVERT.

RECEIVING BODY : SIX MILE CYPRESS SLOUGH

CONTROL ELEV : 10 FEET NGVD. /10 FEET NGVD DRY SEASON.
- 4 . THE PERMITTEE SHALL BE RESPONSIBLE FOR THE CORRECTION OF ANY EROSION, SHOALING OR WATER QUALITY PROBLEMS THAT RESULT FROM THE CONSTRUCTION OR OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM:
- 5 . MEASURES SHALL BE TAKEN DURING CONSTRUCTION TO INSURE THAT SEDIMENTATION AND/OR TURBIDITY PROBLEMS ARE NOT CREATED IN THE RECEIVING WATER.
- 6 . THE DISTRICT RESERVES THE RIGHT TO REQUIRE THAT ADDITIONAL WATER QUALITY TREATMENT METHODS BE INCORPORATED INTO THE DRAINAGE SYSTEM IF SUCH MEASURES ARE SHOWN TO BE NECESSARY.
- 7 . PRIOR TO THE INITIATION OF ANY WITHDRAWAL OF WATER (IRRIGATION, DEWATERING, PUBLIC WATER SUPPLY, ETC.), IT WILL BE NECESSARY TO APPLY FOR A WATER USE PERMIT. THE PERMITTEE IS CAUTIONED THAT A MINIMUM OF 90 DAYS IS REQUIRED FOR CONSIDERATION OF THE WATER USE PERMIT APPLICATION. THE PERMITTEE IS CAUTIONED THAT THE ISSUANCE OF A SURFACE WATER MANAGEMENT PERMIT SHALL NOT BE CONSTRUED TO BE A GUARANTEE THAT WATER WILL BE AVAILABLE.
- 8 . FACILITIES OTHER THAN THOSE STATED HEREIN SHALL NOT BE CONSTRUCTED WITHOUT AN APPROVED MODIFICATION OF THIS PERMIT.
- 9 . A BENCHMARK SHALL BE PROVIDED IN THE VICINITY OF THE CONTROL STRUCTURE AND A DESCRIPTION PROVIDED TO THE DISTRICT WHEN CERTIFYING CONSTRUCTION COMPLETION OF THE DRAINAGE FACILITIES.
10. PRIOR TO FEBRUARY 12, 1994, THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT SHALL BE NOTIFIED BY THE PERMITTEE OR AUTHORIZED AGENT (VIA THE SUPPLIED CONSTRUCTION COMMENCEMENT NOTICE OR EQUIVALENT) OF THE ACTUAL OR ANTICIPATED CONSTRUCTION START DATE AND THE EXPECTED COMPLETION DATE/DURATION.

11. WHEN THE DURATION OF CONSTRUCTION EXCEEDS ONE YEAR, CONSTRUCTION STATUS REPORTS SHALL BE SUBMITTED TO THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT ON AN ANNUAL BASIS (VIA THE SUPPLIED ANNUAL STATUS REPORT OR EQUIVALENT) BEGINNING ONE YEAR AFTER THE INITIAL COMMENCEMENT OF CONSTRUCTION DATE.
12. WITHIN 30 DAYS AFTER COMPLETION OF CONSTRUCTION OF THE SURFACE WATER MANAGEMENT SYSTEM, THE PERMITTEE OR AUTHORIZED AGENT SHALL NOTIFY THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT OF THAT COMPLETION DATE AND SUBMIT CERTIFICATION BY A FLORIDA REGISTERED PROFESSIONAL ENGINEER THAT ALL FACILITIES HAVE BEEN CONSTRUCTED IN ACCORDANCE WITH THE DESIGN APPROVED BY THE DISTRICT (VIA THE SUPPLIED CONSTRUCTION COMPLETION/CONSTRUCTION CERTIFICATION OR EQUIVALENT). SUCH CERTIFICATION MAY CONSIST OF WORDING IN PARAGRAPH 3.1.7 "CONSTRUCTION COMPLETION CERTIFICATION" OF THE CURRENT BASIS OF REVIEW FOR SURFACE WATER MANAGEMENT PERMIT APPLICATIONS WITHIN THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT. IF THE CERTIFICATION LANGUAGE USED IS DIFFERENT FROM THE SUGGESTED LANGUAGE, A SET OF RECORD DRAWINGS CONSISTING OF ELEVATIONS, LOCATIONS AND DIMENSIONS OF COMPONENTS OF THE SURFACE WATER MANAGEMENT SYSTEM SHALL ALSO BE SUBMITTED.
13. OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM SHALL BE THE RESPONSIBILITY OF SIX MILE CYPRESS PARK ASSOCIATION, INC..
14. SILT SCREENS, HAY BALES OR OTHER SUCH SEDIMENT CONTROL MEASURES SHALL BE UTILIZED DURING CONSTRUCTION. THE SELECTED SEDIMENT CONTROL MEASURES SHALL BE INSTALLED LANDWARD OF THE UPLAND BUFFER ZONES AROUND ALL PROTECTED WETLANDS. ALL AREAS SHALL BE STABILIZED AND VEGETATED IMMEDIATELY AFTER CONSTRUCTION TO PREVENT EROSION INTO THE WETLANDS AND UPLAND BUFFER ZONES.
15. THE PERMITTEE SHALL SUBMIT TO THE SFWMD COPIES OF ALL NECESSARY PERMITS FROM THE DEPARTMENT OF ENVIRONMENTAL REGULATION FOR ANY PROPOSED WORKS REQUIRING A WETLAND RESOURCE PERMITTING AUTHORIZATION. SUBMITTALS SHALL BE CONCURRENT WITH ENGINEERING CERTIFICATION OF CONSTRUCTION COMPLETION.
16. THE SFWMD RESERVES THE RIGHT TO REQUIRE REMEDIAL MEASURES TO BE TAKEN BY THE PERMITTEE IF WETLAND AND/OR UPLAND MONITORING OR OTHER INFORMATION DEMONSTRATES THAT ADVERSE IMPACTS TO PROTECTED, CONSERVED, INCORPORATED OR MITIGATED WETLANDS OR UPLANDS HAVE OCCURRED DUE TO PROJECT RELATED ACTIVITIES.
17. ANY FUTURE CHANGES IN LAND USE OR TREATMENT OF WETLANDS AND/OR UPLAND BUFFER/COMPENSATION AREAS MAY REQUIRE A SURFACE WATER MANAGEMENT PERMIT MODIFICATION AND ADDITIONAL ENVIRONMENTAL REVIEW BY DISTRICT STAFF. PRIOR TO THE PERMITTEE INSTITUTING ANY FUTURE CHANGES NOT AUTHORIZED BY THIS PERMIT, THE PERMITTEE SHALL NOTIFY THE SFWMD OF SUCH INTENTIONS FOR A DETERMINATION OF ANY NECESSARY PERMIT MODIFICATIONS.
18. THE WETLAND CONSERVATION AREAS AND UPLAND BUFFER ZONES AND/OR UPLAND PRESERVATION AREAS SHOWN ON EXHIBIT(S) 2 MAY IN NO WAY BE ALTERED FROM THEIR NATURAL STATE. ACTIVITIES PROHIBITED WITHIN THE CONSERVATION AREAS

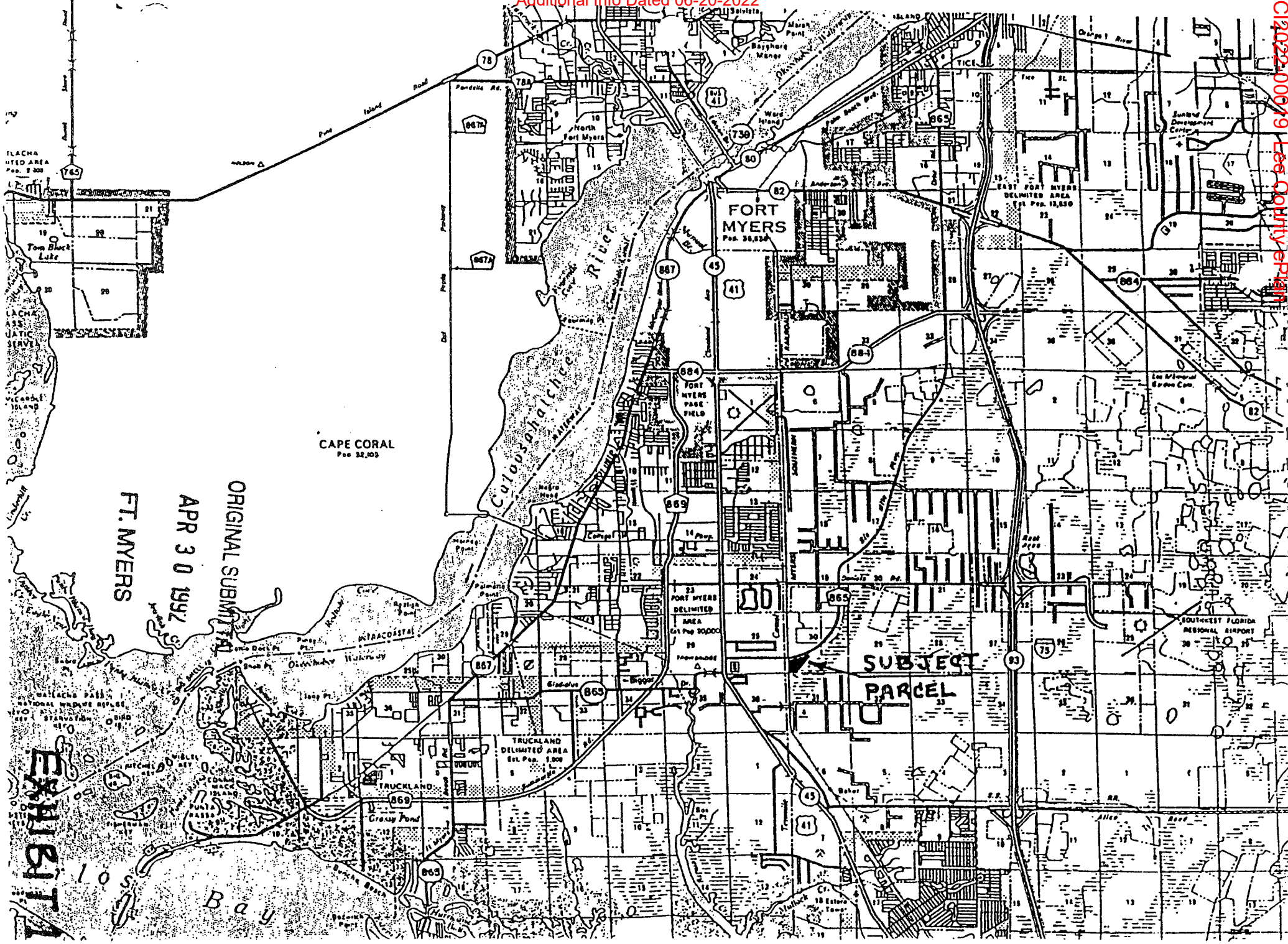
INCLUDE, BUT ARE NOT LIMITED TO: CONSTRUCTION OR PLACING OF BUILDINGS ON OR ABOVE THE GROUND; DUMPING OR PLACING SOIL OR OTHER SUBSTANCES SUCH AS TRASH; REMOVAL OR DESTRUCTION OF TREES, SHRUBS, OR OTHER VEGETATION - WITH THE EXCEPTION OF EXOTIC/NUISANCE VEGETATION REMOVAL; EXCAVATION, DREDGING, OR REMOVAL OF SOIL MATERIAL; DIKING OR FENCING; AND ANY OTHER ACTIVITIES DETRIMENTAL TO DRAINAGE, FLOOD CONTROL, WATER CONSERVATION, EROSION CONTROL, OR FISH AND WILDLIFE HABITAT CONSERVATION OR PRESERVATION.

19. WETLAND PRESERVATION/MITIGATION AREAS, UPLAND BUFFER ZONES AND/OR UPLAND PRESERVATION AREAS SHALL BE DEDICATED AS CONSERVATION AND COMMON AREAS IN THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AS WELL AS ON THE PLAT IF THE PROJECT WILL BE PLATTED. RESTRICTIONS FOR USE OF THE CONSERVATION/Common AREAS SHALL STIPULATE:

THE WETLAND PRESERVATION/MITIGATION AREAS, UPLAND BUFFER ZONES, AND/OR UPLAND PRESERVATION AREAS ARE HEREBY DEDICATED AS CONSERVATION AND COMMON AREAS. THE CONSERVATION/Common AREAS SHALL BE THE PERPETUAL RESPONSIBILITY OF SIX MILE CYPRESS COMMERCIAL PARK ASSOCIATION, INC. AND MAY IN NO WAY BE ALTERED FROM THEIR NATURAL STATE AS DOCUMENTED IN THE PERMIT FILE, WITH THE EXCEPTION OF PERMITTED RESTORATION ACTIVITIES. ACTIVITIES PROHIBITED WITHIN THE CONSERVATION AREAS INCLUDE, BUT ARE NOT LIMITED TO: CONSTRUCTION OR PLACING SOIL OR OTHER SUBSTANCES SUCH AS TRASH REMOVAL OR DESTRUCTION OF TREES, SHRUBS, OR OTHER VEGETATION - WITH THE EXCEPTION OF EXOTIC/NUISANCE VEGETATION REMOVAL; EXCAVATION, DREDGING, OR REMOVAL OF SOIL MATERIAL; DIKING OR FENCING; AND ANY OTHER ACTIVITIES DETRIMENTAL TO DRAINAGE, FLOOD CONTROL, WATER CONSERVATION, EROSION CONTROL, OR FISH AND WILDLIFE HABITAT CONSERVATION OR PRESERVATION.

COPIES OF RECORDED DOCUMENTS SHALL BE SUBMITTED CONCURRENT WITH ENGINEERING CERTIFICATION OF CONSTRUCTION COMPLETION.

20. IF THE PROJECT DESIGN IS CHANGED AS A RESULT OF OTHER AGENCY REQUIREMENTS, A SURFACE WATER MANAGEMENT PERMIT MODIFICATION MAY BE REQUIRED. THE PERMITEE SHALL NOTIFY SFWMD STAFF OF DESIGN CHANGES REQUIRED BY OTHER AGENCIES FOR A DETERMINATION OF ANY NECESSARY PERMIT MODIFICATIONS.
21. PRIOR TO ANY CONSTRUCTION ON THE INDIVIDUAL LOTS, THE APPLICANT(S) MUST SUBMIT PAVING, GRADING, AND DRAINAGE PLANS TO THE DISTRICT FOR REVIEW AND APPROVAL. IMPERVIOUS COVERAGE ON EACH LOT SHALL NOT EXCEED 70%. EACH APPLICATION WILL BE REVIEWED AS A GENERAL PERMIT MODIFICATION TO THE ORIGINAL PERMIT.



FT. MYERS

APR 30 1992

ORIGINAL SUBMITTAL

EXHIBIT A

SUBJECT
PARCEL



NOTES:

1. CONTINUATION TO RECLINE AND COMPLY WITH LEE COUNTY 500
2. ALL PAVEMENT IMPROVEMENTS TO BE IN ACCORDANCE WITH FDOT
3. ALL PAVEMENT IMPROVEMENTS TO BE IN ACCORDANCE WITH FDOT
4. ALL EXISTING TRAFFIC SIGNALS TO BE REMOVED
5. ALL EXISTING TRAFFIC SIGNALS TO BE REMOVED
6. ALL EXISTING TRAFFIC SIGNALS TO BE REMOVED
7. ALL EXISTING TRAFFIC SIGNALS TO BE REMOVED
8. ALL EXISTING TRAFFIC SIGNALS TO BE REMOVED
9. ALL EXISTING TRAFFIC SIGNALS TO BE REMOVED
10. ALL EXISTING TRAFFIC SIGNALS TO BE REMOVED

LEGEND:

- FINISHED GRADE - SPOT
- EXISTING GRADE (SHOW 1070)
- HORIZONTAL TO VERTICAL SLOPE
- NEW PAVEMENT

SECTION A-A

SECTION B-B

SECTION C-C

ASPHALT PAVEMENT CROSS-SECTION

PRINTED

SIX MILE CYPRESS SUBDIVISION

LEE COUNTY, FLORIDA

Bean, Whitaker, Lutz & Barnes Inc.

CONSULTING ENGINEERS AND SURVEYORS

15441-5 BENTLEY DRIVE, SUITE 100, FORT MYERS, FLORIDA 33901

1999-2000

STAFF REPORT DISTRIBUTION LIST

PROJECT: SIX MILE CYPRESS SUBDIVISION

APPLICATION NUMBER: 920430-1

INTERNAL DISTRIBUTION

Reviewer:

X Craig A. Medlock
X Karen M. Johnson
X Clayton R. Miller, P.E.
X Karen M. Johnson
X T. Bates
X B. Colavecchio - REG
X M. Cruz
X F. Davis - LMD
X J. Golden
X B. Malone - LMD
X C. Merriam - GPA
X R. Mireau - OMD
X P. Rhoads - EVR
X C. Rinaldi - LMD
X R. Robbins
X R. Rogers - REG
M. Slayton
D. Thatcher
W. Van Voorhess
P. Walker - GPA
X K. Wallace
X A. Waterhouse
X Area Engineer
X Day File
X Enforcement
X Field Representative
X Office of Counsel
X Permit File

GOVERNING BOARD MEMBERS

Ms. Annie Betancourt
Ms. Valerie Boyd
Mr. William Hammond
Ms. Betsy Krant
Mr. Allan Milledge
Mr. Eugene K. Pettis
Mr. Nathaniel P. Reed
X Ms. Leah Schad
Mr. Frank Williamson, Jr.

DEPT. OF ENVIRONMENTAL PROTECTION

X Ft. Myers

EXTERNAL DISTRIBUTION

X Applicant:
V.M. HARRIS, TRUSTEE

X Applicant's Consultant:
BEAN WHITAKER LUTZ BARNES INC

X Engineer, County of:
LEE

Engineer, City of:

X Local Drainage District:
NOT APPLICABLE

COUNTY

X Lee -Development & Review
 -Div of Natural Resources Mgmt
 -Mosquito Control

BUILDING AND ZONINGOTHER

X B&M Plumbing, Inc. (Janice Milson)
Dept of Natural Resources (K.Alvarez)
X Div of Recreation and Park - District 8
F.G.F.W.F.C.
X Florida Audubon - Charles Lee
Port St. Lucie Planning Division
X S.W.F.R.P.C. - Glenn Heath
Sierra Club - Central Florida Group



HALEY WARD

ENGINEERING | ENVIRONMENTAL | SURVEYING

Resurgence Brewery & Rock Gym

STORMWATER MANAGEMENT NARRATIVE

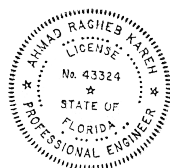
TO ACCOMPANY THE APPLICATION FOR INDUSTRIAL PLANNED DEVELOPMENT

HALEY WARD PROJECT NUMBER
2011255.001 (21-59)

June 17, 2022

Prepared By:

Haley Ward, Inc.
13041 McGregor Boulevard
Fort Myers, FL 33919
239.481.1331



cn=Ahmad R. Kareh, State of Florida,
Professional Engineer, License No. 43324,
o=Printed copies of this document are not
considered signed and sealed and the
signature must be verified on any electronic
copies., ou=This item has been digitally signed
and sealed by Ahmad R. Kareh on the date
indicated here., email=akareh@cesincusa.com,
c=US
2022.06.17 11:15:56 -04'00'

Ahmad R. Kareh, P.E., M.S.C.E.
Senior Vice President & Regional Engineering Manager
Florida License Number 43324
Certificate of Authorization Numbers
EB32664 & LB8267



13041 McGregor Boulevard, Fort Myers, FL 33919
T: 239.481.1331 | HALEYWARD.COM

**Introduction:**

The subject site is located south of Six Mile Cypress Parkway and east of Michael G. Rippe Parkway. There is an existing stormwater infrastructure serving the subject site as part of ERP Permit # 36-02664-S (copy attached), which includes a master stormwater management system as detailed in the above-mentioned permit. Any supplemental quality treatment that is required by SFWMD will be designed & shown during the Development Order process.

The Lee Plan outlines goals, objectives, and policies that outline the parameters of development in Lee County. Below are the relevant sections from the Lee Plan (*in italics*) related to stormwater management followed by a brief narrative describing this project's compliance with these stormwater management goals, objectives, and policies of the Lee Plan.

OBJECTIVE 60.3: CRITICAL AREAS. *The Six Mile Cypress Basin (as defined in the LDC, Chapter 10) and the DR/GR land use category are both identified as “critical areas for surface water management.” The County will maintain existing regulations to protect the unique environmental and water resource values of these areas.*

POLICY 60.3.1: *The County will maintain provisions in the LDC, Chapter 10, that reduce or eliminate the exemptions allowable in the Six Mile Cypress Basin.*

The proposed development is a part of an existing permitted subdivision with its own master stormwater management system. Any runoff from the proposed development will go through two (2) steps of treatment prior to being discharged into the Six Mile Cypress Slough.

POLICY 60.3.2: *The County will maintain the elimination of the exemptions in its development regulations for agricultural uses and small subdivisions within the “critical areas for surface water management” and will continue to subject these uses to an appropriate review process.*

The proposed development is not requesting an exemption from the required water quality requirements and will provide all the required water quality per South Florida Water Management District Criteria.

OBJECTIVE 61.3: GENERAL SURFACE WATER MANAGEMENT STANDARDS. *Lee County will continue to provide sufficient performance and/or design standards for development protective of the function of natural drainage systems.*

This project will have no direct impacts to natural drainage systems. All of the project's stormwater will be routed through on-site swales as needed for quality pre-treatment before discharging into the master stormwater management system.



POLICY 61.3.6: *Require developments to provide surface water management systems, acceptable programs for operation and maintenance, and post-development runoff conditions that reflect the natural surface water flow rate, direction, quality, hydroperiod, and drainage basin.*

The subject site is already included in ERP Permit # 36-02664-S, which includes a master stormwater management system as detailed in the above-mentioned permit that takes care of the above requirements.

POLICY 61.3.11: *Runoff must be routed through retention or detention areas and vegetated swales in order to reduce flow velocity, allow for percolation, and trap and remove suspended solids and pollutants.*

All of the project's stormwater will be routed through on-site swales as needed for quality treatment before discharging into the master stormwater management system that includes retention/detention facilities.

GOAL 125: WATER QUALITY. *To ensure that water quality is maintained or improved for the protection of the environment and people of Lee County.*

All of the project's stormwater will be routed through on-site swales as needed for quality treatment before discharging into the master stormwater management system that includes retention/detention facilities. Water quality considerations are also addressed in the master drainage system.

POLICY 125.1.2: *New development and additions to existing development must not degrade surface and ground water quality.*

The proposed project will provide on-site water quality pre-treatment prior to discharging into the master stormwater management system where all required best practices will be implemented to ensure surface and groundwater quality is not degraded.

POLICY 125.1.3: *The design, construction, and maintenance of artificial drainage systems must provide for retention or detention areas and vegetated swale systems that minimize nutrient loading and pollution of freshwater and estuarine systems.*

All of the project's stormwater will be routed through on-site swales as needed for quality pre-treatment before discharging into the master stormwater management system that includes retention/detention facilities. Water quality considerations are also addressed in the master stormwater management system.



POLICY 125.1.4: *Developments which have the potential of lowering existing water quality below state and federal water quality standards will provide standardized appropriate monitoring data.*

Although the proposed development is being rezoned to Industrial Planned Development (for zoning purposes); the use of the proposed parking lots is purely a commercial use with no reason to believe that the potential runoff will have any hazardous materials. The existing and the proposed stormwater management systems will provide the required level of water quality, which will be permitted through South Florida Water Management District.

SECTION LDC 34-373(b)(1) A written description of the surface water management plan that includes:

- a. *The runoff characteristics of the property in its existing state;*

The subject site currently sheetflows into the stormwater management system associated with ERP Permit # 36-02664-S.

- b. *In general terms, the drainage concept proposed, including the outfall to canals or natural water bodies including how drainage flow from adjacent properties will be maintained;*

The proposed drainage system will provide on-site quality pre-treatment in swales prior to discharging into the existing master stormwater management system. The existing offsite flows will be directed through the site to the master stormwater management system outlined in ERP Permit # 36-02664-S.

- c. *The retention features (including existing natural features) that will be incorporated into the drainage system and the legal mechanism which will guarantee their maintenance;*

There are no existing natural features on-site to be incorporated into the proposed drainage system.

Furthermore, the master stormwater management system is already in place and operational. In addition, the master stormwater management system is already encompassed by drainage easements which are maintained by the active Lake at Metro Property Owners Association, Inc.

- d. *How existing natural features will be preserved. Include an estimate of the ranges of existing and post development water table elevations, where appropriate;*

There are no natural features on-site to be preserved. Moreover, this project is a part of an overall stormwater management system where the water table is already set at 10' N.G.V.D. in ERP Permit # 36-02664-S.



- e. *If the property is subject to seasonal inundation or subject to inundation by a stream swollen by the rains of a 100-year storm event, indicate the measures that will be taken to mitigate the effects of expectable flooding.*

The subject property is not subject to seasonal inundation or inundation by a stream swollen by the rains of a 100-year storm event.

SURVEY NOTES:

SURVEY BASED ON AN OPINION OF TITLE PREPARED BY NOEL J. DAVIES, ESQ. OF DAVIES/DUKE, WITH AN EFFECTIVE DATE OF MARCH 11TH, 2022, THE RECORD PLAT OF LAKE AT METRO AND FOUND MONUMENTATION.

BEARINGS SHOWN HEREON ARE BASED ON SAID RECORD PLAT WITH THE SOUTHEASTERLY LINE OF LOT 11 AS BEARING S41°49'54"W.

CO-ORDINATES SHOWN HEREON ARE BASED ON THE STATE PLANE CO-ORDINATE SYSTEM FLORIDA WEST ZONE NAD 1983/2011 ADJUSTMENT HOLDING CONTROL POINT DG4691 AT PAGE FIELD.

ELEVATIONS SHOWN HEREON BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 AND NGS BENCHMARK H-240.

DIMENSIONS ARE IN FEET AND DECIMAL PARTS THEREOF.

THIS PARCEL LIES IN FLOOD ZONE AE WITH BASE FLOOD ELEVATION OF 13.6', PER FLOOD INSURANCE RATE MAP NUMBER 12071C0438G, PANEL DATE 12-07-18, INDEX DATE BEING 12-07-18 (COMMUNITY NAME: LEE COUNTY AND COMMUNITY NUMBER 125124). FEMA IS IN THE PROCESS OF MODIFYING THE FLOOD MAPS FOR THIS COUNTY AT THE TIME OF THIS SURVEY. FLOOD ZONES AND BASE FLOOD ELEVATIONS ARE SUBJECT TO CHANGE.

THE F.E.M.A. FLOOD ZONE INFORMATION INDICATED HEREON IS BASED ON MAPS SUPPLIED BY THE FEDERAL GOVERNMENT. THIS FLOOD INFORMATION MUST BE VERIFIED WITH ALL PERMITTING REGULATORY ENTITIES PRIOR TO COMMENCING ANY WORK OR APPLICATION DEPENDENT ON SAID FLOOD INFORMATION.

IRON RODS "SET" ARE 5/8" X 18" REBAR WITH YELLOW CAP BEARING CORPORATION NO. LB8267.

UNDERGROUND IMPROVEMENTS, UTILITIES AND/OR FOUNDATIONS WERE NOT LOCATED UNLESS OTHERWISE NOTED. IRRIGATION LINES ARE NOT LOCATED.

WETLANDS, IF ANY, WERE NOT LOCATED. THIS SURVEY DOES NOT REFLECT ANY ENVIRONMENTAL MATTERS. TREES ARE NOT LOCATED.

THIS PLAT PREPARED AS A BOUNDARY SURVEY AND IS NOT INTENDED TO DELINEATE THE JURISDICTION OR JURISDICTIONAL AREAS OF ANY FEDERAL, STATE, REGIONAL OR LOCAL AGENCY, BOARD, COMMISSION OR OTHER ENTITY. THE DECLARATION OF CONDOMINIUM OR MATTERS REGARDING THE CONDOMINIUM WERE NOT REVIEWED.

SURVEY MEETS OR EXCEEDS THE ACCURACY STANDARDS OF AN URBAN SURVEY (1:15,000).

PARCEL CONTAINS 8.13 ACRES (353,984 SQUARE FEET), MORE OR LESS.

DATE OF LAST FIELD WORK: 11-03-2021.

LOT 11 ADDRESS: 6150 EXCHANGE LANE FORT MYERS FL 33912
PARCEL STRAP NUMBER: 30-45-25-L4-29000.0110

LOT 12 ADDRESS: 6140 EXCHANGE LANE FORT MYERS FL 33912
PARCEL STRAP NUMBER: 30-45-25-L4-29000.0120

LOT 13 ADDRESS: 6130 EXCHANGE LANE FORT MYERS FL 33912
PARCEL STRAP NUMBER: 30-45-25-L4-29000.0130

LOT 14 ADDRESS: 6120 EXCHANGE LANE FORT MYERS FL 33912
PARCEL STRAP NUMBER: 30-45-25-L4-29000.0140

LOT 15 ADDRESS: 6110 EXCHANGE LANE FORT MYERS FL 33912
PARCEL STRAP NUMBER: 30-45-25-L4-29000.0150

LOT 16 ADDRESS: 6100 EXCHANGE LANE FORT MYERS FL 33912
PARCEL STRAP NUMBER: 30-45-25-L4-29000.0160

LOT 17 ADDRESS: 6090 EXCHANGE LANE FORT MYERS FL 33912
PARCEL STRAP NUMBER: 30-45-25-L4-29000.0170

SURVEY PLAT

OF
A PARCEL OF LAND
LYING IN
SECTION 30, TOWNSHIP 45 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA

0 50' 100' 150'

DESCRIPTION AS SHOWN IN TITLE COMMITMENT:

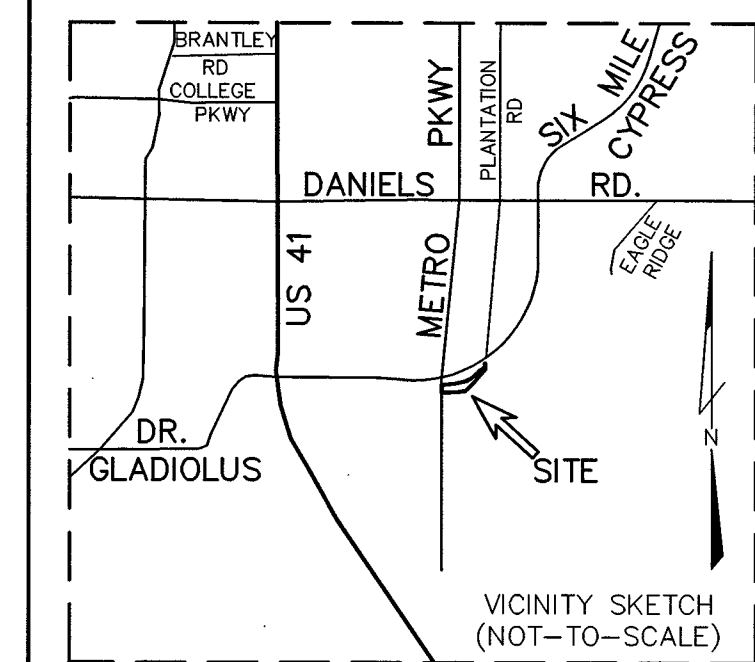
LOTS 11, 12, 13, 14, 15, 16 AND 17, LAKE AT METRO, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN INSTRUMENT NUMBER 2016000225108, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

LEGEND

(C) = CALCULATED
(D) = DEED
(F) = CALCULATED FROM FIELD MEASUREMENTS
(M) = MEASURED
(NR) = NON RADIAL
(P) = PLAT
(R) = RADIAL
BLDG = BUILDING
BM = BENCH MARK
CB = CHORD BEARING
CBS = CONCRETE BLOCK STRUCTURE
CG = CURB AND GUTTER
CLF = CHAINLINK FENCE
CM = CONCRETE MONUMENT
CONC = CONCRETE
COR = CORNER
OR = QUARD RAIL
DE = DRAINAGE EASEMENT
DEP = DEPARTMENT OF ENVIRONMENTAL PROTECTION
D/H = DRILL HOLE
ELEV = ELEVATION
EOG = EDGE OF GRAVEL
EOP = EDGE OF PAVEMENT
ERCP = ELLIPTICAL REINFORCED CONCRETE PIPE
FCM = FOUND CONCRETE MONUMENT
FTE = FINISHED FLOOR ELEVATION
FIRC = FOUND IRON ROD WITH CAP
FND = FOUND
FT = FENCE TIE
IR = IRON ROD
IE = INVERT ELEVATION
IRC = IRON ROD & CAP
INSTR = INSTRUMENT NUMBER
MHW = MEAN HIGH WATER LINE
N/D = NAIL & DISK
NAVD = NORTH AMERICAN VERTICAL DATUM
NGVD = NATIONAL GEODETIC VERTICAL DATUM
OR = OFFICIAL RECORD BOOK
PB = PLAT BOOK
PC = POINT OF CURVE
PCP = PERMANENT CONTROL POINT
PG = PAGE
PI = POINT OF INTERSECTION
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
PT = POINT OF TANGENCY
PUE = PUBLIC UTILITY EASEMENT
PRM = PERMANENT REFERENCE MONUMENT
PVCF = POLYVINYL CHLORIDE FENCE
R/W = RIGHT-OF-WAY
TOB = TOP OF BANK
TOE = TOE OF SLOPE
UE = UTILITY EASEMENT
VG = VALLEY GUTTER

SYMBOLS

⊙ = TELEPHONE RISER
⊙ = WOOD POWER POLE
○/H = OVER HEAD LINES
⊞ = CATCH BASIN
⊞ = WATER VALVE
⊞ = WATER METER
⊞ = GUY WIRE
⊞ = SANITARY SEWER CLEANOUT
⊞ = SIGN
⊞ = BOLLARD
⊞ = EXISTING ELEVATION
⊞ = CONCRETE PAD
⊞ = ELECTRIC BOX
⊞ = ELECTRIC METER
⊞ = CABLE TELEVISION BOX
⊞ = FIRE HYDRANT
⊞ = CONCRETE POWER POLE
⊞ = TRAFFIC SIGNAL BOX
⊞ = TITLE EXCEPTION NUMBER
⊞ = STORM SEWER MANHOLE
⊞ = WOOD POLE WITH POWER METER
⊞ = TRAFFIC SIGNAL POLE
⊞ = GAS VALVE
⊞ = UNDERGROUND CABLE MARKER
⊞ = PARKING BUMPER
⊞ = INDICATES TRAFFIC FLOW DIRECTION
⊞ = SEWER VALVE
⊞ = MAIL BOX
⊞ = IRRIGATION VALVE
⊞ = WELL
⊞ = MITERED END SECTION
⊞ = BOLLARD



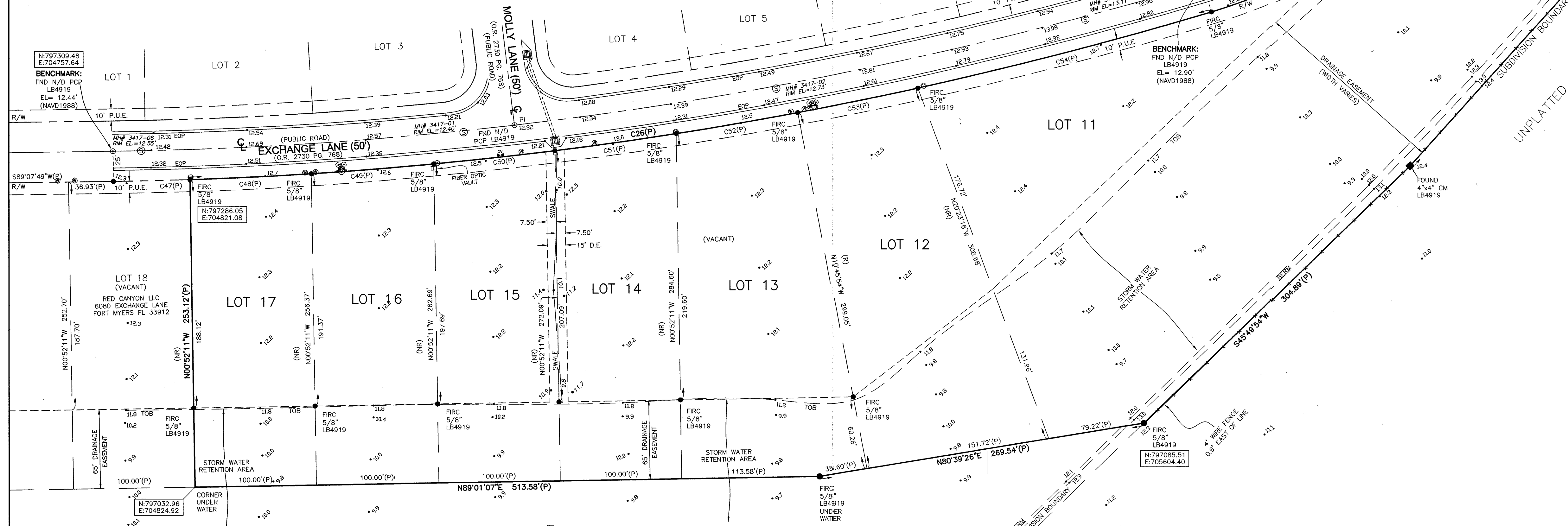
NOTES CORRESPONDING TO AN OPINION OF TITLE, PREPARED BY NOEL J. DAVIES, ESQ. OF DAVIES/DUKE, WITH AN EFFECTIVE DATE OF MARCH 11TH, 2022.

LEE COUNTY ORDINANCE NO. 86-14 RECORDED NOVEMBER 30, 1990, IN O.R. BOOK 2189, PAGE 3281; AND AMENDED BY ORDINANCE NO. 86-38 IN O.R. BOOK 2189, PAGE 3334, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. - (DOES AFFECT THE SUBJECT PARCEL, BLANKET IN NATURE).

NOTICE OF DEVELOPMENT ORDER APPROVAL RECORDED IN INSTRUMENT NUMBER 2008000259578, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. - (DOES AFFECT THE SUBJECT PARCEL, BLANKET IN NATURE).

ALL MATTERS CONTAINED ON THE PLAT OF LAKE AT METRO, AS RECORDED IN INSTRUMENT NUMBER 2016000225108, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. - (DOES AFFECT THE SUBJECT PARCEL, AS SHOWN HEREON).

DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR LAKE AT METRO RECORDED IN INSTRUMENT NUMBER 2016000225100, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. - (DOES AFFECT THE SUBJECT PARCEL, BLANKET IN NATURE).



LINE TABLE

LINE	BEARING	DISTANCE
L1	N01°10'06"W	70.65'
L3	S43°30'00"E	71.21'
L4	N43°30'00"W	71.18'

CURVE TABLE

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	TANGENT	CHORD LENGTH	CHORD BEARING
C21	2989.79'	02°17'12"	119.32'	59.67'	119.31'	N59°36'00"E
C22	30.00'	48°11'23"	25.23'	13.42'	24.49'	S22°55'35"W
C23	125.79'	88°11'05"	193.61'	121.87'	175.06'	S42°55'26"W
C24	80.79'	40°30'59"	57.13'	29.82'	55.95'	S68°45'29"W
C25	445.00'	26°37'09"	206.74'	105.27'	204.89'	S59°48'34"W
C26	3278.79'	14°54'32"	853.17'	428.01'	850.76'	S80°34'25"W
C27	2989.79'	04°45'18"	248.12'	124.13'	248.05'	S68°45'10"W
C47	3278.79'	01°06'08"	63.08'	31.54'	63.08'	S88°34'45"W
C48	3278.79'	01°44'55"	100.06'	50.04'	100.06'	S87°09'13"W
C49	3278.79'	01°45'04"	100.22'	50.11'	100.21'	S85°24'14"W
C50	3278.79'	01°45'20"	100.46'	50.24'	100.46'	S83°39'01"W
C51	3278.79'	01°45'42"	100.81'	50.41'	100.80'	S81°53'31"W
C52	3278.79'	01°45'33"	101.63'	50.82'	101.63'	S80°07'23"W
C53	3278.79'	01°44'57"	100.09'	50.05'	100.09'	S78°21'38"W
C54	3278.79'	04°22'01"	249.90'	125.01'	249.84'	S75°18'09"W

CERTIFIED TO:

- RESURGENCE BREWING COMPANY, LLC,
A NEW YORK LIMITED LIABILITY COMPANY
- RED CANYON, LLC, A FLORIDA LIMITED LIABILITY COMPANY
- OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
- HENDERSON, FRANKLIN, STARNES & HOLT, P.A.

*NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

Stephen F. Shawles II,
P.S.M.

Digitally signed by Stephen F. Shawles II, P.S.M., DN: cn=Stephen F. Shawles II, P.S.M., o=CFES, INC., ou=080307, email=sshawles@cfesinc.com, c=US, Date: 2022.05.16 16:06:25 -0400

STEPHEN F. SHAWLES II, P.S.M., NO. LB4919
PROFESSIONAL SURVEYOR & MAPPER
STATE OF FLORIDA
- THIS CERTIFICATION IS ONLY FOR THE LANDS DESCRIBED HEREON.

BOUNDARY SURVEY
6090-6150 EXCHANGE LANE-LAKE AT METRO

HALEY WARD
Engineering | Environmental | Surveying

13041 Mcgregor Boulevard, Fort Myers, Florida 33919 PH (239) 481-1331

1255.001SR.DWG FLORIDA CERTIFICATE OF AUTHORIZATION NUMBERS KB32664 & LB8267

DATE	PROJECT NO.	DRAWN BY	SCALE	SHEET	FILE NO. (S-T-R)
10-15-21	1255.001SR	SFS	1"= 50'	1 OF 1	11-03-21

SCHEDULE OF PROPOSED USES:

RECREATIONAL USES:	(LDC 34-622(c) (38) GROUPS I, III, & IV)
• RECREATIONAL FACILITIES, COMMERCIAL	(LDC 34-622(c) (10))
• CULTURAL FACILITIES	
MANUFACTURING USES:	(LDC 34-622(c) (15) GROUPS I, II, & III)
• FOOD AND KINDRED PRODUCTS MANUFACTURING	(LDC 34-622(c) (29) GROUPS I, II, & III)
• NOVELTY, JEWELRY, TOYS AND SIGNS MANUFACTURING	(LDC 34-622(c) (36))
• PRINTING & PUBLISHING	
FOOD & BEVERAGE USES:	(LDC 34-622(c) (43) GROUPS I, II, III, & IV)
• RESTAURANTS	(LDC 34-934 & 34-1263 & 1264)
• BAR OR COCKTAIL LOUNGE	(LDC 34-1264)
• CONSUMPTION ON PREMISES (C.O.P.)	(LDC 34-1264)
• OUTDOOR SEATING C.O.P.	
SERVICE USES:	(LDC 34-622(c) (53) GROUPS II & III)
• TRANSPORTATION SERVICES	(LDC 34-622(c) (5) GROUP I)
• BUSINESS SERVICES	(LDC 34-2 & 34-934)
• ADMINISTRATIVE OFFICES	(LDC 34-622(c) (33) GROUP II)
• PERSONAL SERVICES	(LDC 34-622(c) (45))
• COMMERCIAL SCHOOLS	(LDC 34-622(c) (46) GROUP II)
• SOCIAL SERVICES	
ACCESSORY AND SUBORDINATE USES:	(LDC 34-934)
• INCIDENTAL AND SUBORDINATE RETAIL & WHOLESALE	(LDC 34-1171 TO 34-1176)
• ACCESSORY USES, BUILDINGS, AND STRUCTURES	(LDC 34-1611)
• ESSENTIAL SERVICES AND FACILITIES	(LDC 34-622(c) (13) GROUPS I, II, & III)
• ESSENTIAL SERVICE FACILITIES	(LDC 34-1651(c))
• EXCAVATION, WATER RETENTION	(LDC 34-1741 TO 34-1747
• FENCES, WALLS	(LDC 30-6)
• SIGNS	(LDC 34-3041 & 34-3044)
• TEMPORARY USES	

* ALL USES ARE SUBJECT TO THE PARKING REQUIREMENTS SET FORTH IN LDC 34-2020, AND ARE NOT PERMITTED UNLESS THE REQUIRED PARKING IS PROVIDED.

SITE DATA:

PARCEL SIZE	= 353,984 S.F. = 8.13 ACRES
CURRENT ZONING	= CG, GENERAL COMMERCIAL DISTRICT
PROPOSED ZONING	= IPD, INDUSTRIAL PLANNED DEVELOPMENT
FUTURE LAND USE MAP	= FUTURE URBAN AREA / INTENSIVE DEVELOPMENT

BUILDINGS PERIMETER LANDSCAPE CALCULATIONS:

BUILDINGS FOOTPRINTS	= 35,072 S.F.
REQUIRED AREA	= 3,508 S.F.
PROVIDED AREA	= 3,600 S.F.

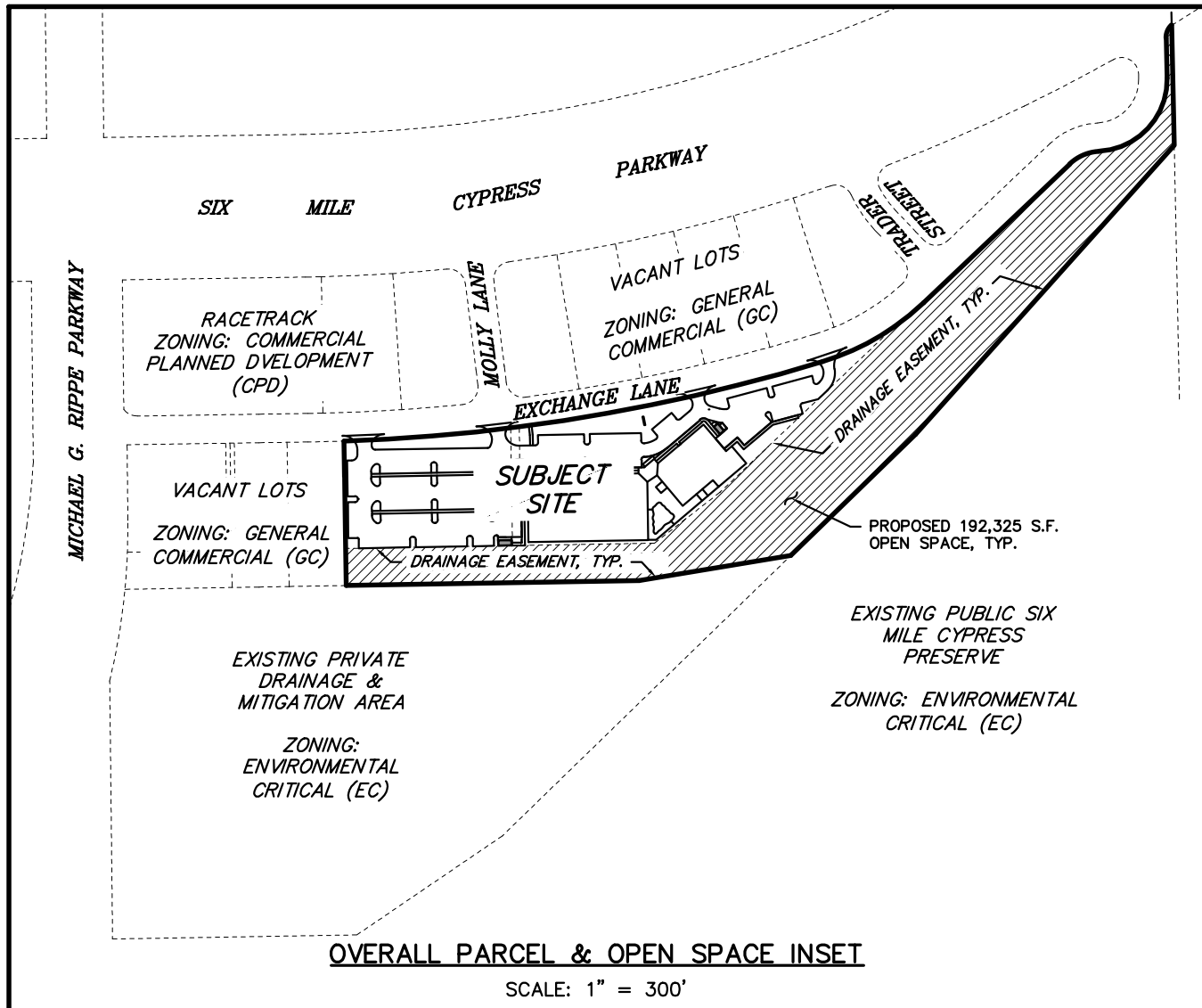
SITE AREA DATA TABLE:

AREA NAME:	AREA (S.F.)	AREA (AC.)
CONCRETE WALKS & PADS	= 4,768 S.F.	= 0.11 AC.
ASPHALT DRIVES & PARKING	= 76,211 S.F.	= 1.75 AC.
COVERED DECK AREA	= 5,818 S.F.	= 0.13 AC.
BUILDING FOOTPRINT	= 35,072 S.F.	= 0.81 AC.
TOTAL IMPERVIOUS AREA	= 121,859 S.F.	= 2.80 AC.
TOTAL PERVIOUS AREA	= 232,125 S.F.	= 5.33 AC.
TOTAL IMPERVIOUS AREA	= 121,859 S.F.	= 2.80 AC.
TOTAL PARCEL AREA	= 353,984 S.F.	= 8.13 AC.

NOTE: SINCE THE TOTAL IMPERVIOUS AREA IS MORE THAN 2 ACRES, THIS PROJECT IS CONSIDERED A LARGE DEVELOPMENT PER LDC SECTION 10-1, AND REQUIRES A MINIMUM OF 30% OPEN SPACE PER LDC SECTION 10-415.(c).

ZONING REQUEST:

REQUEST FOR ZONING CHANGE FROM GENERAL COMMERCIAL DISTRICT (CG) TO INDUSTRIAL PLANNED DEVELOPMENT (IPD) TO ALLOW FOR RECREATIONAL USES, MANUFACTURING USES, FOOD & BEVERAGE USES, SERVICE USES, ACCESSORY AND SUBORDINATE USES, AND OTHER USES AS DESCRIBED IN THE SCHEDULE OF PROPOSED USES.



PROPOSED PROPERTY DEVELOPMENT REGULATIONS:

MINIMUM LOT SIZE	= 348,480 S.F. = 8.0 AC.
MINIMUM LOT WIDTH	= 100 FEET
MINIMUM LOT DEPTH	= 100 FEET
MINIMUM STREET SETBACK	= 25 FEET
MINIMUM SIDE SETBACK	= 25 FEET
MINIMUM REAR SETBACK	= 25 FEET
MAXIMUM BUILDING COVERAGE	= 40%
MAXIMUM BUILDING HEIGHT AT SETBACK	= 45 FEET
REQUIRED MINIMUM OPEN SPACE	= 106,195 S.F. = 30%
PROPOSED OPEN SPACE	= 192,325+ S.F. = 54%+
NORTH BUFFER	15' WIDE TYPE "D"
EAST BUFFER	NONE
SOUTH BUFFER	NONE
WEST BUFFER	5' WIDE TYPE "A"

SCHEDULE OF DEVIATIONS:

- THE APPLICANT IS REQUESTING A DEVIATION FROM SECTION 34-2020.(b) OF THE LEE COUNTY LAND DEVELOPMENT CODE TO REDUCE THE REQUIRED NUMBER OF PARKING SPACES BY 10%. THE REDUCTION IS JUSTIFIED BY PROVIDING ADDITIONAL BICYCLE PARKING SPACES AND THE COMPLEMENTARY NATURE OF THE PROPOSED USES.

PARKING NOTE:

CALCULATIONS PER THE LEE COUNTY LAND DEVELOPMENT CODE SECTION 34-2020(b):

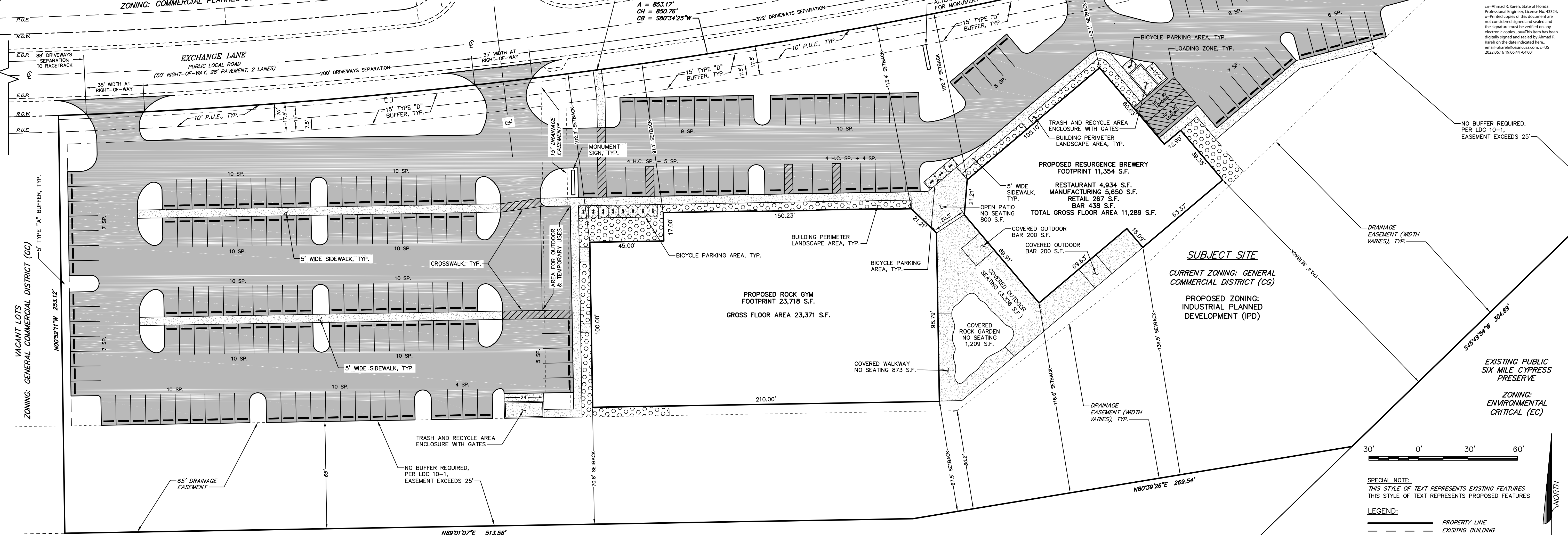
PROPOSED USE	CRITERIA*	AREA	REQUIRED
BREWERY MANUFACTURING	1.5 SP. / 1,500 S.F. GFA	5,650 S.F.	8 SP.
BREWERY BAR	14.0 SP. / 1,000 S.F. GFA	838 S.F.	12 SP.
BREWERY RESTAURANT	12.5 SP. / 1,000 S.F. GFA	4,934 S.F.	62 SP.
BREWERY OUTDOOR SEATING	12.5 SP. / 1,000 S.F. GFA	4,934 S.F.	42 SP.
RETAIL SMALL PRODUCTS	1.0 SP. / 350 S.F. GFA	267 S.F.	1 SP.
ROCK GYM (RECREATION, GROUP I & IV)	3.5 SP. / 1,000 S.F. GFA	23,371 S.F.	82 SP.
ROCK GYM (RECREATION, GROUP III)	3.5 SP. / 1,000 S.F. GFA	1,209 S.F.	5 SP.
TOTAL CODE PARKING SPACES REQUIRED PER TABLE 34-2020			210 SP.
PARKING DEVIATION REQUEST FOR COMPLIMENTARY USES (10%)*			-21 SP.
REQUIRED PARKING SPACES			189 SP.
TOTAL PROVIDED			193 SP.
SUBJECT SITE REQUIRED ADA SPACES	= 8 H.C. SPACES		
SUBJECT SITE PROPOSED ADA SPACES	= 8 H.C. SPACES		
SUBJECT SITE REQUIRED BICYCLE SPACES	= 5% X 210 VEHICLE SPACES = 10.5 BICYCLE SPACES		
SUBJECT SITE PROPOSED BICYCLE SPACES	= 12 BICYCLE SPACES		

* CRITERIA UTILIZED ARE FOR MULTIPLE-USE DEVELOPMENT.

** SEE DEVIATION REQUEST FOR DETAILS.

RACETRACK GAS STATION
ZONING: COMMERCIAL
PLANNED DEVELOPMENT (CPD)

VACANT LOTS
ZONING: COMMERCIAL PLANNED DEVELOPMENT (CPD)



cm-Ahmad R. Karel, State of Florida,
Professional Engineer, License No. 43324,
outlined copies of this document are
not considered signed and sealed and
the signature must be verified on any
electronic copies, as this item has been
digitally signed and sealed by Ahmad R.
Karel on the date indicated here:
email:ahmadk@csnusa.com, c-u5
2022.06.16 19:04:04 EDT

NO BUFFER REQUIRED,
PER LDC 10-1,
EASEMENT EXCEEDS 25'

DRAINAGE
EASEMENT (WIDTH
VARIES), TYP.

EXISTING PUBLIC
SIX MILE CYPRESS
PRESERVE

ZONING:
ENVIRONMENTAL
CRITICAL (EC)

65' DRAINAGE
EASEMENT

NO BUFFER REQUIRED,
PER LDC 10-1,
EASEMENT EXCEEDS 25'

DRAINAGE
EASEMENT (WIDTH
VARIES), TYP.

EXISTING PUBLIC
SIX MILE CYPRESS
PRESERVE

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NO BUFFER REQUIRED,
PER LDC 10-1,
EASEMENT EXCEEDS 25'

STORMWATER MANAGEMENT NOTE:

THE SUBJECT SITE IS PART OF AN EXISTING SFWMD ERP PERMIT #36-02654-S WHICH PROVIDES THE REQUIRED STORMWATER MANAGEMENT OFF-SITE. ANY REQUIRED SUPPLEMENTAL WATER QUALITY STORMWATER MANAGEMENT WILL BE PROVIDED DURING THE DEVELOPMENT ORDER.

* 15' DRAINAGE EASEMENT NOTE:

THE EXISTING DRAINAGE EASEMENT IS DESIGNED FOR CONVEYANCE ONLY. IT WILL BE PIPED & PERMITTED THROUGH SOUTH FLORIDA WATER MANAGEMENT DISTRICT DURING THE DEVELOPMENT ORDER PROCESS.

HALEY WARD, INC.
ENGINEERING | ENVIRONMENTAL | SURVEYING
13041 MCGREGOR BOULEVARD, FORT MYERS, FLORIDA 33919
WWW.HALEYWARD.COM
PHONE: (239) 461-1351 | FLORIDA CERTIFICATE OF AUTHORIZATION NUMBERS: E32664 & LB8567
DRAFTING BY: B.J. HOFLAND DESIGNED BY: A.R. KAREH
PROJECT NO: 2011255.001(21-59) SITE SCALE: 1" = 30'

RESURGENCE BREWERY & ROCK GYM
3601 SENECA STREET, SUITE 100
WEST SENECA, NY 14224
PHONE: (716)-913-5773
SITE ADDRESS: 6090-6150 EXCHANGE LANE FORT MYERS, FL 33912
SECTION 30, T. 45S, R. 25E, LEE COUNTY, FLORIDA

MASTER CONCEPT PLAN

SHEET 1 OF 1

FILE: 30-45-25