



VILLAGE OF ESTERO, FLORIDA

Planning, Zoning & Design Board

2022 Annual Report to the Village Council

INTRODUCTION

The Village of Estero Planning, Zoning & Design Board (PZDB) serves as the Village of Estero's State required Local Planning Agency. The PZDB is responsible for conducting all public hearings on zoning requests for proposed Estero land developments and then makes recommendations to the Village Council and/or takes actions itself on variances, deviations and special exceptions. Also, in its role as the overseer of the design and review of approved developments and portions thereto, all Development Order applications must be reviewed and acted upon by the PZDB, independently of the Village Council.

The PZDB usually meets monthly to review and decide action items and to conduct workshops and Public Information Meetings (PIM). A PIM is a session where applicants can make presentations, questions can be asked by the public or the Board, but no decisions are made. Public input is invited and encouraged at all PZDB meetings.

The PZDB is directly accountable to the Village Council. The Board members serve staggered terms. Currently, the District 3 Village Councilor, who is also the Vice Mayor, serves as the liaison to the PZDB. The Village Director of Community Development and staff provide necessary staff support, field studies, developer/owner dialogue and reports and recommendations to the PZDB. The Village has also retained a prominent land use attorney who advises the PZDB on all legal matters that come before the PZDB. The efforts of Village staff and the land use attorney are immeasurably helpful to the PZDB, enabling it to conduct its assigned responsibility.

THE GOAL OF THE PZDB

The PZDB has the goal of overseeing the development, redevelopment and other changes to various properties within the Village in such a way that Estero grows responsibly. This means that proposals need to be consistent with the Village's Comprehensive Plan and Land Development Code (LDC) and are consistent or complementary with the values and design concepts that Estero has created over a continuum predating its incorporation in 2014 and continuing as an incorporated government. The Comprehensive Plan identifies what is important to Estero's residents, and these items are contained in the Plan's Vision Statement.

PZDB activity also includes monitoring and planning to make sure that the Village infrastructure is able to support new development without overtaxing existing infrastructure. The PZDB, being the Local Planning Agency under the State of Florida Community Planning Act, recommends to the Village Council, after review of land development regulations and development proposals, whether they are consistent with the Village Comprehensive Plan. In concert with the Village Council and staff, the PZDB properly evaluates development proposals' effect on infrastructure and makes necessary recommendations to the Village Council to ensure that Village growth occurs responsibly and in a fashion that maintains the safe and efficient operation of the Village. When landowners and their developer partners seek to develop, they must have approved zoning, apply for a Development Order, and receive approval in most cases from the PZDB prior to obtaining a building permit.

The PZDB seeks to effectively serve several constituencies. First the residents, second the Village Council, and third, landowners who wish to develop or redevelop properties within the Village.

PZDB PROCESS

The PZDB reviews a wide variety of requests from landowners, developers or their representatives. These items range from minor changes to reviewing complex zoning change proposals and Comprehensive Plan Amendments.

The PZDB conducts zoning and Development Order public hearings in a quasi-judicial capacity. Quasi-judicial hearings occur regarding site-specific zoning and Development Order applications. The purpose of a quasi-judicial procedure, which is somewhat more formal than normal public hearings, is to assure due process to all concerned parties and to bring evidence to the PZDB (and ultimately the Village Council) that allows the PZDB to apply the existing adopted regulations/policies/requirements to a specific application (i.e., to determine whether the application for the requested action meets the existing requirements). Presenters and witnesses are sworn in and the members of the Board must disclose any ex-parte communications and any conflicts of interest. The hearing is open to the public with public comment encouraged either in person or by correspondence. Witnesses are subject to cross-examination.

PZDB RULES OF PROCEDURE

With the assistance of the Village Director of Community Development and the Village Land Use Attorney, the PZDB developed formal rules of procedure that it follows as it considers zoning applications, Development Order applications, and other matters. These rules were adopted pursuant to the authority of the Village LDC, Section 2-302.A.10.

The purpose of these rules of procedure is to provide for the orderly conduct of the business of the PZDB. They are intended to ensure a reasonable and consistent process, to promote the orderly and efficient conduct of public proceedings, and to ensure the fair and impartial treatment of each person who appears before the Board. It should also be noted that the Board is scrupulous in its adherence to the Florida "Sunshine Laws", and deviations from those laws are not tolerated in any way.

Once the Board has completed its review of a matter, the Board considers the evidence in the record, the public's input, and any recommendations of the Village staff. On all decisions or recommendations made in any quasi-judicial proceeding, the Board's decision shall be based on competent substantial evidence in the record of the proceeding, and the applicable law. Should any application be denied, the Board shall state findings regarding the criterion or criteria that are not met.

2022 PZDB ACTIVITY

When the Board, or its predecessor Boards or Council, approves an application for development, it can take several years for the approved development to be completed. In addition, Estero, like most of Florida, is a rapidly growing community experiencing high demand for quality residential development thus creating an environment where multiple projects are underway simultaneously. There are numerous developments in various stages ranging from initial land acquisition, planning, application submission, zoning approval, Development Order approval, permitting and construction.

During 2022, the PZDB met 12 times and reviewed a wide variety of development projects. New developments approved included the 23-story high rise Island at West Bay Club, the first high rise development approved by the Village. Via Coconut, a 330-unit mixed use development south of Corkscrew Road along Via Coconut Point received zoning approval. The 300-unit Corsa residential component of Estero Crossing and the Market Place commercial project along US 41 opposite Fountain Lakes were approved. A development order was approved for 213 single family homes comprising Phase 2 of Corkscrew Crossing (now known as RiverCreek) along Corkscrew Road east of I-75. A 34-acre mixed use development just east of US 41 and north of Broadway Avenue is proposed and pending.

Several other single site retail store developments received development orders. During the year, several gated communities sought development orders to renovate club houses. Pickleball is America's fastest growing sport and several communities sought approvals to add or expand pickleball court facilities.

Infrastructure related activity included an application for a new AT&T cell tower at the Elks Club west of US 41 and south of Coconut Road. Several applications for signage include the Miromar Outlets signage along I-75 and placement of Village of Estero entry signage on both US 41 and Three Oaks Parkway. Lee County continued its widening of Corkscrew Road east of I-75, and the Estero Fire District's 5th fire station construction was completed. Improvements to the Williams Road and US 41 intersection were also approved.

The Village approved rezoning of the Estero on the River and Happehatchee properties and initiated a rezoning process on a 19-acre parcel including the golf driving range on Williams Road. The intent of these rezonings is to provide public amenities for the Village going forward.

There are several projects in Lee County and the City of Bonita Springs that impact the Village and are worth noting:

Corkscrew Road Area East of I-75

- The Place at Estero, 1,325 residential units
- Wild Blue, 1,100 residential units
- Verdana Village, 2,400 residential units and commercial uses
- Future projects Kingston and FFD

Coconut Road Area

- London Bay – “Saltleaf” Project, twin high rise development with marina and restaurant (former Weeks Fish Camp) north of the Hyatt Regency resort.

The PZDB also engaged in three governance related activities during the year. A Comprehensive Plan Amendment was recommended to the Village Council to comply with a new Florida law regarding the inclusion of a property rights element in comprehensive plans. The rezoning of the Estero on the River and Happehatchee properties also required a comprehensive plan amendment which the PZDB recommended to the Village Council.

Lastly, The PZDB, with the assistance of the land use attorney and Village staff, developed and recommended a new Village Ordinance to allow the PZDB to have a "designated member" on the board who is a State registered engineer, architect or landscape architect. The PZDB observed that having a designated member helps to provide the Board with needed knowledge and understanding the role and conduct of registered professionals in the development process. Strict rules to avoid conflict of interest were included in the Ordinance. The Council approved the new Ordinance.

HURRICANE IAN

On September 28, 2022, Category 4 Hurricane Ian struck southwest Florida, and the Estero communities principally west of US 41 received significant and often catastrophic damage, much of which was caused by a major 14 foot storm surge. The communities along West Broadway, Pelican Sound and the West Bay Club received the brunt of damage rendering hundreds of homes and condominiums severely damaged or uninhabitable, and thousands of homes throughout Estero were damaged.

Ian was the worst hurricane in Florida history and number 3 nationwide in terms of damage (\$119 billion). While its impact does not per se immediately affect the work of the PZDB, it is impossible to predict whether or not future development activity will be impacted. There is no question that the rebuilding will tax existing construction resources both manpower and material, but construction activity that was present pre storm is continuing.

At the close of 2022, the entire focus of the Village's storm response was assisting residents and communities with debris removal, remediation, inspection, code compliance, contractor monitoring, FEMA assistance and necessary permitting for the massive rebuilding effort that is just beginning. Also, the 54-acre vacant property immediately west of US 41 and north of Coconut Road was designated as a debris removal site. Dozens of salvage contractors have occupied the site and are removing debris for recycling or ultimate destruction.

FAREWELL TO VALUED BOARD MEMBERS

During 2022, the PZDB regretfully lost Co-Chairman Howard Levitan and Vice Chairman Marlene Naratil, both of whom moved away. Howard's distinguished service to the Village predates the Village incorporation when he chaired the Estero Planning Board. He served as Vice Mayor and Council person during the first years of incorporation, and as a retired land use attorney, added much knowledge and guidance to the PZDB. He also received two prestigious awards from the State of Florida in 2022 for his achievements. Vice Chair Marlene served for six years on the Board and its predecessor Board. She enriched the PZDB with her in-depth background and measured judgment, drawing on her prior experience as a member of other planning commissions in earlier years. Board member Anthony Gargano was elected Vice Chair to replace Marlene.

THE OUTLOOK FOR ESTERO IN 2023

In 2000, the full-time resident population of Estero was just over 9,000. The 2022 official US Census.gov estimate placed the resident population at 37,522. Most of this growth occurred when Estero's 39 gated communities were built but, as detailed in this report, development continues principally along the Corkscrew Road corridor, Via Coconut Road, US 41 and Coconut Road.

When all current developments under construction are added together, the population in these developments could total over 17,500, resulting in a population of over 50,000 for the Village and nearby areas. Future projects outside Estero will increase growth even more. Estero is now approximately 90% developed or under development.

As previously noted, this growth takes several years to mature but it requires advance planning to provide necessary infrastructure including not only roads, storm water management, water supply and utilities, but also public safety (police, fire, and EMS), public education and other essential public services.

It is not possible to accurately predict how, if at all, recent high inflation, higher loan interest rates, supply chain issues or Hurricane Ian aftermath will impact Estero's development. It is a fact that Estero is a strong, highly regarded and desirable place to live and work.

The work of Village staff, the Village Council and the Planning, Zoning and Design Board continues. The goal remains responsible development.

Respectfully submitted to the Village Council and the Residents of Estero.

The Village of Estero Planning, Zoning and Design Board
Scotty Wood, Chairman
Anthony Gargano, Vice Chairman
Kristin Jeannin
Barry Jones
Mike Sheeley
James Tatooles
Jim Wallace