



Village of
ESTERO

VILLAGE OF ESTERO
PLANNING ZONING AND DESIGN BOARD MEETING
PACKET
JULY 11, 2023, 04:30 PM



The Village Planning Zoning and Design Board Meeting will be conducted physically in Council Chambers at Village Hall, 9401 Corkscrew Palms Circle, with an opportunity for members to participate virtually. The meeting will be broadcasted live via the Village of Estero website <https://estero-fl.gov/council/watch-meetings-online/>. Please see the [bottom of this agenda](#) for further information and instructions for public participation.

AGENDA
PLANNING ZONING AND DESIGN BOARD MEETING
9401 Corkscrew Palms Circle, Estero, Florida
July 11, 2023, 04:30 pm

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. APPROVAL OF AGENDA

5. BUSINESS

Items on the agenda are generally treated in sequential order, and due to the length of the agenda, any or all of the items listed for discussion may be rescheduled to a later date for consideration.

The meeting will adjourn no later than 9:00 P.M. unless extended by the Board.

a. Consent Agenda

i. Approval of June 13, 2023 meeting minutes.

Attachment: [06132023_PZDB Minutes.pdf](#)

6. PUBLIC INFORMATION MEETING (No votes are taken at Public Information Meetings)

The public will have an opportunity to speak for three minutes per agenda item.

a. The Residences at Brooks Town Center (also known as Coconut Pointe Residences at the Brooks) -- Development Order (submittal pending) (District 6)

9.95-acre parcel at the northwest corner of Coconut Road and Three Oaks Parkway.

Public Information Meeting to present an overview of proposed project to demolish the Winn Dixie building in the Brooks Town Center and construct a 4 story 154-unit multi-family building in the parking

lot.

Attachment: [1. Residences at the Brooks Town Center - Presentation.pdf](#)

7. PUBLIC HEARINGS (Quasi-Judicial)

The public will have an opportunity to speak for five minutes per agenda item.

a. The Residences at Brooks Town Center (also known as Coconut Pointe Residences at the Brooks) -- Final Plan Approval (DCI2020-E001) (District 6)

9.95-acre parcel at the northwest corner of Coconut Road and Three Oaks Parkway.

Request for Final Plan Approval and three deviations to develop a 154-unit multi-family development, The Residences at Brooks Town Center.

- See Staff Report.

- Planning Zoning and Design Board will make a decision on this case.

Attachment: [1. Residences at Brooks Town Center - Staff Report Final Plan.pdf](#)

Attachment: [1.1 Attachment 1. Request Statement _rev 8-20-2020 .pdf](#)

Attachment: [1.2. Attachment 2. Schedule of Deviations.pdf](#)

Attachment: [1.3. Attachment 3. Traffic Memo _6-18-2020 .pdf](#)

Attachment: [1.4. Attachment 4. Lee County Zoning Resolution Z-97-037.pdf](#)

Attachment: [2. Residences at Brooks Town Center -Resolution 2023-01.pdf](#)

Attachment: [2.a. Exhibit A. MCP 2023-06-09.pdf](#)

Attachment: [2.b. Exhibit B. Coconut Road Apts-Conceptual Renderings.pdf](#)

Attachment: [2.c. Exhibit C.1. Residences at The Brooks Landscape Plan.pdf](#)

Attachment: [2.c. Exhibit C.2. Streetside Hardscape Treatments 2023-06-06.pdf](#)

b. Estero Bay Chevrolet Auto Dealership Lighting Upgrade -- Deviation (LDO2023 TBD) (District 5) Continued from June 13, meeting.

10640 Chevrolet Way located south of Corkscrew Road, next to the I-75 southbound entrance ramp and north of Corkscrew Woodlands.

Deviation from Section 5-604 E 1 to use 4000K or 5000K lighting instead of 3000K per the LDC.

Attachment: [1. Estero Bay Chevrolet - Staff Report.pdf](#)

Attachment: [2. Estero Bay Chevrolet - Application - Deviations from LDC.pdf](#)

Attachment: [Estero Bay Chevrolet - Explanation and Justification of Request.pdf](#)

c. Via Coconut -- Development Order (DOS2022-E007) (District 4) 8990 Corkscrew Road, 21650 &

21750 Via Coconut Point, 21331, 21350 & 21351 Happy Hollow Lane. Properties are located south of Corkscrew Road and west of Via Coconut Point Road.

Development Order for a Mixed-Use Project with 330 multi-family units and commercial buildings, amenities and supporting infrastructure.

- Public Information Meeting was held January 11, 2022.
- See Staff Report
- Planning Zoning and Design Board will make a decision on this Development Order.

Attachment: [1. Via Coconut MPD - Staff Report.pdf](#)

Attachment: [2. Via Coconut MPD - Presentation.pdf](#)

8. PUBLIC INPUT (Each individual will be given five minutes to speak)

9. BOARD COMMUNICATIONS

a. Next meeting - July 25, 2023

10.ADJOURN

General Attachments

[- Transcript.pdf](#)

PLANNING ZONING AND DESIGN BOARD MEETING
TUESDAY, JULY 11, 2023, 4:30 P.M.

DISCLAIMER:

THIS FILE REPRESENTS AN UNEDITED VERSION OF REALTIME
CAPTIONING WHICH SHOULD NEITHER BE RELIED UPON FOR COMPLETE
ACCURACY NOR USED AS A VERBATIM TRANSCRIPT.
ANY PERSON WHO NEEDS A VERBATIM TRANSCRIPT OF THE
PROCEEDINGS MAY NEED TO HIRE A COURT REPORTER.

04:31:56 [SOUNDING GAVEL]
04:31:57 >>Scotty Wood: I WOULD LIKE TO CALL THE JULY 11th MEETING
04:32:00 OF THE VILLAGE OF ESTERO PLANNING ZONING AND DESIGN BOARD TO
04:32:03 ORDER.
04:32:03 WE ALWAYS START THE MEETING WITH THE PLEDGE OF ALLEGIANCE.
04:32:07 SO WOULD YOU ALL PLEASE RISE FOR THE PLEDGE?
04:32:11 [PLEDGE OF ALLEGIANCE]
04:32:27 THANK YOU.
04:32:28 TAMMY, PLEASE CALL THE ROLL.
04:32:39 >>Anthony Gargano: HERE.
04:32:41 >>Kristin Jeannin: HERE.
04:32:43 >>Barry Jones: HERE.
04:32:44 >>Michael Sheeley: HERE.
04:32:45 >>James Tatooles: HERE.
04:32:46 >>Jim Wallace: HERE.
04:32:49 >>Scotty Wood: HERE.
04:32:50 CAN I HAVE A MOTION TO APPROVE THE AGENDA?
04:32:58 >>Michael Sheeley: SO MOVED.

04:32:59 >> SECOND.
04:33:02 >>Jim Wallace: ONE THING I DON'T UNDERSTAND ON THE AGENDA IS
04:33:04 WHY ARE WE HAVING AN INFORMATION MEETING BEFORE WE HAVE A
04:33:07 PLANNING AND ZONING MEETING?
04:33:09 >>Scotty Wood: MARY WILL EXPLAIN THAT.
04:33:10 >>Jim Wallace: OKAY.
04:33:11 ALL RIGHT.
04:33:13 >>Scotty Wood: WE HAVE A MOTION AND A SECOND.
04:33:15 ANY FURTHER DISCUSSION?
04:33:16 ALL IN FAVOR SAY AYE.
04:33:18 ANY OPPOSED?
04:33:19 THE MOTION CARRIES.
04:33:21 THE CONSENT AGENDA CONSISTS OF THE MINUTES OF THE JUNE
04:33:28 13th MEETING.
04:33:30 I WAS NOT PRESENT, SO I CAN'T PERSONALLY ATTEST TO THEM.
04:33:35 BUT I WILL ASK FOR A MOTION TO APPROVE THE MEETING MINUTES.
04:33:39 ANYONE?
04:33:44 >>James Tatooles: I WAS HERE.

04:33:44 I'LL MAKE THE MOTION.
 04:33:45 >>Scotty Wood: A SECOND?
 04:33:47 >> I SECOND.
 04:33:48 >>Scotty Wood: ANY DISCUSSION?
 04:33:49 ALL IN FAVOR SAY AYE.
 04:33:52 OPPOSED?
 04:33:53 THE MOTION CARRIES.

04:33:56 OUR FIRST AGENDA ITEM IS A PUBLIC INFORMATION MEETING.
 04:34:03 AND THAT IS A MEETING WHERE WE DO NOT MAKE A DECISION.
 04:34:07 AS THE NAME IMPLIES, PUBLIC INFORMATION.
 04:34:10 IT'S INFORMATIONAL IN ITS NATURE.
 04:34:13 IT IS FOLLOWED UP BY ITEMS ON THE AGENDA THAT ARE OF A
 04:34:17 DECISION-MAKING NATURE.
 04:34:18 AND WE WILL EXPLAIN THAT PROCESS WHEN WE GET TO THEM.
 04:34:23 BUT AT THE MOMENT, WE WILL BE DEALING WITH THE RESIDENCES AT
 04:34:28 BROOKS TOWN CENTER IN A PUBLIC INFORMATION MEETING.
 04:34:32 MARY, DO YOU WANT TO INTRODUCE IT?
 04:34:39 >>Mary Gibbs: ALL RIGHT.
 04:34:40 GOOD EVENING, EVERYBODY.
 04:34:41 YOU MOVED YOUR SEATING ARRANGEMENTS, SO NOW I'M VERY
 04:34:44 CONFUSED.
 04:34:45 [LAUGHTER]
 04:34:46 >>Scotty Wood: NO, YOU MOVED US.
 04:34:47 >>Mary Gibbs: OH, OKAY.
 04:34:49 SO WE HAVE THE RESIDENCES AT BROOKS TOWN CENTER.
 04:34:55 GOOD QUESTION, BOARD MEMBER WALLACE, WHY ARE WE DOING THE
 04:34:57 PUBLIC INFORMATION MEETING FIRST?
 04:34:58 LET ME EXPLAIN THAT.
 04:35:01 THERE ARE TWO CASES WITH THE BROOKS TOWN CENTER TONIGHT.
 04:35:04 ONE OF THEM IS THE FINAL PLAN APPROVAL, WHICH IS THE
 04:35:07 QUASI-JUDICIAL HEARING.
 04:35:09 AND ONE OF THEM IS A PUBLIC INFORMATION MEETING FOR THE

04:35:12 DEVELOPMENT ORDER THAT THE APPLICANT IS GOING TO BE FILING
 04:35:15 SOON.
 04:35:15 SO I THOUGHT IT WOULD BE BETTER TO DO THE PUBLIC INFORMATION
 04:35:19 MEETING FIRST BECAUSE THE FINAL PLAN APPROVAL QUASI-JUDICIAL
 04:35:24 HEARING IS VERY TECHNICALLY ORIENTED AND THE PUBLIC
 04:35:28 INFORMATION MEETING IS MORE INFORMAL FOR PEOPLE IN THE
 04:35:32 PUBLIC WHO WE SEE ARE HERE TO -- I HOPE THAT'S NOT MY PHONE.
 04:35:38 WOULD EVERYBODY PLEASE SILENCE THEIR CELL PHONES.
 04:35:57 [LAUGHTER]
 04:35:57 BECAUSE I THINK I JUST HAD TO FIRE MYSELF.
 04:36:05 >> MARY, IS IT THE SAME PROJECT?
 04:36:07 >>Mary Gibbs: YES, THIS IS THE SAME PROJECT.
 04:36:08 THIS IS WHY WE'RE DOING KIND OF A TWO IN ONE.
 04:36:12 IT WILL BE ONE PRESENTATION EXPLAINING THE WHOLE DEVELOPMENT

04:36:16 AND WHAT IS PROPOSED.
 04:36:17 THEN WE'LL GO INTO THE QUASI-JUDICIAL HEARING WHERE I'LL
 04:36:20 TALK ABOUT THE FINAL PLAN APPROVAL, BUT IT IS THE SAME
 04:36:22 PROJECT, THE SAME PROPERTY.
 04:36:26 >>Nancy Stroud: MARY, CAN I ADD SOMETHING TO IT AS WELL?
 04:36:28 JUST BRIEFLY, THE PUBLIC INFORMATION MEETING IS ABOUT THE
 04:36:31 DEVELOPMENT ORDER, WHICH HASN'T BEEN FILED YET.
 04:36:34 THAT'S WHY WE HAVE PUBLIC INFORMATION MEETINGS, RIGHT?
 04:36:37 FINAL PLAN APPROVALS YOU DON'T SEE VERY OFTEN, BUT THEY ARE
 04:36:40 VERY -- THEY ARE LIMITED.
 04:36:43 THEY ARE NOT LIKE SITE PLANS.

 04:36:45 THEY ARE REALLY LIMITED TO -- MARY WILL EXPLAIN MORE WHEN WE
 04:36:49 GET TO IT -- CERTAIN ASPECTS OF THE PLAN AND THEIR
 04:36:56 CONSISTENCY WITH THE ZONING.
 04:36:58 BUT IT IS NOT A SITE PLAN APPROVAL.
 04:37:00 IT DOESN'T GET TO THAT KIND OF LEVEL OF DETAIL AT ALL.
 04:37:03 SO WE'RE TAKING THIS IN STAGES.
 04:37:05 THE FIRST STAGE IS TO GIVE YOU THE BROADER VIEW ABOUT
 04:37:09 EVERYTHING THAT'S PROPOSED WHEN YOU GET TO SEE DEVELOPMENT
 04:37:11 ORDER.
 04:37:12 AND THEN WE'LL GET TO QUASI-JUDICIAL, WHICH IS MUCH MORE
 04:37:15 LIMITED TECHNICAL KIND OF REVIEW.
 04:37:18 >>Michael Sheeley: SO THE PUBLIC HEARING IS NOT A
 04:37:20 DEVELOPMENT ORDER.
 04:37:22 IT'S A ZONING MATTER.
 04:37:23 >>Nancy Stroud: NO, IT'S NOT EVEN A ZONING MATTER.
 04:37:26 IT IS AN ODD THING THAT SHOWS UP IN OLD LEE COUNTY ZONING
 04:37:30 ORDINANCES.
 04:37:31 IT'S NOT EVEN A MATTER THAT WE HAVE ZONING THAT LEE COUNTY
 04:37:35 HAS IN ITS LAND DEVELOPMENT CODE.
 04:37:37 SO YOU LOOK AT THE CRITERIA IN THE ZONING ORDINANCE, WHICH
 04:37:39 IS, AGAIN, VERY LIMITED, YOU'LL SEE WHEN YOU GET TO IT.
 04:37:43 IT'S JUST LIKE VERY BROADBRUSH.
 04:37:48 IT'S NOT A DEVELOPMENT ORDER.
 04:37:50 >>Mary Gibbs: BUT YOU ARE ALL JUMPING AHEAD OF ME.
 04:37:55 >>Jim Wallace: BUT THAT BRINGS ME, I GUESS, TO THE POINT

 04:37:55 THAT I HAVE.
 04:37:56 THE INFORMATION MEETING, AS I UNDERSTAND IT, IS A PUBLIC
 04:37:59 INFORMATION MEETING.
 04:37:59 THE IDEA IS TO PROVIDE THE PUBLIC WITH SUFFICIENT
 04:38:01 INFORMATION THAT THEY CAN START TO DELIBERATE, TO THINK
 04:38:07 ABOUT, AND HAVE COMMENTS AT A LATER DATE.
 04:38:11 THE INFORMATION THAT'S BEING PRESENTED HERE IS VIRTUALLY --
 04:38:14 I MEAN, IT IS THE SAME CONCEPT PLAN THAT IS BEING PRESENTED
 04:38:21 FOR ZONING.
 04:38:22 AND WHAT IS APPROPRIATE FOR ZONING IS NOT APPROPRIATE FOR A

04:38:25 DEVELOPMENT ORDER.
 04:38:26 SO, I MEAN, I GUESS I QUESTION ARE WE PRESENTING ENOUGH
 04:38:31 INFORMATION?
 04:38:31 IS IT REALLY A PUBLIC INFORMATION MEETING OR IS IT JUST A
 04:38:34 REHASH OF THE SAME THING UNDER A DIFFERENT APPLICATION?
 04:38:38 >>Mary Gibbs: AND I'M GOING TO EXPLAIN THAT, BUT YOU ALL
 04:38:41 JUMPED A COUPLE OF STEPS AHEAD OF ME.
 04:38:42 SO LET ME SEE IF I CAN MAKE THIS A LITTLE BIT MORE CLEAR AND
 04:38:46 EXPLAIN HOW WE GOT HERE FOR THE BOARD'S BENEFIT AND ALSO THE
 04:38:51 PEOPLE FROM THE PUBLIC.
 04:38:51 SO THE PROJECT THAT'S PROPOSED, THE APPLICANT WANTS TO
 04:38:56 REDEVELOP PART OF THE SHOPPING CENTER THAT'S LOCATED AT THE
 04:38:59 NORTHWEST CORNER OF THREE OAKS PARKWAY AND COCONUT ROAD.
 04:39:02 AND THAT'S KNOWN AS THE BROOKS TOWN CENTER.
 04:39:05 AND THAT BROOKS TOWN CENTER IS PART OF THE LARGER BROOKS

 04:39:09 DEVELOPMENT, WHICH IS A DEVELOPMENT OF REGIONAL IMPACT, THE
 04:39:13 DRI.
 04:39:15 IT'S A LARGE PROJECT.
 04:39:16 IT'S 2500 ACRES.
 04:39:18 IT WAS REZONED BY LEE COUNTY BACK IN 1997 FOR A MIXED USE
 04:39:22 PLANNED DEVELOPMENT.
 04:39:23 AND THE PROJECT THAT WE'RE TALKING ABOUT, THE SITE WE'RE
 04:39:27 TALKING ABOUT TONIGHT IS A LITTLE BIT LESS THAN TEN ACRES OF
 04:39:30 THAT PROJECT.
 04:39:32 IT'S THE PROPERTY AT THAT CORNER OF THE INTERSECTION.
 04:39:35 AND ACTUALLY HALF OF THAT TEN ACRES, WHICH IS BEING PROPOSED
 04:39:38 TO -- THE APPLICANT WANTS TO DEMOLISH THE WINN DIXIE STORE,
 04:39:42 WHICH HAS BEEN VACANT FOR QUITE SOME TIME, BUT THEY WOULD
 04:39:46 RETAIN THE REST OF THE COMMERCIAL BUILDINGS AND THE PIZZA
 04:39:49 PLACE THAT EVERYBODY LIKES.
 04:39:51 THE FINEMARK BANK AND ALL THOSE OTHER BUILDINGS WOULD STAY.
 04:39:54 THE APPLICANT WILL BUILD ON THE EAST SIDE OF THE PARKING LOT
 04:39:59 154-UNIT MULTIFAMILY BUILDING, WHICH CAN BE FOUR STORIES
 04:40:03 TALL.
 04:40:04 SO HOW WE GOT HERE -- AND THIS ACTUALLY GOES BACK TO COVID.
 04:40:10 THE YEAR OF COVID, 2020, THE APPLICANT FILED AN APPLICATION
 04:40:14 FOR A FINAL PLAN APPROVAL FOR THIS PROJECT.
 04:40:19 AT THAT TIME, WE HAD A DISAGREEMENT ON WHAT THE PROCESS
 04:40:22 SHOULD BE FOR FINAL PLAN APPROVAL.
 04:40:24 IS IT JUST STRICTLY A STAFF APPROVAL KIND OF BEHIND CLOSED

 04:40:28 DOORS REVIEW OR IS IT SOMETHING THAT NEEDS TO GO TO COUNCIL?
 04:40:31 SO THAT DISAGREEMENT RESULTED IN LAWSUITS WHICH HAVE BEEN
 04:40:36 GOING ON FOR THREE YEARS.
 04:40:38 SO RECENTLY, THE COUNCIL SAID WE WANT TO SETTLE THESE
 04:40:44 LAWSUITS BECAUSE IT'S BEEN GOING ON FOR THREE YEARS.
 04:40:47 SO THE COUNCIL ENTERED INTO A SETTLEMENT AGREEMENT ON JUNE

04:40:50 21st.
 04:40:52 IN THAT SETTLEMENT AGREEMENT, AS PART OF THE AGREEMENT, IT
 04:40:56 SAID THE FINAL PLAN APPROVAL, INSTEAD OF BEING PROCESSED
 04:41:00 STRICTLY BY STAFF, WOULD BE REVIEWED BY PLANNING ZONING AND
 04:41:03 DESIGN BOARD, SO WE CAN MAKE IT A MORE TRANSPARENT PROCESS
 04:41:07 SO PEOPLE WOULD KNOW WHAT'S HAPPENING AND TO GET COMMENTS.
 04:41:12 AS PART OF THAT, THE APPLICANT MADE SOME CONCESSIONS IN THE
 04:41:16 SETTLEMENT AGREEMENT AS TO WHAT THEY WOULD DO.
 04:41:17 WE WANTED TO MAKE SURE THAT THE PROJECT WAS ATTRACTIVE
 04:41:21 ARCHITECTURE AND LANDSCAPING, SO THEY HAVE SUBMITTED LIKE
 04:41:23 WHAT THEY CALL THEIR CONCEPTUAL DESIGN, WHICH THEY ARE GOING
 04:41:26 TO SHOW YOU TONIGHT AND IS IN YOUR PACKET.
 04:41:29 BASED ON SOME OF THE PROJECTS THAT I THINK THEY HAVE DONE IN
 04:41:32 NAPLES AND OTHER AREAS.
 04:41:33 SO WE LOOKED AT THE PROPOSED ARCHITECTURAL DESIGN.
 04:41:37 THEY ARE DOING SOME ENHANCED LANDSCAPING.
 04:41:40 THEY HAVE A CONCEPT THAT SHOWS KIND OF A PARTIAL, DECORATIVE
 04:41:44 WALL ALONG THREE OAKS AND COCONUT ROAD, WHICH WE THOUGHT WAS
 04:41:48 PRETTY ATTRACTIVE.

 04:41:49 THEY ARE PROPOSING A CONCRETE BLOCK CONSTRUCTION SO IT WON'T
 04:41:53 BE A WOOD-FRAME LARGE BUILDING.
 04:41:56 AND THEY HAVE SHOWN SOME PAVER BRICK CROSSWALKS AND PART OF
 04:42:01 WHAT THE DEVELOPER IS GOING TO DO IS KIND OF REFRESH THE
 04:42:04 WHOLE CENTER BY MAKING KIND OF REPAINTING IT SO IT WILL ALL
 04:42:08 BE LIKE ONE INTEGRATIVE, COHESIVE LOOK AND UPGRADE SOME OF
 04:42:13 THE LIGHTING FIXTURES AND THINGS LIKE THAT.
 04:42:15 IT WILL BE A LITTLE BIT REFRESHED.
 04:42:17 SO THAT WAS ALL PART OF THE SETTLEMENT AGREEMENT THAT THE
 04:42:21 COUNCIL AGREED TO.
 04:42:21 AS PART OF THAT, AGAIN, FINAL PLAN APPROVAL COMES BACK TO
 04:42:27 THIS BOARD FOR REVIEW.
 04:42:29 AND ALSO, BECAUSE THEY HAVE TO SUBMIT A DEVELOPMENT ORDER,
 04:42:32 THE FINAL PLAN HAS TO BE DONE PRIOR TO THE DEVELOPMENT ORDER
 04:42:35 BEING APPROVED AND THEN THE DEVELOPMENT ORDER, OF COURSE,
 04:42:40 TYPICALLY, ALL DEVELOPMENT ORDERS COME TO PLANNING, ZONING
 04:42:43 AND DESIGN BOARD ANYWAY FOR REVIEW.
 04:42:45 SO WE THOUGHT IT WOULD BE EASIER TO JUST COMBINE THE TWO
 04:42:48 THINGS TONIGHT SO THAT PEOPLE DIDN'T HAVE TO COME TWICE AND
 04:42:50 FIGURE OUT WHAT WAS HAPPENING AND PRESENT THE INFORMATION
 04:42:53 MEETING FIRST SO THAT PEOPLE WOULD UNDERSTAND WHAT THE SITE
 04:42:56 PLAN WAS.
 04:42:57 SO THAT IS WHY WE ARE HERE TONIGHT.
 04:43:00 THE APPLICANT IS GOING TO EXPLAIN AGAIN HOW THE SITE IS LAID
 04:43:05 OUT, AND THEN, OF COURSE, ANY BOARD QUESTIONS OR COMMENTS,

 04:43:09 AS WE TYPICALLY DO AT AN INFORMATION MEETING, AND THEN THE
 04:43:12 PUBLIC CAN SPEAK AND TALK ABOUT THEIR COMMENTS OR QUESTIONS.

04:43:15 SO WE'VE ALREADY GOTTEN SOME E-COMMENTS.
 04:43:19 THE ONLY THING THAT WE'RE NOT DOING IS THAT AS PART OF THE
 04:43:22 SETTLEMENT AGREEMENT, WE DID AGREE THAT THE ZONING LIST THE
 04:43:27 MULTIFAMILY USE UP TO 158 UNITS.
 04:43:32 SO THE ZONING IS LISTED IN THE ORIGINAL LEE COUNTY
 04:43:35 RESOLUTION AS ONE OF THE USES THAT KIND OF HAD A VARIETY OF
 04:43:40 USES THAT HAD MOSTLY COMMERCIAL.
 04:43:43 IT HAD MULTIFAMILY.
 04:43:44 IT HAD HOTEL.
 04:43:46 IT HAD QUITE A FEW THINGS BACK IN 1997.
 04:43:48 SO THAT RUNS WITH THE LAND.
 04:43:50 SO IF SOMEBODY SAYS I DON'T WANT MULTIFAMILY APARTMENTS, YOU
 04:43:54 CAN MAKE THAT COMMENT, BUT IT'S NOT REALLY RELEVANT TO WHAT
 04:43:58 WE'RE TALKING ABOUT TONIGHT.
 04:43:59 WE'RE TALKING MORE ABOUT THE SITE PLAN.
 04:44:01 AGAIN, ANY COMMENTS PEOPLE HAVE ABOUT THE ARCHITECTURE,
 04:44:07 LANDSCAPING, PARKING, THOSE TYPE OF ISSUES, I KNOW THAT
 04:44:10 EVERYBODY ALWAYS LIKES TO ASK ABOUT THE DUMPSTERS AND THE
 04:44:14 GARBAGE.
 04:44:14 THAT'S ALWAYS A BIG TOPIC.
 04:44:16 THOSE ARE THE KIND OF THINGS WE WOULD BE LOOKING AT TONIGHT
 04:44:19 IN THIS PUBLIC INFORMATION MEETING.
 04:44:22 I DID WANT TO MENTION, TOO, THAT WE GOT I THINK ABOUT 14

 04:44:27 E-COMMENTS THAT CAME IN TODAY -- OR YESTERDAY THAT WERE SENT
 04:44:31 TO YOU ALL.
 04:44:33 MOSTLY AGAINST, AND I'LL SUMMARIZE THAT THE E-COMMENTS WERE
 04:44:37 MOSTLY COMPLAINING ABOUT THE TRAFFIC, WHICH WE KNOW IS JUST,
 04:44:41 YOU KNOW, ALWAYS PROBLEMATIC IN ESTERO.
 04:44:45 I DO WANT TO MENTION THAT WE DID LOOK AT THE TRAFFIC --
 04:44:48 WELL, THIS WILL COME UP IN THE FINAL PLAN APPROVAL, BUT WE
 04:44:51 DID LOOK AT THE TRAFFIC.
 04:44:52 THEY HAD SUBMITTED A TRAFFIC STUDY.
 04:44:54 WHEN YOU CHANGE FROM COMMERCIAL TO MULTIFAMILY, THE TRAFFIC
 04:44:58 IS ACTUALLY QUITE A BIT LESS WHEN YOU DO MULTIFAMILY.
 04:45:01 SO I KNOW THERE'S A LOT OF CONCERNS ABOUT THE TRAFFIC, BUT
 04:45:05 WE DID ANALYZE THAT AND WE LOOKED AT THE APPLICANT'S
 04:45:09 INFORMATION.
 04:45:10 OUR ENGINEERS LOOKED AT IT AND THE ACCESS POINTS THAT ARE
 04:45:13 ALREADY THERE ARE ADEQUATE FOR THE TRAFFIC BECAUSE IT'S
 04:45:16 GOING TO BE LESS THAN WHAT WAS INITIALLY APPROVED.
 04:45:19 IF YOU DON'T HAVE ANY QUESTIONS FOR ME, I WOULD LIKE TO TURN
 04:45:23 IT OVER TO THE APPLICANT AND HAVE THEM JUST GO THROUGH
 04:45:27 THEIR PowerPoint.
 04:45:29 >>Scotty Wood: READY, EVERYBODY?
 04:45:30 OKAY.
 04:45:31 I GUESS I'LL TURN IT OVER TO THEIR ATTORNEY FIRST, NEALE
 04:45:39 MONTGOMERY.

04:45:44 >>Neale Montgomery: FOR THE RECORD, NEALE MONTGOMERY.

04:45:47 I WASN'T GOING TO TALK FIRST.

04:45:49 I WAS GOING TO LET CHARLIE DO ALL THE TALKING.

04:45:49 BUT YOU GUYS ASKED A LOT OF QUESTIONS, SO I FELT COMPELLED

04:45:52 TO TALK FOR JUST A LITTLE BIT.

04:45:53 YOU ASKED A QUESTION AS TO WHETHER OR NOT IT'S PREMATURE TO

04:45:58 HAVE THIS MEETING.

04:45:59 THE ANSWER IS, NO, BECAUSE IN SECTION 2-401 IT TALKS ABOUT

04:46:03 PUBLIC INFORMATION MEETINGS.

04:46:04 AND IT SAYS, "THE PURPOSE OF THE PUBLIC INFORMATION MEETING

04:46:07 IS TO EDUCATE OWNERS AND RESIDENTS OF NEARBY LAND ABOUT AN

04:46:11 APPLICATION THAT IS GOING TO BE REVIEWED UNDER THE LDC AND

04:46:15 TO ALLOW THE APPLICANT TO HAVE THE OPPORTUNITY TO HEAR THOSE

04:46:18 COMMENTS."

04:46:19 SO WE ARE GOING TO BE ABLE TO -- WE ARE GOING TO FILE A

04:46:22 DEVELOPMENT ORDER.

04:46:22 SO THIS IS A GOOD OPPORTUNITY TO HEAR WHAT THE PUBLIC HAS TO

04:46:26 SAY.

04:46:26 I WANT TO SAY I AGREE WITH MARY.

04:46:28 THE ZONING HAS BEEN APPROVED SINCE 1997 FOR THE USE, FOR THE

04:46:33 PROPERTY DEVELOPMENT REGULATIONS, FOR THE HEIGHT AND FOR A

04:46:35 VARIETY OF THINGS.

04:46:36 SO THOSE THINGS AREN'T HERE BEFORE YOU.

04:46:39 THE VILLAGE HASN'T HAD, I DON'T THINK, ANY NEW DEVELOPMENTS

04:46:44 OF REGIONAL IMPACT.

04:46:45 IN THIS CASE, THIS PROJECT, THE BROOKS AS A WHOLE, DEDICATED

04:46:50 LAND FOR COCONUT, THREE OAKS, AND BUILT THEM AND PAID MONEY.

04:46:58 SO IT DOESN'T SEEM LIKE A BIG NUMBER NOW, BUT IT WAS 9

04:47:01 MILLION PLUS DOLLARS IN 1997 DOLLARS.

04:47:04 IF YOU WERE TO EXTRAPOLATE THAT TO TODAY'S DOLLARS, THAT IS

04:47:07 A PRETTY SIGNIFICANT CONTRIBUTION.

04:47:09 SO THE UNITS BEING REQUESTED HAVE ALREADY BEEN MITIGATED.

04:47:13 SO I KNOW THAT A LOT OF PEOPLE ARE E-MAILING THAT THE ROADS,

04:47:17 THAT THIS PROJECT PAID FOR THAT THIS PROJECT MIGHT USE.

04:47:23 I HOPE THEY LIKE THE ROAD THAT THE BROOKS PAID FOR.

04:47:27 I DO.

04:47:27 ANYWAYS, SO THE TRAFFIC ISN'T AN ISSUE.

04:47:30 BOTH THE SITE-RELATED IMPACTS AND THE PROPORTIONATE SHARE

04:47:32 HAVE ALREADY BEEN PAID.

04:47:34 I HAVE A LETTER, IF YOU WANT TO SEE IT, FROM 2007 WHERE THE

04:47:38 THEN ASSISTANT COUNTY ATTORNEY, DONNA MARIE COLLINS,

04:47:42 ACKNOWLEDGED THAT THIS PROJECT HAS PAID IN FULL THEIR

04:47:46 PROPORTIONATE SHARE.

04:47:47 WITH THAT, I'LL TURN IT OVER TO MR. KREBS.

04:47:53 >> GOOD EVENING.

04:47:53 MY NAME IS CHARLIE KREBS, FOR THE RECORD, VICE PRESIDENT

04:48:00 WITH HOLE MONTES.
 04:48:02 I'M HERE TO TALK TO YOU ABOUT THE COCONUT POINTE RESIDENCES.
 04:48:12 THIS IS A PROJECT LOCATED IN THE NORTHWEST CORNER OF THREE
 04:48:14 OAKS PARKWAY AND COCONUT ROAD.
 04:48:16 AS MARY SAID, IT IS AN EXISTING COMMERCIAL DEVELOPMENT.

 04:48:23 IT WAS APPROVED BACK IN 2006-2007.
 04:48:27 WHAT WE'RE PROPOSING HERE TONIGHT IS TO GO IN AND REDEVELOP
 04:48:32 ABOUT 5.5 ACRES OF THE SITE.
 04:48:36 AS MARY INDICATED, SHE TOOK ALMOST MY GOOD PRESENTATION.
 04:48:39 I APPRECIATE THAT.
 04:48:40 SETTING ME UP.
 04:48:42 WE'RE GOING TO TAKE THE EXISTING SWEET BAY, WHICH IS ABOUT
 04:48:46 38,000 SQUARE FEET, WHICH WAS LOCATED IN THIS AREA HERE, AND
 04:48:48 THAT'S GOING TO BE DEMOLISHED.
 04:48:52 AS A PART OF THE ORIGINAL APPROVAL, THERE WAS ANOTHER
 04:48:54 COMMERCIAL BUILDING UP IN THIS CORNER AND ANOTHER COMMERCIAL
 04:48:57 BUILDING THAT WAS GOING TO BE DOWN IN THIS CORNER.
 04:48:59 IN TOTAL, THERE WAS OVER 40,000 SQUARE FEET THAT WOULD HAVE
 04:49:02 BEEN ON THIS PORTION OF THE SITE.
 04:49:04 SO WHAT WE'RE PROPOSING IS TO DEMOLISH THE EXISTING SWEET
 04:49:09 BAY AND ALL THE ASSOCIATED PARKING THAT'S AROUND IT.
 04:49:12 WHAT WE'RE PROPOSING IN ITS STEAD IS 154 RESIDENTIAL UNITS,
 04:49:17 MULTIFAMILY, THAT WOULD BE LOCATED IN A FOUR-STORY BUILDING.
 04:49:21 THAT WOULD BE NO MORE THAN 50 FEET TALL.
 04:49:23 AS PART OF THE OVERALL SITE, WE'RE PROPOSING TO PUT IN THREE
 04:49:29 ENCLOSED GARAGE STRUCTURES.
 04:49:31 TWO OF THEM ARE GOING TO BE ON THE SIDE -- ON THE WEST SIDE
 04:49:34 OF THE PROPERTY, KIND OF CREATING A BUFFER WITH THE EXISTING
 04:49:37 COMMERCIAL.
 04:49:38 ONE WILL BE LOCATED ON THE NORTH SIDE.

 04:49:41 IN ADDITION, WE HAVE A MAINTENANCE BUILDING OVER HERE THAT
 04:49:43 WILL PROVIDE ON-SITE MAINTENANCE TO TAKE CARE OF THE
 04:49:46 EXISTING IMPROVEMENTS.
 04:49:48 WE HAVE A DOG PARK THAT'S PROPOSED OVER IN THIS LOCATION.
 04:49:52 THE EXISTING SWEET BAY, WHEN IT WAS THERE, THEIR DUMPSTER
 04:49:55 AND TRASH COMPACTOR WAS LOCATED MORE -- WAS CLOSER TO THE
 04:50:00 EXISTING LAKE.
 04:50:01 WHAT WE'VE DONE IS WE'VE PULLED IT AROUND THE CORNER.
 04:50:04 THERE IS AN EXISTING DUMPSTER HERE THAT'S REMAINING FOR THE
 04:50:08 COMMERCIAL FACILITY, SO WE PUT OURS IN THE SAME LOCATION.
 04:50:10 THAT WOULD MAKE PICKUP MUCH EASIER WITH BOTH IN THAT SAME
 04:50:15 AREA.
 04:50:15 WE ARE GOING TO MAINTAIN THE TWO CONNECTION POINTS WITH THE
 04:50:21 PROJECT.
 04:50:22 YOU'LL HAVE ONE CONNECTION, THIS IS THE EXISTING ONE.
 04:50:24 WE'RE MAINTAINING THAT ONE HERE ON THREE OAKS.

04:50:27 THE EXISTING ONE ON COCONUT.
 04:50:30 THE CONNECTION BETWEEN THE COMMERCIAL AND THE RESIDENTIAL
 04:50:33 AND WE HAVE ONE HERE, AND THEN ONE UP HERE.
 04:50:37 SO YOU'LL STILL HAVE A CONNECTION BEHIND ALL THE RETAIL SO
 04:50:40 THAT THE COMMERCIAL AREA CAN COME THROUGH AND EXIT AND
 04:50:43 RETURN.
 04:50:45 IF WHATEVER REASON THEY HAD TO DRIVE BEHIND THE FACILITY,
 04:50:47 THEY HAVE A CONNECTION POINT, PLUS YOU STILL HAVE A
 04:50:51 CONNECTION TO THE DEVELOPMENT NEXT DOOR.

04:50:53 WHAT WE HAVE LEFT OVER ON THIS SIDE WILL BE ABOUT 208
 04:50:58 PARKING SPACES THAT WILL SERVICE THE EXISTING COMMERCIAL,
 04:51:01 WHICH IS MORE THAN WHAT THEY REQUIRE.
 04:51:03 WE'RE PROPOSING 212 ON-SITE.
 04:51:09 AS PART OF THE PROPOSED DEVELOPMENT, WE'RE LOOKING TO DO
 04:51:13 THREE ADDITIONAL DEVIATIONS.
 04:51:15 I'M SURE NEALE WILL TALK ABOUT THESE MORE.
 04:51:21 ONE WILL BE TO REQUEST A 21 SPACE REDUCTION IN THE REQUIRED
 04:51:24 PARKING.
 04:51:25 ANOTHER ONE IS GOING TO BE AS PART OF THE LAND DEVELOPMENT
 04:51:28 CODE CHANGE THAT WAS DONE FOR ESTERO.
 04:51:31 YOU BROUGHT THE MINIMUM PAVEMENT ELEVATION UP TO THE 25-YEAR
 04:51:35 LEVEL.
 04:51:36 SO WE'VE REQUESTED THAT WE BE ALLOWED TO STAY WITH THE
 04:51:41 ORIGINAL DEAL APPROVAL, WHICH WAS DOWN AT THE FIVE-YEAR
 04:51:44 ELEVATION JUST SO THERE IS CONSISTENCY BETWEEN THE PROJECTS.
 04:51:46 THIS IS MORE OF AN IN CASE THIS COMES UP DURING THE D.O.
 04:51:52 PHASE, WE DIDN'T WANT TO HAVE TO COME BACK BEFORE YOU IF FOR
 04:51:55 SOME REASON AS PART OF THE REDEVELOPMENT THERE WAS A SPOT
 04:51:58 WHERE WE COULDN'T GET UP TO THE 25-YEAR ELEVATION.
 04:52:00 SO THIS IS GOING TO BE A WAY FOR US TO MAKE THE TWO PROJECTS
 04:52:03 WORK AND BE CONSISTENT WITH EACH OTHER.
 04:52:05 THE OTHER DEVIATION IS ONE HAVING TO DO WITH THE EXISTING
 04:52:11 LIGHTING ON THE COMMERCIAL SIDE, MAINTAINING THAT AT 20
 04:52:14 FEET.

04:52:15 IN THE LAND DEVELOPMENT CODE, IT TALKS ABOUT LIGHTING WITHIN
 04:52:18 100 FEET OF THE RESIDENTIAL, BUT IT DOESN'T REALLY DESCRIBE
 04:52:21 WHERE YOU START THAT MEASUREMENT.
 04:52:24 SO THE REQUEST IS THAT WE MAINTAIN THE COMMERCIAL AT 20 FEET
 04:52:28 AND IF WE'RE GOING TO MEASURE IT, WE MEASURE IT FROM THE
 04:52:31 PROPOSED RESIDENTIAL BUILDING, WHICH WILL BE OVER 100 FEET
 04:52:35 FROM THE NEAREST POLE TO THE BUILDING.
 04:52:38 SOMETHING ADDITIONAL -- SOME OF THE ADDITIONAL ITEMS WE'RE
 04:52:50 PROPOSING, WE'LL HAVE AN OUTDOOR POOL AND COURTYARD AREA
 04:52:53 HERE.
 04:52:54 WE HAVE AN INDOOR COURTYARD AREA HERE.
 04:52:56 AS MARY DISCUSSED, THERE'S GOING TO BE SOME LANDSCAPE WALLS

04:52:59 THAT ARE PROPOSED ALONG THREE OAKS AND COCONUT, WHICH I'LL
 04:53:04 HAVE FRAN, WHO IS WITH ME TONIGHT, DISCUSS THAT AND THE
 04:53:09 LANDSCAPING.
 04:53:09 WITH THAT, I WILL TURN IT OVER TO FRAN.
 04:53:18 >> HI.
 04:53:19 MY NAME IS FRAN LITTON.
 04:53:23 AND WE'VE WORKED ON THE LANDSCAPE AND WE HAVE INCORPORATED
 04:53:27 THE WALLS IN WHICH WERE A PART OF THE LEGAL ADJUSTMENT TO
 04:53:32 ENHANCE BOTH COCONUT ROAD AND THE THREE OAKS.
 04:53:38 AND WHAT THEY ARE, THERE ARE A NUMBER OF AREAS.
 04:53:43 YOU'LL SEE THAT THERE ARE DIFFERENT TYPES OF WALLS THAT COME
 04:53:46 HERE, AND THERE ARE ALSO HEDGES THAT WE'LL INCORPORATE IN
 04:53:51 BETWEEN THERE.

 04:53:51 SO THE PIECES ARE TAKEN INTO CONSIDERATION.
 04:54:01 THE ARCHITECTURE AND ALSO TRYING TO CREATE A PUBLIC VIEW
 04:54:09 THAT ENHANCES THE PUBLIC WALKING ALONG THE STREET AND HAS
 04:54:13 SEATING AREAS FOR PEOPLE.
 04:54:16 THE WALLS ARE VARYING HEIGHTS, AND THEN THEY WILL HAVE
 04:54:21 MOSAIC TILE ON THEM IN DIFFERENT PLACES.
 04:54:26 THIS WOULD BE AT THE ENTRANCE AREAS, THE END WALLS.
 04:54:30 AND THOSE COLUMNS WOULD BE A LITTLE BIT LARGER.
 04:54:32 WE HAD TALKED ABOUT THERE IS A POOL AREA HERE.
 04:54:43 THIS WOULD BE A LARGE POOL.
 04:54:51 THE GARAGES ARE ON THE BACK SIDE OF THIS, SO IT GIVES US
 04:54:56 SCREENING FOR THIS AREA HERE.
 04:54:59 AND THERE IS OUTDOOR KITCHEN, A FIRE PIT, MULTIPLE AREAS OF
 04:55:05 SEATING, SOME FOUNTAINS AND JUST A NICE AREA FOR THE
 04:55:10 RESIDENTS THERE.
 04:55:11 THE OTHER ONE IS THIS COURTYARD, AND IT WILL ALSO BE
 04:55:17 ENHANCED WITH AN OUTDOOR KITCHEN AS WELL WITH A FIRE PIT AND
 04:55:23 LAWN.
 04:55:24 ANOTHER PIECE OF THE OUTDOOR KITCHEN AND A NICE FOUNTAIN.
 04:55:28 THOSE ARE ALSO FOR THE RESIDENTS THERE.
 04:55:33 ON THE BOARDS YOU WILL SEE KIND OF WHAT THOSE COURTYARDS
 04:55:45 LOOK LIKE.
 04:55:46 ON THE BOARDS ARE IMAGES FROM OTHER PROJECTS THAT THE
 04:55:50 DEVELOPER HAS DONE THAT ARE SIMILAR.
 04:56:01 >>Charlie Krebs: LASTLY, WHAT WE HAVE ARE CONCEPTUAL

 04:56:05 RENDERINGS OF WHAT WE'RE PLANNING FOR THE BUILDING TO LOOK
 04:56:08 LIKE.
 04:56:08 WHAT YOU HAVE HERE AT THIS LOCATION, THIS WOULD BE COMING IN
 04:56:11 THAT NORTH ENTRANCE OFF OF THREE OAKS.
 04:56:13 SO YOU'RE GOING TO BE SEEING THE MAIN ENTRANCE COMING INTO
 04:56:16 THE FACILITY WITH A PORTE-COCHERE THAT PROVIDES COVER.
 04:56:21 THE LANDSCAPING THAT IS ON HERE IS JUST THE ARTIST
 04:56:24 RENDITION.

04:56:25 IT'S NOT ANY REFLECTION OF WHAT IS PROPOSED OR WHAT WILL BE
 04:56:30 OUT THERE.
 04:56:30 WE'LL BE MAINTAINING THE EXISTING LANDSCAPING.
 04:56:32 SO THIS IS REALLY JUST TO KIND OF GIVE SOME SCALE TO THE
 04:56:35 BUILDING.
 04:56:35 AND THEN WE HAVE THE SECOND ONE HERE.
 04:56:39 THIS IS THE INTERSECTION OF COCONUT AND THREE OAKS.
 04:56:43 YOU KIND OF HAVE A CORNER ELEMENT HERE.
 04:56:45 THEN AGAIN YOU'LL HAVE THE BUILDING THAT RUNS ALONG
 04:56:49 PARALLEL.
 04:56:49 WHAT IS NOT SHOWN HERE, AGAIN, SO IT DOESN'T BLOCK THE
 04:56:53 BUILDING, YOU'RE NOT SEEING ANY OF THE COVERED PARKING THAT
 04:56:55 WE'RE PROPOSING ALONG COCONUT AND THREE OAKS, WHICH I
 04:57:02 APOLOGIZE FOR NOT COVERING.
 04:57:04 I WILL SHOW THAT OUT TO YOU.
 04:57:07 WE ARE PROPOSING SOME COVERED PARKING BAYS ALONG COCONUT AND
 04:57:13 THEN ALONG THREE OAKS.

 04:57:15 SO THESE WILL BE FOR THE RESIDENTS.
 04:57:18 THERE ARE GOING TO BE SOME CHARGING STATIONS THAT WILL BE
 04:57:21 CONNECTED TO THE COVERED PARKING, AND THEN WE'RE ALSO
 04:57:24 PROVIDING SOME CHARGING STATIONS OR THE PLAN IS TO PROVIDE
 04:57:26 SOME CHARGING STATIONS IN THE BACK NEAR THE MAINTENANCE
 04:57:31 AREA.
 04:57:33 THIS KIND OF GIVES YOU A BETTER VIEW OF WHERE THOSE
 04:57:38 ROOFLINES ARE.
 04:57:40 AND AS NEALE SAID, WE -- PROPOSING ANY OFF-SITE
 04:57:52 IMPROVEMENTS.
 04:57:56 THE TURN LANES AND ENTRANCES HAVE ALL BEEN COMPLETED.
 04:57:57 THERE ARE NO NEEDS TO PROVIDE ANY ADDITIONAL UTILITY
 04:57:59 IMPROVEMENTS.
 04:57:59 ALL THE EXISTING UTILITIES HAVE BEEN PREVIOUSLY INSTALLED
 04:58:03 AND ARE WORKING.
 04:58:03 WE'LL BE WORKING WITH THE UTILITY COMPANIES TO MAKE WHATEVER
 04:58:06 CHANGES WE NEED TO AS WE GO THROUGH THE DESIGN PROCESS.
 04:58:08 BUT EVERYTHING WE NEED IS ALREADY ON-SITE.
 04:58:12 AND WITH THAT, I WILL OPEN IT UP FOR QUESTIONS.
 04:58:18 >>Scotty Wood: QUESTIONS?
 04:58:19 GO AHEAD, JIM.
 04:58:24 >>Jim Wallace: I HAVE -- I GUESS THE BIGGEST CONCERN, THIS
 04:58:30 IS THE DEVELOPMENT ORDER PRESENTATION.
 04:58:31 NORMALLY WE WOULD HAVE ARCHITECTURAL RENDERINGS OF ALL FOUR
 04:58:37 SIDES, ARCHITECTURAL DRAWINGS.

 04:58:39 WE'D HAVE MUCH MORE DETAIL THAN EVEN YOUR EXHIBITS SHOW THEM
 04:58:45 AS CONCEPT BUILDING ELEVATIONS.
 04:58:47 IT'S KIND OF DIFFICULT TO COMMENT CONSTRUCTIVELY WHEN WE'RE
 04:58:54 STILL LOOKING AT CONCEPTS.

04:58:56 BUT LET ME TRY TO DO THAT.
 04:58:59 I FOUND IT PARTICULARLY DIFFICULT IN REVIEWING THIS OVER THE
 04:59:02 LAST FEW DAYS IN TRYING TO BE NOT OBSTRUCTIVE BUT
 04:59:08 CONSTRUCTIVE ABOUT MY COMMENTS.
 04:59:10 I NOTICED IN THE PRESENTATION LITTLE THINGS THAT SOUND LIKE
 04:59:16 THEY ARE SMALL THINGS, BUT THOSE CARPORTS, THE DESIGN OF
 04:59:19 THOSE CARPORTS ARE GOING TO HAVE A SIGNIFICANT IMPACT ON THE
 04:59:22 VIEW OF THIS PROJECT FROM THE ROAD, FROM COCONUT ROAD,
 04:59:27 UNLESS I'M MISUNDERSTANDING.
 04:59:29 >>Charlie Krebs: NO.
 04:59:30 BUT I THINK YOUR IMPACT IS GOING TO BE MITIGATED.
 04:59:33 WE'RE MAINTAINING THE EXISTING LANDSCAPING OUT THERE, SO YOU
 04:59:36 HAVE THESE VERY MATURE OAK TREES.
 04:59:38 AND THEN IN ADDITION -- FRAN, CORRECT ME IF I SPEAK WRONG
 04:59:42 WHEN I'M SPEAKING LANDSCAPING.
 04:59:43 >>Jim Wallace: ALL I'M SAYING IS IT'S NOT HERE.
 04:59:46 SO I'M ONLY IMAGINING.
 04:59:47 I CAN'T REALLY COMMENT CONSTRUCTIVELY BECAUSE I DON'T HAVE
 04:59:50 IT HERE IN YOUR D.O. APPLICATION.
 04:59:53 SO THAT'S THE PROBLEM THAT I'M HAVING HERE IS THAT THERE
 04:59:56 ISN'T ENOUGH MEAT.

 04:59:59 THE SKELETON IS THERE IN YOUR ZONING.
 05:00:01 IF WE GET THE SECOND PART, VERY, VERY DIFFERENT, CONCEPTUAL
 05:00:04 IS FINE AND ALREADY HAVE YOUR ZONING APPROVED, BUT THERE
 05:00:07 ISN'T ENOUGH DETAIL OR MEAT ON THE D.O. APPLICATION.
 05:00:14 AND I KNOW YOU'RE GOING TO SAY OR NEALE MIGHT SAY, WELL,
 05:00:19 THIS IS AN INFORMATION MEETING.
 05:00:20 BUT IF IT'S AN INFORMATION MEETING, WHERE IS THE
 05:00:22 INFORMATION?
 05:00:22 IT'S MISSING.
 05:00:23 >>Charlie Krebs: FROM MY POINT AND WHAT WE'VE DONE BEFORE IN
 05:00:27 OTHER INFORMATIONAL MEETINGS, WHERE WE COME IN BEFOREHAND
 05:00:31 WITH MORE CONCEPTUAL IS TAKE YOUR COMMENTS AND THEN WORK
 05:00:35 THEM IN SO THAT YOU SEE THEM IN THE D.O. APPLICATION.
 05:00:39 INSTEAD OF PRESENTING IT AND THEN HAVING IT GO THROUGH, IF
 05:00:43 WE CAN TAKE ANY COMMENTS OR CONCERNS THAT YOU HAVE, WE CAN
 05:00:45 INCORPORATE THOSE NOW BEFORE IT EVER GOES IN AND WRITE A
 05:00:50 FOLLOW-UP LETTER TO STAFF ON HOW WE ADDRESSED WHATEVER
 05:00:53 YOU'RE LOOKING FOR.
 05:00:55 IN YOUR CASE WITH THE LANDSCAPING, WHEN THEY SEE THE
 05:00:57 LANDSCAPE PLANS, CAN MAKE SURE --
 05:01:00 >>Jim Wallace: I'M TALKING MORE ABOUT THE CARPORTS.
 05:01:02 >>Charlie Krebs: THE CARPORTS, WE CAN MAKE SURE THE PROPOSED
 05:01:04 WALL AND LANDSCAPING THAT WILL BE IN THERE WILL HELP ON CURE
 05:01:08 THE CARPORTS WHICH I THINK IS THE PLAN.
 05:01:10 YOU MAY SEE THE ROOFLINES, BUT YOU'RE NOT GOING TO SEE THE

05:01:13 CARS.
 05:01:14 THERE'S GOING TO BE DENSE BARRIER.
 05:01:16 >>Jim Wallace: NICE IF WE SAW A PROSPECTIVE RENDERING THAT
 05:01:21 SAW THE FOREGROUND, BACK GROUND, YOU SAW THE ROADS,
 05:01:24 CARPORTS, THE BUILDING IN THE BACKGROUND BECAUSE THAT'S WHAT
 05:01:27 THE PUBLIC WILL BE SEEING AS THEY DRIVE BY AND THAT'S OUR
 05:01:29 BIGGEST CONCERN.
 05:01:30 YOUR INNER COURTYARD THAT YOU ARE SHOWING AND I COMPLIMENT
 05:01:34 YOU ON THOSE CONCEPTS.
 05:01:36 NOBODY IS EVER GOING TO SEE EXCEPT THE RESIDENTS.
 05:01:39 IT'S NOT REALLY SOMETHING I CONCERN MYSELF WITH.
 05:01:42 I'M ONLY CONCERNING MYSELF WITH WHAT THE CITIZENS OF ESTERO,
 05:01:46 EVERYBODY WILL SEE DRIVING BY.
 05:01:50 THE OTHER THING THAT I HAVE -- AND, AGAIN, I KNOW IT'S
 05:01:59 CONCEPTUAL DRAWINGS, BUT THE CORNER OF -- AND I'LL DEFER
 05:02:07 AFTER MY COMMENT TO MIKE SHEELEY, WHO IS THE ARCHITECT, THE
 05:02:12 CORNER OF THE INTERSECTION OF COCONUT AND THREE OAKS PARKWAY
 05:02:19 HAS AN INTERESTING TOWER, IT APPEARS LIKE IT HAS MORE RANDOM
 05:02:24 ROOFLINE, MORE DETAIL OR ARTICULATION IN THE ROOF.
 05:02:28 IT LOOKS LIKE THERE'S MORE RECESS AND MORE ARTICULATION IN
 05:02:34 THE ACTUAL BUILDING SURFACE ITSELF.
 05:02:37 WHEN I COMPARE THIS ONE HERE TO THE PREVIOUS ONE, IT'S TO ME
 05:02:45 A VERY, VERY DIFFERENT BUILDING.
 05:02:49 IT'S A VERY, VERY DIFFERENT COMMUNITY BETWEEN THE TWO.
 05:02:52 AND THIS FEELS -- PLEASE TAKE THIS WITH THE GREATEST RESPECT

 05:02:57 -- THIS FEELS LIKE A BOX WITH SOME DETAIL ON IT.
 05:03:02 IT JUST DOESN'T HAVE THE SAME FEEL AS THE INTERSECTION.
 05:03:10 AND YOU ALSO HAVE A VERY CHOICE LOCATION WITHIN THE BROOKS.
 05:03:14 AND THERE ARE HOMES THERE, AS YOU WELL KNOW, FROM 400,000 TO
 05:03:19 3 MILLION.
 05:03:20 WHATEVER IT IS.
 05:03:22 SO YOU'RE LUCKY ENOUGH TO HAVE FOUND A PIECE -- I COMMEND
 05:03:27 WHAT YOU'RE DOING.
 05:03:28 I THINK IT'S GREAT.
 05:03:28 I THINK IT'S NEEDED, BUT YOU'RE DOING IT IN A COMMUNITY THAT
 05:03:32 IS AN UPSCALE COMMUNITY, THE BROOKS OVERALL, COCONUT POINTE
 05:03:36 TOWN CENTER JUST DOWN THE STREET, ET CETERA, ET CETERA.
 05:03:38 THERE WERE SOME NICE COMMUNITIES THERE.
 05:03:41 AND I DON'T THINK YOUR SECOND VERSION, THE THREE OAKS
 05:03:46 PARKWAY ELEVATIONS, LIVE UP TO THAT.
 05:03:50 I'M NOT SURE, SINCE I HAVEN'T SEEN IT, YOU HAVEN'T PRESENTED
 05:03:53 IT, YOUR WEST ELEVATION, DOES THAT LIVE UP TO THE STANDARD
 05:03:57 THAT YOU SHOW ON THE INTERSECTION?
 05:04:00 I DON'T KNOW.
 05:04:00 IT'S NOT HERE.
 05:04:02 SO THOSE ARE THE THINGS, AND I'LL MAYBE DEFER TO MIKE
 05:04:06 SHEELEY BECAUSE I'M NOT GOING TO PRETEND TO TELL YOU WHAT

05:04:10 YOU NEED TO DO TO THAT THREE OAKS ELEVATION TO MAKE IT LOOK
 05:04:15 MORE UPSCALE.
 05:04:16 I'M NOT SAYING SPEND A WHOLE LOT OF MONEY BECAUSE YOU DON'T

 05:04:19 HAVE TO SPEND.
 05:04:20 GOOD DESIGN DOES NOT COST MORE.
 05:04:24 IT'S JUST GOOD DESIGN.
 05:04:25 MAYBE -- I DON'T KNOW IF MIKE WANTS TO COMMENT ON THAT BUT I
 05:04:30 GET A VERY, VERY DIFFERENT FEEL BETWEEN THE TWO.
 05:04:35 >>Michael Sheeley: I WOULD AGREE WITH MOST OF JIM'S COMMENTS
 05:04:38 ON THAT.
 05:04:38 I WANT TO BACK UP A LITTLE BIT, THOUGH, AND HAVE YOU TELL ME
 05:04:42 HOW OR WHY YOU NEED A DEVIATION FOR PARKING, WHY YOU NEED
 05:04:47 21-SPACE DEVIATION AND YOU AREN'T ABLE TO OBTAIN IT ON THE
 05:04:51 SITE.
 05:04:52 >>Charlie Krebs: ONE OF THE THINGS WE LOOKED AT AS TRYING TO
 05:04:55 MAKE IT AN UPSCALE ADDITION TO THIS CORNER IS THE ADDITION
 05:05:01 OF -- LET ME GO BACK TO THE SITE PLAN -- THE GARAGES THAT
 05:05:04 YOU SEE HERE.
 05:05:05 WE THOUGHT THOSE GARAGES ADDED AN ELEMENT TO THE COMMUNITY
 05:05:10 THAT MADE THE COMMUNITY A HIGHER END BECAUSE NOW YOU'VE GOT
 05:05:14 ENCLOSURES FOR THE RESIDENTS TO UTILIZE.
 05:05:17 BUT IN BRINGING THOSE GARAGES IN, WE HAD TO SACRIFICE
 05:05:21 PARKING SPACES.
 05:05:23 SO AS PART OF TRYING TO MAKE IT MORE, AND THAT'S WITH 154
 05:05:30 UNITS, THAT WAS WHY WE ASKED FOR THE 21 DEVIATION.
 05:05:35 >>Michael Sheeley: IN MY EXPERIENCE, THE GARAGES, WHILE A
 05:05:38 NICE AMENITY, ARE ALSO ADDITIONAL INCOME TO THE DEVELOPER.
 05:05:41 THOSE ARE RENTED SEPARATELY NORMALLY FROM THE UNITS.

 05:05:44 IS THAT YOUR PLAN HERE?
 05:05:45 >>Charlie Krebs: THAT'S SOMETHING I'D HAVE TO ASK THE
 05:05:47 DEVELOPER.
 05:05:48 >>Michael Sheeley: SO THAT WOULD MEAN THE MITIGATION OF
 05:05:50 REDUCTION OF PARKING IS FOR ADDITIONAL PROFIT FOR THE
 05:05:53 DEVELOPER.
 05:05:53 I DO A LOT OF APARTMENTS AND I KIND OF UNDERSTAND HOW THESE
 05:05:56 WORK.
 05:05:57 >>Mary Gibbs: MAY I ADD SOMETHING?
 05:05:58 I THINK I CAN HELP EXPLAIN.
 05:06:02 THROUGHOUT THE COURSE OF THIS WHEN WE WERE WORKING WITH THE
 05:06:05 DEVELOPER, WE ACTUALLY ASKED THEM ABOUT DOING SOME PARKING
 05:06:10 GARAGES BECAUSE WE THOUGHT IT WOULD HELP MAKE THE PROJECT A
 05:06:13 LITTLE BIT MORE UPSCALE.
 05:06:15 AND WHEN WE TALKED ABOUT IT WITH THE DEVELOPER, MR.
 05:06:18 CAVANAUGH, WE WERE THINKING ALONG THREE OAKS, BUT THEN HE
 05:06:23 WAS EXPLAINING TO US THAT YOU DON'T WANT TO DO IT THERE
 05:06:26 BECAUSE WITH THE HEIGHT IT WOULD LOOK UGLY AND PROBABLY NOT

05:06:29 BE DISGUISED WELL BEHIND THE LANDSCAPING.
 05:06:31 SO THAT'S WHY THEY KIND OF MOVED THE GARAGES.
 05:06:35 BUT THEN IN THE COURSE OF THAT, THE ENGINEER CALLED US AND
 05:06:39 SAID, YOU KNOW, IN ORDER FOR US TO DO THESE GARAGES, WE'LL
 05:06:42 BE A LITTLE BIT SHORT ON PARKING.
 05:06:43 AND WE SAID WE WOULD SUPPORT THE PARKING DEVIATION BECAUSE
 05:06:46 WE WOULD RATHER SEE SOME GARAGE ELEMENTS BECAUSE THE PARKING

 05:06:50 DEVIATION IS ONLY 21 SPACES.
 05:06:52 SO IN THE SCHEME OF THINGS, IT'S PRETTY SMALL.
 05:06:54 SO THAT'S HOW THAT PARKING DEVIATION CAME ABOUT.
 05:06:57 >>Michael Sheeley: END UP WITH CARPORTS ALONG THREE OAKS.
 05:07:01 AND THAT'S REALLY THE SAME KIND OF STRUCTURE.
 05:07:04 >>Mary Gibbs: CARPORTS AND SOME OF IT IS SURFACE PARKING AS
 05:07:07 WELL.
 05:07:07 BUT THAT'S WHY I THINK THEY ARE HERE TONIGHT IS KIND OF GET
 05:07:10 YOUR INPUT ON WHAT -- LIKE JIM WALLACE'S COMMENT IS GOOD.
 05:07:13 HOW ARE THE CARPORTS GOING TO BE SCREENED?
 05:07:15 WILL THEY BE SCREENED BY THE VEGETATION?
 05:07:17 AND THAT IS A GOOD POINT.
 05:07:18 >>Michael Sheeley: COMMENTS ABOUT PROVIDING SOME RENDERINGS
 05:07:21 THAT SHOW THAT ACTUALLY WITH THE CORRECT LANDSCAPING SHOWN
 05:07:24 IN THE RENDERINGS IS IMPORTANT FOR OUR FINAL APPROVALS.
 05:07:28 WHAT IS YOUR -- WHAT DID YOU END UP WITH YOUR PARKING RATIO,
 05:07:38 THEN, AFTER THE REDUCTION OF PARKING SPACES OVERALL?
 05:07:43 DO YOU KNOW?
 05:07:44 >>Charlie Krebs: WE'RE AT 154 UNITS THAT WE'RE PROPOSING AND
 05:07:47 I THINK I SAID WE HAVE 212 SPACES ON-SITE.
 05:07:50 SOMEONE COULD DO THAT MATH FOR ME, THEN YOU'LL HAVE THE
 05:07:55 RATIO.
 05:07:55 >>Jim Wallace: 1.3, 1.35.
 05:07:59 >>Michael Sheeley: I THINK MY LAST COMMENT FROM A PLANNING
 05:08:02 PERSPECTIVE IS THAT YOU LOCATED THE POOL ON THE NORTHWEST

 05:08:04 CORNER OF THE BUILDING.
 05:08:06 FOUR-STORY BUILDING.
 05:08:07 THAT POOL IS GOING TO BE IN THE SHADE VIRTUALLY ALL OF THE
 05:08:10 TIME.
 05:08:11 NOW THIS TIME OF YEAR WHEN WE HAVE THE SAHARAN DUST, IT'S
 05:08:13 NOT A PROBLEM.
 05:08:14 BUT IN THE WINTERTIME WHEN THE SUN IS LOW AND YOU WANT SOME
 05:08:18 WARMTH FROM THE SUN POOLSIDE YOU'RE NOT REALLY GOING TO HAVE
 05:08:22 IT AT THIS LOCATION.
 05:08:24 JUST A COMMENT FROM HOW THIS THING IS PLANNED AND MAYBE
 05:08:27 THERE IS AN ALTERNATE PLACE THAT MIGHT BE MORE SUITABLE FOR
 05:08:31 THE RESIDENTS.
 05:08:32 OTHER THAN THAT I HAVE NO OTHER COMMENTS.
 05:08:35 THANK YOU.

05:08:40 >>James Tatoes: I'D LIKE TO AMPLIFY WHAT JIM SAID AND WHAT
 05:08:43 WAS MENTIONED HERE AS FAR AS RENDERINGS ARE CONCERNED.
 05:08:47 JIM DISCUSSED THE VIEWS FROM THREE OAKS AND FROM COCONUT.
 05:08:53 LOOKING AT THE BUILDING, WE DIDN'T SEE THE LANDSCAPING, SO
 05:08:55 WE CAN'T TELL.
 05:08:57 WE JUST SAW LANDSCAPING OR DIDN'T SEE THE STRUCTURE.
 05:09:00 MY CONCERN IS, WHEN YOU GO INTO THE SHOPPING CENTER PORTION
 05:09:04 OF THIS PROPERTY AND YOU LOOK AT THE CARPORTS THAT ARE WITH
 05:09:12 THE SHOPPING CENTER PARKING, IT LOOKS LIKE YOU HAVE THE BACK
 05:09:16 WALL OF GARAGES WITH SOME LANDSCAPING IN FRONT OF IT.
 05:09:18 I THINK THAT'S GOING TO BE A VERY IMPORTANT WALL AS FAR AS

 05:09:23 WHAT IT'S GOING TO LOOK LIKE, THE TRANSITION BETWEEN THE
 05:09:26 SHOPPING CENTER PARKING AND THE APARTMENT PARKING.
 05:09:30 I THINK THE TRANSITION IS GOING TO BE VERY IMPORTANT IN HOW
 05:09:32 THAT'S HANDLED.
 05:09:37 >>Charlie Krebs: LET ME SEE IF I CAN ZOOM IN ON THIS AND
 05:09:40 HELP YOU.
 05:09:40 IF YOU LOOK WHERE THE TWO ARE GOING TO COME TOGETHER, YOU'RE
 05:09:46 RIGHT.
 05:09:46 WE'VE GOT THE GARAGES OVER HERE WITH LANDSCAPING THAT'S
 05:09:49 GOING TO PROVIDE SOME BUFFERING TO THE COMMERCIAL AND THE
 05:09:52 COMMERCIAL TO THE PROPOSED RESIDENTIAL.
 05:09:54 BUT HERE WHERE IT COMES TOGETHER, WE HAVE COLUMN ELEMENTS
 05:09:57 THAT ARE GOING TO BE ON EITHER SIDE OF THE ACCESS POINT.
 05:10:00 GOING TO STRETCH OVER TOWARDS COCONUT.
 05:10:03 AND THEN HERE WE'VE GOT DECORATIVE GATE ACCESS THAT WILL BE
 05:10:10 THERE TO PROVIDE NOT SECURITY BECAUSE OBVIOUSLY YOU CAN WALK
 05:10:12 AROUND IT.
 05:10:13 JUST PROVIDE SOME ELEMENTS THERE WHERE EVERYTHING COMES
 05:10:17 TOGETHER.
 05:10:18 WE ARE TRYING TO IMPROVE THIS VISUAL AREA OF THE SITE.
 05:10:24 >>Michael Sheeley: YOU'RE PROPOSING TO PUT GATES ACROSS
 05:10:26 THESE ENTRANCES INTO THE RESIDENTIAL PORTION.
 05:10:29 >>Charlie Krebs: NO.
 05:10:30 IT'S JUST A SIDEWALK GATE THERE.
 05:10:34 THAT'S WHY I SAID IT'S NOT REALLY SECURITY BECAUSE YOU CAN

 05:10:36 WALK AROUND THE POST.
 05:10:38 >>Michael Sheeley: I SEE.
 05:10:39 >>Charlie Krebs: JUST AN ELEMENT.
 05:10:42 >>Michael Sheeley: IS THE INTENT TO ENHANCE THE LANDSCAPING
 05:10:44 ALONG THE CENTER ALONG COCONUT AS WELL, SIMILAR TO WHAT
 05:10:48 YOU'RE DOING IN FRONT OF THE FOUR-STORY BUILDING?
 05:10:53 TO CONTINUE A CONSISTENT THEME?
 05:10:56 OR IS THE SHOPPING CENTER PORTION JUST GOING TO BE A
 05:11:00 STEPCHILD TO THE REST?
 05:11:01 I THINK IT'S IMPORTANT FOR CONSISTENCY THAT WE TIE IT ALL

05:11:04 TOGETHER IN SOME FASHION.
 05:11:08 >>Fran Litton: YOU MEAN FURTHER UP?
 05:11:10 >>Michael Sheeley: ALONG COCONUT ROAD IN FRONT OF THE
 05:11:13 CENTER.
 05:11:13 ARE YOU ENHANCING THAT LANDSCAPING AS WELL?
 05:11:18 >>Charlie Krebs: ARE WE DOING ANYTHING TO THIS PART OF THE
 05:11:20 BUFFER AS WELL?
 05:11:23 NOT AT THIS POINT, BUT WE CAN CERTAINLY SEE WHAT'S POSSIBLE.
 05:11:29 >>Jim Wallace: I HAVE ONE OTHER QUESTION, AND I'M SORT OF
 05:11:32 DEALING IN ANOTHER AREA.
 05:11:35 I GUESS I HAVE NO EXPERTISE.
 05:11:42 I SEE THREE, FOUR TIMES A WEEK BECAUSE I BIKE THERE, DOWN AT
 05:11:46 THAT EXACT INTERSECTION.
 05:11:48 SO I THINK THIS WILL BE A GREAT PRODUCT IF IT'S DONE RIGHT.
 05:11:54 BUT I DO HAVE A CONCERN ABOUT THE NORTH ON YOUR THREE OAKS

 05:11:57 ENTRANCE.
 05:11:58 IT IS A TURN LEFT.
 05:12:01 RIGHT NOW, AS WE ALL KNOW, IF YOU COME DOWN THREE OAKS
 05:12:04 PARKWAY, THE TRAFFIC IS GOING 45, 55 MILES AN HOUR AND
 05:12:09 THAT'S WHAT 66 TO 80 FEET PER SECOND.
 05:12:12 AND THEN THE TRAFFIC ON COCONUT, THE VAST MAJORITY OF IT IS
 05:12:21 NOT GOING TO LET -- STAY.
 05:12:23 THERE ARE TWO TURNING LANES THERE OR ALMOST ALL OF THAT
 05:12:26 TRAFFIC IS GOING UP THREE OAKS PARKWAY.
 05:12:29 I THINK PEOPLE ARE TRYING TO -- YOU KNOW, THEY ARE TAKING
 05:12:33 ALTERNATIVE ROUTE FROM U.S. 41 AND CORKSCREW, WHICH CAN BE
 05:12:36 CROWDED.
 05:12:37 AND YOU SEE A LOT OF TRAFFIC THERE, PARTICULARLY AT PEAK
 05:12:41 TIMES.
 05:12:41 SO BETWEEN THAT VERY RAPID AND GETTING MORE AND MORE CROWDED
 05:12:50 THREE OAKS PARKWAY AND THOSE TWO TURNING LANES COMING OFF OF
 05:12:54 COCONUT, I WENT DOWN THERE TODAY AND WATCHED IT.
 05:12:58 AS SOON AS THAT LIGHT TURNS GREEN, YOU HAVE TWO LANES
 05:13:00 TURNING NORTH.
 05:13:01 AS SOON AS THEY ARE FINISHED, THE REST IS GOING.
 05:13:03 SO I GUESS I'M CONCERNED -- TWO THINGS.
 05:13:06 I'M CONCERNED ABOUT SAFETY BECAUSE THE MOST -- WHERE YOU'RE
 05:13:11 GOING TO HAVE A LEFT-HAND TURN IS THE MOST, THE BUSIEST AND
 05:13:15 MOST TRAFFICKED OF THE TWO BY FAR.
 05:13:19 MUCH MORE THAN IT IS ON COCONUT.

 05:13:22 NOW, I APPRECIATE YOU ONLY HAVE A LEFT IN AND A RIGHT OUT ON
 05:13:26 COCONUT, BUT HERE I LOOK AT THE STACKING ON THE LEFT TURN,
 05:13:35 AND I GUESS I'D HAVE TO DEFER TO BARRY HERE.
 05:13:37 IT'S HIS EXPERTISE OF IS THERE GOING TO BE ENOUGH STACKING
 05:13:41 ON YOUR SITE PLAN FOR THE PEOPLE THAT WANT TO GET OUT AND
 05:13:45 TURN LEFT?

05:13:46 IF THE LEFT TURN, IF YOU SAY, OKAY, I'M NOT DOING IT
 05:13:49 ANYWHERE ELSE IS GOING TO STAY ON THREE OAKS PARKWAY, THEN I
 05:13:53 HAVE A CONCERN THAT YOU DON'T HAVE ENOUGH STACKING ON YOUR
 05:13:58 PROPOSED SITE PLAN FOR THE CARS THAT ARE GOING TO STACK UP
 05:14:01 THERE AT PEAK TIME TO TURN LEFT.
 05:14:04 BECAUSE OTHERWISE YOU HAVE TO TURN RIGHT AND GO DOWN, MAKE A
 05:14:07 U-TURN AT THE LIGHT AND THEN DRIVE NORTH.
 05:14:09 AND I DON'T THINK YOU REALLY WANT THAT EITHER.
 05:14:11 I DON'T KNOW WHAT THE SOLUTION IS.
 05:14:13 MAYBE BARRY CAN COMMENT TO THAT.
 05:14:17 >>Neale Montgomery: THE SOLUTION IS FOR THE GOVERNMENT THAT
 05:14:19 OWNS IT TO MAKE THE IMPROVEMENTS.
 05:14:20 LET ME GO BACK TO WHAT I SAID.
 05:14:22 THIS IS A DEVELOPMENT OF REGIONAL IMPACT.
 05:14:25 AND I STILL AM NOT OVER THE FACT THAT THE COUNTY DINGED THEM
 05:14:29 FOR PREMATURETY CONSTRUCTION WHEN THEY BUILT COCONUT BECAUSE
 05:14:33 WE BUILT IT BEFORE THEY SAID IT WAS NEEDED.
 05:14:36 SO THIS DEVELOPMENT, INCLUDING THESE UNITS, HAS FULLY
 05:14:40 MITIGATED ITS IMPACT ON THE OVERALL TRANSPORTATION NETWORK

 05:14:44 AND THE SITE-RELATED IMPROVEMENTS AND TURN LANES WERE
 05:14:47 EVALUATED AND CONSTRUCTED.
 05:14:49 IF THE GENERAL PUBLIC IS CREATING THE NEED FOR LONGER TURN
 05:14:53 LANES AND STACKING, THAT'S NOT THE OBLIGATION OF THIS
 05:14:57 DEVELOPER.
 05:14:59 THEY HAVE PAID THEIR FAIR SHARE AND MADE THOSE IMPROVEMENTS.
 05:15:04 I KNOW A LOT OF PEOPLE WOULD LIKE TO SEE IMPROVEMENTS.
 05:15:08 I'D SAY YOU GOT TO CALL YOUR VILLAGE ENGINEER OR THE COUNTY
 05:15:11 ENGINEER, BUT NOT THIS PROJECT.
 05:15:15 >>Jim Wallace: YOU'RE SAYING IF CARS STACKED UP SO PEOPLE
 05:15:17 CAN'T MOVE ON THE SITE OR IF THIS SITE, THIS EXIT, LEFT TURN
 05:15:23 BECOMES MORE DANGEROUS, IT'S OKAY IF SOMEBODY GETS INJURED?
 05:15:27 >>Charlie Krebs: SO YOU'RE TALKING ABOUT STACKING INTERNAL
 05:15:29 ONTO THIS --
 05:15:30 >>Jim Wallace: TALKING INTERNAL.
 05:15:32 ROOM FOR TWO CARS.
 05:15:36 >> NEVER MIND.
 05:15:39 >>Charlie Krebs: I MEAN, THE ENTRANCE RIGHT NOW, THE WAY IT
 05:15:42 WAS DESIGNED WAS USED TO DO THE SWEET BAY AND THE COMMERCIAL
 05:15:46 THAT WAS THERE, WHICH WOULD HAVE FAR MORE TRIPS AND MUCH
 05:15:48 LARGER VEHICLES THAT YOU WOULD SEE COMING THROUGH HERE ON AN
 05:15:51 AVERAGE BASIS.
 05:15:52 DELIVERIES GOING TO THE SWEET BAY WOULD HAVE INCLUDED SEMIS
 05:15:54 DROPPING OFF LOADS GOING IN THERE.
 05:15:58 WE'RE BASICALLY MAINTAINING THAT ENTRANCE THE SAME.

 05:16:00 SO IF THE VEHICLES STACK UP AS WE ALL LEARNED, YOU FIND THE
 05:16:06 WAYS THAT THE TRAFFIC MOVES, IF THAT MEANS THEY HAVE TO GO

05:16:08 DOWN AND MAKE A RIGHT TURN, BUT THAT WILL BE IN THE TRAFFIC
 05:16:11 IMPACT STATEMENT THAT WE PROVIDE AT THE TIME OF D.O.
 05:16:14 BUT LIKE I SAID, THIS ENTRANCE IS ESSENTIALLY STAYING THE
 05:16:19 SAME AS IT WAS WITH THE SWEET BAY, WHERE WE HAD MORE
 05:16:22 TRAFFIC.
 05:16:22 >>Jim Wallace: WE DO ACCEPT THE FACT -- AND NEALE WAS RIGHT.
 05:16:26 THIS WAS DESIGNED 25 YEARS AGO.
 05:16:27 >>Charlie Krebs: IT WAS, WITH THE INTENT OF HAVING SEMIS
 05:16:30 COME THROUGH HERE TO MAKE THAT LEFT TURN.
 05:16:32 I UNDERSTAND THE TRAFFIC VOLUMES HAVE INCREASED.
 05:16:37 BUT I DON'T KNOW OF ANY REQUIREMENT THAT MAXIMIZES OR LIMITS
 05:16:45 OR SAYS WE'VE GOT --
 05:16:47 >>Jim Wallace: I'M CONCERNED ABOUT SAFETY.
 05:16:48 >>Charlie Krebs: I UNDERSTAND.
 05:16:50 WE'LL LOOK TO SEE WHAT CAN BE DONE, BUT I THINK THIS IS WHAT
 05:16:56 WE HAVE RIGHT NOW AND IT'S GOING TO STAY THIS WAY, BUT WE'LL
 05:16:58 LOOK AT IT.
 05:17:00 >>Barry Jones: WORST CASE, YOU BACK UP YOUR TRAFFIC
 05:17:03 INTERNALLY SO YOU'RE NOT --
 05:17:06 >>Charlie Krebs: IT WILL CONTINUE TO BACK UP ON-SITE.
 05:17:08 DO REMEMBER THAT WE DO HAVE A CONNECTION NEXT DOOR THAT GOES
 05:17:11 DOWN AND DOES ANOTHER ENTRANCE.
 05:17:14 SO PEOPLE WHO ARE USING THE COMMERCIAL DEPENDING ON WHAT

 05:17:17 THEIR DESTINATION IS, THEY HAVE THREE ACCESS POINTS THAT
 05:17:21 THEY CAN UTILIZE.
 05:17:22 IT DOESN'T MEAN THAT EVERYBODY IF THEY WANT TO GO TO THREE
 05:17:24 OAKS IS GOING TO COME THIS WAY.
 05:17:26 THEY MAY CHOOSE TO COME OUT ON COCONUT AT EARLIER POINT AND
 05:17:31 GO RIGHT.
 05:17:32 >>Jim Wallace: EVERYBODY GOING NORTH WILL CHOOSE THAT.
 05:17:34 >>Charlie Krebs: UNTIL THE FRUSTRATION FACTOR HITS THAT WE
 05:17:37 ALL KNOW AND LOVE.
 05:17:38 >>Barry Jones: CHARLIE, I HAD A FEW QUESTIONS.
 05:17:40 YOU SAID THIS IS NOT GOING TO BE GATED, RIGHT?
 05:17:42 >>Charlie Krebs: RIGHT, WE'RE NOT PROPOSING ANY GATES.
 05:17:45 >>Barry Jones: PEDESTRIAN ACCESS THROUGH THE SITE, JUST THE
 05:17:48 ONE CONNECTION ON THE NORTHEAST CORNER, IS THAT IT?
 05:17:51 >>Charlie Krebs: COMING IN THROUGH HERE, RIGHT?
 05:17:52 THAT COMES INTO THE MAIN ENTRANCE AND WE'RE TYING BACK IN
 05:17:57 ONE HERE AND ONE HERE WITH THE COMMERCIAL.
 05:18:00 >>Barry Jones: HOW DO YOUR RESIDENTS GET OUT IF THEY WANT TO
 05:18:02 GO TO COCONUT ROAD?
 05:18:04 LET'S SAY IN A SOUTHERN UNIT, THEY HAVE TO GO NORTH AND THEN
 05:18:08 COME BACK SOUTH THROUGH THE COMMERCIAL LOT, SO MAYBE AN
 05:18:10 ADDITIONAL PEDESTRIAN ACCESS ON THAT SOUTH BORDER THERE
 05:18:13 SOMEWHERE MIGHT BE AN IMPROVEMENT.
 05:18:16 >>Charlie Krebs: WE CAN LOOK TO SEE.

05:18:18 >>Barry Jones: THE SEATING AREAS YOU'RE PUTTING OUT THERE.

05:18:21 LOVE THE MOSAICS, THE COLORS.

05:18:23 HOPEFULLY THE BUILDINGS COME BACK WITH SOME OF THOSE COLORS

05:18:25 REFLECTED IN THEM.

05:18:26 ANY THOUGHT PROCESS OF PUTTING ANY SHADING FOR THOSE SEATING

05:18:32 AREAS WOULD BE A NICE IMPROVEMENT ESPECIALLY IN OUR

05:18:35 110-DEGREE DAYS.

05:18:39 >>Fran Litton: I'M SORRY.

05:18:39 I DON'T HEAR VERY WELL.

05:18:40 >>Barry Jones: THE SEATING AREAS ALONG THE OUTSIDE AREAS,

05:18:44 DEVELOPER WOULD CONSIDER SOME SORT OF SHADING FOR SOME OF

05:18:47 THOSE, EVEN IF IT'S JUST USING TREES TO CREATE SOME SHADING

05:18:50 IN THOSE AREAS, THAT WOULD BE A GOOD THING.

05:18:53 >>Fran Litton: THERE ARE EXISTING TREES, TOO, THAT WILL

05:18:56 SHADE, THAT WE'LL ENHANCE WHERE MORE TREES CAN BE PUT IN,

05:19:00 ABSOLUTELY.

05:19:01 >>Barry Jones: I AGREE WITH WHAT THEY WERE SAYING ABOUT THE

05:19:03 SOUTHERN EXPOSURE ON THE POOL.

05:19:04 YOU'RE GOING TO HAVE A COLD POOL ALL WINTER, BUT THAT'S THE

05:19:07 WAY YOUR SITE SITS, THE WAY THE BUILDING SITS, IT IS WHAT IT

05:19:10 IS.

05:19:10 YOU MADE THAT DECISION.

05:19:11 WE NEED THE ARCHITECTURALS ON THE CANOPIES FOR THE CAR

05:19:17 COVERS AND THE GARAGES.

05:19:18 YOU NEED TO MAKE SURE YOU BRING SOMETHING THAT SHOWS THOSE

05:19:20 ARCHITECTURALS.

05:19:21 >>Kristin Jeannin: AND THEY NEED TO BE NICE.

05:19:24 >>Barry Jones: IT WOULD BE GOOD IF THE PAINT COLORS WERE

05:19:27 CONSISTENT AND THE ARCHITECTURE WAS CONSISTENT WITH THE

05:19:29 COMMERCIAL.

05:19:30 IT WOULD HELP US MAKING A DECISION TO SEE WHAT THE

05:19:33 ARCHITECTURAL AND COLOR ON THE COMMERCIAL IS AND WHAT YOU'RE

05:19:36 GOING TO BE LIKE.

05:19:37 I DON'T KNOW IF YOU'RE COORDINATING YOUR LIGHT POLES OR

05:19:39 ANYTHING TO FOLLOW A STANDARD, BUT USUALLY WHEN WE'VE GOT A

05:19:42 UNIFIED DEVELOPMENT, WE LOOK FOR SOME UNIFIED CONTROL ON

05:19:46 THAT ARCHITECTURE.

05:19:47 ARE YOU GOING TO REPAINT THE COMMERCIAL OR GOING TO LEAVE IT

05:19:51 AS IT IS?

05:19:56 >>Neale Montgomery: MARY KIND OF ALLUDED TO IT.

05:19:59 THERE ARE SOME THINGS THAT ARE AGREED TO ON THE COMMERCIAL

05:20:02 PART, EVEN THOUGH THEY ARE NOT PART OF THE DEVELOPMENT

05:20:05 ORDER, AND AS PART OF THE DEVELOPMENT AGREEMENT.

05:20:07 ONE OF THOSE IS THE LIGHT FIXTURES.

05:20:11 THEY WANT UNIFORMITY OF LIGHT FIXTURES, SO THAT'S IN THE

05:20:15 SETTLEMENT AGREEMENT.

05:20:16 SO WHATEVER YOU ALL CORPORATELY DECIDE IS GOING TO BE THE
 05:20:23 APPROPRIATE LIGHT FIXTURE, THEY'LL CHANGE THAT OUT ON THE
 05:20:26 SHOPPING CENTER.
 05:20:26 THAT'S ONE REASON WHY WE INCLUDED A DEVIATION.
 05:20:29 IT'S REALLY NOT PART OF THAT AND WE DON'T WANT SOMEBODY

 05:20:32 CHANGING THE POLES AND CHANGING THE PARKING LOT JUST BECAUSE
 05:20:34 THE SETTLEMENT AGREEMENT SAYS WE'LL CHANGE THE FIXTURES, IF
 05:20:37 THAT MAKES SENSE.
 05:20:38 YES, IN THE SETTLEMENT AGREEMENT, IT SAYS, NANCY WILL TELL
 05:20:41 ME IF MY MEMORY IS FAULTY, THAT 90 DAYS AFTER THE CC IS
 05:20:46 ISSUED ON THE RESIDENTIAL, THEY'LL DO THE PAINT ON THE
 05:20:51 COMMERCIAL TO MATCH.
 05:20:52 SO WHATEVER IT IS YOU ALL DECIDE IS THE APPROPRIATE PAINT
 05:20:57 CHIP, IT WILL BE UNIFORM.
 05:20:58 >>Barry Jones: WHEN YOU COME IN FOR THE D.O. ON THE THING,
 05:21:01 YOU MAY WANT TO COME IN WITH THE PAINTING, ANOTHER PAINTING
 05:21:06 PERMIT PROCESS, SO IF YOU UNIFIED THAT, THAT WOULD BE A GOOD
 05:21:09 THING.
 05:21:09 >>Mary Gibbs: THE SETTLEMENT AGREEMENT ACTUALLY SPEAKS TO
 05:21:11 THAT.
 05:21:12 IT SAYS AT TIME OF D.O. WE'LL ESTABLISH THAT UNIFIED COLOR
 05:21:17 SCHEME.
 05:21:18 SO YOU ALL WILL GET TO ADVISE ON THAT.
 05:21:20 >>Barry Jones: I'LL MOVE ON FROM THAT.
 05:21:22 IS THERE ANY SHARED PARKING BETWEEN THE APARTMENTS AND THE
 05:21:24 COMMERCIAL?
 05:21:25 ANY SHARED PARKING LEASES?
 05:21:27 >>Charlie Krebs: THE SHARED PARKING IS FOR THE RESIDENTIAL
 05:21:32 UNDER THE COMMERCIAL BECAUSE THEY HAVE IN EXCESS OF WHAT
 05:21:34 THEY NEED.

 05:21:35 VISITOR PARKING --
 05:21:37 >>Barry Jones: -- PART OF THE UNITS YOU'RE COUNTING ARE ON
 05:21:41 THE COMMERCIAL.
 05:21:42 >>Charlie Krebs: CORRECT.
 05:21:42 >>Barry Jones: IT WOULD BE GOOD TO HAVE THOSE IDENTIFIED.
 05:21:45 HOW DOES THAT PERSON GET TO THE BUILDING?
 05:21:47 IS THERE A SIDEWALK THROUGH THAT GARAGE ANYWHERE?
 05:21:49 >>Charlie Krebs: RIGHT.
 05:21:50 WE HAVE A SIDEWALK ACCESS HERE AND THAT'S ONE OF THE BRICK
 05:21:53 PAVER CROSS WALKS THAT WE TALKED ABOUT AND SIDEWALK HERE.
 05:21:56 IF YOU'RE PARKING IN THIS AREA, YOUR ACCESS IS GOING TO BE
 05:22:00 AT ONE OF THESE TWO POINTS.
 05:22:03 >>Barry Jones: MAIL DELIVERY INTERNAL TO THE BUILDING.
 05:22:06 >>Charlie Krebs: AS A COMMON LOCATION?
 05:22:08 POST OFFICE.
 05:22:09 >>Barry Jones: IS THAT WHAT IT IS OR EXTERNAL KIOSK FOR MAIL

05:22:14 OR HOW WILL IT BE TREATED?
 05:22:15 >>Charlie Krebs: I THINK WE'LL HAVE THAT AT TIME OF D.O.
 05:22:17 I DON'T KNOW IF IT'S GOING TO BE INTERNAL OR EXTERNAL.
 05:22:20 INTERNAL, THE MAN HAS SPOKEN.
 05:22:25 >>Barry Jones: AND THEN YOU'RE LOOKING AT SOME SORT OF
 05:22:25 LOADING OR DROP-OFF AREA, USUALLY A GOOD THING WITH ALL THE
 05:22:28 UBER AND UBER EATS AND EVERYTHING ELSE WITH YOUR LIMITED
 05:22:31 PARKING.
 05:22:33 SOME DESIGNATED LOADING ZONES TO HELP FACILITATE THAT WOULD

 05:22:37 PROBABLY BE HELPFUL.
 05:22:37 AND THEN THE LANDSCAPE BUFFER ALONG COCONUT ROAD, THAT WAS
 05:22:41 MY LAST QUESTION, IT SHOULD BE CONSISTENT ACROSS THE
 05:22:48 PROPERTY TO CREATE THAT UNIFIED PROPERTY.
 05:22:51 THANK YOU FOR LISTENING.
 05:22:54 >>Jim Wallace: MARY, DID YOU GET AN ANSWER ON THE
 05:22:56 INTERCONNECTIVITY BETWEEN THE RESIDENTS AND COCONUT ROAD AND
 05:23:00 THREE OAKS?
 05:23:01 THAT IS A LONG WAY TO WALK.
 05:23:03 >>Charlie Krebs: WE'LL SEE IF WE CAN SLIP A SIDEWALK.
 05:23:06 >>Jim Wallace: YOU'RE GOING TO LOOK AT THAT.
 05:23:10 >>Barry Jones: THAT IS THE 10,000-FOOT LEVEL FEEDBACK THEY
 05:23:13 ARE LOOKING FOR.
 05:23:14 TO REFLECT WHAT THEY SAID, THE ARCHITECTURAL STUFF, THAT
 05:23:17 PICTURE AT THE CORNER OF COCONUT AND STUFF LOOKS A LOT
 05:23:21 BETTER THAN THE OTHER ONE.
 05:23:22 WHEN YOU COME BACK AND YOU'RE AWARE OF THE NO MORE THAN 50%
 05:23:27 RULE AND THE WHITE COLORS AND ALL THAT GOOD STUFF.
 05:23:30 KNOW WHAT YOU GOT TO DO.
 05:23:33 THANK YOU.
 05:23:36 >>Scotty Wood: I WANT TO OFFER A COMMENT IN SUPPORT OF AN
 05:23:40 EARLIER COMMENT THAT THE BUILDINGS HAVE KIND OF A BOX-LIKE
 05:23:46 APPEARANCE.
 05:23:47 I THINK YOU NEED TO ADD SOME ROOF ELEMENTS.
 05:23:49 YOU HAVE A ROOF ELEMENT AT THE CORNER OF THE INTERSECTION,

 05:23:52 AND IF YOU WERE TO PERHAPS PUT ROOF ELEMENTS MIDWAY DOWN
 05:23:56 EACH SIDE LIKE THAT I THINK IT WOULD BREAK IT UP AND WOULD
 05:24:00 LOOK A LOT LESS BOXY THAN IT LOOKS RIGHT NOW.
 05:24:03 THE OTHER THING IS, THIS IS OBVIOUSLY INTENDED TO BE AN
 05:24:08 UPSCALE DEVELOPMENT, FOUR-STORY BUILDING.
 05:24:10 ELEVATORS?
 05:24:12 >>Charlie Krebs: YES.
 05:24:13 >>Scotty Wood: OKAY.
 05:24:14 THE ROOF EDGING ON THE FLAT ROOF, THE DETAIL, IT'S HARD TO
 05:24:23 TELL IF THOSE ARE CORBELS OR JUST FASCIA?
 05:24:29 WHAT IS THE FLAT ROOF EDGING?
 05:24:34 >>Charlie Krebs: TAMMY, I'LL HAVE TO ASK YOU, HOW DO I

05:24:36 MAXIMIZE IT AGAIN?
 05:24:37 YOU'RE LOOKING AT THESE AREAS?
 05:24:58 >>Scotty Wood: YEAH.
 05:25:01 >>Charlie Krebs: TOM, DO YOU WANT TO SPEAK TO THAT?
 05:25:04 ARCHITECTURE IS NOT MY THING.
 05:25:06 >> TOM CAVANAUGH.
 05:25:07 PROBABLY SOME OF THESE QUESTIONS ARE MORE APPROPRIATE
 05:25:10 ADDRESSED TO ME BECAUSE I'M THE GUY THAT HAS ALL THE
 05:25:13 ANSWERS.
 05:25:13 AGAIN, TOM CAVANAUGH, I'M HERE TO ANSWER ANY AND ALL
 05:25:21 QUESTIONS.
 05:25:21 BUT THE BROWN VERTICAL ELEMENTS ARE ABSOLUTELY CORBELS.
 05:25:26 I CALL THEM OUTRIGGERS.

 05:25:28 IT'S HARD TO SEE BUT PROBABLY TWO FEET TALL.
 05:25:31 THEY GO FROM A HORIZONTAL BANDING LINE UP TO THE UNDERSIDE
 05:25:38 OF THE ROOFLINE.
 05:25:39 I ACTUALLY AGREE WITH YOUR COMMENTS ABOUT THAT CENTER CORNER
 05:25:44 ELEMENT THERE.
 05:25:44 WHAT YOU'RE NOT PRIVY TO SEE IS WE ACTUALLY DO HAVE
 05:25:48 ELEVATIONS AND THERE ARE QUITE A FEW OF THEM.
 05:25:50 I AGREE WITH YOU 100%.
 05:25:52 IT DOESN'T DO A REAL GOOD JOB SHOWING YOU WHERE THEY ARE
 05:25:54 RIGHT NOW.
 05:25:54 CAN I LOOK AT ADDING A FEW?
 05:25:58 ABSOLUTELY.
 05:25:59 THAT'S EASY STUFF.
 05:26:01 A COUPLE OF QUESTIONS, UBER DROP-OFF, THAT IS THE REASON I
 05:26:06 DESIGNED THE PORTE-COCHERE.
 05:26:07 I DON'T WANT PEOPLE COMING OUT OF THE COMMUNITY AND BEING
 05:26:10 SUBJECT TO THE WEATHER ELEMENTS.
 05:26:13 THERE WILL BE AN ABSOLUTELY FABULOUS MAIL STATION IN THERE.
 05:26:19 I BELIEVE THAT MAIL SHOULD BE A SOCIAL ELEMENT.
 05:26:20 SO WHEN YOU COME GET YOUR MAIL, I WANT YOU SITTING DOWN ON
 05:26:24 THE SOFA, WHICH IS GOING TO DOUBLE AS THE WAITING AREA FOR
 05:26:26 THE UBER.
 05:26:27 WE'LL HAVE BIG-SCREEN TVs UP, COFFEE SET OUT.
 05:26:31 SO THE MAIL ASPECT OF IT WILL BE A VERY SOCIAL EVENT.
 05:26:36 I'M TRYING TO REMEMBER THE REST OF YOUR QUESTION.

 05:26:38 ADDING STUFF LIKE ACCESS POINTS TO COCONUT, EASY.
 05:26:42 NOT THE PROBLEM.
 05:26:43 THE INTENT FROM A LANDSCAPING STANDPOINT IS TO MAKE IT LOOK
 05:26:46 LIKE WALT DISNEY WORLD.
 05:26:48 IF YOU'RE ON THREE OAKS AND YOU'RE ON COCONUT, I WANT IT TO
 05:26:53 BE VERY, VERY DIFFICULT TO SEE CARS.
 05:26:56 I WANT IT TO BE VERY DIFFICULT TO SEE THE CARPORTS.
 05:27:00 AND IF YOU TOOK THE TIME TO GO OUT -- NOT TOOK THE TIME --

05:27:03 YOU ALL HAVE BEEN OUT THERE, THE VEGETATION IS PRETTY DENSE
 05:27:06 RIGHT NOW.
 05:27:07 I MEAN, SOME OF THE FICUS TREES AND SOME OF THE PALM TREES
 05:27:12 HAVE BEEN GROWING FOR YEARS AND THE CANOPY IS FANTASTIC.
 05:27:15 I CAN'T REPLICATE THAT.
 05:27:16 THE ONLY THING I CAN DO IS ADD TO IT.
 05:27:19 HENCE THE REASON FOR THE WALLS AND THE DESIGN.
 05:27:24 THE INTENT WAS THE COLOR OF THE WALLS TO COMPLEMENT THE
 05:27:29 BUILDING.
 05:27:31 IT'S JUST POOR.
 05:27:32 WE CAN'T SHOW YOU ALL THE COLORS ON A PROJECTOR, BUT THEY
 05:27:35 ARE MEANT TO MATCH.
 05:27:38 THE ENTIRE CONCEPT IS MEANT TO MATCH FROM THE RETAIL IS
 05:27:42 GOING TO FOLLOW MY PAINT SCHEME AND THE LIGHTS THAT I PUT IN
 05:27:46 ARE GOING TO BE SHOWN -- WILL ALSO BE CONTAINED ON THE
 05:27:51 RETAIL SIDE OF THE EQUATION.
 05:27:52 ONE THING THAT HAS NOT BEEN MENTIONED, THERE ARE TWO

 05:27:54 EXISTING ENTRY SIGNS.
 05:27:55 WE'LL COMPLETELY GUT THOSE AND MAKE SURE THAT THEY ARE
 05:27:59 UNIFORM.
 05:28:00 SO THE INTENT IS TO MAKE IT UNIFORM WHEN IT'S ALL SAID AND
 05:28:06 DONE.
 05:28:06 I'LL STICK AROUND IN CASE YOU HAVE MORE QUESTIONS.
 05:28:11 >>Scotty Wood: ONE OTHER COMMENT.
 05:28:13 THE INTERSECTION CONCEPT PLAN SHOWS PRETTY MUCH A SINGLE
 05:28:18 COLOR, IT HAPPENS TO BE WHITE, AND YOU KNOW WE DON'T LIKE
 05:28:21 PREDOMINANTLY WHITE, BUT I WANT TO SUGGEST THAT YOU'VE DONE
 05:28:25 A GOOD JOB OF BREAKING UP THE HORIZONTAL DESIGN OF THE
 05:28:30 BUILDING, AND I WOULD SUGGEST THAT YOU INTERSPERSE SOME
 05:28:34 DIFFERENT COLORS ALONG THE FACE OF THE BUILDING AND HAVE ONE
 05:28:39 SECTION IN A LIGHT BEIGE AND THE OTHER ONE IN A SLIGHTLY
 05:28:43 DARKER BEIGE.
 05:28:46 I DROVE BY A BUILDING, A MULTIFAMILY BUILDING ON I-75 JUST
 05:28:50 SOUTH OF ALICO, AND IT LOOKS JUST LIKE THIS BUILDING ONLY IT
 05:28:55 HAS MORE ROOFLINES TO IT.
 05:28:57 BUT IT'S ALL ONE COLOR.
 05:28:59 AND IT JUST DOESN'T LOOK AS GOOD AS IT COULD LOOK, IF IT HAD
 05:29:03 A LITTLE BIT OF BREAKING UP.
 05:29:05 >>Charlie Krebs: COULDN'T AGREE WITH YOU MORE.
 05:29:07 DESIGNING COLORS BY COMMITTEE IS TOUGH.
 05:29:10 WHEN WE ORIGINALLY SUBMITTED THIS, PEOPLE LOVED IT, AND I'M
 05:29:14 NOT SAYING THAT YOU GUYS -- EVERYBODY IS ENTITLED TO THEIR

 05:29:17 OWN COLOR, BUT IT'S JUST DIFFICULT GETTING A COLOR THAT
 05:29:19 EVERYBODY LIKES.
 05:29:20 SO WE ACTUALLY BUILT THIS BUILDING IF YOU WANT TO GO SEE IT.
 05:29:24 IT'S IN NAPLES, WON A LOT OF AWARDS.

05:29:26 IT'S FABULOUS.
 05:29:27 WE JUST KIND OF TOOK THE COLORS FROM THERE, PUT IT ON THE
 05:29:30 ELEVATION.
 05:29:31 BUT IF YOU'RE ASKING ME TO LOOK AT BREAKING UP SOME OF THE
 05:29:34 VERTICALITY, NOT A PROBLEM AT ALL.
 05:29:38 >>Scotty Wood: THANK YOU.
 05:29:40 >>Jim Wallace: I JUST WANT TO BE SURE, I KNOW MIKE HAS
 05:29:43 TALKED ABOUT IT AND I FEEL QUITE STRONGLY ABOUT IT -- SORRY
 05:29:48 -- THIS SINGULAR LINE, ROOFLINE IS NOT GOING TO BE THERE
 05:29:53 WHEN YOU PRESENT --
 05:29:59 >>Tom Cavanaugh: THAT'S JUST A TOUGH PICTURE.
 05:30:01 RIGHT THERE ON THAT CORNER WHICH CANNOT BE MORE THAN 65
 05:30:04 FEET, YES, I WILL LOOK AT DOING SOMETHING THERE THAT BREAKS
 05:30:09 UP THAT CORNER.
 05:30:13 >>Jim Wallace: 24 INCHES, 18 INCHES SOMETIMES MAKES ALL THE
 05:30:17 DIFFERENCE IN THE WORLD.
 05:30:17 PARTICULARLY ON A BUILDING FOUR STORY.
 05:30:19 YOU'RE LOOKING UP, WHAT DO YOU SEE.
 05:30:22 >>Tom Cavanaugh: I COULDN'T AGREE WITH YOU MORE ON THAT
 05:30:24 CORNER.
 05:30:25 AGAIN, THIS IS FROM ANOTHER PROJECT AND ALL THE COMMENTS ARE

 05:30:33 I HEAR ARE CONSTRUCTIVE.
 05:30:34 I WILL ABSOLUTELY DO SOMETHING ABOUT THE CORNER.
 05:30:37 YOU HAVE MY WORD I'LL LOOK AT IT AND YOU HAVE MY WORD THAT
 05:30:42 THERE WILL BE SOMETHING DIFFERENT THERE.
 05:30:43 >>Jim Wallace: AND BETTER.
 05:30:46 >>Tom Cavanaugh: IT WILL BE BETTER THAN THAT.
 05:30:49 >>Michael Sheeley: LET ME ASK.
 05:30:50 IS THIS INTENDED TO BE AN OVER 55 COMMUNITY OR JUST A MARKET
 05:30:53 RATE APARTMENT?
 05:30:54 >>Tom Cavanaugh: NO, BUT IN ALL PRACTICALITY IT WILL BE OVER
 05:30:59 55.
 05:30:59 THIS IS BEING DESIGNED FOR RENTER OF CHOICE, HIGH, HIGH END.
 05:31:06 YOU MIGHT BE SHOCKED AT SOME OF THE RATES TO BE HONEST WITH
 05:31:11 YOU.
 05:31:11 NORMAL APARTMENT COMMUNITY MAY HAVE AN AVERAGE AGE OF 30.
 05:31:21 I'LL BE WILLING TO BET YOU THAT MY AVERAGE AGE HERE IS GOING
 05:31:24 TO BE 50.
 05:31:26 >>Barry Jones: ARE THEY SEASONAL OR ANNUAL RENTALS?
 05:31:29 >>Tom Cavanaugh: ANNUAL RENTALS.
 05:31:30 WE DON'T DO SEASONAL.
 05:31:33 >>Scotty Wood: DO YOU HAVE A PRICE POINT YET?
 05:31:35 >>Tom Cavanaugh: WE'RE GOING, AGAIN, SPIT-BALLING IT, 3,000
 05:31:39 TO 6,000.
 05:31:42 >>Kristin Jeannin: IS THE ONE IN NAPLES THE ONE ON GOOD
 05:31:46 LETTEN, PINE ARCH?

05:31:49 >>Tom Cavanaugh: YES.
 05:31:50 AGAIN, SOME OF THE BOARDS OUT HERE, THERE IS AN INTERIOR
 05:31:54 COURTYARD, WE'RE PLANNING ON REPLICATING THE INTERIOR
 05:31:58 COURTYARD THERE BECAUSE YOU WOULDN'T BELIEVE THE COMMENTS I
 05:32:02 GOT ON IT --
 05:32:05 >>Kristin Jeannin: THE LANDSCAPING IS NICE.
 05:32:07 COCONUT IS IN FRONT OF THAT, TOO.
 05:32:10 >>Tom Cavanaugh: YOUR COMMENT ON THE POOL IS ABSOLUTELY VERY
 05:32:12 CONSTRUCTIVE.
 05:32:13 FIRST OF ALL, THE POOL IS HEATED.
 05:32:15 SECOND OF ALL, IT'S BEING DESIGNED AS A LAP POOL.
 05:32:18 I JUST DON'T ANTICIPATE, AGAIN, A LOT OF PEOPLE SITTING OUT
 05:32:22 THERE SUNNING THEMSELVES.
 05:32:23 WILL IT HAPPEN?
 05:32:25 YES.
 05:32:25 IS IT GOING TO BE LIMITED?
 05:32:27 I GET IT.
 05:32:28 BUT IT'S REALLY BEING DESIGNED AS MORE OF A LAP TOOL, A
 05:32:31 HEATED LAP POOL.
 05:32:33 WE'RE PLANNING ON PUTTING AEROBICS IN THE POOL, EXERCISE OUT
 05:32:36 AROUND THE POOL, THE WHOLE BE ACTIVE CONCEPT.
 05:32:39 I'M JUST NOT ANTICIPATING A LOT OF PEOPLE JUST SITTING IN
 05:32:42 THE SUN.
 05:32:44 >>Jim Wallace: EVEN THE POOL, MOST PEOPLE STAND AND TALK.
 05:32:47 THEY DON'T SWIM.

 05:32:48 >>Tom Cavanaugh: ABSOLUTELY.
 05:32:49 COULDN'T AGREE WITH YOU MORE.
 05:32:50 THAT'S WHY WE PUT KIND OF AN OUTDOOR ACTIVE AREA, COVERED.
 05:32:55 NOT ONLY WILL THE POOL BE HEATED BUT ALSO SALTWATER.
 05:33:00 >>Scotty Wood: OKAY, IF THERE ARE NO FURTHER COMMENTS --
 05:33:14 >>Anthony Gargano: I HAVE SOME COMMENTS.
 05:33:16 IN PART I'M GOING TO DIRECT SOMETHING TO STAFF AS WELL.
 05:33:16 THIS LOOKS LIKE A GREAT PROJECT, BUT WE'VE BEEN LOOKING AT
 05:33:19 THIS PROJECT IN ISOLATION.
 05:33:22 I HAVE A PROBLEM WITH WHERE IT'S LOCATED.
 05:33:26 ONE OF THE BASIC TENETS IN OUR COMPREHENSIVE PLAN IS TO
 05:33:31 ENHANCE AND PROTECT OUR ESTABLISHED NEIGHBORHOODS.
 05:33:36 PUT A FOUR-STORY BUILDING WITH VERY DIFFERENT ARCHITECTURE
 05:33:48 IN THE MIDDLE OF THE BROOKS WHICH CONSISTS OF FOUR
 05:33:53 COMMUNITIES THAT ARE MAINLY SINGLE-FAMILY HOMES,
 05:33:59 SINGLE-STORY, SOME TWO-STORY.
 05:34:00 THERE IS A SCATTERING OF CONDO UNITS, TWO-STORY CONDO UNITS.
 05:34:09 I SEE THIS AS TOTALLY INCONSISTENT WITH THE CHARACTER OF
 05:34:13 THIS 20-PLUS-YEAR-OLD BROOKS NEIGHBORHOOD.
 05:34:17 SO IT'S A GREAT PROJECT, BUT DID STAFF JUST LOOK AT THIS IN
 05:34:23 ISOLATION?
 05:34:23 WE HAVE A BASIC TENET IN THE COMPREHENSIVE PLAN THAT WE ALL

05:34:30 WORKED ON, AND I THINK THIS IS AN EGREGIOUS VIOLATION OF
 05:34:35 THAT PLAN.
 05:34:35 >>Mary Gibbs: SO LET ME EXPLAIN HOW WE GOT HERE.

05:34:39 IF THIS WERE A BRAND-NEW PROJECT THAT DIDN'T HAVE ZONING AND
 05:34:43 THEY CAME IN AND SAID WE WANT TO PUT A FOUR-STORY
 05:34:46 MULTIFAMILY NEXT TO SOME SINGLE, YOU KNOW, FAMILY, WE WOULD
 05:34:51 SAY, YES, WE HAVE A COMPATIBILITY ISSUE.
 05:34:53 LET'S TALK ABOUT THIS AND HOW WE CAN DESIGN IT AND DOES IT
 05:34:57 FIT IN?
 05:34:58 BUT THIS HAS ZONING THAT WAS APPROVED BY THE COUNTY IN 1997
 05:35:02 THAT LISTED COMMERCIAL, THAT LISTED MULTIFAMILY, THAT LISTED
 05:35:09 HOTEL, THAT LISTED LIKE A POTPOURRI OF USES.
 05:35:13 SO ZONING RUNS WITH THE LAND AND BASICALLY BECAUSE THIS IS A
 05:35:18 DRI, IT'S VESTED.
 05:35:21 IT'S CONSIDERED VESTED.
 05:35:24 ONE COULD ARGUE THAT.
 05:35:25 BUT WE'RE CONSTRAINED.
 05:35:28 BASICALLY WE'RE CONSTRAINED WITH THIS.
 05:35:30 AND IN THE SETTLEMENT AGREEMENT THAT WENT TO THE COUNCIL, WE
 05:35:33 BASICALLY CONCEDED ON THIS ISSUE AND SAID, OKAY.
 05:35:38 AGAIN, IF IT WAS A BRAND-NEW PROJECT, I THINK WE WOULD BE
 05:35:41 HAVING A DIFFERENT CONVERSATION.
 05:35:42 BUT NOW WE'RE HAVING THE CONVERSATION ABOUT HERE'S WHAT WE
 05:35:45 GOT IN 1997.
 05:35:47 THEY ARE ALLOWED TO ASK FOR THIS AND HOW CAN WE MAKE IT FIT
 05:35:51 IN AS BEST WE CAN?
 05:35:54 >>Anthony Gargano: WELL, ZONING RUNS WITH THE LAND BUT FOUR
 05:35:56 STORIES DOESN'T RUN WITH THE LAND?

05:35:59 HOW ABOUT A SHORTER BUILDING?
 05:36:00 >>Mary Gibbs: ACTUALLY, THERE IS A FOUR STORY 50-FOOT HEIGHT
 05:36:03 LIMIT FOR TOWN CENTER IN THE ZONING, YES.
 05:36:06 SO THAT SPECIFICALLY CALLED OUT IN THE ZONING RESOLUTION
 05:36:09 FROM 1997.
 05:36:13 MULTIFAMILY 50 FEET MAXIMUM HEIGHT, FOUR STORY MAXIMUM.
 05:36:19 AND THE UNITS, THE UNITS DO EXIST THAT CAN BE USED.
 05:36:23 SO THIS IS WHERE WE'VE BEEN FOR THE PAST THREE YEARS, KIND
 05:36:27 OF WORKING THROUGH THESE ISSUES.
 05:36:31 >>Jim Wallace: YOU'RE SAYING, MARY, THIS HAS BEEN VESTED FOR
 05:36:34 A LONG TIME.
 05:36:34 >>Mary Gibbs: IT WAS APPROVED A LONG TIME AGO.
 05:36:36 BACK IN 1997, YOU KNOW, WHO KNEW?
 05:36:39 WE WEREN'T AS SOPHISTICATED AS WE ARE NOW.
 05:36:42 BUT THEN -- I MEAN, WE'RE GOING TO SEE PROBABLY MORE
 05:36:45 REDEVELOPMENT PROJECTS COMING IN AND THESE DRIs DO HAVE
 05:36:49 SOME PROPERTY RIGHTS.
 05:36:55 >>Jim Wallace: OKAY.

05:36:58 >>Anthony Gargano: OKAY.
 05:36:58 I SEE THIS TOTALLY FROM APPEARANCE STANDPOINT TOTALLY
 05:37:01 INCOMPATIBLE WITH THE RESIDENTIAL NATURE OF THE ESTABLISHED
 05:37:06 BROOKS COMMUNITY.
 05:37:11 >>Scotty Wood: ANYONE ELSE?
 05:37:12 >>Kristin Jeannin: COUPLE OF QUICK THINGS.
 05:37:13 SORRY.

 05:37:14 WITH ALL OF US BEING HERE, YOU GET MORE COMMENTS.
 05:37:16 HOPEFULLY THAT'S CONSTRUCTIVE.
 05:37:17 THIS ONE IS KIND OF TECHNICAL, BUT IT HAS TO DO WITH YOUR
 05:37:21 DEVIATION REQUEST NUMBER 18 WITH THE ELEVATION DIFFERENCE OF
 05:37:24 THE PAVEMENT.
 05:37:26 WHAT IS THE DIFFERENCE BETWEEN WHAT IT SHOULD BE NOW.
 05:37:31 >>Charlie Krebs: THE DIFFERENCE BETWEEN THE FIVE-YEAR
 05:37:32 ELEVATION AND THE 25-YEAR ELEVATION IS A LITTLE OVER A FOOT.
 05:37:35 SO THAT'S WHY WE WANT -- IF IT WAS A FEW INCHES, WE COULD
 05:37:40 EASILY OVERCOME THAT.
 05:37:41 BUT IF THERE ARE AREAS THAT ARE OUT THERE THAT ARE A FOOT
 05:37:44 LOWER THAN THAT, TRYING TO MAKE THAT WORK, THAT'S GOING TO
 05:37:48 BE A HARD THING TO OVERCOME.
 05:37:49 SO THE REQUEST IS JUST TO MAINTAIN THE STATUS QUO AND HAVING
 05:37:55 IT SIT WITH THE SOUTH FLORIDA PERMIT, SOUTH FLORIDA PERMIT
 05:38:00 IS THE MINIMUM PAVEMENT AT THE FIVE-YEAR STORM SO WE CAN
 05:38:03 STAY CONSISTENT WITH EVERYTHING.
 05:38:04 A LOT OF THE DRAINAGE THAT IS OUT THERE WE'RE GOING TO
 05:38:07 MAINTAIN.
 05:38:07 WE'RE NOT LOOKING AT RE-GRADING THIS ROADWAY BACK HERE.
 05:38:11 WE'RE GOING TO MAINTAIN THAT.
 05:38:12 WHERE THE PARKING IS TYING INTO THE EXISTING COMMERCIAL,
 05:38:16 WE'RE GOING TO MAINTAIN THAT.
 05:38:17 THE REST OF THIS WE'RE GOING TO GRADE THIS AND TRY TO ADHERE
 05:38:24 TO THE CODE, BUT THERE MAY BE SOME UNKNOWN REASON WHY WE

 05:38:28 HAVE TO HAVE AN ELEVATION THAT IS BELOW THAT 25 YEAR, AND IT
 05:38:31 WAS BETTER TO ASK FOR THAT NOW THAN TO TRY TO COME BACK
 05:38:34 DURING THE D.O. PROCESS AND DEAL WITH IT THEN.
 05:38:39 THAT'S WHY SOME OF THESE ARE OUT THERE JUST SO WE DON'T HAVE
 05:38:41 TO WORRY ABOUT IT WHEN WE'RE GOING THROUGH THE D.O.
 05:38:46 >>Jim Wallace: THE BUILDING ITSELF, IT WILL BE AT 25?
 05:38:49 >>Charlie Krebs: NO, THE BUILDING ITSELF WILL ACTUALLY BE A
 05:38:51 FOOT ABOVE THE HUNDRED YEAR.
 05:38:53 WE'RE STAYING WITH THAT PART OF THE CODE.
 05:38:55 IT'S JUST THE PAVEMENT ELEVATION ONLY.
 05:38:58 >>Jim Wallace: JUST WANTED THE CLARIFICATION.
 05:39:00 THAT'S ALL.
 05:39:00 >>Kristin Jeannin: SECOND QUESTION OR COMMENT HAS TO DO WITH
 05:39:05 THE THRUWAY ON THE NORTH SIDE OF THE COMMERCIAL.

05:39:11 I DON'T KNOW HOW MUCH MORE TRAFFIC IS EXPECTED TO GO BACK
 05:39:15 THERE, BUT I'M CURIOUS WHAT IT LOOKS LIKE BACK THERE AND IF
 05:39:20 THAT WILL BE ADDRESSED AT ALL.
 05:39:22 SO MAYBE WE'D SEE THAT COMING FORWARD.
 05:39:26 >>Charlie Krebs: ADDRESSED, YOU MEAN?
 05:39:28 >>Kristin Jeannin: WELL, WHAT DOES IT LOOK LIKE BACK THERE?
 05:39:32 >>Charlie Krebs: THE AREA BEHIND THE EXISTING RETAIL, I
 05:39:35 HAVEN'T BEEN BACK THERE IN YEARS, BUT I'M ASSUMING IT LOOKS
 05:39:38 LIKE A TYPICAL RETAIL AREA, AND THAT'S WHY I MEAN --
 05:39:42 >>Kristin Jeannin: TYPICAL BACK OF A RETAIL AREA.
 05:39:44 >>Charlie Krebs: RIGHT.

 05:39:45 IT'S PLAIN JANE.
 05:39:49 >>Kristin Jeannin: PLAIN JANE MAY BE ACCEPTABLE, BUT I AM
 05:39:52 CURIOUS ABOUT HOW MUCH TRAFFIC WOULD BE GOING BACK THERE AND
 05:39:55 IF IT NEEDS TO BE CLEANED UP A LITTLE BIT, BUFFERED A LITTLE
 05:39:58 BIT BETTER.
 05:39:59 IT LOOKS LIKE FROM THE CONCEPT PLAN THAT YOU HAVE UP THERE
 05:40:02 THAT IT'S GREENSPACE.
 05:40:03 SO LET'S CHECK ON THAT.
 05:40:05 >>Charlie Krebs: RIGHT HERE, THIS AREA, THIS IS ALL IN AN
 05:40:08 EXISTING WETLAND PRESERVE.
 05:40:10 >>Kristin Jeannin: I'M CONCERNED ABOUT THE TRAFFIC THAT
 05:40:12 WOULD GO THROUGH THERE AND SEE IT.
 05:40:14 >>Mary Gibbs: IF I MAY ADD SOMETHING, I WAS THERE TODAY AT
 05:40:18 LUNCHTIME, BECAUSE I DO SOME THINGS LIKE THAT FOR LUNCH.
 05:40:21 I DROVE BACK THERE.
 05:40:22 MOST OF THE PEOPLE, THERE ARE CARS THAT PARK BACK THERE THAT
 05:40:28 ARE THE PEOPLE THAT HAVE THE UNITS, THE EMPLOYEES AND
 05:40:30 THINGS, AND THEN I SAW A COUPLE OF TRUCKS PULL IN TO DROP
 05:40:34 OFF SOME THINGS.
 05:40:35 SO THE TRAFFIC BACK THERE IS PRETTY MINIMAL.
 05:40:37 IT'S JUST PEOPLE THAT WORK THERE ARE DROPPING OFF SUPPLIES
 05:40:40 TO THE BUILDINGS AND THINGS LIKE THAT.
 05:40:42 >>Kristin Jeannin: EXPECT THAT TO CHANGE AT ALL?
 05:40:44 >>Charlie Krebs: I DON'T EXPECT THAT THE PEOPLE WHO ARE
 05:40:47 GOING TO BE USING THE RESIDENTIAL PORTION ARE GOING TO

 05:40:49 TRAVEL BEHIND THE BUILDING.
 05:40:51 I EXPECT THEM TO COME IN THROUGH THIS ENTRANCE OR TO COME
 05:40:54 OFF OF CORKSCREW -- CORKSCREW -- SORRY -- THREE OAKS PARKWAY
 05:40:58 TO COME IN ON I GUESS IT WOULD BE THE MAIN ENTRANCE, BUT
 05:41:04 MINIMAL TRAFFIC I EXPECT TO GO BEHIND THAT BUILDING.
 05:41:07 >>Kristin Jeannin: AND THEN I THINK WHAT YOU'VE DESCRIBED AS
 05:41:13 THE BUFFER ALONG COCONUT ROAD AND THE LANDSCAPING SOUNDS
 05:41:17 REALLY NICE AND I LOOK FORWARD TO SEEING THAT FLESHED OUT
 05:41:21 BECAUSE IT'S DEFINITELY HARD TO SEE HERE RIGHT NOW.
 05:41:23 THANK YOU.

05:41:26 >>Scotty Wood: IF THERE ARE NO FURTHER COMMENTS FROM THE
 05:41:29 BOARD, I'D LIKE TO OPEN IT UP FOR PUBLIC INPUT.
 05:41:32 TAMMY, CARDS?
 05:41:44 >>Tammy Duran: TAMMY IS GOING TO SPEAK.
 05:41:50 >> FIRST OF ALL, I WANT TO APOLOGIZE FOR MY APPEARANCE.
 05:41:53 I JUST CAME FROM WORK.
 05:41:54 I REPRESENT A CUT ABOVE OF ESTERO.
 05:41:59 I HAVE BEEN THE BARBERSHOP THERE FOR SIX YEARS.
 05:42:03 WHILE I CAN APPRECIATE THE GENTLEMAN HERE SPEAKING OF HOW
 05:42:08 THERE IS SUFFICIENT PARKING IN OUR COMMERCIAL AREA, I CAN
 05:42:13 HONESTLY TELL YOU THAT HE NEEDS TO COME AND SIT IN MY
 05:42:16 BARBERSHOP EVERY DAY, ESPECIALLY BETWEEN 8 AND 10 IN THE
 05:42:21 MORNING WHEN THE GYM IS GOING ON AND THERE ARE ABOUT 30 OR
 05:42:25 40 MORE CARS IN THAT PARKING LOT THAN HE PROBABLY SEES.
 05:42:29 AND PARKING IS A HUGE DEAL.

 05:42:33 I STARTED SIX YEARS AGO.
 05:42:36 I WAS OPEN FROM 8:00 IN THE MORNING UNTIL 5.
 05:42:42 WHEN THAT GYM OPENED UP, MY BUSINESS DROPPED OFF 20% FROM
 05:42:46 8:00 IN THE MORNING UNTIL 10:00.
 05:42:48 YOU WANT TO KNOW WHY?
 05:42:50 BECAUSE THERE WASN'T ENOUGH PARKING, SIR.
 05:42:52 MY GENTLEMEN THAT COME IN THAT ARE HANDICAPPED THAT ARE
 05:42:58 OLDER HAVE A HARD TIME.
 05:43:00 IT GOT SO BAD THAT THE FINEMARK BANK HAD TO ASK COURTELIS TO
 05:43:04 ASSIGN CERTAIN PARKING SPOTS THAT SAY "BANK PARKING ONLY."
 05:43:08 WE DIDN'T GET THAT.
 05:43:11 SO I CAN TELL YOU THAT THE PARKING IS ABSOLUTELY INSANE.
 05:43:17 THE BACK PART OF IT THERE WHERE HE SAYS THAT YOU'RE GOING TO
 05:43:22 BE ABLE TO COME IN, PINCH A PENNY HAS ABOUT TEN VEHICLES
 05:43:27 THAT THEY PARK ALONGSIDE OF THAT, SO I DON'T KNOW HOW WE'RE
 05:43:30 GOING TO GET THROUGH THERE, IF THERE ARE CARS PARKED ALONG
 05:43:33 THE SIDE.
 05:43:33 IF THEY CAN'T NO LONGER PARK THERE, THEN THEY ARE GOING TO
 05:43:37 BE FORCED TO PARK IN THAT PARKING LOT THAT HE CLAIMS IS
 05:43:40 GOING TO BE BEING ABLE TO BE USED FOR BOTH RESIDENCES AND
 05:43:45 BOTH COMMERCIAL BECAUSE OF THE FACT THAT WE HAVE AMPLE
 05:43:50 PARKING.
 05:43:51 NO, WE DON'T.
 05:43:52 AND AS FAR AS THE 212 SPACES AND 154 UNITS, IS THE DEVELOPER
 05:43:59 GOING TO POLICE THE RESIDENCES AND NOT ALLOW THEM TO PARK IN

 05:44:05 THE COMMERCIAL SPOTS THAT ARE ASSIGNED FOR US, THAT ARE
 05:44:08 ALLOWING OUR CUSTOMERS TO COME INTO OUR BUSINESS?
 05:44:13 NOT TO MENTION THE FACT THAT WE ALREADY HAVE A PARKING
 05:44:17 ISSUE.
 05:44:17 TED TODD INSURANCE IS NO LONGER THERE.
 05:44:20 THE MAIL PLACE IS NO LONGER THERE.

05:44:22 THE JOJO'S BOWLS JUST LEFT BECAUSE HE WAS CONCERNED ABOUT
 05:44:28 IT.
 05:44:29 SO WHEN YOU GET BUSINESSES IN THOSE, IT'S GOING TO BE EVEN
 05:44:33 WORSE.
 05:44:34 SO I WANT TO KNOW IF HE'S GOING TO POLICE IT, IF HE'S GOING
 05:44:39 TO LIMIT THE CARS FOR ONE CAR PER UNIT.
 05:44:44 AND THEN MY OTHER COMMENT AS FAR AS THE LANDSCAPING, I KNOW
 05:44:48 THAT EVERYBODY ON THE BOARD -- AND I CAN APPRECIATE THIS --
 05:44:51 HOW YOU WANT IT ALL COPACETIC, BUT I CAN TELL YOU THAT BEING
 05:44:55 THERE FOR SIX YEARS, I STILL HAVE PEOPLE THAT COME INTO MY
 05:44:58 BARBERSHOP THAT SAY THAT THEY HAVE NOT SEEN US, AND IT'S
 05:45:02 BECAUSE OF THE LANDSCAPING, AND YOU WANT TO PUT MORE IN.
 05:45:06 THANK YOU FOR ALLOWING ME TO SPEAK.
 05:45:09 >> THANK YOU.
 05:45:10 >> THANK YOU.
 05:45:14 >>Tammy Duran: THOMAS.
 05:45:15 IS HE STILL HERE?
 05:45:21 >> THANK YOU FOR ALLOWING ME TO SPEAK.
 05:45:23 I HAVE TO TALK QUICKLY BECAUSE WE HAVE TO GET OUT OF HERE.

 05:45:25 I THINK MANY OF YOUR COMMENTS ARE APROPOS.
 05:45:28 THERE IS ONE ITEM, I SENT A NOTE LAST NIGHT THAT I WANTED TO
 05:45:31 DRAW EVERYBODY'S ATTENTION TO, BUT THERE ARE ACTUALLY EAGLES
 05:45:34 ROOSTING IN THAT GREENSPACE THAT ARE RIGHT OFF THE NORTH
 05:45:37 ROAD.
 05:45:38 A LOT OF PEOPLE ARE TALKING ABOUT THE PARTICULARS, LOOKING
 05:45:42 AT THIS FROM A COCONUT AND FROM A THREE OAKS PERSPECTIVE,
 05:45:46 BUT I LIVE BACK IN THE EXISTING COMMUNITY.
 05:45:48 AND SO DO THOSE BIRDS.
 05:45:51 I'M VERY CONCERNED ABOUT THE WELL-BEING OF THE PEOPLE THAT
 05:45:53 LIVE ON THAT PARTICULAR BLOCK BACK THERE.
 05:45:56 I DO BELIEVE THERE WILL BE ADDITIONAL TRAFFIC.
 05:45:59 PEOPLE PULLING OUT OF THE LIVING UNITS AND MAKING A
 05:46:01 LEFT-HAND TURN TO GET BACK THROUGH THE -- CUT THROUGH THE
 05:46:04 BACK WAY TO GET OVER TO COCONUT.
 05:46:06 BUT I JUST ASK THAT AS YOU CONSIDER WHATEVER IT IS YOU'RE
 05:46:09 GOING TO BE CONSIDERING THAT YOU TAKE INTO ACCOUNT THAT
 05:46:11 THERE ARE SOME ROOSTING EAGLES BACK THERE, AND I THINK THERE
 05:46:14 ARE SOME SPECIFIC RULES ASSOCIATED WITH THEM.
 05:46:16 YOU HAVE TO BE MINDFUL OF THAT.
 05:46:17 THAT WAS IT.
 05:46:19 HAVE A NICE NIGHT.
 05:46:19 >>Mary Gibbs: IF I CAN SAY SOMETHING, WE DID APPRECIATE THE
 05:46:23 PICTURE OF THE EAGLES, ESPECIALLY ON THE GOLF COURSE.
 05:46:25 IT WAS A GREAT PICTURE.

 05:46:26 AND WE'RE LOOKING INTO THAT.
 05:46:29 >>Tammy Duran: JIM.

05:46:32 >>Barry Jones: MARY, IS THERE A NEST ON THE LEE COUNTY MAP?
 05:46:35 >>Mary Gibbs: NO THERE'S NOTHING ON THE FWC SITE.
 05:46:38 SO WE'RE LOOKING INTO IT.
 05:46:42 >> GOOD EVENING.
 05:46:43 MY NAME IS JIM MERRITT.
 05:46:45 I RESIDE AT 23203 FOXBERRY LANE IN THE BROOKS.
 05:46:49 MR. GARGANO, I REALLY APPRECIATE YOUR COMMENTS AND YOUR
 05:46:55 VISION.
 05:46:55 IT'S REPRESENTATIVE OF PROBABLY HUNDRED PERCENT OF ALL OF
 05:46:58 THE BROOKS.
 05:47:00 THIS IS SOMETHING THAT UNFORTUNATELY LEE COUNTY DID NOT
 05:47:07 SERVE US WELL WHEN THEY APPROVED THIS DEVELOPMENT ORDER, NOR
 05:47:10 DID THEY SERVE US WELL WHEN THEY APPROVED THE 200 HOUSING
 05:47:16 UNITS FOR PEBBLE POINT, BECAUSE THAT 110 UNITS ALLOWS LONG
 05:47:22 BAY PARTNERS TO MOVE WITH THE REDEVELOPMENT OF THIS PLAZA.
 05:47:29 I'VE LIVED IN THE BROOKS SINCE 1998.
 05:47:39 I WAS ENTICED TO BUY BY THE REPUTATION AND THE COMMITMENT OF
 05:47:43 THE DEVELOPER, LONG BAY PARTNERS.
 05:47:46 THEY HAVE AN EXCELLENT REPUTATION, AND IT'S ON THE GROUND.
 05:47:56 TO DESIGN, BUILD AND MAINTAIN FIRST-CLASS GATED COMMUNITIES,
 05:48:03 WHICH THE BROOKS IS.
 05:48:04 AND IN CONTINUING THAT TRADITION, THE BROOKS COMMUNITY
 05:48:09 LEADERS -- THE BROOKS COMMUNITY LEADERS RESPECTFULLY REQUEST

 05:48:16 THAT THE FOLLOWING AESTHETIC AND APPEARANCE STANDARDS BE
 05:48:19 INCORPORATED IN THE APPROVAL OF THE BROOKS TOWN CENTER
 05:48:22 REDEVELOPMENT PROJECT.
 05:48:23 SINCE INCEPTION, THE BROOKS COMMUNITY HAS PLACED A HIGH
 05:48:29 VALUE ON FOSTERING AND MAINTAINING COMMUNITY AESTHETICS
 05:48:34 THROUGH THE IMPLEMENTATION AND ENFORCEMENT OF
 05:48:38 QUALITY-OF-LIFE STANDARDS.
 05:48:39 THIS INCLUDES MAINTAINING -- AND I WANT TO REALLY EMPHASIZE
 05:48:48 MAINTAINING.
 05:48:49 IT'S NOT THE FIRST APPEARANCE.
 05:48:51 NOT THE FIRST PAINT OF COAT OR FIRST COAT OF PAINT.
 05:48:54 IT'S MAINTAINING OVER THE YEARS.
 05:48:56 THE STRUCTURAL INTEGRITY, THE EXTERIOR APPEARANCE IN THE
 05:49:02 BROOKS, PAINTING, POWER WASHING, ROOF TILE CLEANING, COLOR
 05:49:05 COMPATIBILITY, AND OVERALL COMMUNITY HYGIENE.
 05:49:08 USES SUCH AS LAUNDRY MUST BE RESTRICTED TO AN ENCLOSED
 05:49:15 OPAQUE STRUCTURE.
 05:49:16 NO EXTERIOR VISIBILITY.
 05:49:17 LANDSCAPING AND VEHICLE SERVICE AREAS MUST BE MAINTAINED IN
 05:49:23 A CONTROLLED AND UPDATED FASHION.
 05:49:25 EXTENDED VEHICLE PARKING IS LIMITED TO ON-SITE BUSINESSES
 05:49:30 AND RESIDENTS.
 05:49:32 THAT'S NOT THE CASE THAT'S OCCURRED OVER THE YEARS RIGHT
 05:49:35 NOW.

05:49:37 THERE'S LANDSCAPE VEHICLES THAT ARE PARKED THERE.

05:49:39 THERE ARE OTHER ASSOCIATED INDUSTRY THAT ARE PARKED IN THOSE
05:49:44 PARKING LOTS.
05:49:45 NOT NECESSARILY IN THE TOWN CENTER, BUT WHERE THE EXECUTIVE
05:49:50 BUILDING WAS.
05:49:51 THE EXECUTIVE BUILDING WAS A STATEMENT.
05:49:54 IN THE LAST TWO DECADES, IT HAS REALLY SUFFERED AND DECLINED
05:50:00 IN APPEARANCE.
05:50:01 RECENTLY, THE NEW OWNER HAS MADE SOME EFFORT TO CLEAN IT UP,
05:50:04 BUT IT'S NOT UP TO BROOKS' STANDARDS.
05:50:07 EXTENDED PARKING OF TRAILERS, RECREATION VEHICLES, MOTOR
05:50:11 HOMES, BOATS, AND ANYTHING OTHER THAN THE BASIC PASSENGER
05:50:15 VEHICLE SHOULD NOT BE PERMITTED.
05:50:18 ALL RESIDENTIAL AND COMMUNITY SIGNAGE PLACED WITHIN THE
05:50:23 BROOKS SHALL BE SUBJECT TO THE REVIEW AND THE APPROVAL OF
05:50:27 EACH SIGN FOR COMPLIANCE WITH THE DESIGN GUIDELINES
05:50:30 CONTAINED IN THE BROOKS SIGNAGE GUIDELINES PREPARED IN
05:50:33 AUGUST OF 1997.
05:50:35 THE MAIN AUTHOR WAS LONG BAY PARTNERS.
05:50:38 THANK YOU FOR YOUR ATTENTION, BUT WE REALLY NEED -- THE
05:50:43 BROOKS REALLY NEEDS TO MAINTAIN ITS INTEGRITY AND ITS
05:50:49 ATTRACTION.
05:50:50 THE BROOKS NEEDS YOUR SUPPORT IN ENFORCING THE AESTHETIC AND
05:50:55 MAINTENANCE STANDARDS.
05:50:56 THANK YOU VERY MUCH.
05:50:58 >>Scotty Wood: THANK YOU.

05:50:59 >>Tammy Duran: THAT'S EVERYONE.
05:51:01 >>Scotty Wood: OKAY.
05:51:02 ANYONE ELSE?
05:51:07 >>Tammy Duran: I HAVE YOU GUYS FOR 7A.
05:51:11 THIS IS THE 6.
05:51:11 DID YOU WANT TO TALK TO THIS ONE OR THE NEXT CASE?
05:51:14 THEY HAVE ONE MORE CASE.
05:51:15 >>Mary Gibbs: I THINK THEY SHOULD ALL TALK NOW BECAUSE IT'S
05:51:19 ALL GOING TO BE THE SAME.
05:51:20 I THINK WE SHOULD TAKE ALL THE PUBLIC INPUT NOW.
05:51:23 >>Tammy Duran: I HAVE GAIL NEXT.
05:51:26 THERE ARE CARDS RIGHT THERE ON THE LEDGE.
05:51:29 >>Barry Jones: IF YOU'RE MOVING OVER INTO THE OTHER HEARING,
05:51:33 DO THEY HAVE TO BE SWORN IN?
05:51:38 I THINK SHE REFERRED TO THE SPEAKERS FOR THE ZONING HEARING,
05:51:40 YOU WERE GOING TO GO AHEAD AND HEAR NOW.
05:51:43 >>Mary Gibbs: FOR THE SECOND.
05:51:44 I THINK THE PEOPLE'S COMMENTS SEEM GERMANE TO THIS
05:51:48 INFORMATION MEETING TO ME.
05:51:49 >>Barry Jones: OKAY.

05:51:50 IF THEY WANT THEIR COMMENTS ALSO TO BE PART OF THE RECORD
 05:51:53 FOR THE ZONING HEARING, THEY SHOULD PROBABLY BE SWORN IN SO
 05:51:56 THEY QUALIFY FOR THAT.
 05:51:58 I DEFER TO NANCY.
 05:52:00 I'M JUST ASKING A QUESTION.

05:52:01 IF THEY ARE NOT GOING TO REPEAT THEMSELVES DURING THE ZONING
 05:52:04 HEARING.

05:52:04 >>Nancy Stroud: THEY CAN ASK FOR IT TO BE PART OF THE RECORD
 05:52:07 OF THE FINAL PLAN APPROVAL, SURE.

05:52:11 >>Barry Jones: MARY, THAT'S WHAT YOU'RE INFERRING, GO AHEAD
 05:52:14 AND GET ALL THE PUBLIC COMMENT FOR BOTH CASES DONE NOW?

05:52:17 >>Mary Gibbs: IT SEEMS LIKE IT WOULD MAKE MORE SENSE TO DO
 05:52:21 IT NOW.

05:52:22 >>Barry Jones: I DON'T HAVE AN OBJECTION.
 05:52:24 I JUST WANT TO MAKE SURE WE'RE GOOD.

05:52:26 >>Tammy Duran: OKAY.

05:52:27 GAIL.

05:52:37 >> HI.

05:52:37 MY NAME IS GAIL KORFHAGE.

05:52:40 MY RESIDENCE IS 10312 AUTUMN BREEZE DRIVE, UNIT 102, IN
 05:52:45 SHADOW WOOD.

05:52:46 I THANK YOU, ESTERO PLANNING AND ZONING AND DESIGN COMMITTEE
 05:52:50 FOR ALL THE WORK YOU'VE BEEN DOING.

05:52:53 I HAVE A NEW APPRECIATION FOR WHAT ALL YOU HAVE -- THE
 05:52:56 DECISION YOU HAVE TO MAKE, TOO, IN LISTENING TO YOU TODAY.

05:52:58 THERE ARE FIVE BIG PROJECTS ONGOING OR PROPOSED IN ESTERO
 05:53:02 RIGHT NOW, INCLUDING THIS PROPOSED PROJECT THAT WE'RE

05:53:05 TALKING ABOUT, THE RESIDENCES AT BROOKS TOWN CENTER.

05:53:08 THEY ARE SURE TO IMPACT PUBLIC SAFETY IN THIS AREA.

05:53:12 THESE PROJECTS, AS WELL AS OTHERS TO THE WEST IN BONITA

05:53:16 SPRINGS, ARE LOCATED ON ONLY THREE STREETS.

05:53:19 SO WE HAVE COCONUT.

05:53:20 WE HAVE THREE OAKS PARKWAY AND CORKSCREW THAT I'M GOING TO
 05:53:23 ADDRESS.

05:53:23 SO WE KNOW ON COCONUT ROAD, THERE IS THE BIG PROJECT ON THE
 05:53:28 NORTHWEST CORNER OF 41 AND COCONUT.

05:53:30 THIS PROJECT THAT WE ARE DISCUSSING RIGHT NOW, NUMBER TWO.

05:53:33 NUMBER THREE, GOING NORTH ON NORTH THREE OAKS PARKWAY, THE

05:53:37 PROJECT ON THE NORTHWEST CORNER OF WILLIAMS AND THREE OAKS.

05:53:40 NUMBER FOUR, HEADING EAST FROM THE INTERSECTION OF THREE

05:53:43 OAKS PARKWAY AND CORKSCREW, A BIG PROJECT WITH MULTIPLE NEW

05:53:47 BUILDINGS GOING UP BETWEEN LOWE'S AND CHEVROLET DEALERSHIP.

05:53:51 AND THEN ON CORKSCREW NUMBER FIVE FURTHER SET -- FURTHER

05:53:55 EAST ON -- FURTHER EAST OF BEN HILL GRIFFIN, THE LARGE

05:53:59 HOUSING DEVELOPMENTS.

05:54:00 I JUST SEE ON YOUR REPORT HERE THAT THERE'S ALSO A VIA

05:54:06 COCONUT THAT YOU'RE TALKING ABOUT.
 05:54:09 MY CONCERN IS THE COLLECTIVE IMPACT OF ALL THESE PROJECTS ON
 05:54:13 HURRICANE EVACUATION AND EMERGENCY RESPONSE TIME ESPECIALLY,
 05:54:18 WHETHER FIRE OR MEDICAL.
 05:54:20 BOTH THE LEE HEALTH ER ON COCONUT ROAD AND THE FIRE RESCUE
 05:54:26 STATION ON THREE OAKS PARKWAY BETWEEN WILLIAMS AND CORKSCREW
 05:54:28 ARE LOCATED ON TWO OF THE THREE ROADS THAT ARE INVOLVED IN
 05:54:32 THESE NEW PROJECTS.
 05:54:33 I'M ALSO CONCERNED ABOUT TWO PARTICULAR AREAS OF TRAFFIC

 05:54:37 CONGESTION ON COCONUT ROAD AND NORTHBOUND THREE OAKS AT
 05:54:41 CORKSCREW.
 05:54:42 SO MY QUESTIONS, WHICH WERE NOT ADDRESSED IN THE JUNE
 05:54:45 18th, 2020 TRAFFIC STATEMENT ATTACHED TO YOUR STAFF REPORT
 05:54:49 ARE, HAVE YOU TRULY TAKEN INTO CONSIDERATION THE IMPACT OF
 05:54:53 THE INCREASED DENSITY AND TRAFFIC ISSUES THAT MULTIPLE
 05:54:56 BUILDING PROJECTS WILL PLACE ON A FAIRLY SMALL AREA?
 05:55:00 WE HAVE THOSE THREE STREETS, ESPECIALLY REGARDING THE IMPACT
 05:55:03 AND SAFETY OF EVACUATION DURING HURRICANE SEASON, DURING
 05:55:07 WHICH WE ALL HAVE TO FUNNEL OURSELVES INTO HIGHWAY 75.
 05:55:12 ALSO, NUMBER TWO, HAVE YOU STUDIED THE IMPACT OF ADDITIONAL
 05:55:15 TRAFFIC ON THE NECESSITY FOR EMERGENCY VEHICLES TO GET IN
 05:55:19 AND OUT AS WELL AS MOVE THROUGH AND IN A TIMELY MANNER.
 05:55:25 NUMBER THREE, HAVE YOU REALLY DONE A VALID TRAFFIC STUDY
 05:55:27 DURING THE HIGH SEASON'S AFTERNOON RUSH HOURS FOR THE ABOVE
 05:55:32 STATED STREETS WHEN WORKERS, SERVICE AND OTHER PEOPLE WILL
 05:55:35 STILL GENERALLY HAVE TO FUNNEL INTO THOSE.
 05:55:37 I SEE TWO PARTICULAR SPOTS, THE INTERSECTION OF COCONUT AND
 05:55:44 41 GOING SOUTHBOUND ON THAT AREA, A BIG TRAFFIC JAM, AND
 05:55:50 THEN THE OTHER ONE ON THE INTERSECTION OF CORKSCREW AND
 05:55:53 THREE OAKS PARKWAY, WHETHER THE JAM IS COMING FROM THREE
 05:55:58 OAKS PARKWAY OR GOING INTO 75 IN THAT AREA.
 05:56:00 SO I ASK YOU TO PLEASE REVIEW THE COLLECTIVE IMPACT OF THIS
 05:56:04 PROPOSED GROWTH IN ESTERO AND HOW THE PROPOSED PROJECT
 05:56:08 CALLED COCONUT POINTE RESIDENCES IN THE BROOKS WILL AFFECT

 05:56:12 THESE ISSUES.
 05:56:13 THANK YOU SO MUCH FOR YOUR CONSIDERATION.
 05:56:15 >>Scotty Wood: THANK YOU.
 05:56:17 >>Tammy Duran: MARY.
 05:56:19 >>Mary Gibbs: MAY I MAKE ONE COMMENT, TOO?
 05:56:21 JUST BECAUSE THIS IS A BIG ISSUE AND WE JUST RECENTLY HAD A
 05:56:25 CASE AT THE COUNCIL MEETING LAST WEDNESDAY FOR THE PROJECT
 05:56:29 THEY ARE TALKING ABOUT, THE WOODFIELD PROJECT.
 05:56:32 WE GET IN ESTERO LOTS OF COMMENCE ABOUT THE TRAFFIC.
 05:56:34 WE DO LOOK AT THESE THINGS CUMULATIVELY BECAUSE WE KNOW
 05:56:38 TRAFFIC IS THE NUMBER ONE ISSUE FOR EVERYBODY IN ESTERO.
 05:56:41 SO WE ARE WORKING ON A VILLAGE TRAFFIC-WIDE STUDY.

05:56:46 WE'RE GOING TO DO IT IN THIS YEAR'S C.I.P. JUST TO EXAMINE
 05:56:50 EVERYTHING.
 05:56:50 BUT WE DID LOOK AT THESE.
 05:56:52 THE WOODFIELD PROJECT, EVERYTHING WAS LOOKED AT
 05:56:54 CUMULATIVELY.
 05:56:55 THERE WAS NO LEVEL OF SERVICE ISSUE.
 05:56:57 WE LOOK AT PEAK HOUR, EVEN THOUGH I KNOW AT 5:00, THE
 05:57:00 TRAFFIC IS HORRIBLE BECAUSE I SIT IN IT, TOO.
 05:57:03 BUT WE WILL BE LOOKING AT IT AGAIN, AND WE DO ASK THE FIRE
 05:57:07 DEPARTMENT TO GIVE US COMMENTS ON EVERY ZONING CASE,
 05:57:10 EVERYTHING WE GET, EVERY DEVELOPMENT ORDER WE SEND OUT TO
 05:57:12 THE FIRE DEPARTMENT, PLEASE PARTICIPATE WITH US.
 05:57:15 SO WE DO REACH OUT, BUT WE DO UNDERSTAND THAT TRAFFIC IS A

 05:57:19 BIG ISSUE FOR EVERYONE.
 05:57:22 >>Barry Jones: I THINK IT'S ALSO IMPORTANT TO EXPLAIN THAT
 05:57:24 MOST OF THESE PROPERTIES THAT WE'RE SEEING ALREADY HAVE
 05:57:27 ENTITLEMENTS THAT WILL ALLOW X NUMBER OF CARS ON THE ROAD.
 05:57:30 ARE THOSE CARS ON THE ROAD TODAY?
 05:57:34 NO.
 05:57:35 ANY SORT OF DEVELOPMENT IS GOING TO ADD TO THE EXISTING
 05:57:38 TRAFFIC.
 05:57:39 IN REALITY, THEY HAVE A RIGHT TO PUT X AND WITH BOTH THE
 05:57:43 WOODFIELD PROJECT AND WITH THIS PROJECT, THEY ARE BRINGING
 05:57:46 LESS THAN X.
 05:57:47 SO, YES, THEY ARE GOING TO ADD TRAFFIC, BUT THE TRAFFIC IS
 05:57:51 GOING TO BE LESS THAN IT WOULD HAVE BEEN BEFORE THIS
 05:57:54 REDEVELOPMENT OCCURS.
 05:57:55 IT'S BETTER THAN IT WOULD HAVE BEEN.
 05:57:59 IT'S NOT AS GOOD AS IT IS TODAY.
 05:58:00 AND I SIT IN IT EVERY DAY, TOO, AND WE KNOW TRAFFIC IS KEY
 05:58:06 AND IT STINKS.
 05:58:07 THERE'S ALSO THE REALITY THAT A LOT OF THESE HAVE LEGITIMATE
 05:58:10 RIGHT AND THEY HAVE ALREADY PAID, IN THIS INSTANCE, THE
 05:58:13 BROOKS PAID A BUNCH OF MONEY FOR INFRASTRUCTURE IMPROVEMENTS
 05:58:16 AND BUILT A BUNCH OF ROADS TO BE ALLOWED TO DO WHAT THEY ARE
 05:58:19 DOING.
 05:58:20 THERE'S ADDITIONAL INFRASTRUCTURE THAT WILL BE ENHANCED
 05:58:24 OFF-SITE THAT SHOULD COME OUT OF THE IMPACT FEES OF WHAT

 05:58:27 THEY ALREADY PAID TO DEVELOP THEIR PROJECTS OR OTHER
 05:58:30 TRANSPORTATION PROJECTS THAT COME -- OR OTHER PROJECTS THAT
 05:58:33 COME IN THAT PAY TRANSPORTATION IMPACT FEES.
 05:58:35 WE DON'T WANT YOU TO THINK THAT THIS BOARD AND THE VILLAGE
 05:58:39 COUNCIL DOESN'T CARE ABOUT THE TRAFFIC PROBLEM AND WE'RE NOT
 05:58:42 HEARING YOU.
 05:58:43 WE HAVE A CERTAIN SET OF RULES WHERE PROPERTIES HAVE RIGHTS
 05:58:46 AND YOU CAN'T JUST TAKE THOSE RIGHTS.

05:58:49 IF YOU WANT TO BUY THE PROPERTY AND DO WHATEVER YOU WANT TO
 05:58:53 AND PUT A PARK THERE, THAT WOULD BE LOVELY.
 05:58:55 AS LONG AS AN INDIVIDUAL HAS THE PROPERTY AND HAS RIGHTS
 05:58:58 UNDER EXISTING ZONING AND LAWS, ALL WE CAN DO IT TRY TO
 05:59:02 ENHANCE THE SITUATION.
 05:59:03 BY APPROVING THE REDEVELOPMENTS, IT'S TAKING BANK TRIPS OFF
 05:59:06 OF THE ROAD AND DECREASING THE NUMBER ALLOWED TO GO AT SOME
 05:59:09 POINT IN THE FUTURE.
 05:59:10 WE HEAR WHAT YOU'RE SAYING.
 05:59:12 I READ THE COMMENTS.
 05:59:13 I LISTEN TO PEOPLE.
 05:59:14 I KNOW YOU'RE FRUSTRATED WITH IT.
 05:59:17 THE LACK OF INFORMATION OR UNDERSTANDING IS KEY TO ME TO
 05:59:21 MAKE SURE THAT YOU UNDERSTAND WHAT THEY HAVE AND WHAT WE CAN
 05:59:26 DO AND WHAT'S BEING DONE IS MAKING THE SITUATION BETTER AS
 05:59:30 PERVERSE AS THAT MAY SOUND.
 05:59:32 I'M DONE.

05:59:33 >> I DON'T SEE THAT ON YOUR TRAFFIC REPORT.
 05:59:35 >>Tammy Duran: I'M SORRY.
 05:59:36 YOU HAVE TO GO TO THE MIKE.
 05:59:38 >> I DIDN'T SEE THAT ON YOUR TRAFFIC REPORT AT ALL
 05:59:43 ADDRESSING THE ITEMS OF EMERGENCY VEHICLES OR HURRICANE
 05:59:46 EVACUATION.
 05:59:46 >>Barry Jones: THAT'S AN OFF-SITE IMPROVEMENT THAT'S ALREADY
 05:59:49 COVERED.
 05:59:50 WHENEVER YOU BUILD A DEVELOPMENT, YOU PAY A HURRICANE IMPACT
 05:59:52 FEE.
 05:59:53 YOU PAY A TRANSPORTATION FEE.
 05:59:55 SO THAT'S SOMETHING OFF-SITE.
 05:59:59 IT'S UP TO THE MUNICIPALITY OR THE GOVERNMENT TO DO
 06:00:01 ENHANCEMENTS, IF NEEDED, FOR EMERGENCY.
 06:00:03 >>Mary Gibbs: THOSE WILL BE PART OF THE DEVELOPMENT ORDER,
 06:00:06 WHICH WHEN IT GETS SUBMITTED WE LOOK AT THAT.
 06:00:09 SO IT WILL BE LOOKED AT.
 06:00:12 I UNDERSTAND THE FRUSTRATION.
 06:00:16 >> THE EMERGENCY RESPONSE, SIGNED OFF BY THE FIRE DISTRICT.
 06:00:20 SO PART OF THE WHOLE PROCESS IS THAT WE GO -- THE VILLAGE
 06:00:26 GOES TO FIRE AND E.M.S. AND GETS THEM TO SIGN OFF ON WHAT'S
 06:00:32 BEING DONE THAT THEY CAN SUPPORT IT.
 06:00:36 >>Jim Wallace: I THINK ALSO, MOST PEOPLE KNOW, BUT NOT
 06:00:38 EVERYBODY KNOWS, THAT THREE, FOUR YEARS AGO, MAYBE LONGER,
 06:00:43 MAYBE IT'S FIVE YEARS AGO, THE VILLAGE OF ESTERO LOOKED AT

06:00:48 THE VILLAGE CENTER AND MADE A DECISION, WHICH IS REFLECTED
 06:00:53 IN THE LAND DEVELOPMENT CODE, THAT THE AREAS AROUND COCONUT
 06:00:56 POINTE MALL, WHICH IS ALL THE AREAS THAT YOU'RE DESCRIBING,
 06:00:59 PLUS THE NORTH POINT PROPERTY, WHICH IS GOING TO COME

06:01:02 SOMEDAY, AND THE CITIZENS OF ESTERO AND THEIR ELECTED
 06:01:06 REPRESENTATIVES DECIDED THAT WE WANTED A VILLAGE CENTER,
 06:01:10 THAT WE WANTED THAT DENSITY OF POPULATION.
 06:01:15 I THINK THE GOOD THING, AND BARRY TALKED TO IT, IS THAT
 06:01:18 YOU'RE GETTING LESS DENSITY THAN WAS ANTICIPATED FOUR, FIVE
 06:01:21 YEARS AGO.
 06:01:22 SO, YES, ESTERO ISN'T JUST A LAZY PLACE THAT IT WAS BACK IN
 06:01:27 1997.
 06:01:28 WE ALL LIKED THE FACT THAT WE NOW HAVE MORE RESTAURANTS.
 06:01:31 WE DON'T HAVE TO DRIVE TO NAPLES TO GET GOOD FOOD,
 06:01:34 ET CETERA.
 06:01:35 AND THERE IS A MASTER PLAN.
 06:01:37 THERE IS SOME THINKING.
 06:01:39 IT'S NOT JUST A BUNCH OF PEOPLE BUILDING STUFF.
 06:01:41 THERE IS A MASTER PLAN.
 06:01:45 >>Mary Gibbs: TAMMY, DO WE HAVE MORE PUBLIC INPUT CARDS
 06:01:49 BECAUSE THIS IS SUPPOSED TO BE PUBLIC INPUT, NOT ME TALKING.
 06:01:53 COULDN'T HELP MYSELF.
 06:01:58 >> YOU'RE GOING TO HEAR A LITTLE MORE ABOUT TRAFFIC.
 06:02:01 SORRY.
 06:02:02 I'M MARY O'CONNOR, 10352 AUTUMN BREEZE DRIVE, UNIT 102,

 06:02:09 SHADOW WOOD AT THE BROOKS.
 06:02:10 THE DEVELOPER AND ACTUALLY SOME OF YOU SEEM TO THINK THAT
 06:02:14 THE TRAFFIC ISSUE IS A SETTLED PROBLEM, A SETTLED ISSUE.
 06:02:20 I DON'T, ESPECIALLY GIVEN THAT THE TRAFFIC STUDY THAT USED
 06:02:24 FIGURES FOR THE DEVELOPER THAT WERE FROM 2016 AND 2019,
 06:02:32 EIGHT AND FOUR YEARS AGO, RESPECTIVELY.
 06:02:34 I'D LIKE TO YOU PLEASE CONSIDER THE TOTAL PICTURE, THE
 06:02:39 AGGREGATE TRAFFIC OF THIS SCENARIO.
 06:02:42 IF YOU ALLOW THIS 154 APARTMENT COMPLEX TO BE BUILT AT THE
 06:02:47 BROOKS TOWN CENTER AT THE EAST END OF COCONUT ROAD, ALONG
 06:02:52 WITH 596 MULTIFAMILY APARTMENTS, 260-ROOM HOTEL, A 3,000 TO
 06:02:59 6,000 SQUARE FOOT CIVIC BUILDING FOR EVENTS, MEDICAL
 06:03:05 OFFICES, RESTAURANTS AND SHOPS THAT WAS JUST APPROVED AT THE
 06:03:09 WEST END OF COCONUT, AT THE SAME TIME THAT BOTH THE
 06:03:13 RITZ-CARLTON AND THE HYATT ARE BUILDING OR EXPANDING WEST ON
 06:03:18 COCONUT, RESPECTFULLY, WHERE DO YOU EXPECT THAT TRAFFIC TO
 06:03:22 GO?
 06:03:23 FURTHERMORE, THE VILLAGE WEBSITE SHOWS THE CURRENT PROJECTS
 06:03:27 THAT GAIL MENTIONED ALSO, 306 APARTMENTS AT ESTERO CROSSING,
 06:03:32 180 APARTMENTS AT RESERVE AT COCONUT POINTE, 330 APARTMENTS
 06:03:37 ON THE WEST SIDE OF VIA COCONUT, AND OTHERS, WHICH ALL
 06:03:42 UNDERSCORES THE ACUTE GROWTH OF AN ALREADY STRESSED GRID
 06:03:46 THAT CAN'T HANDLE THE DRASTIC IMPACT OF AGGREGATE TRAFFIC.
 06:03:50 IT'S MY UNDERSTANDING THAT A DEVELOPER WHOSE PROJECT WOULD
 06:03:54 CAUSE INTERSECTION FAILURE OR ROAD FAILURE LEVEL F IS

06:03:58 REQUIRED TO ADJUST THE PROJECT OR PAY TO ADJUST THE
 06:04:02 INTERSECTIONS AND THE ROADS.
 06:04:05 IDEALLY, I'D LOVE TO ASK YOU, CONSIDERING THAT ONE OF THE
 06:04:11 GOALS OF THE VILLAGE OF ESTERO IS TO ENHANCE AND PROTECT OUR
 06:04:15 ESTABLISHED NEIGHBORHOODS, IDEALLY, I'D LOVE TO HEAR YOU
 06:04:19 REJECT THIS PROJECT ENTIRELY AND LET US LEGITIMATELY ATTRACT
 06:04:25 SMALL BUSINESSES SO IT IS TRULY A TOWN CENTER AS THE VILLAGE
 06:04:29 AND DEVELOPER ORIGINALLY INTENDED.
 06:04:31 OR MODIFY THE PROJECT POSSIBLY TO A TWO-STORY APARTMENT
 06:04:38 BUILDING AND REQUEST THAT THE DEVELOPER PAY TO MODIFY THE
 06:04:42 INTERSECTIONS TO ACCOMMODATE THE TRAFFIC WITHOUT DESTROYING
 06:04:46 OUR BEAUTIFUL BOULEVARDS THAT ARE A PART AND PARCEL OF OUR
 06:04:50 BEAUTIFUL NEIGHBORHOOD.
 06:04:51 THANK YOU VERY MUCH FOR YOUR TIME.
 06:04:56 >>Tammy Duran: LORI.
 06:04:57 AND THEN KATHY WILL BE NEXT.
 06:05:03 >> MY HUSBAND AND I LIVE IN PEBBLE POINT.
 06:05:07 WE WALK ABOUT EIGHT MILES EVERY DAY.
 06:05:10 >>Tammy Duran: YOUR FULL NAME.
 06:05:11 >> LORI MANN.
 06:05:13 WE WALK ABOUT EIGHT MILES A DAY.
 06:05:15 I LEAVE PEBBLE POINT.
 06:05:17 I GO UP COCONUT ROAD.
 06:05:19 I GO AROUND COCONUT POINTE MALL.
 06:05:21 MY HUSBAND GOES RIGHT ON THREE OAKS, BACK SOME OTHER AREAS,

 06:05:28 I DON'T KNOW THE NAMES OF THE STREETS.
 06:05:29 EVERY TIME WE GO, WE'RE THIS CLOSE TO GETTING HIT BY A CAR.
 06:05:33 THE INTERSECTION THERE IN SEASON IS TERRIBLE.
 06:05:37 PEOPLE AREN'T WATCHING.
 06:05:38 PEOPLE AREN'T LOOKING.
 06:05:40 PEOPLE AREN'T PAYING ANY ATTENTION.
 06:05:44 THEY DON'T LOOK RIGHT.
 06:05:45 THEY DON'T LOOK LEFT.
 06:05:46 THE AMOUNT OF TRAFFIC THAT'S THERE AND DURING SEASON
 06:05:50 PROBABLY AT LEAST, SEEMS LIKE ANYWAY, ONCE A MONTH THERE'S
 06:05:54 AN ACCIDENT AT THAT INTERSECTION.
 06:05:56 BUT I HAVE BEEN AFRAID TO CROSS THE STREET THERE BECAUSE OF
 06:06:02 THE TRAFFIC, BECAUSE OF PEOPLE NOT PAYING ATTENTION.
 06:06:05 ANY MORE TRAFFIC THERE.
 06:06:06 FURTHERMORE, I WILL NOT GO RIGHT ON THREE OAKS ANYMORE.
 06:06:12 I'VE STOPPED GOING TO BUSINESSES UP THAT WAY BECAUSE THAT
 06:06:16 LINE BETWEEN COCONUT AND CORKSCREW, TWO MILES, MAYBE TWO
 06:06:25 MILES TO GET UP THAT ROAD.
 06:06:27 I WON'T EVEN GO THERE ANYMORE.
 06:06:29 IT'S CRAZY.
 06:06:29 BUT IT'S DANGEROUS.
 06:06:30 IT'S VERY DANGEROUS.

06:06:33 I THINK OF GOING LEFT ON THREE OAKS, RATHER THAN CROSSING
 06:06:36 THOSE INTERSECTIONS AT THAT CORNER, BECAUSE IT'S VERY
 06:06:40 DANGEROUS.

06:06:40 THANK YOU.
 06:06:42 >>Scotty Wood: THANK YOU.
 06:06:44 >>Tammy Duran: AND THEN KATHY.
 06:06:54 >> HI.
 06:06:54 I'M KATHY WYROFSKY.
 06:06:57 I LIVE ON MAGNOLIA BEND IN SHADOW WOOD.
 06:06:59 I WILL BACK UP RIGHT AGAINST THIS DEVELOPMENT.
 06:07:02 SO I HAVE A NUMBER OF CONCERNS.
 06:07:03 BUT I'VE ONLY LIVED HERE TWO AND A HALF, THREE YEARS.
 06:07:07 I'M JUST GETTING UP TO SPEED.
 06:07:10 FORGIVE ME IF SOME OF MY QUESTIONS HAVE BEEN HASHED THROUGH
 06:07:13 OVER SOME TIME HERE.
 06:07:14 BUT I AM CURIOUS, WHEN WAS THE LAST TIME THAT THE VILLAGE OF
 06:07:18 ESTERO UPDATED ITS MASTER PLAN?
 06:07:25 >>Mary Gibbs: ARE YOU TALKING ABOUT THE COMPREHENSIVE PLAN?
 06:07:27 2019 WE DID THE COMPREHENSIVE PLAN AND 2021 WE DID THE LAND
 06:07:34 DEVELOPMENT CODE.
 06:07:35 >> OKAY.
 06:07:36 THANK YOU.
 06:07:36 WERE ANY ZONING CHANGES MADE TO OTHER PARTS OF THE VILLAGE
 06:07:40 AT THAT TIME THAT HAD BEEN SORT OF GRANDFATHERED OR GIVEN
 06:07:44 PRIOR APPROVALS?
 06:07:45 >>Mary Gibbs: YEAH.
 06:07:46 MAYBE YOU SHOULD RUN THROUGH YOUR QUESTIONS.
 06:07:49 >> OKAY.

06:07:49 I WAS JUST TAKING THOSE AS THINGS COME TO MIND HERE.
 06:07:52 OKAY.
 06:07:53 LET'S SEE, I WAS CURIOUS WHO WILL BE MANAGING THE RENTALS ON
 06:07:57 THIS PROPERTY.
 06:07:59 I'M ALSO CURIOUS WHY THE DECISION WAS MADE TO NOT MAKE IT
 06:08:03 GATED.
 06:08:04 I DO HAVE SOME CONCERNS.
 06:08:05 BY NOT DOING THAT, THERE MAY BE A DECISION AT SOME FUTURE
 06:08:09 DATE TO ALLOW ADDITIONAL DEVELOPMENT TO TIE INTO WHAT IS
 06:08:13 THERE IN THE RETAIL AREA NOW.
 06:08:16 I DO NOT KNOW THE HEIGHT OF THE MAINTENANCE BUILDING WHICH
 06:08:19 WILL BE DIRECTLY BEHIND MY HOME.
 06:08:21 SO I WOULD BE CURIOUS TO KNOW WHAT THAT IS.
 06:08:24 IN MY MIND, I UNDERSTAND THE DIRECTION OF THE POOL AND THE
 06:08:28 SUNLIGHT.
 06:08:29 I KIND OF FEEL LIKE THAT MIGHT HAVE BEEN, IN ORDER TO
 06:08:31 APPEASE THOSE OF US WHO ARE GOING TO BE LIVING RIGHT AGAINST
 06:08:33 THIS PROPERTY, SO THAT THE LARGE FOUR-STORY BUILDING WOULD

06:08:37 NOT BE SO CLOSE TO THE PRESERVE.
 06:08:40 I COULD BE WRONG THERE.
 06:08:42 BUT IT SOUNDS LIKE IT MIGHT BE A REASON THEY DID IT THAT
 06:08:44 WAY.
 06:08:44 I ALMOST WOULD THINK PERHAPS IF THE PARKING IS ONLY ONE
 06:08:49 STORY, THAT WHOLE BACK SECTION COULD ALL BE THAT AND
 06:08:52 EVERYTHING ELSE COULD MOVE FORWARD, GIVING A LITTLE MORE

 06:08:55 DISTANCE BETWEEN THE HOMES.
 06:08:57 RIGHT NOW, IF YOU GO BACK THERE, THE PRESERVE LOOKS VERY
 06:09:00 PRIVATE.
 06:09:00 THE CYPRESS TREES ARE IN FULL LEAF, AND IT'S VERY, VERY
 06:09:04 NICE.
 06:09:05 COME WINTER, THAT WON'T BE THE CASE.
 06:09:07 SO I'M ALSO VERY CONCERNED AND CURIOUS OF WHAT KIND OF
 06:09:10 LIGHTING WILL BE ALLOWED BACK THERE, HOW HIGH, EXACTLY WHAT
 06:09:14 THE SETBACKS ARE FOR THE APARTMENTS.
 06:09:17 AND I'M SURE IT'S ALL THERE.
 06:09:19 I'VE BEEN TRYING TO READ AND BRING MYSELF UP TO SPEED.
 06:09:22 BUT THESE ARE THE CONCERNS THAT I AND A NUMBER OF MY
 06:09:25 NEIGHBORS HAVE DIRECTLY.
 06:09:26 DRAINAGE, I AM CURIOUS, I HEARD THAT BROUGHT UP ONCE.
 06:09:34 I DON'T KNOW IF THE ADDITIONAL HEIGHT ON THESE BUILDINGS
 06:09:36 WILL HAVE ANY EFFECT ON THE DRAINAGE ON THE PROPERTY.
 06:09:40 I WOULD HATE TO SEE ANY OF IT DAMAGE ANY OF THE EXISTING
 06:09:44 PRESERVE AND WETLANDS THAT WE DO HAVE THAT DOES ACT AS A
 06:09:47 BUFFER BETWEEN OUR HOMES AND THIS PROPERTY.
 06:09:49 LET ME SEE WHAT ELSE I MIGHT HAVE HAD QUICKLY.
 06:09:56 THE LAST THING I WILL ADDRESS.
 06:09:58 TOM MCGUIRE IS HERE.
 06:10:00 ONE OF MY NEIGHBORS.
 06:10:01 WE DO HAVE A FAMILY OF EAGLES THAT LIVE IN THE CYPRESS TREES
 06:10:06 DIRECTLY BEHIND OUR PROPERTIES.

 06:10:08 AND WHILE AT THIS TIME OF YEAR WITH THE TREES, AS I SAID, IN
 06:10:12 FULL LEAF, IT'S VERY DIFFICULT TO SEE.
 06:10:14 OH, THERE IS THE NEST.
 06:10:15 NEVER KNEW I SHOULD LOOK FOR THE NEST.
 06:10:18 NO, IT'S NOT REGISTERED BUT IT DOESN'T MEAN IT'S NOT
 06:10:20 PROTECTED.
 06:10:21 IT IS MY UNDERSTANDING THERE IS A CERTAIN NUMBER OF FEET
 06:10:24 THAT IS TO BE RESPECTED BEFORE CONSTRUCTION SO THAT THERE IS
 06:10:28 NO DISTURBANCE IF INDEED THERE IS A NEST THERE, WHICH WE
 06:10:32 STILL HAVE TO PINPOINT THE LOCATION.
 06:10:34 AND THAT IF THEY ARE GOING TO BE USING ANY EXPLOSIVES FOR
 06:10:39 DEMOLITION, IT COULD BE AS MUCH AS A QUARTER MILE.
 06:10:42 IT'S MY UNDERSTANDING THERE MAY NEED TO BE A FEDERAL PERMIT
 06:10:45 FOR SUCH CONSTRUCTION.

06:10:47 I DON'T KNOW IF YOU'RE AWARE OF ANY OF THAT, IF THIS IS NEW
 06:10:50 INFORMATION, BUT IT IS INFORMATION THAT WE'RE AWARE OF AND
 06:10:55 GOING TO LOOK INTO.
 06:10:56 THANK YOU.
 06:10:58 I AGREE VERY MUCH.
 06:10:59 THANK YOU, MR. GARGANO.
 06:11:00 THIS IS NOT WHAT I EXPECTED WHEN I PURCHASED MY HOME A FEW
 06:11:04 YEARS AGO, AND I THINK FOUR STORIES IS EXCESSIVE FOR THE
 06:11:09 LAYOUT OF THE ENTIRE BROOKS COMMUNITIES.
 06:11:11 THANK YOU.
 06:11:14 >>Tammy Duran: MARYANN.

 06:11:22 >> HELLO.
 06:11:23 MY NAME IS MARYANN BLAKELY, AND I LIVE AT 10039 MAGNOLIA
 06:11:30 BEND IN SHADOW WOOD.
 06:11:31 I'M ALSO A REAL ESTATE AGENT, AND I BOUGHT MY HOME A YEAR
 06:11:35 AGO.
 06:11:35 I NEVER EXPECTED THAT THERE WOULD BE A RENTAL PROPERTY CLOSE
 06:11:44 TO MY ALMOST \$3 MILLION HOME.
 06:11:46 I LIVE RIGHT BEHIND THIS DEVELOPMENT.
 06:11:50 NOW, IF IT WAS CONDOS THAT PEOPLE WERE BUYING FOR FIVE, SIX
 06:11:56 HUNDRED THOUSAND, THAT WOULD BE A DIFFERENT STORY, BUT WE'RE
 06:11:59 GOING TO HAVE PEOPLE IN THERE RENTING.
 06:12:03 A LOT OF PEOPLE RENTING.
 06:12:05 SHADOW WOOD IS AN UPSCALE COMMUNITY.
 06:12:10 AND I FIND THIS IS GOING TO DEVALUE MY PROPERTY.
 06:12:15 IT DEFINITELY WILL.
 06:12:17 AND IF I WOULD HAVE KNOWN THIS A YEAR AGO, I WOULD HAVE
 06:12:23 NEVER BOUGHT THAT HOUSE.
 06:12:24 I WOULD HAVE STAYED IN FIDDLER'S CREEK WHERE I WAS.
 06:12:27 JUST A THOUGHT.
 06:12:30 RENTAL PROPERTIES DEVALUE THE AREA AROUND IT.
 06:12:35 JUST A FACT.
 06:12:36 THANK YOU.
 06:12:37 >>Scotty Wood: THANK YOU.
 06:12:39 >>Tammy Duran: THAT'S ALL.
 06:12:41 >>Scotty Wood: OKAY.

 06:12:41 THAT ENDS THE PUBLIC INFORMATION MEETING.
 06:12:44 WE MOVE FROM THERE --
 06:12:49 >>Mary Gibbs: MAY I MAKE A COMMENT JUST FOR THE PEOPLE THAT
 06:12:53 ARE HERE?
 06:12:53 TODAY IS THE PUBLIC INFORMATION MEETING.
 06:12:57 THE APPLICANT HAS NOT SUBMITTED THE DEVELOPMENT ORDER YET.
 06:13:00 THEY WILL.
 06:13:01 WHEN THEY DO, WE'LL HAVE IT.
 06:13:03 IF PEOPLE ARE INTERESTED, THEY CAN CONTACT ME AND COME LOOK
 06:13:05 AT IT BECAUSE THIS PROCESS WILL TAKE A LITTLE WHILE TO GO

06:13:09 THROUGH.
 06:13:10 SO THEY ARE WELCOME TO CONTACT ME IF THEY WANT TO SEE ANY OF
 06:13:13 THE PLANS ONCE WE GET THEM IN.
 06:13:17 >>Scotty Wood: OKAY.
 06:13:17 THE NEXT ITEMS ON THE AGENDA REQUIRE THAT I READ FOR THE
 06:13:24 BENEFIT OF THE AUDIENCE INFORMATION ABOUT HOW THIS BOARD
 06:13:30 FUNCTIONS IN A QUASI-JUDICIAL CAPACITY.
 06:13:34 WHEN THIS BOARD IS SCHEDULED TO CONSIDER AND VOTE ON A
 06:13:38 ZONING APPLICATION, DEVELOPMENT ORDER, OR OTHER
 06:13:41 SITE-SPECIFIC APPLICATION, IT SITS IN A QUASI-JUDICIAL
 06:13:46 CAPACITY.
 06:13:47 AND THIS MEETING'S AGENDA INCLUDES SUCH ITEMS.
 06:13:50 YOU'VE ALREADY PROVIDED PUBLIC INPUT, SO I WILL NOT DESCRIBE
 06:13:59 PUBLIC TESTIMONY.
 06:14:01 BUT BEFORE THE MATTER BEGINS, ANY WRITTEN COMMUNICATIONS

 06:14:04 THAT HAVE BEEN RECEIVED BEFORE THE CUTOFF DATE WILL BE
 06:14:07 PLACED INTO THE PUBLIC RECORD.
 06:14:10 BOARD MEMBERS WILL BE ASKED TO DISCLOSE ANY EX PARTE
 06:14:12 COMMUNICATIONS.
 06:14:14 BOARD MEMBERS WILL BE ASKED IF THEY HAVE A CONFLICT
 06:14:17 REGARDING THE MATTER AND MUST DECLARE IT IF THEY DO.
 06:14:20 IF THEY DO, THEY WILL NOT BE ALLOWED TO PARTICIPATE IN BOARD
 06:14:23 DISCUSSION OR VOTE ON THE MATTER.
 06:14:25 THE VILLAGE DIRECTOR OF COMMUNITY DEVELOPMENT, OR A STAFF
 06:14:29 DESIGNEE, WILL INTRODUCE THE MATTER AND THEN ASK THE
 06:14:32 APPLICANT TO MAKE A PRESENTATION AND SUMMARIZE ANY RELATED
 06:14:36 AFFIDAVITS FROM APPLICANT'S EXPERTS IN ATTENDANCE.
 06:14:39 FOLLOWING THIS, THE DIRECTOR OF COMMUNITY DEVELOPMENT OR A
 06:14:43 STAFF DESIGNEE WILL MAKE A PRESENTATION PROVIDING THE STAFF
 06:14:47 REPORT FINDINGS AND RECOMMENDATIONS.
 06:14:49 AFTER THIS, THE PUBLIC HEARING IS OPENED.
 06:14:52 ANYONE WHO HAS BEEN SWORN IN MAY PROVIDE TESTIMONY.
 06:14:56 AGAIN, WE'VE ALREADY PROVIDED PUBLIC INPUT.
 06:15:00 THE APPLICANT HAS THE RIGHT TO CROSS-EXAMINE ANY WITNESS,
 06:15:05 INCLUDING THE PUBLIC, AND MAY PROVIDE REBUTTAL.
 06:15:08 THE PUBLIC MAY NOT CROSS-EXAMINE WITNESSES BUT MAY REQUEST
 06:15:11 THE BOARD TO DIRECT QUESTIONS ON THEIR BEHALF TO EITHER THE
 06:15:15 APPLICANT OR COMMUNITY DEVELOPMENT STAFF.
 06:15:18 PERSONS WHO HAVE BEEN DETERMINED BY THE BOARD TO BE
 06:15:21 INTERESTED PARTIES MAY CROSS-EXAMINE WITNESSES.

 06:15:25 IF A PERSON REPRESENTS AN ORGANIZATION, EVIDENCE OF THEIR
 06:15:28 AUTHORITY TO SPEAK FOR THAT ORGANIZATION MUST BE PROVIDED.
 06:15:32 IN MAKING ITS RECOMMENDATION OR DECISION, THE BOARD SHALL
 06:15:37 CONSIDER THE EVIDENCE IN THE RECORD, THE PUBLIC'S INPUT, AND
 06:15:41 ANY RECOMMENDATIONS TO THE VILLAGE STAFF.
 06:15:44 THE BOARD'S DECISION SHALL BE BASED ON COMPETENT,

06:15:48 SUBSTANTIAL EVIDENCE IN THE RECORD OF THE PROCEEDING AND THE
 06:15:52 APPLICABLE LAW.
 06:15:54 SHOULD ANY APPLICATION BE DENIED, THE BOARD SHALL STATE
 06:15:57 FINDINGS IN REGARD TO THE CRITERION OR CRITERIA THAT ARE NOT
 06:16:01 MET.
 06:16:01 SO WILL THOSE WHO WILL BE TESTIFYING IN THE QUASI-JUDICIAL
 06:16:07 MATTERS PLEASE STAND?
 06:16:12 NANCY, WOULD YOU PLEASE ADMINISTER THE OATH.
 06:16:14 >>Nancy Stroud: THANK YOU.
 06:16:15 DO YOU SWEAR OR AFFIRM THAT THE TESTIMONY THAT YOU WILL
 06:16:18 PROVIDE TONIGHT IS THE TRUTH, THE WHOLE TRUTH AND NOTHING
 06:16:21 BUT THE TRUTH?
 06:16:22 >> I DO.
 06:16:23 >>Nancy Stroud: THANK YOU.
 06:16:26 >>Scotty Wood: MARY, ANY LETTERS OR OTHER WRITTEN
 06:16:28 COMMUNICATIONS, HAVE THEY BEEN RECEIVED?
 06:16:31 IF SO, STATE THAT THEY ARE PART OF THE PUBLIC RECORD.
 06:16:34 >>Mary Gibbs: WE HAD THE E-COMMENTS THAT WE SENT TO YOU
 06:16:37 PREVIOUSLY.

 06:16:38 I THINK THERE WERE 10 OR 12 OF THOSE.
 06:16:41 THEY DIDN'T DISTINGUISH BETWEEN WHICH CASE.
 06:16:46 >>Nancy Stroud: WE'LL ACCEPT THOSE INTO THE RECORD FOR THE
 06:16:47 FINAL PLAN APPROVAL PROCEEDINGS, AS WELL AS THE PUBLIC
 06:16:55 INFORMATION MEETING.
 06:16:58 >>Scotty Wood: BOARD MEMBERS, ANY EX PARTE COMMUNICATIONS?
 06:17:02 >> NO.
 06:17:02 >> NO.
 06:17:04 >>Scotty Wood: ANY CONFLICTS?
 06:17:06 >> NO.
 06:17:06 >> NO.
 06:17:07 >> NO.
 06:17:08 >>Scotty Wood: OKAY.
 06:17:08 MARY, GO AHEAD AND INTRODUCE THIS MATTER.
 06:17:13 REMEMBER NOW, WE'RE NOW TALKING ABOUT A FINAL PLAN APPROVAL,
 06:17:18 DIFFERENT FROM WHAT WE EARLIER DISCUSSED IN TERMS OF WHAT
 06:17:23 ACTION -- WE WILL BE TAKING ACTION ON THE FINAL PLAN
 06:17:27 APPROVAL APPLICATION.
 06:17:29 >>Mary Gibbs: DIFFERENT ACTION BUT, AGAIN, THIS IS THE SAME
 06:17:31 PROJECT THAT WE JUST HAD THE OVERVIEW ON.
 06:17:33 AND SO THEY ARE ASKING FOR FINAL PLAN APPROVAL AND THREE
 06:17:39 DEVIATIONS FOR THE RESIDENCES AT BROOKS TOWN CENTER FOR THE
 06:17:44 154 UNIT MULTIFAMILY BUILDING.
 06:17:46 SO THERE WERE SOME QUESTIONS ABOUT FINAL PLAN APPROVAL AND
 06:17:50 WHAT IS THAT BECAUSE IT'S JUST SOMETHING THAT YOU DON'T HEAR

 06:17:54 MUCH ABOUT AS KIND OF AN ODD PROCEDURE.
 06:17:59 IT'S ACTUALLY A STEP BETWEEN THE ZONING OF A PROPERTY AND

06:18:03 THE DEVELOPMENT ORDER FOR THE PROPERTY.
 06:18:05 FINAL PLAN APPROVAL CAME ABOUT IN LEE COUNTY.
 06:18:11 IT REALLY WAS DESIGNED FOR LARGE PROJECTS, LIKE DRIs.
 06:18:15 SO IN A DRI COMES IN AND BROOKS IS 2500 ACRES, THEY DID KIND
 06:18:21 OF A SITE PLAN THAT SHOWED WHAT DIFFERENT AREAS WERE.
 06:18:25 SO, FOR EXAMPLE, TOWN CENTER HAD LIKE A LITTLE RECTANGLE
 06:18:30 THAT SAID TC, TOWN CENTER.
 06:18:32 IT DIDN'T SHOW WHAT WAS GOING TO BE THERE.
 06:18:34 IT HAD THE LIST OF USES BUT IT DIDN'T SHOW ANY KIND OF A
 06:18:37 SITE PLAN.
 06:18:38 AT THE COUNTY, WE CAME UP WITH THIS IDEA, THAT FINAL PLAN
 06:18:43 APPROVAL WOULD BE THE STEP IN BETWEEN BEFORE YOU CAME IN FOR
 06:18:45 YOUR DEVELOPMENT ORDER.
 06:18:46 AND THE REASON WAS, WE WANTED TO LOOK AT IT AND MAKE SURE
 06:18:48 THAT THE USES WERE CONSISTENT WITH WHAT WAS IN THE APPROVED
 06:18:52 ZONING AND WHAT WAS IN THE APPROVED DRI BECAUSE WE DIDN'T
 06:18:56 WANT YOU TO COME IN AND SUBMIT A DEVELOPMENT ORDER AND THEN
 06:18:59 HAVE TO TELL YOU, OH, THIS DOESN'T EVEN COMPLY WITH THE
 06:19:02 ZONING.
 06:19:02 SO IT WAS LIKE THAT INTERIM STEP.
 06:19:05 IT WAS NEVER REALLY IN THE LAND DEVELOPMENT CODE.
 06:19:08 IT ENDED UP BEING JUST CONDITIONS OF APPROVAL FOR DIFFERENT
 06:19:11 DRIs.

 06:19:12 AND ACTUALLY, I THINK WEST BAY CLUB HAD A SIMILAR CONDITION,
 06:19:16 EVEN THOUGH IT WASN'T A DRI, BUT IT WAS A VERY LARGE
 06:19:19 PROJECT.
 06:19:19 BECAUSE YOU DIDN'T HAVE THAT LEVEL OF DETAIL AT THE TIME.
 06:19:21 SO THAT'S HOW THAT CAME ABOUT.
 06:19:25 AGAIN, THIS PROJECT WAS APPROVED IN 1997.
 06:19:29 NOW, INTERESTINGLY, IT HAD A FINAL PLAN APPROVAL.
 06:19:33 I THINK IT WAS IN ABOUT 2007, AND THAT WAS FOR THIS BROOKS
 06:19:38 TOWN CENTER, THIS PART OF THE PROPERTY THAT WAS THE SHOPPING
 06:19:42 CENTER THAT HAD, I THINK AT THE TIME SWEET BAY RESTAURANT
 06:19:45 AND THE COMMERCIAL BUILDINGS.
 06:19:47 SO THAT WAS APPROVED WITH A FINAL PLAN APPROVAL BY THE
 06:19:50 COUNTY IN 2007.
 06:19:51 NOW, FAST-FORWARD TO TODAY, BECAUSE THEY WANT TO CHANGE THAT
 06:19:59 AND DO SOME REDEVELOPMENT, THEY NEED ANOTHER FINAL PLAN
 06:20:02 APPROVAL.
 06:20:03 LIKE A FINAL-FINAL PLAN APPROVAL.
 06:20:05 AND THE IDEA IS THAT YOU'RE BUILDING PART OF IT INTO
 06:20:10 APARTMENTS, THERE IS A CONDITION IN THE ZONING THAT SAYS,
 06:20:14 BEFORE YOU CAN DO ANY VERTICAL DEVELOPMENT, YOU'VE GOT TO
 06:20:17 HAVE A FINAL PLAN APPROVAL.
 06:20:18 SO THAT'S WHY WE'RE HERE TODAY.
 06:20:21 THE ZONING CONDITIONS ACTUALLY SAY BEFORE YOU APPLY FOR YOUR
 06:20:26 DEVELOPMENT ORDER OR DO YOUR VERTICAL DEVELOPMENT, YOU'VE

06:20:29 GOT TO HAVE THE FINAL PLAN APPROVAL.

06:20:31 AND THEN IT LISTS IN THE CONDITIONS OF THE ZONING APPROVAL
 06:20:35 LISTED WHAT NEEDS TO BE LOOKED AT FOR THE FINAL PLAN
 06:20:38 APPROVAL, WHICH IS BASICALLY WHAT WE JUST WENT OVER.
 06:20:41 HOW MANY UNITS YOU HAVE.
 06:20:42 WHAT YOUR SQUARE FOOTAGE, IF YOU HAVE COMMERCIAL, WHERE IS
 06:20:45 YOUR PARKING, WHERE IS YOUR SITE ACCESS, ALL THESE KIND OF
 06:20:49 DIMENSIONS OF WHERE YOUR ACCESS POINT ARE, WHERE YOUR
 06:20:53 ROADWAYS ARE GOING TO BE AND WHAT ARE THE BUFFERS AND
 06:20:56 SETBACKS.
 06:20:56 SO THAT INFORMATION IS THE BASICS THAT YOU INCLUDE ON THE
 06:20:59 SITE PLAN FOR THE FINAL PLAN.
 06:21:01 THE APPLICANT PROVIDED THAT TO US, AND WE ANALYZED THAT.
 06:21:06 AND WE FOUND THAT IT WAS GENERALLY CONSISTENT WITH WHAT THE
 06:21:08 ZONING -- THE LEE COUNTY ZONING RESOLUTION SAID.
 06:21:12 SO WE ARE RECOMMENDING APPROVAL OF THE FINAL PLAN.
 06:21:17 THEY DID ASK FOR THE DEVIATIONS.
 06:21:20 YOU CAN ASK FOR DEVIATIONS AND IT'S ACTUALLY EXPECTED THAT
 06:21:23 WHEN YOU COME IN FOR FINAL PLAN APPROVAL YOU WOULD TYPICALLY
 06:21:27 ASK FOR DEVIATIONS BECAUSE YOU HAVE MORE INFORMATION OF WHAT
 06:21:31 YOU MIGHT NEED FOR YOUR SITE PLAN.
 06:21:33 SO THEY ASKED FOR THE PARKING DEVIATION THAT WE ALREADY
 06:21:36 TALKED ABOUT.
 06:21:38 IT'S A 21-SPACE REDUCTION.
 06:21:40 WE ACTUALLY WERE THE ONES THAT SUGGESTED THEY DO SOME
 06:21:44 PARKING GARAGES BECAUSE IT WOULD, AGAIN, MAKE THE

06:21:47 DEVELOPMENT A LITTLE BIT MORE UPSCALE.
 06:21:50 SO THEY CONTACTED US AND SAID IN ORDER TO DO THAT, WE'RE
 06:21:53 SHORT ON PARKING.
 06:21:55 WE NEED TO REDUCE -- WE NEED A REDUCTION OF 21, AND WE SAID
 06:21:59 WE WOULD SUPPORT THAT DEVIATION.
 06:22:01 AND THAT IS IN THE SETTLEMENT AGREEMENT THAT THE VILLAGE
 06:22:05 COUNCIL DID.
 06:22:06 IN THE MEANTIME, WHILE THEY ARE WORKING ON THEIR DEVELOPMENT
 06:22:10 ORDER PLANS, THEY REALIZED THAT THEY NEEDED A COUPLE MORE
 06:22:13 DEVIATIONS, AND THAT WAS THE ONE THAT THE ENGINEER BROUGHT
 06:22:16 UP THAT WAS THE ELEVATION OF THE PARKING LOT AND HOW HIGH
 06:22:21 YOU HAVE TO ELEVATE YOUR PARKING LOT FOR STORMWATER BECAUSE
 06:22:24 IT'S ALREADY EXISTING, SO YOU DON'T WANT TO HAVE TWO
 06:22:27 DIFFERENT ELEVATIONS IN YOUR PARKING LOT.
 06:22:29 BUT THE BUILDING WILL HAVE TO MEET ALL FLOOD ELEVATIONS AND
 06:22:32 A FOOT ABOVE, IT'S IN THE BUILDING CODE.
 06:22:35 SO THE BUILDING WILL BE BUILT, BUT YOU DON'T, AGAIN, WANT TO
 06:22:40 DISPARATE KIND OF PARKING LOT AREAS.
 06:22:42 THAT'S WHY THEY ASKED FOR THE DEVIATION.
 06:22:44 THE THIRD DEVIATION HAD TO DO WITH THE LIGHTING BECAUSE THE

06:22:50 LIGHT POLES IN A RESIDENTIAL AREA ARE 15 FEET TALL BY CODE,
 06:22:55 BUT IN A COMMERCIAL AREA, THEY CAN BE 20 FEET BY CODE.
 06:22:58 AND THIS IS LIKE A MIXED USE, SO THIS IS A LITTLE BIT
 06:23:01 DIFFERENT.
 06:23:02 THEY HAVE ALREADY GOT THE EXISTING 20-FOOT AND SOME OF THEM,

 06:23:06 THEY ARE NOT WITHIN A HUNDRED FEET, BUT IT DEPENDS ON
 06:23:09 WHETHER YOU CALL THIS RESIDENTIAL OR COMMERCIAL.
 06:23:12 SO THERE COULD BE A LITTLE BIT OF AN ARGUMENT WITH THAT.
 06:23:15 SO THEY WANTED TO BE CONSERVATIVE AND THEY SAID WE'LL ASK
 06:23:22 FOR THAT DEVIATION.
 06:23:23 WE DON'T OBJECT TO THAT.
 06:23:24 IT IS A MINIMAL DEVIATION.
 06:23:26 WE HAVE RECOMMENDED APPROVAL OF THE FINAL PLAN AND APPROVAL
 06:23:30 OF THE DEVIATIONS.
 06:23:32 AND THEN IN THE RESOLUTION THAT WE ATTACHED IN YOUR PACKET,
 06:23:36 WHICH IS HIDDEN SORT OF WAY IN THE BACK, WE HAVE THE
 06:23:40 CONDITIONS OF APPROVAL, BUT IT'S BASICALLY SIMILAR TO WHAT
 06:23:45 WE DID WITH THE SETTLEMENT AGREEMENT THAT WE SAID THAT THE
 06:23:49 MULTIFAMILY PROJECT HAS TO BE IN SUBSTANTIAL COMPLIANCE WITH
 06:23:52 THE SITE PLAN THAT YOU SEE HERE, THAT THEY SHOWED US AND THE
 06:23:57 ARCHITECTURAL ELEVATIONS THAT THEY SHOWED US, THE CONCEPT
 06:24:00 DESIGN FOR THE ARCHITECTURE AND THE LANDSCAPE PLAN AND THE
 06:24:06 WALL DESIGN.
 06:24:07 SO WE'RE RECOMMENDING APPROVAL WITH THOSE CONDITIONS, AND
 06:24:10 THEN APPROVAL OF THE DEVIATIONS.
 06:24:12 I'M HAPPY TO ANSWER ANY QUESTIONS.
 06:24:19 >>Anthony Gargano: I HAVE A QUESTION.
 06:24:22 CONSIDERING WHAT YOU HEARD IN COMMENTS, PUBLIC COMMENTS WITH
 06:24:25 REGARD TO THE EVIDENT PARKING PROBLEM THERE, WOULD YOU STILL
 06:24:30 SUPPORT THE DEVIATION FOR A REDUCTION OF 21 SPACES?

 06:24:33 >>Mary Gibbs: YES.
 06:24:34 LET ME EXPLAIN WHY.
 06:24:35 I THINK THERE ARE TWO DIFFERENT THINGS WITH PARKING.
 06:24:38 SO THIS APPLICATION, WE LOOKED AT THE PARKING, AND WE HAD
 06:24:42 SOME QUESTIONS INITIALLY.
 06:24:43 THIS IS GOING TO BE DEVELOPED AS A LAND CONDOMINIUM.
 06:24:48 SO BASICALLY YOU'VE GOT TEN ACRES IN THE PARKING.
 06:24:52 THEY MEET THE PARKING REQUIREMENTS.
 06:24:53 THEY HAVE ENOUGH FOR ALL THE COMMERCIAL AND ENOUGH FOR THE
 06:24:57 MULTIFAMILY BECAUSE IT'S ALL CONSIDERED ONE PARCEL.
 06:25:01 NOW, ARE THERE SOME ISSUES?
 06:25:04 WE HAVE THE SAME ISSUE IN THIS OFFICE DEVELOPMENT HERE THAT
 06:25:06 PEOPLE TELL US WE DON'T HAVE ENOUGH PARKING.
 06:25:08 YES, WE HAVE ENOUGH PARKING.
 06:25:10 DO WE HAVE ENOUGH SPACES RIGHT IN FRONT OF CERTAIN
 06:25:13 BUSINESSES?

06:25:14 THERE MAY BE AN ISSUE AND I THINK THE APPLICANT SHOULD LOOK
 06:25:17 AT THAT AND MAYBE GET WITH THE MANAGEMENT OF THE CENTER TO
 06:25:21 FIGURE OUT HOW THEY ARE GOING TO ASSIGN THE PARKING AND HOW
 06:25:24 THAT WILL WORK, LIKE IF THE BARBERSHOP IS THE MOST POPULAR
 06:25:28 AREA, MAYBE THEY NEED TO LOOK AT THAT, BECAUSE PEOPLE DON'T
 06:25:31 LIKE TO WALK TOO FAR TO GET TO THEIR CARS.
 06:25:33 COULD THERE BE LIKE AN OPERATIONAL THING THAT THEY CAN LOOK
 06:25:36 AT?
 06:25:37 I THINK POSSIBLY.

06:25:38 BUT THE DEVIATION ITSELF, I THINK THERE'S MORE THAN
 06:25:41 SUFFICIENT PARKING.
 06:25:43 SO, YEAH, I WOULD RECOMMEND THEM.
 06:25:47 >>Scotty Wood: ANYONE ELSE?
 06:25:50 >>Barry Jones: MARY, THERE'S ONE SPOT THAT HAS 14 SPOTS IN A
 06:25:53 ROW.
 06:25:53 DOES THAT REQUIRE ANY SORT OF DEVIATION?
 06:25:59 >>Mary Gibbs: WHO INVITED HIM TO THIS MEETING.
 06:26:00 [LAUGHTER]
 06:26:03 >>Barry Jones: ON THE BUILDING HEIGHT, THE 50 FEET, DOES
 06:26:06 CURRENT ZONING RESOLUTION ALLOW THEM SOME LEEWAY FOR
 06:26:12 ARCHITECTURAL ENHANCEMENTS, ELEVATOR TOWERS, MIGHT WANT TO
 06:26:15 DO POP-UPS?
 06:26:18 >>Mary Gibbs: HOLD ON.
 06:26:19 I CAN'T MULTITASK.
 06:26:20 I THINK JIM WAS TELLING ME FOR THE 14 -- AS LONG AS YOUR
 06:26:24 AVERAGE IS 10.
 06:26:26 >>Barry Jones: I JUST WANT TO MAKE SURE THEY NEEDED
 06:26:29 SOMETHING THAT WAS INCLUDED AND WE DIDN'T HAVE TO THROW IT
 06:26:31 IN AND GO THROUGH ANOTHER PROCESS.
 06:26:33 >>Mary Gibbs: WHAT WAS THE OTHER QUESTION?
 06:26:35 >>Barry Jones: BUILDING HEIGHT OF 50 FEET.
 06:26:37 IN THE ESTERO CODE, THERE'S ALLOWANCES FOR ARCHITECTURAL
 06:26:41 ENHANCEMENTS, BUT THIS IS UNDER THE DEVELOPMENT ORDER THAT
 06:26:44 WAS IN PLACE AT THE TIME.

06:26:45 DID THAT DEVELOPMENT ORDER ALSO ALLOW FOR THOSE ELEVATIONS
 06:26:50 ABOVE THE MAXIMUM PROVIDED SOME SORT OF ARCHITECTURAL
 06:26:55 ENHANCEMENT OR THEY WANT TO BE ABLE TO DO THAT, WE NEED TO
 06:26:58 ADD SOMETHING TO THIS TO ACCOUNT FOR THAT?
 06:27:02 >>Mary Gibbs: I HONESTLY CAN'T REMEMBER.
 06:27:03 HAVE TO GO BACK.
 06:27:05 I THINK THEY MEET THE 50-FOOT FROM WHAT --
 06:27:10 >>Barry Jones: PROBABLY 50-FOOT TO GET WHAT THEY HAVE NOW
 06:27:13 AND THEY COULD USE SOMETHING TO MOVE A LITTLE MORE VERTICAL.
 06:27:15 SO THERE'S SOMETHING THAT'S RESTRAINING THEM FROM BEING ABLE
 06:27:18 TO BREAK UP THE VERTICALITY OF THE BUILDING.
 06:27:21 >>Mary Gibbs: I DON'T THINK THERE IS A RESTRICTION ON THAT.

06:27:24 >>Jim Wallace: DOESN'T THE LDC SAY TO THE TIE BEAM, THE
 06:27:28 STRUCTURAL?
 06:27:29 >>Barry Jones: I DON'T KNOW WHAT THE SPECIFIC --
 06:27:31 >>Mary Gibbs: THE LDC DOES IN THE NEW CODE.
 06:27:33 THIS WAS DONE UNDER THE OLD CODE, BUT IT HAS TO COMPLY WITH
 06:27:36 THE NEW CODE.
 06:27:37 TO THE EXTENT IT'S NOT VESTED.
 06:27:39 SO IT GETS A LITTLE CONFUSING.
 06:27:41 >>Nancy Stroud: MARY, THAT IS WHAT I WAS GOING TO SAY.
 06:27:45 IF OUR LAND DEVELOPMENT CODE ALLOWS FOR THAT NOW AND IT
 06:27:49 ISN'T CONTRARY TO WHAT'S IN THE ZONING AND IT ISN'T BECAUSE
 06:27:52 I DON'T BELIEVE THERE'S ANY RESTRICTION IN THAT WAY, THEN
 06:27:56 THEY WON'T NEED A DEVIATION.

06:27:57 >>Barry Jones: IF WE ASK THEM TO DO SOME VERTICAL BUMP-UPS
 06:28:01 TO HELP BREAK UP THE LINE, THEY ARE NOT GOING TO BE
 06:28:03 RESTRICTED BY THE 50 FEET IS WHAT I'M HEARING.
 06:28:06 >> CORRECT.
 06:28:07 >>Barry Jones: THANK YOU FOR THAT FEEDBACK.
 06:28:11 >>Scotty Wood: OTHERS?
 06:28:12 OKAY.
 06:28:15 I'D LIKE A MOTION --
 06:28:17 >>Mary Gibbs: DO YOU WANT TO HEAR FROM THE APPLICANT?
 06:28:25 >>Scotty Wood: YOU DIDN'T TELL US THAT.
 06:28:26 [LAUGHTER]
 06:28:26 THE APPLICANT, THEY MADE COMMENTS.
 06:28:33 >>Nancy Stroud: THIS IS QUASI-JUDICIAL, SO THE APPLICANT HAS
 06:28:36 AN OPPORTUNITY TO PRESENT ITS CASE.
 06:28:38 >>Scotty Wood: DO YOU WISH TO?
 06:28:42 >>Mary Gibbs: OR THEY CAN SAY THEY AGREE.
 06:28:50 >>Neale Montgomery: NEALE MONTGOMERY FOR THE RECORD.
 06:28:51 I DO AGREE WITH WHAT MARY SAID AND I WASN'T REALLY JOKING.
 06:28:55 IF YOU WERE READY TO MAKE A MOTION TO APPROVE, I DON'T NEED
 06:28:58 TO BELABOR THE TOPIC.
 06:28:59 I THINK MARY DID A GOOD JOB OF OUTLINING THE PROCESS.
 06:29:03 I THINK, MR. WALLACE, YOU DID LIGHTHOUSE BAY, SO YOU KNOW
 06:29:06 WHAT THE FINAL PLAN APPROVAL PROCESS IS AND PART OF THE D.O.
 06:29:10 PROCESS.
 06:29:10 I BROUGHT THIS ALONG BECAUSE THESE ARE ALL THE REGULATIONS

06:29:14 MARY HAD TO LOOK AT TO ENSURE COMPLIANCE, SO AS A DRI, IT'S
 06:29:19 HIGHLY REGULATED, MORE THAN MOST.
 06:29:21 JUST SO YOU KNOW, THE FACT THAT ONE LADY RAISED CONCERN
 06:29:26 ABOUT HURRICANE EVACUATION, THERE IS A SECTION THAT
 06:29:29 ADDRESSES RULES FOR THIS PROJECT FOR HURRICANE EVACUATION
 06:29:33 OVER AND ABOVE WHAT IS IN THE LAND DEVELOPMENT CODE.
 06:29:40 >>Barry Jones: I HAD ONE QUESTION ABOUT THE PARKING STUDY.
 06:29:42 WAS THERE ANY BACKUP FROM OTHER PROPERTIES THAT WENT WITH

06:29:46 THAT, THAT SHOWED THAT THE PARKING WOULD BE SUFFICIENT?
 06:29:50 >>Neale Montgomery: I AGREE WITH WHAT MARY SAID, THERE IS
 06:29:52 SUFFICIENT.
 06:29:53 ONE OF THE THINGS THAT WE ALL FOUND OUT THROUGH THE E-MAILS
 06:29:57 TO YOU FOLKS IS THAT FOLKS IN THE CLUB, THE FITNESS CENTER
 06:30:02 AT THE CLUB, ARE PARKING ON THIS PROJECT.
 06:30:05 THAT'S SOMETHING WE'LL HAVE TO LOOK INTO, TO MAKE SURE THEY
 06:30:07 PARK ON THEIR PARKING LOT.
 06:30:09 >>Barry Jones: IS THERE GOING TO BE SIGNAGE THAT SPLITS THE
 06:30:12 PARKING BETWEEN THE RESIDENTIAL AND THE COMMERCIAL?
 06:30:15 >>Neale Montgomery: I HAVE TO --
 06:30:17 >>Barry Jones: DO YOU HAVE A DEFINED PARKING -- YOU HAVE
 06:30:20 DEFINED PARKING LEASE THAT SAYS THESE SPOTS ARE MINE?
 06:30:24 >> [NOT SPEAKING INTO A MICROPHONE]
 06:30:34 >>Barry Jones: YOU HAVE A CERTAIN NUMBER OF SPOTS DELEGATED
 06:30:36 TO THE APARTMENT COMPLEX.
 06:30:37 >>Tom Cavanaugh: EVERYTHING YOU SEE IN GRAY IS GOING TO BE

 06:30:41 DEDICATED TO THE APARTMENT COMPLEX.
 06:30:43 >>Barry Jones: THE ONLY THING YOU'RE TAKING ARE THE THREE AT
 06:30:46 THE CORNER THERE, THOSE ARE DELEGATED IN YOUR LEASE
 06:30:49 AGREEMENT TO THE APARTMENT COMPLEX.
 06:30:50 >>Tom Cavanaugh: YES.
 06:30:51 >>Barry Jones: THOSE WOULD BE MARKED OFF FOR APARTMENTS ONLY
 06:30:53 OR SOMETHING.
 06:30:54 >>Tom Cavanaugh: I DON'T THINK I'LL MARK THEM OFF.
 06:30:58 >>Barry Jones: FIRST COME, FIRST SERVED.
 06:31:00 >>Tom Cavanaugh: I CAN'T SIT HERE AND SWEAR IN BLOOD, BUT
 06:31:02 THE INTENTION IS NOT TO CROSS-POLLINATE WITH THE RETAIL.
 06:31:09 >>Barry Jones: I'M TRYING TO UNDERSTAND WHAT WE'RE APPROVING
 06:31:11 AND MAKE SURE EVERYBODY ELSE DOES.
 06:31:13 SO AS IT SITS, YOU'VE GOT EVERYTHING IN GRAY, AND THEN YOU
 06:31:16 GOT THE THREE SPOTS THAT ARE IN THE CORNER, BUT IT'S NOT
 06:31:19 YOUR INTENT TO RESERVE THEM FOR RESIDENTS OR ANYTHING.
 06:31:22 IT'S FIRST COME, FIRST SERVED.
 06:31:23 >>Tom Cavanaugh: CORRECT.
 06:31:25 >>Barry Jones: OKAY.
 06:31:25 THANK YOU.
 06:31:25 >>Jim Wallace: THE WHOLE CONCEPT OF SHARED PARKING IS THERE
 06:31:28 ARE SOME PEOPLE WHO ARE BUSY WITH CARS IN THE MORNING AND
 06:31:33 THERE ARE OTHER PEOPLE WHO ARE BUSY WITH CARS IN THE
 06:31:35 EVENING.
 06:31:36 THAT'S WHY SHARED PARKING WORKS.

 06:31:38 BUT I HEARD SOMEONE SAY THAT THERE ISN'T ENOUGH SPACE.
 06:31:43 IS IT THAT PEOPLE ARE GOING FOR A HAIR CUT AND THEY ARE
 06:31:47 GOING TO WORK OUT IN THE FITNESS CENTER AT THE SAME TIME?
 06:31:48 I DIDN'T QUITE UNDERSTAND WHAT THE ISSUE WAS.

06:31:52 >>Tom Cavanaugh: LET ME GIVE YOU MY BEST GUESS.
 06:31:56 I'VE BEEN HERE A COUPLE OF TIMES.
 06:31:58 I LOOKED AT THE PARKING LOT.
 06:31:59 I THINK IT'S MORE OF AN ISSUE OF CONVENIENCE.
 06:32:02 THERE'S PLENTY OF PARKING AS YOU GO TOWARDS COCONUT.
 06:32:05 AS A GENERAL RULE, I THINK PEOPLE DON'T LIKE WALKING.
 06:32:08 SO WHEN YOU ARE -- YOU OWN A RETAIL ESTABLISHMENT,
 06:32:12 RIGHTFULLY SO, YOU WANT EVERYBODY TO PARK DIRECTLY IN FRONT
 06:32:14 OF YOUR FRONT DOOR.
 06:32:16 I GET THAT.
 06:32:17 BUT I HAVE NOT, NOR DO I SUSPECT THAT THERE IS A TRUE
 06:32:21 PARKING PROBLEM THERE.
 06:32:23 SEVERAL OF THE -- I WOULDN'T SAY SEVERAL, BUT THERE ARE A
 06:32:26 FEW BAYS THAT DON'T EVEN HAVE BUSINESSES IN THEM.
 06:32:33 >>Jim Wallace: MARY POINTED IT OUT EARLIER, THAT NORTHEAST
 06:32:36 CORNER, THERE IS A WHOLE LOT OF PARKING SPACES THERE, BUT IS
 06:32:39 THERE A WAY TO FACILITATE THE PEOPLE THAT ARE USING THE
 06:32:42 BROOKS COMMONS FITNESS CENTER SO THAT IT'S MORE CONVENIENT
 06:32:46 FOR THEM TO PARK THERE IF THEY ARE GOING TO PARK ANYWHERE?
 06:32:50 >>Tom Cavanaugh: I CAN'T SPEAK TO THAT ONLY BECAUSE I AM NOT
 06:32:53 PRIVY TO THAT.

 06:32:54 I AM A CONTRACT PURCHASER BASICALLY OF EVERYTHING YOU SEE IN
 06:32:58 ORANGE AND GRAY.
 06:32:58 SO I CAN'T SPEAK TO THE RETAIL.
 06:33:04 >>Jim Wallace: JUST LOOKING FOR A SOLUTION.
 06:33:07 >>Scotty Wood: ANYTHING ELSE?
 06:33:09 >>Tom Cavanaugh: IF YOU HAVE ANY QUESTIONS, LET ME KNOW.
 06:33:11 THANK YOU.
 06:33:11 >>Scotty Wood: ANY QUESTIONS?
 06:33:13 >>Neale Montgomery: I DO WANT TO SAY ONE THING, DURING THE
 06:33:15 TIME WHEN ALL THESE DRIS WERE GOING ON, MS. GIBBS WAS ONE
 06:33:19 OF THE PEOPLE WHO REVIEWED MOST OF THEM AND THERE WAS
 06:33:23 CONCERN ABOUT BEING ABLE TO TRACK DEVELOPMENT WITHIN DRIS,
 06:33:27 SO SHE DESERVES CREDIT, DEPENDING ON HOW YOU WANT TO LOOK AT
 06:33:32 IT FOR FINAL PLAN APPROVAL PROCESS.
 06:33:35 REALLY IT HAS WORKED OVERTIME.
 06:33:36 >>Barry Jones: I HAVE ONE MORE QUESTION, CHARLIE.
 06:33:38 THE 2019 WAS THE TRAFFIC COUNT THAT WAS USED, THAT THE LADY
 06:33:43 REFERRED TO.
 06:33:43 I JUST WANT TO MAKE SURE I UNDERSTAND WHY, 2020 WAS COVID,
 06:33:48 2021 YOUR SHOPPING CENTER WAS HALF DEAD.
 06:33:51 SO IT WASN'T GENERATING AS MANY TRIPS.
 06:33:53 SO 2019 WAS THE BEST BASELINE YOU HAD.
 06:33:56 >>Neale Montgomery: I THINK A BETTER WAY TO LOOK AT THIS IS
 06:34:00 IT'S A DRI.
 06:34:01 THE DRI HAS A TOTAL NUMBER OF APPROVED NET NEW EXTERNAL

06:34:06 TRIPS BASED ON THE DRI TRAFFIC ANALYSIS.
 06:34:10 NUMBER ONE, THIS RESIDENTIAL DEVELOPMENT GENERATES, AS MARY
 06:34:16 HAS INDICATED, AND I THINK CHARLIE, LESS TRIPS THAN
 06:34:20 COMMERCIAL.
 06:34:20 IF YOU JUST LOOK UP ITE, YOU'LL SEE WHEN YOU COMPARE THAT.
 06:34:26 AND THAT'S ESSENTIALLY WHAT TED DID AS I UNDERSTAND IT.
 06:34:29 IT WASN'T BASED ON GOING OUT AND DOING TRAFFIC COUNTS.
 06:34:32 IT WAS AND AS YOU ALSO KNOW, ITE CHANGES.
 06:34:37 I DON'T EVEN KNOW WHAT EDITION IT WAS.
 06:34:40 I THINK WE'RE UP TO THE 11th EDITION.
 06:34:43 YOU'VE GOT TO BRING IT ALL TO ONE COMMON ITE, CONVERT IT,
 06:34:47 AND THEN LOOK AT IT TO MAKE SURE YOU'RE NOT EXCEEDING YOUR
 06:34:50 NUMBER OF NET NEW EXTERNAL TRIPS AND THEN LOOKED AT IT ON
 06:34:53 THIS PROJECT OF LOOKING AT CONVERTING THAT COMMERCIAL TO THE
 06:34:57 RESIDENTIAL IN TERMS OF TRIP GENERATION AND IT WAS A
 06:34:59 REDUCTION.
 06:34:59 COVID DOESN'T REALLY HAVE ANYTHING TO DO WITH IT.
 06:35:01 >>Barry Jones: FOR THE LEVEL OF SERVICE ANALYSIS, GENERALLY
 06:35:04 LOOK AT THE BACKGROUND TRAFFIC, PUT YOURS ON TOP OF IT TO
 06:35:07 ASSESS THE LEVEL OF SERVICE.
 06:35:09 >>Neale Montgomery: LOOK AT BACKGROUND TRAFFIC AND
 06:35:11 HISTORICAL GROWTH RATES WHEN YOU DO THE ORIGINAL DRI
 06:35:15 ANALYSIS.
 06:35:16 AND THAT'S WHAT YOU PAY YOUR MITIGATION ON.
 06:35:18 JUST SO THE FOLKS KNOW, THIS PROJECT PAID OVER AND ABOVE

 06:35:22 IMPACT FEES.
 06:35:23 WHEN YOU DO THAT DRI ANALYSIS, SOMETIMES YOUR PROP SHARE IS
 06:35:28 LOWER THAN IMPACT FEES AND YOU PAY IMPACT FEES AND SOMETIMES
 06:35:31 IT'S OVER.
 06:35:31 IN THIS CASE, IT WAS OVER, AND SO THEY PAID MORE THAN YOUR
 06:35:36 AVERAGE PERSON BUILDING A HOUSE FOR THIS PROJECT.
 06:35:40 >>Mary Gibbs: MAY I SAY SOMETHING?
 06:35:43 BECAUSE NEALE'S EXPLANATION IS SORT OF MAKING MY HEAD
 06:35:47 EXPLODE A LITTLE BIT.
 06:35:48 WHAT I DID IS BECAUSE THIS CAME IN IN 2020 SO WE LOOKED AT
 06:35:52 THE TRAFFIC, BUT WHEN THIS CAME BACK AND WE WERE SETTling
 06:35:57 THE LAWSUIT, I TOOK THAT TRAFFIC STUDY AND I TALKED TO OUR
 06:36:01 PUBLIC WORKS DIRECTOR, DAVID WILLEMS, AND I SAID YOU'VE GOT
 06:36:04 NEWER TRAFFIC COUNTS.
 06:36:06 HELP ME LOOK AT THIS AND MAKE SURE THERE'S NO ISSUE BEFORE
 06:36:09 WE PROCEED.
 06:36:10 SO THE LATEST TRAFFIC COUNTS MIGHT BE 2019 OR SOMETHING.
 06:36:14 BUT WE LOOKED AT THE TRAFFIC COUNTS, THE LATEST ONES, AND
 06:36:18 IT'S STILL LEVEL OF SERVICE C ON THE ROAD.
 06:36:21 I KNOW AT PEAK HOUR PEOPLE THINK IT'S HORRIBLE AND IT IS IF
 06:36:24 YOU'RE SITTING IN IT, BUT IT MEETS THE LEVEL OF SERVICE.
 06:36:28 IT DID NOT CREATE ANY ISSUE.

06:36:30 I WANTED TO BE REALLY CAREFUL ABOUT THAT TO MAKE SURE THAT
 06:36:33 THERE WASN'T SOMETHING WE WERE MISSING.
 06:36:36 >>Barry Jones: THANK YOU.

06:36:37 WE'RE NOT APPROVING COLORS OR ANYTHING ARCHITECTURALS AS
 06:36:41 PART OF THIS.
 06:36:41 JUST THE HORIZONTAL SITE PLAN.
 06:36:45 >>Mary Gibbs: YOU'RE NOT APPROVING -- I MEAN, THE SITE PLAN
 06:36:47 IS AN ATTACHMENT JUST THAT HAS THE PARAMETERS OF WHAT THE
 06:36:52 PROJECT IS.
 06:36:54 ARCHITECTURALS, THE LANDSCAPING, ALL OF THAT, WE WANT THE
 06:36:57 COLORS WILL BE REVIEWED AS PART OF YOUR DEVELOPMENT ORDER.
 06:37:01 >>Barry Jones: MAKING SURE THERE WASN'T ANY PATTERN BOOK
 06:37:04 ATTACHED.
 06:37:04 >>Mary Gibbs: THERE'S NO PATTERN, BUT JUST THE GENERAL, THE
 06:37:07 CONCEPT -- THE CONCEPT OF THE ARCHITECTURE AND LANDSCAPING,
 06:37:10 BUT THERE'S NO DETAILED LANDSCAPING.
 06:37:12 YOU'LL NEED TO LOOK AT THAT.
 06:37:14 >>Barry Jones: THANK YOU.
 06:37:15 >>Nancy Stroud: I SHOULD ADD THAT EVERYONE REALIZED IN THIS
 06:37:20 WHOLE PROCESS THAT THERE MAY BE CHANGES THAT COME AT
 06:37:25 DEVELOPMENT ORDER ONCE A LOT OF THE DETAILS ARE DONE THAT
 06:37:29 MIGHT BE SLIGHTLY DIFFERENT THAN WHAT YOU SEE IN THE
 06:37:32 ELEVATIONS.
 06:37:33 THE ELEVATIONS ARE CONCEPTUAL.
 06:37:36 THE LANDSCAPING IS CONCEPTUAL, BUT THE IDEA IS THAT THEY SET
 06:37:42 OUT THE GENERAL IDEA.
 06:37:44 IF THERE ARE ENGINEERING CONCERNS THAT POP UP WHEN WE GET TO
 06:37:48 THE MORE DETAILED REVIEW, THEN YOU MIGHT SEE SOME CHANGES.

06:37:53 AND IF YOU HAVE SUGGESTIONS FOR DESIGN AND THE KIND OF THING
 06:37:58 YOU DO WITH DEVELOPMENT ORDER THAT ARE WITHIN THE LAND
 06:38:01 DEVELOPMENT CODE RESTRICTIONS THAT YOU FOLLOW, THEN THAT
 06:38:06 WOULD CERTAINLY BE ABLE TO BE DISCUSSED AT DEVELOPMENT ORDER
 06:38:09 AS WELL.
 06:38:11 >>Barry Jones: THANK YOU.
 06:38:14 >>Mary Gibbs: DO WE NEED TO TAKE PUBLIC INPUT, THOUGH?
 06:38:16 >>Nancy Stroud: WE DO NEED A PUBLIC HEARING.
 06:38:18 >>Scotty Wood: YEAH.
 06:38:19 GO AHEAD.
 06:38:21 I WILL OPEN THE PUBLIC HEARING.
 06:38:23 >>Tammy Duran: I DON'T HAVE ANYTHING.
 06:38:24 >>Scotty Wood: NOTHING?
 06:38:24 >>Tammy Duran: NO.
 06:38:27 >>Mary Gibbs: QUIET PEOPLE ON THIS SIDE DON'T WANT TO TALK?
 06:38:29 ALREADY HAVE.
 06:38:32 JUST CHECKING.
 06:38:35 >>Scotty Wood: WE HAVE A HAND GOING UP.

06:38:37 PLEASE COME TO THE PODIUM.
 06:38:41 >>Tammy Duran: SHE DIDN'T SWEAR IN.
 06:38:44 >>Nancy Stroud: IF YOU'RE GOING TO PROVIDE SOME TESTIMONY,
 06:38:49 YOU NEED TO BE SWORN IN.
 06:38:50 IF YOU JUST HAVE A QUESTION.
 06:38:52 >> I HAVE A QUESTION.
 06:38:53 >>Nancy Stroud: OKAY.

 06:38:54 GO AHEAD.
 06:38:56 >> I GUESS I DON'T UNDERSTAND THE PROCESS SO WELL, BUT
 06:39:00 SOMEONE ELSE ON THE BOARD MENTIONED WHO IS RESPONSIBLE FOR
 06:39:04 TAKING CARE AND MAINTAINING THIS PROPERTY SO WHATEVER
 06:39:08 APPEARS WILL LOOK GOOD AND LOOK TO THE LEVELS OF THE BROOKS
 06:39:14 AREA?
 06:39:14 THANK YOU.
 06:39:17 >>Mary Gibbs: AND THAT'S A GOOD QUESTION BECAUSE WE'RE GOING
 06:39:21 TO NEED TO LOOK AT THAT.
 06:39:23 JIM MERRITT, WHO TALKED EARLIER ABOUT THE CDD, AND SAYING
 06:39:27 THAT YOU ALL NEED TO PUT RESTRICTIONS ON THE MAINTENANCE, I
 06:39:31 DON'T BELIEVE THAT IS THE VILLAGE'S RESPONSIBILITY.
 06:39:33 I THINK THIS IS A CDD ISSUE.
 06:39:36 BETWEEN THE CDD AND THE PROPERTY OWNERS THAT WILL NEED TO BE
 06:39:42 WORKED OUT.
 06:39:42 BUT I THINK WE'VE GOT SOME GOOD QUESTIONS FROM THE PUBLIC
 06:39:45 THAT WE NEED TO LOOK INTO.
 06:39:47 >>Jim Wallace: ISN'T THE CDD RESTRICTED BY THE RIGHT-OF-WAY
 06:39:52 ITSELF?
 06:39:52 IT'S RESPONSIBLE FOR THE RIGHT-OF-WAY AND EVERYTHING WITHIN
 06:39:56 THE PROPERTY IS RESPONSIBLE BY THE OWNER?
 06:40:00 >>Barry Jones: MAY HAVE SOME ARCHITECTURAL CONTROL, LIKE THE
 06:40:04 COCONUT POINTE DOES.
 06:40:06 >>Jim Wallace: THEY DO.
 06:40:10 >>Nancy Stroud: THAT'S THE KIND OF DETAIL WE CAN COME BACK

 06:40:11 TO AT DEVELOPMENT ORDER AFTER MARY DOES MORE RESEARCH.
 06:40:15 >>Scotty Wood: ANYTHING ELSE?
 06:40:16 WE HAVE BEFORE US RESOLUTION NUMBER 2023-01 FOR FINAL PLAN
 06:40:25 APPROVAL OF THIS PROJECT.
 06:40:28 COULD I HAVE A MOTION TO APPROVE IT?
 06:40:32 >>Barry Jones: MAKE A MOTION TO APPROVE IT WITH STIPULATIONS
 06:40:35 AND DEVIATIONS AS RECOMMENDED BY STAFF.
 06:40:40 >> AND THEY ARE EMBODIED IN THE RESOLUTION.
 06:40:42 >>Barry Jones: CORRECT.
 06:40:44 >>Scotty Wood: ANY SECOND?
 06:40:46 >> SECOND.
 06:40:47 >>Scotty Wood: ANY DISCUSSION?
 06:40:48 TAMMY, PLEASE CALL THE ROLL.
 06:40:54 >>Anthony Gargano: I'M GOING TO CAST MY TILTING AT WINDMILLS

06:40:59 VOTE OF NO.
 06:41:02 >>Kristin Jeannin: YES.
 06:41:04 >>Barry Jones: YES.
 06:41:06 >>Michael Sheeley: YES.
 06:41:08 >>James Tatoes: YES.
 06:41:10 >>Jim Wallace: YES.
 06:41:12 >>Scotty Wood: YES.
 06:41:22 >>Neale Montgomery: THANK YOU.
 06:41:25 >>Scotty Wood: LET'S SEE.
 06:41:28 >>Mary Gibbs: THE NEXT PERSON IS GOING TO ZOOM IN, SO TAMMY
 06:41:32 IS GOING TO LINK THAT IN.

 06:41:33 DO YOU WANT A TWO-MINUTE BREAK?
 06:41:36 >>Scotty Wood: LET'S DO A LITTLE BREAK.
 06:41:39 LET'S DO A FIVE-MINUTE BREAK.
 06:41:41 [BREAK]
 06:49:38 >>Scotty Wood: I WOULD LIKE TO RECONVENE.
 06:49:40 THE NEXT ITEM IS ESTERO BAY CHEVROLET AUTO DEALERSHIP
 06:49:57 LIGHTING UPGRADE.
 06:49:57 IT IS A DEVIATION FROM THE LAND DEVELOPMENT CODE.
 06:50:01 FIRST OF ALL, ANY EX PARTE COMMUNICATIONS?
 06:50:04 >> NO.
 06:50:05 >> NO.
 06:50:05 >> NO.
 06:50:06 >>Scotty Wood: ANY CONFLICTS?
 06:50:07 >> NO.
 06:50:08 >> NO.
 06:50:09 >> NO.
 06:50:09 >>Scotty Wood: OKAY.
 06:50:10 ANYTHING ON THE RECORD, MARY?
 06:50:12 >>Mary Gibbs: NO.
 06:50:16 >>Scotty Wood: WHY DON'T YOU INTRODUCE IT, MARY.
 06:50:18 THE REPRESENTATIVE IS GOING TO ZOOM IN, AS I RECALL.
 06:50:22 >>Mary Gibbs: YES, HE'S ON THE ZOOM.
 06:50:23 YOU CAN SEE HIS FACE IN THE CORNER.
 06:50:25 >>Scotty Wood: WHEN THAT PERSON IS UP ON THE SCREEN, I'LL
 06:50:30 ASK NANCY TO SWEAR HIM IN.

 06:50:31 >>Nancy Stroud: MR. KIMES, CAN YOU HEAR ME?
 06:50:34 >> I CAN.
 06:50:35 >>Nancy Stroud: WILL YOU RAISE YOUR RIGHT HAND, PLEASE?
 06:50:37 DO YOU SWEAR TO TELL THE TRUTH, THE WHOLE TRUTH, AND NOTHING
 06:50:40 BUT THE TRUTH.
 06:50:42 >> NATE KIMES: I DO.
 06:50:46 >>Scotty Wood: DOES THE STAFF --
 06:50:51 >>Mary Gibbs: JIM IS GOING TO TALK.
 06:50:54 >>Nancy Stroud: WERE YOU SWORN IN?
 06:50:55 YOU ARE SWORN IN FOR ALL OF THE PUBLIC HEARINGS.

06:50:59 >>Mary Gibbs: JIM IS GOING TO EXPLAIN IT BECAUSE I THINK
 06:51:04 YOU'RE TIRED OF HEARING ME.
 06:51:05 >>Jim Hart: OKAY.
 06:51:07 BASICALLY WHAT THEY ARE REQUESTING IS A CHANGE FROM THE LAND
 06:51:14 DEVELOPMENT CODE, SECTION 35-604E.
 06:51:19 THEY CURRENTLY HAVE 5000K LIGHTING.
 06:51:23 THEY WOULD LIKE TO MAINTAIN THAT 4 TO 5000K LIGHTING INSTEAD
 06:51:27 OF THE LAND DEVELOPMENT CODE REQUIRED 3000K LIGHTING.
 06:51:30 THIS FACILITY IS BASICALLY ON THE SOUTHWEST CORNER OF
 06:51:35 CORKSCREW AND 75.
 06:51:37 AND STAFF RECOMMENDS DENIAL OF THIS REQUEST.
 06:51:45 I'M GOING TO WALK THROUGH IT REAL QUICK WHAT THE ITEMS ARE.
 06:51:48 >>Mary Gibbs: JIM, CAN I BUTT IN AND ASK TO YOU EXPLAIN WHAT
 06:51:54 "K" IS, FOR PEOPLE LIKE ME THAT DON'T KNOW.
 06:51:56 >>Jim Hart: THE CODE HAS WHAT IS REFERRED TO AS A CCT, A

 06:52:01 CORRELATED COLOR TEMPERATURE.
 06:52:03 THE K IS DEGREES KELVIN.
 06:52:05 IT'S BASICALLY A MEASURE OF THE BRIGHTNESS OF THE LIGHT, THE
 06:52:10 LIGHT FREQUENCIES.
 06:52:11 WE ARE RECOMMENDING DENIAL.
 06:52:17 FIRST OF ALL, THE VILLAGE SPECIFICALLY IDENTIFIED THE CCT AS
 06:52:21 3000K TO LIMIT THE LIGHT POLLUTION IN THE 2021 LDC.
 06:52:27 INCREASING THE CCT FROM 4 OR 5000K FROM THE 3000 INCREASES
 06:52:35 THE LIGHT POLLUTION AND SKY GLOW BETWEEN 50 AND 100% OVER
 06:52:41 THE LDC.
 06:52:42 THE LIGHT SOURCE OF THE COLOR TEMPERATURE ABOVE 4000K MAKES
 06:52:46 OBJECTS APPEAR MORE BLUER-GREEN, WHICH DOES AFFECT WHAT THE
 06:52:52 CAMERA PICKS UP.
 06:52:54 IN FACT, TELEDYNE FLIR, WHICH IS A WORLD RECOGNIZED LEADER
 06:52:59 IN THE CAMERA TECHNOLOGY, HAS RECOMMENDED LIGHT SOURCES
 06:53:03 BETWEEN 2700 AND 3600.
 06:53:06 THE EXISTING ESTERO BAY CHEVROLET IS IMMEDIATELY ADJACENT TO
 06:53:15 THE ISLAND CLUB AT CORKSCREW WOODLANDS, WHICH IS A
 06:53:19 RESIDENTIAL SUBDIVISION.
 06:53:20 CLOSEST LIGHT FIXTURE IS ONLY 65 FEET AWAY FROM THE PROPERTY
 06:53:24 LINE.
 06:53:24 THE CURRENT ZONING OF THE PROPERTY HAS A STIPULATION WHICH
 06:53:34 IS TIED TO A PHOTOMETRIC PLAN THAT WAS STAMP RECEIVED IN
 06:53:40 2006.
 06:53:42 ANY CHANGE THEY MAKE WOULD REQUIRE AN AMENDMENT TO THE

 06:53:44 ZONING.
 06:53:44 AND THEN, FINALLY, ANY GRANTING OF THIS DEVIATION COULD SET
 06:53:51 A PRECEDENT AND COULD EFFECTIVELY MODIFY THE LDC WITHOUT THE
 06:53:55 APPROVAL OF VILLAGE COUNCIL, AS MANY OTHER COMMERCIAL USERS
 06:53:59 COULD REQUEST THE SAME DEVIATION.
 06:54:01 AT THIS POINT, I GUESS WE WILL TURN IT OVER TO

06:54:05 MR. NATE KIMES WITH IKON.
 06:54:09 >>Scotty Wood: GO AHEAD, NATE.
 06:54:17 >> GOOD EVENING.
 06:54:18 MY NAME IS NATE KIMES, ON BEHALF OF ESTERO BAY CHEVROLET.
 06:54:20 LIKE JIM SAID, A DEVIATION FROM THE LIGHTING COLOR
 06:54:22 TEMPERATURE, SO ESSENTIALLY MORE OF A WHITER LIGHT COMPARED
 06:54:25 TO THE 3000 KELVIN WHICH IS MORE YELLOWISH, ORANGISH LOOK.
 06:54:31 JUST TO REBUT A COUPLE OF THINGS JIM MENTIONED, OUR BUG
 06:54:35 RATING, WHICH IS THE GLARE, THE BACK LIGHT, AND THE
 06:54:38 SHIELDING IS STILL GOING TO MEET WHAT IS IN THE
 06:54:42 REQUIREMENTS.
 06:54:43 SO 101 OR 102, EVEN THOUGH IT IS A HIGHER COLOR TEMPERATURE,
 06:54:47 IT STILL MEETS ALL OF THOSE REQUIREMENTS.
 06:54:49 EXISTING ON THE SITE, WHICH I'LL PULL UP HERE, IF YOU DON'T
 06:54:53 MIND IF I SHARE MY SCREEN -- HERE IS WHAT THE EXISTING SITE
 06:55:13 LOOKS LIKE CURRENTLY.
 06:55:14 THERE IS A TON OF BOTH GLARE AND BACK LIGHT, WHICH YOU CAN
 06:55:18 SEE GOING UP TOWARDS THE SKY.
 06:55:20 AND SIGNIFICANT AMOUNT OF WHITE SPILL WHICH IS LIGHT THAT IS

 06:55:23 GOING PAST THE PAVED OR PARKED AREA.
 06:55:27 SO OUR GOAL CURRENTLY ON-SITE RIGHT NOW THERE'S NUMEROUS
 06:55:31 POLES WHICH ARE RUSTING.
 06:55:32 SO OUR GOAL WOULD BE TO REPLACE THOSE POLES, KEEP IT UNDER
 06:55:35 THE 20-FOOT REQUIREMENT THAT'S IN THE CODE AS WELL AS
 06:55:39 UPGRADE THE LIGHTING AT THE SAME TIME TO HELP REDUCE A LOT
 06:55:43 OF THE BACK LIGHT, GLARE, AND LIGHT POLLUTION THAT THERE IS
 06:55:46 CURRENTLY ON-SITE.
 06:55:47 REALLY THE ONLY OTHER OPTION BESIDES THAT WOULD BE TO LEAVE
 06:55:51 THE EXISTING LIGHTING, WHICH IS OLDER TECHNOLOGY, REPLACING
 06:55:56 POLES THAT ARE RUSTING IS BECOMING A SAFETY CONCERN FOR
 06:55:58 THOSE POLES TO START FALLING OVER.
 06:56:01 WE'RE NOT LOOKING TO REINVENT THE WHEEL BY ANY MEANS.
 06:56:04 WE'RE LOOKING TO KEEP THE EXISTING COLOR TEMPERATURE THAT'S
 06:56:07 ALREADY THERE IN PLACE, JUST TO UPGRADE THE LIGHTING TO
 06:56:10 REDUCE A LOT OF THE LIGHT SPILL AND LIGHT POLLUTION THAT YOU
 06:56:14 CAN SEE GOING UP INTO THE AIR CURRENTLY.
 06:56:17 NUMEROUS STUDIES HAVE BEEN DONE ON THIS SPECIFICALLY.
 06:56:21 AS IT CORRELATES TO BOTH CAMERA AND RETAILING AT AUTO
 06:56:28 DEALERSHIPS.
 06:56:29 I THINK IF THIS WASN'T AN AUTO DEALERSHIP, I DON'T THINK IT
 06:56:31 WOULD BE A HUGE CONCERN BECAUSE WE'RE RESTORING TENS OF --
 06:56:38 STORING TENS OF MILLIONS OF DOLLARS OF INVENTORY ON THE LOT.
 06:56:42 I THINK IT BECOMES A MUCH LARGER CONCERN.
 06:56:44 IKON, WHO IS MY COMPANY, WE ARE THE LARGEST LIGHTING

 06:56:47 UPGRADER FOR AUTO DEALERSHIPS IN THE COUNTRY.
 06:56:50 GROUP ONE WHO RECENTLY PURCHASED THE DEALERSHIP IS THE THIRD

06:56:53 LARGEST IN THE COUNTRY WHO IS OUR CLIENT.
 06:56:55 THEY DO SPECIFICALLY 5000 KELVIN AT EVERY SITE.
 06:57:00 WE WOULD BE WILLING, IF YOU GUYS ARE OKAY WITH IT, TO DO
 06:57:01 4000 KELVIN, WHICH IS IN THE MIDDLE OF THE 5000 AND 3000.
 06:57:06 IT'S BOTH BEEN PROVEN, ONE, TO RETAIL THE VEHICLES BETTER.
 06:57:10 SO AS PEOPLE DRIVE BY AT NIGHT, THEY ARE GETTING A MORE
 06:57:13 ACCURATE PICTURE OF WHAT THAT VEHICLE COLOR IS VERSUS COMING
 06:57:17 BACK IN THE DAY AND ALSO PROVEN TO ENHANCE WHAT THE CAMERAS
 06:57:19 PICK UP AS FAR AS LICENSE PLATES, AND IT PROVIDES A BETTER
 06:57:22 SPREAD OF LIGHT THROUGHOUT THE LOT TO EASIER PICK UP LICENSE
 06:57:27 PLATES AND ANY NEGATIVE ACTIVITY GOING ON IN THAT AREA.
 06:57:46 >>Nancy Stroud: IS THAT THE END OF THE PRESENTATION?
 06:57:48 >>Scotty Wood: DO YOU HAVE ANYTHING ELSE, NATE?
 06:57:49 >>Nate Kimes: I'LL SHARE ONE MORE SLIDE HERE, IF YOU GUYS
 06:57:52 DON'T MIND.
 06:57:53 HERE IS A GOOD INDICATOR OF WHAT WE'RE LOOKING AT FROM A
 06:58:08 3,000 COLOR TEMPERATURE, MORE OF THE ORANGISH YELLOW LOOK
 06:58:11 WHICH I'M SURE YOU GUYS ARE FAMILIAR WITH.
 06:58:13 REALLY DISTORTS THE COLORS OF THE VEHICLE, WHICH IS A MAJOR
 06:58:17 CONCERN OF OUR CUSTOMER.
 06:58:18 OBVIOUSLY, A LOT OF PEOPLE WILL BE DRIVING BY AT NIGHT OR
 06:58:20 DRIVING THROUGH THE LOT AT NIGHT, LOOKING AT VEHICLES,
 06:58:22 LOOKING TO PURCHASE VEHICLES.

 06:58:24 WE'LL HAVE TENS OF MILLIONS OF DOLLARS OF INVENTORY ON THE
 06:58:25 LOT AT ANY TIME.
 06:58:26 SEE A 5000 KELVIN OR CCT LIGHT REALLY RETAILS THE ACCURATE
 06:58:35 COLOR OF THE VEHICLES AND REALLY SHOWS THEM OFF AS THEY
 06:58:38 SHOULD.
 06:58:39 BUNCH OF STUDIES DONE, ALMOST 80% OF AMERICAN BUYERS SAID
 06:58:42 COLOR IS THE MOST IMPORTANT OR A HUGE FACTOR IN BUYING
 06:58:46 VEHICLES.
 06:58:48 4000 WOULD BE SOMEWHERE IN THE MIDDLE OF THIS.
 06:58:50 THIS IS 5000 HERE AND 3000 YOU SEE THERE.
 06:58:55 THAT WILL END MY PRESENTATION.
 06:58:59 >>Barry Jones: ANY PHOTOMETRICS ON THE SITE BEFORE AND
 06:59:03 AFTER?
 06:59:04 >>Nate Kimes: LET ME PULL THAT UP FOR YOU.
 06:59:06 HERE ARE THE PHOTOMETRICS OF THE SITE.
 06:59:13 >>Barry Jones: EXISTING HAS NO SHIELDING AND NO SKY GLOW.
 06:59:16 >>Nate Kimes: THAT'S EXACTLY CORRECT.
 06:59:18 JIM MENTIONED THIS WAS DONE IN 2006.
 06:59:20 OBVIOUSLY NO RESTRICTIONS PUT IN PLACE.
 06:59:23 SO THE BUG RATING IS OVER 3.
 06:59:26 AS OF NOW IT'S 101 IS WHAT WE WOULD BE LOOKING TO INTRODUCE.
 06:59:32 THERE'S A TON OF LIGHT SPILL, LIGHT POLLUTION, GLARE, NO
 06:59:35 SHIELD.
 06:59:35 ALL OUR FIXTURES WOULD HAVE SHIELD ON THEM, FULL CUTOFF

06:59:39 SHIELDS SO YOU WON'T SEE ANY LIGHT TRESPASS.

06:59:43 IF I ZOOM IN HERE, SEE EVERYTHING, EVEN THOUGH THE POLES ARE
 06:59:47 RIGHT NEXT TO IT, YOU'RE SEEING 0.0, 0.1, DIRECTLY BEHIND
 06:59:52 THE FIXTURES.
 06:59:53 THESE ARE FULL CUTOFF FIXTURES WHERE WE WON'T HAVE LIGHT
 06:59:57 POLLUTION AS WELL AS LIGHT SPILL GOING INTO A LOT OF THESE
 07:00:01 GRASS AND LANDSCAPE-TYPE AREAS.
 07:00:04 >>Barry Jones: THIS IS PROPOSED --
 07:00:07 >>Nate Kimes: DO NOT HAVE EXISTING.
 07:00:10 IT'S KIND OF TOUGH.
 07:00:11 MAYBE THE CITY WOULD HAVE SOMETHING.
 07:00:13 WE WEREN'T AROUND.
 07:00:14 LIKE I SAID, THIS BUILDING WAS PURCHASED ROUGHLY THREE
 07:00:17 MONTHS AGO.
 07:00:18 IT WOULD BE TOUGH TO COME UP WITH EXISTING PHOTOMETRIC ON
 07:00:21 WHAT'S EXISTING.
 07:00:22 OUR TEAM DID WALK AROUND THE LOT, TOOK FOOT-CANDLE READINGS
 07:00:26 AND A SIGNIFICANT AMOUNT OF LIGHT SPILL ON THE PROPERTY.
 07:00:29 >>Barry Jones: SO YOU HAVE SOME DOCUMENTATION TO SUPPORT
 07:00:33 YOUR ASSERTION OF OFF-SITE LIGHT SPILL?
 07:00:38 >>Nate Kimes: REALLY, THE MAIN THING I HAVE WOULD BE THE
 07:00:40 PHOTOS TAKEN ON-SITE WHERE YOU CAN SEE THAT SIGNIFICANT
 07:00:44 AMOUNT OF LIGHT SPILL COMING OUT OF THIS PARKING AREA.
 07:00:48 I CAN ESSENTIALLY GET THE FOOT-CANDLE READINGS THAT OUR TEAM
 07:00:52 TOOK.
 07:00:56 >>Barry Jones: QUESTION FOR STAFF.

07:00:58 CAN THIS PROJECT, CAN THEY REPLACE IN KIND WITHOUT HAVING TO
 07:01:02 DO ANYTHING -- [INAUDIBLE]
 07:01:09 >>Mary Gibbs: I'M GOING TO LET JIM ANSWER.
 07:01:11 ARE YOU TALKING ABOUT THE FIXTURES WHEN YOU REPLACE
 07:01:15 FIXTURES?
 07:01:17 >>Barry Jones: -- REPLACE IN KIND USING THE TALLER THAN
 07:01:21 ALLOWED POLE AND BRIGHTER THAN ALLOWED --
 07:01:24 >>Mary Gibbs: NO.
 07:01:26 SORRY, I SAID JIM IS GOING TO ANSWER.
 07:01:29 ALSO, JIM WAS GOING TO POINT OUT TO YOU THAT YOU ASKED ABOUT
 07:01:33 EXISTING, AND I THINK YOU SAID IN YOUR PACKET THERE IS THE
 07:01:38 EXISTING PHOTOMETRICS.
 07:01:39 >>Jim Hart: EXISTING PHOTOMETRIC THAT WAS APPROVED AS A PART
 07:01:43 OF THE STAFF REPORT.
 07:01:46 >>Mary Gibbs: I ALSO WANTED TO ASK NATE IF HE COULD SEND US
 07:01:49 -- IF HE COULD E-MAIL THE PRESENTATION TO US BECAUSE WE
 07:01:52 DIDN'T HAVE THAT.
 07:01:54 >>Nate Kimes: I SENT IT TO JIM YESTERDAY.
 07:01:58 LITTLE LATE NOTICE.
 07:01:59 HAPPY TO SEND IT TO WHOEVER ELSE AS WELL.

07:02:02 >>Mary Gibbs: THAT'S GREAT.
 07:02:05 >>Barry Jones: BETTER OPPORTUNITY FOR REVIEW IF YOU PROVIDE
 07:02:07 THE INFORMATION IN TIME FOR STAFF TO REVIEW IT.
 07:02:18 >>Jim Wallace: SOME WAY TO ACCOMMODATE THEM AND NOT CAUSE A
 07:02:21 PROBLEM FOR CORKSCREW?

07:02:23 >>Barry Jones: ANYTHING SPECIAL IN OUR CODE THAT ALLOWS
 07:02:25 ENHANCED LIGHTING BASED ON SECURITY REQUEST?
 07:02:30 >>Jim Hart: NOT WITH THE WAY THE CODE IS CURRENTLY WRITTEN.
 07:02:32 IT DOES ALLOW YOU TO HAVE NIGHTTIME LIGHTING, BUT IT'S
 07:02:37 SUPPOSED TO BE REDUCED AT 50%.
 07:02:40 >>Mary Gibbs: WHAT I THINK WE REALLY WANT TO MAKE SURE IS
 07:02:42 THAT WE DON'T HAVE IT LIT UP LIKE IT'S DAYTIME AND THEN HAVE
 07:02:49 SPILLAGE.
 07:02:50 CORKSCREW AND WOODLANDS AND THOSE NEIGHBORS ARE VERY LOCAL.
 07:02:52 >>Barry Jones: THAT'S WHY I WAS ASKING ABOUT THE
 07:02:54 PHOTOMETRICS.
 07:02:57 [NOT SPEAKING INTO THE MICROPHONE]
 07:02:59 >>Nate Kimes: THAT IS THE BIGGEST WE TOOK INTO ACCOUNT,
 07:03:01 LIGHT SPILL.
 07:03:01 LIKE ON THE PHOTOMETRIC .0 OR .1 DIRECTLY BEHIND THE
 07:03:06 FIXTURES.
 07:03:06 AS YOU GET OUT ONTO THE MAIN ROADS, THERE'S GOING TO BE ZERO
 07:03:10 LIGHTING COMING CLOSE TO THOSE ROADS OUT THERE.
 07:03:19 >>Barry Jones: ASKING TO LOWER THE POLES, USE THE SAME
 07:03:21 LIGHTING -- [INAUDIBLE] [NOT SPEAKING INTO THE MICROPHONE]
 07:03:33 >>Jim Hart: YEAH.
 07:03:34 THERE ARE TWO PIECES OF THAT.
 07:03:36 ONE IS THE PRECEDENT.
 07:03:37 THE OTHER IS THE FACT, AND IT'S COVERED IN THE STAFF REPORT.
 07:03:41 IT GETS KIND OF TECHNICAL, BUT WHEN YOU GO FROM 3000K TO A

 07:03:45 5000K, YOU GET A LOT MORE REFLECTIVITY OFF OF THE SURFACES,
 07:03:51 LIKE THE GLASS, THE WINDSHIELDS, ALL THOSE TYPE OF THINGS,
 07:03:54 WHICH ADDS TO THE SKY GLOW OR THE LIGHT POLLUTION.
 07:03:57 YOU DON'T HAVE THAT AS MUCH WITH THE 3K.
 07:04:00 THERE IS A TABLE IN OUR STAFF REPORT THAT GOES THROUGH THAT.
 07:04:03 >>Barry Jones: KIND OF LIKE THE TRAFFIC WHERE SOMEBODY IS
 07:04:07 ALREADY APPROVED FOR A THOUSAND TRIPS -- [INAUDIBLE] --
 07:04:12 GOING FROM 5,000 WITH NO -- [INAUDIBLE] -- IMPROVING THE
 07:04:22 SITUATION BUT STILL NOT MEETING OUR STANDARD DEFINITION.
 07:04:26 >>Jim Hart: CORRECT.
 07:04:27 AND ALL THE PROJECTS WE'VE GONE THROUGH SO FAR SINCE THE NEW
 07:04:29 CODE HAVE ALL MET THE NEW CODE, EVEN WITH THE RETROFITS.
 07:04:34 >>Barry Jones: WHAT IS COCONUT POINTE -- THE OTHER
 07:04:39 DEALERSHIP IN TOWN.
 07:04:41 >>Jim Hart: I DO NOT THINK THEY HAVE DONE A RETROFIT TO THE
 07:04:44 NEW CODE.

07:04:45 >>Barry Jones: [INAUDIBLE]
 07:04:47 >>Mary Gibbs: I KNOW THEY HAD TO USE LOWER POLES BACK WHEN
 07:04:49 THEY GOT THEIR DEVELOPMENT ORDER AT THE COUNTY BECAUSE THEY
 07:04:51 EXPLAINED ABOUT TOO MANY LIGHT POLES.
 07:04:55 >>Barry Jones: I'M TRYING TO BE CONSISTENT --
 07:05:01 >>Michael Sheeley: I THINK COCONUT IS THE WHITER COLOR.
 07:05:05 MY QUESTION, JIM, YOU SAID THAT 4,000, 5,000 ARE BRIGHTER
 07:05:09 THAN 3000K.
 07:05:11 MY UNDERSTANDING IS IT'S ONLY THE TEMPERATURE OF THE LIGHT.

 07:05:13 THE COLOR DIFFERENCE IN THE LIGHT, NOT THE BRIGHTNESS OF THE
 07:05:17 LIGHT.
 07:05:17 THAT IS A DIFFERENT MEASUREMENT, ISN'T IT?
 07:05:20 >>Jim Hart: THE REFLECTIVITY OF THE LIGHT IS MUCH MORE SO AT
 07:05:22 THE FOUR AND 5,000, 5,000 ESPECIALLY, THAN THE 3,000.
 07:05:26 AND THAT'S WHY YOU GET THE LIGHT POLLUTION, THE SKY GLOW.
 07:05:31 >>Michael Sheeley: ISN'T IT REASONABLE IF THEY ARE
 07:05:34 PROVIDING, IF THEY ARE UPGRADING THEIR FACILITY WITH THE
 07:05:37 CUTOFF LIGHTS, LOWER POLES, IS IT FAIR TO ASK THEM NOW TO
 07:05:42 CHANGE THE COLOR OF THEIR LIGHT AND DIMINISH WHAT THEY
 07:05:45 ALREADY HAVE?
 07:05:46 IF I WERE THEM, I WOULD LEAVE IT ALONE AND REPAIR WHAT
 07:05:49 THEY'VE GOT.
 07:05:50 IT DOESN'T SEEM FAIR TO ME.
 07:05:53 >>Mary Gibbs: THAT'S WHY THEY ARE ASKING FOR THE DEVIATION.
 07:05:55 THAT'S WHY THEY ARE ASKING FOR THE DEVIATION BECAUSE THE
 07:05:59 RETROFITS ARE A LITTLE MORE DIFFICULT THAN IF YOU HAD A
 07:06:02 BRAND-NEW PROJECT.
 07:06:07 >>Barry Jones: PROVIDED JUSTIFICATION FOR THE DEVIATION SUCH
 07:06:09 THAT ANY FUTURE REQUEST ALSO HAVE TO -- [INAUDIBLE]
 07:06:18 >>Mary Gibbs: WE WANT TO BE CAREFUL.
 07:06:20 AND THIS IS A RETROFIT, BUT WE WANT TO BE CAREFUL THAT
 07:06:23 EVERYBODY DOESN'T COME IN AND SAY, OOH, I WANT THE SAME
 07:06:27 THING, BECAUSE THEN IT DEFEATS THE PURPOSE OF THE CODE.
 07:06:29 IF HE HAS SOME PARTICULAR REASON THAT HIS IS A LITTLE BIT

 07:06:35 DIFFERENT, THEN I THINK THAT GIVES YOU THE FLEXIBILITY IF
 07:06:41 YOU WANT TO APPROVE A DEVIATION.
 07:06:42 BUT WE JUST DO WANT TO BE CAREFUL ABOUT A PRECEDENT.
 07:06:46 >>Barry Jones: I GUESS I'M BACK TO MY ORIGINAL QUESTION,
 07:06:48 WOULD THEY BE ALLOWED TO REPLACE IN-KIND WITHOUT --
 07:06:51 [INAUDIBLE]
 07:06:52 >>Mary Gibbs: NO, WE MAKE EVERYBODY COME UP TO CODE.
 07:06:56 >>Barry Jones: [INAUDIBLE]
 07:06:58 >>Jim Hart: THE CODE SPECIFICALLY SAYS THAT.
 07:07:02 >>Barry Jones: APPLICANT SAID YOU'RE WILLING TO GO TO THE
 07:07:05 4,000 AND DOES THAT STILL WORK WITH YOUR LIGHT SPACING?
 07:07:12 >>Nate Kimes: IT DOES, YEAH.

07:07:14 DEFINITELY DO WHEN IT COMES TO THE 4,000.
 07:07:16 ONE-OFF CASE BASIS, DOESN'T MAKE A LOT OF SENSE.
 07:07:20 WHEN YOU TAKE EVERYTHING INTO ACCOUNT, WHAT IS EXISTING
 07:07:22 THERE IS NOT 3,000.
 07:07:24 WE'RE ESSENTIALLY MAINTAINING.
 07:07:26 WE'RE NOT COMING IN AS A NEW CONSTRUCTION PROJECT AND
 07:07:28 PUTTING 4, 5,000 KELVIN IN FROM THE GET-GO.
 07:07:35 ALONG THE LIGHT SPILL AND LIGHT POLLUTION THAT IS CURRENTLY
 07:07:38 THERE IS EXTREME.
 07:07:39 IT WILL BE AN IMMEDIATE REDUCTION IN THAT.
 07:07:41 I KNOW JIM MENTIONED THERE IS SOME REFLECTIVITY OFF THE
 07:07:44 WINDSHIELDS, AGAIN, THAT'S COMING AT THREE FEET ABOVE THE
 07:07:47 GROUND VERSUS 25 FEET IN THE AIR LIKE IT IS NOW.

 07:07:52 IT'S A SIGNIFICANT DIFFERENCE.
 07:07:53 IT'S NOT, AGAIN, ANY BRIGHTER THAN 3,000, MAYBE A LITTLE
 07:07:56 MORE REFLECTIVE.
 07:07:58 BUT, AGAIN, THAT HELPS RETAIL THE VEHICLES BETTER AS WELL
 07:08:01 AND SHOWS THEIR TRUE COLORS, WHICH IS A BIG CONCERN TO OUR
 07:08:04 CLIENT.
 07:08:08 >>Barry Jones: -- DEALERSHIP IS FENCED OFF, ENCLOSED AT
 07:08:11 NIGHT?
 07:08:13 >>Nate Kimes: A LARGE PORTION.
 07:08:14 THERE'S ONLY ONE I BELIEVE ACCESS POINT ON THE DEALERSHIP.
 07:08:31 >>Barry Jones: WHEN PEOPLE ARE WALKING AROUND, DRIVING
 07:08:33 AROUND LOOKING AT THIS PORTION OF THE PARKING LOT IS GOING
 07:08:36 TO BE CLOSED OFF.
 07:08:37 >>Nate Kimes: YOU WOULD ESSENTIALLY BE DRIVING THESE, THERE
 07:08:41 IS A LOT OF RETAILING ON THE FRONT ROW OF THE LOT, SO YOU
 07:08:44 CAN SEE IT FROM THE EXTERIOR AS WELL AS HERE IS YOUR KIND OF
 07:08:48 ENTRY POINT INTO THE DEALERSHIP ITSELF.
 07:08:56 >>Barry Jones: PART OF THE DEALERSHIP CLOSED OFF AT NIGHT --
 07:09:00 >>Nate Kimes: YOU CAN DRIVE IN THERE AT NIGHT.
 07:09:03 >>Barry Jones: YOU CAN GO VISIT ALL THE CARS OUT THERE --
 07:09:05 [INAUDIBLE]
 07:09:14 >> NATE, I HAVE A QUESTION, WHAT IS THE IMPACT OF WHAT
 07:09:16 YOU'RE PROPOSING ON THE RESIDENTIAL COMMUNITY KNOWN AS
 07:09:18 CORKSCREW WOODLANDS?
 07:09:23 >>Nate Kimes: YES, IT WILL BE A SIGNIFICANT IMPROVEMENT FROM

 07:09:25 WHAT THEY ARE EXPERIENCING CURRENTLY.
 07:09:26 THERE IS A TON OF LIGHT POLLUTION BASED ON THE PHOTOS I
 07:09:29 SHOWED AS WELL AS LIGHT SPILL, LIGHT POLLUTION GOING UP INTO
 07:09:32 THE AIR WHICH CAN AFFECT PEOPLE ON HIGHER LEVELS AS WELL AS
 07:09:35 LIGHT SPILL COMING OFF OF THE PARKING AREAS.
 07:09:39 SO IT'S GOING TO BE A SIGNIFICANT NET POSITIVE FOR ANYONE IN
 07:09:42 THE AREA.
 07:09:51 >>Jim Wallace: I'M TRYING TO UNDERSTAND.

07:09:51 IS THERE A BENEFIT TO THE CITIZENS OF ESTERO, PARTICULARLY
 07:09:54 THE NEIGHBORS ADJACENT TO ESTERO BAY CHEVROLET?
 07:09:55 IS THERE A SIGNIFICANT BENEFIT TO THE NEIGHBORS OR NOT?
 07:10:02 >>Barry Jones: IF THEY LEAVE WHAT IS THERE EXISTING --
 07:10:05 [INAUDIBLE]
 07:10:18 >>Jim Wallace: THE REASON ASKING FOR A DEVIATION, IT DOESN'T
 07:10:20 MEET CODE.
 07:10:21 I WOULD FIND IT DIFFICULT TO JUSTIFY ANY DEVIATION THAT
 07:10:25 WASN'T A BENEFIT TO THE CITIZENS OF ESTERO.
 07:10:27 IT CAN'T BE JUST BECAUSE THE CAR COLORS ARE BETTER.
 07:10:35 NATE, IT SOUNDS --
 07:10:38 >> NATE IT SOUNDS LIKE FOR THE ADJACENT RESIDENTS THERE
 07:10:40 WOULD BE LESS SCATTER LIGHT.
 07:10:42 >>Nate Kimes: CORRECT, LESS SCATTER.
 07:10:45 >> PROBABLY WOULD BE AN IMPROVEMENT.
 07:10:46 >>Nate Kimes: EXACTLY.
 07:10:47 LIGHT SPILL IS THE TERM.

 07:10:49 LESS LIGHT THAT GOES OVER THE PROPERTY LINE WHICH CAN AFFECT
 07:10:52 PEOPLE OBVIOUSLY WHEN THEY ARE SLEEPING, THINGS ALONG THOSE
 07:10:55 LINES AS WELL AS THE WILDLIFE THERE.
 07:10:59 LIGHT SPILL WILL BE SIGNIFICANTLY LESS.
 07:11:01 IT WILL ESSENTIALLY BE ZERO LIGHT SPILL COMPARED TO NOW,
 07:11:04 SOME OF THE PHOTOS I SHOWED, SIGNIFICANT LIGHT SPILL WHICH
 07:11:07 IS A HUGE BENEFIT TO THE RESIDENTS THERE.
 07:11:09 >>Jim Wallace: IF THERE IS A BENEFIT --
 07:11:12 >>Tammy Duran: EXCUSE ME.
 07:11:14 CAN EVERYONE MAKE SURE THEIR MIKE IS ON.
 07:11:16 WE'RE GETTING NOTIFICATION THAT THEY CAN'T HEAR EVERYBODY.
 07:11:18 SO MAKE SURE WE'RE TALKING INTO THE MIKE.
 07:11:22 >>Barry Jones: MAKE SURE YOU'RE SPEAKING INTO THE MIKE.
 07:11:24 SHE CAN'T HEAR YOU.
 07:11:31 >>Jim Wallace: I GUESS IF THERE IS A BENEFIT AND I'M NOT
 07:11:34 SAYING THERE IS, BUT IF THERE IS A BENEFIT TO THE CITIZENS
 07:11:36 OF ESTERO AND IF THERE IS A WAY FOR THE LIGHT TO BE
 07:11:41 CONTROLLED, BUT THE ONLY OBSTACLE IS THE LAND DEVELOPMENT
 07:11:47 CODE, WHICH, I MEAN, EVERY CODE HAS ITS FLAWS.
 07:11:53 WHAT COULD WE DO, MAYBE NOTHING, BUT WHAT COULD WE DO THAT
 07:11:58 COULD ACCOMMODATE THE APPLICANT, BE A BENEFIT TO THE
 07:12:04 CITIZENS OF ESTERO, IS THERE SOME KIND OF CAVEAT THAT CAN BE
 07:12:08 PUT IN AN APPROVAL OF A DEVIATION THAT MAKES SENSE, THAT WE
 07:12:14 SAY, OKAY, IT'S OKAY, BUT IT'S ONLY IN THIS CIRCUMSTANCE
 07:12:17 THAT IT'S OKAY, BECAUSE THEN IT IS A WIN, WIN, WIN, AND

 07:12:21 THAT'S ONE OF THE THINGS THAT WE'RE ALWAYS LOOKING FOR,
 07:12:24 ACCORDING TO MY DEAR FRIEND CHAIRMAN OVER HERE.
 07:12:28 WE'RE ALWAYS LOOKING FOR WIN-WINS.
 07:12:30 IS THERE SOMETHING, AND I DON'T KNOW ENOUGH ABOUT IT, THAT

07:12:34 WE COULD DO?
 07:12:35 >>Mary Gibbs: SO I THINK IF YOU FEEL THAT IT IS GOING TO BE
 07:12:38 AN IMPROVEMENT TO THE NEIGHBORS, THEN I THINK YOU WOULD
 07:12:42 APPROVE THE DEVIATION, BUT YOU WOULD SAY BECAUSE IT'S
 07:12:47 IMPROVING THE SITUATION, AND IF YOU WANT TO DO THE INTERIM
 07:12:51 4000K AS A KIND OF COMPROMISE AND APPROVE IT BECAUSE IT'S
 07:12:56 IMPROVING THE SITUATION FOR THE ADJACENT RESIDENCES, AND
 07:12:59 THAT JUSTIFIES THE DEVIATION FOR THE CODE.
 07:13:02 >>Jim Wallace: THEN YOU'RE SAYING IF WE MADE THE DEVIATION
 07:13:06 SO SPECIFIC THAT IT WOULD ONLY BE SETTING A PRECEDENT FOR
 07:13:11 ANOTHER SITUATION WHERE WE HAD EXACTLY THE SAME SITUATION.
 07:13:15 >>Mary Gibbs: KIND OF.
 07:13:16 >>Jim Wallace: PRECEDENT FOR THIS OTHER UNUSUAL CASE WHICH
 07:13:19 EXISTS OR MAY EXIST.
 07:13:21 THAT OTHER APPLICANT A YEAR FROM NOW, HOWEVER MANY YEARS
 07:13:25 FROM NOW, WOULD HAVE TO MEET THE SPECIFIC CRITERIA THAT WE
 07:13:29 WOULD BE APPROVING.
 07:13:30 >>Mary Gibbs: RIGHT.
 07:13:31 I FULLY EXPECT THAT JIM WOULD GIVE THE NEXT APPLICANT A
 07:13:35 THOROUGH GRUELING EXPERIENCE.
 07:13:39 >>Jim Wallace: DOES THAT WORK FOR NANCY?

 07:13:42 >>Scotty Wood: I WANTED TO GET YOUR OPINION OF THAT.
 07:13:46 >>Jim Wallace: SHE WAS LISTENING INTENTLY.
 07:13:49 >>Nancy Stroud: AN ATTORNEY WILL ALWAYS TELL YOU THAT EACH
 07:13:53 CASE IS TAKEN ON ITS OWN MERITS.
 07:13:55 SO, YEAH, YOU CAN DIFFERENTIATE BETWEEN CASES.
 07:13:58 BUT WHAT SOMETIMES HAPPENS IS THAT THE CODE IS JUST IGNORED
 07:14:07 IN THE INTEREST OF WHAT PEOPLE MIGHT THINK IS EQUITY, IF
 07:14:10 YOU'VE GIVEN IT TO SOMEONE, THEN YOU NEED TO GIVE IT TO
 07:14:13 SOMEONE ELSE.
 07:14:14 IN THIS SITUATION, YOU WOULD, I GUESS, HAVE A SPECIFIC
 07:14:23 INSTANCE WHERE YOU HAD NEARBY RESIDENTIAL THAT IS AFFECTED
 07:14:28 BY THE EXISTING SITUATION THAT COULD BE, IMPROVE THE
 07:14:36 SITUATION THAT MIGHT NOT HAPPEN ELSEWHERE ON CORKSCREW.
 07:14:39 IF THE STAFF IS COMFORTABLE WITH THAT, I'M COMFORTABLE.
 07:14:44 >>Jim Hart: 65 FEET AWAY IS THE CLOSEST.
 07:14:45 BUT KEEP IN MIND THAT IF THEY START REPLACING ANY OF THE
 07:14:50 FIXTURES, THAT IT SHOULD BE TO THE NEW CODE.
 07:14:54 RIGHT NOW, THE FIXTURES ARE GETTING TO AN AGE WHERE THEY CAN
 07:14:57 NO LONGER REPLACE THE BULBS, GETTING THE MATERIAL TO CHANGE
 07:14:59 THE BULBS IS DIFFICULT.
 07:15:01 SO THAT'S THE REASON WHY THEY ARE CHANGING TO THE NEW
 07:15:04 LEDs.
 07:15:06 >>Nancy Stroud: IT'S TRUE FOR A LOT OF DEVELOPMENT THAT IS
 07:15:10 NONCONFORMING AT THE TIME.
 07:15:13 OUR CODE SAYS IF YOU'RE GOING TO CHANGE OUT AND REBUILD

07:15:21 ESSENTIALLY, THEN YOU HAVE TO COME INTO CONFORMANCE WITH THE
 07:15:25 CODE.
 07:15:25 THAT IS THE BASIC PRINCIPLE.
 07:15:28 I GUESS THAT'S WHY JIM IS MAKING HIM STAFF RECOMMENDATION
 07:15:34 THAT THEY COME INTO CONFORMANCE WITH THE CODE AND THAT MEANS
 07:15:37 NOT GOING ABOVE THE K.
 07:15:40 >>Jim Hart: YEAH, THE DIFFERENCE BETWEEN THE 3000K AND THE
 07:15:43 4000K FOR THE RESIDENTS WILL STILL BE SIGNIFICANT.
 07:15:47 I AGREE THAT, YES, PUTTING IN THE CORRECT BUG RATING, WE
 07:15:52 AREN'T ARGUING ABOUT BUG RATING.
 07:15:54 WE'RE JUST TALKING ABOUT THE CORRELATED COLOR TEMPERATURE.
 07:16:00 >>Michael Sheeley: CERTAINLY THE CUTOFFS WILL IMPROVE THE
 07:16:03 CONDITION.
 07:16:04 >>Jim Hart: YEAH, THE BUG RATING GETS SOME OF THE GLARE AND
 07:16:07 BACK LIGHT DOWN.
 07:16:08 IT WON'T CHANGE THE SKY GLOW, THE REFLECTIVE LIGHT.
 07:16:16 >>James Tatooles: A TREND ALMOST BECOME NEW REGULATIONS
 07:16:18 THROUGHOUT THE COUNTRY THAT BECAUSE OF ENVIRONMENTAL
 07:16:21 CONCERNS, WE SHOULD BE GOING TO LEDS AND DOESN'T THAT
 07:16:26 ENTER INTO THE PICTURE WHICH TELLS US THAT OUR WHOLE
 07:16:29 LIGHTING IMAGE AND LIGHTING FIXTURES IN THE FUTURE HAVE TO
 07:16:33 BE CONVERTED TO LEDS, HOW DOES THAT GO INTO WHAT WE'RE
 07:16:36 LOOKING AT RIGHT NOW?
 07:16:39 >>Jim Hart: OUR CODE WAS SPECIFICALLY WRITTEN FOR THE
 07:16:42 LEDS, THE CORRELATED COLOR TEMPERATURE AND THE BUG RATING

 07:16:45 WERE STRICTLY TIED TO THE LEDS.
 07:16:48 >>Kristin Jeannin: WE'RE TALKING ABOUT BEING ABLE TO SEE THE
 07:16:50 STARS.
 07:16:50 THAT'S KIND OF THE OVERARCHING THING THAT'S NOT BEING
 07:16:55 DISCUSSED, TOO, THAT'S LIGHT POLLUTION.
 07:16:58 IT'S IMPORTANT.
 07:16:58 JIM, ARE YOU OF THE OPINION THAT EVENTUALLY THEY'LL GET
 07:17:02 REPLACED?
 07:17:03 AND WHEN THEY GET REPLACED, IT WILL HAVE TO FALL INTO CODE
 07:17:07 IF WE DON'T ALLOW THIS DEVIATION.
 07:17:08 >>Jim Hart: CORRECT.
 07:17:10 I THINK THE SAME THING WILL HAPPEN WITH OTHER DEALERSHIPS,
 07:17:13 WHETHER IN SIX MONTHS OR SIX YEARS.
 07:17:15 BUT EVENTUALLY IT WILL HAPPEN TO EACH ONE OF THEM.
 07:17:21 >>Nate Kimes: IF I CAN JUMP IN ON THAT A LITTLE BIT.
 07:17:23 THIS IS A UNIQUE SITE WHERE IT IS ALREADY LED.
 07:17:26 I KNOW THERE ARE SOME AUTO DEALERSHIPS IN THE AREA THAT
 07:17:28 STILL HAVE THE OLDER TECHNOLOGY, WHICH ABSOLUTELY THEY WILL
 07:17:32 HAVE TO UPGRADE.
 07:17:33 YOU CAN ONLY MAINTAIN IT SO LONG.
 07:17:35 ON THIS SPECIFIC SITE, ONLY ONE FIXTURE THAT'S OUT
 07:17:38 CURRENTLY.

07:17:39 PRETTY EASY TO REPLACE.
07:17:41 OUR CLIENT IS UNDER THE IMPRESSION WHERE IF WE CAN'T GET A
07:17:44 DEVIATION, THEY ARE GOING TO PUT THE EXISTING LIGHTING

07:17:47 THAT'S ALREADY THERE ONTO THE NEW POLES.
07:17:51 NEW POLES WILL MAKE IT MORE SAFE.
07:17:53 GET THE RUSTED POLES OUT OF THERE AND ATTACH EXISTING LIGHTS
07:17:58 TO THE POLE.
07:17:59 ISN'T A GREAT LONG-TERM SOLUTION.
07:18:01 LIKE I SAID WITH THE CURRENT LIGHT SPILL THERE.
07:18:03 THAT'S WHY WE WANT TO STICK WITH THE SAME COLOR TEMPERATURE
07:18:08 BUT ALSO ENHANCE IT FOR BOTH EVERYONE LOCAL AND ALL THE
07:18:11 RESIDENTS THERE TO DECREASE THAT CURRENT LIGHT SPILL.
07:18:15 WE DO A LOT OF THESE -- WE DO PROJECTS ALL AROUND THE
07:18:19 COUNTRY.
07:18:20 THERE ARE SPECIFIC CITIES WHERE TALKING ABOUT NOT WANTING TO
07:18:22 SET A PRECEDENT WHERE YOU COULD PUT A -- A LOT OF CITIES PUT
07:18:26 LANGUAGE WHERE IT'S AN EXTERIOR, OUTDOOR RETAILING SPACE.
07:18:31 SO, FOR EXAMPLE, IF YOU'RE LIKE AN AUTO DEALERSHIP THAT
07:18:34 WOULD ESSENTIALLY PUT IT TO AUTO DEALERSHIPS WHERE THEY
07:18:37 COULD HAVE A HIGHER CCT OR COLOR TEMPERATURE FOR THE
07:18:40 PURPOSES OF RETAILING.
07:18:42 SO SOME LANGUAGE THAT SOME OTHER CITIES AND MUNICIPALITIES
07:18:46 USE AROUND THE COUNTRY.
07:18:48 >>Jim Wallace: BARRY JUST SAID SOMETHING TO ME, SORRY I'M SO
07:18:51 IGNORANT ABOUT THIS STUFF.
07:18:53 ONE OF THE THINGS HE SAID, IN HIS OPINION AS A PROFESSIONAL,
07:18:58 I THINK, IS WHAT'S BEING PROPOSED BY ESTERO BAY CHEVROLET IS
07:19:03 AN IMPROVEMENT OVER WHAT EXISTS THERE NOW.

07:19:10 I DON'T KNOW IF YOU WOULD AGREE.
07:19:11 COULDN'T THAT OR SHOULDN'T THAT BE PERHAPS THE CAVEAT THAT
07:19:14 WE NEED THAT SOMEONE CAN'T JUST COME IN AND PUT IN -- I KNOW
07:19:19 THE NEW LIGHTS ARE SHADED, WHATEVER --
07:19:23 >>Jim Hart: SHIELDED.
07:19:25 >>Jim Wallace: HAS ALL THE THINGS WE WANT IN IT.
07:19:27 BUT IF THERE IS A CAVEAT THAT IT MUST BE IMPROVEMENT OVER
07:19:30 WHAT IS ALREADY THERE, IF YOU SAY THIS IS JUST THE BEGINNING
07:19:33 AND THERE'S GOING TO BE COCONUT POINTE FORD OR WHATEVER IT
07:19:37 IS, THEN MAYBE THAT'S THE CAVEAT SO THAT WE KNOW THAT ESTERO
07:19:41 IS GETTING A BENEFIT FROM THIS, THAT THE PLANET, IF YOU
07:19:45 WOULD, IS GETTING A BENEFIT OF THIS.
07:19:47 BECAUSE RIGHT NOW, THE LIGHT THEY HAVE IS NOT AS GOOD AS
07:19:52 WHAT THEY ARE PROPOSING.
07:19:54 IT'S HARD -- THAT THE LDC IS THE OBSTACLE TO IMPROVING WHAT
07:20:00 WE WANT.
07:20:01 >>Mary Gibbs: SO I THINK YOU NEED TWO CAVEATS IN THIS CASE.
07:20:04 ONE IS IT'S AN IMPROVEMENT TO WHAT'S OUT THERE NOW, BUT THE

07:20:08 SECOND IS THAT IT ALSO WILL IMPROVE THE ADJACENT RESIDENTIAL
 07:20:12 COMMUNITY.
 07:20:12 THAT'S WHAT I THINK MAKES THE DIFFERENCE.
 07:20:15 >>Barry Jones: CAN I ASK A QUESTION, JIM?
 07:20:19 YOU HAVE THE EXISTING PHOTOMETRICS IN HERE AND I CAN'T READ
 07:20:22 THESE.
 07:20:23 I'M SURE YOU UNDERSTAND THAT.

07:20:25 THE PHOTOMETRICS, IS THIS WHAT IS OUT THERE NOW?
 07:20:28 DID THEY BUILD BY THIS OR DID THEY BUILD SOMETHING ELSE?
 07:20:32 >>Jim Hart: NO.
 07:20:32 IT'S DIFFERENT THAN WHAT WAS APPROVED.
 07:20:34 SO THE LIGHTS THERE NOW ARE NOT -- THEY DON'T EVEN MATCH THE
 07:20:36 SAME TYPE AS WHAT WAS APPROVED.
 07:20:38 >>Barry Jones: EFFECTIVELY THERE IS AN ENFORCEMENT
 07:20:41 OPPORTUNITY --
 07:20:42 >>Jim Hart: THEY ARE IN VIOLATION RIGHT NOW.
 07:20:44 >>Barry Jones: -- TO GET THEM TO COMPLY WITH THIS.
 07:20:47 I THINK IT'S IMPORTANT THAT WE UNDERSTAND THAT, TOO, THAT WE
 07:20:51 DON'T ALLOW THEM TO SAY WE MADE AN IMPROVEMENT OVER WHAT WE
 07:20:55 WEREN'T ALLOWED TO DO.
 07:20:56 I THINK THAT'S WHERE WE'RE AT.
 07:20:59 JIM IS SAYING, AND I AGREE, IT'S AN IMPROVEMENT OVER WHAT'S
 07:21:02 EXISTING BUT WHAT IS EXISTING IS NOT WHAT WAS APPROVED.
 07:21:05 SO JUST BECAUSE YOU BROKE THE RULE DOESN'T MEAN YOU GET A
 07:21:08 BENEFIT BECAUSE YOU'RE NOT BREAKING THE RULE AS BAD NEXT
 07:21:10 TIME.
 07:21:11 >>Jim Hart: EXACTLY.
 07:21:12 >>Barry Jones: THIS IS EVOLVING, IS THAT A FAIR ASSESSMENT?
 07:21:16 >>Jim Hart: THAT'S CORRECT.
 07:21:17 >>Jim Wallace: EXISTING LIGHTS IN VIOLATION OF THE OLD CODE
 07:21:21 --
 07:21:22 >>Jim Hart: THE LIGHTS CURRENTLY THERE WERE REPLACED AND I

07:21:24 CAN'T TELL YOU HOW MANY YEARS AGO, WITHIN THE LAST FEW
 07:21:27 YEARS, AND THEY WERE NOT BROUGHT TO THE SAME CODE AS WHAT
 07:21:31 WAS APPROVED BACK IN 2006 OR WHATEVER IT WAS.
 07:21:36 >>Barry Jones: I ASSUME THEIR CONSULTANT IS AWARE OF THIS?
 07:21:40 >>Kristin Jeannin: DO WE KNOW WHAT KELVIN IT WAS?
 07:21:43 >>Jim Hart: ORIGINAL ONES WERE HIGH PRESSURE SODIUM.
 07:21:46 IT'S NOT APPLES TO APPLES COMPARISON.
 07:21:49 >> K RATING.
 07:21:51 >>Jim Hart: YOU CAN GET IT.
 07:21:52 >> VERY NARROW GREEN SPECTRUM.
 07:21:54 >>Jim Hart: IT'S NOT REALLY APPLES TO APPLES COMPARISON WHEN
 07:21:57 YOU GO FROM THE HIGH PRESSURE SODIUM TO THE LED.
 07:22:00 >>Barry Jones: SAYING THAT WE'RE ELIMINATING LIGHT SPILLAGE
 07:22:03 BECAUSE THEY CREATED LIGHT SPILLAGE BY PUTTING UP SOMETHING

07:22:06 THAT WASN'T LEGAL ISN'T NECESSARILY --
 07:22:10 >>Jim Hart: IF YOU LOOK AT THE APPROVED PLAN, IT HAD ZERO AT
 07:22:14 ALL THE BOUNDARIES.
 07:22:15 >>Barry Jones: I WOULD THINK SO.
 07:22:17 THAT'S WHY I WAS SURPRISED AT THE LIGHT SPILLAGE AND TRYING
 07:22:19 TO RECTIFY.
 07:22:22 >>Nate Kimes: FEEDBACK ON THAT, OUR CLIENT PURCHASED THIS
 07:22:24 THREE MONTHS AGO.
 07:22:25 WE'RE COMING INTO A SITUATION WHERE WE'RE TRYING TO IMPROVE
 07:22:27 WHAT THE OLD OWNERSHIP TEAM DID AND TRYING TO IMPROVE IT TO
 07:22:32 MEET CODE.

 07:22:33 THIS IS NEW OWNERSHIP AND LOOKING TO BRING IT UP TO CODE AND
 07:22:38 KEEP SOME OF THE HIGHER COLOR TEMPERATURE THAT'S THERE.
 07:22:43 >>Barry Jones: WE APPLAUD YOU FOR REESTABLISHING WHAT WAS
 07:22:49 APPROVED OR GETTING BACK TO ZERO LIGHT SPILLAGE.
 07:22:51 THAT'S DEFINITELY A BENEFIT.
 07:22:56 I'VE SAID ALL I'VE GOT TO SAY.
 07:23:01 >>Scotty Wood: AT THIS POINT, I WOULD LIKE TO OPEN THE
 07:23:03 PUBLIC HEARING IF WE HAVE ANYONE.
 07:23:05 >>Tammy Duran: WE HAVE NOTHING.
 07:23:09 >>Scotty Wood: LAST CHANCE.
 07:23:11 CLOSING THE PUBLIC HEARING.
 07:23:13 DOES ANYONE WANT TO MAKE A MOTION ON THIS?
 07:23:26 >>Anthony Gargano: I'LL MAKE A MOTION THAT WE GRANT THE
 07:23:28 APPLICANT'S REQUEST ON THE BASIS THAT IT'S AN IMPROVEMENT
 07:23:37 OVER WHAT'S EXISTING AND WHAT'S EXISTING WAS NOT DONE BY THE
 07:23:40 APPLICANT.
 07:23:41 AND I THINK THE COMPROMISE OF THE 4000K LIGHTING WOULD BE
 07:23:56 ACTUALLY OF MUTUAL BENEFIT.
 07:23:58 I MAKE A MOTION THAT WE APPROVE WITH THOSE STIPULATIONS.
 07:24:06 >>Michael Sheeley: SECOND.
 07:24:06 >>Scotty Wood: WE HAVE A SECOND.
 07:24:08 >>Jim Wallace: WITHOUT ANY CAVEATS?
 07:24:12 >> THERE ARE TWO CAVEATS.
 07:24:13 >>Jim Wallace: WHAT WERE THE TWO?
 07:24:14 I'M SORRY.

 07:24:15 >>Anthony Gargano: 4000K LIGHTING.
 07:24:18 SO NOT THE 5000K LIGHTING.
 07:24:23 >>Scotty Wood: AND THE STIPULATION THAT IT IMPROVES THE
 07:24:25 SITUATION FOR THE RESIDENTS.
 07:24:26 >>Anthony Gargano: IT'S AN IMPROVEMENT OF THE CURRENT
 07:24:29 SITUATION FOR THE RESIDENTS.
 07:24:30 AND THE CURRENT SITUATION IS NOT A SITUATION THAT WAS
 07:24:33 CREATED BY THE APPLICANT BECAUSE THE APPLICANT JUST ACQUIRED
 07:24:36 THE PROPERTY.
 07:24:40 >>Jim Wallace: IT WASN'T CREATED BY THEM, IS THAT WHAT

07:24:42 YOU'RE SAYING?
 07:24:45 >>Barry Jones: YOU DON'T REWARD BAD BEHAVIOR BY OFFERING
 07:24:49 THEM SOMETHING, BUT THIS IS AN INHERITED CONDITION, AND THAT
 07:24:53 HELPS EVEN MORE SO MAKE IT A TOUGHER PRECEDENT MOVING
 07:24:58 FORWARD, THAT IT WOULD HAVE TO BE A CHANGE IN OWNERSHIP, THE
 07:25:01 ONE THAT COMMITTED THE VIOLATION WASN'T THE ONE BENEFITING
 07:25:03 FROM THE VIOLATION, IF YOU WILL.
 07:25:06 >>Jim Wallace: IT'S A PRECEDENT, BUT IT'S A PRECEDENT THAT
 07:25:09 IS ACCEPTABLE TO US.
 07:25:11 >>Barry Jones: VERY NARROW BAND, IF YOU WILL.
 07:25:15 >>Scotty Wood: ANY FURTHER DISCUSSION?
 07:25:16 SO WE HAVE A MOTION TO APPROVE AT 4,000 WITH THE STIPULATION
 07:25:25 THAT IT IMPROVES -- IT'S AN IMPROVEMENT FOR THE RESIDENTS,
 07:25:29 THE ADJACENT RESIDENTS.
 07:25:31 EVERYBODY UNDERSTAND THAT?

 07:25:33 >>Jim Wallace: IT WASN'T A CIRCUMSTANCE THAT THEY CAUSED.
 07:25:38 >> EXACTLY.
 07:25:39 >>Scotty Wood: OKAY.
 07:25:42 >>Jim Wallace: NANCY, ARE YOU OKAY WITH THAT?
 07:25:44 >>Scotty Wood: GOOD.
 07:25:46 TAMMY, PLEASE CALL THE ROLL.
 07:25:49 >>Anthony Gargano: YES.
 07:25:52 >>Kristin Jeannin: NO.
 07:25:54 >>Barry Jones: NO.
 07:25:57 >>Michael Sheeley: YES.
 07:25:59 >>James Tatooles: YES.
 07:26:01 >>Jim Wallace: YES.
 07:26:03 >>Scotty Wood: YES.
 07:26:06 >>Tammy Duran: 5-2.
 07:26:09 >>Mary Gibbs: MAY I SAY ONE THING TO NATE?
 07:26:12 REMEMBER, HE WAS ON LAST MONTH'S AGENDA, BUT WE HAD THE
 07:26:15 MARATHON MEETING, AND IT RAN LIGHT AND HE GOT BUMPED.
 07:26:19 SO WE DO APPRECIATE THAT YOU STUCK IT OUT.
 07:26:24 >>Nate Kimes: ABSOLUTELY.
 07:26:24 I APPRECIATE YOUR TIME AND TAKING THIS UNDER CONSIDERATION.
 07:26:28 >>Mary Gibbs: YOU CAN LEAVE NOW.
 07:26:29 WE CAN'T.
 07:26:32 >>Nate Kimes: ENJOY THE REST OF YOUR EVENING.
 07:26:34 THANK YOU.
 07:26:36 >>Scotty Wood: OKAY.

 07:26:37 OUR NEXT ITEM, VIA COCONUT DEVELOPMENT ORDER.
 07:26:43 BEFORE WE START ON THAT, ANYBODY -- HAVE WE SWORN EVERYBODY
 07:26:49 IN THAT WE NEED TO SWEAR IN?
 07:26:52 >>Nancy Stroud: IS THERE ANYONE HERE WHO HAS NOT BEEN SWORN?
 07:26:56 PLEASE STAND AND RAISE YOUR RIGHT HAND IF YOU INTEND TO
 07:26:58 PROVIDE TESTIMONY.

07:26:59 DO YOU SWEAR OR AFFIRM THAT THE TESTIMONY YOU WILL GIVE
 07:27:01 TONIGHT IS THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE
 07:27:04 TRUTH?
 07:27:05 THANK YOU.
 07:27:09 >>Tammy Duran: I THINK THEY ARE GOING TO TALK.
 07:27:10 I DON'T HAVE CARDS BUT I THINK THEY WANTED TO SPEAK.
 07:27:12 YOU HAVE TO GIVE THEM TO ME.
 07:27:14 YOU CAN FILL IT OUT, BUT STAND SO SHE CAN SWEAR YOU IN.
 07:27:21 >>Nancy Stroud: IF PERSONS WHO ARE GOING TO SPEAK TO THE
 07:27:25 BOARD SHOULD STAND AND RAISE YOUR RIGHT HAND.
 07:27:29 DO YOU SWEAR OR AFFIRM THAT THE TESTIMONY YOU WILL GIVE
 07:27:32 TONIGHT IS THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE
 07:27:35 TRUTH.
 07:27:39 >>Scotty Wood: WHAT DO WE HAVE IN THE PUBLIC RECORD IN THE
 07:27:42 WAY OF LETTERS, CARDS AND ET CETERA?
 07:27:51 >>Mary Gibbs: I BELIEVE WE HAD ABOUT FOUR E-COMMENTS.
 07:27:55 ONE WAS FOR AND I THINK THREE AGAINST BECAUSE OF, AGAIN, OUR
 07:28:01 FAVORITE TRAFFIC, TYPICALLY TRAFFIC ISSUES.
 07:28:06 >>Scotty Wood: ANY EX PARTE COMMUNICATIONS?

 07:28:08 >> NO.
 07:28:09 >> NO.
 07:28:10 >>Scotty Wood: ANY CONFLICTS?
 07:28:12 >> NO.
 07:28:13 >> NO.
 07:28:13 >>Scotty Wood: OKAY.
 07:28:14 JIM, I THINK YOU'RE GOING TO HANDLE THIS ONE, RIGHT?
 07:28:20 >>Jim Hart: OKAY.
 07:28:21 SO, VIA COCONUT, THIS PROPERTY IS LOCATED ON THE SOUTHWEST
 07:28:28 CORNER OF VIA COCONUT POINT AND CORKSCREW.
 07:28:30 IT'S ABOUT 20 ACRES.
 07:28:33 IT'S A MIXED USE PLANNED DEVELOPMENT.
 07:28:34 WE HAD A PUBLIC INFORMATION MEETING JANUARY 11 OF '22.
 07:28:40 IT WAS ORIGINALLY SUBMITTED ON JUNE 21st OF '22.
 07:28:45 I'LL SPARE YOU ALL THE STAFF RECOMMENDATIONS.
 07:28:49 THERE ARE A TOTAL OF 17 OF THEM.
 07:28:51 I'M JUST GOING TO SPEAK TO ONE OF THEM, NUMBER FOUR, THAT'S
 07:28:55 SPECIFICALLY ON THE DRAINAGE.
 07:28:56 THE WHOLE ISSUE ON THE SITE IS THEY ARE CHANGING THE
 07:29:03 DRAINAGE BASIN FROM -- IT WAS PREVIOUSLY FLOWING TO THE
 07:29:09 RAILROAD RIGHT-OF-WAY.
 07:29:10 NOW THEY ARE GOING TO CHANGE AND COME THROUGH THE LEE COUNTY
 07:29:13 PARK TO THE CORKSCREW ROAD RIGHT-OF-WAY AND SANDY LANE
 07:29:18 RIGHT-OF-WAY.
 07:29:18 SO STIPULATION FOUR BASICALLY IS SAYING THAT THEY ARE GOING

 07:29:23 TO MAINTAIN THE WATER ELEVATIONS, THE SAME OR LOWER THAN THE
 07:29:28 EXISTING FOR THE FIVE-YEAR, 25-YEAR AND 100-YEAR STORM

07:29:33 EVENTS THROUGHOUT THE RECOVERY PERIODS FOR ALL PROPERTIES
 07:29:35 AND RIGHT-OF-WAYS, WHICH MAY BE IMPACTED BY THE REDIRECTION
 07:29:38 OF THE FLOWS THROUGH THE LEE COUNTY PARK, CORKSCREW ROAD AND
 07:29:44 SANDY LANE.
 07:29:45 THERE'S SOME MORE AFTER THAT.
 07:29:48 BUT BASICALLY OUR CONCERN IS WE HAVE -- THERE IS NOTHING IN
 07:29:55 THE CODE THAT SPEAKS TO CHANGING DRAINAGE FROM ONE BASIN TO
 07:29:59 ANOTHER.
 07:29:59 WE DON'T WANT TO ADD ANY ADDITIONAL FLOODING, WHETHER IT BE
 07:30:06 INCHES OR FEET, TO THIS NEW DRAINAGE BASIN.
 07:30:11 THIS PARCEL, NOW THAT IT'S GOING THROUGH THE PARK, COULD
 07:30:17 AFFECT THE RIVER RANCH ESTATES OR CORALEE AND THE OAKS OF
 07:30:22 ESTERO BECAUSE THOSE CURRENTLY FLOW THROUGH THE PARK OR AT
 07:30:26 LEAST PORTIONS OF IT DO.
 07:30:28 ANY QUESTIONS?
 07:30:32 >>Barry Jones: THE OUTFALL CHANNELS FOR ALL OF THIS, HAVE
 07:30:35 THEY BEEN VERIFIED?
 07:30:37 I ASSUME WHEN DOING A DRAINAGE ANALYSIS AND DOCUMENTS THE
 07:30:40 OUTFALL AND THE CONDITIONS AND ALL THAT.
 07:30:41 >>Jim Hart: WHAT HAS NOT BEEN CLARIFIED YET TO OUR
 07:30:46 SATISFACTION, WILL THERE BE DOWNSTREAM FACILITIES THAT NEED
 07:30:54 TO BE IMPROVED?
 07:30:56 DO THEY NEED TO MAKE CHANGES TO THEIR ON-SITE TO STORE MORE

 07:31:00 WATER OR RELEASE WATER QUICKER, WHICHEVER WAY, FROM THE PARK
 07:31:07 SITE.
 07:31:08 >>Barry Jones: THEY HAVE EASEMENT RIGHTS FROM THE PARK?
 07:31:10 >>Jim Hart: NOT CURRENTLY.
 07:31:11 THOSE ARE PART OF THE STIPULATIONS.
 07:31:13 ONE OF THEM SPECIFICALLY IS THAT THE VILLAGE IS GRANTED
 07:31:18 THOSE RIGHTS, DRAINAGE RIGHTS THROUGH THE PARK ALL THE WAY
 07:31:21 TO THE RIGHT-OF-WAY.
 07:31:24 CURRENTLY, THE VIA COCONUT ROAD RIGHT-OF-WAY FLOWS THROUGH
 07:31:31 THIS DEVELOPMENT SITE ON AN EASEMENT TO THE RAILROAD
 07:31:34 RIGHT-OF-WAY.
 07:31:35 THEY ARE PROPOSING CHANGING THAT AND GOING THROUGH THE PARK
 07:31:38 TO CORKSCREW ROAD AND SANDY LANE.
 07:31:42 >>Barry Jones: THERE'S GOING TO HAVE TO BE A PRETTY THOROUGH
 07:31:45 ANALYSIS, WATER CONDITIONS, STRUCTURES, ALONG THE CORRIDOR
 07:31:49 AND WHATEVER THE CORRIDOR IMPROVEMENTS ARE.
 07:31:53 ASKING FOR THE SITE WORK AND SAYING THAT THIS WOULD ONLY GET
 07:31:59 APPROVED IF THE DRAINAGE STUFF IS WORKED OUT.
 07:32:02 >>Jim Hart: AND ALSO THAT THE EASEMENTS ARE GRANTED.
 07:32:04 IF THE COUNTY DECIDES NOT TO GRANT THE EASEMENTS, THEN THEY
 07:32:08 HAVE TO REDESIGN THE WHOLE PROJECT.
 07:32:10 IT'S GOT TO GO BACK TO THE RAILROAD RIGHT-OF-WAY.
 07:32:15 >>Barry Jones: DOES THAT MEAN WHATEVER WE APPROVE NOW, IF
 07:32:18 THE DRAINAGE DOESN'T WORK OUT, IT'S NULL AND VOID?

07:32:22 >>Nancy Stroud: WHAT IT MEANS IS THAT THE PROPOSED

07:32:25 CONDITIONS WOULD TAKE CARE OF THAT ISSUE, RIGHT?

07:32:29 AND THE PROPOSED CONDITIONS BY STAFF, AS I UNDERSTAND IT ON

07:32:35 THAT ISSUE, HAVE NOT BEEN AGREED TO BY THE APPLICANT, IS

07:32:40 THAT CORRECT?

07:32:41 >>Jim Hart: THAT'S CORRECT.

07:32:42 >>Nancy Stroud: THERE IS A DISPUTE, UNLESS WE HEAR FROM THE

07:32:44 APPLICANT AND WE WILL AT THE TIME YOU'RE CALLED UP, UNLESS

07:32:50 THE APPLICANT HAS NEW INFORMATION FOR US AT THE HEARING.

07:32:55 >>Barry Jones: THIS WATER WILL FLOW THROUGH THE PARK, GO

07:32:58 ACROSS CORKSCREW IN AN EXISTING CULVERT AND UP TO SANDY LANE

07:33:02 SWALES ALL THE WAY TO THE RIVER.

07:33:04 >>Jim Hart: PART OF THAT IS PIPED.

07:33:06 >>Barry Jones: SOMEBODY IS GOING TO DOCUMENT THAT THAT

07:33:08 ENTIRE CORRIDOR HAS SUFFICIENT CAPACITY NOT TO ADVERSELY

07:33:12 IMPACT IT BASED ON THE ADDITIONAL FLOW GOING THROUGH.

07:33:16 >>Jim Hart: CORRECT.

07:33:17 WE'VE BEEN GOING BACK AND FORTH WITH THE ENGINEER.

07:33:19 I THINK WE'VE GOT A PRETTY GOOD COMFORT LEVEL ON SANDY LANE

07:33:23 AND CORKSCREW.

07:33:25 THE QUESTION IS ESPECIALLY IN THE SHORTER TERM EVENTS, THE

07:33:33 ELEVATION RAISES I DON'T REMEMBER OFF THE TOP OF MY HEAD,

07:33:37 SIX OR EIGHT INCHES MORE THAN IT DID PREVIOUSLY AND TAILS

07:33:42 OFF AT A MUCH SLOWER RATE.

07:33:44 SO WE'RE WORRIED ABOUT THAT RECOVERY PERIOD AND THE EFFECT

07:33:50 ON THE ADJOINING RESIDENTIAL PROPERTY.

07:33:52 >>Barry Jones: WHEN YOU CHANGE THE TAIL WATER ON ADJOINING

07:33:55 PROPERTIES, THEY ARE GOING TO STAGE HIGHER.

07:33:57 >>Jim Hart: POTENTIALLY, YES.

07:33:59 >>Barry Jones: IMPROVEMENTS THAT CAN BE MADE TO LOWER THAT

07:34:01 TAIL WATER.

07:34:02 >>Jim Hart: THEY MAY HAVE TO CHANGE THE OUTFALL STRUCTURE ON

07:34:05 THEIR PROPERTY, AND IF THAT INCREASES THE FLOWS BEYOND THE

07:34:09 CAPACITY OF CORKSCREW ROAD AND SANDY LANE, THEY WOULD HAVE

07:34:12 TO MAKE IMPROVEMENTS THERE.

07:34:14 >>Barry Jones: WHAT PRECIPITATED THIS?

07:34:16 THE RAILROAD, THEY COULDN'T GUARANTEE OUTFALL RIGHTS THROUGH

07:34:19 THE RAILROAD?

07:34:20 IS THAT WHAT PRECIPITATED THE CHANGE?

07:34:24 >>Jim Hart: LET THE APPLICANT SPEAK TO THAT, BUT IT WAS OUR

07:34:26 UNDERSTANDING THEY WERE TRYING TO NEGOTIATE EASEMENT WITH

07:34:28 THE RAILROAD AND IT DIDN'T WORK OUT.

07:34:31 >>Barry Jones: OKAY.

07:34:32 I THINK YOU'VE ANSWERED MY QUESTIONS.

07:34:34 >>Jim Wallace: I'M TRYING TO UNDERSTAND THIS.

07:34:37 I'M NOT A CIVIL ENGINEER.

07:34:39 HAVE TO BEAR WITH ME.
 07:34:41 RIGHT NOW, THE WATER FLOWS OUT OF THE PARK AND OUT OF GENOVA
 07:34:49 AND EVERYTHING RELATED INTO THE LAKES IN THE PARK.
 07:34:52 THEN IT GOES UNDER VIA COCONUT, RUNS THROUGH THIS PROPERTY
 07:34:56 TO THE RAILWAY EASEMENT OUT TO THE ESTERO RIVER.

07:35:00 >>Jim Hart: CORRECT.
 07:35:01 >>Jim Wallace: AND OUT TO SEA, CORRECT?
 07:35:03 >>Jim Hart: CORRECT.
 07:35:06 >>Jim Wallace: I'M A REAL NEOPHYTE BUT I'M TRYING TO
 07:35:09 UNDERSTAND, IF I'M RIGHT ADJACENT, IF I'M DOWNSTREAM FROM
 07:35:13 THE PARK AND I'M DOWNSTREAM FROM GENOVA AND EVERYTHING ELSE
 07:35:17 AND I'M IMMEDIATELY ADJACENT TO THE EASEMENT, WHY WOULD I
 07:35:24 NOT WANT TO HAVE MY WATER FLOW TOWARDS THE ESTERO RIVER AS
 07:35:31 QUICKLY AS IT COULD?
 07:35:34 I UNDERSTAND YOU GOT TO MAINTAIN THE EASEMENT OR THIS OR
 07:35:37 THAT, WHATEVER ELSE.
 07:35:38 WE ALL SAW WHAT HAPPENED WITH HALFWAY CREEK WHEN A
 07:35:42 GOVERNMENT BODY, WHOEVER, DIDN'T MAINTAIN THAT AND KEEP IT
 07:35:46 CLEAR AND THERE WAS FLOODING IN FOUNTAIN LAKES, ET CETERA,
 07:35:51 ET CETERA.
 07:35:52 WE KNOW MAINTENANCE IS AN ISSUE, BUT ISN'T IT CIRCUITOUS TO
 07:35:57 NOT FOLLOW THE QUICKEST DOWNSTREAM ROUTE TO THE GULF?
 07:36:03 >>Jim Hart: THAT COULD BE ARGUED.
 07:36:06 >>Jim Wallace: AREN'T YOU HAVING TO GO THE OPPOSITE, GOING
 07:36:08 UP STREAM TO GET RID OF THE WATER?
 07:36:11 >>Jim Hart: YOU LITERALLY, THEY ARE GOING BACK TO THE WEST
 07:36:17 -- THE EAST AND NORTH --
 07:36:21 >>Jim Wallace: WHAT HAPPENS TO THE OUTFALL STRUCTURES AT
 07:36:23 GENOVA AND OTHER PLACES THAT ARE ALREADY ESTABLISHED AND THE
 07:36:27 WATER IS MOVING --

07:36:28 >>Jim Hart: CURRENTLY, THERE'S NO CHANGE I BELIEVE TO THE
 07:36:32 GENOVA ONE.
 07:36:34 THE ONE THAT WILL CHANGE WILL BE ON THE PARK AND THERE MAYBE
 07:36:41 HAS TO BE SOME OTHER DOWNSTREAM IMPROVEMENTS ONCE WE GET
 07:36:45 THIS ALL FIGURED OUT, ZERO CHANGE --
 07:36:48 >>Jim Wallace: -- DEPENDING ON THE THREE DAY, I THINK
 07:36:52 WHATEVER IT IS, THREE DAY MOVEMENT OF WATER DOWNSTREAM.
 07:36:58 ISN'T IT -- BARRY MAYBE CAN TALK ABOUT THIS BETTER.
 07:37:03 IF YOU'RE TRYING TO MAKE WATER MOVE UPSTREAM, DOESN'T THAT
 07:37:06 CREATE BACK PRESSURE FOR WATER TRYING TO MOVE DOWN STREAM?
 07:37:10 LAKES ARE A CERTAIN SIZE AT OAKS AND AT GENOVA.
 07:37:17 THEY ARE NOT GOING TO GET ANY BIGGER.
 07:37:19 ROADS AREN'T GOING TO BE MOVED.
 07:37:21 HOW DO YOU ACCOMMODATE THAT?
 07:37:23 JUST DOESN'T SEEM TO MAKE SENSE.
 07:37:25 >>Jim Hart: THAT'S REALLY PART OF THE ISSUE HERE IS WE'RE

07:37:27 LOOKING AT THE LAKES AND THE PARK AND THEIR RECOVERY TIME IS
 07:37:31 MUCH SLOWER THAN WHAT IT IS EXISTING.
 07:37:34 THAT IS ONE OF OUR CONCERNS.
 07:37:37 I THINK BASED ON THE DISCUSSIONS WITH THE ENGINEER, WE
 07:37:43 SHOULD BE ABLE TO ACCOMMODATE THAT, BUT AT THIS POINT, WE
 07:37:47 DON'T KNOW WHETHER THAT WILL REQUIRE DOWNSTREAM
 07:37:49 IMPROVEMENTS.
 07:37:50 >>Barry Jones: I KNOW RIGHT NOW IT'S DESIGNED TO FLOW
 07:37:53 TOWARDS THE RAILROAD.

 07:37:54 WHEN IT RAINS TODAY, DOES IT DO THAT?
 07:37:58 FLOW WEST AND THEN NORTH, DOES IT ACTUALLY DO THAT?
 07:38:02 >>Jim Hart: YES.
 07:38:03 CURRENTLY, THE GENOVA AND THE PARK FLOW UNDER VIA COCONUT,
 07:38:09 INCLUDING THE DRAINAGE OF VIA COCONUT, A PORTION OF IT, AND
 07:38:13 THEN THAT IN TURN GOES TO THE RAILROAD RIGHT-OF-WAY.
 07:38:17 >>Barry Jones: IS IT WORKING JUST BECAUSE IT'S FLOODING THIS
 07:38:20 SITE?
 07:38:20 I KNOW AS IT SITS TODAY DURING HEAVY SUMMER RAINS, IT
 07:38:24 FLOODS.
 07:38:24 IS THAT SITE CREATING A STORAGE WHERE THE CONVEYANCE NORTH
 07:38:29 IS BEING BLOCKED?
 07:38:30 >>Jim Hart: I DON'T BELIEVE SO, BECAUSE THE CURRENT SITE,
 07:38:33 IT'S PIPED ALL THE WAY ACROSS THE SITE.
 07:38:36 >>Barry Jones: THE APPLICANT WILL TALK ABOUT WHY THEY CAN'T
 07:38:40 CONTINUE THE CONVEYANCE NORTH ALONG THE RAILROAD.
 07:38:43 >>Jim Hart: CORRECT.
 07:38:44 >>Jim Wallace: JIM, I'M CONCERNED BECAUSE WHEN WE BUILT
 07:38:48 RAPALLO, IT WAS BASED ON 1985 FLOOD PLAN, I THINK IT WAS
 07:38:56 '85, WHICH WAS DONE FOR THE BROOKS.
 07:39:05 THE FEDERAL GOVERNMENT REQUIRED US TO REMODEL HALFWAY CREEK
 07:39:10 BECAUSE NOTHING HAD BEEN REMODELED IN 20 YEARS AND THE
 07:39:15 PEOPLE WERE VERY HAPPY THAT WE DID THAT BECAUSE IT SHOWED
 07:39:18 THAT THE WATER WAS GOING TO BE FOUR INCHES HIGHER THROUGH
 07:39:24 HALFWAY CREEK.

 07:39:26 I'M SORRY, EIGHT INCHES HIGHER.
 07:39:29 THAT'S A LOT OF WATER, A LOT OF WATER.
 07:39:32 BUT BROOKS WASN'T BUILT.
 07:39:35 NOW EVERYTHING IS BUILT.
 07:39:36 AND THEN WHAT WE FOUND OUT IS DOWN AT THE FPL EASEMENT, THEY
 07:39:42 HAD NEVER CLEANED IT OUT, AND IT WAS FULL, SILTED IN, WEEDY.
 07:39:51 SO THE WATER NEVER LEFT.
 07:39:52 THE PLUG WAS STILL IN THE BATHTUB AND THE TAP WAS RUNNING.
 07:39:56 AND GUESS WHAT, IT OVERFLOWED AND IT OVERFLOWED INTO
 07:39:59 RAPALLO.
 07:40:00 THEY HAD WATER IN THE STREET.
 07:40:02 AND THEN WE HAD DUG OUT THAT OUTFLOW AND THE WATER DROPPED

07:40:06 EIGHT INCHES, I THINK SIX INCHES OVERNIGHT.
 07:40:11 SO I GUESS I JUST EXPERIENCE THAT IDEA THAT WHEN YOU TRY TO
 07:40:15 MOVE STUFF UPSTREAM, IT JUST, CERTAINLY THAT CIRCUMSTANCE,
 07:40:21 IT DID NOT WORK.
 07:40:22 IF YOU PLUG DOWNSTREAM, MAN, IT'S HORRIFIC.
 07:40:28 I WOULD HATE TO THINK THAT WE WOULD HAVE TO BUILD SOMETHING
 07:40:32 AND EXPERIENCE THAT BEFORE WE KNOW WHAT THE ANSWER IS.
 07:40:38 THAT REALLY, REALLY CONCERNS ME, BECAUSE WE'VE EXPERIENCED
 07:40:40 IT BEFORE.
 07:40:44 >>Jim Hart: I DON'T DISAGREE WITH YOU.
 07:40:46 WHAT WE'RE TRYING TO DO NOW IS PROVIDE SOME CONDITIONS OR
 07:40:50 STIPULATIONS THAT WOULD ADDRESS THAT.
 07:40:56 >>Jim Wallace: WHAT IF YOU'RE WRONG?

 07:41:01 >>Barry Jones: THE GUY WHO SIGNS AND SEALS IT HAS INSURANCE.
 07:41:04 >>Jim Wallace: YEAH, BUT NOT THAT MUCH INSURANCE.
 07:41:06 GENOVA ALONE HAS HUNDRED MILLION DOLLARS' WORTH OF
 07:41:10 PROPERTIES.
 07:41:11 PLEASE EXPLAIN TO ME WHY THE APPLICANT DOESN'T WANT TO HAVE
 07:41:23 THE WATER FLOW DOWNSTREAM --
 07:41:28 >> LET'S LET THE APPLICANT SPEAK ON THAT.
 07:41:37 >>Nancy Stroud: BEFORE MR. HART STEPS DOWN, I'D ALSO LIKE TO
 07:41:41 PROVIDE FOR THE RECORD THE RESUMÉ OF JAMES C. HART.
 07:41:48 YOU BROUGHT THAT WITH YOU TODAY.
 07:41:50 AND WOULD YOU MAKE THAT A PART OF THE RECORD, PLEASE.
 07:41:53 >>Jim Hart: WE CAN MAKE THAT A PART OF THE RECORD.
 07:41:55 CHARLIE KREBS OF HOLE MONTES -- OH, RICK IS GOING TO THE DO
 07:42:04 IT.
 07:42:05 RICK BURR LAND SKI.
 07:42:08 WE STEPPED UP IN THE WORLD.
 07:42:10 >>Mary Gibbs: DON'T TELL CHARLIE THAT.
 07:42:13 >> FOR THE RECORD, RICK BRYLANSKI.
 07:42:15 I'M A CIVIL ENGINEER WITH HOLE MONTES.
 07:42:17 YOU HAVE MET MY COUNTERPART, CHARLIE.
 07:42:21 WE'VE GOT MICHAEL AND RICK FROM THE DEVELOPER'S TEAM, OUR
 07:42:24 CLIENT.
 07:42:25 WE HAVE FRANCESCA, OUR ATTORNEY.
 07:42:27 CHRISTIAN, OUR LANDSCAPE ARCHITECT, AND MARK, OUR ARCHITECT.
 07:42:30 AND I THINK WHAT I WOULD LIKE TO DO IS FIRST STATE OUT THAT,

 07:42:38 HOW MANY TIMES HAVE YOU SEEN THIS PROJECT IN FRONT OF YOU?
 07:42:40 ANYBODY HAVE A GUESS?
 07:42:42 MAYBE HAVE A DOZEN.
 07:42:43 I COULD PROBABLY HAVE YOU GUYS DO THIS PRESENTATION FOR ME
 07:42:46 AND I WOULD GO HAVE DINNER WITH MY FAMILY.
 07:42:49 WE HAVE GONE THROUGH THE EXHAUSTIVE REVIEW PROCESS.
 07:42:55 OBVIOUSLY WE'RE RIGHT IN THE LAST STRETCH HERE.
 07:42:59 WE'VE GONE THROUGH THE STAFF REVIEW COMMENTS.

07:43:02 WE DON'T HAVE ANY OBJECTION TO THE COMMENTS THAT ARE
 07:43:04 WRITTEN.
 07:43:05 BUT I WOULD LIKE TO CLARIFY SOME OF THE ISSUES ON THE
 07:43:08 DRAINAGE BECAUSE I GO WAY BACK WITH THAT.
 07:43:11 WHEN WE FIRST STARTED ON THIS PROJECT, IT WAS DISCUSSED,
 07:43:16 THERE IS A DRAINAGE EASEMENT THAT'S ON THE PROPERTY THAT
 07:43:18 DRAINS VIA COCONUT, GENOVA, AS WELL AS THIS PROPERTY TO THE
 07:43:22 RAILROAD TRACK.
 07:43:25 AND IT GOES THROUGH THAT DITCH AND STANDING RULE ESTERO
 07:43:27 RIVER.
 07:43:27 WHEN WE MET WITH LEE COUNTY D.O.T., THEY ARE THE ONES WHO
 07:43:31 ACTUALLY HAVE RIGHTS TO THAT EASEMENT AS WELL, DRAINING VIA
 07:43:37 COCONUT.
 07:43:37 THEY HAVE TO PAY THE RAILROAD FOR THAT RANSOM TO GO AND USE
 07:43:43 THEIR EASEMENT.
 07:43:44 WE WORKED OUT THIS COMMON BENEFIT THAT WOULD BE A RELIABLE
 07:43:47 OUTFALL, AND I STRESS RELIABLE.

07:43:49 I KNOW THERE HAVE BEEN SOME ACCUSATIONS MADE, BUT THIS IS A
 07:43:54 RELIABLE OUTFALL THAT GOES AND REDOES THE DRAINAGE.
 07:43:58 WE'VE ALREADY ANALYZED IT AND WE DO SOME IMPROVEMENTS TO
 07:44:02 SANDY LANE.
 07:44:03 WE DO SOME IMPROVEMENTS ON THE PARK FOR SOME CONTROL
 07:44:06 STRUCTURE MODIFICATIONS, AND WE DO OBVIOUSLY OUR SITE, FULL
 07:44:10 ATTENUATION AND WATER QUALITY.
 07:44:12 AND WE'VE ANALYZED ALL THAT.
 07:44:15 AMAZINGLY ENOUGH, IT WAS SAID HERE THAT THE STAGE IS
 07:44:19 INCREASED BY HALF A FOOT OR SOMETHING.
 07:44:21 AND THAT'S NOT TRUE.
 07:44:24 WE HAVE ANALYZED THIS ENTIRE AREA FOR THE 5-YEAR, 25-YEAR,
 07:44:28 3-DAY, AND 100-YEAR EVENTS.
 07:44:31 WE ONLY FOUND ONE INSTANCE WHERE A 5-YEAR ELEVATION
 07:44:35 INCREASED BY ONE-EIGHTH OF AN INCH.
 07:44:37 THE 25-YEAR ELEVATIONS ARE LOWER.
 07:44:41 THE 100-YEAR ELEVATIONS ARE LOWER.
 07:44:42 THE 5-YEAR ELEVATIONS ARE LOWER ACROSS THE BOARD EXCEPT FOR
 07:44:46 THE PARK SITE, ONE-EIGHTH OF AN INCH HIGHER THAN WHAT IT WAS
 07:44:50 PREEXISTING OR EXISTING CONDITION.
 07:44:52 I WOULD LIKE TO DEFEND THAT POINT.
 07:44:55 THERE WAS A COMMENT MADE BY JIM THAT THE RECOVERY PERIOD IS
 07:44:59 DIFFERENT, AND I'LL EXPLAIN WHY.
 07:45:02 ORIGINALLY, THE PARK WAS AT THE HEADWATER OF THE DRAINAGE
 07:45:05 SYSTEM, AND IT WOULD DRAIN THROUGH THE PIPE UNDER VIA

 07:45:09 COCONUT TO THE RAILROAD DISH.
 07:45:11 WELL, NOW, WITH OUR INTERLINKING OF THE STORM DRAINAGE
 07:45:17 SYSTEM RUN DOWN SANDY LANE TO ESTERO RIVER, WE DRAIN INTO
 07:45:21 THE PARK, THE PARK DISCHARGES, SO YOU'RE SEEING A LAG WHERE

07:45:27 WE'RE SLOWLY THROTTLING OUR WATER, DRAINING OUR WATER INTO
 07:45:31 THE PARK SO THIS RECOVERY PERIOD, INSTEAD OF BEING VERY
 07:45:34 ABRUPT BECAUSE THE PARK IS JUST RECOVERING, NOW IT'S GOING A
 07:45:38 LITTLE BIT GRADUAL BECAUSE AS THE PARK IS RECOVERING, WE'RE
 07:45:42 RECOVERING TOO SO WE'RE ADDING A LITTLE BIT MORE WATER OVER
 07:45:45 TIME TO THE PARK DRAINING OUT.
 07:45:48 BUT WE STILL RECOVER.
 07:45:51 AFTER THE TEN YEARS, WHICH IS A TEST FOR SOUTH FLORIDA TO
 07:45:56 MAKE SURE SYSTEMS RECOVER, EVERYTHING RECOVERS.
 07:45:59 THEORETICALLY EVERYTHING WORKS AND MEETS SOUTH FLORIDA WATER
 07:46:04 MANAGEMENT DISTRICT.
 07:46:05 WE'LL WORK OUT THE NUANCES WITH YOUR STAFF.
 07:46:07 BUT I WANT TO SAY THAT WHAT WE HAVE DONE HAS BEEN
 07:46:10 COLLECTIVELY THROUGH LEE COUNTY, THROUGH THEIR ENCOURAGEMENT
 07:46:13 TO GET A BETTER, MORE RELIABLE OUTFALL WHERE THEY DON'T HAVE
 07:46:16 TO RELY ON THE RAILROAD DITCH TO BE MAINTAINED.
 07:46:20 THEY CAN MAINTAIN THEIR RIGHTS-OF-WAY.
 07:46:23 CORKSCREW ROAD, SANDY LANE, COLLECTIVELY WITH THE ESTERO AND
 07:46:27 THE PARK SITE.
 07:46:28 SO THEY HAVE MORE CONTROL OVER MAKING SURE THAT THIS IS A
 07:46:32 RELIABLE SYSTEM.

07:46:33 SO THERE'S A LOT OF PUBLIC BENEFITS NOT ONLY TO THE
 07:46:37 DEVELOPER, BUT PUBLIC BENEFITS TO LEE COUNTY AND THE
 07:46:40 VILLAGE.
 07:46:40 I THINK WE ARE STRIVING FOR IN THIS IMPROVEMENT.
 07:46:43 AND WE ARE IN THE SAME WATERSHED.
 07:46:48 THIS IS ALL ESTERO RIVER.
 07:46:49 WE'RE NOT MIXING WATERSHEDS.
 07:46:51 WE'RE NOT GOING INTO HALFWAY CREEK WHEN WE'RE SUPPOSED TO GO
 07:46:54 TO ESTERO RIVER.
 07:46:55 WE ARE NOT CHANGING THE WATERSHED BASINS.
 07:46:59 WE'RE CHANGING THE MINOR, SMALL SUBBASINS, LINKING THEM
 07:47:03 DIFFERENTLY BUT STILL GOING TO THE SAME PORTION OF ESTERO
 07:47:06 RIVER.
 07:47:06 IT'S JUST INSTEAD OF GOING THIS WAY AROUND THE BLOCK, WE'RE
 07:47:09 GOING THIS WAY.
 07:47:11 I JUST HOPEFULLY I CAN PUT IT IN SIMPLE TERMS THAT I THINK
 07:47:16 WE'RE VERY CLOSE TO A SOLUTION.
 07:47:18 LIKE I SAID, ONE-EIGHTH OF AN INCH WAS THE ONLY DIFFERENCE
 07:47:21 FOR ONE NODE AT THE PARK WHERE FOR A FIVE-YEAR EVENT.
 07:47:26 OTHERWISE, WE'RE MAKING SURE THAT NO STAGES ARE HIGHER POST
 07:47:31 VERSUS PRE-
 07:47:32 IF THERE ARE ANY QUESTIONS ON THAT, I'D LIKE TO ANSWER THEM.
 07:47:36 BECAUSE I WOULD LIKE TO SET THE RECORD STRAIGHT ON THAT
 07:47:39 BECAUSE WE ARE VERY SINCERE ABOUT MAKING SURE THAT THIS IS A
 07:47:43 RELIABLE SYSTEM AND TO THE PUBLIC BENEFIT AND WORKING WITH

07:47:47 THE COUNTY AND THE VILLAGE TO MAKE A GOOD SOLUTION, RELIABLE
 07:47:51 SOLUTION.
 07:47:51 EXCUSE ME.
 07:47:53 I'M LOSING MY THROAT.
 07:47:55 I NEED MORE WATER.
 07:47:55 >>Barry Jones: WHAT IS THE DOWN SIDE OF USING THE FPL DITCH
 07:48:00 --
 07:48:01 RICK: THE RAILROAD DITCH.
 07:48:03 YOU SAID FPL.
 07:48:05 >>Barry Jones: YEAH.
 07:48:06 >> RICK: ONE, IT'S RELIABILITY.
 07:48:08 OBVIOUSLY, IF THE STORM DRAINAGE SYSTEM AND THE SWALE SYSTEM
 07:48:11 IS IN THE RIGHT-OF-WAY AND THE COUNTY MAINTAINS THE
 07:48:14 RIGHT-OF-WAY, THE VILLAGE MAINTAINS THE RIGHT-OF-WAY, YOU
 07:48:16 HAVE MORE RIGHTS TO IT.
 07:48:18 WHEN IT'S IN A RAILROAD DITCH, FOR ONE, IT'S OBSCURED.
 07:48:21 IT'S TOUGH TO FIND.
 07:48:23 SECONDLY, YOU'VE GOT CULVERTS CROSSING THROUGH THE RAILROAD
 07:48:26 DITCH, CROSSING CORKSCREW ROAD.
 07:48:28 YOU'VE GOT LESS CONTROL OVER THE VEGETATION THAT'S IN THIS
 07:48:31 DITCH THAT CLOGS THE DITCH, THAT CLOGS THE PIPES.
 07:48:35 IN THE RIGHTS-OF-WAY, YOU DON'T HAVE THAT SAME CHALLENGE
 07:48:38 WITH VEGETATION, SUSCEPTIBLE TO THE DETRIMENT OF THE
 07:48:43 DRAINAGE SYSTEM.
 07:48:44 >>Jim Wallace: DO YOU HAVE ANY DRAWING, AERIAL, WHATEVER,

 07:48:48 THAT DEMONSTRATES WHAT YOU'RE TALKING ABOUT?
 07:48:50 WHAT YOU'RE PROPOSING VERSUS WHAT CURRENTLY?
 07:48:55 BECAUSE I DIDN'T SEE ANYTHING HERE.
 07:48:58 >> RICK: NO PROBLEM.
 07:49:00 >>Barry Jones: DOES THE EASEMENT THAT YOU HAVE NOT ALLOW YOU
 07:49:02 MAINTENANCE RIGHTS IN THE RAILROAD DITCH?
 07:49:08 >> RICK: THAT IS PLAN B.
 07:49:09 WE CAN GO BACK TO THAT.
 07:49:11 WE CAN GO BACK TO --
 07:49:19 >>Charlie Krebs: OUR MEETINGS WITH THE COUNTY ATTORNEY, I
 07:49:20 DON'T THINK THEY HAVE RIGHTS TO MAINTAIN THE RIGHT-OF-WAY.
 07:49:22 >>Barry Jones: MAINTAIN THE RAILROAD DITCH.
 07:49:24 >>Charlie Krebs: THEY CAN MAINTAIN THE PIPE THAT CROSSES THE
 07:49:27 SUBJECT PROPERTY, BUT ONCE IT GETS INTO THE RAILROAD, WHAT I
 07:49:31 REMEMBER FROM THE MEETING WITH THE COUNTY ATTORNEY'S
 07:49:33 REPRESENTATIVE, THERE'S NOT MAINTENANCE FROM THE COUNTY
 07:49:35 THERE.
 07:49:37 >>Barry Jones: THERE'S NOT MAINTENANCE OCCURRING OR NO
 07:49:40 OPPORTUNITY FOR THEM TO DO IT.
 07:49:43 >>Charlie Krebs: [INAUDIBLE]
 07:49:45 >>Barry Jones: THAT'S PECULIAR.
 07:50:14 >> RICK: BOY, THAT IS TOUGH TO READ.

07:50:16 THERE IT IS.
 07:50:32 >>Mary Gibbs: WE HAVE A QUESTION.
 07:50:34 NANCY HAS A QUESTION WHILE WE'RE DOING THIS.

07:50:38 >>Nancy Stroud: I THOUGHT I HEARD THE APPLICANT SAY THAT
 07:50:43 THEY ARE IN AGREEMENT WITH THE PROPOSED CONDITIONS BY THE
 07:50:46 STAFF.
 07:50:46 IF THAT'S THE CASE, THEN STAFF IS COMFORTABLE THAT THESE
 07:50:52 ISSUES CAN BE WORKED OUT BEFORE BUILDING PERMIT, VEGETATION
 07:50:58 REMOVAL AND ALL THE KIND OF STOPS THAT THEY HAVE BUILT INTO
 07:51:01 THE CONDITIONS.
 07:51:01 SO I JUST WANTED TO CONFIRM THAT I HEARD CORRECTLY.
 07:51:12 >> FRANCESCA.
 07:51:13 >> WE WERE GOING BACK AND FORTH ON VERBIAGE.
 07:51:16 WE'RE ACCEPTING THE CONDITIONS, WHICH AS NOTED STIPULATE
 07:51:22 THAT ANY, ANY, EVEN THE EIGHTH-INCH THAT WAS MENTIONED BY
 07:51:27 RICK WILL BE MITIGATED.
 07:51:28 SO THERE WILL BE NO NET IMPACT TO DRAINAGE FLOWS OR VOLUMES
 07:51:32 WHATSOEVER.
 07:51:33 WE'VE STIPULATED THAT WITH STAFF.
 07:51:36 TO COUNCIL'S POINT, I THINK STAFF IS IN SUPPORT OF THIS
 07:51:39 DEVELOPMENT ORDER WITH THOSE STIPULATIONS.
 07:51:42 THEY FEEL COMFORTABLE.
 07:51:42 WE'LL BE WORKING WITH THE WATER MANAGEMENT DISTRICT FOR THE
 07:51:45 PERMIT.
 07:51:46 MY UNDERSTANDING IS THE WATER MANAGEMENT DISTRICT IS ALSO IN
 07:51:49 SUPPORT OF THE REROUTING OF THE DRAINAGE AS IS LEE COUNTY.
 07:51:53 NOW VILLAGE STAFF IS COMFORTABLE.
 07:51:55 SO JUST SO YOU'RE ALL AWARE, ALL OF THE AGENCIES ARE

07:51:58 GENERALLY IN SUPPORT AND WE ALSO ARE ACCEPTING
 07:52:01 WHOLEHEARTEDLY THE CONDITIONS AT THIS POINT THAT STAFF HAS
 07:52:03 IMPOSED.
 07:52:04 >>Barry Jones: JUST FOR THE RECORD, COULD YOU PUT YOUR NAME
 07:52:06 IN?
 07:52:08 >> FRANCESCA PASSIDOMO FOR THE RECORD.
 07:52:20 >>Barry Jones: THE DOWNSTREAM IMPROVEMENTS WILL BE PAID BY
 07:52:24 THE APPLICANT OR THE COUNTY PITCHING IN ON THIS OR WHAT'S
 07:52:26 THE GAME PLAN?
 07:52:28 >> RICK: IT IS A COLLECTION OF A LITTLE BIT OF BOTH.
 07:52:31 DOWN SANDY LANE THERE IS A PEDESTRIAN IMPROVEMENT, MULTIPASS
 07:52:36 IMPROVEMENT.
 07:52:37 SOME OF THE WORK IS ALREADY SPECIFIED WITH THAT IMPROVEMENT.
 07:52:40 WE'RE MAKING SURE IF THERE ARE ANY UPGRADES TO THAT, THAT WE
 07:52:43 PICK UP THE DIFFERENCE.
 07:52:44 BUT SOME OF THAT WORK IS GOING TO BE DONE BY THAT EFFORT,
 07:52:48 CAPITAL IMPROVEMENT PROJECT.
 07:52:49 AND THEN THE SITE WITH THE PARK, WE'RE GOING TO DO --

07:52:53 THERE'S CONTROL STRUCTURE MODIFICATIONS, REALLY MINOR STUFF.
 07:52:57 OBVIOUSLY, WE'RE GOING TO GO AND VACATE THE EASEMENT, TAKE
 07:53:00 OUT THE PIPE ON THE PROPERTY THAT DRAINS VIA COCONUT AND
 07:53:03 GENOVA.
 07:53:06 AND REDO THE DRAINAGE ON VIA COCONUT TO NOW FOCUS TO THE
 07:53:10 PARK.
 07:53:11 >>Barry Jones: THE DOWNSTREAM WILL HAVE TO BE CERTIFIED

 07:53:14 COMPLETE BEFORE YOU CAN OCCUPY YOUR FIRST BUILDING.
 07:53:17 >> RICK: THREE WATER MANAGEMENT DISTRICT PERMITS, PROBABLY
 07:53:20 ONE FOR OUR SITE, ONE FOR THE COUNTY AND FOR VIA COCONUT,
 07:53:26 SANDY LANE, AND THEN PROBABLY ONE FOR THE PARK.
 07:53:29 >>Barry Jones: BUT ALL THE WORK HAS TO BE DONE BEFORE YOU
 07:53:32 START OCCUPYING BUILDINGS, YOUR OFF-SITE DRAINAGE WORK.
 07:53:38 >> RICK: OH, YES.
 07:53:40 I THINK IT'S EVEN MORE STRINGENT.
 07:53:42 WE CAN'T EVEN BREAK GROUND AND DO VEGETATION CLEARING
 07:53:45 WITHOUT WATER DISTRICT MANAGEMENT PERMIT.
 07:53:47 DID I MISSPEAK --
 07:53:53 >>Jim Wallace: ARE YOU GOING TO SHOW US THE ROUTE?
 07:53:58 >> RICK: EXISTING CONDITIONS, GENOVA, THAT MERGES WITH VIA
 07:54:02 COCONUT.
 07:54:02 THERE IS THE ROAD.
 07:54:03 THERE IS A POND OVER HERE FOR VIA COCONUT DRAINAGE AND WATER
 07:54:07 QUALITY.
 07:54:08 AND THEN THERE IS A DRAINAGE PARK THAT BISECTS THROUGH THE
 07:54:13 PROPERTY AND GOES TO THE RAILROAD DITCH.
 07:54:15 SO RIGHT NOW WHAT WE'LL DO IS VACATE THAT PIPE.
 07:54:20 GET RID OF THAT.
 07:54:21 AND THEN LINK THAT -- THERE'S ACTUALLY DRAINAGE TO THE PARK
 07:54:25 ALREADY FROM VIA COCONUT.
 07:54:27 SO WE LINK GENOVA INTO THE SAME CONTROL STRUCTURE INTO VIA
 07:54:35 COCONUT.

 07:54:36 THAT GOES TO THE PARK AND THEN WE EXIT THE PARK AND GO TO
 07:54:40 COCONUT -- SORRY, CORKSCREW ROAD AND THEN IT RUNS DOWN SANDY
 07:54:45 LANE TO ESTERO RIVER.
 07:54:46 INSTEAD OF GOING, LET'S SAY THE PARK, INSTEAD OF GOING
 07:54:50 THROUGH VIA COCONUT TO THE RAILROAD DITCH TO ESTERO RIVER,
 07:54:54 NOW THE PARK DRAINS TO COCONUT DOWN SANDY LANE TO ESTERO
 07:54:59 RIVER.
 07:54:59 SO YOU CAN SEE IT'S NOT SIGNIFICANTLY DIFFERENT.
 07:55:03 WE'RE NOT TALKING ABOUT GOING -- I WANT TO CLEAR UP THOSE
 07:55:09 INCONSISTENCIES THAT YOU MIGHT HAVE HEARD.
 07:55:12 >>Jim Wallace: JUST SO I UNDERSTAND THIS, NEOPHYTE HERE,
 07:55:16 YOU'RE SAYING THAT PARK IS BASICALLY EVERYTHING FLOWS FROM
 07:55:23 THE NEW DEVELOPMENT AND FROM GENOVA AND FROM VIA COCONUT,
 07:55:28 DRAINS OUT OF THOSE AREAS INTO THE PARK.

07:55:32 >> RICK: YES, SIR.
 07:55:32 >>Jim Wallace: IN MY NEOPHYTE MIND, THINK UPSTREAM AND THEN
 07:55:38 FLOWS OUT FROM THERE AND DOWN TO THE ESTERO RIVER.
 07:55:42 >> YES.
 07:55:43 >>Jim Wallace: IS THAT WHY YOU GET THE TEMPORARY ELEVATION
 07:55:45 OR THE SLOW DRAINAGE OUT OF THE PARK?
 07:55:50 >> RICK: ABSOLUTELY.
 07:55:51 SO INSTEAD OF, TAKE, FOR EXAMPLE, THE PARK, BECAUSE THAT'S
 07:55:54 THE NODE THAT STAFF MENTIONED WAS HAVING A DIFFERENT
 07:55:58 RECOVERY.
 07:56:01 INSTEAD OF RECOVERY DECLINING QUICKER, IT WAS LAGGING.

 07:56:04 THE REASON IS BECAUSE YOU HAVE THESE UPSTREAM AREAS WHICH IS
 07:56:08 FOUR AREAS.
 07:56:08 THREE AREAS.
 07:56:10 YOU HAVE GENOVA.
 07:56:11 YOU HAVE VIA COCONUT, AND THEN YOU HAVE OUR DEVELOPMENT
 07:56:15 GOING INTO THE PARK AND THEN EXITING AND GOING ON TO THE
 07:56:20 ESTERO RIVER.
 07:56:21 SO AS THESE UPSTREAM AREAS ARE SLOWLY DISCHARGING THEIR
 07:56:27 WATER, IT ALL ACCUMULATES AT THE PARK, SO IT TAKES LONGER
 07:56:32 FOR THE PARK TO RECOVER.
 07:56:33 >>Jim Wallace: LET ME ASK YOU MAYBE A STUPID QUESTION.
 07:56:37 THERE'S NO STUPID QUESTION.
 07:56:38 HOW DOES THE WATER GET FROM THAT COLLECTION LAKE IN THE PARK
 07:56:42 AND I REALIZE YOU'LL TELL ME, WE CAN MAKE THAT COLLECTION
 07:56:45 LAKE BIGGER IN THE PARK OR WHATEVER SO IT CAN HOLD MORE
 07:56:49 STORMWATER DRAINAGE AND THAT MIGHT BE ONE OF THE MITIGATIONS
 07:56:51 YOU DO, I DON'T KNOW, I DON'T PRETEND TO KNOW, HOW DOES IT
 07:56:54 GET FROM THERE DOWN ALONG THE EAST SIDE OF GENOVA, ACROSS
 07:57:01 CORKSCREW AND GOES DOWN THE CORKSCREW RIGHT-OF-WAY AND THEN
 07:57:05 UNDERNEATH SANDY LANE AND ALONG SANDY LANE TO THE ESTERO
 07:57:09 RIVER?
 07:57:11 I DON'T SEE THE ROUTE.
 07:57:15 >> RICK: I'M SORRY, THERE ARE CULVERT INTERCONNECTIONS THAT
 07:57:20 COME THROUGH HERE AND THEN GO TO CORKSCREW ROAD.
 07:57:22 CORKSCREW ROAD HAS DRAINAGE PIPES UNDER CORKSCREW ROAD, AND

 07:57:24 IT GOES TO THE SOUTHERN SWALE OF CORKSCREW ROAD -- I'M
 07:57:27 SORRY, THE NORTHERN SWALE OF CORKSCREW ROAD.
 07:57:29 AND THEN THERE IS ANOTHER STRUCTURE AT SANDY LANE,
 07:57:33 DISCHARGES SANDY LANE AND THEN CONTINUES NORTH TO ESTERO
 07:57:37 RIVER DOWN SANDY LANE BY A COMBINATION OF SWALES.
 07:57:40 >>Jim Wallace: -- IN THE PARK ARE CURRENTLY INTERCONNECTED.
 07:57:45 >> RICK: THERE ARE TWO BASINS.
 07:57:49 >>Jim Wallace: THE PIPE IS SUFFICIENTLY LARGE THAT IT CAN
 07:57:51 HANDLE THE ADDITIONAL WATER FLOW?
 07:57:54 >> RICK: THE PARK WAS ALREADY DESIGNED TO HOLD BACK WATER

07:57:57 AND SLOWLY DISCHARGE THE WATER.
 07:57:59 IT HAS A WATER MANAGEMENT DISTRICT PERMIT AS WELL.
 07:58:01 AS A MATTER OF FACT, IT HAS A PERIMETER BERM AND ONLY THE
 07:58:04 PARK DRAINS INTO THE PARK LAKES.
 07:58:07 ACCORDING TO THE PERMIT, RESIDENTIAL AREAS LIKE THERE WAS
 07:58:12 SOME DISCUSSION ABOUT CORALEE, AREN'T SUPPOSED TO DRAIN TO
 07:58:17 THE PARK.
 07:58:18 THE PARK HAD A SELF-CONTAINED SYSTEM.
 07:58:21 >>Jim Wallace: ALL THE LAKES WITHIN THE PARK ARE ALREADY
 07:58:24 CURRENTLY INTERCONNECTED.
 07:58:25 WITH STORMWATER DRAINAGE.
 07:58:29 >> RICK: THEY HAVE A WATER MANAGEMENT SYSTEM WITH A CONTROL
 07:58:31 STRUCTURE TO THROTTLE DOWN THE WATER AND SLOWLY RELEASE IT
 07:58:34 FROM THE SITE.
 07:58:35 >>Jim Wallace: YOU'RE SAYING YES, JIM SAYING NO.

 07:58:38 I'M TRYING TO UNDERSTAND HERE.
 07:58:39 SEE A GUY SHAKING HIS HEAD.
 07:58:41 I THINK YOU'RE SAYING YES.
 07:58:43 >>Jim Hart: WE MAY BE SAYING THE SAME THING A DIFFERENT WAY.
 07:58:46 BASICALLY, IF YOU LOOK WHERE THE CURSOR IS BETWEEN THIS POND
 07:58:52 AND THIS POND, THOSE PIPES DON'T EXIST TODAY.
 07:58:59 THEY DO NOT.
 07:59:01 >>Jim Wallace: HAVE TO BE PUT IN BY YOU.
 07:59:03 >>Jim Hart: WHAT IS CURRENTLY HAPPENING IS THIS NORTHERN
 07:59:06 POND, OR I GUESS THAT WOULD BE WESTERN POND IS WHAT IS
 07:59:10 FLOWING TO THE RAILROAD RIGHT-OF-WAY.
 07:59:12 ALL THE REST OF IT IS GOING BACK TOWARDS CORKSCREW.
 07:59:19 >>Jim Wallace: AND THEN TRAVELING BY SWALE DOWN TO THE
 07:59:21 RIVER?
 07:59:22 >>Jim Hart: CORRECT.
 07:59:24 CURRENTLY THERE ARE TWO BASINS.
 07:59:25 ONE FLOWING BACK TOWARDS THE RAILROAD, ONE FLOWING TOWARDS
 07:59:28 CORKSCREW.
 07:59:28 >>Jim Wallace: SORRY TO BELABOR IT.
 07:59:30 I'M JUST TRYING TO UNDERSTAND.
 07:59:32 THANK YOU.
 07:59:38 >> RICK: I CAN GO AND PROCEED TO THE DEVELOPMENT ORDER
 07:59:43 REVIEW IF YOU'D LIKE, IF THIS ISSUE IS I GUESS EXHAUSTED.
 07:59:49 >>Michael Sheeley: WE ARE EXHAUSTED.
 07:59:53 >>Jim Wallace: SORRY TO HAVE TAKEN SO MUCH OF YOUR TIME, BUT

 07:59:57 I HAD TO UNDERSTAND IT IN MY MIND.
 07:59:58 >> RICK: IT'S QUITE ALL RIGHT.
 08:00:03 >>Mary Gibbs: YOU'RE NOT GOING TO GO THROUGH ALL 50 PAGES,
 08:00:05 ARE YOU?
 08:00:07 >>Michael Sheeley: PLEASE DON'T.
 08:00:08 WE'VE SEEN IT ALREADY TEN TIMES.

08:00:13 >> RICK: THAT'S EXACTLY WHAT I WANT TO DO.
 08:00:15 THIS IS THE SIXTH TIME AT LEAST THAT YOU'VE HEARD THIS.
 08:00:18 WE'VE WORKED WITH YOUR STAFF TO ADDRESS ALL THE D.O.
 08:00:22 COMMENTS.
 08:00:22 WE'VE WORKED WITH YOU TO ADDRESS ANY OF YOUR DESIGN COMMENTS
 08:00:25 THROUGH THE YEARS, AND I THINK WE'RE AT A CONFORMED POSITION
 08:00:29 RIGHT NOW WHERE UNLESS YOU WANT ONE OF THE PROFESSIONALS TO
 08:00:34 EXPLAIN ANYTHING IN PARTICULAR, WE'VE BEEN CONSISTENT WITH
 08:00:37 THE MASTER CONCEPT PLAN, APPROVED THE ZONING, PAST MEETINGS
 08:00:43 WITH THE DEVELOPMENT ORDER.
 08:00:44 IF YOU'D LIKE TO DISCUSS ANYTHING, OTHERWISE, WE'RE
 08:00:49 RESPECTFUL OF YOUR TIME AND LIKE TO MOVE ON WITH YOU.
 08:00:52 >>Barry Jones: MY QUESTION IS ON THE PAINT SCHEMES.
 08:00:54 THERE ARE A COUPLE OF DIFFERENT PAINT SCHEMES.
 08:00:59 THEY ARE BORDERING ON THE WHOLE GRAY AREA THING.
 08:01:06 >>Michael Sheeley: WE WENT THROUGH THIS NUMEROUS TIMES WITH
 08:01:08 THE APPLICANT PREVIOUSLY, AND THEY HAVE A VARIETY OF
 08:01:11 DIFFERENT PAINT SCHEMES BASED ON WHERE THEY ARE.
 08:01:13 AND THEY ARE NOT GRAY, AND THEY ARE NOT UNIFORMLY WHITE.

 08:01:18 >>Barry Jones: THE PAINT SCHEMES ARE BASED ON WHICH SIDE OF
 08:01:20 THE BUILDING OR --
 08:01:22 >>Michael Sheeley: DIFFERENT PARTS OF EACH BUILDING.
 08:01:24 >>Mary Gibbs: MAY I SAY SOMETHING?
 08:01:27 THE PowerPoints, IT LOOKED LIKE TWO DIFFERENT COLORS.
 08:01:30 I ASKED THE SAME QUESTION THAT BOARD MEMBER JONES DID.
 08:01:33 I THINK YOU BROUGHT THE COLOR SAMPLES JUST TO REMIND
 08:01:37 EVERYBODY.
 08:01:38 >> I KNOW, MR. JONES, SOME OF THESE YOU WEREN'T ON THE BOARD
 08:01:43 BEFORE WHEN WE WENT THROUGH THESE.
 08:01:44 MARK McLEAN, MHK ARCHITECTURE, FOR THE RECORD.
 08:01:51 IT GETS BLEACHED OUT A LITTLE BIT.
 08:01:54 THOSE ARE THE ACTUAL SHERWIN WILLIAMS COLOR SELECTIONS.
 08:01:58 I HAVE ADDITIONAL COPIES OF THEM.
 08:02:00 WE WORKED AT LENGTH WITH STAFF.
 08:02:02 I THINK WE CHANGED COLORS FOUR TIMES.
 08:02:04 THE WAY THE ALTERNATE PATTERN IS WRITTEN OUT I THINK IN THE
 08:02:08 APPROVAL, THERE IS A PERCENTAGE RATE FOR THE ALLOWABLE
 08:02:11 PERCENTAGE OF ANY ONE COLOR ON ANY ONE ELEVATION AND WE DID
 08:02:14 RENDERINGS THAT WERE COLOR CODED TO EVERY SINGLE PAINT COLOR
 08:02:18 TO MATCH THE GRID EXACTLY THE WAY STAFF WANTED IT.
 08:02:20 >>Barry Jones: THANK YOU.
 08:02:22 >> YES, SIR.
 08:02:23 >>Michael Sheeley: I THINK YOU HAVE GONE ABOVE AND BEYOND IN
 08:02:25 THAT REGARD AND YOUR ARCHITECTURE IS REALLY SPLENDID, I

 08:02:30 THINK.
 08:02:30 >>Barry Jones: I WOULD AGREE.

08:02:38 >> WHAT IS THE NAME OF THE COMMUNITY GOING TO BE?
 08:02:40 IT'S NOT GOING TO BE MIXED USE DEVELOPMENT.
 08:02:44 [LAUGHTER]
 08:02:44 COMMONS PLACE GREENS, SQUARE, OR SOMETHING.
 08:02:54 >>Scotty Wood: WHO HAS THE NAMING RIGHTS?
 08:02:56 >> NAME IT AFTER YOU IF YOU APPROVE.
 08:02:59 VIA COCONUT IS THE NAME OF THE PROJECT VERIFIED BY THE
 08:03:01 DEVELOPER.
 08:03:09 >>Scotty Wood: SON OF GENOVA.
 08:03:12 >>Jim Wallace: I KNOW I TOOK A LOT OF YOUR TIME.
 08:03:15 DO I BELIEVE AND I'M NOT GOING TO SPEAK ON BEHALF OF THE
 08:03:17 BOARD, I THINK THIS IS A WONDERFUL COMMUNITY.
 08:03:20 I THINK YOU GUYS HAVE LISTENED REALLY HARD AND I APPLAUD
 08:03:23 YOU.
 08:03:27 >>Scotty Wood: OKAY.
 08:03:28 ARE THERE ANY OTHER COMMENTS?
 08:03:30 I'M GOING TO OPEN THE PUBLIC HEARING.
 08:03:39 >>Tammy Duran: ARLENE, YOU'RE UP.
 08:03:44 >>Mary Gibbs: WE CAN'T HEAR WHAT YOU'RE SAYING.
 08:03:46 >>Tammy Duran: MARLENE.
 08:03:53 >> MARLENE KOVOSIC.
 08:03:55 I LIVE IN GENOVA, THE B BUILDING, 406.
 08:03:59 I HAVE SOME CONCERNS ABOUT THIS COMMUNITY.

 08:04:04 AND WE'VE ALREADY ANSWERED SOME ABOUT THE WATER DRAINAGE.
 08:04:07 SO I WAS PLEASED TO HEAR THAT.
 08:04:09 THERE IS ANOTHER ISSUE OF TRAFFIC.
 08:04:14 I SAW ON THE BOARDS OVER THERE THAT YOU HAVE A HAPPY HOLLOW
 08:04:19 LANE.
 08:04:20 IS THAT LANE FROM CORKSCREW?
 08:04:22 AND HOW FAR INTO THE COMMUNITY DOES THAT GO?
 08:04:26 >>Mary Gibbs: THAT'S OFF OF CORKSCREW, AND IT GOES TO THE
 08:04:29 TIP OF THE COMMUNITY.
 08:04:32 RIGHT NOW, IT DOES NOT CONNECT AT THIS POINT.
 08:04:35 >>Barry Jones: IT DOES NOT HAVE ACCESS TO THIS COMMUNITY.
 08:04:39 >>Jim Wallace: SINGLE-FAMILY HOMES ARE ALREADY THERE.
 08:04:41 >> OKAY.
 08:04:41 THAT JUST IS IN THE PARK AREA AND IN THE COMMERCIAL
 08:04:44 BUILDINGS.
 08:04:45 >>Mary Gibbs: YES.
 08:04:50 >> IT'S BEEN A WHILE SINCE THEY HAD A PRESENTATION.
 08:04:54 ARE THESE CONCRETE BLOCK BUILDINGS?
 08:04:57 >> YES.
 08:04:58 >> OKAY, THAT'S GOOD.
 08:04:59 THEN THEY HAVE SEABOARD COASTLINE RAILROAD LINE.
 08:05:05 IS THERE A ROAD BACK THERE AT ALL?
 08:05:08 >>Mary Gibbs: THAT'S THE RAILROAD RIGHT-OF-WAY ON THE
 08:05:11 WESTERN PART OF THEIR PROPERTY, JUST RAILROAD RIGHT-OF-WAY.

08:05:14 IT'S NOT A ROAD RIGHT-OF-WAY.

08:05:17 >> WHERE WILL THE MAIN ENTRANCE BE FOR THIS COMMUNITY VIA
08:05:22 COCONUT?

08:05:23 >>Mary Gibbs: ON VIA COCONUT ABOUT MIDWAY THROUGH THE
08:05:27 PROPERTY, KIND OF ACROSS FROM THE PARK.

08:05:29 >> THE ENTRANCE TO THE PARK AT ONE TIME, WHEN I CAME TO THIS
08:05:34 PRESENTATION, THEY WERE GOING TO HAVE THE ENTRANCE FROM THIS
08:05:38 COMMUNITY INTO THE PARK.

08:05:40 IS THAT GOING TO BE THE MAIN ENTRANCE AT THAT POINT?

08:05:45 >>Mary Gibbs: IT COULD BE AT SOME POINT.

08:05:46 IS YOUR MAIN ENTRANCE A LITTLE FARTHER NORTH, RICK?

08:05:50 I CAN'T PICTURE IT RIGHT AT THE MOMENT?

08:05:53 >> RICK: THIS IS PROBABLY THE MAIN ENTRANCE.

08:05:57 BUT THERE IS ANOTHER ENTRANCE, ENTRY AND EXIT.

08:06:01 AND WE HAVE A STABILIZED EMERGENCY ACCESS TO THIS AREA OVER
08:06:05 HERE.

08:06:06 AND THIS IS THE PARK OVER AT THE INTERSECTION.

08:06:12 >>Tammy Duran: I'M SORRY.

08:06:12 WE NEED YOU GUYS ON MICROPHONE, PLEASE.

08:06:14 >> SO THE PARK IS TO THE EAST OF THE COMMERCIAL BUILDINGS.

08:06:24 >> NO.

08:06:29 >> EAST, EAST.

08:06:30 THE PARK IS EAST.

08:06:33 >> WHAT IS BEING BUILT OPPOSITE THE PARK ON CORKSCREW?

08:06:37 WHAT'S GOING TO BE BUILT THERE?

08:06:40 >>Mary Gibbs: THERE IS NOTHING OPPOSITE THE PARK.

08:06:43 THE PARK DOESN'T GO TO CORKSCREW.

08:06:46 YOU MEAN THIS LITTLE PIECE OF THE PARK?

08:06:48 >> YES.

08:06:50 >>Mary Gibbs: ALL RIGHT.

08:06:51 THIS PIECE OF THE PARK WILL BE DONATED TO THE VILLAGE AND
08:06:57 IT'S JUST GOING TO BE KIND OF A PASSIVE AREA WITH BUTTERFLY
08:07:02 GARDEN OR SOMETHING LIKE THAT.

08:07:03 IS THAT WHAT YOUR QUESTION IS.

08:07:07 >> THAT'S AVAILABLE FROM CORKSCREW AND VIA COCONUT, ANYBODY
08:07:10 CAN WALK INTO THAT PARK?

08:07:12 >>Mary Gibbs: YES.

08:07:19 >> I WANT TO KNOW WHAT THIS IS?

08:07:28 >> TURN IT VERTICAL, THAT'S WHERE NORTH IS.

08:07:33 >> THAT'S NOT PART OF THE PROJECT.

08:07:38 >> YOUR PROJECT STARTS HERE.

08:07:39 >> BOUNDARY LINE IS THIS LINE.

08:07:41 THIS IS JUST A BLOWUP OF THE PROPOSED --

08:07:44 >> I GOT IT.

08:07:45 HOW BIG IS THE PARK?

08:07:46 >> ABOUT ONE ACRE, JUST SHY, I THINK.

08:07:52 >> THERE IS AN ENTRANCE ON CORKSCREW INTO THIS COMMUNITY.
 08:07:57 >> NO.
 08:07:57 >> AS WELL AS VIA COCONUT.
 08:07:58 >> NO.
 08:07:59 JUST VIA COCONUT.

08:08:01 >> THAT TO ME IS GOING TO BE A PROBLEM WITH TRAFFIC.
 08:08:10 IF THERE'S OVER 300 FAMILY UNITS THERE, THAT'S A LOT OF
 08:08:13 PEOPLE COMING IN AND OUT, ESPECIALLY IF PEOPLE HAVE TWO CARS
 08:08:17 AND A FAMILY.
 08:08:18 >>Mary Gibbs: THERE ARE MULTIPLE ACCESSES OFF OF VIA
 08:08:20 COCONUT, NOT JUST ONE.
 08:08:22 THERE WILL BE LIKE THREE DIFFERENT WAYS YOU CAN GET IN OR
 08:08:26 OUT.
 08:08:26 >> THANK YOU.
 08:08:27 NOW, THERE IS A QUESTION OF A RESTAURANT.
 08:08:31 >>Mary Gibbs: THAT WAS APPROVED IN THE ZONING, SO WHAT WE'RE
 08:08:34 HERE TONIGHT, WE'RE TALKING ABOUT THE SITE PLAN ITSELF.
 08:08:36 SO THE ZONING USES ARE ALREADY APPROVED.
 08:08:39 THEY HAVE A POTENTIAL TO DO A RESTAURANT ALONG WITH THE
 08:08:42 MULTIFAMILY AND MAYBE A CHURCH OR SOME OTHER COMMERCIAL
 08:08:45 USES.
 08:08:47 >> SO THERE WILL BE A CHURCH THERE?
 08:08:49 >>Mary Gibbs: POSSIBLY.
 08:08:50 IT COULD BE COMMERCIAL OR IT COULD BE A CHURCH.
 08:08:53 >> WHERE IS THAT GOING TO BE LOCATED?
 08:08:54 >>Mary Gibbs: RIGHT ON VIA COCONUT.
 08:08:58 SOUTH OF THE PARK.
 08:09:00 I THINK YOUR TIME JUST RAN OUT.
 08:09:06 NINE SECONDS LEFT.
 08:09:09 >> I GUESS THAT'S MOST OF THE QUESTIONS.

08:09:13 TRAFFIC ISSUE, IF THERE ARE THREE ENTRANCES, I UNDERSTAND
 08:09:16 THAT.
 08:09:16 THAT'S GOOD.
 08:09:17 WILL THERE BE A LIGHT ANYWHERE ON VIA COCONUT?
 08:09:21 >>Mary Gibbs: NO TRAFFIC LIGHT.
 08:09:23 >> ANY STOP SIGNS ON THIS WHOLE COMMUNITY?
 08:09:25 JUST REGULAR STOP SIGNS?
 08:09:28 >>Mary Gibbs: NO TRAFFIC LIGHT.
 08:09:30 YOU WOULD JUST STOP.
 08:09:32 >> THANK YOU VERY MUCH.
 08:09:34 >> THANK YOU.
 08:09:35 >>Tammy Duran: DIANE.
 08:09:44 >> DIANE GNASH.
 08:09:46 I LIVE IN GENOVA.
 08:09:48 21460.
 08:09:50 I AM STILL VERY, VERY CONCERNED ABOUT FLOODING WITH

08:09:56 SOMETHING GOING NORTH AND THEN SEEMS TO GO SOUTH AT THIS
 08:10:01 DEVELOPMENT, GENOVA.
 08:10:04 I DON'T UNDERSTAND HOW IT'S NOT GOING TO AFFECT GENOVA.
 08:10:17 WE ARE NOT IN A FLOOD ZONE AND WE'VE GOTTEN APPROVED THROUGH
 08:10:21 OUR INSURANCE NOT TO HAVE FLOOD INSURANCE, BUT I AM
 08:10:25 CONCERNED BECAUSE THIS COULD BE A PROBLEM.
 08:10:30 THE SECOND THING IS, COULD THERE BE A LIGHT SOMEWHERE AROUND
 08:10:36 THERE?
 08:10:37 BECAUSE RIGHT NOW, IN SEASON, WE CAN'T GO AND TAKE A LEFT.

 08:10:42 IT'S EXTREMELY DIFFICULT.
 08:10:44 WE CANNOT MAKE A LEFT TO GO SOUTH ON COCONUT NORTH.
 08:10:49 AND THE OTHER COMMENT THAT I HAVE IS I KNOW YOU ALREADY
 08:10:59 APPROVED THIS, BUT I'D LIKE TO KNOW WHAT HAPPENED WITH THE
 08:11:04 RESTAURANT BECAUSE MY CONCERN WHEN THE RESTAURANT CAME UP
 08:11:07 WAS THE LIVE MUSIC, AND I DON'T KNOW WHAT THE FINAL DECISION
 08:11:10 WAS ON THE LIVE MUSIC.
 08:11:16 >>Mary Gibbs: WITH REGARD TO THE TRAFFIC LIGHT, IT'S NOT
 08:11:18 LIKELY THAT THERE WOULD BE A LIGHT ANY TIME SOON BECAUSE YOU
 08:11:21 HAVE TO HAVE A CERTAIN -- YOU HAVE TO HAVE REALLY HEAVY
 08:11:25 TRAFFIC TO HAVE A LIGHT.
 08:11:26 SO THAT'S NOT LIKELY ANY TIME SOON.
 08:11:28 AND WITH REGARD TO THE RESTAURANT, THE ZONING APPROVED
 08:11:33 RESTAURANT USE, THEY DID APPROVE IN THAT LITTLE MAIN STREET
 08:11:37 AREA SOME OUTDOOR KIND OF MUSIC, BUT THERE WERE LIMITS ON
 08:11:42 THE HOURS OF OPERATION AND SERVING ALCOHOL, SO THERE WERE
 08:11:46 SOME STRICT CONDITIONS ABOUT SERVING ALCOHOL AND HOW LATE
 08:11:50 THEY COULD BE OPEN.
 08:11:52 >> OKAY.
 08:11:52 SO THE LIVE MUSIC WOULDN'T BE LIKE 10:00, WE WOULD LIKE TO
 08:11:58 GO TO SLEEP.
 08:11:59 >>Mary Gibbs: I THINK IT WAS ABOUT 11, AS I RECALL.
 08:12:02 AND IT WAS DIFFERENT ON WEEKENDS THAN WEEK NIGHTS.
 08:12:05 AND THEN IN THE RESTAURANTS, MOST OF THE ALCOHOL IS LIKE
 08:12:08 INSIDE THE RESTAURANT.

 08:12:11 >> I'M NOT AGAINST THE RESTAURANT.
 08:12:13 IT WAS THE LIVE MUSIC.
 08:12:14 OKAY.
 08:12:16 WELL, THOSE ARE BASICALLY MY QUESTIONS.
 08:12:19 THANK YOU VERY MUCH.
 08:12:22 >>Tammy Duran: THAT'S ALL.
 08:12:22 >>Scotty Wood: THAT'S IT.
 08:12:24 LAST CALL FOR PUBLIC HEARING.
 08:12:27 I'LL CLOSE THE PUBLIC HEARING.
 08:12:31 >>Mary Gibbs: I JUST HAVE ONE QUESTION I NEED TO ASK THE
 08:12:33 APPLICANT TO CLARIFY.
 08:12:36 ARE YOU ASKING FOR APPROVAL OF THE MONUMENT SIGNS TONIGHT?

08:12:39 OKAY.
 08:12:43 IF THEY DO -- IF YOU DO APPROVE THE MONUMENT SIGNS, CAN WE
 08:12:50 SAY FOR THE DESIGN OF THE MONUMENT SIGNS BECAUSE WE HAVEN'T
 08:12:53 -- WE'RE TRYING TO READ THE SPECS OF THE MONUMENT SIGNS.
 08:12:57 IT WAS HARD TO READ.
 08:12:58 I COULDN'T TELL ABOUT THE ILLUMINATION AND SOME OF THE
 08:13:00 DETAILS.
 08:13:01 IF WE APPROVE THEM, I WOULD -- WE WOULD LOOK AT THE SPECS
 08:13:08 WHEN WE DO THE PERMIT.
 08:13:11 >>Scotty Wood: ANY COMMENTS FROM THE BOARD NOW?
 08:13:13 >>Jim Wallace: THE ONLY COMMENT I HAVE IS ON THE DUMPSTERS,
 08:13:18 UNLESS YOU HAVE LOTS OF LANDSCAPING, IT WOULD BE NICE IF YOU
 08:13:20 HAD SOME ARCHITECTURAL DETAIL.

 08:13:31 >> MARK McLEAN AGAIN WITH MHK.
 08:13:34 ACTUALLY, WE MIGHT HAVE A PRINT OF THE BUILDING, BUT IT IS A
 08:13:37 COMPACTOR IN THE BACK OF THE COMMUNITY, AND IT IS WITHIN A
 08:13:40 STRUCTURE.
 08:13:40 >>Jim Wallace: I'M LOOKING AT THE WALL DETAIL.
 08:13:44 >> IT IS COMPLETELY LANDSCAPED ALL THE WAY AROUND IT.
 08:13:46 IT'S BASICALLY SOMEWHERE FOR THEM TO GO DUMP.
 08:13:50 THERE IS A COMPACTOR THAT WILL COME IN AND OUT TO MITIGATE
 08:13:54 -- YES, SIR.
 08:14:00 >>Scotty Wood: I THINK WE MAY BE READY FOR A MOTION.
 08:14:04 ANYBODY WANT TO MAKE ONE?
 08:14:10 >>Jim Wallace: I WILL.
 08:14:11 I WILL RECOMMEND WE APPROVE IT.
 08:14:12 >>Scotty Wood: IS THERE A SECOND?
 08:14:13 >>Michael Sheeley: SECOND.
 08:14:18 >>Jim Wallace: SUBJECT TO THE STAFF BEING COMFORTABLE WITH
 08:14:21 THE DRAINAGE.
 08:14:23 >>Michael Sheeley: AND THE MONUMENT SIGN DESIGN.
 08:14:24 >>Barry Jones: THE SIGN SPECIFICATIONS CONSISTENT WITH THE
 08:14:27 SIGN CODE.
 08:14:29 >>Mary Gibbs: AND THE STAFF STIPULATIONS.
 08:14:32 >> YES.
 08:14:33 >>Scotty Wood: SO THE MOTION MAKER AND THE SECONDER ARE BOTH
 08:14:36 OKAY WITH THAT?
 08:14:37 >>Michael Sheeley: YES.

 08:14:38 >>Scotty Wood: OKAY.
 08:14:39 ANY DISCUSSION?
 08:14:40 CALL THE ROLL.
 08:14:43 >>Anthony Gargano: YES.
 08:14:46 >>Kristin Jeannin: YES.
 08:14:48 >>Barry Jones: YES.
 08:14:49 >>Michael Sheeley: YES.
 08:14:51 >>James Tatoes: YES.

08:14:52 >>Jim Wallace: YES.
08:14:54 >>Scotty Wood: YES.
08:14:55 THERE IS AN OPPORTUNITY FOR PUBLIC COMMENT ON NON-AGENDA
08:15:30 ITEMS.
08:15:30 IS THERE ANYONE WHO WISHES?
08:15:33 NO.
08:15:34 ALL RIGHT.
08:15:35 MARY, JUST A BRIEF SUMMARY FOR THE BOARD ABOUT OUR NEXT
08:15:40 MEETING TWO WEEKS FROM NOW.
08:15:41 >>Mary Gibbs: DON'T FORGET, WE HAVE A MEETING JULY 25th,
08:15:46 AND WE'LL PROBABLY HAVE SIX OR SEVEN CASES, BUT HOPEFULLY
08:15:49 WON'T GO QUITE AS LATE AS THIS.
08:15:55 >>Scotty Wood: ANYTHING ELSE?
08:15:56 ANY BOARD COMMENTS?
08:15:57 MOTION TO ADJOURN.
08:15:59 >> SO MOVED.
08:16:00 >> SECOND.

08:16:01 >>Scotty Wood: ALL IN FAVOR?
08:16:02 WE'RE ADJOURNED.
08:16:03

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DRAFT MINUTES

Planning Zoning and Design Board Meeting

**Village of Estero
9401 Corkscrew Palms Circle
Estero, FL 33928
June 13, 2023 4:30 p.m.**

- 1. CALL TO ORDER:** 4:33 p.m.
- 2. PLEDGE OF ALLEGIANCE:**
- 3. ROLL CALL:**

Present: Board Members James Tatooles, Barry Jones, Jim Wallace, and Kristin Jeannin.
Absent Board Member Michael Sheeley, Vice Chairman Anthony Gargano, and
Chairman Scotty Wood.

Also present: Village Land Use Counsel Nancy Stroud, Community Development
Director Mary Gibbs, Development Review Manager Jim Hart, and Deputy Village Clerk
Tammy Duran.

- 4. APPROVAL OF AGENDA:**

A motion to approve the agenda with moving 6(b) first was made and duly passed.

- 5. BUSINESS:**

(a) Consent Agenda

(1) Approval of May 9, 2023, meeting minutes.

A motion to approve the consent agenda was made and duly passed.

- 6. PUBLIC HEARINGS (Quasi-Judicial)**

Village Land Use Counsel Stroud provided information regarding Board business and
quasi-judicial hearings. All audience members and staff providing testimony for the
hearing were sworn in by Village Land Use Counsel Stroud.

- (b) RiverCreek Recreation Site - Development Order (DOS2023-E003) (District 7)
12840 Corkscrew Road and 20161 Camellia Crosse Lane

Applicant seeks approval of the recreational campus located on Tract "A". Recreational amenities include a 14,546 S.F. clubhouse, pickleball, tennis, basketball and bocce courts, play area and associated parking.

Public Information Meeting was held September 13, 2022 and issues related to the recreational site were discussed at the RiverCreek III Public Information Meeting May 9, 2023.

Boardmember Jones spoke to the applicant about moving this case up on the agenda.

No conflicts of interest were noted.

Staff Presentation/Comments

Mary Gibbs, Community Development Director
Jim Hart, Development Review Manager

Presentation/Information by

John Asher, PE, GL Homes

Public Comment

None.

Board Questions or Comments

Board Members Jones, Jeannin, and Wallace.

Motion: Motion to approve the Development Order with staff conditions.

Motion by: Board Member Jeannin
Seconded by: Board Member Tatooles

Action: Approved the Development Order with the staff conditions.

Vote:

Aye: Board Members Tatooles, Jones, Jeannin, and Wallace
Nay:
Abstentions:

- (a) Woodfield Estero Planned Development - Rezoning (DCI2022-E005) (District 6)
Vacant parcels at the northwest corner of US 41 and Coconut Road.

Applicant seeks to rezone ±45.6 acres from Mixed Use Planned Development (MPD) to Estero Planned Development (EPD) to allow 596 dwelling units, office, retail, restaurants, and related uses.

Public Information Meeting was held February 21, 2023.

Board Member Jones disclosed receiving emails regarding a pre-meeting with the applicant. Board Member Wallace did attend a pre-meeting with the applicant on May 11, 2023, and Community Development Director Gibbs attended that meeting. Board Member Tatooles did attend a pre-meeting with the applicant on April 11, 2023, and Community Development Director Gibbs attended that meeting.

No ex parte communications or conflicts of interest were noted.

Staff Presentation/Comments

Mary Gibbs, Community Development Director
Jim Hart, Development Review Manager

Presentation/Information by

Richard Yovanovich, Esq., CYK Law Firm
Ross Abramson, Woodfield Development
Alexis Crespo, AICP, RVi Planning + Landscape Architecture
Sina Ebrahimi, PE, Kimley Horn
Billy Hattaway, PE, MBA, RSP1, ITE, Fehr & Peers
Elizabeth Suarez, Fehr & Peers

Public Comment

eComments

Vicky Shaw, Marsh Landing
Karen Smith, The Brooks
Roxanne Relland, Coconut Shores
Jeff McNichol, Coconut Shores
Don Sikora, Meadowbrook
Jill Keene-Lucas, Meadowbrook
Mark Erickson, Coconut Shores
Christine Hamilton, Spring Run
Elain Garn, Fountain Lakes
Margaret Pure, Estero
Larry Sherman, Colony
Gary and Carolyn Kerl, Marsh Landing

In Person

Vicki Olson, Pelican Landing
Grant Johnston, Coconut Shores
Jerry Masters, Coconut Shores
Francisco Figueroa, Treviso
Larry Sherman, Colony
Connie Mansfield, Marsh Landing
Jill Keene-Lucas, Meadowbrook
Don Sikiro, Meadowbrook

Karen Smith, The Brooks
Tracey Tamer, Shadow Wood
Mary O'Connor, Shadow Wood
Andrew Bregeman, Shadow Wood
Mark Shlien, Lighthouse Bay
Karen Buckner, Estero
David Wesjak, Estero Springs
Bruce Greenspan, Shadow Wood
Marlene Rodak, Meadowbrook
Judy Cardin, Shadow Wood

Board Questions or Comments

Board Members Tatooles, Jones, Wallace, and Jeannin.

Meeting Recessed at 7:35 pm and Reconvened at 7:44 pm.

Motion: Motion to continue meeting not to exceed 9:30 pm to resolve this case and all further actions after that would have to continue to the next meeting.

Motion by: Board Member Jones
Seconded by: Board Member Tatooles

Action: Approved the motion to continue meeting not to exceed 9:30 pm to resolve this case and all further actions after that would have to continue to the next meeting.

Vote:

Aye: Board Members Tatooles, Jones, Jeannin, and Wallace.

Nay:

Abstentions:

Motion: Motion to recommend approval to the Council with staff conditions and the following additional conditions: the hard scaping and lighting will be consistent throughout the community and will be defined at the time of the first Development Order, no 24-hour medical facilities use. The Village Council would recommend a minimum percentage of use during operating hours for the civic structure to be qualified as a civic structure, perimeter buffers along U.S. 41 and adjacent to the pond at the time of the first Development Order, shielding the fence in the buffer from the adjacent community, architecture review in more details at the time of Development Order, foundation plantings for the residential structures must exceed the minimum 10%, and the intersection of Coconut Road and Walden will be analyzed and the

recommendation will be whatever the infrastructure that provides the highest and best capacity use for that intersection.

Motion by: Board Member Jones
Seconded by: Board Member Jeannin

Action: Recommended approval to the Council with staff conditions and the following additional conditions: the hard scaping and lighting will be consistent throughout the community and will be defined at the time of the first Development Order, no 24-hour medical facilities use. The Village Council would recommend a minimum percentage of use during operating hours for the civic structure to be qualified as a civic structure, perimeter buffers along U.S. 41 and adjacent to the pond at the time of the first Development Order, shielding the fence in the buffer from the adjacent community, architecture review in more details at the time of Development Order, foundation plantings for the residential structures must exceed the minimum 10%, and the intersection of Coconut Road and Walden will be analyzed and the recommendation will be whatever the infrastructure that provides the highest and best capacity use for that intersection.

Vote:

Aye: Board Members Tatooles, Jones, Jeannin, and Wallace.

Nay:

Abstentions:

- (c) Estero Bay Chevrolet Auto Dealership Lighting Upgrade – Deviation (Case TBD)
 (District 5)
 10640 Chevrolet Way Located south of Corkscrew Road and next to the I-75 southbound entrance ramp and north of Corkscrew Woodlands.

Applicant seeks a deviation from Section 5-604 E.1. to use 4000K or 5000K lighting instead of 3000K per the LDC. The applicant states that the greater intensity increases security cameras' visibility and provides customers with improved color accuracy.

This case was continued due to the lack of time.

9. PUBLIC INPUT

10. BOARD COMMUNICATIONS

- (a) Next meeting – July 11, 2023

11. ADJOURNMENT: 9:26 pm.

Tammy Duran
Deputy Village Clerk



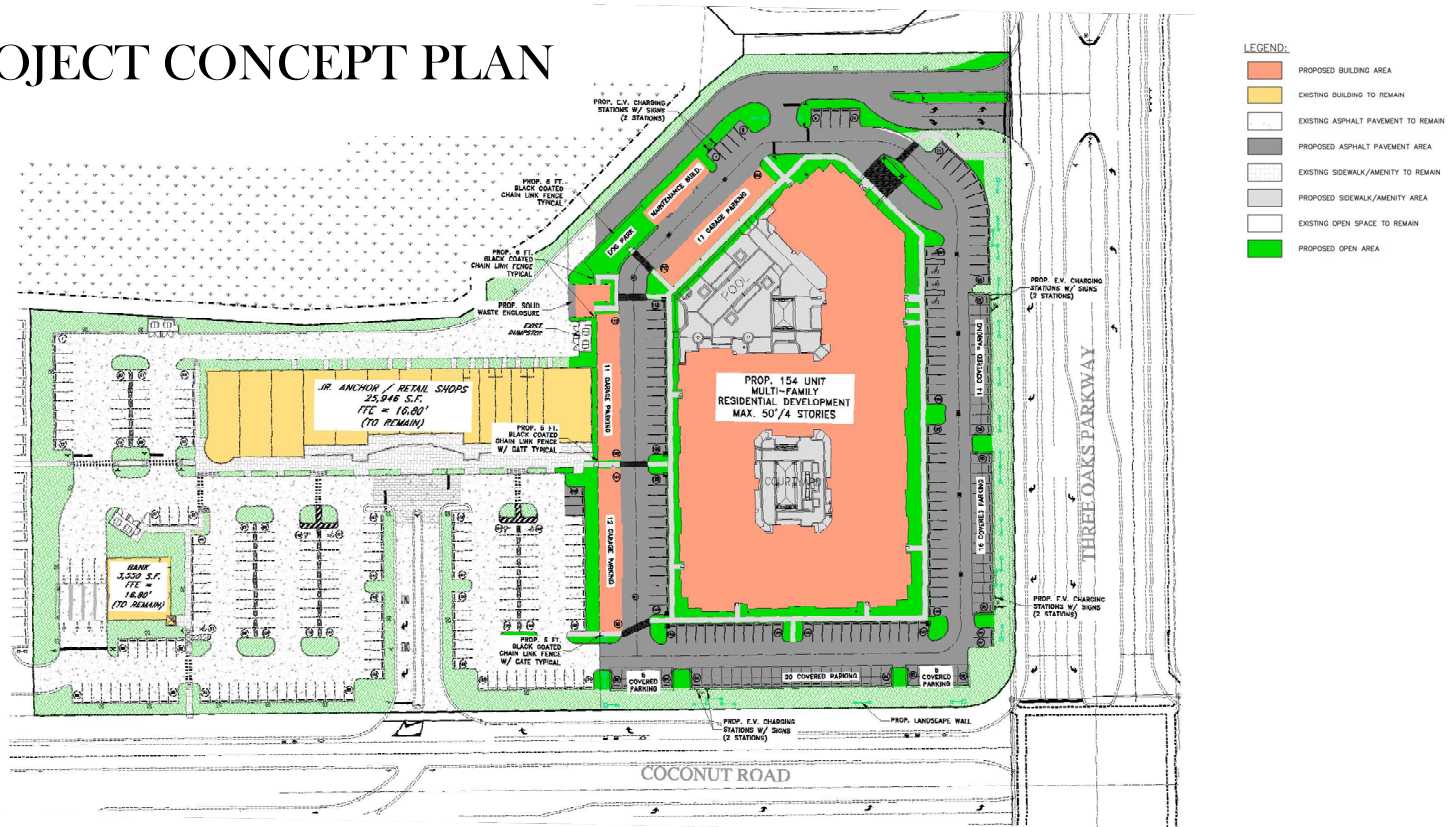
PROJECT DESCRIPTION

- Redevelopment of 5.33 acres of the existing commercial project connected with the vacant Sweet Bay supermarket
- Construction of a maximum 154 multi-family residential units
- Maximum building height of 50 feet / 4 stories
- Parking to be shared with onsite commercial uses
 - 208 existing commercial parking spaces
 - 212 proposed residential parking spaces
- Access points to Coconut Road and Three Oaks Parkway to be shared

Requested Deviations

- Existing 16 previously approved deviations to remain in effect.
- Deviation 17 – Reduction in required parking for residential of 21 spaces.
- Deviation 18 – Request to maintain minimum pavement elevations consistent with onsite commercial
- Deviation 19 – Request to maintain light poles on commercial site at 20 ft.

PROJECT CONCEPT PLAN



CONCEPT LANDSCAPE PLAN



CONCEPT POOL DECK



CONCEPT COURTYARD



CONCEPT LANDSCAPE WALL



CONCEPT BUILDING ELEVATION

THREE OAKS PARKWAY ENTRANCE



CONCEPT BUILDING ELEVATION

INTERSECTION OF COCONUT AND THREE OAKS



THANK YOU



THE RESIDENCES AT BROOKS TOWN CENTER
Final Plan Approval Staff Report

PROJECT NAME: The Residences at Brooks Town Center
CASE TYPE: Final Plan Approval
CASE NUMBER: DCI2020-E001
**PLANNING ZONING AND
DESIGN BOARD MEETING:** July 11, 2023

SUMMARY OF REQUEST

This is a request for Final Plan approval and three deviations for The Residences at Brooks Town Center, a proposed 4-story, 154-unit multifamily development, to be located on a 9.95-acre tract at the northwest corner of Coconut Road and Three Oaks Parkway in The Brooks development.

RECOMMENDATION

Staff recommends approval with the conditions in the resolution.

GENERAL INFORMATION

Owner

Long Bay Partners, LLC

Applicant

Elias Vassilaros, TOP-CR Associates LLC, Miami, FL

Contract Purchaser

Tom Cavanaugh, President, PAC Land Development Corporation, Winter Park, FL

Authorized Agents

Hole Montes, Inc.
Pavese Law Firm
PAC Land Development Corp.

DCI2020-E001

Page 1 of 5

Location

Northwest corner of Coconut Road and Three Oaks Parkway, 10010-28 Coconut Road

STRAP Number

11-47-25-E4-42161.1988

Size of Property

9.95 acres

Surrounding Zoning

<u>North</u>	Mixed Use Planned Development, Brooks DRI, conservation area
<u>East</u>	Three Oaks Parkway, then Mixed Use Planned Development, Brooks DRI
<u>South</u>	Coconut Road, then Mixed Use Planned Development, Brooks DRI
<u>West</u>	Mixed Use Planned Development, Brooks DRI, shopping plaza

Zoning

The proposed site is zoned Mixed Use Planned Development (MPD) and is part of the larger 2,500+-acre Brooks Development of Regional Impact

Comprehensive Plan Land Use Category

Village Neighborhood 1

Project History

The property was rezoned by Lee County to Mixed Use Planned Development in 1997 by Resolution Z-97-037. There were subsequent amendments in ADD2007-00064 and Z-99-076, Z-02-006 and Z-13-009. A DRI Development Order was approved by Lee County along with the rezoning in 1997. Final Plan approval was issued by Lee County in 2007 for a shopping plaza at this location (northeast corner of Coconut Road and Three Oaks Parkway). (ADD2007-00064). The applicant and the Village have been in litigation regarding, among other things, the proper procedure by which the Final Plan Approval should be reviewed. The Village Council and Plaintiffs have entered into a Settlement Agreement that provides that the PZDB will review the Final Plan Approval application pursuant to the standards in the Zoning Resolution. The applicant will return to the PZDB at a future date for review and action on a local development order for the project.

STAFF ANALYSIS

Request

The applicant is requesting Final Plan Approval to redevelop a portion of the existing shopping plaza known as The Brooks Town Center, a 9.95-acre site at the northwest corner of Coconut Road and Three Oaks Parkway.

DCI2020-E001

Page 2 of 5

The applicant proposes to demolish the vacant building (approximately 36,000 square feet in size) that formerly housed Sweet Bay and then Winn Dixie grocery store, and replace that and a portion of the parking lot with a multiple family building with 154 units, and a height of 50 feet (4 stories). The remaining part of the shopping center with assorted retail uses and a bank would remain (35,334 square feet).

The 9.95-acre site is part of the 2,500+-acre Brooks Development of Regional Impact.

Master Concept Plan

The site plan (Master Concept Plan) that would replace the prior Master Concept Plan shows the location of the multiple family building on the eastern approximately half of the site, and the retail stores and bank to remain on the western half of the site. Access to the site consists of one existing access on Three Oaks Parkway, and one access from Coconut Road. The applicant provided a traffic analysis that indicates that the multiple family building will generate significantly less traffic than the grocery store. The access points and the existing turn lanes are adequate for the proposed development.

Final Plan Approval

The applicant is requesting Final Plan approval for the proposed redevelopment project.

Lee County Zoning Resolution (Z-97-037) included a condition (Condition 1.b.) that a Final Plan approval would be required for tracts prior to vertical development on the site (typically prior to or concurrent with a development order/site plan approval).

Condition 1.b. of the Resolution states:

- 1.b. Final Plan Approval (FPA) will be required only when the parcel development includes vertical (structural) development or when additional deviations are requested. If FPA is required, then the Developer must file an application prior to, or simultaneous with, a local Development Order that proposes vertical development. The purpose of this process is to ensure that vertical development of The Brooks is generally in compliance with The Brooks Zoning Resolution, Master Concept Plan and DRI Development Order, while at the same time allowing flexibility in response to changing development practices. Once the application is determined to be sufficient, a decision by Lee County will be rendered within 21 calendar days.*

Condition 1.c. states:

- 1.c. The following information must be provided on the Final Plan:*

- 1) the type and amount of uses, i.e., the number of residential dwelling units or square feet of commercial uses;*
- 2) an ongoing tabulation of the total number of residential dwelling units, commercial square footage, and community uses that have received local Development Order approval;*
- 3) location and dimensions of access points;*
- 4) location and dimensions of internal roadways;*

- 5) *location and dimensions of buildings/structures and parking spaces/areas;*
- 6) *setbacks and building heights;*
- 7) *boundary of development tract;*
- 8) *adjacent zoning and land uses;*
- 9) *buffers and landscape strips required or proposed;*
- 10) *open space, including an ongoing tabulation of required open space;*
and
- 11) *detail drawings showing the application of deviations.*

The applicant has provided the information listed in Condition 1.c. Staff has analyzed the Final Plan and recommends that it is generally in compliance with the Zoning Resolution and DRI Development Order. Multiple-family low rise is one of several uses listed as permitted uses in Zoning Resolution Z-97-037. The proposed height is consistent with the Zoning Resolution at 50 feet (proposed 4 stories). There are 158 multifamily units remaining in the DRI; this proposal is for 154 units, leaving 4 units.

Three deviations are requested, which are discussed below.

Deviations

1. The applicant is requesting a deviation from Land Development Code Table 5-204.B1 (Minimum Number of off-street parking spaces) to reduce the amount of parking by 21 spaces, to accommodate some parking garages that the Village staff recommended be incorporated into the Plan. There will also be carport parking and surface parking.

The deviation is to reduce the total amount of parking required for the 9.95-acre project, including the proposed multifamily units as well as the remaining commercial buildings (shopping plaza and bank) from 437 spaces to 416 spaces, a reduction of 21 spaces.

There will be approximately 34 garage spaces and up to 62 carport spaces. Parking required for the multifamily units is 339 spaces, and there will be 98 spaces for commercial uses.

Staff recommends approval of this deviation. Mixed uses typically require less parking than single use projects, and the deviation is a small percentage of the total number of required parking spaces. The deviation will not negatively affect public safety.

2. The applicant is requesting a deviation from Land Development Code Section 7-206. A. 3.A. which requires that new private developments, roads, and parking lot travel ways shall be constructed at a minimum 25-year, 3-day storm event flood plain level, to allow the redeveloped portion of the Brooks Town Center to maintain the previous approved minimum pavement elevation at the 5-year, 1-day design storm elevation in the existing SFWMD permit.

Staff recommends approval as it would be inconsistent to require a portion of the parking lot to be elevated above the existing parking lot.

The buildings will need to comply with required elevations.

3. The applicant is requesting a deviation related to Land Development Code Section 5-604. C. Table 5-604.C, requiring light poles within 100 ft of a residential development to have a maximum height of 15 feet, to allow the existing poles located on the commercial portion of the site to remain at the existing height of 20 feet.

Staff recommends approval. The existing poles are more than 100 feet away from the proposed residential building; however, the code says “residential development” which could be construed as the parcel. The applicant has requested the deviation in an abundance of caution.

Conclusion

Staff recommends that the Final Plan is consistent with the zoning and complies with the allowed uses, number of units, height and other development parameters and conditions of the prior zoning resolutions.

The applicant is allowed to request deviations with Final Plan approval, as they typically have more project detail and can identify any deviations that may have been missed or not known at time of zoning. Staff recommends approval of the deviations.

Staff recommends that the project meets the Land Development Code Standards for Final Plan approval which are listed below.

The Final Plan is generally compliant with Zoning Resolution Z-97-037, the Master Concept Plan, and the DRI Development Order.

ATTACHMENTS:

1. Applicant Request Statement
2. Applicant Schedule of Deviations
3. Applicant Traffic Statement
4. Lee County Zoning Resolution Z-97-037

**THE BROOKS TOWN CENTER IN
THE BROOKS MPD/DRI
FINAL PLAN APPROVAL**

Request Statement

The applicant is requesting Final Plan Approval within a Mixed-Use Planned Development for a project known as The Brooks Town Center, for 35,334 sq. ft. of retail (consisting of 9,388 sq. ft. of bank and 25,946 sq. ft. of retail strip center), and 154 multifamily dwelling units on 9.95 acres located at the northwest corner of Coconut Road and Three Oaks Parkway.

Surrounding Zoning and Land Uses

The property is zoned Mixed-Use Planned Development (MPD) and is surrounded on all sides by property within the same zoning district (MPD). To the north is a conservation area and water management lake. To the east is Three Oaks Parkway, a four-lane divided arterial, and across Three Oaks Parkway, the Copperleaf Golf Course and residential community. To the south is Coconut Road, a four-lane divided major collector, and across Coconut Road, the Spring Run Golf Club and residential community. To the west is office space (The Brooks Executive Suites).

Zoning History

The subject site is within The Brooks MPD/Development of Regional Impact (DRI), which encompasses in total approx. 2,532 acres. It was originally rezoned to MPD in 1997 via Resolution Z-97-037, with subsequent amendments in Z-99-076, ADD2000-00008, ADD2001-00128, Z-02-006, and Z-13-009. The Brooks MPD is approved for a total of 3,800 dwelling units, 150,000 sq. ft. of commercial center retail/office, 120,000 sq. ft. of Town Center retail/office, 120 hotel units, and 55,000 sq. ft. of community facilities including community association meeting space, civic and community uses. The subject property is designated Town Center on the Master Concept Plan for The Brooks MPD. The Town Center designation allows a range of commercial uses as well as dwelling units multifamily low rise. The Brooks MPD/DRI is vested under Florida Statutes. Please also see the memo from Neale Montgomery to Nancy Stroud dated June 11, 2020, included with this submittal.

Current Request

The property received a Final Plan Approval in 2007 (ADD2007-00064) for 80,000 sq. ft. of retail uses. The site has been partially developed with 35,334 sq. ft. of retail (consisting of 9,388 sq. ft. of bank and 25,946 sq. ft. of retail strip center) and 36,000 sq. ft. of supermarket. The supermarket has been vacant since 2018. There are also two outparcels that have not been built. The current request will keep the retail strip center and bank, demolish the supermarket, and replace the supermarket and unbuilt outparcels with a 4-story building, max. height of 50',

providing 154 multifamily dwelling units. The Town Center designation provides property development regulations for both commercial and multifamily low rise.

Proposed Site Plan

The existing access points into the subject site will be retained – a full access onto Three Oaks Parkway and a LI/RI/RO onto Coconut Road. Traffic will be able to circulate throughout the site to use either entrance. The supermarket building, the loading area behind the supermarket, the eastern five rows of parking along Coconut Road, all of the parking along Three Oaks Parkway, and the unbuilt outparcels (currently grassed areas) will be redeveloped for the proposed multifamily building and accessory uses – new parking, landscaping, amenities, and required solid waste/recycling facilities. The nearest abutting land uses are single-family homes to the north within Shadow Wood, approx. 265 feet away. There is an existing landscaped berm with fence and a lake between this property and that nearest residence.

Parking

The existing bank and retail require 98 parking spaces. The Multifamily building will require an additional 339 spaces, for a total of 437 parking spaces required and provided.

Open Space

The parcel must provide a minimum of 10% open space (0.995 acre) (Condition 23 of Z-97-037). The conceptual site plan shows 1.72 acres of open space (17.3%).

Landscaping

The design of new landscaping areas will match that of existing and complement the design of the new building. Please see the graphics included with this submittal.

The Residences at The Brooks is an upscale rental community located in the center of the Brooks community in the Village of Estero. The project is a adaptive rehabilitation of the Brooks Town Center, and the treatment of the project architecturally and landscape architecturally are important elements in keeping the new development in sync with its surroundings.

The project's perimeter treatment will be preserved, left intact, and augmented to reestablish and reinforce the existing theme along the adjacent arterial roads. The buffer between the project and the residential Shadow Wood community to the north will be augmented, exceeding code requirements, to assure that no additional visual impacts will be created for those residents. The amenities for the project will be first class representative of the clientele the developer intends to attract. A buffer between the proposed residential and adjacent commercial elements will be created to visually separate the uses without interrupting pedestrian flow between them and represents an enhancement not otherwise required by code. The site will be populated mostly

with palms to relate the architecture to a pedestrian scale and to emulate a tropical feel for the residents, while canopy trees will be used in parking areas for an additional sense of pedestrian scale and for the cooling effects of mitigating bare asphalt.

Architecture

The proposed architecture is Mediterranean, consistent with the overall theme of The Brooks and the desired architectural styles of the Village of Estero. Please see the graphics included with this submittal. Proposed building colors are neutral, consistent with the Village of Estero Land Development Code requirements. Colorized elevations will be submitted under separate cover.

Signage

The existing monument signs at the entrances on Coconut Road and Three Oaks Parkway will be maintained but updated to match the architecture of the new building. Please see the graphics included with this submittal.

Traffic

Trip generation of the subject site will be reduced by approx. 69 percent in the PM peak hour with the approval of this FPA. There are currently both left and right turn lanes on Three Oaks Parkway at the full access serving the Town Center and both left and right turn lanes at the directional access on Coconut Road. No turn lane improvements are necessary.

For additional details, please see the traffic memo from Ted Treesh, dated June 18, 2020, included with this submittal.

Criteria per Z-97-037:

The following information must be provided in the application for Final Plan Approval Per Z-97-037:

1) the type and amount of uses, i.e., the number of residential dwelling units or square feet of commercial uses;

As discussed above, 154 multifamily dwelling units and 35,334 sq. ft. of retail.

2) an ongoing tabulation of the total number of residential dwelling units, commercial square footage, and community uses that have received local Development Order approval;

Description	Total Units Per MPD/DRI	Units Previously Approved	Units This Approval	Units Remaining
Community Facilities Square Feet	55,000	35,575	0	19,425
Town Center Service/Retail/Office Square Feet	120,000	40,000 80,000 (this site)	(-44,666)	84,626
Dwelling Units	3,800	3,642	154	4
Commercial Center Retail/Office	150,000	150,000	0	0

- 3) location and dimensions of access points;

Provided on the conceptual site plan. There are two existing access points, one from Coconut Road and one from Three Oaks Parkway. The access points will remain in their current locations.

- 4) location and dimensions of internal roadways;

N/A – There are no roadways proposed. Internal circulation will be maintained.

- 5) location and dimensions of buildings/structures and parking spaces/areas;

Provided on the conceptual site plan. The location and dimensions of buildings/structures and parking spaces/areas are consistent with the land development code and the approved property development regulations.

- 6) setbacks and building heights;

Provided on the conceptual site plan. Setbacks and building heights are consistent with the approved property development regulations.

- 7) boundary of development tract;

Provided on the conceptual site plan. The subject site totals 9.95 acres.

- 8) adjacent zoning and land uses;

Adjacent land uses are provided on the conceptual site plan as well as enumerated above.

- 9) buffers and landscape strips required or proposed;

Landscape buffers along the adjacent roadways are existing and will be retained. Additional landscaping proposed for the multifamily portion is shown on the conceptual site plan.

- 10) open space, including an ongoing tabulation of required open space; and

Minimum Req'd. Open Space in MPD	734 Ac.
Total Indigenous Provided (CO and RO Tracts)	1,305 Ac.
Min. Open Space in The Brooks Town Center	0.995 Ac.

11) detail drawings showing the application of deviations.

No deviations are requested.

Conclusion

The proposed Final Plan Approval is consistent with The Brooks MPD/DRI as the proposed use and proposed development are consistent with the approved and effective zoning resolution. The proposed amendment does not increase density or intensity within the development; does not decrease open space or buffers required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping, or preservation areas; and does not otherwise adversely impact surrounding land uses.

RECEIVED

JUN 29 2023

VILLAGE OF ESTERO

**Brooks of Bonita MPD/DRI
Schedule of Deviations**

This final plan approval proposes one new deviation. Sixteen previously approved deviations for this project will remain in effect.

Deviation (17) seeks relief from LDC Table 5-204.B.1, *Minimum Number of Off-Street Parking Spaces*, which establishes the minimum required number of parking spaces for multiple-family dwelling units, to reduce the total required number of spaces from 437 to 416, a reduction of 21 spaces.

Justification: To improve the design of the proposed development, a portion of the covered car parking has been changed to garage parking. Due to the additional space needed to accommodate the garages, there will be a reduction in the overall parking provided. The addition of multi-family residential will result in a true, mixed-use development. Mixed-use developments require less parking than conventional single use developments. Even with the proposed reduction, there are a significant number of parking spaces provided that are available for complementary uses at different times. Reduced parking for mixed use development is found throughout Lee County without issue and will not threaten the health, safety, and welfare of the public and abutting property owners, or result in an undue burden on essential public facilities.

Deviation (18) seeks relief from LDC Section 7-206.A.3.A, requiring developments to be designed to comply with policies included in INF-1.1 of the Estero Comprehensive Plan that require new private developments, roads and parking lot travel ways shall be constructed at a minimum 25-year, 3-day storm event flood plain level, to allow the redeveloped portion of the Brooks Town Center to maintain the previously approved minimum pavement elevation at the 5 year, 1 day design storm elevation in the existing SFWMD permit.

Justification: To maintain consistency between the commercial and residential uses the redeveloped portion of the site the grading of the site should be maintained using the existing grades and the previously established minimum pavement elevations. Maintaining the established pavement grades does not create an adverse impact to the public health or safety as the existing grades are consistent with the surrounding properties that are part of the same drainage base and utilizing the same design storm elevations established by SFWMD.

Deviation (19) seeks relief from LDC Section 5-604.C, Table 5-604-C, requiring light poles within 100 ft of residential development to have a maximum height of 15 feet, to allow the existing poles located on the commercial portion of the site to remain at the existing height of 20 ft.

Justification: The existing light poles are located more than a 100 ft from the proposed residential building. Existing landscaping, the proposed garages and carports will help to shield the first floor windows to light from the existing poles.



2726 OAK RIDGE COURT, SUITE 503
FORT MYERS, FL 33901-9356
OFFICE 239.278.3090
FAX 239.278.1906

TRAFFIC ENGINEERING
TRANSPORTATION PLANNING
SIGNAL SYSTEMS/DESIGN

MEMORANDUM

TO: Mr. Charlie Krebs, P.E.
Hole Montes, Inc.

FROM: Ted B. Treesh
President

DATE: June 18, 2020

RE: Brooks Town Center Apartments
Village of Estero, Lee County Florida

TR Transportation Consultants, Inc. has completed a traffic analysis in support of a final plan approval for the Brooks Town Center to permit the development of multi-family residential uses in place of commercial retail uses on a portion of the subject site. The Brooks Town Center is an approximately 9.95 acre site located at the northwest corner of Three Oaks Parkway and Coconut Road in the Village of Estero. The Brooks Town Center is part of the Master Planned community The Brooks, which is a Development of Regional Impact. The zoning for the Town Center approved up to 120,000 square feet of retail uses and up to 50,000 square feet of Community Uses.

The property received a Final Plan Approval in 2007 (ADD2007-00064) for 80,000 square feet of retail uses. The site has been partially developed with 35,334 square feet of retail uses and 38,075 square feet of supermarket use. The applicant is requesting Final Plan Approval for 35,334 square feet of retail uses, and 154 multifamily dwelling units on the 9.95 acres.

The following memo will address the change in trip generation due to the change in uses and evaluate the Level of Service on the adjacent roadway network based on current and projected traffic conditions. It should be noted that this project is within the Brooks Development of Regional Impact (DRI) and is subject to the conditions that are outlined in the most recent DRI Development Order. The Transportation Conditions as outlined in the last DRI DO have been addressed and the transportation mitigation for this project has been fulfilled.



Mr. Charlie Krebs, P.E.
Brooks Town Center Apartments
June 18, 2020
Page 2

TRIP GENERATION

The Institute of Transportation Engineers Report titled *Trip Generation*, 10th Edition, was referenced to determine the trip generation of the retail uses on the site versus the trips that are anticipated to be generated by the multi-family residential uses that are proposed. **Table 1** below identifies the trip generation of the site during the weekday A.M. and P.M. peak hour based on the approved 80,000 square feet of shopping center land uses. Land Use Code 820 (Shopping Center) was utilized from the ITE report for the approved commercial retail uses. **Table 2** identifies the trip generation based on the site plan that will exist with the requested 154 multi-family dwelling units and the remaining 35,334 square feet of shopping center uses that will remain on the site. Land Use Code 221 (Multifamily Housing (Mid-Rise)) was used for the multi-family units as the proposed building will four floors. Copies of the trip generation equations are attached to this report for reference.

Table 1
Trip Generation
Brooks Town Center – As Approved

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Shopping Center (80,000 Square Feet)	119	73	192	511	554	1,065	14,276

Table 2
Trip Generation
Brooks Town Center – As Proposed

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Shopping Center (35,334 Square Feet)	105	64	169	121	131	252	2,966
Multi-Family (154 Units)	13	39	52	48	31	79	838
Total Trips	118	103	221	169	162	331	3,804

Table 3 then illustrates the REDUCTION in peak hour and daily trips that will result in the removal of retail floor area and replaced by 154 multi-family dwelling units.



Mr. Charlie Krebs, P.E.
Brooks Town Center Apartments
June 18, 2020
Page 3

Table 3
Trip Generation
Brooks Town Center – As Approved

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Approved Uses (80,000 Square Feet)	119	73	192	511	554	1,065	14,276
Proposed Uses (Retail + Multi-Family)	118	103	221	169	162	331	3,804
Net Trip Reduction	-1	+30	+29	-342	-392	-734	-10,472

NOTE: A negative number in the Net Trip Reduction represents a DECREASE in overall trip generation

As can be seen from Table 3, the replacement of approved commercial retail uses with 154 multi-family residential dwelling units will have a significant reduction in the weekday P.M. and Daily trip generation potential of the Brooks Town Center. The weekday A.M. trips increase slightly due to the varying trip characteristics between residential and retail uses during the morning peak period. However, the weekday P.M. peak hour is typically the highest travel hour on the adjacent roadway network.

CAPACITY ANALYSIS

A capacity, or Level of Service, analysis was provided on the adjacent roadways for informational purposes to illustrate the current and projected conditions with the trips from the multi-family dwelling units. Since the grocery store has been vacant for over a year, it was assumed that the trips from this use were not included in the most recent traffic count data collected by the Village of Estero for Coconut Road and by the Lee County Department of Transportation for Three Oaks Parkway.

Table 2 below notes the projected volume and Level of Service as well as the current traffic volume and Level of Service on the adjacent roadways of Coconut Road and Three Oaks Parkway. **Table 1A** and **2A** attached to this memorandum summarizes the methodology utilized to compute the Level of Service analysis. The Level of Service Thresholds were taken from the Lee County Generalized Service Volumes and are attached for reference.

Table 2
Level of Service Analysis
The Brooks Town Center

Link	Current Level of Service and Volume	Projected Level of Service and Volume
Coconut Road - E. of U.S. 41	LOS "C" 746	LOS "C" 1,167
Three Oaks Pkwy - N. of Coconut Rd.	LOS "C" 1,579	LOS "C" 1,820

Based on Generalized Peak Hour Directional Volumes



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TURN LANE ANALYSIS

The turn lanes currently serving the Brooks Town Center were constructed based on the traffic generation from the 80,000 square feet of retail uses. The resultant trip generation reduction during the heaviest weekday P.M. peak hour will not cause the need for the turn lanes to be modified. There is currently both left turn and right turn lanes on Three Oaks Parkway at the full access serving the Town Center and both left and right turn lanes at the directional access on Coconut Road serving the Town Center.

CONCLUSION

Based on the modification of the Master Development Plan for the Brooks Town Center to replace previously approved retail uses with up to 154 multi-family residential dwelling units, there will be an approximately 69% REDUCTION in P.M. peak hour trips from the Town Center. A Level of Service analysis on the adjacent roadways indicates both Coconut Road and Three Oaks Parkway will be operating at LOS "C" in 2023 with the addition of the multi-family trips on the roadway network. No site related turn lane improvements will be necessary to the site access drive intersections serving the Town Center as the turn lanes that currently exist were constructed to serve the build-out of the Town Center as a commercial shopping center.

Attachments

K:\2020\06 June\01 Brooks Town Center Multifamily\6-18-2020 Brook Town Center Apartments Krebs.doc

TABLES 1A & 2A

TABLE 1A
PEAK DIRECTION PROJECT TRAFFIC VS. LOS C LINK VOLUMES
BROOKS TOWN CENTER MULTI-FAMILY

TOTAL AM PEAK HOUR PROJECT TRAFFIC =		52 VPH	IN=	13	OUT=	39					
TOTAL PM PEAK HOUR PROJECT TRAFFIC =		79 VPH	IN=	48	OUT=	31					
ROADWAY	SEGMENT	ROADWAY CLASS	LOS A VOLUME	LOS B VOLUME	LOS C VOLUME	LOS D VOLUME	LOS E VOLUME	PROJECT TRAFFIC DISTRIBUTION	NEW PROJ TRAFFIC AM PEAK	PM PEAK	PROJ/LO S C
Coconut Road	E. of US 41	4LD	0	250	1,840	1,960	1,960	45%	18	22	1.17%
Three Oaks Pkwy	N. of Coconut Road	4LD	0	250	1,840	1,960	1,960	30%	12	14	0.78%

The Level of Service thresholds from the Lee County Generalized Services Volume Table (April 2016)

- Denotes a Significantly Impacted roadway segment (Project Traffic Greater Than 10% of LOS "C" Service Volume)

TABLE 2A
BROOKS TOWN CENTER MULTI-FAMILY
LEVEL OF SERVICE ANALYSIS

TOTAL AM PEAK HOUR PROJECT TRAFFIC = 52		IN=	13	OUT=	39												
TOTAL PM PEAK HOUR PROJECT TRAFFIC = 79		IN=	48	OUT=	31												
		VPH															
		VPH															
ROADWAY	SEGMENT	SITE/ STATION	BASE YR ADT	2017 ADT	YRS OF GROWTH	ANNUAL GROWTH RATE	2019 PK HR	2023 PK HR	2023 PK HR PK SEASON	PROJECT TRAFFIC	DISTRIBUTION LOS	2019 PEAK DIR. ¹ VOLUME	2023 VOLUME	2023 LOS	2023 BCKGRND + AM PROJ VOLUME	2023 BCKGRND + PM PROJ VOLUME	2023 LOS
Coconut Road	E. of US 41	490	11,400	17,500	4	11.31%	746			45%		18	22	C	1,163	1,167	C
Three Oaks Pkwy	N. of Coconut Road	525	20,900	23,900	4	3.41%	1,579			30%		12	14	C	1,817	1,820	C

¹The 2019 peak hour, peak season, peak direction traffic volumes for Coconut Road were taken from the Village of Estero 2019 Traffic Counts Report

¹The 2019 peak hour, peak season, peak direction traffic volumes for Three Oaks Pkwy were taken from the Lee County Traffic Data Management Page online for Station 525

**THE VILLAGE OF ESTERO 2019
TRAFFIC COUNTS
COCONUT ROAD**

THE VILLAGE OF ESTERO

2019 TRAFFIC COUNTS

NOVEMBER 2019

Prepared for:



9401 Corkscrew Palms Circle
Estero, Florida 33928

Prepared by:

JOHNSON
ENGINEERING

2122 Johnson Street
Fort Myers, Florida 33901
(239) 334-0046
EB 642



Digitally signed by Leah M. Holmes, P.E.
#5359 STATE OF FLORIDA
DN: cn=Leah M. Holmes, P.E. #5359
STATE OF FLORIDA, o=This item has
been electronically signed and sealed
using an SHA-1 authentication code.
ou=Printed copies of this document
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and all SHA-1 authentication codes
must be verified on any electronic
copies., email=L.M.Holmes@johnsoneng.com,
c=US
Date: 2019.11.06 09:24:39 -05'00'

Date _____

20181321-000



**THE VILLAGE OF ESTERO
2019 TRAFFIC COUNTS**

3.0 LEVEL OF SERVICE (LOS) SUMMARY

A link level of service (LOS) analysis was conducted for each study segment utilizing the collected field counts. LOS analysis herein is based on the adopted LOS performance standard obtained from the *Lee County Generalized Level of Service Tables* (see Appendix B). The summary of roadway LOS analysis is provided in Table 3-1.

Table 3-1: Level of Service Analysis Summary

Segment ID					Performance Standard Peak Hour Two-Way Service Volumes ⁽¹⁾		2019 Village of Estero Traffic Counts (Two-Way) ⁽²⁾	
Link No.	Roadway Link Name	From	To	Lanes	Performance	Capacity	LOS	Volume
1	Via Coconut Point	Coconut Road	Pelican Colony Boulevard	4LD	D	2,710	C	302
2	Coconut Road	Weeks Street	Tamiami Trail (U.S. 41)	2LU	D	1,180	D	1,065
3	Coconut Road	Tamiami Trail (U.S. 41)	Three Oaks Parkway	4LD	D	2,710	C	1,512
4	Via Coconut Point	Williams Road	Coconut Road	4LD	D	2,710	C	950
5	Williams Road	Via Coconut Point	Three Oaks Parkway	2LU	D	1,180	D	895
6	Williams Road	West Way Boulevard	U.S. 41	2LU	D	1,180	D	675
7	Williams Road	U.S. 41	Via Coconut Point	2LU	D	1,180	D	720
8	River Ranch Road	Corkscrew Road	Williams Road	2LU	D	1,180	C	417
9	Sandy Lane / Via Coconut Point	Broadway Avenue East	Williams Road	2LU	D	1,180	C	295
10	Broadway West Avenue	Yellow Trail	Tanglewood Lane	2LU	D	1,180	D	608

Footnotes:

(1) From Lee County Generalized Service Volume Tables

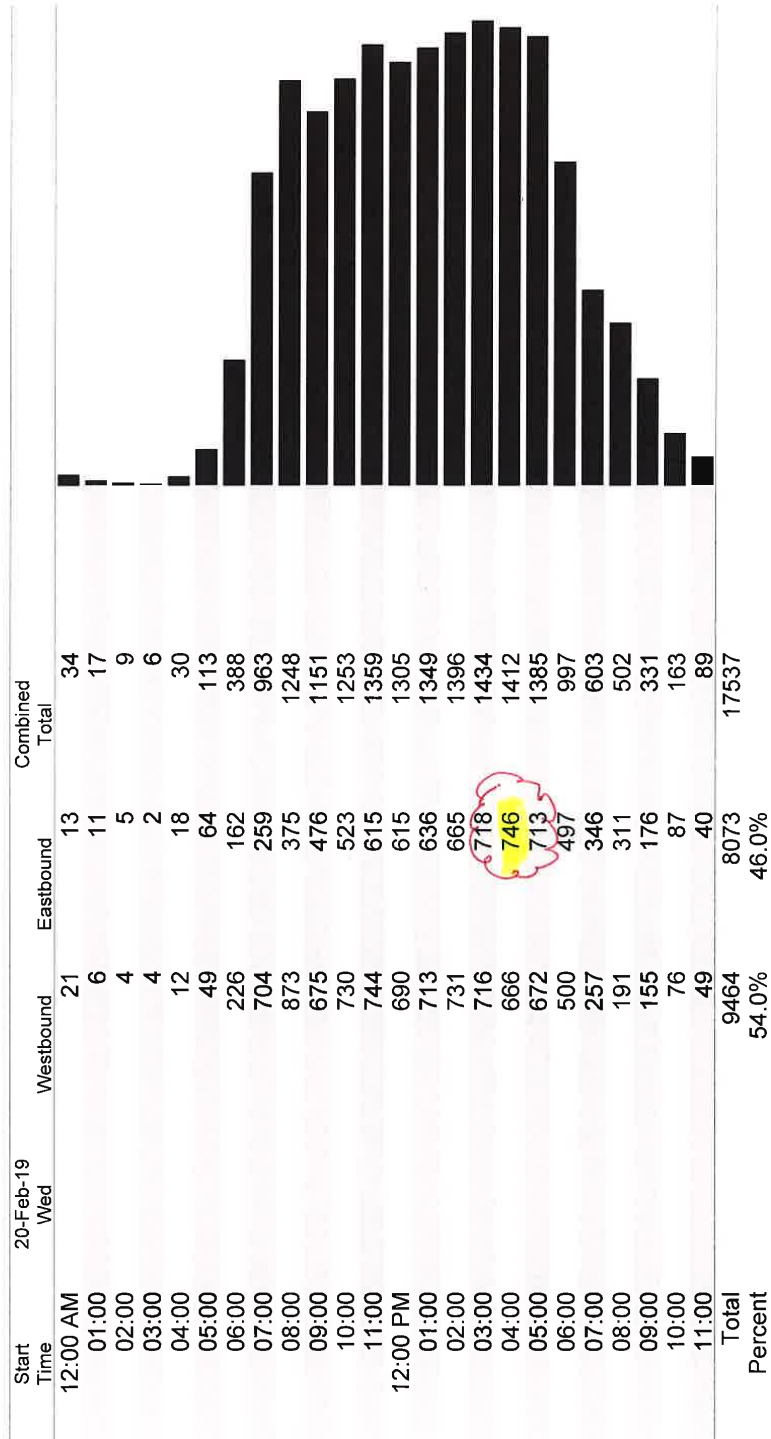
(2) Based on bi-directional data collected from February 18, 2019 to March 10, 2019

Page 3

Site Code: Coconut Rd
Station ID: Location ID 3

Johnson Engineering, Inc.

2122 Johnson Street
Fort Myers, Florida 33901



**LEE COUNTY TRAFFIC DATA
MANAGEMENT WEBSITE DATA
THREE OAKS PARKWAY**

Location Info					Count Data Info	
Location ID	525_NB				Start Date	3/7/2019
Type	I-SECTION				End Date	3/8/2019
Functional Class	-				Start Time	12:00 AM
Located On	Three Oaks Pkwy				End Time	12:00 AM
Between	AND				Direction	
Direction	NB				Notes	lee
Community	-				Source	525
MPO_ID					File Name	qtrlyD030719.525.PRN
HPMS ID					Weather	
Agency	Lee County				Study	
					Owner	LeeAuto
					QC Status	Accepted

Interval: 15 mins					
Time	15 Min				Hourly Count
	1st	2n	3rd	4t	
00:00 - 01:00	11	16	13	5	45
01:00 - 02:00	3	7	3	3	16
02:00 - 03:00	5	6	1	3	15
03:00 - 04:00	1	1	3	8	13
04:00 - 05:00	4	18	19	7	48
05:00 - 06:00	18	33	35	36	122
06:00 - 07:00	56	86	108	148	398
07:00 - 08:00	156	169	181	166	672
08:00 - 09:00	176	201	190	193	760
09:00 - 10:00	178	213	193	229	813
10:00 - 11:00	239	228	215	253	935
11:00 - 12:00	256	265	250	240	1011
12:00 - 13:00	273	270	291	245	1079
13:00 - 14:00	248	262	309	300	1119
14:00 - 15:00	261	312	251	278	1102
15:00 - 16:00	282	329	347	380	1338
16:00 - 17:00	396	385	354	341	1476
17:00 - 18:00	417	374	412	376	1579
18:00 - 19:00	390	399	364	306	1459
19:00 - 20:00	282	191	148	111	732
20:00 - 21:00	135	121	115	108	479
21:00 - 22:00	120	148	105	65	438
22:00 - 23:00	61	45	31	27	164
23:00 - 24:00	36	27	13	14	90
TOTAL					15903

Location Info					Count Data Info	
Location ID	525_SB				Start Date	3/7/2019
Type	I-SECTION				End Date	3/8/2019
Functional Class	-				Start Time	12:00 AM
Located On	Three Oaks Pkwy				End Time	12:00 AM
Between	AND				Direction	
Direction	SB				Notes	lee
Community	-				Source	525
MPO_ID					File Name	qtrlyD030719.525.PRN
HPMS ID					Weather	
Agency	Lee County				Study	
					Owner	LeeAuto
					QC Status	Accepted

Interval: 15 mins					
Time	15 Min				Hourly Count
	1st	2n	3rd	4t	
00:00 - 01:00	23	18	3	8	52
01:00 - 02:00	6	7	3	3	19
02:00 - 03:00	5	7	3	0	15
03:00 - 04:00	3	2	3	1	9
04:00 - 05:00	8	9	17	14	48
05:00 - 06:00	28	52	60	78	218
06:00 - 07:00	101	149	249	314	813
07:00 - 08:00	260	344	396	369	1369
08:00 - 09:00	360	365	346	281	1352
09:00 - 10:00	244	254	264	222	984
10:00 - 11:00	214	197	257	261	929
11:00 - 12:00	222	258	257	248	985
12:00 - 13:00	219	262	237	227	945
13:00 - 14:00	228	245	233	236	942
14:00 - 15:00	219	233	247	280	979
15:00 - 16:00	243	269	278	274	1064
16:00 - 17:00	262	246	258	290	1056
17:00 - 18:00	269	286	243	236	1034
18:00 - 19:00	203	189	165	159	716
19:00 - 20:00	114	113	103	112	442
20:00 - 21:00	90	80	63	68	301
21:00 - 22:00	80	65	48	40	233
22:00 - 23:00	31	42	32	27	132
23:00 - 24:00	23	17	13	8	61
TOTAL					14698

LEE COUNTY GENERALIZED SERVICE VOLUME TABLE

Lee County
Generalized Peak Hour Directional Service Volumes
Urbanized Areas

April 2016

c:\input5

Uninterrupted Flow Highway						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	130	420	850	1,210	1,640
2	Divided	1,060	1,810	2,560	3,240	3,590
3	Divided	1,600	2,720	3,840	4,860	5,380

Arterials						
Class I (40 mph or higher posted speed limit)						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	140	800	860	860
2	Divided	*	250	1,840	1,960	1,960
3	Divided	*	400	2,840	2,940	2,940
4	Divided	*	540	3,830	3,940	3,940

Class II (35 mph or slower posted speed limit)						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	*	330	710	780
2	Divided	*	*	710	1,590	1,660
3	Divided	*	*	1,150	2,450	2,500
4	Divided	*	*	1,580	3,310	3,340

Controlled Access Facilities						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	160	880	940	940
2	Divided	*	270	1,970	2,100	2,100
3	Divided	*	430	3,050	3,180	3,180

Collectors						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	*	310	660	740
1	Divided	*	*	330	700	780
2	Undivided	*	*	730	1,440	1,520
2	Divided	*	*	770	1,510	1,600

Note: the service volumes for I-75 (freeway), bicycle mode, pedestrian mode, and bus mode should be from FDOT's most current version of LOS Handbook.

TRIP GENERATION EQUATIONS

Multifamily Housing (Mid-Rise) (221)

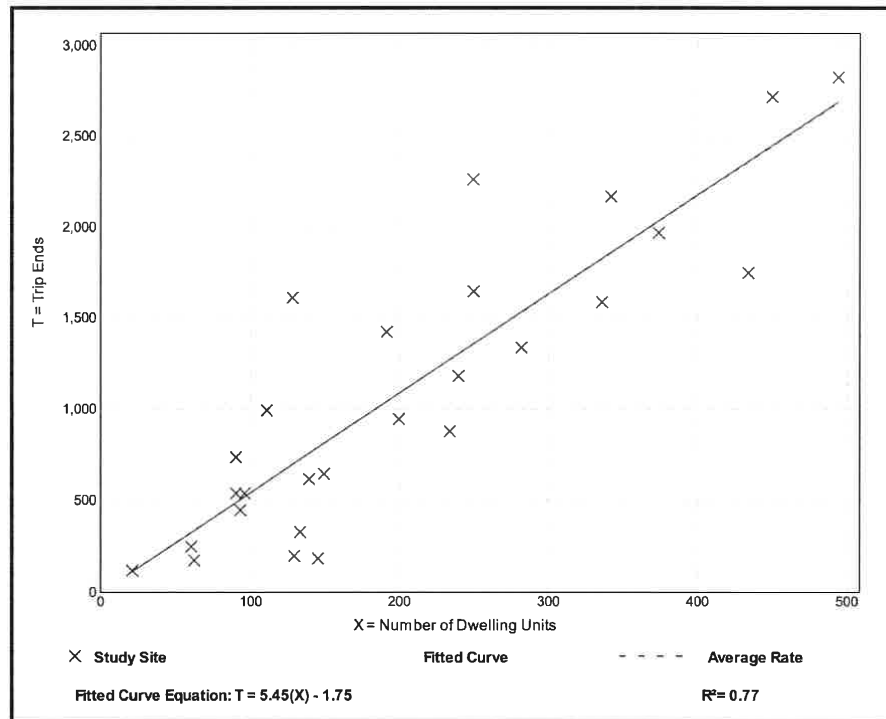
Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 27
Avg. Num. of Dwelling Units: 205
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
5.44	1.27 - 12.50	2.03

Data Plot and Equation



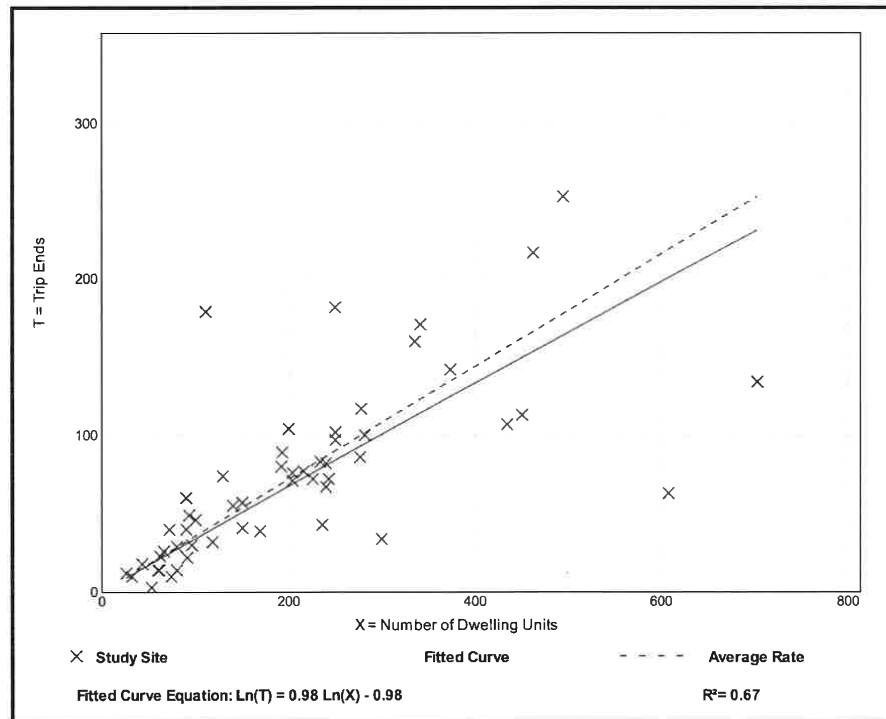
Multifamily Housing (Mid-Rise) (221)

Vehicle Trip Ends vs: Dwelling Units
 On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 7 and 9 a.m.
 Setting/Location: General Urban/Suburban
 Number of Studies: 53
 Avg. Num. of Dwelling Units: 207
 Directional Distribution: 26% entering, 74% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.36	0.06 - 1.61	0.19

Data Plot and Equation



Multifamily Housing (Mid-Rise) (221)

Vehicle Trip Ends vs: Dwelling Units

On a: Weekday,

Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 60

Avg. Num. of Dwelling Units: 208

Directional Distribution: 61% entering, 39% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate

0.44

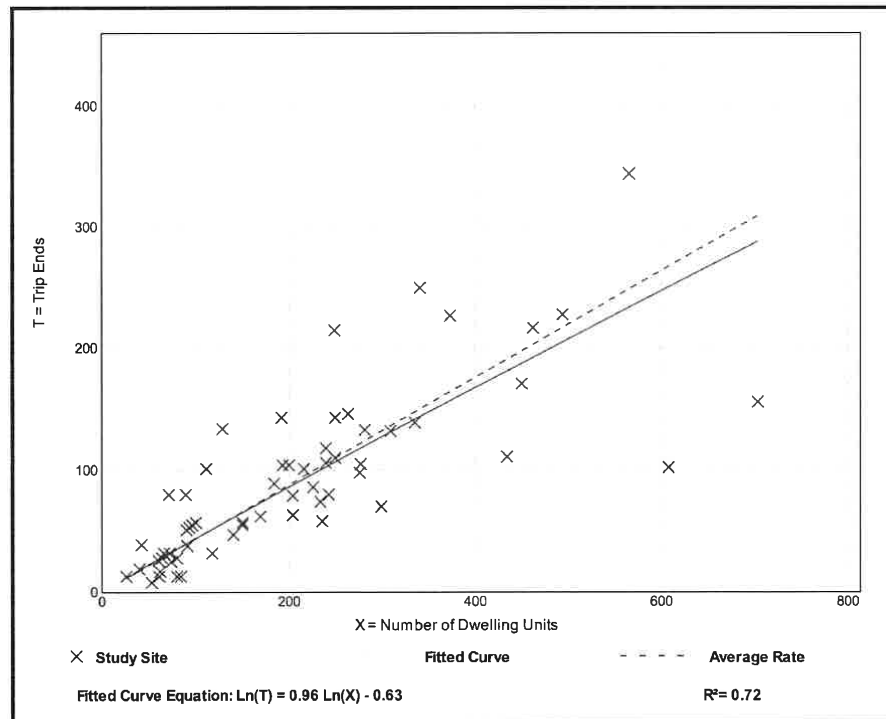
Range of Rates

0.15 - 1.11

Standard Deviation

0.19

Data Plot and Equation



Shopping Center (820)

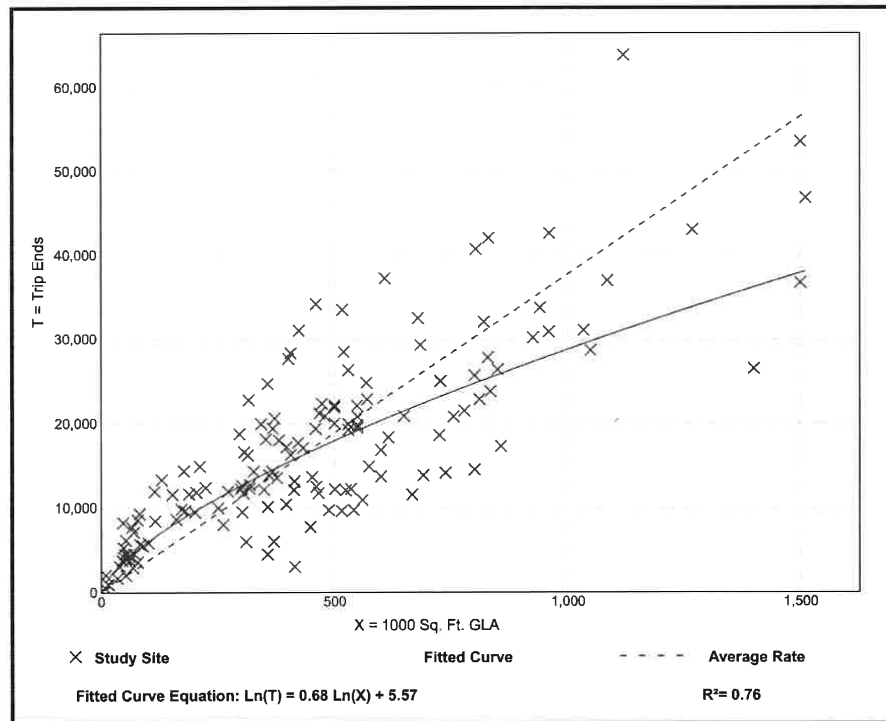
Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 147
1000 Sq. Ft. GLA: 453
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
37.75	7.42 - 207.98	16.41

Data Plot and Equation



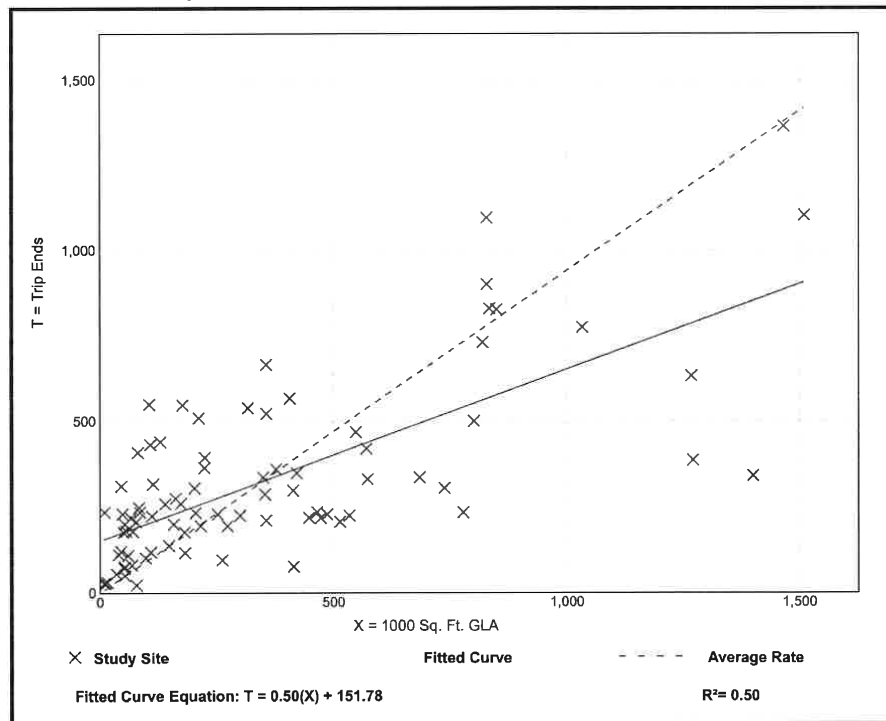
Shopping Center (820)

Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.
Setting/Location: General Urban/Suburban
 Number of Studies: 84
 1000 Sq. Ft. GLA: 351
 Directional Distribution: 62% entering, 38% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
0.94	0.18 - 23.74	0.87

Data Plot and Equation



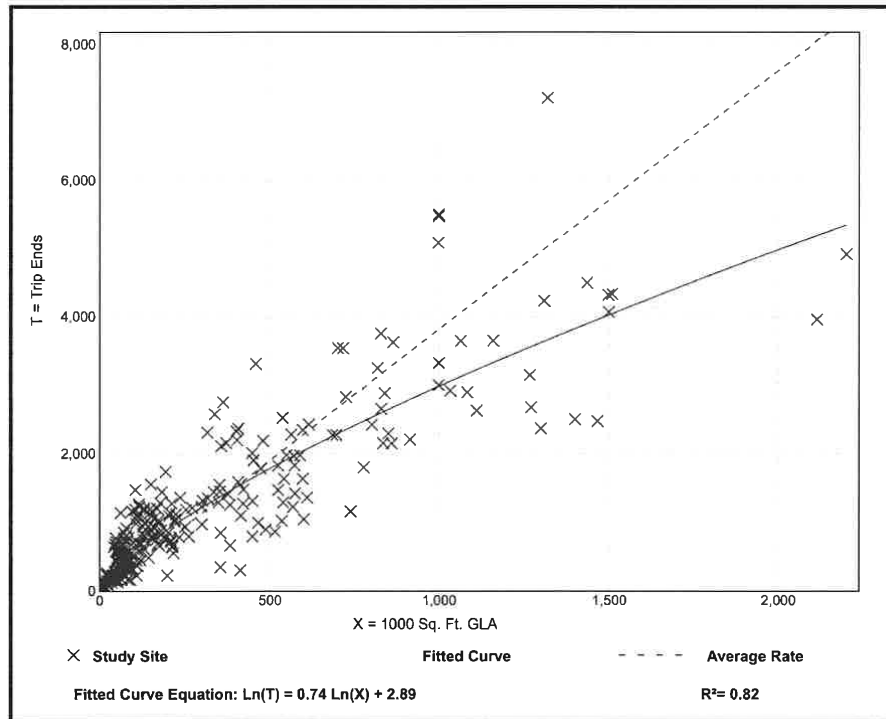
Shopping Center (820)

Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 4 and 6 p.m.
Setting/Location: General Urban/Suburban
 Number of Studies: 261
 1000 Sq. Ft. GLA: 327
 Directional Distribution: 48% entering, 52% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
3.81	0.74 - 18.69	2.04

Data Plot and Equation



RESOLUTION NUMBER Z-97-037

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

WHEREAS, Long Bay Partners LLC and Edward J. McArdle, Trustee, in reference to The Brooks of Bonita Springs, filed an application for:

- a) Consideration of the Application for Development Approval (ADA) for a Development of Regional Impact (DRI) known as The Brooks of Bonita Springs, on 2,492± acres, State DRI #07-9697-133; and
- b) A rezoning from Agricultural (AG-2) to Mixed Use Planned Development (MPD); and

WHEREAS, the subject property is located at 23301 South Tamiami Trail, Bonita Springs, and is described more particularly as:

LEGAL DESCRIPTION: In Sections 02, 03, 09, 10 and 11, Township 47 South, Range 25 East, Lee County, Florida:

PARCEL 1

A portion of the South Half (S½) of Section 09, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Commence at the Southeast corner of Section 09, Township 47 South, Range 25 East, Lee County Florida;

THENCE run N00°57'23"W along the East line of said Section 09 for a distance of 2,542.33 feet;

THENCE run S88°02'34"W for a distance of 1,221.61 feet to the POINT OF BEGINNING of the herein described parcel of land;

THENCE continue S88°02'34"W for a distance of 750.33 feet to a point on the Easterly right-of-way line of US Highway No. 41 (State Road No. 45, a 200-foot right-of-way);

THENCE run S00°15'56"E along said Easterly right-of-way line for a distance of 553.06 feet to the beginning of a tangential circular curve, concave Easterly;

THENCE run Southerly along said Easterly right-of-way line, and along the arc of said curve to the left, having a radius of 5,605.39 feet, through a central angle of 06°12'58", subtended by a chord of 607.83 feet, at a bearing of S03°22'24"E, for a distance of 608.13 feet;

THENCE run N88°07'51"E for a distance of 747.23 feet to a point of intersection with a non-tangential circular curve, concave Easterly, whose radius point bears N82°31'42"E a distance of 3,909.60 feet therefrom;

THENCE run Northerly along the arc of said curve to the right having a radius of 3,909.60 feet through a central angle of 08°29'31", subtended by a chord of 578.92 feet, at a bearing of N03°13'32"W, for a distance of 579.45 feet to the end of said curve;

THENCE run N00°15'56"W for a distance of 583.09 feet to the POINT OF BEGINNING.

Containing 19.948 acres, more or less.

Bearings hereinabove mentioned are based on the East line of the Southeast Quarter (SE¼) of Section 09, Township 47 South, Range 25 East as being N00°57'23"W; and

PARCEL 2

A portion of the North Half (N½) of Section 09, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Commence at the Southeast corner of Section 09, Township 47 South, Range 25 East, Lee County Florida;

THENCE run N00°57'23"W along the East line of said Section 09 for a distance of 2,674.19 feet to the East Quarter corner of said Section 09;

THENCE run N01°15'50"W along the East line of said Section 09 for a distance of 68.17 feet;

THENCE run S88°02'34"W for a distance of 1,555.19 feet to the POINT OF BEGINNING of the herein described parcel of land;

THENCE continue S88°02'34"W for a distance of 413.96 feet to a point on the Easterly right-of-way line of US Highway 41 (State Road No. 45, a 200 foot right-of-way);

THENCE run N00°15'56"W along said Easterly right-of-way line for a distance of 415.00 feet;

THENCE run S46°02'16"E for a distance of 577.45 feet to the POINT OF BEGINNING.

Containing 1.971 acres, more or less.

Bearings hereinabove mentioned are based on the East line of the Southeast Quarter (SE¼) of Section 09, Township 47 South, Range 25 East as being N00°57'23"W; and

PARCEL 3

A parcel of land located in Sections 02, 03, 10, and 11, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Commence at the Northwest corner of Section 03, Township 47 South, Range 25 East, Lee County, Florida;

THENCE run S00°46'22"E along the West line of the Northwest Quarter (NW¼) of said Section 03 for a distance of 100.02 feet to a point 100.00 feet South of, as measured at right angles to, the North line of the Northwest Quarter (NW¼) of said Section 03;

THENCE run N89°51'03"E parallel with the North line of the Northwest Quarter (NW¼) of said Section 03 for a distance of 23.35 feet to a point on the South right-of-way line of Williams Road, a 100.00 foot right-of-way,

the same being the POINT OF BEGINNING of the parcel of land herein described;

THENCE continue N89°51'03"E along said parallel line and along said South right-of-way line for a distance of 2,623.11 feet;

THENCE run N89°51'33"E parallel with the North line of the Northeast Quarter (NE¼) of said Section 03 and along said right-of-way line for a distance of 975.29 feet;

THENCE run N00°08'27"W along said right-of-way line for a distance of 100.00 feet to a point on the North line of the Northeast Quarter (NE¼) of said Section 03;

THENCE run N89°51'33"E along the North line of the Northeast Quarter (NE¼) of said Section 03 for a distance of 1,664.48 feet to the Northeast corner of said Section 03, the same being the Northwest corner of Section 02, Township 47 South, Range 25 East;

THENCE run N89°51'16"E along the North line of the Northwest Quarter (NW¼) of said Section 02 for a distance of 2,641.95 feet;

THENCE run N89°50'12"E along the North line of the Northeast Quarter (NE¼) of said Section 02 for a distance of 2,026.48 feet to a point on the West right-of-way line of Interstate 75, a 410-foot right-of-way, the same being a point on a circular curve, concave Westerly, whose radius point bears S79°55'57"W a distance of 5,567.58 feet therefrom;

THENCE run Southerly along said right-of-way line and along the arc of said curve to the right, having a radius of 5,567.58 feet, through a central angle of 08°30'06", subtended by a chord of 825.37 feet, at a bearing of S05°49'00"E for a distance of 826.13 feet to the end of said curve;

THENCE run S01°33'57"E along said right-of-way line for a distance of 4,512.58 feet to a point on the North line of the Northeast Quarter (NE¼) of Section 11, Township 47 South, Range 25 East;

THENCE continue S01°33'57"E along said right-of-way line for a distance of 5,977.28 feet to a point on the South line of said Section 11;

THENCE run N82°32'38"W along the South line of the Southeast Quarter (SE¼) of said Section 11 for a distance of 2,165.51 feet;

THENCE run N82°29'27"W along the South line of the Southwest Quarter (SW¼) of Section 11 for a distance of 2,698.44 feet to the Southwest corner of said Section 11, the same being the Southeast corner of Section 10, Township 47 South, Range 25 East;

THENCE run S88°50'19"W along the South line of the Southeast Quarter (SE¼) of said Section 10 for a distance of 2,664.18 feet;

THENCE run S88°50'37"W along the South line of the Southwest Quarter (SW¼) of said Section 10 for a distance of 2,540.14 feet to a point on the Easterly right-of-way line of the Seaboard Coastline Railroad right-of-way, a 130.00 foot right-of-way;

THENCE run N00°59'47"W along said Easterly right-of-way line for a distance of 5,341.51 feet to a point on the North line of the Northwest Quarter (NW¼) of said Section 10;

THENCE continue N00°59'47"W along said Easterly right-of-way line for a distance of 2,692.12 feet;
 THENCE run N00°56'59"W along said Easterly right-of-way line for a distance of 1,590.73 feet to the beginning of a tangential circular curve, concave Westerly;
 THENCE run Northerly along said Easterly right-of-way line and along the arc of said curve to the left, having a radius of 5,771.38 feet through a central angle of 09°31'27", subtended by a chord of 958.37 feet at a bearing of N05°42'42"W for a distance of 959.37 feet to the end of said curve;
 THENCE run N10°28'26"W along said Easterly right-of-way line for a distance of 77.72 feet to the POINT OF BEGINNING.
 Containing 2,470.384 acres, more or less.

Bearings hereinabove mentioned refer to the North line of the Northwest Quarter (NW¼) of Section 03, Township 47 South, Range 25 East, Lee County Florida, as being N89°51'03"; and

WHEREAS, the applicant has indicated the property's current STRAP numbers are: 02-47-25-00-00001.0000, 02-47-25-00-00001.0010, 03-47-25-00-00002.0000, 03-47-25-00-00002.0010, 09-47-25-00-00001.0010 (portion of), 09-47-25-00-00001.001A, 09-47-25-00-00001.001B, 10-47-25-00-00002.0000, 10-47-25-00-00002.0010, 11-47-25-00-00001.0000, and 09-47-25-00-00001.0010; and

WHEREAS, Long Bay Partners LLC and Edward J. McArdle, Trustee, the owners of the subject parcels, authorized Wilson, Miller, Barton & Peek, Inc. and Pavese, Garner, Haverfield, Dalton, Harrison & Jensen to act as agents to pursue this zoning application; and

WHEREAS, a public hearing was advertised and held on June 4, 1997 and subsequently continued on June 10, 1997 in Case #'s 96-07-030.03Z 01.01 and 96-07-030.04Z 01.01, before the Lee County Hearing Examiner who gave full consideration to the evidence available; and

WHEREAS, a public hearing was advertised and held on July 21, 1997 and subsequently continued to August 25, 1997 before the Lee County Board of County Commissioners who gave full and complete consideration to the recommendations of staff, the Hearing Examiner, the documents on file with the county, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE LEE COUNTY BOARD OF COUNTY COMMISSIONERS, that the Board:

- a) **APPROVES** the Application for Development Approval (ADA) for a Development of Regional Impact (DRI) known as The Brooks of Bonita Springs, on 2,492± acres, State DRI #07-9697-133; and

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- b) **APPROVES with conditions** the requested rezoning from AG-2 to MPD as follows:

SECTION A. CONDITIONS:

The MPD zoning and Master Concept Plan are subject to the following conditions:

- 1.a. The development of the subject property shall be in accordance with the four-page Master Concept Plan for the project, entitled "Master Concept Plan prepared for Long Bay Partners, L.L.C.", prepared by Wilson, Miller, Barton & Peek, Inc., Project #0774-03, printed May 30, 1997, stamped "Received May 30, 1997" by the Permit Counter, except as modified herein. Unless specifically approved as part of this rezoning, development must be in accordance with all applicable local development regulations, including the Development of Regional Impact Development Order. No deviations from the Land Development Code are granted unless specifically identified herein.
- 1.b. Final Plan Approval (FPA) will be required only when the parcel development includes vertical (structural) development or when additional deviations are requested. If FPA is required, then the Developer must file an application prior to, or simultaneous with, a local Development Order that proposes vertical development. The purpose of this process is to ensure that vertical development of The Brooks is generally in compliance with The Brooks Zoning Resolution, Master Concept Plan and DRI Development Order, while at the same time allowing flexibility in response to changing development practices. Once the application is determined to be sufficient, a decision by Lee County will be rendered within 21 calendar days.
- 1.c. The following information must be provided in the application for Final Plan Approval:
 - 1) the type and amount of uses, i.e., the number of residential dwelling units or square feet of commercial uses;
 - 2) an ongoing tabulation of the total number of residential dwelling units, commercial square footage, and community uses that have received local Development Order approval;
 - 3) location and dimensions of access points;
 - 4) location and dimensions of internal roadways;
 - 5) location and dimensions of buildings/structures and parking spaces/areas;
 - 6) setbacks and building heights;
 - 7) boundary of development tract;
 - 8) adjacent zoning and land uses;
 - 9) buffers and landscape strips required or proposed;
 - 10) open space, including an ongoing tabulation of required open space; and
 - 11) detail drawings showing the application of deviations.

2. Schedule of Uses:

a. **RESIDENTIAL "R"**

1) Permitted Principal Uses and Structures

Administrative Offices

Assisted Living Facility - Density in accordance with Section 34-1494

Churches, Synagogues, and other Places of Worship

Civic and Cultural Facilities

Clubs: Country, Private - the following ancillary uses are allowed in the clubhouse:

- Beauty Shops
- Health Clubs
- Massage Establishments
- Specialty Retail

Consumption on Premises, limited to clubhouse(s) and golf course uses

Customary accessory uses and structures, including but not limited to private garages and swimming pools

Dwelling Units:

- Single Family, attached
- Single Family, detached
- Model Homes, Model Units and Model Display Center (limited to residential uses within The Brooks, Speculative Homes)
- Townhouse
- Two-Family and Multi-Family dwelling and customary accessory uses
- Two-Family attached, Residential Accessory Uses, including but not limited to:
 - Private garages, carports and parking areas
 - Private swimming pools and enclosures
 - Private tennis courts
- Cluster housing, townhouses, patio houses, and zero lot lines

Day Care Centers and other Pre-School Facilities (when compatible with adjacent uses)

Entrance Gates and Gatehouses

Essential Service Facilities, Group I

Excavation - Water Retention

Golf Courses, Golf Course Accessory and Associated uses, including but not limited to:

- Clubhouse
- Locker Rooms
- Maintenance Facility
- Pro Shop
- Snack Bar and other uses normal and necessary to the golf course
- Snack Bar at the ninth hole or other appropriate location

Helistop - located on clubhouse parcel for emergency use only

Home Occupations (Subject to standards in LDC Section 34-1772)
 Irrigation Wells (Essential services)
 Public and private parks, playgrounds, play fields and commonly owned open space
 Real Estate Sales Office for The Brooks project only, (subject to Condition 34)
 Recreational Facilities, Private
 Recreational Hall, Private
 Signs, in compliance with The Brooks Sign Schedule
 Swimming Pools, Tennis Courts or other community recreational amenities
 Temporary Agricultural uses (subject to Condition 35)
 Temporary Sales and/or Construction Office
 Any residential activity comparable in nature with the foregoing uses and which the Director of the Lee County Department of Community Development determines to be compatible in "R" District

b. COMMERCIAL "C"

1) Permitted Principal Uses and Structures

Administrative Offices
 ALF (Assisted Living Facility) - Density in accordance with Section 34-1494
 Animals:
 - Clinic (Section 34-1321)
 - Animal Kennel, when enclosed within a building
 ATM (Automatic Teller Machine)
 Automobile Repair and Service, Group 1 [Section 34-622(c)(2)]
 Banks and Financial Establishments, Groups I and II [Section 34-622(c)(3)]
 Bar or Cocktail Lounge - Limited to one (in compliance with LDC Section 34-1261 et seq.)
 Broadcast Studio, Commercial Radio and Television (Section 34-1441)
 Building Material Sales [Section 34-622(c)(4)]
 Business Services, Groups I and II [Section 34-622(c)(5)]
 Car Wash
 Caretaker's residence
 Caterers
 Civic and Governmental Services
 Cleaning and Maintenance Services [Section 34-622(c)(7)]
 Clothing Stores [Section 34-622(c)(7)]
 Clubs: Country, Commercial, Fraternal: The following ancillary uses are allowed in the clubhouse:
 - Beauty Shops
 - Health Clubs
 - Massage Establishments
 - Specialty Retail
 Consumption on Premises (in compliance with LDC Sec. 34-1261 et seq.)
 Contractors and Builders, Group I

Convenience Food and Beverage Stores
Cultural Facilities [Section 34-622(c)(10)]
Day Care Center: Adult, Child
Department Store
Drive-Through Facility for any Permitted Use
Drugstore, Pharmacy
Emergency Medical Service (ambulance station)
Emergency Operations Center
Essential Services [Section 34-1611]
Essential Service Facilities, Group I [Sections 34-622(c)(13) and 34-1611]
Excavation:
 - Water Retention [Section 34-1651]
Fences, Walls
Fire Station
Food and Beverage Service, Limited
Food Stores, Group I
Gasoline Dispensing System, Special
Hardware Store
Health Care Facility, Groups I, II and III
Health Club or Spa
Helistop
Hobby, Toy, Game Shops [Section 34-622(c)(21)]
Hotel, Motel - limited to 120 rooms
Household and Office Furnishings, Groups I and II
Insurance Companies [Section 34-622(c)(23)]
Irrigation Wells (Essential Services)
Laundry & Dry Cleaning, Group II (excluding Plant)
Massage Establishments
Medical Office
Message Answering Service
Non-store Retailers, All Groups [Section 34-622(c)(30)]
Outdoor Display of Merchandise (in compliance with LDC Section 34-3004)
Package Store (in compliance with LDC Section 34-1261)
Paint, Glass, and Wallpaper
Parcel and Express Service
Parks, Public or Private, Groups I and II
Parking Lot:
 - Accessory
 - Garage, Public Parking
Personal Services, Groups I and III
Pet Services
Pet Shop
Photo Finishing Laboratory
Place of Worship
Police or Sheriff's Station

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Post Office
Printing and Publishing [Section 34-622(c)(38)]
Real Estate Sales and Rental, for The Brooks project only
Religious Facilities [Section 34-2051]
Rental or Leasing Establishments: Group II
Repair Shops, Groups I, II and III
Research & Development Laboratories, Groups II & IV [Section 34-622(c)(41)]
Restaurants, Fast Food
Restaurants, Groups I, II, III and IV
Schools, Commercial [Section 34-622(c)(45)]
Schools, Non-commercial
 - Lee County School District
 - Other
Self-service Fuel Pumps and Station
Signs, in compliance with The Brooks Sign Schedule
Specialty Retail Shops, Groups I and II
Storage, Indoor only
Studios [Section 34-622(c)(49)]
Supermarket
Temporary Uses excluding flea markets (Section 34-3041)
Theater, Indoor
Towers, Communication - only when accessory to a permitted use: 50 feet or less
 in height
Variety Store
Wholesale Establishment, Group III
Any commercial use or professional service comparable in nature with the
 foregoing uses and which the Director of the Lee County Department of
 Community Development determines to be compatible in the "C" district

2) Permitted Accessory Uses and Structures

Accessory uses and structures customarily associated with the uses permitted
in this district

c. **TOWN CENTER "TC"**

1) Permitted Principal Uses and Structures:

Administrative Offices
ALF (Assisted Living Facility) - Density in accordance with Section 34-1494
Animals:
 - Clinic
ATM (Automatic Teller Machine)
Banks and Financial Establishments, Groups I and II
Bar and Cocktail Lounge - Limited to one (in compliance with LDC
 Section 34-1261 et seq.)

Business Services, Groups I and II
Car Wash
Caretaker's Residence
Caterers
Civic and Governmental Services
Cleaning and Maintenance Services
Clothing Stores, General
Clubs: Country, Commercial, Fraternal, Private - the following ancillary uses are allowed in the clubhouse:
 - Beauty Shops
 - Health Clubs
 - Massage Establishments
 - Specialty Retail
Consumption on Premises (In compliance with LDC Section 34-1261 et seq.)
Convenience Food and Beverage Stores
Cultural Facilities
Day Care Center, Adult, Child
Department Store
Drive-Through Facility for any permitted use
Drug Store, Pharmacy
Dwelling Units:
 Multi-Family Low Rise (minimum setback of 100 feet from the northeast property line)
 Other Residential uses may be permitted as ancillary only to any permitted commercial use subject to review at Final Plan Approval
Entrance Gate, Gatehouse
Essential Services
Essential Service Facilities, Group I
Excavation:
 - Water Retention
Fences, Walls
Food and Beverage Services, limited
Food Stores, Group I
Gasoline Dispensing System, Special
General and Professional Offices
Hardware Store
Health Care Facility, Group III
Health Club or Spa
Helistop - limited to emergency use only
Hobby, Toy, Game Shops
Hotel, Motel - limited to 120 rooms
Insurance Companies
Irrigation Wells (Essential services)
Laundry or Dry Cleaning, Group II - excluding Plant
Massage Establishments

Medical Office
Message Answering Service
Package Store
Parcel and Express Services
Parks, Public or Private, All Groups
Parking Lot:
 - Accessory
 - Garage, Public Parking - limited to two stories and not abutting residential land use
Personal Services, Groups I and III
Pet Services
Pet Shop
Photo Finishing Laboratory
Place of Worship
Post Office
Real Estate Sales Office for The Brooks project only (subject to Condition 34)
Recreation - Personal, Private or Public
Recreation Hall
Religious Facilities
Rental or Leasing Establishments, Group II
Restaurants, Groups I, II, III and IV
Restaurants, Fast Food
Self-Service Fuel Pumps and Station
Signs, in compliance with The Brooks Sign Schedule
Specialty Retail Shops, Groups I and II
Studios
Supermarket
Temporary Agricultural Uses (subject to Condition 35)
Theater, Indoor or Outdoor
Variety Store
Any commercial use or professional service which is comparable in nature with the foregoing uses and which the Director of the Lee County Department of Community Development determines to be compatible in "TC" District

2) Permitted Accessory Uses and Structures

Accessory uses and structures customarily associated with the uses permitted in this district

d. RECREATION, OPEN SPACE, GOLF COURSE, BUFFERS & LAKES "RO"

1) Permitted Principal Uses and Structures

Athletic Club
Biking, hiking, fishing piers and nature trails
Clubs, Private

Consumption on premises, limited to clubs and golf course uses
Equestrian and jogging paths
Golf Clubhouse - the following ancillary uses are allowed in the clubhouse:
- Beauty Shops
- Health Clubs
- Massage Establishments
- Specialty Retail
Golf Course
Golf Maintenance Facility
Irrigation Wells
Parks, Playgrounds, Observation Towers, etc.
Pump Station
Real Estate Sales Office for The Brooks project only (subject to Condition 34)
Shelters, Restrooms, Showers, etc.
Temporary Agricultural Uses (subject to Condition 35)
Tennis and Basketball Courts, etc.
Tennis Clubhouses
Water Management Facilities
Any open space activity which is comparable in nature with the foregoing uses
and which the Director of the Lee County Department of Community
Development determines to be compatible in "RO" District

2) Permitted Accessory Uses and Structures

Ancillary Commercial Establishments - including gift shops, golf and tennis
equipment sales, restaurants, cocktail lounges, and similar uses located
within the clubhouse(s)
Maintenance Shops and Equipment Storage
Pro-Shop, Practice Driving Range and other customary accessory uses of golf
courses, tennis clubs or other recreational facilities
Shuffleboard Courts, Swimming Pools and other types of facilities intended for
recreation
Signs, in compliance with The Brooks Sign Schedule

e. CONSERVATION "CO"

1) Permitted Principal Uses and Structures

Interpretative centers, rain shelters, gazebos
Nature and foot trails, including boardwalks and jogging paths
Other activities for recreation, conservation and observation, when approved by
the Director of the Lee County Department of Community Development
Paths, boardwalks and bridges to provide access from the uplands to the wetland
for pedestrians and minor maintenance equipment, and to allow fishing
piers, observation towers and golf cart crossings
Recreational shelters, restroom facilities, passive parks, picnic areas

Water Management Facilities

Wildlife Management

Any open space activity which is comparable in nature with the foregoing uses
and which the Director of the Lee County Department of Community
Development determines to be compatible in "CO" District

2) Permitted Accessory Uses and Structures

Accessory uses & structures customarily associated with the uses permitted in
this district

Signs, in compliance with The Brooks Sign Schedule

3) Property Development Regulations:

a) **Residential "R":****MINIMUM LOT DIMENSIONS**

Residential Uses	Area (sq.ft.)	Depth (ft.)	Width (ft.)
Single-Family Detached	5,500	100	55
Patio Homes	3,500	100	50
Two-Family Attached	4,000	100	35
Zero Lot Line	4,000	80	35
Townhouse	2,800	80	30
Multi-Family: Low-Rise Mid-Rise	6,500 10,000	80 100	80 100
ALF (5)	22,500	150	150
Clubhouse Area/Recreational Facility	N/A	N/A	N/A
Accessory Structures	N/A	N/A	N/A
Pool Deck	N/A	N/A	N/A
Commercial/Office (per schedule of uses)	7,500	75	100

MINIMUM SETBACKS

Residential Uses	Side (ft.)	Rear (ft.)	Front/Road (ft.)	Waterbody (ft.)	Preserve (includes upland buffer)	Golf Course (ft.)
Single-Family Detached	5	**10	20/*12	20	10	**10
Patio Homes	0	**10	20/*12	20	10	**10
Two-Family Attached	0	**10	20/*12	20	10	**10
Zero Lot Line	0	**10	20/*12	20	10	**10
1st side	0					
2nd side	0	**10	*12	20	10	**10
Townhouse	0					
1st side						
2nd side						
Multi-Family Low-Rise	10	10	20	20	10	**10
Mid-Rise	15	10	20	20	10	**10
ALF (5)	15	20	20	0	15	25

Clubhouse area/ recreational area	15	20	20	0	10	0
Accessory structures	5	5	10	0	10	0
Pool Deck	5	5	10	0	10	5
Non residential uses (per schedule of uses)	15	20	20	0	10	0

* with side entry garage ** 5 ft. for accessory structure (pool/lanai)

Residential Uses	Maximum Height (ft.)	Number of Habitable Floors	Minimum Building Separation (ft.)	Maximum Lot Coverage (%)
Single-Family Detached	45	3	10	55
Patio Homes	45	3	10	55
Two-Family Attached	45	3	10	55
Zero Lot Line	45	3	10	55
Townhouse	45	3	20	55
Multi-Family: Low-Rise High-Rise	50 75	4 7	20 30	55 55
ALF (5)	65	5	20	55
Clubhouse Area/ Recreational Facility	45	3	15	N/A
Accessory Structures	45	N/A	10	N/A
Pool Deck	N/A	N/A	N/A	N/A
Non residential uses (per Schedule of Uses)	45	3	15	45

b. Commercial "C"

MINIMUM LOT DIMENSIONS

Commercial	Area (sq.ft.)	Depth (ft.)	Width (ft.)
Clubhouse Area	N/A	N/A	N/A
Accessory Structures	N/A	N/A	N/A
Pool Deck	N/A	N/A	N/A
Commercial Office	7,500	100	75
Retail	7,500	100	75
Hotel	22,500	150	150
Community Use	7,500	100	75

MINIMUM SETBACKS

Commercial	Side (ft.)	Rear (ft.)	Front/ Road (ft.)	Water- body (ft.)	Preserve (includes upland buffer)	Golf Course (ft.)
Clubhouse area	15	20	20	0	10	0
Accessory structures	5	5	10	0	10	0
Pool Deck	5	5	10	0	10	5
Commercial Office	15	20	20	0	10	20
Retail	15	20	20	0	10	20
Hotel	15	20	20	0	15	25
Community Use	15	20	20	0	10	20

Commercial	Maximum Height (ft.)	No. of Habitabl e Floors	Minimum Building Separation (ft.)	Maximum Lot Coverage (%)
Clubhouse Area	45	3	15	N/A
Accessory Structures	45	N/A	10	N/A
Pool Deck	N/A	N/A	N/A	N/A
Commercial Office	65	5	15	45
Retail	45	5	15	45
Hotel	75	5	20	45
Community Use	65	5	15	45

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c. **TOWN CENTER "TC":****MINIMUM LOT DIMENSIONS**

Town Center	Area (sq.ft.)	Depth (ft.)	Width (ft.)
Clubhouse Area	N/A	N/A	N/A
Accessory Structures	N/A	N/A	N/A
Pool Deck	N/A	N/A	N/A
Commercial:			
Office	7,500	100	75
Retail	7,500	100	75
Hotel	22,500	150	150
Community Use	7,500	100	75
Multi-Family, Low-rise	6,500	80	80
ALF	22,500	150	150

MINIMUM SETBACKS

Town Center	Side (ft.)	Rear (ft.)	Front/ Road (ft.)	Waterbody (ft.)	Preserve (includes upland buffer)	Golf Course (ft.)
Clubhouse area	15	20	20	0	10	0
Accessory structures	5	5	10	5	10	0
Pool Deck	5	5	10	5	10	5
Commercial:						
Office	15	20	20	0	10	20
Retail	15	20	20	0	10	20
Hotel	15	20	20	0	15	25
Community Use	15	20	20	0	10	20
Multi-Family Low-rise	10	10	20	20	10	10
ALF	15	20	20	0	15	25

Town Center	Maximum Height (ft.)	Number of Habitable Floors	Minimum Building Separation (ft.)	Maximum Lot Coverage (%)
Clubhouse Area	45	3	15	N/A
Accessory Structures	45	N/A	10	N/A
Pool Deck	N/A	N/A	N/A	N/A
Commercial				
Office	65	5	15	45
Retail	45	3	15	45
Hotel	65	5	20	45
Community Use	65	5	15	45
Multi-Family, Low-rise	50	4	20	55
ALF	65	5	20	55

d. **RECREATION, OPEN SPACE, GOLF COURSE, BUFFERS & LAKES -"RO":**

MINIMUM LOT DIMENSIONS

Recreation, Open Space, Golf Course, Buffers & Lakes	Area (sq.ft.)	Depth (ft.)	Width (ft.)
Clubhouse Area	N/A	N/A	N/A
Accessory Structures	N/A	N/A	N/A
Pool Deck	N/A	N/A	N/A
Commercial/Office (per Schedule of Uses)	7,500	100	75

MINIMUM SETBACKS

Recreation, open space, golf course, buffers & lakes	Side (ft.)	Rear (ft.)	Front/Road (ft.)	Waterbody (ft.)	Preserve (includes upland buffer)	Golf Course (ft.)
Clubhouse area	15	20	20	0	10	0
Accessory structures	5	5	10	0	10	5
Pool Deck	5	5	10	5	10	5
Commercial/Office (per schedule of uses)	15	20	20	0	10	0

Recreation, Open Space, Golf Course, Buffers and Lakes	Maximum Height (ft.)	No. of Habitable Floors	Minimum Building Separation (ft.)	Maximum Lot Coverage (%)
Clubhouse Area	45	3	15	N/A
Accessory Structures	45	N/A	10	N/A
Pool Deck	N/A	N/A	N/A	N/A
Commercial/Office per Schedule of Uses	45	3	15	45

4. Deviation (1) requests relief from LDC Sections 10-8(2) (Traffic Pattern) and 34-2013(a) (Access) which require all parking lots to be designed to permit vehicles exiting the parking lot to enter the street right-of-way or easement in a forward motion, to allow individual parking spaces to back onto right-of-way or easement for common access drives and private local roads. The requested deviation is **APPROVED** subject to the following conditions:
 - (a) this deviation will apply to private internal local roads and accessways only;
 - (b) the design and posted speed will be 20 mph or less;
 - (c) the visual clear zone will be in accordance with the visibility triangle criteria set forth in LDC Section 34-3131; and
 - (d) where determined to be practical by the design engineer, traffic calming devices as identified in the ITE Residential Street Design and Traffic Control book will be provided.
5. Deviation (2) seeks to deviate from LDC Section 10-285 (Connection Separation) which requires a minimum 125-foot spacing between driveway accesses to a local road, to allow two connections for each short cul-de-sac (eyebrows), at a spacing of less than 125 feet. The requested deviation is **APPROVED** with the condition that:
 - (a) each "eyebrow" must be provided with signage indicating one-way traffic in a counter-clockwise direction;
 - (b) the minimum separation will be 60 feet;
 - (c) it applies only to private local roads; and
 - (d) it is approved only for those typical situations including, but not limited to, those designated in "Examples for Deviation (2)" attached as Exhibit E to the Staff Report.
6. Deviation (3) seeks to deviate from LDC Section 10-291(3)(b) (Access to Street) which requires, where practical, any residential development of least five± acres to provide

two or more means of ingress and egress, to allow only one means of ingress and egress. The requested deviation is **APPROVED** subject to the following conditions:

- (a) an emergency turnaround of adequate dimension is provided for emergency service providers within each development pod;
 - (b) each multi-family pod with one means of ingress and egress will not exceed 150 units; and
 - (c) the local Fire and Emergency Service District must provide a letter of approval prior to local Development Order approval.
7. Deviation (4) seeks to deviate from LDC Section 10-296(b), Table 3 (Specifications for Privately Maintained Streets) which requires a right-of-way width of 35 feet for a two-way closed drainage, rear lot drainage, or inverted crown, to allow a right-of-way width to coincide with the back of curb for local private roads. The requested deviation is **APPROVED** provided the required drainage and utility easements are located outside of the right-of-way and adequate provisions are made for road drainage and utilities.
8. Deviation (5) seeks to deviate from LDC Section 10-296, Table 4(7)(c) (Minimum Specifications for Street Improvements) which requires wearing surfaces for local and access roads for Class A development be 1½-inch asphaltic concrete of Florida Department of Transportation Type S-1, to allow for decorative pavers within private local and public arterial roadways. The requested deviation is **APPROVED for local, private roads** provided that the structural number of the proposed alternate cross-section will equal or exceed the structural number of a "standard" Class A local road flexible pavement cross-section. The requested deviation is **APPROVED for public arterial roads** subject to Lee County Division of Transportation approval.
9. Deviation (6) seeks to deviate from LDC Section 10-296(m)(4)(a) (Privately Maintained Accessways) which allows privately maintained accessways that meet criteria outlined in item (m)(4)(a) to be exempt from the minimum right-of-way widths specified in 10-296(b), to permit accessways that provide access up to 150 residential units and 300 parking spaces to be exempt from the minimum right-of-way widths as specified in 10-296(b). The requested deviation is **APPROVED** subject to the following conditions:
- (a) the design and posted speed will be 20 mph or less;
 - (b) each multi-family pod with one means of ingress and egress will not exceed 150 units;
 - (c) this deviation will apply to private internal local roads and accessways only; and,
 - (d) where determined to be practical by the design engineer, traffic calming devices as identified in the ITE Residential Street Design and Traffic Control book will be provided.

10. Deviation (7) seeks to deviate from LDC Section 10-329(e)(1)(a) (Excavations for Water Retention and Detention) to allow lake setbacks from rights-of-way as follows:
- a. Where local private streets meet the requirements of this document, a 25-foot lake setback as measured from the back of curb to the edge of water control elevation will be provided; and
 - b. Where adequate elements for the protection of wayward vehicles are provided, a zero-foot setback from the back of the curb to the edge of the water control elevation will be provided.

The requested deviation is **APPROVED** with the condition that the Developer provides elements for the protection of wayward vehicles such as guardrails, berms, swales, non-mountable curbs, etc., as determined by the Director of Development Services.

11. Deviation (8) seeks to deviate from LDC Section 10-329(e)(3) (Excavations for Water Retention and Detention) which requires the maximum depth of excavation not to exceed 12 feet, to allow a depth not to exceed 20 feet as supported by the hydrogeological report identified in The Brooks ADA, Question 14. The requested deviation is **APPROVED** for a maximum lake depth of 20 feet or to the confining layer, whichever occurs first, subject to implementation of the lake management plan entitled "The Brooks of Bonita Springs Management Program For Lakes Excavated To A Depth Greater Than 12 Feet - June 5, 1997," zoning counter stamped June 5, 1997. This plan must be a component of the engineering and design of The Brooks of Bonita Springs, be incorporated into the local Development Order, and be implemented prior to approval of any Certificate of Compliance (CC) for any portion of the development to which it applies.
12. Deviation (9) seeks to deviate from LDC Section 10-329(e)(4) (Excavations for Water Retention and Detention) which requires excavations to be sloped at four horizontal to one vertical to a water depth of four feet below the dry season water table and two horizontal to one vertical thereafter, to allow for lake slope to conform to South Florida Water Management District (SFWMD) permit. The requested deviation is **APPROVED**.
13. Deviation (10) seeks to deviate from LDC Section 10-355(a)(1) (Easements, Location of Water and Sewer Lines) which requires a 10-foot-wide public utility easement on both sides of a roadway, to allow the public utility easement on one side only. The requested deviation is **APPROVED** if all of the applicable utility companies state, in writing, that the easement may be eliminated.
14. Deviation (11) seeks to deviate from LDC Sections and 10-417(b)(2)f. (Installation of Plant Materials; Protection from Encroachment) which requires that no portion of a buffer area consisting of trees and shrubs be located in an easement, to allow planted

buffers in easements. The requested deviation is **APPROVED** provided that, if any required buffer or landscape strip plantings installed within easements must be removed, then the Developer or homeowners' association must replace these plantings with like size and species at no expense to Lee County. The requirement must be clearly stated in the homeowners' documents.

15. Deviation (12) seeks to deviate from LDC Sections 10-415(b)(1), 10-415(b)(2) and 10-415(c)(1) (Landscaping) which prohibit buffers within the right-of-way, to allow landscaping to be located within rights-of-way that exceed the minimum requirements of this document by 10 feet or more. The requested deviation is **APPROVED** subject to Lee County Division of Transportation approval including, but not limited to, provisions for maintenance and compliance with clear zone regulations. These buffer areas may not be counted toward the required open space calculations.
16. Deviation (13) seeks relief from LDC Section 10-418 (Stormwater Ponds) to allow lake littoral planting requirements to be met on the project site on an overall basis. The requested deviation is **APPROVED** provided that lake littoral planting requirements must be met on the overall project site with each lake containing, at a minimum, 50 percent of its normal LDC requirement. Additionally, The Brooks mitigation area will include: the creation of a meandering flow-way interconnecting wetlands, provide shallow ponds with littoral shelves for wading birds and birds of prey, enhancement of existing herbaceous wetlands, construction of osprey platforms in hammocks, the establishment of willow areas and flag ponds, and the establishment of vegetated upland buffers along portions of the wetland system.
17. Deviation (14) seeks to deviate from LDC Chapter 30, Signs to allow signage in conformance with The Brooks Signage Program. The requested deviation is **APPROVED** subject to compliance with The Brooks Sign Schedule as attached.
18. Deviation (15) seeks to deviate from LDC Section 34-935(b)(2) (Minimum Setbacks of Structures, Buildings and Pavement from Development Perimeter Boundaries) which requires that internal pavement be no closer than 25 feet to the development perimeter, to allow a 15-foot minimum. The requested deviation is **APPROVED** but applies to development perimeter (external project boundary) only.
19. Structures which exceed three stories or 45 feet in height must be set back a minimum of 100 feet from the north project boundary.
20. Structures which exceed two stories or 35 feet in height must be set back a minimum of 100 feet from the south project boundary.
21. A Management Plan per the requirements of LDC Section 10-474 must be approved prior to local Development Order approval for any portion of The Brooks of Bonita Springs DRI site on which a Lee County listed species per LDC Appendix H has been identified.

22. The design for the golf course and residential areas will incorporate the retention of large slash pines for utilization as perch trees for bald eagles. This requirement will not be interpreted in a manner to impair good golf course design, nor may it result in the loss of residential lots.
23. The Open Space Table shown on the Master Concept Plan is hereby adopted. This table must be demonstrated in compliance at each local Development Order submittal. There can be no lessening of the indigenous open space areas as provided on this table. No parcel which has an open space requirement may provide less than 10 percent open space, and no water body may be used to meet this minimum 10 percent open space requirement.
24. Each multi-family development parcel which contains structures that exceed 45 feet in height must provide a minimum of five trees per 100 linear feet along each side lot line. Additionally, any lot line that abuts a single family or two-family residential development parcel must be planted with a 50 percent opaque landscape buffer that may incorporate the required trees. Setbacks for structures over 45 feet in height which abut non multi-family residential uses will be as follows:

Side Setback:	50 feet
Rear Setback:	35 feet
Front/Road:	35 feet
Waterbody:	25 feet
Golf Course:	25 feet
Preserve:	25 feet
25. Access to the development over and across the existing Seminole Gulf Railway is subject to approval by Seminole Gulf Railway.
26. The maximum number of ALF (Assisted Living Facility) units shall not exceed 500 units or beds - density equivalents to be calculated in accordance with LDC Section 34-1494.
27. During the next four years, Lee County will undertake, to the extent legally permissible, any amendment to the 2010 Overlay, or its successor, necessary to accommodate the buildout of The Brooks as set forth in the DRI phasing schedule. Lee County will cause these amendments to occur in a timely manner so development of The Brooks will not be impeded by the 2010 Overlay, or its successor. Nothing in this condition will be interpreted to cause the County to be liable for a failure to accomplish these amendments if the failure is the result of a refusal by any State or Regional agency to approve such a change.
28. This development must comply with all of the requirements of the Lee County Land Development Code at the time of local Development Order approval, except as may be granted by deviation as part of this planned development.

29. Retail Commercial development at US 41 will be limited to the intensity allowed in Neighborhood Commercial Centers (100,000 square feet or less) until such time as the Coconut Road Extension has been designed and built to operate as an arterial road, and it has been connected to Three Oaks Parkway. It will then be allowed to develop to a maximum of 150,000 square feet of retail uses as delineated in the Schedule of Uses for this parcel.
30. Retail commercial development at the Town Center will be limited to the intensity allowed for Minor Commercial (30,000 square feet) until such time as the Coconut Road Extension is open and connected to Three Oaks Parkway, and the Town Center has access to Three Oaks Parkway and the Coconut Road Extension. It will then be allowed to develop to a maximum of 100,000 square feet of retail uses as delineated in the Schedule of uses for this parcel.
31. Internal improvement capital costs will be borne by the Developer, a UCDD, a private utility or some other legal entity which has the ability to levy an assessment or otherwise raise revenues to pay the internal improvement capital costs. The internal roads, landscaping, recreation areas, drainage, security, street lights and other on-site infrastructure shall be operated and maintained by the Developer, a UCDD, a property owners' association or some other legal entity which has the ability to levy an assessment or otherwise raise revenue to pay the capital cost of internal improvements.
32. The operating and maintenance costs of the water and sewer systems will be paid by the Developer who connects to the utility system, and the users of the system who pay the fees and tariffs levied by the utility. However, if the portion of the operating and maintenance costs of the water and sewer system attributable to the Developer who connects to the utility system, or the users of the system, falls below the requirements of the PDDO, the Developer of The Brooks, a UCDD, a property owners' association, or some other legal entity will be responsible for the payment. The internal roads, landscaping, recreation areas, drainage, security, street lights and other on-site infrastructure shall be operated and maintained by the Developer, a UCDD, a property owners' association or some other legal entity which has the ability to levy an assessment or otherwise raise revenue to pay the cost of operation and maintenance.
33. The Developer must provide the County with fiscal monitoring reports that identify the taxable value of the development by use codes. Taxable value means the actual taxable value assigned to the property in the development by the Lee County Property Appraisers Office. The report must be submitted when the certificate of occupancy for the 2600th unit is issued. A second report must be submitted at the end of the second 5-year period, which is the end of second phase, if the fiscal monitoring report at the end of the first phase indicates that the project is not fiscally positive and a second report is required as part of the mitigation condition.

These reports are intended to allow the County to determine whether the total taxable value is 25% less than, equal to, or exceeds the total taxable value of \$510,180,000.00, which was contained in the fiscal analysis tables that were attached to the June 2, 1997 letter from Fishkind & Associates, to the Division of Budget Services, Lee County.

If these reports demonstrate that the taxable values are 25% less than equal to, or exceeded, no further action is required. If these reports indicate that the actual taxable values are more than 25% below the taxable values projected in the tables, the Developer must conduct a new fiscal impact analysis (using the actual budgets of Lee County, including the Sheriff's budget, the Lee County District School Board, and the Estero Fire and Rescue District) utilizing the methodology of the modified per capita approach as outlined in the Applicants' document entitled "Revised Fiscal Impacts of The Brooks of Bonita Springs," prepared by Fishkind & Associates, Inc. and dated May 19, 1997 (Applicant's Exhibit 59).

If this new analysis indicates that the fiscal impact to the County is positive or neutral, no further action is required. If this new analysis indicates that the fiscal impact to the County is negative, the County, the Applicant and other affected parties will try to reach a mutually agreed upon fiscal mitigation plan which fully mitigates the negative fiscal impacts at the sole cost of the Developer and the property owners within the development. If the Developer or the property owners do not concur with the County Staff's fiscal mitigation plan, they have the right to avail themselves of any remedy allowed them under the County's LDC. No additional Development Orders will be issued to those portions of the project located within the Rural land use category, by the County, until the fiscal mitigation plan is implemented. If such a plan cannot be mutually agreed upon, the County reserves the right to create a taxing entity on the development, such as a Municipal Services Taxing Unit (MSTU) or Municipal Services Benefit Unit (MSBU), to address the identified negative fiscal impacts.

34. When the last or final certificate of occupancy for the last residential unit within a particular community or area is issued, the Real Estate Sales Office use located in or associated with that community must be discontinued. No sales for developments outside of The Brooks may occur within the residential real estate office.
35. Cattle grazing (which is an existing agricultural use on a portion of the property), and a proposed non-commercial tree nursery, for the exclusive use of The Brooks of Bonita Springs, are permitted within the following areas until these areas are developed: Residential (R), Recreation/Open Space/Golf/Buffer (RO), and Towncenter (TC). Cattle grazing is also permitted within the identified Conservation (CO) areas, until such time as the R, RO, or TC areas adjacent to the CO areas are developed. These agricultural uses are further limited to those portions of the site that have an existing agricultural tax exemption as of June 25, 1997.

The areas which have the tax exemption as of June 25, 1997 are legally identified as follows:

All of Sections 2, 3, 10 and 11, Township 47 South, Range 25 East, Lee County, Florida, lying east of the Seminole Gulf Railroad, west of Interstate Highway 75 and south of Williams Road.

LESS AND EXCEPT therefrom:

All that part of Sections 2, 3, 10 and 11, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

BEGINNING at the southwest corner of said Section 10,

Thence along the south line of said Section 10 in the following two (2) described courses;

1. South 88°50'19" West 2664.18 feet;
2. South 88°50'37" West 2540.14 feet to the easterly right-of-way line of Seaboard Coastline Railroad;

Thence leaving said south line of Section 10, along said easterly right-of-way line of Seaboard Coastline Railroad, North 00°59'47" West 6010.75 feet;

Thence leaving said right-of-way line, South 73°35'15" East 457.66 feet;

Thence North 85°18'36" East 1675.18 feet;

Thence South 81°35'06" East 1297.84 feet;

Thence North 31°35'30" East 359.66 feet;

Thence Northeasterly and easterly 642.94 feet along the arc of a tangential circular curve concave to the southeast, having a radius of 800.00 feet, through a central angle of 46°02'41" and being subtended by a chord which bears North 54°36'55" East 625.78 feet;

Thence North 77°38'21" East 253.20 feet;

Thence North 13°14'05" East 538.91 feet;

Thence South 81°30'32" East 137.72 feet;

Thence North 82°07'16" East 160.18 feet;

Thence South 31°52'23" East 335.93 feet;

Thence North 40°23'26" East 382.59 feet;

Thence North 23°55'39" East 580.19 feet;

Thence North 45°00'00" East 684.13 feet to a point on the westerly right-of-way line of assumed Three Oaks Boulevard Extension;

Thence along said westerly right-of-way line in the following four (4) described courses;

1. South 45°00'00" East 803.17 feet;
2. Southeasterly, southerly and southwesterly, 3300.70 feet along the arc of a tangential circular curve concave to the west, having a radius of 2350.00 feet, through a central angle of 80°28'30" and being subtended by a chord which bears South 04°45'45" East 3036.00 feet to a point of reverse curvature;
3. Southwesterly and southerly, 1389.94 feet along the arc of a tangential circular curve concave to the southeast, having a radius of 2150.00 feet, through a central

angle of 37°02'27" and being subtended by a chord which bears South 16°57'17" West 1365.86 feet;

4. South 01°33'57" East 3238.37 feet to the south line of said Section 11; Thence leaving said westerly right-of-way line, along said south line of Section 11, North 82°29'27" West 1112.95 feet to the **POINT OF BEGINNING** of the parcel less and excepted;
Subject to easements and restrictions of record.
Containing 1,494.09 net acres more or less.
Bearings are based on the South line of said Section 11, being North 82°29'27" West.

No other type of agricultural use is permitted within these areas and no agricultural use is permitted elsewhere within The Brooks of Bonita Springs DRI.

CO areas that are utilized for cattle must be surveyed for the presence of tropical soda apple *Solanum viarum* (TSA) commencing from the date of zoning approval. Any TSA found must be immediately eradicated and all CO areas must be maintained free of TSA. No native tree removal, clearing & grubbing, excavation, or other development activities may occur unless such activity is reviewed and approved in accordance with all applicable Lee County regulations as if no agricultural uses.

SECTION C. Master Concept Plan:

A four-page reduced copy of the Master Concept Plan is attached and incorporated into this resolution by reference.

SECTION D. FINDINGS AND CONCLUSIONS:

The following findings and conclusions were made in conjunction with the approval of the requested MPD zoning:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes and regulations.
2. The MPD zoning:
 - a) meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;
 - b) is consistent with the densities, intensities and general uses set forth in the Lee Plan;
 - c) is compatible with existing or planned uses in the surrounding area; and
 - d) will not adversely affect environmentally critical areas or natural resources.

3. Approval of the request will not unduly burden existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
5. The proposed use or mix of uses is appropriate at the subject location.
6. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest.
7. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.
8. The deviations granted:
 - a) enhance the objectives of the planned development; and
 - b) preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

The foregoing resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner Manning, and seconded by Commissioner Judah and, upon being put to a vote, the result was as follows:

John E. Manning	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 25th day of August, 1997.

ATTEST:
CHARLIE GREEN, CLERK

BY: *Ruth S. Green*
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: *[Signature]*
Chairman

Approved as to form by:

[Signature]
County Attorney's Office

FILED

SEP 9 1997

LEES CIRCUIT COURT

CASE NO. 96-07-030.03Z 01.01 and 96-07-030.04Z 01.01 (Revised 9/04/97)
G:\LUZONING\REBROOKRES.WPD

RESOLUTION NO. Z-97-037
Page 28 of 28

0002

THE BROOKS
SIGN SCHEDULE

RECEIVED
JUN 27 1997

SIGN TYPE	MAX. HT SIGN AREA	MAX. COPY AREA	MAX. LETTER SIZE	ZONING COUNTRIES	
				SEE NOTES	LOCATIONS
A. MAIN IDENTITY - MAJOR	16' - 0"	210 SF	36"	4,5,6,8	Intersection - US 41 and Coconut Road
B. MAIN IDENTITY - LESSER	12' - 0"	125 SF	36"	4,5,6,8	Williams Rd./ River Ranch Three Oaks/North & South Property Line
C. COMMUNITY IDENTITY	11' - 0"	105 SF	24"	1,3,5,6,8, or 9, 18	Individual Development Parcels
D. PARCEL/AREA ENTRY	10' - 0"	40	14"	1,2,3,5,6,8, or 9,18	Individual Parcels
E. TOWN CENTER IDENTITY	18' - 0"	200 SF	24"	1 or 2,3,5,6,11,12, 16	Town Center
F. FACILITY ID/MAJOR AMENITY	6' - 6"	24 SF	10"	1,3,5,6,8,9	Clubhouses/Major Amenities
G. VEHICULAR DIRECTIONAL	5' - 3"	13 SF	6"	2,3,5,6	Throughout
H. PEDESTRIAN/GOLF CART DIRECTIONAL	5' - 0"	4 SF	6"	2,3,5,6	Throughout
I. STREET IDENTITY	10' - 0"	2 SF	6"	2,5,6,19,20	Throughout
J. VEHICULAR REGULATORY	7' - 2"	6.25 SF	8"	2,5,6,15,19,20	Throughout
K. RETAIL/COMMERCIAL/OFFICE-MAJOR	20' - 0"	200 SF	18"	2,4,5,6,13,16	US 41
L. RETAIL/COMMERCIAL/OFFICE-LESSER	14' - 0"	200 SF	16"	2,3,5,6,14,16	Coconut Road

NOTES:

1. Zero foot setback from R.O.W. All identification signs proposed to be located zero feet from public right-of-way must be reviewed and approved by Lee County Department of Transportation (LDOT) at time of permitting.
2. Within the private R.O.W. only when located within a median of an internal non-county local road. These signs must be reviewed and approved by Lee County Development Services Division at time of local Development Order.
3. Signs will be setback a minimum of 30" from back of curb when located within the median of a private road or entrance.
4. Signs will be setback a minimum of 36" from public right-of-way.
5. All signs must meet the visibility triangle requirements of Section 30-93, LDC.
6. Height of signs must be measured in accordance with Section 30-93 LDC.
7. Copy Area represents signage panel only (excluding logo).
8. Two single faced signs equal in size and located on each side of the entrance way.
9. In lieu of two single faced signs, a double faced sign equal in size on both faces located in a median and perpendicular to the right-of-way.
- 11 Two double faced signs with a maximum of 200 square feet of copy area each may be located on Coconut Road and one double faced sign with a maximum of 200 square feet may be permitted on Three Oaks Parkway. These signs may be located within a median at each entrance way into the Town Center.

7-W-Broksign

BONITA BAY P&D

08/27/97 FRI 11:32 FAX 941498119

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BONITA BAY P&D

06/27/97 FRI 11:32 FAX 8414981

7-NV-Broksign
-100-003 PL.COD

12. In lieu of the double faced signs, single faced signs equal size and not to exceed 150 square feet of sign area may be located on each side of each entrance way. These signs may be located zero feet from the right-of-way if approved by LDOT at time of permitting.
13. One double faced sign along U.S. 41 at Commercial Center.
14. One double face sign along Coconut Road at the Commercial Center.
15. The height of Vehicular Regulatory signs will be determined by the design speed of the roadway.
16. The identification Signage proposed for the U.S. 41 Commercial and the Town Center will serve as nonresidential subdivision identification signage only, and is not intended to preclude additional signage permitted in accordance with the LDC. Except that additional permanent ground mounted signage will not be permitted adjacent to U.S. 41, Coconut Road and Three Oaks Parkway. This does not prohibit the main identity signage for the overall Brooks development located at the intersection of U.S. 41 and Coconut Road.
17. All other signs shall meet the regulations set forth in Chapter 30 of the Land Development Code.
18. The Community identity and Parcel Area Entry are clarified as follows:
Community - Those residential development parcels (df per LDC) within The Brooks that are bounded by and identified at entrances from Coconut Road, Three Oaks Parkway and Williams Road.
Parcel - Those development parcels that are sub-units of the larger Communities as defined above.
19. Signs will be setback a minimum of 36" from back of curb.
20. To be standard LDOT signs within right-of-way of Coconut Road, Three Oaks Parkway and Williams Road. Any deviation from LDOT standards must be approved by LDOT.

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A. MAIN IDENTITY - MAJOR

4. Signs will be setback a minimum of 36" from public right-of-way.
5. All signs must meet the visibility triangle requirements of Section 30-93, LDC.
6. Height of signs must be measured in accordance with Section 30-93 LDC.
8. Two single faced signs equal in size and located on each side of the entrance way. Or:

B. MAIN IDENTITY - LESSER

4. Signs will be setback a minimum of 36" from public right-of-way.
5. All signs must meet the visibility triangle requirements of Section 30-93, LDC.
6. Height of signs must be measured in accordance with Section 30-93 LDC.
8. Two single faced signs equal in size and located on each side of the entrance way. Or:

C. COMMUNITY IDENTITY

1. Zero foot setback from R.O.W. All identification signs proposed to be located zero feet from public right-of-way must be reviewed and approved by Lee County Department of Transportation (LDOT) at time of permitting.
3. Signs will be setback a minimum of 30" from back of curb when located within the median of a private road or entrance.
5. All signs must meet the visibility triangle requirements of Section 30-93, LDC.
6. Height of signs must be measured in accordance with Section 30-93 LDC.
8. Two single faced signs equal in size and located on each side of the entrance way. Or:
9. In lieu of two single faced signs, a double faced sign equal in size on both faces located in a median and perpendicular to the right-of-way.
18. The Community identity and Parcel Area Entry are clarified as follows:
Community - Those residential development parcels (df per LDC) within The Brooks that are bounded by and identified at entrances from Coconut Road, Three Oaks Parkway and Williams Road.
Parcel - Those development parcels that are sub-units of the larger Communities as defined above.

D. PARCEL/AREA ENTRY

1. Zero foot setback from R.O.W. All identification signs proposed to be located zero feet from public right-of-way must be reviewed and approved by Lee County Department of Transportation (LDOT) at time of permitting.
2. Within the R.O.W. only when located within a median of an internal local road. These signs must be reviewed and approved by LDOT at time of permitting.
3. Signs will be setback a minimum of 30" from back of curb when located within the median of a private road or entrance.
5. All signs must meet the visibility triangle requirements of Section 30-93, LDC.
6. Height of signs must be measured in accordance with Section 30-93 LDC.
8. Two single faced signs equal in size and located on each side of the entrance way. Or:
9. In lieu of two single faced signs, a double faced sign equal in size on both faces located in a median and perpendicular to the right-of-way.
18. The Community identity and Parcel Area Entry are clarified as follows:
Community - Those residential development parcels (df per LDC) within The Brooks that are bounded by and identified at entrances from Coconut Road, Three Oaks Parkway and Williams Road.
Parcel - Those development parcels that are sub-units of the larger Communities as defined above.

BONITA BAY P&D

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100-005 M.COM

BONITA BAY P&D

06/27/97 FRI 11:33 FAX 941498115

7-W-Droksign

E. TOWN CENTER IDENTITY

1. Zero foot setback from R.O.W. All identification signs proposed to be located zero feet from public right-of-way must be reviewed and approved by Lee County Department of Transportation (LDOT) at time of permitting. Or:
2. Within the R.O.W. only when located within a median of an internal local road. These signs must be reviewed and approved by LDOT at time of permitting.
3. Signs will be setback a minimum of 30" from back of curb when located within the median.
5. All signs must meet the visibility triangle requirements of Section 30-93, LDC.
6. Height of signs must be measured in accordance with Section 30-93 LDC.
11. Two double faced signs with a maximum of 200 square feet of copy area each may be located on Coconut Road and one double faced sign with a maximum of 200 square feet may be permitted on Three Oaks Parkway. These signs may be located within a median at each entrance way.
12. In lieu of the double faced signs, single faced signs equal size and not to exceed 150 square feet of sign area may be located on each side of each entrance way. These signs may be located zero feet from the right-of-way if approved by LDOT at time of permitting.
16. The identification Signage proposed for the U.S. 41 Commercial and the Town Center will serve as nonresidential subdivision identification signage only, and is not intended to preclude additional signage permitted in accordance with the LDC. Except that additional permanent ground mounted signage will not be permitted adjacent to U.S. 41, Coconut Road and Three Oaks Parkway. This does not prohibit the main identity signage for the overall Brooks development located at the intersection of U.S. 41 and Coconut Road.

F. FACILITY ID/MAJOR AMENITY

1. Zero foot setback from R.O.W. All identification signs proposed to be located zero feet from public right-of-way must be reviewed and approved by Lee County Department of Transportation (LDOT) at time of permitting.
3. Signs will be setback a minimum of 30" from back of curb when located within the median.
5. All signs must meet the visibility triangle requirements of Section 30-93, LDC.
6. Height of signs must be measured in accordance with Section 30-93 LDC.
8. Two single faced signs equal in size and located on each side of the entrance way.
9. In lieu of two single faced signs, a double faced sign equal in size on both faces located in a median and perpendicular to the right-of-way.

G. VEHICULAR DIRECTIONAL

2. Within the R.O.W. only when located within a median of an internal local road. These signs must be reviewed and approved by LDOT at time of permitting.
3. Signs will be setback a minimum of 30" from back of curb when located within the median.
5. All signs must meet the visibility triangle requirements of Section 30-93, LDC.
6. Height of signs must be measured in accordance with Section 30-93 LDC.

H. PEDESTRIAN/GOLF CART DIRECTIONAL

2. Within the R.O.W. only when located within a median of an internal local road. These signs must be reviewed and approved by LDOT at time of permitting.
3. Signs will be setback a minimum of 30" from back of curb when located within the median.
5. All signs must meet the visibility triangle requirements of Section 30-93, LDC.
6. Height of signs must be measured in accordance with Section 30-93 LDC.

I. STREET IDENTITY

2. Within the R.O.W. only when located within a median of an internal local road. These signs must be reviewed and approved by LDOT at time of permitting.
4. Signs will be setback a minimum of 36" from back of curb.
5. All signs must meet the visibility triangle requirements of Section 30-93, LDC.
6. Height of signs must be measured in accordance with Section 30-93 LDC.

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19. Signs will be setback a minimum of 36" from back of curb.
20. To be standard LDOT signs within right-of-way of Coconut Road, Three Oaks Parkway and Williams Road. Any deviation from LDOT standards must be approved by LDOT.

J. VEHICULAR REGULATORY

2. Within the R.O.W. only when located within a median of an internal local road. These signs must be reviewed and approved by LDOT at time of permitting.
4. Signs will be setback a minimum of 36" from back of curb.
5. All signs must meet the visibility triangle requirements of Section 30-93, LDC.
6. Height of signs must be measured in accordance with Section 30-93 LDC.
15. The height of Vehicular Regulatory signs will be determined by the design speed of the roadway.
19. Signs will be setback a minimum of 36" from back of curb.
20. To be standard LDOT signs within right-of-way of Coconut Road, Three Oaks Parkway and Williams Road. Any deviation from LDOT standards must be approved by LDOT.

K. RETAIL/COMMERCIAL/OFFICE-MAJOR

2. Within the R.O.W. only when located within a median of an internal local road. These signs must be reviewed and approved by LDOT at time of permitting.
4. Signs will be setback a minimum of 36" from back of curb.
5. All signs must meet the visibility triangle requirements of Section 30-93, LDC.
6. Height of signs must be measured in accordance with Section 30-93 LDC.
13. One double faced sign along U.S. 41 at Commercial Center.
16. The identification Signage proposed for the U.S. 41 Commercial and the Town Center will serve as nonresidential subdivision identification signage only, and is not intended to preclude additional signage permitted in accordance with the LDC. Except that additional permanent ground mounted signage will not be permitted adjacent to U.S. 41, Coconut Road and Three Oaks Parkway. This does not prohibit the main identity signage for the overall Brooks development located at the intersection of U.S. 41 and Coconut Road.

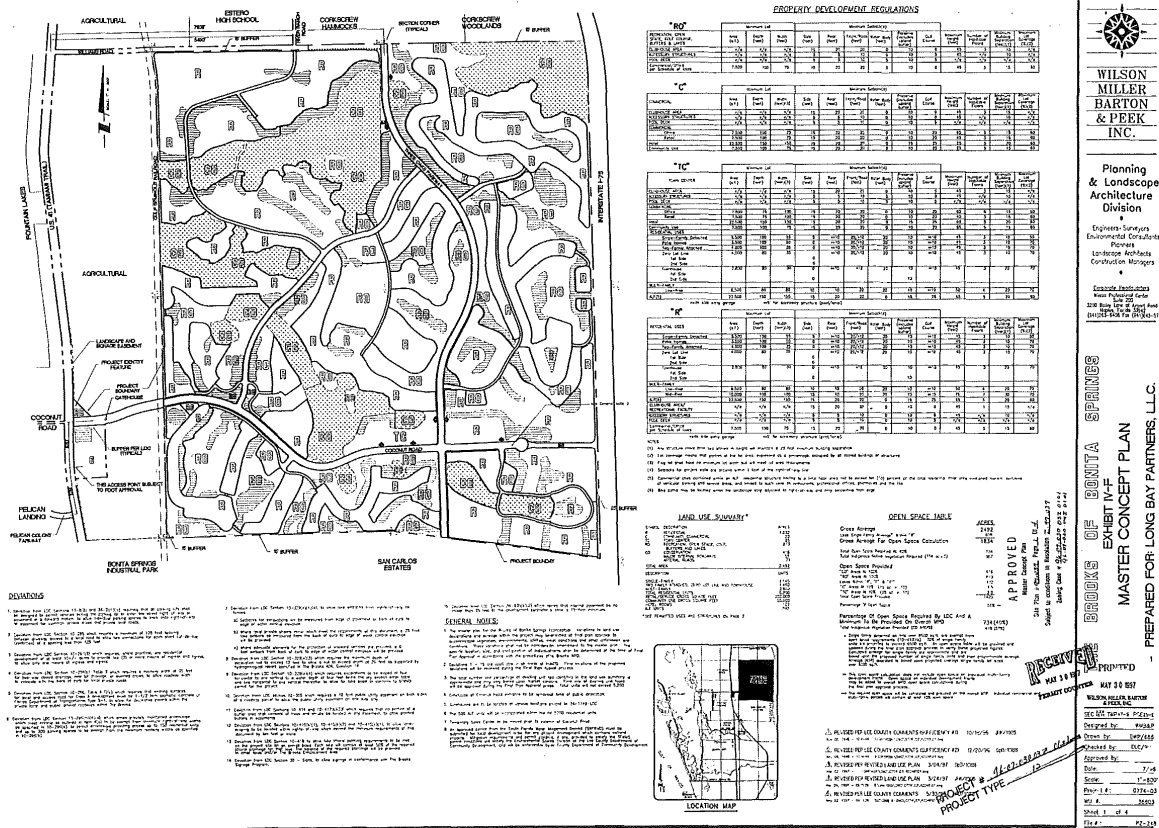
L. RETAIL/COMMERCIAL/OFFICE-LESSER

2. Within the R.O.W. only when located within a median of an internal local road. These signs must be reviewed and approved by LDOT at time of permitting.
3. Signs will be setback a minimum of 30" from back of curb when located within the median.
5. All signs must meet the visibility triangle requirements of Section 30-93, LDC.
6. Height of signs must be measured in accordance with Section 30-93 LDC.
14. One double face sign along Coconut Road at the Commercial Center.
16. The identification Signage proposed for the U.S. 41 Commercial and the Town Center will serve as nonresidential subdivision identification signage only, and is not intended to preclude additional signage permitted in accordance with the LDC. Except that additional permanent ground mounted signage will not be permitted adjacent to U.S. 41, Coconut Road and Three Oaks Parkway. This does not prohibit the main identity signage for the overall Brooks development located at the intersection of U.S. 41 and Coconut Road.

BONITA BAY P&D

06/27/97 FRI 11:34 FAX 94149811

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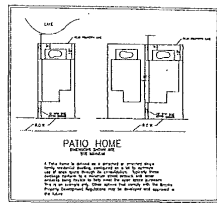
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WILSON MILLER BARTON & PEEK INC.
Planning & Landscape Architecture Division
Engineers-Surveyors
Environmental Consultants
Planners
Landscape Architects
Construction Managers
Concrete Specialists
Urban Planning Center
2000 North 10th Street
Tallahassee, Florida 32304-1000
(904) 241-1000

BROOKS OF BONITA SPRINGS
EXHIBIT W-1
MASTER CONCEPT PLAN - REZONING
PREPARED FOR LONG BAY PARTNERS, LLC.

APPROVED

Master Concept Plan

Site Plan # 02-011, Part A, R-1

Subject to conditions in Resolution Z-97-037

Expiry Date 01/01/2011

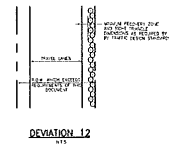
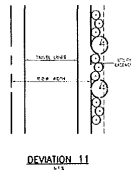
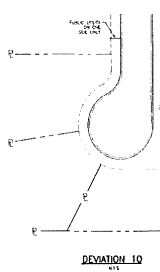
01/01/2011

PROJECT #

PROJECT TYPE

RECEIVED
JAN 10 2011
PLANNING & LANDSCAPE ARCHITECTURE DIVISION
WILSON MILLER BARTON & PEEK INC.
Project No. 02-011
Drawn by: JMB/PLA
Checked by: JMB/PLA
Scale: 1"=10'
Sheet: 01-1
Date: 01/01/2011

DEVIATION 9. EXHIBIT WILL BE PROVIDED AT
TIME OF WATER MANAGEMENT PERMIT ISSUANCE



DEVIATION 13. ILLUSTRATION NOT REQUIRED

DEVIATION 14. ILLUSTRATION TO BE PROVIDED
IN BROOKS SIGNAGE PROGRAM



**WILSON
MILLER
BARTON
& PEEK
INC.**

Planning
& Landscape
Architecture
Division

Engineers, Surveyors
Environmental Consultants
Planners
Landscape Architects
Construction Managers

Corporate Headquarters
1000 N. 1st St., Suite 200
Tallahassee, FL 32301
Phone: 904.224.1111
Fax: 904.224.1112

BROOKS OF MONTA SPRINGS
EXHIBIT IV-F
MASTER CONCEPT PLAN - REZONING
PREPARED FOR: LONG BAY PARTNERS, L.L.C.

APPROVED
Water Council File
Site Plan # 2004-01-001
Subject to conditions in Resolution Z-97-037
Issued Date # 01-01-01

PACKET
PRINTED
PROJECT TYPE

WILSON MILLER BARTON & PEEK INC.
Checked by: [Signature]
Reviewed by: [Signature]
Approved by: [Signature]
Date: 1/2/01
Project #1: [Blank]
Project #2: [Blank]
Project #3: [Blank]
Project #4: [Blank]
Project #5: [Blank]
Project #6: [Blank]
Project #7: [Blank]
Project #8: [Blank]
Project #9: [Blank]
Project #10: [Blank]

DECL 7/1/e

DEVELOPMENT ORDER
FOR
THE BROOKS OF BONITA SPRINGS
A DEVELOPMENT OF REGIONAL IMPACT
STATE DRI #07-9697-133

LET IT BE KNOWN THAT, PURSUANT TO SECTION 380.06 OF THE FLORIDA STATUTES, THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, HAS HEARD AT A PUBLIC HEARING CONVENED ON AUGUST 25, 1997, THE APPLICATION FOR DEVELOPMENT APPROVAL FOR THE BROOKS OF BONITA SPRINGS (HEREAFTER REFERRED TO AS THE BROOKS) DRI, A MIXED USE DEVELOPMENT IN LEE COUNTY WHICH INCLUDES APPROXIMATELY 2,492± ACRES TO BE DEVELOPED IN ACCORDANCE WITH THE APPLICATION SUBMITTED TO LEE COUNTY ON July 3, 1996 BY THE OWNER/APPLICANT, LONG BAY PARTNERS, L.L.C.

WHEREAS, the Board of County Commissioners of Lee County, Florida, has considered the report and recommendations of the Southwest Florida Regional Planning Council, the Lee County Staff, the Lee County Hearing Examiner, the application and sufficiency submittals, and the documents and comments made on the record in public hearing, and after full consideration of those reports, recommendations, documents and comments, the Board of County Commissioners of Lee County, Florida, finds and determines that:

I. FINDINGS OF FACT AND CONCLUSIONS OF LAW

A. The Brooks is a master planned community located in unincorporated south Lee County west of I-75, north of San Carlos Estates, east of U.S. 41 and south of Corkscrew Road. The property includes 2,492± acres. The Brooks is a mixed use development that will consist of: 5,200 residential units, 250,000 square feet of retail/service/office gross floor area, 120 hotel units, and a maximum of 55,000 square feet of gross floor area of community facilities; the community facilities may include community association meeting space, education and training facilities oriented toward the residents' daily needs, dining, recreation, entertainment, civic and community uses. In addition, there will be 873 acres of active and passive recreation areas that include open space, buffer, golf, tennis, swimming and lakes. At buildout, the development will provide approximately 416 acres of conservation lands (forested and open wetlands and wetland flow-way restoration) and 126 acres of internal and public arterial road right-of-ways.

The phasing schedule includes two 5-year phases. Site preparation will commence in 1997. Residential construction is scheduled to commence in 1998. The buildout date is December 31, 2007.

Water supply and wastewater treatment will be provided by Bonita Springs Utilities, Inc.

B. The factual findings, conclusions of law, conditions and other terms of this Development Order apply to the property described more completely below:

PARCEL 1

A portion of the South Half (S½) of Section 09, Township 47 South, Range 25 East, Lee County, Florida being more particularly described as follows:
Commence at the Southeast corner of Section 09, Township 47 South, Range 25 East, Lee County Florida;
THENCE run N00°57'23"W along the East line of said Section 09 for a distance of 2,542.33 feet;
THENCE run S88°02'34"W for a distance of 1,221.61 feet to the POINT OF BEGINNING of the herein described parcel of land;
THENCE continue S88°02'34"W for a distance of 750.33 feet to a point on the Easterly right-of-way line of US Highway No. 41 (State Road No. 45, a 200-foot right-of-way);
THENCE run S00°15'56"E along said Easterly right-of-way line for a distance of 553.06 feet to the beginning of a tangential circular curve, concave Easterly;
THENCE run Southerly along said Easterly right-of-way line, and along the arc of said curve to the left, having a radius of 5,605.39 feet, through a central angle of 06°12'58", subtended by a chord of 607.83 feet, at a bearing of S03°22'24"E, for a distance of 608.13 feet;
THENCE run N88°07'51"E for a distance of 747.23 feet to a point of intersection with a non-tangential circular curve, concave Easterly, whose radius point bears N82°31'42"E a distance of 3,909.60 feet therefrom;
THENCE run Northerly along the arc of said curve to the right having a radius of 3,909.60 feet through a central angle of 08°29'31", subtended by a chord of 578.92 feet, at a bearing of N03°13'32"W, for a distance of 579.45 feet to the end of said curve;
THENCE run N00°15'56"W for a distance of 583.09 feet to the POINT OF BEGINNING.
Containing 19.948 acres, more or less.
Bearings hereinabove mentioned are based on the East line of the Southeast Quarter (SE¼) of Section 09, Township 47 South, Range 25 East as being N00°57'23"W.

PARCEL 2

A portion of the North Half (N½) of Section 09, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:
Commence at the Southeast corner of Section 09, Township 47 South, Range 25 East, Lee County Florida;
THENCE run N00°57'23"W along the East line of said Section 09 for a distance of 2,674.19 feet to the East Quarter corner of said Section 09;
THENCE run N01°15'50"W along the East line of said Section 09 for a distance of 68.17 feet;
THENCE run S88°02'34"W for a distance of 1,555.19 feet to the POINT OF BEGINNING of the herein described parcel of land;

THENCE continue S88°02'34"W for a distance of 413.96 feet to a point on the Easterly right-of-way line of US Highway 41 (State Road No. 45, a 200 foot right-of-way);
 THENCE run N00°15'56"W along said Easterly right-of-way line for a distance of 415.00 feet;
 THENCE run S46°02'16"E for a distance of 577.45 feet to the POINT OF BEGINNING.
 Containing 1.971 acres, more or less.
 Bearings hereinabove mentioned are based on the East line of the Southeast Quarter (SE¼) of Section 09, Township 47 South, Range 25 East as being N00°57'23"W.

PARCEL 3

A parcel of land located in Sections 02, 03, 10, and 11, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Commence at the Northwest corner of Section 03, Township 47 South, Range 25 East, Lee County, Florida;
 THENCE run S00°46'22"E along the West line of the Northwest Quarter (NW¼) of said Section 03 for a distance of 100.02 feet to a point 100.00 feet South of, as measured at right angles to, the North line of the Northwest Quarter (NW¼) of said Section 03;
 THENCE run N89°51'03"E parallel with the North line of the Northwest Quarter (NW¼) of said Section 03 for a distance of 23.35 feet to a point on the South right-of-way line of Williams Road, a 100.00 foot right-of-way, the same being the POINT OF BEGINNING of the parcel of land herein described;
 THENCE continue N89°51'03"E along said parallel line and along said South right-of-way line for a distance of 2,623.11 feet;
 THENCE run N89°51'33"E parallel with the North line of the Northeast Quarter (NE¼) of said Section 03 and along said right-of-way line for a distance of 975.29 feet;
 THENCE run N00°08'27"W along said right-of-way line for a distance of 100.00 feet to a point on the North line of the Northeast Quarter (NE¼) of said Section 03;
 THENCE run N89°51'33"E along the North line of the Northeast Quarter (NE¼) of said Section 03 for a distance of 1,664.48 feet to the Northeast corner of said Section 03, the same being the Northwest corner of Section 02, Township 47 South, Range 25 East;
 THENCE run N89°51'16"E along the North line of the Northwest Quarter (NW¼) of said Section 02 for a distance of 2,641.95 feet;
 THENCE run N89°50'12"E along the North line of the Northeast Quarter (NE¼) of said Section 02 for a distance of 2,026.48 feet to a point on the West right-of-way line of Interstate 75, a 410-foot right-of-way, the same being a point on a circular curve, concave Westerly, whose radius point bears S79°55'57"W a distance of 5,567.58 feet therefrom;
 THENCE run Southerly along said right-of-way line and along the arc of said curve to the right, having a radius of 5,567.58 feet, through a central angle

of 08°30'06", subtended by a chord of 825.37 feet, at a bearing of S05°49'00"E for a distance of 826.13 feet to the end of said curve;
 THENCE run S01°33'57"E along said right-of-way line for a distance of 4,512.58 feet to a point on the North line of the Northeast Quarter (NE¼) of Section 11, Township 47 South, Range 25 East;
 THENCE continue S01°33'57"E along said right-of-way line for a distance of 5,977.28 feet to a point on the South line of said Section 11;
 THENCE run N82°32'38"W along the South line of the Southeast Quarter (SE¼) of said Section 11 for a distance of 2,165.51 feet;
 THENCE run N82°29'27"W along the South line of the Southwest Quarter (SW¼) of Section 11 for a distance of 2,698.44 feet to the Southwest corner of said Section 11, the same being the Southeast corner of Section 10, Township 47 South, Range 25 East;
 THENCE run S88°50'19"W along the South line of the Southeast Quarter (SE¼) of said Section 10 for a distance of 2,664.18 feet;
 THENCE run S88°50'37"W along the South line of the Southwest Quarter (SW¼) of said Section 10 for a distance of 2,540.14 feet to a point on the Easterly right-of-way line of the Seaboard Coastline Railroad right-of-way, a 130.00 foot right-of-way;
 THENCE run N00°59'47"W along said Easterly right-of-way line for a distance of 5,341.51 feet to a point on the North line of the Northwest Quarter (NW¼) of said Section 10;
 THENCE continue N00°59'47"W along said Easterly right-of-way line for a distance of 2,692.12 feet;
 THENCE run N00°56'59"W along said Easterly right-of-way line for a distance of 1,590.73 feet to the beginning of a tangential circular curve, concave Westerly;
 THENCE run Northerly along said Easterly right-of-way line and along the arc of said curve to the left, having a radius of 5,771.38 feet through a central angle of 09°31'27", subtended by a chord of 958.37 feet at a bearing of N05°42'42"W for a distance of 959.37 feet to the end of said curve;
 THENCE run N10°28'26"W along said Easterly right-of-way line for a distance of 77.72 feet to the POINT OF BEGINNING.
 Containing 2,470.384 acres, more or less.
 Bearings hereinabove mentioned refer to the North line of the Northwest Quarter (NW¼) of Section 03, Township 47 South, Range 25 East, Lee County Florida, as being N89°51'03"E.

C. The property was zoned AG-2, and coincident with the approval of this Development Order the property will be rezoned to Mixed Use Planned Development. The property is currently in active agricultural use. Agricultural uses may continue on those portions of the site not under development.

D. The Application for Development Approval (ADA) for The Brooks is consistent with the requirements of Section 380.06, Florida Statutes, and was found sufficient by the Southwest Florida Regional Planning Council on March 20, 1997.

E. The development is not located in an area designated as an Area of Critical State Concern under the provision of Section 380.05, Florida Statutes.

F. The development does not unreasonably interfere with the achievement of the objectives of the adopted State Land Development plan. The development is consistent with the State Comprehensive Plan if developed in accordance with the conditions set forth herein.

G. The development has been reviewed by the Southwest Florida Regional Planning Council (SWFRPC) and is the subject of the report and recommendations adopted by that body on March 20, 1997. The SWFRPC report and recommendations were subsequently forwarded to Lee County pursuant to Section 380.06, Florida Statutes. The development, as proposed in the ADA and modified by this Development Order, is generally consistent with the report and recommendations of the SWFRPC pursuant to Section 380.06(11), Florida Statutes.

H. The development is located in the Rural, Wetlands, and Suburban future land use categories and the development, as proposed, is consistent with the Planned Development District Option set forth in the Lee Plan for the Rural future land use category. The project, as conditioned herein, is consistent with the Lee County Comprehensive Plan, and Lee County's Land Development Code.

I. The conditions set forth below meet the criteria found in Section 380.06(15)(d), Florida Statutes.

II. ACTION ON THE REQUEST AND THE CONDITIONS OF APPROVAL

NOW THEREFORE, be it resolved by the Board of County Commissioners of Lee County, Florida, in a public meeting duly advertised, constituted and assembled August 25, 1997, that the Development of Regional Impact Application for Development Approval submitted by Long Bay Partners, L.L.C., for the project known as The Brooks of Bonita Springs (The Brooks), is hereby Approved subject to the conditions, restrictions and limitations that follow. For the purpose of this Development Order, the term "Developer" refers to Long Bay Partners, L.L.C., and includes all of its successors or assigns, and all references to County Ordinances or other regulations, includes future amendments.

A. AFFORDABLE HOUSING

1. The Developer surveyed whether there was a sufficient number of housing units available to meet the demands of 747 employees at buildout (2007). Based on this survey, found to be sufficient, The Brooks has no regionally significant impact on low and moderate income housing.

2. If the Developer files a Notice of Proposed Change that extends the buildout date of the DRI beyond 2007, the Developer must reanalyze its impacts on low and moderate income housing, if the development subject to the extension includes commercial development. The analysis is limited to the low and moderate housing impact of the total commercial development. If the analysis indicates that there will be regionally significant

impacts, the Developer must mitigate those impacts in accordance with applicable regulations.

B. ENERGY

The Developer will utilize the energy conservation measures outlined in the ADA.

C. HURRICANE PREPAREDNESS

1. The Brooks, at its current elevation, is located in a Category Three area pursuant to the SLOSH model. This is not a high hazard hurricane impact area, and the impacts to hotel/motels are only considered in high hazard areas. The DRI is in a "Hurricane Vulnerability Zone" (9J-2.0256(2)(c), F.A.C.). Due to the project's location in a category three area of Lee County, the Developer has the option of mitigating its impacts under Rule 9J-2.0256, F.A.C., or Rule 9J-2.0257, F.A.C. The Developer has chosen to mitigate the regional hurricane preparedness impacts by selecting the option of elevating the first floor of all residential units above the category three flood level, pursuant to Rule 9J-2.0257(6)(b), F.A.C. The units must be elevated at or above 16.6 feet, NGVD, the level designated for a Category Three area. If they are not so elevated, the Developer may not use the 9J-2.0257, F.A.C. option to mitigate its impacts. If they are elevated at or above 16.6 feet, NGVD, they will be treated as if they were in a Category Four flood level, and they will be considered to be outside of the hurricane vulnerability zone as defined by Rule 9J-2.0256, F.A.C.

2. The Developer will provide 20,000 square feet of on-site shelter space. Ten thousand square feet will be constructed in Phase I, and ten thousand square feet will be constructed in Phase II. The on-site shelter space will be used exclusively by residents of The Brooks and their guests, and they will be located within the club house(s) and must meet the following criteria:

- (a) All shelter buildings must be elevated at or above the 16.6 feet, NGVD;
- (b) All shelter buildings must be constructed in accordance with the requirements in Rule 9J-2.0257(6)(e), F.A.C., to withstand winds of at least one hundred twenty (120) miles per hour;
- (c) All windows in shelter buildings must be shuttered;
- (d) All shelter buildings must be equipped with an emergency power generator with adequate capacity to handle the following:
 - (1) ventilation fans;
 - (2) emergency lighting;
 - (3) life safety equipment (i.e., intercom, fire and smoke alarms);

(4) refrigeration and cooking equipment;

(e) All shelters must have an auxiliary potable water supply.

3. Pursuant to Policy 79.2.2 of the Lee Plan, all landowners within The Brooks must pay an All-Hazards Tax for hurricane shelters.

4. The Developer must establish a public information program with the Property Owners' Association for the purpose of educating the development's residents regarding the potential hurricane threat. The Developer will do the following:

a. The various Property Owners' Associations must host an annual educational seminar, and will be responsible for obtaining the place for the seminar and for the provision of invitations to the homeowners. The time will be coordinated with the Lee County Emergency Services staff, who will provide the education and information at the program. The public information program will advise the residents of the location of The Brooks in a Special Hurricane Preparedness District and of the difficulty of evacuation in the event of an impending hurricane, the availability and location of hurricane shelters and the identification of steps to minimize property damage and to protect human life. Lee County Emergency Services staff will provide additional information regarding natural disasters if appropriate.

b. The Developer will also provide one, or more, coordinated preparedness plan(s) for the residential areas within the DRI. The hurricane preparedness plan(s) must address and include: a) operational procedures for the warning and notification of residents and visitors prior to and during a hurricane watch and warning period; b) a public information program, described above; c) identification of who is responsible for the implementation of the approved evacuation plan; d) identification of the County's hurricane evacuation routes and shelters; and e) how the private security force, if any, will be integrated with the local Sheriff's personnel and the Division of Public Safety. The preparedness plan(s) must be developed in cooperation with the Lee County Emergency Management officials and must be found sufficient by those officials prior to the issuance of the first residential certificate of occupancy. Lee County Emergency Management Services will review the preparedness plan(s), and any revisions or addendums thereto, and will provide written objections or a verification of approval within fifteen (15) days.

5. Prior to the issuance of a local Development Order, the Developer of the hotel must submit a hurricane preparedness plan for the hotel to Lee County. Prior to the issuance of the Certificate of Occupancy for the hotel, the written preparedness plan(s) must be approved by Lee County Emergency Management. Lee County Emergency Management will review the preparedness plan(s), and any resubmittals and addendums, and will provide written comments that identify the deficiencies in the plan(s), resubmittals or addenda within 15 days. If no deficiencies are identified, Lee County Emergency Management will issue a written approval within 15 days.

6. When property is conveyed, the Developer must include a disclosure statement in the form of a covenant in the deed which states that the property is located in

a hurricane vulnerability zone, that the hurricane evacuation clearance time for the County is high, and that shelter space is limited.

D. STORMWATER MANAGEMENT

1. The Developer must modify the existing agricultural construction and operation permit (#36-00288-5), to address the construction and operation of the surface water management system for the development approved by this Development Order and the project's proposed impacts to isolated wetlands, "waters of the state" and "other surface waters." Review and approval of the application will be in accordance with Chapter 40E, F.A.C. and the South Florida Water Management District (SFWMD) Basis of Review. The Developer will provide the County with copies of the modified permit.

2. The Developer must also obtain a SFWMD water use permit for certain dewatering activities proposed for the construction of project lakes, roads and building foundations. The Developer will provide the County with copies of the water use permit.

3. If needed, the Developer must obtain a consumptive use permit, in accordance with Chapter 40E, F.A.C., and the SFWMD Basis of Review. The Developer will provide the County with copies of the consumptive use permit.

4. At the time of permit application, the Developer and the SFWMD will determine whether the surface water management system must comply with discharge criteria for Outstanding Florida Waters.

5. An analysis of the method and routes proposed for off-site discharges will be required at the time of permit application. The analysis must include particular emphasis on control elevations, on-site storage, delineation of watershed boundaries, and the adequacy of off-site conveyances to accommodate the anticipated discharges from the project site. The analysis must include construction level detail. In order for District staff to determine whether the proposed discharges to Outstanding Florida Waters are classified as "direct" or "indirect," the Developer must submit construction level drawings showing the proposed conveyance methods at the time of permit application.

6. The Developer will establish a legal operating entity in accordance with the SFWMD Basis of Review and Lee County Land Development Code (LDC), to maintain all internal storm water management lakes, ditches and wetlands. Easements, common areas or other legal mechanisms may be utilized to ensure there is sufficient access to the storm water management areas.

7. The Developer must remove all silt barriers, hay bales, anchor soil, and accumulated silt, upon completion of construction, and stabilization of slide slopes.

8. Where applicable, the final stormwater management plan must consider measures to reduce runoff rates and volumes, including, but not limited to, fixed control structures, perforated pipes, and grass swale conveyances. The Developer must use swales rather than closed systems whenever practical.

9. On-site stormwater management lakes must include littoral zones. The location and extent of the littoral zones must be consistent with the requirements set forth in the surface water management permit issued by the SFWMD, as well as the local Development Order issued by Lee County. The SFWMD Basis of Review and County planned development resolution will dictate the required type, massing, and survival rate of vegetation in the littoral zones.

10. The Developer must conduct annual inspections of the Master Stormwater Management System and the on-site preserved/enhanced wetland areas to ensure that these areas are maintained in keeping with the final approved designs, and that the water management system is capable of accomplishing the level of stormwater storage and treatment for which it was intended.

11. If the stormwater management system impacts the habitats of state or federally listed plant and animal habitats on-site, these impacts will be evaluated during the review of any surface water management or ERP permit issued by the SFWMD, any dredge and fill permit issued by the Army Corps of Engineers (ACOE) and any local Development Order issued by Lee County. Impacts will be evaluated and mitigated in accordance with ACOE, SFWMD/DEP, and Lee County regulations.

12. The Developer, the UCDD, or the successors and assigns, must regularly vacuum sweep all privately owned internal streets and parking areas. The Developer will also encourage private parcel owners to regularly vacuum sweep their respective streets and parking areas.

13. The Developer must provide dry detention or retention pretreatment in the areas adjacent to commercial uses unless the Developer can provide reasonable assurances to the SFWMD that hazardous materials will not enter the project's surface water management system. The assurances may be in the form of deed restrictions, recorded lease agreements, or other legal instrument acceptable to SFWMD and the County.

E. TRANSPORTATION

1. Significant Impact

a. The traffic impact assessment for the project assumes the development parameters set forth below:

	<u>Phase I (2002)</u>	<u>Buildout (2007)</u>
Residential		
--Single Family	600 D.U.	1,140 D.U.
--Multi Family/Single Family-Attached	2,000 D.U.	4,060 D.U.
Non-Residential		
--Service/Retail/Office (Town Center)	10,000 sq. ft.	100,000 sq. ft.
--Community Use (Town Center)	15,000 sq. ft.	50,000 sq. ft.
--General Retail (Community Center)	100,000 sq. ft.	150,000 sq. ft.
--Community Use (Community Center)	5,000 sq. ft.	5,000 sq. ft.

--Hotel	0 Rooms	120 Rooms
--Golf Course	36 Holes	72 Holes

b. The assessment indicates that the significantly impacted roadways and intersections described below will be operating below acceptable levels of service at project Build out (2007). The Brooks DRI is projected to significantly and adversely impact the following roadways and intersections:

Roadways:

Corkscrew Road

--Sandy Lane to Three Oaks Parkway

--Three Oaks Parkway to I-75

Needed Improvement

Widen to 4 lanes

Widen to 4 lanes

U.S. 41

--Bonita Beach Road to W. Terry Street

--Corkscrew Road to Koreshan Boulevard

--Koreshan Boulevard to San Carlos Boulevard

--San Carlos Boulevard to Alico Road

--Alico Road to Island Park Road

--Island Park Road to Jamaica Bay West

--Jamaica Bay West to Six Mile Parkway

Widen to 6 lanes

Widen to 6 lanes

Widen to 6 lanes

Widen to 6 lanes

6 lanes plus alternate facility*

6 lanes plus alternate facility*

6 lanes plus alternate facility*

Bonita Beach Road

--Imperial Street to I-75

Widen to 6 lanes

* Metro Parkway Extension (6 lanes)

Intersections:

US 41/Six Mile Cypress Parkway

US 41/Island Park Road

US 41/Alico Road

US 41/San Carlos Boulevard

US 41/Koreshan Boulevard

US 41/Corkscrew Road

US 41/Williams Road

US 41/Coconut Road (Partially site-related)

US 41/Old 41/Pelican Landing Parkway

US 41/W. Terry Street

US 41/Bonita Beach Road

Corkscrew Road/Three Oaks Parkway

Corkscrew Road/I-75 West Ramps

Corkscrew Road/I-75 East Ramps

Intersection Improvements

Intersection Improvements

Intersection Improvements

Intersection Improvements

Intersection Improvements

Intersection Improvements

Intersection Improvements

Intersection Improvements

Intersection Improvements

Intersection Improvements

Intersection Improvements

Intersection Improvements

Intersection Improvements

Intersection Improvements

2. Mitigation

a. The total proportionate share obligation to mitigate The Brooks DRI's transportation impacts on the non-site related roads and intersections set forth in Section E.1.b. above is estimated to be \$9,198,000, and the total estimated road impact fees to be generated by the project are \$7,863,240. To satisfy the proportionate share obligation, the Developer must choose one of the two mitigation options identified below. The Developer must select one mitigation option and notify the County in writing prior to the granting of the first building permit for the first permanent residential or commercial structure, except for the sales center. The selection of Option 2 must be accompanied by a Local Government Development Agreement pursuant to Section 163.3220, Florida Statutes, and Chapter 2, Article III of the Lee County Land Development Code. Once an option has been selected, any request to change the mitigation option, including changing from one option to the other, must be accompanied by the filing of a Notice of Proposed Change and an analysis as to whether the change constitutes a substantial deviation.

b. Mitigation Option 1

1) Within 150 days of adoption of this DRI Development Order, but no later than January 1, 1998, the Developer must provide to the County a schedule for the dedication of certain right of way to the County. The schedule shall reflect the Developer's acquisition of the property. Right of way to be dedicated shall include the following : 150 feet of right-of-way for the extension of Coconut Road from U.S. 41 to the eastern property line, 100 feet of right-of-way for the extension of Williams Road from River Ranch Road to Three Oaks Parkway, and 150 feet of right-of-way for the establishment of the Three Oaks Parkway extension from the south property line to the north property line, following the general alignments identified in the Master Plan (Map H). The actual alignments will need to be reviewed and approved by Lee County DOT prior to dedication. The Developer must also dedicate the expanded right-of-way (3.5 acres) at the eastern property line to allow for an eventual Coconut Road overpass over I-75. If the identified right-of-way is not provided as specified in the schedule, further building permits shall be suspended until that dedication occurs.

Although the appraisals will be completed at the time of dedication, the value of the right-of-way will be based on its appraised value at the time of DRI approval, without the enhanced value created by DRI and zoning approval. The Developer's proposed mitigation plan dated April 22, 1997 estimates the value to be 80 cents per square foot. The value of the Coconut Road right-of-way will be based on the following:

- a) U.S. 41 to Three Oaks Parkway, (9,000 ± feet), 80 feet non-creditable and 70 feet creditable.
- b) Three Oaks Parkway to Southeast Parcel Entrance, (2,000± feet), 80 feet non-creditable and 70 feet creditable.
- c) Southeast Parcel Entrance to I-75 (1,600± feet), 150 feet creditable.

- d) I-75 overpass quadrants at a total of 3.5 acres, creditable.

Consistent with the Land Development Code, there will be no impact fee credits or credits against the proportionate share obligation for the non-creditable component of these right-of-way dedications. The 150-foot right-of-way dedicated for Three Oaks Parkway and the 100-foot right-of-way dedicated for Williams Road are fully creditable; any additional right-of-way required for site-related improvements, as determined by the Lee County Engineer, is not creditable.

2) The total estimated value of the rights-of-way for the three roads, factoring out the non-creditable portion of Coconut Road, is \$2,842,000 (assuming DRI approval and right-of-way dedication in 1997). The precise value will be verified through proper appraisals. The value of the creditable (non site-related) portion of the right-of-way will be subtracted from the \$9,198,000 proportionate share obligation. Subtracting the estimated \$2,842,000 right-of-way value from the \$9,198,000 proportionate share obligation equals \$6,356,000, or \$1,507,240 less than the estimated impact fee revenue projected through project Build out (\$7,863,240). The estimated \$1,507,240 difference will be issued to the Developer in the form of road impact fee credits. These credits may be used to defray the estimated \$7,863,240 in impact fees or transferred in accordance with the Land Development Code. In any event, the remaining proportionate share obligation will be addressed at the time of building permit issuance for each unit of development. At that time, the Developer may pay the impact fees in cash or redeem whatever impact fee credits he may have.

3) All development within The Brooks DRI will be subject to the County's Concurrency Management System in effect at the time building permits are requested.

4) If the Land Development Code Chapter governing roads impact fees is repealed, reduced or made unenforceable by court petition, The Brooks DRI will continue to pay, per individual permit, an amount equivalent to roads impact fees in effect prior to such repeal, reduction or court petition. If the Developer submits an independent fee study in accordance with Chapter 2 of the Land Development Code in an effort to reduce impact fees, he must file a Notice of Proposed Change to the DRI Development Order and conduct an analysis of whether the requested change in anticipated revenues constitutes a substantial deviation. In any case, the overall \$9,198,000 obligation must be met, unless the scope of development is reduced. If road impact fees are increased, the Developer shall get credit for those increases against the total \$9,198,000 obligation.

5) The County will apply the roads impact fees paid by The Brooks DRI under Mitigation Option 1 toward the non-site related improvements identified in Section E.1.b. In the alternative, the County will apply the fees toward improvements that relieve those roadways, provided those improvements are deemed necessary to maintain the County's adopted level of service standards. If the improvements identified in Section E.1.b. are ultimately funded through other sources, in whole or in part, or deemed unnecessary to maintain the adopted level of service standards, Lee County may apply the impact fees paid

by The Brooks to other improvements consistent with the requirements of Chapter 2 of the Lee County Land Development Code.

c. Mitigation Option 2

Phase I

1) Within 180 days of adoption of this DRI Development Order, but no later than February 1, 1998, the Developer must provide to the County a Development Agreement specifying the schedule for certain right-of-way dedication and roadway construction in lieu of the payment of road impact fees. Building permits for permanent residential or commercial structures (except for the sales center) within The Brooks cannot be issued until this Development Agreement is executed by both parties. The right-of-way dedication and construction schedule shall reflect the Developer's acquisition of the property, design of the improvements and construction of those improvements, as well as commitments made in this Development Order. On-site right-of-way to be dedicated shall include the following: 150 feet of right-of-way for the extension of Coconut Road from U.S. 41 to the eastern property line, 100 feet of right-of-way for the extension of Williams Road from River Ranch Road to Three Oaks Parkway, and 150 feet of right-of-way for the establishment of the Three Oaks Parkway extension from the south property line to the north property line, following the general alignments identified in the Master Plan (Map H). The actual alignment will need to be reviewed and approved by Lee County DOT prior to dedication. The Developer must also dedicate the expanded right-of-way (3.5 acres) at the eastern property line to allow for an eventual Coconut Road overpass over I-75.

Off-site right-of-way to be dedicated includes all or part of the Developer-owned land between Williams Road and Corkscrew Road along the general alignment of the Three Oaks Parkway extension. As part of the Development Agreement submittal the Developer must provide to Lee County the necessary documentation identifying the property he is offering for the Three Oaks extension. The Lee County Division of Transportation will then make a determination as to how much of the property is usable for the extension.

2) As part of the submittal of the proposed Development Agreement, the Developer must provide an appraiser's estimate of value or range of value for the rights-of-way to be dedicated, including the off-site right-of-way for the Three Oaks extension from Williams Road to Coconut Road. These values will be based on the value at the time of DRI approval, without the enhanced value created by the DRI and zoning approval, and will be used to determine the amount of cash payment that may be required to complete the mitigation requirements for Phase I.

Actual value of the rights-of-way will be determined at the time of dedication through proper appraisals using the following parameter: the value of the right-of-way will be based on its appraised value at the time of DRI approval, without the enhanced value created by DRI and zoning approval. The Developer's proposed mitigation plan dated April 22, 1997 estimates the value to be 80 cents per square foot. The value of the Coconut Road right-of-way will be based on the following:

- a) U.S. 41 to Three Oaks Parkway, (9,000± feet), 80 feet non-creditable and 70 feet creditable.
- b) Three Oaks Parkway to Southeast Parcel Entrance, (2,000± feet) 80 feet non-creditable and 70 feet creditable.
- c) Southeast Parcel Entrance to I-75 (1,600± feet) 150 feet creditable.
- d) I-75 overpass quadrants at a total of 3.5 acres, creditable.

Consistent with the Land Development Code, there will be no impact fee credits or credits against the proportionate share obligation for the non-creditable component of these right-of-way dedications. The 150-foot right-of-way dedicated for Three Oaks Parkway and the 100-foot right-of-way dedicated for Williams Road are fully creditable; any additional right-of-way required for site-related improvements, as determined by the Lee County Engineer, is not creditable. The total estimated value of the rights-of-way for the three on-site roads, factoring out the non-creditable portion of Coconut Road, is \$2,842,000 (assuming DRI approval and right-of-way dedication in 1997).

3) Coincident with the acceptance by Lee County of the Development Agreement but no later than February 1, 1998 or the issuance of the first building permit for the first permanent residential or commercial structure (except for the sales center), the Developer shall do the following:

a) Dedicate to the County 150 feet of right-of-way for Coconut Road from U.S. 41 to future Three Oaks Parkway.

b) Dedicate to the County all, or a portion, of the property owned by the Developer along the general alignment of the Three Oaks Parkway Extension from Williams Road to Corkscrew Road. The amount of land to be dedicated will be based on the Lee County determination referenced in Section E.2.c.(1).

c) Utilizing the values provided by an appraiser, estimate the total value of all right-of-way dedications to be made during Phase I, both on-site (Coconut Road from U.S. 41 to the east property line including the expanded right-of-way at I-75, Three Oaks Parkway from the south property line to Williams Road, and Williams Road from River Ranch Road to Three Oaks Parkway) and off-site (Three Oaks Parkway from Williams Road to Corkscrew Road). The Developer will then submit a cash payment for the difference between estimated Phase I impact fees (\$3,777,270) and the value of the right-of-way dedications (estimated at \$3,381,000 if all of the off-site Three Oaks property is utilized). At the time of dedication, the actual value for the rights-of-way will be based on an appraisal using certain valuation parameters noted in Section E.2.c.(2). If, upon completion of the right-of-way dedications and establishment of actual value, it is determined that the initial cash payment made by the Developer was insufficient to equal a total mitigation value of \$3,777,270, then: 1) an additional cash payment must be made to reach the \$3,777,270 total,

or 2) design plans as specified under Phase II for one or more of the identified roads (i.e., Williams Road, Coconut Road or Three Oaks Parkway) will be provided in lieu of all or a portion of the difference; or 3) no further building permits will be issued. If the initial cash payment results in a total Phase I mitigation value in excess of \$3,777,270, then the difference will be applied to the Phase II mitigation requirements or reimbursed in the form of road impact fee credits, whichever is agreed upon by both Lee County and the Developer.

This cash payment will be applied by Lee County toward the improvements to be mutually agreed upon and specified in the Development Agreement.

4) Coincident with the 650th residential building permit, the Developer shall dedicate to the County 150 feet of right-of-way for Three Oaks Parkway from the south property line to the north property line.

5) Coincident with the 1300th residential building permit, the Developer shall dedicate to the County the balance of the right-of-way as described above.

6) If the right-of-way dedications and payments specified in Sections E.2.c.(1) through c.(5) above are made as described, in the time frames noted, The Brooks will not pay road impact fees and the level of development for Phase I of The Brooks DRI as identified in Section E.1.a. shall be exempt from the County's concurrency management requirements. If the dedications and payments are not made as described, then no further building permits will be issued until the Developer makes those dedications and payments.

Phase II

7) Before the end of calendar year 2002 or the initiation of any Phase II residential or commercial building permits, whichever is earlier, the Developer must provide to Lee County for review and approval design plans consistent with County standards for the following improvements:

a) Three Oaks Parkway as a 4-lane urban arterial expandable to six lanes from the south property line to the north property line.

b) Williams Road as a 2-lane rural collector from River Ranch Road to Three Oaks Parkway.

The design work will include any necessary permitting. The value of the designs and permitting must be verified and approved by Lee County, through the submittal of billing documents from the Developer's design consultant. The value is currently estimated at a total of \$614,000 (\$526,000 for Three Oaks Parkway, and \$88,000 for Williams Road). The actual value is creditable against the total proportionate share amount of \$9,198,000.

8) Within twelve months after design approval by Lee County and permit approval, the Developer shall initiate construction of the extension of Three Oaks Parkway from the project's southern property line to the northern property line. The

Developer must construct this roadway consistent with the approved design plans. The estimated construction cost of this improvement is \$4,556,000 (excluding design, permitting and right-of-way costs) which is creditable against the proportionate share amount.

9) Within twenty-four months after design approval by Lee County and permit approval, the Developer must also initiate construction of the extension of Williams Road from River Ranch Road east to Three Oaks Parkway. The Developer must construct the Williams Road extension consistent with the approved design plans. The estimated construction cost of this improvement is \$281,000 (excluding design, permitting and right-of-way costs) which is creditable against the proportionate share amount.

10) Upon completion of the Three Oaks Parkway and Williams Road extensions, the Developer must calculate the actual construction costs of the improvements to those roadways (including design and permitting) and add those costs to the value of the Phase I non site-related right-of-way dedications and cash payments. The Developer must then pay the balance, if any, of the proportionate share assessment in cash. (This is the difference between the total proportionate share obligation and the mitigation to date). This cash payment will be applied toward the improvements to be mutually agreed upon and specified in the Development Agreement.

If the actual costs and payments identified above exceed the proportionate share amount, the Developer would get the difference in road impact fee credits. In lieu of the cash payment, if any, as described above, the Developer may reduce the scope of the development within The Brooks.

11) If the construction and payments specified in Sections E.2.c.(7) through c.(10) above are made as described in the time frames noted, and the development schedule and impact levels remain consistent with the Development Order and substantial deviation criteria, the level of development for Build out identified in Section E.1.a. will be exempt from the County's concurrency management requirements. If the Developer does not complete the referenced construction and does not make the payments as described, then no further building permits will be issued until the Developer completes the construction and makes the payments identified.

12) A 2-lane road extending Coconut Road from U.S. 41 to Three Oaks Parkway is required by the development for site-related purposes. Four lanes on that corridor were identified as needed by 2020 in a recent County planning study, in conjunction with an extension of that corridor east over the interstate, but that need would not likely exist before 2010 (except as may be created by development of The Brooks). The Developer has proposed building at least part of the Coconut Road extension as four lanes as part of his mitigation plan, for credit against the proportionate share obligation (after subtracting the non-creditable portion). The estimated differential cost of building four lanes instead of two (excluding right-of-way) from U.S. 41 to Three Oaks Parkway is \$1,307,000. This represents the amount potentially creditable against the proportionate share obligation. However, the premature nature of the improvement requires a reduction in the amount creditable. If credit against the proportionate share obligation for the 4-lane improvement is requested prior to 2010, then the amount creditable against the proportionate share obligation shall be reduced at a rate of 3 percent per year for every year before 2010.

request is made. Any credits issued will be deducted from the cash payment obligations identified to vest the project from concurrency for Buildout. The referenced segment of Coconut Road must be constructed to County standards, with design plans submitted to the County for review and approval.

13) Due to concerns regarding the effect of construction traffic, Lee County will not accept for maintenance any roads constructed by the Developer under Mitigation Option 2 until the overall development is 80 percent complete, as estimated from the entire development mix. Acceptance of Coconut Road includes the railroad crossing. The roadways must meet the County's standards in effect at the time the roadways were designed.

3. Access and Site-Related Improvements

a. The Developer is fully responsible for the following site-related roadway and intersection improvements: all intersection improvements, including signalization, turn lanes and deceleration lanes, deemed necessary by the County Engineer and consistent with the Lee County Land Development Code for the project's access points onto U.S. 41, Williams Road, Coconut Road, and Three Oaks Parkway. As site-related improvements, they are not eligible for credit against impact fees or the project's proportionate share obligation.

b. The Developer is also required to make any improvements, including signalization, turn lanes and deceleration lanes, deemed necessary by FDOT and the County Engineer at the intersection of Coconut Road and U.S. 41. The County Engineer, consistent with the Lee County Land Development Code, will determine the percentage of costs of these improvements that are site-related and, therefore, the obligation of the Developer. That percentage deemed site-related will not be eligible for credit against impact fees or for credit against the project's proportionate share obligation.

c. The access point onto U.S. 41 for the Community Center must be located and developed consistent with FDOT's access management classification for U.S. 41, unless otherwise approved by the FDOT.

d. The Brooks' access onto Williams Road will be aligned with River Ranch Road. Once the Developer applies to connect to Williams Road, the School District of Lee County will be included in the review process, and their comments and concerns will be considered by the County's Department of Community Development.

4. Annual Monitoring Report

a. The Developer must submit an annual monitoring report to the following entities for review and approval: Lee County Division of Transportation, the Florida Department of Transportation (FDOT), the Florida Department of Community Affairs (FDCA), and the Southwest Florida Regional Planning Council (SWFRPC). The first monitoring report will be submitted one year after the approval of the DRI Development Order unless no buildings have been occupied. If the Developer contends that a traffic monitoring report is not required because no traffic impacts have been created, he must indicate so in writing to

the above review agencies. Once the development is required to submit a traffic monitoring report, it must be submitted annually thereafter.

b. The monitoring program will measure the project's actual external roadway impacts, the level of service condition on the impacted roads and intersections, and determine the timing for needed improvements. The monitoring program will be designed in cooperation with the Lee County Division of Transportation, FDOT, the SWFRRC and FDCA prior to submittal of the first report. The methodology of the annual traffic monitoring report may be revised if agreed upon by all parties.

c. The annual traffic monitoring report must contain the following information:

1) P.M. peak hour traffic counts with turning movements at the project's access points onto U.S. 41, Williams Road, Coconut Road, and Three Oaks Parkway, and on the external road segments and intersections identified in Section E.1.b.

2) A comparison of field measured project traffic volumes to the project trip generation assumed in the DRI analysis. The Developer will need to specify in the methodology how the internal interaction will be measured, particularly for the Town Center.

3) Estimated existing levels of service and needed improvements for the roads and intersections specified in Section E.4.c.(1) above.

4) Estimated future levels of service and needed improvements, based on a one-year projection of future volumes, for the roads and intersections specified in Section E.4.c.(1) above.

5) A summary of the status of road improvements assumed in the ADA to be committed by Lee County and FDOT as set forth below:

<u>Roadways</u>	<u>Improvement</u>	<u>Construction Schedule</u>
Corkscrew Road --I-75 to Treeline Ave.	4 lanes	FY 95/96
Alico Road --US 41 to I-75 --I-75 to Treeline Ave.	4 lanes 4 lanes	FY 97/98 FY 95/96
Treeline Ave. --Corkscrew Road to Alico Road	4 lanes	FY 95/96
US 41 --Alico Rd. to Daniels Parkway	6 lanes	FY 96/97
		Construction

<u>Intersection</u>	<u>Improvement</u>	<u>Schedule</u>
US 41/Corkscrew Road	Turn lanes	FY 96/97
Corkscrew Road/Three Oaks Pkwy.	Turn lanes/Signalization	FY 96/97

d. If the annual monitoring report reveals that the project trip generation exceeds the thresholds identified in 380.06(19)(b)15, Florida Statutes, then the provisions regarding substantial deviations will take effect under either mitigation option. If the project is deemed to be a substantial deviation, the Developer must then undergo additional DRI review. This review, if required, must reanalyze the project impacts on the County road network and specifically evaluate the potential project impacts on I-75 from Alico Road to Daniels Parkway and on Old U.S. 41 from Rosemary Drive to U.S. 41.

Under Mitigation Option 1, if the annual monitoring report confirms that the peak season, p.m. peak hour traffic on the significantly impacted roadways exceeds the level of service standards adopted by Lee County, and the project is utilizing five percent or more of the adopted level of service standard service volume, then further local Development Orders, building permits and certificates of occupancy will not be granted until the standards of the County's concurrency management system have been met. Through the end of 1999, this means that adequate district-wide level of service capacity must be available. After 1999, this means that significantly impacted individual links must be operating at the adopted level of service or an improvement to achieve the adopted level of service is scheduled for construction in the first three years of an adopted local government capital improvement program or state work program, unless an alternative concurrency system has been established for all or part of Lee County. The Brooks will comply with the County's concurrency management system in effect at the time.

5. Other

a. The Brooks includes a Town Center intended to primarily serve the commercial retail/service and office needs of the community. The Town Center is anticipated to internally capture a portion of the total trips, which will help reduce the project's traffic impacts on the public roadway network. The following conditions apply to the Town Center:

- 1) The Town Center may not exceed 100,000 square feet of office/retail/service gross floor area. Retail commercial development at the Town Center will be limited to Minor Commercial (30,000 square feet) until the Coconut Road Extension is open and connected to Three Oaks Parkway, and the Town Center has access to Three Oaks Parkway, and the Coconut Road Extension. The Town Center may not exceed 50,000 square feet of gross floor area of community uses; and
- 2) The uses within the Town Center will be governed by the planned development zoning; and
- 3) Single use buildings may not exceed 30,000 square feet of gross leasable area.

b. The Brooks includes a Community Commercial Center located at the southeast quadrant of the proposed intersection of the Coconut Road extension and U.S. 41. The Community Commercial Center is limited to the intensity allowed in Neighborhood Commercial Centers (100,000 square feet) until such time as the Coconut Road extension is designed and open as an arterial roadway.

c. The Developer will provide for efficient pedestrian and bicycle movement within The Brooks through the provision of a system of interconnecting sidewalks and bike paths that link the various pods of development.

d. If routes are established by Lee County, the Developer will accommodate local or express transit service with bus stops on public roadways and reasonably sized and located in commercial areas.

F. VEGETATION AND WILDLIFE/WETLANDS

1. Where practical, and where consistent with the permit issued by the SFWMD, the Developer will construct shallow lakes with wetland plantings in an effort to create additional wildlife habitat value.

2. The Developer will incorporate a 24-inch-diameter wildlife crossing under each arterial roadway crossing of wetlands by placing a culvert adjacent to the upland/wetland boundary. In addition to the wildlife crossing, the Developer will place additional culvert(s) under the roadway crossing, as needed, to provide a hydraulic connection between wetlands pursuant to the SFWMD regulations. There is currently a lime rock farm road at the roadway crossing between Wetlands 8 and 10, and the Developer will install approximately .9 acres of wetland herbaceous plants and shrubs in this area. The plantings will extend from the current northern/southern wetland boundaries up to the edge of the new east/west road.

3. There will be a total of 416 conservation acres; post development.

4. Approximately 300 of the 416 conservation acres will be wetland enhancement. The Developer will implement the enhancement of wetlands in phases in accordance with the permits issued by the ACOE and SFWMD. A portion of the wetland enhancement is intended to mitigate the project's impacts to approximately 33.5 acres of ACOE and SFWMD jurisdictional wetlands.

5. The Developer will eradicate invasive exotic vegetation from the site on a phased basis, in accordance with the local Development Order approvals and ACOE and SFWMD permit requirements. Invasive exotics are those species identified in the Lee County Land Development Code and tropical soda apple (*Solanum viarum*). Once the invasive exotics have been eradicated, the site must be maintained in accordance with County regulations to prevent the return of invasive exotics.

6. Where feasible, the surface water management system will incorporate the wetlands to assure appropriate hydroperiods and seasonal water elevations. Hydroperiods, seasonal water elevations, and the incorporation of wetlands into the surface

water management system will be evaluated by the SFWMD during the review of the District permit application(s).

7. In addition to the conservation areas identified in the open space table, the Developer will, to the extent possible, retain the existing native plant communities located in the areas designated as open space on Map H. This condition will not be interpreted in a manner to impair good golf course design, nor may it result in the loss of residential lots.

8. The design for the golf course and residential areas will incorporate the retention of large slash pines for utilization as perch trees for bald eagles. This requirement will not be interpreted in a manner to impair good golf course design, nor may it result in the loss of residential lots.

9. The Brooks enhancement area will include the following items to enhance wildlife habitat: a meandering flow-way interconnecting wetlands, shallow ponds with littoral shelves for wading birds and birds of prey, enhancement of existing herbaceous wetlands, osprey platforms in hammocks, establishment of willow areas and flag ponds, and vegetated upland buffers along portions of the wetland system.

G. WASTEWATER MANAGEMENT/WATER SUPPLY

1. The Developer will obtain a SFWMD permit for groundwater withdrawals for landscape irrigation, and for dewatering needed to construct the project lakes, roads or building foundations.

2. The Developer will utilize water conserving devices and methods necessary to meet the criteria established in the water conservation plan of the public water supply permit issued to Bonita Springs Utilities (BSU). If the Developer obtains potable water from a different provider, then the Developer must conform to the water conservation plan of the alternate provider.

3. The Developer will coordinate with BSU or other water supplier to ensure that adequate potable water is available to meet the demands of the project.

4. The Developer will provide verification to the SFWMD that the Developer's plumbing and irrigation designs are consistent with the District rules.

5. The Brooks will be served by BSU with potable water and wastewater treatment. If BSU cannot provide potable water or wastewater treatment, then the Developer must obtain service from an alternate provider with capacity or construct on-site interim facilities. Interim facilities constructed on-site must be built to DEP standards. Any interim facilities constructed by the Developer must be dismantled at the Developer's expense when service by BSU facilities is available. In any event the Developer must demonstrate at the time of final local Development Order approval, that sufficient potable water and wastewater treatment capacity is available.

6. If the Developer uses treated effluent for irrigation, the Developer must buffer the on-site lakes, preserved wetlands and stormwater management system from

possible effluent contamination in accordance with applicable SFWMD regulations. The Developer must isolate the effluent containment ponds from the on-site wetlands and water management lakes if it cannot be demonstrated that the water quality in these ponds is as good as the quality of water in its natural condition.

7. Septic systems utilized in conjunction with construction trailers, sales offices and model homes will be temporary. Except for golf course or recreational rest stations, permanent septic systems are prohibited. When it is feasible to connect the temporary uses to the regional wastewater treatment facilities all temporary septic systems will be abandoned or removed by a licensed septic system firm, in accordance with all applicable regulations.

8. The Developer must submit copies of all local Development Order plans that include potable water or wastewater distribution systems, to BSU (or alternate provider). BSU will review the plans for compliance with the BSU specifications manual. The Developer must also submit all construction plans for irrigation facilities to Resource Conservation Systems for review and approval prior to the commencement of construction.

9. Lee County will evaluate all potable water facilities, to ensure that the facilities are properly sized to meet average, peak day, and fire flow demands in accordance with the LDC. Lee County will consult with the appropriate Fire Protection District to confirm that the fire flow demands will be satisfied by the proposed potable water facility.

10. For all non-potable water purposes, the Developer must use the lowest quality of water available that is acceptable for the intended purpose.

11. This Development Order specifically incorporates the Developer's commitments set forth in the ADA and subsequent sufficiency road information relating to Questions 10, 14, 17 and 18 (General Project Description, Water, Water Supply and Wastewater Management respectively)

H. FIRE

The Developer will pay fire/EMS impact fees in accordance with the Fire and Emergency Service Impact fee ordinance.

I. FISCAL

1. Internal improvement capital costs will be borne by the Developer, a UCDD, a private utility or some other legal entity which has the ability to levy an assessment or otherwise raise revenues to pay the internal improvement capital costs. The internal roads, landscaping, recreation areas, drainage, security, street lights and other on-site infrastructure shall be operated and maintained by the Developer, a UCDD, a property owners' association or some other legal entity which has the ability to levy an assessment or otherwise raise revenue to pay the capital cost internal improvements.

2. The operating and maintenance costs of the water and sewer will be addressed by payment of the required assessments, charges, and fees to BSU. BSU,

through its rate structure, charges the user for its share of the maintenance costs. The internal roads, landscaping, recreation areas, drainage, security, street lights and other on-site infrastructure shall be operated and maintained by the Developer, a UCDD, a property owners' association or some other legal entity which has the ability to levy an assessment or otherwise raise revenue to pay the cost of operation and maintenance.

3. The Developer must provide the County with fiscal monitoring reports that identify the taxable value of the development by use codes. Taxable value means the actual taxable value assigned to the property in the development by the Lee County Property Appraisers Office. The report must be submitted when the certificate of occupancy of the 2600th unit is issued. A second report must be submitted at the end of the second 5-year period, which is the end of second phase, if the fiscal monitoring report at the end of the first phase indicates that the project is not fiscally positive and a second report is required as part of the mitigation condition.

These reports are intended to allow the County to determine whether the total taxable value is 25% less than, equal to, or exceeds the total taxable value of \$510,180,000.00, which was contained in the fiscal analysis tables that were attached to the June 2, 1997 letter from Fishkind & Associates, to the Division of Budget Services, Lee County. [Table 2, Exhibit A, attached to this Development Order]

If these reports demonstrate that the taxable values are 25% less than, equal to or exceeded, no further action is required. If these reports indicate that the actual taxable values are more than 25% below the taxable values projected in the tables, the Developer must conduct a new fiscal impact analysis (using the actual budgets of Lee County, including the Sheriff's budget, the Lee County District School Board, and the Estero Fire and Rescue District) utilizing the methodology of the modified per capita approach as outlined in the applicant's document "Revised Fiscal Impacts of The Brooks of Bonita Springs" dated May 19, 1997. [Applicant's Exhibit 59 to the Hearing Examiner Recommendation]

If this new analysis indicates that the fiscal impact to the County is positive or neutral, no further action is required. If this new analysis indicates that the fiscal impact to the County is negative, the County, the applicant and other affected parties will try to reach a mutually agreed upon fiscal mitigation plan which fully mitigates the negative fiscal impacts at the sole cost of the Developer and the Property Owners within the development. If the Developer or the Property Owners do not concur with the County staff fiscal mitigation plan, then they have the right to avail themselves of any remedy allowed them under the County's LDC. No additional Development Orders will be issued to those portions of the project located within the Rural land use category, by the County, until the fiscal mitigation plan is implemented. If such a plan cannot be mutually agreed upon, the County reserves the right to create a taxing entity on the development, such as a Municipal Services Taxing Unit (MSTU) or Municipal Services Benefit Unit (MSBU), to address the identified negative fiscal impacts.

III. LEGAL EFFECT AND LIMITATIONS OF THIS DEVELOPMENT ORDER, AND ADMINISTRATIVE REQUIREMENTS

1. This Development Order constitutes a resolution of Lee County adopted by the Board of County Commissioners in response to the DRI ADA filed for The Brooks of Bonita Springs DRI.

2. All commitments and impact mitigating actions volunteered by the Developer in the ADA and supplementary documents that are not in conflict with conditions or stipulations specifically enumerated above are incorporated by reference into this Development Order. These documents include, but are not limited to the following:

(a) The Brooks of Bonita Springs Application for Development Approval, stamped received on July 3, 1996.

(b) The Brooks of Bonita Springs DRI sufficiency responses, stamped received on October 1996, December 1996, and January 1997.

3. Map H, stamped received on March 7, 1997 is attached hereto as Exhibit "A," and is incorporated by reference. It is understood that because it is a concept plan it is very general. The boundaries of development areas and the location of internal roadways may be modified by the Developer to accommodate topography, vegetation, market conditions, traffic circulation or other site related conditions as long as they meet local development regulations. However, this provision may not be used to reduce the size of wetland preserve areas. It is understood that the precise wetland boundaries are determined by the South Florida Water Management District, as delegated by the Department of Environmental Protection.

4. The Development Order is binding upon the Developer(s), and its assignees or successors in interest. Where the Development Order refers to lot owners, business owners or other specific reference, those provisions are binding on the entities or individuals referenced. Those portions of this Development Order that clearly apply only to the project developer are binding upon any builder/developer who acquires a tract of land within the DRI.

5. The terms and conditions set out in this Development Order constitute a basis upon which the Developer and the County may rely in future actions necessary to implement fully the final development contemplated by this Development Order.

6. All conditions, restrictions, stipulations and safeguards contained in this Development Order may be enforced by either party by action at law or equity. All costs of those proceedings, including reasonable attorney's fees, will be paid by the defaulting party.

7. During the next four years, Lee County will undertake, to the extent legally permissible, any amendment to the 2010 overlay, or its successor, necessary to accommodate the buildout of The Brooks as set forth in the DRI phasing schedule. Lee County will cause these amendments to occur in a timely manner so development of The Brooks will not be impeded by the 2010 Overlay, or its successor. Nothing in this condition will be interpreted to cause the county to be liable for a failure to accomplish these amendments if the failure is the result of a refusal by any state or regional agency to approve such a charge.

8. At the time of local Development Order approval, the development outlined in the Local Development Order application will be evaluated for consistency with the Lee

County Concurrency Management Plan, except for transportation concurrency. Transportation concurrency is addressed by condition II.E.6.

9. References to governmental agencies will be construed to mean future instrumentalities that may be created and designed as successors in interest to, or which otherwise possesses the powers and duties of the referenced governmental agencies in existence on the effective date of this Development Order.

10. If any portion or section of this Development Order is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, that decision will not affect the remaining portions or sections of the Development Order, which will remain in full force and effect.

11. This Development Order does not negate the Developer's responsibility to comply with all applicable federal, state, regional and local regulations.

12. Subsequent requests for local development permits do not require further review pursuant to Section 380.06, Florida Statutes, unless the Board of County Commissioners, after due notice and hearing, make the following findings:

(a) There is a substantial deviation from the terms or conditions of this Development Order; or

(b) The period of effectiveness of this Development Order has expired. Any request to extend the effectiveness of this Development Order will be evaluated based on the criteria for the extension of the buildout date set forth in Section 380.06(19), Florida Statutes.

Upon a finding that either of the above has occurred, the Board must order a termination of all development activity in the development affected by the substantial deviation or expiration of the Development Order until such time as a new DRI Application for Development Approval, Notice of Substantial Deviation or Notice of Proposed Change has been submitted, reviewed and approved in accordance with Section 380.06, Florida Statutes.

13. The project has a buildout date of 2007 and a termination date of 2012. This term is based on a 10-year buildout and the recognition that a local Development Order, which is valid for five years, may be obtained in the tenth year.

14. The administrative director of the Lee County Department of Community Development, or their designee, will be the local official responsible for assuring compliance with this Development Order.

15. The project will not be subject to down-zoning, unit density reduction, intensity reduction or prohibition of development until 2012. If the County demonstrates that substantial changes have occurred in the conditions underlying the approval of the Development Order, then a down-zoning, unit density reduction or prohibition of development may occur. No down-zoning, density or intensity reduction can occur without sufficient notice to the Developer and an opportunity to be heard. These changes would include, but would not be limited to, such factors as a finding that the Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly

established by Lee County to be essential to the preservation of the public health, safety and welfare.

16. The Developer, or its successor(s) in title will submit a report annually to Lee County, SWFRPC, FDCA and all affected permit agencies. This report must describe the state of development and compliance as of the date of submission. In addition, the report must be consistent with the rules of the FDCA. The first monitoring report must be submitted to the Administrative Director of the DCA not later than one year after the effective date of this Development Order. Further reporting must be submitted not later than one year of subsequent calendar years thereafter, until buildout. Failure to comply with this reporting procedure is governed by Section 380.06(18), Florida Statutes. The Developer must inform successors in title to the undeveloped portion of the real property covered by the Development Order of this reporting requirement. This requirement may not be construed to require reporting from tenants or owners of individual lots or units.

17. The County will forward certified copies of this Development Order to the SWFRPC, the Developer and appropriate state agencies. This Development Order is rendered as of the date of that transmittal, but will not be effective until the expiration of the statutory appeal period (45 days from rendition) or until the completion of any appellate proceedings, whichever time is greater. Upon this Development Order becoming effective, the Developer must record notice of its adoption in the office of the Clerk of the Circuit Court, as provided in Section 380.06(15), Florida Statutes.

THE MOTION TO ADOPT this Development Order was offered by Commissioner Manning, and seconded by Commissioner Judah and upon a poll of the members present, the vote was as follows:

John E. Manning	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 25th day of August, 1997.

FILED

SEP 9 1997

CLERK OF CIRCUIT COURT
BY Quinn F. D.C.

ATTEST:

Charlie Green, Clerk

By: [Signature]
Deputy Clerk

G:\LUZONINGREIBROOKS\DO.WPD (09/04/97)

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

BY: [Signature]
(Chairman)

APPROVED AS TO FORM

BY: [Signature]
County Attorney's Office

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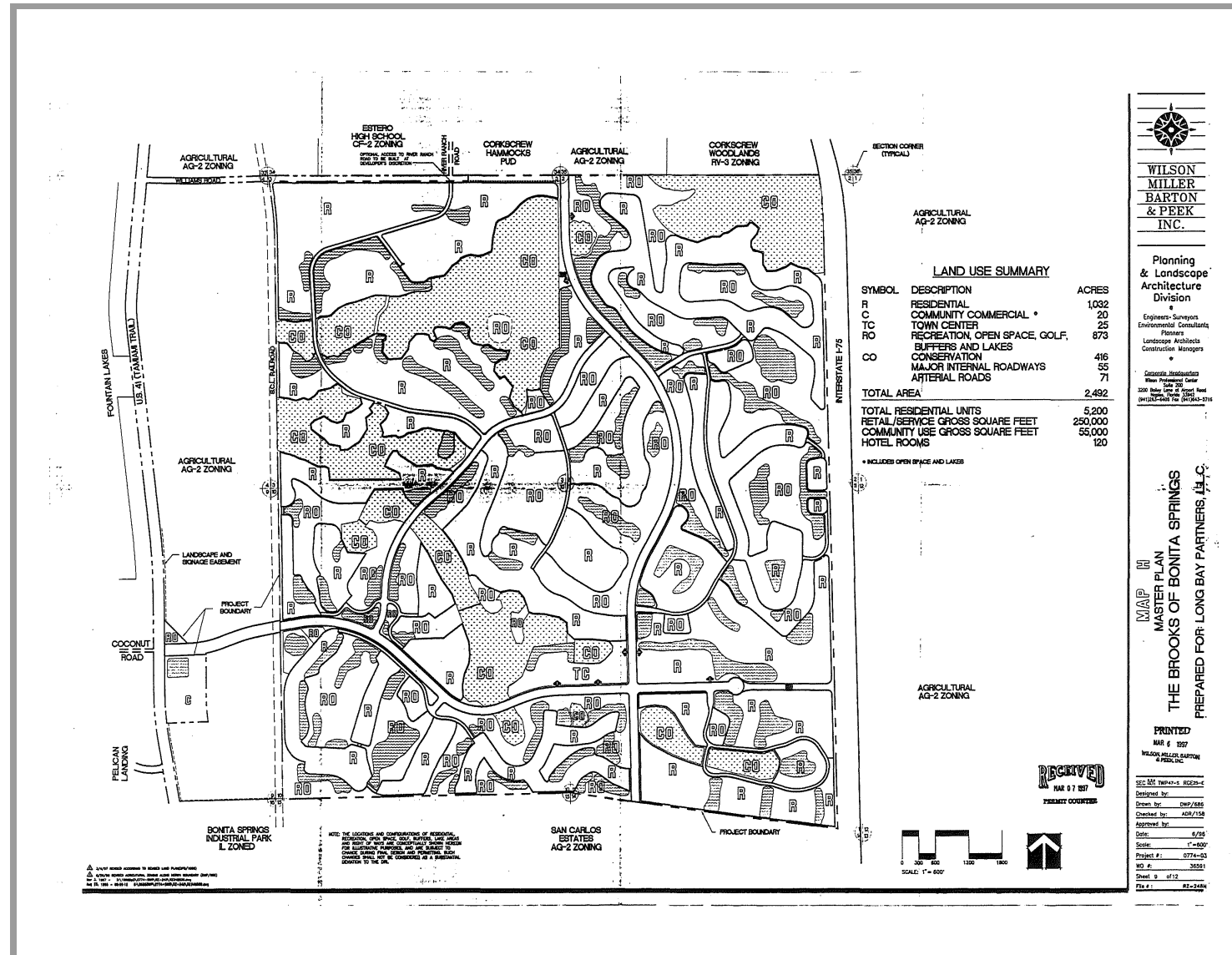


Table 4: Fiscal Impact Detail For Development – Lee County

Revenue	1998	1999	2000	2001	Final Yr Ph 1	2003	2004	2005	2006	Final Yr Ph 2	Stabilized Yr 1	Stabilized Yr 2	Stabilized Yr 3	Stabilized Yr 4	Stabilized Yr 5
Taxes - Unincorporated	\$286,999	\$825,480	\$1,520,130	\$2,224,773	\$2,891,338	\$3,593,747	\$4,231,775	\$4,947,593	\$5,480,523	\$5,779,477	\$5,779,477	\$5,779,477	\$5,779,477	\$5,779,477	\$5,779,477
Taxes - Incorporated	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Utility Service Taxes	\$4,853	\$15,450	\$28,983	\$41,535	\$56,576	\$69,690	\$81,761	\$95,368	\$105,925	\$114,054	\$114,054	\$114,054	\$114,054	\$114,054	\$114,054
Licenses & permits	\$1,584	\$5,042	\$9,458	\$13,555	\$18,463	\$22,743	\$26,602	\$31,123	\$34,568	\$37,221	\$37,221	\$37,221	\$37,221	\$37,221	\$37,221
Intergovernment	\$33,473	\$112,288	\$209,970	\$301,261	\$395,595	\$478,570	\$568,440	\$658,818	\$737,329	\$791,191	\$791,191	\$791,191	\$791,191	\$791,191	\$791,191
Sales Tax	\$1,959	\$6,572	\$12,289	\$17,632	\$23,154	\$29,080	\$34,334	\$39,624	\$44,219	\$47,371	\$47,371	\$47,371	\$47,371	\$47,371	\$47,371
Gas Tax	\$2,009	\$6,739	\$12,802	\$18,081	\$23,742	\$28,728	\$34,116	\$39,540	\$44,252	\$47,484	\$47,484	\$47,484	\$47,484	\$47,484	\$47,484
Resort Tax	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Impact Fees	\$1,114,755	\$3,094,369	\$3,956,789	\$3,679,644	\$4,563,807	\$4,305,680	\$3,546,616	\$3,918,979	\$3,079,173	\$2,498,033	\$0	\$0	\$0	\$0	\$0
Charges for Services	\$7,855	\$25,009	\$46,814	\$67,231	\$91,578	\$112,806	\$132,344	\$154,370	\$171,458	\$184,616	\$184,616	\$184,616	\$184,616	\$184,616	\$184,616
Fines & Forfeitures	\$2,870	\$9,138	\$17,141	\$24,564	\$33,460	\$41,216	\$48,354	\$56,402	\$62,645	\$67,453	\$67,453	\$67,453	\$67,453	\$67,453	\$67,453
Misc. Revenue	\$15,075	\$47,995	\$90,002	\$129,023	\$175,748	\$216,488	\$253,982	\$296,253	\$329,048	\$354,298	\$354,298	\$354,298	\$354,298	\$354,298	\$354,298
Non-Operating	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Non-Revenue	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Reserve	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Use of Fund Balance	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Total Revenues	\$1,771,432	\$4,148,083	\$5,844,308	\$6,517,298	\$8,273,480	\$8,958,784	\$9,016,351	\$10,296,017	\$10,147,064	\$9,979,146	\$7,481,113	\$7,481,113	\$7,481,113	\$7,481,113	\$7,481,113
Expenditures										\$2,094,713					
General Government	\$41,588	\$131,588	\$246,835	\$353,025	\$484,075	\$594,914	\$697,424	\$814,535	\$904,187	\$974,169	\$974,169	\$974,169	\$974,169	\$974,169	\$974,169
Public Safety	\$89,128	\$283,762	\$532,297	\$762,822	\$1,039,069	\$1,279,928	\$1,501,615	\$1,751,520	\$1,945,411	\$2,094,713	\$2,094,713	\$2,094,713	\$2,094,713	\$2,094,713	\$2,094,713
Sheriff	\$59,610	\$188,600	\$350,035	\$501,020	\$683,284	\$841,671	\$987,451	\$1,151,702	\$1,279,288	\$1,377,467	\$1,377,467	\$1,377,467	\$1,377,467	\$1,377,467	\$1,377,467
Detention/Corrections	\$12,596	\$40,101	\$75,224	\$107,802	\$148,841	\$180,879	\$212,208	\$247,526	\$274,925	\$296,025	\$296,025	\$296,025	\$296,025	\$296,025	\$296,025
Emergency/Ambulance/ME	\$18,140	\$51,398	\$96,962	\$138,138	\$188,102	\$231,770	\$271,824	\$317,100	\$352,290	\$379,326	\$379,326	\$379,326	\$379,326	\$379,326	\$379,326
Other Public Safety	\$1,783	\$5,675	\$10,848	\$15,256	\$20,781	\$25,589	\$30,032	\$35,031	\$39,808	\$41,894	\$41,894	\$41,894	\$41,894	\$41,894	\$41,894
Economic Environment	\$1,648	\$5,528	\$10,339	\$14,834	\$19,479	\$23,570	\$27,990	\$31,440	\$36,306	\$38,958	\$38,958	\$38,958	\$38,958	\$38,958	\$38,958
Physical Environment	\$12,225	\$38,820	\$73,008	\$104,626	\$142,515	\$175,550	\$205,698	\$240,233	\$266,825	\$287,303	\$287,303	\$287,303	\$287,303	\$287,303	\$287,303
Human Services	\$15,311	\$51,252	\$96,043	\$137,802	\$180,952	\$218,951	\$260,013	\$301,354	\$337,268	\$361,903	\$361,903	\$361,903	\$361,903	\$361,903	\$361,903
Transportation	\$563,589	\$593,265	\$631,158	\$666,306	\$708,425	\$745,148	\$778,949	\$817,053	\$846,614	\$869,377	\$869,377	\$869,377	\$869,377	\$869,377	\$869,377
Culture & Recreation	\$44,070	\$147,835	\$276,439	\$396,631	\$520,828	\$630,202	\$748,399	\$867,379	\$970,743	\$1,041,656	\$1,041,656	\$1,041,656	\$1,041,656	\$1,041,656	\$1,041,656
Capital Projects	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Debt Service	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Non-Operating	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Interfund Transfers	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Reserve	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Total Expenditures	\$767,560	\$1,252,261	\$1,866,221	\$2,436,845	\$3,095,342	\$3,668,263	\$4,220,335	\$4,824,522	\$5,307,351	\$5,668,079	\$5,118,079	\$5,118,079	\$5,118,079	\$5,118,079	\$5,118,079
Net Fiscal Impact	\$1,003,873	\$2,895,822	\$4,078,087	\$4,080,453	\$5,178,137	\$5,289,520	\$4,796,016	\$5,471,495	\$4,839,713	\$4,311,067	\$2,363,034	\$2,363,034	\$2,363,034	\$2,363,034	\$2,363,034
Cumulative Fiscal Impact	\$1,003,873	\$3,899,695	\$7,977,782	\$12,058,235	\$17,236,373	\$22,524,893	\$27,320,899	\$32,792,394	\$37,632,127	\$41,943,194	\$44,306,279	\$46,669,263	\$49,032,297	\$51,395,332	\$53,758,366

Exhibit "A"

Fishkind & Associates, Inc.

Table 2: Development Property Values

	1988	1992	2000	2001	Final Yr Ph. 1	2003	2004	2005	2006	Final Yr Ph. 2	Stabilized Yr. 1	Stabilized Yr. 2	Stabilized Yr. 3	Stabilized Yr. 4	Stabilized Yr. 5
Lee County Development															
Residential Development															
Single-Family Detached	\$18,600,678	\$58,557,690	\$112,292,982	\$168,028,274	\$206,674,200	\$252,142,524	\$303,122,160	\$354,101,796	\$392,680,980	\$392,680,980	\$392,680,980	\$392,680,980	\$392,680,980	\$392,680,980	\$392,680,980
Single-Family Attached	\$7,761,216	\$29,751,328	\$58,178,272	\$87,960,448	\$113,184,400	\$139,379,504	\$168,159,680	\$197,587,624	\$220,224,504	\$236,070,320	\$236,070,320	\$236,070,320	\$236,070,320	\$236,070,320	\$236,070,320
Multifamily	\$14,669,524	\$47,738,112	\$85,530,784	\$118,589,372	\$161,613,400	\$192,841,536	\$225,751,488	\$258,581,440	\$291,401,302	\$323,226,800	\$323,226,800	\$323,226,800	\$323,226,800	\$323,226,800	\$323,226,800
Total Residential Value *	\$41,031,418	\$136,047,130	\$255,003,038	\$374,588,094	\$481,472,000	\$584,462,564	\$697,043,328	\$810,270,660	\$904,306,876	\$951,978,100	\$951,978,100	\$951,978,100	\$951,978,100	\$951,978,100	\$951,978,100
Commercial Development															
Retail (sq. ft.)	\$0	\$0	\$0	\$0	\$8,732,253	\$8,659,072	\$8,659,072	\$8,659,072	\$8,659,072	\$8,659,072	\$8,659,072	\$8,659,072	\$8,659,072	\$8,659,072	\$8,659,072
Community (sq. ft.)	\$859,840	\$859,840	\$1,809,840	\$1,809,840	\$1,809,840	\$3,219,680	\$3,219,680	\$3,219,680	\$3,219,680	\$3,969,680	\$3,969,680	\$3,969,680	\$3,969,680	\$3,969,680	\$3,969,680
General Retail (sq. ft.)	\$0	\$0	\$865,907	\$865,907	\$865,907	\$4,329,536	\$4,329,536	\$4,329,536	\$4,329,536	\$12,988,608	\$12,988,608	\$12,988,608	\$12,988,608	\$12,988,608	\$12,988,608
Hotel (rooms)	\$0	\$0	\$0	\$0	\$0	\$7,200,000	\$7,200,000	\$7,200,000	\$7,200,000	\$7,200,000	\$7,200,000	\$7,200,000	\$7,200,000	\$7,200,000	\$7,200,000
Gas (halet)	\$5,000,000	\$5,000,000	\$5,000,000	\$10,000,000	\$10,000,000	\$15,000,000	\$15,000,000	\$20,000,000	\$20,000,000	\$20,000,000	\$20,000,000	\$20,000,000	\$20,000,000	\$20,000,000	\$20,000,000
Total Commercial Value	\$5,859,840	\$5,859,840	\$7,475,747	\$12,475,747	\$21,208,000	\$38,408,288	\$38,408,288	\$47,737,624	\$47,737,624	\$52,817,360	\$52,817,360	\$52,817,360	\$52,817,360	\$52,817,360	\$52,817,360
Total Value - Lee County	\$46,891,258	\$141,906,970	\$264,478,785	\$385,063,841	\$502,680,000	\$622,870,852	\$735,451,616	\$858,008,684	\$952,044,700	\$1,004,795,460	\$1,004,795,460	\$1,004,795,460	\$1,004,795,460	\$1,004,795,460	\$1,004,795,460

assumes 58.4 percent of all residences have Homestead Exemption

Fishkind & Associates, Inc.

Charlie Green
Clerk Of Circuit Court
Lee County, Florida

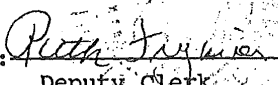
STATE OF FLORIDA

COUNTY OF LEE

I Charlie Green, Clerk of Circuit Court, Lee County, Florida, and ex-Officio Clerk of the Board of County Commissioners, Lee County, Florida, do hereby Certify that the above and foregoing, is a true and correct copy of a Development Order for The Brooks of Bonita Springs a Development of Regional Impact, adopted by the Board of Lee County Commissioners, at their meeting held on the 25th day of August, 1997.

Given under my hand and seal, at Fort Myers, Florida, this 9th day of September, 1997.

CHARLIE GREEN,
Clerk of Circuit Court
Lee County, Florida

By: 

Deputy Clerk

Clerk of County Court - Comptroller - Auditor - Recorder - Custodian Of All County Funds
P.O. Box 2469 Fort Myers, Florida 33902-2469 (941) 335-2283 Fax: (941) 335-2440

RESOLUTION NO. 2023-01
PLANNING ZONING AND DESIGN BOARD
FINAL PLAN APPROVAL
VILLAGE OF ESTERO, FLORIDA

WHEREAS, Elias Vassilaros, TOP-CR Associates LLC, filed an application for Final Plan approval and three deviations for a mixed use Planned Development for a project known as **The Residences at Brooks Town Center**; and

WHEREAS, the applicant proposes to redevelop part of an existing shopping plaza by demolishing a vacant grocery store and constructing a 154-unit, 4-story multiple family building on the site; and

WHEREAS, the property is 9.95 acres located at the northwest corner of Three Oaks Parkway and Coconut Road, address 10010-28 Coconut Road, STRAP Number 11-47-25-E4-42121.1988 and per the legal description attached as Exhibit D; and

WHEREAS, the property was originally rezoned to Mixed Use Planned Development by Lee County with the adoption of Resolution Z-97-037 as subsequently amended; and

WHEREAS, the property is part of the Brooks of Bonita Springs Development of Regional Impact, subject to the DRI Development Order approved by Lee County along with the rezoning in 1997; and

WHEREAS, the subject property is designated as Village Neighborhood 1 on the Future Land Use Map of the Village of Estero Comprehensive Plan; and

WHEREAS, the applicant is requesting Final Plan approval and three deviations; and

WHEREAS, Final Plan approval is required by Condition 1.b. of Resolution Z-97-037 prior to vertical development; and

WHEREAS, the following findings of fact are offered:

1. The Final Zoning Plan is generally compliant with the allowed uses, development parameters, conditions, and Master Concept Plan in Resolution Z-97-037, as amended.
2. The Final Zoning Plan is generally compliant with the Brooks of Bonita Springs DRI Development Order.
3. The deviations requested will not have a detrimental effect on the project.

93

94 Attest:

95

96

97 By: _____

98 Carol Sacco, Village Clerk

99

100 Reviewed for legal sufficiency

101

102

103 By: _____

104 Nancy Stroud, Esq., Land Use Attorney

105

106

107 **Vote:**

108 Scotty Wood Yes___ No___

109 Anthony Gargano Yes___ No___

110 Kristin Jeannin Yes___ No___

111 Barry Jones Yes___ No___

112 Michael Sheeley Yes___ No___

113 Jim Tatooles Yes___ No___

114 Jim Wallace Yes___ No___

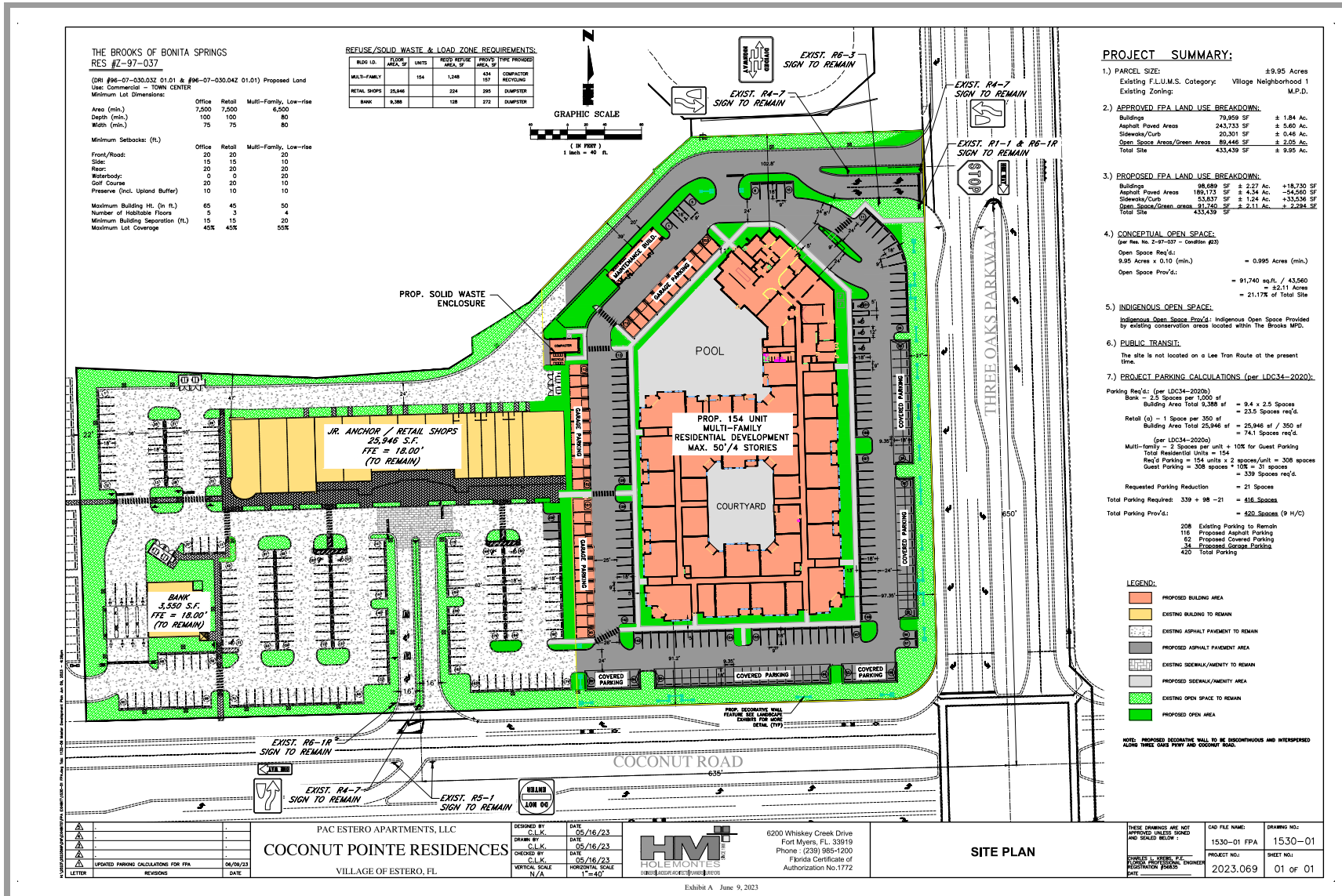




Exhibit B

July 5, 2020

FORUM
237 S Westmonte Drive • Suite 220 • Altamonte Springs FL 32714
407-830-1400 • www.ForumArchitecture.com • AA02731

Conceptual Rendering
Intersection between Coconut Road and Three Oaks Parkway

Residences at The Brooks 
05 JULY 2020 • Lee County, FL

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06/06/2023



Seating Area



Wall Elevation



End Wall



Column

COCONUT POINTE RESIDENCES at THE BROOKS Wall Design

Exhibit C June 6, 2023

H M
HOLEMONTES
LANDSCAPE ARCHITECTS PLANNING SERVICES
Oak Hammock Office Park at Whiskey Creek
6200 Whiskey Creek Drive
Fort Myers, Florida 33919
Office: (239) 885-1500
Web: www.holemontes.com / www.HMEng.com
Florida Certificate of Authorization No. 1773



Planning, Zoning and Design Board
Staff Report

PROJECT NAME
Estero Bay Chevrolet Lighting Upgrade Deviation
CASE NUMBER
N/A
MEETING DATE
June 13, 2023
REQUEST
Deviation from Section 5-604 E 1 to use 4000K or 5000K lighting instead of 3000K per the LDC
APPLICANT
Nate Kimes, IKON EFS
LOCATION
Located at 10640 Chevrolet Way, Estero, FL 33928
PROPERTY SIZE
9.00 acres
ZONING
Parcel was zoned Commercial Planned Development (CPD) on 1/12/1987 and was most recently amended by the Lee County on June 5, 2006, by Z-05-103.
PUBLIC INFORMATION MEETING DATES
The Staff is requesting the PZDB waive the required Public Information Meeting .

Staff Recommendation

Staff recommends denial of the requested Deviation to use a higher color temperature lighting on the existing light poles at the Estero Bay Chevrolet dealer. Staff believes that the request is in direct conflict with the technical requirements of the Land Development Code and if approved would effectively modify the LDC without the approval of the Village Council as many commercial users could request the same Deviation for similar reasons.

Summary

1. The Village specially identified the Correlated Color Temperature (CCT) as 3000 K to limit the light pollution in the 2021 LDC.
2. Increasing the CCT to 4,000 or 5,000 K increases the light pollution (sky glow) between 50-100% over the LDC 3,000 K CCT.
3. A light source with a color temperature above **4000K** (cool) may make objects appear to be more blue or green.
4. Per Teledyne FLIR a world recognized leader in camera technology, a light source with a color temperature between **2700-3600K** is recommended for home, office, and security applications.

5. The Estero Bay Chevrolet is immediately adjacent to the Island Club at Corkscrew Woodlands residential subdivision. The closest light fixture is only 65' from the residential property. Increasing the color temperature can significantly affect the adjacent residential property.
6. A current zoning condition requires the lighting plan must be in substantial compliance with the Photometric Plan (Drawing No. A2.3), stamped received October 11, 2006 (attached). Changing to LED lights will require an Amendment to the Zoning.
7. Granting of the Deviation request could set a precedent and could effectively modify the LDC without the approval of the Village Council as many commercial users could request the same Deviation for similar reasons. The applicant has not submitted a lighting plan to date.

Applicant's Request is included at the end of this Staff Report.

Background

The property is currently a Chevrolet Dealership and is zoned Commercial Planned Development (CPD). The rezoning was approved by Lee County in Resolution Z-86-136 as amended and was most recently amended by the Lee County on June 5, 2006, by Z-05-103. The current Estero Bay Chevrolet received a Certificate of Compliance for DOS2005-00340 from Lee County on March 31, 2008.

The applicant is requesting approval of a Deviation of the current Land Development Code (LDC) to change the lighting Correlated Color Temperature (CCT) as required by Section 5-604 E 1 of the LDC from 3000K to 4000K or 5000K lighting. The 3000K was added to the current LDC on 1/27/2021 to minimize the light pollution within the Village of Estero. The Estero Bay Chevrolet is immediately adjacent to the Island Club at Corkscrew Woodlands residential subdivision.

The County approved a Deviation in Z-05-103 for pole height.

Deviation (8) seeks relief from the LDC §34-1352(f)(2) requirement to provide parking lot lamps to be hooded or globed and must not exceed 18 feet in height, to allow 50 percent of the lamp fixtures to be a maximum of 20 feet in height. This deviation is APPROVED, SUBJECT TO the condition that:

The lighting plan must be in substantial compliance with the Photometric Plan (Drawing No. A2.3), stamped received October 11, 2006.

Changing from the approved Metal Halide lighting as conditioned in the Z-05-103 Deviation to LED will require an Amendment to the Zoning.

Project Summary

The applicant is requesting approval of a Deviation of the current Land Development Code (LDC) to change the Correlated Color Temperature (CCT) as required by Section 5-604 E 1 of the LDC from 3000K to 4000K or 5000K lighting. The 3000K was specifically added to the current LDC on 1/27/2021 to minimize the light pollution within the Village of Estero.

Lighting

The project must have a 0.5 fc measured at the property line onto the adjacent properties. All LED luminaires are limited to a maximum IES "BUG" rating of: B = 1, U = 0, G = 1, and a Correlated Color Temperature (CCT) of 3,000 K per LDC.

Color Matters

LED lights contain large amounts of blue light in their spectrum. Because blue light brightens the night sky more than any other color of light, it's important to minimize the amount emitted. Studies have shown exposure to blue light at night has also been shown to harm human health. The Village consciously chose in the 2021 LDC lighting that has a color temperature of no more than 3,000 Kelvin.

Lighting with lower color temperatures has less blue in its spectrum and is referred to as being "warm." Higher color temperature sources of light are rich in blue light.

Not All Artificial Light Is Created Equally

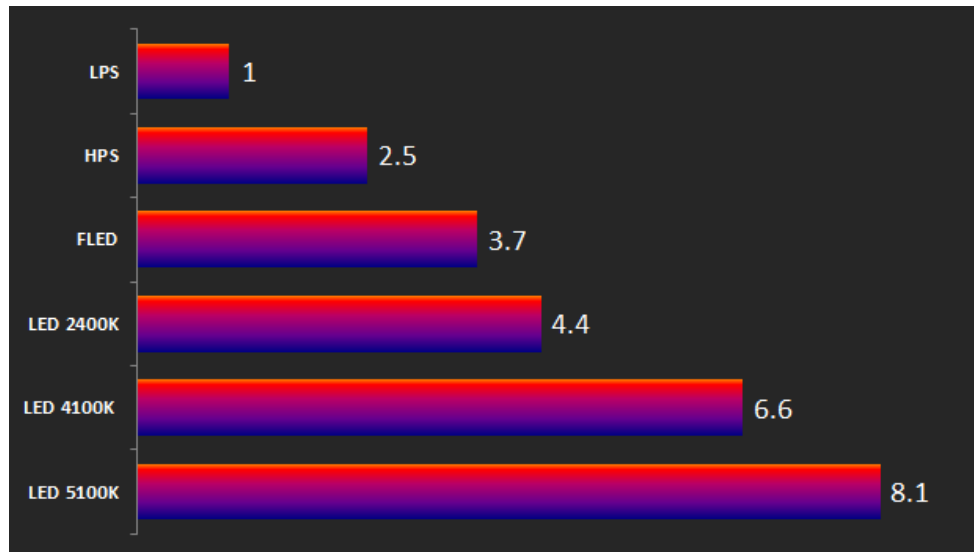
Exposure to blue light at night is particularly harmful according to the American Medical Association. Unfortunately, LEDs above 3,000 K used for outdoor lighting create abundant blue light.

A [2016 American Medical Association report](#) expressed concern about exposure to blue light from outdoor lighting and recommends shielding all light fixtures and only using lighting with 3000K color temperature and below.

Type	Description	S/P Ratio	Sky Glow ¹ (relative to LPS)	Sky Glow ¹ (relative to HPS)	FDSC Grade ²
LED 3000K	Light-emitting diode with "correlated color temperature" (CCT) of 3000K – a "warm-white" LED. 		1.3 ⁶	5.4	2.0-2.2
					C
LED 4100K	Light-emitting diode with CCT of 4100K – a "cool-white" LED. This is a common LED type in recent LED area lighting installations. 		1.6 ⁶	6.4	~2.7
					D
LED 5100K	Light-emitting diode with CCT of 5100K – a "cool-white" LED. This also is a common LED type in recent LED area lighting installations. 		2.0 ⁶	7.9	~3.3
					E

Due primarily to the increased sensitivity of the human eye to blue and green light at the very low brightness seen in the clear night sky, even in light-polluted skies, all of the LED sources above 3,000 K cause much brighter sky glow and light pollution. Sky glow from the lowest-impact commonly used LED (4100K CCT) appears nearly seven times as bright as that from an equal amount of low pressure sodium (LPS), and ~2.5x times brighter than high pressure sodium (HPS). This is a dramatic increase. Even without changing light amount or shielding,

switching a lighting installation from HPS to 4100K LED will increase sky glow as if the amount of HPS light had been increased 170%, or nearly tripled if changing from LPS the sky glow brightness would increase 540%.



Sky glow impacts, relative to low-pressure sodium lighting, of common outdoor lighting types.

Consequently, 3,000 K LEDs have significantly less (between 50-100% less) sky glow or light pollution impacts as compared to 4,000- 5,000K LEDs.

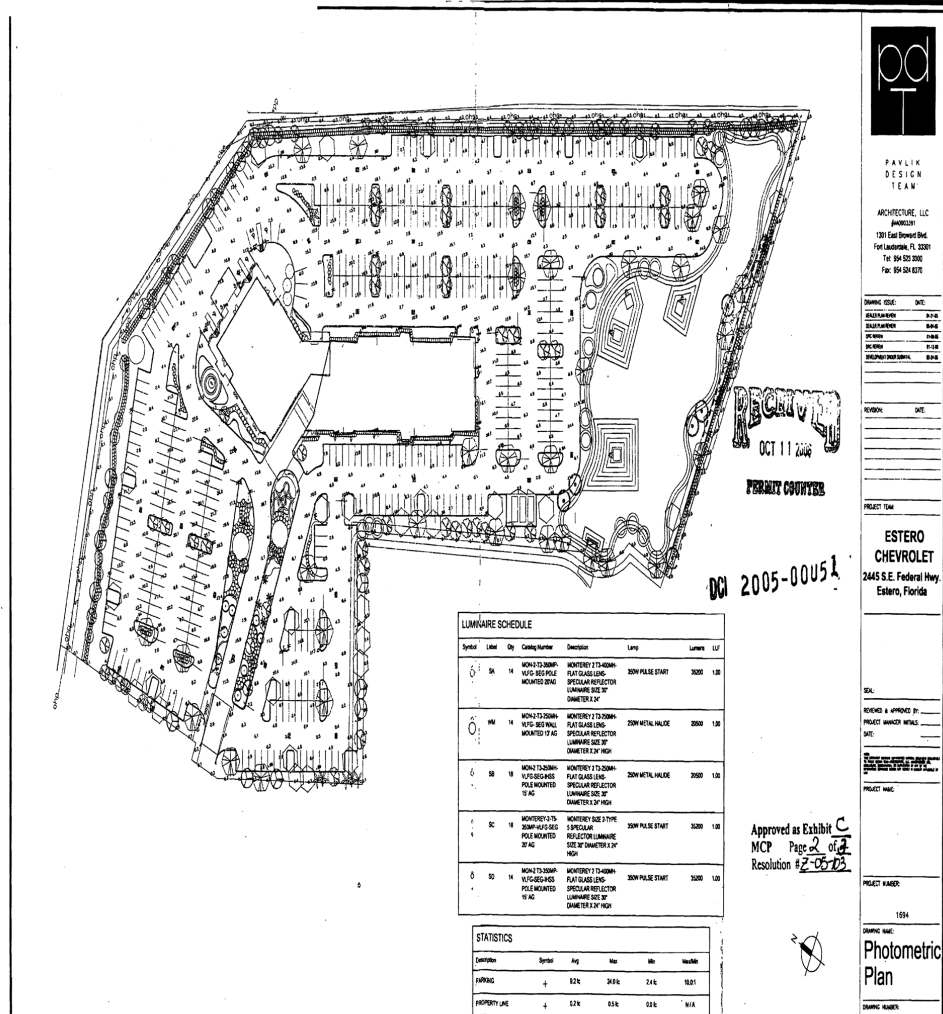
Image Quality: Security camera lighting

Per Teledyne FLIR a world recognized leader in camera technology, if you are experiencing color variations in image quality while using security cameras and DVR / NVR system, you may need to adjust the position of cameras and other settings to optimize image quality. The first step is understanding the **color temperature** of the sources of light around your cameras.

Color temperature facts:

- Correlated Color Temperature refers to the color of the light source and is measured using the **Kelvin (K)** temperature scale.

- A light source with a color temperature between **2700-3600K** is recommended for home, office, and security applications, as it will provide a good amount of contrast for your daily visual tasks and be flattering to skin tones and clothing.
- A light source with a color temperature below **2600K** (warm) may make objects appear to be more orange.
- A light source with a color temperature above **4000K** (cool) may make objects appear to be more blue or green.



Staff Report 6/2/2023
PZDB

Page 6 of 7

Applicant's Request:

Explanation and Justification of Request

(1)The request is based on sound engineering practices

Specific to Auto Dealerships, 4000-5000k light is the recommended standard. This helps to display the vehicle's color accurately as this parking area is a retail space. We don't want to mislead our potential customers as they drive by at night and the vehicle appears to be a different color.

(2)The request is no less consistent with the health, safety and welfare of abutting landowners and the general public than the standard from which the deviation is being requested;

Security is the highest concern for our client. It has been proven that 3000K light does not pick up objects and is not as clear on security cameras compared to 4000-5000K light. We will have millions of dollars of inventory on the lot at all times and want to ensure we pick up any unusual activity accurately on camera during non-operating hours.



ADMINISTRATIVE APPLICATION FOR DEVIATION FROM LAND DEVELOPMENT CODE IN THE VILLAGE OF ESTERO

Project Name: _____

Request: _____

.....

1. **Name of Applicant:** _____
Company Name: _____
Address: _____
City, State, Zip: _____
Phone Number: _____ E-mail: _____

2. **Relationship of Applicant to owner (check one) and provide Affidavit of Authorization form:**

☐ Applicant is the sole owner of the property.

☐ Applicant has been authorized by the owner(s) to represent them for this action.

3. **Authorized Agent: (If different than applicant) Name of the person who is to receive all Village of Estero-initiated correspondence regarding this application.**

a. **Company Name:** _____
Contact Person: _____
Address: _____
City, State, Zip: _____
Phone Number: _____ E-mail: _____

b. **Additional Agent(s):** Provide the names of other agents that the Village of Estero may contact concerning this application.

4. **Property owner(s): If multiple owners (corporation, partnership, trust, association), provide a list with owner interest.**

Name: _____
Address: _____
City, State, Zip: _____
Phone Number: _____ E-mail: _____

5. **Disclosure of Interest**

☐ Attach Disclosure of Interest FORM

6. **STRAP Number(s) :**

7. **Street Address of Property:** _____

8. Legal Description (must submit one):

☐ Legal description (metes and bounds) and sealed sketch of the legal description.

OR

☐ Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books.

9. Use(s) of Property :

a. Current uses of property are: _____

b. Intended uses of property are: _____

10. Comprehensive Plan (Future Land Use) Designation of Property :**11. Current Zoning of Property :****12. Property Dimensions :**

a. Width (average if irregular parcel): _____ Feet

b. Depth (average if irregular parcel): _____ Feet

c. Total area: _____ Acres or square feet

13. Current Use of the Adjacent Properties (briefly describe):

North: _____

East: _____

South: _____

West: _____

14. Public Hearings: Has a public hearing for any purpose been held regarding the subject property within the last 12 months?

☐ **NO**

☐ **YES** – If **YES**, please provide the following information regarding the hearing:

a. Name of Applicant: _____

b. Date of Hearing: _____

c. Case Number: _____

d. Type of Request: _____

e. Result/Disposition of Hearing: _____

15. Local Development Orders: Has an application for a Development Order been filed with the Village of Estero Department of Community Development?

☐ **NO**

☐ **YES** – If **YES**, please provide the following information:

a. Name of Applicant: _____

b. DO/LDO Application #: _____

c. Current Status of DO/LDO Application: _____

- 16. Specific Request:** Indicate the Section(s) of the Village of Estero Land Development Code from which the administrative deviation approval is sought [please check the appropriate selection(s)]:

- ☐ Section (refuse and solid waste disposal facilities)
- ☐ Section (access streets)
- ☐ Section (intersection separations)
- ☐ Section Table 2 (ROW widths - County maintained streets)
- ☐ Section Table 3 (ROW widths - private streets)
- ☐ Section (drainage and road specifications)
- ☐ Section (horizontal curves)
- ☐ Section (intersection designs)
- ☐ Section (cul-de-sacs)
- ☐ Section (swale sections)
- ☐ Section (Water excavation setbacks)
- ☐ Section (excavation bank slopes)
- ☐ Section (public water)
- ☐ Section (public sewer)
- ☐ Section (water mains)
- ☐ Section (Indigenous native vegetation)
- ☐ Section Landscaping of parking and vehicle use areas
- ☐ Section (surface water management systems; limited to the prohibition of hardened structures behind single family residences for restriction of existing lake bank slopes as provided in LDC)

- ☐ Section (mass transit facilities)
- ☐ Section (site design standards and guidelines for commercial developments)
- ☐ Section (piping materials in right of way)
- ☐ Other (if permitted) Section(s): _____

- 17. Explanation and Justification of Request:** Explain the proposed request and why the administrative deviation is needed. For each deviation requested, provide an explanation as to how the deviation satisfies the criteria provided in **LDC**.

- (1) The request is based on sound engineering practices
- (2) The request is no less consistent with the health, safety and welfare of abutting landowners and the general public than the standard from which the deviation is being requested;
- (3) Per the LDC, the required facility would unnecessarily duplicate existing facilities;
- (4) The granting of the deviation is not inconsistent with any specific policy directive of the Village or any other ordinance or any Lee County provision; and
- (5) Per LDC, the utility that would otherwise serve the development cannot provide the service at the adopted level of service standard due to an inadequate central facility.

18. Plans:

- a. Provide a 24"x36" and 11" x 17" size plan that is sealed and dated by a registered professional engineer, that accurately reflects the applicant's alternative proposal
- b. **For indigenous open space and parking lot landscaping deviations**, provide a 24"x36" and 11" x 17" size plan signed, sealed and dated by a registered landscape architect, that accurately reflect the applicant's alternative proposal.

- 19. Public Meeting Requirements:** Provide a meeting summary document of the required public informational session.

- 20. Other Requested Documentation:** Any other materials and/or calculations requested by the Director of Community Development Services to aid in the decision.

SUBMITTAL REQUIREMENT CHECKLIST

Clearly label your attachments as noted in bold below.

☐	Completed application
☐	Filing Fee
☐	<u>Affidavit of Authorization</u> Form
☐	<u>Additional Agents</u>
☐	<u>Multiple Owners</u> List (if applicable)
☐	<u>Disclosure of Interest</u> Form
☐	<u>Legal description (must submit one)</u>
☐	Legal description (metes and bounds) and sealed sketch of legal description
	<u>OR</u>
☐	Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. ()
☐	Explanation and <u>Justification</u> of Request
☐	<u>Alternate Proposal</u> Plan
☐	<u>Public Meeting Summary</u>
☐	<u>Other</u> Requested Documentation (as may be required)

Note: Please provide three (3) COLLATED paper copies and one (1) electronic copy of all submittal information.

All information submitted with the application becomes a part of the public record and will be a permanent part of the file. Community Development Department staff will review this application for compliance with requirements of the Village of Estero Land Development Code. The applicant will be notified of any deficiencies. Acceptance of an application in no way guarantees its approval. The PZDB decision on an administrative application for deviation from the Land Development Code is final and cannot be appealed.

If it is determined that inaccurate or misleading information was provided to the Village or if the decision does not comply with the Land Development Code when rendered, then, at any time, the Village may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with the LDC.

Explanation and Justification of Request

(1)The request is based on sound engineering practices

Specific to Auto Dealerships, 4000-5000k light is the recommended standard. This helps to display the vehicle's color accurately as this parking area is a retail space. We don't want to mislead our potential customers as they drive by at night and the vehicle appears to be a different color.

(2)The request is no less consistent with the health, safety and welfare of abutting landowners and the general public than the standard from which the deviation is being requested;

Security is the highest concern for our client. It has been proven that 3000K light does not pick up objects and is not as clear on security cameras compared to 4000-5000K light. We will have millions of dollars of inventory on the lot at all times and want to ensure we pick up any unusual activity accurately on camera during non-operating hours.



PLANNING, ZONING, & DESIGN BOARD
Staff Report

PROJECT NAME
Via Coconut MPD
CASE NUMBER
DOS2022-E007
MEETING DATE
July 11, 2023
REQUEST
Development Order for Via Coconut MPD
APPLICANT
Estero 5, LLC
LOCATION
Project site is located at 21650-21750 Via Coconut Point
PROPERTY SIZE
20.19 acres (Total Project)
ZONING
The property is zoned as Mixed Use Planned Development (MPD) No. 2021-10
PUBLIC INFORMATION MEETING DATES
The Planning Zoning and Design Board Public Information Meeting was held on January 11, 2022. A Development Order application was submitted on June 21, 2022.

Staff Recommendation

Please note: Drainage issue still under review and some stipulations may be further revised at the PZDB Meeting.

If the Planning Zoning and Design Board wishes to approve the Development Order and Monument sign, staff would recommend the following stipulations:

1. Revised Lighting plans approved by staff prior to Vegetation Removal Permit or Building permit Issuance.
2. Revised Landscaping plans approved by staff prior to Vegetation Removal Permit or Building Permit issuance.

3. Any building with commercial or mixed use shall have adequate loading areas. If the Village determines additional loading zones are needed based on the actual uses, owner shall provide such loading zones within 90 days' notice by the Village.
4. DOS2022-E007 plans shall include all improvements that are required to maintain water elevations the same or lower than is existing for the 5-year, 25-year, and 100-year storm events and throughout the recovery periods for all properties/ROWs which may be impacted by the redirection of flows to Lee County Park, Corkscrew Road and Sandy Lane. All improvements required to maintain the water elevations shall be detailed in this development order application and shall be constructed and tied to the project's SFWMD permit. Revised drainage plans must be approved by staff prior to Vegetation Removal Permit or Building Permit issuance. Consequently, DOS2022-E007 shall not receive any Certificates of Compliance or Certificates of Occupancy without all the improvements required to keep water elevations the same or lower through the design storm events (5-year, 25-year, and 100-year) and throughout the recovery periods being fully constructed and approved by the Village. Where water elevation increases are minimal, the Village will accept written approval from affected property owners to fulfill this condition.
5. Provide recorded off-site drainage easements from the project site through the Lee County Park to the Corkscrew Road drainage ditch. The easements shall grant the Village rights for the drainage easements through the park to the north side of the Corkscrew Road ROW. (LDC 7-206F) Easement documents must be approved by the Village Attorney prior to recording. A recorded copy of the easements must be provided to the Village prior to any work on-site or off-site except site clearing as approved by the Village Vegetation Removal Permit. No building permits will be issued until the Village receives the approved recorded easements.
6. Revised civil plans addressing the LCU comments approved by staff prior to Vegetation Removal Permit or Building Permit issuance.
7. Provide the Village a recorded vacation document of the current 20' drainage easement granted to Lee County INST.# 2008000171274 prior to any Building Permit issuance.
8. The Applicant shall submit, and Village will review and approve, the type and location of the pretreatment systems to ensure the R-Tank systems or other similar systems perform properly. Prior to Vegetation Removal Permit and Building Permit, applicant's engineer shall identify the location of the maintenance ports and what pretreatment systems are proposed and where they are located, and they shall be approved by the Village.
9. Prior to any work on-site or off-site except site clearing as approved by the Village Vegetation Removal Permit, applicant shall propose a system to be approved by the Village to ensure the oil, grease, etc., will be captured and separated from the storm water prior to entering the underground storm storage chambers as these materials will bind with the backfill and obstruct the drainage into the soil below.
10. Developer must pay the Hurricane Shelter fee-in-lieu of \$22,214.00 prior to approval of the initial residential Development Order [7-505].
11. The Zoning Ordinance requires that the 1-acre+/- park will be constructed and donated to the Village as part of the first development order, subject to review and approval of the Village attorney.

12. The applicant has agreed to remove the billboard located in the northwest section of the project along Corkscrew Road. The billboard must be removed prior to any transfer of property to the Village or as part of the first development order for the project, whichever occurs first.
13. The applicant will maintain in good condition in perpetuity the dedicated one-acre public park, the linear park, pocket park, dog park, lake and filter marsh, and the median landscaping of Via Coconut Point from the proposed new entrance to Estero Community Park to Williams Road. The Via Coconut Point median landscaping must be constructed prior to the issuance of a Certificate of Occupancy of the first residential building unless the Public Works Director determines a different timeframe. The linear park, pocket park, and dog park must be constructed prior to occupancy of Building E as shown on the Master Concept Plan.
14. Public easements must be provided for public amenities/public easement areas Zoning Ordinance No. 2021 -10 identified on Pattern Book page 6 including Main Street, the linear park north of Main Street, the linear park south of Main Street, the dog park, the pocket park, and the potential public seating areas at the time of construction certification of each improvement, and subject to approval by the Village Attorney.
15. Applicant has offered, and the Village has accepted, that all rental leases for the project must require a minimum of 6-month leases.
16. A minimum of three commercial buildings (C, C1, C2 or D), park donation, and one public amenity (linear park south of Main Street or linear park north of Main Street) must receive a Certificate of Compliance prior to issuance of a Certificate of Compliance for a second residential building. Fourth commercial building and remaining public amenities must receive a Certificate of Compliance prior to issuance of a Certificate of Compliance for the third residential building. A Certificate of Compliance for the third residential building will not be issued until 50% of the square footage of the constructed commercial buildings is occupied or has an executed lease by non-residential establishments.
17. A Type 'D' Limited Review Development Order (LDO) and Right-of-Way (ROW) permits will be required and must be submitted to Lee County DOT for the offsite improvements, drainage and utilities connections within the County drainage easement and Corkscrew Road ROW. Additional comments and revisions to the plans necessary for the proposed construction activities within the drainage easement and Corkscrew Road ROW including, but not limited to, impacts on and mitigation of drainage facilities and conveyance capabilities must be provided in the LDO review process. The LDO will need to meet the Lee County LDC requirements. The Lee County Type D LDO plans must match the Village of Estero DO plans, and a copy of the approved Type 'D' Limited Review Development Order (LDO) and Right-of-Way (ROW) permits will be required and must be submitted to the Village prior to Vegetation Removal Permit and Building Permit issuance.

Findings

The Planning Zoning and Design Board should review the project for compliance with general criteria of the Land Development Code and, in particular, the following facets:

1. Building architecture and colors.
2. Site lighting elements and colors, including parking lot poles and fixtures.
3. Connectivity.

4. Landscaping and buffers for overall design and compatibility with the building and surrounding area.

The project must be harmonious with the community and proposed developments in the general area, in conformity with good design, contributing to the image of the Village, not of inferior quality, and consistent with the Land Development Code. If the Planning Zoning and Design Board denies the application, it must state its findings regarding the criteria.

Request

The applicant is asking for approval of a Development Order for the construction of 330 multiple-family units, and approximately 29,600 square feet of commercial uses. The 330 multi-family apartments are in 3-4 story buildings. Two buildings will be mixed-use with non-residential uses with three additional buildings of commercial use. The project will include public spaces including a public park, internal gathering area, walking trails and other private amenities. This project was reviewed by the Planning Zoning and Design Board at a Public Information Meeting on January 11, 2022.

Transportation

The property is located in the southwest corner of Corkscrew Road and Via Coconut Point. Access to the project is from Via Coconut Point. The development plan includes the construction of road improvements and median landscaping for Via Coconut Point. Traffic impacts have been evaluated as part of the zoning and development order processes. Trip generation information is provided in the following table.

Land Use	Trip Generation At Build-Out						
	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Multi-Family (330 Units)	28	82	110	85	54	139	1,797
Retail (20,660 Sq. Ft.)	104	63	167	106	115	221	2,627
Church (10,000 Sq. Ft.)	2	1	3	4	4	8	78
Total Trips	134	146	280	195	173	368	4,502

Stormwater

The site is designed to collect all stormwater runoff which is conveyed by an underground piping network and catch basins to the master system detention areas on the subject property. The master system detention areas provide the required treatment.

Stormwater is still under review at the time of writing of this staff report.

The applicant intends on redirecting the current flows from the site, Via Coconut Point and the Lee County Park from the railroad drainage ditch to Corkscrew Road and Sandy Lane ROWs. Staff recommends the applicant install all improvements that are required to maintain water elevations the same or lower for the 5-year, 25-year, and 100-year storm events.

Lighting

Street/parking lighting complies with the Village CCT requirement of 3000K and the BUG rating of 1-0-1.

Landscaping

Landscaping is provided in the vehicular use areas, and perimeter buffer plantings are also provided per the Land Development Code. Landscaping Plans are provided in the applicant's presentation.

Zoning Conditions

The rezoning of the property was approved with conditions in Village Ordinance 2021-10. As part of the development order review, staff has verified compliance with the conditions of approval. Several stipulations have been recommended for approval of the development order.

Architecture

As part of the zoning, the Pattern Book was approved. The proposed architecture blends with the adjacent property, including roof, style and color of building, and architectural features. An exterior building paint color schematic and materials are provided in the applicant's plans along with elevations and perspectives.

Signage

The proposed monument sign for the residential project meets the minimum requirements including setback and architectural style. The commercial signage for the 1st floor commercial in two residential buildings will be reviewed with each sign permit application.



ESTERO 5, LLC



Presentation Agenda

Project Summary

- 330 Multi-Family Units
- 27,310 S.F. Commercial / Retail
- ±0.9 Ac Park

Site Layout – HM

Landscape and Hardscape – ALD

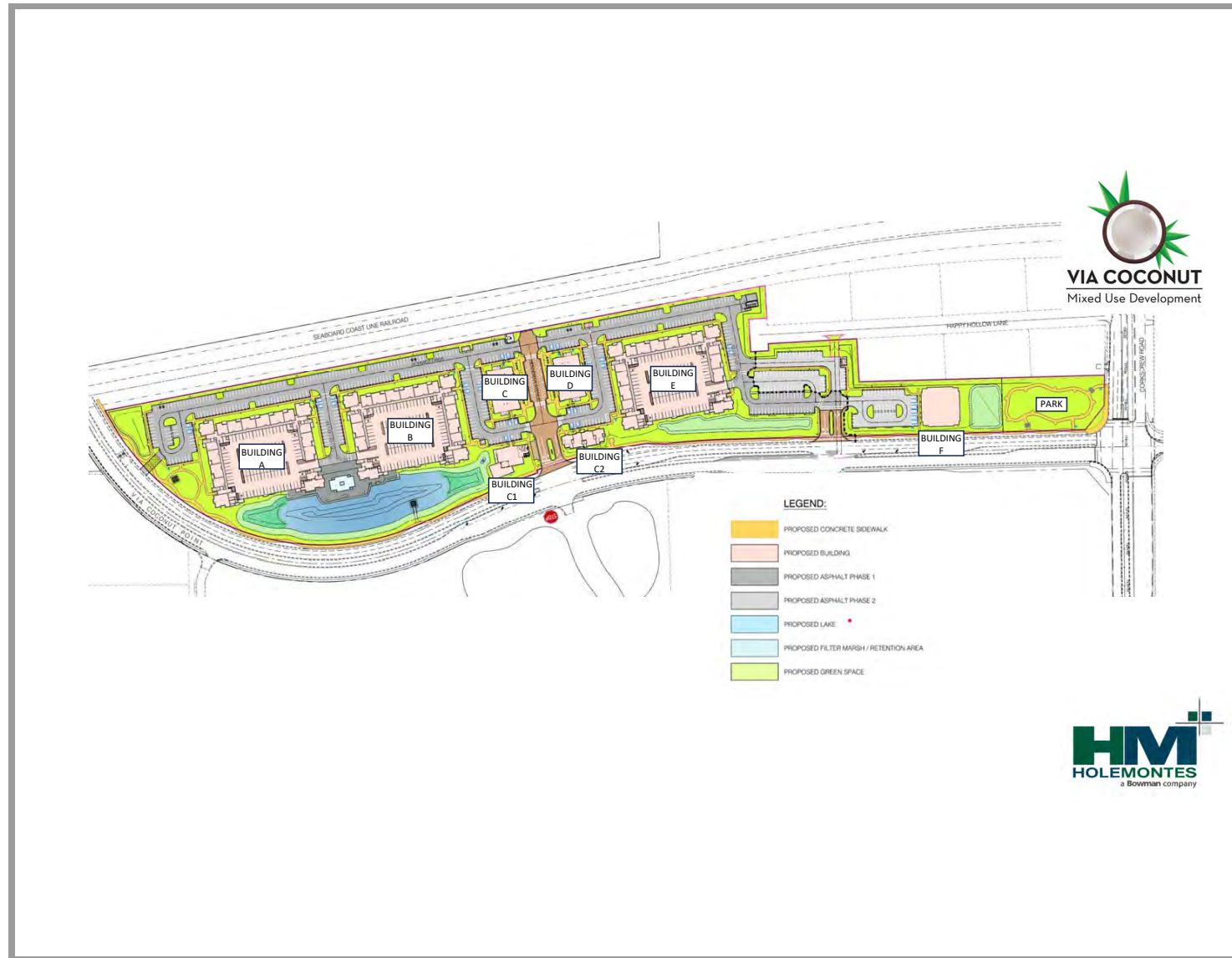
Building Architecture – MHK

Q & A

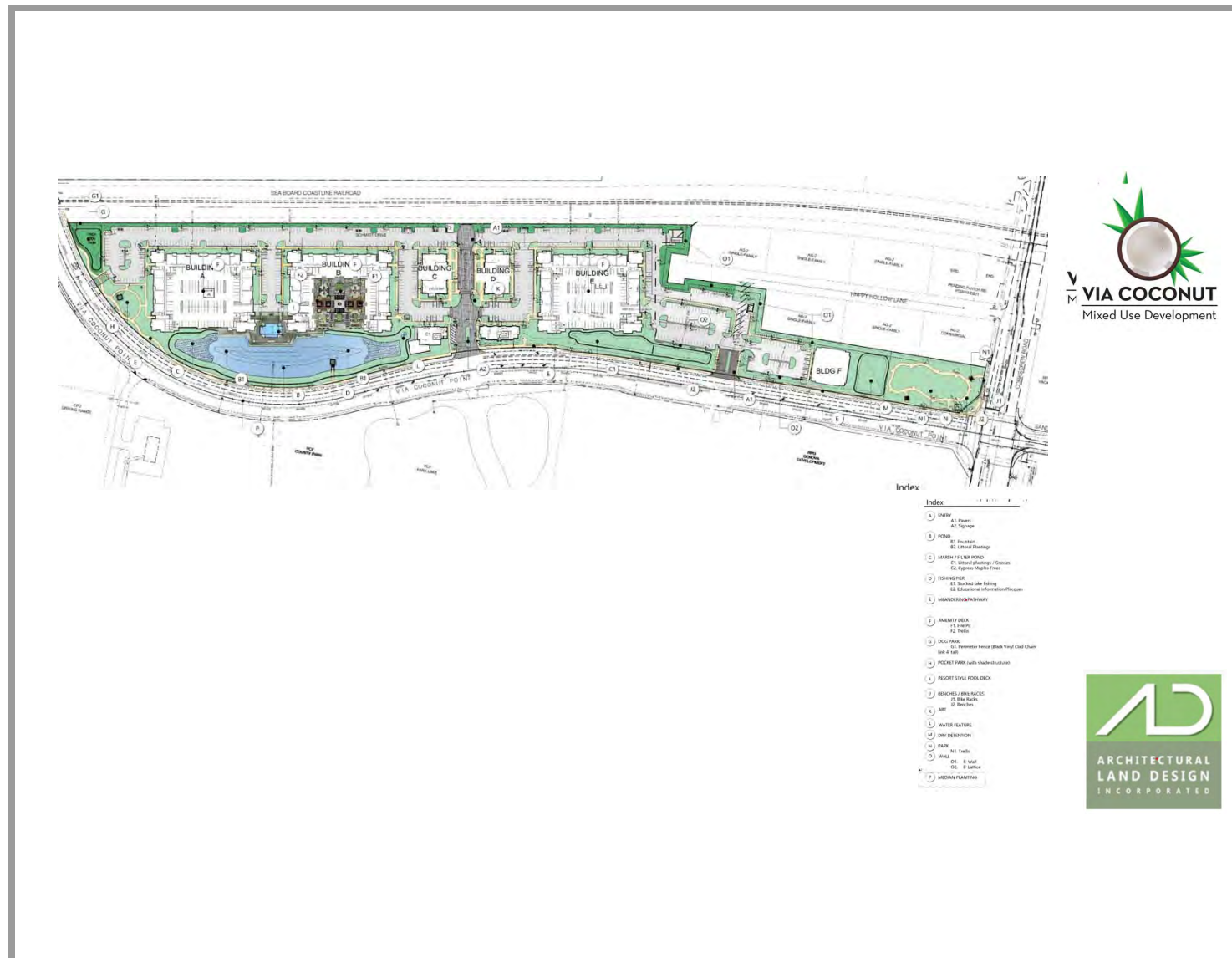


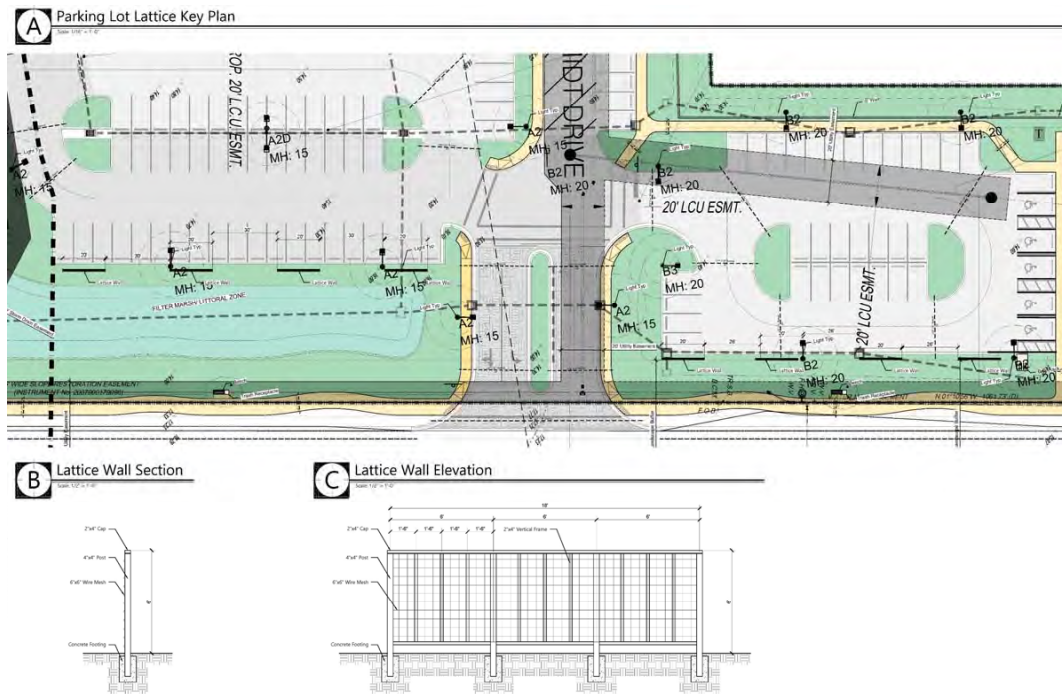
PROJECT TEAM



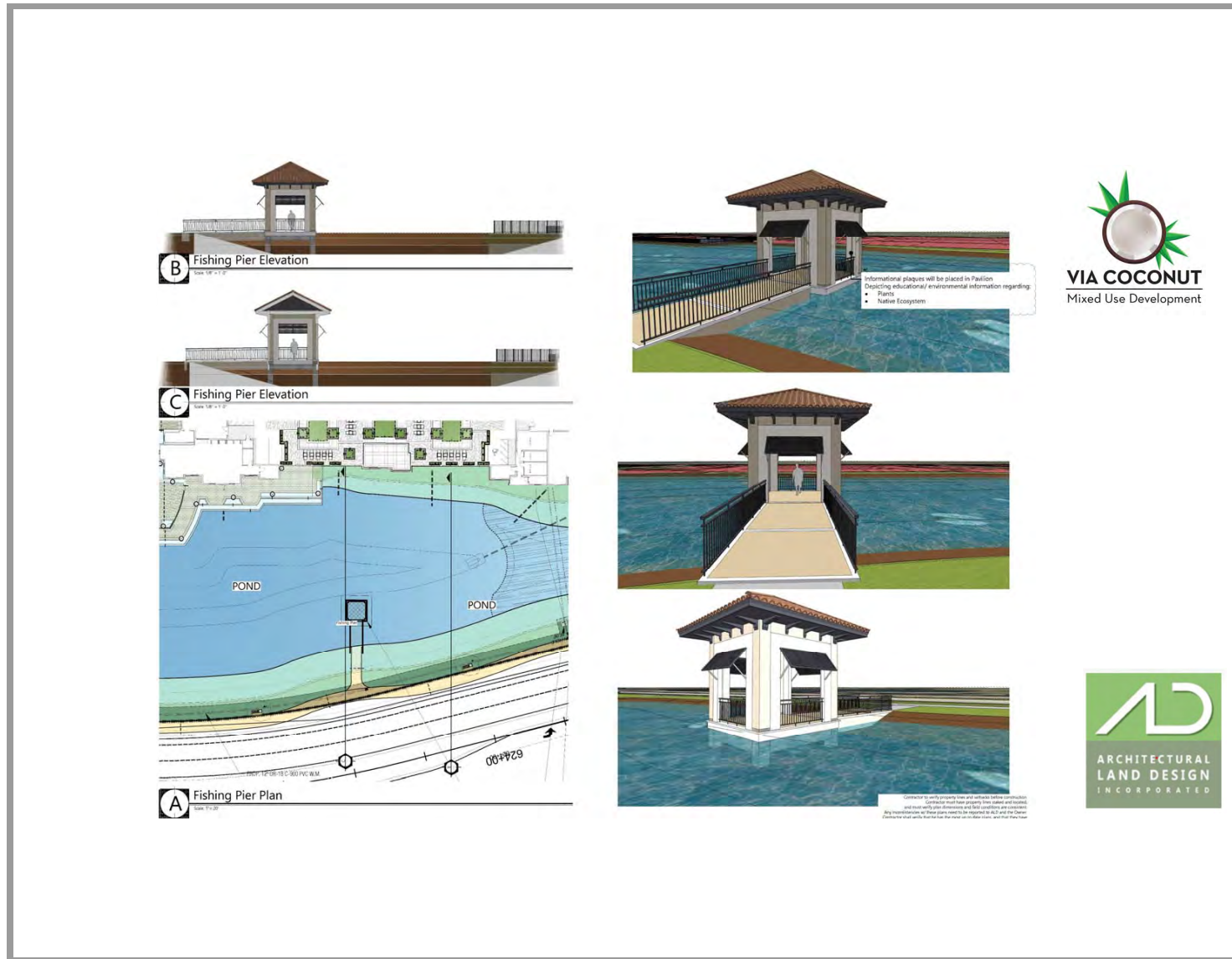


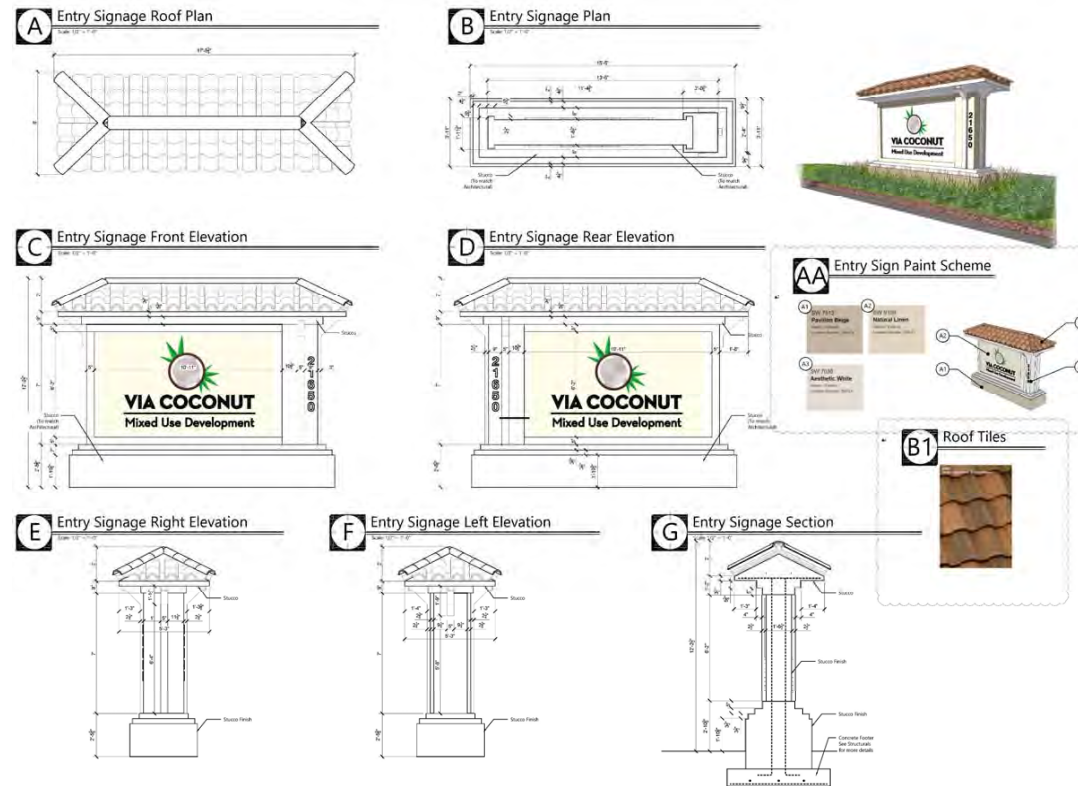


















PAINT SCHEME 1



VIA COCONUT
Mixed Use Development

M-HK
ARCHITECTURE
& PLANNING



① BUILDING B WEST ELEVATION
1/8" = 1'-0"



② BUILDING B SOUTH ELEVATION
1/8" = 1'-0"



③ BUILDING B EAST ELEVATION
1/8" = 1'-0"



④ BUILDING B NORTH ELEVATION
1/8" = 1'-0"

PAINT SCHEME 2

WALL COLOR White Primer	WALL COLOR Natural Linen
WALL COLOR Light Gray	WALL COLOR Taupe Stone



VIA COCONUT
Mixed Use Development

MHK
ARCHITECTURE
& PLANNING



















THANK YOU