VILLAGE OF ESTERO
PLANNING ZONING AND DESIGN BOARD MEETING
PACKET
OCTOBER 10, 2023, 04:30 PM

www.Estero-fl.gov

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

October 10, 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 September 12, 2023 meeting minutes.**

      Attachment: 09122023 PZDB Minutes.pdf

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

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

   a. **Brooks Town Center Apartments (aka Coconut Pointe Residences) -- Development Order (DOS2023-E010) (District 6) 9.95-acre parcel at the northwest corner of Coconut Road and Three Oaks Parkway**

      Applicant seeks to redevelop a portion of the Brooks Town Center area (Winn-Dixie & parking area) for a 137-unit multi-family complex.

      - Public Information Meeting was held July 11, 2023.

- See Staff Report.

- Planning Zoning and Design Board will make a decision on the Development Order.

Attachment: 1. The Brooks Town Center Apartment - Staff Report.pdf
Attachment: 1.a Location Map.pdf
Attachment: 2. Settlement Agreement 06.27.23.pdf
Attachment: 3. PZDB Resolution 2023-01.pdf
Attachment: 4. Email from Environmental Consultant.pdf
Attachment: 5. Protected Species Report.pdf
Attachment: 6. TIS Memo.pdf
Attachment: 7. Line of Site Drawings.pdf
Attachment: 8. Notes for Public Comments Estero Council Sept 20 _ Petition Letter.pdf
Attachment: 9. Brooks Town Center Apartments - Presentation.pdf

7. PUBLIC INFORMATION MEETINGS (No votes are taken at Public Information Meetings)

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

a. Walmart Expansion (DOS2023-E008) (District 2) 19975 So. Tamiami Trail, located at the corner of US 41 and Estero Parkway. The original Development Order was approved in 2012, DOS2012-00045.

Seeking to add a ± 5,800 square foot addition to the existing 186,404 square foot building to accommodate storage for on-line pickup orders. Project includes reconfiguration of the parking area where the addition is being constructed.

Attachment: 1. Walmart Expansion - Meeting Request Application.pdf
Attachment: 2. Walmart Expansion - Presentation.pdf

b. Southwest Florida Church of Christ -- Special Exception (SEZ2023-E002)(District 4) 20540 Sandy Lane, 2.18-acre vacant parcel at the southwest corner of Sandy Lane and Broadway East.

- Applicant requests a Special Exception for a Religious Facility and Daycare in AG -- Agriculture Zoning District. The 12,000 square foot facility will provide a ± 250 seat sanctuary and a daycare for approximately 270 children.

Attachment: 1. SWFL Chruch of Christ - Meeting Request.pdf
Attachment: 2. SWFL Church of Christ - Presentation.pdf

8. WORKSHOP

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

a. Hilton Garden Inn Development Order (DOS2020-E002) (District 6) 8009 Sweetwater Ranch Blvd., a cleared and vacant 2.16 acre parcel at the southwest corner of Via Villagio and Sweetwater Ranch Blvd. adjacent to the Estero Fire Station.

- Applicant seeks to develop 5 story, 115 room hotel.

- Village Council Ordinance 2018-05 approved the hotel use and deviations for building height and architectural features.

- Design Review Board reviewed this in the past but applicant had project on hold due to Covid.

- Applicant requests to review the site and architectural details with the board

Attachment: 1. Hilton Garden Inn - Workshop Presentation.pdf

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

10. BOARD COMMUNICATIONS

a. Confirm 2024 Meeting Schedule

Attachment: 2024 PZDB Meeting Schedule.pdf

b. Next meeting - November 14, 2023

11. ADJOURN

General Attachments

- Transcript.pdf

PLANNING ZONING AND DESIGN BOARD MEETING
TUESDAY, OCTOBER 10, 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.

04:32:40 >>Scotty Wood: I WOULD LIKE TO CALL THE OCTOBER 10th
04:32:43 MEETING OF THE VILLAGE OF ESTERO PLANNING, ZONING AND DESIGN
04:32:46 BOARD MEETING TO ORDER.
04:32:49 PLEASE STAND FOR THE PLEDGE OF ALLEGIANCE.
04:32:54 [PLEDGE OF ALLEGIANCE]
04:33:11 THANK YOU.
04:33:12 BEFORE GETTING INTO THE AGENDA, I WOULD LIKE TO OFFER A
04:33:15 MOMENT OF SILENCE FOR OUR JEWISH FRIENDS ALL OVER THE WORLD
04:33:19 AND PARTICULARLY THOSE IN ISRAEL AND THE SURROUNDING AREAS
04:33:24 THERE.
04:33:24 SO PLEASE BOW YOUR HEADS FOR A MOMENT OF SILENCE.
04:33:27 [MOMENT OF SILENCE]
04:33:38 THANK YOU.
04:33:38 TAMMY, WOULD YOU PLEASE CALL THE ROLL?
04:33:45 >>Anthony Gargano: HERE.
04:33:46 >>Kristin Jeannin: HERE.
04:33:48 >> BOARD MEMBER JONES IS NOT HERE YET.
04:33:50 BOARD MEMBER SHEELEY.

04:33:52 >>Michael Sheeley: HERE.
04:33:54 >>James Tatooles: HERE.
04:33:55 >>Jim Wallace: HERE.
04:33:56 >>Scotty Wood: HERE.
04:33:57 >>Tammy Duran: OUR ATTORNEY, NANCY STROUD, IS HERE.
04:34:00 >>Scotty Wood: COULD I HAVE A MOTION TO APPROVE THE AGENDA?
04:34:03 >>James Tatooles: I SO MOVE.
04:34:07 >>Anthony Gargano: SECOND.
04:34:07 >>Scotty Wood: ANY DISCUSSION?
04:34:09 ALL IN FAVOR?
04:34:10 ANY OPPOSED?
04:34:11 MOTION CARRIES.
04:34:11 I WOULD LIKE A MOTION TO APPROVE THE CONSENT AGENDA WHICH
04:34:17 CONSISTS OF THE MINUTES OF OUR SEPTEMBER 12 MEETING.
04:34:20 >>Michael Sheeley: SO MOVED.
04:34:23 >> SECOND.
04:34:23 >>Scotty Wood: ANY DISCUSSION?
04:34:24 ALL IN FAVOR?

04:34:26 ANY OPPOSED?
04:34:27 MOTION CARRIES.
04:34:29 OKAY.
04:34:36 WE HAVE ONE HEARING TONIGHT, WHICH IS A QUASI-JUDICIAL
04:34:42 HEARING.
04:34:43 I THINK MOST OF YOU WHO ARE HERE ARE CONCERNED ABOUT THAT.
04:34:46 BUT I WANT TO ADVISE ANYONE WHO IS NOT INVOLVED OR

04:34:50 INTERESTED IN THE BROOKS TOWN CENTER APARTMENT APPLICATION,
04:34:55 BUT YOU ARE HERE FOR ONE OF THE OTHER ITEMS ON THE AGENDA,
04:34:59 WE ANTICIPATE THAT THE BROOKS TOWN CENTER AGENDA COULD TAKE
04:35:04 PROBABLY IN THE VICINITY OF THREE HOURS.
04:35:07 IF YOU ARE THINKING ABOUT THE WALMART APPLICATION OR THE
04:35:11 CHURCH APPLICATION OR WHATEVER, YOU MIGHT WANT TO GO AND
04:35:14 GRAB SOME DINNER OR SOMETHING AND THEN COME BACK A LITTLE
04:35:17 LATER.
04:35:18 WITH THAT SAID, I'M GOING TO READ A STATEMENT BECAUSE THE
04:35:23 FIRST AGENDA ITEM THAT I JUST MENTIONED, THE BROOKS TOWN
04:35:28 CENTER APARTMENT APPLICATION PUBLIC HEARING IS A
04:35:31 QUASI-JUDICIAL MATTER.
04:35:33 AS I HAVE EXPLAINED AT ALL OF OUR QUASI-JUDICIAL HEARINGS,
04:35:38 WHEN THIS BOARD IS SCHEDULED TO CONSIDER AND VOTE ON A
04:35:41 ZONING APPLICATION, DEVELOPMENT ORDER, OR OTHER
04:35:44 SITE-SPECIFIC APPLICATION, IT SITS IN A QUASI-JUDICIAL
04:35:49 CAPACITY.
04:35:50 THIS MEETING'S AGENDA INCLUDES ONE SUCH ITEM, THE BROOKS
04:35:53 TOWN CENTER APARTMENTS ALSO KNOWN AS COCONUT POINTE
04:35:57 RESIDENCES.
04:35:58 FOR THIS ITEM, WE WILL FOLLOW THE BOARD'S STANDARD
04:36:01 QUASI-JUDICIAL PROCEDURES.
04:36:04 FOR THIS ITEM, WE HAVE ALSO RECEIVED A REQUEST FROM KATHY
04:36:10 WYROFSKY THROUGH ATTORNEY RALF BROOKES THAT SHE BE
04:36:14 DETERMINED BY THE BOARD TO BE AN ADVERSELY AFFECTED PARTY IN

04:36:18 THESE PROCEEDINGS.
04:36:19 THE BOARD WILL TAKE UP THIS REQUEST FIRST BEFORE IT
04:36:23 CONTINUES ON THE MERITS OF THE DEVELOPMENT ORDER
04:36:25 APPLICATION, WHICH WILL BE PART TWO, IF YOU WILL.
04:36:28 THE VILLAGE LAND USE ATTORNEY HAS RECOMMENDED THAT FOR THIS
04:36:33 REQUEST, THE APPLICANT AND WYROFSKY SHOULD HAVE 15 MINUTES
04:36:40 EACH TO MAKE THEIR PRESENTATIONS.
04:36:42 THE ATTORNEY FOR MS. WYROFSKY WILL GO FIRST, AND THEN THE
04:36:48 ATTORNEY FOR THE APPLICANT WILL RESPOND WITH AN OPPORTUNITY
04:36:51 FOR CROSS-EXAMINATION.
04:36:52 MS. WYROFSKY WILL HAVE THE OPPORTUNITY FOR A BRIEF REBUTTAL.
04:36:57 IF THE BOARD FINDS THAT MS. WYROFSKY MEETS THE CRITERIA TO
04:37:00 BE AN ADVERSELY AFFECTED PARTY, THEN WHEN THE BOARD TAKES UP
04:37:04 THE MERITS OF THE APPLICATION, SHE WILL BE ABLE TO

04:37:08 PARTICIPATE AS A PARTY.
04:37:09 IN OTHER WORDS, TO PUT ON WITNESSES AND TO CROSS-EXAMINE
04:37:12 WITNESSES IN THE SECOND PART OF THE MEETING.
04:37:15 BEFORE WE GET STARTED, HOWEVER, I WANT TO ASK THE BOARD
04:37:18 MEMBERS IF THEY HAVE ANY -- IF THEY HAVE HAD ANY EX PARTE
04:37:22 COMMUNICATIONS ON ANY PART OF THE DEVELOPMENT ORDER
04:37:25 APPLICATION, INCLUDING ANY EX PARTE COMMUNICATIONS REGARDING
04:37:30 THE SCANNING OF MS. WYROFSKY AS AN ADVERSELY AFFECTED PARTY.
04:37:36 >> NO.
04:37:37 >> NO.
04:37:37 >> NO.

04:37:38 >>Scotty Wood: NO.
04:37:39 OKAY.
04:37:39 DOES ANY MEMBER OF THE BOARD HAVE A CONFLICT OF INTEREST?
04:37:43 >> NO.
04:37:43 >> NO.
04:37:44 >> NO.
04:37:45 >>Scotty Wood: OKAY.
04:37:46 MARY, HAS ANY WRITTEN COMMUNICATION BEEN RECEIVED ON THE
04:37:53 REQUEST FOR ADVERSELY AFFECTED PARTY STATUS?
04:37:56 >>Mary Gibbs: JUST THE LETTER THAT WE HAVE FROM ATTORNEY
04:37:58 RALF BROOKES THAT WAS SENT TO OUR ATTORNEY REQUESTING THE
04:38:03 ADVERSELY AFFECTED PARTY STATUS.
04:38:05 >>Scotty Wood: AND ITS ATTACHMENTS, CORRECT?
04:38:09 >>Mary Gibbs: YES.
04:38:11 >>Scotty Wood: THEY WILL BE CONSIDERED PART OF THE RECORD IN
04:38:13 THESE PROCEEDINGS.
04:38:14 NOW, NANCY, WOULD YOU PLEASE SWEAR IN THE WITNESSES THAT
04:38:19 WILL BE TESTIFYING IN PART ONE?
04:38:23 >>Nancy Stroud: YES, MR. CHAIR.
04:38:24 WILL THOSE WHO ARE GOING TO BE TESTIFYING JUST ON THE MATTER
04:38:28 OF STANDING, PLEASE STAND AND RAISE YOUR HANDS.
04:38:32 DO YOU SWEAR OR AFFIRM THAT THE TESTIMONY YOU GIVE WILL BE
04:38:36 THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH?
04:38:39 THANK YOU.
04:38:42 >>Scotty Wood: OKAY.

04:38:43 I BELIEVE WE ARE NOW GOING TO HEAR FROM MR. BROOKS.
04:38:49 >> GOOD EVENING.
04:38:51 IT'S A PLEASURE TO BE HERE.
04:38:52 MY NAME IS RALF BROOKES.
04:38:54 I'M A BOARD CERTIFIED ATTORNEY IN FLORIDA IN THE FIELD OF
04:38:58 CITY, COUNTY, AND LOCAL GOVERNMENT LAW.
04:39:00 AND I'VE SERVED AS DEPUTY SARASOTA COUNTY ATTORNEY AND THE
04:39:06 LAND USE LITIGATION ATTORNEY FOR MONROE COUNTY, WHICH IS THE
04:39:09 FLORIDA KEYS.
04:39:11 I'VE ALSO SERVED AS CITY ATTORNEY AND TOWN ATTORNEY,

04:39:15 INCLUDING THE CITY OF BRADENTON BEACH, THE CITY OF MADEIRA
04:39:19 BEACH, THE TOWN OF YANKEE TOWN, CURRENTLY SERVING AS COUNSEL
04:39:25 WITH THE CITY ATTORNEY FOR THE CITY OF NAPLES.
04:39:28 I THINK I MIGHT HAVE LEFT A COUPLE OF OTHERS OUT.
04:39:33 SMALL TOWN CALLED THE TOWN OF KENNETH CITY.
04:39:36 I'VE BEEN PRACTICING IN THE AREA SINCE 1988, AND I'VE BEEN
04:39:39 BOARD CERTIFIED, WHICH YOU HAVE TO TAKE A TEST AND YOU HAVE
04:39:43 TO HAVE CERTAIN YEARS OF EXPERIENCE IN PEER REVIEW AND EXTRA
04:39:47 CLEs THAT YOU HAVE TO TAKE AND YOU HAVE TO BE RECERTIFIED
04:39:51 EVERY FOUR YEARS.
04:39:52 I'VE BEEN BOARD CERTIFIED SINCE 2004.
04:39:55 SO IT'S GOING ON 19 YEARS.
04:39:58 I DO QUITE A LOT OF ZONING CASES AND LAND USE CASES, AND SO
04:40:04 I'M EXPERIENCED IN THIS ISSUE THAT YOU'RE FACE BEING WHETHER
04:40:09 SOMEONE IS ADVERSELY AFFECTED AND WHETHER THEY HAVE LEGAL

04:40:13 STANDING UNDER THE CONSTITUTION TO PRESENT EXPERT WITNESS
04:40:16 TESTIMONY AND HAVE A LITTLE BIT MORE TIME THAN THE STANDARD
04:40:19 THREE OR FIVE MINUTES.
04:40:21 MY CLIENT, KATHY WYROFSKY, SHE LIVES DIRECTLY ACROSS THE
04:40:29 CONSERVATION AREA POND WITH CYPRESS DOME AND POND THERE FROM
04:40:34 THE PROPOSED SITE.
04:40:36 SO SHE SHARES IN COMMON THE BOUNDARY THAT RUNS AROUND THAT
04:40:39 CONSERVATION AREA.
04:40:41 THE STAFF REPORT LINE OF SIGHT DRAWINGS FROM THE ADJACENT
04:40:47 RESIDENCE INCLUDE -- HER RESIDENCE IS ONE OF THOSE
04:40:50 RESIDENCES AND IT SHOWS THAT YOU CAN SEE THE PROPOSED
04:40:54 FOUR-STORY, 50-FOOT MULTIFAMILY APARTMENT BUILDINGS AT THE
04:41:01 TOP OF THOSE TREES.
04:41:03 AND THOSE TREES ARE PREDOMINANTLY CYPRESS.
04:41:06 THERE ARE A FEW PINES IN THERE, BUT THERE ARE MANY CYPRESS
04:41:10 TREES.
04:41:10 AS YOU KNOW, THE CYPRESS TREES LOSE THEIR FOLIAGE IN THE
04:41:16 WINTER, MUCH LIKE A DECIDUOUS TREE, ALTHOUGH THEY ARE A
04:41:22 CONIFER, I GUESS.
04:41:25 YOU CAN SEE THROUGH THE TREES, SO SHE WILL BE SEEING THROUGH
04:41:29 IT.
04:41:30 AS PART OF THE CONVERSION FROM THE GROCERY STORE, THE
04:41:32 SHOPPING CENTER TO MULTIFAMILY, SHE'S USING HER ABILITY TO
04:41:36 WALK -- LOSING HER ABILITY TO WALK TO THE GROCERY STORE.
04:41:39 SHE USED TO BE ABLE TO WALK TO THE GROCERY STORE.

04:41:43 IF IT WAS DENIED SHE COULD STILL WALK TO THE GROCERY STORE.
04:41:46 A MULTIFAMILY APARTMENT BUILDING, THERE WON'T BE A GROCERY
04:41:50 STORE THERE.
04:41:50 THE SCALE OF WHAT IS BEING BUILT IS A FOUR-STORY
04:41:55 MULTIBUILDING, MULTIFAMILY USE OF 137 RESIDENTIAL APARTMENTS
04:42:02 ON ABOUT HALF OF A 9.95-ACRE PARCEL.

04:42:06 MY CLIENT'S ADDRESS IS 189 MAGNOLIA BOULEVARD.
04:42:14 THE SUBJECT PARCEL IS 110 THROUGH 128 COCONUT ROAD.
04:42:19 COME OUT OF HER HOUSE AND YOU GO TO THE CORNER, AND THAT'S
04:42:23 WHERE THE MULTIFAMILY IS.
04:42:24 SHE RESIDES IN THIS HOUSE.
04:42:31 PERSON LIVES THERE WITH HER HUSBAND.
04:42:34 SHE OWNS THE PROPERTY.
04:42:35 SHE SHARES THE CONSERVATION AREA, AND SHE'S ALSO A PROPERTY
04:42:39 OWNER WITHIN THE SAME DRI, WITHIN THE SAME DEVELOPMENT OF
04:42:44 REGIONAL IMPACTS.
04:42:45 SO THE OLD DRI CASE LAW USED TO BE VERY RESTRICTIVE ABOUT
04:42:51 WHO HAD STANDING ON DRIS, BUT IT SAID IF YOU LIVED WITHIN
04:42:53 THE DRI YOU HAD STANDING ON DRI ISSUES.
04:42:55 THERE IS A MORE LIBERAL STANDING TEST THAT APPLIES TO
04:43:00 ZONINGS AND OTHER DEVELOPMENT ORDERS.
04:43:02 THE STANDARD COMMON-LAW TEST WAS ESTABLISHED BY THE FLORIDA
04:43:05 SUPREME COURT IN 1957 -- EXCUSE ME, 1972 IN A CASE RENARD
04:43:11 VERSUS DADE COUNTY.
04:43:13 MY CLIENT MEETS THOSE TESTS.

04:43:16 SHE'S WITHIN THE NOTICE BY MAIL AREA, SO SHE RECEIVED THE
04:43:21 MAILING NOTICE, WHICH ESTABLISHES A PRESUMPTION THAT SHE'S
04:43:26 ADVERSELY AFFECTED.
04:43:27 THAT'S WHY YOU'RE MAILING HER THE NOTICES.
04:43:30 IF YOU LOOK AT THE SCALE OF HER PROPERTY, A SINGLE-FAMILY
04:43:33 HOME DIRECTLY ACROSS THE LAKE FROM 137 UNITS, YOU CAN SEE
04:43:37 THE SCALE AND THE FOOTPRINT OF THAT PROJECT.
04:43:40 IN FACT, IF YOU TOOK THAT FOOTPRINT OF THE PROJECT AND
04:43:43 FLIPPED IT ON ITS SIDE, IT WOULD PROBABLY FLOP OVER HER
04:43:47 HOUSE.
04:43:47 SHE IS CONCERNED ABOUT THE IMPACTS ON TRAFFIC.
04:43:56 WHAT WAS SUPPOSED TO BE INTERNAL TRIP CAPTURE, PEOPLE THAT
04:43:59 LIVED WITHIN THE BROOKS COULD GO SHOP AT THE GROCERY STORE
04:44:02 WITHIN THE BROOKS.
04:44:03 NOW THEY WOULD HAVE TO GO FURTHER.
04:44:05 THEY WOULD HAVE TO LEAVE THIS AREA AND GO SOMEWHERE ELSE TO
04:44:08 GROCERY SHOP.
04:44:09 THAT WAS PART OF THE ORIGINAL BROOKS DRI.
04:44:12 WHEN SHE PURCHASED HER PROPERTY, THIS WAS A GROCERY STORE OR
04:44:17 INTENDED TO BE A GROCERY STORE.
04:44:20 THERE WILL BE LIGHTING, ALTHOUGH THE CONDITIONS SAY THE
04:44:23 LIGHTING WILL POINT DOWN, THE LIGHTING WILL BE RAISED I
04:44:26 THINK TO 60 FEET, 50 TO 60 FEET IN THE AIR.
04:44:30 AND THERE WILL BE OTHER IMPACTS THAT IMPACT HER AT HER HOME
04:44:34 MORE THAN SOMEONE WHO DOESN'T LIVE IN THE BROOKS AND MORE

04:44:38 THAN MOST PEOPLE THAT DO LIVE IN THE BROOKS BECAUSE SHE'S
04:44:41 ONE OF THOSE ADJACENT RESIDENCES.

04:44:42 WITH ME TODAY AND THE REASON WHY WE'RE ASKING FOR THE
04:44:50 ADDITIONAL TIME IS WE HAVE BROUGHT EXPERT PLANNER TO GIVE
04:44:54 EXPERT PLANNING OPINION, DARYL MAX FORGEY.
04:44:58 HE IS AN AICP PLANNER.
04:45:00 STANDS FOR AMERICAN INSTITUTE OF CERTIFIED PLANNERS.
04:45:03 HE WAS THE PLANNING COORDINATOR FOR OSCEOLA COUNTY.
04:45:08 HE WAS THE SENIOR PLANNER FOR CLAY COUNTY, FLORIDA.
04:45:11 HE WAS THE PLANNING DIRECTOR OF LAKE COUNTY, FLORIDA.
04:45:15 HE WAS THE PLANNER IN 1997 TO 1998 WHEN THIS DRI WAS AROUND
04:45:22 AT THE SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL.
04:45:25 AND BACK IN THE DAY, THE RPC HAD REVIEW OF DRIs AS WELL AS
04:45:30 THE STATE.
04:45:31 ONE OF THE PLACES YOU WENT TO WAS THE REGIONAL PLANNING
04:45:34 COUNCIL AND MAX WAS A PLANNER THERE AT THAT REGIONAL AGENCY.
04:45:39 MAX ALSO SERVED AS THE COMMUNITY DEVELOPMENT DIRECTOR FOR
04:45:44 CHARLOTTE COUNTY, AND HE WAS THE DEPUTY PLANNING DIRECTOR
04:45:48 FOR THE CITY OF CAPE CORAL.
04:45:51 AND HE RECEIVED HIS MASTERS IN PUBLIC AFFAIRS WITH A
04:45:57 CONCENTRATION IN URBAN REGIONAL PLANNING FROM INDIANA
04:46:03 UNIVERSITY IN BLOOMINGTON.
04:46:04 THEY CALL IT THE O'NEIL SCHOOL OF PUBLIC AND ENVIRONMENTAL
04:46:07 AFFAIRS.
04:46:08 SHE'S AUTHORED MANY PAPERS, AND HE HAS BEEN ACCEPTED AS AN

04:46:14 EXPERT WITNESS IN MANY PLACES, INCLUDING BONITA SPRINGS, LEE
04:46:18 COUNTY, CHARLOTTE COUNTY, ALL THE PLACES HE WAS PLANNING
04:46:22 DIRECTOR.
04:46:24 AND HIS RESUM IS ATTACHED TO THE REQUEST.
04:46:27 AGAIN, BECAUSE KATHY LIVES SO CLOSE, NEARLY ADJACENT, RIGHT
04:46:31 ACROSS THE POND, IF YOU WILL, WE ASK THAT SHE BE RECOGNIZED
04:46:35 AS AN ADVERSELY AFFECTED PERSON AND BE GIVEN SOME EXTRA
04:46:38 TIME.
04:46:38 I DON'T THINK WE'LL USE ALL THE TIME, BUT WE'LL NEED A
04:46:41 LITTLE MORE TIME TO PRESENT THAT EXPERT TESTIMONY.
04:46:43 THANK YOU.
04:46:44 >>Scotty Wood: THANK YOU.
04:46:45 WE'LL NOW HEAR FROM THE APPLICANT'S ATTORNEY.
04:46:56 >>Neale Montgomery: GOOD EVENING.
04:46:57 FOR THE RECORD, MY NAME IS NEALE MONTGOMERY.
04:46:59 I WANT TO HONE IN ON WHY WE'RE HERE.
04:47:02 THE HEIGHT OF THE BUILDINGS, WHETHER YOU CAN SEE THEM IS NOT
04:47:06 AN ISSUE TONIGHT.
04:47:07 THERE ARE NO PLANNING QUESTIONS TONIGHT.
04:47:13 I'M VERY FAMILIAR WITH THE DRI BECAUSE I'M THE ONE THAT WENT
04:47:16 THROUGH THE PROCESS WITH IT, SO I DID THE DRI FROM A LEGAL
04:47:20 STANDPOINT AND I ATTENDED EVERY ZONING HEARING.
04:47:23 THE ZONING ON THE PROPERTY HAS BEEN ESTABLISHED.
04:47:27 THERE WAS A QUESTION ABOUT WHETHER OR NOT IT WAS ESTABLISHED

04:47:31 AND THERE WAS LITIGATION.

04:47:33 IN THE PACKET THAT THE STAFF PROVIDED TO YOU, THERE IS A
04:47:35 SETTLEMENT AGREEMENT THAT ACKNOWLEDGES THAT THE PROJECT HAS
04:47:39 MULTIFAMILY ZONING.
04:47:40 IT TELLS YOU HOW MANY UNITS IT HAS AND WE'RE ALLOWED TO USE
04:47:43 THE PROPERTY DEVELOPMENT REGULATIONS IN THE APPROVED ZONING.
04:47:46 SO THE HEIGHT AND THE USE HAVE BEEN ESTABLISHED AND AGREED
04:47:49 TO BY THE VILLAGE COUNCIL.
04:47:52 IN ADDITION, THE LAST TIME WE WERE BEFORE YOU, WE WERE HERE
04:47:55 FOR FINAL PLAN APPROVAL, WHICH THIS BOARD APPROVED.
04:47:58 SO TONIGHT WE'RE HERE FOR DEVELOPMENT ORDER.
04:48:01 A DEVELOPMENT ORDER IS REGULATED BY THE LAND DEVELOPMENT
04:48:06 CODE AND IT SETS FORTH THE REGULATIONS FOR HOW YOU'RE GOING
04:48:09 TO REVIEW DRAINAGE, HOW YOU'RE GOING TO REVIEW PARKING, HOW
04:48:12 YOU'RE GOING TO REVIEW PHOTOMETRICS, BUT IT DOESN'T HAVE
04:48:16 ANYTHING TO DO WITH HOW TALL THE BUILDINGS ARE AND THE USE
04:48:20 THAT THEY DON'T LIKE.
04:48:21 IT WAS INTERESTING TO HEAR THAT THE FACT SHE USED TO WALK TO
04:48:26 THE GROCERY STORE IS USED AS A BASIS FOR STANDING.
04:48:28 THE GROCERY STORE HAS BEEN CLOSED FOR FOUR YEARS.
04:48:32 NOBODY HAS BEEN WALKING TO THE GROCERY STORE, AND TYPICALLY
04:48:36 COUNCIL ENCOURAGES URBAN REDEVELOPMENT, WHICH IS WHAT WE
04:48:38 HAVE HERE.
04:48:39 THERE IS NO DEFINITION IN YOUR LAND DEVELOPMENT CODE BY
04:48:44 ADVERSELY AFFECTED.
04:48:45 YOU DO HAVE A DEFINITION FOR AGGRIEVED PARTY.

04:48:48 IT SHOWS UP IN THE DEFINITION AND ONE PLACE IN THE
04:48:51 REGULATIONS.
04:48:51 IT TRACKED THE LANGUAGE IN 163.3184 WHICH SAYS YOU HAVE TO
04:48:56 BE AFFECTED DIFFERENT IN KIND THAN THE GENERAL PUBLIC.
04:49:01 WELL, SHE MAY OR MAY NOT BE ABLE TO SEE IT GIVEN THE
04:49:06 SIGNIFICANT DISTANCE AND THE PRESERVE IN BETWEEN.
04:49:09 THAT DOESN'T CREATE, RISE TO THE LEVEL OF AN AGGRIEVED
04:49:14 PARTY.
04:49:14 WE WOULD SUBMIT THAT SINCE THIS IS NOT A ZONING CASE, THIS
04:49:17 IS A DEVELOPMENT ORDER CASE BASED ON TECHNICAL REQUIREMENTS,
04:49:21 THE FACT THAT THEY HAVE A PLANNER IS NOT GOING TO BE
04:49:23 ENLIGHTENING BECAUSE THE PEOPLE THAT GENERALLY COME BEFORE
04:49:26 YOU ARE ENGINEERS, WHICH WE HAVE ONE, ECOLOGIST, WE HAVE ONE
04:49:31 OF THOSE, SHOULD THERE BE ENVIRONMENTAL QUESTIONS.
04:49:34 LANDSCAPE ARCHITECTS AND ARCHITECTS, THOSE, THIS BODY --
04:49:41 TECHNICAL BODY THAT EVALUATES COMPLIANCE WITH THE TECHNICAL
04:49:44 CODE REQUIREMENTS OF THE DEVELOPMENT ORDER.
04:49:46 I HEARD NOTHING IN THE PRESENTATION BEFORE YOU THAT SAYS
04:49:49 THERE IS A VIOLATION OF ANY OF YOUR TECHNICAL REQUIREMENTS.
04:49:52 THEREFORE I WOULD SUBMIT THEY ARE NOT ADVERSELY AFFECTED.

04:49:57 THEY ARE NOT AGGRIEVED AND SHOULD NOT BE GIVEN PARTY STATUS.
04:50:00 THANK YOU.
04:50:00 >>Scotty Wood: MR. BROOKS, ANY CROSS-EXAMINATION?
04:50:07 >>Ralf Brookes: I DON'T TYPICALLY CROSS-EXAMINE OTHER
04:50:11 LAWYERS.

04:50:11 [LAUGHTER]
04:50:11 BUT MY CLIENT IS HERE AND SHE COULD COME UP AND ANSWER ANY
04:50:16 QUESTIONS THAT YOU MIGHT HAVE.
04:50:17 I SAVED ALL THE VIOLATIONS FOR LATER BECAUSE I THINK WE'RE
04:50:22 JUST DOING ADVERSELY AFFECTED PARTY STATUS.
04:50:25 BUT AMONG THE VIOLATIONS ARE THAT UNLIKE THE ATTORNEY FOR
04:50:28 THE APPLICANT, SHE WAS NOT EVEN INFORMED OF THE SETTLEMENT
04:50:32 CONFERENCES.
04:50:34 DIDN'T GET TO GO TO THE SETTLEMENT CONFERENCES.
04:50:36 MY CLIENT AGREES WITH THE ORIGINAL, I THINK IT'S MAY 2020
04:50:41 MEMO ISSUED BY ATTORNEY STROUD THAT THIS APPLICATION SHOULD
04:50:45 HAVE GONE THROUGH THE PLAN DEVELOPMENT AMENDMENT PROCESS.
04:50:50 IT'S A MASTER PLAN DEVELOPMENT, AND WE BELIEVE THAT.
04:50:52 WE ALSO HAVE NUMEROUS OTHER ISSUES WITH REGARD TO DRIs.
04:50:56 THERE ARE TWO THINGS THAT GO ON.
04:50:57 THERE ARE DRIs AND THEN THERE IS THE LOCAL LEVEL ZONING.
04:51:02 AS A DRI, WE HAVE A NUMBER OF ISSUES UNDER THAT AND WE HAVE
04:51:05 ALL ISSUES PRIMARILY UNDER THE LOCAL ZONING AND LOCAL
04:51:08 COMPREHENSIVE PLAN.
04:51:09 THERE IS A CASE CALLED BAY POINT VERSUS BAY COUNTY AND I'LL
04:51:14 GET INTO THAT LATER, BUT IT DOES SAY IF YOU HAVE A DRI AND
04:51:17 YOU MAKE CHANGES TO IT, THAT YOU HAVE TO BE CONSISTENT WITH
04:51:22 THE COMPREHENSIVE PLAN AND THE LOCAL LAND DEVELOPMENT CODE,
04:51:26 THAT IF YOU BUILD A SHOPPING CENTER AND BUILD OUT THAT PART
04:51:28 OF THE DRI, THEN YOU'RE NOT VESTED TO JUST COMPLETE FOREVER

04:51:34 MAKING CHANGES TO IT WITHOUT HAVING TO GO THROUGH THE
04:51:36 PROCESS.
04:51:41 >>Nancy Stroud: MR. BROOKS, I'M CONFUSED.
04:51:44 NORMALLY I WOULD EXPECT YOU HAD MADE YOUR CASE BEFORE
04:51:48 MS. MONTGOMERY CAME UP TO MAKE HER CASE.
04:51:50 BUT NOW YOU'RE GOING BACK TO BRINGING A WITNESS ABOUT
04:51:53 WHETHER SHE WAS ADVERSELY AFFECTED?
04:51:56 WE'RE NOT YET INTO THE MERITS OF THE APPLICATION.
04:51:58 >>Ralf Brookes: I DIDN'T THINK SO EITHER BUT I THOUGHT NEALE
04:52:03 DID.
04:52:04 I WAS TRYING TO LIMIT IT TO WHERE SHE LIVES AND HOW SHE'S
04:52:08 IMPACTED.
04:52:09 EXCUSE ME, BUT I WAS REBUTTING.
04:52:13 >>Nancy Stroud: I THINK FOR A FEW MINUTES THAT WOULD BE
04:52:15 APPROPRIATE.
04:52:15 >> CAN YOU VERIFY WHERE YOU LIVE?

04:52:18 >> GOOD AFTERNOON.
04:52:19 KATHY WYROFSKY.
04:52:20 189 MAGNOLIA BEND IN ESTERO, SHADOW WOOD AT THE BROOKS.
04:52:25 I DID RECEIVE A CERTIFIED NOTICE OF SURROUNDING PROPERTY
04:52:28 OWNERS LETTER LAST WEEK.
04:52:29 MY PROPERTY BEGINS ABOUT 300 FEET BEHIND THE DEVELOPMENT
04:52:32 PROPERTY LINE, LESS THAN 400 FEET FROM THE WALL OF THE
04:52:34 FOUR-STORY APARTMENT BUILDING IN THE REAR OF THE TOWN CENTER
04:52:38 WINN DIXIE SITE.

04:52:39 I DO WANT TO CLEAR SOMETHING UP.
04:52:41 I HAVEN'T HAD A LOT OF TIME WITH MR. BROOKS.
04:52:43 I HAVE NOT LIVED IN THE BROOKS LONG ENOUGH TO BE ABLE TO
04:52:46 WALK TO THE WINN DIXIE.
04:52:47 BUT I VERY MUCH WOULD LIKE TO BE ABLE TO WALK TO A GROCERY
04:52:51 STORE.
04:52:51 I DO BELIEVE THERE ARE CERTAIN IRREGULARITIES IN THE PROCESS
04:52:54 THAT HAS TAKEN PLACE.
04:52:55 I DO BELIEVE THAT WE HAVE SOME STRONG ISSUES THAT WE WOULD
04:52:58 LIKE TO ADDRESS AND SPEAK TO YOU ABOUT.
04:53:02 I DO FEEL ADVERSELY AFFECTED IN MANY WAYS.
04:53:06 I THINK THERE ARE STUDIES AND SURVEYS AND OTHER THINGS THAT
04:53:09 SHOULD HAVE BEEN CONSIDERED BEFORE THE APPROVALS WERE GIVEN,
04:53:13 AND I WOULD LIKE VERY MUCH TO HAVE THE OPPORTUNITY TO BRING
04:53:16 FORTH A FEW WITNESSES AND TO SPEAK TO YOU FOR A WHILE TODAY.
04:53:19 THANK YOU.
04:53:24 >>Scotty Wood: NEALE MONTGOMERY, ANY REBUTTAL?
04:53:30 >>Neale Montgomery: THE SETTLEMENT AGREEMENT HAS BEEN
04:53:35 EXECUTED AND THERE IS NO BASIS TO GO BACK AND UNDO A LEGAL
04:53:39 DOCUMENT THAT'S BEEN ACCEPTED.
04:53:40 THE DRI D.O. AND ZONING ARE VALID AND IN PLACE.
04:53:45 THERE IS NO LEGAL BASIS TO GO AND TRY TO UNDO THOSE
04:53:49 PROPOSALS.
04:53:49 YOUR AMENDMENT TO YOUR CHARTER PROVIDES SPECIFICALLY THAT
04:53:54 DRIs AND RELATED ZONINGS IN THE VILLAGE OF ESTERO ARE

04:53:58 VESTED.
04:54:00 SHE HAS NO STANDING UNDER ANY PREMISE TO UNDO THOSE VESTED
04:54:05 RIGHTS.
04:54:05 THANK YOU.
04:54:07 >>Scotty Wood: GO AHEAD, REBUTTAL.
04:54:09 >>Ralf Brookes: JUST BRIEFLY, THE SETTLEMENT AGREEMENT ON
04:54:11 PAGE 5 OF 8, PARAGRAPH 13, STATES THAT THE PLAINTIFFS, WHICH
04:54:17 IS -- THE PLAINTIFFS IN THIS CASE LONG BAY PARTNERS AND THE
04:54:29 VILLAGE DEFENDANT.
04:54:30 PLAINTIFFS RECOGNIZE AND ACKNOWLEDGE THAT THE VILLAGE MAKES
04:54:33 NO REPRESENTATION AND CANNOT MAKE REPRESENTATION THAT THE
04:54:36 VILLAGE PZDB, WHICH IS YOU, WILL EITHER APPROVE OR DENY THE

04:54:41 FINAL PLAN APPROVAL OR THE DEVELOPMENT ORDER.
04:54:44 YOU STILL HAVE THE ABILITY TO DENY.
04:54:48 THE SETTLEMENT AGREEMENT DIDN'T SAY THAT YOU HAVE TO APPROVE
04:54:51 THIS.
04:54:51 AND WE'RE GOING TO SHOW YOU WHY WE THINK YOU SHOULDN'T
04:54:54 APPROVE IT.
04:54:55 >>Scotty Wood: THANK YOU.
04:54:56 ANY BOARD QUESTIONS?
04:55:00 >>Jim Wallace: I HAVE A COUPLE OF QUESTIONS AND I DON'T KNOW
04:55:03 WHO TO DIRECT IT TO.
04:55:05 I GUESS TO THE PLAINTIFF.
04:55:06 CAN THE ATTORNEY MAYBE ANSWER THE QUESTION?
04:55:15 I'M TRYING TO GET A HANDLE ON THIS.

04:55:17 I'M TRYING TO UNDERSTAND IT.
04:55:18 WHEN WAS THE LAND USE ZONING CHANGED?
04:55:28 >>Ralf Brookes: THEY SKIPPED IT.
04:55:29 >>Jim Wallace: WAS IT EVER CHANGED?
04:55:32 >>Ralf Brookes: THEY SKIPPED IT.
04:55:33 I THINK THE ORIGINAL THING IS THE VILLAGE SAID THEY NEEDED
04:55:36 TO GO THROUGH THE REZONING THROUGH THE PLANNED DEVELOPMENT
04:55:38 PROCESS FOR THE MASTER PLAN DEVELOPMENT.
04:55:42 THE DEVELOPER SAID WE'RE NOT DOING IT.
04:55:45 THE VILLAGE SAID WE'LL DO IT.
04:55:47 THE DEVELOPER FILED TWO CASES IN COURT.
04:55:49 YOU GUYS FOUGHT IT FOR A WHILE AND ULTIMATELY SETTLED.
04:55:52 AS PART OF THAT YOU SAID THEY COULD SKIP IT.
04:55:55 WE DISAGREE.
04:55:57 WE DON'T THINK THEY COULD SKIP IT.
04:55:59 YOU MISSED A VERY IMPORTANT STEP IN OUR OPINION.
04:56:01 THE TWO PUBLIC HEARINGS, FIRST READING AND SECOND READING ON
04:56:04 A PLANNED DEVELOPMENT AMENDMENT, A REZONING AMENDMENT.
04:56:07 THOSE REZONINGS HAVE SPECIAL CRITERIA --
04:56:10 >>Jim Wallace: WHAT I'M TRYING TO UNDERSTAND -- I'M JUST
04:56:12 LOOKING FOR WHEN DID THE LAND USE CHANGE?
04:56:16 WHEN WAS THE LAND USE ZONING CHANGED?
04:56:22 >>Ralf Brookes: WELL, THERE ARE A NUMBER.
04:56:24 Z 97 -- I HAVE THEM DOWN THERE.
04:56:26 THERE ARE THREE OR FOUR THAT WERE DONE PREVIOUSLY.

04:56:30 THEY START WITH THE Zs.
04:56:31 >>Mary Gibbs: 1997.
04:56:34 >>Ralf Brookes: 1997-037.
04:56:39 AND THEN THERE WERE A COUPLE OF OTHER THINGS THAT HAPPENED
04:56:45 SUBSEQUENT.
04:56:45 THERE WAS A PARCEL THAT WAS ON THE OTHER END OF COCONUT ROAD
04:56:49 DOWN BY 41 WHERE THEY ADDED RESIDENTIAL UNITS THERE AND DID
04:56:53 SOMETHING TO THAT.

04:56:53 >>Jim Wallace: SPECIFIC TO THAT PARCEL.
04:56:55 >>Ralf Brookes: TO THIS PARCEL.
04:56:56 >>Jim Wallace: I'M JUST TRYING TO FIND OUT FOR ME WAS
04:57:01 WHETHER OR NOT A 16-FOOT HIGH OR 20-FOOT HIGH BUILDING WAS
04:57:05 BUILT OR 45-FOOT HIGH BUILDING WAS BUILT, COULD A 45-FOOT
04:57:09 HIGH BUILDING HAVE BEEN BUILT ON THIS RATHER THAN A WINN
04:57:12 DIXIE?
04:57:14 WHAT WAS THE ZONING?
04:57:15 DID THE ZONING PROHIBIT A 45-FOOT BUILDING BACK IN 2020 --
04:57:20 IN 2000.
04:57:21 >>Nancy Stroud: COULD I JUST INTERRUPT HERE.
04:57:24 I THINK THAT MIGHT BE AN APPROPRIATE QUESTION FOR PART TWO.
04:57:26 BUT NOW WE REALLY NEED TO DETERMINE BASED ON THE CRITERIA
04:57:31 ABOUT WHETHER THE REQUEST, MRS. WYROFSKY HAS SUFFERED OR
04:57:43 WILL SUFFER DAMAGE DIFFERENT IN KIND OR AN INJURY DISTINCT
04:57:48 FROM THE GENERAL PUBLIC.
04:57:51 THAT'S REALLY THE FIRST PART OF THIS DISCUSSION, AND THAT'S

04:57:55 WHAT THE BOARD NEEDS TO DECIDE BASED ON WHAT HAS BEEN
04:57:58 PRESENTED NOW.
04:57:59 AND THEN WE CAN GET INTO MORE OF THE MERITS.
04:58:01 >>Jim Wallace: I'M TRYING TO DETERMINE IF A 45-FOOT BUILDING
04:58:05 AT THE TIME OF THE CONSTRUCTION OF THIS HOUSE, THIS
04:58:07 RESIDENTIAL HOUSE, THE 45-FOOT BUILDING COULD HAVE BEEN
04:58:10 BUILT ON THAT PROPERTY, THEN ISN'T IT INHERENT WITH THE
04:58:14 TITLE OF THE PROPERTY THAT A BUILDING COULD BE BUILT THERE?
04:58:18 >>Ralf Brookes: IT'S IN THE SCHEDULE.
04:58:19 >>Jim Wallace: THEN ARE YOU REALLY DAMAGED?
04:58:22 >>Ralf Brookes: SO IN THE SCHEDULE OF USES, IT DOES SAY
04:58:24 MULTIFAMILY LOW-RISE.
04:58:25 THEN IT SAYS LOW-RISE IS 50 FEET.
04:58:28 BUT THEN YOU ALSO HAVE TO LOOK TO WHETHER IT'S CONSISTENT
04:58:31 WITH THE COMP PLAN, THE LDR, THE DRI D.O. AND LOOK WHETHER
04:58:36 IT IS COMPARABLE TO OTHER USES IN THE AREA.
04:58:37 I CAN TELL YOU THERE IS NO FOUR-STORY APARTMENT BUILDINGS IN
04:58:40 THE NEARBY AREA.
04:58:41 YOU HAVE TO GO ALL THE WAY OUT TO LIKE 41 OR LARGER PARCELS.
04:58:45 THIS AREA IS PREDOMINANTLY SINGLE-FAMILY AND TOWN CENTER.
04:58:50 >>Jim Wallace: EXCEPT COCONUT POINTE AND GENOVA.
04:58:55 >>Ralf Brookes: WE'RE AT THREE OAKS PARKWAY.
04:58:57 >>Jim Wallace: I'M JUST TRYING TO UNDERSTAND.
04:59:00 UNDERSTAND WHETHER THE ZONING WAS ONE THING AND SOMEWHERE
04:59:04 ALONG THE WAY IT WAS CHANGED WITHOUT ANYBODY'S APPROVAL.

04:59:07 >>Nancy Stroud: THAT DOESN'T REALLY GO TO WHETHER SHE HAS
04:59:10 SUFFERED AN INJURY DIFFERENT THAN THE GENERAL PUBLIC.
04:59:14 SO I WOULD ASK THAT EVERYONE HAS MADE THEIR PRESENTATIONS
04:59:21 NOW AND HAD THE OPPORTUNITY TO CROSS-EXAMINE.

04:59:23 THE BOARD NEEDS TO DECIDE WHETHER MS. WYROFSKY HAS STANDING
04:59:27 TO PROCEED TO PART 2.
04:59:31 >>Michael Sheeley: I HAVE A QUESTION FOR MS. WYROFSKY,
04:59:33 PLEASE.
04:59:34 CAN YOU TELL US HOW YOU ARE AGGRIEVED IN A DIFFERENT MANNER
04:59:42 THAN THE GENERAL PUBLIC OR OTHERS IN THE BROOKS, PLEASE?
04:59:45 >> WELL, WE MOVED TO THIS HOME PRIMARILY BECAUSE OF ITS
04:59:51 PRIVACY AND SEARCHED LONG AND HARD FOR IT.
04:59:53 THAT WILL CHANGE PRETTY SIGNIFICANTLY FOR MYSELF AND THE
04:59:56 NEIGHBORS IMMEDIATELY ALONG TO THE EAST OF ME AND PROPERTY.
05:00:01 >>Michael Sheeley: DO YOU THINK THAT YOU ARE DIFFERENT THAN
05:00:03 YOUR ADJOINING NEIGHBORS IN THE DAMAGE THAT YOU WILL SUFFER?
05:00:07 THAT'S WHAT WE'RE TALKING ABOUT HERE.
05:00:09 >> I THINK THAT THERE ARE A FEW OF US THAT WOULD IN A VERY
05:00:11 SIMILAR SITUATION.
05:00:12 BUT WE DIDN'T HAVE A CHANCE TO ALL FILE AT THE SAME TIME.
05:00:15 BUT I FEEL MYSELF AND THOSE FEW INDIVIDUALS HAVE DEFINITELY
05:00:19 MORE ADVERSELY AFFECTED THAN THE REST OF THE GENERAL
05:00:22 POPULATION.
05:00:23 >>Michael Sheeley: IN WHAT WAY, PLEASE?
05:00:25 >> COULD YOU OUTLINE THOSE?

05:00:26 QUALITY OF LIFE.
05:00:27 SIGHT LINES.
05:00:29 NOISE.
05:00:29 CONSTRUCTION.
05:00:32 WILDLIFE DISTURBANCE THAT WE'RE QUITE ATTACHED TO IN THE
05:00:35 AREA THAT BUFFERS BETWEEN THE TWO PROPERTIES, AND THE
05:00:38 STUDIES THAT MIGHT HAVE HAD AN IMPACT ON THE ACTUAL
05:00:43 STRUCTURE DEVELOPMENT HEIGHT AND THE OTHER THINGS I'M NOT
05:00:46 SURE WERE CONSIDERED.
05:00:47 AND I THINK THAT THEY ARE ALL IMPORTANT, AND I THINK THEY
05:00:50 ADVERSELY AFFECT ME, YES.
05:00:51 >>Michael Sheeley: THANK YOU.
05:00:54 >>Jim Wallace: I HAVE A QUESTION BECAUSE YOU MENTIONED SIGHT
05:00:56 LINE.
05:00:57 HOW FAR AWAY ARE YOU FROM THE PROPOSED BUILDING?
05:01:01 >> I DON'T HAVE AN EXACT MEASUREMENT, BUT FROM ALL THE
05:01:04 RECORDS AND FROM WHAT I CAN TELL, I AM APPROXIMATELY -- THE
05:01:07 BACK OF MY YARD IS APPROXIMATELY 300 FEET FROM THE PROPERTY
05:01:11 LINE ON THE TOWN CENTER.
05:01:13 THE SETBACK FROM THAT PROPERTY LINE TO THE CORNER OF THE
05:01:15 FOUR-STORY BUILDING IS 100 FEET.
05:01:18 AND I HAVE SOME VISUALIZATION LATER OF WHAT THAT WOULD MEAN
05:01:23 IF WE GET THAT FAR.
05:01:24 BUT I WILL DEFINITELY HAVE A COMPLETELY DIFFERENT VIEW THAN
05:01:31 I INTENDED.

05:01:33 THERE WILL BE A THIRD AND FOURTH FLOOR WHEN THE NEEDLES COME
05:01:37 OFF OF THOSE CYPRESS TREES THAT IS CLEARLY VISIBLE.
05:01:40 THERE WILL BE NOISE.
05:01:41 THERE WILL BE TRAFFIC.
05:01:43 AND I EVEN HAVE SOME QUESTIONS ON THE ACTUAL PLAN YOU'RE
05:01:49 GOING TO APPROVE.
05:01:49 SO I THINK IT'S VERY IMPORTANT IF YOU WILL ALLOW IT FOR US
05:01:53 TO PROCEED TO STAGE 2.
05:01:57 >>Ralf Brookes: KATHY, CAN YOU PASS OUT THE VISUALS NOW SO
05:02:00 THEY CAN SEE IT.
05:02:00 >>Jim Wallace: CAN I FINISH MY QUESTION?
05:02:02 IF YOU ARE 300 FEET AWAY, RIGHT NOW YOU HAVE A 16-FOOT, I
05:02:07 THINK, HIGH BUILDING, THE WINN DIXIE.
05:02:11 >> IT MIGHT BE HIGHER.
05:02:17 IN THE WINTER I CAN SEE THE ROOFS OF SOME OF THE EXISTING
05:02:20 TOWN CENTER BUILDINGS.
05:02:22 >>Jim Wallace: THAT MAKES SENSE.
05:02:23 THE SIGHT LINE IS ABOUT A SIX OR SEVEN DEGREES, IF I
05:02:27 CALCULATE IT CORRECTLY, I'VE GOT SOME NOTES HERE.
05:02:32 AND IF IT WAS A 45-FOOT BUILDING, IT WOULD BE ABOUT 15
05:02:35 DEGREES OUT OF 90.
05:02:37 SO IT WOULD BE MORE.
05:02:39 IT WOULD GO FROM SIX OR SEVEN TO ABOUT 15.
05:02:43 >> CORRECT.
05:02:43 >>Jim Wallace: ABOUT DOUBLE THE HEIGHT OF THE EXISTING

05:02:48 BUILDING.
05:02:48 IS YOUR CLAIM THAT THAT IS DENYING YOU ALL THE SUNSHINE AND
05:02:54 LIGHT IN YOUR BACKYARD OR WHAT IS THE CLAIM?
05:02:57 >> THE CLAIM IS THAT IT'S VERY IMPORTANT TO ME TO HAVE A
05:03:00 PRIVATE REAR VIEW.
05:03:01 I'VE HAD IT EVERYWHERE I LIVED, EVEN WHEN I HAD VERY LITTLE
05:03:04 MONEY, WHEN I WAS FIRST MARRIED.
05:03:06 THAT IS WHY I BOUGHT THAT PROPERTY.
05:03:07 I ALSO HAVE A FEAR THAT MY PROPERTY WILL BE SEVERELY
05:03:11 DEVALUED BECAUSE OF THAT CHANGE IN PRIVACY AND VIEW AT THE
05:03:16 REAR OF MY PROPERTY.
05:03:17 AND THERE ARE A LOT OF OTHER REASONS THAT WE WOULD LIKE TO
05:03:21 DISCUSS.
05:03:21 ALL RIGHT.
05:03:21 THANK YOU.
05:03:22 >>Scotty Wood: ANY OTHER QUESTIONS FROM THE BOARD?
05:03:24 I'M GOING TO ASK FOR A MOTION.
05:03:31 >>Anthony Gargano: I THINK THE APPLICANT HAS MADE HER CASE,
05:03:34 AND I BELIEVE SHE IS ADVERSELY AFFECTED.
05:03:36 I MAKE A MOTION THAT SHE BE RECOGNIZED AS BEING ADVERSELY
05:03:41 AFFECTED IN THIS SITUATION.
05:03:48 >>Kristin Jeannin: I'LL SECOND.

05:03:49 >>Scotty Wood: WE HAVE A MOTION AND A SECOND.
05:03:50 ANY DISCUSSION ON THE BOARD HERE?
05:03:54 >>Michael Sheeley: I WOULD SUGGEST THAT THIS PLAINTIFF IS NO

05:03:57 DIFFERENTLY AFFECTED THAN EVERYONE ELSE IN THE BROOKS OR THE
05:04:01 GENERAL PUBLIC.
05:04:02 NOTHING SETS HER APART IN MY MIND AS AN INDIVIDUAL THAT IS
05:04:05 AFFECTED BY THIS.
05:04:07 THAT'S WHAT WE'RE BEING ASKED TO DO IS TO SAY SHE IS
05:04:10 DIFFERENT THAN EVERYBODY ELSE IN THE BROOKS.
05:04:13 JUST BECAUSE SHE'S BROUGHT AN ATTORNEY HERE AND A PLANNER,
05:04:16 AND I DON'T THINK --
05:04:17 >>Anthony Gargano: I THINK SHE MADE THE CASE THAT SHE IS
05:04:20 SIGNIFICANTLY DIFFERENT BECAUSE OF THE --
05:04:24 >>Michael Sheeley: WHAT ABOUT HER NEXT-DOOR NEIGHBOR?
05:04:26 IS SHE DIFFERENT THAN THAT?
05:04:28 IS SHE DIFFERENT THAN THE NEIGHBOR ON EITHER SIDE OR THREE
05:04:33 DOORS DOWN?
05:04:34 I DON'T SEE HOW.
05:04:35 THAT'S WHAT WE'RE BEING ASKED.
05:04:36 >>Anthony Gargano: YOU MADE THE COMMENT THAT SHE'S NO
05:04:38 DIFFERENT THAN ANYBODY ELSE IN THE BROOKS, AND I THINK
05:04:41 THAT'S CLEARLY NOT THE CASE.
05:04:42 >>Michael Sheeley: OKAY.
05:04:44 WELL, IT DOESN'T MEAN SHE IS ALONE.
05:04:47 >> DOES IT HAVE TO BE THE CASE?
05:04:50 >>Anthony Gargano: HER NEIGHBORS ARE HERE.
05:04:53 AND THEY ARE AFFECTED THE SAME WAY.
05:04:57 >>Michael Sheeley: BUT THEY HAVEN'T MADE THIS CLAIM.

05:04:59 >>Anthony Gargano: DO WE NEED TO HAVE THEM FILE AS WELL?
05:05:03 >>Michael Sheeley: NANCY, CAN YOU RESPOND?
05:05:06 >>Nancy Stroud: LET ME JUST ADVISE THAT UNDER THE CASE LAW,
05:05:10 IT GENERALLY, IF YOU ARE IMMEDIATELY ADJACENT NEIGHBOR TO
05:05:16 THE PROPERTY, YOU COULD BE CONSIDERED SPECIALLY AFFECTED,
05:05:22 UNLIKE THE REST OF THE PUBLIC.
05:05:25 JUST BECAUSE THE OTHER NEIGHBORS HAVEN'T ASKED TO BE
05:05:28 RECOGNIZED AS SPECIALLY AFFECTED, MAYBE SOME OF THEM WOULD
05:05:31 BE CONSIDERED THAT WAY.
05:05:33 IT DOESN'T MEAN THAT YOU SHOULD NOT ALLOW HER TO PROCEED.
05:05:38 AND IF YOU DO ALLOW HER TO PROCEED, WE PUT SOME TIME LIMITS
05:05:42 ON THE PRESENTATIONS AND THEY HAVE ORGANIZED THEIR
05:05:49 PRESENTATION.
05:05:49 WE SEE THAT THEY HAVE A PowerPoint.
05:05:51 SO THEY GET EXTRA TIME.
05:05:53 EVERYONE ELSE IN THE AUDIENCE CAN COME AND SPEAK TOO BUT
05:05:57 THEY WILL BE LIMITED TO FIVE MINUTES.
05:06:00 >>Jim Wallace: NANCY, I AGREE WITH MIKE.

05:06:02 WE'RE TALKING ABOUT PEOPLE TWO, THREE HUNDRED FEET AWAY.
05:06:06 PROBABLY PEOPLE IN COPPERLEAF WHO ARE THAT DISTANCE AWAY
05:06:10 FROM THE SITE.
05:06:11 IS SHE AFFECTED GOING FROM A SIX OR SEVEN DEGREE LINE OF
05:06:16 SIGHT TO A 15-DEGREE LINE OF SIGHT?
05:06:18 VERY SLIGHTLY, BUT DOES THAT MEAN SHE'S ADVERSELY AFFECTED
05:06:22 AND IS SHE MORE AFFECTED, AS MIKE SAYS, THAN PEOPLE THAT MAY

05:06:27 SEE THE VILLAS IN LIGHTHOUSE BAY OR THE HOMES IN COPPERLEAF?
05:06:32 I AGREE WITH MIKE.
05:06:34 I DON'T THINK SHE IS.
05:06:36 >>Kristin Jeannin: THERE IS A MOTION.
05:06:37 >>Scotty Wood: ANYONE ELSE?
05:06:38 ANY OTHER DISCUSSION?
05:06:39 TAMMY, CALL THE ROLL, PLEASE.
05:06:47 >> VICE-CHAIRMAN GARGANO.
05:06:49 >>Anthony Gargano: YES.
05:06:50 >>Kristin Jeannin: YES.
05:06:52 >>Michael Sheeley: NO.
05:06:54 >>James Tatooles: NO.
05:06:56 >>Jim Wallace: NO.
05:06:59 >>Scotty Wood: YES.
05:07:02 >>Tammy Duran: IT'S A TIE.
05:07:03 >>Scotty Wood: MOTION FAILS.
05:07:04 I NOW CALL FOR ANOTHER MOTION.
05:07:11 NO ONE WANTS TO MAKE A MOTION.
05:07:20 >>Michael Sheeley: MOTION TO SAY WE CONSIDER HER NOT
05:07:23 ADVERSELY AFFECTED.
05:07:25 THAT IS THE MOTION I WOULD MAKE.
05:07:28 >>Scotty Wood: IS THERE A SECOND TO THAT MOTION?
05:07:31 >>Jim Wallace: WHAT WAS THAT MOTION?
05:07:32 >>Michael Sheeley: THAT SHE IS NOT SEPARATELY AND
05:07:34 INDEPENDENTLY ADVERSELY AFFECTED.

05:07:36 >>Jim Wallace: I WOULD SECOND THAT.
05:07:37 >>Scotty Wood: WE HAVE A MOTION AND A SECOND.
05:07:39 ANY DISCUSSION?
05:07:40 LET'S TRY THE ROLL AGAIN.
05:07:48 >>Anthony Gargano: NO.
05:07:50 >>Kristin Jeannin: NO.
05:07:54 >>Michael Sheeley: YES.
05:07:56 >>James Tatooles: YES.
05:07:58 >>Jim Wallace: YES.
05:08:00 >>Scotty Wood: NO.
05:08:03 >>Tammy Duran: IT'S STILL TIED.
05:08:08 >>Jim Wallace: THAT WASN'T MUCH OF A SURPRISE.
05:08:10 >>Scotty Wood: I NOW ASK FOR A LITTLE GUIDANCE AS TO WHERE
05:08:13 WE GO FROM HERE.

05:08:15 >>Nancy Stroud: SO THE MOTION HAS FAILED TO FIND HER A
05:08:19 SPECIALLY ADVERSELY AFFECTED PARTY.
05:08:22 SO THAT MEANS SHE WOULD NOT BE ABLE TO HAVE THE FULL TIME
05:08:31 FRAME THAT THE APPLICANT HAS.
05:08:33 SHE CAN STILL COME UP AND HAVE HER SAY, BUT SHE WILL BE
05:08:39 LIMITED TO TIME LIKE EVERYBODY ELSE, UNLESS YOU GRANT HER
05:08:43 SOME EXTRA TIME.
05:08:52 >> I THINK THAT IS A REASONABLE COMPROMISE.
05:08:53 >>Scotty Wood: WE WILL MOVE TO PART 2 OF THIS HEARING.
05:08:57 AND IN SO DOING, I WANT TO REMIND THOSE WHO ARE IN THE
05:09:05 AUDIENCE WHO INTEND TO SPEAK ON THE MERITS OF THE

05:09:08 APPLICATION THAT DURING THE PUBLIC COMMENT PORTION OF THIS
05:09:12 MEETING, THAT BEFORE THE MATTER IS CALLED, YOU MUST FILE A
05:09:17 PUBLIC SPEAKER'S CARD, GIVE IT TO THE BOARD CLERK AND MUST
05:09:20 BE SWORN IN BY THE BOARD ATTORNEY.
05:09:23 ANYONE WHO INTENDS TO TESTIFY AT THE HEARING, INCLUDING THE
05:09:25 PUBLIC, MUST NOW STAND AND, NANCY, WOULD YOU ADMINISTER THE
05:09:29 OATH TO ANYBODY WHO PLANS TO PROVIDE INPUT DURING THE PUBLIC
05:09:33 INPUT PORTION.
05:09:44 >>Nancy Stroud: IF YOU COME UP DURING THE PUBLIC INPUT
05:09:47 PORTION AND YOU HAVEN'T BEEN SWORN, WE'LL SWEAR YOU IN THEN.
05:09:50 YOU MIGHT AS WELL ALL STAND UP IF YOU'RE GOING TO SPEAK.
05:09:53 THANK YOU.
05:09:54 DO YOU SWEAR OR AFFIRM THAT THE TESTIMONY THAT YOU WILL GIVE
05:10:01 IN THIS PROCEEDING IS THE TRUTH, THE WHOLE TRUTH, AND
05:10:05 NOTHING BUT THE TRUTH?
05:10:06 THANK YOU.
05:10:10 >>Scotty Wood: NOW PART TWO OF THIS HEARING HAS TO DO WITH A
05:10:15 DEVELOPMENT ORDER APPLICATION.
05:10:16 IT WAS MENTIONED PREVIOUSLY THAT BOTH A DEVELOPMENT ORDER
05:10:21 AND FINAL PLAN APPROVAL WERE BEING CONSIDERED.
05:10:24 THAT IS NOT THE CASE.
05:10:26 THE FINAL PLAN APPROVAL WAS GRANTED I THINK TWO MONTHS AGO.
05:10:32 TONIGHT'S HEARING IS STRICTLY ON THE MATTER OF THE
05:10:34 DEVELOPMENT ORDER ITSELF.
05:10:36 I JUST WANT EVERYBODY TO UNDERSTAND THAT.

05:10:38 SO THE FIRST THING I WANT TO DO IS I WANT TO ASK MARY, IS
05:10:46 THERE ANY WRITTEN COMMUNICATIONS THAT HAVE BEEN RECEIVED ON
05:10:49 THE MERITS OF THE DEVELOPMENT ORDER APPLICATION AND THEY
05:10:53 WILL BE CONSIDERED PART OF THE RECORD OF THE PROCEEDINGS?
05:10:55 >>Mary Gibbs: YES.
05:10:56 WE RECEIVED -- WE HAD THE E-COMMENTS THAT WE FORWARDED TO
05:10:59 YOU THAT WE RECEIVED UP UNTIL NOON YESTERDAY.
05:11:02 I THINK THERE WERE SEVEN OR EIGHT E-COMMENTS.
05:11:06 WE HAVE RECEIVED SOME SINCE THEN, BUT THAT WAS PAST THE
05:11:09 CUT-OFF DATE.

05:11:11 WE ALSO RECEIVED THE E-MAIL FROM MRS. WYROFSKY TO THE
05:11:15 COUNCIL THAT WAS SENT A WHILE BACK.
05:11:17 WE INCLUDED THAT IN YOUR PACKET, WHICH ALSO CAME WITH A
05:11:21 PETITION THAT WAS SIGNED BY BROOKS RESIDENTS AND THERE WAS
05:11:24 ABOUT 27 PAGES OF SIGNATURES.
05:11:27 AND THAT'S IN YOUR PACKET TONIGHT.
05:11:30 >>Scotty Wood: THANK YOU.
05:11:31 NOW, MARY, WILL YOU INTRODUCE THE ITEM?
05:11:36 >>Mary Gibbs: DO WE NEED TO DO THE EX PARTE OR ANYTHING?
05:11:38 >>Scotty Wood: WE'VE ALREADY DONE THAT.
05:11:40 >>Nancy Stroud: ALREADY DID THAT AT THE BEGINNING.
05:11:52 >>Mary Gibbs: VERY CONFUSED HERE.
05:11:54 PART TWO IS THE DEVELOPMENT ORDER FOR BROOKS TOWN CENTER,
05:11:57 AND THAT IS ALSO KNOWN AS RESIDENCES, COCONUT POINTE
05:12:02 RESIDENCES AT THE BROOKS AND COCONUT POINTE RESIDENCES, JUST

05:12:05 TO CREATE A LITTLE BIT MORE CONFUSION.
05:12:08 IT'S GOT SOME MULTIPLE NAMES.
05:12:10 I'M GOING TO GIVE YOU A BRIEF BACKGROUND.
05:12:13 SOME OF IT HAS ALREADY BEEN DISCUSSED BUT I'LL REITERATE A
05:12:17 LITTLE BIT ABOUT THE BACKGROUND OF THE PROJECT.
05:12:18 IT'S LOCATED AT THE NORTHWEST CORNER OF THREE OAKS PARKWAY
05:12:23 AND COCONUT ROAD.
05:12:24 IT'S APPROXIMATELY 10 ACRES IN SIZE.
05:12:26 THE BROOKS PROPERTY, AND I THINK JIM WALLACE ASKED THIS
05:12:33 QUESTION, WHEN WAS THE PROPERTY REZONED?
05:12:35 IT WAS REZONED BY LEE COUNTY IN 1997.
05:12:38 THERE HAVE BEEN SOME AMENDMENTS SINCE THEN, BUT THE BASIC
05:12:41 ZONING THAT SET OUT THE SCHEDULE OF USES AND ALL THE
05:12:45 PROPERTY DEVELOPMENT REGULATIONS WAS DONE IN 1997, AND THIS
05:12:48 PROPERTY WAS ALSO A PART OF A DEVELOPMENT OF REGIONAL IMPACT
05:12:52 BECAUSE IT'S 2500 ACRES IN SIZE.
05:12:55 AT THE TIME THAT REQUIRES A STATE REVIEW AS WELL AS A COUNTY
05:12:57 REVIEW.
05:12:58 THE PROPERTY --
05:13:01 >>Scotty Wood: HOLD IT, MARY.
05:13:02 I WANT THE RECORD TO SHOW THAT BOARD MEMBER JONES HAS SHOWN
05:13:07 UP AT 5:12.
05:13:09 THANK YOU.
05:13:10 GO AHEAD.
05:13:12 >>Mary Gibbs: SHALL I START AGAIN?

05:13:13 OKAY.
05:13:26 APPARENTLY IT WAS LATE AT WORK TONIGHT.
05:13:31 AGAIN, THE BROOKS HAD THIS 10-ACRE PROPERTY AS PART OF WHAT
05:13:36 WAS CALLED THE TOWN CENTER.
05:13:37 THE TOWN CENTER IS ACTUALLY BIGGER THAN THE 10-ACRE
05:13:42 PROPERTY.

05:13:42 IT INCLUDES THE COMMONS CLUB AND SOME OF THE RECREATIONAL
05:13:46 AREA OF THE BROOKS.
05:13:47 TEN ACRES WAS DEVELOPED AS A SHOPPING PLAZA, WHICH WAS
05:13:51 APPROVED BY LEE COUNTY AROUND 2008, AS I RECALL.
05:13:57 IT WAS A SWEET BAY GROCERY STORE INITIALLY WAS THE ANCHOR
05:14:02 AND THEN THAT BECAME A WINN DIXIE.
05:14:04 THE WINN DIXIE EVENTUALLY CLOSED AND IT'S BEEN VACANT FOR
05:14:09 SOME TIME.
05:14:09 THE APPLICANT IS PROPOSING TO DO THE FOUR-STORY APARTMENT
05:14:13 BUILDING.
05:14:14 THEY WOULD DEMOLISH THE WINN DIXIE BUILDING AND THEN
05:14:17 CONSTRUCT THE APARTMENT BUILDING WHERE THE WINN DIXIE IS AND
05:14:20 ALSO PART OF THE PARK LOT THAT WAS PLANNED TO BE SOME
05:14:23 OUTPARCELS THAT WERE NEVER CONSTRUCTED.
05:14:25 THEY WOULD KEEP THE REMAINING COMMERCIAL USES, EXCEPT FOR
05:14:29 THE WINN DIXIE.
05:14:31 SO THIS WAS MENTIONED A LITTLE BIT, I THINK, BY ATTORNEY
05:14:36 RALF BROOKES.
05:14:37 THE APPLICANT ACTUALLY CAME AND TALKED TO THE STAFF AND

05:14:41 FILED AN APPLICATION FOR FINAL PLAN APPROVAL BACK IN JUNE
05:14:45 2020.
05:14:46 AND AT THAT TIME, WE HAD A DISAGREEMENT WITH THE APPLICANT
05:14:50 ON HOW THAT SHOULD BE PROCESSED.
05:14:52 AND THAT WAS A MEMO THAT RALF BROOKES WAS TALKING ABOUT.
05:14:56 WE HAD THIS DISAGREEMENT ABOUT WHETHER THIS SHOULD BE AN
05:14:59 ADMINISTRATIVE, JUST PURELY A STAFF REVIEW PROCESS OR
05:15:01 WHETHER IT NEEDED TO COME BACK FOR PUBLIC HEARING AS AN
05:15:04 AMENDMENT.
05:15:04 THAT ENDED UP IN TWO LAWSUITS AND SOME MEDIATION AND A BUNCH
05:15:10 OF LEGAL WRANGLING THAT I WON'T GO INTO THE DETAILS OF, BUT
05:15:15 THREE YEARS LATER, THE COUNCIL ENTERED INTO A SETTLEMENT
05:15:18 AGREEMENT ON THESE LAWSUITS.
05:15:20 THE SETTLEMENT AGREEMENT WAS APPROVED BY THE COUNCIL THIS
05:15:24 YEAR IN JUNE.
05:15:25 AS PART OF THE SETTLEMENT AGREEMENT, WE SAID THAT THE
05:15:30 APPLICANT WOULD COME BACK TO THE PLANNING ZONING AND DESIGN
05:15:33 BOARD WITH THE FINAL PLAN APPROVAL AND WITH THE DEVELOPMENT
05:15:37 ORDER APPLICATION SO THAT WE WOULD HAVE PUBLIC INPUT AND WE
05:15:42 WOULD BE TRANSPARENT TO THE PUBLIC.
05:15:44 SO WE HAD COME BACK IN JULY TO PLANNING AND ZONING WITH THE
05:15:50 FINAL PLAN APPROVAL, AND THAT'S THE PLAN WHERE WE LOOK AT
05:15:54 THE DRI AND WE LOOK AT THE ZONING AND WE SEE IF WHAT THEIR
05:15:58 APPLICATION IS CONSISTENT WITH THE DRI AND THE ZONING AND
05:16:01 THE PLANNING ZONING AND DESIGN BOARD DECIDED IN JULY THAT

05:16:04 WAS CONSISTENT.
05:16:05 THEY ALSO PRESENTED A PUBLIC INFORMATION MEETING IN JULY FOR

05:16:09 THE DEVELOPMENT ORDER WHERE THEY WENT OVER THE BASIC SITE
05:16:12 PLAN, SOME OF THE ARCHITECTURE AND A LITTLE BIT ABOUT THE
05:16:16 LANDSCAPING.
05:16:16 IN THE SETTLEMENT AGREEMENT, THE COUNCIL HAD APPROVED LIKE A
05:16:21 CONCEPTUAL ARCHITECTURAL RENDERING OF WHAT THE BUILDING
05:16:26 WOULD LOOK LIKE ALONG WITH SOME ENHANCED LANDSCAPING PLANS,
05:16:31 AND THEY ALSO HAD, APPLICANT HAD OFFERED A FEW THINGS.
05:16:35 ONE OF THE THINGS WE TALKED ABOUT IN THE SETTLEMENT
05:16:37 AGREEMENT IS WE DIDN'T WANT A WOOD FRAME CONSTRUCTION FOR
05:16:40 THE APARTMENT.
05:16:41 WE WANTED IT TO BE PRIMARILY CONCRETE BLOCK, A STURDIER,
05:16:45 MORE SUSTAINABLE BUILDING, AND THEY AGREED TO DO THAT.
05:16:48 THEY DO ELEVATORS IN THE BUILDING BECAUSE IT'S FOUR STORY.
05:16:52 THEY HAVE OFFERED KIND OF A DECORATIVE LANDSCAPE WALL AND
05:16:58 FENCE COMBINATION WHICH WOULD BE ALONG THREE OAKS PARKWAY
05:17:01 AND ALSO ALONG COCONUT ROAD WITH SOME BENCHES FOR PUBLIC
05:17:05 SEATING.
05:17:07 A COUPLE OF OTHER THINGS, I THINK THEY WERE TALKING ABOUT
05:17:12 WAS REPAINTING THE WHOLE SHOPPING CENTER, BECAUSE THE
05:17:15 SHOPPING CENTER NEEDS A REFRESH, OBVIOUSLY, AND THEY WOULD
05:17:19 REPAINT THE SHOPPING CENTER TO BE THE SAME COLOR SCHEME AS
05:17:22 WHAT THEY WOULD DO WITH THE APARTMENT SO IT WOULD HAVE AN
05:17:25 INTEGRATED COHESIVE LOOK.

05:17:27 THEY ARE ALSO GOING TO CHANGE OUT SOME OF THE LIGHT FIXTURES
05:17:31 TO UPGRADE THEM A LITTLE BIT AND THEN REFRESH THE MONUMENT
05:17:35 SIGNAGE, WHICH IS AT THE TWO ENTRANCES ON COCONUT ROAD AND
05:17:39 THREE OAKS SO IT WOULD MATCH BETTER WITH THE EXISTING, WHAT
05:17:43 THEY ARE PLANNING TO DO.
05:17:45 SO THOSE ARE THE THINGS THAT THEY BASICALLY OFFERED.
05:17:48 AND SUPPLEMENTING THE LANDSCAPING AND DOING SOME TALLER
05:17:52 TREES AGAINST THE BUILDING TO KIND OF SOFTEN THE MASS OF THE
05:17:56 BUILDING.
05:17:56 THOSE ARE THE BASIC THINGS THAT WE HAD AGREED TO IN THE
05:18:01 SETTLEMENT AGREEMENT.
05:18:02 TONIGHT, WE'RE BASICALLY HERE TO REVIEW THE SITE PLAN, WHICH
05:18:07 IS THE DEVELOPMENT ORDER, TO SEE IF IT COMPLIES WITH THE
05:18:12 SETTLEMENT AGREEMENT, WHETHER IT COMPLIES WITH THE LAND
05:18:14 DEVELOPMENT CODE AND THE ZONING.
05:18:18 I KNOW IT'S A LITTLE BIT CONFUSING TO PEOPLE BECAUSE THEY
05:18:21 THINK THAT THE ZONING IS THE SUBJECT OF DISCUSSION TONIGHT,
05:18:26 BUT IT REALLY ISN'T BECAUSE THE ZONING WAS APPROVED IN 1997.
05:18:30 IT WAS APPROVED FOR LOW-RISE MULTIFAMILY, WHICH WAS DEFINED
05:18:35 AS A 50-FOOT TALL BUILDING, SO THEY CAN DO THE FOUR-STORY
05:18:39 BUILDING PER THE ZONING, SO WE'RE NOT REALLY HERE REVISITING
05:18:42 THE ZONING.
05:18:43 IT IS A LITTLE BIT CONFUSING, AND I KNOW THAT WE HAVE ALSO
05:18:47 GOTTEN SOME QUESTIONS FROM PEOPLE.

05:18:49 A LOT OF THE E-MAILS THAT WE RECEIVED SAID, YOU KNOW, YOU

05:18:53 SHOULDN'T BE DOING THESE PUBLIC HEARINGS IN THE OFF-SEASON
05:18:56 BECAUSE A LOT OF PEOPLE ARE STILL UP NORTH.
05:18:58 ALTHOUGH A LOT OF PEOPLE ARE HERE TONIGHT.
05:19:01 I GUESS WE COULD HAVE HAD A LOT MORE, MAYBE AN OVERFLOW
05:19:06 ROOM.
05:19:06 BUT WE HAVE ACTUALLY STATE STATUTES THAT TELL US -- THANK
05:19:12 YOU, LEGISLATURE -- THEY TELL US HOW MUCH TIME WE HAVE TO
05:19:15 REVIEW ZONING AND DEVELOPMENT ORDER CASES.
05:19:18 SO WE'RE CONSTRAINED WITH DEADLINES FROM THE STATE, SO WE
05:19:21 DON'T HAVE THE LUXURY OF SAYING WE WOULD LIKE TO SCHEDULE
05:19:24 THIS DURING THE ON SEASON.
05:19:27 SO IT'S A LITTLE BIT TRICKY FOR US.
05:19:29 I KNOW PEOPLE THINK WE KIND OF DO THIS ON PURPOSE, BUT HAS
05:19:33 BEEN ONGOING FOR THREE YEARS, SO WE REALLY COULDN'T -- EVEN
05:19:38 IF WE TRIED TO, I DON'T THINK WE COULD HAVE FIGURED OUT HOW
05:19:41 TO DO THAT.
05:19:41 THOSE ARE THE BASIC KIND OF PARAMETERS OF WHAT WE'RE LOOKING
05:19:46 AT TONIGHT.
05:19:47 AGAIN, I DID PUT IN YOUR PACKET THE PUBLIC COMMENTS THAT WE
05:19:51 GOT SO FAR AND THEN THE PETITION FROM THE NEIGHBORS THAT
05:19:54 HAVE THE CONCERNS, VARIOUS CONCERNS ABOUT THE PROJECT.
05:20:00 BEFORE I TURN IT OVER TO THE APPLICANT, I THINK I WANTED TO
05:20:05 CHECK WITH OUR ATTORNEY AND SEE IF SHE WANTED TO ADD
05:20:08 ANYTHING.
05:20:09 >>Nancy Stroud: THANK YOU, MARY.

05:20:11 I THINK MARY COVERED MOSTLY EVERYTHING.
05:20:12 SINCE WE HAD AN ABBREVIATED INTRODUCTION BY THE CHAIR
05:20:17 TONIGHT, JUST TO REMIND YOU, IN QUASI-JUDICIAL HEARINGS, THE
05:20:20 BOARD HAS TO MAKE ITS DECISION BASED ON THE SUBSTANTIAL
05:20:24 COMPETENT EVIDENCE THAT'S PLACED IN THE RECORD, THAT'S THE
05:20:28 WITNESSES AND THE DOCUMENTS THAT YOU SEE.
05:20:34 AND BASED ON THE APPLICABLE LAW.
05:20:37 AND THE APPLICABLE LAW IN THIS INSTANCE, AS MARY MENTIONED,
05:20:41 WAS OUR RULES AND LAND DEVELOPMENT REGULATIONS REGARDING HOW
05:20:47 A DEVELOPMENT ORDER OR SITE PLAN NEEDS TO BE REVIEWED FOR
05:20:53 APPROVAL.
05:20:53 SO, AGAIN, IT ISN'T ABOUT THE ZONING.
05:20:55 IT ISN'T ABOUT THE DRI.
05:20:56 IT'S ABOUT WHETHER IT COMPLIES WITH ALL OF THE REQUIREMENTS
05:21:02 OF A SITE PLAN.
05:21:06 >>Anthony Gargano: I HAVE A QUESTION, MR. CHAIR.
05:21:09 I'D LIKE CLARIFICATION ON -- WE HAD IN EARLIER TESTIMONY THE
05:21:18 AGREEMENT THAT THE VILLAGE ACCEPTED, THAT THE VILLAGE
05:21:21 SIGNED.
05:21:22 IT WAS STATED THAT THERE'S NO GUARANTEE THAT THIS BOARD

05:21:25 WOULD APPROVE THE PLAN FOR A DEVELOPMENT ORDER.
05:21:27 SO WHILE WE'RE NOT HERE ADDRESSING ZONING ISSUES, IF THIS
05:21:31 BOARD DOES NOT APPROVE THE DEVELOPMENT ORDER, WHAT HAPPENS?
05:21:37 >>Nancy Stroud: WELL, IF THE BOARD DOES NOT APPROVE THE
05:21:42 DEVELOPMENT ORDER AND THERE'S NO SUBSTANTIAL COMPETENT

05:21:46 EVIDENCE TO SUPPORT THAT DENIAL, THEN THE APPLICANT HAS
05:21:53 POTENTIAL LEGAL CHALLENGE, LIKE ANY APPLICANT, BECAUSE THE
05:21:59 BOARD IS OBLIGED BY OUR LAND DEVELOPMENT REGULATIONS TO
05:22:02 FOLLOW THE LAND DEVELOPMENT REGULATIONS.
05:22:06 >>Anthony Gargano: OKAY.
05:22:07 WE WOULDN'T BE -- THE VILLAGE WOULD BE BACK IN LITIGATION.
05:22:10 >>Nancy Stroud: RIGHT.
05:22:13 >>Anthony Gargano: IN ALL LIKELIHOOD.
05:22:14 >>Mary Gibbs: I THINK THE SETTLEMENT AGREEMENT SAYS MORE
05:22:17 SPECIFICALLY THAT IF IT WASN'T, DOESN'T IT GO TO BINDING
05:22:21 ARBITRATION OR SOMETHING.
05:22:23 I THINK THERE'S SOME CLAUSE ABOUT ARBITRATION IN THERE ALSO.
05:22:25 >>Nancy Stroud: RIGHT.
05:22:26 THAT REALLY RELATES TO WHETHER THERE ARE MODIFICATIONS TO
05:22:34 THE CONCEPTUAL PLAN THAT COME UP AT THE DEVELOPMENT ORDER.
05:22:41 AND THE SETTLEMENT AGREEMENT RECOGNIZED THAT WHEN YOU GO
05:22:44 FROM CONCEPT TO THE DETAILS OF A DEVELOPMENT ORDER, CERTAIN
05:22:48 THINGS MIGHT CHANGE.
05:22:50 YOU MIGHT REQUIRE SOME INCIDENTAL OR MINOR CHANGE.
05:22:56 AND IF THERE WAS A CHANGE AND THE APPLICANT DISAGREED WITH
05:23:00 THAT CHANGE, THEN INSTEAD OF GOING BACK TO LITIGATION, WE
05:23:05 WOULD GO TO A MAGISTRATE, A MEDIATION, BASICALLY, TO TRY AND
05:23:11 AVOID MORE YEARS OF LITIGATION BASED ON SOME INCIDENTAL
05:23:15 CHANGE.
05:23:17 >>James Tatooles: IN THAT CASE, MARY, WHEN ALL THIS PROJECT

05:23:20 WAS SUBMITTED AND APPROVED IN PREVIOUS APPLICATIONS REQUESTS
05:23:25 AND NOW WE'RE LOOKING AT A DEVELOPMENT ORDER BASED ON THE
05:23:29 FACTS THAT WERE PRESENTED PREVIOUSLY, GOING TO WHAT NANCY
05:23:35 SAID, IS THERE ANY SUBSTANTIAL CHANGE FROM WHAT WAS
05:23:39 SUBMITTED BEFORE TO WHAT IS BEING REQUESTED IN THE
05:23:41 DEVELOPMENT ORDER?
05:23:42 >>Mary Gibbs: WELL, IN OUR STAFF REPORT THAT WE HAVE
05:23:44 ATTACHED IN YOUR PACKET, WE LOOKED AT THAT, AND WE ANALYZED
05:23:49 THAT AND WE FEEL THAT IT COMPLIES WITH THE CODE.
05:23:53 WE FELT THAT IT WAS -- THE SETTLEMENT AGREEMENT SAYS IT HAS
05:23:57 TO BE SUBSTANTIALLY SIMILAR TO THE RENDERINGS IN THE
05:24:02 SETTLEMENT AGREEMENT AND THE LANDSCAPING.
05:24:04 AND WE BELIEVE THAT IT DOES COMPLY WITH THE CODE AND WE HAVE
05:24:08 ANALYZED IT PRETTY DETAILED.
05:24:14 >>James Tatooles: WHAT WE'RE REALLY LOOKING AT, ATTORNEY, IS
05:24:16 WHETHER OR NOT THERE WAS ANYTHING CHANGED FROM THE APPROVAL

05:24:19 PROCESS TO THE REQUEST FOR THE DEVELOPMENT ORDER TO GO AHEAD
05:24:23 WITH CONSTRUCTION.
05:24:25 >>Nancy Stroud: WELL, AND YOU ARE LOOKING AT THE DETAILS,
05:24:27 TOO.
05:24:27 BECAUSE THE CONCEPT PLAN DOESN'T GO INTO ALL THE DETAILS OF
05:24:32 THE LANDSCAPING, FOR EXAMPLE, OR THE DRAINAGE, OR THAT KIND
05:24:35 OF THING.
05:24:36 SO YOU NEED TO BE SURE THAT ALL THOSE ASPECTS OF THE SITE
05:24:39 PLAN ARE COMPLIANT WITH THE LAND DEVELOPMENT REGULATIONS,

05:24:44 AND THAT'S --
05:24:46 >>James Tatooles: THAT'S WHAT I WAS ASKING YOU ABOUT.
05:24:47 WERE THERE ANY CHANGES FROM WHAT WAS SUBMITTED TO NOW TAKING
05:24:51 IT TO THE NEXT STEP.
05:24:52 >>Nancy Stroud: WHAT WAS SUBMITTED WAS CONCEPTUAL.
05:24:55 I THINK THAT WAS THE ISSUE.
05:24:56 THE CONCEPTUAL PLAN WOULDN'T HAVE GONE INTO THE DETAILS.
05:25:03 YOU'LL NEED TO GO INTO THE DETAILS ON THIS BOARD PURSUANT TO
05:25:07 THE LAND DEVELOPMENT REGULATIONS.
05:25:08 >>Jim Wallace: I THINK WE ALSO, NANCY, THIS CAME BEFORE US
05:25:12 ONCE BEFORE, WE HAD QUITE A FEW COMMENTS ABOUT HOW WE
05:25:15 THOUGHT THAT THE ARCHITECTURAL, THE LOOK OF THE BUILDING
05:25:17 COULD BE IMPROVED, AND WE TALKED ABOUT SOME OF THE SITE
05:25:20 PLANNING AND STACKING AND OTHER ISSUES IN TERMS OF TRAFFIC,
05:25:23 ET CETERA.
05:25:24 I REMEMBER THOSE PRETTY SPECIFICALLY.
05:25:26 FOR ME TO JUDGE AND PERHAPS MY COLLEAGUES AS WELL, WHAT
05:25:32 SPECIFIC THINGS -- YOU MENTIONED, MARY, IN THE SETTLEMENT
05:25:36 AGREEMENT THERE WERE SPECIFICS, LIKE TALLER TREES ADJACENT
05:25:38 TO THE BUILDING TO SOFTEN THE BUILDING, ET CETERA.
05:25:41 DO YOU HAVE A LIST OF SPECIFICS OR CAN YOU GIVE US A LIST OF
05:25:44 SPECIFICS OF ARCHITECTURAL DETAIL OR LANDSCAPING DETAIL OR
05:25:49 CIVIC -- CIVIL, I SHOULD SAY, DETAIL THAT WAS IN THE
05:25:56 SETTLEMENT AGREEMENT THAT WAS REQUIRED IN ADDITION TO --
05:25:58 >>Mary Gibbs: I THINK THE APPLICANT IS GOING TO TALK ABOUT

05:26:01 WHAT THEY HAVE DONE -- THEY HAVE THE PUBLIC INFORMATION
05:26:04 MEETING HERE.
05:26:04 I KNOW, FOR EXAMPLE, THE ARCHITECTURE YOU WANTED TO SEE MORE
05:26:08 CONTRAST IN THE COLORS.
05:26:10 THEY HAVE MADE SOME CHANGES.
05:26:11 NOW, I HAVE REVIEWED THEM AS STAFF, BUT YOU HAVEN'T SEEN
05:26:15 THAT.
05:26:15 SO THEY ARE GOING TO EXPLAIN THAT TONIGHT.
05:26:17 THEY TALKED ABOUT SOME TALLER TREES.
05:26:20 >>Jim Wallace: SAY THE TREES ARE 18 FEET INSTEAD OF 12 FEET.
05:26:23 >>Mary Gibbs: YEAH, THEY ARE GOING TO EXPLAIN THAT.
05:26:26 THE COUNCIL LOOKED AT IT AND SAID, OKAY, WE'RE NOT THE

05:26:29 EXPERT IN THESE THINGS.
05:26:31 WE WANT IT TO GO TO DESIGN REVIEW BOARD.
05:26:32 WE NEED THEM TO LOOK AT THESE DETAILS.
05:26:35 WE JUST SEE THE CONCEPTUAL ARCHITECTURE LOOKS PRETTY NICE,
05:26:39 BUT WE WANT THIS BOARD TO LOOK AT THAT AND SEE, WE WANT TO
05:26:42 LOOK AT THE LANDSCAPING.
05:26:43 THEY SHOWED US THE WALL, KIND OF THE WALL DESIGN, BUT THEY
05:26:47 WANTED YOU ALL TO LOOK AT IT AND SAY, OKAY, THERE MAY BE
05:26:50 TWEAKS NEEDED TO THAT.
05:26:51 THERE MAY BE, SO THEY HAVE TRIED TO ADDRESS THE COMMENTS
05:26:54 THAT CAME UP AT THE INFORMATION MEETING.
05:26:56 THEY TRIED TO ADDRESS YOUR COMMENTS.
05:26:59 THAT'S WHAT --

05:27:01 >>Jim Wallace: -- DEFER TO KRISTIN ON LANDSCAPING OR MICHAEL
05:27:05 ON ARCHITECTURAL DETAIL OR WHATEVER.
05:27:07 OKAY.
05:27:07 I UNDERSTAND.
05:27:08 >>Mary Gibbs: YEAH.
05:27:09 SO THAT'S WHAT THEY ARE GOING TO BE DOING IN THEIR
05:27:13 PowerPoint.
05:27:14 >>Scotty Wood: I THINK WE'RE READY NOW FOR THE APPLICANT.
05:27:17 >>Kristin Jeannin: DOES BARRY NEED TO BE ASKED ABOUT EX
05:27:20 PARTE COMMUNICATIONS?
05:27:23 >>Scotty Wood: WE DID THAT EARLIER.
05:27:25 >>Kristin Jeannin: WITH BARRY, THOUGH.
05:27:28 >>Barry Jones: NO EX PARTE AND NO CONFLICTS.
05:27:32 >>Scotty Wood: GOOD POINT, KRISTIN.
05:27:34 YOU ARE THE CO-CHAIR TODAY.
05:27:47 >>Mary Gibbs: I THINK OUR FIRST SPEAKER IS GOING TO BE NEALE
05:27:49 MONTGOMERY.
05:28:15 >>Neale Montgomery: GOOD EVENING.
05:28:16 FOR THE RECORD, NEALE MONTGOMERY.
05:28:17 I APPRECIATE MS. STROUD'S COMMENTS ABOUT COMPETENT AND
05:28:23 SUBSTANTIAL EVIDENCE.
05:28:24 IN THAT REGARD, I WANT TO MAKE IT CLEAR THAT THE APPLICANT
05:28:26 WOULD SUBMIT THAT THE ENTIRE PACKAGE PRESENTED BY THE STAFF
05:28:29 IS PART OF THE RECORD.
05:28:30 THAT RECORD WOULD ALSO INCLUDE THE DEVELOPMENT ORDER

05:28:33 APPLICATION AND ALL RESPONSES.
05:28:39 RESOLUTION Z 97-037 AS PART OF THAT EVIDENCE.
05:28:43 AS I MENTIONED EARLIER, AND I DIDN'T HAVE IT IN FRONT OF ME,
05:28:51 CHAPTER 2015-198 -- OR 3.
05:28:59 I CAN'T READ SOMETIMES -- IS THE AMENDMENT TO YOUR CHARTER
05:29:02 THAT SAYS ALL ZONING DRI DEVELOPMENT ORDERS AND RELATED
05:29:06 ZONING IN THE VILLAGE ARE VESTED.
05:29:08 I'M GOING TO HAND THAT FOR THE RECORD TO TAMMY.

05:29:11 IN ADDITION TO THAT, IF YOU LOOK AT THE LAND DEVELOPMENT
05:29:17 CODE IN SECTION 1-805, IT TALKS ABOUT DEVELOPMENT APPROVALS
05:29:21 AND PERMITS UNDER THE PRIOR LAND DEVELOPMENT CODE.
05:29:23 THAT PARTICULAR SECTION SAYS IF I GOT ZONING IN A
05:29:27 DEVELOPMENT ORDER OR OTHER APPROVALS PRIOR TO THE VILLAGE
05:29:29 CREATING THE LAND DEVELOPMENT CODE, THOSE PERMITS,
05:29:32 APPROVALS, AND ZONING REMAIN VALID.
05:29:34 I'M GOING TO PROVIDE THAT TO TAMMY AS WELL.
05:29:36 WHAT THAT MEANS IS THAT WE'RE NOT HERE TO DISCUSS LOW-RISE
05:29:43 MULTIFAMILY.
05:29:44 THAT'S APPROVED.
05:29:45 WE'RE NOT HERE TO DEBATE THE PROPERTY DEVELOPMENT
05:29:47 REGULATIONS AND WHETHER SOMEONE MAY OR MAY NOT SEE A
05:29:50 BUILDING THAT'S PERMITTED UNDER THE REGULATIONS.
05:29:52 THEY ARE ALLOWED TO DEVELOP CONSISTENT WITH THE ZONING UNDER
05:29:57 YOUR CURRENT LAND DEVELOPMENT CODE SECTION 1-805 AND UNDER
05:30:02 THE CHARTER.

05:30:04 MARY REFERENCED THE FACT THAT THE CITY OR THE VILLAGE IS
05:30:08 SUBJECT TO TIME FRAMES AND THAT'S TRUE, AND THAT'S IN
05:30:11 SECTION 166.033 OF THE FLORIDA STATUTES PROVIDES THOSE TIME
05:30:15 FRAMES.
05:30:15 ANOTHER SECTION THAT'S IN THERE THAT MAY BECOME RELEVANT
05:30:18 LATER IS THAT IF THERE ARE STATE AND FEDERAL PERMITS THAT
05:30:21 ARE REQUIRED, NOT THE VILLAGE OBLIGATION TO GO GET THAT, YOU
05:30:26 HAVE TO GO GET THOSE AND THEY CAN'T HOLD UP YOUR APPROVAL
05:30:29 UNTIL YOU GET THEM.
05:30:31 IF YOU NEED A PERMIT FROM U.S. FISH AND WILDLIFE SERVICE OR
05:30:34 SOME OTHER AGENCY, YOU MUST FOLLOW THAT PROCESS.
05:30:37 YOU CAN'T BEGIN CONSTRUCTION, BUT IT DOESN'T PRECLUDE THIS
05:30:41 BOARD FROM MAKING APPROVALS.
05:30:44 SO WITH THAT, I'M GOING TO TURN IT OVER TO CHARLIE KREBS.
05:30:57 AS MARY INDICATED, WE ARE HERE TO DETERMINE WHETHER OR NOT
05:31:00 THE PROJECT IS CONSISTENT WITH THE FINAL PLAN APPROVAL.
05:31:02 NOW, IN THE FINAL PLAN APPROVAL, IT WAS DETERMINED THAT THE
05:31:05 PROJECT IS CONSISTENT WITH THE COMPREHENSIVE PLAN, SO THERE
05:31:07 ISN'T A NEED TO REDEBATE THAT ISSUE THIS EVENING.
05:31:14 >>Charlie Krebs: GOOD EVENING.
05:31:15 MY NAME IS CHARLIE KREBS WITH HOLE MONTES.
05:31:17 GREAT TO BE BEFORE YOU AGAIN ON THIS PROJECT.
05:31:21 AS WE DISCUSSED, THIS IS THE COCONUT POINTE RESIDENCES.
05:31:27 TAMMY, THE UP ARROW IS NOT WORKING.
05:31:31 SO AS WE SAID EARLIER OR DISCUSSED EARLIER, THE SITE IS

05:31:47 LOCATED IN THE NORTHWEST CORNER OF THREE OAKS PARKWAY AND
05:31:50 COCONUT.
05:31:52 WE'VE GOT THE CONSERVATION AREA HERE THAT IS TO THE NORTH.
05:31:55 WE'VE GOT AN EXISTING LAKE HERE ALSO TO THE NORTH.

05:31:58 THERE IS AN EXISTING WALL AND LANDSCAPING THAT COMES ALONG
05:32:02 HERE THAT PROVIDES BUFFER AND SCREENING BETWEEN THE EXISTING
05:32:06 COMMERCIAL CENTER AND THE LAKE.
05:32:08 WE ALSO TALKED ABOUT OR MARY BROUGHT UP ABOUT THE COMMONS
05:32:12 OVER ON THE WEST OF THE PROPERTY AND THEN THERE'S
05:32:17 RESIDENTIAL OFF THE SCREEN TO THE NORTH, TO THE EAST, AND TO
05:32:20 THE SOUTH.
05:32:21 SO THE PLAN IS TO COME IN AND TAKE DOWN THE EXISTING SWEET
05:32:31 BAY OR WINN DIXIE BUILDING THAT YOU SEE RIGHT HERE.
05:32:34 IN ADDITION TO THAT, WE'RE GOING TO REMOVE THE PARKING AND
05:32:37 THE UNDEVELOPED LOTS THAT WERE OUT THERE THAT ARE ADJACENT
05:32:41 TO THE WINN DIXIE.
05:32:43 NONE OF THE IMPROVEMENTS THAT WE'RE PROPOSING TO REMOVE WILL
05:32:46 IMPACT THE EXISTING STRIP CENTER OR THE BANK THAT ARE GOING
05:32:49 TO BE REMAINING.
05:32:50 WE KIND OF HATCHED IN WHERE YOU CAN SEE RIGHT HERE THE
05:32:53 LIMITS OF WHAT WE HAVE AND THE DEMOLITION TO TAKE OUT THE
05:32:56 PAVEMENT AND THE LANDSCAPE ISLANDS.
05:32:57 WE'RE ALSO GOING TO BE TAKING OUT THE PERIMETER LIGHTS, THEN
05:33:01 THE LIGHTING ON THIS PORTION OF THE SITE.
05:33:03 I'LL DISCUSS A LITTLE BIT ABOUT THAT LATER, BUT THE LIGHTING

05:33:08 ON THE EXISTING COMMERCIAL, AS MARY BROUGHT UP, GOING TO BE
05:33:12 REDONE.
05:33:12 THE FIXTURES ARE GOING TO MATCH.
05:33:15 THE LIGHTING THAT'S GOING TO BE ON THE RESIDENTIAL SIDE,
05:33:18 BASED ON THE FPA, THOSE ARE GOING TO BE SMALLER POLES, BUT
05:33:22 THE EXISTING COMMERCIAL ARE GOING TO BE ABLE TO KEEP THEIR
05:33:24 EXISTING POLE HEIGHT.
05:33:26 THEY WILL SWITCH OUT THE FIXTURES.
05:33:27 SO THIS IS THE PROPOSED SITE PLAN, WHICH WE HAVE AS THE MAIN
05:33:33 BUILDING LOCATED RIGHT HERE.
05:33:34 IT'S GOING TO BE FOUR STORIES.
05:33:36 THE FPA CAME IN WITH 154 UNITS.
05:33:39 WE'RE ONLY PROPOSING TO DO 137.
05:33:42 WE HAVE THREE GARAGE STRUCTURES THAT ARE GOING TO BE ALONG
05:33:44 THE PERIMETER.
05:33:45 AND THEN WE HAVE SOME COVERED PARKING THAT ARE GOING TO BE
05:33:49 ALONG THE SOUTH SIDE, ALONG COCONUT, AND THEN WE HAVE
05:33:53 ADDITIONAL COVERED PARKING ALONG THREE OAKS PARKWAY.
05:33:56 YOU CAN KIND OF SEE IT IN THIS AND HOPEFULLY YOU GUYS HAVE
05:33:59 PAPER EXHIBITS.
05:33:59 THE LANDSCAPE WALL AND WHERE IT'S GOING TO BE LOCATED ALONG
05:34:02 THE PERIMETER, IT DOES SWITCH OVER FROM WALL TO FENCE.
05:34:06 THERE ARE SOME SEATING AREAS THAT ARE GOING TO BE PROPOSED.
05:34:09 HOPEFULLY WILL BE A LITTLE MORE VISIBLE IN SOME OF THE LATER
05:34:12 EXHIBITS.

05:34:12 THE CONNECTIONS ARE ALL GOING TO REMAIN THE SAME.
05:34:15 WE'RE GOING TO MAINTAIN THE EXISTING CONNECTION TO THREE
05:34:17 OAKS PARKWAY.
05:34:18 WE'RE MAINTAINING THE SAME CONNECTION WE HAVE WITH THE
05:34:21 ADJACENT COMMERCIAL, AND YOU WILL STILL BE ABLE TO TRAVEL
05:34:25 BEHIND THE EXISTING STRIP CENTER AND BEHIND THE RESIDENTIAL,
05:34:30 AND THEN WE STILL HAVE THE THIRD CONNECTION OVER HERE TO THE
05:34:32 EXISTING COMMON AREA TO THE WEST.
05:34:37 >>Michael Sheeley: CHARLIE, QUESTION.
05:34:38 DO YOU STILL HAVE ANY SHARED PARKING WITH THE RETAIL CENTER
05:34:41 OR IS IT ALL ON YOUR SITE NOW?
05:34:43 >>Charlie Krebs: I DO.
05:34:44 I BELIEVE I HAVE AN EXHIBIT IN HERE THAT WILL KIND OF HELP
05:34:47 DEFINE THAT.
05:34:47 >>Michael Sheeley: THANK YOU.
05:34:48 >>Charlie Krebs: DRAINAGE I KNOW WAS A QUESTION.
05:34:51 WE ARE NOT REVISING THE BACKBONE OF THE DRAINAGE.
05:34:54 THE WATER MANAGEMENT SYSTEM FOR THE EXISTING STRIP CENTER IS
05:34:57 STILL GOING TO FUNCTION THE SAME WAY.
05:34:59 THE OUTFALL IS STAYING EXACTLY WHERE IT IS.
05:35:03 THERE ARE DRAIN LINES THAT COME BEHIND THE STRIP CENTER THAT
05:35:06 PROVIDE A CONNECTION TO THAT OUTFALL, PLUS THE DRAINS THAT
05:35:11 ARE IN THE FRONT OF THE CENTER, WE ARE CONNECTING AND
05:35:15 RUNNING AROUND THE PROPOSED RESIDENTIAL AREA AND TYING BACK
05:35:18 IN.

05:35:19 SO WE'RE PROVIDING TWO CONNECTIONS TO THE EXISTING AND THE
05:35:23 PIPES HAVE BEEN SIZED THAT IT CAN HANDLE THE ENTIRE ALMOST
05:35:28 10-ACRE PARCEL.
05:35:29 WHEN WE WENT THROUGH THE FPA, WE ASKED FOR DEVIATION FROM
05:35:32 LAND DEVELOPMENT CODES BECAUSE THE CODE AS IT IS RIGHT NOW
05:35:36 SAYS YOU HAVE TO BRING THE PARKING UP TO THE 25-YEAR
05:35:39 ELEVATION.
05:35:39 WE ASKED THAT WE COULD HAVE WAIVED THAT PORTION ONLY SO THAT
05:35:44 WE COULD BRING THIS SITE AND THE EXISTING SITE TOGETHER.
05:35:48 THE ELEVATIONS THAT ARE ON THE RESIDENTIAL SITE FOR THE MOST
05:35:51 PART ARE ABOVE THE 25-YEAR ELEVATION.
05:35:54 WHERE WE START TO DEVIATE THAT IS WHERE WE TIE BACK INTO THE
05:35:59 EXISTING COMMERCIAL.
05:36:00 THE EXISTING CENTER WAS DONE AT A TIME WHEN THE MINIMUM
05:36:03 PARKING ELEVATION WAS ONLY HAD TO BE SET AT FIVE-YEAR,
05:36:06 24-HOUR STAGE.
05:36:08 WHERE WE ARE ON-SITE AND DOING ALL THE NEW IMPROVEMENTS,
05:36:11 WE'VE GOT THE PAVEMENT UP.
05:36:13 WE'RE CONNECTING INTO THE EXISTING PAVEMENT, THAT'S WHERE
05:36:16 WE'RE GETTING CLOSER TO THE FIVE-YEAR ELEVATIONS.
05:36:18 >>Michael Sheeley: CHARLIE, QUESTION.
05:36:20 YOUR NET IMPERVIOUS WITH THIS PROJECT VERSUS WHAT WAS THERE

05:36:23 BEFORE, IS THERE AN INCREASE OR DECREASE?
05:36:26 >>Charlie Krebs: I THINK WE DECREASED THE PAVEMENT AREA, BUT
05:36:30 WE HAVE ADDITIONAL SIDEWALK AREA.

05:36:33 SO I THINK -- I'D HAVE TO GO BACK AND CHECK.
05:36:35 BUT I THINK THE NET IS A REDUCTION IN THE IMPERVIOUS.
05:36:39 BUT IT'S NOT A LOT.
05:36:40 I WOULDN'T TRY TO CLAIM THAT THIS IS GOING TO BE AN OVERALL
05:36:43 IMPROVEMENT.
05:36:44 BUT WHAT WE'VE LOST IN PAVEMENT AREA, WE PICKED UP LIKE IN
05:36:47 THE POOL AREA AND THE SIDEWALKS.
05:36:49 >>Michael Sheeley: IT DOESN'T EXCEED WHAT WAS THERE BEFORE.
05:36:51 >>Charlie Krebs: NO.
05:36:52 >>Barry Jones: WHEN YOU INCREASE THE PARKING ELEVATIONS,
05:36:55 DON'T YOU DECREASE THE STAGE STORAGE --
05:36:59 >>Charlie Krebs: THIS SITE DID NOT HAVE TO PROVIDE ANY STAGE
05:37:01 STORAGE.
05:37:02 ALL THE WATER QUALITY AND STORAGE IS PROVIDED BY THE MASTER
05:37:04 SYSTEM FOR THE ENTIRE BASIN.
05:37:06 I BELIEVE 2B.
05:37:07 EVERYTHING IS BEING DONE IN THE LAKES.
05:37:09 THERE WAS NO REQUIREMENT WITH THE ORIGINAL CENTER TO PROVIDE
05:37:12 ANYTHING ON-SITE.
05:37:13 >>Barry Jones: WHAT'S THE APPROXIMATE ACREAGE OF BASIN 2B?
05:37:18 >>Charlie Krebs: I DON'T REMEMBER OFF THE TOP OF MY HEAD.
05:37:21 SINCE YOU BROUGHT IT UP, WE ARE IN THE SOUTH FLORIDA WATER
05:37:24 MANAGEMENT DISTRICT FOR PERMIT MODIFICATION.
05:37:26 WE JUST RESPONDED TO THAT.
05:37:28 FIRST COMMENT LETTER LIKE A WEEK OR TWO AGO.

05:37:31 SO THIS IS THE PARKING EXHIBIT THAT I WAS TALKING ABOUT.
05:37:37 HOPEFULLY THIS WILL HELP ANSWER YOUR QUESTIONS.
05:37:39 SO WE HAVE DIFFERENT AREAS UP HERE THAT WE HAVE SHADED.
05:37:44 THESE DARKER AREAS, THOSE ARE GOING TO BE RESIDENT ONLY.
05:37:48 AND THEN WHAT WE HAVE IN THIS CROSS-HATCHED AREA IS WHAT
05:37:52 WE'RE CALLING RESIDENT AND GUEST PARKING.
05:37:54 SO THAT'S THIS AREA UP IN HERE AND ALONG THE SIDES.
05:38:01 AND THEN YOU HAVE GUEST AND COMMERCIAL PARKING, AND THESE
05:38:04 ARE AREAS WHERE WE TRIED TO LOCATE IT TO WHERE IT WAS THE
05:38:07 FARTHEST AWAY FROM THE COMMERCIAL AREA AND A LITTLE STRIP
05:38:10 OVER HERE.
05:38:11 AND THIS HATCH RIGHT HERE, THIS REPRESENTS WHAT IS ONLY
05:38:15 GOING TO BE COMMERCIAL PARKING.
05:38:17 SO THAT'S THIS AREA OVER HERE, THE AREA AROUND THE BANK,
05:38:22 THESE BAYS IN HERE.
05:38:24 I THINK A PORTION OF THIS BAY AND MAYBE A FEW SPACES UP HERE
05:38:28 THAT WE HAVE THAT ARE ALSO JUST GOING TO BE FOR COMMERCIAL.
05:38:32 THE LIMITS OF THIS IS GOING TO BE SET OUT IN WHATEVER

05:38:35 PARKING AGREEMENT THAT IS SET UP BETWEEN FOR THE CENTER.
05:38:38 THIS IS KIND OF WHERE WE WANTED TO SHOW THAT THERE'S MORE
05:38:41 THAN ENOUGH PARKING ON THERE BASED ON THE LAND DEVELOPMENT
05:38:44 CODE TO MEET ALL THE NEEDS AND BASED ON WHERE WE THINK THIS
05:38:48 IS GOING TO BE AND HOW IT'S GOING TO BE UTILIZED IS KIND OF
05:38:51 HOW WE CAME UP WITH AN EXHIBIT THAT'S ACTUALLY IN THE PLANS
05:38:55 AS PART OF THE DEVELOPMENT ORDER OF HOW --

05:38:58 >>Michael Sheeley: OVERALL SITE YOU EXCEED THE MINIMUM
05:39:01 PARKING REQUIREMENT.
05:39:02 >>Charlie Krebs: I THINK FOR THE OVERALL SITE WE NEED I
05:39:04 THINK 380 SPACES AND WE HAVE 420 I BELIEVE ON-SITE.
05:39:08 >>Michael Sheeley: THANK YOU.
05:39:10 >>Jim Wallace: YOU HAVE NO INDOOR PARKING, THOUGH, CORRECT?
05:39:14 >>Charlie Krebs: WELL, THE GARAGES.
05:39:15 I WOULD COUNT THAT AS INDOOR PARKING.
05:39:18 >>Jim Wallace: I'M TALKING IN THE MAIN BUILDING.
05:39:20 >>Charlie Krebs: NO.
05:39:21 THERE'S NO PARKING UNDERNEATH THE BUILDING.
05:39:22 WE'RE NOT THREE STORIES OR FOUR STORIES OVER PARKING, IF
05:39:26 THAT'S WHAT YOU'RE ASKING.
05:39:28 >>Jim Wallace: FOUR STORY RESIDENTIAL?
05:39:30 >>Charlie Krebs: CORRECT.
05:39:32 >>James Tatooles: ARE THERE ANY SUBSTANTIAL DIFFERENCES IN
05:39:34 YOUR REFINEMENT TO THIS PLAN COMPARED TO WHAT WAS FIRST
05:39:38 PRESENTED?
05:39:38 >>Charlie Krebs: IN MY OPINION, NO.
05:39:39 LIGHTING, THIS IS WHAT WE TALKED ABOUT EARLIER.
05:39:45 SO THE LIGHT POLES THAT ARE GOING TO BE IN THE RESIDENTIAL
05:39:48 SIDE I BELIEVE WE HAVE THOSE SET AT 15 FEET.
05:39:54 IT MATCHES THE CODE.
05:39:55 I THINK THE CODE IS 15 FEET.
05:39:57 WHAT I WANTED TO HIGHLIGHT WITH THIS PLAN IS WE'RE MEETING

05:40:02 THE CODE REQUIREMENT ON LIGHTING.
05:40:04 WE'RE NOT PROVIDING ANY LIGHT POLLUTION OFF THE SITE.
05:40:06 BUT RIGHT NOW, WHAT WE HAVE INTO DEVELOPMENT SERVICES, THESE
05:40:10 YELLOW LIGHTS THAT I HIGHLIGHTED, THOSE ARE EIGHT LIGHTS
05:40:14 THAT ARE GOING TO BE ON THE NORTH SIDE OF THE PROPOSED
05:40:16 BUILDING.
05:40:17 IF YOU COMPARE THAT TO WHAT'S OUT THERE RIGHT NOW, THESE ARE
05:40:21 13 LIGHT FIXTURES THAT ARE ON THE NORTH SIDE OF THAT
05:40:25 BUILDING.
05:40:26 BASED ON WHAT WE'RE DOING, IN MY OPINION, WE'RE GOING TO BE
05:40:28 REDUCING THAT LIGHT ON THAT NORTH SIDE JUST BY THE REDUCTION
05:40:31 OF FIXTURES.
05:40:32 LANDSCAPING, DO YOU WANT TO TALK ABOUT THE LANDSCAPING OR DO
05:40:40 YOU WANT ME TO?

05:40:40 ALL RIGHT.
05:40:44 SO THE LANDSCAPING, WE HAVE GONE OUT OF OUR WAY TO TRY TO
05:40:47 UPSIZE THE LANDSCAPING.
05:40:50 FOR EXAMPLE, THESE TREES RIGHT HERE, THESE ARE GOING TO BE
05:40:52 20-FOOT CANOPY TREES.
05:40:55 THEY ARE GOING TO BE PLANTED IN BETWEEN THE EXISTING --
05:40:59 >>Jim Wallace: CANOPY?
05:41:01 >>Charlie Krebs: OAKS, MAHOGANIES, I THINK WE HAVE THEM AS
05:41:04 OAKS RIGHT NOW.
05:41:05 >>Jim Wallace: BLACK OLIVES OR WHATEVER, BUT CANOPY TREES.
05:41:08 >>Charlie Krebs: YEAH.

05:41:09 THESE ARE GOING TO BE CANOPY TREES 20 FEET IN HEIGHT WHEN
05:41:12 THEY GO IN.
05:41:13 ALSO AROUND THE SITE, WE HAVE OTHER TREES IN THERE THAT ARE
05:41:17 16 FEET FOR CANOPY TREES, AND I ACTUALLY DON'T REMEMBER WHAT
05:41:20 THE HEIGHT OF THE PALMS ARE.
05:41:21 BUT WE'VE GONE ABOVE WHAT THE CODE REQUIREMENT IS.
05:41:24 SO WE'VE REALLY TRIED TO ENHANCE THE LANDSCAPING SO THAT IT
05:41:29 WILL PROVIDE ADDITIONAL SCREENING AT THE TIME OF PLANTING
05:41:32 AND NOT HAVE TO WAIT FOR THE PLANTINGS TO MATURE.
05:41:34 SO THIS EXHIBIT RIGHT HERE, IT HIGHLIGHTS THE TREES AND
05:41:40 WHERE THEY ARE LOCATED.
05:41:41 THIS IS ANOTHER ONE THAT JUST DOES THE UNDERSTORY.
05:41:46 AS YOU LOOK AT THIS, THERE'S NOT A LOT OF AREA FOR SOD.
05:41:50 WE HAVE A LOT OF AREAS THAT ARE JUST IN SHRUBS, THAT ARE
05:41:53 COVERED IN TREES.
05:41:55 THE MOST SOD THAT I THINK WE HAVE RIGHT NOW IS WHERE THE DOG
05:41:58 PARK IS, AND THAT'S THIS AREA RIGHT HERE.
05:42:01 JIM, YOU LOOK LIKE YOU'RE GOING TO HAVE A QUESTION.
05:42:08 >>Jim Wallace: YOU'VE SHOWN THE LANDSCAPING HERE.
05:42:10 HAVE YOU LOOKED AT ALL AT ENHANCING THE LANDSCAPE?
05:42:15 OBVIOUSLY, VISIBILITY, BALD CYPRESS IN THAT, I GUESS -- I
05:42:19 DON'T KNOW IF IT IS BALD CYPRESS OR WHATEVER NEXT TO THE
05:42:21 LAKE AREA.
05:42:22 BUT HAVE YOU GIVEN -- IS THERE ANY OPPORTUNITY FOR
05:42:26 ENHANCEMENT OUTSIDE OF YOUR PARCEL BUT WITHIN THE OVERALL

05:42:30 BROOKS AREA THAT WOULD ADD SOME BUFFER BETWEEN THE LAKE AND
05:42:34 THE BUILDING?
05:42:38 >>Charlie Krebs: WELL, WHAT DOESN'T SHOW UP AND I BLAME
05:42:41 MYSELF FOR THIS, WE ARE PROPOSING A FEW TREES ON THE NORTH
05:42:44 SIDE.
05:42:44 IT'S JUST WHERE I CROPPED IT.
05:42:46 THIS BUFFER RIGHT NOW WITH THE WALL, THAT IS DENSE.
05:42:50 YOU CANNOT SEE THROUGH THAT.
05:42:52 >>Jim Wallace: WHAT ABOUT THE NORTHWEST CORNER ADJACENT TO
05:42:53 THE LAKE?

05:42:55 >>Charlie Krebs: WELL, THIS IS ADJACENT TO THE LAKE.
05:42:57 YOU HAVE TO REMEMBER THE LAKE -- THE CONSERVATION AREA ENDS
05:43:00 RIGHT HERE.
05:43:00 THIS AREA IS WHERE IT IS, IF I COULD PULL THAT UP ON GOOGLE
05:43:07 EARTH RIGHT NOW AND LOOK THROUGH IT, YOU CAN'T SEE ANYTHING.
05:43:12 >>Kristin Jeannin: ARE THEY OAKS?
05:43:13 >>Jim Wallace: ANY OPPORTUNITY BETWEEN THE TOP OF BANK AND
05:43:16 YOUR PROPERTY LINE TO WORK WITH THE BROOKS PEOPLE TO ADD
05:43:19 ENHANCEMENT IN THAT AREA?
05:43:21 >>Kristin Jeannin: THEY HAVE THESE DOCUMENTS IN OUR PACKET
05:43:24 THAT SHOW THE BUFFER AS VERY DENSE AND THE SIGHT LINES CAN'T
05:43:28 SEE THROUGH THEM, BUT MY QUESTION IS WHAT ARE THE SPECIES
05:43:32 THAT ARE THERE.
05:43:35 >>Charlie Krebs: YOU ARE TALKING TO THE ENGINEER AND NOT THE
05:43:37 LANDSCAPE ARCHITECT.

05:43:38 I'M SORRY BILL COULDN'T BE HERE.
05:43:40 LIKE I SAID, IF YOU LOOK AT WHAT IS THERE WITH THE SIX OR
05:43:45 EIGHT FOOT WALL AND THE LANDSCAPING WE HAD TO PUT IN WHEN WE
05:43:47 DID THE ORIGINAL COMMERCIAL CENTER, AND THAT WAS INSTALLED
05:43:50 SO THAT YOU COULD NOT SEE THE BACK OF THAT BUILDING.
05:43:52 IF YOU STAND THERE, YOU CAN'T SEE THE RESIDENTIAL.
05:43:57 THAT UNDERSTORY, THOSE TREES, THAT IS DENSE FROM A GROUND
05:44:01 POINT OF VIEW, AND THERE ARE SOME ADDITIONAL TREES THAT ARE
05:44:03 GOING IN.
05:44:03 YOU CAN SEE THREE OF THE SYMBOLS RIGHT THERE.
05:44:06 BUT WE HAVE BEEN TRYING TO PUT IN ADDITIONAL TREES AND
05:44:09 LANDSCAPING TO ENHANCE THAT SCREENING FROM THE RESIDENTIAL
05:44:13 SIDE.
05:44:13 HOPEFULLY WHEN YOU SEE THE LINE OF SIGHT ELEVATIONS THAT ARE
05:44:16 COMING UP, YOU'LL GET AN IDEA OF WHAT THAT WORKS.
05:44:22 >>Jim Wallace: I'M LOOKING AT THE DRAWING AND I SEE BETWEEN
05:44:24 YOUR PROPERTY LINE AND THE TOP OF BANK --
05:44:28 >>Mary Gibbs: WE CAN'T HEAR -- WE DON'T THINK ANYBODY CAN
05:44:31 HEAR YOU, MR. WALLACE.
05:44:32 >>Jim Wallace: I'M SORRY.
05:44:34 I'M LOOKING DOWN.
05:44:35 I HAVE A DIFFICULT TIME DOING THREE THINGS AT THE SAME TIME.
05:44:37 >>Mary Gibbs: I THINK WE STILL CAN'T HEAR YOU.
05:44:40 >>Jim Wallace: I'LL BE EATING IT HERE.
05:44:45 THERE APPEARS TO BE, I UNDERSTAND WHAT YOU'RE SHOWING US IS

05:44:49 WITHIN YOUR PROPERTY BOUNDARIES, BUT BETWEEN YOUR PROPERTY
05:44:53 LINE AND THE TOP OF THE BANK OF THE LAKE, THERE LOOKS LIKE
05:44:58 THERE'S 20 FEET.
05:44:59 ISN'T THERE AN OPPORTUNITY OR HAVE YOU ALREADY LOOKED AT
05:45:02 THAT OPPORTUNITY OR DISCUSSED IT WITH THE BROOKS HOMEOWNER'S
05:45:06 ASSOCIATION TO ADD ADDITIONAL PLANTINGS BETWEEN YOUR

05:45:08 PROPERTY LINE AND THE TOP OF BANK.
05:45:10 >> ANSWER TO YOUR QUESTION IS, YES -- MY NAME IS TOM
05:45:14 CAVANAUGH, DEVELOPER, DESIGNER.
05:45:17 IT'S ACTUALLY CLOSE TO ABOUT 15 FEET.
05:45:21 THERE IS A SIGNIFICANT DOWNHILL SLOPE TO IT.
05:45:23 YOU PROBABLY GOT SOMEWHERE BETWEEN A 12 AND 15-DEGREE ANGLE.
05:45:27 I DID AUTHORIZE SOME ADDITIONAL OAK TREES TO GO 16 FEET
05:45:31 CLEAR TRUNK THERE.
05:45:33 I THINK THEY ARE SPACED OUT EVERY 30 FEET.
05:45:35 CAN I ADD MORE?
05:45:37 SURE.
05:45:37 MY OPINION IT WILL DO NOTHING JUST BECAUSE OF THE HEIGHT OF
05:45:41 THE EXISTING FOLIAGE IN THE NATURAL AREA.
05:45:45 SOME OF THE TREES ARE EVERY BIT OF 50, 60 FEET.
05:45:48 WE SHOT THEM WITH A LASER.
05:45:50 THAT'S HOW WE CAME UP WITH THE LINE OF SIGHT THAT I ALSO
05:45:54 BELIEVE IS IN YOUR PACKAGE.
05:45:55 THERE ARE MANY MORE SPECIES IN THERE THAN CYPRESS.
05:45:58 AND I DO ADMIT THAT DURING WINTER, THE CYPRESS WILL

05:46:03 DEFOLIATE.
05:46:04 I'M NOT AN EXPERT AT THIS, BUT I WOULD PROBABLY HANDICAP
05:46:07 THAT AT ABOUT 60% CYPRESS, 40% SOMETHING ELSE THERE.
05:46:12 SO IN THE WINTER, IT'S NOT LIKE EVERYTHING IS BARREN AND YOU
05:46:18 CAN SEE THIS YOUNG LADY'S LIFE.
05:46:20 I'LL OFFER IT UP, I'LL COME PLANT OAK TREES IN HER BACKYARD,
05:46:24 BUT I'M NOT SURE THAT WILL SOLVE THE PROBLEM.
05:46:26 >>Jim Wallace: YOU HAVE AND ARE OPEN TO ENHANCING THE
05:46:29 AREA --
05:46:30 >> OH, SURE.
05:46:33 >>Jim Wallace: THE AREA BETWEEN TOP OF BANK AND YOUR
05:46:35 PROPERTY LINE.
05:46:35 >> SURE, ABSOLUTELY.
05:46:36 WE CAN PUT UNDERSTORY CANOPY.
05:46:37 I CAN BUILD A HEDGE THERE.
05:46:38 HALF OF IT EXISTS WITH AN EIGHT-FOOT WALL RIGHT NOW, AND
05:46:41 THEN IT GOES TO A WOOD FENCE THAT PRETTY MUCH GOES DOWN THE
05:46:45 ENTIRE LINE OF THE NATURAL AREA.
05:46:48 I TRIED TO WALK BACK IN THERE AND IT IS SO DENSE, YOU CAN'T
05:46:52 WALK BACK IN THERE.
05:46:56 >>Jim Wallace: OKAY.
05:46:57 I THINK YOU ANSWERED MY QUESTION.
05:47:08 >>Charlie Krebs: WE'RE TO YOU ANYWAY WITH THE WALLS.
05:47:11 >> ONE OF THE OTHER THINGS DISCUSSED AD NAUSEAM THE LAST
05:47:14 TIME I WAS HERE WOULD BE WHAT IS GOING ON WITH THE PERIMETER

05:47:17 OF THE PROPERTY.
05:47:18 WE SAT DOWN AND WE WORKED WITH STAFF AND WE CAME UP WITH

05:47:21 THESE RATHER ATTRACTIVE DESIGNS THAT IS AN INTERACTION WITH
05:47:27 THE PUBLIC, WITH LANDSCAPING ENHANCEMENT, BENCHES TO SIT ON,
05:47:31 A NICE VISUAL ELEMENT AS YOU'RE WALKING UP AND DOWN COCONUT
05:47:37 AND THREE OAKS.
05:47:39 IT'S A COMBINATION OF A SIX-FOOT WALL.
05:47:43 THERE IS SOME ALUMINUM FENCING IN BETWEEN THE WALLS.
05:47:46 THERE ARE SOME COLUMNS THAT GO UP TO 8 FEET.
05:47:49 AS YOU CAN SEE, THERE'S SOME RATHER ATTRACTIVE MOSAICS ON
05:47:53 THE WALLS.
05:47:54 THERE'S SOME LIGHT BLUE TILE THAT'S ON THE WALLS.
05:47:58 IT IS DESIGNED TO BE A VERY ATTRACTIVE ENHANCEMENT FOR
05:48:02 ANYBODY DRIVING UP AND DOWN THREE OAKS OR COCONUT.
05:48:05 IT IS TILE, CORRECT.
05:48:11 I'M NOT SMART ENOUGH TO TELL YOU IF IT WILL BE PORCELAIN OR
05:48:15 CERAMIC, BUT IT IS TILE.
05:48:17 THIS IS A VIEW WE WERE ASKED TO CREATE LOOKING FROM THE
05:48:28 RETAIL CENTER TO ONE OF MY GARAGES.
05:48:31 WE HAVE DOUBLED THE AMOUNT OF LANDSCAPING.
05:48:33 WE'VE DOUBLED THE AMOUNT OF HEIGHT, AND WE PUT IN A HEDGE SO
05:48:39 THAT THE PEOPLE THAT ARE IN THE RETAIL CENTER CAN'T SEE THE
05:48:42 BACK OF THE GARAGE.
05:48:43 I'M NOT SURE WHO RECOMMENDED THAT ON THE BOARD, BUT IT WAS
05:48:47 BROUGHT UP THE LAST TIME WE WERE HERE.

05:48:50 THE ONE THAT YOU SEE ON THE LOWER BOTTOM, THE MAINTENANCE
05:48:53 SHED, I WANTED TO CREATE A PICTURE SO THAT PEOPLE CAN SEE
05:48:56 THE BACKSIDE OF THE MAINTENANCE FACILITY, ALTHOUGH IT'S
05:48:59 STILL 350 FEET AWAY, WE WANTED TO SHOW THE LANDSCAPING IN
05:49:06 RELATIONSHIP TO THE MAINTENANCE FACILITY THAT'S THERE.
05:49:08 THE ONE ON THE RIGHT IS JUST THE ACCESS INTO, ONCE YOU COME
05:49:15 IN OFF OF THREE OAKS, THERE IS A STAGING AREA AND STACKING
05:49:20 AREA.
05:49:20 YOU TURN LEFT TO ACTUALLY GET INTO THE COMMUNITY.
05:49:23 THOSE ARE THE TWO MONUMENTS FLANKING THE LEFT AND THE RIGHT
05:49:26 TO COME INTO THE COMMUNITY OFF OF THREE OAKS.
05:49:29 THE ONE ON THE BOTTOM IS WHAT YOU WOULD SEE FROM THE
05:49:32 SHOPPING CENTER SIDE COMING INTO THE COMMUNITY.
05:49:38 WE WANTED TO CREATE A SENSE OF PRIVACY.
05:49:41 WE WANTED TO CREATE A SENSE OF EXCLUSIVITY, SO WE MARKED THE
05:49:46 BOUNDARIES BASICALLY OF THE TWO ENTRY POINTS INTO THE
05:49:50 COMMUNITY.
05:49:52 >>Jim Wallace: I'M TRYING TO FIND THE MAINTENANCE SHED ON
05:49:54 THE SITE PLAN.
05:50:01 >> IT WOULD BE RIGHT THERE.
05:50:03 >> THERE IS THE MAINTENANCE FACILITY, JIM.
05:50:06 >> IT IS A ONE-STORY STRUCTURE.
05:50:07 >> AND THESE ARE WHERE THE COLUMNS ARE LOCATED.
05:50:09 >>Jim Wallace: FACING THE CONSERVATION AREA.

05:50:11 >> THE BACK OF IT IS.

05:50:13 THERE'S ONE SERIES OF COLUMNS THAT TOM WAS TALKING ABOUT AND
05:50:19 THEN THE OTHER SET IS DOWN HERE.
05:50:29 >> THESE ARE THE ELONGATED VERSIONS OF WHAT YOU'LL SEE FROM
05:50:33 THREE OAKS AND FROM COCONUT ROAD.
05:50:35 IT BASICALLY RUNS FROM ENTRY ALL THE WAY TO THE INTERSECTION
05:50:38 OF THREE OAKS AND COCONUT AND THEN TURNS AND HEADS TO THE
05:50:41 WEST, STOPS SHORT OF THE ENTRY TO THE RETAIL.
05:50:46 SO THE INTENT IS TO CREATE WALT DISNEY WORLD AS IT RELATES
05:50:51 TO LANDSCAPING, BUFFER, WALLS SO THAT YOU MINIMIZE TO ALMOST
05:50:58 IMPOSSIBLY TO SEE THE BUILDING WHEN YOU'RE DRIVING UP AND
05:51:01 DOWN THREE OAKS AND COCONUT.
05:51:04 I WILL TELL YOU THE EXISTING BUFFER IS SPECTACULAR.
05:51:07 SOME OF IT WAS LIMBED UP.
05:51:09 WE'RE GOING TO BE PUTTING UNDERSTORY IN THERE ALSO SO YOU
05:51:11 CAN'T SEE UNDERNEATH, BUT WE'RE KEEPING ALL OF THE EXISTING
05:51:17 BUFFER THAT'S THERE EXCEPT IN SOME REMOTE INSTANCES WHERE I
05:51:21 HAVE A COLUMN AND I'LL TRY TO SHIFT THE COLUMN IN ORDER TO
05:51:25 KEEP A TREE.
05:51:26 THERE'S NOBODY IN THIS ROOM, TRUST ME, THAT LIKES
05:51:29 LANDSCAPING MORE THAN I DO.
05:51:31 IF I HAD MY WAY, AND IT'S ALMOST LIKE IT, EVERY SINGLE
05:51:35 SQUARE INCH OF THIS COMMUNITY IS LANDSCAPED.
05:51:39 CHARLIE MADE A COMMENT ABOUT TURF.
05:51:42 IN THE DOG WALK AREA, THERE IS TURF, BUT IT'S ARTIFICIAL.
05:51:46 WE HAVE FOUND IF I PUT ST. AUGUSTINE OR BERMUDA IN, OVER A

05:51:50 PERIOD OF TIME IT DIES BECAUSE OF THE PROPERTIES ASSOCIATED
05:51:55 WITH DOGS.
05:51:56 WE PUT ARTIFICIAL TURF IN THERE.
05:51:58 PUT A DRAINAGE SYSTEM UNDERNEATH IT.
05:52:01 ALL MY MAINTENANCE GUY HAS TO DO IS COME OUT AND WASH IT
05:52:05 DOWN.
05:52:05 YOU NEVER KNOW THERE WAS A DOG THERE.
05:52:07 ONE THING I WANT TO POINT OUT, THE WHITE THAT YOU SEE HERE,
05:52:13 THIS IS THE COVERED PARKING SPACES FOR THE CARPORTS.
05:52:15 WE DID MAKE A CHANGE AND IT DOESN'T SHOW UP IN THESE
05:52:19 EXHIBITS.
05:52:19 THOSE ARE NOT WHITE.
05:52:21 THOSE ARE BRONZE.
05:52:22 BUT YOU CAN SEE THE CARPORTS.
05:52:27 THIS IS ON-SITE LOOKING TOWARDS COCONUT, THIS BOTTOM ONE,
05:52:32 AND THEN THIS IS THREE OAKS -- AND THIS ONE IS COCONUT.
05:52:37 >>Kristin Jeannin: BRONZE LIKE DARK BROWN OR BRONZE LIKE
05:52:39 METALLIC?
05:52:40 DO YOU HAVE THE COLOR OF THAT SOMEWHERE IN HERE?
05:52:49 >> IT'S RIGHT THERE.

05:52:51 >>Mary Gibbs: I THINK IT'S LIKE A DARK BROWN.
05:52:55 >> THE INTENT WAS TO MATCH THE ACCENTING ON THE WALL.
05:53:01 >> IT'S ALSO ON THE BUILDING.
05:53:02 >>Jim Wallace: IS THAT THE COLOR OF THE CARPORT?
05:53:05 >> COLOR OF THE CARPORT AND ON THE BUILDING.

05:53:08 THANK MARY.
05:53:10 SHE IS THE ONE --
05:53:11 >>Mary Gibbs: SUGGESTED BRONZE.
05:53:12 >> THE BRONZE MAKES IT GO AWAY.
05:53:13 THE WHITE MADE IT STAND OUT A LITTLE MORE.
05:53:16 >> THIS IS THE LINE OF SIGHT EXHIBITS THAT WE WERE TALKING
05:53:18 ABOUT EARLIER.
05:53:20 WE DID FOUR TO THE NORTH, ONE FOR THE FIRST FOUR LOTS.
05:53:23 WE DID ONE TO THE EAST AND ONE TO THE SOUTH.
05:53:27 THIS IS THAT FIRST ONE.
05:53:29 THAT'S LOT ONE.
05:53:31 AND THIS IS LOOKING THROUGH THE BUFFER, NOT THE CONSERVATION
05:53:34 AREA, BUT THE EXISTING BUFFER THAT'S THERE.
05:53:37 SAME THING WITH LOT TWO.
05:53:41 AND THERE IS THE DISTANCE YOU CAN SEE.
05:53:47 THIS GOES TO LOT 3.
05:53:50 AND THEN LOT 4 IS THE ONLY ONE THAT WOULD ACTUALLY LOOK
05:53:53 THROUGH THE CONSERVATION AREA OF THE FOUR LOTS THAT WE'VE
05:53:57 OUTLINED.
05:54:00 >> I ALSO THINK IT'S IMPORTANT TO NOTE I EMPLOYED CHARLIE'S
05:54:04 COMPANY TO GET A SURVEY AND DRONE INVOLVED.
05:54:06 THIS IS ACCURATE.
05:54:07 THIS IS TO SCALE.
05:54:08 AND IT WAS ALSO DONE TWO YEARS AGO.
05:54:10 SO I WOULD IMAGINE SOME OF THOSE TREES HAVE GROWN IN THE

05:54:13 INTERIM.
05:54:15 JUST TO CORRECT, SOMEBODY SAID SOMETHING ABOUT 16 FEET FOR
05:54:18 THE SHOPPING CENTER.
05:54:19 NOT 16 FEET.
05:54:20 THE EXISTING STRUCTURE TO THE STOP OF THE PARAPET IS 42
05:54:23 FEET.
05:54:24 WE'RE ONLY PROPOSING -- AGAIN, DON'T HOLD ME TO EXACT --
05:54:33 ONLY PROPOSING 6 ADDITIONAL FEET TALLER THAN WHAT'S THERE
05:54:37 RIGHT NOW.
05:54:37 >>Jim Wallace: 42 FEET.
05:54:39 WHOLE BACK OF THE BUILDING IS 42 FEET?
05:54:42 >> I CALL THEM TURRETS OR PARAPETS.
05:54:45 TOWERS ON THEM.
05:54:47 WE MEASURE TO THE TOP OF THE TOWER, ONE OF THEM HAPPENS TO
05:54:50 BE CLOSE TO THE RESIDENTIAL.
05:54:51 WE TOOK IT FROM THE TALLEST POINT EXISTING TO THE TALLEST

05:54:55 POINT PROPOSED.
05:55:04 >>Charlie Krebs: THIS IS THE LINE OF SIGHT LOOKING EAST.
05:55:07 AND THEN AGAIN THE LINE OF SIGHT LOOKING SOUTH.
05:55:29 >> I LIVED MY LIFE TRYING TO BE BETTER LISTENING TO PEOPLE'S
05:55:35 CONCERNS.
05:55:35 YES, I WILL LISTEN.
05:55:37 DISCUSSED LAST TIME WITH THIS BOARD WERE A COUPLE OF
05:55:40 ARCHITECTURAL KEY ELEMENTS THAT I TOOK TO HEART CHANGED.
05:55:44 SO I HEARD COMMENTS THAT THE PARAPET WASN'T ANIMATED ENOUGH,

05:55:49 SO WE TOOK SOME TIME, ANIMATED IT.
05:55:52 CAME TALLER, SHORTER, OUT, IN.
05:55:55 I HEARD SOME COMMENTS THAT THERE WASN'T ENOUGH TOWERS.
05:55:58 WE DESIGNED FOUR ADDITIONAL TOWERS.
05:56:02 I WAS ASKED TO TAKE 30% OF THE LIGHT OFF THIS BUILDING SO
05:56:06 THAT WE WERE WELL BELOW THE 50-50 THRESHOLD.
05:56:09 I THINK IT MAY HAVE BEEN ONE OF BARRY'S COMMENTS PREVIOUSLY.
05:56:12 SO WE ARE WELL BELOW THE 50-50 THRESHOLD.
05:56:16 I HEARD COMMENTS ABOUT VERTICALITY, WHICH I LOVED, SO WE
05:56:19 CREATED SOME VERTICAL ELEMENTS HERE FROM THE PAINTING
05:56:23 SCHEME.
05:56:23 WE ADDED SOME ADDITIONAL TILE.
05:56:25 WE ADDED SOME ADDITIONAL AWNINGS.
05:56:28 WE ADDED SOME ADDITIONAL ARCHITECTURAL FEATURES, ALL IN THE
05:56:33 SPIRIT OF JUST MAKING THE BUILDING BIGGER, NICER, MORE
05:56:38 ATTRACTIVE.
05:56:43 >>Kristin Jeannin: DO YOU HAVE PAINT COLOR SAMPLES FOR ALL
05:56:45 OF THESE?
05:56:47 >> SURE.
05:56:48 IT'S ALSO IMPORTANT TO NOTE THAT THE TILE THAT WE'RE
05:56:54 PROPOSING IS THE EXACT TILE THAT'S ON THE RETAIL CENTER.
05:56:59 ONE OF THE OTHER THINGS CHARLIE MENTIONED, LIGHTS AND LIGHT
05:57:03 POLES WILL LOOK IDENTICAL PROPERTY-WIDE.
05:57:09 WE'RE UPGRADING THE SIGNAGE.
05:57:11 IT WILL LOOK IDENTICAL PROPERTY-WIDE.

05:57:13 STOP SIGNS, YIELD SIGNS, WHATEVER OTHER SIGNS ARE ALL BEING
05:57:21 UPGRADED TO THE FLUTED POLES.
05:57:24 ALSO CHANGE OUT ALL THE SIGNAGE ON THE RETAIL SIDE.
05:57:27 ONCE THE COLORS GET AGREED TO AND APPROVED, HOPEFULLY
05:57:30 TONIGHT, WE WILL THEN PAINT THE SHOPPING CENTER WITHIN ONE
05:57:36 YEAR OF STARTING CONSTRUCTION ON THIS BUILDING.
05:57:39 I'VE DONE THIS BEFORE DOWN IN NAPLES.
05:57:42 THE INTENT IS TO MAKE IT LOOK NEW AND LOOK NICE.
05:57:48 EVERYTHING WITHIN THE FOUR CORNERS OF THE PROPERTY.
05:57:52 >>Michael Sheeley: WHAT'S YOUR EXPECTED CONSTRUCTION TIME
05:57:53 FOR THIS BUILDING?
05:57:55 >> I'D LOVE TO SIT HERE AND TELL YOU IT'S 12 MONTHS, BUT

05:57:58 IT'S 24 MONTHS.
05:58:00 IT'S JUST EVERYTHING IS TAKING SO MUCH LONGER AND SO MUCH
05:58:03 MORE EXPENSIVE.
05:58:04 WE REDESIGNED A NEW ENTRY SIGN JUST TO FRESHEN IT UP, GIVE
05:58:10 IT A NEW LITTLE LOOK.
05:58:12 IT COMBINES OUR EXISTING COLORS.
05:58:15 IT COMBINES OUR DESIGN WITH THE HORIZONTAL NATURE OF THE
05:58:21 STUCCO.
05:58:22 YOU CAN SEE WE'VE TAKEN THE TURQUOISE LOOKING TILE AND
05:58:28 INFUSED IT INTO THE SIGN SO THAT IT IS WORKING IN HARMONY
05:58:34 WITH THE DESIGN OF THE BUILDING.
05:58:36 IT IS THE EXACT SAME HEIGHT THAT WAS THERE.
05:58:38 WE'RE NOT ASKING FOR ANYTHING DIFFERENT.

05:58:40 SO LEFT OR RIGHT, TOP TO BOTTOM, EXACTLY WHAT'S CURRENTLY
05:58:43 THERE.
05:58:47 >>Mary Gibbs: MAY I MAKE A COMMENT ABOUT JUST THE SIGNAGE
05:58:50 AND THE COLORS FOR THE BOARD'S EDIFICATION.
05:58:56 SINCE THE PUBLIC INFORMATION MEETING, WE'VE BEEN GOING BACK
05:58:59 AND FORTH WITH THE APPLICANT ON SOME THINGS.
05:59:01 THEY SUBMITTED SOME SIGNS.
05:59:02 WE DID GET SOME COMMENTS FROM THE NEIGHBORS THAT SIGNS
05:59:05 SHOULD MATCH A LITTLE BIT MORE OF THE SHOPPING CENTER.
05:59:08 SO TOM WENT BACK AND RE-DID THE SIGNS AND IT HAS LITTLE MORE
05:59:14 MEDITERRANEAN FLAIR.
05:59:16 NOT AS MODERN AS WE'VE SEEN.
05:59:19 WE THINK THESE FIT BETTER WITH WHAT THE BUILDING AND THE
05:59:21 SHOPPING CENTER WERE.
05:59:22 WE ALSO WENT KIND OF BACK AND FORTH ON THE COLORS BECAUSE WE
05:59:26 HAD THE RENDERING THAT WAS ATTACHED TO THE SETTLEMENT
05:59:30 AGREEMENT THAT LOOKED KIND OF BEIGE BUT IT NEVER HAD A COLOR
05:59:34 DEFINED, AND YOU KNOW HOW YOU HAVE COPIES AND YOU HAVE
05:59:37 COLORS AND YOU CAN'T REALLY TELL WHAT THEY ARE BECAUSE
05:59:41 DEPENDING ON HOW YOU COPY THEM, THEY ALL LOOK VERY
05:59:43 DIFFERENT.
05:59:45 WENT AND MATCHED THE COLORS TO THE CLOSEST WE COULD FIND
05:59:47 WITH SHERWIN WILLIAMS, WAYS KIND OF CREAMY COLOR INSTEAD OF
05:59:51 A BRIGHT WHITE AND THEY KIND OF WORKED WITH US ON THE
05:59:54 NATURAL COLORS AND THE ADAPTIVE SHADES AND THE BROWNS.

05:59:58 THE COLORS ARE THE CLOSEST THAT WE COULD GET TO WHAT WAS
06:00:01 APPROVED IN THE SETTLEMENT AGREEMENT, BUT WITH MORE CONTRAST
06:00:05 TO MEET WITH WHAT THE BOARD HAD SAID THEY WANTED TO SEE, I
06:00:08 THINK.
06:00:08 >>Jim Wallace: WHEN WE HAD THAT INFO MEETING OR THE WORKSHOP
06:00:12 MEETING, DIDN'T WE ASK FOR THE COLORS TO BE A LITTLE MORE
06:00:14 EARTH TONE?
06:00:15 I THINK THE CREAM IS FINE, BUT THE REST SEEMS TO BE GRAY,

06:00:20 GRAY, AND GRAY.
06:00:23 >> THEY ARE NOT REALLY GRAY.
06:00:25 THE COMMENT I HEARD PREVIOUSLY WAS IT WAS TOO MUCH WHITE.
06:00:29 MY PERSONAL OPINION IS THE COLORS THAT WE JUST HANDED UP
06:00:32 THERE ARE EARTHY TONES.
06:00:35 AGAIN, I'M NOT GOING TO LET A COLOR STAND IN THE WAY.
06:00:39 IF YOU WANT TO GO FROM AN ADAPTIVE SHADE AND TAKE IT DOWN
06:00:43 TWO ADDITIONAL NOTCHES --
06:00:45 >>Jim Wallace: I DON'T REMEMBER --
06:00:47 >>Michael Sheeley: I THINK YOU HAVE MADE ADJUSTMENTS AND I
06:00:49 THINK THE PALETTE LOOKS GOOD NOW.
06:00:51 IT TENDS TO THE EARTH TONES.
06:00:53 MORE TAUPES, DARK TAUPES, BROWN.
06:00:58 >>Kristin Jeannin: THE SCREENS THROW IT OFF.
06:01:01 THEN YOU SEE THEM AND IT'S NICE.
06:01:06 >> 2D ELEVATION WITHOUT THE LANDSCAPING.
06:01:08 WE'LL GET TO ONE THAT HAS LANDSCAPING AROUND IT.

06:01:11 THAT'S ACTUALLY A PICTURE OF THE PORTE-COCHERE, WHICH I
06:01:14 DON'T THINK -- PORTE-COCHERE DESIGNED FOR MORE ELEGANT
06:01:19 APPROACH INTO THE BUILDING, GET EVERYBODY OUT OF THE WEATHER
06:01:21 SO THEY CAN ACCESS THE BUILDING.
06:01:23 >>Jim Wallace: MARY BROUGHT IT UP BEFORE ABOUT TALL TREES
06:01:28 NEXT TO THE BUILDING.
06:01:30 CAN YOU DEMONSTRATE ON THIS BUILDING HOW TALL?
06:01:38 >>Barry Jones: IS THAT SCORED CONCRETE OR BLOCK OR WHAT IS
06:01:44 THE TREATMENT -- SCORED STUCCO.
06:01:47 OKAY.
06:01:54 >>Kristin Jeannin: YOU NEED TO BE ON MIKE.
06:02:00 >> WE'VE GOT TREES COMING UP TO THE THIRD FLOOR.
06:02:03 >>Jim Wallace: YOU DON'T HAVE THIS IN THE PowerPoint.
06:02:06 >> THIS IS THE ONE MADE FOR THE PRESENTATION.
06:02:08 PART OF THE D.O. SUBMITTAL.
06:02:11 >>Kristin Jeannin: I DID REVIEW THE HEIGHT.
06:02:16 >> THEY ARE WELL ABOVE CODE MINIMUM.
06:02:18 IT'S DOUBLE, TRIPLE.
06:02:20 LIKE I SAID, MY ENTIRE GOAL IS TO HAVE NO SOD.
06:02:24 DON'T LIKE MAINTAINING SOD.
06:02:26 IF IT'S ALL LANDSCAPING, I'M ALL FOR THAT.
06:02:28 WE DO HAVE SOME 3D ELEVATIONS OVER HERE ON THE BOARD WITH
06:02:42 THE LANDSCAPING AND A COUPLE OF THINGS NOT IN THE PACKAGE.
06:02:52 >>Michael Sheeley: SHOW US OTHER RENDERINGS, THAT WOULD BE
06:02:54 GOOD.

06:02:57 >>Mary Gibbs: I'D LIKE TO MAKE ONE MORE COMMENT TALKING
06:02:59 ABOUT THE COLORS, THE ONLY THING THAT WAS DIFFERENT FROM
06:03:02 WHAT WAS APPROVED FROM THE CONCEPTUAL SETTLEMENT AGREEMENT,
06:03:06 THEY HAVE DIFFERENT COLOR AWNINGS WHICH WE THOUGHT THE BLUE

06:03:09 WAS A NICE CONTRAST.
06:03:11 >>Michael Sheeley: I THINK SO TOO.
06:03:13 >>Barry Jones: CHARLIE, DID YOU HAVE ANYTHING ON THE
06:03:15 BARCELONA RED?
06:03:17 DO YOU HAVE A TILE SAMPLE OR ANYTHING ON THAT?
06:03:22 >> [INAUDIBLE]
06:03:23 >>Barry Jones: YEAH.
06:03:24 >>Michael Sheeley: SAME TILE THAT HE SHOWED US.
06:03:27 >>Barry Jones: THAT'S FINE.
06:03:28 I WANTED TO GET IT INTO THE RECORD.
06:03:31 IT'S NOT REALLY A BRIGHT RED.
06:03:33 IT'S MORE OF AN EARTH TONE RED.
06:03:36 >> IT MATCHES WHAT IS ALREADY EXISTING ON THE RETAIL.
06:03:40 >>Barry Jones: IT JUST LOOKS A LITTLE BRIGHTER ON THE
06:03:42 RENDERINGS, SO I WANTED TO SEE THE REAL THING, WHICH IS WHY
06:03:45 WE REQUEST THOSE.
06:03:56 >> THAT HAS THE BRONZE CARPORT.
06:04:18 >> AS LONG AS IT'S SOUND PRACTICE, I CAN'T PUT OAK TREES IN
06:04:22 THAT AUTOMATICALLY ARE TOUCHING THE BUILDING.
06:04:24 I'VE GOT TO HAVE THE SPACING FOR THEM AND THE PALM TREES I
06:04:27 HAVE TO KEEP OFF THE BUILDING.

06:04:33 >>Jim Wallace: [INAUDIBLE]
06:04:39 >>Tammy Duran: WE'RE HAVING ISSUES WITH AUDIO.
06:04:42 YOU GUYS HAVE TO SPEAK IN AND YOU CAN'T TALK OFF OF MIKE.
06:04:45 I'M GETTING E-MAILS THAT THEY CAN'T HEAR YOU.
06:04:47 >> AGREED AS LONG AS I DON'T PUT A PALM TREE RIGHT IN THE
06:04:51 MIDDLE OF THE WINDOW.
06:04:53 >>Kristin Jeannin: YOU HAVE THE LIGHT POST TO CONSIDER,
06:04:55 WHICH I THINK YOU HAVE.
06:04:57 >>Jim Wallace: I'M TALKING ON THE ELEVATION FACING THREE
06:05:00 OAKS, HOW MANY PEOPLE REALLY -- IT'S NOT A GREAT VIEW TO
06:05:04 START OUT WITH.
06:05:05 YOU KNOW WHAT I'M SAYING.
06:05:08 SEEMS TO BE A LITTLE SPARSE ON THAT SIDE AND ON THE SOUTH
06:05:11 SIDE.
06:05:12 >> NOT A PROBLEM.
06:05:14 >>Neale Montgomery: THIS IS A RECORD KEEPING THING, BUT ALL
06:05:16 THE DOCUMENTS THAT YOU HAVE ON BOARD WILL BECOME PART OF THE
06:05:19 RECORD WITH TAMMY.
06:05:26 >>Barry Jones: WHAT IS THE WINDOW MATERIAL OR COLORING?
06:05:29 GLAZED OR STRAIGHT CLEAR GLASS?
06:05:32 >> STRAIGHT CLEAR GLASS WITH BOUILLONS.
06:05:35 BRONZE FRAMES, VINYL MOST LIKELY.
06:05:38 I HAVEN'T GOTTEN THAT FAR WHETHER ALUMINUM OR VINYL FRAME.
06:05:41 >>Barry Jones: IMPACT WINDOWS?
06:05:43 >> ABSOLUTELY.

06:05:43 IT'S BUILT LIKE A FORTRESS.
06:06:02 >> FOR THE RECORD, HAVEN'T HAD THE QUESTION ASKED, BUT I
06:06:04 VOLUNTEER THE INFORMATION.
06:06:06 ALL OF THE AIR CONDITIONING UNITS ARE ON THE ROOF ALSO, SO
06:06:09 YOU CAN'T SEE THEM GROUND LEVEL, LINE OF SIGHT, PARAPET
06:06:14 WALLS, SHOULD HIDE THEM ALL.
06:06:24 >>Scotty Wood: ANY OTHER QUESTIONS FROM THE BOARD?
06:06:26 >>Michael Sheeley: I HAVE A QUESTION FOR MARY.
06:06:28 IN THE STAFF RECOMMENDATION, YOU RECOMMEND APPROVAL WITH
06:06:30 STIPULATIONS.
06:06:31 WHAT ARE THE STIPULATIONS?
06:06:33 I DON'T SEE THEM IN THE PACKET.
06:06:34 >>Mary Gibbs: WELL, THE STIPULATIONS THAT WE DO WITH
06:06:37 DEVELOPMENT ORDERS ARE ALL REALLY TECHNICAL KIND OF, CALL
06:06:42 THEM THE MINUTE DETAILS THAT WE DO KIND OF STANDARD
06:06:45 STIPULATIONS ON MOST PROJECTS, WHICH WILL BE THINGS LIKE YOU
06:06:50 HAVE TO HAVE -- YOU HAVE TO SUPPLY US YOUR WATER MANAGEMENT
06:06:53 PERMIT WHEN YOU GET IT.
06:06:55 YOU HAVE TO INSTALL THE SILT SCREEN BEFORE YOU BEGIN
06:06:57 CONSTRUCTION.
06:06:58 YOU HAVE TO MARK THE TREES THAT ARE BEING PRESERVED.
06:07:03 >>Michael Sheeley: NOT STIPULATIONS FOR THIS BOARD TO
06:07:05 CONSIDER.
06:07:06 >>Mary Gibbs: NO.
06:07:06 IT'S JUST REALLY DETAILED ENGINEERING THINGS.

06:07:08 >>Michael Sheeley: THANK YOU.
06:07:12 >>Barry Jones: HOW IS THE PARKING GOING TO BE ANNOTATED IN
06:07:14 THE PARKING LOTS SO THAT PEOPLE KNOW WHETHER IT'S RESERVED
06:07:17 FOR COMMERCIAL OR NOT?
06:07:18 IS IT GOING TO BE SIGNED?
06:07:21 IS IT GOING TO BE STRIPED ON THE GROUND?
06:07:23 IS THERE ANYTHING TO TELL PEOPLE THAT, OKAY, THIS IS
06:07:26 COMMERCIAL ONLY?
06:07:27 >> I'LL PUT UP A SIGN THAT SAYS NO RESIDENTIAL PARKING.
06:07:31 I'LL PUT IT IN MY LEASE.
06:07:32 THERE'S NO NEED FOR ME TO GO OUTSIDE THE FOUR CORNERS OF THE
06:07:39 RESIDENTIAL SIDE OF THE EQUATION FROM A PARKING STANDPOINT.
06:07:43 >>Kristin Jeannin: IT'S NOTED THAT WAY BECAUSE IT'S REQUIRED
06:07:48 TO HAVE THAT AMOUNT BUT YOU DON'T EXPECT TO ACTUALLY MEET
06:07:51 IT?
06:07:52 >> IT'S NOT A REQUIREMENT.
06:07:53 THERE IS A DECLARATION BEING PREPARED THAT WILL BE STATED IN
06:07:56 THE DECLARATION.
06:07:58 >>Charlie Krebs: YES, THE PARKING THAT WE'RE PROVIDING IN
06:08:01 THE PLANS IS TO MEET THE CODE REQUIREMENT.
06:08:04 WHAT TOM WAS SAYING EARLIER IS BASED ON OTHER PROJECTS
06:08:07 SIMILAR TO THIS.

06:08:08 THE ACTUAL PARKING -- THE PARKING THAT WE'RE PROVIDING ON
06:08:15 THE PLANS IS TO MEET THE LAND DEVELOPMENT CODE.
06:08:17 WHAT TOM HAS EXPRESSED TO US IS THE SIMILAR PROJECTS, THE

06:08:21 ACTUAL PARKING COUNT IS WELL BELOW WHAT THE LAND DEVELOPMENT
06:08:23 CODE REQUIRES.
06:08:24 AS HE WAS SAYING, HE DOESN'T FEEL THAT THERE'S GOING TO BE
06:08:28 MUCH OR ANY RESIDENTIAL PARKING THAT'S GOING TO BE OUTSIDE
06:08:30 THE SITE, BUT IN ORDER TO SATISFY THE D.O. REQUIREMENT, WE
06:08:34 STILL HAVE TO SHOW THAT WE'RE MEETING THAT CODE REQUIREMENT.
06:08:37 I THINK THAT'S WHAT YOU WERE ASKING, CORRECT.
06:08:39 >>Kristin Jeannin: YES, ABSOLUTELY.
06:08:44 >>Michael Sheeley: WHAT SIZE UNITS?
06:08:46 DO YOU HAVE UNIT BREAKDOWN?
06:08:48 ONEs, TWOs, THREEs?
06:08:51 >> GOOD POINT.
06:08:52 MY VISION HERE IS TOP OF THE LINE.
06:08:56 WE'VE SUPERSIZED ALL OF THE UNITS, A TYPICAL ONE BEDROOM,
06:09:00 750 SQUARE FEET, I THINK OUR TYPICAL ONE IS 1100 SQUARE
06:09:05 FEET.
06:09:06 CALL IT 20 TO 40 PERCENT BIGGER THAN A TYPICAL APARTMENT
06:09:11 COMMUNITY.
06:09:11 RANGE ANYWHERE FROM $2500 A MONTH TO $5,000 A MONTH.
06:09:17 >>Michael Sheeley: DEFINITELY AN UPSCALE COMMUNITY.
06:09:18 >> IS BEING DESIGNED TO BE THE NICEST COMMUNITY IN ESTERO.
06:09:23 I DON'T KNOW IF YOU'RE FAMILIAR WITH OUR PROJECT IN NAPLES
06:09:26 CALLED MAG SQUARE.
06:09:29 WE ARE TAKING IT A STEP ABOVE THAT.
06:09:31 I DON'T THINK YOU CAN NAME SOMETHING IN MY UNITS THAT I

06:09:34 DON'T HAVE.
06:09:37 >>Barry Jones: THE GARAGES AND COVERED PARKING ARE ALL
06:09:40 DELEGATED SPACES?
06:09:41 >> YES.
06:09:43 >>Barry Jones: THE REST ARE OPEN SPACES.
06:09:45 >> CORRECT.
06:09:47 >>Scotty Wood: ANYTHING ELSE?
06:09:48 THANK YOU.
06:09:52 >> I'M HERE FOR ANY MORE QUESTIONS YOU COULD HAVE.
06:09:55 >>Scotty Wood: MARY, DO YOU WANT TO ADD ANYTHING TO THE
06:09:57 STAFF REPORT?
06:09:59 >>Mary Gibbs: NO, NOT AT THIS TIME.
06:10:04 >>Scotty Wood: ON THAT NOTE, I WILL OPEN THE PUBLIC HEARING.
06:10:10 >>Tammy Duran: RONALD.
06:10:17 >>Scotty Wood: I WANT TO REMIND EVERYBODY THAT YOU HAVE FIVE
06:10:19 MINUTES.
06:10:20 BUT AS WE GO DOWN THE ROAD HERE, BECAUSE I THINK THERE ARE A
06:10:23 NUMBER OF PEOPLE WHO WISH TO PROVIDE INPUT, IF YOU ARE GOING

06:10:27 TO BE SAYING SOMETHING THAT'S BEEN SAID BEFORE, I URGE YOU
06:10:31 TO BE CONCISE WITH YOUR TESTIMONY SO THAT WE DON'T HAVE 26
06:10:37 PEOPLE TAKING FIVE MINUTES EACH, IF YOU WILL.
06:10:40 YOU DO THE MATH ON THAT, SO ABOUT A COUPLE OF HOURS.
06:10:44 >> I DON'T THINK I'M GOING TO TAKE FIVE MINUTES.
06:10:46 MY NAME IS RON MISHKO.
06:10:50 I LIVE IN LIGHTHOUSE BAY.

06:10:52 I JUST WANT TO -- I CAN'T BELIEVE WE GOT TO THIS POINT.
06:10:57 I WANT TO PUT OUT THE WORD COMPATIBLE.
06:11:05 COMPATIBLE TO EVERY ONE OF YOU.
06:11:07 THIS PROJECT IS NOT COMPATIBLE TO THE BROOKS, PERIOD.
06:11:12 [APPLAUSE]
06:11:15 >>Scotty Wood: PLEASE HOLD YOUR APPLAUSE.
06:11:17 >> AND FOR TWO REASONS.
06:11:20 ONE, IT'S A FOUR-STORY BUILDING.
06:11:23 WE DO NOT HAVE A FOUR-STORY BUILDING IN THE BROOKS.
06:11:28 >> YES, YOU DO.
06:11:30 >> WE HAVE SINGLE-FAMILY RESIDENCES.
06:11:32 >> YOU HAVE A FOUR-STORY BUILDING IN THE BROOKS.
06:11:34 >> EXCUSE ME, COCONUT POINTE.
06:11:37 WHERE DO WE HAVE A FOUR-STORY BUILDING IN THE BROOKS?
06:11:41 >> CORNER OF WILLIAMS ROAD AND VIA COCONUT ON THE SOUTHEAST
06:11:44 CORNER IS A FOUR STORY BUILDING.
06:11:47 >> YEAH, BUT THAT'S.
06:11:50 >>Scotty Wood: IT IS IN THE DRI.
06:11:54 >> THEN I GUESS WE DO HAVE ONE, BUT NOT IN THAT PARTICULAR
06:11:58 LOCATION.
06:11:58 THE SECOND POINT I WANT TO MAKE IS THAT WE CAME TO THE
06:12:07 BROOKS BECAUSE OF THE WAY IT LOOKED, THE TOWN CENTER.
06:12:17 THIS IS GOING TO CHANGE EVERYTHING.
06:12:20 AND THE OTHER PART ABOUT COMPATIBILITY I JUST LOST FOR A
06:12:27 MINUTE.

06:12:30 I WISH I WOULD HAVE WRITTEN IT DOWN.
06:12:38 ANYWAY, THAT'S ABOUT ALL I WANT TO SAY.
06:12:40 I DON'T THINK THIS PROJECT IS COMPATIBLE AT ALL, PERIOD.
06:12:45 THANK YOU.
06:12:45 >>Scotty Wood: THANK YOU.
06:12:47 >>Tammy Duran: TAMMY AND THEN MARY WILL BE NEXT.
06:12:50 YOU HAVE TO BE AT THE MIKE.
06:13:12 >> MY NAME IS TAMMY ROSE.
06:13:14 I AM THE OWNER AND OPERATOR OF A CUT ABOVE ESTERO, ONE OF
06:13:17 THE UNITS IN THE COMMERCIAL SIDE.
06:13:19 SORRY.
06:13:22 CAN YOU HEAR ME NOW?
06:13:24 I AM TAMMY ROSE, A CUT ABOVE OF ESTERO, THE BARBERSHOP.
06:13:31 I ASKED THEM TO PUT THAT PARKING EXHIBIT UP BECAUSE I ALSO

06:13:34 HAVE EXHIBITS FOR MYSELF.
06:13:36 KNOWING THAT WE WERE GOING TO HAVE THIS MEETING TODAY, I
06:13:40 WENT OUT YESTERDAY MORNING AT 7:30 IN THE MORNING AT MY
06:13:44 BARBERSHOP AND I TOOK PHOTOGRAPHS.
06:13:47 I HAVE PHOTOGRAPHS OF THE PARKING LOT AT 7:30 IN THE
06:13:50 MORNING.
06:13:50 NOW, I OPEN AT 8 AND I AM THE ONLY ONE THAT OPENS AT 8.
06:13:55 THE NAIL PLACE DOESN'T OPEN UNTIL 9.
06:13:58 THE HEARING PLACE DOESN'T OPEN UNTIL 9.
06:14:01 THE SALON DOESN'T OPEN UNTIL 9 AND THE PIZZA PLACE DOESN'T
06:14:06 OPEN UNTIL NOON.

06:14:07 AT 7:30 IN THE MORNING, A HALF AN HOUR BEFORE MY BARBERSHOP
06:14:11 OPENS, THIS PARKING LOT IS FULL, ABSOLUTELY STUFFED FULL.
06:14:20 >> FOR WHAT PURPOSE ARE THEY THERE?
06:14:22 >> IT'S THE BUSINESS.
06:14:24 IT'S ALL BUSINESS.
06:14:25 IT IS THE GYM.
06:14:25 WHEN THE GYM CAME IN, LIKE I EXPLAINED TWO MONTHS AGO AT A
06:14:29 MEETING WHEN I CAME IN, WHEN THE GYM CAME IN, MY BUSINESS
06:14:32 FROM 8 TO 10 IN THE MORNING DECREASED SIGNIFICANTLY BECAUSE
06:14:35 MY PEOPLE WOULD COME IN THE PARKING LOT, THEY WOULD SEE THAT
06:14:38 THE PARKING LOT IS FULL AND THEY WOULD LEAVE THINKING THAT
06:14:42 WE WERE BUSY.
06:14:43 AND THEY ARE ELDERLY AND THEY CAN'T WALK AS FAR.
06:14:47 IT IS ALL THE WAY BACK TO THE VERY BACK LINE.
06:14:51 I ASKED FOR THE LANDLORD TO PROPOSE PARKING SPOTS I GUESS
06:14:57 BECAUSE I WASN'T WEALTHY ENOUGH I DIDN'T GET THEM.
06:15:00 I GOT A LITTLE TEENY SIGN RIGHT THERE THAT SAYS GYM PARKING
06:15:05 THAT WAY.
06:15:06 THE BANK, HOWEVER, PROPOSED THE SAME THING AND THE BANK HAS
06:15:13 12 SPOTS THAT ARE SPECIFICALLY FOR BANK PARKING.
06:15:18 SO THIS IS THE PARKING LOT AT 7:30 IN THE MORNING.
06:15:24 THEY SAID THAT THEY HAVE OTHER PARKING ON THE OTHER SIDE OF
06:15:26 THE GYM, YES, THEY DO.
06:15:28 THERE'S THE OTHER SIDE OF THE GYM.
06:15:31 IT'S JUST AS FULL.

06:15:33 THERE'S NOT ONE PARKING SPOT THERE.
06:15:36 AGAIN, THIS IS BEFORE ALL THESE OTHER BUSINESSES, AND NOW
06:15:40 LET ME REMIND YOU THAT THE BUSINESSES THAT ARE THERE, THERE
06:15:45 ARE FOUR UNITS IN THAT PLACE THAT IS EMPTY.
06:15:50 OFF GOT JOJO BOWL THAT IS EMPTY.
06:15:54 THE MAIL PLACE THAT IS EMPTY AND THE INSURANCE IS EMPTY.
06:16:02 THE PROPOSED PARKING RIGHT BY THE SIGHT LINE OF THE
06:16:04 RESIDENTIAL THAT HE SAYS THEY ARE GOING TO SHARE, WELL, WHAT
06:16:08 ARE THEY GOING TO DO WHEN FOUR OTHER BUSINESSES COME IN
06:16:12 THERE?

06:16:13 OR IS THIS JUST A PLAN, PHASE ONE, TO SQUEEZE THE BUSINESSES
06:16:17 OUT FOR PHASE TWO FOR ANOTHER BUILDING?
06:16:24 [APPLAUSE]
06:16:24 THIS IS COMING FROM THE SIDE PARKING LOT, AND IT SHOWS A
06:16:29 DIFFERENT VIEW.
06:16:30 I WANTED TO SHOW EVERY VIEW SO I COULDN'T BE ACCUSED OF
06:16:35 HIDING SPOTS.
06:16:36 IN THE BACK, THIS IS WHERE THE EMPLOYEES ARE FORCED TO PARK
06:16:40 SO THAT OUR CUSTOMERS CAN GET IN.
06:16:42 THIS AGAIN IS 7:00 ON A MONDAY MORNING, COLUMBUS DAY.
06:16:49 THE BANK NORMALLY OPENS AT 8:30.
06:16:53 IT WAS CLOSED BECAUSE OF COLUMBUS DAY.
06:16:56 SO WE DIDN'T EVEN HAVE THE BANK PARKING.
06:16:59 THE EMPLOYEES, BY THE WAY, FOR THE BANK, PARK IN THE GENERAL
06:17:02 PARKING.

06:17:03 THEY LEAVE THE 12 SPOTS FOR THE CUSTOMERS.
06:17:05 SO THIS IS THE BACK PARKING AREA WHERE THE EMPLOYEES OF THE
06:17:11 COMMERCIAL BUSINESSES HAVE TO PARK.
06:17:14 I HAVE A DULY PICKUP TRUCK.
06:17:19 I HAVE A HARD TIME GETTING THROUGH THERE.
06:17:21 THERE ARE BUSINESSES AND ONE IS HERE TODAY TO REPRESENT
06:17:23 HIMSELF, THAT HAVE DELIVERIES.
06:17:26 HE HAS TO HAVE A GREAT BIG TANKER COME THROUGH.
06:17:30 YOU'RE NOT GOING TO BE ABLE TO GET THAT TANKER IN THERE.
06:17:33 THESE BUSINESSES ARE NOT GOING TO BE ABLE TO GET THEIR
06:17:37 DELIVERY.
06:17:37 WHERE HE PROPOSES THAT THE MAINTENANCE AND THE DOG PARK ARE,
06:17:42 THIS IS WRAPPED AROUND THE BUILDING.
06:17:45 PINCH A PENNY HAS LIKE TEN VEHICLES THAT THEY PARK BACK
06:17:50 THERE BECAUSE THERE'S NO PARKING UP FRONT.
06:17:52 AND HE'S TRYING TO ALLOW CUSTOMERS THAT WANT TO COME IN THE
06:17:59 ABILITY TO DO THAT.
06:18:00 THIS SHOWS AT 7:30 IN THE MORNING THE TRUCK COMING IN TO
06:18:07 DELIVER HIS CHLORINE.
06:18:09 THAT'S NOT GOING TO GET THROUGH THERE.
06:18:12 THIS IS A SIGHT LINE WHERE THE TRUCKS ARE HERE AND LIKE I
06:18:16 SAID, I CAN BARELY GET THROUGH THERE AND IT GOES ON AND ON.
06:18:21 I WILL BE MORE THAN HAPPY TO LEAVE ALL OF THIS WITH YOU
06:18:24 GENTLEMEN.
06:18:26 IT'S ONE OF THOSE THINGS WHERE THE PARKING IS RIDICULOUS AND

06:18:30 THE TRAFFIC IS GOING TO BE A NIGHTMARE.
06:18:33 AND AS FAR AS THE LANDSCAPING, YOU KNOW, THE WHOLE COMMENT
06:18:39 THAT HE MADE ABOUT TWO YEARS AGO AND HOW THE TREES ARE
06:18:43 PROBABLY TALLER, NO, I DISAGREE BECAUSE IAN TOOK THEM ALL
06:18:47 OUT.
06:18:48 >>Scotty Wood: PLEASE WRAP IT UP.

06:18:49 YOU ARE PAST YOUR TIME NOW.
06:18:51 >> THANK YOU.
06:18:52 >>Michael Sheeley: CAN YOU LEAVE THE PICTURES UP HERE FOR
06:18:54 US?
06:18:55 >> ABSOLUTELY.
06:18:59 >>Tammy Duran: MARY IS NEXT AND THEN DANIEL.
06:19:01 >> ON THE BACK OF THOSE ARE LITTLE CARDS WITH BULLET POINTS
06:19:04 I HAVE MADE SO YOU KNOW WHICH DIRECTION.
06:19:06 >>Michael Sheeley: THANK YOU.
06:19:09 [APPLAUSE]
06:19:13 >>Scotty Wood: I WANT TO ASK THE AUDIENCE TO HOLD APPLAUSE,
06:19:17 PLEASE.
06:19:19 >> WHY?
06:19:20 >>Scotty Wood: THIS IS PUBLIC INPUT.
06:19:22 >> THAT IS PUBLIC INPUT.
06:19:24 >>Scotty Wood: NO, NO.
06:19:25 THE ONLY PEOPLE WHO ARE PEOPLE WHO FILLED OUT CARDS.
06:19:29 >> FOR APPLAUSE?
06:19:31 >>Scotty Wood: YES, THAT'S TRUE.

06:19:32 GO AHEAD, PLEASE.
06:19:39 >> GOOD EVENING.
06:19:40 MY NAME IS MARY MURPHY.
06:19:43 I OWN A HOME ON MAGNOLIA BEND, WHICH SITS DIRECTLY THROUGH
06:19:49 THE TREES AND ACROSS THE LAKE JUST LIKE KATHY.
06:19:53 ALL OF US NEIGHBORS ALONG THERE, MANY HOMES ARE GOING TO BE
06:19:59 ADVERSELY AFFECTED BY THIS PROJECT.
06:20:01 WE CURRENTLY HAVE GORGEOUS VIEW THAT WE PAID FOR, DEVELOPED,
06:20:09 BUILT BEAUTIFUL HOMES ON.
06:20:11 I HAVE ENJOYED THIS HOME FOR 19 YEARS, AND NOW YOU WANT ME
06:20:18 TO LOOK AT THIS?
06:20:19 I WILL SEE ALL OF THIS THROUGH THE WOODS, AND TO THE LEFT OF
06:20:24 THE WOODS TOWARDS THREE OAKS, THE TREES ARE MUCH LOWER.
06:20:29 YOU'RE GOING TO SEE AT LEAST THREE STORIES OF THIS BUILDING.
06:20:33 ALL OF THE LIGHTS, ALL OF THE PEOPLE, ALL OF THE PARTYING,
06:20:40 ALL OF THE CARS, ALL OF THE NOISE THAT GOES WITH CARS, EVEN
06:20:46 PEOPLE WHO LOCK THEIR CARS, IT MAKES A BEEPING SOUND, NOW
06:20:50 YOU'RE GOING TO HAVE 300 BEEPS EVERY MORNING AND NIGHT.
06:20:54 THEN YOU HAVE THE LIGHTING.
06:20:56 THEN YOU HAVE ALL THE WILDLIFE ADVERSELY AFFECTED.
06:21:01 THIS IS TERRIBLE FOR US.
06:21:05 OUR HOMES ARE MULTIMILLION DOLLAR HOMES TO BE AFFECTED BY
06:21:12 HIGH DENSITY HOUSING WITH AN ADDITIONAL 400 PEOPLE AND 400
06:21:20 CARS.
06:21:20 ARE YOU KIDDING ME?

06:21:21 WHEN I BOUGHT MY LOT, IT WAS SAND AND DIRT.
06:21:27 I HAD A BEAUTIFUL VIEW OF PRESERVE AND A LAKE AND ALL THE

06:21:34 BIRDS.
06:21:36 ALL OF THIS IS GOING TO BE TAKEN AWAY.
06:21:41 NOW I AM APPALLED THAT EVEN THE DEVELOPERS CANNOT TALK ABOUT
06:21:45 THE STORMWATER MANAGEMENT.
06:21:48 HE DOESN'T EVEN KNOW HOW MUCH MORE IMPERVIOUS COVERAGE THERE
06:21:54 IS.
06:21:54 WHY WOULD YOU NOT KNOW THAT AT THIS POINT?
06:21:57 WE'RE TALKING FLOODING TO A HUGE EXTENT BECAUSE OF THE
06:22:02 STORMS IN FLORIDA.
06:22:05 WHEN IRMA HIT IN 2017, YOU CAN CORRECT ME, BUT I THINK IT
06:22:11 WAS ABOUT 8 TO 10 INCHES OF RAIN.
06:22:15 THAT'S NOT A WHOLE LOT OF WATER CONSIDERING HURRICANES, BUT
06:22:19 IT IS A LOT OF WATER.
06:22:21 AND OUR LAKE ON MAGNOLIA BEND ROSE SEVERAL FEET.
06:22:28 I'M TALKING FIVE, SIX FEET IT ROSE BECAUSE ALL THOSE PIPES
06:22:34 THAT CONNECT THE LAKES AND IT GOES ON FURTHER TO THE COUNTY,
06:22:37 EVERYTHING BACKED UP AND EVERYTHING FLOODED.
06:22:41 THAT LAKE ROSE WITH TEN INCHES OF WATER.
06:22:44 IT CAME THROUGH THE YARDS BETWEEN THE HOMES, AND IT WAS
06:22:50 CONTIGUOUS WITH THE STREET.
06:22:52 IT WAS ALMOST A FOOT AND A HALF DEEP IN THE STREET.
06:22:55 IT WENT THROUGH THE HOMES ON THE OTHER SIDE OF THE STREET
06:23:01 AND IT LEVELED ITSELF OUT IN THE GOLF COURSE.

06:23:03 THIS IS ONE HURRICANE WITH TEN INCHES OF RAIN.
06:23:09 WHAT IF YOU HAVE 20 INCHES OF RAIN?
06:23:11 WHERE IS ALL THIS STORMWATER GOING TO GO?
06:23:15 PLEASE EXPLAIN THE MANAGEMENT OF THAT.
06:23:19 YOU NEED REALLY SOME VERY INTELLECTUAL ENGINEERS TO FIGURE
06:23:24 THIS OUT.
06:23:25 A LOT OF PEOPLE, A LOT OF IMPERVIOUS COVERAGE, AND WHERE IS
06:23:29 ALL THE WATER GOING TO GO?
06:23:31 IF THE MAGNOLIA BEND LAKE RISES ANY FURTHER THAN IT DID WITH
06:23:35 TEN INCHES, WE'D HAVE A FOOT OF WATER IN THOSE HOMES.
06:23:41 THEY AREN'T MADE OF LINOLEUM.
06:23:44 WE DON'T DESERVE THIS.
06:23:48 THE PEOPLE HERE DON'T WANT THIS.
06:23:51 ADMITTEDLY THIS GOT AHEAD OF US.
06:23:56 SOMEHOW THIS WAS CONCEPTUAL FOR YEARS AND EVERYBODY TENDS TO
06:24:01 IGNORE A THOUGHT IN SOMEBODY'S BRAIN.
06:24:05 ALL OF A SUDDEN IT'S VERY REAL.
06:24:08 WE DON'T WANT TO SPEND ALL OF THE TAXES WE SPEND, A LOT OF
06:24:15 TAXES, A LOT OF MONEY KEEPING OUR HOMES BEAUTIFUL AND
06:24:19 GORGEOUS, BRINGING OUR FAMILIES AND FRIENDS TO ENTERTAIN AND
06:24:23 ENJOY THIS BEAUTIFUL SOUTHWEST FLORIDA AND HAVE TO LOOK AT
06:24:28 THIS AND DEAL WITH ALL THE PROBLEMS IT'S GOING TO CAUSE, NOT
06:24:32 TO MENTION THE DEVALUATION IN OUR PROPERTIES WHILE SOMEBODY
06:24:35 ELSE IS MAKING MILLIONS.

06:24:37 THERE ARE GRAVE CONCERNS HERE, AND I'D LIKE YOU ALL TO SIT

06:24:42 BACK AND THINK ABOUT IT BEFORE THIS GOES THROUGH.
06:24:45 THANK YOU.
06:24:45 >>Michael Sheeley: MARY, CAN I ASK A QUESTION?
06:24:48 WHAT WAS THE CONDITION OF FLOODING AFTER HURRICANE IAN?
06:24:51 WAS IT DIFFERENT OR LESS OR MORE?
06:24:53 >> THOSE TWO STORMS, AS YOU MIGHT KNOW, IF YOU LIVE HERE,
06:24:56 WERE VERY DIFFERENT.
06:24:57 IRMA BROUGHT A LOT OF WIND AND RAIN AND 2017.
06:25:03 IAN WAS ONLY 14 MONTHS AGO AND IT WAS A LOT OF WIND BRINGING
06:25:07 STORM SURGE AND SAND.
06:25:12 EVEN THE STORM SURGE CAME UP COCONUT ROAD BEYOND THE COLONY.
06:25:17 THE COLONY TOOK 15 FEET OF WATER, AND IT STILL ISN'T OPEN TO
06:25:22 THE PUBLIC FOR THAT RESTAURANT.
06:25:25 THE TURTLE CLUB --
06:25:27 >>Michael Sheeley: WHAT HAPPENED TO YOUR LAKE DURING IAN?
06:25:30 DID IT RISE?
06:25:31 >> WELL, DURING IAN, WE DID BETTER IN SHADOW WOOD BECAUSE IT
06:25:35 WAS MOSTLY STORM SURGE, BUT THERE ARE A LOT OF HURRICANES
06:25:38 THAT CARRY A LOT MORE WATER THAN TEN INCHES OF RAIN.
06:25:42 AND IRMA WAS THREATENING TO US.
06:25:45 SO I'M VERY CONCERNED ABOUT THE STORMWATER MANAGEMENT.
06:25:49 >>Barry Jones: I LIVE DOWN STREAM.
06:25:52 I LIVE IN FOUNTAIN LAKES.
06:25:53 I'M AN ENGINEER AND STUDY STORMWATER.
06:25:57 NUMBER ONE, THERE WAS A MAJOR BLOCKAGE WHERE THE FPL LINE

06:26:01 CROSSES HALFWAY CREEK.
06:26:03 FOUNTAIN LAKES, WE WENT TO THE WATER MANAGEMENT DISTRICT AND
06:26:06 SOME OTHERS COMPLAINED AND THAT BLOCKAGE WAS CLEARED UP TO
06:26:10 ALLOW BETTER FLOW THROUGH HALFWAY CREEK.
06:26:13 ALL OF THIS DRAINS OUT THROUGH HALFWAY CREEK.
06:26:15 IRMA WAS ALSO PRECEDED BY WHAT'S CALLED A 25-YEAR EVENT
06:26:19 WHICH IRMA ALSO WAS, WHICH WAS ABOUT 12 INCHES OF RAIN.
06:26:23 SO THERE WERE BACK-TO-BACK STORMS.
06:26:25 A STORM ABOUT A WEEK AND A HALF, TWO WEEKS BEFORE IRMA CAME
06:26:29 THAT FLOODED EVERYTHING AND SATURATED ALL THE SOILS.
06:26:32 NOW, THIS PROJECT HAS TO GO THROUGH APPROVAL WITH THE
06:26:38 SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT AND ALREADY BEEN
06:26:41 THROUGH APPROVAL ONE TIME.
06:26:42 YOU TALK ABOUT FLOODING OF ROADS AND FLOODING OF GOLF
06:26:44 COURSES AND STUFF, WHEN THESE SYSTEMS ARE DESIGNED, THERE'S
06:26:48 SOMETHING CALLED STAGED STORAGE.
06:26:50 IN OTHER WORDS, WHEN THE WATER COMES UP, THE ROADS ARE SET
06:26:54 AT A CERTAIN ELEVATION AND USED TO BE SET AT FIVE-YEAR WHICH
06:26:57 WAS BENEFICIAL AND I DISAGREE WITH WHAT THE VILLAGE DID
06:27:00 MOVING INTO A 25-YEAR ELEVATION BECAUSE THAT CREATES A LOT

06:27:03 OF AREA FOR WATER TO STORE TO HELP PREVENT FLOODING IN THE
06:27:08 HOUSES AND STRUCTURES.
06:27:09 THE GOLF COURSE IS MEANT TO FLOOD.
06:27:12 SO WHEN THE WATER COMES UP TO A CERTAIN ELEVATION, IT IS
06:27:16 DESIGNED TO FLOOD.

06:27:17 SO THERE IS A LOT OF PEOPLE WITH LICENSES, DEGREES, AND
06:27:22 LICENSES THAT THEIR LIVELIHOODS DEPEND ON.
06:27:26 I'VE BEEN DOING THIS FOR 25 YEARS, 30 YEARS.
06:27:29 GETTING OLD.
06:27:30 I WOULDN'T SIGN AND SEAL ANYTHING FOR ANYBODY BECAUSE THEY
06:27:33 WERE MY CLIENT, BECAUSE I'VE TOLD CLIENTS MY LICENSE IS MORE
06:27:38 IMPORTANT THAN MY JOB OR MY LICENSE IS MY JOB AND THAT'S
06:27:42 MORE IMPORTANT THAN YOU OR ANY JOB YOU'VE GOT.
06:27:44 I CAN GET ANOTHER CLIENT.
06:27:46 I CAN'T GET ANOTHER LICENSE IF I DO SOMETHING.
06:27:48 I'VE BEEN DOING THIS A LONG TIME.
06:27:50 I NEVER HAD A PROJECT FLOOD FROM CHARLOTTE COUNTY TO MONROE
06:27:54 COUNTY.
06:27:55 I'VE PROBABLY DONE 15 THOUSAND ACRES OF DEVELOPMENT.
06:27:59 I LIVE DOWN STREAM OF THIS.
06:28:00 I LIVE DOWN STREAM OF YOU.
06:28:02 WHEN I LOOK AT THIS AND UNDERSTAND ALL THE PEOPLE THAT HAVE
06:28:04 TO GO INTO IT, I KNOW MR. KREBS PROFESSIONALLY, AND I KNOW
06:28:08 THAT HE WOULDN'T SIGN AND SEAL OR AUTHORIZE SOMETHING THAT
06:28:12 WAS GOING TO CREATE AN ADVERSE IMPACT BECAUSE IT WOULD
06:28:15 IMPACT HIS LICENSE, HIS COMPANY, AND HIS INSURANCES GOING
06:28:19 FORWARD.
06:28:20 MR. -- THE DEVELOPER'S PROJECT IS NOT SO IMPORTANT TO HIM OR
06:28:27 HIS COMPANY THAT THEY WOULD RISK ANYTHING THAT WOULD PUT
06:28:29 THEM IN JEOPARDY.

06:28:30 I HOPE THAT GIVES YOU SOME SENSE OF CONFIDENCE THAT THIS
06:28:34 ISN'T JUST SOMETHING THROWN AGAINST THE WALL AND PEOPLE GO
06:28:37 OKAY FROM A STORMWATER STANDPOINT.
06:28:39 WITH RESPECT TO THE THINGS THAT ARE ALLOWED HERE, AS THE
06:28:43 ATTORNEY MENTIONED IN THE VERY BEGINNING, THIS ZONING IS
06:28:46 SET.
06:28:47 THE VILLAGE DENIED IT, IT WENT TO COURT AND I'M NOT GOING TO
06:28:52 SAY THEY LOST, BUT THE COURT SAID, NO, THIS ZONING IS SET A
06:28:56 CERTAIN WAY.
06:28:56 THEY ARE ENTITLED TO DO THIS.
06:28:58 THEY ARE ALLOWED TO DO THIS.
06:29:00 THERE'S NOTHING WE CAN DO ABOUT IT.
06:29:02 THAT ISN'T THE SUBJECT OF THE HEARING.
06:29:04 THE SUBJECT OF THIS HEARING IS WHAT WE CAN CONTROL FROM A
06:29:07 DEVELOPMENT ORDER STANDPOINT -- COLORS, AMENITIES, ADVERSE
06:29:15 IMPACT -- OR TRAFFIC, THINGS LIKE THAT.

06:29:18 FROM A TRAFFIC PERSPECTIVE, THIS PROJECT, AND THEY DIDN'T
06:29:20 PUT THE SLIDE UP, BUT I REVIEWED THE TRAFFIC IMPACT
06:29:23 STATEMENTS BECAUSE I DO THOSE, TOO.
06:29:25 THIS PROJECT AS A RESIDENTIAL PROJECT WILL CREATE
06:29:28 SUBSTANTIALLY LESS TRAFFIC THAN WHAT A WINN DIXIE WOULD.
06:29:31 AND I SEE HER SHAKING HER HEAD.
06:29:35 SOMETHING CALLED THE INTERNATIONAL TRANSPORTATION ENGINEERS,
06:29:38 ITE.
06:29:39 IT'S ACCEPTED THROUGHOUT THE U.S. AND MANY OTHER COUNTRIES

06:29:41 TO DETERMINE WHAT TRAFFIC IMPACTS ARE.
06:29:44 THEY DO STUDIES ANNUALLY.
06:29:46 SAYS, OKAY, A SHOPPING CENTER WILL GENERATE THIS MUCH.
06:29:49 THEY PUT COUNTERS OUT.
06:29:51 THEY DON'T MAKE UP NUMBERS.
06:29:52 THESE ARE REAL NUMBERS, REAL-WORLD THINGS AND THEY ASSESS
06:29:55 WHAT THE TRAFFIC IMPACT IS FOR EACH DIFFERENT CLASSIFICATION
06:29:58 OF PROJECTS.
06:29:59 IF YOU TAKE A SHOPPING CENTER THAT BIG AND YOU GO TO ITE AND
06:30:03 IT SAYS IT'S GOING TO PRODUCE THIS MUCH TRAFFIC, COURTS
06:30:07 THROUGHOUT THE LAND, NOT JUST FLORIDA AND NOT JUST ESTERO,
06:30:10 UPHOLD THOSE STANDARDS AND LIVE BY THEM.
06:30:15 THAT'S WHY WE DESIGNED THESE TRAFFIC SYSTEMS.
06:30:17 SO THIS PROJECT, ACCORDING TO ITE, SUBSTANTIALLY REDUCES THE
06:30:21 AMOUNT OF TRAFFIC IN THIS AREA.
06:30:23 I KNOW THAT'S HARD TO UNDERSTAND FOR SOME PEOPLE, BUT IT IS
06:30:28 THE SCIENCE.
06:30:29 IT'S FACTS.
06:30:30 IT'S MATH.
06:30:31 IT'S NOT OPINION OR SUBJECTIVE.
06:30:33 IT'S OBJECTIVE AND DETERMINED AND APPROVED BY PROFESSIONALS
06:30:39 AND COURTS THROUGHOUT THIS LAND.
06:30:40 I KNOW THAT'S NOT WHAT PEOPLE WANT TO HEAR, BUT IT'S
06:30:44 IMPORTANT YOU UNDERSTAND THESE ARE FACTS.
06:30:46 THESE AREN'T OPINIONS, AND WE CAN DISAGREE WITH OPINIONS,

06:30:49 BUT WE CAN'T DISAGREE WITH FACTS, AND WE HAVE TO MAKE OUR
06:30:53 JUDGMENTS BASED ON FACTS.
06:30:54 SO I APPRECIATE YOUR INPUT AND I CERTAINLY SHARE CONCERNS
06:30:57 ABOUT PARKING AND STUFF.
06:30:59 BUT STORMWATER IS TAKEN CARE OF.
06:31:01 AND THERE ARE PEOPLE OUTSIDE OF THIS OFFICE IN THE WATER
06:31:06 MANAGEMENT DISTRICT THAT ALSO HAVE TO REVIEW AND APPROVE
06:31:09 THIS.
06:31:09 STAFF, THE VILLAGE PAYS PROFESSIONAL STAFF TO REVIEW THESE
06:31:13 THINGS AND APPROVE THEM.
06:31:16 I'VE TRIED TO GET THINGS THROUGH THE VILLAGE MYSELF AND IT'S
06:31:19 NOT EASY.

06:31:20 THEY DO A VERY GOOD JOB OF REVIEWING AND APPROVING THINGS.
06:31:24 THEY DON'T JUST APPROVE WHATEVER IS SUBMITTED THROUGH.
06:31:27 BY THE TIME IT GETS TO US, THEY HAVE BEEN THROUGH MULTIPLE
06:31:30 ROUNDS OF REVIEWS.
06:31:30 THERE'S NOT A SINGLE PROJECT I'VE EVER SUBMITTED, I THINK,
06:31:34 THAT HAS GONE THROUGH IN ONE ROUND OF REVIEW AND THEY SAY,
06:31:37 OKAY, THAT'S GOOD, EVEN THOUGH AS PROFESSIONALS WE'RE TRYING
06:31:40 TO DO IT AS GOOD AS WE CAN, WE ALWAYS GET COMMENTS BACK FROM
06:31:44 STAFF AND THEY ARE USUALLY VERY CORRECT AND WE NEGOTIATE AND
06:31:47 WE GO THROUGH SCENARIOS AND WE WORK OUT THOSE ISSUES.
06:31:50 SO IT GOES THROUGH STAFF REVIEW.
06:31:53 IT GOES THROUGH THIS REVIEW.
06:31:54 I'M A PROFESSIONAL.

06:31:55 I SIT ON THIS BOARD, I VOLUNTEER MY TIME.
06:31:58 ALL OF US UP HERE VOLUNTEER OUR TIME TRYING TO DO THE BEST
06:32:01 THAT WE CAN.
06:32:01 I LIVE IN THIS COMMUNITY.
06:32:03 I STRUGGLE TO TRY AND MAKE IT AS GOOD AS WE POSSIBLY CAN,
06:32:08 BUT WE'RE ALSO BOUND BY THE RULES AND REGULATIONS THAT WE
06:32:10 HAVE TO LIVE BY.
06:32:12 AS MS. STROUD INDICATED, WE HAVE TO HAVE A LEGAL REASON TO
06:32:16 DENY SOMETHING.
06:32:17 WE CAN'T SAY BECAUSE PEOPLE DON'T WANT IT THAT WE'RE GOING
06:32:20 TO DENY IT.
06:32:21 THAT'S WHAT HAPPENED WITH THE ZONING WHEN IT FIRST CAME UP
06:32:24 BEFORE THE BOARD.
06:32:25 AND THEY MADE A JUDGMENT BASED ON POPULAR OPINION AND NOT ON
06:32:30 FACTS.
06:32:30 WHEN IT WENT TO THE JUDGE, TO MITIGATION, WHATEVER IT WAS,
06:32:35 THE FACTS RULED IN THEIR FAVOR.
06:32:37 THE ZONING WAS APPROVED.
06:32:40 WE CAN'T SAY NO, YOU CAN'T DO THIS.
06:32:42 THE ZONING IS DONE.
06:32:43 IT'S IMPORTANT THAT PEOPLE UNDERSTAND THAT.
06:32:46 I'M SORRY IF PEOPLE DON'T AGREE WITH THAT OR DON'T LIKE IT,
06:32:49 BUT I'VE ALWAYS TOLD MY CLIENTS, I'M NOT GOING TO TELL YOU
06:32:52 WHAT YOU WANT TO HEAR BUT I'LL TELL YOU THE TRUTH.
06:32:55 IF YOU WANT SOMEBODY WHO WILL TELL YOU WHAT YOU WANT TO

06:32:57 HEAR, GET SOMEBODY ELSE.
06:32:59 I DON'T THINK MR. KREBS IS ANY DIFFERENT FROM MY EXPERIENCE
06:33:03 IN WORKING WITH HIM.
06:33:04 I'LL GET OFF MY SOAPBOX NOW, BUT I THINK IT'S IMPORTANT THAT
06:33:08 PEOPLE UNDERSTAND THESE THINGS.
06:33:10 >> YOU TOOK LONGER THAN FIVE MINUTES.
06:33:13 >>Barry Jones: I UNDERSTAND.
06:33:14 >> IN 20 YEARS, I HAVE NOT SEEN ONCE 300 PEOPLE OVER AT THAT

06:33:19 SHOPPING CENTER OR 300 CARS.
06:33:21 SO I DO NOT BELIEVE THAT IT WILL NOT MAKE A DIFFERENCE.
06:33:26 IT'S GOING TO MAKE A DIFFERENCE.
06:33:28 >>Barry Jones: THAT'S PROBABLY WHY WINN DIXIE WENT OUT OF
06:33:31 BUSINESS.
06:33:31 THEY WEREN'T DOING THE BUSINESS.
06:33:33 >> WHEN YOU ARE IN YOUR HOT TUB AND MAKING DINNER AND
06:33:36 STARING DOWN AT YOU, THEY ARE GOING TO LOOK DOWN AT US.
06:33:39 WE'RE ONE-STORY HOMES.
06:33:41 THEY ARE FOUR STORIES HIGH.
06:33:45 IT IS A TOTAL LOSS OF PRIVACY AND THERE'S INSECURITY BECAUSE
06:33:48 WE DON'T HAVE A SURROUNDING BLOCKADE OF ANY SORT.
06:33:51 YOU CAN GET DOWN TO THE LAKE.
06:33:53 YOU CAN COME DOWN AND GO FISHING.
06:33:56 YOU'RE NOT SUPPOSED TO.
06:33:58 IT'S PRIVATE PROPERTY, BUT THERE'S GOING TO BE HUGE CHANGES
06:34:02 AND THIS ADVERSELY AFFECTS A LOT OF US.

06:34:04 >>Scotty Wood: THANK YOU FOR YOUR INPUT.
06:34:06 I WOULD LIKE OTHER PEOPLE TO HAVE THE OPPORTUNITY.
06:34:08 >>Mary Gibbs: MAY I ASK A QUESTION.
06:34:11 HOW MUCH PUBLIC INPUT -- HOW MANY CARDS DO WE HAVE NOW?
06:34:15 >>Tammy Duran: NINE.
06:34:18 >>Mary Gibbs: OKAY.
06:34:19 NINE SPEAKER CARDS LEFT.
06:34:21 WE DON'T WANT TO GET IN DEBATE.
06:34:23 WE WANT TO MOVE THIS AND LET PEOPLE START TALKING.
06:34:28 THE NEXT SPEAKERS ARE --
06:34:31 >>Tammy Duran: DANIEL AND THEN SCOTT.
06:34:33 DANIEL.
06:34:46 SCOTT.
06:34:46 AND THEN SHANE WILL BE NEXT.
06:34:53 >> HOW IS EVERYONE DOING?
06:34:55 I'M A BIT EMOTIONAL, SO BEAR WITH ME.
06:35:01 MY NAME IS SCOTT HUNTER.
06:35:05 I AM THE OWNER OF PINCH A PENNY IN ESTERO.
06:35:09 THREE YEARS AGO I SPENT MY LIFE ON THIS BUSINESS.
06:35:16 I KNEW NOTHING ABOUT A POOL AND I HAVE WORKED EVERY DAY OF
06:35:22 MY LIFE.
06:35:25 I HAVE HIRED AND INVESTED IN VEHICLES, IN PEOPLE, AND I'M
06:35:33 BEYOND CONCERNED THAT IT'S GOING TO BE TAKEN AWAY FROM ME.
06:35:36 I GET FIVE DELIVERIES A WEEK.
06:35:40 THREE OF THOSE ARE CHLORINE DELIVERIES, TWO OF THOSE ARE

06:35:43 PRODUCT DELIVERIES.
06:35:45 THE ONLY ACCESS POINT THAT THEY HAVE IS AT THE CORNER OF
06:35:50 THREE OAKS AND BEHIND THAT BUILDING.
06:35:54 I WON'T BE ABLE TO SURVIVE BASED ON HOW THIS BUILDING IS SET

06:36:00 UP BECAUSE I SELL CHLORINE.
06:36:03 WE ALSO SERVICE OVER 600 POOLS IN SOUTHWEST FLORIDA,
06:36:08 SPECIFICALLY IN ESTERO AND BONITA SPRINGS.
06:36:11 I PLAN ON GROWING.
06:36:13 I PLAN ON INVESTING EVERY DOLLAR I HAVE FOR MY TEAM AND MY
06:36:20 PEOPLE.
06:36:20 I WILL NOT STOP WORKING BECAUSE I WANT TO CREATE SOMETHING
06:36:26 SPECIAL FOR MY FAMILY.
06:36:27 I HAVE A LEGACY TO BUILD THAT I WANT TO AND THAT IS GOING TO
06:36:33 BE SEVERELY IMPACTED IF THIS BUILDING IS BUILT OR THE CONDOS
06:36:39 GO UP BUILT IN THE CURRENT DESIGN.
06:36:41 WE HAVE ONE FULL-TIME MECHANIC WHICH IS A SERVICE MAN.
06:36:46 WE HAVE SIX FULL-TIME TECHNICIANS THAT ARE ABLE TO ACCESS
06:36:51 ALL OVER THAT BUILDING.
06:36:52 THEY WILL ONLY HAVE ONE ACCESS POINT IN AND OUT.
06:36:57 IT IS GOING TO BRING SAFETY RISK THAT I'M VERY CONCERNED
06:37:02 ABOUT FOR MY PEOPLE BECAUSE OF THE INCREASE IN TRAFFIC.
06:37:07 I'M ALL FOR BUSINESS.
06:37:09 I WANT GROWTH.
06:37:10 I WANT THINGS TO BE DONE RIGHT, BUT SPECIFICALLY FOR MY
06:37:15 BUSINESS, THIS WILL NEGATIVELY IMPACT IT AND PERHAPS FORCE

06:37:20 ME TO MOVE.
06:37:24 MY PINCH A PENNY IS CALLED THE BROOKS PINCH A PENNY.
06:37:27 IT'S FOR THE BROOKS RESIDENTS.
06:37:32 I DON'T WANT TO LEAVE THE BROOKS TOWN CENTER, BUT BASED ON
06:37:35 THE CURRENT DESIGN, I'M GOING TO HAVE TO CONSIDER THAT IF
06:37:40 THIS GOES THROUGH.
06:37:42 AGAIN, I'M PROBUSINESS.
06:37:44 I'M PRO EVERYTHING.
06:37:47 BUT THIS IS MY LIVELIHOOD ON THE LINE.
06:37:53 PLEASE JUST CONSIDER WHAT YOU HAVE GOING THROUGH BECAUSE IT
06:37:58 WILL NOT ONLY IMPACT MY LIVELIHOOD, MY EMPLOYEES'
06:38:03 LIVELIHOODS, BUT IT IMPACTS ALL OF THE BROOKS RESIDENTS AS
06:38:08 WELL AS EVERYONE IN THE ESTERO MARKET.
06:38:11 AGAIN, I'M SORRY FOR GETTING EMOTIONAL, BUT I HAVE JUST
06:38:15 WORKED ENDLESSLY TO BUILD SOMETHING.
06:38:20 BASED ON 2020, WE HAD 11,000 CUSTOMER TRANSACTIONS.
06:38:25 THIS YEAR ALONE, WE WILL SURPASS 23,000.
06:38:29 WE ARE A GROWING BUSINESS THAT IS INVESTING AND INCREASING
06:38:36 WAGES, AND DOING EVERYTHING RIGHT.
06:38:39 I DON'T WANT THAT IMPACTED.
06:38:43 SO PLEASE JUST CONSIDER CURRENT PLANS AND HOW IT WILL NOT
06:38:47 ONLY IMPACT MY BUSINESS, MY FELLOW -- BUT THE RESIDENTS AND
06:38:56 CUSTOMERS WE SERVICE.
06:38:57 I WANT TO SERVICE CUSTOMERS.
06:38:58 I WANT TO DO EVERYTHING TO THE BEST OF MY ABILITIES AND

06:39:03 PROVIDE MY TEAM WITH THE BEST OF SAFETY AND CONCERNS AND
06:39:06 JUST WITH THE CURRENT PLANS IT'S GOING TO IMPACT US.
06:39:09 I THANK YOU FOR YOUR TIME AND THANK YOU ALL SO MUCH AND
06:39:13 APPRECIATE IT ALL.
06:39:14 THANK YOU.
06:39:15 [APPLAUSE]
06:39:19 >>Tammy Duran: SHANE.
06:39:20 TERRY SNOW WILL BE AFTER SHANE.
06:39:29 >> HELLO.
06:39:34 I'M NOT SURE THAT THIS IS EVEN THE CORRECT FORUM FOR ME TO
06:39:39 BRING THIS UP.
06:39:40 I APOLOGIZE --
06:39:43 >>Scotty Wood: STATE YOUR NAME, PLEASE.
06:39:44 >> I WILL.
06:39:45 I WILL BE QUICK.
06:39:46 BROOKS RESIDENTS, I APPRECIATE ALL YOUR PASSION.
06:39:49 MY NAME IS SHANE RILEY.
06:39:51 MY FAMILY AND I LIVE AT 9651 RIDGE RUNNER COURT IN ESTERO.
06:39:57 I'M HERE TO READ A LETTER THAT MY WIFE AND I SENT TO THE
06:40:01 COUNCIL MEMBERS OF THE VILLAGE OF ESTERO AS WELL AS
06:40:04 MS. RIBBLE ON SATURDAY.
06:40:10 >>Mary Gibbs: MAY I JUST SAY SOMETHING?
06:40:12 IS THIS ABOUT THE PARKING GARAGE LAWSUIT?
06:40:18 >> YES.
06:40:19 >>Mary Gibbs: THIS HEARING TONIGHT RIGHT NOW IS THE BROOKS

06:40:23 PUBLIC HEARING.
06:40:24 SO ARE YOU HERE FOR OTHER PUBLIC INPUT?
06:40:28 >> YES, I WROTE THAT ON THE CARD.
06:40:31 >>Mary Gibbs: I THINK THAT COMES AFTER.
06:40:34 THIS IS NOT FOR THE BROOKS.
06:40:36 THIS IS FOR A DIFFERENT TOPIC.
06:40:38 >> CORRECT.
06:40:40 >>Mary Gibbs: IS THE PUBLIC INPUT AT THE END.
06:40:43 >>Tammy Duran: HE JUST WROTE COMMERCIAL BUILDING.
06:40:46 >>Mary Gibbs: I JUST RECOGNIZE YOUR NAME.
06:40:47 >>Tammy Duran: I'LL CALL YOU BACK UP.
06:40:50 IT'S AT THE VERY END.
06:40:51 >>Mary Gibbs: SADLY, SORRY.
06:40:55 >>Tammy Duran: TERRY SNOW.
06:40:56 TERRY SNOW?
06:40:59 TERRY?
06:41:00 KATHY.
06:41:08 >> KATHY WYROFSKY, 10089 MAGNOLIA BEND.
06:41:12 HAD A LOT TO SAY.
06:41:14 I'LL TRY AND PICK SOME MAIN POINTS.
06:41:16 I DON'T WANT TO BEAT A DEAD HORSE AND GO OVER COMPATIBILITY,
06:41:20 BUT PERHAPS THE OTHER THINGS THE GENTLEMAN WAS TRYING TO

06:41:23 REMEMBER IS THERE'S ALSO NO RESIDENCES VISIBLE, PARKING
06:41:27 VISIBLE OR ANYTHING ELSE FROM THE MAIN CORRIDORS OF THE
06:41:30 BROOKS.

06:41:31 SO I THINK THAT IS ALSO, AND I APOLOGIZE, BUT I BELIEVE I
06:41:35 ASKED SPECIFICALLY ABOUT THE FOUR-STORY BUILDING AT WILLIAMS
06:41:39 AND VIA COCONUT AND WAS TOLD THAT IS NOT IN THE BROOKS.
06:41:44 I THINK THE STATEMENT THAT THERE WERE NO FOUR-STORY
06:41:46 BUILDINGS IN THE BROOKS IS INDEED CORRECT.
06:41:50 ANYWAY, I UNDERSTAND THE ZONING BUT I DO ALSO BELIEVE THAT
06:41:59 BECAUSE IT WAS IN THE DRI IN 1997, THERE WAS ALSO TRAFFIC
06:42:03 MITIGATION IN THERE THAT IS NO LONGER FEASIBLE THAT AFFECTED
06:42:06 THE NUMBER OF UNITS IN THE DOWN GRADING THAT THE VILLAGE
06:42:10 COULD HAVE DONE.
06:42:11 I STRONGLY BELIEVE THAT THERE IS STILL SOME RESPONSIBILITY
06:42:15 FOR COMPATIBILITY.
06:42:16 SO I'LL LEAVE IT AT THAT FOR THE MOMENT.
06:42:20 I DO WANT TO SAY THAT THE CITIZENS HAVE CONCERNS ABOUT
06:42:23 SAFETY AND SECURITY.
06:42:25 THERE IS NOT A FENCE ALL ALONG THE PERIMETER BETWEEN THE
06:42:29 PRESERVE AND THE TOWN CENTER.
06:42:31 YOU CAN WALK RIGHT IN.
06:42:33 IT'S PARTICULARLY VULNERABLE AROUND THE THREE OAKS SIDE
06:42:36 WHERE THE RESIDENCE SITS NOW.
06:42:40 THAT IS SOMETHING THAT I THINK NEEDS TO BE DISCUSSED AND I'M
06:42:42 SURE THAT SHADOW WOOD BEARS SOME RESPONSIBILITY THERE, BUT I
06:42:45 THINK IT IS SOMETHING THAT AS A COORDINATED EFFORT BETWEEN
06:42:48 THE CDD AND THE SHADOW WOOD AND THE DEVELOPER WE SHOULD
06:42:53 ADDRESS THAT AT SOME POINT.

06:42:54 OBVIOUSLY, WE HAVE A LOT OF PROTECTED SPECIES IN THE BROOKS,
06:42:59 AND THE FISH AND WILDLIFE SERVICE, BOTH THE U.S. AND THE
06:43:02 STATE, HAVE AGREED THAT THEY COULD OFFER ASSISTANCE IN
06:43:06 CERTIFYING IT AND SEEING WHAT'S THERE, WHICH IN TURN WOULD
06:43:10 POSSIBLY AFFECT CERTAIN SETBACKS FOR THIS DEVELOPMENT.
06:43:13 I UNDERSTAND YOU MIGHT BE ABLE TO APPROVE BEFORE, BUT THEY
06:43:16 HAVE TOLD ME, AND YOU HAVE RECEIVED THE LETTERS, THAT THE
06:43:21 VILLAGE MUST REQUEST THEIR ASSISTANCE.
06:43:23 SO I URGE YOU TO DO SO.
06:43:25 I THINK IT'S IMPORTANT THAT WE KNOW THOSE THINGS BEFORE
06:43:28 ANYTHING ELSE GOES ON.
06:43:29 I HAVE SOME BASIC CONCERNS ABOUT THE CHANGE IN THE REAR
06:43:34 DRIVEWAY AS WELL, BOTH FROM AN EVACUATION AND EMERGENCY
06:43:38 ACCESS.
06:43:39 IT IS QUITE DIFFERENT BACK THERE.
06:43:41 IT'S MUCH CLOSER AND LESS OPEN THAN IT WAS.
06:43:44 AND I'M TRUSTING THAT YOU WILL DEFINITELY LOOK INTO THAT.
06:43:47 AS OF LAST WEEK, THE FIRE MARSHAL DID NOT HAVE THE AUTO TURN

06:43:53 CALCULATION.
06:43:53 I THINK THERE ARE VERY IMPORTANT THINGS TO WORRY ABOUT.
06:43:56 I DON'T HAVE A LOT OF TIME HERE.
06:44:00 I DO REALLY WANT TO COMPLAIN THOUGH ABOUT THE TRANSPARENCY
06:44:03 OF THIS ENTIRE PROCESS.
06:44:04 THE FIRST LETTER THAT I RECEIVED WAS TEN DAYS AGO THROUGHOUT
06:44:10 THIS ENTIRE DEVELOPMENT PROCESS, SITE PLANS.

06:44:15 THE TIME THAT WE WERE INVITED TO A PUBLIC COMMENT MEETING
06:44:18 WAS NOT AT A GOOD TIME FOR MOST OF THE RESIDENTS, AS 60%
06:44:22 WERE NOT IN FLORIDA IN JULY.
06:44:25 IN ADDITION, WE WERE SENT NOTICE OF THAT MEETING CLEARLY
06:44:29 STATING THAT BASICALLY IT WAS A DONE DEAL, AND I COULD READ
06:44:32 YOU THE EXACT QUOTE, BUT I DON'T HAVE TIME, BUT I WILL BE
06:44:35 HAPPY TO SEND IT.
06:44:36 MOST PEOPLE WERE DISSUADED FROM SHARING THEIR COMMENTS WITH
06:44:40 THE BOARD.
06:44:41 IN SPITE OF THAT, WE STILL GOT 1500 SIGNATURES.
06:44:45 AS YOU KNOW, WE HAD 2400.
06:44:47 SO CLEARLY THE RESIDENTS OF THE BROOKS ARE VERY INTERESTED
06:44:51 IN THIS PROJECT.
06:44:52 I THINK WE COULD DO A FAR BETTER JOB OF COMMUNICATING
06:44:56 TOGETHER.
06:44:56 I KNOW THAT WE ARE ALL EXTREMELY DISAPPOINTED.
06:45:00 I AM ALSO NOT AGAINST DEVELOPMENT.
06:45:02 I RAN A BUSINESS FOR MANY, MANY YEARS.
06:45:04 I KNOW WHAT KIND OF MONEYMAKER THIS IS.
06:45:07 ALL GOOD, BUT IT SHOULD BE TWO STORIES.
06:45:10 IT REALLY SHOULD TO BE COMPATIBLE.
06:45:11 I'VE GOT A LOT OF OTHER COMMENTS I CAN MAKE, BUT I THINK YOU
06:45:14 HAVE THEM WITH SOME PICTURES OF THE WHOLE BROOKS AREA, THE
06:45:19 FACT THAT YOU CANNOT SEE ANY RESIDENCES FROM THE MAIN ROAD,
06:45:22 THAT THERE IS SIGNIFICANT LANDSCAPING AND THAT OVER TIME,

06:45:27 AND YOU CAN HOLD UP OVER TIME, OVER TIME THE BROOKS IS NOT
06:45:33 COMPATIBLE WITH THIS AND ALL OTHER FOUR-STORY BUILDINGS,
06:45:37 RESIDENCES ARE A MUCH, MUCH LARGER SITES FURTHER FROM
06:45:42 RESIDENCES.
06:45:42 THANK YOU.
06:45:44 >>Mary Gibbs: KATHY, MAY I JUST SAY SOMETHING?
06:45:48 I THINK WE DID NOT PASS THESE OUT BECAUSE OF THE VOTE TO NOT
06:45:52 HAVE YOU BE, WHATEVER THE WORDS WERE.
06:45:57 >> I WOULD APPRECIATE IF YOU WOULD ACCEPT A COPY OF WHAT I
06:46:01 PREPARED.
06:46:01 I DON'T KNOW THAT IT WILL CHANGE YOUR OPINION WHATSOEVER,
06:46:03 BUT THERE ARE A NUMBER OF PHOTOGRAPHS OF THE BROOKS THAT
06:46:05 WILL HELP IN ANY KIND OF COMPATIBILITY ISSUES THAT YOU MIGHT
06:46:08 HAVE FOR CONSIDERATION.

06:46:09 AND THERE ARE A LOT OF OTHER COMMENTS DEALING WITH TIMING,
06:46:13 TRANSPARENCY, ET CETERA.
06:46:14 THANK YOU VERY MUCH.
06:46:17 >>Scotty Wood: THANK YOU.
06:46:18 >>Tammy Duran: WE HAVE MAX AND THEN MARY IS AFTER HIM.
06:46:28 >> GOOD EVENING.
06:46:31 MAX FORGEY, DOING BUSINESS AS FORGEY PLANNING, 236 SOUTHEAST
06:46:38 45TH STREET, CAPE CORAL, 33904.
06:46:41 MR. BROOKS HAS EXPLAINED TO YOU MY CREDENTIALS AS A
06:46:46 PROFESSIONAL PLANNER.
06:46:47 I HAVE BEEN A MEMBER OF THE AMERICAN INSTITUTE OF CERTIFIED

06:46:51 PLANNERS IN GOOD STANDING FOR 30 YEARS.
06:46:54 I CAME PREPARED TO GIVE A 12-MINUTE PRESENTATION.
06:47:02 I WISH I COULD BUT I'M GOING TO HAVE TO GIVE THIS WITHOUT
06:47:08 THE SLIDE SHOW THAT I ORIGINALLY HAD.
06:47:10 THERE ARE TWO REASONS FOR DENYING THIS PROPOSAL.
06:47:17 THE FIRST IS THAT IT IS ABSOLUTELY INCONSISTENT WITH THE
06:47:24 VILLAGE OF ESTERO COMPREHENSIVE PLAN, SPECIFICALLY THE
06:47:28 DEFINITION OF VILLAGE NEIGHBORHOOD ONE, WHICH IS POLICY
06:47:33 1.2.6 OF YOUR FUTURE LAND USE ELEMENT.
06:47:37 IT SAYS, THE MINIMUM DENSITY FOR RESIDENTIAL WITHIN THIS
06:47:48 FUTURE LAND USE MAP CATEGORY IS ONE DWELLING UNIT PER ACRE.
06:47:51 CAN'T GO BELOW THAT.
06:47:52 YOU ALSO CAN'T GO ABOVE FIVE DWELLING UNITS PER ACRE.
06:47:57 IT'S IN THERE, AND IT'S IN THERE THREE TIMES.
06:48:01 I ACTUALLY HAD SLIDES FOR THAT.
06:48:03 YOU CAN LOOK AT THEM LATER.
06:48:05 THE SECOND CONCERN UNDER THAT, RELATED TO THE COMPREHENSIVE
06:48:15 PLAN IS THIS IS 9.95 ACRES AND THEY ARE PROPOSING TO KEEP
06:48:26 THE FOUR ACRES OF COMMERCIAL THAT'S ON THE WEST SIDE, BUT
06:48:32 THEY ARE GETTING DENSITY BASED UPON THE ENTIRE 9.95 ACRES.
06:48:37 THAT IS UNFAIR.
06:48:39 I URGE YOU TO CONSIDER A MUCH, MUCH LOWER NUMBER.
06:48:49 THE MIDDLE OF THE RANGE, BETWEEN ONE AND FIVE DWELLING UNITS
06:48:52 PER ACRE, IS 2.5.
06:48:54 2.5 FOR 5.3 ACRES, THAT WOULD BE FAIR.

06:49:00 THAT WOULD BE CONSISTENT WITH YOUR COMPREHENSIVE PLAN.
06:49:02 THE SECOND REASON FOR DENIAL IS COMPATIBILITY WHICH IS
06:49:08 DEFINED BY STATE STATUTES, FLORIDA STATUTES SECTION 163.3164
06:49:15 PAREN 9, IT'S THE DEFINITION OF COMPATIBILITY THAT EVERY
06:49:19 LOCAL GOVERNMENT MUST USE.
06:49:24 AND THE THING TO BE DECIDED IS WHETHER THE PROPOSED USE WILL
06:49:32 BE SUSTAINABLE OVER TIME AND WHETHER IT EITHER -- WHETHER IT
06:49:40 WILL ADVERSELY IMPACT ANOTHER USE, ANOTHER NEIGHBORING USE.
06:49:48 WILL IT BE COMPATIBLE WITH THE NEIGHBORHOOD?
06:49:50 YOU'RE GETTING PLENTY OF COMPETENT, SUBSTANTIAL EVIDENCE

06:49:55 OFFERED AS TESTIMONY BY THE NEIGHBORS.
06:49:58 THIS IS INCOMPATIBLE.
06:50:03 FOUR STORIES IS INCOMPATIBLE WITH THE BROOKS WHERE
06:50:08 EVERYTHING IS ONE AND TWO STORIES.
06:50:09 AND SO I URGE YOU TO DENY THIS APPLICATION BASED UPON THE
06:50:18 COMPETENT SUBSTANTIAL EVIDENCE THAT YOU HAVE HEARD.
06:50:23 THANK YOU VERY MUCH.
06:50:25 [APPLAUSE]
06:50:27 >>Tammy Duran: MARY IS NEXT.
06:50:29 >>Scotty Wood: DOES THE APPLICANT WISH TO CROSS-EXAMINE?
06:50:32 >>Mary Gibbs: ARE WE DONE WITH PUBLIC INPUT?
06:50:35 >>Tammy Duran: I HAVE FIVE MORE CARDS.
06:50:38 >>Mary Gibbs: WE'RE NOT DONE WITH PUBLIC INPUT.
06:50:40 I THINK WE NEED TO FINISH PUBLIC INPUT.
06:50:44 WELL, I HAVE SOME THINGS I WANTED TO SAY ALSO.

06:50:50 >>Scotty Wood: LET'S WAIT THEN.
06:50:51 >> GOOD EVENING, MARY BLAKELY.
06:50:53 I LIVE AT 10039 MAGNOLIA BEND.
06:50:58 BY MY FRIENDS KATHY AND ROD.
06:51:02 I BOUGHT MY HOME A YEAR AGO, ABOUT A YEAR AND A HALF AGO.
06:51:06 AND THE REASON I DID BUY IT IS BECAUSE OF THE WILDLIFE AND
06:51:10 THE BEAUTIFUL PRESERVE THAT WE HAVE BEHIND US.
06:51:15 I NEVER WOULD HAVE EVEN THOUGHT OF BUYING IT IF I THOUGHT
06:51:19 THEY WERE GOING TO PUT RENTALS BEHIND ME.
06:51:22 I COULD SEE MAYBE HAVING SOME NICE CONDOMINIUMS THAT WOULD
06:51:28 BE, YOU KNOW, COMPATIBLE WITH MY ALMOST $3 MILLION HOME, BUT
06:51:34 TO HAVE RENTALS THERE IS HIGHLY -- AND I AM A REAL ESTATE
06:51:39 AGENT -- IS HIGHLY GOING TO DEVALUE OUR AREA.
06:51:44 OUR LITTLE PARADISE.
06:51:46 AND ALL THESE CARS, YOU KNOW, IF YOU HAD A BUSINESS IN
06:51:52 THERE, THEY WOULD REALLY BE STOPPING BY 8:00, 9:00.
06:51:57 NOW WITH RENTALS, CARS COMING IN THERE ALL HOURS OF THE
06:52:02 NIGHT.
06:52:02 WHO KNOWS.
06:52:03 IT'S JUST TO ME, IT IS A COMPATIBILITY ISSUE.
06:52:09 ALL I CAN SAY IS THAT WHEN I DO REAL ESTATE OR I DO ANY
06:52:14 BUSINESS, I DO IT AS IF I'M THAT PERSON LOOKING INTO WHAT IT
06:52:22 IS.
06:52:22 IN ALL DUE RESPECT, YOU ALL DON'T LIVE RIGHT BEHIND WHERE
06:52:28 WE'RE GOING TO HAVE TO DEAL WITH THIS.

06:52:31 I REALLY FEEL THAT IT NEEDED TO HAVE MORE CONSIDERATION
06:52:37 BEFORE IT WAS REALLY, REALLY BROUGHT TO THIS POINT.
06:52:40 THANK YOU.
06:52:46 >>Tammy Duran: RALPH IS NEXT.
06:52:49 >> RALF BROOKES, REPRESENTING KATHY.
06:52:52 I'M SORRY WE WEREN'T GRANTED ADVERSELY AFFECTED PARTY STATUS

06:52:55 TO HAVE MORE TIME.
06:52:56 I WANTED TO TRY TO FOCUS ON A FEW THINGS.
06:52:58 IN ORDER TO REDUCE THE AMOUNT OF TIME, I'LL ADOPT THE MEMOS
06:53:02 PREPARED AND SUBMITTED BY BEVERLY GRADY ON AUGUST 9, 2021 TO
06:53:08 NANCY STROUD AND THE JULY 22nd, 2020 LETTER THAT
06:53:14 BEHAVIORALLY GRADY WROTE TO MARY GIBBS THAT CONTAINS MOST OF
06:53:18 OUR ARGUMENTS ABOUT WHY THIS IS NOT PROPERLY BEFORE YOU AT
06:53:22 THIS TIME.
06:53:22 IN ADDITION, BAY POINT VERSUS BAY COUNTY, FIRST DISTRICT
06:53:27 COURT OF APPEAL OPINION THAT RECEDED FROM THE EDGEWATER
06:53:31 CASE.
06:53:31 IT SAYS THAT EVERY DRI OR CHANGE TO A DRI DEVELOPMENT ORDER
06:53:37 HAS TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN.
06:53:39 THEY INTERPRETED CHAPTER 380 AND CHAPTER 163.3194, AND IT
06:53:45 SAID ALL DEVELOPMENT ORDERS MUST BE CONSISTENT WITH THE COMP
06:53:48 PLAN.
06:53:48 IF YOU GO BACK TO WHAT'S IN THE DRI, IT MIGHT SAY
06:53:54 MULTIFAMILY, LOW RISE AND CERTAIN FEET, BUT DOESN'T GIVE YOU
06:53:58 A DENSITY.

06:53:58 DOESN'T TELL YOU HOW MANY MULTIFAMILY UNITS.
06:54:00 DOESN'T VEST THEM FOR ANY PARTICULAR NUMBER OR ANY DENSITY
06:54:03 WITHIN THIS PARCEL.
06:54:04 IT JUST SAYS THE ENTIRE BROOKS DRI HAS SO MANY THOUSAND
06:54:09 RESIDENTIAL UNITS.
06:54:10 THESE UNITS THAT THEY ARE ADDING HERE EXCEED THE ALLOWABLE
06:54:14 DENSITY ON THIS PARCEL BY FAR, 137 IS MORE THAN THIS SITE
06:54:19 CAN ACCOMMODATE AND STILL BE COMPATIBLE.
06:54:21 THE COMPATIBILITY DEFINITION THAT MAX WAS LOOKING FOR,
06:54:24 LOOKED UP, IT'S SECTION 9, COMPATIBILITY, MEANS A CONDITION
06:54:29 IN WHICH LAND USES OR CONDITIONS CAN COEXIST IN RELATIVE
06:54:33 PROXIMITY TO EACH OTHER IN A STABLE FASHION OVER TIME SUCH
06:54:36 THAT NO USE OR CONDITION IS UNDULY NEGATIVELY IMPACTED
06:54:40 DIRECTLY OR INDIRECTLY BY ANOTHER USE OR CONDITION.
06:54:43 YOU HEARD TODAY ABOUT THE INGRESS AND EGRESS OF THE TRAFFIC
06:54:46 PATTERN ON THIS PARTICULAR DEVELOPMENT ORDER.
06:54:48 THEY ARE GOING TO BE COMING IN OFF OF THREE OAKS PARKWAY,
06:54:53 INTERFERING WITH COMMERCIAL DELIVERIES THAT GO TO THE BACK
06:54:55 OF THE COMMERCIAL STRIP CENTER.
06:54:57 THERE WILL ALSO BE DRIVING THROUGH THAT COMMERCIAL PARKING
06:55:00 LOT IN ORDER TO EGRESS ONTO COCONUT, IF YOU LOOK THROUGH THE
06:55:05 PARKING LOT AND CIRCUITOUSLY DRIVE ANY BIG U CIRCLE DOWN TO
06:55:10 GET TO COCONUT AND COME OUT.
06:55:12 THERE IS NOT ENOUGH PARKING HERE.
06:55:13 THEY ARE ASKING FOR 21 LESS SPACES THAN WOULD BE REQUIRED.

06:55:17 WE DON'T BELIEVE THEY MET THEIR BURDEN ON OPEN SPACE.
06:55:21 AND 5-408 C AND D, AND THEN IN 1-502, ALL DEVELOPMENT

06:55:29 PERMITS NOT LIMITED TO DRIs SHALL BE CONSISTENT WITH THE
06:55:33 COMPREHENSIVE PLAN.
06:55:34 AGAIN, THEY ARE NOT VESTED FOR ANY PARTICULAR DENSITY, AND I
06:55:38 THINK THERE'S BEEN TOO MUCH DENSITY AWARDED.
06:55:40 MULTIFAMILY IN THIS DENSITY IS NOT CONSISTENT WITH THE COMP
06:55:44 PLAN NOR IS IT APPROPRIATE AT THIS TOWN CENTER IN THIS
06:55:47 LOCATION.
06:55:47 IT'S BETTER WHERE IT WAS OUT ON U.S. 41.
06:55:51 IF YOU'RE GOING TO PUT THIS HIGH DENSITY AND TALL
06:55:54 MULTIFAMILY BUILDINGS OF THIS MANY UNITS, 137 UNITS AND
06:56:00 MULTIPLE BUILDINGS HERE, IT'S TOO BIG FOR THIS LOT.
06:56:05 INTERNAL TRIP CAPTURE HAS TO BE CONSIDERED WHEN YOU'RE
06:56:08 LOOKING AT TRAFFIC.
06:56:09 I KNOW YOU WERE TALKING ABOUT GENERATES LESS TRIPS, BUT THE
06:56:12 WHOLE PURPOSE OF HAVING A SHOPPING CENTER WITHIN THE DRI WAS
06:56:15 TO REDUCE THE REGIONAL TRANSPORTATION NETWORK IMPACTS
06:56:19 INTERNAL TRIP CAPTURE.
06:56:21 LET THE BROOKS PEOPLE SHOP WITHIN THE BROOKS.
06:56:23 DON'T PUT MORE BROOKS PEOPLE IN THE BROOKS WITHOUT GIVING
06:56:26 THEM MORE PLACES TO SHOP.
06:56:27 THAT WAS THE IDEA OF THE DRI.
06:56:29 I WANT TO POINT OUT JUST THE NORTH AREA, THAT NORTH BOUNDARY
06:56:33 IS THE ONLY PLACE WHERE THERE IS A WALL AND A FENCE THAT

06:56:38 SLOPES DOWN.
06:56:39 IF YOU GO BEHIND THE SHOPPING CENTER AND BEHIND THE SLOPE,
06:56:43 THAT 45-DEGREE ANGLE, I WENT IN THERE YESTERDAY AND THERE IS
06:56:46 A HOMELESS ENCAMPMENT IN THERE.
06:56:48 YOU DON'T HAVE TO GO IN.
06:56:49 YOU CAN LOOK IN AND SEE THE PALLETS AND THE TENTS AND PEOPLE
06:56:52 LIVING IN THERE.
06:56:54 THAT'S A CONSERVATION AREA.
06:56:56 SPOKE WITH THE CDD ATTORNEY, DAN COX, HE SAID HE'S BEEN
06:56:59 TRYING TO GET THE PEOPLE OUT OF THERE FOR TWO YEARS.
06:57:01 SHOULD BE SOME FENCING PLACED BETWEEN THIS PROJECT AND THAT
06:57:03 CONSERVATION AREA TO PROTECT THE CONSERVATION AREA SO PEOPLE
06:57:07 AREN'T LIVING AND DEFECATING AND TRAMPLING ON THE SENSITIVE
06:57:12 VEGETATION THAT'S BACK THERE AND WAS MEANT TO BE PROTECTED.
06:57:16 I THINK THAT'S ALL I HAVE TIME FOR, SO THE REST OF IT I'M
06:57:24 GOING TO TURN IN THOSE MEMOS THAT I MENTIONED EARLIER.
06:57:27 THANK YOU FOR YOUR TIME AND I WOULD LIKE TO SEE A FENCE PUT
06:57:30 UP IN THAT AREA AND HAVE YOU ADDRESS THE PARKING AND INGRESS
06:57:33 AND EGRESS IN A BETTER MANNER IN THIS PARTICULAR DEVELOPMENT
06:57:38 ORDER.
06:57:38 THIS DEVELOPMENT ORDER HAS TOO MANY UNITS AND EXCEEDS THE
06:57:41 DENSITY THAT'S ALLOWED ON THE SITE.
06:57:43 THANK YOU.
06:57:44 [APPLAUSE]

06:57:47 >>Tammy Duran: I HAVE GERARD.

06:57:50 AND THEN ALAN IS NEXT.
06:58:00 >> HELLO.
06:58:01 GOOD EVENING.
06:58:02 GERARD GRIGGS.
06:58:04 I LIVE IN RAPALLO.
06:58:05 SO I'M NOT REALLY DIRECTLY AFFECTED BY THIS DEVELOPMENT.
06:58:09 BUT I'M HERE FOR ANOTHER ISSUE TONIGHT.
06:58:11 I'VE BEEN INVOLVED WITH SOME PLANNING IN MY PAST AND I'VE
06:58:17 BEEN -- MINNESOTA, WHERE I'M FROM ORIGINALLY.
06:58:20 I'M PRO DEVELOPMENT BUT I ALSO UNDERSTAND COMPATIBILITY, AND
06:58:25 I THINK MAYBE WHAT I HOPE YOU GUYS WILL EVENTUALLY TALK
06:58:29 ABOUT LATER TONIGHT OR HOWEVER YOU MAKE THIS DECISION IS,
06:58:33 YOU KNOW, NOT JUST THIS PARTICULAR DEVELOPMENT BUT WHAT KIND
06:58:36 OF QUALITY DEVELOPMENT DO WE WANT IN ESTERO.
06:58:40 WE'VE BEEN DOING A REALLY GOOD JOB SO FAR.
06:58:43 I HEAR EVERYBODY'S COMMENTS TONIGHT, WE HEAR ABOUT THE
06:58:47 WATER, THE TRAFFIC AND ALL OF THAT.
06:58:49 ONE OF THE THINGS THAT STRIKES ME IS ALSO WHAT ABOUT THE
06:58:53 GREENSPACE?
06:58:53 WHAT ABOUT THE PEOPLE AND THE PERSPECTIVE OF THE PEOPLE
06:58:58 LIVING IN THE COMPLEX?
06:59:00 SIDEWALKS SUFFICIENT FOR RECREATION ON THE SITE?
06:59:04 ARE TARRED ROADS, IF THERE ARE NO PARKS OR ANYTHING OR
06:59:08 PLAYGROUND ON SITE, BLACK-TOP ROADS RINGING AROUND THIS
06:59:13 PROPERTY GOING TO GIVE YOU THE FEEL YOU WANT IF THE ONLY

06:59:16 THING YOU CAN WALK ON ARE TARRED ROADS.
06:59:19 ONE THING I WAS THINKING ABOUT ALSO, PEOPLE WERE MENTIONING
06:59:22 ABOUT THE PREDICATE OF A FOUR-STORY BUILDING DOWN ON
06:59:26 WILLIAMS.
06:59:27 I THINK THAT FOUR-STORY BUILDING DOES EXIST, BUT THE FIRST
06:59:30 LEVEL IS PARKING.
06:59:33 SO WHEN I THINK ABOUT THIS DEVELOPMENT AND ALL OF THE
06:59:36 CONCERNS THAT THE COMMUNITY HAS BROUGHT UP, IF YOU'RE GOING
06:59:40 TO PROCEED WITH IT, THEN I WOULD ASK YOU TO CONSIDER MAYBE A
06:59:44 REQUIREMENT FOR UNDERGROUND PARKING BECAUSE IT OPENS UP
06:59:46 GREENSPACE.
06:59:48 IT OPENS UP LESS NEED FOR ADDITIONAL PARKING SPACES ON THAT
06:59:52 SITE AND PERHAPS HELPS THE RETAIL THAT'S CURRENTLY ON THE
06:59:55 PROPERTY.
06:59:56 JUST SOME IDEAS.
06:59:58 IT'S NOT MY ISSUE.
06:59:59 GOOD LUCK.
07:00:00 ASK A LOT OF QUESTIONS.
07:00:02 I JUST WONDER, WHERE'S ALL THE GREENSPACE FOR THE RESIDENTS
07:00:06 THAT HAVE TO LIVE THERE.

07:00:08 THANK YOU.
07:00:08 >>Scotty Wood: THANK YOU.
07:00:09 [APPLAUSE]
07:00:12 >> GOOD EVENING, EVERYONE.
07:00:15 MY NAME IS ALLAN BOWDITCH.

07:00:18 I'VE LIVED IN ESTERO FOR 19 YEARS.
07:00:20 I LIVE AT 9411 CHARTWELL BREEZE DRIVE IN SHADOW WOOD.
07:00:24 YOU HEARD A GREAT DEAL OF COMMENTS FROM EVERYONE THIS
07:00:27 EVENING.
07:00:28 I HAD A NUMBER OF COMMENTS WHICH WERE LARGELY ALONG THE SAME
07:00:31 LINES, SO I'M NOT GOING TO REPEAT THEM IN THE INTEREST OF
07:00:34 TIME.
07:00:35 I AM AWARE OF THE LAND RIGHTS THAT WERE ESTABLISHED BEFORE
07:00:38 THE VILLAGE'S INCORPORATION AND THOSE WHICH WERE MADE WITH
07:00:42 LEE COUNTY, WHICH I REALIZE DOES MAKE IT DIFFICULT FOR THE
07:00:45 VILLAGE TO ADDRESS CERTAIN ISSUES REGARDING THIS BROOKS TOWN
07:00:49 CENTER DEVELOPMENT AND, OF COURSE, OTHER DEVELOPMENTS
07:00:52 PLANNED FOR ESTERO.
07:00:54 I THINK IT'S A SHAME THAT SOME OF YOU CHOSE NOT TO CONSIDER
07:00:59 THE SPECIFIC IMPACT THAT WOULD IMPACT THOSE PEOPLE LIVING IN
07:01:06 MAGNOLIA BEND THAT WOULD WISH TO HAVE HAD MORE TIME TO SPEAK
07:01:11 TO YOU.
07:01:12 I THINK THAT'S VERY SAD, AND I DON'T THINK IT WAS
07:01:15 APPROPRIATE TO SAY THAT PEOPLE WHO WOULD BE LIVING IN
07:01:19 COPPERLEAF OR IN SPRING RUN WOULD HAVE THE SAME IMPACT AS
07:01:25 THOSE PEOPLE LIVING CLOSE BY.
07:01:27 LIKE EVERYONE ELSE, I CHOSE TO LIVE IN SHADOW WOOD BECAUSE
07:01:31 IT WAS ADVERTISED, THE TOWN CENTER WAS ADVERTISED AS A FOCAL
07:01:36 POINT OF THE COMMUNITY, DESIGNED AS A CULTURAL CENTER FOR
07:01:40 EDUCATION, RECREATION, CIVIC, AND COMMUNITY SERVICES AND

07:01:45 ACTIVITIES FOR ALL RESIDENTS.
07:01:47 THE BROOKS INCLUDES RECREATIONAL FACILITIES, GOLF COURSES,
07:01:51 LAKES, CONSERVATION AREAS AND OPEN SPACE.
07:01:54 I CONCUR WITH EVERYONE THAT HAS INDICATED THAT THEY SEE THIS
07:01:58 AS AN INCOMPATIBLE DEVELOPMENT WITH EVERYTHING ELSE THAT THE
07:02:02 BROOKS HAS TO OFFER.
07:02:03 UNFORTUNATELY, IT DOES SEEM THAT THE CURRENT PROCESS OF
07:02:08 NOTIFICATION OF THE INITIAL PLANNING ZONING BOARD AND DESIGN
07:02:13 BOARD MEETINGS WAS SPRUNG ON THE CITIZENS OF ESTERO FOR THIS
07:02:18 PARTICULAR DEVELOPMENT.
07:02:20 OF COURSE, THE DEVELOPER THEMSELVES CHOSE NOT TO ACTUALLY
07:02:24 DISCUSS THE MATTER WITH RESIDENTS EVEN IN THE FIRST PLACE.
07:02:28 PERHAPS THEY ACTUALLY REALIZE THAT THERE MAY WELL BE A
07:02:31 BACKLASH OF SO MANY PEOPLE.
07:02:34 YOU ALREADY KNOW THERE ARE THOUSANDS, NOT JUST TENS OR
07:02:36 HUNDREDS OF PEOPLE WHO ARE INDEED VERY ADAMANTLY AGAINST

07:02:40 THIS DEVELOPMENT FOR THE REASONS THAT YOU'VE ALL HEARD
07:02:44 TODAY.
07:02:44 SO I WOULD IN SUMMING UP SAY THAT TO THE COUNCIL, MY ASK IS
07:02:50 THAT BECAUSE OF THE COMMENTS THAT YOU'VE HEARD THAT COVER A
07:02:54 WIDE RANGE OF ISSUES -- PARKING, SIGNAGE, WILDLIFE,
07:02:58 SECURITY, LINES OF SIGHT, AND ABOVE ALL, THE INCOMPATIBILITY
07:03:03 FOR THOUSANDS OF BROOKS RESIDENTS THAT HAVE LODGED THEIR
07:03:06 COMPLAINTS THAT YOU DO ALLOW FURTHER TIME TO ASSESS THE
07:03:10 VALIDITY AND IMPORTANCE OF THESE ISSUES BEFORE MAKING YOUR

07:03:14 DECISION TODAY.
07:03:15 THANK YOU.
07:03:18 [APPLAUSE]
07:03:19 >>Tammy Duran: MR. BELL.
07:03:20 I CAN'T READ YOUR FIRST NAME.
07:03:26 OH, CLARK.
07:03:27 SORRY.
07:03:28 >> GOOD EVENING.
07:03:28 MY NAME IS CLARK BELL.
07:03:30 I LIVE AT 23141 OAK GLENN LANE IN SHADOW WOOD.
07:03:34 I'VE RECENTLY HAD CATARACT SURGERY AND I'M HAVING A HARD
07:03:38 TIME FOCUSING IN ON SOME THINGS.
07:03:40 BUT WE DID RECEIVE AFTER THE LAST DECISION AND PUBLIC
07:03:43 HEARING THAT IT IS UNREASONABLE BASED ON THE VILLAGE
07:03:47 DEVELOPER NEGOTIATIONS TO EXPECT THAT THIS PROJECT WOULD BE
07:03:51 REJECTED.
07:03:52 SO THAT'S WHAT WE WERE TOLD.
07:03:54 THOUSANDS OF US WERE AWAY.
07:03:57 I WAS, TOO.
07:03:58 SO I SAW SOME OF THE PRESS COVERAGE GIVEN TO THIS EVENT.
07:04:02 I GO BACK TO THE WGCU BEGRUDGINGLY, NEXT MOVE GETS NOD FOR
07:04:11 APARTMENTS AT WINN DIXIE SITE, BEGRUDGINGLY.
07:04:14 I'M SORRY WE WEREN'T ABLE TO TELL OUR STORY TONIGHT.
07:04:18 I PROBABLY SPENT 60 HOURS ON THIS TRYING TO GET KATHY UP AND
07:04:22 RUNNING WITH HER PRESENTATION.

07:04:23 SHE PROBABLY SPENT HUNDREDS OF HOURS, YET WE WERE NOT GIVEN
07:04:27 A CHANCE TO GIVE YOU A COMPREHENSIVE, INSIGHTFUL LOOK.
07:04:31 INSTEAD IT'S PIECEMEAL.
07:04:33 I'M ESPECIALLY DISAPPOINTED IN BOARD MEMBER TATOOLES WHO
07:04:39 THOUGHT FOUR STORIES WAS TOO HIGH.
07:04:41 I SEE IT TOTALLY INCONSISTENT WITH THE 20 PLUS-YEAR-OLD
07:04:46 BROOKS, HE SAID.
07:04:46 IT'S AN EGREGIOUS VIOLATION OF THE COMPREHENSIVE PLAN.
07:04:50 I AGREE WITH YOU.
07:04:51 I DON'T SEE WHY WE WEREN'T ABLE TO TELL OUR STORY.
07:04:55 IT REALLY DOES BAFFLE ME.
07:04:58 BROOKS TOWN CENTER WAS DESIGNED TO ENHANCE THE EXPERIENCE

07:05:02 AND BOOST THE AMENITIES AVAILABLE TO RESIDENTS OF THE
07:05:07 BROOKS.
07:05:08 THAT MULTIFAMILY YOU TALKED, ABOUT THE LEGACY OF THAT WAS TO
07:05:11 BUILD A SMALL HOTEL SO THAT FRIENDS AND FAMILY, PEOPLE
07:05:16 COMING DOWN TO SEE THE BROOKS VISIT THEIR SHADOW WOOD AND
07:05:20 THE OTHER COMMUNITIES WOULD HAVE A PLACE TO STAY.
07:05:24 THIS WAS BEFORE THE MARRIOTT WAS BUILT OVER IN COCONUT VIA.
07:05:30 BEFORE A HYATT IN COCONUT POINTE SHOPPING CENTER.
07:05:34 THAT'S THE REASON THAT WAS ZONED, NOT TO BUILD APARTMENTS.
07:05:37 WE'VE GONE THROUGH ALL THIS PROCESS.
07:05:40 THIS MASSIVE COMPLEX IS INCONSISTENT WITH THE INTENT AND
07:05:48 VALUES OF THE BROOKS.
07:05:49 IT'S ALSO INCONSISTENT WITH THE VALUES OF HOW AND WHY ESTERO

07:05:55 WAS FORMED.
07:05:57 I MOVED HERE FROM CHICAGO WHEN THAT PROCESS WAS GETTING
07:06:00 PLACED.
07:06:01 I ASK ALL OF YOU TO GO BACK AND LOOK AT THE ORIGINAL INTENT,
07:06:07 THE DEBATE, THE SALESMANSHIP AND THE MARKETING TO BRING
07:06:10 ESTERO INTO INCORPORATION.
07:06:12 IT'S DONE MANY GOOD THINGS, BUT RIGHT NOW WE'RE IN A
07:06:16 SITUATION OF ALMOST RUNAWAY GROWTH THROUGHOUT FLORIDA.
07:06:19 I'M SURE YOU ARE ALL DOING YOUR BEST TO HELP MANAGE IT.
07:06:23 THE BROOKS, THE INTENT OF THE BROOKS CENTER WAS TO ENHANCE
07:06:28 THE VALUE OF THE PROPERTY AND PROTECT THE VALUE OF THE
07:06:31 PROPERTY AND GIVE AMENITIES SUCH AS RETAIL AND GROCERY
07:06:35 STORES AND POOL SERVICE AND BARBER SHOPS, ET CETERA.
07:06:39 MOST IMPORTANT, IT GIVES THE REALITY OF WHAT IS HAPPENING
07:06:45 NOW TO ESTERO AND MUCH OF THE COUNTY.
07:06:48 I ASK YOU TO PLEASE RECONSIDER DOWN GRADE, MODERATE THE
07:06:53 AMOUNT OF UNITS, HOW IT'S PUT TOGETHER OR PERHAPS DO AWAY
07:06:58 WITH IT ALTOGETHER.
07:06:59 THANK YOU FOR YOUR TIME.
07:07:00 I APPRECIATE IT.
07:07:02 [APPLAUSE]
07:07:04 >>Tammy Duran: THAT IS THE LAST ONE.
07:07:05 THAT IS THE LAST ONE.
07:07:06 >>Scotty Wood: THANK YOU.
07:07:07 APPLICANT, CROSS-EXAMINATION.

07:07:11 REBUTTAL, YOU CAN DO REBUTTAL.
07:07:18 >>Nancy Stroud: THE STAFF WOULD LIKE THE OPPORTUNITY TO MAKE
07:07:20 A FEW COMMENTS AS WELL.
07:07:22 >>Scotty Wood: GO AHEAD, MARY.
07:07:24 >>Mary Gibbs: WELL, I'VE GOT A FEW RANDOM THOUGHTS AND
07:07:27 SUGGESTIONS. I WOULD LIKE FOR THE APPLICANT TO EXPLAIN A
07:07:34 LITTLE BIT WHEN THEY GET BACK UP ABOUT THE POOL BUSINESS
07:07:37 ACCESS AND IF THAT BACK ACCESS IS GOING TO BE AFFECTED.

07:07:41 BECAUSE I THINK A LOT OF PEOPLE ARE ASKING THAT QUESTION.
07:07:43 IT'S A LITTLE BIT CONFUSING.
07:07:45 I ALSO WAS GOING TO ASK THE APPLICANT IF THEY CAN THINK
07:07:49 ABOUT THIS WHILE I'M TALKING.
07:07:51 IS THERE A WAY THEY CAN STIPULATE SOME BUSINESS PARKING.
07:07:55 I KNOW THERE IS A LONG BAY PARTNERS, BUT IS THERE A WAY SOME
07:08:00 OF THIS PARKING CAN BE STIPULATED?
07:08:02 BECAUSE WHEN YOU DO LOOK AT THE PICTURES, IT SEEMS THAT EVEN
07:08:05 THOUGH THE PARKING MEETS THE OVERALL CODE REQUIREMENT, THERE
07:08:09 MAY BE SOME ISSUES WITH THE PROXIMITY OF THE PARKING.
07:08:12 IF THEY COULD LOOK AT THAT.
07:08:14 AND THEN ALSO, IF THEY CAN LOOK AND EXPLAIN ABOUT THE REAR
07:08:20 DRIVEWAY, BECAUSE THERE SEEMS TO BE CONFUSION OF WHETHER
07:08:23 TRUCKS AND VEHICLES CAN GET BACK THERE, IF YOU CAN ALSO
07:08:26 ADDRESS THE OPEN SPACE THAT WAS BROUGHT UP BY SOME OF THE
07:08:29 PEOPLE TONIGHT.
07:08:31 I JUST WANT TO COMMENT ABOUT A COUPLE OF THINGS.

07:08:35 THERE WERE A LOT OF COMMENTS ABOUT THIS REQUEST BEING
07:08:38 INCONSISTENT WITH THE COMPREHENSIVE PLAN, AS EXPLAINED BY
07:08:42 THE EXPERT PLANNER, MAX FORGEY AND THE ATTORNEY.
07:08:46 I AM ALSO A PLANNER.
07:08:49 I'VE BEEN A CERTIFIED PLANNER.
07:08:51 I HAVE 40 YEARS' EXPERIENCE.
07:08:53 YES, I'M OLD.
07:08:55 I ADMIT IT.
07:08:57 BUT I DO HAVE TO SAY THAT I'VE BEEN REVIEWING PLANNING AND
07:09:01 ZONING FOR MANY YEARS, AND THIS IS NOT INCONSISTENT WITH THE
07:09:06 COMPREHENSIVE PLAN.
07:09:07 I THINK THAT THE APPLICANT OR THAT MAX MAY HAVE FORGOTTEN,
07:09:11 WHILE HE'S LOOKING AT THE COMPREHENSIVE PLAN AND YES, IT IS
07:09:14 VILLAGE NEIGHBORHOOD ONE, AND THERE IS A LIMIT OF FOUR UNITS
07:09:17 AN ACRE, ONE TO FOUR UNITS AN ACRE FOR THAT LAND USE
07:09:21 CATEGORY, THAT DENSITY IS CONSIDERED AS GROSS DENSITY THE
07:09:25 WAY IT'S DEFINED IN THE COMPREHENSIVE PLAN.
07:09:27 SO THAT WOULD APPLY TO THE ENTIRE BROOKS PROJECT.
07:09:30 SO THE BROOKS PROPERTY IS ABOUT 2500 ACRES AND THE ACTUAL
07:09:35 DENSITY OF THE BROOKS IS A LITTLE BIT OVER TWO UNITS AN
07:09:39 ACRE.
07:09:39 SO YOU DON'T COME IN AND HONE IN ON THE SPECIFIC PARCEL
07:09:44 THAT'S BEING EVALUATED WHEN YOU LOOK AT THE DENSITY.
07:09:49 BUT EFFECTIVELY, YES, THERE ARE A LOT OF UNITS ON THE FIVE
07:09:52 ACRES, BUT THAT'S NOT HOW YOU CALCULATE THE DENSITY, SO YOU

07:09:56 CAN'T SAY THAT IT'S INCONSISTENT WITH THE COMPREHENSIVE PLAN
07:09:59 BASED ON THAT DENSITY.
07:10:00 NOW, THE COMPATIBILITY IS TYPICALLY EXAMINED, IF THIS WAS A
07:10:06 REZONING CASE, AND I THINK I HAVE SAID THIS BEFORE WHEN WE

07:10:09 HAD PRIORITY MEETINGS AT THE COUNCIL, IF THIS WAS A REZONING
07:10:12 CASE, THEN YOU LOOK AT THE COMPATIBILITY AND WOULD THE
07:10:16 FOUR-STORY APARTMENTS BE CONSIDERED COMPATIBLE?
07:10:19 THAT IS A WHOLE OTHER ISSUE, BUT THIS IS NOT A REZONING
07:10:22 CASE.
07:10:23 THIS IS JUST FOR THE SITE PLAN APPROVAL.
07:10:25 SO WHEN YOU'RE LOOKING -- WE ARE CONSTRAINED BECAUSE WE HAVE
07:10:29 THE LEE COUNTY ZONING RESOLUTION FROM 1997 THAT SAYS YOU ARE
07:10:33 APPROVED FOR ALL THESE USES, MULTIFAMILY LOW RISE, 50 FEET
07:10:39 HIGH.
07:10:40 THEY CAN DO THE FOUR-STORY.
07:10:41 SO WE HAVE A CONSTRAINT THAT WE ARE STUCK WITH.
07:10:44 AND THAT'S WHAT WE'RE DEALING WITH TODAY.
07:10:46 I KNOW A LOT OF PEOPLE ARE UPSET BECAUSE THEY FEEL LIKE
07:10:50 WASN'T TRANSPARENT BUT THE COUNCIL WANTED TO MAKE IT
07:10:53 TRANSPARENT BY HAVING US COME BACK TO THE HEARINGS, COME
07:10:56 BACK WITH THE FINAL PLAN APPROVAL, COME BACK WITH THE SITE
07:10:58 PLAN APPROVAL.
07:10:59 WHEREAS IF WE HAD LISTENED TO WHAT THE DEVELOPER INITIALLY
07:11:02 WANTED TO SAY, WE WOULD HAVE BEEN APPROVING -- THE STAFF
07:11:06 WOULD HAVE BEEN APPROVING THE DEVELOPMENT ORDER IN THE BACK

07:11:08 ROOM WITH NO PUBLIC NOTICE OF ANY KIND.
07:11:12 SO THAT'S WHAT WE HAVE DONE.
07:11:13 NOW, THERE WAS ALSO -- I THINK SOMEBODY MENTIONED THAT
07:11:17 EVERYBODY WAS TOLD IT WAS A DONE DEAL.
07:11:20 WELL, I'M NOT SURE HOW THAT HAPPENED.
07:11:21 I THINK WHAT HAPPENED IS OUR COUNCIL, WE'VE BEEN DEALING
07:11:26 WITH THIS FOR THREE YEARS.
07:11:28 THE NEW COUNCIL SAID WE DON'T WANT TO CONTINUE THIS LAWSUIT.
07:11:32 WE WANT TO LOOK AT SETTLING THE LAWSUIT.
07:11:35 WE DID NOTIFY THE BROOKS AS A COUNCIL OF LIKE DIFFERENT
07:11:41 LEADERS OR HOAs FOR EACH DIFFERENT COMMUNITY, COPPERLEAF,
07:11:44 LIGHTHOUSE BAY, SHADOW WOOD, SPRING RUN.
07:11:47 THEY ARE DISTRICT COUNCIL MEMBER MET WITH THEM AND EXPLAINED
07:11:51 TO THEM THAT WE WERE LOOKING AT SETTLING THIS CASE.
07:11:55 IF THE BROOKS WANTED TO CONTINUE TO FIGHT THE LAWSUIT ON
07:11:58 THEIR OWN, WHICH THEY HAD DONE BEFORE, THEY COULD CONTINUE
07:12:01 TO DO THAT, BUT WE WANTED TO LET THEM KNOW THAT'S WHAT WE
07:12:06 WERE THINKING ABOUT DOING.
07:12:07 SOMEHOW, I THINK THAT -- ONE OF THE BROOKS LETTERS AS
07:12:11 SOMETHING BEING A DONE DEAL.
07:12:13 NOTHING IS EVER A DONE DEAL UNTIL IT'S DONE AND WE ALL KNOW
07:12:16 THAT.
07:12:16 I JUST WANTED TO CLEAR THAT UP FOR THE RECORD BECAUSE
07:12:22 THERE'S SO MUCH CONFUSION AND SO MUCH PASSION ABOUT THIS AND
07:12:25 WE UNDERSTAND THAT.

07:12:26 I THINK THOSE WERE MY COMMENTS.
07:12:29 I'M TRYING TO GIVE THE APPLICANT TIME TO THINK ABOUT
07:12:32 ADDRESSING SOME OF THE QUESTIONS.
07:12:41 >>Anthony Gargano: CAN I INTERJECT AND MAKE A FEW COMMENTS?
07:12:43 I AM OLDER THAN YOU, I'M SURE.
07:12:46 BUT I CAN'T MATCH YOUR YEARS OF PLANNING EXPERIENCE.
07:12:49 >>Mary Gibbs: YOU'RE NOT AS OLD AS ME, I KNOW.
07:12:52 [LAUGHTER]
07:12:53 >>Anthony Gargano: I'VE SERVED HERE IN THIS VILLAGE FOR 5.5
07:12:57 YEARS.
07:12:58 BEFORE THAT, I WAS TEN YEARS ON THE ZONING BOARD IN WHAT WAS
07:13:04 THEN THE FASTEST GROWING TOWNSHIP IN THE STATE OF NEW JERSEY
07:13:09 AND FIVE YEARS AS THE CHAIR OF THAT BOARD.
07:13:11 AND IT'S NOT JUST THE NUTS AND BOLTS THAT WE MAKE OUR VOTES
07:13:18 ON.
07:13:18 IT'S NOT JUST THE NUTS AND BOTTLES ISSUE OF DENSITY.
07:13:23 I MEAN, THERE ARE OTHER ISSUES IN OUR COMPREHENSIVE PLAN, IN
07:13:27 OUR LAND DEVELOPMENT CODE THAT I BELIEVE HAVE TO INFLUENCE
07:13:33 THE MEMBERS OF THIS BOARD WHEN THEY CAST A VOTE.
07:13:38 AND WE'VE HEARD CITATIONS.
07:13:43 I'LL GIVE YOU ONE.
07:13:45 I 309, PROTECT THE CHARACTER OF EXISTING RESIDENTIAL
07:13:52 NEIGHBORHOODS FROM INCOMPATIBLE DEVELOPMENT.
07:13:56 IT'S IN OUR LAND DEVELOPMENT CODE.
07:13:59 IT'S THERE.

07:14:00 IT'S NOT A NUTS AND BOLTS ISSUE.
07:14:02 BUT IT'S SOMETHING THAT NEEDS TO BE CONSIDERED.
07:14:06 AND I BELIEVE SHOULD BE CONSIDERED BY THIS BOARD.
07:14:09 THAT'S THE LAND DEVELOPMENT CODE.
07:14:14 IN OUR COMPREHENSIVE PLAN, WE TALK ABOUT ESTABLISHING THE
07:14:18 IMPORTANCE OF PROTECTING -- I'M QUOTING NOW -- PROTECTING
07:14:21 AND ENHANCING OUR RESIDENTIAL NEIGHBORHOODS.
07:14:28 PROTECTING AND ENHANCING OUR RESIDENTIAL NEIGHBORHOODS.
07:14:32 ANOTHER PART OF OUR LAND DEVELOPMENT CODE SPEAKS TO PROTECT
07:14:35 THE INTEGRITY OF OUR RESIDENTIAL NEIGHBORHOODS.
07:14:39 I MEAN, I HAVE TO SAY, MAYBE I'M JUMPING THE GUN HERE
07:14:45 BECAUSE WE'LL ALL HAVE OUR CHANCE TO MAKE COMMENTS BEFORE
07:14:47 THE VOTE, BUT, GEEZ, A MULTISTORY, MULTIFAMILY HIGH-RISE IN
07:14:56 THE MIDDLE OF FIVE -- AND IT'S RIGHT IN THE MIDDLE -- OF
07:15:02 FIVE RESIDENTIAL COMMUNITIES.
07:15:10 IT IS THE DEFINITION OF INCOMPATIBILITY.
07:15:14 [APPLAUSE]
07:15:14 I DON'T UNDERSTAND -- THANKFULLY THE VILLAGE COUNCIL SAID
07:15:23 THERE'S NO GUARANTEE THAT THIS BOARD WOULD APPROVE WHAT'S
07:15:26 BEING REQUESTED.
07:15:27 BUT I DON'T UNDERSTAND HOW THIS CAN BE FOISTED UPON THE
07:15:36 RESIDENTS OF THIS COMMUNITY.

07:15:38 THIS PROJECT IS WRONG, WRONG, WRONG AT EVERY LEVEL.
07:15:45 [APPLAUSE]
07:15:53 >>Scotty Wood: I WOULD NOW LIKE TO GIVE THE APPLICANT A

07:15:57 CHANCE TO REBUT.
07:15:58 >>Jim Wallace: I HAVE TO TAKE EXCEPTION.
07:16:00 >>Scotty Wood: WAIT A MINUTE.
07:16:00 WE'RE NOT READY FOR BOARD DEBATE YET.
07:16:03 WE WILL BE.
07:16:04 >>Jim Wallace: SCOTTY, WITH ALL DUE RESPECT, THERE WERE
07:16:07 THINGS -- IF YOU DRIVE DOWN U.S. 41, THE BROOKS STARTS AT 41
07:16:12 AND GOES TO I-75.
07:16:14 YOU LIVE IN A COMMUNITY THAT HAS THREE-STORY BUILDINGS.
07:16:18 YOU LIVE IN A COMMUNITY, YOU LIVE IN LIGHTHOUSE BAY THAT HAS
07:16:24 THREE STORY -- SORRY, RAPALLO HAS THREE STORY.
07:16:27 GENOVA IS FOUR STORY.
07:16:32 THE DENSITY IN COCONUT POINTE RESIDENCES IS 30 UNITS PER
07:16:35 ACRE FOUR STORY.
07:16:36 THE DENSITY AT VIA COCONUT POINT AND WILLIAMS ROAD IS FOUR
07:16:41 STORY AND 30 UNITS PER ACRE.
07:16:43 IT'S NOT LIKE THERE ISN'T PRECEDENT FOR A VARIETY OF
07:16:47 DIFFERENT --
07:16:48 >>Anthony Gargano: JIM, I'M TALKING ABOUT THE FIVE -- THE
07:16:51 FIVE -- THE FIVE RESIDENTIAL NEIGHBORHOODS -- THE FIVE
07:16:54 RESIDENTIAL NEIGHBORHOODS THAT THIS IS IN THE MIDDLE OF,
07:16:59 NONE OF WHICH HAVE A FOUR-STORY OR A THREE-STORY BUILDING.
07:17:04 >>Scotty Wood: GENTLEMEN, I WOULD LIKE THE TWO OF YOU --
07:17:07 >>Barry Jones: PLEASE RESPECT THE CHAIR.
07:17:09 >>Scotty Wood: PLEASE, WE WILL BRING THIS BACK TO THE BOARD

07:17:12 AND WE CAN HAVE ALL THE DEBATE WE WANT.
07:17:14 BUT I WANT THE OPPORTUNITY TO COMPLETE THE PUBLIC HEARING
07:17:18 AND TO GIVE THE LEGAL RIGHT THAT THE APPLICANT HAS FOR
07:17:22 REBUTTAL.
07:17:24 THEY DESERVE THAT RIGHT AND THEY ARE GOING TO GET IT.
07:17:30 >>Charlie Krebs: I'M GOING TO USE MY NOTES BECAUSE SOMEBODY
07:17:33 ASKED ABOUT NOT HAVING THE NUMBERS.
07:17:35 I HAVE TOO MANY PROJECTS TO KEEP THEM ALL MEMORIZED.
07:17:39 >>Mary Gibbs: CHARLIE, MICROPHONE.
07:17:40 >>Charlie Krebs: SORRY.
07:17:42 SO THE WHOLE SITE IS 9.5 ACRES.
07:17:45 RIGHT NOW, AND THIS IS ON THE MASTER SITE PLAN THAT WE HAVE
07:17:47 SUBMITTED TO STAFF.
07:17:49 THE EXISTING BREAKDOWN IS YOU'VE GOT JUST UNDER 80,000
07:17:53 SQUARE FEET OF BUILDING.
07:17:55 YOU HAVE JUST UNDER 244,000 SQUARE FEET OF PAVEMENT.
07:17:59 YOU'VE GOT 20,000 SQUARE FEET OF SIDEWALKS AND CURB, AND
07:18:04 YOU'VE GOT JUST OVER 89,000 SQUARE FEET OF GREENSPACE.

07:18:08 AND WHAT WE'RE PROPOSING IS GOING TO INCREASE THE BUILDING
07:18:11 AREA, JUST THE FOOTPRINTS, NOT TALKING SQUARE FOOTAGE, THE
07:18:16 FOOTPRINTS TO JUST UNDER 99,000.
07:18:19 THE ASPHALT WILL DROP TO JUST OVER 189,000 SQUARE FEET.
07:18:26 THE SIDEWALK AREA WHICH INCLUDES THE POOL DECK AND
07:18:31 COURTYARD, INCREASE TO 53,000.
07:18:33 THAT'S YOUR PEDESTRIAN CONNECTIVITY, YOUR SIDEWALKS,

07:18:36 GREENSPACE, ALL THOSE AMENITIES.
07:18:38 AND THEN YOUR GREENSPACE GOES FROM 89,000 SQUARE FEET TO
07:18:42 91,000 SQUARE FEET.
07:18:44 SO WE'RE INCREASING THE PERVIOUS AREA OF THE SITE.
07:18:47 WE'RE IMPROVING THE CONDITION FROM A COMMERCIAL.
07:18:55 RUNOFF, LESS IMPERVIOUS AREA FOR RUNOFF TO HAPPEN.
07:18:57 THERE'S LESS PARKING AREA FOR CARS TO LEAK OIL ONTO AND GET
07:19:01 INTO THE DRAINAGE SYSTEM.
07:19:02 YOU'VE GOT POOL AREAS AND AMENITIES AND SIDEWALKS THAT ALLOW
07:19:07 PEOPLE TO WALK ALL OVER THE PARCEL.
07:19:09 WE EVEN TOOK ADVANTAGE OF THE REQUEST THAT THE BOARD GAVE US
07:19:13 LAST TIME AND WE PUT THAT SIDEWALK.
07:19:20 LET ME FLIP OVER TO THAT.
07:19:21 WE PUT THE SIDEWALK CONNECTIVITY ONTO CORKSCREW.
07:19:28 WHERE IS THE CURSOR?
07:19:30 DOWN HERE, YOU CAN SEE WE'VE GOT A BRICK PAVER PATH THAT'S
07:19:34 GOING TO GO TO A SIDEWALK THAT GOES BACK OUT TOWARDS THREE
07:19:36 OAKS.
07:19:37 WE HAVE CONNECTIVITY WITH THE EXISTING ROAD UP HERE AND
07:19:39 CONNECTIVITY UP HERE.
07:19:40 SO WE'VE TRIED TO MEET SOME OF THE COMMENTS THAT YOU GUYS
07:19:45 MADE WITH BRINGING MORE PEDESTRIANS ON THERE.
07:19:47 ACCESS.
07:19:50 SOMEONE WAS TALKING ABOUT THE CHANGE IN THE ROAD.
07:19:53 I'M NOT CHANGING THAT EDGE OF PAVEMENT.

07:19:56 I'M HOLDING THAT EDGE OF PAVEMENT.
07:19:58 I'M HOLDING ALL THOSE INLETS.
07:20:00 THE ONLY THING WE'RE DOING INSTEAD OF HAVING THIS LARGE
07:20:04 AREA, LET'S LOOK AT THE LIGHTING PLAN, THIS LARGE PAVEMENT
07:20:10 AREA BACK HERE IS -- I'M PUTTING IN ISLANDS AND AN AREA.
07:20:18 I HAVE 20 OR 24 FEET OF PAVEMENT HERE THAT'S GOING TO STAY
07:20:22 CONNECTIVITY DURING CONSTRUCTION.
07:20:24 THERE MAY BE SOME LIMITED ACCESS WHEN THEY ARE DOING DEMO,
07:20:27 IF YOU'RE DOING DEMO WORK AND TAKING OUT PAVEMENT, YOU'RE
07:20:31 GOING TO HAVE TO RESTRICT TRAFFIC.
07:20:33 THAT DOESN'T MEAN IT'S GOING TO BE CLOSED ALL THE TIME, BUT
07:20:35 THAT'S GOING TO BE FOR THE CONTRACTOR TO CONTROL.
07:20:37 THEY ARE GOING TO HAVE A SITE GOING THROUGH DEVELOPMENT
07:20:40 CHANGES.

07:20:40 THEY ARE GOING TO NEED TO CONTROL IT FOR PUBLIC SAFETY.
07:20:43 BUT THAT ACCESS POINT WILL STILL ALLOW WHEN EVERYTHING IS UP
07:20:48 AND RUNNING, VEHICLES TO COME BACK TO THE EDGE, MAKE THEIR
07:20:51 DELIVERIES AND LEAVE.
07:20:52 THESE CONNECTION POINTS HAVE ALWAYS BEEN IN THERE.
07:20:54 WHEN YOU GO LOOK AT THE ORIGINAL TRAFFIC REPORT FOR THIS
07:20:57 PARCEL, WE HAD THREE CONNECTION POINTS THAT WE USED TO SAY
07:21:01 HOW THE TRAFFIC WAS GOING TO LEAVE.
07:21:03 WE'RE KEEPING THEM.
07:21:05 THERE WAS A QUESTION ABOUT THAT FENCE.
07:21:08 CAN I SHOW YOU A PICTURE?

07:21:09 I PULLED IT UP ON GOOGLE EARTH OF WHAT IS HAPPENING UP HERE.
07:21:14 I CAN SHARE THAT WITH THE BOARD IF YOU'RE INTERESTED SO YOU
07:21:16 CAN SEE HOW DENSE THAT VEGETATION IS IF YOU ARE AT ALL
07:21:19 INTERESTED.
07:21:20 I'M NOT GOING TO MAKE MY PHONE A PUBLIC RECORD.
07:21:22 IF YOU ARE INTERESTED, I'M HAPPY TO PULL THAT BACK UP AND
07:21:26 SHARE IT WITH YOU.
07:21:27 PARKING, I WOULD HAVE TO SAY IF THERE'S GOING TO BE ANY
07:21:33 SIGNAGE FOR PARKING, I WOULD HAVE TO LEAVE THAT UP WITH THE
07:21:36 DEVELOPER.
07:21:36 IF THEY NEED TO GO OUT THERE AND ADD SIGNS TO DESIGNATE
07:21:40 PARKING, THAT'S NOT PART OF THE D.O. PROCESS, BUT CERTAINLY
07:21:43 SOMETHING WE CAN TALK WITH THEM TO SEE IF IT CAN BE DONE.
07:21:47 ANY QUESTIONS?
07:21:53 >>Kristin Jeannin: DO YOU SHARE ANY OF THE CONCERNS WITH ALL
07:21:55 OF THE CURRENT PARKING SITUATION AND ALL THE BUSINESSES THAT
07:21:59 ARE PARKING ALONG THAT BACK CURB AND THEN BEING ABLE TO GET
07:22:03 THROUGH THERE WITH THE CHANGES?
07:22:07 >>Charlie Krebs: THE WAY IT WAS SET UP, THERE IS NOT PARKING
07:22:09 BACK THERE.
07:22:10 IF WE NEED TO HAVE SOME TYPE OF ENFORCEMENT, THOSE CARS NEED
07:22:13 TO PARK SOMEPLACE IN THE DESIGNATED SPACES.
07:22:16 IT WAS NOT SET UP TO HAVE VEHICLES BACK THERE 24/7.
07:22:20 YOU MAKE DELIVERIES, DROP YOUR STUFF OFF, YOU LEAVE.
07:22:23 THAT WAS THE INTENT.

07:22:24 I WAS THE ENGINEER FOR THIS PROJECT.
07:22:26 >>Kristin Jeannin: POSSIBLY SOME SIGNAGE THAT SAYS NO
07:22:28 PARKING BACK THERE.
07:22:29 >>Charlie Krebs: WE CAN PUT SIGNAGE BACK THERE TO SAY NO
07:22:32 PARKING IF THAT'S WHAT IT TAKES TO CONTROL IT.
07:22:35 >>Kristin Jeannin: BUT IN YOUR OPINION IF THEY ARE NOT
07:22:37 PARKING BACK THERE, THERE'S ROOM FOR THEM ON THE SITE
07:22:41 OTHERWISE.
07:22:41 >>Charlie Krebs: I CAN'T CONTROL HOW MANY VEHICLES A
07:22:44 BUSINESS OWNS.

07:22:45 BUT BASED ON THE LAND DEVELOPMENT CODE, BASED ON THE USES
07:22:49 OUT THERE, THERE IS MORE THAN ENOUGH PARKING TO SATISFY
07:22:52 THOSE USES.
07:22:53 AND UNDERSTAND THAT YOU HAVE DIFFERENT TIME FRAMES THAT
07:22:56 THESE ARE GOING TO BE WORKING.
07:22:57 DURING WORK HOURS, YOU'RE NOT GOING TO HAVE GUEST PARKING
07:23:00 OVER HERE.
07:23:08 >>Barry Jones: HOW MANY PLACES WOULD YOU GAIN IF THE GARAGES
07:23:10 WERE ELIMINATED?
07:23:11 WHAT WAS THE IMPETUS FOR PUTTING GARAGES IN VERSUS PARKING
07:23:17 SPOTS TO GET THE DEVIATION?
07:23:18 >>Charlie Krebs: I THINK THE GARAGES, CORRECT ME IF I'M
07:23:21 WRONG, MARY, DIDN'T THAT COME OUT OF DISCUSSION AS PART OF
07:23:24 THE SETTLEMENT?
07:23:24 >>Mary Gibbs: THAT WAS PART OF THE SETTLEMENT DISCUSSION.

07:23:27 JUST THE FACT THAT WE THOUGHT IT WOULD BE A NICER PROJECT IF
07:23:30 THERE WERE SOME GARAGES.
07:23:32 >>Barry Jones: IT'S IN THE SETTLEMENT AGREEMENT THAT WE'RE
07:23:34 BOUND BY THAT THEY ARE TO PUT PARKING GARAGES IN THERE.
07:23:38 >>Kristin Jeannin: DOESN'T LOOK LIKE THEY WOULD GAIN MUCH.
07:23:41 >>Barry Jones: GARAGES ARE USUALLY 12 FEET --
07:23:44 >>Charlie Krebs: YOU GAIN SPACES.
07:23:46 PROBABLY TWO SPACES A GARAGE.
07:23:47 DON'T QUOTE ME ON THAT, BUT I THINK THAT'S KIND OF WHERE WE
07:23:50 LOST IT.
07:23:53 >>Barry Jones: OKAY.
07:23:53 >>Charlie Krebs: YOU'RE LOOKING AT MAYBE A GAIN OF 6 TO SAY
07:23:58 8 SPACES.
07:23:59 AGAIN, BY CODE WE NEED 380.
07:24:03 I BELIEVE THE SITE HAS 420.
07:24:05 WE HAVE 40 ADDITIONAL SPACES THAT ARE OUT THERE.
07:24:08 THE APPLICANT HAS SAID THAT BASED ON THEIR USES OF SIMILAR
07:24:13 FACILITIES, THE PARKING DEMAND IS LESS THAN WHAT THE CODE
07:24:15 IS.
07:24:16 >>Barry Jones: I DON'T THINK IT IS THE APARTMENTS CREATING
07:24:18 THE PARKING CHALLENGE.
07:24:19 IT'S SOME OF THE USES IN THE COMMERCIAL CENTER THAT HAS
07:24:23 INTENSE PARKING DURING CERTAIN PERIODS OF THE DAY.
07:24:26 >>Charlie Krebs: RIGHT.
07:24:26 >>Barry Jones: AND I DON'T KNOW HOW TO RECTIFY THAT FROM A

07:24:29 COMMERCIAL LEASE STANDPOINT BECAUSE I UNDERSTAND YOUR
07:24:34 CONCERN.
07:24:35 I'M EMPATHETIC TO IT, BUT I DON'T BELIEVE IT IS THIS PROJECT
07:24:39 CREATING THE CHALLENGE AND I DON'T KNOW HOW WE ADDRESS THAT
07:24:42 CHALLENGE EITHER IN OUR CODE OR ON THIS PROJECT.
07:24:48 >> IT'S CREATING A CHALLENGE, SIR, BECAUSE WE PARK --

07:24:50 >>Tammy Duran: I'M SORRY.
07:24:51 YOU ARE NOT ON MIKE, SO THEY CAN'T HEAR YOU.
07:24:56 >>Jim Wallace: I HAVE ONE COMMENT, AND IT'S DIRECTED TO YOU.
07:25:00 I KNOW THE VALUE OF SHARED PARKING.
07:25:06 IN TERMS OF CONCENTRATION AND THE RESIDENTIAL IS MORE AT
07:25:08 NIGHT.
07:25:09 I UNDERSTAND THAT.
07:25:10 PEOPLE SEEM TO HAVE THE SORT -- I PICKED UP THAT PEOPLE GO,
07:25:14 OH, IT'S RENTALS.
07:25:15 2500 TO 5,000 A MONTH.
07:25:17 THIS IS NOT STUDENT HOUSING.
07:25:18 BUT IN TERMS OF SHARED PARKING, EVERY TIME I LOOK AT YOUR
07:25:24 SITE PLAN, I JUST CAN'T NOT NOTICE THAT THERE IS, UP HERE,
07:25:30 WHERE THERE IS CURRENTLY CONNECTIVITY BETWEEN THE SWEET BAY
07:25:38 SITE AND THE STRIP MALL SITE, YOU'VE BLOCKED THAT OFF WITH A
07:25:42 COUPLE OF GARAGES AND PARKING SPACES SO THAT THE
07:25:45 INTERCONNECTIVITY, THE VEHICULAR INTERCONNECTIVITY IS GONE.
07:25:50 THERE'S ONLY ONE, AND THAT'S DOWN AT THE BOTTOM.
07:25:54 IN TERMS OF SHARED PARKING, THERE IS CONCEPT, BUT THEN

07:25:58 THERE'S REALITY.
07:26:00 AND HERE IT'S ALMOST LIKE THE GARAGES ARE BECOMING A
07:26:04 BARRIER, A WALL THAT PREVENTS THE INTERCONNECTIVITY BETWEEN
07:26:08 THE PARKING OF THE STRIP MALL AND THE PARKING OF THE
07:26:11 RESIDENTIAL.
07:26:12 SO THEREFORE I PUT A QUESTION MARK AT THE END OF THE
07:26:16 VALIDITY OF SHARED PARKING.
07:26:18 DO YOU UNDERSTAND WHAT I'M TALKING ABOUT?
07:26:22 YOU'VE ELIMINATED THE INTERCONNECTIVITY BETWEEN --
07:26:27 >>Charlie Krebs: YOU'RE TALKING UP HERE.
07:26:29 >>Jim Wallace: RIGHT THERE, YEAH.
07:26:30 >>Charlie Krebs: WELL, BUT, AGAIN, EVEN IF THE GARAGE WASN'T
07:26:34 THERE, WE WOULD STILL HAVE THE PARKING THAT WE WOULD TRY TO
07:26:37 MAXIMIZE.
07:26:38 EITHER I KEEP THIS LOCATION AND GET RID OF THIS LOCATION --
07:26:45 >>Jim Wallace: WHY WOULDN'T YOU HAVE BOTH?
07:26:47 >>Charlie Krebs: NOW, THE GOAL THAT WE'VE HEARD IS TRYING TO
07:26:50 MAXIMIZE PARKING.
07:26:51 IF THE GOAL ISN'T TO MAXIMIZE PARKING, I CAN PROVIDE ALL
07:26:55 SORTS OF CONNECTIVITY.
07:26:57 BUT AT THE POINT OF CONNECTIVITY PROVIDING THAT, YOU'RE
07:27:01 LOSING SPACES.
07:27:02 >>Jim Wallace: I APPRECIATE THAT.
07:27:03 DOESN'T THE PRETEXT BE THAT SHARED PARKING MAKES THIS WORK
07:27:08 BETTER, BUT THEN WE CREATE A BARRIER THAT THE SHARED PARKING

07:27:12 DOESN'T WORK.
07:27:14 >>Charlie Krebs: NO, I DISAGREE WITH THAT.

07:27:16 >>Kristin Jeannin: -- THE RESIDENTIAL PROBABLY REALLY ISN'T
07:27:19 GOING TO BLEED OVER INTO THE COMMERCIAL.
07:27:20 >>Charlie Krebs: THAT'S THE GOAL.
07:27:21 THE IDEA IS THAT THEY EXPECT LITTLE OR NO RESIDENTIAL
07:27:25 PARKING OVER HERE.
07:27:26 SO WHAT WE'VE PROVIDED IS SOME LOCATIONS THAT CAN BE OPEN TO
07:27:29 RESIDENT GUEST PARKING THERE AND THEN SIDEWALK CONNECTIVITY
07:27:32 TO BRING THEM OVER TO THE RESIDENTIAL SIDE.
07:27:35 >>Jim Wallace: BUT THEN YOU CAN'T MAKE THE CLAIM OF SHARED
07:27:39 PARKING.
07:27:40 >>Charlie Krebs: NO, YOU CAN.
07:27:41 IT IS SHARED PARKING.
07:27:42 IT'S SHARED PARKING THAT THESE AREAS WHERE WE HAVE KIND OF
07:27:45 DESIGNATED IS GOING TO BE SHARED WITH POSSIBLE COMMERCIAL.
07:27:48 IT'S NOT EXCLUSIVE.
07:27:50 >>Jim Wallace: I HEAR WHAT YOU'RE SAYING, BUT IF I SAY YES
07:27:53 THEY ARE SHARED PARKING, BUT THERE ARE OBSTACLES TO USE IT,
07:27:56 THEN YOU LOSE THE VALIDITY OF THE SHARED PARKING.
07:28:00 >>Barry Jones: -- CONNECTIVITY AT THE SOUTH END OF THE
07:28:03 PROJECT.
07:28:04 >>Charlie Krebs: I UNDERSTAND WHAT YOU'RE SAYING, JIM.
07:28:06 I JUST DISAGREE WITH IT.
07:28:08 >>Barry Jones: THE AUTO TURN, HAS THE FIRE DEPARTMENT HAD

07:28:12 ANY QUESTIONS OR CONCERNS OR HAS THAT BEEN SATISFIED?
07:28:17 >>Charlie Krebs: WHEN I TALKED TO LIEUTENANT DANIELSON, THE
07:28:20 ONLY COMMENT THAT HE HAD WHEN I SPOKE TO HIM A WEEK OR TWO
07:28:23 AGO IS HE ASKED US TO KEEP THE FIRE HYDRANT DOWN IN THIS
07:28:26 LOCATION.
07:28:27 LET'S SEE IF I CAN GO BACK TO THE DEMO PLAN.
07:28:30 THERE IS A WATER MAIN THAT CAME ALL THE WAY UP HERE THAT WAS
07:28:33 PROVIDING FIRE PROTECTION.
07:28:35 OUR ORIGINAL PLAN WAS TO VACATE THAT ALL THE WAY BACK AND
07:28:38 CAP IT AT THE MAIN.
07:28:40 HE ASKED US TO TRY TO SAVE, PUT THAT HYDRANT BACK IN.
07:28:45 TALKED TO BSU.
07:28:46 WE'LL PUT THE HYDRANT RIGHT AT THE END OF THAT.
07:28:48 IF YOU GO TO THE SITE PLAN, THAT MAKES THAT HYDRANT KIND OF
07:28:53 IN THIS LOCATION.
07:28:54 SO THEY'LL HAVE CONNECTIVITY THROUGH THAT SIDEWALK IF THEY
07:28:57 HAVE TO PULL FROM THAT HYDRANT.
07:28:59 THERE ARE EXISTING HYDRANTS ON THE SITE AND I SHARED THAT
07:29:06 WITH THE LIEUTENANT THAT I THINK WE HAVE THE CORRECT AMOUNT
07:29:07 OF COVERAGE PLUS THE BUILDING IS GOING TO BE SPRINKLED.
07:29:10 BUT IF HE NEEDS THAT HYDRANT IN THAT LOCATION, I HAVE NO
07:29:13 PROBLEM GIVING IT TO HIM.
07:29:14 >>Barry Jones: ALL 25-FOOT RADIUSES INTERNAL OR INSIDE
07:29:18 RADIUSES TO ALLOW THE FIRE THERE YOU CAN TO BE ABLE TO MOVE

07:29:21 THROUGH?

07:29:22 >>Charlie Krebs: RIGHT.
07:29:22 WE'VE DONE AN AUTO TURN, AND IT IS PART OF THE D.O. PLANS.
07:29:25 THAT BRINGS THEM IN FROM THIS LOCATION, CIRCLES AROUND THE
07:29:29 BUILDING.
07:29:29 THEY CAN COME BACK OUT THIS WAY OR THEY CAN COME BACK OUT
07:29:33 THROUGH THE ENTRANCE ON THREE OAKS.
07:29:35 >>Barry Jones: THAT'S FOR THE PUBLIC, THAT IS THE GENERAL
07:29:38 CRITERIA FOR ALL FIRE DEPARTMENTS IS THEY WANT A 25-FOOT
07:29:41 RADIUS TO BE ABLE TO INGRESS-EGRESS.
07:29:44 THAT IS A DESIGN STANDARD WE HAVE TO LIVE BY.
07:29:47 THAT'S THE IMPETUS OF THE QUESTIONS.
07:29:50 THANK YOU.
07:29:50 MARY, THE FIRE DEPARTMENT HASN'T FILED ANY OBJECTIONS?
07:29:56 >>Mary Gibbs: THE ONE COMMENT WE GOT FROM SCOTT DANIELSON
07:29:59 WAS ABOUT THE FIRE HYDRANT.
07:30:02 BUT SUBSEQUENT TO THAT, I THINK MS. WYROFSKY MAY HAVE TALKED
07:30:07 TO THE FIRE MARSHAL BECAUSE HE CAME OVER TO OUR OFFICE LAST
07:30:10 WEEK AND WANTED TO LOOK AT THE SITE PLAN.
07:30:12 HE MENTIONED AUTO TURN.
07:30:15 I THINK WE SAID WE HAVE AN AUTO TURN ANALYSIS.
07:30:17 THAT WAS THE LAST I HEARD FROM THEM.
07:30:20 >>Barry Jones: THANK YOU.
07:30:20 I JUST WANTED TO MAKE SURE THAT COMMENT WAS ADDRESSED.
07:30:25 >>Jim Wallace: JUST TO FINISH MY DISCUSSION WITH YOU, MY
07:30:28 QUESTION.

07:30:29 IF IT CAME DOWN TO LOSING THOSE THREE GARAGES AND TWO OPEN
07:30:34 PARKING SPACES TO MAKE INTERCONNECTIVITY WORK FOR THE FIRE
07:30:38 DEPARTMENT, FOR ANYBODY WHO WANTS TO PARK, EVERYBODY WANTS
07:30:41 TO SHARE PARKING, WOULD THAT BE SOMETHING YOU WOULD
07:30:44 CONSIDER?
07:30:45 >>Charlie Krebs: I CAN'T SPECULATE ON THAT BECAUSE IT IS
07:30:48 PART OF THE SETTLEMENT AGREEMENT.
07:30:49 I DON'T KNOW HOW FLEXIBLE THAT DOCUMENT IS.
07:30:51 >>Jim Wallace: I SAID CONSIDER, I DIDN'T SAY ACCEPT.
07:30:55 I WAS JUST ASKING IF IT'S WRITTEN IN STONE OR NOT.
07:30:59 >>Charlie Krebs: I THINK IT IS WRITTEN IN STONE BECAUSE OF
07:31:01 THE SETTLEMENT AGREEMENT.
07:31:02 >>Nancy Stroud: NO, NO.
07:31:04 THIS, I THINK, IS THE IDEA THAT THE SETTLEMENT AGREEMENT WAS
07:31:08 CONCEPTUAL AND THE BOARD WOULD HAVE TO LOOK AT ISSUES THAT
07:31:16 IT NORMALLY LOOKS AT FOR DEVELOPMENT ORDERS, AND IF THERE
07:31:19 WERE DIFFERENCES, THEY COULD BE CHANGED.
07:31:24 >>Charlie Krebs: SO IT IS FLEXIBLE.
07:31:25 >>Nancy Stroud: I BELIEVE IT IS FLEXIBLE.
07:31:28 IF THE APPLICANT IS NOT WILLING TO DO THE CHANGE, THEY CAN

07:31:34 INVOLVE A MAGISTRATE --
07:31:36 >>Jim Wallace: ALL I'M SAYING AND ASKING, 35 GARAGES, IF I
07:31:41 COUNT RIGHT, COULD THEY LIVE WITH 32?
07:31:44 IF THEY SAY ABSOLUTELY NOT, THEN WE KNOW IT'S ABSOLUTELY
07:31:47 NOT.

07:31:48 >>Kristin Jeannin: I JUST DON'T SEE HOW THAT REALLY HELPS.
07:31:51 >>Charlie Krebs: SORRY, JIM.
07:31:52 I DON'T KNOW THAT OPENING THAT UP REALLY GAINS YOU ANYTHING.
07:31:55 IT'S A THIRD OR FOUR CONNECTION POINT, THIRD CONNECTION
07:31:59 POINT TO THAT.
07:32:00 I DON'T KNOW HOW THAT IMPROVES IT.
07:32:04 >>Jim Wallace: I GUESS IT'S JUST MY PERSPECTIVE.
07:32:06 I THINK IT DOES DRAMATICALLY.
07:32:09 >>Barry Jones: THE TWO LARGE ISLANDS ON THE WEST SIDE --
07:32:12 SORRY, THE EAST SIDE OF THE BUILDING, WAS THERE A REASON FOR
07:32:15 THE ADDITIONAL WIDTHS -- NO, SOUTH?
07:32:18 YOU GOT TWO ISLANDS THERE THAT ARE PROBABLY 25 FEET WIDE.
07:32:22 >>Charlie Krebs: DOWN IN HERE?
07:32:24 >>Barry Jones: NO.
07:32:25 ON THE EAST SIDE OF THE STRUCTURE, MIDWAY UP.
07:32:28 >>Charlie Krebs: OH, THIS.
07:32:30 >>Barry Jones: IS THERE A REASON FOR THAT ADDITIONAL WIDTH?
07:32:33 HOSTING UTILITIES?
07:32:34 JUST TO SUPPORT ORIGINAL LANDSCAPING.
07:32:40 >>Charlie Krebs: I THINK ORIGINALLY WE HAD A SIDEWALK
07:32:44 CONNECTION THAT CAME THROUGH.
07:32:45 AND THEN AS THE SITE PLAN GOT REFINED, THE SIDEWALK WENT
07:32:49 AWAY BECAUSE OF UTILITIES AND THE ADDED ADDITION OF THE
07:32:53 LANDSCAPE WALL.
07:32:54 BUT WE KEPT THE ISLANDS FOR GREENSPACE AND LANDSCAPING

07:32:58 BECAUSE WE THOUGHT WE HAD THE PARKING COUNT THAT WE NEEDED.
07:33:03 >>Barry Jones: AT MOST YOU COULD GAIN TWO SPOTS THERE.
07:33:06 >>Charlie Krebs: YEAH, I COULD SHRINK THE ISLANDS DOWN AND
07:33:09 MAKE TWO SPOTS.
07:33:10 A COUPLE OF OTHER ISLANDS THAT COULD BE SHRUNK DOWN TO MAKE
07:33:13 MORE PARKING BUT YOU WILL BE SACRIFICING GREENSPACE FOR
07:33:16 PAVEMENT AREA.
07:33:17 >>Barry Jones: I UNDERSTAND.
07:33:19 >>Jim Wallace: I THOUGHT, MAYBE I'M WRONG, YOU CAN CORRECT
07:33:22 ME, THAT IN ESTERO WE ONLY HAD TEN PARKING SPACES BETWEEN
07:33:26 MEDIANS, AND THEN WE HAD TO HAVE SOME GREENSPACE.
07:33:32 DO WE HAVE A DEVIATION FOR THAT?
07:33:34 EXCEPTION FOR THAT OR AM I WRONG?
07:33:36 >>Charlie Krebs: I THINK WE DISCUSSED THIS FROM THE FPA WHEN
07:33:40 WE DID THE AVERAGE, AND IT IS THE AVERAGE FOR THE SITE.
07:33:42 SO WHEN YOU LOOK AT THE PARKING COUNT BETWEEN ISLANDS ON AN

07:33:46 AVERAGE FOR THE ENTIRE TEN ACRES, WE'RE BELOW THAT TEN.
07:33:50 I THINK THE QUESTION CAME UP AT THE FPA AS WELL.
07:33:55 >>Jim Wallace: IT IS THE AVERAGE OF THE WHOLE SITE.
07:33:58 6, 6 AND 6, ALLOWED TO DO 20 OVER THERE?
07:34:02 >>Charlie Krebs: THAT'S THE WAY WE'VE BEEN APPLYING IT.
07:34:04 >>Jim Wallace: I'LL DEFER TO MARY ON THAT ONE.
07:34:06 >>Mary Gibbs: I THINK JIM SAID YOU CAN GO ABOVE THE 10.
07:34:12 HE DOESN'T HAVE A MICROPHONE SO I HAVE TO REPEAT.
07:34:14 IF YOU ARE BETWEEN 10 AND 13, 10-FOOT SPACE.

07:34:21 IF YOU ARE ABOVE THAT, IT IS A 20-FOOT SPACE.
07:34:28 >>Charlie Krebs: WE DO HAVE LARGER ISLANDS FOR LANDSCAPING.
07:34:40 >>Scotty Wood: NEALE, YOU WANT TO SAY SOMETHING.
07:34:45 >>Neale Montgomery: NEALE MONTGOMERY FOR THE RECORD.
07:34:47 I JUST WANT TO TOUCH ON SOME OF THE ISSUES THAT WERE RAISED
07:34:50 BECAUSE I THINK THEY ARE ADDRESSED IN THE SETTLEMENT
07:34:52 AGREEMENT.
07:34:53 ONE OF THE QUESTIONS MARY RAISED WAS OPEN SPACE.
07:34:56 I BELIEVE IT'S IN PARAGRAPH FOUR OF THE SETTLEMENT
07:34:59 AGREEMENT.
07:35:01 IT REITERATES THE FACT THAT THE OPEN SPACES PER THE ZONING
07:35:06 RESOLUTION, FOR THOSE OF YOU WHO HAVE DONE PLANNED
07:35:09 DEVELOPMENTS, A LOT OF TIMES IF YOU HAVE A LOT OF COMMON
07:35:11 OPEN SPACE, THEN INDIVIDUAL PARCELS ONLY HAVE 10% OPEN
07:35:15 SPACE.
07:35:16 400 PLUS ACRES IN THE OVERALL PLANNED DEVELOPMENT IN THE
07:35:20 FLOW WAY, OPEN SPACE AREA THAT WERE SET ASIDE, SO INDIVIDUAL
07:35:24 PARCELS ONLY HAD TO HAVE 10%, SO WE MEET THAT.
07:35:27 PARAGRAPH 10 OF THE SETTLEMENT AGREEMENT ALSO INDICATES THAT
07:35:30 THE ACCESS POINTS REMAIN THE SAME AND THAT THE SITE-RELATED
07:35:34 IMPROVEMENTS WERE DONE AND THAT THE DRI TRANSPORTATION
07:35:38 MITIGATION FOR THE NUMBER OF TRIPS HAS BEEN PAID WELL IN
07:35:43 ADVANCE OF IMPACTS.
07:35:45 AS MR. -- POINTED OUT, THE SHIFT FROM COMMERCIAL TO
07:35:50 RESIDENTIAL WAS REDUCTION IN TRIPS AND REDUCTION IN IMPACTS.

07:35:54 THERE'S LESS TRAFFIC IMPACT FROM THIS THAN THERE WOULD HAVE
07:35:58 BEEN BEFORE.
07:36:00 I WOULD ALSO POINT OUT THAT SECTION 2-502, WHICH IS THE
07:36:05 DEVELOPMENT SECTION OF YOUR LAND DEVELOPMENT CODE, INDICATES
07:36:09 THAT YOU CAN AT TIMES HAVE A ZONING AND A DEVELOPMENT ORDER
07:36:12 BEING PROCESSED THE SAME IN WHICH CASE IT DOES INDICATE THAT
07:36:17 YOU HAVE THE RIGHT TO LOOK AT ZONING ISSUES.
07:36:19 HOWEVER, THIS IS NOT THAT SITUATION.
07:36:22 THE ZONING IS ALREADY APPROVED.
07:36:24 THEREFORE YOUR OBLIGATION IS TO APPROVE A PLAN THAT'S
07:36:27 CONSISTENT WITH THE ZONING.
07:36:28 THE NUMBER OF UNITS, 137, SET FORTH IN THE SETTLEMENT

07:36:32 AGREEMENT, THAT WAS AN AGREED UPON TERM.
07:36:35 AND I WOULD NOTE THAT THE COMPREHENSIVE PLAN DOES, IN FACT,
07:36:40 HAVE A VESTED RIGHTS SECTION THAT MS. STROUD WROTE THAT
07:36:44 WOULD PROVIDE THAT THERE IS VESTING IN THIS SITUATION FOR
07:36:48 THE DRI AND THE APPROVED NUMBER OF UNITS IN ADDITION TO THE
07:36:52 SECTION THAT I REFERENCED EARLIER.
07:36:55 SO MR. FORGEY'S ARGUMENT, NOT HOW WE HAVE TO COMPLY WITH THE
07:37:01 CURRENT COMP PLAN CATEGORY ISN'T CORRECT.
07:37:04 IN FACT, CHAPTER 163, IT INDICATES IF YOU'VE GOT A PRIOR
07:37:08 APPROVED VESTED DRI, YOU CAN CHANGE THE COMP PLAN ALL YOU
07:37:11 WANT, BUT THE DRI STILL CONTROLS.
07:37:14 AND THE POLICY THAT MS. STROUD WROTE REFERS TO THAT SECTION
07:37:19 OF THE FLORIDA STATUTE.

07:37:21 I THINK ALL THE ISSUES RELATIVE THAT AREN'T STRICTLY YOUR
07:37:29 D.O. ISSUES THAT YOU LOOK AT HAVE BEEN ADDRESSED BY EITHER
07:37:32 THE FINAL PLAN APPROVAL, THE SETTLEMENT AGREEMENT, THE DRI,
07:37:35 OR THE ZONING.
07:37:36 THANK YOU.
07:37:40 >>Scotty Wood: DOES ANYBODY HAVE ANY FURTHER
07:37:41 CROSS-EXAMINATION OF THE PUBLIC?
07:37:46 >>Kristin Jeannin: NO.
07:37:47 >>Scotty Wood: NO.
07:37:47 THEN I'LL CLOSE THE PUBLIC HEARING.
07:37:49 YOU'VE DONE YOUR REBUTTAL.
07:37:59 YOU ARE THROUGH WITH YOUR REBUTTAL AT THIS POINT.
07:38:02 >>Neale Montgomery: I JUST DID THAT, I THINK.
07:38:04 >>Scotty Wood: I WANT TO MAKE SURE.
07:38:05 I'M GOING TO NOW BRING THIS BACK TO THE BOARD FOR BOARD
07:38:13 DISCUSSION.
07:38:13 DOES ANYBODY WANT TO SAY ANYTHING?
07:38:18 >>Michael Sheeley: I HAVE A QUESTION.
07:38:19 I UNDERSTAND MR. TATOOLES' COMMENTARY, BUT IS IT NOT THE
07:38:25 CASE THAT WE ARE, THIS BOARD IS NOT ALLOWED TO CONSIDER
07:38:32 COMPATIBILITY IN THIS CASE?
07:38:36 >>Nancy Stroud: NO, YOU CAN CERTAINLY CONSIDER
07:38:39 COMPATIBILITY, YES, BUT YOU ALSO HAVE TO CONSIDER THE ZONING
07:38:46 FOR THE SITE.
07:38:49 IT'S ALWAYS A BALANCING ACT WHEN YOU'RE LOOKING AT VARIOUS

07:38:51 REGULATIONS, RIGHT?
07:38:54 AND WHAT YOU CONSIDER COMPATIBLE MAY VARY AMONG PEOPLE.
07:39:00 >>Michael Sheeley: DOESN'T THE ZONING GIVE VESTED RIGHTS TO
07:39:04 DO WHAT THEY ARE PROPOSING?
07:39:05 >>Nancy Stroud: THE ZONING ALLOWS FOR THE HEIGHT AND THE
07:39:08 NUMBER OF UNITS AND THE USE.
07:39:11 >>Barry Jones: SO HOW ELSE WOULD YOU DEFINE COMPATIBILITY IF
07:39:14 THE USE IS ALLOWED AND THE SIZE IS ALLOWED AND THE LOCATION

07:39:18 IS ALLOWED.
07:39:20 >>Kristin Jeannin: AND HOW DOES THE LAND DEVELOPMENT CODE,
07:39:25 WHAT IS THE INTENTION OF THE USE OF THE WORD COMPATIBILITY
07:39:28 IN THE LAND DEVELOPMENT CODE?
07:39:31 >>Nancy Stroud: I WOULD TURN TO MARY TO ELABORATE ON WHAT
07:39:35 I'M GOING TO SAY, ALTHOUGH I'M ALSO AICP.
07:39:39 I'M GOT GOING TO GIVE YOU EXPERT TESTIMONY.
07:39:43 WHAT I UNDERSTAND FROM CASE LAW AND PLANNING PRACTICE IS
07:39:48 THAT COMPATIBILITY DOESN'T NECESSARILY MEAN THE SAME THING
07:39:55 ACROSS THE LANDSCAPE.
07:39:57 YOU CAN HAVE COMPATIBLE PARTS OF DEVELOPMENTS THAT ARE OF
07:40:04 DIFFERENT SIZE AND DIFFERENT SCOPE IF YOU USE THE KIND OF
07:40:11 BUFFERING AND OTHER KIND OF PLANNING TECHNIQUES THAT
07:40:16 MITIGATE AGAINST ADVERSE IMPACTS.
07:40:20 COMPATIBILITY DOESN'T MEAN THE SAME.
07:40:23 IT JUST MEANS THAT THE USES CAN COEXIST THE WAY THEY ARE.
07:40:27 AND MARY, I DON'T KNOW IF YOU WANT TO ELABORATE.

07:40:31 >>Mary Gibbs: IN THE LAND DEVELOPMENT CODE, WHEN IT TALKS
07:40:34 ABOUT COMPATIBILITY AND IN THE COMP PLAN AS WELL, IT'S
07:40:39 REALLY TALKING ABOUT WHAT WE AS PLANNERS EVALUATE, BASICALLY
07:40:44 WHEN WE'RE LOOKING AT A ZONING CASE.
07:40:46 IF WE'RE LOOKING AT A REZONING, WE ARE LOOKING TO SEE IF
07:40:49 IT'S COMPATIBLE WITH THE NEIGHBORHOOD AND THE AREA AROUND
07:40:53 IT.
07:40:53 WHEN WE GET TO EVALUATE A SITE PLAN APPROVAL, WE ARE LOOKING
07:40:59 AT THE TECHNICAL REQUIREMENTS OF THE CODE.
07:41:01 SO THE COMPATIBILITY WHEN I APPLY IT WOULD BE WHEN I'M DOING
07:41:06 A ZONING CASE OR A SPECIAL EXCEPTION OR VARIANCE OR
07:41:09 SOMETHING LIKE THAT, NOT SPECIFICALLY WHEN I'M LOOKING AT
07:41:12 THE SITE PLAN.
07:41:14 WE'LL TRY TO MAKE IT AS COMPATIBLE AS WE CAN USING LIKE THE
07:41:18 MASSING OR THE ARCHITECTURAL OR BUFFERING AND THINGS LIKE
07:41:21 THAT.
07:41:24 >>Barry Jones: ALWAYS BEEN MY EXPERIENCE THAT COMPATIBILITY
07:41:26 WAS DETERMINED AT THE TIME OF ZONING AND THIS SEEMS TO BE
07:41:28 SET, THAT THIS USE IS ALLOWED, THE HEIGHT IS ALLOWED,
07:41:33 THEREFORE IT'S ALREADY BEEN ASSESSED THAT IT WAS COMPATIBLE
07:41:36 AND I DON'T KNOW HOW I COULD --
07:41:41 >>Nancy Stroud: I ALSO WANTED TO SAY THAT THE ROLE OF THIS
07:41:45 BOARD IN LOOKING AT APPEARANCE AND THE AESTHETICS --
07:41:53 >>Barry Jones: THAT'S ANOTHER VERSION OF COMPATIBILITY.
07:41:55 >>Nancy Stroud: -- THAT ALSO GOES INTO COMPATIBILITY.

07:41:57 YOU ARE ALWAYS REVIEWING --
07:41:59 >>Barry Jones: MAKE SURE IT IS CONSISTENT WITH THE
07:42:01 ARCHITECTURE.
07:42:01 >>Nancy Stroud: YEAH, BECAUSE THERE'S COMPATIBILITY OF

07:42:04 DIFFERENT ASPECTS.
07:42:05 >>Barry Jones: VERY GOOD.
07:42:07 THANK YOU.
07:42:07 >>Nancy Stroud: OF THE DEVELOPMENT.
07:42:10 >>Kristin Jeannin: I THINK IT'S EASIER TO TALK ABOUT
07:42:12 INCOMPATIBILITY.
07:42:13 THERE'S PROBABLY REALLY GOOD EXAMPLES OF YOU DON'T PUT A
07:42:16 LIQUOR STORE NEXT TO A SCHOOL.
07:42:18 >>Barry Jones: AGAIN, THAT IS A ZONING LEVEL ISSUE.
07:42:22 >>Jim Wallace: IT'S NOT ZONING.
07:42:24 IT'S NOT THE HEIGHT OF THE BUILDING.
07:42:25 IT'S NOT THE DENSITY.
07:42:28 IT'S NOT THE LOCATION.
07:42:30 IT'S NOT FOUR STORIES VERSUS -- IT'S NOT USE.
07:42:34 IT COMES DOWN TO ARCHITECTURAL DETAIL, SO IT CAN'T BE AN
07:42:41 ULTRAMODERN BUILDING PAINTED PINK WITH STRIPES, IS
07:42:47 LANDSCAPING CONSISTENT, IS THE SIGNAGE, ET CETERA,
07:42:50 CONSISTENT OR COMPATIBLE.
07:42:53 >>Nancy Stroud: THE BUFFERING, THE LANDSCAPING, THE WAY IT
07:42:57 FITS TOGETHER WITH THE REST OF THE COMMUNITY.
07:43:00 >>Barry Jones: I THINK AESTHETICS WOULD BE A PROPER TERM TO

07:43:02 BE APPLIED TO THE COMPATIBILITY ISSUE HERE.
07:43:04 >>Jim Wallace: PLANNING AND ZONING HAS BEEN DETERMINED.
07:43:06 WE'RE NOW TALKING ABOUT DESIGN, AM I CORRECT, NANCY?
07:43:09 >>Nancy Stroud: IT'S NOT JUST DESIGN.
07:43:11 IT'S THE OTHER THINGS LIKE LANDSCAPING AND BUFFERS.
07:43:15 I DON'T CONSIDER THAT -- I GUESS SOME PEOPLE WOULD CONSIDER
07:43:19 THAT DESIGN.
07:43:21 IT'S SEMANTICS.
07:43:22 IT'S ALL THE THINGS THAT THE BOARD HAS TO LOOK AT IN A SITE
07:43:26 PLAN TO MAKE SURE IT FITS.
07:43:29 NOT ONLY ENGINEERED CORRECTLY BUT FITS WITHIN THE COMMUNITY
07:43:38 AND IS NOT INCOMPATIBLE.
07:43:41 AGAIN, THAT IS SOMETHING THAT WE EXPECT THE BOARD TO REVIEW
07:43:48 UNDER THE VARIOUS EXPERTISE AND DETERMINE.
07:43:52 THAT'S YOUR DECISION.
07:43:58 >>Anthony Gargano: GETTING BACK TO THE MORE ESOTERIC
07:44:02 PORTIONS OF OUR LAND DEVELOPMENT CODE AND COMPREHENSIVE
07:44:06 PLAN, AGAIN, I MENTIONED 1-309 ABOUT PROTECTING THE
07:44:10 CHARACTER OF OUR NEIGHBORHOODS.
07:44:13 DOESN'T THAT WEIGH INTO OUR VOTE OR CONSIDERATION FOR
07:44:15 VOTING?
07:44:16 EVEN FOR A DEVELOPMENT ORDER?
07:44:20 >>Nancy Stroud: IN THAT YOU NEED TO USE YOUR EXPERTISE ON
07:44:27 THESE VARIOUS MATTERS THAT YOU REVIEW IN SITE PLANNING.
07:44:33 TO ENSURE THAT IT'S MORE COMPATIBLE.

07:44:38 IT'S NOT A MATTER OF SIMPLE I THINK IT'S COMPATIBLE OR NOT.
07:44:48 IT HAS TO BE BASED IN SOME EVIDENCE ABOUT WHAT IS ACTUALLY
07:44:52 ON THE PLAN AND HOW THE PLAN MITIGATES AGAINST POTENTIAL
07:45:00 INCOMPATIBILITIES.
07:45:05 >>Scotty Wood: ANY FURTHER BOARD DISCUSSION?
07:45:08 >>Barry Jones: YEAH.
07:45:10 I HAD A QUESTION FOR MARY.
07:45:12 I'VE DONE THESE OR SEEN THEM DONE, ADMINISTRATIVE PARKING
07:45:17 REDUCTIONS FOR APARTMENTS.
07:45:20 AND THERE'S CURRENTLY A DEVIATION REQUESTED HERE FOR A
07:45:25 CERTAIN NUMBER OF UNITS AND THEN THE REST OF THEM ARE SHARED
07:45:31 PARKING.
07:45:32 IF THE DEVIATION FOR THE NUMBER OF UNITS WAS INCREASED, THAT
07:45:37 WOULD ALLOW MORE SPACES TO BE DEDICATED JUST STRICTLY
07:45:41 COMMERCIAL, IS THAT A FAIR STATEMENT?
07:45:43 IT WOULD REDUCE THE NUMBER OF SPOTS REQUIRED FOR THE
07:45:47 RESIDENTIAL THAT WOULD LEAVE ADDITIONAL SPACES.
07:45:51 IT WOULD JUST BE DEDICATED TO THE COMMERCIAL RATHER THAN
07:45:55 SHARED.
07:45:56 >>Mary Gibbs: I THINK THEORETICALLY IT COULD BE, BUT
07:46:00 OPERATIONALLY WOULD IT BE?
07:46:03 >>Barry Jones: THAT WOULD BE AN ENFORCEMENT ISSUE WHETHER
07:46:04 THEY SIGNED IT AND WHETHER PEOPLE CALLED FOR THE TOW TRUCK
07:46:08 IF RESIDENTS WERE PARKING IN COMMERCIAL AREAS OR WHATEVER,
07:46:11 IF THERE WAS OVERNIGHT PARKING IN SPOTS THAT WERE DEDICATED

07:46:14 TO COMMERCIAL AREAS.
07:46:16 TRYING TO FIGURE OUT A CREATIVE WAY TO IF IT DOESN'T
07:46:21 ADVERSELY IMPACT THE PROJECT TO RESERVE MORE SPOTS FOR
07:46:26 COMMERCIAL.
07:46:28 >>Mary Gibbs: COULDN'T YOU JUST DO THAT THEORETICALLY WITH
07:46:31 SIGNAGE SINCE IT WOULD MEET THE CODE NUMBERS, COULDN'T YOU
07:46:38 SUGGEST A CONDITION THAT SOME OF THE PARKING BE SHOWN FOR
07:46:45 BARBERSHOP ONLY?
07:46:48 >>Barry Jones: ONLY SO MANY SPOTS TO GO AROUND.
07:46:51 IF THEY ARE SHARED, EITHER ONE, NOT DEDICATED TO THE
07:46:54 COMMERCIAL.
07:46:54 THE ONLY WAY TO INCREASE THE DEDICATION OF THE COMMERCIAL
07:46:56 WOULD BE TO DECREASE SOME OF THE SHARED PARKING.
07:46:59 IN THEIR ADMINISTRATIVE PARKING REDUCTION SUBMITTAL TO
07:47:07 JUSTIFY THE REDUCTION AND THE WAY THESE ARE TYPICALLY DONE,
07:47:11 YOU LOOK AT ALL YOUR PROPERTIES AND YOU SAY, YOU KNOW,
07:47:14 HERE'S HOW MANY SPOTS ARE REQUIRED AND DID THEY SUBMIT
07:47:18 ANYTHING ON THAT AT ALL?
07:47:19 >>Mary Gibbs: NO, WE DIDN'T DO IT THAT WAY.
07:47:21 WHAT WE DID BECAUSE WE THOUGHT IT WOULD BE BETTER WITH THE
07:47:24 GARAGES, AND THE GARAGES WERE GOING TO TAKE MORE SPACE, WE
07:47:28 SAID LET'S FIGURE OUT WHAT THE DEVIATION WOULD BE BECAUSE WE

07:47:32 WOULD LIKE TO SEE THE GARAGES.
07:47:33 THEY DIDN'T DO LIKE A TYPICAL ADMINISTRATIVE DEVIATION WHERE
07:47:36 YOU GIVE THE JUSTIFICATION OTHER PROJECTS AND LOOK AT IT, SO

07:47:40 THAT'S HOW WE DID IT.
07:47:43 >>Jim Wallace: TO ME, UNLESS I'M READING THIS WRONG, BARRY,
07:47:47 TO ME, THE PARKING ISSUE SEEMS TO BE AN EXISTING INHERENT
07:47:52 PROBLEM OF A FITNESS CENTER OF SOME KIND.
07:47:55 I DON'T KNOW THE DETAILS, THAT OPENS UP EARLY AND EVERYBODY
07:47:58 GOES THERE.
07:47:58 AND THEN THERE SEEMS TO BE COMMERCIAL TRUCKS PARKED ON THE
07:48:04 BACK ALLEY WHICH SOMETIMES GETS OVERLOADED AND THERE IS AN
07:48:09 ISSUE THERE.
07:48:10 THAT'S EXISTING.
07:48:11 I DON'T KNOW HOW YOU SOLVE THAT UNLESS YOU TAKE THE GARAGES
07:48:17 AND YOU PUT THEM ALONG COCONUT -- THE GARAGES AND PUT THEM
07:48:21 ALONG COCONUT ROAD AND MAKE ALL OF THAT SHARED PARKING,
07:48:25 WHICH, MARY, YOU MAY NOT BE HAPPY.
07:48:27 I DON'T KNOW HOW YOU SOLVE THE FITNESS CENTER PROBLEM.
07:48:30 I DON'T KNOW HOW YOU SOLVE THE COMMERCIAL TRUCKS PARKING ON
07:48:32 THAT BACK ROAD.
07:48:34 THE ONLY SUGGESTION IN TERMS OF SHARED PARKING THAT I COULD
07:48:41 THINK IS TAKING THE PARKING GARAGES, SOME OF THEM AND PUT
07:48:44 THEM ALONG, ADJACENT TO VIA COCONUT ROAD.
07:48:49 BUT DOES THAT END UP SOLVING THE EXISTING PROBLEMS OF THE
07:48:52 FITNESS CENTER AND THE COMMERCIAL TRUCKS?
07:48:55 >>Mary Gibbs: I THINK WE TALKED TO THE APPLICANT ABOUT
07:48:57 INITIALLY WE THOUGHT THE GARAGES WOULD BE ON THREE OAKS OR
07:49:00 COCONUT AND THE APPLICANT SAID THEY WOULD BE MORE VISIBLE

07:49:05 THERE.
07:49:05 THEY WOULD BE BIG AND BE MORE VISIBLE, WHICH WE DIDN'T THINK
07:49:09 WOULD LOOK THAT GOOD.
07:49:10 WE'D RATHER SEE THE LANDSCAPING.
07:49:11 SO I THINK --
07:49:12 >>Jim Wallace: I HEARD EARLIER, DON'T WORRY, YOU'RE NOT
07:49:15 GOING TO SEE THEM BECAUSE WE'LL HAVE LOTS OF LANDSCAPING.
07:49:17 IT'S ONE OR THE OTHER.
07:49:19 EITHER NOT GOING TO SEE THEM BECAUSE GREAT JOB LANDSCAPING
07:49:22 BECAUSE I LOVE LANDSCAPING AND CAN'T GET ENOUGH OF IT, I
07:49:25 THINK I HEARD OR YOU'RE NOT.
07:49:27 CAN'T HAVE IT BOTH WAYS.
07:49:31 >>Michael Sheeley: IS THERE AN ALLOWANCE IN THE LAND
07:49:33 DEVELOPMENT CODE FOR COMPACT CAR PARKING?
07:49:36 DO YOU HAVE THAT WITH REDUCED SIZE SPACES.
07:49:40 >>Mary Gibbs: I THINK YOU CAN DO SMALLER COMPACT CAR SPACES.
07:49:45 >>Michael Sheeley: DO WE HAVE ANY COMPACT SPACES ALLOCATED
07:49:48 IN HERE, CHARLIE?

07:49:49 YOU COULD INCREASE YOUR PARKING COUNT THAT WAY.
07:49:53 >>Charlie Krebs: JUST SO I DON'T GET YELLED AT BY NOT USING
07:49:56 THE MICROPHONE, NO, WE DON'T HAVE COMPACT SPACES.
07:49:59 WE DO HAVE EV SPACES.
07:50:01 THE PARKING COUNT I HAVE ON THE D.O. PLANS, I DON'T TAKE
07:50:04 ADVANTAGE OF THE 21 SPACE REDUCTION, SO IF I FACTORED THAT
07:50:09 IN, THE RESIDENTIAL WOULD COME DOWN AND THEN YOU WOULD HAVE

07:50:12 THEORETICALLY 20 MORE SPACES OUT THERE ON THE COMMERCIAL.
07:50:16 BUT JUST TO SHOW THAT THERE WAS AN ABUNDANCE ALREADY, I
07:50:21 DIDN'T PUT THAT REDUCTION --
07:50:23 >>Barry Jones: THE AREA THAT YOU'RE SHOWING AS SHARED DOES
07:50:26 NOT INCORPORATE THE REDUCTION.
07:50:27 >>Charlie Krebs: CORRECT.
07:50:28 THIS IS JUST ON THE GROSS NUMBERS, IF YOU LOOKED AT THE LAND
07:50:31 DEVELOPMENT CODE BECAUSE IT SEEMED LIKE THE CONCERN BEFORE
07:50:35 WAS DO WE HAVE ENOUGH PARKING?
07:50:38 THE BEST WAY TO DEMONSTRATE THAT IS TO NOT INCLUDE THAT
07:50:41 REDUCTION THAT WAS GIVEN WHEN WE HAD 154 UNITS AND SHOW THAT
07:50:46 EVEN WITH 137 AND THE PARKING CODE, WE'RE STILL MEETING THAT
07:50:50 REDUCTION.
07:50:50 >>Barry Jones: IS THERE A SHARED PARKING USE AGREEMENT
07:50:54 ALREADY IN PLACE BETWEEN THE TWO PROPERTIES?
07:50:56 >>Charlie Krebs: I THINK THEY ARE WORKING ON THAT.
07:50:58 THERE'S NOT ONE NOW.
07:50:59 I THINK THEY WILL BE WORKING ON IT.
07:51:00 >>Michael Sheeley: I THINK WHAT WE'RE SAYING IS TRY TO
07:51:02 REDUCE THE IMPACT ON THE COMMERCIAL PARKING AREA.
07:51:05 >>Barry Jones: THE ONLY WAY TO REALLY DO THAT IS REDUCE THE
07:51:08 SHARED PARKING AND ASSIGN MORE OF IT JUST FOR COMMERCIAL.
07:51:11 I DON'T KNOW THAT THAT'S GOING TO SOLVE HER PROBLEM BECAUSE
07:51:14 THE PROBLEM IS BEING CREATED BY THE GYM.
07:51:19 >>Jim Wallace: WHY CAN'T 12 OF THOSE GARAGES GO ALONG THREE

07:51:24 OAKS PARKWAY OR ALONG, ON THE SOUTH OR THE EAST SIDE?
07:51:34 >>Barry Jones: GO BACK ONE SLIDE, PLEASE.
07:51:37 THAT'S WHAT YOUR GARAGES WOULD LOOK LIKE IF YOU WERE LOOKING
07:51:39 AT THEM FROM THREE OAKS.
07:51:41 AND I THINK THE INTENT WAS TO TRY AND NOT PUT THAT ALONG THE
07:51:44 TRAVEL CORRIDOR.
07:51:47 >>Michael Sheeley: I DON'T KNOW HOW THAT HELPS DOING THAT.
07:51:50 >>Barry Jones: PUTS MORE OPEN PARKING THAT POTENTIAL SHARED
07:51:54 PARKING ON THAT SIDE.
07:52:01 >> A COUPLE OF COMMENTS BECAUSE THERE'S SOME FACT.
07:52:06 IF I WAS TO PICK UP A GARAGE AND MOVE IT TO THREE OAKS, I
07:52:09 WOULD BE PICKING UP TWO SPACES WHERE I TOOK THE GARAGE FROM,
07:52:12 BUT I WOULD BE LOSING TWO SPACES WHERE I MOVED IT TO.
07:52:18 MOVING GARAGES AROUND THE SITE IS A NET ZERO.

07:52:22 I'VE HEARD CONVERSATION ABOUT SHARED PARKING WITH THE
07:52:27 COMMERCIAL, I DON'T NEED THE SHARED PARKING WITH THE
07:52:30 COMMERCIAL.
07:52:31 THAT IS A ZONING CALCULATION BY MARY'S CREW.
07:52:36 I HAVE WHITTLED IT DOWN TO EXACTLY WHAT I NEED.
07:52:41 MY LIFE IS SIMPLE.
07:52:42 IT'S 1.25 FOR A ONE BEDROOM, TWO FOR TWO BEDROOM, TWO FOR
07:52:47 THREE BEDROOM.
07:52:49 AT 94%, I AM RIGHT ON THAT NUMBER.
07:52:52 SO IF I TAKE PARKING AWAY FROM MY COMMUNITY, THEN I WILL BE
07:52:57 HAVING PEOPLE GOING OVER TO THE COMMERCIAL SIDE AND PARKING

07:53:01 THERE.
07:53:02 >>Barry Jones: WHAT'S STRIPED HERE AS SHARED IS MORE THAN
07:53:05 THE CALCULATION.
07:53:07 >> I DON'T NEED THAT.
07:53:09 THAT'S JUST A PICTURE.
07:53:10 I DON'T NEED THAT.
07:53:11 >>Barry Jones: I UNDERSTAND.
07:53:14 IF YOU DON'T NEED IT, WOULD YOU HAVE OBJECTION FOR THOSE
07:53:17 SPOTS RESERVED FOR COMMERCIAL.
07:53:19 >> HALLELUJAH, I DON'T MIND AT ALL.
07:53:21 THAT'S KIND OF WHAT OUR DECLARATION WILL STATE.
07:53:24 THERE IS AN AGREEMENT BETWEEN THE RESIDENTIAL AND THE
07:53:27 COMMERCIAL.
07:53:28 I DON'T NEED THOSE.
07:53:29 IT IS CLEARLY MY INTENT THAT WHERE I ENTER MY COMMUNITY, I
07:53:33 AM NOT GOING OVER TO THE COMMERCIAL.
07:53:35 I DON'T WANT TO BE THERE.
07:53:36 I DON'T WANT THE RESPONSIBILITY FOR IT.
07:53:39 YOU MADE A GREAT COMMENT, OKAY.
07:53:42 THE SITUATION IS BEING CAUSED BECAUSE OF A PROBLEM FROM
07:53:45 6 A.M. TO 8 A.M. OR 8:30 A.M. BECAUSE EVERYBODY WANTS TO
07:53:51 EXERCISE.
07:53:52 >>Barry Jones: THEY LIKE TO GO CERTAIN HOURS OF THE DAY.
07:53:55 >> I WOULD BE SHOCKED IF THERE IS A PARKING PROBLEM OVER
07:53:58 THERE, I DON'T KNOW, BUT I'M ASKING YOU, 4 P.M., IS THERE A

07:54:02 PARKING PROBLEM?
07:54:04 >>Tammy Duran: WE HAVE TO BE ON MIKE.
07:54:10 >> I APPRECIATE THAT.
07:54:11 I REALLY DO.
07:54:12 THE GYM STARTS UP AT 5 A.M. AND IT GOES UNTIL 10:15.
07:54:18 SO IT'S NOT JUST UNTIL 8.
07:54:20 AND THEN IT RESTARTS BACK UP AT 4:30.
07:54:23 THE CLASS STARTS AT 4:30.
07:54:25 SO, YES, SIR, AT 4:00, THERE ARE A BUNCH OF PEOPLE IN THAT
07:54:29 PARKING LOT.

07:54:30 I CAN TAKE PICTURES AND BRING THEM BACK TO ANOTHER HEARING.
07:54:36 >>Barry Jones: THAT'S NOT A CONDITION THIS GENTLEMAN
07:54:38 CREATED.
07:54:39 >> WE CALL THIS SHARED, BUT THEY ARE GOING TO BE ALLOWED TO
07:54:43 PARK HERE BUT CAN THE COMMERCIAL PARK THERE?
07:54:46 THAT WHOLE AREA THERE IS UTILIZED WHERE IT'S GOING TO BE
07:54:52 THEIR RESIDENTIAL AREA WHERE THERE IS NO PARKING SPACES,
07:54:56 THEY ARE TAKING PARKING SPACES AWAY THAT WE ARE ACTUALLY
07:54:59 UTILIZING NOW.
07:55:01 EVEN THE THOROUGHFARE THROUGH THERE, I DO IT MYSELF, I HAVE
07:55:14 A DULY PICKUP TRUCK, WHICH IS NOT AS WIDE AS A TRACTOR
07:55:19 TRAILER, IN THE BACK THERE, IF THEY WERE ABLE TO BRING IT
07:55:22 UP, THERE IS AN ISLAND THERE.
07:55:25 AND ON THAT ISLAND THAT THEY ARE GOING TO TAKE AWAY, THERE
07:55:28 IS A ROAD THAT GOES AROUND THIS WAY, AND I HAVE OCCASIONALLY

07:55:32 HAD TO GO AROUND THAT WAY TO GET PAST THOSE VEHICLES THAT
07:55:36 ARE PARKED THERE.
07:55:37 >>Barry Jones: I THINK THAT'S A PROBLEM CREATED BY THE
07:55:40 ILLEGAL PARKING IN THE DRIVE AISLE BACK THERE THAT THE FIRE
07:55:43 DEPARTMENT --
07:55:44 >> YES, SIR.
07:55:45 THERE IS NO YELLOW LINE THERE.
07:55:47 THERE IS A YELLOW LINE ON THE ONE SIDE, SO WE CANNOT PARK ON
07:55:50 THE ONE SIDE CLOSEST TO THE DOORS OF THE BACK PARKING.
07:55:55 WE USE THAT AS UNLOADING, LOADING, BUT THERE IS NO YELLOW
07:56:00 LINE ON THE FAR SIDE THAT IS CLOSE TO THE FOLIAGE.
07:56:07 WE UTILIZE THAT BECAUSE OF THE FACT THAT THERE IS SO MUCH
07:56:10 CONGESTION DURING THE DAY.
07:56:14 >>Barry Jones: IN ALL HONESTY, YOU UTILIZE IT BECAUSE IT IS
07:56:18 CLOSER TO YOUR BACK DOOR AND MAKES IT EASIER TO GET IN AND
07:56:20 OUT.
07:56:21 >> NO, SIR.
07:56:21 I CAN TELL YOU THIS, I WOULD RATHER PARK UP FRONT.
07:56:24 YOU KNOW WHY?
07:56:25 BECAUSE WE'VE HAD CARS BROKEN INTO AND WE HAVE HAD PEOPLE
07:56:29 HIT OUR VEHICLES BECAUSE OF THE FACT THAT WE ARE PARKED BACK
07:56:32 THERE.
07:56:33 SO, NO, I DISAGREE WITH YOU.
07:56:35 I WOULD LOVE TO BE ABLE TO LOOK OUT MY FRONT DOOR OF MY
07:56:38 ESTABLISHMENT AND KNOW THAT MY TRUCK IS SAFE.

07:56:43 >>Barry Jones: WELL, OKAY.
07:56:44 THANK YOU.
07:56:49 >> REITERATING, I HAVE NO PROBLEM WITH COMMITTING TO
07:56:54 REMOVING THE SHARED PARKING OBLIGATION.
07:56:58 I'LL KEEP EVERYBODY --
07:57:00 >>Barry Jones: TALKING ABOUT A CERTAIN NUMBER OF UNITS THERE

07:57:03 CLOSEST TO THE COMMERCIAL ENTERPRISE.
07:57:06 SO THAT THOSE SPOTS WOULDN'T BE TAKEN BY YOUR RESIDENTIAL
07:57:11 UNITS.
07:57:12 >> THE GARAGES, THE GARAGE THAT GOES SOUTH -- NORTH AND
07:57:15 SOUTH, WE WOULDN'T GO, WE WOULDN'T GO OVER ON THAT SIDE OF
07:57:18 THE FENCE.
07:57:19 NO NEED FOR ME TO GO OVER THERE.
07:57:22 >>Jim Wallace: WOULD YOU BE WILLING TO MOVE THOSE GARAGES,
07:57:25 THOSE 12 GARAGES THAT ARE CURRENTLY ON THE SOUTHWEST SIDE OF
07:57:28 YOUR PROPERTY --
07:57:30 >> WE DON'T GAIN ANYTHING.
07:57:32 IF I MOVE THEM, I TAKE AWAY TWO SPACES THERE --
07:57:36 >>Jim Wallace: WOULD YOU MOVE ALL 12 TO THE SOUTH?
07:57:39 >> IF I MOVED ALL 12, I WOULD BE PICKING UP TWO SPACES
07:57:42 THERE, BUT WHEN I MOVE IT, I LOSE TWO SPACES.
07:57:45 SO FROM A NET, NET STANDPOINT, WE HAVEN'T GAINED ANYTHING.
07:57:49 >>Jim Wallace: YOU HAVEN'T GAINED ANY GARAGES BUT YOU'VE
07:57:51 OPENED UP THAT WHOLE OPEN SPACE MORE LIKE IT IS CURRENTLY.
07:57:57 >>Kristin Jeannin: BASICALLY SAYING TO MAKE THAT SHARED

07:58:00 PARKING WHERE THE GARAGES ARE.
07:58:01 >> IF YOU HAVE THE COMMERCIAL PEOPLE COMING OVER AND TAKING
07:58:03 THE APARTMENT PARKING SPACES, THE APARTMENT PEOPLE DON'T
07:58:07 HAVE A PLACE TO PARK, THEY'LL GO BACK OVER TO THE
07:58:10 COMMERCIAL.
07:58:11 >>Barry Jones: I DON'T HAVE A PROBLEM WITH WHERE THE
07:58:14 GARAGE -- I THINK IT CREATES AN EXCELLENT LINER BUILDING, IF
07:58:21 YOU WILL, BETWEEN THE TWO USES.
07:58:25 >> IT'S REALLY EASY FOR ME TO ENFORCE.
07:58:28 I'LL GIVE MY PEOPLE STICKERS.
07:58:30 IF ANYBODY SEES THEM PARKING IN THE COMMERCIAL, TOW THEM.
07:58:35 THEY WILL NOT BE ALLOWED TO PARK OVER IN THE COMMERCIAL.
07:58:40 >>Barry Jones: YOU WOULDN'T OBJECT TO A STIPULATION ON THE
07:58:42 APPROVAL THAT THE SHARED USE AGREEMENT WOULD RESERVE THESE
07:58:45 SPOTS FOR COMMERCIAL --
07:58:47 >> SURE.
07:58:48 NOT A PROBLEM.
07:58:48 I DON'T NEED THEM.
07:58:52 >>Barry Jones: DOES STAFF HAVE A PROBLEM WITH SOMETHING LIKE
07:58:54 THAT?
07:58:55 I'M TRYING TO FIND SOMETHING CREATIVE HERE THAT CAN HELP,
07:59:01 AND I DON'T KNOW THAT WE CAN SOLVE THE PROBLEM.
07:59:04 ALL WE CAN DO IS TRY AND APPLY A LITTLE BIT OF COMMON SENSE
07:59:08 AND IT WILL BE UP TO THE LANDLORD OF THE COMMERCIAL AREA TO
07:59:11 ENFORCE ANYTHING LIKE THAT.

07:59:12 HE CAN'T ENFORCE IT.
07:59:14 THAT'S NOT HIS PROPERTY.

07:59:15 WE CAN'T ASK HIM IN THE JOINT USE AGREEMENT THAT THOSE AREAS
07:59:19 BE RESERVED FOR COMMERCIAL AND THAT HIS RESIDENCE BE GIVEN
07:59:24 SOMETHING AT TIME THAT THESE AREAS ARE SET ASIDE FOR
07:59:26 COMMERCIAL PARKING ONLY, PLEASE DON'T PARK THERE.
07:59:29 I'M TRYING TO RESPECT YOUR BUSINESS AND YOUR CHALLENGES AND
07:59:34 DO SOMETHING TO HELP YOU.
07:59:36 AND I DON'T KNOW HOW ELSE TO APPROACH THIS.
07:59:39 I WILL SAY THAT PARKING IN THE BACK OF THAT BUILDING WOULD
07:59:43 CREATE A PROBLEM FOR A FIRE TRUCK TO GET THROUGH BACK THERE,
07:59:47 IF THE BUILDING IS ON FIRE OR SOMETHING BECAUSE THEY DON'T
07:59:49 WANT TO PARK NEXT TO THE BUILDING.
07:59:50 THEY DON'T WANT TO BE CLOSE TO THE BUILDING.
07:59:53 IF IT'S NOT STRIPED OFF AS NO PARKING, IT PROBABLY SHOULD
07:59:56 BE.
07:59:57 >> BE CAREFUL THERE BECAUSE YOU DON'T WANT ALL THE PARKING
08:00:00 IN THE BACK OF THE BUILDING COMING OUT FRONT AND TAKING UP
08:00:02 MORE SPACES.
08:00:04 >> THAT'S EXACTLY MY POINT.
08:00:06 EXACTLY MY POINT.
08:00:09 >> THE FIRE DEPARTMENT CAN GET THROUGH THERE AS LONG AS
08:00:11 YOU'RE NOT PARKING ON BOTH SIDES.
08:00:14 >>Barry Jones: MY OTHER QUESTION, QUESTION ABOUT EXTENSION
08:00:18 OF A FENCE TO HELP PROVIDE ADDITIONAL SECURITY, DO WE HAVE

08:00:21 ANY IDEA AS TO HOW MANY FEET WE'RE TALKING ABOUT, A FENCE
08:00:25 THAT NEEDS TO BE EXTENDED.
08:00:29 >> TWO PROBLEMS.
08:00:30 I DON'T OWN THE LAND TO MAKE THE COMMITMENT TO EXTEND THE
08:00:32 FENCE, AND WHEN YOU GO TO THE BOTTOM OF THAT SLOPE, IT'S ALL
08:00:36 OWNED BY THE CDD.
08:00:38 IT'S REALLY A CONVERSATION THAT SHOULD BE HAD WITH THE CDD
08:00:44 TO GET THE HOMELESS OUT OF THERE AND PROVIDE THE SECURITY
08:00:47 AND PROVIDE THE FENCING.
08:00:49 I DON'T HAVE THE AUTHORITY TO COMMIT ANYTHING ON THAT.
08:00:54 >>Barry Jones: I UNDERSTAND.
08:00:55 QUESTION WAS WHETHER YOU HAD ACCESS TO DO ANYTHING LIKE THAT
08:00:58 EXACTLY WHERE IT WAS.
08:01:00 YOU'VE ANSWERED IT.
08:01:02 THOSE WERE MY MAIN QUESTIONS.
08:01:04 MY ONLY OTHER QUESTION ON THE ARCHITECTURE, THERE WERE
08:01:07 AWNINGS ON THE BUILDING.
08:01:08 LOOKED LIKE A CANVAS TYPE THING.
08:01:10 >> YES.
08:01:12 >>Barry Jones: DO THOSE COME WITH SOME SORT OF UV PROTECTION
08:01:15 THAT THEY DON'T FADE OUT BAD?
08:01:16 I SEE THESE AWNINGS ON BUILDINGS AND THEY LOOK GREAT WHEN
08:01:19 THEY GO UP.
08:01:20 TWO YEARS LATER THEY ARE FADED AND LOOK LIKE GARBAGE.

08:01:23 >>Jim Wallace: ARE THEY METAL OR CANVAS?

08:01:29 >> THEY ARE CANVAS.
08:01:30 ALUMINUM STRUCTURE SUPPORTS.
08:01:32 THEY ARE CANVAS.
08:01:34 WE'VE DONE A TON OF RESEARCH.
08:01:36 THAT'S WHY WE WON'T AWAY FROM THE DARKER COLORS, WHICH FADE
08:01:40 SO MUCH FASTER TO THE LIGHTER COLORS.
08:01:44 WE JUST KNOW FROM A DEVELOPMENT STANDPOINT WE'LL BE
08:01:46 REPLACING CANVAS EVERY THREE, FOUR, FIVE YEARS, WHATEVER IT
08:01:49 TAKES.
08:01:50 IT IS A SUNBRELLA FABRIC.
08:01:52 IT IS, QUOTE, GUARANTEED AGAINST FADING, BUT WE ALL KNOW HOW
08:01:57 THAT GOES.
08:01:59 >>Barry Jones: I HAVE A SUNBRELLA COVER ON MY BOAT AND IT
08:02:02 FADES.
08:02:03 >>Jim Wallace: THAT PRODUCT LOOK, THE CANVAS LOOK, IS
08:02:09 AVAILABLE IN ALUMINUM.
08:02:10 I'VE LOOKED AT IT BEFORE.
08:02:12 >> IT IS A STRUCTURAL ISSUE, BUT, YEAH, YOU COULD PUT A
08:02:16 STANDING SEAM.
08:02:18 THE PROBLEM, WHEN IT RAINS, IT MAKES NOISE AND IT'S RIGHT
08:02:23 NEXT TO SOMEBODY'S WINDOW.
08:02:28 >>Barry Jones: THANK YOU FOR YOUR INDULGENCE.
08:02:30 I'M FINISHED.
08:02:31 THANK YOU.
08:02:31 >>Scotty Wood: ANY OTHER BOARD COMMENTS?

08:02:33 >>James Tatooles: I WOULD LIKE TO GET A LITTLE CLARIFICATION
08:02:35 OF WHERE I'M COMING FROM SO WE DON'T HAVE ANY
08:02:39 MISUNDERSTANDINGS.
08:02:41 THE ZONING QUESTION WAS RESOLVED IN THE PAST, AND AS WE
08:02:48 STATED FROM THE VERY BEGINNING, THAT WAS NOT SOMETHING THAT
08:02:50 WE WERE GOING TO ADDRESS.
08:02:52 IT WAS ADJUDICATED AND WE HAD NOTHING TO DO WITH WHAT THE
08:02:59 ADJUDICATION WAS.
08:03:01 THE COUNCIL APPROVED WHAT THEY WANTED TO DO AS A SETTLEMENT.
08:03:03 AND THAT'S OUT OF OUR HANDS.
08:03:06 SO WE HAVE THAT TIED ALREADY OVER BEHIND US.
08:03:11 THERE'S NOTHING WE CAN GO BACK TO DO THERE.
08:03:14 BUT WHAT WE CAN DO AND WHAT WE'RE CHARGED WITH IS TO SEE
08:03:19 THAT WHAT WAS APPROVED FOR THE ZONING ISSUES AND THE
08:03:24 APPROVAL OF THE PROJECT IS COMPATIBLE WITH GIVING AN
08:03:30 AUTHORIZATION TO DEVELOPMENT ORDER TO BE ABLE TO BUILD WHAT
08:03:34 WAS APPROVED IN THE PAST.
08:03:35 AND IN THIS ISSUE, AS I SEE IT, THE BOARD IS DOING EXACTLY
08:03:40 WHAT IT'S SUPPOSED TO DO.
08:03:43 IT'S LOOKING AT WHAT WAS APPROVED IN THE PAST.

08:03:46 WE'RE LOOKING AT A DEVELOPMENT ORDER TO ALLOW TO PROCEED AND
08:03:49 TRYING TO SEE IF THERE ARE ANY DIFFERENCES WHERE THERE'S
08:03:51 INCOMPATIBILITIES OF WHAT WAS APPROVED AS A PROJECT AND WHAT
08:03:56 IS ASKED TO BE APPROVED TO GET A BUILDING PERMIT, WHAT WE'RE
08:04:02 TALKING ABOUT.

08:04:03 AND LOOKING AT A PROBLEM OF PARKING, THE SURFACE, WE TALKED
08:04:07 ABOUT DESIGN.
08:04:08 WE TALKED ABOUT LANDSCAPING AND ALL OF THOSE THINGS ARE
08:04:11 THINGS THAT WE'RE SUPPOSED TO BE TALKING ABOUT BECAUSE THEY
08:04:14 ARE IN THE DIFFERENCE BETWEEN THE PLAN APPROVAL AND THE
08:04:18 DEVELOPMENT ORDER APPROVAL.
08:04:20 SO THAT'S WHERE WE'RE AT.
08:04:23 GOING BACK AND TRYING TO GO AND REGURGITATE ZONING AND
08:04:29 REGURGITATE COMPATIBILITY, THAT WAS ALREADY SETTLED IN THE
08:04:34 PREVIOUS PAST WITH THE COURT CASE, THE COUNCIL APPROVING IT.
08:04:39 WE'RE CHARGED WITH WHETHER OR NOT A BUILDING PERMIT SHOULD
08:04:43 BE ISSUED TO DO WHAT WAS INTENDED TO BE DOING.
08:04:48 AND THAT'S ALL WE'RE TRYING TO DO.
08:04:50 AND THAT HAS NOTHING TO DO WITH ALL THE EMOTIONAL --
08:04:55 UNFORTUNATELY, THE EMOTIONS ARE REAL AND THE PEOPLE'S
08:04:59 CONCERNS ABOUT THEIR PROJECT AND WHAT THEY LOOK AT AND WHERE
08:05:03 THEY LIVE, THOSE ARE ALL REAL, BUT THOSE THINGS, THEY HAVE
08:05:08 ALREADY BEEN SETTLED.
08:05:10 OUR CASE HERE IS TO SEE WHETHER OR NOT WE SHOULD AUTHORIZE
08:05:14 THE RIGHT TO HAVE A BUILDING PERMIT TO BUILD A PROJECT.
08:05:17 NOT TO CHANGE THE PROJECT, NOT TO CHANGE THE ZONING OR
08:05:23 CHANGE THE USE.
08:05:24 THAT'S ALREADY BEEN ADJUDICATED.
08:05:26 OUR QUESTION IS, ARE THEY GOING TO BUILD THE RIGHT PRODUCT
08:05:30 BASED UPON WHAT WAS PREVIOUSLY APPROVED TO SAY THAT THEY CAN

08:05:34 BUILD.
08:05:34 THAT'S THE CASE.
08:05:40 IF ANYBODY DISAGREES WITH ME, PLEASE TELL ME.
08:05:45 I THINK THAT'S WHAT WE WERE CHARGED WITH.
08:05:47 >>Barry Jones: THAT IS A FAIR ASSESSMENT IN MY OPINION.
08:05:49 >>Scotty Wood: ANY OTHER COMMENTS?
08:05:52 >>Kristin Jeannin: REAL QUICK, MINOR THING, SORRY.
08:05:55 THERE WAS DISCUSSION WHEN THIS LAST CAME TO US ABOUT
08:06:01 LANDSCAPING IN FRONT OF THE COMMERCIAL ASPECT.
08:06:04 IS THAT NOT AT PLAY RIGHT NOW?
08:06:08 THEY WERE TALKING ABOUT TRYING TO MAKE IT CONSISTENT ACROSS.
08:06:11 DO YOU REMEMBER THAT?
08:06:12 AND I DON'T THINK THAT IT NECESSARILY SHOULD BE BECAUSE I
08:06:15 THINK THE VISIBILITY IS DIFFERENT.
08:06:17 BUT I DIDN'T SEE THE LANDSCAPING PLANS EXTENDED THAT WAY.
08:06:24 >>Charlie Krebs: THE D.O. RIGHT NOW IS ONLY FOR THE PART

08:06:29 THAT WE'RE DEMOLISHING.
08:06:31 THE EXISTING APPROVED LANDSCAPE PLAN IS WHAT'S STILL GOING
08:06:34 TO COVER THE COMMERCIAL OR THE PART THAT'S NOT BEING
08:06:37 REDEVELOPED.
08:06:38 SO THAT'S WHY IT WASN'T INCLUDED.
08:06:40 WE WERE FOCUSING ON JUST THE PART WE WERE REDEVELOPING.
08:06:45 >>Kristin Jeannin: OKAY.
08:06:46 >>Scotty Wood: ARE WE ALL DONE WITH COMMENTS?
08:06:48 I'M GOING TO CALL FOR A MOTION.

08:06:53 WHO WOULD LIKE TO MAKE IT AND WHAT IS IT?
08:06:58 >>Barry Jones: I MAKE A MOTION TO APPROVE WITH A CONDITION
08:07:02 THAT THE COMMERCIAL SPOTS -- PICK A NUMBER, CAN'T COUNT THEM
08:07:10 UP -- BUT THE COMMERCIAL SPOTS AT LEAST IN THE CENTER
08:07:13 ISLAND, BACK TO BACK SPOTS BE RESERVED STRICTLY JUST FOR
08:07:18 COMMERCIAL AND NOT FOR JOINT USE, AND THAT TAKES ANOTHER 20
08:07:22 SPOTS FROM A JOINT USE, IF I'M COUNTING THOSE LITTLE NUMBERS
08:07:26 RIGHT, FROM JOINT USE TO STRICTLY RESERVED FOR COMMERCIAL.
08:07:31 THAT WAS THE ONLY REAL STIPULATION THAT I HAD ON THIS OTHER
08:07:38 THAN THE STANDARD LANGUAGE THAT STAFF INCLUDED ABOUT THEM
08:07:43 HAVING TO SECURE THEIR PERMITS FOR WATER MANAGEMENT
08:07:47 DISTRICT.
08:07:47 >>James Tatooles: BARRY, WOULD YOU CONSIDER ALLOCATING SOME
08:07:52 COMPACT SPACES?
08:07:53 THAT MIGHT GIVE US 5 OR 10 PERCENT MORE SPACES IF WE GO TO
08:07:58 COMPACT IN ADDITION TO REGULAR SPACING.
08:08:01 >>Barry Jones: A COMPACT SPACE IS 8-FOOT VERSUS 9-FOOT?
08:08:07 USUALLY A COMPACT SPACE IS 8.5 AND A STANDARD IS 9.
08:08:11 A COMPACT SPACE IS TYPICALLY UTILIZED FOR DEPTH MORE SO THAN
08:08:16 WIDTH.
08:08:16 SO I DON'T KNOW THAT A COMPACT SPACE WOULD INCREASE THE
08:08:20 COUNT --
08:08:22 >>James Tatooles: I WAS TRYING TO SEE WHATEVER WE COULD DO
08:08:24 TO INCREASE THE SPOTS.
08:08:27 >>Barry Jones: I APPRECIATE.

08:08:29 BEATING MY BRAIN TO HAVE THE COMMERCIAL STILL STAY VIABLE
08:08:33 WHILE NOT PENALIZING THEM FOR SOME OTHER COMMERCIAL USE
08:08:36 HAVING A LARGE DEMAND.
08:08:37 WHILE I'M NOT OBJECTIONABLE TO IT, I JUST DON'T SEE WHERE IT
08:08:44 BRINGS THAT MUCH ADVANTAGE TO THE TABLE.
08:08:45 IF THERE WERE A LOT OF BACK-TO-BACK SPOTS, COULDN'T FIT
08:08:51 ANOTHER ROW BECAUSE OF DEPTH, THAT'S WHERE COMPACT SPACES
08:08:54 COME INTO PLAY.
08:08:55 I'VE DONE IT MYSELF ON SITE PLANS, BUT I DON'T SEE WHERE
08:08:58 IT'S REALLY BENEFICIAL IN THIS ADVANTAGE.
08:09:03 THAT WOULD BE MY MOTION.
08:09:04 >>Scotty Wood: CAN YOU RESTATE IT CONCISELY PLEASE?

08:09:13 >>Barry Jones: SURE.
08:09:14 I GOT CHOCOLATE IN ME.
08:09:15 I'LL GO.
08:09:16 I MAKE A MOTION TO APPROVE WITH A STIPULATION THAT THE 20
08:09:19 SPACES IMMEDIATELY IN FRONT OF THE COMMERCIAL AREA THAT ARE
08:09:22 BACK-TO-BACK SPACES BE STRICTLY RESERVED FOR COMMERCIAL AND
08:09:26 NOT FOR JOINT USE.
08:09:28 >>Scotty Wood: IS THERE A SECOND?
08:09:33 >>Kristin Jeannin: I'LL SECOND.
08:09:34 >>Scotty Wood: NOW WE CAN DISCUSS.
08:09:37 >>Jim Wallace: I KEEP PUSHING FOR, AND I WILL PUSH AGAIN,
08:09:42 THAT WE IN THAT MOTION TO APPROVE, WHICH I AGREE WITH, THAT
08:09:46 THE 12 GARAGE SPACES THAT ARE NOW TO ME A BARRIER BETWEEN

08:09:53 THE COMMERCIAL PARKING, THE PUBLIC PARKING AND THE PUBLIC
08:09:57 PARKING RESIDENTIAL PARKING, THAT THOSE 12 GARAGES BE MOVED
08:10:01 TO EITHER THE SOUTH OR THE EAST SIDE OF THE BUILDING.
08:10:04 >>Scotty Wood: WILL YOU AMEND THAT MOTION?
08:10:06 >>Barry Jones: THAT WOULD NOT BE MY PREFERENCE --
08:10:09 >>Scotty Wood: YES OR NO?
08:10:10 >>Barry Jones: NO.
08:10:11 >>Scotty Wood: SECOND, YES OR NO?
08:10:13 >>Kristin Jeannin: NO.
08:10:14 >>Scotty Wood: SORRY.
08:10:15 >>Jim Wallace: I TRIED.
08:10:21 >>Scotty Wood: ANY FURTHER DISCUSSION?
08:10:22 CALL THE ROLL.
08:10:26 >>Anthony Gargano: NO.
08:10:28 >>Kristin Jeannin: YES.
08:10:30 >>Barry Jones: YES.
08:10:32 >>Michael Sheeley: YES.
08:10:33 >>James Tatooles: YES.
08:10:35 >>Jim Wallace: NO.
08:10:42 >>Scotty Wood: YES.
08:10:45 >>Tammy Duran: IT'S 5-2.
08:10:50 >>Scotty Wood: WE'RE NOW GOING TO HAVE A BREAK.
08:10:53 >>Mary Gibbs: YES.
08:10:55 >> RECONVENE WHEN?
08:40:48 [SOUNDING GAVEL]

08:40:48 >>Scotty Wood: WE ARE RECONVENING.
08:40:51 MARY, DO YOU WANT TO MAKE A COMMENT ABOUT THE NEXT SPEAKER?
08:40:58 >>Mary Gibbs: I THINK WE HAD SOMEBODY WHO CAME TO DO THE
08:41:01 PUBLIC INPUT THAT STARTED TALKING IN THE MIDDLE OF THE
08:41:04 BROOKS AND I SAID HE COULDN'T TALK THEN BECAUSE IT WASN'T
08:41:06 ABOUT THE BROOKS.
08:41:07 I THINK HE THOUGHT THAT THE PUBLIC INPUT WAS AT THE
08:41:10 BEGINNING OF THE MEETING.

08:41:11 SO WE WERE WONDERING IF WE COULD JUST TAKE THAT AND HE COULD
08:41:14 DO HIS PUBLIC INPUT FOR FIVE MINUTES AND START WITH THAT
08:41:18 BEFORE WE GO TO THE NEXT CASE.
08:41:20 >>Scotty Wood: IS THAT OKAY WITH THE BOARD?
08:41:22 OKAY.
08:41:24 GO AHEAD.
08:41:24 >>Mary Gibbs: I THINK IT WAS SHANE RILEY.
08:41:32 >> SHANE RILEY.
08:41:35 I LIVE ON 9651 RIDGE RUNNER COURT IN ESTERO.
08:41:40 AGAIN, I'M NOT SURE THIS IS THE CORRECT FORUM TO BRING ABOUT
08:41:45 MY FAMILY'S ISSUE, BUT WE'RE DESPERATE TO GET AS MANY EYES
08:41:49 AND EARS ON IT AS POSSIBLE.
08:41:51 I DON'T LIVE IN A COMMUNITY.
08:41:54 THERE IS NO HOA.
08:41:56 IT'S JUST REGULAR HOUSES.
08:41:57 THE VILLAGE IS OUR HOA.
08:42:00 MY WIFE AND I WROTE A LETTER TO THE COUNCIL MEMBERS ON

08:42:04 SATURDAY AS WELL AS MS. RIBBLE AND I JUST WANTED TO READ THE
08:42:09 LETTER AND HAVE IT GO ON RECORD.
08:42:11 WE'VE PREVIOUSLY MADE THE COUNCIL AWARE OF THE ONGOING
08:42:15 DISPUTE IN REGARDS TO A PROPERTY ON 9660 ROAD RUNNER COURT
08:42:20 IN ESTERO.
08:42:21 THERE IS A COMMERCIAL BUILDING IN SIZE AND AESTHETICS ON A
08:42:26 RESIDENTIAL LOT.
08:42:27 UNDER THE VILLAGE OF ESTERO'S LDC LAWS, THIS IS AN ILLEGAL
08:42:31 BUILDING THAT IS ADJACENT TO OUR PROPERTY.
08:42:34 THE VILLAGE ATTORNEY AGREES.
08:42:37 WE WERE INFORMED, WE, MY FAMILY, WE WERE INFORMED THE
08:42:40 PROCEDURE FOR RECTIFYING THIS ILLEGAL BUILDING WAS FOR MY
08:42:44 FAMILY TO BRING ABOUT LAWSUIT TO THE VILLAGE OF ESTERO.
08:42:46 WE HAVE DONE AS INSTRUCTED AND WE'RE WONDERING WHY IN THE
08:42:52 MOTION FOR JUDGMENT THE VILLAGE ATTORNEY IS ARGUING OUR
08:42:58 COMPLAINT.
08:42:58 IT'S TO OUR KNOWLEDGE FROM OUR VILLAGE -- FROM OUR ATTORNEY
08:43:02 THAT THE VILLAGE ATTORNEY DOES NOT HAVE TO ARGUE THIS
08:43:06 COMPLAINT.
08:43:07 THE COUNCIL COULD BRING IT TO A VOTE AND UPHOLD THE
08:43:13 MUNICIPALITY LAWS AND REVOKE THE PERMIT AND CERTIFICATE OF
08:43:17 OCCUPANCY.
08:43:18 INSTEAD, MY FAMILY AND I ARE LEFT TO QUESTION WHERE OUR TAX
08:43:23 DOLLARS ARE GOING, BOTH RESIDENTIAL, MY WIFE AND I OWN A
08:43:28 BUSINESS IN ESTERO.

08:43:29 OUR BUSINESS TAXES AND ALL THE PEOPLE OF ESTERO, THE
08:43:33 COUNCIL, THE BOARD'S TAXES ARE GOING TO SUPPORT WRONGDOING.
08:43:37 IT MUST ALSO BE STRONGLY NOTED THAT MY WIFE AND I MADE THE
08:43:42 VILLAGE STAFF AWARE ON MULTIPLE OCCASIONS OF THE ILLEGAL

08:43:47 BUILDING BEFORE ANY CEMENT WAS POURED.
08:43:49 THIS IS NOT AN AFTER THE BUILDING WAS CONSTRUCTED ISSUE.
08:43:52 MY FAMILY AND I HAVE ALWAYS FOLLOWED THE VILLAGE OF ESTERO'S
08:43:55 RULES AND LAWS AS RESIDENTS AND AS BUSINESS OWNERS.
08:44:00 THERE'S NOTHING CONSISTENT ANYWHERE IN OUR DISTRICT FOR A
08:44:08 BUILDING LIKE THIS AND ALL WE COULD DO IS LOOK AND WONDER
08:44:12 WHAT'S IT GOING TO BE A YEAR FROM NOW, SIX MONTHS FROM NOW,
08:44:15 TWO YEARS FROM NOW.
08:44:16 THANK YOU.
08:44:19 >>Scotty Wood: THANK YOU.
08:44:22 >>Barry Jones: MARY, CAN I ASK HOW THEY GOT A BUILDING
08:44:26 PERMIT FOR A COMMERCIAL PROJECT?
08:44:29 >>Mary Gibbs: I'M NOT GOING TO COMMENT TOO MUCH BECAUSE
08:44:31 THERE IS LITIGATION, BUT THIS HAS TO DO WITH A VERY LARGE
08:44:39 GARAGE BUILT IN A SINGLE-FAMILY ZONED NEIGHBORHOOD.
08:44:41 IT'S NOT IN LIKE A PLANNED DEVELOPMENT OR GATED COMMUNITY.
08:44:44 SO THE SINGLE-FAMILY DEVELOPMENT, THE NEIGHBOR BUILT A VERY
08:44:49 LARGE GARAGE ON THE LOT, AND THEN THERE WERE CODE CHANGES
08:44:56 WITH OUR LAND DEVELOPMENT CODE WHERE PRIOR TO THAT WE DID
08:45:00 NOT HAVE ANY REGULATION ABOUT SIZE OF GARAGES, AND WE PUT
08:45:04 SOMETHING IN THE LAND DEVELOPMENT CODE TO DO THAT.

08:45:08 SO THIS HAS TO DO WITH THAT ISSUE.
08:45:12 >>Barry Jones: MATTER OF USE VERSUS INTENT.
08:45:15 >>Mary Gibbs: WELL, IT'S COMPLICATED.
08:45:20 AGAIN, I DON'T REALLY WANT TO GET INTO TOO MUCH DETAIL.
08:45:24 >>Jim Wallace: GARAGE ATTACHED TO A RESIDENTIAL?
08:45:26 >>Mary Gibbs: NO, DETACHED.
08:45:31 >>Jim Wallace: IS THERE A HOUSE ON THE LOT?
08:45:34 >>Mary Gibbs: YES.
08:45:35 >>Barry Jones: IN A SITUATION LIKE THAT -- [INAUDIBLE] --
08:45:38 STRAIGHT CODE ENFORCEMENT?
08:45:40 >>Mary Gibbs: IT'S COMPLICATED.
08:45:44 >>Barry Jones: I'M SORRY -- [INAUDIBLE]
08:45:50 >>Jim Wallace: [INAUDIBLE] OPERATING A BUSINESS OUT OF THE
08:46:02 GARAGE, LIVE HERE --
08:46:07 >>Mary Gibbs: NO, THAT'S NOT -- SO THERE WAS A LETTER THAT I
08:46:15 THINK WENT TO THE VILLAGE MANAGER AND MAYBE THE COUNCIL.
08:46:20 SO WE'LL BE LOOKING INTO THAT.
08:46:24 >>Barry Jones: I GUESS I DON'T UNDERSTAND WHY IT WOULDN'T BE
08:46:27 A CODE ENFORCEMENT ISSUE AND WHY AN INDIVIDUAL WOULD BE
08:46:29 FORCED TO EXPEND THEIR OWN RESOURCES TO TRY AND MITIGATE A
08:46:35 CODE VIOLATION TYPE ISSUE.
08:46:38 WE UNDERSTAND YOUR PLIGHT.
08:46:43 WE THANK YOU FOR SHARING IT WITH US.
08:46:45 WE'RE SORRY YOU HAD TO GO THROUGH ALL OF THAT TO GET TO
08:46:48 WHERE WE'RE AT WITH PUBLIC INPUT.

08:46:51 >> [INAUDIBLE]
08:46:52 >>Barry Jones: YOU UNDERSTAND OUR HANDS ARE BOUND.
08:46:55 THEY REALLY CAN'T SPEAK ABOUT IT IF THERE IS A CASE IN
08:46:58 LITIGATION.
08:46:59 >>Tammy Duran: I'M SORRY.
08:47:00 YOU GUYS CAN'T SPEAK OFF MIKE.
08:47:02 THEY CANNOT GET IT IN TRANSCRIPT.
08:47:05 I KEEP GETTING E-MAILS THAT THERE'S TOO MUCH SIDE TALK.
08:47:08 SORRY.
08:47:10 >>Scotty Wood: LET'S MOVE ON.
08:47:11 MARY, WE ARE NOW GOING TO MOVE INTO PUBLIC INFORMATION
08:47:16 MEETINGS.
08:47:17 WE HAVE TWO OF THEM.
08:47:19 FIRST IS A WALMART EXPANSION.
08:47:22 MARY, DO YOU WANT TO INTRODUCE IT?
08:47:24 >>Mary Gibbs: AND THIS IS THE EXISTING WALMART, WHICH WE ALL
08:47:28 KNOW ON U.S. 41, THEY WANT TO DO A SMALL EXPANSION, A
08:47:32 RELATIVELY SMALL, IT'S A LITTLE OVER 5,000 SQUARE FEET, I
08:47:36 THINK, ON THE SOUTH SIDE OF THE BUILDING.
08:47:40 THE APPLICANTS I THINK ARE ON ZOOM.
08:47:44 >>Tammy Duran: YES.
08:47:45 AND KIA BURKE IS GOING TO START.
08:47:49 >>Mary Gibbs: EVEN THOUGH THE PowerPoint HAS A LOT OF
08:47:51 PICTURES OF THE EXISTING WALMART, WE'RE ALL PRETTY FAMILIAR
08:47:54 WITH THAT, SO WE ASKED THEM IF THEY COULD KIND OF SPEED IT

08:47:57 UP AND GET RIGHT TO THE ISSUE.
08:48:01 >> GOOD EVENING.
08:48:02 MY NAME IS KAI BURK, BOWMAN CONSULTING, 5404 CYPRESS CENTER
08:48:09 DRIVE, TAMPA, FLORIDA, 33609.
08:48:12 AS MARY MENTIONED, WE ARE HERE FOR THE WALMART THERE IN
08:48:19 ESTERO.
08:48:20 I'M GOING TO PULL UP THE PRESENTATION REAL QUICK.
08:48:27 WE'LL TRY AND MAKE THIS QUICK FOR EVERYBODY.
08:48:29 I KNOW IT'S BEEN A LONG NIGHT ALREADY.
08:48:32 BASICALLY, WE ARE LOOKING TO DO -- WITH ME TONIGHT ALSO IS
08:48:38 JEFF WITH CUHACI AND PETERSON.
08:48:40 THEY ARE THE ARCHITECTS.
08:48:41 I'M WITH BOWMAN CONSULTING.
08:48:43 WE ARE THE CIVIL ENGINEER AND LANDSCAPE ARCHITECT.
08:48:46 BASICALLY WE ARE LOOKING TO DO A SMALL 5800-SQUARE-FOOT
08:48:51 BUILDING EXPANSION FOR ONLINE GROCERY PICKUP FOR THE
08:48:55 EXISTING WALMART LOCATED AT TAMIAMI TRAIL AND ESTERO
08:48:57 PARKWAY.
08:48:59 IF YOU LOOK HERE, THIS IS THE EXISTING WALMART SUPER CENTER.
08:49:04 WE'LL BE PUTTING THE EXPANSION HERE ON THE SOUTHEAST, THE
08:49:10 BACK RIGHT SIDE BEHIND THE GARDEN CENTER.
08:49:12 THIS SHOWS THE EXISTING SITE AND PARKING CONFIGURATION.

08:49:21 WE'LL BE RECONFIGURING THAT A LITTLE BIT TO ALLOW FOR THE
08:49:24 ADDITIONAL -- THIS WILL BE FOR PICKUP AND THEN THESE WILL BE
08:49:28 PICKUP PARKING SPACES THAT WILL BE RECONFIGURED THERE.

08:49:32 WE WILL BE PROVIDING ADDITIONAL LANDSCAPING, TAKING OUT SOME
08:49:36 TREES, BUT ALSO THOSE WITH CYPRESS AND MAGNOLIA AND THEN
08:49:44 PALM TREES.
08:49:44 THIS IS THE EXISTING ELEVATIONS OF THE WALMART.
08:49:48 NOTHING WILL BE CHANGING ON THE FRONT OR THE LEFT SIDE,
08:49:54 WHICH IS HERE.
08:49:55 ON THE RIGHT SIDE WE'LL BE PUTTING IN THIS BUMP-OUT RIGHT
08:50:00 HERE.
08:50:01 KIND OF JUST BASICALLY PULLING THAT OUT AND ADDING IN THE
08:50:05 GLASS DOORS FOR PICKUP PARKING.
08:50:08 SITE LIGHTING WILL BE -- WE'LL RECONFIGURE SOME OF THE
08:50:15 EXISTING SIDE LIGHTING AND WALL PACKS TO PROVIDE LIGHTING
08:50:19 FOR THE ASSOCIATES THAT ARE WORKING IN THE AREA.
08:50:21 AND WE'LL ALSO BE REPAINTING AND UPDATING THE LOGO ON THE
08:50:27 SIGN, BUT THERE WILL BE NO CHANGE IN THE SIGNAGE SQUARE
08:50:30 FOOTAGE OF THE MONUMENT SIGN.
08:50:31 ON THE BUILDING SIGNAGE, THE SQUARE FOOTAGE WILL ACTUALLY GO
08:50:34 DOWN FROM I THINK 730 TO 685 SQUARE FEET.
08:50:38 SO THIS IS JUST A PUBLIC INFORMATION MEETING, AND WE'RE
08:50:45 HAPPY TO ANSWER ANY QUESTIONS THAT THE BOARD MAY HAVE.
08:50:49 LIKE I SAID, JEFF MUZZIN WITH CUHACI PETERSON IS WITH US.
08:51:00 >>Barry Jones: ARE YOU DECREASING PARKING ON THE PROJECT?
08:51:04 >> YES, SIR, WE ARE JUST A LITTLE BIT.
08:51:05 >>Barry Jones: STILL MEETING CODE MINIMUMS?
08:51:08 >> YES.

08:51:09 >>Barry Jones: AND THIS IS STRICTLY A WALK-IN TYPE THING,
08:51:13 IT'S NOT ADDING ANY ADDITIONAL -- I GUESS IF YOU ADD SQUARE
08:51:17 FOOTAGE, YOU'VE GOT TO REDO YOUR PARKING CALCS.
08:51:21 WE WOULD EXPECT IT TO STILL MEET THE PARKING CALC.
08:51:25 IT'S NOT A DRIVE-THROUGH OR ANYTHING.
08:51:26 THIS IS A WALK IN AND PICK UP YOUR GROCERIES IS THAT IT?
08:51:30 >> BASICALLY YOU'D ORDER IT ONLINE AND THEN PULL INTO A
08:51:33 PARKING SPOT AND THEN YOU CAN NOTIFY THE STORE ON THE APP
08:51:36 THAT YOU'RE THERE AND THEY'LL BRING YOUR GROCERIES OUT TO
08:51:40 YOU.
08:51:40 >>Barry Jones: YOU'VE GOT THAT ON THE NORTH END OF THE
08:51:42 BUILDING CURRENTLY, CORRECT?
08:51:44 >> YES, SIR.
08:51:44 WE'LL BE RELOCATING THAT TO THE OPPOSITE SIDE OF THE STORE.
08:51:48 >>Barry Jones: SO WHAT'S THE ADDITIONAL SQUARE FOOTAGE
08:51:51 NEEDED FOR?
08:51:53 >> OPERATIONALLY THIS IS THE GENERAL MERCHANDISE SIDE OF THE
08:51:58 STORE.

08:51:59 SO IT'S REALLY FOR STORAGE OF THE ORDERS AND THEN ALSO SOME
08:52:06 REFRIGERATION SECTION FOR COLD ITEMS THAT CUSTOMERS MAY
08:52:11 ORDER ONLINE.
08:52:15 >>Scotty Wood: ANY OTHER QUESTIONS?
08:52:16 PUBLIC INPUT.
08:52:21 ANY PUBLIC INPUT?
08:52:25 >>Tammy Duran: I DON'T HAVE ANYBODY FOR WALMART.

08:52:29 >>Scotty Wood: OKAY.
08:52:29 >>Mary Gibbs: WELL, ONE THING WE WOULD LIKE THEM TO LOOK AT,
08:52:34 THOUGH, IS TO SEE HOW THAT'S -- IF THAT'S GOING TO CHANGE
08:52:37 ANY TRAFFIC PATTERNS OR IF THERE WILL BE ANY SAFETY ISSUES
08:52:41 WITH PULLOUT ON THAT SIDE.
08:52:43 JIM HAS A MEETING WITH THEM TOMORROW, SO WE'LL BE TALKING
08:52:47 ABOUT THAT TOMORROW.
08:52:53 >>Barry Jones: SOMEBODY GET HIM A MICROPHONE.
08:52:57 >>Mary Gibbs: HE HASN'T BEEN HERE LONG ENOUGH FOR A
08:52:59 MICROPHONE YET.
08:53:00 >>Kristin Jeannin: YOU ALSO PUT HIM AT A SHORT DESK.
08:53:05 >>Scotty Wood: ALL RIGHT.
08:53:07 THE NEXT ONE.
08:53:08 THANK YOU VERY MUCH.
08:53:09 >> THANK YOU.
08:53:09 HAVE A GOOD NIGHT.
08:53:11 >>Scotty Wood: THE NEXT ONE IS SOUTHWEST FLORIDA CHURCH OF
08:53:16 CHRIST, PUBLIC INFORMATION MEETING.
08:53:18 NO DECISIONS ARE MADE AT A PUBLIC INFORMATION MEETING.
08:53:26 >>Mary Gibbs: THEY ARE IN THE OTHER ROOM.
08:53:28 I THINK JIM WENT TO GET THEM.
08:53:29 WE'LL SUBTRACT THIS FROM THEIR TIME.
08:53:35 I CAN BE EXPLAINING IT AS THEY ARE WALKING IN THE DOOR.
08:53:42 THIS PROPERTY IS AT THE CORNER OF SANDY LANE AND BROADWAY,
08:53:47 EAST BROADWAY.

08:53:49 TWO-ACRE PIECE.
08:53:53 YOU GO UP SANDY LANE AND BROADWAY.
08:53:55 THE NORTHWEST CORNER, AND IT'S A TWO-ACRE PIECE OF PROPERTY,
08:54:00 AND THEY HAVE PURCHASED IT AND WOULD LIKE TO DO A RELIGIOUS
08:54:05 FACILITY AND A DAY CARE.
08:54:07 SO THIS IS AN INFORMATION MEETING.
08:54:11 AGAIN, THEY JUST SUBMITTED IT.
08:54:13 WE JUST STARTED LOOKING AT THE APPLICATION, AND I THINK THEY
08:54:16 WANT TO EXPLAIN WHAT THEY ARE DOING.
08:54:27 >> GOOD EVENING.
08:54:27 ALEXIS CRESPO, I AM VICE PRESIDENT OF PLANNING WITH RVi
08:54:31 PLANNING + LANDSCAPE ARCHITECTURE.
08:54:33 I HAVE JUST A VERY BRIEF PowerPoint TO WALK YOU THROUGH.
08:54:37 OUR TEAM IS HERE THIS EVENING.

08:54:51 WE'RE HERE TO DISCUSS A SPECIAL EXCEPTION TO ALLOW FOR A
08:54:55 RELIGIOUS FACILITY ON AN AGRICULTURALLY ZONED PROPERTY
08:54:59 WITHIN THE VILLAGE.
08:55:01 MATT NEWBURG JOINS US, THE PASTOR OF THE CHURCH.
08:55:05 TIM KEENE IS THE PROJECT ENGINEER.
08:55:07 KATELYN HANNIGAN WITH SOUTH FLORIDA ARCHITECTURE IS HERE,
08:55:08 AND I'M HERE REPRESENTING THE ZONING SIDE OF THIS.
08:55:12 IT WAS PAST TED TREESH'S BEDTIME, SO HE IS NOT WITH US THIS
08:55:15 EVENING.
08:55:16 THE SITE IS JUST SOUTH OF BROADWAY AND TO THE WEST OF SANDY
08:55:19 LANE.

08:55:19 I MENTIONED IT'S JUST OVER TWO ACRES IN SIZE.
08:55:24 ZONED AGRICULTURE, AND THIS IS WITHIN YOUR VILLAGE
08:55:26 NEIGHBORHOOD ONE FUTURE LAND USE CATEGORY WHICH DOES ALLOW
08:55:28 FOR LIMITED NONRESIDENTIAL USES THAT SUPPORT THE
08:55:31 NEIGHBORHOOD.
08:55:32 THE APPLICANT IS REQUESTING FOR A SPECIAL EXCEPTION TO ALLOW
08:55:36 FOR A CHURCH THAT WOULD HOUSE 249 SEATS AND APPROXIMATELY
08:55:41 12,000-SQUARE-FOOT BUILDING.
08:55:42 THE SITE WOULD ALSO ALLOW FOR DAY CARE FOR YOUNGER CHILDREN
08:55:47 AND INFANTS MONDAY THROUGH FRIDAY OUTSIDE THE HOURS OF THE
08:55:51 CHURCH SERVICES.
08:55:52 SO THESE WOULD NEVER BE OPERATING AT THE SAME TIME.
08:55:55 OUR SITE PLAN IS SHOWN ON THE SCREEN THERE.
08:56:00 YOU CAN SEE THE GREENSPACE AREAS.
08:56:02 WE HAVE WORKED HARD TO ACCOMMODATE THE NECESSARY PARKING FOR
08:56:05 THE USE, AND THEN ALSO LOOK AT OUR SURROUNDING SINGLE-FAMILY
08:56:10 RESIDENTIAL USES PREDOMINANTLY TO THE SOUTH OF THE PROPERTY.
08:56:14 WE HAVE BUFFERS RANGING IN WIDTH FROM 15 TO 20 FEET, WHICH
08:56:17 WOULD CONTAIN CANOPY TREES AS WELL AS HEDGEROWS.
08:56:21 WE HAVE LOCATED THE BUILDING ALONG THE SOUTHERN PROPERTY
08:56:25 LINE OR CLOSE THERE TO.
08:56:27 WE DO HAVE A SINGLE-FAMILY RESIDENCE TO OUR SOUTH.
08:56:29 THE IDEA THERE IS TO USE THE BUILDING, WHICH I'LL SHOW YOU
08:56:33 THE ARCHITECTURE OF, AND WE'RE WORKING THROUGH THAT.
08:56:35 BUT AN ATTRACTIVE BUILDING THAT'S OF THE SAME SCALE AS

08:56:39 SURROUNDING SINGLE-FAMILY HOMES, SINGLE STORY, AND THEN USE
08:56:42 THAT TO BLOCK THE SOUND OF ANY PARKING AND DAY CARE TYPE
08:56:46 USES THAT WOULD BE IN THE MIDDLE OR NORTHERN PORTION OF THE
08:56:50 SITE.
08:56:50 I'M GOING TO USE THE ARROW IF I CAN HERE TO POINT YOU TO THE
08:56:55 -- THIS WILL BE THE PLAYGROUND AREA.
08:56:56 AGAIN, THE NOISE WOULD BE BLOCKED BY THE ACTUAL BUILDING AND
08:57:01 THEN YOU CAN SEE THE PARKING AREA.
08:57:03 SOMETHING OF NOTE WITH SOMETHING LIKE A DAY CARE USE,
08:57:07 PICKUP, DROP-OFF.

08:57:09 THE RULES OF THE FACILITY ARE THAT PARENTS PARK AND BRING
08:57:12 THEIR CHILDREN IN, SO THIS WOULD NOT HAVE THOSE QUEUING
08:57:16 LANES AND STACKED UP TRAFFIC THAT YOU SEE WITH LARGER
08:57:20 SCHOOLS WHERE PARENTS ARE JUST LETTING THEIR KIDS HOP OUT
08:57:24 AND RUN INTO THE SCHOOL.
08:57:25 THIS IS A MUCH MORE CONTROLLED PICKUP AND DROP-OFF
08:57:30 SITUATION.
08:57:30 AND THEN WE DO HAVE ACCESS POINTS FROM BOTH SANDY LANE AND
08:57:34 BROADWAY AVENUE.
08:57:35 I THINK I'VE NOTED SOME OF THESE THINGS.
08:57:43 THE CHURCH WOULD NOT HAVE SERVICES DURING THE WEEKDAYS WHEN
08:57:48 THE DAY CARE WOULD OPERATE.
08:57:50 THE DAY CARE HOURS PROPOSING 6:30 A.M., 6:30 P.M., WHICH IS
08:57:54 FAIRLY STANDARD FOR THIS TYPE OF USE.
08:57:56 IT WOULD BE MAXIMUM OF 171 SCHOOL-AGE CHILDREN AND I'VE

08:58:00 NOTED THE PARKING DROP-OFF.
08:58:02 AS I NOTED, KATELYN IS HERE, WHO IS WORKING ON THE
08:58:07 ARCHITECTURE OF THE BUILDING.
08:58:08 YOU CAN SEE IT'S SINGLE STORY.
08:58:10 WE'RE LOOKING AT OLD FLORIDA TYPE VERNACULAR WITH THE TIN
08:58:15 ROOF AND DIFFERENT ELEMENTS THAT SHE CAN SPEAK TO ONCE WE
08:58:19 GET TO OUR PUBLIC HEARING STAGE.
08:58:21 WHAT WE'VE NOTED IS AGAIN SINGLE STORY AND TRYING TO DESIGN
08:58:25 THE BUILDING SO IT WILL FIT WELL WITHIN THE SINGLE-FAMILY
08:58:29 RESIDENTIAL CHARACTER OF SANDY LANE.
08:58:32 OUR TEAM IS HERE FOR ANY QUESTIONS.
08:58:36 THANK YOU.
08:58:39 >>Anthony Gargano: IS THE DAY CARE FACILITY FOR THE CHURCH
08:58:41 MEMBERS OR IS THIS A COMMERCIAL ENTERPRISE?
08:58:44 >>Alexis Crespo: I'LL ASK PASTOR NEWBURG TO -- IT IS OPEN TO
08:58:49 THE PUBLIC.
08:58:51 >>Barry Jones: HOW DOES THAT QUALIFY UNDER -- COMMERCIAL
08:58:56 ENTERPRISE, HOW DOES THAT QUALIFY?
08:59:00 >>Mary Gibbs: IN AG, YOU CAN HAVE A SPECIAL EXCEPTION.
08:59:04 WHAT THEY ARE ASKING FOR I THINK WOULD BE A RELIGIOUS
08:59:06 FACILITY AND NOT A CHURCH BECAUSE IT'S MORE INTENSE.
08:59:08 AND THEN DAY CARE CAN BE A SPECIAL EXCEPTION IN AG AS WELL.
08:59:14 ONE OF THE QUESTIONS I ASKED THEM, IS THIS DAY CARE RELATED
08:59:18 TO THE CHURCH OR NOT BECAUSE THAT WAS A QUESTION THAT CAME
08:59:21 UP.

08:59:22 ALSO, THE NUMBER -- THE PROPOSED NUMBER OF CHILDREN THEY
08:59:25 HAVE IS A PRETTY LARGE NUMBER WHEN YOU LOOK AT THAT
08:59:28 SURROUNDING NEIGHBORHOOD.
08:59:28 SO THAT'S BEEN AN ISSUE THAT WE IDENTIFIED AND SAID, THIS IS
08:59:32 A CONCERN TO US THAT NEEDS TO BE REALLY LOOKED AT.
08:59:38 >>Barry Jones: THAT WOULD BE A CONCERN OF MINE, TOO.

08:59:41 271 KIDS.
08:59:46 >>Mary Gibbs: YOU HAVE CONFLICTING INFORMATION.
08:59:47 I THINK IT SAYS 270 ON YOUR PUBLIC INFORMATION AND THEN YOU
08:59:50 HAVE 170 IN ONE OF THE DOCUMENTS.
08:59:53 >>Alexis Crespo: THE NUMBER OF CHURCH SEATS IS 249 FOR THE
08:59:56 CHURCH USE AND 171 CHILDREN IS THE MAXIMUM OCCUPANCY OF THE
09:00:00 DAY CARE.
09:00:01 WE WILL MAKE SURE WE RECONCILE ANY NUMBERS.
09:00:05 >>Mary Gibbs: WHICH IS STILL REALLY CONCERNING BECAUSE WHEN
09:00:08 YOU LOOK AT THE DAY CARE, THE SPECIAL EXCEPTION IN THE CODE
09:00:12 I THINK HAVE BEEN DESIGNED IN AG FOR LIKE THESE SMALLER DAY
09:00:15 CARES WHERE YOU'RE LOOKING AT MAYBE 12 OR 20 KIDS IN A HOUSE
09:00:19 OR SOMETHING.
09:00:20 SO I THINK THAT WAS THE GENESIS OF THE SPECIAL EXCEPTIONS
09:00:24 FOR DAY CARE.
09:00:25 THIS IS A LITTLE CONCERNING THAT IT'S KIND OF A COMMERCIAL
09:00:28 ENTERPRISE AND YOU'RE LOOKING AT A VILLAGE NEIGHBORHOOD ONE
09:00:31 KIND OF A LOW DENSITY RESIDENTIAL AREA.
09:00:34 SO THIS IS WHAT WE IDENTIFIED AS OUR CONCERN.

09:00:37 >>Barry Jones: 25, 30 EMPLOYEES FOR THAT MANY KIDS?
09:00:40 >>Alexis Crespo: 25.
09:00:45 >>Scotty Wood: POINT OF ORDER.
09:00:46 IT'S 9:00.
09:00:47 THAT'S OUR CURFEW HOUR.
09:00:49 I NEED A MOTION AND A SECOND FROM THE BOARD TO CONTINUE THIS
09:00:51 MEETING.
09:00:52 >>Barry Jones: MOTION TO CONTINUE.
09:00:55 >>Scotty Wood: WE HAVE A MOTION AND YOU'LL BE A SECOND.
09:00:58 ANY DISCUSSION?
09:01:02 >>Anthony Gargano: CAN WE DO TIME CERTAIN TO END?
09:01:08 >>Scotty Wood: 9:30.
09:01:09 >>Barry Jones: 9:30.
09:01:11 NO LATER THAN 9:30.
09:01:15 DOESN'T MEAN WE HAVE TO STAY UNTIL 9:30.
09:01:20 >>Scotty Wood: MOTION TO CONTINUE UNTIL 9:30.
09:01:24 ALL IN FAVOR?
09:01:25 AYE.
09:01:25 ANY OPPOSED?
09:01:26 GO AHEAD.
09:01:26 >>Alexis Crespo: WE NOTED THE CONCERN ABOUT THE INTENSITY OF
09:01:29 THE USE RELATED TO THE NEIGHBORHOOD.
09:01:31 SO WE'LL WORK ON THAT BEFORE WE COME BACK TO YOU.
09:01:38 >>Jim Wallace: YOU SAID THERE'S NO ISSUE WITH DROP-OFF AND
09:01:41 STACKING AND ET CETERA.

09:01:42 WHEN I LOOK AT THE SITE PLAN, I SEE A HUGE ISSUE WITH
09:01:48 STACKING.

09:01:49 I CAN'T IMAGINE A HUNDRED PARENTS OR EVEN 80 PARENTS OR
09:01:54 WHATEVER DROPPING THEIR KIDS OFF IN A TIMELY MANNER.
09:01:59 YOU WOULD BE ASKING SOME OF THE PARENTS TO COME A HALF HOUR
09:02:02 BEFORE SCHOOL TIME.
09:02:06 >>Kristin Jeannin: THEY HAVE TO PARK AND -- SORRY, I HAVE
09:02:10 YOUNG KIDS.
09:02:12 >>Alexis Crespo: THIS IS NOT A SCHOOL.
09:02:14 >>Jim Wallace: SOUTHBOUND ON SANDY LANE, TURN IN, YOU HAVE
09:02:16 TO MAKE A 180 AND THEN YOU HAVE TO MAKE ANOTHER 180
09:02:21 LITERALLY TO DROP THE KID OFF, YOUR KID OR CHILD, WHATEVER
09:02:27 IT IS.
09:02:28 STACKING FOR A RESIDENTIAL COMMUNITY IS FIVE, SIX CARS IN A
09:02:33 HUNDRED FEET.
09:02:34 NOW YOU'RE TALKING ABOUT IS EVERYBODY WALKING THERE?
09:02:39 >> FOR THE RECORD, TIM KEENE, KEENE DEVELOPMENT.
09:02:43 SITE ENGINEER FOR THE PROJECT.
09:02:44 WE LOOKED AT THE ISSUE AND WE SPOKE WITH THE PEOPLE WHO
09:02:48 OPERATE THE DAY CARE.
09:02:49 AND GIVEN THE AGES AND SECURITY ISSUES, THINGS LIKE THAT,
09:02:54 TYPICALLY A PARENT STOPS, GETS THEIR KID OUT OF THE CAR,
09:02:57 DEPENDING ON THE AGE OF THE KID, MIGHT HAVE A BAG, CAR SEAT
09:03:00 OR SOMETHING LIKE THAT, AND THEY WALK THE KID IN.
09:03:03 THEN THERE IS A CHECK-IN PROCEDURE.

09:03:05 SO THEY KNOW THE KID IS THERE.
09:03:07 AT THE END OF THE DAY, PROBABLY MOST IMPORTANT, AT THE END
09:03:10 OF THE DAY THERE IS A CHECKOUT PROCEDURE.
09:03:13 SO THE WRONG PERSON IS NOT PICKING UP A CHILD.
09:03:15 AND THERE'S NO 30 MINUTES FOR DROP-OFF AND PICKUP.
09:03:25 6:30 TO 8:30 IS THE DROP-OFF PERIOD.
09:03:28 AND 3:30 TO 6:30 MIGHT BE THE PICKUP PERIOD DEPENDING ON THE
09:03:31 PARENT'S SCHEDULE.
09:03:33 IT'S A VERY STRETCHED OUT, YOU KNOW, IT'S NOT LIKE A SINGLE
09:03:38 INTENSE MOMENT WHERE EVERYBODY IS THERE.
09:03:40 SO THAT'S WHY WE DIDN'T THINK THERE WAS REALLY A STACKING
09:03:43 PROBLEM HERE.
09:03:44 WE DO HAVE A PORTICO, PORTE-COCHERE WHERE PEOPLE CAN DROP
09:03:49 OFF IN CASE OF INCLEMENT CONDITIONS.
09:03:53 >>Jim Wallace: ANYBODY OPERATING A DAY CARE AND WE'VE ALL
09:03:55 HAD KIDS OR MOST OF US HAVE KIDS, KNOW THERE ARE PEAK
09:03:59 KIDS --
09:04:00 >>Tim Keene: RIGHT ACROSS THE PARKING LOT YOU HAVE A
09:04:03 MONTESSORI SCHOOL.
09:04:04 AND THERE'S NO -- THEY PULL IN THE PARKING SPOT, WALK
09:04:09 INSIDE.
09:04:10 I SAT OUT THERE THIS AFTERNOON AND WATCHED THEM.
09:04:13 >>Jim Wallace: [INAUDIBLE]
09:04:15 >>Tim Keene: I DON'T KNOW.

09:04:15 BUT THEY DON'T HAVE LINES FOR PEOPLE PICKING UP.

09:04:18 THEY HAVE PARKING SPACES.
09:04:19 >>Jim Wallace: ISN'T IT 40 STUDENTS?
09:04:21 >>Tim Keene: I DON'T KNOW HOW MANY STUDENTS ARE IN THE
09:04:23 MONTESSORI SCHOOL.
09:04:24 EVEN IF 40 STUDENTS, IF EVERYBODY GOT IN A LINE TO PICKUP,
09:04:28 YOU WOULD NEED A STACKING AREA.
09:04:30 >>Jim Wallace: THE ISSUE FOR ME IS THERE IS NO DECEL LANE OR
09:04:34 ANYTHING ELSE, NO THIRD ENTRANCE CLOSER TO BROADWAY WHERE
09:04:37 PEOPLE CAN DRIVE INTO THE PARKING LOT AND STACK IN LINE AND
09:04:41 COME DOWN AND LEAVE.
09:04:42 THIS IS ALL DEPENDENT UPON COME IN, MAKE A 180, MAKE ANOTHER
09:04:47 180 AND LEAVE QUICKLY.
09:04:53 >>Tim Keene: YOUR QUESTION ABOUT THE DECEL LANE, BOTH ROADS
09:04:57 ARE POSTED AT 30 MILES PER HOUR.
09:04:59 WITH 30 MILES PER HOUR, YOU DON'T MEET THE THRESHOLD FOR
09:05:03 TURN LANES, WHETHER IT'S DECEL, RIGHT TURN, LEFT TURN.
09:05:07 >>Jim Wallace: WHEN I SAY TURN LANES, I'M TALKING STACKING.
09:05:12 >>Tim Keene: ADDITIONAL ENTRANCES, OUR INITIAL MEETINGS WITH
09:05:16 STAFF, WE WANTED TO MOVE OUR ENTRANCES AS FAR AWAY FROM THE
09:05:22 INTERSECTION AS POSSIBLE.
09:05:22 WE'RE STILL WORKING ON REFINING SOME OF THOSE ASPECTS.
09:05:23 >>Jim Wallace: MY POINT IS YOU DON'T WANT TO BUILD IT AND
09:05:25 THEN FIND OUT THAT STACKING --
09:05:26 >>Tim Keene: YOU DON'T WANT TO SPEND ALL THE MONEY AND THEN
09:05:28 HAVE A PROBLEM.

09:05:29 >>Jim Wallace: PEOPLE HAVING TO DRIVE AROUND THEM ON SANDY
09:05:32 LANE.
09:05:33 >>Tim Keene: I DON'T THINK THERE IS A LIKELIHOOD THAT WE
09:05:35 WOULD STACK INTO THE ROAD IN ANY CASE.
09:05:40 >>Jim Wallace: I DON'T GO TO VEGAS EITHER.
09:05:42 >>Scotty Wood: ANYTHING ELSE?
09:05:46 >> THIS IS MATT NEWBURG, THE PASTOR OF THE FORT MYERS
09:05:51 CHURCH, SOUTHWEST FLORIDA CHURCH OF CHRIST.
09:05:54 MY KIDS WENT TO EVANGELICAL CHRISTIAN SCHOOL.
09:05:58 THEY DO 300 KIDS IN THE DAY CARE.
09:06:00 SPENT TIME WITH THE DIRECTOR ASKING THEM ABOUT THIS SAME
09:06:03 QUESTION.
09:06:04 THEY'VE GOT TEN PARKING SPACES IN THE FRONT OF THEIR DAY
09:06:09 CARE.
09:06:10 THEIR DROP-OFF PROCEDURE IS THE EXACT SAME ONE.
09:06:13 YOU TAKE THE KID IN.
09:06:14 CAN'T DROP THEM OFF AT THE SIDEWALK.
09:06:16 TAKE THE KID IN AND YOU'VE GOT TO CHECK THEM IN WITH A
09:06:20 SECURE -- THE BABIES ACTUALLY HAVE TO BE WALKED TO THE
09:06:24 CLASSROOM IN EVANGELICAL CHRISTIAN AND NO STACKING ISSUES

09:06:29 THERE.
09:06:29 I SAT AND WATCHED, ASKED A LOT OF QUESTIONS AND KIDS GET
09:06:32 THERE FROM 6:30 A.M. TILL ABOUT 9 A.M. BECAUSE THERE ARE A
09:06:36 LOT OF STAY-AT-HOME MOMS THAT DO THIS OR THEY ARE WORKING
09:06:40 MOMS, PART-TIME MOMS THAT ARE DOING A LOT OF THE DROP-OFF

09:06:43 FOR THE KIDS.
09:06:44 THE SECOND POINT TO THIS IS THIS IS NOT A SCHOOL THAT WILL
09:06:48 CATER TO THE HARDWORKING INDIVIDUALS.
09:06:52 THIS IS A SCHOOL THAT WILL BE A LITTLE BIT HIGHER PRICE.
09:06:55 MORE ORGANIZED PARENTS THAT ARE WILLING TO INVEST IN THEIR
09:07:00 KID'S FUTURE.
09:07:01 THAT'S REALLY THE VISION WE HAVE IS THAT THEY ARE GOING TO
09:07:03 GET A GOOD CHRISTIAN UPBRINGING AND THIS ENVIRONMENT, WHICH
09:07:08 IS A LOT LIKE EVANGELICAL CHRISTIAN.
09:07:11 IT MATCHES A LOT OF WHAT THEY DO.
09:07:13 JUST THE WAY IT'S SET DOES KIND OF -- IT'S VERY ORGANIZED.
09:07:18 IT'S NOT WHAT YOU SEE LIKE IN PUBLIC SCHOOL SETTING WHERE
09:07:23 ALL THE PARENTS ARE GETTING THERE AT THE SAME TIME AND ALL
09:07:25 TRYING TO GET TO WORK.
09:07:27 IT'S A LITTLE DIFFERENT.
09:07:28 >>Jim Wallace: AGE OF THE KIDS?
09:07:32 >> THEY ARE ALL PRESCHOOL AGE.
09:07:35 >>Jim Wallace: UP TO FIVE.
09:07:36 >> YEP, INFANT UP TO --
09:07:38 >>Jim Wallace: -- THE PARENT WILL WALK THE CHILD OR CARRY
09:07:41 THE CHILD.
09:07:42 >> CORRECT.
09:07:43 >>Jim Wallace: PARK THEIR CAR, WALK THE CHILD OR CARRY THEIR
09:07:45 CHILD, SIGN OFF, HAND THE CHILD OVER TO SOMEONE ELSE.
09:07:51 >>Kristin Jeannin: THAT'S HOW IT WORKS NOW.

09:07:53 >>Michael Sheeley: YOU'RE TOO OLD, JIM.
09:07:55 >>Kristin Jeannin: I HAVE A FIVE-YEAR-OLD.
09:08:00 >>Scotty Wood: THANK YOU.
09:08:02 ANYONE ELSE?
09:08:03 CARDS.
09:08:03 PUBLIC INPUT.
09:08:05 >>Tammy Duran: PAT.
09:08:12 >> GOOD EVENING.
09:08:12 PAT JANOWSKI, 20610 SANDY LANE.
09:08:16 I UNDERSTAND YOUR PLIGHT.
09:08:21 I WENT THROUGH IT WITH MY GRANDMOTHER UP NORTH.
09:08:25 BUT SANDY LANE IS NOT A ROAD THAT WE CAN USE THIS
09:08:32 INFRASTRUCTURE ON.
09:08:34 THE CARS DO NOT GO 30.
09:08:36 THEY ARE GOING 40, 50 MILES AN HOUR DOWN THAT ROAD.
09:08:40 I WALK MY DOGS AT NIGHT, AND I ALWAYS --

09:08:47 IT'S ALSO 41'S CUT THROUGH.
09:08:53 IF THERE IS EVER AN ACCIDENT ON 41.
09:08:57 I DON'T KNOW WHEN YOU DID YOUR TIME STUDY FOR TRAFFIC
09:09:02 PATTERNS, BUT SEASON TRAFFIC PATTERNS COMPARED TO SUMMER
09:09:08 TRAFFIC PATTERNS ARE TOTALLY DIFFERENT.
09:09:10 IF YOU DID YOUR TRAFFIC PATTERN IN THE SUMMERTIME, IT'S
09:09:14 LESS.
09:09:17 IN SEASON, CARS ARE BACKED UP FROM BROADWAY BACK TO MY HOUSE
09:09:22 AND I'M THREE HOUSES DOWN FROM WHERE THIS IS GOING TO BE

09:09:25 BUILT.
09:09:26 I THANK YOU FOR YOUR TIME AND APPRECIATE IT.
09:09:31 >>Scotty Wood: THANK YOU.
09:09:32 NEXT CARD.
09:09:39 >> MY NAME IS PAUL BROOKS.
09:09:41 I LIVE AT 9011 BROADWAY AVENUE EAST.
09:09:45 WHERE I TAKE CARE OF MY 101-YEAR-OLD MOTHER.
09:09:50 IT'S HER BIRTHDAY TODAY.
09:09:52 >>Scotty Wood: HAPPY BIRTHDAY TO HER.
09:09:56 >> I ALSO HAVE THE FLORIDA STATE CHAMPION MYSORE FIG TREE.
09:10:07 BECAUSE OF THE TREE, I GET PEOPLE TO COME VISIT QUITE OFTEN.
09:10:10 ONE OF THE NUMEROUS COMMENTS I GET IS HOW QUIET AND HOW NICE
09:10:16 THE NEIGHBORHOOD IS, HOW IT'S ACTUALLY ESTERO.
09:10:22 HOW IT'S ACTUALLY HOW ESTERO USED TO BE.
09:10:26 PEOPLE WALKING AROUND, RIDING BIKES, GREETING PEOPLE,
09:10:34 FRIENDLY, HOUSES, AND THAT'S IT.
09:10:37 THAT'S WHAT ESTERO IS.
09:10:38 THAT'S HOW WE ARE AS A PEOPLE, VERY KIND, GENTLE, AND OPEN.
09:10:50 SO TO PUT A BUSINESS IN THE MIDDLE OF ALL THESE HOUSES IS
09:10:56 JUST NOT SOMETHING WE WANT TO SEE.
09:11:00 AS FOR THE TRAFFIC, THE TRAFFIC IS HORRENDOUS AS IT IS.
09:11:06 YOU ADD ANOTHER THREE, FOUR HUNDRED CARS A DAY AND YOU WON'T
09:11:12 BE ABLE TO GET DOWN THAT ROAD.
09:11:14 IF ANY OF YOU KNOW ME, ANY OF YOU BEEN AROUND THAT TREE, YOU
09:11:21 KNOW I'M OUT ALL THE TIME CLEANING UP, KEEPING THAT YARD AND

09:11:28 AREA CLEAN FOR PEOPLE TO VISIT THE TREE.
09:11:31 AND I SEE THE TRAFFIC.
09:11:32 I KNOW WHAT IT'S LIKE.
09:11:34 AND THAT TRAFFIC IS BACKED UP IN THE MORNING AS PEOPLE CUT
09:11:39 THROUGH AND IN THE EVENING WHEN PEOPLE GO BACK THROUGH FROM
09:11:43 WORK.
09:11:44 SCHOOL TIME IS EVEN WORSE.
09:11:46 THAT'S WHEN THIS DAY CARE IS GOING TO BE OPEN.
09:11:48 MORE THAN ANYTHING, THEY WILL NOT BE ABLE TO GET DOWN THE
09:11:54 ROAD.
09:11:54 IT'S ALREADY FOUR OR FIVE CARS BACKED UP AT THE STOP SIGN.
09:12:03 MOST MORNINGS ANYWAY.

09:12:04 SO I HOPE YOU CAN TAKE ALL THIS INTO CONSIDERATION.
09:12:11 KEEP THIS AS A RESIDENTIAL AREA.
09:12:15 KEEP IT AS ESTERO.
09:12:17 MAKE IT LIKE WE HAVE IT NOW.
09:12:19 THANK YOU.
09:12:21 >>Tammy Duran: AND PATTY.
09:12:25 >> EVER SEEN THAT TREE?
09:12:28 IT'S INCREDIBLE.
09:12:29 >> HI, ALL.
09:12:30 I'M KEEPING YOU UP LATE.
09:12:32 SORRY ABOUT THIS.
09:12:33 YEAH, WITH ALL DEFERENCE TO MY NEIGHBORS, I KNOW PAUL AND
09:12:37 THE LADY WHO WALKS HER DOGS.

09:12:39 PASS BY THESE GUYS ALL THE TIME.
09:12:41 WONDERFUL PEOPLE, WONDERFUL NEIGHBORS.
09:12:43 I SAT ON THIS BOARD AND I KNOW THE REALITY OF DEVELOPMENT
09:12:47 AND I KNOW THE REALITY OF DEVELOPMENT IN ESTERO AND LEE
09:12:49 COUNTY.
09:12:49 AS MUCH AS THERE ARE ISSUES WITH THIS PLAN AND ISSUES THAT I
09:12:54 DEFINITELY WANT TO RAISE, I DON'T KNOW IF I'LL RAISE THEM
09:12:57 ALL TONIGHT.
09:12:58 I DO CONSIDER THIS A FAIRLY INNOCUOUS USE COMPARED TO WHAT
09:13:02 COULD OCCUR.
09:13:03 I WOULD NEVER HAVE BELIEVED IN MY LIFE THAT 10,000 HOMES AND
09:13:06 MYRIAD HUNDRED THOUSANDS OF ACRES OF COMMERCIAL DEVELOPMENT
09:13:10 WOULD GO OUT FAR EAST ON CORKSCREW ROAD, RIGHT UP AGAINST
09:13:13 CORKSCREW SWAMP SANCTUARY, RIGHT UP AGAINST CREW LANDS THAT
09:13:15 WERE ORIGINALLY DESIGNATED FOR ACQUISITION BY ARC --
09:13:19 ACQUISITION AND RESTORATION COUNCIL OF THE FDEP.
09:13:27 HONESTLY, IF IT WAS THIS OR SOMETHING THE BROOKS PEOPLE ARE
09:13:31 DEALING WITH, I'LL TAKE THIS.
09:13:33 BUT LET'S MODIFY THE PLAN.
09:13:34 I HAD THE OPPORTUNITY TO TALK WITH THIS APPLICANT -- NOT IN
09:13:37 THE HALLWAY, IN THE LOBBY WHERE THE COMMUNITY DEVELOPMENT
09:13:40 BUSINESS TAKES PLACE.
09:13:42 HERE ARE MY TWO KEY CONCERNS.
09:13:44 YOU HAVE A MASSIVE PARKING LOT.
09:13:45 YOU HAVE A LOT OF IMPERVIOUS ASPHALT.

09:13:49 DO YOU REALLY NEED ALL OF THAT?
09:13:52 AND ALSO HARKENING BACK TO THE COMP PLAN AND THE LAND
09:13:56 DEVELOPMENT CODE, THERE'S ENCOURAGEMENT TO DESIGN WITH GREEN
09:14:00 INFRASTRUCTURE PRECISELY IN THIS PART OF ESTERO.
09:14:02 SO PLEASE TAKE ADVANTAGE OF THAT.
09:14:05 I HAD A BIT OF A DEBATE WITH THE ENGINEER, TIM.
09:14:10 HE SAYS, BARRY, HE SAYS HE KNOWS YOU VERY WELL.
09:14:14 HE SAYS YOU'LL AGREE WITH HIM ON EVERYTHING, WHICH I HOPE IS

09:14:18 NOT THE CASE BECAUSE TOOK A HAND AT WRITING THE VERY SAME
09:14:22 LAND DEVELOPMENT CODE THAT SAYS WE SHOULD PUT IN MORE GREEN
09:14:25 INFRASTRUCTURE.
09:14:26 I THINK IF WE CAN GET AWAY WITH LESS PARKING, MORE GREEN
09:14:30 PARKING, OBVIOUSLY IT NEEDS A LOT OF LANDSCAPING.
09:14:32 MY HUSBAND BROUGHT THAT UP.
09:14:33 THAT WAS THE FIRST THING THAT CAUGHT HIS EYE.
09:14:35 HE SAID ESTERO WILL NEVER APPROVE THIS.
09:14:37 NO LANDSCAPING ON IT, NO TREES OR ANYTHING.
09:14:40 MY CONCERN, AND THE TRAFFIC, OBVIOUSLY, THE TRAFFIC
09:14:43 CIRCULATION IS A KEY ISSUE.
09:14:45 I LIKE THE POINTS THAT MR. WALLACE BROUGHT UP ABOUT PEOPLE
09:14:48 MAKING THE LOOP DE LOOPS COMING RIGHT OFF OF SANDY LANE.
09:14:53 THERE MIGHT BE ANOTHER WAY TO DESIGN THIS SO THAT THE FLOW
09:14:56 WORKS BETTER.
09:14:57 THIS MIGHT NOT BE THE OPTIMAL PLAN.
09:14:59 ALL IN ALL, MY THESIS IS THAT COMPARING THIS VERSUS THE

09:15:03 DEVELOPER WHO IS GOING TO COME AND SAY, YOU KNOW, I'M GOING
09:15:06 TO SUE THE VILLAGE IF YOU DON'T ALLOW ME TO PUT HIGH DENSITY
09:15:11 APARTMENTS, I'LL TAKE THIS ANY DAY.
09:15:13 IT IS A MATTER OF TWEAKING THIS WHERE IT REALLY WORKS WITH
09:15:17 THE COMMUNITY.
09:15:18 GUYS, SERIOUSLY CONSIDER THAT.
09:15:20 IT CAN HAPPEN.
09:15:21 A DEVELOPER ONLY HAS TO BRING A PHALANX OF LAWYERS WITH THEM
09:15:26 AND THREATEN TO SUE THE VILLAGE OF ESTERO --
09:15:33 >>Barry Jones: I'LL TAKE EXCEPTION TO THAT.
09:15:35 YOU CAN'T JUST COME IN AND THREATEN THE CITY AND GET YOUR
09:15:39 WAY.
09:15:40 NO, IF YOU HAVE A LEGITIMATE CASE, YOU HAVE A LEGITIMATE
09:15:43 CASE.
09:15:46 >> BERT HARRIS ACT.
09:15:52 >>Barry Jones: I'VE BEEN ON BOTH ENDS OF THE BERT HARRIS
09:15:54 LAWSUIT.
09:15:55 I UNDERSTAND IT VERY WELL.
09:15:56 >> THEY BUY THE LAND AND THEN THEIR INVESTMENT-BACKED
09:16:01 EXPECTATION HASN'T BEEN MET.
09:16:05 >>Barry Jones: INVESTMENT IN AG LAND IS ENTITLED TO AN AG
09:16:05 USE.
09:16:06 THIS IS NOT AN AG USE.
09:16:08 >> HOW COME THAT WASN'T THE CASE OUT ON CORKSCREW ROAD?
09:16:13 THAT WAS AG LAND, BARRY.

09:16:15 THAT WAS AN ARGUMENT FOR ANOTHER DAY.
09:16:18 YOU KNOW WHERE I'M COMING FROM.
09:16:21 >>Scotty Wood: NEXT CARD.
09:16:22 >>Tammy Duran: THAT'S IT.

09:16:27 >>Scotty Wood: THE ONLY THING I WOULD SUGGEST IS YOU NEED TO
09:16:30 MEET WITH THE NEIGHBORS AS YOU TAKE THIS FORWARD AND HELP
09:16:36 THE NEIGHBORS TO UNDERSTAND WHAT IT IS YOU WANT TO DO, TAKE
09:16:40 THEIR COMMENTS INTO CONSIDERATION AND MAKE WHATEVER
09:16:44 AMENDMENTS YOU THINK WILL WORK FOR YOU AND WILL WORK FOR
09:16:47 THEM.
09:16:49 >>Barry Jones: MARY, WHAT IS THE COMP PLAN HERE?
09:16:53 >>Mary Gibbs: I THINK IT'S VILLAGE NEIGHBORHOOD ONE.
09:16:57 >>Barry Jones: DOESN'T ALLOW FOR COMMERCIAL.
09:17:00 >>Mary Gibbs: WELL, IT'S PRIMARILY RESIDENTIAL BUT IT DOES
09:17:03 HAVE SOME ALLOWANCE FOR COMMERCIAL.
09:17:04 BUT THIS IS NOT -- THE QUESTION WITH THIS, IS THIS
09:17:09 COMMERCIAL BECAUSE IT'S NOT BEING REZONED.
09:17:12 IT'S AG WITH A SPECIAL EXCEPTION.
09:17:14 SO THAT'S GOING TO BE --
09:17:16 >>Barry Jones: I LOOKED AT THE USE.
09:17:18 IT IS A COMMERCIAL USE.
09:17:19 >>Mary Gibbs: THAT'S THE DILEMMA WE'RE LOOKING AT.
09:17:22 THAT'S THE DILEMMA STAFF HAS.
09:17:24 >>Barry Jones: UNDERSTOOD.
09:17:25 THANK YOU.

09:17:25 >>Jim Wallace: DOES AN EXCEPTION LIKE THIS REQUIRE SOME KIND
09:17:28 OF HARDSHIP OR SOMETHING --
09:17:30 >>Mary Gibbs: NO.
09:17:31 VARIANCE REQUIRES A HARDSHIP.
09:17:32 A SPECIAL EXCEPTION REQUIRES FINDINGS, BUT I'LL TELL YOU THE
09:17:37 ISSUE WITH THIS ONE IS GOING TO BE THE INTENSITY AND THE
09:17:40 COMPATIBILITY.
09:17:42 YOU HEARD A LOT OF DISCUSSION OF COMPATIBILITY TONIGHT.
09:17:46 THIS WILL BE A KEY ISSUE WITH THIS CASE, IF THERE'S THAT, IF
09:17:50 WE'RE LOOKING AT THAT MANY, THAT SIZE OF A DAY CARE.
09:17:59 >>Scotty Wood: ANYONE ELSE?
09:18:00 OKAY.
09:18:02 THANK YOU.
09:18:02 NOW, WE DO HAVE A WORKSHOP ITEM.
09:18:15 IF WE GO TO 9:30, WE CAN DO THE WORKSHOP ITEM AND FINISH OUR
09:18:20 AGENDA.
09:18:20 >>Tammy Duran: THEY ARE STILL IN ZOOM.
09:18:23 >>Mary Gibbs: SO THE HILTON GARDEN INN IS THE CASE THAT
09:18:26 WANTS TO DO THE QUICK WORKSHOP, I THINK, TO BE DONE IN TEN
09:18:30 MINUTES.
09:18:31 WE ACTUALLY -- THIS PROPERTY, IF I CAN GET SOMEBODY TO GET
09:18:37 OUT OF HERE AND BE QUIET -- THIS PROPERTY IS IN FRONT OF
09:18:41 RAPALLO, RIGHT BY THE FIRE STATION, AND IT WAS APPROVED IN
09:18:47 ZONING FOR HOTEL, EXACTLY THE HEIGHT AND SIZE THAT THEY HAVE
09:18:54 PROPOSED.

09:18:54 THEY CAME IN TO GET THE DEVELOPMENT ORDER IN ABOUT THE YEAR
09:18:59 2020 AND THEY CAME TO THE DESIGN REVIEW BOARD AT THE TIME
09:19:02 AND THEY WERE LIKE ALMOST DONE COMPLETING THE DEVELOPMENT
09:19:05 ORDER, BUT THERE WERE A COUPLE OF ISSUES WITH ONE OF THE
09:19:08 TOWERS THAT WAS A FAUX TOWER.
09:19:11 HAD AN ARCHITECTURAL ISSUE.
09:19:13 COULD THEY GO BACK AND DO A FULL TOWER AND THERE WERE SOME
09:19:17 LANDSCAPING COMMENTS OF ONE OF THE WALLS BEING KIND OF
09:19:20 BLANK.
09:19:20 THEY WERE GOING TO GO BACK AND TIDY THAT UP AND WRAP IT UP
09:19:23 AND THEN COVID HIT.
09:19:25 AND THEY GOT KIND OF DELAYED WITH COVID.
09:19:27 SO NOW THEY ARE BACK.
09:19:30 MY UNDERSTANDING IS THEY WANT TO RESUSCITATE THE SAME
09:19:33 DEVELOPMENT ORDER AND RESOLVE THOSE FEW ISSUES.
09:19:36 WE TOLD THEM IT WOULD BE BETTER TO HAVE A WORKSHOP -- QUICK
09:19:40 WORKSHOP TO REFRESH EVERYBODY'S MEMORY OF WHAT THEY WERE
09:19:42 DOING BEFORE THEY ACTUALLY CAME IN FOR THEIR PUBLIC HEARING.
09:19:45 SHAWN BOYSKO I THINK WAS GOING TO KICK IT OFF.
09:19:55 WE DON'T HAVE A WHOLE LOT OF TIME SO TALK FAST.
09:19:59 >>Tammy Duran: DO YOU WANT ME TO SHARE YOUR PowerPoint OR
09:20:01 DO YOU WANT TO DO IT?
09:20:03 >> I'M HAPPY TO SHARE IT.
09:20:05 THANK YOU.
09:20:06 HI.

09:20:06 GOOD EVENING, SHAWN BOYSKO, EQUITY CONSTRUCTION.
09:20:09 ALSO ONLINE WITH ME REPRESENTING THE OWNER IS JOHN ROLWING.
09:20:15 I KNOW MANY OF YOU HAVE SEEN THIS BEFORE.
09:20:18 MIKE, BARRY, JIM, YOU GUYS HAVE BEEN AROUND FOR A FEW YEARS.
09:20:23 YOU'VE SEEN THIS BEFORE.
09:20:25 GO TO THE FIRST SCREEN.
09:20:28 I'M HERE ON BEHALF OF THE ARCHITECT, THE CIVIL ENGINEER,
09:20:32 HOLE MONTES, THE ARCHITECT AND THE BUILDING ENGINEER.
09:20:35 TALK A LITTLE BIT ABOUT THE SITE DESIGN AND BUILDING DESIGN,
09:20:39 BUT LET ME GO REALLY UP TO THE FIRST SLIDE.
09:20:43 THIS IS A QUICK SUMMARY OF EVERYTHING WE'VE DONE TO DATE.
09:20:46 AS MARY SAID, WE DID THE ZONING AMENDMENT BACK IN 2018.
09:20:49 THERE WERE A NUMBER OF DEVIATIONS THAT WERE ACCEPTED.
09:20:52 WE HAVE MET OR EXCEEDED ALL OF THOSE DEVIATIONS.
09:20:55 WE DID -- OUR FIRST DESIGN DRB MEETING IN SEPTEMBER OF 2019.
09:21:03 I PUT THIS UP HERE TO ILLUSTRATE THAT WE HAVE TAKEN THIS AS
09:21:06 FAR AS WE COULD TAKE IT UP TO ALMOST STARTING CONSTRUCTION.
09:21:10 WENT THROUGH AND GOT SOUTH FLORIDA WATER MANAGEMENT
09:21:14 APPROVAL.
09:21:14 THAT APPROVAL IS STILL VALID.
09:21:16 HILTON APPROVAL, EVEN A CONDITIONAL BUILDING PERMIT APPROVAL
09:21:20 BACK IN JULY OF 2020.

09:21:22 BONITA SPRINGS APPROVAL FOR WATER SANITARY AND WHERE WE
09:21:25 STOPPED IN OUR TRACKS WAS THE SEPTEMBER OF 2020 WAS OUR
09:21:29 SECOND FINAL DRB MEETING.

09:21:33 AS MARY SAID, THERE ARE A FEW ISSUES THAT I'LL TALK ABOUT.
09:21:37 WE'RE HERE TO TALK ABOUT SOME OF THE UPDATES.
09:21:39 IF I COULD, I JUST WANT TO FOCUS ON A COUPLE OF THE
09:21:43 DEVIATIONS.
09:21:44 SINCE THEN, WE HAVE MET WITH MARY.
09:21:47 MET WITH JIM, JIM HART, ALSO NED DEWHIRST EARLY PART OF THIS
09:21:52 YEAR AND I THINK AGAIN ABOUT A MONTH OR TWO AGO.
09:21:56 WENT THROUGH A COUPLE OF THE CHANGES THAT KIND OF HUNG US UP
09:21:59 BACK IN SEPTEMBER OF 2020.
09:22:02 AND WHAT WE HAVE DONE TO ADDRESS THOSE, THERE'S REALLY FOUR
09:22:05 ITEMS THAT I'LL SHOW YOU QUICKLY, BUT I WANT TO SUMMARIZE
09:22:08 THE FOUR ITEMS THAT WE HAVE CHANGED.
09:22:10 WE ARE GOING TO MAKE CHANGES TO COMPLY WITH CURRENT 2021
09:22:14 ESTERO LAND DEVELOPMENT CODE.
09:22:16 AND THERE ARE SOME THINGS IN THERE THAT WE'LL UPDATE THE
09:22:19 TRAFFIC IMPACT STUDY, EV CHARGES AND SOME BUILDING
09:22:23 COLORIZATION.
09:22:24 THE SECOND ITEM IS THE MID BLOCK CROSSING AND THE OFF-SITE
09:22:30 PARKING.
09:22:30 THE OFF-SITE PARKING HAS BEEN MODIFIED.
09:22:33 WE WERE GOING TO BUILD OFF-SITE PARKING FOR 15 PARKING
09:22:38 SPACES.
09:22:39 THAT HAS BEEN MODIFIED.
09:22:41 LET ME QUICKLY GO TO, HERE IS OUR SITE ON SWEETWATER RANCH
09:22:47 AND VIA VILLAGIO.

09:22:49 AT ONE TIME WE WOULD BUILD 50 PARKING SPACES ACROSS THE
09:22:54 STREET.
09:22:55 NOW WITH THE DEVELOPMENT OF THE MARKETPLACE AT COCONUT
09:22:57 POINTE, WE'VE IDENTIFIED A LOCATION TO STILL UTILIZE 15
09:23:05 PARKING SPACES ACROSS THE STREET.
09:23:06 SO THAT'S STILL IN PLAY.
09:23:09 WE'LL STILL MEET OUR PARKING REQUIREMENTS WITH THOSE 15
09:23:12 SPACES.
09:23:12 THIS IS A SNAPSHOT OF A PORTION OF THAT MARKETPLACE AT
09:23:16 COCONUT POINTE.
09:23:17 THE RED AREA INDICATES THE APPROXIMATE LOCATION OF THE 15
09:23:20 PARKING SPACES.
09:23:22 THIS PARKING SUMMARY HERE TO THE LEFT SHOWS THAT WAS ALREADY
09:23:25 INCLUDED IN THE MARKETPLACE APPROVAL.
09:23:28 I THINK IT WAS JUST APPROVED THIS YEAR, I BELIEVE.
09:23:31 THAT'S THE SECOND CHANGE.
09:23:34 THE THIRD CHANGE, AS MARY MENTIONED, THE TOWERS.
09:23:41 LET ME ZOOM QUICKLY TO THE ROOF PLAN.

09:23:43 SEVEN TOWERS, NOT INCLUDING THE PORTE-COCHERE HERE.
09:23:46 FIVE OF THOSE SEVEN TOWERS ARE GOING TO BE BUILT OUT, SO
09:23:49 IT'S BUILT OUT ON ALL FOUR SIDES.
09:23:52 THERE ARE SOME LIMITATIONS OF US BUILDING OUT THE OTHER TWO
09:23:55 BECAUSE OF THE ELEVATOR HOIST WAY AND SOME MECHANICAL
09:23:59 EQUIPMENT ON THE ROOF, WE'RE PREVENTED FROM BUILDING THOSE
09:24:02 FULLY OUT.

09:24:02 THE ONES NOT BUILT OUT, ARE NOT VISIBLE.
09:24:05 SIGHT LINE STUDIES IN HERE THAT CAN REPRESENT THAT THOSE
09:24:09 REALLY ARE -- THAT IS THE OTHER MODIFICATION TO THE
09:24:13 BUILDING, I THINK WE'RE BUILDING UP FIVE OF THE SEVEN WHERE
09:24:16 BEFORE I THINK WE ONLY HAD THREE.
09:24:18 SO THAT'S THE THIRD MODIFICATION.
09:24:20 THE FOURTH ONE IS THE WEST ELEVATION.
09:24:24 LET ME ZOOM TO THAT.
09:24:26 AGAIN, IF YOU'VE SEEN THIS BEFORE, NOT MUCH HAS CHANGED.
09:24:32 SITE LIGHTING, LANDSCAPING.
09:24:34 NO DEVIATIONS.
09:24:35 OH, ONE OF THE OTHER DEVIATIONS THAT WAS PICKED UP ON IS THE
09:24:39 COLOR TONES, THE YELLOW COLOR TONE.
09:24:41 BEFORE WE HAD TWO YELLOW COLOR TONES.
09:24:45 NOW WE HAVE THREE TO BETTER ALIGN WITH WHAT WAS APPROVED IN
09:24:49 2018.
09:24:51 SO WE'RE MAKING THAT DISTINCTION OF THE THIRD YELLOW COLOR
09:24:55 TONE.
09:24:56 HERE ARE SOME PERSPECTIVES OF THE BUILDING.
09:24:59 LET ME ZOOM QUICKLY TO THE WEST ELEVATION.
09:25:03 THIS IS ONE OF THE CHANGES TO THE WEST ELEVATION.
09:25:06 THERE WERE SOME CONCERNS ABOUT THIS FACADE AND HOW THE LACK
09:25:11 OF LANDSCAPING ALONG THIS WEST FACADE, SO WHAT WE DID DO, WE
09:25:16 DID SOME ARCHITECTURAL UPGRADES TO THE WEST FACADE WHERE WE
09:25:19 CREATED THESE FALSE WINDOWS WITH THIS AWNING.

09:25:23 VERY IDENTICAL TO WHAT'S AROUND THE CORNER HERE ON THE FRONT
09:25:28 SIDE OF THE BUILDING.
09:25:29 WE'RE MIMICKING THAT HERE ON THIS LOCATION TO ADD SOME
09:25:33 ARTICULATION.
09:25:34 WE ALSO ADDED FALSE WINDOWS BECAUSE RIGHT NOW THAT WOULD
09:25:38 LOOK INTO THE GUEST BATHROOM.
09:25:41 WE CREATED THIS ARCHITECTURAL ELEMENT OF THESE FALSE WINDOWS
09:25:44 TO AGAIN CREATE SOME BETTER ARTICULATION TO THE WEST
09:25:48 ELEVATION.
09:25:49 LET ME ZOOM TO WHAT THAT LOOKS LIKE.
09:25:54 SO YOU GET A BETTER SENSE OF WHAT WAS ADDED TO THE WEST
09:25:58 ELEVATION.
09:25:59 AGAIN, THE CHALLENGE HAVE, THE ASK WAS TO ADD LANDSCAPING
09:26:02 BECAUSE OF THE SITE CONSTRAINTS WE REALLY COULD NOT DO THAT.

09:26:06 THE BUILDING -- THE PATH OF EGRESS, LET ME ZOOM TO THE SITE
09:26:11 PLAN.
09:26:12 THE PATH OF EGRESS RUNS RIGHT UP ALONG THE EDGE OF THE
09:26:15 BUILDING HERE, AS YOU CAN SEE HERE.
09:26:17 NEEDED ABOUT EIGHT FEET FROM THE BUILDING EDGE -- ZOOM IN
09:26:23 HERE A LITTLE BIT -- WE NEEDED ABOUT EIGHT FEET OF
09:26:26 LANDSCAPING TO REALLY PUT THE TYPE OF LANDSCAPING AND THE
09:26:30 PALM TREES NECESSARY TO ADD LANDSCAPING.
09:26:32 THERE JUST WAS NOT ROOM TO DO THAT AND WE DID NOT WANT TO
09:26:36 SACRIFICE NINE PARKING SPACES TO DO THAT.
09:26:38 THE COMPROMISE WITH NED DEWHIRST AT NORTH VILLAGE

09:26:44 ASSOCIATION AND MARY AND JIM WAS TO ADD SOME ARTICULATION TO
09:26:47 THE WEST FACADE.
09:26:49 ALSO, THE OTHER CHANGE THAT IS NOT IN THIS PACKAGE, BUT
09:26:56 YOU'LL SEE THAT IN THE FINAL DEVELOPMENT PLAN, I JUST GOT
09:26:59 THESE REVISED LANDSCAPING DRAWINGS A COUPLE OF DAYS AGO.
09:27:03 THAT'S WHY IT'S NOT IN YOUR PLANS.
09:27:05 THERE IS A REVISION THAT WE DID TALK THROUGH WITH NED
09:27:09 DEWHIRST.
09:27:11 WHAT'S BEING ADDED IS SOME ADDITIONAL LANDSCAPING HERE ALONG
09:27:14 THE EDGE OF THE PROPERTY, KIND OF ON THE EDGE OF THIS
09:27:17 DETENTION POND WHERE WE ADDED SOME TREES AND SOME
09:27:21 LANDSCAPING WHERE IT COULD NOT FIT HERE UP AGAINST THE
09:27:24 BUILDING.
09:27:25 SO THAT'S THE OTHER CHANGE TO THE SITE IS ADDITIONAL
09:27:28 LANDSCAPING, ADDITIONAL ARTICULATION ON THE WEST ELEVATION.
09:27:32 AND THAT IS THE EXTENT OF THE CHANGES THAT YOU'LL SEE FROM
09:27:38 OUR 2020 SUBMITTAL.
09:27:41 AM I OUT OF TIME YET?
09:27:43 GOT THREE MINUTES.
09:27:49 >>Scotty Wood: WE NEED PUBLIC INPUT ALSO TO COMPLETE THIS.
09:27:56 >>Michael Sheeley: MARY, DOES THE VILLAGE ALLOW 16-FOOT DEEP
09:28:00 SPACES WITH A CURB THAT THE CAR CAN OVERHANG AS OPPOSED TO
09:28:03 18 WITH A BUMPER?
09:28:11 >>Mary Gibbs: HAVE TO ASK JIM AGAIN, BUT HE DOESN'T HAVE THE
09:28:14 MICROPHONE.

09:28:15 >>Michael Sheeley: IT'S ALLOWED IN MANY MUNICIPALITIES.
09:28:18 IT WOULD ALLOW HIM TO REDUCE THE WIDTH OF THE OVERALL PARK
09:28:21 AREA TO GET A LITTLE BIT OF A LANDSCAPE STRIP.
09:28:28 >>Barry Jones: WITH THE OVERHANG, YOU'RE NOT ALLOWED --
09:28:31 >>Michael Sheeley: IT WOULD BE ON THIS SIDE.
09:28:33 HE HAD ROOM TO LANDSCAPE ON THE ONE SIDE.
09:28:34 THE OTHER SIDE HE COULD OVERHANG THE SIDEWALK, MAKE THE
09:28:37 SIDEWALK A LITTLE DEEPER, HE COULD PROBABLY STILL GET THREE
09:28:40 OR FOUR FOOT --
09:28:43 >>Shawn Boysko: WE HAVE LOOKED AT THAT.

09:28:46 WE HAD BILL PRYSI STUDY THIS.
09:28:50 RICK BRYLANSKI, OUR CIVIL ENGINEER, WE HAVE TO MAINTAIN FIVE
09:28:54 FOOT CLEAR BECAUSE THAT IS OUR ADA PATH OUT OF THE BUILDING.
09:28:58 WE HAVE THE BUMPER, SO WE CANNOT REDUCE THE FIVE FOOT WIDE
09:29:02 PATHWAY.
09:29:03 WE'VE GOT THE BUMPERS.
09:29:05 REALLY, THIS IS REALLY MUCH OF NOTHING HERE.
09:29:11 TALKING TO BILL, WHAT WE NEED FOR THE TYPE OF TREES NEED TO
09:29:14 PLANT THERE, WE REALLY NEED AT LEAST A GOOD SIX TO EIGHT
09:29:18 FEET WIDE LANDSCAPE STRIP.
09:29:20 WE WON'T GET THAT WITH ANY MODIFICATIONS TO THE SITE.
09:29:24 >>Michael Sheeley: YOU WOULDN'T IF YOU PUT GREEN SCREEN ON
09:29:27 THE SIDE OF THE BUILDING.
09:29:29 >>Shawn Boysko: I WOULD LOVE TO.
09:29:31 BELIEVE ME, THIS HAS BEEN A LONG CONVERSATION WITH NED

09:29:34 DEWHIRST AND THIS IS WHAT WE HAD AGREED TO.
09:29:39 WE THINK IT IS A FAIR SOLUTION.
09:29:40 HIS CONCERN WAS AS YOU ACCESS, AS YOU GO ALONG SWEETWATER
09:29:44 RANCH AND TURN INTO THE PROPERTY, HE WAS CONCERNED ABOUT THE
09:29:48 VISUAL EFFECT OF WHAT YOU'LL SEE ON THE WEST ELEVATION.
09:29:51 AND AS YOU DRIVE EASTWARD ON SWEETWATER RANCH BOULEVARD.
09:29:57 TO BE HONEST WITH YOU, I DON'T THINK WHEN YOU TURN THE
09:29:59 CORNER THAT YOU'RE GOING TO SEE PAST AROUND THE FIRE
09:30:03 DEPARTMENT.
09:30:03 YOU'RE NOT GOING TO SEE PAST OR AROUND THE EXISTING STREET
09:30:07 SCAPING.
09:30:08 AS YOU TURN THIS CORNER.
09:30:09 I THINK THIS IS A FINE COMPROMISE TO GETTING WHAT NED WANTS
09:30:14 AND WHAT THE NORTH VILLAGE ASSOCIATION WANTS.
09:30:17 BELIEVE ME, ALL WE'RE TRYING TO DO AT THIS POINT IS TRY TO
09:30:22 GAIN EVERYBODY'S APPROVAL BECAUSE THAT'S WHERE WE STALLED
09:30:24 OUT SEPTEMBER OF 2020.
09:30:26 WE STALLED OUT AT THE SAME POINT IN THE FINAL -- APPROVAL.
09:30:31 WE WORKED HARD THE PAST YEAR TO TRY TO GAIN EVERYBODY'S
09:30:34 ACCEPTANCE OF WHAT WE THINK THE BEST SOLUTION IS, AND THIS
09:30:37 IS WHAT WE THINK IS THE BEST SOLUTION.
09:30:40 I HATE TO DO ANYTHING TO BELABOR THIS OR DELAY THIS,
09:30:44 CONSIDERING I THINK WE HAVE CONSENSUS WITH NVA AND ESTERO.
09:30:51 >>Jim Wallace: I HAVE ONE COMMENT.
09:30:53 IT WILL ONLY BE 15 SECONDS.

09:30:54 I'M FINE WITH THIS.
09:30:56 THE ONLY THING I'M UNCOMFORTABLE WITH AND HAVE BEEN SINCE
09:30:59 DAY ONE IS SHARING PARKING ACROSS THE STREET WITH
09:31:02 MARKETPLACE.
09:31:04 WHEN THE RESTAURANT GOES IN AND McDONALD'S GOES IN, WHEN
09:31:06 THE STRIP MALL GOES IN, THE TRAFFIC ON SWEETWATER IS GOING

09:31:11 TO INCREASE BECAUSE PEOPLE ARE NOT GOING TO DRIVE DOWN TO
09:31:14 RAPALLO DRIVE, TURN AROUND AND COME BACK.
09:31:18 THEY'LL COME INTO SWEETWATER.
09:31:20 I DON'T HAVE A PROBLEM WITH THE PARKING FOR YOU TO MEET YOUR
09:31:23 NUMBERS AS LONG AS THOSE PARKING SPACES ARE DESIGNATED AS
09:31:26 EMPLOYEE PARKING AND NOT GUEST PARKING.
09:31:32 I REALLY HAVE A PROBLEM WITH THAT.
09:31:35 SO WE DON'T HAVE PEOPLE CROSSING WHAT IS GOING TO BE A
09:31:39 BUSIER STREET, MUCH BUSIER STREET TO PARK THEIR CARS.
09:31:45 >>Shawn Boysko: ABSOLUTELY, YES.
09:31:47 TO ADDRESS YOUR CONCERN, THAT WAS ALWAYS THE CASE.
09:31:49 THE 15 PARKING SPACES WERE INTENDED FOR STAFF PARKING.
09:31:52 >>Jim Wallace: BUT THEY WOULD BE RESERVED FOR STAFF.
09:31:55 >>Shawn Boysko: YES, SIR.
09:32:01 >>Scotty Wood: PUBLIC INPUT?
09:32:03 >>Tammy Duran: NONE.
09:32:04 >>Mary Gibbs: WE HAD ONE PERSON THAT LEFT BECAUSE THEY
09:32:07 THOUGHT WE WEREN'T HEARING IT TONIGHT.
09:32:09 HE HAD A QUESTION ABOUT A BERM.

09:32:15 WE'LL TALK TO SHAWN ABOUT THAT.
09:32:17 >>Scotty Wood: THANK YOU.
09:32:22 >>Shawn Boysko: THAT'S IT.

DISCLAIMER:
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ANY PERSON WHO NEEDS A VERBATIM TRANSCRIPT OF THE PROCEEDINGS MAY NEED TO HIRE A COURT REPORTER.

Final Action Agenda/Minutes are supplemented by audio and video recordings of the meetings, as well as transcripts. Video recordings of Design Review Board meetings from June 8, 2016, forward, as well agendas, staff reports, resolutions, ordinances, and other documents related to the meetings can be viewed online at https://estero-fl.gov/agendas/ at the corresponding meeting date.

DRAFT MINUTES

Planning Zoning and Design Board Meeting

Village of Estero
9401 Corkscrew Palms Circle
Estero, FL 33928
September 12, 2023 4:30 p.m.

1. CALL TO ORDER: 4:33 p.m.

2. PLEDGE OF ALLEGIANCE:

3. ROLL CALL:

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

Also present: Village Land Use Counsel Nancy Stroud (via Zoom), 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 was made and duly passed.

5. BUSINESS:

(a) Consent Agenda

(1) Approval of August 22, 2023, meeting minutes.

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

6. PUBLIC INFORMATION MEETING

(a) Cell Phone Tower – Bella Terra (SEZ2023-E001) (District 7)
19980 Bella Terra Boulevard, ±12.44 acres, partially cleared located on Corkscrew Road, west of Bella Terra's entrance and south of Wild Blue.

Staff Presentation/Comments
Mary Gibbs, Community Development Director

Presentation/Information by
Mattaniah Jahn, Law Office of Mattaniah S. Jahn

Public Comment
In-Person
Larry Roth, Bella Terra
James Meek, Bella Terra
N. Eric Anderson, Bella Terra
Mike Chandler, Bella Terra
Dave and Julie Stahl, Bella Terra

eComments
Angela and Alberto Padron
Al & Sue Shaw
Angela Donaghy
Ann Burg
Arthur and Patti Lavoie
Arthur Lavoie
Aurelio R. Fernandez
Bob Lieberman
Brenda Smith
Brian Card & Lisette Blaskie
Brian DoBroka
Brian Robbins
Brian Zajac
Bruce Peterson
Charles A Treviso
Chris Sulfridge
Dana Mandy
Deborah L. & C. Arthur Stryker
Deborah Paradise
Deborah Wright
Denise & Mark Smith
Dennis Bloss
Dennis McLaughlin
Donna Cannon
Donna Davi
Douglas Whalen
Eileen Massie
Elizabeth Estrada
Frank Pomarico
Gene and Barbara DeFrancesco
Georgia Paul
Gordon & Susan Topping

Greg Grimaudo
Gregory McGarvey
Harold and Elaine Robbins
Heather Bloss
Hugh Thomas
Ian & LesLee MacDonald
Iris Leekey
James F Fabry
Janine & Marc Damon
Joan and John Fancher
Joan Fancher
John & Brenda Mackey
John and Joan Oconnor
John Jaffee
Joseph & Aline Beck
Joseph Keane
Karen Leblanc
Karen Meeker
Kathleen Oaks
Kathy Orr
Kelley Dugan
Ken & Catherine Riha
Ken and Diana Goldstein
Kenneth & Mary Ann Lehman
Len & Robin Egdish
Linda Walker
Lori Grimaudo
Lori Lieberman
Lori Saylor
Lynn Haggett
Lynne Hammerstrom
Marco & Shannon Beltgens
Margaret & Jack Elia
Marilyn L. Thompson
Mark Novitski
Mary & Ed Schaffer
Mary Lynn Carbonara
Melinda and Jim Kershaw
Michael Cottle
Michael Koshlap
Michael Paul
Norman E. Arflack
Pam Garwood
Patricia Ryan
William Starks
Patti Lavoie
Patti Saitow

Paula Ahlgren
Peter and Mary Van Kampen
Priscilla Segarra
Rachael Hengstebeck
Ralph DeSantis
Ralph M Abate
Ramnath Kuthoore
Ramona Novitski
Reas and Nancy Graber
Richard C Lilly
Richard Smith
Romie Boland
Ron Rutz
Rosemary and Ron Swanson
Sandy Demski
Scott Abbattista
Scott Belovin
Scott Stryker
Sheila and Thomas Curley
Stephen J. Schwab
Steven Wurtzberg
Susan Johnson
Susan Leekey
T.Venugopal
Tara Ocampo
Thomas & Maria Riley
Tracy M. Edgemon
Wayne Lancaster
Matt Elliott
Ken Schongold
Timothy Disken
Meriem Allgood
Lorraine Disken
William Patterson
Timothy Disken
Bud Moran
Anthony J. Giaimo III
Lorraine Disken
Tiffany O'Connell
Corinne Merriman
Dawn DoBroka
Audrey Matysek
Marion Conklin
Trish Dever
Brian Card & Lisette Blaskie
Anthony Giaimo

Board Questions or Comments
Board Members Wallace, Jeannin, Vice Chairman Gargano, and Chairman Wood.

7. PUBLIC HEARINGS (Quasi-Judicial)

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

(a) Wildcat Run Clubhouse – Development Order (DOS2023-E007) (District 7)
20300 Country Club Drive located in the center of Wildcat Run Development, which is south of Corkscrew Road and immediately west of the new development, RiverCreek.

Applicant is seeking to improve the clubhouse parking by enlarging the parking lot, adding spaces, golf cart parking, bike racks and pedestrian pathways.

No conflicts of interest were noted.

Board Member Jeannin knows the professionals personally and had a very brief conversation. Brent Guillot just let Board Member Jeannin know he was coming to present at the meeting.

Staff Presentation/Comments
Mary Gibbs, Community Development Director
Jim Hart, Development Review Manager

Presentation/Information by
Dakota Bernal, Agnoli, Barber & Brundage Inc.
Brent Guillot, RLA, Agnoli, Barber & Brundage Inc.

Public Comment
None.

Board Questions or Comments
Board Members Sheeley, Jeannin, and Wallace.

Motion: Motion to approve the clubhouse parking by enlarging the parking lot, adding spaces, golf cart parking, bike racks and pedestrian pathways.

Motion by: Vice Chairman Gargano
Seconded by: Board Member Sheeley

Action: Approved the clubhouse parking by enlarging the parking lot, adding spaces, golf cart parking, bike racks and pedestrian pathways.

Vote:

Aye: Board Members Tatooles, Jeannin, Sheeley, Wallace, Vice Chairman Gargano, and Chairman Wood
Nay:
Abstentions:

(b) Goodwill Industries – Development Order (DOS2023-E005) (District 5)
±2.69-acre vacant parcel located at the southeast corner of Corkscrew Road and Three Oaks Parkway in the Estero Town Center Commercial Planned Development (CPD), also known as Lowes Plaza.

Applicant seeks to construct a 21,800 square foot, one-story building with a drive-thru.

No conflicts of interest were noted.

Board Member Jeannin had a brief conversation with applicant and applicant sent her an early draft of a revision.

Staff Presentation/Comments
Mary Gibbs, Community Development Director
Jim Hart, Development Review Manager

Presentation/Information by
Jack Morris, P.E. Morris-Depew Associates
Zachary Smith, GMA Architects
Matt Lincolnhol, PLA, Morris-Depew Associates

Public Comment
In-Person
Angelo Cannataro, Estero

Board Questions or Comments
Board Members Wallace, Sheeley, Jeannin, and Chairman Wood

Motion: Motion to approve Development Order with staff conditions.

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

Action: Approved Development Order with staff conditions.

Vote:
Aye: Board Members Tatooles, Jeannin, Sheeley, Wallace, Vice Chairman Gargano, and Chairman Wood
Nay:
Abstentions:

(c) Coconut Point Ford Expansion – Development Order (DOS2023-E004) (District 1)
22600 & 22604 S. Tamiami Trail, located on the west side of US 41 and south of Galloway Ford Road. Currently the property is used for Coconut Point Pre-Owned vehicle sales.

Applicant seeks to construct an addition for 18 vehicle service bays, 14 parking spaces and related infrastructure.

No ex parte communication or conflicts of interest were noted.

Staff Presentation/Comments
Mary Gibbs, Community Development Director
Jim Hart, Development Review Manager

Presentation/Information by
Ahmad Kareh, Haley Ward
Albert Dambrose, Studio A.D.
Robert M. Lilkendey, RML Acoustics, LLC

Public Comment
eComments
Jean Farrar
Dorothy Sullivan

Board Questions or Comments
Board Members Wallace and Sheeley.

Motion: Motion to approve the addition of 18 vehicle service bays, 14 parking spaces and related infrastructure with staff conditions.

Motion by: Vice Chairman Gargano
Seconded by: Board Member Sheeley

Action: Approved the addition of 18 vehicle service bays, 14 parking spaces and related infrastructure with staff conditions.

Vote:
Aye: Board Members Tatooles, Jeannin, Sheeley, Vice Chairman Gargano, and Chairman Wood
Nay: Board Member Wallace
Abstentions:

Recess at 7:07 pm and Convene 7:26 pm.

(d) Abbiati Dental Office Building – Development Order (DOS2022-E015) (District 1)
22770 S. Tamiami Trail, west of US 41 and south of Fountain Lakes' entrance. The site is a 1.45-acre undeveloped parcel directly south of Fountain Lakes Boulevard.

Applicant seeks to construct a Medical Office Building comprised of 10,000 square feet for dental/medical and 1,950 square feet for general office space.

No ex parte communication. Board Member Sheeley stated that he has a conflict of interest and will recuse himself from the meeting at this time.

Staff Presentation/Comments
Mary Gibbs, Community Development Director
Jim Hart, Development Review Manager

Presentation/Information by
Richard Yovanovich, Esq., Coleman, Yovanovich and Koester
Brent Addison, P.E., Banks Engineering
Greg Diserio, RLA, DMJA
Carlos Cardet, AIA, MK Architecture

Public Comment
In Person
William Covitz, Fountain Lakes
Ashley Wamble, Fountain Lakes
Lori Smith, Fountain Lakes
Adam Grant, Fountain Lakes
Carol Partlow, Fountain Lakes
Barbara Dyer, Fountain Lakes
Ron Misnet, Fountain Lakes
Mike Diernfeld, Fountain Lakes
Hector Persephone, Fountain Lakes
Janet Hildebrand, Fountain Lakes
Joyce Siska, Fountain Lakes

eComments
Thomas Sullivan
Sher Keinert
Yvonne Huny
Cynthia Sexton
Cheryl Mandell
Earl Miller
June Guiffrida
Donna Ballerine
Betty and Stephen Nordstrom
Ashlyn Greenwald
Joanne Ivins
Ryan Formica

James Acciaioli
Thomas Parisi
Cliff Hansen
Holly MacPherson
Kim Genseal
Helaina Perno-Andress
Victoria Welch
Russell Stump
Eliese Goldenbloome
Tom Johnson
Jane Huling-Barber
Ingrid Walsh
Barbara Dyer
Henry Medina
Jan Miller-Freyburgher
Kristen Pannone
KIM Cullen
James Miller
Joyce Siska
Maria Amogawin
Sher Keinert
Jon Wilkinson
Lee Carter
Helen Wilkinson
James and Sandra Charles
Ingrid Walsh
James Munz
Janet Munz
Joe Ballerine
Charles Janvier
Jean Farrar
Diane Schultz
Margie Yap
Lindsay Schafer
Linda Olsen

Board Questions or Comments
Board Members Tatooles, Jeannin, Wallace, Vice Chairman Gargano, and Chairman Wood

A motion to continue the meeting past 9:00 pm until 9:30 was made and duly passed.

Motion: Motion to continue the meeting past 9:00 pm until 9:30 pm

Motion by: Vice Chairman Gargano
Seconded by: Board Member Wallace

Action: Approved to continue the meeting past 9:00 pm until 9:30 pm.

Vote:
Aye: Board Members Wallace, Vice Chairman Gargano, and Chairman Wood
Nay: Board Members Tatooles and Jeannin
Abstentions:

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

Motion by: Board Member Wallace
Seconded by: Vice Chairman Gargano

Action: Approved the Development Order with staff conditions.

Vote:
Aye: Board Members Tatooles, Jeannin, Wallace, Vice Chairman Gargano, and Chairman Wood
Nay:
Abstentions: Board Member Sheeley (recusal)

A motion to continue the meeting until 9:45 pm was made and duly passed.

(e) Estero River Park (DOS2023-E002) (District 4)
Village property located on the northeast corner of US 41 and Corkscrew Road.

The Village plans to develop as a first phase ±5.8 acres providing a parking area and walking paths.

No ex parte communication or conflicts of interest were noted.

Staff Presentation/Comments
Mary Gibbs, Community Development Director
David Willems, Director of Public Works

Presentation/Information by
Brian Smith, P.E., Ensite

Public Comment
None.

Board Questions or Comments
Board Members Tatooles, Wallace, Jeannin, Sheeley, Vice Chairman Gargano, and Chairman Wood.

Motion: Motion to approve development as a first phase ±5.8 acres providing a parking area and walking paths with alternative paving for parking.

Motion by: Board Member Jeannin
Seconded by: Board Member Sheeley

Action: Approved the development as a first phase ±5.8 acres providing a parking area and walking paths with alternative paving for parking.

Vote:
Aye: Board Members Tatooles, Jeannin, Sheeley, Vice Chairman Gargano, and Chairman Wood
Nay: Board Member Wallace
Abstentions:

8. PUBLIC INPUT
None.

9. BOARD COMMUNICATIONS

(a) Next meeting – October 10, 2023

11. ADJOURNMENT: 9:43 pm.

_____
Tammy Duran
Deputy Village Clerk

Planning, Zoning and Design Board

Staff Report

PROJECT NAME
Brooks Town Center Apartments; a/k/a Coconut Pointe Residences
CASE NUMBER
DOS2023-E010
MEETING DATE
October 10, 2023
REQUEST
Development Order to redevelop a portion of the existing Brooks Town Center into a 4-story, 137-unit residential apartment complex
APPLICANT
PAC Estero Apartments, LLC
LOCATION
10010-28 Coconut Road
PROPERTY SIZE
9.95 acres
ZONING
Parcel is zoned Mixed Use Planned Development (MPD) by Resolution Z-97-037 as amended
PUBLIC INFORMATION MEETING DATES
The Planning Zoning and Design Board conducted a Public Information Meeting on July 11, 2023

Staff Recommendation

Staff recommends approval of the Development Order and the monument sign design with stipulations.

The proposed multifamily use is listed as a permitted use in the Lee County Zoning Resolution. Staff believes that the request for site plan approval meets the technical requirements of the Land Development Code and is consistent with the Settlement Agreement approved by Village Council on June 21, 2023.

Background and Request

This is a request for a development order (site plan approval) for a 137-unit multifamily project in The Brooks Town Center. The Brooks Town Center is part of the larger 2,500-acre Brooks development. The Town Center is located at the northwest corner of Three Oaks Parkway and Coconut Road. When Lee County approved The Brooks rezoning and Development of Regional Impact in 1997, there was an array of various uses allowed. The 9.95-acre site that is the subject of this development order was developed as a shopping plaza with a Sweetbay grocery store which later became Winn Dixie.

The applicant now wishes to redevelop about half of the site (5.3 acres) including demolishing the vacant Winn Dixie building, retaining the remaining commercial uses, and developing a multifamily project on the site, including part of the parking lot.

The project is subject to a Settlement Agreement that was approved by Village Council on June 21, 2023 that outlines the parameters of the project.

The project also received "Final Plan Approval" by the Planning Zoning and Design Board on July 11, 2023 which allowed three deviations. A Public Information Meeting was held for the proposed development order, also on July 11, 2023.

Project Summary

This project is a Development Order for the construction of a 137-unit multiple family building on 5.33 acres of the total project site of 9.95 acres. The maximum height is 4 stories and 50 feet. There will be garage, carport, and surface parking. Amenities include a pool and internal courtyard area with outdoor kitchen and dining area. All units will have balconies. The building is primarily concrete block construction and will have elevators. Applicant is proposing a decorative partial wall and fence combination on the perimeter of Coconut Road and Three Oaks Parkway.

Architecture

The applicant is proposing to repaint the shopping center buildings to be consistent with the color scheme for the multifamily building. An exterior building paint color schematic and materials are provided in the applicant's plans along with elevations and perspectives. A conceptual architectural design was approved as part of the Settlement Agreement with the Village.

Transportation/Parking

The project has access from two existing access points: one on Three Oaks Parkway and one on Coconut Road.

A traffic analysis was provided for the final plan approval in July, 2023. The analysis indicates that there will be a large reduction in daily vehicle trips by replacing the Winn Dixie use with the 137-unit multifamily residential use. The multifamily use would generate 607 daily trips, and the remaining shopping area would generate 1,721 trips per day, for a total of 2,328 daily trips.

The existing shopping center (80,000 square feet) without the apartments would generate 7,570 trips per day.

The Level of Service on Coconut Road and Three Oaks Parkway will operate at Level of Service "C" with or without this project. The existing turn lanes will be adequate to serve the buildout of the site.

Parking is provided with the approved deviation in the Final Plan for a 21-space reduction. 281 spaces are required for this project (302 required - 21 space deviation). 98 spaces are required and provided for the remaining commercial uses. There will be 34 garage spaces, 62 covered parking spaces, and the remaining will consist of surface parking.

Stormwater

There is a master surface water management system for The Brooks that includes the Town Center property. Stormwater will be handled with dry pretreatment per the South Florida Water Management District permit. The parking lot will be at the same elevation as the existing lot. The building finished floor elevation will be 17.5 feet NAVD.

Lighting

Upgraded lighting meeting the requirements in the Code will be installed to prevent light spillage onto adjacent properties. The applicant will also upgrade lighting fixtures in the non-residential area but retain the existing poles.

Landscaping

The applicant will be retaining and supplementing the existing landscape buffers along Three Oaks Parkway and Coconut Road and will add some decorative wall elements and benches for visual appeal. Adjacent to the building there will be perimeter plantings and some taller palms to break up the building massing.

Environmental Issues

The project will be constructed on the former Winn Dixie site and parking lot. The property is mostly paved except for two "green" areas along Three Oaks Parkway that were approved as outparcels but never constructed.

There is a designated conservation area behind the shopping center as part of The Brooks original approval.

During the settlement agreement Council meeting, it was brought to staff's attention that there was a potential eagle nest in this general area, as eagles had been sighted by the neighbors. The Village's environmental consultant visited the site on September 14th to search for an eagle nest and, after canvassing the area, did not locate one. Bald eagles are protected by the Bald and Golden Eagle Protection Act. As would be applicable to any development proposal, the applicant will have to comply with any federal and local restrictions if a nest is identified. The Village's consultant will conduct another site inspection later this year when nesting season is underway.

The applicant's environmental consultant also conducted a field review and did not find a nest during its review.

Signage

There are two existing project identification-type signs, one at each entrance to the property. The applicant proposes to refurbish these signs. The plans include the sign design which is consistent with the building design.

Consistency with Settlement Agreement

The Planning Zoning and Design Board should determine if the proposed development complies with the Land Development Code, Final Plan Approval, and Settlement Agreement.

The plan must be consistent with the specific documents provided in the Settlement Agreement:

1. Coconut Pointe Residences Site Plan;
2. Residences at The Brooks Conceptual Architectural Rendering;
3. Coconut Pointe Residences at The Brooks Site Landscape Plan and Wall Design.

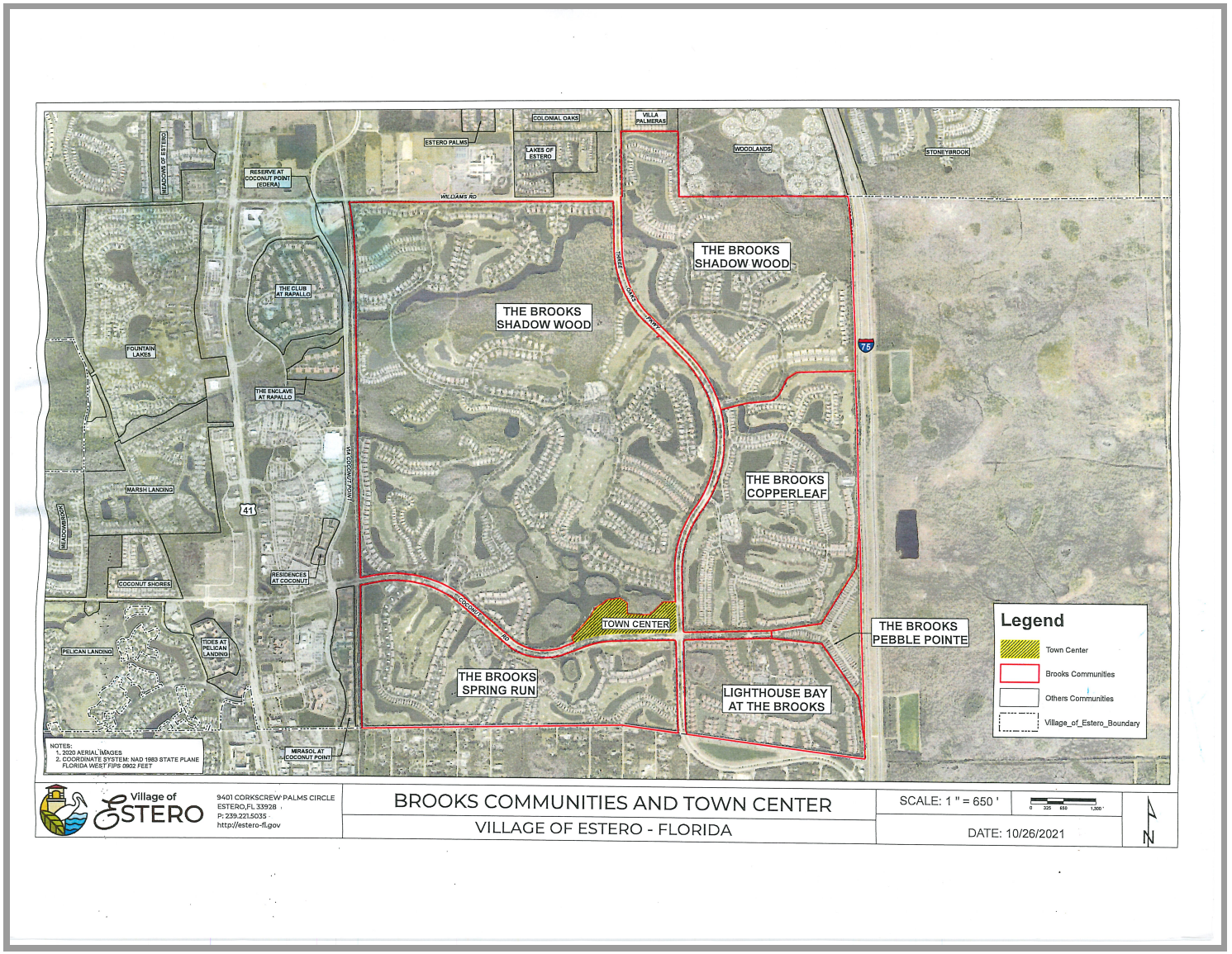
The applicant is proposing 137 multiple family units, 17 less units than the Settlement Agreement allows, in a site plan consistent with the Settlement Agreement. The specific colors of the architecture were not included in the Settlement Agreement but appeared in the Rendering to be a creamy color. At the Public Information Meeting on July 11th, the Planning Zoning and Design Board asked the applicant to consider more color contrast as it appeared somewhat monochromatic in the copy of the rendering. Colors have been selected to mimic the rendering, while providing contrast. The colors of the building are: Creamy, Natural, Adaptive Shade and Van Dyke Brown with awnings of blue (Refuge and Rainstorm). The blue awnings differ from the rendering but provide contrast. The colors of the decorative wall will match the building.

The Landscape Plan and Site Plan are substantially similar to those in the Settlement Agreement.

Staff believes the request as conditioned is consistent with the LDC, Final Plan Approval, and Settlement Agreement.

Attachments

1. Location Map
2. Council Settlement Agreement
3. Final Plan Approval Resolution 2023-01 of Planning Zoning and Design Board
4. Email from Village Environmental Consultant
5. Applicant's Protected Species Survey
6. Applicant's Traffic Impact Memo and TIS Sufficiency
7. Applicant's Line of Sight Drawings
8. Public Comments


COLONIAL OAKS
VILLA PALMERAS
ESTERO PALMS
LAKES OF ESTERO
WOODLANDS
STONEYBROOK
MEADOWS OF ESTERO
RESERVE AT COCONUT POINT (EDERA)
WILLIAMS RD
THE BROOKS SHADOW WOOD
THE BROOKS SHADOW WOOD
THREE OAKS PKWY
THE CLUB AT RAPALLO
FOUNTAIN LAKES
THE ENCLAVE AT RAPALLO
75
MARSH LANDING
BIG COCONUT POINT
41
BEAUMARIS
COCONUT SHORES
RESIDENCES AT COCONUT
THE BROOKS COPPERLEAF
COCONUT RD
TOWN CENTER
THE BROOKS PEBBLE POINTE
PELICAN LANDING
TIDES AT PELICAN LANDING
THE BROOKS SPRING RUN
LIGHTHOUSE BAY AT THE BROOKS
MIRASOL AT COCONUT POINT
Legend
Town Center
Brooks Communities
Others Communities
Village_of_Estero_Boundary
NOTES:
1. 2020 AERIAL IMAGES
2. COORDINATE SYSTEM: NAD 1983 STATE PLANE FLORIDA WEST FIPS 0902 FEET
Village of ESTERO
9401 CORKSCREW PALMS CIRCLE
ESTERO,FL 33928
P: 239.221.5035
http://estero-fl.gov
BROOKS COMMUNITIES AND TOWN CENTER
VILLAGE OF ESTERO - FLORIDA
SCALE: 1 " = 650 '
0 325 650 1,300
DATE: 10/26/2021
N

SETTLEMENT AGREEMENT

Long Bay Partners, LLC, Top-CR Associates LLC, and PAC Estero Apartments LLC, (together "Plaintiffs") and The Village of Estero, a Florida municipal corporation ("Village") (Defendant), hereby enter this Settlement Agreement on this 27 day of June, 2023 (the "Effective Date") as follows:

WHEREAS, Plaintiffs are, respectively the owner, lease owner, and apartment developer for an approximately 9.95-acre property within the Town Center of the Brooks of Bonita Springs ("Brooks") planned development; and

WHEREAS, the Brooks was approved by Lee County as a Development of Regional Impact (the "Brooks of Bonita Springs DRI") and by Resolution Z-97-037 as a Mixed Use Planned Development in 1997; and

WHEREAS, the 1997 approvals included a list of permitted uses within the Town Center parcel, which included commercial and multi-family; and

WHEREAS, an in-line commercial center was constructed with a Sweetbay grocery store as the anchor tenant, the anchor tenant was not economically viable at the site and has been closed for years; and

WHEREAS, Plaintiffs now wish to redevelop the property to a four-story apartment development with amenities "("Project"); and

WHEREAS, on June 26, 2020, PAC Estero Apartments, LLC submitted an application for "Final Plan Approval" for the Project, also known as The Residences at Brooks; and

WHEREAS, in 2020, Village staff made the determination that the appropriate process for Plaintiffs to obtain the necessary approvals for the Project was by a minor planned development amendment (rezoning), the Plaintiffs did not agree that the Project required a rezoning; and

WHEREAS, Plaintiffs have subsequently filed a declaratory judgment action in case no.: 21-CA-6004 ("Suit"), currently pending in Circuit Court in Lee County; and

WHEREAS, at the same time, and based on the same factual background, Plaintiffs filed a companion Petition for Writ of Certiorari in case no.: 210CA-6046 ("Petition"), currently pending in the Appellate Division of the Twentieth Circuit Court; and

WHEREAS, the Suit seeks a declaration that the Council's decision is in derogation of

Plaintiffs' vested right to place up to 158 Multi-Family Low Rise dwellings in the Town Center, that the Final Plan Approval process is administrative under Resolution Z-97-037 and that the Council's decision was inconsistent with the Village's comprehensive plan and violated Florida law; and

WHEREAS, the Parties (Parties refers to Long Bay Partners, LLC, TOP-CR Associates, LLC, PAC Estero Apartments, LLC, and Village of Estero) have now engaged in discussions regarding their respective positions, both as to the vested rights possessed by Plaintiffs, as well as the process which can be used to allow for the Final Plan Approval to be reviewed and approved and for review of a local Development Order application; and

WHEREAS, the Parties have negotiated in good faith and the Parties have mutually agreed on the terms and conditions set forth in this Settlement Agreement; and

WHEREAS, the Parties agree that resolution of all litigation between them is in their mutual best interests.

NOW, THEREFORE, the Parties hereby agree as follows:

1. Plaintiffs have submitted a complete application for the Final Plan Approval ("FPA"). The pending Final Plan Approval documents include the following:

   a. The" Coconut Pointe Residences Site Plan" ("Site Plan") dated June 9, 2023, attached and incorporated herein as Exhibit "A".

   b. The architectural elevation titled "Residences at The Brooks Conceptual Rendering", dated July 5, 2020, attached as Exhibit "B ".

   c. The landscape plans "Coconut Pointe Residences at the Brooks Wall Design" and "Coconut Pointe Residences at the Brooks Site Landscape Plan," dated 06/06/2023, attached hereto as composite Exhibit "C".

   d. The Narrative in support of the requested parking deviation, titled Brooks of Bonita MPD/DRI Schedule of Deviations, dated June 9, 2023, attached hereto as Exhibit "D".

   e. The Application dated June 26, 2020.

   The Village will advise the Plaintiffs by June 9, 2023, as to what additional documents, if any, the Village requires to complete its review of the Final Plan Application.

2. The Village does hereby recognize that there are 158 residential units remaining in The Brooks DRI, and that the Plaintiffs have the ability to develop those residential units in the Town Center as low-rise multi-family units. The Village does further recognize that Resolution Z-97-037 includes a list of permitted uses in the Town Center which Plaintiffs have the ability to develop those uses.

3. Plaintiffs agree that enhancements to the Project will include the following, to be included in the application for Development Order

   a. The multi-family buildings will include elevators.

   b. The multi-family buildings will be primarily constructed of concrete blocks. The single-story non-residential buildings such as the garages and the maintenance facility will utilize frame construction.

   c. The multi-family development will provide amenities for the residents which include, but are not limited to a pool, cabanas, fitness center, barbeque area, coffee lounge, mail room, conference room, indoor pet grooming, air-conditioned corridors, garages, and bike storage/repair center.

   d. The Town Center commercial areas will be repainted to be consistent with the color scheme approved at the time of Development Order for the Low-Rise Multi-Family. The Town Center commercial areas will be painted within 60 days of the issuance of the certificate of occupancy for the multi-family. The Plaintiffs do not have to go to the PZDB or the staff to obtain approval to repaint the buildings with the approved residential color scheme.

   e. The light fixtures for the commercial area will be replaced to be consistent with the exterior light pole fixtures used in the residential development.

   f. The crosswalks between the residential and the commercial will be paver blocks.

4. The Parties agree that the property development regulations set forth in Resolution Z-97-037 will control how the property will be developed including, but not limited to, the height, building separation, maximum lot coverage, setbacks, lot area, depth, and width. All deviations approved in Resolution Z-97-037, as amended, remain in full force and effect. The Parties agree that, in addition, all Village land development regulations control, and the Village will not impose Village regulations that would negate the approved zoning and deviations in Resolution Z-97-037 and the Development of Regional Impact

Development Order ("DRI DO"). The Open Space Table identified in Condition 23 of Resolution Z-97-037 remains in full force and effect and it is herein recognized that the Town Center pursuant to the Open Space Table is only required to provide ten percent open space.

5. The Final Plan Approval process, per Resolution Z-97-037, permits consideration of deviations. The Village will process the Plaintiffs' request for a parking deviation for 21 spaces in the Final Plan Approval in order to provide the garages that are depicted on the Site Plan. The carports will be in the general location depicted on the Site Plan. The garages will include up to 34 spaces, and the carports will include up to 62 spaces.

6. The hearing for the Final Plan Approval will be scheduled, along with a Public Information meeting for the Development Order, before the Village's Planning, Zoning and Design Board (PZDB) at its July 11th meeting if the Settlement Agreement is approved by the Village Council at the June 21st Village Council meeting. The PZDB shall apply the standards for Final Plan Approval set forth in Condition 1 of Resolution Z-97-037, as amended. The Parties recognize that during the Public Information Meeting for the Development Order, the PZDB may make suggestions for modifications to the master concept plan, landscaping plans and elevations submitted with the Settlement Agreement, consistent with the PZDB's authority as set forth in the Land Development Code

7. Plaintiffs will not be required to rezone the property in order to complete 158 low rise multi-family units in Town Center, as defined in this Settlement Agreement.

8. Plaintiffs will submit an application for Development Order approval of the Project, which will be in accordance with the zoning and DRI DO, and the Master Concept Plan, Landscaping Plans, and architectural elevations referenced in this Settlement Agreement. The Plaintiffs in such application may make modifications to the Project resulting from detailed engineering plans, topography, underground conditions, and other conditions reasonably resulting from the detailed engineering and planning process. The Development Order application will be reviewed by the PZDB pursuant to the standards and procedures set forth in the Village's Land Development Code. Should the PZDB approved Development Order require modification(s) to the Project that are unacceptable to the Plaintiffs, the dispute regarding such modification(s) shall be subject to arbitration. This provision is not intended to undermine any rights that any third party has under Florida law.

9. Minor modification(s) to the approved Development Order shall be processed pursuant to Section 2-502. A.3.F.2 of the Land Development Code.

10. The Village does hereby recognize that the Brooks DRI has fully mitigated its transportation impacts and no further mitigation is required. The Village recognizes that the site related improvements for the Town Center have been completed and no further site related improvements will be required. No additional traffic impact study will be required for the local development order, as it has been provided with the Final Plan Approval application.

11. The Plaintiffs desire that the Project will not utilize a Chapter 177, F.S. plat, but the Town Center parcels will be created as a land condominium, and that such land units may ultimately be conveyed and held by separate owners. The Village agrees that the Developer/Owner may re-develop the property not as a plat but as a land condominium consistent with Florida law, and that common boundaries shared by land condominium units within such land condominium will not be deemed to be "lot lines" under the applicable Village codes.

12. Plaintiffs will dismiss cases 21-CA-6004 and 21-CA-6046 upon the final approval of the Development Order in a manner consistent with this Settlement Agreement, and after any applicable administrative or judicial appeal time related to such approval has expired without an appeal of said approval. Said dismissal by ~~Plaintiffs will be accomplished within ten (10) days of the expiration of any such~~ appeal period. Upon approval of this Settlement Agreement by all Parties, Plaintiffs and Defendant shall promptly seek an abatement of the litigation in both Circuit Court actions, for the duration of the completion of all events described hereinabove.

13. Plaintiffs recognize and acknowledge that the Village makes no representation, and cannot make such representation, that the Village PZDB will either approve or deny the Final Plan Approval or the Development Order. This Agreement and all obligations contained herein shall automatically terminate if the litigation proceeds to final resolution as a result of the denial of the Final Plan Approval or the Development Order.

14. Neither Party shall pay any funds to the other Party in consideration of signing this agreement, and each Party agrees to bear its own attorney fees and litigation costs associated with the referenced litigation, and in negotiating this agreement.

15. The consideration exchanged between the Parties herein is expressly intended to be and shall be consideration for full and complete settlement of all claims or potential claims by or between the Parties as to the development of the property (as such claims existed or were ripe as of the Effective Date), and their respective attorneys, agents, employees, officers, directors and/or representatives.

16. Plaintiffs hereby warrant and represent that they have not relied upon any representations by the Village or its counsel, employees, agents or insurers in deciding to settle this dispute. In entering into this Settlement Agreement, Plaintiffs represent that they have relied solely upon the advice of their attorney(s), who is/are the attorney(s) of their own choice, concerning all legal and tax consequences of this Settlement Agreement; that the terms and effects of this Settlement Agreement have been completely read by and explained to it by their attorney(s); and that the terms and effects of this Settlement Agreement are fully understood and voluntarily accepted by them.

17. The Parties to this Stipulation agree to cooperate fully and execute any and all supplementary documents and to take all additional actions which may be necessary or appropriate to give full force and effect to the basic terms and intent of this Settlement Agreement.

18. This Settlement Agreement contains the entire agreement between the Parties and shall be binding upon and inure to the benefit of the executors, insurers, administrators, personal representatives, heirs, successors and assigns of each.

19. This Settlement Agreement shall be governed by Florida law.

20. It is expressly provided that all insurers and Sureties for the Parties, if such exist, are intended beneficiaries of the terms of this Settlement Agreement.

21. All persons executing this Settlement Agreement hereby warrant and represent that they are authorized to do so.

22. Neither this Settlement Agreement, nor any of the terms therein, shall be used in any way by either Party in any current or future Court litigation, other than a proceeding for enforcement of this Settlement Agreement.

23. This Agreement may be executed in multiple counterparts, which together shall constitute one and the same document. Facsimile or other electronic transmission of signatures on this Agreement, or any counterpart of this Agreement, shall have the same force and effect as original signatures. A copy hereof shall be as binding as the executed original.

IN WITNESS WHEREOF, the Parties hereto, intending to be legally bound, have executed this Agreement to be effective upon the execution by all parties and as provided in this Agreement.

VILLAGE OF ESTERO
a Florida Municipal Corporation

By: _____
Jon McLain, Mayor, Village of Estero

Dated: 6-22-2023

Certified: _____
Village Clerk

LONG BAY PARTNERS, LLC
a Florida Limited Liability Company

By: _____
Its VICE PRESIDENT

Dated: 6-27-23

Witnesses: _____
Ryan Willoughby

_____
RoxAnn M. Ruberte

TOP-CR ASSOCIATES, LLC,
a Florida Limited Liability Company

By: _____
Its

Dated: _____

Witnesses: _____

_____

VILLAGE OF ESTERO
a Florida Municipal Corporation

By: _____
Jon McLain, Mayor, Village of Estero

Dated: 6-22-2023

Certified: _____
Village Clerk

LONG BAY PARTNERS, LLC
a Florida Limited Liability Company

By: _____
Its

Dated: _____

Witnesses: _____

_____

TOP-CR ASSOCIATES, LLC,
a Florida Limited Liability Company

By: TOP-CR Assoc. Ltd
By: Newcastle Dev Corp Inc GP.

By: _____
Its EVP

Dated: 6/27/2023

Witnesses: _____

_____

PAC ESTERO APARTMENTS, LLC,
a Florida Limited Liability Company

By: _____
Its Managing Partner

Dated: 6/27/23

Witnesses: _____ Lea Smith

_____

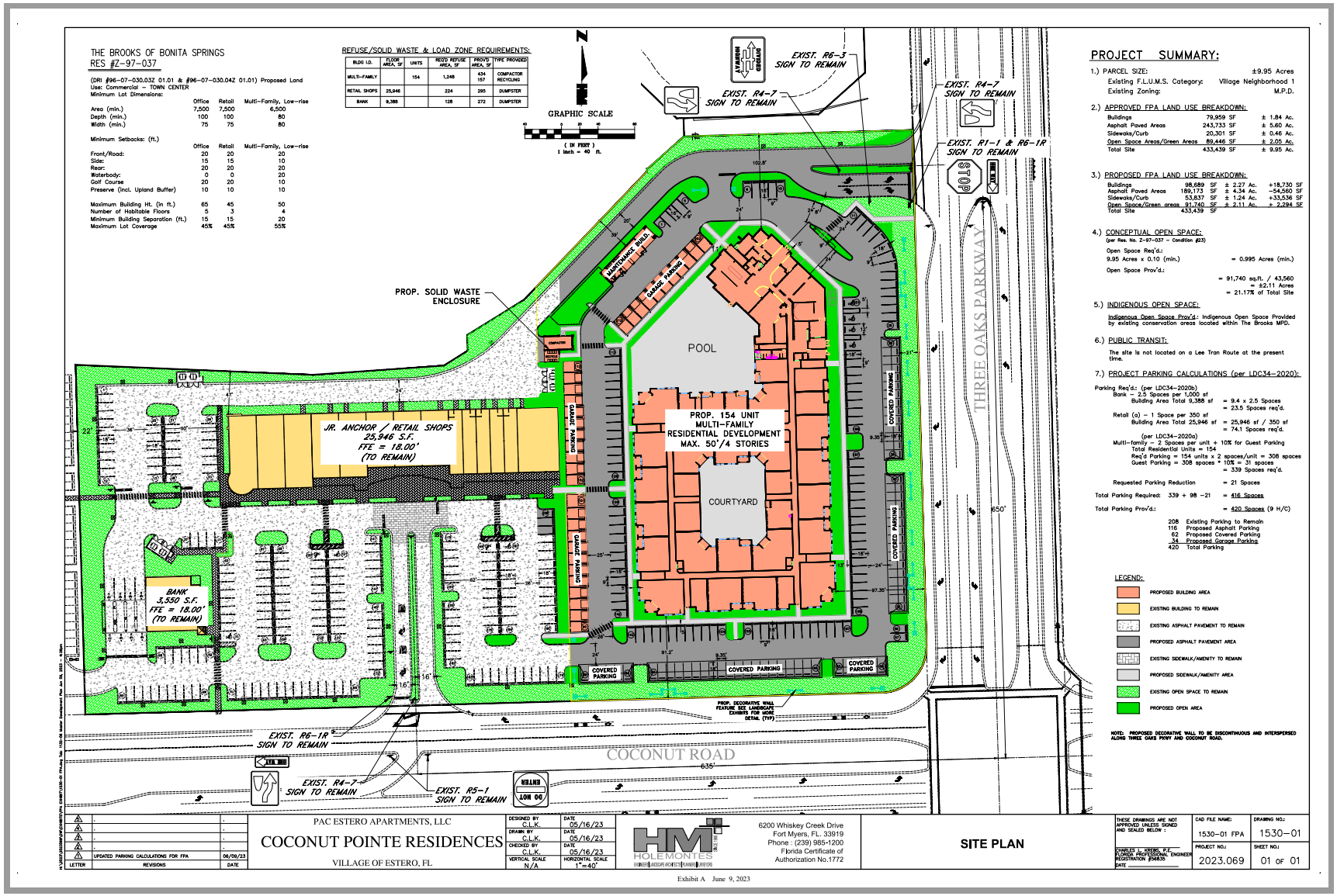

THE BROOKS OF BONITA SPRINGS
RES #Z-97-037
REFUSE/SOLID WASTE & LOAD ZONE REQUIREMENTS:
GRAPHIC SCALE
PROP. SOLID WASTE ENCLOSURE
JR. ANCHOR / RETAIL SHOPS 25,946 S.F. FFE = 18.00' (TO REMAIN)
BANK 3,550 S.F. FFE = 18.00' (TO REMAIN)
PROP. 154 UNIT MULTI-FAMILY RESIDENTIAL DEVELOPMENT MAX. 50'/4 STORIES
POOL
COURTYARD
COVERED PARKING
GARAGE PARKING
MAINTENANCE BUILD.
EXIST. R6-3 SIGN TO REMAIN
EXIST. R4-7 SIGN TO REMAIN
EXIST. R1-1 & R6-1R SIGN TO REMAIN
EXIST. R6-1R SIGN TO REMAIN
EXIST. R5-1 SIGN TO REMAIN
THREE OAKS PARKWAY
COCONUT ROAD
PROP. DECORATIVE WALL FEATURE SEE LANDSCAPE EXHIBITS FOR MORE DETAIL (TYP)
PROJECT SUMMARY:
LEGEND:
PROPOSED BUILDING AREA
EXISTING BUILDING TO REMAIN
EXISTING ASPHALT PAVEMENT TO REMAIN
PROPOSED ASPHALT PAVEMENT AREA
EXISTING SIDEWALK/AMENITY TO REMAIN
PROPOSED SIDEWALK/AMENITY AREA
EXISTING OPEN SPACE TO REMAIN
PROPOSED OPEN AREA
NOTE: PROPOSED DECORATIVE WALL TO BE DISCONTINUOUS AND INTERSPERSED ALONG THREE OAKS PKWY AND COCONUT ROAD.
PAC ESTERO APARTMENTS, LLC
COCONUT POINTE RESIDENCES
VILLAGE OF ESTERO, FL
HM HOLEMONTES
6200 Whiskey Creek Drive
Fort Myers, FL. 33919
Phone : (239) 985-1200
Florida Certificate of
Authorization No.1772
SITE PLAN
2023.069
1530-01
01 OF 01
Exhibit A June 9, 2023



Exhibit B

July 5, 2020

FORUM
237 S Westmonte Drive • Suite 220 • Altamonte Springs FL 32714
407-830-1400 • www.ForumArchitecture.com • AA002731

Conceptual Rendering

Intersection between Coconut Road and Three Oaks Parkway

Residences at The Brooks

P.A.C. Land Development
A Real Estate Development Company

05 JULY 2020 ▪ Lee County, FL

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06/06/2023
GARAGE (TYP)
(CONSERVATION, DRAINAGE AND MAINTENANCE TRACT)
PROPOSED DOG PARK
TYPICAL BUILDING PERIMETER LANDSCAPE
CARPORT (TYP)
Coconut Road
Three Oaks Parkway
TYPICAL EXISTING TREES (TO REMAIN)
TYPICAL EXISTING TREES (TO BE REMOVED)
TYPICAL EXISTING PALMS (TO REMAIN)
WALL SECTIONS:
1. Seating Area
2. End Wall
3. Wall Panel
4. Column
NOTE:
EXISTING BUFFER LANDSCAPE TO BE PRESERVED TO THE GREATEST EXTENT POSSIBLE WITH AUGMENTED SHRUBS AND GROUNDCOVER TO PROVIDE ADDITIONAL BUFFERING.
NORTH
NOT TO SCALE
COCONUT POINTE RESIDENCES at THE BROOKS
Site Landscape Plan
Exhibit C June 6, 2023
HOLEMONTES
Oak Hammock Office Park at Whiskey Creek
6200 Whiskey Creek Drive
Fort Myers, Florida 33919
Office: (239) 985-1200
Florida Certificate Of Authorization No. 1772

06/06/2023



Seating Area



Wall Elevation



End Wall



Column

COCONUT POINTE RESIDENCES at THE BROOKS
Wall Design

HOLEMONTES

Oak Hammock Office Park at Whiskey Creek
6200 Whiskey Creek Drive
Fort Myers, Florida 33919
Office: (239) 985-1200
Web: www.HoleMontes.com / www.HMEng.com
Florida Certificate Of Authorization No. 1772

Exhibit C June 6, 2023

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.

Exhibit D
June 9, 2023

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.

4. The Planning Zoning and Design Board has taken this action at a duly constituted public hearing after due public notice.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for Final Plan approval with three deviations for The Residences at Brooks Town Center is approved for 154 multiple family units at a maximum height of 50 feet, subject to the following conditions:

1. The terms and conditions of Zoning Resolution Z-97-037, as amended, remain in full force, except as modified herein. However, Administrative Approval ADD2007-00064 (Final Plan approval for the Shopping Plaza) is replaced by this approval and is null and void.

2. The development of the multifamily project must be in substantial compliance with the following:

   A. Site plan "Coconut Pointe Residences Site Plan" dated June 9, 2023. (Exhibit A)

   B. Architectural elevation "Residences at the Brooks Conceptual Rendering" dated July 5, 2020. (Exhibit B)

   C. Landscape Plan (2 pages) "Coconut Pointe Residences at the Brooks Wall Design" and "Coconut Pointe Residences at the Brooks Site Landscape Plan" both dated June 6, 2023. (Exhibit C)

3. The deviation from Land Development Code Table 5-204.B.1., Minimum Number of Off-Street Parking Spaces, is approved for a reduction of 21 spaces.

4. The deviation from Land Development Code Section 7-206. A. 3.A. Surface Water Management to maintain the existing parking lot paving elevation at the 5-year 1-day storm event, is approved. However, buildings must meet required elevation.

5. The deviation from Land Development Code Section 5-604.C, Table 5-604.C Maximum Mounting Height for exterior lighting requiring 15 feet high light poles within 100 feet of residential development, to retain the existing pole height of 20 feet, is approved.

PASSED AND DULY ADOPTED this 11th day of July, 2023.

VILLAGE OF ESTERO, FLORIDA
PLANNING ZONING AND DESIGN BOARD

Scotty Wood, Chairman

Attest:

By: _____
Carol Sacco, Village Clerk

Reviewed for legal sufficiency

By: _____
Nancy Stroud, Esq., Land Use Attorney

Vote:

Scotty Wood	Yes X	No___
Anthony Gargano	Yes___	No X
Kristin Jeannin	Yes X	No___
Barry Jones	Yes X	No___
Michael Sheeley	Yes X	No___
Jim Tatooles	Yes X	No___
Jim Wallace	Yes X	No___

Exhibit A June 9, 2023

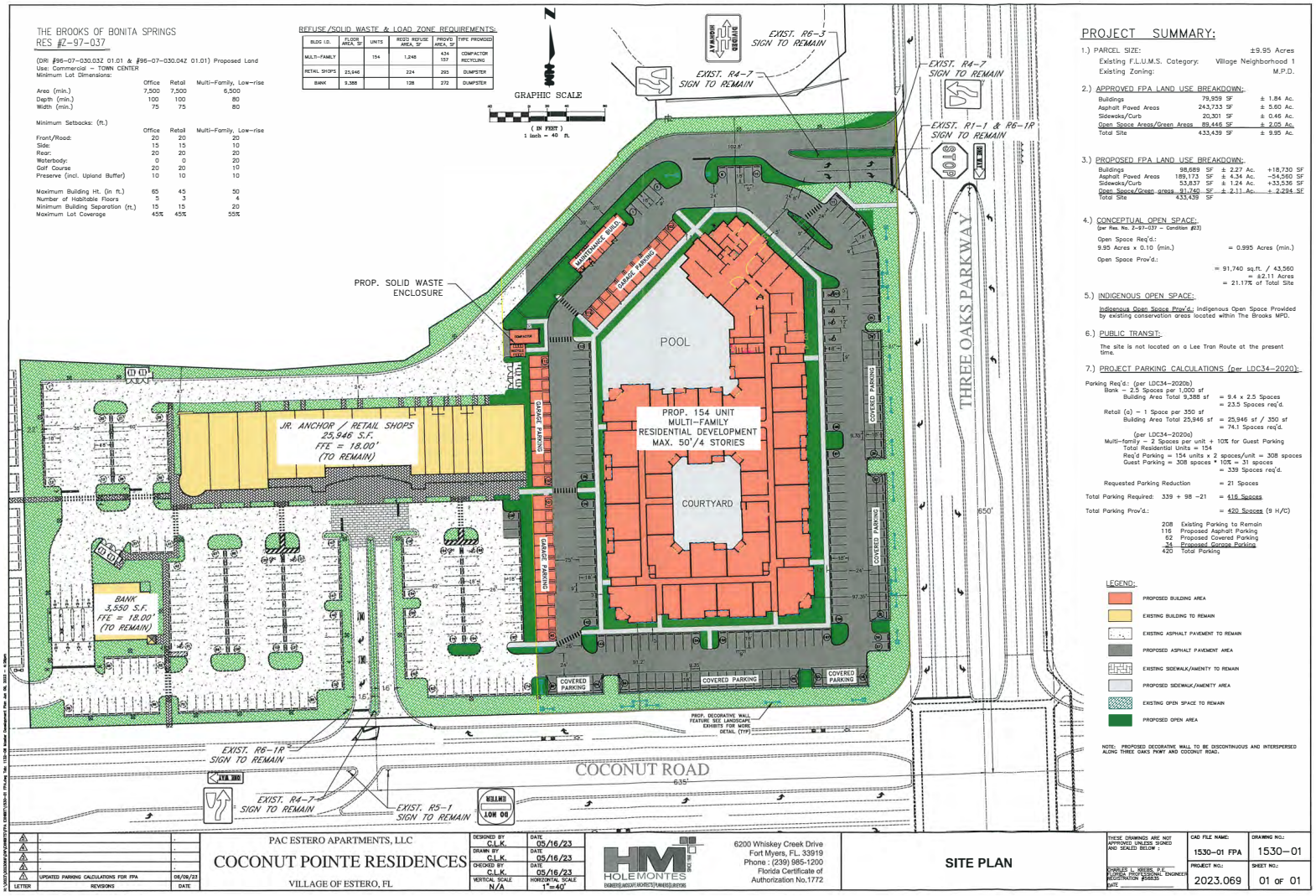


Exhibit B July 5, 2020



FORUM

237 S Westmonte Drive • Suite 220 • Altamonte Springs FL 32714
407-830-1400 • www.ForumArchitecture.com • AA002731

Conceptual Rendering

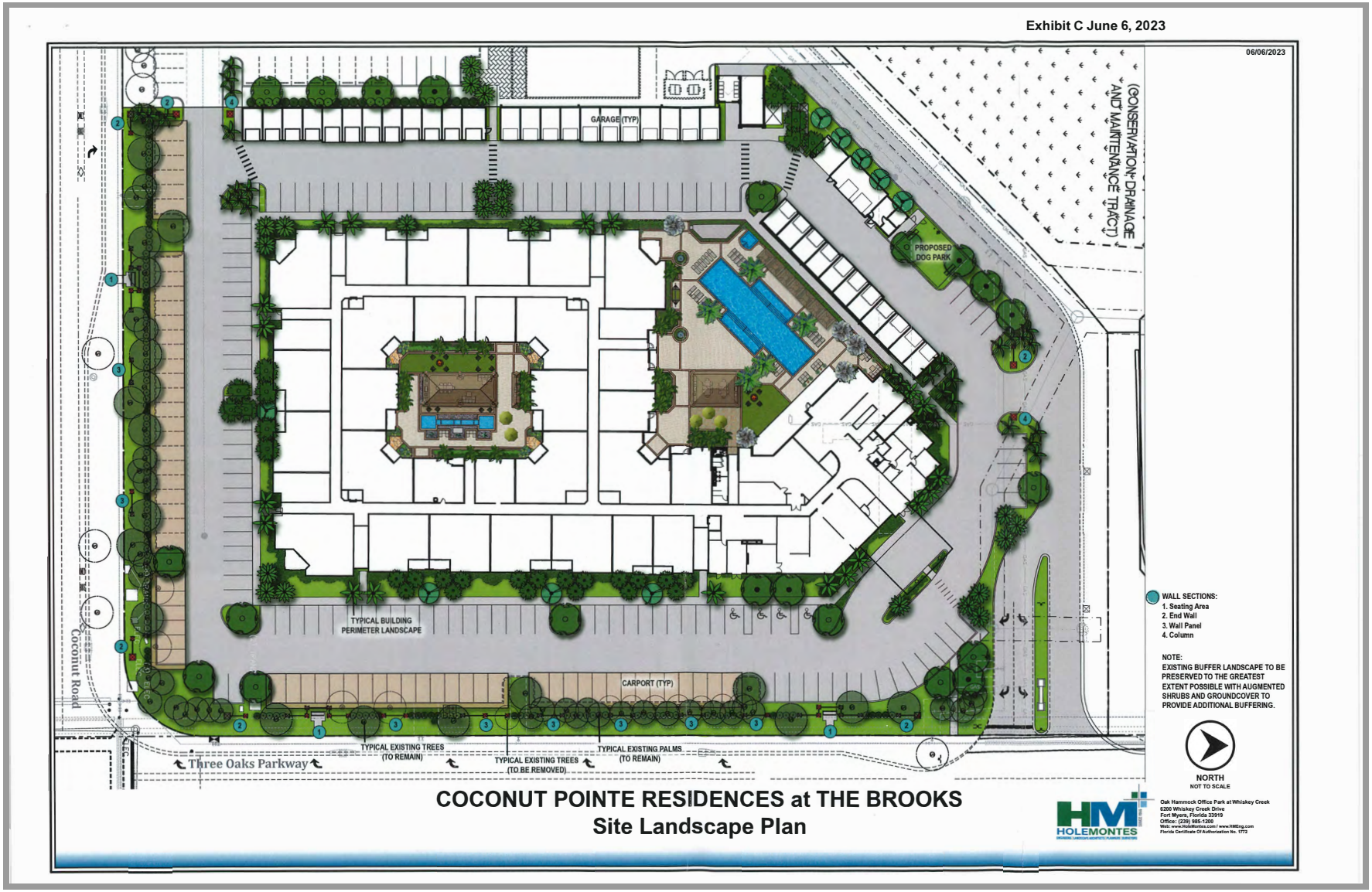
Intersection between Coconut Road and Three Oaks Parkway

Residences at The Brooks

05 JULY 2020 ▪ Lee County, FL

P.A.C. Land Development
A Real Estate Development Company

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Exhibit C June 6, 2023
06/06/2023
GARAGE (TYP)
(CONSERVATION, DRAINAGE AND MAINTENANCE TRACT)
PROPOSED DOG PARK
TYPICAL BUILDING PERIMETER LANDSCAPE
CARPORT (TYP)
Coconut Road
Three Oaks Parkway
TYPICAL EXISTING TREES (TO REMAIN)
TYPICAL EXISTING TREES (TO BE REMOVED)
TYPICAL EXISTING PALMS (TO REMAIN)
WALL SECTIONS:
1. Seating Area
2. End Wall
3. Wall Panel
4. Column
NOTE:
EXISTING BUFFER LANDSCAPE TO BE PRESERVED TO THE GREATEST EXTENT POSSIBLE WITH AUGMENTED SHRUBS AND GROUNDCOVER TO PROVIDE ADDITIONAL BUFFERING.
NORTH
NOT TO SCALE
COCONUT POINTE RESIDENCES at THE BROOKS
Site Landscape Plan
HOLEMONTES
Oak Hammock Office Park at Whiskey Creek
6200 Whiskey Creek Drive
Fort Myers, Florida 33919
Office: (239) 985-1200
Web: www.HoleMontes.com / www.HMEng.com
Florida Certificate Of Authorization No. 1772

06/06/2023

Exhibit C June 6, 2023



Seating Area



Wall Elevation



End Wall



Column

COCONUT POINTE RESIDENCES at THE BROOKS
Wall Design

HOLEMONTES
Oak Hammock Office Park at Whiskey Creek
6200 Whiskey Creek Drive
Fort Myers, Florida 33919
Office: (239) 985-1200
Web: www.HoleMontes.com / www.HMEng.com
Florida Certificate Of Authorization No. 1772

Mary Gibbs

From: Cathy Olson <COlson@Pennoni.com>
Sent: Thursday, September 14, 2023 3:18 PM
To: Mary Gibbs
Subject: Eagle search

[**NOTICE:** This message originated outside of the Village of Estero -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Good afternoon Mary,

This morning, 9/14/23, I went out to search for a possible eagle nest in the CDD between the old Winn Dixie and Magnolia Bend per our 8/2/23 contract. I canvassed the area, looking for an eagle nest, but did not find one. I also reviewed the Audubon eagle nest website and a nest is not known to occur within the area. I will be happy to go back again when the cypress needles brown and when nesting is season is underway.

The CDD is in wonderful shape. I only saw one small patch of *Lygodium*.

Please let me know if you have any questions or concerns.

Cathy

Cathy Olson

Pennoni
1212 Country Club Blvd, #202 | Cape Coral, FL 33990
Direct: +1 (239) 259-7751 | **Mobile:** +1 (239) 446-7686
www.pennoni.com | COlson@Pennoni.com



Watch: visualization for industrial sectors

BROOKS TOWN CENTER APARTMENTS
VILLAGE OF ESTERO PROTECTED SPECIES SURVEY

September 2023

Prepared For:

PAC Estero Apartments, LLC
730 Bonnie Brae Street
Winter Park, Florida 32789
(407) 628-3065

Prepared By:

Passarella & Associates, Inc.
13620 Metropolis Avenue, Suite 200
Fort Myers, Florida 33912
(239) 274-0067

Project No. 23HMI4064

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1.0 INTRODUCTION

This report documents the Village of Estero protected species survey conducted by Passarella & Associates, Inc. (PAI) for the Brooks Town Center Apartments (Project). The purpose of the survey was to review the Project for protected species in accordance with Village of Estero Land Development Code (LDC) Chapter 7, Section 7-2, Sub-Section 7-201.C.2 (Wildlife and Habitat Protection Standards).

The Project site is located in Section 11, Township 47 South, Range 25 East, Lee County (Figure 1), within the limits of the Village of Estero. The Project site totals 9.95± acres and is located northwest of the intersection of Coconut Road and Three Oaks Parkway. The Project is bordered to the north by a conservation area associated with the Brooks Residential Community, to the east by Three Oaks Parkway, to the south by Coconut Road, and to the west by a commercial development.

The Project site is comprised of the existing Brooks Town Center commercial plaza.

2.0 LAND USES AND VEGETATION ASSOCIATIONS

The vegetation and land use mapping for the Project was conducted using 2023 Lee County rectified aerials. Groundtruthing to verify the existing land uses was conducted on August 10, 2023, utilizing the Florida Land Use, Cover and Forms Classification System (FLUCFCS) Levels III and IV (Florida Department of Transportation 1999). AutoCAD Map 3D 2021 software was used to determine the acreage of each mapped area, produce summaries, and generate the FLUCFCS map. An aerial with FLUCFCS is provided as Figure 2.

One land use (i.e., FLUCFCS code) was identified on the Project. Table 1 provides the breakdown of the FLUCFCS code by acreage, and a description of the classification follows.

Table 1. Existing Land Use and Cover Summary

FLUCFCS Code	Description	Acreage (±)	Percent of Total
140	Commercial	9.95	100.0
Totals		**9.95**	**100.0**

Commercial (FLUCFCS Code 140)
This land use is comprised of the existing Brooks Town Center commercial development and includes the associated buildings, parking areas, stormwater management areas, and landscaping.

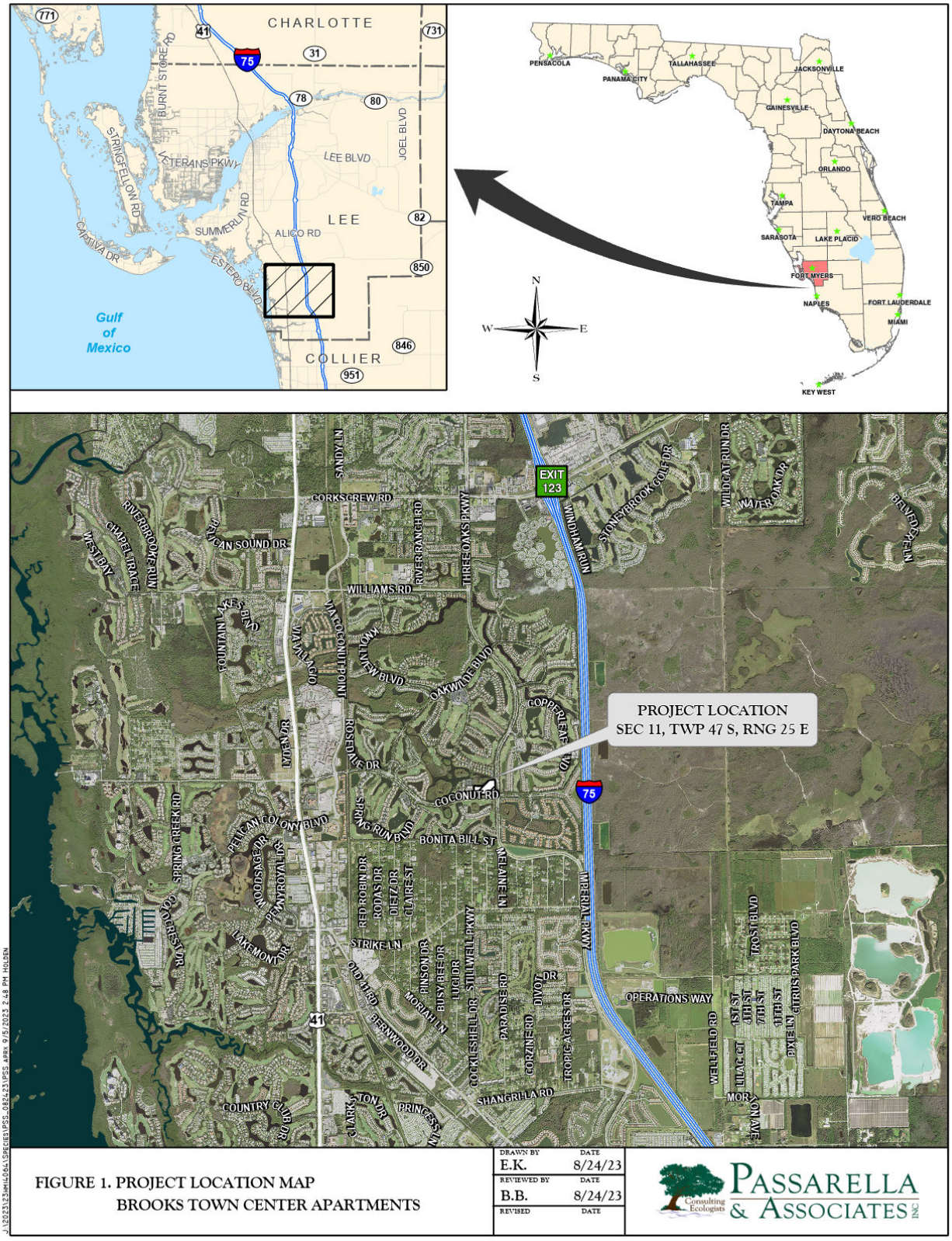
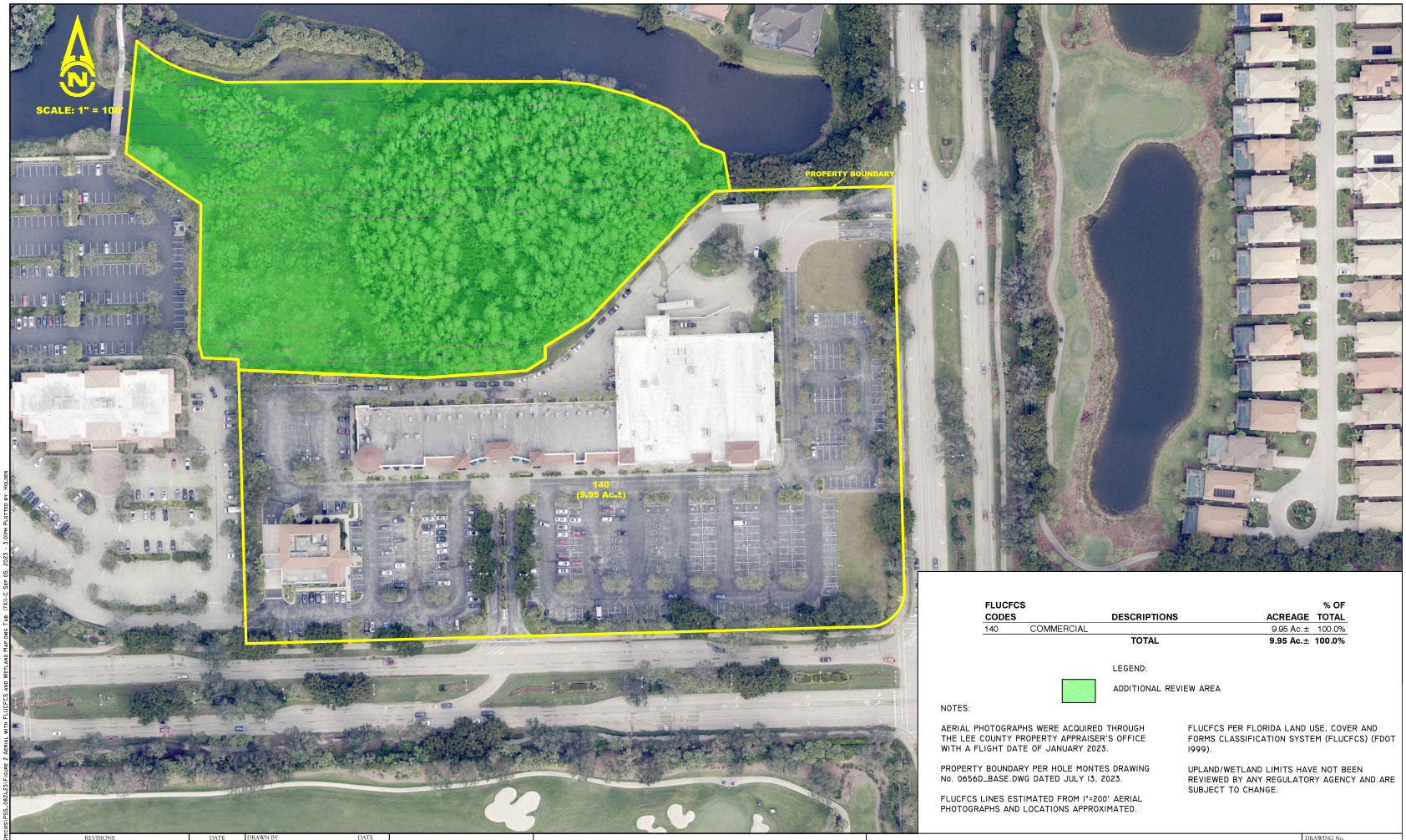


FIGURE 1. PROJECT LOCATION MAP
BROOKS TOWN CENTER APARTMENTS

DRAWN BY	DATE
E.K.	8/24/23
REVIEWED BY	DATE
B.B.	8/24/23
REVISED	DATE

PASSARELLA & ASSOCIATES INC
Consulting Ecologists



FLUCFCS CODES	DESCRIPTIONS	ACREAGE	% OF TOTAL
140	COMMERCIAL	9.95 Ac.±	100.0%
	TOTAL	9.95 Ac.±	100.0%

LEGEND:

ADDITIONAL REVIEW AREA

NOTES:

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH A FLIGHT DATE OF JANUARY 2023.

PROPERTY BOUNDARY PER HOLE MONTES DRAWING No. 06560_BASE.DWG DATED JULY 13, 2023.

FLUCFCS LINES ESTIMATED FROM 1"=200' AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED.

FLUCFCS PER FLORIDA LAND USE, COVER AND FORMS CLASSIFICATION SYSTEM (FLUCFCS) (FDOT 1999).

UPLAND/WETLAND LIMITS HAVE NOT BEEN REVIEWED BY ANY REGULATORY AGENCY AND ARE SUBJECT TO CHANGE.

J:\2023\23HMI06A\Species\PSS_0826\23\Figure 2 Aerial with FLUCFCS and Wetland Map.dwg, Tab: (7)Li-C, Sep 05, 2023 - 3:09pm, Plotted by: HoJohn

REVISIONS	DATE	DRAWN BY	DATE
		E.K.	8/31/23
		DESIGNED BY	DATE
		B.B.	8/31/23
		REVIEWED BY	DATE

13620 Metropolis Avenue
Suite 200
Ft. Myers, FL 33912
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PASSARELLA & ASSOCIATES, Consulting Ecologists

BROOKS TOWN CENTER APARTMENTS

AERIAL WITH FLUCFCS AND WETLAND MAP

DRAWING No. 23HMI4064

SHEET No. FIGURE 2

3

3.0 METHODOLOGY AND DISCUSSION

Surveys for Village of Estero protected species are based on the presence of specific vegetation associations and habitat types as outlined in Appendix G of the Village of Estero LDC. The Project site is entirely composed of land use that is not required to be surveyed per the LDC; however, a survey was conducted as a precautionary measure. Table 2 outlines the Village of Estero protected species that may inhabit or utilize a particular vegetation or land use association.

Table 2. Potential Lee County Protected Species by Habitat/Land Use Type

FLUCFCS Code and Description		Potential Protected Species
140*	Commercial	N/A

*Habitat surveyed, although not required per the LDC.
N/A – Not Applicable

The protected species survey for the Project site was conducted by PAI on August 10, 2023 during daylight hours. The Project consists of an existing commercial development; however, the survey was performed as a precautionary measure. The methodology utilized for the protected species survey included meandering pedestrian transects.

Weather conditions during the survey period consisted of temperatures in the lower 80s to mid-80s, clear skies, and winds out of the southeast at zero to five miles per hour.

A summary of the habitat / land use surveyed, is provided in Table 3.

Table 3. Summary of Habitat/Land Use Coverage

FLUCFCS Code	Description	Total Area (Acres ±)	Transect Length (Feet ±)	Average Visibility (Feet ±)	Percent Coverage
140*	Commercial	9.95	N/A	N/A	N/A

*Habitat surveyed as a precautionary measure, although not required per the LDC.
N/A – Not Applicable

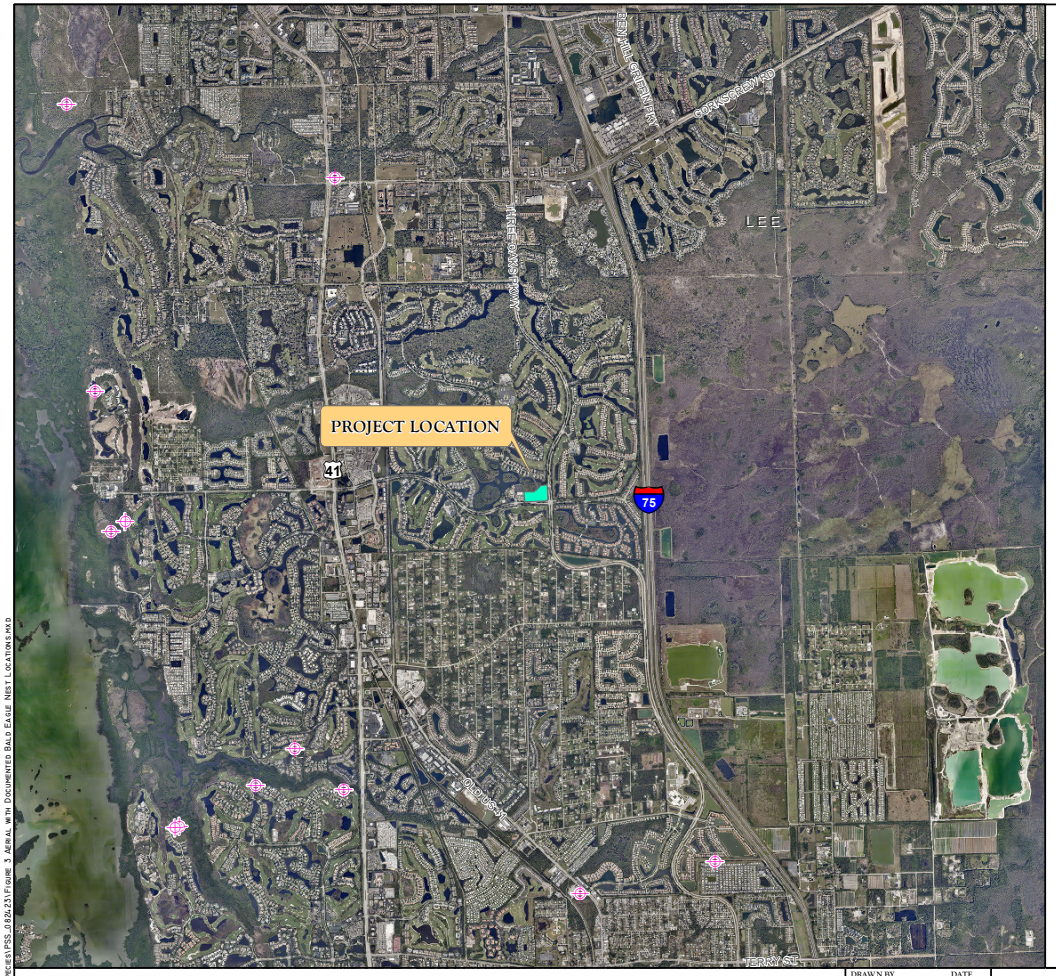
4.0 SURVEY RESULTS

No protected species or their sign were observed or heard within the Project limits during the survey. Although outside of the proposed project limits, the forested habitat north of the Project, which is noted in green in Figure 2, was also reviewed for the presence of protected species. No protected species or their sign were documented in the habitat north of the Project limits.

In addition, the Audubon EagleWatch database was reviewed for the location of documented bald eagle nests. Per the database, the nearest bald eagle nest is Nest LE-106A, located

approximately 2.7 miles southwest of the Project (Figure 3). The Project site is located outside of the 330-foot and 660-foot USFWS nest buffer zones (USFWS 2007).

Per the Audubon EagleWatch database and per the field review, no eagle nests were documented onsite or in the vicinity of the Project.



J:\2023\12-SHH\GIS\Species\PSS_2024_23\Figure 3 Aerial with Documented Bald Eagle Nest Locations.mxd

FIGURE 3. AERIAL WITH DOCUMENTED BALD EAGLE NEST LOCATIONS
BROOKS TOWN CENTER APARTMENTS

DRAWN BY	DATE
E.K.	08/29/23
REVIEWED BY	DATE
B.B.	08/29/23
REVISED	DATE

PASSARELLA & ASSOCIATES INC
Consulting Ecologists

5

No bald eagles or bald eagle nests were documented during the survey. The bald eagle is protected by the Bald and Golden Eagle Protection Act.

6.0 REFERENCES

Florida Department of Transportation. 1999. Florida Land Use, Cover and Forms Classification System. Procedure No. 550-010-001-a. Third Edition.

U.S. Fish and Wildlife Service. 2007. National Bald Eagle Management Guidelines

TR TRANSPORTATION CONSULTANTS, INC

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: July 7, 2023

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 35,336 square feet of retail uses and 38,075 square feet of supermarket use. The applicant is requesting Final Plan Approval for 35,336 square feet of retail uses, and 137 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.

TRIP GENERATION

The Institute of Transportation Engineers Report titled ***Trip Generation***, 11th 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 use. Land Use Code 821 (Shopping Plaza 40 – 150k) was utilized from the ITE report for the approved commercial retail uses and Land Use Code 822 (Strip Retail Plaza <40k) was used for the remaining retail floor area with the multi-family component. **Table 2** identifies the trip generation based on the site plan that will exist with the requested 137 multi-family dwelling units and the remaining 35,336 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 have 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
	In	Out	Total	In	Out	Total	(2-way)
Shopping Center (80,000 Square Feet)	175	107	282	352	380	732	7,570

Table 2
Trip Generation
Brooks Town Center – As Proposed

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily
	In	Out	Total	In	Out	Total	(2-way)
Shopping Center (35,336 Square Feet)	40	26	66	95	96	191	1,721
Multi-Family (137 Units)	11	38	49	33	21	54	607
Total Trips	51	64	115	128	117	245	2,328

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 137 multi-family dwelling units.

Table 3
Trip Generation
Brooks Town Center – As Approved

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily
	In	Out	Total	In	Out	Total	(2-way)
Proposed Uses (Retail + Multi-Family)	51	64	115	128	117	245	2,328
Approved Uses (80,000 Square Feet)	-175	-107	-282	-352	-380	-732	-7,570
Net Trip Reduction	-124	-43	-167	-224	-263	-487	-5,242

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 137 multi-family residential dwelling units will have a significant reduction in the weekday A.M., P.M. and Daily trip generation potential of the Brooks Town Center.

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	Projected 2026 Background Level of Service and Volume	Projected 2026 Level of Service and Volume With Project
Coconut Road - E. of U.S. 41	LOS "C" 954	LOS "C" 971
Three Oaks Pkwy - N. of Coconut Rd.	LOS "C" 1,768	LOS "C" 1,779

Based on Generalized Peak Hour Directional Volumes

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 137 multi-family residential dwelling units, there will be an approximately 59% REDUCTION in A.M. peak hour trips, and a 69% reduction in the 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

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 = 49 VPH IN= 11 OUT= 38

TOTAL PM PEAK HOUR PROJECT TRAFFIC = 54 VPH IN= 33 OUT= 21

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/LOS C
Coconut Road	E. of US 41	4LD	0	250	1,840	1,960	1,960	45%	17	15	0.93%
Three Oaks Pkwy	N. of Coconut Road	4LD	0	250	1,840	1,960	1,960	30%	11	10	0.62%

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)

General Attachment: 6. TIS Memo.pdf

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

TOTAL AM PEAK HOUR PROJECT TRAFFIC = 49 VPH IN= 11 OUT= 38

TOTAL PM PEAK HOUR PROJECT TRAFFIC = 54 VPH IN= 33 OUT= 21

ROADWAY	SEGMENT	SITE/ STATION	BASE YR ADT	2022 ADT	YRS OF GROWTH	ANNUAL GROWTH RATE	2019 PK HR PK SEASON PEAK DIR.[1]	2026 PK HR PK SEASON PEAK DIRECTION VOLUME	LOS	PROJECT TRAFFIC DISTRIBUTION	AM PROJ TRAFFIC	PM PROJ TRAFFIC	2026 BCKGRND + AM PROJ VOLUME	LOS	2026 BCKGRND + PM PROJ VOLUME	LOS
Coconut Road	E. of US 41	490	9,300	12,000	10	2.58%	798	954	C	45%	17	15	971	C	969	C
Three Oaks Pkwy	N. of Coconut Road	525	18,182	24,400	10	2.99%	1,439	1,768	C	30%	11	10	1,779	C	1,778	C

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

[1]The 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

General Attachment: 6. TIS Memo.pdf

THE VILLAGE OF ESTERO 2019

TRAFFIC COUNTS

COCONUT ROAD

Coconut Rd.

Table 2-3: Two Way Traffic Count Summary for Location ID No. 3

Monday - February 18, 2019		
AM Peak Hour	10:30 AM to 11:30 AM	1,301
PM Peak Hour	1:45 PM to 2:45 PM	1,394
Daily Traffic Volume		15,844
Tuesday - February 19, 2019		
AM Peak Hour	11:00 AM to 12:00 PM	1,450
PM Peak Hour	4:45 PM to 5:45 PM	1,512
Daily Traffic Volume		17,645
Wednesday - February 20, 2019		
AM Peak Hour	11:00 AM to 12:00 PM	1,359
PM Peak Hour	3:30 PM to 4:30 PM	1,478
Daily Traffic Volume		7,049
Thursday - February 21, 2019		
AM Peak Hour	10:45 AM to 11:45 AM	1,413
PM Peak Hour	3:30 PM to 4:30 PM	1,447
Daily Traffic Volume		17,809
Friday - February 22, 2019		
AM Peak Hour	11:00 AM to 12:00 PM	1,323
PM Peak Hour	12:00 PM to 1:00 PM	1,448
Daily Traffic Volume		14,275
Saturday - February 23, 2019		
AM Peak Hour	11:00 AM to 12:00 PM	1,166
PM Peak Hour	12:00 PM to 1:00 PM	1,073
Daily Traffic Volume		12,964
Sunday - February 24, 2019		
AM Peak Hour	11:00 AM to 12:00 PM	981
PM Peak Hour	12:45 PM to 1:45 PM	995
Daily Traffic Volume		10,510

D-factor
* 0.54 = 798

LEE COUNTY TRAFFIC DATA MANAGEMENT WEBSITE DATA THREE OAKS PARKWAY


Traffic Count Database System
LEE COUNTY
MS2
Traffic Count Database System (TCDS)
Three Oaks Pkwy-24,400 x 0.10 x 0.59 = 1,439

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)
Not Close to Rail Transit (221)

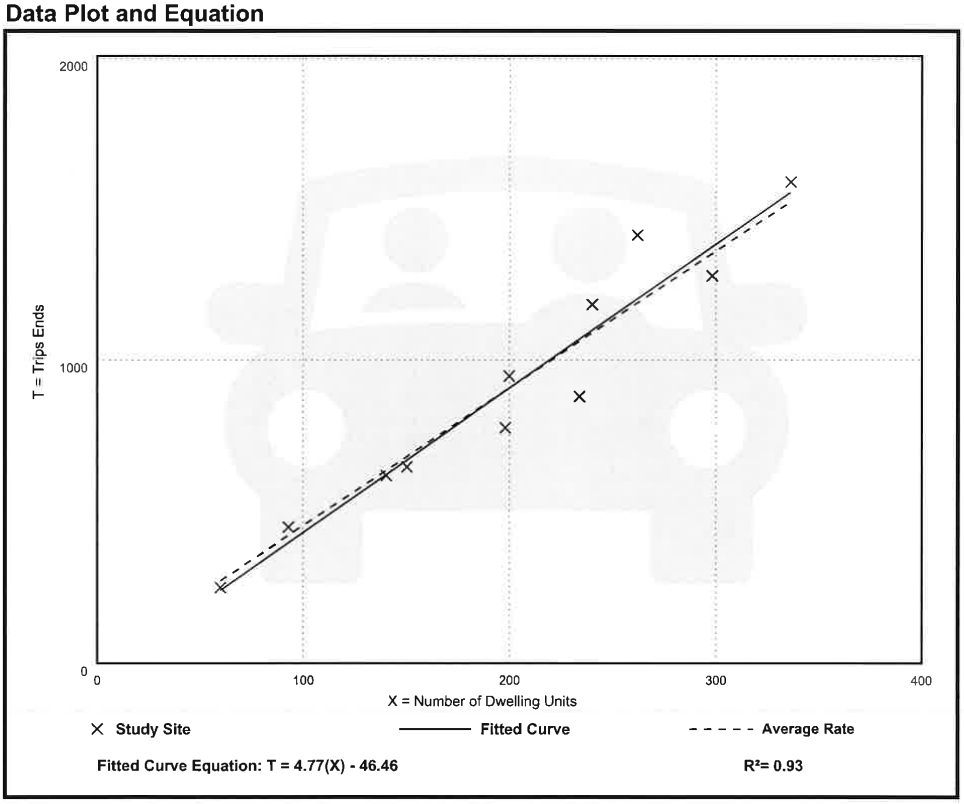
Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 11
Avg. Num. of Dwelling Units: 201
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
4.54	3.76 - 5.40	0.51

Data Plot and Equation



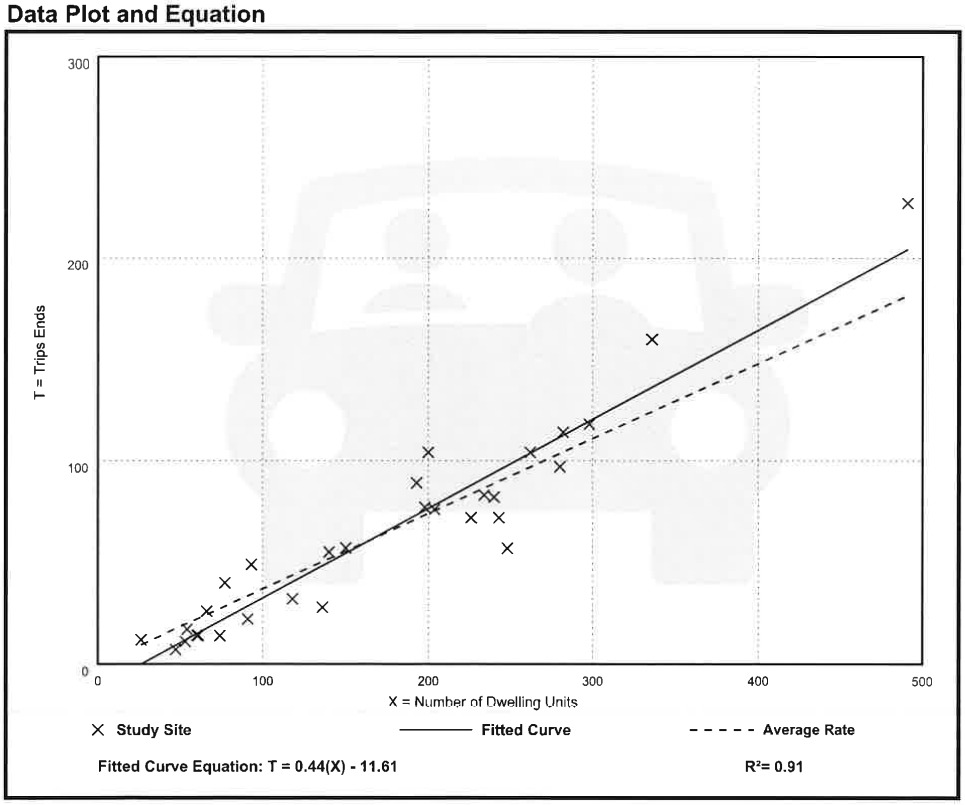
Multifamily Housing (Mid-Rise)
Not Close to Rail Transit (221)

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: 30
Avg. Num. of Dwelling Units: 173
Directional Distribution: 23% entering, 77% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.37	0.15 - 0.53	0.09

Data Plot and Equation



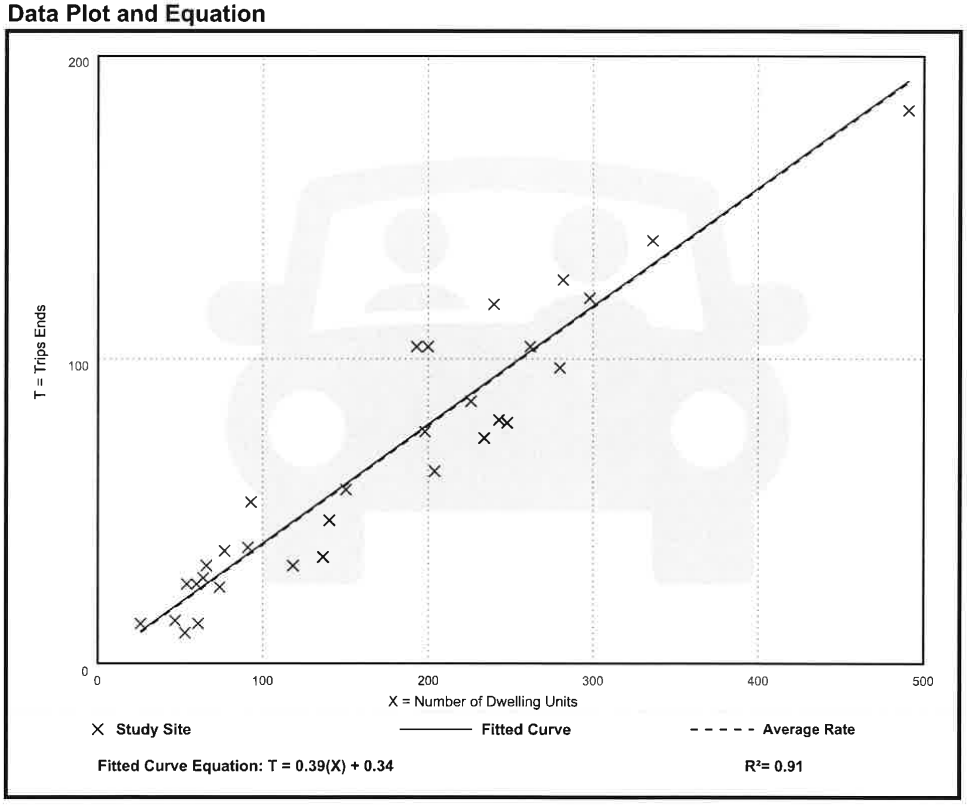
Multifamily Housing (Mid-Rise)
Not Close to Rail Transit (221)

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: 31
Avg. Num. of Dwelling Units: 169
Directional Distribution: 61% entering, 39% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.39	0.19 - 0.57	0.08

Data Plot and Equation



Shopping Plaza (40-150k) - Supermarket - Yes (821)

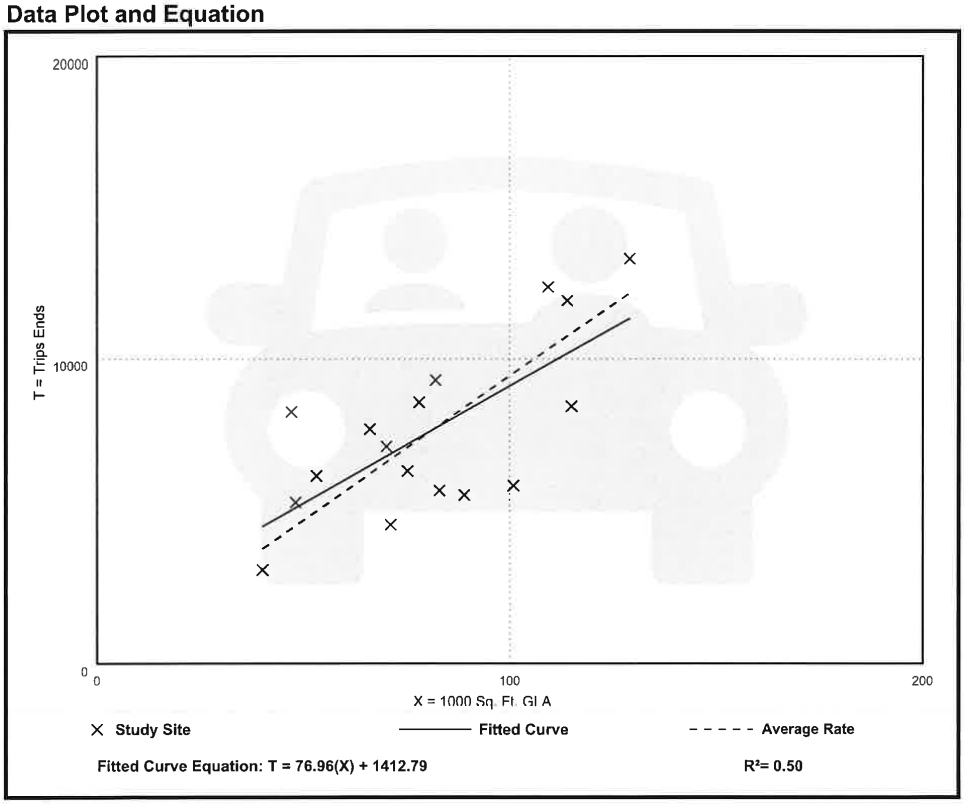
Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 17
Avg. 1000 Sq. Ft. GLA: 81
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
94.49	57.86 - 175.32	26.55

Data Plot and Equation



Fitted Curve Equation: T = 76.96(X) + 1412.79

R^2= 0.50

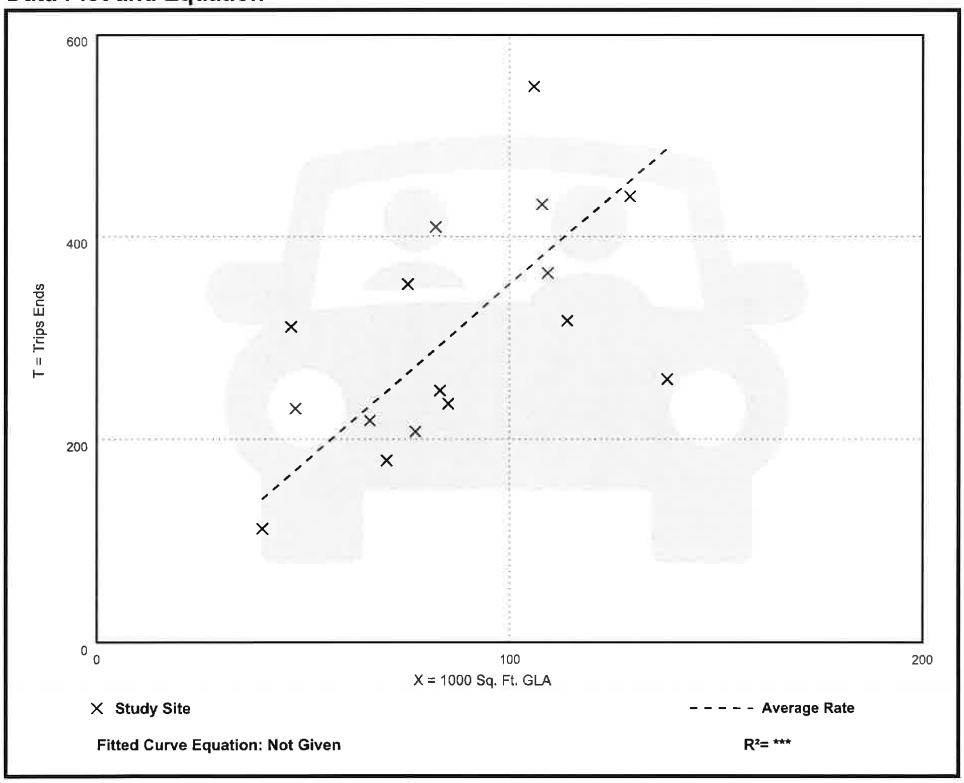
Shopping Plaza (40-150k) - Supermarket - Yes (821)

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: 16
Avg. 1000 Sq. Ft. GLA: 86
Directional Distribution: 62% entering, 38% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
3.53	1.88 - 6.62	1.17

Data Plot and Equation



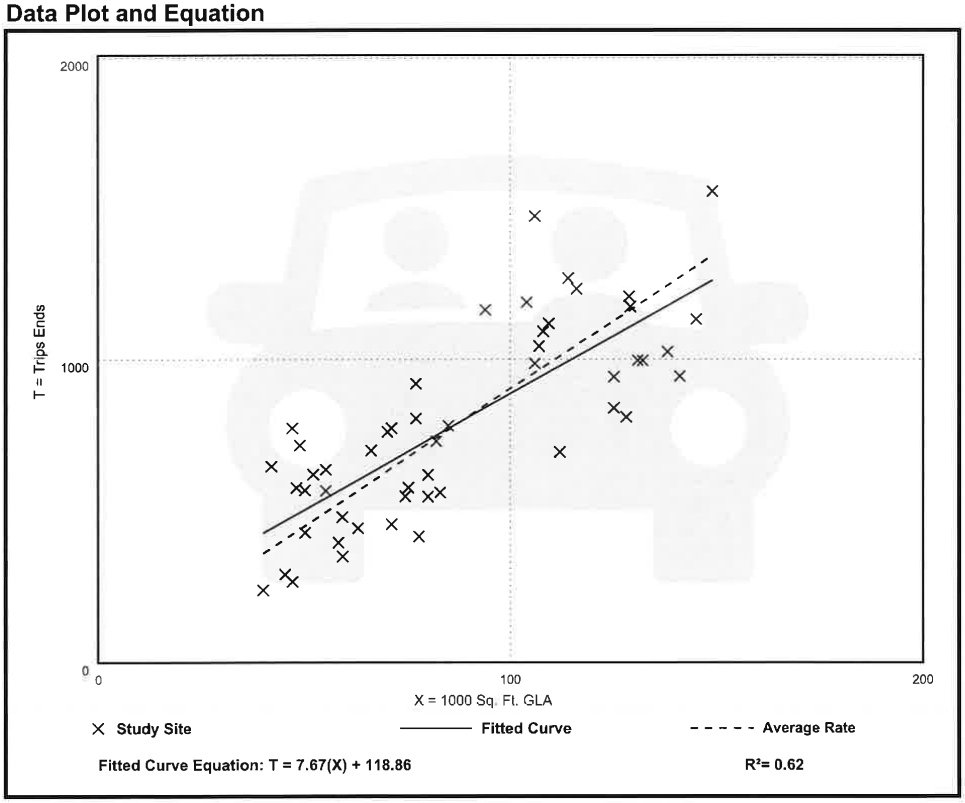
Shopping Plaza (40-150k) - Supermarket - Yes (821)

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: 51
Avg. 1000 Sq. Ft. GLA: 87
Directional Distribution: 48% entering, 52% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
9.03	5.35 - 16.45	2.37

Data Plot and Equation



Strip Retail Plaza (<40k)
(822)

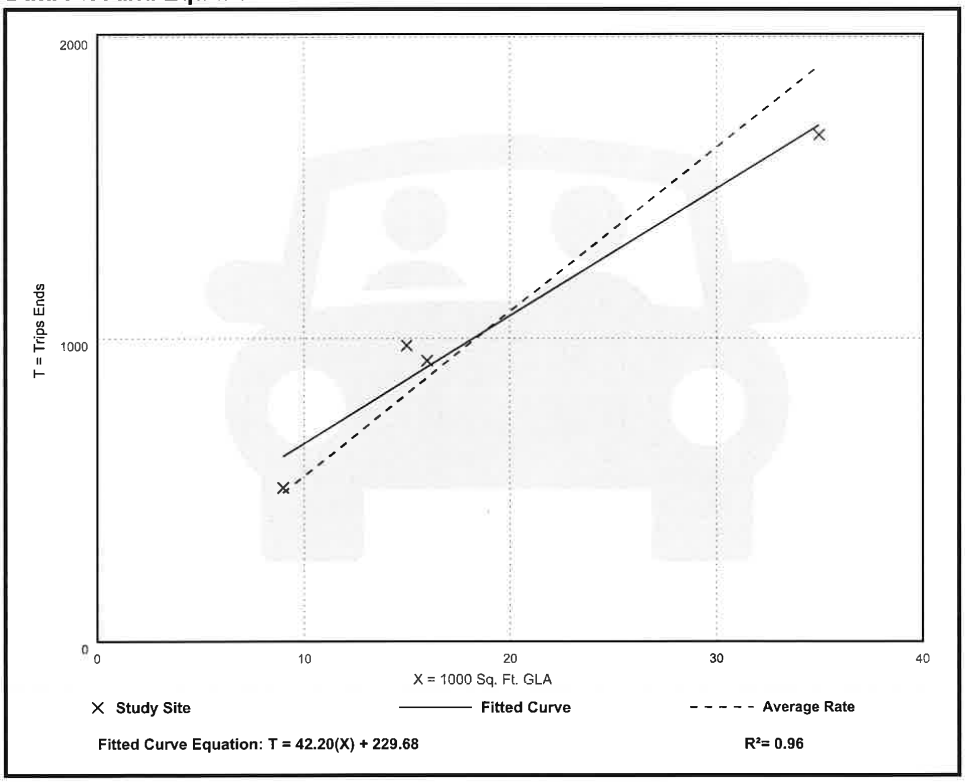
Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 4
Avg. 1000 Sq. Ft. GLA: 19
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
54.45	47.86 - 65.07	7.81

Data Plot and Equation



Fitted Curve Equation: T = 42.20(X) + 229.68

R^2= 0.96

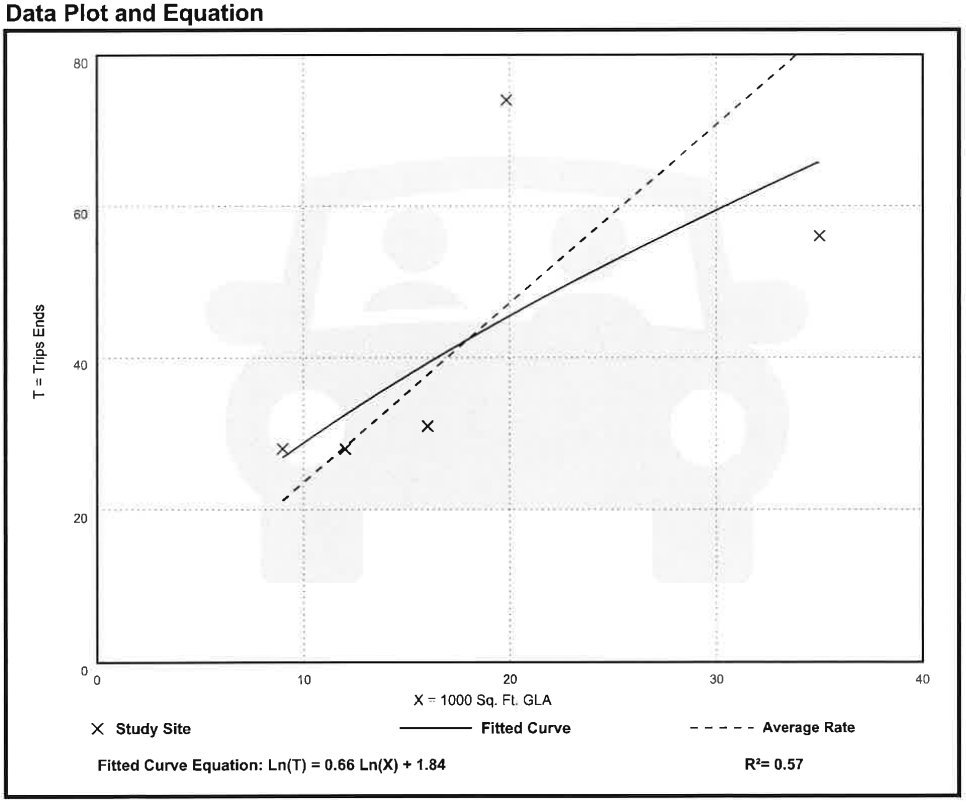
Strip Retail Plaza (<40k)
(822)

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: 5
Avg. 1000 Sq. Ft. GLA: 18
Directional Distribution: 60% entering, 40% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
2.36	1.60 - 3.73	0.94

Data Plot and Equation



Fitted Curve Equation: Ln(T) = 0.66 Ln(X) + 1.84

R^2= 0.57

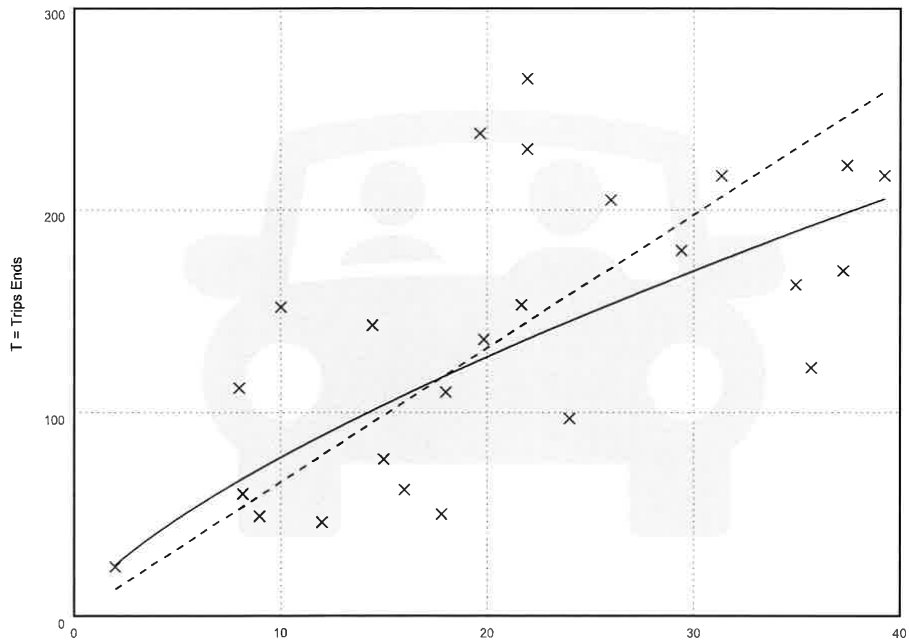
Strip Retail Plaza (<40k)
(822)

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: 25
Avg. 1000 Sq. Ft. GLA: 21
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

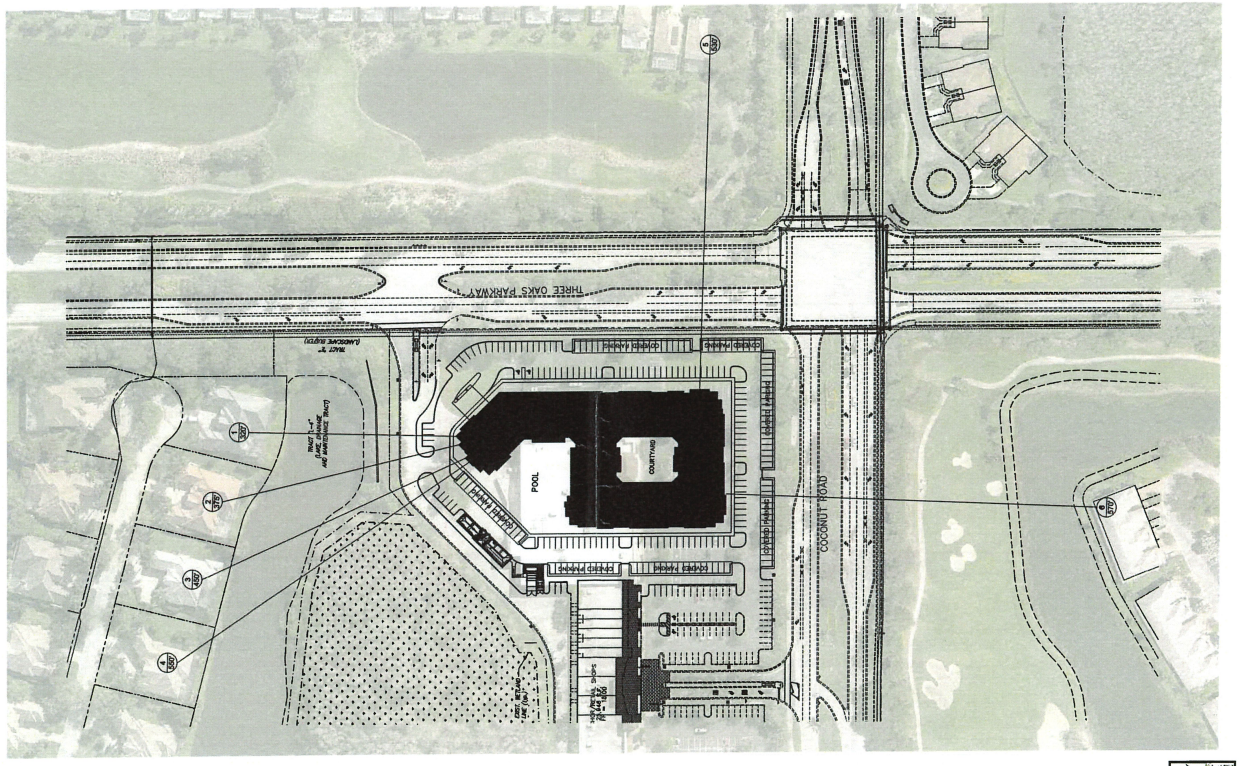
Average Rate	Range of Rates	Standard Deviation
6.59	2.81 - 15.20	2.94

Data Plot and Equation



Fitted Curve Equation: Ln(T) = 0.71 Ln(X) + 2.72

R^2= 0.56



Section Locations Exhibit - 1

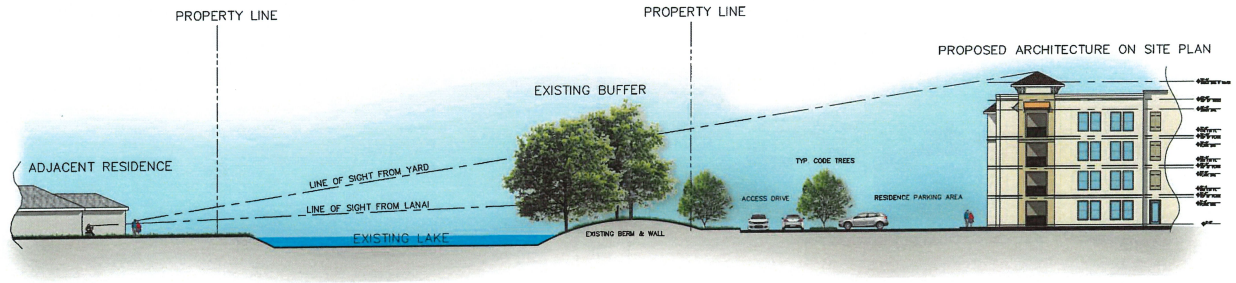
THE RESIDENCES AT THE BROOKS TOWN CENTER



Commercial / Retail and Residential Building Height Comparision

THE RESIDENCES AT THE BROOKS TOWN CENTER

RESIDENCES AT THE BROOKS

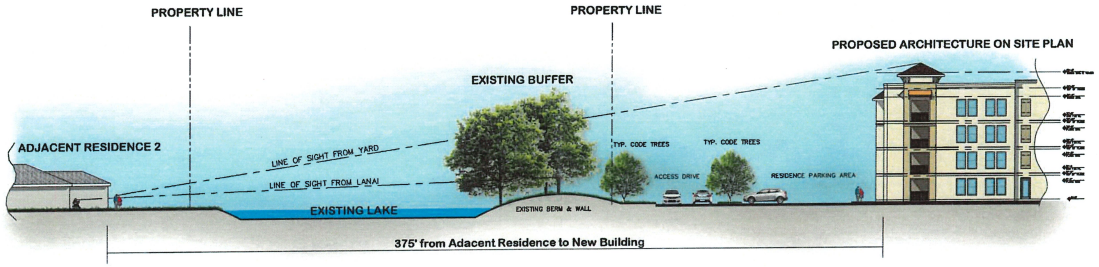


Line Of Sight Exhibit

THE RESIDENCES AT THE BROOKS TOWN CENTER

LAND ARCHITECTS

Schematic Design 2020-06-18

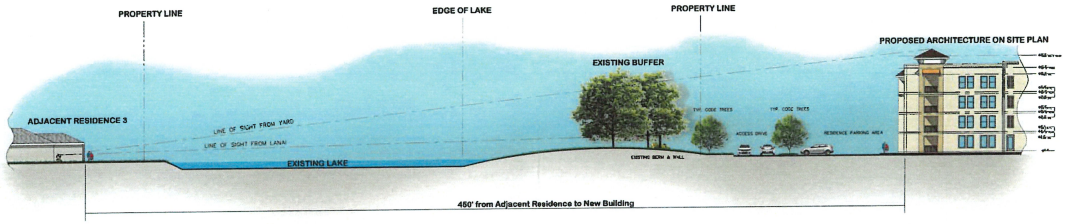


Line of Sight Exhibit - 2

ADJACENT PROPERTY 2 (NORTH)

THE RESIDENCES AT THE BROOKS TOWN CENTER

RESIDENCES AT THE BROOKS

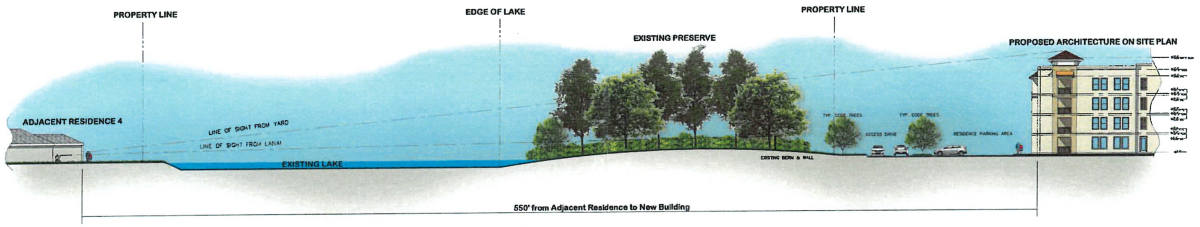


Line of Sight Exhibit - 3

THE RESIDENCES AT THE BROOKS TOWN CENTER

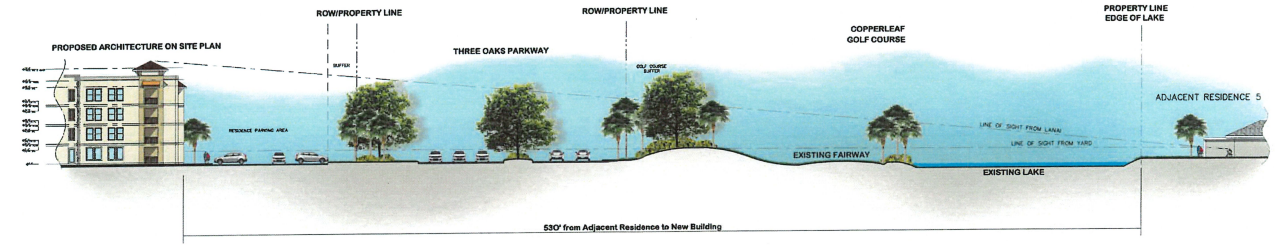
ADJACENT PROPERTY 3 (NORTH)

RESIDENCES AT THE BROOKS



Line of Sight Exhibit - 4

ADJACENT PROPERTY 4 (NORTH) — THE RESIDENCES AT THE BROOKS TOWN CENTER — RESIDENCES AT THE BROOKS

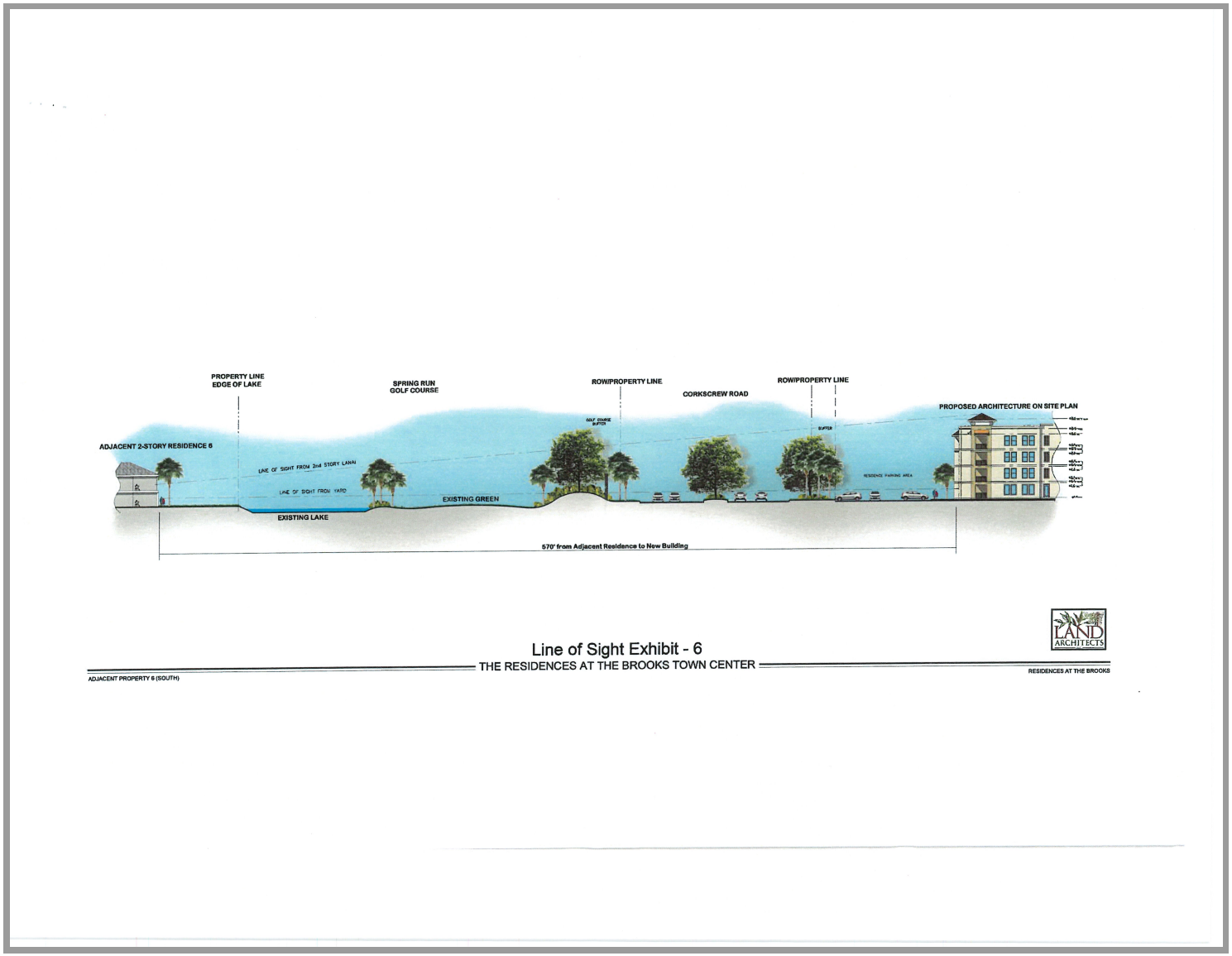


Line of Sight Exhibit - 5

THE RESIDENCES AT THE BROOKS TOWN CENTER

RESIDENCES AT THE BROOKS

ADJACENT PROPERTY 5 (EAST)


PROPERTY LINE
EDGE OF LAKE
SPRING RUN
GOLF COURSE
ROW/PROPERTY LINE
CORKSCREW ROAD
ROW/PROPERTY LINE
PROPOSED ARCHITECTURE ON SITE PLAN
ADJACENT 2-STORY RESIDENCE 6
LINE OF SIGHT FROM 2nd STORY LANAI
LINE OF SIGHT FROM YARD
EXISTING GREEN
EXISTING LAKE
570' from Adjacent Residence to New Building
Line of Sight Exhibit - 6
THE RESIDENCES AT THE BROOKS TOWN CENTER
ADJACENT PROPERTY 6 (SOUTH)
RESIDENCES AT THE BROOKS

Village of Estero Council Meeting September 20, 2023 5:05 PM

I am.....of.....SW at the Brooks leading a resident petition of opposition to the Coconut Pointe Residences at Town Center the Brooks. My comments are actually about 5 minutes if read quickly – I ask you to please indulge me.

I appreciate the efforts the Village has undertaken to change or halt this development. I believe that new discovery on protected wildlife, some critical engineering errors, and the significant negative impact of the quality of life for residents in Shadow Wood should make both Council and the Planning and Zoning Board halt or at least delay final development approvals.

1. The Florida Fish and Wildlife Commission should be contacted to evaluate and document the protected species in the adjacent conservation areas. They should also assist in the protection and enforcement of setback guidelines – which include not only nests, but areas of feeding, sunning, etc. Any Environmental Survey undertaken must take the migratory wildlife into consideration, and would be best conducted when the migratory species are here. We need to wait until nesting time to accurately assess the area.

2. In the DRI – Resolution No. Z-97-037, page 9, letter c. TOWN CENTER where permitted principal uses and structures are listed for the Town Center there is a very important and intentional requirement:

   Quote "Dwelling Units: Multi-Family Low Rise (minimum setback of 100 feet from the northeast property line). "This statement is specific to Town Center and is separate from setbacks mentioned in items 19 and 20.

   This would assist in protecting wildlife, and preserving the quality of life of the current residents of Magnolia Bend. This has not been enforced and indeed the current site plan has less than half of this required setback. I do not understand why the Council, the CDD, and the Planning and Zoning Committee have not upheld this requirement. Under these circumstances, the entire site plan needs a redo, and the number of units would have to be decreased. Show drawing – quickly.

The calculations for open space do not seem accurate. It appears that setbacks, and buffers have been used. It also seems that Indigenous Open Space that does not belong to the developer or this site has been included. I am also not sure if the 55% maximum lot coverage rule has been considered.

3. There are ways to mitigate wildlife disturbance. Not only by limiting the allowed period for construction to non-migratory months, but also by considering lighting or the lack of in the rear facing the preserve. Keeping any lighting low. Adding additional evergreen plantings on the South side of the property line in the setback area, etc. I do not believe the site plan can be finalized until all of these issues have been considered and acted upon.

4. Here is the DRI Town Center description:

   "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 original DRI considered the traffic impact of The Brooks to be

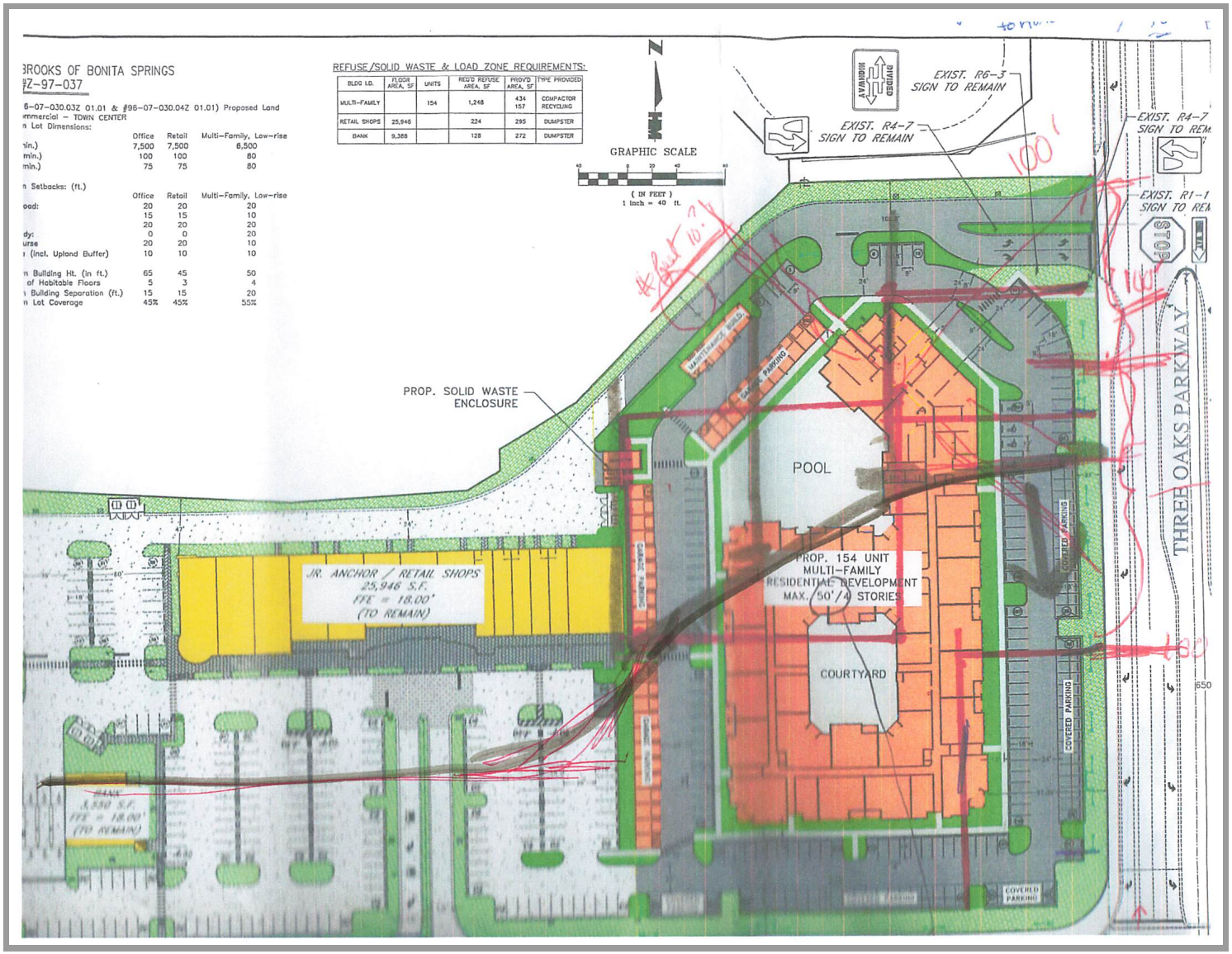
Substantial to the region! The DRI gives the Village the power to downgrade zoning and the number of allowed units. The DRI had traffic mitigation options and both included the 75 Interchange at Coconut. Without this increased infrastructure, it would seem appropriate to limit development and permits. This development is an inappropriate use for this site. It does not serve any of the other Brooks residents, and in fact impacts them negatively.

5. The residents of Shadow Wood question the timing of the July Public Comment meeting. The Council was fully aware of the level of community interest, and yet the meeting was held when 60% of the area residents were not in Florida. And the comments occurred in the same meeting as the Vote – how could the comments be considered or discussed – it seemed that decisions were already made. We have requested a new public comment meeting during season separate from and prior to any voting meetings.

6. Complaint about the signage and wall design. The DRI and DO for the Brooks have very specific guidelines. The developer's proposal does not fit the architectural style of required signage.

7. Close by reading the Findings and Conclusions of the DRI: - them read – clearly show we are not meeting the intended DRI.

Kathy


BROOKS OF BONITA SPRINGS
DCI2006-00037
REFUSE/SOLID WASTE & LOAD ZONE REQUIREMENTS:
BLDG I.D.
FLOOR AREA, SF
UNITS
REQ'D REFUSE AREA, SF
PROV'D AREA, SF
TYPE PROVIDED
MULTI-FAMILY
154
1,248
434
157
COMPACTOR RECYCLING
RETAIL SHOPS
25,946
224
295
DUMPSTER
BANK
9,388
128
272
DUMPSTER
GRAPHIC SCALE
(IN FEET)
1 inch = 40 ft.
EXIST. R6-3 SIGN TO REMAIN
EXIST. R4-7 SIGN TO REMAIN
EXIST. R4-7 SIGN TO REM
EXIST. R1-1 SIGN TO REM
PROP. SOLID WASTE ENCLOSURE
POOL
PROP. 154 UNIT MULTI-FAMILY RESIDENTIAL DEVELOPMENT MAX. 50'/4 STORIES
JR. ANCHOR / RETAIL SHOPS 25,946 S.F. FFE = 18.00' (TO REMAIN)
COURTYARD
COVERED PARKING
THREE OAKS PARKWAY

July 28, 2023

Dear Estero Council and Committee Members:

Many residents of The Brooks are strongly opposed to the building of a four-story, 154-unit apartment building in the Brooks Town Center. Please recall that more than 2,500 Brooks owners signed a petition and more than 200 attended an Estero Council meeting to voice their opposition to this project in 2021.

That opposition remains firm, despite recent pronouncements by local media that "it is unreasonable based on the Village/developer negotiations that the project will be rejected" even before the public comment process was undertaken at the July Council meeting. We are dismayed that the ongoing legal battles between the Village and the developer over the past two years were not publicized more until it seemed a done deal.

We believe there are a number of serious environmental issues that need addressing before any development takes place. These concerns focus on important wildlife, wetlands and drainage issues.

As you know, there has been no new construction in this area for 15 years. Since that time, the lakes and preserves of The Brooks have attracted many protected species of wildlife, including Bald Eagles, Wood Storks, Roseate Spoonbills, Brown Pelicans, Limpkins, Snowy Egrets, White Ibis, and Alligators. Our local bird sanctuary located on the island across the lake from the Rookery Restaurant at The Commons Club is the nightly home to hundreds of birds. Possible disturbance from not only the construction of these apartments, but from the ongoing resident noise and light could decrease or even eliminate the productivity of this wildlife habitat. More information on the disturbance of migratory birds can be found in the Federal Register: Protection of Eagle, FWC National Bald Eagle Management Guidelines, www.eagles.org/take–action/habitat-protection/.

Residents of Magnolia Bend in Shadow Wood have observed a resident Bald Eagle couple every winter in the tall cypress trees on the lake directly adjacent to the proposed development site. Demolition and construction should not move forward until the nest location is pinpointed. Location of the nest will be easier to ascertain in winter when the cypress trees lose their foliage.

Once found, a **Federal Bald Eagle permit should be required** before construction begins. This permit may:

*Limit construction to the months that our migratory birds are gone (May – September)
*Prohibit construction within 660 feet of the eagle's nest
*Prevent any type of explosive demolition.

Thus, the need for an environmental impact study is clear due to the impact on wildlife and wetlands adjacent to the project.

We also believe a drainage survey should be conducted prior to further Village approval before demolition and construction begin. As Brooks Center merchants will attest, there are sometimes pools of water in the parking lot following rainstorms. However, at the July 11 meeting, the developer said that post-construction, there will be no drainage issues in the proximity of the wetlands and preserve. Of course, it would be illegal if drainage from the new building flows into either one of these areas. A drainage survey would go a long way in clarifying the situation.

In addition to our concern about the wildlife and drainage, we question whether the Village of Estero Council is abiding by its charter "…to preserve and protect the character, natural resources, and quality of life of the community and to maintain the vision established by the Estero Community Plan." Estero Charter, Section 1 (b): https://estero-fl.gov/wp-content/uploads/2015/01/EsteroCharter.pdf. Moreover, the Estero Land Development Code sections 1-302 "Respect the rights of landowners while considering the interests and goals of the Village's Citizens", 1-307 "Maintain a high quality of architectural design, development form, and quality of life", **1-309 "Protect the character of existing and new residential neighborhoods from incompatible development",** 1-311 "Support a rational and effective stormwater management program and regulations", 1-312 "Ensure standards are established that protect the Village's natural resources, including natural lands, habitats, wetlands, floodplains, and other waterways in the Village", and 1-314 "Protect unique historical and cultural structures in the Village" are not being upheld adequately.

There are no current residential buildings in The Brooks with four stories (or even three stories). In fact, there are no four-story buildings along any other stretch of Three Oaks Parkway from Immokalee Road in Naples to just south of Alico Road in Fort Myers. This development will negatively impact the quality of life for both current residents and wildlife of The Brooks. It ignores the vision and planning of The Brooks which purposely does not have visible residences or visible residential parking on any of its main thoroughfares (Coconut Road, Three Oaks Parkway, and Williams Road).

Perhaps a limited number of attractive two-story residences, each with two parking spaces, would be a more appropriate option if the permitting or the proposed surveys do not limit building, and construction was limited to non-migratory nesting periods.

The original purpose of the Town Center in the Brooks was to serve the residents of The Brooks. This project seems to discount that lofty ambition. The residents of Shadow Wood with views of this preserve and potential building site, will be impacted by both light and noise pollution, not to mention far less privacy than they have had for many years. The wildlife that they enjoy may be threatened. Their open sky view will be replaced with the view of the top two floors of apartments. Security and safety issues for Shadow Wood residents and The Commons Club must be considered. Further, **The Brooks CDD has the right to establish higher construction standards to provide long-term solutions to the operation and maintenance of the community's facilities.** https://www.brookscdds.net/about.php

Let's next address reopening the public comment process. Scheduling the latest session during the July Council and Planning & Zoning meetings came when many concerned Brooks residents are not in Florida. As you know, when a similar meeting was held two years ago "in season" hundreds of citizens attended and thousands signed on to a petition in vehement protest to the project.

We request an additional public comment meeting be held on this matter sometime between November 2023 and April 2024 before the final design is approved.

In addition, we are concerned by what seems like runaway development in our Village. *Engage Estero* recently published a 42-page directory https://www.esterotoday.com/development-summary/ of planned developments in Greater Estero.

In conclusion, The Brooks of Estero is a tranquil, beautiful area. We do not need a large apartment complex constructed at its center bringing traffic and congestion to a parkway subsidized by Brooks residents.

We feel other options should be considered. Below is a summarized list of our requests:

1. Stop any demolition and construction until the Bald Eagle nest location in the preserve is pinpointed. Once the location is determined, evaluate the need for Federal permits and enforce any regulations.
2. Protect all wildlife in The Brooks' preserves. Ensure migratory birds' nests and feeding grounds are not disturbed, especially those of "protected species".
3. Conduct an impartial environmental impact study, water/stormwater drainage study, and school and community impact study for this project before construction permits are allowed. Conduct a new traffic study for Coconut Road

and Three Oaks Parkway through the Brooks taking into consideration all the other planned development on the west side of Coconut Road (across 41) based on **current "in season"** actual traffic – and the additional noise pollution for The Brooks residents and wildlife.

4. Evaluate the need for sound proof walls and landscaping separating the project from the preserve area, security fencing for the preserve and nearby residents, reduced lighting, etc. prior to any final approvals.
5. Consider mandating additional protective measures such as bird-friendly glass and lighting standards. For guidance, please refer to "Sensitive Lands and Wildlife Habitat." https://sustainablecitycode.org/brief/bird-friendly-window-and-lighting-standards/.
6. Publicize and hold a public comment meeting on this project between November 2023 and April 2024 prior to any final decisions on this plan.
7. Limit any residential building to two stories, matching all other multi-family living in The Brooks.
8. **Ensure that whatever final plan is approved and constructed that the developer will not build additional residences at Town Center and give up his right to sue the Village in order to add additional residences on the Town Center site.**

Sincerely,

SHADOWWOOD

Banyan Cove

Batchelder, Herb	22321 Banyan Hideaway Drive
Batchelder, Lisa	22321 Banyan Hideaway Drive
Batchelder, Susan	22321 Banyan Hideaway Drive
Bippen, Ben	22311 Banyan Hideaway Drive
Horowitz, David	22200 Banyan Hideaway Drive
Horowitz, Lynn	22200 Banyan Hideaway Drive
Johnson, Colleen	22310 Banyan Hideaway Drive
Johnson, Jeff	22310 Banyan Hideaway Drive
Kern, Andy	22350 Banyan Hideaway Drive
Kern, Leslie	22350 Banyan Hideaway Drive
McAuliff, Judy	22330 Banyan Hideaway Drive
McAuliff, Tim	22330 Banyan Hideaway Drive
Pelletz, Jeanne	22340 Banyan Hideaway Drive
Pelletz, Mel	22340 Banyan Hideaway Drive
Ranieri, Susan	22220 Banyan Hideaway Drive
Ranieri, Tony	22220 Banyan Hideaway Drive
Smyth, Jennifer A.	22341 Banyan Hideaway Drive
White, Kent	22300 Banyan Hideaway Drive
White, Martie	22300 Banyan Hideaway Drive

Baycrest

Barba, Marcia J.	22516 Baycrest Ridge Drive
Dankoff, Joseph	22512 Baycrest Ridge Drive
Dankoff, Tracy	22512 Baycrest Ridge Drive
Eberle-Brodniak, Loran	22552 Baycrest Ridge Drive
Fontecchio, Jerry	22520 Baycrest Ridge Drive
Fontecchio, Mary	22520 Baycrest Ridge Drive
Gazda, Anne	22556 Baycrest Ridge Drive
Gazda, Ron	22556 Baycrest Ridge Drive
Johannesen, Claire	23536 Baycrest Ridge Drive
Johannesen, Tom	23536 Baycrest Ridge Drive
McNerney, James	22524 Baycrest Ridge Drive
McNerney, Marianne	22524 Baycrest Ridge Drive
Silva, Ann	22501 Baycrest Ridge Drive
Silva, Elmer	22501 Baycrest Ridge Drive

Cedar Glen

Archer, Sharon	9267 Hollow Pine Drive
Archer, William	9267 Hollow Pine Drive
Clemence, Cindy	9201 Hollow Pine Drive
Clemence, Jeff	9201 Hollow Pine Drive
Cordon, Jenean	9161 Hollow Pine Drive
Cordon, Peter	9161 Hollow Pine Drive
Frierson, Cathy	9305 Hollow Pine Drive
Frierson, Greg	9305 Hollow Pine Drive
Knudson, Dallas	9302 Hollow Pine Drive
Knudson, Lynn	9302 Hollow Pine Drive
Lecker, Jay	9185 Hollow Pine Drive
Lecker, Marlene	9185 Hollow Pine Drive
Marcus, Glen	22909 Forest Edge Court
Marcus, Robin	22909 Forest Edge Court
Pries, Steve	9117 Hollow Pine Drive
Renstrom, Brian	9186 Hollow Pine Drive
Renstrom, Mary	9186 Hollow Pine Drive
Russo, Janet	9202 Hollow Pine Drive
Russo, Vincent	9202 Hollow Pine Drive
Tarabori, James	9218 Hollow Pine Drive
Tarabori, Marcia	9218 Hollow Pine Drive
Tenser, Jerry	9109 Hollow Pine Drive
Tenser, Suzy	9109 Hollow Pine Drive
Williams, John	9170 Hollow Pine Drive
Williams, Sally	9170 Hollow Pine Drive

Chartwell

Akel, Ollie	9431 Chartwell Breeze Drive
Duncan, David	9521 Chartwell Breeze Drive
Duncan, Lynne	9521 Chartwell Breeze Drive
Gerges, Dave	22011 Chartwell View Court

Gerges, Jana	22011 Chartwell View Court
Goldman, Joan	9531 Chartwell Breeze Drive
Goldman, Steven	9531 Chartwell Breeze Drive
Hawkins, Kem	22031 Chartwell View Court
Hawkins, Mary	22031 Chartwell View Court

Cypress Hammock

Balionis, Ernest	9626 Cypress Hammock Circle
Balionis, Shelby	9626 Cypress Hammock Circle
Barker, Candy	9635 Cypress Hammock Circle
Barker, Randy	9635 Cypress Hammock Circle
Behr, Clair	9553 Cypress Hammock Circle
Berman, Patti	9501 Cypress Hammock Circle
Berman, Sandy	9501 Cypress Hammock Circle
Bolger, Susan	9636 Cypress Hammock Circle
Brown, Alyson	9597 Cypress Hammock Circle
Brown, Mike	9597 Cypress Hammock Circle
Buttwin, Anita Grassi	9581 Cypress Hammock Circle
Buttwin, Gary William	9581 Cypress Hammock Circle
Cassidy, Gerald J. (Jerry)	9621 Cypress Hammock Circle
Cassidy, Gerald III	9621 Cypress Hammock Circle
Depree, Joanne	9560 Cypress Hammock Circle
Dyck, Fred	9636 Cypress Hammock Circle
Dyck, Karen	9636 Cypress Hammock Circle
Eisner, June	9543 Cypress Hammock Circle
Eisner, Steven	9543 Cypress Hammock Circle
Evans, Megan	9543 Cypress Hammock Circle
Evans, Rick	9543 Cypress Hammock Circle
Fahey, Glenda	9553 Cypress Hammock Circle
Feliciano, Jose	9621 Cypress Hammock Circle
Fleming, Carol	9611 Cypress Hammock Circle
Fleming, Craig	9611 Cypress Hammock Circle
Irwin Frank	9621 Cypress Hammock Circle
Fundalla, Lucinda	9576 Cypress Hammock Circle
Joe Gallo	9533 Cypress Hammock Circle
Gillespie, Michael	9570 Cypress Hammock Circle
Gillespie, Micki	9570 Cypress Hammock Circle
Groth, Mary Ann	9581 Cypress Hammock Circle
Hammond, Donna M.	9667 Cypress Hammock Circle
Harris, Bruce	9543 Cypress Hammock Circle
Harris, Chris	9543 Cypress Hammock Circle
Holman, Eva	9533 Cypress Hammock Circle
Hopper, April	9626 Cypress Hammock Circle
Hopper, Michael	9626 Cypress Hammock Circle
Kaufman, Peter	9533 Cypress Hammock Circle
Kaufman, Susan	9533 Cypress Hammock Circle
Kessinger, Malcolm	9530 Cypress Hammock Circle
Kessinger, Mary	9530 Cypress Hammock Circle

Kibiloski, Leonard	9677 Cypress Hammock Circle
Koenigs, Rick	9635 Cypress Hammock Circle
Krein, Anne Marie	9520 Cypress Hammock Circle
Krein, Chris	9520 Cypress Hammock Circle
Krenzler, Debra	9621 Cypress Hammock Circle
Lester, Joan	9687 Cypress Hammock Circle
McCormick, Bill	9687 Cypress Hammock Circle
McCormick, Sue	9687 Cypress Hammock Circle
Melchert, Catherine	9550 Cypress Hammock Circle
Morrow, Carol	9636 Cypress Hammock Circle
Morrow, Tom	9636 Cypress Hammock Circle
Moskal, Gilda	9626 Cypress Hammock Circle
Moskal, William	9626 Cypress Hammock Circle
Nelson, Bill	9533 Cypress Hammock Circle
Nelson, Jeanne	9533 Cypress Hammock Circle
Parker, Steve	9553 Cypress Hammock Circle
Pieper, Barbara	9576 Cypress Hammock Circle
Pieper, Edward	9576 Cypress Hammock Circle
Pierce, Bob	9586 Cypress Hammock Circle
Pierce, Christine	9586 Cypress Hammock Circle
Pierce, Leslie	9560 Cypress Hammock Circle
Pierce, Ray	9560 Cypress Hammock Circle
Powers, Marilyn	9621 Cypress Hammock Circle
Powers, Richard	9621 Cypress Hammock Circle
Purish, Loretta	9635 Cypress Hammock Circle
Schaefer, Jim	9677 Cypress Hammock Circle
Schaefer, Sue	9677 Cypress Hammock Circle
Smith, Jill	9553 Cypress Hammock Circle
Smith, Ken	9553 Cypress Hammock Circle
Sullivan, Nancy	9596 Cypress Hammock Circle
Tamer, Edward	9606 Cypress Hammock Circle
Tamer, Norman	9606 Cypress Hammock Circle
Tamer, Tracy	9606 Cypress Hammock Circle
Turlo, Andrea	9635 Cypress Hammock Circle
Turlo, Michael	9635 Cypress Hammock Circle
Vahldick, Herb	9553 Cypress Hammock Circle
Valanju, Nina	9621 Cypress Hammock Circle
Valanju, Subhash	9621 Cypress Hammock Circle
Valpey, Mary	9569 Cypress Hammock Circle
Vennettilli, Cornell	9523 Cypress Hammock Circle
Vennettilli, Sharon	9523 Cypress Hammock Circle
Ward, Lynn	9510 Cypress Hammock Circle
Whennen, Eileen	9667 Cypress Hammock Circle

Fairlawn

Butler, Christine	10670 Wintercress Drive
Butler, Richard	10670 Wintercress Drive
Cooney, Michele	10610 Wintercress Drive

Cooney, Dori	10631 Wintercress Drive
Cooney, Nels	10631 Wintercress Drive
Davis, Marsha	10750 Wintercress Drive
Davis, Ron	10750 Wintercress Drive
Delayo, Bill	10621 Wintercress Drive
Delayo, Nancy	10621 Wintercress Drive
Hartwell, Barbara	10700 Wintercress Drive
Hartwell, Jim	10700 Wintercress Drive
Potash, Loree	10680 Wintercress Drive
Potash, Steve	10680 Wintercress Drive
Slaybaugh, Barbara	10691 Wintercress Drive
Slaybaugh, John	10691 Wintercress Drive

Ginger Pointe

Bottiglieri, Janice	10049 Ginger Pointe Court
Bottiglieri, Jim	10049 Ginger Pointe Court
Cesare, Charlotte	10152 Ginger Pointe Court
Cesare, Daniel	10152 Ginger Pointe Court
Curley, Chris	10160 Ginger Pointe Court
Curley, Joe	10160 Ginger Pointe Court
Henneberry, Margarita	10112 Ginger Pointe Court
Henneberry, Paul	10112 Ginger Pointe Court
Hooker, Anne	10120 Ginger Pointe Court
Hooker, Creighton	10120 Ginger Pointe Court
Jackson, Heather	10201 Ginger Pointe Court
Jackson, Robert	10201 Ginger Pointe Court
Lewis, Ginger	10024 Ginger Pointe Court
Lewis, Greg	10024 Ginger Pointe Court
Lucke, Dan	10185 Ginger Pointe Court
Lucke, Elizabeth	10185 Ginger Pointe Court
Mepani, Bhupendra	10057 Ginger Pointe Court (and 9560 Cypress Hammock Circle)
Mepani, Smita	10057 Ginger Pointe Court (")
Morello, Charlotte	10080 Ginger Pointe Court
Morello, Chirstopher	10080 Ginger Pointe Court
Regenfuss, Ann	10000 Ginger Pointe Court
Regenfuss, Michael	10000 Ginger Pointe Court
Robinson, Max	10048 Ginger Pointe Court
Schmitz, Cheryl	10048 Ginger Pointe Court
Ward, Connie	10089 Ginger Pointe Court
Ward, Dan	10089 Ginger Pointe Court
West, Gary	10144 Ginger Pointe Court
West, Laurie	10144 Ginger Pointe Court
Young, Edward	10041 Ginger Pointe Court
Young, Lillian	10041 Ginger Pointe Court

Glen Lakes

Brink, Pat	10700 Glen Lakes Drive

Brink, Paul	10700 Glen Lakes Drive
DePerro, Porkie	10711 Glen Lake Drive
DePerro, Mike	10711 Glen Lakes Drive
Dill, Johathan	10591 Glen Lakes Drive
Dill, Melody	10591 Glen Lakes Drive
Lacis, Anu	10651 Glen Lakes Drive
Lacis, Gati	10651 Glen Lakes Drive
Miller, Faye	10621 Glen Lakes Drive
Miller, Jim	10621 Glen Lakes Drive
Puettmann, Kasha	10691 Glen Lakes Drive
Puettmann, Scott	10691 Glen Lakes Drive
Wells, Denise	10701 Glen Lakes Drive
Wells, Norm	10701 Glen Lakes Drive

Glenview

Abeles, Patricia	22411 Glenview Lane
Etherington, Cheryl	22541 Glenview Lane
Etherington, John	22541 Glenview Lane
Gross, Doug	22481 Glenview Lane
Gross, Jaymee	22481 Glenview Lane
Jahn, Becky	22441 Glenview Lane
Jahn, David	22441 Glenview Lane
Lovejoy, Debra	22511 Glenview Lane
Lovejoy, Mark	22511 Glenview Lane
Norbeck, Michele	22451 Glenview Lane
Norbeck, Tim	22451 Glenview Lane
Reither, Mary	22341 Glenview Lane
Roberts, Dave	22561 Glenview Lane
Roberts, Susan	22561 Glenview Lane
Rodriguez, Claudio	22421 Glenview Lane
Rodriguez, Gilda	22421 Glenview Lane
Rotermand, Mary	22501 Glenview Lane
Rotermand, Paul	22501 Glenview Lane

Hawthorne

Cohen, Ted	9078 Windswept Drive
Cooley, Jeanie	9115 Windswept Drive
Cooley, Peter	9115 Windswept Drive
Cummings, Bill	9042 Windswept Drive
Cummings, Diana	9042 Windswept Drive
Gleysteen, Cindy	9056 Windswept Drive
Gleysteen, Mike	9056 Windswept Drive
Rossi, Catherine	9085 Windswept Drive
SoFoul, Edith	9078 Windswept Drive

Idlewilde

Baldassarre, Cathy	10037 Idle Pine Lane
Baldassarre, Ralph	10037 Idle Pine Lane

Bean, Donna	10095 Idle Pine Lane
Bean, Henry	10095 Idle Pine Lane
Carter, Joanne	10077 Idle Pine Lane
Carter, John	10077 Idle Pine Lane
Damsey, Landy	10245 Idle Pine Lane
Damsey, Marina	10245 Idle Pine Lane
Fulton, Bob	10128 Idle Pine Lane
Fulton, Sandy	10128 Idle Pine Lane
Gadus, Mike	10264 Idle Pine Lane
Gasvoda, Colleen	10080 Idle Pine Lane
Gasvoda, Mark	10080 Idle Pine Lane
Hamm, Russ	10208 Idle Pine Lane
Hamm, Vici	10208 Idle Pine Lane
Janshutz, Becki	10265 Idle Pine Lane
Janshutz, David	10265 Idle Pine Lane
Kleinfelter, Connie	10088 Idle Pine Lane
Korby, Alan	10237 Idle Pine Lane
Korby, Lisa	10237 Idle Pine Lane
Lenzo, Daniel	10199 Idle Pine Lane
Lenzo, June	10199 Idle Pine Lane
McBain, Bill	10155 Idle Pine Lane
McBain, Diane	10155 Idle Pine Lane
Messana, Patty	10232 Idle Pine Lane
Messana, Tony	10232 Idle Pine Lane
Nicoletti, Susan	10104 Idle Pine Lane
Nolan, Mary	10176 Idle Pine Lane
Nolan, Paul	10176 Idle Pine Lane
Oler, Debra	10040 Idle Pine Lane
Petrak, Russ	10192 Idle Pine Lane
Petrak, Sue	10192 Idle Pine Lane
Scarpa, Carmen	10056 Idle Pine Lane
Scarpa, Joanne	10056 Idle Pine Lane
Scott, Kim	10189 Idle Pine Lane
Singleton, Nancy	10021 Idle Pine Lane
Singleton, Robert	10021 Idle Pine Lane
Snyder, Rob	10168 Idle Pine Lane
Scott, Robert	10189 Idle Pine Lane
Szott, Johanna	10144 Idle Pine Lane
Szott, Tom	10144 Idle Pine Lane

Indigo Isle

Johnson, Bob	9271 Indigo Isle Court
Kerr, Dora	9301 Indigo Isle Court
Kerr, Wally	9301 Indigo Isle Court
Matoian, Dolly	9271 Indigo Isle Court
Matoian, Michael	9271 Indigo Isle Court
Noe, Joe	9231 Indigo Isle Court
Noe, Myra	9231 Indigo Isle Court

Rinehart, Charles	9221 Indigo Isle Court
Rinehart, Linda	9221 Indigo Isle Court
Stark, Carol	9231 Indigo Isle Court
Stark, Ray	9231 Indigo Isle Court
Thomas, Anne	9251 Indigo Isle Court

Kenwood

Achzet, Russ	22341 Kenwood Isle Drive
Ballard, Dick	22300 Kenwood Isle Drive
Ballard, Linda	22300 Kenwood Isle Drive
Frederico, Mary Ann	22251 Kenwood Isle Drive
Frederico, Rick	22251 Kenwood Isle Drive
London, Pat	22210 Kenwood Isle Drive
London, Tony	22210 Kenwood Isle Drive
Schueller, Ian	22321 Kenwood Isle Drive
Schueller, Mark	22321 Kenwood Isle Drive
Silverman, Alan	22280 Kenwood Isle Drive
Smith, Patty	22280 Kenwood Isle Drive

Lake Forest

Berry, Lynn	9660 Lakebend Preserve Court
Berry, Wilson	9660 Lakebend Preserve Court
Bollman, Jennifer	9341 Lakebend Preserve Court
Bollman, Jim	9341 Lakebend Preserve Court
Brand, Cathy	9650 Lakebend Preserve Court
Brand, Chris	9650 Lakebend Preserve Court
Brown, Cameron	9441 Lakebend Preserve Court
Brown, Sybil	9441 Lakebend Preserve Court
Judy, Cardin	9600 Lakebend Preserve Court
Christman, Lawrence	9560 Lakebend Preserve Court
Clarke, Cindy	9480 Lakebend Preserve Court
Clarke, Jeff	9480 Lakebend Preserve Court
Davis, Bill	9370 Lakebend Preserve Court
Davis, Cynthia	9370 Lakebend Preserve Court
Ganz, Eric	9350 Lakebend Preserve Court
Ganz, Susan	9350 Lakebend Preserve Court
Greenspan, Bruce	9600 Lakebend Preserve Court
Gumma, Frank	9371 Lakebend Preserve Court
Gumma, Meli	9371 Lakebend Preserve Court
Jackson, Penny	9451 Lakebend Preserve Court
Jackson, Rick	9451 Lakebend Preserve Court
Johnson, Chris	9300 Lakebend Preserve Court
Johnson, Mark	9300 Lakebend Preserve Court
Kasold, Patricia	9421 Lakebend Preserve Court
Levine, Cipora	9381 Lakebend Preserve Court
Levine, Michael	9381 Lakebend Preserve Court
McLean, Duane	9321 Lakebend Preserve Court
McLean, Sue	9321 Lakebend Preserve Court

Nero, Bob	9351 Lakebend Preserve Court
Nero, Mary Jo	9351 Lakebend Preserve Court
O'Dea, Barbara	9380 Lakebend Preserve Court
O'Dea Dan	9380 Lakebend Preserve Court
Roessner, Barbara	9590 Lakebend Preserve Court
Roessner, John	9590 Lakebend Preserve Court
Sandza, Helen	9401 Lakebend Preserve Court
Sandza, Joseph (Jay)	9401 Lakebend Preserve Court
Sparacino, George	9580 Lakebend Preserve Court
Sparacino, Serena	9580 Lakebend Preserve Court
Turner, David	9340 Lakebend Preserve Court
Turner, Rosie	9340 Lakebend Preserve Court
Watchmaker, Carol	9550 Lakebend Preserve Court
Watchmaker, Ken	9550 Lakebend Preserve Court
Whiting, Char	9430 Lakebend Preserve Court
Whiting, Tom	9430 Lakebend Preserve Court

Laurel Meadow

Ballahan-Gil, Karen	23224 Oakglen Lane
Bell, Clark	23141 Oakglen Lane
Bell, Elizabeth	23141 Oakglen Lane
Brennan, Donna	23109 Oakglen Lane
Brennan, James	23109 Oakglen Lane
Buchanan, Ben	23104 Tree Crest Court
Buchanan, Nancy	23104 Tree Crest Court
Dabarno, Mike	23205 Oakglen Lane
Dabarno, Sue	23205 Oakglen Lane
Douglas, Pam	23126 Tree Crest Court
Douglas, Pat	23126 Tree Crest Court
Dowd, J.B.	24130 Oakglen Lane
Dowd, Tiffany	24130 Oakglen Lane
Everson, Nancy	23037 Tree Crest Court
Gill, Meir	23224 Oakglen Lane
Kurtz, Dawn	23192 Oakglen Lane
Kurtz, John	23192 Oakglen Lane
King, John	23001 Tree Crest Court
King, Nancy	23001 Tree Crest Court
Letner, Robert	23213 Oakglen Lane
Liberko, Joe	23037 Tree Crest Court
Lieberman, Kristen	23206 Oakglen Lane
Lieberman, Robert	23206 Oakglen Lane
Martin, Rick	23032 Tree Crest Court
Martin, Ruth	23032 Tree Crest Court
Staashelm, Jennifer	23120 Tree Crest Court
Staashelm, William	23120 Tree Crest Court
Vandergriff, Mike	23197 Oakglen Lane
Vandergriff, Sally	23197 Oakglen Lane
Wright, Lindsey E.	23132 Oakglen Lane

Wright, Timothy J.	23132 Oakglen Lane

Longleaf

Bopp, Chris	22000 Longleaf Trail Drive
Bopp, Valerie	22000 Longleaf Trail Drive
Dunn, Michael	21760 Longleaf Trail Drive
Dunn, Nancy	21760 Longleaf Trail Drive
Fridner, John	21751 Longleaf Trail Drive
Fridner, Laura	21751 Longleaf Trail Drive
Grant, Dennis	21961 Longleaf Trail Drive
Grant, Mary	21961 Longleaf Trail Drive
Harman, Mike	22060 Longleaf Trail Drive
Harman, Sandy	22060 Longleaf Trail Drive
Harrington, Cilla	21941 Longleaf Trail Drive
Harrington, Paul	21941 Longleaf Trail Drive
Hennessy, Dennis	21921 Longleaf Trail Drive
Kenyan, John	22100 Longleaf Trail Drive
Murphy, Bill	21971 Longleaf Trail Drive
Murphy, Valerie	21971 Longleaf Trail Drive
Necestro, Dolly	21850 Longleaf Trail Drive
Necestro, Tony	21850 Longleaf Trail Drive
Till, Sam	22080 Longleaf Trail Drive
Till, SueAnn	22080 Longleaf Trail Drive
Wilkie, Sara	22120 Longleaf Trail Drive
Wilkie, Steve	22120 Longleaf Trail Drive

Magnolia Bend

Blakeley, Dennis	10039 Magnolia Bend
Blakeley, Mary	10039 Magnolia Bend
Carbone, Michael	10113 Magnolia Bend
Carbone, Wendy	10113 Magnolia Bend
Clark, Bill	10097 Magnolia Bend
Clark, Gayleen	10097 Magnolia Bend
Danielson, Gary	10112 Magnolia Bend
Danielson, Kristy	10112 Magnolia Bend
Dulieu, Adele	10047 Magnolia Bend
Dulieu, Steve	10047 Magnolia Bend
Ferguson, Carol	10031 Magnolia Bend
Ferguson, Ronald	10031 Magnolia Bend
Hill, Beverly	10008 Magnolia Bend
Hill, Jack	10008 Magnolia Bend
Hopkins, Debbie	10016 Magnolia Bend
Jacobson, Mike	10040 Magnolia Bend
Jacobson, Tina	10040 Magnolia Bend
Jorgensen, Don	10096 Magnolia Bend
Kennedy, Charlie	10104 Magnolia Bend
Kennedy, Mary Lou	10104 Magnolia Bend
Killian, Dennis	10081 Magnolia Bend

Killian, Diane	10081 Magnolia Bend
Layton, Duane	10015 Magnolia Bend
Layton, Karen	10015 Magnolia Bend
Love, Johanna	10032 Magnolia Bend
Love, John	10032 Magnolia Bend
Maguire, Donna	10073 Magnolia Bend
Maguire, Tom	10073 Magnolia Bend
Mahal, Jan	10048 Magnolia Bend
Mahal, Mark	10048 Magnolia Bend
O'Toole, Patricia	10023 Magnolia Bend
O'Toole Timothy	10023 Magnolia Bend
Patterson, Julien	10009 Magnolia Bend
Patterson, Terri	10009 Magnolia Bend
Pierce, Mary Ann	10064 Magnolia Bend
Pierce, Robert	10064 Magnolia Bend
Shirripa, Rich	10056 Magnolia Bend
Small, David	10055 Magnolia Bend
Small, Sandy	10055 Magnolia Bend
Speakman, Angie	10096 Magnolia Bend
Walsman, Elaine	10080 Magnolia Bend
Walsman, Michael	10080 Magnolia Bend
Wyrofsky, Kathy	10089 Magnolia Bend
Wyrofsky, Rudolph (Rod)	10089 Magnolia Bend

Mahogany Cove

Baldwin, Arlene	9059 Falling Leaf Drive
Baldwin, Bill	9059 Falling Leaf Drive
Binford, Mary	9036 Falling Leaf Drive
Binford, Rusty	9036 Falling Leaf Drive
Coffey, Jim	9071 Falling Leaf Drive
Coffey, Miami	9071 Falling Leaf Drive
Dean, Tim	9024 Falling Leaf Drive
Den Baas, David	9000 Falling Leaf Drive
Den Baas, Martha	9000 Falling Leaf Drive
Espinosa, Eufrasio R.	9102 Falling Leaf Drive
Espinosa, Har Lee	9102 Falling Leaf Drive
Foody, John	9126 Falling Leaf Drive
Foody, Theresa	9126 Falling Leaf Drive
Janorske, Brent	9108 Falling Leaf Drive
Janorske, Tammy	9108 Falling Leaf Drive
Hadley, Denise	9072 Falling Leaf Drive
Hadley, Jim	9072 Falling Leaf Drive
Kaufman-Dean, Sue	9024 Falling Leaf Drive
King, Andrea	9096 Falling Leaf Drive
Lawley, Kellie	9060 Falling Leaf Drive
Lunney, Kevan	9091 Falling Leaf Drive
Orfitelli, John	9099 Falling Leaf Drive
Rauh, Janie	9077 Falling Leaf Drive

Morningside

Baldridge, James G.	23051 Rosedale Drive
Baldridge, Linda S.	23051 Rosedale Drive
Benson, Edward	23001 Rosedale Drive
Benson, Lisa	23001 Rosedale Drive
Brennan, Mary	22901 Rosedale Drive
Burke, Joe	23031 Rosedale Drive
Burke, Nancy	23031 Rosedale Drive
Casolo, Bonnie	23141 Rosedale Drive
Casolo, Jim	23141 Rosedale Drive
Clare, Janet	22921 Rosedale Drive
Clare, Ron	22921 Rosedale Drive
Cortese, Debbie	23111 Rosedale Drive
Cortese, Tom	23111 Rosedale Drive
Darin, Bill	23081 Rosedale Drive
Darin, Laurie	23081 Rosedale Drive
DeBruyn, Jayne	23021 Rosedale Drive
DeBruyn, Steve	23021 Rosedale Drive
DeGregorio, Bob	23146 Rosedale Drive
DeGregorio, Susan	23146 Rosedale Drive
Deltomme-Dejonghe, Nadia	23081 Rosedale Drive
Deltomme-Dejonghe, Philippe	23081 Rosedale Drive
Drewek, David	22971 Rosedale Drive
Drewek, Susan	22971 Rosedale Drive
Gormley, Dolores	23131 Rosedale Drive
Hagy, Harry	22981 Rosedale Drive
Hagy, Linda	22981 Rosedale Drive
Hall, Mary Kay	23021 Rosedale Drive
Hanlon, Leslie	23136 Rosedale Drive
Lingley, Cynthia	22901 Rosedale Drive
Malis, Judee	22931 Rosedale Drive
Malis, Stuart	22931 Rosedale Drive
Mantor, Greg	22911 Rosedale Drive
Markel, Sue	23011 Rosedale Drive
McAssey, Lucille	22941 Rosedale Drive
McAssey, William	22941 Rosedale Drive
McWalters, Maria	23041 Rosedale Drive
McWalters, Michael	23041 Rosedale Drive
Mueller, Bill	23021 Rosedale Drive
Pisano, Barbara	23141 Rosedale Drive
Pisano, Bill	23141 Rosedale Drive
Robertson, Joan	27171 Rosedale Drive
Roderick, Barbara	22991 Rosedale Drive
Roderick, Bill	22991 Rosedale Drive
Roessner, Joanne	22911 Rosedale Drive
Roessner, Rick	22911 Rosedale Drive
Straker, Laurel	23161 Rosedale Drive

Straker, Norm	23161 Rosedale Drive
Tarquinio, Deborah	23081 Rosedale Drive
Tarquinio, Edward	23081 Rosedale Drive
Tazalla, Greg	22981 Rosedale Drive
Tazalla, Marilyn	22981 Rosedale Drive
Theiss, Elaine	23101 Rosedale Drive
Tutino, Anthony	23146 Rosedale Drive
Tutino, Jo Ann	23146 Rosedale Drive
Wilder, Judy	23171 Rosedale Drive

Northridge

DeBellis, Cindy	10080 Northridge Court
DeBellis, Mark	10080 Northridge Court
Dodds, Bill	10020 Northridge Court
Dodds, Tricia	10020 Northridge Court
McPherson, Brad	10131 Northridge Court
McPherson, Jennifer	10131 Northridge Court
Rolfes, Jim	10021 Northridge Court
Rolfes, Terri	10021 Northridge Court
Share, Bruce	10061 Northridge Court
Share, Holly	10061 Northridge Court

Oak Hammock

Blaicher, Linda	10301 Autumn Breeze Drive
Blaicher, Tim	10301 Autumn Breeze Drive
Humphrey, Chip	10312 Autumn Breeze Drive
Humphrey, Maria	10312 Autumn Breeze Drive
Johengen, Mary Sue	10412 Autumn Breeze Drive
Kokales , Arlene	10341 Autumn Breeze Drive
Kokales, John	10341 Autumn Breeze Drive
Korfhage, Gail	10312 Autumn Breeze Drive
Korfhage, Glenn	10312 Autumn Breeze Drive
Lubow, Jane	10341 Autumn Breeze Drive
Lubow, Larry	10341 Autumn Breeze Drive
Manno, Dennis	10312 Autumn Breeze Drive
Manno, Suzanne	10312 Autumn Breeze Drive
Manoogian, Brian	10322 Autumn Breeze Drive
Miller, Jan	10331 Autumn Breeze Drive
Miller, Steven	10331 Autumn Breeze Drive
Nelson, Jim	10302 Autumn Breeze Drive
Nelson, Jo	10302 Autumn Breeze Drive
Plunkett, Bill	10382 Autumn Breeze Drive
Plunkett, Jeanne	10382 Autumn Breeze Drive
Rothenberg, Larry	10302 Autumn Breeze Drive
Rothenberg, Lillian	10302 Autumn Breeze Drive
Ruggiero, Gaetano	10492 Autumn Breeze Drive
Ruggiero, Maurina	10492 Autumn Breeze Drive
Shrode, Johanna	10412 Autumn Breeze Drive

Shrode, Richard	10412 Autumn Breeze Drive
Smoragiewicz, Carol Ann	10382 Autumn Breeze Drive
Smoragiewicz, Edward R.	10382 Autumn Breeze Drive
Vogel, Carla	10332 Autumn Breeze Drive
Vogel, David	10332 Autumn Breeze Drive

Oak Strand

Cullen, Rose J.	9383 Oak Strand Drive
Green, Jeff	9239 Oak Strand Drive
Green, Susan	9239 Oak Strand Drive
Murphy, Karen	9415 Oak Strand Drive
Murphy, Robert	9415 Oak Strand Drive
Naughton, Frances	9367 Oak Strand Drive
Rensing, Laurie	9343 Oak Strand Drive
Rensing, Paul	9343 Oak Strand Drive
Thomas, Ann	9463 Oak Strand Drive
White, Larry	9311 Oak Strand Drive
White, Susan	9311 Oak Strand Drive

Orchid Ridge

Abromeit, Bernd	22840 Mossy Trail
Abromeit, Karilla	22840 Mossy Trail
Barnes, Anne	10064 Orchid Ridge Lane
Barnes, William	10064 Orchid Ridge Lane
Barragry, Julie	10016 Orchid Ridge Lane
Barragry, Tom	10016 Orchid Ridge Lane
Battina, Dann	10056 Orchid Ridge Lane
Battina, Jane	10056 Orchid Ridge Lane
Beasley, Gerry	10161 Orchid Ridge Lane
Bodner, Bryan	10152 Orchid Ridge Lane
Cain, Layna	10000 Orchid Ridge Lane
Cain, Peter	10000 Orchid Ridge Lane
Celiberti, Marion	10073 Orchid Ridge Lane
Celiberti, Richard	10073 Orchid Ridge Lane
Crook, Linda	10024 Orchid Ridge Lane
D'Alessio, Fred	22816 Mossy Trail
D'Alessio, Joanne	22816 Mossy Trail
Dara, MD, Tanvir M.	10160 Orchid Ridge Lane
DeSantis, Daniella	22848 Mossy Trail
Dush, Michael	10208 Orchid Ridge Lane
Dush, Sudie	10208 Orchid Ridge Lane
Dworak, Martha	10185 Orchid Ridge Lane
Dworak, Paul	10185 Orchid Ridge Lane
Edwards, Joanne	10224 Orchid Ridge Lane
Elsasser, Charles	10216 Orchid Ridge Lane
Elsasser, Nancy	10216 Orchid Ridge Lane
Garnett, Jan	10112 Orchid Ridge Lane
Garnett, Tom	10112 Orchid Ridge Lane

Hofmann, Larry	10241 Orchid Ridge Lane
Hofmann, Terryn	10241 Orchid Ridge Lane
Jones, Don	10120 Orchid Ridge Lane
Jones, Kim	10120 Orchid Ridge Lane
Lane, Greg	22848 Mossy Trail
Logli, Antionette	10176 Orchid Ridge Lane
MacDonald, Bob	10017 Orchid Ridge Lane
MacDonald, Janice	10017 Orchid Ridge Lane
Minnig, Gary	22808 Mossy Trail
Minnig, Nadine	22808 Mossy Trail
Nelson, Cathy	10128 Orchid Ridge Lane
Nelson, Scott	10128 Orchid Ridge Lane
Neyer, Dan	22833 Mossy Trail
Neyer, Kristina	22833 Mossy Trail
Ngo, Robin	10152 Orchid Ridge Lane
Nientimp, Marge	22809 Mossy Trail
Nientimp, Tom	22809 Mossy Trail
Ratay, Cathi	10169 Orchid Ridge Lane
Ratay, Wayne	10169 Orchid Ridge Lane
Relph, Bob	10193 Orchid Ridge Lane
Relph, Dee	10193 Orchid Ridge Lane
Rollins, Thomas	10224 Orchid Ridge Lane
Sikorski, Edward	10057 Orchid Ridge Lane
Sikorski, Jo	10057 Orchid Ridge Lane
Snow, Judson	10168 Orchid Ridge Lane
Snow, Terri	10168 Orchid Ridge Lane
Swift, Chris	10177 Orchid Ridge Lane
Swift, Mary	10177 Orchid Ridge Lane
Timmel, Doug	22849 Mossy Trail

Oakbrook

Boyle, Ed	22011 Shallowater Lane
Boyle, Linda	22011 Shallowater Lane
Brown, Michele	22060 Shallowater Lane
Brown, Thomas	22060 Shallowater Lane
Ferguson, Dennis	22041 Shallowater Lane
Ferguson, Jocelyn	22041 Shallowater Lane
Granito, Charles	22021 Shallowater Lane
Granito, Loretta	22021 Shallowater Lane
Harris, Mindy	22231 Shallowater Lane
Harris, Roland	22231 Shallowater Lane
Iorizzo, Robert	22041 Shallowater Lane

Palmetto Ridge

Di Serafino, Judy	9271 Palmetto Ridge Drive
Glaeser, Linda	9151 Palmetto Ridge Drive
Golden, Brian	9221 Palmetto Ridge Drive
Golden, Jan	9221 Palmetto Ridge Drive

McChesney, Deborah	9261 Palmetto Ridge Drive
Onson, Linda	9131 Palmetto Ridge Drive
Onson, Rick	9131 Palmetto Ridge Drive
Russell, Gina	9181 Palmetto Ridge Drive
Russell, Ted	9181 Palmetto Ridge Drive
Wunderlich, Caroline	9271 Palmetto Ridge Drive
Wunderlich, Richard	9271 Palmetto Ridge Drive

Plumbago Pointe

Bruce, Robert	10420 Plumbago Pointe Drive
Field, Brenton	10300 Plumbago Pointe Drive
Field, Ranee	10300 Plumbago Pointe Drive
Gerte, Kathy	10360 Plumbago Pointe Drive
Gerte, Steve	10360 Plumbago Pointe Drive
Nash, George	10350 Plumbago Pointe Drive
Nash, Michelle	10350 Plumbago Pointe Drive
Nelson, Greg	10370 Plumbago Pointe Drive
Nelson, Jan	10370 Plumbago Pointe Drive
Scheetz-Bruce, Rosemary	10420 Plumbago Pointe Drive
Sinatra, John	10400 Plumbago Pointe Drive
Wilson, Betty	10380 Plumbago Pointe Drive
Wilson, Bob	10380 Plumbago Pointe Drive
Zacharias, Allen	10340 Plumbago Pointe Drive
Zacharias, Ruth	10340 Plumbago Pointe Drive

Summerfield

Aab, Jackie	22988 Shady Knoll Drive
Bala, Jim	23056 Shady Knoll Drive
Bala, Marietta	23056 Shady Knoll Drive
Benz, Barb	23048 Shady Knoll Drive
Benz, Steve	23048 Shady Knoll Drive
DeSteiger, Virginia	22494 Shady Knoll Drive
Heitman, Bill	23045 Shady Knoll Drive
Heitman, Joann	23045 Shady Knoll Drive
Herbold, Carolyn	23069 Shady Knoll Drive
Herbold, Ken	23069 Shady Knoll Drive
Huttenlocher, Kim	22964 Shady Knoll Drive
Kunza, Jim	22901 Shady Knoll Drive
Kunza, Mary	22901 Shady Knoll Drive
Oswald, Marcia	22957 Shady Knoll Drive
Oswald, Robert	22957 Shady Knoll Drive
Pollitt, Alison	22972 Shady Knoll Drive
Pollitt, Jim	22972 Shady Knoll Drive
Rosen, Mitchell	23084 Shady Knoll Drive
Rosen, Sharon	23084 Shady Knoll Drive
Schreder, Bonnie	22973 Shady Knoll Drive
Schreder, Greg	22973 Shady Knoll Drive
Tousignant, Bob	22917 Shady Knoll Drive

Tousignant, Mary	22917 Shady Knoll Drive
Traversa, Halyna	23021 Shady Knoll Drive
Vaughn, David	22996 Shady Knoll Drive
Vaughn, Sarah	22996 Shady Knoll Drive
Weiss, Deborah	22933 Shady Knoll Drive
Weiss, Eric	22933 Shady Knoll Drive

Sweet Bay

Bills, Bruce	9847 Bay Meadow
Bills, Lorraine	9847 Bay Meadow
Blazek, Jo Ann	9867 Bay Meadow
Blazek, Joe	9867 Bay Meadow
Delassandro, Mark	9831 Bay Meadow
Delassandro, Tina	9831 Bay Meadow
Gitlin, Edie	9783 Bay Meadow
Gitlin, Lou	9783 Bay Meadow
Hollister, Diane	9835 Bay Meadow
Hollister, William	9835 Bay Meadow
Kelly, Janet	9790 Bay Meadow
Kelly, William R.	9790 Bay Meadow
Lusky, Harry J.	9838 Bay Meadow
Nativi, Carol	9863 Bay Meadow
Nativi, Paul	9863 Bay Meadow
Penton, Richard	9751 Bay Meadow
Preston, Brenda	9839 Bay Meadow
Preston, Jim	9839 Bay Meadow
Schrader, Kathy	9854 Bay Meadow
Schrader, Tom	9854 Bay Meadow

Sycamore Grove

Becker, Margaret	22045 Sycamore Grove
Becker, Robert	22045 Sycamore Grove
Coyle, Linda	22010 Sycamore Grove
Cullen, Beth	22051 Sycamore Grove
Cullen, Ed	22051 Sycamore Grove
Donnelly, Jim	22017 Sycamore Grove
Donnelly, Mary	22017 Sycamore Grove
Dreyer, Mike	22010 Sycamore Grove
Kirby, F.L.	22014 Sycamore Grove
Kirby, Judy	22014 Sycamore Grove
Lederer, Gary	22001 Sycamore Grove
Lederer, Jean	22001 Sycamore Grove
Rathe, John	22036 Sycamore Grove
Schoenleber, Eugene	22044 Sycamore Grove
Schoenleber, Patricia	22044 Sycamore Grove
Zenor, Marjorie	22024 Sycamore Grove
Zenor, Stanley	22024 Sycamore Grove

Tamarind Trace

Acorn, Larry	23140 Foxberry Lane
Acorn, Stephanie	23140 Foxberry Lane
Boudreau, Jr., Edward J.	23284 Foxberry Lane
Buck, Joan	23227 Foxberry Lane
Butman, Eileen	23148 Foxberry Lane
Butman, Walter	23148 Foxberry Lane
Farina, Ciro	23227 Foxberry Lane
Fisher, Gigi	23172 Foxberry Lane
Fisher, Ray	23172 Foxberry Lane
Fitts, John	23116 Foxberry Lane
Fitts, John (not a duplicate)	23116 Foxberry Lane
Hyer, Joyce	23187 Foxberry Lane
Hyer, Yeadon	23187 Foxberry Lane
Martin, Beth	23283 Foxberry Lane
Martin, Jeff	23283 Foxberry Lane
Reiff, Cindy	23219 Foxberry Lane
Reiff, George	23219 Foxberry Lane
Shapiro, Bonnie	23275 Foxberry Lane
Shapiro, Eric	23275 Foxberry Lane
Verrill, Donna	23235 Foxberry Lane
Verrill, Peter	23235 Foxberry Lane

The Reserve

Bouyea, Linda	9401 Reserve Pointe Court
Bouyea, Peter	9401 Reserve Pointe Court
Brand, Barbara	22080 Reserve Estates Drive
Brand, Karl	22080 Reserve Estates Drive
Cairns, Lynn	22131 Reserve Estates Drive
Cairns, Tony	22131 Reserve Estates Drive
Fahs, Steve	22050 Reserve Estates Drive
Fahs, Susan	22050 Reserve Estates Drive
Levy, Colette	22041 Reserve Estates Drive
Levy, Robert	22041 Reserve Estates Drive
McDonough, Kathleen	22101 Reserve Estates Drive
O'Neill, Donna	22071 Reserve Estates Drive
O'Neill, Jim	22071 Reserve Estates Drive

Willow Walk

Breon, Peg	9130 Willow Walk
Breon, Rick	9130 Willow Walk
Conroy, Dan	9160 Willow Walk
Conroy, Pat	9160 Willow Walk
Flynn, Mary Elizabeth	9166 Willow Walk
Markel, Bill	9100 Willow Walk
Markel, Lynn	9100 Willow Walk
Ohradzanky, Pat	9118 Willow Walk
Ohradzanky, Tom	9118 Willow Walk

Woodmont

Baker, Betsy	22201 Fairview Bend Drive
Baker, Bud	22201 Fairview Bend Drive
Levey, Chris	22261 Fairview Bend Drive
Levey, Larry	22261 Fairview Bend Drive
Odette, Rose Ann	22200 Fairview Bend Drive
Palmer, Bob	22300 Fairview Bend Drive
Palmer, Martha	22300 Fairview Bend Drive
Reisenfeld, Harold S.	22311 Fairview Bend Drive
Smathers, Christyne	22260 Fairview Bend Drive
Van Gorder, Jan	22230 Fairview Bend Drive
Van Gorder, Linda	22230 Fairview Bend Drive

Woodsedge

Anderson, Ann	10501 Timberlawn Drive
Anderson, Lennie	10501 Timberlawn Drive
Ewald, Betty	22231 Wood Run Court
Ewald, Brian	22231 Wood Run Court
Fritz, Mark	10510 Timberlawn Drive
Fritz, Mary	10510 Timberlawn Drive
Hooe, David	22240 Wood Run Court
Hooe, Lisa	22240 Wood Run Court

Copperleaf

Anderson, Bill	23251 Copperleaf Blvd.
Anderson, Roberta	23251 Copperleaf Blvd.
Armistead, Ima	23780 Copperleaf Blvd.
Armistead, John	23780 Copperleaf Blvd.
Baumgarten, Marc	23861 Copperleaf Blvd.
Baumgarten, Stephanie	23861 Copperleaf Blvd.
Borin, Mike	23671 Copperleaf Blvd.
Borin, Roberta	23671 Copperleaf Blvd.
Brown, Barb	23241 Copperleaf Blvd.
Brown, Steve	23241 Copperleaf Blvd.
Cordes, David	23350 Copperleaf Blvd.
Cordes, Maryjo	23350 Copperleaf Blvd.
Eberhardt, Lorraine	23511 Copperleaf Blvd.
Eberhardt, Ronald	23511 Copperleaf Blvd.
Gallagher, Joe	23750 Copperleaf Blvd.
Gallagher, Peggy	23750 Copperleaf Blvd.
Gebo, Berta	23650 Copperleaf Blvd.
Gebo, William	23650 Copperleaf Blvd.
Grochoski, Chet	10381 Creekedge Court
Hagerty, John	23360 Foxtail Creek

Hagerty, Mary Kay	23360 Foxtail Creek
Hayes, Rich	23010 Whispering Ridge Drive
Heinz, Diane	23870 Copperleaf Blvd.
Heinz, William	23870 Copperleaf Blvd.
Hunn, Glennon	23910 Copperleaf Blvd.
Hunn, Patricia	23910 Copperleaf Blvd.
Hurley, Cornelius	23231 Copperleaf Blvd.
Kell, Mollie	10301 Creekedge Court
Kell, Richard	10301 Creekedge Court
Kennedy, Barnard	23536 Sandycreek Terrace
Large, Anthony	23240 Whispering Ridge Drive
Large, Cathy	23240 Whispering Ridge Drive
McCann, Julie	23580 Copperleaf Blvd.
Meekhof, Sue	10381 Creekedge Court
Miller, Barbara	23811 Copperleaf Blvd.
Miller, Jeffrey	23811 Copperleaf Blvd.
Moreau, Sue Ann	23041 Whispering Ridge Drive
Morisseau, Brian	23141 Whispering Ridge Drive
Morisseau, Lorene	23141 Whispering Ridge Drive
Napurano, Andrew	23860 Copperleaf Blvd.
Nidetz, Judy	23191 Whispering Ridge Drive
Nidetz, Lee	23191 Whispering Ridge Drive
Oppmann, Ewald	23130 Whispering Ridge Drive
Oppmann, Roseanne	23130 Whispering Ridge Drive
Pescatore, Angie	23451 Copperleaf Blvd.
Pescatore, Louis	23451 Copperleaf Blvd.
Philbin, Ellen	23231 Copperleaf Blvd.
Phillips, Dave	23920 Copperleaf Blvd.
Phillips, Sharon	23920 Copperleaf Blvd.
Russell, Carol	23770 Copperleaf Blvd.
Russell, Paul	23770 Copperleaf Blvd.
Rustad, Craig	23820 Copperleaf Blvd.
Rustad, Stephanie	23820 Copperleaf Blvd.
San Giovanni, John Paul	23690 Copperleaf Blvd.
San Giovanni, Marie	23690 Copperleaf Blvd.
Schulenberg, Bob	23851 Copperleaf Blvd.
Schulenberg, Nancy	23851 Copperleaf Blvd.
Seeber, Ron	23599 Copperleaf Blvd.
Shanahan, Carol	23850 Copperleaf Blvd.
Thurston, Ellen	23391 Copperleaf Blvd.
Thurston, Thomas	23391 Copperleaf Blvd.
Unruh, Tony	23251 Whispering Ridge Drive
Williams, Patricia	23501 Sandycreek Terrace
Williams, Robert	23501 Sandycreek Terrace
Ellen Wilson	23599 Copperleaf Blvd.
Wincek, Virginia	23091 Whispering Ridge Drive
Zaas, Jim	24171 Copperleaf Blvd.
Zaas, Lori	24171 Copperleaf Blvd.

Lighthouse Bay

Asbury, Damon	23820 San Marino Road
Asbury, Jacci	23820 San Marion Road
Barge, Lloyd	23830 Amalfi Coast Road
Belka, Ginger	10911 Santa Margherita Road
Belka, Kevin	10911 Santa Margherita Road
Benger, Debbie	23731 Eddystone Road
Benger, Sara	23731 Eddystone Road
Blanchard, Deborah	23891 Costa Del Sol Road
Botti, Madelaine	23820 San Marino Road
Botti, Raffaele	23820 San Marino Road
Boyer, Joan	23820 Amalfi Coast Road
Bryan, Tom	10295 Cape Roman Road
Bryson, Gary	23871 Costa Del Sol Road
Bryson, Jackie	23871 Costa Del Sol Road
Bucher, Linda	10721 Crooked River Road
Cambruzzi, John	23851 Costa Del Sol Road
Cambruzzi, Maryann	23851 Costa Del Sol Road
Cannell, Beverly	23821 San Marino Road
Cannell, Ed	23821 San Marino Road
Carter, Kathryn	10880 Crooked River Road
Carter, William	10880 Crooked River Road
Cascioli, Maria	10841 Crooked River Road
Castro, Beth	10211 Cape Roman Road
Cerar, Judith	10890 Crooked River Road
Chieffo, Patricia	23831 Marbella Bay Road
Clancy, Marilyn D.	10910 Santa Margherita Road
Clancy, William C.	10910 Santa Margherita Road
Coleman, Diane	10821 Crooked River Road
Coleman, Tom	10821 Crooked River Road
Collins, Anna	23841 Costa Del Sol Road
Collins, Sanda	23841 Costa Del Sol Road
Cote, Donnavee	23830 Almalfi Coast Road
Cunningham, Sharon	10771 Halfmoon Shoal Road
Darpino, Frances	10811 Crooked River Road
Darpino, Joseph	10811 Crooked River Road
Daul, Gene	10781 Crooked River Road
Deakin, Brenda	23830 Almalfi Coast Road
Deakin, Robert	23830 Almalfi Coast Road
DeAngelis, Anita	23750 Eddystone Road
DeAngelis, Anthony	23750 Eddystone Road
DeCarlo, Anthony	23820 Costa Del Sol Road
DeCarlo, Kimberley	23820 Costa Del Sol Road
DeCarlo, Frank	23913 Amalfi Coast Road

DeCarlo, Robin	23913 Amalfi Coast Road
DiBernardo, Angela	10721 Crooked River Road
DiBernardo, Pat	10721 Crooked River Road
Dietzel, Betty Joyce	10761 Halfmoon Shoal Road
Drohan, John	10821 Crooked River Road
Eaton, Dennis	10701 Crooked River Road
Eaton, Joan	10701 Crooked River Road
Elliott, Brenda	23822 Cape Monaco Road
Elliott, Gregory	23822 Cape Monaco Road
Engel, Jodi	10721 Crooked River Road
Esposito, Angelina	23731 Old Port Road
Fader, Bill	23731 Old Port Road
Fader, Jane	23731 Old Port Road
Farrell, Christine	10921 Salerno Bay Road
Farrell, James	10921 Salerno Bay Road
Fik, Joyce	10245 Cape Roman Road
Fik, Lawrence	10245 Cape Roman Road
Fridhi, Amy	10791 Halfmoon Shoal Road
Fridhi, Lassaad	10791 Halfmoon Shoal Road
Gates, Calvin	23841 Costa Del Sol Road
Geno-Mishko, Nancy	23821 Marbella Bay Road
Giglietti, Dianne	23800 Costa Del Sol Road
Gilheeney, Sr., Gary S.	23931 Almalfi Coast Road
Gilmartin, Bettie	10701 Crooked River Road
Gilmartin, Jim	10701 Crooked River Road
Graser, Donald	23751 Eddystone Road
Graser, Judy D'Erbe	23751 Eddystone Road
Greene, Jeffrey	23820 Almalfi Coast Road
Guarascio, Herb	10821 Crooked River Road
Guarascio, Renee	10821 Crooked River Road
Haggerty, Renee	10771 Halfmoon Shoal Road
Haggerty, Stephen	10771 Halfmoon Shoal Road
Hall, Carolyn	23711 Eddystone Road
Hall, David	23711 Eddystone Road
Harvat, Barbara	10241 Cape Roman Road
Hegstrom, Mark C.	10701 Halfmoon Shoal Road
Hew, Jil	10791 Halfmoon Shoal Road
Hew, Ommy	10791 Halfmoon Shoal Road
Holloway, Renee	10751 Halfmoon Shoal Road
Holt, Linda	10821 Halfmoon Shoal Road
Holt, Ronald	10821 Halfmoon Shoal Road
Holton, Keith	10314 Cape Roman Road
Hough, John	23820 Costa Del Sol Road
Hoyt, Victoria	23820 Almalfi Coast Road
Kugelman, J. Karen	10911 Santa Margherita Road
Lake, Matti	23821 San Marino Road
Lake, Suzanne	23821 San Marino Road
Lambert, Dennis	23841 Costa Del Sol Road

LaFrenere, Jim	23871 Amalfi Coast Road
LaFrenere, Sally	23871 Amalfi Coast Road
Laren, MD. Karen	10822 Crooked River Road
Lefas, Ilse	23813 Almalfi Coast Road
Lis, Anna	10901 Santa Margherita Road
Lis, Ted	10901 Santa Margherita Road
London, Gail	23831 Marbella Road
London, Jeff	23831 Marbella Road
Lotito, Donna	10871 Crooked River Road
Lotito, Joseph	10871 Crooked River Road
Lucarelli, Mario	23820 Marbella Bay Road
Lucarelli, Mary Anne	23820 Marbella Bay Road
Lynch, Cheryl	10771 Crooked River Road
Lynch, Michael	10771 Crooked River Road
Marburg, Joan	10890 Crooked River Road
Marburg, Richard	10890 Crooked River Road
Marra, JoAnn	23851 Costa Del Sol Road
May, Paul	10940 Salerno Bay Road
McKay, Kim Miceli	23881 Costa Del Sol Road
McKrossan, Bernard	10910 Oak Island Road
Miller, Anne	10771 Crooked River Road
Miller, Paul	10771 Crooked River Road
Miller, Mary E.	23801 Almalfi Coast Road
Miller, Milford M. (Jr.)	23801 Almalfi Coast Road
Mishko, Ron	23821 Marbella Bay Road
Mitsch, Ruth Marie	23901 Almalfi Coast Road
Mogren, Kirsten	10741 Halfmoon Shoal Road
Morgan, Ian	10880 Crooked River Road
Morgan, Terri	10880 Crooked River Road
Nemann, Molly	23810 Costa Del Sol Road
Niskala, Kimiko	10741 Halfmoon Shoal Road
Niskala, Wayne	10741 Halfmoon Shoal Road
O'Barski, Brian	23861 Costa Del Sol Road
O'Barski, Jill	23861 Costa Del Sol Road
Pajonk, John	23881 Costa Del Sol Road
Pajonk, Marge	23881 Costa Del Sol Road
Penrice, Agnes	23843 Cape Monaco Road
Penrice, Thomas	23843 Cape Monaco Road
Phillips, Doug	10761 Halfmoon Shoal Road
Phillips, Karen	10761 Halfmoon Shoal Road
Phinney, Greg	23721 Eddystone Road
Phinney, Margaret Mary	23721 Eddystone Road
Purdy, Steve	23871 Costa Del Sol
Rauh, Marissa	23730 Eddystone Road
Rauh, Robert	23730 Eddystone Road
Reiber, Lynn	10911 Oak Island Road
Roedel, Sue	23820 Almalfi Coast Road
Rudinsky, Clarissa	10941 Salerno Bay Road

Sandburg, Cheryl	23851 Costa Del Sol Road
Savona, Frances	10933 Salerno Bay Road
Savona, Robert	10933 Salerno Bay Road
Schmidli, Judy	23841 Costa Del Sol Road
Schulman, Hadassah	10731 Crooked River Road
Schulman, Marc	10731 Crooked River Road
Schwartz, Chris	23721 Eddystone Road
Schwartz, Pete	23721 Eddystone Road
Seamon, Sharon	23810 Costa Del Sol Road
Shlien, Mark	10771 Halfmoon Shoal Road
Simon, Carol	10910 Salerno Bay Road
Simons, Marianne	23891 Almalfi Coast Road
Simons, Michael	23891 Almalfi Coast Road
Slattery, James	10910 Santa Margherita Road
Smith, Allison	10751 Halfmoon Shoal Road
Smith, Jacob	10751 Halfmoon Shoal Road
Spence, Andy	10781 Halfmoon Shoal Road
Spence, Suzie	10781 Halfmoon Shoal Road
Stasyshan, Richard	23820 Costa Del Sol Road
Stasyshan, Susan	23820 Costa Del Sol Road
Stoehr, Sharon	23823 Almalfi Coast Road
Stoehr, William	23823 Almalfi Coast Road
Sultanov, David	10781 Halfmoon Shoal
Taal, Fred	23851 Costa Del Sol Road
Taylor, Lucretia	23853 Almalfi Coast Road
Trottier, Michel	10901 Santa Margherita Road
Trottier, Vicki	10901 Santa Margherita Road
Watkin, Fred	23750 Eddystone Road
Watkin, Pam	23750 Eddystone Road
Watts, Greg	23851 Costa Del Sol Road
Watts, Stephanie	23851 Costa Del Sol Road
Westerlund, Jim	23871 Costa Del Sol Road
Westerlund, Nancy	23871 Costa Del Sol Road
White, Linda	10881 Crooked River Road
White, Warren	10881 Crooked River Road
Woodson, B. Tucker	10281 Cape Roman Road
Woodson, Shelley Senske	10281 Cape Roman Road
Wyand, Dan	10831 Crooked River Road
Wyand, Mary Kay	10831 Crooked River Road

Pebble Point

Breitengross, Diane	10195 Coconut Road

Breitengross, John	10195 Coconut Road
D'Acunto, Dominick	23757 Pebble Point Lane
Van Atta, Ellen	23761 Pebble Point Lane
Vespignani, Michael	23761 Pebble Point Lane

Spring Run

Aiani, Lou	9040 Spring Run Blvd.
Aiani, Robert	9040 Spring Run Blvd.
Jeanne Alexander	23896 Creek Branch Lane
Besse, Mona	23526 Sandycreek Terrace
Branningan, Carol	23546 Sandycreek Terrace
Branningan, Michael	23546 Sandycreek Terrace
Browning, Betsy	9291 Winding Stream Spring Run
Browning, John	9291 Winding Stream Spring Run
Bruce, Leslie	23541 Sandycreek Terrace
Burris, Alton	9331 Spring Run Blvd.
Burris, Cathy	9331 Spring Run Blvd.
Caffey, Diane	23601 Sandy Creek Terrace
Caffey, Sam	23601 Sandy Creek Terrace
Camodeca, Frank	23896 Creek Branch Lane
Cibos, Ric	23526 Sandycreek Terrace
Cohen, Joe	9882 Spring Run Blvd.
Cohen, Trish	9882 Spring Run Blvd.
Costello, David	23825 Clear Spring Court
Costello, Lorraine	23825 Clear Spring Court
Cree, Peter	9301 Spring Run Blvd.
Crosson, Elaine	9093 Spring Run Blvd.
Crudo, Helen	23546 Sandycreek Terrace
Crudo, Joe	23546 Sandycreek Terrace
D'Aloia, George	9291 Spring Run Blvd.
D'Aloia, Serena	9291 Spring Run Blvd.
Dolwick, Bob	9331 Spring Run Blvd.
Dolwick, Peggy	9331 Spring Run Blvd.
Evans, Joe	9241 Spring Run Blvd.
Evans, Sue	9241 Spring Run Blvd.
Fisher, Carol	9261 Spring Run Blvd.
Francis, Joe	9241 Spring Run Blvd.
Francis, Mary	9241 Spring Run Blvd.
Gallagher, Dennis	23506 Sandycreek Terrace
Gallagher, Loretta	23506 Sandycreek Terrace
Gengler, Mike	23526 Sandycreek Terrace
Gengler, Roxanne	23526 Sandycreek Terrace
Gishel, Brenda	23601 Sandycreek Terrace
Gundersen, Ken	9773 Spring Run Blvd.
Greco, Louis	23531 Sandycreek Terrace

Hamilton, Christine	9231 Spring Run Blvd.
Hamilton, John	9231 Spring Run Blvd.
Hammerstrom, Jack	23800 Clear Spring Court
Hammerstrom, Sherry	23800 Clear Spring Court
Hartzfeld, Irene	9840 Spring Run Blvd.
Hartzfeld, James	9840 Spring Run Blvd.
Honek, Jacqueline	23531 Sandycreek Terrace
Jones, William	9351 Spring Run Blvd.
Kennedy, Garrett F.	23541 Sandycreek Terrace
Kennedy, Jo Anna	23541 Sandycreek Terrace
Koenes, Larry	9251 Spring Run Blvd.
Land, Janet	23516 Sandycreek Terrace
Land, Louis	23516 Sandycreek Terrace
Lee, Judith	9830 Spring Run Blvd.
Lee, Robert	9830 Spring Run Blvd.
Lucchino, Bobbie	23551 Sandycreek Terrace
Lucchino, Frank	23551 Sandycreek Terrace
Lydick, Edie	9820 Spring Run Blvd.
MacDonald, Natali	9341 Spring Run Blvd.
MacDonald, Scott	9341 Spring Run Blvd.
Marino, Madelyn	23521 Sandycreek Terrace
Martin, Carolyn	23556 Sandycreek Terrace
McConnell, Carol	9039 Spring Run Blvd.
McGuire, Jim	23516 Sandycreek Terrace
Meador, Dennis	9341 Spring Run Blvd.
Meador, Gail	9341 Spring Run Blvd.
Metz, Anne	9341 Spring Run Blvd.
Metz, Mike	9341 Spring Run Blvd.
Murphy, Bill	9241 Spring Run Blvd.
Murphy, Stacy	9241 Spring Run Blvd.
Murray, Jim	22805 Clear Spring Court
Murray, Maureen	22805 Clear Spring Court
O'Brien, Elissa	9351 Spring Run Blvd.
O'Brien, Timothy	9351 Spring Run Blvd.
Quinlan, Jeanne	9040 Spring Run Blvd.
Quinlan, Mike	9040 Spring Run Blvd.
Ruggiero, Bart	9251 Spring Run Blvd.
Ruggiero, Kim	9251 Spring Run Blvd.
Salera, Louis	23501 Sandycreek Terrace
Salera, Nancy	23501 Sandycreek Terrace
Schick, Peggy	9301 Spring Run Blvd.
Schwendt, Eileen	23546 Sandycreek Terrace
Schwendt, Tom	23546 Sandycreek Terrace
Spangenberg, Diane	23546 Sandycreek Terrace
Spangenberg, Gary	23546 Sandycreek Terrace
Springer, Michael	23501 Sandycreek Terrace
Staritz, Paul	9301 Spring Run Blvd.
Tecza, Janet	23551 Sandycreek Terrace

Tousignant, Mary	23506 Sandycreek Terrace
Tousignant, Roger	23506 Sandycreek Terrace
Ventura, Janice	23710 Creek Branch Lane
Ventura, Joseph	23710 Creek Branch Lane
Waller, Linda	9251 Spring Run Blvd.
Walters, Jan	9871 Spring Run Blvd.
Walters, Joe	9871 Spring Run Blvd.
Wheeler, Carol	23521 Sandycreek Terrace
White, Betsey	9331 Spring Run Blvd.
White, John	9331 Spring Run Blvd.
White, J.	23556 Sandycreek Terrace
Wilden, Bob	9281 Spring Run Blvd.
Wilden, Diane	9281 Spring Run Blvd.

Non-Brooks Resident Supports including SWCC Members

Brennan, Mr. Edward	23036 Sanabria Loop, Bonita Springs
Brennan, Mrs. Edward	23036 Sanabria Loop, Bonita Springs
Costanzo, Mark	20420 Riverbrooke Run, Estero
Frey, Greg	6337 Cocos Drive, Ft. Myers
Funch, Betsy	23730 Eddystone Road, Bonita Springs
Funch, Richard	23730 Eddystone Road, Bonita Springs
Grosfield, Elizabeth	21530 Strada Nuovo Circle, Estero
Gumerman, William	19126 Aqua Shores Drive, Ft. Myers
Hopper, David	21530 Strada Nuova Circle, Estero
La Sala, Leonard	9200 Sun River Way, Estero
Libby, Alice	20420 Riverbrooke Run, Estero
Lynch, Cheryl	10771 Crooked River Road, Estero
Lynch, Michael	10771 Crooked River Road, Estero
Mendelsohn, Carol	4388 Orchid Lane, Naples
Nassif, Christina	21271 Estero Palm Way, Estero Place, Estero
Nassif, Joseph	21271 Estero Palm Way, Estero Place, Estero
Ruehlow, Kathleen	26412 Hickory Blvd.
Taylor, Robert	2804 Winding Stream, Bonita Springs

P.A.C. Land Development
A Real Estate Development Company

HOLEMONTES
ENGINEERS | LANDSCAPE ARCHITECTS | PLANNERS | SURVEYORS

COCONUT POINTE RESIDENCES

AT BROOKS TOWN CENTER

CONSTRUCTION ENGINEERING GROUP
Consulting Engineers

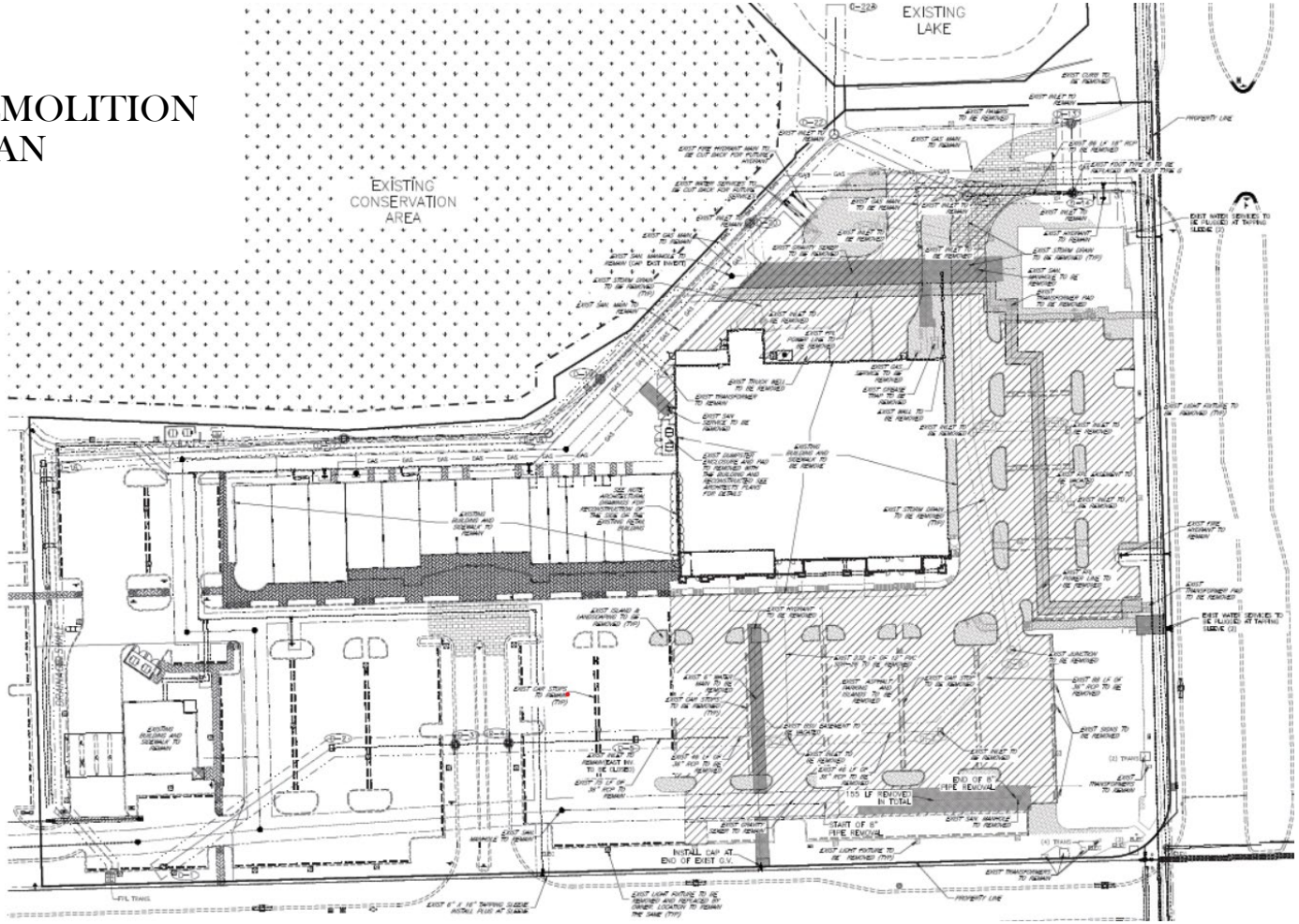
LandDesign.

SCOTT + CORMIA
ARCHITECTURE + INTERIORS

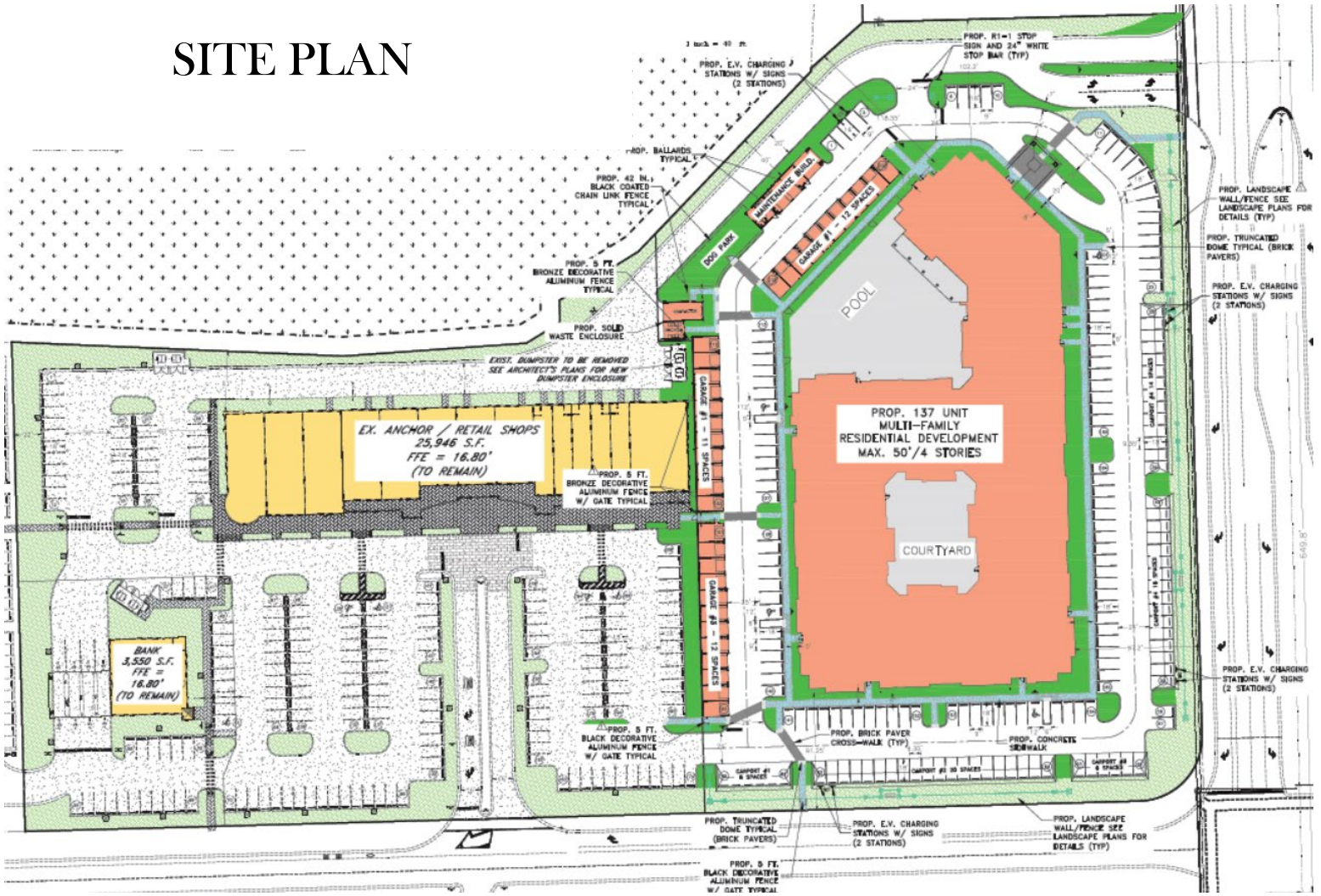
AERIAL
PROJECT AREA



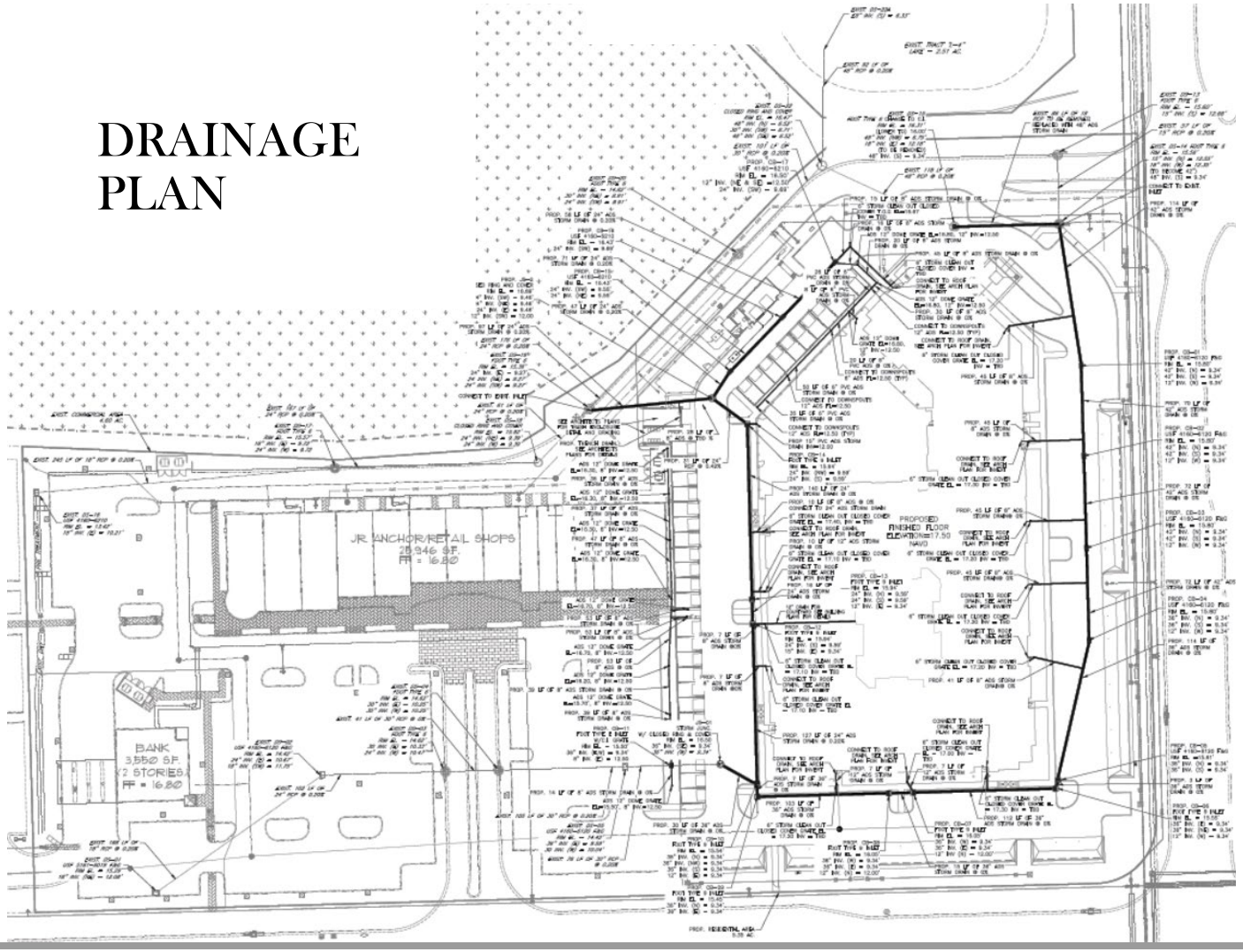
DEMOLITION PLAN



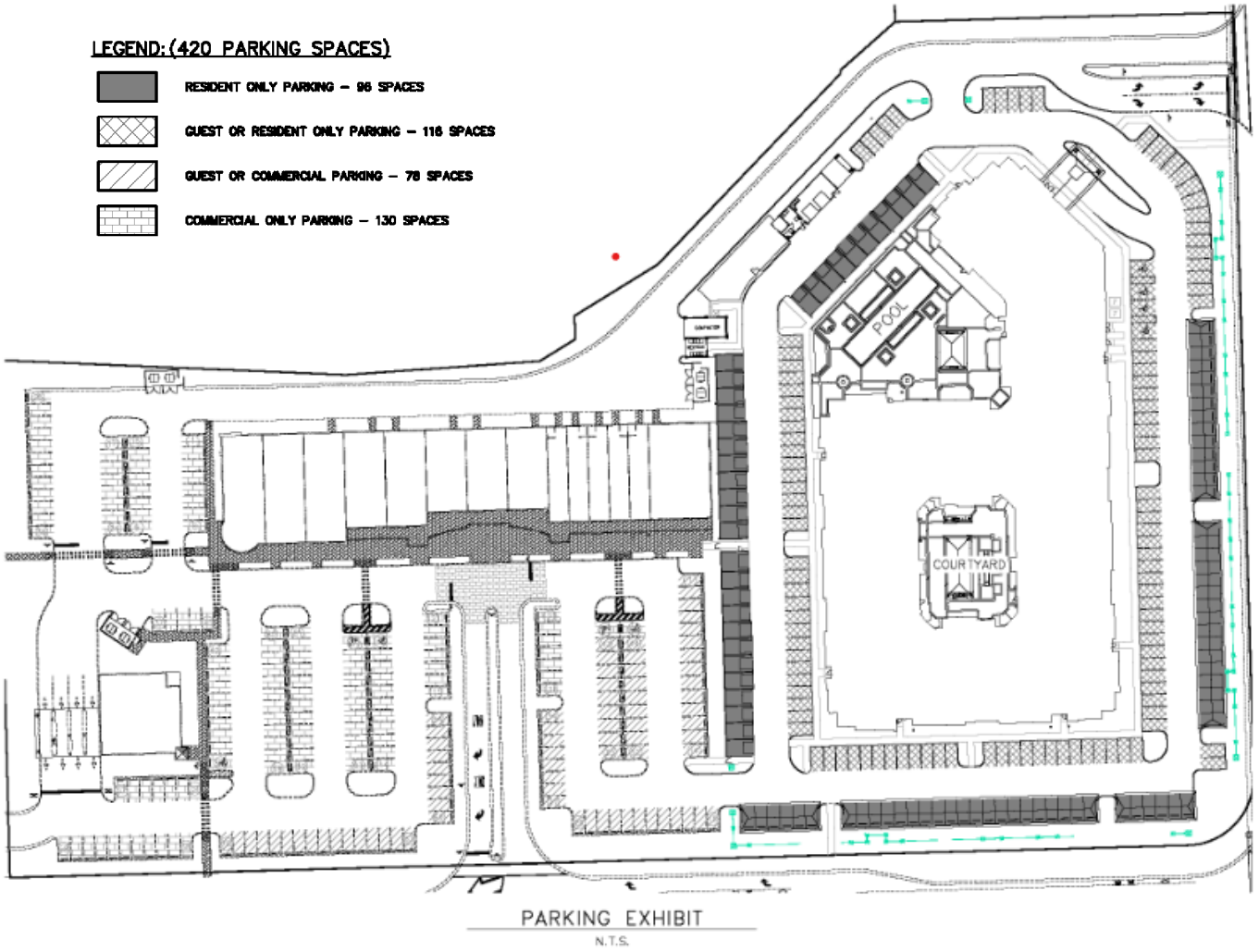
SITE PLAN


PROP. R1-1 STOP SIGN AND 24" WHITE STOP BAR (TYP)
PROP. E.V. CHARGING STATIONS W/ SIGNS (2 STATIONS)
PROP. BALLARDS TYPICAL
PROP. 42 IN. BLACK COATED CHAIN LINK FENCE TYPICAL
MAINTENANCE BUILD.
DOG PARK
GARAGE #1 - 12 SPACES
PROP. LANDSCAPE WALL/FENCE SEE LANDSCAPE PLANS FOR DETAILS (TYP)
PROP. TRUNCATED DOME TYPICAL (BRICK PAVERS)
PROP. E.V. CHARGING STATIONS W/ SIGNS (2 STATIONS)
PROP. 5 FT. BRONZE DECORATIVE ALUMINUM FENCE TYPICAL
PROP. SOLID WASTE ENCLOSURE
EXIST. DUMPSTER TO BE REMOVED SEE ARCHITECT'S PLANS FOR NEW DUMPSTER ENCLOSURE
POOL
EX. ANCHOR / RETAIL SHOPS 25,946 S.F. FFE = 16.80' (TO REMAIN)
PROP. 137 UNIT MULTI-FAMILY RESIDENTIAL DEVELOPMENT MAX. 50'/4 STORIES
COURTYARD
PROP. 5 FT. BRONZE DECORATIVE ALUMINUM FENCE W/ GATE TYPICAL
GARAGE #1 - 11 SPACES
GARAGE #3 - 12 SPACES
BANK 3,550 S.F. FFE = 16.80' (TO REMAIN)
PROP. 5 FT. BLACK DECORATIVE ALUMINUM FENCE W/ GATE TYPICAL
PROP. BRICK PAVER CROSS-WALK (TYP)
PROP. CONCRETE SIDEWALK
CARPORT #1 6 SPACES
CARPORT #2 20 SPACES
CARPORT #3 6 SPACES
PROP. TRUNCATED DOME TYPICAL (BRICK PAVERS)
PROP. E.V. CHARGING STATIONS W/ SIGNS (2 STATIONS)
PROP. LANDSCAPE WALL/FENCE SEE LANDSCAPE PLANS FOR DETAILS (TYP)
PROP. 5 FT. BLACK DECORATIVE ALUMINUM FENCE W/ GATE TYPICAL

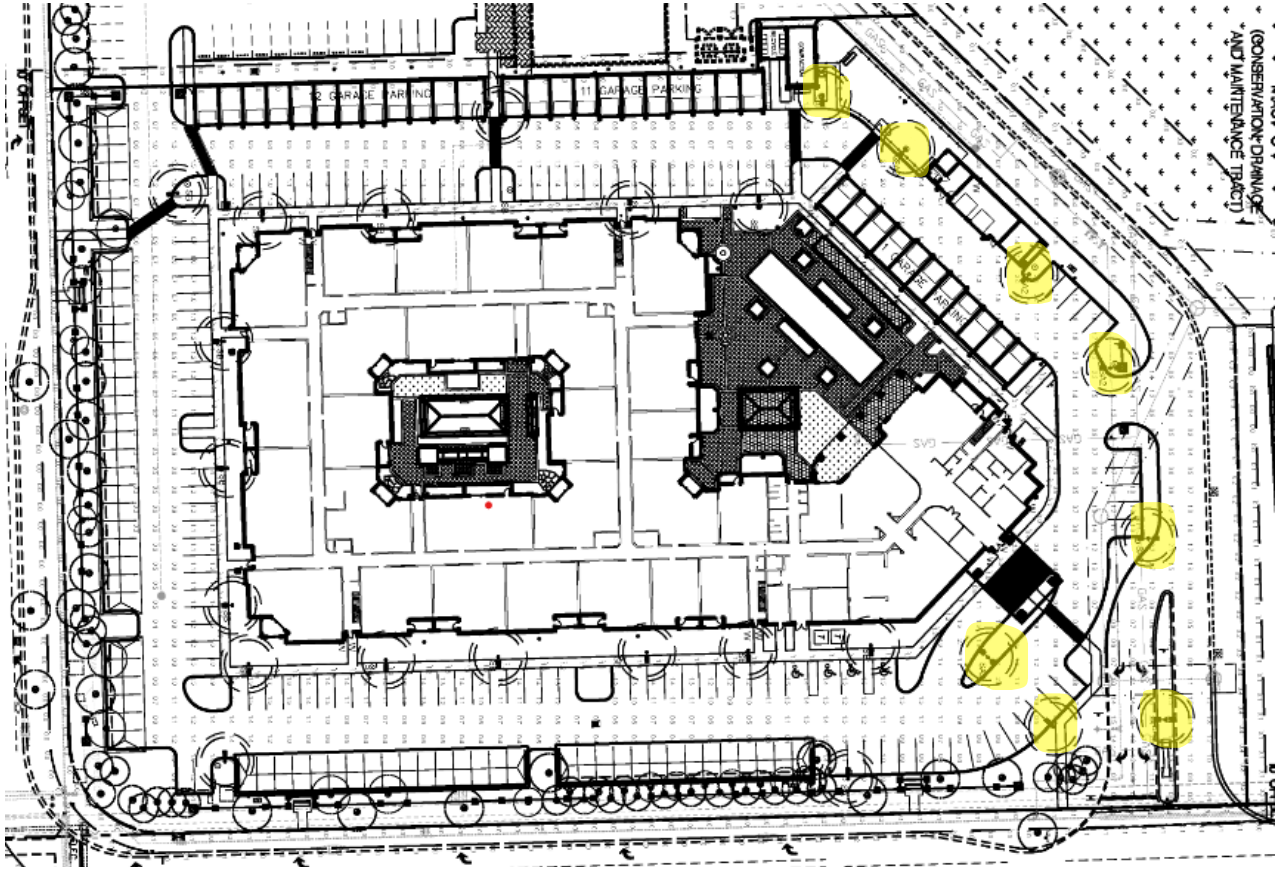
DRAINAGE PLAN



PARKING EXHIBIT

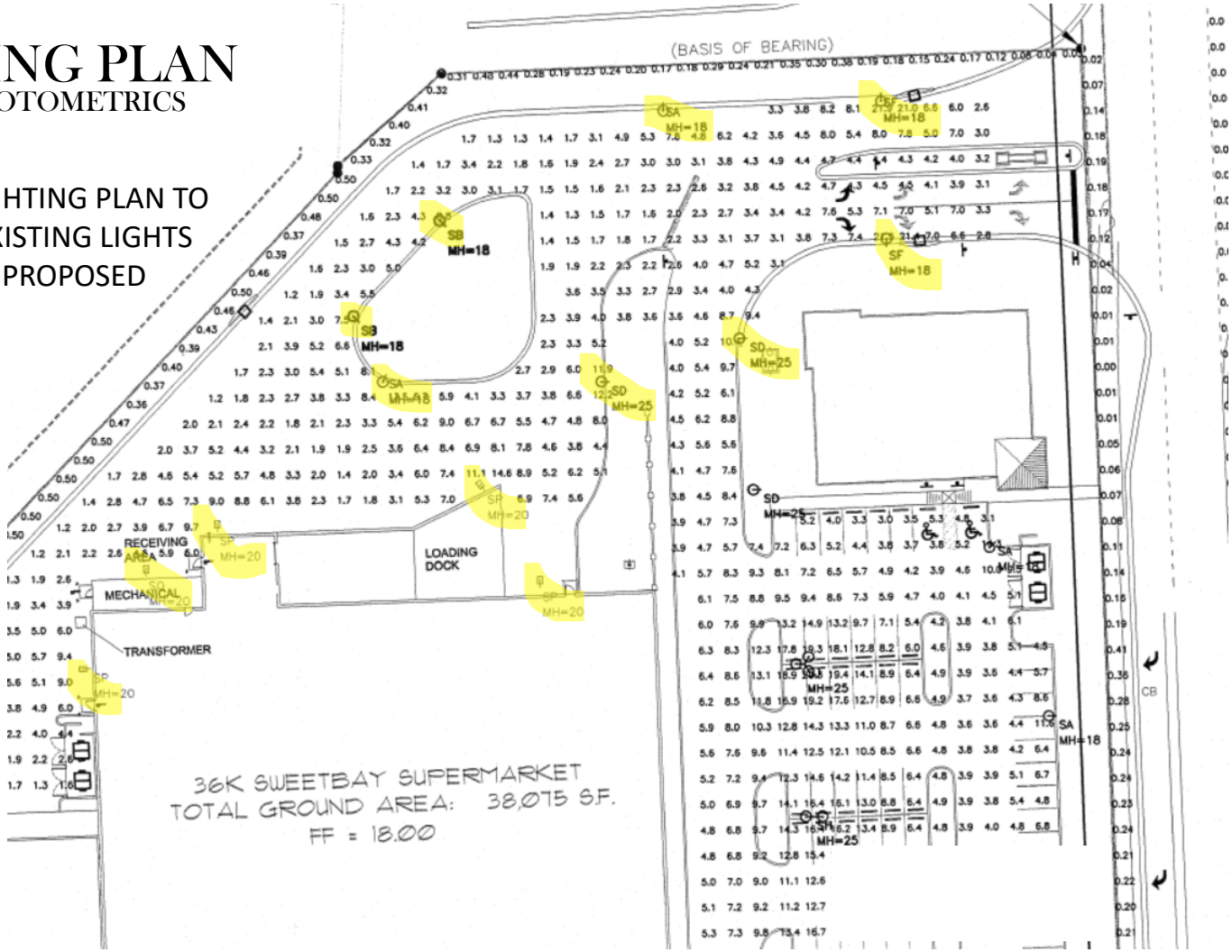


LIGHTING PLAN
PROPOSED PHOTOMETRICS

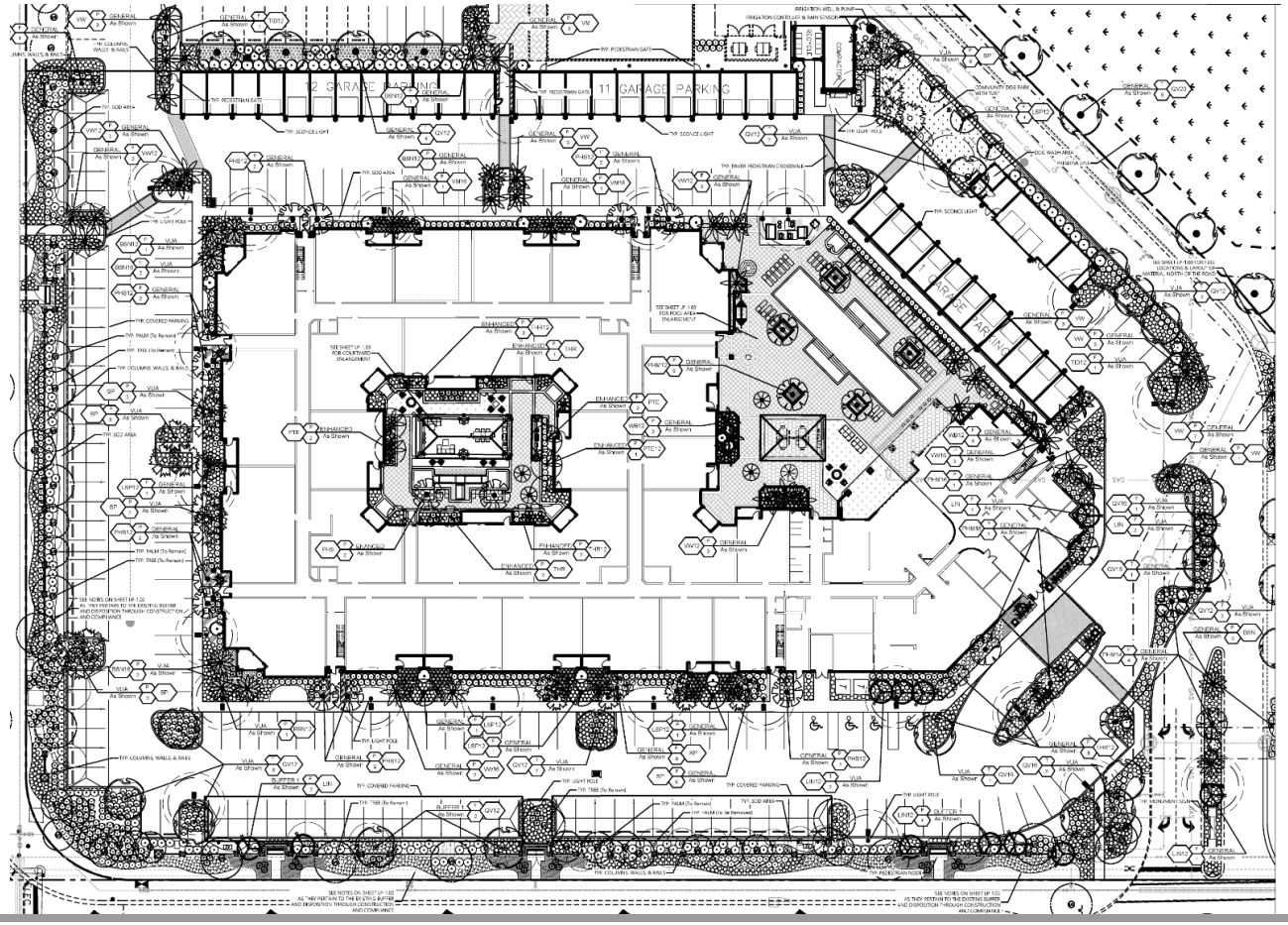


LIGHTING PLAN
EXISTING PHOTOMETRICS

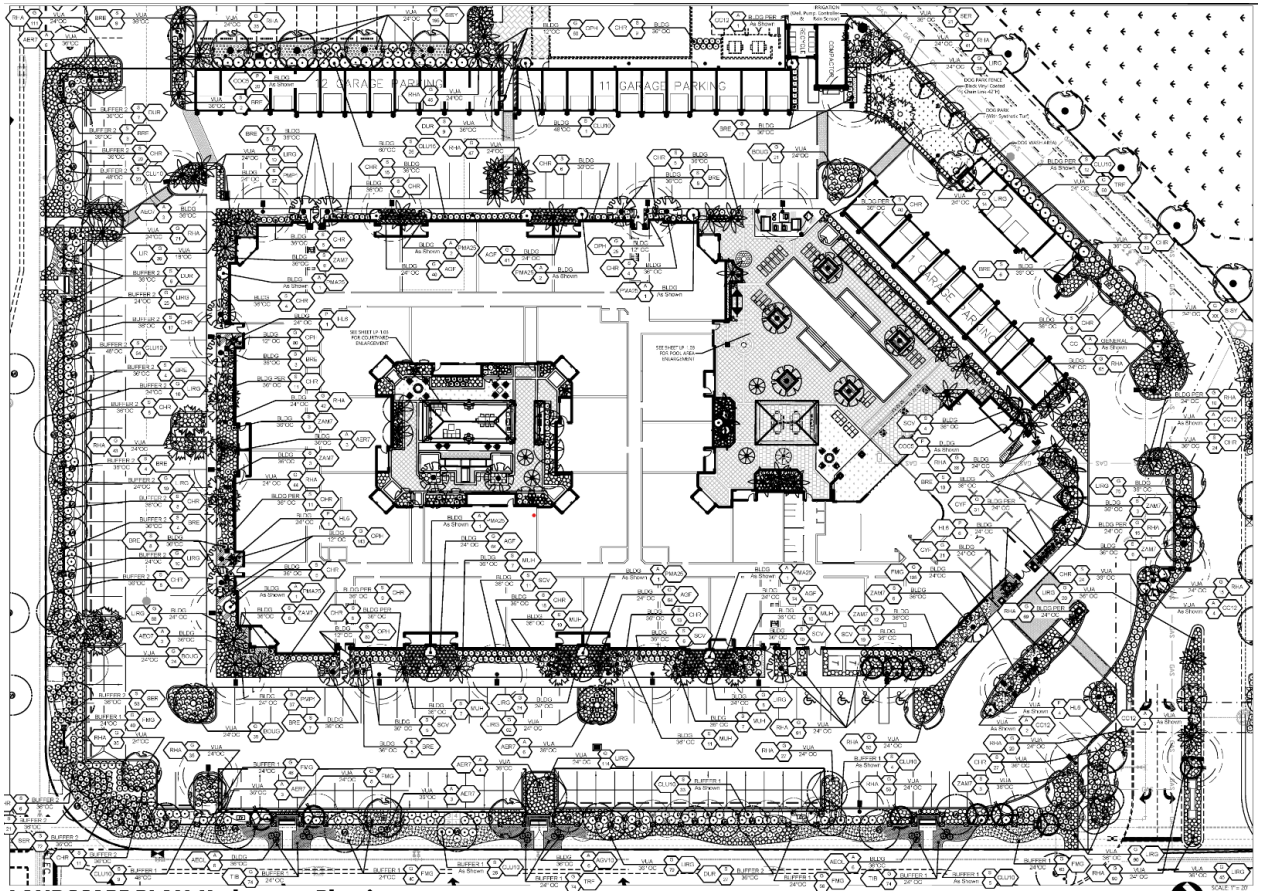
PROPOSED LIGHTING PLAN TO REPLACE 13 EXISTING LIGHTS POLES WITH 8 PROPOSED POLES



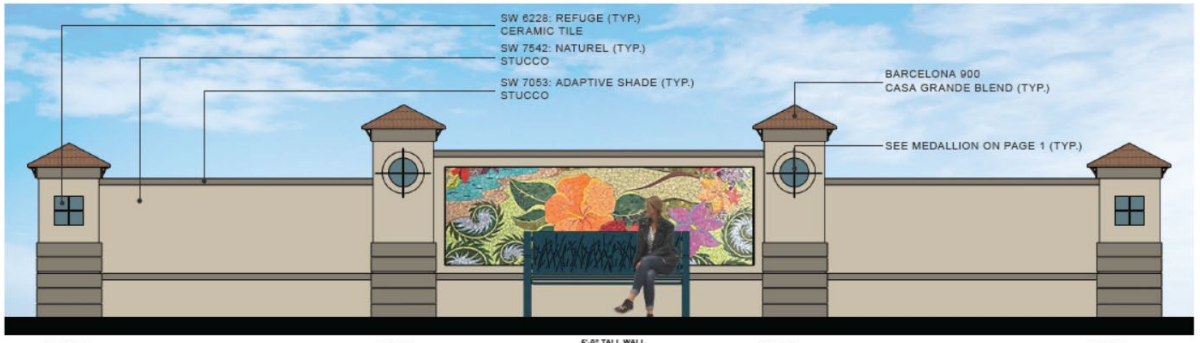
LANDSCAPE PLAN
TREE AND PALM LOCATIONS



LANDSCAPE PLAN
UNDERSTORY PLANTINGS



PROPOSED LANDSCAPE WALL
ELEVATIONS



TYPICAL SEATING AREA

COLOR LEGEND

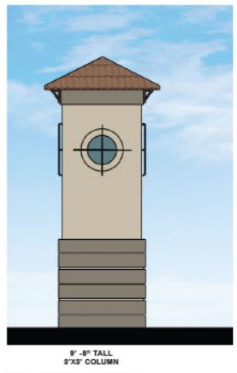
- SW 7012: CREAMY
- SW 7542: NATUREL
- SW 7053: ADAPTIVE SHADE
- SW 7041: VAN DYKE BROWN
- SW 6228: REFUGE
- SW 6230: RAINSTORM
- BARCELONA 900 CASA GRANDE BLEND



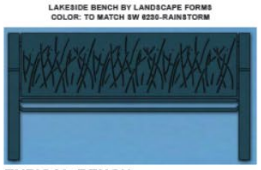
TYPICAL WALL SECTION



TYPICAL END WALLS



TYPICAL LARGE SINGLE COLUMN



TYPICAL BENCH



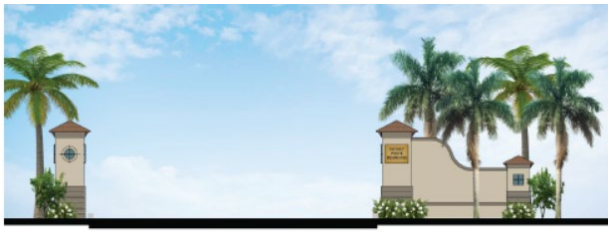
TYPICAL FENCE

PROPOSED LANDSCAPING

ELEVATIONS



12-CAR GARAGE 1 REAR ELEVATION



COCONUT POINTE RESIDENCES ENTRY AT CLUBHOUSE



MAINTENANCE SHED REAR ELEVATION



COCONUT POINTE RESIDENCES ENTRY FROM TOWN CENTER RETAIL

PROPOSED LANDSCAPING ALONG ROADWAY

ELEVATIONS



WALL ELEVATION ALONG COCONUT ROAD

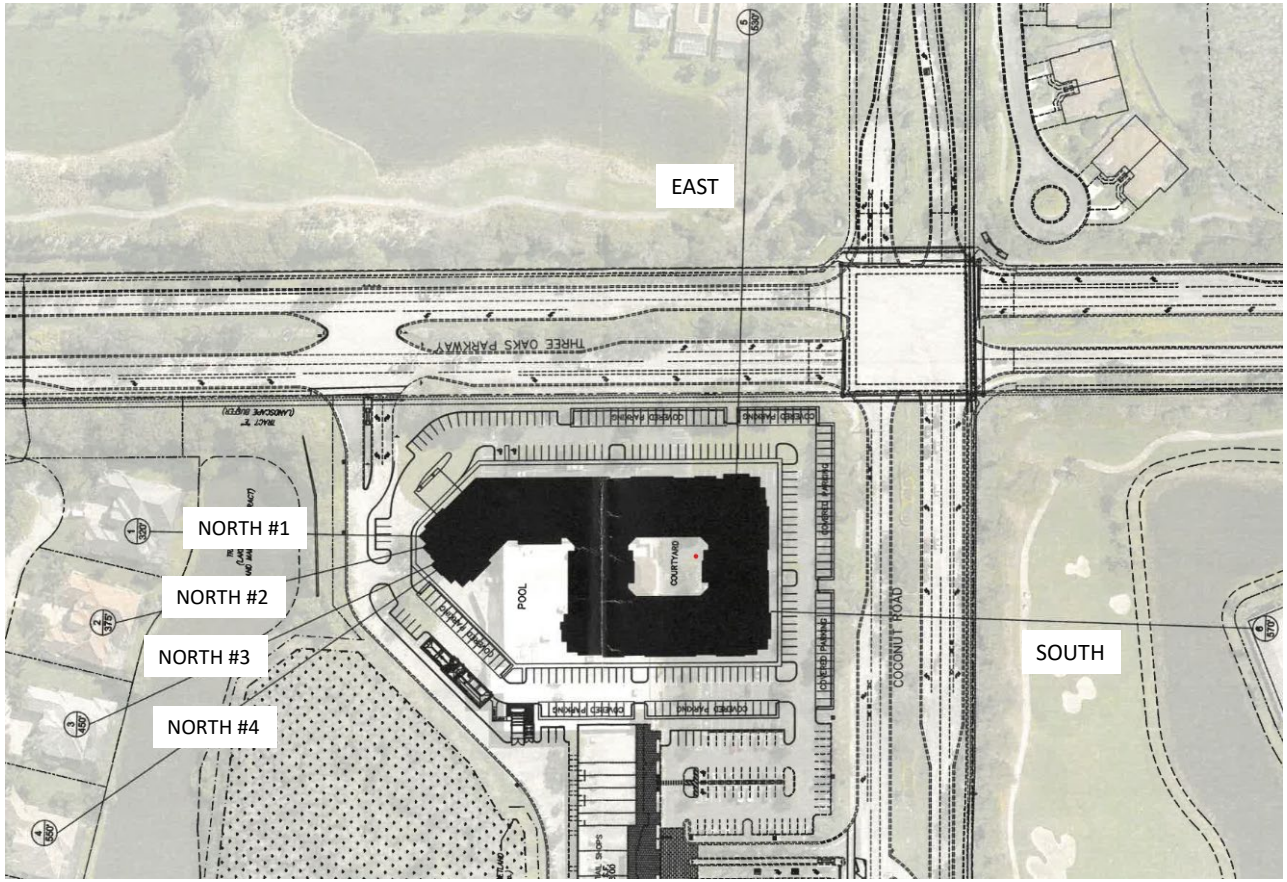


WALL ELEVATION ALONG THREE OAKS PARKWAY

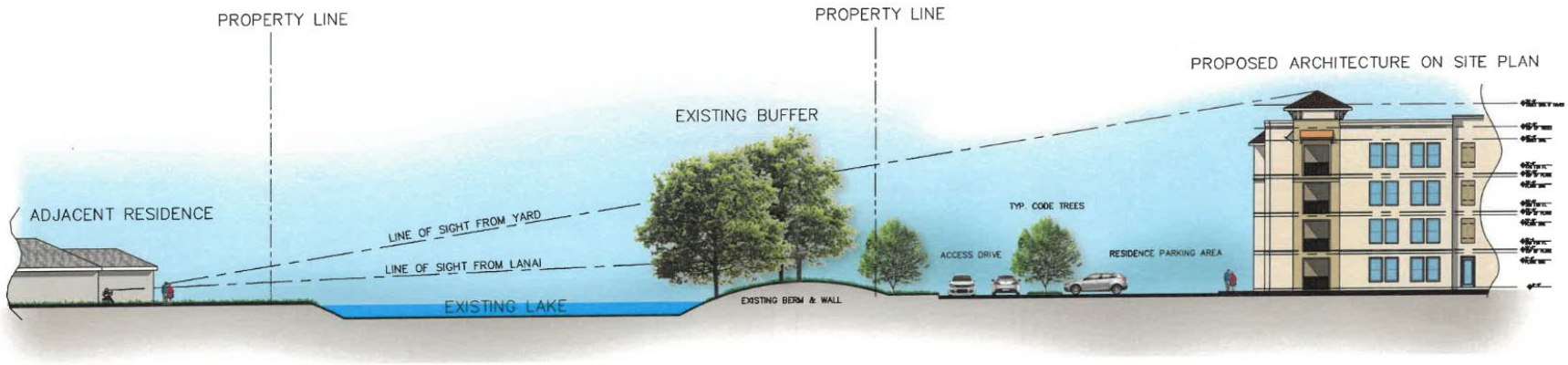


CARPORT ELEVATION

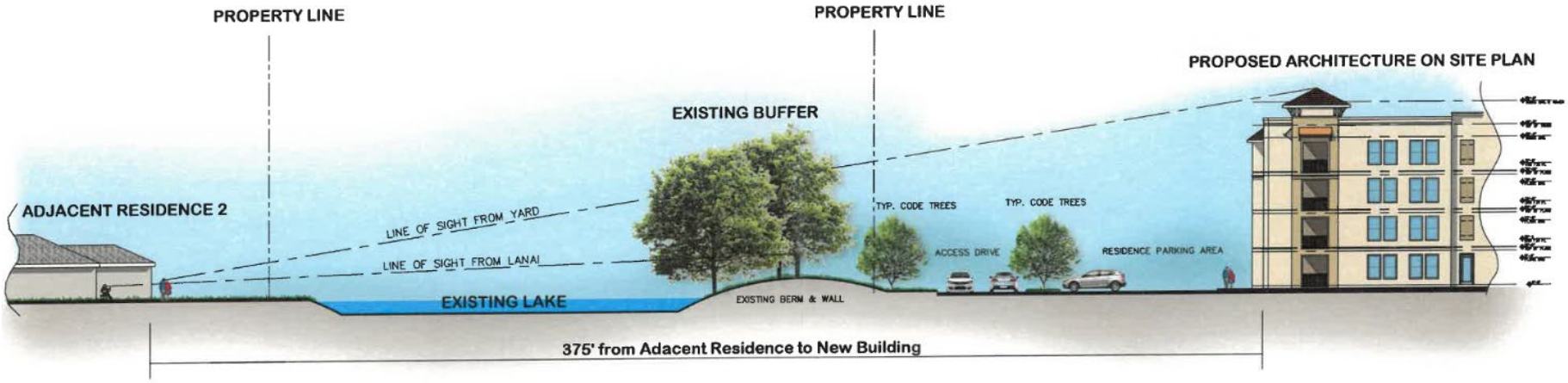
LINE OF SIGHT EXHIBIT



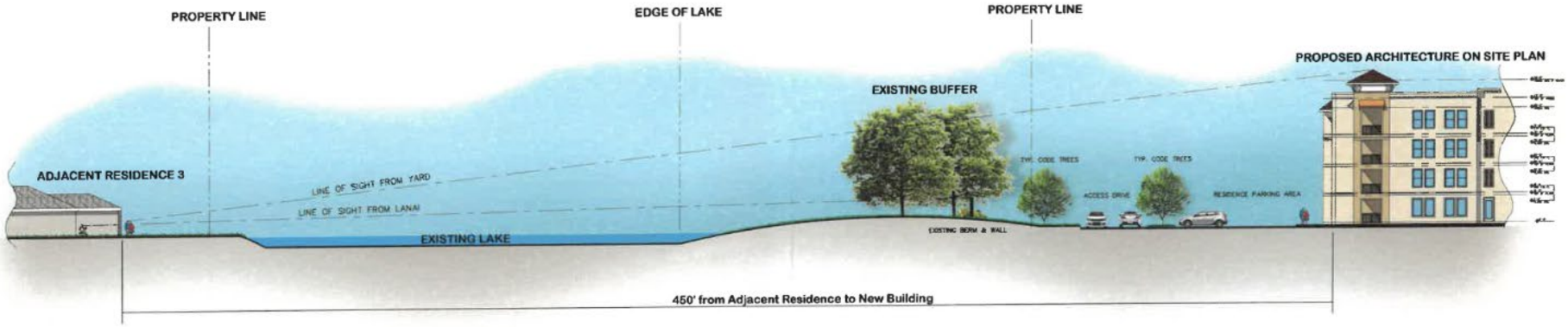
LINE OF SIGHT EXHIBIT
TO THE NORTH #1



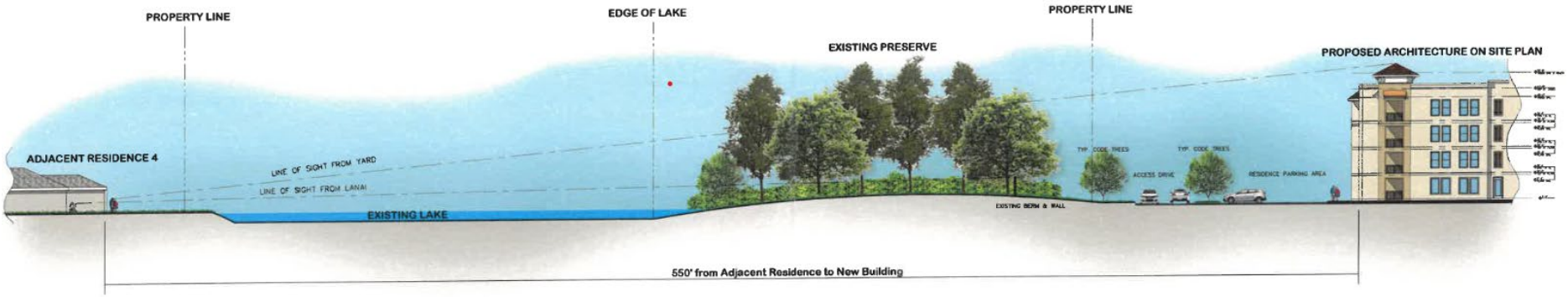
LINE OF SIGHT EXHIBIT
TO THE NORTH #2



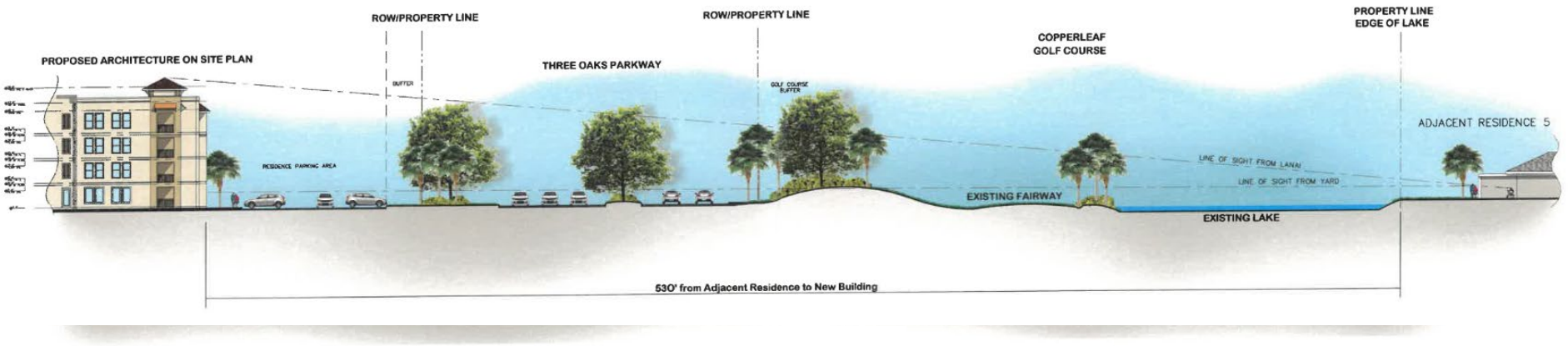
LINE OF SIGHT EXHIBIT
TO THE NORTH #3



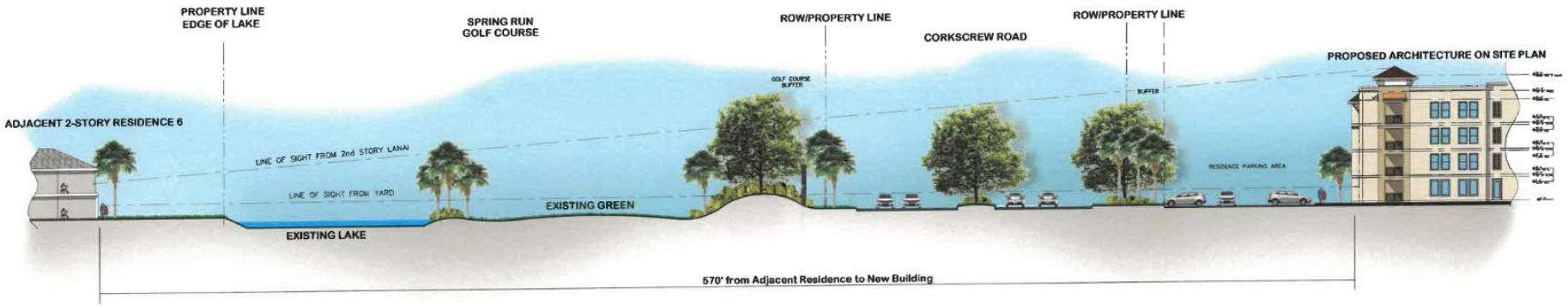
LINE OF SIGHT EXHIBIT
TO THE NORTH #4



LINE OF SIGHT EXHIBIT
TO THE EAST

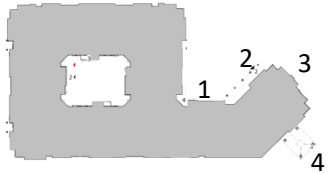


LINE OF SIGHT EXHIBIT
TO THE SOUTH



BUILDING ELEVATIONS

MAIN BUILDING ELEVATIONS



KEY PLAN



4 EXTERIOR ELEVATION
SCALE: 3/32" = 1'-0"



3 EXTERIOR ELEVATION
SCALE: 3/32" = 1'-0"



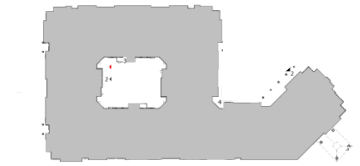
1 EXTERIOR ELEVATION
SCALE: 3/32" = 1'-0"



2 EXTERIOR ELEVATION
SCALE: 3/32" = 1'-0"

BUILDING ELEVATIONS

MAIN BUILDING ELEVATIONS



KEY PLAN



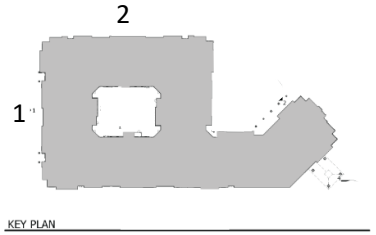
3 EXTERIOR ELEVATION 1A



2 EXTERIOR ELEVATION 1B

BUILDING ELEVATIONS

MAIN BUILDING ELEVATIONS





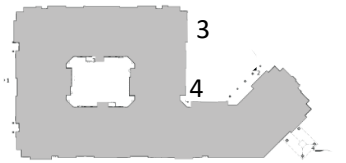
1 EXTERIOR ELEVATION 2 - OVERALL
SCALE: 3/32" = 1'-0"



2 EXTERIOR ELEVATION 3 - OVERALL
SCALE: 3/32" = 1'-0"

BUILDING ELEVATIONS

MAIN BUILDING ELEVATIONS

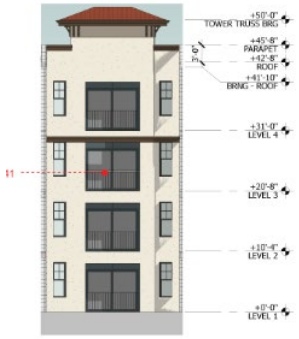


KEY PLAN



3 EXTERIOR ELEVATION

SCALE: 3/32" = 1'-0"

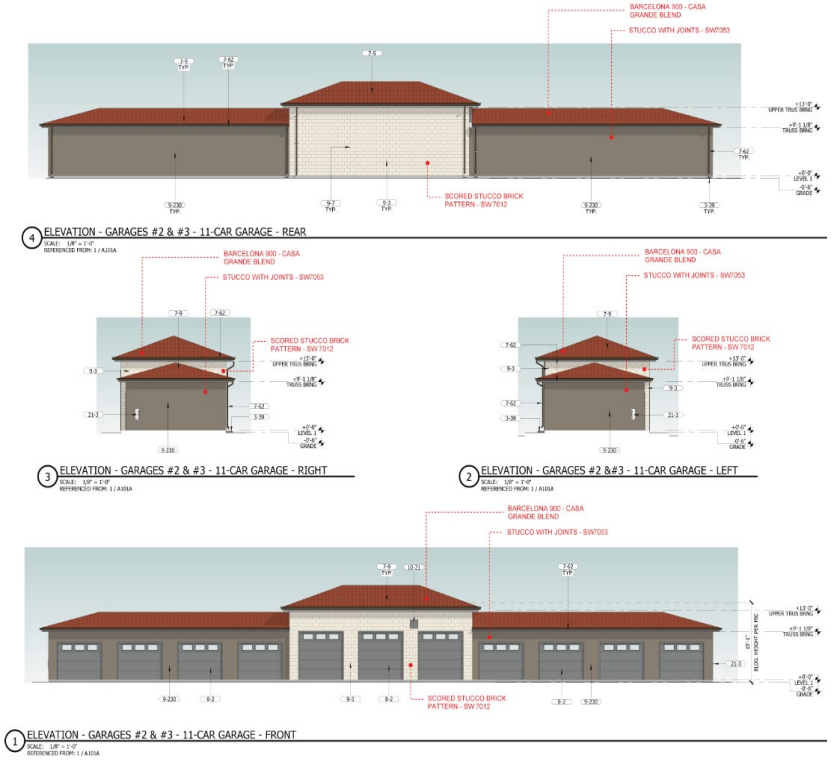


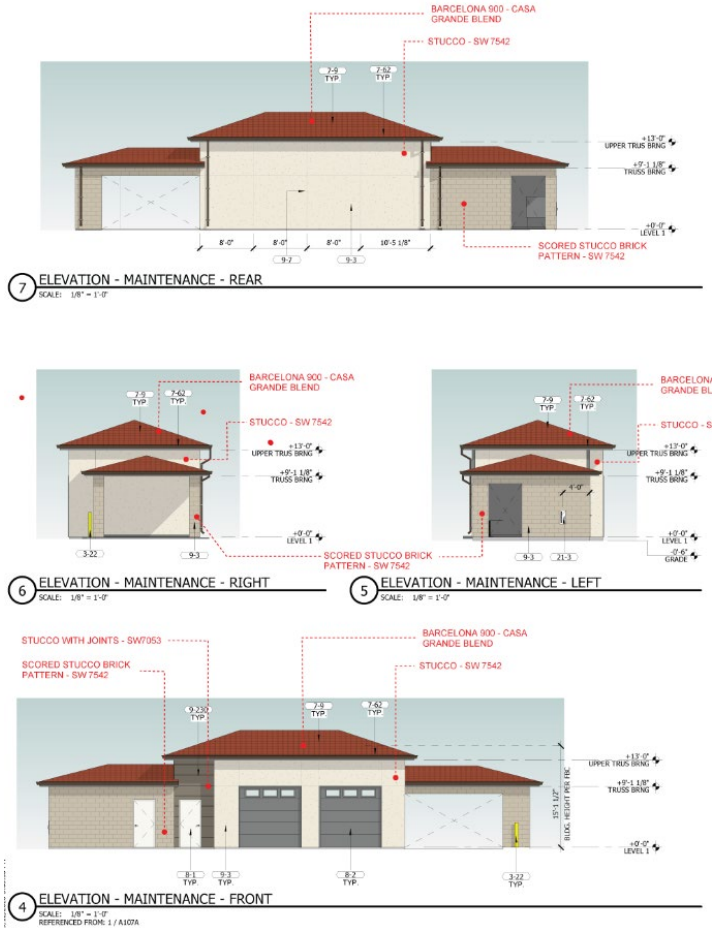
4 EXTERIOR ELEVATION

SCALE: 3/32" = 1'-0"

BUILDING ELEVATIONS

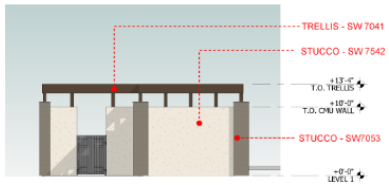
GARAGE & MAINTENANCE BUILDING



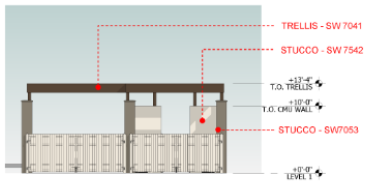


BUILDING ELEVATIONS

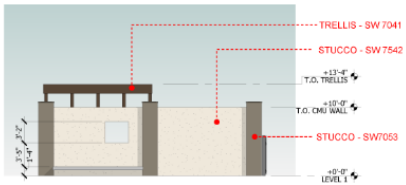
RECYCLING AND COMPACTOR ENCLOSURE
EXISTING BUILDING INTERFACE



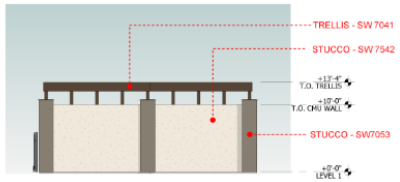
6 ELEVATION, TRASH - RIGHT
SCALE: 1/8" = 1'-0"



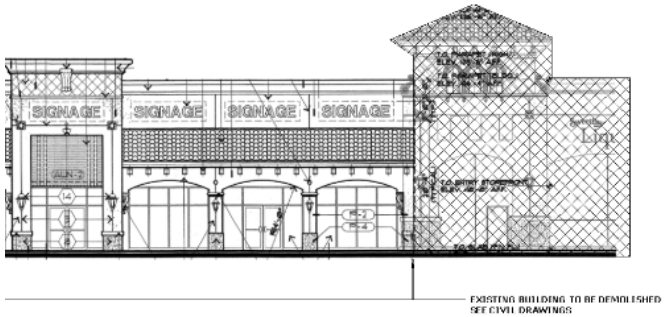
4 ELEVATION, TRASH - LEFT
SCALE: 1/8" = 1'-0"



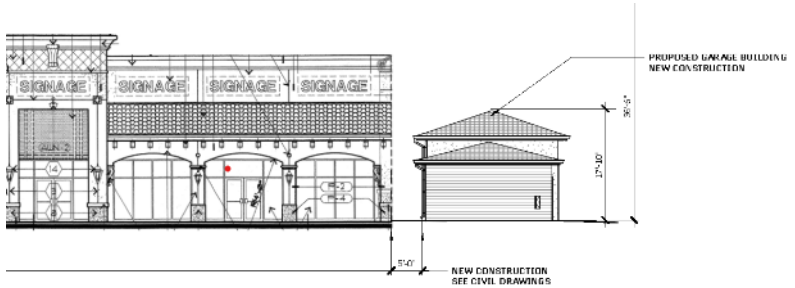
5 ELEVATION, TRASH - REAR
SCALE: 1/8" = 1'-0"



3 ELEVATION, TRASH - FRONT
SCALE: 1/8" = 1'-0"



EXISTING RETAIL/SWEETBAY INTERFACE



PROPOSED RETAIL/GARAGE INTERFACE

SIGN ELEVATIONS



RESIDENTIAL SIGN AT THREE OAKS PARKWAY

SW 7012: CREAMY
STUCCO

SW 7542: NATUREL
SCORED STUCCO BRICK PATTERN

SW 6228: REFUGE
CERAMIC TILE

SW 7041: VAN DYKE BROWN
FOAM TRIM BOARD

SW 7053: ADAPTIVE SHADE
STUCCO

COLOR OF SIGN LETTERS TO MATCH
COLOR OF ROOF SHINGLES
(BARCELONA 900 - CASA GRANDE BLEND)

COLOR LEGEND

SW 7012: CREAMY

SW 7542: NATUREL

SW 7053: ADAPTIVE SHADE

SW 7041: VAN DYKE BROWN

SW 6228: REFUGE

COLOR OF SIGN LETTERS TO MATCH
COLOR OF ROOF SHINGLES
(BARCELONA 900 - CASA GRANDE BLEND



COMMERCIAL SIGN AT COCONUT ROAD

SW 7012: CREAMY
STUCCO

SW 7542: NATUREL
SCORED STUCCO BRICK PATTERN

SW 6228: REFUGE
CERAMIC TILE

SW 7041: VAN DYKE BROWN
FOAM TRIM BOARD

SW 7053: ADAPTIVE SHADE
STUCCO

BUILDING RENDERING

North and East Face



BUILDING RENDERING

East and South Face



BUILDING RENDERING

West and Northwest Face



BUILDING RENDERING

East and South Face



THANK YOU

Village of ESTERO

APPLICATION REQUEST FOR PLANNING AND ZONING BOARD
PUBLIC INFORMATIONAL MEETING IN THE VILLAGE OF ESTERO
[LDC Section 33-54]

REQUEST IS FOR: Public Informational Meeting pursuant to LDC Section 33-54 (a) & (b)

1. Applicant/Project Name: Andrew Petersen
2. Address: 4450 W Eau Gallie Blvd. Suite 144 Melbourne, FL 32934
3. Strap Number: 21-46-25-E4-01700.0010
4. Application Number:

5. Type of Application (check appropriate type(s)):

Comprehensive Plan Amendment ☐
Planned Development –Amendment or Final Plan Approved ☐
Conventional Rezoning ☐
Plat ☐
Other ☒
(Specify) Site Plan Review

Planned Development Zoning ☐
Variance ☐
Special Exception ☐
Vacation ☐

6. Project Description (Brief description of project and need for application.)

Scope of work contains a +/- 5,800 SF expansion of the building to provide additional storage area for the Online Pickup program, re-stripping some of the Pickup spaces to convert standard spaces into more Pickup spaces, and restriping and seal coating the parking lot.

7. Application shall be accompanied by an electronic copy of the site plans drawn to scale, illustrating a detailed overview of the project. The plans shall define what is being requested and the deviation or change from the permitted and/or existing conditions.

Signature

07/05/2023
Date

THE VILLAGE OF ESTERO
DEPARTMENT OF COMMUNITY DEVELOPMENT
9990 COCONUT ROAD
ESTERO, FLORIDA 34135
PHONE (239) 221-5036

Walmart Expansion Proposal (Estero - South Tamiami Trail)

Public Information meeting
October 10, 2023

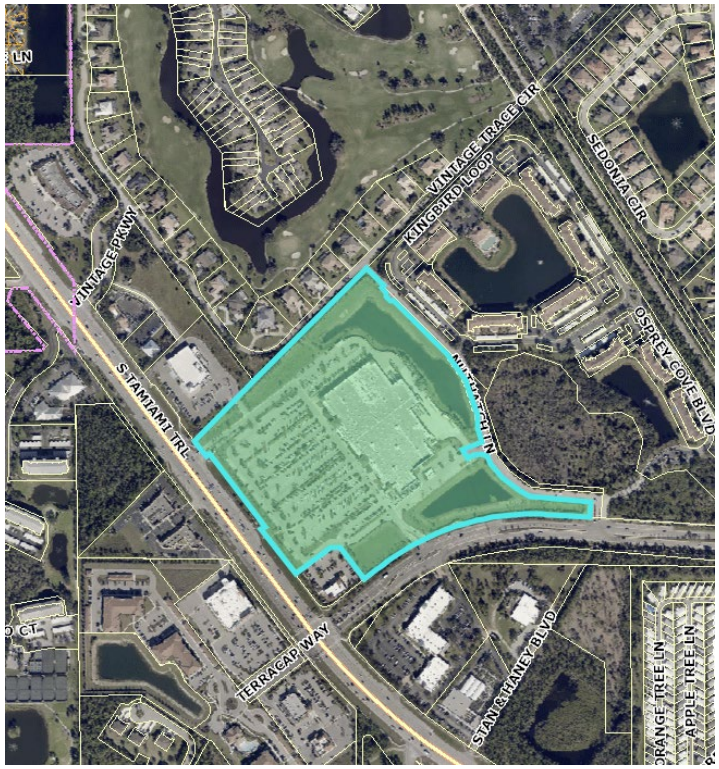


Project Team

- Developer/Applicant: Wal-Mart Stores East LP
- Engineer: Bowman
- Landscape Architect: Bowman
- Architect: Cuhaci Peterson
- Photometric: Current
- Signage : Florida Sign







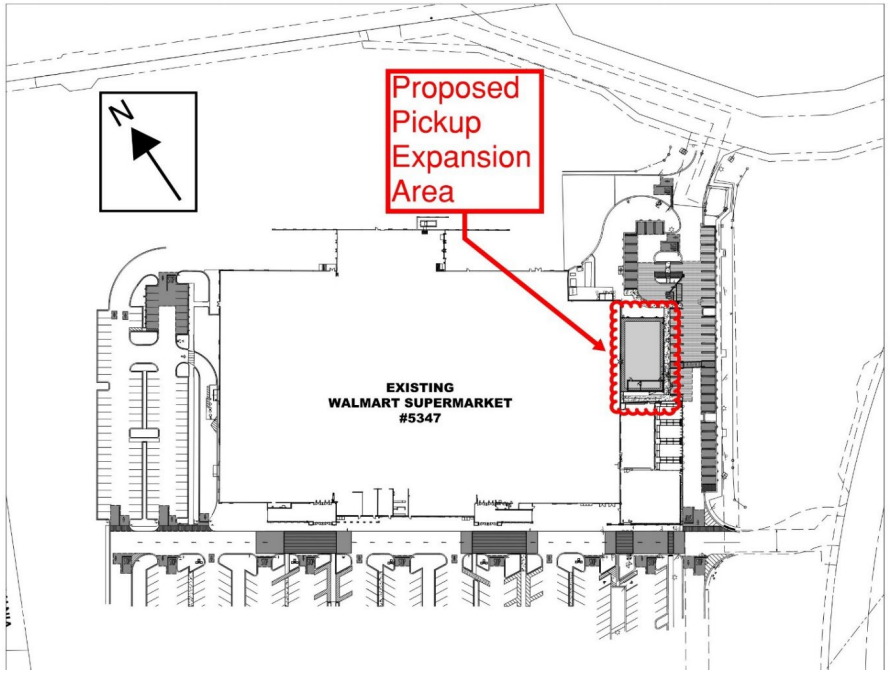
Property Location

- Norther Corner of Intersection of South Tamiami Trail & Estero Parkway



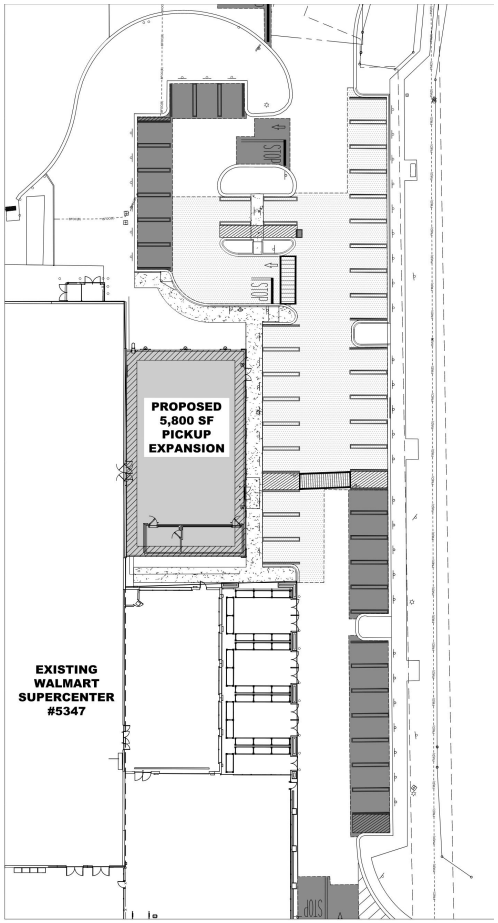
Project Site Plan

- Proposed +/- 5,800 SF Pickup Expansion to Southeast Corner of Existing Walmart (Estero Supercenter)
- Improvements consist of associated parking, traffic signage, and landscaping.



Site Plan Internal Circulation

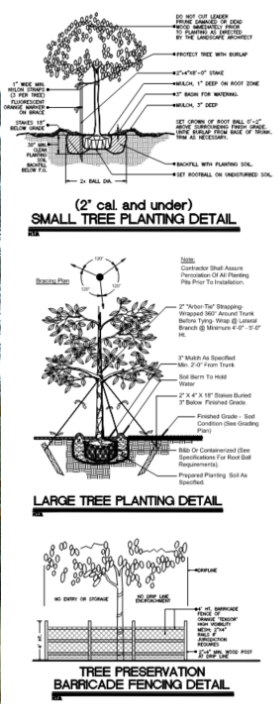


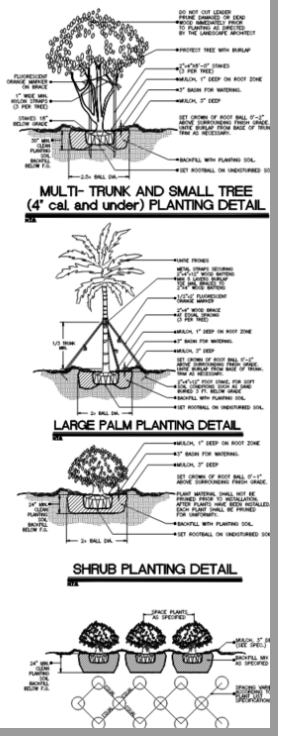


Site Landscaping

- Landscaping is provided on proposed expansion area of the site.
- The site has been heavily planted to maximize all available planting space.
- The caliper of shade trees were upsized to provide a more mature atmosphere to add the site's appearance.
- Tree choices consisted of Cypresses and Magnolias in order to ensure the trees can withstand the wet season. Palms and grasses are proposed for consistency with adjacent developments.

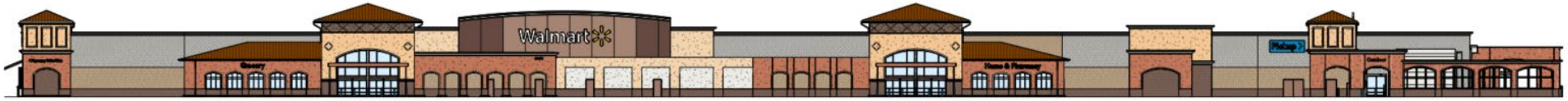






Proposed Pattern Look – Front Elevation

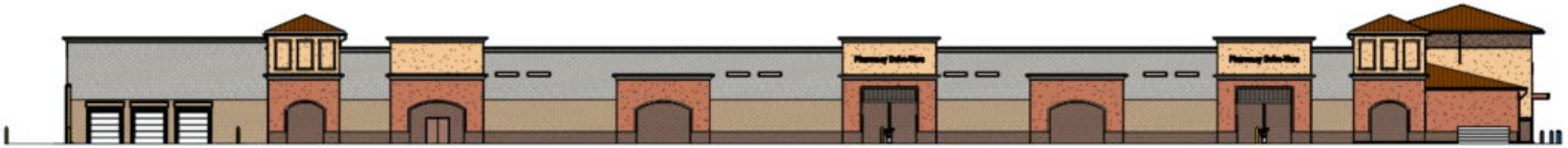
	COLOR LEGEND
P#	COLOR NAME
P5E	SAFETY YELLOW
P8E	PURE WHITE SW#7005
P36E	BLACK
P69E	BAKED CLAY SW6340
P80E	MOROCCAN BROWN SW6060
P83E	COBBLE BROWN SW6082
P200E	FLAN SW6652
P201E	PIZAZZ PEACH SW6888
P76U	"WALMART BLUE"
P162E	DARK GRAY
P217E	DARK BRONZE
RT1	"APPLE CIDER" BY MONIER LIFE TILE
WP2	SOLID PHENOLIC PAN EL DARK BROWN
WP3	SOLID PHENOLIC PAN EL COBBLE BROWN







Left Elevation







Rear Elevation





Right Elevation

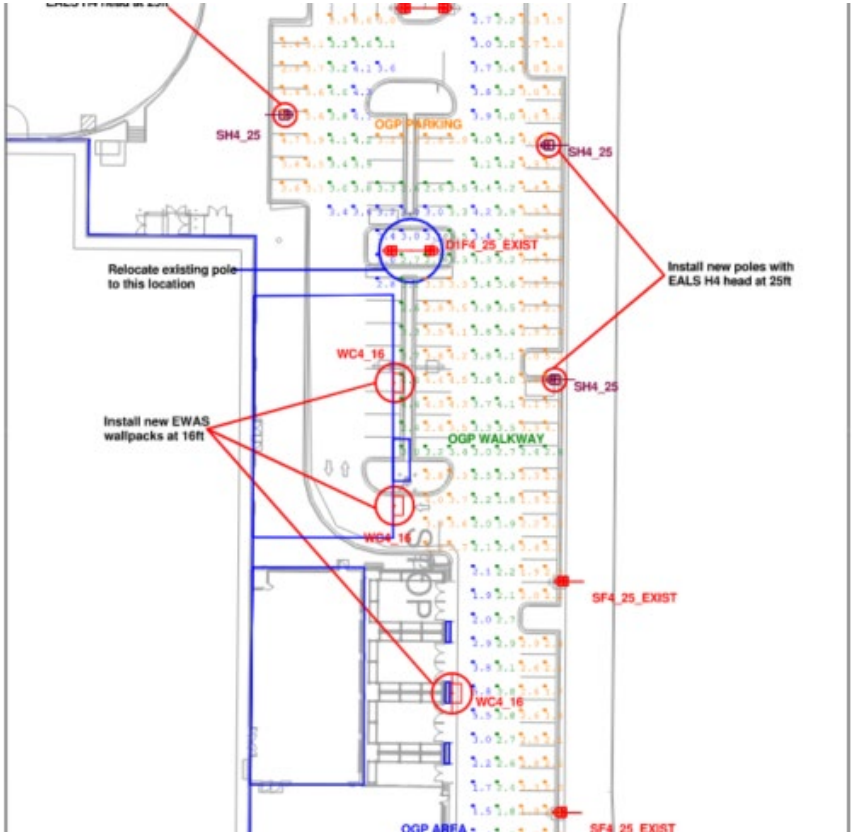






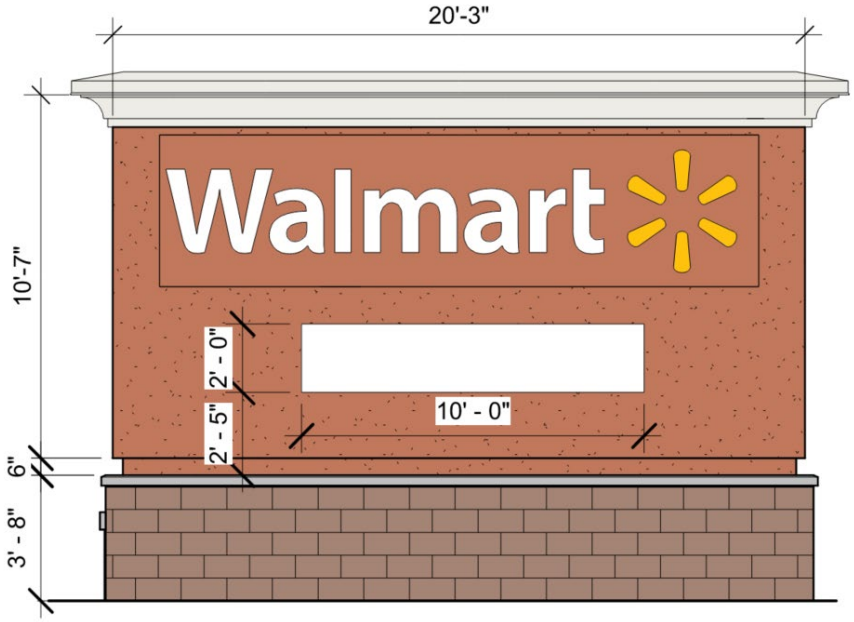
Site Lighting

- Lighting has been designed in accordance with the Village of Estero Land Development Code for the accessibility and safety of the community.
- Proposed design includes:
  - Pedestrian lighting
  - Expansion Parking area lighting
  - Walkway lighting



Site Signage

- Monument sign is proposed on the northwest corner at 10′-7″ height.
- 4′ tall directional signs will be placed at the driveways.



Summary

- The proposed development is designed in accordance with all AHJ guidelines, and currently in review with the Village of Estero to ensure the safety and attraction of the Village are met.
- This development is a high-quality retail store with an online pickup designated area.
- Community space is also provided in the form of outdoor seating and a public space.
- High Quality architectural elements are included to compliment the appearance of the surrounding community.
- This location will serve the community along the South Tamiami Trail. Walmart prides itself on being resilient during emergency situations serving our community.


Are There Any Questions?

Village of ESTERO

APPLICATION REQUEST FOR PLANNING ZONING AND DESIGN BOARD PUBLIC INFORMATIONAL MEETING IN THE VILLAGE OF ESTERO

REQUEST IS FOR: Public Informational Meeting pursuant to Land Development Code.

1. Applicant/Project Name: Southwest Florida Church of Christ
2. Address: 15248 S. Tamiami Trail, Ste. 900, Fort Myers, Fl 33908
3. Strap Number: 28-46-25-E3-U1969.2482
4. Application Number: pending

5. Type of Application (check appropriate type(s)):

- ☐ Comprehensive Plan Amendment
- ☐ Planned Development –Amendment or Final Plan Approved
- ☐ Conventional Rezoning
- ☐ Plat
- ☐ Other _____ (Specify)
- ☐ Planned Development Zoning
- ☐ Variance
- ☒ Special Exception
- ☐ Vacation

6. Project Description (Brief description of project and need for application.)

Request is for a Special Exception to allow a Religous Facility/Place of Worship and Daycare in the AG zoning District within the Village of Estero. Project will have an approx. 12,000 SF building with 249 seats in the Worship Sanctuary and 271 children during the weekday in a daycare setting.

7. Application shall be accompanied by an electronic copy of the site plans drawn to scale, illustrating a detailed overview of the project. The plans shall define what is being requested and the deviation or change from the permitted and/or existing conditions.

Signature

9/14/23
Date

THE VILLAGE OF ESTERO
DEPARTMENT OF COMMUNITY DEVELOPMENT
9401 Corkscrew Palms Circle
Estero, Florida 33928
Phone (239) 221-5036

RVi Planning + Landscape Architecture

SOUTHWEST FLORIDA CHURCH OF CHRIST

Special Exception – SEZ2023-E002

Public Information Meeting

October 10, 2023

SOUTHWEST FLORIDA CHURCH OF CHRIST

Keene DEVELOPMENT, LLC
CONSTRUCTION • ENGINEERING • REAL ESTATE

TR TRANSPORTATION CONSULTANTS, INC.

SFA South Florida Architecture

- Matt Newburg, Southwest Florida Church of Christ
- Tim Keene, P.E., Keene Development, LLC
- Ted Treesh, Transportation Consultants, Inc.
- Katelyn Hannigan, South Florida Architecture
- Alexis Crespo & Patrick Murrary, AICP, RVi

PROJECT TEAM

SWFL Church of Christ
Special Exception

RVi Planning + Landscape Architecture

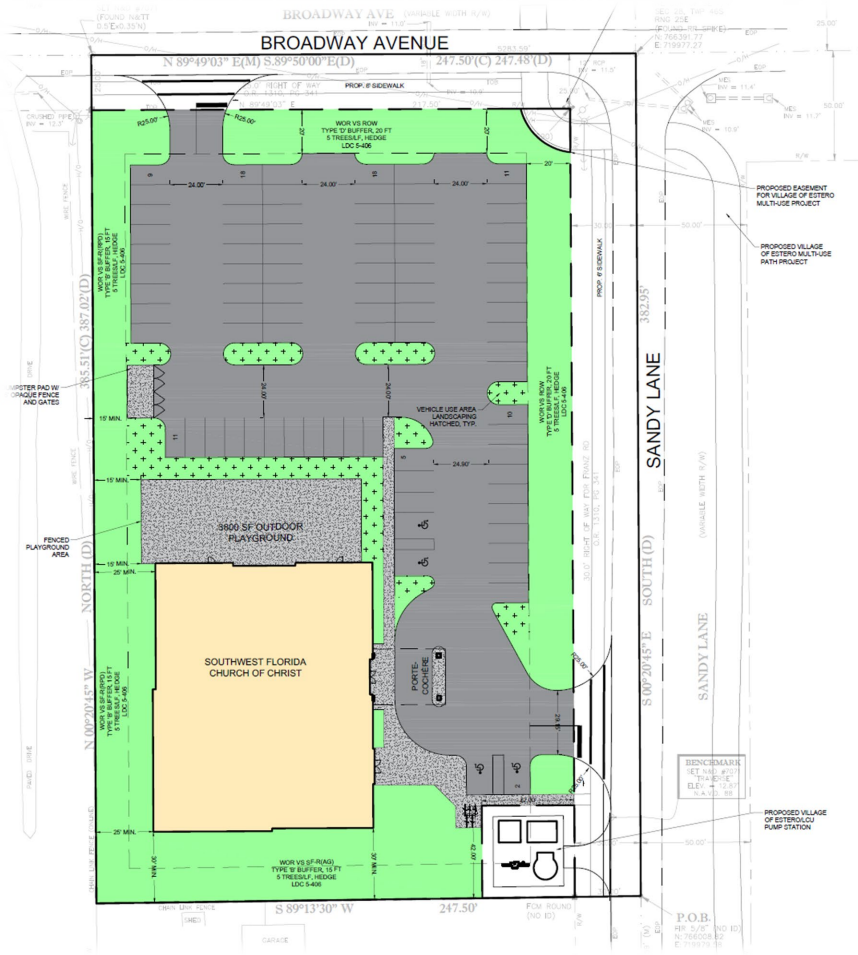


PROJECT LOCATION

Southwest Florida Church of Christ

OVERVIEW OF REQUEST

- Request for a Special Exception that would allow for a "religious facility" in the Agricultural zoning district.
- The Subject Property is 2.18+/- acres
- 12,000 sq. ft. single-story building that can accommodate 249 seats for religious services
- The site would also function as a children's day care center Monday thru Friday

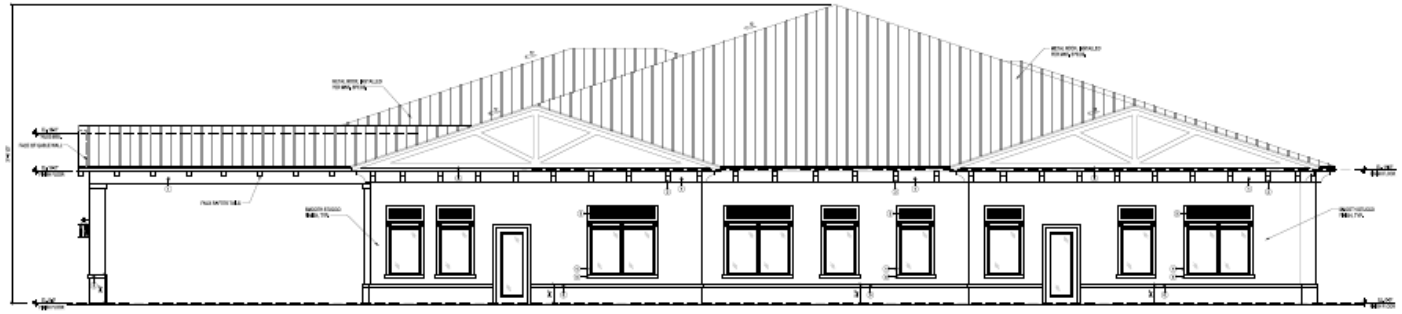


MASTER CONCEPT PLAN

Southwest Florida Church of Christ

- 2.18 +/- Acres
- 12,000 sq. ft. Single–Story Building
- 3,800 sq. ft. Playground
- Access from Broadway Ave and Sandy Ln
- 15’ and 20’ Buffers

CONCEPTUAL ARCHITECTURAL ELEVATIONS

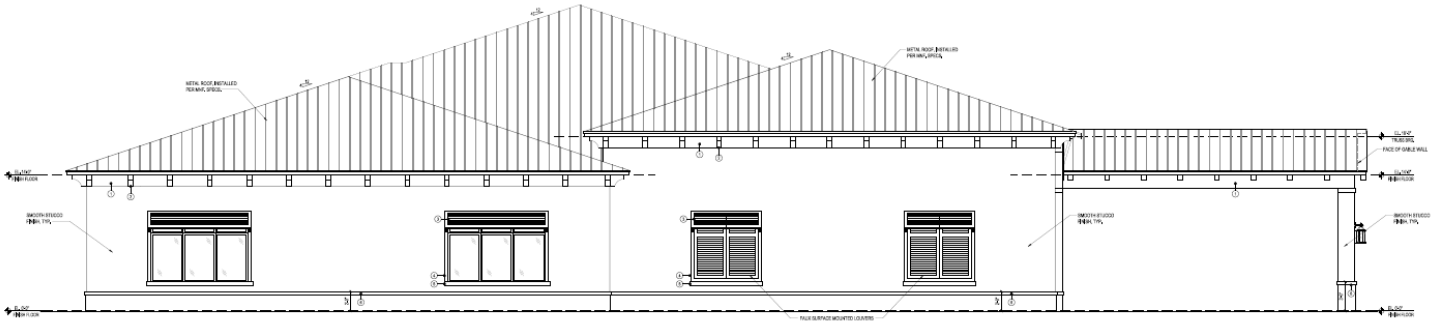


NORTH ELEVATION

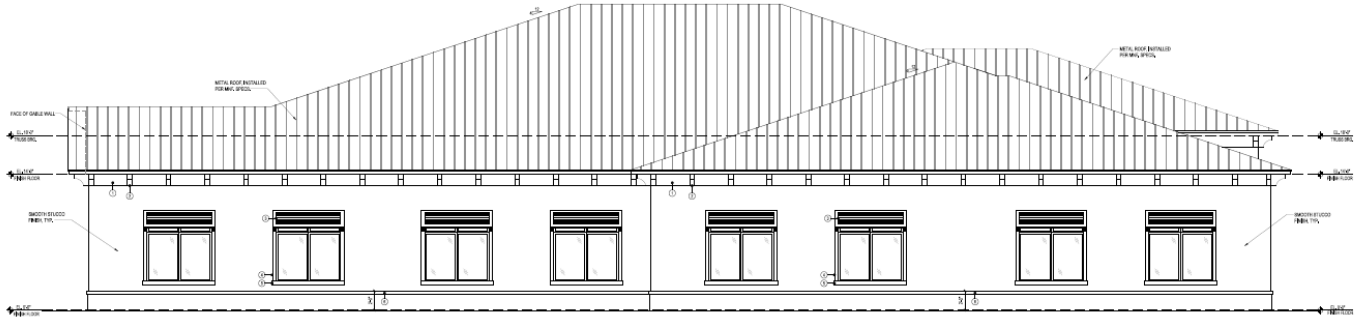


EAST ELEVATION

CONCEPTUAL ARCHITECTURAL ELEVATIONS



SOUTH ELEVATION



WEST ELEVATION

THANK YOU

QUESTIONS?

SOUTHWEST FLORIDA CHURCH OF CHRIST

Keene DEVELOPMENT, LLC
CONSTRUCTION • ENGINEERING • REAL ESTATE

TR TRANSPORTATION CONSULTANTS, INC.

RVi Planning + Landscape Architecture

SFA South Florida Architecture

Hilton Garden Inn on Tract 1D-3

8009 Sweetwater Ranch Blvd., Estero, FL 33928

Village of Estero
Design Review Board Workshop
October 10, 2023

Ordinance No. 2018-05 Approved Zoning Amendment:	06.20.2018
Design Review Board Meeting:	09.11.2019
South Florida Water Management District Approval:	01.31.2020
Hilton Brand Approval:	05.19.2020
Estero Building Plan Conditional Approval:	07.06.2020
Bonita Springs Utilities, Inc. Approval:	08.13.2020
Design Review Board Meeting:	09.16.2020
Design Review Board – Workshop Meeting:	10.10.2023

Project Team

Owner:
Coconut Estero Investment Partners, LLC
Equity Inc.
Jon Rolwing, Sr. VP of Development

Design-Build Contractor:
Equity Construction Solutions
Shawn Boysko, Design Build Manager

North Village Association:
Oakbrook Properties, Inc.
Ned Dewhirst, PE

Civil Engineer: **Hole Montes, Inc.**
Richard E. Brylanski, PE, Partner
John Baker, Project Manager
William E. Prysi, Landscape Architect

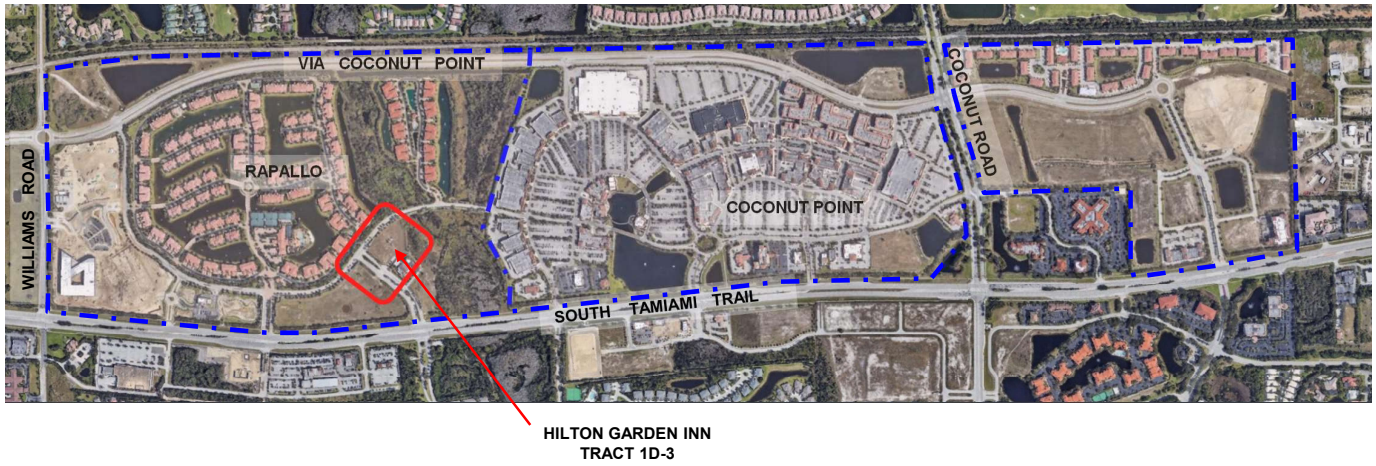
Architect: **David L. Wallace**
David L. Wallace, Principal
Guillermo Pedroza - Project Manager

Building Engineer: **The Design Group, Inc.**

Agenda

- Project Background
- Village of Estero Zoning Ordinance No. 2018-05
- Site Design
- Landscape Design
- Site Lighting
- Building Design
- Sight Line Study
- Building Perspectives & Elevation views
- Accessory Structures
- Building & Site Sign Design

Aerial- Coconut Point MPD



Coconut Point Tract 1D-3



Existing Site Conditions

- 8009 Sweetwater Ranch Blvd.
- Southwest corner of Sweetwater Ranch & Via Villagio
- Tract 1D-3: 2.16 acres parcel and 0.34 acres north side of Sweetwater Ranch.
- Site has been cleared of vegetation and fill



Project Background

Village of Estero Zoning Ordinance No. 2018-05 approving zoning amendment to allow a hotel use on 2.16 acres of Tract 1D-3 of Coconut Point with the following conditions:

1. **Master Concept Plan**: Development of 115-unit hotel on Tract 1D-3.
2. **Previous Approvals**: Ordinance 2017-02 in effect, except as outlined below.
3. **Maximum Building Height**: 55 feet or five stories for hotel use.
4. **Pattern Book**: Consistent with "Hilton Garden Inn at Coconut Point, Supplemental Pattern Book, Track 1D-3", except Option on page 6.
5. **Base Flood Elevation**: Finished floor to meet base flood elevation plus one foot.
6. **Off-site Parking Sidewalk Connection & Easement**:
7. **Stormwater Management**:
8. **Deviation 1**: Maximum Building Height of 55 feet.
9. **Deviation 2:** Allow for Architectural Elements not to exceed and additional exceed 22 feet above Building Heights for maximum height of 77 feet.
10. **Deviation 3**: Reduce 20 feet Landscape Buffer to 15 feet.

Master Site Plan

Development Regulations:
Lot Width: 100 ft
Lot Depth: 100 ft
Lot Area: 20,000 sf
Max. Lot Coverage: 40%

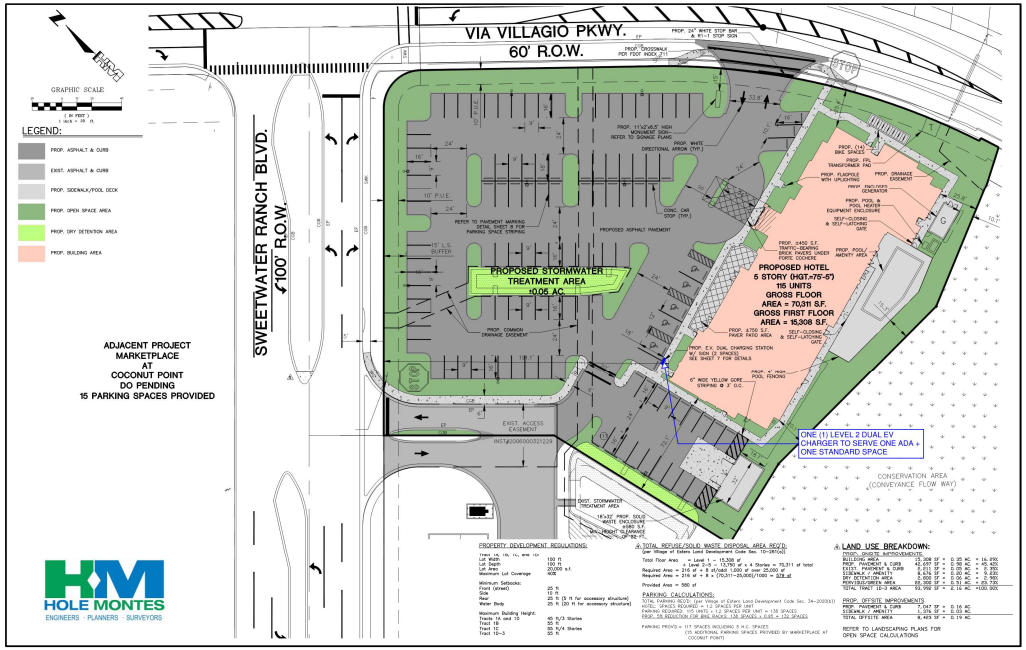
Min Setbacks:
Front (Street): 25 ft
Side: 10 ft
Rear: 25 ft
(5 ft for accessory structures)

Maximum Building Height: 55 ft

Parking Summary:
Required Hotel Parking: 1.2 spaces / unit
Required Parking: 1.2 x 115 = 138 spaces
Reduction for Bike Racks: 5% - 6 spaces
Provided Parking: 132 spaces*
**includes 15 spaces at Marketplace at Coconut Point*

Land Use Summary:
On-Site Improvements:

Building Area:	15,308 sf	16.29 %
Paving/Curbs:	42,697 sf	45.42 %
Sidewalk/Amenity	8,676 sf	9.23 %
Dry Detention	2,800 sf	2.98 %
Pervious	22,300 sf	23.73 %
Total Tract 1D-3	93,992 sf	2.16 ac.

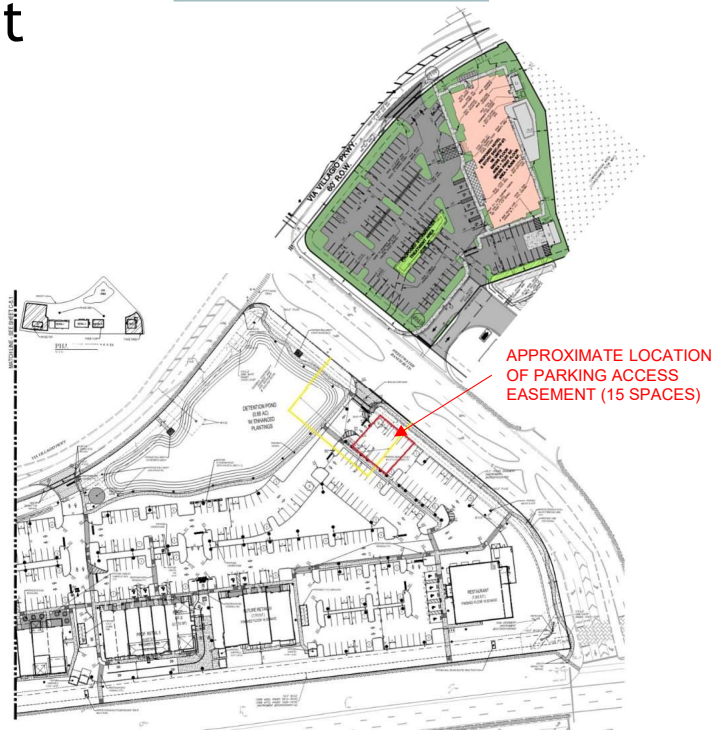


Off-Site Parking Easement

MARKETPLACE AT COCONUT POINT: PARKING SUMARY

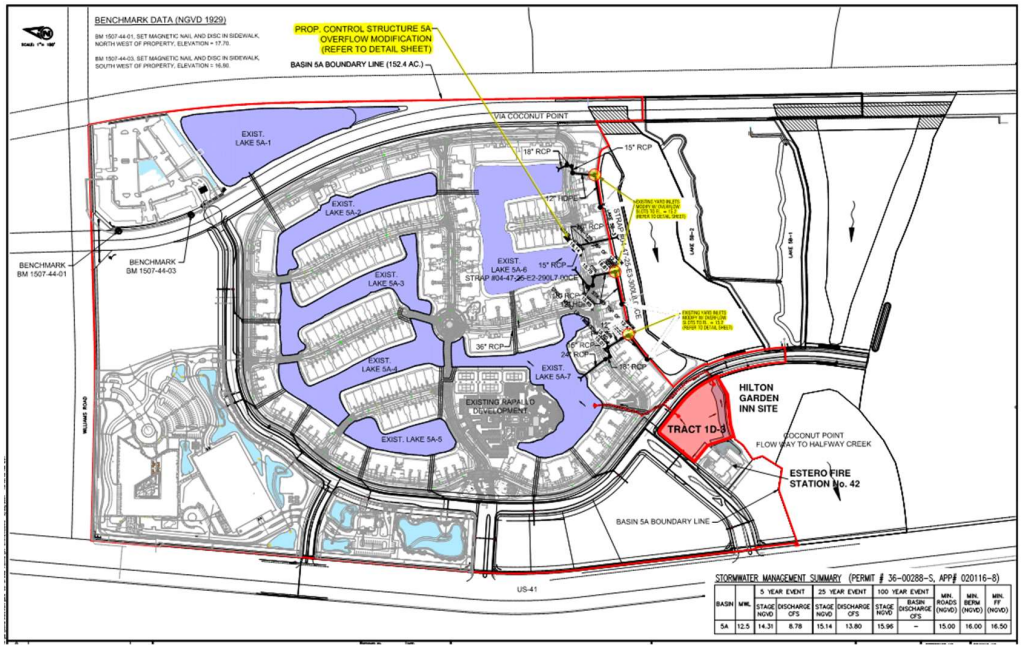
PARKING:	REQUIRED		PROVIDED
FF 1:	4,455 SF(13/1000)	= 58 SPACES	48 SPACES
OUTDOOR SEATING:	500 SF (13/1000)	= 7 SPACES	
BIKE RACK:	REQ. SPACES X 5%	= 3 SPACES	4 SPACES
RETAIL I:	13,653 SF (1/350)	= 39 SPACES	74 SPACES
RETAIL I REST.:	5,000 SF (1/350)	= 14 SPACES	
OUTDOOR SEATING:	1,200 SF (1/350)	= 3 SPACES	
BIKE RACK:	REQ. SPACES X 5%	= 3 SPACES	4 SPACES
RETAIL II:	6,657 SF (1/350)	= 19 SPACES	56 SPACES
RETAIL II REST.:	2,500 SF (1/350)	= 7 SPACES	
FF 2:	2,570 SF (13/1000)	= 33 SPACES	
BIKE RACK:	REQ. SPACES X 5%	= 3 SPACES	4 SPACES
RETAIL III:	7770 SF (1/350)	= 22 SPACES	27 SPACES
BIKE RACK:	REQ. SPACES X 5%	= 1 SPACES	2 SPACES
FOOD/BEV:	7202 SF (14/1000)	= 101 SPACES	101 SPACES
BIKE RACK:	REQ. SPACES X 5%	= 5 SPACES	6 SPACES
OFFSITE HOTEL PARKING:			15 SPACES
OVERFLOW PARKING:			31 SPACES
TOTAL MIN PARKING		= 303 SPACES	352 SPACES





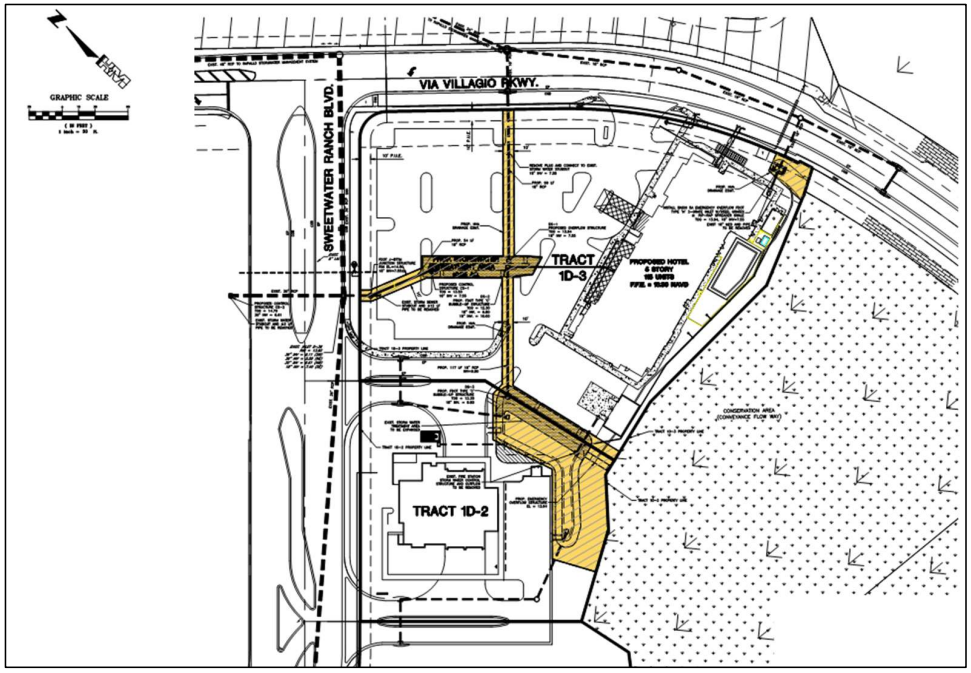
Stormwater Management

- The developer of Tract 1D3 has constructed overflow structure as referenced in the Coconut Point North Village Surface Water Management Analysis- Basin 5A.
- The overflow structure will be subject to SFWMD, Village of Estero and the North Village Association approvals.



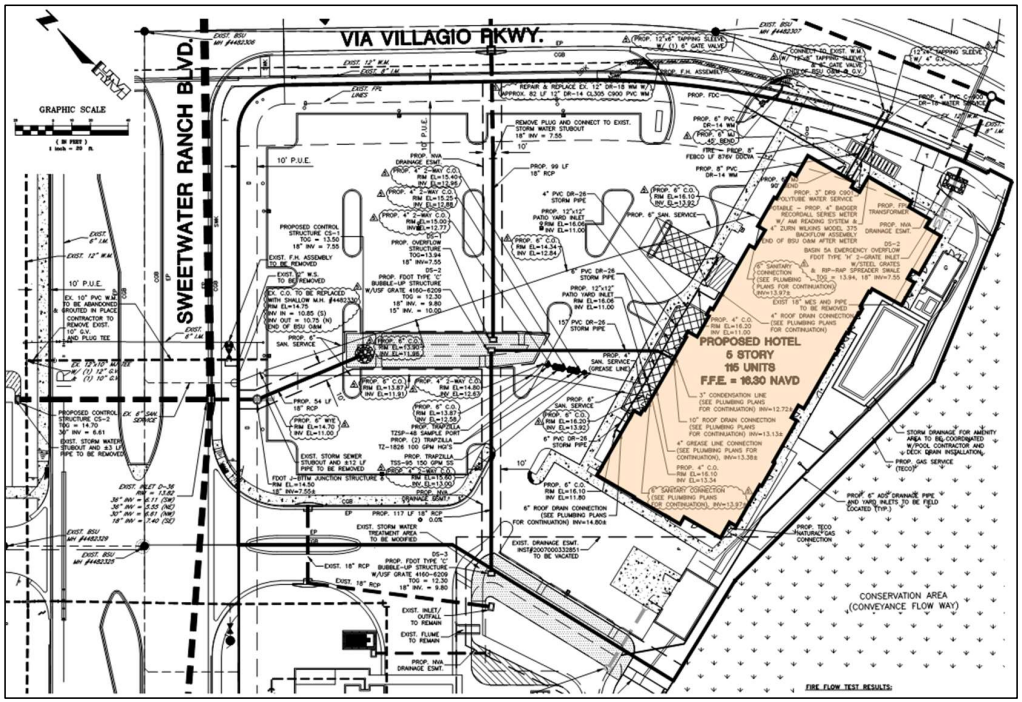
Stormwater Management

Final amendments to existing shared drainage easements



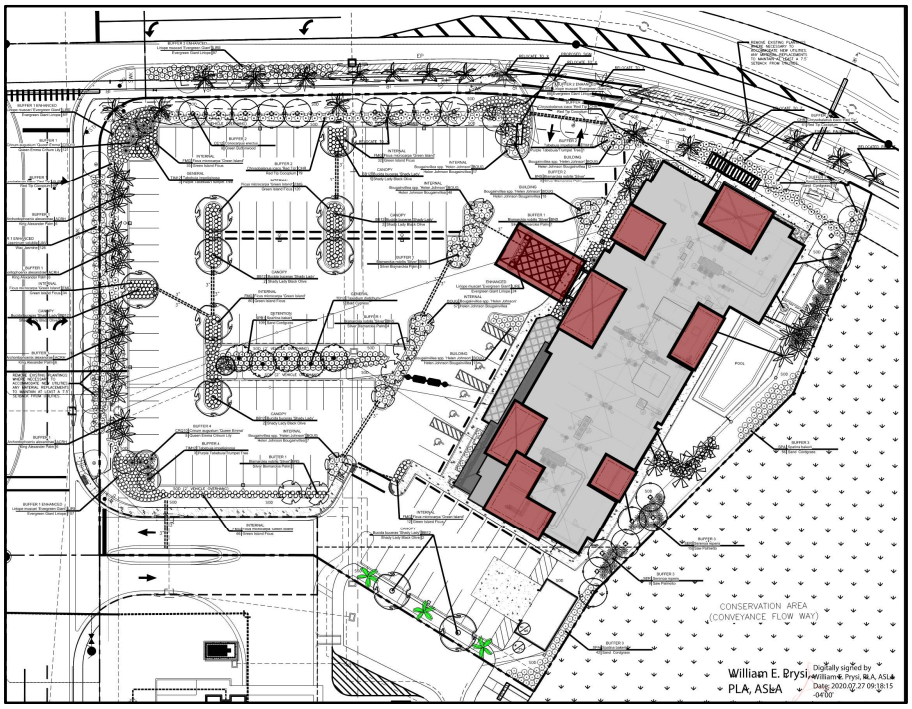
HOLE MONTES
ENGINEERS · PLANNERS · SURVEYORS

Drainage & Utility Plan



HOLE MONTES
ENGINEERS · PLANNERS · SURVEYORS

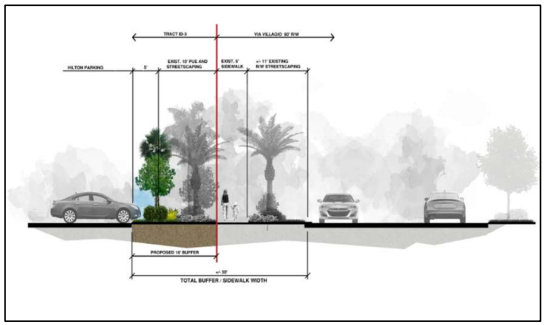
Landscape Design



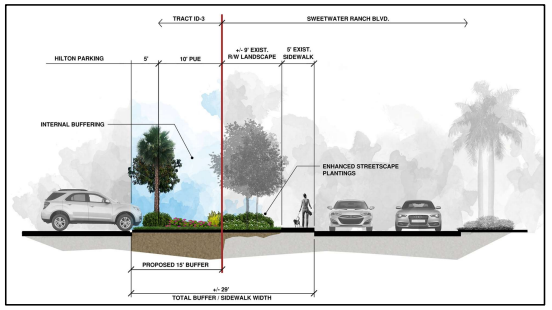
Landscape Buffers



LAND ARCHITECTS INC

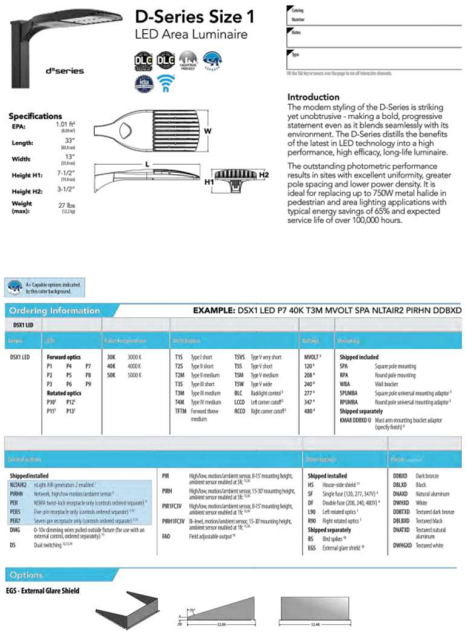


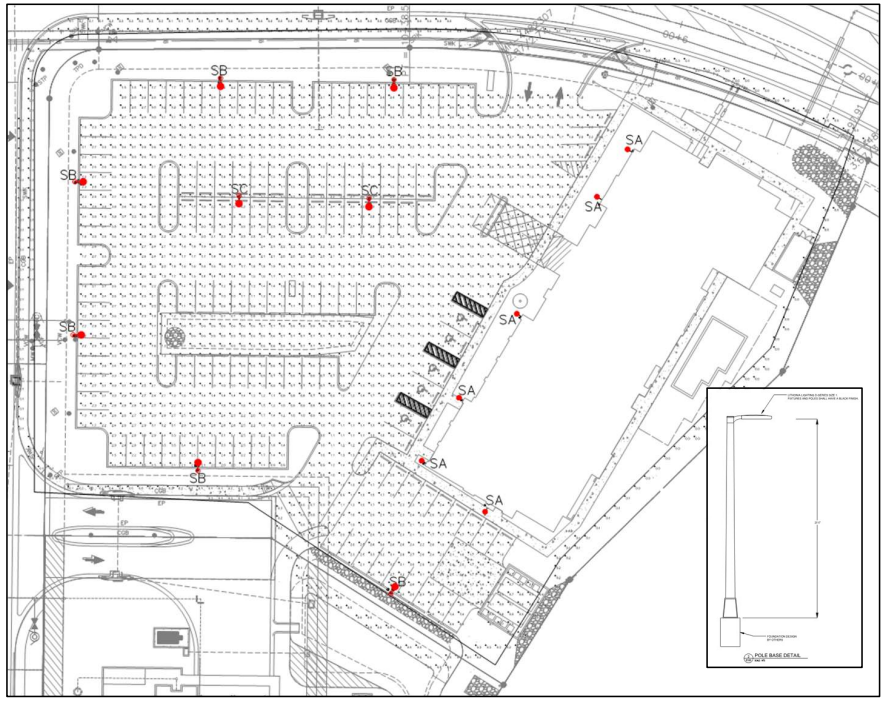
Via Villagio Pkwy. Landscape Buffer



Sweetwater Ranch Blvd. Landscape Buffer

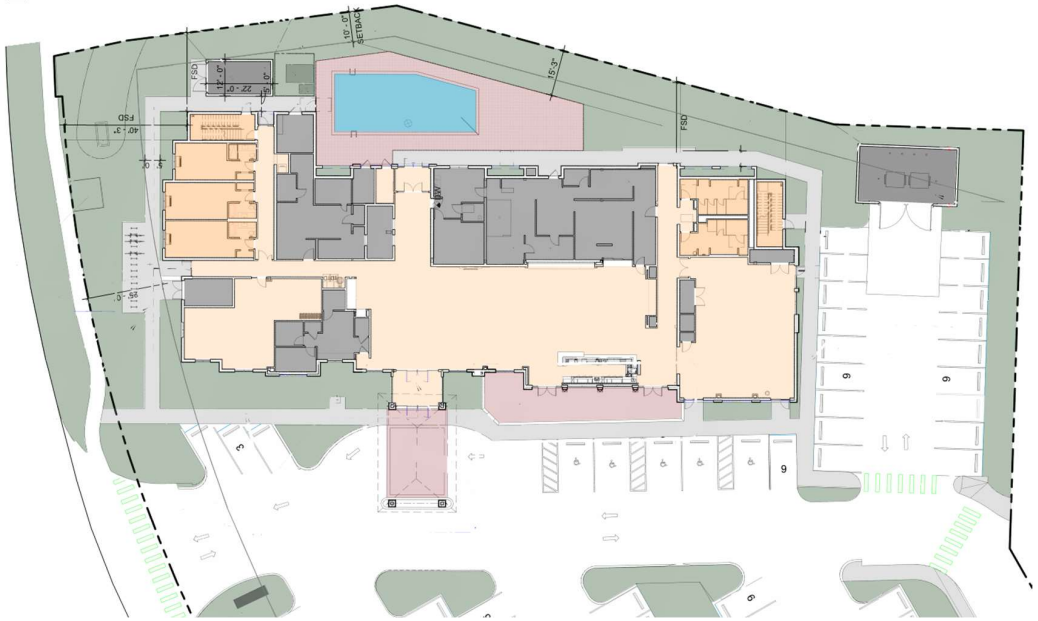
Site Lighting





Building Design

- Hilton Garden Inn is a five-story select service hotel at over 70,800 sf.
- Ground Level: +15,300 sf
- Amenities: fitness center, meeting rooms, pool with patio, causal dining, bar with outdoor lounge, port cochere and public bike racks.
- Hotel Tower: +13,800 sf per floor with 115 hotel guestrooms.



Building Height & Materials



ROOF: COMPOSITE SPANISH BARREL TILE

CORNICE: E.I.F.S SHERWIN WILLIAMS PURE WHITE #SW7005

WALL 01: E.I.F.S SHERWIN WILLIANS VENITAIN YELLOW #SW1666

WALL 02: E.I.F.S SHERWIN WILLIAMS PINNAPLE CREAM #SW1668

WALL 03: E.I.F.S SHERWIN WILLIAMS CLASSIC YELLOW #SW2865

BASE: STONE VENEER ELDORADO STONE COASTAL REEF - PEARL WHITE

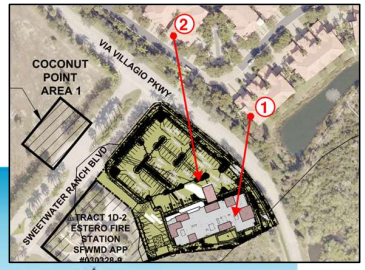
Deviation 1: Allows for maximum building height of 55 feet.

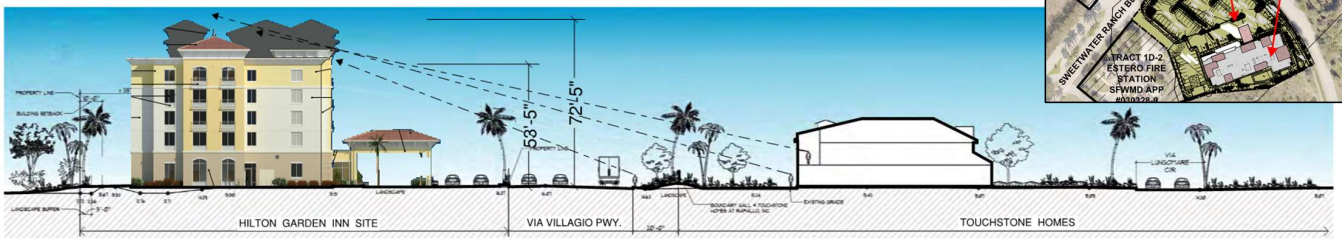
Deviation 2: Allows for Architectural Elements not to exceed 22 feet above building height for maximum feature height of 77 feet.

Northeast Perspective

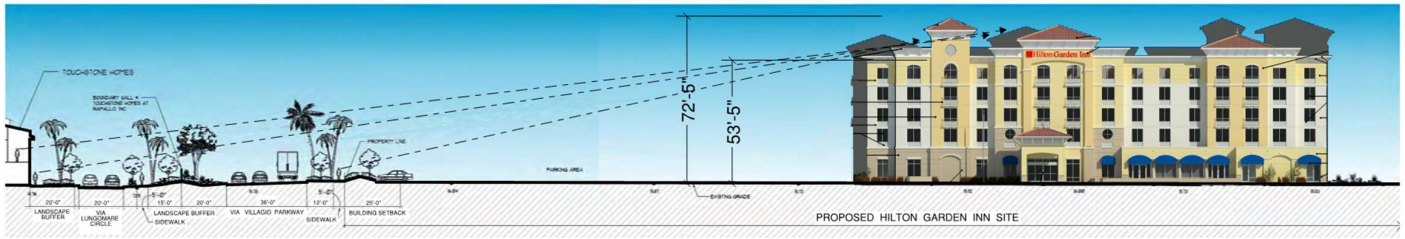


Line of Sight Study





1. Southwest View

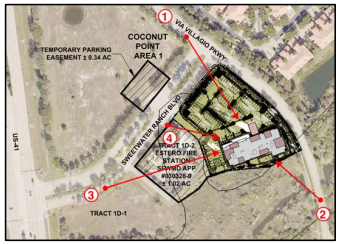


2. Southern View

Street Views



1. South bound view from Via Villagio Parkway & Sweetwater Ranch Blvd.





3. East bound view from Tamiami Trail & Sweetwater Ranch Blvd.



2. North bound view from Via Villagio Parkway



4. East bound view from Sweetwater Ranch Blvd. & Estero Fire Station Drive

Northeast Perspective

South bound view from Via Villagio Parkway & Sweetwater Ranch Blvd.



Hilton Garden Inn on Tract 1D-3

22

Southeast Perspective

North bound view from Via Villagio Parkway



West Perspective

East bound view from Tamiami Trail & Sweetwater Ranch Blvd.



Northwest Perspective

East bound view from Sweetwater Ranch Blvd. & Estero Fire Station Drive



Front / North Elevation

view from Via Villagio & Sweetwater Ranch Parkway



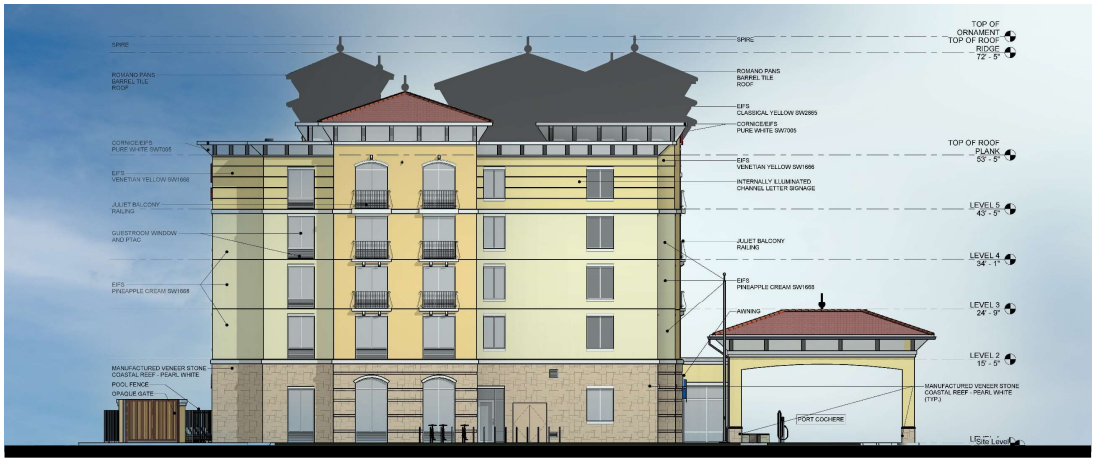
Rear / South Elevation

view from Via Villagio Parkway



Side / East Elevation

view from Via Villagio Parkway



Side / West Elevation

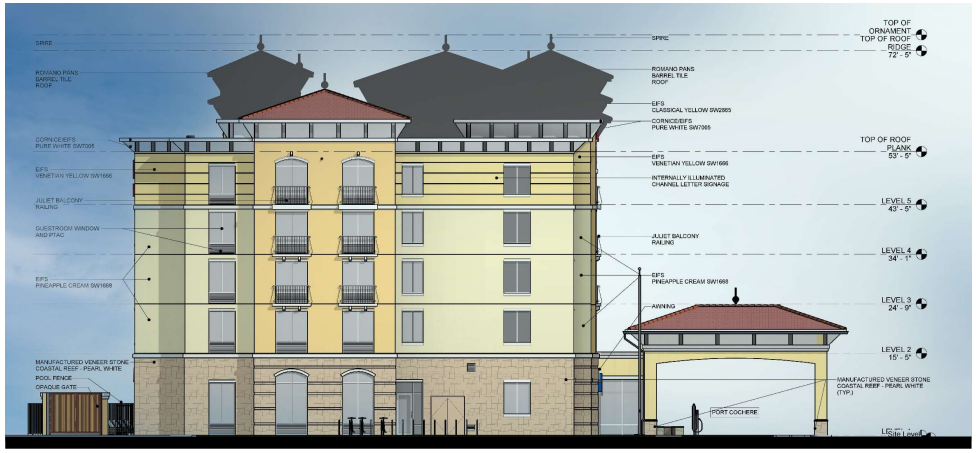
view from Sweetwater Ranch Blvd.



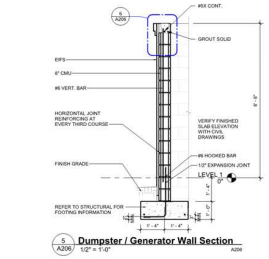


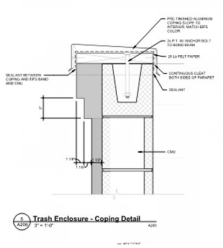
Side / East Elevation

view from Via Villagio Parkway



Accessory Structures

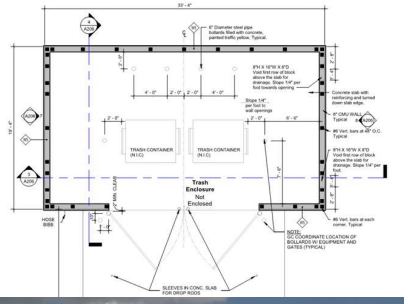






Generator Enclosure:

12’-0” x 22’-0” x 8’-8” (high)” Masonry wall with EIFS finish to match building walls and wood slat gates.

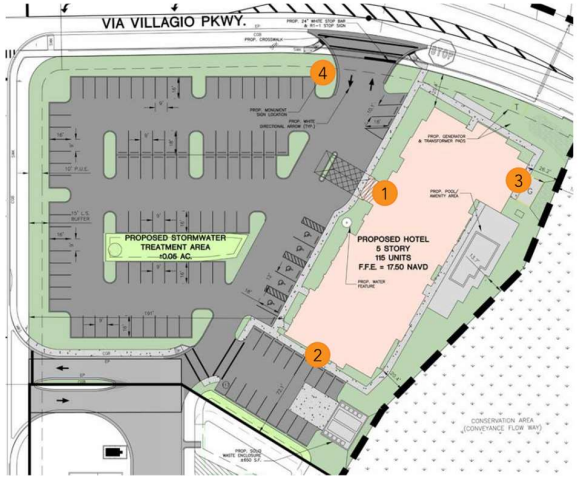


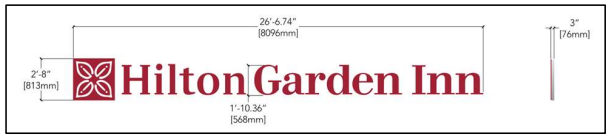


Dumpster Enclosure:

33’-4” x 19’-4” x 8’-8” (high)” Masonry wall with EIFS finish to match building walls and wood slat gates.

Building Signage







1. North Elevation: Wall Sign
   20” Internally illuminated channel letters and 32”x32” logo

Building Signage



2. West Elevation: Wall Sign

23” to 32” Internally illuminated channel letters & 32”x32” logo



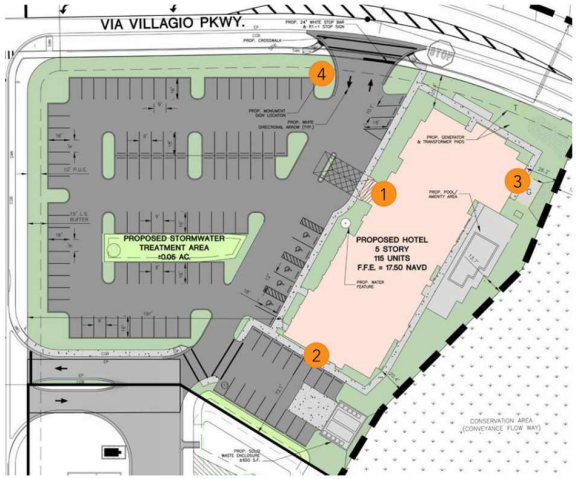


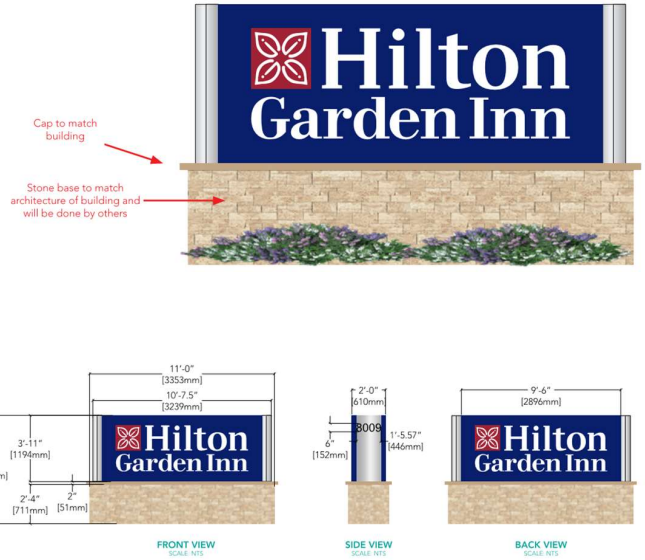
3. South Elevation: Wall Sign

31” to 44” Internally illuminated channel letters & 44” x 44” logo



Site Signage





4. Monument Sign

Approximately 9'-6" x 4'-0" (high) x 24" (depth) sign panel. Internally illuminated cabinet sign with routed-out letters and logo over 28" high stone base.

PLANNING ZONING & DESIGN BOARD

2024 MEETING SCHEDULE

2nd Tuesday of every month, 4:30 p.m.

January	1/09/2024
February	2/13/2024
March	3/12/2024
April	4/09/2024
May	5/14/2024
June	6/11/2024
July	7/09/2024
August	8/13/2024
September	9/10/2024
October	10/08/2024
November	11/12/2024
December	12/10/2024