



Village of
ESTERO

VILLAGE OF ESTERO
PLANNING ZONING AND DESIGN BOARD MEETING
PACKET
JUNE 10, 2025, 04:30 PM



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

AGENDA
PLANNING ZONING AND DESIGN BOARD MEETING
9401 Corkscrew Palms Circle, Estero, Florida
June 10, 2025, 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 May 13, 2025 meeting minutes.

Attachment: [05132005 PZDB Minutes.pdf](#)

6. PUBLIC INFORMATION MEETING / WORKSHOP

No votes are taken at Public Information Meetings

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

a. Chick-Fil-A -- Development Order (Pending Submittal) (District 5) 20320 Grande Oak Shoppes Drive, located on the northeast corner of Ben Hill Griffin Parkway and Corkscrew Road.

Applicant is seeking to demolish the existing Perkins Restaurant and reconfigure the site for a Chick-Fil-A fast food restaurant with drive thru.

Attachment: [1. Public Information Meeting - Application.pdf](#)

Attachment: [2. Chich-Fil-A - Grande Oaks - Presentation 2.pdf](#)

7. PUBLIC HEARINGS (Quasi-Judicial)

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

- a. Piccolo Buco --COP -- Marketplace at Coconut Point - Administrative Amendment (ADD2025-E005) (District 6) Located at the southern portion of Marketplace at Coconut Point between US 41 and Via Villagio and identified as Building III on the Development Order plans.**

Land Development Code Section 4-402 A.3.C. requires a public hearing for any outdoors consumption on premises. Applicant requests approval of alcoholic beverage service in the limited outdoor patio area.

See Resolution No. PZDB 2025-01

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

Attachment: [1. Piccolo Buco - COP Administrative Amendment -Application.pdf](#)

Attachment: [2. Resolution No. PZDB 2025-01.pdf](#)

b. Flood Ordinance 2025-04

Ordinance amending Land Development Code Section 7-3 "Flood Hazard Reduction Standards" to include a requirement for Nonconversion Agreements for Elevated Structures with enclosures below the required elevation, clarify the process for Flood Variance Appeals, clarify specific use of FEMA Elevation Certificates and Dry Floodproofing Certifications, limit partitioning of enclosed areas below flood, and amend related definitions; providing for severability; providing for conflicts; and providing for an effective date.

See Summary and Ordinance 2025-04

Planning Zoning and Design Board will make a recommendation to the Village Council on this ordinance.

Attachment: [1. Flood Ordinance 2025-04 - Summary Sheet.pdf](#)

Attachment: [2. Draft Ordinance 2025-04.pdf](#)

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

9. BOARD COMMUNICATIONS

- a. Next meeting - July 8, 2025**

10.ADJOURN

General Attachments

[- Transcript.pdf](#)

PLANNING ZONING AND DESIGN BOARD MEETING
TUESDAY, JUNE 10, 2025, 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.

04:33:43 [SOUNDING GAVEL]
04:33:45 >>Anthony Gargano: I WOULD LIKE TO CALL TO ORDER THE MONTHLY
04:33:47 MEETING OF THE VILLAGE OF ESTERO PLANNING ZONING AND DESIGN
04:33:50 BOARD.
04:33:50 WE'LL START THE MEETING WITH THE PLEDGE OF ALLEGIANCE.
04:33:59 [PLEDGE OF ALLEGIANCE]
04:34:13 CAN WE HAVE A CALL OF THE ROLL PLEASE, TAMMY?
04:34:23 >>Tammy Duran: BOARD MEMBER JEANNIN?
04:34:26 >>Kristin Jeannin: HERE.
04:34:27 >> BOARD MEMBER JONES IS ABSENT TODAY.
04:34:29 BOARD MEMBER PAIVANDY IS ABSENT TODAY.
04:34:32 >>Michael Sheeley: HERE.
04:34:33 >>James Tatooles: HERE.
04:34:35 >> BOARD MEMBER WALLACE IS ABSENT TODAY.
04:34:37 >>Dan Williams: HERE.
04:34:38 >>Anthony Gargano: HERE.
04:34:40 >> OUR ATTORNEY NANCY STROUD IS IN ZOOM.
04:34:46 >>Anthony Gargano: I'LL ENTERTAIN A MOTION FOR APPROVAL OF

04:34:47 THE AGENDA.
04:34:49 >> SO MOVED.
04:34:50 >>Michael Sheeley: SECOND.
04:34:51 >>Anthony Gargano: ANY DISCUSSION ON THE MOTION?
04:34:53 ALL IN FAVOR?
04:34:54 ANY OPPOSED?
04:34:55 THE AGENDA IS APPROVED.
04:34:58 MOTION ON APPROVAL OF THE CONSENT AGENDA.
04:35:03 >>Michael Sheeley: SO MOVED.
04:35:05 >>Dan Williams: SECOND.
04:35:07 >>Anthony Gargano: MOTION MADE AND SECONDED.
04:35:08 ANY DISCUSSION ON THE MOTION?
04:35:09 ALL IN FAVOR?
04:35:11 ANY OPPOSED?

04:35:12 THE CONSENT AGENDA IS APPROVED.
 04:35:16 OUR FIRST ITEM -- I'M GOING TO SAVE THE QUASI-JUDICIAL
 04:35:25 STATEMENT UNTIL WE NEED IT.
 04:35:26 THE FIRST ITEM IS PUBLIC INFORMATION MEETING.
 04:35:32 MARY, DO YOU WANT TO KICK THAT OFF?
 04:35:40 >>Mary Gibbs: GOOD EVENING, EVERYBODY.
 04:35:41 TONIGHT WE HAVE THE PUBLIC INFORMATION MEETING.
 04:35:45 IT IS FOR A PROPOSED CHICK-FIL-A.
 04:35:47 AND THIS IS LOCATED AT THE INTERSECTION OF BEN HILL GRIFFIN
 04:35:51 AND CORKSCREW ROAD ON THE NORTHEAST CORNER WHERE THERE IS A
 04:35:55 PUBLIX SHOPPING CENTER OVER BY GRANDEZZA.

 04:35:58 THIS WILL BE A REQUEST FOR A DEVELOPMENT ORDER.
 04:36:01 WE DON'T HAVE ANY APPLICATION IN AT THE TIME, BUT THEY ARE
 04:36:05 PROPOSING A DEVELOPMENT ORDER.
 04:36:07 WHAT THEY ARE PROPOSING IS TO TAKE OVER THE PERKINS LOCATED
 04:36:10 AT THE CORNER NEXT TO McDONALD'S AND DEMOLISH THE PERKINS
 04:36:13 AND CONSTRUCT A CHICK-FIL-A INSTEAD.
 04:36:16 THE APPLICANT HAS A PowerPoint.
 04:36:19 THEY ARE GOING TO KIND OF GIVE YOU AN OVERVIEW OF THE WHOLE
 04:36:22 PROJECT.
 04:36:22 I DID WANT TO SAY WE'VE GOT FIVE E-COMMENTS THAT WE SENT TO
 04:36:27 YOU.
 04:36:28 THERE WERE A COUPLE IN FAVOR, A COUPLE WITH CONCERNS ABOUT
 04:36:31 TRAFFIC, AND THEN THERE WAS ONE THAT THOUGHT THERE SHOULD BE
 04:36:35 A WHOLE FOODS STORE.
 04:36:36 I DON'T WANT TO BELABOR IT BECAUSE I KNOW THE APPLICANT IS
 04:36:42 HERE.
 04:36:43 CHARLIE KREBS FROM BOWMAN ENGINEERING AND THEN THEY HAVE
 04:36:48 THEIR TEAM HERE, TOO.
 04:36:52 >>Anthony Gargano: NO SAMPLES, MARY?
 04:36:55 >>Mary Gibbs: APPARENTLY NOT.
 04:36:56 [LAUGHTER]
 04:37:04 >>Charlie Krebs: GOOD EVENING.
 04:37:05 MY NAME IS CHARLIE KREBS.
 04:37:06 I'M THE DIRECTOR OF CIVIL ENGINEERING FOR BOWMAN IN THE FORT
 04:37:09 MYERS OFFICE.

 04:37:10 WITH ME TODAY, I HAVE BILL PFEFFER WITH BOWMAN.
 04:37:14 JEREMIE CHASTAIN WITH BOWMAN.
 04:37:15 GETRA SANDERS WITH CHICK-FIL-A.
 04:37:17 AND ONLINE WE HAVE DANIELA GERARDO WITH BOWMAN.
 04:37:23 NICK FORTHMAN WITH NARRATE, WHO IS THE ARCHITECT.
 04:37:26 AND THEN AUSTIN -- I'LL BUTCHER YOUR NAME -- NGUYEN WITH

04:37:37 NARRATE AS WELL.
 04:37:40 WHAT WE HAVE BEFORE YOU TODAY IS WE'RE LOOKING AT THE
 04:37:48 PERKINS SITE LOCATED AT BEN HILL GRIFFIN AND CORKSCREW ROAD.
 04:37:52 THIS IS A PICTURE OF THE EXISTING SITE AS IT STANDS RIGHT
 04:37:56 NOW.
 04:37:56 WHAT WE'RE PROPOSING IS WE'RE GOING TO COME IN AND DEMOLISH
 04:38:01 THE EXISTING SITE.
 04:38:03 WHAT WE ARE GOING TO TRY TO SAVE ARE THE EXISTING BUFFER
 04:38:06 TREES ALONG THE PERIMETER, THE SHRUBS THERE NOW WILL BE
 04:38:10 REPLACED WITH NEW LANDSCAPING.
 04:38:12 MOST OF THE ON-SITE TREES AND THE INTERNAL LANDSCAPING WILL
 04:38:15 BE REMOVED.
 04:38:16 THERE ARE A FEW TREES THAT WE ARE GOING TO SAVE UP IN THIS
 04:38:19 ISLAND.
 04:38:19 BUT IT WILL BE A FRESH START FOR THE MOST PART.
 04:38:23 SAVING THE BUFFER TREES ALONG THE CORKSCREW ROAD AND BEN
 04:38:26 HILL BECAUSE OF THEIR SIZE, MATURITY.
 04:38:30 WHAT WE HAVE PROPOSED IS THE NEW LAYOUT.
 04:38:33 SO THE NEW CHICK-FIL-A WILL STAY IN THIS PART.

 04:38:37 WE HAVE A CONNECTION OVER HERE TO THE INTERNAL ROAD.
 04:38:40 WE HAVE IT AS FAR FROM THE McDONALD'S SITE AS WE CAN.
 04:38:44 WHAT THIS ENTRANCE LINES UP WITH IS THE EXIT LANE COMING
 04:38:49 FROM PUBLIX.
 04:38:52 THE EXISTING IS ACROSS FROM THE ENTRANCE LANE, BUT IT IS
 04:38:56 ALSO CLOSE TO McDONALD'S.
 04:38:57 BRINGING IT OFF KIND OF CREATES A SEPARATION BETWEEN THE
 04:39:00 TRAFFIC GOING TO McDONALD'S.
 04:39:01 IT ALSO REDUCES A CONFLICT WITH CARS TRYING TO TURN IN, ALSO
 04:39:06 TRYING TO COME IN AT THIS LOCATION.
 04:39:07 SO MOVING IN HERE, YOU GOT AN ALREADY SET UP STOP CONDITION
 04:39:12 WILL HELP ALLEVIATE ANY TRAFFIC CONCERNS.
 04:39:14 TRAFFIC COMING IN HAS THE ABILITY TO GO ALL THE WAY AROUND
 04:39:17 THE PARKING LOT TO START IN THE DRIVE-THROUGH LANES, WHICH
 04:39:19 THERE ARE TWO THAT COME DOWN AND THEN EXIT THE SITE GOING
 04:39:23 OUT.
 04:39:23 AND THEY HAVE THE ABILITY TO GO LEFT AND RIGHT.
 04:39:25 PARKING IS ALL INTERNAL.
 04:39:28 WE HAVE DUMPSTER LOCATION HERE.
 04:39:30 OUTDOOR SEATING AREA, AND THEN THERE IS A LARGE GREEN AREA
 04:39:34 HERE BETWEEN THE DRIVE LANES AND OUTDOOR SEATING.
 04:39:37 AS I WAS SAYING LANDSCAPE-WISE, ALL NEW SHRUBS WILL BE PUT
 04:39:42 IN.
 04:39:42 ADDITIONAL TREATS THAT MEET REQUIREMENT.

04:39:45 LANDSCAPING IN THE GREENSPACE AREAS, ALL PER CODE.

04:39:50 TREES THAT WE'RE SAVING UP ON THIS ISLAND.

04:39:53 AS YOU CAN SEE, THE DUMPSTER LOCATION HERE.

04:39:56 STILL KEEPING THE INTERCONNECTION BETWEEN THIS SITE AND

04:39:58 McDONALD'S AND ITS EXISTING LOCATION SO THERE'S NO CHANGE

04:40:01 THERE.

04:40:02 JUST A BUILDING FOOTPRINT.

04:40:07 THE ELEVATIONS OF THE BUILDING ARCHITECTURE-WISE.

04:40:17 DUMPSTER ARCHITECTURE MATCHES THE MAIN BUILDING.

04:40:22 WE DIDN'T HAVE A COLOR RENDERING ON THIS ONE.

04:40:26 ARE THE RENDERINGS IN YOUR PACKET?

04:40:30 OKAY, GOOD.

04:40:31 DO YOU WANT TO PUT THOSE ON THE BIG SCREEN?

04:40:37 >>Mary Gibbs: I THOUGHT WE SWAPPED IT OUT, BUT APPARENTLY

04:40:40 DIDN'T.

04:41:20 >> THE COLOR RENDERINGS, THIS IS THE EXIT LANE COMING OUT.

04:41:24 THIS IS THE NORTH SIDE OF THE BUILDING.

04:41:26 THIS WOULD BE THE EAST SIDE OF THE BUILDING, COVERED

04:41:28 OVERHANG.

04:41:31 GO BACK INTO FULL SCREEN, TAMMY?

04:41:36 I'LL TRY NOT TO DO IT AGAIN.

04:41:48 THE FRONT OF THE BUILDING, THIS IS THE OUTDOOR SEATING AREA.

04:41:51 YOU CAN SEE THE OVERHANG ON THE REAR SIDE, WHICH IS WHERE

04:41:53 THEY TAKE THEIR ORDERS.

04:41:55 NORTH SPACE.

04:41:56 THIS IS THE WEST FACE.

04:41:58 EXIT LANE.

04:42:01 SO THIS IS GOING TO BE THE SOUTH FACE OVER HERE, EAST, DRIVE

04:42:06 LANES.

04:42:07 >>Michael Sheeley: CAN YOU GO BACK ONE?

04:42:09 DOES THIS REPRESENT A NEW PROTOTYPE FOR CHICK-FIL-A?

04:42:12 YOU HAVE COVERED AREA WHERE PEOPLE ARE OUTSIDE TO TAKE YOUR

04:42:17 ORDER.

04:42:18 IS THAT HOW YOU'RE DOING IT?

04:42:19 OR WITH MONITORS?

04:42:20 HOW ARE YOU TAKING THE MONITORS?

04:42:24 >> DO YOU WANT TO COME UP AND ANSWER THAT?

04:42:28 >> HI.

04:42:29 I'M GETRA SANDERS FROM CHICK-FIL-A CORPORATE.

04:42:32 YOU WON'T TAKE AN ORDER.

04:42:34 LIKE, ONLY IN THE DRIVE-THROUGH WOULD BE OUTSIDE.

04:42:37 THE CUSTOMERS WOULD GO INSIDE AND PLACE YOUR ORDER, AND THEN

04:42:41 THERE'S AN OUTDOOR PATIO.
 04:42:43 >>Michael Sheeley: THE DRIVE-THROUGH LANE I'M TALKING ABOUT.
 04:42:45 WHERE DO YOU ORDER YOUR FOOD?
 04:42:47 UNDER THE CANOPY BACK THERE?
 04:42:49 >> USUALLY WHEN YOU'RE ENTERING WE'LL HAVE EMPLOYEES THAT
 04:42:52 TAKE YOUR ORDER WITH AN iPad, AND THEN YOU'LL GO THROUGH
 04:42:57 --
 04:42:57 >>Michael Sheeley: [INAUDIBLE]
 04:42:59 >> RIGHT.

 04:42:59 WE ALSO HAVE THE MOBILE ORDERING NOW, WHICH YOU DO ON YOUR
 04:43:02 APP.
 04:43:03 AND THEN YOU JUST PULL RIGHT IN.
 04:43:06 >>Michael Sheeley: IS THE SECOND LANE FOR MOBILE ONLY?
 04:43:09 >> YES.
 04:43:11 >>Michael Sheeley: YOU DON'T SERVE ACROSS THAT LANE.
 04:43:14 YOU DO JUST FOR PICKUP?
 04:43:15 >> RIGHT.
 04:43:17 >> CAN I INTERJECT?
 04:43:19 YOU ARE JUST FINISHING A CHICK-FIL-A REMODELING ON 41.
 04:43:22 >> YES.
 04:43:24 >> NEAR WILLIAMS.
 04:43:25 WHAT'S YOUR CONFIGURATION OF THAT ONE COMPARED TO THIS ONE?
 04:43:30 >> IT IS AN OLDER STORE SO WE ARE UPDATING IT.
 04:43:33 WE USUALLY MAKE IT ONE-WAY WITH THE DRIVE-THROUGH LANES.
 04:43:35 BUT WITH OUR NEW PROTOTYPE, WE ISOLATE THE DRIVE-THROUGH AND
 04:43:40 IT IS COMPLETELY OFF OF THE SITE.
 04:43:43 NO CUSTOMERS WALK THROUGH OR NO PEDESTRIANS, NO PARKING NEAR
 04:43:53 IT.
 04:43:53 IT'S ISOLATED.
 04:43:54 DOES THAT ANSWER YOUR QUESTION?
 04:43:55 >>James Tatooles: I HAVEN'T BEEN ABLE TO SEE THE NEW ONE,
 04:43:58 THE REMODELING BECAUSE IT IS ALL COVERED.
 04:44:00 BUT I KNOW IT IS THERE.
 04:44:01 I'M WONDERING IF YOU ARE TRYING TO UPGRADE?

 04:44:03 >> WE ARE.
 04:44:04 IT'S GOING TO BE BRAND-NEW AND REALLY NICE.
 04:44:20 >> WITH THAT -- A COPY OF THE SIGN.
 04:44:25 SORRY.
 04:44:25 AND THERE IS THE PROPOSED MONUMENT SIGN WHICH I DID NOT
 04:44:29 ADDRESS.
 04:44:30 I'LL GO BACK A COUPLE OF SLIDES.
 04:44:32 MONUMENT SIGN IS PROPOSED TO BE IN THIS CORNER.

04:44:42 >>Kristin Jeannin: CAN YOU POINT OUT THE DUMPSTER?
 04:44:43 >> THE DUMPSTER IS UP HERE, WHICH IS WHERE I BELIEVE THE
 04:44:46 EXISTING DUMPSTER IS FOR PERKINS.
 04:44:48 WITH THAT, I WILL OPEN UP TO ANY QUESTIONS FROM THE BOARD.
 04:45:03 >>Anthony Gargano: IN READING SOME OF THE COMMENTS MADE BY
 04:45:05 THE RESIDENTS, SEVERAL COMMENTS EXPRESSED CONCERN OVER THE
 04:45:11 POTENTIAL TRAFFIC PROBLEMS.
 04:45:15 WHAT DO YOU HAVE FOR STACKING?
 04:45:17 I SEE AS YOU ENTER YOU HAVE A LONG -- BACK ONE.
 04:45:30 >> YOU CAN SEE THAT THE DRIVE-THROUGH LANES START WAY BACK
 04:45:33 HERE.
 04:45:34 SO THERE'S MORE THAN THE REQUIRED STACKING BEFORE YOU EVEN
 04:45:39 INCLUDE ANY POSSIBLE STACKING ON-SITE GOING OUT TO THE
 04:45:41 FRONTAGE.
 04:45:47 >>Anthony Gargano: DO YOU ANTICIPATE ANY TRAFFIC PROBLEMS
 04:45:53 WITH -- I MEAN, I KNOW THE POPULARITY OF CHICK-FIL-A.
 04:45:57 I SEE LINES THERE ALL THE TIME.

 04:45:59 YOU OBVIOUSLY HAVE A VERY POPULAR PRODUCT, BUT THAT IS A
 04:46:08 CONCERN THAT'S BEEN EXPRESSED.
 04:46:10 HAVE YOU HAD ANY KIND OF TRAFFIC STUDY DONE?
 04:46:13 >> THERE WILL BE A TRAFFIC STUDY THAT'S SUBMITTED WITH THE
 04:46:16 DEVELOPMENT ORDER.
 04:46:22 >> BILL PFEFFER WITH BOWMAN CONSULTING.
 04:46:25 I'VE BEEN IN THE CHICK-FIL-A PROGRAM ABOUT 14 YEARS NOW.
 04:46:29 I'VE SEEN A LOT OF GENERATIONS OF CHICK-FIL-A SITE LAYOUTS.
 04:46:32 FROM A PERCEPTION STANDPOINT, ONE OF THE CHALLENGES WE HAVE
 04:46:35 ARE SOME OF THE OLDER SITES DON'T FUNCTION NEARLY AS WELL AS
 04:46:39 SOME OF THE NEWER GENERATION SITES.
 04:46:41 WE'RE ACTUALLY WORKING WITH F.D.O.T. AND ALL THE DISTRICT
 04:46:43 HEADS TO COME UP WITH A SOLUTION ACROSS THE STATE.
 04:46:46 I KNOW THIS IS GOING TO SOUND A LITTLE CHICK-FIL-A SLANTED,
 04:46:48 BUT THE SOLUTION TO SOME OF THE OLDER CHICK-FIL-A LOCATION
 04:46:52 TRAFFIC PROBLEMS IS MORE CHICK-FIL-AS THAT ARE LAID OUT IN A
 04:46:56 MORE APPROPRIATE FASHION TO ADEQUATELY SERVICE THE WAY THE
 04:47:01 CUSTOMER DOES DRIVE-THROUGH NOW.
 04:47:04 POST-COVID, MORE PEOPLE USE THE DRIVE-THROUGH, SO THE SITES
 04:47:07 ARE UTILIZING MORE DRIVE-THROUGH SPACE THAN THEY USED TO ON
 04:47:09 THE OLD SITES.
 04:47:10 THERE'S ONLY SO MUCH WE CAN DO ON THE OLDER SITES.
 04:47:13 WE'RE SITE CONSTRAINT.
 04:47:14 ADDING MORE SITES, ADDING MORE LOCATIONS WITH A MORE
 04:47:17 PROTOTYPICAL DRIVE-THROUGH LAYOUT, ISOLATED -- LIKE

04:47:22 MENTIONED, THAT COMPLETELY SEPARATES ALL THE DRIVE-THROUGH
 04:47:25 TRAFFIC FROM THE CUSTOMER PARKING WHERE PEOPLE ARE GOING TO
 04:47:27 WANT TO DINE IN, TO ISOLATE THOSE PARTS OF THE SITE.
 04:47:33 WE ANTICIPATE AS THE YEARS GO ON AND WE CAN OPEN MORE OF
 04:47:36 THESE LOCATIONS, THE TRAFFIC WILL DISSIPATE ACROSS THE
 04:47:39 STATE.
 04:47:39 AND WE'RE GOING TO START SEEING A MORE NORMALIZED TRAFFIC
 04:47:42 PATTERN.
 04:47:43 ONE OF THE LUXURIES THAT CHICK-FIL-A HAS IS THEY ARE NOT
 04:47:46 JUST A PASS-BY DRIVE-THROUGH LOCATION.
 04:47:48 IT'S A DESTINATION.
 04:47:49 PEOPLE GET IN THEIR CAR AND THEY WANT TO GO TO CHICK-FIL-A.
 04:47:53 THEY WANT TO GO WHERE THEY FEEL THEY CAN GET THEIR FOOD
 04:47:56 QUICKER.
 04:47:57 THAT PATTERN OF BEHAVIOR OVER TIME, THEY'LL LEARN WHICH
 04:47:59 SITES TO GO TO, WHICH ONES FACILITATE TRAFFIC QUICKER.
 04:48:02 WE'RE HOPING TO ALLEVIATE STRESS, AGAIN, ACROSS THE STATE.
 04:48:05 WE'VE BEEN WORKING WITH D.O.T. FOR THE LAST THREE OR FOUR
 04:48:06 YEARS NOW DOING LARGE-SCALE TRAFFIC STUDIES TO EVALUATE
 04:48:09 THAT.
 04:48:10 >>Anthony Gargano: GIVEN THE TWO LANES, HOW MANY CARS CAN BE
 04:48:15 ACCOMMODATED IN THOSE LANES?
 04:48:17 >> I BELIEVE THIS ONE IS 32.
 04:48:19 I THINK IT'S 32 TO THE END OF THE DRIVE-THROUGH LANE.
 04:48:25 ONE OF THE KEY FEATURES ON THESE NEW SITES, THE PICKUP

 04:48:29 WINDOW IS ACTUALLY A SLIDING GLASS DOOR.
 04:48:31 SO YOU DON'T ALWAYS HAVE TO WAIT FOR THE CAR IN FRONT OF YOU
 04:48:35 TO GET YOUR FOOD.
 04:48:36 A LOT OF TIMES IF IT IS A SMALLER ORDER, IT IS A MORE
 04:48:38 EFFICIENT ORDER TO PROCESS INTERNALLY.
 04:48:40 THEY'LL WALK THAT FOOD OUT TO CAR FOUR AND THEY'LL GET THEM
 04:48:43 OUT OF THE LANE.
 04:48:44 WE'RE REALLY MOVING CARS THROUGH AT A QUICK PACE.
 04:48:47 THIS SITE IS UNIQUE, I'M SAYING 31 OR 32 CARS TO THE END OF
 04:48:51 THE DRIVE-THROUGH LANE.
 04:48:52 BEFORE CARS ACTUALLY BACK OUT AND IMPACT ANY OTHER BUSINESS
 04:48:56 OR THAT RING ROAD, I MEAN, YOU'RE LOOKING, YOU'D HAVE TO
 04:49:00 STACK 60, 70 CARS THROUGH THE PARKING LOT TO GET THERE JUST
 04:49:05 THE WAY THE SITE CIRCULATES.
 04:49:06 I FEEL EXTREMELY CONFIDENT THAT WE'RE NOT GOING TO IMPACT
 04:49:10 ANY OTHER BUSINESS.
 04:49:11 THERE MAY BE SOME TIMES WHEN THE STORE OPENS.
 04:49:15 USUALLY THE FIRST 60 DAYS OF A CHICK-FIL-A OPENING, WE GET A

04:49:18 LOT OF TRAFFIC THAT IS NOT HOW THE SITE IS GOING TO OPERATE
 04:49:21 BECAUSE WE ALWAYS GET A PHONE CALL.
 04:49:25 THE CUSTOMER BEHAVIOR LEARNS HOW THE SITE CIRCULATES, TOO,
 04:49:28 AND THEY BECOME BETTER AT CIRCULATING THE SITE.
 04:49:30 OUTSIDE OF THE GRAND OPENING, EVEN DURING PEAK HOLIDAY
 04:49:36 SEASONS, I THINK THIS SITE IS GOING TO FUNCTION EXTREMELY
 04:49:39 EFFICIENTLY AND WE SHOULD NOT HAVE ANY IMPACT, ESPECIALLY TO

 04:49:42 ANY SURROUNDING BUSINESSES.
 04:49:46 >>Anthony Gargano: OKAY.
 04:49:46 THANK YOU.
 04:49:53 >>Michael Sheeley: I HAVE NO COMMENTS ON THE ARCHITECTURE.
 04:49:55 I THINK IT BLENDS.
 04:49:57 YOU ALSO HAVE SOME OTHER ONES IN THE VILLAGE THAT HAVE A
 04:50:00 SIMILAR LOOK.
 04:50:01 SO I THINK YOU'RE GOOD TO GO WITH THAT.
 04:50:03 I THINK IT LOOKS GOOD.
 04:50:08 >>Anthony Gargano: ANY OTHER BOARD COMMENTS?
 04:50:12 >>Mary Gibbs: MAY I ASK SOME QUESTIONS, IF YOU DON'T HAVE
 04:50:15 ANY?
 04:50:16 >> SURE.
 04:50:17 >>Mary Gibbs: CAN I ASK A QUESTION OF, I THINK, BILL?
 04:50:20 WHEN YOU'RE TALKING ABOUT THE TWO LANES OF STACKING BUT ONE
 04:50:24 YOU SAID IS MOBILE ONLY.
 04:50:27 I DON'T KNOW IF THIS IS FOR YOU OR GETRA, BUT HOW DO YOU --
 04:50:32 DO YOU HAVE LIKE AN EQUAL NUMBER OF PEOPLE THAT DO MOBILE
 04:50:35 ORDERS COMPARED TO PEOPLE THAT JUST DRIVE IN?
 04:50:39 >> I DON'T KNOW THE DATA ON THAT.
 04:50:41 BUT THEY WILL USE THE MOBILE ORDER LANE AS A BYPASS.
 04:50:44 THEY CAN GET CARS OUT.
 04:50:45 >>Mary Gibbs: WHAT IF YOU WENT IN THE MOBILE LANE BUT YOU
 04:50:48 DIDN'T HAVE A MOBILE ORDER BUT THEY WEREN'T BUSY AND YOU
 04:50:51 WANTED TO GET AN ORDER?

 04:50:53 CAN YOU DO THAT?
 04:50:54 >> IT'S PRETTY DEFINED.
 04:50:55 YES, YOU COULD.
 04:50:57 THEY WOULD WORK WITH YOU.
 04:50:58 BUT I WOULD SAY IT'S PROBABLY ABOUT 40% IS MOBILE NOW AND
 04:51:07 THEN 60% IS NOT.
 04:51:09 IT'S A LOT FASTER BECAUSE YOU'RE NOT HAVING TO GIVE YOUR
 04:51:14 ORDER TO SOMEBODY.
 04:51:15 AND YOU CAN PAY YOUR CREDIT CARDS ON THE APP ALREADY, SO
 04:51:19 YOU'RE JUST SCANNING AND GOING.

04:51:21 >>Mary Gibbs: IF YOU GET IN THE WRONG LANE, YOU CAN GET OUT
 04:51:24 WITHOUT --
 04:51:25 >> YOU CAN MERGE INTO THE RIGHT ONE OR THEY'LL HELP YOU IN
 04:51:28 THAT LANE, THE EMPLOYEES THAT ARE OUT THERE.
 04:51:36 >>Mary Gibbs: I THINK I HAVE A QUESTION FOR BILL BEFORE HE
 04:51:39 SITS DOWN.
 04:51:40 SINCE BOARD MEMBER JONES IS NOT HERE TONIGHT, I THINK HE
 04:51:46 WOULD PROBABLY ASK THIS BECAUSE HE ASKED THIS QUESTION A
 04:51:49 LOT.
 04:51:50 DID YOU LOOK AT THE SITE TO SEE IF THERE'S ANY OTHER WAY YOU
 04:51:53 CAN ORIENT THE BUILDING TO PROVIDE BETTER TRAFFIC FLOW?
 04:51:56 >> YEAH, OUR PROCESS INTERNALLY, WE WORK WITH CHICK-FIL-A
 04:52:01 OPERATIONS AND EVEN GET A LOT OF FEEDBACK OVER THE YEARS
 04:52:04 FROM OPERATORS ON THE BEST LAYOUT.
 04:52:06 WE GO THROUGH DOZENS OF ITERATIONS BEFORE CHICK-FIL-A

 04:52:10 DECIDES TO PULL THE TRIGGER ON US MOVING FORWARD WITH
 04:52:13 DESIGN.
 04:52:14 AND THERE'S A LOT OF INTERNAL CONVERSATIONS AND FEEDBACK
 04:52:17 THAT GO INTO THAT.
 04:52:20 I DON'T KNOW OFFHAND HOW MANY ITERATIONS WE DID ON THIS, BUT
 04:52:23 IT WAS MULTIPLE TO COME UP WITH WHAT WE FELT WAS THE MOST
 04:52:26 SUFFICIENT.
 04:52:26 THAT U-SHAPED ISOLATE OF THE DRIVE-THROUGH IS -- THAT'S
 04:52:32 REALLY WHAT WE LOOK FOR.
 04:52:33 THAT'S KEY.
 04:52:34 SO THE WAY THIS SITE IS SHAPED, IT'S MORE BROAD EAST TO WEST
 04:52:38 THAN IT IS NORTH TO SOUTH.
 04:52:41 IN ORDER TO GET AS MUCH DRIVE-THROUGH STACKING AS WE CAN,
 04:52:45 MAKES SENSE TO LAY OUT THE BUILDING AND THE DRIVE-THROUGH
 04:52:47 THE WAY WE HAVE IT SHOWN.
 04:52:49 >>Mary Gibbs: YOU'RE BASICALLY TRYING TO LAY IT OUT SO IT
 04:52:52 DOESN'T STACK AROUND THE BUILDING.
 04:52:55 THE OTHER CHICK-FIL-A WHERE IT WENT AROUND THE BUILDING TWO
 04:52:58 OR THREE TIMES.
 04:52:59 >> WE HAVE GOTTEN AWAY FROM THAT ENTIRELY.
 04:53:03 >>Mary Gibbs: I HAVE ANOTHER QUESTION ON TRAFFIC.
 04:53:06 WHEN YOU DO THE TRAFFIC ANALYSIS, ARE YOU GOING TO LOOK AT
 04:53:10 OPERATIONALLY LIKE THE ACCESS POINTS, THE DISTANCE?
 04:53:13 BECAUSE I KNOW SOME COMMENTS WE'VE GOTTEN, WHEN YOU COME
 04:53:18 AROUND THAT CORNER, YOU'RE TRYING TO GO INTO PUBLIX AND YOU

 04:53:21 COME AROUND THAT CORNER, IT'S BAD BECAUSE PEOPLE ARE COMING
 04:53:24 OUT OF McDONALD'S.

04:53:25 PEOPLE WILL BE COMING OUT OF CHICK-FIL-A, GOING INTO
 04:53:27 McDONALD'S, TRYING TO GET OVER TO PUBLIX.
 04:53:29 THAT CORNER IS JUST KIND OF LIKE THE VORTEX OF BAD DRIVING.
 04:53:33 >> WE'RE GETTING READY TO MAKE AN OFFICIAL APPLICATION
 04:53:37 SUBMITTAL AND OUR TRAFFIC ENGINEER, WHO HAS WORKED ON
 04:53:40 TRAFFIC STUDIES THROUGHOUT THE STATE, WILL DEVELOP A
 04:53:42 METHODOLOGY WITH THE TRAFFIC REVIEWER.
 04:53:47 AND THAT METHODOLOGY WILL IDENTIFY WHAT -- HOW BROAD OF AN
 04:53:52 IMPACT DO WE WANT TO ANALYZE AS PART OF THIS PROJECT REVIEW.
 04:53:56 I DON'T KNOW IF THAT METHODOLOGY MEETING HAS BEEN HAD YET.
 04:54:03 >> [INAUDIBLE]
 04:54:07 >> SO BY THE TIME WE GET, I GUESS, TO THE PUBLIC, ONCE WE
 04:54:10 WORK THROUGH STAFF REVIEW, WE'LL BE FOLLOWING KIND OF
 04:54:14 STAFF'S RECOMMENDATIONS ON HOW BROAD OF AN IMPACT THEY WANT
 04:54:17 US TO LOOK AT.
 04:54:18 >>Mary Gibbs: YEAH, ONE OF THE THINGS WE TALKED ABOUT, WE
 04:54:21 DID HAVE A PRE-APPLICATION MEETING, IS PEOPLE THAT HAVE TO
 04:54:24 U-TURN TO COME BACK IN AND TO ADDRESS THAT ISSUE WITH THE
 04:54:28 U-TURN PROBLEMS ON CORKSCREW ROAD BECAUSE A LOT OF PEOPLE
 04:54:32 ARE MAYBE GOING EAST.
 04:54:34 SO WE WANT TO MAKE SURE WE ADDRESS ALL THOSE ISSUES.
 04:54:38 THE NEXT DOOR APP I THINK IS BLOWING UP WITH PEOPLE ABOUT
 04:54:43 CHICK-FIL-A AND IT IS BIG NEWS BECAUSE IT'S BEEN A POORLY

 04:54:47 KEPT RUMOR FOR A LONG TIME.
 04:54:48 WE JUST WANT EVERYBODY TO UNDERSTAND WE HAVEN'T BEGUN THE
 04:54:52 TRAFFIC BUT WE HAVE TO LOOK AT THAT IN A LOT OF DETAIL.
 04:54:57 >>Anthony Gargano: ANYTHING ELSE, MARY?
 04:54:58 >>Mary Gibbs: ONE LITTLE COMMENT ON THE MONUMENT SIGN I
 04:55:00 THINK FOR CHARLIE OR JEREMY.
 04:55:02 I THINK YOU NEED TO TAKE A LOOK AT THE CODE.
 04:55:06 I THINK THE BASE IS TOO BIG.
 04:55:10 IT LOOKS A LITTLE TALLER THAN WIDE, I DON'T THINK IT IS IF
 04:55:12 YOU COUNT THE EDGES OF THE ROOF.
 04:55:15 I THINK THE BASE IS BIGGER THAN IT IS SUPPOSED TO BE.
 04:55:20 YOU WANT TO TAKE A LITTLE LOOK AT THAT.
 04:55:26 >>Anthony Gargano: I'LL OPEN THE PUBLIC PORTION.
 04:55:27 TAMMY, DO WE HAVE ANY CARDS?
 04:55:29 >>Tammy Duran: YES.
 04:55:30 WE HAVE ONE.
 04:55:31 MARK.
 04:55:35 >> MARK NOVITSKI, BELLA TERRA, ESTERO.
 04:55:39 ESTERO AND A MEMBER OF BELLA TERRA.
 04:55:43 TRYING TO NOT SAY A COMMUNITY.

04:55:46 CAN WE GO BACK TO THE TRAFFIC FLOW CHART ON THIS?
 04:55:49 I REALLY HAVE SOME CONCERNS ON THE TRAFFIC.
 04:55:51 RIGHT WHERE THE LINE TOP RIGHT WHERE McDONALD'S COMES OUT,
 04:56:10 SO YOU'RE ACTUALLY GETTING PEOPLE COMING OUT OF CHICK-FIL-A
 04:56:14 TO BE ABLE TO GO UP HUNDRED SO FEET, TURN LEFT, GO A COUPLE

 04:56:18 HUNDRED FEET AND THEN TURN RIGHT AND GO OUT WITH THE
 04:56:21 McDONALD'S TRAFFIC.
 04:56:22 THAT'S WHAT I'M SEEING, RIGHT?
 04:56:25 THAT SEEMS A LITTLE WORRISOME.
 04:56:31 I'M NOT SURE WE STILL NEED THAT CUT INTO THE McDONALD'S
 04:56:34 AREA.
 04:56:34 BUT IF YOU'RE GOING TO KEEP THAT CUT, IN MY MIND, I WOULD
 04:56:37 MAKE THE EXIT FARTHER DOWN ON THE CURB RIGHT ONLY.
 04:56:42 BECAUSE AS EVERYBODY SAYS, THAT CURVE IS TERRIBLE.
 04:56:48 TERRIBLE WHEN PERKINS WAS THERE.
 04:56:51 ACCIDENTS HAPPENING ALL THE TIME.
 04:56:52 IN AND OUT OF PUBLIX LANES, McDONALD'S AND PERKINS.
 04:56:56 IF YOU COULD TAKE THE EXIT THAT RIGHT NOW IS OUT ON THE
 04:57:00 BOTTOM PART OF THE CURVE AND MAKE IT RIGHT TURN ONLY, I
 04:57:03 THINK YOU WOULD HAVE A MUCH SAFER INTERSECTION SO PEOPLE
 04:57:06 HAVE A CHOICE.
 04:57:07 THEY CAN GO OUT AND TURN RIGHT IF THEY WANT TO GO OUT ON
 04:57:10 CORKSCREW, MAKE THE U-TURN OR NOT.
 04:57:12 IF THEY WANT TO GO THE OTHER WAY, GO UP BY McDONALD'S,
 04:57:15 TURN LEFT AND GO THAT WAY.
 04:57:17 I THINK THAT WOULD BE A MUCH SAFER OPTION.
 04:57:20 I'M NOT A TRAFFIC ENGINEER.
 04:57:21 I'M A FINANCIAL ANALYST BY TRADE.
 04:57:23 THIS SOUNDS LIKE WE'RE TALKING ACCIDENTS WAITING TO HAPPEN
 04:57:27 AND LAWSUITS.

 04:57:28 I THINK AS THEY DO THE TRAFFIC STUDY, I WOULD TRULY
 04:57:31 APPRECIATE IF SOMEBODY WOULD LOOK AT A LEFT TURN ONLY TO
 04:57:34 MAKE LIFE A LITTLE EASIER RIGHT THERE.
 04:57:37 THANKS.
 04:57:40 >>Tammy Duran: THAT'S ALL.
 04:57:41 >>Anthony Gargano: IS THAT IT?
 04:57:42 >>Tammy Duran: YES.
 04:57:42 >>Anthony Gargano: ANYONE ELSE IN THE PUBLIC WISH TO COMMENT
 04:57:46 ON THIS PARTICULAR MATTER?
 04:57:47 ALL RIGHT.
 04:57:50 WE'LL CLOSE THE PUBLIC PORTION.
 04:57:51 ANY OTHER COMMENTS FROM MEMBERS OF THE BOARD?

04:57:56 I THINK THAT COVERS IT.
 04:58:01 >>Michael Sheeley: THANK YOU VERY MUCH.
 04:58:01 >>Anthony Gargano: THANK YOU FOR YOUR PRESENTATION.
 04:58:04 >>Mary Gibbs: BRING SAMPLES THE NEXT TIME.
 04:58:06 [LAUGHTER]
 04:58:17 >>Anthony Gargano: THE NEXT ITEM FINDS THE BOARD SITTING IN
 04:58:21 A QUASI-JUDICIAL POSITION.
 04:58:22 THERE IS A STATEMENT I NEED TO READ.
 04:58:26 THIS MEETING AGENDA INCLUDES CERTAIN QUASI-JUDICIAL
 04:58:30 APPLICATIONS.
 04:58:33 IN THESE MATTERS, THE BOARD SITS IN A QUASI-JUDICIAL
 04:58:36 CAPACITY.
 04:58:37 IF YOU INTEND TO PROVIDE TESTIMONY ON ANY OF THE

 04:58:41 APPLICATIONS YOU MUST BE SWORN IN BY THE BOARD ATTORNEY.
 04:58:44 WE'LL DO THAT IN A MOMENT.
 04:58:46 YOU SHOULD ALSO FILL OUT A PUBLIC SPEAKER'S CARD AND GIVE IT
 04:58:50 TO THE DEPUTY VILLAGE CLERK BEFORE THE ITEM IS CALLED.
 04:58:54 IN GENERAL, ON EACH APPLICATION, WE WILL FIRST HEAR AN
 04:58:58 INTRODUCTION FROM THE VILLAGE COMMUNITY DEVELOPMENT DIRECTOR
 04:59:01 AND THEN A PRESENTATION FROM THE APPLICANT.
 04:59:04 THE DIRECTOR MAY THEN MAKE A PRESENTATION AS WELL.
 04:59:09 AFTER THIS, I WILL ALLOW ANYONE FROM THE AUDIENCE WHO HAS
 04:59:11 BEEN SWORN TO PROVIDE TESTIMONY.
 04:59:14 PLEASE BE CONCISE IN YOUR COMMENTS NOT EXCEEDING FIVE
 04:59:17 MINUTES.
 04:59:18 THE APPLICANT HAS THE RIGHT TO CROSS-EXAMINE ANY WITNESS AND
 04:59:23 PROVIDE REBUTTAL.
 04:59:24 NOW, ABOUT CROSS-EXAMINATION, WITNESSES, INCLUDING THE
 04:59:28 PUBLIC, MAY BE SUBJECT TO CROSS-EXAMINATION.
 04:59:32 THE PUBLIC WILL NOT BE PERMITTED TO CROSS-EXAMINE WITNESSES,
 04:59:36 BUT THE PUBLIC MAY REQUEST THE BOARD TO DIRECT QUESTIONS ON
 04:59:40 THEIR BEHALF TO EITHER THE STAFF OR THE APPLICANT.
 04:59:43 PERSONS WHO HAVE BEEN DETERMINED BY THE BOARD TO BE
 04:59:47 INTERESTED PARTIES MAY CROSS-EXAMINE WITNESSES.
 04:59:51 IF A PERSON REPRESENTS AN ORGANIZATION, EVIDENCE OF THEIR
 04:59:55 AUTHORITY TO SPEAK FOR THE ORGANIZATION MUST BE PROVIDED.
 04:59:58 IN ADDITION, BEFORE THE PRESENTATION ON THE APPLICATION
 05:00:02 BEGINS, ANY WRITTEN COMMUNICATIONS THAT HAVE BEEN RECEIVED

 05:00:05 ON THE QUASI-JUDICIAL MATTER WILL BE PLACED INTO THE PUBLIC
 05:00:09 RECORD.
 05:00:10 I WILL ALSO ASK EACH BOARD MEMBER TO DISCLOSE ANY EX PARTE
 05:00:14 COMMUNICATIONS REGARDING THE PARTICULAR APPLICATION BEFORE

05:00:18 IT IS HEARD AND ANY BOARD MEMBER THAT HAS A CONFLICT
 05:00:22 REGARDING THE APPLICATION MUST DECLARE THAT CONFLICT AND
 05:00:25 WILL NOT BE ALLOWED TO PARTICIPATE IN THE DISCUSSION OR VOTE
 05:00:29 ON THE APPLICATION.
 05:00:31 WILL ALL THOSE WHO INTEND TO TESTIFY IN THE NEXT MATTERS
 05:00:38 PLEASE STAND AND OUR BOARD ATTORNEY WILL SWEAR YOU IN?
 05:00:45 ADMINISTER THE OATH.
 05:00:48 THAT'S IT?
 05:00:49 >>Mary Gibbs: I THINK THERE'S TWO.
 05:00:50 IS THERE SOMEBODY ON ZOOM?
 05:00:55 >>Tammy Duran: THEIR HANDS ARE UP.
 05:00:58 >>Nancy Stroud: DO YOU SWEAR OR AFFIRM THAT THE TESTIMONY
 05:01:00 YOU GIVE WILL BE THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT
 05:01:02 THE TRUTH?
 05:01:04 >>Mary Gibbs: I DO.
 05:01:06 >>Nancy Stroud: THANK YOU.
 05:01:07 >>Mary Gibbs: DID THEY SAY YES?
 05:01:14 >>Anthony Gargano: MARY, DO YOU WANT TO KICK US OFF WITH THE
 05:01:20 PICCOLO BUCO COP.
 05:01:22 >>Mary Gibbs: DID YOU ALL TALK ABOUT CONFLICT OF INTEREST OR
 05:01:25 EX PARTE?

 05:01:26 >>Anthony Gargano: YES, THANK YOU.
 05:01:30 >>Mary Gibbs: CALL ME NANCY JUNIOR.
 05:01:32 >>Anthony Gargano: RIGHT, VERY GOOD.
 05:01:34 I NEED SOMEBODY TO KEEP ME STRAIGHT.
 05:01:38 ANY EX PARTE COMMUNICATIONS?
 05:01:42 >> NO.
 05:01:42 >> NO.
 05:01:43 >>Anthony Gargano: ANY BOARD MEMBERS HAVE CONFLICTS?
 05:01:46 >> NO.
 05:01:47 >> NO.
 05:01:47 >> NO.
 05:01:49 >>Anthony Gargano: WE'RE GOOD THERE, NANCY JUNIOR.
 05:01:52 >>Mary Gibbs: SO YOU MAY REMEMBER THIS CASE FROM LAST MONTH,
 05:01:55 PICCOLO BUCO, THE PROPOSED ITALIAN RESTAURANT AFFILIATED
 05:01:59 WITH COOPERS HAWK.
 05:02:00 IT'S LOCATED ON U.S. 41 AT THAT MARKETPLACE DEVELOPMENT
 05:02:04 RIGHT IN FRONT OF RAPALLO.
 05:02:06 IT'S IN BETWEEN THE McDONALD'S ON THE NORTH AND THE
 05:02:10 MILLER'S ALEHOUSE ON THE SOUTH.
 05:02:12 LAST MONTH, WE TALKED ABOUT THE COLOR REVISIONS.
 05:02:16 SO TONIGHT WE'RE HERE BECAUSE THEY ARE REQUESTING
 05:02:19 CONSUMPTION ON PREMISES OF ALCOHOLIC BEVERAGES, WHICH IS

05:02:23 ACTUALLY APPROVED AT THE ZONING, BUT BECAUSE THERE IS A
 05:02:26 LITTLE OUTDOOR SEATING AREA, WE TYPICALLY HAVE THE PLANNING
 05:02:29 ZONING DESIGN BOARD LOOK AT AND APPROVE THE OUTDOOR SEATING.

05:02:32 THEY ARE ASKING FOR OUTDOOR SEATING IN A SMALL PATIO AREA ON
 05:02:36 THE EAST SIDE OF THE BUILDING.
 05:02:38 IT'S GOT ABOUT 23 SEATS AND 11 TABLES.
 05:02:42 IT WAS A LITTLE HARD TO COUNT ON THE FLOOR PLAN.
 05:02:44 THEY ARE ASKING FOR A 4 COP STATE LICENSE WHICH IS BEER,
 05:02:50 WINE, LIQUOR.
 05:02:51 THERE IS A MENU, I THINK, IN YOUR PACKET THAT SHOWS YOU THE
 05:02:54 FOOD AND THE DIFFERENT KINDS OF DRINKS THEY HAVE.
 05:02:57 THEY ARE ALSO ASKING FOR -- THEY ARE GOING TO HAVE WINE
 05:03:00 TASTING.
 05:03:01 SIMILAR TO WHAT COOPERS HAWK DOES, THEY'LL HAVE WINE TASTING
 05:03:04 AND A SECTION INSIDE THE BUILDING THAT IS THE BAR FOR THE
 05:03:06 WINE TASTING AREA.
 05:03:08 SO WE HAVE RECOMMENDED APPROVAL WITH CONDITIONS THAT ARE IN
 05:03:13 THE RESOLUTION.
 05:03:15 THE APPLICANTS ARE HERE ON TEAMS, NOT THE SAME MAN THAT WAS
 05:03:20 HERE AT THE LAST MEETING, BUT THIS IS JENNIFER AND LORETTA
 05:03:26 ON TEAMS IF YOU HAVE ANY PARTICULAR QUESTIONS.
 05:03:29 WE'RE RECOMMENDING APPROVAL OF THE CONDITIONS THAT WE HAVE.
 05:03:33 BASICALLY WOULD LIMIT THE HOURS OF OPERATION FOR THE OUTDOOR
 05:03:36 SERVICE, THE SAME AS WHAT THEY HAVE REQUESTED, MONDAY
 05:03:39 THROUGH THURSDAY, FROM 10 A.M. TO 9 P.M., FRIDAY 11 A.M. TO
 05:03:44 10 P.M.
 05:03:44 SATURDAY 10 TO 10 AND SUNDAY 10 TO 9 P.M., AND THAT WOULD BE
 05:03:49 INDOOR AND OUTDOOR SERVICE.

05:03:52 AND THEN WE HAVE TYPICAL CONDITION THAT OUTDOOR MUSIC VOLUME
 05:03:56 HAS TO BE LIMITED TO CONVERSATION LEVEL BECAUSE OF THE
 05:04:00 ISSUES WE HAD WITH THE OPERA SINGER AT THE OTHER BAR NEARBY.
 05:04:06 WE DID PUT ANOTHER CONDITION THAT SAID IF THEY WANT OUTDOOR
 05:04:10 TASTING EVENTS, THEY WOULD NEED A SPECIAL EVENT PERMIT,
 05:04:13 WHICH WE DO TEMPORARY PERMITS FOR THAT TYPE OF THING,
 05:04:16 TYPICALLY ADMINISTRATIVELY.
 05:04:17 THOSE ARE BASICALLY THE CONDITIONS.
 05:04:20 THE FLOOR PLAN IS ATTACHED IF YOU WANT TO SEE HOW THEY
 05:04:25 STRUCTURED THE BUILDING.
 05:04:26 THEY HAVE LIKE A LITTLE RETAIL SALES AREA, BAR AREA, WINE
 05:04:30 TASTING, AND THEN THE DINING AREAS.
 05:04:32 I THINK BOARD MEMBER WILLIAMS ASKED ME WHAT THE WRAP ROOM
 05:04:42 WAS.

05:04:43 IT'S NOT WHERE YOU RAP, LIKE RAP MUSIC, THAT'S WHERE THEY
 05:04:47 WRAP UP THE WINE FOR PEOPLE THAT COME FOR THE WINE CLUB AND
 05:04:49 TO PICK UP SOME OF THE WINES.
 05:04:51 IT'S PRETTY STRAIGHTFORWARD.
 05:04:54 HAPPY TO ANSWER QUESTIONS.
 05:04:55 AGAIN, WE HAVE THE TWO LADIES ON TEAMS IF YOU HAVE ANY
 05:04:58 PARTICULAR QUESTIONS.
 05:04:59 OR I CAN GO THROUGH LIKE LAST MONTH'S BIG LONG PRESENTATION
 05:05:04 IF YOU'D LIKE AGAIN.
 05:05:08 >>Kristin Jeannin: WHERE ON THE SITE IS THE OUTDOOR SEATING?
 05:05:11 IS IT TOWARDS 41?

 05:05:13 >>Mary Gibbs: NO OPPOSITE SIDE.
 05:05:15 EAST SIDE.
 05:05:17 IT FACES THE PARKING LOT.
 05:05:18 IT'S KIND OF HARD TO TELL BECAUSE ON THE FLOOR PLAN, THE
 05:05:23 NORTH ARROW IS KIND OF GOING --
 05:05:25 >> JUST THOSE FOUR TABLES?
 05:05:27 >>Kristin Jeannin: THERE'S 11.
 05:05:28 >>Mary Gibbs: 11 TABLES.
 05:05:30 28 SEATS.
 05:05:35 >>Michael Sheeley: I SEE THEM NOW.
 05:05:37 OKAY.
 05:05:37 THE PARKING LOT SIDE, ON THE EAST SIDE OF THE BUILDING.
 05:05:44 >>Kristin Jeannin: WE DON'T HAVE ANY KIND OF SITE PLAN THAT
 05:05:48 SHOWS -- I'M JUST KIND OF WONDERING HOW FAR IT IS THROUGH
 05:05:51 THE PARKING LOT TO, WHAT IS IT, VIA COCONUT ON THE OTHER
 05:05:57 SIDE?
 05:05:59 >>Mary Gibbs: IT'S ONE OF THE OTHER VIAS.
 05:06:02 THERE IS A SKETCH THAT SHOWS THE DISTANCE TO THE CLOSEST
 05:06:07 HOME IN RAPALLO IS ABOUT JUST UNDER 500 FEET AWAY.
 05:06:11 THIS IS NOT ON 41.
 05:06:15 IT IS ON THE OTHER SIDE IN THE PARKING LOT, BUT IT'S ABOUT
 05:06:19 ALMOST 500 FEET TO THE NEAREST RESIDENCE IN RAPALLO.
 05:06:36 >>Michael Sheeley: I DON'T KNOW WHY WE WOULD HAVE AN
 05:06:37 OBJECTION TO THIS IF THEY ARE SERVING ALCOHOL INSIDE THE
 05:06:43 BUILDING.

 05:07:07 >>Anthony Gargano: DO WE HAVE ANY QUESTIONS?
 05:07:08 DO WE HAVE ANY COMMENTS FROM THOSE -- THE TWO THAT ARE ON
 05:07:13 ZOOM?
 05:07:13 ANY COMMENTS YOU WANT TO MAKE ON THIS APPLICATION?
 05:07:18 >>Mary Gibbs: LORETTA OR JENNIFER, DID YOU WANT TO SAY
 05:07:21 ANYTHING?

05:07:23 >> NO.
 05:07:25 DEFER TO JENNIFER.
 05:07:27 >> WE HAVE NO COMMENTS OTHER THAN WE'RE VERY EXCITED TO GET
 05:07:30 THIS PROJECT STARTED.
 05:07:31 ALWAYS HAPPY TO ANSWER ANY QUESTIONS YOU HAVE.
 05:07:37 >>Anthony Gargano: OKAY.
 05:07:37 ANY QUESTIONS?
 05:07:38 BOARD MEMBERS?
 05:07:40 >>Dan Williams: JUST HAVE ONE.
 05:07:42 IS THERE A SIDEWALK ON THE OPPOSITE SIDE OF THE PATIO AREA
 05:07:46 OR IS THAT IMMEDIATE PARKING?
 05:07:51 >>Mary Gibbs: I KNEW YOU WERE GOING TO STUMP ME.
 05:07:55 >>Michael Sheeley: SHOWS A SIDEWALK IN FRONT OF THE PARKING
 05:07:57 BETWEEN THE PATIO AND THE PARKING, IT WRAPS ALL THE WAY
 05:08:00 AROUND.
 05:08:01 >> YES.
 05:08:10 >>Mary Gibbs: I WAS GOING TO SHOW BOARD MEMBER JEANNIN THE
 05:08:13 AERIAL PHOTO.
 05:08:30 >>Anthony Gargano: OKAY.

 05:08:31 DO WE HAVE ANY QUESTIONS FROM STAFF?
 05:08:32 AT THIS POINT?
 05:08:36 I'LL OPEN THE PUBLIC PORTION.
 05:08:44 ANY CARDS?
 05:08:45 >>Tammy Duran: WE DO NOT HAVE ANYTHING.
 05:08:47 >>Anthony Gargano: ANYBODY HERE IN THE PUBLIC THAT WISHES TO
 05:08:49 BE HEARD ON THIS MATTER?
 05:08:52 >> [INAUDIBLE]
 05:08:52 >>Tammy Duran: YOU HAVE TO COME UP.
 05:08:54 >>Anthony Gargano: YOU'LL HAVE TO COME UP AND IDENTIFY
 05:08:56 YOURSELF.
 05:09:03 >>Tammy Duran: YOU HAVE TO BE ON THE MIKE SO THEY CAN HEAR
 05:09:05 YOU.
 05:09:06 >> I DIDN'T HEAR WHAT YOU SAID ABOUT THE ALCOHOL CONTEXT.
 05:09:11 >> CAN YOU TELL US YOUR NAME?
 05:09:13 >> JACKIE -- [INAUDIBLE]
 05:09:15 SOMEBODY MADE A COMMENT ABOUT THE ALCOHOL.
 05:09:20 >>Kristin Jeannin: THERE'S ALREADY ALCOHOL AS PART OF THEIR
 05:09:23 OPERATION.
 05:09:23 THEY ALREADY HAVE IT.
 05:09:25 >> AND ENTERTAINMENT.
 05:09:28 >> NO.
 05:09:32 >> WE KNOW ABOUT THE OPERA LADY TEN YEARS AGO OR SO THAT
 05:09:39 TOOK AWAY A LOT OF OUR ENTERTAINMENT.

05:09:42 AND THAT WAS A SHAME THAT A COUPLE OF PEOPLE COMPLAINED

05:09:47 ABOUT THAT.

05:09:48 WELL, SEASONAL PEOPLE.

05:09:51 IT TOOK AWAY A LOT OF THE ENTERTAINMENT THAT WE ALL ENJOY AT

05:09:56 PAGELLI'S AND HEMINGWAY'S.

05:09:58 THAT'S ALWAYS GOING TO BE MY LITTLE ANGST ABOUT TAKING OUR

05:10:01 MUSIC AWAY.

05:10:01 >>Kristin Jeannin: YOU ARE IN FAVOR OF MORE ENTERTAINMENT

05:10:03 AND MUSIC.

05:10:04 >> OF COURSE, YEAH, YEAH.

05:10:05 IT KEEPS US LOCAL.

05:10:08 >>Kristin Jeannin: I LIKE IT.

05:10:10 >>Tammy Duran: CAN YOU FILL OUT A CARD, PLEASE, MA'AM?

05:10:12 YOU HAVE TO FILL OUT A CARD BECAUSE YOU SPOKE.

05:10:19 >>Anthony Gargano: ANYONE ELSE IN THE PUBLIC WISH TO BE

05:10:22 HEARD ON THIS MATTER?

05:10:22 NO.

05:10:25 WE'LL CLOSE THE PUBLIC PORTION.

05:10:28 ANY OTHER COMMENTS, BOARD MEMBERS?

05:10:32 >>Dan Williams: JUST ON THE LADY'S COMMENT, THERE IS AN

05:10:35 ELEMENT OF MUSIC, BUT AT A VOICE LEVEL FOR THIS, AM I

05:10:40 CORRECT?

05:10:41 >>Kristin Jeannin: YEAH, CONVERSATIONAL LEVEL.

05:10:46 >>James Tatoes: I THINK FROM A LAYOUT LOCATION, IT'S NEXT

05:10:50 TO THE MILLER'S, WHICH IS ANOTHER PLACE THAT WOULD HAVE

05:10:54 ALCOHOL.

05:10:55 FAR ENOUGH AWAY FROM THE OPPOSITE SIDE OF THE CENTER WHICH

05:10:58 IS McDONALD'S WHICH IS GIVING MILK SHAKES.

05:11:00 I THINK IT'S LOCATED PROPERLY TO AN ADJACENT USE SIMILAR.

05:11:07 >>Anthony Gargano: OKAY.

05:11:08 THE CHAIR WILL ENTERTAIN A MOTION.

05:11:11 >>Michael Sheeley: I'LL MAKE A MOTION TO APPROVE THE

05:11:12 APPLICATION.

05:11:14 >>Dan Williams: SECOND.

05:11:15 >>Anthony Gargano: WE HAVE A MOTION TO APPROVE THE

05:11:16 APPLICATION --

05:11:17 >>Mary Gibbs: WITH STAFF CONDITIONS.

05:11:19 >>Anthony Gargano: WITH STIPULATIONS.

05:11:20 >>Michael Sheeley: WITH STIPULATIONS, YES.

05:11:22 >>Anthony Gargano: AS INDICATED BY STAFF.

05:11:23 IS THAT CORRECT?

05:11:25 >>Michael Sheeley: YES.

05:11:26 >>Anthony Gargano: WE HAVE A MOTION MADE AND SECONDED.
 05:11:29 ANY DISCUSSION ON THE MOTION?
 05:11:30 ANY QUESTIONS?
 05:11:33 CAN WE HAVE A ROLL CALL VOTE, PLEASE?
 05:11:38 >>Kristin Jeannin: YES.
 05:11:40 >>Michael Sheeley: YES.
 05:11:41 >>James Tatoes: YES.
 05:11:43 >>Dan Williams: YES.
 05:11:44 >>Anthony Gargano: YES.

 05:11:45 OKAY.
 05:11:50 THANK YOU.
 05:11:52 >> THANK YOU, EVERYBODY.
 05:11:53 >> THANK YOU.
 05:12:01 >>Anthony Gargano: OKAY, NANCY.
 05:12:04 WE WANT TO TURN THIS OVER TO NANCY JUNIOR.
 05:12:06 >>Mary Gibbs: WELL, OKAY.
 05:12:09 [LAUGHTER]
 05:12:09 THIS ORDINANCE IS NOT A ZONING ORDINANCE, SO IT'S NOT
 05:12:19 QUASI-JUDICIAL.
 05:12:21 WE DON'T HAVE TO SWEAR FOR THIS ONE.
 05:12:23 THESE ARE CHANGES TO THE LAND DEVELOPMENT CODE THAT AFFECT
 05:12:31 OUR FLOOD REGULATIONS.
 05:12:32 SOME OF YOU MAY BE AWARE IF YOU READ THE PAPER, AFTER THE
 05:12:38 HURRICANES, FEMA CAME TO VISIT EVERYBODY AND SENT US ALL
 05:12:43 LETTERS SAYING WE WERE BAD AND WE COULD BE THREATENED TO
 05:12:46 LOSE OUR FLOOD INSURANCE DISCOUNT IF WE DIDN'T COME UP WITH
 05:12:49 CORRECTIVE ACTION PLANS.
 05:12:50 LAST YEAR FOR LIKE EIGHT SOLID MONTHS, WE WERE ALL WORKING
 05:12:55 TO PUT TOGETHER THE CORRECTIVE ACTION PLANS, ESTERO, BONITO,
 05:13:01 LEE COUNTY, CAPE CORAL, FORT MYERS BEACH.
 05:13:03 AFTER THAT ARDUOUS EIGHT MONTHS, WE WERE APPROVED TO
 05:13:09 CONTINUE AND WE DID NOT LOSE OUR FLOOD INSURANCE DISCOUNT.
 05:13:12 SO WE'RE VERY HAPPY ABOUT THAT.
 05:13:14 BUT FEMA HAS COME BACK TO VISIT US AGAIN AND SAID HOW ARE

 05:13:18 YOU COMING ON THE CORRECTIVE ACTION PLAN?
 05:13:19 WE HAVE 40 DIFFERENT ACTION ITEMS WE HAVE TO DO TO MAINTAIN
 05:13:24 COMPLIANCE.
 05:13:24 ONE OF THE THINGS WE SAID IS WE'LL LOOK AT OUR FLOOD
 05:13:27 ORDINANCE AND SEE IF WE NEED TO MAKE CHANGES.
 05:13:30 WE ADOPTED IT IN NOVEMBER 2022, WHICH WAS AFTER THE
 05:13:34 HURRICANE, BUT WE HAD ACTUALLY BEEN WORKING ON IT FOR MONTHS
 05:13:38 BEFORE THAT, SO IT DIDN'T REALLY INCORPORATE ANY OF THE

05:13:40 THINGS THAT WHEN WE LOOKED AT THE EFFECTS OF THE HURRICANES
 05:13:44 WE NEEDED TO KIND OF STRENGTHEN OUR ORDINANCE A LITTLE BIT.
 05:13:46 WE'RE PROPOSING SOME CHANGES, NOT A LOT, BUT ONE OF THE
 05:13:52 THINGS WE REALIZED ONCE WE LOOKED AT THE ORDINANCE, WE HAVE
 05:13:55 A VARIANCE PROCESS FOR FLOOD VARIANCES, WHICH IS RARELY, IF
 05:14:01 EVER, USED.
 05:14:02 FEMA DISCOURAGES THEM.
 05:14:04 BUT IN OUR VARIANCE PROCESS IN ONE CHAPTER OF THE CODE, WE
 05:14:07 HAD THE VARIANCES BEING REVIEWED AND APPROVED BY PLANNING
 05:14:10 AND ZONING BOARD AND THEN THE OTHER CHAPTER OF THE CODE, WE
 05:14:14 HAD THEM REVIEWED AND APPROVED BY VILLAGE COUNCIL.
 05:14:16 WE HAD AN INTERNAL CONFLICT.
 05:14:20 WE'RE CHANGING THAT SO RECOMMENDATION PROVIDED BY PLANNING
 05:14:22 AND ZONING AND THE COUNCIL WILL MAKE THE DECISION.
 05:14:25 FEMA WANTS TO MAKE SURE THAT IF THERE ARE ANY VARIANCES, IT
 05:14:27 IS A VERY STRICT, STRICT LEVEL OF REVIEW.
 05:14:29 SO THAT'S ONE OF THE CHANGES.

05:14:31 AND THEN ANOTHER ONE IS CALLED A NON-CONVERSION AGREEMENT
 05:14:36 FOR ELEVATED HOME.
 05:14:37 SOME OF THE PEOPLE THAT ARE REBUILDING ARE REBUILDING STILT
 05:14:42 HOMES.
 05:14:42 WHEN YOU DO THAT, ANYTHING BELOW FLOOD ELEVATION LEVEL IS
 05:14:48 NOT TO BE HABITABLE.
 05:14:49 A LOT OF TIMES PEOPLE BUILD A STILT HOME, PARK YOUR CAR
 05:14:53 UNDERNEATH, YOU MIGHT SIT DOWN THERE AND ENJOY AN ADULT
 05:14:57 BEVERAGE OR SOMETHING, BUT YOU CANNOT MAKE IT HABITABLE
 05:15:01 SPACE.
 05:15:01 YOU CAN'T TURN IT INTO YOUR LIVING ROOM AND START PUTTING IN
 05:15:04 ELECTRICAL APPLIANCES AND THINGS.
 05:15:06 FEMA WANTS US TO DO WHAT THEY CALL A NON-CONVERSION
 05:15:09 AGREEMENT, WHICH IS AN AFFIDAVIT THAT AN OWNER WOULD SIGN
 05:15:12 WHEN YOU GET YOUR PERMIT THAT SAYS I'M NOT GOING.
 05:15:15 I REALIZE I CAN'T ENCLOSE AND TURN THIS INTO HABITABLE
 05:15:18 SPACE.
 05:15:18 YOU MIGHT BE ABLE TO PUT LATTICE WORK AND THINGS UP, BUT YOU
 05:15:22 CANNOT MAKE IT HABITABLE.
 05:15:23 A LOT OF PLACES DO THAT.
 05:15:25 SO WE'RE RECOMMENDING THAT WE START DOING THAT.
 05:15:27 AND THEN THE OTHERS ARE FEMA ELEVATION CERTIFICATES.
 05:15:33 FEMA HAS THE SPECIFIC FORMS.
 05:15:35 THEY HAVE FORMS FOR DRY FLOOD-PROOFING.
 05:15:38 WE DIDN'T USE THE EXACT FORM.

05:15:40 WE GOT DINGED FOR THAT A LITTLE BIT.
 05:15:42 WE HAD GAPS IN ELEVATION CERTIFICATES.
 05:15:44 SO WE'RE TRYING TO CORRECT SOME OF THE THINGS THAT WE HAD
 05:15:46 PROBLEMS WITH BEFORE.
 05:15:47 THOSE ARE THE MAIN CHANGES.
 05:15:50 AND THEN WE HAVE A FEW CLEANUP ITEMS, AND WE'RE ALSO
 05:15:54 CLARIFYING THE ROLE OF THE BUILDING OFFICIAL BECAUSE THEY
 05:15:56 HAVE A ROLE IN POST-STORM PERMITTING, AND IT WASN'T CLEAR,
 05:16:01 SO WE GOT DINGED FOR THAT, TOO.
 05:16:03 THOSE ARE THE MAIN CHANGES.
 05:16:05 WE DO HAVE THE STATE EMERGENCY MANAGEMENT.
 05:16:08 TYPICALLY IT GETS 30 DAYS TO REVIEW ORDINANCE CHANGES OF THE
 05:16:12 FLOOD ORDINANCE.
 05:16:13 WE BASE OURS ON THE MODEL CODE.
 05:16:15 IF YOU DON'T, THEY'LL MAKE YOU CHANGE IT ANYWAY.
 05:16:17 WE HAVE NOT HEARD BACK FROM THE STATE.
 05:16:19 WE WERE SUPPOSED TO HEAR LAST WEEK.
 05:16:21 WE STILL HAVEN'T HEARD.
 05:16:22 ACTUALLY, WE'RE CONTINUING THE HEARING THAT WE HAD SCHEDULED
 05:16:26 AT COUNCIL UNTIL JULY 2 BECAUSE WE WANT TO MAKE SURE WE HEAR
 05:16:30 BACK FROM THE STATE.
 05:16:31 SO YOU ALL JUST MAKE A RECOMMENDATION AND THE COUNCIL WILL
 05:16:34 MAKE THE DECISION.
 05:16:35 SO WE'RE ASKING FOR YOUR COMMENTS TONIGHT AND IF YOU HAVE A
 05:16:39 RECOMMENDATION.

05:16:40 >>Anthony Gargano: IN SUMMARY, THIS PUTS US IN COMPLIANCE
 05:16:42 WITH THE FEMA REQUIREMENTS.
 05:16:44 >>Mary Gibbs: WE HOPE SO.
 05:16:47 THE GOOD NEWS, WE DID HEAR BACK, BECAUSE WE HAVE TO DO A
 05:16:51 RECERTIFICATION PROCESS WHERE WE HAVE TO SHOW THEM ALL THE
 05:16:55 ACTIVITIES THAT WE'VE DONE TO MAKE SURE WE COMPLY, AND THEN
 05:17:00 THEY COUNT POINTS.
 05:17:01 THAT'S HOW YOU GET YOUR COMMUNITY RATING SERVICE SCORE.
 05:17:04 WE'RE CURRENTLY A SIX.
 05:17:05 THEY THREATENED EVERYBODY THAT WE GO TO A TEN, WHICH IS
 05:17:08 BASICALLY GETTING KICKED OUT.
 05:17:10 WE MAINTAINED THE SIX, BUT WE GOT OUR LETTER BACK.
 05:17:12 WE HAVE TO DO ANOTHER COUPLE MONTH'S WORTH OF WORK OF ALL
 05:17:17 THE THINGS WORKING ON AND THEN RECEIVED A LETTER IN MAY THAT
 05:17:20 SAID GOOD NEWS, YOU RETAIN YOUR LEVEL 6, WHICH IS VERY
 05:17:24 EXCITING.
 05:17:24 BUT THE POINT SCORE WE FOUND OUT, THE STAFF SAID WE'RE VERY
 05:17:28 CLOSE TO THE POINTS THAT WE NEED, LIKE 180 POINTS SHORT OF

05:17:31 BEING A CLASS FIVE, WHICH WOULD BE ANOTHER 5% DISCOUNT.
 05:17:36 WE'RE HOPING IN OCTOBER, WE HAD DONE OPEN SPACE WORK AND
 05:17:39 THINGS TO SEND TO THEM THAT THEY DIDN'T HAVE YET, SO WE'RE
 05:17:43 HOPING WE CAN ACTUALLY GET UP TO A FIVE.
 05:17:45 THAT'S KIND OF OUR GOAL.
 05:17:46 AGAIN, WE'LL JUST HAVE TO SEE.
 05:17:52 >>Anthony Gargano: OKAY.

05:17:52 BOARD MEMBERS, ANY QUESTIONS?
 05:17:58 >>Kristin Jeannin: THE ITEMS HIGHLIGHTED IN YELLOW, IS THAT
 05:18:01 WHAT IS CHANGING?
 05:18:03 >>Mary Gibbs: YEAH.
 05:18:05 I DIDN'T THINK THE COUNCIL WANTED TO READ 30 PAGES OF
 05:18:07 EXISTING LANGUAGE.
 05:18:08 THANK YOU.
 05:18:12 >>Kristin Jeannin: ARE THERE LIMITATIONS ON -- I MEAN, THIS
 05:18:23 ITEM H SAYS FOR PROJECTS PROPOSING TO ENCLOSE AREAS UNDER
 05:18:28 ELEVATED BUILDINGS, ARE THERE LIMITATIONS ON -- LIKE, COULD
 05:18:33 THEY ACTUALLY PUT WALLS IF THEY WERE BREAKAWAY WALLS OR THEY
 05:18:35 HAVE TO BE LATTICE AND OPEN OR PARTIALLY OPEN?
 05:18:40 >>Mary Gibbs: AGAIN, I AM NOT THE FLOODPLAIN PERSON, BUT
 05:18:44 I'VE LEARNED A LOT THROUGH OSMOSIS THIS PAST YEAR.
 05:18:47 I THINK YOU CAN DO THE BREAKAWAY WALLS, BUT YOU CANNOT START
 05:18:50 DOING LIKE ELECTRICAL OUTLETS.
 05:18:53 YOU CAN'T TAKE YOUR REFRIGERATOR DOWN THERE, PLUG IT IN,
 05:18:57 YOUR TV, GAME ROOMS.
 05:19:12 >>Anthony Gargano: ANY OTHER DISCUSSION?
 05:19:21 >>Michael Sheeley: WAITING FOR KRISTIN TO MAKE A MOTION.
 05:19:24 >>Kristin Jeannin: I MAKE A MOTION TO RECOMMEND TO COUNCIL
 05:19:27 APPROVAL.
 05:19:30 >>Michael Sheeley: I'LL SECOND.
 05:19:30 >>Anthony Gargano: WE HAVE A MOTION TO RECOMMEND TO THE
 05:19:34 VILLAGE COUNCIL.

05:19:36 IT'S BEEN SECONDED.
 05:19:38 DO WE HAVE ANY QUESTIONS OR DISCUSSION ON THE MOTION?
 05:19:40 I THINK AS A PART OF THIS, WE NEED TO THANK THE STAFF FOR
 05:19:47 THEIR EFFORTS IN PULLING ALL THIS TOGETHER.
 05:19:50 DO WE NEED A ROLL CALL VOTE FOR THIS?
 05:19:56 >>Nancy Stroud: YES, I SUGGEST YOU HAVE A ROLL CALL.
 05:19:59 >>Mary Gibbs: NANCY ONE SAYS YES.
 05:20:01 >>Anthony Gargano: NANCY SENIOR.
 05:20:03 >>Nancy Stroud: STILL HERE.
 05:20:05 >>Anthony Gargano: TAMMY, CAN YOU CALL THE ROLL, PLEASE?

05:20:07 >>Kristin Jeannin: YES.
 05:20:09 >>Michael Sheeley: YES.
 05:20:11 >>James Tatooles: YES.
 05:20:14 >>Dan Williams: YES.
 05:20:16 >>Anthony Gargano: YES.
 05:20:27 >>Michael Sheeley: MARY, COULD I ASK FOR DISCUSSION PURPOSES
 05:20:30 WHAT I SAW PUBLISHED ABOUT THE HOTEL THAT CAME IN THAT
 05:20:33 WANTED TO CONVERT FROM MASONRY TO WOOD FRAME CONSTRUCTION
 05:20:38 THAT APPARENTLY THE COUNCIL HAS CONTINUED THAT ITEM?
 05:20:44 >>Mary Gibbs: YOU REMEMBER THE HOME2 AND YOU ALL HAD
 05:20:47 REVIEWED IT.
 05:20:48 AND THEN THE APPLICANT HAD AGREED WITH ALL THE CONDITIONS.
 05:20:51 WE HAD A CONDITION THAT THEY WOULD DO CONCRETE BLOCK
 05:20:54 CONSTRUCTION, NOT WOOD FRAME.
 05:20:56 >>Michael Sheeley: THERE WAS A CONDITION.

 05:20:58 >>Mary Gibbs: IT WAS A CONDITION IN THE APPROVAL.
 05:21:00 WHEN THEY CAME TO PLANNING AND ZONING BOARD, THEY SENT US
 05:21:04 THE EIGHT-DAY LETTER AND SAID THEY AGREED WITH ALL THE
 05:21:07 CONDITIONS.
 05:21:07 THIS DIDN'T COME UP UNTIL AFTER PLANNING AND ZONING BOARD,
 05:21:12 WE WENT TO THE COUNCIL FIRST READING.
 05:21:14 AND THEN RIGHT BEFORE THE FIRST READING THEY SENT ME A
 05:21:17 LETTER AND SAID WE DON'T AGREE WITH THAT CONDITION.
 05:21:20 WE WERE LIKE, WHOA, IT IS THE 11th HOUR.
 05:21:24 WHY DIDN'T YOU SAY SOMETHING BEFORE?
 05:21:25 SO THE HEARING WAS MESSY BECAUSE WE WEREN'T EXPECTING IT.
 05:21:34 THEIR ARCHITECT WAS EXPLAINING, BUT IT WAS VERY CONFUSING AT
 05:21:38 THE HEARING BECAUSE IT SOUNDED LIKE A MIX AND MATCH.
 05:21:42 AND THE COUNCIL WAS VERY CONFUSED.
 05:21:45 THEY WANT QUALITY PRODUCT.
 05:21:47 WE DON'T WANT LIKE THE WOOD FRAME APARTMENTS THAT YOU SEE UP
 05:21:51 ON ALICO ROAD AT THE INTERCHANGES.
 05:21:54 SO THE COUNCIL WAS SAYING WE DON'T WANT TO SEE THAT.
 05:21:58 WE WANT TO SEE SOMETHING THAT IS SUSTAINABLE AND THAT'S
 05:22:02 QUALITY.
 05:22:02 BUT THE ARCHITECT I THINK CONFUSED EVERYBODY WITH THE
 05:22:07 PERCENTAGES AND WHAT.
 05:22:09 SO WE ENDED UP CONTINUING THE HEARING BECAUSE IT WAS JUST
 05:22:12 NOT GOING -- NOT GOING ANYWHERE FAST.
 05:22:16 WHEN WE TALKED TO THE -- AND THEY HAD TWO ATTORNEYS HERE.

 05:22:22 SO THEY SAID THEY WANTED TO CONTINUE IT.
 05:22:24 AND THEN WE'RE GOING TO TRY TO WORK ON THAT CONDITION.

05:22:28 THE WAY THE CONDITION WAS WORDED, IT MADE IT SOUND LIKE YOU
 05:22:31 COULDN'T DO ANYTHING WITH WOOD, BUT YOU HAVE TO USE SOME
 05:22:34 WOOD PRODUCTS WHEN YOU'RE BUILDING SOMETHING.
 05:22:36 SO THE LANGUAGE, EVEN THOUGH I WROTE THE LANGUAGE, IT WASN'T
 05:22:40 VERY ARTFULLY WORDED.
 05:22:41 SO I THINK WE'RE GOING TO -- THEY ARE WORKING WITH US.
 05:22:44 THEY ARE GOING TO SUGGEST SOMETHING.
 05:22:46 WE'LL GO BACK AND FORTH BEFORE JULY 2nd AND THEN SEE IF WE
 05:22:51 CAN WORK OUT SOMETHING.
 05:22:52 IF YOU HAVE ANY SUGGESTIONS BECAUSE WHAT I DID BRING UP, HAD
 05:22:58 YOU BROUGHT THIS UP AT PLANNING ZONING DESIGN BOARD, PERHAPS
 05:23:01 WE WOULDN'T HAVE ENDED UP BEFORE COUNCIL WITH A BIG MESS ON
 05:23:05 OUR HANDS.
 05:23:07 >>Nancy Stroud: MARY, IF I CAN ADD SOMETHING.
 05:23:09 WE ALSO HAD THE DEPUTY BUILDING OFFICIAL TESTIFY AS TO THE
 05:23:17 PREFERENCE FOR CONCRETE OVER WOOD.
 05:23:19 I THINK HE DID A REALLY GOOD JOB.
 05:23:22 I'M HOPING THAT HE'LL BE ALSO INVOLVED IN THOSE DISCUSSIONS
 05:23:27 ABOUT HOW TO DESCRIBE THE CONDITION TO BE THE QUALITY
 05:23:32 PRODUCT THAT EVERYONE IN THE VILLAGE HAS BEEN LOOKING FOR.
 05:23:37 >>Michael Sheeley: I READ HIS COMMENTS AND I AGREED
 05:23:40 COMPLETELY WITH WHAT HE SAID ABOUT MASONRY VERSUS WOOD FRAME
 05:23:44 IN THIS CLIMATE.

 05:23:47 >>Mary Gibbs: HURRICANES, TERMINATES, ALL THOSE THINGS.
 05:23:49 >>Michael Sheeley: MOISTURE AND WATER INFILTRATION IS COMMON
 05:23:53 AND BUILDINGS WILL ROT.
 05:23:58 >>Kristin Jeannin: IT'S MULTISTORY.
 05:24:00 >>Michael Sheeley: JUST NOT A GOOD WAY TO GO.
 05:24:03 >>Mary Gibbs: IF YOU ALL HAVE AN OPINION ON THAT, I WOULD
 05:24:05 LIKE TO PASS THAT ON TO COUNCIL BECAUSE THEY EVEN SAID,
 05:24:10 WELL, WE'RE NOT THE EXPERTS.
 05:24:12 WHAT DID PLANNING AND ZONING SAY?
 05:24:14 WELL, IT DIDN'T COME UP UNTIL AFTER.
 05:24:18 >>Michael Sheeley: MY OPINION IS THE ONLY REASON THEY
 05:24:20 PROPOSED IT IS IT'S LESS EXPENSIVE.
 05:24:23 >>Mary Gibbs: THEY HAD A LOT OF REASONS.
 05:24:24 WHEN YOU READ THEM, THAT WAS THE BOTTOM LINE.
 05:24:27 >>Michael Sheeley: REASONS I READ WERE NOT CONVINCING.
 05:24:29 IF YOU WANT ME TO SEND AN E-MAIL WITH MY OPINION THAT YOU
 05:24:32 COULD USE, I WOULD BE HAPPY TO.
 05:24:34 >>Mary Gibbs: YEAH, I THINK THAT WOULD BE VERY HELPFUL.
 05:24:37 ALSO, WE HAD SIMON, THE REPRESENTATIVE FROM INDIANAPOLIS WAS
 05:24:45 AT THE HEARING BECAUSE I THINK THEY ARE SELLING THE

05:24:47 PROPERTY.
 05:24:48 THEY ASKED HIM ABOUT FUTURE PLANS BECAUSE WE KEEP HEARING
 05:24:52 THE RUMORS THAT THE MOVIE THEATER IS GOING TO BE DEMOLISHED
 05:24:54 AND THERE'S GOING TO BE SOMETHING BUILT THERE, PROBABLY
 05:24:57 MULTIFAMILY, BUT IT'S A BIG POORLY KEPT SECRET LIKE

 05:25:02 CHICK-FIL-A.
 05:25:04 IF YOU HAVE MULTIFAMILY THERE AND THE COUNCIL WAS VERY
 05:25:08 CONCERNED ABOUT MAKING SURE WE HAVE CONCRETE, THAT HIGHER
 05:25:13 QUALITY PRODUCT.
 05:25:14 SO, YEAH, IT WAS -- YEAH.
 05:25:19 I WAS SHOCKED, HONESTLY.
 05:25:23 I THINK I TOLD THE COUNCIL THAT I WAS SHOCKED IT WOULD COME
 05:25:25 UP AT THAT POINT.
 05:25:26 WE'VE BEEN REVIEWING THAT PROJECT FOR A REALLY LONG TIME.
 05:25:32 >>Michael Sheeley: WAS THERE ANY DISCUSSION ABOUT CREATING
 05:25:33 AN ORDINANCE TO THAT EFFECT FOR THE VILLAGE?
 05:25:37 >>Mary Gibbs: I DISCUSSED WITH OUR -- NOT NANCY.
 05:25:41 WE HAVE A GENERAL ATTORNEY WHO WAS ALSO AT THE MEETING, AND
 05:25:46 HE ASKED IF WE HAD IT IN THE ORDINANCE.
 05:25:48 YOU KNOW YOU WANT TO -- YOU KNOW, YOU'VE GOT THE BUILDING
 05:25:52 CODE.
 05:25:53 I DIDN'T THINK YOU COULD BE STRICTER THAN THE BUILDING CODE
 05:25:56 IN AN ORDINANCE.
 05:25:57 HE SAID THERE COULD BE WAYS THAT COULD BE DONE.
 05:25:59 >>Michael Sheeley: THE BUILDING CODE DOES ALLOW THE WOOD
 05:26:02 FRAME.
 05:26:03 >>Mary Gibbs: CAN YOU BE STRICTER IN A LOCAL ORDINANCE THAN
 05:26:06 YOU CAN IN THE BUILDING CODE?
 05:26:06 I WASN'T SURE ABOUT THAT.
 05:26:11 >>Michael Sheeley: THANK YOU.

 05:26:12 >>Mary Gibbs: I APPRECIATE YOUR COMMENTS ON THAT, BECAUSE
 05:26:14 IT'S GOOD TO KNOW.
 05:26:19 >>Anthony Gargano: THAT WAS MY NO VOTE APPLICATION.
 05:26:25 >>Michael Sheeley: THANKS FOR SHARING THAT.
 05:26:26 >>Anthony Gargano: ANY OTHER COMMENTS, QUESTIONS?
 05:26:28 ANYTHING FROM STAFF BEFORE WE ADJOURN?
 05:26:30 MOTION TO ADJOURN?
 05:26:35 >>James Tatooles: MOTION TO ADJOURN.
 05:26:37 >>Michael Sheeley: SECOND.
 05:26:39 >>Anthony Gargano: ALL IN FAVOR?
 05:26:41 >> AYE.
 05:26:42 >>Anthony Gargano: OPPOSED?

05:26:42 WE'RE ADJOURNED.
05:26:44 >> SHORTEST MEETING ON RECORD.
05:26:46 [MEETING ADJOURNED]

DISCLAIMER:
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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.

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 as 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
May 13, 2025 4:30 p.m.**

- 1. CALL TO ORDER:** 4:32 p.m.
- 2. PLEDGE OF ALLEGIANCE:**
- 3. ROLL CALL:**

Present: Board Members James Tatooles, Barry Jones, Al Paivandy, Kristin Jeannin, Dan Williams, Vice Chairman Michael Sheeley and Chairman Anthony Gargano.
Absent Board Member Jim Wallace.

Also present: Community Development Director Mary Gibbs, Land Use Attorney Nancy Stroud, Assistant Community Development Director Christopher Baker, and Deputy Village Clerk Tammy Duran.

- 4. APPROVAL OF AGENDA:**

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

- 5. BUSINESS:**

(a) Consent Agenda

- (1) Approval of April 8, 2025 meeting minutes

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

6. PUBLIC HEARING (Quasi-Judicial)

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

- (a) Piccolo Buco – DOS2022-E001 Minor Change – Marketplace at Coconut Point Exterior Building Color Change (District 6)
Located at the southern portion of Marketplace at Coconut Point between US 41 and Via Villagio and identified as Building III on the Development Order plans.

No ex parte communication or conflicts of interest were noted.

Staff Presentation/Comments

Mary Gibbs, Community Development Director
Nancy Stroud, Land Use Attorney

Presentation/Information by

Jeffrey Williams, Konover South
Jennifer Lesyna, Cooper's Hawk
Amira Aziz, Cooper's Hawk

Public Comment

None.

Board Questions or Comments

Board Members Jeannin, Jones, Paivandy, Tatooles, Williams, and Vice Chairman Sheeley

Motion: Motion to approve Minor Change with the stipulations the planters out front to be consistent with the trellis with a natural wood color, the spire will be placed on the top of the building, and the stipulations provided by staff.

Motion by: Board Member Tatooles

Seconded by: Vice Chairman Sheeley

Action: Approved approve Minor Change with the stipulations the planters out front to be consistent with the trellis with a natural wood color, the spire will be placed on the top of the building, and the stipulations provided by staff.

Vote:

Aye: Board Members Jeannin, Jones, Paivandy, Tatooles, Williams, Vice Chairman Sheeley and Chairman Gargano.

Nay:

Abstentions:

- (b) Pelican Sound – Residential Planned Development – Zoning Amendment (District 2)
(DCI2025-E001)
4561-4798 Pelican Sound Boulevard - located north of Williams Road and west of
Koreshan State Park and US 41.

No ex parte communication or conflicts of interest were noted.

Staff Presentation/Comments

Mary Gibbs, Community Development Director
Nancy Stroud, Land Use Attorney

Presentation/Information by

Michael Pappas, P.E., RWA Consultants
Eric Long, Pelican Sound Golf & River Club

Public Comment

In Person

Brian Strojny, Pelican Sound
Joe Brincku, Estero
Curt Gunder, Estero River Heights
Wesley Pruitt, Estero River Heights
Rob Grady, Estero River Heights
Damien Lin, Estero River Heights

eComments

Christina Suesz, Mariners Cove
Jeff Brenneman, Mariners Cove

Board Questions or Comments

Board Members Jeannin, Jones, Paivandy, Tatooles, Williams, Vice Chairman
Sheeley and Chairman Gargano.

Motion: Motion to recommend approval to Village Council with the following conditions; contingent upon no night operations and contingent upon them having to secure the permits that they have to get from FDEP and Army Corps, no additional trips, abide by the schedule for trips is it the four during season a day, and three during nonseason and not on the weekends in nonseason, and they have make their application to the Army Corps and FDEP within 90-days of approval.

Motion by: Board Member Jones

Seconded by: Vice Chairman Sheeley

Action: Recommended approval to Village Council with the following conditions; contingent upon no night operations and contingent upon them having to secure the permits that they have to get from FDEP and Army Corps, no additional trips, abide by the schedule for trips is it the four during season a day, and three during nonseason and not on the weekends in nonseason, and they have make their application to the Army Corps and FDEP within 90-days of approval.

Vote:

Aye: Board Members Jeannin, Jones, Paivandy, Tatooles, Williams,
Vice Chairman Sheeley and Chairman Gargano.

Nay:

Abstentions:

- (c) Mayfield Village – Residential Planned Development Rezoning (District 4)
(DCI2024-E008))

8790 Broadway E, located south on Broadway E. and west of Sandy Lane and east of the Seminole Gulf Railroad right of way.

No ex parte communication or conflicts of interest were noted.

Staff Presentation/Comments

Mary Gibbs, Community Development Director

Christopher Baker, Assistant Director of Community Development

Presentation/Information by

Dan DeLisi, DeLisi, Inc.

John Wodjak P.E., RESPEC

Public Comment

In Person

Joe Brincku, Estero

Danielle Gingerich, Estero

Pat Janosky, Estero

eComments

Maritza Mcdavitt, Groves

Board Questions or Comments

Board Members Jeannin, Jones, Paivandy, Vice Chairman Sheeley and Chairman Gargano.

Motion: Motion to recommend approval to Village Council with the following conditions that the applicant will agree to provide the easements and funding to provide the underground power service to the existing power pole provided that FPL is willing to provide that service.

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

Action: Recommended approval to Village Council with the following conditions that the applicant will agree to provide the easements and funding to provide the underground power service to the existing power pole provided that FPL is willing to provide that service.

Vote:

Aye: Board Members Jeannin, Jones, Paivandy, Tatooles, Williams,
Vice Chairman Sheeley and Chairman Gargano.

Nay:

Abstentions:

7. WORKSHOP

- (a) Discount Tire - Development Order (DOS2025-E002) (District 4)
10411 Corkscrew Commons Drive, a vacant 1-acre site located in Estero Interstate Commerce Park, fronting Corkscrew Road and situated between Rib City and Mr. Tequila.

Staff Presentation/Comments

Mary Gibbs, Community Development Director

Presentation/Information by

Marshay Ryan, BL Companies

Public Comment

None

Board Questions or Comments

Board Members Jeannin, Jones, Paivandy, Vice Chairman Sheeley and Chairman Gargano.

8. PUBLIC INPUT

None

9. BOARD COMMUNICATIONS

- (a) Next meeting – June 10, 2025

10. ADJOURNMENT: 7:57 pm.

Tammy Duran
Deputy Village Clerk



**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: Chick-fil-A
2. Address: 20320 Grande Oak Shoppes Blvd. Estero, FL 33928
3. Strap Number: 25-46-25-E4-20000.0050
4. Application Number: _____

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

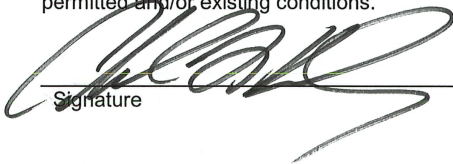
- | | |
|--|---|
| Comprehensive Plan Amendment ☐ | Planned Development Zoning ☐ |
| Planned Development –Amendment or Final Plan Approved ☐ | Variance ☐ |
| Conventional Rezoning ☐ | Special Exception ☐ |
| Plat ☐ | Vacation ☐ |
| Other ☒ | |

(Specify) Development Order

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

A proposed Chick-fil-a restaurant to be constructed at the site of the existing Perkins restaurant located at
the Shoppes of Grand Oaks.

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

5/20/2025

Date

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

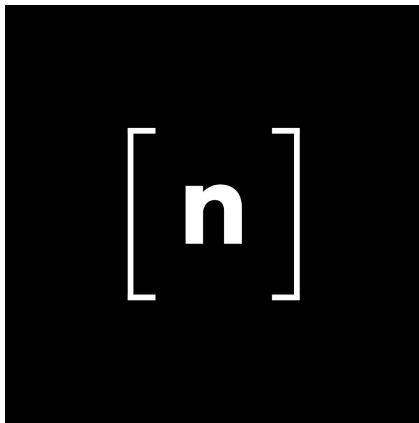
Chick-fil-A Corkscrew

Public Information Meeting

June 10th, 2025

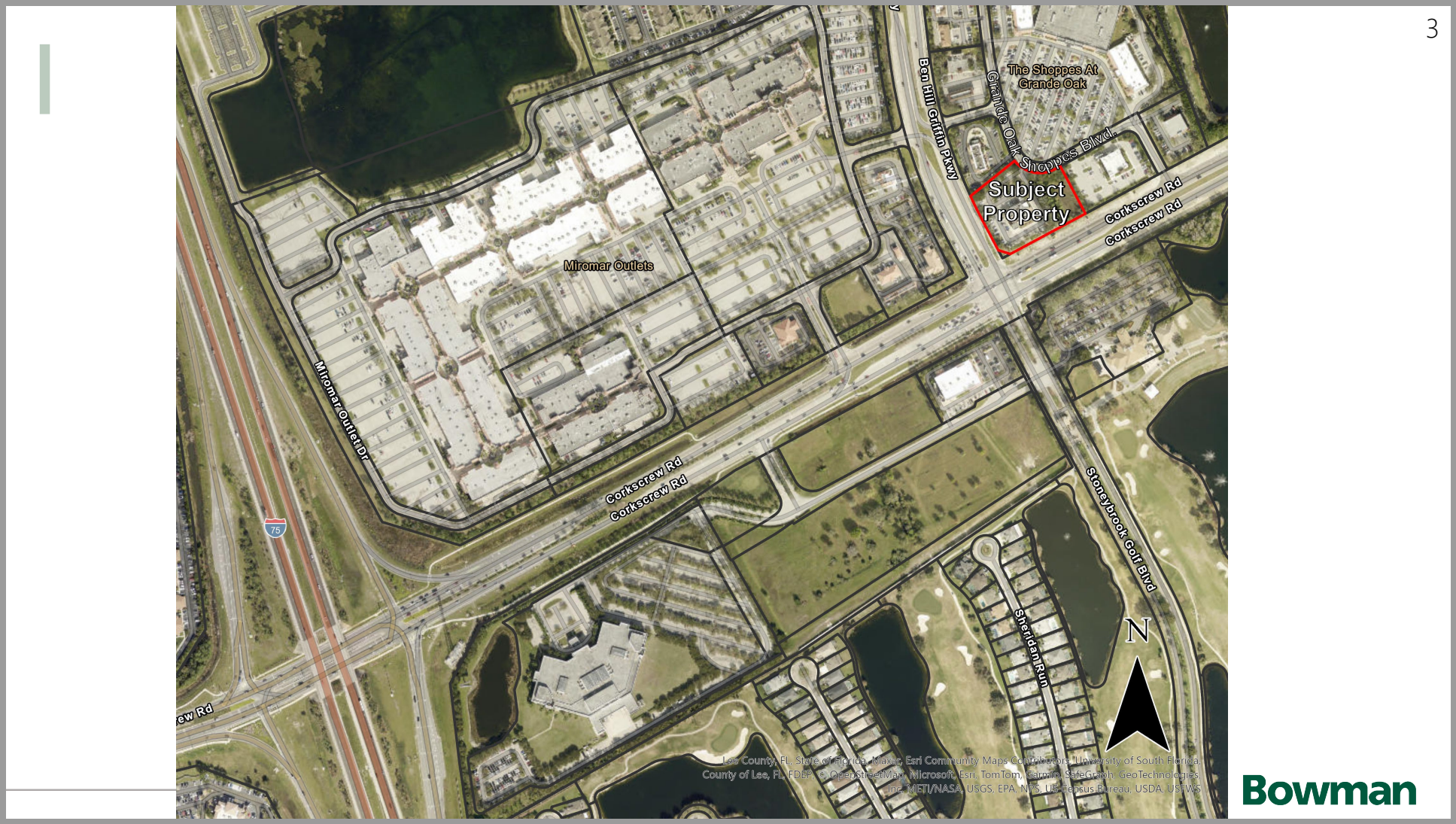
Project Team

Bowman



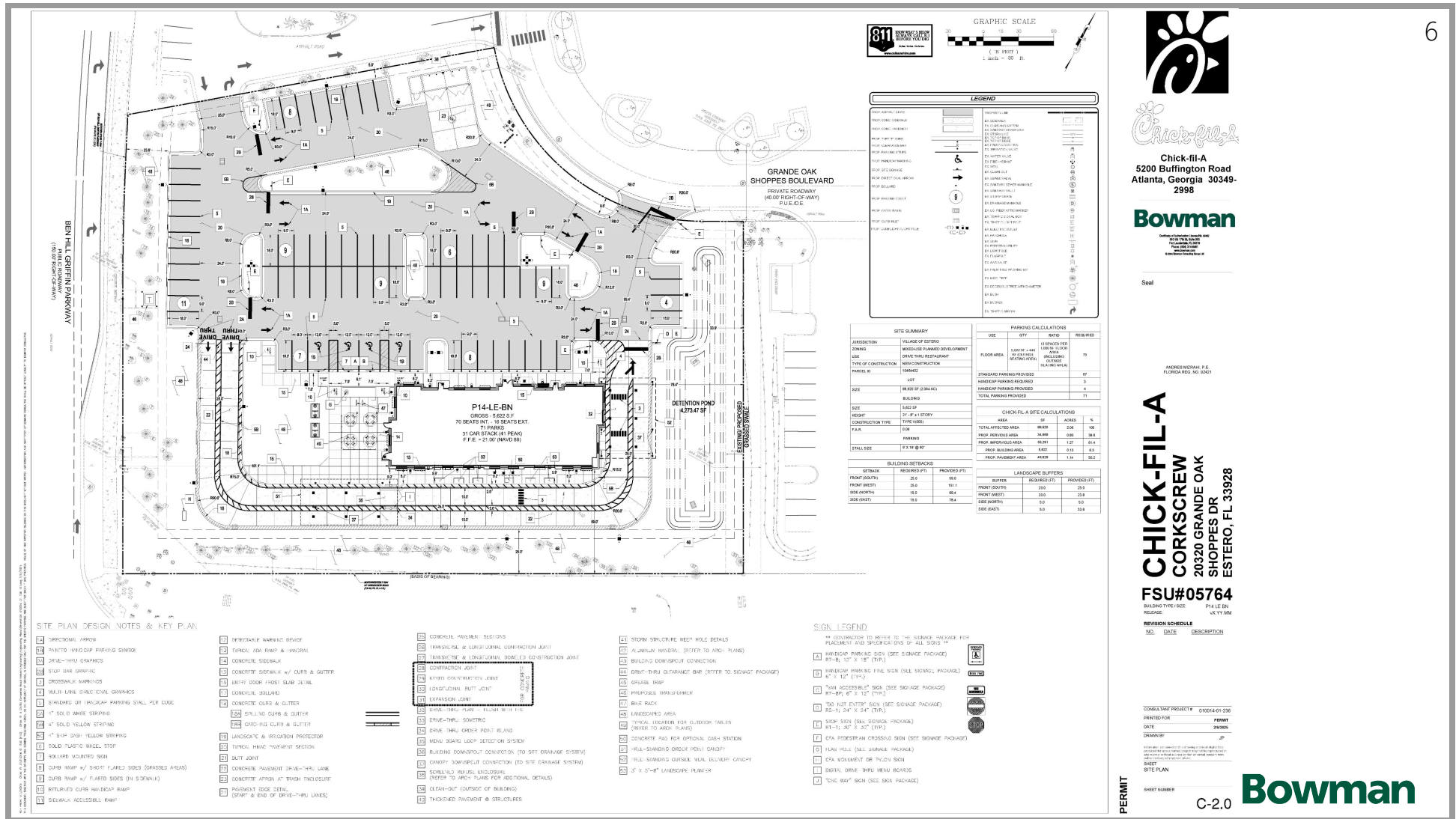
MLD STUDIO
Landscape Architecture

Bowman





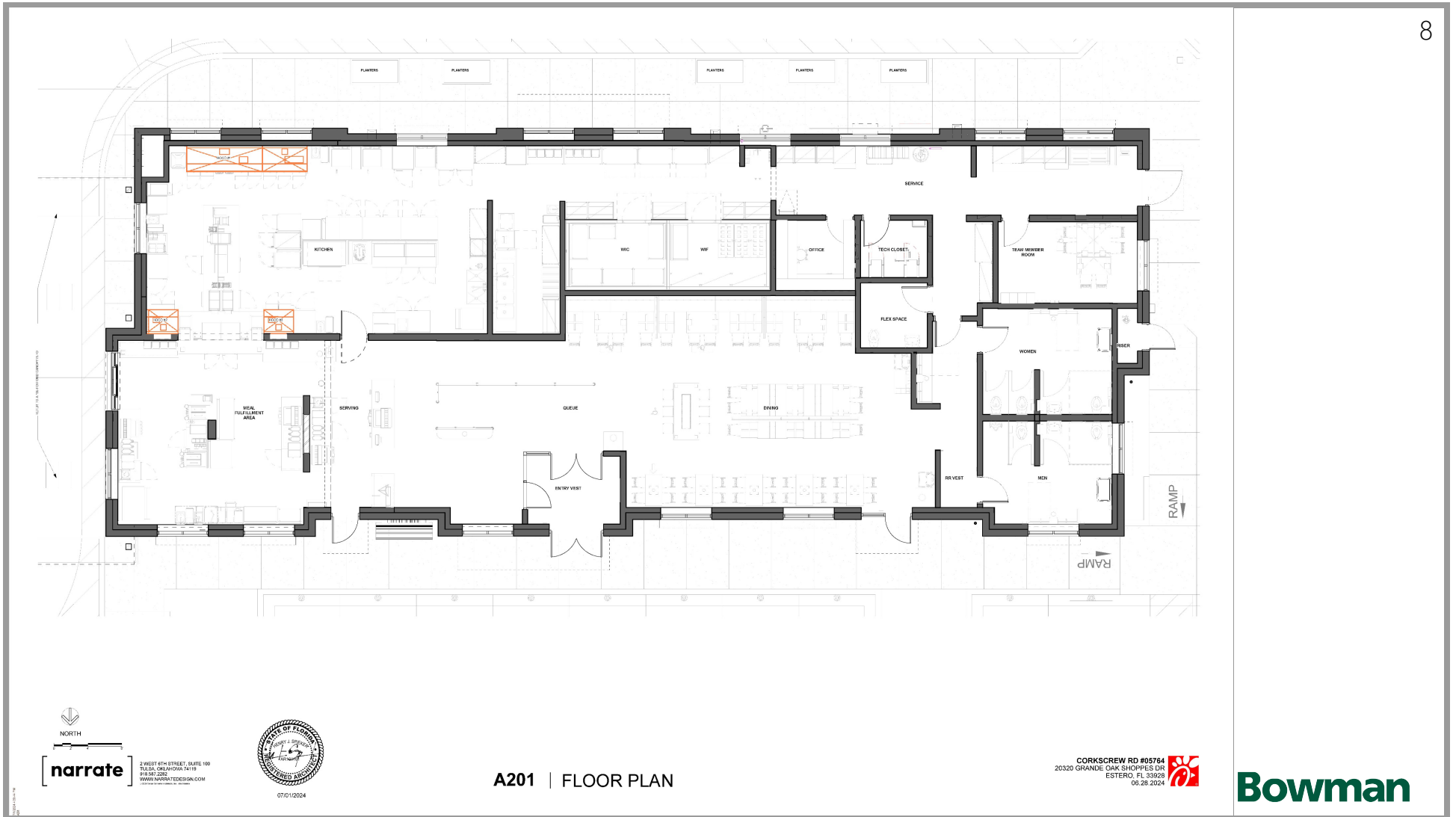




[illegible][illegible]

L-101

Bowman



9



Bowman

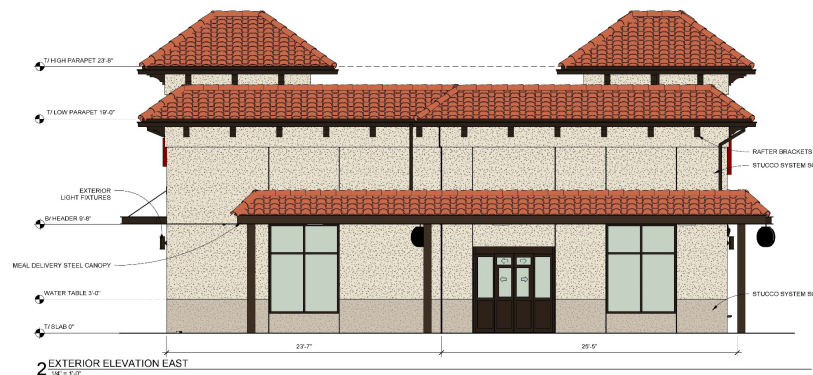
10







1 EXTERIOR ELEVATION WEST
1/4" = 1'-0"



2 EXTERIOR ELEVATION EAST
1/4" = 1'-0"

EXTERIOR FINISHES	
 STUCCO SYSTEM COLOR: 100% PEARL FINISH: SAND MEDIUM	 SPANISH ROOF TILE COLOR: ANTIQUE CLAY
 STUCCO SYSTEM COLOR: 100% INDIANA LIME TEXTURE: MEDIUM SAND FINISH	 STOREFRONT COLOR: AL-107 MEDIUM BRONZE ANTIKIDDED #002
	 COPING, GUTTER, DOWNSPOUT, CORNICES COLOR: MEDIUM BRONZE

PHYSICAL MATERIAL FINISHES		
 SC-1 Pearl L# 86 10308 RGB: 235,226,208	 SC-2 Indiana Lime L# 60 10622 RGB: 205,194,178	 COPING, GUTTER, DOWNSPOUT, CORNICES MEDIUM BRONZE

[narrate]

2 WEST 6TH STREET, SUITE 100
TULSA, OKLAHOMA 74110
918.587.2282
WWW.BOWMANARCHITECT.COM



A301 | EXTERIOR ELEVATIONS

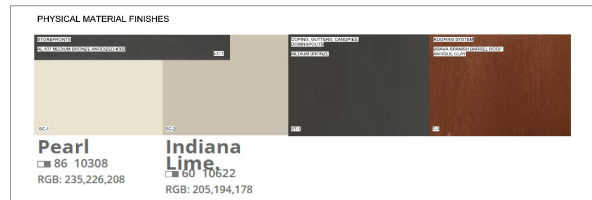
CORKSCREW RD #05764
20320 GRANDE OAK SHOPPING DR
ESTERO, FL 33928
06.28.2024

Bowman





4 EXTERIOR ELEVATION NORTH
1/8" = 1'-0"



narrate 2 WEST 6TH STREET, SUITE 100
TULSA, OKLAHOMA 74119
918.587.2282
WWW.NARRATEDESIGN.COM



07/01/2024

A303 | MATERIAL BOARD

CORKSCREW RD #00764
20020 GRANDE OAK SHOPS DR
ESTERO, FL 33428



06.28.2024

Bowman

SPECIFICATIONS

SIGN IS FABRICATED ALUMINUM CONSTRUCTION
DECORATED WITH LED-LIT CHANNEL LETTERS WITH
POWER SUPPLIES INSIDE OF CABINET.
SPANISH ROOF TILES APPLIED BY GENERAL CONTRACTOR
TO FABRICATED ALUMINUM TOP SUPPLIED BY CLAYTON SIGNS.
DECORATIVE CORBELS ARE FABRICATED ALUMINUM.

CHANNEL LETTER FACES
2793 RED ACRYLIC
TRIMCAP RETAINER-
1" RED JEWELITE TRIMCAP

ALUMINUM RETURNS
PAINTED SHERWIN WILLIAMS
SW 7558 MEDICI IVORY

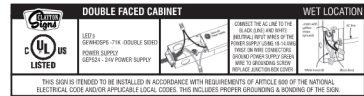
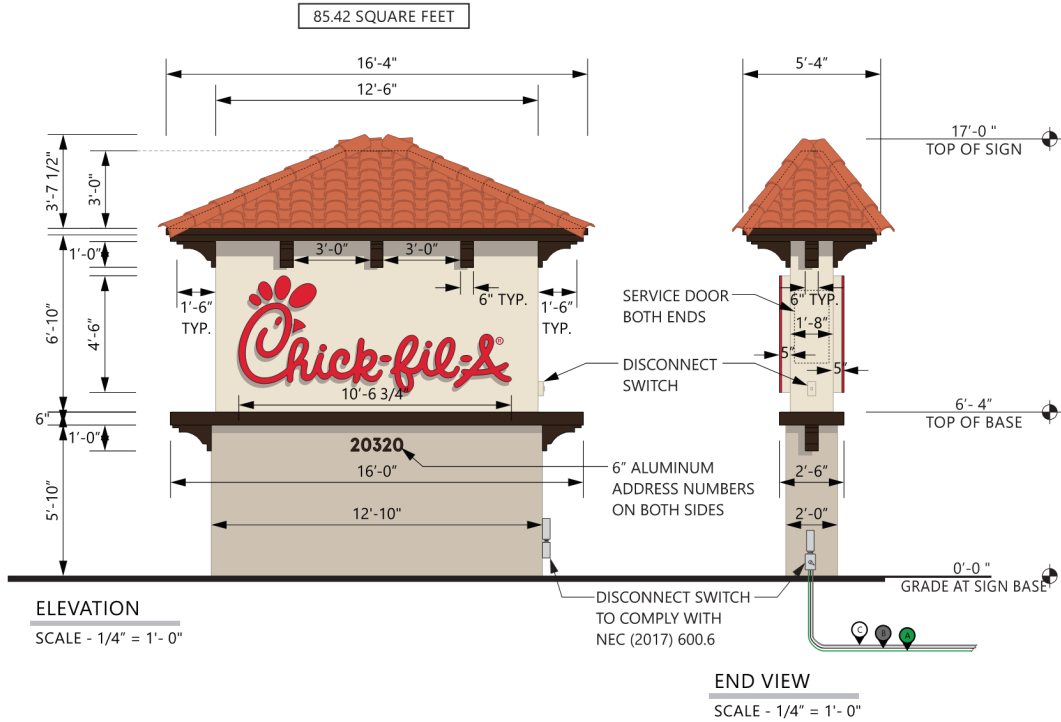
PAINTED TO MATCH
STO STUCCO 10308 PEARL

PAINTED TO MATCH
STO STUCCO 10622
INDIANA LIMESTONE

MP 201A81 DARK BRONZE
SW #DDM460012

SPANISH ROOF TILE
ANTIQUE CLAY

Electrical specifications				
Volts	120	Amp	20	Circ
Colors				
#				
A	GREEN ELECTRICAL WIRE			
B	BLACK ELECTRICAL WIRE			
C	WHITE ELECTRICAL WIRE			



SEE ENGINEER STAMPED DRAWING
FOR FOUNDATION DETAILS



5198 North Lake Drive
Lake City, GA 30260
404.361.3800
www.claytonsigns.com

MONUMENT SIGN

DRAWING FILE - CFA - ESTERO, FL (CORKSCREW) SIGNAGE CDR

ALL ELECTRICAL
SIGNS ARE
120 VOLTS
UNLESS
OTHERWISE INDICATED

DRAWN BY Ben Holliday
ACCOUNT REP. Ben Holliday
DRAWING DATE January 19, 2024
REVISION DATE June 26, 2024

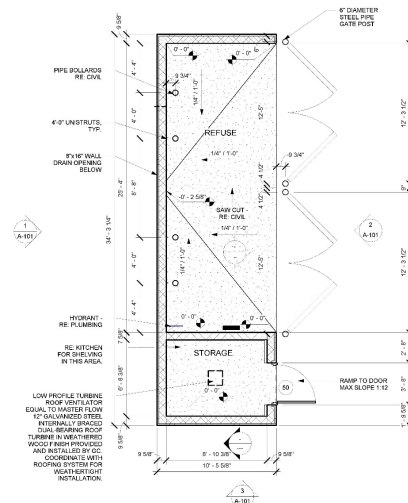
STORE NUMBER	STORE ADDRESS
L05764	Chick-fil-A at Estero, FL (Corkscrew) 20320 Grande Oak Shoppes Drive Estero, FL 33928

THIS DRAWING IS AN ORIGINAL UNPUBLISHED DESIGN CREATED BY CLAYTON SIGNS, INC. IT IS NOT TO BE REPRODUCED, CHANGED, OR EXHIBITED TO ANYONE OUTSIDE OF YOUR COMPANY IN WHOLE OR IN PART WITHOUT WRITTEN PERMISSION FROM THE OWNER OF CLAYTON SIGNS, INC. ANY SUCH ACTIONS MAY BE SUBJECT TO LEGAL ACTION IN A COURT OF LAW.
© 2023 ALL RIGHTS RESERVED

LOCATION
A1



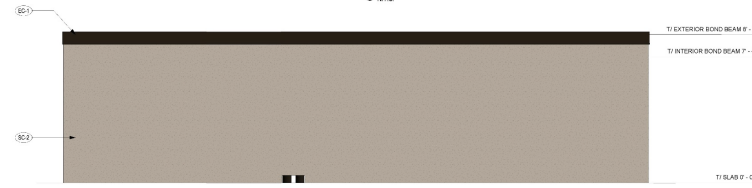
EXTERIOR FINISHES	
(SC-1) STUCCO SYSTEM COLOR: 100% PEARL FINISH: SAND MEDIUM	(T-1) SPANISH ROOF TILE COLOR: ANTIQUE CLAY
(SC-2) STUCCO SYSTEM COLOR: 1922 INDIANA LIME TEXTURE: MEDIUM SAND FINISH	(ST-1) STONE FRONT COLOR: AL-107 MEDIUM BRONZE FINISH: ANTIQUED BRONZE
	(EC-1) CORNER, CUTTER, DOWNPOUT, CANTORIS COLOR: MEDIUM BRONZE



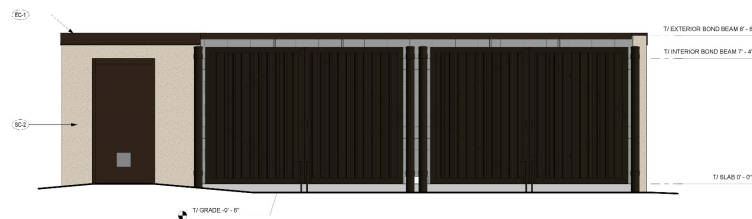
4 REFUSE ENCLOSURE FLOOR PLAN
N.T.S.



3 REFUSE ENCLOSURE SIDE ELEVATION
N.T.S.



1 REFUSE ENCLOSURE BACK ELEVATION
N.T.S.



2 REFUSE ENCLOSURE FRONT ELEVATION
N.T.S.

A-101 | REFUSE ENCLOSURE

CORKSCREW RD #05764
20320 GRANDE OAK SHOPPES DR
ESTERO, FL 33928
06.14.2024

Bowman



07/01/2024

[narrate] 3 WEST 6TH STREET, SUITE 100
TULSA, OKLAHOMA 74119
918.582.2282
WWW.NARRATEDESIGN.COM



Questions?



APPLICATION FOR ADMINISTRATIVE APPROVAL
In The Village of Estero
Consumption on Premises
[LDC Sections 4-402, 2-505 F.1, 2-403 and 2-404]

Project Name: _____
Request: _____

1. **Name of Applicant:** _____
Street Address: _____
City, State, Zip: _____
Phone Number: _____ Email: _____

2. **Relationship of Applicant to owner (check one) and provide Affidavit of Authorization form if Applicant is not the Owner:**

☐ Applicant is the sole owner of the property. (Affidavit not required)

☐ Applicant has been authorized by the owner(s) to represent them for this action. (Affidavit required)

3. **Authorized Agent: (If different than applicant) Name of the person who is to receive all Village of Estero-initiated correspondence regarding this application.**

a. **Company Name:** _____
Contact Person: _____
Street Address: _____
City, State, Zip: _____
Phone Number: _____ E-mail: _____

b. **Additional Agent(s):** Provide the names of other agents that the Village of Estero may contact concerning this application.

4. **Property Owner(s): If multiple owners (corporation, partnership, trust, association), provide a list with owner interest. [Add additional sheet(s) if necessary]**

Name: _____
Street Address: _____
City, State, ZIP: _____
Phone Number: _____ E-mail: _____

Name: _____
Street Address: _____
City, State, ZIP: _____
Phone Number: _____ Email: _____

Name: _____
Street Address: _____
City, State, ZIP: _____
Phone Number: _____ Email: _____

Village of Estero | 9401 Corkscrew Palms Circle | Estero, FL 33928 | Phone 239.221.5036 | www.Estero-FL.gov

5. **Disclosure of Interest:**
☐ Attach **Disclosure of Interest** Form.
6. **STRAP Number(s):** _____
7. **Street Address of Property:** _____
8. **Legal Description (must submit one):**
☐ Legal description and sealed sketch of the legal description.
OR
☐ Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177 and is recorded in the Official Records of Lee County under Instruments or Plat Books.
9. **Use(s) of Property:**
a. Current uses of property are: _____
b. Intended uses of property are: _____
10. **Village Comprehensive Plan (Future Land Use) Designation** _____
11. **Current Zoning of Property:** _____
12. **Type of Establishment:**
**If a RESTAURANT, submit copy of the menu. Label as Menu.*
13. **Outdoor Seating: Is there (or will there be) outdoor seating areas?**
☐ **NO**
☐ **YES** – If YES, please indicate the number of outdoor seats: _____
- NOTE: Outdoor seating requires a public hearing (4-402.A)**
14. **Type of State Liquor License Requested:** _____
15. **Days of week and hours for the sale and service of alcoholic beverages:** Days _____
Hours: from _____ to _____
16. **Site Plan:** Submit a site plan (24"x36" and 11"x17" copies), to scale, illustrating, at a minimum, all buildings on the property, all public entrances and exits to the buildings, a parking plan including ingress/egress.
17. **Floor Plan:** Submit a floor plan drawn to scale illustrating, at a minimum, the floor area including the kitchen, indoor seating area (including the area [sq. ft.] and number of seats), outdoor seating areas (including the area [sq. ft.] and number of seats), and rest rooms. If a restaurant is proposing a bar or lounge for patrons waiting to be seated in the restaurant, the floor area and seating area of the bar or lounge needs to be illustrated in addition to the restaurant seating area.
18. **Affidavit:** Submit a sworn statement that there are no religious facilities, places of worship, schools, day care centers (child), parks, dwelling units, or other establishment primarily selling alcoholic beverages for consumption on site, within 500 feet of the proposed establishment. If within 500 feet of one of these uses, provide a map that indicates the location and distance of the religious facility, school, daycare, park, dwelling units under separate ownership and/or other establishment selling alcoholic beverages for consumption on site in relation to the proposed establishment.

Village of Estero | 9401 Corkscrew Palms Circle | Estero, FL 33928 | Phone 239.221.5036 | www.Estero-FL.gov

Updated 1/26/2022

Page 2 of 3

SUBMITTAL REQUIREMENT CHECKLIST*Clearly label your attachments as noted in bold below.**Please provide one CD or thumb drive and three COLLATED paper sets of your submittal package.
Clearly label your attachments as noted in bold below.*

☐	Completed Application
☐	Filing Fee
☐	<u>Affidavit of Authorization</u> Form
☐	<u>Additional Agents</u>
☐	Multiple Owners List (if applicable)
☐	<u>Disclosure of Interest</u> Form
☐	Legal description (must submit one)
☐	Legal description (metes and bounds) and sealed sketch of legal description
	OR
☐	Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177 and is recorded in the Official Records of Lee County under Instruments or Plat Books. (Click here to see an example of a legal description with no metes and bounds.)
☐	Menu (if a restaurant)
☐	Site Plan (24"x36")
☐	Floor Plan
☐	Location Affidavit and Map (if applicable)

AFFIDAVIT OF AUTHORIZATION (OWNER)

	AFFIDAVIT OF AUTHORIZATION APPLICATION IS SIGNED BY INDIVIDUAL OWNER, APPLICANT, CORPORATION, LIMITED LIABILITY COMPANY (LLC), LIMITED COMPANY (LC), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE
---	---

I, Jeffrey Williams (name), as Executive Vice President, Development & Construction (owner/title) of DKC Marketplace at Coconut Point, LLC (company/property), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

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

Notes:

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

[CONTINUED ON NEXT PAGE]

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

[Signature]
Signature of Owner or Owner-Authorized Agent

May 30, 2025
Date

Jeffrey Williams
Type or Printed Name

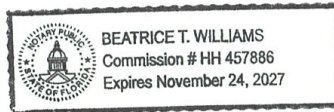
STATE OF FLORIDA
COUNTY OF BROWARD

Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization,
this 30 day of May, 2025, by Jeffrey Williams.
[Person Making Statement]

[Signature]
Signature of Notary Public

Beatrice T. Williams
Print, Type or Stamp Commissioned Name
of Notary Public

[SEAL]



Personally Known ☒ OR Produced Identification ☐
Type of Identification Produced _____

2025 FLORIDA LIMITED LIABILITY COMPANY ANNUAL REPORT

DOCUMENT# L18000228160

Entity Name: MARKETPLACE AT COCONUT POINT, LLC**Current Principal Place of Business:**431 FAIRWAY DRIVE
201
DEERFIELD BEACH, FL 33441**Current Mailing Address:**431 FAIRWAY DRIVE
201
DEERFIELD BEACH, FL 33441 US**FEI Number:** 61-1908034**Certificate of Status Desired:** No**Name and Address of Current Registered Agent:**CORPORATION SERVICE COMPANY
1201 HAYS STREET
TALLAHASSEE, FL 32301 US*The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.***SIGNATURE:**

Electronic Signature of Registered Agent

Date

Authorized Person(s) Detail :

Title CHIEF EXECUTIVE OFFICER
 Name COPPA, DAVID
 Address 431 FAIRWAY DRIVE SUITE 201
 City-State-Zip: DEERFIELD BEACH FL 33441

Title VICE PRESIDENT & CHIEF FINANCIAL
OFFICER
 Name PATTON III, ROBERT K
 Address 431 FAIRWAY DRIVE SUITE 201
 City-State-Zip: DEERFIELD BEACH FL 33441

Title SECRETARY
 Name WILLIAMS, BEATRICE T
 Address 431 FAIRWAY DRIVE SUITE 201
 City-State-Zip: DEERFIELD BEACH FL 33441

Title DIRECTOR OF CONSTRUCTION
 Name CHRISTIE, PATRICK
 Address 431 FAIRWAY DRIVE SUITE 201
 City-State-Zip: DEERFIELD BEACH FL 33441

Title EVP DEVELOPMENT &
CONSTRUCTION
 Name WILLIAMS, JEFFREY
 Address 431 FAIRWAY DRIVE
201
 City-State-Zip: DEERFIELD BEACH FL 33441

I hereby certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am a managing member or manager of the limited liability company or the receiver or trustee empowered to execute this report as required by Chapter 605, Florida Statutes; and that my name appears above, or on an attachment with all other like empowered.

SIGNATURE: BEATRICE T WILLIAMS**SECRETARY****04/21/2025**

Electronic Signature of Signing Authorized Person(s) Detail

Date

AFFIDAVIT OF AUTHORIZATION



PROPERTY OWNER AUTHORIZATION AFFIDAVIT

Owner Information:

Company Name: DKC Marketplace at Coconut Point, LLC
 Contact Name: Jeffrey Williams, Executive Vice President, Development & Construction
 Street Address: 431 Fairway Drive, Suite 201
 City/State/ZIP: Deerfield Beach, Florida 33441
 Phone No.: 954-354-8296 Email: jwilliams@konoversouth.com

Applicant Information:

Company Name: Piccolo Buco Estero, LLC
 Contact Name: Jennifer Lesyna
 Street Address: 3500 Lacey Road, Suite 1000
 City/State/ZIP: Downers Grove, Illinois 60515
 Phone No.: 331-233-5807 Email: jlesyna@chwinery.com

Property/Site Information:

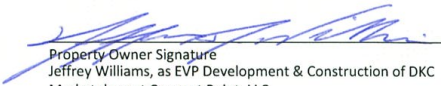
Project Name: Piccolo Buco at Marketplace at Coconut Point
 Site Address: 22800 Via Villagio
 STRAP No(s): 04-47-25-E2-3001C.0000

Notarization:

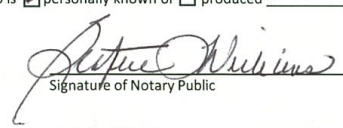
State of Florida

County of Broward

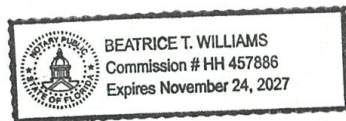
Jeffrey Williams, as EVP Development & Construction of
 I, DKC Marketplace at Coconut Point, LLC (Owner) being duly sworn declare that I am the Owner of the Property identified above and authorize
 the Applicant to apply to the Village of Estero for a(n) Alcoholic Beverage Consumption on Premises (application type) for said property regarding
Piccolo Buco at Marketplace at Coconut Point (project name).


 Property Owner Signature
 Jeffrey Williams, as EVP Development & Construction of DKC
 Marketplace at Coconut Point, LLC

Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 30 day of May
2025, by Jeffrey Williams, as EVP Development & Construction of DKC Marketplace at Coconut Point (Owner) who is ☒ personally known or ☐ produced
 as identification.


 Signature of Notary Public

[SEAL]



Beatrice T Williams
 Print, Type or Stamp Commissioned Name of Notary Public

Updated 7/11/2024

DISCLOSURE OF INTEREST

DISCLOSURE OF INTEREST AFFIDAVIT

Jeffrey Williams, as EVP, Development &
BEFORE ME this day appeared Construction of DKC Marketplace at Coconut, who, being
first duly sworn and deposed says: Point, LLC

1. That I am the record owner, or a legal representative of the record owner, of the property that is located at 22800 Via Villagio, Estero, FL 33928 and is the subject of an Application for zoning action (hereinafter the "Property").

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

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

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

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

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

6. Disclosure of Interest held by a Lee County Employee, County Commissioner, or Hearing Examiner. None

Name and Address	Percentage of Ownership
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

DKC Marketplace at Coconut Point, LLC


Property Owner

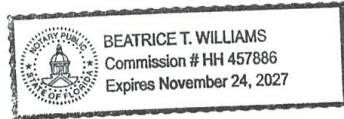
Jeffrey Williams, as EVP, Development and Construction
Print Name

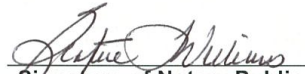
*****NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS*****
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF FLORIDA
COUNTY OF ~~LEE~~ BROWARD

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☐ physical presence or ☐ online notarization, on May 30, 2025 (date) by Jeffrey Williams (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

STAMP/SEAL




Signature of Notary Public

LEGAL DESCRIPTION

DO# DOS-2004-00038

PLAT BOOK 83	PAGE 2
SHEET 2 of	13

LEGAL DESCRIPTION:

[illegible][illegible]

TRACT "1A"	288,244.13 S.F. ±
TRACT "R-1"	5,013.44 S.F. ±
TRACT "L-1"	329,080.70 S.F. ±
TOTAL PARCEL 1	622,338.27 S.F. ±

TRACT "A"	283,241.53 ±
TRACT "B"	59,034.53 ±
TRACT "C"	379,527.53 ±
TOTAL PARCEL 1	622,338.27 ±
TRACT "1B"	1,491,592.15 ±
TRACT "1C"	418,697.45 ±
TRACT "1D"	8,156.15 ±
TRACT "1D2"	4,924.19 ±
TRACT "1D3"	65,050.19 ±
TRACT "1D4"	1,111.15 ±
TRACT "1E2"	1,391,023.15 ±
TRACT "1E3"	43,574.15 ±
TRACT "1E4"	364,264.15 ±
TRACT "1E5"	43,574.15 ±
TRACT "1E6"	539,911.15 ±
TRACT "1E7"	4,097.39 ±
TRACT "1E8"	2,346.77 ±
TRACT "1E9"	210.57 ±
TRACT "1E10"	10,218.15 ±
TRACT "1E11"	13,708.74 ±
TRACT "1E12"	12,540.38 ±
TRACT "1E13"	60,944.37 ±
TRACT "1E14"	179,438.15 ±
TRACT "1E15"	48,445.45 ±
TRACT "1E16"	10,423.83 ±
TRACT "1E17"	4,638.71 ±
TRACT "1E18"	18,445.15 ±
TRACT "1E19"	8,627.29 ±
TRACT "1E20"	15,450.15 ±
TRACT "1E21"	15,920.81 ±
TRACT "1E22"	37,138.15 ±
TOTAL PARCEL 2	8,103,096.55 ±
TOTAL ACRES	8,726,176.54 ±

1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
2. BEARINGS SHOWN HEREON REFER TO NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 37, RANGE 25, EAST AS BEING S 89° 00' 00" E.
3. ■ INDICATES PERMANENT REFERENCE MONUMENT FOUND (P.R.M.) LB 1772.
4. □ INDICATES PERMANENT REFERENCE MONUMENT NOT FOUND (P.R.M.) LB 1772.
5. ○ INDICATES PERMANENT CONTROL POINT (P.C.P.).
6. * INDICATES POINTS OF INTERSECTION, POINTS OF CURVATURE, POINTS OF ANCHORAGE, POINTS OF COMPOUND CURVATURE OR POINTS OF REVERSE CURVATURE.
7. LI INDICATES LINE IN LIME TAP.
8. C INDICATES CURVE IN CURVE LIME.
9. D.E. INDICATES DRAINAGE UTILITIES.
10. B.U.E. INDICATES BOWTIE SPRINGS UTILITIES EASEMENT.
11. L.W.E. INDICATES LAKE WATSON EASEMENT.
12. P.U.E. INDICATES PUBLIC UTILITY EASEMENT.
13. F.P.L.E. INDICATES FULFORD POWER & LIGHT EASEMENT.
14. S.E. INDICATES SLOPE EASEMENT.

HM
HOLE MONTES
ENGINEERS PLANNERS SURVEYORS

950 Encore Way
Naples, FL 34110
Phone: (239) 254-2000
Florida Certificate of
Authorization No. 1772

REFERENCE NO.	97079MP.dwg2	DRAWN BY	BEN
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MENU



ANTIPASTI & SOUP

Four Cheese Arancini "Suppli" BIN 90	15.99
Calabrian sausage, pomodoro, basil, EVOO, Pecorino Romano	
Crispy Stuffed Squash Blossoms BIN 71	18.99
four cheese, preserved lemon aioli, tomato fondue	
Mama Luca's Meatballs BIN 84	17.99
mascarpone polenta, pomodoro sauce, stracciatella, herb migas	
Meat & Cheese BIN 40	23.99
prosciutto di Parma, stracciatella, whipped ricotta, tomato confit, Calabrian salami, arugula, Kalamata olives, Parmesan, ciabatta	
Pasta Fagioli BIN 10	9.99
Calabrian sausage, ditalini pasta, ceci beans, EVOO, Pecorino Romano	
Yellow Tomato Bisque BIN 79	9.99
focaccia crostini, Parmesan, pesto, EVOO	

APPETIZER SALADS

Piccolo Chopped Salad BIN 78	16.99
romaine, sweet grape tomatoes, cucumber, red onion, Calabrian salami, ceci beans, ditalini pasta, aged provolone, herb migas, Kalamata olives, creamy Italian vinaigrette	
Arugula & Vin Santo Grape Salad BIN 77	14.99
gorgonzola dolce, apple, candied walnuts, fennel, Parmesan, lemon vinaigrette, aged balsamic, ciabatta crostini	
Luca Issa Caesar BIN 71	14.99
baby romaine, wood-roasted tomatoes, cured egg yolk, classic Caesar dressing, Parmesan-caper vinaigrette, black pepper crostini	

PIZZE

Our pizzas use fior di latte mozzarella, which translates from Italian to "Flower of the Milk," a rich and creamy cow's milk cheese.

RED

Classic Margherita BIN 06	17.99
basil, EVOO	
Charred Pepperoni BIN 94	18.99
basil, truffle honey, EVOO	
'Nduja BIN 10	20.99
spicy Calabrian sausage, wood-roasted tomatoes, Kalamata olives, whipped ricotta dolce, basil, EVOO	
House-Recipe Italian Sausage BIN 90	19.99
wood-roasted sweet onion, basil, EVOO	

Gluten-free pizza +3.00

YELLOW

Classic Margherita BIN 06	18.99
basil, EVOO	
The Vegan BIN 93	18.99
roasted red pepper, zucchini, eggplant, wood-roasted tomatoes, Kalamata olives, black garlic, basil, EVOO	
Tre Carne BIN 12	20.99
pepperoni, Italian sausage, Calabrian salami, basil, EVOO	
Spicy Pepperoni BIN 72	20.99
Calabrian salami, whipped ricotta dolce, basil, EVOO	

WHITE

Carbonara BIN 07	20.99
guanciale, Pecorino Romano, cured egg yolk, Tellicherry black pepper, basil, EVOO	
Fungo BIN 87	18.99
wild mushrooms, black garlic, Parmesan fonduta, basil, white truffle oil	
Meat & Cheese BIN 06	21.99
prosciutto di Parma, stracciatella, basil, EVOO	
Spicy Calabrian Sausage BIN 39	19.99
'nduja, Calabrian salami, Mama Luca's house-made Calabrian oil, basil, EVOO	

PASTA

Spaghetti Carbonara BIN 06	19.99
pancetta, Tellicherry black pepper, Pecorino Romano, SarVecchio Parmesan, egg yolk, chives	
Hand-Rolled Three Finger Cavatelli BIN 86	22.99
roasted chicken, wild mushroom porcini cream, SarVecchio Parmesan, chives	
Cacio e Pepe BIN 08	19.99
Tellicherry black pepper, Pecorino Romano, SarVecchio Parmesan, EVOO	
Pappardelle with Short Rib Bolognese BIN 84	28.99
whipped ricotta, SarVecchio Parmesan, torn basil, EVOO	
Truffle Fondue Cappellacci BIN 74	22.99
black truffle brown butter, honey, toasted pistachios, aged balsamic, SarVecchio Parmesan, torn basil	
Mezzi Rigatoni Alla Vodka BIN 40	20.99
Italian sausage, San Marzano vodka cream, basil, SarVecchio Parmesan	

MAIN DISHES

Norwegian Salmon* BIN 03	28.99
roasted Yukon gold potatoes, sautéed garlic spinach, roasted tomato relish, EVOO	
Baked Eggplant Parm BIN 90	20.99
melted mozzarella, Calabrian pomodoro, whipped ricotta, pesto oil, basil, EVOO	
Braised Short Ribs BIN 84	33.99
mascarpone polenta, sautéed garlic spinach, tomato confit, herb migas, Pecorino Romano, EVOO, chives	
Chicken Parm BIN 06	26.99
melted mozzarella, stracciatella, spaghetti alla vodka, fennel pollen, SarVecchio Parmesan	

DESSERTS

Mama Luca's Tiramisu BIN 35	11.99
orange mascarpone, bittersweet chocolate, espresso, ladyfingers, Valrhona cocoa, Grand Marnier crème anglaise	
Chocolate Hazelnut Cake BIN 61	11.99
gianduja ganache, orange confit, crème anglaise, candied hazelnuts, vanilla gelato	
Black Dog Gelato Trio BIN 63	9.99
select three from our current flavors	

Seasonal Dessert

BROWN BUTTER APPLE & CHESTNUT CROSTADA BIN 35

crème anglaise, salted caramel, Amarena cherries, Italian cookies and cream gelato, white chocolate crumble

11.99



JOIN the CLUB

Become a Cooper's Hawk Wine Club Member and discover a new wine every month in our dining room or at home, plus many more great benefits!

Ask a team member to learn more.

*These items are served raw or undercooked, or may contain raw or undercooked ingredients. Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness, especially if you have certain medical conditions.

Upon request, these dishes can be modified to be gluten-free. | Upon request, these dishes can be modified to be vegetarian. Please inform your server of any food allergies. An allergen guide is available upon request or at piccolobuco.coopershawk.com/menu.

Piccolo Buco Exclusives

Two of Italy's most iconic wines, crafted in partnership with Italian winemakers known for their passion, talent, and honored traditions.

PINOT GRIGIO BIN 03
 Veneto DOC
 glass 11.50 | bottle 31.99

CHIANTI BIN 06
 Toscana DOCG
 glass 12.75 | bottle 35.99

Super Tuscan-style blend curated from a collection of barrels, hand selected by our winemaker.

BUCA RISERVA BIN 81 glass 12.75 | 750 ml carafe 36.99

VINO

SPUMANTE

Dry & Crisp

	glass / bottle
30 Cooper's Hawk Lux Sparkling, Bordeaux, France	15.00 / 44.99
31 Cooper's Hawk Bubbly Rosé, Washington	10.75 / 30.99
32 Cooper's Hawk Prosecco, Veneto	11.00 / 32.99
37 Cooper's Hawk Blanc de Blanc, California	10.25 / 28.99
02 Mionetto 'Prestige' Prosecco Rosé, Veneto	12.50 / 38.99

Sweet & Fruity

36 Cooper's Hawk Moscato, California	10.25 / 28.99
35 Cooper's Hawk Sparkling Almond	10.25 / 28.99
50 Cooper's Hawk Scarletto	10.75 / 29.99

Sweet & Spritzy

53 Cooper's Hawk Blood Orange Pineapple Bubbly Sangria	10.50 / 27.99
54 Cooper's Hawk Blueberry Açai Bubbly Sangria	10.50 / 27.99
55 Cooper's Hawk Mango Dragonfruit Spritzy Sangria	11.00 / 29.99

BIANCO

Light & Fresh

78 Cooper's Hawk Sauvignon Blanc, California	11.00 / 29.99
71 Cooper's Hawk Pinot Gris, Columbia Valley, WA	10.75 / 28.99
75 Cooper's Hawk White, Washington	10.25 / 27.99
04 Villa Matilde Greco di Tufo, Campania	14.50 / 45.99
06 Donnafugata 'Lighea' Zibibbo, Sicilia	14.50 / 45.99

Fruity & Sweet

77 Cooper's Hawk Riesling, Columbia Valley, WA	11.00 / 29.99
73 Cooper's Hawk Gewürztraminer, Monterey, CA	10.75 / 28.99
72 Cooper's Hawk Moscato, California	10.75 / 28.99

Rich & Full

70 Cooper's Hawk Unoaked Chardonnay, California	10.75 / 28.99
79 Cooper's Hawk Chardonnay, California	11.00 / 29.99
74 Cooper's Hawk Lux Chardonnay, Central Coast, CA	13.75 / 39.99

ROSATO

Pink & Crisp

39 Cooper's Hawk Rosé, Columbia Valley, WA	11.25 / 30.99
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ROSSO

Soft & Fruity

	glass / bottle
85 Cooper's Hawk Pinot Noir, California	12.00 / 34.99
87 Cooper's Hawk Lux Pinot Noir, Central Coast, CA	16.25 / 49.99
69 Cooper's Hawk Vin Velouté, California	11.50 / 31.99
86 Cooper's Hawk Sweet Red, New York	10.25 / 27.99
12 Planeta Cerasuolo di Vittoria, Sicilia	14.50 / 42.99

Earthy & Rich

90 Cooper's Hawk Barbera, Lodi, CA	12.00 / 33.99
95 Cooper's Hawk Old Vine Zin, Lodi, CA	11.00 / 30.99
91 Cooper's Hawk Red, California	10.50 / 28.99
40 Cooper's Hawk Super Tuscan, Toscana	12.75 / 38.99
07 Frescobaldi Chianti Classico, Toscana	18.99 / 64.99
08 Prunotto Dolcetto d'Alba, Piemonte	13.99 / 42.99
09 Travaglini Nebbiolo Coste della Sesia, Piemonte	15.50 / 45.99

Bold & Dark

97 Cooper's Hawk Merlot, California	11.00 / 29.99
98 Cooper's Hawk Malbec, California	12.00 / 34.99
94 Cooper's Hawk Cab Zin, California	12.00 / 34.99
99 Cooper's Hawk Cabernet Sauvignon, California	12.00 / 34.99
89 Cooper's Hawk Lux Cabernet Sauvignon, California	15.25 / 45.99
84 Cooper's Hawk Lux Meritage, California	16.25 / 49.99
92 Cooper's Hawk Petite Sirah, California	11.00 / 30.99
93 Cooper's Hawk Camille, Ask Your Server About Our Current Offering	18.75 / 69.99
10 Villa Matilde 'Rocca dei Leoni' Aglianico, Campania	11.50 / 32.99

Italian Cults

13 Guado al Tasso 'Il Bruciato,' Bolgheri, Toscana	83.99
14 Col d'Orcia Brunello di Montalcino, Toscana	127.99
15 Michele Chiarlo 'Tortoniano' Barolo, Piemonte	144.99
16 Fontanafredda Barolo, Piemonte	109.99
17 Marchesi di Barolo Barbaresco, Piemonte	128.99
18 Bertani Amarone della Valpolicella, Veneto	137.99
20 Castello Banfi 'Magna Cum Laude,' Toscana	154.99

GUSTI E VOLI

Enjoy a taste or flight of 4 wines

CH Classico Cooper's Hawk Classics GUSTI (1.5 oz) 10.00 VOLO (3 oz) 19.99	Gusti di Dolce Sweet Tastes GUSTI (1.5 oz) 10.00 VOLO (3 oz) 19.99
Gusti di Bianco Tastes of White GUSTI (1.5 oz) 10.00 VOLO (3 oz) 19.99	Gusti di Cantina Featured Cellar Tastes GUSTI (1.5 oz) 25.00 VOLO (3 oz) 39.99
Gusti di Rosso Tastes of Red GUSTI (1.5 oz) 10.00 VOLO (3 oz) 19.99	

COCKTAILS

Espresso Classico Martini Absolut Vanilia, Kahlúa, Baileys, espresso	14.00
Rossini Martini Absolut, strawberry, lemon, Cooper's Hawk Prosecco	13.00
Amalfi Margherita Sauza Blanco, limoncello, Cointreau, lemon, Calabrian chili rim	12.00
Piccolo Buco Old Fashioned Maker's Mark, dark cacao, Disaronno Amaretto, Angostura bitters	16.00
Cheeky Negroni Ketel One Grapefruit & Rose, Aperol, Campari, Antica white vermouth	16.00

Molto Freddo

Passion Fruit Sangria Slushy frozen Cooper's Hawk White Sangria, passion fruit purée, fresh blackberries	13.00
Frozen Bellini Sangria Cooper's Hawk Rosé, peach, grapefruit, lemon	13.00

BEER

Draft Noon Whistle IPA 7.00 • Peroni 7.00 • Stella Artois 7.50

Cans & Bottles Moretti 6.00 • Miller Lite 6.00 • Bud Light 6.00
 Michelob Ultra 6.00 • Goose Island Matilda 8.50 • Allagash White 8.50
 Stella Artois Cidre 8.50 • 3 Floys Gumballhead 8.50
 Revolution Hazy Hero 8.50 • Half Acre Daisy Cutter 8.50
 Heineken 0.0 (non-alcoholic) 6.25

NON-ALCOHOLIC

Espresso 4.49 • Cappuccino 5.49 • Caffè Mocha 6.49 • Latte 5.49
 Regular or Decaf Coffee 4.99 • Hot Tea 4.99 • Hot Chocolate 3.99
We proudly serve illy espresso and Big Shoulders coffee.

Fresh-Squeezed Lemonade 4.99
 Strawberry, Passion Fruit, Raspberry, or Peach Lemonade 5.99

Fresh-Brewed Iced Tea 4.99 • **Soft Drinks** 4.99

Acqua Panna Bottled Water (750 ml) 5.99
 S. Pellegrino Sparkling Water (750 ml) 6.99
 Sanpellegrino Italian Sparkling 6.99
 Aranciata Rosso or Limonata

One fateful night in Rome, Cooper's Hawk founder Tim McEnery followed his nose into an unassuming "hole in the wall" pizza joint. Little did he know, he was about to meet Luca Issa, and everything was about to change.

This menu is dedicated to the original Piccolo Buco, and to Luca's drive to make the best pizza you've ever had. It's about the quality and care that goes into every step of the process to bring you the perfect bite: the saltiness of the cheese balancing the acid of the tomato, the pillowy crust, the decadence of the extra virgin olive oil.

Our custom wines underscore that delicate balance and create the perfect pairing for the perfect bite.

SITE PLAN

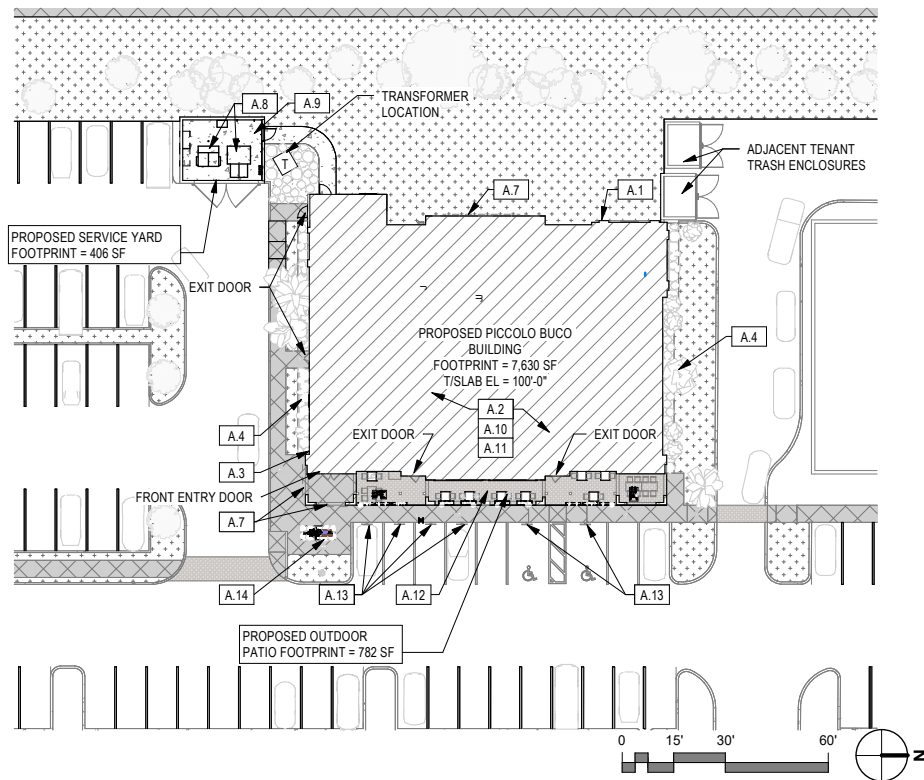
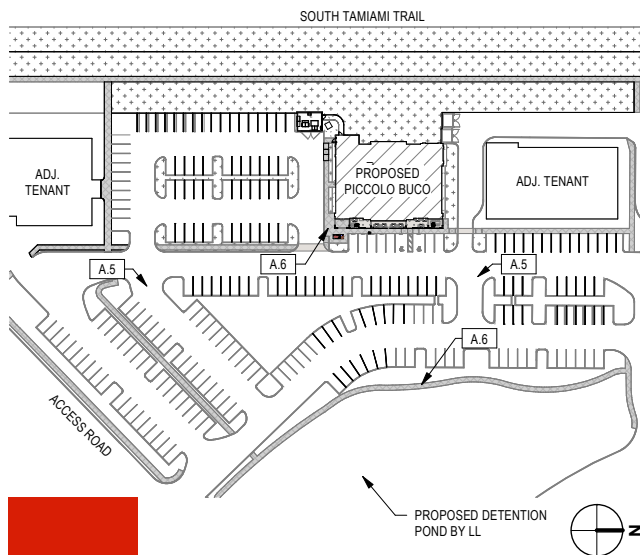


KEYNOTES

A.1	LANDLORD TO PROVIDE SHELL BUILDING EXTERIOR WALLS AND FINISHES PER WORK LETTER
A.2	LANDLORD TO PROVIDE CONCRETE SLAB CAPABLE OF CARRYING A MIN. OF 125 PSF LIVE LOAD FOR NEW CONSTRUCTION. THE CONCRETE POUR WILL BE COORDINATED WITH AND AFTER TENANT'S UTILITY INSTALLATIONS
A.3	LANDLORD TO PROVIDE FIRE PROTECTION SYSTEM MAINS WITH HEADS TURNED UP FOR TENANT TO TIE-IN TO. FDC CONNECTION. FINAL LOCATION TO BE VERIFIED BY LOCAL JURISDICTION
A.4	LANDLORD TO PROVIDE ALL LANDSCAPE AND LANDSCAPE IRRIGATION IN ACCORDANCE WITH ALL LOCAL CODES
A.5	LANDLORD TO PROVIDE ALL SURFACE PARKING AND LIGHTING IN ACCORDANCE WITH ALL CODES
A.6	LANDLORD TO PROVIDE ALL SIDEWALKS, CURBS AND HARDSCAPES DESIGNED TO PROVIDE PROPER CODE COMPLIANT ADA ACCESS TO THE BUILDING
A.7	PROPOSED SIGNAGE LOCATION. ASSOCIATED POWER AND BLOCKING BY TENANT (FINAL LOCATION TBD)
A.8	TRASH & RECYCLING DUMPSTERS, BY TENANT
A.9	LANDLORD AND TENANT TO WORK TOGETHER TO DESIGN SERVICE YARD. THEN LANDLORD WILL BUILD YARD TO TENANT'S SPECIFICATIONS INCLUDING 208/3-PHASE RECEPTACLE FOR A COMPACTOR. LANDLORD TO PROVIDE A 6" CONCRETE APRON TO THE SERVICE YARD APPROACH

KEYNOTES

A.10	TENANT SHALL HAVE ACCESS AND PERMISSION TO USE TEMPORARY UTILITIES LOCATED WITHIN 25' FROM PREMISES, PROVIDED BY LANDLORD, 200AMP AT 208/3-PHASE. ONE 3/4" WATER LINE WITH HOSE CONNECTION
A.11	LANDLORD TO PROVIDE TENANT'S CONTRACTOR A STAGING AREA FOR THE DURATION OF THE BUILDING CONSTRUCTION
A.12	PATIO AREA
A.13	LANDLORD TO PROVIDE WHEEL STOPS AT ALL ADA, WINE CLUB, AND TO-GO PARKING SPACES. LANDLORD SHALL ALSO PROVIDE POSTS PER TENANT'S SPECIFICATIONS FOR SAID PARKING SPACES
A.14	VESPA PLANTER



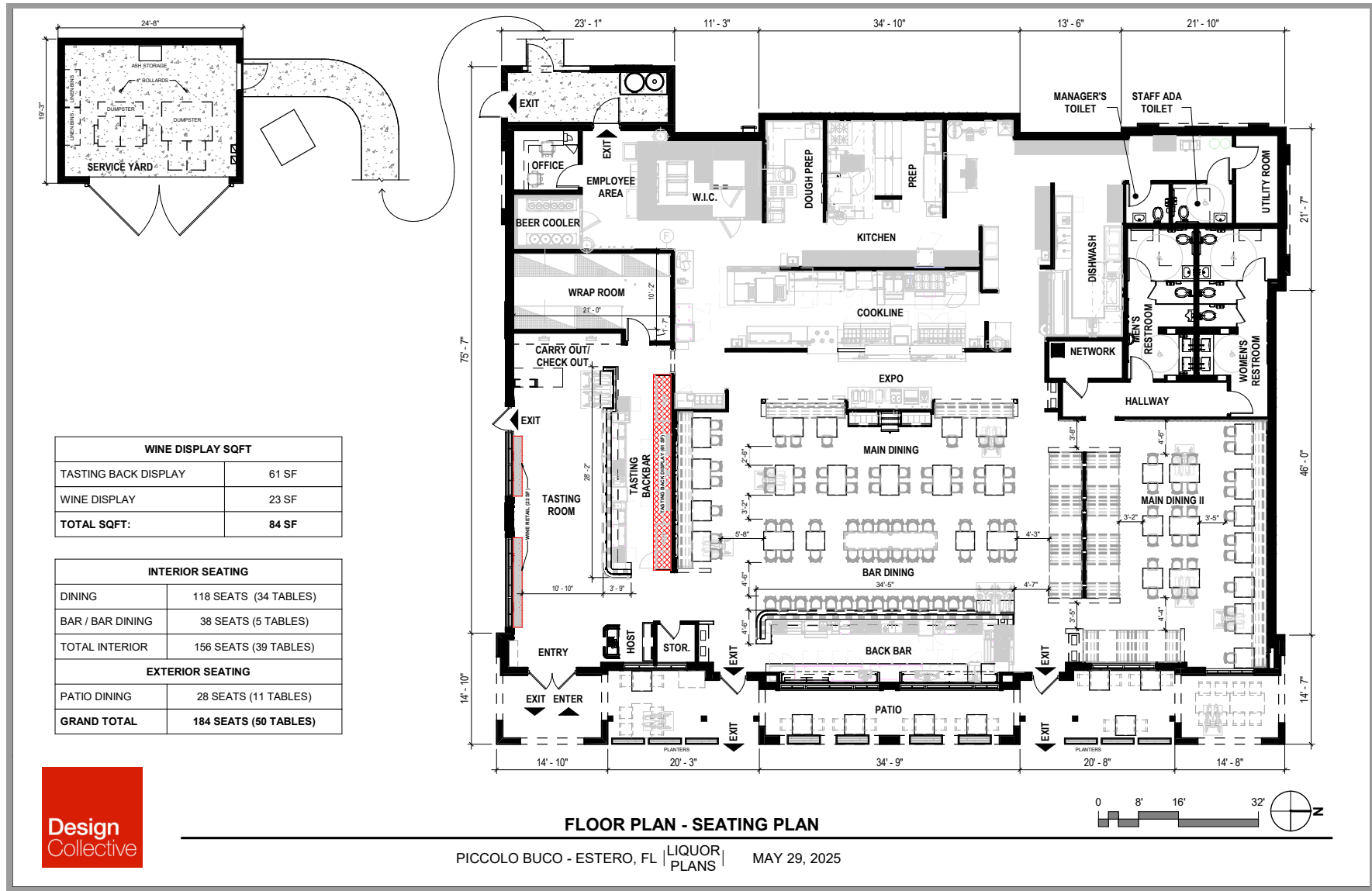
SITE PLAN

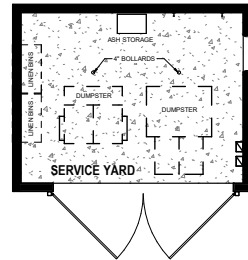
PICCOLO BUCO - ESTERO, FL | LIQUOR PLANS

May 29, 2025

MARKETPLACE AT COCONUT POINT

FLOOR PLAN





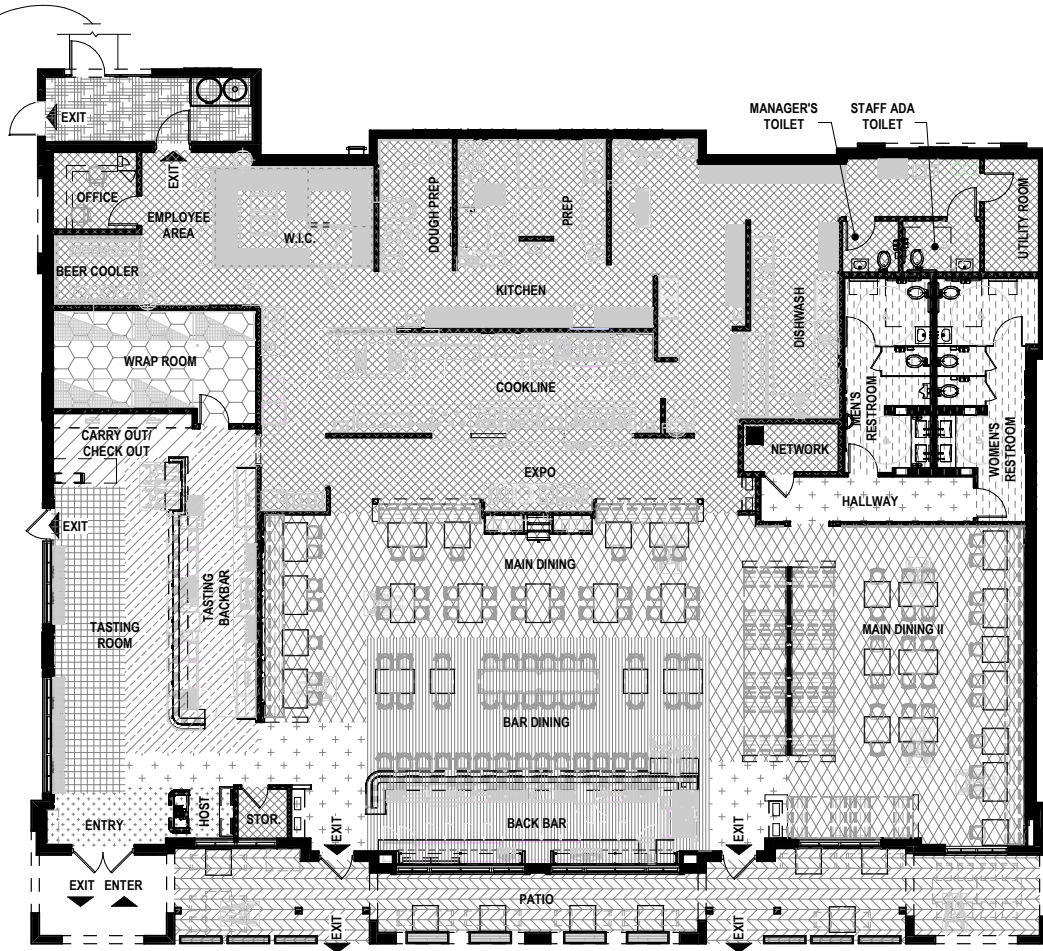
OCCUPANCY TYPE LEGEND

	ENTRY/HOST		BACK OF HOUSE		TASTING BAR
	WRAP ROOM		BAR DINING/ BAR		PUBLIC TOILET ROOM
	CHECK OUT		CIRCULATION		PATIO
	DINING		RETAIL		EXTERIOR ENTRY

SQUARE FOOTAGE

PUBLIC MISC:

ENTRY / HOST / WAITING	112 SF
CIRCULATION	360 SF
PUBLIC TOILETS	430 SF
WRAPPING ROOM	240 SF
CARRY-OUT/CHECK-OUT	94 SF
RETAIL CIRCULATION	241 SF
TASTING/TASTING BACK BAR	443 SF
BAR DINING/BACK BAR	825 SF
DINING	1,743 SF
BACK OF HOUSE	2,832 SF
TOTAL INTERIOR	7,320 SF
EXTERIOR WALL THICKNESS	382 SF
EXTERIOR UTILITY HALL	147 SF
PATIO (NOT INCLUDED IN TOTAL BUILDING AREA)	117 SF
EXTERIOR SERVICE YARD (NOT INCLUDED IN TOTAL BUILDING AREA)	477 SF
TOTAL BUILDING FOOTPRINT	7,850 SF



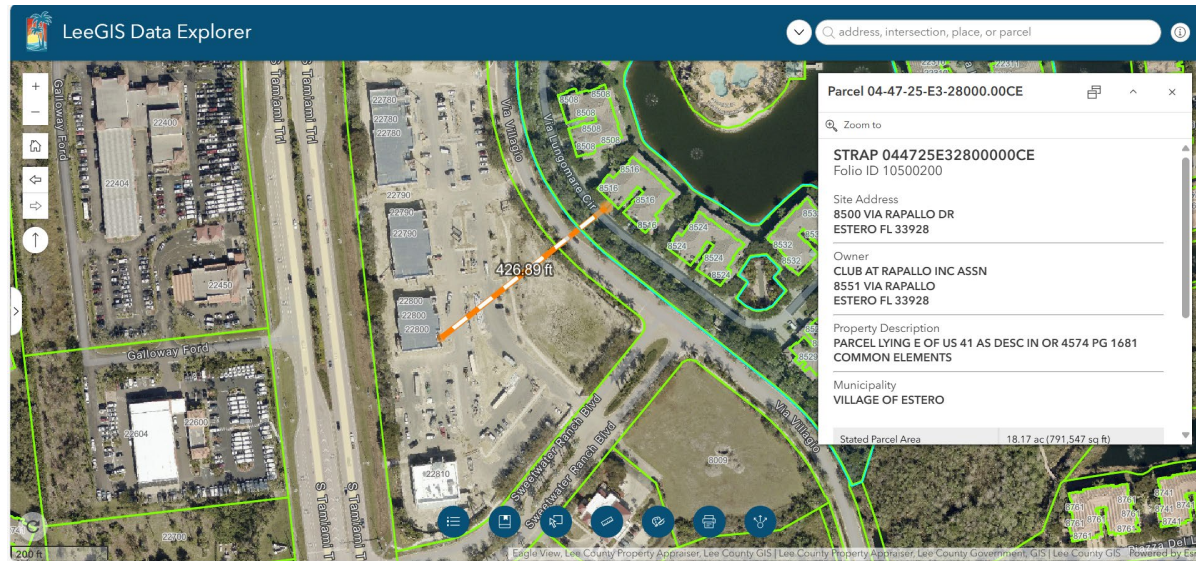
FLOOR PLAN - SQUARE FOOTAGE

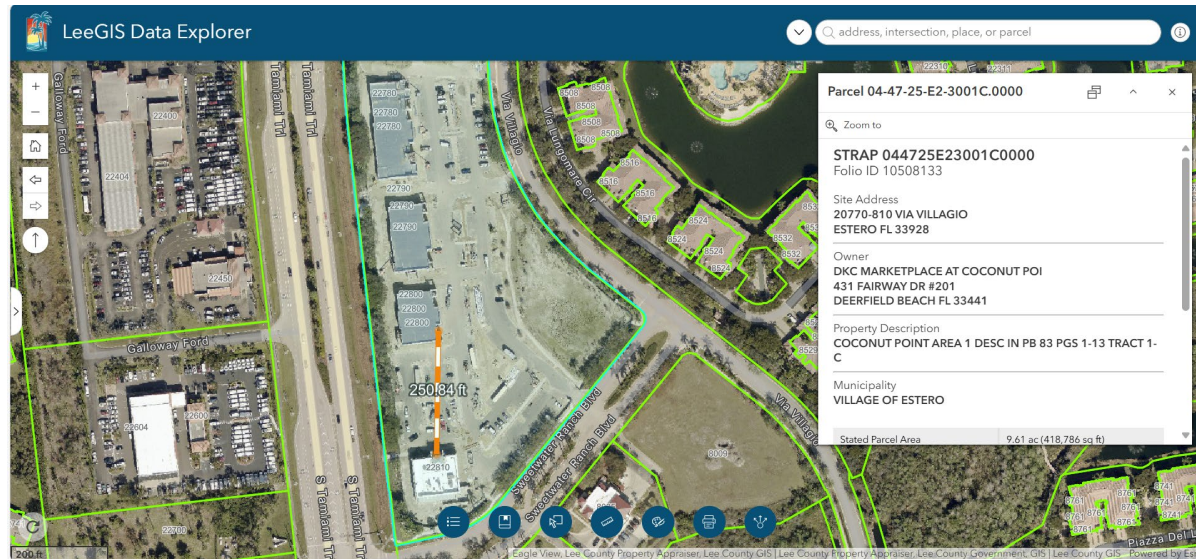
PICCOLO BUCO - ESTERO, FL | LIQUOR PLANS | MAY 29, 2025



LOCATION MAPS

Piccolo Buco Village of Estero, FL. Distance





RESOLUTION NO. PZDB 2025-01
CONSUMPTION ON PREMISES APPROVAL
PICCOLO BUCO
ADD2025-E005
VILLAGE OF ESTERO, FLORIDA

WHEREAS, Piccolo Buco Estero, LLC (“applicant”), filed an application for an Administrative Amendment for:

Approval of Consumption on Premises of alcoholic beverages in the outdoor seating area, and for indoor wine tasting in conjunction with package sales (consumption off premises).

WHEREAS, the business is located at 22800 Via Villaggio, Village of Estero, STRAP No. 04-47-25-E2-3001C.0000; and

WHEREAS, the property is part of the Coconut Point Development of Regional Impact (DRI), Tract 1C, currently known as Marketplace at Coconut Point and is zoned Mixed-Use Planned Development, rezoned by Lee County in 2002 in Resolution Z-02-009 as amended; and

WHEREAS, the subject property is in the Transitional Mixed Use Future Land Use Category of the Village of Estero Comprehensive Plan; and

WHEREAS, authorization for the amendment was provided to Piccolo Buco LLC, by the property owner’s representative for DKC Marketplace at Coconut Point; and

WHEREAS, the Village of Estero Land Development Code (LDC) Section 4-402 provides for certain approvals for Consumption on Premises; and

WHEREAS, the Land Development Code requires a public hearing for the review and approval of Consumption on Premises applications within a Planned Development that include outdoor seating areas for patrons consuming alcoholic beverages; and

WHEREAS, the applicant requests the current 4COP license to include both interior and exterior seating for alcoholic beverage service at Piccolo Buco in the Marketplace at Coconut Point; and

WHEREAS, the interior dining area and bar totals 156 seats in a 1,743-square foot area, and exterior seating areas totals 28 seats in a 117-square foot area as shown on the attached Floor Plan - Seating Plan & Floor Plan - Square Footage (Exhibit A); and

WHEREAS, the applicant, who is in partnership with Cooper’s Hawk Winery, provides curated wines, is also requesting approval to include indoor tastings in conjunction with the packaged sales of wine; and

Page 2 of 3

94 Attest:

95

96

97 By: _____

98 Carol Sacco, Village Clerk

99

100

101

102 Reviewed for legal sufficiency

103

104

105 By: _____

106 Nancy Stroud, Esq. Land Use Attorney

107

108

109 VOTE:

110

111 Anthony Gargano Yes _____ No _____

112 Michael Sheeley Yes _____ No _____

113 Kristin Jeannin Yes _____ No _____

114 Barry Jones Yes _____ No _____

115 Al Paivandy Yes _____ No _____

116 James Tatooles Yes _____ No _____

117 Jim Wallace Yes _____ No _____

118

119

120

121 Exhibit:

122 A - Floor Plan - Seating Plan & Floor Plan - Square Footage

AGENDA ITEM SUMMARY SHEET
PLANNING ZONING AND DESIGN BOARD MEETING
June 10, 2025

Agenda Item:

Public hearing for Ordinance No. 2025-04, Land Development Code Amendments for Flood Hazard Reduction Standards

Background:

As part of the Village's October 28, 2024 Corrective Action Plan required by FEMA, the Village agreed to review its Land Development Code floodplain regulations to make changes where appropriate. The Village's floodplain regulations have not been updated since November 16, 2022. Due to the recent hurricanes, it became evident that some revisions were needed.

The staff has prepared changes in the attached ordinance, including the following:

- Variance Process – clarify process due to inconsistent language in the Code
- Non-conversion agreement for elevated homes
- Clarify specific use of FEMA Elevation Certificates for all flood hazard areas
- Clarify specific use of FEMA Dry Floodproofing Certification form
- Limit of partitioning of enclosed areas below flood

Proposed changes to the floodplain ordinance must be reviewed by the State Department of Emergency Management prior to adoption by Council. The State is reviewing the amendments and is expected to comment soon. The revisions follow the "model" code.

Action Requested:

Recommendation from Planning Zoning and Design Board to Council

Process and Timeline:

- Review by State – May 2025
- Planning Zoning and Design Board – June 10, 2024
- Council first reading June 4, 2025
- Council tentative second reading June 18, 2025

VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2025 - 04

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, AMENDING LAND DEVELOPMENT CODE SECTION 7-3 “FLOOD HAZARD REDUCTION STANDARDS” TO INCLUDE A REQUIREMENT FOR NONCONVERSION AGREEMENTS FOR ELEVATED STRUCTURES WITH ENCLOSURES BELOW THE REQUIRED ELEVATION, CLARIFY THE PROCESS FOR FLOOD VARIANCE APPEALS, CLARIFY SPECIFIC USE OF FEMA ELEVATION CERTIFICATES AND DRY FLOODPROOFING CERTIFICATIONS, LIMIT PARTITIONING OF ENCLOSED AREAS BELOW FLOOD, AND AMEND RELATED DEFINITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 125 – County Government or Chapter 166 – Municipalities, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Village of Estero participates in the National Flood Insurance Program and participates in the NFIP’s Community Rating System, a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum program requirements and achieved a CRS rating of Class 6, making citizens who purchase NFIP flood insurance policies eligible for premium discounts; and

WHEREAS, the Village’s Flood Hazard Reduction Standards were adopted into the Land Development Code on November 16, 2022 and have not been amended since then except to remove “cumulative impact” requirements; and

WHEREAS, the Village experienced three hurricanes (Ian, Helene and Milton) September 28, 2022; September 26, 2024; and October 9, 2024, respectively; and

WHEREAS, after experiencing the hurricanes, it became evident that some revisions to the Ordinance would be appropriate; and

WHEREAS, FEMA visited the area after Hurricane Ian and required the Village and other municipalities and Lee County to prepare a Corrective Action Plan which listed specific action items to be implemented, including changes to the Land Development Code floodplain regulations; and

WHEREAS, the changes have been reviewed by the Florida Department of Emergency Management and _____; and

Ordinance No. 2025-04

Page 1 of 29

47
48 **WHEREAS**, the Village Council has determined it appropriate to modify requirements to
49 be consistent with the FEMA Policy and the Model Code; and
50

51 **WHEREAS**, the Village Council determined that it is in the public interest to amend the
52 floodplain management regulations to better protect residents and to continue participating in the
53 Community Rating System at the current class rating.
54

55 **NOW THEREFORE, BE IT ENACTED BY THE VILLAGE COUNCIL OF THE**
56 **VILLAGE OF ESTERO, FLORIDA, THAT:**
57

58 **Section 1. Amendments to Section 7-3 Flood Hazard Reduction Standards.**
59

60 Section 7-3 “Flood Hazard Reduction Standards” of the Village Land Development Code
61 is hereby amended, as shown in strikethrough and underline text, by the following amendments.
62

63 **SECTION 7-3. FLOOD HAZARD REDUCTION STANDARDS**
64

65 **7-301. Administration.**
66

- 67 1. *Disclaimer of Liability.* This section will not create liability on the part of the Village of
68 Estero or by any officer or employee of the Village for any flood damage that results
69 from reliance on this section or any administrative decision lawfully made under it.
70

71 **B. Applicability.**
72

- 73 1. *General.*
74
75 A. Where there is a conflict between a general requirement and a specific requirement,
76 the specific requirement will be applicable.
77
78 B. This section applies to all flood hazard areas within the Village of Estero, as
79 established in subsection C below.
80
81 C. The Flood Insurance Study for Lee County, Florida and Incorporated Areas,
82 effective November 17, 2022 and all subsequent amendments and revisions, and
83 the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent
84 amendments and revisions to such maps, are adopted by reference as a part of this
85 section and will serve as the minimum basis for establishing flood hazard areas.
86 Studies and maps that establish flood hazard areas are on file at the Village
87 Department of Community Development.
88
89 2. *Submission of Additional Data to Establish Flood Hazard Area.* To establish flood
90 hazard areas and base flood elevations, in accordance with Sec. 7-301.E, Site Plans and
91 Construction Documents, the Floodplain Administrator may require submission of
92 additional data. Where field surveyed topography prepared by a Florida licensed

- 93 professional surveyor or digital topography accepted by the community indicates that
 94 ground elevations:
 95
- 96 A. Are below the closest applicable base flood elevation, even in areas not delineated
 97 as a special flood hazard area on a FIRM, the area will be considered as a flood
 98 hazard area and subject to the requirements of this section and, as applicable, the
 99 requirements of the Florida Building Code.
 - 100
 - 101 B. Are above the closest applicable base flood elevation, the area will be regulated as
 102 a special flood hazard area unless the applicant obtains a Letter of Map Change that
 103 removes the area from the special flood hazard area.
 - 104
 - 105 3. *Other Laws.* The provisions of this section will not be deemed to nullify any provisions
 106 of local, state, or federal law.
 107
 - 108 4. *Abrogation and Greater Restrictions.* This section supersedes any regulations in effect
 109 for management of development in flood hazard areas. However, it is not intended to
 110 repeal or abrogate any existing regulations including but not limited to land development
 111 regulations, zoning resolutions, stormwater management regulations, or the Florida
 112 Building Code. In the event of a conflict between this section and any other regulations,
 113 the more restrictive will govern. This section will not impair any deed restriction,
 114 covenant, or easement, but any land that is subject to such interests will also be governed
 115 by this section.
 116
 - 117 5. *Interpretation.* In the interpretation and application of this article, all provisions will be:
 118
 - 119 A. Considered as minimum requirements;
 120
 - 121 B. Liberally construed in favor of the governing body; and
 122
 - 123 C. Deemed neither to limit nor repeal any other powers granted under state statutes.
 124
 - 125 **C. Duties and Powers of the Floodplain Administrator.**
 126
 - 127 1. *Designation.* The Village Manager is designated as the Floodplain Administrator and
 128 may delegate another person to serve in this capacity. The Floodplain Administrator may
 129 delegate performance of certain duties to other employees.
 130
 - 131 2. *General.* The Floodplain Administrator is authorized and directed to administer and
 132 enforce the provisions of this section. The Floodplain Administrator will have the
 133 authority to render interpretations of this section consistent with the intent and purpose
 134 of this section and may establish policies and procedures in order to clarify the
 135 application of its provisions. Such interpretations, policies, and procedures will not have
 136 the effect of waiving requirements specifically provided in this section without the
 137 granting of a variance pursuant to Sec. 7-301.G, Variances and Appeals.
 138

- 139 3. *Applications and Permits.* The Floodplain Administrator, in coordination with other
 140 pertinent offices of the community, will:
 141
 142 A. Review applications and plans to determine whether proposed new development
 143 will be located in flood hazard areas;
 144
 145 B. Review applications for modification of any existing development in flood hazard
 146 areas for compliance with the requirements of this section;
 147
 148 C. Interpret flood hazard area boundaries where such interpretation is necessary to
 149 determine the exact location of boundaries; a person contesting the determination
 150 will have the opportunity to appeal the interpretation;
 151
 152 D. Provide available flood elevation and flood hazard information;
 153
 154 E. Determine whether additional flood hazard data will be obtained from other sources
 155 or will be developed by an applicant;
 156
 157 F. Review applications to determine whether proposed development will be
 158 reasonably safe from flooding;
 159
 160 G. Issue floodplain development permits or approvals for development other than
 161 buildings and structures that are subject to the Florida Building Code, including
 162 buildings, structures and facilities exempt from the Florida Building Code, when
 163 compliance with this section is demonstrated, or disapprove the same in the event
 164 of noncompliance; and
 165
 166 H. Coordinate to assure that applications, plan reviews, and inspections for buildings
 167 and structures in flood hazard areas comply with the applicable provisions of this
 168 section.
 169
 170 4. *Substantial Improvement and Substantial Damage Determinations.* For applications for
 171 building permits to improve buildings and structures, including alterations, movement,
 172 enlargement, replacement, repair, change of occupancy, additions, rehabilitations,
 173 renovations, substantial improvements, repairs of substantial damage, and any other
 174 improvement of or work on such buildings and structures the Floodplain Administrator
 175 shall:
 176
 177 A. Estimate the market value or require the applicant to obtain an appraisal of the
 178 market value prepared by a qualified independent appraiser of the building or
 179 structure before the start of construction of the proposed work; in the case of repair,
 180 the market value of the building or structure will be the market value before the
 181 damage occurred and before any repairs are made;
 182

- 183 B. Compare the cost to perform the improvement, the cost to repair a damaged
 184 building to its pre-damaged condition, or the combined costs of improvements and
 185 repairs, if applicable, to the market value of the building or structure;
 186
- 187 C. Determine and document whether the proposed work constitutes substantial
 188 improvement or repair of substantial damage; the determination requires evaluation
 189 of previous permits issued for improvements and repairs as specified in the
 190 definition of "substantial improvement" and previous permits issued for repair of
 191 flood-related damage; and
 192
- 193 D. Notify the applicant if it is determined that the work constitutes substantial
 194 improvement or repair of substantial damage and that compliance with the flood
 195 resistant construction requirements of the Florida Building Code and this section is
 196 required.
 197
- 198 5. *Modifications of the Strict Application of the Requirements of the Florida Building Code.*
 199 The Floodplain Administrator will review requests submitted to the Building Official
 200 that seek approval to modify the strict application of the flood load and flood resistant
 201 construction requirements of the Florida Building Code to determine whether such
 202 requests require the granting of a variance in accordance with Sec. 7-301.G, Variances
 203 and Appeals.
 204
- 205 6. *Notices and Orders.* The Floodplain Administrator will coordinate with appropriate local
 206 agencies for the issuance of all necessary notices or orders to ensure compliance with
 207 this section.
 208
- 209 7. *Inspections.* The Floodplain Administrator will make the required inspections as
 210 specified in Sec. 7-301.F, Inspections, for development that is not subject to the Florida
 211 Building Code, including buildings, structures and facilities exempt from the Florida
 212 Building Code. The Floodplain Administrator will inspect flood hazard areas to
 213 determine if development is undertaken without issuance of a permit.
 214
- 215 8. *Other Duties of the Floodplain Administrator.* The Floodplain Administrator will have
 216 other duties, including but not limited to:
 217
- 218 A. Establishing procedures for administering and documenting determinations of
 219 substantial improvement and substantial damage in accordance with Sec.
 220 7-301.C.4, Substantial Improvement and Substantial Damage Determinations;
 221
- 222 B. Requiring that applicants proposing alteration of a watercourse notify adjacent
 223 communities and the Florida Division of Emergency Management, State Floodplain
 224 Management Office, and submit copies of such notifications to the Federal
 225 Emergency Management Agency (FEMA);
 226
- 227 C. Requiring applicants who submit hydrologic and hydraulic engineering analyses to
 228 support permit applications to submit to FEMA the data and information necessary

- 229 to maintain the Flood Insurance Rate Maps if the analyses propose to change base
 230 flood elevations, flood hazard area boundaries, or floodway designations; such
 231 submissions will be made within six months of such data becoming available;
 232
- 233 D. Reviewing required design certifications and documentation of elevations specified
 234 by this section and the Florida Building Code to determine that such certifications
 235 and documentations are complete;
 236
- 237 E. Notifying FEMA when the corporate boundaries of the Village are modified; and
 238
- 239 F. Advising applicants for new buildings and structures, including substantial
 240 improvements, which are located in any unit of the Coastal Barrier Resources
 241 System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the
 242 Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood
 243 insurance is not available on such construction; areas subject to this limitation are
 244 identified on Flood Insurance Rate Maps as "Coastal Barrier Resource System
 245 Areas" and "Otherwise Protected Areas."
 246
- 247 9. *Floodplain Management Records.* Regardless of any limitation on the period required
 248 for retention of public records, the Floodplain Administrator will maintain and
 249 permanently keep and make available for public inspection all records that are necessary
 250 for the administration of this section and the flood resistant construction requirements of
 251 the Florida Building Code, including Flood Insurance Rate Maps; Letters of Map
 252 Change; records of issuance of permits and denial of permits; determinations of whether
 253 proposed work constitutes substantial improvement or repair of substantial damage;
 254 required design certifications and documentation of elevations specified by the Florida
 255 Building Code and this section; notifications to adjacent communities, FEMA, and the
 256 state related to alterations of watercourses; assurances that the flood carrying capacity
 257 of altered watercourses will be maintained; documentation related to appeals and
 258 variances, including justification for issuance or denial; and records of enforcement
 259 actions taken in accordance with this section and the flood resistant construction
 260 requirements of the Florida Building Code. These records are available for public
 261 inspection at the Village Hall.
 262
- 263 D. **Permits.**
 264
- 265 1. *Permits Required.* Any owner or owner's authorized agent also referred to as "applicant"
 266 who intends to undertake any development activity within the scope of this section,
 267 including buildings, structures and facilities exempt from the Florida Building Code,
 268 which is wholly within or partially within any flood hazard area shall first make
 269 application to the Floodplain Administrator and obtain the required permits and
 270 approvals. No such permit or approval will be issued until compliance with the
 271 requirements of this section and all other applicable codes and regulations has been
 272 satisfied.
 273

- 274 2. *Floodplain Development Permits or Approvals.* Floodplain development permits or
 275 approvals will be issued in accordance with this section for any development activities
 276 not subject to the requirements of the Florida Building Code including buildings,
 277 structures, and facilities exempt from the Florida Building Code. Depending on the
 278 nature and extent of proposed development that includes a building or structure, the
 279 Floodplain Administrator may determine that a floodplain development permit or
 280 approval is required in addition to a building permit.
 281
- 282 3. *Buildings, Structures, and Facilities Exempt from the Florida Building Code.* In
 283 accordance with the requirements of federal regulation for participation in the National
 284 Flood Insurance Program (44 CFR Secs. 59 and 60), floodplain development permits or
 285 approvals will be required for buildings, structures and facilities that are exempt from
 286 the Florida Building Code and any further exemptions provided by law, which are
 287 subject to the requirements of this section.
 288
- 289 4. *Application for a Permit or Approval.* To obtain a floodplain development permit or
 290 approval the applicant shall first file an application in writing on a form furnished by the
 291 Village. The information provided shall:
 292
- 293 A. Identify and describe the development to be covered by the permit or approval.
 - 294
 - 295 B. Describe the land on which the proposed development is to be conducted by legal
 296 description, street address or similar description that will readily identify and
 297 definitively locate the site.
 298
 - 299 C. Indicate the use and occupancy for which the proposed development is intended.
 300
 - 301 D. Be accompanied by a site plan or construction documents as specified in Sec.
 302 7-301.E, Site Plans and Construction Documents.
 303
 - 304 E. State the valuation of the proposed work.
 305
 - 306 F. Be signed by the applicant or the applicant's authorized agent.
 - 307 G. Give such other data and information as required by the Floodplain Administrator.
 308
 - 309 H. For projects proposing to enclose areas under elevated buildings, include a signed
 310 Declaration of Land Restriction (Nonconversion Agreement). The agreement shall
 311 be recorded on the property deed prior to issuance of the Certificate of Occupancy.
 312
- 313 5. *Validity of Permit or Approval.* The issuance of a floodplain development permit or
 314 approval in accordance with this section shall not be construed to be a permit for, or
 315 approval of, any violation of this section, the Florida Building Codes, or any other
 316 Village regulations. The issuance of permits based on submitted applications,
 317 construction documents, and information will not prevent the Floodplain Administrator
 318 from requiring the correction of errors and omissions.
 319

- 320 6. *Suspension or Revocation.* The Floodplain Administrator is authorized to suspend or
 321 revoke a floodplain development permit or approval if the permit was issued in error; on
 322 the basis of incorrect, inaccurate, or incomplete information; or in violation of this
 323 section or any other section, regulation, or requirement of the Village.
 324
- 325 7. *Other Permits Required.* Floodplain development permits and building permits shall
 326 include a condition that all other applicable state or federal permits be obtained before
 327 commencement of the permitted development, including but not limited to the following:
 328
- 329 A. SFWMD; F.S. § 373.036.
 330
 331 B. Florida Department of Health for onsite sewage treatment and disposal systems;
 332 F.S. § 381.0065 and Ch. 64E-6, F.A.C.
 333
 334 C. FDEP for activities subject to the Joint Coastal Permit; F.S. § 161.055.
 335
 336 D. FDEP for activities that affect wetlands and alter surface water flows, in
 337 conjunction with the U.S. Army Corps of Engineers; Sec. 404 of the Clean Water
 338 Act.
 339
 340 E. Federal permits and approvals.
 341
- 342 E. **Site Plans and Construction Documents.**
 343
- 344 1. *Information for Development in Flood Hazard Areas.*
 345
- 346 A. The site plan or construction documents for any development subject to the
 347 requirements of this section shall be drawn to scale and include, as applicable to the
 348 proposed development:
 349
- 350 1. Delineation of flood hazard areas, floodway boundaries and flood zone(s),
 351 base flood elevation(s), and ground elevations if necessary for review of the
 352 proposed development.
 353
 354 2. Where base flood elevations, or floodway data are not included on the FIRM
 355 or in the Flood Insurance Study, they shall be established in accordance with
 356 Sec. 7-301.E.2.B or Sec. 7-301.E.2.C.
 357
 358 3. Where the parcel on which the proposed development will take place will have
 359 more than 50 lots or is larger than five acres and the base flood elevations are
 360 not included on the FIRM or in the Flood Insurance Study, such elevations
 361 shall be established in accordance with Sec. 7-301.E.2.A.
 362
 363 4. Location of the proposed activity and proposed structures, and locations of
 364 existing buildings and structures; in coastal high hazard areas, new buildings
 365 shall be located landward of the reach of mean high tide.

- 366 5. Location, extent, amount, and proposed final grades of any filling, grading, or
 367 excavation.
 368
 369 6. If the placement of fill is proposed, the amount, type, and source of fill
 370 material; compaction specifications; a description of the intended purpose of
 371 the fill areas; and evidence that the proposed fill areas are the minimum
 372 necessary to achieve the intended purpose.
 373
 374 7. Extent of any proposed alteration of mangrove stands, provided such alteration
 375 is approved by FDEP.
 376
 377 8. Existing and proposed alignment of any proposed alteration of a watercourse.
 378
 379 9. Estimated labor and material costs.
 380
 381 B. The Floodplain Administrator is authorized to waive the submission of site plans,
 382 construction documents, and other data that are required by this section but that are
 383 not required to be prepared by a registered design professional if it is found that the
 384 nature of the proposed development is such that the review of such submissions is
 385 not necessary to ascertain compliance with this section.
 386
 387 2. *Information in Flood Hazard Areas without Base Flood Elevations (Approximate Zone*
 388 *A).* Where flood hazard areas are delineated on the FIRM and base flood elevation data
 389 have not been provided, the Floodplain Administrator shall:
 390
 391 A. Require the applicant to include base flood elevation data prepared in accordance
 392 with currently accepted engineering practices.
 393
 394 B. Obtain, review, and provide to applicants base flood elevation and floodway data
 395 available from a federal or state agency or other source or require the applicant to
 396 obtain and use base flood elevation and floodway data available from a federal or
 397 state agency or other source.
 398
 399 C. Where base flood elevation and floodway data are not available from another
 400 source, where the available data are deemed by the Floodplain Administrator to not
 401 reasonably reflect flooding conditions, or where the available data are known to be
 402 scientifically or technically incorrect or otherwise inadequate:
 403
 404 1. Require the applicant to include base flood elevation data prepared in
 405 accordance with currently accepted engineering practices; or
 406
 407 2. Specify that the base flood elevation is two feet above the highest adjacent
 408 grade at the location of the development, provided there is no evidence
 409 indicating flood depths have been or may be greater than two feet.
 410

- 411 D. Where the base flood elevation data are to be used to support a Letter of Map
 412 Change from FEMA, advise the applicant that the analyses shall be prepared by a
 413 Florida licensed engineer in a format required by FEMA, and that it shall be the
 414 responsibility of the applicant to satisfy the submittal requirements and pay the
 415 processing fees.
 416
- 417 3. *Additional Analyses and Certifications.* As applicable to the location and nature of the
 418 proposed development activity, and in addition to the requirements of this section, the
 419 applicant shall have the following analyses signed and sealed by a Florida licensed
 420 engineer for submission with the site plan and construction documents:
 421
- 422 A. For development activities proposed to be located in a regulatory floodway, a
 423 floodway encroachment analysis that demonstrates that the encroachment of the
 424 proposed development will not cause any increase in base flood elevations; where
 425 the applicant proposes to undertake development activities that do increase base
 426 flood elevations, the applicant shall submit such analysis to FEMA as specified in
 427 Sec. 7-301.E.4, Submission of Additional Data, and shall submit the Conditional
 428 Letter of Map Revision, if issued by FEMA, with the site plan and construction
 429 documents.
 430
- 431 B. For development activities proposed to be located in a riverine flood hazard area
 432 for which base flood elevations are included in the Flood Insurance Study or on the
 433 FIRM and floodways have not been designated, hydrologic and hydraulic analyses
 434 that demonstrate that the cumulative effect of the proposed development, when
 435 combined with all other existing and anticipated flood hazard area encroachments,
 436 will not increase the base flood elevation more than one foot at any point within the
 437 community. This requirement does not apply in isolated flood hazard areas not
 438 connected to a riverine flood hazard area or in flood hazard areas identified as Zone
 439 AO or Zone AH.
 440
- 441 C. For alteration of a watercourse, an engineering analysis prepared in accordance with
 442 standard engineering practices which demonstrates that the flood-carrying capacity
 443 of the altered or relocated portion of the watercourse will not be decreased, and
 444 certification that the altered watercourse shall be maintained in a manner which
 445 preserves the channel's flood-carrying capacity; the applicant shall submit the
 446 analysis to FEMA as specified in Sec. 7-301.E.4, Submission of Additional Data.
 447
- 448 D. For activities that propose to alter mangrove stands in coastal high hazard areas
 449 (Zone V), an engineering analysis that demonstrates that the proposed alteration
 450 will not increase the potential for flood damage.
 451
- 452 4. *Submission of Additional Data.* When additional hydrologic, hydraulic or other
 453 engineering data, studies, and additional analyses are submitted to support an
 454 application, the applicant has the right to seek a Letter of Map Change from FEMA to
 455 change the base flood elevations, change floodway boundaries, or change boundaries of
 456 flood hazard areas shown on FIRMs, and to submit such data to FEMA for such

457 purposes. The analyses shall be prepared by a Florida licensed engineer in a format
 458 required by FEMA. Submittal requirements and processing fees will be the responsibility
 459 of the applicant.

460

461 **F. Inspections.**

462

- 463 1. *General.* Development for which a floodplain development permit or approval is
 464 required will be subject to inspection.

465

466 **G. Variances and Appeals.**

467

- 468 1. *General.* The **Village Council Planning, Zoning and Design Board ("PZDB")**, acting as
 469 the Board of Adjustment and Appeals pursuant to Section 553.73(5), F.S., shall hear and
 470 decide on requests for appeals and requests for variances from the strict application of
 471 this section. This section does not apply to Sec. 3109 of the Florida Building Code,
 472 Building.

473

- 474 2. *Appeals.* The **Village Council-PZDB** shall hear and decide appeals when it is alleged
 475 there is an error in any requirement, decision, or determination made by the Floodplain
 476 Administrator in the administration and enforcement of this section. Any person
 477 aggrieved by the decision may appeal such decision to the Circuit Court, as provided by
 478 state law.

479

- 480 3. *Limitations on Authority to Grant Variances.* The **Village Council-PZDB** will base its
 481 decisions on variances on technical justifications submitted by applicants, the
 482 considerations for issuance in Sec. 7-301.G.7, Considerations for Issuance of Variances,
 483 the conditions of issuance set forth in Sec. 7-301.G.8, Conditions for Issuance of
 484 Variances, and the comments and recommendations of the Building Official. The
 485 **Village Council-PZDB** has the right to attach such conditions as it deems necessary to
 486 further the purposes and objectives of this section.

487

- 488 4. *Restrictions in Floodways.* A variance will not be issued for any proposed development
 489 in a floodway if any increase in base flood elevations would result, as evidenced by the
 490 applicable analyses and certifications required in Sec. 7-301.E.3, Additional Analyses
 491 and Certifications.

492

- 493 5. *Historic Buildings.* A variance is authorized to be issued for the repair, improvement, or
 494 rehabilitation of a historic building that is determined eligible for the exception to the
 495 flood resistant construction requirements of the Florida Building Code, Existing
 496 Building, Chapter **12.44** Historic Buildings, upon a determination that the proposed
 497 repair, improvement, or rehabilitation will not preclude the building's continued
 498 designation as a historic building and the variance is the minimum necessary to preserve
 499 the historic character and design of the building. If the proposed work precludes the
 500 building's continued designation as a historic building, a variance will not be granted and
 501 the building and any repair, improvement, and rehabilitation will be subject to the
 502 requirements of the Florida Building Code.

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6. *Functionally Dependent Uses.* A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this section, provided the variance meets the requirements of Sec. 7-301.G.4, Restrictions in Floodways is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.
 7. *Considerations for Issuance of Variances.* In reviewing requests for variances, the **Village Council-PZDB** will consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this section, and the following:
 - A. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
 - B. The danger to life and property due to flooding or erosion damage;
 - C. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
 - D. The importance of the services provided by the proposed development to the community;
 - E. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
 - F. The compatibility of the proposed development with existing and anticipated development;
 - H. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
 - I. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
 - J. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable expected at the site; and
 - J. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

- 546 8. *Conditions for Issuance of Variances.* Variances may be issued only upon:
 547
 548 A. Submission by the applicant of a showing of good and sufficient cause that the
 549 unique characteristics of the size, configuration, or topography of the site limit
 550 compliance with any provision of this section or the required elevation standards;
 551
 552 B. Determination by the **Village Council-PZDB** that:
 553
 554 1. Failure to grant the variance would result in exceptional hardship due to the
 555 physical characteristics of the land that render the lot undevelopable; increased
 556 costs to satisfy the requirements or inconvenience do not constitute hardship;
 557
 558 2. The granting of a variance will not result in increased flood heights, additional
 559 threats to public safety, extraordinary public expense, nor create nuisances,
 560 cause fraud on or victimization of the public or conflict with existing local
 561 laws and regulations; and
 562 3. The variance is the minimum necessary, considering the flood hazard, to
 563 afford relief;
 564
 565 C. If the request is for a variance to allow construction of the lowest floor of a new
 566 building, or substantial improvement of a building, below the required elevation, a
 567 copy in the record of a written notice from the Floodplain Administrator to the
 568 applicant for the variance, specifying the difference between the base flood
 569 elevation and the proposed elevation of the lowest floor, stating that the cost of
 570 federal flood insurance will be commensurate with the increased risk resulting from
 571 the reduced floor elevation (up to amounts as high as \$25 for \$100 of insurance
 572 coverage), and stating that construction below the base flood elevation increases
 573 risks to life and property.
 574
 575 H. **Violations.** Any development that is not within the scope of the Florida Building Code but
 576 that is regulated by this section that is performed without an issued permit, that is in conflict
 577 with an issued permit, or that does not fully comply with this section, will be deemed a
 578 violation of this LDC. A building or structure without the documentation of elevation of the
 579 lowest floor, other required design certifications, or other evidence of compliance required
 580 by this section or the Florida Building Code is presumed to be a violation until such time as
 581 that documentation is provided.
 582
 583 1. *Authority.* For development that is not within the scope of the Florida Building Code but
 584 that is regulated by this section and that is determined to be a violation, the Floodplain
 585 Administrator is authorized to serve notices of violation or stop work orders to owners
 586 of the property involved, to the owner's agent, or to the person or persons performing the
 587 work.
 588
 589 2. *Unlawful Continuance.* Any person who continues any work after having been served
 590 with a notice of violation or a stop work order, except such work as that person is directed

to perform to remove or remedy a violation or unsafe condition, will be subject to penalties as prescribed by law.

7-302. Flood Resistant Development.

A. Buildings and Structures

1. *Building and Structures Exempt from Florida Building Code.* In accordance with Sec. 7-301.D.3, Buildings, Structures, and Facilities Exempt from the Florida Building Code, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of Sec. 7-302.G, Other Development.

2. Amend the definitions of “substantial damage” and “substantial improvement” in the Florida Building Code, Building Section 202, and Florida Building Code. Existing Building Section 202, as follows:

SUBSTANTIAL DAMAGE. For the purposes of determining compliance with the flood provisions of this Code, damage of any origin sustained by a structure whereby the cost of restoring the structure to is before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. The term also includes buildings and structures that have experienced repetitive loss.

3. *Florida Building Code Administrative Amendments; Nonconversion Agreements.* Applications for buildings with enclosures below the required elevation shall include signed declarations of land restrictions (nonconversion agreements), as defined in Section 7-303 – Definitions. The agreement shall be recorded on the property deed prior to issuance of the Certificate of Occupancy.

4. *Florida Building Code. Administrative Amendments; Certification Forms.* (1) Where elevations of buildings in flood hazard areas are specified in applications, and where certification of the elevation of buildings in flood hazard areas is required, the FEMA Elevation Certificate shall be submitted; (2) Where certifications of the design of dry floodproofed non-residential buildings in flood hazard areas are required and where certification of the elevation of dry floodproofing is required, the FEMA Dry Floodproofing Certificate for Non-residential Structures shall be submitted.

SUBSTANTIAL IMPROVEMENT. For the purposes of determining compliance with the flood provision of this Code, any combination of repair, reconstruction, rehabilitation, alteration, addition, or other improvement of a building or structure taking place during a five-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. The period of

637 accumulation begins with the first improvement or repair of each building is permitted
 638 subsequent to November 18, 1992. If the structure has sustained substantial damage, any
 639 repairs are considered substantial improvement regardless of the actual repair work
 640 performed. The term does not, however, include either:

641
 642 1. Any project for improvement of a building required to correct existing health,
 643 sanitary or safety code violations identified by the building official and that is the minimum
 644 necessary to assure safe living conditions.

645
 646 2. Any alteration of a historic structure provided that the alteration will not preclude
 647 the structure's continued designation as a historic structure.

648
 649 **B. Subdivisions.**

650
 651 1. *Minimum Requirements.* Subdivision proposals, including proposals for manufactured
 652 home parks and subdivisions, shall be reviewed to determine that:

653
 654 A. Such proposals are consistent with the need to minimize flood damage and will be
 655 reasonably safe from flooding;

656
 657 B. All public utilities and facilities such as sewer, gas, electric, communications, and
 658 water systems are located and constructed to minimize or eliminate flood damage;
 659 and

660
 661 C. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH
 662 and AO, adequate drainage paths shall be provided to guide floodwaters around and
 663 away from proposed structures.

664
 665 2. *Standards for Subdivision and Other Development Proposals.* Where any portion of
 666 proposed subdivisions, including manufactured home parks and subdivisions, lies within
 667 a flood hazard area, the following shall be required:

668
 669 A. Where the subdivision is greater than 50 lots or five acres and base flood elevations
 670 are not included on the FIRM, base flood elevations determined in accordance with
 671 Sec. 7-301.E.2.A; and

672
 673 B. Compliance with the site improvement and utilities requirements of Sec. 7-302.C,
 674 Site Improvements, Utilities and Limitations.

675
 676 **C. Site Improvements, Utilities and Limitations.**

677
 678 1. *Minimum Requirements.* All proposed new development will be reviewed to determine
 679 that:

680
 681 A. Such proposals are consistent with the need to minimize flood damage and will be
 682 reasonably safe from flooding;

- 683 B. All public utilities and facilities such as sewer, gas, electric, communications, and
 684 water systems are located and constructed to minimize or eliminate flood damage;
 685 and
 686
- 687 C. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH
 688 and AO, adequate drainage paths shall be provided to guide floodwaters around and
 689 away from proposed structures.
 690
- 691 2. *Sanitary Sewage Facilities.* All new and replacement sanitary sewage facilities, private
 692 sewage treatment plants (including all pumping stations and collector systems), and on-
 693 site waste disposal systems shall be designed in accordance with the standards for onsite
 694 sewage treatment and disposal systems in Ch. 64E-6, F.A.C. and ASCE 24 Ch. 7 to
 695 minimize or eliminate infiltration of floodwaters into the facilities and discharge from
 696 the facilities into floodwaters, and impairment of the facilities and systems.
 697
- 698 3. *Water Supply Facilities.* All new and replacement water supply facilities shall be
 699 designed in accordance with the water well construction standards in Ch. 62-532.500,
 700 F.A.C. and ASCE 24 Ch. 7 to minimize or eliminate infiltration of floodwaters into the
 701 systems.
 702
- 703 4. *Limitations on Sites in Regulatory Floodways.* No development, including but not
 704 limited to site improvements, and land disturbing activity involving fill or regrading,
 705 may be authorized in the regulatory floodway unless the floodway encroachment
 706 analysis required in Sec. 7-301.E.3.A, demonstrates that the proposed development or
 707 land disturbing activity will not result in any increase in the base flood elevation.
 708
- 709 5. *Limitations on Placement of Fill.* Subject to the limitations of this section, fill shall be
 710 designed to be stable under conditions of flooding, including rapid rise and rapid
 711 drawdown of floodwaters, prolonged inundation, and protection against flood-related
 712 erosion and scour. In addition to these requirements, if intended to support buildings and
 713 structures (Zone A only), fill shall comply with the requirements of the Florida Building
 714 Code.
 715
- 716 6. *Limitations on Sites in Coastal High Hazard Areas (Zone V).* In coastal high hazard
 717 areas, alteration of mangrove stands will be permitted only if such alteration is approved
 718 by the FDEP and only if the engineering analysis required by Sec. 7-301.E.3.D
 719 demonstrates that the proposed alteration will not increase the potential for flood
 720 damage.
 721
- 722 D. **Manufactured Homes.**
 723
- 724 1. *General.*
 725
- 726 A. All manufactured homes installed in flood hazard areas shall be installed by an
 727 installer that is licensed in accordance with F.S. § 320.8249, and shall comply with
 728 the requirements of Ch. 15C-1, F.A.C. and the requirements of this section.

- 729 B. The placement of manufactured homes or recreational vehicles is prohibited in
 730 coastal high hazard areas (Zone V), except in an existing manufactured home or
 731 recreational vehicle park or subdivision. A replacement manufactured home or
 732 recreational vehicle may be placed on a lot in an existing manufactured home or
 733 recreational vehicle park or subdivision, provided the anchoring standards of Sec.
 734 7-302.D.3, Anchoring, and the elevation standards of Sec. 7-302.D.4, Elevation, are
 735 met. New or expanded manufactured home or recreational vehicle parks or
 736 subdivisions are prohibited until such time, if ever, that Village of Estero Plan
 737 Policy 80.1.2 is amended or repealed so as to allow such new or expanded
 738 manufactured home or recreational vehicle development.
 739
- 740 2. *Foundations.* All new manufactured homes and replacement manufactured homes
 741 installed in flood hazard areas shall be installed on permanent, reinforced foundations
 742 that:
 743
- 744 A. In flood hazard areas (Zone A) other than coastal high hazard areas, are designed
 745 in accordance with the foundation requirements of the Florida Building Code,
 746 Residential Section R322.2 and this section.
 747
- 748 B. In coastal high hazard areas (Zone V), are designed in accordance with the
 749 foundation requirements of the Florida Building Code, Residential Section R322.3
 750 and this section.
 751
- 752 3. *Anchoring.* All new manufactured homes and replacement manufactured homes shall be
 753 installed using methods and practices which minimize flood damage and shall be
 754 securely anchored to an adequately anchored foundation system to resist flotation,
 755 collapse, or lateral movement. Methods of anchoring include, but are not limited to, use
 756 of over-the-top or frame ties to ground anchors. This anchoring requirement is in
 757 addition to applicable state and local anchoring requirements for wind resistance.
 758
- 759 4. *Elevation.* All manufactured homes that are placed, replaced, or substantially improved
 760 in flood hazard areas shall be elevated such that the bottom of the frame is at or above
 761 the elevation required, as applicable to the flood hazard area, in the *Florida Building*
 762 *Code, Residential* Section R322.2 (Zone A) or Section R322.3 (Zone V and Coastal A
 763 Zone)
 764
- 765 **5.7** *Enclosures.* Enclosed areas below elevated manufactured homes shall comply with the
 766 requirements of the Florida Building Code, Residential Sections R322.2 or R322.3, for
 767 such enclosed areas, as applicable to the flood hazard area.
 768
- 769 **6.8** *Utility Equipment.* Utility equipment that serves manufactured homes, including electric,
 770 heating, ventilation, plumbing, and air conditioning equipment and other service
 771 facilities, shall comply with the requirements of the Florida Building Code, Residential
 772 Section R322, as applicable to the flood hazard area.
 773
 774

775 E. **Recreational Vehicles and Park Trailers.**

776

777 1. *Temporary Placement.* Recreational vehicles and park trailers placed temporarily in
778 flood hazard areas shall:

779

780 A. Be on the site for fewer than 180 consecutive days; or

781

782 B. Be fully licensed and ready for highway use, which means the recreational vehicle
783 or park model is on wheels or jacking system, is attached to the site only by quick-
784 disconnect type utilities and security devices, and has no permanent attachments
785 such as additions, rooms, stairs, decks, and porches.

786

787 2. *Permanent Placement.* Recreational vehicles and park trailers that do not meet the
788 limitations in Sec. 7-302.E.1, Temporary Placement, shall meet the requirements of Sec.
789 7-302.D, Manufactured Homes.

790

791 F. **Tanks.**

792

793 1. *Underground Tanks.* Underground tanks in flood hazard areas shall be anchored to
794 prevent flotation, collapse, or lateral movement resulting from hydrodynamic and
795 hydrostatic loads during conditions of the design flood, including the effects of buoyancy
796 assuming the tank is empty.

797

798 2. *Above-Ground Tanks, Not Elevated.* Above-ground tanks that do not meet the elevation
799 requirements of Sec. 7-302.F.3, Above Ground Tanks, Elevated, shall:

800

801 A. Be permitted only in flood hazard areas (Zone A) other than coastal high hazard
802 areas, provided the tanks are anchored or otherwise designed and constructed to
803 prevent flotation, collapse, or lateral movement resulting from hydrodynamic and
804 hydrostatic loads during conditions of the design flood, including the effects of
805 buoyancy assuming the tank is empty and the effects of flood-borne debris.

806

807 B. Not be permitted in coastal high hazard areas (Zone V).

808

809 3. *Above Ground Tanks, Elevated.* Above-ground tanks in flood hazard areas shall be
810 attached to and elevated to or above the design flood elevation on a supporting structure
811 that is designed to prevent flotation, collapse, or lateral movement during conditions of
812 the design flood. Tank-supporting structures shall meet the foundation requirements of
813 the applicable flood hazard area.

814

815 4. *Tank Inlets and Vents.* Tank inlets, fill openings, outlets, and vents shall be:

816

817 A. At or above the design flood elevation or fitted with covers designed to prevent the
818 inflow of floodwater or outflow of the contents of the tanks during conditions of
819 the design flood; and

820

821 B. Anchored to prevent lateral movement resulting from hydrodynamic and
 822 hydrostatic loads, including the effects of buoyancy, during conditions of the design
 823 flood.

824

825 **G. Other Development.**

826

827 1. *General Requirements for Other Developments.* All development, including man-made
 828 changes to improved or unimproved real estate for which specific provisions are not
 829 specified in this section or the Florida Building Code, shall:

830 A. Be located and constructed to minimize flood damage;

831

832 B. Meet the limitations of Sec. 7-302.C.4, Limitations on Sites in Regulatory
 833 Floodways, if located in a regulated floodway;

834

835 C. Be anchored to prevent flotation, collapse, or lateral movement resulting from
 836 hydrostatic loads, including the effects of buoyancy, during conditions of the design
 837 flood;

838

839 D. Be constructed of flood damage-resistant materials; and

840

841 E. Have mechanical, plumbing, and electrical systems above the design flood
 842 elevation, except that minimum electric service required to address life safety and
 843 electric code requirements is permitted below the design flood elevation provided
 844 it conforms to the provisions of the electrical part of the Building Code for wet
 845 locations.

846

847 2. *Non-elevated accessory structures.* Accessory structures are permitted below elevations
 848 required by the Florida Building Code provided the accessory structures are used only
 849 for parking or storage and:

850

851 A. If located in special flood hazard areas (Zone A/AE) other than coastal high hazard
 852 areas, are one-story and not larger than 600 sq. ft. and have flood openings in
 853 accordance with Section R322.2 of the Florida Building Code, Residential.

854

855 B. If located in coastal high hazard areas (Zone V/VE), are not located below elevated
 856 buildings and are not larger than 100 sq. ft.

857

858 C. Are anchored to resist flotation, collapse or lateral movement resulting from flood
 859 loads.

860

861 D. Have flood damage-resistant materials used below the base flood elevation plus one
 862 (1) foot.

863

864 E. Have mechanical, plumbing and electrical systems, including plumbing fixtures,
 865 elevated to or above the base flood elevation plus one (1) foot.

866

- 867 3. *Fences in Regulated Floodways.* Fences in regulated floodways that have the potential
 868 to block the passage of floodwaters shall meet the limitations of Sec. 7-302.C.4,
 869 Limitations on Sites in Regulatory Floodways.
 870
- 871 4. *Retaining Walls, Sidewalks and Driveways in Regulated Floodways.* Retaining walls and
 872 sidewalks and driveways that involve the placement of fill in regulated floodways shall
 873 meet the limitations of Sec. 7-302.C.4, Limitations on Sites in Regulatory Floodways.
 874
- 875 5. *Roads and Watercourse Crossings in Regulated Floodways.* Roads and watercourse
 876 crossings, including roads, bridges, culverts, low-water crossings, and similar means for
 877 vehicles or pedestrians to travel from one side of a watercourse to the other side, that
 878 encroach into regulated floodways, shall meet the limitations of Sec. 7-302.C.4,
 879 Limitations on Sites in Regulatory Floodways. Alteration of a watercourse that is part of
 880 a road or watercourse crossing shall meet the requirements of Sec. 7-301.E.3, Additional
 881 Analyses and Certifications.
- 882 6. *Concrete Slabs Used as Parking Pads, Enclosure Floors, Landings, Decks, Walkways,*
 883 *Patios, and Similar Nonstructural Uses in Coastal High Hazard Areas (Zone V).* In
 884 coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings,
 885 decks, walkways, patios, and similar nonstructural uses are permitted beneath or adjacent
 886 to buildings and structures, provided the concrete slabs are designed and constructed to
 887 be:
 888
- 889 A. Structurally independent of the foundation system of the building or structure;
 - 890
 - 891 B. Frangible and not reinforced, so as to minimize debris during flooding that is
 - 892 capable of causing significant damage to any structure; and
 - 893
 - 894 C. Have a maximum slab thickness of not more than four inches.
 - 895
- 896 7. *Decks and Patios in Coastal High Hazard Areas (Zone V).* In addition to the
 897 requirements of the Florida Building Code, in coastal high hazard areas, decks and patios
 898 shall be located, designed, and constructed in compliance with the following:
 899
- 900 A. A deck that is structurally attached to a building or structure shall have the bottom
 - 901 of the lowest horizontal structural member at or above the design flood elevation
 - 902 and any supporting members that extend below the design flood elevation shall
 - 903 comply with the foundation requirements that apply to the building or structure,
 - 904 which shall be designed to accommodate any increased loads resulting from the
 - 905 attached deck.
 - 906
 - 907 B. A deck or patio that is located below the design flood elevation shall be structurally
 - 908 independent from buildings or structures and their foundation systems and shall be
 - 909 designed and constructed either to remain intact and in place during design flood
 - 910 conditions or to break apart into small pieces to minimize debris during flooding
 - 911 that is capable of causing structural damage to the building or structure, or to
 - 912 adjacent buildings and structures.

- 913 C. A deck or patio that has a vertical thickness of more than 12 inches or that is
 914 constructed with more than the minimum amount of fill necessary for site drainage
 915 shall not be approved unless an analysis prepared by a qualified registered design
 916 professional demonstrates no harmful diversion of floodwaters or wave runup and
 917 wave reflection that would increase damage to the building or structure or to
 918 adjacent buildings and structures.
 919
- 920 D. A deck or patio that has a vertical thickness of 12 inches or less and that is at natural
 921 grade or on nonstructural fill material that is similar to and compatible with local
 922 soils and is the minimum amount necessary for site drainage may be approved
 923 without requiring analysis of the impact on diversion of floodwaters or wave runup
 924 and wave reflection.
 925
- 926 8. *Other Development in Coastal High Hazard Areas (Zone V).* In coastal high hazard
 927 areas, development activities other than buildings and structures may be permitted only
 928 if it is also authorized by the appropriate federal, state, or local authority; if located
 929 outside the footprint of, and not structurally attached to, buildings and structures; and if
 930 analyses prepared by qualified registered design professionals demonstrate no harmful
 931 diversion of floodwaters or wave runup and wave reflection that would increase damage
 932 to adjacent buildings and structures. Such other development activities include but are
 933 not limited to:
 934
- 935 A. Bulkheads, seawalls, retaining walls, revetments, and similar erosion control
 936 structures;
 937
- 938 B. Solid fences and privacy walls, and fences prone to trapping debris, unless designed
 939 and constructed to fail under flood conditions less than the design flood or otherwise
 940 function to avoid obstruction of floodwaters; and
 941
- 942 C. On-site sewage treatment and disposal systems defined in Rule 64E-6.002, F.A.C.,
 943 as filled systems or mound systems.
 944
- 945 9. *Nonstructural Fill in Coastal High Hazard Areas (Zone V).* In coastal high hazard areas:
 946
- 947 A. Minor grading and the placement of minor quantities of nonstructural fill may be
 948 permitted for landscaping and for drainage purposes under and around buildings.
 949
- 950 B. Nonstructural fill with finished slopes that are steeper than one unit vertical to five
 951 units horizontal may be permitted only if an analysis prepared by a qualified
 952 registered design professional demonstrates no harmful diversion of floodwaters or
 953 wave runup and wave reflection that would increase damage to adjacent buildings
 954 and structures.
 955
- 956 10. *Critical Facilities.* Critical facilities shall be located outside the limits of the special
 957 flood hazard area where feasible. Construction of new critical facilities shall be
 958 permissible within the special flood hazard area if no feasible alternative site is available.

959 If permitted, critical facilities shall be elevated or protected to or above the base flood
 960 elevation, plus two feet, or the 500-year (0.2 percent chance) flood elevation, whichever
 961 is higher. Flood proofing and sealing measures shall be implemented to ensure that toxic
 962 substances will not be displaced by or released into floodwaters. Access routes elevated
 963 to or above the base flood elevation shall be provided to all critical facilities, to the
 964 maximum extent practicable. Critical facilities shall be designed to remain operable
 965 during such an event.

966
 967 11. *Standards for Areas in the B, C, and X Zones.* All new buildings not located in the areas
 968 of special flood hazard established in Sec. 7-301.B.1.C, shall have the lowest floor
 969 elevation (including basement) constructed at least 12 inches above the crown of the
 970 nearest local street, unless the Building Official determines there are extenuating
 971 circumstances that would preclude meeting that elevation.

972 973 **7-303. Definitions.**

974 975 **A. General.**

- 976
 977 1. *Terms Defined in the Florida Building Code.* Where terms are not defined in this section
 978 and are defined in the Florida Building Code, such terms will have the meanings ascribed
 979 to them in that code.
 980
 981 2. *Terms Not Defined.* Where terms are not defined in this section or the Florida Building
 982 Code, such terms will have ordinarily accepted meanings such as the context implies.

983
 984 **B. Definitions.** Unless otherwise expressly stated, the following words and terms, for the
 985 purposes of this section only, have the meanings shown in this subsection.

986
 987 *Accessory structure* means a structure on the same parcel of property as a principal structure and
 988 the use of which is limited to parking and storage incidental to the use of the principal structure.

989
 990 *Alteration of a Watercourse* means a dam, impoundment, channel relocation, change in channel
 991 alignment, channelization, or change in cross-sectional area of the channel or the channel capacity,
 992 or any other form of modification which may alter, impede, retard or change the direction and/or
 993 velocity of the riverine flow of water during conditions of the base flood.

994
 995 *Appeal* means a request for a review of the Floodplain Administrator's interpretation of any
 996 provision of this section.

997
 998 *ASCE 24* means a standard titled Flood Resistant Design and Construction that is referenced by
 999 the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil
 1000 Engineers, Reston, VA.

1001
 1002 *Base Flood* means a flood having a one percent chance of being equaled or exceeded in any given
 1003 year. [Also defined in Florida Building Code, B, Section 1612.2.] The base flood is commonly
 1004 referred to as the "100-year flood" or the "one-percent-annual chance flood."

1005 *Base Flood Elevation* means the elevation of the base flood, including wave height, relative to the
 1006 National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other
 1007 datum specified on the Flood Insurance Rate Map (FIRM).

1008
 1009 *Basement* means the portion of a building having its floor subgrade (below ground level) on all
 1010 sides.

1011
 1012 *Coastal High Hazard Area* means a special flood hazard area extending from offshore to the inland
 1013 limit of a primary frontal dune along an open coast and any other area subject to high velocity
 1014 wave action from storms or seismic sources.

1015
 1016 *Conditional Letter of Map Revision (CLOMR)* means a formal review and comment as to whether
 1017 a proposed flood protection project or other project complies with the minimum NFIP
 1018 requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR
 1019 does not revise the effective FIRM or Flood Insurance Study; upon submission and approval of
 1020 certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the
 1021 effective FIRM.

1022
 1023 *Critical Facility* means one or more of the following:
 1024

1025 (1) Structures or facilities that commercially produce, use, or store highly volatile,
 1026 flammable, explosive, toxic and/or water-reactive materials that are defined as extremely
 1027 hazardous substances by the EPA under Sec. 302 of the Emergency Planning and
 1028 Community Right-to-Know Act, Title III of the Superfund Amendments and
 1029 Reauthorization Act of 1986, 42 USC;

1030
 1031 (2) Nursing homes, hospitals, and social service homes;

1032
 1033 (3) Structures used as law enforcement stations, fire stations, governmental vehicle and
 1034 equipment storage facilities, and emergency operations centers that are needed for
 1035 emergency response activities before, during, and after a flood incident; and

1036
 1037 (4) Public or private utility facilities that are vital to maintaining and restoring normal
 1038 services to flooded areas before, during, and after a flood incident.

1039
 1040 *Declaration of Land Restriction (Nonconversion Agreement).* A form provided by the Floodplain
 1041 Administrator to be signed by the property owner and recorded on the property deed in the Official
 1042 Records of the Lee County Clerk of Courts. By signing, the owner agrees not to covert or modify
 1043 enclosures below elevated buildings in any manner inconsistent with the terms of the building
 1044 permit and these regulations.

1045
 1046 *Design Flood* means the flood associated with the greater of the following two areas:

1047
 1048 (1) Area with a floodplain subject to a one percent or greater chance of flooding in any year;
 1049 or

1050

1051 (2) Area designated as a flood hazard area on the FIRM or otherwise legally designated.

1052

1053 *Design Flood Elevation* means the elevation of the "design flood," including wave height, relative
1054 to the datum specified on the FIRM. In areas designated as Zone AO, the design flood elevation
1055 will be the elevation of the highest existing grade of the building's perimeter plus the depth number
1056 (in feet) specified on the FIRM. In areas designated as Zone AO where the depth number is not
1057 specified on the map, the depth number will be taken as being equal to two feet.

1058

1059 *Development* means any man-made change to improved or unimproved real estate, including but
1060 not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent
1061 storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling
1062 operations, or any other land disturbing activities.

1063

1064 *Encroachment* means the placement of fill, excavation, buildings, permanent structures, or other
1065 development into a flood hazard area which may impede or alter the flow capacity of riverine flood
1066 hazard areas.

1067 *Existing Building and Existing Structure* means any buildings and structures for which the "start
1068 of construction" commenced before September 19, 1984.

1069

1070 *Existing Manufactured Home Park or Subdivision* means a manufactured home park or
1071 subdivision for which the construction of facilities for servicing the lots on which the manufactured
1072 homes are to be affixed (including, at a minimum, the installation of utilities, the construction of
1073 streets, and either final site grading or the pouring of concrete pads) is completed before September
1074 19, 1984.

1075

1076 *Federal Emergency Management Agency (FEMA)* means the federal agency that, in addition to
1077 carrying out other functions, administers the National Flood Insurance Program.

1078

1079 *Flood or Flooding* means a general and temporary condition of partial or complete inundation of
1080 normally dry land from:

1081

1082 (1) The overflow of inland or tidal waters.

1083

1084 (2) The unusual and rapid accumulation or runoff of surface waters from any source.

1085

1086 *Flood Damage-Resistant Materials* means any construction material capable of withstanding
1087 direct and prolonged contact with floodwaters without sustaining any damage that requires more
1088 than cosmetic repair.

1089

1090 *Flood Hazard Area* means the greater of the following two areas:

1091

1092 (1) The area within a floodplain subject to a one percent or greater chance of flooding in any
1093 year.

1094

1095 (2) The area designated as a flood hazard area on the FIRM or otherwise legally designated.

1096

- 1097 *Flood Insurance Rate Map (FIRM)* means the official map of the Village on which FEMA has
 1098 delineated both special flood hazard areas and the risk premium zones applicable to the Village.
 1099
- 1100 *Flood Insurance Study (FIS)* means the official report provided by FEMA that contains the FIRM,
 1101 the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base
 1102 flood, and supporting technical data.
 1103
- 1104 *Floodplain Administrator* means the office or position designated and charged with the
 1105 administration and enforcement of this section (may be referred to as the Floodplain Manager).
 1106 The Village Manager serves as the Floodplain Manager in accordance with this section.
 1107
- 1108 *Floodplain Development Permit or Approval* means an official document or certificate issued by
 1109 the Floodplain Administrator, or other evidence of approval or concurrence, which authorizes
 1110 performance of specific development activities that are located in flood hazard areas and that are
 1111 determined to be compliant with this section.
 1112
- 1113 *Floodway* means the channel of a river or other riverine watercourse and the adjacent land areas
 1114 that shall be reserved in order to discharge the base flood without cumulatively increasing the
 1115 water surface elevation more than one foot.
 1116
- 1117 *Floodway Encroachment Analysis* means an engineering analysis of the impact that a proposed
 1118 encroachment into a floodway is expected to have on the floodway boundaries and base flood
 1119 elevations. The evaluation shall be prepared by a qualified Florida licensed engineer using standard
 1120 engineering methods and models.
 1121
- 1122 *Florida Building Code* means the family of codes adopted by the Florida Building Commission,
 1123 including the Florida Building Code, Building; the Florida Building Code, Residential; the Florida
 1124 Building Code, Existing Building; the Florida Building Code, Mechanical; the Florida Building
 1125 Code, Plumbing; the Florida Building Code, Fuel Gas.
 1126
- 1127 *Functionally Dependent Use* means a use which cannot perform its intended purpose unless it is
 1128 located or carried out in close proximity to water, including only docking facilities, port facilities
 1129 that are necessary for the loading and unloading of cargo or passengers, and ship building and ship
 1130 repair facilities; the term does not include long-term storage or related manufacturing facilities.
 1131
- 1132 *Highest Adjacent Grade* means the highest natural elevation of the ground surface prior to
 1133 construction next to the proposed walls or foundation of a structure.
 1134
- 1135 *Historic Structure* means any structure that is determined eligible for the exception to the flood
 1136 hazard area requirements of the Florida Building Code, Existing Building, Chapter 12.44; Historic
 1137 Buildings.
 1138
- 1139 *Letter of Map Amendment (LOMA)* means an amendment based on technical data showing that a
 1140 property was incorrectly included in a designated special flood hazard area. A LOMA amends the
 1141 current effective FIRM and establishes that a specific property, portion of a property, or structure
 1142 is not located in a special flood hazard area.

1143 *Letter of Map Change (LOMC)* means an official determination issued by FEMA that amends or
 1144 revises the FIRM or FIS. The LOMCs include Letter of Map Amendment (LOMA), Letter of Map
 1145 Revision (LOMR), Letter of Map Revision Based on Fill (LOMR-F), and Conditional Letter of
 1146 Map Revision (CLOMR).

1147
 1148 *Letter of Map Revision (LOMR)* means a revision based on technical data that may show changes
 1149 to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations,
 1150 and other planimetric features.

1151
 1152 *Letter of Map Revision Based on Fill (LOMR-F)* means a determination that a structure or parcel
 1153 of land has been elevated by fill above the base flood elevation and is, therefore, no longer located
 1154 within the special flood hazard area. In order to qualify for this determination, the fill shall have
 1155 been permitted and placed in accordance with this section.

1156
 1157 *Light-Duty Truck* means as defined in 40 CFR 86.082-2, any motor vehicle rated at 8,500 pounds
 1158 gross vehicular weight rating or less which has a vehicular curb weight of 6,000 pounds or less
 1159 and which has a basic vehicle frontal area of 45 square feet or less, which is:

- 1160
 1161 (1) Designed primarily for purposes of transportation of property or is a derivation of such
 1162 a vehicle;
 1163
 1164 (2) Designed primarily for transportation of persons and has a capacity of more than 12
 1165 persons; or
 1166
 1167 (3) Available with special features enabling off-street or off-highway operation and use.

1168
 1169 *Lowest Floor* means the lowest floor of the lowest enclosed area of a building or structure,
 1170 including basement, but excluding any unfinished or flood-resistant enclosure, other than a
 1171 basement, usable solely for vehicle parking, building access or limited storage provided that such
 1172 enclosure is not built to render the structure in violation of the non-elevation requirements of the
 1173 Florida Building Code or ASCE 24.

1174
 1175 *Manufactured Home* means a structure, transportable in one or more sections, which is eight feet
 1176 or more in width and greater than 400 square feet, and which is built on a permanent, integral
 1177 chassis and is designed for use with or without a permanent foundation when attached to the
 1178 required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park
 1179 trailer".

1180
 1181 *Manufactured Home Park or Subdivision* means a parcel (or contiguous parcels) of land divided
 1182 into two or more manufactured home lots for rent or sale.

1183
 1184 *Market Value* means the value of buildings and structures, excluding the land and other
 1185 improvements on the parcel. Market value is the actual cash value (in-kind replacement cost
 1186 depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified
 1187 independent appraiser, or tax assessment value adjusted to approximate market value by a factor
 1188 provided by the Property Appraiser.

1189 *New Construction* means for the purposes of this section and the flood resistant construction
 1190 requirements of the Florida Building Code, structures for which the "start of construction"
 1191 commenced on or after September 19, 1984 and includes any subsequent improvements to such
 1192 structures.

1193
 1194 *Park Trailer* means a transportable unit which has a body width not exceeding 14 feet and which
 1195 is built on a single chassis and is designed to provide seasonal or temporary living quarters when
 1196 connected to utilities necessary for operation of installed fixtures and appliances.

1197
 1198 *Permanent Construction* means does not include land preparation (such as clearing, grading, or
 1199 filling), the installation of streets or walkways, excavation for a basement, footings, piers, or
 1200 foundations, the erection of temporary forms or the installation of accessory buildings such as
 1201 garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial
 1202 improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor
 1203 or other structural part of a building, whether or not that alteration affects the external dimensions
 1204 of the building.

1205
 1206 *Recreational Vehicle* means a vehicle, including a park trailer, which is:
 1207

- 1208 (1) Built on a single chassis;
- 1209
- 1210 (2) 400 square feet or less when measured at the largest horizontal projection;
- 1211
- 1212 (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- 1213
- 1214 (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters
- 1215 for recreational, camping, travel, or seasonal use.
- 1216

1217 *Repetitive Loss* means flood-related damage sustained by a structure on two separate occasions
 1218 during a ten-year period for which the cost of repairs at the time of each flood event, on the average,
 1219 equals or exceeds 25 percent of the market value of the structure before the damage occurred.

1220 *Special Flood Hazard Area* means an area in the floodplain subject to a one percent or greater
 1221 chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A,
 1222 AO, AI-A30, AE, A99, AH, V1-V30, VE or V.

1223
 1224 *Start of Construction.* The date of issuance of permits for new construction and substantial
 1225 improvements, provided the actual start of construction, repair, reconstruction, rehabilitation,
 1226 addition, placement, or other improvement is within 180 days of the date of the issuance. The
 1227 actual start of construction means either the first placement of permanent construction of a building
 1228 (including a manufactured home) on a site, such as the pouring of slab or footings, the installation
 1229 of piles, the construction of columns.

1230
 1231 *Substantial Damage* means damage sustained by a building or structure whereby the cost of
 1232 restoring the building or structure to its before-damaged condition would equal or exceed 50
 1233 percent of the market value of the building or structure before the damage occurred. The term also
 1234 includes buildings and structures that have experienced repetitive loss.

1235 *Substantial Improvement* means any combination of repair, reconstruction, rehabilitation,
 1236 alteration, addition, or other improvement of a building or structure, taking place during a five-
 1237 year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the
 1238 building or structure before the improvement or repair is started. For each building or structure,
 1239 the five-year period begins on the date of the first improvement or repair of the building or structure
 1240 subsequent to November 18, 1992. If the structure has incurred "substantial damage," any repairs
 1241 are considered substantial improvement regardless of the actual repair work performed. The term
 1242 does not include either:

- 1243
- 1244 (1) Any project for improvement of a building required to correct existing health, sanitary,
 1245 or safety code violations identified by the Building Official and that are the minimum
 1246 necessary to assure safe living conditions.
- 1247
- 1248 (2) Any alteration of a historic structure provided the alteration will not preclude the
 1249 structure's continued designation as a historic structure.

1250

1251 *Variance* means a grant of relief from the requirements of this section, or the flood resistant
 1252 construction requirements of the Florida Building Code, which permits construction in a manner
 1253 that would not otherwise be permitted by this section or the Florida Building Code.

1254

1255 *Watercourse* means a river, creek, stream, channel, or other topographic feature in, on, through, or
 1256 over which water flows at least periodically.

1257

1258 **Section 2. — Repeal of Ordinance 2015-16.**

1259

1260 The Village Council hereby confirms that the adoption of the Land Development Code by
 1261 Ordinance 2020-10, specifically Section 1-902 adopting the Florida Building Code as codified in
 1262 Chapter 553, Florida Statutes, was intended to repeal earlier building code regulations adopted by
 1263 Ordinance 2015-16, and that to eliminate any doubt declares that Ordinance 2015-16 is no longer
 1264 in effect.

1265

1266 **Section 3. Severability.**

1267

1268 If any provision of this ordinance or its application to any person or circumstance is held
 1269 invalid, the invalidity does not affect other provisions or applications of this ordinance which can
 1270 be given effect without the invalid provision or application, and to this end the provisions of this
 1271 ordinance are severable.

1272

1273 **Section 4. Conflicts.**

1274

1275 All ordinances, resolutions, official determinations or parts thereof previously adopted or
 1276 entered by the Village or any of its officials and in conflict with this ordinance are hereby repealed
 1277 to the extent inconsistent herewith.

1278

1279

