VILLAGE OF ESTERO
PLANNING ZONING AND DESIGN BOARD MEETING
PACKET
AUGUST 9, 2022, 04:30 PM

www.Estero-fl.gov

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

AGENDA

PLANNING ZONING AND DESIGN BOARD MEETING

9401 Corkscrew Palms Circle, Estero, Florida

August 9, 2022, 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**

      Approval of July 12, 2022

      Attachment: 07122022 PZDB Minutes.pdf

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

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

   a. **Special Exception Riverwoods Plantation Pickleball (SEZ2022-E001) (District 1) 20481 Plantation Boulevard located approximately 1 mile west of US 41 and north of Broadway West.**

      Applicant is seeking a Special Exception in the RM-2 Zoning District to add 4 pickleball courts adjacent to the tennis courts.

- Public Information Meeting was held June 14, 2022.

- See Staff Report

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

Attachment: 1. Riverwoods Plantation Pickleball Staff Report.pdf
Attachment: 2. Attachment A - Conditions of Approval.pdf
Attachment: 3. Attachment B - HEX Decision.pdf
Attachment: 4. Attachment C - Recreation Area Overall Site Plan.pdf
Attachment: 5. Attachment D - Resolution PZDB 2022-02 Riverwood Plantation.pdf
Attachment: 6. Riverwoods Plantation Pickleball Presentation.pdf

b. Development Order - Arcos Executive Office (District 4) (DOS2017-E006) 10170 and 10150 Arcos Avenue, Plaza Del Sol Commercial Planned Development, Parcels B and C, located at the northeast corner of Corkscrew Road and Three Oaks Parkway.

Development Order for a 45-foot, three-story building with 66,000 square feet on a

3.72 ± acre site.

- Zoning amendments were approved by the Village Council on May 9, 2018 to allow the office development.

- Public Information Meeting held June 14, 2022 to review revised plans.

- Other meetings - Public Information Meeting for Development Order was held June 14, 2017. Workshop was held May 9, 2018. Public Hearing held June 27, 2018 -- Design Review Board voted to continue item indefinitely.

Attachment: 1. Arcos Executive Office Center Presentation.pdf

c. Rezoning - Milan Villas (DCI2021-E005) (District 5) 21750 Three Oaks Parkway - 10 acres located at the northwest corner of Williams Road and Three Oaks Parkway.

Applicant seeks rezoning of the property from Commercial Planned Development to Residential Planned Development for a small residential subdivision.

- Public Information Meeting was held April 12, 2022.

- See Staff Report

- Planning Zoning and Design Board will make a recommendation to Council.

Attachment: 1. Milan Villas Staff Report.pdf
Attachment: 2. Attachment A - Maps.pdf
Attachment: 3. Attachment B - Applicant_s Request Statement.pdf
Attachment: 4. Attachment C - Conditions of Approval.pdf
Attachment: 5. Attachment D - Public Informational Meeting Summary.pdf
Attachment: 6. Attachment E - Pattern Book.pdf
Attachment: 7. Attachment F - MCP 7-22-2022.pdf
Attachment: 8. Milan Villas 8-Day Letter.pdf
Attachment: 9. Milan Villas Presentation.pdf

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

8. BOARD COMMUNICATIONS

a. Next meeting - September 13, 2022

9. ADJOURN

General Attachments

- Transcript.pdf

VILLAGE OF ESTERO PLANNING ZONING AND DESIGN BOARD MEETING
TUESDAY, AUGUST 9, 2022, 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.

04:36:46 [SOUNDING GAVEL]
04:36:47 >>Scotty Wood: I'M GOING TO CALL THE AUGUST 9th MEETING OF
04:36:50 THE VILLAGE OF ESTERO PLANNING, ZONING, AND DESIGN BOARD TO
04:36:54 ORDER.
04:36:54 THE MEETING STARTS WITH THE PLEDGE OF ALLEGIANCE.
04:36:56 PLEASE RISE.
04:37:01 [PLEDGE OF ALLEGIANCE]
04:37:17 >>Scotty Wood: THANK YOU.
04:37:18 TAMMY, WOULD YOU CALL THE ROLL, PLEASE?
04:37:26 >>Anthony Gargano: HERE.
04:37:28 >> BOARD MEMBER JEANNIN?
04:37:30 >>Kristin Jeannin: HERE.
04:37:32 >>Barry Jones: HERE.
04:37:32 >>Marlene Naratil: HERE.
04:37:35 >> BOARD MEMBER SHEELEY IS ABSENT TODAY.
04:37:37 >>James Tatooles: HERE.
04:37:39 >>Jim Wallace: HERE.
04:37:41 >>Scotty Wood: HERE.

04:37:44 >>Tammy Duran: NANCY STROUD IS IN ZOOM.
04:37:47 >>Scotty Wood: COULD I HAVE A MOTION TO APPROVE THE AGENDA?
04:37:50 >>James Tatooles: I'LL SO MOVE.
04:37:51 >>Marlene Naratil: SECOND.
04:37:52 >>Scotty Wood: WE HAVE A MOTION AND A SECOND.
04:37:53 ALL IN FAVOR SAY AYE.
04:37:54 ANY OPPOSED?
04:37:56 MOTION CARRIES.
04:37:58 THE NEXT ITEM IS THE CONSENT AGENDA WHICH CONSISTS OF THE
04:38:04 MINUTES OF OUR LAST MEETING LAST MONTH.
04:38:07 COULD I HAVE A MOTION TO APPROVE THE CONSENT AGENDA?
04:38:11 >> SO MOVED.
04:38:14 >> SECOND.
04:38:14 >>Scotty Wood: ALL IN FAVOR?
04:38:15 ANY OPPOSED?
04:38:18 CARRIES.
04:38:19 OKAY.
04:38:21 THIS EVENING'S MEETING IS A SERIES OF PUBLIC HEARINGS, AND I

04:38:26 NEED TO READ OUT FOR EVERYONE'S BENEFIT INFORMATION ABOUT
04:38:31 HOW THIS BOARD CONDUCTS ITS BUSINESS IN A QUASI-JUDICIAL
04:38:36 CAPACITY.
04:38:40 WHEN THIS BOARD IS CONSIDERED -- IS SCHEDULED TO CONSIDER
04:38:43 AND VOTE ON A ZONING APPLICATION, DEVELOPMENT ORDER, OR
04:38:46 OTHER SITE-SPECIFIC APPLICATION, IT SITS IN A QUASI-JUDICIAL
04:38:51 CAPACITY.

04:38:51 THIS MEETING'S AGENDA INCLUDES ITEMS SUBJECT TO
04:38:57 QUASI-JUDICIAL PROCEEDINGS.
04:38:58 IF YOU INTEND TO PROVIDE TESTIMONY ON A QUASI-JUDICIAL
04:39:02 MATTER, BEFORE THE MATTER IS CALLED, YOU MUST FILL OUT A
04:39:06 PUBLIC SPEAKER'S CARD AND GIVE IT TO THE BOARD CLERK AND
04:39:09 MUST BE SWORN IN BY THE BOARD ATTORNEY.
04:39:11 BEFORE THE MATTER BEGINS, ANY WRITTEN COMMUNICATIONS
04:39:16 RECEIVED BEFORE THE CUTOFF DATE WILL BE PLACED IN THE PUBLIC
04:39:20 RECORD.
04:39:20 BOARD MEMBERS WILL BE ASKED TO DISCLOSE ANY EX PARTE
04:39:24 COMMUNICATIONS.
04:39:26 BOARD MEMBERS WILL BE ASKED IF THEY HAVE A CONFLICT
04:39:28 REGARDING THE MATTER AND MUST DECLARE IT.
04:39:30 IF THEY DO, THEY WILL NOT BE ALLOWED TO PARTICIPATE IN BOARD
04:39:34 DISCUSSION OR VOTE ON THE MATTER.
04:39:36 THE VILLAGE DIRECTOR OF COMMUNITY DEVELOPMENT OR STAFF
04:39:40 DESIGNEE WILL INTRODUCE THE MATTER AND THEN ASK THE
04:39:42 APPLICANT TO MAKE A PRESENTATION AND SUMMARIZE THE RELATED
04:39:48 AFFIDAVITS FROM APPLICANT'S EXPERTS IN ATTENDANCE.
04:39:52 FOLLOWING THIS, THE DIRECTOR OF COMMUNITY DEVELOPMENT OR
04:39:54 STAFF DESIGNEE WILL MAKE A PRESENTATION PROVIDING THE STAFF
04:39:58 REPORT FINDINGS AND RECOMMENDATIONS.
04:40:02 AFTER THIS, THE PUBLIC HEARING IS OPENED AND ANYONE WHO HAS
04:40:05 BEEN SWORN IN MAY PROVIDE TESTIMONY.
04:40:09 IT IS IMPORTANT TO BE CONCISE AND LIMIT TESTIMONY TO FIVE

04:40:11 MINUTES OR LESS.
04:40:13 THE APPLICANT HAS THE RIGHT TO CROSS-EXAMINE ANY WITNESS,
04:40:17 INCLUDING THE PUBLIC, AND MAY PROVIDE REBUTTAL.
04:40:20 THE PUBLIC MAY NOT CROSS-EXAMINE WITNESSES BUT MAY REQUEST
04:40:25 THE BOARD TO DIRECT QUESTIONS ON THEIR BEHALF TO EITHER THE
04:40:28 APPLICANT OR COMMUNITY DEVELOPMENT STAFF.
04:40:31 PERSONS WHO HAVE BEEN DETERMINED BY THE BOARD TO BE
04:40:34 INTERESTED PARTIES MAY CROSS-EXAMINE WITNESSES.
04:40:38 IF A PERSON REPRESENTS AN ORGANIZATION, EVIDENCE OF THEIR
04:40:42 AUTHORITY TO SPEAK FOR THAT ORGANIZATION MUST BE PROVIDED.
04:40:46 IN MAKING ITS RECOMMENDATION OR DECISION, THE BOARD SHALL
04:40:51 CONSIDER THE EVIDENCE IN THE RECORD, THE PUBLIC'S INPUT, AND
04:40:55 ANY RECOMMENDATIONS OF THE VILLAGE STAFF.
04:40:58 THE BOARD'S RECOMMENDATION OR DECISION SHALL BE BASED ON

04:41:01 COMPETENT AND SUBSTANTIAL EVIDENCE IN THE RECORD OF THE
04:41:06 PROCEEDING AND THE APPLICABLE LAW.
04:41:08 SHOULD ANY APPLICATION BE DENIED, THE BOARD SHALL SAY
04:41:14 FINDINGS IN REGARD TO THE CRITERIA OR CRITERION THAT ARE NOT
04:41:18 MET.
04:41:18 ALL THOSE WHO INTEND TO TESTIFY IN THIS MATTER PLEASE STAND
04:41:21 AND RAISE YOUR RIGHT HAND.
04:41:26 NANCY, WOULD YOU ADMINISTER THE OATH?
04:41:31 >>Mary Gibbs: AND IF ANY NEIGHBORS ARE GOING TO TALK.
04:41:34 >>Scotty Wood: ANYBODY WHO FILLED OUT A CARD.
04:41:36 NANCY, GO AHEAD.

04:41:38 >>Nancy Stroud: DO YOU SWEAR OR AFFIRM THAT THE TESTIMONY
04:41:40 THAT YOU ARE ABOUT TO GIVE WILL BE THE TRUTH, THE WHOLE
04:41:42 TRUTH, AND NOTHING BUT THE TRUTH?
04:41:44 THANK YOU.
04:41:49 >>Scotty Wood: OKAY.
04:41:50 WE HAVE LETTERS AND OTHER WRITTEN COMMUNICATIONS, DO WE NOT,
04:41:56 ON THE FIRST ITEM?
04:41:57 >>Mary Gibbs: YES, RIVERWOODS PLANTATION, WE GOT COMMENTS
04:42:02 THAT WERE SENT TO YOU YESTERDAY.
04:42:03 WE RECEIVED ABOUT 58 IN FAVOR AND THEN ALSO ONE OPPOSED.
04:42:07 I'M GOING TO ASK OUR STAFF PLANNER, KATHY EASTLEY TO DO A
04:42:16 QUICK OVERVIEW OF THE SPECIAL EXCEPTION CASE BEFORE SHE
04:42:19 TURNS IT OVER TO THE APPLICANT.
04:42:21 >>Scotty Wood: LET'S DO EX PARTE FIRST.
04:42:23 >>Mary Gibbs: I FORGOT ABOUT THAT.
04:42:24 SIT DOWN, KATHY.
04:42:25 [LAUGHTER]
04:42:26 I JUMPED AHEAD.
04:42:28 >>Scotty Wood: ANY EX PARTE COMMUNICATIONS?
04:42:31 >> NO.
04:42:32 >> NO.
04:42:33 >> NO.
04:42:34 >>Scotty Wood: HOW ABOUT CONFLICT OF INTEREST?
04:42:36 ANY CONFLICTS?
04:42:37 NOW, KATHY.

04:42:41 >>Mary Gibbs: YOU THREW ME OFF WITH THE LETTERS.
04:42:45 I WAS EXPECTING THAT AT THE END.
04:42:48 >>Kathy Eastley: KATHY EASTLEY, SENIOR PLANNER WITH THE
04:42:50 VILLAGE OF ESTERO.
04:42:50 I'M HERE TO INTRODUCE THE FIRST ITEM THAT'S ON YOUR AGENDA
04:42:54 THIS EVENING.
04:42:55 IT IS FOR A SPECIAL EXCEPTION FOR THE RIVERWOODS PLANTATION
04:43:00 PROJECT.
04:43:00 THIS PROJECT IS LOCATED AT THE FAR WEST END OF BROADWAY WEST
04:43:04 ON THE NORTH SIDE OF BROADWAY.

04:43:06 IT IS A LARGE RESIDENTIAL COMMUNITY.
04:43:10 AND IN FRONT OF THAT COMMUNITY, FRONTING ALONG BROADWAY IS
04:43:14 AN 18-ACRE RECREATIONAL PARCEL.
04:43:17 IT'S ZONED RM-2, AND THEY ARE SEEKING A SPECIAL EXCEPTION TO
04:43:22 ALLOW FOR PICKLEBALL FACILITIES ON THE SITE.
04:43:25 IT'S CURRENTLY A RECREATIONAL FACILITY THAT INCLUDES TENNIS
04:43:29 COURTS.
04:43:29 THERE IS A BOCCE BALL COURT, VOLLEYBALL, AND A PICNIC
04:43:34 PAVILION.
04:43:35 THERE ARE ALSO TRAILS THAT GO THROUGH THE PROJECT.
04:43:38 A SPECIAL EXCEPTION IS REQUIRED FOR PICKLEBALL FACILITIES
04:43:42 DUE TO THE DETERMINATION OF COMPATIBILITY WITH THE
04:43:47 SURROUNDING COMMUNITIES.
04:43:48 SO PICKLEBALL DOES HAVE SOME POTENTIAL IMPACTS THAT WE WANT
04:43:54 TO REVIEW AND POTENTIALLY MITIGATE OR MINIMIZE SO THAT IT IS

04:43:59 COMPATIBLE WITH THE ADJACENT RESIDENCES.
04:44:02 THE LEE COUNTY DID ISSUE A SPECIAL EXCEPTION ON THE PARCEL
04:44:09 BACK IN 2000, AND IT WAS SOLELY FOR THE LOCATION OF THE
04:44:14 PICNIC PAVILION.
04:44:15 THE TENNIS COURTS, THE BOCCE BALL, THE VOLLEYBALL, THOSE
04:44:21 USES ARE ALL ALLOWED USES WITHIN THE RM 2 ZONE DISTRICT.
04:44:26 IT IS SIMPLY THE PICKLEBALL FACILITIES THAT REQUIRE THE
04:44:29 SPECIAL EXCEPTION.
04:44:30 WHAT THEY ARE PLANNING ON IS FOUR PICKLEBALL COURTS THAT ARE
04:44:35 LOCATED ADJACENT TO THE EXISTING TENNIS COURTS.
04:44:39 LIKE I SAID, IT IS WITHIN AN 18-ACRE RECREATION SITE.
04:44:46 THAT 18 ACRES DOES HAVE A SIGNIFICANT AMOUNT OF PINE TREES
04:44:50 ON IT.
04:44:51 THE NEAREST RESIDENT INTERNAL TO THE DEVELOPMENT IS 300 FEET
04:44:57 AWAY, AND THE NEAREST EXTERNAL RESIDENCE IS OVER 400 FEET
04:45:02 FROM WHERE THE LOCATION OF THE PICKLEBALL FACILITIES ARE
04:45:05 PROPOSED.
04:45:05 STAFF IS RECOMMENDING APPROVAL OF THE SPECIAL EXCEPTION WITH
04:45:16 CONDITIONS.
04:45:17 THOSE CONDITIONS INCLUDE LIMITED HOURS OF OPERATION.
04:45:20 NO LIGHTING.
04:45:22 SO THERE WOULD BE NO PICKLEBALL PLAY AT NIGHT AND NO
04:45:28 LIGHTING TO POTENTIALLY IMPACT THE NEIGHBORS.
04:45:31 AND THERE'S ALSO A CONDITION REGARDING HOW TO RESOLVE ANY
04:45:35 COMPLAINTS OR KEEP TRACK OF COMPLAINTS TO DETERMINE IF THERE

04:45:40 ARE ADDITIONAL MITIGATION MEASURES THAT MIGHT BE NECESSARY
04:45:43 IN THE FUTURE.
04:45:43 SO WITH THAT, I WILL TURN IT OVER TO THE RIVERWOODS
04:45:51 PLANTATION APPLICANT.
04:45:52 >>Scotty Wood: THANK YOU.
04:45:52 WELCOME.

04:46:34 >> GOOD AFTERNOON.
04:46:34 THANK YOU.
04:46:35 I'M ROGER HAAB.
04:46:39 I'M THE PROJECT MANAGER AND CO-CHAIR OF OUR PLANNING
04:46:42 COMMITTEE AT RIVERWOODS ALONG WITH KATHLEEN GUNNY WHO IS
04:46:46 ALSO THE CO-CHAIR WITH ME.
04:46:49 IF IT LOOKS LIKE I'M READING THIS IT IS BECAUSE I AM.
04:46:53 I CAN KEEP IT SHORTER THAT WAY.
04:46:55 I GET CARRIED AWAY SOMETIMES.
04:46:57 FIRST, I'D LIKE TO THANK THE COMMITTEE FOR ALLOWING US THIS
04:47:01 TIME TO PRESENT OUR REQUEST FOR THE SPECIAL EXCEPTION THAT
04:47:04 WAS REQUIRED BY THE VILLAGE TO BUILD THESE NEW PICKLEBALL
04:47:08 COURTS AT OUR LOCATION THAT WAS GIVEN HERE.
04:47:10 BEFORE I BEGIN, I WOULD LIKE TO HAVE KATHLEEN MAYBE STEP IN
04:47:13 AND GIVE A LITTLE BRIEF DESCRIPTION OF WHO WE ARE AND WHAT
04:47:16 WE'RE ABOUT.
04:47:20 >> THANK YOU.
04:47:21 THANK YOU FOR HAVING US.
04:47:22 I JUST WANT TO TELL YOU A LITTLE BIT ABOUT RIVERWOODS SO YOU

04:47:25 GET A FEEL FOR WHO WE ARE.
04:47:27 OVER 55 MOBILE HOME RV PARK.
04:47:30 WE ARE NOT A TRAILER PARK.
04:47:31 THIS COMMUNITY HAS BEEN IN EXISTENCE FOR OVER 40 YEARS AND
04:47:35 MANY RESIDENTS, LIKE MYSELF, ARE GENERATIONAL OWNERS.
04:47:38 MY PARENTS LIVED THERE.
04:47:40 MY AUNT LIVES THERE.
04:47:41 WE LOVE RIVERWOODS.
04:47:42 OUR COMMUNITY CONSISTS OF 640 HOMES.
04:47:46 IT'S LOCATED ON LAND WHICH WE OWN.
04:47:48 IT'S NOT LEASED OR RENTING, BUT IT'S REAL PROPERTY.
04:47:51 IT'S TRULY A DIAMOND IN THE ROUGH, AND WE TAKE GREAT PRIDE
04:47:55 IN IT.
04:47:56 ASIDE FROM ALL THE BOARD-APPOINTED COMMITTEES THAT
04:47:58 RIVERWOODS USES TO KEEP AND MAINTAIN OUR COMMUNITY TO A HIGH
04:48:02 STANDARD OF LIVING, THERE ARE HUNDREDS OF VOLUNTEERS WHO PUT
04:48:05 IN THOUSANDS OF HOURS OF THEIR TIME TO MAINTAIN OUR COMMON
04:48:10 AREAS AND OUR BUILDINGS TO KEEP THEM PRISTINE.
04:48:14 RIVERWOODS VOLUNTEERS NOT ONLY WORK TO KEEP OUR COMMUNITY IN
04:48:18 GREAT SHAPE, BUT THEY WORK TO PROVIDE ACTIVITIES THAT
04:48:21 BENEFIT BOTH OUR RESIDENTS AND PEOPLE IN THE COMMUNITY.
04:48:26 WHILE THEY DO THIS, THEY RAISE MONEY THAT WE DONATE TO MANY
04:48:30 WORTHY CAUSES IN ESTERO AND NEIGHBORING TOWNS.
04:48:35 WE FEEL ALL OUR EFFORTS TO KEEP HIGH STANDARDS IN RIVERWOODS
04:48:38 HAS PROVIDED BENEFITS NOT JUST TO OUR RESIDENTS BUT TO OUR

04:48:42 NEIGHBORS AS WELL BY MAINTAINING INCREASING PROPERTY VALUES.
04:48:45 WITHIN OUR COMMUNITY, THERE ARE EMPTY LOTS THAT ARE NOW

04:48:47 SELLING FOR $98,000 AND TWO-BEDROOM HOMES SELLING FOR 240,
04:48:52 250 THOUSAND DOLLARS.
04:48:53 WE DO TAKE GREAT PRIDE IN OUR COMMUNITY.
04:48:55 WE ARE COMMITTED TO PROVIDING A SAFE, ATTRACTIVE, AND ACTIVE
04:48:59 ENVIRONMENT FOR OUR RESIDENTS.
04:49:01 WE KNOW THAT STAYING ACTIVE IS A KEY TO LONGEVITY AND GOOD
04:49:05 HEALTH.
04:49:05 WE HOPE BY OFFERING A WIDE VARIETY OF ACTIVITIES THAT WE
04:49:08 WILL BE ABLE TO OFFER SOMETHING FOR EVERYONE.
04:49:11 SO WE COME TODAY TO ASK YOU TO KEEP OUR VISION OF CONTINUING
04:49:15 TO MOVE RIVERWOODS FORWARD BY ALLOWING THESE PICKLEBALL
04:49:19 COURTS FOR OUR RESIDENTS.
04:49:20 THANK YOU.
04:49:24 >>Roger Haab: SINCE THE INITIAL INFORMATION MEETING THAT WAS
04:49:28 HELD HERE TWO MONTHS AGO ON JUNE 14th, WE TOOK INTO
04:49:32 CONSIDERATION ALL THE OPTIONS SUGGESTED BY YOUR COMMITTEE.
04:49:36 OPTION ONE WAS RESTRICT ALL PLAYING TIME TO DAYLIGHT HOURS.
04:49:41 NO AFTER-DARK PLAY.
04:49:42 WE'LL ABIDE BY THAT.
04:49:44 NOT A PROBLEM.
04:49:45 NUMBER TWO, THERE WAS SUGGESTED ABOUT, RECOMMENDED ABOUT THE
04:49:49 SOFT PADDLES.
04:49:51 THERE WAS A LIST SENT TO ME.

04:49:53 WENT THROUGH THAT.
04:49:54 BUT WE FEEL THIS OPTION IS ABOUT NEXT TO IMPOSSIBLE TO
04:49:58 POLICE OR REGULATE.
04:50:01 ALL OF OUR PLAYERS, THEY ALL BUY OR PURCHASE THEIR OWN
04:50:05 EQUIPMENT.
04:50:05 THE PARK ONLY SUPPLIES THE COURT ITSELF.
04:50:07 THE NETS, WE MAINTAIN THE NETS AND PROBABLY THE BALLS.
04:50:11 BUT EVERYONE BUYS THEIR OWN EQUIPMENT, AND WE JUST CAN'T
04:50:14 IMAGINE HOW WE WOULD GO ABOUT KEEPING TABS ON EVERYBODY'S
04:50:19 EQUIPMENT AND WHAT THEY ARE USING THROUGHOUT EVERY DAY THAT
04:50:23 THEY ARE PLAYING AND WHENEVER THEY ARE PLAYING.
04:50:25 THE THIRD OPTION -- WELL, BEFORE I GO TO THAT OPTION, I WANT
04:50:35 TO, IN THE FUTURE, IF OUR -- RIGHT NOW, WE DON'T HAVE -- WE
04:50:40 DON'T SUPPLY ANY PADDLES.
04:50:41 IN THE FUTURE, IF THE PARK WERE TO DECIDE TO DO THAT BECAUSE
04:50:46 THERE HAVE BEEN REQUESTS WHEN MAYBE FAMILY OR FRIENDS COME
04:50:50 INTO THE PARK AND THEY WANT TO PARTICIPATE AND THEY DON'T
04:50:53 HAVE THE EQUIPMENT, AT THIS TIME WE'RE NOT DOING THIS.
04:50:57 BUT IF WE WERE AT THAT TIME TO GO ALONG WITH THAT AND DO
04:51:02 THAT, WE WOULD DEFINITELY AGREE.
04:51:06 WE WOULD ONLY PURCHASE EQUIPMENT OFF THAT LIST, THE STUFF
04:51:09 THAT WE HAND OUT FOR USE OF OTHER NONRESIDENTS.
04:51:15 OPTION THREE LAST TIME BOARD MEETING, WE HAD AN OPTION --
04:51:28 WELL, THE LANDSCAPE BARRIER, THE HEDGE.

04:51:30 WE DO HAVE A HEDGE NOW ON OUR PROPERTY.

04:51:32 WE WERE TALKING ABOUT INSTALLING A SECOND ONE ON THE SOUTH
04:51:35 SIDE ALONG THERE, AND ONE OF THE COMMITTEE MEMBERS PRETTY
04:51:40 MUCH STATED AT THAT MEETING THAT IT ISN'T THAT GOOD OF AN
04:51:46 OPTION.
04:51:47 IT DOESN'T REALLY DO THAT MUCH GOOD, IF I RECALL.
04:51:50 WE JUST KIND OF TOOK THAT OUT OF THE PROJECT.
04:51:52 NOT WORRIED ABOUT IT.
04:51:54 NOW, IF THE COMMITTEE THINK THAT WOULD BE SOME BENEFICIAL,
04:51:58 WE WOULD AGREE TO GO AHEAD AND PUT THAT HEDGE IN, IF THE
04:52:03 COMMITTEE SAYS THEY WOULD LIKE TO SEE THAT.
04:52:05 OPTION 4, INSTALL SOUND BARRIER CURTAINS ALONG THE SOUTH
04:52:10 144-FOOT FENCE LINE OF THE NEW COURTS.
04:52:17 I CONTACTED THE MANUFACTURER OF THE BARRIER SYSTEM THAT WAS
04:52:23 REFERRED -- AND I WAS REFERRED ON TO THE TOP SOUND ENGINEER.
04:52:27 THE COMPANY IS CALLED ACOUSTIBLOK OUT OF TAMPA BAY, FLORIDA.
04:52:32 THE GENTLEMAN'S NAME THAT I SPOKE WITH, HE'S ACTUALLY THEIR
04:52:36 TOP GUY IN THIS FIELD.
04:52:40 ACTUALLY, ANYTHING THAT HAS ANYTHING TO DO WITH PICKLEBALL,
04:52:42 THIS IS THE GUY YOU TALK TO.
04:52:43 THAT'S WHAT I WAS TOLD.
04:52:44 HE SPECIALIZE IN SOUND DETENTION FOR THEIR COMPANY.
04:52:53 AFTER FORWARDING HIM ALL THE PLAN DRAWINGS THAT WE HAVE AND
04:52:57 YOU HAVE IN YOUR POSSESSION, HE SUGGESTED I PERFORM A SIMPLE
04:53:03 -- THAT WE MAKE A SOUND, BASICALLY A SOUND TEST WHILE WE'RE
04:53:10 PLAYING PICKLEBALL.

04:53:11 SO WE SET THAT UP.
04:53:13 I WAS GOING UNDER HIS GUIDANCE.
04:53:18 I ALSO CONSULTED WITH SOMEONE ELSE ABOUT THIS, BASICALLY THE
04:53:22 SAME IDEA HERE.
04:53:23 SO WE SET UP A TEST, AND WE HAD THIS TEST, OUR PICKLEBALL,
04:53:30 THE LOCATION -- LET ME BRING THAT UP HERE.
04:53:32 OKAY.
04:53:40 THIS WILL DO IT.
04:53:43 I SET UP A TEST AT OUR PROPERTY BOUNDARY LINE IS WHERE WE
04:53:45 WERE TAKING THE READINGS.
04:53:50 THE TEST THAT I TOOK -- AND I WAS TOLD THAT THE READINGS
04:53:55 NEED TO COME FROM OUR PROPERTY, NOT ACROSS THE STREET, ON
04:54:00 THE RESIDENCE ACROSS THE STREET.
04:54:03 IT'S ALSO FOR THE PUBLIC RIGHT-OF-WAY.
04:54:04 SO WE WERE ON OUR SIDE OF THE RIGHT-OF-WAY WHERE WE WERE
04:54:06 TAKING THE TEST.
04:54:07 ALSO, THE EQUIPMENT THIS GENTLEMAN WAS ADVISED OF THE
04:54:13 EQUIPMENT I WAS USING AND HE MADE SOME RECOMMENDATIONS.
04:54:15 I HAD TO ADD SOME NUMBERS TO OUR READINGS DUE TO THE MODEL
04:54:20 EQUIPMENT THAT WE WERE USING AND THE TYPE OF EQUIPMENT.

04:54:23 AND THOSE READINGS THAT I TOOK WERE UNDER -- WELL, 65
04:54:32 DECIBELS IS WHAT I WAS GIVEN FROM THE VILLAGE HERE AS A
04:54:37 MAGIC NUMBER THAT YOU HAVE TO STAY WITHIN.
04:54:39 AND WE WERE GETTING THE READINGS, WITH ADDING ON THE OTHER
04:54:44 NUMBERS, 55 TO 60.

04:54:46 THIS IS AT OUR PROPERTY LINE.
04:54:50 AND THEN ALSO, I KNOW, IS IT A REVERSE -- I THINK THEY CALL
04:54:54 IT A REVERSE SQUARE LAW, ALSO THE FARTHER YOU DOUBLE THE
04:54:59 DISTANCE AWAY FROM THAT SOUND, IT ACTUALLY LOWERS SIX
04:55:04 DECIBELS EVERY TIME YOU DOUBLE IT.
04:55:06 SO I FEEL THAT WE'RE WELL WITHIN OUR AREA AS FAR AS THE
04:55:12 SOUND NOISE GOING OUTSIDE OF OUR PROPERTY IN THAT DECIBEL
04:55:16 LEVEL.
04:55:17 BASICALLY AFTER GIVING ALL THE RESULTS AND DISCUSSIONS, THEY
04:55:26 SELL THESE PADS, THESE SOUND PADS, AND HE SAID HIS WORDS
04:55:31 WERE THAT WE'RE NOT HERE JUST TO SELL YOU SOMETHING.
04:55:35 IF YOU DON'T NEED IT, WE'RE NOT GOING TO SELL IT TO YOU.
04:55:38 HIS RECOMMENDATION IS WE DID NOT NEED THE SOUND BARRIERS AT
04:55:43 THIS TIME.
04:55:44 JUST TO GIVE YOU A LITTLE BIT, WHEN WE WERE DOING THOSE
04:55:50 TESTS, WE HAD ABOUT 30 PLAYERS ON THE COURT.
04:55:53 WE COULDN'T FILL ALL COURTS AT THE SAME TIME, BUT THE ONES
04:55:56 THAT DIDN'T HAVE COURTS TO PLAY ON, WE HAD THEM HITTING
04:56:00 BALLS LIKE THEY NORMALLY WOULD BE IN A COMPETITION OR
04:56:03 WHATEVER THEY ARE DOING, AND THAT WENT ON FOR ABOUT AN HOUR.
04:56:07 I WAS TAKING MULTIPLE READINGS THE WHOLE TIME, AND THE
04:56:11 RESULTS, THE RESULTS SHOW THEY WERE IN THE 55 TO 60 RANGE
04:56:16 AND BELOW THE 65 RANGE.
04:56:18 WITH THAT SAID, I WOULD LIKE TO ASK THE COMMITTEE AT THIS
04:56:21 TIME TO RECOMMEND APPROVAL OF THIS PROJECT AS IT STANDS.

04:56:25 AND AT SUCH TIME IN THE FUTURE THAT YOU WOULD RECEIVE
04:56:28 LEGITIMATE COMPLAINTS DUE TO NOISE CREATED BY THE PLAY OF
04:56:31 THE PICKLEBALL ON OUR PROPERTY AS REQUIRED, WE WOULD
04:56:35 RESEARCH THE SOURCE AND DO WHAT'S NECESSARY TO MITIGATE THE
04:56:38 ISSUE.
04:56:39 OUR ONLY REQUEST FROM THE VILLAGE WOULD BE IF THERE IS A
04:56:41 POSSIBLE LEGITIMATE COMPLAINT TURNED INTO YOU AFTER
04:56:44 RECEIVING A NOTICE WE WOULD BE GIVEN TIME TO RESEARCH OR
04:56:47 VERIFY THE COMPLAINT PRIOR TO INITIATING ANY MITIGATION
04:56:50 WORK.
04:56:50 THAT'S ALL I HAVE.
04:56:53 >>Scotty Wood: THANK YOU.
04:56:54 ANY QUESTIONS FROM THE BOARD?
04:57:01 >>Anthony Gargano: I HAVE A QUESTION FOR STAFF.
04:57:03 WHEN I WAS READING THE REPORT AND, OF COURSE, THE BIGGEST
04:57:06 PROBLEM WITH PICKLEBALL, OF COURSE, IS NOISE.

04:57:09 AND WHEN I WAS READING THE STAFF ANALYSIS, THE LAST
04:57:13 PARAGRAPH ON PAGE 3, IT SAYS STAFF RECOMMENDS THAT ANY
04:57:17 NUISANCE RESULTING IN NOISE COMPLAINTS REGARDING PICKLEBALL
04:57:21 USE RESULT IN A REQUIREMENT FOR APPLICANT TO PROVIDE A NOISE
04:57:24 ABATEMENT PLAN, NOISE STUDY, ET CETERA.
04:57:26 WHAT TRIGGERS THE NUISANCE REPORT?
04:57:31 IS IT YOU -- IS IT STAFF GETTING A PHONE CALL OR IS IT A
04:57:36 NUMBER OF PHONE CALLS?
04:57:38 WHAT'S THE TRIGGER.

04:57:38 >>Mary Gibbs: WELL, THE WAY WE WROTE THE CONDITION, IF YOU
04:57:41 WANT TO APPROVE IT WITH THE CONDITIONS, IT SAYS, IF
04:57:44 EXCESSIVE NOISE COMPLAINTS ARE RECEIVED, THEN THE APPLICANT
04:57:47 IS EITHER GOING TO HAVE TO DO THE STUDY OR COME UP WITH
04:57:53 ABATEMENT MEASURES.
04:57:54 BASICALLY, IF WE GET A LOT OF PHONE CALLS, I DON'T WANT TO
04:57:57 BRING IT UP, BUT I ALWAYS BRING UP THE OPERA SINGER AT THE
04:58:00 COCONUT MALL.
04:58:01 WE GOT A LOT OF COMPLAINTS ABOUT THE NOISE FOR THE OPERA
04:58:05 SINGER.
04:58:05 SO WE WORKED OUT SOMETHING WITH THE MALL MANAGEMENT THAT
04:58:08 THEY HAD TO SET UP THE HOT LINE, AND THEY HAD TO CONTROL
04:58:13 THAT AND DEAL WITH THAT ISSUE.
04:58:15 THIS IS SIMILAR.
04:58:16 IF WE GET EXCESSIVE COMPLAINTS, WE WOULD NOTIFY THE
04:58:21 MANAGEMENT AND THEN THEY EITHER HAVE TO DO THE SOUND
04:58:24 DEADENING PANELS OR ACOUSTA MAT OR SOMETHING TO MINIMIZE
04:58:28 THAT.
04:58:29 IT'S NOT JUST ONE COMPLAINT.
04:58:31 YOU CAN ALWAYS GET ONE COMPLAINT.
04:58:32 >>Anthony Gargano: EXACTLY.
04:58:34 I WAS THINKING THAT PERHAPS THERE NEEDS TO BE SOME
04:58:37 DEFINITELY OF SPECIFICITY.
04:58:40 MAYBE IT'S THREE COMPLAINTS OR FIVE COMPLAINTS, NOT JUST ONE
04:58:44 COMPLAINT.

04:58:45 >>Mary Gibbs: RIGHT.
04:58:46 WE SAID EXCESSIVE BECAUSE THAT GIVES YOU A LITTLE BIT OF
04:58:48 SUBJECTIVITY.
04:58:49 BUT IT'S HARD TO MAKE IT AN EXACT NUMBER.
04:58:53 WE WOULD HAVE TO USE A LITTLE BIT OF JUDGMENT.
04:58:57 >>Anthony Gargano: IT IS THE STAFF'S JUDGMENT AS TO WHAT'S
04:59:02 EXCESSIVE.
04:59:02 >>Mary Gibbs: YES, THE WAY IT'S WRITTEN.
04:59:06 >>Marlene Naratil: I HAVE A QUESTION.
04:59:07 DO YOU HAVE A SYSTEM SET UP WHERE PEOPLE SIGN UP IN ADVANCE?
04:59:11 >>Roger Haab: NO.
04:59:11 >>Marlene Naratil: TO GET A COURT.

04:59:13 >>Roger Haab: I'LL TAKE THAT BACK.
04:59:15 SOMEONE THAT PLAYS THE SPORT GO AHEAD.
04:59:20 >> WE PLAY FROM 7:30 TO 9:30 NOW.
04:59:25 AND WHOEVER COMES GOES ONTO THE COURT AND PLAYS.
04:59:28 WE HAVE BUCKETS ON THE FENCE, SO WHEN YOU COME OFF THE
04:59:31 COURT, YOU PUT YOUR PADDLE IN THE BUCKET.
04:59:33 WHEN THE NEXT COURT IS FREE, THE FOUR PADDLES THAT ARE IN
04:59:35 THAT BUCKET GO TO THE NEXT COURT.
04:59:36 SO THERE'S NO OFFICIAL SIGN-IN.
04:59:38 BUT THERE'S AN UNDERSTANDING AMONG THE PLAYERS OF HOW WE
04:59:41 ROTATE INTO THE COURT.
04:59:42 >>Marlene Naratil: SO THERE IS A TIME LIMIT FOR THAT GROUP.
04:59:45 >> YES.

04:59:46 >>Marlene Naratil: AND THEN THEY HAVE TO GIVE IT UP FOR THE
04:59:48 NEXT PEOPLE.
04:59:49 >> AFTER EVERY GAME.
04:59:50 AFTER EVERY GAME YOU LEAVE THE COURT AND GIVE IT TO THE NEXT
04:59:53 FOUR PLAYERS.
04:59:53 AND THEN WHEN YOUR ROTATE TURN COMES BACK IN, YOU CAN GET
04:59:57 BACK INTO PLAY.
04:59:58 WE CAN ONLY PLAY NOW UNTIL ABOUT QUARTER PAST NINE BECAUSE
05:00:02 WE SHARE WITH THE TENNIS PLAYERS AND THEY HAVE THE COURTS AT
05:00:05 9:30.
05:00:06 SO WE HAVE TO REMOVE EVERYTHING IN ORDER FOR THEM TO COME
05:00:08 AND PLAY.
05:00:09 SO OUR TIME IS LIMITED BY THE TENNIS -- BY SHARING THE
05:00:13 TENNIS COURTS.
05:00:14 THAT'S WHY WE WOULD LIKE THE DEDICATED COURTS THAT AFTER WE
05:00:17 REMOVE NETS FROM THE TENNIS COURTS, WE CAN CONTINUE TO PLAY
05:00:20 WITH THE PLAYERS WHO STILL WANT TO REMAIN TO PLAY.
05:00:22 >>Marlene Naratil: NOW, IS SOMEBODY DESIGNATED TO GET THE
05:00:26 COURT READY FOR --
05:00:28 >> WE ALL PITCH IN.
05:00:31 >>Marlene Naratil: HOW ABOUT THE ISSUE, YOU MENTIONED IF
05:00:33 THERE IS NO COURT AVAILABLE, PEOPLE CAN JUST HIT BACK AND
05:00:36 FORTH.
05:00:37 >> WE JUST WAIT.
05:00:39 >>Roger Haab: THAT WAS SOMETHING I USED FOR THE TEST.

05:00:42 >>Marlene Naratil: YOU'RE NOT GOING TO HAVE THAT.
05:00:43 >>Roger Haab: WE HAVE A LOT OF -- [INAUDIBLE]
05:00:49 >>Jim Wallace: THIS IS JIM WALLACE.
05:00:51 I HAVE A QUESTION.
05:00:54 >>Scotty Wood: GO AHEAD.
05:00:56 >>Jim Wallace: WHEN YOU DID YOUR TEST, YOU DID YOUR TEST ON
05:00:59 THE TENNIS COURTS, CORRECT.
05:01:01 >>Roger Haab: YES, ON THE SOUTH SIDE OF THE TENNIS COURTS.

05:01:06 >>Jim Wallace: NOW, THE SURFACE FOR THE TENNIS COURTS IS
05:01:08 HARD SURFACE.
05:01:09 >>Roger Haab: YES.
05:01:10 >>Jim Wallace: AND THE PICKLEBALL COURTS WILL ALSO BE HARD
05:01:14 SURFACE.
05:01:15 >>Roger Haab: IT WILL BE THE SAME SURFACE.
05:01:16 >>Jim Wallace: HOW MUCH CLOSER ARE THE PICKLEBALL COURTS OR
05:01:19 HOW MUCH CLOSER WILL THE PICKLEBALL COURTS BE TO THE PUBLIC
05:01:23 RIGHT-OF-WAY THAN THE TENNIS COURTS?
05:01:25 >>Roger Haab: WELL, THERE'S A 20-FOOT SPACE BETWEEN THE
05:01:30 TENNIS PLACE -- AND I BELIEVE THE COURTS -- THE WHOLE PAD,
05:01:36 THE SURROUNDING PAD IS 64 FEET.
05:01:39 >>Jim Wallace: MY QUESTION ONLY BECOMES, BECAUSE YOU SAID
05:01:42 YOU'RE AT 55, 60, AND THAT'S JUST BELOW THE STANDARD FOR
05:01:47 ESTERO, THE QUESTION BECOMES, HOW MUCH LOUDER WOULD THE
05:01:50 SOUND BE IF YOU DID THE TEST FROM THE TENNIS COURTS, HOW
05:01:54 MUCH LOUDER WILL THE SOUND BE WHEN YOU MOVE IT 20, 25 FEET

05:01:58 CLOSER TO THE RIGHT-OF-WAY?
05:02:01 SAME?
05:02:01 NOT?
05:02:02 DO YOUR EXPERTS HAVE A COMMENT ON THAT?
05:02:04 >>Roger Haab: I DO NOT HAVE AN ANSWER FOR YOU ON THAT FROM
05:02:06 THE EXPERTS.
05:02:09 IT WAS JUST THE WAY WE LOOKED AT IT, WE CAN'T REALLY TELL
05:02:11 THAT UNTIL WE HAVE THE COURTS IN PLACE AND WE ARE OPEN TO
05:02:17 LOOKING AT DOING MORE TESTS IF IT'S REQUIRED, HAVE A
05:02:24 PROBLEM.
05:02:25 WE'RE GOING TO WORK -- [INAUDIBLE]
05:02:32 SO THAT'S WHAT WE'RE ASKING TO ALLOW US TO GO AHEAD AND
05:02:35 BUILD THE COURTS.
05:02:36 >>Jim Wallace: I'M JUST ASKING, ARE YOU COMMITTING AFTER YOU
05:02:40 BUILD THE COURTS YOU WILL RETEST THEM TO ASSURE ESTERO THAT
05:02:45 IT'S STILL BELOW 65?
05:02:47 >>Roger Haab: YEAH, THAT'S NOT A PROBLEM.
05:02:50 YES, WE WILL DO THAT.
05:02:51 >>Jim Wallace: YOU ARE COMMITTING TO THAT.
05:02:52 THE ONLY OTHER QUESTION I HAVE IS THE PRIMARY PROPERTY OWNER
05:02:56 TO THE SOUTH OF YOUR PROPERTY, AND I GUESS THAT WOULD BE THE
05:02:59 PEOPLE YOU WOULD BE MOST CONCERNED ABOUT, IS THE O'DONNELL
05:03:03 FAMILY.
05:03:03 I BELIEVE THERE ARE TWO OF THE O'DONNELL FAMILIES LIVING
05:03:07 THERE.

05:03:07 DID YOU SPEAK TO THEM AT ALL ABOUT IF THEY HAD ANY CONCERNS?
05:03:11 >>Roger Haab: ONE SECOND PLEASE.
05:03:13 I HAVE A NOTE RIGHT OVER HERE.
05:03:14 I DO NOT KNOW ANY -- ARE YOU TALKING ABOUT ACROSS THE

05:03:25 STREET?
05:03:27 SOUTH?
05:03:27 >>Jim Wallace: YEAH.
05:03:29 >>Roger Haab: I DO NOT KNOW ANY OWNERS ON THE SOUTH SIDE OF
05:03:32 THE PROPERTY.
05:03:36 WHAT I DID TAKE IN CONSIDERATION, I KNOW WHAT THE DISTANCES
05:03:39 ARE FROM THE COURTS.
05:03:40 THIS IS FROM THE NEW COURTS, FROM THE FAR SOUTH SIDE, THE
05:03:44 NEW COURTS TO THEIR PROPERTY LINE AND ALSO TO THEIR HOME,
05:03:48 BUT TO THEIR PROPERTY LINE.
05:03:49 I KNOW WHAT THOSE DISTANCES ARE -- WELL, LET ME SEE IF I CAN
05:03:56 BRING THIS UP.
05:03:58 >>Jim Wallace: IT'S FINE.
05:03:59 YOU ANSWERED THE QUESTION.
05:04:00 >>Roger Haab: THERE ARE FIVE HOMES DIRECTLY ACROSS IN LINE
05:04:03 WITH THE PICKLEBALL COURT.
05:04:04 THE CLOSEST PROPERTY LINE AWAY FROM THE FARTHEST SOUTH SIDE
05:04:08 OF THE PICKLEBALL COURTS, THE NEW PICKLEBALL COURTS IS
05:04:12 350-FOOT.
05:04:15 AND THEN IT JUST STARTS GOING HIGHER AND HIGHER AS YOU GET
05:04:19 OFF THE SIDE.

05:04:24 THE CLOSEST PROPERTY IS 350 TO THE PROPERTY LINE AND THE
05:04:27 CLOSEST HOME, ACTUAL RESIDENT IS 400 FEET FROM THAT SAME
05:04:31 POINT.
05:04:33 >>Jim Wallace: THANK YOU.
05:04:34 >>Mary Gibbs: MAY I ADD SOMETHING?
05:04:37 THE APPLICANT DID HAVE TO NOTIFY PROPERTY OWNERS WITHIN 750
05:04:42 FEET BECAUSE OF THE ZONING, SENDING OUT LETTERS TO NOTIFY
05:04:46 THEM.
05:04:47 WE DIDN'T GET ANYTHING FROM THE O'DONNELLS, BUT WE DID GET A
05:04:51 PHONE CALL FROM ONE OF THE NEIGHBORS FROM CHARING CROSS.
05:04:55 I CAN'T REMEMBER HIS NAME.
05:04:56 I KNOW HE CALLED KATHY AND SPOKE TO CODE ENFORCEMENT.
05:04:59 SO I KNOW THERE WAS ONE NEIGHBOR NOT DIRECTLY ON BROADWAY.
05:05:05 I THINK IT'S ONE LOT DOWN, THAT WAS IN OPPOSITION.
05:05:10 >>Scotty Wood: HE WOULD BE MUCH FARTHER THAN 350 FEET.
05:05:14 >>Roger Haab: I CAN TELL YOU HOW MUCH IT IS.
05:05:15 THAT IS -- 20540 CHARING CROSS CIRCLE.
05:05:25 IT'S 580 FEET TO HIS CLOSEST POINT OF PROPERTY LINE TO THE
05:05:31 PICKLEBALL.
05:05:31 AGAIN, I REMIND YOU, THIS IS THE FARTHEST SOUTH POINT OF THE
05:05:35 NEW PICKLEBALL COURTS.
05:05:38 HE'S ACTUALLY 700 FEET, THE HOME IS 700 FEET FROM THAT
05:05:45 POINT.
05:05:45 >>Scotty Wood: THANK YOU.
05:05:49 I HAVE A SUGGESTION.

05:05:50 IN THE STAFF REPORT, IT MENTIONS THAT THERE ARE THREE, I
05:05:55 BELIEVE THERE ARE SLASH PINES THAT YOU HAVE TO TAKE DOWN IN
05:05:57 ORDER TO BUILD THE COURTS.
05:05:58 >>Roger Haab: YES.
05:06:00 >>Scotty Wood: ONE OF OUR CONDITIONS IS THAT YOU PLANT
05:06:02 THREE 25-GALLON OLIVE TREES TO REPLACE THEM.
05:06:06 >>Roger Haab: YES.
05:06:06 >>Scotty Wood: I WANT TO SUGGEST YOU PUT THEM ON THE SOUTH
05:06:08 SIDE OF THE COURTS BECAUSE THAT WOULD PROVIDE SOME FURTHER
05:06:13 POTENTIAL SOUND ATTENUATION.
05:06:16 >> OKAY.
05:06:21 >>Roger Haab: I CAN'T GET THE SCREEN TO CHANGE HERE.
05:06:23 I DO HAVE A PLAN THAT SHOWS -- THERE YOU GO.
05:06:28 RIGHT THERE.
05:06:32 >>Scotty Wood: I WOULD DO IT ALONG THE SOUTH LINE.
05:06:35 >>Roger Haab: THIS IS WHERE WE WERE TALKING ABOUT, THAT'S
05:06:40 PRETTY EASY TO DO.
05:06:41 NOT A PROBLEM.
05:06:45 >>Scotty Wood: ANY OTHER COMMENTS FROM THE BOARD?
05:06:47 THANK YOU.
05:06:49 I'M GOING TO OPEN THE PUBLIC HEARING.
05:06:53 TAMMY, CARDS?
05:06:55 >>Tammy Duran: YES.
05:06:56 JOANNE IS FIRST AND THEN CURT.
05:07:09 >> GOOD AFTERNOON.

05:07:10 MY NAME IS JOANNE BRAZ.
05:07:12 I AM A RESIDENT OF RIVERWOODS.
05:07:14 ALTHOUGH I DO NOT PLAY PICKLEBALL, I FEEL THAT THE COURTS
05:07:18 WOULD BE A WONDERFUL ENHANCEMENT FOR OUR PROPERTY AND THE
05:07:21 TOWN.
05:07:22 THANK YOU VERY MUCH.
05:07:23 >>Scotty Wood: THANK YOU.
05:07:24 >>Tammy Duran: CURT IS NEXT.
05:07:25 THEN CANDACE.
05:07:35 >> I'M CURT CREECH.
05:07:40 I LIVE IN RIVERWOODS.
05:07:41 PRETTY MUCH SAID EVERYTHING THAT NEEDS TO BE SAID.
05:07:43 I THINK THEY DID A GOOD JOB.
05:07:44 WE JUST HAVE A GOOD COMMUNITY AND OUR PEOPLE LOVE TO PLAY
05:07:48 AND WOULD SURE APPRECIATE HAVING THE COURTS.
05:07:51 THANK YOU.
05:07:52 >>Scotty Wood: THANK YOU.
05:07:58 >> HI.
05:07:59 I'M CANDACE FARMER.
05:08:01 I DO LIVE IN CRANBROOK HARBOR.
05:08:02 I LIVE AT 20552 CHARING CROSS CIRCLE.
05:08:06 I DO HAVE AN AFFILIATION WITH RIVERWOODS.

05:08:09 MY GRANDPARENTS LANDED THERE BACK IN THE '80s.
05:08:11 MY PARENTS IN '95.
05:08:13 SO I'M A THIRD GENERATION.

05:08:15 TELLS YOU A LITTLE BIT ABOUT THE COMMUNITY, IT IS A
05:08:17 RELATIONSHIP-BUILT COMMUNITY.
05:08:19 I ALSO AM TWOFOLD.
05:08:22 NOT ONLY THAT CONNECTION, BUT I'VE ALSO BEEN THEIR PREFERRED
05:08:25 REALTOR IN THERE SINCE ABOUT 2013.
05:08:27 THESE MOBILE HOMES, WE LIKE TO CALL THEM MOBILE HOME
05:08:33 COTTAGES.
05:08:33 THESE ARE NOT TRAILERS.
05:08:35 THIS COMMUNITY I HAVE HAD THE HONOR TO WORK IN ABOUT 14
05:08:40 DIFFERENT MOBILE HOME COMMUNITIES OVER THE LAST YEAR.
05:08:42 RIVERWOODS PLANTATION IS VERY UNIQUE AND VERY DIFFERENT.
05:08:45 IF YOU HAVE NOT HAD AN OPPORTUNITY TO GO THERE, I WOULD
05:08:50 STRONGLY ENCOURAGE YOU TO GO BROADWAY WEST AND TO GO THROUGH
05:08:53 AND TAKE A TOUR OF THIS COMMUNITY BECAUSE IT HONESTLY IS THE
05:08:57 BEST-KEPT SECRET IN ESTERO.
05:08:59 I THINK THAT BY ADDING THESE PICKLEBALL COURTS IS JUST GOING
05:09:04 TO ENHANCE THAT COMMUNITY EVEN MORE.
05:09:06 WHEN WE HAVE A LOT, A LOT THAT WILL HOLD A 24 BY 38 MOBILE
05:09:12 HOME COTTAGE AND THAT LOT, JUST THE DIRT IS SELLING FOR
05:09:17 $98,000.
05:09:18 AND I HAVE A LIST OF PROBABLY ABOUT 20 PEOPLE WAITING TO GET
05:09:24 INTO THIS COMMUNITY JUST FOR THE DIRT.
05:09:26 AND THE REASON IT HAS THAT VALUE IS BECAUSE OF THE PEOPLE
05:09:29 WHO LIVE IN THERE AND THE COMMUNITY AND HOW IT HAS BEEN WELL
05:09:33 MAINTAINED SINCE THE '80s.

05:09:36 I STRONGLY ENCOURAGE AND WOULD LOVE TO SEE THE PICKLEBALL
05:09:39 COURTS.
05:09:39 THANK YOU.
05:09:42 >>Tammy Duran: EARL.
05:09:47 >> MY NAME IS EARL GRISE.
05:09:49 I LIVE AT 20540 CHARING CROSS CIRCLE.
05:09:53 I HAVE AN OBJECTION TO RIVERWOODS PUTTING THE PROPOSED
05:10:03 PICKLE COURTS.
05:10:04 I'VE ALREADY BEEN LISTENING TO THEM PLAY BEFORE 8:00 IN THE
05:10:07 MORNING.
05:10:08 MY THING IS I USED TO SIT OUT AND HAVE MY COFFEE ON MY POOL
05:10:13 DECK.
05:10:15 AND WITH THAT NOISE, IT'S NOT GOING TO BE -- AND COME
05:10:19 SEASON, WHEN EVERYBODY IS HERE, THEY ARE GOING TO BE PLAYING
05:10:21 FROM SUNRISE TO SUNSET BECAUSE DAYLIGHT IS SUNRISE TO
05:10:25 SUNSET.
05:10:26 THAT COULD START AT 6:00 IN THE MORNING AND GO 8:00, 9:00 AT
05:10:32 NIGHT.

05:10:32 NOW, WITH THE SOUND, IT'S THE SOUND OF THE BALL TO THE
05:10:41 PADDLE.
05:10:42 I'VE ALREADY TALKED TO STANLEY KNIGHT ABOUT THIS.
05:10:46 I'M JUST GOING TO GIVE YOU A LIST OF TOWNS AND
05:10:50 MUNICIPALITIES THAT HAVE HAD ISSUES WITH PICKLEBALL:
05:10:54 PUNTA GORDA, FLORIDA; NAPLES, FLORIDA; NORTH NAPLES,
05:10:56 FLORIDA; POMPANO BEACH; COCOA CREEK; BERKELEY, FLORIDA;

05:11:01 OCEANSIDE, CALIFORNIA; NEW PORT BEACH, CALIFORNIA;
05:11:04 PACIFIC GROVES, CALIFORNIA; YUMA ARIZONA VALLEY, ARIZONA;
05:11:07 PHILLY, PENNSYLVANIA; ROCKFORD, ILLINOIS; DICKINSON COUNTY,
05:11:11 MICHIGAN; WASHINGTON, D.C.; RIDGEWOOD, NEW JERSEY;
05:11:17 YORK, MAINE; FALMOUTH, MASSACHUSETTS; MASHPEE, MASS.
05:11:22 LOCAL MEDIA DO EXPOSÉS ON IT.
05:11:25 FOX 4, 1/2/2019, DID A NOISE -- ABOUT THE NOISE FROM THE
05:11:32 PICKLEBALL COURTS IN THE CITY OF PUNTA GORDA OR TOWN.
05:11:39 NBC 2 DID A NOISE ISSUE WITH PICKLEBALL ON 1/12/2020.
05:11:50 WINK NEWS DID A THING ON THE NOISE ON 2/21/22.
05:11:55 THE SOUND ISSUES OF PICKLEBALL ARE 60 TO 70 DECIBELS, UP TO
05:11:58 100 DECIBELS WITH TWO TO EIGHT COURTS.
05:12:00 UP TO 600 FEET.
05:12:03 THERE'S 1,000 TO 2,000-HERTZ SENSITIVITY SOUND RANGE IN
05:12:09 HUMANS.
05:12:12 FROM WHAT I UNDERSTAND, THE TOWN OF ESTERO OR THE VILLAGE OF
05:12:15 ESTERO'S NOISE ORDINANCE IS 50 DECIBELS WITH EXCEPTIONS FOR
05:12:21 CONCERTS, SPORTING EVENTS, PARADES, FESTIVALS, CONSTRUCTION
05:12:26 OR BASED ON WHATEVER PROPOSAL.
05:12:28 PICKLEBALL NOISE SOLUTIONS THAT I'VE LOOKED INTO THIS IS E
05:12:35 NOISE CONTROL IS A COMPANY THAT SPECIALIZES IN PICKLE NOISE
05:12:38 BLANKETS, ACOUSTIC FENCING.
05:12:40 AND MOST PEOPLE RECOMMEND 8 TO 15 FEET HIGH FOR
05:12:45 SOUNDPROOFING.
05:12:46 THERE'S A GENTLEMAN WHO IS A MEMBER OF THE USA PICKLEBALL

05:12:55 ASSOCIATION.
05:12:56 HIS NAME IS CHARLES O'MEARA.
05:12:59 HE SPECIALIZES IN NOISE SENSITIVITY OR NOISE ISSUES WITH
05:13:03 PICKLEBALL.
05:13:04 THIS IS FROM THE UNITED STATES PICKLEBALL ASSOCIATION.
05:13:06 I HAVE THE NUMBER IF YOU WOULD LIKE IT.
05:13:09 FINALLY, IN MY OPINION, IT WILL REDUCE THE VALUE OF MY
05:13:16 PROPERTY.
05:13:17 WHEN THEY PUT ALL THE NEW COURTS, IT'S GOING TO BE ALL DAY
05:13:20 LONG FROM SUNRISE TO SUNSET ONCE THEY PUT THOSE PICKLEBALL
05:13:27 COURTS IN.
05:13:27 WHERE ARE MY RIGHTS THAT I HAVE PEACE AND TRANQUILITY?
05:13:30 AND THEN FINALLY, WHAT WILL THE EFFECTS BE ON THE
05:13:35 CONSERVATION LAND WITH THE WILDLIFE?

05:13:37 THEY ARE NOT GOING TO WANT TO LISTEN TO THAT NOISE ALL DAY
05:13:40 AND ALL THE WAY TILL DARK.
05:13:41 THEY HAVE AREAS THEY COULD PUT IT OUT SOME OTHER AREA.
05:13:46 THEY COULD PUT IT OUT BACK WHERE THEY HAVE PARKING OR THEY
05:13:50 COULD PUT IT BY THE POOL.
05:13:52 THEY HAVE SOME TYPE OF COURT OVER THERE.
05:13:54 THAT'S WHAT MY OBJECTIONS ARE.
05:13:57 HOPEFULLY YOU WILL HAVE THEM DO THAT SOUND MEDIATION.
05:14:01 I DON'T MEAN JUST ON THE PICKLEBALL COURT.
05:14:04 IT SEEMED LIKE WHEN I READ THE PROPOSAL, EVERYBODY SEEMED TO
05:14:08 BE MORE CONCERNED WITH THE MOBILE HOME PARK WHICH IS OVER

05:14:11 800 FEET AWAY.
05:14:12 I TOOK MY ROLL AND ROLLED OUT FROM WHERE MY HOUSE IS ALL THE
05:14:16 WAY TO THE CULVERT ON THE OTHER SIDE OF THE ROAD.
05:14:20 I WAS A PROFESSIONAL LANDSCAPER FOR 30 YEARS.
05:14:23 THEIR SHRUBS DO NOTHING FOR SOUND MITIGATION.
05:14:27 WHEN THE WHOLE BOTTOM OF THE SHRUB IS OPEN AND TREES ARE NOT
05:14:32 GOING TO DO ANY SOUND MITIGATION BECAUSE THEY ARE SLASH
05:14:37 PINES AND ALL THE GROWTH IS UP TOP.
05:14:39 THOSE TREES ARE PROBABLY 60 FEET PLUS.
05:14:42 THEY WILL HAVE TO PUT SOME TYPE OF SOUND BECAUSE THAT'S
05:14:45 GOING TO GO ON ALL DAY, ESPECIALLY IN SEASON, 640 PEOPLE
05:14:50 THERE, THEY ARE GOING TO PLAY ALL DAY, EVERY DAY NONSTOP.
05:14:53 IN THE SUMMER, PLAY NOW FROM 7 TO 9 AND THEN THEY PLAY
05:14:58 TENNIS.
05:14:58 I DON'T HEAR THE TENNIS.
05:14:59 I HEAR THEM IN THE WINTER WHEN THEY ARE HAVING VOLLEYBALL,
05:15:02 PEOPLE ARE CHEERING.
05:15:03 THAT'S NORMAL.
05:15:03 EVERYBODY WANTS TO HAVE THE RIGHT TO HAVE A GOOD TIME.
05:15:08 BUT TO LISTEN TO IT ALL DAY IS RIDICULOUS, IN MY EYES.
05:15:12 I THANK YOU FOR YOUR TIME.
05:15:15 >>Tammy Duran: THAT WAS THE LAST COMMENT.
05:15:18 >>Scotty Wood: LAST COMMENT.
05:15:20 OKAY.
05:15:20 ANY FURTHER COMMENTS FROM THE BOARD?

05:15:22 I'M GOING TO CLOSE THE PUBLIC HEARING UNLESS THERE'S ANYONE
05:15:25 ELSE WHO WANTS TO SPEAK.
05:15:27 OKAY.
05:15:28 THE PUBLIC HEARING IS CLOSED.
05:15:29 ANY COMMENTS FROM THE BOARD?
05:15:35 >>Barry Jones: MARY, WHAT IS THE DECIBEL LEVEL?
05:15:37 IS IT 50 WITH AN INTERMITTENT 65 OR 65?
05:15:42 >>Mary Gibbs: I KNEW YOU WERE GOING TO ASK THAT.
05:15:45 I HAD JIM LOOKING IT UP BECAUSE I COULDN'T REMEMBER.
05:15:47 65 DAY, 55 NIGHT.

05:15:52 >>Barry Jones: DAY IS DEFINED BY DAYLIGHT TO DUSK.
05:15:55 >>Mary Gibbs: 7 A.M. TO 10 P.M.
05:16:04 >>Barry Jones: I ASSUME THERE'S A PROFESSIONAL CERTIFICATION
05:16:07 FOR PEOPLE TO CONDUCT SOUND TESTS, INDEPENDENT PEOPLE TO
05:16:11 CONDUCT SOUND TESTS.
05:16:12 NOTHING PERSONAL, BUT YOU CAN'T LET THE FOX WATCH THE
05:16:15 HENHOUSE.
05:16:16 SOMEBODY PROFESSIONAL TO DO THE TESTING.
05:16:18 >>Mary Gibbs: I DON'T KNOW IF IT'S A CERTIFICATION, BUT WE
05:16:21 HAD THE CAR WASH, WE DID HAVE THE, LIKE, A NOISE ENGINEER.
05:16:26 >>Barry Jones: ARE THERE HOURS OF OPERATION THAT HAVE BEEN
05:16:28 IMPOSED ON OTHER PICKLEBALL COURTS RECENTLY?
05:16:33 MY MEMORY FAILS ME SO I'M BEGGING FOR ASSISTANCE HERE.
05:16:37 >>Mary Gibbs: WE DID NOT -- I THINK ON THE ONES AT WEST BAY,
05:16:40 WE DIDN'T, BUT SOME OF THEM ARE NOT LIGHTED --

05:16:43 >>Marlene Naratil: WE HAD ONE RECENTLY I THINK AT SHADOW --
05:16:46 NOT SHADOW WOOD, BUT THE COURSE NEXT TO IT.
05:16:50 >>Scotty Wood: PELICAN SOUND?
05:16:51 >>Marlene Naratil: NO.
05:16:52 OFF COCONUT ROAD.
05:16:56 >>Scotty Wood: THE COMMONS CLUB COURTS.
05:16:59 >>Marlene Naratil: NO.
05:16:59 THIS WAS THE SEPARATE COMMUNITY.
05:17:01 STONEYBROOK OR SUNNY BROOK.
05:17:04 IT'S SOMETHING LIKE THAT.
05:17:05 IT'S RIGHT OFF COCONUT ROAD.
05:17:07 AND THEY JUST REVAMPED --
05:17:09 >>Mary Gibbs: YOU'RE THINKING OF SHADOW WOOD.
05:17:12 >>Marlene Naratil: NOT SHADOW WOOD.
05:17:13 IT IS A -- SPRING RUN.
05:17:15 THAT'S IT.
05:17:17 IT IS A BUNDLED COMMUNITY.
05:17:19 AND THEY CAME IN FOR PICKLEBALL.
05:17:22 THAT WAS THE LAST ONE I REMEMBER.
05:17:24 >>Mary Gibbs: I THINK SPRING RUN HAD BOCCE.
05:17:28 >>Marlene Naratil: IT WASN'T BOCCE.
05:17:29 >>Mary Gibbs: I ONLY REMEMBER WEST BAY PICKLEBALL.
05:17:32 I THINK THEY USED THE DEADENING ACOUSTA MAT.
05:17:37 SOMETIMES WE HAVE, I RECALL, SOMEWHERE WE SAID DAWN TO DUSK,
05:17:41 NOT LIGHTED BECAUSE OF PROXIMITY TO NEIGHBORS THAT WE'VE

05:17:47 DONE BY THE STAFF.
05:17:49 >>Jim Wallace: THIS IS JIM WALLACE.
05:17:51 IF MY MEMORY SERVES ME, AND I THINK I'M 99% I THINK I'M
05:17:57 CORRECT.
05:17:57 WHEN THE VINES ADDED THE PICKLEBALL COURTS, THE CONCERN WAS
05:18:01 THAT BELLE LAGO WAS 300 FEET AWAY, ET CETERA.

05:18:05 AND THE -- AND WE REQUIRED THEM TO ONLY USE THE SOUND
05:18:10 DEADENING PADDLES.
05:18:12 AND THAT WAS A SPECIFIC REQUIREMENT, WHICH THEY COMMITTED
05:18:16 TO.
05:18:17 AND I PLAY TENNIS THERE AND I CAN TELL YOU, EVEN WITH THE
05:18:22 SOUND DEADENING PADDLES, PRETTY NOISY.
05:18:26 >>Barry Jones: SO QUESTION FOR THE APPLICANT, WHAT HOURS OF
05:18:30 OPERATION ARE YOU PROPOSING?
05:18:36 >> IN THE REGULATIONS FOR OUR COMMUNITY, WE HAVE QUIET HOURS
05:18:41 UNTIL 7:30.
05:18:42 SO WE COULD NEVER PLAY BEFORE 7:30 ANYWAY.
05:18:45 SO I WOULD SAY FROM 7:30 UNTIL DUSK, BUT WE DON'T PLAY EVERY
05:18:51 MINUTE OF EVERY DAY.
05:18:53 WE PLAY FROM 7:30 TO 9:30 RIGHT NOW, AND THEN IT REALLY GETS
05:18:58 TOO HOT.
05:18:58 SO WE TAKE A BREAK.
05:19:00 MAYBE WE COME BACK AT 1:00.
05:19:02 WE HAVE A COUPLE OF LEAGUES THAT GO FOR MAYBE SIX WEEKS AT A
05:19:07 TIME.

05:19:07 THEY ARE NOT CONSISTENT.
05:19:08 THEY DON'T RUN ALL DAY EVERY DAY.
05:19:12 USUALLY THEY ARE MONDAYS LIKE FROM 1 TO 2:30 WE PLAY.
05:19:16 AND THEN IF PEOPLE WANT TO GO FOR A PICKUP GAME IN THE
05:19:19 AFTERNOON, MAYBE FROM 4 TO 5.
05:19:21 BUT IT IS NOT A CONSTANT SITUATION WHERE PEOPLE ARE ALWAYS
05:19:27 ON THE PICKLEBALL COURTS.
05:19:29 THAT'S NOT HOW IT WORKS THERE.
05:19:32 >>Barry Jones: UNFORTUNATE THAT THE COOL HOURS ALSO COINCIDE
05:19:36 WITH THE QUIET HOURS.
05:19:38 >> YES.
05:19:39 AND WE'RE NOT HAVING LIGHTING, SO WE DEFINITELY WON'T PLAY
05:19:42 AFTER DARK.
05:19:43 DOES THAT ANSWER YOUR QUESTION.
05:19:44 THANK YOU.
05:19:47 >>Anthony Gargano: I HAVE A CONCERN.
05:19:53 I THINK JIM'S COMMENT EARLIER WITH THE LOCATION, HE REALLY
05:20:02 KIND OF HIT ON I THINK A VERY VALID POINT, JIM WALLACE,
05:20:08 WHERE THE NOISE MEASUREMENTS WERE FROM SOME DISTANCE BACK
05:20:12 FROM WHERE THE ACTUAL COURTS ARE GOING TO BE.
05:20:19 AND PERHAPS WE NEED TO REQUIRE A MORE CERTIFIED MEASUREMENT
05:20:27 FROM WHERE THE COURT LOCATION IS GOING TO BE.
05:20:29 I'M SURE THEY CAN SIMULATE SOME PICKLEBALL PLAY FROM WHERE
05:20:33 THE COURT LOCATION IS GOING TO BE BECAUSE THE APPLICANT'S
05:20:36 TESTIMONY WAS HIS MEASUREMENTS WERE VERY, VERY CLOSE TO WHAT

05:20:41 THE LIMITS ARE.
05:20:47 >>Scotty Wood: ANY OTHER COMMENTS?

05:20:51 >>Jim Wallace: I GUESS I'M HAVING DIFFICULTY TRYING TO GET
05:20:57 MY HEAD AROUND HOW WE CAN REQUIRE THE VINES TO USE SOUND
05:21:02 DEADENING PADDLES BECAUSE OF THEIR PROXIMITY, WHICH IS VERY
05:21:07 SIMILAR TO WHAT WE'RE TALKING ABOUT TODAY TO RESIDENTIAL
05:21:10 PROPERTY, HOW WE CAN REQUIRE THEM TO DO SOUND ABATEMENT
05:21:13 PADDLES AND NOT REQUIRE RIVERWOODS TO DO SO.
05:21:20 SOUNDS LIKE WE HAVE ONE SET OF RULES FOR ONE APPLICANT AND A
05:21:22 DIFFERENT SET OF RULES FOR ANOTHER APPLICANT AND I HAVE A
05:21:25 PROBLEM WITH THAT.
05:21:25 >>Scotty Wood: MARY, CAN YOU SPEAK TO THAT?
05:21:27 >>Mary Gibbs: I'M TRYING TO REMEMBER THE VINES.
05:21:29 I THINK IT WAS VERY CLOSE.
05:21:31 THE VINES' COURTS WERE VERY CLOSE TO A FEW NEIGHBORS IN
05:21:38 BELLE LAGO.
05:21:38 TO ME, THIS CASE IS A LITTLE DIFFERENT BECAUSE THIS IS
05:21:41 FARTHER AWAY, AND THE VINES, OF COURSE, THEY HAD CONTROL.
05:21:46 THEY CAN DO THE SOUND DEADENING PADDLES BECAUSE IT'S ALL
05:21:50 DONE THROUGH THEIR ASSOCIATION, TOO.
05:21:52 WE USUALLY DO REQUIRE THE SOUND DEADENING PADDLES OR THE
05:21:55 ACOUSTA MAT.
05:21:57 WE FELT IN THIS CASE IT WAS FAIRLY FAR AWAY THE DISTANCE
05:22:00 COMPARED TO THE VINES.
05:22:04 >>Scotty Wood: ANY OTHER COMMENTS?

05:22:06 IT WOULD SEEM TO ME THAT GIVEN ALL OF THE COMMENTS THAT
05:22:10 WE'VE HAD HERE, IT MIGHT MAKE SENSE TO DELETE THE FIRST
05:22:17 DEPENDENT CLAUSE IN CONDITION THREE, WHICH SAYS IF EXCESSIVE
05:22:21 NOISE COMPLAINTS ARE RECEIVED, THE APPLICANT MUST PROVIDE.
05:22:25 I THINK IF YOU DELETED THAT AND YOU REQUIRE THE APPLICANT TO
05:22:28 PROVIDE IT, WITHOUT A COMPLAINT, THAT WOULD DEAL WITH THESE
05:22:35 VARIOUS CONCERNS.
05:22:38 >>Mary Gibbs: WHAT YOU'RE SAYING IS THEY SHOULD JUST GO
05:22:41 AHEAD AND DO A NOISE STUDY?
05:22:43 >>Scotty Wood: YES.
05:22:45 >>Mary Gibbs: SO ESSENTIALLY I THINK WHAT I'M HEARING YOU
05:22:47 SAY IS MAYBE THEY NEED TO JUST GO DO THAT AND THEN COME
05:22:51 BACK?
05:22:52 BECAUSE I DON'T KNOW HOW YOU PUT A CONDITION --
05:22:53 >>Scotty Wood: IF YOU DID THE STUDY AND IT WAS WITHIN THE
05:22:57 VILLAGE REQUIREMENTS, I THINK STAFF COULD APPROVE IT.
05:23:02 >>Barry Jones: THEY CAN'T DO THE STUDY --
05:23:05 >>Nancy Stroud: MR. CHAIR, ARE YOU SUGGESTING THAT -- ARE
05:23:13 YOU ALSO SUGGESTING THAT STUDY SHOULD BE DONE AFTER THE
05:23:15 CONSTRUCTION OF THE COURTS SO WE GET A BETTER SOUND STUDY?
05:23:21 >>Scotty Wood: YES.
05:23:25 >>James Tatooles: I THINK WHAT WE'RE ALL SEEING HERE IS THAT
05:23:28 PICKLEBALL DIDN'T EXIST A FEW YEARS BACK, AND WHEN IT CAME
05:23:33 INTO FRUITION, THEY HAD THE STANDARD EQUIPMENT THAT THEY

05:23:37 PLAYED WITH THAT MADE A LOT OF NOISE.

05:23:39 SO CONSEQUENTLY, THIS IS A UNIVERSAL PROBLEM.
05:23:48 TALKING ABOUT PICKLEBALL COURTS THROUGHOUT THE COUNTRY.
05:23:50 SO IN AN EFFORT TO SOLVE THAT PROBLEM, THEY CAME UP WITH
05:23:54 DIFFERENT EQUIPMENT AND THERE WAS A REASON FOR THAT
05:23:57 DIFFERENT EQUIPMENT TO COME IN BECAUSE EVERYBODY WAS LOOKING
05:24:01 FOR A WAY TO ALLEVIATE SOME OF THE SOUND.
05:24:05 SO I DON'T THINK IT'S TOO ONEROUS TO SAY THAT WE'RE GOING TO
05:24:12 GO WITH WHAT EVERYBODY ELSE HAS IN SOUND CONTROL AND USE THE
05:24:18 SOUND EQUIPMENT THAT'S GOING TO BE THE ONLY SOLUTION THAT I
05:24:21 COULD SEE THAT WE HAVE HERE.
05:24:22 AT LEAST IT'S A SOLUTION TO REQUIRE THEM TO USE THAT ON THIS
05:24:26 COURT.
05:24:27 >>Scotty Wood: LET ME READ THE CONDITION AS IT'S CURRENTLY
05:24:31 WORDED.
05:24:34 I'M GOING TO DELETE THAT FIRST DEPENDENT CLAUSE THAT I
05:24:37 MENTIONED.
05:24:37 IT WOULD READ, THE APPLICANT MUST PROVIDE EITHER A NOISE
05:24:40 ABATEMENT PLAN OR A NOISE STUDY WITHIN 30 DAYS OF STAFF
05:24:45 REQUEST, WHICH COULD BE ALSO DELETED.
05:24:48 AND SUBJECT TO VILLAGE STAFF APPROVAL.
05:24:52 SO THAT SPEAKS TO YOUR POINT, NANCY.
05:24:54 NOISE ABATEMENT PLAN WOULD PROPOSE MITIGATION MEASURES SUCH
05:24:58 AS THE USE OF SOUND DEADENING PADDLES AND BALLS, MORE
05:25:03 RESTRICTIVE HOURS OF OPERATION OR INSTALLATION OF
05:25:06 NOISE-ABSORBING MATERIALS ON THE PICKLEBALL FENCING AND

05:25:09 PROVIDE A CONTACT PERSON AT RIVERWOODS PLANTATION TO HANDLE
05:25:13 ANY COMPLAINTS.
05:25:14 THAT'S HOW IT WOULD READ.
05:25:23 >> IS THAT AFTER CONSTRUCTION OR BEFORE?
05:25:26 >>Scotty Wood: AFTER.
05:25:29 >> SO THE ONUS IS UPON THE APPLICANT TO MAKE IT QUIET OR
05:25:34 CORRECT IT AFTER CONSTRUCTION.
05:25:36 >>Scotty Wood: THAT'S CORRECT.
05:25:39 >> I CAN BUY THAT.
05:25:41 >>Marlene Naratil: HOW ABOUT THE PERSON WHO IS IN CHARGE OF
05:25:43 MONITORING IT?
05:25:45 WOULD YOU HAVE TO HIRE SOMEONE?
05:25:46 OR IS THERE SOMEONE THERE --
05:25:51 >> [INAUDIBLE]
05:25:54 >>James Tatooles: WOULD IT BE SO HARD AS TO HAVE A SIGN UP
05:25:58 THERE THAT SAYS WE RECOMMEND THAT YOU USE LOW SOUND
05:26:02 EQUIPMENT WHEN YOU PLAY HERE?
05:26:04 >>Roger Haab: I'M SORRY.
05:26:05 WOULD YOU REPEAT THAT.
05:26:06 >>James Tatooles: WOULD IT BE SO HARD TO PUT A SIGN UP THAT

05:26:09 SAYS WE RECOMMEND THAT ANYBODY WHO USES THE PICKLEBALL
05:26:12 COURTS USE SOUND-DEADENING EQUIPMENT WHEN THEY PLAY HERE.
05:26:15 >>Roger Haab: WE CAN ALWAYS MAKE THE RECOMMENDATION, YES.
05:26:21 >>Scotty Wood: ANYONE ELSE?
05:26:25 >> THERE WAS ANOTHER QUESTION BEFORE THAT.

05:26:28 >>Scotty Wood: I THINK WE'RE OKAY.
05:26:35 >>Mary Gibbs: CAN I ASK A QUESTION?
05:26:40 I WANT TO MAKE SURE I UNDERSTAND THIS.
05:26:40 SO YOU'RE SAYING REWORD THIS CONDITION TO SAY THE APPLICANT
05:26:42 WILL PROVIDE OR MUST PROVIDE THE NOISE ABATEMENT PLAN OR THE
05:26:45 NOISE STUDY AFTER CONSTRUCTION SUBJECT TO STAFF APPROVAL?
05:26:51 >>Barry Jones: MARY, IF I MAY, CAN WE MAKE A MOTION TO
05:26:54 APPROVE THIS WITH A CONDITION THAT A NOISE STUDY BE
05:26:57 CONDUCTED POST-CONSTRUCTION AND THAT THAT NOISE STUDY
05:27:02 INDICATES THAT IT'S BEYOND THE ALLOWABLE DECIBEL LEVELS,
05:27:05 THAT THE APPLICANT WILL INSTALL THE REQUIRED SOUND BARRIER
05:27:08 ALONG THE SOUTHERN FENCE LINE?
05:27:11 IN THE EVENT THAT FUTURE COMPLAINTS MAY BE RECEIVED,
05:27:18 ADDITIONAL STUDIES MAY BE REQUIRED.
05:27:25 >> SOUNDS GOOD TO ME.
05:27:26 >>Barry Jones: ADDITIONAL STUDY, SLASH, MITIGATION.
05:27:28 SORRY.
05:27:37 >>Scotty Wood: YOU GOT IT?
05:27:38 >>Mary Gibbs: I GOT IT.
05:27:40 LET ME ASK A QUESTION THEN.
05:27:41 DO YOU STILL WANT THOSE THREE TREES TO BE ON THE SOUTH SIDE
05:27:44 OF THE COURTS?
05:27:45 >>Scotty Wood: I WOULD THINK IT WOULD HELP.
05:27:47 WHY NOT?
05:27:48 >>Mary Gibbs: THAT WOULD BE ADDED TO CONDITION FIVE THEN.

05:27:51 >>Scotty Wood: THE APPLICANT AGREES TO IT, SO --
05:27:54 >>Mary Gibbs: AND THEN ONE MINOR CORRECTION -- WELL, AGAIN,
05:27:58 CAN I ASK ABOUT THE HOURS OF OPERATION?
05:28:00 BECAUSE WE HAD -- IN THE CONDITIONS WE HAVE DAWN TO DUSK.
05:28:06 >>Barry Jones: WELL, THE APPLICANT REQUESTED 7:30 ONWARD.
05:28:13 >>Mary Gibbs: SO 7:30 TO DUSK.
05:28:15 >>Barry Jones: SEEMS TO BE WHAT THEY ARE REQUESTING.
05:28:23 >>Mary Gibbs: I THINK THE APPLICANT WANTED TO ASK A
05:28:26 QUESTION.
05:28:32 >>Roger Haab: JUST A SUGGESTION ON THE TREES THAT WE'RE
05:28:35 GOING TO RELOCATE TO THE SOUTH SIDE, WE WOULD BE MORE THAN
05:28:41 WILLING TO GO AHEAD AND PUT A HEDGE LINE ALONG THERE.
05:28:43 DO YOU THINK A REGULAR HEDGE LINE WOULD BE BETTER THAN
05:28:46 SEPARATED TREES?
05:28:51 >>Barry Jones: PIERCING SOUND THE WAY I'VE HAD IT EXPLAINED
05:28:54 TO ME BY A SOUND EXPERT OR AN ACOUSTICS PERSON.

05:28:57 IT'S MORE OF A PIERCING SOUND THAN A NORMAL SOUND.
05:29:01 65 DECIBELS YOU MIGHT GET FROM A CONCERT, SOMETHING MORE OF
05:29:04 A NORMAL SOUND THAT YOU BECOME ADJUSTED TO AS A BACKGROUND
05:29:08 SOUND, WHERE PADDLE BALL IS MORE OF A PIERCING BALL THAT
05:29:11 PENETRATES.
05:29:12 IT'S A SHORTER WAVE LENGTH OR SOMETHING.
05:29:15 SORRY IF I'M GETTING THIS ALL WRONG.
05:29:18 MORE THAN A MUFFLED SOUND DOES.
05:29:22 THAT'S WHY EVEN APPLYING A STANDARD DECIBEL LEVEL TO A SOUND

05:29:26 WHEN NOT ALL SOUNDS ARE EQUAL IS SOMEWHAT OBJECTIVE IN SOME
05:29:31 PEOPLE'S OPINION.
05:29:32 >>Roger Haab: THE REASON I BROUGHT THAT UP IS BECAUSE WE
05:29:35 HAVE NO SHADE ON THAT SIDE, AND THAT WAS OUR GREATEST SPOT.
05:29:41 >>Barry Jones: YOU ARE MORE THAN WELCOME TO PLANT AS MUCH AS
05:29:44 YOU LIKE.
05:29:45 >>Roger Haab: I'M VOLUNTEERING IF YOU THINK THAT HEDGEROW
05:29:47 WOULD HAVE A LITTLE EFFECT, WE WOULD BE MORE THAN HAPPY TO
05:29:50 TAKE CARE OF THAT.
05:29:51 >>Barry Jones: NOT UNTIL IT IS ENOUGH TO OFFER AN INFORMED
05:29:55 OPINION.
05:29:56 >>Roger Haab: WE'LL MOVE THE TREES -- [INAUDIBLE]
05:29:59 >>Scotty Wood: COULD I HAVE A MOTION TO APPROVE THESE
05:30:04 PICKLEBALL COURTS WITH THE CONDITIONS STATED IN THE STAFF
05:30:08 REPORT AND WITH CONDITION 3 AS AMENDED BY THIS DISCUSSION?
05:30:13 >>Marlene Naratil: I'LL MAKE THE MOTION.
05:30:16 >> I'LL SECOND.
05:30:17 >>Scotty Wood: ANY DISCUSSION?
05:30:20 >>Nancy Stroud: MR. CHAIR, I BELIEVE THE MOTION SHOULD ALSO
05:30:24 INCLUDE THE CHANGES ON CONDITION 7.
05:30:28 ON THE TIME.
05:30:34 >>Barry Jones: THE TIME, YES, CORRECT.
05:30:35 >>Scotty Wood: YEAH, OKAY.
05:30:36 >>Barry Jones: HOURS OF OPERATION.
05:30:39 THANK YOU, NANCY.

05:30:40 >>Scotty Wood: MOTIONER, ARE YOU OKAY WITH THAT?
05:30:42 SECONDER?
05:30:42 >> YES.
05:30:43 >>Scotty Wood: OKAY.
05:30:43 ANY OTHER DISCUSSION?
05:30:47 TAMMY, PLEASE CALL THE ROLL.
05:30:49 >>Anthony Gargano: YES.
05:30:52 >>Kristin Jeannin: YES.
05:30:55 >>Barry Jones: YES.
05:30:56 >>Marlene Naratil: YES.
05:30:57 >>James Tatooles: YES.
05:30:59 >>Jim Wallace: YES.

05:31:02 >>Scotty Wood: YES.
05:31:03 GOOD LUCK WITH IT.
05:31:12 >>James Tatooles: ISN'T IT WEIRD THAT A NEW THING LIKE THAT
05:31:15 HAS A PROBLEM OF NOISE?
05:31:17 >>Marlene Naratil: IT'S AMAZING HOW LIFE CHANGES.
05:31:22 >>James Tatooles: I'M WAITING FOR THAT THING TO HAPPEN IN
05:31:25 OUR COMMUNITY.
05:31:25 [LAUGHTER]
05:31:50 >> THEY HAD A SMALL VERSION OF THAT IN MICHIGAN SHORES CLUB
05:32:11 YEARS AGO.
05:32:12 I WAS A MEMBER OF MICHIGAN SHORES.
05:32:14 BUT THEY USED TO PLAY IN THE WINTERTIME.
05:32:24 >>Marlene Naratil: THEY ALSO HAVE THAT PADDLE BALL STUFF

05:32:26 THEY PLAY ALL WINTER.
05:32:28 THEY BRING HEATERS IN AND THE WHOLE BIT.
05:32:30 >>James Tatooles: IT WAS REALLY PADDLE BALL, NOT PICKLEBALL.
05:32:34 >>Marlene Naratil: RIGHT.
05:32:35 THAT'S A DIFFERENT SOUND.
05:32:48 >>James Tatooles: I THINK A LIVELY TENNIS COURT COULD MAKE
05:32:53 MORE NOISE THAN THE PICKLEBALL.
05:32:54 >>Marlene Naratil: PLUS THERE IS THE NOISE OF THE YELLING.
05:32:57 >>Scotty Wood: MARY, ARE YOU READY?
05:32:59 OUR NEXT ITEM IS THE ARCOS EXECUTIVE OFFICE CENTER.
05:33:06 THIS IS FOR A DEVELOPMENT ORDER THAT WE WILL ACT ON EVEN
05:33:09 THOUGH THE AGENDA DOESN'T SAY THAT.
05:33:12 WE WILL ACT ON IT.
05:33:13 SO, MARY, TAKE IT AWAY.
05:33:16 >>Mary Gibbs: WE WERE JUST SEEING IF YOU WERE PAYING
05:33:18 ATTENTION TO THE AGENDA.
05:33:19 GUESSING WHETHER YOU NEEDED TO APPROVE IT OR MAKE A
05:33:22 RECOMMENDATION.
05:33:23 BUT THIS IS A DEVELOPMENT ORDER.
05:33:25 YOU'VE SEEN THIS AT PUBLIC INFORMATION MEETING WHICH WAS IN
05:33:28 JUNE.
05:33:29 THIS DEVELOPMENT ORDER HAS BEEN PENDING FOR SOME TIME, BUT
05:33:33 THE APPLICANT DIDN'T HAVE A USE FOR IT SO THEY DIDN'T COME
05:33:37 BACK IMMEDIATELY.
05:33:37 NOW THEY'VE GOT THIS USE THAT THEY EXPLAINED AT THE LAST

05:33:41 MEETING.
05:33:41 IT WOULD BE OFFICE ON THE THIRD FLOOR AND THEN THE FIRST TWO
05:33:45 FLOORS WOULD BE A SHORT-TERM LIKE ORTHOPEDIC REHABILITATION
05:33:50 FACILITY.
05:33:50 SO WE HAVE BEEN WORKING WITH THEM TO GET THIS DEVELOPMENT
05:33:55 ORDER READY FOR APPROVAL.
05:33:59 THE ARCHITECTURE, I JUST WANTED TO BRING THAT UP.
05:34:03 THERE WERE SOME COMMENTS ON THE ARCHITECTURE.

05:34:05 THERE WAS A PATTERN BOOK THAT WAS APPROVED IN THE ZONING.
05:34:08 JIM HART OF OUR STAFF SITTING HERE HAS WORKED WITH THE
05:34:11 APPLICANT ON THE ARCHITECTURE TO GET IT TO BE CONSISTENT
05:34:15 WITH THE PATTERN BOOK, BUT AT THE SAME TIME ALLOWING A
05:34:18 LITTLE BIT OF FLEXIBILITY TO BE SIMILAR TO THE HOUCK MEDICAL
05:34:24 BUILDING NEXT DOOR.
05:34:25 WHEN THE PATTERN BOOK WAS APPROVED FOR THIS PROJECT, THERE
05:34:28 WASN'T ANYTHING OUT THERE.
05:34:30 SO WE WORKED WITH THEM TO MAKE SURE THAT THE COLOR SCHEME
05:34:33 WAS A LITTLE BIT MORE CONSISTENT.
05:34:35 IT'S STILL CONSISTENT WITH THE DESIGN IN THE PATTERN BOOK,
05:34:37 BUT THE COLORS ARE SLIGHTLY DIFFERENT.
05:34:39 THE ARCHITECT WILL EXPLAIN THAT A LITTLE BIT.
05:34:42 WE FEEL THAT ALL THE ISSUES HAVE BEEN WORKED OUT.
05:34:44 AND THAT WE'VE GOTTEN NO COMMENTS, NO E-COMMENTS OR ANY
05:34:53 PHONE CALLS OR ANYTHING ON THIS.
05:34:55 IF YOU DON'T HAVE ANY QUESTIONS, I WILL TURN IT OVER TO RICK

05:35:02 LOSEE WHO CAN EXPLAIN.
05:35:04 >>Scotty Wood: FIRST OF ALL, I WANT TO ASK FOR ANY EX PARTE
05:35:07 COMMUNICATIONS.
05:35:08 >> NO.
05:35:09 >> NO.
05:35:09 >>Scotty Wood: JIM, KRISTIN?
05:35:11 NO.
05:35:11 OKAY.
05:35:12 ANY CONFLICTS OF INTEREST?
05:35:15 >> NO.
05:35:15 >> NO.
05:35:16 >> NO.
05:35:16 >>Scotty Wood: OKAY.
05:35:17 GO AHEAD.
05:36:04 >> GOOD EVENING.
05:36:05 MATTHEW BECHTEL, ARCHITECT WITH LAI TO TALK ABOUT THE ARCOS
05:36:09 PROFESSIONAL CENTER.
05:36:11 AS YOU RECALL, WE WERE HERE IN JUNE TO DISCUSS THE CHANGES
05:36:15 WE WERE PROPOSING TO THE DESIGN FROM PREVIOUS, AS WAS
05:36:20 MENTIONED.
05:36:21 AFTER THAT JUNE MEETING, IT WAS BROUGHT TO OUR ATTENTION
05:36:23 THAT THE COLOR BOOK WAS APPROVED AND SO SOME OF THE
05:36:26 DISCUSSION THAT WAS MADE DURING THE JUNE MEETING IN A WAY
05:36:32 BECAME A MOOT POINT IN THAT IT WAS ALREADY APPROVED AND TO
05:36:35 TRY TO GO AGAINST THOSE ITEMS WOULD ACTUALLY SET US BACK AND

05:36:42 CAUSE US TO HAVE TO START OVER FROM SCRATCH IN THE REVIEW
05:36:45 PROCESS.
05:36:46 SO BASED OFF THAT, WE LIMITED THE CHANGES TO THE COLOR
05:36:51 SCHEME.

05:36:51 WE REFINED THE COLORS BECAUSE ONE OF THE COMMENTS MADE IN
05:36:55 THE PREVIOUS MEETING WAS THAT OUR COLORS WERE INCONSISTENT
05:37:00 IN THE DIFFERENT IMAGES BASED OFF THE SHORTAGE OF TIME.
05:37:04 IT WAS A LITTLE UNCLEAR AS TO WHAT OUR COLORS ACTUALLY WERE.
05:37:08 AND SO WE'VE GOT AN ACTUAL REFINED SAMPLE BOARD FOR YOU
05:37:14 TONIGHT WHICH REFLECTS THAT WHICH IS ALSO IN THE
05:37:18 PowerPoint PRESENTATION AND THE ITEMS PROVIDED IN THE
05:37:23 SUBMITTAL PACKAGES.
05:37:25 WE TALKED ABOUT THE SITE IN THE JUNE MEETING, AND WE'RE NOT
05:37:33 PROPOSING ANY ADDITIONAL CHANGES OR MODIFICATIONS FROM WHAT
05:37:36 WE TALKED ABOUT IN JUNE.
05:37:37 IF THERE ARE ANY QUESTIONS RELATED TO THE SITE, WE DO HAVE
05:37:46 FOLKS HERE TO ANSWER THAT.
05:37:47 THE FIRST AND SECOND FLOOR AS SAID ARE FOR THE
05:37:49 REHABILITATION USE AND THE THIRD FLOOR REMAINING AS AN
05:37:58 OFFICE SHELL SPACE FOR FUTURE DEVELOPMENT.
05:38:00 THIS SLIDE HERE REALLY IS WHAT I WANT TO FOCUS ON IN THAT
05:38:04 WHAT YOU SEE ON THE TOP IS OUR PROPOSED COLOR PALETTE.
05:38:10 THE BOTTOM ROW, WHICH HAS THE X THROUGH IT, IS WHAT WAS
05:38:13 APPROVED PREVIOUSLY.
05:38:16 AND WE JUST DIDN'T FIND IT REALLY COMPATIBLE WITH WHAT'S

05:38:20 BEEN DEVELOPED IN THE IMMEDIATE AREA AND ALSO WITH SOME OF
05:38:25 THE TRENDS OF CURRENT DEVELOPMENT.
05:38:28 SO WE REDUCED THE NUMBER OF COLORS AND WE PICKED COLORS THAT
05:38:33 ARE MORE COMPATIBLE WITH OUR NEIGHBOR AND WITH THE
05:38:37 SURROUNDING AREA GOING WITH A LIGHTER SCHEME AND WITH FEWER
05:38:42 COLORS AS MENTIONED.
05:38:43 AND SO THOSE COLORS ARE ON THE BOARD AS WELL AS IN THE
05:38:49 SLIDES HERE.
05:38:50 AGAIN, JUST A REMINDER OF DR. HOUCK'S OFFICE THAT IS TO OUR
05:38:57 IMMEDIATE EAST, THAT THERE IS A MUCH LIGHTER COLOR SCHEME
05:39:00 USED THERE.
05:39:01 AND WHILE OUR COLORS AREN'T THE EXACT SAME COLORS, THEY ARE
05:39:05 OF SIMILAR NATURE THAT WE BELIEVE IS COMPATIBLE AND WOULD
05:39:09 WORK WITHIN THE FABRIC OF THE DEVELOPMENT OF THE AREA SO
05:39:14 THAT IT WOULD NOT STAND OUT OR BE STARK IN CONTRAST OR
05:39:19 ANYTHING LIKE THAT, THAT WOULD BE LESS DESIRABLE FOR THE
05:39:22 BUILDING.
05:39:23 SO THESE ARE THE ELEVATIONS OF THE BUILDING THAT WERE FROM
05:39:30 THE APPROVED PATTERN BOOK THAT WE'VE GONE BACK TO LIMITING
05:39:34 OUR CHANGES TO, AGAIN, THE COLORS AND THE PORTE-COCHERES
05:39:41 THAT ARE A REQUIREMENT OF THE PROPOSED TENANT FOR THE FIRST
05:39:45 AND SECOND FLOOR.
05:39:47 AND THAT IS A QUICK SUMMARY.
05:39:55 THESE ARE THE ACTUAL COLORS THAT WE ARE PROPOSING.
05:40:00 SO THE PRIMARY BUILDING COLOR, THE MAIN BUILDING COLOR IS

05:40:03 THE NATURAL LINEN.
05:40:06 THE MALABAR IS A SLIGHTLY DARKER COLOR THAT WE WOULD USE FOR
05:40:11 THE BASE OF THE BUILDING, AND THEN THE GREEK VILLA IS AN
05:40:14 ACCENT OR TRIM COLOR THAT WE WOULD BE USING FOR THOSE TYPES
05:40:19 OF AREAS ON THE BUILDING.
05:40:24 AND WE DO HAVE ACTUAL ROOF TILE SAMPLES HERE ON THE TABLE AS
05:40:32 WELL THAT ARE THE SAME ROOF TILE SAMPLES SHOWN THERE THAT WE
05:40:38 PROPOSE TO USE FOR THE BUILDING.
05:40:40 AND THEN THE REST OF THE TRIM ELEMENTS THAT WE'RE PROPOSING.
05:40:45 I THANK YOU FOR YOUR TIME AND HAPPY TO ANSWER ANY QUESTIONS.
05:40:50 >>Scotty Wood: QUESTIONS?
05:40:51 ANYONE?
05:40:55 >>Jim Wallace: THIS IS JIM WALLACE.
05:40:57 I THOUGHT AT THE LAST MEETING WE HAD THAT WE APPROVED THE
05:41:00 BUILDING.
05:41:00 WE THOUGHT IT WAS ARCHITECTURALLY VERY, VERY GOOD, AND WE
05:41:05 APPROVED IT EXCEPT THAT WE WANTED THE COLORS TO BE CHANGED.
05:41:08 SO I'M CONFUSED.
05:41:13 >>Scotty Wood: WELL, THEY DID CHANGE THE COLORS.
05:41:16 >>Marlene Naratil: QUITE A DIFFERENCE.
05:41:17 >>Scotty Wood: THEY ELIMINATED THE BLUE AND ELIMINATED THE
05:41:20 BURNT ORANGE.
05:41:22 >>Jim Wallace: NOW IT'S WHITE, WHITE AND WHITE.
05:41:24 >>Scotty Wood: IT'S NOT WHITE.
05:41:26 >>Marlene Naratil: HE'S LOOKING AT THE WRONG ONE.

05:41:29 >>Barry Jones: THE SCREEN RENDERINGS, WE HAVE A DIFFERENTIAL
05:41:32 BETWEEN WHAT YOU'RE SEEING ON THE ARCHITECTURAL RENDERINGS
05:41:36 AND COLOR.
05:41:36 DO YOU HAVE SOMETHING THAT YOU CAN PUT ONLINE THAT'S
05:41:40 CONSISTENT WITH THE PROPOSED COLORS?
05:41:44 >>Matthew Bechtel: DEPENDING ON WHAT THE CONTRAST OF HIS
05:41:46 SCREEN IS.
05:41:47 I'M LOOKING AT THIS SCREEN VERSUS THIS SCREEN.
05:41:49 THIS SCREEN BEHIND YOU IS WASHED OUT COMPARED TO THAT
05:41:52 SCREEN.
05:41:53 I CAN HOLD THE BOARD CLOSER.
05:41:55 >>Barry Jones: I'M LOOKING AT THESE COLORS WHICH ARE
05:41:57 SUBSTANTIALLY DIFFERENT FROM THE WASHED-OUT COLORS THAT I'M
05:42:00 SEEING ON THE SCREEN.
05:42:02 >>Matthew Bechtel: SO ON THE BOARD HERE, THESE ARE ACTUAL
05:42:05 COLOR SAMPLES.
05:42:06 THESE AREN'T REPRINTS.
05:42:07 THESE ARE DIRECTLY FROM SHERWIN WILLIAMS, AND THESE ARE THE
05:42:10 THREE ACTUAL COLOR SAMPLES.
05:42:13 SO IT IS A BEIGE, AN OFF-WHITE AND A WHITE, A LIGHTER
05:42:18 SCHEME, BUT IT IS NOT THREE DIFFERENT WHITES.
05:42:21 >>Scotty Wood: JIM, CAN YOU SEE THAT?

05:42:26 >>Jim Wallace: NO.
05:42:27 I CAN SEE IT, BUT IT'S AN INCH BY AN INCH.
05:42:30 I'M LOOKING AT IT SAYING WHAT IS THE ACCENT COLOR?

05:42:34 IS THERE ANY WAY WE CAN -- WE DON'T HAVE THAT AT ANY SIZE.
05:42:41 IT'S AN INCH BY AN INCH AND A HALF IS WHAT I'M LOOKING AT.
05:42:46 >>Matthew Bechtel: HERE IN PERSON, THEY ARE ALMOST FIVE BY
05:42:49 EIGHT.
05:42:50 >>Barry Jones: EITHER WAY, STILL A VERY NEUTRAL PALETTE THAT
05:42:54 DOESN'T REALLY HAVE AN ACCENT COLOR TO HELP BREAK UP THE
05:42:57 LINE OF THE BUILDING.
05:42:57 I THINK THAT WAS THE POINT LAST TIME.
05:42:59 >>Jim Wallace: PART OF THE DIFFICULTY I AM HAVING IS THE
05:43:04 HOUCK DERMATOLOGY BUILDING STANDS OUT IN THE SENSE IT
05:43:10 DOESN'T FOLLOW ANY OF THE GUIDELINES OF OUR LAND DEVELOPMENT
05:43:14 CODE IN TERMS OF WHAT COLOR PALETTE SHOULD BE.
05:43:17 SO I HOPE WE'RE NOT SAYING THAT, WELL, BECAUSE THAT PROBABLY
05:43:22 SHOULDN'T HAVE BEEN APPROVED AS IS WE'RE GOING TO APPROVE
05:43:24 ANOTHER ONE IN THE SAME VEIN.
05:43:27 I PRESUME ALL OF US HAVE SEEN THE HOUCK DERMATOLOGY BUILDING
05:43:34 AND IT IS VIRTUALLY A WHITE BUILDING.
05:43:36 AND THAT'S NOT WHAT THE ESTERO GUIDELINES ARE.
05:43:39 SO I'M NOT THERE, AND I APOLOGIZE FOR THAT, SO I WOULD HAVE
05:43:43 TO LEAVE IT UP TO MY COLLEAGUES TO JUDGE WHETHER THERE'S
05:43:47 ENOUGH CONTRAST.
05:43:48 ONE OF THE THINGS WE TALK ABOUT IS THERE NEEDS TO BE A
05:43:51 CONTRASTING COLOR THAT HAS TO REPRESENT AT LEAST 20% OF THE
05:43:57 PHYSICAL AREA OF THE BUILDING AND ACCENT COLOR WHICH IS A
05:44:01 STRONG, DARKER COLOR, WHICH CAN BE VERY MINOR.

05:44:04 ANYTHING FROM AWNINGS TO CORBELS TO WHATEVER, BUT WE HAVE
05:44:08 SPECIFIC GUIDELINES IN TERMS OF NOT THE COLORATION BUT THE
05:44:14 CONTRAST BETWEEN THE COLORS.
05:44:17 FROM WHAT I'M SEEING, THIS LOOKS VERY, VERY SIMILAR TO THE
05:44:22 HOUCK DERMATOLOGY BUILDING WHICH IS SOMETHING I'M SURPRISED
05:44:27 GOT APPROVED BECAUSE IT DOESN'T FOLLOW THE ESTERO
05:44:30 GUIDELINES.
05:44:31 >>Scotty Wood: BASED UPON WHAT I'M LOOKING AT ON A PIECE OF
05:44:35 PAPER, I DON'T AGREE WITH THAT.
05:44:37 I'M LOOKING AT THE EXHIBIT LABELED COLORS AND MATERIALS AND
05:44:42 I'M ALSO LOOKING AT THE RENDERING OF THE HOUCK BUILDING, AND
05:44:46 THEY ARE APPLES AND BANANAS.
05:44:49 >>Jim Wallace: OKAY.
05:44:49 IT'S STRICTLY THE INTERNET AND I'M 200 FEET FROM THE
05:44:54 CANADIAN BORDER.
05:44:56 [LAUGHTER]
05:44:56 THE NEXT ISLAND OVER FROM ME IS CANADA.
05:45:05 >>Scotty Wood: OKAY.

05:45:06 ANY OTHER COMMENTS?
05:45:09 >>Marlene Naratil: I HAD A QUESTION ABOUT THE ACCENT COLORS
05:45:11 ON THE BOTTOM LEFT.
05:45:13 WHAT ARE THOSE TO BE USED FOR?
05:45:17 >>Matthew Bechtel: THIS, WHAT APPEARS TO BE BLACK IS A DARK
05:45:20 BRONZE.
05:45:20 THAT IS THE ALUMINUM FOR THE FRAMES AND THEN THE TERRA-COTTA

05:45:26 COLOR IS THE COLOR OF THE AWNINGS THAT WE ARE PROPOSING
05:45:29 STILL TO KEEP.
05:45:30 AND THEN THE GRAY AND ALMOST GREENISH LOOK ARE THE TWO
05:45:34 DIFFERENT TYPES OF GLASS.
05:45:35 THE GRAY IS A TINTED GLASS.
05:45:37 THE ONE THAT'S SHOWING UP A LITTLE BIT MORE GREEN IS BECAUSE
05:45:40 IT'S BEING COVERED BY A WHITE.
05:45:43 IT ACTUALLY IS CLEAR GLASS FOR THE GROUND FLOOR TO FOLLOW
05:45:48 THE GUIDELINES.
05:45:52 >>James Tatooles: I THINK THERE IS A SUBTLE SUBSTANTIAL
05:45:55 DIFFERENCE BETWEEN THE OTHER TWO BUILDINGS THAT ARE THERE
05:45:58 AND THIS BUILDING, BUT I THINK THAT THEY ALL FIT AND THEY
05:46:01 ARE HOMOGENEOUS.
05:46:03 >>Matthew Bechtel: THAT WAS OUR GOAL.
05:46:04 THANK YOU.
05:46:09 >>Scotty Wood: I THINK THE APPLICANT HAS RESPONDED
05:46:11 POSITIVELY TO WHAT WAS SAID PREVIOUSLY.
05:46:13 I THINK THESE COLORS WORK WELL.
05:46:15 ANY OTHER COMMENTS?
05:46:20 I THINK YOU'VE DONE A GOOD JOB.
05:46:22 >>Marlene Naratil: VERY NICE.
05:46:23 >>Scotty Wood: COULD I HAVE A MOTION TO APPROVE?
05:46:27 >>Tammy Duran: WE HAVE NO COMMENTS OR E-COMMENTS.
05:46:29 >>Scotty Wood: OPEN AND CLOSE THE PUBLIC HEARING.
05:46:33 >>Mary Gibbs: DID YOU ASK FOR PUBLIC INPUT?

05:46:36 >>Scotty Wood: I ASKED AND THERE IS NONE.
05:46:38 >>Marlene Naratil: THERE'S NONE.
05:46:39 >>Mary Gibbs: MAY I MAKE ONE COMMENT BEFORE YOU MAKE THE
05:46:42 MOTION?
05:46:44 I UNDERSTAND JIM WALLACE'S COMMENT.
05:46:46 I THINK WHAT HE'S TALKING ABOUT IS WHEN SOME OF THESE
05:46:48 BUILDINGS, LIKE WHEN WE SAW VIA COCONUT, THEY ARE A LITTLE
05:46:53 BIT BLAND SO WE WANT TO MAKE SURE WE GET CONTRAST IN THE
05:46:57 BUILDINGS.
05:46:57 I UNDERSTAND THAT.
05:46:58 I THINK THEY HAVE CONTRAST WITH ALL THE AWNINGS WE HAD THEM
05:47:01 ADD AFTER THE LAST MEETING.
05:47:02 BUT I UNDERSTAND THE COMMENT.
05:47:05 WE DON'T HAVE ANYTHING IN THE CODE THAT SPECIFIES LIKE A

05:47:08 PERCENTAGE OF THE CONTRAST, BUT WE KIND OF DO THAT AS WE GO
05:47:14 ALONG.
05:47:15 WE'LL PAY PARTICULAR ATTENTION TO THE CONTRAST FOR THINGS
05:47:18 THAT COME UP.
05:47:20 >>Scotty Wood: THE HOUCK BUILDING WAS APPROVED PRIOR TO THE
05:47:22 INSTITUTION OF OUR LAND DEVELOPMENT CODE.
05:47:29 >>Mary Gibbs: I THINK THE HOUCK BUILDING ACTUALLY DOES
05:47:31 COMPLY WITH THE CODE BECAUSE WE HAVE THIS YOU CAN'T HAVE
05:47:35 PREDOMINANTLY WHITE OR GRAY, AND THEIR COLOR IS NOT WHITE OR
05:47:38 GRAY.
05:47:39 IT'S NOT WHITE.

05:47:40 IT'S A LITTLE LIGHT, AND IT PROBABLY COULD HAVE USED A
05:47:44 LITTLE BIT MORE CONTRAST, AND THIS MIGHT BE ABLE TO USE A
05:47:47 LITTLE MORE CONTRAST.
05:47:48 BUT THEY ARE BOTH PRETTY BEAUTIFUL BUILDINGS.
05:47:51 >> THIS IS THE RECURRING PROBLEM WE HAVE WITH THE COLOR ON
05:47:54 PAPER VERSUS THE COLOR ON THE STRUCTURE VERSUS THE COLOR ON
05:47:58 SAMPLES.
05:47:58 >>Mary Gibbs: MAY I ALSO MAKE ONE MORE COMMENT BEFORE YOU
05:48:01 MAKE A MOTION?
05:48:02 WE NEGLECTED TO PUT ON THE AGENDA THAT YOU WERE MAKING A
05:48:07 DECISION ON THIS CASE.
05:48:08 WE ALSO FORGOT THAT THERE'S A MONUMENT SIGN INCLUDED, WHICH
05:48:13 IS KIND OF BURIED IN THE PLANS ON PAGE 4, BUT VERY MUCH
05:48:20 MATCHES THIS BUILDING.
05:48:21 AND I DON'T THINK IT'S IN THEIR PowerPoint, BUT IT'S
05:48:25 ESSENTIALLY THE SAME SIGN.
05:48:27 IT'S NOT ON CORKSCREW.
05:48:28 IT'S ON ARCOS, SO IT IS ON THE BACK ROAD.
05:48:32 IT IS A MONUMENT SIGN IF YOU WANT TO APPROVE THE DESIGN.
05:48:34 OTHERWISE THEY'LL HAVE TO COME BACK.
05:48:35 DO YOU HAVE A PICTURE OF IT OR ANYTHING?
05:48:44 >>Barry Jones: I DON'T REMEMBER SEEING THE SIGN.
05:48:46 >> I MISSED IT, TOO.
05:48:52 >> IT'S NOT IN THE PAPER PACKET.
05:48:54 >>Mary Gibbs: NO.

05:48:55 BECAUSE THE PLANS JUST GOT HERE.
05:49:00 WELL, THE ARCHITECT WILL BRING IT UP AND SHOW YOU.
05:49:08 >>Barry Jones: IS THIS THE FIRST TIME WE HAVE SEEN THE SIGN?
05:49:10 >>Mary Gibbs: SOME OF YOU SAW IT WHEN IT CAME THROUGH THE
05:49:13 FIRST TIME.
05:49:13 IT IS ESSENTIALLY THE SAME MONUMENT SIGN THAT WAS IN THE
05:49:16 APPLICATION WHEN THE DEVELOPMENT ORDER CAME BACK.
05:49:19 SOME OF YOU MAY NOT HAVE SEEN IT IF YOU WEREN'T.
05:49:23 SOME NEWER MEMBERS LIKE KRISTIN MAY NOT HAVE SEEN IT.
05:49:26 >>Matthew Bechtel: IT WAS IN THE ORIGINAL PATTERN BOOK AND

05:49:29 IT DID HAVE THE SIMILAR COLORS TO THE PATTERN BOOK.
05:49:31 IT IS BLACK AND WHITE.
05:49:35 I DON'T KNOW HOW WELL YOU GUYS CAN SEE THAT.
05:49:37 BUT THIS IS THE SIGN.
05:49:39 IT IS SEVEN FEET TALL AND WE ARE JUST PROPOSING THAT WE
05:49:43 WOULD USE THE SAME COLORS THAT THE BUILDING IS, SO THE BASE
05:49:48 COLOR WOULD BE THE DARKER BASE.
05:49:50 THE LIGHTER COLOR IN THE CENTER WITH THE BUILDING COLOR
05:49:55 SURROUNDING IT.
05:49:55 >>Barry Jones: I DON'T THINK THAT'S SUFFICIENT INFORMATION
05:49:57 FOR WHAT WE REQUIRE FOR A SIGN -- [INAUDIBLE]
05:50:02 >>Mary Gibbs: JUST THOUGHT I WOULD BRING THAT UP BECAUSE
05:50:05 THEY CAN COME BACK AGAIN AT A LATER DATE WITH IT.
05:50:09 >>Marlene Naratil: LOOKS GRAY AND WHITE.
05:50:12 >>Mary Gibbs: IT'S THE SAME COLORS.

05:50:13 I SAW THE COLOR VERSION.
05:50:14 >>Barry Jones: THERE'S A LOT OF DETAIL THAT WE REQUIRE IN
05:50:16 OUR APPLICATIONS THAT I WOULDN'T WANT TO PUT EVERYBODY ELSE
05:50:21 THROUGH.
05:50:23 >>Mary Gibbs: JUST CHECKING.
05:50:26 >>Scotty Wood: HOW DO YOU WANT TO HANDLE THIS, MARY?
05:50:29 >>Mary Gibbs: YOU CAN APPROVE THE DEVELOPMENT ORDER AND NOT
05:50:32 THE SIGN.
05:50:33 THEY CAN COME BACK LATER WITH THE SIGN.
05:50:36 >>Scotty Wood: EVERYBODY GOT THAT?
05:50:37 THE MOTION IS TO APPROVE THE DEVELOPMENT ORDER WITH THE
05:50:42 EXCEPTION OF THE SIGN.
05:50:45 >>Jim Wallace: WHY ARE WE NOT INCLUDED THE SIGN?
05:50:51 >>Barry Jones: THERE ISN'T SUFFICIENT INFORMATION FOR PROPER
05:50:54 REVIEW.
05:50:54 WE DON'T HAVE DIMENSIONS.
05:51:01 WE DON'T HAVE COLORS.
05:51:02 WE DON'T HAVE SIGN MATERIALS.
05:51:05 WE DON'T HAVE LIGHTING CHARACTERISTICS.
05:51:09 >>Jim Wallace: GOT IT.
05:51:10 GOT IT.
05:51:14 >>Scotty Wood: COULD I HAVE THAT MOTION NOW?
05:51:18 >>Anthony Gargano: I'LL MAKE THE MOTION TO APPROVE, WHICH
05:51:22 DOES NOT INCLUDE THE SIGN.
05:51:24 >>Marlene Naratil: I'LL SECOND THE MOTION.

05:51:25 >>Scotty Wood: ANY FURTHER DISCUSSION?
05:51:30 >>James Tatooles: JUST A COMMENT.
05:51:32 WHEN YOU VIEW WHAT THIS ELEVATION LOOKED LIKE BEFORE WITH
05:51:36 THE PREVIOUS COLORS AND THEN YOU REFLECT BACK, CHANGED TO
05:51:43 WHAT WE HAVE TODAY, THIS IS A VERY GOOD USE OF APPEARANCE
05:51:46 BEFORE A BOARD LIKE THIS TO MAKE IT CONFORM.

05:51:49 SO THAT BUILDING THAT WAS THERE BEFORE LOOKED LIKE SOMETHING
05:51:52 THAT BELONGED IN SPAIN, NOT IN ESTERO.
05:51:57 >>Scotty Wood: ALL RIGHT.
05:51:58 WOULD YOU CALL THE ROLL PLEASE, TAMMY?
05:52:02 >>Tammy Duran: BOARD MEMBER GARGANO?
05:52:03 >>Anthony Gargano: YES.
05:52:05 >>Kristin Jeannin: YES.
05:52:07 >>Barry Jones: YES.
05:52:08 >>Marlene Naratil: YES.
05:52:10 >>James Tatooles: YES.
05:52:12 >>Jim Wallace: YES.
05:52:13 >>Scotty Wood: YES.
05:52:14 OKAY.
05:52:18 OUR NEXT ITEM IS THE MILAN VILLAS.
05:52:26 THIS IS A REZONING OF A TEN ACRE PARCEL, JIM, NOT FOUR, TEN
05:52:34 ACRES, JUST FOR YOUR BENEFIT, JIM WALLACE.
05:52:36 >>Jim Wallace: OKAY.
05:52:38 THANK YOU.
05:52:40 >>Scotty Wood: FIRST OF ALL, I SEE NEALE IS HERE.

05:52:44 NEALE AND I HAD AN EXCHANGE AT OUR LAST MEETING ABOUT THE
05:52:48 QUASI-JUDICIAL READING.
05:52:50 DO YOU WANT ME TO READ IT?
05:52:55 >>Neale Montgomery: I THINK WE KNOW WHAT THE QUASI-JUDICIAL
05:52:57 -- [INAUDIBLE]
05:53:00 [NOT SPEAKING AT A MICROPHONE]
05:53:13 >>Nancy Stroud: CAN YOU REPEAT THAT BECAUSE I DID NOT HEAR
05:53:16 IT?
05:53:16 IT WAS NOT SPOKEN INTO THE MICROPHONE.
05:53:18 >>Scotty Wood: GO AHEAD AND SPEAK INTO THE MICROPHONE,
05:53:21 NEALE.
05:53:21 >>Neale Montgomery: YES, I INDICATED THAT I BELIEVE
05:53:24 EVERYBODY HERE IS AWARE OF THE QUASI-JUDICIAL REQUIREMENT.
05:53:28 I ALSO INDICATED THAT DAN DELISI IS ATTENDING BY ZOOM
05:53:33 BECAUSE HE HAS COVID AND HE AGREED NOT TO GIVE IT TO ALL OF
05:53:37 US AND WE'RE HAPPY ABOUT THAT.
05:53:39 I SAID I'M GOING TO TRY TO MOVE THE PowerPoint AS HE
05:53:43 SPEAKS.
05:53:44 HE HAS BEEN QUALIFIED HERE BEFORE AS AN EXPERT IN PLANNING
05:53:47 AND ZONING.
05:53:49 >>Nancy Stroud: THANK YOU.
05:53:51 >>Scotty Wood: NOW, DO WE HAVE ANY SPEAKERS WHO HAVE NOT
05:53:53 BEEN SWORN IN?
05:53:55 >>Mary Gibbs: YES, THE APPLICANTS WERE NOT HERE.
05:53:59 THE APPLICANTS WERE NOT HERE WHEN WE SWORE THEM IN.

05:54:02 >>Neale Montgomery: GO FIRST -- DO YOU WANT MARY TO GO FIRST
05:54:05 AND DO THE INTRO --

05:54:08 >>Nancy Stroud: WE WOULD LIKE TO SWEAR IN ALL WITNESSES.
05:54:10 DO YOU SWEAR OR AFFIRM THAT THE TESTIMONY THAT YOU'RE ABOUT
05:54:14 TO GIVE WILL BE THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT
05:54:17 THE TRUTH?
05:54:18 >> YES, MA'AM.
05:54:18 >> I DO.
05:54:19 >>Scotty Wood: THANK YOU.
05:54:20 ANY EX PARTE COMMUNICATIONS?
05:54:24 >> NO.
05:54:25 >> NO.
05:54:25 >>Scotty Wood: ANY CONFLICTS?
05:54:27 >> NO.
05:54:28 >> NO.
05:54:28 >> NO.
05:54:30 >>Scotty Wood: OKAY.
05:54:37 >>Mary Gibbs: ALL RIGHT.
05:54:37 IN THIS CASE TONIGHT FOR MILAN VILLAS IS A REZONING.
05:54:42 SO IN THIS PARTICULAR CASE, YOU WILL MAKE RECOMMENDATIONS TO
05:54:45 THE COUNCIL AND THEY MAKE THE FINAL DECISION.
05:54:47 THIS IS A PROPERTY THAT'S 10 ACRES AT THE NORTHWEST CORNER
05:54:52 OF WILLIAMS ROAD AND THREE OAKS PARKWAY.
05:54:54 IT'S KIND OF A LONG KIND OF RECTANGULAR PIECE OF PROPERTY.
05:54:58 THE APPLICANT IS ASKING TO REZONE IT.

05:55:02 IT'S ACTUALLY ZONED FOR COMMERCIAL FOR 100,000 SQUARE FEET
05:55:06 OF COMMERCIAL USE, BUT IT WAS NEVER DEVELOPED AND IT'S JUST
05:55:09 GOT A HOUSE ON IT.
05:55:11 THEY ARE ASKING TO REZONE TO DO RESIDENTIAL PLANNED
05:55:13 DEVELOPMENT.
05:55:14 RESIDENTIAL SUBDIVISION, 44, I THINK 44 SINGLE-FAMILY
05:55:18 ATTACHED UNITS.
05:55:20 THERE WILL BE ACCESS ON THREE OAKS AND THERE WILL BE A GATE
05:55:25 FOR THE GATED ACCESS.
05:55:26 THE LOTS ARE A LITTLE BIT SMALL, BUT THE STAFF BELIEVES THAT
05:55:30 THIS RESIDENTIAL USE IS REALLY MORE COMPATIBLE THAN THE
05:55:33 COMMERCIAL USE BECAUSE IT'S SURROUNDED BY RESIDENTIAL.
05:55:36 SO WE ARE RECOMMENDING APPROVAL WITH SOME CONDITIONS.
05:55:41 WE THINK THAT IT IS A BETTER USE AND IT'S MORE CONSISTENT
05:55:44 WITH THE COMPREHENSIVE PLAN.
05:55:49 AGAIN, WE'RE RECOMMENDING APPROVAL WITH CONDITIONS AND THERE
05:55:53 ARE SOME DEVIATIONS THAT WE'RE RECOMMENDING APPROVAL OF AS
05:55:55 WELL.
05:55:55 WE DID MAKE A SUGGESTION ON A CONDITION.
05:56:00 THEY HAVE A PROPOSED AMENITY AREA THAT THEY CALL A PARK, BUT
05:56:03 IT DOESN'T SEEM TO HAVE ANY AMENITIES ON IT.
05:56:06 SO WE'RE RECOMMENDING A CONDITION THAT THEY PROVIDE SOME
05:56:11 DETAIL BACK AT DEVELOPMENT ORDER STAGE BECAUSE THE LOTS ARE
05:56:14 REALLY SMALL.

05:56:15 YOU DON'T HAVE A LOT OF ROOM ON YOUR LOTS TO PUT AN AMENITY.

05:56:17 SO WE'VE RECOMMENDED THAT.
05:56:19 AND THEN THE APPLICANT IS GOING TO GO OVER I THINK THEY ARE
05:56:26 GOING TO EXPLAIN.
05:56:27 THERE ARE THREE CONDITIONS THAT WE HAD A LITTLE BIT OF
05:56:29 DISAGREEMENT ON.
05:56:30 I THINK WE'VE GOT THAT WORKED OUT.
05:56:32 SO I'LL LET THE APPLICANT TOUCH ON THAT.
05:56:34 AND WE HAD RECEIVED ONE E-COMMENT THAT WE FORWARDED TO YOU
05:56:39 YESTERDAY.
05:56:39 IT WAS FROM ONE OF THE NEIGHBORS IN THE LAKES THAT WAS
05:56:42 AGAINST IT BECAUSE THE TRAFFIC NOISE ON WILLIAMS ROAD.
05:56:46 BUT I THINK THEY WERE -- THE LOT WAS FURTHER AWAY FROM NOT
05:56:52 REALLY CLOSE TO THIS PROPERTY.
05:56:53 SO I THINK THEY MAY HAVE BEEN THINKING IT WAS THE VACANT
05:56:56 PROPERTY IN BETWEEN.
05:56:57 OTHER THAN THAT, I'LL TURN IT OVER TO THE APPLICANT.
05:57:02 I GUESS IT WILL BE DAN SPEAKING AND NEALE RUNNING THE
05:57:05 PowerPoint.
05:57:07 >>Anthony Gargano: BEFORE THE APPLICANT TAKES IT, I HAVE A
05:57:08 QUESTION FOR STAFF.
05:57:11 I WAS JUST A LITTLE BIT CONFUSED.
05:57:13 MAYBE YOU CAN HELP ME.
05:57:15 WHEN I READ THE APPLICANT'S EIGHT-DAY LETTER, AND THE
05:57:19 COMMENT ABOUT CONDITION 8 AND THE CONDITION 8 THAT'S LISTED
05:57:23 IN THE STAFF REPORT, I DIDN'T SEE A CONNECTION.

05:57:29 I SAW A DISCONNECT.
05:57:31 MAYBE YOU CAN CLARIFY THAT FOR ME.
05:57:32 MAYBE SOMETHING I MISSED.
05:57:33 >>Mary Gibbs: WAS IT THE GOPHER TORTOISE CONDITION?
05:57:43 >>Anthony Gargano: YEAH, AND THE APPLICANT'S EIGHT-DAY
05:57:47 LETTER REQUESTING THAT THE CONDITION BE REMOVED BECAUSE OF
05:57:54 THE INCONSISTENCY.
05:57:56 >>Mary Gibbs: THEY WERE REQUESTING THE CONDITION BE REMOVED
05:58:00 BECAUSE THERE'S SOMETHING IN THE STATE STATUTE THAT SAYS YOU
05:58:03 CAN'T REQUIRE A PERMIT FROM A FEDERAL AGENCY OR A STATE
05:58:08 AGENCY -- YOU KNOW, WE CAN'T HOLD UP A DEVELOPMENT ORDER
05:58:12 ISSUE BECAUSE WE DON'T HAVE A PERMIT FROM THE STATE AGENCY
05:58:15 ON THE GOPHER TORTOISES.
05:58:17 BUT WE PROPOSE REWORDING THAT CONDITION.
05:58:20 I THINK THEY AGREE.
05:58:21 SO WE WERE GOING TO EXPLAIN THAT WE HAVE THREE CONDITIONS TO
05:58:24 REWORD.
05:58:25 WE WERE GOING TO SAY THE APPLICANT SHALL PROVIDE A COPY OF
05:58:28 THE GOPHER TORTOISE WE LOCATION PLAN OR PERMIT ONCE ISSUED
05:58:31 BECAUSE WE CANNOT HOLD IT UP.

05:58:33 I THINK WE'VE GOT THE CONDITIONS WORKED OUT FROM THAT
05:58:36 LETTER.
05:58:36 >>Anthony Gargano: ALL RIGHT.
05:58:38 THANKS FOR THE CLARIFICATION.
05:58:41 >>Scotty Wood: ANYTHING ELSE?

05:58:42 OKAY.
05:58:43 NEALE, SLASH, DAN.
05:58:45 >>Neale Montgomery: DAN, YOU'RE UP.
05:58:48 >>Daniel DeLisi: GREAT.
05:58:49 THANK YOU.
05:58:49 CAN YOU ALL HEAR ME OKAY?
05:58:51 >> YES.
05:58:51 >>Daniel DeLisi: PERFECT.
05:58:53 THANK YOU FOR ALLOWING ME THE ABILITY TO ZOOM INTO THIS
05:58:58 MEETING.
05:58:59 OBVIOUSLY NOT IDEAL CIRCUMSTANCES.
05:59:01 I'D LOVE TO BE THERE IN PERSON, BUT NOT IN ANYONE'S BEST
05:59:05 INTEREST.
05:59:05 I'M GOING TO GO THROUGH AND GIVE THE INITIAL PRESENTATION,
05:59:10 BUT NEALE MONTGOMERY AND CHRIS MITCHELL, THE PROJECT
05:59:14 ENGINEER ARE THERE.
05:59:16 THEY'LL FIELD ALL OF THE QUESTIONS.
05:59:17 I'LL BE HERE TO ANSWER ANY QUESTIONS IF YOU HAVE ANY.
05:59:20 BUT CHRIS AND NEALE WILL HANDLE ALL OF THOSE HOPEFULLY.
05:59:24 NEXT SLIDE.
05:59:27 SO THE PROPERTY IS LOCATED AT THE CORNER OF WILLIAMS ROAD
05:59:31 AND THREE OAKS PARKWAY AT THE NORTHWEST CORNER.
05:59:36 YOU CAN SEE IT THERE.
05:59:37 THE PROPERTY IS 10 ACRES IN SIZE.
05:59:44 I THINK THERE WAS SOME CONFUSION ON THE ACREAGE, BUT IT'S 10

05:59:48 ACRES.
05:59:50 IT'S ON THE EAST SIDE OF SPRING LAKE, AND THEN THERE IS THAT
05:59:55 VACANT PROPERTY THAT MARY JUST MENTIONED ON THE SOUTHERN
06:00:00 PORTION OF OUR PROPERTY ON THE EAST SIDE.
06:00:02 YOU CAN SEE IT THERE SOUTH OF SPRING LAKE AND NORTH OF
06:00:05 WILLIAMS ROAD.
06:00:06 SHADOW WOOD IS ACROSS THE STREET, ACROSS THREE OAKS PARKWAY
06:00:11 AND ACROSS WILLIAMS ROAD TO THE SOUTH.
06:00:13 AND THEN YOU HAVE COLONIAL OAKS TO THE NORTH.
06:00:17 JUST TO GIVE YOU AN ORIENTATION.
06:00:18 NEXT SLIDE.
06:00:19 SO THE ZONING REQUEST IS FOR 44 UNITS ON TEN ACRES.
06:00:29 THAT'S 4.4 UNITS AN ACRE.
06:00:32 IT'S WITHIN THE VILLAGE NEIGHBORHOOD TWO FUTURE LAND USE
06:00:37 CATEGORY ON THE VILLAGE'S FUTURE LAND USE MAP.
06:00:41 THE ONLY DISTINCTION BETWEEN VILLAGE NEIGHBORHOOD ONE AND

06:00:44 VILLAGE NEIGHBORHOOD TWO THAT I COULD TELL IS VILLAGE
06:00:46 NEIGHBORHOOD TWO ALLOWS FOR SLIGHTLY HIGHER DENSITY THAN
06:00:50 VILLAGE NEIGHBORHOOD ONE.
06:00:52 VILLAGE NEIGHBORHOOD ONE ALLOWS FOR UP TO FOUR UNITS AN
06:00:54 ACRE.
06:00:55 VILLAGE NEIGHBORHOOD TWO ALLOWS FOR UP TO SIX UNITS AN ACRE.
06:00:59 WE'RE ASKING FOR 4.4, WHICH IS WELL WITHIN THAT DENSITY
06:01:03 RANGE.
06:01:03 AS MARY SAID, THE CURRENT ZONING IS COMMERCIAL PLAN

06:01:10 DEVELOPMENT.
06:01:10 THAT WAS APPROVED IN 2003 FOR HUNDRED THOUSAND SQUARE FEET
06:01:14 OF MEDICAL AND GENERAL OFFICE.
06:01:15 IT HAS NOT BEEN DEVELOPED FOR THAT.
06:01:20 THAT'S VACANT FOR -- WELL, FOR THE LAST 19 YEARS.
06:01:25 SO WE'RE REZONING FROM CPD TO AN RPD.
06:01:29 NEXT.
06:01:29 SO THIS IS THE SITE PLAN.
06:01:37 JUST TO GIVE YOU SOME ACREAGE AGAIN.
06:01:40 10-ACRE SITE.
06:01:41 ON 10 ACRES YOU HAVE TO PROVIDE 40% OPEN SPACE.
06:01:45 THAT COMES OUT TO FOUR ACRES OF REQUIRED OPEN SPACE.
06:01:50 THIS PLAN SHOWS A LITTLE BIT MORE THAN THAT.
06:01:52 4.26 ACRES.
06:01:53 IT INCLUDES THE PASSIVE PARK THAT WE TALKED ABOUT, AND WE
06:01:58 ARE FINE WITH THE CONDITION THAT MARY TALKED ABOUT.
06:02:03 JUST FROM A PERSONAL STANDPOINT, I'M A FAN OF UNPROGRAMMED
06:02:08 OPEN SPACE.
06:02:08 YOU CAN GO OUT THERE AND PLAY FRISBEE OR DO WHATEVER YOU
06:02:12 WANT TO.
06:02:13 YOU'RE NOT CONSTRAINED BY SOMEONE ELSE'S PROGRAM, BUT WE
06:02:19 ALSO UNDERSTAND THE DESIRE OF THE VILLAGE TO HAVE SOMETHING
06:02:24 OUT THERE.
06:02:24 SO WE'RE FINE WITH THAT CONDITION.
06:02:27 THE SECONDARY -- THERE IS A SECONDARY EMERGENCY ACCESS, AS

06:02:32 YOU CAN SEE ON THE NORTH SIDE OF THE PLAN WHICH IS ON THE
06:02:35 RIGHT THAT COMES OFF OF THAT CUL-DE-SAC, AND AS SHOWN ON THE
06:02:40 PLAN, YOU HAVE SIDEWALKS ON BOTH SIDES OF THE STREET.
06:02:43 NEXT.
06:02:44 SO AS PART OF THE PATTERN BOOK, WE HAVE PROVIDED EXAMPLES OR
06:02:56 CONCEPTUALS OF THE COMMUNITY ENTRY.
06:03:00 THE NEXT SLIDE.
06:03:01 WITH THE GATE DESIGN.
06:03:05 AND THEN IF WE MOVE ON TO THE NEXT SLIDE --
06:03:12 >> DAN, LET ME STOP YOU.
06:03:15 >>Daniel DeLisi: YES.
06:03:16 >>Scotty Wood: THE TWO SLIDES REGARDING LANDSCAPING.

06:03:19 THE ONLY PALM TREES THAT ARE BEING PROPOSED ARE ROYAL PALMS.
06:03:22 IS THAT CORRECT?
06:03:26 >>Daniel DeLisi: I DON'T KNOW THAT WE'VE DONE A LANDSCAPE --
06:03:30 FULL LANDSCAPE PLAN.
06:03:31 >>Scotty Wood: THE PALETTE HAS A ROYAL PALM IN IT, AND IT'S
06:03:35 THE ONLY PALM TREE IN THE PALETTE.
06:03:39 >> CHRIS MITCHELL FOR THE RECORD, JR EVANS.
06:03:41 WE SUBMITTED -- ACTUALLY, WE RESUBMITTED THE DEVELOPMENT
06:03:42 ORDER APPLICATION, AND I BELIEVE THERE ARE NO PALMS IN THE
06:03:46 RESUBMITTAL.
06:03:47 I'LL HAVE TO LOOK AT THE LDO.
06:03:50 >>Scotty Wood: THEN WHY DO WE HAVE THIS SLIDE IN FRONT OF
06:03:53 US?

06:03:56 >>Chris Mitchell: I CAN'T ANSWER THAT.
06:03:57 IT WAS PRODUCED BY THE LANDSCAPE ARCHITECT.
06:03:59 IT PROBABLY WAS NOT UPDATED BASED ON THE COMMENTS.
06:04:07 >>Neale Montgomery: IT EVOLVED.
06:04:15 >>Daniel DeLisi: SHOULD I CONTINUE?
06:04:16 >>Scotty Wood: YEAH, GO AHEAD.
06:04:17 >>Daniel DeLisi: OKAY.
06:04:19 SO AS MARY POINTED OUT, THERE WERE FOUR DEVIATIONS
06:04:23 REQUESTED.
06:04:24 THE FIRST DEVIATION WAS ON THE REQUIREMENT TO PROVIDE TWO
06:04:30 ACCESS POINTS FOR ANY RESIDENTIAL DEVELOPMENT GREATER THAN
06:04:34 FIVE ACRES.
06:04:35 WE ARE PROVIDING THE EMERGENCY ACCESS POINT TO ALLEVIATE THE
06:04:41 CONCERN ABOUT ACCESS IN AN EMERGENCY.
06:04:45 BUT GIVEN THE LOCATION OR THE CONFIGURATION OF THE PROPERTY,
06:04:52 IT'S NOT FEASIBLE TO PROVIDE ONE JUST WEST OF THE
06:04:56 INTERSECTION OF WILLIAMS AND THREE OAKS, NOR IS IT FEASIBLE
06:05:01 TO SPACE THE FULL ACCESS POINTS ON THE PROPERTY WITH TURN
06:05:07 LANE ON THREE OAKS.
06:05:08 SO THIS WAS A GOOD ALTERNATIVE THAT STAFF HAS AGREED TO AND
06:05:12 WORKS WELL WITH THIS COMMUNITY, WHICH IS NOT A LARGE
06:05:16 COMMUNITY.
06:05:17 NEXT SLIDE.
06:05:20 >>Jim Wallace: THIS IS JIM WALLACE.
06:05:21 CAN WE GO BACK TO THAT PREVIOUS ONE?

06:05:24 YOU DON'T HAVE A DECELERATION LANE ON THREE OAKS PARKWAY.
06:05:31 SO DO YOU HAVE ENOUGH STACKING BETWEEN THE GATES AND THREE
06:05:40 OAKS PARKWAY TO GET FIVE CARS?
06:05:43 ISN'T IT A REQUIREMENT FIVE CARS OR FOUR CARS?
06:05:47 >>Neale Montgomery: THEY'LL HAVE TO MEET THE LDC WHICH SETS
06:05:50 FORTH THE DISTANCE FROM THE ROAD TO THE GATE.
06:05:53 >>Jim Wallace: AND SATISFY THAT?
06:05:57 >>Chris Mitchell: CHRIS MITCHELL FOR THE RECORD.

06:05:59 WE MEET THE CODE REQUIREMENT FOR THE DEPTH TO THE GATES, BUT
06:06:02 THERE'S NO DECEL OR TURN LANE SHOWN ON THE ZONING.
06:06:07 LEE COUNTY MAINTAINED ROAD AND BASED ON OUR INITIAL
06:06:11 SUBMITTAL AND CORRESPONDENCE WITH STAFF, WE DIDN'T WANT TO
06:06:14 HAVE A ZONING REQUIREMENT FOR SOMETHING THE VILLAGE IS NOT
06:06:17 RESPONSIBLE FOR APPROVAL AND REVIEW OF.
06:06:20 SO THE DEVELOPMENT ORDER PLANS ACTUALLY HAVE A TURN LANE
06:06:26 THAT WILL REQUIRE A SEPARATE LIMITED DEVELOPMENT ORDER
06:06:30 THROUGH LEE COUNTY FOR REVIEW AND APPROVAL.
06:06:32 SO WE DO HAVE A DECEL LANE AND WE MEET THE CODE FOR THE
06:06:37 LENGTH OF DISTANCE BETWEEN THE RIGHT-OF-WAY, OR THE ROADWAY
06:06:42 AND THE GATES.
06:06:49 >>Jim Wallace: YOU DO HAVE ENOUGH DISTANCE TO THE GATES FOR
06:06:52 STACKING?
06:06:54 >>Chris Mitchell: ACTUALLY, I CAN'T ATTEST TO THAT.
06:06:57 I DON'T KNOW THE CODE.
06:06:57 I'D HAVE TO READ THE CODE AND GET BACK TO YOU.

06:07:01 I KNOW THE DEPTH OF OUR GATES MEETS THE MINIMUM CODE DEPTH
06:07:04 FOR THAT LOCATION.
06:07:08 >>Neale Montgomery: I'M NOT THE ENGINEER, BUT I BELIEVE IT'S
06:07:10 A HUNDRED FEET.
06:07:12 >>Chris Mitchell: I BELIEVE THAT'S CORRECT.
06:07:13 >>Jim Wallace: I THINK IT'S NORMALLY A HUNDRED FEET.
06:07:18 >>Neale Montgomery: I WOULD SAY AS LONG AS WE'RE ON THAT
06:07:20 TOPIC, ONE OF THE CLARIFICATIONS THAT MARY PROVIDED IS THE
06:07:24 FACT THAT SECTION 10-297 OF THE COUNTY'S REGULATIONS SAY DO
06:07:28 YOU HAVE A PARCEL WHOLLY LOCATED WITHIN A MUNICIPALITY BUT
06:07:31 IS ACCESSING A COUNTY ROAD, IT REQUIRES YOU TO GET A LIMITED
06:07:35 DEVELOPMENT ORDER.
06:07:35 THAT IS THE GENESIS OF THAT CONDITION.
06:07:40 >>Scotty Wood: BY THE WAY, A QUESTION ON THE EMERGENCY
06:07:43 ACCESS.
06:07:46 IS THERE ANY KIND OF A SURFACE THE CONSTRUCTION?
06:07:52 >>Chris Mitchell: THEY CALL IT LIKE GRASSCRETE OR A GRASS
06:07:57 BLOCK.
06:07:57 IT MEETS REQUIREMENTS FOR FIRE TRUCK LOADING, YES.
06:08:01 >>Scotty Wood: WHAT ABOUT CURB CUTS BOTH IN THE DEVELOPMENT
06:08:03 ITSELF AND ALSO ON THREE OAKS?
06:08:05 DO YOU DO CURB CUTS?
06:08:08 >>Chris Mitchell: IT WILL BE VALLEY GUTTER INSIDE THE
06:08:10 DEVELOPMENT.
06:08:11 YES, WE'LL HAVE TO HAVE AN ACCESS IN THAT LDO, WE'LL HAVE

06:08:14 THAT, YES, SIR.
06:08:16 >>Barry Jones: DO YOU HAVE TO PROVIDE COMPENSATING
06:08:18 RIGHT-OF-WAY FOR THAT RIGHT TURN?
06:08:20 IS THERE SUFFICIENT ROOM TO GET THE SIDEWALK AROUND THE

06:08:23 OUTSIDE OF IT.
06:08:24 >>Chris Mitchell: THERE IS SUFFICIENT.
06:08:25 THAT IS THE WHOLE CORRIDOR IS THE SAME WAY.
06:08:27 IT'S ALL WITHIN THE RIGHT-OF-WAY, SO THERE IS ROOM BASED ON
06:08:32 THAT.
06:08:32 >>Barry Jones: SO NO COMPENSATING RIGHT-OF-WAY FOR THE TURN
06:08:35 LANE THEN.
06:08:36 >>Chris Mitchell: WE'RE NOT PLANNING ON IT.
06:08:38 I HAVEN'T GOTTEN OFFICIAL COMMENTS FROM LEE COUNTY.
06:08:42 BUT THAT WHOLE CORRIDOR, EVEN THE ACCOMMODATING TURN LANES
06:08:45 AND THE TURN LANE TO THE SOUTH THAT HAS ACCESS ONTO WILLIAMS
06:08:49 ROAD, ALL OF THAT IS WITHIN THE RIGHT-OF-WAY.
06:08:50 >>Barry Jones: THOSE LOTS HAVE A GREENSPACE BEHIND THEM
06:08:53 WHERE IF THEY DID PUSH COMPENSATE ON YOU, YOU WOULD HAVE
06:08:58 ROOM?
06:08:58 >>Chris Mitchell: THERE IS GREENSPACE.
06:09:00 PROBABLY HAVE TO REENGINEER STUFF, BUT THERE IS GREENSPACE
06:09:03 BEHIND THE LOTS.
06:09:04 >>Barry Jones: THANK YOU.
06:09:09 >>Scotty Wood: GO AHEAD, DAN.
06:09:10 DEVIATION NUMBER 2.

06:09:13 >>Daniel DeLisi: DEVIATION 2 REQUIRES -- THE REQUIREMENT OF
06:09:19 ESTERO IS FOR 60-FOOT RIGHT-OF-WAY.
06:09:20 WE'RE REQUESTING 50 FEET IN THE DESIGN OF THE CROSS SECTION.
06:09:28 YOU CAN SEE THE CROSS SECTION ON THE SCREEN AND CHRIS CAN
06:09:31 TALK TO YOU ABOUT IT IN MORE DETAIL.
06:09:33 BUT THE PUBLIC UTILITIES EASEMENTS ARE OUTSIDE OF THE
06:09:37 RIGHT-OF-WAY, AND WE BELIEVE NARROWER STREETS ARE MORE
06:09:41 CONDUCIVE TO SLOWER SPEEDS, ESPECIALLY IN SMALLER
06:09:45 RESIDENTIAL COMMUNITIES LIKE THIS.
06:09:49 DEVIATIONS THREE AND FOUR ARE --
06:09:54 >>Jim Wallace: WHILE WE'RE GOING THROUGH THIS, THIS IS JIM
06:09:58 WALLACE AGAIN, ON DEVIATION TWO, MY EXPERIENCE HAS BEEN WHEN
06:10:02 YOUR PAVEMENT IS ONLY 20 FEET WIDE, YOU USUALLY DO NOT ALLOW
06:10:06 PARKING ON THE STREET.
06:10:08 SO MY QUESTION THEN IS, ARE YOU COMFORTABLE WITH THAT?
06:10:17 >>Barry Jones: IT WOULD HAVE TO BE A DEED RESTRICTION THAT
06:10:19 OVERNIGHT PARKING BE ALLOWED ON THE STREETS.
06:10:21 AND ONE OTHER QUESTION I HAD ON THAT SECTION, IF YOU WANT TO
06:10:27 DO STREET TREES, WHICH REALLY HELPS, TYPICALLY AT LEAST SIX
06:10:31 FOOT IS REQUIRED.
06:10:33 I DON'T KNOW IF THERE IS ROOM TO MOVE THAT SIDEWALK ONE FOOT
06:10:36 TO THE OUTSIDE TO CREATE A SIX FOOT CORRIDOR TO GET STREET
06:10:39 TREES OR IF THAT'S RIGHT WHERE UTILITY PIPES ARE GOING.
06:10:42 ANYTHING THAT CAN BE DONE FOR STREET TREES CERTAINLY HELPS
06:10:45 THE NEIGHBORHOOD WITH LONG STRAIGHT ROADS, IT HELPS.

06:10:49 >> I HAVE TO REVIEW IT.
06:10:51 I DON'T KNOW OFF THE TOP OF MY HEAD.
06:10:53 THERE IS SOME SPACE IN THE RIGHT-OF-WAY BETWEEN THE BACK OF
06:10:58 SIDEWALK.
06:10:59 I ASSUME WE COULD MOVE IT A FOOT.
06:11:01 BUT I CAN'T ATTEST.
06:11:06 I DIDN'T LOOK AT THAT SECTION.
06:11:08 PARKING AND MAYBE THE APPLICANT WANTS TO EXPAND ON IT, BUT
06:11:15 THERE IS TWO-CAR GARAGES WITH EACH OF THE UNITS AND THEN A
06:11:20 DRIVEWAY FOR PARKING.
06:11:24 >> THERE WOULD BE NO OVERNIGHT PARKING ON THE STREET.
06:11:30 >>Chris Mitchell: CORRECT.
06:11:32 >> WHAT IS THE DEPTH OF THE DRIVEWAYS?
06:11:37 >>Chris Mitchell: YOU ASK SOME TOUGH D.O.-LEVEL QUESTIONS
06:11:40 THAT, I'M SORRY, I DID NOT LOOK AT.
06:11:43 THE FRONT SETBACK IS 20 FEET, I BELIEVE, PER THE ZONING.
06:11:52 SO I BELIEVE BARRY INDICATED, I THINK ON THE CROSS SECTION
06:11:58 THREE FEET SO IT WOULD BE 23 FEET BASICALLY FROM BEHIND THE
06:12:01 SIDEWALK TO THE GARAGE FACE.
06:12:08 >>Jim Wallace: CAN WE GO BACK TO DEVIATION TWO SO WE'RE
06:12:13 SEEING WHAT WE'RE TALKING ABOUT?
06:12:15 ONE OF THE THINGS THAT I KNOW IS JUST ZONING AND YOU'RE
06:12:22 MAYBE NOT THERE YET, BUT I'M TRYING TO GET -- I DON'T SEE
06:12:24 ANY BUILDING FOOTPRINT ON THE LOTS.
06:12:28 SO IT'S HARD TO SAY, OKAY, HERE'S THE LOT, AND THE UTILITY

06:12:33 EASEMENT IS TEN FEET IN AND WHERE ARE THE BUILDINGS?
06:12:38 ARE THEY 15 FEET IN?
06:12:40 ARE THEY RIGHT AT THE 10-FOOT UTILITY EASEMENT?
06:12:44 IT'S HARD TO GET A FEELING FOR WHERE YOU'LL PUT TREES HERE.
06:12:48 YOU CAN'T PUT THEM IN A UTILITY EASEMENT.
06:12:50 YOU'VE GOT SIDEWALKS AND SETBACKS, WHERE ARE THE PHYSICAL
06:12:53 STRUCTURES GOING TO BE?
06:12:55 >>Neale Montgomery: IF YOU LOOK AT THE TOP OF PAGE 2 OF THE
06:12:57 STAFF CONDITIONS, IT HAS THE SETBACK.
06:13:00 SO YOU KNOW THAT THE BUILDING HAS GOT TO BE SET BACK FROM
06:13:04 THE STREET, FROM THE SIDE AND REAR AND REAR ACCESSORY
06:13:12 CONSISTENT WITH THOSE.
06:13:14 >>Chris Mitchell: I BELIEVE IN THE MATERIALS THAT HAVE BEEN
06:13:16 SUBMITTED OVER THE COURSE OF THE APPLICATION THAT WE DID
06:13:18 HAVE A TYPICAL LOT DETAIL ON THE MASTER CONCEPT PLAN.
06:13:24 I'M FAIRLY CERTAIN.
06:13:25 SO IT DID SHOW THE BUILDING LOCATION.
06:13:32 GOING FROM MEMORY, BUT I BELIEVE THAT HAS -- NEALE WAS
06:13:36 CORRECT, THERE'S A 20-FOOT SETBACK FROM THE FRONT
06:13:39 RIGHT-OF-WAY.
06:13:40 SO YOU'LL BE 10 FEET BACK FROM THE TEN-FOOT UE AT A MINIMUM.
06:13:47 >>Jim Wallace: THERE WILL BE ROOM TO PLANT CANOPY TREES OR

06:13:51 WHATEVER ELSE.
06:13:52 NOT THAT YOU WILL, BUT THERE WILL BE ROOM TO DO THAT.
06:13:54 OKAY.

06:13:54 THE OTHER QUESTION I HAD, DAN, MAYBE YOU CAN ANSWER THIS, WE
06:14:01 SHOW 44 LOTS, BUT THE BUILDING EXAMPLE IS DUPLEXES.
06:14:08 IS THERE ANY WAY THAT IN THE NEXT PRESENTATION OR THE FINAL
06:14:11 PRESENTATION WE CAN SEE A FOOTPRINT OF THE BUILDING ON THE
06:14:15 SITE PLAN?
06:14:18 >>Neale Montgomery: WE'RE HERE FOR THE SINGLE-FAMILY
06:14:20 ATTACHED, AND THAT'S DEFINED DIFFERENTLY IN YOUR CODE.
06:14:24 THIS IS A RECOMMENDATION TO THE CITY COUNCIL.
06:14:29 AT D.O. STAGE, THE TOWNHOMES, SINGLE-FAMILY ATTACHED,
06:14:36 SINGLE-FAMILY DETACHED DON'T REQUIRE APPROVAL BY THE
06:14:41 PLANNING BOARD ON THEIR DESIGN.
06:14:45 >>Jim Wallace: BUT THE ELEVATION THAT WE'VE BEEN SHOWN IS A
06:14:47 DUPLEX, A TWIN VILLA.
06:14:50 >>Neale Montgomery: SINGLE FAMILY ATTACHED IS A VILLA
06:14:53 PRODUCT.
06:14:53 THERE IS A PROPERTY LINE THAT GOES THROUGH THE MIDDLE.
06:14:55 DUPLEX IS WHEN YOU HAVE TWO UNITS THAT ARE CONJOINED WITHOUT
06:14:57 A FIREWALL UNDER COMMON OWNERSHIP.
06:14:58 THAT'S NOT WHAT THIS IS.
06:15:00 >>Jim Wallace: ALL RIGHT.
06:15:01 THANKS, NEALE.
06:15:04 >>Daniel DeLisi: CHRIS IS CORRECT.
06:15:05 ON THE MASTER CONCEPT PLAN THERE WAS A TYPICAL BUILDING
06:15:09 LAYOUT THAT SHOWED THE VILLA PRODUCT AS IT'S SITUATED ON THE
06:15:17 LOT.

06:15:18 YOU SHOULD HAVE THAT.
06:15:19 SO THE 8-DAY LETTER, AS MARY HAD POINTED OUT BEFORE, THERE
06:15:25 WERE THREE CONDITIONS THAT WE HAD SUGGESTED ALTERNATIVE
06:15:29 WORDING ON.
06:15:31 AT THIS POINT, I THINK WE'RE IN AGREEMENT WITH -- MARY HAD
06:15:36 SENT US SOME REVISED LANGUAGE.
06:15:38 WE'RE IN AGREEMENT WITH ALL OF THAT.
06:15:41 SHE HAD EXPLAINED CONDITION 8 BEFOREHAND.
06:15:46 CONDITION 6 WAS JUST ABOUT PROVIDING THE LEE COUNTY LIMITED
06:15:52 DEVELOPMENT ORDER TO THE VILLAGE AND WE'RE FINE WITH STAFF'S
06:15:58 REVISED WORDING, AS WE ARE FINE WITH CONDITION 7, REVISED
06:16:02 WORDING.
06:16:02 SO WITH THAT, I THINK WE'LL TAKE ANY ADDITIONAL QUESTIONS
06:16:07 YOU HAVE.
06:16:08 >>Mary Gibbs: MAY I ASK A QUESTION, DAN?
06:16:10 IT'S MARY.
06:16:10 ON THE FENCING, WHAT WE SUGGESTED -- YOU'RE OKAY WITH THE
06:16:19 CONDITION -- I DON'T THINK I'VE READ IT TO THE PLANNING AND

06:16:22 ZONING BOARD.
06:16:23 IT SAID WHAT WE'RE AGREEING TO IS THAT THE APPLICANT WILL
06:16:26 HAVE THE DECORATIVE FENCING ON THE EAST SIDE, ON THE SOUTH
06:16:31 SIDE OF THE PROPERTY.
06:16:32 AND THEN ON THE NORTH SIDE, BECAUSE THERE'S A 40-FOOT I
06:16:36 THINK DRAINAGE DITCH AND A LOT OF TREES, THERE'S REALLY NO
06:16:40 REASON TO HAVE A FENCE ON THAT SIDE.

06:16:42 WE'RE SUGGESTING ON THE WEST SIDE IS LIKE A CHAIN-LINK BUT
06:16:48 NOT THE ALUMINUM, KIND OF LIKE A BLACK COATED CHAIN-LINK
06:16:51 FENCE, SIMILAR TO WHAT THE BROOKS HAS EXCEPT WITHOUT THE
06:16:55 BIG, GIANT BERM.
06:16:57 VINYL COATED, YEAH.
06:17:00 >>Daniel DeLisi: YEAH, WE ARE FINE WITH THAT, UNLESS SOMEONE
06:17:04 FROM DR HORTON JUMPS UP AND SAYS OTHERWISE.
06:17:07 BUT I CHECKED YESTERDAY AND WE ARE FINE WITH THAT.
06:17:11 IF YOU'D LIKE, I HAVE IN FRONT OF ME YOUR REVISED
06:17:15 CONDITIONS, IF YOU WANT ME TO READ THEM INTO THE RECORD, I'D
06:17:18 BE HAPPY TO.
06:17:20 >>Mary Gibbs: I HAVE THEM, TOO.
06:17:21 I ALREADY READ THE GOPHER TORTOISE ONE AND YOU HAD ON THE
06:17:25 PowerPoint THE ONE ABOUT THE LIMITED DEVELOPMENT ORDER.
06:17:30 I CAN READ THEM AGAIN IF YOU WANT.
06:17:32 >>Daniel DeLisi: YEAH, THAT WOULD BE FINE.
06:17:34 >>Scotty Wood: WANT TO GET COMMENTS BEFORE WE DO THAT.
06:17:38 ANY COMMENTS?
06:17:39 >>Jim Wallace: THE ONLY THING I WOULD SAY ON YOUR CHAIN-LINK
06:17:42 FENCE IN TERMS OF MARKETABILITY, DO YOU REALLY WANT TO BE
06:17:45 SELLING HOMES WHERE THE BACK OF SOMEONE'S YARD IS A
06:17:48 CHAIN-LINK FENCE, UNLESS YOU HAVE A HEDGE IN FRONT OF IT?
06:18:00 >>Mary Gibbs: DAN, I THINK THERE IS AN "A" BUFFER, BUT
06:18:05 THAT'S NOT REALLY A SOLID HEDGE.
06:18:07 I THINK IT'S TREES.

06:18:08 DAN, DID YOU WANT TO ANSWER THAT?
06:18:19 >>Daniel DeLisi: YEAH, THERE ARE PLANTINGS REQUIRED WITH THE
06:18:24 TYPE "A" BUFFER.
06:18:27 IT'S NOT A SOLID HEDGE, BUT A BLACK CHAIN-LINK FENCE DOES
06:18:35 NOT LOOK BAD AT ALL IN MY OPINION AND CERTAINLY IN THE
06:18:38 OPINION OF SHADOW WOOD ON THE SOUTH SIDE OF WILLIAMS ROAD AS
06:18:43 WELL.
06:18:44 SO A NUMBER OF DEVELOPMENTS HAVE USED BLACK CHAIN-LINK
06:18:50 FENCE.
06:18:50 THEY ARE NOT THE ALUMINUM THAT MARY WAS CONCERNED ABOUT AND
06:18:53 THAT CERTAINLY WASN'T OUR INTENT.
06:18:57 >>Scotty Wood: ANY OTHER COMMENTS?
06:18:58 JIM.
06:19:02 >>James Tatooles: I'M GOING TO PIGGYBACK ON JIM WALLACE'S

06:19:05 COMMENT.
06:19:06 IF SOMEBODY HAS A BIRTHDAY PARTY AND THERE'S TEN LITTLE KIDS
06:19:09 THAT COME THERE AND THEIR PARENTS ARE GOING TO DRIVE THEM
06:19:12 AND SOME ARE GOING TO STAY, I DON'T SEE WHERE THEY COULD
06:19:15 PARK THEIR CARS.
06:19:31 >>Scotty Wood: OKAY.
06:19:32 I HAVE A COMMENT.
06:19:33 THE GENERAL VILLA CONCEPT, WHICH IS A PICTURE OF A DUPLEX
06:19:40 HOME, WHICH, BY THE WAY, I THINK THE ARCHITECTURE IS QUITE
06:19:43 ATTRACTIVE, BUT I HAVE TWO QUESTIONS.
06:19:45 FIRST OF ALL, IT DOESN'T SHOW A PARAPET BETWEEN THE UNITS,

06:19:51 NUMBER ONE.
06:19:51 AND NUMBER TWO, IT DOESN'T SHOW WHERE THE FRONT DOORS ARE.
06:19:56 AND WHERE IS THE ENTRANCE TO THESE UNITS?
06:19:59 THE VILLAGE COUNCIL IS GOING TO BE LOOKING AT A PATTERN
06:20:05 BOOK, AND IF YOU LOOK AT THIS IN A PATTERN BOOK, IT'S A
06:20:09 PROBLEM.
06:20:11 THE FRONT DOORS AREN'T EVEN SHOWN THERE.
06:20:15 >>Chris Mitchell: CHRIS MITCHELL FOR THE RECORD.
06:20:16 I'M NOT THE ARCHITECT, BUT THE ENTRIES ARE ON THE SIDE.
06:20:21 SO THE ENTRY IS ON EITHER SIDE.
06:20:24 AND I DO WANT TO CLARIFY THAT THIS IS FEE SIMPLE OWNERSHIP
06:20:27 PER UNIT.
06:20:28 SO THEY ARE ATTACHED VILLAS BUT THEY ARE FEE SIMPLE.
06:20:32 EACH OWNER OWNS THE DIRT AND THE STRUCTURE.
06:20:36 I DON'T KNOW HOW THAT RELATES TO ZONING.
06:20:39 I'LL LET DAN AND NEALE.
06:20:44 IT'S FEE SIMPLE AND ACCESS IS ON EITHER SIDE OF THE
06:20:47 STRUCTURE.
06:20:47 >>Scotty Wood: IS THERE A PARAPET DIVIDING THE UNITS?
06:20:52 >>Chris Mitchell: THERE IS A FOUR-HOUR FIREWALL.
06:20:59 >>Scotty Wood: ANY OTHER COMMENTS?
06:21:01 I'LL OPEN THE PUBLIC HEARING.
06:21:06 ANY COMMENT CARDS?
06:21:08 >>Tammy Duran: WE DO NOT.
06:21:09 >>Scotty Wood: NOTHING.

06:21:10 ANYBODY WISH TO SPEAK.
06:21:11 >>Marlene Naratil: I HAD A QUESTION ON --
06:21:15 >>Scotty Wood: IT'S A PUBLIC HEARING.
06:21:16 I'LL CLOSE THE PUBLIC HEARING.
06:21:18 NOW YOU CAN TALK.
06:21:20 >>Marlene Naratil: I HAD A QUESTION ON THE COLORS.
06:21:22 THERE WAS SOME COMMENT MADE ABOUT THE COLOR SCHEME WAS GOING
06:21:27 TO BE DIFFERENT THAN WHAT WE HAD SEEN.
06:21:30 I THOUGHT I READ THAT IN THE LATEST.
06:21:34 >>Neale Montgomery: I WASN'T AWARE --

06:21:36 >>Mary Gibbs: YOU MIGHT BE THINKING OF THE ONE WE JUST DID,
06:21:40 ARCOS, WHERE THE COLOR WAS A LITTLE DIFFERENT.
06:21:42 >>Marlene Naratil: IT WAS THIS ONE.
06:21:45 >>Mary Gibbs: IN THIS PARTICULAR CASE, BECAUSE THESE ARE
06:21:47 SINGLE-FAMILY, EVEN THOUGH YOU HAVE TO DO A PATTERN BOOK,
06:21:51 THEY ARE EXEMPT FROM REVIEW FOR THE BUILDING.
06:21:54 SO WE DON'T REALLY REGULATE THE COLORS OR THE DESIGN OF THE
06:21:57 SINGLE-FAMILY, BUT WE JUST HAD THEM PUT IN LIKE A SAMPLE OF
06:22:02 WHAT ONE COULD LOOK LIKE TO FILL OUT THE PATTERN BOOK.
06:22:07 >>Marlene Naratil: THEY DON'T ANTICIPATE THAT THE ENTIRE
06:22:09 COMMUNITY WOULD HAVE THE SAME COLOR SCHEME ON EACH BUILDING
06:22:12 OR WOULD THEY VARY?
06:22:15 >>Mary Gibbs: WE MIGHT ASK SOMEBODY TO ANSWER THAT.
06:22:22 >>Neale Montgomery: YES, IT'S ANTICIPATED IT WOULD BE
06:22:23 COORDINATED COHESIVE COLOR SCHEME WITHIN THE COMMUNITY.

06:22:27 >>Marlene Naratil: ARE WE GOING TO GET TO SEE WHAT THE
06:22:30 COLORS ARE?
06:22:30 >>Neale Montgomery: NO.
06:22:31 I AGREE WITH WHAT MS. GIBBS SAID.
06:22:34 UNDER YOUR LAND DEVELOPMENT CODE, SINGLE-FAMILY,
06:22:37 SINGLE-FAMILY ATTACHED, AND TOWNHOMES ARE NOT SUBJECT TO
06:22:41 ARCHITECTURAL REVIEW.
06:22:42 ONLY MULTIFAMILY AND COMMERCIAL AND INDUSTRIAL, PRESUMABLY,
06:22:47 IF YOU HAD IT.
06:22:49 >>Mary Gibbs: WE KNOW THEY ARE GOING TO MAKE THEM BE
06:22:51 BEAUTIFUL, YES?
06:22:52 I SEE HEADS NODDING.
06:22:54 I SEE HEADS NODDING.
06:22:56 BEAUTIFUL AND COHESIVE.
06:22:58 I SEE HEADS NODDING.
06:23:06 >>Scotty Wood: WHAT IS THE PRICE POINT OF THESE UNITS?
06:23:17 >> WAYNE EVERETT WITH DR HORTON.
06:23:20 ACTUALLY, WE WILL NOT SET ANY PRICES UNTIL, NUMBER ONE THEY
06:23:24 ARE ALMOST COMPLETED.
06:23:28 WITH TODAY'S MARKET CHANGING, WE WOULD BE -- WE COULD LOSE
06:23:33 MONEY.
06:23:33 WE COULD BE TOO HIGH IN THE MARKET.
06:23:35 SO UNTIL WE'RE PRETTY MUCH AT WHAT WE CALL STAGE 5, WHICH IS
06:23:43 DRYWALL AND ROUGH MECHANICALS, WE WILL NOT SET PRICES.
06:23:47 AT THAT POINT WE'LL KNOW MORE ABOUT WHAT THE SUPPLY CHAIN IS

06:23:51 DOING AND WHAT THE MARKET RATES ARE DOING.
06:23:54 >>Scotty Wood: DO YOU HAVE A BALLPARK?
06:23:56 NOT THAT WE'LL HOLD YOU TO IT?
06:23:59 >> I DON'T.
06:24:00 WE HAVE THIS PRODUCT THAT'S SELLING AS MUCH AS $550,000
06:24:06 TODAY.

06:24:06 BUT I DON'T THINK THAT'S SUSTAINABLE AND GOING TO CONTINUE.
06:24:13 >>Scotty Wood: FAIR ENOUGH.
06:24:13 >>Marlene Naratil: WHO IS YOUR TARGET AUDIENCE TO SELL THESE
06:24:16 HOMES TO?
06:24:19 WOULD THEY BE BABY BOOMERS, PEOPLE WHO ARE RETIRED AND JUST
06:24:23 WANT A SMALLER BUILDING?
06:24:26 >> PROBABLY MORE SO THE RETIREMENT AND WANT MAYBE THEIR
06:24:32 SECOND HOME.
06:24:33 WANT A NICE LOCATION, WHICH WE FEEL LIKE THIS IS.
06:24:37 AND WANT -- THE UNITS GOING TO BE THREE BEDROOM, THREE --
06:24:44 THREE BEDROOM, TWO BATH.
06:24:46 SO THEY CAN HAVE FAMILY MEMBERS COME VISIT.
06:24:51 >>Scotty Wood: WILL YOU FORM A HOMEOWNERS ASSOCIATION?
06:24:55 >> YES.
06:24:57 >>Scotty Wood: AND YOU'LL CONTROL IT UNTIL 7% OF THE UNITS
06:24:59 ARE SOLD?
06:25:00 >> 90% PER STATE STATUTE.
06:25:08 >> SWEET SPOT IN THE MARKETPLACE.
06:25:10 GOOD FOR YOU.

06:25:16 >> THANK YOU.
06:25:17 >>Scotty Wood: ANY OTHER COMMENTS?
06:25:18 MARY, NOW YOU CAN READ THE CONDITIONS.
06:25:22 >>Mary Gibbs: SO THE CONDITIONS THAT ARE BEING REVISED ARE
06:25:25 CONDITIONS 6, 7, AND 8.
06:25:28 6 IS THE ONE OF THE ACCESS ON THREE OAKS PARKWAY.
06:25:32 THE DEVELOPER MUST OBTAIN A LIMITED DEVELOPMENT ORDER FROM
06:25:35 LEE COUNTY PURSUANT TO SECTION 10-297 LEE COUNTY LDC.
06:25:40 A COPY OF THE LDO MUST BE PROVIDED TO THE VILLAGE PRIOR TO
06:25:43 THE START OF CONSTRUCTION.
06:25:48 NUMBER 7, FENCING.
06:25:53 THE APPLICANT WILL CONSTRUCT ALUMINUM PERIMETER FENCING AS
06:25:59 SHOWN IN THE PATTERN BOOK ON THE EAST AND SOUTH SIDES OF THE
06:26:03 PROPERTY.
06:26:03 BLACK CHAIN-LINK FENCING WILL BE INSTALLED ON THE WEST SIDE
06:26:06 OF THE PROPERTY.
06:26:07 NUMBER 8 IS GOPHER TORTOISES.
06:26:09 THE APPLICANT SHALL PROVIDE A COPY OF THE GOPHER TORTOISE
06:26:12 RELOCATION PLAN OR PERMIT ONCE ISSUED BY FWC.
06:26:15 THE OTHER CONDITIONS ARE THE SAME.
06:26:24 >>Scotty Wood: OKAY.
06:26:24 CAN I HAVE A MOTION TO APPROVE THE REZONING -- ACTUALLY, NOT
06:26:31 TO APPROVE BUT TO RECOMMEND APPROVAL OF THE REZONING TO THE
06:26:36 VILLAGE COUNCIL SUBJECT TO THE CONDITIONS AS AMENDED THAT
06:26:39 MARY HAS JUST ENUMERATED?

06:26:43 >> SO MOVED.
06:26:43 >>Scotty Wood: SECOND?

06:26:46 >>Barry Jones: SECOND.
06:26:47 >>Scotty Wood: ANY DISCUSSION?
06:26:48 TAMMY, PLEASE CALL THE ROLL.
06:26:53 >>Tammy Duran: BOARD MEMBER GARGANO?
06:26:55 >>Anthony Gargano: YEAH, I'M GOING TO VOTE NO.
06:26:58 MY TAKE AWAY FROM LOOKING AT THIS PROJECT IS THE
06:27:03 ARCHITECTURAL APPROACH TO THE USE OF THE LAND, WE'RE JUST
06:27:08 TRYING TO CRAM TOO MUCH INTO THAT FOOTPRINT, AND I REALLY
06:27:16 QUESTION WHAT THE ULTIMATE LOOK IS GOING TO BE BASED ON THIS
06:27:20 ARCHITECTURAL APPROACH.
06:27:21 SO MY VOTE IS NO.
06:27:26 >>Kristin Jeannin: YES.
06:27:28 >>Barry Jones: I'M GOING TO VOTE YES.
06:27:31 I ASK THAT THE STAFF GIVE US SOME FEEDBACK ON REMAINING
06:27:38 COMMERCIAL ALONG THAT CORRIDOR MOVING FORWARD THAT WE DON'T
06:27:41 ACCUMULATE A LOSS OF COMMERCIAL SPACE GOING INTO MORE
06:27:44 RESIDENTIAL AND A CAPE CORAL SCENARIO WHERE WE DON'T HAVE
06:27:50 ENOUGH COMMERCIAL TO SUPPORT ALL THE RESIDENTIAL WE BUILT.
06:27:53 BUT VOTE YES ON THIS.
06:27:56 >>Marlene Naratil: YES.
06:27:59 >>James Tatooles: YES.
06:28:02 >>Jim Wallace: I WOULD SAY YES WITH A CONDITION ON THE WIDTH
06:28:07 OF THE ROAD.

06:28:08 IF THE ROAD IS ONLY 20 FEET WIDE, I WOULD HAVE TO SAY NO.
06:28:15 >>Scotty Wood: WELL, THAT'S WHAT IS BEING PROPOSED.
06:28:17 >>Jim Wallace: THEN I VOTE NO.
06:28:23 >>Scotty Wood: YES.
06:28:23 IT CARRIES 6-2.
06:28:33 >>Tammy Duran: 5-2.
06:28:34 >>Scotty Wood: 5-2.
06:28:35 EXCUSE ME.
06:28:36 MATH ERROR.
06:28:37 WE WILL SUBMIT THE RECOMMENDATION WITH THE CONDITIONS AS
06:28:44 AMENDED.
06:28:51 >>Daniel DeLisi: THANK YOU AND GOOD NIGHT.
06:28:53 >>Scotty Wood: I HOPE YOU FEEL BETTER.
06:28:55 >>Daniel DeLisi: THANK YOU.
06:28:56 I APPRECIATE THAT.
06:28:59 >>Mary Gibbs: GOOD JOB FOR BEING SICK, DAN.
06:29:01 YOU SHOULD BE SICK MORE OFTEN.
06:29:04 OH, SORRY.
06:29:05 >>Daniel DeLisi: ALL RIGHT.
06:29:06 BYE-BYE.
06:29:09 >>Scotty Wood: THAT CONCLUDES THE AGENDA.
06:29:11 BUT, MARY, I KNOW YOU WANT TO TALK ABOUT --
06:29:14 >>Mary Gibbs: I JUST WANTED TO ASK ABOUT THE POSSIBILITY OF
06:29:17 A SECOND MEETING IN SEPTEMBER.

06:29:20 I DON'T KNOW THAT WE'RE GOING TO NEED ONE.

06:29:22 I'M TRYING TO GAUGE HOW MANY CASES WE HAVE.
06:29:25 IT LOOKS LIKE WE'RE GOING TO HAVE AT LEAST THREE ZONING
06:29:27 CASES FOR THE FIRST DAY, SEPTEMBER 13.
06:29:32 I WAS THINKING ABOUT A POSSIBLE BACKUP DATE, SEPTEMBER 27,
06:29:36 IF WE NEED IT FOR DEVELOPMENT ORDERS.
06:29:40 >>Barry Jones: I'M FINE WITH THAT.
06:29:45 >>Marlene Naratil: WHAT WERE THE DATES AGAIN?
06:29:46 >>Mary Gibbs: SEPTEMBER 13 IS THE REGULAR SCHEDULED MEETING,
06:29:50 AND I WOULD LOOK FOR A BACKUP DATE OF SEPTEMBER 27.
06:29:58 >>Jim Wallace: OKAY WITH JIM WALLACE.
06:30:01 >>Mary Gibbs: OKAY.
06:30:02 OKAY.
06:30:05 >>James Tatooles: I'M OKAY.
06:30:06 >>Mary Gibbs: IS ANYBODY NOT OKAY WITH IT?
06:30:08 ALL RIGHT.
06:30:11 GREAT.
06:30:11 THANK YOU.
06:30:12 WE MAY NOT NEED IT, BUT JUST IN CASE.
06:30:20 >>James Tatooles: CAN I MAKE A COMMENT HERE?
06:30:23 ONE OF THE THINGS THAT'S HAPPENING NOT ONLY IN ESTERO BUT IN
06:30:29 THIS WHOLE COMMUNITY AND AROUND THE WORLD, WE'RE FINDING
06:30:34 THAT MORE AND MORE PEOPLE HAVE TO WORK TO EXIST.
06:30:41 AS SUCH, WE'RE LOOKING AT PEOPLE WHO ARE JUST BARELY MAKING
06:30:47 IT AND HAVE TO LOOK AT VERY, VERY SUBSTANTIAL COSTS OF
06:30:52 HOUSING THAT THEY CAN'T AFFORD.

06:30:54 SO LOW-COST HOUSING IS SOMETHING THAT'S REALLY IN NEED.
06:31:02 AND IN THIS PROJECT, WHAT I WAS THINKING, I REALLY DIDN'T
06:31:06 LIKE THE LAYOUT AND THE DEVELOPMENT.
06:31:08 SHOW A 20-FOOT WIDE STREETS AND NO PARKING, WHATEVER.
06:31:12 BUT IF YOU COULD HAVE A COMMUNITY THAT'S AVAILABLE WITH A
06:31:18 LOWER COST PROJECT, IT'S REALLY NOT A MOBILE HOME PARK LIKE
06:31:24 WE WERE LOOKING AT BEFORE, BUT SOMETHING A LITTLE BIT ABOVE
06:31:28 THAT, AND IT WILL GIVE PEOPLE THE ABILITY TO BUY SOMETHING
06:31:32 THAT'S AFFORDABLE IN A COMMUNITY HERE AND STILL BE ABLE TO
06:31:35 WORK IN THE COMMUNITY.
06:31:36 SO I THINK FOR THAT POINT OF VIEW, I THOUGHT IT WAS A GOOD
06:31:40 SOLUTION JUST BECAUSE OF THE FACT THAT YOU COULD HAVE A
06:31:43 LOWER-COST HOUSE FOR PEOPLE TO BE ABLE TO BUY.
06:31:48 >>Barry Jones: HONESTLY, JIM, NOTHING YOU CAN DO WILL BRING
06:31:52 DOWN THE COST OF HOUSING BECAUSE THE COST OF MATERIALS AND
06:31:54 COST OF LAND ARE SO HIGH.
06:31:56 THE ONLY REAL WAY TO APPROACH THIS IS SOMETHING LIKE THE
06:31:59 FIRST PROJECT WE SAW THAT HAS LITTLE 30 BY 40 LOTS AND
06:32:03 COTTAGES, IF YOU WILL, AND EVEN THEN YOU'RE LOOKING AT
06:32:06 TRYING TO STIMULATE THE PRIVATE MARKETPLACE TO BUILD

06:32:12 SOMETHING THAT'S MARGINALLY PROFITABLE.
06:32:15 THEN YOU HAVE TO START LOOKING AT THINGS LIKE TAX
06:32:18 INCREMENTAL FINANCING WHERE THE DEVELOPERS AGREE TO THIS AT
06:32:21 THESE LOWER RATES.
06:32:22 YOU GIVE THEM THE DENSITY BONUSES AND YOU GIVE THEM SOME

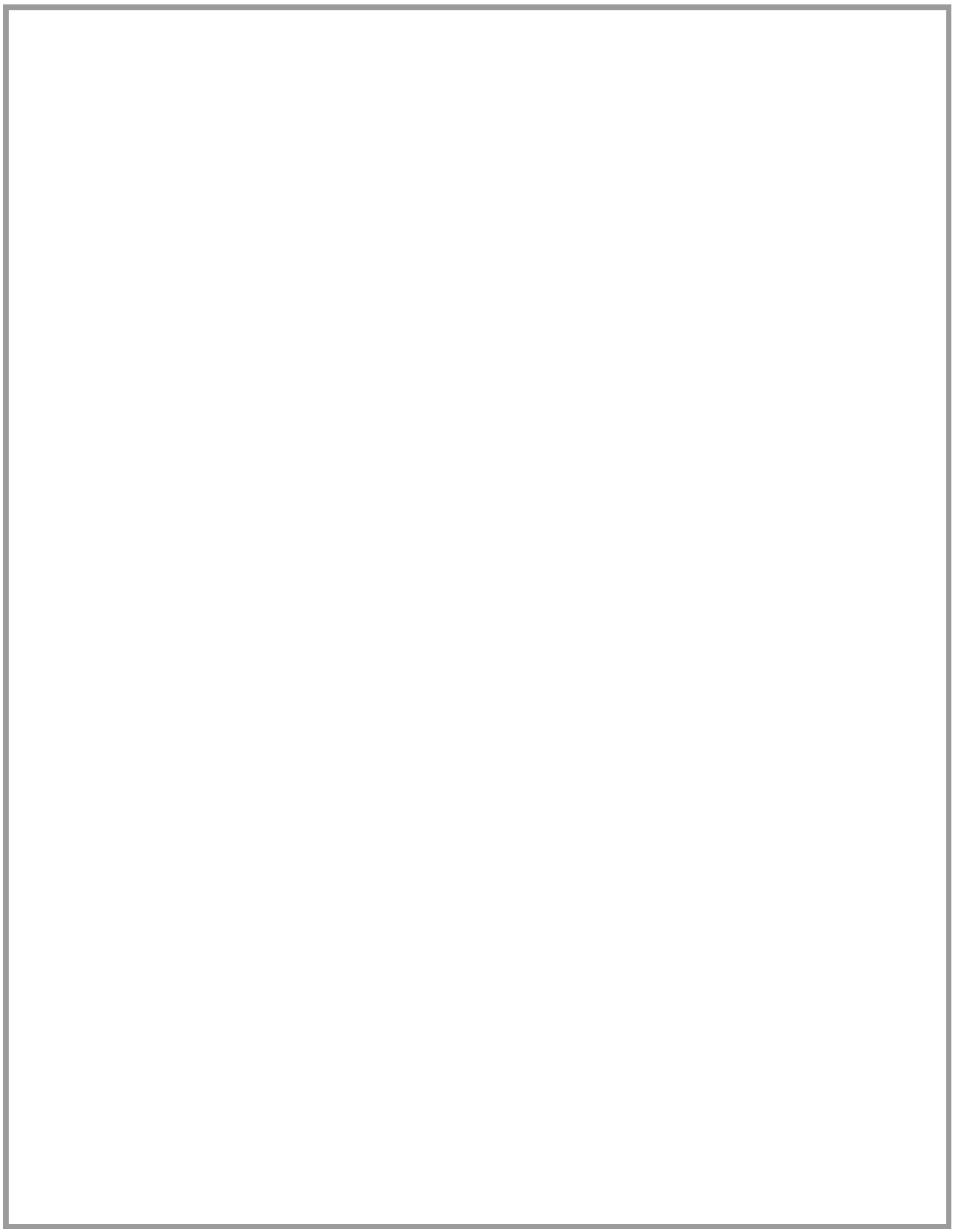
06:32:26 REFUND ON THE TAXES THAT ARE -- AFTER THE DEVELOPMENT IS
06:32:31 BUILT.
06:32:31 SO THERE ARE INCENTIVES THAT ESTERO COULD DO TO DEVELOP
06:32:36 AFFORDABLE HOUSING, BUT IT'S EVERY COMMUNITY ACROSS THE
06:32:37 COUNTRY THAT'S STRUGGLING WITH THOSE RIGHT NOW.
06:32:39 AND I SEE IT IN MULTIPLE JURISDICTIONS THAT I WORK IN, AND
06:32:44 THERE ARE SOME CREATIVE WAYS TO GO APPROACHING IT.
06:32:47 THERE ARE ENTERPRISE ZONES THAT THE GOVERNMENT HAS SET UP.
06:32:50 THEN THERE'S LIKE I SAID TAX INCREMENTAL FINANCING WHERE THE
06:32:54 VILLAGE AGREES THAT IF THE DEVELOPER SETS RENTS AT A CERTAIN
06:32:58 RATE THAT THEY GET A REFUND ON CERTAIN TAXES OR SOMETHING TO
06:33:01 MAKE UP FOR THAT INCREMENTAL REVENUE THAT THEY OTHERWISE
06:33:04 WOULD BE LOSING.
06:33:05 BUT IT IS A REAL CHALLENGE.
06:33:07 I'VE GOT A DAUGHTER THAT'S PAYING $1600 A MONTH FOR A
06:33:10 ONE-BEDROOM APARTMENT IN ORLANDO.
06:33:13 AND IT'S NOT A NICE APARTMENT.
06:33:14 I EMPATHIZE.
06:33:17 >>James Tatooles: WHAT I'VE BEEN FINDING IN MY OTHER WORLD
06:33:19 AS A COMMERCIAL BROKER, WE LOOK AT THE HISTORY OF PEOPLE
06:33:26 COMING DOWN HERE.
06:33:26 WHEN THE PEOPLE FIRST CAME DOWN HERE, THEY WERE PEOPLE
06:33:30 LOOKING FOR A CHEAP WAY TO GET INTO A NICE AREA.
06:33:33 SO WHAT DID WE HAVE?
06:33:35 WE HAD MOBILE HOME PARKS.

06:33:36 GO THROUGH NORTH FORT MYERS AS AN EXAMPLE, THERE'S A LOT OF
06:33:40 THEM AND EVEN GOLF COURSES AROUND THEM AND WHAT HAVE YOU.
06:33:43 THEY STARTED OFF AS A LOW-COST HOUSING ALTERNATIVE TO
06:33:47 SOMEBODY BEING ABLE TO COME DOWN HERE AND MOVE INTO -- I
06:33:52 SHOULDN'T SAY THIS BECAUSE IT'S NOT NICE -- BUT A TRAILER
06:33:55 HOME.
06:33:56 I GOT CHEWED OUT FOR SAYING THAT ONE TIME.
06:33:59 SO THE MOBILE HOME IS A SOLUTION BUT PRIMARILY IT'S BEEN A
06:34:08 RETIREMENT SOLUTION AND IT'S BEEN A SOLUTION HISTORICALLY
06:34:12 THAT WAS THE ONLY AFFORDABLE PLACE YOU COULD LIVE DOWN HERE.
06:34:16 I CAN TELL YOU WHAT'S HAPPENING IN INQUIRIES I GET.
06:34:20 PEOPLE ARE LOOKING FOR MOBILE HOME SITES BECAUSE THERE'S NO
06:34:25 OTHER SOLUTION TO BE ABLE TO COME DOWN HERE AND LIVE IN
06:34:30 SOMETHING THAT'S BASICALLY AFFORDABLE OR ENTRY HOUSING.
06:34:36 IRONICALLY, YOU'RE GOING TO SEE MORE MOBILE HOME PARKS
06:34:39 BECAUSE THAT'S THE ONLY THING THEY CAN AFFORD TO GET INTO.

06:34:43 >>Jim Wallace: THE ONLY PROBLEM WITH THAT, JAMES, AS THE
06:34:47 PEOPLE FROM RIVERWOODS SAID, THEIR LOTS ARE NOW $100,000.
06:34:50 RULE OF THUMB IN DEVELOPING IS FOUR TO ONE.
06:34:53 SO YOU HAVE TO -- YOU SHOULD BE BUILDING A $400,000 HOUSE ON
06:34:57 THAT $100,000 LOT.
06:34:59 IT'S PROBABLY TOO LATE.
06:35:01 I AGREE WITH BARRY.
06:35:02 HE'S 100% RIGHT.
06:35:04 TIFs ARE GREAT IDEA BUT IT'S TOO LATE FOR ESTERO.

06:35:08 I HAVE A SON WHO BOUGHT A CONDO.
06:35:12 $300,000.
06:35:15 HOW DOES HE HAVE A SINGLE -- HE'S 30 YEARS OF AGE.
06:35:20 HE CAN'T BUY A HOUSE AND RAISE A FAMILY IN A SINGLE-FAMILY
06:35:22 HOME.
06:35:22 THAT DREAM IS GONE, NOT IF HE WANTS TO LIVE IN ESTERO.
06:35:26 HE HAS TO GO SOMEWHERE ELSE.
06:35:29 >>James Tatooles: THE AREA HERE IS NOT WHERE THEY ARE
06:35:32 LOOKING FOR MOBILE HOME PARKS BECAUSE THEY KNOW THAT.
06:35:35 WE'RE TALKING ABOUT GOING OUT INTO FARMLAND AND REDEVELOPING
06:35:38 IT INTO A MOBILE HOME PARK.
06:35:41 I DON'T KNOW HOW FAR YOU GOT TO GO OUT TO GET TO THAT LAND,
06:35:45 BECAUSE EVEN AGRICULTURAL LAND IS GOING UP IN VALUE.
06:35:47 IT'S A TOUGH PROBLEM.
06:35:51 >>Scotty Wood: I AGREE.
06:35:52 THE AVERAGE RENT IN MANHATTAN, $5,000 A MONTH.
06:35:57 THAT'S THE AVERAGE RENT.
06:36:00 >>Marlene Naratil: I GOT KIDS IN THE CITY.
06:36:01 >> IT'S 2,000 A MONTH HERE IS ESTERO.
06:36:10 >>Scotty Wood: ANYBODY ELSE?
06:36:11 MOTION TO ADJOURN?
06:36:13 >> SO MOVED.
06:36:14 >> SECOND.
06:36:14 >>Scotty Wood: ALL IN FAVOR?
06:36:15 WE'RE ADJOURNED.

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

DRAFT MINUTES

Planning Zoning and Design Board Meeting

Village of Estero
9401 Corkscrew Palms Circle
Estero, FL 33928
July 12, 2022 4:30 p.m.

1. CALL TO ORDER: 4:30 p.m.

2. PLEDGE OF ALLEGIANCE: Led by Chairman Wood

3. ROLL CALL:

Present: Chairman Scotty Wood, Boardmembers Marlene Naratil, Anthony Gargano, James Tatooles, Michael Sheeley, Kristin Jeannin, Barry Jones, and Jim Wallace.

Also present: Village Land Use Counsel Nancy Stroud (via Zoom), Community Development Director Mary Gibbs, Development Review Manager Jim Hart, Senior Planner Matt Noble, and Deputy Village Clerk, Tammy Duran.

4. APPROVAL OF AGENDA:

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

5. BUSINESS:

(a) Consent Agenda

(1) Approval of June 14, 2022 meeting minutes.

(2) Confirm selection of Marlene Naratil as Vice Chair per May 10, 2022, Planning Zoning and Design Board vote.

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

6. PUBLIC HEARINGS (Quasi-Judicial)

(a) COP Extension of Outdoor Area - South Fork Grille/El Nido Modern Mexican Restaurant (ADD2022-E005) (District 6)
23161 Village Shops Way, Unit 113 Coconut Point Mall, located in the southern portion of Coconut Point Mall, south of Divieto Ristorante.

Applicant seeks to expand the outdoor seating area and outdoor service of alcoholic beverages.

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

No ex parte communication or conflicts of interest were noted.

Staff Presentation/Comments
Mary Gibbs, Community Development Director

Presentation/Information by
Joseph Sofia, JDS of Coconut Point, Inc.

Public Comment
None.

Board Questions or Comments
Board Members Naratil, Wallace, Jones, and Chairman Wood.

Motion: Motion to approve the Resolution expanding the COP premises as described with the five conditions in the staff recommendation with the addition of the sixth condition of a minimum of 60-inches clear space be provided for a walking area between the curb and the barrier of the outdoor seating.

Motion by: Board Member Tatooles
Seconded by: Board Member Gargano

Action: Approved the Resolution expanding the COP premises as described with the five conditions in the staff recommendation with the addition of the sixth condition of a minimum of 60-inches clear space be cleared for a walking area between the curb and the barrier of the outdoor seating.

Vote:

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

7. PUBLIC INFORMATION MEETINGS

(a) AT&T Cell Tower (District 1) (SEZ2020-E0101)
3231 Coconut Road, located on the property of Bonita Springs #2753 Benevolent and Protective Order of Elks, west of US 41 and south of Coconut Road.

Special Exception request in CS - Commercial Special Office Zoning District to allow the construction of a 99-foot monopole (and 1 foot lightning arrester) supporting a wireless communication tower.

Public Information Meeting held March 16, 2021, for Special Exception and Variance.

Original request was modified to reduce tower height and variance was withdrawn.

Staff Presentation/Comments
Mary Gibbs, Community Development Director
Matt Noble, Senior Planner
Nancy Stroud, Village Land Use Attorney

Presentation/Information by
Nathan Andrew Rotenstreich, Baker Donelson

Public Comment
In Person
John McFadden, Pelican Landing
Kathryn Cohen, Pelican Landing
Frank Toner, Country Creek
Dianne Wilhelm, Bonita Springs
Dale P. Sayset, Estero
Darlene Seachrist, Estero
Ben Mazzoccoli, Corkscrew Shores
Kathy Lienesch, Pelican Landing
Tim Deaton, Estero
Dick Gladding, Estero

eComments
M. Kathryn Smith, Coconut Shores
Gordon Graves, Pelican Landing
William McGee, The Tides
Marilyn Seink, Coconut Shores
Christna Hirchhorn, Pelican Landing
David DeRita, Pelican Landing

Board Questions or Comments
Board Members Jeannin, Naratil, Jones, Wallace, Tatooles, Gargano, Sheeley, and Chairman Wood

(b) Culver's Coconut Point (D.O. application pending) (District 6)
8400 Murano Del Lago Drive, Tract 3C Coconut Point Mixed Planned Development, vacant lot on the southeast corner of US 41 and Pelican Colony Boulevard, just north of Extra Space Storage.

Development Order for a 4,052 square foot Fast Food Restaurant.

Staff Presentation/Comments
Mary Gibbs, Community Development Director

Presentation/Information by
Brent Addison, Banks Engineering
Gregory Diserio, DMJA
Wendy Martin, Ollmann, Ernest, Martin Architects

Public Comment
None

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

Adjourn at 6:26 p.m. and reconvene at 6:34 p.m.

8. PUBLIC HEARINGS (Quasi-Judicial)

(a) Zoning Amendment and Deviations - Estero Town Center - Wawa (DCI2021-E004) (District 5)
10081 Estero Town Commons, located on the south side of Corkscrew Road on the parcel previously occupied by Ruby Tuesday in Lowe's Plaza.

Applicant seeks to amend the Commercial Planned Development to allow a convenience store with gas pumps on a 1.6-acre outparcel previously developed as Ruby Tuesday.

A Public Information Meeting was held September 21, 2021.

Staff Presentation/Comments
Mary Gibbs, Community Development Director
Nancy Stroud, Village Land Use Attorney

Presentation/Information by
Dan DeLisi, DeLisi, Inc.
Ted Treesh, TR Transportation
Neale Montgomery, Pavese Law Firm

Board Questions or Comments
Board Members Jeannin, Naratil, Wallace, Jones, Tatooles, Gargano, Sheeley, and Chairman Wood

Public Comments
eComment
Patrick McGarry, Spring Ridge

Motion: Motion to recommend to the Council to amend the Commercial Planned Development to allow a convenience store with gas pumps, and the addition of only one fast food restaurant and deny deviation 7 for the canopy. Additionally modify conditions 3 and 9 and delete conditions 7 and 12.

Motion by: Board Member Wallace
Seconded by: Board Member Sheeley

Action: Recommended to the Council to amend the Commercial Planned Development to allow a convenience store with gas pumps, and the addition of only one fast food restaurant and deny deviation 7 for the canopy. Additionally modify conditions 3 and 9 and delete conditions 7 and 12.

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

(b) Ordinance 2022-09 Planning Zoning and Design Board Membership Qualifications

Amend Land Development Code Section 2-302C.2. to change membership qualifications of the Planning Zoning and Design Board.

Staff Presentation/Comments
Mary Gibbs, Community Development Director
Nancy Stroud, Village Land Use Attorney

Board Questions or Comments
Board Members Wallace and Jones

Public Comments
None

Motion: Motion to recommend to the Council to approve Ordinance 2022-09.

Motion by: Board Member Naratil
Seconded by: Board Member Gargano

Action: Recommended to the Council to approve Ordinance 2022-09.

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

10. **BOARD COMMUNICATIONS**

Board Members requested additional information when the AT&T Cell Tower comes back in front of the Board.

(a) Next meeting – August 9, 2022

11. ADJOURNMENT: 8:04 pm.

_____
Tammy Duran
Deputy Village Clerk

Riverwoods Plantation
Zoning Staff Report
for
Planning, Zoning, and Design Board

PROJECT NAME:	**Riverwoods Plantation – Pickleball Facilities**
CASE TYPE:	**Special Exception**
CASE NUMBER:	**SEZ2022-E001**
PLANNING, ZONING AND DESIGN BOARD MEETING:	**August 9, 2022**

SUMMARY OF REQUEST

Special Exception in the RM-2 zoning district to allow Pickleball Facilities. The 18-acre parcel is part of Riverwoods Plantation, which has existing recreation uses that include four tennis courts, bocce ball courts, a volleyball court, and a dog park. The site is located north of Broadway West at 20481 Plantation Boulevard.

STAFF RECOMMENDATION

Staff recommends that the Planning, Zoning, and Design Board approve the request with conditions.

The Planning, Zoning, and Design Board will make a decision on this request.

GENERAL INFORMATION

Owner/Applicant
Riverwoods Plantation RV Resort Condo Assoc., Inc.

Authorized Agent
Roger Haab - Riverwoods Plantation Project Manager

Location
20481 Plantation Boulevard, north side of Broadway West

STRAP Number
29-46-25-E1-0700A.00CE

Size of Property
±18-acres

Surrounding Zoning / Land Use

North	Riverwoods Plantation (RV) / Village Neighborhood 2
East	Broadway Mobile Home Village (MH) / Village Neighborhood 2
South	Broadway West then Cranbrook Harbor (AG) / Village Neighborhood 1
West	Estero Bay Buffer Preserve (RPD) and Electric Substation (PCF) / Conservation and Village Neighborhood 2

Zoning
Residential Multiple Family (RM-2)

Comprehensive Plan Land Use Category
Village Neighborhood 2

Project History
Riverwoods Plantation is a 640-unit RV Condo Resort zoned Recreational Vehicle (RV) on approximately 75-acres, and the development has existed since 1982. The community consists of individually owned lots with mobile homes, manufactured homes, and RVs. The residential portion of the Riverwoods Plantation is zoned Recreational Vehicle (RV) and the 18-acre southern portion of the community is zoned Residential Multi-Family (RM-2). Community documents designate this parcel, which fronts on Broadway West, as a Recreation Parcel.

In 2000, the Lee County Hearing Examiner approved a Special Exception on the 18-acre site for Outdoor Recreation, to allow construction of a 1,652 square foot picnic pavilion. Other recreation improvements have been constructed in the intervening years, including four tennis courts, bocce ball, volleyball, and a dog park. A community office is also located on the property.

Public Information Meeting
A public information meeting was held by the Planning, Zoning and Design Board on June 14, 2022. The applicant provided a summary of the request during the meeting including distance to residences, parking, hours of operation and noise abatement.

- Distance to the nearest residential unit (320 feet).
- No lighting proposed for the pickleball courts.
- Hours of operation are daylight hours.
- Parking is limited to grass, or parking spaces adjacent to the pavilion or front office, however most residents walk or ride bikes to the courts.
- Noise abatement includes:
  - An existing hedgerow along Broadway West
  - Proposed windscreens of the pickleball fencing
  - The site is heavily treed.
  - Residential units are over 300 feet from the proposed courts

STAFF ANALYSIS

Project Description

A prior Special Exception was approved by Lee County in 2000 to allow for a picnic pavilion. The RM-2 zoning of the site allows for the existing recreational uses on the property, however pickleball is allowed only by Special Exception in this zoning district in the Village Land Development Code due to the potential compatibility issues.

This recreation parcel currently has four tennis courts, bocce ball courts, a volleyball court, and a dog park, all on an 18-acre recreation area on Broadway West which is in front of the Riverwoods Plantation residential community. The site has a significant number of trees, primarily slash pine, which provide visual screening of the existing uses.

Project Specifics:

- Construct four pickleball courts immediately south of the existing tennis courts.
- Vehicular access is via a crushed stone road from Plantation Boulevard and pedestrian/bike access to the site is via a crushed stone path.
- No new parking is proposed to be provided as the community members will walk or bike ride to play pickleball. Existing parking is located adjacent to the Picnic Pavilion and the applicant proposes to install one required handicap space.
- No lighting is proposed.
- Proposed hours of operation are during daylight hours.

A community association office is also located on the recreation parcel.

Identified Issues

A Special Exception is required for a use that is not normally permitted in a zoning district but may be allowed based upon an evaluation of compliance with conditions and standards. In the case of pickleball the concern is with compliance to noise standards which are necessary to determine if the use is compatible with the neighborhood. The Comprehensive Plan defines compatibility as “A condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.”

The location of the proposed pickleball courts is in the central portion of an 18-acre recreation parcel and will be over 300 feet from the residential units north of the courts in Riverwood Plantation and residential units on the south side of Williams Road, and residential units to the east in Broadway Mobile Home Village are over 800-feet from the pickleball courts. The recreation parcel has a significant number of trees, which will visually screen the use and may mitigate some of the noise from the pickleball use. The applicant requests approval of the use without completing a noise study due to the size of the property, the distance from the residential units, and the existing vegetation on the property.

Staff recommends that any nuisance resulting in noise complaints regarding the pickleball use result in a requirement for the applicant to provide a Noise Abatement Plan or a Noise Study within 30 days of a staff request, which staff will review.

Comprehensive Plan Considerations
The site is designated in the Comprehensive Plan as Village Neighborhood 2. This designation consists primarily of moderate density residential uses with minor or neighborhood scale commercial.

Policy FLU-1.11.2 of the Plan, Residential Development Standards, provides several factors that should be evaluated to ensure that development proposals address including whether the proposed use is compatible with adjacent uses, and other factors which include whether the proposal contributes to the overall design, landscaping, and aesthetics that make up the community's character as a harmonious place with beauty, spaciousness, and a diversity of high quality residential and commercial development that positively contributes to the quality of life of Estero's residents.

> Staff Comment: The proposed location for this use is at the west end of Broadway West with Preserve lands to the west and existing residential communities on the remaining three sides. The recreation use will be visually screened from Broadway West; however, noise issues are the primary concern with pickleball. Noise issues result due to the material of the ball and racquet, as well as the social aspect of the sport. The noise that may result from this use could impact the Riverwoods Plantation owners located 300 feet to the north of the proposed pickleball facilities, as well as residential units located on the south side of Broadway West which are more than 300 feet from the pickleball courts. Impact to Broadway Mobile Home Village will be minimal as they are over 800-feet from the pickleball facilities.

The Housing Element provides that "preserving and building the value of established residential housing stock is a goal of most communities, but it is at the heart of the vision for the Estero community". This element further examines neighborhood compatibility by stating:

> *Neighborhood Integrity and Compatibility*
> *Protect the integrity of residential areas by ensuring that new developments are compatible and consistent in form and character.*

Additional policies and objectives are listed below:

> **Objective HOU-1.1**
> Preserve the value and character of existing neighborhoods.
>
> ***Policies***
> *HOU – 1.1.3*
> *New development must be compatible with existing residential uses.*
>
> *HOU – 1.1.4*
> *Protect residential neighborhoods from encroachment and detrimental impacts from other more intensive land uses and continue to enforce existing regulations that provide buffering from more intensive uses.*
>
> Staff Comment: The development of pickleball courts may impact the adjacent residential uses to the north and south. The units to the north are located within Riverwoods Plantation and the HOA has stated that the residents were surveyed and are in favor of the use. The residential units on Broadway West are over 325 feet from the use which

will minimize the noise. These units are in the Cranbrook Harbor subdivision and seven of the ±1-acre lots in the subdivision are located on Broadway West.

The *Recreation and Open Space* element of the Comprehensive Plan includes the following statement:

> *One of the most significant goals of the Village is maintaining a variety of recreation areas and open spaces to meet the needs of the residents.*
> Staff Comment: The Comprehensive plan does not speak directly about recreation uses in private development; however, the private recreation area provides multiple opportunities for the residents of Riverwoods Plantation to remain active. The inclusion of pickleball provides an additional recreation use for the residents.

Land Development Code Use Specific Standards
Section 4-302.M of the LDC contains additional standards for a Pickleball Facilities as shown below:

M. Pickleball Facilities.

1. Outdoor lighting and noise levels for pickleball facilities shall not create adverse impacts on surrounding land uses. To address these concerns, the conditions of approval may require noise attenuation measures, landscape buffers, and other mitigation measures deemed necessary to limit adverse impacts on nearby residences.

2. Pickleball facilities shall on be allowed in conventional districts by special exception, or in planned developments by amendment.

3. No pickleball facility shall be allowed without a public hearing at the PZDB.

4. All requirements for Pickleball facilities shall be at least as stringent as the accessory use standards for swimming pools, tennis court, porches, decks, and similar recreational facilities.

Staff Comment: No lighting is proposed for the pickleball courts, and the applicant has provided limited hours of operation.

Three trees will need to be removed for construction of the courts, and the applicant proposes to plant three replacement trees on the west side of the pickleball courts.

The existing landscaping, the location of the courts in the center of the 18-acre recreation parcel, and the distance to residential uses are all noise attenuation measures that will limit impact on nearby residences. The proposed use will be compatible with the existing neighborhood with the adoption of recommended conditions.

CONCLUSION

Staff believes that this request meets the review standards with the staff recommended conditions of approval. The proposed conditions are in Attachment A.

The Planning, Zoning, and Design Board is the decision authority for Special Exceptions. A draft Resolution is provided.

Section -501.E.3 Special Exception Review Standards

A. Will be consistent with the goals, objectives, and policies of the comprehensive plan.

   Staff Comment: The proposed Pickleball Facilities use is consistent with the Comprehensive Plan goal of compatibility with adjacent uses with adoption of recommended conditions of approval that will assure compliance with noise standards.

B. Will comply with all applicable zoning district standards.

   Staff Comment: RM-2 zoning standards have been met.

C. Will comply with all standards in Chapter 4, Use Specific Standards.

   Staff Comment: The additional Pickleball Facilities standards have been met

D. Will be appropriate for its location and is compatible with the general character of surrounding lands and the uses permitted in the zoning district.

   Staff Comment: The location and surroundings of the Pickleball Facilities will allow for compatibility with adjacent uses.

E. Will adequately screen, buffer, or otherwise minimize adverse visual impacts on adjacent lands.

   Staff Comment: The existing vegetation and the location of the facilities in the center of the site will minimize visual impacts.

F. Will ensure that no site lighting source shall negatively impact adjacent properties and rights-of-way.

   Staff Comment: No lighting is proposed.

G. Will maintain safe and convenient ingress and egress and traffic flow onto and through the site by vehicles and pedestrians, and safe road conditions around the site.

   Staff Comment: Access to the Pickleball Facilities will be primarily by foot or bicycle due to the proximity of the use to the residential units in Riverwoods Plantation. Access to the residential units crosses the recreation parcel and new handicap parking is proposed to be provided adjacent to the existing picnic pavilion.

H. Will avoid significant adverse odor, noise, glare, and vibration impacts on surrounding lands regarding refuse collection, service delivery, parking and loading, signs, lighting, and other site elements.

   Staff Comment: No refuse collection, service delivery, or lighting is proposed in conjunction with this use.

I. Will not have an adverse impact on land values and the ability of neighboring lands to develop uses permitted in the zoning district.

Staff Comment: No adverse impact to land values or developing uses are anticipated.

J. Will avoid significant deterioration of water and air resources, scenic resources, and other natural resources.

Staff Comment: No deterioration of resources is anticipated.

K. Will not overburden existing public facilities and services, including, but not limited to, streets and other transportation facilities, schools, potable water facilities, sewage disposal, storm water management, and police and fire protection facilities.

Staff Comment: The Pickleball Facilities will not require additional public facilities and services.

L. Will comply with all other relevant Village, state, and federal laws and regulations.

Staff Comment: The proposed use will comply with all local, state, and federal laws and regulation.

ATTACHMENTS:

A. Proposed Conditions
B. SEZ2000-00032 HEX Decision
C. Recreation Area Overall Site Plan
D. Draft Resolution

Attachment A

Pickleball Courts - Riverwoods Plantation
Special Exception Conditions

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1. Site Plan

   Development of this project must be consistent with the Recreation Area Overall Site Plan dated 5/11/22 which shows four pickleball courts to be located south of the existing tennis courts.

2. Previous Approvals

   The Lee County Hearing Examiner approval granted for SEZ2000-00032, including conditions of approval, remains in effect.

3. Noise Mitigation

   If excessive noise complaints are received, the applicant must provide either a Noise Abatement Plan or a Noise Study, within 30 days of staff request, subject to Village staff approval. A Noise Abatement Plan would propose mitigation measures, such as use of sound deadening paddles and balls, more restrictive hours of operation, or installation of noise absorbing materials on the pickleball fencing, and provide a contact person at Riverwoods Planation to handle the complaints.

4. Parking

   One handicap parking space shall be provided adjacent to the picnic pavilion.

5. Tree Removal

   The removal of three slash pines will require replacement by providing three 25-gallon 10-foot Shady Lady Black Olive trees.

6. Lighting

   No lighting of the Pickleball Facilities is permitted.

7. Hours of Operation

   The Pickleball Facilities shall operate from dusk to dawn daily. No night-time play is permitted without an amendment to this Special Exception.

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER DECISION

SPECIAL EXCEPTION: SEZ2000-00032
APPLICANT: RIVERWOODS PLANTATION PICNIC PAVILION
HEARING DATE: NOVEMBER 30, 2000

I. APPLICATION:

Filed by WILLIAM D. HARROP, JR., P.E.,% HARROP ENGINEERING, 1424-1 S.E. 17th Avenue, Cape Coral, FL 33990 (Applicant/Agent); RIVERWOODS PLANTATION RV RESORT CONDO ASSOCIATION, INC., 4600 Robert E. Lee Boulevard, Estero, FL 33928 (Owner/Agent).

Request is for a Special Exception per the Land Development Code (LDC) Section 34-714 for a private, on-site recreational facility in the RM-2 (Multi-Family) zoning district; to allow the construction of a picnic pavilion.

The subject property is located at 4900 West Broadway Street, Estero (north side of West Broadway Street in Estero, two± miles west of U.S. 41), in S29-T46S-R25E, Lee County, FL. (District #3)

The Strap # as furnished by the Applicant is: 29-46-25-07-0000A.00CE

II. STAFF RECOMMENDATION: APPROVE WITH CONDITIONS

The Department of Community Development Staff Report was prepared by Jeff Jenkins. The Staff Report is incorporated herein by this reference.

III. HEARING EXAMINER DECISION:

The undersigned Lee County Hearing Examiner APPROVES the Applicant's request and grants a Special Exception for the real estate described in Section VIII. Legal Description WITH THE FOLLOWING CONDITION(S):

1. The picnic pavilion is limited to the proposed picnic pavilion as shown on the "Riverwoods Plantation Proposed Picnic Pavilion Site Plan," dated March 7, 2000, and stamped "Received Aug 282000 Permit Counter."

2. The pavilion is limited to a 1,652-square-foot building consisting of a pole structure with an impervious roof over a concrete slab.

3. The structure is to contain no utility service(s).

4. Access to the structure is limited to a footpath, and is not accessible by vehicular traffic.

5. The structure must comply with all applicable requirements of the Land Development Code at the time of local development order.

IV. HEARING EXAMINER DISCUSSION:

This is a request for a Special Exception to allow the construction of an on-site recreational facility - an open-sided picnic pavilion - on the18±-acre subject property located on the north side of West Broadway Street in Estero. The subject property is an undeveloped, wooded tract which comprises the southwestern corner of the Riverwoods Plantation RV Resort (RV Resort), and lies right along Broadway Street. It is zoned RM-2 and designated Suburban in the Lee Plan. The area surrounding the RV Resort is zoned a mixture of mobile home, RV, agricultural and residential districts. To the east, south and north are residential uses, and to the west is a state-owned preserve (formerly designated the "Sahdev" tract).

Applicant wants to construct the picnic pavilion, without electrical, water or sewer connections, on the subject property for the sole use of its residents. Initially, the subject property was owned by the developer of the RV park, who intended to construct conventional multi-story condominiums on it. The RV homeowners' association purchased it from that developer and has maintained it pretty much in its natural state. The RV residents intend to use the property to expand their on-site recreational amenities; the picnic pavilion will be the first amenity constructed. Ultimately, Applicant will return for approval for tennis courts and other recreational uses.

The Land Development Code regulations require a Special Exception for on-site recreational uses in the RM-2 zoning district, which is the reason for this request. Staff and Applicant agree that the picnic pavilion will have little, if any, affect on the surrounding off-site development and uses, because it will be located within - surrounded by - the RV Resort property. Applicant did not expect the pavilion to be used at night, since there will be no electrical lighting. Access to the picnic shelter will be via a footpath, thus, no paved parking area is required or planned.

Staff recommended approval of the request, with several conditions, finding that the request, as conditioned, is consistent with the intent and provisions of the Lee Plan and Land Development Code, and will not be detrimental to the adjoining persons or properties. In their conditions, Staff restricted the size of the pavilion to the 1,652 square feet requested by Applicant, prohibited utility service connections, and limited it to pedestrian access. Staff believed these conditions would ensure that the pavilion met the intent and requirement of the residents, while not creating adverse impacts on the surrounding properties.

The undersigned Hearing Examiner concurs with Staff's analysis, findings and recommendation of approval, with conditions, finding that the request meets the criteria for approval set out in Section 34-145, Land Development Code, and will be consistent with the intent and provisions of the Lee Plan and Land Development Code.

The Hearing Examiner also finds that the request, as conditioned, will be compatible with the surrounding mixture of uses and will not be detrimental or hazardous to the public health, safety and welfare.

It is the opinion of the Hearing Examiner that the conditions imposed herein are reasonably related to the impacts anticipated from the proposed use, and will adequately protect the public's interest and health, safety and welfare.

V. FINDINGS AND CONCLUSIONS:

Based upon the Staff Report, the testimony and exhibits presented in connection with this matter, the undersigned Hearing Examiner makes the following findings and conclusions:

A. That there are no changed or changing conditions that make approval of this request, as conditioned, inappropriate.

B. That the request, as conditioned, is consistent with the goals, objectives, policies and intent of the Lee Plan.

C. That the request, as conditioned, meets or exceeds all performance and locational standards set forth for the proposed use.

D. That the request, as conditioned, will protect, conserve or preserve environmentally critical areas and natural resources.

E. That the request, as conditioned, will be compatible with existing or planned uses, and will not cause damage, hazard, nuisance or other detriment to persons or property.

F. That the requested use, as conditioned, will comply with all general zoning provisions and supplemental regulations pertaining to the use set forth in Chapter 34, Land Development Code.

G. That the conditions imposed herein are reasonably related to the impacts anticipated from the proposed recreational use, and will adequately safeguard the public's interests and health, safety and welfare.

VI. PRESENTATION SUMMARY:

The Hearing Examiner explained the hearing process and placed all the participants under oath. William Harrop, with Harrop Engineering, stated that he represented the Riverwoods Plantation RV Condominium Association, and introduced Mr. Mid Kitchen, Chairman of Building and Grounds Committee. He noted that four members of the Board of Directors of the Association were in attendance as well.

The request is for a Special Exception in the RM-2 zoning district to build a 1,600-square-foot pole barn picnic shelter. The shelter will not be served by water, sewer or electric

utilities, and will only be used for picnics and other gatherings. No parking will need to be provided as it will be restricted to, and will only draw from, the residents of the park, and will not be increasing the population of the park.

The RV park was developed under the RM-2 zoning district on the property by the previous owner/developer, in anticipation of building condominium units on the 17.8-acre site. After the homeowners' association was established and more and more homeowners became active in the park's management, the homeowners united and purchased that 17.8 acres - now the site of the proposed picnic pavilion. Riverwoods Plantation has no plans to develop the parcel beyond this picnic pavilion; although, in the future, they might consider tennis courts or some other type of recreational facilities. The impact of the proposed pavilion is far less than the previous plan to construct condominiums.

He described the picnic pavilion construction, noting that it would consist of a concrete slab, and have a pathway from the driveway to the pavilion. It is merely a recreational facility to enhance the enjoyment of the residents.

Referencing her site visit, the Hearing Examiner asked if the park was gated. Mr. Harrop indicated that it was not gated, and that Mr. Kitchen could assist the Hearing Examiner during her site visit.

Jeff Jenkins, Development Services Division, stated that he had reviewed the application for this Special Exception. Staff's review revealed that the surrounding properties consisted of scattered vacant single-family to the south, and an RV park to the north. Using the aerial photograph, he pointed out the Estero Bay Preserve and a Florida Power & Light substation, as well as a mobile home park east of the property.

The request is for a Special Exception, as required by Land Development Code (LDC) Section 34-714, to allow a private on-site recreation facility in the RM-2 zoning district - the construction of the picnic pavilion. Staff believes that the proposed location of the pavilion within the common element of the RV park will not impact adjacent (off-site) uses. The conditions to limit the size and construction of the pavilion and to restrict its usage will minimize any potential effect of this use on the adjacent properties. The site will be used only by the residents of the RV park. The residents will access the pavilion on foot as no provision for vehicular traffic to the pavilion is proposed. The design features of the pavilion also incorporate no utilities, which will minimize lighting and use of the pavilion after dark.

Staff recommends approval of the Special Exception request, as conditioned. These conditions set out that: 1) the picnic pavilion is limited to the proposed location as shown on the Riverwoods Plantation proposed picnic pavilion site plan dated March 7, 2000 and stamped received by the permit counter on August 28, 2000; 2) the pavilion is limited to a 1,652-square-foot structure consisting of a pole structure with an impervious roof over a concrete slab (open structure, no screening); 3) the structure will contain no utility service (electric, sewer, water, gas or cable); 4) access to the structure is limited to a foot path and not to be accessible by vehicular traffic; and 5) the structure must comply with all applicable requirements of the LDC at the time of local development order approval.

The Hearing Examiner asked why screening was prohibited from the structure? Mr. Jenkins explained that, based on the discussion he had with Development Review personnel, if the structure was enclosed by a screen it would trigger the need for a door, framing, and other requirements. Staff also felt that, from a compatibility standpoint, requiring it to be an open structure would further restrict the use. Enclosing it with screen would lead to a door, then windows, and then perhaps it being totally enclosed later.

The Hearing Examiner observed that, if the structure was built in the middle of undeveloped property, it would have little opportunity to affect any non-residents of the park, and asked if, therefore, there was a need to limit the size? Mr. Jenkins explained that a proposed site plan had been included with the Applicant's development order application. This has been reviewed and was ready for issuance, pending the outcome of the Special Exception request.

The Hearing Examiner noted that it was previously mentioned that the Applicant might want to construct additional recreational uses on the site. She could understand concerns if the Applicant wanted to construct a stadium on the site, however, a few more picnic pavilions would not cause a negative impact. Mr. Jenkins indicated that the issue had been discussed and that the Applicant intended to return at a later date for a possible tennis court and other amenities. The Applicant decided that they wanted to proceed with the request for the pavilion, due to timing issues, and then return at a later date for any additional amenities.

The Hearing Examiner indicated that Special Exception approval in the LDC required a detailed site plan so that Staff could review what was being developed and where; therefore, a blanket approval for recreational uses would not be appropriate with the site plan submitted. The Hearing Examiner stated that she did not see any particular problem with the request because the new structure would be constructed inside the property boundaries, not along any boundary. She would, however, conduct a site visit before rendering a decision.

VII. OTHER PARTICIPANTS AND SUBMITTALS:

ADDITIONAL APPLICANT'S REPRESENTATIVES:

1. Mid J. Kitchen, % Riverwoods Plantation RV Resort Condo Association, Inc., 4600 Robert E. Lee Boulevard, Estero, FL 33928

ADDITIONAL COUNTY STAFF:

1. John Fredyma, Assistant County Attorney, Lee County, P. O. Box 398, Fort Myers, FL 33902-0398

PUBLIC PARTICIPATION:

A. THE FOLLOWING PERSONS TESTIFIED OR SUBMITTED EVIDENCE FOR THE RECORD AT THE HEARING (SEE SECTION VI.):

For: NONE

Against: NONE

B. THE FOLLOWING PERSONS SUBMITTED A LETTER/COMMENT CARD, OR OTHERWISE REQUESTED A COPY OF THE HEARING EXAMINER DECISION:

For:

1. Norine Armstrong, 4500 East Pilgrims Way, Estero, FL 33928
2. Georgia W. Gates, 20131 Cobblestone Court, Estero, FL 3928-2697
3. Maria B. Hajosy, 4561 Liberty Lane East, Estero, FL 33928
4. Patricia Nolander, 4500 Sawmill Drive East, Estero, FL 33928

Against: NONE

VIII. LEGAL DESCRIPTION:

A parcel of land lying in Section 29, Township 46 South, Range 25 East, Lee County, Florida, and being more particularly described as follows:

Commencing at a found concrete monument being the northeast corner of the northwest quarter of said Section 29; thence S 00°35'48" W, along the north-south quarter section line of said Section 29, a distance of 1974.12 feet to the point of beginning; thence continue S 00°35'48" W, 604.21 feet to a concrete monument marking the north right-of-way line of Broadway Street; thence S 89°51'45" W, along said north right-of-way line, a distance of 1308.44 feet to an iron rod marking the north-south quarter quarter section line of said Section 29; thence N 00°18'36" E, along said north-south quarter quarter section line, a distance of 602.27 feet; thence N 89°46'45" E, 1311.47 feet to the point of beginning.

IX. UNAUTHORIZED COMMUNICATIONS:

Unauthorized communications shall include any direct or indirect communication in any form, whether written, verbal or graphic, with the Hearing Examiner, or the Hearing Examiner's staff, any individual County Commissioner or their executive assistant, by any person outside of a public hearing and not on the record concerning substantive issues in any proposed or pending matter relating to appeals, variances, rezonings, special exceptions, or any other matter assigned by statute, ordinance or administrative code to the Hearing Examiner for decision or recommendation. . . . [Administrative Code AC-2-5]

No person shall knowingly have or attempt to initiate an unauthorized communication with the Hearing Examiner or any county commissioner [or their staff]. . . . [LDC Section 34-52(a)(1), emphasis added]

Any person who knowingly makes or attempts to initiate an unauthorized communication . . . [may] be subject to civil or criminal penalties which may include: [Section 34-52(b)(1), emphasis added]

Revocation, suspension or amendment of any permit variance, special exception or rezoning granted as a result of the Hearing Examiner action which is the subject of the unauthorized communication. [LDC Section 34-52(b)(1)b.2.]; OR

A fine not exceeding $500.00 per offense, by imprisonment in the county jail for a term not exceeding 60 days, or by both such fine and imprisonment. [LDC Section 1-5(c)]

X. APPEALS:

This Decision becomes final on the date rendered. A Hearing Examiner Decision may be appealed to the Circuit Court in Lee County. Appeals must be filed within thirty (30) days of the date the Hearing Examiner Decision is rendered. Appeal is by Petition for Writ of Certiorari in accordance with Lee County Land Development Code Section 34-146.

XI. COPIES OF TESTIMONY AND TRANSCRIPTS:

A. A complete verbatim transcript of the testimony presented at the hearing can be purchased from the court reporting service under contract to the Hearing Examiner's Office. The original documents and file in connection with this matter are located at the Lee County Department of Community Development, 1500 Monroe Street, Fort Myers, Florida.

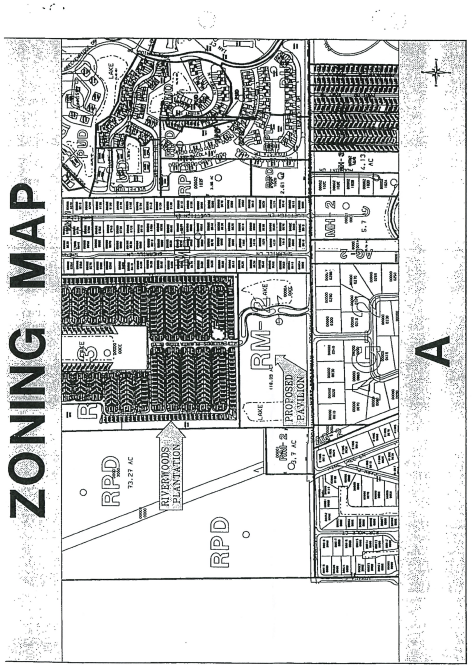
B. The original file and documents used at the hearing will remain in the care and custody of the Department of Community Development. The documents are available for examination and copying by all interested parties during normal business hours.

This decision is rendered this 6th day of December, 2000. Copies of this decision will be delivered to the offices of the Lee County Board of County Commissioners.

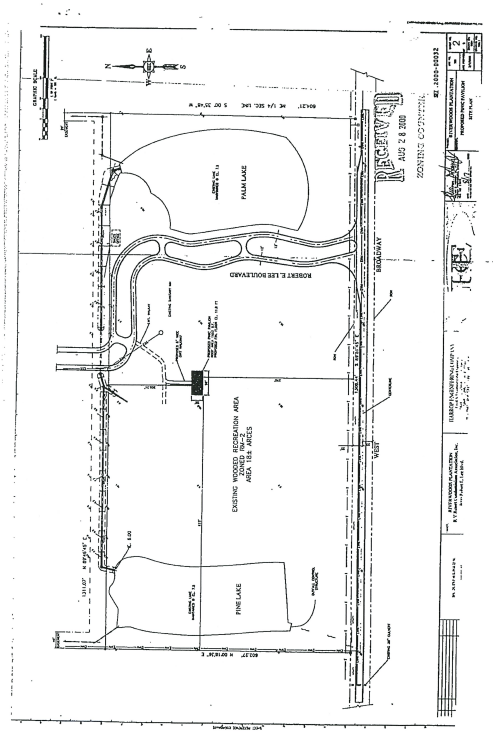
DIANA M. PARKER
LEE COUNTY HEARING EXAMINER
1500 Monroe Street, Suite 218
Post Office Box 398
Fort Myers, FL 33902-0398
Telephone: 941/479-8100
Facsimile: 941/479-8106

Case SEZ2000-00032 06Dec00 - Page 7

A



B



Attachment C - Recreation Area Overall Site Plan



RESOLUTION NO. PZDB 2022 -02

SPECIAL EXCEPTION APPROVAL
VILLAGE OF ESTERO, FLORIDA

WHEREAS, Roger Haab, on behalf of Riverwoods Plantation RV Resort Condo Association, Inc. ("applicant") filed an application for a Special Exception to allow for Pickleball Facilities.

WHEREAS, the property is located at 20481 Plantation Boulevard off of Broadway West and described more particularly as: Strap Number: 29-46-25-E1-0700A.00CE; and

LEGAL DESCRIPTION: A parcel of Land lying in Section 29, Township 46 South, Ranch 25 East. Lee County Florida, and being more particularly described as follows:

Commencing at a found concrete monument being the northeast corner of the northwest quarter of said Section 29, thence S 00°35'48" W, along the north-south quarter section line of said Section 29, a distance of 1974.12 feet to the Point of Beginning, thence continue S 00°35'48" W 604.21 feet to a concrete monument marking the north right-of-way line of Broadway Street, then S 89°51'45" W, along said north right-of-way line, a distance of 1308.44 feet to an Iron Rod marking the north-south quarter quarter section line of said Section 29, thence N 00°18'36" E, along said north-south quarter quarter section line, a distance of 602.27 feet, then N 89°46'45" E, 1311.47 feet to the Point of Beginning.

WHEREAS, the subject property is zoned Residential Multi-Family (RM-2) and is located in the Village Neighborhood 2 Future Land Use Category of the Village of Estero Comprehensive Plan; and

WHEREAS, Riverwoods Plantation RV Resort Condo Association, Inc., the owner of the subject parcel, has authorized Mr. Roger Haab to act as agent to pursue this application; and

WHEREAS, under the provisions of Land Development Code of the Village of Estero, the Planning, Zoning, and Board has been delegated the authority to make determinations with respect to all applications for Special Exceptions; and

WHEREAS, Section 2-501.E.3 of The Land Development Code (LDC) provides criteria for granting of a special Exception; and

WHEREAS, the applicant is requesting a Special Exception to allow for Pickleball Facilities in the RM-2 Zoning District of the LDC; and

WHEREAS, the Planning, Zoning, and Design Board has reviewed the request at a duly advertised public hearing and found that, as conditioned, the application meets the criteria below:

A. Is consistent with the Village of Estero Comprehensive Plan.

B. Complies with all applicable LDC zoning district standards.

C. Complies with all LDC Use Specific Standards in Chapter 4.

D. Is appropriate for its location and compatible with the general character of the surrounding land and uses permitted in the zoning district.

E. Minimizes adverse visual impact on adjacent lands.

F. Ensures that no site lighting will negative impact adjacent properties and rights-of-way.

G. Maintains safe and convenient access.

H. Avoids significant adverse odor, noise, glare, and vibration impacts on surrounding lands.

I. Does not have an adverse impact on land values.

J. Avoids significant deterioration of resources.

K. Does not overburden public facilities.

L. Will comply with all relevant Village, state and federal laws and regulations.

NOW, THEREFORE, IT IS HEREBY DETERMINED that a Special Exception is approved for Pickleball Facilities, subject to the following conditions:

1. Development of this project must be consistent with the Recreation Area Overall Site Plan dated 5/11/22 which shows four pickleball courts to be located south of the existing tennis courts.

2. The Lee County Hearing Examiner approval granted for SEZ2000-00032, including conditions of approval, remains in effect.

3. If excessive noise complaints are received, the applicant must provide either a Noise Abatement Plan or a Noise Study, within 30 days of staff request, and

subject to Village staff approval. A Noise Abatement Plan would propose mitigation measures, such as use of sound deadening paddles and balls, more restrictive hours of operation, or installation of noise absorbing materials on the pickleball fencing and provide a contact person at Riverwoods Planation to handle the complaints.

4. One handicap parking space shall be provided adjacent to the picnic pavilion.

5. The removal of three slash pines will require replacement by providing three 25-gallon 10-foot Shady Lady Black Olive trees.

6. No lighting of the Pickleball Facilities is permitted.

7. The Pickleball Facilities shall operate from dusk to dawn daily. No night-time play is permitted without an amendment to this Special Exception.

PASSED AND DULY ADOPTED this 9th day of August, 2022.

VILLAGE OF ESTERO, FLORIDA
PLANNING AND ZONING BOARD

_____
Scotty Wood, Chairman

Attest:

By: _____
Carol Sacco, Village Clerk

Reviewed for legal sufficiency

By:_____
Nancy Stroud, Esq.

Vote:

Scotty Wood	Yes___	No___
Marlene Naratil	Yes___	No___
Michael Sheeley	Yes___	No___
James Tatooles	Yes___	No___
Anthony Gargano	Yes___	No___
Barry Jones	Yes___	No___
Jim Wallace	Yes___	No___
Kristin Jeannin	Yes___	No___

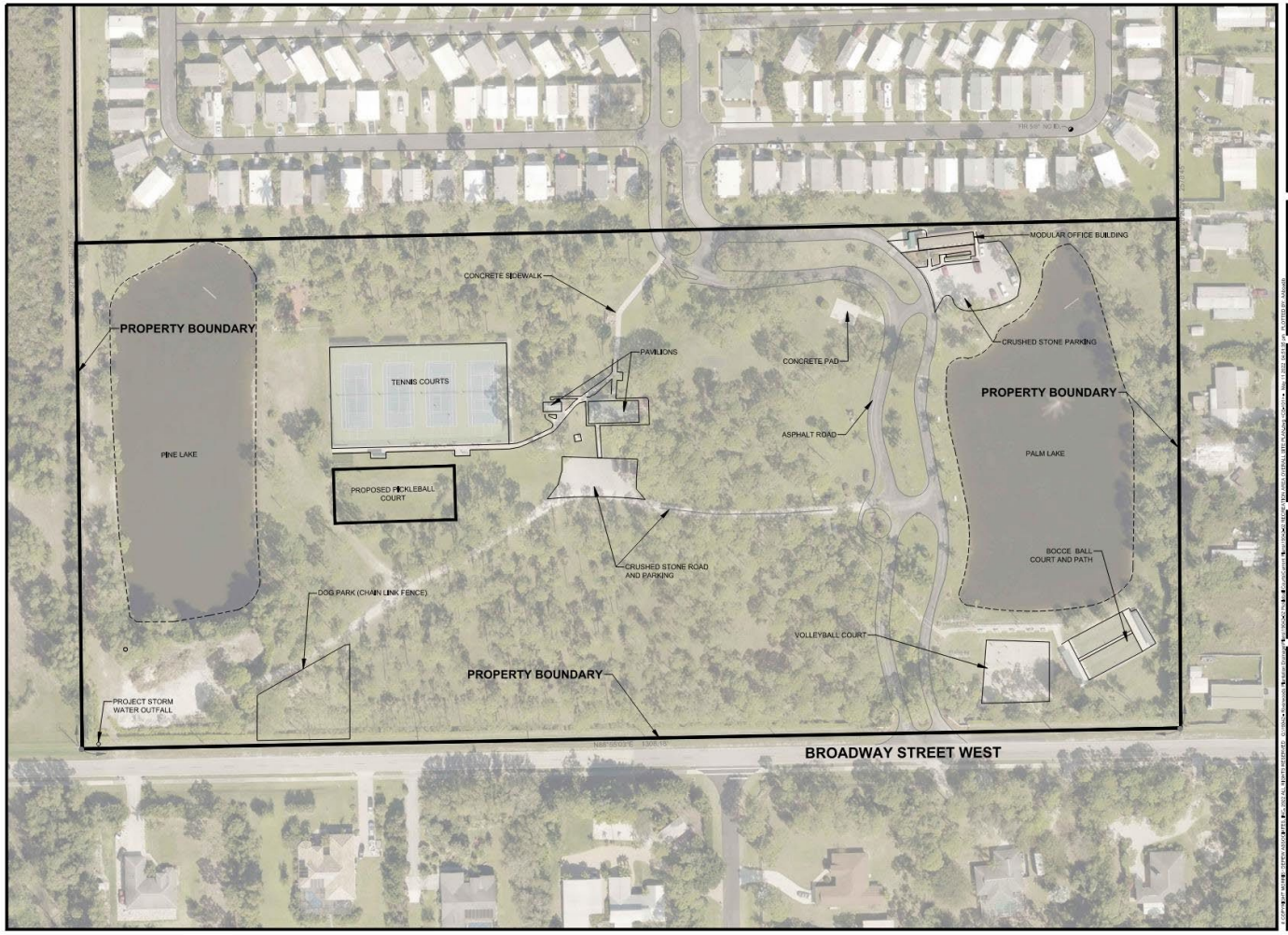
139

Riverwoods Plantation



Proposed New Pickleball Courts

Riverwoods Plantation
4760 Robert E Lee Blvd
Estero, Florida



PROJECT:
RIVERWOODS PLANTATION PICKLEBALL COURTS

LOCATION:
4600 ROBERT E. LEE BLVD.
ESTERO, FLORIDA

CLIENT:
RIVERWOODS PLANTATION RESORT

CONSULTANT:
MORRIS DEPEW
ENGINEERS ◆ PLANNERS ◆ SURVEYORS
LANDSCAPE ARCHITECTS
Fort Myers
Tallahassee
Destin

PREPARED BY:
JACK B. MORRIS
FL PE# 83867

REVISIONS | DATE

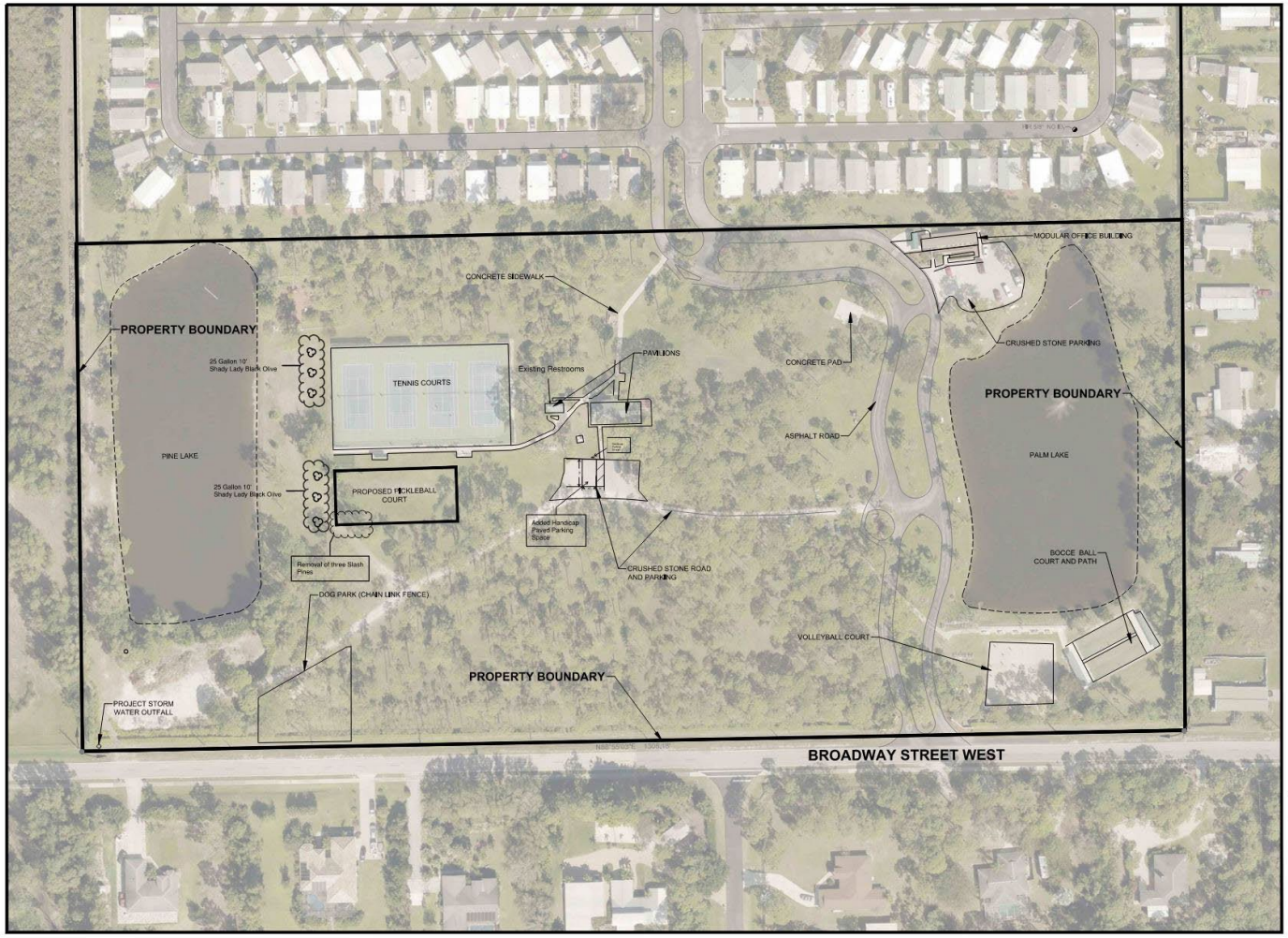
PROJECT MANAGER: JRM
DRAWING BY: ATA
JURISDICTION: VILLAGE OF ESTERO
DATE: 5/11/2022

SHEET TITLE:
RECREATION AREA OVERALL SITE PLAN

SHEET NUMBER: CS-101

50 0 25 50
SCALE 1"=50'

JOB/FILE NUMBER: 19042-01



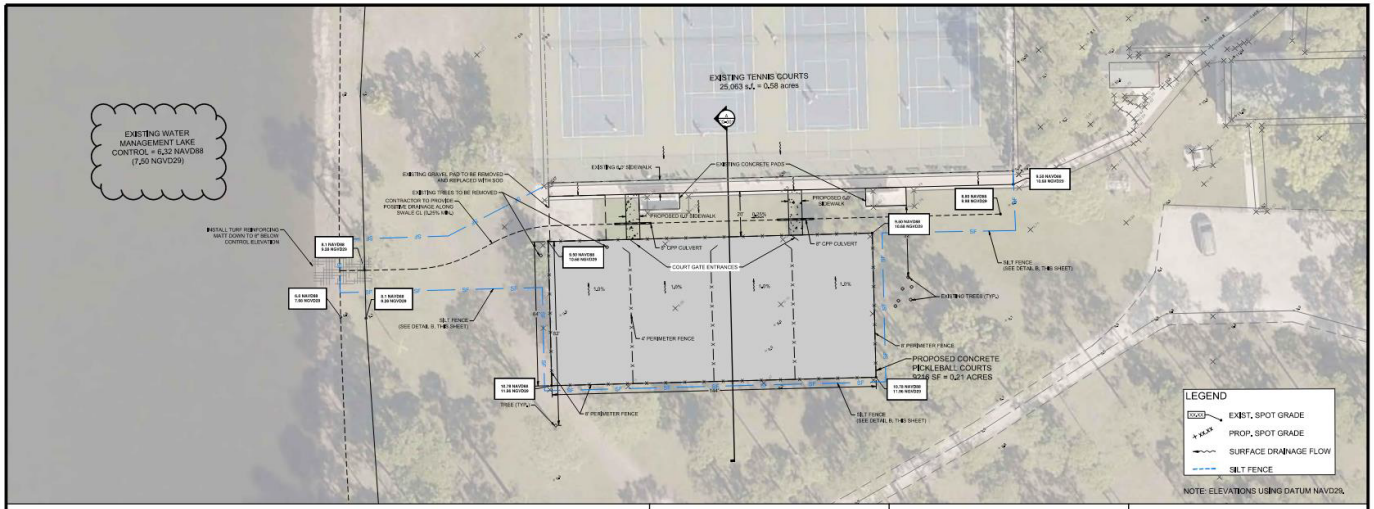
PROJECT:
RIVERWOODS PLANTATION PICKLEBALL COURTS

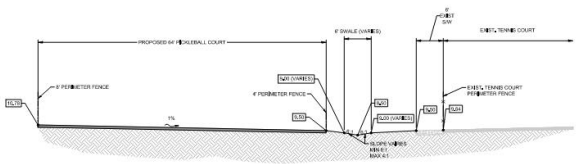
LOCATION:
4600 ROBERT E. LEE BLVD.
ESTERO, FLORIDA

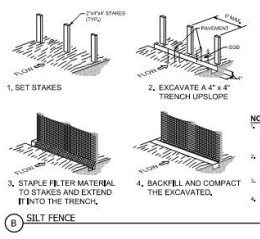
CLIENT:
RIVERWOODS PLANTATION RESORT

SHEET TITLE:
Site Improvements Plan
Drawing by R Haab

SCALE 1"=50'







NOTES:
1. SILT FENCE TO BE USED WHERE LARGE SEDIMENT LOADS ARE ANTICIPATED, SUGGESTED USE IS WHERE FILL SLOPE IS 1:2 OR STEEPER AND LENGTH OF SLOPE EXCEEDS 25 FEET, AVOID USE WHERE THE DETAINED WATER MAY BACK INTO TRAVEL LANES OR OFF THE RIGHT-OF-WAY.
2. DO NOT CONSTRUCT SILT FENCES ACROSS PERMANENT FLOWING WATERCOURSES. SILT FENCES ARE TO BE AT RIGHT ANGLES TO THE DIRECTION OF WATER FLOW.
3. WHERE USED AS SLOPE PROTECTION, SILT FENCE IS TO BE CONSTRUCTED ON 4% LONGITUDINAL GRADE TO AVOIDED CHANNELING RUN OFF ALONG THE LENGTH OF THE FENCE.
4. SILT FENCE TO BE PAID FOR UNDER THE CONTRACT UNIT PRICE FOR STAKED SILT FENCE, LENGTH FEET).

STORMWATER POLLUTION PREVENTION REQUIREMENTS:

1. GENERAL
A. OBTAIN A COPY OF THE WRITTEN STORMWATER POLLUTION PREVENTION PLAN (SWPP), IF APPLICABLE, FROM THE ENGINEER OF RECORD PRIOR TO COMMENCEMENT OF ANY SITE WORK. THE WRITTEN SWPPP IS A PART OF THIS PLAN AND MUST BE SIGNED BY THE CONTRACTOR IN THE LOCATION MARKED "OPERATOR AND OR RESPONSIBLE AUTHORITY". CONTRACTOR SHALL BE RESPONSIBLE FOR CONFORMING TO THE SWPPP UNTIL LIEN FREE RELEASE OF THE PROJECT TO THE OWNER.
B. PREPARE AND SUBMIT NPDES NOI TO USE GENERAL PERMIT TO FDEP AT LEAST 48-HOURS PRIOR TO ANY SITE WORK.
C. THE CONTRACTOR SHALL PROTECT ALL EXPOSED DRAINAGE PIPE ENDS FROM SEDIMENT SILT, DUP AND SEDIMENT TRANSPORT USING SYNTHETIC HAY BALES.
D. THE CONTRACTOR SHALL REMOVE ALL TEMPORARY EROSION CONTROL DEVICES UPON FINAL CONSTRUCTION COMPLETION.

2. TEMPORARY STABILIZATION
STABILIZE ALL DISTURBED AREAS AND TOPSOIL STOCKPILES WHERE CONSTRUCTION ACTIVITY TEMPORARILY CEASES FOR 7 OR MORE DAYS, STABILIZE WITH SEED SHALL BE BAHIA, MILLET, RYE, OR OTHER FAST-GROWING GRASSES UNLESS SPECIFIED, OR INDICATED ELSEWHERE, PRIOR TO SEEDING, APPLY FERTILIZER OR AGRICULTURAL LIMESTONE TO EACH AREA TO BE STABILIZED, AS DIRECTED BY THE ENGINEER. MULCH SEED AND KEEP INTO PLACE. STABILIZE AREAS OF THE SITE WHICH WILL BE PAVED BY APPLYING CRUSHED STONE SUBBASE AND MAINTAIN UNTIL PAVEMENT CAN BE APPLIED.

3. FILL MATERIAL STOCKPILES
STABILIZE ALL MATERIAL STOCKPILES WHICH WILL NOT BE UTILIZED FOR AT LEAST 7 DAYS WITH TEMPORARY SEED NO LATER THAN 7 DAYS FROM THE LAST CONSTRUCTION ACTIVITY THAT STOCKPILE AREA. APPLY RYE GRASS SEED AT THE RATE OF 40 LBS PER ACRE.

4. PERMANENT STABILIZATION
STABILIZE DISTURBED PORTIONS OF THE SITE, WHERE CONSTRUCTION ACTIVITIES HAVE BEEN COMPLETED WITH SOD, SEED AND MULCH, LANDSCAPING, OR OTHER EQUIVALENT STABILIZATION MEASURES SUCH AS RIPRAP OR GEOTEXTILE NO LATER THAN 7 DAYS AFTER THE DATE OF THE LAST CONSTRUCTION ACTIVITY, OR UNLESS SPECIFIED OR SHOWN ELSEWHERE, SOD SHALL BE FLORATAM, SEMA, OR EQUIVALENT. PREPARE SOIL BY APPLYING AGRICULTURAL LIMESTONE, WHEN NEEDED, SEED, APPLY MULCH AND KEEP INTO PLACE.

5. STORMWATER MANAGEMENT
STORMWATER DRAINAGE WILL BE PROVIDED BY SWALES, STORM SEWERS, AND STORMWATER TREATMENT FACILITIES IN ACCORDANCE WITH WATER MANAGEMENT DISTRICT (WMD) CRITERIA. GRADE THE AREAS WHICH ARE NOT DEVELOPED WITH SWALES TO DRAIN TO THE TEMPORARY OR PERMANENT SEEDING OR PLANTING. WHEN CONSTRUCTION IS COMPLETE, DRAIN THE ENTIRE SITE TO THE STORMWATER TREATMENT FACILITIES.

6. WASTE MATERIALS
COLLECT ALL WASTE MATERIALS AND STORE IN A TRASH CONTAINER WHICH WILL MEET ALL GOVERNMENTAL REGULATIONS FOR NON-HAZARDOUS WASTE DISPOSAL. DO NOT BURY CONSTRUCTION WASTE MATERIALS ONSITE. DISPOSE OF SAFELY THE CONTAINER AS REQUIRED IN ACCORDANCE WITH GOVERNMENTAL REGULATIONS. DO NOT BURY CONSTRUCTION WASTE MATERIALS ONSITE. INSTRUCT ALL PERSONNEL REGARDING THE CORRECT PROCEDURE FOR WASTE DISPOSAL. POST NOTICES STATING THESE PRACTICES AT AN APPROPRIATE LOCATION.

7. HAZARDOUS WASTE
COLLECT AND DISPOSE OF ALL HAZARDOUS WASTE MATERIALS IN THE MANNER SPECIFIED BY GOVERNMENTAL REGULATION OR BY THE MANUFACTURER. INSTRUCT PERSONNEL IN THESE PRACTICES.

8. SANITARY WASTE
COLLECT ALL SANITARY WASTE FROM PORTABLE UNITS AS REQUIRED BY GOVERNMENTAL REGULATION.

9. OFF-SITE VEHICLE TRACKING
INSTALL STABILIZED CONSTRUCTION ENTRANCE(S) TO REDUCE VEHICLE TRACKING OF SOIL ONTO THE PUBLIC ROADWAY, AS COMPLETED, SWEEP PAVED SURFACES AS NEEDED TO REMOVE ALL SOIL AND OTHER MATERIAL TRACKED FROM THE SITE. COVER DUMP TRUCKS HAULING MATERIAL FROM THE SITE WITH A TARPAULIN.

CERTIFICATION OF COMPLIANCE W/ GOVERNMENTAL REGULATIONS:

A. THE STORMWATER POLLUTION PREVENTION PLAN OBJECTS LOCAL, STATE, AND FEDERAL REGULATIONS FOR EROSION CONTROL, DEVELOPMENT AND EROSION AND SEDIMENT CONTROL, REFER TO CHAPTER 403.161 FAC AND CHAPTER 373 FAC.
B. THE CONTRACTOR MUST CERTIFY COMPLIANCE IN ACCORDANCE WITH THE INSPECTION SCHEDULE SPECIFIED ELSEWHERE.

1. EROSION AND SEDIMENT CONTROL INSPECTION AND MAINTENANCE PRACTICES
COMPLY WITH THE FOLLOWING INSPECTION AND MAINTENANCE PRACTICES TO MAINTAIN EROSION AND SEDIMENT CONTROLS.
A. PROVIDE A QUALIFIED INSPECTOR WHO SHALL INSPECT ALL POINTS OF DISCHARGE INTO SURFACE WATERS OF THE STATE OR A MUNICIPAL STORM SEWER SYSTEM (MS4), DISTURBED AREAS OF THE CONSTRUCTION SITE THAT HAVE NOT BEEN FINALLY STABILIZED, AREAS USED FOR STORAGE OF MATERIALS THAT ARE EXPOSED TO PRECIPITATION, STRUCTURAL CONTROLS, AND LOCATIONS WHERE VEHICLES ENTER OR EXIT THE SITE.
B. INSPECT ALL CONTROL MEASURES AT LEAST ONCE EVERY 7 CALENDAR DAYS AND WITHIN 24 HOURS FOLLOWING ANY STORM EVENT OF 0.50 INCH OR GREATER.
C. MAINTAIN ALL MEASURES IN GOOD WORKING ORDER. IF REPAIR IS NECESSARY, IT SHALL BE DONE IN A TIMELY MANNER, BUT IN NO CASE LATER THAN 7 CALENDAR DAYS FOLLOWING THE INSPECTION.
D. REMOVE SILT UP SEDIMENT FROM SILT FENCE WHEN IT HAS REACHED ONE-HALF THE HEIGHT OF THE FENCE.
E. INSPECT SILT FENCE FOR DEPTH OF SEDIMENT, BREACHES, TO SEE IF THE FABRIC IS SECURELY ATTACHED TO THE FENCE POSTS, AND TO SEE THAT THE FENCE POSTS ARE FIRMLY IN THE GROUND.
F. INSPECT THE SEDIMENT BASIN FOR DEPTH OF SEDIMENT, AND SILT UP SEDIMENT SHALL BE REMOVED WHENIT REACHES 10 PERCENT OF THE DESIGN CAPACITY OR CLY FEET AND AT THE END OF CONSTRUCTION.
G. INSPECT AND REPAIR ANY BREACHES TO DIVERSION BERM PROMPTLY (IF CONSTRUCTED).
H. TEMPORARY AND PERMANENT SEEDING AND PLANTING SHALL BE INSPECTED FOR BARE SPOTS, WASHOUTS, AND HEALTHY GROWTH.
I. PREPARE A MAINTENANCE INSPECTION REPORT AFTER EACH INSPECTION ON AN APPROVED REPORT FORM.
J. SELECT ONE INDIVIDUAL WHO SHALL BE RESPONSIBLE FOR INSPECTIONS, MAINTENANCE AND REPAIR ACTIVITIES, AND FILLING OUT THE INSPECTION AND MAINTENANCE REPORT.
K. PERSONNEL SELECTED FOR INSPECTION AND MAINTENANCE RESPONSIBILITIES SHALL RECEIVE TRAINING FROM THE CONTRACTOR AND SHALL BE TRAINED IN ALL THE INSPECTION AND MAINTENANCE PRACTICES NECESSARY FOR KEEPING THE EROSION AND SEDIMENT CONTROLS USED ONSITE IN GOOD WORKING ORDER.

2. NON-STORMWATER DISCHARGES
IT IS EXPECTED THAT THE FOLLOWING NONSTORMWATER DISCHARGES MAY OCCUR FROM THE SITE DURING THE CONSTRUCTION PERIOD:
A. WATER FROM WATERLINE FLUSHING.
B. PAVEMENT WASH WATERS (WHERE NO SPILLS OR LEAKS OR TOXIC OR HAZARDOUS MATERIALS HAVE OCCURRED).
C. UNCONTAMINATED GROUNDWATER (FROM DEWATERING EXCAVATIONS).
ALL NONSTORMWATER DISCHARGES SHALL BE DIRECTED TO THE STORM WATER MANAGEMENT FACILITIES PRIOR TO DISCHARGE.

INVENTORY FOR POLLUTION PREVENTION PLAN:

THE MATERIALS OR SUBSTANCES LISTED BELOW ARE EXPECTED TO BE PRESENT ONSITE DURING CONSTRUCTION:
FERTILIZERS, DETERGENTS, PETROLEUM BASED PRODUCTS, PAINTS, CLEANING SOLVENTS, WOOD, DRYWALL, BRICKS, CONCRETE, REINFORCING STEEL (REBAR), ASPHALT, METAL STUDS, ROOFING SHINGLES AND MASONRY BLOCK.

1. SPILL PREVENTION MATERIAL MANAGEMENT PRACTICES
THE FOLLOWING ARE THE MATERIAL MANAGEMENT PRACTICES THAT SHALL BE IMPLEMENTED TO REDUCE THE RISK OF SPILLS OR OTHER ACCIDENTAL EXPOSURE OF MATERIALS AND SUBSTANCES TO STORMWATER RUNOFF.

2. STORM WATER POLLUTION PREVENTION PLAN
PLEASE ENSURE THAT ADDITIONAL INFORMATION WHICH MAY BE A PART OF THE "STORM WATER POLLUTION PREVENTION PLAN ONLY WITHIN LEE COUNTY AS PART OF THE DO APPROVAL IS REVIEWED, IMPLEMENTED OR UPDATED AS NECESSARY DURING THE COURSE OF THE PROJECT.

3. GOOD HOUSEKEEPING
THE FOLLOWING GOOD HOUSEKEEPING PRACTICES SHALL BE FOLLOWED DURING THE CONSTRUCTION PROJECT:
A. STORE ONLY ENOUGH PRODUCT REQUIRED TO DO THE JOB.
B. ALL MATERIALS STORED ONSITE SHALL BE STORED IN A NEAT, ORDERLY MANNER IN THEIR APPROPRIATE CONTAINERS AND IF POSSIBLE, UNDER A ROOF OR OTHER ENCLOSURE.
C. PRODUCTS SHALL BE KEPT IN THEIR ORIGINAL CONTAINERS WITH THE ORIGINAL MANUFACTURER'S LABEL.
D. SUBSTANCES SHALL NOT BE MIXED WITH ONE ANOTHER, UNLESS RECOMMENDED BY THE MANUFACTURER.
E. WHENEVER POSSIBLE, ALL OF THE PRODUCT SHALL BE USED BEFORE DISPOSING OF THE CONTAINER.
F. FOLLOW MANUFACTURER'S RECOMMENDATIONS FOR PROPER USE AND DISPOSAL.
G. THE CONTRACTOR SHALL INSPECT TO ENSURE PROPER USE AND DISPOSAL OF MATERIALS ONSITE.

4. HAZARDOUS PRODUCTS
THESE PRACTICES ARE USED TO REDUCE THE RISKS ASSOCIATED WITH HAZARDOUS MATERIALS:
A. PRODUCTS WILL BE KEPT IN ORIGINAL CONTAINERS UNLESS THEY ARE NOT RESEALABLE.
B. ORIGINAL LABELS AND MATERIAL SAFETY DATA WILL BE RETAINED AS THEY CONTAIN IMPORTANT PRODUCT INFORMATION.
C. SURPLUS PRODUCTS THAT MUST BE DISPOSED OF SHALL BE DONE IN ACCORDANCE WITH MANUFACTURER RECOMMENDATIONS AND GOVERNMENTAL REQUIREMENTS.

5. PRODUCT SPECIFIC PRACTICES
A. PETROLEUM PRODUCTS - ALL ONSITE VEHICLES SHALL BE MONITORED FOR LEAKS AND RECEIVE REGULAR PREVENTIVE MAINTENANCE TO REDUCE THE CHANCE OF LEAKAGE. PETROLEUM PRODUCTS SHALL BE STORED IN TIGHTLY SEALED CONTAINERS WHICH ARE CLEARLY LABELED. ANY ASPHALT SUBSTANCES USED ONSITE SHALL BE APPLIED ACCORDING TO THE MANUFACTURER'S RECOMMENDATIONS AND STANDARD CONSTRUCTION PRACTICES.
B. FERTILIZERS - FERTILIZERS SHALL BE APPLIED ONLY IN THE MINIMUM AMOUNTS RECOMMENDED BY THE MANUFACTURER, ONCE APPLIED, FERTILIZER SHALL BE WORKED INTO THE SOIL TO LIMIT EXPOSURE TO STORMWATER. STORE FERTILIZERS IN A COVERED SHED. THE CONTENTS OF ANY PARTIALLY USED BAGS OF FERTILIZER SHALL BE TRANSFERRED TO A SEALABLE PLASTIC BIN TO AVOID SPILLS.
C. PAINTS - ALL CONTAINERS SHALL BE TIGHTLY SEALED AND STORED WHEN NOT REQUIRED FOR USE. EXCESS PAINT SHALL NOT BE DISCHARGED TO THE STORM SEWER SYSTEM BUT SHALL BE PROPERLY DISPOSED OF ACCORDING TO MANUFACTURERS INSTRUCTIONS AND GOVERNMENTAL REGULATIONS.

PROJECT:
RIVERWOODS PLANTATION PICKLEBALL COURTS

LOCATION:
4600 ROBERT E. LEE BLVD.
ESTERO, FLORIDA

CLIENT:
RIVERWOODS PLANTATION RESORT

PREPARED BY: RAH

REVISIONS	DATE

PROJECT MANAGER:
DRAWING BY:
JURISDICTION: VILLAGE OF ESTERO
DATE: 5/11/2022

SHEET TITLE:
PICKLEBALL COURT GRADING AND DRAINAGE PLAN

SHEET NUMBER: CG-100

SCALE 1"=20'

JOB/FILE NUMBER:

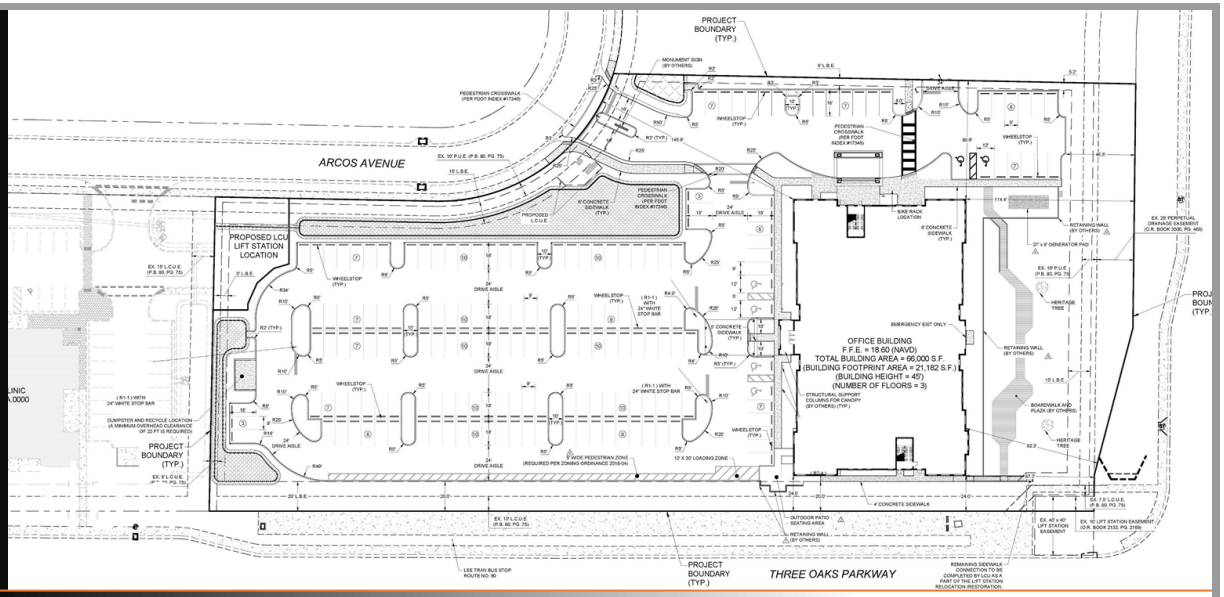

Arcos Professional Center
August 9, 2022
Village of Estero
LAI Design Associates, LLC
J.R. Evans Engineering



Introduction & Project Overview:

- Richard S. Losee, PE, LEED AP
  Principal
  LAI Design Associates, LLC/LAI Construction Management, Inc
  - Design Team & Owner Representative
- Matthew R. Bechtel, NCARB
  Principal Architect
  LAI Design Associates, LLC
  - Project Architect
- Christopher R. Mitchell, PE
  VP of Operations
  JR Evans Engineering
  - Civil Engineer

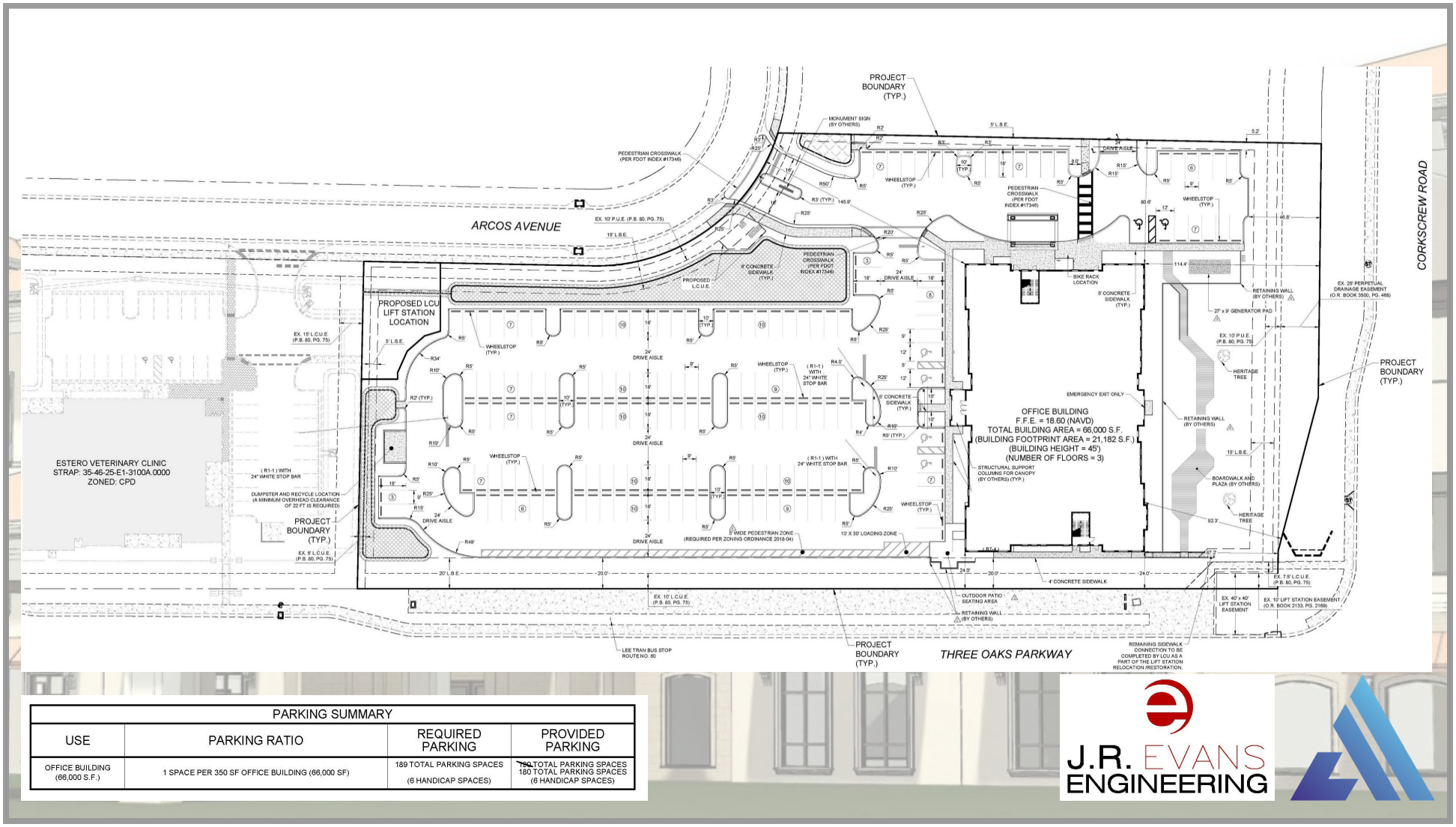
Proposed Site



Site Plan Relatively Unchanged:
(Minor Modifications requested to accommodate prospective tenant)

- New Porte-Cochere at Front (North) Side of Building
- Secondary Porte-Cochere at East Side of Building for Deliveries/Emergency Vehicles





PARKING SUMMARY			
USE	PARKING RATIO	REQUIRED PARKING	PROVIDED PARKING
OFFICE BUILDING (66,000 S.F.)	1 SPACE PER 350 SF OFFICE BUILDING (66,000 SF)	189 TOTAL PARKING SPACES (6 HANDICAP SPACES)	180 TOTAL PARKING SPACES 180 TOTAL PARKING SPACES (6 HANDICAP SPACES)

J.R. EVANS ENGINEERING

Proposed Use:

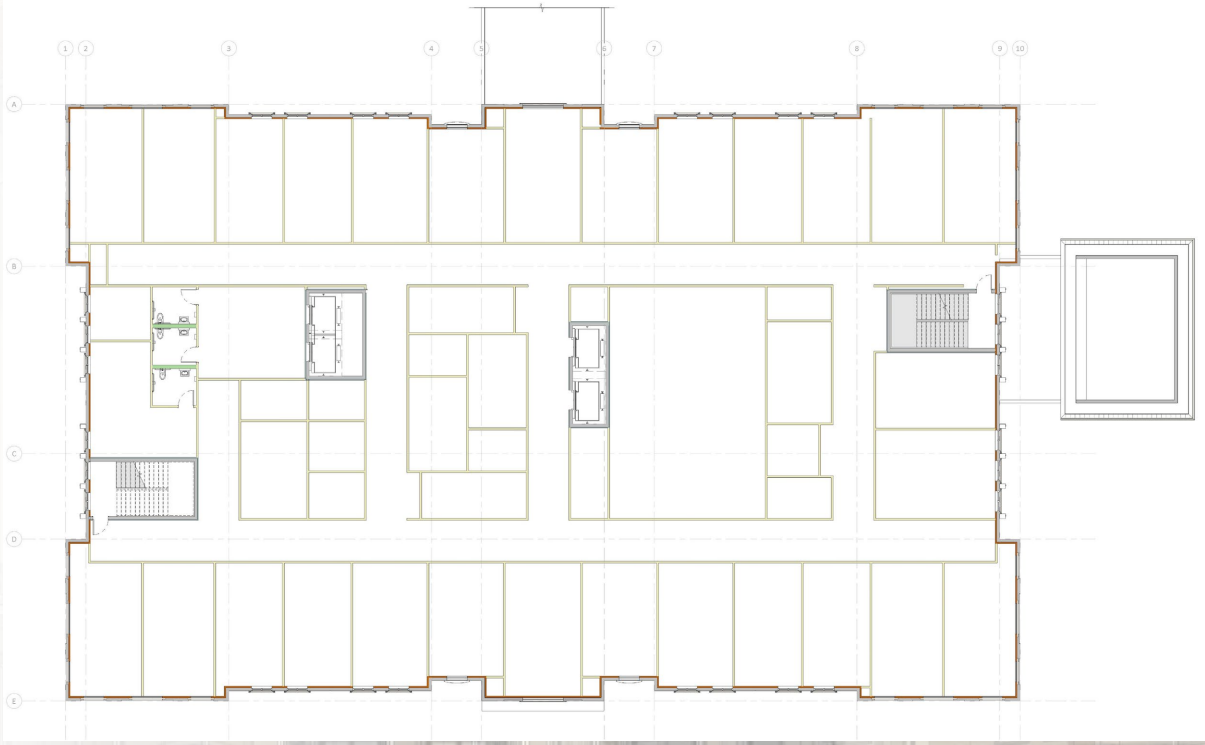
- Post-Op Rehabilitation Clinic
  - First Floor:
    Administration & Patient Care
    Support Spaces
  - Second Floor
    Patient Care & Rehabilitation
- Future Office/Medical Space
  - Third Floor Shell for Future Build-Out



First Floor Schematic/Space Plan

Proposed Use:

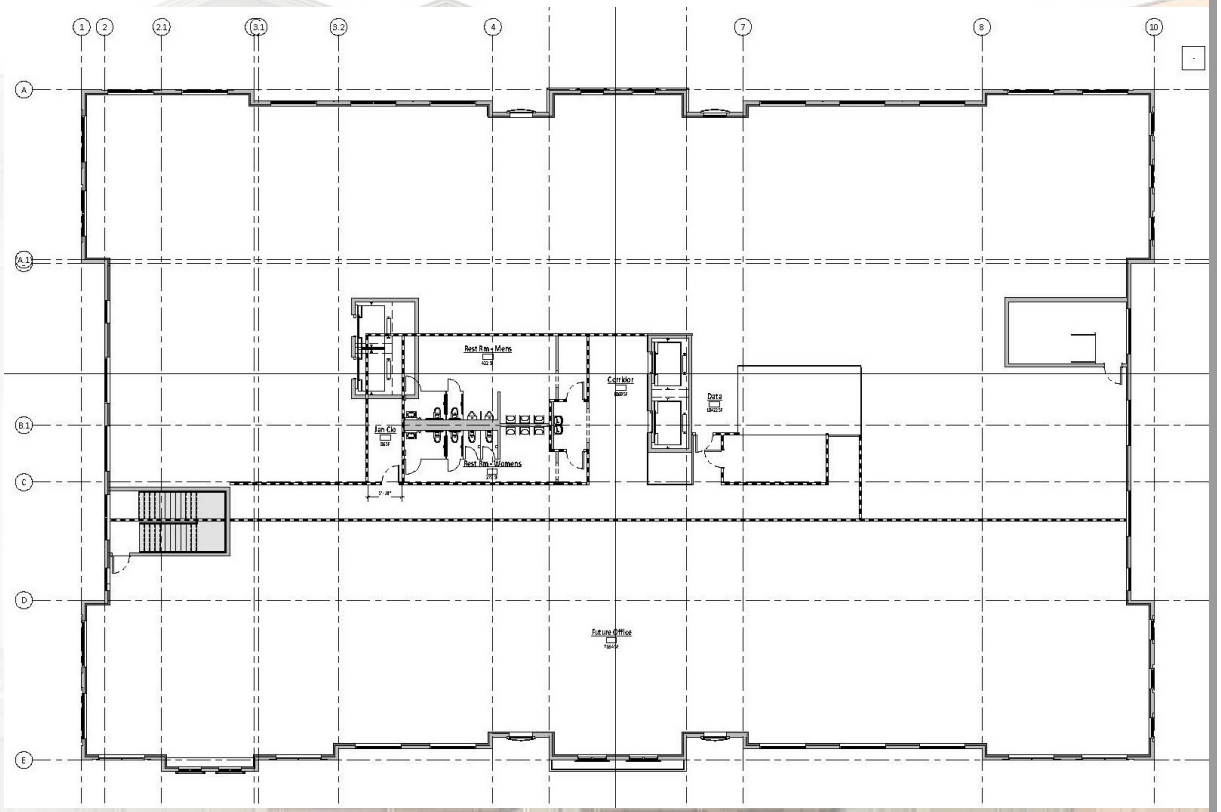
- Post-Op Rehabilitation Clinic
  - First Floor:
    Administration & Patient Care
    Support Spaces
  - Second Floor
    Patient Care & Rehabilitation
- Future Office/Medical Space
  - Third Floor Shell for Future Build-Out



Second Floor Schematic/Space Plan

Proposed Use:

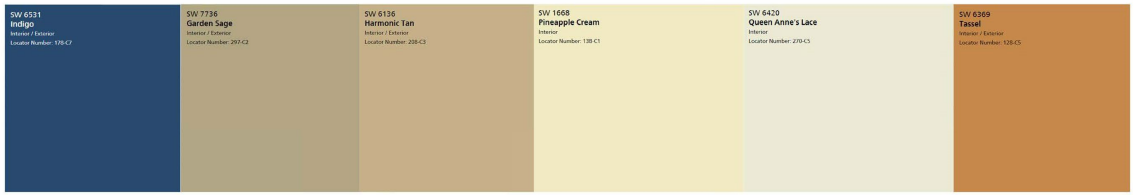
- Post-Op Rehabilitation Clinic
  - First Floor:
    Administration & Patient Care
    Support Spaces
  - Second Floor
    Patient Care & Rehabilitation
- Future Office/Medical Space
  - Third Floor Shell for Future Build-Out



Third Floor Schematic Plan

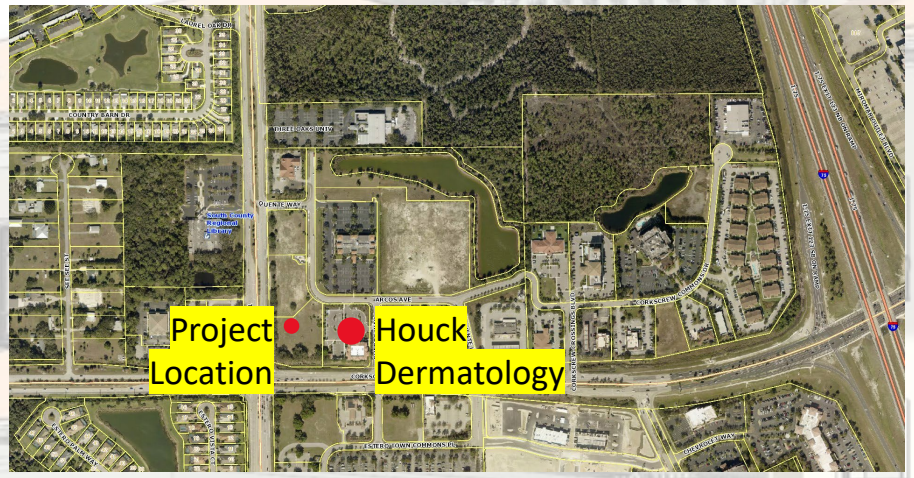
Architectural Modifications to the Proposed Design:

Color Palette Change:





Neighboring Building:







Year Completed: 2021

Design Features:

- Varying Roof Lines
- Undulating Wall Planes/ Variations in Mass
- Architectural Banding
- Brackets
- Corbels
- Medallions
- Quoins
- Awnings & Shutters
- Varying Colors/Stucco Finish

Building Elevations:



South Façade (Primary Façade – Corkscrew Road)

Design Features:

- Varying Roof Lines
- Architectural Bands
- Horizontal & Vertical Reveals
- Trim at Windows
- Decorative Railings
- Awnings & Roof Overhangs
- Varying Colors
- Undulating Wall Planes to Reduce Massing
- Corbels
- Brackets
- Cornice
- Mechanical Equipment Hidden by Roof Structure
- Changes in Material
- Decorative Arches

Building Elevations:

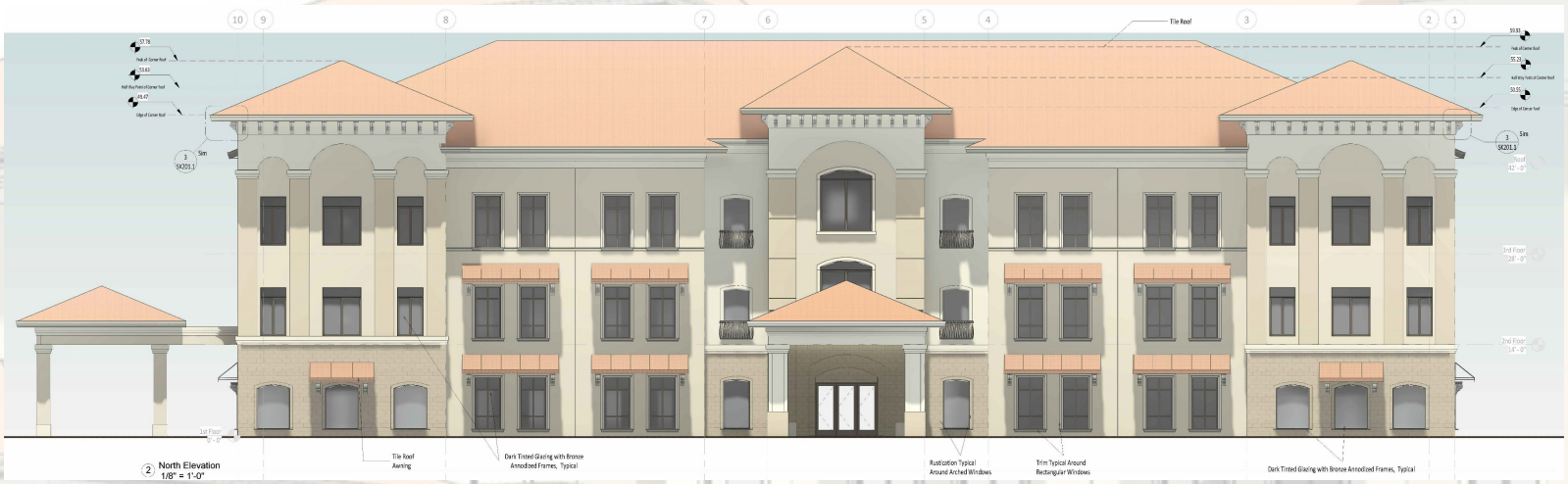


West Façade (Primary Façade – Three Oaks Parkway)

Design Features:

- Varying Roof Lines
- Architectural Bands
- Horizontal & Vertical Reveals
- Trim at Windows @ Grade
- Decorative Arches
- Awnings & Roof Overhangs
- Varying Colors
- Undulating Wall Planes to Reduce Massing
- Corbels
- Cornice
- Mechanical Equipment Hidden by Roof Structure
- Elevated Roofline @ Building Corners
- Changes in Building Materials

Building Elevations:

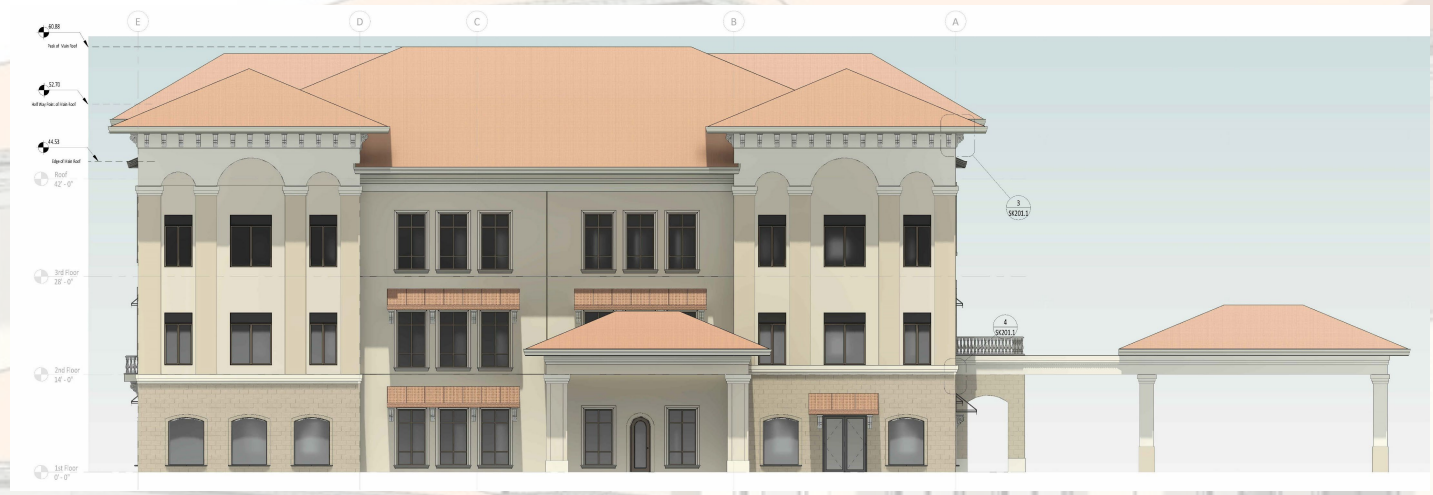


<u>North Façade (Primary Façade – Main Entrance)</u>

<u>Design Features</u>:

- Varying Roof Lines
- Architectural Bands
- Horizontal & Vertical Reveals
- Trim at Windows @ Grade
- Decorative Railings
- Awnings & Roof Overhangs
- Varying Colors
- Undulating Wall Planes to Reduce Massing
- Porte Cochere
- Corbels
- Cornice
- Mechanical Equipment Hidden by Roof Structure
- Decorative Arches

Building Elevations:



<u>Design Features</u>:

- Varying Roof Lines
- Architectural Bands
- Horizontal & Vertical Reveals
- Trim at Windows @ Grade
- Awnings & Roof Overhangs
- Varying Colors
- Undulating Wall Planes to Reduce Massing
- Secondary Porte Cochere for Loading/Unloading
- Corbels

<u>East Façade (Secondary Facade)</u>

- Cornice
- Mechanical Equipment Hidden by Roof Structure
- Decorative Arches

Colors & Materials:

1. Sherwin Williams
   "Natural Linen" SW9109
   Main Building Color

2. Sherwin Williams
   "Malabar" SW9110
   Building Base Color

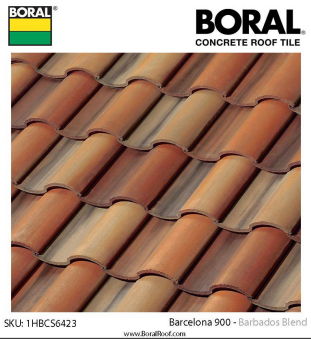
3. Sherwin Williams
   "Greek Villa" SW7551
   Building Accent/Trim Color

1

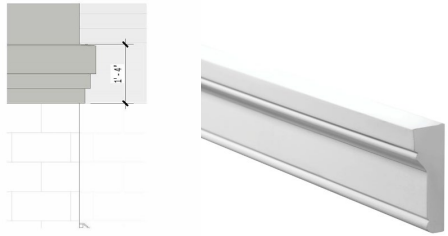
2

3



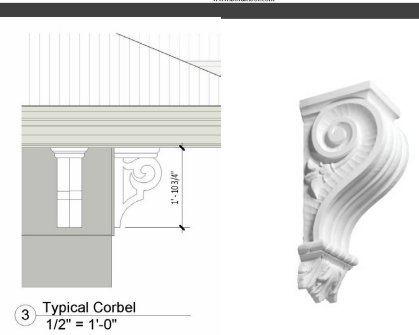


1



2





3



4

Colors & Materials (Continued):

1. Concrete Barrel Tile Roof
2. Stucco Banding
3. Decorative Corbel
4. Stucco Cornice


Thank You
Thank you for your time and attention
We are happy to answer any questions you may have.
Looking From South East
Looking From North West

Milan Villas

Zoning Staff Report

for

Planning, Zoning, and Design Board

PROJECT NAME:	**Milan Villas**
CASE TYPE:	**Rezoning from Commercial Planned Development to Residential Planned Development**
CASE NUMBER:	**DCI2021-E005**
PLANNING, ZONING AND DESIGN BOARD MEETING:	**August 9, 2022**

SUMMARY OF REQUEST

Rezone a 10-acre parcel from Commercial Planned Development (CPD) to Residential Planned Development (RPD) with deviations, to allow for 44 single-family attached one-story units. The site is located at the northwest corner of Three Oaks Parkway and Williams Road.

STAFF RECOMMENDATION

Staff recommends approval with conditions.

The Planning, Zoning, and Design Board will make a recommendation, and the Village Council will make a decision on the request.

GENERAL INFORMATION

Owner
Pawlet Associates, LLC

Applicant
J. Wayne Everett, DR Horton

Authorized Agent
Dan DeLisi – DeLisi, Inc.

Additional Agents
Christopher Mitchell, PE – J.R. Evans Engineering
Neale Montgomery – Pavese Law Firm
Ted Treesh – TR Transportation
Tyler King – Dex Bender and Associates

Location
21750 Three Oaks Parkway

STRAP Number
34-46-25-E3-0100C.0010

Size of Property
10-acres

Surrounding Zoning/Land Use
North Colonial Oaks RPD / Village Neighborhood 1

East Three Oaks Parkway then Shadow Wood at the Brooks MPD / Village Neighborhood 1

South Williams Road then Shadow Wood at the Brooks MPD / Village Neighborhood 1

West Undeveloped and Lakes of Estero PUD / Village Neighborhood 2

Existing Zoning
Commercial Planned Development (CPD)

Comprehensive Plan Land Use Category
Village Neighborhood 2

Project History
In 2003 Lee County approved the Williams Three Oaks Commercial Planned Development (CPD) for a maximum of 100,000 square feet of commercial use including offices, medical office, banks, and personal services. The project was not developed.

Public Information Meeting
A Public Information Meeting was held on April 12, 2022, and the applicant provided a summary of the meeting which is attached.

STAFF ANALYSIS

Project Description
The applicant requests a rezoning from Commercial Planned Development (CPD) to Residential Planned Development (RPD) to allow 44 single-family attached units on the 10-acre parcel. The structures are proposed to be single-story with a maximum height of 35-feet.

The property is a long and narrow parcel at the northwest intersection of Three Oaks Parkway and Williams Road. There is approximately 1,300 feet of frontage on Three Oaks Parkway and 325 feet of frontage on Williams Road. Proposed access is in the central portion of the site from Three Oaks Parkway. The proposed internal road has a north-south orientation terminating with cul-de-sacs at the north and south ends. The 44 single-family attached residential units are on

both sides of the internal road, and the proposed park area is immediately north of the project entry.

In addition to the residential units, the Schedule of Uses also lists Model Home and Real Estate Sales Office as allowed uses. The applicant has stated that they plan to utilize Lots 35-38 for these purposes. Staff recommends a condition regarding requirements for these uses.

Pattern Book
The proposed Pattern Book, stamped "Received May 4, 2022", includes a Master Concept Plan, an Illustrative and Pedestrian Circulation Plan, and an Open Space and Buffers plan. A pattern book is required to illustrate the anticipated visual character of the new development.

Master Concept Plan (MCP)
The MCP, received July 22, 2022, shows the single-story residential lots will be approximately 3,780-square feet per attached unit. The project is compact, with minimal side yard setbacks and a 10-foot rear yard setback.

The Land Use Summary indicates that 2.75-acres of open space is provided which, combined with the dry detention area of 1.29-acres results in 40.4% open space provided for the project, compliant with LDC requirements.

Architecture
The applicant provided a General Villa Concept which shows a brown-toned single-story structure. The applicant proposes a maximum height of 35-feet.

Pedestrian Circulation
The applicant proposes five-foot concrete sidewalks adjacent to the roadway. These sidewalks would connect to the existing six-foot concrete sidewalks on Three Oaks Parkway. No pedestrian access is proposed to Williams Road. Staff would prefer to have an access onto Williams Road to provide adequate pedestrian circulation for the site, however the placement of the dry detention at the south end of the site precludes a second pedestrian access to the site.

Access
The site is located at the corner of two collector roads, Three Oaks Parkway and Williams Road. Three Oaks Parkway is under the jurisdiction of Lee County Department of Transportation and Williams Road is under the jurisdiction of the Village of Estero. Current road conditions include a median on Three Oaks Parkway between the northbound and southbound lanes and a right turn lane onto Williams Road.

The property has approximately 1,300 feet of frontage on Three Oaks Parkway and 325 feet of frontage on Williams Road. The applicant proposes one centrally located access from Three Oaks Parkway; however, an access onto Williams Road is not desirable due to insufficient frontage on Williams Road to meet distance separation requirements at the intersection. No access to residential development to the west is proposed. The LDC requires a second access for a development of this size therefore the applicant proposes an emergency only access from the cul-de-sac at the north end of the property to Three Oaks Parkway. The Fire Department has stated that this is acceptable in lieu of a second access to the site, however the emergency access must be built to Village and Fire Department standards. Staff recommends a condition of approval regarding this requirement.

The existing median on Three Oaks Parkway limits access to the site to a right-in, right-out only configuration with U-turns necessary to enter the site from the south or to exit the site to go north on Three Oaks Parkway.

Staff review has noted that a turn lane may be required for the entrance onto Three Oaks Parkway which will be reviewed by Lee County. This issue will be further reviewed at the time of development order.

Signs
One project monument sign is proposed along Three Oaks Parkway at the entry to the project.

Buffers
The MCP shows the required buffers; a 20-foot Type "D" buffer along both Three Oaks Parkway and Williams Road, and 5-foot Type "A" buffers on the north and west property boundaries.

A 6-foot high aluminum fence is proposed along Williams Road and Three Oaks Parkway, while a 6-foot chain link fence is proposed on the north and west property boundaries which abut existing residential developments. Staff is concerned that the required 5-foot buffer may not be sufficient to adequately screen the bulk and density of the attached units from the neighboring single-family detached homes. At minimum, staff recommends that consistent perimeter fencing be provided throughout the development with a 6-foot high aluminum fence, rather than the proposed chain link fence on the north and west, for enhanced screening and visual continuity within the development.

Environmental
The site currently has one single-family home, and the site was historically used as a citrus grove. The site is heavily vegetated. DexBender has performed a Protected Species Assessment for the applicant which described the citrus grove vegetation as dominated by laurel oak with brazilian pepper, cabbage palm, carrotwood, and slash pine. Two slash pines were found meeting the heritage tree criteria; however, the applicant's assessment did not indicate where these trees were located or if they will be preserved or impacted.

Endangered, threatened, or species of special concern were surveyed, and no known protected species were found on or immediately adjacent to the site. It is estimated that two potentially occupied Gopher Tortoise burrows could occur in the general area, and one gopher tortoise is estimated to be present within the property, however no sign of gopher tortoises were found on-site.

Staff recommends that this rezoning approval include conditions regarding these two issues: review of heritage trees at the time of development order for retention or replacement, and provision of a Gopher Tortoise Relocation Plan at the time of development order.

Flood Area
The site is located in the Special Flood Hazard Area AH, which is a moderate to high flood risk for shallow flooding with average depths between one and three feet. Buildings will need to meet flood requirements.

Stormwater Management
The applicant provided information that "Storm water runoff from the proposed Milan Villas community will be routed to the proposed on-site pond via curb and gutters, drainage inlets, drainage pipes and swales. A control structure will convey discharge from the pond to the existing on-site swale that runs along the community's south property line. The existing swale is connected

via existing drainage infrastructure to the Halfway Creek-South Branch Bypass Canal that runs along the east side of Three Oaks Parkway. The bypass canal ultimately conveys the project's runoff o the South Branch of the Estero River."

The original proposal was to provide ponds for storm water runoff, but the applicant amended the plan to provide dry detention instead. The applicant should amend the stormwater statement to reflect this change.

Dry detention areas are proposed at the north and south ends of the site. The site drainage will be further reviewed at the time of development order.

Transportation

Access to the site will be from Three Oaks Parkway and will have a controlled access entry. The applicant provided a Traffic Impact Statement (TIS) that analyzed existing conditions, trip generation based on the currently approved but unbuilt commercial use, as well as from the proposed development to determine potential impact or the necessity of required improvements based upon the new trips generated by the proposal.

The proposed RPD zoning for 44 single-family attached units will result in 474 trips per day. The applicant has stated this is a reduction of 85% in trips that could be generated by the existing CPD zoning if it was developed. The TIS states that the analyzed roadways will operate at a level of Service "D" or better in the year 2025, therefore no road capacity improvement will be required. The requirement for provision of turn lane improvements is under Lee County Department of Transportation, which will require a Lee County Limited Development Order. A condition is recommended regarding the requirement for LDO from Lee County for the access from Three Oaks Boulevard.

Utilities

The following utility services are proposed, and service letters have been provided:

- Potable Water from Lee County Utilities Pinewood Water Treatment Plant.
- Wastewater will be from Lee County Utilities Three Oaks Water Reclamation Facility.

Agency Review Comments

1. Lee County School District – The District response included a review of the concurrency and noted that capacity is an issue within the Concurrency Service Area (CSA) at the elementary school level, but that capacity is available in the adjacent CSA

2. Lee County Transit – The developer will not be required to connect to or improve transit facilities since the subject property is not within the ¼ mile of a fixed-route corridor and is not adjacent [to existing or proposed transit facilities].

3. Estero Fire Rescue – The applicant has provided an auto-turn analysis as requested by Fire, as well as a secondary access to the development for emergency vehicles. Estero Fire will continue to work with the developer regarding provision of the emergency access for the site.

Comprehensive Plan Considerations

The site is designated in the Comprehensive Plan as Village Neighborhood 2. This designation consists primarily of moderate density residential uses with minor or neighborhood scale commercial.

FLU-1.2.7 VILLAGE NEIGHBORHOOD 2. The Village Neighborhood 2 areas are characterized by predominantly residential uses of moderate densities with the potential for commercial uses of minor commercial or neighborhood center scale. These areas have urban services available and are typically smaller, more compact sites that were designated Urban Community or Suburban (and not within the Mixed-Use Overlay) in the Village's Transitional Comprehensive Plan. These areas have been developed with residential communities with gross densities ranging from over four dwelling units per acre (4 du/acre) to a maximum of ten dwelling units per acre (10 du/acre). Included among them, for example, are Coconut Shores, Fountain Lakes, Corkscrew Woodlands, Copper Oaks, Breckenridge, and Villaggio.

Staff Comment: The proposed rezoning would result in a residential density of 4.4 units/acre which is within the recommended density range of one dwelling unit per acre to 6 dwelling units per acre.

Policy FLU-1.11.2, RESIDENTIAL DEVELOPMENT STANDARDS. This policy provides several factors that should be evaluated to ensure that development proposals address including whether the proposed use is compatible with adjacent uses, and other factors which include whether the proposal contributes to the overall design, landscaping, and aesthetics that make up the community's character as a harmonious place with beauty, spaciousness, and a diversity of high quality residential and commercial development that positively contributes to the quality of life of Estero's residents.

Staff Comment: The location is surrounded by residential developments including Shadow Wood at the Brooks, Colonial Oaks, and Lakes of Estero. The proposed residential use is compatible with the surrounding residential uses and preferable to the current commercial zoning.

HOU-1.1.4. Protect residential neighborhoods from encroachment and detrimental impacts from other more intensive land uses and continue to enforce existing regulations that provide buffering from more intensive uses.

Staff Comment: The proposed rezoning for single-family attached dwelling units is compatible with the surrounding residential uses if conditions of approval are adopted. The adjacent communities are single-family detached on larger lots than this proposal; therefore, staff recommends a condition that the proposed aluminum perimeter fencing be consistent throughout the development, replacing the proposed chain link fence on the north and west property boundaries adjacent to existing single-family detached homes. This fencing will be more attractive and provide better screening than chain link fencing.

Deviations Requested

The applicant has requested four deviations:

1. Deviation 1 seeks relief from LDC Section 5-304.A.4.C (Development Entry Points) which requires that residential development of more than five acres provide more than one means of ingress or egress for the development, to allow for a single access and an emergency access.

   Applicant Justification: The proposed development is located at the northwest corner of Three Oaks Parkway and Williams Road. The total frontage on Williams Road is approximately 300 feet, which would place an access on Williams Road too close to the intersection of Three Oaks Parkway to meet safety standards. The Three Oaks Parkway frontage is approximately 1,300 feet. However, the southern approximately 450 feet

consists of a right turn lane for Williams Road. If two access points were to be located along Three Oaks Parkway, one would need to be place within the turn lane, also causing an unsafe condition. The proposed development is approximately 450 feet consists of 44 units on 10 acres. The access point is located toward the middle of the development. Given the very small scale of the proposed development a second access would provide minimal safety or circulation benefit but would cause an on-going, regular concern safety concern with vehicles entering or exiting the development either too close to the intersection of an arterial and collector road or within an existing turn lane. The proposed deviation therefore serves to protect the public's health, safety and welfare.

Staff Comment: A site access on Williams Road cannot meet safety separation standards, therefore the applicant proposes an emergency access on Three Oaks Parkway that meets Fire Department standards. Staff has no objection to this deviation but recommends a condition of approval regarding the requirement for an emergency access for the development.

2. Deviation 2 seeks relief from LDC Appendix C.A.2.A (Privately Maintained Roads) which requires that the minimum right-of-way width for a privately maintained roadway shall be 60 feet, to allow for the right-of-way width to be 50 feet.

   Applicant Justification The 50' ROW will be abutted by 10' Public Utility Easements on each side of the ROW provided public utilities, water/sewer connections, fire protection, and pedestrian and vehicular mobility. Utilization of a 40' ROWs and 50' ROWs is typical within the Village… Locating the Public Utility Easements outside of the right-of way is common practice and does not detract for the character of the community. To protect the health, safety and welfare of the public, fire protection is provided by hydrants located within the ROW and spacing per code. The Master Concept Plan includes a cross section for the proposed 50' ROW.

   Staff Comment: This is for the internal street. Staff has no objection to this deviation.

3. Deviation 3 seeks relief from LDC Appendix C.B.7.A.2 (Street Design and Engineering – Cul-de-Sacs) which requires that the minimum diameter of the right-of-way for a roadway with curb and gutter shall be 130 feet, to allow for a right-of-way diameter to be 120 feet.

   Applicant Justification: There are no homes, utilities, or sidewalks wrapping around the cul-de-sac that will require area behind the back-of-curb. Within the cul-de-sac, the minimum pavement radii can be accommodated to ensure proper fire apparatus movement. The reduced ROW diameter around the cul-de-sac can accommodate the required minimum pavement radii and does not impact access within the subdivision. The smaller radius aids in designing a community that maintains slow vehicle movement and a safe comfortable environment for the enjoyment of families. The proposed deviation does not have a negative impact on the health, safety, or general welfare of the public.

   Staff Comment: This is for the internal street; therefore, staff has no objection to this deviation.

4. Deviation 4 seeks relief from LDC Appendix C.B.7.C (Street Design and Engineering – Cul-de-Sacs) and Appendix D.H. (Illustrations and Cross-Sections – Cul-de-Sacs) which requires that the minimum diameter of the right-of-way for a roadway with curb and gutter shall be 130 feet, to allow for a right-of-way diameter to be 120 feet.

Applicant Justification: Deviation 3 and 4 are related and therefore have the same justification.

Staff Comment: This is for the internal street; therefore, staff has no objection to this deviation.

STAFF IDENTIFIED ISSUE

The proposed rezoning to Residential Planned Development would allow for 44 single-family attached units on 10 acres. The community will be compact, with small lots and small setbacks resulting in small yards. The sole amenity proposed is a small unimproved grassy area at the development entrance. Staff recommends the amenity area provide some feature such as a gazebo, patio area, dog park and walkway for residents as a community gathering area.

The original submittal included a swimming pool on the park parcel, but this improvement was subsequently removed from the proposal and the parcel will be unimproved except it will contain the mail kiosk for the development.

The small, compact lot sizes and the attached unit configuration may not allow for individual swimming pools or other amenities to be constructed in the rear yard.

CONCLUSION

Staff believes that this request meets the review standards with the staff recommended conditions of approval. The proposed conditions are in Attachment C.

Section 2-501.C.2 of the LDC provides review standards for rezonings which include whether the project:

1. Is consistent with and furthers the goals, objective, and policies of the Comprehensive Plan and all other Village adopted plans.

   Staff Comment: The proposed rezoning, as conditioned, is consistent with the Comprehensive Plan.

2. Is not in conflict with any portion of the LDC.

   Staff Comment: The proposed rezoning, as conditioned, is not in conflict with the LDC.

3. Addresses a demonstrated community need

   Staff Comment: The proposed single-family attached units are a different unit type than the standard single-family unit and may fulfill a community need not met by single-family detached units.

4. Is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.

   Staff Comment: The proposed rezoning, as conditioned, is compatible with the surrounding area.

5. Would result in a logical and orderly development pattern.

Staff Comment: The proposed rezoning, as conditioned, will result in a logical and orderly development pattern.

6. Would not adversely affect the property values in the area.

   Staff Comment: The proposed rezoning, as conditioned, will not adversely affect property values.

7. Would result in development that is adequately served by public facilities (road, potable water, wastewater, solid, waster, storm water, schools, parks, police, and fire and emergency medical facilities.

   Staff Comment: The proposed rezoning, as conditioned, will be adequately served by public utilities.

8. Would not result in significantly adverse impacts on the natural environment – including, but not limited to water air, noise, storm water management, wildlife, vegetation, wetlands, environmentally critical area, and the natural functioning of the environment.

   Staff Comment: The proposed rezoning, as conditioned, will not result in significant adverse impacts on the natural environment.

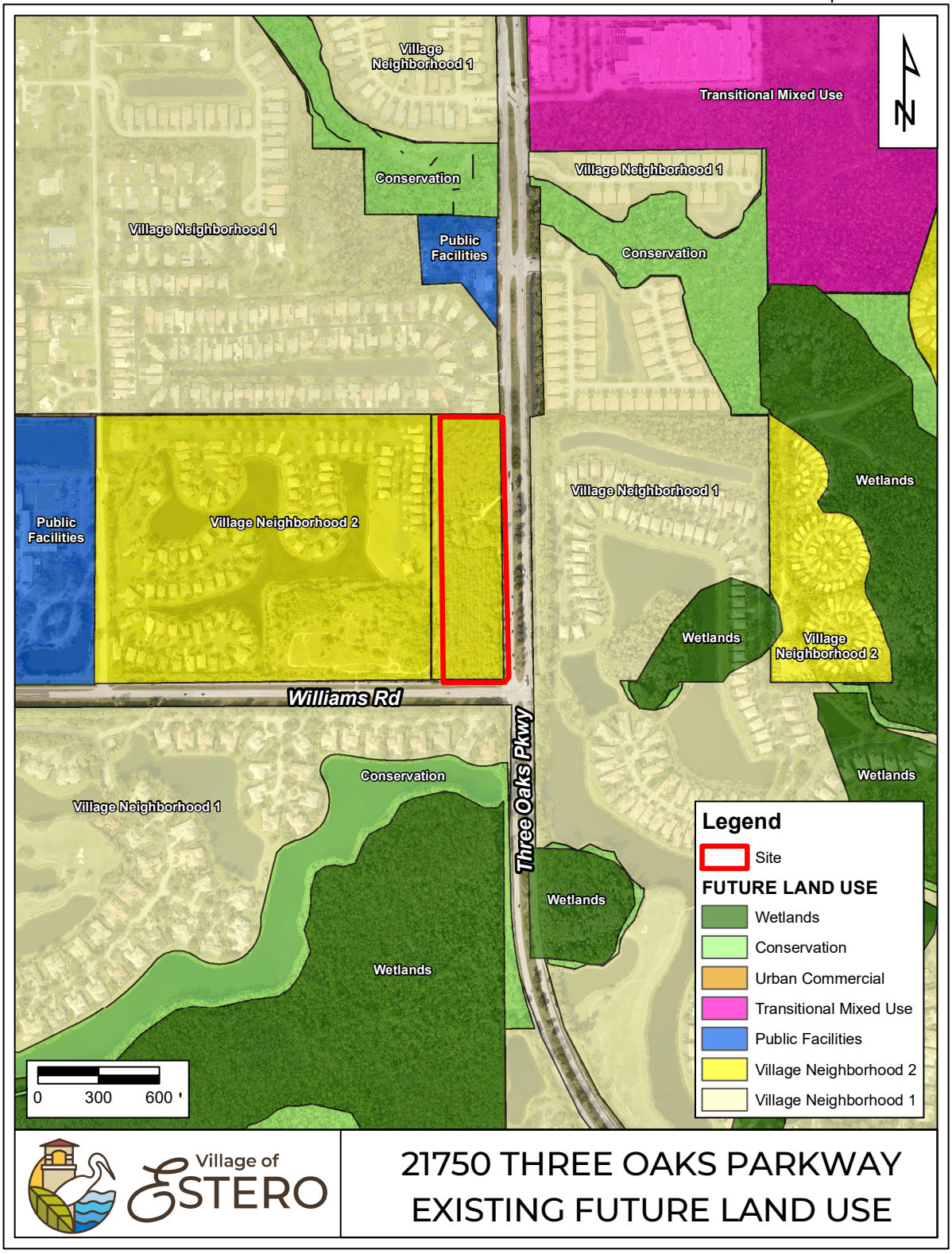
9. Is compatible with existing or planned uses in the surrounding area.

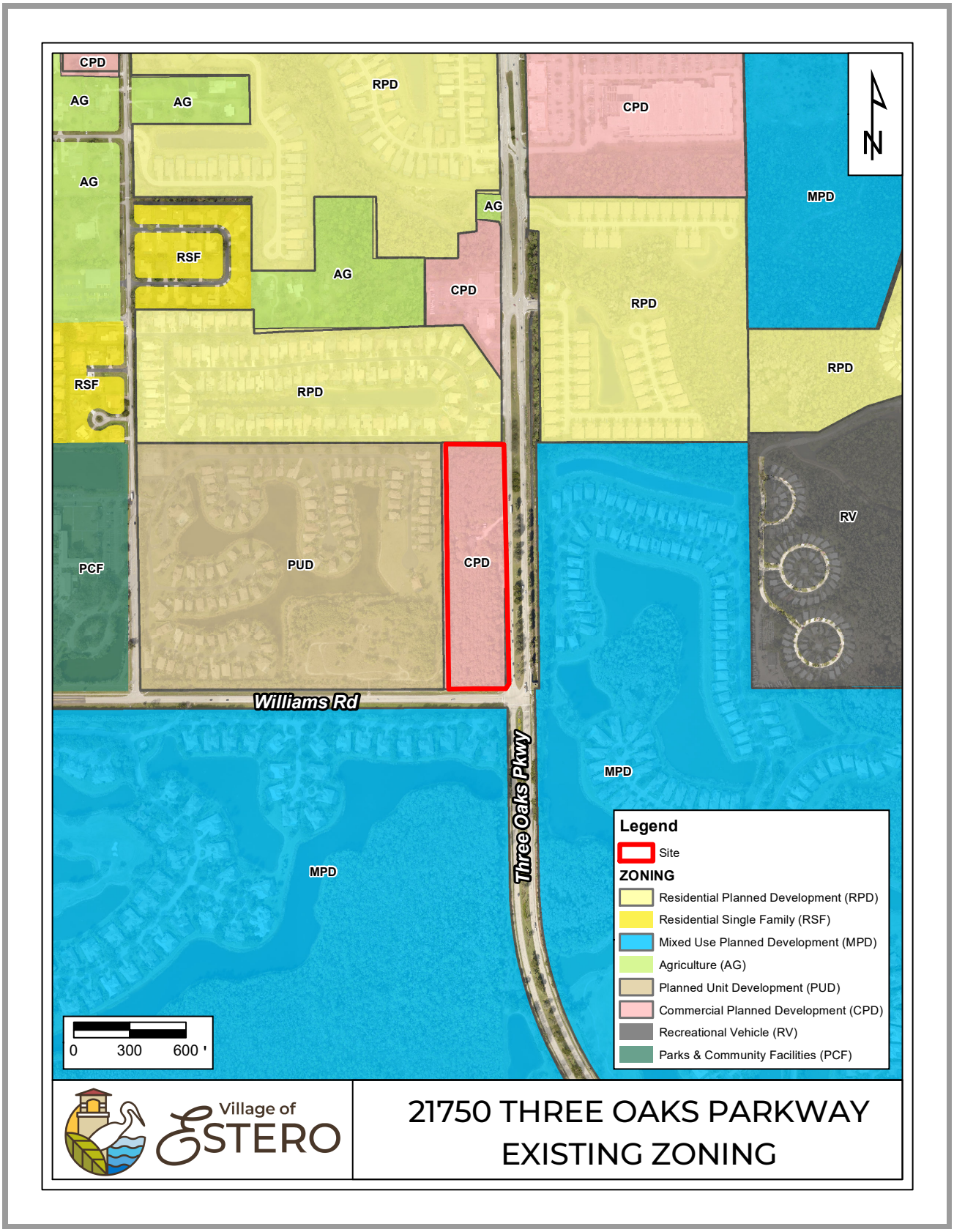
   Staff Comment: The proposed rezoning, as conditioned, is compatible with the surrounding area.

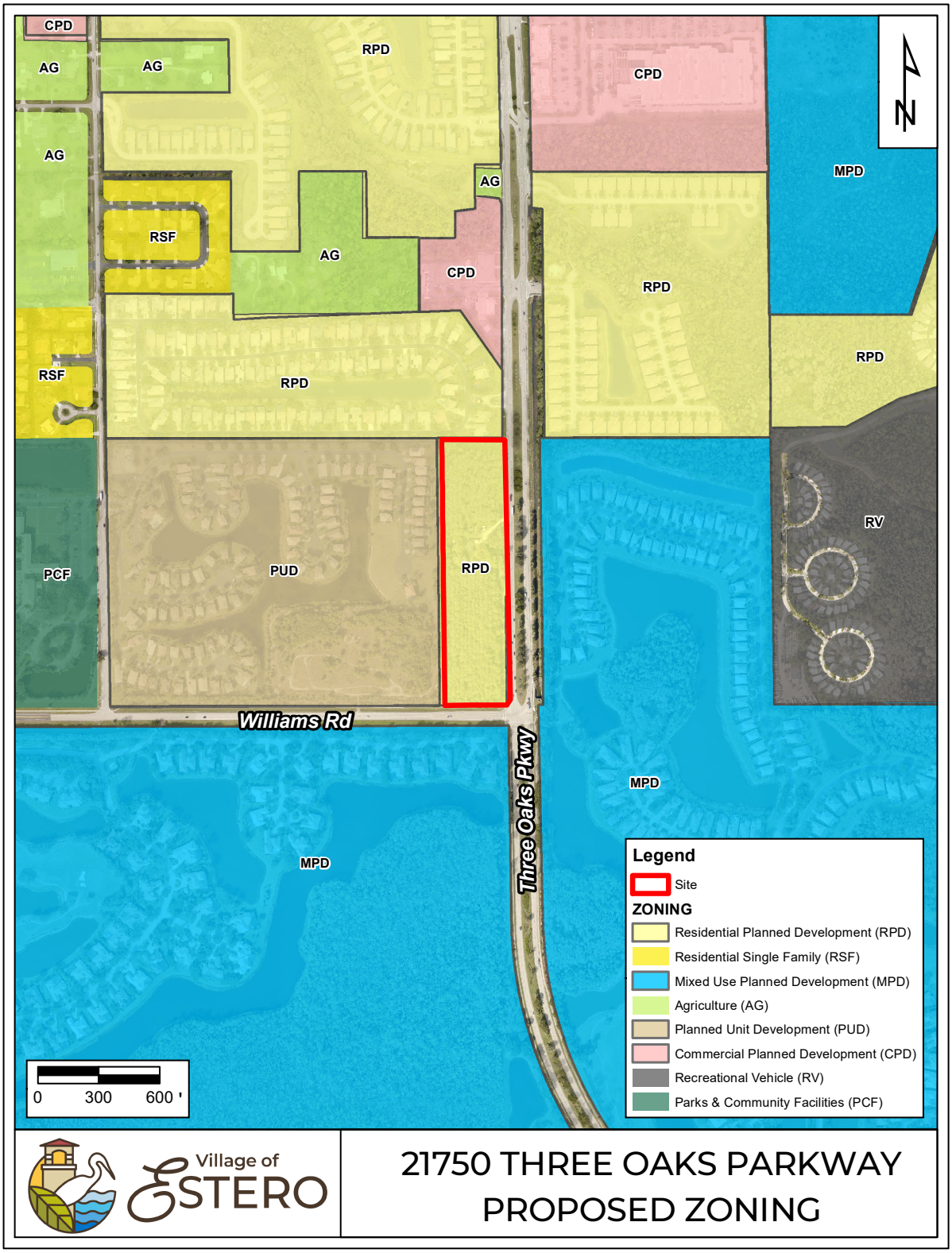
ATTACHMENTS:

A. Future Land Use and Zoning Maps
B. Applicant's Request Statement
C. Conditions of Approval
D. Public Information Meeting Applicant Summary
E. Pattern Book
F. Master Concept Plan

Attachment A - Maps




CPD
AG
AG
RPD
CPD
AG
AG
RSF
AG
CPD
RPD
MPD
RPD
RSF
RPD
RV
PCF
PUD
CPD
Williams Rd
Three Oaks Pkwy
MPD
MPD
N
0
300
600
Legend
Site
ZONING
Residential Planned Development (RPD)
Residential Single Family (RSF)
Mixed Use Planned Development (MPD)
Agriculture (AG)
Planned Unit Development (PUD)
Commercial Planned Development (CPD)
Recreational Vehicle (RV)
Parks & Community Facilities (PCF)
Village of ESTERO
21750 THREE OAKS PARKWAY
EXISTING ZONING


CPD
AG
AG
RPD
CPD
MPD
AG
AG
RSF
AG
CPD
RPD
RSF
RPD
RPD
PCF
PUD
RPD
RV
Williams Rd
Three Oaks Pkwy
MPD
MPD
N
0
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Legend
Site
ZONING
Residential Planned Development (RPD)
Residential Single Family (RSF)
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Agriculture (AG)
Planned Unit Development (PUD)
Commercial Planned Development (CPD)
Recreational Vehicle (RV)
Parks & Community Facilities (PCF)
Village of ESTERO
21750 THREE OAKS PARKWAY
PROPOSED ZONING

Attachment B

DELISI
Land Use Planning & Water Policy

MILAN VILLAS RPD
REQUEST STATEMENT

Introduction

The attached application is to rezone the subject property from CPD to RPD to allow for the development of a residential community consistent with both the comprehensive plan and the residential uses in the surrounding neighborhoods. The total number of units requested is 44 at a density of 4.4 units per acre. The property is approximately 10 acres and is located at the northwest corner of Williams Road and Three Oaks Parkway. The property is in the Village Neighborhood 2 future land use category and zoned as Commercial Planned Development.

Entitlement History

The subject property was historically used as a citrus grove and prior to the extension of Three Oaks Parkway, accessed the grove via River Ranch Road. Following the extension of Three Oaks Parkway and the completion of Williams Road to Three Oaks Parkway, the subject property rezoned from agriculture to Commercial Planned Development in 2004. The current CPD zoning allows for a mix of general and medical office uses at a total maximum intensity of 100,000 square feet.

Adjacent Uses

The subject property is in an area of existing development and infrastructure that supports the proposed use. The subject property is located along Williams Road at the northwest corner of the Three Oaks Parkway. The subject property is surrounded on all sides by residential development and vacant land. To the north is the Colonial Oaks development. To the south, across from Williams Road, and to the east, across from Three Oaks Parkway is Shadow Wood in The Brooks. To the west is the Lakes of Estero development and vacant land. Surrounded completely by residential development, make the development of residential an appropriate use of the subject property.

Access:

The subject property is located along both Williams Road and Three Oaks Parkway. Access is provided via Three Oaks Parkway where frontage is sufficient to allow for separation from the intersection.

Zoning Justification:

The proposed development of the subject property complies with the Village of Estero Land Development Code. A brief description of how the proposed development satisfies these criteria is presented below:

1. Is consistent with and furthers the goals, objectives, and policies of the comprehensive plan and all other applicable Village-adopted plans;

Below is a description of how the proposed amendment is consistent with the Comprehensive Plan.

FLU-1.2.1 FUTURE LAND USE CATEGORIES. **The Village shall designate on the Future Land Use Map (see Map FLU-1) use categories of varying densities and intensities to provide for a full range of land use activities appropriate to the character of the Village's neighborhoods. These designations are based upon environmental conditions, historic and developing growth patterns, and existing or future availability of public facilities and services. Village future land use categories are summarized as follow:**

The subject property is entirely located within the Village Neighborhood 2 land use category. The table in Policy FLU 1.2.1 allows for residential development of up to 6 dwelling units per acre consistent with FLU 1.2.7. The proposed residential community is for 4.4 dwelling units per acre, consistent with the density range in Village Neighborhood 2.

FLU-1.2.7 VILLAGE NEIGHBORHOOD 2. The Village Neighborhood 2 areas are characterized by predominantly residential uses of moderate densities with the potential for commercial uses of minor commercial or neighborhood center scale. These areas have urban services available and are typically smaller, more compact sites that were designated Urban Community or Suburban (and not within the Mixed-Use Overlay) in the Village's Transitional Comprehensive Plan. These areas have been developed with residential communities with gross densities ranging from over four dwelling units per acre (4 du/acre) to a maximum of ten dwelling units per acre (10 du/acre). Included among them, for example, are Coconut Shores, Fountain Lakes, Corkscrew Woodlands, Copper Oaks, Breckenridge, and Villagio.

> **A. Uses: Predominant land uses in Village Neighborhood 2 will be moderate density residential uses with the potential to allow minor commercial or neighborhood center scale commercial, assisted living facilities, and public and quasi-public uses, in each case through a public hearing process. Higher densities greater than 6 du/ac, commercial development greater than neighborhood centers, and industrial land uses are not permitted.**

The proposed residential community consists of moderate density residential development and is well within the density range allowed.

B. Development type: Future development in this category is encouraged to be developed in a way that maintains and enhances the variety and mix of residential unit types (multifamily, townhome, mid-rise, villas, and single family) while accommodating neighborhood oriented uses such as eating places, personal and convenience services, and office when approved through a public hearing process. Such commercial uses may be developed as single use buildings or centers or as mixed-use, subject to compatibility standards described in the Community Design Sub-Element.

The proposed villa development adds to the mix of unit types in the neighborhood of predominantly traditional single family. This is consistent with this policy that promotes a mix of housing types in the community.

C. Density/Intensity: Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre). Commercial development must not exceed 1 FAR and must not exceed neighborhood center criteria of 30,000 to 100,000 square feet as described in Objective FLU-1.5.

As stated above, the proposed development density is 4.4 dwelling units per acre, well within the density range of 1 – 6 dwelling units per acre.

FLU-1.11.1 RESIDENTIAL DEVELOPMENT FORM. New residential development should accommodate the mix and variety of housing types and configurations suitable to meet the needs and desires of current and future residents, with emphasis on safe means for residents to connect by walking or bicycling within neighborhoods and to the larger community.

The proposed villa development adds to the mix of unit types in the neighborhood of predominantly traditional single family. As shown on the pedestrian circulation plan in the pattern book, there will be sidewalks within the development and a connection to the external sidewalk system to connect residents by walking or bicycling within the neighborhood to the larger community consistent with this policy.

FLU-1.11.2 RESIDENTIAL DEVELOPMENT STANDARDS. Support and enhance Estero's residential character by ensuring that development proposals address how they:

A. Are compatible with adjacent uses, public facilities, and infrastructure systems;

The subject property is surrounded on all sides by residential development. To the north and west are residential communities. To the south and east are public roads with residential development on the other side of the roads. The proposed development is compatible with surrounding uses. As evidenced by the development surrounding the property on all sides, public facilities and infrastructure are in place to serve the proposed development. Furthermore, the existing zoning allows for 100,000 sq. ft. of medical office, a use at an intensity that would have greater impact on road infrastructure.

B. Impact surrounding environmental and natural resources, with specific controls to ensure preserved areas that are designated preserve through the development permitting process are not encroached upon and are only able to be altered or changed upon approval of amendments or modifications to applicable development orders and permits;

The subject property was previously cleared for an active citrus grove. Although the grove has not been in operation for several years, there are no significant environmental or natural resources on the subject property.

C. Access, where applicable, nearby parks, public spaces, recreational facilities, greenways, blueways, and natural open spaces;

As shown on the pedestrian circulation plan in the pattern book, there will be sidewalks within the development and a connection to the external sidewalk system providing access for residents by walking or bicycling within the neighborhood to the larger community's recreational facilities, such as the Estero Community Park and other public spaces.

D. Connect to adjacent residential developments, mixed-use centers, economic areas, public facilities, natural resources, and other community facilities; and

Through the on-site sidewalk system, which will connect to the external sidewalk system on Three Oaks Parkway, pedestrian and vehicular connections will be available to developments and destinations throughout the Estero community.

E. Contribute to the overall design, landscaping, and aesthetics that make up the community's character as a harmonious place with beauty, spaciousness, and a diversity of high quality residential and commercial development that positively contributes to the quality of life of Estero's residents.

The proposed development will comply with Estero's landscape code and applicable design guidelines, which will result in the development of a quality residential community. The villa units will add to the mix of housing types in the area providing a greater diversity of residential that will contribute to the quality of life of Estero's residents.

2. Is not in conflict with any portion of the LDC;

The proposed Planned Development is not in conflict with any portion of the Land Development Code. Where there are deviations that are required, that are or will be requested as part of the proposed application.

3. Addresses a demonstrated community need;

The proposed development is for a residential community consistent with the intent of FLU Policy 1.2.7 and the stated goal of providing for a diversity of housing types in the community. The development of office uses at this location is demonstrably not needed as evidenced by the vacant property nearly 20 years after the original zoning. The development of a residential community is much more consistent with the surrounding uses.

4. Is compatible with existing and proposed uses surrounding the subject land, and is the appropriate zoning district for the land;

The subject property is surrounded on all sides by residential development. To the north and west are residential communities. To the south and east are public roads with residential development on the other side of the roads. The proposed development is compatible with surrounding uses. The current zoning is for commercial uses is less consistent with the surrounding development than the proposed zoning. The proposed RPD is the most appropriate zoning for the subject property.

5. Would result in a logical and orderly development pattern;

The proposed rezoning would allow for residential development on the subject property, consistent with properties on all sides of the subject property. The zoning therefore represents a logical and orderly development pattern by filling in residential development consistent with uses surrounding the property on all sides.

6. Would not adversely affect the property values in the area;

The proposed amendments would have no impact on property values in the area.

7. Would result in development that is adequately served by public facilities (roads, potable water, wastewater, solid waste, storm water, schools, parks, police, and fire and emergency medical facilities);

Water and sewer service is currently available in the area via Lee County Utilities as evidenced by the surrounding development. The property is within the Estero Fire District and fire/EMS service are available with a fire station within 600 feet to the north on Three Oaks Parkway. As demonstrated by the attached transportation Impact Study, the proposed rezoning will generate

fewer trips than the existing zoning, which allows for 100,000 sq. ft. of medical office uses. All other services are adequate to accommodate the proposed changes.

8. Would not result in significantly adverse impacts on the natural environment—including, but not limited to, water, air, noise, storm water management, wildlife, vegetation, wetlands, environmentally critical areas, and the natural functioning of the environment;

The subject property was previously cleared for an active citrus grove. Although the grove has not been in operation for several years, there are no significant environmental or natural resources on the subject property.

9. Is compatible with existing or planned uses in the surrounding area.

The subject property is surrounded on all sides by residential development. To the north and west are residential communities. To the south and east are public roads with residential development on the other side of the roads. The proposed development is compatible with surrounding uses.

Summary:

As detailed in the Village of Estero Land Development Code, the attached application demonstrates the following:

1. The applicant is compliant with the Land Development Code and other applicable codes or regulations;
2. The request will meet or exceed all performance and location standards;
3. The requested plan is consistent with the intensities and general uses set forth in the Estero Comprehensive Plan;
4. The request is compatible with the existing uses in the surrounding areas;
5. Adequate infrastructure exists to accommodate this development; and
6. The request will not adversely affect environmentally critical areas and natural resources.

Based on compliance with these, and other regulations, we respectfully submit that this zoning application will not place an undue burden upon existing transportation or planned infrastructure facilities. Similarly, the proposed use is appropriate at the subject location, and is compatible with existing uses in the surrounding area. For these reasons, the requested amendment should be approved.

Attachment C

Milan Villas

Zoning Conditions

---

1. Master Concept Plan and Number of Units

Development of this project is limited to a maximum of 44 single-family attached single-story units. Development must be consistent with the Master Concept Plan (MCP) titled "Milan Villas RPD Master Concept Plan", stamped "Received July 22, 2022".

2. Pattern Book

Development of this project must be consistent with the Pattern Book titled "Milan Villas RPD Residential Pattern Book", stamped "Received April 6, 2022". The amenity area will be further refined at the time of development order.

3. Schedule of Uses

The following is the approved Schedule of Uses within the RPD:

Accessory uses and structures
Dwelling units: single-family attached/villas, limited to one-story in height
Entrance gates and gatehouses
Essential services
Excavation, water retention
Fences, walls
Home occupation, in compliance with LDC
Model home - See condition #15
Real estate sales office - See condition #15
Recreational facilities, personal and private
Signs, in compliance with LDC

4. Dimensional Standards

The following is the approved Development Standards within the RPD:

Development Standards	Single-Family Attached	Park
Lot Coverage (%)	70	70
Minimum Lot Area (SF)	3,750	9,325
Minimum Lot Width (FT)	35.5	75
Minimum Lot Depth (FT)	106	125
Building Height (FT)	35	35
Limited to one story		

Setbacks		
Street/Front	20	15
Side	0/5	5
Rear	10	5
Rear Accessory	5	5

5. Emergency Access

As part of local development order approval, the development order plans must include an emergency access, constructed to Village and Fire Department specifications, from the development to Three Oaks Parkway.

6. Turn Lane and Access on Three Oaks Parkway

As part of local development order approval, the development order plans must demonstrate compliance with any Limited Development Order requirements from Lee County DOT for a turn lane to the project entrance on Three Oaks Parkway, and the location of the access to the site.

7. Fencing

As part of local development order approval, the development order plans must include the required aluminum perimeter fencing shown in the Pattern Book around the entirety of the property. No chain link fencing is allowed.

8. Gopher Tortoises

The applicant shall provide a Gopher Tortoise Relocation Plan at the time of development order for the site.

9. Amenity Area

The applicant shall provide details of the amenity area at the time of development order, to include items such as a gazebo, building, or dog park.

10. Heritage Trees

The two identified heritage trees on the site must be retained or replaced pursuant to the requirements of the LDC at the time of development order.

11. Utilities

The development must connect to water and sewer as part of any local development order.

12. Sidewalk & Pedestrian Connections

Sidewalks and pedestrian connections must be provided consistent with the Pattern Book and Land Development Code.

13. Buffers

As part of local development order approval, the development order plans must demonstrate buffering consistent with the Master Concept Plan, the Land Development Code, and the Pattern Book.

As part of local development order approval, all required buffer plantings must be 100% native vegetation.

14. Deviations

Deviation 1 is recommended as conditionally approved with required amendment to the language as shown below:

Deviation 1 seeks relief from LDC Section 5-304.A.4.C (Development Entry Points) which requires that residential development of more than five acres provide more than one means of ingress or egress for the development, to allow for a single access and an emergency access for the proposed community with the condition that the access has an Electric Gate controlled by EVAC, and that the access is able to support fire apparatus in both width and weight, to be reviewed at the time of development order.

Deviations 2, 3, and 4 are recommended for approval.

15. Model Homes and Real Estate Sales

A. The number of model homes or units will be limited to no more than 4 within the development.

B. Model homes or units may be developed within lots 35 -38 within the development. Model homes or units must be shown on the development order plans.

C. Real estate sales will be limited to the sale of lots or units within the development only.

D. Model homes cannot be of the same floor plan, and each must be a separate and different design.

E. Hours of operation for both models and real estate sales are limited to Monday through Saturday 8:00 a.m. to 7:00 p.m. and Sunday 8 a.m. to 5 p.m.

Attachment D

MILAN VILLAS RPD
PUBLIC INFORMATIONAL MEETING

Meeting Date: April 12, 2022
Time: 4:30pm, meeting start
Location: 9401 Corkscrew Palms Circle, 1st FL, Estero, FL 33928
Attendees:

Planning and Zoning Board Members:
Co-Chairman Scotty Wood and Board Members Anthony Gargano, Kristin Jeannin, Marlene Naratil, Michael Sheeley, James Tatooles, and Jim Wallace.

Also present: Community Development Director Mary Gibbs and Village Land Use Counsel Nancy Stroud.

Meeting Summary:

Mr. DeLisi gave an overview presentation. He provided an overview of the proposed project which included the location, the surrounding uses, the existing zoning of the property (CPD), the future land use category, the request – 44 villa units, and the conceptual site plan.

Board Questions or Comments and Response:

- **Question:** What is the emergency access?

  Response: A stabilized surface.

- **Question:** Is the hatched area dry detention? Will you be able to meet your nutrient loading criteria for the water management district?

  Response: Yes. We are looking at that and will make sure it meets the criteria for the Environmental Resource Permit and the development order.

- **Question:** Do you have to have a right turn lane?

  Response: Will probably will need one.

- **Question:** Will the right turn lane push back the sidewalk and impact your buffers and site plan?

  Response: It could have the potential. It can work with the right turn lane to the south. We think there is room in the right of way.

- **Question:** Are these duplexes? How many buildings?

Response: They are attached single family units. There is a common wall, but they are single family units. There will be 22 buildings, 44 units.

- **Question:** Will you be putting in a full lift station for 44 units?

  Response: That is the only option we have.

- **Question:** Is the architecture the proposed architecture or a sample of a prior unit type?

  Response: A sample of a type of unit DR Horton has built.

- **Question:** Will you have details on the pocket park?

  Response: It is unprogrammed space for passive recreation.

- **Question:** Is that the only entrance? How will it function with the existing turn lane?

  Response: Yes. The existing turn lane is south of the proposed project entrance. So there will be no interference.

Attachment E
Received April 6, 2022

Milan Villas RPD

Residential Pattern Book

3/24/2022

Page 1

Property Location

Location: Corner of Three Oaks Parkway and Williams Road.



3/24/2022

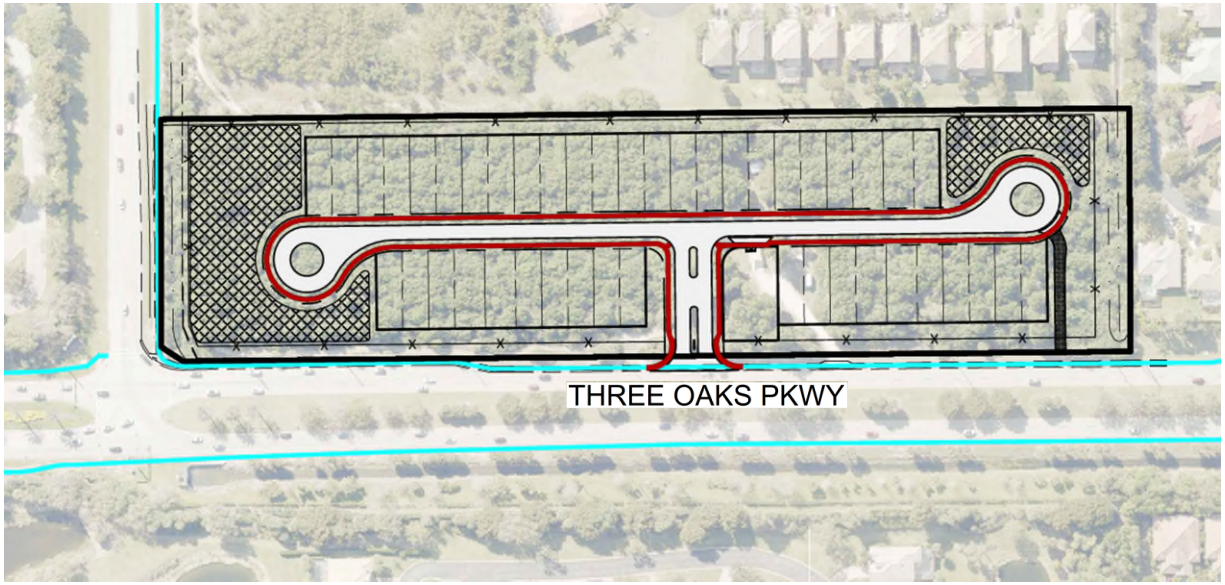
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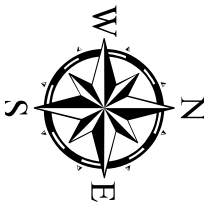
Illustrative Plan & Circulation

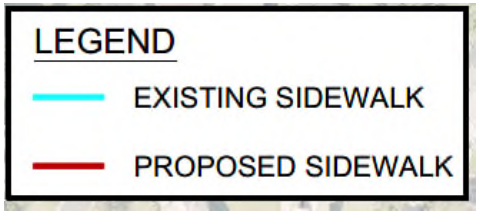
Access: To the east along Three Oaks Parkway

Amenity: At entrance to development

Circulation: An internal sidewalk will be provided in front of each residence creating a connection to the external sidewalk system along Three Oaks Parkway.







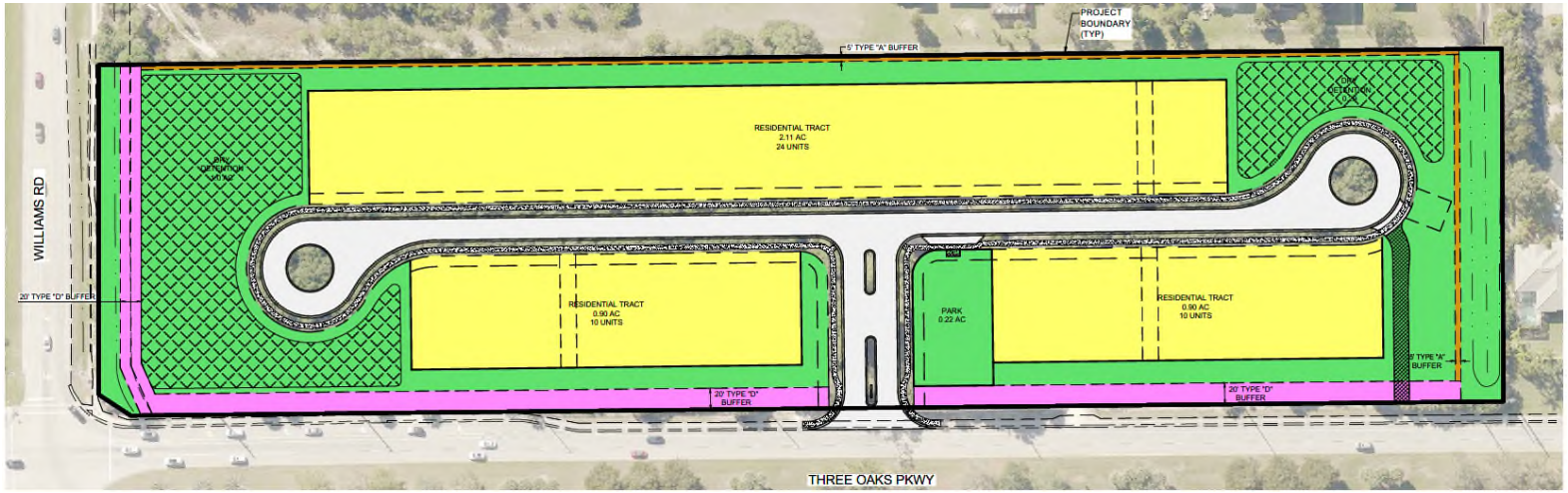
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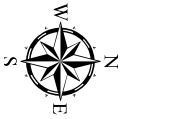
Illustrative Plan & Open Space and Buffers

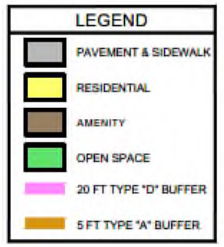
Passive Open Space: Approximately 4 acres within the development as amenity for residents.

Dry Detention: Mostly along Williams Road, with additional area at the north.

Buffers: Located on the street side of the fence line.







3/24/2022

General Villa Concept

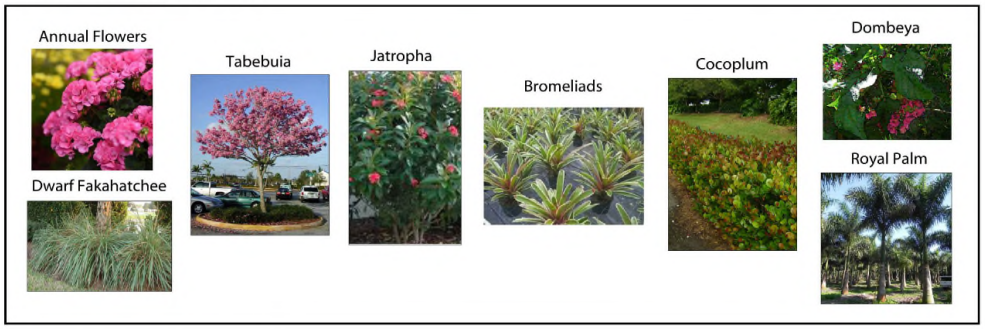


Perimeter Fencing

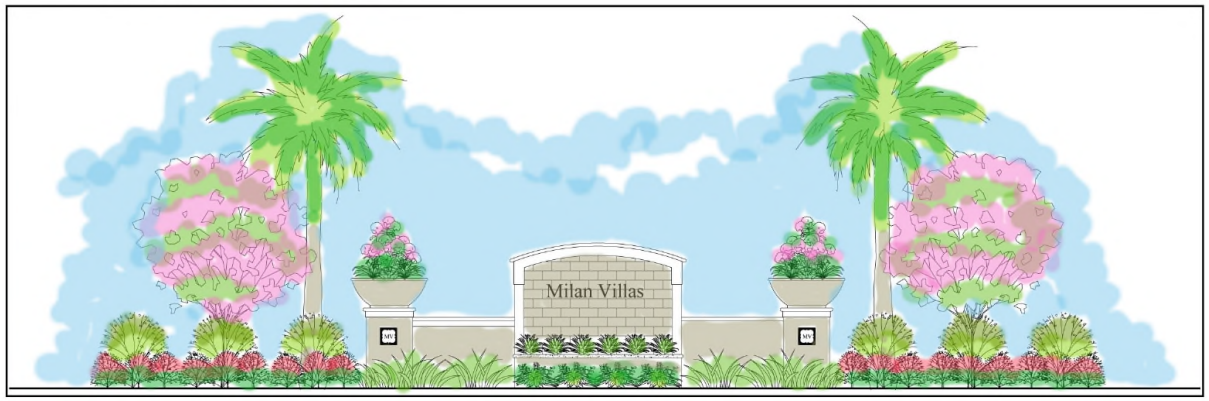


Entryway/Landscaping

Sample Landscape Palette



Entry Sign Concept Elevation

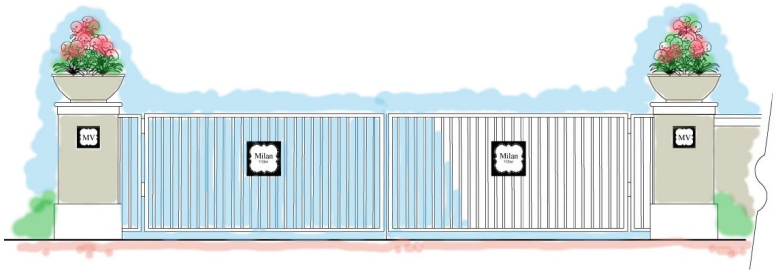


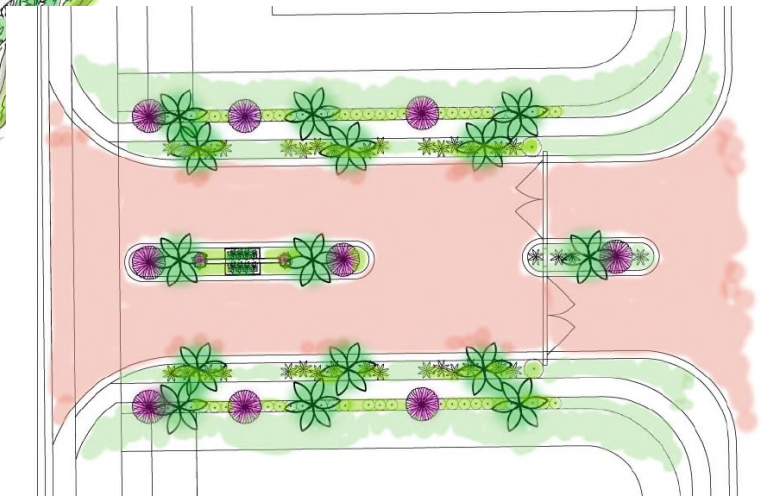
3/24/2022

Page 7

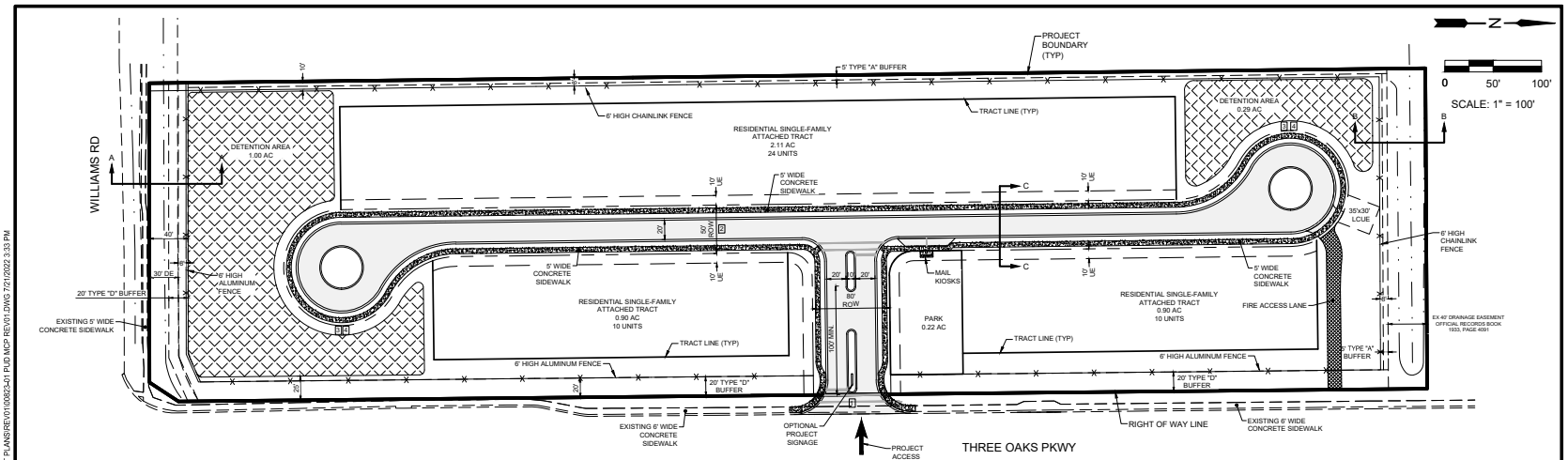
Entry Gate

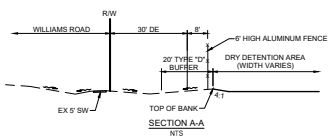


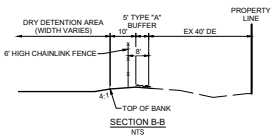


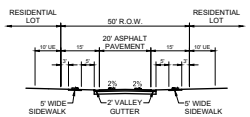


ATTACHMENT F - RECEIVED July 22, 2022

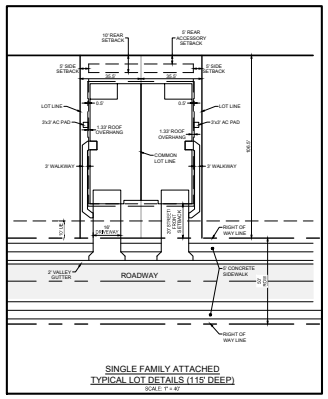








PROPERTY DEVELOPMENT REGULATIONS		
DEVELOPMENT STANDARDS	SINGLE-FAMILY ATTACHED	PARK
LOT DIMENSIONS		
LOT COVERAGE (%)	70	70
MINIMUM LOT AREA (SF)	3,750	9,325
MINIMUM LOT WIDTH (FT)	35.5	75
MINIMUM LOT DEPTH (FT)	106	125
BUILDING HEIGHT	35	35
SETBACKS (PRIMARY)		
STREET/FRONT (FT)	20	15
SIDE (FT)	0/5	5
REAR (FT)	10	5
SETBACKS (ACCESSORY)		
STREET/FRONT (FT)	20	15
SIDE (FT)	0/5	5
REAR (FT)	5	5



DEVIATIONS

1 DEVIATION 1 SEEKS RELIEF FROM LDC SECTION 5-304A.4.C (DEVELOPMENT ENTRY POINTS) WHICH REQUIRES THAT RESIDENTIAL DEVELOPMENT OF MORE THAN FIVE ACRES PROVIDE MORE THAN ONE MEANS OF INGRESS OR EGRESS FOR THE DEVELOPMENT, TO ALLOW FOR A SINGLE ENTRY AND EXIT POINT FOR THE PROPOSED COMMUNITY.

2 DEVIATION 2 SEEKS RELIEF FROM LDC APPENDIX C.A.2.A (PRIVATELY-MAINTAINED ROADS) WHICH REQUIRES THAT THE MINIMUM RIGHT-OF-WAY WIDTH FOR A PRIVATELY-MAINTAINED ROADWAY SHALL BE 60 FEET, TO ALLOW FOR THE RIGHT-OF-WAY WIDTH TO BE 50 FEET.

3 DEVIATION 3 SEEKS RELIEF FROM LDC APPENDIX C.B.7.A.2. (STREET DESIGN AND ENGINEERING - CUL-DE-SACS) WHICH REQUIRES THAT THE MINIMUM DIAMETER OF THE RIGHT-OF-WAY FOR A ROADWAY WITH CURB AND GUTTER SHALL BE 130 FEET, TO ALLOW FOR THE RIGHT-OF-WAY DIAMETER TO BE 120 FEET.

4 DEVIATION 4 SEEKS RELIEF FROM LDC APPENDIX C.B.7.C. (STREET DESIGN AND ENGINEERING - CUL-DE-SACS) AND APPENDIX D.H. (ILLUSTRATIONS AND CROSS-SECTIONS - CUL-DE-SACS) WHICH REQUIRES THAT THE MINIMUM DIAMETER OF THE RIGHT-OF-WAY FOR A ROADWAY WITH CURB AND GUTTER SHALL BE 130 FEET, TO ALLOW FOR THE RIGHT-OF-WAY DIAMETER TO BE 120 FEET.

LAND USE SUMMARY		
CATEGORY	TOTAL ACREAGE	PERCENTAGE OF TOTAL ACREAGE
RESIDENTIAL LOTS	3.91	39.02
PARK	0.22	2.20
ROW	1.85	18.46
DRY DETENTION	1.29	12.87
OPEN SPACE * +	2.75	27.45
TOTAL SITE AREA	10.02	100.00%

* INCLUDING BUFFERS, SWALES & OTHER COMMON AREAS.

+ RPD REQUIRED OPEN SPACE WILL BE MET THROUGH OPEN SPACE & DRY DETENTION.

#	DATE	REVISIONS
1	03/31/2022	REVISED PER COUNTY COMMENS
2	07/21/2022	REVISED PER COUNTY COMMENS

J.R. EVANS ENGINEERING

J.R. EVANS ENGINEERING, P.A.
9351 CORKSCREW ROAD, SUITE 102
ESTERO, FLORIDA 33928
PHONE: (239) 405-9148
FAX: (239) 288-2537
WWW.JREVANSENGINEERING.COM

MILAN VILLAS

RPD MASTER CONCEPT PLAN

CHRISTOPHER R. MITCHELL P.E.
FL. LICENSE NO. 56740
FL. COA # 29226

PROJECT #:	823-00
FILE DATE:	02 / 2022
SCALE:	AS SHOWN
SHEET :	1 of 1

O:\LAND 2017\823. MILAN VILLAS (PAWLET\100\823-00 PAWLET (MILAN VILLAS) CONCEPT PLANNING & DUE DILIGENCE\000-AUTOCAD\000823-00 PUD\CURRENT PLANS\RE\01\100823-01 PUD MCP REV01.DWG 7/21/2022 3:33 PM

DELISI
Land Use Planning & Water Policy

Ms. Mary Gibbs, AICP
Village of Estero
9401 Corkscrew Palms Circle
Estero, FL 33928

July 27, 2022

Via Email: gibbsagstero-flgov

Re: 8-Day Letter
Milan Villas RPD
DC12021-E005

Ms. Gibbs,

Rule 5.4.2. of the Village of Estero Planning, Zoning and Design Board Rules of Procedure requires an applicant to provide a letter eight (8) days prior to the hearing. The letter is required to summarize any issues that remain unresolved between the Applicant and the Village Staff.

1. Condition #6 - the applicant proposes a rewording to state:

   The developer must obtain a Limited Development Order (LDO) from Lee County pursuant to Section 10-297, Lee County LDC. A copy of the LDO must be provided to the Village prior to the start of construction.

2. Condition #7 requires aluminum perimeter fencing around the entirety of the property. The applicant proposed the decorative aluminum fence adjacent to the external roadways – Three Oaks Parkway and Williams Road, with a chain link fence to the west and north. It should be noted that chain link fences are provided throughout Estero, including within the buffer area for the Brooks on the south side of Williams Road.

   The LDC requires a Type A buffer for the north and west property lines, which does not require any fencing. On the north and west sides of the property is a drainage ditch. A decorative fence does not provide any meaningful enhancement to the buffer area adjacent to the ditches. The southern half of the west side of the property is vacant, and the decorative fence is simply an added expense that will not be visible to anyone. The applicant proposes to remove any fencing requirement from the north or west sides of the property and be consistent with the newly adopted land development code requirements for buffering.

3. Condition #8 – Is inconsistent with Section 166.033 (5), F.S. The applicant is responsible for obtaining necessary permits from state and federal agencies. However, obtaining

those permits cannot be a condition precedent for any development application with a local government. Condition #8 should be removed.

If there are any questions, please do not hesitate to call our office.

Sincerely,

DeLisi, Inc.

Daniel DeLisi, AICP
President

cc. Neale Montgomery, Pavese Law Firm
J. Wayne Everett, DR Horton

MILAN VILLAS RPD

P, Z &D BOARD HEARING

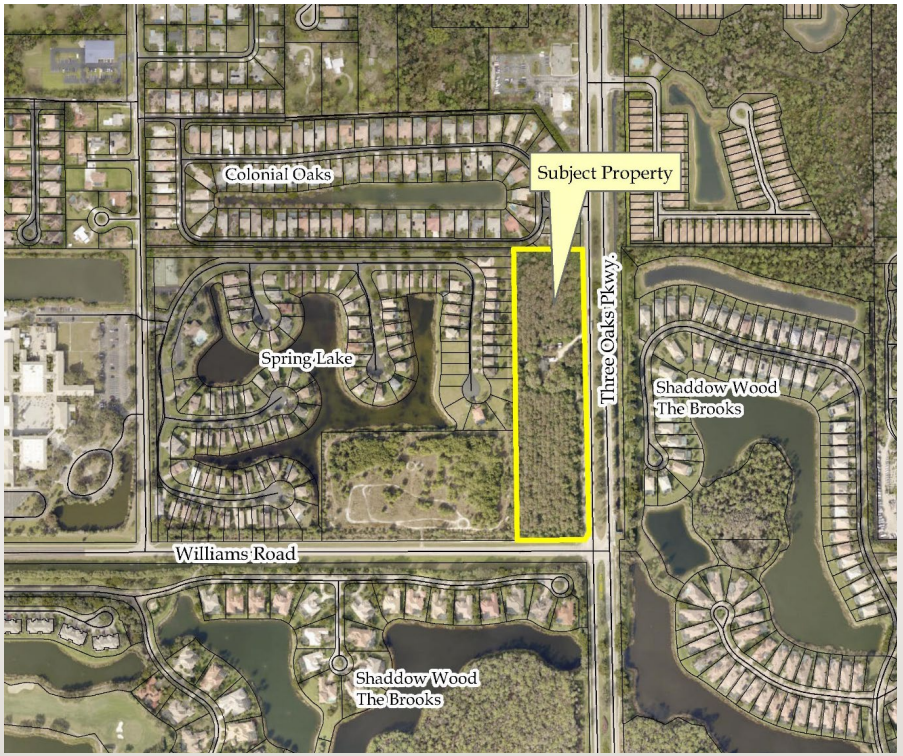
AUGUST 9, 2022

PROJECT TEAM

- Developer/Applicant: DR Horton
- Land Use Planner: Daniel DeLisi, AICP, DeLisi, Inc.
- Engineer: Chris Mitchell, PE, JR Evans Engineering
- Legal Counsel: Neale Montgomery, Pavese Law Firm

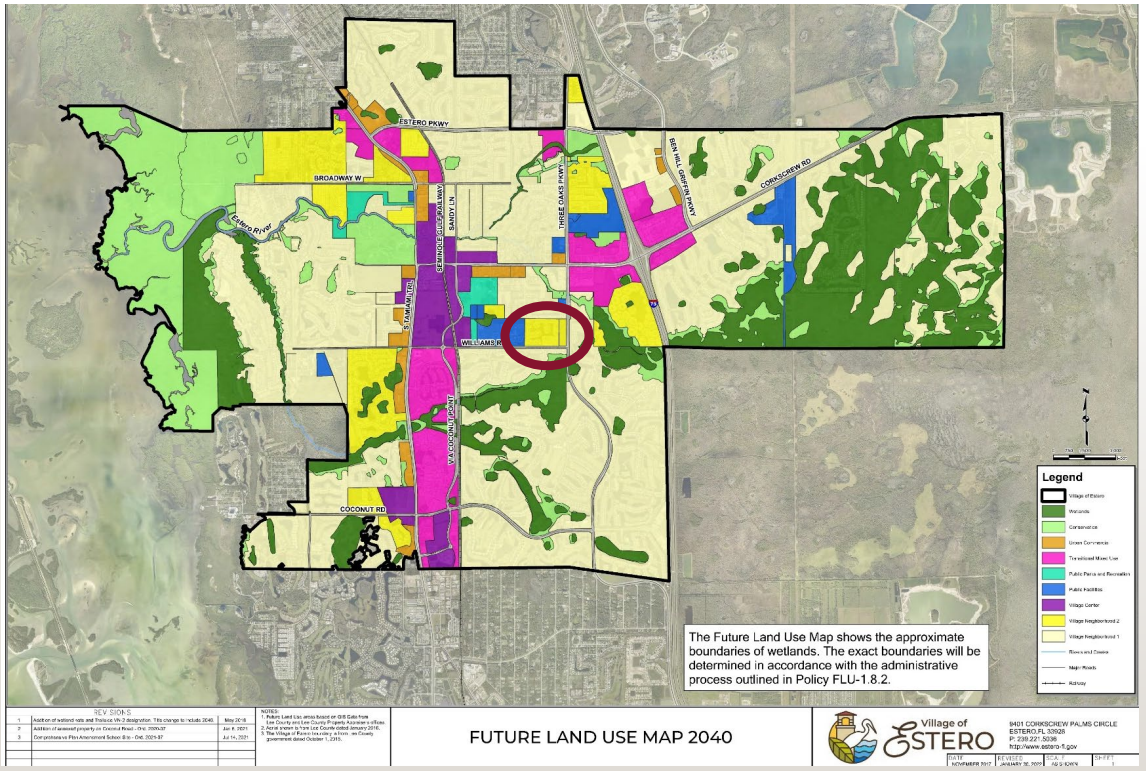
PROPERTY LOCATION

- Corner of Williams Rd. and Three Oaks Blvd.
- East of Spring Lake, South of Colonial Oaks, North and west of Shadow Wood – separated by Williams Rd. and Three Oaks Blvd.



ZONING REQUEST

- Residential Planned Development Consistent with the Estero FLUM – Village Neighborhood 2



CURRENT ZONING

- Commercial Planned Development (CPD)
- Approved in 2003
- 100,000 square feet of Medical & General Office area.

RESOLUTION NUMBER Z-03-073

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

WHEREAS, Richard Clesen, filed an application on behalf of the property owner, Roy E. Tucker, to rezone a 10.03 ± acre parcel from Agricultural (AG-2) to Commercial Planned Development (CPD) in reference to Williams - Three Oaks CPD; and

WHEREAS, a public hearing was advertised and held on December 17, 2003, and continued for written submissions until December 18, 2003, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2003-00019; and

WHEREAS, a second public hearing was advertised and held on February 2, 2004, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to rezone a 10.03 ± acre parcel from AG-2 to CPD, to allow general office use, including medical office with a maximum of 100,000 square feet of gross floor area and a maximum building height of 35 feet. The property is located in the Suburban Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions specified in Section B below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. The development of this project must be consistent with the Master Concept Plan entitled "Williams-Three Oaks CPD," date stamped received February 10, 2004, except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at time of local development order approval. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

CASE NO: DCI2003-00019

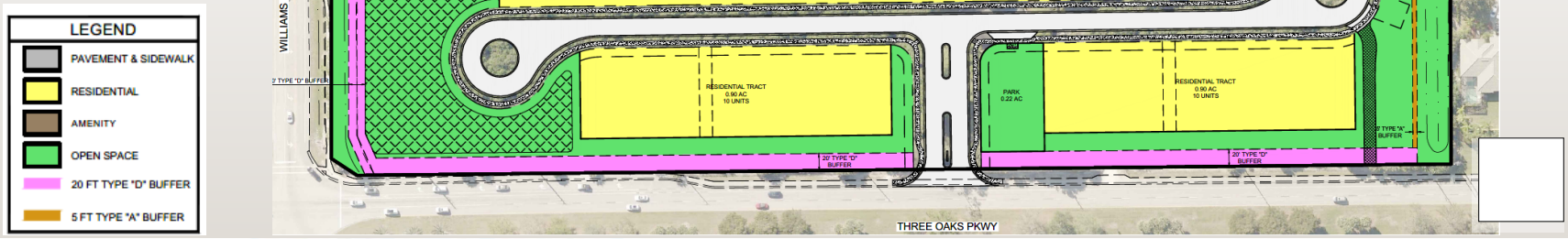
Z-03-073
Page 1 of 5

COPY

SITE PLAN

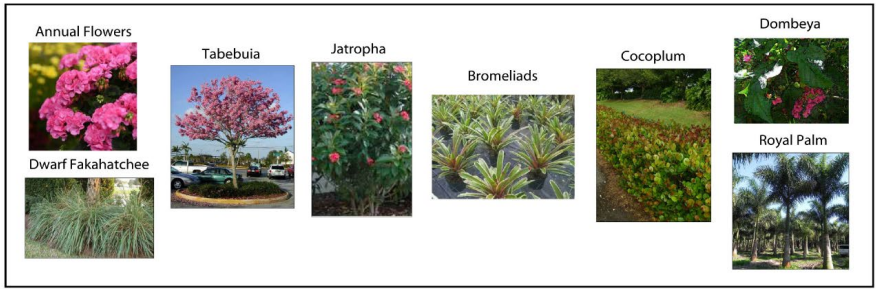
- 10-acre site
- 4 acres of required open space
  - 4.26 acres provided
- Passive Park
- Secondary Emergency Access
- Sidewalks on both sides of street



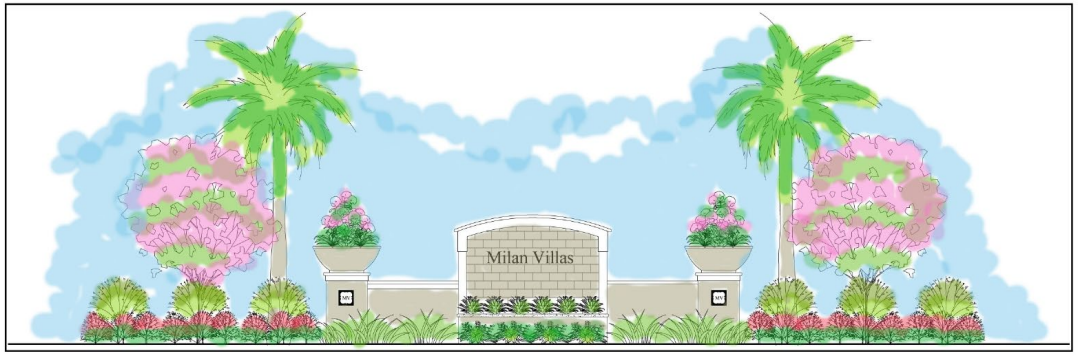


COMMUNITY ENTRY

Sample Landscape Palette

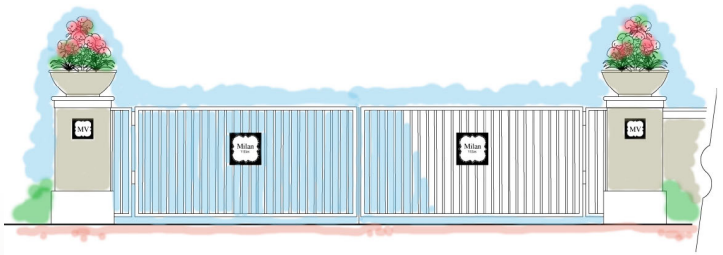


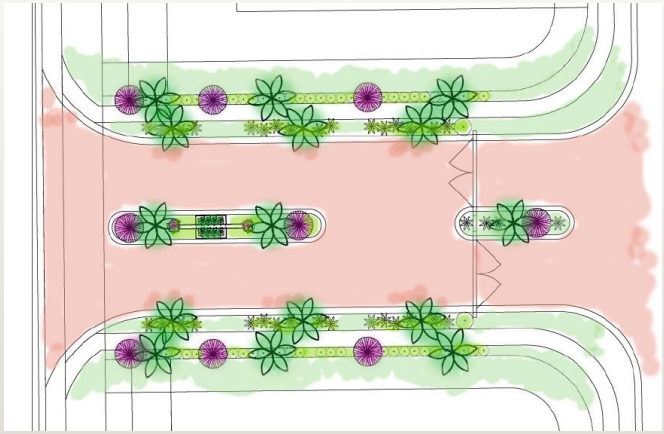
Entry Sign Concept Elevation



GATE DESIGN

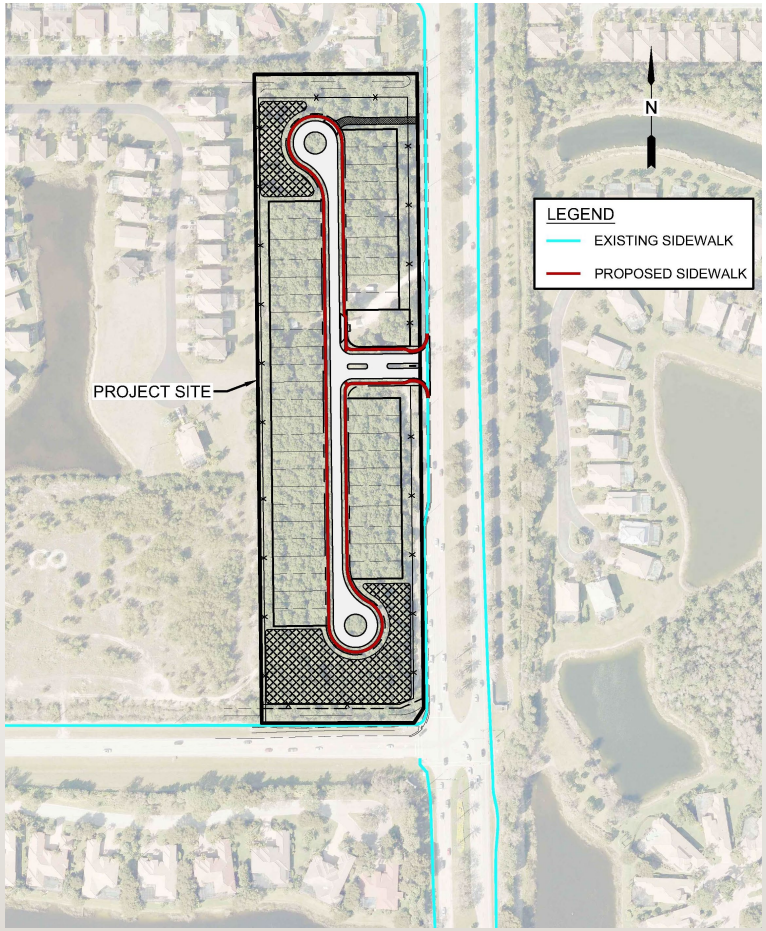






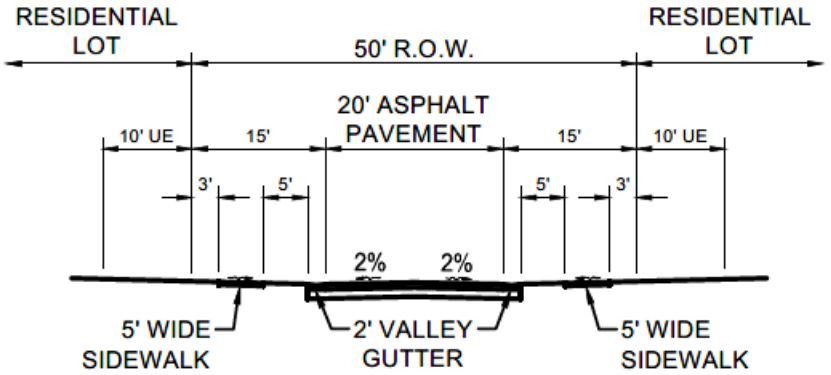
DEVIATION #1

- Requires 2 access points for residential development greater than 5-acres
  - Access to Williams would be too close to intersection
  - Additional access to Three Oaks would put an access in the turn lane



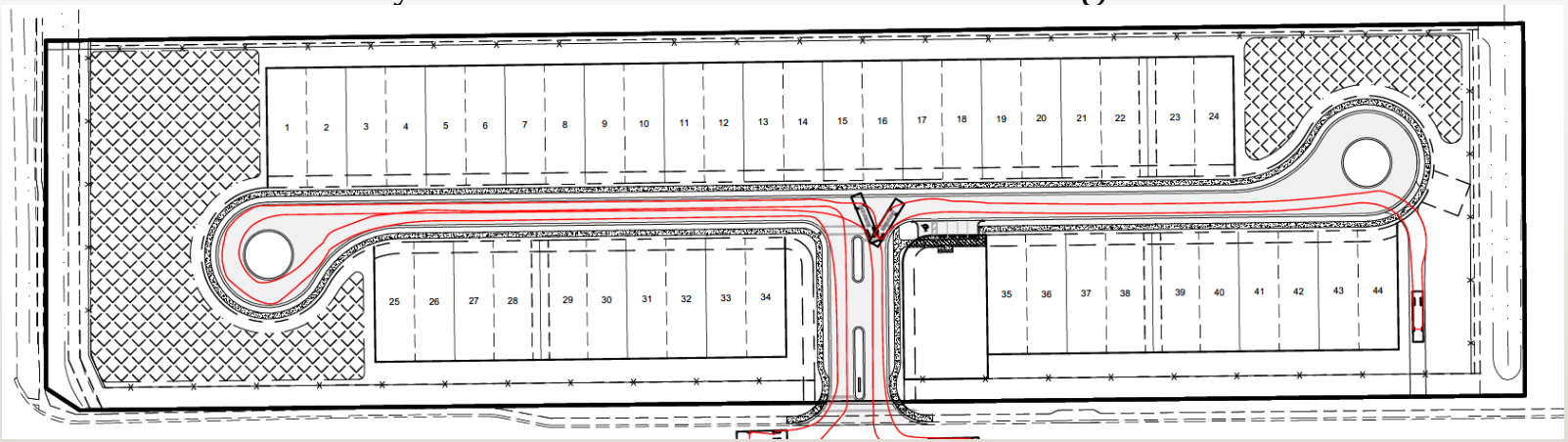
DEVIATION #2

- Requires 60′ ROW width for Private Streets
  - Requesting 50′
  - P.U.E. outside of Right of way
  - Narrower streets more conducive for slower speeds in residential areas.



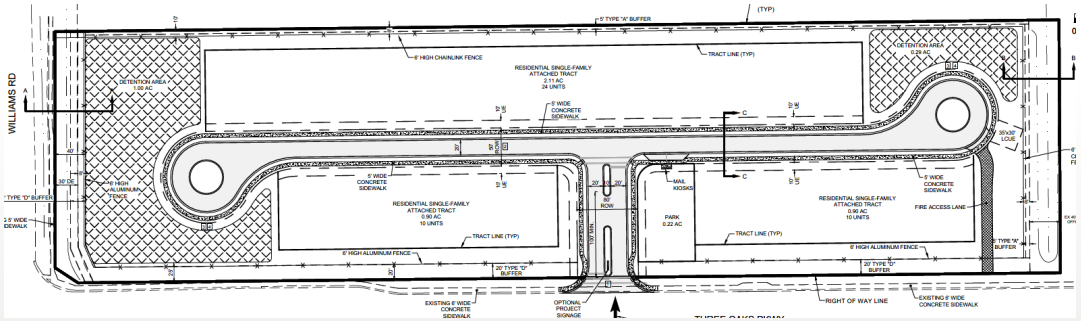
DEVIATIONS #3 & #4

- Require minimum 130′ diameter for cul-de-sacs
  - Requesting 120′ diameter
  - No homes or utilities wrapping around the cul-de-sacs
  - Maintaining slower speeds
  - Auto-Turn Analysis demonstrates sufficient turning radius.



8-DAY LETTER

- Condition #6
  - Revise Condition: *The developer must obtain a Limited Development Order (LDO) from Lee County pursuant to Section 10-297, Lee County LDC. A copy of the LDO must be provided to the Village prior to the start of construction.*
- *Condition #7 – Fencing*
- *Condition #8 – requirement for environmental permit to be in place prior to D.O. approval.*





QUESTIONS?