

VILLAGE OF ESTERO
VILLAGE COUNCIL MEETING
PACKET
SEPTEMBER 21, 2022, 03:30 PM

www.Estero-fl.gov

The Village Council 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
VILLAGE COUNCIL MEETING
9401 Corkscrew Palms Circle, Estero, Florida

September 21, 2022, 03:30 pm

1. CALL TO ORDER

INVOCATION

Rabbi Greenberg Chabad of Bonita Springs & Estero

PLEDGE OF ALLEGIANCE

ROLL CALL

2. APPROVAL OF AGENDA, ADDITIONS, AND DELETIONS

3. PUBLIC COMMENT ON NON-AGENDA ITEMS

4. CONSENT AGENDA

a. September 8, 2022, Council Meeting Minutes

Attachment: 09082022 minutes.pdf

b. Resolution No. 2022-26 A Resolution of the Village Council of the Village of Estero, Lee County, Florida, Establishing Meeting Dates, Time, and Location for Meetings of the Village of Estero Council for 2023

Attachment: Summary Sheet Council Meeting 2023 Calendar.pdf
Attachment: Resolution 2022-26 Establishing Meeting 2023.pdf
Attachment: 2023 revised Council Meetings Calendar.pdf

5. CONSIDERATION OF ITEMS DEFERRED FROM CONSENT AGENDA

6. PUBLIC HEARINGS

a. Final Plan approval for West Bay Island High Rise

Resolution No. 2022-22 A Resolution of the Village Council of the Village of Estero, Florida, Approving with Conditions the Final Plan Approval and Two Deviations for West Bay Club Island High Rise, Located on Pod 5, West of US 41 at the end of Williams Road; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

Recommended Action
Motion to approve Zoning Resolution No. 2022-22

Financial Impact
N/A

Attachment: Agenda Item Summary Sheet 9-21-2022 West Bay Island High Rise FPA.pdf
Attachment: 1. Resolution 2022-22 for FPA for Island at West Bay.pdf
Attachment: Exhibit A to Resolution - Island at WB FPA Plans.pdf
Attachment: FPA2022-E001 Staff Report.pdf
Attachment: 1. Cover Letter and Density Table.pdf
Attachment: 2. Response Letter.pdf
Attachment: 3. Island at WB FPA Plans.pdf
Attachment: 4 Ordinance 2021-12 West Bay Zoning.pdf

b. Replat - Island Club Tower at West Bay Club

Resolution No. 2022-29 A Resolution of the Village Council of the Village of Estero, Florida, Approving the Replat of Tract MF-1 and Tract LK 5-2, West Bay Club, Located on POD 5, West of US 41 at the end of Williams Road; and Providing an Effective Date.

Recommended Action
Motion to Approve Resolution No. 2022-29 Replat for West Bay Island High Rise

Financial Impact
N/A

Attachment: SSheet 9-21-2022 Prelim Plat West Bay Island High Rise.pdf
Attachment: Res No. 2022-29 REPLAT Island at West Bay.pdf
Attachment: Staff Report Island Club .pdf
Attachment: PLT2022-E002 Island Tower at West Bay Village Attorney.pdf
Attachment: 02 West Bay Towers Plat 2022 08 12.pdf

7. FIRST READING

a. First Reading of Ordinance No. 2022-09 addressing Conflict of Interest -- Planning, Zoning and Design Board

Ordinance No. 2022-09 An Ordinance of the Village Council of the Village of Estero, Florida, Amending Section 2-302C.2. of the Village Land Development Code to Change Membership Qualifications of the Planning Zoning and Design Board; Providing a Severability Clause; and Providing an Effective Date.

Recommended Action
Motion to pass first reading of Ordinance No. 2022-09 and set second reading and public hearing for October 5, 2022.

Financial Impact
N/A - the PZDB is a volunteer Board.

Attachment: Agenda Item Summary Ordinance 2022-09.pdf
Attachment: 1. DRAFT Ordinance 2022-09.pdf
Attachment: 2. Memorandum from Village Land Use Council 2-24-2022.pdf
Attachment: 3. Excerpts.pdf

b. First Reading of Ordinance No. 2022-10 Estero Town Center (Wawa) Zoning Amendment

Ordinance No. 2022-10 An Ordinance of the Village Council of the Village of Estero, Florida, Considering a Zoning Amendment and Deviations for Estero Town Center Commercial Planned Development, Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

Recommended Action
Motion to Pass First Reading of Ordinance No. 2022-10 and set Second Reading and Public Hearing for October 5, 2022.

Financial Impact
Minor cost of newspaper advertisement for second reading.

Attachment: Agenda Item Summary 9-21-2022.pdf
Attachment: 2022-10 Ordinance.pdf
Attachment: A. Legal Description.pdf
Attachment: B. MCP.pdf
Attachment: C. Pattern Book.pdf
Attachment: Staff Report DCI2021-E004 Council 9-21-22.pdf
Attachment: A. Zoning and FLUM Maps.pdf
Attachment: B. MCP.pdf
Attachment: C. Transcript of PZDB 7-12-22 meeting.pdf
Attachment: D. Pattern Book.pdf
Attachment: E.1 Proposed Changes to Z-03-032 and ADD2006-00163.pdf
Attachment: E.2. Public Informational Meeting Summary.pdf
Attachment: E.3. Request Statement 1-7-22.pdf
Attachment: E.4 TIS Report.pdf

c. First Reading of Ordinance No. 2022-11 Milan Villas Rezoning

Ordinance 2022-11 An Ordinance of the Village Council of the Village of Estero, Florida, Rezoning a 10 Acre Property at the Northwest Corner of Three Oaks Parkway and Williams Road from Commercial Planned Development (CPD) to Residential Planned Development (RPD); Providing for Severability; Providing for Conflicts; and Providing an Effective Date.

Recommended Action
Motion to Pass First Reading of Ordinance No. 2022-11 and Set Public Hearing and Second Reading for October 5, 2022.

Financial Impact
Minor cost for newspaper advertisement for second reading

Attachment: Milan VIllas Agenda Summary Sheet.pdf
Attachment: Milan Villas Ordinance 2022-11.pdf
Attachment: EXHIBIT A Legal Description.pdf
Attachment: EXHIBIT B MCP 7-22-2022.pdf
Attachment: EXIBIT C Pattern Book 9-6-2022.pdf
Attachment: DCI2021-E005 Staff Report Council.pdf
Attachment: Attachment A - Maps.pdf
Attachment: Attachment B Applicant_s Request Statement.pdf
Attachment: Attachment C - Transcript of PZDB Hearing.pdf
Attachment: Attachment D - Public Informational Meeting Summary.pdf
Attachment: Attachment E - Pattern Book 9-6-2022.pdf
Attachment: Attachment F - MCP 7-22-2022.pdf

d. First Reading of Ordinance No. 2022-12 Land Development Code Amendment for Lot Coverage

Ordinance No. 2022-12 An Ordinance of the Village Council of the Village of Estero, Florida, Amending the Village Land Development Code to Amend Section 10-3 Rules of Measurement to Revise the Definition of Lot Coverage; Providing a Severability Clause, a General Repealer Clause, and an Effective Date.

Recommended Action
Motion to pass first reading of Ordinance No. 2022-12 and set second reading for October 5, 2022.

Financial Impact
Minor cost of newspaper advertisement for second reading.

Attachment: Agenda Item Summary Sheet 9-21-2022 Ord 2022-12.pdf
Attachment: Ordinance 2022-12.pdf

4:45 PM Break

5:30 PM Resume Meeting

8. PUBLIC BUDGET HEARINGS

a. Resolution No. 2022-27 a Resolution of the Village Council of the Village of Estero, Lee County, Florida, Adopting the Final Millage Rate for the Levying of Ad Valorem Taxes for the Village of Estero, Lee County, Florida, for Fiscal Year 2022-2023; and Providing an Effective Date. Recommended Action: Approve Resolution

Recommended Action
Approve Resolution No. 2022-27

Financial Impact
Approval of the resolution will adopt the final millage for the

levying of Ad Valorem Taxes for the Fiscal Year 2022-2023.

Attachment: Res 2022-27 Agenda Item Summary Sheet Final Mill Rate 092122.pdf
Attachment: Resolution 2022-27 Final Millage FY22-23 092122.pdf
Attachment: Tax Rate Scenarios _002_.pdf

b. Resolution No. 2022-28 a Resolution of the Village Council of the Village of Estero, Lee County, Florida, Adopting the Final Budget for Fiscal Year 2022-2023; and Providing an Effective Date.

Recommended Action
Motion to approve Resolution No. 2022-28

Financial Impact
Approval of Resolution No. 2022-28 will adopt the final budget for the Fiscal Year 2022-2023.

Attachment: Res 2022-28 Agenda Item Summary Sheet Final Budget 092122.pdf
Attachment: Resolution 2022-28 Final Budget FY22-23 092122.pdf
Attachment: Budget Summary to Council Sept 21.pdf

9. SECOND READINGS AND PUBLIC HEARINGS

a. Comprehensive Plan Amendment -- Property Rights Element

Ordinance No. 2022-06 An Ordinance of the Village Council of the Village of Estero, Florida, Adopting an Amendment to the Village of Estero Comprehensive Plan to Add a Property Rights Element to the Text as Provided in Exhibit "A" and Made a Part Hereof; Providing for Transmittal to the State Land Planning Agency and Others as Required by State Statute; Providing for Severability; Providing for Conflicts; and Providing an Effective Date.

Recommended Action
Motion to approve Ordinance No. 2022-06 adopting Comprehensive Plan Amendment.

Financial Impact
Cost of newspaper advertisements.

Attachment: Agenda Item Summary Ord 2022-06.pdf
Attachment: 1. Ordinance 2022-06 .pdf
Attachment: 2. CPA2022-E001 Prop Rights Staff Report .pdf
Attachment: 3. Review Agency Comments.pdf

b. Comprehensive Plan Amendment -- Village Owned Property at Northeast Corner of US 41 and Corkscrew Road

Ordinance No. 2022-07 An Ordinance of the Village Council of the Village of Estero, Florida, Adopting an Amendment to the Village of Estero Comprehensive Plan to Amend the Future Land Use Map for a 31.5 Acre Property at the Northeast Corner of US 41 and Corkscrew Road from Village Center to Public Parks and Recreation; Providing for Severability; Providing for Conflicts; and Providing an Effective Date.

Recommended Action
Motion to approve Ordinance No. 2022-07 adopting Comprehensive Plan Amendment.

Financial Impact
Cost of newspaper advertisements.

Attachment: Agenda Item Summary Sheet Ord 2022-07.pdf
Attachment: FLUM Ordinance 2022-07 7-6-2022.pdf
Attachment: FLUM CPA2022-E002 Staff Report..pdf
Attachment: Attachment A. Existing and Proposed FLUM_CPA2022-E002 .pdf
Attachment: Attachment B. Application and Proj SummCPA2022-E002 .pdf
Attachment: Attachment C. Cultural Resource AssessmentCPA2022-E002 .pdf
Attachment: Attachment D. Tree Location SurveyCPA2022-E002 .pdf

c. Rezoning - Village-owned property at the northeast corner of Corkscrew Road and US 41.

Ordinance No. 2022-08 An Ordinance of the Village Council of the Village of Estero, Florida, Considering a Rezoning from Mixed-Use Planned Development (MPD) and Agriculture (AG-2) to Parks and Community Facilities (PCF) for a 31.5 Acre Property at the Northeast Corner of US 41 and Corkscrew Road; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

Recommended Action
Approve Ordinance No. 2022-08.

Financial Impact

Cost of newspaper advertisements.

Attachment: Agenda Item Summary Sheet Ord 2022-08.pdf
Attachment: Rezoning Ordinance 2022-08.pdf
Attachment: Legal Description.pdf
Attachment: 1. REZ2022-E001 Estero on the River staff .pdf
Attachment: Attachment A. Existing and Proposed Zoning.pdf
Attachment: Attachment B. PIM Summary.pdf
Attachment: Attachment C. Application and Proj Desc.pdf

10.PUBLIC COMMENT ON NON-AGENDA ITEMS

11.COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS

12.VILLAGE ATTORNEY'S REPORT

13.VILLAGE MANAGER'S REPORT

14.Adjourn Regular Session and Convene Workshop Items

15.WORKSHOP

a. Williams Road Bike/Ped Project Update

Attachment: 2022 Agenda Item Summary Sheet - Workshop - Template.pdf
Attachment: Loc Map.pdf
Attachment: Williams Rd_Bike Ped Prjt Update.pdf

16.ADJOURNMENT

General Attachments

- Transcript.pdf

VILLAGE OF ESTERO COUNCIL MEETING
WEDNESDAY, SEPTEMBER 21, 2022, 3:30 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.

03:30:08 [SOUNDING GAVEL]
03:30:10 >>Mayor Errington: GOOD AFTERNOON.
03:30:12 >> GOOD AFTERNOON.
03:30:13 >>Mayor Errington: GLAD YOU'RE HERE.
03:30:15 SOMEBODY READ THAT WE WERE STARTING AT 3:30 AND THAT'S
03:30:20 GREAT.
03:30:21 LITTLE EXPLANATION WITH WHAT WE'RE DOING.
03:30:24 WE WILL TAKE A RECESS AT 4:45 NO MATTER WHERE WE ARE ON THE
03:30:29 AGENDA, WE WILL DO THAT.
03:30:30 WE WILL BE BACK AT 5:30.
03:30:33 AND SO THAT IS REQUIRED BY LAW, A STATE MANDATE FOR READING
03:30:38 FOR THE BUDGET HEARING.
03:30:40 SO NO MATTER WHERE WE ARE IN DISCUSSION, CAROL WILL ALERT ME
03:30:44 TO STOP THE MEETING, AND I WILL DO THAT.
03:30:47 WE WILL GO INTO RECESS.
03:30:49 AND IF I DON'T REMIND YOU THEN, PLEASE REMEMBER, NO TALKING
03:30:52 WITH COUNCIL MEMBERS ABOUT ANYTHING OF WHAT WE WERE
03:30:55 DISCUSSING HERE.

03:30:56 I DON'T HAVE TO DO THAT, BUT IT'S JUST NICE THAT I'M
03:30:59 REMINDING EVERYONE.
03:31:00 I HAVE ANOTHER THING I'D LIKE TO MENTION IS THAT ANYTIME --
03:31:07 THIS WILL BE A LONG MEETING TONIGHT, THIS AFTERNOON AND
03:31:11 GOING INTO THE EVENING.
03:31:12 SO ANYTIME ANYBODY ON COUNCIL FEELS THE NEED, AND IN THE
03:31:18 AUDIENCE, TOO, A NEED TO STAND, YOU KNOW, SITTING A LONG
03:31:23 TIME IS VERY, VERY DIFFICULT.
03:31:24 DON'T HESITATE JUST TO STAND.
03:31:26 STAND RIGHT HERE BEHIND THE DAIS, IF YOU'D LIKE.
03:31:30 SO WITH THAT, WE ALSO -- I'M GOING TO BRING UP THAT WE HAD A
03:31:35 COUPLE OF INSTANCES LAST WEEK, TWO WEEKS AGO AT THE LAST
03:31:40 MEETING, WE HAD SOME LIGHTS OUT AROUND THE PARKING LOT AND
03:31:43 WE HAD SOME ISSUES.
03:31:46 I'M GOING TO NICKNAME OUR VILLAGE CLERK THE BIRD-DOG BECAUSE
03:31:52 SHE WAS ON THIS WITH GETTING WHAT HAD HAPPENED.
03:31:56 I WANT ONE THING PERFECTLY CLEAR.
03:31:58 THE VILLAGE OF ESTERO DOES NOT OWN THIS BUILDING.

03:32:01 WE LEASE THIS BUILDING.
03:32:03 SO THE LIGHTS WERE OUT THE WAY THEY WERE TWO WEEKS AGO, IT
03:32:06 WAS NOT OUR FAULT.
03:32:07 SO MAKE SURE YOU UNDERSTAND THAT.
03:32:10 IT WAS NOT OUR FAULT.
03:32:11 SO WITH THAT IN MIND, WE ARE HOPING NOW TO MOVE FORWARD, AND
03:32:15 THE LIGHTS SHOULD BE ON TONIGHT AND HOPEFULLY WE WILL BE OUT

03:32:19 IN TIME BEFORE THE LIGHTS HAVE TO COME ON, BUT THAT DEPENDS
03:32:22 ON HOW MUCH TALKING WE DO.
03:32:24 SO AT THIS TIME, I WOULD LIKE TO CALL THE MEETING TO ORDER
03:32:29 AND ASK THAT -- REMIND YOU TO TURN OFF YOUR CELL PHONES,
03:32:34 YOUR SMART WATCHES, ANYTHING THAT MAKES A SOUND THAT WOULD
03:32:38 DISTRACT FROM OUR MEETING.
03:32:41 I WOULD ALSO LIKE TO INVITE UP TO THE PODIUM RABBI
03:32:46 GREENBERG.
03:32:49 HE IS AT THE CHABAD OF BONITA SPRINGS AND ESTERO.
03:32:54 COME ON UP, I WANT TO THANK YOU FOR LAST -- IT'S BEEN A
03:32:58 WHILE AGO.
03:33:00 IT WAS WHEN I FIRST BECAME MAYOR, YOU INVITED ME TO COME TO
03:33:04 AN EVENT AT YOUR SYNAGOGUE.
03:33:09 AND SO I MET YOUR WIFE AND YOUR BEAUTIFUL TEN CHILDREN.
03:33:14 >> THANK GOD TEN TIMES.
03:33:16 >>Mayor Errington: THEY WERE BEAUTIFUL.
03:33:17 >> TEN BLESSINGS.
03:33:18 >>Mayor Errington: TEN BLESSINGS.
03:33:19 AND I WAS ASKED TO SPEAK, AND I REMEMBER JOANNE RIBBLE WAS
03:33:25 THERE, AND THAT WAS HER FIRST TIME, I THINK, WHEN SOMEONE
03:33:28 HAD JUST SAID WE WOULD LIKE FOR YOU TO SPEAK, AND YOU HAD
03:33:30 JUST GOTTEN ON COUNCIL, SO SHE'S LEARNING.
03:33:33 SO GREAT JOB.
03:33:38 >> ALWAYS A PLEASURE TO BE HERE.
03:33:39 >>Mayor Errington: THANK YOU.

03:33:40 AND THANK YOU FOR BEING OUR NEIGHBOR, AND THANK YOU FOR
03:33:42 COMING AND SHARING YOUR BLESSINGS WITH US TODAY.
03:33:45 >> OF COURSE.
03:33:46 TODAY ACTUALLY COMMEMORATES A VERY SPECIAL DAY IN HISTORY.
03:33:52 EVERYBODY WHO BELIEVES IN CREATION, THE UNIVERSE, WELL, THIS
03:33:56 IS THE ANNIVERSARY OF THAT CREATION, 5,783 YEARS TO THE DAY,
03:34:00 ACCORDING TO THE JEWISH TRADITION.
03:34:03 THERE IS A REASON WHY WE CELEBRATE ROSH HASHANAH A WEEK FROM
03:34:09 NOW -- OR A LITTLE LESS THAN A WEEK.
03:34:09 ROSH HASHANAH, IF YOU COUNT SIX DAYS INTO CREATION, WHAT
03:34:10 HAPPENED ON THE SIXTH DAY, THAT WAS THE BIRTHDAY OF MANKIND.
03:34:13 ROSH HASHANAH IS NOT ONLY THE JEWISH NEW YEAR, IT IS
03:34:16 ACTUALLY THE BIRTHDAY OF ALL MANKIND.
03:34:18 IT'S NO COINCIDENCE THAT STANDING HERE TODAY, THE DAY THAT

03:34:22 THE WORLD WAS CREATED, BUT YET WE DON'T CELEBRATE UNTIL SIX
03:34:26 DAYS LATER BECAUSE ALTHOUGH THE WORLD WAS IN EXISTENCE BUT
03:34:29 THE WORLD CANNOT REACH ITS GOAL WITHOUT HUMAN KIND.
03:34:34 WE ARE HERE TO MAKE THAT GOAL, GOD'S GOAL IN THIS UNIVERSE
03:34:37 COME TO FRUITION.
03:34:38 WHEN GOD GAVE THE WORLD, HE GAVE US A SET OF LAWS AS WELL
03:34:41 FOR ALL MANKIND, THE UNIVERSAL LAWS.
03:34:44 EVEN WAY BEFORE THE TEN COMMANDMENTS WERE GIVEN THOUSANDS OF
03:34:45 YEARS LATER, THERE WERE SEVEN UNIVERSAL COMMANDMENTS THAT
03:34:48 WERE GIVEN -- SORRY, FIRST SIX TO ADAM AND EVE AND THE LAST
03:34:54 ONE TO NOAH MANY YEARS LATER.

03:34:57 THESE ARE BELIEVING IN ONE GOD, NOT THE BLASPHEMY, NOT TO
03:34:57 KILL, NOT TO STEAL, NOT TO COMMIT ADULTERY, TO NOT EAT A
03:35:04 PIECE OF LIVING ANIMAL, AND FINALLY, THE SEVENTH ONE IS TO
03:35:08 HAVE COURSE OF JUSTICE.
03:35:11 ENACT THE LAWS THAT KEEP LAW AND ORDER IN OUR SOCIETY, WHICH
03:35:14 IS WHAT WE ARE HERE TO DO TODAY.
03:35:17 THIS IS REALLY THE ENACTMENT OF GOD'S COMMANDMENT RIGHT ON
03:35:23 THE FIRST DAY OF CREATION, WHICH WE'RE COMMEMORATING TODAY.
03:35:24 SO I WANT TO TAKE THE OPPORTUNITY TO BE ABLE TO GIVE A
03:35:26 LITTLE BLESSING.
03:35:27 ALMIGHTY GOD, WE STAND BEFORE YOU AND PRAY YOU LOOK
03:35:29 FAVORABLY UPON THE MAYOR AND HONORABLE MEMBERS OF THE
03:35:31 COUNCIL OF THE GREAT VILLAGE OF ESTERO.
03:35:33 WE BESEECH YOU ALMIGHTY AND MERCIFUL GOD TO EXTEND YOUR
03:35:35 GRACE TO EACH AND EVERY MEMBER OF THIS AUGUST BODY AND
03:35:38 BESTOW UPON THEM THE JOY OF LIFE, GOOD HEALTH, AND
03:35:41 PROSPERITY.
03:35:42 BLESSED THESE DISTINGUISHED INDIVIDUALS WHO HAVE BEEN CHOSEN
03:35:44 TO MAKE LAWS AND DECISIONS FOR THE CITIZENS OF THIS VILLAGE.
03:35:46 GRANT THESE PUBLIC SERVANTS WISDOM AND UNDERSTANDING IN
03:35:49 THEIR NOBLE PURSUIT OF JUSTICE AND EQUALITY.
03:35:51 GIVE THEM GUIDANCE.
03:35:52 THEY WILL ALWAYS BE CONSCIOUS OF YOUR PRESENCE AND WILL
03:35:54 STRIVE TO ENACT LAWS WITH HONESTY AND INTEGRITY IN
03:35:57 ACCORDANCE WITH YOUR WILL.

03:35:59 MAY THEY HAVE THE WISDOM TO TURN ADVERSITY INTO OPPORTUNITY
03:36:03 AND TO TRANSFORM THE HARD CHALLENGES WE FACE TODAY INTO THE
03:36:06 SEEDS FROM WHICH WILL SPROUT THE GROWTH OF TOMORROW.
03:36:08 MAY THIS VILLAGE SERVE AS A BEACON OF LIGHT FOR PEOPLE OF
03:36:11 ALL FAITHS AND WALKS OF LIFE.
03:36:12 MAY ESTERO HELP ACHIEVE THE GOAL SO POWERFULLY STATED IN OUR
03:36:15 PLEDGE OF ALLEGIANCE SO THAT AMERICA IS TRULY ONE NATION
03:36:18 UNDER GOD, INDIVISIBLE, WITH LIBERTY AND JUSTICE FOR ALL.
03:36:22 LET US ANSWER AMEN.
03:36:23 >> AMEN.

03:36:24 >>Mayor Errington: THANK YOU SO MUCH.
03:36:25 APPRECIATE IT.
03:36:27 I WOULD ALSO LIKE TO WELCOME THE DEPUTY SHERIFF UP HERE
03:36:32 TODAY.
03:36:32 THANK YOU FOR BEING HERE.
03:36:33 WITH THAT, I'VE ASKED COUNCIL MEMBER LARRY FIESEL TO LEAD US
03:36:37 IN THE PLEDGE.
03:36:38 PLEASE STAND IF YOU ARE ABLE.
03:36:40 [PLEDGE OF ALLEGIANCE]
03:36:55 >>Mayor Errington: THANK YOU.
03:36:56 MADAM CLERK, WILL YOU PLEASE CALL THE ROLL.
03:37:00 >>Carol Sacco: COUNCIL MEMBER RIBBLE?
03:37:03 >>Joanne Ribble: HERE.
03:37:03 >>Larry Fiesel: HERE.
03:37:04 >>Jim Boesch: HERE.

03:37:06 >>Jim Ward: HERE.
03:37:07 >>Jim Wilson: HERE.
03:37:09 >>Vice-Mayor McLain: HERE.
03:37:10 >>Mayor Errington: HERE.
03:37:11 ITEM NUMBER 2, APPROVAL OF THE AGENDA, ADDITIONS, AND
03:37:15 DELETIONS.
03:37:16 ANYONE HAVE ANY COMMENTS?
03:37:23 >>Jim Boesch: MAKE A MOTION WE ACCEPT IT.
03:37:25 >>Mayor Errington: MOTION HAS BEEN MADE BY COUNCIL MEMBER
03:37:27 BOESCH AND SECONDED BY VICE-MAYOR McLAIN.
03:37:31 PLEASE CALL THE ROLL.
03:37:33 >>Joanne Ribble: AYE.
03:37:34 >>Larry Fiesel: AYE.
03:37:35 >>Jim Boesch: AYE.
03:37:37 >>Jim Ward: AYE.
03:37:39 >>Jim Wilson: AYE.
03:37:40 >>Vice-Mayor McLain: AYE.
03:37:41 >>Mayor Errington: AYE.
03:37:42 ITEM NUMBER 3, PUBLIC COMMENT ON NON-AGENDA ITEMS.
03:37:47 DO WE HAVE ANYONE SEEKING TO SPEAK?
03:37:51 >>Carol Sacco: MAYOR, WE DON'T HAVE ANYONE UP TO SPEAK, BUT
03:37:54 I DID WANT TO LET EVERYONE KNOW LAST WEEK, ON THE 8th OF
03:37:58 SEPTEMBER WHEN DIANA CARSON HAD COME REGARDING HER HARDSHIP
03:38:02 ON THE TAX BILL, THAT NIGHT, I E-MAILED HER, THE NEXT DAY I
03:38:06 E-MAILED HER AGAIN.

03:38:07 I CALLED HER AND LEFT MESSAGES.
03:38:09 MR. SARKOZY, THE VILLAGE MANAGER ALSO CALLED AND LEFT A
03:38:12 MESSAGE AND WE HAVE NOT HEARD ANY RESPONSE BACK FROM HER.
03:38:14 WE SENT HER SOME INFORMATION ON HOW TO GET TO THE LEE COUNTY
03:38:17 TAX OFFICE AND THE STATUTE THAT CAN HELP HER.
03:38:22 >>Mayor Errington: THANK YOU.

03:38:23 ANY OTHER COMMENTS?
03:38:29 >>Carol Sacco: I DIDN'T GET A CARD.
03:38:31 I'M SORRY.
03:38:34 >>Mayor Errington: PLEASE STATE YOUR NAME AND ADDRESS AND
03:38:35 YOU HAVE THREE MINUTES.
03:38:37 >>Carol Sacco: HER NAME IS MELISSA PROCTOR.
03:38:41 >> 9261 ESTERO RIVER CIRCLE.
03:38:44 I UNDERSTAND THIS ISN'T ON THE AGENDA, BUT I FEEL LIKE IT
03:38:47 NEEDS TO BE PUBLICLY STATED.
03:38:49 THIS IS IN REGARDS TO THE PEDESTRIAN IMPROVEMENT ALONG SANDY
03:38:52 LANE.
03:38:53 I THANK YOU ALL FOR IDENTIFYING THE NEED FOR THAT
03:38:55 IMPROVEMENT.
03:38:56 MY YOUNG FAMILY HAS BEEN AWAITING THIS IMPROVEMENT FOR MANY
03:39:01 YEARS.
03:39:01 SO I LOVE THE MEANDERING PATH OPTION ALONG THE GROVES
03:39:05 COMMUNITY.
03:39:06 IT MIMICS THE EXISTING MEANDERING PATH ALONG ESTERO PARKWAY
03:39:10 AND IT'S BEAUTIFUL.

03:39:11 THE OPTIONS PRESENTED FOR THE PATH ALONG MY NEIGHBORHOOD,
03:39:14 THE ESTATES AT ESTERO RIVER, LEAVES ME DISAPPOINTED.
03:39:17 SQUEEZING A SIDEWALK AND BOARDWALK ONTO SUCH A SMALL PIECE
03:39:21 OF LAND IS NOT AESTHETICALLY PLEASING AND REMOVING THE TURN
03:39:24 LANE INTO OUR COMMUNITY CREATES A HUGE SAFETY ISSUE.
03:39:27 THE GROVES DOES NOT HAVE A TURN LANE, BUT IT ALSO DOES NOT
03:39:30 HAVE A GATE THAT RESTRICTS INCOMING TRAFFIC FLOW.
03:39:34 THE TRAFFIC AT OUR ENTRANCE GATE FREQUENTLY BACKS UP AND
03:39:37 OVERFLOWS INTO THE TURN LANE.
03:39:39 OUR HOMEOWNERS ARE EACH RESPONSIBLE FOR THEIR OWN LAWN CARE,
03:39:43 AND WE HAVE MANY LANDSCAPING TRUCKS WITH TRAILERS AND
03:39:46 DELIVERY TRUCKS OFTEN CAUSING BACKUPS AT OUR GATE.
03:39:49 LEE COUNTY SHERIFF'S OFFICE HAS ADVISED OUR NEIGHBORHOOD
03:39:51 THAT WE SHOULD INSTALL A VERTICAL GATE ARM AT OUR GATE
03:39:54 ENTRANCE TO LIMIT ONE CAR PER GATE OPENING.
03:39:57 DOING SO WOULD FURTHER CONTRIBUTE TO THE TRAFFIC BACKUP AT
03:40:00 THE GATE.
03:40:01 REMOVING THE CURRENT TURN LANE WOULD REQUIRE VEHICLES TO
03:40:04 COME TO A COMPLETE STOP DIRECTLY ON SANDY LANE AND REQUIRING
03:40:07 TRAFFIC TO PASS SANDY LANE DIRECTLY IN FRONT OF OUR
03:40:11 COMMUNITY'S EXIT.
03:40:12 THIS IS NOT THE BEST IDEA FROM A TRAFFIC SAFETY STANDPOINT.
03:40:17 AS DESCRIBED IN THE PROJECT'S LOCAL FUNDING INITIATIVE
03:40:21 REQUEST TO THE FLORIDA SENATE, SANDY LANE IS, QUOTE, A
03:40:26 HEAVILY TRAVELED ROAD CONNECTING TWO MAJOR VILLAGE ROADWAYS.

03:40:31 TRAFFIC ENGINEERING STUDIES HAVE SHOWN A SIGNIFICANT
03:40:33 DECREASE IN ACCIDENTS WHEN A RIGHT-TURN LANE IS AVAILABLE.

03:40:38 CASE LAW HAS PROVIDED THAT A CONDEMNING AUTHORITY SHOULD
03:40:42 GIVE DUE CONSIDERATION TO CERTAIN RELEVANT FACTORS IN
03:40:45 DETERMINING ROADWAY ALTERATIONS, INCLUDING SAFETY
03:40:49 CONSIDERATIONS.
03:40:50 I TRUST THE VILLAGE'S LEGAL COUNSEL IS ADVISING PRIOR TO
03:40:52 THIS OPTION BEING EXPEDITED FOR THE SAKE OF FUNDING.
03:40:55 I PERSONALLY CONDUCTED AN UNOFFICIAL POLL OF MY NEIGHBORS
03:40:59 VIA SOCIAL MEDIA AND 80% OF RESPONDENTS WERE AGAINST
03:41:03 REMOVING THE TURN LANE.
03:41:05 MINIMAL RESPONDENTS ARE IN FAVOR OF REMOVING THE OAKS ALONG
03:41:09 OUR FENCE LINE.
03:41:09 NOT ONLY DO THEY PROVIDE A SENSE OF PRIVACY AND SECURITY FOR
03:41:13 OUR HOMES ALONG SANDY LANE, THEY ARE ALSO A NATURAL BARRIER
03:41:16 FOR NOISE AND LIGHT POLLUTION ABATEMENT.
03:41:18 IF THEY ARE REMOVED, WHAT TYPE OF DECORATIVE LIGHTING DO YOU
03:41:22 PLAN TO INSTALL TO LIMIT LIGHT POLLUTION?
03:41:24 THEREFORE, THE VAST MAJORITY OF MY POLL RESPONDENTS WERE IN
03:41:28 FAVOR OF OPTION 4-S, WHICH IS MINIMALLY REALIGNING THE SMALL
03:41:32 PORTION OF SANDY LANE IN FRONT OF OUR COMMUNITY.
03:41:34 PLEASE KNOW THAT THE DISCUSSIONS INVOLVING OUR NEIGHBORHOOD
03:41:37 MENTIONED AT THE LAST VILLAGE COUNCIL WORKSHOP DID NOT
03:41:40 INVOLVE OUR HOA BOARD OF DIRECTORS, AND IT SHOULD NOT HAVE
03:41:44 BEEN IMPLIED THAT OUR COMMUNITY IS IN AGREEMENT TO REMOVE

03:41:47 THE TURN LANE.
03:41:47 THANK YOU ALL FOR ALLOWING ME TO EXPRESS MY PERSONAL
03:41:52 OPINIONS AND VIEWS ON THE PROJECT.
03:41:53 OVERALL, IT'S A BEAUTIFUL ENHANCEMENT TO THE VILLAGE OF
03:41:56 ESTERO AND I LOOK FORWARD TO THE VILLAGE'S PRESENTATION TO
03:42:01 THE HOA BOARD NEXT WEEK.
03:42:03 FOR MY COMMUNITY BECAUSE IT'S A SURPRISE TO MANY OF MY
03:42:07 NEIGHBORS.
03:42:07 THANK YOU FOR YOUR TIME.
03:42:09 I APPRECIATE IT.
03:42:09 >>Mayor Errington: THANK YOU.
03:42:10 THANK YOU FOR COMING OUT.
03:42:11 THANK YOU.
03:42:12 ANYONE ELSE?
03:42:14 >>Carol Sacco: NO, MAYOR.
03:42:18 >>Mayor Errington: NEXT ON THE AGENDA IS THE CONSENT AGENDA.
03:42:24 ANY COUNCIL MEMBERS HAVE ANY COMMENTS OR QUESTIONS REGARDING
03:42:27 ANYTHING ON THE CONSENT AGENDA?
03:42:29 IF NOT, I'LL TAKE A MOTION.
03:42:31 MOTION MADE BY COUNCIL MEMBER RIBBLE, SECONDED BY COUNCIL
03:42:35 MEMBER FIESEL.
03:42:37 PLEASE CALL THE ROLL.
03:42:39 >>Jim Wilson: AYE.
03:42:40 >>Jim Ward: AYE.

03:42:42 >>Jim Boesch: AYE.

03:42:42 >>Larry Fiesel: AYE.
03:42:44 >>Joanne Ribble: AYE.
03:42:46 >>Vice-Mayor McLain: AYE.
03:42:47 >>Mayor Errington: AYE.
03:42:48 ITEM NUMBER 5, CONSIDERATION OF ITEMS DEFERRED FROM CONSENT
03:42:52 AGENDA.
03:42:53 WE HAVE NONE.
03:42:54 SO WE WILL GO ON TO ITEM NUMBER 6.
03:42:57 THIS IS THE FINAL PLAN APPROVAL FOR WEST BAY ISLAND
03:43:04 HIGH-RISE.
03:43:05 MADAM CLERK, WILL YOU PLEASE READ RESOLUTION 2022-22.
03:43:12 >>Carol Sacco: RESOLUTION 2022-22, A RESOLUTION OF THE
03:43:16 VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, APPROVING
03:43:18 WITH CONDITIONS THE FINAL PLAN APPROVAL AND TWO DEVIATIONS
03:43:22 FOR WEST BAY CLUB ISLAND HIGH-RISE, LOCATED AT POD 5, WEST
03:43:27 OF U.S. 41 AT THE END OF WILLIAMS ROAD; PROVIDING FOR
03:43:30 CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN
03:43:33 EFFECTIVE DATE.
03:43:34 >>Mayor Errington: THANK YOU.
03:43:34 NANCY STROUD, OUR LAND USE ATTORNEY, WILL READ THE STATEMENT
03:43:43 REGARDING QUASI-JUDICIAL HEARINGS ON VARIOUS ITEMS ON THE
03:43:47 AGENDA.
03:43:47 NANCY?
03:43:48 >>Nancy Stroud: THANK YOU, MAYOR ERRINGTON.
03:43:50 AM I ON?

03:43:52 CAN YOU HEAR ME?
03:43:53 >>Mayor Errington: NOT WELL.
03:43:58 >>Nancy Stroud: OKAY.
03:43:58 I THOUGHT I PUT IT ON.
03:44:00 YOU MIGHT NEED TO TURN IT UP.
03:44:01 THANK YOU.
03:44:02 LADIES AND GENTLEMEN, TODAY'S AGENDA HAS SEVERAL ACTIONS FOR
03:44:09 THE COUNCIL'S DECISION FOR WHICH THE COUNCIL SITS IN A
03:44:12 QUASI-JUDICIAL CAPACITY.
03:44:13 THE DECISION OF WHETHER OR NOT TO APPROVE THESE ACTION
03:44:17 ITEMS, LIKE ALL QUASI-JUDICIAL ITEMS, MUST BE BASED ON THE
03:44:21 CRITERIA IN THE LAND DEVELOPMENT REGULATIONS, THE LAND USE
03:44:25 ORDINANCE, AND ON SUBSTANTIAL COMPETENT EVIDENCE THAT'S
03:44:28 PRESENTED AT THE HEARING.
03:44:29 THESE ITEMS INCLUDE ITEM 6A AND 6B THAT WE'RE COMING TO
03:44:35 SHORTLY.
03:44:35 SO IF ANYONE IN THE AUDIENCE INTENDS TO PROVIDE TESTIMONY ON
03:44:42 ANY OF THESE ITEMS THAT ARE SUBJECT TO TODAY'S
03:44:44 QUASI-JUDICIAL HEARINGS, YOU MUST BE SWORN IN BY THE CLERK
03:44:48 IN A MOMENT, AND YOU MUST FILL OUT A PUBLIC SPEAKER'S CARD

03:44:52 AND GIVE IT TO THE CLERK BEFORE SPEAKING.
03:44:54 PLEASE BE ADVISED THAT ANY PERSON WHO PROVIDES TESTIMONY ON
03:44:57 AN ITEM MAY BE SUBJECT TO CROSS-EXAMINATION.
03:45:00 THE GENERAL PUBLIC WON'T BE PERMITTED TO CROSS-EXAMINE
03:45:04 WITNESSES, BUT THE PUBLIC MAY REQUEST THE COUNCIL TO DIRECT

03:45:08 QUESTIONS ON THEIR BEHALF TO EITHER STAFF OR THE APPLICANT.
03:45:11 AND THE APPLICANT AND THE VILLAGE STAFF MAY CROSS-EXAMINE
03:45:15 WITNESSES.
03:45:15 OF COURSE, THE COUNCIL MAY ALSO ASK QUESTIONS OF ANY
03:45:19 WITNESS.
03:45:20 FURTHER DETAILS OF OUR QUASI-JUDICIAL PROCEDURES CAN BE
03:45:25 ATTAINED BY THE CLERK, BUT IN GENERAL, AFTER THE CLERK
03:45:28 SWEARS IN THE WITNESSES, WE'LL FIRST HEAR AN INTRODUCTION
03:45:32 FROM THE VILLAGE COMMUNITY DEVELOPMENT DIRECTOR MARY GIBBS,
03:45:35 AND THEN THE APPLICANT WILL ADDRESS THE COUNCIL.
03:45:38 MARY GIBBS WILL THEN BE CALLED UPON FOR ANY FURTHER
03:45:42 TESTIMONY.
03:45:43 AFTER THIS, THE MAYOR WILL ALLOW ANYONE FROM THE PUBLIC WHO
03:45:46 HAS BEEN SWORN IN TO PROVIDE TESTIMONY.
03:45:49 WE ASK THAT YOU MAKE YOUR COMMENTS CONCISELY AS PUBLIC
03:45:53 TESTIMONY IS LIMITED TO THREE MINUTES PER PERSON.
03:45:55 SO IN ADDITION, IF ANY COUNCIL MEMBER HAS HAD EX PARTE
03:46:00 COMMUNICATIONS REGARDING A PARTICULAR ITEM, WHEN WE GET TO
03:46:03 THAT ITEM, THE COUNCIL MEMBER WILL NEED TO DISCLOSE THE
03:46:07 SUBJECT MATTER OF THE CONVERSATION AND THE PERSONS TO WHOM
03:46:10 THE COUNCIL MEMBER SPOKE.
03:46:11 IF ANY COUNCIL MEMBER HAS A CONFLICT OF INTEREST ON ANY OF
03:46:15 THESE ACTIONS, THE MEMBER MUST DISCLOSE THE CONFLICT AND
03:46:18 RECUSE HIMSELF OR HERSELF FROM PARTICIPATION IN THE
03:46:23 DISCUSSION OR IN VOTING.

03:46:24 SO WITH THAT, WILL ALL WHO INTEND TO TESTIFY ON ANY OF THE
03:46:32 QUASI-JUDICIAL ITEMS THAT I'VE IDENTIFIED PLEASE STAND AND
03:46:36 RAISE YOUR RIGHT HAND FOR THE CLERK TO ADMINISTER THE OATH.
03:46:41 >> DO YOU SWEAR TO TELL THE TRUTH, THE WHOLE TRUTH AND
03:46:44 NOTHING BUT THE TRUTH SO HELP YOU GOD?
03:46:49 >>Nancy Stroud: AT THIS POINT, FOR ITEM 6A, WHICH IS THE
03:46:52 FINAL PLAN APPROVAL, WE WOULD ASK THAT COUNCIL MEMBERS
03:46:56 DISCLOSE ANY EX PARTE COMMUNICATIONS OR CONFLICTS OF
03:47:00 INTEREST.
03:47:02 >> NONE.
03:47:04 >> NONE.
03:47:09 >>Mayor Errington: WE'RE READY TO MOVE ON.
03:47:12 >>Nancy Stroud: THANK YOU.
03:47:12 >>Mayor Errington: THANK YOU.
03:47:13 AT THIS POINT IN TIME, I NEED TO TURN IT OVER TO STEVE.
03:47:21 >>Steven Sarkozy: THANK YOU, MAYOR AND MEMBERS OF COUNCIL.

03:47:23 WE HAVE A SHORT PRESENTATION FROM OUR COMMUNITY DEVELOPMENT
03:47:25 DIRECTOR, MARY GIBBS.
03:47:27 SHE'S COMING TO THE PODIUM.
03:47:29 THIS IS THE FINAL PLAN APPROVAL FOR THE WEST BAY ISLAND
03:47:31 HIGH RISE, AN 88 UNIT BUILDING IN THE WEST BAY CLUB.
03:47:36 MARY?
03:47:37 >>Mary Gibbs: AND IF YOU RECALL -- I WAS GOING TO SAY GOOD
03:47:40 EVENING.
03:47:41 GOOD AFTERNOON.

03:47:42 IF YOU RECALL, THIS PROPERTY IS LOCATED AT THE ENDS OF
03:47:44 WILLIAMS ROAD OFF OF BAYBRIDGE BOULEVARD.
03:47:47 THERE IS A LITTLE NO-NAME BRIDGE THAT GOES TO THIS ISLAND
03:47:50 THAT IS KNOWN AS POD 5, AND YOU MAY RECALL THAT BECAUSE LAST
03:47:55 NOVEMBER, THE COUNCIL APPROVED THE ZONING AMENDMENT TO
03:47:58 INCREASE THE HEIGHTS LATELY FOR THE BUILDING.
03:48:02 SINCE THEN, THE APPLICANT HAS BEEN WORKING ON THEIR
03:48:05 DEVELOPMENT ORDER FOR THEIR SITE PLAN TO GET THINGS GOING,
03:48:07 EVEN THOUGH YOU MAY NOT BE AWARE, BECAUSE THEY DON'T COME TO
03:48:10 THE COUNCIL, BUT IN ORDER TO GET THE DEVELOPMENT ORDER
03:48:13 APPROVED, THEY ALSO HAVE TO HAVE A FINAL PLAN APPROVAL.
03:48:17 IT'S NOT THE PLAT.
03:48:18 THE PLAT IS A DIFFERENT ITEM COMING UP SOON.
03:48:20 BUT THE FINAL PLAN APPROVAL IS REQUIRED FROM THE COUNTY
03:48:24 ZONING RESOLUTION.
03:48:26 WHEN THE ZONING WAS APPROVED BACK I THINK IN 1996, THERE WAS
03:48:30 A CONDITION THAT SAID BEFORE THEY COULD GET THEIR
03:48:32 DEVELOPMENT ORDER AND DO VERTICAL DEVELOPMENT, THEY NEEDED A
03:48:35 FINAL PLAN APPROVAL.
03:48:36 NOW, THE REASON FOR THAT IS BACK IN THE DAY, THIS ONLY
03:48:39 APPLIES TO A FEW PROJECTS IN THE COUNTY.
03:48:42 MOST OF THEM ARE DRIs, REALLY LARGE PROJECTS.
03:48:45 WEST BAY WAS NOT A DRI BUT ALMOST A THOUSAND ACRES IN SIZE.
03:48:49 SO WHEN THIS PROPERTY WAS REZONED, THERE WAS NOT A LOT OF
03:48:52 DETAIL ON THE PLAN BECAUSE IT WAS SUCH A BIG PROPERTY.

03:48:56 AND THE IDEA OF THE FINAL PLAN APPROVAL WAS THAT YOU GET
03:48:59 THAT ONCE YOU HAVE A BETTER IDEA OF WHAT YOU'RE ACTUALLY
03:49:02 GOING TO DO ON THE PROPERTY, YOU GET THAT.
03:49:04 YOU HAVE TO MAKE SURE THAT THE PLAN IS CONSISTENT WITH THE
03:49:07 ZONING, CONSISTENT WITH THE LAND DEVELOPMENT CODE,
03:49:10 COMPATIBLE AND ALL OF THOSE TYPE OF THINGS.
03:49:12 IN THIS PARTICULAR CASE WITH THE WEST BAY CLUB, THE ACTUAL
03:49:18 ZONING, EVEN THOUGH SOME OF THE ZONING ON THE PROPERTY WAS
03:49:21 NOT TOO DETAILED, ON THIS POD 5 WAS ACTUALLY SHOWN AS A
03:49:24 MULTIFAMILY HIGH-RISE PARCEL.
03:49:27 SO THAT INFORMATION WAS ALREADY ON THERE.
03:49:29 SO WHEN WE DO THE FINAL PLAN APPROVAL, WE LOOK TO MAKE SURE

03:49:32 THAT THEIR DEVELOPMENT ORDER SITE PLANS ARE CONSISTENT WITH
03:49:35 THE ZONING, WHICH IT IS.
03:49:36 IT MEETS ALL THE PARAMETERS FOR THE HEIGHT.
03:49:41 THE NUMBER OF UNITS WAS CONSISTENT WITH WHAT WAS APPROVED IN
03:49:43 THE ZONING, AND THE LAYOUT OF THE PROPERTY WAS GENERALLY THE
03:49:47 SAME.
03:49:47 SO THE FINAL PLAN IS JUST KIND OF AN EXTRA STEP THAT SAYS,
03:49:53 IF YOU BELIEVE IT'S CONSISTENT, THEN WE CAN GO AHEAD AND
03:49:56 APPROVE THE DEVELOPMENT ORDER.
03:49:58 THE DEVELOPMENT ORDER HAS BEEN TO THE PLANNING, ZONING, AND
03:50:00 DESIGN BOARD.
03:50:01 IT DOESN'T COME TO YOU, BUT IT IS THE MORE DETAILS.
03:50:04 AND THAT'S BEEN REVIEWED, AND THAT'S ESSENTIALLY READY TO GO

03:50:07 ONCE YOU GIVE THE GO-AHEAD.
03:50:10 THERE'S ONE MORE THING, TOO, WITH THE FINAL PLAN APPROVAL,
03:50:13 YOU CAN ASK FOR DEVIATIONS IF YOU NEED THEM AT THAT TIME
03:50:16 BECAUSE WHEN YOU KNOW MORE DETAIL ABOUT WHAT YOU'RE DOING,
03:50:20 YOU MAY NEED A DEVIATION.
03:50:21 THE APPLICANT HAS ASKED FOR TWO DEVIATIONS FROM PROVIDING A
03:50:26 TREE INVENTORY AND THE TREE LOCATION PLAN.
03:50:30 AND THE REASON THEY ARE ASKING FOR THIS IS BECAUSE IT IS THE
03:50:33 LITTLE ISLAND, IT HAS REQUIRED A 25-FOOT CONSERVATION
03:50:36 EASEMENT THAT GOES AROUND THE ENTIRE ISLAND.
03:50:40 THAT WAS REQUIRED BY THE COUNTY AND THE STATE AGENCIES.
03:50:44 BASICALLY THEIR BUFFER.
03:50:45 AND THEY ARE GOING TO RETAIN ALL THOSE TREES IN THAT BUFFER.
03:50:48 NOW, WITHIN THAT EASEMENT OR INTERNALLY, THE FOOTPRINT OF
03:50:54 THE BUILDING IS GOING TO TAKE UP THE WHOLE SITE BASICALLY
03:50:57 EXCEPT FOR THAT 25-FOOT CONSERVATION AREA.
03:50:59 SO NO NEED TO REALLY PROVIDE A TREE INVENTORY BECAUSE WHERE
03:51:03 THE HIGH-RISE GOES, THE TREES WON'T BE THERE BUT THERE WILL
03:51:06 BE A BUFFER.
03:51:07 SO WE HAVE RECOMMENDED APPROVAL OF THE FINAL PLAN AND THOSE
03:51:10 TWO DEVIATIONS.
03:51:12 I'M HAPPY TO ANSWER ANY QUESTIONS.
03:51:16 >>Mayor Errington: QUESTIONS FROM COUNCIL?
03:51:18 ARE WE READY TO CALL THE APPLICANT?
03:51:21 >>Mary Gibbs: THE APPLICANT, DANA HUME FROM JOHNSON

03:51:27 ENGINEERING.
03:51:28 >>Mayor Errington: WELCOME.
03:51:31 >> THANK YOU.
03:51:32 GOOD AFTERNOON, COUNCIL, MAYOR.
03:51:34 DANA HUME WITH JOHNSON ENGINEERING FOR THE RECORD.
03:51:36 MARY AND I WENT BACK AND FORTH ON HAVING A PRESENTATION, AND
03:51:39 WE DECIDED AGAINST IT, BUT WHAT I DO WANT TO DO IS SHOW
03:51:44 EVERYBODY THE BOARD.

03:51:45 THIS IS THE RENDERING THAT WAS PROVIDED TO YOU ALL DURING
03:51:48 THE ZONING, AND JUST TO REORIENT YOU TO WHAT WE'RE DOING OUT
03:51:53 THERE ON THE PROJECT SITE.
03:51:55 WE REVIEWED THE DEVIATIONS WITH MARY, AND WE ARE IN FULL
03:52:01 AGREEMENT WITH THE RECOMMENDATIONS.
03:52:04 AND WITH THAT, I REALLY DON'T HAVE ANYTHING ELSE TO PRESENT
03:52:08 UNLESS YOU ALL HAVE QUESTIONS FOR ME.
03:52:10 >>Mayor Errington: ANY QUESTIONS?
03:52:15 >>Vice-Mayor McLain: JUST ON THE TREE HEALTH ASSESSMENT
03:52:18 DEVIATION YOU'RE REQUESTING, BECAUSE YOUR BUILDING IS GOING
03:52:22 TO TAKE UP ALMOST ALL OF THE AVAILABLE PROPERTY OTHER THAN
03:52:24 THE BUFFER, WOULDN'T THAT MAKE SOME SENSE TO MAKE SURE THAT
03:52:28 PRECAUTIONS AND UNDERSTAND WHAT THE CURRENT HEALTH IS OF THE
03:52:31 TREE SO THAT WHEN YOU BUILD, YOU TAKE THAT -- OBVIOUSLY,
03:52:36 TAKE INTO CONSIDERATION BUT TO UNDERSTAND WHAT YOU'RE
03:52:38 DEALING WITH THERE PRIOR TO DOING ALL THE CONSTRUCTION?
03:52:41 >>Dana Hume: SO THE TREE -- EVERYTHING ON-SITE WITHIN THE

03:52:46 DEVELOPABLE AREA IS BEING IMPACTED FROM THE CONSTRUCTION.
03:52:51 >>Vice-Mayor McLain: THEY ARE GONE BASICALLY.
03:52:52 >>Dana Hume: YES, SIR.
03:52:53 SO THE PRESERVE AREA, THE 25-FOOT UPLAND BUFFER THAT MARY
03:52:57 WAS REFERENCING, THAT HAS ALWAYS BEEN SUBJECT TO MONITORING
03:53:04 AND MAINTENANCE BASED ON THE WATER MANAGEMENT PERMITTING,
03:53:07 AND THAT'S A PERPETUAL MAINTENANCE PROGRAM THAT WEST BAY HAS
03:53:13 TO DO BECAUSE THE WETLAND AREAS ARE PART OF THE COMMUNITY.
03:53:18 AND SO THAT HAPPENS ON A YEARLY BASIS WHERE THEY GO OUT AND
03:53:24 CHECK FOR EXOTIC VEGETATION AND THAT KIND OF STUFF.
03:53:27 IF THERE IS ANY, THEN THEY ARE REMOVED AND AT THAT TIME THEY
03:53:30 LOOK AT THE TREES.
03:53:32 >>Vice-Mayor McLain: YOU ARE NEVER GOING TO BE INVOLVED IN
03:53:33 HAVING TO MAINTAIN, BECAUSE IT IS A PRESERVE, YOU DON'T HAVE
03:53:35 TO WORRY ABOUT TAKING.
03:53:37 SOMEBODY ELSE WILL BE DOING THAT ASSESSMENT ANNUALLY AND --
03:53:41 >>Dana Hume: THAT IS CORRECT.
03:53:42 AS THE APPLICANT, THE APPLICANT IS PART OF THE COMMUNITY, SO
03:53:47 THEY WILL BE PAYING INTO THE FUNDS THAT TAKE CARE OF ALL OF
03:53:52 THE PRESERVES WITHIN WEST BAY CLUB.
03:53:54 >>Vice-Mayor McLain: I UNDERSTAND THAT.
03:53:55 THANK YOU.
03:53:55 >>Mayor Errington: ANY OTHER QUESTIONS FROM COUNCIL?
03:54:01 >>Dana Hume: VERY GOOD.
03:54:01 THANK YOU.

03:54:02 >>Mayor Errington: THANK YOU.
03:54:03 ANY PUBLIC COMMENTS?
03:54:07 >>Carol Sacco: WE HAVE NO PUBLIC COMMENT AND NO E-COMMENT.
03:54:18 >>Mayor Errington: ANY OTHER COUNCIL COMMENTS AT ALL?

03:54:20 GETTING DOWN TO THE NITTY-GRITTY HERE.
03:54:23 IF WE HAVE THE APPLICANT OR DIRECTOR WISHES -- WE DON'T HAVE
03:54:31 ANY OF THAT.
03:54:31 >>Nancy Stroud: NO CROSS-EXAMINATION.
03:54:33 >>Mayor Errington: SO WE'RE READY TO CLOSE THE PUBLIC
03:54:35 HEARING.
03:54:35 >>Nancy Stroud: THAT'S RIGHT.
03:54:37 >>Mayor Errington: YES.
03:54:38 IF NO ONE HAS ANY OTHER COMMENTS OR ANY DISCUSSIONS, ANY
03:54:42 MOTIONS TO MAKE, WE'RE READY TO HAVE A MOTION IN REGARD TO
03:54:46 THE RESOLUTION.
03:54:48 I NEED A MOTION.
03:54:52 >>Jim Boesch: MAKE THE MOTION THAT WE ACCEPT THE RESOLUTION
03:54:56 SET FORTH BEFORE US REGARDING THIS PROJECT.
03:54:59 >>Mayor Errington: MOTION HAS BEEN MADE BY COUNCIL MEMBER
03:55:01 JIM BOESCH AND SECONDED BY COUNCIL MEMBER JIM WILSON.
03:55:07 WILL YOU PLEASE CALL THE ROLL.
03:55:09 >>Joanne Ribble: AYE.
03:55:11 >>Larry Fiesel: AYE.
03:55:13 >>Jim Boesch: AYE.
03:55:14 >>Jim Ward: AYE.

03:55:16 >>Jim Wilson: AYE.
03:55:17 >>Vice-Mayor McLain: AYE.
03:55:18 >>Mayor Errington: AYE.
03:55:19 NEXT ON THE AGENDA IS ITEM NUMBER 6B.
03:55:27 THIS IS RE-PLAT OF THE ISLAND CLUB TOWER AT WEST BAY CLUB.
03:55:32 MADAM CLERK, WILL YOU PLEASE READ RESOLUTION 2022-29?
03:55:37 >>Carol Sacco: RESOLUTION NUMBER 2022-29, A RESOLUTION OF
03:55:40 THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA,
03:55:43 APPROVING THE RE-PLAT OF TRACT MF-1 AND TRACT LK 5-2, WEST
03:55:50 BAY CLUB, LOCATED ON POD 5, WEST OF U.S. 41 AT THE END OF
03:55:54 WILLIAMS ROAD; AND PROVIDING AN EFFECTIVE DATE.
03:55:57 >>Mayor Errington: THANK YOU.
03:55:58 NANCY STROUD, OUR VILLAGE LAND USE ATTORNEY PREVIOUSLY READ
03:56:03 THE STATEMENT REGARDING QUASI-JUDICIAL HEARINGS FOR 6A AND
03:56:07 FOR 6B.
03:56:08 NANCY STROUD, AGAIN, OUR LAND USE ATTORNEY, DO WE HAVE TO
03:56:16 ADMINISTER THE OATH AGAIN FOR ANYONE?
03:56:18 >>Nancy Stroud: IF ANYONE INTENDS TO PROVIDE TESTIMONY ON
03:56:20 THIS RE-PLAT, YOU MUST STAND AND HAVE THE CLERK -- WHO
03:56:24 HASN'T BEEN SWORN BEFORE, PLEASE STAND AND HAVE THE CLERK
03:56:26 SWEAR YOU IN.
03:56:27 IT LOOKS LIKE EVERYONE HAS BEEN SWORN IN.
03:56:30 AND THEN WE NEED EX PARTE DISCLOSURES.
03:56:33 >>Mayor Errington: ANY COUNCIL MEMBERS OR ANY CONFLICTS OF
03:56:36 INTEREST?

03:56:37 NO, NO.
03:56:39 NO.
03:56:39 I'M NO.
03:56:40 ALL NOES.
03:56:43 STEVE, WILL YOU INTRODUCE THIS ITEM FOR THE COUNCIL?
03:56:49 >>Steven Sarkozy: THANK YOU, MAYOR AND MEMBERS OF COUNCIL.
03:56:51 THIS IS THE LAST FORMAL ITEM NEEDED TO APPROVE THIS PROJECT,
03:56:55 AND IT IS RELATED TO THE PREVIOUS AGENDA ITEM REGARDING THE
03:57:00 WEST BAY ISLAND HIGH RISE.
03:57:02 I'LL TURN IT OVER AGAIN TO OUR COMMUNITY DEVELOPMENT
03:57:05 DIRECTOR, MARY GIBBS, FOR A VERY BRIEF DESCRIPTION OF THE
03:57:11 DETAIL.
03:57:17 >>Mayor Errington: IS THAT WHAT A PLAT LOOKS LIKE?
03:57:19 >>Mary Gibbs: ACTUALLY, IT'S INSIDE OF THAT.
03:57:22 YOU'RE GOING TO GET TO SIGN IT AFTER THE MEETING.
03:57:25 SO YOU'LL SEE WHAT IT GETS TO LOOK LIKE.
03:57:28 STEVE EXPLAINED THIS.
03:57:29 THIS IS REALLY EASY.
03:57:30 THIS IS THE LAST PROJECT THAT WE JUST TALKED ABOUT, WEST BAY
03:57:33 CLUB.
03:57:34 THE REASON IT HAS TO BE RE-PLATTED IS FOR SOME REASON THAT
03:57:37 NOBODY CAN FIGURE OUT, WHEN IT WAS ORIGINALLY PLATTED THEY
03:57:40 PUT A LAKE TRACT IN THE MIDDLE OF IT.
03:57:43 THERE WAS NEVER A LAKE THERE.
03:57:44 IT JUST HAS A LAKE TRACT SHOWN IN IT.

03:57:47 IN ORDER TO GET RID OF THAT SO THEY CAN PUT THE HIGH-RISE
03:57:51 BUILDING ON THERE, THEY'VE GOT TO RE-PLAT IT.
03:57:54 IT MEETS ALL THE REQUIREMENTS FOR THE PLATTING.
03:57:57 IT'S VERY TECHNICAL REVIEW OF LEGAL AND ENGINEERING
03:58:01 CONSIDERATIONS.
03:58:01 WE'RE RECOMMENDING APPROVAL.
03:58:05 >>Mayor Errington: SO WE DON'T HAVE TO CALL THE APPLICANT
03:58:07 BACK.
03:58:08 >>Mary Gibbs: YOU CAN.
03:58:11 >>Mayor Errington: WE DON'T HAVE TO.
03:58:12 ARE YOU FINISHED?
03:58:18 >> [NOT SPEAKING AT A MICROPHONE]
03:58:21 >>Mayor Errington: WE DON'T WANT TO EXTEND ANYTHING IF WE
03:58:23 DON'T HAVE TO.
03:58:23 >>Mary Gibbs: THE APPLICANT AGREES.
03:58:24 >>Mayor Errington: OKAY.
03:58:25 AGREES.
03:58:26 COUNCIL, ARE THERE ANY QUESTIONS THAT ONE MIGHT HAVE FOR
03:58:31 ANYONE?
03:58:32 NO?
03:58:32 OKAY.
03:58:32 WE CAN'T CROSS-EXAMINE YOU, HARRY.

03:58:38 >>Mary Gibbs: YOU'RE WELCOME TO IF YOU WANT TO.
03:58:40 >>Mayor Errington: NOW WE WILL TAKE PUBLIC COMMENT.
03:58:42 >>Carol Sacco: WE HAVE NO PUBLIC COMMENT AND NO E-COMMENTS.

03:58:46 >>Mayor Errington: NO FURTHER -- LAST CALL.
03:58:50 ANY QUESTIONS?
03:58:50 NONE.
03:58:51 OKAY.
03:58:52 WE WILL NOW CLOSE THE PUBLIC HEARING AND WE WILL NEED A
03:59:01 MOTION.
03:59:02 >> SO MOVED.
03:59:03 >>Mayor Errington: MOTION MADE BY COUNCIL MEMBER JIM WARD
03:59:08 AND SECONDED BY COUNCIL MEMBER LARRY FIESEL.
03:59:11 PLEASE CALL THE ROLL.
03:59:12 >>Jim Wilson: AYE.
03:59:14 >>Jim Ward: AYE.
03:59:16 >>Jim Boesch: AYE.
03:59:17 >>Larry Fiesel: AYE.
03:59:18 >>Joanne Ribble: AYE.
03:59:20 >>Vice-Mayor McLain: AYE.
03:59:21 >>Mayor Errington: AYE.
03:59:22 ITEM NUMBER 7A IS THE FIRST READING OF ORDINANCE NUMBER
03:59:28 2022-09.
03:59:30 MADAM CLERK, HAS THE ORDINANCE BEEN PROPERLY ADVERTISED?
03:59:34 >>Carol Sacco: YES, MAYOR.
03:59:36 >>Mayor Errington: STEVE, WILL YOU INTRODUCE THIS, PLEASE?
03:59:39 >>Carol Sacco: I HAVE TO READ THE ORDINANCE, MAYOR.
03:59:41 >>Mayor Errington: I'M SORRY.
03:59:42 YES, SHE MUST READ IT FIRST.

03:59:43 >>Carol Sacco: ORDINANCE 2022-09, AN ORDINANCE OF THE
03:59:46 VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, AMENDING
03:59:49 SECTION 2-302C.2 OF THE VILLAGE LAND DEVELOPMENT CODE TO
03:59:55 CHANGE MEMBERSHIP QUALIFICATIONS OF THE PLANNING ZONING AND
03:59:58 DESIGN BOARD; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING
04:00:01 AN EFFECTIVE DATE.
04:00:03 >>Mayor Errington: THANK YOU VERY MUCH.
04:00:04 NOW, STEVE, WOULD YOU INTRODUCE THIS?
04:00:06 >>Steven Sarkozy: THANK YOU, MAYOR AND MEMBERS OF COUNCIL.
04:00:09 SINCE THE INCEPTION OF THE VILLAGE, THE COUNCIL AND PLANNING
04:00:13 AND ZONING BOARDS HAVE BEEN VERY CONCERNED WITH THE ISSUES
04:00:17 OF CONFLICTS OF INTEREST AND THE APPEARANCE OF FAIRNESS.
04:00:22 ON A COUPLE OF OCCASIONS WE'VE MODIFIED THE BOARD STRUCTURE
04:00:26 AND ALSO LIMITED THE INVOLVEMENT OF PEOPLE ON THE OFFICIAL
04:00:34 BOARDS SO THAT THERE IS NO REAL OR APPARENT CONFLICT OF
04:00:38 INTEREST.
04:00:38 WE HAVE A SITUATION NOW WHERE WE'RE LOOKING AT MAKING A
04:00:42 MINOR MODIFICATION TO THE RULES OF PROCEDURE HERE,

04:00:46 ADDRESSING CONFLICTS OF INTEREST.
04:00:48 I'LL ASK MARY GIBBS TO DESCRIBE THAT PROPOSED CHANGE AND THE
04:00:54 REACTION OF THE PLANNING AND ZONING BOARD TO THAT PROPOSAL.
04:00:57 >>Mayor Errington: THANK YOU.
04:00:57 MARY?
04:00:58 >>Mary Gibbs: YOU MAY RECALL THIS ISSUE CAME UP QUITE A
04:01:01 WHILE BACK.

04:01:03 IT WAS BROUGHT UP BY PLANNING ZONING DESIGN BOARD MEMBERS IN
04:01:07 RELATION TO WHETHER THEY COULD ACTUALLY PRESENT PROJECTS
04:01:12 THAT THEIR FIRM HAD WORKED ON OR THAT THEY HAD WORKED ON AT
04:01:16 THEIR FIRM AND WAS THAT A CONFLICT.
04:01:18 AT THAT TIME, I THINK THE BOARD ASKED US TO HAVE OUR
04:01:22 ATTORNEY PROVIDE A LEGAL MEMO THAT ANALYZED THAT.
04:01:24 NANCY STROUD DID A MEMO AND PROVIDED THAT TO THE PLANNING
04:01:28 ZONING AND DESIGN BOARD AND THE COUNCIL AS WELL.
04:01:31 THERE WAS A COUNCIL WORKSHOP WE HAD BACK IN MARCH, AND NANCY
04:01:36 EXPLAINED THE MEMO AND THE STATE LAW IS FAIRLY STRICT ON
04:01:39 THIS CONFLICT OF INTEREST, WHETHER IT'S A REAL OR PERCEIVED,
04:01:44 BUT IT DOES PROVIDE AN EXCEPTION FOR DESIGNATED PROFESSIONAL
04:01:48 MEMBERS IF YOU WANT TO DO THAT.
04:01:51 AND THEN AT THE WORKSHOP, THE COUNCIL TOLD US GO BACK TO
04:01:55 PLANNING ZONING AND DESIGN BOARD AND GET THEIR INPUT ON
04:01:58 THAT.
04:01:59 SO WE WENT BACK TO THE PLANNING ZONING AND DESIGN BOARD IN
04:02:03 MAY AND THEN BACK AGAIN IN JULY TO SEE WHAT THEY --
04:02:08 DISCUSSED IT MORE TO SEE WHAT THEY HAD RECOMMENDED.
04:02:11 AND THEY RECOMMENDED KIND OF A LIMITED EXCEPTION FOR THE
04:02:16 DESIGN PROFESSIONALS, WHICH IS THE ARCHITECT, THE ENGINEER,
04:02:19 AND THE LANDSCAPE ARCHITECT.
04:02:22 THEY COULD -- LET ME JUST SEE IF I CAN GET THE EXACT
04:02:25 WORDING.
04:02:25 THAT THEY WOULD BE -- A DESIGNATED MEMBER WOULD BE PERMITTED

04:02:29 TO REPRESENT A CLIENT AT THE PUBLIC INFORMATION MEETING, BUT
04:02:33 THEY COULD NOT REPRESENT A CLIENT BEFORE THE BOARD WHEN THEY
04:02:35 DO THE PUBLIC HEARING, PARTICIPATE IN THE DISCUSSION, OR
04:02:39 VOTE ON THE CLIENT'S APPLICATION AT ANY OTHER MEETING.
04:02:42 BUT A MEMBER OF THEIR FIRM COULD.
04:02:44 SO THAT WAS THEIR RECOMMENDATION.
04:02:46 WE'RE BRINGING IT TO YOU BECAUSE IF YOU WANT TO PROCEED WITH
04:02:49 THIS, WE HAVE TO AMEND THE LAND DEVELOPMENT CODE TO PUT THAT
04:02:52 IN THE CODE.
04:02:55 AND MAYBE -- I DON'T KNOW IF NANCY WOULD LIKE TO ADD OR
04:02:59 CLARIFY ANYTHING I'M SAYING JUST IN CASE I DIDN'T SAY IT
04:03:02 RIGHT.
04:03:04 >>Nancy Stroud: I THINK THAT'S A GOOD SUMMARY OF WHAT, I
04:03:06 THINK, THE BOARD THOUGHT WAS A REASONABLE COMPROMISE SO THAT

04:03:12 AT A PUBLIC INFORMATION MEETING WHERE NO VOTE IS TAKEN AND
04:03:15 IT'S REALLY JUST ABOUT PRESENTING THE PROJECT, THE
04:03:17 INDIVIDUAL BOARD MEMBER COULD PARTICIPATE AND PRESENT THE
04:03:23 PROJECT.
04:03:24 BUT WHEN IT CAME TO A HEARING AND A VOTING MEETING, THEY
04:03:28 COULD NOT PARTICIPATE OR VOTE.
04:03:32 AND THEN ADDITIONALLY, EVEN THOUGH THE BOARD MEMBER COULD
04:03:35 NOT VOTE, IF HE'S PART OF A LARGER FIRM, THE FIRM COULD COME
04:03:40 IN AND MAKE THE PRESENTATION AT THE PUBLIC HEARING.
04:03:45 SO IT'S A COMPROMISE, A MIDDLE GROUND BETWEEN WHAT IS THE
04:03:49 SITUATION NOW AND WHAT THE LAW COULD ALLOW IF THE BOARD OR

04:03:54 IF THE COUNCIL WANTED TO ALLOW EVEN MORE PARTICIPATION BY
04:03:59 THE BOARD MEMBERS.
04:04:01 >>Mayor Errington: THANK YOU.
04:04:02 IS THAT IT, MARY?
04:04:06 >>Mary Gibbs: THIS IS THE FIRST READING.
04:04:07 SO IF YOU HAVE ANY DIRECTION OR ADVICE OR ANYTHING, WE'LL BE
04:04:13 COMING BACK ON OCTOBER 5th FOR SECOND READING UNLESS YOU
04:04:16 DON'T WANT TO DO THIS.
04:04:20 >>Mayor Errington: COUNCIL, ANY QUESTIONS, COMMENTS?
04:04:25 >>Larry Fiesel: I GUESS IT IS A QUESTION.
04:04:27 IN SECTION 302C MEMBERSHIP UNDER PARAGRAPH 1, I'D JUST LIKE
04:04:34 SOME INFORMATION FOR MY OWN BENEFIT HERE.
04:04:37 ADDITIONAL NONVOTING EX OFFICIO REPRESENTATIVE OF LEE COUNTY
04:04:41 SCHOOL BOARD MAY ALSO SERVE.
04:04:44 I'M NOT SURE I UNDERSTAND WHY A SCHOOL BOARD MEMBER SHOULD
04:04:47 BE ON OUR PLANNING ZONING AND DESIGN BOARD.
04:04:51 HAVE WE EVER HAD ONE APPOINTED TO THE BOARD?
04:04:53 >>Mary Gibbs: THAT IS ACTUALLY -- NANCY, CORRECT ME IF I'M
04:04:56 WRONG -- THAT IS ACTUALLY A REQUIREMENT OF THE STATE
04:04:58 STATUTE.
04:04:59 THIS IS EXISTING LANGUAGE, AND EVERYBODY IS SUPPOSED TO BE
04:05:03 ABLE TO HAVE ONE.
04:05:04 USUALLY THEY ARE NOT INTERESTED BECAUSE THEY ARE BUSY WITH
04:05:07 OTHER THINGS.
04:05:07 I BELIEVE AT THE COUNTY FOR A WHILE THERE WAS ONE SCHOOL

04:05:11 STAFF MEMBER THAT SAT ON THE LPA FOR A WHILE.
04:05:14 BUT THEN THEY KIND OF LOST INTEREST.
04:05:18 I BELIEVE YOU'VE GOT TO DO IT PER STATE LAW, NANCY?
04:05:24 >>Nancy Stroud: IT IS A STATE LAW.
04:05:26 >>Larry Fiesel: IT SAYS STATE LAW.
04:05:27 IT JUST SEEMS KIND OF STRANGE TO ME, I GUESS, I DON'T KNOW,
04:05:29 WHY A SCHOOL BOARD MEMBER WOULD BE INTERESTED IN WHAT OUR
04:05:31 DESIGN REVIEW BOARD IS DOING.
04:05:32 >>Mary Gibbs: I THINK THAT WAS BACK IN THE DAY WHEN THE
04:05:35 LOCAL PLANNING AGENCIES AND THE SCHOOLS WERE SUPPOSED TO

04:05:39 COORDINATE WITH THEIR PLANNING WITH THE COUNTIES AND CITIES.
04:05:41 I THINK THAT WAS THE IDEA BEHIND IT, IS TO HAVE SOME CLOSE
04:05:44 COORDINATION.
04:05:45 >>Larry Fiesel: THANK YOU.
04:05:45 >>Mayor Errington: THANK YOU.
04:05:46 DOES THAT SATISFY YOUR --
04:05:49 >>Larry Fiesel: YES.
04:05:49 >>Mayor Errington: ANY OTHER COMMENTS?
04:05:50 >>Vice-Mayor McLain: MARY, SO WITH THIS CHANGE, I'M OKAY
04:05:54 WITH IT, BUT PUBLIC INFORMATION MEETINGS, WHOEVER IS ON THE
04:05:58 BOARD CAN MAKE THE PRESENTATION.
04:06:00 SO NOW WE COME TO A VOTING SITUATION.
04:06:04 WILL THEY BE ON THE DAIS UP HERE BUT JUST NOT PARTICIPATING
04:06:09 IN ANY DISCUSSIONS?
04:06:11 >>Mary Gibbs: THEY SHOULD NOT BE ON THE DAIS.

04:06:14 WE HAD A LITTLE GLITCH AT A MEETING RECENTLY WHERE I THINK
04:06:19 THE PERSON DID RECUSE THEMSELVES FROM THE VOTE, DID NOT
04:06:22 PARTICIPATE, DID NOT TAKE, BUT I THINK FORGOT TO GET OFF THE
04:06:25 DAIS AND GO ELSEWHERE.
04:06:27 BUT THEN IT WAS TOO LATE IN THE MEETING.
04:06:29 I DIDN'T WANT TO SAY ANYTHING IN THE MIDDLE OF THE MEETING.
04:06:32 >>Vice-Mayor McLain: I'M HAVING A HARD TIME HEARING YOU.
04:06:34 YOU SAY, NO, THEY DON'T STAY ON THE DAIS?
04:06:37 >>Mary Gibbs: THEY ARE NOT SUPPOSED TO BE ON THE DAIS.
04:06:39 >>Vice-Mayor McLain: OKAY.
04:06:40 WHEN IT COMES TIME FOR VOTING.
04:06:43 >>Mary Gibbs: YES.
04:06:44 >>Vice-Mayor McLain: I'M IN AGREEMENT WITH THAT.
04:06:46 >>Mayor Errington: ANY OTHER COMMENTS OR QUESTIONS,
04:06:48 CONCERNS?
04:06:50 >>Carol Sacco: WE HAVE NO PUBLIC COMMENT AND NO E-COMMENTS.
04:06:53 >>Mayor Errington: NEED A MOTION.
04:06:54 >>Joanne Ribble: SO MOVED.
04:06:56 >>Vice-Mayor McLain: NANCY, I'M NOT SURE IF IT --
04:06:58 >>Mayor Errington: ARE YOU COMMENTING NOW?
04:07:01 >>Vice-Mayor McLain: CAN I MAKE A COMMENT?
04:07:02 I DON'T SEE THAT IT SAYS THEY MUST NOT BE ON THE DAIS.
04:07:08 IT LOOKS LIKE IT'S OPEN HERE.
04:07:10 SHOULD WE PUT LANGUAGE IN THERE THAT SPECIFIES THAT?
04:07:14 >>Nancy Stroud: THAT IS IN THE RULES OF PROCEDURE SO THAT

04:07:18 ONCE THE ITEM IS BROUGHT UP, THEY ARE SUPPOSED TO GET OFF
04:07:21 THE DAIS AND SIT IN THE BACK AND NOT SAY A WORD AND NOT
04:07:26 VOTE.
04:07:26 >>Vice-Mayor McLain: THANK YOU.
04:07:29 >>Mayor Errington: MOTION MADE BY COUNCIL MEMBER RIBBLE AND
04:07:32 SECONDED BY VICE-MAYOR McLAIN.

04:07:35 PLEASE CALL THE ROLL.
04:07:38 >>Joanne Ribble: AYE.
04:07:39 >>Larry Fiesel: AYE.
04:07:41 >>Jim Boesch: AYE.
04:07:42 >>Jim Ward: AYE.
04:07:44 >>Jim Wilson: AYE.
04:07:45 >>Vice-Mayor McLain: AYE.
04:07:46 >>Mayor Errington: AYE.
04:07:47 ITEM NUMBER 7B IS THE FIRST READING OF ORDINANCE NUMBER
04:07:55 2022-10.
04:07:57 MADAM CLERK, HAS THE ORDINANCE BEEN PROPERLY ADVERTISED?
04:08:01 >>Carol Sacco: YES, MAYOR.
04:08:02 >>Mayor Errington: WILL YOU PLEASE READ THE ORDINANCE?
04:08:03 >>Carol Sacco: ORDINANCE NUMBER 2022-10, AN ORDINANCE OF THE
04:08:07 VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA,
04:08:09 CONSIDERING A ZONING AMENDMENT AND DEVIATIONS FOR ESTERO
04:08:12 TOWN CENTER COMMERCIAL PLANNED DEVELOPMENT, PROVIDING FOR
04:08:15 CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN
04:08:18 EFFECTIVE DATE.

04:08:20 >>Mayor Errington: THANK YOU.
04:08:21 STEVE, WOULD YOU INTRODUCE THIS FOR US, PLEASE?
04:08:24 >>Steven Sarkozy: THANK YOU, MAYOR AND MEMBERS OF COUNCIL.
04:08:26 THIS IS A FIRST READING SO THE ITEM IS SIMPLY BEING
04:08:28 INTRODUCED TODAY, AND WE'LL SOLICIT ANY QUESTIONS YOU MAY
04:08:31 HAVE.
04:08:33 BUT IT'S REGARDING PROPOSED WAWA FACILITY, GAS STATION AND
04:08:38 SERVICE CENTER.
04:08:40 IN THE ESTERO TOWN CENTER DEVELOPMENT, WHICH IS MORE
04:08:44 COMMONLY KNOWN AS THE LOWE'S CENTER, AT THE CORNER OF
04:08:52 CORKSCREW AND THREE OAKS PARKWAY.
04:08:55 WE HAVE A BRIEF PRESENTATION HERE BY MARY GIBBS AGAIN,
04:09:00 COMMUNITY DEVELOPMENT DIRECTOR, AND THEN WE'LL CONSIDER THE
04:09:05 SECOND READING HERE AT THE OCTOBER 5th MEETING.
04:09:11 >>Nancy Stroud: MAYOR ERRINGTON, BEFORE MARY STARTS,
04:09:14 ALTHOUGH WE DON'T TAKE TESTIMONY AT FIRST READING AND DON'T
04:09:18 TECHNICALLY HAVE A PUBLIC HEARING, WE JUST HAVE PUBLIC
04:09:21 COMMENT, I THINK IT'S A GOOD IDEA FOR THESE FIRST READINGS
04:09:25 THAT THE COUNCIL DISCLOSE ANY EX PARTE COMMUNICATIONS OR ANY
04:09:29 CONFLICTS OF INTEREST BEFORE THEY VOTE ON FIRST READING.
04:09:32 SO IF ANYONE HAS -- HAS HAD ANY EX PARTE COMMUNICATIONS ON
04:09:37 THIS ITEM, PLEASE DISCLOSE THEM.
04:09:39 >>Mayor Errington: GO DOWN THE LINE.
04:09:40 >> NO.
04:09:40 >> NO.

04:09:41 >> NO.
04:09:42 >>Nancy Stroud: AND IF THERE ARE ANY CONFLICTS, THEN THEY

04:09:44 SHOULD ALSO BE DISCLOSED.
04:09:47 >>Mayor Errington: CONFLICTS?
04:09:50 >>Nancy Stroud: THANK YOU.
04:09:55 >>Mayor Errington: THERE'S YOUR INTRODUCTION.
04:09:58 >>Mary Gibbs: I HOPE I DON'T GET HIT BY LIGHTNING.
04:10:00 AS STEVE MENTIONED, THIS PROPERTY IS LOCATED IN THE LOWE'S
04:10:03 SHOPPING PLAZA.
04:10:06 IT'S ACTUALLY THE OLD RUBY TUESDAY BUILDING THAT'S BEEN
04:10:10 VACANT FOR A LITTLE WHILE, AND THEY ARE PLANNING TO DEMOLISH
04:10:14 THAT BUILDING AND BUILD A WAWA CONVENIENCE STORE GAS STATION
04:10:17 ON THE PROPERTY.
04:10:17 BUT THERE'S ALSO A SECOND PART OF THE REQUEST IN ADDITION TO
04:10:23 THE GAS STATION IS THE REQUEST TO HAVE ANOTHER FAST-FOOD USE
04:10:29 ON A DIFFERENT PARCEL, NOT THE SPECIFIC WAWA PARCEL, BUT
04:10:32 ANOTHER PARCEL THAT'S VACANT ALONG CORKSCREW ROAD.
04:10:37 SO IT'S KIND OF A TWO-PART REQUEST.
04:10:40 AND WHEN WE COME TO THE SECOND HEARING, WE CAN EXPLAIN IN
04:10:44 MORE DETAIL WHAT THAT INVOLVES.
04:10:48 THE PLANNING AND ZONING BOARD RECOMMENDED APPROVAL WITH
04:10:51 CONDITIONS WHICH WOULD ALLOW THAT ADDITIONAL FAST FOOD.
04:10:54 AGAIN, I'LL EXPLAIN THAT WHEN WE COME TO THE SECOND READING.
04:10:57 WE RECEIVED, I THINK, ONE E-COMMENT TODAY IN FAVOR OF THE
04:11:02 PROJECT, AND I'M HAPPY TO ANSWER ANY QUESTIONS, IF YOU HAVE

04:11:08 ANY TONIGHT OR IF YOU HAVE ANYTHING THAT YOU WOULD LIKE THE
04:11:11 APPLICANT TO ADDRESS AT THE SECOND READING, IF THERE ARE ANY
04:11:15 QUESTIONS OR ANYTHING YOU WANT MORE INFORMATION ON FOR THEM
04:11:17 TO ADDRESS, THEY ARE HERE TONIGHT, THEY ARE TAKING NOTES.
04:11:20 SO ANY HINTS THEY THINK WOULD BE GREATLY APPRECIATED.
04:11:24 >>Mayor Errington: ANYONE HAVE ANY SUGGESTIONS?
04:11:28 >>Joanne Ribble: MARY, I'M LOOKING AT THE PUBLIC USE SPACE
04:11:30 THAT IS ON CORKSCREW ROAD.
04:11:33 IT LOOKS LIKE THERE ARE BENCHES THERE.
04:11:36 IS THAT WHAT YOU UNDERSTAND THAT PUBLIC USE SPACE TO BE THAT
04:11:38 IS ALONG THE SIDEWALK?
04:11:40 WILL THERE BE TREES THERE FOR SHADE?
04:11:43 I DON'T SEE LANDSCAPING THERE.
04:11:45 >>Mary Gibbs: THAT I DON'T REMEMBER RIGHT OFF THE TOP OF MY
04:11:50 HEAD, SO WE'LL HAVE THE APPLICANT ADDRESS THAT AT THE SECOND
04:11:59 READING.
04:11:59 TAKING NOTES.
04:12:06 >>Jim Boesch: I WENT OVER ALL OF THE NOTES YOU HAD, PEOPLE
04:12:09 TALKING AND SO FORTH.
04:12:10 I WAS VERY CONFUSED ON THE TRAFFIC FLOW, WHERE AND HOW IT'S
04:12:25 GOING TO NOT GO LEFT AND RIGHT.
04:12:29 I THINK SHOULD GIVE US A PRESENTATION AND TELL US HOW THE
04:12:34 TRAFFIC FLOW IS ALL GOING TO WORK ON THIS PARTICULAR THING.
04:12:39 I WAS ALSO CONFUSED ABOUT WHERE IS THE DELICATESSEN OR

04:12:45 WHATEVER YOU CALL IT, FAST FOOD IN CONJUNCTION WITH THE GAS
04:12:54 STATION ITSELF.
04:12:56 AND I DON'T KNOW HOW YOU RESOLVE THE ROOF.
04:12:59 I KNOW THAT WAS A PROBLEM.
04:13:03 IS IT GOING TO STAY THE SAME OR CHANGE TO WHAT THE BOARD
04:13:09 SAID?
04:13:12 THERE'S A LOT OF DETAIL IN THIS WHOLE PRESENTATION THAT I
04:13:16 THINK THIS TIME IS THE TIME TO GIVE A PRESENTATION AND LET
04:13:21 US KNOW AND ASK QUESTIONS AND SEE IF THIS WHOLE THING HAS
04:13:24 BEEN RESOLVED.
04:13:25 >>Mary Gibbs: YES.
04:13:26 THANK YOU.
04:13:26 I THINK THE ROOF ISSUE HAS BEEN RESOLVED, BUT WE'LL EXPLAIN
04:13:29 THAT AT THE HEARING.
04:13:30 AND I THINK THEY CAN GIVE A GOOD EXPLANATION OF THE TRAFFIC.
04:13:34 IT DID CHANGE A LITTLE BIT WITH THE TRAFFIC LIGHT THERE NOW.
04:13:36 SO THERE ARE SOME UPDATES TO THAT.
04:13:39 AND THEN THEY CAN EXPLAIN THE ISSUE ABOUT THE FAST FOOD AS
04:13:44 WELL.
04:13:45 >>Mayor Errington: JIM WILSON.
04:13:48 >>Jim Wilson: YES, FIRST, I'M ASSUMING THAT THE WAWA
04:13:52 PROPOSAL WOULD BE ALLOWED TO SELL FOOD WITHIN THEIR
04:13:57 CONVENIENCE STORE, IS THAT CORRECT?
04:13:59 >>Mary Gibbs: YES, YES.
04:14:00 >>Jim Wilson: THAT HAS NOTHING TO DO WITH IT.
04:14:03 HOPEFULLY AS THE OTHER JIM JUST ASKED, WE WILL GET SOME
04:14:07 EXPLANATION NEXT WEEK ON THE DUAL OWNERSHIP, THE FACT THAT
04:14:11 SOMEBODY ELSE OWNS THIS, THAT EVIDENTLY RUBY TUESDAY OR ONE
04:14:19 OF THEIR AGENTS OWNS THIS, SOMEBODY ELSE OWNS THE REST OF
04:14:22 THE SHOPPING CENTER, THE REST OF THE SHOPPING CENTER.
04:14:26 THIS IS THE FIRST TIME THAT WE EVER GOT ALL THE TEXTUAL
04:14:30 DESCRIPTION, PAGE AFTER PAGE, AND I READ IT ALL.
04:14:33 I ENDED UP BEING MORE CONFUSED AFTER I READ IT ALL.
04:14:37 >>Mary Gibbs: IT WAS A LITTLE CONFUSING AT THE PLANNING AND
04:14:40 ZONING BOARD WHEN THAT ISSUE CAME UP, AND THEY SPENT A LONG
04:14:43 TIME DISCUSSING IT, BUT I THINK WE GOT IT TO WHERE WE CAN
04:14:46 CONDENSE IT AND MAKE IT A LITTLE EASIER TO UNDERSTAND.
04:14:50 A FEW THINGS HAVE HAPPENED SINCE THAT PLANNING AND ZONING
04:14:52 BOARD MEETING AS WELL.
04:14:53 WE HAD A FEW INQUIRIES ON THE OTHER PARCELS.
04:14:56 SO I THINK THAT WILL HELP MAYBE BRING SOME CLARITY.
04:14:59 >>Jim Wilson: THANK YOU.
04:15:00 >>Mayor Errington: JIM WARD.
04:15:00 >>Jim Ward: MARY, WAS THERE ANY DISCUSSION WITH RESPECT TO
04:15:06 ENVIRONMENTAL ISSUES OR WHEN WILL THAT BE DISCUSSED?
04:15:08 >>Mary Gibbs: WELL, THE ENVIRONMENT, AND THE LOT IS ALREADY

04:15:12 SCRAPED OVER FOR THE RUBY TUESDAY.
04:15:13 SO THE ISSUES THAT ARE DISCUSSED EARLY, LIKE THE BUFFERING
04:15:16 AND THE LANDSCAPING AND THOSE TYPE OF ISSUES, THERE'S NO
04:15:19 SPECIES ON THE PROPERTY OR ANY PROTECTED SPECIES OR ANYTHING
04:15:23 BECAUSE IT HAS BEEN --

04:15:25 >>Jim Ward: I'M ASKING SPECIFICALLY WITH RESPECT TO GAS
04:15:28 BEING ON THE PROPERTY.
04:15:30 >>Mary Gibbs: OH, GAS.
04:15:31 WE CAN HAVE THE APPLICANT ADDRESS THAT.
04:15:33 I THINK WE HAD A SIMILAR DISCUSSION WITH OIL WHEN YOU HAD
04:15:37 THE FIRESTONE.
04:15:38 SO WE'LL ASK THEM HOW THAT GAS IS REGULATED TO MAKE SURE IT
04:15:42 DOESN'T SEEP INTO THE GROUND.
04:15:47 >>Jim Ward: THANK YOU.
04:15:47 >>Mayor Errington: ANY OTHER QUESTIONS?
04:15:50 >>Vice-Mayor McLain: THIS IS A PRETTY COMPREHENSIVE
04:15:52 DOCUMENT, SO I THINK I READ IN HERE THAT BECAUSE THE MAIN
04:15:59 WAWA WILL HAVE FOOD AVAILABLE, COFFEE, OBVIOUSLY, AND THE
04:16:02 LIKE, SANDWICHES, THE CURRENT COMMERCIAL DEVELOPMENT AREA
04:16:08 DOES NOT ALLOW A SECONDARY FOOD SOURCE IN THAT DEVELOPMENT.
04:16:16 AM I CORRECT IN THAT UNDERSTANDING?
04:16:18 >>Mary Gibbs: SORT OF.
04:16:19 IT WASN'T BECAUSE OF A WAWA.
04:16:21 A WAWA DOES HAVE A LOT OF CONVENIENCE FOOD, AND THEY'LL
04:16:25 EXPLAIN AT THE SECOND READING HOW IT WAS CONVENIENCE FOOD
04:16:29 BEFORE IT BECAME GAS.
04:16:30 BUT THIS WAS A COUNTY REGULATION OR THE CONDITION THAT THEY
04:16:34 PUT IN BECAUSE THEY DIDN'T WANT THE PROLIFERATION OF FAST
04:16:38 FOOD.
04:16:39 IT WASN'T BECAUSE OF WAWA.

04:16:40 IT WAS BECAUSE THEY WERE TRYING TO LIMIT -- AT THAT TIME,
04:16:43 THE COUNTY COMMISSION WAS TRYING TO LIMIT HOW MANY FAST
04:16:45 FOODS THEY HAD IN THESE AREAS.
04:16:47 >>Vice-Mayor McLain: ON SECOND READING, ARE WE LOOKING AT
04:16:51 BOTH A FAST FOOD AND A WAWA OR JUST WAWA?
04:16:56 >>Mary Gibbs: YOU WILL BE LOOKING AT BOTH, YES.
04:16:58 >>Vice-Mayor McLain: I'VE GOT ONE OTHER COMMENT.
04:17:01 THE BUILDING LOOKS LIKE -- I HAVEN'T SEEN A LOT OF WAWAs.
04:17:07 I GUESS THEY ARE MORE IN THE NORTHEAST.
04:17:10 I KNOW A LOT OF PEOPLE ARE REALLY EXCITED ABOUT HAVING A
04:17:12 WAWA DOWN HERE.
04:17:14 I'M NOT OVERLY EXCITED ABOUT THE COLOR PALETTE.
04:17:19 WE ALREADY HAD QUITE A DISCUSSION A WHILE BACK ABOUT HERTZ
04:17:23 ARENA, WHICH IS REALLY A BRIGHT YELLOW.
04:17:26 THIS IS A MUTED YELLOW.
04:17:27 BUT, AGAIN, I DON'T KNOW WHAT THE COLOR ACTUALLY IS.

04:17:31 I WOULD PREFER SOMETHING A LITTLE MORE MEDITERRANEAN THAN A
04:17:36 YELLOW.
04:17:37 NOT SAYING A YELLOW CAN'T BE PART, BUT IT'S PRETTY DOMINANT
04:17:43 ON THIS.
04:17:43 I THINK WE TALKED BEFORE, WHEN YOU LOOK AT THE COLORS IN A
04:17:47 BOOK LIKE THIS, GOING THROUGH A PHOTOCOPIER, YOU REALLY
04:17:50 DON'T GET WHAT THE REAL COLOR IS.
04:17:54 ASKED THE APPLICANT TO BRING WHAT THE COLORS ARE THAT THEY
04:17:58 ARE PLANNING.

04:17:59 AND I ALSO ASK THEM TO SAY ARE THERE OTHER COLORS THAT WE
04:18:03 COULD CONSIDER FOR THAT?
04:18:05 >>Mary Gibbs: WE'LL ASK IF THEY CAN BRING SAMPLES AND IF
04:18:08 THEY HAVE LOOKED AT OTHER COLORS OR CAN THEY.
04:18:11 >>Vice-Mayor McLain: WHEN YOU LOOK AT THE FRONTAGE ROAD ON
04:18:14 CORKSCREW THERE AND YOU LOOK AT WHAT STOCK DEVELOPMENT HAS
04:18:16 JUST DONE WITH THEIR DEVELOPMENT, THOSE BUILDINGS ARE REALLY
04:18:21 MUTED.
04:18:21 THEY FIT IN WITH WHAT OUR COLOR PALETTE HAS BEEN AND THIS IS
04:18:25 RIGHT DOWN THE STREET FROM IT.
04:18:26 IT SEEMS LIKE THERE'S QUITE A CONTRADICTION IN WHAT I WOULD
04:18:30 SEE AS I DROVE BY THERE IN A PRETTY QUICK WAY.
04:18:33 IT WOULD BE A KIND OF BIG BUMP THERE.
04:18:35 I WOULD SAY, HEY, IS THERE ANY ALTERNATIVE YOU CAN CONSIDER?
04:18:39 OBVIOUSLY, THE ROOF LINE IS IMPORTANT, I THINK.
04:18:42 IT HAS TO BE LOOKED AT.
04:18:45 >>Mayor Errington: ANY OTHER COMMENTS?
04:18:47 HOW MANY PUMPS -- IS THIS 16, 18 PUMP STATION?
04:18:56 >>Mary Gibbs: I THINK IT WAS 12.
04:18:59 >>Mayor Errington: 12.
04:18:59 OKAY.
04:19:00 I MISSED THAT.
04:19:01 THAT'S BIG.
04:19:02 I WOULD LIKE TO KNOW WHAT THEY ARE DOING ABOUT THE RUNOFF,
04:19:08 AS COUNCIL MEMBER WARD WAS TALKING ABOUT, THE RUNOFF OF

04:19:10 GASOLINE AND OIL, BECAUSE THAT WILL SEEP INTO CONCRETE AND
04:19:16 GO INTO THE SOIL AND HEAD TO THE RIVER.
04:19:18 SO WE NEED TO MAKE SURE WE KNOW WHAT THEY ARE DOING THERE.
04:19:23 I'D LIKE A REAL GOOD EXPLANATION ON THAT.
04:19:27 AND THE WAWAs THAT I'VE SEEN IN LEE COUNTY ARE NOT REAL
04:19:32 DECORATIVE.
04:19:34 WE NEED LOTS OF LANDSCAPING, LOTS OF LANDSCAPING, LOTS OF
04:19:39 TREES BECAUSE YOU'RE COMING OFF THE INTERSTATE.
04:19:42 PEOPLE WILL BE COMING IN TO GET GASOLINE AND WHATEVER TO
04:19:45 EAT, BUT IT NEEDS TO BE BEAUTIFUL.
04:19:48 AND I HAVEN'T SEEN THAT THUS FAR IN LEE COUNTY, ANY OF THEM.
04:19:52 SO IF THEY COULD MAKE THIS ONE STAND OUT AND BE BEAUTIFUL,

04:19:55 IT WOULD BE AN ASSET TO THE COMMUNITY.
04:19:57 I WOULD ASK THAT THEY PUT THEIR BRILLIANT MINDS TOGETHER AND
04:20:02 COME UP WITH THAT.
04:20:05 >>Vice-Mayor McLain: ARE THEY YELLOW IN THE OTHER LOCATION?
04:20:08 I HAVE NOT SEEN THEM IN LEE COUNTY.
04:20:10 >>Mary Gibbs: YES.
04:20:12 >>Vice-Mayor McLain: IS THIS PRETTY MUCH A STAMP --
04:20:15 >>Mary Gibbs: THEY ARE YELLOW, YES.
04:20:16 >>Mayor Errington: BUT THEY DON'T HAVE ANY TREES.
04:20:18 IT'S JUST A BLOCK BUILDING.
04:20:20 >>Mary Gibbs: THEY HAVE BETTER LANDSCAPING REQUIREMENTS.
04:20:23 >>Mayor Errington: WE WANT EXCELLENT LANDSCAPING AROUND IT.
04:20:25 LOTS OF BEAUTIFUL TREES AND WHATEVER.

04:20:27 BUT PROTECTING NATURE AND PROTECTING WHAT GOES INTO THAT
04:20:31 RIVER IS OF UTMOST IMPORTANCE.
04:20:34 ANY OTHER COMMENTS?
04:20:38 THANK YOU, MARY.
04:20:44 >>Carol Sacco: WE HAVE NO PUBLIC COMMENT, BUT WE DID HAVE AN
04:20:46 E-COMMENT AND THEY WERE FOR IT.
04:20:52 >>Mayor Errington: THERE SHE DROPPED HER PLAT AGAIN.
04:20:54 A MOTION.
04:20:59 I NEED A MOTION.
04:21:00 MOTION HAS BEEN MADE BY COUNCIL MEMBER --
04:21:06 >>Vice-Mayor McLain: WHAT IS THE MOTION?
04:21:08 >>Joanne Ribble: MOVE TO THE SECOND READING.
04:21:11 >>Mayor Errington: DO YOU SECOND?
04:21:13 SECONDED BY COUNCIL MEMBER WILSON.
04:21:15 PLEASE CALL THE ROLL.
04:21:17 >>Jim Wilson: AYE.
04:21:18 >>Jim Ward: AYE.
04:21:19 >>Jim Boesch: AYE.
04:21:20 >>Larry Fiesel: AYE.
04:21:22 >>Joanne Ribble: AYE.
04:21:23 >>Vice-Mayor McLain: AYE.
04:21:24 >>Mayor Errington: AYE.
04:21:25 ITEM 7C IS THE FIRST READING OF ORDINANCE NUMBER 2022-11.
04:21:34 MADAM CLERK, WILL YOU PLEASE READ THE ORDINANCE?
04:21:40 >>Carol Sacco: ORDINANCE 2022-11, AN ORDINANCE OF THE

04:21:44 VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, REZONING
04:21:46 A 10-ACRE PROPERTY AT THE NORTHWEST CORNER OF THREE OAKS
04:21:50 PARKWAY AND WILLIAMS ROAD FROM COMMERCIAL PLANNED
04:21:53 DEVELOPMENT TO RESIDENTIAL PLANNED DEVELOPMENT; PROVIDING
04:21:55 FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN
04:21:59 EFFECTIVE DATE.
04:22:00 >>Mayor Errington: THANK YOU.
04:22:01 STEVE?

04:22:02 >>Steven Sarkozy: THANK YOU, MAYOR AND MEMBERS OF COUNCIL.
04:22:04 THIS INVOLVES A 10-ACRE PARCEL PROPOSED FOR 44 UNITS AT THE
04:22:09 CORNER OF THREE OAKS PARKWAY AND WILLIAMS ROAD.
04:22:13 THE ONLY ACCESS INTO THIS 10-ACRE PARCEL FOR THE PROPOSED
04:22:17 DEVELOPMENT WILL BE OFF OF THREE OAKS PARKWAY.
04:22:20 THIS IS A FIRST READING.
04:22:21 I'LL ASK MARY TO PROVIDE A BRIEF SUMMARY OF THE PROJECT,
04:22:27 SOLICIT ANY QUESTIONS THAT THE COUNCIL MAY HAVE, AND THEN
04:22:29 WE'LL BRING IT BACK ON OCTOBER 5th AS WELL.
04:22:32 MARY?
04:22:33 >>Nancy Stroud: MAYOR ERRINGTON, AGAIN, I WOULD ASK THAT THE
04:22:37 COUNCIL DISCLOSE ANY EX PARTE COMMUNICATIONS OR CONFLICTS OF
04:22:40 INTEREST.
04:22:40 >>Joanne Ribble: NONE.
04:22:43 >> NONE.
04:22:43 >> NONE.
04:22:44 >> NONE.

04:22:45 >> NONE.
04:22:49 >>Mayor Errington: OKAY.
04:22:49 WE'RE GOOD.
04:22:50 THANK YOU.
04:22:52 >>Mary Gibbs: IF YOU'RE NOT TIRED OF SEEING ME ALREADY --
04:22:55 >>Mayor Errington: WELCOME, MARY.
04:22:56 >>Mary Gibbs: IN THIS PROPERTY THAT STEVE JUST DISCUSSED,
04:22:59 THEY ARE ASKING TO REZONE IT.
04:23:01 IT'S ZONED COMMERCIAL NOW.
04:23:02 THEY ARE ASKING TO REZONE IT TO RESIDENTIAL FOR A SMALL
04:23:06 RESIDENTIAL SUBDIVISION.
04:23:08 DR HORTON IS LOOKING TO PURCHASE THE PROPERTY.
04:23:13 WE DID NOT RECEIVE ANY E-COMMENTS, BUT WE DID RECEIVE ONE AT
04:23:16 THE PLANNING ZONING AND DESIGN BOARD.
04:23:18 IF THERE'S ANYTHING IN PARTICULAR YOU'D LIKE THE APPLICANT
04:23:22 TO ADDRESS AT THE SECOND READING, WHICH WE'RE PLANNING TO DO
04:23:25 ON OCTOBER 5th, AGAIN, ANY QUESTIONS OR HINTS OR ANYTHING
04:23:30 YOU WOULD LIKE MORE INFORMATION ON, IT'S SOMEWHAT
04:23:32 STRAIGHTFORWARD JUST BEING A RESIDENTIAL SUBDIVISION.
04:23:39 >>Joanne Ribble: MARY, AM I UNDERSTANDING THIS CORRECTLY
04:23:41 THAT THEY WILL HAVE TO GO TO LEE COUNTY TO GET APPROVAL FOR
04:23:46 A RIGHT TURNING LANE INTO THE PROPERTY?
04:23:49 >>Mary Gibbs: YES, BECAUSE THREE OAKS IS MAINTAINED BY THE
04:23:52 COUNTY, WE NEED TO GET WHAT WE CALL A LIMITED DEVELOPMENT
04:23:55 ORDER.

04:23:55 SO I THINK THEY'VE ALREADY CONTACTED THE COUNTY AND ARE
04:23:58 WORKING THROUGH THAT.
04:23:58 THE COUNTY WILL DETERMINE THE EXACT ALIGNMENT OF THE ACCESS
04:24:03 POINT AND WHETHER THEY NEED TO DO THE TURN LANE OR NOT.

04:24:08 >>Mayor Errington: ANYONE ELSE?
04:24:09 LARRY?
04:24:13 >>Larry Fiesel: MARY, I HAVE A QUESTION.
04:24:15 I HAVEN'T SEEN ANY LANDSCAPING LAYOUT FOR THIS PIECE OF
04:24:18 PROPERTY.
04:24:19 AND ON THE SOUTH END, AS IT BUTTS UP TO WILLIAMS, ADJACENT
04:24:24 TO WILLIAMS AT THE INTERSECTION, THERE IS A RETENTION POND,
04:24:27 A ONE-ACRE RETENTION POND SHOWN ON THE DRAWING.
04:24:30 THIS IS A VERY SIGHT-RESTRICTED INTERSECTION AND QUITE
04:24:37 DANGEROUS, ACTUALLY, I THINK.
04:24:37 BECAUSE IF YOU'RE COMING EAST ON WILLIAMS AND WANT TO TURN
04:24:40 ONTO THREE OAKS, YOU ALMOST HAVE TO BE IN THE SOUTHBOUND
04:24:43 LANE BEFORE YOU SEE IF ANY CARS ARE COMING.
04:24:45 AND I ASSUME ALL THAT TREE AND VEGETATION AND EVERYTHING ON
04:24:49 THAT CORNER IS GOING TO GET MOVED BECAUSE OF THE RETENTION
04:24:54 POND.
04:24:55 BUT ARE THEY GOING TO OPEN THAT UP ENOUGH TO HELP OPEN THAT
04:25:00 SIGHT RESTRICTION?
04:25:02 >>Mary Gibbs: I'M NOT SURE EXACTLY WHAT YOU'RE LOOKING AT,
04:25:04 BUT THEY ORIGINALLY WERE GOING TO DO A RETENTION POND AT THE
04:25:06 SOUTH END.

04:25:07 AND THEN WHEN WE WERE DEALING WITH THEM ON THE CUL-DE-SACS
04:25:11 AND THE TURNAROUNDS, THEY DROPPED THE RETENTION POND.
04:25:13 SO IT'S GOING TO BE DRY DETENTION.
04:25:15 IT'S NOT GOING TO BE A LAKE.
04:25:18 IT'S GOING TO BE A DRY DETENTION.
04:25:19 >>Larry Fiesel: IT SAYS DETENTION AREA, WHICH LEADS ME TO
04:25:24 LEAVE IT DOESN'T HAVE A LOT OF LANDSCAPING IN IT.
04:25:26 I'M JUST CONCERNED ABOUT THE FINISHED PRODUCT AS TO HOW
04:25:29 VISIBLE THAT INTERSECTION IS GOING TO BECOME ONCE IT GETS
04:25:32 OPENED UP.
04:25:33 BECAUSE IT IS WHAT I CALL SIGHT RESTRICTED APPROACH AS
04:25:36 YOU'RE ON WILLIAMS HEADING TOWARDS THREE OAKS.
04:25:39 >>Mary Gibbs: WE'LL ASK THEM TO ADDRESS THAT AT THE SECOND
04:25:42 READING.
04:25:43 >>Larry Fiesel: IF THEY WOULD.
04:25:48 >>Jim Boesch: I SEE THESE ARE GOING TO BE TWO FAMILIES IN
04:25:53 ONE UNIT?
04:25:53 >>Mary Gibbs: TWO FAMILY ATTACHED.
04:25:55 SO TWO UNITS JUST WITH A COMMON WALL.
04:25:58 TWO DIFFERENT FAMILIES.
04:25:59 THEY ARE NOT -- IT'S LIKE A DUPLEX, BUT IT'S NOT OWNED.
04:26:04 IT'S SEPARATE OWNERSHIP.
04:26:06 >>Jim Boesch: TWO GARAGES.
04:26:08 >>Mary Gibbs: YES.
04:26:09 THEY ARE JUST ATTACHED, BUT IT'S TWO DIFFERENT FAMILIES.

04:26:13 YOU'VE GOT A GARAGE, ONE FAMILY, GARAGE ANOTHER FAMILY.
04:26:21 >>Jim Boesch: THERE WON'T BE ANY ONE FAMILY.
04:26:23 >>Mary Gibbs: NO, THEY ARE SINGLE-FAMILY, BUT THEY ARE
04:26:24 ATTACHED.
04:26:26 >>Jim Boesch: I'M NOT USED TO SEEING -- IT'S YOUR EXPERTISE,
04:26:32 NOT MINE.
04:26:33 I PRESUME WE'RE HAVING SIDEWALKS ON BOTH SIDES OF THE
04:26:37 COMMUNITY AS WE GO UP THE DRIVEWAY.
04:26:41 I KNOW ONE TIME WE RAN INTO A PROBLEM.
04:26:44 THEY MADE ONE SIDE OF THE ROAD IN A COMMUNITY LIKE THIS, AND
04:26:54 WE DIDN'T CATCH IT AND WE HAD A PROBLEM.
04:26:57 I PRESUME THERE WILL BE SIDEWALKS ALL THE WAY AROUND THE
04:27:02 COMMUNITY.
04:27:03 >>Mary Gibbs: WE'LL HAVE THEM ADDRESS THAT AT THE SECOND
04:27:05 READING.
04:27:05 >>Mayor Errington: GOOD POINT.
04:27:07 ANY OTHER COMMENTS?
04:27:14 >>Vice-Mayor McLain: WHEN I LOOK AT THIS BIG YELLOW BLOCK ON
04:27:16 THE PLAT MAP, WHEN I SEE -- LIKE THEY ARE DUPLEXES
04:27:20 BASICALLY.
04:27:21 ARE THEY A CONTINUOUS STRING?
04:27:25 IS THERE A DUPLEX AND THEN A SPACE AND THEN A DUPLEX?
04:27:28 OR IS IT JUST A CONTINUOUS BUILDING?
04:27:34 THIS PICTURE LOOKS LIKE IT WOULD BE TWO UNITS AND THEN A
04:27:37 SPACE AND ANOTHER TWO UNITS.

04:27:39 IS THAT YOUR UNDERSTANDING ALSO?
04:27:41 >>Mary Gibbs: THAT'S MY UNDERSTANDING, AND WE'LL HAVE THEM
04:27:43 CONFIRM THAT.
04:27:44 >>Vice-Mayor McLain: I'M NOT AN EXPERT LOOKING AT THESE
04:27:46 THINGS EITHER.
04:27:47 THE WAY I LOOK AT IT, IT'S NOT OVERLY CLEAR.
04:27:50 I WOULD LIKE TO UNDERSTAND THAT.
04:27:52 I DON'T THINK WE HAVE ANY OTHER DEVELOPMENTS IN ESTERO THAT
04:28:02 ARE SIMILAR TO THIS.
04:28:04 IT'S NOT THE MOST -- I MEAN, THAT'S THEIR DECISION, BUT IT'S
04:28:09 SURE NOT THE MOST CREATIVE THING.
04:28:12 IF I WAS DESIGNING IT -- AND I'M NOT -- IT'S THEIR RIGHT.
04:28:17 WHEN YOU DRIVE IN, THE POOR GUYS THAT BUY THE HOME THAT'S AT
04:28:21 THE T THERE ARE GOING TO HAVE HEADLIGHTS ALL THE TIME.
04:28:24 SEEMS LIKE YOU COULD HAVE MAYBE PUT SOME WATER, RETENTION
04:28:29 THING, PUT A RETENTION POND IN THERE AND SEPARATE THE
04:28:31 BUILDINGS A LITTLE BIT.
04:28:32 THIS IS JUST LIKE A STAMP TO ME THAT HAS A LOT OF HOMES IN
04:28:37 IT.
04:28:37 THE PRICE POINT MAY BE GOOD AND WE NEED SOME LOWER PRICED
04:28:40 HOMES IN HERE, BUT IT'S SURE NOT VERY CREATIVE.
04:28:43 THAT'S THEIR DECISION.

04:28:46 IT'S AN ECONOMIC DECISION THEY MAKE.
04:28:47 BUT I DO THINK WE NEED PROPER -- I NOTICED THEY DROPPED THE
04:28:53 STREETS FROM 60 WIDE DOWN TO 50.

04:28:55 DOES THAT ALLOW SIDEWALKS AS JIM WAS TALKING ABOUT ON BOTH
04:28:58 SIDES?
04:28:59 >>Mary Gibbs: I THOUGHT THEY DID HAVE THEM ON BOTH SIDES,
04:29:01 BUT I CAN'T REMEMBER, AND WE DON'T WANT TO GET INTO THE
04:29:04 SUBSTANCE EITHER.
04:29:05 >>Vice-Mayor McLain: BEING ABLE TO WALK ALL THE WAY AROUND
04:29:08 AND OUT ON THREE OAKS.
04:29:11 >>Larry Fiesel: PAGE 3 SHOWS SIDEWALKS ON ALL SIDES.
04:29:18 >>Jim Boesch: IT LOOKS LIKE THE GARAGE HAS MORE SPACE THAN
04:29:20 THE LIVING ROOM SPACE IN THE DRAWING THEY HAVE THERE.
04:29:24 >>Mary Gibbs: I THINK WHEN THEY COME BACK FOR THE SECOND
04:29:26 READING THEY'LL BRING THE PURCHASER FROM DR HORTON, AND
04:29:30 MAYBE HE CAN EXPLAIN A LITTLE BIT MORE ABOUT THE UNITS.
04:29:33 >>Mayor Errington: IS THIS A GATED COMMUNITY?
04:29:35 >>Mary Gibbs: YES, THERE WILL BE A GATE.
04:29:40 >>Mayor Errington: ANY OTHER QUESTIONS, COMMENTS?
04:29:42 THANK YOU, MARY.
04:29:48 >>Carol Sacco: WE HAVE NO PUBLIC COMMENT AND NO E-COMMENTS.
04:29:52 >>Mayor Errington: THANK YOU.
04:29:53 AT THIS TIME, WE WILL ENTERTAIN A MOTION.
04:30:01 >> SO MOVED.
04:30:01 >>Mayor Errington: MOTION HAS BEEN MADE BY COUNCIL MEMBER
04:30:04 FIESEL AND SECONDED BY COUNCIL MEMBER WARD.
04:30:07 PLEASE CALL THE ROLL.
04:30:09 >>Joanne Ribble: AYE.

04:30:11 >>Larry Fiesel: AYE.
04:30:12 >>Jim Boesch: AYE.
04:30:14 >>Jim Ward: AYE.
04:30:15 >>Jim Wilson: AYE.
04:30:17 >>Vice-Mayor McLain: AYE.
04:30:18 >>Mayor Errington: AYE.
04:30:19 ITEM NUMBER 7D, FIRST READING OF ORDINANCE NUMBER 2022-12.
04:30:29 WOULD YOU PLEASE READ THE ORDINANCE?
04:30:31 >>Carol Sacco: ORDINANCE NUMBER 2022-12, AN ORDINANCE OF THE
04:30:34 VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, AMENDING
04:30:36 THE VILLAGE LAND DEVELOPMENT CODE TO AMEND SECTION 10-3,
04:30:41 RULES OF MEASUREMENT TO REVISE THE DEFINITION OF LOT
04:30:44 COVERAGE; PROVIDING A SEVERABILITY CLAUSE, A GENERAL
04:30:47 REPEALER CLAUSE, AND AN EFFECTIVE DATE.
04:30:49 >>Mayor Errington: THANK YOU.
04:30:50 STEVE?
04:30:51 >>Steven Sarkozy: THIS IS A MINOR MODIFICATION TO OUR CODE
04:30:56 THAT REQUIRES COUNCIL APPROVAL.

04:30:59 I'LL TURN IT OVER AGAIN TO MARY TO PROVIDE AN EXPLANATION OF
04:31:04 WHY THIS IS COMING TO US AND WHAT WOULD BE THE IMPACT FROM
04:31:08 GOING FROM A DEFINITION OF ALL IMPERVIOUS SURFACES TO
04:31:14 RESTRICTED ONLY FOR BUILDINGS OR STRUCTURES.
04:31:17 >>Mary Gibbs: SO WHEN WE DID THE LAND DEVELOPMENT CODE
04:31:19 ADOPTION, WHICH WAS IN JANUARY 2021, IT HAS THE DEFINITIONS
04:31:26 IN THE BACK.

04:31:27 IT HAD A DEFINITION OF LOT COVERAGE.
04:31:29 AND ONCE WE STARTED APPLYING IT, WE REALIZED THERE WAS AN
04:31:33 ISSUE WITH THE LOT COVERAGE BECAUSE THE WAY IT WAS DEFINED,
04:31:36 IT INCLUDED, TYPICALLY A LOT COVERAGE INCLUDES YOUR
04:31:39 BUILDINGS AND STRUCTURES BUT NOT ALL THE IMPERVIOUS, BECAUSE
04:31:43 IMPERVIOUS WOULD BE YOUR PARKING AREAS AND WE HAVE
04:31:45 PERCENTAGE RESTRICTIONS ON HOW MUCH YOU CAN COVER YOUR LOT
04:31:47 WITH BUILDINGS.
04:31:49 AND SO IT CAME TO OUR ATTENTION THAT NOBODY COULD MEET THE
04:31:53 LOT DEFINITION FOR LOT COVERAGE.
04:31:55 SO WE WENT BACK TO TRY TO FIGURE OUT WHERE DID THE AMENDMENT
04:31:58 COME FROM.
04:31:59 I THINK THE CONSULTANTS CHANGED IT.
04:32:01 WE DIDN'T RECOMMEND IT.
04:32:03 THE WAY THAT WE HAD THE DEFINITION BEFORE FOR LOT COVERAGE,
04:32:07 JUST BUILDING A STRUCTURE IS WHAT WE NEED, I THINK IT WAS A
04:32:10 GLITCH AND WE NEED TO FIX IT.
04:32:12 WE'VE HAD PROBLEMS WITH EVERY CASE WE'VE HAD COMING FORWARD
04:32:16 WHERE THEY HAD TO ASK FOR DEVIATION, WHICH DOESN'T MAKE
04:32:20 SENSE.
04:32:21 WE WANT TO GO BACK TO THE DEFINITION WE HAD WHICH FOR 30
04:32:24 YEARS WAS NEVER ANY PROBLEM.
04:32:25 SO IT'S PRETTY SIMPLE, BUT WE NEED TO HAVE A SECOND READING.
04:32:29 >>Mayor Errington: THANK YOU.
04:32:30 ANY QUESTIONS, COMMENTS?

04:32:33 >>Jim Boesch: WHO IS THE DEVELOPER ON THIS?
04:32:35 >>Mary Gibbs: ON THIS ONE.
04:32:37 THIS IS JUST A CODE CHANGE.
04:32:39 IT APPLIES TO ANYBODY.
04:32:40 >>Jim Boesch: HAS A CORPORATION EVER DEVELOPED IN ESTERO
04:32:48 BEFORE?
04:32:49 >>Mary Gibbs: THE PEOPLE, THE LOCAL ENGINEERS HAVE SAID THE
04:32:53 WAY WE HAVE THIS DEFINED IT DOESN'T WORK FOR ANY PROJECT.
04:32:57 I'VE HAD LOTS OF PROJECTS.
04:32:59 IT DOESN'T WORK IN COLLIER COUNTY.
04:33:01 IT DOESN'T WORK IN LEE COUNTY.
04:33:02 THIS DEFINITION DOESN'T WORK ANYWHERE.
04:33:05 IT WAS JUST A MISTAKE.
04:33:07 >>Jim Boesch: IT LOOKS LIKE IT IS A NEW DEVELOPER.

04:33:09 >>Mary Gibbs: NO, THERE'S NOBODY.
04:33:13 NOBODY -- THIS ISN'T FOR ANYBODY IN PARTICULAR.
04:33:16 >>Mayor Errington: THANK YOU.
04:33:17 ANY OTHER COMMENTS, QUESTIONS FROM COUNCIL?
04:33:20 THANK YOU, MARY.
04:33:24 >>Vice-Mayor McLain: I'LL MAKE A MOTION.
04:33:25 >>Carol Sacco: MAYOR, WE HAVE NO PUBLIC COMMENT OR NO
04:33:28 E-COMMENTS.
04:33:29 >>Mayor Errington: THANK YOU.
04:33:30 >>Vice-Mayor McLain: I'LL MAKE THE MOTION.
04:33:32 >>Mayor Errington: MOTION HAS BEEN MADE BY VICE-MAYOR

04:33:35 McLAIN AND SECONDED BY COUNCIL MEMBER JIM WILSON.
04:33:39 PLEASE CALL THE ROLL.
04:33:42 >>Jim Wilson: AYE.
04:33:43 >>Jim Ward: AYE.
04:33:45 >>Jim Boesch: AYE.
04:33:46 >>Larry Fiesel: AYE.
04:33:48 >>Joanne Ribble: AYE.
04:33:50 >>Vice-Mayor McLain: AYE.
04:33:51 >>Mayor Errington: AYE.
04:33:53 AT THIS TIME, THIS IS REALLY, REALLY GOOD.
04:33:57 4:34, AND WE WERE AIMING FOR 4:45.
04:34:02 WE CAN GO INTO RECESS NOW.
04:34:05 AS A REMINDER, PLEASE DON'T TALK ABOUT ANYTHING THAT YOU
04:34:07 SHOULDN'T BE TALKING ABOUT, AND WE'LL BE BACK DOWN HERE AT
04:34:11 5:30.
04:34:15 >>Jim Wilson: WOULD IT BE --
04:34:18 >>Mayor Errington: CAN'T DO THAT.
04:34:20 THAT'S WHY WE'RE MEETING IN THE EVENING.
04:34:24 IT'S BEEN ADVERTISED THAT WAY.
04:34:25 >>Jim Wilson: THANK YOU.
04:34:26 >>Mayor Errington: OTHERWISE, WE WOULD DO IT.
04:34:27 WE ALREADY ASKED THAT QUESTION.
04:34:29 LET'S TAKE OUR RECESS AND COME BACK.
04:34:32 [RECESS]
05:30:07 >>Mayor Errington: WELCOME BACK.

05:30:08 WE ARE READY TO -- WE ARE BACK FROM OUR RECESS, AND WE ARE
05:30:14 READY TO RESUME OUR BUDGET MEETING.
05:30:16 IF YOU WANT TO TRY TO LEAVE A LITTLE EARLIER TONIGHT, YOU
05:30:24 MAY THINK ABOUT THAT WHEN YOU TALK.
05:30:27 [LAUGHTER]
05:30:27 OKAY.
05:30:28 SO MAYBE WE CAN BEAT THE DARK TONIGHT.
05:30:32 >>Jim Boesch: MUST HAVE FRIGHTENED EVERYBODY.
05:30:34 >>Mayor Errington: SO WE WILL NOW OPEN THE PUBLIC HEARING
05:30:37 FOR CONSIDERATION OF THE VILLAGE OF ESTERO'S FINAL MILLAGE

05:30:40 RATE AND FINAL BUDGET FOR THE UPCOMING FISCAL YEAR 2022-23.
05:30:49 WE WILL CONSIDER A AND B TOGETHER BUT ADOPT RESOLUTIONS BY
05:30:52 SEPARATE VOTES.
05:30:53 IT'S LIKE WHAT WE DID THE LAST TIME, BUT I'M GOING TO ASK
05:30:57 OUR ATTORNEY, BOB PRITT, TO READ WHAT HE'S WRITTEN AND WALK
05:31:02 US THROUGH AGAIN SO WE DO IT PERFECTLY LIKE WE DID THE LAST
05:31:05 TIME.
05:31:06 >>Robert Pritt: THAT'S A LOT OF PRESSURE, MAYOR.
05:31:08 MADAM MAYOR, MEMBERS OF COUNCIL, THE BUDGET HEARINGS ARE
05:31:15 VERY PRECISELY STATUTORILY REGULATED.
05:31:20 FOR ONE THING, WE HAVE TO MEET AFTER 5:00 TO HAVE THESE
05:31:24 HEARINGS.
05:31:25 FOR ANOTHER THING, ONCE WE HAVE ADOPTED THE TENTATIVE
05:31:29 MILLAGE RATE, WHICH YOU DID TWO WEEKS AGO AND THE TENTATIVE
05:31:33 BUDGET, THE STATUTE SAID -- I'LL READ FROM IT -- THE

05:31:37 ADOPTION OF THE BUDGET AND MILLAGE LEVY RESOLUTION OR
05:31:41 ORDINANCE SHALL BE BY SEPARATE VOTES.
05:31:43 AND IT SAYS THAT A FINAL BUDGET -- ADOPT A FINAL BUDGET,
05:31:51 MAKE ANY CHANGES TO THE TENTATIVE BUDGET, THE TENTATIVE
05:31:55 MILLAGE RATE, AND THEN ADOPT A BUDGET, A FINAL BUDGET AND
05:32:00 FINAL MILLAGE RATE.
05:32:01 SO THAT'S WHAT WE'RE DOING TONIGHT.
05:32:03 AND ONE OF THE THINGS -- I KIND OF PARAPHRASED PART OF THE
05:32:08 STATUTE THERE -- ONE OF THE THINGS THAT'S IN THE STATUTE IS
05:32:10 AS FOLLOWS: THE FIRST SUBSTANTIVE ISSUE TO BE DISCUSSED
05:32:14 TONIGHT WILL BE THE PERCENTAGE INCREASE IN MILLAGE OVER WHAT
05:32:19 THEY CALLED THE ROLLED-BACK RATE NECESSARY TO FUND THE
05:32:23 BUDGET AND THE SPECIFIC PURPOSES FOR WHICH AD VALOREM TAX
05:32:26 REVENUES ARE BEING INCREASED.
05:32:27 IN OTHER WORDS, THE BUDGET, THE FINAL BUDGET.
05:32:30 DURING THIS DISCUSSION, COUNCIL WILL TAKE PUBLIC COMMENTS
05:32:33 AND QUESTIONS REGARDING THE PROPOSED INCREASE AND CONSIDER
05:32:38 THE REASONS FOR THE PROPOSED INCREASE OVER THE ROLLED-BACK
05:32:40 RATE.
05:32:41 COUNCIL WILL ALSO HEAR A PRESENTATION AND TAKE PUBLIC
05:32:44 COMMENTS AND PRESENTATIONS ON THE FINAL BUDGET.
05:32:47 THAT'S WHAT YOU'LL BE DOING TONIGHT.
05:32:51 >>Mayor Errington: OKAY.
05:32:51 THANK YOU VERY MUCH.
05:32:52 PRIOR TO THE CLOSE OF THE PUBLIC HEARING, COUNCIL WILL ADOPT

05:32:57 RESOLUTION NUMBER 2022-27, THE FINAL MILLAGE RATE AND
05:33:03 RESOLUTION NUMBER 2022-28, THE FINAL BUDGET.
05:33:09 MADAM CLERK, WILL YOU PLEASE READ THE TITLES TO RESOLUTION
05:33:11 NUMBER 2022-27 AND RESOLUTION NUMBER 2022-28.
05:33:19 >>Carol Sacco: RESOLUTION NUMBER 2022-27, A RESOLUTION OF
05:33:23 THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, LEE COUNTY,

05:33:26 FLORIDA, ADOPTING THE FINAL MILLAGE RATE FOR THE LEVYING OF
05:33:30 AD VALOREM TAXES FOR THE VILLAGE OF ESTERO, LEE COUNTY,
05:33:32 FLORIDA, FOR FISCAL YEAR 2022-2023; AND PROVIDING AN
05:33:37 EFFECTIVE DATE.
05:33:38 RESOLUTION NUMBER 2022-28, A RESOLUTION OF THE VILLAGE
05:33:43 COUNCIL OF THE VILLAGE OF ESTERO, LEE COUNTY, FLORIDA,
05:33:45 ADOPTING THE FINAL BUDGET FOR FISCAL YEAR 2022-2023; AND
05:33:50 PROVIDING AN EFFECTIVE DATE.
05:33:54 >>Mayor Errington: THANK YOU.
05:33:54 STEVE, WOULD YOU LIKE TO INTRODUCE THE FINAL BUDGET AND
05:33:57 FINAL MILLAGE RATE NECESSARY TO FUND THE BUDGET?
05:34:01 >>Steven Sarkozy: YES, MA'AM.
05:34:02 MADAM MAYOR AND MEMBERS OF COUNCIL, BY THE TIME WE GET TO
05:34:08 THIS POINT EACH YEAR, THE BUDGET HAS BEEN DISCUSSED VERY
05:34:15 THOROUGHLY.
05:34:15 IF YOU'LL RECALL GOING BACK TO MARCH OR APRIL TIME FRAME, WE
05:34:19 STARTED SOME OF THE INITIAL DISCUSSIONS ABOUT THE BUDGET IN
05:34:22 TERMS OF THE POLICIES THAT GO INTO THE BUDGET.
05:34:26 WE ALSO DO PERIODIC UPDATES AND ALSO MONTHLY SUMMARIES OF

05:34:32 OUR EXPENDITURE PATTERNS, SO THE COUNCIL HAS A VERY GOOD
05:34:37 UNDERSTANDING AND CONNECTION TO THE BUDGET.
05:34:41 WE OUTLINE OUR POLICIES IN OUR MASTER PLANS THAT WE'VE DONE
05:34:47 IN EACH OF THE FUNCTIONAL AREAS OF RESPONSIBILITY, AND WE
05:34:50 CARRY FORWARD THOSE WORK PLANS FROM THE MASTER PLANNING
05:34:53 PROCESS INTO OUR BUDGETS.
05:34:55 SO THERE'S A CONSISTENCY WITH WHAT WE DO.
05:34:57 AND AT SOME POINT HERE, THIS YEAR AND MAYBE NEXT YEAR, WE'LL
05:35:01 BE UPDATING SOME OF THOSE MASTER PLANS BECAUSE THEY ARE FIVE
05:35:05 OR SIX YEARS OLD, AND WE'VE DONE A LOT OF THINGS TO
05:35:09 IMPLEMENT THOSE MASTER PLANS.
05:35:11 BUT IT WOULD BE WORTHWHILE TO REVIEW THOSE AND THERE WILL BE
05:35:15 AN EXTENSIVE COMMUNITY INVOLVEMENT IN EACH OF THOSE.
05:35:18 BUT THE BUDGET AS WE'VE REVIEWED IT DURING THE COURSE OF THE
05:35:23 YEAR HAS BEEN SCRUTINIZED BY THE PUBLIC.
05:35:26 WE POST IT ONLINE AND WE REACT TO ANY COMMENTS THAT WE GET.
05:35:30 THE BUDGET THAT IS SET FORWARD AND IS OUTLINED IN RESOLUTION
05:35:34 2022-28 TALKS ABOUT -- THE EXPENDITURE SIDE ON ALL FUNDS
05:35:41 BUDGET OF $42,508,620.
05:35:45 THAT FUNDS ALL OF THE CAPITAL IMPROVEMENT PROGRAM THAT
05:35:51 YOU'VE PREVIOUSLY ADOPTED AS WELL AS ONGOING OPERATIONS.
05:35:56 THERE IS MONEY IN THERE FOR SOME OF THE INCREASED EXPENSES
05:36:01 THAT WE'RE SEEING AS A RESULT OF THE GENERAL ECONOMY, AND
05:36:04 THEN ONE ADDITIONAL STAFF PERSON AS WELL IN THAT BUDGET.
05:36:09 THAT COMES TO YOU WITH A RECOMMENDATION FOR APPROVAL, AND IT

05:36:14 REMAINS UNCHANGED FROM THE ORIGINAL BUDGET THAT YOU GOT
05:36:18 SEVERAL WEEKS AGO.

05:36:20 THIS BUDGET, WE KEEP PUSHING MORE AND MORE INTO THIS AND
05:36:24 POSTING IT ONLINE JUST SO THAT IT'S AVAILABLE FOR EVERYONE.
05:36:29 I THINK WE'RE UP TO ABOUT 160 PAGES NOW THEREABOUTS.
05:36:33 AGAIN, SPECIAL THANKS TO BRITT MARTIN WHO IS OUR INTERIM
05:36:37 FINANCE DIRECTOR.
05:36:38 BRITT IS ON OUR MEETING HERE VIA ZOOM AND IS AVAILABLE.
05:36:43 AT THIS TIME, WE ALSO TAKE A LOOK AT OUR TAX RATE.
05:36:48 AND ESTERO IS, AS YOU KNOW, IS ONE OF THE ONLY -- I THINK
05:36:52 THE ONLY COMMUNITY THAT ROUTINELY LOOKS AT DROPPING OUR TAX
05:36:57 RATE.
05:36:57 SO SINCE WE INCORPORATED THAT FIRST YEAR THE VILLAGE COUNCIL
05:37:01 DID NOT DROP THE TAX RATE BECAUSE WE REALLY DIDN'T KNOW WHAT
05:37:04 OUR REVENUE WAS GOING TO BE.
05:37:06 SO THEY KEPT THAT AT THE SAME TAX RATE AS LEE COUNTY.
05:37:10 EVERY YEAR SINCE THEN, EXCEPT DURING COVID, WE'VE DROPPED
05:37:13 OUR TAX RATE JUST A LITTLE BIT.
05:37:15 SO AS A RESULT, WE ARE THE LOWEST TAXING ENTITY AMONG CITIES
05:37:25 IN THIS ENTIRE REGION AND BEYOND.
05:37:28 I'VE DISCUSSED WITH COUNCIL THE PROSPECT OF DROPPING OUR TAX
05:37:34 RATE AGAIN, AND I THINK THERE'S SUPPORT FOR DROPPING IT.
05:37:38 WE WOULD RECOMMEND THAT WE DROP IT FROM .77 TO .75.
05:37:48 THE ROLLED-BACK RATE WOULD BE .7002, SO THERE'S STILL AN
05:37:58 OPPORTUNITY TO MOVE FURTHER DOWN, BUT THERE ARE SOME

05:38:02 UNCERTAINTIES AS WE MOVE FORWARD AND CERTAINLY INCREASED
05:38:06 OPERATING COSTS THAT WE HAVE TO BE MINDFUL OF.
05:38:09 BUT AT .75 WE'LL BE BY A CONSIDERABLE AMOUNT BELOW ANY OTHER
05:38:13 CITY IN THIS REGION.
05:38:15 SO THE BUDGET COMES TO YOU WITH A RECOMMENDATION FOR
05:38:21 APPROVAL.
05:38:22 THAT'S RESOLUTION 2022-28, AND THEN THE MILLAGE RATE IS
05:38:30 RECOMMENDED TO DROP, AND WE WOULD PROPOSE A MODIFICATION OF
05:38:34 RESOLUTION 2022-27 BY AMENDING SECTION 1 OF THE RESOLUTION
05:38:41 TO READ, THE FISCAL YEAR 2022-2023 FINAL AD VALOREM
05:38:49 OPERATING MILLAGE RATE IS HEREBY ADOPTED AT 0.7500 MILLS,
05:38:59 WHICH IS GREATER THAN THE ROLLED-BACK RATE OF .7002 MILLS BY
05:39:06 7.11%.
05:39:08 AND THAT THE LEVY OF ANNUAL TAX FOR SAID YEAR IS MADE BY
05:39:13 ACTION OF THE COUNCIL WITH ADOPTION OF THIS RESOLUTION.
05:39:16 THOSE ARE THE TWO RECOMMENDATIONS WE HAVE.
05:39:22 >>Mayor Errington: THANK YOU.
05:39:22 NOW, YOU HAVE DONE EVERYTHING IN PROPER ORDER.
05:39:25 IT'S MY UNDERSTANDING THAT THE FINAL BUDGET RESOLUTION,
05:39:27 YOU'VE DISCUSSED THAT.
05:39:29 IT WAS MADE FIRST AND THEN THE AD VALOREM TAX RATE, MILLAGE
05:39:35 RATE, SORRY, MILLAGE RATE HAS BEEN ANNOUNCED.
05:39:39 AND SO NOW WE NEED ANY KIND OF DISCUSSION.
05:39:51 >>Robert Pritt: DISCUSSION AND PUBLIC COMMENT.

05:39:52 >>Mayor Errington: WE GO WITH DISCUSSION FROM THE COUNCIL

05:39:54 FIRST AND THEN PUBLIC COMMENT.
05:39:55 JIM.
05:40:02 >>Jim Boesch: STEVE, ONE COMMENT I'D LIKE TO MAKE IS SINCE
05:40:10 WE STARTED, NONE OF THE RESIDENTS REALLY UNDERSTAND ABOUT
05:40:15 THE BUDGET.
05:40:17 I HEAR, MY TAXES WENT UP THIS YEAR.
05:40:20 THEY DON'T UNDERSTAND THAT OUR TAXES ARE SEPARATE FROM ALL
05:40:25 THE OTHER COMMUNITY THINGS THAT THEY HAVE GOING.
05:40:28 MAYBE YOU'VE DONE IT ALREADY, BUT ON OUR WEBSITE THAT WE
05:40:35 HAVE 5,000 PEOPLE ON THE E-MAIL, WRITE SOME TYPE OF AN
05:40:41 EXPLANATION THAT WE HAVE NEVER NOT RAISED THE TAX OVER WE
05:40:50 STARTED AND MAKE THAT COMMENT THAT THIS IS NOT INCLUDED IN
05:40:54 YOUR ASSOCIATION FEES AND EVERYTHING ELSE, BECAUSE, OH, MY
05:41:01 TAXES WENT UP THIS YEAR.
05:41:03 IT WASN'T YOUR TAXES, YOU KNOW.
05:41:05 AND, OF COURSE, THE OTHER ONES ARE SEPARATE, SO THEY CAN SEE
05:41:09 THAT THERE'S A DIFFERENCE.
05:41:10 BUT THE REAL ESTATE TAX IN THEIR MIND FALLS IN WITH ALL THE
05:41:15 OTHER TAXES THAT THEY HAVE IN THEIR COMMUNITIES.
05:41:18 SO THEY DON'T THINK THEY ARE GETTING --
05:41:22 >>Steven Sarkozy: MOST PEOPLE MAYBE DON'T REALIZE THAT THEIR
05:41:25 ASSESSMENTS HAVE GONE UP.
05:41:28 >>Jim Boesch: EXACTLY.
05:41:28 >>Steven Sarkozy: AND THAT'S WHAT CAUSES AN INCREASE IN YOUR
05:41:31 PAYMENTS.

05:41:31 SO THE ROLLED-BACK RATE WOULD TAKE US BACK TO THE SAME
05:41:36 DOLLAR AMOUNT THAT WE HAD PREVIOUSLY, BUT WE'VE HAD
05:41:41 INCREASES IN OUR COSTS AS WELL THAT WE HAVE TO ACCOMMODATE.
05:41:49 BY REDUCING OUR MILLAGE RATE, CERTAINLY, ALL THEY HAVE TO DO
05:41:55 IS LOOK AT COMPARISONS TO OTHER CITIES AND REALIZE THAT
05:41:59 WE'RE DOING MORE TO KEEP THE TAXES IN LINE THAN ANYBODY
05:42:03 ELSE.
05:42:04 >>Jim Boesch: WHEN YOU'RE REALLY FEELING WISE, WRITE UP A
05:42:08 LETTER AND EXPLAIN THAT.
05:42:10 THIS IS YOUR RESIDENTIAL TAX THIS YEAR.
05:42:15 DON'T CONFUSE IT WITH ALL THE OTHER STUFF THAT GETS INTO THE
05:42:21 BUDGET.
05:42:22 >>Mayor Errington: THANK YOU.
05:42:22 JIM WILSON IS NEXT.
05:42:23 >>Jim Wilson: I NOTICED IN THE FOURTH WHEREAS HERE, IT SAYS
05:42:28 THE GROSS TAXABLE VALUE FOR OPERATING PURPOSES,
05:42:31 BLAH-BLAH-BLAH, I'M LOOKING AT THIS NUMBER.
05:42:36 THE NUMBER IS $7.98 BILLION.
05:42:38 THAT'S THE VALUE OF OUR 38 OR 40 GATED COMMUNITIES, ALL THE
05:42:48 OTHER NEIGHBORHOODS.

05:42:49 YOU'VE ALL HEARD ME AD NAUSEAM ON THE SUBJECT OF, BOY, AM I
05:42:53 GLAD WE INCORPORATED.
05:42:55 WE HAVE NOT ONLY THIS ASSESSED VALUATION, BUT WE HAVE ALL
05:42:58 THE STATE MONEY AND ALL THESE OTHER FUNDS THAT HAVE ALLOWED
05:43:02 US TO DO SO MANY OF THE THINGS THAT ARE IN OUR CAPITAL

05:43:04 IMPROVEMENT BUDGET.
05:43:05 >>Mayor Errington: GOOD COMMENT.
05:43:06 >>Jim Wilson: THANK YOU.
05:43:08 >>Jim Ward: TO JIM'S POINT, ONE OF THE THINGS I THINK WE
05:43:11 NEED TO COMMUNICATE WITH OUR RESIDENTS IS HOW MUCH MONEY WE
05:43:15 ARE SPENDING ON CAPITAL IMPROVEMENTS.
05:43:17 THE INCREASE IS JUST NOT OPERATING EXPENSES WITHIN OUR
05:43:21 BUDGET, BUT MORE LIKELY CAPITAL IMPROVEMENTS THAT WE'RE
05:43:26 DOING IN THE INFRASTRUCTURE WITHIN THE COMMUNITY.
05:43:28 SO I THINK THE .75, STEVE, IS A GOOD COMPROMISE BETWEEN ONE
05:43:35 OF THE THREE DIFFERENT MILL RATES THAT WE'RE LOOKING AT.
05:43:39 IT'S AN INCREASE OF ABOUT 7%.
05:43:42 I'M INVOLVED WITH BUDGETS IN THE VARIOUS PARTS OF THE
05:43:46 COMMUNITY, AND I CAN TELL YOU THAT BUDGETS ARE 10% PLUS IN
05:43:50 MANY OF THE COMMUNITIES THAT ARE IN THE ESTERO AREA.
05:43:54 WE'RE DOING A GREAT JOB WITH IT.
05:43:56 THANK YOU.
05:43:57 >>Mayor Errington: JON.
05:43:59 >>Vice-Mayor McLain: I AGREE WITH SOME OF THE ITEMS YOU WERE
05:44:01 TALKING ABOUT.
05:44:02 I'M VERY CONSERVATIVE.
05:44:04 AND WITH INFLATION CONTINUING TO GO AND READING THINGS
05:44:10 RECENTLY, IT LOOKS LIKE WE'RE NOT GOING TO SEE MUCH RELIEF
05:44:14 THROUGH ALL OF 2023 AND INTO 24.
05:44:18 SO I'M THINKING OUR COSTS ARE GOING UP.

05:44:23 I THINK THERE IS A VALUE TO LOWER THE MILLAGE RATE, BUT I'M
05:44:30 VERY CONSERVATIVE, AND I SPLIT PENNIES SOMETIMES BECAUSE WE
05:44:34 GET INTO THAT.
05:44:35 BECAUSE OF THE PSYCHOLOGICAL VALUE OF US BEING ABLE TO
05:44:41 LOWER, I THINK THAT'S IMPORTANT FOR US, SO I'M IN SUPPORT OF
05:44:44 THAT.
05:44:45 BUT I WOULD RATHER SEE US DROP IT TO .76 AS OPPOSED TO
05:44:50 DROPPING TWO CENTS.
05:44:51 BECAUSE IN MY BUSINESS WORLD, IT SEEMS LIKE WHEN WE LOWERED
05:44:57 PRICES, WE DIDN'T GET A LOT OF GRATITUDE FOR THAT.
05:45:02 BUT IF I RAISE PRICES, YOU REALLY GET A LOT OF STATIC.
05:45:07 SO I'M WORRIED ABOUT SINCE WE DON'T KNOW WHAT THE FUTURE IS
05:45:10 GOING TO LOOK LIKE, BE A LITTLE LESS CONSERVATIVE.
05:45:13 WE DEMONSTRATE THAT WE'VE LOWERED TAXES OVER THE LAST SIX
05:45:17 YEARS THAT WE'RE GOING TO BE IN EXISTENCE HERE, OTHER THAN
05:45:20 COVID AND OUR START, WE'RE SHOWING A GOOD TRACK RECORD

05:45:24 THERE.
05:45:25 RATHER THAN GOING A FULL TWO CENTS, I JUST AS SOON SPLIT THE
05:45:29 DIFFERENCE AND GO AT .76.
05:45:31 >>Mayor Errington: ANY OTHER COMMENTS HERE?
05:45:36 >>Jim Ward: JUST A FOLLOW-UP, IF I MAY.
05:45:38 IF I REMEMBER CORRECTLY, THE DOLLAR VALUE OF THE TWO CENTS
05:45:42 IS ABOUT 140, 50 THOUSAND DOLLARS.
05:45:46 VIS-A-VIS 75, 76, PROBABLY LOOKING AT ABOUT $75,000.
05:45:53 >>Jim Boesch: WE'RE NOT TALKING ABOUT A PENNY.

05:45:55 ONLY TALKING ABOUT .2 PERCENT.
05:46:03 ONE PENNY WOULD BE, OR TWO PENNIES WOULD BE THREE.
05:46:09 IT'S ONE CENT PER THOUSAND --
05:46:12 >>Vice-Mayor McLain: IT ISN'T A LOT OF MONEY.
05:46:14 IF IT'S 75,000, IT'S NOT A LOT.
05:46:16 I'M THINKING IT'S GOOD TO SAY WE'RE LOWERING TAXES.
05:46:22 IF WE LOWER THEM BY FIVE CENTS, WE'RE NOT GOING TO GET A LOT
05:46:25 OF EXTRA BANG OUT OF THAT I DON'T THINK.
05:46:28 I THINK THAT THE ONE CENT IS RESPONSIBLE, ESPECIALLY IN THE
05:46:33 WORLD THAT WE LIVE IN TODAY.
05:46:36 >>Jim Boesch: JON, WE'RE NOT LOWERING FIVE CENTS.
05:46:39 OUR TAXES ARE BASED ON MILL.
05:46:43 >>Vice-Mayor McLain: I AGREE.
05:46:44 ON PER THOUSAND.
05:46:46 >>Jim Boesch: ONE CENT PER THOUSAND.
05:46:49 AND STEVE JUST DECREASED IT BY .2 OF A PENNY.
05:46:56 >>Mayor Errington: LET'S MOVE ON.
05:46:58 ANY COMMENT?
05:46:59 I HAVE A COMMENT.
05:47:03 I REMEMBER ONCE UPON A TIME WHEN I WAS DISTRICT GOVERNOR OF
05:47:07 ROTARY AND I HAD TO GO AROUND AND VISIT 54 CLUBS AND GIVE
05:47:11 THE SAME SPEECH OVER AND OVER, SO I KNEW MY SPEECH.
05:47:14 I KNEW WE HAD THE MONEY, THAT ROTARY INTERNATIONAL HAD THE
05:47:17 MONEY TO HELP PEOPLE AND TO SHOW THAT WE WERE TRYING TO DO
05:47:20 SOMETHING.

05:47:21 I REMEMBER IT.
05:47:23 FROM PROVERBS, IF YOU HAVE IT WITHIN YOUR MEANS TO HELP
05:47:27 SOMEONE AND GIVE SOMEONE SOMETHING, WHICH WOULD BE TO LOWER
05:47:29 THE TAX RATE, EVEN IF IT'S PSYCHOLOGICALLY, THEN BY ALL
05:47:34 MEANS DO IT.
05:47:35 DON'T TELL THEM TO WAIT AND COME BACK NEXT YEAR AND WE'LL
05:47:38 LOWER IT NEXT YEAR.
05:47:39 SO MY THOUGHT IS WE KEEP IT THE WAY IT IS, AND WE HAVE IT
05:47:42 WITHIN OUR MEANS TO DO THAT THIS YEAR.
05:47:45 THIS IS GOOD.
05:47:46 WE CAN DO IT.
05:47:47 AND SO THESE FOLKS OUT HERE IN THE COMMUNITY, MANY OF THEM

05:47:52 NEED A PSYCHOLOGICAL BOOST.
05:47:53 THE YOUNG LADY WHO CAME TO US AT THE LAST MEETING, THIS
05:47:56 WON'T HELP HER, BUT PSYCHOLOGICALLY I KNOW WHERE SHE'S
05:48:00 COMING FROM TALKING ABOUT HER TAXES, WHICH WE'VE ALREADY
05:48:03 TALKED ABOUT THAT, IS THAT WE ARE SHOWING THE COMMUNITY THAT
05:48:07 WE ARE PUTTING OUR BEST FOOT FORWARD IN TRYING TO HELP THEM,
05:48:12 TO SOME PEOPLE, WHATEVER LITTLE INSIGNIFICANT AMOUNT OF
05:48:15 MONEY THEY MIGHT SAVE ON THIS, IT MAY MEAN A WHOLE LOT TO
05:48:19 THEM.
05:48:20 SO I'M ALL FOR HELPING THE PEOPLE, AND THAT'S WHY WE ARE
05:48:23 ELECTED TO HELP PEOPLE AND TO -- AND THAT'S ONE WAY OF DOING
05:48:28 IT.
05:48:28 IT'S NOT BIG, BUT IT'S ONE WAY OF DOING IT.

05:48:31 >>Joanne Ribble: I AGREE WITH YOU, MAYOR.
05:48:33 I THINK THIS YEAR OF ALL YEARS, IT MIGHT BE BENEFICIAL TO DO
05:48:36 THIS.
05:48:36 WE MAY NOT FIND OURSELVES IN THIS POSITION NEXT YEAR.
05:48:39 SO IF WE CAN DO WHAT WE CAN TO HELP THIS YEAR AND LOWER IT,
05:48:43 AND WE CAN AFFORD TO DO IT, I THINK WE DO IT.
05:48:47 >>Mayor Errington: THANK YOU.
05:48:48 ANY OTHER COMMENT?
05:48:53 >>Larry Fiesel: GOOD POINT.
05:48:54 EVERYBODY'S BUDGET IS GOING UP.
05:48:55 I GOT MY INSURANCE FROM MY HOME YESTERDAY, 22%.
05:49:00 SO WHEN WE CUT THIS TWO POINTS, IT DIDN'T COVER MY
05:49:06 INSURANCE, BUT IT SURE LOOKS GOOD TO ME.
05:49:08 >>Mayor Errington: FEELS GOOD.
05:49:10 >>Jim Boesch: THANK US ALL FOR KEEPING IT UNDER WRAPS.
05:49:15 >>Mayor Errington: OKAY.
05:49:17 ANY OTHER DISCUSSIONS?
05:49:19 >>Carol Sacco: WE HAVE NO PUBLIC COMMENT AND NO E-COMMENTS.
05:49:21 >>Mayor Errington: WOW.
05:49:22 THAT'S INTERESTING.
05:49:23 SO NOW IF WE FOLLOW THE FORMAT, WE WILL HAVE TO ENTERTAIN A
05:49:31 MOTION REGARDING ADOPTING RESOLUTION 2022-27, THE FINAL
05:49:37 MILLAGE RATE OF 0.7500.
05:49:43 NOW, BEFORE WE GO THAT DIRECTION, DO WE HAVE ANY OTHER
05:49:46 FURTHER COUNCIL DISCUSSION ON THAT?

05:49:52 >>Jim Wilson: JUST A REMINDER, IN LOOKING AT THE BUDGET
05:49:55 ITSELF, WE'RE GOING TO FINISH -- WE'RE PROJECTED TO FINISH
05:49:59 THE BUDGET YEAR WITH $9 MILLION IN THE GENERAL FUND
05:50:03 AVAILABLE.
05:50:05 SO I THINK 150,000 OR THE 75,000 THAT I THINK JIM WARD
05:50:10 MENTIONED IS JUST A SMALL THING.
05:50:15 SO I'M CERTAINLY IN FAVOR OF STAYING WITH THE .75.
05:50:18 >>Mayor Errington: THANK YOU.

05:50:19 I NEED A MOTION.
05:50:20 >>Jim Wilson: I'LL MAKE IT.
05:50:22 >>Mayor Errington: A MOTION HAS BEEN MADE BY COUNCIL MEMBER
05:50:25 JIM WARD AND I NEED A SECOND.
05:50:27 AND SECONDED BY COUNCIL MEMBER JIM BOESCH.
05:50:34 >>Robert Pritt: MAYOR AND COUNCIL, IF I MAY SAY SOMETHING,
05:50:38 SO THE MOTION IS TO ADOPT THE MILLAGE RESOLUTION AS
05:50:45 PRESENTED TO YOU TONIGHT, WHICH IS A SLIGHT DECREASE FROM
05:50:51 WHAT YOU ADOPTED AT THE TENTATIVE -- AS A TENTATIVE MILLAGE.
05:50:56 AND THAT'S FINE.
05:50:58 THAT'S OKAY UNDER THE STATUTE, AND YOUR VILLAGE MANAGER DID
05:51:04 ANNOUNCE THE MILLAGE, IT'S GREATER THAN THE ROLLED-BACK RATE
05:51:08 OF 0.7002 MILLS BY 7.11%.
05:51:13 IN ANTICIPATION OF THIS POSSIBILITY, I THINK YOUR FINANCE
05:51:18 DIRECTOR HAD DONE THAT CALCULATION FOR US.
05:51:21 IF THAT'S WHAT YOU'RE ADOPTING, THAT MAKES IT VERY CLEAR.
05:51:24 THANK YOU.

05:51:26 >>Mayor Errington: THAT'S IN THE RECORD.
05:51:28 THEN WE NEED TO CALL THE ROLL.
05:51:31 >>Joanne Ribble: AYE.
05:51:32 >>Larry Fiesel: AYE.
05:51:35 >>Jim Boesch: AYE.
05:51:36 >>Jim Ward: AYE.
05:51:37 >>Jim Wilson: AYE.
05:51:39 >>Vice-Mayor McLain: AYE.
05:51:41 >>Mayor Errington: AYE.
05:51:42 CONTINUING WITH THAT, WE WILL NOW, FINAL BUDGET AND THE
05:51:53 RESOLUTION HAS ALREADY BEEN MENTIONED AND THE DOLLAR FIGURE,
05:51:55 AND I WILL ENTERTAIN A MOTION REGARDING ADOPTING RESOLUTION
05:52:00 NUMBER 2022-28, THE FINAL BUDGET.
05:52:06 THE MOTION HAS BEEN MADE BY COUNCIL MEMBER WARD AND I NEED A
05:52:10 SECOND.
05:52:11 SECONDED BY VICE-MAYOR McLAIN.
05:52:14 PLEASE CALL THE ROLL.
05:52:16 >>Joanne Ribble: AYE.
05:52:17 >>Larry Fiesel: AYE.
05:52:19 >>Jim Boesch: AYE.
05:52:20 >>Jim Ward: AYE.
05:52:21 >>Jim Wilson: AYE.
05:52:23 >>Vice-Mayor McLain: AYE.
05:52:24 >>Mayor Errington: AYE.
05:52:25 THANK YOU.

05:52:30 THANK YOU ALL OF YOU FOR WORKING ON THIS.
05:52:33 APPRECIATE IT.
05:52:34 >>Steven Sarkozy: IF I MAY, THANKS TO BRITT MARTIN AGAIN,
05:52:38 INTERIM FINANCE DIRECTOR, BUT ALSO THANK YOU TO ALL OF THE

05:52:42 DEPARTMENT DIRECTORS WHO CONTRIBUTE TO THE BUDGET PROCESS.
05:52:46 SO EVERYONE IS INVOLVED IN THIS, NOT JUST THE FINANCE
05:52:49 DIRECTOR.
05:52:50 >>Mayor Errington: THANK YOU, BRITT MARTIN.
05:52:51 ARE YOU STILL ON THERE?
05:52:53 THANK YOU.
05:52:54 >>Britt Martin: I AM.
05:52:55 YES.
05:52:55 THANK YOU.
05:52:55 >>Mayor Errington: APPRECIATE YOUR WORK VERY MUCH.
05:52:58 >>Britt Martin: THANK YOU VERY MUCH.
05:53:02 >>Mayor Errington: MOVING ON, ITEM NUMBER 9A IS SECOND
05:53:09 READING AND PUBLIC HEARING FOR ORDINANCE NUMBER 2022-06.
05:53:13 MADAM CLERK, HAS THE ORDINANCE BEEN PROPERLY ADVERTISED?
05:53:17 >>Carol Sacco: YES, MAYOR.
05:53:18 >>Mayor Errington: WILL YOU READ THE ORDINANCE?
05:53:20 >>Carol Sacco: ORDINANCE NUMBER 2022-06, AN ORDINANCE OF THE
05:53:23 VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, ADOPTING
05:53:26 AN AMENDMENT TO THE VILLAGE OF ESTERO COMPREHENSIVE PLAN TO
05:53:29 ADD A PROPERTY RIGHTS ELEMENT TO THE TEXT AS PROVIDED IN
05:53:33 EXHIBIT "A" AND MADE A PART HEREOF; PROVIDING FOR

05:53:37 TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND OTHERS AS
05:53:41 REQUIRED BY STATE STATUTE; PROVIDING FOR SEVERABILITY;
05:53:44 PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.
05:53:47 >>Mayor Errington: THANK YOU.
05:53:48 STEVE, WILL YOU INTRODUCE THIS ORDINANCE, PLEASE?
05:53:51 >>Steven Sarkozy: THANK YOU, MAYOR AND MEMBERS OF COUNCIL.
05:53:53 THIS IS A PROPOSED COMPREHENSIVE PLAN AMENDMENT.
05:53:55 IT IS THE SECOND READING, IF YOU WILL, REGARDING PROPERTY
05:53:59 RIGHTS ELEMENT.
05:54:00 THIS HAS BEEN HANDLED BY THE PLANNING AND ZONING BOARD AND
05:54:05 REVIEWED BY DEP AS A COMP PLAN CHANGE.
05:54:08 MARY GIBBS, OUR COMMUNITY DEVELOPMENT DIRECTOR, WILL
05:54:12 DESCRIBE WHAT THIS MEANS FOR US AND HOW IT WILL BE
05:54:18 ADMINISTERED THEN.
05:54:19 >>Mary Gibbs: GOOD EVENING.
05:54:20 >>Mayor Errington: WELCOME BACK, MARY.
05:54:21 >>Mary Gibbs: YOU CAN'T GET RID OF ME THAT EASY.
05:54:24 SO THIS IS THE PROPERTY RIGHTS ELEMENT OF THE COMPREHENSIVE
05:54:29 PLAN AMENDMENT.
05:54:30 WE ARE DOING THIS BECAUSE THE STATE IS MAKING EVERY CITY AND
05:54:33 COUNTY ADOPT A PROPERTY RIGHTS ELEMENT IN THEIR
05:54:36 COMPREHENSIVE PLANS.
05:54:37 MOST EVERY CITY AROUND HERE HAS RECENTLY ADOPTED THEIRS.
05:54:43 WE TRACK THE STATE LANGUAGE.
05:54:45 THEY SUGGEST SOME LANGUAGE THAT YOU USE IN YOUR ELEMENT.

05:54:48 IT'S REALLY JUST ONE PAGE OF POLICIES AND GOALS, AND WE ARE,
05:54:53 AS STEVE SAID, WE'VE TAKEN THIS TO THE PLANNING ZONING AND
05:54:56 DESIGN BOARD, AND THEY RECOMMENDED APPROVAL.
05:54:59 WE HAD THE FIRST -- WE HAVE TO HAVE TWO PUBLIC HEARINGS FOR
05:55:01 A COMPREHENSIVE PLAN AMENDMENT, SO WE HAD THE FIRST ONE BACK
05:55:04 IN JULY, AND WE TRANSMITTED IT TO THE STATE FOR THEIR
05:55:08 REVIEW, AND THEN THEY PROVIDE US COMMENTS.
05:55:10 SO THEY SENT US A LETTER THAT SAID WE HAVE NO COMMENTS, A
05:55:15 NO-COMMENT LETTER, WHICH IS GOOD, BUT SINCE THEY ARE THE
05:55:18 ONES THAT SUGGESTED WE ADOPT IT TO BEGIN WITH.
05:55:21 TONIGHT, WE CAN GO AHEAD AND ADOPT IT, UNLESS YOU HAVE ANY
05:55:26 QUESTIONS FOR ME.
05:55:27 >>Mayor Errington: ANY QUESTIONS?
05:55:29 COMMENTS?
05:55:29 I GUESS NOT.
05:55:35 NOW WE WILL OPEN IT UP, THE HEARING FOR PUBLIC COMMENT.
05:55:38 >>Carol Sacco: WE HAVE NO PUBLIC COMMENT AND NO E-COMMENTS.
05:55:42 >>Mayor Errington: OKAY.
05:55:44 WE WILL CLOSE THE PUBLIC COMMENT OF THIS HEARING.
05:55:48 DO COUNCIL MEMBERS WISH TO DISCUSS THE ORDINANCE AT ALL?
05:55:52 GO AROUND ONE MORE TIME.
05:55:54 OKAY.
05:55:55 I NEED A MOTION TO APPROVE ORDINANCE NUMBER 2022-06 MADE BY
05:56:02 COUNCIL MEMBER RIBBLE AND SECONDED BY COUNCIL MEMBER JIM
05:56:07 WILSON.

05:56:08 PLEASE CALL THE ROLL.
05:56:09 >>Jim Wilson: AYE.
05:56:10 >>Jim Ward: AYE.
05:56:12 >>Jim Boesch: AYE.
05:56:13 >>Larry Fiesel: AYE.
05:56:15 >>Joanne Ribble: AYE.
05:56:15 >>Vice-Mayor McLain: AYE.
05:56:17 >>Mayor Errington: AYE.
05:56:19 ITEM NUMBER 9B IS THE SECOND READING AND PUBLIC HEARING FOR
05:56:27 ORDINANCE NUMBER 2022-07.
05:56:32 MADAM CLERK, HAS THE ORDINANCE BEEN PROPERLY ADVERTISED?
05:56:36 >>Carol Sacco: YES, MAYOR.
05:56:37 >>Mayor Errington: WILL YOU READ THE TITLE OF THE ORDINANCE?
05:56:39 >>Carol Sacco: ORDINANCE 2022-07, AN ORDINANCE OF THE
05:56:43 VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, ADOPTING
05:56:45 AN AMENDMENT TO THE VILLAGE OF ESTERO COMPREHENSIVE PLAN TO
05:56:48 AMEND THE FUTURE LAND USE MAP FOR A 31.5-ACRE PROPERTY AT
05:56:52 THE NORTHEAST CORNER OF U.S. 41 AND CORKSCREW ROAD FROM
05:56:56 VILLAGE CENTER TO PUBLIC PARKS AND RECREATION; PROVIDING FOR
05:57:00 SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN
05:57:03 EFFECTIVE DATE.
05:57:04 >>Mayor Errington: THANK YOU.

05:57:05 BACK TO YOU, STEVE.
05:57:06 >>Steven Sarkozy: THIS IS A VILLAGE COUNCIL INITIATED
05:57:14 COMPREHENSIVE PLAN CHANGE THAT TAKES THE PROPERTY THAT THE

05:57:18 VILLAGE OWNS ON THE CORNER -- THE NORTHEAST CORNER OF U.S.
05:57:21 41 AND CORKSCREW ROAD AND REZONES THAT, PUTS IT INTO A NEW
05:57:27 DESIGNATION FOR PARK.
05:57:28 YOU'LL RECALL THAT ABOUT FOUR YEARS AGO, WE PURCHASED 62.5
05:57:33 ACRES ON THAT INTERSECTION.
05:57:39 31.5 ACRES IS ON THE SOUTH SIDE OF THE RIVER, AND THAT'S THE
05:57:43 PROPERTY THAT IS REALLY ENVIRONMENTALLY SIGNIFICANT.
05:57:47 BEAUTIFUL OLD FLORIDA TREE SCAPE.
05:57:53 IT'S NEVER BEEN CLEAR CUT, SO IT'S REALLY A UNIQUE PIECE OF
05:57:57 PROPERTY.
05:57:58 AND WE PURCHASED THE PROPERTY FOR ABOUT $393,000 PER ACRE.
05:58:05 SINCE THAT TIME, THE PROPERTY IN ESTERO HAS GONE RIGHT
05:58:08 THROUGH THE ROOF.
05:58:10 SO IF WE WERE PLAYING A REAL ESTATE GAME, THIS PROPERTY
05:58:13 WOULD BE VERY VALUABLE FOR DEVELOPMENT, BUT YOU'VE
05:58:18 CONSIDERED THAT AT PREVIOUS MEETINGS, AND INSTEAD OF LOOKING
05:58:21 AT A DEVELOPMENT OPTION, YOU'VE WANTED TO DO WHAT YOU CAN TO
05:58:25 PROTECT THIS AND PRESERVE IT LONG-TERM FOR ITS ENVIRONMENTAL
05:58:30 VALUE AND FOR VALUE AS A PARK.
05:58:32 SEVERAL MONTHS AGO, YOU INITIATED THIS AMENDMENT PROCESS,
05:58:41 WHICH YOU CAN DO ON PROPERTY THAT YOU OWN WITHIN THE
05:58:45 VILLAGE.
05:58:45 I'LL TURN IT OVER TO MARY GIBBS WHO HAS GUIDED THE COMMUNITY
05:58:51 THROUGH THE PROCESS, INCLUDING HEARINGS BEFORE THE PLANNING
05:58:57 ZONING AND DESIGN BOARD, AND WE CAN SHARE WITH YOU THEIR

05:58:59 RECOMMENDATION.
05:59:01 >>Mary Gibbs: SO TONIGHT WE HAVE TWO ITEMS RELATED TO THIS
05:59:05 ITEM, AND THIS IS THE COMPREHENSIVE PLAN AMENDMENT.
05:59:08 WE FINISH THAT WE'LL DO THE REZONING OF THE PROPERTY AS
05:59:11 WELL.
05:59:11 THIS IS THE 31 ACRES, 31.5 THAT'S SOUTH OF THE RIVER THAT WE
05:59:18 OWN.
05:59:19 WHEN THE COUNCIL SAID LET'S FIND A LAND USE CATEGORY THAT
05:59:22 BETTER MATCHES WHAT OUR USES, PLANNED TYPE OF PUBLIC
05:59:26 PURPOSES, WE ARE CHANGING THE LAND USE CATEGORY FROM VILLAGE
05:59:29 CENTER TO WHAT WE CALL PUBLIC PARKS AND RECREATION, WHICH
05:59:33 MAKES A LOT OF SENSE.
05:59:34 AND WE HAD THE FIRST PUBLIC HEARING IN JULY WHEN YOU ALL
05:59:40 REVIEWED IT, AND IT WENT TO THE PLANNING ZONING AND DESIGN
05:59:43 BOARD, AND THEY RECOMMENDED APPROVAL OF IT.
05:59:46 SO THIS IS THE SECOND READING, BUT IT'S ALSO A PUBLIC
05:59:49 HEARING, AND BECAUSE THE COMPREHENSIVE PLAN AMENDMENTS
05:59:53 REQUIRED TO HAVE ONE PUBLIC HEARING AFTER 5 P.M.

05:59:56 SO THAT'S WHY WE HAD THESE TWO COMPREHENSIVE PLAN
05:59:58 AMENDMENTS.
05:59:59 WE COULDN'T PUSH THEM FORWARD EARLIER.
06:00:01 BUT THE STATE IS NOT OBJECTING TO ANYTHING, AND SO IF YOU
06:00:09 HAVE ANY QUESTIONS, I'M HAPPY TO ANSWER THAT.
06:00:15 >>Mayor Errington: ANY QUESTIONS FROM COUNCIL?
06:00:17 ANY COMMENTS?

06:00:25 >>Vice-Mayor McLain: I'LL DO A COMMENT.
06:00:27 I THINK IT'S A BIG DEAL FOR THE VILLAGE TO HAVE 31.5 ACRES
06:00:30 PUT INTO PUBLIC PARKS FOR THE BENEFIT OF ALL THE ESTERO
06:00:36 RESIDENTS NOW AND INTO THE FUTURE CAN BE INSTRUMENTAL AS THE
06:00:42 DEVELOPING IS GOING ON WITHIN OUR MIDST HERE AT A RAPID
06:00:45 RATE, BOTH COMMERCIAL AND RESIDENTIAL, TO HAVE THIS KIND OF
06:00:49 OPEN SPACE AVAILABLE FOREVER, HOPEFULLY FOREVER, IT'S
06:00:55 SIGNIFICANT.
06:00:56 SO WHATEVER WE CAN DO TO KIND OF GET THIS IN THE PRESS I
06:00:59 THINK WOULD BE REALLY IMPORTANT FOR PEOPLE TO REALIZE THAT
06:01:03 THE VILLAGE OF ESTERO IS GROWING, BUT WE'RE ALSO TAKING A
06:01:06 REALLY RESPONSIBLE POSITION AND PROVIDING FOR OPEN SPACE AND
06:01:11 ACTIVITIES FOR OUR RESIDENTS.
06:01:13 SO I THINK IT'S A BIG DEAL.
06:01:15 >>Mayor Errington: I AGREE.
06:01:18 I THINK IT'S A BIG DEAL, AND I WANT TO THANK STEVE AND MARY
06:01:21 FOR, AND ALL THE STAFF WHO WORKED ON THIS, THIS IS HUMONGOUS
06:01:27 BECAUSE IT'S PUTTING ADDED PROTECTION ON THAT PROPERTY AND
06:01:30 HOPEFULLY TRYING TO PRESERVE IT AS A PARK FOREVER.
06:01:34 SO THANK YOU FOR YOUR WORK.
06:01:36 THIS IS VERY IMPORTANT FOR THE PEOPLE WHO VOTED THAT THEY
06:01:39 WANTED ACCESS TO THE RIVER.
06:01:43 THEY WANTED PARK SPACE, THEY WANTED WALKING TRAILS, AND THIS
06:01:46 IS A BEAUTIFUL RECOMMENDATION HERE TO DO THIS.
06:01:49 SO THANK YOU VERY MUCH.

06:01:51 IT'S GREATLY APPRECIATED.
06:01:53 >>Steven Sarkozy: REMEMBER, YOU BOUGHT THIS LAND FOR
06:01:56 $24.5 MILLION PLUS OR MINUS, AND YOU PAID IT ALL OFF.
06:02:00 SO NOT ONLY ARE YOU PROTECTING IT AS PARK, BUT YOU'RE DEBT
06:02:04 FREE.
06:02:09 >>Jim Ward: I THINK IT IS A GREAT MESSAGE TO THE COMMUNITY
06:02:11 THAT IS CURRENTLY SEEING A LOT OF DEVELOPMENT ON 41, ON
06:02:15 WILLIAMS, THAT'S GOING TO BE COMMERCIAL, THAT'S GOING TO BE
06:02:18 RESIDENTIAL.
06:02:19 SO I THINK TO JOHN'S POINT, THIS IS REALLY A GREAT STATEMENT
06:02:23 TO THE COMMUNITY THAT WE'RE DOING MANY DIFFERENT THINGS, AND
06:02:27 THIS IS PART OF KEEPING IT RECREATIONAL AND NOT FOR A
06:02:32 COMMERCIAL OR RESIDENTIAL USE.
06:02:37 >>Mayor Errington: ANY OTHER COMMENTS?

06:02:40 >>Mary Gibbs: IF I MIGHT ADD SOMETHING, I THINK THAT THE
06:02:42 COUNCIL WAS VERY PROACTIVE IN DOING THIS BECAUSE IN A LOT OF
06:02:45 PLACES THEY DON'T REALLY REZONE OR DO COMP PLAN AMENDMENTS
06:02:49 FOR CITY OR COUNTY-OWNED PROPERTIES.
06:02:51 SO I THINK IT WAS REALLY PROACTIVE.
06:02:53 I KNOW IN THE BEGINNING WE HAD SO MUCH INPUT FROM THE PUBLIC
06:02:58 THAT SAID THEY REALLY WANTED THIS TO BE RETAINED FOR PARKS
06:03:00 AND PUBLIC PURPOSES, I THINK THE COMPREHENSIVE PLAN
06:03:03 AMENDMENT PROCESS BEING INVOLVED WITH THE STATE IS JUST SO
06:03:06 LONG THAT BY THE TIME YOU FINISH IT, THE PEOPLE THAT WERE
06:03:10 REALLY INTERESTED ARE STILL INTERESTED BUT THEY ARE JUST

06:03:12 KIND OF WORN OUT BY ALL THE MEETINGS AND THE LENGTH OF TIME.
06:03:15 SO I THINK THE PUBLIC SHOULD KNOW THAT THIS IS BEING
06:03:19 COMPLETED.
06:03:20 IT'S JUST A LONG PROCESS.
06:03:21 >>Mayor Errington: IT'S ALSO IMPORTANT THAT THE PUBLIC KNOWS
06:03:25 BECAUSE OF THE GUIDANCE OF OUR VILLAGE MANAGER AND OUR
06:03:29 COMMUNITY DEVELOPMENT DIRECTOR, WE HAVE PEOPLE WITH
06:03:31 EXPERIENCE WHO CAN GUIDE US IN THE DIRECTION AND HELP US TO
06:03:36 KNOW THESE THINGS, AND IT'S GREATLY APPRECIATED.
06:03:40 I CAN'T SAY THAT ENOUGH BECAUSE WE DEPEND ON YOUR GUIDANCE
06:03:44 AND YOUR DIRECTION, AND YOU'RE GUIDING US IN THE RIGHT PATH,
06:03:47 AND WE WANT TO FOLLOW IT.
06:03:49 SO THANK YOU.
06:03:49 ARE YOU FINISHED, MARY?
06:03:57 >>Mary Gibbs: YES.
06:03:58 >>Mayor Errington: NOW WE NEED COMMENTS.
06:04:01 >>Carol Sacco: WE HAVE NO COMMENTS OR E-COMMENTS.
06:04:03 >>Mayor Errington: OKAY.
06:04:05 I WILL NOW CLOSE THE PUBLIC COMMENT PORTION OF THIS HEARING.
06:04:12 NEED A MOTION TO APPROVE THIS ORDINANCE NUMBER 2022 -- OKAY.
06:04:19 >>Vice-Mayor McLain: MAKE A MOTION.
06:04:20 >>Mayor Errington: MOTION HAS BEEN MADE BY VICE-MAYOR
06:04:22 McLAIN.
06:04:23 SECONDED BY COUNCIL MEMBER LARRY FIESEL.
06:04:26 PLEASE CALL THE ROLL.

06:04:28 >>Joanne Ribble: AYE.
06:04:30 >>Larry Fiesel: AYE.
06:04:31 >>Jim Boesch: AYE.
06:04:33 >>Jim Ward: AYE.
06:04:34 >>Jim Wilson: AYE.
06:04:36 >>Vice-Mayor McLain: AYE.
06:04:37 >>Mayor Errington: AYE.
06:04:38 ITEM NUMBER 9C.
06:04:41 SECOND READING AND PUBLIC HEARING FOR ORDINANCE NUMBER
06:04:44 2022-08.

06:04:47 MADAM CLERK, HAS THE ORDINANCE BEEN PROPERLY ADVERTISED?
06:04:50 >>Carol Sacco: YES, MAYOR.
06:04:51 >>Mayor Errington: WILL YOU PLEASE READ THE TITLE OF THE
06:04:53 ORDINANCE?
06:04:54 >>Carol Sacco: ORDINANCE NUMBER 2022-08, AN ORDINANCE OF THE
06:04:57 VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA,
06:04:59 CONSIDERING A REZONING FROM MIXED-USE PLANNED DEVELOPMENT
06:05:03 AND AGRICULTURE TO PARKS AND COMMUNITY FACILITIES FOR
06:05:07 31.5-ACRE PROPERTY AT THE NORTHEAST CORNER OF U.S. 41 AND
06:05:11 CORKSCREW ROAD; PROVIDING FOR CONFLICTS; PROVIDING FOR
06:05:15 SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.
06:05:17 >>Mayor Errington: THANK YOU.
06:05:19 NANCY STROUD, VILLAGE LAND USE ATTORNEY WILL READ THE
06:05:22 STATEMENT REGARDING QUASI-JUDICIAL HEARINGS ON VARIOUS ITEMS
06:05:25 ON THE AGENDA.

06:05:27 >>Nancy Stroud: MAYOR AND COUNCIL, WHEN YOU PASSED THE LAST
06:05:30 ITEM, THE COMPREHENSIVE PLAN AMENDMENT, YOU WERE ACTING IN
06:05:33 YOUR LEGISLATIVE CAPACITY.
06:05:34 THIS IS LIKE THE TEXTBOOK EXAMPLE OF WHEN YOU ACT IN YOUR
06:05:39 QUASI-JUDICIAL CAPACITY BECAUSE YOU'LL BE DOING A REZONING.
06:05:42 SO, I GUESS, BECAUSE THE LAST TIME I READ THIS WAS SEVERAL
06:05:46 HOURS AGO, I'M GOING TO READ THE PROCEDURES FOR
06:05:50 QUASI-JUDICIAL PROCEEDINGS.
06:05:54 THE DECISION OF WHETHER OR NOT TO APPROVE THIS ORDINANCE
06:05:57 LIKE ALL QUASI-JUDICIAL ITEMS MUST BE BASED ON CRITERIA IN
06:06:01 THE LAND USE ORDINANCE AND LAND DEVELOPMENT CODE.
06:06:04 AND ON SUBSTANTIAL COMPETENT EVIDENCE THAT IS PRESENTED AT
06:06:07 THE HEARING.
06:06:08 SO IF YOU INTEND TO PROVIDE TESTIMONY ON THIS ITEM, YOU MUST
06:06:13 BE SWORN IN BY THE CLERK IN A MOMENT AND YOU MUST FILL OUT A
06:06:17 PUBLIC SPEAKER'S CARD AND GIVE IT TO THE CLERK BEFORE
06:06:20 SPEAKING.
06:06:20 PLEASE BE ADVISED THAT ANY PERSON WHO PROVIDES TESTIMONY ON
06:06:23 THIS ITEM MAY BE SUBJECT TO CROSS-EXAMINATION.
06:06:27 THE GENERAL PUBLIC IS NOT PERMITTED TO CROSS-EXAMINE
06:06:30 WITNESSES, BUT THE PUBLIC MAY REQUEST THE COUNCIL TO DIRECT
06:06:33 QUESTIONS ON THEIR BEHALF AND TO THE APPLICANT AND TO THE
06:06:37 STAFF.
06:06:37 AND THE APPLICANT AND THE VILLAGE STAFF MAY CROSS-EXAMINE
06:06:41 WITNESSES.

06:06:41 OF COURSE, COUNCIL MEMBERS MAY ASK QUESTIONS OF ANY WITNESS.
06:06:46 FURTHER DETAILS OF THE QUASI-JUDICIAL PROCEDURES CAN BE
06:06:50 OBTAINED FROM THE CLERK, BUT IN GENERAL AFTER MADAM CLERK
06:06:54 SWEARS IN WITNESSES, WE WILL FIRST HEAR AN INTRODUCTION FROM
06:06:57 THE VILLAGE COMMUNITY DEVELOPMENT DIRECTOR AND THEN THE
06:07:00 APPLICANT, IN THIS CASE, THE VILLAGE, WILL ADDRESS THE

06:07:04 COUNCIL.
06:07:05 AND THEN MARY HAS THE WHOLE SHOW TONIGHT.
06:07:09 SHE CAN BE CALLED BACK FOR ANY FURTHER TESTIMONY.
06:07:12 AFTER THAT, THE MAYOR WILL OPEN PROCEEDINGS TO THE PUBLIC
06:07:17 WHO HAVE BEEN SWORN IN TO PROVIDE TESTIMONY AND COMMENTS ARE
06:07:21 LIMITED TO THREE MINUTES PER PERSON.
06:07:24 IF ANY OF THE COUNCIL MEMBERS HAVE HAD EX PARTE
06:07:27 COMMUNICATIONS REGARDING THE ITEM, THE COUNCIL MEMBER WILL
06:07:31 NEED TO DISCLOSE THE SUBJECT MATTER OF THAT COMMUNICATION
06:07:34 AND THE PERSON TO WHOM THE COUNCIL MEMBER SPOKE, AND IF ANY
06:07:38 COUNCIL MEMBER HAS A CONFLICT OF INTEREST, THE MEMBER MUST
06:07:41 DISCLOSE THE CONFLICT, RECUSE HIMSELF OR HERSELF FROM
06:07:44 PARTICIPATION IN DISCUSSION OR IN VOTING.
06:07:47 SO IF THERE'S ANYONE WHO INTENDS TO TESTIFY ON THIS ITEM,
06:07:52 PLEASE STAND AND RAISE YOUR RIGHT HAND TO BE SWORN IN BY
06:07:56 MADAM CLERK.
06:07:59 >>Carol Sacco: DO YOU SWEAR TO TELL THE TRUTH, THE WHOLE
06:08:01 TRUTH AND NOTHING BUT THE TRUTH SO HELP YOU GOD?
06:08:05 >>Nancy Stroud: AT THIS POINT, I WOULD ASK THE COUNCIL TO

06:08:08 IDENTIFY ANY EX PARTE COMMUNICATIONS ON THIS ITEM OR ANY
06:08:11 CONFLICTS OF INTEREST.
06:08:12 >>Joanne Ribble: NONE.
06:08:13 >>Mayor Errington: CAN YOU EXPLAIN THAT A LITTLE
06:08:15 DIFFERENTLY?
06:08:16 I MEAN, WE'VE TALKED WITH THE VILLAGE MANAGER.
06:08:17 WE'VE TALKED WITH MARY.
06:08:19 >>Nancy Stroud: AND THAT'S YOUR STAFF, SO THAT'S NOT
06:08:24 CONSIDERED EX PARTE.
06:08:27 >> NO.
06:08:28 >> NO.
06:08:28 >>Mayor Errington: NO.
06:08:30 >> NO.
06:08:32 >>Nancy Stroud: I ASSUME THERE ARE NO COMMUNICATIONS FROM
06:08:33 THE PUBLIC, E-MAIL.
06:08:36 >> NO.
06:08:37 >>Nancy Stroud: OKAY.
06:08:38 THIS CAN BE AN EXPEDITED PROCEEDING BECAUSE MARY IS
06:08:42 FULFILLING ALL OF THE TESTIMONIAL ROLES TONIGHT.
06:08:46 >>Mary Gibbs: AS LONG AS I DON'T HAVE TO CROSS-EXAMINE
06:08:48 MYSELF.
06:08:49 [LAUGHTER]
06:08:49 THIS IS THE REZONING THAT GOES ALONG WITH THE COMPREHENSIVE
06:08:53 PLAN AMENDMENT THAT WE JUST TALKED ABOUT FOR THE 31.5 ACRES
06:08:57 OF VILLAGE PROPERTY SOUTH OF THE RIVER AT CORKSCREW AND U.S.

06:09:02 41.
06:09:03 AND WHAT WE'RE REZONING IT FROM, RIGHT NOW IT'S GOT TWO

06:09:07 ZONINGS ON IT.
06:09:08 IT'S MIXED USE PLANNED DEVELOPMENT ON THE MAJORITY OF THE
06:09:11 PROPERTY, BUT THE HAPPEHATCHEE PROPERTY, WHICH IS THE SLICE
06:09:14 IN THE MIDDLE, IS ZONED AGRICULTURE.
06:09:17 SO THOSE ARE -- NEITHER ONE OF THOSE ZONINGS IS AS
06:09:21 APPROPRIATE AS WHAT WE'RE RECOMMENDING, WHICH IS THE PARKS
06:09:24 AND COMMUNITY FACILITIES ZONING CATEGORY.
06:09:26 AGAIN, THAT WILL BETTER MATCH THE PUBLIC USES THAT WE HAVE
06:09:30 PLANNED FOR THE PROPERTY AND ALSO PROTECT THE ENVIRONMENTAL
06:09:33 FEATURES.
06:09:34 THE STAFF REPORT HAS A LOT OF DETAIL.
06:09:38 ANYTHING YOU REALLY NEEDED TO KNOW I THINK ABOUT THE
06:09:41 PROPERTY, SO I WON'T GO INTO THAT.
06:09:43 THE PLANNING AND ZONING BOARD REVIEWED IT ON JUNE 14th.
06:09:47 THEY HAVE RECOMMENDED APPROVAL.
06:09:49 AND THE COUNCIL HAD THE FIRST READING IN JULY, WHICH WAS
06:09:54 ALSO -- WELL, IT WAS JUST THE FIRST READING.
06:09:57 THIS DOES NOT HAVE TO GO TO THE STATE BECAUSE THIS IS A
06:09:59 REZONING, NOT A COMPREHENSIVE PLAN.
06:10:01 AND THEN TONIGHT IS THE FINAL PUBLIC HEARING.
06:10:06 AGAIN, I'M HAPPY TO ANSWER ANY QUESTIONS.
06:10:10 >>Mayor Arroyo: ANY QUESTIONS, COMMENTS, CONCERNS?
06:10:13 NO, WE DON'T HAVE ANY.

06:10:15 >>Mary Gibbs: I FORGOT TO ASK STEVE IF HE WAS GOING TO
06:10:17 INTRODUCE ME.
06:10:18 TOO LATE.
06:10:21 >>Mayor Errington: THANK YOU.
06:10:22 ANY PUBLIC COMMENTS OR E-COMMENTS?
06:10:27 >>Carol Sacco: THERE ARE NO PUBLIC COMMENTS AND NO
06:10:28 E-COMMENTS.
06:10:32 >>Mayor Errington: AT THIS TIME, WE NEED TO CLOSE THE PUBLIC
06:10:36 HEARING.
06:10:40 ANY COUNCIL MEMBERS HAVE ANY -- ONE LAST CHANCE -- ANY
06:10:44 COMMENTS OR DISCUSSION?
06:10:45 LAST GO-AROUND.
06:10:46 OKAY.
06:10:47 I WILL ENTERTAIN A MOTION IN REGARD TO THIS RESOLUTION.
06:10:54 I NEED A MOTION.
06:10:55 MOTION MADE BY COUNCIL MEMBER LARRY FIESEL AND SECONDED BY
06:11:03 COUNCIL MEMBER JIM WARD.
06:11:04 PLEASE CALL THE ROLL.
06:11:07 >>Jim Wilson: AYE.
06:11:09 >>Jim Ward: AYE.
06:11:10 >>Jim Boesch: AYE.
06:11:12 >>Larry Fiesel: AYE.
06:11:13 >>Joanne Ribble: AYE.
06:11:15 >>Vice-Mayor McLain: AYE.

06:11:16 >>Mayor Errington: AYE.

06:11:17 WE ARE FINISHED WITH THE HEARINGS, AREN'T WE?
06:11:23 I HAVE TO SAY YAY.
06:11:25 [LAUGHTER]
06:11:25 THANK YOU.
06:11:26 ITEM 10, PUBLIC COMMENT ON NON-AGENDA ITEMS.
06:11:34 DO WE HAVE ANYONE SIGNED UP?
06:11:35 >>Carol Sacco: NO, MAYOR, WE DO NOT.
06:11:47 >>Vice-Mayor McLain: DID WE -- ON THE AGENDA, DID WE DO THE
06:11:51 MEETING DATE, THE ESTABLISHED MEETING DATES, DID WE DO THAT?
06:11:54 >>Carol Sacco: THAT WAS ON CONSENT AGENDA.
06:11:55 >>Mayor Errington: WE VOTED FOR THAT, YES.
06:11:57 >>Vice-Mayor McLain: I WAS ASLEEP, I GUESS.
06:11:59 >>Carol Sacco: THAT WAS CONSENT AGENDA.
06:12:00 >>Mayor Errington: YOU WERE EATING A COOKIE, THAT'S RIGHT.
06:12:03 NOW WE ARE AT 11, COUNCIL COMMUNICATIONS AND FUTURE AGENDA
06:12:08 ITEMS.
06:12:09 LET'S START ON THIS SIDE OF THE ROOM, WOULD YOU LIKE TO
06:12:14 START FIRST?
06:12:16 >>Joanne Ribble: I HAVE NOTHING RIGHT NOW, MAYOR.
06:12:22 >>Larry Fiesel: JUST A COUPLE OF THINGS.
06:12:23 AS YOU KNOW, I'M THE LIAISON TO THE VERIZON COUNCIL -- ALL I
06:12:32 CAN SAY IS HERITAGE.
06:12:34 I DON'T KNOW WHERE THAT CAME FROM.
06:12:35 WE MET LAST WEEK.
06:12:36 AND A COUPLE OF THINGS THAT WERE SPOKEN ABOUT THAT I THOUGHT

06:12:40 WERE KIND OF INTERESTING, OUR SHERIFF, CARMINE MARCENO --
06:12:45 WELL, HE DIDN'T MAKE THE COMMENTS.
06:12:47 HE BROUGHT TO THE MEETING THROUGH ANOTHER SOURCE THAT LEE
06:12:50 COUNTY IS NOW THE THIRD SAFEST COUNTY IN THE NATION, WHICH I
06:12:54 THINK IS PRETTY INTERESTING, AND THE LEE COUNTY SCHOOL
06:12:57 SYSTEM IS RANKED NUMBER ONE SAFEST IN THE STATE OF FLORIDA,
06:13:00 WHICH I THOUGHT WAS INTERESTING.
06:13:02 THE SUPERINTENDENT OF LEE COUNTY SCHOOLS, HE WAS THERE AT
06:13:08 THE MEETING.
06:13:09 HE INDICATED THAT THEY HAVE HAD 6,000 NEW FAMILIES MOVE INTO
06:13:12 THE SCHOOL SYSTEM SINCE JUNE OF THIS YEAR, WHICH IS A
06:13:16 SIGNIFICANT NUMBER.
06:13:17 103,000 STUDENT ENROLLMENT AS OF LAST THURSDAY.
06:13:23 AND HE SAID TO MAKE A COMPARISON BETWEEN LEE COUNTY -- THE
06:13:29 SIZE OF THE LEE COUNTY SCHOOL SYSTEM, IT'S 1200 SQUARE
06:13:33 MILES, STATE OF RHODE ISLAND IS 1200 SQUARE MILES.
06:13:36 SO LEE COUNTY SCHOOL DISTRICT IN LEE COUNTY IS AS BIG AS THE
06:13:40 STATE OF RHODE ISLAND.
06:13:41 INTERESTING.
06:13:43 ANOTHER COMMENT, AT LEAST I'M NOT -- I'VE NOT SEEN THESE

06:13:48 BEFORE, BUT THE TRANSCRIPTS INCLUDED IN OUR AGENDA TODAY I
06:13:52 THOUGHT WERE MOST HELPFUL.
06:13:53 I APPRECIATE THAT THEY HAVE BEEN ADDED.
06:13:55 IT GIVES YOU SOME BACKGROUND AND INSIGHT AS TO WHAT THE
06:13:58 PLANNING ZONING -- EVEN WHEN YOU WATCH THE PLANNING AND

06:14:00 ZONING BOARD, YOU SOMETIMES FORGET THE CONVERSATIONS.
06:14:04 I THOUGHT THE TRANSCRIPTS WERE HELPFUL.
06:14:07 THANK WHOEVER -- HAVE THEY BEEN?
06:14:10 I'VE NEVER SEEN THEM BEFORE.
06:14:11 NEW ADD.
06:14:13 OKAY.
06:14:13 THANKS, WHOEVER PUT THOSE IN THERE.
06:14:17 >>Mayor Errington: JON.
06:14:18 >>Vice-Mayor McLain: JUST A COUPLE OF ITEMS.
06:14:20 ONE, I'VE BEEN IN A COUPLE OF MPO MEETINGS, METROPOLITAN
06:14:24 PLANNING ORGANIZATION.
06:14:26 THERE'S A LOT OF TERRITORY THAT THEY COVER.
06:14:29 ONE OF THE ITEMS WHICH IS PRETTY HOT AND ONE INVOLVES THE
06:14:33 VILLAGE OF ESTERO IS THE RAILS TO TRAILS FUTURE LOOK, WHERE
06:14:40 THEY ARE LOOKING AT CONTINUING TRAILS ALL THE WAY FROM
06:14:43 SARASOTA, I GUESS, THROUGH ESTERO, ALL THE WAY OVER TO MIAMI
06:14:47 AND I GUESS INTO KEY WEST.
06:14:49 THAT'S PROBABLY A 50 OR MORE YEAR PROGRAM, BUT THERE IS SOME
06:14:56 INTEREST WITHIN OUR ESTERO RESIDENTS ABOUT HOW THAT -- IF IT
06:15:00 HAPPENS, HOW IT MAY IMPACT SOME OF OUR NEIGHBORS.
06:15:04 AND IN MY DISTRICT, THE VINES COMMUNITY OBVIOUSLY HAS A
06:15:08 RAILROAD GOING RIGHT THROUGH THE MIDDLE OF THEIR GOLF
06:15:10 COURSE, SO I WAS AT A MEETING THIS MORNING WITH THEM TALKING
06:15:14 ABOUT THE SITUATION, WHICH I DON'T HAVE ANY NEW NEWS, BUT
06:15:18 THEY ARE PRETTY EXCITED ABOUT THAT, AND I THINK RIGHTLY SO.

06:15:21 SO THEY WANT TO BE KEPT INVOLVED IN THIS, AND I DO BELIEVE
06:15:25 -- I DON'T THINK WE'VE FINALIZED THAT YET, BUT WE ARE HAVING
06:15:28 THE METROPOLITAN -- THE MPO DIRECTOR, DON SCOTT, I THINK
06:15:34 GOING TO APPEAR AT OUR OCTOBER 5th MEETING TO TALK ABOUT
06:15:37 THE STATUS, I THINK OF AT LEAST THE RAILS TO TRAIL PROJECT
06:15:43 AND MAYBE SOME OTHER ITEMS.
06:15:44 JUST AN FYI FOR YOU BECAUSE SOME OF YOUR FOLKS MAY BE
06:15:49 INVOLVED IN THAT ALSO.
06:15:50 VETERANS DAY CONTINUES TO GET CLOSER.
06:15:52 SINCE OUR LAST MEETING, WE ORDERED THE BAGS THAT WE TALKED
06:15:54 ABOUT, THE PROMOTIONAL BAGS.
06:15:56 WE HAVE 500 OF THEM IN THERE.
06:15:57 INTERESTING THIS YEAR, AS OF TODAY, I ACTUALLY HAVE TWO
06:16:03 SPEAKERS THAT WE COULD HAVE.
06:16:05 I MADE A COMMITMENT -- I THINK IT WAS LAST WEEK -- TO THE
06:16:11 ANGEL FLIGHT.

06:16:12 THERE ARE A COUPLE THAT THEY ACTUALLY HAVE NOW IN PUNTA
06:16:16 GORDA, BUT THEY ARE WILLING TO COME DOWN AND TALK ABOUT THAT
06:16:19 WHOLE EXPERIENCE ABOUT THE ANGEL FLIGHTS GOING UP TO
06:16:23 WASHINGTON, D.C.
06:16:24 AND THEY ARE TAKING OUR VETERANS UP THERE.
06:16:27 SO I THINK THAT WOULD BE AN INTERESTING CONVERSATION TO HAVE
06:16:29 AT OUR VETERANS DAY.
06:16:32 AND THEN LAST EVENING, I GOT A PHONE CALL FROM THE TUNNEL TO
06:16:37 TOWERS GROUP, WHICH YOU SEE ON TV I THINK EVERY SINGLE

06:16:42 NIGHT.
06:16:42 IT'S TAKEN ME PROBABLY TWO MONTHS TO TRY TO ELICIT SOMEONE
06:16:48 THERE, AND THEY VOLUNTEERED, BUT I THINK THE TUNNEL TO
06:16:54 TOWERS IS A RESULT OF 9/11 AND THE INVOLVEMENT OF THE FIRE
06:17:01 DEPARTMENT TO RESCUE PEOPLE.
06:17:05 AND THEY HAVE BEEN VERY, VERY SUCCESSFUL IN RAISING MONEY
06:17:10 AND PROVIDING MORTGAGE RELIEF AND BUYING HOMES FOR FOLKS
06:17:14 THAT WERE THE FIRST RESPONDERS DURING 9/11, BUT SINCE THEN,
06:17:17 SINCE THEY HAVE BEEN SO SUCCESSFUL, THEY REACHED OUT AND ARE
06:17:22 NOW PAYING OFF AND BUILDING HOMES FOR VETERANS.
06:17:27 IT'S A QUASI-MIX IN THERE.
06:17:29 BUT I THINK TRYING TO KEEP THE UP TEMPO ON THAT MEETING I
06:17:33 THINK WE'LL MAKE A DECISION TO GO WITH THE ANGEL FLIGHT THIS
06:17:37 YEAR AND MAYBE KEEP THE TUNNEL TO TOWERS MAYBE FOR NEXT
06:17:43 YEAR.
06:17:43 IF ANYBODY HAS ANY COMMENTS OR THOUGHTS ON THAT, I'M MORE
06:17:46 THAN HAPPY TO DO IT, BUT IF WE GET A SPEAKER UP THERE, THEY
06:17:49 ARE PROBABLY GOING TO SPEAK 15 MINUTES.
06:17:52 IF I HAD A SECOND ONE, IT WOULD BE ANOTHER 15 MINUTES.
06:17:55 I THINK THE AUDIENCE COULD GET A LITTLE SLEEPY ON THAT.
06:18:00 BUT I'M OPEN FOR YOUR SUGGESTIONS ON THAT.
06:18:02 WE WANT TO MAKE THIS AS INTERESTING AS WE CAN, SO WE DON'T
06:18:07 ALWAYS HAVE ALL THE RIGHT ANSWERS.
06:18:08 SO YOUR COMMENTS WOULD BE WELCOMED.
06:18:11 THAT'S ALL I'VE GOT.

06:18:12 >>Mayor Errington: THANK YOU.
06:18:18 >>Jim Boesch: GEORGE ASKED ME TO THANK YOU ALL FOR COMING TO
06:18:21 HIS GRAND OPENING OF THE GOLF CLUB OVER THERE ON WILLIAMS
06:18:30 ROAD.
06:18:33 HE ASKED ME TO STRESS TO YOU THAT PROBABLY THE MAIN
06:18:41 CONSIDERATION FOR THE WHOLE THING IS TO MAKE SURE THAT THE
06:18:44 RESIDENTS KNOW THEY ARE VERY, VERY CAUTIOUSLY WORKING TO
06:18:50 MAKE SURE THAT THERE IS A FULL ACCOUNTING FOR ALL THE MONEY
06:18:55 COMING IN OVER THERE.
06:18:56 YOU CANNOT GO THERE AND PARTICIPATE UNLESS YOU USE YOUR
06:19:02 CREDIT CARDS.
06:19:04 THE MONEY IS FULLY ACCOUNTED, AND THEY NOW HAVE A CPA WHO IS

06:19:12 IN CHARGE OF MAKING SURE THE MONEY GETS DEPOSITED, GETS
06:19:15 RECORDED PROPERLY, AND I THINK IF ANYTHING, IT'S A MAJOR
06:19:22 CONSIDERATION THEY HAVE AND, OF COURSE, THE MONEY YOU KNOW
06:19:24 IS BEING DEPOSITED TO ESTERO FOUNDATION.
06:19:34 THINGS ARE UNDERWAY.
06:19:35 THEY HAVE NOT BROKEN A PROFIT YET BECAUSE THEY ARE REVISING
06:19:41 AND DID A LOT OF WORK ON THE COURSE ITSELF.
06:19:53 IT LOOKS LIKE IT WILL BE AN ENTITY THAT WILL BE DEVOTING
06:19:57 MONEY TO THE FOUNDATION OR THE WHATEVER NEEDS THE CITY HAS.
06:20:06 HE DID WANT ME TO MAKE SURE THAT YOU WERE ALL INFORMED AND
06:20:11 THANK YOU FOR COMING TO THE EVENT THAT HE HAD.
06:20:15 >>Mayor Errington: THANK YOU.
06:20:16 JIM WARD.

06:20:16 >>Jim Ward: NO THOUGHTS TODAY.
06:20:19 >>Mayor Errington: JIM WILSON?
06:20:20 >>Jim Wilson: JUST A QUESTION.
06:20:22 I RECEIVED A COUPLE OF E-MAILS THAT WERE GOING BACK AND
06:20:24 FORTH ABOUT FLOODING IN THE SWALE OVER NEXT TO THE RAILROAD.
06:20:29 I'M WONDERING EITHER FROM STEVE OR FROM JON WHETHER THERE'S
06:20:34 ANY UPDATE AND WHETHER THERE'S STILL ONGOING FLOODING ISSUES
06:20:37 IN THOSE TWO COMMUNITIES OVER THERE.
06:20:39 >>Vice-Mayor McLain: SINCE WE HAVE AN EXPERT HERE WITH
06:20:43 DAVID, I'D PUNT TO HIM.
06:20:45 [LAUGHTER]
06:20:53 >>David Willems: SO WE HAVE HEARD FROM SOME OF THE
06:20:55 COMMUNITIES, MOSTLY THE CASCADES, THE CONCERNS OF THE WATER
06:20:59 LEVELS.
06:21:00 WATER IS HIGH RIGHT NOW.
06:21:02 I DON'T KNOW IF EVERYBODY IS AWARE, BUT OVER THE PAST
06:21:05 WEEKEND, ESTERO GOT OVER 6.5 INCHES OF RAIN JUST ON FRIDAY
06:21:10 AND SATURDAY.
06:21:11 SO IT WAS A SUBSTANTIAL AMOUNT OF RAIN, SO WE EXPECT HIGH
06:21:16 WATER LEVELS.
06:21:16 SO WE DID LOOK AT THE OUTFALL DITCH.
06:21:19 WATER IS FLOWING PRETTY WELL, BOTH FROM THE CASCADES DITCH
06:21:22 AND THEN ALSO DOWN THE RAILROAD AS WELL.
06:21:27 FROM A LONGER PERSPECTIVE, THE AREA NORTH OF BROADWAY, THAT
06:21:34 AGREEMENT HAS BEEN EXECUTED, BOTH THE VILLAGE AND THE

06:21:38 RAILROAD HAS SIGNED THAT, SO WE HAVE THAT LICENSE AGREEMENT,
06:21:42 AND WE PAID THEM THE INITIAL PORTION FOR THEM TO START
06:21:46 WORKING ON THE CLEANING OF THE PART NORTH OF IT.
06:21:49 I HAPPENED TO BE MEETING WITH THE RAILROAD EARLIER TODAY ON
06:21:53 A SEPARATE SUBJECT ON THE UTILITY EXPANSION AND TALKED ABOUT
06:21:58 THE LICENSE AGREEMENT SOUTH OF BROADWAY.
06:22:01 WE TALKED ABOUT THAT IN SOME DETAIL.
06:22:03 IT SOUNDS LIKE THEY'VE GOTTEN ALL THEIR QUESTIONS ANSWERED,

06:22:07 SO HOPEFULLY THAT WILL BE COMING ALONG SHORTLY AS WELL.
06:22:10 SO HOPEFULLY SOON WE'LL HAVE A LICENSE AGREEMENT FOR THAT
06:22:12 WHOLE AREA.
06:22:14 AND SO FOR NEXT RAINY SEASON, THE VILLAGE WOULD BE ABLE TO
06:22:18 MAINTAIN THAT, NOT HAVE TO WAIT FOR THE RAILROAD TO DO IT.
06:22:24 >>Jim Wilson: THANK YOU.
06:22:24 >>Mayor Errington: THANK YOU.
06:22:25 IS THAT IT?
06:22:26 >>Jim Wilson: YES.
06:22:27 >>Mayor Errington: MY TURN.
06:22:29 I'LL REFER TO WHAT COUNCIL MEMBER FIESEL SAID ABOUT THE
06:22:34 6,000 STUDENTS.
06:22:37 I READ WHERE THAT'S EQUIVALENT TO TWO HIGH SCHOOLS, TWO
06:22:40 MIDDLE SCHOOLS, AND TWO ELEMENTARY SCHOOLS.
06:22:43 THAT'S HUGE.
06:22:45 PROBABLY THREE ELEMENTARY SCHOOLS.
06:22:48 SO WE NEED TO KEEP ALL THOSE STATS IN MIND WHEN WE HEAR

06:22:52 6,000, WHAT THAT MEANS.
06:22:55 WHILE MANY OF YOU, MOST OF YOU WERE ATTENDING THE BLUE MASS
06:23:00 CEREMONY LAST SATURDAY, I ATTENDED THE CHRISTMAS TREE STORE
06:23:03 RIBBON CUTTING.
06:23:04 AND THAT WAS DELIGHTFUL.
06:23:05 MET THE OWNERS THERE.
06:23:07 VERY NICE PEOPLE.
06:23:10 AND APPARENTLY THEY HAVE BOUGHT ALL THE BED BATH & BEYOND
06:23:15 STORES THEY COULD BUY AND THAT'S -- THEY ARE GOING INTO
06:23:18 THOSE STORES AND CONVERTING.
06:23:19 IT'S NOT CHRISTMAS TREES.
06:23:21 IT'S EVERYTHING.
06:23:22 JUST BIG, BIG STORE WITH ALL KINDS OF FUN THINGS, CUTE
06:23:26 THINGS.
06:23:27 AS YOU KNOW, CUTE SELLS.
06:23:30 SO VERY, VERY NICE FOLKS.
06:23:33 I ALSO, WHILE JON WAS DOWN THE STREET AT THE MPO MEETING,
06:23:38 THANK YOU, JON, FOR ATTENDING.
06:23:40 YOU'RE GETTING USED TO IT NOW.
06:23:43 I WAS AT THE COURT HOUSE AT THE SAME TIME LAST FRIDAY
06:23:45 MORNING, AND I REPRESENTED US FOR THE NATURALIZATION
06:23:49 COMMITTEE CEREMONY.
06:23:52 AND THAT WAS INTERESTING.
06:23:53 THEY HAD ABOUT 20 PEOPLE THERE WHO WERE BECOMING CITIZENS.
06:23:58 AND I HAVE TO GET A COPY OF WHAT WAS READ BY ONE OF THE

06:24:02 JUDGES.
06:24:04 AND SHE SAID THAT -- SHE DIDN'T MENTION MILITARY OR
06:24:09 FIREARMS, BUT SHE DID MENTION THAT ONE PERSON WANTED TO BE
06:24:14 EXEMPT.

06:24:15 IN ESSENCE, WHAT SHE WAS SAYING WAS THAT THAT PERSON WANTS
06:24:19 TO BECOME A CITIZEN BUT DOESN'T WANT TO DEFEND, NOT HAVE
06:24:23 ANYTHING TO DO WITH VETERANS AND MILITARY.
06:24:26 SO THEY WERE SWORN IN.
06:24:29 SO IF ANYBODY COULD GET A COPY OF WHAT THE NEW, WHATEVER IS
06:24:36 SAID, HOW YOU BECOME A NATURALIZED CITIZEN, I THOUGHT IT WAS
06:24:39 VERY INTERESTING.
06:24:40 I DIDN'T KNOW THOSE THINGS COULD HAPPEN.
06:24:42 SO WE HAD TWO SUPREME COURT JUSTICES THERE.
06:24:45 AND ONE WAS VERY IMPRESSIVE.
06:24:47 HE CAME FROM CUBA AS A YOUNG BOY AT THE AGE OF 11, 1953, AND
06:24:55 HE WAS AN EXCELLENT SPEAKER.
06:24:59 HE WAS JUST SUPERB.
06:25:01 SO THE OTHER THING -- AND I'VE GOT TO MENTION THIS, THIS IS
06:25:05 MORE OF A PERSONAL NOTE.
06:25:07 THIS AFTERNOON, WHEN I WAS LOOKING OVER, AGAIN, THIS
06:25:11 MATERIAL, I RECEIVED A PHONE CALL, AND IT WAS FOR ALMOST ONE
06:25:16 HOUR.
06:25:16 AND THIS WAS FROM A MAN WHO WAS A FOUR-STAR GENERAL WHO WAS
06:25:21 IN COMMAND, AT ONE TIME WAS THE SUPREME COMMANDER OF MACDILL
06:25:25 AIR FORCE BASE FOR ALL SPECIAL OPERATIONS FOR THE WHOLE

06:25:30 MILITARY.
06:25:31 AND HE -- I KNOW HIM BECAUSE OF THE ACCIDENT WITH MY SON.
06:25:36 AND WE HAD STAYED IN TOUCH BECAUSE SPECIAL OPS IS A SPECIAL
06:25:39 FAMILY, BUT CAN YOU IMAGINE OUT OF THE BLUE I RECEIVE A CALL
06:25:43 FROM HIM.
06:25:43 HE'S IN TAMPA.
06:25:45 AND WHAT THAT DID FOR ME TODAY, JUST AFTER 30 YEARS JUST TO
06:25:51 PICK UP THE PHONE AND CALL ME.
06:25:54 I WAS JUST OVERWHELMED.
06:25:57 HE'S STILL WORKING, FOR ALL OF US.
06:25:59 HE SAYS KEEP MOVING AND KEEP YOUR MIND GOING, YOU'LL MAKE
06:26:03 IT.
06:26:03 ALL RIGHT, WITH THAT IN MIND, WE HAVE TO MOVE ON.
06:26:07 WE'RE GOING TO MEET THE DEADLINE THAT STEVE SAID WE WERE
06:26:10 GOING TO BE OUT OF HERE AT 7:00.
06:26:11 FIRST WE'RE GOING TO THE VILLAGE ATTORNEY.
06:26:18 >>Robert Pritt: ALL IS QUIET ON THE LEGAL FRONT FOR NOW.
06:26:22 >>Steven Sarkozy: I DO HAVE ONE ITEM THAT I WANT TO BRIEF
06:26:24 THE COUNCIL ON AND THAT IS REGARDING THE TRAFFIC AND
06:26:27 SIDEWALK ISSUE AT THE CORNER OF BEN HILL GRIFFIN AND
06:26:31 CORKSCREW.
06:26:33 THIS IS A COUNTY PROJECT, AND IF YOU'RE FAMILIAR WITH THAT,
06:26:37 THEY STILL HAVE CONSTRUCTION BARRELS OUT THERE THAT ALLOW
06:26:43 ONLY ONE LANE OF TRAFFIC COMING SOUTHBOUND ON BEN HILL
06:26:47 GRIFFIN TO TURN GOING EASTBOUND ON CORKSCREW.

06:26:54 IT'S BUILT FOR TWO -- TWO TURN LANES, BUT THEY CANNOT CREATE
06:27:03 ANOTHER TURN LANE SOUTHBOUND TO EASTBOUND UNTIL THEY CAN
06:27:07 ALLOW TWO FULL LANES OF TRAFFIC ON THE PORTION OF CORKSCREW
06:27:14 EAST OF BEN HILL GRIFFIN.
06:27:15 SO YOU CAN'T HAVE TWO LANES GOING INTO ONE, SO YOU HAVE TO
06:27:19 HAVE TWO LANES GOING INTO TWO.
06:27:21 AND BECAUSE OF THE CONSTRUCTION SCHEDULES AND THE
06:27:26 DIFFICULTIES AND SO FORTH, THOSE CONES ARE GOING TO BE OUT
06:27:30 THERE PROBABLY FOR ANOTHER 9 TO 12 MONTHS.
06:27:35 SO WE'VE GOT, WE'RE COMING UP ON ANOTHER CONSTRUCTION
06:27:38 SEASON.
06:27:40 AND WE'VE BEEN WORKING WITH THE COUNTY STAFF TO SEE IF THERE
06:27:42 IS A WAY OF ADDRESSING THIS WITH THE CONTRACTOR, AND THERE
06:27:48 IS SOMETHING THAT CAN BE DONE.
06:27:50 DAVID IS GOING TO THE GOOGLE EARTH TO DESCRIBE THE TURN
06:27:54 SITUATION, BUT IT'S A TRADE-OFF.
06:27:57 IF WE ALLOW THE TEMPORARY CONSTRUCTION TO HAVE TWO LANES ON
06:28:02 EASTBOUND CORKSCREW, IT ELIMINATES THE SIDEWALK.
06:28:09 AND EVEN THOUGH IT IS FOR A SHORT PERIOD OF TIME, 6 TO 12
06:28:15 MONTHS -- I GO BY THERE ALL THE TIME, I DON'T SEE MANY
06:28:19 PEDESTRIANS THERE, BUT ANYTIME YOU HAVE CUT A SIDEWALK,
06:28:25 THAT'S AWKWARD.
06:28:31 BUT RIGHT NOW DURING THE SEASON WE HAVE BACKUPS ON CORKSCREW
06:28:34 EASILY ALL THE WAY TO VIA COCONUT AND SOMETIMES ALL THE WAY
06:28:38 TO U.S. 41 DURING THE AFTERNOON PEAK.

06:28:40 THE COUNTY HAS FIGURED OUT A SOLUTION, BUT THEY WANT US TO
06:28:51 SUPPORT THEM IN THE ELIMINATION -- TEMPORARY ELIMINATION OF
06:28:54 THE SIDEWALK.
06:28:56 I WAS PREPARED TO SIGN THAT, BUT I WANTED THE COUNCIL ALSO
06:29:00 TO BE AWARE OF IT AND GET YOUR FEEDBACK.
06:29:03 IT'S A TRADE-OFF.
06:29:06 THE TRAVELING PUBLIC AND THE MAJOR BLOCKAGE VERSUS
06:29:11 MAINTAINING THAT SIDEWALK.
06:29:13 NOW, THERE IS A SCHOOL THERE AS WELL.
06:29:15 I DON'T SEE MANY PEOPLE ON THE SIDEWALK ACCESSING THE
06:29:22 SCHOOL, BUT IT'S NONETHELESS --
06:29:28 >>Mayor Errington: JIM.
06:29:30 >>Jim Wilson: ASSUMING WE SUPPORT THEM, I WOULD RECOMMEND
06:29:33 THAT WE REQUEST A SIGN ON THE WEST END OF WHERE THERE IS NO
06:29:37 SIDEWALK SAYING, THIS SIDEWALK HAS BEEN TEMPORARILY REMOVED
06:29:42 IN ORDER TO ACCOMMODATE VEHICLE TRAFFIC AND WILL BE RESTORED
06:29:49 EITHER IN THE FUTURE -- WELL, I DON'T KNOW IF THEY COULD
06:29:52 COME UP WITH A DATE SPECIFIC, BUT AT LEAST THAT WOULD SOLVE
06:29:56 SOME OF THE PUBLIC INFORMATION THING ABOUT WHERE DID MY
06:29:59 SIDEWALK GO?
06:30:03 >>Steven Sarkozy: IT'S THERE BEHIND THE BARRIERS.
06:30:09 >>David Willems: SO JUST BY WAY OF A LITTLE BIT OF

06:30:12 BACKGROUND, THERE WAS A SIDEWALK THAT I THINK IS A FIVE- OR
06:30:15 SIX-FOOT SIDEWALK THAT CONNECTED STONEYBROOK GOLF BOULEVARD
06:30:19 TO STONEYBROOK GOLF DRIVE.

06:30:21 AND DURING THE CONSTRUCTION OF THE ROADWAY, THE CONTRACTOR
06:30:24 BASICALLY BROKE IT ALL UP SO IT WAS BASICALLY UNUSABLE.
06:30:28 SO WHAT THEY HAVE DONE IS ON THE SIDE OF THE ROAD, THEY HAVE
06:30:32 TWO BARRIERS, AND THE SIDEWALK IS BASICALLY IN THE MIDDLE.
06:30:36 IT'S ON THE ASPHALT, SO IT'S ACTUALLY ON THE SIDE OF THE
06:30:39 ROAD, BUT THEY HAVE BARRIERS ON BOTH SIDES, AND THAT'S
06:30:42 ACTING AS THE SIDEWALK RIGHT NOW.
06:30:44 SO IT'S NOT REALLY A SIDEWALK LIKE YOU WOULD THINK OF A
06:30:48 SIDEWALK, BUT IT DOES ALLOW PEOPLE TO WALK THAT AREA IF THEY
06:30:51 WANTED TO.
06:30:54 >>Mayor Errington: IS IT SAFE?
06:30:56 >>David Willems: THERE ARE BARRIERS ON BOTH SIDES OF IT, SO
06:30:59 IT DOES PROTECT WHOEVER IS ON IT FROM THE TRAFFIC.
06:31:02 I MEAN, THEY ARE FOUR-FOOT TALL, BASICALLY A WALL THE WHOLE
06:31:06 WAY IF YOU CAN DOWN THERE.
06:31:08 >>Vice-Mayor McLain: WILL THAT STAY IF WE DO WHAT STEVE IS
06:31:11 TALKING ABOUT?
06:31:12 >>David Willems: NO, THAT WOULD GO AWAY.
06:31:13 SO THAT IS THE SIDEWALK THAT GOES AWAY.
06:31:15 AND KEEP IN MIND THAT THE VILLAGE IS PAYING TO BUILD A MUCH
06:31:19 WIDER SIDEWALK, AND THEY ARE ACTUALLY -- I THINK IF YOU ARE
06:31:23 OUT THERE, THEY JUST BROKE GROUND BASICALLY FOR OUR PATH
06:31:26 TODAY.
06:31:27 AND THEY ARE SUPPOSED TO FINISH IT IN DECEMBER.
06:31:30 SO IF THE CONTRACTOR STAYS ON SCHEDULE, THE SIDEWALK WOULD

06:31:34 BE CLOSED FROM NOW UNTIL DECEMBER.
06:31:36 ONCE OUR SIDEWALK IS FINISHED, THEN IT WOULD OPEN BACK UP
06:31:39 AGAIN AND PEOPLE WOULD BE ABLE TO GO FROM STONEYBROOK GOLF
06:31:41 BOULEVARD TO STONEYBROOK GOLF DRIVE.
06:31:44 THERE'S NEVER BEEN A SIDEWALK PAST THAT, SO IT'S JUST THAT
06:31:49 SECTION.
06:31:51 >>Mayor Errington: EVEN IF YOU ONLY HAVE ONE PERSON WHO USES
06:31:54 THAT DAILY, IT ONLY TAKES ONE.
06:31:59 >>Jim Ward: HOW LONG IS THE SIDEWALK THAT WOULD BE
06:32:02 ELIMINATED?
06:32:05 >>David Willems: LET ME SEE IF I CAN GET A DISTANCE.
06:32:09 IT'S JUST FROM HERE TO HERE.
06:32:20 THAT'S NOT THE RIGHT -- IT'S MAYBE HALF A MILE.
06:32:34 >>Mayor Errington: STUDENTS -- YOU DON'T SEE ANY STUDENTS
06:32:38 USING THAT AT ALL.
06:32:39 >>David Willems: NO, I WOULD BE VERY SURPRISED IF ANY
06:32:42 STUDENTS USED IT.
06:32:42 I THINK THE ONLY STUDENTS THAT WALK TO PINEWOODS ELEMENTARY

06:32:46 LIVE INSIDE STONEYBROOK, AND STONEYBROOK HAS A BACK GATE.
06:32:50 SO ALL OF THAT TRAFFIC IS INTERNAL.
06:32:52 THERE REALLY ARE NO HOMES OVER ON THAT SIDE.
06:32:55 THEY WILL BE KEEPING A BIKE LANE.
06:32:59 SO THEY'LL HAVE TWO LANES OF TRAFFIC AND A BIKE LANE ON THE
06:33:02 ROAD.
06:33:03 THERE JUST WOULD NOT BE A SEPARATED SIDEWALK.

06:33:08 >>Vice-Mayor McLain: I THINK IT WOULD BE WORTHWHILE GOING TO
06:33:11 THE SCHOOL PRINCIPAL AND HAVE THEM VALIDATE IF ANY OF THEIR
06:33:16 STUDENTS ACTUALLY USE THAT, ESPECIALLY A HANDICAP OR
06:33:19 SOMETHING.
06:33:19 I'VE BEEN OUT THERE SEVERAL TIMES.
06:33:23 THAT'S A CRAZY PLAY TO BE WALKING WITH ALL THOSE CONES OUT
06:33:27 THERE RIGHT NOW.
06:33:27 >>David Willems: AND WE CAN DO THAT.
06:33:29 REALISTICALLY, IF A PERSON NEEDED TO WALK ALONG THERE, THEY
06:33:34 COULD ACTUALLY WALK INSIDE STONEYBROOK TO GET THERE BECAUSE
06:33:38 THERE IS A PATH AND THERE'S NO GATE.
06:33:41 BUT WE COULD ASK.
06:33:42 I SUSPECT THERE'S NOBODY WALKING.
06:33:46 TYPICALLY, ONCE YOU HAVE TO CROSS CORKSCREW ROAD, THE SCHOOL
06:33:49 DISTRICT WILL PROVIDE YOU A BUS, BECAUSE THEY SEE THAT
06:33:52 SIX-LANE ROAD OR FOUR-LANE ROAD, YOU CAN'T EXPECT AN
06:33:55 ELEMENTARY SCHOOLKID TO WALK ACROSS THAT ROAD.
06:33:58 SO IF THERE WAS SOMEBODY ON THE OTHER SIDE, THEY WOULD BE
06:34:01 PROVIDING A BUS.
06:34:03 >>Mayor Errington: WOULD YOU TELL US AGAIN, WHAT WAS YOUR
06:34:05 COMPROMISE, STEVE?
06:34:08 >>Steven Sarkozy: WELL, WHAT THEY WOULD DO IS TAKE AWAY THAT
06:34:14 SIDEWALK.
06:34:14 >>Mayor Errington: THE ONE THAT DAVID JUST SHOWED.
06:34:17 >>Steven Sarkozy: YES.

06:34:17 >>Mayor Errington: TAKE ALL OF THAT AWAY.
06:34:19 >>Steven Sarkozy: AND MAKE IT TWO LANE SO YOU COULD HAVE
06:34:22 SOUTHBOUND BEN HILL GRIFFIN TURNING EASTBOUND, TWO LANES
06:34:25 INTO TWO LANES.
06:34:26 >>David Willems: THEY WERE NOT FINISHED WITH THE ROAD THERE.
06:34:28 SO THE PAVEMENT WIDTH, THERE'S NOT ENOUGH PAVEMENT TO PUT IN
06:34:32 TWO TRAVEL LANES, A BIKE LANE AND A SIDEWALK.
06:34:35 THERE'S JUST NOT ENOUGH PAVEMENT.
06:34:38 SO THAT'S WHY RIGHT NOW THEY HAVE ONE TRAVEL LANE, A BIKE
06:34:43 LANE AND A SIDEWALK.
06:34:44 IF WE GOT RID OF THE SIDEWALK, THEN YOU HAVE ENOUGH ROOM FOR
06:34:46 TWO TRAVEL LANES AND A BIKE LANE.
06:34:50 WHAT THAT WILL DO IS THAT WILL ALLOW THEM TO OPEN UP THE
06:34:54 DOUBLE LEFT ON BEN HILL GRIFFIN, SO YOU'LL HAVE TWO LANES

06:34:58 TURNING LEFT INSTEAD OF JUST ONE.
06:35:00 AND THE MERGE TO GO BACK DOWN TO ONE LANE WILL BE MOVED FROM
06:35:05 BEN HILL GRIFFIN OVER TO STONEYBROOK GOLF DRIVE.
06:35:14 >>Mayor Errington: WHAT YOU'RE SAYING, THAT WOULD BE
06:35:16 PERMANENT?
06:35:17 >>David Willems: NO, NO, NO.
06:35:19 THIS IS JUST TO GET US THROUGH CONSTRUCTION.
06:35:21 ONCE CONSTRUCTION IS DONE, THAT WILL BE THREE LANES.
06:35:24 >>Mayor Errington: WITH A BIKE LANE.
06:35:25 >>David Willems: WITH A BIKE LANE AND TEN-FOOT SIDEWALK,
06:35:28 ONCE IT'S DONE.

06:35:30 I THINK WHAT STEVE IS SAYING IS THAT IT'S TRYING TO GET US
06:35:34 THROUGH THIS SEASON.
06:35:35 RIGHT NOW DURING RUSH HOUR, IT GETS BACKED UP PRETTY BAD IN
06:35:39 THAT AREA RIGHT NOW BECAUSE THERE ARE SO MANY PEOPLE TRYING
06:35:41 TO MERGE.
06:35:43 LIVING IN STONEYBROOK, WHAT ENDS UP HAPPENING IS EVERYBODY
06:35:46 TRIES TO CUT THROUGH STONEYBROOK TO GET AROUND THAT LIGHT.
06:35:50 STONEYBROOK GETS BACKED UP, CORKSCREW IS BACKED UP AND BEN
06:35:53 HILL.
06:35:53 THE CONCERN IS ONCE WE HIT SEASON, ALL OF THAT IS GOING TO
06:35:56 BE A LOT WORSE.
06:35:58 >>Mayor Errington: WOULD YOU TEAR UP WHAT'S THERE NOW?
06:36:01 >>David Willems: NO, NOTHING GETS TORN UP.
06:36:03 ACTUALLY, ALL IT IS --
06:36:04 >>Mayor Errington: CONES OUT THERE.
06:36:06 >>David Willems: ALL IT IS IS CHANGING THE CONES AND
06:36:08 RESTRIPING.
06:36:09 THEY HAVE TO PUT UP A NEW SIGNAL HEAD, TOO, TO GET THAT
06:36:12 SECOND LEFT TURN.
06:36:13 WE'VE ALREADY TALKED TO THE COUNTY AND THE COUNTY IS ON
06:36:16 BOARD TO PAY FOR ALL THAT TO GET IT DONE SO WE CAN MOVE
06:36:19 FORWARD AND GET THE TRAFFIC THROUGH THERE.
06:36:21 BUT THEY ARE CONCERNED JUST LIKE COUNCIL IS ABOUT GETTING
06:36:24 RID OF A SIDEWALK.
06:36:27 >>Jim Boesch: THE BEST SOLUTION IS WHAT HE SAYS, OPEN UP

06:36:29 THAT SO YOU GET TWO LANES GOING LEFT BECAUSE SEASON COMES,
06:36:34 YOU'RE GOING TO HAVE A DANGEROUS ONE LANE GOING IN THERE.
06:36:38 PEOPLE ARE IN ONE LANE AND ALL CONFUSION LIKE IT WAS LAST
06:36:43 YEAR.
06:36:44 WE'VE TOLD THEM IT WILL BE ALL SETTLED BY THE TIME THAT
06:36:47 SEASON STARTS THIS YEAR.
06:36:49 SO I THINK THAT IS THE OBLIGATION TO GET THAT IN THERE AND
06:36:52 LET THE TWO LANES COME IN THERE AND KEEP THE BARRIER UP, OR
06:36:57 WHATEVER YOU HAVE ON THAT SIDE --
06:37:02 YOU'RE GOING TO HAVE AN ACCIDENT THERE.

06:37:05 WE ALMOST HAD MANY OF THEM TRYING TO GET INTO THE STRAIGHT
06:37:10 LANE.
06:37:13 AND MOST IMPORTANT, THE PEOPLE SAY, WHAT IS GOING WRONG
06:37:18 AFTER A YEAR, YEAR AND A HALF, YOU CAN'T GET TWO LANES?
06:37:22 IT'S ALL DONE AND EVERYTHING ELSE AND YOU CAN'T DO IT.
06:37:32 >>Jim Wilson: I THINK THIS IS A GOOD OPPORTUNITY TO TELL THE
06:37:36 COUNCIL THAT WE, THIS COUNCIL SUPPORT THEM AND HELP THE
06:37:38 COUNTY LOOK GOOD BECAUSE BOTH OF THE ROADS ARE COUNTY ROADS.
06:37:42 IF IT TAKES AN EXTRA FOUR MONTHS TO GET IT DONE WITHOUT
06:37:45 DOING THIS PROPOSAL, I THINK THAT WOULD BE --
06:37:47 >>Mayor Errington: YOU'RE RIGHT, IT IS A COUNTY ROAD.
06:37:48 >>Jim Wilson: LET'S TELL THE COUNTY, YES, GO FOR IT.
06:37:52 >>Mayor Errington: HEADLINE, SAFETY.
06:37:54 SAFE, SAFE, SAFE.
06:37:58 >>Steven Sarkozy: THIS SHOULD ALSO ELIMINATE THE BARRELS IN

06:38:00 FRONT OF CVS?
06:38:03 >>David Willems: YES, SO THE MERGE WILL NO LONGER BE IN
06:38:05 FRONT OF CVS.
06:38:07 THE MERGE WILL BE DOWN BY -- IT'S ACTUALLY GOING TO BE A
06:38:08 LITTLE BIT OF AN EASIER MERGE BECAUSE WHAT YOU'RE GOING TO
06:38:09 HAVE IS YOU'RE GOING TO HAVE THE THRU LANES STAY AND THEN
06:38:13 THAT RIGHT LANE WILL DROP TO A RIGHT TURN.
06:38:17 YOU'LL HAVE TO MERGE IF YOU'RE TRYING TO GO THROUGH, BUT IT
06:38:18 WILL TURN INTO A RIGHT-TURN LANE, AND THAT ACTUALLY WILL
06:38:21 HELP WITH THE SCHOOL.
06:38:23 WE HAVE A LOT OF BACKUPS BECAUSE OF THE PARENTS PICKING UP
06:38:26 AND DROPPING OFF THEIR KIDS.
06:38:28 THAT WILL ALLOW -- THERE WILL ALWAYS BE A LANE THAT'S GOING.
06:38:32 IT WILL NEVER GET BACKED UP BECAUSE OF THE SCHOOL.
06:38:34 >>Mayor Errington: DO WE HAVE A CONSENSUS TO DO THIS?
06:38:37 >>Joanne Ribble: YES.
06:38:38 >>Mayor Errington: CONSENSUS?
06:38:40 >> YEAH.
06:38:40 >> YES.
06:38:41 >>Mayor Errington: OKAY.
06:38:41 WE HAVE A CONSENSUS.
06:38:44 NOW WE ARE AT OUR WORKSHOP.
06:38:50 WE'RE NOT GOING TO TAKE A BREAK.
06:38:52 IF YOU WANT TO STAND, WHICH I SHALL, AND WE'RE GOING INTO
06:38:57 THE -- THE REGULAR MEETING IS OVER.

06:38:59 NOW WE ARE REJOINING AS A WORKSHOP.
06:39:02 DAVID, ARE YOU PRESENTING THIS, THE WILLIAMS ROAD BIKE/PED
06:39:08 PROJECT?
06:39:09 >>David Willems: YES.
06:39:09 SO I THINK THIS WILL BE -- DEPENDING ON COUNCIL'S INPUT --
06:39:13 BE SOMEWHAT BRIEF IN THAT SEVERAL MONTHS AGO PRESENTED TO

06:39:17 COUNCIL AND WE HAD WHERE WE WERE GOING TO DO BIKE LANES AND
06:39:22 MULTIUSE PATHS AND SIDEWALKS ALONG WILLIAMS ROAD.
06:39:26 AND WE HIRED A CONSULTANT.
06:39:28 THIS IS WHERE IT'S LOCATED.
06:39:29 SO THIS SECTION IS BETWEEN VIA COCONUT AND THREE OAKS
06:39:36 PARKWAY, RIGHT ALONG THE HIGH SCHOOL AND ALSO ALONG THE
06:39:37 PARK.
06:39:37 JUST BRIEFLY, THE CONCEPT THAT WAS ORIGINALLY APPROVED WAS
06:39:42 SEVEN-FOOT BIKE LANES ON BOTH SIDES OF THE ROAD, A
06:39:44 MEANDERING 12-FOOT MULTIUSE PATH ON THE SOUTH SIDE OF THE
06:39:48 ROAD, AND THEN A 10-FOOT SIDEWALK ON THE NORTH SIDE OF THE
06:39:50 ROAD.
06:39:52 AFTER GETTING COUNCIL'S APPROVAL, STAFF -- WE HIRED A
06:39:54 CONSULTANT TO LOOK AT THE DESIGN AND PERMITTING, BUT WE
06:39:57 INCLUDED A LITTLE BIT OF MONEY JUST TO LOOK AT CONCEPTS TO
06:39:59 SEE IF THERE'S ANYTHING THAT THEY COULD COME UP WITH THAT
06:40:02 MIGHT BE A LITTLE BIT BETTER FROM A SAFETY AND AESTHETICS
06:40:05 STANDPOINT.
06:40:06 SO THIS IS WHAT THE ORIGINAL WAS, JUST LIKE I WAS SAYING,

06:40:11 AND THEN -- LET ME GO TO WHAT WE'RE LOOKING TO DO.
06:40:16 SO A POSSIBLE ALTERNATIVE IS, IN LOOKING AT SOME OF THE
06:40:22 ROADWAYS, THERE'S AN IDEA THAT PEOPLE START TRAVELING FAST
06:40:25 THE MORE PAVEMENT THEY SEE.
06:40:27 SO YOU'RE PUTTING BIKE LANES HERE ON THE SIDE OF THE ROAD,
06:40:30 BUT THEY SEE MORE PAVEMENT.
06:40:32 AND THEY JUST FEEL MORE COMFORTABLE DRIVING FASTER.
06:40:36 ON A NARROWER ROAD WITH LANDSCAPING AND SOD ALONG THE ROAD,
06:40:41 PEOPLE TEND TO TRAVEL A LITTLE SLOWER BECAUSE YOU FEEL MORE
06:40:44 LIKE A TUNNEL.
06:40:45 IF WE ADDED SEVEN FOOT BIKE LANES ON BOTH SIDES OF THE ROAD,
06:40:48 THE FEAR IS WILL PEOPLE START DRIVING FASTER?
06:40:52 THE CONCEPT HERE IS TO INSTEAD OF PUTTING THE BIKE LANE
06:40:55 RIGHT ON THE ROAD, WHAT IF, WHATEVER WE CAN WE SEPARATE THAT
06:41:00 BIKE LANE, THAT SEVEN FOOT BIKE LANE AND ACTUALLY PUT IT OFF
06:41:03 THE ROAD SO THAT IT ACTUALLY MEANDERS KIND OF LIKE THE
06:41:07 MULTIUSE PATH WOULD HAVE, AND THAT WOULD DO TWO THINGS.
06:41:11 ONE, IT MAKES THE ROAD LOOK NARROWER SO HOPEFULLY PEOPLE
06:41:14 TRAVEL SLOWER, BUT IT ALSO GETS THE BICYCLISTS OFF THE ROAD
06:41:18 SO THEY ARE NOT ACTUALLY INTERACTING WITH THE VEHICLES
06:41:21 THEMSELVES.
06:41:21 THEN WE WOULD STILL CONTINUE THE 10-FOOT SIDEWALK ON THE
06:41:24 NORTH SIDE OF THE ROAD.
06:41:25 SO LET ME SHOW YOU WHAT THAT MIGHT LOOK LIKE.
06:41:31 THIS IS A PRELIMINARY CROSS-SECTION OF WHAT THAT MIGHT LOOK

06:41:34 LIKE.
06:41:35 AS YOU CAN SEE, THE ROADWAY PART FEELS A LOT MORE NARROW

06:41:38 THAN IF YOU HAD 14 FEET OF ADDITIONAL PAVEMENT.
06:41:42 AND THEN WE WOULD HAVE A BIKE LANE OVER HERE AND A BIKE LANE
06:41:45 OVER HERE, AND THEN WE WOULD HAVE A LANDSCAPED AREA BETWEEN
06:41:48 THE BIKE LANE AND THE SIDEWALK, YOU HAVE A MULTIUSE PATH AND
06:41:53 THAT'S GREAT, BUT SOMETIMES HAVING BICYCLISTS RIGHT NEXT TO
06:41:57 PEDESTRIANS ISN'T THE MOST COMFORTABLE FEELING, AND THIS
06:41:59 WOULD SEPARATE THEM.
06:42:01 SO EACH OF THOSE BIKE LANES WOULD BE ONE LANE ONE WAY.
06:42:05 YOU WOULDN'T HAVE TWO-WAY TRAFFIC ON THOSE.
06:42:07 SO ON THE SOUTH SIDE, EVERYBODY WOULD BE GOING EAST.
06:42:09 ON THE NORTH SIDE, EVERYBODY WOULD BE GOING WEST, JUST LIKE
06:42:12 YOU WOULD IN A BIKE LANE.
06:42:14 AND THEN IT WOULD HAVE TO MEANDER BACK AND FORTH.
06:42:18 AND THEN THERE WOULD BE SOME LOCATIONS WHERE WE WOULD HAVE
06:42:21 TO PUT THE BIKE LANE NEXT TO THE ROAD.
06:42:24 I'LL SHOW YOU HERE A COUPLE OF THOSE.
06:42:26 AS YOU GET TOWARD THE END OF THE ROAD, THIS IS AT THE
06:42:29 RAILROAD TRACKS ON THE LEFT-HAND SIDE IS THE ROUNDABOUT AT
06:42:32 VIA COCONUT.
06:42:34 IN ORDER FOR US TO GET BACK IN SO THAT THE BICYCLISTS COULD
06:42:37 INTERACT WITH THE ROUNDABOUT, WE WOULD HAVE TO BRING THOSE
06:42:40 BIKE LANES BACK TO THE ROADWAY.
06:42:42 BUT AS YOU CAN SEE WHEN YOU MOVE FURTHER EAST, WE TAKE THEM

06:42:45 BACK AWAY FROM THE ROAD.
06:42:47 AND THEN FOR SAFETY PURPOSES, AT THE ROADWAY DRIVEWAY
06:42:52 INTERSECTIONS WE WOULD BRING THE BIKE LANE TO THE FRONT SO
06:42:55 THEY COULD PASS WITH THE TRAFFIC.
06:42:56 BUT ON THE SOUTH SIDE, WE WOULD BE ABLE TO KEEP THAT AWAY
06:42:59 THE WHOLE WAY, JUST KEEP MEANDERING BACK AND FORTH AS WE GO
06:43:04 ALONG.
06:43:04 HERE AT THE ROUNDABOUT, SINCE IT IS JUST A ONE-LANE
06:43:08 ROUNDABOUT, THEY ACTUALLY RECOMMEND THAT THE BICYCLISTS CAN
06:43:12 GO THROUGH THE ROUNDABOUT.
06:43:13 YOU DON'T NEED A SEPARATE PATH SO THAT WOULD COME IN BACK
06:43:16 THROUGH HERE.
06:43:16 THE BICYCLISTS WOULD GO THROUGH THE ROUNDABOUT AND THEN WE
06:43:19 WOULD GO BACK TO MEANDERING BACK AND FORTH AND THEN BACK TO
06:43:23 NEXT TO THE ROAD SO THE BICYCLISTS CAN GET ON THREE OAKS
06:43:26 PARKWAY.
06:43:27 SO THIS IS JUST A SUMMARY OF WHAT WE WERE LOOKING AT.
06:43:32 WE JUST WANTED TO GET INITIAL THOUGHTS, IF THIS SEEMED LIKE
06:43:37 SOMETHING THAT COUNCIL LIKED OR DIDN'T LIKE.
06:43:41 IT'S A LITTLE OUTSIDE THE BOX.
06:43:42 I DON'T KNOW ANYWHERE THAT THEY HAVE DONE THIS BEFORE, BUT
06:43:45 IT IS A GOOD IDEA TO GET THE BICYCLISTS AWAY FROM THE
06:43:49 TRAFFIC.
06:43:49 IT'S JUST SAFER.

06:43:50 AND THIS IS UNIQUE IN THAT WE HAVE A LITTLE EXTRA

06:43:53 RIGHT-OF-WAY, AND WE HAVE THE ROOM TO DO IT.
06:43:56 A LOT OF OTHER ROADWAYS WE DON'T HAVE THE ROOM TO DO THINGS
06:43:58 LIKE THIS.
06:43:59 >>Mayor Errington: YOU HAVE LOTS OF LANDSCAPING WITH THIS
06:44:03 ALSO?
06:44:04 >>David Willems: OF COURSE, YES.
06:44:05 THAT'S PART OF THE TUNNEL IS TO DO LANDSCAPING ON THE SIDE
06:44:07 SO THAT THE VEHICLES DON'T FEEL COMFORTABLE GOING THAT FAST.
06:44:15 >>Jim Ward: DAVID, DO YOU TALK TO THE BIKING COMMUNITY WHEN
06:44:18 YOU PUT TOGETHER A PROGRAM LIKE THIS?
06:44:20 >>David Willems: WE TRY TO TALK TO PEOPLE THAT WE KNOW.
06:44:22 SO WE HAVE SOME PEOPLE THAT HAVE EXPRESSED INTEREST IN
06:44:26 WORKING WITH THE VILLAGE, AND WE TALK TO THEM AND WE'VE
06:44:29 BROUGHT THIS IDEA UP TO THEM AND THEY THOUGHT IT WAS A GOOD
06:44:32 IDEA.
06:44:32 NOW, HAVE WE TALKED TO EVERY BICYCLIST, NOT EVERYBODY, BUT
06:44:36 SOME BICYCLISTS YES.
06:44:37 >>Jim Ward: THERE USED TO BE A GENTLEMAN WHO USED TO COME TO
06:44:41 THE MEETINGS.
06:44:42 >>David Willems: YES, HE MOVED.
06:44:43 GORDON.
06:44:45 HE MOVED OUT OF THE AREA.
06:44:48 >>Jim Ward: DID WE REACH OUT TO HIM?
06:44:51 >>David Willems: HE MOVED OUT OF THE AREA.
06:44:53 BUT THE PEOPLE HE WORKED WITH, THAT'S WHO WE TALK WITH.

06:44:55 >>Vice-Mayor McLain: WHAT'S THEIR OPINION?
06:44:57 >>David Willems: THEY LIKE THE IDEA.
06:44:59 >>Vice-Mayor McLain: THE ALTERNATIVE?
06:45:00 >>David Willems: YEAH.
06:45:01 JUST GETTING THE PEDESTRIAN AND THE BICYCLISTS AWAY FROM THE
06:45:03 TRAFFIC.
06:45:04 THAT'S RECOGNIZED AS THE SAFEST WAY.
06:45:12 >>Vice-Mayor McLain: I RIDE A BIKE QUITE A BIT, NOT DOWN
06:45:14 THERE, BUT THIS WOULD BE NICE.
06:45:17 A COUPLE OF THOUGHTS.
06:45:18 ONE, I KIND OF -- ORIGINALLY WHEN YOU BROUGHT THAT TO US, I
06:45:22 THOUGHT THE 12-FOOT AND THE 10-FOOT WERE ALMOST AN OVERKILL
06:45:26 FOR PEDESTRIAN WALKWAYS IN THERE.
06:45:29 THINKING ABOUT IT FROM A PEDESTRIAN STANDPOINT, WE HAVE THE
06:45:32 NEW APARTMENT BUILDINGS IN THERE.
06:45:33 WE HAVE SOME NEW ONES, NEW DEVELOPMENT GOING ON NORTH OF THE
06:45:38 ROUNDABOUT.
06:45:40 THE PEOPLE SOUTH BY THE ROUNDABOUT, WE'RE FORCING THEM TO
06:45:45 WALK TO THE NORTH SIDE TO USE THE 10-FOOT PATHWAY UP THERE.
06:45:50 MY CONCERN MIGHT BE THAT SOME PEOPLE WILL USE THE BIKE LANE

06:45:56 AS A PEDESTRIAN WALKWAY ALSO AND BEING SEVEN FEET ON A BIKE
06:46:01 THAT'S GOING 15, 18 MILES AN HOUR, THAT'S NOT A PRETTY
06:46:06 PICTURE.
06:46:06 SO THAT WOULD BE MY ONLY CONCERN THAT I HAVE IS THAT
06:46:10 PEDESTRIANS MAY NOT PAY ATTENTION TO THAT BIKE LANE AS IT'S

06:46:13 MEANDERING.
06:46:15 IT WOULD BE A NICE WALKING PATH.
06:46:16 >>David Willems: IT WILL LOOK NICE, YES.
06:46:18 >>Vice-Mayor McLain: YOU CAN PUT SIGNAGE UP, BUT I'M NOT
06:46:20 SURE THAT WILL DO IT.
06:46:22 I LIKE THE IDEA OF GETTING THE BIKES OFF THE WAY.
06:46:26 THAT WOULD BE GREAT.
06:46:28 FROM A CAPITAL STANDPOINT, IT'S PROBABLY A FEW DOLLARS LESS
06:46:32 EXPENSIVE TO DO IT THIS WAY ALSO.
06:46:34 YOU HAVE A LOT LESS TAR, CEMENT INVOLVED.
06:46:37 I THINK THE ONE IS AN OVERKILL FOR PEDESTRIANS AND THE OTHER
06:46:42 ONE COULD BE, WE MIGHT BE PRESENTING A LITTLE BIT OF A
06:46:45 CONFLICT AS PEOPLE ARE GOING ON THEIR BIKES GOING EAST.
06:46:50 >>David Willems: PART OF THE WAY THAT WE SET THIS UP IS,
06:46:54 ESPECIALLY THE LANE ON THE SOUTH SIDE, IS NOT LINED UP WITH
06:46:58 ANY SIDEWALK.
06:46:58 SO ONCE YOU GET TO THE ENDS, IT'S LINED UP WITH A BIKE LANE.
06:47:02 SO SOMEBODY WOULD ACTUALLY HAVE TO WALK ON A BIKE LANE --
06:47:06 I'M NOT GOING TO SAY PEOPLE AREN'T GOING TO DO THAT EVER,
06:47:08 BUT THEY ACTUALLY WOULD HAVE TO WALK ON A BIKE LANE TO GET
06:47:12 TO THIS.
06:47:12 HERE AT THREE OAKS, THIS IS NOT REALLY CONNECTED TO THE
06:47:16 SIDEWALK.
06:47:16 THIS IS JUST A BIKE LANE THAT'S ON THE ROADWAY.
06:47:19 SO THEY WOULD ACTUALLY HAVE TO WALK UP THAT BIKE LANE TO GET

06:47:22 OVER TO HERE.
06:47:23 AND THAT'S WHY IT'S SET UP THE WAY IT IS, IS TO DETER PEOPLE
06:47:26 FROM DOING EXACTLY THAT.
06:47:28 >>Vice-Mayor McLain: -- WALKWAY TO GO ACROSS WILLIAMS ROAD,
06:47:31 AND YOU'VE GOT NO NEIGHBORHOODS IN THE MIDDLE OTHER THAN ON
06:47:36 RIVER ROAD.
06:47:37 PEOPLE FROM RIVER ROAD, BUT THEY ARE GOING TO BE ON THE
06:47:39 NORTH SIDE ANYWAY.
06:47:40 >>David Willems: THERE'S NOBODY ON THE SOUTH SIDE THAT WOULD
06:47:42 BE ACCESSING THIS.
06:47:44 THE APARTMENTS, THEIR ACCESS IS ACTUALLY FURTHER OVER, AND
06:47:47 THEY HAVE A SIDEWALK THAT GOES DIRECTLY TO THE ROUNDABOUT.
06:47:52 >>Mayor Errington: JOANNE.
06:47:53 >>Joanne Ribble: YOU'RE GOING TO PAINT THOSE BIKE LANES
06:47:55 GREEN, AREN'T YOU, LIKE ON ESTERO PARK WAY?
06:47:59 >>David Willems: EXACTLY THE WAY ESTERO PARKWAY IS, AT TURN

06:48:02 LANES AT CONFLICT POINTS THEY WILL BE GREEN.
06:48:04 >>Joanne Ribble: THAT KIND OF NOTIFIES PEOPLE THAT IT'S A
06:48:07 BIKE LANE, HOPEFULLY.
06:48:09 FOR A SAFETY ISSUE AND SINCE THIS IS A ROAD THAT LEADS TO
06:48:11 THE SCHOOL AND WITH THE SMALLER HOMES GOING, THE MILAN
06:48:14 VILLAS WE JUST LOOKED AT, THERE MAY BE MORE CHILDREN RIDING
06:48:17 BIKES TO SCHOOL, AND THAT WOULD GIVE THEM A MORE SAFE PATH
06:48:21 TO TRAVEL TO SCHOOL.
06:48:23 SO I THINK WE DO IT.

06:48:26 >>Mayor Errington: I'M AN ADVOCATE FOR WALKING.
06:48:28 JON LIKES BIKING AND I'M A WALKER.
06:48:31 SO WHATEVER YOU DO, LOOK OUT FOR THE PEDESTRIANS BECAUSE I
06:48:33 THINK WE GET KIND OF DOWNSIZED SOMETIMES, NOT FROM YOU, BUT
06:48:38 OTHERS THAT WALKING CAN'T COMPETE WITH THE BICYCLISTS THAT
06:48:43 COME IN CONTACT WITH.
06:48:44 SO KEEP THAT IN MIND IN DESIGNING EVERYTHING.
06:48:47 THE WALKERS NEED A COMMUNITY ADVISORY COMMITTEE, TOO, JUST
06:48:52 LIKE -- I'M SERIOUS.
06:48:55 >>David Willems: I THINK THAT'S A GREAT POINT.
06:48:57 THAT GROUP THAT I TRY TO TALK TO, THERE ARE TWO OR THREE
06:49:00 PEOPLE IN THE GROUP THAT DO NOT BIKE.
06:49:02 THEY ARE WALKERS.
06:49:03 THEY WALK A LOT.
06:49:04 AND THAT'S WHY WE WANTED THEM IN THAT GROUP FOR THAT EXACT
06:49:08 REASON.
06:49:08 >>Mayor Errington: ALL YOUR GROUPS, YOU'LL DO GOOD PLANNING
06:49:11 IF YOU GET THE WALKERS INCLUDED WITH THAT.
06:49:17 >>David Willems: THEY HAVE THE CONCEPT.
06:49:18 THIS IS A LITTLE MORE THOUGHT THROUGH THAN WHAT THEY HAVE
06:49:20 SEEN, BUT WE'LL SHOW THEM THIS AFTER WE SHOW IT TO COUNCIL
06:49:24 AND GET THEIR INPUT.
06:49:26 IT IS OUTSIDE THE BOX.
06:49:27 ONE THING TO POINT OUT JUST SO NO ONE IS SURPRISED, THERE
06:49:29 ARE SECTIONS OF WILLIAMS ROAD THAT HAVE BIKE LANES ON THEM

06:49:33 NOW, SO WE WILL BE ACTUALLY REMOVING THOSE BIKE LANES TO
06:49:37 ACCOMPLISH THIS, JUST SO EVERYBODY UNDERSTANDS THAT.
06:49:41 >>Mayor Errington: OKAY.
06:49:41 WHAT TIME IS IT?
06:49:42 6:49, STEVE.
06:49:45 YOU MISSED.
06:49:47 IT'S NOT 7:00 YET.
06:49:48 OKAY.
06:49:50 I THINK WE'RE FINISHED.
06:49:52 NO, I'M NOT GOING TO DRAG IT OUT.
06:49:54 >> WE HAVE 11 MINUTES.
06:49:56 >>Mayor Errington: WE'RE OUT --

06:49:58 >> MOTION TO ADJOURN.
06:49:59 >>Mayor Errington: ALL RIGHT.
06:50:00 [SOUNDING GAVEL]

DISCLAIMER:
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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 Village Council meetings from June 8, 2016, forward, as well as agendas, staff reports, resolutions, ordinances, and other documents related to the meetings can be viewed online at https://estero-fl.gov/agendas/ at the corresponding meeting date.

DRAFT

VILLAGE COUNCIL MEETING

Village of Estero Council Chambers
9401 Corkscrew Palms Circle
Estero, FL 33928

September 8, 2022 5:30 p.m.

1. CALL TO ORDER

INVOCATION

Father Hugh McGuigan Our Lady of Light.

PLEDGE OF ALLEGIANCE

Led by Councilmember Boesch

ROLL CALL

Present: Mayor Katy Errington - District 4, Vice Mayor Jon McLain - District 3, Councilmember Joanne Ribble - District 1, Councilmember Larry Fiesel - District 2, Councilmember Jim Boesch - District 5, Councilmember Jim Ward - District 6, and Councilmember Jim Wilson - District 7.

Also present
Village Manager Steve Sarkozy, Interim Village Attorney Robert Pritt, Interim Finance Director Britt Martin (via Zoom), Public Works Director David Willems, Deputy Village Clerk Tammy Duran, and Village Clerk Carol Sacco.

2. FIRST READING AND PUBLIC BUDGET HEARINGS

(a) Resolution 2022-23 A Resolution of the Village Council of the Village of Estero, Lee County, Florida, Adopting the Tentative Millage Rate and Tentative Levying of Ad Valorem Taxes for the Village of Estero, Lee County, Florida, for Fiscal Year 2022-2023; Establishing the Date, Time, and Place for a Public Hearing to Adopt the Final Millage Rate and Final Levying of Ad Valorem Taxes for Fiscal Year 2022-2023; and Providing an Effective Date.

Staff Presentation/Comments
Steve Sarkozy, Village Manager
Bob Pritt, Interim Village Attorney

Council Questions or Comments
None.

Public Comments
None.

Motion: Motion to approve Resolution No. 2022-23.

Motion by: Councilmember Fiesel
Seconded by: Vice Mayor McLain

Action: Approved Resolution No. 2022-23.

Vote: (Roll Call)
Aye: Councilmembers Boesch, Fiesel, Wilson, Ward, Ribble, Vice Mayor McLain, and Mayor Errington.
Nay:
Abstentions:

(b) Resolution 2022-24 A Resolution of the Village Council of the Village of Estero, Lee County, Florida, Adopting the Tentative Budget for Fiscal Year 2022-2023; and Providing an Effective Date.

Staff Presentation/Comments
Steve Sarkozy, Village Manager
Bob Pritt, Interim Village Attorney

Council Questions or Comments
Mayor Errington.

Public Comments
Diana Carlson. Stoneybrook Golf

Motion: Motion to approve Resolution No. 2022-24.

Motion by: Councilmember Wilson
Seconded by: Councilmember Ribble

Action: Approved Resolution No. 2022-24.

Vote: (Roll Call)
Aye: Councilmembers Boesch, Fiesel, Wilson, Ward, Ribble, Vice Mayor McLain, and Mayor Errington.
Nay:
Abstentions:

3. APPROVAL OF AGENDA, ADDITIONS, AND DELETIONS

Motion: Motion to approve agenda.

Motion by: Councilmember Boesch
Seconded by: Councilmember Ward

Action: Approved agenda.

Vote: (Roll Call)
Aye: Councilmembers Boesch, Fiesel, Ward, Wilson, Ribble, Vice Mayor McLain, and Mayor Errington.
Nay:
Abstentions:

4. PUBLIC COMMENT ON NON-AGENDA ITEMS
None

5. CONSENT AGENDA

(a) July 20, 2022, Council Meeting Minutes
(b) Financial Reports for Month ended June 2022 and July 2022

Staff Presentation/Comments
Steve Sarkozy, Village Manager

Council Questions or Comments
Councilmember Wilson and Mayor Errington.

Motion: Motion to approve the Consent Agenda.

Motion by: Councilmember Fiesel
Seconded by: Councilmember Ribble

Action: Approved the Consent Agenda.

Vote: (Roll Call)
Aye: Councilmembers Boesch, Fiesel, Ward, Wilson, Ribble, Vice Mayor McLain, and Mayor Errington.
Nay:
Abstentions:

6. CONSIDERATION OF ITEMS DEFERRED FROM CONSENT AGENDA
None.

7. ACTION ITEMS

(a) Estero on the River FDEP Funding

Resolution No. 2022-25

A Resolution Requesting State Funding for a Project Known as Estero on the River Trails; Authorizing the Village Manager and Village Agents to take all Actions Necessary to Apply for and Obtain Funds from the State of Florida Department of Environmental Protection and the State Legislature; and Providing an Effective Date.

Staff Presentation/Comments
Steve Sarkozy, Village Manager

Council Questions or Comments
Councilmember Fiesel, Vice Mayor McLain, and Mayor Errington.

Public Comments
None.

Motion: Motion to adopt Resolution No. 2022-25.

Motion by: Councilmember Ribble
Seconded by: Vice Mayor McLain

Action: Adopted Resolution No. 2022-25.

Vote: (Roll Call)
Aye: Councilmembers Boesch, Fiesel, Ward, Wilson, Ribble, Vice Mayor McLain, and Mayor Errington.
Nay:
Abstentions:

(b) Imperial Parkway Monument Sign Contract

Staff Presentation/Comments
Steve Sarkozy, Village Manager
David Willems, Public Works Director

Council Questions or Comments
Councilmembers Fiesel, Boesch, Ward, Vice Mayor McLain, and Mayor Errington.

Public Comments
None.

Motion: Motion to Approve Supplemental Task Authorization (STA)-28 under RFQ 2019-03 Miscellaneous Contractor Services to P & T Lawn and Tractor Service, Inc. for the engagement of a Contractor to construct and install a monument sign on Imperial Parkway (in the roadway median at the Village's southern limits approximately 645 feet south of Salerno Bay Road) at a total cost of $58,941.50, approve a contingency fund amount of $5,890 (an amount equal to 10% of the total project cost) to cover

unforeseen circumstances which may occur, and authorize the Village Manager to execute the STA on behalf of the Village of Estero Council.

Motion by: Councilmember Boesch
Seconded by: Councilmember Ward

Action: Approved Supplemental Task Authorization (STA)-28 under RFQ 2019-03 Miscellaneous Contractor Services to P & T Lawn and Tractor Service, Inc. for the engagement of a Contractor to construct and install a monument sign on Imperial Parkway (in the roadway median at the Village's southern limits approximately 645 feet south of Salerno Bay Road) at a total cost of $58,941.50, approve a contingency fund amount of $5,890 (an amount equal to 10% of the total project cost) to cover unforeseen circumstances which may occur, and authorize the Village Manager to execute the STA on behalf of the Village of Estero Council.

Vote: (Roll Call)
Aye: Councilmembers Boesch, Fiesel, Ward, Wilson, Ribble, Vice Mayor McLain, and Mayor Errington.
Nay:
Abstentions:

(c) Seminole Gulf Railway License Agreement

Staff Presentation/Comments
Steve Sarkozy, Village Manager
David Willems, Public Works Director
Bob Pritt, Interim Village Attorney

Council Questions or Comments
Councilmembers Boesh, Ward, Fiesel, Vice Mayor McLain, and Mayor Errington.

Public Comments
John Butcher, Cascades at Estero

Motion: Motion to approve the Seminole Gulf Railway license agreement and approve payment of $131,400 in fees to Seminole Gulf Railway to secure the license agreement and authorize the Village Manager to execute the agreement on behalf of the Village Council.

Motion by: Vice Mayor McLain
Seconded by: Councilmember Ribble

Action: Approved the Seminole Gulf Railway license agreement and approve payment of $131,400 in fees to Seminole Gulf Railway to secure the license agreement and authorize the Village Manager to execute the agreement on behalf of the Village Council.

Vote: (Roll Call)
Aye: Councilmembers Boesch, Fiesel, Ward, Wilson, Ribble, Vice Mayor McLain, and Mayor Errington.
Nay:
Abstentions:

(d) RFB 2022-03 Gravity Sewer Testing for Estero Bay Village, Sunny Grove, and Cypress Bend.

Staff Presentation/Comments
Steve Sarkozy, Village Manager
David Willems, Public Works Director

Council Questions or Comments
Councilmember Ribble and Vice Mayor McLain.

Public Comments
None.

Motion: Motion to approve award of Request for Bids No. RFB 2022-03, Gravity Sewer Smoke testing, Cleaning, and CCTV Testing for Estero Bay Village, Sunny Grove, and Cypress Bend to National Water Main Cleaning Company to provide the sewer testing and cleaning services as provided in the contract, at a grand total cost of $85,885, approve a contingency fund amount of $8,500 (an amount equal to 10% of the total project cost) to cover unforeseen circumstances which may occur, and authorize the Village Manager to execute the contract documents on behalf of the Village of Estero Council.

Motion by: Councilmember Wilson
Seconded by: Councilmember Ward

Action: Approve award of Request for Bids No. RFB 2022-03, Gravity Sewer Smoke testing, Cleaning, and CCTV Testing for Estero Bay Village, Sunny Grove, and Cypress Bend to National Water Main Cleaning Company to provide the sewer testing and cleaning services as provided in the contract, at a grand total cost of $85,885, approve a contingency fund amount of $8,500 (an amount equal to 10% of the total project cost) to cover unforeseen circumstances which may occur, and authorize the Village Manager to execute the contract documents on behalf of the Village of Estero Council..

Vote: (Roll Call)
Aye: Councilmembers Boesch, Fiesel, Ward, Wilson, Ribble, Vice Mayor McLain, and Mayor Errington.
Nay:
Abstentions:

(e) First Amendment to Master Interlocal Agreement Regarding Distribution Formula for Allocation of Revenue from Local Option Fuel Tax among Lee County, City of Bonita Springs, City of Cape Coral, City of Fort Myers, City of Sanibel, Town of Fort Myers Beach and the Village of Estero.

Staff Presentation/Comments
Steve Sarkozy, Village Manager

Council Questions or Comments
Councilmembers Wilson, Ribble, Vice Mayor McLain, and Mayor Errington.

Public Comments
None.

Motion: Motion to approve First Amendment to Master Interlocal Agreement Regarding Distribution Formula for Allocation of Revenue from Local Option Fuel Tax among Lee County, City of Bonita Springs, City of Cape Coral, City of Fort Myers, City of Sanibel, Town of Fort Myers Beach and the Village of Estero.

Motion by: Councilmember Ribble
Seconded by: Councilmember Fiesel

Action: Approved First Amendment to Master Interlocal Agreement Regarding Distribution Formula for Allocation of Revenue from Local Option Fuel Tax among Lee County, City of Bonita Springs, City of Cape Coral, City of Fort Myers, City of Sanibel, Town of Fort Myers Beach and the Village of Estero.

Vote: (Roll Call)
Aye: Councilmembers Boesch, Fiesel, Ward, Wilson, Ribble, Vice Mayor McLain, and Mayor Errington.
Nay:
Abstentions:

8. PUBLIC COMMENT ON NON-AGENDA ITEMS
None.

9. COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS

Councilmembers Ward, Fiesel, Boesch, Ribble, Vice Mayor McLain, and Mayor Errington.

Consensus by Council to move forward with a giveaway (large royal blue grocery bag with logo) for Veteran's Day celebration.

10. VILLAGE ATTORNEY'S REPORT
None.

Adjourn at 6:52 p.m. and reconvene at 7:01 p.m.

11. VILLAGE MANAGER'S REPORT

CIP Update

Staff Presentation/Comments
Steve Sarkozy, Village Manager
David Willems, Public Works Director

Council Questions or Comments
Councilmember Ribble, Vice Mayor McLain, and Mayor Errington.

Adjourn Regular Session at 7:12 p.m. and Convene Workshop Items at 7:12 p.m.

12. WORKSHOP

(a) Corkscrew Road Project Update

Staff Presentation/Comments
Steve Sarkozy, Village Manager
David Willems, Public Works Director

Presentation/Information by
Jeff Nagle, Johnson Engineering

Council Questions or Comments
Councilmembers Ward, Fiesel, Vice Mayor McLain, and Mayor Errington.

Public Comment
None.

(b) Sandy Lane Bike/Ped Project Update

Staff Presentation/Comments
Steve Sarkozy, Village Manager
David Willems, Public Works Director

Presentation/Information by
David Dowling-Atkins

Council Questions or Comments
Councilmember Ward, Vice Mayor McLain and Mayor Errington.

Public Comment
Patty Whitehead, Old Estero

13. ADJOURNMENT at 8:11 pm

ATTEST: VILLAGE OF ESTERO, FLORIDA

By: _____ By: _____
Carol Sacco, Village Clerk Katy Errington, Mayor

(td/CS)
For an official copy of the signed minutes, please submit a Public Record Request.

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
September 21, 2022

Agenda Item:

Resolution No. 2022-26 A Resolution of the Village Council of the Village of Estero, Florida, Establishing Meeting Dates, Time, and Location for the Meetings of the Village of Estero Council for 2023; and Providing an Effective Date.

Adopt Resolution No. 2022-26

Description:

The Village Council is requested to adopt the annual Council Meetings Calendar for calendar year 2023.

The proposed calendar includes adjustments to shortened meeting schedules in November and December for the holidays.

Of course, the Village Council may make adjustments in this meeting schedule throughout the year. Pursuant to the Village Council Rules of Procedure, the Council may hold special meetings at any time pursuant to the call of the Mayor or majority of Members. Where feasible, 24-hour notice shall be provided in writing or email to each Member. Emergency meetings of the Village Council may be called by the Mayor, Village Manager or three (3) Council Members as deemed necessary. Notices shall specify the subject of the special or emergency meeting.

Action Requested:

Adopt Resolution No. 2022-26

Financial Impact:

N/A

Attachment:

1. Resolution No. 2022-26
2. Meeting Calendar Schedule

VILLAGE OF ESTERO, FLORIDA

RESOLUTION NO. 2022 - 26

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, ESTABLISHING MEETING DATES, TIME, AND LOCATION FOR MEETINGS OF THE VILLAGE OF ESTERO COUNCIL FOR 2023; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is necessary to provide for dates, time, and location for Village Council meetings for 2023.

NOW, THEREFORE, be it resolved by the Village Council of the Village of Estero, Florida:

Section 1. The Village of Estero Council shall hold its Council meetings in accordance with the schedule attached hereto and incorporated herein by this reference.

LOCATION: 9401 Corkscrew Palms Circle
Estero, Florida 33928

Section 2. The attached schedule is intended to provide general notice as to the time, date, and location of regular Village Council meetings. The schedule is subject to change by the Village Council at any advertised Village Council meeting or workshop. Special meetings and emergency meetings may be scheduled as provided in the Village of Estero Charter, Section 4(5), and by Florida law.

Section 3. This Resolution shall take effect immediately upon adoption.

ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this 21 day of September, 2022.

Attest:

By: _____
Carol Sacco, Village Clerk

VILLAGE OF ESTERO, FLORIDA

By: _____
Katy Errington, Mayor

Reviewed for legal sufficiency:

By: _____
Robert D. Pritt, J.D., B.C.S., Interim Village Attorney

2023
COUNCIL MEETINGS CALENDAR

All meetings begin at 9:30 a.m. (unless otherwise noted)

Additional dates may be added for Special Meetings, Workshops, or Public Hearings for major issues

Regular Meeting		Regular Meeting	
January 4		January 18	
February 1		February 15	
March 1		March 15	
April 5		April 19	
May 3		May 17	
June 7		June 21	
July 5			
Council	Summer Break: July 6th through September 5th		
September 6 (Tentative Budget Hearing 5:05 p.m.)		September 20 (Tentative Budget Hearing 5:05 p.m.)	
October 4		October 18	
November 1		November 15	
December 6		December 20	

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
September 21, 2022

Agenda Item:

Final Plan approval for West Bay Island High Rise

Motion to approve Zoning Resolution No. 2022-22 for West Bay Island High Rise Final Plan

Background:

Applicant is requesting Final Plan approval and two deviations for the West Bay Island High Rise, an 88-unit building at the end of Williams Road in the West Bay Club development. The Council approved a zoning amendment for additional height in November, 2021. A Final Plan approval process is required before the applicant can receive its site plan approval and building permits.

Description:

See attached staff report for further detail and staff recommended conditions of approval.

Action Requested:

Motion to approve Zoning Resolution No. 2022-22

Process and Timeline:

- Zoning amendment for high rise approved by Council on November 17, 2021
- Development Order and Final Plan applications submitted by applicant on April 22, 2022 and June 15, 2022 respectively
- Public Information meeting was held at Planning, Zoning and Design Board for Final Plan and Development Order on May 10, 2022
- Staff review of applications
- Final Plan approval scheduled for Council September 21, 2022
- Development order scheduled for PZDB September, 2022

Financial Impact:

N/A

Prepared by: Mary Gibbs
Attachments:

1. Resolution No. 2022-22
2. Staff Report

VILLAGE OF ESTERO, FLORIDA

ZONING RESOLUTION NO. 2022-22

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, APPROVING WITH CONDITIONS THE FINAL PLAN APPROVAL AND TWO DEVIATIONS FOR WEST BAY CLUB ISLAND HIGH RISE, LOCATED ON POD 5, WEST OF US 41 AT THE END OF WILLIAMS ROAD; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, West Bay Hill, LLC represented by Johnson Engineering, Inc., (the "Applicant"), filed an application for Final Plan approval and two deviations for Pod 5 of the West Bay Club Residential Planned Development (RPD) for a proposed 88-unit high-rise building located west of US 41 at the end of Williams Road, Estero, FL, consisting of approximately 5 acres (the "Property"); and

WHEREAS, the Property STRAP numbers are 06-47-25-E2-07MF1.0000 and 06-47-25-E2-07LK5.02CE and legally described as:

> "All of Tract MF-1 and Tract LK 5-2 according to the plat of West Bay Club as recorded in Plat Book 62, Page 79 through 111 of the public records of Lee County Florida"; and

WHEREAS, the property is a part of the West Bay Club RPD approved by Lee County in Resolution Z-96-005, as amended most recently by Lee County Resolution Z-05-010, and further amended by Estero Village Council Ordinance 2021-12; and

WHEREAS, Condition 2 of Resolution Z-96-005 requires Final Plan approval prior to any development order approval for vertical development; and

WHEREAS, the applicant applied for final Zoning Plan Approval for Pod 5, the high-rise site, and two deviations to eliminate the tree inventory and tree location plan, and tree health assessment requirements of the Code; and

WHEREAS, a duly noticed public hearing was held before the Village Council on September 21, 2022, at which time the Village Council gave consideration to the evidence presented by the Applicant and the Village staff and the comments of the public.

NOW, THEREFORE, be it resolved by the Village Council of the Village of Estero, Florida:

Section 1. Final Zoning Plan Approval.

The Village Council approves with conditions the Final Plan approval request and two deviations for the West Bay Club Island High Rise, subject to the following conditions.

Section 2. Conditions and Deviations.

1. Development must be in compliance with the 5-page site plan titled "Final Plan Approval for Island at West Bay" stamped received by Village of Estero, July 1, 2022.

2. All conditions of Ordinance 2021-12 and prior resolutions remain in effect, except as may be modified herein.

3. Deviation 1, a request to deviate from LDC Section 5-404.E. to not provide a required tree inventory or tree health assessment is approved.

4. Deviation 2, a request to deviate from LDC Section 5-405.C.1.A. to not provide the required tree location plan, is approved.

Section 3. Final Plan Approval Review Standards.

Based upon an analysis of the application and the standards for approval in the Land Development Code, and the conditions of approval, the Council finds and concludes that the proposed uses:

A. Will be consistent with the goals, objectives, and policies of the comprehensive plan;
B. Will comply with the zoning resolution and all applicable zoning district standards;
C. Will comply with all standards in Chapter 4: Use Specific Standards;
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;
E. Will adequately screen, buffer, or otherwise minimize adverse visual impacts on adjacent lands;
F. Will ensure that no site lighting source shall negatively impact adjacent properties and rights-of-way;
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;
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;

I. Will not have an adverse impact on land values and the ability of neighboring lands to develop uses permitted in the zoning district;
J. Will avoid significant deterioration of water and air resources, scenic resources, and other natural resources;
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; and
L. Will comply with all other relevant Village, state, and federal laws and regulations; and
M. The deviations are justified due to the required upland conservation easement buffer around the perimeter, and the 60% open space requirement on the site.

Section 4. Exhibit.

The following exhibit is attached to this Resolution and incorporated by reference:

Exhibit A Site Plan (5 pages) titled "Final Plan Approval for Island at West Bay" stamped received by Village of Estero July 1, 2022

Section 5. Severability.

Should any section, paragraph, sentence, clause, phrase or other part of this Resolution subsequent to its effective date be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Resolution as a whole or any portion thereof, other than the part so declared to be invalid.

Section 5. Effective Date.

This Resolution shall take effect immediately upon adoption.

ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida on this 21st day of September, 2022.

Attest: **VILLAGE OF ESTERO, FLORIDA**

By: _____ By: _____
Carol Sacco, Village Clerk Katy Errington, Mayor

Reviewed for legal sufficiency:

By: _____
Nancy E. Stroud, Village Land Use Attorney

FINAL PLAN APPROVAL

FOR

WEST BAY CLUB®

ISLAND AT WEST BAY

SECTION 06, TOWNSHIP 47 S., RANGE 25 E.
LEE COUNTY, FLORIDA

UTILITIES PROVIDING SERVICE:

WATER AND SEWER:
LEE COUNTY UTILITIES
1500 MONROE ST
FORT MYERS, FLORIDA 33901
PHONE: (239) 533-8181

TELEPHONE:
COMCAST
12641 CORPORATE LAKES DRIVE
FORT MYERS, FLORIDA 33913
PHONE: (800) 266-2278

CABLE:
COMCAST
12641 CORPORATE LAKES DRIVE
FORT MYERS, FLORIDA 33913
PHONE: (800) 266-2278

ELECTRIC:
FLORIDA POWER & LIGHT COMPANY
15834 WINKLER ROAD
FORT MYERS, FLORIDA 33908
PHONE: (239) 415-1326

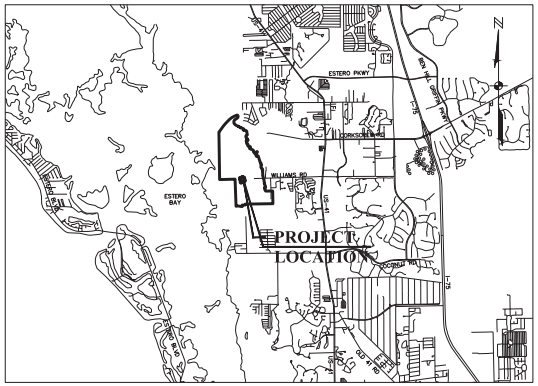
GARBAGE COLLECTION:
WASTE PRO
13110 RICKENBACKER PARKWAY
FORT MYERS, FLORIDA 33913
PHONE: (239) 337-0800
FAX: (239) 225-2758

FIRE CONTROL DISTRICT:
ESTERO FIRE DISTRICT
21500 THREE OAKS PARKWAY
ESTERO, FLORIDA 33928
PHONE: (239) 390-8000

GAS:
TECO PEOPLES GAS
5901 ENTERPRISE PKWY
FORT MYERS, FLORIDA 33905
PHONE: (877) 832-6747

INDEX OF PLANS

SHEET NO.	DESCRIPTION
1	COVER
2	AERIAL PHOTOGRAPH
3	SITE PLAN - GROUND LEVEL
4	SITE PLAN - ARRIVAL DECK
5	LANDSCAPE CODE PLAN



LOCATION MAP
0 5,000 10,000
(INTENDED DISPLAY SCALE: 1"=5,000')

APRIL 2022
JUNE 2022

DEVELOPER/OWNER
WEST BAY HILL LLC
20 NORTH WACKER DRIVE, SUITE 1922
CHICAGO, IL 60606
PHONE: (312) 422-5466

STRAP NUMBER
06-47-25-E2-07MF1.0000
06-47-25-E2-07LK5.02CE

SIZE OF PARCEL
5.39 ACRES

ZONING
RPD (VOE-2021-12)

△ DEVIATIONS
* SEE SHEET 5

NOTICE TO ALL CONTRACTORS
IT'S THE LAW IN FLORIDA 2 BUSINESS DAYS BEFORE YOU DIG CALL SUNSHINE 1-800-432-4770
STATE, COUNTIES & CITIES ARE "NOT PART OF" THE ONE CALL SYSTEM. THEY MUST BE CALLED INDIVIDUALLY.
BEFORE YOU DIG STOP CALL SUNSHINE 1-800-432-4770

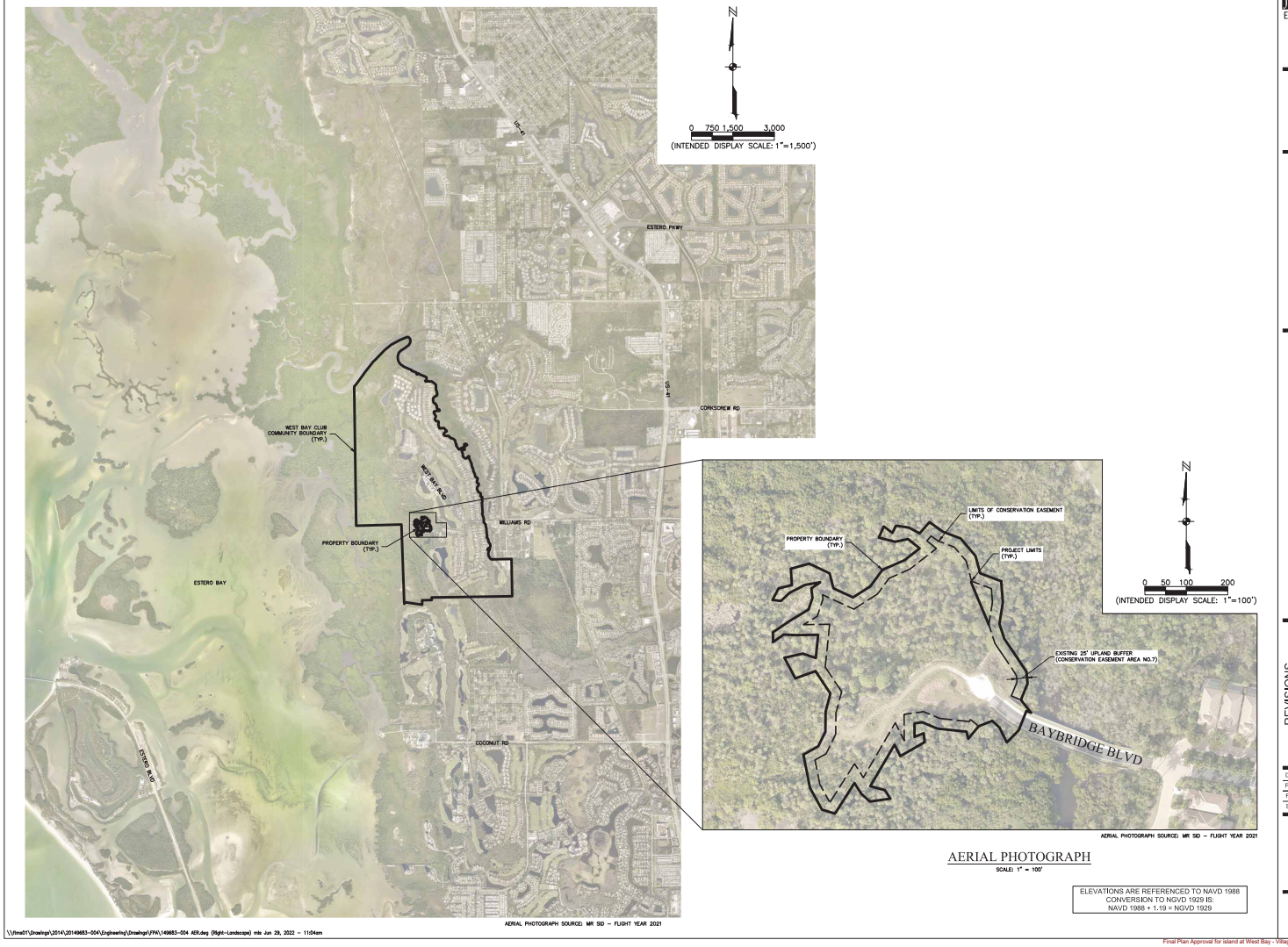
JOHNSON ENGINEERING

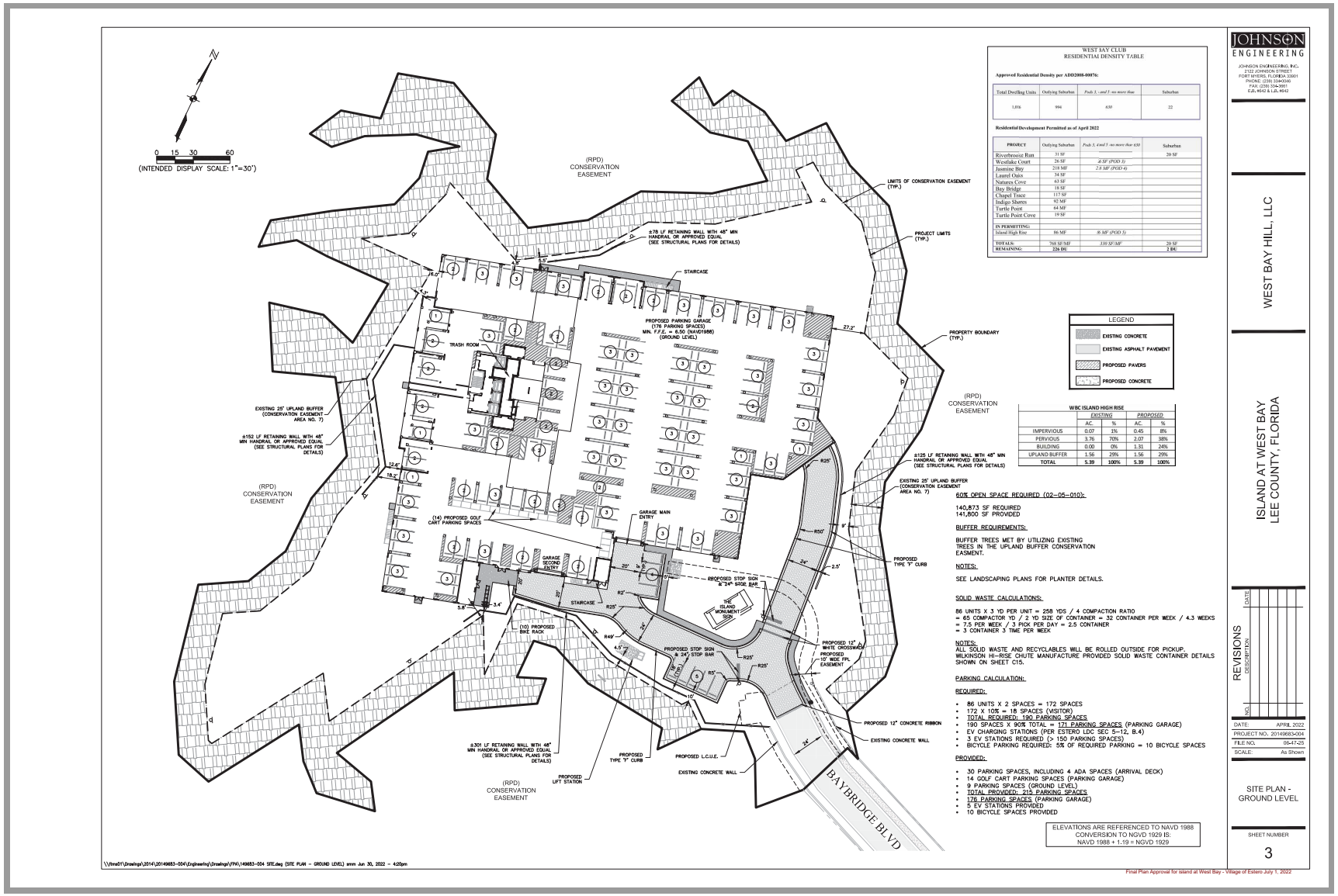
JOHNSON ENGINEERING, INC.
2122 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE: (239) 334-0046
FAX: (239) 334-3661
E.B. #642 & L.B. #642

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SHEET NUMBER 1

Final Plan Approval for Island at West Bay - Village of Estero July 1, 2022


N
0 750 1,500 3,000
(INTENDED DISPLAY SCALE: 1"=1,500')
US-41
ESTERO PKWY
CORKSCREW RD
WEST BAY CLUB COMMUNITY BOUNDARY (TYP.)
WEST BAY BLVD
WILLIAMS RD
PROPERTY BOUNDARY (TYP.)
ESTERO BAY
COCONUT RD
ESTERO BLVD
AERIAL PHOTOGRAPH SOURCE: MR SID – FLIGHT YEAR 2021
N
0 50 100 200
(INTENDED DISPLAY SCALE: 1"=100')
LIMITS OF CONSERVATION EASEMENT (TYP.)
PROPERTY BOUNDARY (TYP.)
PROJECT LIMITS (TYP.)
EXISTING 25' UPLAND BUFFER (CONSERVATION EASEMENT AREA NO.7)
BAYBRIDGE BLVD
AERIAL PHOTOGRAPH SOURCE: MR SID – FLIGHT YEAR 2021
AERIAL PHOTOGRAPH
SCALE: 1" = 100'
ELEVATIONS ARE REFERENCED TO NAVD 1988
CONVERSION TO NGVD 1929 IS:
NAVD 1988 + 1.19 = NGVD 1929
JOHNSON ENGINEERING
JOHNSON ENGINEERING, INC.
2122 JOHNSON STREET
FORT MYERS, FLORIDA 33901
PHONE: (239) 334-0046
FAX: (239) 334-3661
EB. #642 & LB. #642
WEST BAY HILL, LLC
ISLAND AT WEST BAY
LEE COUNTY, FLORIDA
REVISIONS
NO.
DESCRIPTION
DATE
DATE: APRIL 2022
PROJECT NO. 20149683-004
FILE NO. 05-47-25
SCALE: As Shown
AERIAL PHOTOGRAPH
SHEET NUMBER
2
\\fmo01\Drawings\2014\20149683-004\Engineering\Drawings\FPA\149683-004 AER.dwg (Right-Landscape) mls Jun 29, 2022 – 11:04am
Final Plan Approval for Island at West Bay - Village of Estero July 1, 2022



WEST BAY CLUB
RESIDENTIAL DENSITY TABLE

Approved Residential Density per ADD2008-00076:

Total Dwelling Units	Outlying Suburban	Peak 1 - and 3 - no more than	Suburban
1,016	994	650	22

Residential Development Permitted as of April 2022

PROJECT	Outlying Suburban	Peak 3, 4 and 5 - no more than 650	Suburban
Riverbrooke Run	31 SF		20 SF
Westlake Court	26 SF	30 SF (PUD 5)	
Jasmine Bay	218 MF	2.8 MF (PUD 4)	
Laurel Oaks	34 SF		
Natures Cove	63 SF		
Bay Bridge	18 SF		
Chapel Trace	117 SF		
Indigo Shores	92 MF		
Turtle Point	64 MF		
Turtle Point Cove	19 SF		
IN PERMITTING:			
Island High Rise	86 MF	86 MF (PUD 5)	
TOTALS:	766 SF/MF	330 SF/MF	20 SF
REMAINING:	226 DU		2 DU

WBC ISLAND HIGH RISE

	EXISTING		PROPOSED	
	AC.	%	AC.	%
IMPERVIOUS	0.07	1%	0.45	8%
PERVIOUS	3.76	70%	2.07	38%
BUILDING	0.00	0%	1.31	24%
UPLAND BUFFER	1.56	29%	1.56	29%
TOTAL	5.39	100%	5.39	100%

60% OPEN SPACE REQUIRED (02-05-010):

140,873 SF REQUIRED
141,800 SF PROVIDED

BUFFER REQUIREMENTS:

BUFFER TREES MET BY UTILIZING EXISTING TREES IN THE UPLAND BUFFER CONSERVATION EASMENT.

NOTES:

SEE LANDSCAPING PLANS FOR PLANTER DETAILS.

SOLID WASTE CALCULATIONS:

86 UNITS X 3 YD PER UNIT = 258 YDS / 4 COMPACTION RATIO
= 65 COMPACTOR YD / 2 YD SIZE OF CONTAINER = 32 CONTAINER PER WEEK / 4.3 WEEKS
= 7.5 PER WEEK / 3 PICK PER DAY = 2.5 CONTAINER
= 3 CONTAINER 3 TIME PER WEEK

NOTES:
ALL SOLID WASTE AND RECYCLABLES WILL BE ROLLED OUTSIDE FOR PICKUP.
WILKINSON HI-RISE CHUTE MANUFACTURE PROVIDED SOLID WASTE CONTAINER DETAILS SHOWN ON SHEET C15.

PARKING CALCULATION:

REQUIRED:

- 86 UNITS X 2 SPACES = 172 SPACES
- 172 X 10% = 18 SPACES (VISITOR)
- TOTAL REQUIRED: 190 PARKING SPACES
- 190 SPACES X 90% TOTAL = 171 PARKING SPACES (PARKING GARAGE)
- EV CHARGING STATIONS (PER ESTERO LDC SEC 5-12, B.4)
- 3 EV STATIONS REQUIRED (> 150 PARKING SPACES)
- BICYCLE PARKING REQUIRED: 5% OF REQUIRED PARKING = 10 BICYCLE SPACES

PROVIDED:

- 30 PARKING SPACES, INCLUDING 4 ADA SPACES (ARRIVAL DECK)
- 14 GOLF CART PARKING SPACES (PARKING GARAGE)
- 9 PARKING SPACES (GROUND LEVEL)
- TOTAL PROVIDED: 215 PARKING SPACES
- 176 PARKING SPACES (PARKING GARAGE)
- 5 EV STATIONS PROVIDED
- 10 BICYCLE SPACES PROVIDED

ELEVATIONS ARE REFERENCED TO NAVD 1988
CONVERSION TO NGVD 1929 IS:
NAVD 1988 + 1.19 = NGVD 1929

JOHNSON ENGINEERING

JOHNSON ENGINEERING, INC.
2122 JOHNSON STREET
FORT MYERS, FLORIDA 33901
PHONE: (239) 334-0046
FAX: (239) 334-3661
EB. #642 & LB. #642

WEST BAY HILL, LLC

ISLAND AT WEST BAY
LEE COUNTY, FLORIDA

REVISIONS
NO. | DESCRIPTION | DATE

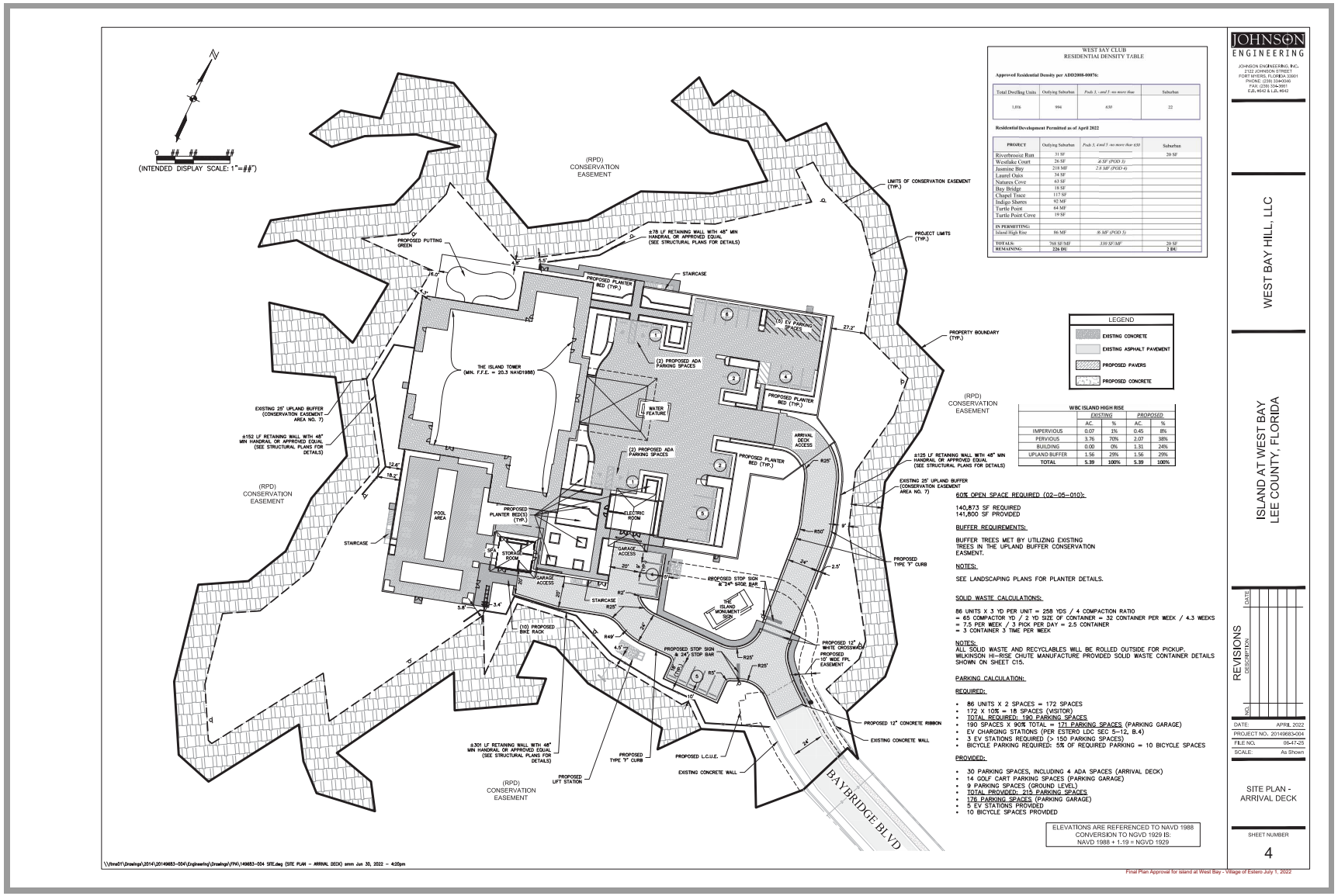
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FILE NO. 05-47-25
SCALE: As Shown

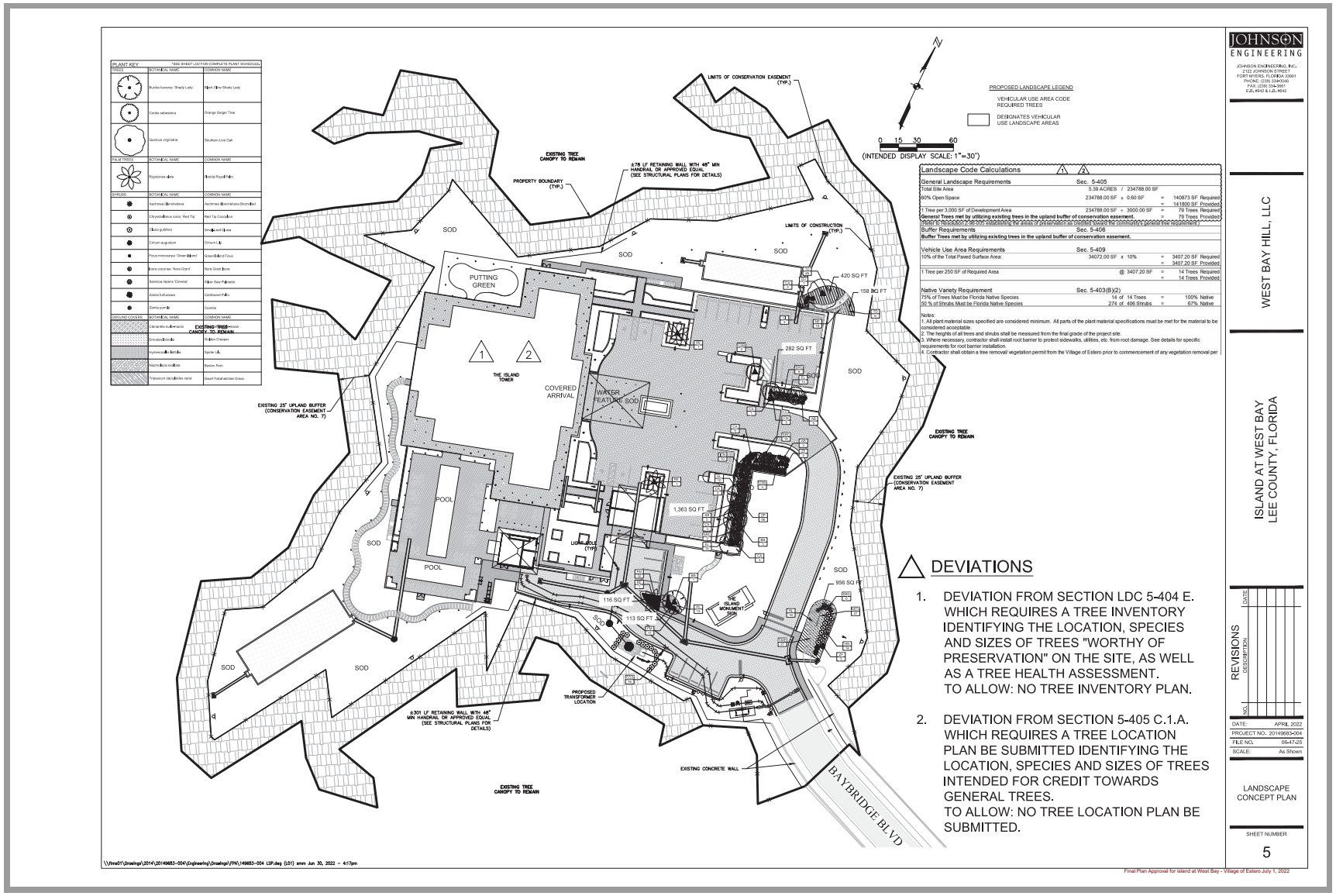
SITE PLAN - GROUND LEVEL

SHEET NUMBER
3

\\fmo01\Drawings\2014\20149683-004\Engineering\Drawings\FPA\149683-004 SITE.dwg (SITE PLAN - GROUND LEVEL) smm Jun 30, 2022 - 4:20pm

Final Plan Approval for Island at West Bay - Village of Estero July 1, 2022


(INTENDED DISPLAY SCALE: 1"=##')
(RPD) CONSERVATION EASEMENT
LIMITS OF CONSERVATION EASEMENT (TYP.)
PROJECT LIMITS (TYP.)
PROPERTY BOUNDARY (TYP.)
±78 LF RETAINING WALL WITH 48" MIN HANDRAIL OR APPROVED EQUAL (SEE STRUCTURAL PLANS FOR DETAILS)
PROPOSED PUTTING GREEN
PROPOSED PLANTER BED (TYP.)
STAIRCASE
(6) EV PARKING SPACES
THE ISLAND TOWER (MIN. F.F.E. = 20.3 NAVD1988)
(2) PROPOSED ADA PARKING SPACES
WATER FEATURE
EXISTING 25' UPLAND BUFFER (CONSERVATION EASEMENT - AREA NO. 7)
±152 LF RETAINING WALL WITH 48" MIN HANDRAIL OR APPROVED EQUAL (SEE STRUCTURAL PLANS FOR DETAILS)
ARRIVAL DECK ACCESS
±125 LF RETAINING WALL WITH 48" MIN HANDRAIL OR APPROVED EQUAL (SEE STRUCTURAL PLANS FOR DETAILS)
POOL AREA
PROPOSED PLANTER BED(S) (TYP.)
ELECTRIC ROOM
GARAGE ACCESS
STORAGE ROOM
PROPOSED TYPE 'F' CURB
PROPOSED STOP SIGN & 24" STOP BAR
ISLAND MONUMENT SIGN
(10) PROPOSED BIKE RACK
PROPOSED 12" WHITE CROSSWALK
PROPOSED 10' WIDE FPL EASEMENT
PROPOSED STOP SIGN & 24" STOP BAR
PROPOSED 12" CONCRETE RIBBON
EXISTING CONCRETE WALL
±301 LF RETAINING WALL WITH 48" MIN HANDRAIL OR APPROVED EQUAL (SEE STRUCTURAL PLANS FOR DETAILS)
PROPOSED TYPE 'F' CURB
PROPOSED L.C.U.E.
PROPOSED LIFT STATION
BAYBRIDGE BLVD
WEST BAY CLUB
RESIDENTIAL DENSITY TABLE
Approved Residential Density per ADD2008-00076:
Total Dwelling Units | Outlying Suburban | Peak 1, 2 and 3 - no more than | Suburban
1,016 | 994 | 650 | 22
Residential Development Permitted as of April 2022
PROJECT | Outlying Suburban | Peak 3, 4 and 5 - no more than 650 | Suburban
Riverbrooke Run | 31 SF | | 20 SF
Westlake Court | 26 SF | 30 SF (PUD 3) |
Jasmine Bay | 218 MF | 2.5 MF (PUD 4) |
Laurel Oaks | 34 SF | |
Natures Cove | 63 SF | |
Bay Bridge | 18 SF | |
Chapel Trace | 117 SF | |
Indigo Shores | 92 MF | |
Turtle Point | 64 MF | |
Turtle Point Cove | 19 SF | |
IN PERMITTING:
Island High Rise | 86 MF | 86 MF (PUD 5) |
TOTALS: | 766 SF/MF | 330 SF/MF | 20 SF
REMAINING: | 226 DU | | 2 DU
LEGEND
EXISTING CONCRETE
EXISTING ASPHALT PAVEMENT
PROPOSED PAVERS
PROPOSED CONCRETE
WBC ISLAND HIGH RISE
EXISTING | PROPOSED
AC. | % | AC. | %
IMPERVIOUS | 0.07 | 1% | 0.45 | 8%
PERVIOUS | 3.76 | 70% | 2.07 | 38%
BUILDING | 0.00 | 0% | 1.31 | 24%
UPLAND BUFFER | 1.56 | 29% | 1.56 | 29%
TOTAL | 5.39 | 100% | 5.39 | 100%
60% OPEN SPACE REQUIRED (02-05-010):
140,673 SF REQUIRED
141,800 SF PROVIDED
BUFFER REQUIREMENTS:
BUFFER TREES MET BY UTILIZING EXISTING TREES IN THE UPLAND BUFFER CONSERVATION EASMENT.
NOTES:
SEE LANDSCAPING PLANS FOR PLANTER DETAILS.
SOLID WASTE CALCULATIONS:
86 UNITS X 3 YD PER UNIT = 258 YDS / 4 COMPACTION RATIO
= 65 COMPACTOR YD / 2 YD SIZE OF CONTAINER = 32 CONTAINER PER WEEK / 4.3 WEEKS
= 7.5 PER WEEK / 3 PICK PER DAY = 2.5 CONTAINER
= 3 CONTAINER 3 TIME PER WEEK
NOTES:
ALL SOLID WASTE AND RECYCLABLES WILL BE ROLLED OUTSIDE FOR PICKUP.
WILKINSON HI-RISE CHUTE MANUFACTURE PROVIDED SOLID WASTE CONTAINER DETAILS SHOWN ON SHEET C15.
PARKING CALCULATION:
REQUIRED:
• 86 UNITS X 2 SPACES = 172 SPACES
• 172 X 10% = 18 SPACES (VISITOR)
• TOTAL REQUIRED: 190 PARKING SPACES
• 190 SPACES X 90% TOTAL = 171 PARKING SPACES (PARKING GARAGE)
• EV CHARGING STATIONS (PER ESTERO LDC SEC 5-12, B.4)
• 3 EV STATIONS REQUIRED (> 150 PARKING SPACES)
• BICYCLE PARKING REQUIRED: 5% OF REQUIRED PARKING = 10 BICYCLE SPACES
PROVIDED:
• 30 PARKING SPACES, INCLUDING 4 ADA SPACES (ARRIVAL DECK)
• 14 GOLF CART PARKING SPACES (PARKING GARAGE)
• 9 PARKING SPACES (GROUND LEVEL)
• TOTAL PROVIDED: 215 PARKING SPACES
• 176 PARKING SPACES (PARKING GARAGE)
• 5 EV STATIONS PROVIDED
• 10 BICYCLE SPACES PROVIDED
ELEVATIONS ARE REFERENCED TO NAVD 1988
CONVERSION TO NGVD 1929 IS:
NAVD 1988 + 1.19 = NGVD 1929
\\fmo01\Drawings\2014\20149683-004\Engineering\Drawings\FPA\149683-004 SITE.dwg (SITE PLAN - ARRIVAL DECK) smm Jun 30, 2022 - 4:20pm
JOHNSON ENGINEERING
JOHNSON ENGINEERING, INC.
2122 JOHNSON STREET
FORT MYERS, FLORIDA 33901
PHONE: (239) 334-0046
FAX: (239) 334-3661
EB. #642 & LB. #642
WEST BAY HILL, LLC
ISLAND AT WEST BAY
LEE COUNTY, FLORIDA
REVISIONS
NO. | DESCRIPTION | DATE
DATE: APRIL 2022
PROJECT NO. 20149683-004
FILE NO. 05-47-25
SCALE: As Shown
SITE PLAN - ARRIVAL DECK
SHEET NUMBER
4
Final Plan Approval for Island at West Bay - Village of Estero July 1, 2022


PLANT KEY
"SEE SHEET L-02 FOR COMPLETE PLANT SCHEDULE"
TREES
BOTANICAL NAME
COMMON NAME
Bucida buceras 'Shady Lady'
Black Olive Shady Lady
Carrita sebastiana
Orange Geiger Tree
Quercus virginiana
Southern Live Oak
PALM TREES
BOTANICAL NAME
COMMON NAME
Roystonea elata
Florida Royal Palm
SHRUBS
BOTANICAL NAME
COMMON NAME
Aechmea blanchetiana
Aechmea blanchetiana Bromeliad
Chrysobalanus icaco 'Red Tip'
Red Tip Cocoplum
Clusia guttifera
Scotia and Cupania
Cerium augustum
Crinum Lily
Ficus microcarpa 'Green Island'
Green Island Ficus
Ixora coccinea 'Nora Grant'
Nora Grant Ixora
Serenoa repens 'Cinerea'
Silver Saw Palmetto
Zamia furfuracea
Cardboard Palm
Zamia pumila
Coontie
GROUND COVERS
BOTANICAL NAME
COMMON NAME
Clematis ballardiana
Golden Creeper
Hymenocallis latifolia
Spider Lily
Nephrolepis exaltata
Boston Fern
Tripsacum dactyloides nana
Dwarf Fakahatchee Grass
EXISTING TREE CANOPY TO REMAIN
LIMITS OF CONSERVATION EASEMENT (TYP.)
EXISTING TREE CANOPY TO REMAIN
PROPERTY BOUNDARY (TYP.)
±78 LF RETAINING WALL WITH 48" MIN HANDRAIL OR APPROVED EQUAL (SEE STRUCTURAL PLANS FOR DETAILS)
LIMITS OF CONSTRUCTION (TYP.)
SOD
PUTTING GREEN
420 SQ FT
158 SQ FT
282 SQ FT
THE ISLAND TOWER
COVERED ARRIVAL
WATER FEATURE SOD
EXISTING 25' UPLAND BUFFER (CONSERVATION EASEMENT AREA NO. 7)
EXISTING TREE CANOPY TO REMAIN
POOL
1,363 SQ FT
LIGHT POLE (TYP.)
956 SQ FT
116 SQ FT
113 SQ FT
SE ISLAND MONUMENT SIGN
PROPOSED TRANSFORMER LOCATION
±301 LF RETAINING WALL WITH 48" MIN HANDRAIL OR APPROVED EQUAL (SEE STRUCTURAL PLANS FOR DETAILS)
EXISTING CONCRETE WALL
BAYBRIDGE BLVD
EXISTING TREE CANOPY TO REMAIN
PROPOSED LANDSCAPE LEGEND
VEHICULAR USE AREA CODE REQUIRED TREES
DESIGNATES VEHICULAR USE LANDSCAPE AREAS
0 15 30 60
(INTENDED DISPLAY SCALE: 1"=30')
Landscape Code Calculations
General Landscape Requirements Sec. 5-405
Total Site Area 5.39 ACRES / 234788.00 SF
60% Open Space 234788.00 SF x 0.60 SF = 140873 SF Required
= 141800 SF Provided
1 Tree per 3,000 SF of Development Area 234788.00 SF ÷ 3000.00 SF = 79 Trees Required
General Trees met by utilizing existing trees in the upland buffer of conservation easement. = 79 Trees Provided
Refer to Resolution 2-26.05 establishing the areas of preservation as created toward the community's general tree requirement.)
Buffer Requirements Sec. 5-406
Buffer Trees met by utilizing existing trees in the upland buffer of conservation easement.
Vehicle Use Area Requirements Sec. 5-409
10% of the Total Paved Surface Area: 34072.00 SF x 10% = 3407.20 SF Required
= 3407.20 SF Provided
1 Tree per 250 SF of Required Area @ 3407.20 SF = 14 Trees Required
= 14 Trees Provided
Native Variety Requirement Sec. 5-403(B)(2)
75% of Trees Must be Florida Native Species 14 of 14 Trees = 100% Native
50 % of Shrubs Must be Florida Native Species 274 of 406 Shrubs = 67% Native
Notes:
1. All plant material sizes specified are considered minimum. All parts of the plant material specifications must be met for the material to be considered acceptable.
2. The heights of all trees and shrubs shall be measured from the final grade of the project site.
3. Where necessary, contractor shall install root barrier to protect sidewalks, utilities, etc. from root damage. See details for specific requirements for root barrier installation.
4. Contractor shall obtain a tree removal/ vegetation permit from the Village of Estero prior to commencement of any vegetation removal per
DEVIATIONS
1. DEVIATION FROM SECTION LDC 5-404 E. WHICH REQUIRES A TREE INVENTORY IDENTIFYING THE LOCATION, SPECIES AND SIZES OF TREES "WORTHY OF PRESERVATION" ON THE SITE, AS WELL AS A TREE HEALTH ASSESSMENT. TO ALLOW: NO TREE INVENTORY PLAN.
2. DEVIATION FROM SECTION 5-405 C.1.A. WHICH REQUIRES A TREE LOCATION PLAN BE SUBMITTED IDENTIFYING THE LOCATION, SPECIES AND SIZES OF TREES INTENDED FOR CREDIT TOWARDS GENERAL TREES. TO ALLOW: NO TREE LOCATION PLAN BE SUBMITTED.
JOHNSON ENGINEERING
JOHNSON ENGINEERING, INC.
2122 JOHNSON STREET
FORT MYERS, FLORIDA 33901
PHONE: (239) 334-0046
FAX: (239) 334-3661
EB. #642 & LB. #642
WEST BAY HILL, LLC
ISLAND AT WEST BAY
LEE COUNTY, FLORIDA
REVISIONS
NO. DESCRIPTION DATE
DATE: APRIL 2022
PROJECT NO. 20149683-004
FILE NO. 05-17-25
SCALE: As Shown
LANDSCAPE CONCEPT PLAN
SHEET NUMBER
5
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Final Plan Approval for Island at West Bay - Village of Estero July 1, 2022

WEST BAY CLUB ISLAND HIGH RISE

Zoning Staff Report

PROJECT NAME:	**West Bay Club Island High Rise**
CASE TYPE:	**Final Zoning Plan Approval**
CASE NUMBER:	**FPA2022-E001**
VILLAGE COUNCIL MEETING:	**September 21, 2022**

SUMMARY OF REQUEST

This is a request for Final Plan approval and two deviations for the West Bay Club Island High Rise to be located on Pod 5 at West Bay Club.

RECOMMENDATION

Staff recommends approval with the conditions in the resolution.

GENERAL INFORMATION

Applicant

Chris Johnson, West Bay Hill, LLC, Chicago, Illinois

Authorized Agent

Johnson Engineering, Debi Pendlebury

Location

West of US 41 at the end of Williams Road, off Baybridge Boulevard to “no name” bridge

STRAP Numbers

06-47-25-E2-07MF1.0000 and 06-47-25-E2-07LK5.02CE

Size of Property

5 acres (West Bay Club is 866 acres total)

Surrounding Zoning

North Wetlands and West Bay Golf Course

East West Bay Club RPD (residential and golf course)

South Wetlands and West Bay Golf Course

West Wetlands and conservation area, then Estero Bay

Zoning

Residential Planned Development (RPD)

Comprehensive Plan Land Use Category

Village Neighborhood 1 per Administrative Determination of Error in land use category dated October 4, 2021 (ADI2021-E001).

Project History

West Bay Club was rezoned from AG-2, C-2, CS-1 and RM-2 to Residential Planned Development for 1121 units in 1996 by Lee County Resolution Z-96-005 (later reduced to 1,016 units). At that time, the project was called Estero Pointe. There have been numerous amendments since then. Two acres were rezoned to CPD in 2019 by Resolution Z-09-030. The most recent County Resolution affecting Pod 5 is Resolution Z-05-010.

The Village Council approved an amendment for additional height on Pod 5 in Ordinance 2021-12 adopted on November 17, 2021. The Estero zoning for POD 5 carries over the county zoning as amended and is RPD.

Public Information Meeting

A Public Information Meeting was held on May 10, 2022 at the Planning, Zoning and Design Board.

STAFF ANALYSIS

Request

The applicant is requesting Final Plan approval for the Island High Rise at West Bay so that it may proceed to obtain a development order and building permits to construct the building on Pod 5 that was recently approved for a zoning amendment by Village Council for 88 units and 23 stories over parking.

This site is part of the larger West Bay Club, an existing nearly built out 866-acre residential golf course community off US 41 at the end of Williams Road. The project's western boundary is Estero Bay. The project has approval for 1,016 residential units. The subject of this Final Plan

approval is a vacant, partially cleared 5-acre site known as Pod 5. The 5-acre site is an island situated off West Bay Club Boulevard and Baybridge Boulevard and is accessed by a bridge known as “no name” bridge. The property is surrounded by wetlands and protected conservation areas, but the proposed building site is an upland area.

Final Plan Approval

The applicant is requesting Final Plan approval for the proposed high-rise project on a parcel known as Pod 5. This parcel was designated for multifamily development for a high rise building on the zoning Master Concept Plan. Due to the overall size of the West Bay Club development and limited specificity of the Master Concept Plan, Final Plan approval is required.

Lee County Zoning Resolution (Z-96-005) that rezoned the 886-acre West Bay property included a condition (Condition 2) that a Final Plan approval would be required for tracts prior to vertical development on the site (typically prior to or concurrent with a development order/site plan approval).

Condition 2 of the Resolution states:

> 2. *Prior to any local Development Order approval for vertical development, the Developer must submit an application for Final Plan approval (FPA). The purpose of the FPA process is to ensure compliance with the Zoning Resolution and Land Development Code, to allow detailed review of deviations conceptually approved herein, while allowing the Developer the flexibility to respond to changing conditions. Any substantial change in the type, intensity working configuration of the development within the RPD may require further review through a public hearing. Said determination shall be made by the Director of Community Development.*
>
> *The following information must be provided on the Final Plan:*
>
> - *uses: type and amount i.e., number of dwelling units or square feet of commercial use*
> - *access*
> - *location and dimensions of internal roadways*
> - *location and dimensions of buildings/structures*
> - *boundary of development tract*
> - *adjacent zoning and land uses*
> - *detailed drawings showing the application of deviations*
> - *buffers and/or landscape strips*
> - *open space, including an ongoing tabulation of required open space*
> - *a cumulative analysis of the total number of dwelling units that have received local Development Order approval.*

The process for Final Plan Approval was never included in the County’s Land Development Code, but has been codified in the Village’s Land Development Code Chapter 2. The process includes review and decision by the Village Council at a public hearing.

The applicant has provided the information listed in Condition 2. Staff analysis of the Final Plan shows that it is consistent with what was presented at the Planning, Zoning and Design Board and Council meetings for the recent zoning amendment. The use is approved in the zoning, the number of units does not exceed the approvals, and the layout is generally consistent with the

Pattern Book. There have been a few changes, relocating recreation areas such as the fitness lawn which is now shown as a dog park. The building configuration has been adjusted but is still consistent with the Pattern Book. Minor variations are allowed as long as they are in substantial compliance within the Pattern Book.

Deviations

The applicant has requested two deviations from the Land Development Code:

1. Deviation from LDC Section 5-404.E. to not provide a required tree inventory identifying the location, species, and size of trees "worthy of preservation" on the site, as well as the tree health assessment.
2. Deviation from LDC Section 5-405.C.1.A. to not provide the required tree location plan which identifies the location, species and size of trees intended for credit towards general trees.

These two requests are interrelated and are needed because the footprint of the high-rise building and parking must not infringe on the 25-foot-wide perimeter conservation easement on the island. The applicant will not be able to save any trees in this area. However, the applicant explains that all existing trees will be preserved within the 25-foot upland buffer. The upland buffer area is 1.56 acres, or 29% of the total site. Additionally, the overall project has been designed to provide 200 acres of open space, 520 acres of indigenous open space, and numerous preserves and conservation areas. As such, staff does not object to granting these minor deviations.

Conclusion and Review Standards

Staff believes that the Final Plan is consistent with the zoning amendment approved by Village Council, and complies with the allowed uses, number of units, height and other development parameters and conditions of the Ordinance and prior Resolutions.

The applicant is allowed to request deviations with Final Plan approval, as they typically have more project detail and can identify any deviations that may have been missed or not known at time of zoning. Staff has recommended approval of both deviations based on the commitment for the 25-foot wide conservation area on the perimeter of the site.

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

Final Plan Approval Review Standards

Final Plan Approval shall be granted only on a finding there is competent substantial evidence in the record that the proposed uses:

A. *Will be consistent with the goals, objectives, and policies of the comprehensive plan;*
B. *Will comply with the zoning resolution and all applicable zoning district standards;*
C. *Will comply with all standards in Chapter 4: Use Specific Standards;*
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;*
E. *Will adequately screen, buffer, or otherwise minimize adverse visual impacts on adjacent lands;*

F. *Will ensure that no site lighting source shall negatively impact adjacent properties and rights-of-way;*
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;*
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;*
I. *Will not have an adverse impact on land values and the ability of neighboring lands to develop uses permitted in the zoning district;*
J. *Will avoid significant deterioration of water and air resources, scenic resources, and other natural resources;*
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; and*
L. *Will comply with all other relevant Village, state, and federal laws and regulations.*

ATTACHMENTS:

1. Applicant's Request Letter and Density Table
2. Applicant's June 30, 2022 Letter to Staff
3. Final Plan Approval Plan
4. Ordinance 2021-12 (without attachments)

JOHNSON ENGINEERING

SINCE 1946

April 27, 2022

Ms. Mary Gibbs, FAICP
Community Development Director
Village Of Estero
9401 Corkscrew Palms Circle
Estero, Florida 33928

RE: Island at West Bay -Letter of Intent
Request for Final Plan Approval

Dear Mary:

The West Bay Club development consists of 863.9+/- acres located in southwest Lee County, west of U.S. 41 off Williams Road in Estero. This project was originally approved on March 18, 966 by Resolution Z-96-005 as a Residential Planned Development (RPD).

The Island at West Bay project is a multi-family residential project consisting of one high rise building containing 86 units, 23 stories over parking, including the infrastructure associated with the proposed building. The construction plan set consists of the civil plans, landscape plans, lighting plans and the boundary survey. The replat documents will be submitted under separate cover. The Village of Estero approved Ordinance Number 2021-12 on November 17, 2021 in conjunction with the proposed project. This approval included an amendment to Deviation 9 of Zoning Resolution Z-05-010 to allow a maximum height for Development Area Pod 5 of 23 stories over parking, not to exceed 270 feet (with an additional 20 feet for rooftop equipment).

Please find this letter as a request for Final Plan Approval for the Island at West Bay project. Condition 2 of Zoning Resolution Z-96-005 requires that prior to approval of any local development order an application for Final Plan Approval must be submitted. The proposed project will comply with the approving Zoning Resolutions.

The following information is provided on the attached 'Final Plan Approval" plan set:

1. Uses: type and amount, number of dwelling units or square feet of commercial use

   An updated "Density Table" containing approved, permitted and proposed residential units is depicted on the attached plan set.

2. Access

   The project will be accessed from Baybridge Boulevard, a private road. See attached plan set for access location.

3. Location and dimensions of internal roadways

   There is a 24 foot wide internal drive that will provide access to the building, as shown on the attached plan set.

4. Location and dimensions of buildings/structures

2122 Johnson Street ▪ Post Office Box 1550 ▪ Fort Myers, Florida 33902-1550
(239) 334-0046 ▪ Fax (239) 334-3661

The location and dimensions of the proposed buildings and structures are shown on the attached plan set.

5. Boundary of development tract

   See attached plan set for boundary of the development.

6. Adjacent zoning and land uses

   The adjacent property zoning is RPD and the use is "Conservation" as shown on the attached plan set.

7. Detailed drawings showing the application of deviations

   There are no deviations as part of this request.

8. Buffers and/or landscape strips

   A note regarding buffer requirements is stated on the attached plan set.

9. Open space

   The 60% required open space calculation is shown on the attached plan set.

10. A cumulative analysis of the total number of dwelling units that have received local development order approval

    An updated "Density Table" containing approved, permitted and proposed residential units is depicted on the attached plan set.

Thank you for your continued assistance with the project and should you have any questions while reviewing this information for approval, please feel free to contact us.

Very truly yours,

JOHNSON ENGINEERING, INC.

Debi Pendlebury

cc: Gary Chensoff – West Bay Hill, LLC
Chris Johnson, West Bay Hill, LLC
Roger Grave De Peralta – Garcia Stromberg

WEST BAY CLUB
RESIDENTIAL DENSITY TABLE

Approved Residential Density per ADD2008-00076:

Total Dwelling Units	Outlying Suburban	*Pods 3, 4 and 5 -no more than*	Suburban
1,016	994	*630*	22

Residential Development Permitted as of April 2022:

PROJECT	Outlying Suburban	*Pods 3, 4 and 5 -no more than 630*	Suburban
Riverbrooke Run	31 SF		20 SF
Westlake Court	26 SF	*26 SF (POD 3)*	
Jasmine Bay	218 MF	*218 MF (POD 4)*	
Laurel Oaks	34 SF		
Natures Cove	63 SF		
Bay Bridge	18 SF		
Chapel Trace	117 SF		
Indigo Shores	92 MF		
Turtle Point	64 MF		
Turtle Point Cove	19 SF		
IN PERMITTING:			
Island High Rise	86 MF	*86 MF (POD 5)*	
TOTALS:	768 SF/MF	*330 SF/MF*	20 SF
REMAINING:	**226 DU**		**2 DU**

JOHNSON ENGINEERING

SINCE 1946

June 30, 2022

Ms. Mary Gibbs, FAICP
Community Development Director
Village Of Estero
9401 Corkscrew Palms Circle
Estero, Florida 33928

RE: Island at West Bay -FPA2022-E001
Final Plan Approval -1st Resubmittal

Dear Mary:

Please find this letter in response to your correspondence dated May 23, 2022. The below responses should satisfy the comments in the order received.

1. The Final Plan Approval plan does not match the Pattern Book. The Final Plan Approval plan is missing the activity lawn, covered loggia, fitness lawn and walking paths with pergola.

Response: The design of the project has evolved with active consultant coordination, owner and marketing input, and Village direction. Certain elements have been adjusted to accommodate the updates. Please refer to diagram provided for more clarification with the development order resubmittal package.

Activity Lawn: The activity lawn was redesigned to become the putting green area on the NW side of the building.

Covered Loggia: A covered loggia surrounds a majority of the perimeter of the arrival level of the building, rather than the specific area near the pools identified on the plan. This allows the pools to be modified in size to accommodate a regulation size lap pool which the owner wants to provide.

Fitness Lawn: The missing text for the fitness lawn has been added to the diagram submitted with the development order resubmittal package.

Additional Parking: The owner requested an increased number of guest parking spaces on the arrival level. We have balanced this request by focusing pedestrian activities on the west side of the arrival deck and by providing a dog park on the north side of the building. This keeps pedestrian activities more separated from the vehicle traffic on the site and still provides an ample landscape on both the arrival and ground level of the project.

Entry/arrival area: The entry style shown in the pattern book plans were a diagram from the earliest concept designs. Through working with the Village, the style evolved, and the geometry of the arrival area has been adjusted to better align to the Florida vernacular style requested by the city.

2. Please provide 2 copies (24" x 36") of the 4-page Final Plan Approval set. The 11" x 17" is difficult to read.

Response: Two copies of the Final Plan Approval set (24" x 36" and 11" x 17") are attached.

2122 Johnson Street ▪ Post Office Box 1550 ▪ Fort Myers, Florida 33902-1550
(239) 334-0046 ▪ Fax (239) 334-3661

The Final Plan Approval process allows deviations to be included as part of the request, allowing the developer flexibility to changing market demands and conditions. Two deviations are requested as part of this application package as discussed in our meeting and are as follows:

1. Deviation from LDC Section 5-404 E. to **not** provide the required a tree inventory identifying the location, species and sizes of trees "worthy of preservation" on the site, as well as a tree health assessment.

Justification: West Bay Club is a residential community comprised of 865+/- acres, originally permitted over 25 years ago. The overall project was cautiously designed providing 700+/- acres of open space, 520+/- acres of indigenous open space, preservation and conservation areas. Approximately 165+/- acres of the overall project was anticipated to be fully developed.

The upland buffer area contained within the subject parcel is approximately 1.56 acres, 29% of the project acreage (5.39+/- acres). Due to the type of vegetation removal for this project which requires removal within the entire developable area of the site up to the required 25' wide upland buffer as shown on the plans. All existing trees, excluding exotic and invasive species, will be preserved within the upland buffer.

The granting of this deviation will have no detrimental effect on the subject project or the overall development. West Bay club is nearing buildout, it was intended thru the zoning and development approvals the "preserved" existing trees within the multitude of conservation/preservation areas provide above adequate numbers for compliance.

2. Deviation from LDC Section 5-405 C.1.A to not provide the required tree location plan which identifies the location, species and sizes of trees intended for credit towards general trees.

Justification: Please see the above response. The general tree requirement has been satisfied within the West Bay Club development limits thru the adoption of Resolution Z-96-005. The areas of preservation were established to comply with the overall general tree requirements.

Thank you for your continued assistance with the project and should you have any questions while reviewing this information for approval, please feel free to contact us.

Very truly yours,

JOHNSON ENGINEERING, INC.

Debi Pendlebury

Debi Pendlebury

dlp/20149683-004

cc: Chris Johnson -West Bay Hill LLC
Dana Hume, P.E.

FINAL PLAN APPROVAL

FOR

WEST BAY CLUB®

ISLAND AT WEST BAY

SECTION 06, TOWNSHIP 47 S., RANGE 25 E.
LEE COUNTY, FLORIDA

UTILITIES PROVIDING SERVICE:

WATER AND SEWER:
LEE COUNTY UTILITIES
1500 MONROE ST
FORT MYERS, FLORIDA 33901
PHONE: (239) 533-8181

TELEPHONE:
COMCAST
12641 CORPORATE LAKES DRIVE
FORT MYERS, FLORIDA 33913
PHONE: (800) 266-2278

CABLE:
COMCAST
12641 CORPORATE LAKES DRIVE
FORT MYERS, FLORIDA 33913
PHONE: (800) 266-2278

ELECTRIC:
FLORIDA POWER & LIGHT COMPANY
15834 WINKLER ROAD
FORT MYERS, FLORIDA 33908
PHONE: (239) 415-1326

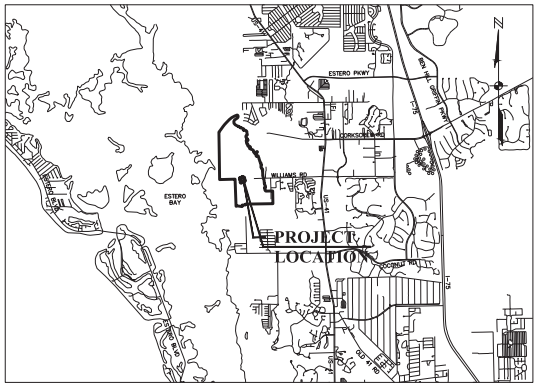
GARBAGE COLLECTION:
WASTE PRO
13110 RICKENBACKER PARKWAY
FORT MYERS, FLORIDA 33913
PHONE: (239) 337-0800
FAX: (239) 225-2758

FIRE CONTROL DISTRICT:
ESTERO FIRE DISTRICT
21500 THREE OAKS PARKWAY
ESTERO, FLORIDA 33928
PHONE: (239) 390-8000

GAS:
TECO PEOPLES GAS
5901 ENTERPRISE PKWY
FORT MYERS, FLORIDA 33905
PHONE: (877) 832-6747

INDEX OF PLANS

SHEET NO.	DESCRIPTION
1	COVER
2	AERIAL PHOTOGRAPH
3	SITE PLAN - GROUND LEVEL
4	SITE PLAN - ARRIVAL DECK
5	LANDSCAPE CODE PLAN



LOCATION MAP
0 5,000 10,000
(INTENDED DISPLAY SCALE: 1"=5,000')

APRIL 2022
JUNE 2022

DEVELOPER/OWNER
WEST BAY HILL LLC
20 NORTH WACKER DRIVE, SUITE 1922
CHICAGO, IL 60606
PHONE: (312) 422-5466

STRAP NUMBER
06-47-25-E2-07MF1.0000
06-47-25-E2-07LK5.02CE

SIZE OF PARCEL
5.39 ACRES

ZONING
RPD (VOE-2021-12)

△ DEVIATIONS
* SEE SHEET 5

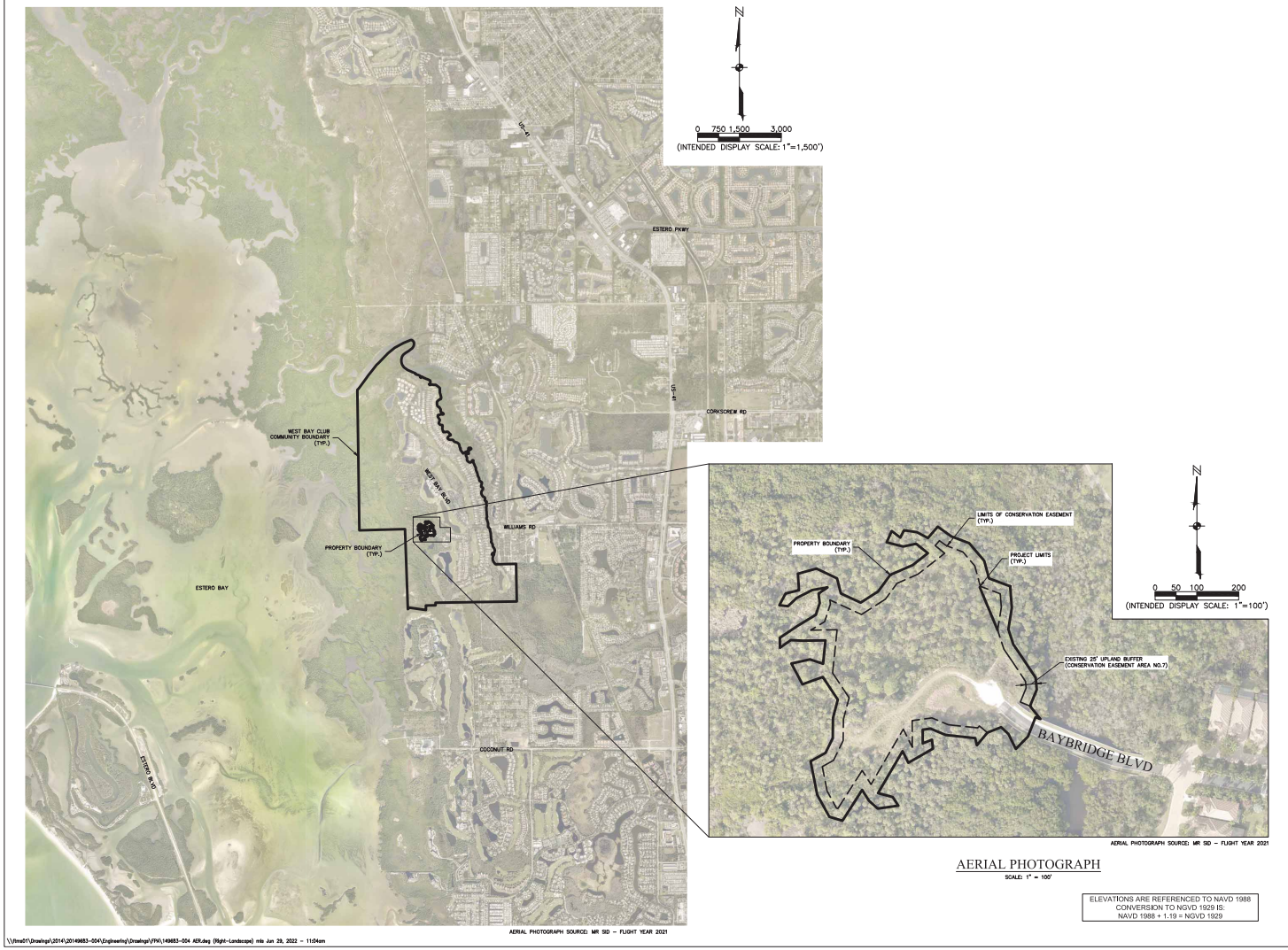
NOTICE TO ALL CONTRACTORS
IT'S THE LAW IN FLORIDA 2 BUSINESS DAYS BEFORE YOU DIG CALL SUNSHINE 1-800-432-4770
STATE, COUNTIES & CITIES ARE "NOT PART OF" THE ONE CALL SYSTEM. THEY MUST BE CALLED INDIVIDUALLY.
BEFORE YOU DIG STOP CALL SUNSHINE 1-800-432-4770

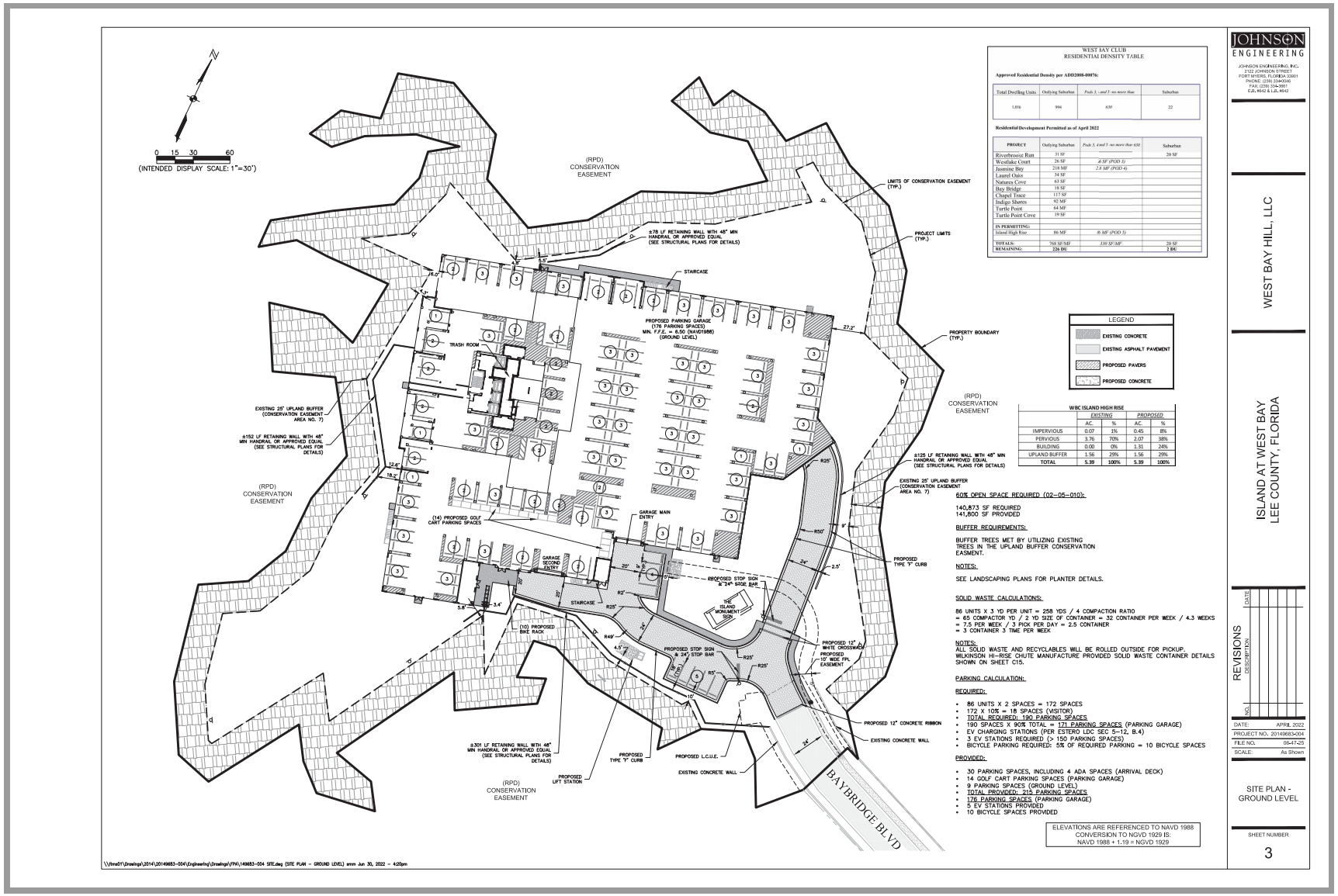
JOHNSON ENGINEERING

JOHNSON ENGINEERING, INC.
2122 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE: (239) 334-0046
FAX: (239) 334-3661
E.B. #642 & L.B. #642

SHEET NUMBER 1

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N
0 750 1,500 3,000
(INTENDED DISPLAY SCALE: 1"=1,500')
US-41
ESTERO PKWY
CORKSCREW RD
I-75
WEST BAY CLUB COMMUNITY BOUNDARY (TYP.)
WEST BAY BLVD
WILLIAMS RD
PROPERTY BOUNDARY (TYP.)
ESTERO BAY
COCONUT RD
ESTERO BLVD
AERIAL PHOTOGRAPH SOURCE: MR SID – FLIGHT YEAR 2021
N
0 50 100 200
(INTENDED DISPLAY SCALE: 1"=100')
LIMITS OF CONSERVATION EASEMENT (TYP.)
PROPERTY BOUNDARY (TYP.)
PROJECT LIMITS (TYP.)
EXISTING 25' UPLAND BUFFER (CONSERVATION EASEMENT AREA NO.7)
BAYBRIDGE BLVD
AERIAL PHOTOGRAPH SOURCE: MR SID – FLIGHT YEAR 2021
AERIAL PHOTOGRAPH
SCALE: 1" = 100'
ELEVATIONS ARE REFERENCED TO NAVD 1988
CONVERSION TO NGVD 1929 IS:
NAVD 1988 + 1.19 = NGVD 1929
\\fmo01\Drawings\2014\20149683-004\Engineering\Drawings\FPA\149683-004 AER.dwg (Right-Landscape) mls Jun 29, 2022 – 11:04am
JOHNSON ENGINEERING
JOHNSON ENGINEERING, INC.
2122 JOHNSON STREET
FORT MYERS, FLORIDA 33901
PHONE: (239) 334-0046
FAX: (239) 334-3661
EB. #642 & LB. #642
WEST BAY HILL, LLC
ISLAND AT WEST BAY
LEE COUNTY, FLORIDA
REVISIONS
NO.
DESCRIPTION
DATE
DATE: APRIL 2022
PROJECT NO. 20149683-004
FILE NO. 05-17-25
SCALE: As Shown
AERIAL PHOTOGRAPH
SHEET NUMBER
2



WEST BAY CLUB
RESIDENTIAL DENSITY TABLE

Approved Residential Density per ADD2008-00076:

Total Dwelling Units	Outlying Suburban	Peak 1, 2 and 3 - no more than	Suburban
1,016	994	650	22

Residential Development Permitted as of April 2022

PROJECT	Outlying Suburban	Peak 3, 4 and 5 - no more than 650	Suburban
Riverbrooke Run	31 SF		20 SF
Westlake Court	26 SF	26 SF (PUD 5)	
Jasmine Bay	218 MF	218 MF (PUD 4)	
Laurel Oaks	34 SF		
Natures Cove	63 SF		
Bay Bridge	18 SF		
Chapel Trace	117 SF		
Indigo Shores	92 MF		
Turtle Point	64 MF		
Turtle Point Cove	19 SF		
IN PERMITTING:			
Island High Rise	86 MF	86 MF (PUD 5)	
TOTALS:	766 SF/MF	330 SF/MF	20 SF
REMAINING:	226 DU		2 DU

WBC ISLAND HIGH RISE

	EXISTING		PROPOSED	
	AC.	%	AC.	%
IMPERVIOUS	0.07	1%	0.45	8%
PERVIOUS	3.76	70%	2.07	38%
BUILDING	0.00	0%	1.31	24%
UPLAND BUFFER	1.56	29%	1.56	29%
TOTAL	5.39	100%	5.39	100%

60% OPEN SPACE REQUIRED (02-05-010):

140,873 SF REQUIRED
141,800 SF PROVIDED

BUFFER REQUIREMENTS:

BUFFER TREES MET BY UTILIZING EXISTING TREES IN THE UPLAND BUFFER CONSERVATION EASMENT.

NOTES:

SEE LANDSCAPING PLANS FOR PLANTER DETAILS.

SOLID WASTE CALCULATIONS:

86 UNITS X 3 YD PER UNIT = 258 YDS / 4 COMPACTION RATIO
= 65 COMPACTOR YD / 2 YD SIZE OF CONTAINER = 32 CONTAINER PER WEEK / 4.3 WEEKS
= 7.5 PER WEEK / 3 PICK PER DAY = 2.5 CONTAINER
= 3 CONTAINER 3 TIME PER WEEK

NOTES:
ALL SOLID WASTE AND RECYCLABLES WILL BE ROLLED OUTSIDE FOR PICKUP.
WILKINSON HI-RISE CHUTE MANUFACTURE PROVIDED SOLID WASTE CONTAINER DETAILS SHOWN ON SHEET C15.

PARKING CALCULATION:

REQUIRED:

- 86 UNITS X 2 SPACES = 172 SPACES
- 172 X 10% = 18 SPACES (VISITOR)
- TOTAL REQUIRED: 190 PARKING SPACES
- 190 SPACES X 90% TOTAL = 171 PARKING SPACES (PARKING GARAGE)
- EV CHARGING STATIONS (PER ESTERO LDC SEC 5-12, B.4)
- 3 EV STATIONS REQUIRED (> 150 PARKING SPACES)
- BICYCLE PARKING REQUIRED: 5% OF REQUIRED PARKING = 10 BICYCLE SPACES

PROVIDED:

- 30 PARKING SPACES, INCLUDING 4 ADA SPACES (ARRIVAL DECK)
- 14 GOLF CART PARKING SPACES (PARKING GARAGE)
- 9 PARKING SPACES (GROUND LEVEL)
- TOTAL PROVIDED: 215 PARKING SPACES
- 176 PARKING SPACES (PARKING GARAGE)
- 5 EV STATIONS PROVIDED
- 10 BICYCLE SPACES PROVIDED

ELEVATIONS ARE REFERENCED TO NAVD 1988
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WEST BAY HILL, LLC

ISLAND AT WEST BAY
LEE COUNTY, FLORIDA

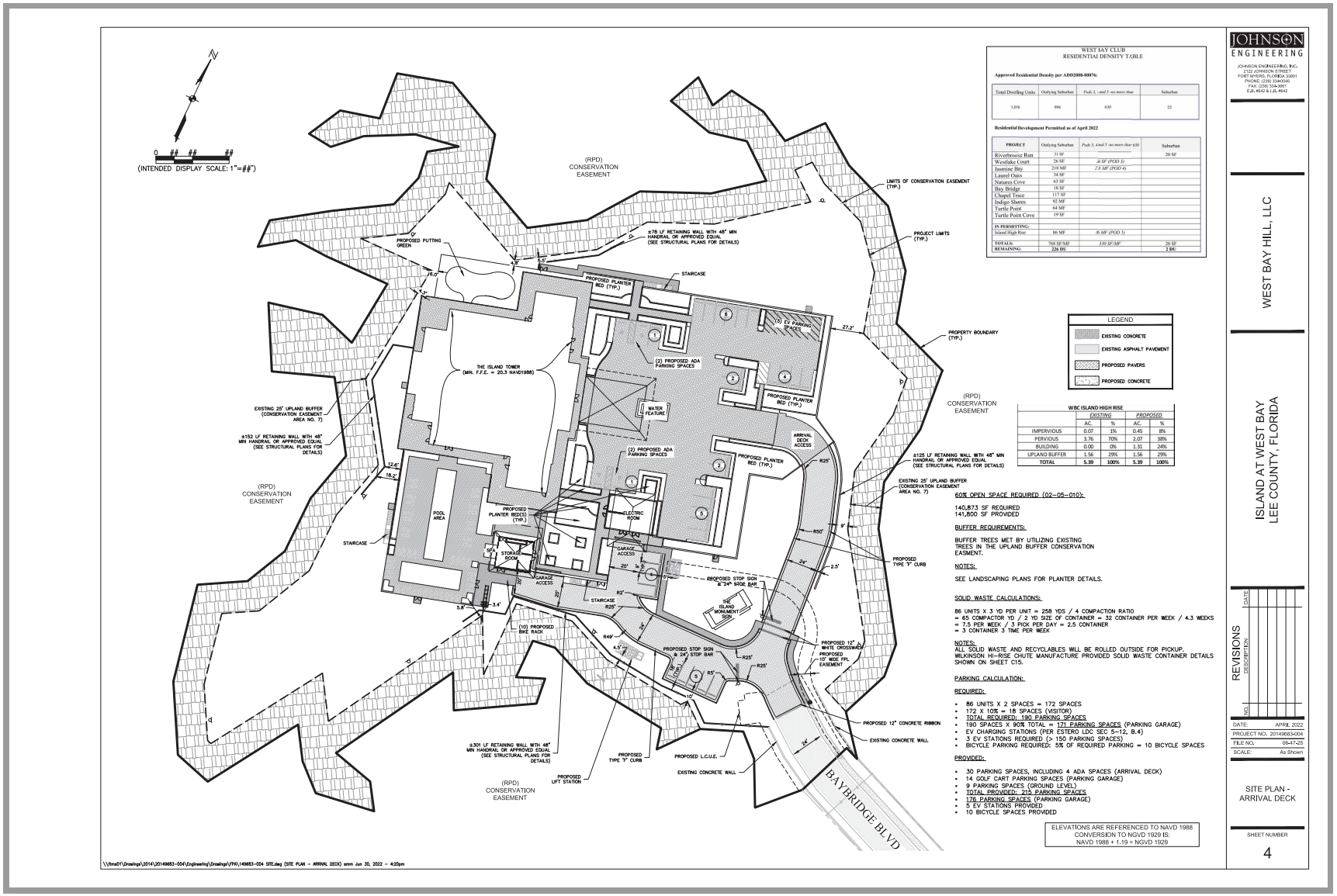
REVISIONS
NO. | DESCRIPTION | DATE

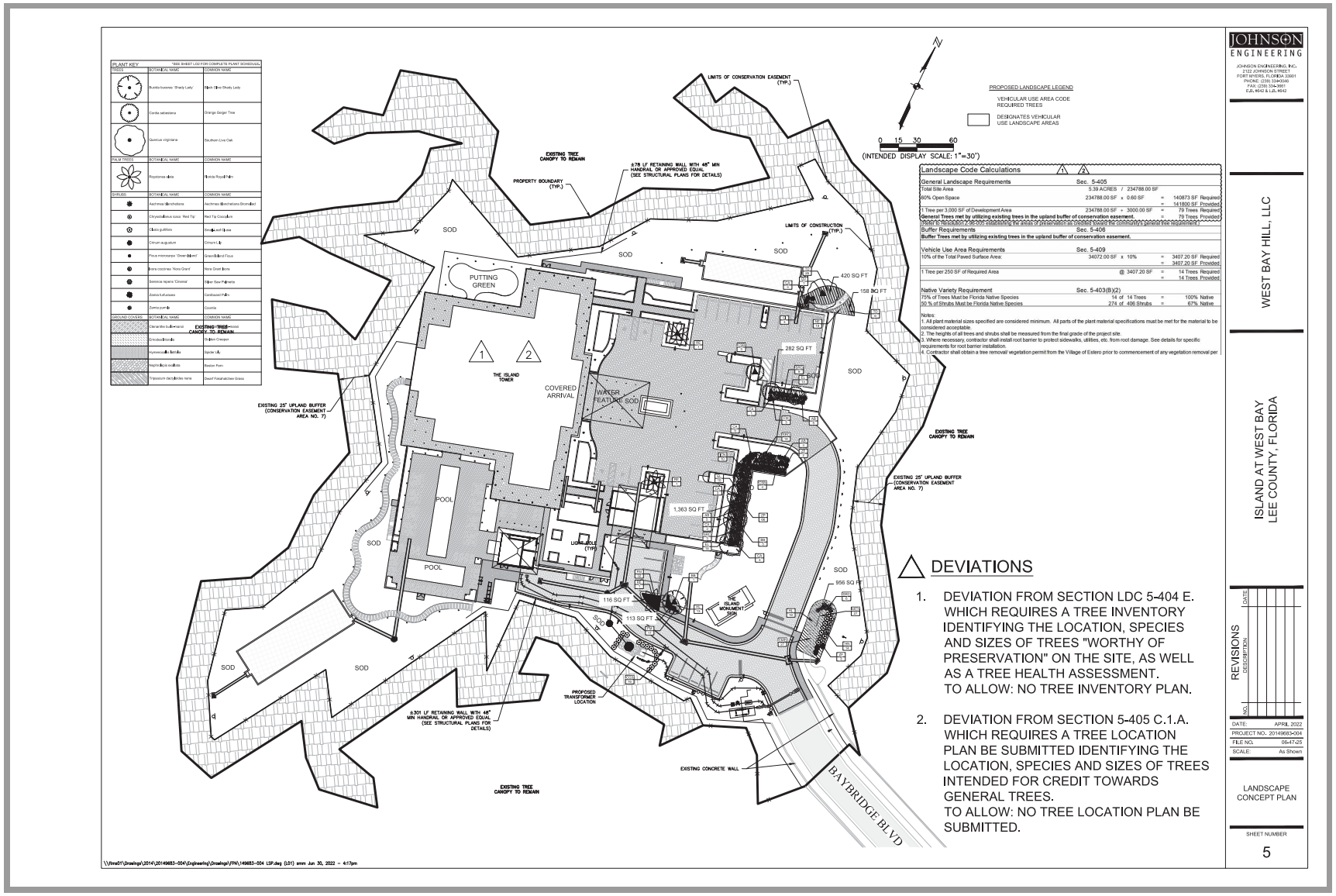
DATE: APRIL 2022
PROJECT NO. 20149683-004
FILE NO. 05-47-25
SCALE: As Shown

SITE PLAN - GROUND LEVEL

SHEET NUMBER
3

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(INTENDED DISPLAY SCALE: 1"=##')
(RPD) CONSERVATION EASEMENT
LIMITS OF CONSERVATION EASEMENT (TYP.)
PROJECT LIMITS (TYP.)
PROPERTY BOUNDARY (TYP.)
±78 LF RETAINING WALL WITH 48" MIN HANDRAIL OR APPROVED EQUAL (SEE STRUCTURAL PLANS FOR DETAILS)
PROPOSED PUTTING GREEN
PROPOSED PLANTER BED (TYP.)
STAIRCASE
(6) EV PARKING SPACES
THE ISLAND TOWER (MIN. F.F.E. = 20.3 NAVD1988)
(2) PROPOSED ADA PARKING SPACES
WATER FEATURE
ARRIVAL DECK ACCESS
EXISTING 25' UPLAND BUFFER (CONSERVATION EASEMENT AREA NO. 7)
±152 LF RETAINING WALL WITH 48" MIN HANDRAIL OR APPROVED EQUAL (SEE STRUCTURAL PLANS FOR DETAILS)
±125 LF RETAINING WALL WITH 48" MIN HANDRAIL OR APPROVED EQUAL (SEE STRUCTURAL PLANS FOR DETAILS)
POOL AREA
PROPOSED PLANTER BED(S) (TYP.)
ELECTRIC ROOM
STORAGE ROOM
GARAGE ACCESS
PROPOSED STOP SIGN & 24" SIDE BAR
ISLAND MONUMENT SIGN
PROPOSED TYPE 'F' CURB
(10) PROPOSED BIKE RACK
PROPOSED STOP SIGN & 24" STOP BAR
PROPOSED 12" WHITE CROSSWALK
PROPOSED 15' WIDE FPL EASEMENT
PROPOSED 12" CONCRETE RIBBON
EXISTING CONCRETE WALL
±301 LF RETAINING WALL WITH 48" MIN HANDRAIL OR APPROVED EQUAL (SEE STRUCTURAL PLANS FOR DETAILS)
PROPOSED LIFT STATION
PROPOSED L.C.U.E.
BAYBRIDGE BLVD
WEST BAY CLUB
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64 MF
Turtle Point Cove
19 SF
IN PERMITTING:
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30 MF (PUD 5)
TOTALS:
766 SF/MF
330 SF/MF
20 SF
REMAINING:
226 DU
2 DU
LEGEND
EXISTING CONCRETE
EXISTING ASPHALT PAVEMENT
PROPOSED PAVERS
PROPOSED CONCRETE
WBC ISLAND HIGH RISE
EXISTING
PROPOSED
AC.
%
IMPERVIOUS
0.07
1%
0.45
8%
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JOHNSON ENGINEERING
JOHNSON ENGINEERING, INC.
2122 JOHNSON STREET
FORT MYERS, FLORIDA 33901
PHONE: (239) 334-0046
FAX: (239) 334-3661
EB. #642 & LB. #642
WEST BAY HILL, LLC
ISLAND AT WEST BAY
LEE COUNTY, FLORIDA
REVISIONS
NO.
DESCRIPTION
DATE
DATE: APRIL 2022
PROJECT NO. 20149683-004
FILE NO. 05-47-25
SCALE: As Shown
SITE PLAN - ARRIVAL DECK
SHEET NUMBER
4
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PLANT KEY
"SEE SHEET L-02 FOR COMPLETE PLANT SCHEDULE"
TREES
BOTANICAL NAME
COMMON NAME
Bursera tomentosa 'Shady Lady'
Black Olive Shady Lady
Conocarpus erectus
Green Buttonwood
Quercus virginiana
Southern Live Oak
PALM TREES
Roystonea elata
Florida Royal Palm
SHRUBS
Aechmea blanchetiana
Aechmea blanchetiana Bromeliad
Chrysobalanus icaco 'Red Tip'
Red Tip Cocoplum
Clusia guttifera
Scotia and Cupania
Cocoplum
Ficus microcarpa 'Green Island'
Green Island Ficus
Ixora coccinea 'Nora Grant'
Nora Grant Ixora
Licuala grandis
Ruffled Fan Palm
Zamia furfuracea
Cardboard Palm
Zamia pumila
Coontie
GROUND COVERS
BOTANICAL NAME
COMMON NAME
Chrysobalanus icaco 'Horizontal'
Horizontal Cocoplum
Ficus pumila
Creeping Fig
Hymenocallis latifolia
Spider Lily
Nephrolepis exaltata
Boston Fern
Thrinax radiata
Florida Thatch Palm
Tripsacum dactyloides nana
Dwarf Fakahatchee Grass
EXISTING TREE CANOPY TO REMAIN
LIMITS OF CONSERVATION EASEMENT (TYP.)
EXISTING TREE CANOPY TO REMAIN
±78 LF RETAINING WALL WITH 48" MIN HANDRAIL OR APPROVED EQUAL (SEE STRUCTURAL PLANS FOR DETAILS)
PROPERTY BOUNDARY (TYP.)
LIMITS OF CONSTRUCTION (TYP.)
SOD
PUTTING GREEN
420 SQ FT
158 SQ FT
282 SQ FT
THE ISLAND TOWER
COVERED ARRIVAL
WATER FEATURE SOD
EXISTING 25' UPLAND BUFFER (CONSERVATION EASEMENT AREA NO. 7)
EXISTING TREE CANOPY TO REMAIN
POOL
1,363 SQ FT
LIGHT POLE (TYP.)
956 SQ FT
116 SQ FT
113 SQ FT
SE ISLAND MONUMENT SIGN
PROPOSED TRANSFORMER LOCATION
±301 LF RETAINING WALL WITH 48" MIN HANDRAIL OR APPROVED EQUAL (SEE STRUCTURAL PLANS FOR DETAILS)
EXISTING CONCRETE WALL
BAYBRIDGE BLVD
EXISTING TREE CANOPY TO REMAIN
0 15 30 60
(INTENDED DISPLAY SCALE: 1"=30')
PROPOSED LANDSCAPE LEGEND
VEHICULAR USE AREA CODE REQUIRED TREES
DESIGNATES VEHICULAR USE LANDSCAPE AREAS
Landscape Code Calculations
General Landscape Requirements Sec. 5-405
Total Site Area 5.39 ACRES / 234788.00 SF
60% Open Space 234788.00 SF x 0.60 SF = 140873 SF Required
= 141800 SF Provided
1 Tree per 3,000 SF of Development Area 234788.00 SF ÷ 3000.00 SF = 79 Trees Required
General Trees met by utilizing existing trees in the upland buffer of conservation easement. = 79 Trees Provided
Refer to Resolution Z-96-004 establishing the areas of preservation as created toward the community's general tree requirement.)
Buffer Requirements Sec. 5-406
Buffer Trees met by utilizing existing trees in the upland buffer of conservation easement.
Vehicle Use Area Requirements Sec. 5-409
10% of the Total Paved Surface Area: 34072.00 SF x 10% = 3407.20 SF Required
= 3407.20 SF Provided
1 Tree per 250 SF of Required Area @ 3407.20 SF = 14 Trees Required
= 14 Trees Provided
Native Variety Requirement Sec. 5-403(B)(2)
75% of Trees Must be Florida Native Species 14 of 14 Trees = 100% Native
50 % of Shrubs Must be Florida Native Species 274 of 406 Shrubs = 67% Native
Notes:
1. All plant material sizes specified are considered minimum. All parts of the plant material specifications must be met for the material to be considered acceptable.
2. The heights of all trees and shrubs shall be measured from the final grade of the project site.
3. Where necessary, contractor shall install root barrier to protect sidewalks, utilities, etc. from root damage. See details for specific requirements for root barrier installation.
4. Contractor shall obtain a tree removal/ vegetation permit from the Village of Estero prior to commencement of any vegetation removal per
DEVIATIONS
1. DEVIATION FROM SECTION LDC 5-404 E. WHICH REQUIRES A TREE INVENTORY IDENTIFYING THE LOCATION, SPECIES AND SIZES OF TREES "WORTHY OF PRESERVATION" ON THE SITE, AS WELL AS A TREE HEALTH ASSESSMENT. TO ALLOW: NO TREE INVENTORY PLAN.
2. DEVIATION FROM SECTION 5-405 C.1.A. WHICH REQUIRES A TREE LOCATION PLAN BE SUBMITTED IDENTIFYING THE LOCATION, SPECIES AND SIZES OF TREES INTENDED FOR CREDIT TOWARDS GENERAL TREES. TO ALLOW: NO TREE LOCATION PLAN BE SUBMITTED.
JOHNSON ENGINEERING
JOHNSON ENGINEERING, INC.
2122 JOHNSON STREET
FORT MYERS, FLORIDA 33901
PHONE: (239) 334-0046
FAX: (239) 334-3661
EB 4642 & LB 4642
WEST BAY HILL, LLC
ISLAND AT WEST BAY
LEE COUNTY, FLORIDA
REVISIONS
NO. DESCRIPTION DATE
DATE: APRIL 2022
PROJECT NO. 20149683-004
FILE NO. 05-47-25
SCALE: As Shown
LANDSCAPE CONCEPT PLAN
SHEET NUMBER
5
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VILLAGE OF ESTERO, FLORIDA
ZONING
ORDINANCE NO. 2021-12

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, APPROVING WITH CONDITIONS AN AMENDMENT TO THE WEST BAY CLUB RESIDENTIAL PLANNED DEVELOPMENT TO INCREASE THE ALLOWED HEIGHT IN POD 5, LOCATED WEST OF US 41 AT THE END OF WILLIAMS ROAD; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, West Bay Hill, LLC represented by Laura DeJohn of Johnson Engineering, Inc., (the "Applicant"), filed an application for an amendment to the West Bay Club Residential Planned Development (RPD) zoning to increase the maximum building height in development area Pod 5 for a proposed 88-unit high-rise building located west of US 41 at the end of Williams Road, Estero, FL, consisting of approximately 5-acres (the "Property"); and

WHEREAS, the Property STRAP number is 06-47-25-E2-07MF1.0000 and legally described as:

"All of Tract MF-1 and Tract LK 5-2 according to the plat of West Bay Club as recorded in Plat Book 62, Page 79 through 111 of the public records of Lee County Florida"; and

WHEREAS, the property is a part of the West Bay Club RPD approved by Lee County in Resolution Z-96-005, as amended most recently by Resolution Z-05-010; and

WHEREAS, the applicant applied for an amendment to zoning resolution Z-05-010 to modify Deviation 9 to revise the maximum height for Development Area Pod 5 from 20 stories over parking to 23 stories over parking, increasing the height from the maximum 220 feet to 270 feet plus an additional 20 feet for rooftop equipment, and to make corresponding changes to the Property Development Table; and

WHEREAS, at a duly noticed public hearing held on September 28, 2021, the Planning, Zoning and Design Board recommended approval with conditions; and

WHEREAS, a duly noticed first reading was held before the Village Council on November 3, 2021; and

WHEREAS, a duly noticed second reading and public hearing was held before the Village Council on November 17, 2021, at which time the Village Council gave consideration

to the evidence presented by the Applicant and the Village staff, the recommendations of the Planning, Zoning and Design Board and the comments of the public.

NOW, THEREFORE, be it ordained by the Village Council of the Village of Estero, Florida:

Section 1. Rezoning.

The Village Council approves with conditions the amendment for the West Bay Club Development Area Pod 5, subject to the following conditions.

Section 2. Conditions.

1. Deviation 9 of Zoning Resolution Z-05-010 is amended to allow a maximum height for Development Area Pod 5 of 23 stories over parking, not to exceed 270 feet (with an additional 20 feet for rooftop equipment). The Property Development Regulations Table of the Master Concept Plan is revised to show the number of habitable floors as 23. All other conditions of prior Zoning Resolutions remain in effect except for Deviation 9 for Pod 5.

2. The maximum number of units is limited to 88.

3. Pod 5 is limited to one high rise building and must provide a minimum of 60% open space.

4. Ninety percent of the required parking in Pod 5 must be provided under the principal building structure to limit the impacts of impervious areas created by open parking lots.

5. The project must be consistent with the Pattern Book titled "The Island at West Bay – Estero, Florida, Pattern Book – 10.01.2021". The Pattern Book is not conceptual. Photographic images may be illustrative, but the development must be in substantial compliance with the Pattern Book, including architecture. Minor variations of details or colors will be evaluated as part of development order approval.

6. The building footprint shall be generally consistent with the shadow study imagery depicted in the Pattern Book to ensure that there are no negative impacts to residences.

7. Solid waste details, hurricane preparedness requirements, green building standards, protected species and tree survey, and construction traffic management plan will be further reviewed at time of development order.

8. An independent, professional, geotechnical engineer with direct experience in South Florida high-rise construction will be retained to provide building foundation recommendations. Their report will be based on multiple borings within the future tower footprint that represents the soil profile in the ground. Their report will be signed and sealed by a licensed engineer and submitted for the foundation design to both the applicant's contractor and the Village prior to approval of a building permit.

9. Non-reflective glass will be used in the building design.

Section 3. Findings and Conclusions.

Based upon an analysis of the application and the standards for approval in the Land Development Code, and the conditions of approval, the Council finds and concludes as follows:

1. The applicant has provided sufficient justification for the zoning amendment through demonstrating compliance with the Comprehensive Plan, the Land Development Code, and other applicable codes.

2. The application with the proposed conditions is compatible with existing uses in the surrounding area.

3. Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities.

4. Urban services will be available and adequate to serve the proposed use.

5. The request will not adversely affect environmentally critical areas and natural resources, which are already protected through the zoning and by other agency permits.

6. The proposed use was previously approved for this vacant site, and as conditioned is appropriate at the subject location.

Section 4. Exhibits.

The following exhibits are attached to this Ordinance and incorporated by reference:

Exhibit A Master Concept Plan (4 pages) titled "West Bay Club RPD/CPD" stamped received by Village of Estero October 15, 2021

Exhibit B Pattern Book titled "The Island at West Bay – Estero, Florida, Pattern Book 10.01.2021"

Section 5. Severability.

Should any section, paragraph, sentence, clause, phrase or other part of this Ordinance subsequent to its effective date be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion thereof, other than the part so declared to be invalid.

Section 5. Effective Date.

This Ordinance shall take effect immediately upon adoption.

PASSED on first reading this 3rd day of November, 2021.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida on second reading this 17th day of November, 2021.

Attest:

By: _____
Carol Sacco, Village Clerk

VILLAGE OF ESTERO, FLORIDA

By: _____
Katy Errington, Mayor

Reviewed for legal sufficiency:

By: _____
Nancy E. Stroud, Village Land Use Attorney

Vote:	AYE	NAY
Mayor Errington	X	____
Vice Mayor McLain	X	____
Councilmember Ribble	X	____
Councilmember Fiesel	X	____
Councilmember Boesch	X	____
Councilmember Ward	X	____
Councilmember Wilson	X	____

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
September 21, 2022

Agenda Item:

Replat for Island Club Tower at West Bay Club

Motion to Approve Resolution No. 2022-29 Replat for West Bay Island High Rise

Background:

The applicant has requested that Council approve a replat of Tract MF-1 and Tract LK 5-02 of West Bay PLT2022-E002, a 5.05-acre "island" parcel located at the west end of Williams Road and on the west side of the "no name" bridge on Baybridge Blvd. A Development Order was submitted on April 22, 2022 for the construction of a multifamily residential high rise containing 86 units over parking.

Description:

The plat is the last step in the process to enable units to be sold and developed. The plat is a "map" that depicts lots, open space, preserves, lakes and the general configuration of the property for the first phase.

Action Requested:

Motion to Approve Resolution No. 2022- 29 Replat for Island Club Tower at West Bay Club

Process and Timeline:

- Replat submitted on Jun 15, 2022
- Reviewed by staff, professional surveyors, Village attorney
- Revisions by applicant
- Deemed complete by Village attorney on July 8, 2022

Financial Impact:

No financial impact

Prepared by: Mary Gibbs

Attachments:

1. Resolution No. 2022- 29
2. Staff Report
2. Village Attorney Memorandum
3. Plat

VILLAGE OF ESTERO, FLORIDA

ZONING RESOLUTION NO. 2022-29

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, APPROVING THE REPLAT OF TRACT MF-1 AND TRACT LK 5-2, WEST BAY CLUB, LOCATED ON POD 5, WEST OF US 41 AT THE END OF WILLIAMS ROAD; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, West Bay Hill, LLC represented by Johnson Engineering, Inc., (the "Applicant"), filed an application for a replat of TRACT MF-1 AND TRACT LK 5-2 for Pod 5 of the West Bay Club Residential Planned Development (RPD) for a proposed 88-unit high-rise building located west of US 41 at the end of Williams Road, Estero, FL, consisting of approximately 5 acres (the "Property"); and

WHEREAS, the Property STRAP numbers are 06-47-25-E2-07MF1.0000 and 06-47-25-E2-07LK5.02CE and legally described as:

"All of Tract MF-1 and Tract LK 5-2 according to the plat of West Bay Club as recorded in Plat Book 62, Page 79 through 111 of the public records of Lee County Florida"; and

WHEREAS, the Village of Estero Land Development Code (LDC) delineates plat requirements; and

WHEREAS, a duly noticed public meeting was held before the Village Council on September 21, 2022, at which time the Village Council gave consideration to the evidence presented by the Applicant and the Village staff and the comments of the public.

WHEREAS, the following findings of fact are offered:

1. The plat meets the technical requirements of Chapter 177, Part I, Florida Statutes, and the requirements of the Village Land Development Code.

2. The plat has been reviewed by the Village Attorney and meets legal requirements.

NOW, THEREFORE, be it resolved by the Village Council of the Village of Estero, Florida:

Section 1. The replat for TRACT MF-1 AND TRACT LK 5-2 of Pod 5 of the West Bay Club is approved.

Section 2. This Resolution shall take effect immediately upon adoption.

ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida on this 21st day of September, 2022.

Attest: **VILLAGE OF ESTERO, FLORIDA**

By: _____ By: _____
Carol Sacco, Village Clerk Katy Errington, Mayor

Reviewed for legal sufficiency:

By: _____
Nancy E. Stroud, Village Land Use Attorney

VILLAGE OF ESTERO
PLAT REVIEW
STAFF REPORT

PROJECT NAME:	**Island Club Tower at West Bay Club**
CASE TYPE:	**REPLAT**
CASE NUMBER:	**PLT2022-E002**
COUNCIL DATE:	**September 21, 2022**

REQUEST
The applicant has requested Council approval for a replat of Tract MF-1 and Tract LK 5-2 of West Bay PLT2022-E002. A copy of the plat is provided in attachment B.

PROPERTY DESCRIPTION
The property's primary access is terminus of Baybridge Blvd., and the overall site is located between the Gulf of Mexico on the west, Pelican Sound Golf and River Club subdivision and O'Donnell Landscapes Inc on the east, the Estero River on the north and Pelican Landing to the south.

ZONING
The property is zoned Residential Planned Development (RPD).

FUTURE LAND USE DESIGNATION
Village Neighborhood 1

TAXES
Property taxes must be paid prior to approval of the plat per Florida Statutes. The property taxes for 2021 have been paid as verified by the Village.

EASEMENTS
There are a total of four (4) easement types present on the subject property.

STAFF ANALYSIS
The preliminary plat package was submitted to the Village for review on June 15, 2022. Staff reviewed the plat to confirm that it is consistent with the approved Development Order. The Village Professional Surveyor Mapper (Banks Engineering) and the Village attorney reviewed the final plat for consistency with the Florida Statutes and the Village of Estero Administrative Code. The Village attorney deemed the replat to be complete on July 8, 2022 (Attachment A).

The Village attorney and Staff confirm that the plat meets the requirements of Chapter 177, Part I, Florida Statutes, conforms with the approved development order (site plan), and meets the requirements of Administrative Code Section 13-19.

ATTACHMENTS

A. Attorney Memorandum
B. Plat

From: Robert Pritt
To: Lisa Reitbauer
Cc: Sandy Larsen; Carol Sacco
Subject: RE: Village of Estero PLT2022-E002 Island Tower at West Bay
Date: Friday, July 8, 2022 9:09:12 AM

I have reviewed the Plat. It appears to be in order except that Burt Saunders is not the Village Attorney now.. I did not have or review any title documents other than the Opinion of Title. Is the Plat going to Council on July 20? If so, we need to let Carol know and I normally see a Resolution approving and ACCEPTING the Plat.
If the Plat does not go until September, there may be a new Village Attorney.
I don't see a major need to fix the Plat for the signature issue, as the name can be crossed out and signed by me if still here or by the new Village Attorney.

From: Lisa Reitbauer <reitbauer@estero-fl.gov>
Sent: Thursday, July 7, 2022 1:00 PM
To: Robert Pritt <pritt@estero-fl.gov>
Subject: FW: Village of Estero PLT2022-E002 Island Tower at West Bay

Good afternoon

Please review PLT2022-E002 Island Tower at West Bay Replat. The supporting documents and plans can be accessed using the link below. Comments should be provided to Sandy Larsen (larsen@estero-fl.gov) and me by **Thursday, July 14, 2022** to allow time to prepare the response package and transmit it to the applicant.

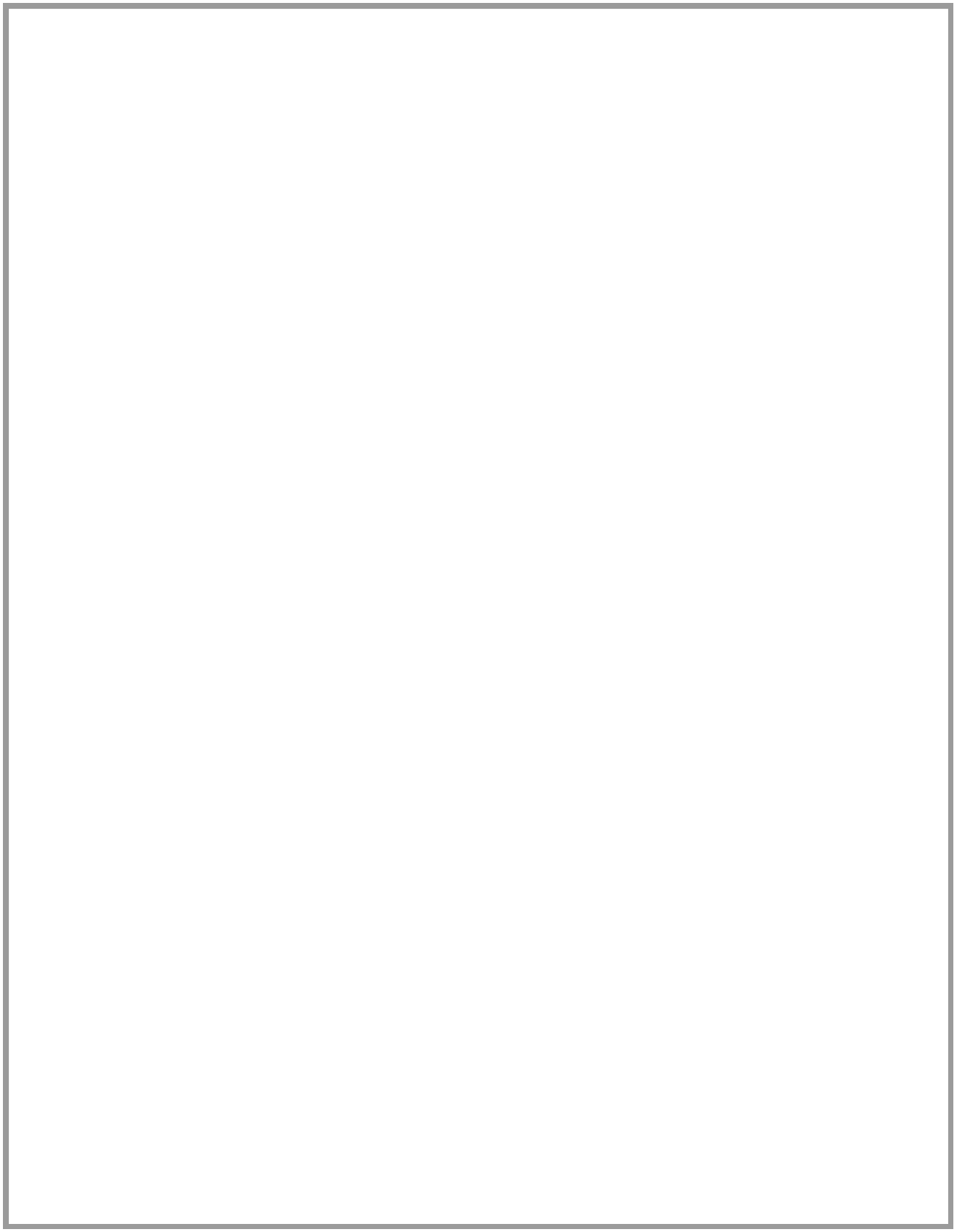
The credentials are:

https://docshare.estero-fl.gov:8000/file

Username: devreview
Password: voe16dev

The folder can be found in the Development Review file PLT2022-E002 Initial Submittal

Lisa Reitbauer
Administrative Assistant – Planning & Zoning
9401 Corkscrew Palms Circle
Estero, FL 33928
Office: (239) 319-2831
www.estero-fl.gov



PREPARED BY:
JOHNSON ENGINEERING
JOHNSON ENGINEERING, INC.
2122 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33901

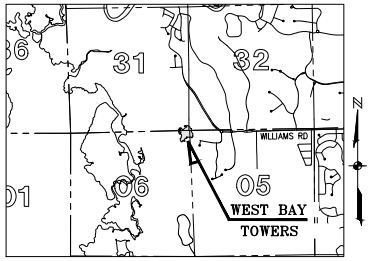
ISLAND TOWER AT WEST BAY CLUB

A SUBDIVISION IN
SECTIONS 31 AND 32, TOWNSHIP 46 SOUTH, RANGE 25 EAST,
AND SECTIONS 5 AND 6, TOWNSHIP 47 SOUTH, RANGE 25 EAST
VILLAGE OF ESTERO, LEE COUNTY, FLORIDA,
AND A REPLAT OF TRACT MF-1 AND TRACT LK 5-2, WEST BAY CLUB,
AS RECORDED IN PLAT BOOK 62, PAGES 79 THROUGH 111,
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

INSTRUMENT NUMBER _____

NOTICE:
THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

NOTICE:
LANDS DESCRIBED IN THIS PLAT MAY BE SUBDIVIDED BY THE DEVELOPER WITHOUT THE ROADS, DRAINAGE, WATER AND SEWER FACILITIES BEING ACCEPTED FOR MAINTENANCE BY LEE COUNTY. ANY PURCHASER OF A LOT IN THIS SUBDIVISION IS ADVISED TO DETERMINE WHETHER THE LOT MAY BE SUBJECT TO ASSESSMENT OR CALLED UPON TO BEAR A PORTION OR ALL OF THE EXPENSE OF CONSTRUCTION, MAINTENANCE, OR IMPROVEMENT OF ROADS, DRAINAGE, WATER AND SEWER FACILITIES.



LOCATION MAP
0 2000 4000
(INTENDED DISPLAY SCALE: 1"=2000')

LEGAL DESCRIPTION

TRACT MF-1 AND TRACT LK 5-2, WEST BAY CLUB, A SUBDIVISION ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 62, PAGE 79, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WEST BAY HILL, LLC, A FLORIDA LIMITED LIABILITY CORPORATION, THE OWNER OF THE HEREIN DESCRIBED LANDS HAS CAUSED THIS PLAT OF THE ISLAND TOWER AT WEST BAY CLUB, A SUBDIVISION IN SECTIONS 31 AND 32, TOWNSHIP 46 SOUTH, RANGE 25 EAST, AND SECTIONS 5 AND 6, TOWNSHIP 47 SOUTH, RANGE 25 EAST VILLAGE OF ESTERO, LEE COUNTY, FLORIDA, AND A REPLAT OF TRACT MF-1 AND TRACT LK 5-2, WEST BAY CLUB, AS RECORDED IN PLAT BOOK 62, PAGES 79 THROUGH 111, PUBLIC RECORDS OF LEE COUNTY, FLORIDA TO BE MADE AND DOES HEREBY:

1. RESERVE TO WEST BAY HILL, LLC, A FLORIDA LIMITED LIABILITY CORPORATION, TRACT A FOR FUTURE DEVELOPMENT.
2. DEDICATE TO LEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, ITS SUCCESSORS AND ASSIGNS THOSE NON-EXCLUSIVE LEE COUNTY UTILITY EASEMENTS (LCUE) FOR THE PURPOSES OF PERFORMING AND DISCHARGING ITS DUTIES AND OBLIGATIONS TO PROVIDE POTABLE WATER DISTRIBUTION SERVICES AND SANITARY SEWER COLLECTION SERVICES.
3. DEDICATE TO FEDERAL, STATE AND LOCAL GOVERNMENTAL AGENCIES AND DEPARTMENTS AND TO ALL PUBLIC UTILITIES AS DEFINED BY FLORIDA LAW, AS MAY BE AMENDED FROM TIME TO TIME, WHETHER PRIVATELY OR GOVERNMENTALLY OWNED, FOR USE IN THE PERFORMING AND DISCHARGING OF THEIR RESPECTIVE OFFICIAL DUTIES AND OBLIGATIONS TO PROVIDE UTILITY AND OTHER GOVERNMENTAL SERVICES:
   A. A PERPETUAL EASEMENT IN ALL PUBLIC UTILITY EASEMENTS (P.U.E.) FOR UTILITY PURPOSES.
   B. THE PUBLIC UTILITY EASEMENTS DESCRIBED HEREIN SHALL ALSO BE EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES; PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES. THIS SECTION SHALL NOT APPLY TO THOSE PRIVATE EASEMENTS GRANTED TO OR OBTAINED BY A PARTICULAR ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION SHALL COMPLY WITH THE NATIONAL ELECTRICAL SAFETY CODE AS ADOPTED BY THE FLORIDA PUBLIC SERVICE COMMISSION. ALL EASEMENTS CROSSING OR COINCIDENT WITH ANY PUBLIC UTILITY EASEMENT SHALL BE SUBORDINATE TO THE PUBLIC UTILITY EASEMENT.

IN WITNESS WHEREOF, WEST BAY HILL, LLC, A FLORIDA LIMITED LIABILITY CORPORATION, HAS CAUSED THIS DEDICATION TO BE MADE AND EXECUTED THIS _____ DAY OF _____, 2022.

WEST BAY HILL, LLC, A FLORIDA LIMITED LIABILITY COMPANY

BY: _____

PRINT NAME: _____

WITNESSES:

_____ 1st WITNESS

PRINT NAME: _____

_____ 2nd WITNESS

PRINT NAME: _____

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF LEE

THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME BY MEANS OF [ ] PHYSICAL PRESENCE OR [ ] ONLINE NOTARIZATION, THIS _____ DAY OF _____, 2022, BY _____ AS AUTHORIZED SIGNATORY OF WEST BAY HILL, LLC, A FLORIDA LIMITED LIABILITY COMPANY, WHO IS PERSONALLY KNOWN TO ME.

_____
NOTARY PUBLIC – STATE OF FLORIDA

PRINT NAME: _____

_____ COMMISSION #

_____ MY COMMISSION EXPIRES

NOTARY'S SEAL

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE ATTACHED PLAT OF THE ISLAND TOWER AT WEST BAY CLUB, A SUBDIVISION IN SECTIONS 31 AND 32, TOWNSHIP 46 SOUTH, RANGE 25 EAST, AND SECTIONS 5 AND 6, TOWNSHIP 47 SOUTH, RANGE 25 EAST VILLAGE OF ESTERO, LEE COUNTY, FLORIDA, AND A REPLAT OF TRACT MF-1 AND TRACT LK 5-2, WEST BAY CLUB, AS RECORDED IN PLAT BOOK 62, PAGES 79 THROUGH 111, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, WAS PREPARED UNDER MY DIRECTION AND SUPERVISION AND COMPLIES WITH ALL OF THE SURVEY REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES. I FURTHER CERTIFY THAT THE PERMANENT REFERENCE MONUMENTS (PRM'S) HAVE BEEN PLACED AT THE LOCATIONS SHOWN ON THE PLAT.

DONE THIS _____ DAY OF _____, 2022.

_____
MARK D. HAINES (FOR THE FIRM–LB 642)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5312
JOHNSON ENGINEERING, INC.
2122 JOHNSON STREET
FORT MYERS, FLORIDA 33901

SURVEYOR'S SEAL

CLERK'S CERTIFICATION

I HEREBY CERTIFY THAT THE ATTACHED PLAT OF THE ISLAND TOWER AT WEST BAY CLUB, A SUBDIVISION IN SECTIONS 31 AND 32, TOWNSHIP 46 SOUTH, RANGE 25 EAST, AND SECTIONS 5 AND 6, TOWNSHIP 47 SOUTH, RANGE 25 EAST VILLAGE OF ESTERO, LEE COUNTY, FLORIDA, AND A REPLAT OF TRACT MF-1 AND TRACT LK 5-2, WEST BAY CLUB, AS RECORDED IN PLAT BOOK 62, PAGES 79 THROUGH 111, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, WAS FILED FOR RECORD AT _____M., THIS _____ DAY OF _____, 2022 AND DULY RECORDED AS INSTRUMENT NUMBER _____ IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

_____
KEVIN C. KARNES
LEE COUNTY CLERK OF COURT

CLERK'S SEAL

APPROVALS

THIS PLAT IS ACCEPTED AND APPROVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA THIS _____ DAY OF _____ 2022.

_____
KATY ERRINGTON
MAYOR

_____
CAROL SACCO
VILLAGE CLERK

_____
MARY GIBBS
DIRECTOR OF COMMUNITY DEVELOPMENT

_____
VILLAGE ATTORNEY

_____
PRINT NAME

REVIEW BY VILLAGE OF ESTERO DESIGNATED P.S.M. DETERMINED THAT THIS PLAT CONFORMS TO THE REQUIREMENTS OF F.S. CH. 177, PART I.

_____
AS VILLAGE OF ESTERO DESIGNATED P.S.M.

_____
PRINT NAME

D0S2022-E003 / PLT2022-E002

PREPARED BY:
JOHNSON ENGINEERING
JOHNSON ENGINEERING, INC.
2122 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33901

ISLAND TOWER AT WEST BAY CLUB

A SUBDIVISION IN
SECTIONS 31 AND 32, TOWNSHIP 46 SOUTH, RANGE 25 EAST,
AND SECTIONS 5 AND 6, TOWNSHIP 47 SOUTH, RANGE 25 EAST
VILLAGE OF ESTERO, LEE COUNTY, FLORIDA,
AND A REPLAT OF TRACT MF-1 AND TRACT LK 5-2, WEST BAY CLUB,
AS RECORDED IN PLAT BOOK 62, PAGES 79 THROUGH 111,
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

INSTRUMENT NUMBER _____

SHEET 2 OF 2

LEGEND

TRACTS
TRACT A = FUTURE DEVELOPMENT
C/L = CENTERLINE LCUE = LEE COUNTY UTILITY EASEMENT L# = LINE TAG (BEARING AND DISTANCE) ORB = OFFICIAL RECORDS BOOK PG = PAGE PUE = PUBLIC UTILITY EASEMENT

0 20 40 80
(INTENDED DISPLAY SCALE: 1"=40')

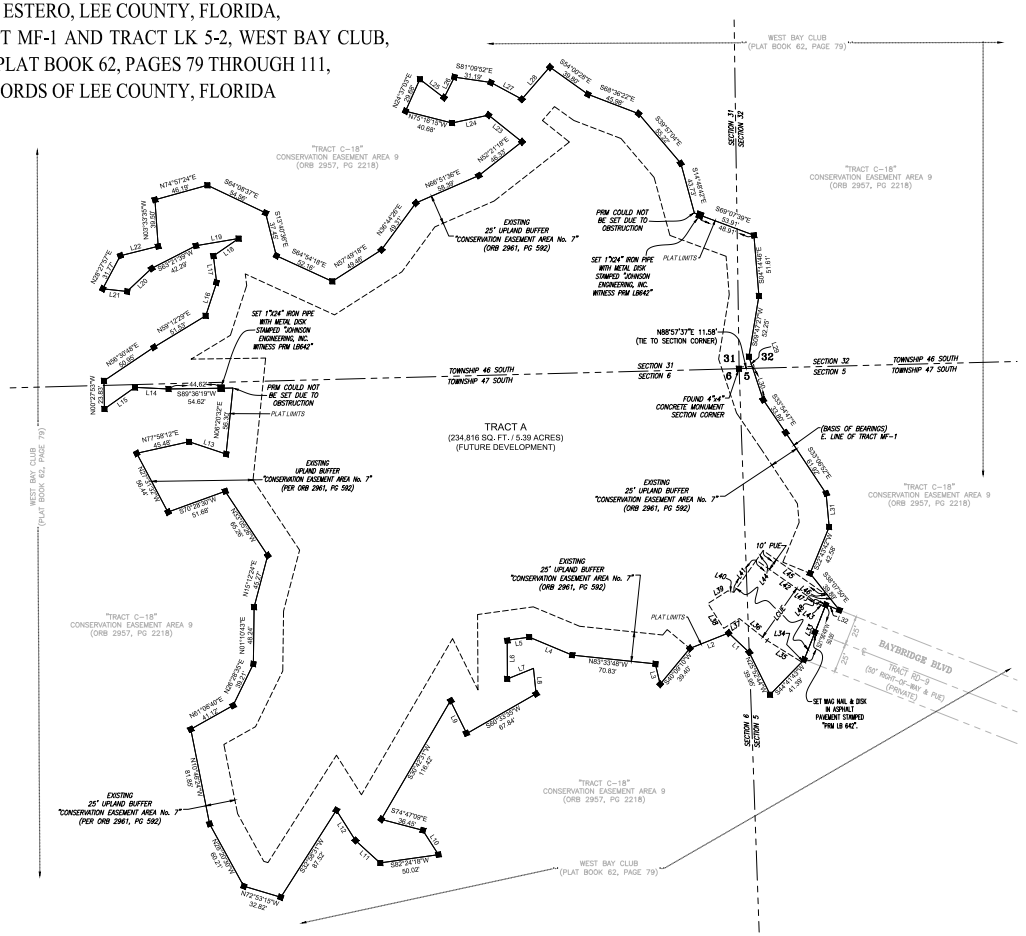
LINE TABLE		
LINE	BEARING	DISTANCE
L1	N46°20'45"W	23.99'
L2	S68°42'13"W	35.36'
L3	N12°59'56"W	17.73'
L4	N66°50'05"W	39.47'
L5	S82°34'44"W	18.93'
L6	S00°07'38"W	32.84'
L7	N68°22'36"E	23.86'
L8	S05°24'18"E	21.63'
L9	N25°55'42"W	31.08'
L10	S32°20'01"E	24.56'
L11	N47°11'05"W	28.29'
L12	N31°50'48"W	30.30'
L13	S71°07'28"E	33.09'
L14	N86°51'22"W	28.50'
L15	S55°15'02"W	31.66'
L16	N18°34'00"E	29.60'

LINE TABLE		
LINE	BEARING	DISTANCE
L17	N06°33'11"W	22.74'
L18	N55°52'32"E	26.07'
L19	S80°51'32"W	36.77'
L20	S47°13'40"W	28.48'
L21	N83°26'46"W	20.75'
L22	N76°23'52"E	33.11'
L23	N50°54'46"W	36.20'
L24	S78°18'13"W	31.70'
L25	S51°57'41"E	25.89'
L26	N27°06'13"E	19.67'
L27	S61°18'19"E	29.89'
L28	N41°21'50"E	36.09'
L29	S17°56'14"E	10.38'
L30	S17°56'14"E	28.16'
L31	S04°46'54"E	28.37'
L32	N68°03'11"W	12.45'

LINE TABLE		
LINE	BEARING	DISTANCE
L33	S21°56'49"W	47.87'
L34	S44°41'43"W	2.88'
L35	N57°40'15"W	34.66'
L36	N51°14'30"W	30.05'
L37	S58°01'31"W	15.60'
L38	N31°56'44"W	25.00'
L39	N58°01'31"E	19.91'
L40	S76°58'29"E	5.29'
L41	N35°31'49"E	33.21'
L42	S54°28'29"E	63.75'
L43	S61°28'34"E	6.68'
L44	N35°31'49"E	10.00'
L45	S54°28'29"E	63.13'
L46	S61°28'34"E	3.22'
L47	S38°07'51"E	16.31'
L48	S21°56'49"W	2.12'

NOTES

1. ■ = PERMANENT REFERENCE MONUMENTS (PRM'S) ARE SET 1"X24" IRON PIPES WITH METAL DISKS SET INTHE TOP STAMPED "JOHNSON ENGINEERING, INC. PRM LB642" (UNLESS OTHERWISE NOTED).
2. BEARINGS SHOWN HEREON ARE BASED ON THE PLAT OF WEST BAY CLUB AS RECORDED IN PLAT BOOK 62, PAGE 79, FIXING A PORTION OF THE BOUNDARY OF TRACT MF-1, WHEREIN SAID PORTION BEARS S.33°06'52"E.
3. PLAT CONTAINS 234,816 SQUARE FEET (5.39 ACRES), MORE OR LESS.
4. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.



DOS2023-8003 / PLT2023-8002

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
September 21, 2022

Agenda Item:

Review of Ordinance No. 2022-09 addressing Conflict of Interest – Planning, Zoning and Design Board

Motion to pass first reading of Ordinance No. 2022-09 and set second reading for October 5, 2022

Background:

The Planning, Zoning and Design Board has discussed State conflict of interest rules relating to Board members who practice professionally in the Estero area, and challenges to their ethical responsibilities as Board Members. More specifically, questions arose regarding Board members or other members of their firms presenting projects or portions of projects to the PZDB.

The Board requested land use counsel and staff research this topic and provide a memo. The Village land use attorney Nancy Stroud has prepared a memo that was distributed to the Planning, Zoning and Design Board and was also discussed in a Council Workshop on March 2, 2022. The memo summarizes the conflict of interest law and some relevant rulings from the Florida Commission on Ethics. It also outlines an exception for Boards that have designated professional members, and several options. Some options require an amendment to the Land Development Code.

At the March 2nd Council Workshop, staff advised they would bring this back to Council for further consideration after the PZDB provided their input.

The PZDB discussed this issue on May 10th and again on July 12, 2022 and voted to recommend to Council an exception for design professionals.

Description:

If the Council wishes to create an exception for design professionals, an amendment to the Land Development Code is needed. A draft amendment that was recommended by the PZDB is attached for Council's review.

Process and Timeline:

- Review and discussion by Planning, Zoning and Design Board January, 2022
- Memorandum from Land Use Attorney February, 2022
- Council Workshop March 2, 2022
- PZDB discussion on May 10, 2022
- Ordinance reviewed by Planning, Zoning and Design Board July 12, 2022
- Council review - 1st and 2nd readings – September and October, 2022

Action Requested:

Pass first reading of Ordinance 2022-09 and set second reading for October 5, 2022

Financial Impact:

N/A - the PZDB is a volunteer Board.

Prepared by: Mary Gibbs

Attachments:

1. Ordinance No. 2022-09
2. Memorandum from Village Land Use Counsel dated February 24, 2022
3. Excerpts from March 2, 2022 Council Meeting, May 10, 2022 and July 12, 2022 PZDB Meetings

VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2022 - 09

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, AMENDING SECTION 2-302C.2. OF THE VILLAGE LAND DEVELOPMENT CODE TO CHANGE MEMBERSHIP QUALIFICATIONS OF THE PLANNING ZONING AND DESIGN BOARD; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village of Estero adopted its Land Development Code on January 27, 2021 to establish the Village Planning Zoning and Design Review Board ("PZDB"); and

WHEREAS, the PZDB has recommended that the membership qualifications of the PZDB should be adjusted to provide certain designated seats for professionals to serve on the Board in the interest of encouraging service by volunteer professionals and thus the continued use of professional expertise for the benefit of the Village; and

WHEREAS, the PZDB also recommends that the Village and the PZDB have a strong public interest in balancing the ability of volunteer professionals to practice their profession in the Village with the reduction of potential conflicts of interest, real or perceived, on the part of such professionals; and

WHEREAS, the PZDB recommends that the adjustment of membership qualifications should also be accompanied by restrictions on the practice of professional members of the PZDB beyond what is required by Florida law; and

WHEREAS, the Village PZDB, as the Local Planning Agency and in a duly noticed public hearing on July 12, 2022, considered the proposed changes and recommended that the proposed changes are consistent with the Village of Estero Comprehensive Plan; and

WHEREAS, the Village Council on September 21, 2022 held a duly advertised first reading of the proposed changes; and

WHEREAS, the Village Council on October 5, 2022 at a duly advertised public hearing considered the proposed changes, the recommendations of the PZDB and the comments of the public.

NOW, THEREFORE, be it ordained by the Village Council of the Village of Estero, Florida:

~~Strike through~~ and underline show changes from the existing Land Development Code. Ellipses (* * *) show that adopted text is omitted for brevity.

Section 1. Recitals Adopted. That each of the above stated recitals is hereby adopted and confirmed as being true, and the same are hereby incorporated as a part of this Ordinance.

Section 2. Amending Sec. 2-302C. Membership.

Section 2-302C of the Village Land Development Code is hereby amended in regard to the Planning Zoning and Design Board to state as follows:

Sec. 2-302C. Membership.

1. The PZDB shall have not less than seven nor more than nine members appointed by the Village Council by affirmative vote of a majority of the full Village Council membership. An additional non-voting, *ex officio* representative of the Lee County School Board may also serve on the PZDB in accordance with state law. The School Board shall notify the Village Clerk in writing within 10 days of the appointment or removal of any member.
2. At least a majority of the members of the PZDB appointed by the Village Council shall be residents of the Village. All other members shall either (i) own a business in the Village, (ii) own property in the Village, or (iii) work in the Village. The members of the Board shall include at least one member ("designated member") from the following Florida state-registered professions: (i) civil engineering, (ii) architecture, and (iii) landscape architecture. Other members shall have diverse backgrounds, and, wherever possible, prior experience in land use, planning, zoning, legal matters, environmental matters~~, engineering, architecture, landscape architecture,~~ or building and development. Each member shall be sympathetic to municipal development consonant with the comprehensive plan and with the health, safety, and welfare of its residents. No Board member shall hold any other public office, appointive or elective. A designated member shall be permitted to represent a client at a Public Information Meeting, but shall not represent a client before the Board, participate in discussion or vote on the client's application at any other meeting. Notwithstanding, other members of the designated member's firm may represent the firm client before the Board at any meeting.

Section 3. Severability. If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

Section 4. Effective Date. This ordinance shall take effect immediately upon adoption.

PASSED on first reading this _____ day of _____, 2022.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this _____ day of _____, 2022.

~~Strike through~~ and underline show changes from the existing Land Development Code. Ellipses (* * *) show that adopted text is omitted for brevity.

Attest: **VILLAGE OF ESTERO, FLORIDA**

By: _____ By: _____
Carol Sacco, Village Clerk Katy Errington, Mayor

Reviewed for legal sufficiency:

By: _____
Nancy E. Stroud,
Village Land Use Attorney

Vote:	AYE	NAY
Mayor Errington	____	____
Vice Mayor McLain	____	____
Councilmember Boesch	____	____
Councilmember Fiesel	____	____
Councilmember Ribble	____	____
Councilmember Ward	____	____
Councilmember Wilson	____	____

~~Strike through~~ and underline show changes from the existing Land Development Code. Ellipses (* * *) show that adopted text is omitted for brevity.
Ordinance No. 2022-09

Nancy E. Stroud, P.A.

MEMORANDUM

TO: Village of Estero Planning, Zoning and Design Board

FROM: Nancy Stroud
Village Land Use Counsel

RE: Conflict of Interest

DATE: February 25, 2022

The PZDB had a recent discussion about the state conflict of interest rules relating to Board members who practice professionally in the Estero area and the challenges that presents to their ethical responsibilities as Board members. As requested, I have reduced my research to a memo, and also some options for the Board to consider in recommending any changes to the Village Council.

The Florida Ethics Code and Commission on Ethics Opinions

Introduction. The Florida Ethics Code is a state statute that applies to all public officials, appointed or elected. It can be a bit vague and confusing, and that is why the legislature created the Florida Commission on Ethics. The Commission issues opinions regarding the application of the Code and those opinions have the effect of law – unless overturned by a state court of appeal. The Commission's opinions are not simply advisory.

There are numerous opinions from the Commission that very clearly state that Board members cannot represent their business clients before the Board, as that would be a prohibited conflict of interest under Florida Statute 112.313(7)(a). Neither can a member of that Board member's firm participate in representing the client.

Florida Statute 112.313(7)(a) states:

> CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.--No public officer or employee of an agency shall have or hold any employment or contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with, any agency of which he or she is an officer or employee . . . ; nor shall an officer or employee of an agency have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties.

1875 N.W. Corporate Blvd., Suite 100, Boca Raton, Florida 33431
Telephone — 561 826 2800

There is an exception found in Commission on Ethics opinions that was applied to the DRB in at least one instance before the Village's new land development code created the PZDB. Where a local ordinance creates a board which has certain designated professional members, and persons are specifically appointed to those designated seats, then the Commission has opined that those particular board members can represent clients before their board. In that case, however, the Board member cannot vote on the matter and must file a conflict-of-interest form. The Village council under the DRB process also made clear that they expected that the Board member would leave the dais and the room while the matter was being presented and discussed.

1. The Conflict-of-Interest Commission on Ethics Opinions

Florida Commission on Ethics Opinion 20-18 explains the basis for the conflict-of-interest law as follows:

> The phrase "conflict of interest," as used in the statute, is defined in Section 112.312(8), Florida Statutes, to mean "a situation in which regard for a private interest tends to lead to disregard of a public duty or interest." A "conflict of interest" maybe found if a public officer's duties and his private employment or contractual relationships "coincide to create a situation which 'tempts dishonor.'" See *Zerweck v. State Commission on Ethics,* 409 So. 2d 57 (Fla. 4th DCA 1982).
>
> … (E)ssential to applicability of the prohibition is that the public officer hold a conflicting employment or contractual relationship. In the past, we have found that the second part of Section 112.313(7)(a) prohibits a public officer from representing a client in matters that are before a board where he is a member because it may interfere with the full and faithful discharge of his public duties…. And the conflict cannot be mitigated simply because another member of the public officer's professional firm engages in the representation. This is because the concern is the potential loss of objectivity a public officer may have if his firm is attempting to influence the decisions of his board.
>
> … And compliance with the voting conflict statute--Section 112.3143(3)(a), Florida Statutes--has been found not to negate the prohibited conflict under the second part of Section 112.313(7)(a). Because we have found that the two statutes operate independently, we have found that following the requirements for responding to a voting conflict under Section 112.3143(3)(a) does not create a defense against the application of Section 112.313(7)(a).

Florida Commission on Ethics Opinion 79-7 further explains:

> In our view, the representation of a client before one's board jeopardizes one's independence and impartiality, gives one an undeniable advantage over other members of one's profession or occupation in such matters, and strongly presents the appearance of public office being used for private gain.

Also see Florida Commission on Ethics Opinion 78-86:

> When that (representation of a party before the member's board) occurs, the board member has the advantage of knowing intimately board procedures as well as the particular interests, views, and voting records of its members, and he can tailor his representation accordingly. In addition, the public officer's independence and impartiality are jeopardized. Finally, the appearance of public office being used for private gain undermines the confidence of people in their government.
>
> . . . We do not feel that this conflict of interest could be mitigated or avoided by having another member or an employee of the public officer's professional firm represent the client before his board. The same conflict of interest and appearance of conflict of interest would be involved in this type of representation, as well as the same direct private gain to the public officer.

2. <u>The Exception for Boards that have Designated Professional Members.</u>

The Commission on Ethics has carved out an exception or "waiver", based on the Ethics Code, related to Boards that have designated professional members as required by ordinance. For example, Florida Commission on Ethics Opinion 04-1 explains:

> Were we to apply Section 112.313(7)(a) in isolation, we would find that a prohibited conflict of interest would be created for all of the architect members of the Board were they to have clients with matters before the Board, inasmuch as they would hold employment or a contractual relationship with the clients (business entities) subject to the regulation of the Board (the members' public agency). However, inquiries such as yours necessarily involve consideration of Section 112.313(7)(b), Florida Statutes, which modifies the prohibitions of Section 112.313(7)(a), and which provides:
>
> > This subsection shall not prohibit a public officer or employee from practicing in a particular profession or occupation when such practice by persons holding such public office or employment is required or permitted by law or ordinance.

> Consequently, we have found Section 112.313(7)(b) to operate to negate conflicts grounded in Section 112.313(7)(a) when, essentially, a law or **ordinance has worked a "waiver" of conflict by recognizing that certain credentials are so vital to the expertise and operation of a public board that the otherwise conflicting business/client connections of certain members must yield to the public purpose of a portion of the board's membership possessing such professional training and practice.**
>
> . . . Thus, regarding the two architect members of the Board who occupy the two positions designated for registered architects, we find Section 112.313(7)(b) to be applicable, and thus find that no prohibited conflict of interest exists under Section 112.313(7)(a) regarding these two members.

Options for Board Membership

Based on the conflict-of-interest law described above, there are a variety of options for the Village of Estero to consider to address the current situation which would not allow a Board member or the member's firm to present an application for a Board decision. Some of the options are:

1. *Retain the current composition of the Board as provided in the Land Development Code.* The current Board is a composite of the original Design Review Board and the Planning and Zoning Advisory Board. The two boards were combined to bring a more efficient process to the review of development applications, that could allow more unified reviews of development projects and recommendations to the Village Council. The Board retains a mix of member qualifications as to background and expertise but does not designate any particular professional to a Board seat. It was also expected that a larger board would diminish the problems that had been experienced with the DRB in maintaining a quorum for meetings. There was some concern under the old code that the ability for some professionals to represent clients, while others could not, was disruptive to the Board's cohesion. On the negative side, there is a challenge to find volunteer professional members who are willing to forgo business opportunities in the Village in order to serve on the Board.

2. Amend the Land Development Code to designate certain Board "seats" to certified professionals, such as one or more of the following-- an architect, a landscape architect, and civil engineer -- whose expertise is particularly relevant to the work of the Board. This would allow those members and their firms to represent clients before the Board. A potential negative result from this option is that the public may perceive that members have conflicts of interest that reflect poorly on the Village. Variations of this option could include:

   a. Designated professional members can represent clients in all meetings of the Board, but of course could not participate in the vote.
   b. Designated professional members could only represent clients at public information meetings, with a member of the firm allowed to represent the client

in public hearings. The member would not participate in the public hearing but instead would leave the meeting.

c. Designated professional members cannot represent clients in any meeting of the Board, but their firms can, and the members cannot participate in the vote but would leave the meeting.
d. Limit the number of times that a member can represent a business client before the Board.
e. Other options?

As the Local Planning Agency, the Board would be responsible for making a recommendation to the Village Council on changes to the Land Development Code.

VILLAGE OF ESTERO COUNCIL MEETING
WEDNESDAY, MARCH 2, 2022, 9:30 A.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.

11:50:39 ITEM NUMBER 11B, CONFLICT OF INTEREST.
11:50:47 STEVE.
11:50:51 >>Steven Sarkozy: THANK YOU, MAYOR AND MEMBERS OF COUNCIL.
11:50:54 THE COUNCIL HAS LONG BEEN CONCERNED ABOUT THE ISSUES OF
11:51:02 ETHICS AND THE APPEARANCE OF OUR ACTIVITIES FOR OUR BOARDS
11:51:10 AND COMMISSIONS.
11:51:12 ONE IN PARTICULAR ISSUE IS THE ISSUE OF CONFLICT OF INTEREST
11:51:18 AS IT APPLIES TO THE MEMBERSHIP AND WHAT THEY ARE ALLOWED TO
11:51:22 DO, MEMBERS OF THE PLANNING AND ZONING BOARD.
11:51:24 THIS ISSUE HAS BEEN TALKED ABOUT OVER THE PAST SEVERAL
11:51:29 YEARS.
11:51:30 SEVERAL YEARS AGO, IT CAUSED THE VILLAGE COUNCIL TO MODIFY
11:51:34 YOUR PROCEDURES AND SEVERAL PEOPLE HAD TO LEAVE THE BOARD
11:51:38 BECAUSE OF THE PERCEIVED CONFLICT OF INTEREST ISSUES.
11:51:44 SO AT THE FOREFRONT OF OUR THINKING HAS ALWAYS BEEN HOW TO
11:51:50 PRESENT A FAIR AND EQUITABLE APPROACH WHEN WE HANDLE OUR
11:51:54 PUBLIC BUSINESS.
11:51:55 AND MARY HAS AN ISSUE STILL REGARDING THE PLANNING AND
11:52:02 ZONING BOARD REGARDING CONFLICTS OF INTEREST THAT SHE WOULD
11:52:06 LIKE TO DESCRIBE TO YOU.
11:52:07 NO ACTION IS NEEDED AT THIS TIME, BUT IT'S AN ISSUE THAT IS
11:52:10 BEING DISCUSSED AT THE UPCOMING PLANNING AND ZONING BOARD
11:52:14 AND WILL ULTIMATELY COME BACK TO THE VILLAGE COUNCIL.
11:52:17 >>Mayor Errington: THANK YOU, STEVE.
11:52:17 >>Steven Sarkozy: MARY.
11:52:19 >>Mayor Errington: WELCOME AGAIN, MARY.
11:52:21 >>Mary Gibbs: WELCOME, OR THANK YOU.
11:52:23 SO WE JUST WANTED YOU TO BE AWARE OF THIS.
11:52:26 WE PUT IT ON THE AGENDA SO YOU WOULD KNOW WHAT'S GOING ON IN
11:52:29 CASE SOMEBODY ASKED BECAUSE WE WILL BE TAKING IT BACK TO THE
11:52:32 PLANNING, ZONING, AND DESIGN BOARD FOR DISCUSSION TUESDAY
11:52:36 NIGHT AT OUR MEETING.
11:52:37 IT CAME UP IN THE CONTEXT OF ONE OF THE BOARD MEMBERS ON
11:52:41 PLANNING, ZONING AND DESIGN BOARD THAT HAS A CLIENT WITH A
11:52:44 PROPOSED PROJECT NEXT TO FOUNTAIN LAKES.
11:52:46 AND THEY WANTED TO DO THE PRESENTATION AT THE PLANNING,
11:52:50 ZONING AND DESIGN BOARD.

11:52:52 IN THE PAST, BEFORE WE HAD A LOT OF CONFLICTS, WE LET THEM
11:52:58 DO PRESENTATIONS FOR THE INFORMATION MEETING.
11:52:59 BUT, OF COURSE, YOU CAN'T VOTE.
11:53:02 YOU'RE NOT ALLOWED TO VOTE BY STATE LAW EITHER ON SOMETHING
11:53:05 THAT YOU REPRESENT A CLIENT SO THEY HAVE TO RECUSE
11:53:09 THEMSELVES.
11:53:09 WELL, OUR LAND USE ATTORNEY, NANCY STROUD, BECAUSE THIS CAME
11:53:13 UP FOR A DISCUSSION, NANCY DID SOME ADDITIONAL RESEARCH INTO
11:53:18 THE CONFLICTS OF INTEREST AND THE STATE COMMISSION ON ETHICS
11:53:23 LOOKING FOR RULINGS AND OPINIONS.
11:53:25 THEY HAVE ISSUED SOME OPINIONS THAT SAY THAT YOU CANNOT --
11:53:30 YOU CANNOT REPRESENT YOUR OWN CLIENT AT THE MEETING IF
11:53:33 YOU'RE ON THE BOARD.
11:53:34 BUT THERE WAS SOME CONFUSION THAT YOU COULD HAVE SOMEBODY
11:53:38 ELSE FROM YOUR OFFICE PRESENT IT, BUT THE COMMISSION ON
11:53:41 ETHICS RULINGS HAVE SAID YOU CANNOT PRESENT AND YOU CANNOT
11:53:44 HAVE ANYONE ELSE FROM YOUR OFFICE PRESENT IT EITHER.
11:53:47 SO WE HAD A DISCUSSION A COUPLE OF MONTHS AGO AT THIS
11:53:50 MEETING AND THEY SAID, GEE, YOU KNOW, IS THIS GOING TO
11:53:53 DISCOURAGE PEOPLE FROM PARTICIPATING ON THESE BOARDS?
11:53:56 BUT ON THE OTHER HAND, YOU'RE TRYING TO BALANCE THE
11:53:58 APPEARANCE, YOU KNOW, THE PERCEPTION THAT EVERYBODY HAS A
11:54:01 CONFLICT OF INTEREST, AND IT JUST SENDS A BAD PUBLIC
11:54:06 PERCEPTION.
11:54:07 THEY ASKED THE PLANNING, ZONING AND DESIGN BOARD, ASKED ME
11:54:10 TO DO A LITTLE BIT OF ADDITIONAL RESEARCH AND TO KIND OF
11:54:12 SUMMARIZE THAT IN A MEMO THAT EXPLAINS WHAT THE STATE RULES
11:54:16 ARE AND GIVE SOME OPTIONS.
11:54:18 SO, NANCY, WE ATTACHED THAT MEMO.
11:54:20 WHAT YOU'VE GOT IN YOUR PACKET IS THE SAME MEMO THAT'S GOING
11:54:23 TO THE PLANNING, ZONING AND DESIGN BOARD AND THE COMMISSION
11:54:27 ON ETHICS RULINGS.
11:54:29 BASICALLY, THE RULINGS ARE PRETTY STRICT AND NANCY SAID THAT
11:54:36 THEY ARE STRICT FOR A PURPOSE.
11:54:37 WE ARE GOING TO BE DISCUSSING THAT AT THE MEETING ON
11:54:41 TUESDAY.
11:54:42 THE STATE DOES PROVIDE AN EXEMPTION, A LIMITED EXEMPTION.
11:54:46 SO IF YOU'VE GOT A BOARD THAT HAS DESIGN PROFESSIONALS ON
11:54:49 IT, SUCH AS OUR BOARD THAT HAS ARCHITECTS AND ENGINEERS,
11:54:52 THEN YOU CAN PROVIDE AN EXEMPTION IF YOU WANT TO, VERY
11:54:57 LIMITED EXEMPTION THAT BECAUSE OF THEIR DESIGN PROFESSIONAL
11:55:03 EXPERTISE THAT YOU CAN ALLOW THEM TO BE ON THE BOARD.
11:55:06 BUT, AGAIN, THEY CAN'T VOTE, AND WE'VE BEEN VERY STRICT
11:55:10 ABOUT THAT IN THE PAST.
11:55:12 SO THIS IS GOING TO BE THE ISSUE THAT COMES UP TUESDAY NIGHT
11:55:15 AT PLANNING, ZONING, AND DESIGN BOARD.
11:55:18 NANCY SUGGESTED SOME DIFFERENT OPTIONS, AND WE'RE GOING TO
11:55:21 BE DISCUSSING THAT, AND THEN DEPENDING ON WHAT THEY

11:55:25 RECOMMEND, WE'LL BE COMING BACK TO THE COUNCIL FOR FURTHER
11:55:29 DISCUSSION TO SEE IF YOU WANT TO CHANGE THE WAY WE'RE
11:55:31 HANDLING IT.
11:55:33 >>Mayor Errington: THANK YOU.
11:55:34 ANY DISCUSSION?
11:55:35 COMMENTS?
11:55:38 >>Vice-Mayor McLain: JUST AS THE LIAISON TO THIS BOARD, I
11:55:40 JUST THINK IT'S IMPORTANT TO LET THE MEMBERS HAVE THIS OPEN
11:55:44 DISCUSSION AMONGST THEMSELVES AND HOW THEY CAN FUNCTION AND
11:55:47 HOW WE CAN HAVE THE BOARD STRUCTURED IN SUCH A WAY THAT WE
11:55:51 GET THE BEST INDIVIDUALS TO EVALUATE ALL OF OUR PROJECTS
11:55:55 THAT WE HAVE.
11:55:56 SO I'M CONFIDENT THAT THAT BOARD WILL BE ABLE TO COME BACK
11:56:01 WITH SOME REALLY GOOD RECOMMENDATIONS AND MAINTAIN THE
11:56:05 QUALITY THAT WE NEED ON THAT BOARD AS WE'VE GOT ALL THESE
11:56:09 PROJECTS UNDER REVIEW ALL THE TIME.
11:56:11 >>Mary Gibbs: WHEN WE DO COME BACK, WE MAY ALSO HAVE A
11:56:15 RECOMMENDATION FROM OUR LEGAL COUNSEL AS WELL AS THE STAFF.
11:56:19 SO YOU MAY HAVE A POTPOURRI OF RECOMMENDATIONS COMING BACK.
11:56:25 >>Mayor Errington: THANK YOU.
11:56:26 ANYONE ELSE?
11:56:29 >>Jim Boesch: I AGREE WITH JON.
11:56:31 I THINK THE BEST SOLUTION IS FOR THEM TO DISCUSS IT AND COME
11:56:39 UP AND BRING IT BACK TO US.
11:56:42 BETTER TO POLICE THEIR OWN BOARD RATHER THAN HAVING SOMEBODY
11:56:46 ELSE DO IT.
11:56:47 >>Mayor Errington: THANK YOU.
11:56:48 ANY COMMENTS FROM ANYONE?
11:56:52 >>Carol Sacco: NO, MAYOR.
11:56:54 >>Mayor Errington: ALL RIGHT.
11:56:55 WE'RE DOWN TO -- THANK YOU.

PLANNING, ZONING, AND DESIGN BOARD MEETING
TUESDAY, MAY 10, 2022, 4:30 P.M.

DISCLAIMER:
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06:26:26 MOVING ON, WE NOW MOVE ON TO CONFLICT OF INTEREST.
06:26:35 I'M NOT GOING TO ASK IF THERE ARE ANY CONFLICTS OF INTEREST,
06:26:39 FIRST OF ALL.
06:26:39 DO YOU WANT TO SAY ANYTHING ABOUT IT, MARY?
06:26:45 >>Mary Gibbs: WELL, I WAS JUST GOING TO SAY -- WELL, LET ME
06:26:48 COME BACK UP.
06:26:49 I WASN'T SURE IF NANCY WAS STILL THERE.
06:26:56 A FEW MONTHS AGO, I THINK THIS ISSUE CAME UP.
06:26:59 WE TALKED ABOUT IT.
06:27:00 YOU ASKED THAT NANCY STROUD PROVIDE A MEMO THAT EXPLAINED
06:27:04 THE WHOLE CONFLICT OF INTEREST AND THEN AT THE LAST MEETING
06:27:09 WE TALKED ABOUT IT AGAIN, AND THEN YOU ALL SAID CAN YOU
06:27:13 PROVIDE YOUR THOUGHTS TO STAFF.
06:27:19 ATTACHED I THINK IN YOUR BACKUP MATERIAL THAT NANCY'S MEMO
06:27:23 WHICH SAID, YOU KNOW, YOU HAVE DIFFERENT OPTIONS.
06:27:26 YOU CAN DO AN EXCEPTION UNDER THE LAW.
06:27:31 YOU CAN PROVIDE AN EXCEPTION FOR YOUR DESIGNATED
06:27:34 PROFESSIONALS TO BE ON THE BOARD, AND IF YOU WANT TO.
06:27:39 SO I GOT E-MAILS FROM ALMOST EVERYBODY, I THINK.
06:27:44 AND I WOULD SAY THAT THE GENERAL CONSENSUS WAS THAT THERE
06:27:47 SHOULD BE AN EXCEPTION FOR DESIGN PROFESSIONALS THAT'S
06:27:51 PRETTY MUCH EVERYBODY THAT E-MAILED ME SAID YES, THERE
06:27:54 SHOULD BE AN EXCEPTION.
06:27:55 AND SO WE SCHEDULED THIS FOR AN ACTION ITEM TO SEE IF YOU
06:27:58 WANT TO MAKE A RECOMMENDATION TO COUNCIL BECAUSE COUNCIL
06:28:00 WILL HAVE TO DO SOME AMENDMENT TO THE LAND DEVELOPMENT CODE.
06:28:04 IF YOU WANT TO DO THAT.
06:28:06 AND THEN THERE WERE SOME VARIATIONS OF EXCEPTIONS, LIKE, DO
06:28:11 YOU WANT TO DO AN EXCEPTION, LIKE A LIMITED EXCEPTION?
06:28:16 DO YOU WANT TO DO AN EXCEPTION FOR PROFESSIONALS BUT MAYBE
06:28:18 LIMIT IT TO THREE OR FOUR TIMES A YEAR TO PRESENT?
06:28:23 AND THEN THERE WAS LIKE THE PUBLIC INFORMATION MEETINGS AND
06:28:26 THEN THE REGULAR MEETINGS.
06:28:28 OF COURSE, AT THE REGULAR MEETINGS, YOU HAVE TO RECUSE
06:28:31 YOURSELF ANYWAY.
06:28:32 I GOT KIND OF THE VARIETY OF OPINIONS THERE EVERYBODY, BUT

06:28:37 IT WAS THAT GENERAL KIND OF FLAVOR.
06:28:39 NANCY, I DIDN'T KNOW, DO YOU WANT TO ADD ANYTHING?
06:28:43 ARE YOU THERE?
06:28:46 >>Nancy Stroud: I AM HERE.
06:28:47 I'M SORRY.
06:28:51 HOPE I'M NOT TOO LOUD.
06:28:53 HI, EVERYBODY.
06:28:53 YEAH, I THINK WE WERE JUST -- MARY AND I WERE TALKING AND
06:28:57 JUST THINKING WE NEEDED TO GET THIS OFF THE DIME REALLY.
06:29:02 IF ANYTHING IS GOING TO CHANGE, IT HAS TO CHANGE BECAUSE
06:29:05 COUNCIL TAKES SOME ACTION.
06:29:07 SO IF YOU WANT THE COUNCIL TO TAKE SOME ACTION, THEN I THINK
06:29:10 THE BEST WAY TO DO THAT IS FOR THE BOARD TO MAKE A
06:29:16 RECOMMENDATION.
06:29:17 SO THAT'S WHY WE'RE BRINGING IT BACK TO YOU SO WE CAN GET
06:29:20 SOME MOVEMENT POTENTIALLY TO GET THIS BEFORE THE COUNCIL.
06:29:25 I AGREE WITH MARY THAT THERE SEEMS TO BE A CONSENSUS FOR
06:29:30 SOME EXCEPTION, AND PROBABLY SOME LIMITED EXCEPTION, BUT WE
06:29:37 CAN ALWAYS BRING THOSE OPTIONS TO THE COUNCIL, IF YOU HAVE A
06:29:43 RECOMMENDATION, WHAT MIGHT BE A LITTLE EASIER FOR THE
06:29:49 COUNCIL TO TAKE ACTION.
06:29:53 >>Scotty Wood: AM I CORRECT, NANCY, THAT YOU AND MARY ARE
06:29:55 LOOKING AT THE ACTION REQUESTED, PAGE 2 OF 2 ON THE HANDOUT
06:30:00 FOR THE MEETING, THERE ARE FOUR OPTIONS.
06:30:04 YOU'RE KIND OF LEANING TOWARDS OPTION 3, AM I CORRECT?
06:30:10 >>Nancy Stroud: I'M NOT LEANING.
06:30:12 I THINK I'M GIVING BACK TO YOU THE CONSENT -- WHAT WE ARE
06:30:16 HEARING FROM THE BOARD.
06:30:20 >>Scotty Wood: OKAY.
06:30:21 COMMENTS ON THESE OPTIONS?
06:30:26 FIRST OF ALL, DOES EVERYBODY AGREE THAT WE SHOULD AMEND THE
06:30:29 LDC IN SOME FASHION TO PERMIT THE EXCEPTION?
06:30:32 >> YES.
06:30:32 >> YES.
06:30:33 >>Scotty Wood: SO WE'RE UNANIMOUS ON THAT.
06:30:35 >> YEP.
06:30:35 >>Scotty Wood: THAT'S ITEM ONE.
06:30:37 ITEM TWO -- AND, BY THE WAY, DESIGN PROFESSIONALS LEAVE TO
06:30:45 MARY AND NANCY TO DEFINE, BUT I THINK IT'S GENERALLY ANY
06:30:49 LICENSED PROFESSIONAL, A LA WHAT YOU OR MIKE OR KRISTIN.
06:30:56 >>Mary Gibbs: I THINK WE WERE LOOKING AT THE LANDSCAPE
06:30:57 ARCHITECT AND ENGINEER AS THE DESIGN PROFESSIONALS.
06:31:02 >>Scotty Wood: NOW, THE QUESTION IS, SHOULD THERE BE SOME
06:31:06 LIMIT ON THE NUMBER OF EXCEPTIONS THAT SHOULD BE MADE?
06:31:10 IN OTHER WORDS, WHEN I WAS HAVING CONVERSATIONS WITH MARY
06:31:15 ABOUT THIS, IT MIGHT MAKE SENSE TO HAVE A SPECIFIC NUMBER
06:31:22 THAT SHOULDN'T BE EXCEEDED, THE THEORY BEING THAT WE DON'T
06:31:26 WANT SOMEONE TO TAKE ADVANTAGE OF THE EXCEPTION.

06:31:30 WE WANT SOMEBODY TO BE ABLE TO PRESENT WHEN THEY HAVE
06:31:34 LEGITIMATE EXCEPTIONS AND WE DON'T WANT TO OPEN THE DOOR TO
06:31:40 SOME WIDE-OPEN SPOT WHERE WE HEAR FROM A GIVEN MEMBER OF
06:31:44 THIS BOARD SIX TIMES IN THREE MEETINGS.
06:31:48 AND THERE'S SOME HISTORY ON THAT.
06:31:53 WHEN YOU AND I WERE FIRST ON THE PLANNING AND ZONING BOARD,
06:31:57 WE HAD THAT PROBLEM.
06:31:59 SO I THINK PART OF OUR THOUGHT HERE IS TO TRY AND AVOID THAT
06:32:08 PROBLEM GOING FORWARD.
06:32:09 BUT WE HAD TWO OR THREE PEOPLE WHO WERE CONSTANTLY ON THE
06:32:14 BOARD AND THEN APPEARING IN FRONT.
06:32:16 THIS WAS IN THE EARLY DAYS OF THE PLANNING AND ZONING BOARD.
06:32:22 MARLENE AND I ARE REALLY THE ONLY TWO WHO REMEMBER IT.
06:32:26 ON THAT NOTE, I PERSONALLY FAVOR ITEM THREE THERE, WHICH
06:32:31 WOULD BE TWO EXCEPTIONS PER YEAR.
06:32:34 IN OTHER WORDS, YOU QUANTIFY IT.
06:32:37 I THOUGHT MAYBE WE COULD JUST LEAVE IT IN MARY'S HANDS OR
06:32:41 LEAVE IT IN NANCY'S HANDS, BUT I THINK BOTH OF THEM WOULD
06:32:44 RATHER HAVE SOMETHING MORE SPECIFIC.
06:32:47 IF WE GO WITH SAY, TWO A YEAR, THAT REALLY SHOULD BE PLENTY
06:32:50 WHEN YOU THINK ABOUT IT.
06:32:52 >>Kristin Jeannin: THAT WOULD BE SPECIFICALLY TWO PROJECTS,
06:32:56 NOT TWO APPEARANCES BUT TWO PROJECTS.
06:32:58 >>Scotty Wood: CORRECT.
06:32:58 >>Marlene Naratil: THERE ALSO IS A PROVISION THAT SOMEONE
06:33:02 FROM YOUR FIRM COULD REPRESENT THE PROJECT --
06:33:07 >>Michael Sheeley: YEAH, WHAT DOES THE LIMITATION MEAN?
06:33:10 IS IT FOR THE DESIGN PROFESSIONAL TO PRESENT OR SOMEONE FROM
06:33:14 HIS FIRM?
06:33:15 >>James Tatooles: I DON'T THINK THERE CAN BE ANYBODY SITTING
06:33:17 UP HERE LISTENING TO SOMEBODY FROM THEIR FIRM.
06:33:20 >>Marlene Naratil: NO, BUT HE DOESN'T HAVE TO.
06:33:22 THE PERSON FROM HIS FIRM CAN GIVE THE PRESENTATION.
06:33:25 >>James Tatooles: YEAH, BUT STILL PRESENTING IT TO SOMEBODY
06:33:28 FROM HIS FIRM.
06:33:31 >>Scotty Wood: REMEMBER, WE'RE ONLY TALKING ABOUT PIMs IN
06:33:34 THAT REGARD.
06:33:36 BECAUSE IN A PUBLIC HEARING, THE BOARD MEMBER HAS TO RECUSE
06:33:40 HIMSELF IN A PUBLIC HEARING.
06:33:41 WE'RE TALKING ONLY ABOUT PIMs.
06:33:46 >>James Tatooles: I WOULD RATHER -- I DON'T THINK THERE'S
06:33:50 GOING TO BE MORE THAN TWO EXCEPTIONS PROBABLY MAYBE EVERY
06:33:54 TWO OR THREE YEARS.
06:33:56 BUT RATHER THAN LIMIT WITH THE TWO, I WOULD THINK THAT THERE
06:34:00 SHOULD BE A DISCRETIONARY REVIEW, SOME LANGUAGE LIKE THAT,
06:34:06 INSTEAD OF SPECIFIC NUMBER.
06:34:07 >>Michael Sheeley: MY QUESTION WITH THAT, IF I PRESENT TWO
06:34:10 PROJECTS IN AN EIGHT-MONTH PERIOD AND THEN I GET A THIRD

06:34:13 PROJECT IN ESTERO, THAT MEANS NOW MY FIRM CAN'T BE
06:34:17 REPRESENTED.
06:34:18 DOESN'T MAKE A LOT OF SENSE.
06:34:20 IT'S AN ARBITRARY NUMBER.
06:34:22 >>Scotty Wood: THAT'S WHAT I SAID, MARY, REMEMBER?
06:34:25 >>Mary Gibbs: YEAH, SCOTTY WAS SUGGESTING TO ME EARLIER THAT
06:34:28 YOU JUST LEAVE IT UP TO ME AND NANCY, BUT I WASN'T REALLY
06:34:31 SURE HOW WE DO THAT, BECAUSE IF WE DON'T HAVE CRITERIA.
06:34:36 I CALLED A COUPLE OF PLACES JUST TO SEE HOW THEY HANDLED IT.
06:34:40 ONE PLACE THEY TOLD ME THAT THEY LET THEM PRESENT LIKE THREE
06:34:43 OR FOUR TIMES A YEAR.
06:34:44 BUT IF IT WAS MORE THAN THAT, THEN THEY JUST TOLD THEM THEY
06:34:47 HAD TO LEAVE, WHICH SEEMED A LITTLE HARSH.
06:34:49 BUT THAT'S HOW THEY HANDLED IT.
06:34:51 THE OTHER PLACE SAID, OH, WE DON'T HAVE THAT PROBLEM, SO WE
06:34:54 DON'T WORRY ABOUT IT.
06:34:56 MOST PLACES DON'T HAVE THESE BOARDS, SO YOU CAN'T REALLY --
06:35:00 COULDN'T REALLY FIND OUT ANY MORE FROM ANYBODY ELSE.
06:35:03 SO YOU DON'T HAVE TO RECOMMEND TO THE COUNCIL THAT THEY PUT
06:35:08 A LIMIT ON IT.
06:35:11 I THINK -- IF YOU DON'T WANT TO RECOMMEND A LIMIT, YOU DON'T
06:35:13 HAVE TO.
06:35:15 I THINK IN THE OLD DAYS WE DID HAVE SOME PROBLEMS WHERE WE
06:35:20 HAD IT SEEMED LIKE A PARADE OF QUITE A FEW MEETINGS WHERE
06:35:23 PEOPLE GOT UP AND GOT UP AND PRESENTED AND GOT ONE BACK UP
06:35:26 THERE.
06:35:27 WE'RE TRYING TO MAKING SURE WE DON'T -- IT'S NOT THAT I
06:35:30 GUESS OBVIOUS OR SOMETHING.
06:35:32 I DON'T KNOW.
06:35:34 I'LL ASK NANCY --
06:35:37 >>Michael Sheeley: LIMITATION INCLUDE MEMBERS OF YOUR FIRM
06:35:40 PRESENTING OR JUST FOR THE BOARD MEMBER TO PRESENT?
06:35:43 I'M CONFUSED ABOUT THAT.
06:35:43 >>Mary Gibbs: NANCY, I WAS THINKING IT WAS FOR THE BOARD
06:35:47 MEMBER.
06:35:49 >>Nancy Stroud: IT'S AN OPTION.
06:35:51 YOU COULD DO IT EITHER WAY.
06:35:52 I THINK WHEN WE -- I'M RECALLING FROM THE RESPONSES, I THINK
06:36:00 THERE WERE SEVERAL THAT SUGGESTED THAT IT SHOULD BE LIMITED
06:36:03 ONLY SO THAT MEMBERS OF THE FIRM COULD PRESENT, BUT NOT THE
06:36:08 MEMBERS OF THE BOARD THEMSELVES.
06:36:11 >>Michael Sheeley: MY SENSE IS THAT THE PROFESSIONALS
06:36:13 SHOULDN'T BE ALLOWED TO PRESENT PERSONALLY IN A VOTING
06:36:17 MEETING, IN A PUBLIC HEARING.
06:36:18 >>Scotty Wood: THAT'S TRUE.
06:36:20 THAT ALREADY EXISTS.
06:36:21 >>Michael Sheeley: COULD BE THE MEMBER OF THE FIRM BUT
06:36:24 PERHAPS THE BOARD MEMBER COULD PRESENT AT A PUBLIC

06:36:28 INFORMATION MEETING WHERE THERE'S NO VOTE TAKEN.
06:36:30 THAT TO ME MAKES SENSE.
06:36:33 >>Scotty Wood: MAYBE THE ANSWER IS TO SPLIT THE DIFFERENCE
06:36:35 BETWEEN NOTHING SPECIFIC AND TWO AND LET'S SAY THREE.
06:36:41 >>Jim Wallace: I GUESS MY POINT ONLY IS, AND IT DOESN'T
06:36:44 REALLY IMPACT ME, BUT I DO FEEL STRONGLY ABOUT IT IS THAT
06:36:50 WE'VE SAID OR I THINK WE'VE SAID THAT WHAT WE INITIALLY DID
06:36:54 BEFORE WE BECAME A CITY IS WE ENCOURAGED THE PEOPLE THAT
06:37:01 WERE AVAILABLE AND WILLING TO VOLUNTEER THEIR TIME TO SIT ON
06:37:04 THE BOARD, SIT ON THE COMMITTEES, AS WE CALLED THEM THEN.
06:37:08 SO WHAT'S THE RIGHT NUMBER?
06:37:10 IF YOU HAVE SOMEBODY THAT'S DOING A LOT OF WORK IN ESTERO
06:37:13 AND THEREFORE IS VERY EXPERIENCED WITH WHAT'S GOING ON IN
06:37:17 ESTERO, WE'RE SAYING, WELL, NO, BUT YOU PROBABLY DONE THREE,
06:37:22 FOUR, HOWEVER MANY PROJECTS YOU'RE WORKING ON IN A YEAR, SO
06:37:26 YOU CAN'T SERVE.
06:37:27 DO WE WANT TO ENCOURAGE THE BEST PEOPLE OR WANT TO
06:37:29 DISCOURAGE THE BEST PEOPLE?
06:37:31 AND I THINK AS SOON AS YOU PUT A NUMBER, WHAT'S THE RIGHT
06:37:34 NUMBER?
06:37:36 14 OR TWO, I DON'T KNOW WHAT THE RIGHT NUMBER IS.
06:37:40 I HAVE A PROBLEM WITH PUTTING A LIMIT TO HOW MANY A YEAR
06:37:47 THAT CAN OCCUR.
06:37:51 >>Anthony Gargano: HELP ME WITH THIS.
06:37:52 I'M OBVIOUSLY NOT IN THE SITUATION, FOR EXAMPLE, THAT YOU'RE
06:37:56 IN, MIKE.
06:37:57 I LIKE TO KEEP THINGS SIMPLE.
06:38:04 WHAT WOULD THE ISSUE BE, A BOARD MEMBER WAS NOT ALLOWED TO
06:38:10 PRESENT AT ALL, BUT A MEMBER OF HIS FIRM COULD PRESENT AND
06:38:16 IN THE PRESENCE OF THAT BOARD MEMBER.
06:38:20 JUST, AGAIN, KEEPING IT SIMPLE, A PROHIBITION AGAINST BOARD
06:38:26 MEMBERS FROM MAKING PRESENTATIONS.
06:38:28 PERIOD.
06:38:30 >>Scotty Wood: AND PIMs.
06:38:33 >>Anthony Gargano: AND PIMs.
06:38:35 >>Scotty Wood: IT'S ALREADY TRUE IN PUBLIC HEARINGS.
06:38:37 >>Anthony Gargano: EXACTLY.
06:38:38 WE'RE ONLY TALKING ABOUT PUBLIC INFORMATION MEETINGS.
06:38:41 >>Michael Sheeley: I DON'T KNOW THAT IT WOULD AFFECT ANY OF
06:38:43 US CURRENTLY SERVING BECAUSE WE'RE NOT SOLE PROPRIETORS.
06:38:46 BUT IF YOU HAD A SOLE PROPRIETOR UP HERE, THEN THEY WOULD BE
06:38:51 IN A PICKLE.
06:38:51 THEY WOULD HAVE TO GET A FRIEND OR SOMEBODY ELSE TO PRESENT.
06:38:54 >>Anthony Gargano: WELL, IN THAT CASE, THE SOLE PROPRIETOR
06:38:56 WOULD KNOW AHEAD OF TIME WHAT THE CONDITIONS WERE FOR BOARD
06:39:00 MEMBERSHIP AND PROBABLY WOULDN'T APPLY.
06:39:02 AND THAT'S OKAY BECAUSE AS LONG AS WE HAVE BOARD MEMBERS,
06:39:06 LIKE YOURSELF, THAT HAVE BUSINESSES THAT ARE OF MORE

06:39:10 SUBSTANCE, YOU'RE THE KIND OF PERSON WE WANT ON THE BOARD.
06:39:20 >>Scotty Wood: OTHER COMMENTS ON ANTHONY'S POINT?
06:39:25 >>Michael Sheeley: I DON'T OBJECT.
06:39:27 >>Marlene Naratil: I AGREE.
06:39:28 I GOT YOUR LETTER.
06:39:31 >>James Tatooles: I THINK NO MEMBER FROM THE FIRM THAT'S ON
06:39:34 THE BOARD SHOULD HAVE ANYTHING TO DO WITH THE PRESENTATION,
06:39:38 BUT SHOULD NOT INCLUDE -- PRECLUDE HIS FIRM --
06:39:43 >> THE FIRM CAN PRESENT.
06:39:44 >>James Tatooles: DON'T WANT TO EXCLUDE THE FIRM.
06:39:47 I THINK YOU COULD CARRY IT FURTHER THAT A MEMBER ON THE
06:39:49 BOARD HERE THAT HAS ANY CONNECTION WITH THE FIRM SHOULD NOT
06:39:52 BE ALLOWED TO VOTE.
06:39:55 >>Scotty Wood: THAT'S ALREADY.
06:39:57 THAT ALREADY EXISTS.
06:39:59 >>James Tatooles: I DON'T SEE WHY --
06:40:02 >>Jim Wallace: ON QUASI-JUDICIAL, MEMBER OF THE BOARD IF
06:40:04 THERE IS A PERCEIVED CONFLICT OF INTEREST CANNOT VOTE AND
06:40:08 CANNOT SPEAK.
06:40:09 >>Nancy Stroud: YES, THERE'S NO EXCEPTION FOR THE VOTING.
06:40:13 IF YOU ARE A MEMBER OF THE FIRM OR IT'S YOUR PROJECT, YOU
06:40:18 CAN'T VOTE ON IT.
06:40:26 >>Anthony Gargano: WE'RE ONLY TALKING ABOUT PUBLIC
06:40:28 INFORMATION MEETINGS.
06:40:28 I WOULD SAY WE DON'T WANT TO MAKE IT UNNECESSARILY COMPLEX.
06:40:33 >>Michael Sheeley: GOOD POINT.
06:40:34 >>Marlene Naratil: BUT ON THE FINAL VOTE, THE PERSON ON THE
06:40:37 BOARD IS OBVIOUSLY NOT ALLOWED TO VOTE.
06:40:42 BUT THE WAY WE HAD IT IN NEW YORK STATE WAS YOU COULDN'T
06:40:45 EVEN BE IN THE DISCUSSION AS PART OF -- BE UP HERE ON THE
06:40:51 DAIS, EVEN IF YOUR FIRM WAS PRESENTING, YOU WERE NOT ALLOWED
06:40:54 TO BE ANYWHERE --
06:40:58 >>James Tatooles: WE DON'T WANT TO PRECLUDE THE USE OF
06:41:00 SOMEBODY WHO REALLY KNOWS THE SUBJECT UP HERE FROM BEING
06:41:04 ABLE TO VOICE HIS OPINION AND DIRECTION IN A PUBLIC HEARING
06:41:12 BUT NOT IN A FORMAL VOTE.
06:41:21 >>Jim Wallace: IT'S ALSO PARTICULARLY IMPORTANT NOW BECAUSE
06:41:25 WE USED TO HAVE A DESIGN REVIEW COMMITTEE OR BOARD AND A
06:41:29 PLANNING AND ZONING BOARD.
06:41:30 NOW WE HAVE A COMMITTEE WHERE WE HAVE ONE ARCHITECT, ONE
06:41:34 LANDSCAPE ARCHITECT, ET CETERA.
06:41:36 WHO IS THE VOICE, WHO IS THE OFFICIAL VOICE FOR THE
06:41:40 LANDSCAPE OPINION IF THIS IS A CONFLICT OF INTEREST OR IF
06:41:47 KRISTIN HAS A CONFLICT OF INTEREST?
06:41:49 IS IT -- ANTHONY IS IT YOU?
06:41:55 >>Scotty Wood: WE HAVE AN OPTION --
06:41:57 >>Marlene Naratil: WE DID THAT IN NEW YORK.
06:41:59 >> THE CITY CAN HIRE SOMEONE.

06:42:02 >>Marlene Naratil: -- WE HIRE SOMEBODY ELSE.
06:42:08 >>Jim Wallace: I GUESS IN MY OPINION WE PUT THE TWO BOARDS
06:42:11 TOGETHER.
06:42:12 WE DID I THINK A LOT OF GOOD WORK THAT WAS DONE
06:42:14 COLLABORATIVELY IN THE EARLY YEARS OF ESTERO BEFORE IT WAS
06:42:19 INCORPORATED AND BEFORE WE JOINED THE BOARDS TOGETHER WHERE
06:42:22 YOU HAVE TWO ARCHITECTS, TWO ENGINEERS, TWO LANDSCAPE
06:42:25 PEOPLE, ET CETERA, ON THE DESIGN REVIEW COMMITTEE AND THE
06:42:28 SAME THING HAPPENED WITH PLANNING AND CIVIL PEOPLE ON THE
06:42:33 ZONING BOARD.
06:42:33 >>Scotty Wood: I CHALLENGE THAT.
06:42:36 WE HAD A PROBLEM IN PLANNING AND ZONING.
06:42:37 I CHALLENGE THAT.
06:42:38 >>Jim Wallace: I DIDN'T SIT ON PLANNING, ZONING.
06:42:41 >>Scotty Wood: I DID.
06:42:41 IT WAS A BIG PROBLEM.
06:42:43 THEY DOMINATED IT.
06:42:47 THE PROFESSIONALS DOMINATED THE PLANNING AND ZONING BOARD.
06:42:54 >>Jim Wallace: THE ARCHITECTS AND CIVIL ENGINEERS.
06:42:56 >>Scotty Wood: DEVELOPERS PRIMARILY.
06:42:57 DEVELOPERS, YEAH, THEY WERE DOMINATING.
06:43:00 >>Jim Wallace: WELL, THEY ARE A BAD BUNCH.
06:43:03 >>Scotty Wood: NO, THEY ARE A GOOD BUNCH, BUT THEY SHOULDN'T
06:43:06 DOMESTIC.
06:43:07 >>Jim Wallace: I TOTALLY AGREE.
06:43:09 >>Scotty Wood: THAT'S THE POINT.
06:43:10 I THINK WHERE WE ARE, I'D LIKE TO BRING THIS TO A HEAD HERE.
06:43:20 I THINK WE HAVE CONSENSUS WITH ANTHONY'S IDEA THAT NO MEMBER
06:43:26 OF THE BOARD MAY PRESENT AT ALL, PERIOD.
06:43:35 >>Jim Wallace: I THINK THAT'S A GOOD IDEA.
06:43:36 >>Scotty Wood: NO MEMBER OF THE BOARD MAY PRESENT.
06:43:38 I'VE GOT EVERYBODY NODDING HEADS.
06:43:42 LET'S HAVE A MOTION TO THAT EFFECT.
06:43:43 YOU MAKE THE MOTION.
06:43:44 IT WAS YOUR IDEA.
06:43:47 >>Jim Wallace: IT'S NOT JUST PROFESSIONALS.
06:43:49 IT'S ANYONE.
06:43:50 IF YOU HAVE AN INVESTMENT CONFLICT OF INTEREST.
06:43:51 >>Scotty Wood: NO.
06:43:52 WE COVERED THAT.
06:43:53 THAT'S COVERED IN OUR QUASI-JUDICIAL.
06:43:56 >>Michael Sheeley: BUT A MEMBER OF THE FIRM MAY PRESENT --
06:43:59 >>Scotty Wood: ANY OTHER MEMBER OF THE FIRM CAN PRESENT.
06:44:00 >>Michael Sheeley: AND NO LIMITATIONS ON NUMBER OF TIMES.
06:44:03 >>Scotty Wood: IF YOU'RE ON THE BOARD AND I'M A PRINCIPAL IN
06:44:07 YOUR FIRM WITH YOU, I CAN PRESENT AND YOU CAN'T.
06:44:11 MAKE YOUR MOTION.
06:44:17 >>James Tatooles: I'LL SECOND IT.

06:44:22 >>Kristin Jeannin: I HAVE A QUESTION FOR A POINT OF CLARITY.
06:44:25 SO IF SOMEONE, A PROFESSIONAL FIRM MEMBER IS DOING THE
06:44:33 PRESENTATION, IS THE BOARD MEMBER THEN SITTING IN THE
06:44:37 AUDIENCE OR SITTING IN THEIR CHAIR?
06:44:41 >>Scotty Wood: IN A PIM IT DOESN'T MATTER.
06:44:43 IN A PUBLIC HEARING, THIS HE HAVE TO LEAVE THE ROOM.
06:44:49 >>Kristin Jeannin: THANK YOU.
06:44:52 >>Scotty Wood: OKAY.
06:44:53 NANCY, DO YOU THINK YOU HAVE THE WORDING OF THAT MOTION?
06:44:59 >>Nancy Stroud: YOU WOULD MOVE TO RECOMMEND TO THE COUNCIL
06:45:02 THAT THE CODE BE CHANGED TO ALLOW THE PROFESSIONAL
06:45:08 ARCHITECT, LANDSCAPE ARCHITECT, AND ENGINEER WHO ARE ON THE
06:45:14 BOARD THAT THEIR FIRMS ARE ABLE TO PRESENT AT ANY MEETING.
06:45:26 BASICALLY THE INDIVIDUAL CANNOT PRESENT.
06:45:30 >>Anthony Gargano: YES, THAT THE BOARD MEMBER IS PROHIBITED
06:45:32 FROM MAKING A PRESENTATION AT A PUBLIC INFORMATION MEETING,
06:45:37 BUT ANY MEMBER OF HIS FIRM MAY MAKE THAT PRESENTATION.
06:45:41 >>Scotty Wood: THAT'S THE MOTION.
06:45:44 >>James Tatooles: I SECOND THAT.
06:45:46 >>Michael Sheeley: QUESTION.
06:45:46 IS THE MEMBER OF THE FIRM WHO SITS AS A MEMBER OF THE BOARD
06:45:50 ALLOWED TO PARTICIPATE IN DISCUSSIONS IN AN INFORMATION
06:45:55 MEETING?
06:45:55 YES OR NO?
06:45:58 >> YES.
06:46:00 >> YES.
06:46:03 >>Jim Wallace: I ALSO HAVE A QUESTION.
06:46:05 IS THAT IF I AM A MEMBER OF THE BOARD AND MY FIRM IS NOW
06:46:09 PRESENTING, AM I ALLOWED TO SIT IN THE ROOM AND HAVE THAT
06:46:12 PRESENTER ASK ME QUESTIONS?
06:46:14 BECAUSE I MAY BE MORE FAMILIAR WITH THE SUBJECT THAN ANYONE
06:46:19 ELSE.
06:46:21 NOW, I'M NOT INFLUENCING THE BOARD, BUT I'M BEING USED AS A
06:46:26 REFERENCE.
06:46:28 >>Nancy Stroud: I'M SORRY, BUT THE EXCEPTION IN THE LAW IS
06:46:33 FOR PROFESSIONALS LIKE ARCHITECTS AND LANDSCAPE ARCHITECTS.
06:46:39 IT'S NOT FOR MEMBERS OF DEVELOPMENT FIRMS.
06:46:44 >>Jim Wallace: I UNDERSTAND THAT.
06:46:45 IF I AM AN ARCHITECT AND OWNER OF AN ARCHITECTURE FIRM AND
06:46:50 MY PARTNER IS PRESENTING, AM I ALLOWED TO BE IN THE ROOM IN
06:46:53 CASE MY PARTNER NEEDS TO ASK ME A QUESTION?
06:46:56 >>Scotty Wood: IN A PIM.
06:47:00 >>Nancy Stroud: -- BUT NOT IN A PUBLIC HEARING WHERE THERE'S
06:47:04 GOING TO BE A VOTE.
06:47:09 >>Michael Sheeley: RIGHT.
06:47:09 I AGREE WITH THAT.
06:47:11 >>Scotty Wood: THAT'S OUR MOTION.
06:47:14 ANY FURTHER DISCUSSION?

06:47:17 CALL THE ROLL, PLEASE.
06:47:20 >>Anthony Gargano: YES.
06:47:25 >>Kristin Jeannin: YES.
06:47:27 >> BOARD MEMBER JONES IS ABSENT.
06:47:28 NARATIL?
06:47:29 >>Marlene Naratil: YES.
06:47:30 >>Michael Sheeley: YES.
06:47:32 >>James Tatooles: YES.
06:47:33 >>Jim Wallace: YES.
06:47:35 >>Scotty Wood: YES.
06:47:36 WELL, HOW ABOUT THAT?
06:47:41 >>Nancy Stroud: THANK YOU.
06:47:41 WE HAVE SOME MARCHING ORDERS.
06:47:43 GET THIS STARTED AGAIN.
06:47:47 >>James Tatooles: I HAVE TO MAKE A COMMENT.
06:47:48 IN THE CHICAGO AREA, IN MY EARLY DAYS OF DEVELOPMENT THE
06:47:53 FIRST THING YOU DID WAS FIND OUT WHO THE VILLAGE ENGINEER
06:47:56 WAS AND HIRE HIM.
06:47:58 THAT WAS AUTOMATIC.
06:47:59 HE DIDN'T HAVE ANY QUESTION ABOUT APPROVING HIS OWN WORK.
06:48:05 SO THAT WAS AN EASY THING TO DO.
06:48:08 BUT THEN THEY CAUGHT ON TO THAT AND MADE IT ILLEGAL TO USE
06:48:14 THE VILLAGE ENGINEER WORKING FOR YOU.
06:48:19 >> WELL, GOD BLESS, MAYOR DAILY.
06:48:22 WE DON'T HAVE A MAYOR DAILY HERE.

VILLAGE OF ESTERO
PLANNING ZONING AND DESIGN BOARD MEETING TUESDAY,
JULY 12, 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.

07:55:32 OUR FINAL ITEM HAS TO DO WITH THE MAKEUP OF THIS BOARD.
07:55:41 I'M GOING TO ASK NANCY TO FRAME IT FOR US.
07:55:48 >>Nancy Stroud: THANK YOU, MR. CHAIR.
07:55:52 THE BOARD HAS BEEN LOOKING FOR A WHILE AT THE QUESTION OF
07:55:55 HOW PROFESSIONAL MEMBERS OF THE BOARD, CERTAIN PROFESSIONAL
07:55:59 MEMBERS SHOULD PARTICIPATE OR NOT IN CLIENT APPLICATIONS
07:56:03 BEFORE THE BOARD.
07:56:04 AND AT THE LAST MEETING, THE BOARD CAME TO A CONSENSUS, I
07:56:08 THINK, THAT I'VE TRIED TO EXPRESS IN THE ORDINANCE THAT'S
07:56:11 BEFORE YOU.
07:56:12 SO THE ORDINANCE IDENTIFIES THE PROFESSIONAL MEMBERS TO
07:56:16 INCLUDE THE ENGINEER, ARCHITECT, AND LANDSCAPE ARCHITECT.
07:56:20 MEANING THAT THESE MEMBERS COULD REPRESENT A CLIENT AT A
07:56:25 PUBLIC INFORMATION MEETING, BUT NOT AT ANY OTHER MEETING.
07:56:30 MEMBERS OF THE FIRM, HOWEVER, CAN REPRESENT THE CLIENT AT
07:56:33 ANY MEETING.
07:56:35 SO THE ORDINANCE BEFORE YOU IS SOMETHING THAT THE VILLAGE
07:56:43 COUNCIL HAS TO ADOPT AND AS THE LOCAL PLANNING AGENCY, THE
07:56:50 BOARD WOULD MAKE A RECOMMENDATION TO THE VILLAGE.
07:56:52 IF YOU BELIEVE THAT THIS IS AN ACCURATE CHANGE FOR WHAT THE
07:57:02 DISCUSSION RESULTED IN LAST TIME, THEN I WOULD RECOMMEND
07:57:04 THAT YOU MAKE A RECOMMENDATION FOR APPROVAL TO THE VILLAGE
07:57:12 COUNCIL.
07:57:14 >>Scotty Wood: THANK YOU.
07:57:15 ANY COMMENTS?
07:57:16 HAVE YOU READ IT?
07:57:19 >> I HAVE ONLY ONE COMMENT ON LINE 28.
07:57:22 >>Scotty Wood: LINE 28.
07:57:25 >>Jim Wallace: NANCY, YOU MAYBE CORRECT ME HERE.
07:57:30 I THOUGHT IT SHOULD READ THAT THE ADJUSTMENT OF A MEMBERSHIP
07:57:34 QUALIFICATIONS SHOULD ALSO BE ACCOMPANIED BY -- IT SHOULD
07:57:38 HAVE THE WORD BY RESTRICTIONS ON THE PRACTICE.
07:57:41 >>Nancy Stroud: THANK YOU.
07:57:47 >>Jim Wallace: THE OTHER THING WAS ON LINE 66, SHOULD IT SAY
07:57:51 CIVIL ENGINEERING OR JUST ENGINEERING?
07:57:53 BARRY, MAYBE YOU CAN -- THERE ARE SO MANY TYPES OF

07:57:59 ENGINEERING.
07:58:00 HVAC, ELECTRICAL, BUT WE REALLY WANT CIVIL ENGINEERING,
07:58:05 DON'T WE.
07:58:06 LAND PLANNER.
07:58:07 >>Scotty Wood: WHAT ABOUT TRANSPORTATION ENGINEERING?
07:58:12 >>Jim Wallace: WE DON'T WANT -- PLUMBERS AND ELECTRICIANS.
07:58:16 >>Barry Jones: USUALLY -- [INAUDIBLE]
07:58:31 >>Scotty Wood: YOU CAN INCLUDE TRANSPORTATION WITHIN THE
07:58:33 CONTEXT OF CIVIL ENGINEERING.
07:58:37 >>Barry Jones: LIKE UTILITIES AT THE AIRPORT -- [INAUDIBLE]
07:58:44 >>Scotty Wood: NANCY, DO YOU AGREE WITH THAT?
07:58:47 >>Nancy Stroud: YES.
07:58:48 WE JUST PUT THE WORD CIVIL BEFORE --
07:58:52 >> ENGINEERING.
07:58:53 >>Scotty Wood: 66.
07:58:59 >> IT'S THE FIRST I.
07:59:01 INSERT THE WORD CIVIL IN FRONT OF ENGINEERING.
07:59:03 >>Scotty Wood: ANY OTHER COMMENTS?
07:59:06 >>Michael Sheeley: THE WORD ARCHITECTURE IS NOT BEFORE
07:59:09 ENGINEERING.
07:59:10 [LAUGHTER]
07:59:21 >>Scotty Wood: ON THAT NOTE, CAN I HAVE A MOTION TO APPROVE
07:59:23 A RECOMMENDATION, NOT AN APPROVAL, BUT A RECOMMENDATION THAT
07:59:29 THIS -- TO THE VILLAGE COUNCIL THAT THIS ORDINANCE,
07:59:32 SPECIFICALLY NUMBER 2022-09, BE APPROVED?
07:59:36 >>Marlene Naratil: I'LL MAKE THE MOTION.
07:59:40 >>Anthony Gargano: SECOND.
07:59:41 >>Scotty Wood: ANY FURTHER DISCUSSION?
07:59:42 TAMMY, PLEASE CALL THE ROLL.
07:59:45 >>Anthony Gargano: YES.
07:59:47 >>Kristin Jeannin: YES.
07:59:48 >>Barry Jones: YES.
07:59:50 >>Marlene Naratil: YES.
07:59:52 >>Michael Sheeley: YES.
07:59:53 >>James Tatooles: YES.
07:59:55 >>Jim Wallace: YES.
07:59:57 >>Scotty Wood: YES.
08:00:01 WE WILL RECOMMEND APPROVAL.

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
September 21, 2022

Agenda Item:

First Reading of Ordinance No. 2022-10 Estero Town Center (Wawa) Zoning Amendment

Motion to pass first reading of Ordinance No. 2022-10 and set second reading and public hearing for October 5, 2022.

Background:

The applicant is requesting an amendment to the Commercial Planned Development zoning for Estero Town Center, the shopping plaza located at the southeast corner of Three Oaks Parkway and Corkscrew Road.

The applicant wishes to develop the lot with the closed Ruby Tuesday restaurant for a Wawa convenience store/gas station.

The applicant is also requesting the ability to have a fast-food restaurant on a different lot within the shopping plaza.

Staff recommends approval of the request with conditions for Wawa, but not the fast-food use. The Planning, Zoning and Design Board reviewed this request at its meeting on July 12, 2022 and recommended approval with revised conditions which included adding one fast-food restaurant only.

Description:

A detailed description is contained in the attached staff report.

Action Requested:

Motion to pass first reading of Ordinance No. 2022-10 and set second reading and public hearing for October 5, 2022.

Process and Timeline:

- Public Information Meeting at PZDB September 21, 2021
- PZDB Public Hearing July 12, 2022
- First Reading Village Council September 21, 2022
- Second Reading and Public Hearing Village Council October 5, 2022

Financial Impact:

Minor cost of newspaper advertisement for second reading

Prepared by: Mary Gibbs

Attachments:

1. Ordinance No. 2022-10
2. Staff Report

VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2022 - 10

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, CONSIDERING A ZONING AMENDMENT AND DEVIATIONS FOR ESTERO TOWN CENTER COMMERCIAL PLANNED DEVELOPMENT, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Amstin LLC and Bright Work Real Estate, represented by Dan Delisi, Delisi, Inc. (the "Applicant"), filed for a zoning amendment to the Commercial Planned Development on property located at 10081 Estero Town Commons Place; and

WHEREAS, the Property STRAP Number is 35-46-E1-3300B.0010; and

WHEREAS, the Applicant is requesting a **Wawa** Convenience Food and Beverage Store with Gas, and a fast-food restaurant in Village Area 2 of the shopping plaza; and

WHEREAS, the Wawa would be located at the site of the closed Ruby Tuesday restaurant which would be demolished; and

WHEREAS, the applicant is also requesting to modify the conditions in Lee County Zoning Resolution Z-03-032 to allow fast-food restaurant on an additional parcel along Corkscrew Road; and

WHEREAS, a public information meeting was held on September 21, 2021 at the Planning, Zoning and Design Board; and

WHEREAS, at a duly noticed public hearing held on July 12, 2022, the Planning, Zoning and Design Board reviewed the request and recommended approval with conditions; and

WHEREAS, a duly noticed first reading was held before the Village Council on September 21, 2022; and

WHEREAS, a duly noticed second reading and public hearing was held before the Village Council on October 5, 2022, at which time the Village Council gave consideration to the evidence presented by the Applicant and the Village staff, the recommendations of the Planning, Zoning and Design Board, and the comments of the public.

NOW THEREFORE, BE IT ENACTED BY THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, THAT:

Section 1. Rezoning

The Village Council approves with conditions the zoning amendment to the Commercial Planned Development (CPD), subject to the following conditions:

Section 2. Conditions

1. Master Concept Plan

Development of this project must be consistent with the Master Concept Plan (MCP) titled "Estero Town Center", stamped "Received Date May 3, 2022", except as modified by the conditions below. The project is approved on the eastern portion of Tract B, Estero Town Commons.

2. Previous Approvals

The previous approvals contained in Resolution Number Z-03-032, ADD2005-00156, ADD2005-00235, ADD2006-00163, and ADD2007-00017, including conditions and deviations, remain in effect except as modified by the conditions and deviations contained in this approval. The Schedule of Uses and building heights for the site must be in accordance with Resolution Z-03-032.

3. Traffic Signal

The developer, successor or assigns (owner) of the northeast parcel in Village Area 2 is responsible for their proportionate share of the cost of signalization at the intersection of Corkscrew Road and Estero Town Commons Place, prior to issuance of any development order.

4. Parking

All handicap parking spaces must meet required standards and be located immediately adjacent to the entrance of the building.

5. Utilities

Water and sewer services are available to the site, and this development must connect to those services as part of any local development order for the site.

6. Replat

Prior to issuance of a development order a re-plat of Tract B must be submitted, reviewed, and approved by the Village Council.

7. Outdoor Display/Storage

Ice machines and propane tanks must be located adjacent to the south side of the building, as shown in the Pattern Book, to provide screening from Corkscrew Road.

8. Pattern Book

Development must be in substantial compliance with the "Estero Town Center CPD Pattern Book Addendum I," stamped Received May 18, 2022, except that the gas station canopy shown in the Pattern Book must be revised to comply with the Land Development Code.

Details of the public gathering area must be provided as part of the Development Order.

9. Sidewalk & Pedestrian Connections

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

Additionally, a pedestrian crosswalk must be installed at the existing full access entry to the site.

10. 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, the Pattern Book, and any approved deviations.

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

All buffer plantings required by the LDC will be required in all buffers even when deviations may be granted to reduce the width of the buffer.

11. Amend Resolution Z-03-032 – Fast-Food (PZDB Recommendation)

Condition 14 of Resolution Z-03-032 is amended as follows:

14. Limitations on Fast-Food Restaurants in Village Areas abutting Corkscrew Road:

a) No more than Only one freestanding fast-food restaurant (as defined in LDC §34-2) is permitted;
b) No more than one fast food restaurant is permitted in a multi-occupancy building.

12. Amend ADD2006-00163 (Monument Sign)

Administrative Amendment ADD2006-00163 is further amended to allow for one monument sign in accordance with the Pattern Book.

Section 3. Deviations

1. Deviations 1 and 2B of Resolution Z-03-032 remain in full force and effect.

2. Deviation 2A seeks relief from LDC §34-2192(b)(5) and LDC §34=1047 (now Section 3-803 of the Estero LDC for the Corkscrew Road Overlay) requirement that all parking lots, access streets, and drives be setback a minimum of 75 feet from the Corkscrew Road right-of-way, to allow parking to be located no closer than 30 feet from the right-of-way in the specified locations and in accordance with the proposed Design guidelines (attached as Exhibit D) and 20 feet for the parcel on the southwest corner of Corkscrew road and Estero Town Commons Place. Deviation 2 is approved subject to the following:

a) the deviation allows no more than 300 feet of the Corkscrew Road frontage (with no more than 200 feet in any single location) for the proposed parking use; and

b) The area subject to this deviation is buffered in accordance with the Estero Town Center Design Guidelines attached to Resolution Z-03-032 as Exhibit D.

c) The landscape buffer for the parcel on the southwest corner of Corkscrew Road and Estero Town Commons Place must be buffered in accordance with the Pattern Book Addendum and consistent with Deviation #6 below.

3. Deviation 3 seeks relief from LDC Sections 4-215.C. and 5.707.D.1.d which require that the minimum distance between convenience stores with gas and super convenience stores with gas measured from the nearest points on any lot or parcel of land to be occupied by the use and any lots of existing or an approved convenience store with gas use shall be 500 feet, unless otherwise approved through deviation; to instead allow for a separation of 150 feet for the northeast parcel in Village Area #2.

Deviation 3 is approved.

4. Deviation 4 seeks relief from LDC Section 3-803.D which requires that buildings located on street corners have a maximum setback of 25 feet from each adjacent street, to instead allow for a maximum setback of 40 feet to Corkscrew Road only.

Deviation 4 is approved.

5. Deviation 5 seeks relief from LDC Section 3-803.E. Note 1C. which requires that 40% of the building frontage is required at the setback, to instead allow for a reduction to 15%.

Deviation 5 is approved.

6. Deviation 6 seeks relief from LDC Section 5-412.C.3 which requires landscape buffers adjacent to external rights-of-way to be a minimum of 25 feet in width, to instead allow for a buffer width a minimum of 20 feet with the same required plantings and design.

Deviation 6 is approved.

7. Deviation 7 seeks relief from LDC Sections 4-215.B. and 5.707.D.6.a. which prohibits flat canopy roofs and requires roofs to have at least two slopes on the long sides and a roof detail change a minimum of every 50 feet, to instead allow for a sloped roof with an angled return at the low end and with the detailing as shown in the Pattern Book.

Deviation 7 is denied.

Section 4. Review Standards – Findings and Conclusions

Based upon an analysis of the application and the standards for approval in the Land Development Code and the conditions of approval, the Council finds and concludes that the amendment:

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

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

3. Addresses a demonstrated community need.

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

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

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

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.

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.

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

Section 5 Exhibits.

The following exhibits are attached to his Ordinance and incorporated by reference:

Exhibit A Legal Description

Exhibit B Master Concept Plan titled "Estero Town Center" stamped "Received May 2, 2022"

Exhibit C Pattern Book titled "Estero Town Center CPD Pattern Book Addendum 2" stamped Received May 18, 2022.

Section 6 Severability.

Should any section, paragraph, sentence, clause, phrase, or other part of this Ordinance, subsequent to its effective date, be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion thereof, other than the part so declared to be invalid.

Section 7 Effective Date.

This Ordinance shall take effect immediately upon adoption.

PASSED on first reading this 21st day of September, 2022.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this 5th day of October, 2022.

Attest: **VILLAGE OF ESTERO, FLORIDA**

By: _____ By: _____
Carol Sacco, Village Clerk Katy Errington, Mayor

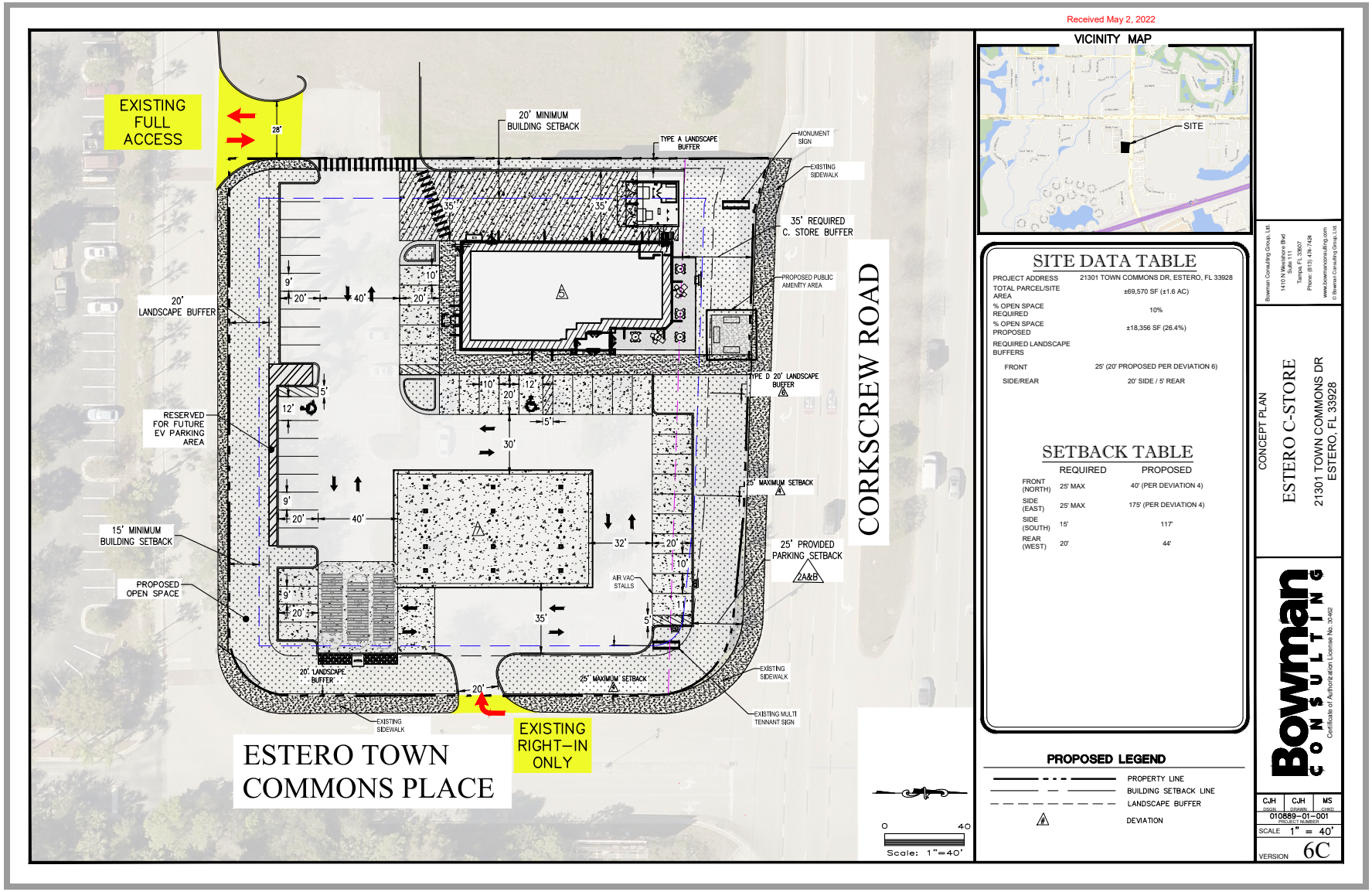
Reviewed for legal sufficiency:

By: _____
Nancy E. Stroud, Village Land Use Attorney

Vote:	AYE	NAY
Mayor Errington	____	____
Vice Mayor McLain	____	____
Councilmember Ribble	____	____
Councilmember Fiesel	____	____
Councilmember Boesch	____	____
Councilmember Ward	____	____
Councilmember Wilson	____	____

Legal Description

ESTERO TOWN COMMONS
DESC IN INST#2006-411908
PT OF TRACT B AS DESC IN
INST 2009000181862


Received May 2, 2022
EXISTING FULL ACCESS
20' MINIMUM BUILDING SETBACK
TYPE A LANDSCAPE BUFFER
MONUMENT SIGN
EXISTING SIDEWALK
35' REQUIRED C. STORE BUFFER
PROPOSED PUBLIC AMENITY AREA
TYPE D 20' LANDSCAPE BUFFER
20' LANDSCAPE BUFFER
RESERVED FOR FUTURE EV PARKING AREA
25' MAXIMUM SETBACK
15' MINIMUM BUILDING SETBACK
PROPOSED OPEN SPACE
25' PROVIDED PARKING SETBACK
2A&B
AIR VAC STALLS
CORKSCREW ROAD
EXISTING SIDEWALK
EXISTING MULTI TENNANT SIGN
EXISTING RIGHT-IN ONLY
ESTERO TOWN COMMONS PLACE
0 40
Scale: 1"=40'
VICINITY MAP
SITE
SITE DATA TABLE
PROJECT ADDRESS 21301 TOWN COMMONS DR, ESTERO, FL 33928
TOTAL PARCEL/SITE AREA ±69,570 SF (±1.6 AC)
% OPEN SPACE REQUIRED 10%
% OPEN SPACE PROPOSED ±18,356 SF (26.4%)
REQUIRED LANDSCAPE BUFFERS
FRONT 25' (20' PROPOSED PER DEVIATION 6)
SIDE/REAR 20' SIDE / 5' REAR
SETBACK TABLE
REQUIRED PROPOSED
FRONT (NORTH) 25' MAX 40' (PER DEVIATION 4)
SIDE (EAST) 25' MAX 175' (PER DEVIATION 4)
SIDE (SOUTH) 15' 117'
REAR (WEST) 20' 44'
PROPOSED LEGEND
PROPERTY LINE
BUILDING SETBACK LINE
LANDSCAPE BUFFER
DEVIATION
Bowman Consulting Group, Ltd.
1410 N Westshore Blvd
Suite 111
Tampa FL 33607
Phone: (813) 434-7434
www.bowmanconsulting.com
© Bowman Consulting Group, Ltd.
CONCEPT PLAN
ESTERO C-STORE
21301 TOWN COMMONS DR
ESTERO, FL 33928
Bowman CONSULTING
Certificate of Authorization License No. 30462
CJH DSGN
CJH DRWN
MS CHKD
010889-01-001 PROJECT NUMBER
SCALE 1" = 40'
VERSION 6C

Received May 18, 2022

Estero Town Center CPD

Pattern Book Addendum I

Convenience Food and Beverage Use

"Village Area 2"

2/28/2022

Property Location

Location: Corner of Corkscrew Road and Estero Town Commons, at a signalized intersection



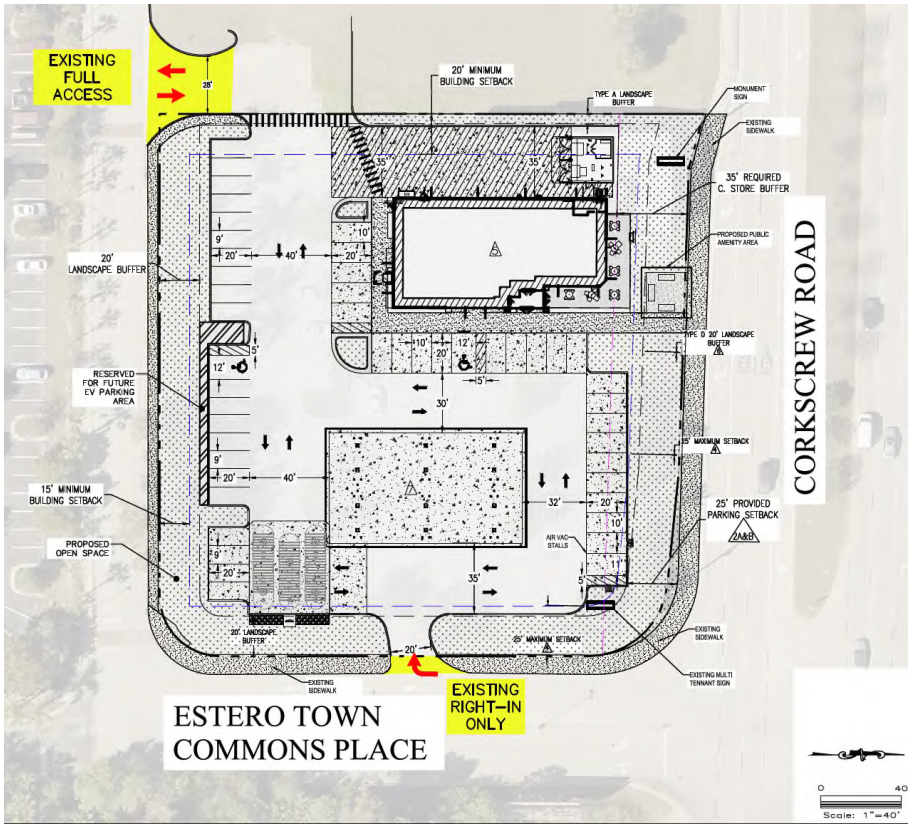
2/28/2022

Concept Plan

Access: on the east and south along Estero Town Commons Place

Features: Outdoor seating, Building along the Corkscrew Road frontage

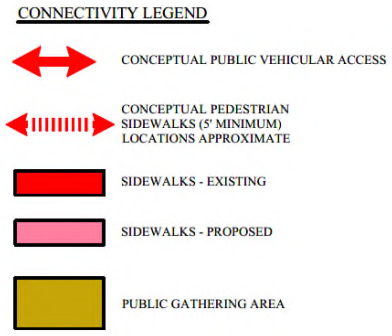
Building Placement: Oriented along Corkscrew Road. Open space/water management area along Corkscrew Road.

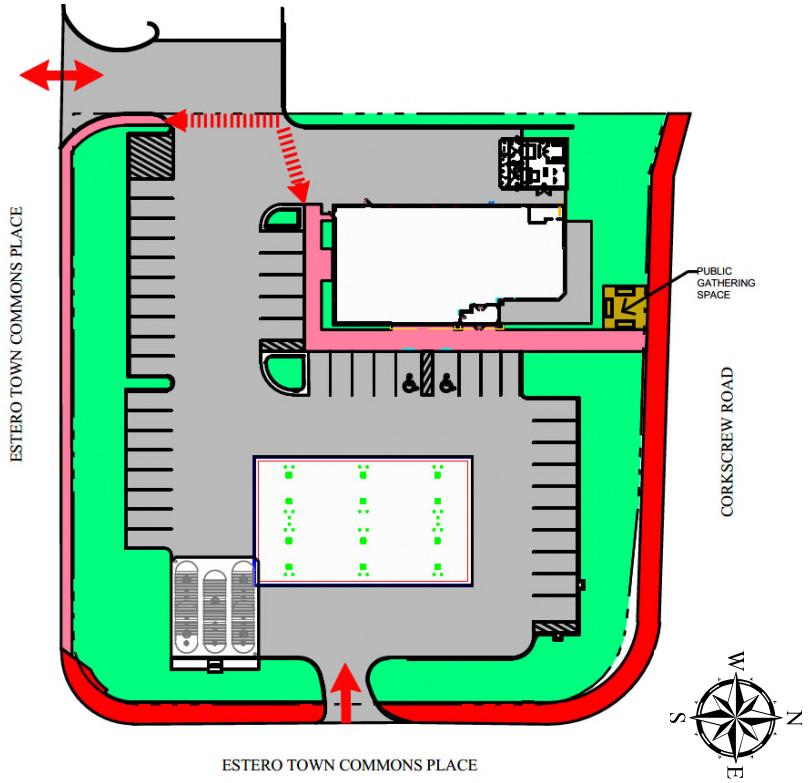


2/28/2022

Pedestrian Circulation

Circulation: A sidewalk will be provided from the building to a "public gathering place" on the north side of the building and will connect with the sidewalk system along Corkscrew Road.



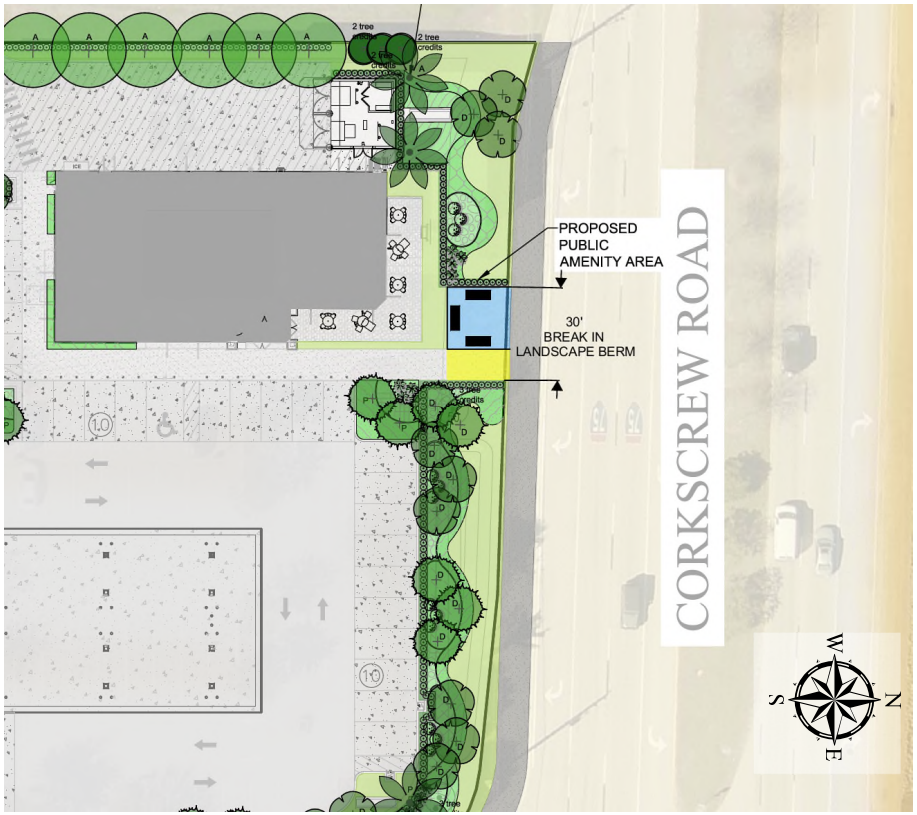


2/28/2022

Page 4

Public Amenity Design

Amenity: Along Corkscrew Road, a seating area will be designed for use by the general public. This seating area will be separate and distinct from the outdoor seating proposed for the Convenience Store and separated by a sod/landscape strip but connected through the on-site sidewalk system.



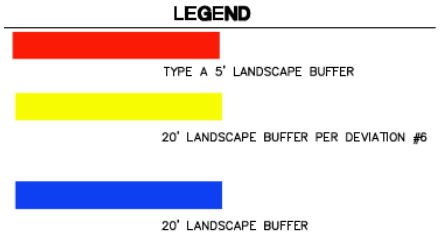
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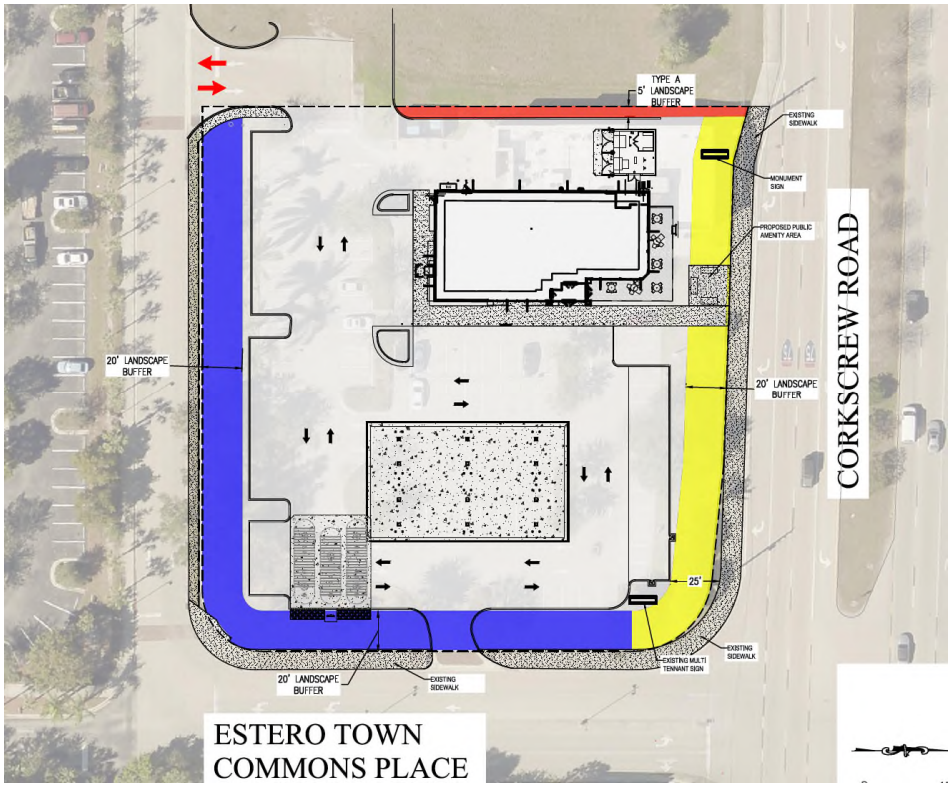
Page 5

Landscape Buffers

Buffers:

- A 20′ buffer will be provided adjacent to Corkscrew Road, consistent with the planting requirements of LDC Section 5-412(C)3 and Deviation #6.
- A 5′ Type A buffer will be provided to the west.





2/28/2022

Building Elevations



FRONT (EAST) ELEVATION(ESTERO TOWN COMMONS PLACE)

2/28/2022

Page 7

Building Elevations



Building Elevations



Building Elevations



2/28/2022

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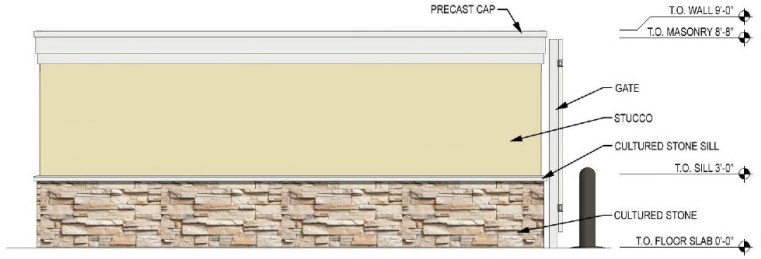
Canopy Elevations



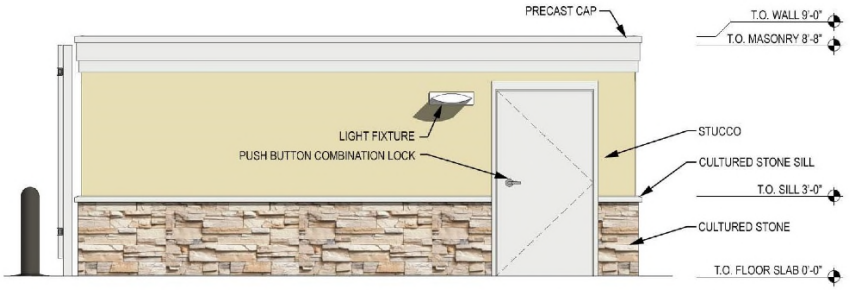
Trash Enclosure



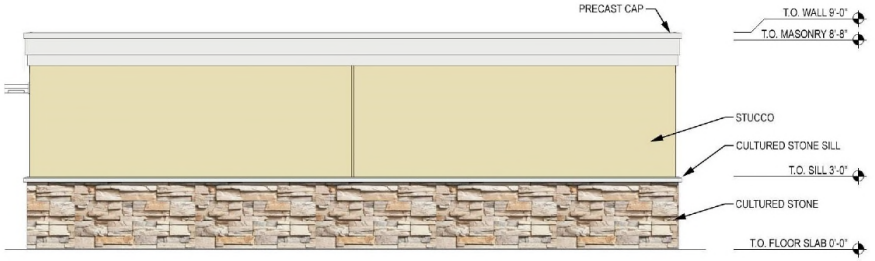
FRONT ELEVATION



LEFT ELEVATION



RIGHT ELEVATION



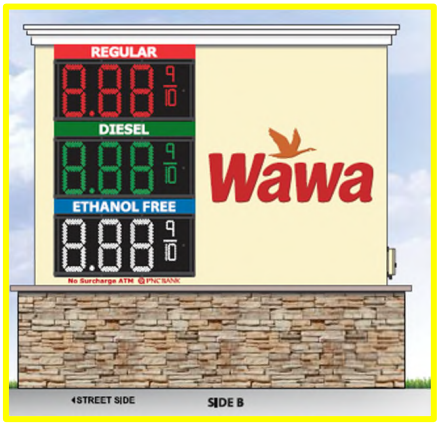
REAR ELEVATION

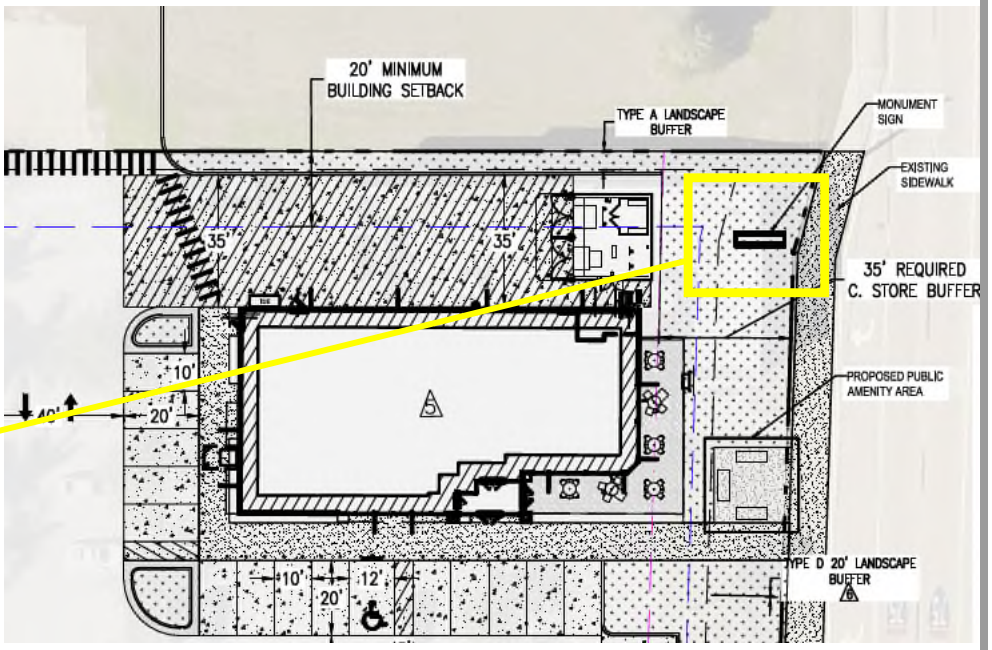
Metal Door	Azek Trim	Stucco	Exterior Stone
Benjamin Moore	White	Senergy	Cultured Stone
White Diamond		Meringue #3085	Southwest Blend
BM 2121-60			

Signage Location

Signage will be provided as a monument sign per Estero Code.

Sign location will be consistent with the site plan.





ESTERO TOWN CENTER

Zoning Staff Report

for

Village Council

1st Reading September 21, 2022

PROJECT NAME:	**Estero Town Center - Wawa**
CASE TYPE:	**Amendment to Commercial Planned Development Zoning**
CASE NUMBER:	**DCI2021-E004**
PLANNING, ZONING AND DESIGN BOARD MEETING:	**July 12, 2022**

SUMMARY OF REQUEST

The applicant has requested to amend the Estero Town Center Commercial Planned Development (CPD) to allow a Wawa Convenience Food and Beverage Store with Gas at the intersection of Corkscrew Road and Estero Town Commons Place, more specifically on the Ruby Tuesday lot.

- Allow a Wawa Convenience Food and Beverage Store with Gas at the intersection of Corkscrew Road and Estero Town Commons Place, more specifically on the Ruby Tuesday lot, in Village Area 2.
- Allow a fast-food restaurant use within Estero Town Center along Corkscrew Road, in addition to the Convenience Food and Beverage Store with Gas.
- Amend Deviation 2.A. from Resolution Z-03-032 to allow the convenience store/gas station closer than 500 feet from another gas station, and request five new deviations related to setbacks and requirements of the Corkscrew Road Overlay.

Estero Town Center is a 31.9-acre commercial development that includes Lowe's Home Improvement Center, as well as other retail and service establishments, located at the southeast corner of Corkscrew Road and Three Oaks Parkway.

STAFF AND PLANNING, ZONING AND DESIGN BOARD RECOMMENDATIONS

Staff recommends:

- Approval with conditions of the Convenience Food and Beverage Store with Gas on the eastern portion of Parcel B of Estero Town Commons (current Ruby Tuesday location).
- Do not approve the requested Fast-Food Restaurant.
- Approval of Amended Deviation 2.A. and proposed Deviations 3, 4, 5, and 6, Do not approve Deviation 7 (gas station canopy design).

The Planning, Zoning and Design Board reviewed the request on July 12, 2022. They recommended approval with staff conditions except that they were in favor of allowing one fast-food restaurant.

GENERAL INFORMATION

Applicant
Amstin, LLC
Brightwork Real Estate

Authorized Agent
Dan DeLisi – DeLisi, Inc.

Additional Agents
Maleia Storum - Bowman Consulting Group
Neale Montgomery - Pavese Law Firm
Ted Treesh - TR Transportation

Location
10081 Estero Town Commons Place

STRAP Number
35-46-25-E1-3300B.0010

Size of Property
1.6-acres (Estero Town Center is 31.9-acres total)

Surrounding Zoning/Land Use
North Corkscrew Road then Plaza Del Sol CPD / Transitional Mixed Use

East Estero Town Commons Place then Estero Crossing MPD/Transitional Mixed Use

South Lowes Home Improvement Center CPD / Transitional Mixed Use

West Vacant Commercial Lot in Estero Town Center CPD/Transitional Mixed Use

Zoning
Commercial Planned Development (CPD)
Corkscrew Road Overlay

Comprehensive Plan Land Use Category
Transitional Mixed Use

Project History
Estero Town Center was approved in 2003 by Lee County in Resolution Z-03-032. The approval was for a big box anchor and outparcels with a maximum of 265,000 square feet of gross floor area. The subject site was developed as a Ruby Tuesday restaurant which has since closed.

Public Information Meeting
A Public Information Meeting was held on September 21, 2021. Questions regarding traffic stacking and the reason for the 500-foot separation of gas stations were discussed. A summary of the meeting is attached.

Project Description
The proposed CPD Amendment is for a Wawa Convenience Food and Beverage Store with Gas at the intersection of Corkscrew Road and Estero Town Commons Place, the site of the closed Ruby Tuesday restaurant. The restaurant will be demolished to construct the Wawa.

Estero Town Center is a commercial plaza with one access from Three Oaks Parkway and two accesses from Corkscrew Road.

The Master Concept Plan for the CPD designated three development areas: an Anchor Parcel where Lowe's is currently located; Village Area 1, which is located on Three Oaks Parkway and includes the Corkscrew Road intersection; and Village Area 2 at the eastern edge of the project along Corkscrew Road.

STAFF ANALYSIS

IDENTIFIED ISSUES
Several issues were resolved at the Planning, Zoning and Design Board meeting. Staff believes only one issue remains.

Request - For Fast-Food Restaurant on Corkscrew Road
Condition 14 of Lee County Resolution Z-03-032 specifically allows for **either** a Convenience Food and Beverage Store with Gas **or** a Fast-Food Restaurant on Corkscrew Road, **but not both**. The resolution language below does not allow both uses in the development along Corkscrew Road. The applicant desires both the Wawa on the Ruby Tuesday lot and a fast-food restaurant elsewhere on Corkscrew Road.

The Planning, Zoning and Design Board reviewed the request at the July 12th meeting and felt that a fast-food restaurant would be appropriate but limited to only one.

The Schedule of Uses limits Convenience Food and Beverage Store "abutting Corkscrew Road **only if no free-standing fast food use permitted within Village Area abutting Corkscrew Road.**" Specifically, Resolution Z-03-032, Schedule of Uses states *"Restaurant, Fast Food (Subject to Condition 14) and Convenience Food and Beverage Store (limited to one)(maximum of 12 fueling stations; permitted abutting Corkscrew Road only if no (emphasis added) free-standing fast food use permitted within Village area abutting Corkscrew Road.)"*

Condition 14 requires:
- No more than one freestanding fast food restaurant.
- No freestanding fast food restaurants if a convenience food and beverage store has been permitted abutting Corkscrew Road.
- No more than one fast food restaurant in a multi-occupancy building.

The applicant is requesting to amend this condition to allow for both a fast-food restaurant and the Wawa along Corkscrew Road.

Staff does not support this request, particularly given the original approval allowed for either a fast-food restaurant or a Convenience Food and Beverage with Gas, and did not allow both uses on Corkscrew Road. The Estero Comprehensive Plan Transitional Mixed Use category seeks more community-oriented uses rather than the automobile-oriented uses that were previously approved along Corkscrew Road.

GENERAL REVIEW

Pattern Book

The proposed Pattern Book, stamped "Received May 3, 2022", includes a Master Concept Plan, Pedestrian Circulation Plan, Public Amenity Area, Landscape Buffers, Building Elevations, Canopy Elevations, Trash Enclosure details, and Signage.

Architecture

The proposed building front faces east; however, a secondary front is proposed to face Corkscrew Road and will include outdoor seating and signage along the roadway. The architecture is Mediterranean with stucco, a barrel tile roof, cultured stone, and earth-toned colors on the façade. The building has a maximum height of approximately 33-feet.

The gas canopy is a standard Wawa design, with a flat roof at an angle. The canopy does not meet the Estero Code and a deviation has been requested. The Planning, Zoning and Design Board believes that the architecture is appropriate but recommended the canopy meet the Code.

Pedestrian Circulation

The pedestrian circulation through the site includes an existing sidewalk system on two sides of the site – along Corkscrew Road and along the eastern boundary on Estero Town Commons Place. Sidewalks are proposed on the south along Estero Town Commons Place, as well as a short segment on the west which crosses over the parking lot to the Wawa building and through to a public gathering area proposed along Corkscrew Road. This gathering area is in addition to the outdoor seating area which is for Wawa guests only.

Signs

A monument sign is proposed in the northwest area of the site, along Corkscrew Road. The addition of a monument sign to this site requires a change to an existing Administrative Amendment (ADD2006-00163) that limited signs in the project to two project identification signs, one at each entrance. These signs are currently existing. The applicant seek allowance for a Wawa monument sign on Corkscrew Road. Staff does not object to this request.

Buffers

This site requires buffers consistent with the original development approval, LDC use-specific buffers for the Convenience Food and Beverage Store with Gas use, as well as buffers compliant with the Corkscrew Road Overlay. Required buffers:

- North Buffer, along Corkscrew Road – A 30-foot buffer along Corkscrew Road is included in Resolution Z-03-032 due to a deviation being granted for the Corkscrew Road Overlay that allowed parking within 75' of the right-of-way. The deviation then required a 30-foot buffer from Corkscrew Road. The LDC contains additional landscape standards for a gas station, which includes a 25-foot buffer. The applicant seeks to amend the required 30-foot buffer to allow for a 20-foot buffer and seeks a deviation to the required 25-foot buffer

along Corkscrew Road. The applicant proposes to meet the planting requirements within the reduced buffer width.

- South and East Buffers along Estero Town Commons Place – A 20-foot buffer is required along right-of-way and the project meets this requirement.
- West, adjacent to vacant CPD parcel - A 5-foot Type "A" Buffer along the western is proposed in compliance with the LDC.

Flood Issues

The site falls within a Special Flood hazard Area. Zone AH is the flood insurance rate zone that corresponds to the areas of 1 percent annual chance of shallow flooding with a constant water-surface elevation (usually areas of ponding) where average depths are between 1 and 3 feet. The existing South Florida Water Management District Environmental Resources Permit (36-04799-P) for Estero Town Center requires that all building finished floors with the subdivision be set at a minimum of 17.5 feet NGVD (15.3 feet NAVD).

Stormwater Management

There is an existing master stormwater management pipe network for the development. Further review of specific requirements will occur at Development Order.

Transportation

A Traffic Impact Statement was prepared for the applicant by TR Transportation Consultants, Inc. The TIS is based upon a 5,537 square foot convenience store and 12 fueling stations. Trip Generation is stated as 4,149 daily 2-way trips; however, some trips will be 'pass-by' traffic from vehicles already traveling along Corkscrew Road. The TIS then adjusts the trip numbers to account for the pass-by trips resulting in 1,037 Daily (2-way) net new trips for the project. The TIS concludes that the existing roadway network is sufficient and that "…no roadway capacity improvements will be required as a result of this analysis." Further, no turn lanes are warranted at the connections to Estero Town Commons Place. Lee County maintains Corkscrew Road and had no comments at this time, but states that further review would occur at development order.

A traffic signal was recently installed on Corkscrew Road at Puente Lane/Estero Town Commons Place. A condition of approval regarding the owner responsibility for paying a proportionate share of the cost of the signalization should be included as a condition of approval.

An existing right-in only was allowed for the prior use on the site. A second full movement entrance to the site is located at the southwest corner of the site. The applicant will provide an update to the Traffic Impact Statement as part of the development order application.

Utilities

All utilities are available to this previously occupied site.

Fire

An Auto Turn Path Analysis was required by Estero Fire Rescue to determine if the access points would provide adequate emergency vehicles access. This was provided by the applicant and no further comments were received from Estero Fire Rescue.

Corkscrew Road Overlay

This site is located within the Corkscrew Road Overlay and subject to the standards in this district. The overlay intends to create "…*a corridor of architecturally appealing and attractively landscaped retail, office, residential and institutional developments that cater to the needs of the community*." The overlay district seeks to create street front activity as well as buildings that front directly onto the adjacent sidewalks, creating definition and character within the corridor. Developments are

encouraged to provide minimal setbacks to create a continuous street wall of building frontage. Parking lot setbacks for interior lots are required to be a minimum of 75-feet from Corkscrew Road in support of the intent to create a village atmosphere along this corridor.

The applicant has requested several deviations to these standards, including parking lot setbacks, building setbacks, and corner lot building requirements.

COMPREHENSIVE PLAN ANALYSIS

The project is in the Transitional Mixed Use Future Land Use Category. The category is described below:

FLU 1.2.8 Transitional Mixed Use

Transitional Mixed Use. The Transitional Mixed Use category is '*characterized by primarily existing or emerging developments where the Village's largest and most intense commercial and multifamily residential developments are or will be concentrated, including some areas that currently have some degree of mixed use. Urban services are readily expandable to support moderately intense levels of mixed commercial and residential development. These areas were typically designated Urban Community, General Interchange, or Suburban and within the Mixed Use Overlay per the Village's Transitional Comprehensive Plan.*'

Transitional Mixed Use areas are located in close proximity to: public transit routes; education facilities; recreation opportunities; and existing residential, shopping, and employment centers and are generally accessible to the surrounding neighborhoods, serving as focal point or community centers where activity is concentrated.

Staff Comment: A broad mix of uses is allowed within the Transitional Mixed Use Future Land Use area, subject to compatibility standards, including regional, community, and neighborhood scale commercial to foster the live/work/play mixed use lifestyle sought in this category.

The proposed auto-oriented use of a Convenience Food and Beverage Store with Gas is a use that is currently allowed in the CPD. However, the additional request to allow an additional fast-food restaurant is not supported by the Transitional Mixed Use land use category.

FLU 1.1.1 *Support the unique character and quality of life within the Estero community by managing growth and development and by maintaining and executing comprehensive plan policies, Land Development Code (LDC), and other planning tools.*

Staff Comment: The Corkscrew Road area is the very visible center of the Village, and therefore the character and quality of this corridor is critical to maintain a sense of place in the community. The proposed Fast-Food Restaurant, in addition to the Wawa creates a very suburban development pattern found in many suburban areas of the country. The Village of Estero changed the land use category to Transitional Mixed Use to foster more complementary and less auto-centric uses.

FLU 1.10.3 *Encourage commercial developments within the village of Estero to provide interconnect opportunities with adjacent commercial uses in order to minimize access points onto primary road corridors; and residential developments to provide interconnect opportunities with commercial areas, including, but not limited to, bike paths and pedestrian accessways. Connections to existing residential neighborhoods will be encouraged and will not be precluded by the commercial development's design.*

Staff Comment: The development has provided interconnections to the exterior of the development through a sidewalk connecting to Corkscrew Road and located a public gathering area along Corkscrew Road.

PROPOSED DEVIATIONS

Resolution Z-03-032 approved 2 deviations, Deviation 1, and Deviations 2.A. and 2.B. The application seeks to amend deviation 2.A. and add deviations 3-7.

Existing Deviations (underline is additional proposed language)

1. No changes proposed.

2.A.(Amendment to an existing deviation – underlined wording is proposed to be added) Seeks relief from LDC §34-2192(b)(5) and LDC §34-1047 (now Section 3-803 of the Estero LDC for the Corkscrew Road Overlay) requirement that all parking lots, access streets, and drives be setback a minimum of 75 feet from the Corkscrew Road right-of-way, to allow parking to be located no closer than 30 feet from the right-of-way in the specified locations and in accordance with the proposed Design guidelines (Attached as Exhibit D) and 20 feet for the parcel on the southwest corner of Corkscrew Road and Estero Town Commons Place is approved, subject to the following conditions that:

a) The deviation allows no more than 300 feet of the Corkscrew Road frontage (with no more than 200 feet in any single location) for the proposed parking use; and
b) The area subject to this deviation is buffered in accordance with the Estero Town Center Design Guidelines attached to Resolution Z-03-032 as Exhibit D.
c) The landscape buffer for the parcel on the southwest corner of Corkscrew Road and Estero Town Commons Place must be buffered in accordance with the Pattern Book Addendum and consistent with Deviation #6 below.

Staff Comment: This deviation seeks to reduce the required buffer along Corkscrew Road from a 30-foot buffer to a 20-foot-wide buffer.

A variety of regulations apply to the required buffers in this development including a 30-foot buffer requirement in Resolution Z-03-032, the LDC Type “D” 25-foot buffer requirement, and a use specific buffer requirement for a 25-foot buffer with a horizontal undulating berm. The applicant has stated that the required landscaping - such as the berm, the number, height and caliper of the trees and bushes will be met, therefore the 20’ wide buffer is sufficient for this development.

Staff recommends approval of this deviation.

2.B. No changes proposed.

Proposed New Deviations

3. Seeks relief from LDC Sections 4-215.C and 5-707.D.1.d which require that the minimum distance between convenience stores with gas and super convenience stores with gas measured from the nearest points on any lot or parcel of land to be occupied by the use and any lots of existing or an approved convenience store with gas use shall be 500 feet, unless otherwise approved through deviation; to instead allow for a separation of 150 feet for the northeast parcel in Village Area #2.

Applicant Justification: The proposed Wawa will be located on the south side of Corkscrew Road, drawing from a different market than the gas stations located on the north side of

Corkscrew Road (Marathon Gas is directly across Corkscrew Road and a 7-11 is at the northern Corkscrew Road and Three Oaks Parkway intersection). The Wawa will serve the eastbound trips on Corkscrew Road that is not currently being provided.

Staff Comment: Staff agrees that there are few gas stations on the south side of Corkscrew Road. The only one located west of I-75 on the south side of Corkscrew Road is at US 41 and Corkscrew Road. The Stock Development adjacent to this site was not allowed to have a gas station due to the proximity to residential uses. This site is within an existing commercial development with no adjacent residential use and is therefore an appropriate location for the use.

Staff recommends approval of this deviation.

4. Relief from LDC Section 3-803.D which requires that buildings located on street corners have a maximum setback of 25-feet from each adjacent street, to instead allow for a maximum setback of 40-feet to Corkscrew Road only.

   Applicant Justification: The intent of this code, as written in 2002 and adopted in 2005, was to create an urban context at the entry way point along the public corridors intersecting Corkscrew Road. At the time, this included Sandy Lane, Three Oaks Parkway, and River Ranch Road. The intent was not to apply to privately maintained commercial drives to access shopping centers. The parcel at the corner of Estero Town Commons Place and Corkscrew Road was not envisioned as the "corner parcel" during the drafting of this code. The corner parcel for this property was envisioned at Corkscrew Road and Three Oaks.

   Staff Comment: The site is located at the intersection of Estero Town Commons Place and Corkscrew Road and therefore is considered a corner lot under the current Code adopted in 2021. The applicant requests this deviation from requirements of a corner lot as they seek to construct the new convenience store in the prior building location, which will be demolished. The site could be rearranged to place the building at the intersection, meeting the requirements of the Corkscrew Road Overlay, rather than at the opposite end of the site along Corkscrew Road. However, this site is at the signalized intersection of Corkscrew Road and Estero Town Commons Place and therefore the deviation, if granted, would allow for better site circulation based upon the existing right-in only to the site.

   Staff recommends approval of this deviation.

5. Seeks relief from LDC Section 3-803.E Note 1.C. which requires that 40% of the building frontage is required at the setback to instead allow for a reduction to 15%.

   Applicant Justification: The applicant states that the orientation of the building provides safe and efficient vehicular circulation into, out of, and through the property while also providing pedestrian circulation and a Public Gathering Space

   Staff Comment: The building could be re-oriented so that the long end is along Corkscrew Road thus complying with his requirement. However, the proposed orientation would allow for adequate site circulation based upon the existing right-in only to the site.

   Staff recommends approval of this deviation.

6. Seeks relief from LDC Sections 5-412.C.3 which requires landscape buffers adjacent to external rights of way to be a minimum of 25 feet in width to instead allow for a buffer width a minimum of 20 feet with the same required plantings and design.

   Applicant Justification: The proposed site redevelopment is located on a property on the corner of Corkscrew Road and Estero Town Commons Place. On the north side of the subject property there is a tract of land between the applicant's property and the Corkscrew Road right-of-way that is platted and owned by the POA for the development. The buffer proposed is in compliance with the requirements of Pattern Book approved by Resolution Z-03-032.

   Staff Comment: The buffer along Corkscrew Road is required to be 30-foot in width by Resolution Z-03-032, due to a deviation being granted to allow for parking within 75' of Corkscrew Road right-of-way. As stated earlier, the 20-foot buffer along Corkscrew Road will include the required berm and all landscaping, and therefore should be sufficient to screen the site from Corkscrew Road.

   Staff recommends approval of this deviation.

7. Seeks relief from LDC Section 4-215.B and 5-707.D.6.a which prohibits flat canopy roofs and requires roofs to have at least two slopes on the long sides and a roof detail change a minimum of every 50 feet, to instead allow for a sloped roof with an angled return at the low end and with the detailing as shown in the Pattern Book.

   Applicant Justification: The applicant explains that the roof is not flat, but instead is a downward sloped roof with a single slope. They explain that the roof meets the intent of the LDC which is to prohibit old style flat roofs, preferring an architectural style with more detail and interest. The purpose of the deviation is to allow for flexibility in the design of the canopy.

   Staff Comment: The canopy is a standard Wawa design. The roof is a flat structure, even though it is at an angle. The flat roof canopy is prohibited by the LDC, and the canopy is not consistent with the principal structure design.

   Staff recommends denial of this deviation.

CONCLUSION

Section 2-501.C.2 of the Land Development Code provides review standards for rezonings, stating that the request:

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 zoning amendment to allow for a Convenience Food and Beverage Store with Gas (maximum of 12 pumps) is currently an allowed use in the CPD, a use that was limited to a certain area within the project. The change in location within the project does not affect compliance with Comprehensive Plan policies or the Future Land Use designation.

   The request to allow Fast-Food Restaurant in addition to the Convenience Store with Gas is not consistent with the Comprehensive Plan Transitional Mixed Use designation.

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

   Staff Comment: The proposed rezoning to allow a Wawa is not in conflict with the LDC in general but does request deviations from required standards.

3. Addresses a demonstrated community need.

   Staff Comment: The applicant has stated that east bound travelers on Corkscrew Road have limited options obtaining gas without crossing Corkscrew Road traffic. Staff agrees.

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

   Staff Comment: The existing CPD zoning allows for Convenience Food and Beverage Store with Gas, just not in the proposed location. Near-by uses include commercial and service-oriented uses, including convenience stores with gas.

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

   Staff Comment: The Corkscrew Road corridor consists of a wide range of commercial uses for this area and the Convenience Food and Beverage Store with Gas will infill a small lot with an existing commercial use.

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

   Staff Comment: The area currently consists of a variety of commercial uses and therefore the proposal for Convenience Food and Beverage Store with Gas would not adversely affect property values in the area.

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: Adequate public facilities are available to serve the site.

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 zoning amendment is for a property that is currently developed and therefore will not result in adverse impacts to the natural environment.

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

   Staff Comment: The proposed Convenience Food and Beverage Store with Gas is compatible with the surrounding area, which is primarily commercial in nature.

COUNCIL DETERMINATION

In order to approve the rezoning, the Council must consider the review standards detailed above.

ATTACHMENTS:

A. Maps – Vicinity Map, Zoning Map, and Future Land Use Map
B. Master Concept Plan
C. Excerpt from PZDB meeting on July 12, 2022
D. Pattern Book
E. Applicant Information
    1) Proposed changes to Z-03-032 and ADD2006-00163
    2) Public Information Meeting
    3) Applicant Request Statement
    4) Traffic Impact Statement, excluding tables

Attachment A – Site Maps
Including Vicinity, Zoning, and Future Land Use

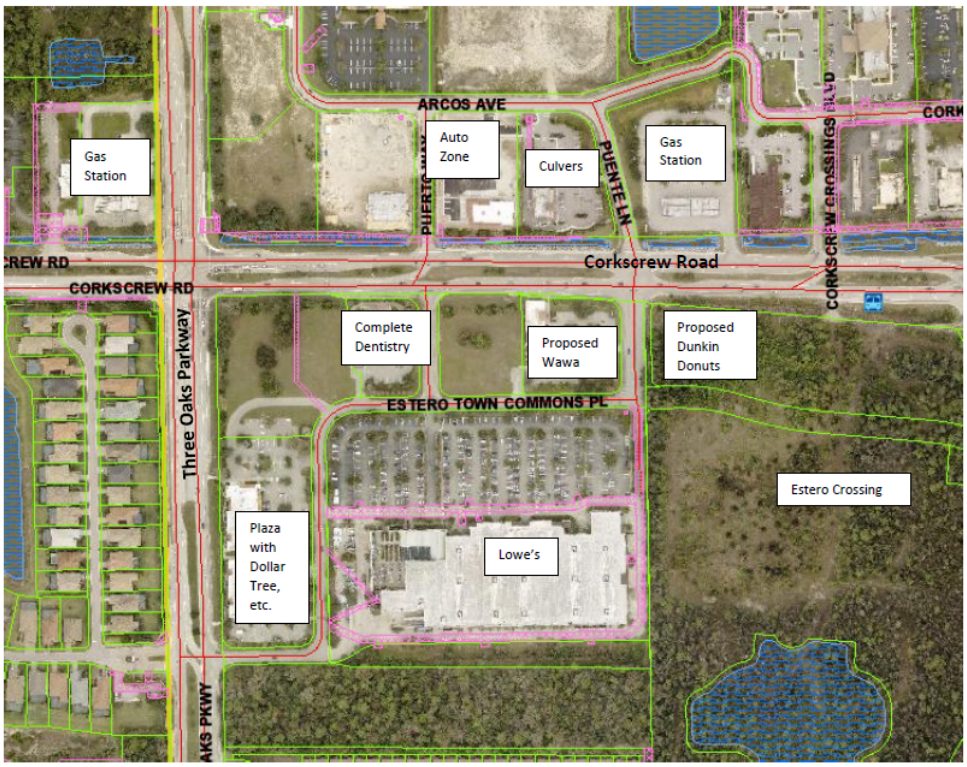


EXHIBIT A - ZONING MAP

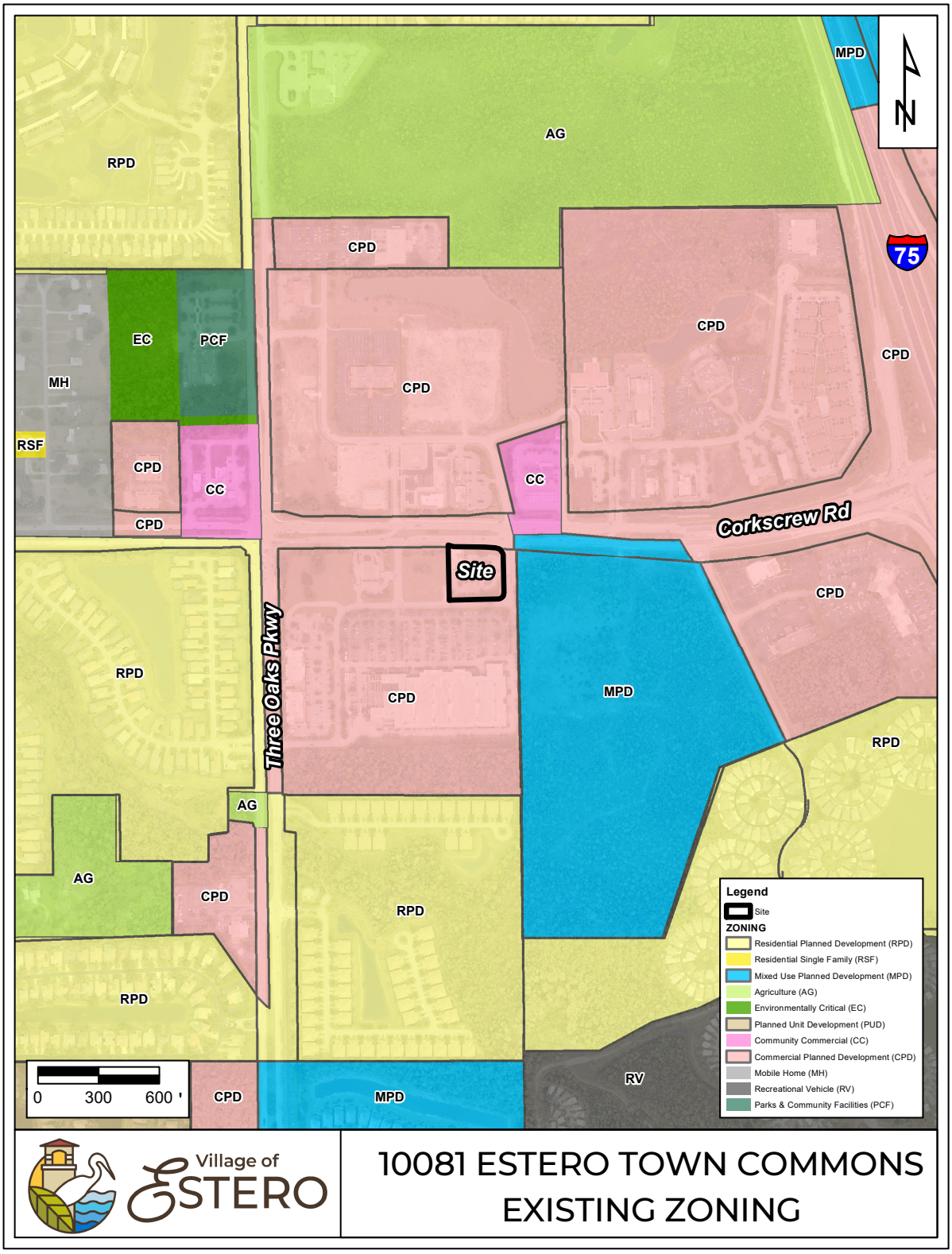
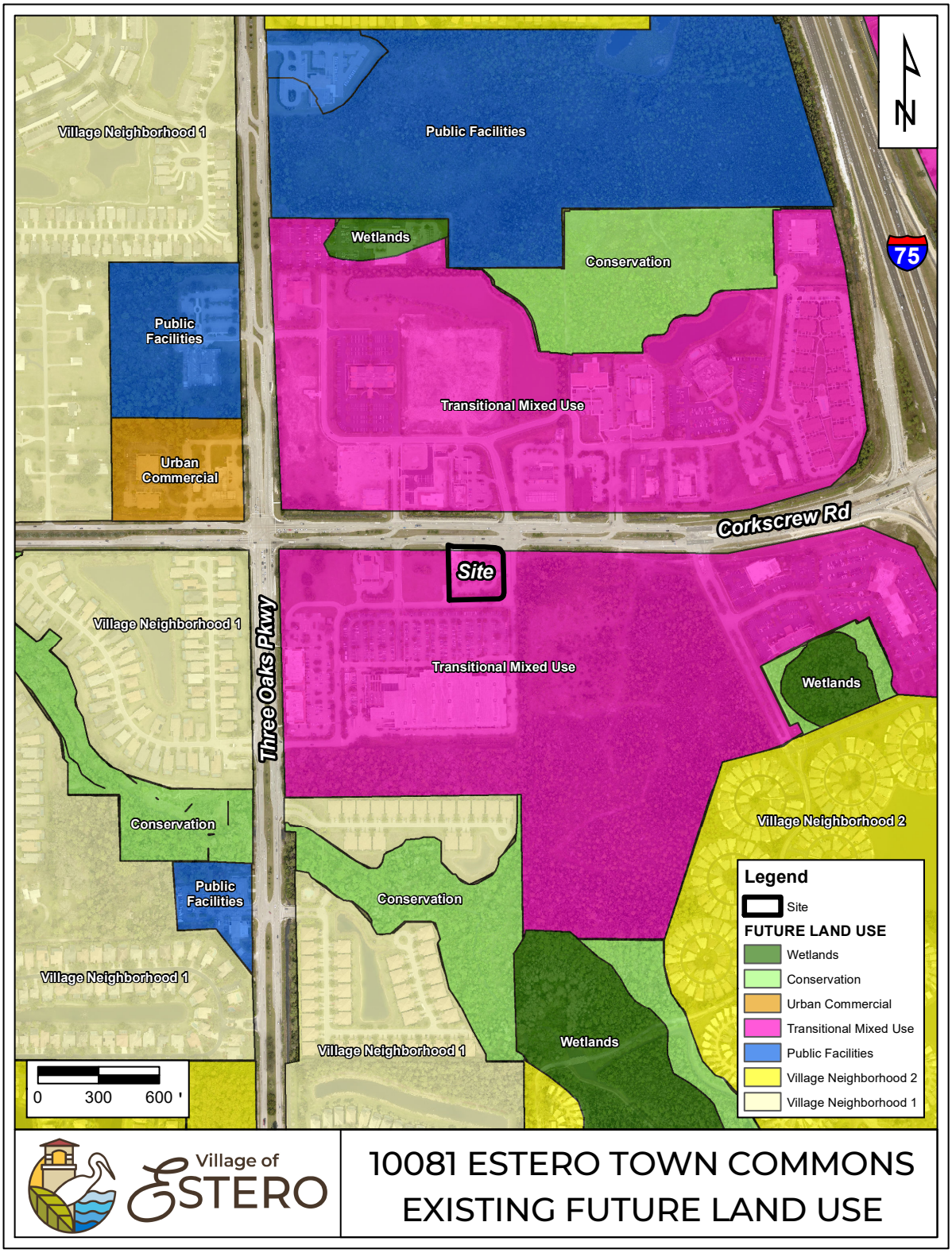
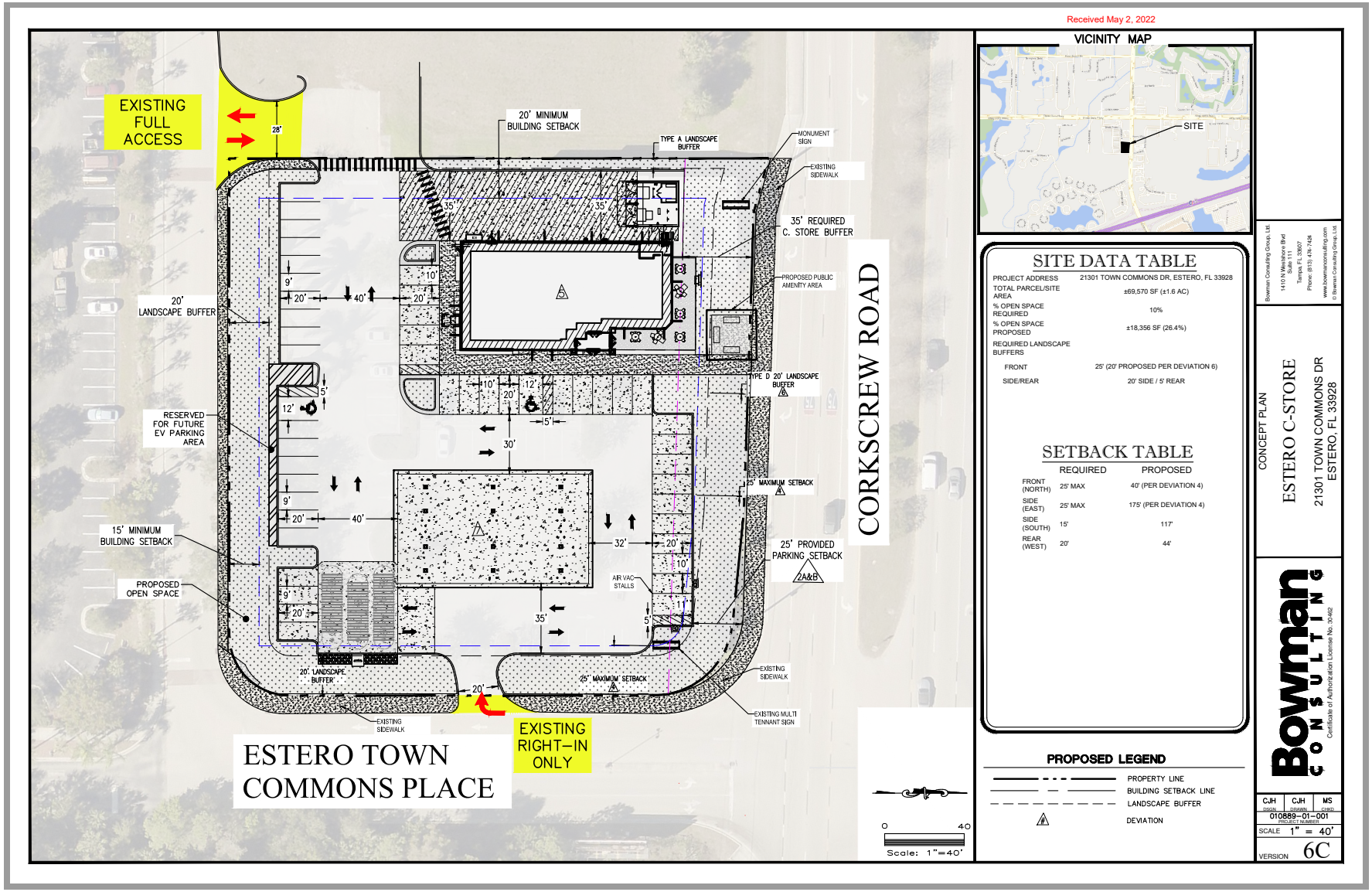


Exhibit A - FLUM




Received May 2, 2022
EXISTING FULL ACCESS
20' MINIMUM BUILDING SETBACK
TYPE A LANDSCAPE BUFFER
MONUMENT SIGN
EXISTING SIDEWALK
35' REQUIRED C. STORE BUFFER
PROPOSED PUBLIC AMENITY AREA
TYPE D 20' LANDSCAPE BUFFER
20' LANDSCAPE BUFFER
RESERVED FOR FUTURE EV PARKING AREA
15' MINIMUM BUILDING SETBACK
PROPOSED OPEN SPACE
25' MAXIMUM SETBACK
25' PROVIDED PARKING SETBACK
2A&B
AIR VAC STALLS
CORKSCREW ROAD
EXISTING MULTI TENNANT SIGN
EXISTING RIGHT-IN ONLY
ESTERO TOWN COMMONS PLACE
0 40
Scale: 1"=40'
VICINITY MAP
SITE
SITE DATA TABLE
PROJECT ADDRESS 21301 TOWN COMMONS DR, ESTERO, FL 33928
TOTAL PARCEL/SITE AREA ±69,570 SF (±1.6 AC)
% OPEN SPACE REQUIRED 10%
% OPEN SPACE PROPOSED ±18,356 SF (26.4%)
REQUIRED LANDSCAPE BUFFERS
FRONT 25' (20' PROPOSED PER DEVIATION 6)
SIDE/REAR 20' SIDE / 5' REAR
SETBACK TABLE
REQUIRED PROPOSED
FRONT (NORTH) 25' MAX 40' (PER DEVIATION 4)
SIDE (EAST) 25' MAX 175' (PER DEVIATION 4)
SIDE (SOUTH) 15' 117'
REAR (WEST) 20' 44'
PROPOSED LEGEND
PROPERTY LINE
BUILDING SETBACK LINE
LANDSCAPE BUFFER
DEVIATION
Bowman Consulting Group, Ltd.
1410 N Westshore Blvd
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Tampa FL 33607
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CONCEPT PLAN
ESTERO C-STORE
21301 TOWN COMMONS DR
ESTERO, FL 33928
Bowman CONSULTING
Certificate of Authorization License No. 30462
CJH DSGN
CJH DRWN
MS CHKD
010889-01-001 PROJECT NUMBER
SCALE 1" = 40'
VERSION 6C

VILLAGE OF ESTERO
PLANNING ZONING AND DESIGN BOARD MEETING
TUESDAY, JULY 12, 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.

06:26:08 [BREAK]
06:34:33 >>Scotty Wood: LET'S RECONVENE.
06:34:35 THE NEXT ITEM IS ALSO A PUBLIC HEARING.
06:34:42 SO IT'S QUASI-JUDICIAL.
06:34:44 I WANT TO MAKE SURE -- WE HAVE NOT SWORN IN A LOT OF PEOPLE
06:34:47 WHO WERE NOT HERE WHEN WE READ THE FIRST QUASI-JUDICIAL
06:34:51 STATEMENT.
06:34:52 IS THERE ANYONE WHO IS GOING TO TESTIFY WHO IS NOT FAMILIAR
06:34:56 WITH THE QUASI-JUDICIAL PROCEEDINGS?
06:34:57 IF SO, IF THEY ARE NOT FAMILIAR, I'LL READ THE WHOLE THING.
06:35:02 YOU'RE GOOD.
06:35:03 NANCY, WOULD YOU PLEASE ADMINISTER THE OATH?
06:35:12 >>Nancy Stroud: I WILL.
06:35:12 WILL YOU RAISE YOUR RIGHT HANDS, PLEASE?
06:35:16 ALL THOSE WHO ARE ABOUT TO TESTIFY, DO YOU SWEAR OR AFFIRM
06:35:18 THAT THE TESTIMONY THAT YOU WILL GIVE IS THE TRUTH, THE
06:35:22 WHOLE TRUTH, AND NOTHING BUT THE TRUTH?
06:35:24 THANK YOU.
06:35:27 >>Scotty Wood: AFFIRMATIVE RESPONSES, NANCY.
06:35:29 THIS IS A ZONING AMENDMENT AND DEVIATIONS OF THE ESTERO TOWN
06:35:36 CENTER FOR THE PURPOSES OF A PROPOSED WAWA, A GAS STATION
06:35:41 AND CONVENIENCE STORE.
06:35:42 MARY, YOUR BALL.
06:35:47 >>Mary Gibbs: ALL RIGHT.
06:35:47 SO I'M JUST GOING TO DO A VERY QUICK OVERVIEW BEFORE I TURN
06:35:50 IT OVER TO THE APPLICANT.
06:35:53 AS YOU SAID, THIS IS A ZONING AMENDMENT FOR THE PROPOSED
06:35:56 WAWA, AND WITH SOME DEVIATIONS AS WELL.
06:35:59 AND THIS IS LOCATED ON THE SMALL PARCEL OF PROPERTY AT THE
06:36:05 LOWE'S SHOPPING PLAZA THAT EVERYBODY I THINK IS FAMILIAR
06:36:07 WITH, IF YOU REMEMBER, THE RUBY TUESDAY'S RESTAURANT, IT'S
06:36:11 STILL THERE, BUT IT'S VACANT.
06:36:12 SO IT'S ON THIS PIECE OF PROPERTY THAT RUBY TUESDAY'S IS ON.
06:36:17 AND THERE'S A -- IT'S DIRECTLY ADJACENT TO THE NEW TRAFFIC
06:36:20 LIGHT THAT IS NOW OPERATIONAL, YAY.
06:36:23 WE'RE ALL SUPPOSED TO CHEER ABOUT THAT.

06:36:27 JUST TO GIVE YOU -- I WANT TO FRAME THIS UP BECAUSE IT CAN
06:36:30 GET CONFUSING WITH ALL THE DEVIATIONS.
06:36:32 I WANT TO FRAME IT UP TO KEEP IT AS SIMPLE AS WE CAN.
06:36:36 IN ORDER FOR THIS APPLICANT TO DO THE WAWA CONVENIENCE STORE
06:36:39 GAS STATION, THEY NEED TO GET A DEVIATION, BECAUSE THERE IS
06:36:42 A REQUIREMENT IN THE CODE THAT SAYS GAS STATIONS HAVE TO BE
06:36:47 500 FEET AWAY FROM EACH OTHER. SO THIS ONE, I THINK IT IS
06:36:50 THE MARATHON ON THE NORTH SIDE OF CORKSCREW ROAD, IS ABOUT
06:36:53 200 FEET.
06:36:54 SO THEY NEED THE DEVIATION.
06:36:56 AND IN THE PAST, WE'VE BEEN PRETTY STRICT WITH THE
06:36:59 DEVIATIONS.
06:37:00 BUT IN THIS CASE, WE FEEL THAT THE APPLICANT HAS SOME PRETTY
06:37:03 GOOD JUSTIFICATION TO SUPPORT GRANTING THAT.
06:37:07 WE, THE STAFF, ARE IN FAVOR OF THIS DEVIATION.
06:37:11 BUT THERE'S ONE OTHER ITEM.
06:37:13 THERE IS A ZONING CONDITION, WHEN THE COUNTY APPROVED THE
06:37:16 ZONING, THEY HAVE A CONDITION THAT SAID IF YOU DEVELOP A GAS
06:37:20 STATION CONVENIENCE STORE, THEN YOU CANNOT HAVE THE
06:37:23 FAST-FOOD RESTAURANT.
06:37:24 SO THERE WAS LIKE AN EITHER-OR IN THE ZONING.
06:37:27 YOU EITHER GOT THE FAST-FOOD OR YOU GOT THE CONVENIENCE
06:37:30 STORE.
06:37:30 SO THE APPLICANT WANTS TO STILL HAVE THE FAST FOOT AND THE
06:37:35 WAWA GAS STATION.
06:37:36 SO THEY'VE ASKED FOR, THAT'S THE AMENDMENT, THEY WOULD LIKE
06:37:40 TO HAVE THAT.
06:37:40 WE, THE STAFF FEEL THAT WE CAN SUPPORT THE DEVIATION FOR THE
06:37:43 GAS STATION BUT NOT THE EXTRA ADD FOR THE FAST FOOD.
06:37:47 SO THAT'S THE BASIC DISAGREEMENT BETWEEN THE STAFF AND THE
06:37:50 APPLICANT, JUST TO FRAME IT UP FOR YOU.
06:37:55 >>Michael Sheeley: THE FAST FOOD, IS THAT A SEPARATE USE,
06:37:57 SEPARATE BUILDING, OR IS IT THE DELI WITHIN THE WAWA BEING
06:38:01 CONSIDERED FAST FOOD?
06:38:03 >>Mary Gibbs: NO.
06:38:03 IT WOULD BE LIKE A SEPARATE BUILDING ON A SEPARATE PARCEL.
06:38:07 SEPARATE BUILDING THAT MIGHT BE ONE OF THE OTHER PARCELS
06:38:10 THAT'S NOT DEVELOPED YET.
06:38:11 DID SOMEBODY SAY SOMETHING?
06:38:19 >> I'M SORRY.
06:38:19 CLARIFY THAT FOR ME.
06:38:20 THEY ARE ASKING TO HAVE A FAST FOOD, STAND-ALONE BUILDING ON
06:38:25 A SEPARATE PARCEL AS WELL AS THE EXISTING, THE ONE WE'RE
06:38:31 SEEING HERE.
06:38:31 >>Mary Gibbs: THE RUBY TUESDAY WOULD BE DEMOLISHED AND
06:38:35 BECOME THE WAWA GAS STATION.

06:38:38 THEN THEY WANT -- THERE IS A CONDITION IN THE ESTERO TOWN
06:38:42 CENTER ZONING THAT SAYS IF YOU HAVE A GAS STATION, THEN YOU
06:38:46 CAN'T HAVE THE FAST FOOD.
06:38:49 IT COULD BE ON A DIFFERENT PARCEL.
06:38:53 THEY WANT TO STILL RETAIN THE GAS STATION AND THE FAST FOOD
06:38:56 AND THE FAST FOOD WOULD BE ON A DIFFERENT PARCEL, NOT THIS
06:39:00 PARCEL.
06:39:01 I WAS TRYING TO SIMPLIFY IT.
06:39:04 IN THE DEVELOPMENT ALONG CORKSCREW ROAD AREA ON ONE OF THESE
06:39:10 VACANT PARCELS.
06:39:16 >>Michael Sheeley: ARE THOSE OTHER PARCELS CONTROLLED BY
06:39:18 THIS OWNER?
06:39:20 >>Mary Gibbs: WELL, THEY ARE GOING TO EXPLAIN THIS TO YOU.
06:39:22 I ASKED THEM TO EXPLAIN THIS TO YOU BECAUSE THE SHOPPING
06:39:25 CENTER, THE REPRESENTATIVE OF THE SHOPPING CENTER, THERE ARE
06:39:30 SOME DEED RESTRICTIONS AND SOME ODD THINGS.
06:39:33 I'LL ASK THE APPLICANT TO EXPLAIN THAT.
06:39:34 I WAS TRYING TO FRAME UP KIND OF THE BIG PICTURE OF WHAT
06:39:38 YOU'RE BEING ASKED TO DECIDE.
06:39:41 >>Jim Wallace: MARY, I WAS INCORRECT.
06:39:42 I THOUGHT THEY WERE ASKING FOR GAS PUMPS ALONG WITH A
06:39:48 CONVENIENCE STORE AND A FAST FOOD ALL ON THE SAME SITE AS
06:39:53 RUBY TUESDAY'S.
06:39:54 >>Mary Gibbs: NO.
06:39:55 THE GAS STATION CONVENIENCE STORE, WAWA, ON THE RUBY
06:39:58 TUESDAY'S, NOT A PAST FOOD ON RUBY TUESDAY.
06:40:02 FAST FOOD ELSEWHERE.
06:40:04 >>Jim Wallace: WHY WOULD THEY NEED A VARIANCE IF THEY ARE ON
06:40:08 A SEPARATE PARCEL FOR FAST FOOD.
06:40:10 I DON'T UNDERSTAND.
06:40:11 >>Mary Gibbs: IT'S NOT A VARIANCE.
06:40:12 THERE IS A CONDITION IN THE OLD ZONING THAT SAID YOU COULD
06:40:16 ONLY HAVE IN THIS AREA FRONTING CORKSCREW ROAD, THAT GENERAL
06:40:20 AREA, YOU COULD ONLY HAVE ONE, EITHER A GAS STATION OR A
06:40:24 FAST FOOD, NOT BOTH.
06:40:26 SO THEY WANT BOTH.
06:40:28 >>Jim Wallace: AREA SAYING WITHIN ESTERO TOWN COMMONS.
06:40:32 >>Mary Gibbs: YES.
06:40:33 >>Jim Wallace: YOU CAN ONLY HAVE ONE OR THE OTHER.
06:40:35 >>Mary Gibbs: RIGHT.
06:40:36 >>Barry Jones: MARY, THERE'S ONE OTHER OBJECTION I NOTICE
06:40:39 STAFF HAS, THAT IS TO THE ROOF OVER THE GAS PUMPS.
06:40:44 >>Mary Gibbs: I WAS GETTING TO THAT.
06:40:45 BEFORE I TURN IT OVER TO THE APPLICANT IS WE WOULD LIKE TO
06:40:48 HAVE BOARD COMMENTS ON THE ARCHITECTURE BECAUSE THE
06:40:52 ARCHITECTURE, THEY CAME FOR A PUBLIC INFORMATION MEETING, IT

06:40:55 WAS A WHILE BACK.
06:40:58 WHAT I RECALL THE BOARD SAID, IT WAS A GOOD START, BUT IT
06:41:02 HASN'T BEEN BACK.
06:41:03 SO I WANT TO MAKE SURE BEFORE THIS GOES TO COUNCIL THAT IF
06:41:06 YOU ALL HAVE ANY COMMENTS OR ANY REVISIONS OR ANY COMMENTS
06:41:09 ON THE ARCHITECTURE THAT WE DO THAT TONIGHT AND THAT TIES
06:41:11 INTO THE GAS CANOPY BECAUSE WE POINTED OUT TO THE APPLICANT
06:41:15 THAT THE CANOPY IS KIND OF FLAT AND PROBABLY NEEDS
06:41:19 SOMETHING.
06:41:20 SO THOSE ARE BASICALLY THE STAFF MAIN POINTS.
06:41:24 IF YOU DON'T HAVE ANY QUESTIONS, I'LL TURN IT OVER TO THE
06:41:29 APPLICANT AND SEE IF HE CAN CONFUSE YOU SOME MORE.
06:41:32 DAN DELISI.
06:41:34 >>Daniel DeLisi: THANK YOU, MARY.
06:41:36 LET ME JUST UP FRONT HIT THE ISSUE THAT YOU ALL WERE TALKING
06:41:40 ABOUT.
06:41:41 IT'S NOT WAWA THAT WANTS A FAST-FOOD USE.
06:41:44 THE OWNER OF THE SHOPPING CENTER IS KITE DEVELOPMENT.
06:41:50 THEY OWN EVERYTHING EXCEPT FOR THIS PARCEL.
06:41:53 SO THIS PARCEL IS NOW OWNED BY BRIGHTWORK, WHO IS WORKING
06:41:56 WITH WAWA TO PUT THE WAWA HERE.
06:41:59 THEY NEED TO -- BECAUSE THERE'S AN EXISTING BUILDING
06:42:03 ON-SITE, THERE IS A COVENANT THAT GOES WITH THE LAND, AND
06:42:07 THE COVENANT SAYS THAT THE ONLY THING THAT CAN BE ON THE
06:42:13 PARCEL IS THE BUILDING THAT'S THERE TODAY.
06:42:16 IN ORDER FOR THEM TO GET THAT COVENANT RELEASED, THEY NEED
06:42:19 TO GO BACK TO KITE DEVELOPMENT, AND THEY HAVE, TO SAY, OKAY,
06:42:21 THIS IS WHAT WE WANT TO DO RATHER THAN THAT RUBY TUESDAY'S,
06:42:26 AND GET KITE'S PERMISSION.
06:42:27 THE ONLY WAY KITE WAS GOING TO GIVE THEM PERMISSION IS TO
06:42:32 SAY, OKAY, WELL, THERE'S A CONDITION THAT WE CAN ONLY DO
06:42:35 EITHER A FAST FOOD OR A GAS STATION.
06:42:38 THEY WANT TO DO -- THEY WANT TO HAVE THE ABILITY TO DO A
06:42:41 FAST FOOD ON ESTERO TOWN CENTER, ESTERO TOWN COMMONS, SO
06:42:46 THEY DIDN'T WANT TO LOSE THEIR ABILITY TO DO FAST FOOD BY
06:42:50 WAWA COMING IN AND DOING THE GAS STATION.
06:42:52 SO THAT'S THE ISSUE.
06:42:54 THE BOTTOM LINE WITH THAT CONDITION IS THAT'S AKIN TO A
06:42:58 DENIAL OF THE APPLICATION.
06:43:00 IF WAWA DOES NOT HAVE THE ABILITY TO GO IN -- IF THIS
06:43:06 APPLICATION, OR IF THE ZONING IS NOT AMENDED TO ALLOW FOR
06:43:11 BOTH, THEN THE PERMISSION TO DO THE GAS STATION FROM THE
06:43:14 OWNER OF THE REST OF THE SHOPPING CENTER WILL NOT BE
06:43:18 GRANTED, AND THAT IS ALREADY WRITTEN DOWN IN THE AGREEMENT
06:43:24 THAT WAWA HAS WITH KITE.
06:43:26 DOES THAT CLARIFY IT?

06:43:30 >> YES.
06:43:31 >> YES.
06:43:34 >>Daniel DeLisi: SO WITH THAT, LET ME GO THROUGH THE
06:43:36 PRESENTATION.
06:43:36 I'LL SKIP THROUGH SOME OF THIS FAIRLY QUICKLY BECAUSE, AS
06:43:40 MARY SAID, WE'RE IN AGREEMENT WITH ALMOST EVERYTHING EXCEPT
06:43:45 FOR TWO THINGS.
06:43:47 ONE VERY MAJOR.
06:43:48 WE DO HAVE OUR ARCHITECT WITH US, NATHAN GRIFFIS.
06:43:57 IF YOU WANT TO TALK ABOUT THE ARCHITECTURE, PLEASE SAVE THAT
06:43:59 FOR HIM.
06:44:00 I'M DEFINITELY NOT THE PERSON TO TALK TO ABOUT THAT.
06:44:03 I WILL TOUCH ON THAT DEVIATION ABOUT THE CANOPY, THOUGH,
06:44:07 JUST TO GIVE MY PERSPECTIVE ON THAT.
06:44:09 SO THE PROPERTY LOCATION, AS MARY SAID, IT'S AT THE
06:44:15 NORTHEAST CORNER OF THE SHOPPING CENTER AT ESTERO TOWN
06:44:20 COMMONS PLACE AND CORKSCREW ROAD.
06:44:22 ORIGINALLY, THIS WAS ZONED IN 2003 FOR BIG-BOX RETAIL AND
06:44:30 ADDITIONAL USES ALONG CORKSCREW AND THREE OAKS.
06:44:33 YOU CAN SEE HOW IT'S DEVELOPED OVER TIME.
06:44:38 AND AS MARY SAID, WE'RE HERE BECAUSE OF THE DEVIATIONS WE
06:44:41 NEED TO BE GRANTED IN ORDER TO DEVELOP THE CONVENIENCE STORE
06:44:44 AT THIS LOCATION.
06:44:45 ALREADY TALKED ABOUT WHAT THE ZONING REQUEST IS FOR THE
06:44:50 DEVIATIONS TO ALLOW FOR THE RESTAURANT HERE AND TO ALLOW FOR
06:44:54 BOTH THE CONVENIENCE STORE AND THE FAST FOOD.
06:44:58 I'D LIKE TO TAKE YOU ALL BACK IN TIME A LITTLE BIT TO 2002
06:45:04 WHEN THIS WAS ORIGINALLY SUBMITTED, AND THEN WENT TO HEARING
06:45:07 IN 2003.
06:45:09 I WAS THE PLANNER ON THIS CASE WHEN IT WENT THROUGH THE
06:45:13 PROCESS THE FIRST TIME.
06:45:16 AT THE TIME, I WAS ALSO VERY ENGAGED, AS SOME OF YOU
06:45:19 REMEMBER, WITH THE ESTERO COMMUNITY.
06:45:22 I SERVED OVER THE YEARS ON THE ESTERO PLANNING PANEL AND AT
06:45:26 THE TIME I WAS A RESIDENT OF COUNTRY CREEK JUST ON THE NORTH
06:45:29 SIDE OF CORKSCREW ROAD.
06:45:31 I WAS A CONSULTANT TO THE PLANNING PANEL.
06:45:33 SO WHEN I TALK ABOUT THIS, I'M THINKING ABOUT BOTH THE CASE
06:45:36 AT THE TIME AND WHAT WE WERE TRYING TO DO WHEN WE WERE
06:45:39 PLANNING OUT THE AREA.
06:45:40 YOU CAN SEE ON THIS AERIAL FROM 2002, THERE WAS NOTHING
06:45:44 DEVELOPED ON THE SOUTH SIDE OF CORKSCREW ROAD.
06:45:47 VERY SPARSE.
06:45:50 SOME LARGE LOT HOMES BUT GENERALLY NOTHING.
06:45:55 AND THERE WAS VERY LITTLE ON THE NORTH SIDE OF CORKSCREW
06:45:57 ROAD.

06:45:58 SO BACK AT THAT POINT IN TIME, WHAT THE LEE PLAN SAID WAS
06:46:02 THAT THERE WAS A COMMERCIAL NODE AT THE CORNER OF THREE OAKS
06:46:07 AND CORKSCREW ROAD.
06:46:09 SO WE WERE EXPECTING INTENSE DEVELOPMENT THERE.
06:46:13 AND ALL OF THE AREA BETWEEN THIS PROPERTY AND I-75 WAS IN
06:46:18 THE GENERAL INTERCHANGE LAND USE CATEGORY.
06:46:21 AND THE GENERAL INTERCHANGE LAND USE CATEGORY SPECIFICALLY
06:46:26 ALLOWS FOR AND ENCOURAGES THINGS FOR THE TRAVELING PUBLIC --
06:46:30 GAS STATIONS, FAST-FOOD RESTAURANTS.
06:46:32 AND SO PART OF OUR THINKING AT THE TIME -- AND JUST ON THIS
06:46:41 NORTHEAST CORNER HERE, NORTHWEST CORNER HERE, WE HAD THE
06:46:46 ARBY'S AND I THINK 7-ELEVEN STILL AT THAT TIME, VERY EARLY
06:46:50 ON.
06:46:50 SO LOOKING AT THAT ARBY'S, WE WERE THINKING EVERYTHING WAS
06:46:55 GOING TO BE GAS STATIONS AND FAST FOODS.
06:46:58 AND SO BACK IN 2003, THIS PARCEL IS GOING IN, AND THEY WANT
06:47:04 A GAS STATION AND A FAST-FOOD RESTAURANT.
06:47:07 THE COMMUNITY IS THINKING ALL OF THIS IS LIKELY TO BE GAS
06:47:11 STATIONS AND FAST FOOD.
06:47:12 AND AT THE TIME, THIS WAS PERMITTED FOR, IT WAS A COMMERCIAL
06:47:17 PLANNED DEVELOPMENT AND IT SHOWED OUTPARCELS ALL ALONG
06:47:21 CORKSCREW ROAD.
06:47:22 SO THE ASSUMPTION WAS, IT WAS ALL GOING TO BE GAS STATIONS
06:47:25 AND FAST FOODS.
06:47:26 SO WE ABSOLUTELY NEEDED A LIMITATION ON THIS PARCEL HERE.
06:47:31 AND SO THAT'S WHERE THE LIMITATION CAME FROM.
06:47:35 WE ALL KNOW HOW CORKSCREW ROAD DEVELOPED SINCE THEN.
06:47:38 RIGHT NOW, AS WE SPEAK, THE ONLY FAST FOOD RESTAURANT IS
06:47:42 STILL THE ARBY'S RIGHT HERE.
06:47:45 THERE ARE NO OTHER FAST FOOD RESTAURANTS.
06:47:47 NOW, DUNKIN' DONUTS IS GOING INTO ESTERO CROSSING HERE, BUT
06:47:52 AFTER THAT, THOSE ARE THE ONLY TWO.
06:47:55 >>Mary Gibbs: CULVER'S.
06:47:59 >>Daniel DeLisi: IS CULVER'S A FAST FOOD?
06:48:02 >> IT HAS A DRIVE-THROUGH.
06:48:04 >>Daniel DeLisi: I'VE NEVER BEEN TO A CULVER'S.
06:48:06 YOU ALL ARE LOOKING AT EACH OTHER.
06:48:19 >> DID WE CONVINCE YOU CULVER'S IS FAST FOOD?
06:48:25 >>Daniel DeLisi: YES.
06:48:26 IT HAS A DRIVE-THROUGH.
06:48:27 CURRENTLY, THERE ARE ONLY TWO.
06:48:29 ARBY'S AND CULVER'S.
06:48:31 AND THERE WILL BE A THIRD.
06:48:36 DUNKIN' DONUTS.
06:48:37 BUT THE POINT STILL REMAINS.
06:48:38 THERE'S NOT A PROLIFERATION OF FAST FOODS ALONG CORKSCREW
06:48:42 ROAD AT THIS POINT IN TIME.

06:48:44 IN FACT, WHAT WE'VE HAD TRANSPIRES AT THIS COMMERCIAL NODE,
06:48:50 YOU HAVE RESIDENTIAL HERE.
06:48:54 RIGHT HERE INSTEAD OF ALL THESE OUTPARCELS THAT WE WERE
06:48:57 CONCERNED WITH THE CAR DEALERSHIP CAME IN AND RE-DID THAT
06:49:04 ENTIRE COMMERCIAL PLANNED DEVELOPMENT.
06:49:06 NOW YOU HAVE A MIX OF, WELL, CAR DEALERSHIP AND THEN OFFICE
06:49:09 SPACE.
06:49:09 THEN ON THE NORTH SIDE, ORIGINALLY, THERE WAS MY LEAST
06:49:14 FAVORITE USE EVER, WHICH WAS A GOLF CART DEALERSHIP.
06:49:21 I REMEMBER WHEN THAT WENT IN.
06:49:22 BUT NOW IT'S RESIDENTIAL COMMUNITY.
06:49:24 SO THE WHOLE INTERCHANGE, THE WHOLE AREA HAS DEVELOPED
06:49:29 TOTALLY DIFFERENT THAN WHAT WE WERE THINKING WOULD HAPPEN
06:49:32 BACK IN 2003.
06:49:34 SO THE IDEA THAT THERE NEEDS TO BE EITHER ONE OR THE OTHER I
06:49:38 THINK IS CERTAINLY LESS APPLICABLE NOW THAN IT WAS BACK
06:49:44 THEN.
06:49:45 BUT I DO WANT TO ALSO STRESS TO YOU THAT IF WE CAN'T GET
06:49:51 THAT AMENDED, THEY CAN'T GO FORWARD.
06:49:56 THAT'S THE BOTTOM LINE CONTRACTUALLY WITH WHAT THEY HAVE
06:49:59 WITH THE RELEASE OF THE COVENANT.
06:50:01 I TALKED LAST TIME I WAS HERE ABOUT WHO WAS WAWA.
06:50:10 I THINK YOU ALL UNDERSTAND THAT.
06:50:12 JUST SINCE THE LAST TIME I'LL TELL YOU I'VE DISCOVERED THEIR
06:50:16 ITALIAN HOAGIE AND I DRIVE AN ELECTRIC CAR.
06:50:19 SO I HAVE NO BUSINESS GOING TO GET GAS THERE.
06:50:23 I DO OCCASIONALLY WHEN THEY HAVE CHARGERS, I GO TO THEIR
06:50:26 CHARGING SPOTS, BUT I ALSO GO THERE WITHOUT.
06:50:29 IT IS PRINCIPALLY A CONVENIENCE STORE UNLIKE OTHER PLACES,
06:50:35 AND THEN THEY ALSO HAVE GAS AS AN ANCILLARY USE.
06:50:41 THIS IS THE SITE PLAN.
06:50:43 YOU CAN SEE THE ENTRANCE OFF OF ESTERO TOWN COMMONS PLACE.
06:50:46 RIGHT IN.
06:50:47 THIS IS AN EXISTING RIGHT-IN ONLY.
06:50:49 AND THEN THERE'S THE EXIT/ENTRANCE IS OVER HERE ON THE WEST
06:50:55 SIDE THAT, AGAIN, GETS OUT ON ESTERO TOWN COMMONS.
06:50:58 AFTER I FINISH UP, I'M GOING TO HAVE TED TREESH COME UP HERE
06:51:03 AND TALK ABOUT, THERE IS A CONDITION IN THE STAFF REPORT
06:51:06 THAT WE'RE CONCERNED ABOUT THAT INDICATES AT THE TIME OF
06:51:10 DEVELOPMENT ORDER, STAFF WILL EVALUATE AND DECIDE WHETHER
06:51:13 THERE IS A RIGHT IN HERE OR NOT OR THAT GETS CLOSED OFF.
06:51:18 I CAN TELL YOU WITHOUT THE RIGHT IN, YOU ALSO CAN'T DO THE
06:51:22 USE.
06:51:23 THE CIRCULATION WOULD JUST SIMPLY BE A MESS.
06:51:26 IF ALL THE ENTERING AND EXITING TRAFFIC HAD TO COME AROUND
06:51:30 HERE, IN HERE, THEN CIRCULATE AND GO OUT, IT JUST -- IT

06:51:35 WOULD BE UNTENABLE.
06:51:36 RIGHT NOW IT'S DESIGNED SO THAT PEOPLE PULL IN.
06:51:40 THERE'S NO STOPPING CONDITION.
06:51:42 THEY PULL IN.
06:51:42 THEY GO STRAIGHT TO THE CANOPY OR THEY PULL IN AND THEY GO
06:51:46 AROUND STRAIGHT TO THE CONVENIENCE STORE.
06:51:48 IT IS A FREE-FLOWING MOVEMENT.
06:51:50 THEN THEY GO OUT HERE AND BACK.
06:51:53 >>Jim Wallace: WHAT IS DOWN IN THE SOUTHEAST CORNER?
06:51:55 DOWN HERE.
06:51:58 THREE, FOUR PARKING SPACES, BUT THERE'S SOMETHING IN FRONT
06:52:03 OF IT.
06:52:03 >>Daniel DeLisi: THOSE ARE THE FUEL TANKS, I BELIEVE.
06:52:08 >>Jim Wallace: HOW DO YOU HAVE PARKING THERE AND OIL TRUCKS
06:52:13 AT THE SAME TIME?
06:52:14 >>Daniel DeLisi: THE GAS TRUCKS AREN'T GOING TO FILL UP --
06:52:22 >>Jim Wallace: THEY PULL IN AND UNLOAD.
06:52:24 >>Daniel DeLisi: THEY DO.
06:52:25 PEOPLE CAN'T PARK THERE WHEN A FUEL TRUCK IS THERE.
06:52:29 >>Jim Wallace: IF I PARK THERE AND THE TRUCK PULLS IN, I'M
06:52:33 STUCK?
06:52:33 >>Daniel DeLisi: I ASSUME THE TRUCK CAN'T COME IN AND BLOCK
06:52:36 YOU.
06:52:38 I DON'T KNOW.
06:52:38 I CAN GET ONE OF THE PEOPLE UP TO EXPLAIN IT.
06:52:43 I RARELY GO TO GAS STATIONS THESE DAYS.
06:52:48 >>Jim Wallace: I'M SORRY.
06:52:49 CONTINUE.
06:52:51 >>Daniel DeLisi: SO THIS IS THE EAST ELEVATION, AND WE CAN
06:52:55 GET THESE SLIDES BACK UP IF YOU WANT TO TALK ABOUT THE
06:52:59 ELEVATIONS WITH THE ARCHITECT.
06:53:01 I'M JUST GOING TO RUN THROUGH THIS QUICKLY.
06:53:03 HERE'S THE CORKSCREW ROAD ELEVATION.
06:53:07 WHAT I'LL MENTION HERE IS JUST THE DESIGN ALONG CORKSCREW
06:53:10 ROAD EARLY ON, WE HAD TALKED WITH STAFF AND THEY HAD
06:53:15 SUGGESTED HAVING SOME SORT OF PUBLIC SEATING AREA ALONG
06:53:19 CORKSCREW ROAD, SO THAT'S BEEN PROGRAMMED IN.
06:53:22 THIS IS THE TYPICAL OUTDOOR SEATING THAT YOU SEE AT WAWAS
06:53:27 AND THAT'S GOING TO BE AGAIN FACING CORKSCREW ROAD IN THE
06:53:31 BUFFER AREA.
06:53:31 SO THE DEVIATIONS I'M NOT GOING TO GO THROUGH ONE BY ONE.
06:53:34 I CAN IF YOU HAVE ANY QUESTIONS ON THEM.
06:53:38 BUT LET ME JUST LOOK AT THE GAS CANOPY FOR A SECOND, AND WE
06:53:44 CAN, AGAIN, COME BACK TO THIS.
06:53:47 WHAT I'LL SAY ABOUT THIS, BACK IN THE DAY WHEN THE ESTERO
06:53:54 CODES WERE BEING WRITTEN, THIS WASN'T QUITE WHAT WE WERE

06:53:57 TRYING TO PREVENT.
06:53:58 SO THERE IS A CODE FOR PITCHED ROOF, BUT THERE'S ALSO A LOT
06:54:04 OF ARTICULATION.
06:54:06 IT'S NOT QUITE THE POLE BARN THAT WE WERE TRYING TO PROTECT
06:54:11 AGAINST BACK THEN.
06:54:13 YOU ALL ARE MUCH MORE INTO THIS THESE DAYS THAN I AM.
06:54:17 SO YOU HAVE YOUR OWN OPINIONS ON THAT.
06:54:19 BUT THIS IS THE WAWA BRAND AND WHAT YOU SEE AT EVERY STATION
06:54:27 THAT THEY ARE KNOWN FOR.
06:54:29 AND I DON'T HEAR A LOT OF COMPLAINTS FROM PEOPLE ABOUT
06:54:33 UGLINESS OF THE CANOPY, BUT AGAIN, WE CAN TALK MORE ABOUT
06:54:37 THAT.
06:54:38 LET ME JUST TALK THROUGH SOME OF THE -- I HAD SUBMITTED AN
06:54:43 EIGHT-DAY LETTER.
06:54:48 I JUST WANT TO MAKE SURE I DON'T MISS ANYTHING.
06:54:53 JUST IN ORDER OF IMPORTANCE TO US, OF COURSE, THAT CONDITION
06:55:03 ABOUT HAVING EITHER THE FAST FOOD OR THE CONVENIENCE STORE
06:55:07 IS VERY IMPORTANT TO THIS APPLICATION.
06:55:10 I TALKED ABOUT, MARY TALKED ABOUT, AND WE DISAGREE ON, BUT
06:55:14 WE ABSOLUTELY NEED THAT FOR THIS TO GO FORWARD.
06:55:18 AS I MENTIONED, THE RIGHT-IN ONLY ACCESS, WE DEFINITELY NEED
06:55:21 THAT.
06:55:23 WE NEED THAT APPROVED TO MOVE FORWARD AS WELL.
06:55:25 WE CAN TALK MORE ABOUT THE GAS CANOPY IF THAT IS A CONCERN
06:55:32 OF YOURS.
06:55:34 ON CONDITION THREE, WE HAD PROPOSED SOME TWEAKS TO THAT
06:55:42 LANGUAGE, AND I BELIEVE STAFF IS OKAY WITH IT.
06:55:46 AND THE PURPOSE OF THE TWEAKS WERE WE JUST WANTED IT TO BE
06:55:49 CLEAR THAT WE'RE RESPONSIBLE FOR OUR PROPORTIONATE SHARE NOT
06:55:56 ESTERO TOWN COMMONS PROPORTIONATE SHARE.
06:55:59 SO THE WAWA IS RESPONSIBLE FOR ITS PROPORTIONATE SHARE OF
06:56:04 THE COST OF SIGNALIZATION.
06:56:07 OF THE COST OF SIGNALIZATION.
06:56:10 CONDITION 4 WE'RE FINE WITH.
06:56:18 ADA PARKING SPACES THAT WE'RE GOING TO COMPLY WITH IT
06:56:22 ANYWAYS.
06:56:23 WHETHER THAT STAYS OR GOES IS FINE WITH US.
06:56:25 CONDITION 7, AS I TALKED ABOUT TODAY, THIS IS THE AGREEMENT
06:56:32 TO AMEND THE COVENANT THAT STAFF IS REQUIRING.
06:56:39 OUR POINT THERE WAS WE DON'T UNDERSTAND WHY THE VILLAGE
06:56:45 WOULD WANT TO GET THEMSELVES INTO THE POSITION OF BEING A
06:56:49 RESPONSIBLE PARTY FOR ENFORCEMENT OF A PRIVATE COVENANT, BUT
06:56:52 IT'S GOT TO CHANGE ANYWAYS.
06:56:54 WE KNOW THAT.
06:56:55 THAT'S IN THE PROCESS, AND SO WHETHER THAT STAYS OR GOES IS
06:56:59 UP TO YOU ALL.

06:57:00 I'M JUST NOT SURE WHY IT'S THERE AND WHY THE VILLAGE WOULD
06:57:06 WANT IT THERE.
06:57:07 AND THEN THE LAST ONE IS THE FIRST PARAGRAPH OF CONDITION
06:57:18 NINE WE WERE ASKING -- WELL, THE LAST ONE WE DON'T -- IT
06:57:22 DOESN'T MATTER TO US.
06:57:23 IF YOU ALL HAVE CHANGES TO THE PATTERN BOOK BETWEEN NOW OR
06:57:28 TODAY, WE ARE FINE WITH MAKING THEM.
06:57:33 OF COURSE, WE'RE GOING TO MAKE THEM BEFORE THE CITY COUNCIL
06:57:36 MEETING TO THE EXTENT WE'RE IN AGREEMENT.
06:57:38 WITH THAT, LET ME GET TED UP HERE TO TALK ABOUT THE RIGHT-IN
06:57:46 ACCESS.
06:57:47 AND THEN IF YOU HAVE ANY QUESTIONS FOR US OR THE ARCHITECT,
06:57:54 WE ARE HERE TO TAKE THEM.
06:58:00 >>Ted Treesh: GOOD EVENING.
06:58:01 TED TREESH WITH TR TRANSPORTATION CONSULTANTS.
06:58:05 WE CONDUCTED THE TRAFFIC ANALYSIS AS PART OF THIS PROJECT.
06:58:08 WE'LL BE DOING ANOTHER TRAFFIC STUDY AS THE PROJECT COMES IN
06:58:13 FOR A DEVELOPMENT ORDER APPLICATION, ONCE THE SITE PLAN, IF
06:58:17 IT'S APPROVED AND THE SITE PLAN PROCEEDS THROUGH THE
06:58:20 APPROVAL PROCESS, WE'LL BE DOING AN UPDATED TRAFFIC STUDY AS
06:58:24 WELL.
06:58:24 I JUST WANTED TO TALK A LITTLE BIT ABOUT THE CIRCULATION.
06:58:35 AND, AGAIN, AS DAN POINTED OUT, THE ACCESS TO THIS PARCEL,
06:58:42 AS YOU MAY BE FAMILIAR WITH IT, THERE IS AN EXISTING
06:58:45 RIGHT-IN ONLY AS YOU COME IN OFF OF CORKSCREW ROAD ON ESTERO
06:58:49 TOWN COMMONS PLACE.
06:58:51 THAT ROADWAY AS YOU COME IN TO THE LOWE'S PLAZA, IT'S A
06:58:55 DIVIDED ROADWAY SO THE INBOUND LANES AND THE OUTBOUND LANES
06:59:00 ARE SEPARATED BY A MEDIAN.
06:59:02 THERE IS THE NEW TRAFFIC SIGNAL THERE THAT'S NOW
06:59:05 OPERATIONAL.
06:59:07 SO AS TRAFFIC COMES IN, YOU'LL BE ABLE TO TURN RIGHT INTO
06:59:11 THIS PROPERTY UNDER A FREE-FLOW CONDITION.
06:59:14 YOU WON'T HAVE TO STOP.
06:59:15 THERE ARE NO STOP BARS, JUST AS YOU DID WHEN THE RUBY
06:59:18 TUESDAY WAS THERE.
06:59:20 AND WHEN THE GAS STATION IS THERE, YOU CAN SEE FROM THIS
06:59:23 PLAN, AS YOU TURN IN, YOU'LL BE COMING INTO THE CANOPY SO IF
06:59:27 YOU WANT TO REFUEL, YOU'LL TURN IN FACING THE CANOPY.
06:59:31 YOU'LL BE ABLE TO EITHER ENTER THE CANOPY TO COMPLETE YOUR
06:59:35 FUEL TRANSACTION OR YOU CAN TURN LEFT OR RIGHT OR CONTINUE
06:59:38 STRAIGHT THROUGH UNDERNEATH THE CANOPY AND TRAVEL INTO ONE
06:59:42 OF THE PARKING SPACES IF YOU JUST WANT TO VISIT THE
06:59:45 CONVENIENCE STORE.
06:59:46 IF WE DIDN'T HAVE THAT ACCESS, 100 PERCENT OF THE TRAFFIC
06:59:52 WOULD HAVE TO COME IN, THAT SINGULAR ACCESS ON THE SOUTH

06:59:57 SIDE OF THE PROJECT, AND THE VOLUME OF TRAFFIC THAT THESE
07:00:01 FACILITIES GENERATE, ESPECIALLY DURING THE PEAK HOURS, ONE
07:00:05 ACCESS JUST WOULD CREATE A NUMBER OF PROBLEMS, ESPECIALLY
07:00:10 ON-SITE.
07:00:11 YOU'RE FAMILIAR WITH GAS STATIONS.
07:00:12 WE ALL VISIT THEM, WELL, EXCEPT, DAN, BECAUSE HE DRIVES AN
07:00:16 ELECTRIC VEHICLE.
07:00:17 I DRIVE A DIESEL GAS GUZZLER.
07:00:20 UNFORTUNATELY, I VISIT THESE WAY TOO OFTEN.
07:00:22 THE FOLKS FROM BRIGHTWORK AND WAWA CAN GET INTO THIS MORE IF
07:00:28 YOU NEED TO.
07:00:29 BUT THE IMPORTANCE TO THEM IS BASICALLY THE AREA BETWEEN THE
07:00:33 CANOPY AND THE CONVENIENCE STORE.
07:00:36 THAT'S WHERE YOU HAVE A LOT OF PEDESTRIAN ACTIVITY FOLKS
07:00:40 THAT HAVE THEIR VEHICLE AT THE PUMPS, WALKING BETWEEN THE
07:00:44 PUMPS AND THE CONVENIENCE STORE.
07:00:45 SO IF WE DON'T HAVE THAT ACCESS ON THE EAST SIDE, THAT
07:00:51 CREATES A LOT MORE VEHICULAR TRAFFIC BETWEEN THE CANOPY AND
07:00:54 THE BUILDING AND CREATES MORE CONGESTION BETWEEN THE
07:00:58 PEDESTRIANS AND THE VEHICLES.
07:01:00 TALK ABOUT YOUR QUESTION ABOUT THE TANKERS AND THOSE FOUR
07:01:07 PARKING SPACES PROBABLY WILL NEVER BE UTILIZED.
07:01:12 THOSE ARE THE FARTHEST PARKING SPACES FROM THE CONVENIENCE
07:01:17 STORE.
07:01:18 BUT A TANKER TYPICALLY DELIVERS TO THE PROPERTIES ON OFF
07:01:21 PEAK HOURS, EVENING, LATER IN THE EVENINGS OR EARLY IN THE
07:01:24 MORNINGS ON PURPOSE.
07:01:25 THEY DON'T WANT THE TANKERS THERE DURING THE BUSY TIMES TO
07:01:29 CONFLICT WITH THE HEAVY VOLUMES OF TRAFFIC DURING THEIR PEAK
07:01:32 TIMES.
07:01:33 THEY TYPICALLY TRY AND SCHEDULE THEIR TANKER DELIVERIES
07:01:38 DURING OFF PEAK TIMES.
07:01:40 WHEN THE TANKERS ARE SITTING ON TOP OF THE TANKS ARE
07:01:43 TYPICALLY DURING OFF PEAK TIMES WHEN THE STORES AREN'T AS
07:01:46 BUSY.
07:01:47 OBVIOUSLY, DURING PEAK TIMES, THERE ARE TIMES WHEN THERE
07:01:50 MIGHT BE A TANKER THERE DURING SOME PEAK TIMES.
07:01:53 BUT THEY TYPICALLY TRY AND VISIT THE PROPERTIES DURING OFF
07:01:58 PEAK TIMES.
07:01:59 HOPEFULLY THEY WON'T BLOCK A VEHICLE IN THOSE PARKING SPACES
07:02:03 WHILE THEY ARE THERE.
07:02:04 OTHER THAN THAT, OUR ANALYSIS SHOWED THAT WE MEET ALL THE
07:02:10 REQUIREMENTS OF THE ESTERO LAND DEVELOPMENT CODE AND
07:02:13 COMPREHENSIVE PLAN FOR THE REQUEST AND I THINK THAT IS
07:02:18 EVERYTHING I WANTED TO ADDRESS.
07:02:21 I WOULD BE MORE THAN HAPPY TO ANSWER ANY QUESTIONS IF YOU

07:02:23 HAVE ANY.
07:02:23 >>Scotty Wood: I HAVE ONE.
07:02:25 YOUR TIS IS BASED UPON JUST THE CONVENIENCE STORE AND THE
07:02:29 FUELING STATIONS.
07:02:31 >>Ted Treesh: CORRECT.
07:02:33 >>Scotty Wood: IT DOES NOT INCLUDE ANYTHING WITH REGARD TO
07:02:36 THE FAST FOOD RESTAURANT.
07:02:37 WE'RE BEING ASKED TO RECOMMEND APPROVAL OF A FAST FOOD
07:02:40 RESTAURANT WITH NO TRANSPORTATION ANALYSIS.
07:02:43 >>Ted Treesh: WE LOOKED AT SPECIFICALLY THIS PARCEL.
07:02:45 WE DIDN'T LOOK AT THE ENTIRE CPD.
07:02:47 >>Scotty Wood: I UNDERSTAND.
07:02:48 BUT WE'RE ASKED TO LOOK AT THE ENTIRE.
07:02:51 >>Daniel DeLisi: JUST TO CLARIFY, YOU'RE NOT BEING ASKED TO
07:02:54 APPROVE A FAST FOOD.
07:02:58 THE CONDITION THAT REQUIRES EITHER-OR, THAT COULD CHANGE IT
07:03:03 SO MAYBE THERE IS A FAST FOOD IN THE FUTURE, BUT WE DON'T
07:03:06 KNOW FOR SURE IF THERE IS GOING TO BE A FAST FOOD.
07:03:09 >>Scotty Wood: DAN, I WOULD CHALLENGE YOU ON THAT.
07:03:12 IF IT CAN'T GO FORWARD WITHOUT A FAST FOOD THEN HOW CAN IT
07:03:16 BE ANYTHING BUT A FAST FOOD GOING FORWARD?
07:03:18 >>Daniel DeLisi: BECAUSE THEY DON'T WANT TO GIVE UP THEIR
07:03:21 RIGHT.
07:03:21 >>Scotty Wood: THAT'S THE POINT.
07:03:22 IT'S DE FACTO, THEY WANT A FAST FOOD RESTAURANT THERE.
07:03:25 THAT'S DE FACTO.
07:03:29 >>Daniel DeLisi: I DISAGREE.
07:03:30 I KNOW THAT --
07:03:33 >>Scotty Wood: YOU CAN DISAGREE.
07:03:34 I UNDERSTAND THAT.
07:03:35 >>Ted Treesh: WHEN THE TRAFFIC STUDY FOR THIS ZONING WAS
07:03:39 DONE, IT WAS DONE AS A SHOPPING CENTER WHICH INCLUDES FAST
07:03:42 FOOD USES, SO THAT WOULD HAVE BEEN DONE IN THE OVERALL
07:03:45 ZONING.
07:03:46 WHEN AND IF A FAST FOOD WERE TO COME IN ON ANOTHER PARCEL,
07:03:49 THERE WOULD HAVE TO BE A TRAFFIC STUDY DONE FOR THAT PARCEL
07:03:52 AT THE TIME.
07:03:52 SO I WOULD COUNTER THAT THERE WAS -- THAT USE WAS INCLUDED
07:03:56 IN THE ORIGINAL ZONING FOR THE CPD BECAUSE IT WAS ANALYZED
07:04:01 AS A SHOPPING CENTER, WHICH DOES INCLUDE OUTPARCELS THAT
07:04:05 INCLUDE FAST FOOD, OFFICE, RETAIL, ALL THOSE USES.
07:04:12 >> WOULDN'T A SEPARATE TIS BE REQUIRED?
07:04:15 >>Scotty Wood: THAT'S WHAT HE JUST SAID.
07:04:19 >> DO WE REQUIRE THAT?
07:04:21 >>Barry Jones: I DEFER TO MARY.
07:04:24 >>Mary Gibbs: YES, IF THEY COME IN LATER, SO THE WAWA IS ON
07:04:28 THIS PARCEL.

07:04:29 THE FAST FOOD IS ON ANOTHER PARCEL.
07:04:31 WHEN THEY COME IN, IF THEY HAVE A FAST FOOD, THEY HAVE TO DO
07:04:36 A TRAFFIC ANALYSIS AT THE TIME.
07:04:37 THE THING THAT I WOULD ASK TED MAYBE TO EXPLAIN, BECAUSE I
07:04:41 THINK -- I'M TRYING TO -- I'M THINKING AHEAD TO WHAT COUNCIL
07:04:44 MIGHT BE CONCERNED ABOUT OR WANT SOME ANSWERS TO.
07:04:47 LET'S SAY YOU HAVE THE FAST FOOD.
07:04:50 YOU COME IN WITH WAWA.
07:04:52 I THINK THE COUNCIL WILL WANT TO MAKE SURE THAT IF YOU KEEP
07:04:57 THIS RIGHT TURN IN ONLY, WILL THERE BE ANY SCENARIO?
07:05:01 BECAUSE WE KNOW WAWAS ARE POPULAR AND GENERATE A LOT OF
07:05:05 TRAFFIC, WHERE THERE COULD BE ANY POTENTIAL BACKUP ON
07:05:08 CORKSCREW ROAD OR HOW WOULD IT BE QUEUED?
07:05:12 >>Kristin Jeannin: THAT SEGUES INTO A QUESTION I HAVE.
07:05:15 THERE ARE PRETTY MUCH TWO PLACES I WANT TO GO BEFORE AND
07:05:19 AFTER A HURRICANE AND THAT IS LOWE'S AND THE GAS STATION.
07:05:21 HOW DO YOU SEE STACKING HAPPENING OR HAVE YOUR STUDIES
07:05:26 INCLUDED WHAT CIRCULATION WOULD LOOK LIKE IN AN EXTREMELY
07:05:30 HIGH FLOW EVENT LIKE THAT?
07:05:32 >>Ted Treesh: OBVIOUSLY, PRE-HURRICANE EVENTS, ALL BETS ARE
07:05:35 OFF IN TERMS OF HOW GAS STATIONS OPERATE.
07:05:38 THE NORMAL DAY-TO-DAY OPERATIONS, THIS FACILITY WILL OPERATE
07:05:43 WITHOUT ANY QUEUING DIFFICULTIES BECAUSE THE INBOUND TRAFFIC
07:05:46 DOESN'T STOP.
07:05:48 AS YOU ENTER -- THE TRAFFIC SIGNAL NOW AT CORKSCREW AND
07:05:52 ESTERO COMMONS PLACE CONTROLS THE FLOW OF TRAFFIC.
07:05:55 SO AS YOU GET THE GREEN LIGHT ON CORKSCREW TO TURN INTO THIS
07:05:59 PROPERTY, YOU'LL TURN IN AND AS YOU'RE COMING IN, YOU'LL
07:06:03 EITHER MAKE THE DECISION TO TURN RIGHT INTO THIS PROPERTY OR
07:06:06 CONTINUE STRAIGHT INTO THE LOWE'S PROPERTY OR YOU CONTINUE
07:06:11 TO GO STRAIGHT WITHOUT STOPPING.
07:06:12 SO THE ONLY TIME YOU'LL STOP IS WHEN YOU GET TO EITHER THE
07:06:16 PUMP OR A PARKING SPACE INTO THE WAWA BUILDING.
07:06:22 >>Jim Wallace: THE ISSUE REALLY BECOMES IN TERMS OF -- I'M A
07:06:26 NEOPHYTE HERE, BUT DOESN'T THE LOCATION OF THE FAST FOOD
07:06:30 BECOME A CRITICAL ISSUE?
07:06:32 THEY HAVE SEVERAL VACANT PARCELS RIGHT NOW.
07:06:36 IF A McDONALD'S OR WENDY'S OR CHICK-FIL-A WENT IN RIGHT
07:06:42 BESIDE WAWA, THEN THAT ROAD COULD SEE A SIGNIFICANT AMOUNT
07:06:47 OF TRAFFIC, THE ENTRY ROAD, BEFORE PEOPLE TURN RIGHT TO
07:06:54 EITHER GO INTO WAWA.
07:06:55 SO THE LOCATION WITHIN THE ESTERO TOWN COMMONS MAKES A
07:06:58 DIFFERENCE.
07:06:58 ARE PEOPLE COMING IN OFF THREE OAKS PARKWAY?
07:07:02 ARE THEY COMING IN AT THE OTHER ENTRANCE OFF CORKSCREW OR
07:07:04 COMING IN OFF THIS ENTRANCE?

07:07:08 >>Ted Treesh: AGAIN, THAT WAS ALL PLANNED WHEN THIS PLAZA
07:07:11 WAS ZONED AS CPD, AND IT WAS ANALYZED AS A RETAIL
07:07:17 DEVELOPMENT.
07:07:17 THE PRIMARY TENANT OF THIS PLAZA IS A HOME IMPROVEMENT
07:07:22 CENTER WHICH CREATES LOWER TRIPS THAN A RETAIL SQUARE
07:07:26 FOOTAGE OF SIMILAR SIZE.
07:07:28 >>Jim Wallace: THINKING AT THAT TIME WAS TO NOT HAVE BOTH.
07:07:31 SO IF YOU'RE THINKING ABOUT HAVING BOTH, YOU WANT TO BE SURE
07:07:36 IT'S NOT ALL COMING IN ON ONE ENTRY, ONE ROAD.
07:07:42 YOU'RE THE TRAFFIC GUY.
07:07:43 >>Ted Treesh: THE ROADS ARE ALREADY BUILT TO THIS PLAZA.
07:07:46 WE HAVE THE MAIN ENTRANCE NOW THAT IS SIGNALIZED.
07:07:49 THIS AERIAL SHOWS, WE HAVE ANOTHER RIGHT-IN, RIGHT-OUT.
07:07:53 YOU'LL SEE TO THE WEST.
07:07:54 SO IF THE FAST FOOD WERE TO GO ON THE LOT IMMEDIATELY TO THE
07:07:59 WEST OF THIS WAWA PARCEL, THEY HAVE A RIGHT-IN, RIGHT-OUT
07:08:04 THAT'S RIGHT NEXT TO THAT LOT. SO IF YOU'RE HEADING
07:08:07 EASTBOUND ON CORKSCREW, YOU KNOW, THAT WOULD BE YOUR FIRST
07:08:12 DRIVEWAY YOU WOULD COME TO.
07:08:13 AND THEN YOU WOULD COME -- THAT WOULD BE YOUR FIRST ENTRANCE
07:08:18 YOU WOULD USE.
07:08:19 AND THEN YOU ALSO HAVE AN ACCESS ON THREE OAKS PARKWAY
07:08:22 FURTHER TO THE SOUTH THAT'S JUST OFF THIS AERIAL PHOTO THAT
07:08:26 YOU CAN GET INTO THIS PLAZA.
07:08:34 >>Neale Montgomery: NEALE MONTGOMERY, FOR THE RECORD.
07:08:37 MR. TREESH, DID YOU WORK ON -- DID YOU DO THE TRAFFIC
07:08:41 ANALYSIS FOR THE ORIGINAL ZONING?
07:08:43 >>Ted Treesh: NO, I DID NOT.
07:08:45 >>Neale Montgomery: AND WHEN YOU DID THE ANALYSIS AT THAT
07:08:48 TIME --
07:08:49 >>Ted Treesh: I DIDN'T DO IT.
07:08:51 >>Neale Montgomery: YOU DIDN'T.
07:08:51 BUT YOU REVIEWED IT.
07:08:53 >>Ted Treesh: I'VE BEEN INVOLVED IN THE PROJECT.
07:08:55 I DID THE PROJECT ADJACENT TO THIS.
07:09:00 ACROSS THIS STREET.
07:09:01 I HAVE REVIEWED THE PROJECT AND THE ANALYSIS OF THE ORIGINAL
07:09:03 ZONING MANY TIMES.
07:09:04 >>Neale Montgomery: LIKE THE ONES YOU HAVE WORKED ON, THE
07:09:06 ORIGINAL ANALYSIS BASED ON WORST-CASE SCENARIO?
07:09:10 >>Ted Treesh: YES.
07:09:11 >>Neale Montgomery: CAN YOU HELP ME BECAUSE A PHENOMENON
07:09:13 THAT I EXPERIENCE -- I DON'T KNOW IF EVERYBODY ELSE DOES --
07:09:16 BUT I THINK IT RELATES TO PASS-BY TRIPS.
07:09:19 I DON'T LIKE TO STOP.
07:09:21 SO IF I'M ON THE ROAD, I WANT TO BE ABLE TO TURN IN AND KEEP

07:09:25 GOING IN THE SAME DIRECTION.
07:09:27 I DON'T WANT TO TURN LEFT AND FIGURE OUT HOW TO GET BACK ON
07:09:30 THE ROAD.
07:09:30 IS THAT A COMMONPLACE EXPERIENCE WITH GAS STATIONS?
07:09:35 >>Ted Treesh: YES.
07:09:35 >>Neale Montgomery: FROM A TECHNICAL STANDPOINT CALLED
07:09:39 PASS-BY TRIPS.
07:09:40 >>Ted Treesh: RIGHT.
07:09:41 A MATTER OF CONVENIENCE, YES.
07:09:44 >>Neale Montgomery: HOW DOES THAT WORK IN TERMS OF PASS-BY
07:09:46 TRIPS?
07:09:47 IN OTHER WORDS, HOW DO THEY GET FACTORED IN WHEN YOU DO YOUR
07:09:51 OVERALL ANALYSIS?
07:09:54 >>Ted Treesh: WELL, THE ANALYSIS THAT WE DO IN TERMS OF THE
07:09:58 IMPACTS THAT A PROJECT HAS ON THE ADJACENT ROADS, WE LOOK AT
07:10:01 TWO TRIP TYPES.
07:10:03 PASS-BY TRIPS WHICH NEALE WAS TALKING ABOUT, WHICH IS A TRIP
07:10:08 YOU ARE MAKING FROM ONE POINT TO YOUR DESTINATION, AND YOU
07:10:11 STOP SOMEWHERE IN BETWEEN.
07:10:12 SO IF YOU'RE GOING FROM HOME TO WORK, BUT YOU STOP AT THE
07:10:15 GROCERY STORE OR THE GAS STATION BETWEEN YOUR TRIP FROM HOME
07:10:19 TO YOUR OFFICE.
07:10:20 SO THAT TRIP THAT YOU STOP AT IN BETWEEN, THAT TRIP IS
07:10:25 REALLY A PASS-BY TRIP.
07:10:27 AND THAT TRIP IS CALCULATED IN IMPACT FEES FOR THAT USE,
07:10:31 ET CETERA.
07:10:31 THE OTHER TRIP IS A NEW TRIP.
07:10:34 SO THE OFFICE TRIP WAS YOUR DESTINATION, THAT HE IS A NEW
07:10:40 TRIP.
07:10:41 GAS STATIONS, FAST FOODS, F.D.O.T., LEE COUNTY, THEY HAVE
07:10:45 STUDIED THESE USES, GAS STATIONS, 70 TO 80% OF THE TRAFFIC
07:10:49 GOING IN AND OUT OF THE USES ARE PASS-BY TRIPS.
07:10:53 PEOPLE STOP AT THE USES ON THE WAY TO SOMEWHERE ELSE.
07:10:56 THEY TYPICALLY DON'T STOP HERE ON THE WAY, COME HERE AS A
07:11:00 DESTINATION USE AND THEN RETURN BACK TO WHERE THEY CAME
07:11:04 FROM.
07:11:04 THEY STOP HERE ON THEIR WAY HOME, ON THEIR WAY TO WORK, ON
07:11:08 THEIR WAY SHOPPING TO SOMEWHERE ELSE.
07:11:09 IT'S NOT A NEW TRIP TO THE ROAD NETWORK -- THE ROADWAY
07:11:14 NETWORK.
07:11:15 IT'S A TRIP.
07:11:16 SO BY THAT THEY TYPICALLY LIKE A CONVENIENCE, THE RIGHT-IN,
07:11:20 RIGHT-OUT.
07:11:21 THEY DON'T LIKE TURNING LEFT IN, LEFT OUT.
07:11:23 THEY LIKE MAKING THAT RIGHT IN, RIGHT OUT BECAUSE IT'S AN
07:11:27 EASIER MOVEMENT.

07:11:27 THERE'S GAS STATIONS ON A LOT OF CORNERS, SO THEY LIKE
07:11:34 MAKING THAT EASY MOVEMENT.
07:11:35 THEY DON'T LIKE TRYING TO TURN LEFT IN AND OUT.
07:11:39 THE SIGNAL AT THIS LOCATION MAKES IT BENEFICIAL TO BE ABLE
07:11:41 TO TURN LEFT IN AND LEFT OUT.
07:11:44 IF YOU TRIED TO MAKE THAT LEFT IN AND LEFT OUT BEFORE THAT
07:11:46 LIGHT WAS THERE, YOU KNOW HOW DIFFICULT THAT WAS BEFORE THAT
07:11:51 SIGNAL WAS PUT IN TO COMPLETE THAT MOVEMENT.
07:11:53 SO NOW THAT SIGNAL HAS MADE THAT MUCH SAFER AND MUCH MORE
07:11:58 EASIER TO BE ABLE TO COMPLETE THAT MOVEMENT.
07:12:00 BUT A GAS STATION IS TYPICALLY A RIGHT IN, RIGHT OUT
07:12:04 MOVEMENT.
07:12:06 >>Mary Gibbs: I HAVE A QUESTION.
07:12:09 DON'T GO AWAY YET.
07:12:10 ACTUALLY, I HAVE A COMMENT AND A QUESTION.
07:12:12 MAYBE A COMMENT TO HELP GIVE A LITTLE PERSPECTIVE.
07:12:14 SEVERAL YEARS AGO, I THINK WHEN I WAS PRETTY NEW HERE, THIS
07:12:18 IS PROBABLY SIX YEARS AGO -- NEW IN ESTERO.
07:12:27 I THINK YOU JUST INSULTED ME AND CALLED --
07:12:30 >>Ted Treesh: NO, NO.
07:12:31 >>Mary Gibbs: ANYWAY, WAWA CAME IN BECAUSE THEY WERE
07:12:35 ACTUALLY LOOKING AT THE OTHER LOT WHICH I DON'T KNOW IF --
07:12:38 THE WESTERN-MOST LOT HERE ON THE SITE PLAN.
07:12:42 I DON'T KNOW IF YOU ALL KNOW THIS, BUT WALTER AND I --
07:12:45 WALTER McCARTHY AND I WORKED WITH THEM AT THE TIME AND
07:12:48 THIS CORNER LOT AT THREE OAKS AND CORKSCREW WHERE WAWA WAS
07:12:51 GOING TO LOCATE, WE HAD SOME MEETINGS WITH THE WAWA FOLKS.
07:12:54 THE ISSUE, THOUGH, BECAUSE LEE COUNTY HAS JURISDICTION OF
07:12:57 THE ROAD, THERE WAS AN ISSUE BECAUSE THEY WANTED I THINK THE
07:12:59 RIGHT IN, RIGHT OUT, AND THE COUNTY SAID IT'S TOO MUCH OF A
07:13:03 SAFETY HAZARD, SO IT'S NOT -- THEY DIDN'T WANT TO APPROVE
07:13:06 IT.
07:13:07 SO IF THEY DIDN'T APPROVE IT, WAWA WENT AWAY.
07:13:09 NOW THEY HAVE COME BACK I THINK FROM OUR STAFF POINT OF
07:13:12 VIEW, THIS LOCATION WITH THE TRAFFIC LIGHT IS A BETTER
07:13:18 LOCATION.
07:13:18 BUT, AGAIN, THE REZONING ASKS YOU ABOUT THE TRAFFIC BACKING
07:13:21 UP IS BECAUSE I KNOW THE COUNCIL WILL ASK THIS QUESTION.
07:13:24 I WANT TO MAKE SURE THAT THE TRAFFIC DOESN'T BACK UP.
07:13:26 CAN YOU GO BACK TO THAT SITE PLAN BECAUSE THIS GETS TO MY
07:13:30 QUESTION.
07:13:31 SO WOULD IT MAKE ANY SENSE TO SHIFT THE LOCATION OF THE
07:13:41 RIGHT IN, RIGHT OUT?
07:13:43 IF YOU'RE SAYING IT'S -- SOUNDS LIKE YOU'RE SAYING IT'S
07:13:46 BETTER TO HAVE TWO ACCESSES TO DISBURSE THE TRAFFIC.
07:13:50 WOULD IT MAKE SENSE TO SHIFT THIS LOCATION OF THE EXISTING

07:13:55 RIGHT IN FURTHER SOUTH OR ARE YOU SAYING IT DOESN'T MATTER
07:13:58 BECAUSE THERE WON'T BE A BACKUP SITUATION?
07:14:01 >>Ted Treesh: IF WE SHIFT IT FURTHER SOUTH, THEN WE'RE
07:14:04 GETTING CLOSER TO THAT INTERSECTION AS YOU TURN INTO THE
07:14:08 LOWE'S.
07:14:09 NOW THERE'S TURNING MOVEMENTS AND NOW THAT'S A FOUR-WAY
07:14:12 INTERSECTION BECAUSE NOW YOU'VE GOT A DRIVEWAY THAT'S GOING
07:14:16 TO THE EAST, TURNING INTO -- I CAN'T REMEMBER THE NAME OF
07:14:19 THE PROJECT.
07:14:22 >>Mary Gibbs: STOCK DEVELOPMENT.
07:14:24 >>Barry Jones: -- FURTHER SOUTH YOU ALSO HAVE A DEEPER
07:14:27 THROAT GOING IN THAT YOU'RE NOT HAVING TO COME IN AND STOP
07:14:29 AND LOOK AND ASSESS, OKAY, WHICH ONE OF THESE FOUR OR FIVE
07:14:31 PUMP ANGLES AM I TAKING?
07:14:33 IF YOU MOVE IT FURTHER SOUTH, A DRIVER COMES IN, HE'S GOT
07:14:36 FREE FLOW INTO THE DRIVEWAY AND THEN CAN CIRCLE BACK TO A
07:14:40 GAS PUMP RATHER THAN MAKE THE INSTANTANEOUS DECISION.
07:14:43 >>Ted Treesh: IT'S NOT AN INSTANTANEOUS DECISION, BARRY.
07:14:46 IT'S QUITE A FAR DISTANCE.
07:14:49 IT MAY LOOK LIKE A SHORT DISTANCE ON THE SITE PLAN.
07:14:53 BY THE TIME YOU MAKE THE TURN, THAT'S 30 FEET OF BUFFER
07:14:56 DISTANCE.
07:14:57 BY THE TIME YOU TURN IN AND THEN YOU'VE GOT 40 FEET BETWEEN
07:15:00 THERE AND THE CANOPY, IT'S A GOOD DISTANCE.
07:15:05 I WOULDN'T SAY IT'S INSTANTANEOUS.
07:15:07 YOU'RE MOVING AT 15, 20 MILES AN HOUR.
07:15:11 YOU'RE NOT TRAVELING 45 MILES AN HOUR.
07:15:14 >> I DROVE THIS WHOLE PARKING LOT SEVERAL TIMES TODAY,
07:15:18 TODAY, BEFORE I CAME HERE BECAUSE I DIDN'T WANT TO BE
07:15:20 UNINFORMED.
07:15:21 AND I HAVE TO AGREE THAT THE EXISTING RIGHT IN AND RIGHT OUT
07:15:25 OR RIGHT IN HERE SEEMS TO BE THE ANSWER.
07:15:30 RIGHT NOW, IT'S JUST PARKING SPACES, BUT YOU CAN IMAGINE
07:15:33 THAT YOU WOULD DRIVE AND EITHER VEER TO THE LEFT, VEER TO
07:15:37 THE RIGHT TO A PUMP, GO STRAIGHT TO A PUMP OR GO TO PARKING.
07:15:41 YOU COME INTO THE ENTRANCE AND NOW YOU HAVE A CHOICE OF FIVE
07:15:45 PLACES TO GO, AND YOU KNOW WHERE YOU'RE GOING.
07:15:48 I THOUGHT THIS MADE SENSE TO ME.
07:15:53 >>Mary Gibbs: I JUST HAVE ONE LAST QUESTION.
07:15:55 I'M SORRY.
07:15:56 IF YOU COME IN -- SAY YOU COME IN WITH A DEVELOPMENT ORDER
07:16:01 AND HAVE TO DO ANOTHER TIS OR AN UPDATED TIS, IS THAT TIS
07:16:07 GOING TO SHOW ANYTHING DIFFERENT?
07:16:08 IS IT GOING TO SHOW ANY ISSUE?
07:16:12 I'M SURE YOU PROBABLY KNOW BECAUSE YOU'VE DONE SO MANY.
07:16:16 >>Ted Treesh: WE'LL DO UPDATED TRAFFIC COUNTS NOW THAT THE

07:16:19 TRAFFIC LIGHT IS IN SO WE'LL HAVE NEW TRAFFIC INFORMATION,
07:16:22 TURNING COUNT DATA AT THE INTERSECTION SO WE CAN DO AN
07:16:26 ANALYSIS.
07:16:26 WE CAN DO SIMULATION OF THE TURNING MOVEMENTS TO SHOW A MORE
07:16:31 DETAILED ANALYSIS AT THE DEVELOPMENT ORDER STAGE.
07:16:34 MAKE SURE MAKE SURE WOULD YOU EXPECT ANYTHING --
07:16:36 >>Ted Treesh: NO, I WOULD NOT EXPECT ANYTHING DIFFERENT.
07:16:39 >>Mary Gibbs: I WAS JUST CURIOUS.
07:16:44 >>Ted Treesh: ALL RIGHT.
07:16:45 THANK YOU.
07:16:47 >>Michael Sheeley: I HAVE A QUESTION FOR NEALE.
07:16:50 I HAVE A QUESTION FOR NEALE AND MARY.
07:16:54 I KNOW WE'RE WELL IN THE WEEDS IN THIS THING, BUT TO ME, WE
07:16:58 HAVE A FUNDAMENTAL QUESTION HERE.
07:17:00 AND THAT IS HOW DO WE APPROVE A DEVIATION FOR TWO DIFFERENT
07:17:06 PROPERTY OWNERS?
07:17:07 IT'S NOT A COAPPLICATION.
07:17:10 ISN'T THE APPLICATION JUST ON BEHALF OF THE WAWA PEOPLE?
07:17:14 AND WE'RE BEING ASKED TO APPROVE A FAST FOOD USE FOR ANOTHER
07:17:20 OWNER.
07:17:21 >>Neale Montgomery: NO.
07:17:23 FAST FOOD IS ALREADY APPROVED USE.
07:17:25 YOU'RE ALLOWED TO HAVE FAST FOOD WITHIN THE CENTER.
07:17:28 THEY ARE ALREADY ALLOWED TO HAVE A CONVENIENCE STORE WITH
07:17:32 FUEL PUMPS IN THE CENTER.
07:17:34 THERE IS A CONDITION THAT WAS IMPOSED FOR THE REASONS MR.
07:17:41 DELISI EXPLAINED, BUT THEY WERE -- LEE COUNTY AT A CERTAIN
07:17:45 POINT IN TIME HAD A CONCERN ABOUT A PROLIFERATION OF GAS
07:17:50 STATIONS AND FAST FOOD THAT WAS PARTICULARLY TRUE AT THE
07:17:54 TIME ON CORKSCREW ROAD BECAUSE OF THE GENERAL INTERCHANGE
07:17:59 AND THE COMMERCIAL NODES.
07:18:01 MR. DELISI POINTED OUT, THAT PROLIFERATION DIDN'T HAPPEN.
07:18:06 THIS CENTER HAS BEEN APPROVED SINCE, WHAT, 2003 AND
07:18:11 OBVIOUSLY THERE HAS NOT BEEN A LOT OF TRACTION ON THE
07:18:15 OUTPARCELS.
07:18:17 SO THERE'S NOT A LOT OF USES -- I DON'T WANT TO TAKE DAN'S
07:18:24 EXPERTISE, BUT THERE ARE NOT A LOT OF USES AT THIS POINT IN
07:18:27 TIME IN THIS LOCATION ON OUTPARCEL.
07:18:30 FAST FOOD IS A REASONABLE USE.
07:18:31 IF YOU ARE THE OWNER OF THE CENTER, YOU WANT TO BE ABLE TO
07:18:34 KEEP THAT USE SO THAT THOSE PARCELS DON'T STAY VACANT
07:18:37 FOREVER.
07:18:38 IT WOULD STILL BE LIMITED TO ONE FAST FOOD AND ONE
07:18:42 CONVENIENCE STORE, WHICH IS NOT AN UNUSUAL USE IN A SHOPPING
07:18:46 CENTER OR A POWER CENTER ON OUTPARCEL.
07:18:49 IT'S A REASONABLE USE OF THE LAND THAT'S ALREADY PERMITTED.

07:18:52 WHAT WE'RE DOING IS NOT ISSUING A DEVIATION.
07:18:55 WE'RE SIMPLY AMENDING A CONDITION THAT WAS IMPOSED IN 2003
07:19:00 THAT'S UP THERE ON THE BOARD.
07:19:03 SO IT'S NOT A DEVIATION.
07:19:04 IT'S JUST AMENDING A PRIOR CONDITION TO ALLOW ONE OF EACH.
07:19:08 STILL LIMITED TO ONE OF EACH, BUT BE ABLE TO HAVE BOTH
07:19:13 INSTEAD OF ONE OR THE OTHER.
07:19:15 >> WOULDN'T THE CENTER OWNER BE ABLE TO COME IN AT A LATER
07:19:18 DATE AND APPLY FOR A FAST FOOD?
07:19:20 >>Neale Montgomery: IN THEORY COULD.
07:19:23 NOT GOING TO ELIMINATE A PRIVATE AGREEMENT OR RESTRICTION
07:19:26 UNLESS THEY RETAIN THAT ABILITY.
07:19:27 THEY'LL JUST KEEP THAT ABILITY AND THE WAWA WILL NEVER
07:19:33 HAPPEN.
07:19:34 AND AS A PERSON WHO DRIVES IN ESTERO AND HAVING BEEN FROM
07:19:41 PENNSYLVANIA WHERE WAWA CAME FROM, I HAPPEN TO BE SOMEWHAT
07:19:44 OF A FAN, THERE ISN'T A LOT OF GAS -- TO THE INTERSTATE.
07:19:52 >> GOING EASTBOUND.
07:19:55 >>Neale Montgomery: IF YOU HEAD FURTHER EAST, NOT YOU GUYS
07:19:59 NECESSARILY ARE INVOLVED, BUT WHEN THE PROJECT, THE
07:20:03 ENVIRONMENTAL OVERLAY PROJECTS WERE APPROVED EAST OF BELLA
07:20:06 TERRA, NONE OF THEM WERE ALLOWED TO HAVE GAS STATIONS.
07:20:10 SO YOU'VE GOT NOW SEVERAL THOUSAND PEOPLE WHO LIVE OUT THERE
07:20:14 THAT HAVE NO GAS.
07:20:16 THEY ARE GOING TO HAVE TO COME INTO ESTERO TO GET GAS.
07:20:22 AND, FRANKLY, SOME OF THE GAS STATIONS ON THE NORTH SIDE ARE
07:20:27 LIMITED IN TERMS OF PUMPS AND THEY ARE SHOWING THEIR AGE.
07:20:31 AGAIN, IF I'M HEADING TO THE INTERSTATE, TO YOUR POINT, IF
07:20:34 THERE IS A HURRICANE AND I WANT TO GET -- PROBABLY GO TO
07:20:37 LOWE'S, GET GAS AND I'M LEAVING.
07:20:40 SO IT'S AN IMPORTANT USE FROM A PUBLIC SAFETY STANDPOINT
07:20:43 HERE.
07:20:43 WE'RE JUST SIMPLY ASKING TO CHANGE THAT CONDITION.
07:20:47 >>Michael Sheeley: WHY DOES THE STAFF RECOMMEND AGAINST THAT
07:20:49 CHANGE?
07:20:51 >>Mary Gibbs: WELL, BECAUSE I THINK THE IDEA WAS NOT TO HAVE
07:20:55 THE PROLIFERATION.
07:20:56 I AGREE WITH DAN, THAT WAS THE IDEA WHEN IT STARTED WAS NOT
07:21:00 TO HAVE THE PROLIFERATION.
07:21:01 AND I THINK THE STAFF LOOKED AT THIS AND SAID, WELL, THIS
07:21:06 LAND USE CATEGORY IS NOW TRANSITIONAL MIXED USE.
07:21:09 IF YOU REMEMBER, WE HAD THIS CONVERSATION WHEN WE HAD I
07:21:11 THINK BURGER KING OR THE FIRESTONE, SOME OF THE OTHER
07:21:16 PROJECTS.
07:21:17 WHAT DOES TRANSITIONAL MIXED USE MEAN?
07:21:20 IS IT SUPPOSED TO BE ALL THESE VEHICULAR AUTO CENTRIC TYPE
07:21:24 OF USES OR IS IT SUPPOSED TO BE SOMETHING ELSE?

07:21:29 THAT WAS SORT OF THE PHILOSOPHICAL REASON.
07:21:31 I THINK THE STAFF SAID WE DON'T THINK THEY NEED THE EXTRA
07:21:33 FAST FOOD.
07:21:34 NOW, IN THE MEANTIME, THE APPLICANT DID TELL US AND I'M NOT
07:21:37 SURE THAT THE OWNER OF THE SHOPPING OR THE REPRESENTATIVE OF
07:21:41 THE SHOPPING CENTER HAD BEEN WORKING WITH A FAST FOOD
07:21:47 POTENTIAL APPLICANT FOR SEVERAL MONTHS.
07:21:49 I DON'T KNOW IF THAT'S STILL A FACTOR OR NOT.
07:21:52 I'M SEEING HEADS SHAKING.
07:21:55 NEVER MIND.
07:21:55 WE THOUGHT THERE MIGHT BE EXTENUATING CIRCUMSTANCES, BUT
07:21:59 THAT'S BASICALLY THE REASON.
07:22:00 IT'S UP TO YOU ALL IF YOU WANT TO --
07:22:05 >>Michael Sheeley: IN MY MIND, IT DOESN'T SEEM INCOMPATIBLE
07:22:08 WITH HAVING THE WAWA THERE AND ARBY'S ACROSS THE STREET.
07:22:11 >>Mary Gibbs: IT'S NOT INCOMPATIBLE WITH WHAT'S AROUND IT
07:22:14 BECAUSE IT'S ALL COMMERCIAL.
07:22:19 >>Anthony Gargano: MARY, A LEGAL QUESTION HERE.
07:22:21 DOESN'T THE OWNER OF THE LAND HAVE TO REQUEST THAT AMENDMENT
07:22:27 TO THE CONDITION?
07:22:29 >>Mary Gibbs: WELL, THE OWNER OF THE LAND FOR THIS --
07:22:33 >>Anthony Gargano: SHOULDN'T THE OWNER OF THE LAND BE AN
07:22:36 APPLICANT TO REQUEST THAT AMENDMENT?
07:22:38 THAT CHANGE?
07:22:40 >>Mary Gibbs: I THINK THAT'S -- I THINK THAT IS A NANCY --
07:22:46 >>Nancy Stroud: I THINK THAT IS AN EXCELLENT QUESTION,
07:22:49 ACTUALLY.
07:22:49 BECAUSE, OBVIOUSLY, THE OWNER OF THE LAND FOR THE WAWA IS
07:22:53 MAKING THE REQUEST, BUT THE FAST FOOD RESTAURANT IS NOT
07:22:56 GOING TO BE AT THE WAWA SITE.
07:22:58 THEY ARE APPLYING FOR WAWA, NOT A FAST FOOD.
07:23:02 I THINK WE DO NEED TO LOOK INTO THAT.
07:23:03 BEFORE THE COUNCIL.
07:23:08 I HAVE TO ASSUME THAT THE OWNER WOULD SUPPORT THAT BECAUSE
07:23:13 OF WHAT HE'S REQUIRING FOR THE COVENANT TO CHANGE.
07:23:17 BUT IT IS A VERY GOOD QUESTION.
07:23:20 >>Mary Gibbs: I THINK DAN WANTED TO ADD SOMETHING.
07:23:23 >>Daniel DeLisi: THE LAND DEVELOPMENT CODE ALLOWS US AS A
07:23:26 PROPERTY OWNER OF THE PLANNED DEVELOPMENT, REQUEST A CHANGE
07:23:30 TO THE PLANNED DEVELOPMENT.
07:23:32 THE APPLICANT IS BRIGHTWORK DEVELOPMENT.
07:23:35 >>Jim Wallace: WHO IS THAT?
07:23:36 THEY OWN THE ESTERO TOWN COMMONS?
07:23:42 >>Daniel DeLisi: NO.
07:23:43 KITE OWNS ESTERO TOWN COMMONS -- [INTERFERING AUDIO] -- KITE
07:23:50 OWNS ALL THE REST.

07:23:51 SO THE ISSUE WITH THE USE IS THAT KITE OWNS EVERYTHING ELSE.
07:23:58 THEY DON'T OWN THIS.
07:23:59 THEY DON'T GET ANYTHING FROM THIS LAND DEAL THAT TRANSPIRED.
07:24:03 THEY DIDN'T OWN IT WHEN RUBY TUESDAY'S OWNED IT.
07:24:07 SO TO ALLOW THIS LAND DEAL TO GO FORWARD, THEY HAD NO
07:24:14 INCENTIVE TO DO IT.
07:24:15 THEY WEREN'T GETTING ANYTHING FOR IT.
07:24:17 WHY WOULD THEY GIVE UP ANY USE, WHETHER A SIT-DOWN
07:24:20 RESTAURANT, FAST-FOOD RESTAURANT, SPECIALTY RETAIL,
07:24:25 ANYTHING.
07:24:25 >>Jim Wallace: COULDN'T BE ALL THREE.
07:24:29 >>Daniel DeLisi: [INAUDIBLE] [INTERFERING AUDIO]
07:24:35 >> DOESN'T KITE HAVE TO BE THE ONE TO COME TO THE BOARD AND
07:24:39 ASK FOR THE CHANGE?
07:24:43 >>Daniel DeLisi: SO THE CONDITION AFFECTS US AND IT AFFECTS
07:24:47 THEM.
07:24:47 AND SO AS AN OWNER WITHIN THE PLAN DEVELOPMENT CAN ASK FOR
07:24:53 ANY CHANGE TO THE PLAN DEVELOPMENT.
07:24:56 NOW, IF ANYTHING, THEY MAY NEED TO GIVE AUTHORIZATION FOR US
07:25:01 TO MOVE FORWARD AS THE OWNER OF THE MAJORITY OF THE PD, BUT
07:25:09 I'VE DONE PLANNED DEVELOPMENTS ON NUMEROUS OCCASIONS WHERE
07:25:13 WE'RE AMENDING AN ENTIRE PLAN DEVELOPMENT BUT ONLY OWNING A
07:25:18 PORTION OF THE PROPERTY.
07:25:18 THAT'S NOT UNCOMMON.
07:25:20 >>Mary Gibbs: I THINK IT'S MESSY WHEN YOU GET INTO THESE
07:25:23 PLANNED DEVELOPMENTS AND THEY START GETTING SPLIT OFF, IT
07:25:25 BECOMES MESSY.
07:25:26 BUT I THINK DAN HAD A GOOD POINT.
07:25:29 I THINK THE QUESTION YOU'RE ASKING IS MAYBE WE DO NEED TO
07:25:32 HAVE AUTHORIZATION FROM KITE BECAUSE WE KEEP HEARING THAT
07:25:35 KITE HAS THESE DEED THINGS.
07:25:37 KITE HAS THIS, KITE HAS THAT, BUT WE HAVEN'T REALLY HEARD
07:25:41 FROM KITE.
07:25:42 MAYBE WE DO NEED SOME TYPE OF AUTHORIZATION.
07:25:44 >>Nancy Stroud: AGAIN, I WOULD SAY, ARE YOU THINKING, DAN,
07:25:48 THAT KITE WOULD NOT GIVE AUTHORIZATION?
07:25:50 IT SEEMS TO BE -- USING THIS PROPERTY TO GET WHAT THEY WANT.
07:25:56 WHY WOULDN'T THEY GIVE AUTHORIZATION?
07:25:58 >>Daniel DeLisi: YEAH, NOT ONLY DID THEY GIVE AUTHORIZATION,
07:26:00 BUT IT'S A REQUIREMENT IN THIS CONTRACT TO RELEASE THE
07:26:04 COVENANT THAT I TALKED ABOUT BEFORE.
07:26:08 SO KITE HAS IT AS A REQUIREMENT OF BRIGHTWORK TO MOVE
07:26:12 FORWARD AND GET THIS AMENDED, OTHERWISE KITE DOES NOT GIVE
07:26:18 THEIR APPROVAL ON THE CHANGE IN BUILDING.
07:26:22 >>Jim Wallace: ANY DECISION WE WOULD RECOMMEND WOULD BE
07:26:24 CONDITIONED UPON KITE AGREEING.

07:26:27 >>Daniel DeLisi: NO.
07:26:27 IT'S THIS SIMPLE.
07:26:29 IF THE CONDITION 14 THAT'S ON THE SCREEN IS NOT CHANGED TO
07:26:35 ALLOW FOR BOTH A FAST FOOD AND A CONVENIENCE, THEN
07:26:41 BRIGHTWORK DOES NOT FULFILL THEIR END OF THE AGREEMENT AND
07:26:45 KITE DOESN'T GIVE THEIR APPROVAL FOR WAWA TO MOVE FORWARD.
07:26:52 >>Mary Gibbs: WE DON'T HAVE THAT AGREEMENT, CORRECT?
07:26:55 >>Daniel DeLisi: I E-MAILED IT.
07:26:57 NUMBER 6 UNDER CONTINGENCY.
07:27:02 OWNER CONSENT AND APPROVAL, ET CETERA.
07:27:12 >>Nancy Stroud: SIMPLE AGREEMENT, AT LEAST WHAT DAN SENT TO
07:27:14 US.
07:27:15 IT'S EXACTLY WHAT HE SAID.
07:27:16 IT'S JUST A RATHER TECHNICAL QUESTION ABOUT WHETHER KITE
07:27:22 NEEDS TO BE PART OF THE APPLICATION, BUT THE MAIN QUESTION
07:27:25 IS WHETHER I THINK THIS BOARD IS THINKING THAT IT'S A GOOD
07:27:34 IDEA FROM A PLANNING AND ZONING PERSPECTIVE TO HAVE BOTH OF
07:27:39 THOSE USES IN THE PD.
07:27:52 >>Neale Montgomery: [INAUDIBLE] MR. DELISI DIDN'T QUALIFY
07:27:57 HIMSELF.
07:27:57 HE IS AN EXPERT IN PLANNING.
07:28:00 HE HAS A MASTER'S DEGREE FROM M.I.T.
07:28:05 MR. DELISI, IN YOUR EXPERT OPINION AS A PLANNER, IS IT
07:28:08 REASONABLE ON A COMMERCIAL CPD AT THE INTERSECTION OF TWO
07:28:12 ARTERIALS TO BE ABLE TO HAVE A CONVENIENCE STORE AND A FAST
07:28:16 FOOD RESTAURANT?
07:28:18 >>Daniel DeLisi: I BELIEVE THAT IS A REASONABLE REQUEST,
07:28:21 YES.
07:28:21 I CAN SUBMIT THIS FOR THE RECORD.
07:28:26 >> IT'S ALREADY BEEN SUBMITTED, I THINK.
07:28:28 RIGHT, NEALE?
07:28:29 MY COMMENT HAS TO DO WITH WHAT YOU END UP WITH BOTH.
07:28:40 I HAVE PERSONAL EXPERIENCE WITH THAT BECAUSE I SPEND MY
07:28:43 SUMMERS IN HENDERSONVILLE, NORTH CAROLINA.
07:28:47 IF YOU EXIT I-26 UP THERE ONTO A ROAD CALLED FOUR SEASONS
07:28:52 BOULEVARD, IT'S VERY SIMILAR TO EXITING I-75 AND COMING
07:28:56 WESTBOUND ON CORKSCREW ROAD.
07:28:58 IN HENDERSONVILLE, ON FOUR SEASONS BOULEVARD JUST WEST OF
07:29:02 THAT EXIT, THERE ARE NO LESS THAN SEVEN FAST FOOD
07:29:07 RESTAURANTS AND FOUR GAS STATIONS ALL LINED UP AND IT LOOKS
07:29:11 LIKE A BLIGHTED AREA, BECAUSE NOT ONLY, WHILE THEY MAY BE
07:29:15 ALL APPROVED USES, THE FACT IS THE McDONALD'S BUILDS IT
07:29:19 ONE WAY, BURGER KING ANOTHER, HARDEE'S ANOTHER, AND YOU END
07:29:24 UP WITH A HODGEPODGE.
07:29:25 AND THAT'S ONE OF MY CONCERNS WITH THIS DEVELOPMENT IS THAT
07:29:28 YOU'RE ALLOWING -- YOU TAKE THE LOWE'S, WHICH IS A

07:29:31 MAGNIFICENT EXAMPLE OF A BIG-BOX RETAIL RESPONDING TO
07:29:37 PLANNING CONSIDERATIONS IN A COMMUNITY.
07:29:39 THAT FACADE IS ALMOST UNIQUE TO ALL OF THE LOWE'S
07:29:43 NATIONWIDE.
07:29:44 AND WE'RE SPOILING THAT BY JUST DEVELOPING WILLY-NILLY THIS
07:29:51 AND THIS AND THIS AND WHATEVER WILL SELL.
07:29:55 >>Neale Montgomery: MR. DELISI, YOU WERE INVOLVED IN THE
07:29:57 ORIGINAL ZONING EVEN BEFORE BEAUTY BOOKS OR PATTERN BOOKS
07:30:00 WERE REQUIRED.
07:30:01 IS THERE ONE ASSOCIATED WITH THIS DEVELOPMENT?
07:30:04 >>Daniel DeLisi: YEAH.
07:30:05 IN FACT, I THINK THIS WAS THE SECOND ONE EVER DONE IN ESTERO
07:30:07 AFTER COCONUT POINT.
07:30:12 >>Neale Montgomery: DID YOU HAVE TO SUPPLEMENT THE BEAUTY
07:30:14 BOOK OR PATTERN BOOK AS PART OF THIS APPLICATION?
07:30:17 >>Daniel DeLisi: WE DID.
07:30:17 >>Neale Montgomery: ARCHITECTURALLY CONSISTENT AND
07:30:22 CONSISTENT WITH THE APPROVED BEAUTY BOOK AND PATTERN BOOK.
07:30:26 >>Daniel DeLisi: YES.
07:30:28 >>Neale Montgomery: WE WON'T HAVE A HODGEPODGE OR
07:30:30 PROLIFERATION BECAUSE THE ESTERO, AS PREPARATION PART OF THE
07:30:34 PLANNING -- YOU WERE PART OF REQUIRED A BEAUTY BOOK AND
07:30:36 CONSISTENCY ON THIS SITE.
07:30:38 >>Daniel DeLisi: YES.
07:30:39 TO GO TO YOUR POINT, CHAIRMAN WOOD, WHAT YOU'RE TALKING
07:30:47 ABOUT IS EXACTLY WHAT WE WERE TRYING TO PREVENT BACK IN 2002
07:30:51 AND 2003.
07:30:53 WE DON'T WANT SEVEN, EIGHT, SIX FAST FOODS ALONG CORKSCREW
07:30:59 ROAD.
07:30:59 AND THAT'S WHAT WE THOUGHT WAS GOING TO HAPPEN AND THAT'S
07:31:02 WHY WE PUT THIS CONDITION IN.
07:31:07 THANKFULLY THAT'S NOT WHAT DID HAPPEN AND NOT WHAT CAN
07:31:10 HAPPEN AT THIS POINT IN TIME.
07:31:11 AGAIN, AT THIS POINT IN TIME, YOU HAVE THE CULVER'S ON NORTH
07:31:14 SIDE OF CORKSCREW ROAD, ARBY'S ON THE NORTHWEST CORNER, SO
07:31:18 THAT'S TWO.
07:31:19 YOU WILL HAVE THE DUNKIN' DONUTS, THAT'S THREE.
07:31:21 AND THEN IF YOU HAVE A FAST FOOD IN THIS SHOPPING CENTER,
07:31:26 YOU WOULD HAVE FOUR.
07:31:27 THAT'S NOT A PROLIFERATION, BUT I THINK IT'S COMPATIBLE.
07:31:34 IT CERTAINLY MAKES SENSE FOR THIS AREA, AND IT DOESN'T RUN
07:31:39 COUNTERPART TO WHAT WE ARE TRYING TO ACHIEVE BACK IN 2002.
07:31:43 >>Mary Gibbs: MAY I ASK A QUESTION, DAN, JUST A QUICK
07:31:46 QUESTION?
07:31:47 IF YOU LOOK AT THE SITE PLAN THAT'S UP ON THE POWERPOINT
07:31:50 NOW, IF YOU'VE GOT THE WAWA AT THE CORNER, THEN IF THEY

07:31:57 APPROVE THIS -- LET'S WAIT UNTIL WE HAVE A CONVERSATION --
07:32:05 >> JIM, EVERYBODY IS LISTENING TO WHAT YOU'RE SAYING.
07:32:07 >>Mary Gibbs: I DON'T KNOW.
07:32:08 WE HAVE WAWA AT THE CORNER.
07:32:10 IF THIS WERE TO BE APPROVED WITH THE WAY YOU WANT IT, DOES
07:32:12 THIS MEAN -- ARE THESE THE ONLY TWO VACANT PARCELS LEFT ON
07:32:18 THIS SITE?
07:32:19 SO IF THERE WAS A FAST FOOD, IT WOULD BE EITHER DIRECTLY
07:32:22 WEST OF WAWA OR IT WOULD BE AT THE CORNER?
07:32:25 >>Daniel DeLisi: I BELIEVE SO.
07:32:28 >>Mary Gibbs: SO THOSE ARE THE ONLY TWO.
07:32:31 I THINK THOSE ARE THE ONLY TWO VACANT SITES LEFT.
07:32:34 I JUST WANTED TO CLARIFY THAT.
07:32:37 >>Jim Wallace: I THINK THERE IS A VERY STRONG ARGUMENT HERE
07:32:39 FOR A GAS STATION ON THE SOUTH SIDE OF CORKSCREW ROAD.
07:32:42 START THERE.
07:32:43 AND THEN WE SAY A GAS STATION CANNOT EXIST TODAY WITH THE
07:32:46 LOW MARGINS THEY HAVE WITHOUT A CONVENIENCE STORE.
07:32:49 YOU'LL HAVE GAS AND CONVENIENCE.
07:32:50 NOW, IN 19 YEARS, I HAVE TO AGREE WITH I GUESS DAN AND THE
07:32:57 OTHER PEOPLE.
07:32:58 I WAS ON THE DESIGN REVIEW BOARD WHEN LOWE'S CAME IN.
07:33:01 I REMEMBER THE DISCUSSION, AND EVERYBODY WAS SURPRISED WHEN
07:33:04 THE CAR DEALER CAME IN, ET CETERA, ET CETERA.
07:33:07 OVER THE LAST 19 YEARS, WHAT EVERYBODY WAS CONCERNED ABOUT
07:33:10 DID NOT HAPPEN. HOW MANY FAST FOOD RESTAURANTS ARE THERE ON
07:33:16 THE SOUTH SIDE OF THE ROAD?
07:33:17 WELL, RIGHT NOW THERE'S ZERO.
07:33:19 AND THERE WILL EVENTUALLY BE TWO.
07:33:23 AND THERE'S TWO ON THE NORTH SIDE.
07:33:24 AND THERE'S ONLY GOING TO BE TWO GAS STATIONS AND A THIRD.
07:33:30 I THINK WE'VE ACHIEVED WHAT WE WANTED TO ACHIEVE BACK IN
07:33:33 2003.
07:33:34 WHICH IS A LIMITED AMOUNT.
07:33:37 YOU'RE GOING TO HAVE SOME, BUT A LIMITED AMOUNT OF BOTH THE
07:33:40 GAS STATIONS AND I THINK THE AREA REFLECTS IT.
07:33:43 IT DOESN'T LOOK LIKE WHATEVER SCOTTY WAS DISCUSSING.
07:33:48 I KNOW WHAT YOU'RE TALKING ABOUT.
07:33:51 IT JUST FEELS LIKE WHERE YOU DON'T WANT TO GO AND YOU DON'T
07:33:54 WANT TO LIVE.
07:33:55 I CERTAINLY DON'T HAVE ANY PROBLEMS WITH WHAT'S BEING ASKED.
07:34:01 THE ONLY QUESTION I HAVE, IS THE RIGHT PERSON ASKING OR DOES
07:34:04 KITE HAVE TO BE INVOLVED OR DO YOU HAVE SOMETHING THAT GIVES
07:34:08 THE WAWA PEOPLE AUTHORIZATION TO DO THIS, TO ASK THIS?
07:34:17 >>Marlene Naratil: -- PERTINENT NECESSARILY TO THIS REQUEST,
07:34:24 BUT DON'T THEY SELL FAST FOOD OUT OF LOWE'S?

07:34:27 I CAN REMEMBER MANY TIMES COMING OUT OF LOWE'S WHEN THEY
07:34:31 HAVE A HOT DOG.
07:34:33 >>Mary Gibbs: THAT WAS A HOT DOG VENDOR.
07:34:37 >>Marlene Naratil: MY QUESTION IS, DO THEY HAVE A LICENSE?
07:34:40 >>Mary Gibbs: HOT DOG VENDOR IS ALLOWED IF THEY ARE UNDER
07:34:44 LIKE THE AWNING OF THE LOWE'S.
07:34:46 IT'S JUST CONSIDERED A ROADSIDE VENDOR, BUT NOT ON THE ROAD.
07:34:50 IT'S NOT REALLY A FAST FOOD RESTAURANT.
07:34:52 >>Marlene Naratil: FIT INTO OUR LAND CODE, THOUGH?
07:34:55 >>Mary Gibbs: IT'S NOT REALLY ADDRESSED MUCH BY THE LAND
07:34:57 DEVELOPMENT CODE.
07:34:58 IT'S CALLED A ROADSIDE VENDOR.
07:35:00 YOU CAN'T HAVE A ROADSIDE VENDOR.
07:35:02 YOU HAVE TO BE UNDER THE AWNING.
07:35:04 THAT WAS DONE MANY YEARS AGO BY THE COUNTY.
07:35:06 THERE'S ONE AT HOME DEPOT, I THINK.
07:35:09 >>Marlene Naratil: IT IS THERE ON MANY OCCASIONS WHEN I'VE
07:35:12 BEEN.
07:35:14 >>Mary Gibbs: IF WAWA IS APPROVED, YOU MIGHT NOT HAVE TO
07:35:17 HAVE THE HOT DOG AND GO TO WAWA INSTEAD.
07:35:23 >>Kristin Jeannin: THE 14 A WOULD STILL STAY IN PLACE BUT
07:35:26 STILL LIMITED TO JUST ONE FAST FOOD ON THIS SITE.
07:35:30 >>Daniel DeLisi: YEAH, I THINK OUR PROPOSED AMENDMENT WAS --
07:35:36 >>Mary Gibbs: STRIKE B.
07:35:37 I THINK YOU WERE GOING TO STRIKE B.
07:35:38 >>Daniel DeLisi: YEAH, ONE FAST FOOD AND ONE CONVENIENCE
07:35:42 STORE.
07:35:43 SO ONE OF EACH.
07:35:45 >>Kristin Jeannin: 14 B WOULD BE STRICKEN BUT 14 A WOULD
07:35:49 STAND.
07:35:49 >>Daniel DeLisi: THAT'S CORRECT.
07:35:53 >>Kristin Jeannin: BECAUSE THAT WOULD MEAN WE DON'T HAVE TO
07:35:56 FEAR THREE FAST FOODS GOING ON THOSE THREE EMPTY PARCELS.
07:36:01 >>Daniel DeLisi: YEAH.
07:36:04 >>Scotty Wood: YOU WANT TO TALK ABOUT THE CANOPY WHILE WE'RE
07:36:07 AT IT?
07:36:08 >>Daniel DeLisi: SURE.
07:36:09 LET ME GET THE ARCHITECT TO COME UP HERE.
07:36:22 >> NATHAN GRIFFIS, CUHACI PETERSON.
07:36:23 2600 MAITLAND CENTER BOULEVARD, MAITLAND, FLORIDA.
07:36:26 WE'VE BEEN FORTUNATE TO BE WORKING WITH WAWA.
07:36:29 WE'RE ACTUALLY CELEBRATING THE TEN-YEAR ANNIVERSARY OF THE
07:36:32 FIRST STORE OPENING IN SEAWORLD HERE ON THE 18th OF THE
07:36:35 MONTH.
07:36:36 BIG MILESTONE MONTH FOR WAWA.
07:36:38 OBVIOUSLY, AS DAN MENTIONED, THIS IS ACTUALLY A TRADEMARK
07:36:43 THAT THEY HAVE, THEY'VE PUT IN PLACE, WHICH MAKES THEM

07:36:48 UNUSUAL.
07:36:49 I HAVE A HARD TIME SAYING THIS IN FRONT OF MY CLIENT, BUT
07:36:51 THIS IS NOT THE ONLY CONVENIENCE STORE WE WORK WITH AS A
07:36:54 COMPANY BUT THIS IS THE ONLY PLACE WE DO THIS TYPE OF
07:36:58 CANOPY.
07:36:59 AND IT SPEAKS BACK TO THEIR ROOTS AS A FAMILY WHEN THEY
07:37:02 OWNED AN IRON MILL.
07:37:05 NOT ONLY DID THEY HAVE A DAIRY, BUT THEY ALSO DID FABRICS
07:37:09 AND ALSO IRON WORK IN THEIR FAMILY HISTORY.
07:37:13 SO THIS WAS A CALL BACK TO NOT ONLY A WING, WHICH TIES WITH
07:37:19 THE GOOSE, OBVIOUSLY, BUT ALSO A TIE BACK TO THAT IRON WORK
07:37:24 AND THAT'S WHY THE EXPOSED TRUSS.
07:37:30 THERE IS A LOT OF HISTORY.
07:37:31 PART OF THEIR IDENTITY.
07:37:32 YOU SEE IT FROM A LONG WAYS AWAY AND THAT'S WHY WE CONTINUE
07:37:34 TO PROPOSE IT AND WE'VE DONE ALL BUT ONE OF THE WAWAS IN THE
07:37:41 STATE OF FLORIDA.
07:37:41 THAT HURTS A LITTLE BIT, BUT ALL OF THEM DO HAVE THIS CANOPY
07:37:45 IN VARIOUS FORMS OR FUNCTIONS.
07:37:48 THE ONLY VARIATION THAT WE HAVE IS WE HAD ONE KIND OF BUILT
07:37:51 TO THE PROPERTY LINE WHERE IT'S LONGER ON THE FRONT SIDE AND
07:37:54 A LITTLE LESS SLOPE.
07:37:55 BUT ALL THE REST OF THEM MAINTAIN THIS PROFILE.
07:37:59 AND EARLY ON, WE DID A LITTLE LESS STONE.
07:38:01 AND SO THE STONE GOT A LITTLE TALLER, BUT THAT'S BEEN
07:38:05 CONSISTENT.
07:38:06 THE VARIATION HERE THAT WE'VE PROPOSED SPECIFICALLY FOR THE
07:38:11 VILLAGE OF ESTERO IS THE USE OF THE BARREL TILE TO MATCH THE
07:38:15 TOWER.
07:38:16 OBVIOUSLY, REACHING TO THE MEDITERRANEAN REQUIREMENTS HERE.
07:38:20 SO THAT'S A LITTLE BACKSTORY ON THE CANOPY AND ONE OF THE
07:38:23 MODIFICATIONS THAT WE'VE MADE SPECIFICALLY FOR THE VILLAGE.
07:38:27 >>Michael Sheeley: WHAT IS YOUR STANDARD ROOFING?
07:38:29 METAL?
07:38:31 >> YES, STANDING SEAM.
07:38:33 COMMONLY, IT IS A BRONZE-COLORED STANDING SEAM METAL ROOF
07:38:39 THAT'S ON THE TOWER AND ALSO ON THE CANOPY.
07:38:44 >>Michael Sheeley: MY OPINION AS AN ARCHITECT IS THAT I WAS
07:38:48 A LITTLE BIT SURPRISED WHEN I SAW THE FIRST WAWA GO UP IN
07:38:51 FORT MYERS.
07:38:52 I THOUGHT, WOW, WHY DID THEY DO THE CANOPY LIKE THAT?
07:38:57 OBVIOUSLY IT IS ICONIC, SYMBOL, IMAGE.
07:39:00 IT'S EXTRAORDINARILY IMPRACTICAL IN FLORIDA.
07:39:02 WE GET A BLOWING RAIN AND HALF OF THE CANOPY, YOU'RE GETTING
07:39:06 SOAKED. IT WOULD MAKE A LOT MORE SENSE TO ME IF YOU DID A
07:39:11 CENTER RIDGE AND HAD THE EXPOSED TRUSS AND BE DONE WITH IT.

07:39:15 I KNOW THAT WOULD VIOLATE THEIR SENSIBILITIES IN TERMS OF
07:39:18 THEIR ICON BUT TO ME IT WOULD BE FAR MORE PRACTICAL AND I
07:39:22 THINK ALSO FIT BETTER WITH OUR LOCAL ARCHITECTURE.
07:39:27 >>James Tatooles: AS FAR AS YOUR LOGO AND THAT BEING THE
07:39:31 REQUIREMENT, YOU MUST LOOK WHAT OUR CHAIRMAN JUST SAID
07:39:35 BEFORE, WHAT HAPPENED WITH LOWE'S.
07:39:37 LOWE'S HAD THEIR OWN FACADE AND THEIR OWN TYPE OF STYLE
07:39:44 BUILDING THEY HAD, BUT IF THEY DIDN'T DO WHAT THEY DID, THEY
07:39:48 WOULDN'T BE IN ESTERO.
07:39:50 AND WE COULD DO THE SAME THING IF YOU GO INTO WALMART.
07:39:53 EVERY OTHER WALMART AROUND IS BLUE.
07:39:56 AND THIS WALMART IS NOT BLUE, AND IT DOESN'T LOOK LIKE A
07:40:01 WALMART.
07:40:02 AND YET IT DOES A THRIVING BUSINESS.
07:40:05 I THINK THE FACT THAT YOU'RE TRYING TO PIN YOURSELF TO YOUR
07:40:08 REQUIREMENT IS FIGHTING WITH THE VILLAGE'S REQUIREMENT.
07:40:12 AND I COULD TELL YOU PERSONALLY FROM THE NORTH SHORE OF
07:40:16 CHICAGO AREA WHERE THE GOLDEN ARCHES ARE A SYMBOL OF
07:40:22 McDONALD'S, BUT THERE'S NOT A SINGLE McDONALD'S THAT HAS
07:40:27 GOLDEN ARCHES ANYWHERE UP AND DOWN THE NORTH SHORE OF
07:40:30 CHICAGO.
07:40:31 JUST BECAUSE IT HAPPENS TO BE YOUR LOCAL DOESN'T NECESSARILY
07:40:34 MEAN THAT WE HAVE TO ABIDE BY YOUR LOCAL BECAUSE WE ABIDE BY
07:40:40 OUR VILLAGE'S LOCAL.
07:40:42 >> SURE, ABSOLUTELY.
07:40:43 IRONICALLY, THAT FIRST WAWA THAT WE DID AT SEAWORLD IS THE
07:40:46 ONLY ONE IN THE COUNTRY THAT HAS A BLUE ROOF.
07:40:49 AND THEN THAT WAS PART OF THE SEAWORLD DEAL.
07:40:51 SO, OBVIOUSLY, WAWA ALSO IS A BIG CONTRIBUTOR TO THE
07:40:57 COMMUNITIES THEY ARE PART OF.
07:40:59 THEY DO WANT TO I'LL SAY BLEND BUT ALSO REINFORCE WHAT THOSE
07:41:05 STANDARDS ARE.
07:41:06 SO WE'RE HAPPY TO TAKE THAT FEEDBACK BACK TO THEM AND LOOK
07:41:12 AT AN OPTION FOR A PEAKED ROOF IN THE CENTER.
07:41:18 WOULD THAT BE SOMETHING THAT WOULD COMPLY WITH THE
07:41:26 RECOMMENDATIONS HERE OF THE BOARD?
07:41:32 >>James Tatooles: I THINK IN THIS CASE, PEOPLE ARE NOT GOING
07:41:33 TO COME TO THE STATION BECAUSE OF THE CANOPY.
07:41:36 THEY ARE GOING TO COME BECAUSE IT IS A WAWA AND THEY ARE
07:41:40 USED TO DOING BUSINESS WITH A WAWA.
07:41:42 I DON'T THINK IT WILL BE ANYTHING DETRIMENTAL ABOUT CHANGING
07:41:46 THE STYLE OF THE CANOPY AT ALL.
07:41:48 IF THEY WANT TO DO BUSINESS WITH THIS COMPANY, THEY'LL DO
07:41:51 BUSINESS WITH THIS COMPANY.
07:41:52 IF THEY DON'T, THEY WON'T.
07:41:57 THE CANOPY I DON'T THINK WILL BE A DETERMINING FACTOR

07:41:59 WHETHER THEY DO BUSINESS THERE.
07:42:03 >> I THINK THEY ARE CERTAINLY OPEN TO THAT AND WE'VE HAD
07:42:06 DISCUSSIONS LEADING INTO THIS JUST RECOGNIZING THAT,
07:42:09 OBVIOUSLY, THE GOAL, RIGHT, IS TO MAINTAIN THEIR TRADEMARK,
07:42:13 BUT FEEL FAIRLY CONFIDENT THAT WE CAN GET SOMETHING
07:42:17 ACCOMPLISHED THAT MEETS.
07:42:18 >>Jim Wallace: WE HAD SOMETHING VERY, VERY SIMILAR WITH
07:42:22 RaceTrac WHEN THEY CAME IN.
07:42:25 IN THE END, AND IT WAS LIKE THIS IS THE CORPORATE LOOK.
07:42:31 THIS IS IT.
07:42:32 WHEN WE WERE FINISHED THEY SAID, YOU KNOW, WE THINK WE LIKE
07:42:36 THIS A LITTLE BETTER AND WE ALLOWED THEM TO IMPROVE THEIR
07:42:40 IDENTITY, BUT THEY ALSO GAVE US MORE OF A LOOK THAT WE WERE
07:42:43 LOOKING FOR.
07:42:44 SO IT WAS A NICE COLLABORATION.
07:42:47 IT'S ON U.S. 41.
07:42:48 IT HAS HIGH VISIBILITY.
07:42:50 THEIR BRAND IS HIGHLY VISIBLE, AND WE'RE HAPPY WITH THE WAY
07:42:53 IT LOOKS.
07:42:55 >> WELL, I'M NOT ALLOWED TO SPEAK TO THEIR SUCCESS, BUT I'M
07:42:58 GLAD THAT YOU GUYS WERE ABLE TO GET SOMETHING ACCOMPLISHED
07:43:01 WITH THEM.
07:43:01 LIKE I SAID, IT'S NOT -- AND WAWA IS HERE TONIGHT
07:43:05 REPRESENTED BY A COUPLE OF INDIVIDUALS.
07:43:08 AND, OBVIOUSLY, OUR GOAL IS TO GET TO A PLACE WHERE WE CAN
07:43:14 CONSTRUCT THIS FACILITY.
07:43:16 SO WHILE I'M HERE, I THINK MY GOAL IS ALSO TO GET A LITTLE
07:43:20 BIT OF FEEDBACK ON THE BUILDING AS WELL AND GET SOME
07:43:24 THOUGHTS SO THAT WHEN WE DO COME BACK BEFORE COUNCIL, WE'RE
07:43:27 ABLE TO MOVE THROUGH.
07:43:29 SORRY, I WENT THE WRONG WAY.
07:43:41 SO I THINK THE ONLY OTHER ITEM THAT REALLY WAS IN DIRECT
07:43:53 RESPONSE TO COMMENTS WERE THE LOCATION OF SOME EXTERIOR
07:43:59 COMPONENTS.
07:43:59 WE HAVE A PROPANE SALES AND ALSO A STAFF ONLY ICE CONTAINER
07:44:06 THAT WE'VE RELOCATED OR ARE PROPOSING TO RELOCATE TO THE
07:44:10 SOUTH SIDE OF THE BUILDING.
07:44:12 SO CURRENTLY, OUR ICE MERCHANDISER IS LOCATED HERE ON THE
07:44:26 BACK WALL OF THE BUILDING.
07:44:29 WE'RE PROPOSING TO ROTATE THAT AND MOVE IT HERE TO THE SOUTH
07:44:32 SIDE ALONGSIDE OF THE PROPANE STORAGE TO ADDRESS THAT
07:44:35 COMMENT.
07:44:36 I BELIEVE THAT THAT WAS THE ONLY OTHER COMMENT THAT WE HAD
07:44:43 RECEIVED.
07:44:49 >>Michael Sheeley: I THINK THE BUILDING LOOKS GOOD.
07:44:51 I THINK YOUR PROPORTIONS AND SCALE AND VARIATION IN MASS IS

07:44:55 WELL DONE.
07:44:59 >> WE HAD A CHEAT CODE BECAUSE WE DID GO BACK TO THE
07:45:02 BUILDING WE DID ON THE OPPOSITE CORNER A FEW YEARS AGO
07:45:05 BECAUSE WE DON'T THROW ANYTHING AWAY.
07:45:07 WE'RE ARCHITECTS.
07:45:08 OBVIOUSLY, THE PATTERN BOOK AND AS WAS DISCUSSED, SHOULD
07:45:11 SOME OF THAT CHANGE, APPRECIATE THE FEEDBACK, BUT SHOULD
07:45:15 THAT CHANGE, WE'LL OBVIOUSLY COME BACK AND REVISIT AS
07:45:17 NEEDED.
07:45:18 ANY OTHER FEEDBACK OR QUESTIONS FOR ME?
07:45:23 I'M HAPPY TO LISTEN --
07:45:28 >>Scotty Wood: YOU ARE WILLING TO TAKE BACK THE COMMENT
07:45:30 ABOUT THE SLOPED ROOF AND THE CANOPY.
07:45:34 IN THEORY, THAT COULD THEN BECOME A CONDITION WHERE WE WOULD
07:45:38 RECOMMEND APPROVAL.
07:45:38 IT STILL LEAVES US, THOUGH, WITH THE STILL OPEN QUESTION, I
07:45:42 BELIEVE, OF WHETHER WE RECOMMEND APPROVAL OF BOTH A FAST
07:45:47 FOOD RESTAURANT AND A CONVENIENCE STORE ON THAT SITE.
07:45:50 THAT'S STILL AN OPEN QUESTION.
07:45:53 >>Daniel DeLisi: WE HAD REQUESTED A DEVIATION FOR THE GAS
07:45:57 CANOPY.
07:45:58 SO YOU DON'T NEED A CONDITION.
07:45:59 IF YOU WANT US TO DO A CANOPY THAT'S COMPLIANT WITH CODE,
07:46:04 WHICH YOU ALL WOULD THEN REVIEW AGAIN AT THE TIME OF
07:46:07 DEVELOPMENT ORDER, YOU WOULD AGREE WITH STAFF'S
07:46:10 RECOMMENDATION ON DENIAL OF THE DEVIATION REQUEST.
07:46:12 YOU DON'T NEED A SPECIFIC ADDITIONAL CONDITION FOR THAT.
07:46:17 >> THAT'S OKAY.
07:46:17 >>Daniel DeLisi: THE BOTTOM LINE IS THEN DO YOU WANT AN
07:46:23 ESTERO-SPECIFIC WAWA OR NOT?
07:46:26 WHICH COMES DOWN TO THE QUESTION OF THE CONDITION 14 THAT I
07:46:30 HAD ON THE BOARD BEFORE, CHANGING TO THE LIMITATION ON
07:46:35 EITHER A GAS STATION OR A FAST FOOD.
07:46:40 >>Scotty Wood: THAT'S WHAT IT BOILS DOWN TO, I THINK.
07:46:42 >> I THINK WE WOULD BE HAPPY TO GIVE YOU A CANOPY.
07:46:50 >> CONVENIENCE STORE AND FAST FOOD.
07:46:53 >> RIGHT NOW, THE WAY IT'S BEEN CONSTRUCTED IS EITHER-OR BUT
07:46:56 NOT BOTH.
07:46:57 AND THAT'S THE OPEN QUESTION.
07:46:58 MARY.
07:47:00 >>Mary Gibbs: I THINK SINCE THAT SEEMS TO BE THE MOST
07:47:03 IMPORTANT QUESTION, MAYBE YOU ALL WANT TO DISCUSS IT AND SEE
07:47:07 IF YOU HAVE ANY CONSENSUS ON WHAT YOU WANT TO RECOMMEND
07:47:10 BEFORE YOU ACTUALLY VOTE.
07:47:12 >>Scotty Wood: WELL, BEFORE WE DO THAT, I NEED TO CALL FOR
07:47:17 -- IF WE'RE THROUGH WITH PRESENTATIONS, THEN WE'RE INTO

07:47:20 DISCUSSION, WE DO NEED SOMETHING CALLED PUBLIC INPUT IF
07:47:23 THERE IS ANY.
07:47:23 >>Tammy Duran: WE DON'T HAVE ANYTHING.
07:47:26 >>Scotty Wood: NOTHING.
07:47:26 OKAY.
07:47:27 I'LL OPEN AND CLOSE THE PUBLIC HEARING THEN.
07:47:29 WE'RE BACK TO THE QUESTION.
07:47:35 >>Michael Sheeley: I WOULD SUPPORT IT WITH THE FAST FOOD AND
07:47:37 THE CONVENIENCE STORE.
07:47:38 I DON'T THINK IT'S AN INCOMPATIBLE USE.
07:47:42 AND I DON'T HAVE CONCERNS ABOUT THE PROLIFERATION THING THAT
07:47:44 YOU MENTIONED, MR. CHAIRMAN.
07:47:47 >>Marlene Naratil: IS THAT IN OUR PURVIEW, THOUGH, TO CHANGE
07:47:49 SOMETHING AS MAJOR AS THAT?
07:47:52 I WOULD THINK THAT WOULD BE LEGISLATIVE FIRST AND THEN WE
07:47:55 WOULD REACT TO IT IN GIVING APPROVALS.
07:47:58 >>Scotty Wood: THE VILLAGE COUNCIL HAS THE AUTHORITY TO
07:48:01 AMEND THE LAND DEVELOPMENT CODE, AND WE WOULD BE AMENDING --
07:48:04 >>Mary Gibbs: NO, YOU'RE NOT.
07:48:05 >>Scotty Wood: NOT AMENDING THE LAND DEVELOPMENT CODE --
07:48:08 >>Mary Gibbs: REMEMBER, YOU ARE MAKING A RECOMMENDATION TO
07:48:10 COUNCIL.
07:48:11 THAT'S WITHIN YOUR PURVIEW, AND THEN THE COUNCIL WILL MAKE
07:48:14 THE DECISION.
07:48:15 IT DOES NOT INVOLVE AMENDING THE LAND DEVELOPMENT CODE.
07:48:21 >>Marlene Naratil: IN OTHER JURISDICTIONS THAT I'VE BEEN,
07:48:24 THEY DON'T ALLOW THAT.
07:48:25 YOU WORK WITH WHAT THE LEGISLATURE HAS SET UP AND THEN YOU
07:48:32 RECOMMEND.
07:48:33 >>Mary Gibbs: THIS WON'T BE LEGISLATIVE.
07:48:35 THIS IS QUASI-JUDICIAL BECAUSE IT IS SITE-SPECIFIC FOR THE
07:48:38 ZONING.
07:48:40 >>Marlene Naratil: LITTLE BIT COMPLICATED, THOUGH.
07:48:42 >>Scotty Wood: ANY OTHER COMMENTS?
07:48:44 I HAVE ONE COMMENT REGARDING THE PATTERN BOOK.
07:48:50 I DON'T THINK YOU WANT TO SHOW THAT TO THE VILLAGE COUNCIL.
07:48:52 YOU NEED TO HAVE RENDERINGS THAT HAVE PERSPECTIVE IN THEM.
07:48:57 THE VILLAGE COUNCIL IS EXTREMELY ON POINT ON THAT SUBJECT.
07:49:03 THAT PATTERN BOOK IS BASICALLY A SET OF ELEVATIONS.
07:49:07 AND IT WON'T QUALIFY AS A PATTERN BOOK IN THE COUNCIL'S
07:49:11 EYES.
07:49:15 >>Jim Wallace: YOU'RE NOT OBJECTING TO THE ELEVATIONS.
07:49:18 JUST THE PERSPECTIVES WITH SOME LANDSCAPING SO WE SEE WHAT
07:49:21 WE'RE GOING TO GET.
07:49:23 >>Scotty Wood: IT'S BEEN DRUMMED INTO ALL OF US THAT THE
07:49:27 PATTERN BOOK IS THE GUIDE FOR WHAT IT IS TO LOOK LIKE WHEN

07:49:33 IT'S BUILT.
07:49:34 IF IT DOESN'T LOOK LIKE THE PATTERN BOOK, THERE'S A REAL
07:49:38 PROBLEM.
07:49:38 SO THAT'S AN IMPORTANT THING TO DO.
07:49:42 >>Neale Montgomery: APPRECIATE THAT.
07:49:43 THE ORIGINAL PATTERN BOOK IS LIKE A QUARTER INCH THICK.
07:49:47 WE CAN BRING THAT ALONG WITH THE SUPPLEMENT --
07:49:50 >>Scotty Wood: WE NEED TO SEE REAL RENDERINGS.
07:49:53 >>James Tatooles: I THINK YOU'RE ABSOLUTELY RIGHT THAT MOST
07:49:55 PEOPLE CANNOT READ AN ENGINEERING DRAWING OR AN
07:49:59 ARCHITECTURAL DRAWING, BUT THEY CAN SEE A PICTURE.
07:50:02 AND THE WAY THE RENDERINGS ARE CREATED TODAY, IF YOU DO IT
07:50:08 THOROUGHLY, YOU WON'T EVEN BE ABLE TO TELL IT'S A RENDERING.
07:50:11 YOU'LL THINK IT'S A PHOTOGRAPH.
07:50:14 >>Scotty Wood: WHO WANTS TO PROPOSE A MOTION?
07:50:18 >>Jim Wallace: I PROPOSE THAT WE ACCEPT BOTH FAST FOOD
07:50:22 AND CONVENIENCE STORE.
07:50:27 >>Michael Sheeley: SECOND.
07:50:28 >>Scotty Wood: ANY DISCUSSION?
07:50:31 >>Barry Jones: I THINK WHATEVER MOTION WE PASS NEEDS TO ALSO
07:50:33 HAVE THE CONDITION -- [INAUDIBLE] -- CODE COMPLIANT.
07:50:40 >>Scotty Wood: WE TALKED THAT THERE REALLY ISN'T A
07:50:42 CONDITION --
07:50:42 >>Mary Gibbs: I THINK WHEN YOU DECIDE ON THIS MAIN TOPIC,
07:50:46 I'LL TIDY UP.
07:50:47 I'LL EXPLAIN A LITTLE BIT ABOUT WHAT I THINK THE CONDITIONS
07:50:50 ARE.
07:50:51 >>Kristin Jeannin: GO AHEAD THEN.
07:50:52 I THINK WE'RE READY.
07:50:52 >>Mary Gibbs: WHAT I THINK YOU'RE SAYING, IF YOU APPROVE IT
07:50:58 -- WELL, NO -- THIS IS WHAT I THINK I'M HEARING, BUT YOU
07:51:02 TELL ME.
07:51:02 IT SOUNDS LIKE YOU ARE OKAY WITH THE TWO USES, BUT YOU WANT
07:51:09 THE DEVIATION FOR THE CANOPY WILL BE DENIED BECAUSE THEY'LL
07:51:12 HAVE TO TWEAK THE CANOPY AND HAVE IT BE BETTER.
07:51:17 I THINK THE TRAFFIC, WE'RE GOING TO TWEAK SOME LANGUAGE IN
07:51:22 THE TRAFFIC SIGNAL THAT DAN AND I HAVE WORKED OUT.
07:51:25 THAT WAS JUST SOME LITTLE WORDS.
07:51:27 HANDICAPPED PARKING HE SAID HE WAS OKAY WITH THAT CONDITION.
07:51:31 WE'RE GOING TO REMOVE CONDITION 7, WHICH WAS THE COVENANTS
07:51:35 BECAUSE IT'S A PRIVATE ISSUE BETWEEN THE TWO PARTIES AND
07:51:37 WE'RE COVERED ANYWAY.
07:51:38 I THINK THE PATTERN BOOK WE'RE COVERED.
07:51:41 WE MIGHT TWEAK IT A LITTLE BIT.
07:51:43 THEY MAY WANT TO BRING SOME RENDERINGS TO THE COUNCIL
07:51:46 MEETING SO WE'LL TWEAK THAT LANGUAGE, BUT I THINK THAT

07:51:50 LANGUAGE IS OKAY.
07:51:51 IT SOUNDS LIKE YOU'RE OKAY WITH OMITTING THE CONDITION ABOUT
07:51:56 THE RIGHT IN.
07:51:57 SOUNDS LIKE YOU'RE ALL RIGHT WITH THE RIGHT-IN ACCESS.
07:52:00 YOU HAVE TO TELL ME.
07:52:01 AND THEN WE'LL JUST GET RID OF THAT CONDITION IF YOU'RE OKAY
07:52:05 WITH THAT.
07:52:05 AND THEN WE'LL CHANGE THE LANGUAGE ON THE FAST FOOD IF YOU
07:52:10 WANT TO HAVE BOTH.
07:52:12 AND THAT SHOULD COVER, I THINK, ALL THE CONDITIONS.
07:52:16 >>Scotty Wood: EVERYBODY GOT THAT?
07:52:17 >>Kristin Jeannin: MAKE SURE STILL NOT MORE THAN ONE --
07:52:21 >>Mary Gibbs: NO, IT WILL JUST BE ONE.
07:52:23 IT WILL BE ONE ON ONE OF THE LOTS.
07:52:25 WE'LL MAKE SURE THE LANGUAGE IS VERY SPECIFIC.
07:52:30 >>Nancy Stroud: CAN I ASK SOMETHING FIRST, MR. CHAIR?
07:52:36 ARE THERE PROPOSED CHANGES TO ADD-2006 THAT WE NEED TO
07:52:42 DISCUSS?
07:52:47 >>Mary Gibbs: I DIDN'T BRING THAT UP BECAUSE WE WERE ALL IN
07:52:50 AGREEMENT, AND THEY SHOWED A SIGN, A MONUMENT SIGN ON THIS
07:52:54 LOT SO THEY COULD HAVE THE WAWA SIGN.
07:52:57 THERE WAS AN ODD ADMINISTRATIVE APPROVAL THAT THE COUNTY DID
07:53:00 THAT ONLY GAVE THEM THE TWO PROJECT DESIGNS, SO IT WAS VERY
07:53:05 UNCLEAR IF THEY COULD GET THIS MONUMENT SIGN, SMALL MONUMENT
07:53:08 SIGN ON THE CORNER, SO WE ARE PROPOSING AMENDING THAT
07:53:12 CONDITION TO MAKE IT CLEAR THAT THEY CAN HAVE A MONUMENT
07:53:14 SIGN FOR THE WAWA.
07:53:18 >>Scotty Wood: ANYTHING ELSE?
07:53:19 I THINK WE'RE READY FOR A ROLL CALL ON THE MOTION.
07:53:24 >>Anthony Gargano: YEAH, I'M STILL NOT COMFORTABLE WITH
07:53:30 MAKING A RECOMMENDATION TO COUNCIL FOR SOMETHING INVOLVING
07:53:36 AN APPLICANT THAT I THINK SHOULD BE HERE.
07:53:38 I'M GOING TO VOTE NO.
07:53:43 >>Kristin Jeannin: YES.
07:53:45 >>Barry Jones: KITE WAS NOTIFIED OF THIS LEGALLY, CORRECT?
07:53:51 SO THEY WERE AWARE OF THE -- IF THEY HAD ANY OBJECTION --
07:53:54 [INAUDIBLE]
07:53:57 >>Mary Gibbs: KITE IS, YEAH, THEY KNOW.
07:53:59 >>Barry Jones: WITH THAT UNDERSTANDING, I HAVE NO OBJECTION.
07:54:03 [INAUDIBLE]
07:54:07 >>Marlene Naratil: NO.
07:54:10 I AGREE WITH MR. GARGANO.
07:54:13 >>Michael Sheeley: YES.
07:54:15 >>James Tatooles: YES.
07:54:17 >>Jim Wallace: YES.
07:54:19 >>Scotty Wood: NO.
07:54:23 >>Tammy Duran: FIVE YESES AND THREE NOES.

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.

Received May 18, 2022

Estero Town Center CPD

Pattern Book Addendum I

Convenience Food and Beverage Use

"Village Area 2"

2/28/2022

Property Location

Location: Corner of Corkscrew Road and Estero Town Commons, at a signalized intersection

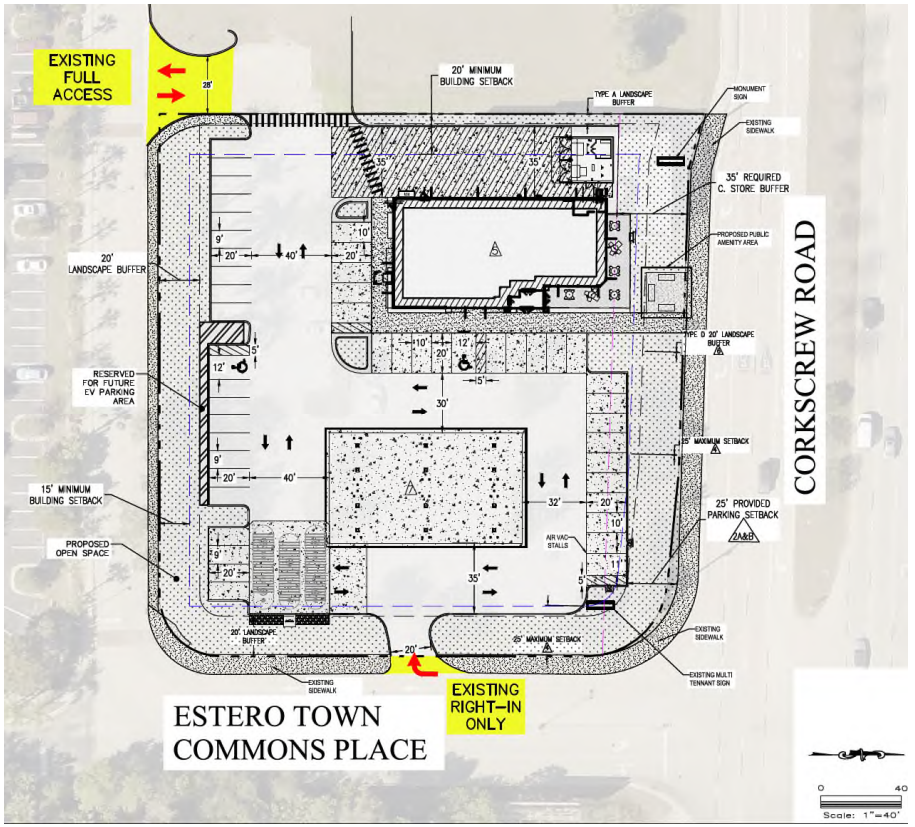


Concept Plan

Access: on the east and south along Estero Town Commons Place

Features: Outdoor seating, Building along the Corkscrew Road frontage

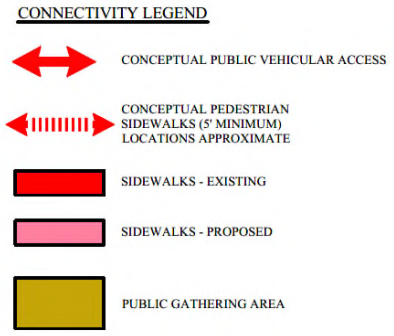
Building Placement: Oriented along Corkscrew Road. Open space/water management area along Corkscrew Road.

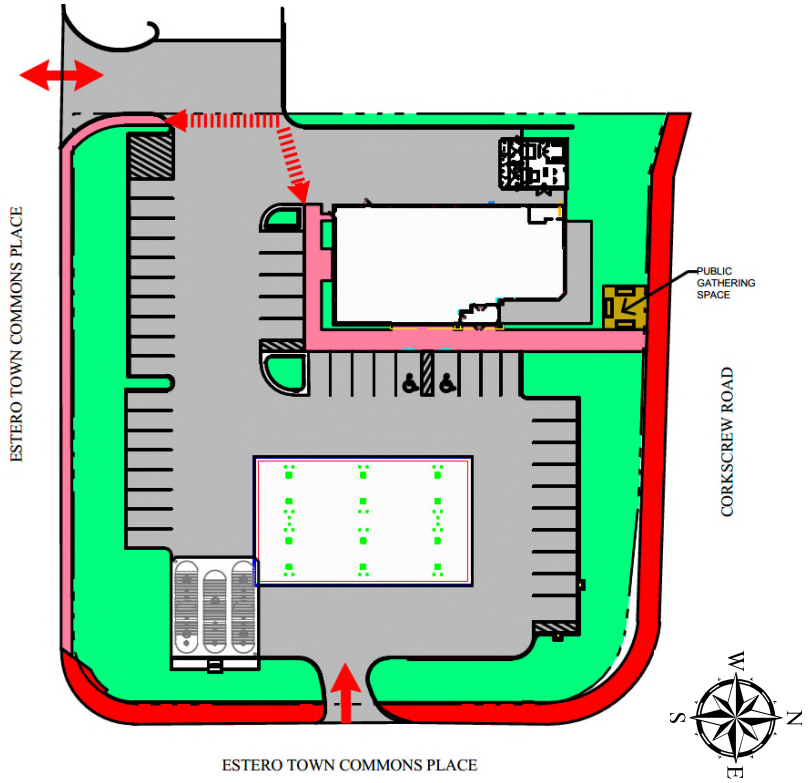


2/28/2022

Pedestrian Circulation

Circulation: A sidewalk will be provided from the building to a "public gathering place" on the north side of the building and will connect with the sidewalk system along Corkscrew Road.



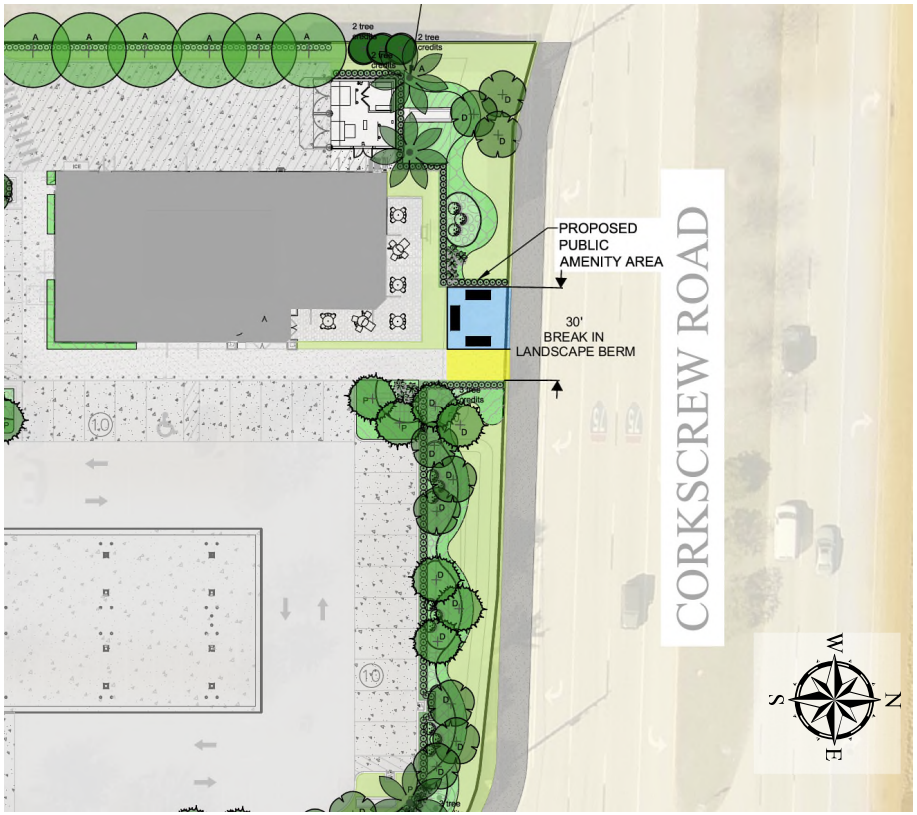


2/28/2022

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Public Amenity Design

Amenity: Along Corkscrew Road, a seating area will be designed for use by the general public. This seating area will be separate and distinct from the outdoor seating proposed for the Convenience Store and separated by a sod/landscape strip but connected through the on-site sidewalk system.



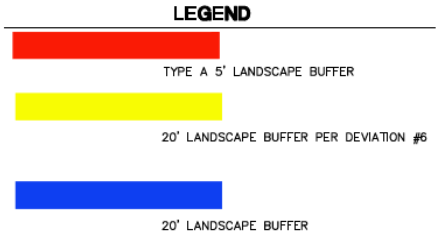
2/28/2022

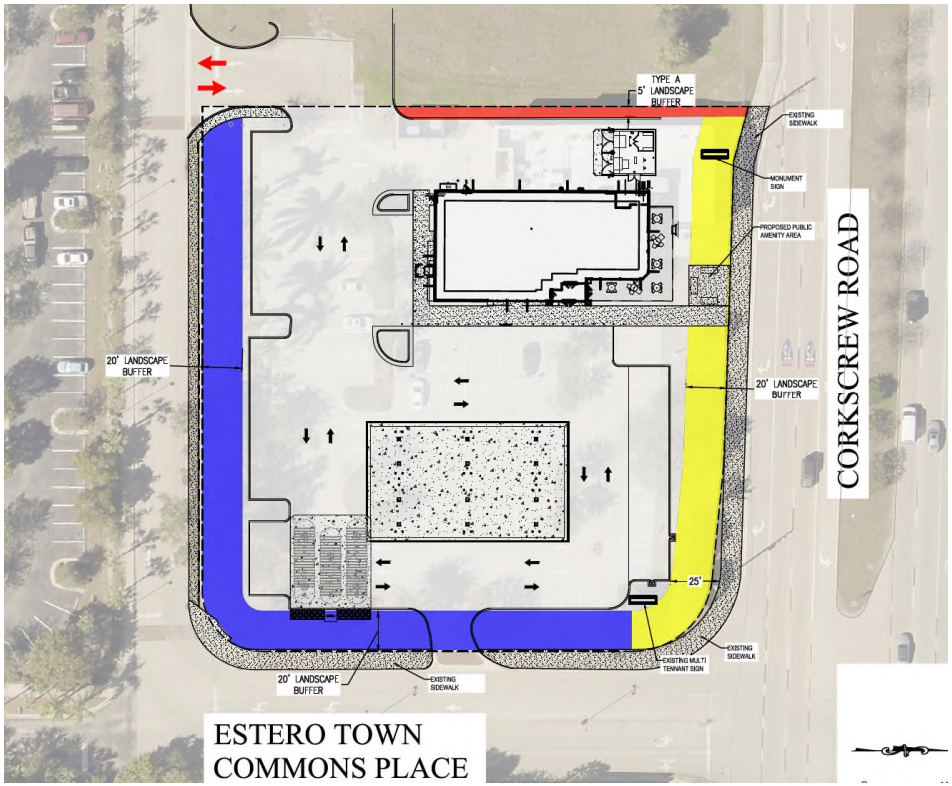
Page 5

Landscape Buffers

Buffers:

- A 20′ buffer will be provided adjacent to Corkscrew Road, consistent with the planting requirements of LDC Section 5-412(C)3 and Deviation #6.
- A 5′ Type A buffer will be provided to the west.





2/28/2022

Building Elevations



FRONT (EAST) ELEVATION(ESTERO TOWN COMMONS PLACE)

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Building Elevations



REAR (WEST) ELEVATION (ESTERO TOWN COMMONS PLACE

2/28/2022

Page 8

Building Elevations



Building Elevations



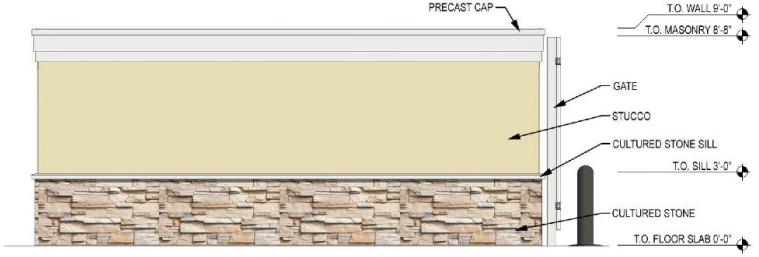
Canopy Elevations



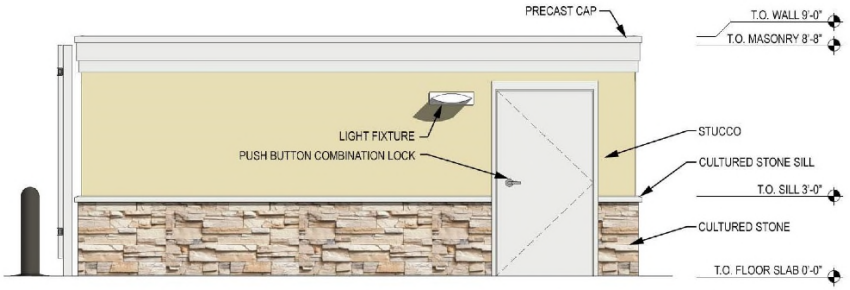
Trash Enclosure



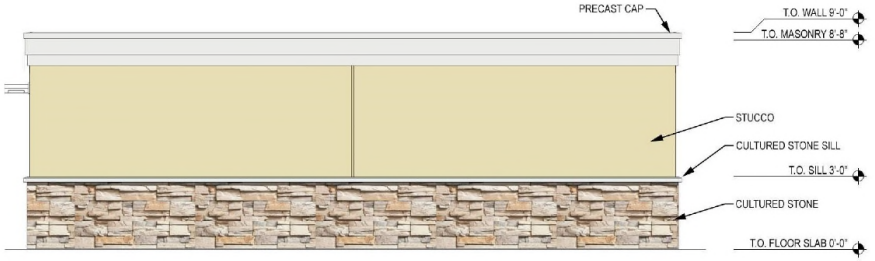
FRONT ELEVATION



LEFT ELEVATION



RIGHT ELEVATION



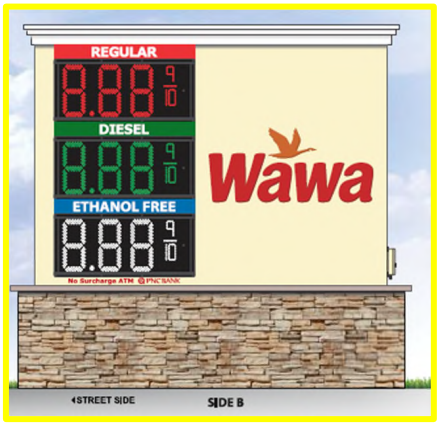
REAR ELEVATION

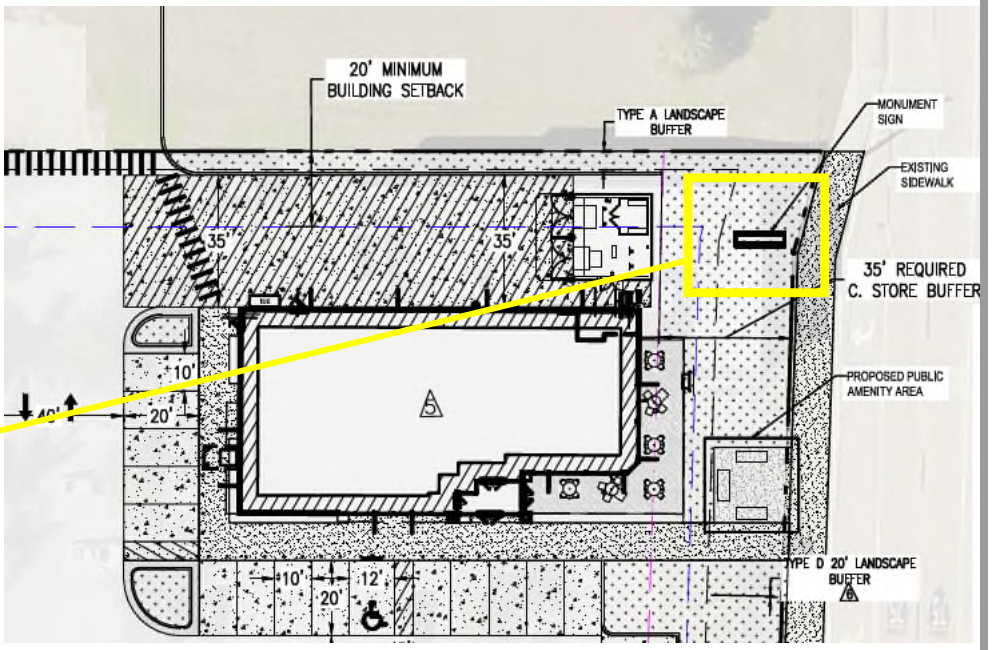
Metal Door	Azek Trim	Stucco	Exterior Stone
Benjamin Moore	White	Senergy	Cultured Stone
White Diamond		Meringue #3085	Southwest Blend
BM 2121-60			

Signage Location

Signage will be provided as a monument sign per Estero Code.

Sign location will be consistent with the site plan.





PROPOSED CHANGES TO Z-03-032

a. Schedule of Uses

VILLAGE AREAS #1 and #2

ACCESSORY USES AND STRUCTURES (LDC §34-1171 *et seq.,* 34-2441 *et seq.,* 34-1863, 34-2141 *et seq.,* and 34-3106)
AUTO PARTS STORE - without installation facilities
AUTO REPAIR AND SERVICE (LDC §34-622(c)(2)), Group I only LDC §34-1351 *et* seq.(Limited to one as a subordinate use to a permitted use within this parcel; Garage doors may not face adjacent arterial; no outdoor storage or display)
BANKS AND FINANCIAL ESTABLISHMENTS (LDC §34-622(c)(3)), Groups I and II
BUSINESS SERVICES (LDC §34-622(c)(5)), Groups I and II (with Group II limited to only Packing Services)
CAR WASH (limited to one)(Only in conjunction with Convenience Food and Beverage Store)
CLOTHING STORES, general (LDC §34-622(c)(8))
CONSUMPTION ON PREMISES (LDC §34-1261 *et seq.)* (only in conjunction with a standard restaurant and outdoor seating in the pedestrian open space areas identified on the MCP; subject to an Administrative Amendment for Outdoor Seating)
CONVENIENCE FOOD AND BEVERAGE STORE (~~limited to area #1;~~ limited to one) (maximum of 12 fueling stations; permitted abutting Corkscrew Road only if no free-standing fast food use permitted within Village Area abutting Corkscrew Road.)
DAY CARE CENTER, CHILD, ADULT
DRIVE THRU FACILITY FOR ANY PERMITTED USE
DRUGSTORE, PHARMACY (limited to one within the planned development)
ESSENTIAL SERVICES (LDC §34-1611 *et seq.,* and 34-1741 *et seq.)*
ESSENTIAL SERVICE FACILITIES (LDC §34-622(c)(13)),Group I (LDC §34-1611 *et seq.,* 34-1741 *et seq.,* and 34-2141 *et seq.)*
EXCAVATION Water retention (LDC §34-1651) (Subject to Condition 8)
FENCES, WALLS (LDC §34-1741)
FLORIST SHOP
FOOD STORES (LDC §34-622(c)(16)), Group I
GIFT AND SOUVENIR SHOP
HARDWARE STORE (Limited to 15,000 square feet)
HOBBY, TOY AND GAME SHOPS (LDC §34-622(c)(21))
HOUSEHOLD AND OFFICE FURNISHINGS (LDC §34-622(c)(22)), all groups
(no outdoor display)
LAUNDRY OR DRY CLEANING (LDC §34-622(c)(24)), Group I
MEDICAL OFFICE
NONSTORE RETAILERS (LDC §34-622(c)(30)), all groups
PARCEL AND EXPRESS SERVICES
PARKING LOT; Accessory

PERSONAL SERVICES (LDC §34-622(c)(33)), Groups I and II
PET SHOP (Indoor only; no outdoor runs)
REPAIR SHOPS (34-622(c)(40)), Groups I, II, and III
RESTAURANT, FAST FOOD (Subject to Condition 14)
RESTAURANTS (LDC §34-622(c)(43)), Groups I, II and III
SIGNS in accordance with Chapter 30
SPECIALTY RETAIL SHOPS (LDC §34-622(c)(47)), Groups I, II, III, and IV
VARIETY STORE

14. Limitations on Fast-Food Restaurants in Village Areas abutting Corkscrew Road:
    a) No more than one freestanding fast food restaurant (as defined in LDC §34-2) is permitted;
    b) Only 1 ~~No~~ freestanding fast food restaurant~~s are permitted if a~~ and 1 convenience store ~~has already been~~ is permitted in the Village Areas abutting Corkscrew Road;
    c) No more than one fast food restaurant is permitted in a multi-occupancy building.

Proposed Changes to ADD2006-00163

1. **The Development must remain in compliance with the previously approved Master Concept Plan for the project. No specific change to the approved Master Concept Plan is approved by this action~~s~~. The terms and conditions of the original zoning resolutions remain in full force and effect, except as specifically amended herein.**

~~2. The only change to the approved Commercial Planned Development is to add deviations from LDC Section 30-153(a), LDC Section 30-153(b), and LDC Section 30-406 (a)(1)c. to allow for the development of two (2) 200 square foot Monument Style Identification Signs~~

~~3.~~2. **Development of the approved signage must be in substantial compliance with the one-page "Monument Style Directory Sign" by Images Graphic Specialists, Inc, stamped received on August 23, 2006.**

~~4.~~3. **The approved locations for ~~the two~~ signs ~~is~~ are depicted on the Master Concept Plan, stamped received on August 23, 2006, and the Pattern Book Addendum, which are located as follows:**

- **a. One sign at the proposed full access entrance from Corkscrew Road; and**
- **b. One sign at the proposed full access entrance from Three Oaks Parkway.**
- **~~b.~~c. One sign located at the western end of the parcel at the corner of Corkscrew Road and Estero Town Commons Place along Corkscrew Road, in accordance with the location shown in the Pattern Book Addendum.**

ESTERO TOWN CENTER CPD AMENDMENT
PUBLIC INFORMATIONAL MEETING

Meeting Date: September 28, 2021
Time: 4:30pm
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:

Mary Gibbs introduced the item. She reviewed that the request is the reuse the existing Ruby Tuesdays parcel for a Wawa. Mary reviewed the deviation that would be needed to construct the Wawa and the change to the zoning resolution.

Mr. DeLisi gave an overview presentation. He provided an overview of the proposed project which included the location, the existing zoning resolution, the Wawa convenience store and food/sandwich shop, the conceptual site plan and the requested amendments.

Board Questions or Comments and Response:

- How many gas pumps will be put on the site?

  Response: The zoning resolution limits the pumps to 12.

- Are we taking down the Ruby Tuesdays building or renovating it?

  Response: Taking down the existing building.

- There is no other gas facility on that side of the street for a distance, right?

  Response: Correct. The closest is at US 41 and Corkscrew Road.

- Question about stacking: When you are busy, will we have a stacking problem?

  Response: Central entrance (centered in the middle of the canopy. There are two entrances. The other is on the "ring road" in the back. Wawa has many stores where cars enter in the middle of the canopy. The design works well for circulation.

- Does Wawa have less expensive gas?

  Response: Competitive prices, but retail gas is generally the same.

- What are people going to be looking at from Corkscrew Road?

  Response: Awning with fixed seating underneath.

- What is the oval along Corkscrew Roads?

  Response: Water management.

- So along Corkscrew Road we will be seeing the building and lighting?

  Response: Yes.

- What is the reasoning for the 500' distance in the code?

  Response (Mary): The idea was to prevent the proliferation of gas stations on a single corner. When the applicant comes in, they need to justify why it makes sense here. Part of the justification is the side of the road they are on. This site is also farther from the urban core and residential uses.

- On the west elevation there is not a lot of articulation, is that ok with Mike Sheeley?

  Response (Mike Sheeley): This is a prototype design that they are showing. They will need to come back in the future and will bring a more site-specific design. At that time, we can make those comments.

  Response (Applicant): We are open to working with the Village on design. This is just a first step in the process.

- Are electric charging stations included?

  Response: We have worked with Wawa sites around the country with Tesla. That is part of a lease deal depending on what the need is in the area. The sites are designed to allow for the spaces and equipment.

DELISI
Land Use Planning & Water Policy

ESTERO TOWN CENTER CPD AMENDMENT
REQUEST STATEMENT
(REVISED 1/7/2022)

Introduction

The attached application is to amend the Estero Town Center CPD to allow for a Wawa Convenience Store at the southwest corner of the intersection of Corkscrew Road and Estero Town Commons Place. The subject site is part of the Estero Town Commons Shopping Center, which is anchored by the Lowes big box store. The application requests three amendments to the approved Commercial Planned Development.

1. A deviation request to allow fuel pumps within 500 feet of an existing gas station. There is a Speedway gas station located to the northeast of the subject property on the other side of Corkscrew Road. In order for the Wawa to be located on the subject property a deviation would be necessary.

2. Deviation requests from the Corkscrew overlay to allow for redevelopment of the site consistent with the existing building location.

3. An amendment to the Schedule of Uses that limit Convenience Food and Beverage establishments to "Village Area 1". The subject property is located in "Village Area 2" as shown on the Master Concept Plan.

4. An amendment to Condition #14 that restricts the development to one of either a fast-food restaurant or a Convenience food and beverage store.

Entitlement History

The subject property was approved in 2003 for a big box shopping center with outparcels. The approval was the first big box retail development approved in Estero concurrent with the community's creation of design guidelines for big box development, and less than two years after the adoption of the Corkscrew Overlay and the limitations on location of gas stations. At the time of approval, there was no development north of the subject property on Corkscrew Road and Estero Town Commons Place had not yet been constructed. The location of a Convenience Store seemed much more likely closer to the corner of the newly constructed Three Oaks Parkway and Corkscrew Road. At the time, there was very little other development along Corkscrew Road except for the Arby's and 7-11 at the northwest corner of Corkscrew Road and Three Oaks Blvd. The desire of the community at the time was to

limit the subject property so that the intersection of Three Oaks Blvd. and Corkscrew Road did not have all four corners occupied by gas and fast food. Therefore, limitations were placed in the Estero Town Center CPD to limit these uses.

Since 2003 Corkscrew Road and Three Oaks have developed with residential and office uses. At the same time, the business of convenience stores has shifted from an emphasis on gas sales to an emphasis on the Convenience Store. This is especially the case for the proposed use, the Wawa Convenience Store, which is predominantly a store and café the sells gas as a secondary use. Wawa is known for its food, which is one of the reason the store includes outdoor seating for its food customers. Their clientele are attracted based on that reputation. Given the changing nature of the area, the original intent of the restrictions of the zoning are no longer needed for the proposed use.

Justification for Proposed Changes

All of the requested changes to the zoning resolution are needed for the proposed use to locate on the subject property. When the property was initially zoned, in response to a request for more specificity on the master concept plan, the applicant limited the location of the Convenience Store to the only area where it seemed logical that this use would locate at the time – the corner of the only two roads in the area. At the time, there was no development on the subject property, the property to the east, the property to the north or the property to the west. Of importance when designing the original concept plan and projecting the probable location of uses, Estero Town Commons Place has not been constructed and the property to the east had not even been zoned for development. At the time, there was no reason to believe that a convenience store would or could locate on the subject parcel. The limitation was offered by the developer to provide specificity, not to address compatibility with surrounding uses since none existed in 2003.

As described above, the location of a convenience store to the subject property does not have any negative impact on compatibility with adjacent uses, all of which are commercial. While there are residential apartment buildings planned for the property southeast of the proposed Wawa site, as described in the attached Residential Impact Statement, given the distance, the use itself and character of the mixed-use residential apartments, there will be no negative impact of the proposed Convenience Store at the proposed location.

Finally, due to the property ownership in the commercial planned development and the limitation of only one fast food or one convenience store, it will not be possible to get the required authorization/concurrence to amend the CPD without limiting the request's impact to the rest of the commercial center, which will contain a fast-food restaurant. The property's location along Corkscrew Road is ideal for both a fast-food restaurant and a convenience store.

The addition of these uses will not lead to a proliferation of either along the south side of Corkscrew Road. It is important to remember that when this limitation was put in place, in 2003, the property at the southwest corner of Corkscrew Road and Three Oaks Blvd. was anticipated to also be developed for commercial with outparcels, as was the property to the east. Both have been or are being developed in a different form, one as residential and the other as an integrated mixed-use development with fast food limited to in-line centers only with no drive-thru. Because of how the corridor has developed since the subject property's original zoning in 2003, the limitation of only 1 fast food or 1 convenience store is no longer needed as a proliferation of these uses along the corridor is no longer likely or possible.

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 Corkscrew Road at the northeast corner of the Lowes shopping center (Estero Town Commons, AKA Estero Town Center CPD). The Lowes Home Improvement Store is located south of the subject property. The outparcel to the west is vacant. To the north, along Corkscrew Road is the Plaza Del Sol development which contains a mix of office and retail uses. To the east is the commercial portion of Stock development's project, Estero Crossings, which in now under construction.

Access:

The subject property is located on the south side of the Corkscrew Road. Access is provided via Estero Town Commons Place, which wraps around the parcel on the south and east. Estero Town Commons Place intersects with Corkscrew Road. A traffic light is being designed for the intersection.

Zoning Justification:

The subject property was originally zoned CPD (Commercial Planned Development) in 2003 for 265,000 square feet of retail floor area. The amendment is not seeking any changes to the overall allowable entitlements. The proposed amendment seeks to do the following:

1. Amendment the Schedule of Uses to allow a Convenience Store in Village Area 2 as well as Village Area 1.
2. Amendment Condition #14 that restricts the development to one of either a fast-food restaurant or a Convenience food and beverage store.
3. Add a deviation to allow for gas sales on the subject property, which is located within 500 feet of the Raceway gas station to the northeast of the subject property.

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. This proposed development meets or exceeds all the requirements of the LDC. Below is an analysis of how the proposal addressed the required standards of approval in the LDC:

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 Transitional Mixed Use land use category. The table in Policy FLU 1.2.1 allows for "Regional, community, neighborhood and minor commercial uses" consistent with FLU 1.5 and the adopted zoning resolution. The proposed amendments to the zoning resolution do not request any change to the existing approved intensities in the Planned Development.

FLU-1.2.8 TRANSITIONAL MIXED USE. Transitional Mixed Use areas are characterized by primarily existing or emerging developments where the Village's largest and most intense commercial and multifamily residential developments are or will be concentrated, including some areas that currently have some degree of mixed use. Urban services are in place or readily expandable to support moderately intense levels of mixed commercial and residential development. These areas were typically designated Urban Community, General Interchange, or Suburban and within the Mixed Use Overlay per the Village's Transitional Comprehensive Plan. Transitional Mixed Use areas are generally the north Estero area near intersections of US 41 with Broadway and Estero Parkway, Coconut Point DRI, and the four quadrants of the I-75 and Corkscrew Road interchange. These areas are located in close proximity to: public transit routes; education facilities; recreation opportunities; and existing residential, shopping and employment centers and are generally accessible to the surrounding neighborhoods, serving as focal points or community centers where activity is concentrated.

A. Uses: A broad mix of uses, subject to compatibility standards of the Community Design Sub-Element, is allowed in the Transitional Mixed Use areas to foster the

conveniences and efficiencies of live/work/play environments, including regional, community and neighborhood scale commercial including shopping, restaurant, entertainment and office, low to moderate density residential, parks and recreation. Assisted living facilities, and public and quasi-public uses are allowed in the Transitional Mixed Use future land use category.

B. Development type, Density and Intensity: Development types and corresponding maximum densities and intensities allowed in the Transitional Mixed Use areas are outlined in the following table:

The transitional mixed-use areas allow for commercial development consistent with the approved Planned Development and proposed Convenience Store use. The proposed changes do not request any increase to the total approved intensity within the Planned Development. The existing planned development is classified as a single use development and is allowed for an intensity of up to a floor area ratio of 1.0. The existing approved are well within that intensity standard and are not proposed for an increase.

FLU-1.5 COMMERCIAL SITE LOCATION STANDARDS. The siting of commercial developments shall be controlled by location standards. These standards are intended to avoid proliferation of commercial strip development by identifying appropriate locations for commercial uses to meet the needs of residents and visitors and to be compatible with existing residential neighborhoods or residential uses.

FLU-1.5.1 Commercial development levels are categorized as minor, neighborhood, community, or regional scale. The Village assigns intensities to these commercial levels according to the context and accessibility of the commercial development described below. See Map TR-1 for Functional Classifications of roadways.

The location standards specified in Subsections A-D will apply to the following commercial developments: shopping centers, free-standing retail or service establishments, restaurants, convenience food stores, automobile dealerships, gas stations, car washes, and other commercial development generating large volumes of traffic. These location standards will not apply to the following: banks and savings and loan establishments without drive-in facilities; hotels or motels; marinas; general, medical, or professional offices; industrial, warehouse, or wholesale development; clubs, as defined in the Land Development Code (commercial clubs excepted); and other similar development.

C. Community Commercial

1. Provides for the sale of retail goods such as clothing, variety items, appliances, and furniture as well as goods that may be found in a neighborhood commercial development and has a gross floor area range of 100,000 to 400,000 square feet.

2. Must be located at the intersection of two arterials so that direct access is provided to both intersecting roads. Such direct access may be provided by an internal access road to either intersecting road.

The Estero Town Center CPD has been determined to meet site location standards through the approval of the existing zoning which allows 265,000 square feet of commercial floor area. The overall Planned Development is located at the intersection of two arterial roads, Corkscrew and Three Oaks, with direct access to both. The specific site that is subject to the proposed changes is located at the intersection of Corkscrew Road and Estero Town Commons Place, an arterial and a local road. The overall development meeting the criterial and locational requirements for Community Commercial.

FLU-1.10 DESIGN OF COMMERCIAL USES. Attractively designed and high quality commercial uses can be allowed in the Village Center and Transitional Mixed Use and Urban Commercial future land use categories, and in minor commercial and neighborhood centers of the Neighborhood Village Future Land Use category. The objective is to promote Estero's quality of life and diverse local economy by fostering the development of targeted economic areas, as a preference over the development of strip commercial centers, in order to provide a diverse employment and economic base while meeting the commercial, professional, and service needs of the people who live, work, and play within the community. (Note: Lee Plan Objective 19.2)

The proposed development is located along Corkscrew Road at the intersection with Estero Town Commons Place. Careful thought has been put into the design of the site in order to comply with the Estero land development code and the intent of the Corkscrew Overlay. Building placement is along Corkscrew Road, with the remainder of the frontage being used for open space. The character and stye of the building are designed to be attractive, utilizing varying materials to provide articulation in the building, canopy and signage, as well as in providing for outdoor seating and a "public amenity area" connecting to the sidewalk system along Corkscrew Road.

POLICIES

FLU-1.10.1 COMMERCIAL DEVELOPMENT FORM. To permit orderly and well planned commercial development at appropriate locations, all applications for commercial development will be reviewed and evaluated as to their compatibility with adjacent and nearby uses, including consideration of the following:

A. Traffic and access impacts (rezoning and development orders);

The subject property is zoned Commercial Planned Development (CPD) and allowed to build up to 265,000 square feet of commercial floor area. The proposed amendments do

not change the allowable development on the site. Further, the subject property is a redevelopment of an existing built restaurant. In accordance with the attached transportation impact statement, the proposed changes to the planned development do not have any impact on the anticipated traffic being generated by the approved planned development. Further, convenience stores draw significant traffic from pass by trips. Although Wawa is a location where destination trips are more common than other convenience stores, due to the food service, a very significant portion of the trips, especially for fuel sales, are already traveling moving from west to east along Corkscrew Road.

B. Architectural and landscape architectural design (rezoning and development orders);

The application includes a pattern book which demonstrated the developer's commitment to a tasteful and attractive architectural style. The pattern book has demonstrated a sensitivity to surrounding uses and creating a visual style that will continue to enhance the community.

C. Site planning, interconnectivity, and public space (rezoning and development orders)

The Commercial Planned Development site plan contains a reverse frontage road providing access for the commercial parcels, minimizing curb cuts along Corkscrew Road. The proposed Convenience Store will connected to this reverse frontage road, Estero Town Commons Place, and will not have direct access to Corkscrew Road. The pedestrian circulation plan however, does provide connectivity to the sidewalk network on Corkscrew Road and the site plan provides for outdoor seating and a "public amenity area" connecting to the sidewalk system to Corkscrew Road.

D. Screening, landscaping and buffering (rezoning and development orders);

The CPD amendment will comply with the Village of Estero's buffer requirements, providing attractive landscaping along Corkscrew Road as well as adequate buffering to the residential units to the west.

E. Availability and adequacy of services and facilities (rezoning and development orders);

The subject property is the redevelopment of an existing developed restraint parcel and in an area with development on all sides. Urban services are available and sufficient to meet the development that is already approved in the Commercial Planned Development.

F. Impact on adjacent land uses and surrounding neighborhoods (rezoning);

The proposed amendments to the CPD will not have any negative impacts on surrounding uses. The site is well isolated from residential development with existing or planned commercial development on all sides. To the south in the Lowes Home improvement store, to the west are additional commercial outparcels along Corkscrew Road, to the north are commercial outparcels on the north side of Corkscrew Road and to the east is the Commercial development within the Estero Crossings planned development.

G. Proximity to other similar centers (rezoning); and

The subject property is within 500 feet of an existing Convenience Store. As noted however in the deviation request:

The proposed intersection consists of only one other gas station, the Raceway, located to the northeast of the subject property on the north side of Corkscrew Road. The proposed Wawa will be located on the south side of Corkscrew Road, drawing from a different market, those pass-by trips that are headed eastbound toward the interstate. Along the southside of Corkscrew Road, the only other gas station (east or west of I-75) is at the corner of Corkscrew Road and US 41, over 1.5 miles from the subject site. The proposed convenience store will provide a service for eastbound trips on Corkscrew Road that is not currently being provided and does not cause a proliferation of convenience stores at the intersection of Corkscrew Road and Estero Town Commons Place.

H. Environmental considerations (rezoning and development orders).

There are no impacts to environmentally sensitive areas. The area designated for development has already been cleared for development.

FLU-1.10.2 COMMERCIAL DEVELOPMENT STANDARDS. New commercial developments should be designed to arrange uses in an integrated and cohesive unit in order to address compatibility with the adjacent and nearby uses by adhering to the following standards:

A. provide visual harmony and screening;

The proposed development will incorporate required buffers on all sides.

B. reduce dependence on the automobile;

As shown in the pattern book, the proposed development is providing pedestrian connections to the sidewalks along Corkscrew Road. The subject property will be easily and conveniently accessible by pedestrians.

C. promote pedestrian movement within the development and connectivity to adjacent and nearby uses where such uses are compatible;

As shown in the pattern book, the proposed development is providing pedestrian connections to the sidewalks along Corkscrew Road. The subject property will be easily and conveniently accessible by pedestrians.

D. utilize joint parking, access and loading facilities;

Not applicable. The proposed project is the redevelopment of an existing restaurant parcel in an existing commercial development. The proposed project is not adjacent to residential uses or other uses that could utilize joint parking.

E. avoid negative impacts on surrounding land uses and traffic circulation;

The proposed site traffic circulation allows for easy movement of cars through the property along Estero Town Commons Place. There are no negative impacts on traffic circulation anticipated from the proposed development.

F. protect natural resources; and

The proposed plan of development will have no impacts to any environmentally sensitive land. The subject property is an existing restaurant site and therefore has already been cleared for development.

G. provide necessary services and facilities where they are inadequate to serve the proposed use.

The subject property is located in an area where all public services are available with adequate capacity to serve the proposed development.

H. Large scale nonresidential establishments will incorporate development design techniques to integrate the establishment into the surrounding community. Such design techniques will include:

Creation of a series of smaller, well defined customer entrances to break up long facades and provide pedestrian scale and variety, that may be achieved through the use of liner buildings.

1. **limited number and size of signs.**
2. **landscaping and use of pocket parks and courtyards adequate to soften large building masses.**

The subject property is less than 10 acres of actual commercial development. The subject CPD is not be defined as "large scale".

FLU-1.10.3 Encourage commercial developments within the Village of Estero to provide interconnect opportunities with adjacent commercial uses in order to minimize access points onto primary road corridors; and residential developments to provide interconnect opportunities with commercial areas, including, but not limited to, bike paths and pedestrian accessways. Connections to existing residential neighborhoods will be encouraged and will not be precluded by the commercial development's design.

As shown in the pattern book, the proposed development is providing pedestrian connections to the sidewalk along Corkscrew Road. The subject property will be easily and conveniently accessible by pedestrians. The automobile connections are via a reverse frontage road to Corkscrew Road, Estero Town Commons Place.

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

The proposed amendment requests the approval of a deviation to allow for the Convenience Store within 500 feet of the existing Convenience Store on the north side of Corkscrew Road. Other than the deviation request, the proposed development is not in conflict with any portion of the Land Development Code.

3. Addresses a demonstrated community need;

The proposed development addresses a specific need – to have a Convenience Store on the south side of Corkscrew Road. Behavioral patterns of customers to convenience stores typically do not cross streets and traffic to access the stores. This type of use typically relies almost entirely on pass by trips. The proposed Wawa will be located on the south side of Corkscrew Road, drawing from a different market, those pass-by trips that are headed eastbound toward the interstate. Along the southside of Corkscrew Road, the only other gas station (east or west of I-75) is at the corner of Corkscrew Road and US 41, over 1.5 miles from the subject site. The proposed convenience store will provide a service for eastbound trips on Corkscrew Road that is not currently being provided and does not cause a proliferation of convenience stores at the intersection of Corkscrew Road and Estero Town Commons Place. Further, as of yet, there is currently no convenience store similar to the proposed use, which is much more of a convenience store/restaurant than simply a gas station.

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 already zoned as CPD and the proposed amendment is not requested any change in development intensity. As noted above, the surrounding uses are entirely commercial and compatible with the proposed Convenience store.

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

The proposed amendment is for the redevelopment of a restaurant site that has gone dark. The property has development on all sides. Redeveloping the property represents an orderly development pattern.

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);

The project has direct access to Corkscrew Road and a lighted intersection via Estero Town Commons Place. The subject parcel is withing a development that provides additional access to Three Oaks Parkway to the west. The proposed amendments do not change the approved entitlement for the project, therefore the amendment has no increase in the impact on road capacity.

Water and sewer service is currently available in the area via Lee County Utilities as evidenced by previous use and the existing on-site vacant building. The property is within the Estero Fire District and fire/EMS service are available. The proposed amendments do not change the approved entitlement for the project, therefore the amendment has no impact on road capacity. 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 proposed amendments to the existing approved commercial planned development do not request any change to the already permitted development footprint. The preserve area within the CPD has already been designated preserve and the development areas have already been cleared for development. As a result, the request will not adversely affect environmentally critical areas or natural resources.

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

The proposed development is a redevelopment of a restaurant site that now contains an empty building. It is located on a commercial parcel that has been used for commercial development and is surrounded on all sides by either built or vacant commercial property. Given its location along Corkscrew Road and at an intersection with a traffic light, the subject property is ideal for the proposed 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.

TR TRANSPORTATION CONSULTANTS, INC

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TRAFFIC ENGINEERING
TRANSPORTATION PLANNING
SIGNAL SYSTEMS/DESIGN

TRAFFIC IMPACT STATEMENT

FOR

WAWA @ ESTERO TOWN COMMONS
VILLAGE OF ESTERO

(PROJECT NO. F2110.17)

PREPARED BY:
TR Transportation Consultants, Inc.
2726 Oak Ridge Court, Suite 503
Fort Myers, Florida 33901
(239) 278-3090

October 21, 2021

TR TRANSPORTATION CONSULTANTS, INC

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TR TRANSPORTATION CONSULTANTS, INC

I. INTRODUCTION

TR Transportation Consultants, Inc. has conducted a traffic impact statement to fulfill requirements set forth by the Village of Estero Department of Community Development for projects seeking CPD Amendment and Development Order approval. The subject site is located at the southwest corner of Corkscrew Road and Estero Town Commons Place in the Village of Estero in Lee County, Florida. The approximate location of the subject site is illustrated on **Figure 1**.

The subject site is governed by Zoning Resolution No. Z-03-032 and will occupy Village Area #2 as part of the Master Concept Plan (DCI2002-00071) for Estero Town Center CPD. Upon approval of the proposed Development Order application, the subject site will be developed with an approximately 5,537 convenience store with 12 refueling positions (6 pumps). The Developer is also seeking a CPD Amendment to the current Schedule of Uses to permit a convenience food and beverage store use on Village Area #2. The existing CPD limits a convenience food and beverage store to Village Area #1 only. It is important to note that the proposed amendment to the zoning will have no additional traffic impacts as a convenience food and beverage store use is currently permitted within Estero Town Center CPD. Access to the overall CPD will continue to be provided via existing connections to Corkscrew Road and Three Oaks Parkway.

This report examines the impact of the development on the surrounding roadways and intersections. Trip generation and assignments to the site access drive will be completed and analysis conducted to determine the impacts of the development on the surrounding streets and intersections.



TR TRANSPORTATION CONSULTANTS, INC

PROJECT LOCATION MAP
WAWA @ ESTERO TOWN COMMONS

Figure 1

TR TRANSPORTATION CONSULTANTS, INC

II. EXISTING CONDITIONS

The subject site is currently occupied by a vacant building previously occupied by Ruby Tuesday restaurant. The subject site is bordered by Corkscrew Road to the north, vacant land to the west, and by Estero Town Commons Place to the south and east.

Estero Town Commons Place is a local roadway that borders the subject site to the south and east. The intersection of Estero Town Commons Place with Corkscrew Road currently operates under unsignalized full median opening conditions. However, a traffic signal is currently under construction at this location. Based on Lee County's *FindMyRoad* GIS webpage, Estero Town Commons Place has posted speed limit of 25 mph and is privately maintained.

Corkscrew Road is a four-lane divided arterial that borders the site to the north. No direct access to Corkscrew Road is being proposed. Corkscrew Road has a posted speed limit of 45 mph and is under the jurisdiction of the Lee County Department of Transportation.

Three Oaks Parkway is a four-lane divided arterial within the vicinity of the subject site. Three Oaks Parkway has a posted speed limit of 45 mph and is under the jurisdiction of the Lee County Department of Transportation.

III. PROPOSED DEVELOPMENT

Upon approval of the proposed Development Order application and CPD Amendment, the subject site will be developed with an approximately 5,537 convenience store with 12 refueling positions (6 pumps). **Table 1** summarizes the land use utilized for trip generation purposes for the subject site.

TR TRANSPORTATION CONSULTANTS, INC

Table 1
Land Use
Wawa @ Estero Town Commons

Land Use	Size
Convenience Store/Gas Station (LUC 945)	5,537 square feet w/ 12 refueling positions

Access to the subject parcel will continue to be provided to Estero Town Commons Place via existing connections (one right-in only & one full access).

IV. TRIP GENERATION & DISTRIBUTION

The trip generation for the proposed development was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled ***Trip Generation Manual***, 11th Edition. A trip generation comparison was conducted for the subject site based on the number of re-fueling positions and floor area of the convenience store using Land Use Code 945 (Convenience Store/Gas Station).The trip generation comparison is attached at the end of the Appendix for reference.

Based upon the results of the trip generation comparison, utilizing the number of refueling positions to estimate the trip generation potential of the subject site yields the most conservative results. **Table 2** outlines the anticipated weekday A.M and P.M peak hour trip generation of the proposed development. The daily trip generation is also indicated in the table.

Table 2
Trip Generation
Wawa @ Estero Town Commons

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Convenience Store/Gas Station (12 Refueling Positions)	189	190	379	161	162	323	4,149

TR TRANSPORTATION CONSULTANTS, INC

The trips shown for the uses in Table 2 will not all be new trips to the adjacent roadway system. ITE estimates that convenience store/gas station use shown in Table 2 may attract a significant amount of its traffic from vehicles already traveling the adjoining roadway system. This traffic, called "pass-by" traffic, reduces the development's overall impact on the surrounding roadway system but does not decrease the actual driveway volumes. ITE indicates an average "pass-by" traffic reduction for Land Use 945 of seventy-six percent (76%) during the AM peak hour and seventy-five (75%) during the PM peak hour.

For this analysis, the "pass-by" traffic was accounted for in order to determine the number of "new" trips the development will add to the surrounding roadways. **Table 3** summarizes the "pass-by" percentage of the proposed use. **Table 4** summarizes the proposed development traffic and the breakdown between the new trips the development is anticipated to generate and the "pass-by" trips the development is anticipated to attract. It should be noted that the driveway volumes are not reduced as a result of the "pass-by" reduction, only the traffic added to the surrounding streets and intersections.

Table 3
Pass-by Trip Reduction Factors
Wawa @ Estero Town Commons

Land Use	Percentage Trip Reduction
Convenience Store/Gas Station (LUC 945)	76% A.M. / 75% P.M. & Daily

Table 4
Trip Generation – Net New Trips
Wawa @ Estero Town Commons

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Total Trips	189	190	379	161	162	323	4,149
Less LUC 945 Pass-by	-144	-144	-288	-121	-121	-242	-3,112
Net New Trips	**45**	**46**	**91**	**40**	**41**	**81**	**1,037**

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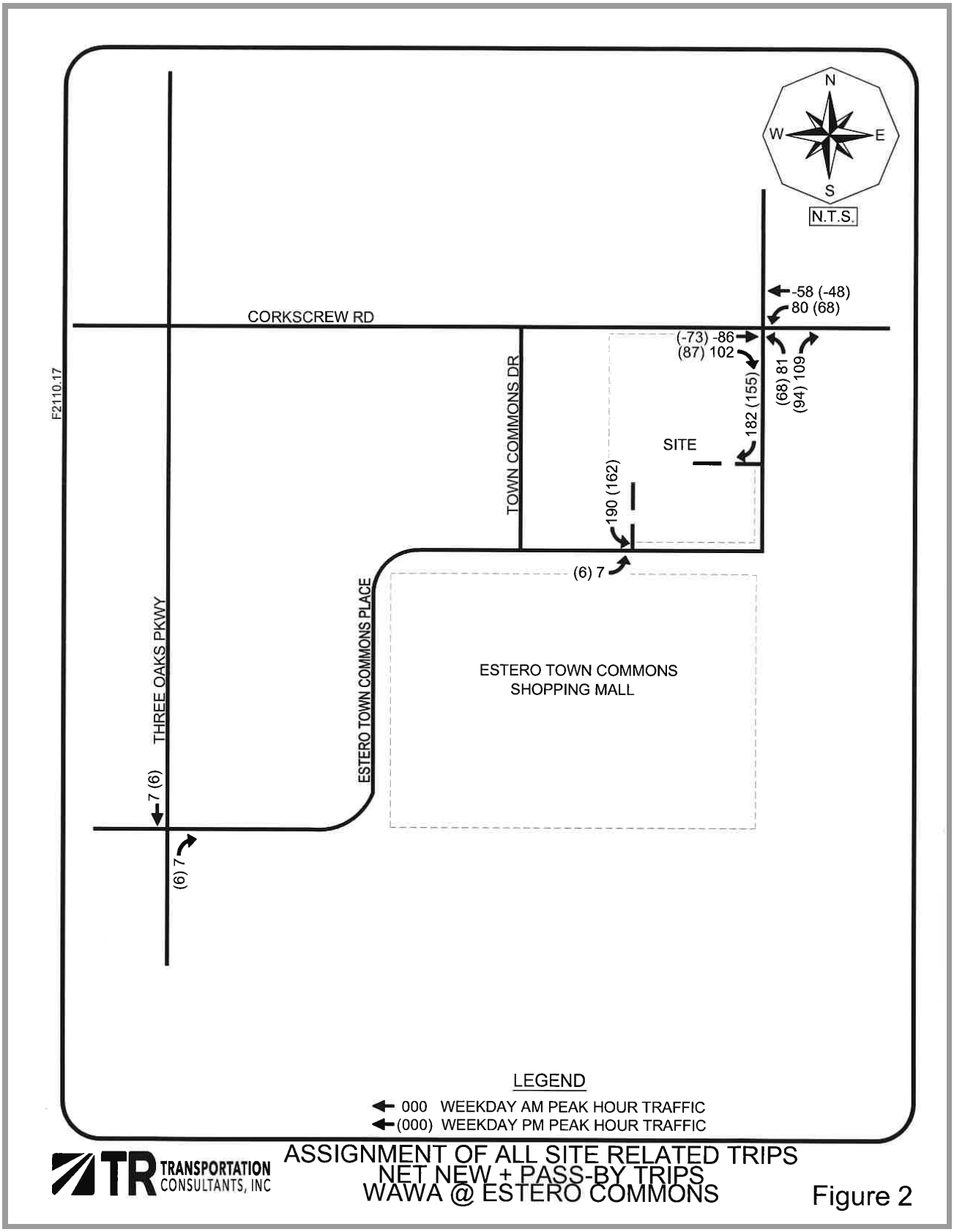
The additional trips the proposed development is anticipated to generate were then assigned to the surrounding roadway network. The net new trips anticipated to be added to the surrounding roadway network were assigned based upon the routes drivers are anticipated to utilize to approach the subject site. **Figure A-1**, included in the Appendix of this report, illustrates the percent project traffic distribution and assignment of the net new project trips. **Figure A-2**, included in the Appendix of this report, illustrates the percent project traffic distribution and assignment of pass-by trips. **Figure 2** illustrates the resulting assignment of all project related trips (net new + pass-by).

V. PROJECT IMPACT

In order to determine which roadway segments surrounding the site will be significantly impacted as outlined in the Lee County Traffic Impact Statement Guidelines **Table 1A**, contained in the Appendix, was created. This table indicates which roadway links in the vicinity of the subject site will accommodate greater than 10% of the Peak Hour – Peak Direction Level of Service "C" volumes, as defined by the ***Lee County Link Specific Service Volumes on Arterials*** Tables. From Table 1A, the proposed development is NOT anticipated to significantly impact any of the adjacent roadways. A copy of the Link Specific Service Volume Table is located in the Appendix of this report for reference.

VI. FUTURE TRAFFIC CONDITIONS

An analysis year of 2023 was selected as the year to evaluate the impacts the proposed project will have on the surrounding roadway network. Based on this build-out year, a growth rate was applied to the existing traffic conditions for all roadway links that could be significantly impacted by this development. The growth rates were calculated based on historical traffic data obtained from ***Florida Traffic Online*** webpage. Based on the project distribution shown on Table 1A, the link data was analyzed for the year 2023 without the development and year 2023 with the development.


N
W
E
S
N.T.S.
CORKSCREW RD
-58 (-48)
80 (68)
(-73) -86
(87) 102
(68) 81
(94) 109
182 (155)
SITE
TOWN COMMONS DR
190 (162)
(6) 7
ESTERO TOWN COMMONS PLACE
ESTERO TOWN COMMONS
SHOPPING MALL
THREE OAKS PKWY
7 (6)
(6) 7
F2110.17
LEGEND
000 WEEKDAY AM PEAK HOUR TRAFFIC
(000) WEEKDAY PM PEAK HOUR TRAFFIC
TRANSPORTATION CONSULTANTS, INC
ASSIGNMENT OF ALL SITE RELATED TRIPS
NET NEW + PASS-BY TRIPS
WAWA @ ESTERO COMMONS
Figure 2

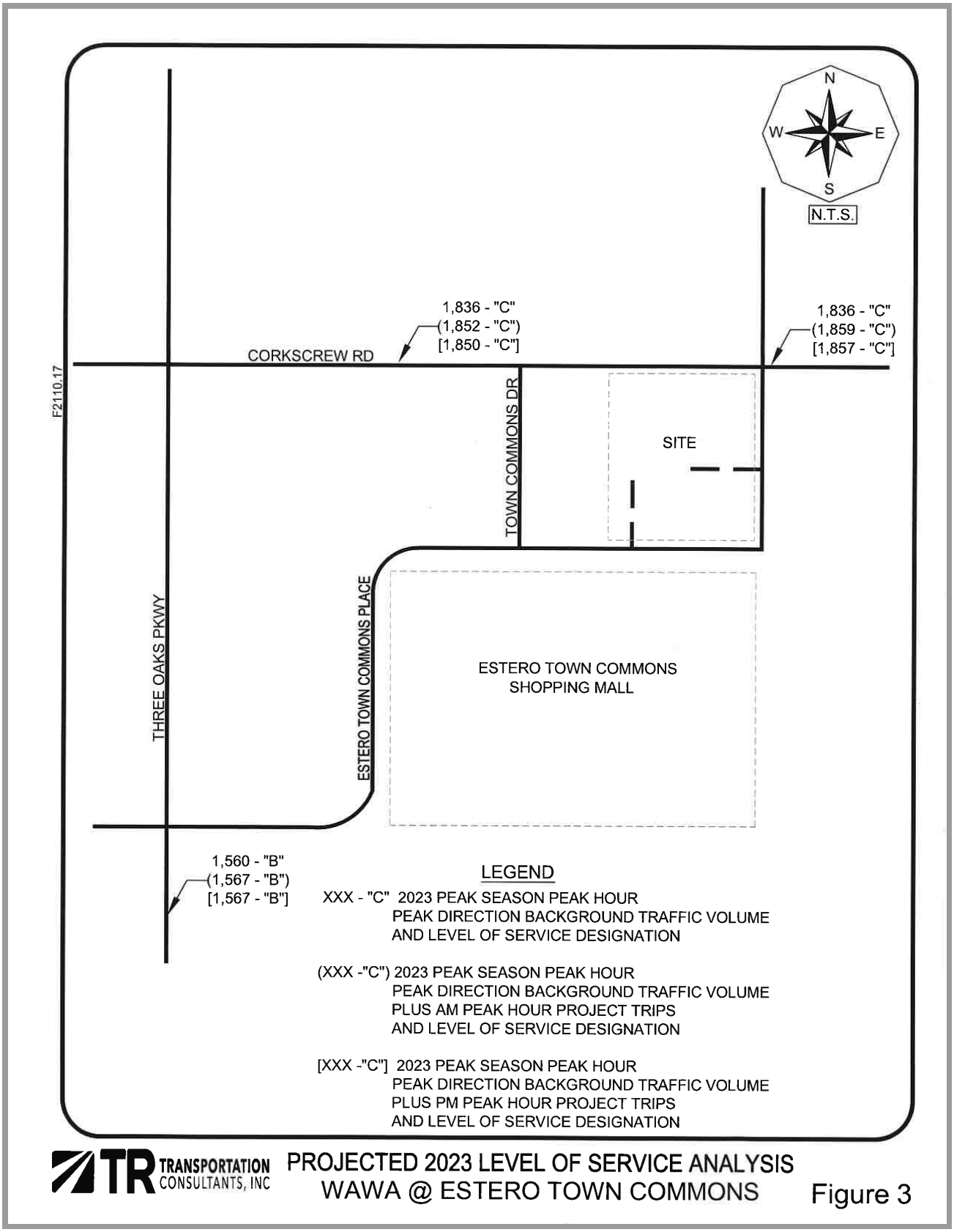
TR TRANSPORTATION CONSULTANTS, INC

The 2020 peak hour, peak season, peak direction volumes were obtained by adjusting the 2020 AADT volume by the appropriate K and D factors. The 2020 AADT, K and D factors were obtained from the ***Florida Traffic Online*** webpage. The existing peak hour, peak season, peak direction traffic volumes were then factored by the annual growth rate over an appropriate number of years in order to obtain the 2023 background traffic conditions on the area roadway network. The roadway link data was then analyzed for the year 2023 without the development, and year 2023 with the A.M. and P.M peak hour development trips added to the network. **Table 2A**, located in the Appendix of this report indicates the methodology utilized to conduct the Level of Service Analysis.

The 2023 build-out traffic volumes were then compared to the Level of Service thresholds for these roadways as indicated in Table 1A. As a result, **Figure 3** was created to illustrate the 2023 peak hour-peak direction traffic volumes and Level of Service for the various roadway links within the study area. Noted on Figure 3 is the peak hour-peak direction volume and Level of Service of each link should no development occur on the subject site, and the peak hour-peak direction volume and Level of Service for the weekday A.M. and P.M. peak hour with the development traffic added to the roadways. Figure 3 was derived from Table 2A contained in the Appendix.

VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS

Figure 3 details the Level of Service for all links inside the project's area of influence based on this analysis. In comparing the links' functional classification and calculated 2023 traffic volumes to the Service Volume Tables, it was determined that none of the roadways inside the project's area of influence would be adversely impacted by the proposed development. Adverse impacts are defined as a degradation of the Level of Service beyond the adopted Level of Service Thresholds for those links as indicated in Table 1A. From the analysis indicated in Table 2A, all analyzed roadways are shown to operate at an acceptable LOS "C" or better in the year 2023 both with and without the addition of project traffic. Therefore, no roadways capacity improvements will be required as a result of this analysis.


N
W
E
S
N.T.S.
1,836 - "C"
(1,852 - "C")
[1,850 - "C"]
1,836 - "C"
(1,859 - "C")
[1,857 - "C"]
CORKSCREW RD
F2110.17
TOWN COMMONS DR
SITE
THREE OAKS PKWY
ESTERO TOWN COMMONS PLACE
ESTERO TOWN COMMONS
SHOPPING MALL
1,560 - "B"
(1,567 - "B")
[1,567 - "B"]
LEGEND
XXX - "C" 2023 PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND TRAFFIC VOLUME
AND LEVEL OF SERVICE DESIGNATION
(XXX -"C") 2023 PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND TRAFFIC VOLUME
PLUS AM PEAK HOUR PROJECT TRIPS
AND LEVEL OF SERVICE DESIGNATION
[XXX -"C"] 2023 PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND TRAFFIC VOLUME
PLUS PM PEAK HOUR PROJECT TRIPS
AND LEVEL OF SERVICE DESIGNATION
TR TRANSPORTATION CONSULTANTS, INC
PROJECTED 2023 LEVEL OF SERVICE ANALYSIS
WAWA @ ESTERO TOWN COMMONS
Figure 3

TR TRANSPORTATION CONSULTANTS, INC

As previously mentioned a traffic signal is currently under construction at the Corkscrew Road intersection with Estero Town Commons Place. It is important to note that a convenience food/gas station is currently permitted within Estero Town Center CPD. Currently, the existing CPD limits a convenience food and beverage store to Village Area #1 only. The proposed CPD Amendment to the current Schedule of Uses would permit a convenience food and beverage store use on Village Area #2 within the CPD. The CPD would still be limited to one (1) convenience food and beverage store. Therefore, the traffic impacts of the proposed convenience food/gas station were accounted for in the original analysis for the Estero Town Center CPD.

VIII. TURN LANE ANALYSIS

Turn lane analysis was conducted at the proposed site access drives to Estero Town Commons Place based upon the turn lane warrants contained within Lee County Administrative Code 11-4 (AC 11-4). A summary of the turn lane criteria for the proposed site access drives is outlined below:

Right Turn Lane on Local Street – Estero Town Commons Place

Posted speed limit on the local street is equal to or greater than thirty (30) mph – Criteria Met – **No. The posted speed limit per Lee County's *FindMyRoad* GIS webpage is 25 mph.**

Number of right turning movements from the local street is equal to or greater than sixty (60) during either A.M. or P.M. peak hour of the local street – Criteria Met – **Yes.**

Available Sight Distance for a right turning vehicle to be seen by through traffic traveling in the same direction is less than the value shown in Table A-1 for the design speed of the local street – Criteria Met – **No.**

Traffic Control of the intersecting street or access point connection is a signal or is anticipated to meet MUTCD traffic signal warrants by the build-out year– Criteria Met – **No.**

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It is determined by the Lee County Department of Transportation that a turn lane is required for the health, safety, and welfare of the road users – Criteria Met – **N/A.**

At least two or more criteria need to be met to warrant a right turn lane. Since two or more criteria are not met, separate right turn lanes will NOT be warranted at the proposed site access drives on Estero Town Commons Place.

Left Turn Lane On Local Street – Estero Town Commons Place

Posted speed limit on the local street is equal to or greater than thirty (30) mph and the peak hour left turning movement is sixty (60) or more – Criteria Met –**No.**

Number of Left Turning Movements:

On multi-lane facilities the number of left turning vehicles exceeds one hundred (100) during the peak hour of the local street.

On two-lane two-way facilities the number of left turning vehicles from the local street exceeds (60) sixty during either the peak hour of the local street and the opposing through and right turn traffic volume exceeds five hundred (500) vehicles during either the A.M. or P.M. peak hour of the local street. – Criteria Met –**No.**

Available Sight Distance for left turning approaching traffic: or for approaching traffic moving in either direction to observe the left turning vehicle is less than the value shown in Table A-l for the posted speed limit of the local street– Criteria Met – **No.**

Traffic Control of the intersecting street or access point connection is a traffic signal or is anticipated to meet MUTCD traffic signal warrants in the next five years– Criteria Met – **No.**

It is determined by the Lee County Department of Transportation that a turn lane is required for the health, safety, and welfare of the road users – Criteria Met – **N/A.**

At least two or more criteria need to be met to warrant a left turn lane. Since two criteria are not met, a left turn lane is **NOT** warranted at proposed site access drive on Estero Town Commons Place.

TR TRANSPORTATION CONSULTANTS, INC

IX. CONCLUSION

The proposed development is located at the southwest corner of Corkscrew Road and Estero Town Commons Place in the Village of Estero in Lee County, Florida. From the Level of Service analysis conducted as part of the report, there is projected sufficient capacity on all analyzed roadway segments. Corkscrew Road and Three Oaks Parkway were shown to operate at a Level of Service "C" or better with the addition of the project traffic as a result of the proposed development. Therefore, no roadway capacity improvements will be required as a result of this analysis.

Based upon the results of the turn analysis conducted as part of this report, no turn lanes will be warranted at the proposed site access connections to Estero Town Commons Place.

A traffic signal is currently under construction at the Corkscrew Road intersection with Estero Town Commons Place.

APPENDIX

TABLES 1A & 2A

TABLE 1A
PEAK DIRECTION PROJECT TRAFFIC VS. LOS C LINK VOLUMES
WAWA @ ESTERO TOWN COMMONS

TOTAL A.M. PEAK HOUR PROJECT TRAFFIC = 91 VPH IN= 45 OUT= 46

TOTAL P.M. PEAK HOUR PROJECT TRAFFIC = 81 VPH IN= 40 OUT= 41

ROADWAY	SEGMENT	ROADWAY CLASS	LOS A VOLUME	LOS B VOLUME	LOS C VOLUME	LOS D VOLUME	LOS E VOLUME	PERCENT PROJECT TRAFFIC	PROJECT TRAFFIC	PROJ/ LOS C
Corkscrew Rd	W. of Estero Commons Pl	4LD	0	390	1,900	1,900	1,900	35%	16	0.8%
	E. of Estero Commons Pl	4LD	0	390	1,900	1,900	1,900	50%	23	1.2%
Three Oaks Pkwy	S.of Estero Commons Pl	4LD	650	1,940	1,940	1,940	1,940	15%	7	0.4%

* Lee County Link Specific Service Volumes was utilized for all roadway segments analyzed.

General Attachment: E.4 TIS Report.pdf

TABLE 2A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS
WAWA @ ESTERO TOWN COMMONS

							Site #	K-Factor[3]	D-Factor[3]
TOTAL PROJECT TRAFFIC A.M. =	91	VPH	IN =	45	OUT=	46	126015	0.090	0.534
TOTAL PROJECT TRAFFIC P.M. =	81	VPH	IN=	40	OUT=	41	124525	0.090	0.534

ROADWAY	SEGMENT	COUNT STA #	BASE YR CURRENT ADT		YRS OF GROWTH	ANNUAL RATE[1]	2020 PK HR PK SEASON PEAK DIR.[2]	2023 PK HR PK SEASON PK DIRECTION VOLUME	LOS	PERCENT PROJECT TRAFFIC	A.M. PROJ TRAFFIC	P.M. PROJ TRAFFIC	2023 BCKGRND + A.M. PROJ VOLUME	LOS	2023 BCKGRND + P.M. PROJ VOLUME	LOS
Corkscrew Rd	W. of Estero Commons Pl	126015	33,053	36,000	11	2.00%	1,730	1,836	C	35%	16	14	1,852	C	1,850	C
	E. of Estero Commons Pl	126015	33,053	36,000	11	2.00%	1,730	1,836	C	50%	23	21	1,859	C	1,857	C
Three Oaks Pkwy	S.of Estero Commons Pl	124525	20,100	29,500	12	3.25%	1,418	1,560	B	15%	7	6	1,567	B	1,567	B

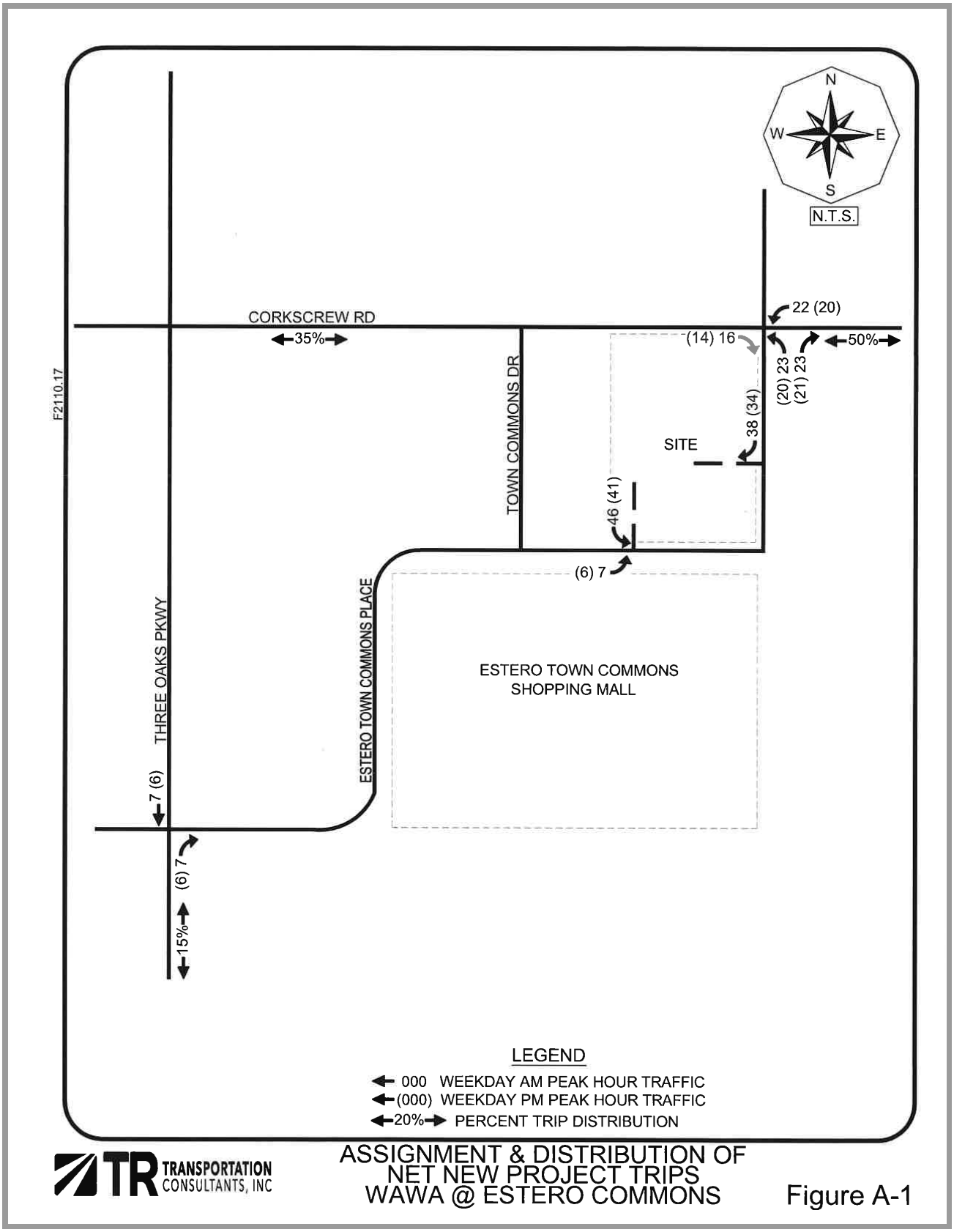
[1] AGR was calculated based on the historical traffic data obtained from the Florida Traffic Online webpage.

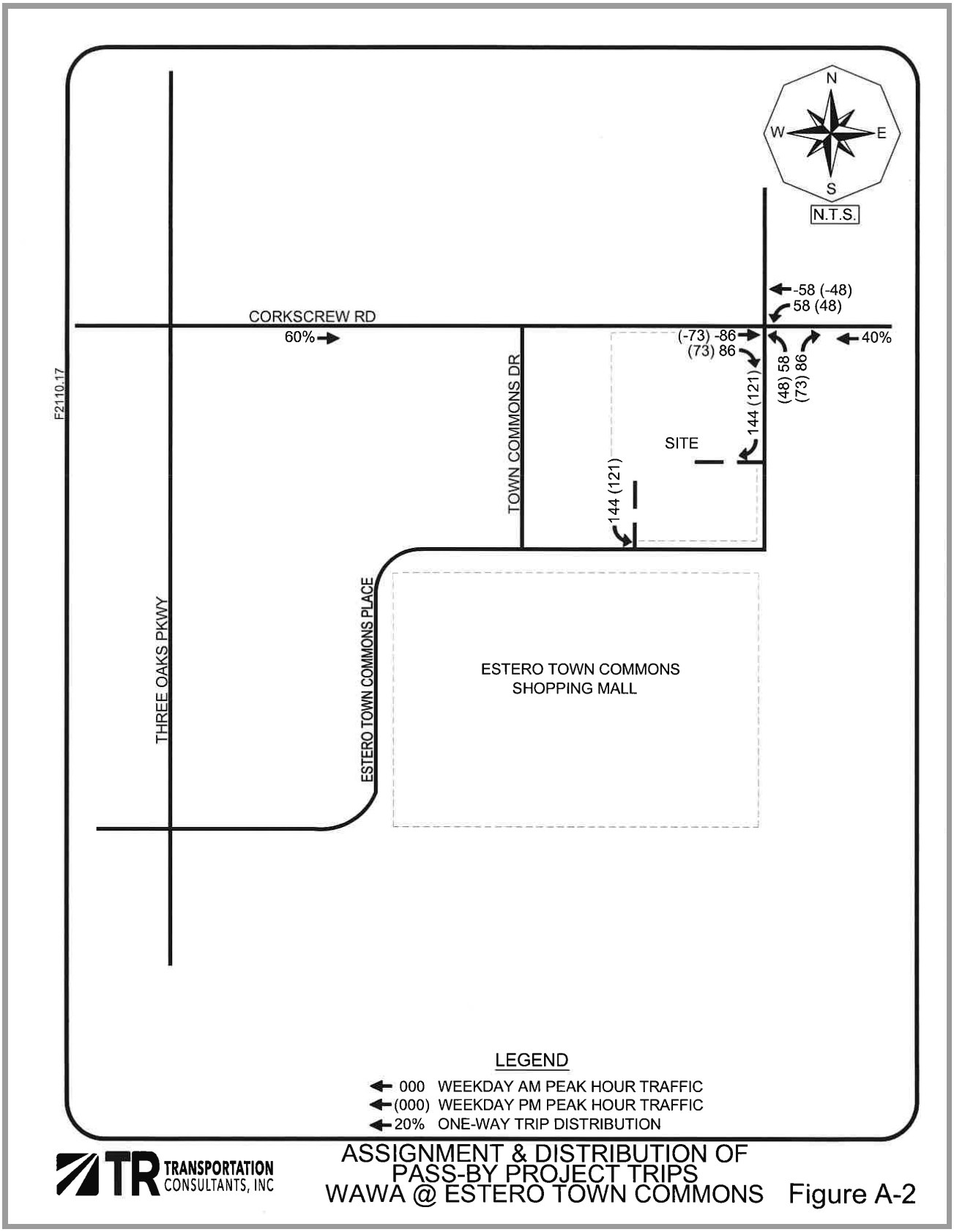
[2] The 2020 peak hour peak season peak direction volume was calculated by multiplying the current AADT by K and D factor.

[3] The K and D factors were obtained from Florida Traffic Online webpage.

SUPPLEMENTAL

FIGURES A-1 & A-2


N
W
E
S
N.T.S.
CORKSCREW RD
35%
22 (20)
(14) 16
50%
(20) 23
(21) 23
F2110.17
TOWN COMMONS DR
38 (34)
SITE
46 (41)
(6) 7
ESTERO TOWN COMMONS PLACE
ESTERO TOWN COMMONS
SHOPPING MALL
THREE OAKS PKWY
7 (6)
(6) 7
15%
LEGEND
000 WEEKDAY AM PEAK HOUR TRAFFIC
(000) WEEKDAY PM PEAK HOUR TRAFFIC
20% PERCENT TRIP DISTRIBUTION
TR TRANSPORTATION CONSULTANTS, INC
ASSIGNMENT & DISTRIBUTION OF
NET NEW PROJECT TRIPS
WAWA @ ESTERO COMMONS
Figure A-1


N
W
E
S
N.T.S.
F2110.17
CORKSCREW RD
60%
-58 (-48)
58 (48)
(-73) -86
(73) 86
40%
(48) 58
(73) 86
144 (121)
SITE
TOWN COMMONS DR
144 (121)
THREE OAKS PKWY
ESTERO TOWN COMMONS PLACE
ESTERO TOWN COMMONS
SHOPPING MALL
LEGEND
000 WEEKDAY AM PEAK HOUR TRAFFIC
(000) WEEKDAY PM PEAK HOUR TRAFFIC
20% ONE-WAY TRIP DISTRIBUTION
TR TRANSPORTATION CONSULTANTS, INC
ASSIGNMENT & DISTRIBUTION OF
PASS-BY PROJECT TRIPS
WAWA @ ESTERO TOWN COMMONS
Figure A-2

LEE COUNTY LINK-SPECIFIC SERVICE VOLUME TABLE

LINK-SPECIFIC SERVICE VOLUMES ON ARTERIALS IN LEE COUNTY (2015 DATA)

ROAD SEGMENT	FROM	TO	TRAFFIC DISTRIC	LENGTH (MILE)	ROAD TYPE	SERVICE VOLUMES (PEAK HOUR PEAK DIRECTION) A	B	C	D	E	SERVICE VOLUMES (PEAK HOUR–BOTH DIRECTIONS) A	B	C	D	E
COLONIAL BLVD	SIX MILE PKWY	I-75	1	0.5	6LD	0	2,630	3,100	3,100	3,100	0	4,390	5,180	5,180	5,180
	I-75	SR 82	1	2.4	6LD	0	2,280	3,040	3,040	3,040	0	3,800	5,070	5,070	5,070
CORKSCREW RD	US 41	SANDY LN	4	0.5	4LD	0	390	1,900	1,900	1,900	0	760	3,670	3,670	3,670
	SANDY LN	THREE OAKS PKWY	4	0.7	4LD	0	390	1,900	1,900	1,900	0	760	3,670	3,670	3,670
	THREE OAKS PKWY	I-75	4	0.8	4LD	0	390	1,900	1,900	1,900	0	760	3,670	3,670	3,670
	I-75	BEN HILL GRIFFIN PKWY	3	0.5	4LD	0	390	1,900	1,900	1,900	0	760	3,670	3,670	3,670
	BEN HILL GRIFFIN PKWY	WILDCAT RUN DR	3	1.7	2LD	0	820	1,200	1,200	1,200	0	1,580	2,310	2,310	2,310
	WILDCAT RUN DR	ALICO RD	3	2.6	2LN	90	310	570	790	1,140	180	600	1,100	1,520	2,200
	ALICO RD	COUNTY LINE	3	10.4	2LN	90	310	570	790	1,140	180	600	1,100	1,520	2,200
CYPRESS LAKE DR	McGREGOR BLVD	SOUTH POINT BLVD	4	0.4	4LD	0	0	890	1,880	1,940	0	0	1,590	3,360	3,480
	SOUTH POINT BLVD	WINKLER RD	4	0.6	4LD	0	0	890	1,880	1,940	0	0	1,590	3,360	3,480
	WINKLER RD	SUMMERLIN RD	4	0.7	4LD	0	0	890	1,880	1,940	0	0	1,590	3,360	3,480
	SUMMERLIN RD	US 41	4	0.9	6LD	0	0	1,360	2,890	2,940	0	0	2,430	5,170	5,240
DANIELS PKWY	US 41	BIG PINE WAY	4	0.5	6LD	0	0	590	2,480	2,680	0	0	1,100	4,600	4,980
	BIG PINE WAY	METRO PKWY	4	0.6	6LD	0	0	590	2,480	2,680	0	0	1,100	4,600	4,980
	METRO PKWY	SIX MILE PKWY	4	0.8	6LD	0	0	590	2,480	2,680	0	0	1,100	4,600	4,980
	SIX MILE PKWY	PALOMINO DR	4	2.2	6LD	210	2,830	3,040	3,040	3,040	390	5,250	5,650	5,650	5,650
	PALOMINO DR	I-75	4	0.6	6LD	210	2,830	3,040	3,040	3,040	390	5,250	5,650	5,650	5,650
	I-75	TREELINE AVE	3	0.5	6LD	2,510	3,260	3,260	3,260	3,260	4,190	5,420	5,420	5,420	5,420
	TREELINE AVE	CHAMBERLIN PKWY	3	0.8	6LD	2,510	3,260	3,260	3,260	3,260	4,190	5,420	5,420	5,420	5,420
	CHAMBERLIN PKWY	SR 82	3	3.8	4LD	1,620	2,160	2,160	2,160	2,160	2,700	3,600	3,600	3,600	3,600
DEL PRADO BLVD	CAPE CORAL PKWY	SE 46TH ST	5	0.3	6LD	0	0	1,660	2,660	2,660	0	0	3,140	5,000	5,000
	SE 46TH ST	CORONADO PKWY	5	0.7	6LD	0	0	1,660	2,660	2,660	0	0	3,140	5,000	5,000
	CORONADO PKWY	CORNWALLIS PKWY	5	1.3	6LD	0	0	1,660	2,660	2,660	0	0	3,140	5,000	5,000
	CORNWALLIS PKWY	VETERANS PKWY	5	0.8	6LD	0	0	1,660	2,660	2,660	0	0	3,140	5,000	5,000
	VETERANS PKWY	HANCOCK B. PKWY	5	3.0	6LD	0	0	1,640	2,800	2,800	0	0	3,160	5,390	5,390
	HANCOCK B. PKWY	NE 6TH ST	5	0.7	6LD	0	0	2,770	2,800	2,800	0	0	5,330	5,370	5,370
	NE 6TH ST	SR 78	5	0.4	6LD	0	0	2,770	2,800	2,800	0	0	5,330	5,370	5,370
ESTERO BLVD	HICKORY BLVD	AVENIDA PESCADORA	4	2.9	2LN	571	616	644	685	726	1,120	1,208	1,264	1,344	1,424
	AVENIDA PESCADORA	MID ISLAND DR	4	1.2	2LN	571	616	644	685	726	1,120	1,208	1,264	1,344	1,424
	MID ISLAND DR	SAN CARLOS BLVD	4	1.8	2LD	500	568	593	632	671	980	1,113	1,162	1,239	1,316
ESTERO PKWY	US 41	BEN HILL GRIFFIN PKWY	4	2.6	4LD	0	2,000	2,000	2,000	2,000	0	3,850	3,850	3,850	3,850
FOWLER ST	US 41	N AIRPORT RD	1	1.0	6LD	0	0	0	2,040	2,300	0	0	0	3,710	4,180
	N AIRPORT RD	COLONIAL BLVD	1	0.3	6LD	0	0	0	2,040	2,300	0	0	0	3,710	4,180
GLADIOLUS DR	McGREGOR BLVD	PINE RIDGE RD	4	0.5	4LD	0	190	1,840	1,840	1,840	0	360	3,430	3,430	3,430
	PINE RIDGE RD	BASS RD	4	1.6	4LD	0	190	1,840	1,840	1,840	0	360	3,430	3,430	3,430
	BASS RD	WINKLER RD	4	0.8	6LD	0	290	2,780	2,780	2,780	0	540	5,160	5,160	5,160
	WINKLER RD	SUMMERLIN RD	4	0.5	6LD	0	2,060	2,780	2,780	2,780	0	3,890	5,240	5,240	5,240
	SUMMERLIN RD	US 41	4	1.5	6LD	0	2,060	2,780	2,780	2,780	0	3,890	5,240	5,240	5,240

JUNE 2016

LINK-SPECIFIC SERVICE VOLUMES ON ARTERIALS IN LEE COUNTY (2015 DATA)

ROAD SEGMENT	FROM	TO	TRAFFIC DISTRIC	LENGTH (MILE)	ROAD TYPE	SERVICE VOLUMES (PEAK HOUR PEAK DIRECTION) A	B	C	D	E	SERVICE VOLUMES (PEAK HOUR--BOTH DIRECTIONS) A	B	C	D	E
SUMMERLIN RD	McGREGOR BLVD	SAN CARLOS BLVD	4	2.2	4LD	1,620	1,980	1,980	1,980	1,980	2,850	3,490	3,490	3,490	3,490
	SAN CARLOS BLVD	PINE RIDGE RD	4	0.5	6LD	2,520	3,000	3,000	3,000	3,000	4,430	5,270	5,270	5,270	5,270
	PINE RIDGE RD	BASS RD	4	1.7	6LD	2,520	3,000	3,000	3,000	3,000	4,430	5,270	5,270	5,270	5,270
	BASS RD	GLADIOLUS DR	4	1.8	6LD	2,520	3,000	3,000	3,000	3,000	4,430	5,270	5,270	5,270	5,270
	GLADIOLUS DR	CYPRESS LAKE DR	4	1.8	4LD	0	1,450	1,900	1,900	1,900	0	2,590	3,400	3,400	3,400
	CYPRESS LAKE DR	COLLEGE PKWY	4	0.7	6LD	0	2,250	2,880	2,880	2,880	0	4,020	5,140	5,140	5,140
	COLLEGE PKWY	BOY SCOUT	4	1.9	6LD	0	2,250	2,880	2,880	2,880	0	4,020	5,140	5,140	5,140
	BOY SCOUT	COLONIAL BLVD	1	1.1	4LD	0	0	0	1,370	1,820	0	0	0	2,450	3,250
SUNSHINE BLVD	SR 82	LEE BLVD	3	3.6	2LN	150	310	500	700	1,010	250	500	810	1,130	1,630
	LEE BLVD	W 12TH ST	3	3.2	2LN	150	310	500	700	1,010	250	500	810	1,130	1,630
THREE OAKS PKWY	COCONUT RD	CORKSCREW RD	4	2.6	4LD	650	1,940	1,940	1,940	1,940	1,130	3,360	3,360	3,360	3,360
	CORKSCREW RD	SAN CARLOS BLVD	4	3.1	4LD	650	1,940	1,940	1,940	1,940	1,130	3,360	3,360	3,360	3,360
	SAN CARLOS BLVD	ALICO RD	4	1.7	4LD	650	1,940	1,940	1,940	1,940	1,130	3,360	3,360	3,360	3,360
TREELINE AVE	ALICO RD	DANIELS PKWY	3	3.8	4LD	1,530	2,980	2,980	2,980	2,980	2,600	3,360	3,360	3,360	3,360
	DANIELS PKWY	COLONIAL BLVD	3	4.5	4LD	1,530	2,980	2,980	2,980	2,980	2,600	3,360	3,360	3,360	3,360
US 41	COLLIER CO. LINE	BONITA BEACH RD	8	1.0	6LD	0	2,400	2,740	2,740	2,740	0	4,220	4,830	4,830	4,830
	BONITA BEACH RD	TERRY ST	8	1.1	6LD	0	2,580	3,040	3,040	3,040	0	4,610	5,430	5,430	5,430
	TERRY ST	OLD 41	8	2.3	6LD	0	2,580	3,040	3,040	3,040	0	4,610	5,430	5,430	5,430
	OLD 41	CORKSCREW RD	8	3.5	6LD	0	2,580	3,040	3,040	3,040	0	4,610	5,430	5,430	5,430
	CORKSCREW RD	BROADWAY	4	0.7	6LD	480	2,940	2,940	2,940	2,940	860	5,260	5,260	5,260	5,260
	BROADWAY	SANIBEL BLVD	4	1.9	6LD	480	2,940	2,940	2,940	2,940	860	5,260	5,260	5,260	5,260
	SANIBEL BLVD	ALICO RD	4	2.2	6LD	480	2,940	2,940	2,940	2,940	860	5,260	5,260	5,260	5,260
	ALICO RD	ISLAND PARK RD	4	1.0	6LD	480	2,940	2,940	2,940	2,940	860	5,260	5,260	5,260	5,260
	ISLAND PARK RD	JAMAICA BAY W.	4	1.6	6LD	480	2,940	2,940	2,940	2,940	860	5,260	5,260	5,260	5,260
	JAMAICA BAY W.	SIX MILE PKWY	4	0.5	6LD	480	2,940	2,940	2,940	2,940	860	5,260	5,260	5,260	5,260
	SIX MILE PKWY	ANDREA LN	4	0.5	6LD	0	0	2,130	2,880	2,880	0	0	4,220	5,710	5,710
	ANDREA LN	DANIELS PKWY	4	0.8	6LD	0	0	2,130	2,880	2,880	0	0	4,220	5,710	5,710
	DANIELS PKWY	COLLEGE PKWY	4	0.7	6LD	0	0	2,130	2,880	2,880	0	0	4,220	5,710	5,710
	COLLEGE PKWY	SOUTH RD	4	1.4	6LD	0	0	2,130	2,880	2,880	0	0	4,220	5,710	5,710
	SOUTH RD	BOY SCOUT RD	4	0.4	6LD	0	0	2,130	2,880	2,880	0	0	4,220	5,710	5,710
	BOY SCOUT RD	NORTH AIRPORT RD	1	0.8	6LD	0	0	2,130	2,880	2,880	0	0	4,220	5,710	5,710
	NORTH AIRPORT RD	COLONIAL BLVD	1	0.2	6LD	0	0	2,130	2,880	2,880	0	0	4,220	5,710	5,710
	FORT MYERS CITY LIMI	NORTH KEY DR	1	0.4	4LD	0	1,790	2,160	2,160	2,160	0	2,890	3,500	3,500	3,500
	NORTH KEY DR	HANCOCK BRIDGE PKWY	2	0.7	4LD	0	1,790	2,160	2,160	2,160	0	2,890	3,500	3,500	3,500
	HANCOCK BRIDGE PKW	PONDELLA RD	2	0.3	4LD	0	1,790	2,160	2,160	2,160	0	2,890	3,500	3,500	3,500
	PONDELLA RD	SR 78	2	1.3	4LD	0	1,790	2,160	2,160	2,160	0	2,890	3,500	3,500	3,500
	SR 78	LITTLETON RD	2	1.0	4LD	900	2,000	2,000	2,000	2,000	1,460	3,240	3,240	3,240	3,240
	LITTLETON RD	BUS 41	2	1.2	4LD	900	2,000	2,000	2,000	2,000	1,460	3,240	3,240	3,240	3,240
	BUS 41	DEL PRADO BLVD	2	0.8	4LD	900	2,000	2,000	2,000	2,000	1,460	3,240	3,240	3,240	3,240
	DEL PRADO BLVD	TRAIL DAIRY	2	0.8	4LD	900	2,000	2,000	2,000	2,000	1,460	3,240	3,240	3,240	3,240

TRAFFIC DATA FROM FLORIDA TRAFFIC ONLINE

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2020 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 6015 - CORKSCREW RD, 1000' W OF I-75, PTMS 2015, LCPR 15

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2020	36000 S	0	0	9.00	53.40	4.80
2019	37000 F	0	0	9.00	53.30	3.40
2018	36454 C	0	0	9.00	53.30	3.40
2017	38500 S	0	0	9.00	53.20	4.30
2016	38500 F	0	0	9.00	52.00	4.90
2015	37642 C	E 18951	W 18691	9.00	52.00	5.20
2014	30661 C	E 15497	W 15164	9.00	52.00	3.00
2013	28775 C	E 14556	W 14219	9.00	51.50	4.20
2012	27530 C	E 13622	W 13908	9.00	51.20	3.90
2011	27584 C	E 13937	W 13647	9.00	51.00	3.10
2010	23210 C	E 9999	W 13211	10.75	57.59	3.40
2009	27461 C	E 11658	W 15803	10.40	55.85	4.30
2008	33053 C	E 15863	W 17190	11.10	52.41	4.90

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE
S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE
V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN
*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2020 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 4525 - THREE OAKES PKWY, S OF CORKSCREW RD LC 525

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2020	29500 E	N	S	9.00	53.40	3.70
2019	29500 C	N 15000	S 14500	9.00	53.30	3.70
2018	23500 C	N 12000	S 11500	9.00	53.30	4.70
2017	17600 T			9.00	53.20	3.60
2016	18400 S	N 9600	S 8800	9.00	56.10	5.10
2015	19200 F	N 10000	S 9200	9.00	55.50	5.10
2014	18400 C	N 9600	S 8800	9.00	52.00	5.10
2013	15800 S	N 8200	S 7600	9.00	54.60	3.40
2012	15100 F	N 7800	S 7300	9.00	52.80	3.40
2011	15100 C	N 7800	S 7300	9.00	53.20	3.40
2010	18800 S	N 9800	S 9000	10.28	55.69	5.80
2009	19200 F	N 10000	S 9200	10.29	55.14	5.80
2008	20100 C	N 10500	S 9600	10.77	53.61	5.80

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE
S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE
V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN
*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

ITE LUC 945

PASS-BY RATES

Vehicle Pass-By Rates by Land Use

Source: ITE *Trip Generation Manual*, 11th Edition

Land Use Code	945
Land Use	Convenience Store/Gas Station
Setting	General Urban/Suburban
Time Period	Weekday AM Peak Period
# Data Sites	28 Sites with between 9 and 20 VFP
Average Pass-By Rate	76% for Sites with between 9 and 20 VFP

Pass-By Characteristics for Individual Sites

GFA (000)	VFP	State or Province	Survey Year	# Interviews	Pass-By Trip (%)	Non-Pass-By Trips			Adj Street Peak Hour Volume	Source
						Primary (%)	Diverted (%)	Total (%)		
2	8	Maryland	1992	46	87	13	0	13	2235	25
2.1	6	Maryland	1992	26	58	23	19	42	2080	25
2.1	6	Maryland	1992	26	58	23	19	42	2080	25
2.2	8	Maryland	1992	31	47	34	19	53	1785	25
2.2	< 8	Indiana	1993	79	56	6	38	44	635	2
2.2	8	Maryland	1992	35	78	9	13	22	7080	25
2.3	6	Maryland	1992	37	32	41	27	68	2080	25
2.3	< 8	Kentucky	1993	58	64	5	31	36	1255	2
2.3	6	Maryland	1992	37	32	41	27	68	2080	25
2.4	< 8	Kentucky	1993	—	48	17	35	52	1210	2
2.6	< 8	Kentucky	1993	—	72	15	13	28	940	2
2.8	< 8	Kentucky	1993	—	54	11	35	46	1240	2
3	< 8	Indiana	1993	62	74	10	16	26	790	2
3.6	< 8	Kentucky	1993	49	67	4	29	33	1985	2
3.7	< 8	Kentucky	1993	49	66	16	18	34	990	2
4.694	12	Maryland	2000	—	72	—	—	28	2440	30
4.694	12	Maryland	2000	—	78	—	—	22	1561	30
4.694	12	Maryland	2000	—	79	—	—	21	2764	30
4.848	12	Virginia	2000	—	55	—	—	45	1398	30
5.06	12	Pennsylvania	2000	—	84	—	—	16	3219	30
5.242	12	Virginia	2000	—	74	—	—	26	1160	30
5.242	12	Virginia	2000	—	71	—	—	29	548	30
5.488	12	Delaware	2000	—	80	—	—	20	—	30
5.5	12	Pennsylvania	2000	—	85	—	—	15	2975	30
4.2	< 8	Kentucky	1993	47	62	19	19	38	1705	2
4.694	16	Maryland	2000	—	90	—	—	10	2278	30
4.694	16	Delaware	2000	—	74	—	—	26	2185	30
4.694	16	Delaware	2000	—	58	—	—	42	962	30
4.694	16	Delaware	2000	—	84	—	—	16	2956	30
4.694	16	New Jersey	2000	—	79	—	—	21	1859	30
4.694	20	Delaware	2000	—	84	—	—	16	3864	30
4.848	16	Virginia	2000	—	68	—	—	32	2106	30
4.848	16	Virginia	2000	—	85	—	—	15	2676	30
4.848	16	Virginia	2000	—	75	—	—	25	3244	30
4.848	16	Virginia	2000	—	71	—	—	29	1663	30
4.993	16	Pennsylvania	2000	—	75	—	—	25	1991	30
5.094	16	New Jersey	2000	—	86	—	—	14	1260	30
5.5	16	Pennsylvania	2000	—	82	—	—	18	1570	30
5.543	16	Pennsylvania	2000	—	84	—	—	16	1933	30
5.565	16	Pennsylvania	2000	—	77	—	—	23	2262	30
5.565	16	Pennsylvania	2000	—	68	—	—	32	2854	30
5.565	16	New Jersey	2000	—	58	—	—	42	1253	30
5.565	16	New Jersey	2000	—	79	—	—	21	1928	30
5.565	16	New Jersey	2000	—	84	—	—	16	1953	30

Vehicle Pass-By Rates by Land Use

Source: ITE *Trip Generation Manual*, 11th Edition

Land Use Code	945
Land Use	Convenience Store/Gas Station
Setting	General Urban/Suburban
Time Period	Weekday PM Peak Period
# Data Sites	12 Sites with between 2 and 8 VFP / 28 Sites with between 9 and 20 VFP
Average Pass-By Rate	56% for Sites with between 2 and 8 VFP / 75% for Sites with between 9 and 20 VFP

Pass-By Characteristics for Individual Sites

GFA (000)	VFP	State or Province	Survey Year	# Interviews	Pass-By Trip (%)	Non-Pass-By Trips			Adj Street Peak Hour Volume	Source
						Primary (%)	Diverted (%)	Total (%)		
2.1	8	Maryland	1992	31	52	13	35	48	1785	25
2.1	6	Maryland	1992	30	53	20	27	47	1060	25
2.2	< 8	Indiana	1993	115	48	16	36	52	820	2
2.3	< 8	Kentucky	1993	67	57	16	27	43	1954	2
2.3	6	Maryland	1992	55	40	11	49	60	2760	25
2.4	< 8	Kentucky	1993	—	58	13	29	42	2655	2
2.6	< 8	Kentucky	1993	68	67	15	18	33	950	2
2.8	< 8	Kentucky	1993	—	62	11	27	38	2875	2
3	< 8	Indiana	1993	80	65	15	20	35	1165	2
3.6	< 8	Kentucky	1993	60	56	17	27	44	2505	2
3.7	< 8	Kentucky	1993	70	61	16	23	39	2175	2
4.2	< 8	Kentucky	1993	61	58	26	16	42	2300	2
4.694	12	Maryland	2000	—	78	—	—	22	3549	30
4.694	12	Maryland	2000	—	67	—	—	33	2272	30
4.694	12	Maryland	2000	—	66	—	—	34	3514	30
4.848	12	Virginia	2000	—	71	—	—	29	2350	30
5.06	12	Pennsylvania	2000	—	91	—	—	9	4181	30
5.242	12	Virginia	2000	—	70	—	—	30	2445	30
5.242	12	Virginia	2000	—	56	—	—	44	950	30
5.488	12	Delaware	2000	—	73	—	—	27	—	30
5.5	12	Pennsylvania	2000	—	84	—	—	16	4025	30
4.694	16	Maryland	2000	—	89	—	—	11	2755	30
4.694	16	Delaware	2000	—	73	—	—	27	1858	30
4.694	16	Delaware	2000	—	59	—	—	41	1344	30
4.694	16	Delaware	2000	—	72	—	—	28	3434	30
4.694	16	New Jersey	2000	—	81	—	—	19	1734	30
4.694	20	Delaware	2000	—	76	—	—	24	1616	30
4.848	16	Virginia	2000	—	67	—	—	33	2,954	30
4.848	16	Virginia	2000	—	78	—	—	22	3086	30
4.848	16	Virginia	2000	—	83	—	—	17	4143	30
4.848	16	Virginia	2000	—	73	—	—	27	2534	30
4.993	16	Pennsylvania	2000	—	72	—	—	28	2917	30
5.094	16	New Jersey	2000	—	86	—	—	14	1730	30
5.5	16	Pennsylvania	2000	—	90	—	—	10	2616	30
5.543	16	Pennsylvania	2000	—	87	—	—	13	2363	30
5.565	16	Pennsylvania	2000	—	81	—	—	19	2770	30
5.565	16	Pennsylvania	2000	—	76	—	—	24	3362	30
5.565	16	New Jersey	2000	—	61	—	—	39	1713	30
5.565	16	New Jersey	2000	—	86	—	—	14	1721	30
5.565	16	New Jersey	2000	---	81	---	---	19	2227	30

LEE COUNTY TURN LANE POLICY

ADMINISTRATIVE CODE 11-4

Administrative Code
Board of County Commissioners

CATEGORY: Transportation and Traffic Management	CODE NUMBER: AC-11-4
TITLE: TURN LANE POLICY	ADOPTED: 10/19/88 AMENDED: 10/16/91 3/24/98, 08/17/21 ORIGINATING DEPARTMENT: TRANSPORTATION

PURPOSE/SCOPE:

GENERAL

I. SCOPE

Deceleration, left turn, and right turn lanes are desirable for the safe execution of speed change maneuvers and for storage and protection of left and right turning vehicles. These additional lanes for exit or entrance maneuvers shall be provided in accordance with County Design Standards herein. The pavement width and cross slopes of such lanes shall meet minimum requirements; however, special designs may be allowed when deemed necessary by the Director of the Department of Transportation for County maintained facilities and the Manager of the Department of Community Development's Development Services Division for privately-maintained facilities. Shoulders and recovery areas should be provided in accordance with the same requirements for other travel lanes; wherever possible.

It should be realized that deceleration, left turn, and right turn lanes constitute an integral part of the geometric design of streets and highways and shall be included in the design for all new and replacement construction projects. Deceleration, left turn, and right turn lanes may need to be installed at an existing intersection or access point to improve the existing or outdated design, if and when a traffic analysis shows that the travel time or safety is being degraded by the proposed project traffic, or the turning movements at the intersection are being created by the proposed project's traffic. This Policy addresses the warrants and design features for both cases.

II. POLICY AND PROCEDURE

Deceleration, left turn, and right turn lanes shall be provided at all intersections and/or access points on county-maintained and privately-maintained facilities as required by this policy. Deceleration, left turn, and right turn lane requirements shall not apply to a single family residence, a duplex residence, or two (2) family residence. When an existing development increases trip generation by expanding facilities or by change in use, a one-time deviation may be granted whereby only the increased trip generation is considered in determining if the warrants for requiring deceleration, left and right turn lanes are satisfied providing such deviation does not create a new or increased existing hazard which is detrimental to the health, safety and welfare of the traveling public.

This policy shall not be used to deny access to county maintained facilities for property which otherwise has the right of access; and for which it is not possible to provide deceleration, left and right turn lanes without acquiring additional Right-of-way (ROW) beyond the limits of the subject property. Nothing in this policy shall be construed to place an obligation upon the County to permit left turn lanes into or out of any development via either any existing or proposed street or access point driveway from any street or highway facility where the Director of the Department of Transportation or the Manager of the Division of Development Services (hereinafter referred to as the "Directors") has determined it is not in the best interests of the health, safety and general welfare of the traveling public to allow such left turning movement.

III. DEFINITIONS

1. Deceleration Lane(s)

   The primary function of a deceleration lane is to provide a safe travel path and sufficient distance for exiting vehicles to decelerate from the operating speed on the through lanes of a roadway prior to exiting from the facility.

2. Turn Lane(s)

   a. Left Turn

      The primary function of a left turn lane is to provide a protected area separated from the flow of through traffic in the same direction where left turning vehicles can slow to a stop and wait until a suitable gap occurs or is provided in the opposing flow of traffic to allow the turning maneuver to be safely completed. A secondary function is to eliminate the delay and congestion that would affect the through traffic movement in the same direction while the left turning vehicles slowed down and waited for a safe and adequate gap in the opposing flow of traffic to complete the turning maneuver.

   b. Right Turn

      The primary purpose of a right turn storage lane is to provide a protected area separated from the flow of through traffic in the same direction where right turning vehicles can slow to turning speed or stop and wait until the turning maneuver can be safely completed. A secondary purpose is to eliminate the delay and congestion that would occur for through traffic moving in the same direction while turning vehicles slowed down and completed the right turn movement.

3. Design Speed

   The design speed is the speed noted on the roadway construction plans, or if plans are not available, it is the posted speed limit plus five miles per hour.

4. Two-way peak season volume

   Two-way peak season peak hour volumes to be derived from the AADT estimates in the most recent Lee County Traffic Count Report or if County counts are not available, from developer's counts adjusted using the peak season and peak hour factors from an appropriate nearby permanent count station or combination of count stations. The volumes should also be adjusted to the appropriate horizon year per the TIS requirements.

5. FDOT Design Manual (FDM)

   The latest version of the Florida Department of Transportation Design Manual.

IV. WARRANTS

The need for deceleration and turn lanes are generally determined by the following factors:

1. Street classification of any particular street or road as identified in the adopted County Administrative Code entitled "County Road Functional Classification Map and List".
2. Posted Roadway Speed
3. Number of Turning Movements during the Peak Hour of both the development and the adjacent roadway
4. Opposing and same direction peak hour through volumes.
5. Intersection and/or Stopping Sight Distance
6. Access Control

7. Crash history

Turn lane warrant reviews shall be required by developers at all project site access points, all intersections interior to planned developments open to public traffic, and all access points at the boundaries of planned developments at time of project plan review. Warrant reviews at all intersections interior to planned developments and all access points at the boundaries of planned developments must include all cumulative approved development traffic associated with the planned development.

LEFT TURN DECELERATION AND LEFT TURN LANES

A deceleration and left turn lane will be required when any two (2) or more of the following warrants are satisfied:

A. Arterial Street

1. Posted speed limit of the arterial street is equal to or greater than thirty-five (35) mph.

2. Estimated traffic volume:

   a. Two-way peak season, peak hour through and right turn volume on the facility for either the peak hour of the roadway or the peak hour of the development is equal to or greater than 1000 vehicles and the left turn volume is greater than or equal to 10 vehicles; or
   b. Two-way peak season, peak hour through and right turn volume on the facility for either the peak hour of the roadway or the peak hour of the development is between 500 and 1000 vehicles and the left turn volume is greater than or equal to 15 vehicles; or
   c. When the left turn volume for any hour is greater than 20 trips regardless of through and right turn volumes on the facility.

3. Available Sight Distance for left turning vehicles to observe approaching traffic or for approaching traffic moving in either direction to observe the left turning vehicle is less than the value shown in Table A-I for the design speed, or posted speed limit plus 5 miles per hour if the design speed is not available, of the arterial street.

4. The arterial street has been designated as a controlled access facility by the BOCC.

5. The arterial street intersection is an arterial street or collector street.

6. Traffic Control of the intersecting street or access paint connection is by a traffic signal or is anticipated to meet MUTCD traffic signal warrants in the next five years.

7. Five or more crashes reported at the intersection in a 12-month period during the past three years that could have been mitigated by a left turn lane.

8. It is determined by the Lee County Department of Transportation that a turn lane is required for the health, safety, and welfare of the road users.

Table A-1

Stopping Sight Distance for Approach to Stops

Design Speed (mph)	< or = 30	40	50	> or = 60
Required sight distance (ft)	200	310	430	570

B. Collector Street

1. Posted speed limit of the collector street is equal to or greater than thirty-five (35) mph.

2. Number of Left Turning Movements

   a. On multi-lane collector facilities the number of left turning vehicles from the collector roadway is equal to or greater than twenty (20) during either the A.M. or P.M. peak hour of the collector street or the peak hour of the development.

   b. On two-lane two way collector streets:

i. Two-way peak season, peak hour through and right turn volume for either the peak hour of the roadway or the peak hour of the development is equal to or greater than 500 vehicles and the left turn volume is equal to or greater than 20 vehicles for that same hour; or

ii. When the left turn volume for any hour is greater than 30 vehicles regardless of through and right turn volume.

3. Available Sight Distance for left turning vehicles to observe approaching traffic or for approaching traffic moving in either direction to observe the left turning vehicle is less than the value shown in Table A-I for the design speed, or posted speed limit plus 5 miles per hour if the design speed is not available, of the collector street.

4. Traffic Control of the intersecting street or access point connection is a traffic signal or is anticipated to meet MUTCD traffic signal warrants in the next five years.

5. The collector street is intersecting an arterial or collector street.

6. Five or more crashes reported at the intersection in a 12-month period during the past three years that could have been mitigated by a left turn lane.

7. It is determined by the Lee County Department of Transportation that a turn lane is required for the health, safety, and welfare of the road users.

C. Local Streets

1. Posted speed limit on the local street is equal to or greater than thirty (30) mph and the peak hour left turning movement is sixty (60) or more.

2. Number of Left Turning Movements

a. On multi-lane facilities the number of left turning vehicles exceeds one hundred (100) during the peak hour of the local street.

b. On two-lane, two way facilities the number of left turning vehicles from the local street exceeds sixty (60) during the peak hour of the local street and the opposing through plus right turn traffic volume exceeds five hundred (500) vehicles during either the A.M. or P.M. peak hour of the local street.

3. Available Sight Distance for left turning approaching traffic or for approaching traffic moving in either direction to observe the left turning vehicle is less than the value shown in Table A-I for the posted speed limit of the local street.

4. Traffic Control of the intersecting street or access point connection is a traffic signal or is anticipated to meet MUTCD traffic signal warrants in the next five years.

5. It is determined by the Lee County Department of Transportation that a turn lane is required for health, safety, and welfare of the road users.

D. Intersecting Streets

Separate left turn lanes are required on an intersecting street or access point connection when any two (2) or more of the following warrants are satisfied:

1. Intersecting Street/Connection to Arterial Streets

a. Posted speed limit of the intersecting street or access point connection is equal to or greater than thirty-five (35) mph.

b. When the Number of left turning vehicles from the intersecting street or access point connection is equal to or greater than thirty (30) vehicles during either A.M. or P.M. peak hour of the arterial street.

c. The arterial street which is being entered has been designated as a controlled access facility by the BOCC.

d. Traffic Control of the intersecting street or access point connection is a traffic signal or is anticipated to meet MUTCD traffic signal warrants by the build-out year.

e. It is determined by the Lee County Department of Transportation or the Department of Community Development that a turn lane is required for the health, safety, and welfare of the road users.

2. Intersecting Street/Connection to Collector Street

a. Posted speed limit of the intersecting street or access point connection is equal to or greater than thirty five (35) mph.

b. Number of left turning vehicles from the intersecting street or access point connection is equal to or greater than sixty (60) vehicles during either the A.M. or P.M. peak hour of the collector street.

c. Traffic Control of the intersecting street or access point connection is a traffic signal or is anticipated to meet MUTCD traffic signal warrants by the build-out year.

d. It is determined by the Lee County Department of Transportation or Department of Community Development that a turn lane is required for the health, safety, and welfare of the road users.

3. Intersecting Street/Connection to Local Street

a. Posted speed limit of the intersecting street or access point connection is equal to or greater than thirty (30) mph.

b. Number of left turning vehicles from the intersecting street or access point connection is equal to or greater than ninety (90) vehicles during either the A.M. or P.M. peak period of the local street.

c. Traffic Control of the intersecting street or access point connection is a traffic signal.

d. It is determined by the Lee County Department of Transportation or Department of Community Development that a turn lane is required for the health, safety, and welfare of the road users.

DECELERATION AND RIGHT TURN LANES

A deceleration and right turn lane will be required when any two (2) or more of the following warrants are satisfied:

A. Arterial Street

1. Posted speed limit of the arterial street is equal to or greater than thirty-five (35) mph.

2. Number of right turning movements from the arterial street is equal to or greater than thirty (30) during either the A.M. or P.M. peak hour of the arterial street or the peak hour of the development when the arterial street AADT is less than 6,000 vpd or equal to or greater than twenty (20) vph during either the A.M. or P.M. peak hour of the arterial street or peak hour of the development when the arterial street AADT is equal to or greater than 6,000 vpd.

3. Available Sight Distance of a right turning vehicle to be seen by through traffic traveling in the same direction is less than the value shown in Table A-I for the design speed of the arterial street.

4. Arterial Street has been designated as a controlled access facility by the BOCC.

5. Traffic Control of the intersecting street or access point connection is a traffic signal or is anticipated to meet MUTCD traffic signal warrants by the build-out year.

6. It is determined by the Lee County Department of Transportation or Department of Community Development that a turn lane is required for the health, safety, and welfare of the road users.

B. Collector Street

1. Posted speed limit of the collector street is equal to or greater than thirty-five (35) mph.

2. Number of right turning movements from the collector street is equal to or greater than forty-five (45) during either the A.M. or P.M. peak hour of the collector street when the collector street AADT is less than 6,000 vpd or equal to or greater than thirty (30) vph during either the A.M. or P.M. peak hour of the collector street or peak hour of the development when the collector street AADT is equal to or greater than 6,000 vpd.

3. Available Sight Distance for a right turning vehicle to be seen by through traffic traveling in the same direction is less than the value shown in Table A-I for the design speed of the collector street.

4. Traffic Control of the intersecting street or access point connection is a traffic signal or is anticipated to meet MUTCD traffic signal warrants by the build-out year.

5. It is determined by the Lee County Department of Transportation or Department of Community Development that a turn lane is required for the health, safety, and welfare of the road users.

C. Local Street

1. Posted speed limit of the local street is equal to or greater than thirty (30) mph.

2. Number of right turning movements from the local street is equal to or greater than sixty (60) during either the A.M. or P.M. peak hour of the local street.

3. Available Sight Distance for a right turning vehicle to be seen by through traffic traveling in the same direction is less than the value shown in Table A-I for the design speed of the local street.

4. Traffic Control of the intersecting street or access point connection is a traffic signal.

5. It is determined by the Lee County Department of Transportation or Department of Community Development that a turn lane is required for the health, safety, and welfare of the road users.

D. Separate Right Turn Lanes are required on an intersecting street or access point connection when any two (2) or more of the following warrants are satisfied.

1. Intersecting Street/Connection to Arterial Street

a. Posted Speed Limit of the intersecting street or access point connection is equal to or greater than forty five (45) mph.

b. Number of right turning vehicles from the intersecting street or access point connection is equal to or greater than sixty (60) during either the A.M. or P.M. peak hour of the arterial street.

c. Arterial street which is being entered has been designated as a controlled access facility by the BOCC.

d. Traffic control of the intersecting street or access point connection is by a traffic signal.

e. It is determined by the Lee County Department of Transportation or Department of Community Development that a turn lane is required for the health, safety, and welfare of the road users.

2. Intersecting Street/Connection to Collector Street

a. Posted speed limit of the intersecting street or access point connection is equal to or greater than thirty five (35) mph.

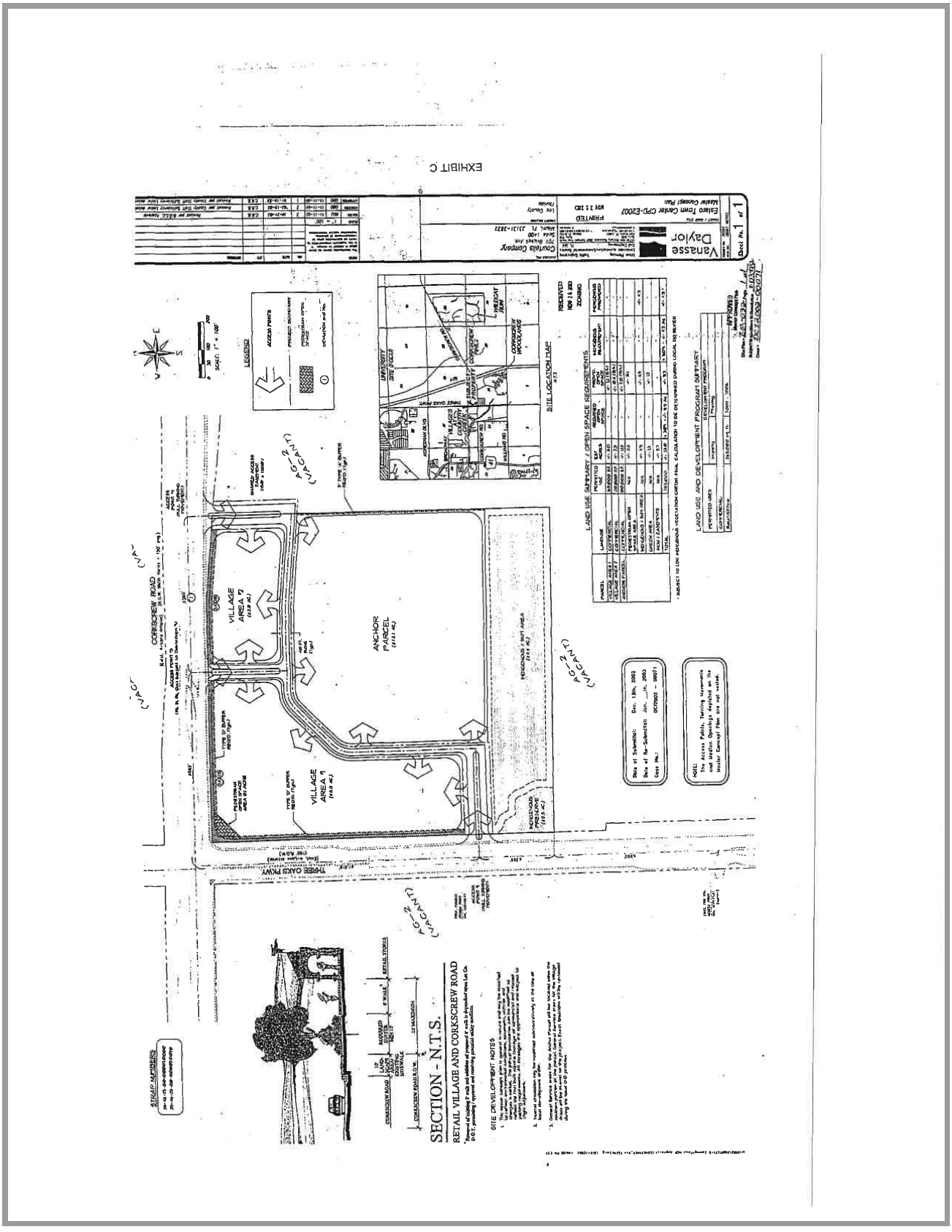
b. Number of right turning movements from the intersecting street or access point connection is equal to or greater than ninety (90) during either the A.M. or P.M. peak hour of the collector street.

c. Traffic control of the intersecting street or access point connection is by a traffic signal.

d. It is determined by the Lee County Department of Transportation or Department of Community Development that a turn lane is required for the health, safety, and welfare of the road users.

Z-03-032

MCP


EXHIBIT C
Vanasse Daylor
Estero Town Center CPD-E2007
Master Concept Plan
Sheet No. 1 of 1
PRINTED
NOV 2 2 '22
Lee County
Florida
Collins Company
701 Gulf Park Drive
Suite 400
Naples, FL 34103-3823
239-261-2600
RECEIVED
NOV 14 '22
ZONING
SITE LOCATION MAP
LAND USE SUMMARY / OPEN SPACE REQUIREMENTS
LAND USE AND DEVELOPMENT PROGRAM SUMMARY
SITE DEVELOPMENT NOTES
SECTION - N.T.S.
RETAIL VILLAGE AND CORKSCREW ROAD
CORKSCREW ROAD
THREE OAKS PKWY
VILLAGE AREA "2"
(4.22 AC)
ANCHOR PARCEL
(4.11 AC)
VILLAGE AREA "1"
(4.63 AC)
RESIDENCES / RET AREA
(3.11 AC)
RESIDENCES PARCEL
(1.61 AC)
(VACANT)
PD-2
(VACANT)
PD-2
(VACANT)
PD-2
(VACANT)
PD-2
STREET NUMBERS

TRIP GENERATION EQUATIONS

Convenience Store/Gas Station - GFA (5.5-10k)
(945)

Vehicle Trip Ends vs: **Vehicle Fueling Positions**
On a: **Weekday**

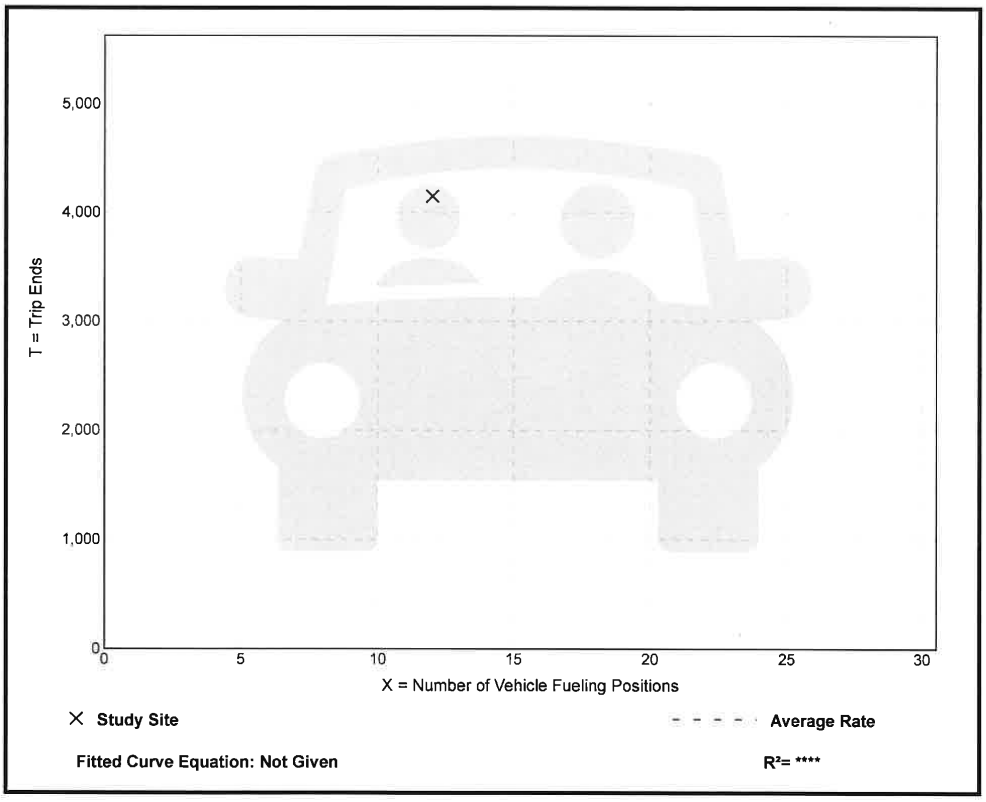
Setting/Location: **General Urban/Suburban**
Number of Studies: 1
Avg. Num. of Vehicle Fueling Positions: 12
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Vehicle Fueling Position

Average Rate	Range of Rates	Standard Deviation
345.75	345.75 - 345.75	*

Data Plot and Equation

Caution – Small Sample Size



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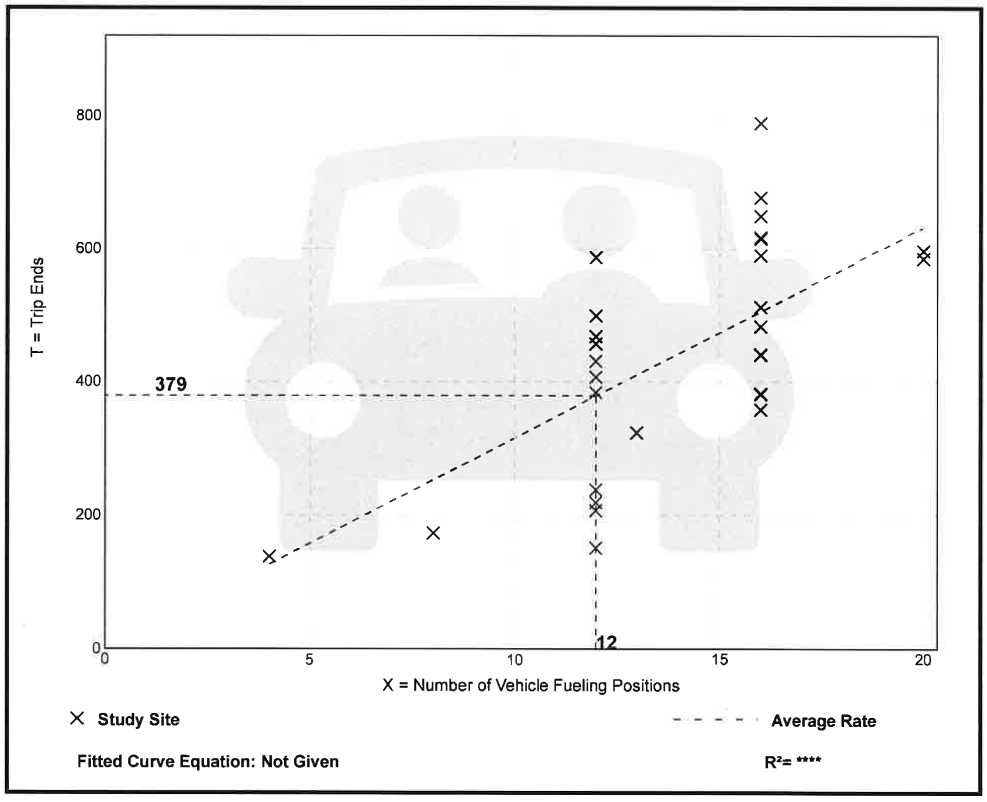
Convenience Store/Gas Station - GFA (5.5-10k)
(945)

Vehicle Trip Ends vs:	**Vehicle Fueling Positions**
On a:	**Weekday,**
	Peak Hour of Adjacent Street Traffic,
	One Hour Between 7 and 9 a.m.
Setting/Location:	**General Urban/Suburban**
Number of Studies:	29
Avg. Num. of Vehicle Fueling Positions:	14
Directional Distribution:	50% entering, 50% exiting

Vehicle Trip Generation per Vehicle Fueling Position

Average Rate	Range of Rates	Standard Deviation
31.60	12.58 - 49.31	9.10

Data Plot and Equation



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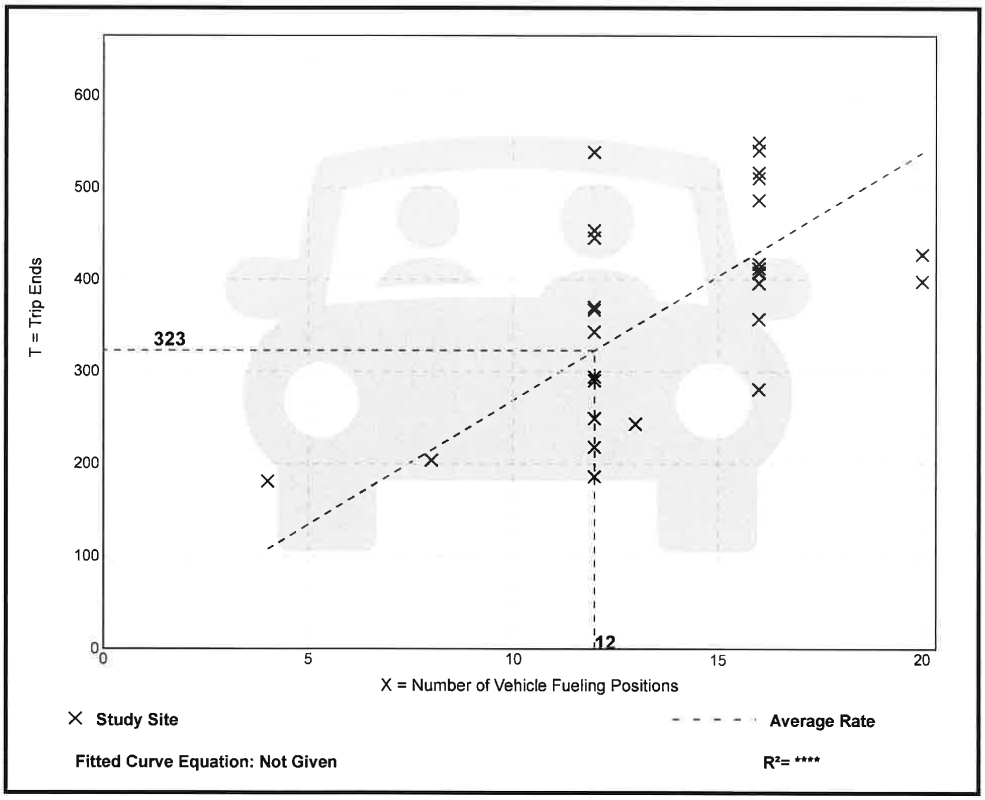
Convenience Store/Gas Station - GFA (5.5-10k)
(945)

Vehicle Trip Ends vs: **Vehicle Fueling Positions**
On a: **Weekday,**
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
Setting/Location: **General Urban/Suburban**
Number of Studies: 29
Avg. Num. of Vehicle Fueling Positions: 14
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Vehicle Fueling Position

Average Rate	Range of Rates	Standard Deviation
26.90	15.50 - 45.25	6.87

Data Plot and Equation



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Convenience Store/Gas Station - VFP (9-15)
(945)

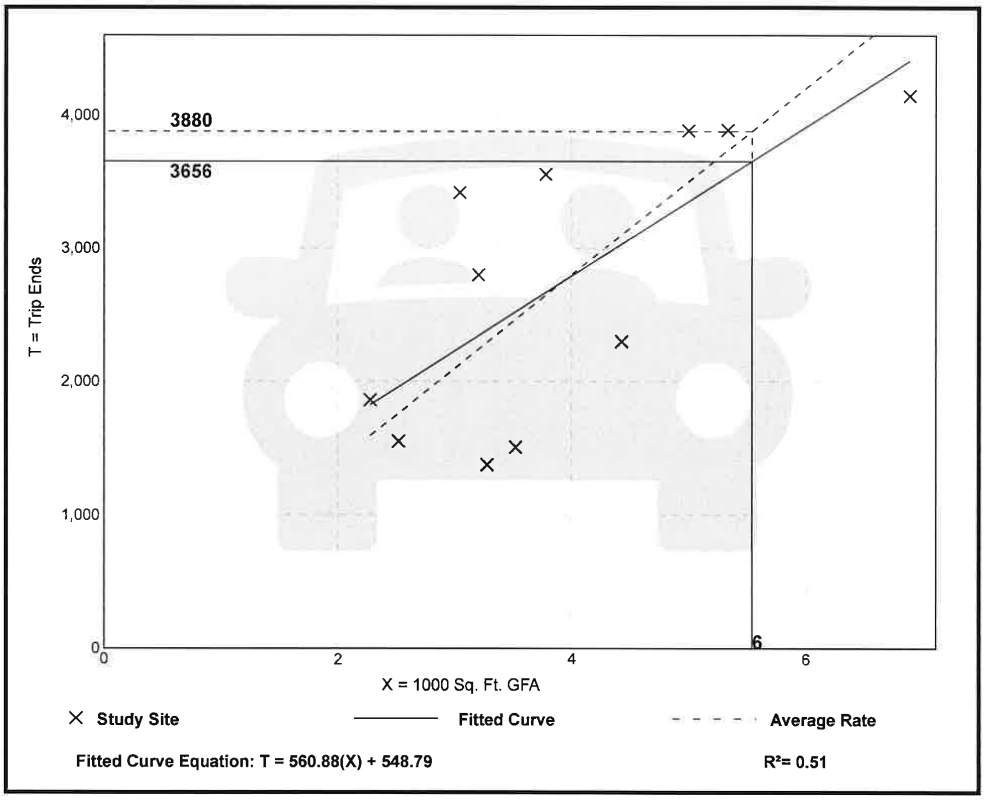
Vehicle Trip Ends vs: **1000 Sq. Ft. GFA**
On a: **Weekday**

Setting/Location: **General Urban/Suburban**
Number of Studies: 11
Avg. 1000 Sq. Ft. GFA: 4
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
700.43	419.93 - 1125.00	206.44

Data Plot and Equation



Trip Gen Manual, 11th Edition • Institute of Transportation Engineers

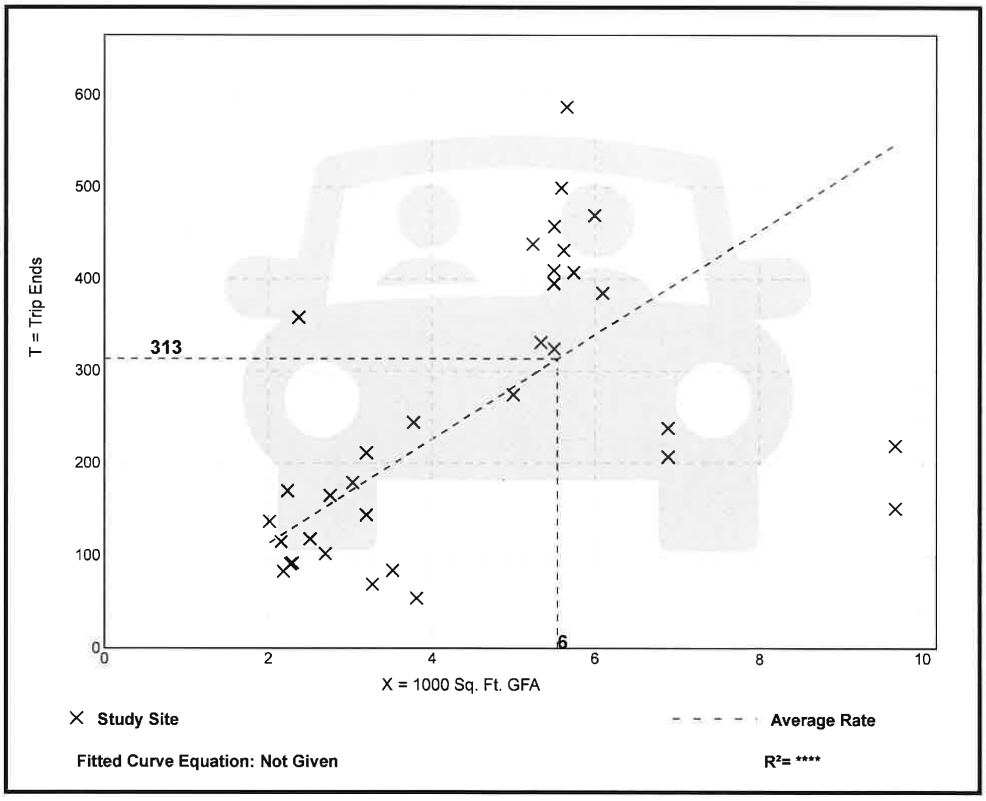
Convenience Store/Gas Station - VFP (9-15)
(945)

Vehicle Trip Ends vs: **1000 Sq. Ft. GFA**
On a: **Weekday,**
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.
Setting/Location: **General Urban/Suburban**
Number of Studies: 34
Avg. 1000 Sq. Ft. GFA: 4
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
56.52	14.17 - 150.67	27.56

Data Plot and Equation



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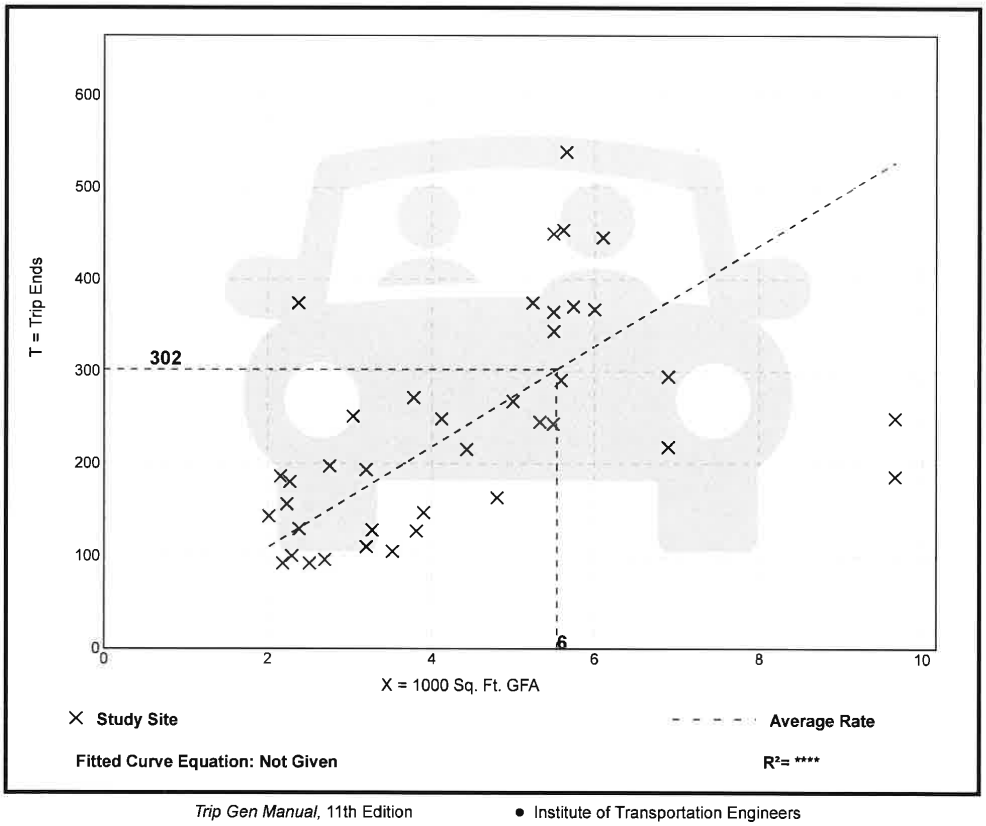
Convenience Store/Gas Station - VFP (9-15)
(945)

Vehicle Trip Ends vs: **1000 Sq. Ft. GFA**
On a: **Weekday,**
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
Setting/Location: **General Urban/Suburban**
Number of Studies: 39
Avg. 1000 Sq. Ft. GFA: 4
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
54.52	19.23 - 157.41	23.69

Data Plot and Equation



Trip Gen Manual, 11th Edition • Institute of Transportation Engineers

TRIP GENERATION COMPARISON

Trip Generation – Based on Refueling Positions
Wawa Gas Station

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Convenience Store/ Gas Station ITE LUC 945 (12 Refueling Positions)	189	190	379	161	162	323	4,149

Trip Generation – Based on C-Store Floor Area
Wawa Gas Station

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Convenience Store/ Gas Station ITE LUC 945 (5,537 Sq. Ft. C-Store)	157	156	313	151	151	302	3,654

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
September 21, 2022

Agenda Item:

First Reading of Ordinance 2022-11, Milan Villas Rezoning.

Motion to Pass First Reading of Ordinance 2022-11 and Set Public Hearing and Second Reading for October 5, 2022.

Background:

The applicant requests a rezoning from Commercial Planned Development to Residential Planned Development (RPD) for Milan Villas to develop a 44-unit residential subdivision on a 10-acre tract located at the northwest intersection of Three Oaks Parkway and Williams Road.

Description:

See attached staff report for detail and staff recommended conditions of approval.

The Planning, Zoning, and Design Board recommended approval with conditions at a public hearing held on August 9, 2022.

Action Requested:

Motion to Pass First Reading of Ordinance 2022-11 and Set Public Hearing and Second Reading for October 5, 2022.

Process and Timeline:

- Public Information Meeting April 12, 2022
- Planning, Zoning and Design Board Hearing August 9, 2022
- First Reading September 21, 2022
- Second Reading and Public Hearing October 5, 2022

Financial Impact:

Minor cost for newspaper advertisement for second reading

Prepared by: Mary Gibbs

Attachments:

1. Ordinance 2022-11
2. Staff Report

VILLAGE OF ESTERO, FLORIDA
ZONING
ORDINANCE NO. 2022 - 11

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, REZONING A 10 ACRE PROPERTY AT THE NORTHWEST CORNER OF THREE OAKS PARKWAY AND WILLIAMS ROAD FROM COMMERCIAL PLANNED DEVELOPMENT (CPD) TO RESIDENTIAL PLANNED DEVELOPMENT (RPD); PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Pawlet Associates, LLC represented by DR Horton and Dan DeLisi of DeLisi, Inc., (the "Applicant") filed an application for a rezoning of the Williams Three Oaks Commercial Planned Development (CPD) to Residential Planned Development (RPD) for a property of approximately 10-acres (the "Property"); and

WHEREAS, the property STRAP number is 34-46-25-E3-0100C.0010 and is legally described in Exhibit A; and

WHEREAS, at a duly noticed public hearing held on August 9, 2022, the Planning, Zoning, and Design Board recommended approval with conditions of the rezoning; and

WHEREAS, a duly noticed first reading was held before the Village Council on September 21, 2022; and

WHEREAS, a duly noticed second reading and public hearing was held before the Village Council on October 5, 2022 for adoption of the Ordinance; and

NOW, THEREFORE, be it ordained by the Village Council of the Village of Estero, Florida:

Section 1. Rezoning.

The Village Council approves with conditions the rezoning of the property from Commercial Planned Development to Residential Planned Development, subject to the following conditions.

Section 2. 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 September 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 (Utility, Minor)
   Excavation, water retention
   Fences, walls
   Home occupation, in compliance with LDC
   Model home - See condition #14
   Real estate sales office - See condition #14
   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

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.

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 south and east property boundary and black vinyl-coated chain link fencing on the west property boundary.

8. Gopher Tortoises

The applicant shall provide copy of the Gopher Tortoise Relocation Plan at the time of issuance by FWC.

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. 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.

Section 3. 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.

   APPROVED, with a condition that the emergency 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.

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.

   APPROVED

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.

   APPROVED

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.

   APPROVED

Section 4. Findings and Conclusions

Based upon an analysis of the application and the standards for approval in the Land Development Code, and the conditions of approval, the Council finds and concludes the application:

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

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

3. Addresses a demonstrated community need

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

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

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

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.

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.

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

10. The deviations approved:

    a) Will improve the quality of the proposed RPD;
    b) Will preserve and promote the general intent of the Land Development Code to protect the public health, safety, and welfare;
    c) Will be compatible with uses on surrounding property;
    d) Will not create an undue burden on essential public facilities.

Section 6. Exhibits

The following exhibits are attached to this Ordinance and incorporated by reference:

Exhibit A Legal Description

Exhibit B Master Concept Plan, received and date stamped July 22, 2022

Exhibit C Pattern Book, received and date stamped September 6, 2022.

Section 7. Severability.

Should any section, paragraph, sentence, clause, phrase or other part of this Ordinance subsequent to its effective date be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion thereof, other than the part so declared to be invalid.

Section 8. Effective Date.

This ordinance shall take effect upon adoption at second reading.

PASSED on first reading this 21st day of September, 2022.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this 5th day of October, 2022.

Attest: **VILLAGE OF ESTERO, FLORIDA**

By: _____ By: _____
Carol Sacco, Village Clerk Katy Errington, Mayor

Reviewed for legal sufficiency:

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

Vote:	AYE	NAY
Mayor Errington	____	____
Vice Mayor McLain	____	____
Councilmember Ribble	____	____
Councilmember Fiesel	____	____
Councilmember Boesch	____	____
Councilmember Ward	____	____
Councilmember Wilson	____	____

EXHIBIT A
LEGAL DESCRIPTION

A PORTION OF LOT 1, BLOCK "C", OF THAT CERTAIN SUBDIVISION KNOWN AS FLORIDA GULF LAND COMPANY'S SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE AND RECORDED IN PLAT BOOK 1, PAGE 59 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST, ALSO BEING THE SOUTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 89°57'26" WEST ALONG THE SOUTH LINE OF SAID LOT 1, ALSO BEING THE SOUTH LINE OF SAID SECTION 34 AND THE NORTH RIGHT-OF-WAY OF WILLIAMS ROAD FOR 20.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89°57'26" WEST ALONG SAID LINE FOR 309.62 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTH 00°40'10" WEST ALONG THE WEST LINE OF SAID LOT 1 FOR 1320.47 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE NORTH 89°42'15" EAST ALONG THE NORTH LINE OF SAID LOT 1 FOR 331.52 FEET TO THE NORTHEAST CORNER OF SAID LOT 1, BEING ON THE EAST LINE OF SAID SECTION 34 AND THE WESTERLY RIGHT-OF-WAY OF THREE OAKS PARKWAY; THENCE SOUTH 00°35'12" EAST ALONG THE EASTERLY BOUNDARY OF SAID LOT 1, SAID SECTION 34, AND THE WESTERLY RIGHT-OF-WAY OF THREE OAKS PARKWAY FOR 1,291.91 FEET; THENCE SOUTH 33°16'13" WEST FOR 35.90 FEET TO THE POINT OF BEGINNING.

EXHIBIT B

MASTER CONCEPT PLAN

EXHIBIT C

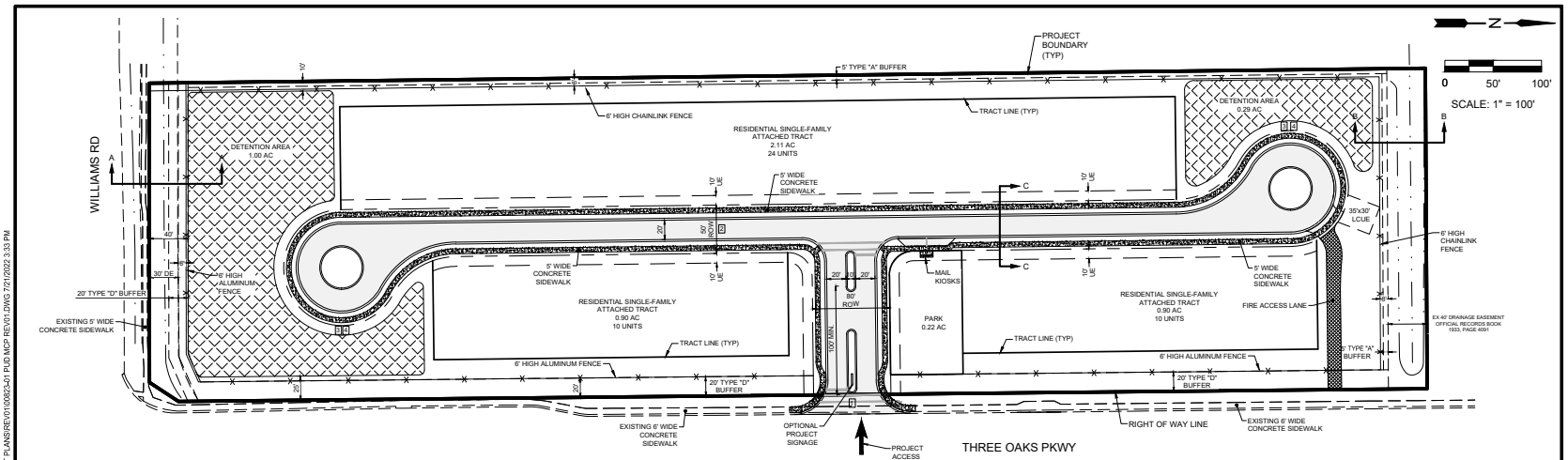
PATTERN BOOK

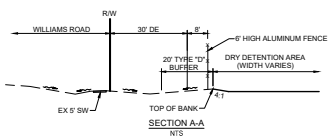
EXHIBIT A – LEGAL DESCRIPTION

A PORTION OF LOT 1, BLOCK "C", OF THAT CERTAIN SUBDIVISION KNOWN AS FLORIDA GULF LAND COMPANY'S SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE AND RECORDED IN PLAT BOOK 1, PAGE 59 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

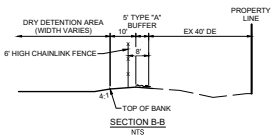
COMMENCING AT THE SOUTHEAST CORNER OF SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST, ALSO BEING THE SOUTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 89°57’26” WEST ALONG THE SOUTH LINE OF SAID LOT 1, ALSO BEING THE SOUTH LINE OF SAID SECTION 34 AND THE NORTH RIGHT-OF-WAY OF WILLIAMS ROAD FOR 20.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89°57’26” WEST ALONG SAID LINE FOR 309.62 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTH 00°40’10” WEST ALONG THE WEST LINE OF SAID LOT 1 FOR 1320.47 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE NORTH 89°42’15” EAST ALONG THE NORTH LINE OF SAID LOT 1 FOR 331.52 FEET TO THE NORTHEAST CORNER OF SAID LOT 1, BEING ON THE EAST LINE OF SAID SECTION 34 AND THE WESTERLY RIGHT-OF-WAY OF THREE OAKS PARKWAY; THENCE SOUTH 00°35’12” EAST ALONG THE EASTERLY BOUNDARY OF SAID LOT 1, SAID SECTION 34, AND THE WESTERLY RIGHT-OF-WAY OF THREE OAKS PARKWAY FOR 1,291.91 FEET; THENCE SOUTH 33°16’13” WEST FOR 35.90 FEET TO THE POINT OF BEGINNING.

EXHIBIT B - RECEIVED July 22, 2022

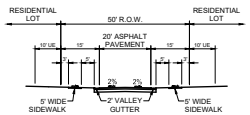




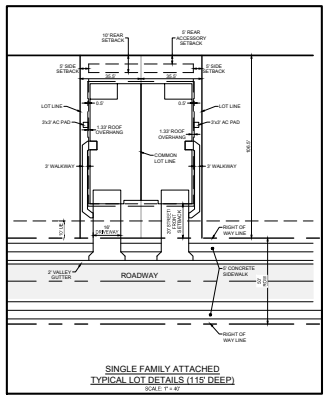
SECTION A-A
NTS



SECTION B-B
NTS



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



SINGLE FAMILY ATTACHED
TYPICAL LOT DETAILS (115' DEEP)
SCALE 1" = 40'

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

EXHBIT C - Received September 6, 2022

Milan Villas RPD

Residential Pattern Book

09/06/2022

Page 1

Property Location

Location: Corner of Three Oaks Parkway and Williams Road.



09/06/2022

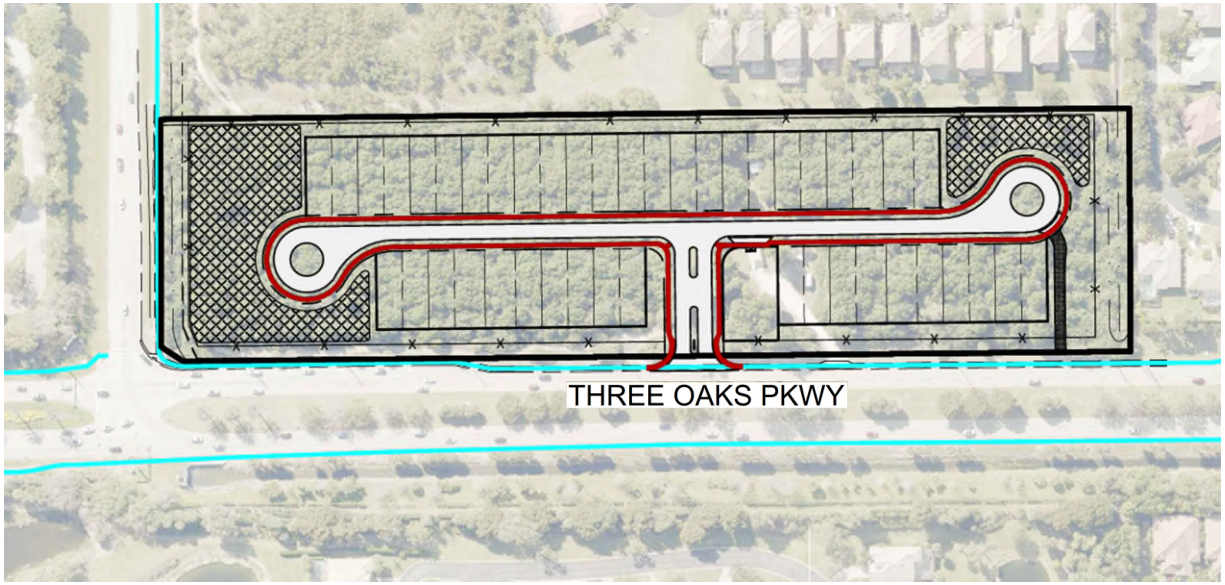
Page 2

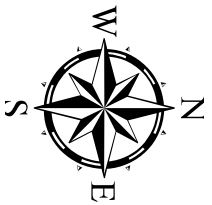
Pedestrian Circulation

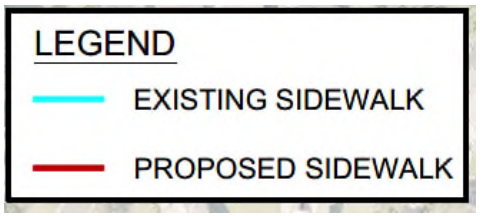
Access: To the east along Three Oaks Parkway

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.





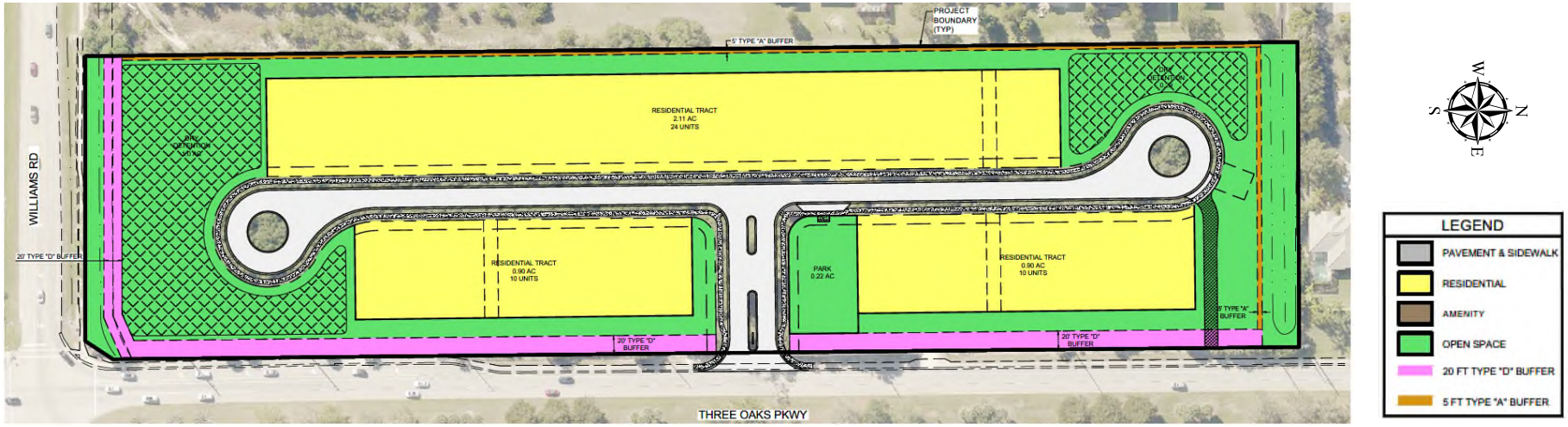


Illustrative Plan & Open Space and Buffers

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.



General Villa Concept

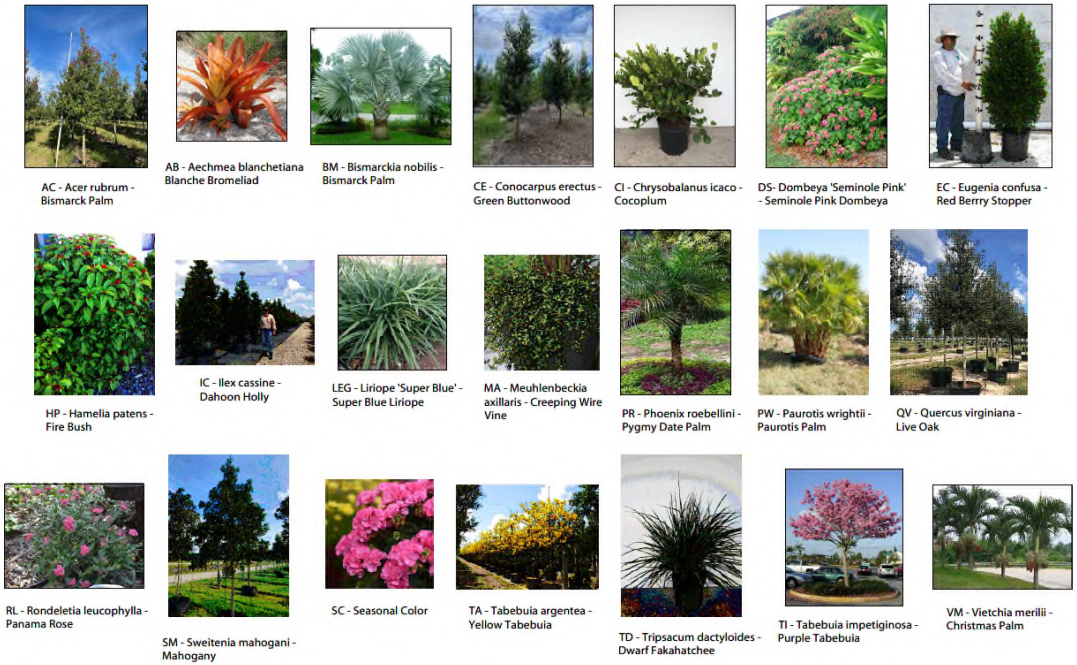


Roadway Perimeter Fencing



Landscape Palette

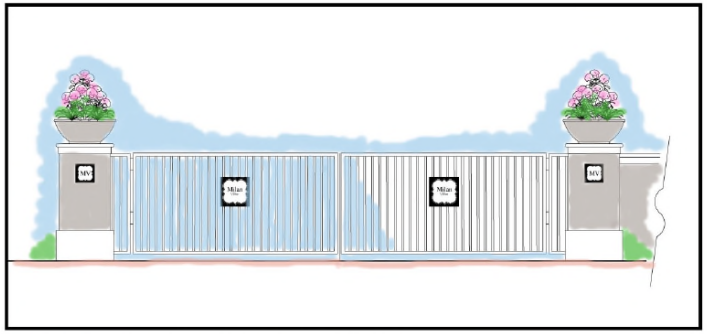
Project Plant Palette



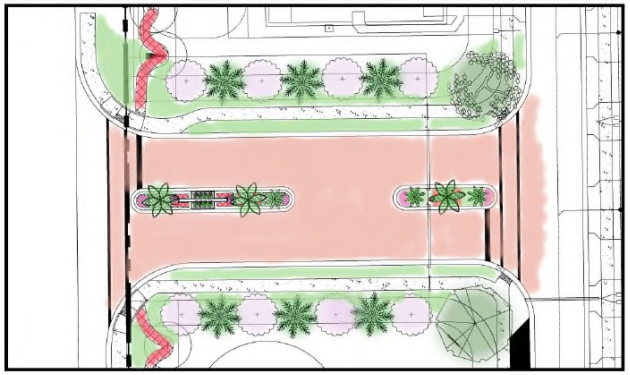
Entryway/Landscaping



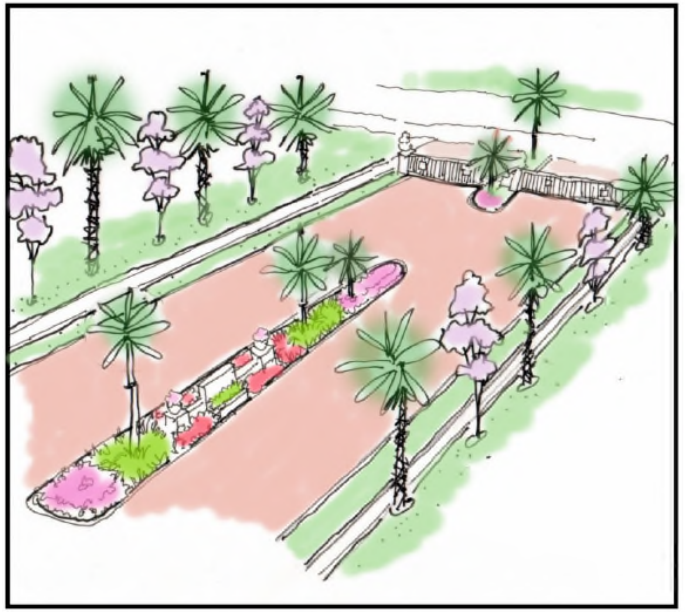
Entry Gate



Illustrative Entry - North Gate: Scale 1/2" = 1'-0"



Illustrative Entry Plan: 1/16" = 1'-0"



Illustrative Entry Sketch: Not to Scale

Milan Villas
Zoning Staff Report
for
Village Council
1st Reading September 21, 2022

PROJECT NAME:	**Milan Villas**
CASE TYPE:	**Rezoning from Commercial Planned Development to Residential Planned Development**
CASE NUMBER:	**DCI2021-E005**
VILLAGE COUNCIL:	**1st Reading: September 21, 2022, 2nd Reading October 5, 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 AND PLANNING, ZONING, AND DESIGN BOARD RECOMMENDATION

Staff recommends approval with conditions in the Ordinance.

The Planning, Zoning, and Design Board reviewed this case on August 13, 2022 and by a vote of 5-2 recommended approval with conditions. An excerpt of the hearing is in Attachment C.

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 September 6, 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.

The Planning, Zoning, and Design Board discussed the site entry and proposed landscaping which were conceptual in nature at the time of the public hearing. The applicant has since provided a revised Pattern Book which includes the anticipated plant palette, and landscape plans proposed. Additional detail has also been provided for the project entry.

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 single story structure with 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 recommends that the chain link fence be black and vinyl coated and that no fencing is required on the northern boundary due to both vegetation and a ditch.

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. It appears that one of the heritage trees, a live oak, is located on the park parcel and is proposed to be preserved.

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 to the Village when it is received from the State.

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.

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.

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.

DEVIATION STANDARDS FOR VILLAGE COUNCIL DECISION

In reaching a decision, the Village Council shall consider whether the proposed deviation will or will not:

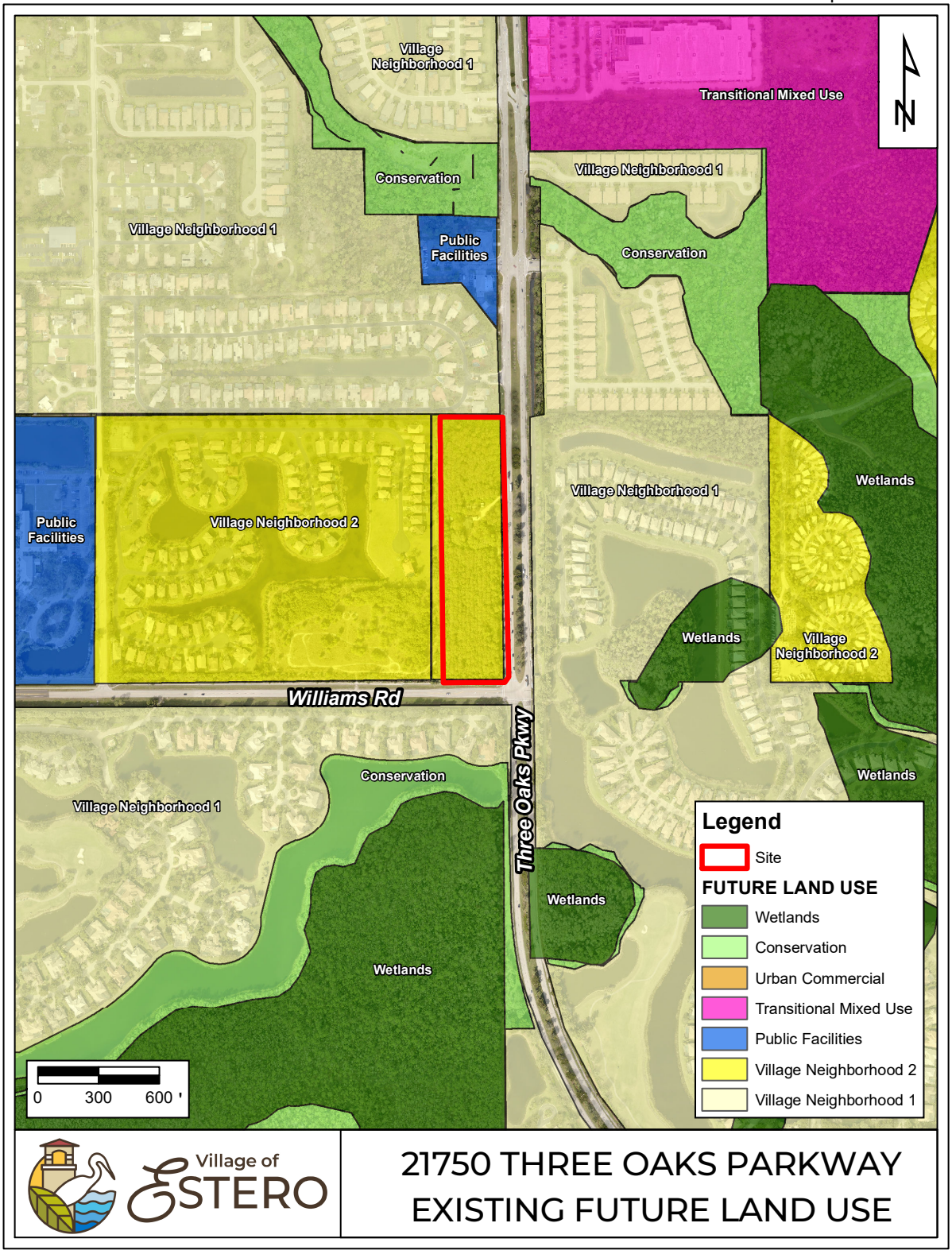
1. Improve the quality of the proposed development under review;
2. Preserve and promote the general intent of the LDC to protect the public health, safety and welfare;
3. Be compatible with uses on surrounding property; and
4. Create an undue burden on essential public facilities.

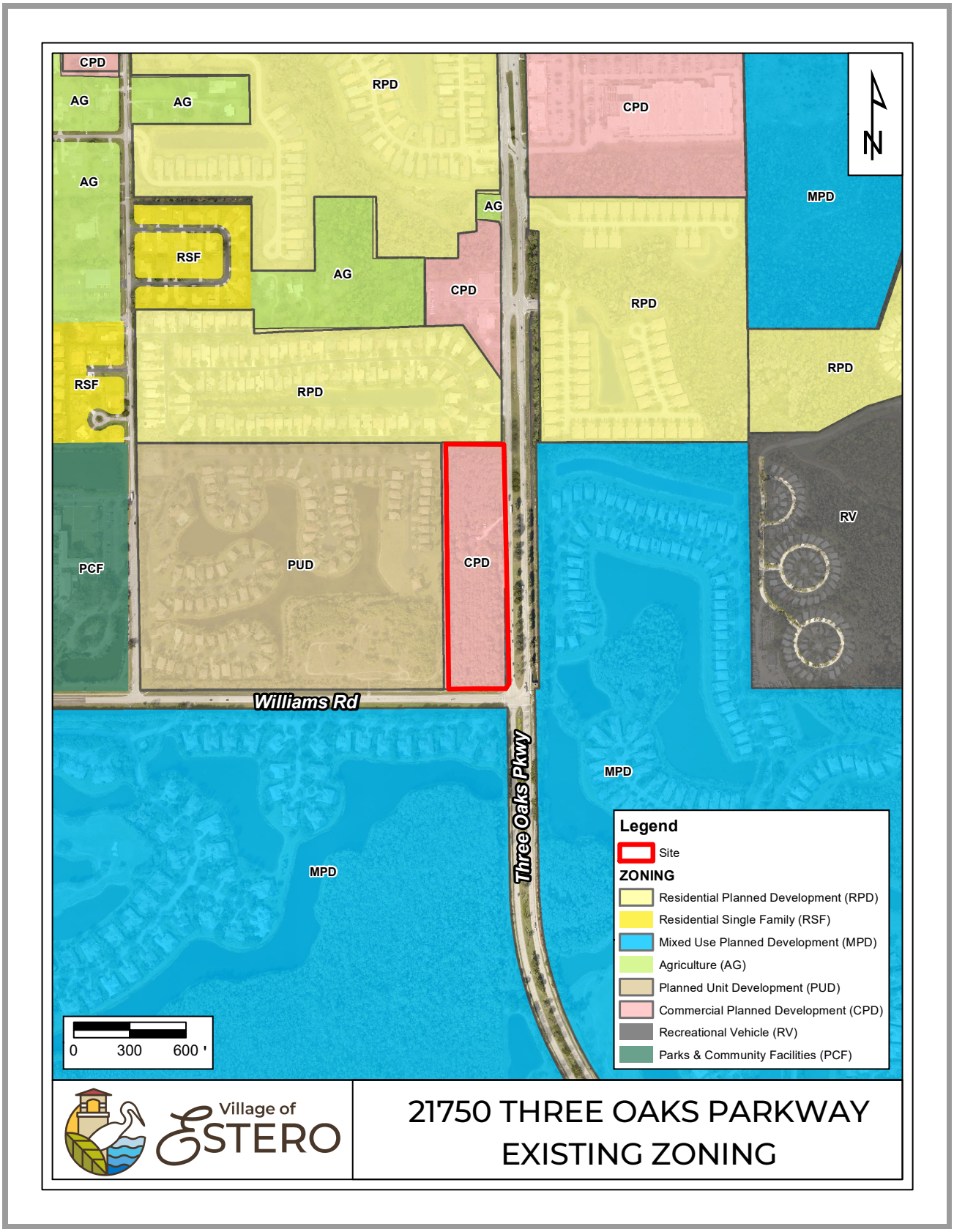
If Council wishes to approve the rezoning, staff recommends the conditions in Ordinance 2022-11. Depending on the Council's motion, the Ordinance language may need to be revised.

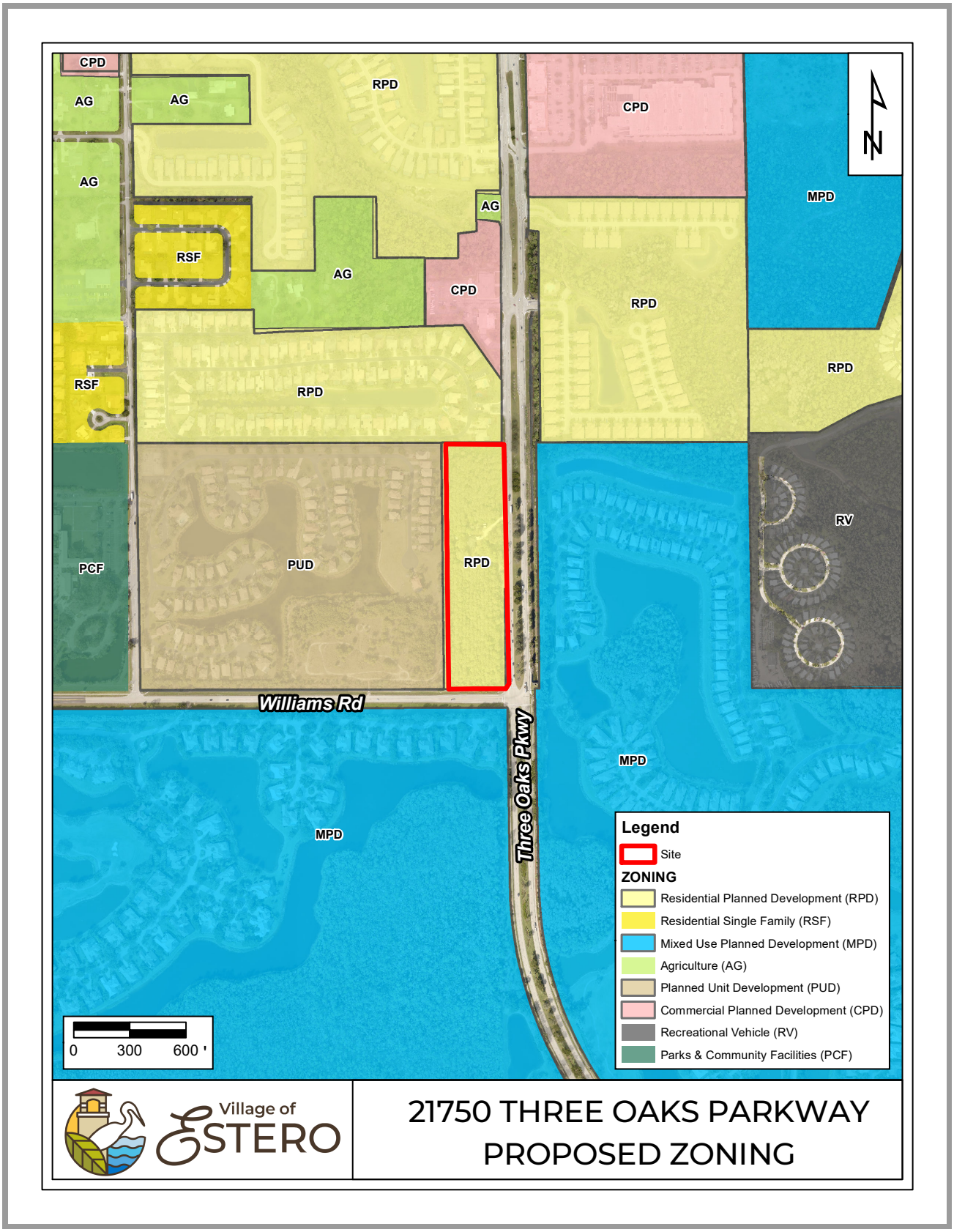
ATTACHMENTS:

A. Future Land Use and Zoning Maps
B. Applicant's Request Statement
C. Excerpt from Planning, Zoning, and Design Board Hearing
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
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)
0
300
600
Village of ESTERO
21750 THREE OAKS PARKWAY
EXISTING ZONING


CPD
AG
AG
RPD
CPD
AG
AG
RSF
AG
CPD
RPD
MPD
RPD
RSF
RPD
RPD
PCF
PUD
RPD
RV
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
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 – Planning, Zoning, and Design Board Hearing Transcript for Milan Villas (August 9, 2022)

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 --

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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.

Attachment C – Planning, Zoning, and Design Board Hearing Transcript for Milan Villas (August 9, 2022)

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

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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

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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 --

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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?

Attachment C – Planning, Zoning, and Design Board Hearing Transcript for Milan Villas (August 9, 2022)

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.

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.

Received September 6, 2022

Milan Villas RPD

Residential Pattern Book

09/06/2022

Page 1

Property Location

Location: Corner of Three Oaks Parkway and Williams Road.



09/06/2022

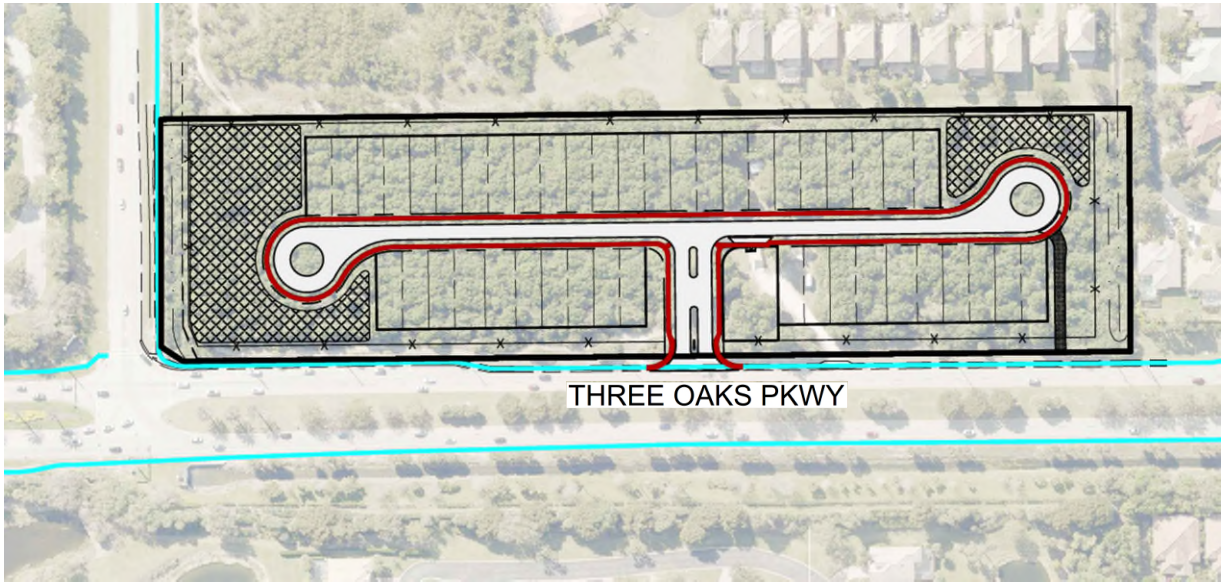
Page 2

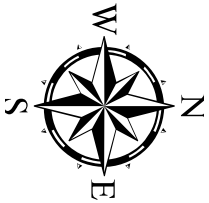
Pedestrian Circulation

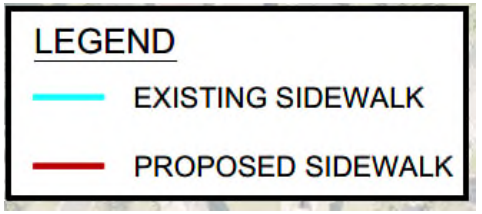
Access: To the east along Three Oaks Parkway

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.





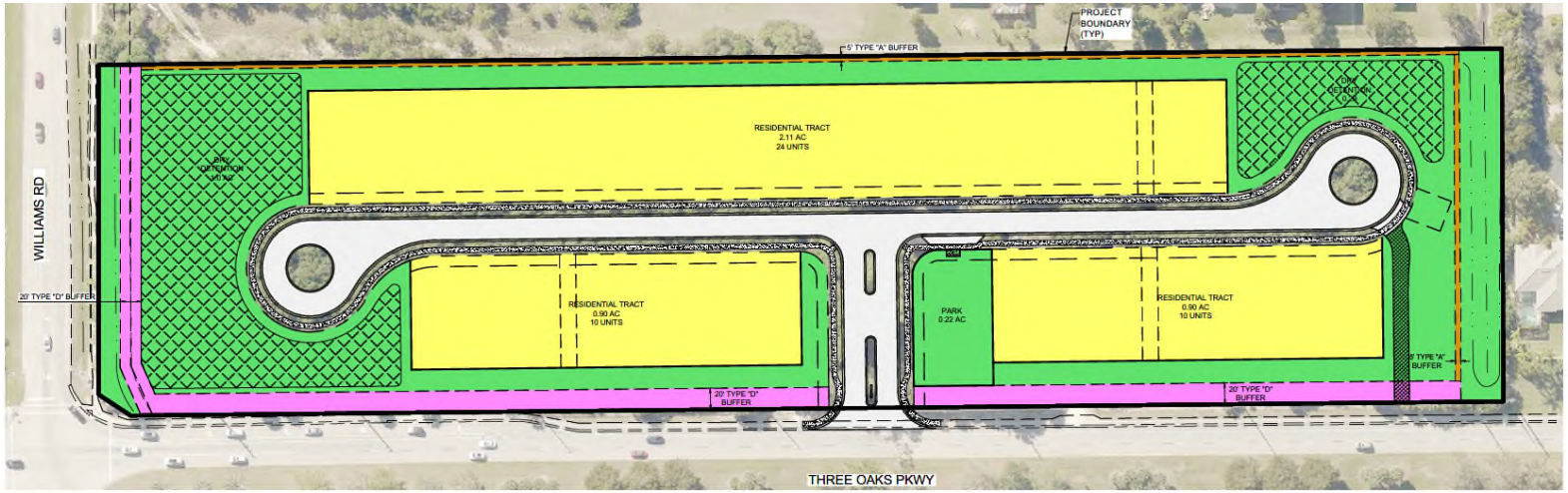


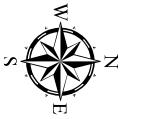
Illustrative Plan & Open Space and Buffers

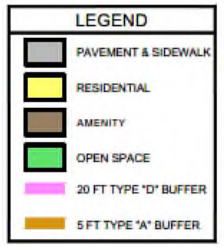
Passive Open Space: Approximately 4 acres within the development as amenity for residents.

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

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







09/06/2022

Page 4

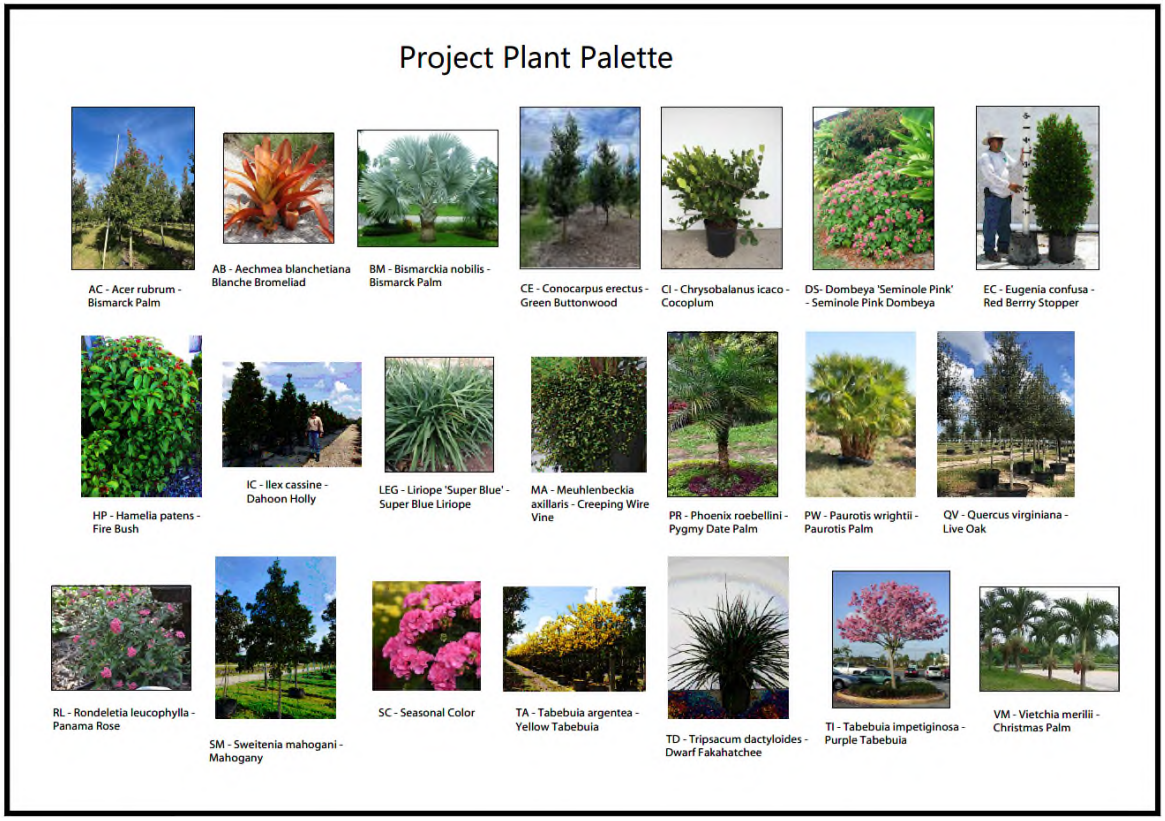
General Villa Concept



Roadway Perimeter Fencing



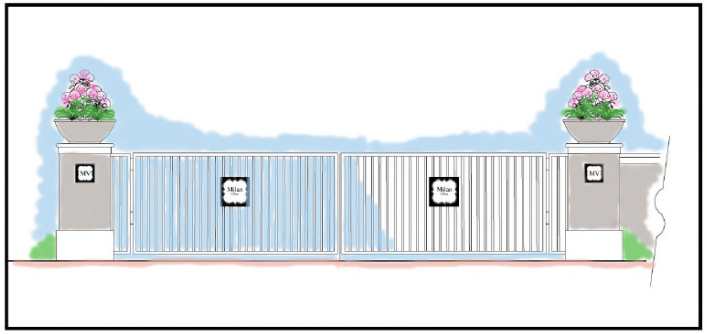
Landscape Palette



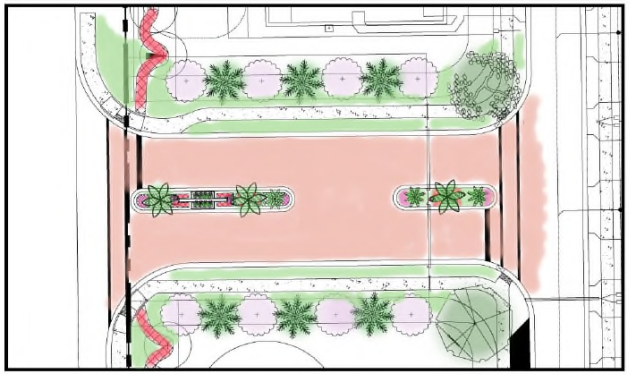
Entryway/Landscaping



Entry Gate

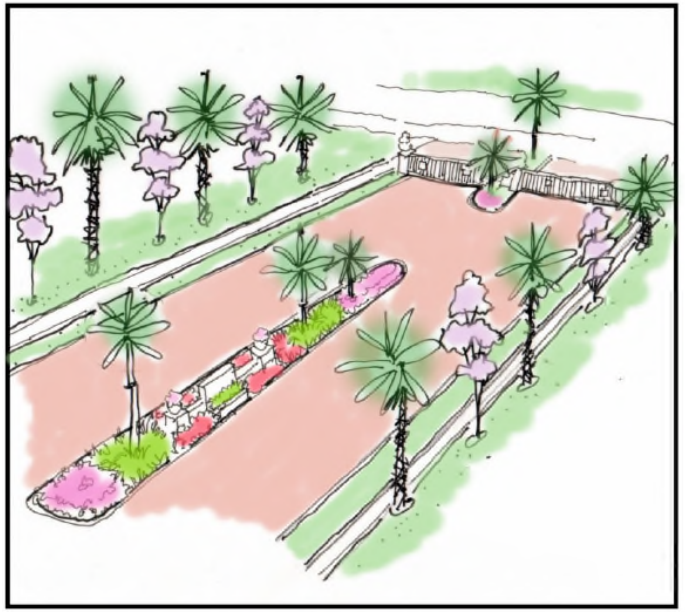


Illustrative Entry - North Gate: Scale 1/2" = 1'-0"



Illustrative Entry Plan: 1/16" = 1'-0"

NORTH

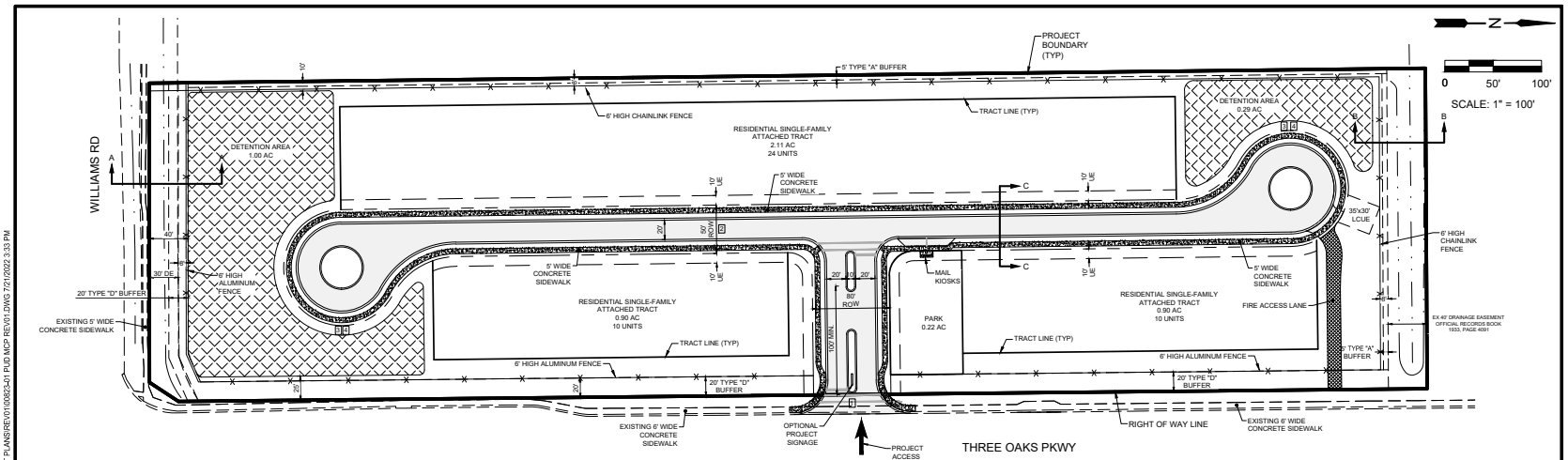


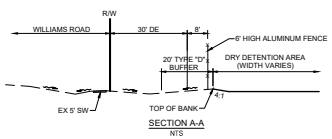
Illustrative Entry Sketch: Not to Scale

09/06/2022

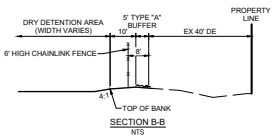
Page 9

ATTACHMENT F - RECEIVED July 22, 2022

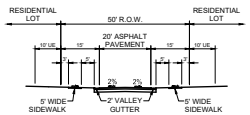




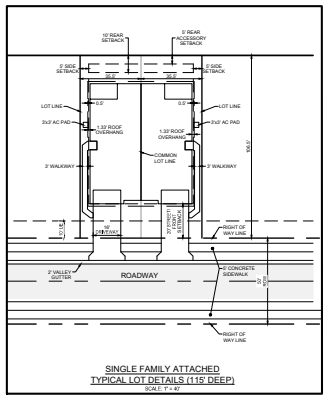
SECTION A-A
NTS



SECTION B-B
NTS



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



SINGLE FAMILY ATTACHED
TYPICAL LOT DETAILS (115' DEEP)
SCALE 1" = 40'

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

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
September 21, 2022

Agenda Item:

First reading of Ordinance 2022-12 amending Land Development Code lot coverage definition.

Motion to pass first reading of Ordinance 2022-12 and set second reading for October 5, 2022.

Background:

The Land Development Code was adopted by Council in January, 2021 and has only been amended since then to establish the Planning, Zoning and Design Board. This amendment is necessary now as the definition for lot coverage is creating numerous problems with existing and new developments. Staff recommends approval of the change back to the prior Code language.

The Planning, Zoning and Design Board will review the request at its September 27, 2022 meeting.

Action Requested:

Motion to pass first reading of Ordinance 2022-12 and set second reading for October 5, 2022.

Process and Timeline:

- PZDB meeting September 27, 2022
- Council 1st Reading September 21, 2022
- Council 2nd Reading October 5, 2022

Financial Impact:

Minor cost of newspaper advertisement for 2nd Reading

Prepared by: Mary Gibbs

Attachments:

1. Ordinance 2022-12

VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2022 - 12

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, AMENDING THE VILLAGE LAND DEVELOPMENT CODE TO AMEND SECTION 10-3 RULES OF MEASUREMENT TO REVISE THE DEFINITION OF LOT COVERAGE; PROVIDING A SEVERABILITY CLAUSE, A GENERAL REPEALER CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, the Village Council adopted the Village Land Development Code on January 27, 2021 which established the land development regulations; and

WHEREAS, after adopting the Code, it was discovered that the lot coverage definition was incorrect; and

WHEREAS, revisions must be adopted as amendments to the Code; and

WHEREAS, the Planning Zoning and Design Board, sitting as the Local Planning Agency, reviewed this Ordinance at a duly noticed public hearing and recommended approval.

NOW, THEREFORE, be it ordained by the Village Council of the Village of Estero, Florida:

Section 1. Amending Section 10-303.D.

The Village Land Development Code is hereby amended as follows:

10-303.D. Lot Coverage

That portion of a lot area, expressed as a percentage, occupied by all ~~impervious surfaces~~ buildings or structures.

Section 2. Severability.

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

Words that have been added are underlined. Words that have been deleted are ~~stricken through~~.

Section 3. Repeal.

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

Section 4. Effective Date.

This Ordinance shall take effect immediately upon adoption at second reading.

PASSED on first reading this _____ day of _____, 2022.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this _____ day of _____, 2022.

Attest: **VILLAGE OF ESTERO, FLORIDA**

By: _____ By: _____
Carol Sacco, Village Clerk Katy Errington, Mayor

Reviewed for legal sufficiency:

By: _____
Nancy E. Stroud, Village Land Use Attorney

Vote:	AYE	NAY
Mayor Errington	____	____
Vice Mayor McLain	____	____
Councilmember Ribble	____	____
Councilmember Fiesel	____	____
Councilmember Boesch	____	____
Councilmember Ward	____	____
Councilmember Wilson	____	____

Words that have been added are underlined. Words that have been deleted are ~~stricken through~~.

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
September 21, 2022

Agenda Item:

Resolution No. 2022-27

A Resolution of the Village Council of the Village of Estero, Lee County, Florida, Adopting the Final Millage Rate for the Levying of Ad Valorem Taxes for the Village of Estero, Lee County, Florida, for Fiscal Year 2022-2023; and Providing an Effective Date.

Action Requested:

Approve Resolution No. 2022-27

Description:

On July 6, 2022, Council reviewed the proposed 2022-2023 budget which included a millage rate for fiscal year 2022-2023 of 0.7700 mills ($0.7700 per $1,000 of assessed property value).

The maximum millage rate of 0.7700 mills for fiscal year 2022-2023 was adopted on July 20, 2022 and reported to the Lee County Property Appraiser.

As required by Florida Statute Section 200.065, the Village must hold two public hearings to adopt a millage rate. The first, or "tentative," hearing is advertised on the Notice of Proposed Property Taxes (TRIM notice) that the property appraiser mails. The TRIM notice is the only advertisement required for the first public hearing which was held on September 8, 2022, at 5:30 P.M. in the Village Council Chambers.

This is the second public hearing which is being held on September 21, 2022, at 5:30 P.M. in the Village Council Chambers.

The proposed final millage rate for fiscal year 2022-2023 is 0.7700 mills. This proposed millage rate is greater than the rolled-back rate of 0.7002 mills by 9.97%.

Financial Impact:

Approval of the resolution will adopt the final millage for the levying of Ad Valorem Taxes for the Fiscal Year 2022-2023.

Attachments:

1. Resolution No. 2022-27
2. Tax Rate Scenarios

VILLAGE OF ESTERO, FLORIDA

RESOLUTION NO. 2022 - 27

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, LEE COUNTY, FLORIDA, ADOPTING THE FINAL MILLAGE RATE FOR THE LEVYING OF AD VALOREM TAXES FOR THE VILLAGE OF ESTERO, LEE COUNTY, FLORIDA, FOR FISCAL YEAR 2022-2023; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village of Estero, Lee County, Florida, on September 8, 2022, held a duly noticed public hearing as required by Florida Statutes 200.065; and

WHEREAS, the Village of Estero, Lee County, Florida, on September 21, 2022, held a second duly noticed public hearing as required by Florida Statutes 200.065; and

WHEREAS, the gross taxable value for operating purposes not exempt from taxation within the Village of Estero, Lee County, Florida has been certified by the Lee County Property Appraiser to the Village of Estero as $7,757,658,730;

WHEREAS, A Final Budget and Final Millage Rate were considered and public comment was provided; and

WHEREAS, the Village Council publicly announced at the public hearing and prior to adoption of the Final Budget, the proposed millage rate necessary to fund the Final Budget other than the portion of the budget to be funded from sources other than ad valorem taxes and the percent, if any, by which the proposed millage rate exceeds the rolled-back rate, as required by Florida Statutes 200.065 and provided below;

NOW, THEREFORE, be it resolved by the Village Council of the Village of Estero, Florida:

Section 1. The fiscal year 2022-2023 final ad valorem operating millage rate is hereby adopted at 0.7700 mills, which is greater than the rolled-back rate of 0.7002 mills by 9.97% and the levy of an annual tax for said year is made.

Section 2. The millage rate is established to provide funding for the fiscal year 2022-2023 budget and the resulting increase in ad valorem tax revenues is necessary to fund various roadway improvements, intersection improvements, bicycle and pedestrian improvements, landscaping and beautification projects and other future projects.

Section 3. This resolution shall take effect immediately upon adoption.

ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida, this 21st day of September 2022. Time adopted _____ p.m.

Attest: **VILLAGE OF ESTERO, FLORIDA**

By: _____ By: _____
Carol Sacco, Village Clerk Katy Errington, Mayor

Reviewed for legal sufficiency:

By: _____
Robert D. Pritt, Interim Village Attorney

Village of Estero

Millage Rate History off Lee County Municipalities

Rates shown as Millage Rates (per $1,000 of property value)

		Municipality General Government [1]						
Fiscal Year	Tax Year	City of Fort Myers	City of Cape Coral	City of Sanibel	Town of Fort Myers Beach	City of Bonita Springs	Village of Estero	Lee County MSTU (Unincor-porated)
2022-23	2022	7.3500	5.5568	1.9750	0.9900	0.8173	**0.7700**	0.8398
2021-22	2021	7.5875	6.2500	1.8922	0.9500	0.8173	**0.7700**	0.8398
2020-21	2020	7.9643	6.3750	1.8922	0.9500	0.8173	**0.7726**	0.8398
2019-20	2019	8.2500	6.4903	1.8922	0.9500	0.8173	**0.7726**	0.8398
2018-19	2018	8.4500	6.7500	1.9139	0.8700	0.8173	**0.7750**	0.8398
2017-18	2017	8.6500	6.7500	1.9139	0.8700	0.8173	**0.7798**	0.8398
2016-17	2016	8.7500	6.7500	1.9139	0.8000	0.8173	**0.7998**	0.8398
2015-16	2015	8.7760	6.9570	1.9139	0.8000	0.8173	**0.8398**	0.8398
2014-15	2014	8.7760	7.7070	1.9995	0.7530	0.8173	**n/a**	0.8398
2013-14	2013	8.7760	7.7070	2.0861	0.7530	0.8173	**n/a**	0.8398
2012-13	2012	8.7760	7.9570	2.1000	0.7687	0.8173	**n/a**	0.8398
2011-12	2011	8.4000	7.9570	2.1038	0.8144	0.8273	**n/a**	0.8398
2010-11	2010	8.4000	7.9702	2.1561	0.9144	0.8273	**n/a**	0.8398
2009-10	2009	7.4000	7.9702	2.1561	0.8187	0.8273	**n/a**	0.8398
2008-09	2008	7.1634	4.7698	2.1561	0.7093	0.8273	**n/a**	0.8398
2007-08	2007	6.2560	4.7698	2.1966	0.6053	0.7244	**n/a**	0.8398
2006-07	2006	6.8000	4.8787	2.5000	0.6096	0.7919	**n/a**	1.0028

[1] Excludes voter approved mill rate, Library, independent and redevelopment taxing authorities.

Estero Millage Rate Analysis
As of July 1st Estimated Value

Estimated Taxable Value	7,757,658,730
Prior Year Taxable Value	7,190,253,638
Percentage Increase from Prior Year	7.89%
Prior Year Millage Rate	0.7700
Prior Year Budgeted Revenue	5,281,886

	Millage Rates	Levied Taxes-100%	Budgeted Taxes-95%	$ Inc (Dec) from Prior Year Millage Rate	$ Decrease from Prior Year Millage Rate	% Decrease in Millage Rate	% over rollback
Prior Year Millage Rate	0.7700	5,973,400	5,674,800	-	-	0%	9.97%
Alternative Millage Rate Scenarios:							
	0.7500	5,818,200	5,527,400	(147,400)	(147,400)	3%	7.11%
	0.7250	5,624,300	5,343,100	(331,700)	(331,700)	6%	3.54%
	0.7002	5,431,900	5,160,400	(514,400)	(514,400)	9%	0.00%
Value of 0.0100 Mill	0.0100	77,600	73,800				

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
September 21, 2022

Agenda Item:

Resolution No. 2022-28 A Resolution of the Village Council of the Village of Estero, Lee County, Florida, Adopting the Final Budget for Fiscal Year 2022-2023; and Providing an Effective Date.

Background:

Description:

On July 20, 2022, Council reviewed the proposed 2022-2023 budget.

As required by Florida Statute Section 200.065, the Village held two public hearings on the millage rate and budget for FY 2022-2023.

The first public hearing was held on September 8, 2022, at 5:30 P.M. where Council reviewed the tentative 2022-2023 budget. There were no changes to the tentative budget.

The second public hearing is being held September 21, 2022, at 5:30 P.M. in the Village Council Chambers at 9401 Corkscrew Palms Circle.

The Fiscal Year 2022-2023 proposed budgeted expenditures are as follows:

General Fund	$ 7,659,890
Special Revenue	1,342,000
Capital Projects	33,452,430
Driving Range Fund	54,300
Total All Funds	$42,508,620

Action Requested:

Motion to approve Resolution No. 2022-28

Process and Timeline:

Financial Impact:

Approval of Resolution No. 2022-28 will adopt the final budget for the Fiscal Year 2022-2023.

Prepared by: Britt Martin

Attachments:

1. Resolution No. 2022-28
2. Budget Summary

VILLAGE OF ESTERO, FLORIDA

RESOLUTION NO. 2022-28

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, LEE COUNTY, FLORIDA, ADOPTING THE FINAL BUDGET FOR FISCAL YEAR 2022-2023; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village Council of the Village of Estero, Lee County, Florida, on September 8, 2022, held a duly noticed public hearing and received public comment, as required by Florida Statute 200.065; and

WHEREAS, the Village of Estero, Lee County, Florida, on September 21, 2022, held a second duly noticed public hearing and received public comment as required by Florida Statutes 200.065; and

WHEREAS, the Village of Estero, Lee County, Florida, set forth the appropriations and revenue estimates for the Budget for Fiscal Year 2022-2023 as follows:

Expenditures:	
General Fund	$ 7,659,890
Special Revenue	1,342,000
Capital Projects	33,452,430
Driving Range Fund	54,300
Total All Funds	$42,508,620

NOW, THEREFORE, be it resolved by the Village Council of the Village of Estero, Florida:

Section 1. The fiscal year 2022-2023 final budget is hereby adopted.

Section 2. This resolution shall take effect immediately upon adoption.

ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this 21st day of September 2022. Time adopted _____ p.m.

Attest: **VILLAGE OF ESTERO, FLORIDA**

By: _____ By: _____
Carol Sacco, Village Clerk Katy Errington, Mayor

Reviewed for legal sufficiency:

By: _____
Robert D. Pritt, Interim Village Attorney

BUDGET SUMMARY
Village of Estero - Fiscal Year 2022-2023

	General Fund	Special Revenue	Capital Projects	Driving Range Fund	All Funds
Prior Year Surplus/Beginning Fund Balance	$ 26,952,809	$ 679,735	$ 11,580,381	$ 4,394,300	$ 43,607,225
Revenues					
Ad Valorem Taxes	5,674,800	-	-	-	5,674,800
Gas Tax	582,600	-	423,350	-	1,005,950
Franchise Fees	2,313,300	-	-	-	2,313,300
Communication Services Tax	958,500	-	-	-	958,500
Other Taxes	8,400	-	-	-	8,400
Licenses and Permits	1,500	1,065,600	-	-	1,067,100
Intergovernmental Revenues	4,617,900	-	-	-	4,617,900
Charges for Services	249,600	36,300	-	90,000	375,900
Fines and Forfeitures	200	-	-	-	200
Impact Fees	-	-	566,600	-	566,600
Investment Earnings	5,600	-	1,900	-	7,500
Other Miscellaneous Revenues	101,000	100	-	-	101,100
Total Revenues	14,513,400	1,102,000	991,850	90,000	16,697,250
Other Financing Sources					
Transfers from Other Funds	-	-	24,817,030	-	24,817,030
Total Sources of Funds	$ 41,466,209	$ 1,781,735	$ 37,389,261	$ 4,484,300	$ 85,121,505
Expenditures					
General Government	$ 4,392,500	$ -	$ -	$ -	$ 4,392,500
Public Safety	231,220	1,342,000	-	-	1,573,220
Physical Environment	600,000	-	21,008,580	-	21,608,580
Transportation	2,136,170	-	12,443,850	-	14,580,020
Human Services	38,000	-	-	-	38,000
Culture and Recreation	262,000	-	-	54,300	316,300
Total Expenditures	7,659,890	1,342,000	33,452,430	54,300	42,508,620
Surplus/(Deficit)	6,853,510	(240,000)	(32,460,580)	35,700	(25,811,370)
Other Financing Uses					
Transfers to Other Funds	24,817,030	-	-	-	24,817,030
Change in Fund Balance	(17,963,520)	(240,000)	(32,460,580)	35,700	(50,628,400)
Fund Balances					
Nonspendable				4,262,598	4,262,598
Restricted		439,735	3,936,831	167,402	4,543,968
Committed	2,912,800				2,912,800
Unassigned	6,076,489				6,076,489
Total Ending Fund Balance	8,989,289	439,735	3,936,831	4,430,000	17,795,855
Total Uses of Funds	$ 41,466,209	$ 1,781,735	$ 37,389,261	$ 4,484,300	$ 85,121,505

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
September 21, 2022

Agenda Item:

Comprehensive Plan Amendment – Property Rights Element

Motion to approve Ordinance 2022-06 adopting Comprehensive Plan Amendment

Background:

State law requires each local government to include a Property Rights Element in its Comprehensive Plan to ensure that private property rights are considered in local decision-making. Staff has prepared an amendment which is attached.

Council held a public hearing on July 6, 2022 and voted to transmit the amendment (CPA2022-E001) for review by the State and other agencies. The State has reviewed the amendment and provided a letter of "no comment" on August 5, 2022. The Florida Department of Education also had no comment. The amendment can now be adopted at the second public hearing.

The Planning, Zoning and Design Board reviewed the Amendment at its June 14, 2022, meeting and recommended approval.

Description:

See attached staff report for detail.

Action Requested:

Motion to approve Ordinance 2022-06 adopting Comprehensive Plan Amendment

Process and Timeline:

- Planning, Zoning and Design Board Public information meeting May 6, 2022
- Planning, Zoning and Design Board Review June 14, 2022
- Council "Transmittal" Public Hearing July 6, 2022
- State and other agency review August, 2022
- Council "Adoption" Public Hearing September 21, 2022

Financial Impact:

Cost of newspaper advertisements.

Prepared by: Mary Gibbs

Attachments:

1. Ordinance 2022-06
2. Staff Report
3. Review Agency Comments

VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2022 - 06

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, ADOPTING AN AMENDMENT TO THE VILLAGE OF ESTERO COMPREHENSIVE PLAN TO ADD A PROPERTY RIGHTS ELEMENT TO THE TEXT AS PROVIDED IN EXHIBIT "A" AND MADE A PART HEREOF; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND OTHERS AS REQUIRED BY STATE STATUTE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village Comprehensive Plan became effective on November 21, 2019; and

WHEREAS, Section 163.3167, Florida Statutes, requires the Village to maintain a comprehensive plan to guide its future development and growth; and

WHEREAS, Section 163.3177(6)(i)1., Florida Statutes, requires the Village to adopt and include a property rights element in its comprehensive plan; and

WHEREAS, the Village respects and acknowledges constitutionally protected private property rights, and

WHEREAS, the Village respects the rights of all people to participate in land use planning processes; and

WHEREAS, this ordinance will amend the comprehensive plan by adding a property rights element (the "Comprehensive Plan Amendment");

WHEREAS, the Village Planning, Zoning, and Design Board, at a duly noticed public hearing held on June 14, 2022 recommended that the aforesaid Comprehensive Plan Amendment be approved; and

WHEREAS, the Village Council, at a duly noticed meeting, held a first reading and public hearing on this Ordinance on July 6, 2022, considered the recommendation of the Village Planning, Zoning, and Design Board and the comments of the public, and voted to transmit the Comprehensive Plan Amendment to the State Land Planning Agency and other review agencies as provided in Section 163.3184, Florida Statutes; and

WHEREAS, the Village transmitted the Comprehensive Plan Amendment to State Planning Agency and other state agencies which completed their reviews pursuant to Section 163.3184, Florida Statutes; and

WHEREAS, the Village Council, at a duly noticed meeting, held a second reading and public hearing on this Ordinance on September 21, 2022, considered the comments of the public and the review agencies.

NOW, THEREFORE, be it ordained by the Village Council of the Village of Estero, Florida:

Section 1. Recitals.

The foregoing "Whereas" clauses are hereby ratified and incorporated as a part of this Ordinance.

Section 2. Adoption of the Comprehensive Plan Amendment for Transmittal.

The Village Council adopts the Comprehensive Plan Amendment, which is Exhibit "A" and incorporated and made a part of this Ordinance.

Section 3. Transmittal.

The Village Manager or his designee shall transmit the adopted Comprehensive Plan Amendment as required by statute to the State Land Planning Agency and any reviewing agencies that provided timely comments as provided by Section 163.3184, Florida Statutes.

Section 4. Severability.

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

Section 5. Conflict.

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

Section 6. Effective Date.

This ordinance shall take effect upon adoption at second reading, except that the effective date of the Comprehensive Plan Amendment shall be effective thirty-one (31) days after the State Land Planning Agency notifies the Village that the plan amendment package is complete or, if timely challenged, thirty-one (31) days after the state Land Planning Agency, or the Administration Commission enters a final order determining the adopted Plan Amendment to be in compliance.

PASSED on first reading this 6th day of July, 2022.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this _____ day of _____, 2022.

Attest: **VILLAGE OF ESTERO, FLORIDA**

By: _____ By: _____
Carol Sacco, Village Clerk Katy Errington, Mayor

Reviewed for legal sufficiency:

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

Vote:	AYE	NAY
Mayor Errington	____	____
Vice Mayor McLain	____	____
Councilmember Ribble	____	____
Councilmember Fiesel	____	____
Councilmember Boesch	____	____
Councilmember Ward	____	____
Councilmember Wilson	____	____

Exhibit A: Property Rights Element

Words that have been added are underlined. Words that have been deleted are ~~stricken through~~.

EXHIBIT A

PROPERTY RIGHTS ELEMENT

PROPERTY RIGHTS ELEMENT (PRE - 1)

PRE – 1.1
Goal: In accordance with §163.3177(6)(i), Florida Statutes, property rights will be considered in local decision making.

Policies PRE – 1.1.1

A. The right of property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.

B. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person.

C. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property, subject to State law and local ordinances.

D. The right of property owner to dispose of his or her property through sale or gift.

PRE - 1.2
Goal: Respect people's rights to participate in decisions that affect their lives and property.

Policies PRE - 1.2.1

A. The right of property owners to be notified of land development applications that may impact their property.

B. The right of affected persons to participate in the public hearing process on land development applications.

Property Rights Element - Comprehensive Plan Text Amendment

Staff Report

CASE NAME:	**Property Rights Element**
CASE NUMBER:	**CPA2022-E001**
VILLAGE COUNCIL:	**July 6, 2022 - 1st Public Hearing** **September 21, 2022 - 2nd Public Hearing**

SUMMARY OF REQUEST

Florida Statute §163.3177(6)(i), requires that "each local government shall include in its comprehensive plan a property rights element to ensure that private property rights are considered in local decision making."

To comply with this requirement, staff has prepared a Comprehensive Plan Text Amendment. This amendment is reviewed through an Expedited Review process that requires a recommendation from PZDB (the Local Planning Agency) and a decision by the Village Council at two meetings: transmittal and adoption hearings.

STAFF AND PLANNING, ZONING AND DESIGN BOARD RECOMMENDATIONS

Staff recommends approval of the Comprehensive Plan Text Amendment to include a property rights element, and to transmit it to the State.

The Planning, Zoning and Design Board reviewed this at their June 14, 2022 meeting and recommended approval.

Council voted at their July 6, 2022 meeting to transmit the amendment to the State and other review agencies for comment. Letters of "no comment" were received from the Florida Department of Economic Opportunity and Department of Education.

GENERAL INFORMATION

Applicant
Community Development – Mary Gibbs, FAICP

COMPREHENSIVE PLAN TEXT AMENDMENT

Background

The Florida Legislature approved House Bill 59 in June 2021, amending the Community Planning Act to require each local government to "include in its comprehensive plan a property rights element." The house bill creates §163.3177(6)(i) which requires each local government have a property rights element to ensure private property rights are considered in the local decision-making process. This element must be adopted prior to the earlier of the adoption of any other proposed plan amendments initiated after July 21, 2021, or the date of the next scheduled evaluation and appraisal of the comprehensive plan.

Comprehensive Plan

A local government may adopt its own property rights language, consistent with the requirements of the statute. A variety of adjacent and nearby communities have recently adopted the statutory language, including the City Bonita Springs, the City of Cape Coral, and Lee County.

A "Model" Property Rights Element was developed by 1000 Friends of Florida in compliance with the requirements of the statute. The model code language contained additional components of "property rights" beyond the minimum required by the statute, with additional language that discusses transparency in the review process, and due process rights that include the right to receive notice, the right to be heard, the right to present or rebut evidence, and the right to be informed of the facts upon which the local government bases it decision. The Village of Estero processes require notification, transparency, and public hearings, requirements which are similar in many aspects to the model code.

Staff recommends consideration of a policy that meets the required statutory language (as shown below with policies A-D) and includes two additional policies regarding the notification of, and participation in, public hearings for land development applications (PRE – 1.2.1 A and B) consistent with the Village's existing processes. This identifies the right to develop property, as well as the right of affected property owners to take part in the review process for development proposals.

The proposed comprehensive plan language is underlined below:

PROPERTY RIGHTS ELEMENT (PRE - 1)

PRE – 1.1
Goal: In accordance with §163.3177(6)(i), Florida Statutes, property rights will be considered in local decision making.

Policies PRE – 1.1.1

A. The right of property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.

B. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person.

C. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property, subject to State law and local ordinances.

D. The right of property owner to dispose of his or her property through sale or gift.

PRE - 1.2
Goal: Respect people's rights to participate in decisions that affect their lives and property.

Policies PRE - 1.2.1

A. The right of property owners to be notified of land development applications that may impact their property.

B. The right of affected persons to participate in the public hearing process on land development applications.

The comprehensive plan contains existing language regarding public participation, which is one of the components of property rights and is directly related to policies PRE - 1.2.1 A and B, as proposed.

> "Public Participation has been a strength of Estero, even before its incorporation. The emphasis remains on the importance of an inclusive, informative community planning process."

ATTACHMENTS

A. Florida Statute §163.3177(6)(i)

Ron DeSantis
GOVERNOR

FLORIDA DEPARTMENT of ECONOMIC OPPORTUNITY

Dane Eagle
SECRETARY

August 5, 2022

The Honorable Katy Errington
Mayor, Village of Estero
9401 Corkscrew Palms Circle
Estero, Florida 33928

Dear Mayor Errington:

The Department of Economic Opportunity ("Department") has reviewed the proposed comprehensive plan amendment for the Village of Estero (Amendment No. 22-01ESR) received on July 8, 2022. The review was completed under the expedited state review process. We have no comment on the proposed amendment.

The Village should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment. In addition, the Village is reminded that:

- Section 163.3184(3)(b), F.S., authorizes other reviewing agencies to provide comments directly to the Village. **If the Village receives reviewing agency comments and they are not resolved, these comments could form the basis for a challenge to the amendment after adoption.**

- **The second public hearing,** which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of agency comments or the amendment shall be **deemed withdrawn** unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment pursuant to Section 163.3184(3)(c)1., F.S.

- **The adopted amendment must be rendered to the Department.** Under Section 163.3184(3)(c)2. and 4., F.S., the **amendment effective date** is 31 days after the Department notifies the Village that the amendment package is complete or, if challenged, until it is found to be in compliance by the Department or the Administration Commission.

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
(850) 245.7105 | www.FloridaJobs.org | www.Twitter.com/FLDEO | www.Facebook.com/FLDEO

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

If you have any questions concerning this review, please contact Anthony Milordis, Planning Analyst, by telephone at (850) 717-8433 or by email at anthony.milordis@deo.myflorida.com.

Sincerely,

Scott Rogers, Regional Planning Administrator
Bureau of Community Planning and Growth

SR/am

Enclosure(s): Procedures for Adoption

cc: Mary Gibbs, Community Development Director Village of Estero
Margaret Wuerstle, Executive Director, Southwest Florida Regional Planning Council

SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS

FOR EXPEDITED STATE REVIEW

Section 163.3184(3), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit electronically using the Department's electronic amendment submittal portal "**Comprehensive Plan and Amendment Upload**" (*https://floridajobs.secure.force.com/cp/*) **or** submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ State Land Planning Agency identification number for adopted amendment package;

_____ Summary description of the adoption package, including any amendments proposed but not adopted;

_____ Identify if concurrency has been rescinded and indicate for which public facilities. (Transportation, schools, recreation and open space).

_____ Ordinance number and adoption date;

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact;

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format.

_____ In the case of future land use map amendments, an adopted future land use map, **in color format,** clearly depicting the parcel, its future land use designation, and its adopted designation.

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

_____ Copy of the executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for expedited review:

> "The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If the amendment is timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance."

_____ List of additional changes made in the adopted amendment that the State Land Planning Agency did not previously review;

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

_____ Statement indicating the relationship of the additional changes not previously reviewed by the State Land Planning Agency in response to the comment letter from the State Land Planning Agency.

From: Mary Gibbs
To: Kathy Eastley
Subject: FW: Village of Estero 22-01ESR
Date: Wednesday, July 13, 2022 10:02:02 AM

For file

From: Runion, Morgan <Morgan.Runion@fldoe.org>
Sent: Wednesday, July 13, 2022 9:54 AM
To: Mary Gibbs <gibbs@estero-fl.gov>; DCPexternalagencycomments@deo.myflorida.com
Subject: Village of Estero 22-01ESR

You don't often get email from morgan.runion@fldoe.org. Learn why this is important

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

Dear Ms. Gibbs,

The Office of Educational Facilities within the Florida Department of Education has reviewed the Village of Estero 22-01ESR proposed comprehensive plan amendment in accordance with sections 163.3180 and 163.3184, Florida Statutes. Based on review of the submitted materials, staff have no comments on the proposed amendment. If you have any questions or need additional information, please contact me.

Sincerely,

Morgan Runion, AICP
Office of Educational Facilities
Florida Department of Education

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
September 21, 2022

Agenda Item:

Comprehensive Plan Amendment – Village Owned Property at Northeast Corner of US 41 and Corkscrew Road

Motion to approve Ordinance 2022-07 adopting Comprehensive Plan Amendment

Background:

The Village Council directed staff to prepare a Comprehensive Plan amendment (CPA2022-E002)and rezoning for the 31.5-acre portion of Village property east of US 41, north of Corkscrew Road and south of the Estero River.

The Planning, Zoning and Design Board reviewed the request on June 14, 2022, and recommended approval with the following comment: *Council should look at the long-term development plans to ensure that it attracts people, similar to Lakes Park, and focus particular attention on areas that need to be conserved and preserved versus the uplands.* The vote was 5/0 (Jones and Tatooles left prior to the vote, Gargano absent).

Council reviewed the request at the first public hearing and voted to pass the first reading of the ordinance. Because this is a "small scale" amendment, it is not necessary to transmit this for review by the State and other review agencies. Once adopted, it will be forwarded to the State.

Description:

See attached staff report for detail.

Action Requested:

Motion to approve Ordinance 2022-07 adopting Comprehensive Plan Amendment

Process and Timeline:

- Council Workshop March 2, 2022
- Council direction to initiate Comprehensive Plan Amendment and rezoning on March 16, 2022
- Planning Zoning and Design Board Public Information Meeting May 6, 2022
- Planning, Zoning and Design Board public hearing on June 14, 2022

- First reading July 6, 2022
- Second reading and public hearing September 21, 2022

Financial Impact:

N/A

Prepared by: Mary Gibbs

Attachments:

1. Ordinance 2022-07
2. Staff Report

VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2022 - 07

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, ADOPTING AN AMENDMENT TO THE VILLAGE OF ESTERO COMPREHENSIVE PLAN TO AMEND THE FUTURE LAND USE MAP FOR A 31.5 ACRE PROPERTY AT THE NORTHEAST CORNER OF US 41 AND CORKSCREW ROAD FROM VILLAGE CENTER TO PUBLIC PARKS AND RECREATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village Comprehensive Plan became effective on November 21, 2019; and

WHEREAS, the Village has acquired the approximately 31.5-acre property at the northeast corner of US 41 and Corkscrew Road, described in the legal description attached as Exhibit "A"; and

WHEREAS, the property is currently designated as Village Center on the Future Land Use Map; and

WHEREAS, the Village desires to amend the Comprehensive Plan designation for the property to better match the intended recreation uses and public access to the Estero River; and

WHEREAS, Council voted on March 16, 2022 to initiate a Comprehensive Plan amendment for that purpose; and

WHEREAS, the Village desires to change the Future Land Use designation for the property to Public Parks and Recreation, as depicted on Exhibit "B" (the "Comprehensive Plan Amendment"); and

WHEREAS, the Comprehensive Plan Amendment is a small scale comprehensive plan amendment pursuant to Section 163.3187, Florida Statutes; and

WHEREAS, the Village Planning, Zoning, and Design Board held a duly noticed public hearing on June 14, 2022 at which time the Board recommended approval of the Comprehensive Plan Amendment; and

WHEREAS, the Village Council, at a duly noticed meeting, held a Public Hearing and First Reading on July 6, 2022; and

WHEREAS, the Village Council, at a duly noticed meeting, held a Public Hearing for Second Reading on the 21st day of September, 2022 for adoption of the Comprehensive Plan amendment, and considered the Staff report, the recommendation of the Village Planning, Zoning, and Design Board and the comments of the public.

NOW, THEREFORE, be it ordained by the Village Council of the Village of Estero, Florida:

Section 1. Recitals.

The foregoing "Whereas" clauses are hereby ratified and incorporated as a part of this Ordinance.

Section 2. Adoption of the Comprehensive Plan Amendment.

The Village Council hereby redesignates the property legally described in Exhibit "A" and depicted on Exhibit "B" from Future Land Use Designation Village Center to Public Parks and Recreation.

Section 3. Transmittal.

The Village Manager or his designee shall transmit the Comprehensive Plan Amendment to the State Land Planning Agency pursuant to Section 163.3187, Florida Statutes.

Section 4. Severability.

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

Section 5. Conflict.

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

Section 6. Effective Date.

This ordinance shall take effect upon adoption at second reading, except that the effective date of the Comprehensive Plan Amendment shall be effective thirty-one (31) days

after its adoption or, if timely challenged, thirty-one (31) days after the state Land Planning Agency, or the Administration Commission enters a final order determining the adopted Plan Amendment to be in compliance.

PASSED on first reading this 6th day of July, 2022.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this 21st day of September, 2022.

Attest: **VILLAGE OF ESTERO, FLORIDA**

By: _____ By: _____
Carol Sacco, Village Clerk Katy Errington, Mayor

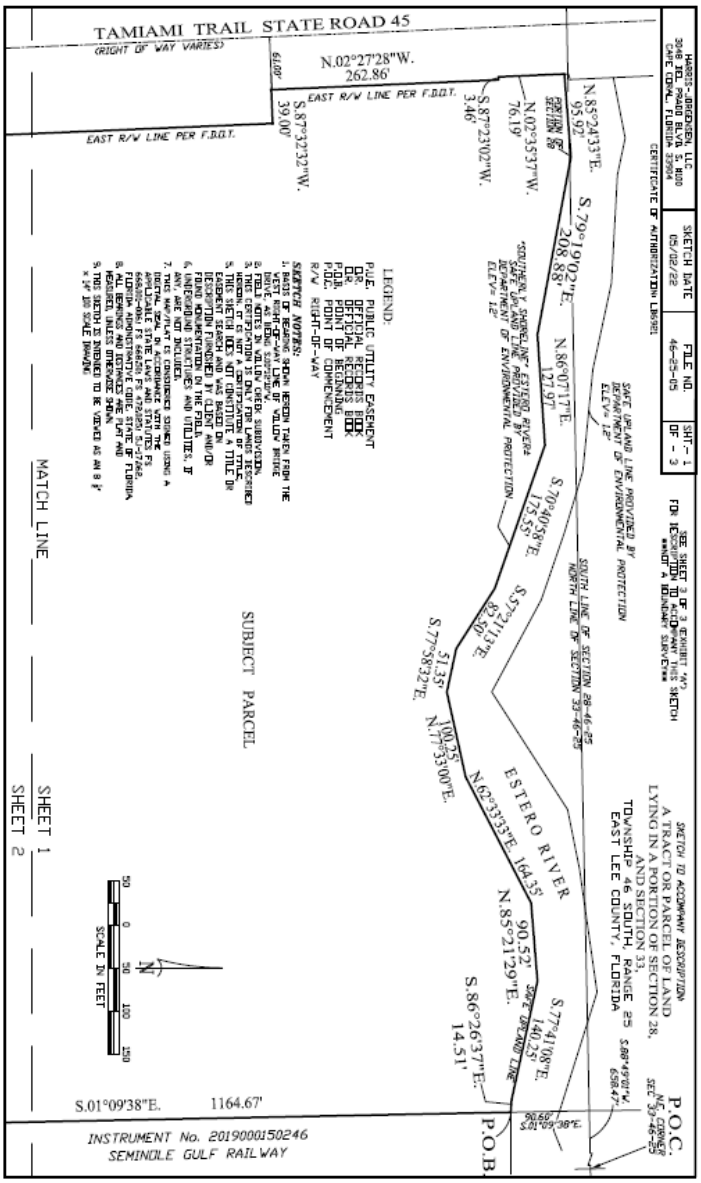
Reviewed for legal sufficiency:

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

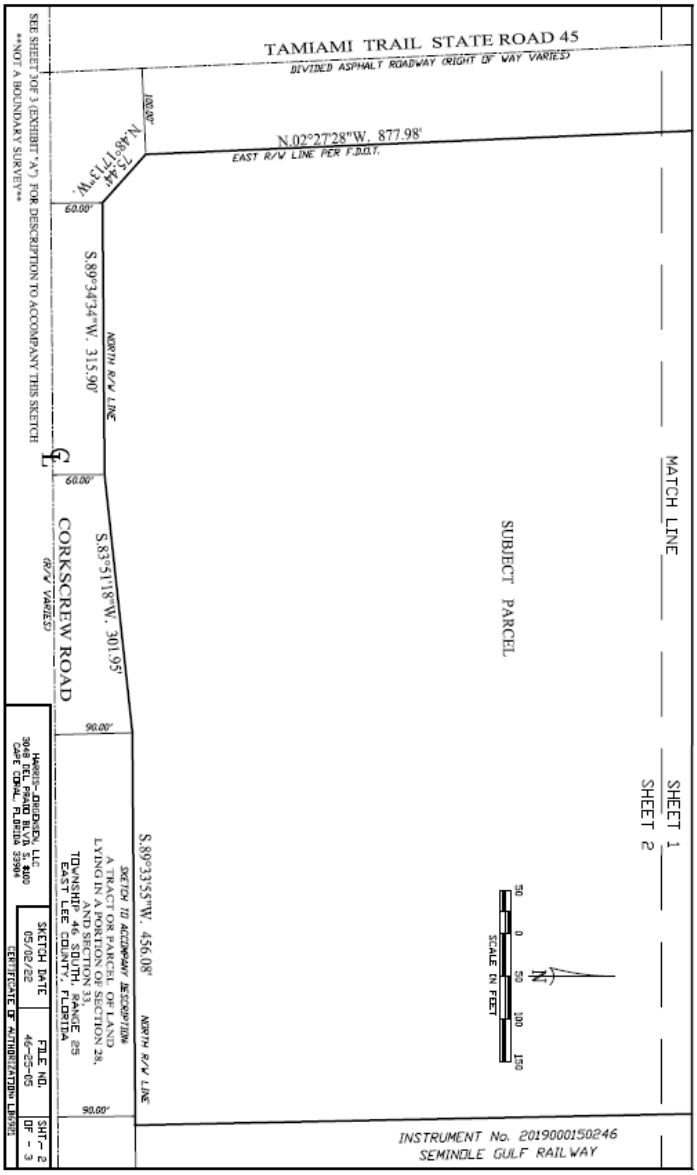
Vote:	AYE	NAY
Mayor Errington	____	____
Vice Mayor McClain	____	____
Councilmember Ribble	____	____
Councilmember Fiesel	____	____
Councilmember Boesch	____	____
Councilmember Ward	____	____
Councilmember Wilson	____	____

Exhibit A: Legal Description
Exhibit B: Future Land Use Map

EXHIBIT A
LEGAL DESCRIPTION



Ordinance No. 2022- 07
CPA2022-E002


TAMIAMI TRAIL STATE ROAD 45
DIVIDED ASPHALT ROADWAY (RIGHT OF WAY VARIES)
N.02°27'28"W. 877.98'
EAST R/W LINE PER F.D.O.T.
100.00'
N.48°17'13"W. 75.44'
60.00'
S.89°34'34"W. 315.90'
NORTH R/W LINE
60.00'
CORKSCREW ROAD
(R/W VARIES)
S.83°51'18"W. 301.95'
90.00'
S.89°33'55"W. 456.08'
NORTH R/W LINE
90.00'
INSTRUMENT No. 2019000150246
SEMINOLE GULF RAILWAY
MATCH LINE
SUBJECT PARCEL
SHEET 1
SHEET 2
SEE SHEET 3 OF 3 (EXHIBIT "A") FOR DESCRIPTION TO ACCOMPANY THIS SKETCH
NOT A BOUNDARY SURVEY
SKETCH TO ACCOMPANY DESCRIPTION
A TRACT OR PARCEL OF LAND
LYING IN A PORTION OF SECTION 28,
TOWNSHIP 45 SOUTH, RANGE 25
EAST LEE COUNTY, FLORIDA
SCALE IN FEET
50 0 50 100 150
N
HARRIS-ORDEMAN, LLC.
3948 DEL PRADO BLVD S. #400
CAPE CORAL, FLORIDA 33904
SKETCH DATE
05/02/22
FILE NO.
46-25-05
SHT- 2
OF - 3
CERTIFICATE OF AUTHORIZATION LB#765

132
133

EXHIBIT "A"

DESCRIPTION TO ACCOMPANY SKETCH

A TRACT OR PARCEL OF LAND
LYING IN A PORTION OF SECTION 28,
AND SECTION 33,
TOWNSHIP 46 SOUTH, RANGE 25
EAST LEE COUNTY, FLORIDA

SEE SHEETS 1 AND 2 OF 3 FOR SKETCH TO ACCOMPANY THIS DESCRIPTION

NOT A BOUNDARY SURVEY

DESCRIPTION:
A PLOT OR PARCEL OF LAND LYING IN A PORTION OF SECTIONS 28 AND 33, TOWNSHIP 46 SOUTH RANGE 25 EAST, LEE COUNTY, FLORIDA, SAID PLOT OR PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING FROM THE NORTHEAST CORNER OF SAID SECTION 33; THENCE RUN S.88°49'01"W. ALONG THE NORTH LINE OF SAID SECTION 33, FOR 658.47 FEET; THENCE RUN S.01°09'38"E. TO A POINT LYING ALONG THE THE SOUTHERLY SHORELINE OF THE ESTERO RIVER, FOR 90.60 FEET; THENCE CONTINUE S.01°09'38"E. TO A POINT LYING ALONG THE NORTH RIGHT OF WAY LINE OF CORKSCREW ROAD, FOR 1164.57 FEET; THENCE RUN ALONG SAID NORTH RIGHT OF WAY LINE OF CORKSCREW ROAD THE FOLLOWING BEARINGS AND DISTANCES; S.89°33'55"W. FOR 456.08 FEET, S.835118"W. FOR 301.95 FEET, S.89°34'34"W. FOR 315.80 FEET; THENCE RUN N.48°17'13"W. TO A POINT ALONG THE EAST RIGHT OF WAY LINE TAMIAMI TRAIL (ALSO KNOWN AS S.R. No 45) FOR 75.44 FEET; THENCE CONTINUE ALONG SAID EAST RIGHT OF WAY LINE, N.02°27'28"W. FOR 877.98 FEET; THENCE RUN S.87°32'32"W. FOR 39.00 FEET; THENCE RUN N.02°27'28"W. FOR 282.66 FEET; THENCE RUN S.87°23'02"W. FOR 3.46 FEET; THENCE RUN N.02°35'37"W. TO A POINT ALONG THE AFORESAID SOUTHERLY SHORELINE OF THE ESTERO RIVER, FOR 76.19 FEET; THENCE RUN ALONG THE SAID SOUTHERLY SHORELINE OF THE ESTERO RIVER THE FOLLOWING BEARING AND DISTANCES; N.85°24'33"E. FOR 95.92 FEET, S.79°19'02"E. FOR 208.88 FEET, N.86°07'17"E. FOR 127.97 FEET, S.70°40'58"E. FOR 175.55 FEET, S.57°21'13"E. FOR 82.50 FEET, N.77°33'00"E. FOR 100.25 FEET, N.62°33'33"E. FOR 164.35 FEET, N.85°21'29"E. FOR 90.52 FEET, S.77°41'08"E. FOR 140.25 FEET, S.86°26'37"E. FOR 14.51 FEET TO THE POINT OF BEGINNING.

CONTAINING: 1,371,461.78 SQ. FT. OR 31.48 ACRES, MORE OR LESS.

Phillip M Mould, P.S.M. 6515 State of Florida
Digitally signed by Phillip M Mould, P.S.M. 6515 State of Florida
Date: 2022.05.05 08:52:55 -04'00'

PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6515 - STATE OF FLORIDA
05/05/2022

CERTIFICATE OF AUTHORIZATION LB6921
HARRIS-JORGENSEN, LLC
3048 DEL PRADO BLVD. S. #100
CAPE CORAL, FLORIDA 33904
(239)-257-2624

SHEET 3 OF 3

134
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EXHIBIT B
FUTURE LAND USE MAP



Ordinance No. 2022- 07
CPA2022-E002

Village Initiated Comprehensive Plan Map Amendment

Staff Report

Village Council

CASE NAME:	**Estero on the River / Happehatchee**
CASE NUMBER:	**CPA2022-E002**
COUNCIL HEARING DATE:	**July 6, 2022 - 1st Public Hearing** **September 21, 2022 - 2nd Public Hearing**

SUMMARY OF REQUEST

The Village Council has initiated a small-scale Map Amendment to the Comprehensive Plan for a 31.5-acre site at the northeast intersection of Corkscrew Road and US 41. The request is to change the Comprehensive Plan Future Land Use Map from Village Center to Public Parks and Recreation to protect the unique qualities of the site, allow for recreation and civic uses, as well as to provide public access to the Estero River. A companion application is also being considered for a rezoning from Mixed Use Planned Development (MPD) and Agriculture (AG) to Parks and Community Facilities.

The application is for a small-scale amendment (less than 50 acres) which, based upon Fla. Stat. 163.3187(2), is a streamlined and expedited process that does not require State review prior to adoption.

STAFF AND PLANNING, ZONING AND DESIGN BOARD RECOMMENDATIONS

Staff recommends approval of the Amendment from Village Center to Public Parks and Recreation.

The Planning, Zoning and Design Board reviewed this at its June 14, 2022 meeting. They recommended approval with the following comment:

> *Council should look at the long-term development plans to ensure that it attracts people, similar to Lakes Park, and focus particular attention on areas that need to be conserved and preserved versus the uplands.*

The Council held the first reading and public hearing on July 6, 2022 and voted to pass the first reading.

GENERAL INFORMATION

APPLICANT/OWNER
Village of Estero

REPRESENTATIVE
Community Development – Mary Gibbs, FAICP

BACKGROUND

In 2007 Lee County approved a rezoning to Mixed-Use Planned Development (MPD) for a project known as Estero on the River which was located on 85-acres between Sandy Lane, US 41, Corkscrew Road and the "Old Estero" area on the north. The project was approved for 530 single-family and multi-family dwelling units, 300,000 square feet of commercial and mixed uses, civic uses, and preserve. The project was never developed.

In 2019 the Village of Estero purchased a 68.5-acre portion of the Estero on the River MPD, and subsequently acquired the 4.82-acre Happehatchee parcel. The 31.5-acre area located south of the Estero River is intended to provide public access to the Estero River, recreation uses including trails, open space, and preservation of the unique characteristics of the site. The property is currently designated in the Village Comprehensive Plan as Village Center.

Village Council held a workshop on March 2, 2022, to discuss options regarding the use and preservation of the property, and a decision was made on March 16, 2022 to initiate the rezoning and comprehensive plan map amendment on the 31.5-acres. The first phase is intended to provide walking trails on the site.

This property was an information item on the Planning, Zoning, and Design Board meeting on April 12, 2022 when the Cultural Resource Assessment was discussed and a Public Information Meeting was held on May 10, 2022.

STAFF DISCUSSION AND ANALYSIS

Location
The area subject to the map amendment is located at the northeast corner of US 41 and Corkscrew Road, south of the Estero River. The eastern boundary is the CSX Rail corridor.

Surrounding Properties
US 41 is the western boundary of the site, with Corkscrew Road to the south. Koreshan State Park is west of US 41 and Corkscrew Village (Publix) Shopping Center is south of Corkscrew Road. "Old Estero" is on the north side of the river, including vacant MPD land owned by the Village which is not part of this application. There are remaining Estero on the River parcels not owned by the Village on the east side of the CSX Rail corridor.

The general area includes a variety of uses including state park, commercial uses, and vacant lands. The surrounding area is in the Village Center Future Land Use category, with a variety of zoning that ranges from Agriculture to Commercial Planned Development and Community Commercial. Recently approved developments include the Pavich property, a commercial office building at Corkscrew Road and Happy Hollow, and Via Coconut Point, a mixed-use commercial and multi-family apartment development at Corkscrew Road and Via Coconut Point.

Studies of the Site
The Village has conducted studies of the site, including a Cultural Resource Assessment and a tree survey. The intent of these surveys is to provide necessary information related to removal of existing structures not deemed historically significant, and determination of existing trees on the heavily vegetated site to plan for and construct trails on the property. Staff met with the Planning, Zoning, and Design Board on April 12, 2022 to discuss the requirements for a historic preservation plan for the site.

Prior studies of the site have been conducted in conjunction with the MPD rezoning that occurred in 2007, including an Environmental Site Assessment Report.

Comprehensive Plan

Current Future Land Use Category
Village Center is a land use category that is intended to support a variety of residential, commercial, and employment uses to create an economic and social center of the Village. Densities can range from 1 to 6 dwelling units per acre to up to 27 units per acre under certain conditions. Preservation of the community history and the protection of the environment are also goals of this land use category.

This land use category could be retained for the property as it allows intended uses of the site, however it also allows many other uses and potential density that the Village does not deem appropriate to the location and intended uses.

Proposed Future Land Use Category
The proposed land use category of Public Parks and Recreation is specific to publicly owned or accessible lands that provide parks and recreation uses, as well as ancillary support uses. It is described below:

> *FLU-1.2.4 PUBLIC PARKS AND RECREATION. The Public Parks and Recreation areas include publicly owned or publicly accessible land for current or future active or passive recreational uses. Public Parks and Recreation areas are located where park facilities are established or planned, including state, county and local parks and recreation areas.*
>
> *A. Uses: Land uses range from preserved lands with passive recreation to community centers with active recreation uses, along with ancillary or supporting uses necessary for park and recreation operations serving the public.*
>
> *B. Development Type: Public Parks and Recreation areas may include development of public parks, playgrounds, water access, and other active recreation facilities, as well as preservation, walking and bicycling trails, picknicking and boardwalks to provide passive recreation.*
>
> *C. Intensity: Development must not exceed 1 FAR.*

This land use category would provide additional protections from future development and therefore is the preferred category for the site.

Comprehensive Plan Policies and Analysis

FLU - 1.2.1 Future Land Use Categories. The Village shall designate on the Future Land Use Map 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.

Staff Comment: The subject properties encompass the south side of the Estero River and include wetlands, uplands, and significant plant communities that are environmentally important. This area had been approved by Lee County for significant intense mixed-use development, including residential single-family and multi-family as well as commercial, civic uses and preservation. The Village purchased the properties in 2019 with the intent to preserve the unique characteristics of the site and allow for public access to the river. Changing the zoning and Future Land Use Map category will ensure that future development of the site will meet the goals of the Village and community.

Historic and Archeological Resources-

FLU - 1.6.2 The Village recognizes that the area in the vicinity of Koreshan Village (the 1883 Damkohler homestead) and the Boomer property on the west, the Broadway Avenue corridor on the north, Sandy Lane on the east, and Corkscrew Road on the south as an area appropriately designated as "Old Estero". Where feasible, through public/private recognition programs, the Village will encourage preservation of historic resources, sites, and structures.

Staff Comment: The Village had a Cultural Resource Assessment Survey prepared in March 2022. This is an update on approximately 18-acres which was part of a larger assessment completed in 2005 for the Estero on the River MPD. The intent of the survey is to determine the extent of cultural resources on the property so that they may be protected, which is consistent with this policy. The survey shows that very little of historically valuable structures remain on the site. The recreational land use designation will help to preserve any historical and cultural values of the site from inappropriate development. The Village continues to work with the Estero Historical Society throughout this process.

Infrastructure

INF - 1.1.4 The Village shall endeavor to protect, secure and restore, where feasible, natural flowway systems including, without limitation, the Main, South and North Branches of the Estero River and the Halfway Creek flowway, through regulations or incentives to assure their continued environmental function.

Staff Comment: The Village sought to purchase the land south of the Estero River, in part, to provide protection to the river. The limited development of the site will protect the natural flowway of the Estero River.

Recreation and Open Space

REC - 1.3.4 Improve public access, use, and enjoyment of Estero's waterfront and water-based resources by supporting the creation of community water-based amenities such as Estero Bay water taxi, marina facilities, or other water dependent facilities on a limited basis where appropriate.

REC - 1.4.8 Seek opportunities to provide canoe/kayak launches along the blueways intersecting with greenways in ways that do not compromise the protection of natural resources.

Staff Comment: The properties are planned for recreation and river access, including river launches, and the designation of Public Parks and Recreation is the category that best allows these uses while providing protection from more intense development on the property.

Parks, Recreation, and Open Space Plan

The Village adopted this plan in January 2020 which "assessed current conditions, identified and prioritized recreation and open space needs and desires of the community, and addressed future opportunities…" Projects prioritized included master planning and development of the Estero on the River site, including multi-purpose trails and protection and enhancement of natural areas.

Proposed improvements contained in the plan for the property were based upon the location within an area described as the Estero Eco-Historical Hub, an activity area that includes Koreshan State Park, the Old Estero area north of the river, as well as the Estero on the River area south of the river. The plan states that "these sites provide a unique glimpse into Florida's ecological and cultural natural history and scenic beauty, and the importance of these resources to Estero's "brand" and sense of place cannot be over-stated."

The proposed Comprehensive Plan Amendment will limit potential development of the site to recreation and ancillary uses, as well as allow for public access to the Estero River. This is consistent with the recommendations in the Parks, Recreation and Open Space Plan to preserve the historic, cultural, and natural resources of this area.

State and Regional Policy Plans

The State of Florida and the Southwest Florida Regional Planning Council each have policy plans in place with goals, strategies, and actions that may be relevant to the local comprehensive plan amendment. A review of the policies is below:

Chapter 187 Florida Statutes includes the following applicable goals and policies:

(9) NATURAL SYSTEMS AND RECREATIONAL LANDS.

(a) Goal. Florida shall protect and acquire unique natural habitats and ecological systems, such as wetlands, tropical hardwood hammocks, palm hammocks, and virgin longleaf pine forests, and restore degraded natural systems to a functional condition.

(b) Policies.

2. Acquire, retain, manage, and inventory public lands to provide recreation, conservation, and related public benefits.
7. Protect and restore the ecological functions of wetlands systems to ensure their long-term environmental, economic, and recreational value.
9. Develop and implement a comprehensive planning, management, and acquisition program to ensure the integrity of Florida's river systems.
10. Emphasize the acquisition and maintenance of ecologically intact systems in all land and water planning, management, and regulation.
12. Protect and expand park systems throughout the state.
13. Encourage the use of public and private financial and other resources for the development of recreational opportunities at the state and local levels.

(18) CULTURAL AND HISTORICAL RESOURCES.

(a) Goal. By 1995, Florida shall increase access to its historical and cultural resources and programs and encourage the development of cultural programs of national excellence.

(b) Policies.

3. Ensure the identification, evaluation, and protection of archaeological folk heritage and historic resources properties of the state's diverse ethnic population.
4. Stimulate increased private sector participation and support for historical and cultural programs.
5. Encourage the rehabilitation and sensitive, adaptive use of historic properties through technical assistance and economic incentive programs.

The Regional Policy Plan includes a Natural Resources Element with the following goal:

Goal 2: The diversity and extent of the Region's protected natural systems will increase consistently. The increase will be based upon 1998 acreage of existing conservation, preservation and stewardship lands.

Strategy: To identify and include within land conservation preservation and stewardship programs, those lands identified as being regionally necessary for the sustainability of southwest Florida.

Action 2: Support continued acquisition of lands targeted for conservation and recreation by land acquisition programs, including federal, state regional, local, and private efforts in the region.

Analysis of Public Facilities and Infrastructure

- Emergency Medical Services – Lee County EMS provides services to the area and will not be impacted by this request.
- Fire – Service is provided by Estero Fire and Rescue which is currently adequate for the area.
- Police – Lee County Sheriff's South District Office provides service to the area which will not be impacted by this request.
- Public Transit – LeeTran buses run along US 41, however there is a gap in stops between Galloway Ford (south of Williams Road), and Estero Parkway. No transit will serve this site.
- Solid Waste – Trash bins will be available in the parking area.
- Water and Sewer – There is no water or wastewater service to the property for public use. Subsequent future phases of the site development will necessitate the provision of these services.

Transportation Analysis

Access to the site for the initial phase of trail development will be from the existing driveway on Corkscrew Road which provides direct access to the existing parking area. No improvements to this existing access are currently planned. Future development will likely include access from the north side of the Estero River.

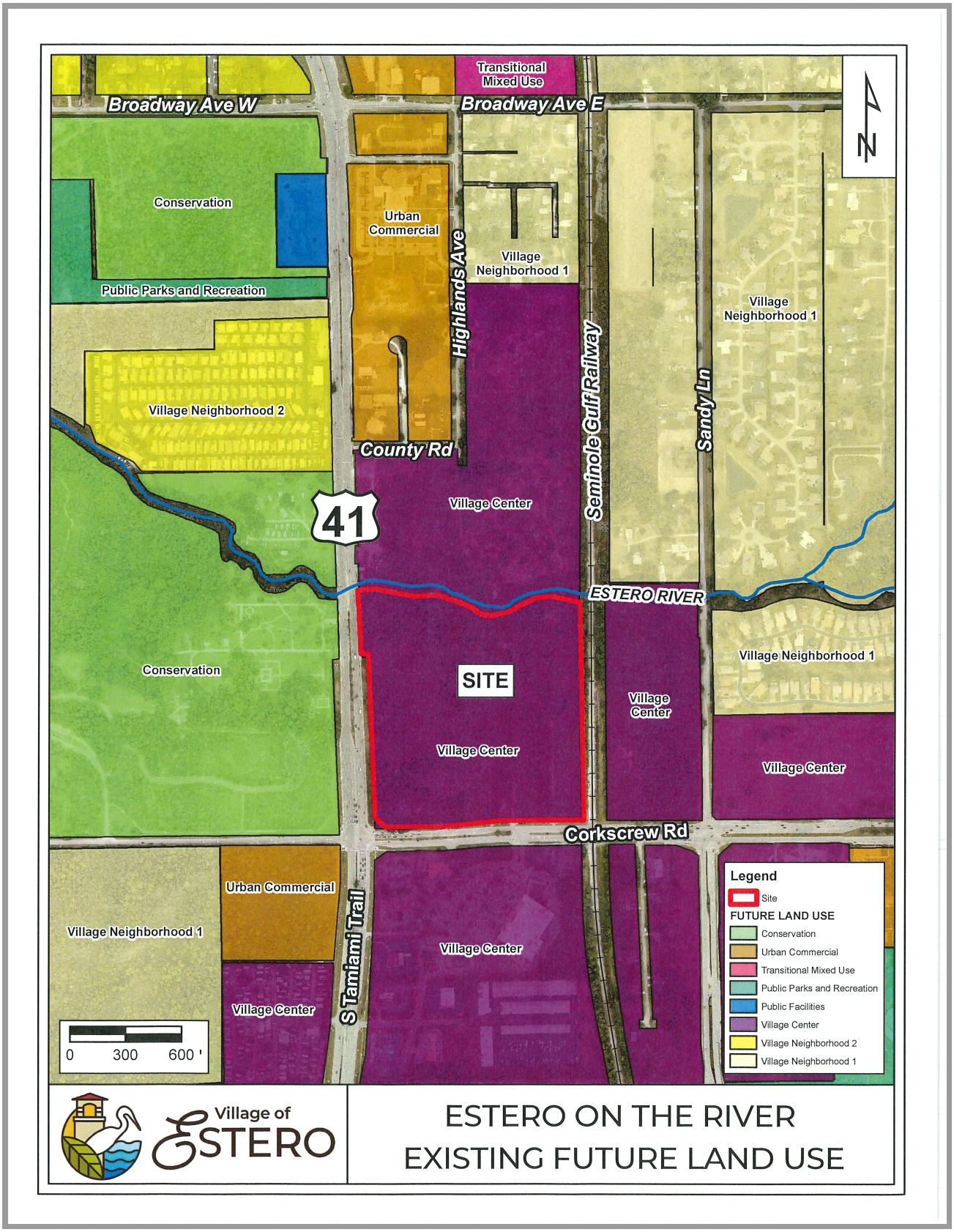
The Comprehensive Plan amendment will result in a much less intensive project than the approved zoning allows; thus, transportation impacts will be substantially reduced.

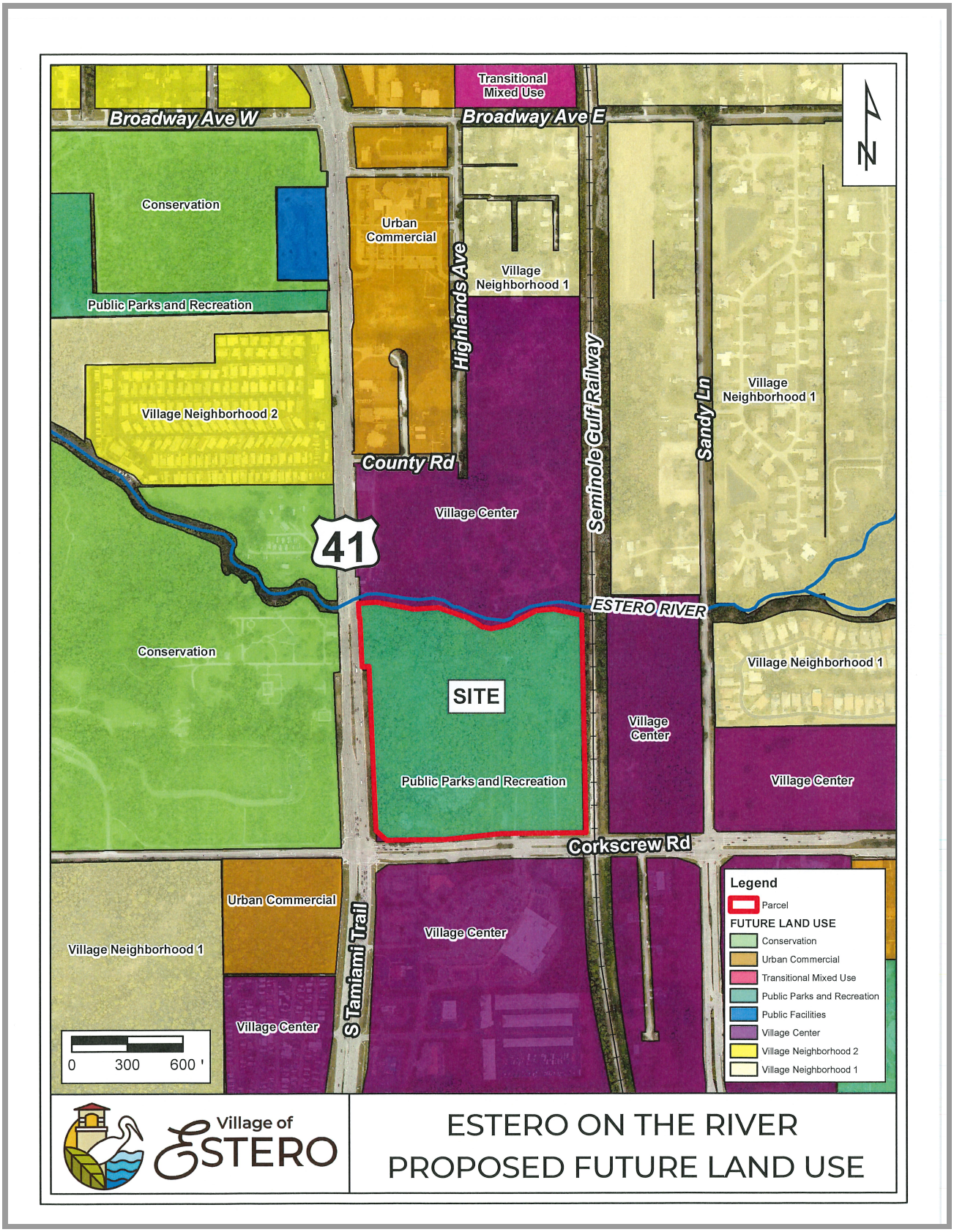
CONCLUSIONS

The existing Village Center Future Land Use category could allow for intense development, such as residential and/or commercial uses, that are not consistent with the goals of the Village of Estero for the land acquired south of the Estero River. The Public Parks and Recreation Future Land Use is more appropriate for the publicly owned site which will allow for public access to the Estero River as well as recreational uses. This is supported by data and analysis provided in the staff report as well as the several studies and surveys conducted by the Village referenced in the report.

Attachments:

A. Existing and Proposed Future Land Use Map
B. Comprehensive Plan Amendment Application /Project Description
C. Cultural Resource Assessment (previously provided to Council, available at Clerk's Office)
D. Tree Survey


Transitional Mixed Use
Broadway Ave W
Broadway Ave E
N
Conservation
Urban Commercial
Village Neighborhood 1
Highlands Ave
Public Parks and Recreation
Seminole Gulf Railway
Sandy Ln
Village Neighborhood 1
Village Neighborhood 2
County Rd
41
Village Center
ESTERO RIVER
Conservation
SITE
Village Center
Village Center
Village Neighborhood 1
Village Center
Village Center
Corkscrew Rd
Urban Commercial
Village Neighborhood 1
S Tamiami Trail
Village Center
Village Center
0 300 600 '
Legend
Site
FUTURE LAND USE
Conservation
Urban Commercial
Transitional Mixed Use
Public Parks and Recreation
Public Facilities
Village Center
Village Neighborhood 2
Village Neighborhood 1
Village of ESTERO
ESTERO ON THE RIVER
EXISTING FUTURE LAND USE


Transitional Mixed Use
Broadway Ave W
Broadway Ave E
Conservation
Urban Commercial
Village Neighborhood 1
Highlands Ave
Public Parks and Recreation
Village Neighborhood 2
Seminole Gulf Railway
Sandy Ln
Village Neighborhood 1
County Rd
Village Center
41
ESTERO RIVER
Conservation
SITE
Village Neighborhood 1
Village Center
Public Parks and Recreation
Village Center
Corkscrew Rd
Urban Commercial
Village Neighborhood 1
Village Center
S Tamiami Trail
Village Center
0 300 600 '
Legend
Parcel
FUTURE LAND USE
Conservation
Urban Commercial
Transitional Mixed Use
Public Parks and Recreation
Public Facilities
Village Center
Village Neighborhood 2
Village Neighborhood 1
Village of ESTERO
ESTERO ON THE RIVER
PROPOSED FUTURE LAND USE

APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT – MAP

In The Village of Estero

[LDC Sections 2-401, 2-403, 2-405]

Project Name: _____

Project Description: _____

_____

_____

Map(s) to Be Amended: _____

State Review Process: ☐ Small-Scale Review ☐ State Coordinated Review ☐ Expedited State Review

1. **Name of Applicant:**
   Address: _____
   City, State, ZIP: _____
   Phone Number: _____ E-mail: _____

2. **Authorized Agent (if different than applicant):** _____
   Address: _____
   City, State, ZIP: _____
   Phone Number: _____ E-mail: _____

3. **Property Owner(s):** _____
   Address: _____
   City, State, ZIP: _____
   Phone Number: _____ E-mail: _____

4. **Property Location:**
   1. Street Address: _____
   2. STRAP Number(s): _____

5. **Disclosure of Interest:**
   ☐ Attach Disclosure of Interest Form

6. **Property Information:**
   Total Acreage of Property: _____ Total Acreage Included in Request: _____
   Total Uplands: _____ Total Wetlands: _____ Current Zoning: _____
   Current Future Land Use Category(ies): _____
   Area in Each Future Land Use Category: _____
   Existing Land Use: _____

7. **Legal Description (must submit one):**
   ☐ Legal description (metes and bounds) and sealed sketch of the legal description.
   OR
   ☐ Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books.

8. **Surrounding property owners** (within 750 feet of the perimeter of the subject parcel or portion thereof that is subject of the request)**: [LDC 2-405.C.2.]**

A. ☐ List of surrounding property owners.
B. ☐ Map of surrounding property owners.
C. ☐ One set of mailing labels.

Note: When the case is found complete/sufficient, a new list and mailing labels must be submitted.

9. Calculation of maximum allowable development under current Comprehensive Plan:
Residential Units/Density: _____ Non-Residential Intensity: _____

10. Calculation of maximum allowable development with proposed amendments:
Residential Units/Density: _____ Non-Residential Intensity: _____

Public Facilities Impacts
NOTE: The applicant must calculate public facilities impacts based on the maximum development.

1. **Traffic Circulation Analysis**: The analysis is intended to determine the effect of the land use change on the Financially Feasible Highway Plan (20-year plus horizon) and on the Capital Improvements Element (5-year horizon). Toward that end, an applicant must submit a Traffic Impact Statement (TIS) consistent with Administrative Code (AC)13-17.

   a. Proposals affecting less than 10 acres, where development parameters are contained within the Traffic Analysis Zone (TAZ) or zones planned population and employment, or where there is no change in allowable density/ intensity, may be eligible for a TIS requirement waiver as outlined in the TIS Guidelines and AC-13-17. Identification of allowable density/intensity in order to determine socio-economic data for affected TAZ(s) must be coordinated with Village Planning staff. Otherwise a calculation of trip generation is required consistent with AC-13-17 and TIS Guidelines to determine required components of analysis for:

      i. Total peak hour trip generation less than 50 total trip ends – trip generation.

      ii. Total peak hour trip generation from 50 to 300 total trip ends – trip generation, trip distribution and trip assignment (manual or Florida Standard Urban Transportation Modeling Structure (FSUTMS) analysis consistent with AC-13-17 and TIS Guidelines), short-term (5 year) and long-range segment LOS analysis of the nearest or abutting arterial and major collector segment(s) identified in the Transportation Inventory based on the trip generation and roadway segment LOS analysis criteria in AC-13-17. **A methodology meeting is required prior to submittal of the application to discuss use of FSUTMS, any changes to analysis requirements, or a combined CPA and Zoning TIS short term analysis.**

      iii. Total peak hour trip generation is over 300 total trip ends - trip generation, mode split, trip distribution and trip assignment (manual or FSUTMS analysis consistent with AC-13-17 and TIS Guidelines), short-term (five-year) and long-range segment LOS analysis of arterial and collector segments listed in the Transportation Inventory. LOS analysis will include any portion of roadway segments within an area three miles offset from the boundary of the application legal description metes and bounds survey. LOS analysis will also include any additional segments in the study area based on the roadway segment LOS analysis criteria in AC-13-17. **A methodology meeting is required prior to submittal of the application.**

   b. Map amendment - greater than 10 acres -Allowable density/intensity will be determined by Village staff.

2. **Provide an existing and future conditions analysis for the following (see Comprehensive Plan Capital Improvements Element):**

   a. Sanitary Sewer
   b. Potable Water
   c. Surface Water/Drainage
   d. Public Schools

Analysis for each of the above should include (but is not limited to) the following (see the Lee County Concurrency Management Report):

a. Franchise Area, Basin, or District in which the property is located
b. Current LOS, and LOS standard of facilities serving the site
c. Projected 2030 LOS under existing designation
d. Projected 2030 LOS under proposed designation
e. Existing infrastructure, if any, in the immediate area with the potential to serve the subject property
f. Improvements/expansions currently programmed in 5 year CIP, 6-10 year CIP, and long-range improvements
g. Provide a letter of service availability from the appropriate utility for sanitary sewer and potable water

In addition to the above analysis, provide the following for potable water:

a. Determine the availability of water supply within the franchise area using the current water use allocation (Consumptive Use Permit) based on the annual average daily withdrawal rate.
b. Include the current demand and the projected demand under the existing designation, and the projected demand under the proposed designation.
c. Include the availability of treatment facilities and transmission lines for reclaimed water for irrigation.
d. Include any other water conservation measures that will be applied to the site.

3. **Provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities, including:**
   a. Fire protection with adequate response times
   b. Emergency medical service (EMS) provisions
   c. Law enforcement
   d. Solid Waste
   e. Mass Transit
   f. Schools

In reference to above, the applicant must supply the responding agency with the information from application items 6, 9, and 10 for their evaluation. This application must include the applicant's correspondence/request to the responding agency.

Environmental Impacts

Provide an overall analysis of the character of the subject property and surrounding properties, and assess the site's suitability for the proposed change based upon the following:

1. A map of the Plant Communities as defined by the Florida Land Use Cover and Classification system (FLUCCS).
2. A map and description of the soils found on the property (identify the source of the information).
3. *A topographic map depicting the property boundaries and 100-year flood prone areas indicated (as identified by FEMA).*
4. A map delineating the property boundaries on the most recent Flood Insurance Rate Map.
5. A map delineating wetlands, aquifer recharge areas, and rare & unique uplands.
6. A table of plant communities by FLUCCS with the potential to contain species (plant and animal) listed by federal, State or local agencies as endangered, threatened or species of special concern. The table must include the listed species by FLUCCS and the species status (same as FLUCCS map).

Impacts on Historic Resources

List all historic resources (including structure, districts, and/or archaeologically sensitive areas) and provide an analysis of the proposed change's impact on these resources. The following should be included with the analysis:

1. A map of any historic districts and/or sites listed on the Florida Master Site File which are located on the subject property or adjacent properties.
2. A map showing the subject property location on the archaeological sensitivity map for Lee County.

Internal Consistency with the Comprehensive Plan

1. List all goals and objectives of the Plan that are affected by the proposed amendment or that affect the subject property. This analysis should include an evaluation of all relevant policies under each goal and objective.
2. Describe how the proposal affects adjacent local governments and their comprehensive plans.

State Policy Plan and Regional Policy Plan

List State Policy Plan and Regional Policy Plan goals, strategies and actions, and policies which are relevant to this plan amendment.

Justify the proposed amendment based upon sound planning principles

Support all conclusions made in this justification with adequate data and analysis.

SUBMITTAL REQUIREMENT CHECKLIST

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

For each map submitted, the applicant will be required to submit a 24"x36" version and 8.5"x11" reduced map for inclusion in public hearing packets.

☐	Completed **Application**
☐	Filing Fee (no copies)
☐	**Disclosure of Interest**
☐	**Legal Description**
	☐ Legal description (metes and bounds) and sealed sketch of legal description
	OR
	☐ Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books
☐	**Surrounding Property Owner List**, Mailing Labels and Map for all Parcels within 750 Feet of the Subject Property
☐	**Future Land Use Map** - Existing and Proposed
☐	**Map and Description of Existing Zoning** of the Subject Property and Surrounding Properties
☐	Signed/Sealed **Legal Description** and Sketch of the Description for Each FLUC Proposed
☐	Copy of the **Deed(s)** of the Subject Property
☐	**Aerial Map** Showing the Subject Property and Surrounding Properties
☐	**Authorization Letter** From the Property Owner(s) Authorizing the Applicant to Represent Owner
☐	**Comprehensive Plan Analysis**
☐	**Environmental Impacts Analysis**
☐	**Historic Resources Impact Analysis**
☐	**Public Facilities Impact Analysis**
☐	**Traffic Circulation Analysis**
☐	**Existing and Future Conditions Analysis** – Sanitary Sewer, Potable Water, Surface Water/Drainage, Public Schools
☐	**Letter of Determination** for the Adequacy/provision of Existing/Proposed Support Facilities – Fire Protection, Emergency Medical Service, Law Enforcement, Solid Waste, Mass Transit, Schools
☐	**State Policy Plan and Regional Policy Plan**
☐	**Justification for Proposed Amendment**

CULTURAL RESOURCE ASSESSMENT SURVEY UPDATE
TECHNICAL MEMORANDUM
± 18 ACRE PORTION OF ESTERO ON THE RIVER
LEE COUNTY, FLORIDA

Prepared for:

Village of Estero
9401 Corkscrew Palms Circle
Estero, Florida 33928

Prepared by:

Florida's First Choice in Cultural Resource Management

Archaeological Consultants, Inc.
8110 Blaikie Court, Suite A
Sarasota, Florida 34240
(941) 379-6206

March 2022

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Maranda Kles -Project Manager
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Kimberly Irby – Architectural Historian

March 2022

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1.0 INTRODUCTION

This Cultural Resource Assessment Survey (CRAS) Technical Memorandum was prepared by Archaeological Consultants, Inc. (ACI) on behalf of the Village of Estero, to update a portion of the CRAS report prepared by ACI in 2005 in consideration of Lee County for a private developer (Florida Division of Historic Resources [FDHR] Report No. 22678). That survey resulted in a request by Lee County for a Historic Preservation Plan to be developed for future land use and changes (Resolution Number Z-07-021-Board of Commissioners of Lee County; pg 8; **Appendix A**). Since that time the Village of Estero was incorporated and took ownership of a portion of the property that was surveyed in 2005.

This survey focused on an ± 18-acre parcel in the Village of Estero in Lee County (**Figure 1**), that was part of a larger survey conducted by ACI in 2005. The purpose of this memorandum is to update the previously recorded historic resources (ACI 2005), record any new historic resources built prior to 1972, conduct additional archaeological testing, and update the boundaries of the listed National Register of Historic Places (NRHP) Koreshan Unity Settlement Historic District (8LL00094), if needed. The current survey was conducted at the request of the Village of Estero in consideration of the previous request for a Historic Preservation Plan by the Board of Commissioners of Lee County.

2.0 ENVIRONMENTAL SETTING

The project Area of Potential Effects (APE) is located in Section 33 of Township 46 South, Range 25 East in Lee County (United States Geological Survey [USGS] Estero, Fla. 1958, PR 1987; **Figure 2**). US 41 is situated immediately west, and the Estero River is to the north. The Estero River is tidal and drains into the Estero Bay estuary, one of the most productive estuaries in the state (Florida Department of Environmental Protection 2005).

Geologically, the project area is located within the Gulf Coastal Lowlands physiographic region (Puri and Vernon 1964). The land adjacent to the coastline is generally low in elevation and poorly drained. The general topography of the survey area is low and nearly level with an elevation of 10 feet (ft) above mean sea level (amsl).

A review of the Lee County Soil Survey (United State Department of Agriculture [USDA] 1984) revealed that the Estero on the River property is located within the Hallandale-Boca soil and Oldsmar-Malabar-Immokalee soil associations. These nearly level and poorly drained soil associations are typical of flatwoods and sloughs. Soils specific in the project area noted on **Figure 3.**

The project area is currently vacant, although there are remnants of some buildings, most are no longer extant. Exotic vegetation, such as Brazilian pepper and bamboo are common. Natural vegetation consists of cabbage palm, pine, oak, and various weeds and grasses **(Photos 1, 2**).

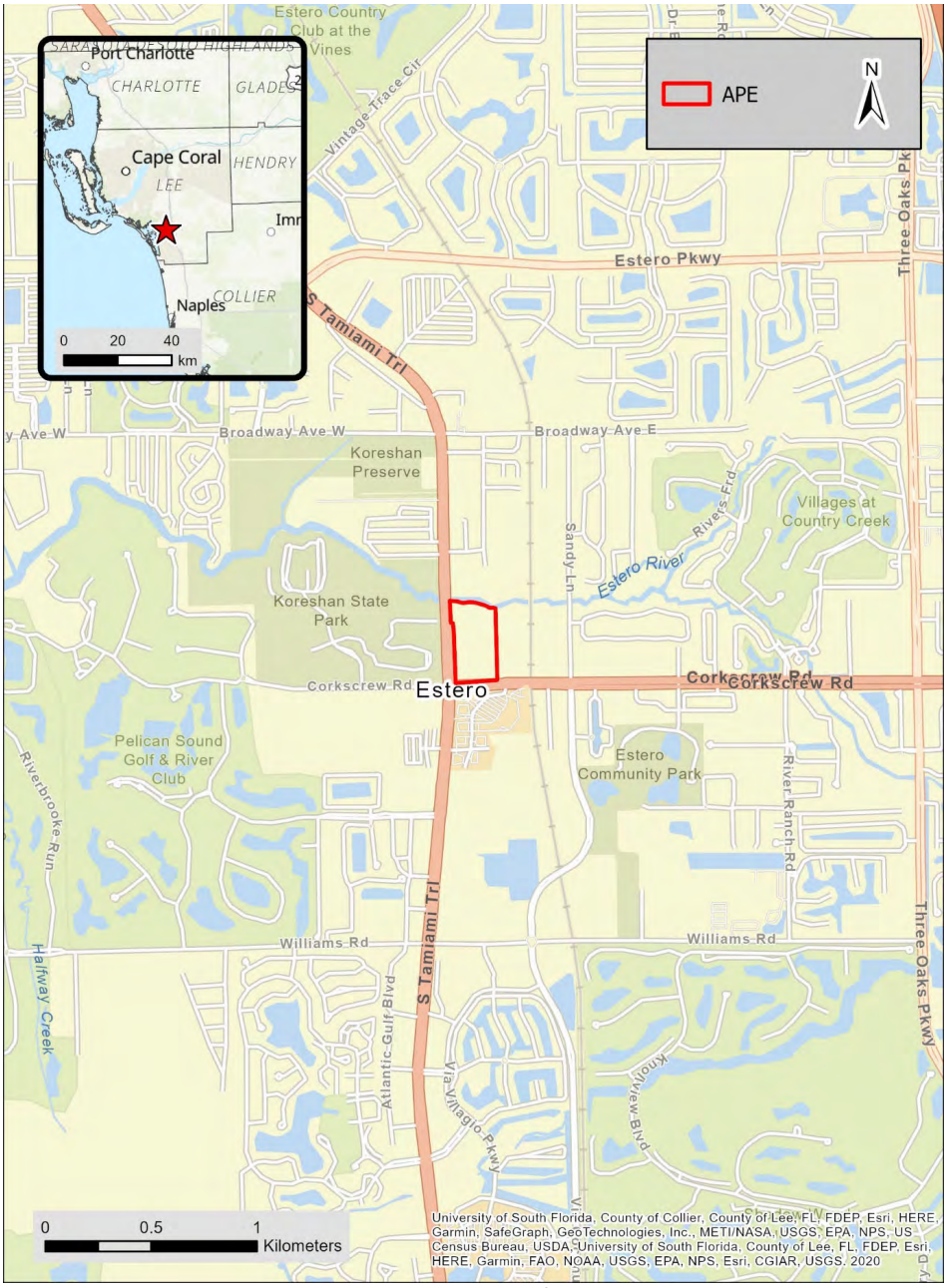


Figure 1. Location of the APE.

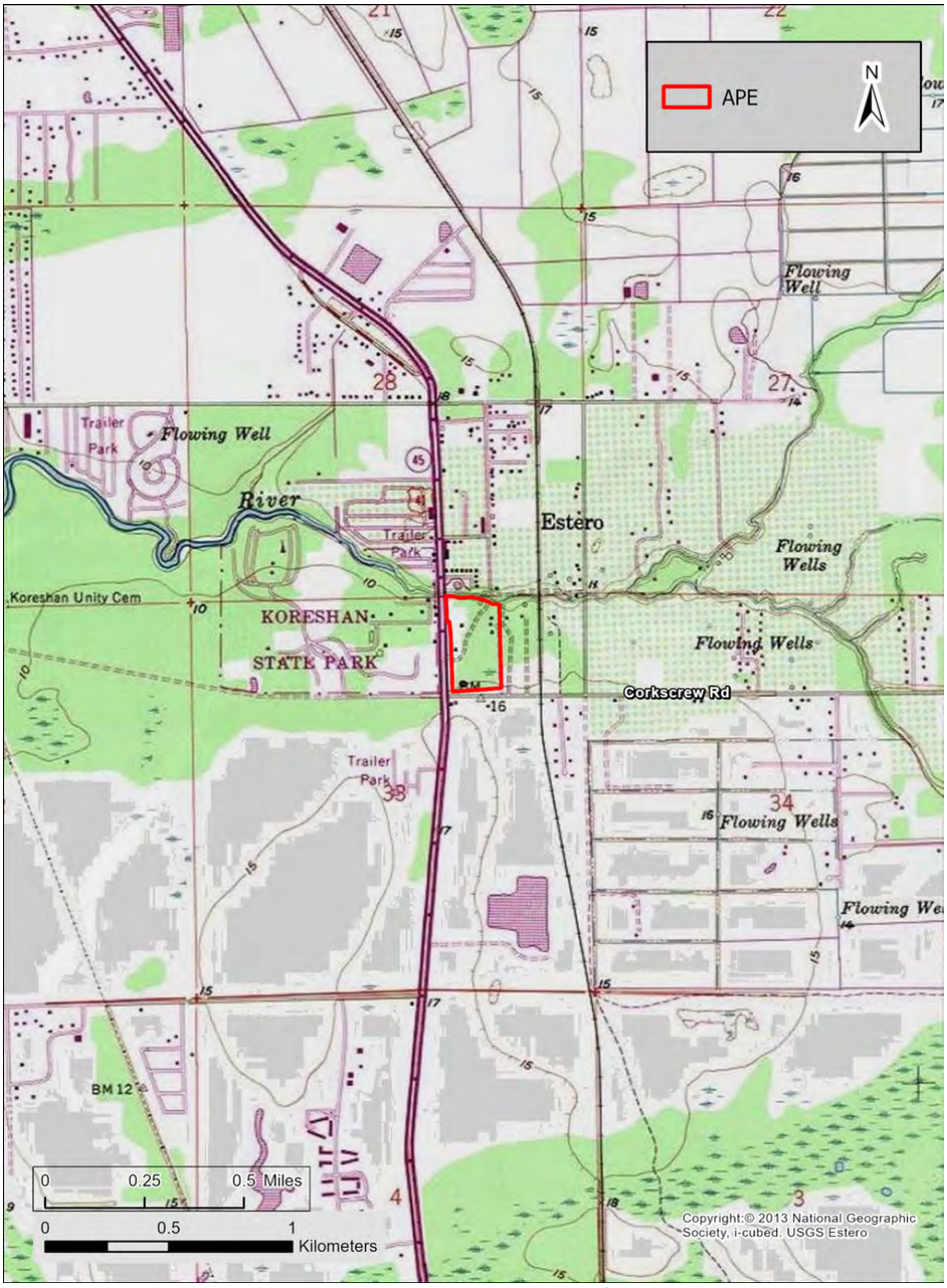


Figure 2. Environmental setting of the APE.

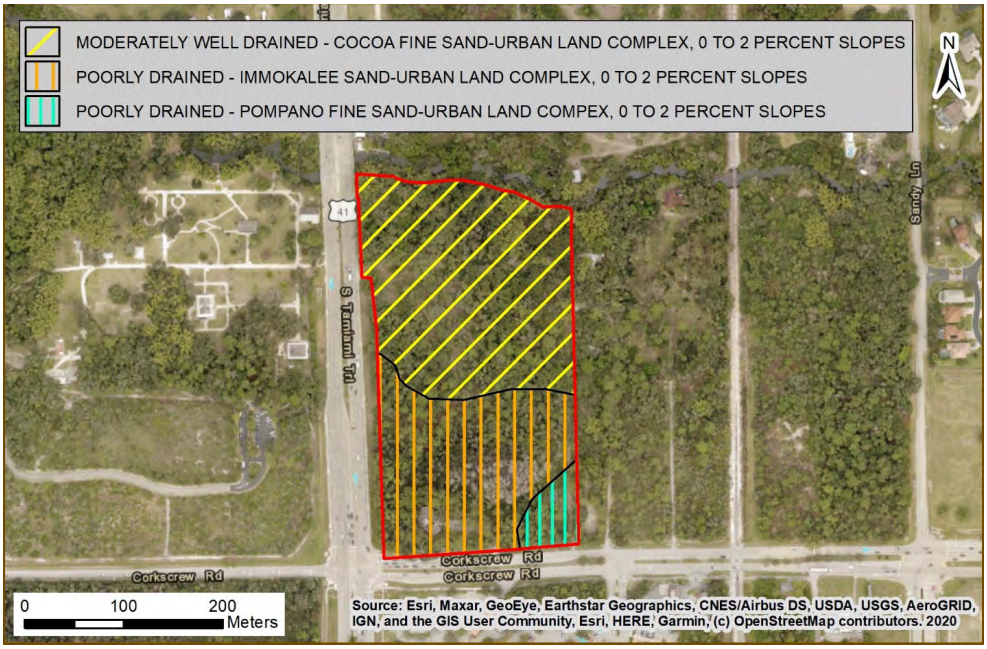


Figure 3. Soil types within the APE.



Photo 1. Natural vegetation within the APE.



Photo 2. Exotic vegetation within the APE.

3.0 HISTORIC OVERVIEW

An in-depth historic and prehistoric overview was completed during the previous CRAS and will not be repeated here (ACI 1997, Survey No. 5215; ACI 2005, Survey No. 22678). The following is an updated historic context overview.

Following the rise of automobile-based travel and the subsequent construction of the Tamiami Trail (US 41) through Lee County, the Koreshan Unity Settlement was forced to make changes to their way of life in order to sustain their livelihood. As a result, the community focused on Tamiami Trail traffic as a

source of income. The north-south connector between Tampa and Miami was constructed through the central portion of the Koreshan Unity Settlement, thus bisecting the community into east and west segments. In 1920, a general store and gas station were constructed on the west side of US 41 – outside of the project area – to accommodate travelers along the newly constructed route. At the time of its construction, the general store was the only store between Fort Myers and Naples, selling "groceries, fishing supplies, and the famous Koreshan 'risin' bread…it also housed the Estero Post Office, the 'Riverview' Restaurant and a Mobil Oil gas station" (Koreshan Unity Alliance, Inc. n.d.). Within the project area, the circa (ca.) 1910 Arts and Industrial Exhibits Complex was converted into the Rustic Tea Room with the associated Rustic Tea Room Outhouse (8LL02351) in ca. 1930 to provide food and beverages to travelers on the Tamiami Trail. At this time a new filling station was also built on the east side of US 41.

World War II brought the construction of two air bases in the Fort Myers area, Buckingham and Page Fields (Grismer 1949). Following the war, many of the servicemen stationed in the area returned with their families to make Lee County and the Fort Myers area their home (Board and Bartlett 1985). This contributed to the continued, steady growth of the region with new housing focused on the development of small tract homes in new subdivisions. The post-World War II development of Lee County is similar to that of the rest of America: increasing numbers of automobiles and asphalt, an interstate highway system, suburban sprawl, and strip development along major state highways. Florida's population increased from 1,897,414 to 2,771,305 from 1940 to 1950 (Tebeau 1971). This increase in population and residential construction is evidenced by the construction of multiple residences within the APE, but to the east of the Koreshan Unity-related properties, as well as mobile home parks within the general vicinity (USDA 1953). In addition, land to the east of US 41 was cleared between ca. 1953 and 1958 for future road widenings and bridge improvements (see **Figure 4**) which resulted in the demolition of several structures immediately adjacent to the route, including the Rustic Tea Room and the filling station (USDA 1953, 1958).

In 1961, Hedwig Michel, the last surviving member of the Koreshan Unity Settlement, donated the 300 acres comprising the settlement to the State of Florida for its protection (Fryman 1975; Ohnemus 2001). The Koreshan State Historic Site opened on the west side of US 41 in 1967. The Koreshan Unity Foundation, Inc. – later known as the College of Life Foundation, Inc. – continued to maintain the land east of US 41, including the ruins of the publishing house, tea house, former industrial and commercial buildings, and the Anna Lewis House (Dauray 2005; Fryman 1975). The Koreshan Unity Settlement Historic District (HD) (8LL00094), comprised of both state-owned lands and those owned by the foundation, was listed in the NRHP in May 1976 (Fryman 1975). In addition, the Koreshan State Historic Site/Koreshan Settlement became a locally designated historic district (HD District 2000-06-01) in Lee County on July 10, 2000. The boundary for the local designation is contained within the Koreshan State Historic Site on the west side of US 41.

Additional widening operations for US 41 north of Corkscrew Road and south of the Estero River began during the late 1970s and carried on into the 1980s (FDOT 1979). During this time, US 41 was widened into a four-lane divided highway and a new bridge was constructed in ca. 1982 to carry the widened US 41 over the Estero River (FDOT 1986). Approximately three decades later, this portion of US 41/Tamiami Trail was further widened due to increased residential and commercial development in the area. In ca. 2013, the segment adjacent to the APE was widened into a six-lane divided highway and associated bridge crossing the Estero River was widened in accordance (Google Earth 2022). In addition to the improved infrastructure, the increased residential development in the area also led to the incorporation of the Village of Estero on December 31, 2014 (Village of Estero 2016).

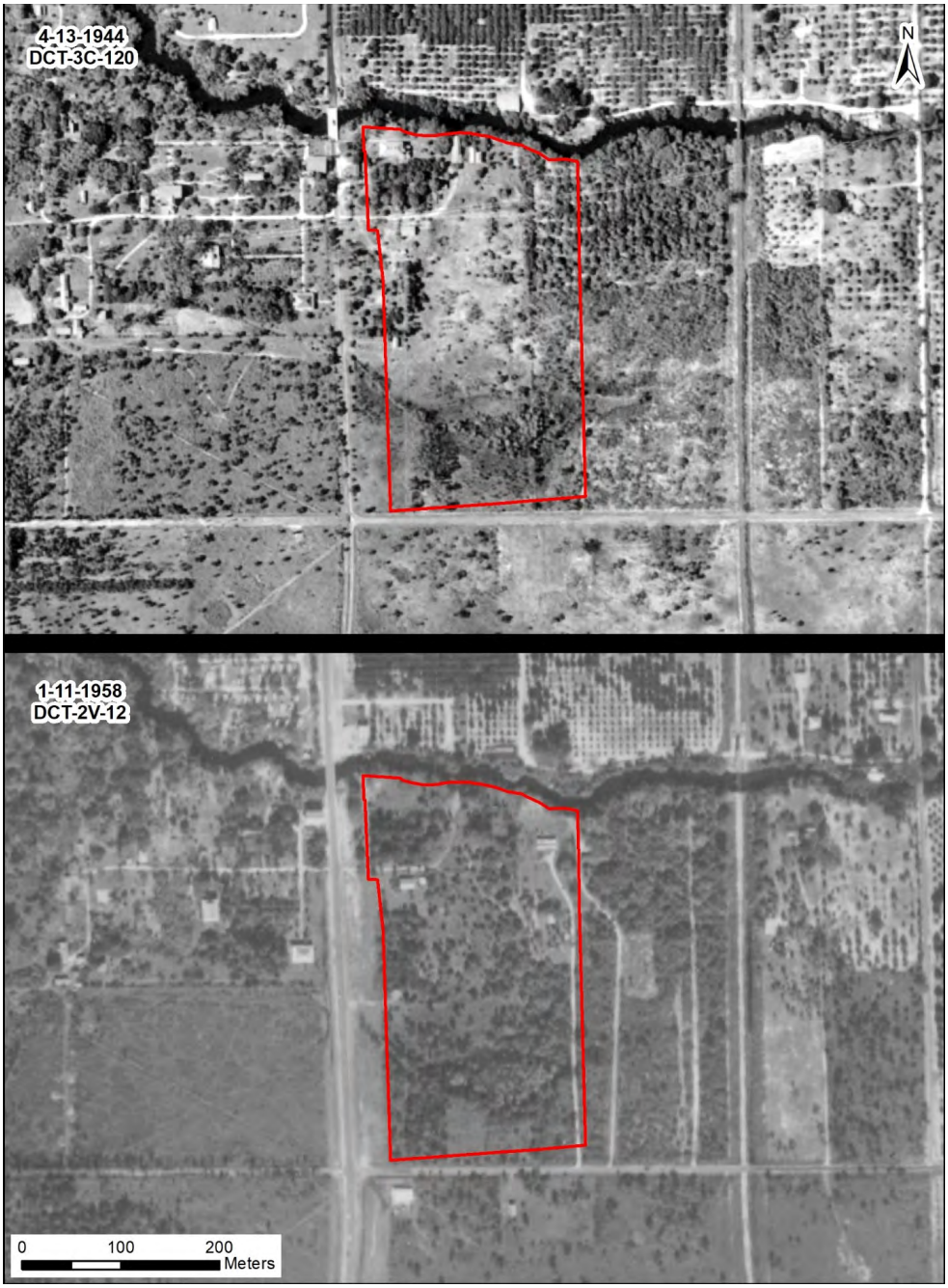


Figure 4. 1953 and 1958 setting of the APE.

4.0 BACKGROUND RESEARCH AND CONSIDERATIONS

The field survey was preceded by background research, which included a comprehensive review of archaeological and historical literature, records and other documents and data pertaining to the project area. This research was conducted to ascertain the types of cultural resources known in the project area and vicinity, their cultural affiliations, site location information, and other relevant data. This included a review of sites listed in the NRHP, the Florida Master Site File (FMSF), cultural resource survey reports, published books and articles, maps, historic aerials, a review of the Estero quadrangle map (USGS 1958), the Lee County property appraiser (Caldwell 2022), and information from the files of ACI. The FMSF data used in this report were initially obtained in August 2021.

Archaeological background research revealed a total 17 historic and prehistoric archaeological sites are located within and in close proximity to the APE (**Figure 5; Table 1**). Of these 17, eight are within the APE (blue in table below) and consists of building remains/historic refuse sites and historic refuse sites with a prehistoric component. These were recorded during various surveys of the general area (ACI 1997, 2005; Baker and Wheeler 2000; Clay and Wiseman 2000; Wayne and Dickinson 2004). The building remains were previously found ineligible for listing individually on the NRHP; however, they were considered contributing resources to the NRHP-listed Koreshan Unity Settlement Historic District (8LL00094) (Percy 1997; **Appendix A**). The other resources have not been evaluated by the State Historic Preservation Officer (SHPO).

In 1997, ACI conducted a CRAS of *U.S. 41 from North of CR 887 to San Carlos Boulevard, Collier and Lee Counties, Florida* (Survey No. 05215). During the 1997 survey, it was noted that nine additional resources were identified within the boundaries of the NRHP-listed Koreshan Unity Settlement Historic District (8LL00094). Eight were archaeological resources (recorded as historic structures at the time, but later determined to be archaeological): the Publishing House Foundation, the Limerock Wall, the Sawmill #4 Foundation, the Boat Works #2 Foundation, the Entrance Pillars, the Old Store Foundation, the Petronian Foundation, and a well. As a result of the 1997 survey, the SHPO (Percy 1997; **Appendix A**) concurred that these resources contributed to the Koreshan Unity Settlement Historic District (8LL00094) but were not individually eligible for listing in the NRHP; however, none were given FMSF numbers at that time. Due to the Limerock Wall's contributory status, in June 2004, a Level III Historic American Buildings Survey (HABS) was prepared for the Limerock Wall (8LL02353) as part of the mitigation process in relation to the US 41 roadway improvements (**Appendix A**; FMSF). The mitigation process involved documenting and photographing the condition of the limerock wall prior to vibration activity from nearby road and bridge construction.

In 2005, ACI conducted a CRAS of *the Estero on the River Property* (Survey No. 22678) for a private developer. That survey included the current APE and areas to the east and north; however, only the results of the survey related to the current APE are presented here. As a result of the 2005 survey, four of the previously identified archaeological resources that were originally documents in 1997 were assigned FMSF numbers, the Publishing House Foundation (8LL02352), the Limerock Wall (8LL02353), the Sawmill #4 Foundation (8LL02354), and the Boat Works #2 Foundation (8LL02355). These foundations were previously determined ineligible for listing but were considered contributing resources to the Koreshan Unity Settlement Historic District (8LL00094), as these foundations provided physical evidence of the size, location, scale, spatial relationship to other buildings, and existence of the structures (FMSF). These resources were recorded in ruinous condition as building foundations of the former commercial and industrial buildings (**Table 1**). Four additional archaeological resources were identified during the 2005 survey, three were artifact scatters associated with the building foundations (8LL02363-2365) and one was a new foundation (8LL02356) (**Table 1**). While informative, the artifact scatters did not produce any truly distinct artifacts and therefore they appear to be ineligible for listing on the NRHP; however, the SHPO has not evaluated these resources. The Apiary Foundation (8LL02356) was newly identified and recorded, it

was considered individually ineligible, but potentially contributing, however it has not been evaluated by the SHPO. As a result of the 2005 survey a Historic Preservation plan was initiated with the Lee County Historic Preservation Board/ Board of Commissioners, which included preserving or relocating certain structures. Additional aspects of the plan were to be finalized in the future.

With regard to the other five resources identified in 1997: the Entrance Pillars, Old Store Foundation, and Petronian Fountain were located on the west side of US 41 in the Koreshan State Park, therefore they were not evaluated during the 2005 survey and ACI was unable to relocate the well during the 2005 survey, therefore it was not given an FMSF number.

Table 1. Previously recorded archaeological resources within the APE and in close proximity.

FMSF No.	Site Name	Style/Site Type	Year Built; Culture Pd.	SHPO Evaluation
8LL01845	Founder' House	Homestead, historic refuse, artifact scatter	Prehistoric, 19th Century	Eligible
8LL01912	Estero Riverbank	Artifact scatter, historic refuse	Prehistoric, 20th Century	Ineligible
8LL01988	The Koreshan Laundry	Building remains	20th Century	Not Evaluated
8LL02035	Koreshan Waterline for Planetary Court	Artifact scatter, historic refuse	Prehistoric, Historic	Not Evaluated
8LL02064	Membership Cottage	Building remains, historic refuse	19th & 20th Century	Not Evaluated
8LL02065	Small Machine Shop	Industrial, historic refuse	20th Century	Not Evaluated
8LL02352	Guiding Star Publishing House Foundations	Building remains	ca. 1904	Ineligible
8LL02353	Limerock Retaining Wall	Building remains	ca. 1904	Ineligible
8LL02354	Machine and Woodworking Building Foundations	Building remains	ca. 1900	Ineligible
8LL02355	Boatworks #2 and Plumbing & Blacksmith Shop Foundations	Building remains	ca. 1900	Ineligible
8LL02356	Apiary Foundations	Building remains	ca. 1900	Not Evaluated
8LL02362	Estero on the River Scatter	Artifact scatter	Prehistoric	Not Evaluated
8LL02363	Boatworks/ Plumbing Shop/ Apiary Scatter	Historic refuse	20th Century	Not Evaluated
8LL02364	Publishing House Scatter	Artifact scatter, historic refuse	20th Century	Not Evaluated
8LL02365	College of Life Scatter	Historic refuse	20th Century	Not Evaluated
8LL02541	Koreshan Bakery	Building remains, historic refuse	Unk	Not Evaluated
8LL02815	Zone 1 Refuse Site	Historic refuse/dump	Unk	Not Evaluated

*Blue shading denotes resources within the APE.

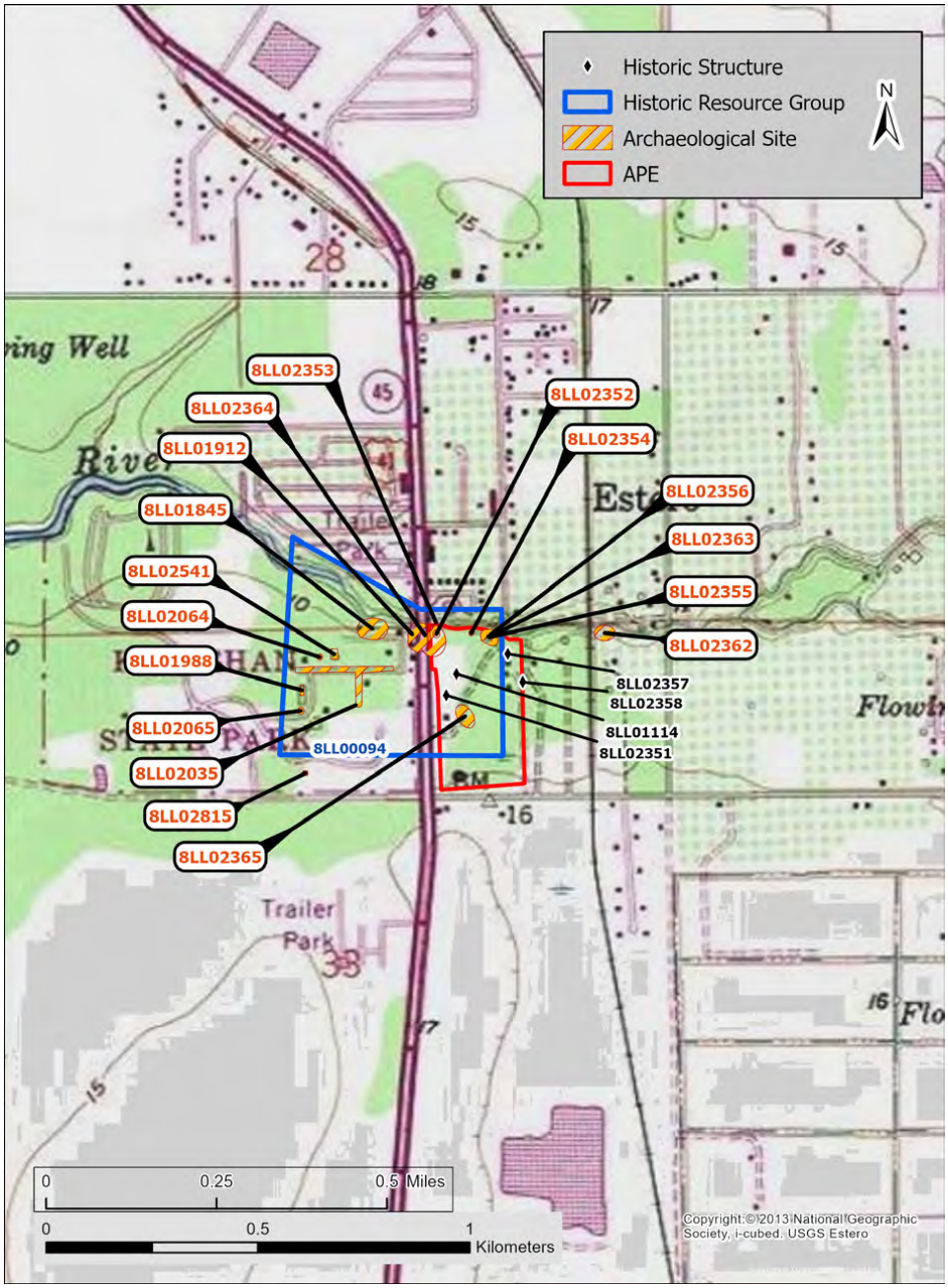


Figure 5. Previously recorded cultural resources within and in close proximity to the APE.

Historical/architectural background research including a review of the FMSF and the NRHP indicated that five historic resources were previously recorded within the APE (**Figure 5**). These include a portion of the NRHP-Listed Koreshan Unity Settlement Historic District (8LL00094), three buildings, the Anna Lewis House (8LL01114), the Holly Park House (8LL02357), and the Lockwood House (8LL02358), as well as the Rustic Tea Garden Outhouse (8LL02351). None of the buildings have been evaluated by the SHPO.

The Koreshan Unity Settlement Historic District (8LL00094) was listed in the NRHP on May 4, 1976, and the boundary east of US 41 lies within the subject property survey area. The Koreshan Unity Settlement Historic District (8LL0094) is comprised of approximately 54 acres north of Corkscrew Road, extending to the north side of the Estero River and bisected by the Tamiami Trail (US 41). The portion of the district east of US 41 is situated within the project area (**Figure 5**). The Koreshan Unity was a communal society based on the Christian beliefs while maintaining their own scientific ideology. In 1893, Dr. Cyrus Teed, founder of the Koreshan Unity Settlement, established a colony in Florida. Teed purchased 300 acres along the Estero River from Gustave Damkohler for $200, and construction of the commune began shortly after (Fryman 1975:8/1; Rea 1994:20). The location on the Estero River provided a major transportation route utilized by the Koreshans for importing and exporting goods, providing for the economy of the settlement. The settlement was called "New Jerusalem," and Teed's name in Hebrew translated to *Koresh* (Rea 1994:1). By the early 20th century, the commune reached its zenith, consisting of numerous residences and community buildings, a general store, a bakery, a publishing house, a machine shop, a sawmill, a concrete factory, boat building facilities, and other industrial buildings. Following the death of Dr. Cyrus Teed in 1908, the Koreshan movement declined. The celibate lifestyle required new members to be recruited from outside the community and without Teed to attract new members, the settlement became limited (Fryman 1975:8/2-3; Rea 1994:58-59).

By the late 1940s, a majority of the industrial facilities were demolished or destroyed by fire and the newly constructed Tamiami Trail (US 41) was built through the center of the settlement, disrupting the continuity of the commercial and residential activities of the community. By 1960, only four members of the Unity remained and Hedwig Michel, the last surviving member, donated 300 acres comprising the settlement to the State of Florida for its protection (Fryman 1975:8/3; Ohnemus 2001:11). She formed the Koreshan Unity Foundation, Inc. to oversee the Koreshan lands and the foundation continued to maintain the land east of US 41, including the ruins of the publishing house, tea house, former industrial and commercial buildings, and the Anna Lewis House (Dauray 2005; Fryman 1975:8/3). The foundation changed its name in 2001 to the College of Life Foundation, Inc. and has increased its land holdings to include adjacent properties. On July 10, 2000, the Koreshan State Historic Site/Koreshan Unity Settlement became a locally designated historic district (HD District 2000-06-01) in Lee County. The boundary for the local designation is contained within the Koreshan State Historic Site on the west side of US 41.

In 1997, ACI conducted a CRAS of *U.S. 41 from North of CR 887 to San Carlos Boulevard, Collier and Lee Counties, Florida* (Survey No. 05215). At the time of this survey, the Anna Lewis House (8LL01114) was the only previously recorded building contributing to the NRHP-Listed Koreshan Unity Settlement Historic District (8LL00094) located on the east side of US 41. During the 1997 survey, it was noted that nine additional resources were identified within the boundaries of the Koreshan Unity Settlement Historic District (8LL00094), including one architectural resource, the Rustic Tea Garden Outhouse. As a result of the 1997 survey, the SHPO concurred that the nine resources contributed to the Koreshan Unity Settlement Historic District (8LL00094) but were not individual eligible for listing on the NRHP; however, none were given FMSF numbers at that time.

In 2005, ACI conducted a CRAS of *the Estero on the River Property* (Survey No. 22678) for a private developer. That survey included the APE and areas to the east and north, only the results of the survey related to the current APE are presented here. As a result of the survey, five previously identified

resources were assigned FMSF numbers, including the Rustic Tea Garden Outhouse (8LL02351). In addition, two resources, the Holly Park House (8LL02357), and the Lockwood House (8LL02358), were newly identified and recorded, the resources appeared to be ineligible for listing on the NRHP, did not appear to be contributing resources to the historic district, and were located outside the district boundaries. The "bomb shelter" was also noted, but not recorded as it was not 50 years of age at the time. As a result of the 2005 survey a Historic Preservation plan was initiated with the Lee County Historic Preservation Board/ Board of Commissioners, which included preserving or relocating certain structures. Additional aspects of the plan were to be finalized in the future.

Subsequently in 2010, during the *Cultural Resource Assessment Survey Addendum SR 45 (US 41) from Corkscrew Road to San Carlos Boulevard Four Additional Linear Pond Sites, Lee County, Florida* it was confirmed that the Anna Lewis House (8LL01114) had been moved from the eastern property and relocated to the west side of US 41 within Koreshan State Historic Site grounds for use as administrative offices (ACI 2010).

A review of relevant historic USGS quadrangle maps, historic aerial photographs, and the Lee County property appraiser's website data revealed the potential for one new historic resource, 50 years of age or older (constructed in 1972 or earlier), within the APE (Caldwell 2022). This includes the ca. 1957 bomb shelter associated with 8761 Corkscrew Road/Holly Park House (8LL02357). Based on the information stated above, two extant buildings, the Holly Park House (8LL02357) and the Lockwood House (8LL02358), will be updated since they have not been evaluated by the SHPO. Furthermore, because the boundary of the NRHP-Listed Koreshan Unity Settlement Historic District (8LL00094) has not been revised since 1976, it will also be updated to reflect changes to the east side of US 41.

5.0 STUDY METHODS

The FDHR's Module Three, Guidelines for Use by Historic Professionals, indicates that the first stage of archaeological field survey is a reconnaissance of the project area to "ground truth," or ascertain the validity of the predictive model (FDHR 2003). During this part of the survey, the researcher assesses whether the initial predictive model needs adjustment based on disturbance or conditions such as constructed features (i.e., parking lots, buildings, etc.), underground utilities, landscape alterations (i.e., ditches and swales, mined land, dredged and filled land, agricultural fields), or other constraints that may affect the archaeological potential. Additionally, these Guidelines indicate that non-systematic "judgmental" testing may be appropriate in urbanized environments where pavement, utilities, and constructed features make systematic testing unfeasible; in geographically restricted areas such as proposed pond sites; or within project areas that have limited high and moderate probability zones, but where a larger subsurface testing sample may be desired. While predictive models are useful in determining preliminary testing strategies in a broad context, it is understood that testing intervals may be altered due to conditions encountered by the field crew at the time of survey. A reasonable and good faith effort was made to locate the historic properties within the project APE (Advisory Council on Historic Preservation n.d.).

Archaeological field methodology consisted of additional archaeological testing to bring testing methodology up to current standards. The positive test pits excavated in 2005 (ACI 2005) were planned on being relocated and closer interval testing placed around them. However, methodology had to be downgraded due to the overgrowth of bamboo and other exotic vegetation. Shovel tests that could be excavated were placed at 50-meter (m) intervals and judgmentally. A surface reconnaissance was also conducted where the ground was clear. Shovel tests were circular and measured approximately 0.5 m in diameter by at least 1 m in depth. All soil removed from the shovel tests was screened through 6.4 millimeters (mm) mesh hardware cloth to maximize the recovery of artifacts. The locations of all shovel

tests were recorded with a Trimble Geo 7X Series GPS unit and following the recording of relevant data, such as stratigraphic profile, all shovel tests were refilled.

Historic/architectural field methodology consisted of a field survey of the APE to determine and verify the location of all buildings and other historic resources (i.e., bridges, roads, cemeteries) that are 50 years of age or older (constructed in or prior to 1972), and to establish if any such resources could be determined eligible for listing in the NRHP. The field survey focused on the assessment of existing conditions for all previously recorded historic resources located within the project APE, and the presence of unrecorded historic resources within the project area. For each property, photographs were taken, and information needed for the completion of FMSF forms was gathered. In addition to descriptions, each historic resource was reviewed to assess historic context, condition, and potential NRHP eligibility. Also, informant interviews would have been conducted, if possible, with knowledgeable persons to obtain site-specific building construction dates and/or possible associations with individuals or events significant to local or regional history.

Laboratory Methods and Curation: Artifacts, if found, would have been cleaned and sorted by artifact class and subjected to a limited technological analysis; however, no artifacts were found. All project records (including photos, field notes, and maps) will be curated at ACI in Sarasota in Project file P20116.1.

Inadvertent/Unanticipated Discovery of Cultural Remains: Occasionally, archaeological deposits, subsurface features or unmarked human remains are encountered during development, even though the project area may have previously received a thorough and professionally adequate cultural resources assessment. Such events are rare, but they do occur. If human burial sites such as Indian mounds, lost historic and aboriginal cemeteries, or other unmarked burials or associated artifacts are found, then the provisions and guidelines set forth in Chapter 872.05, *FS* (Florida's Unmarked Burial Law) are to be followed.

In the event such discoveries are made during the development process, all activities in the immediate vicinity of the discovery will be suspended, and a professional archaeologist will be contacted to evaluate the importance of the discovery. The area will be examined by the archaeologist, who, in consultation with the staff of the Florida SHPO, will determine if the discovery is significant or potentially significant. In the event the discovery is found to be not significant, the work may immediately resume. If, on the other hand, the discovery is found to be significant or potentially significant, then development activities in the immediate vicinity of the discovery will continue to be suspended until a mitigation plan, acceptable to the SHPO, is developed and implemented. Development activities may then resume within the discovery area, but only when conducted in accordance with the guidelines and conditions of the approved mitigation plan.

6.0 SURVEY RESULTS

Archaeological field survey field methodology consisted of additional archaeological testing to bring testing methodology up to current standards. The positive test pits excavated in 2005 (ACI 2005; **Figure 6**) were planned on being relocated and closer interval testing placed around them; however, the field methodology had to be altered due to the overgrowth of bamboo and other exotic vegetation. Shovel tests that could be excavated were placed at 50 m intervals and judgmentally. A total of 12 additional shovel tests were excavated (**Figure 6**). No cultural materials were recovered from the shovel tests or noted on the surface. Typical stratigraphy consisted of 0-20 centimeters (cm) of gray sand; 20-50 cm of light gray sand;

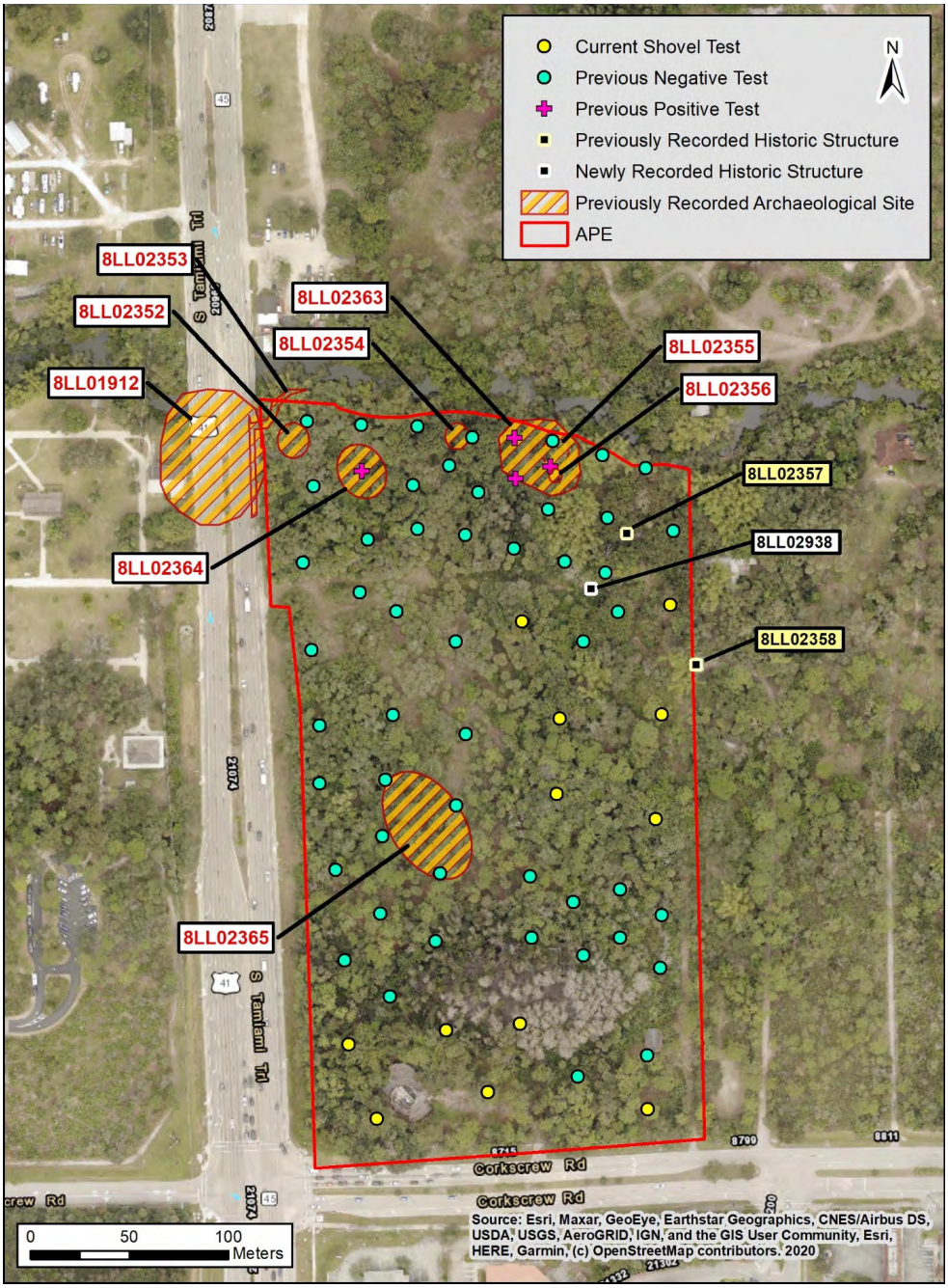


Figure 6. Approximate location of shovel tests and cultural resources within the APE.

and 50-100 cm of pale brown sand. A reasonable and good faith effort was made per the regulations laid out in 36 CFR § 800.4(b)(1) (Advisory Council on Historic Preservation n.d.) to survey all areas of the project APE.

In addition, several historic archaeological sites consisting of building remains within the APE were visited and photographed. Since their condition has only deteriorated more since the 2005 survey, none of the information on the FMSF forms has changed but photographs have been provided as per consultation with the FMSF (see **Appendix B**). Consultation with the SHPO's office (Aldridge 2021) noted that the FMSF forms did not have to be updated since the buildings/structures/sites were in a ruinous state or were not relocated, but to reference the appropriate FMSF number, include a current picture, and note that the building/structure/site is destroyed and/or in a ruinous state.

Building remains: 8LL02352, 8LL02354, 8LL02355, and 8LL02356 – Based on the 1997 survey the SHPO (Percy 1997) concurred that these remains were ineligible for listing on the NRHP, however they were contributing resources to the NRHP-listed Koreshan Unity Settlement Historic District (8LL00094). At the time the concrete foundations provided physical evidence of the size, location, scale, spatial relationship to other buildings, and existence of the structures. However, during the current survey only a few remnants of the foundations were relocated. These remnants have been heavily altered and no longer retain their original organization; therefore, evidence of size, scale, and spatial relationships is destroyed, and evidence of location and existence are vague to none. Therefore, these foundations still do not appear eligible for listing on the NRHP individually, and it appears they have lost the integrity that made them contributing resources to the historic district (**Photos 3-6**).

In addition, during this survey, ACI was again unable to relocate the well that was recorded in 1997.



Photo 3. View of 8LL02352.



Photo 4. View of 8LL02355



Photo 5. View of 8LL02354. Red arrows pointing to remaining foundation piers.



Photo 6. View of 8LL02356

Limerock Retaining Wall: The Limerock Retaining Wall (8LL02353) was constructed ca. 1904 as a retaining wall around the Guiding Star Publishing House (8LL2352) within the Koreshan Unity Settlement. The Guiding Star Publishing House was destroyed by fire in 1949 and the foundation remnants are now in deteriorated condition (**Photo 3**). The majority of the wall is covered by extensive vegetation, especially the root system of some of the larger plants, is intertwined with the Limerock Retaining Wall (**Photo 7**). A lack of maintenance has resulted in a ruinous condition. Furthermore, in 2013, US 41 and the US 41 bridge were widened, a large portion of the wall was destroyed, and US 41 and the bridge are now encroaching on the remaining portion of the wall (**Photo 7**). Due to the previous destruction and further deterioration of the wall and surrounding area, the limerock wall no longer retains historic integrity. While the wall remains in the same location, the physical evidence of the size, setting, and spatial relationship to other building foundations has been lost. As such, the wall no longer appears to be a contributing element to the Koreshan Unity Settlement Historic District (8LL00094). In addition, HABS documentation of the entire limerock wall was undertake in 2004 as a mitigation measure (**Appendix A**; FMSF).



Photo 7. Current condition of the of the Limerock Retaining Wall (8LL02353), looking south. Note position of the wall in relation to the US 41 bridge widening.

Historic/Prehistoric refuse: 8LL02363, 8LL02364, 8LL02365, and 8LL01912- During the 2005 survey it was suggested that 8LL02363-65 sites did not appear eligible for listing on the NRHP individually, nor were they considered contributing to the NRHP listed Koreshan Unity Settlement Historic District (8LL00094). At the time the sites provided very little new information about the Koreshan occupation of the area, and the recovered artifacts were sparse and mundane. No evidence of these sites was observed on the surface during this survey, and most were inaccessible due to extensive vegetative overgrowth. No evidence of the adjacent 8LL01912 was found to extend into the APE and review of the FSMF form suggests that this resource is actually located within the Koreshan State Park boundaries, not in the location recorded on the FMSF GIS database. Thus, the archaeological FMSF forms were not updated since no new information was learned, no additional artifacts were found, and no additional testing could be conducted where the sites were located. For information about the original survey and findings for these sites please refer to ACI 2005; Survey No. 22678 and the FMSF forms.

Therefore, none of the previously recorded archaeological resources appear individually eligible for listing on the NRHP, nor do they appear to contribute to the NRHP-listed Historic District. Thus, alteration of the boundaries of the NRHP-listed Historic District as suggested below will have no adverse effect on these resources, nor will future development of the APE. HABS documentation of the Limerock Wall (8LL01912) has already occurred as a mitigation measure for roadway work, however due to its interest and relation to the Koreshan Community it is recommended that the remaining portion of the wall within the APE be avoided, if possible.

Historical/Architectural Results: Background research revealed that five historic resources were previously recorded within the APE. These include a portion of the NRHP-Listed Koreshan Unity Settlement Historic District (8LL00094), three buildings, the Anna Lewis House (8LL01114), the Holly Park House (8LL02357), and the Lockwood House (8LL02358), as well as the Rustic Tea Garden Outhouse (8LL02351). None of the resources have been evaluated by the SHPO. As a result of the historical/architectural field survey, one historic resource (8LL02938) was newly identified, recorded, and evaluated, and two previously recorded historic resources were identified and re-evaluated (8LL02357 and 8LL02358) (**Figure 6**). These include the ca. 1949 Ranch style Holly Park House (8LL02357) and ca. 1950 Ranch style Lockwood House (8LL02358), as well as a Masonry Vernacular style bomb shelter building (8LL02938) constructed in ca. 1957. Overall, the updated and newly identified buildings have been altered, lack sufficient architectural features, and have become highly deteriorated over the years. In addition, the resources are not significant embodiments of a type, period, or method of construction and do not have any historic associations with significant persons and/or events – including the Koreshan Unity Settlement. As such, these three resources do not appear eligible for listing in the NRHP, either individually or as part of a historic district.

In addition, the Anna Lewis House (8LL01114) has been moved from the property and relocated to the west side of US 41 within Koreshan State Historic Site grounds for use as administrative offices (ACI 2010). Furthermore, the Rustic Tea Garden Outhouse (8LL02351) was confirmed as demolished. Both of these buildings were considered contributing resources to the NRHP-Listed Koreshan Unity Settlement Historic District (8LL00094). Due to alterations made to the landscape, the loss of formerly extant resources, and the present physical condition within the historic district on the east side of US 41, the land within the APE does not retain historic integrity and no longer appears eligible for listing in the NRHP. As such, the boundaries of the Koreshan Unity Settlement Historic District (8LL00094) were updated to reflect these changes since being listed in the NRHP in 1976 (**Figure 7**).

Below are descriptions and photographs of the newly identified and updated resources within the APE. A copy of the FMSF forms for the updated previously recorded and newly identified historic resources are provided in **Appendix C**. In addition, a letter was prepared for the demolished building and is contained in **Appendix D**.



Figure 7. Updated NRHP-Listed Koreshan Unity Settlement Historic District (8LL00094) boundary.

8LL00094: The Koreshan Unity Settlement Historic District was listed in the NRHP on May 4, 1976. The nominated historic district was comprised of approximately 54 acres spanning from west of US 41/Tamiami Trail to the east side of US 41/Tamiami Trail. Eight historic resources were documented on the east side of US 41 within the NRHP-listed boundary; however, seven of the eight were recorded as "no longer standing" and in ruinous condition. The only extant resource at this time was the Anna Lewis House (8LL01114), also referred to as "El Retiro" and "Member House." During the *Cultural Resource Assessment Survey Addendum SR 45 (US 41) from Corkscrew Road to San Carlos Boulevard Four Additional Linear Pond Sites, Lee County, Florida* it was confirmed that the Anna Lewis House (8LL01114) had been moved from this location and relocated within Koreshan State Historic Site grounds for use as administrative offices (ACI 2010). Due to alterations made to the landscape, the loss of formerly extant resources, and the present physical condition within the historic district on the east side of US 41, the land within the APE does not retain historic integrity and no longer appears eligible for listing in the NRHP. As such, the boundaries of the Koreshan Unity Settlement Historic District (8LL00094) were updated to reflect these changes since being listed in the NRHP in 1976. The boundary has been revised to include only that land which is located to the west of US 41/Tamiami Trail and excludes land that no longer contains historic resources contributing to the district (**Figure 7**). This update also reflects the boundary of the locally designated historic district. The field survey for this CRAS update was limited to the east side of US 41/Tamiami Trail and as such, additional boundary corrections are outside of the scope of this project.



Photo 8. Holly Park House (8LL02357), looking north.

8LL02357: The Holly Park House is a Ranch style building located at 8761 Corkscrew Road that was constructed in ca. 1949 (**Photo 8**). The irregular plan, one-story building rests on a on a pier foundation made of various materials including tapered pre-cast concrete and concrete blocks. The building has a wood frame structural system clad with vertical wood siding. The hip roof is clad in asphalt shingles. The building features a brick chimney on the north interior slope. The main entrance is located on the south elevation through a single door which has been boarded over. All visible windows have been boarded over with plywood. Distinguishing architectural features include wood windowsills, decorative wrought iron supports, a brick chimney, tapered pier foundation, and exposed rafters. Alterations include replacement roofing materials, boarded up windows, and new siding. Additions consist of a ca. 1969 carport located on

the northeast side of the building. The open carport has a hip roof with decorative wrought iron supports. Ancillary structures include a non-historic shed to the south of the residence, a ca. 1965 concrete bomb shelter (8LL02938) to the southwest, and a ca. 1950 residence (8LL02358) to the south. The Ranch style is common throughout Lee County, and this former residence has undergone extensive alterations which have diminished its historic integrity. In addition, background research did not reveal any historic associations with significant persons and/or events. As a result, 8LL02357 does not appear eligible for listing in the NRHP, either individually or as part of a historic district.



Photo 9. Lockwood House (8LL02358), looking north.

8LL02358: The Ranch style building located at 8751 Corkscrew Road was constructed in ca. 1950 (**Photo 9**). Commonly referred to as the Lockwood House, the former residence sits vacant on the parcel. The one-story, rectangular plan building rests on a tapered pre-cast concrete pier foundation and has a wood frame structural system. The central portion of the building is partially clad in original wood shingles; however, a majority of the exterior fabric was replaced with vertical wood plank ca. 1970. The side gable roof is clad in sheet metal and asphalt shingles. The main entrance is located on the south elevation through a single, open wood door frame. Visible windows include a six-light fixed unit and a partially dismantled three-stacked aluminum awning unit. Most of the original frames remain, but the windows themselves are gone. Distinguishing architectural features include boxed eave, wood window and door frames, and tapered pre-cast concrete piers. In ca. 1970, a wood frame garage was constructed on the east side of the building. Other alterations include replacement roofing materials, doors, and siding. A bomb shelter (8LL02938) and residence (8LL02357) are located to the north of the building. This Ranch style building represents a common architectural style found throughout Lee County and non-historic additions and alterations have compromised its historic integrity. In addition, background research did not reveal any historic associations with significant persons and/or events. As a result, 8LL02358 does not appear eligible for listing in the NRHP, either individually or as part of a historic district.



Photo 10. Holly Park Bomb Shelter (8LL02938), looking northeast.

8LL02938: The Masonry Vernacular style building located at 8761 Corkscrew Road was constructed in ca. 1957 (**Photo 10**). The building is an ancillary building to the Holly Park House (8LL02357) and is constructed of poured concrete dating from ca. 1957 (Dauray 2006). The building is rectangular and has a flat roof. The main entrance is located from the north end of the east elevation through an obscured door, which has been altered so that it can only be opened from the exterior. The southwest corner contains a concrete block clerestory (ca. 1965) with three windows, on the north, east and south walls (all of which have been boarded over with plywood), and a flat concrete roof. This is the buildings single distinguishing feature. The Lockwood House (8LL02358) is located to the south of the building.

The building was first identified, but not recorded, during *A Cultural Resources Assessment Survey of Estero on the River, Lee County, Florida* conducted by ACI in 2005 (Survey No. 22678). While the building is no longer accessible due to dense bamboo overgrowth surrounding the building, the 2005 survey provided some detail of the interior layout. The main entrance leads to hallway and from the hall, there is a double door into the main interior space of the building, a large open area with a small bathroom along the north wall, complete with toilet and shower. Also, during the original survey, interviews revealed two theories for the date of construction and function of this resource. Charles Dauray – President and CEO of the College of Life foundation – stated that the building was constructed in ca. 1957 by Holly Park as a Cold War era bomb shelter and was later converted into a shed with laundry facilities in the 1960s (ACI 2005). A secondary theory suggested by Georgia Nelson, Vice-President of the Estero Historical Society at the time, was that the building may have been constructed by the Koreshans during the 1920s. However, an assessment of the building materials revealed that the concrete contained a granular aggregate mixture consistent with that of mid- to late-twentieth century construction materials as opposed to the earlier shell aggregate, such as that found in the ca. 1910 Sunlit House (8LL02389) (ACI 2005).

Although the original purpose of the building cannot be fully confirmed, the bomb shelter theory is plausible. During the 1950s and 1960s, the construction of family bomb shelters or fallout shelters was promoted as fears grew of a nuclear attack during the Cold War. The Eisenhower and Kennedy administrations educated the public on the construction of home bunkers and the creation of public fallout shelters spread during this period (Ptacin 2020). Like most “Duck and Cover” Cold War-era procedures,

the bomb shelters would have provided little protection in the event of nuclear attack and in actuality provided the nation with an illusion of safety and preparedness. By 1965, it is estimated that approximately 200,000 home shelters had been constructed by civilians (Magnuson 2020).

Overall, the building is in a deteriorated state and has been altered over the years. The resource lacks sufficient architectural features and is not a significant embodiment of a type, period, or method of construction. In addition, background research did not reveal any historic associations with significant persons and/or events, nor could the original purpose of the building be fully confirmed. As a result, 8LL02938 does not appear eligible for listing in the NRHP, either individually or as part of a historic district.

7.0 CONCLUSIONS

As a result of the archaeological investigations, no new archaeological sites were discovered. Also, no evidence was observed on the surface for historic refuse sites, 8LL02365 and 8LL02363, and the historic refuse site with a prehistoric component, 8LL02364; also, no evidence of the adjacent 8LL01912 was found to extend into the APE. Thus, the archaeological FMSF forms were not updated. In addition, no FMSF forms were updated for the building/structure remnants (8LL02352, 8LL02353, 8LL02354, 8LL02355, and 8LL02356) but photographs of the resources or the area where the building/structure were once located, was documented (see **Appendix B**). While most of the building remains were previously considered contributing resources, it appears they all have lost their integrity and are no longer contributing. Mitigation measures have already been undertaken on the Limerock Wall (8LL02353) under Section 106.

Historical/architectural background research revealed that five historic resources were previously recorded within the APE. These include a portion of the NRHP-Listed Koreshan Unity Settlement Historic District (8LL00094), three buildings, the Anna Lewis House (8LL01114), the Holly Park House (8LL02357), and the Lockwood House (8LL02358), as well as the Rustic Tea Garden Outhouse (8LL02351). As a result of the historical/architectural field survey, one historic resource (8LL02938) was newly identified, recorded, and evaluated, and two previously recorded historic resources were identified and re-evaluated (8LL02357 and 8LL02358). These include the ca. 1949 Ranch style Holly Park House (8LL02357) and ca. 1950 Ranch style Lockwood House (8LL02358), as well as a Masonry Vernacular style bomb shelter building (8LL02938) constructed in ca. 1957. Overall, the updated and newly identified buildings have been altered, lack sufficient architectural features, and have become highly deteriorated over the years. In addition, the resources are not significant embodiments of a type, period, or method of construction and do not have any historic associations with significant persons and/or events – including the Koreshan Unity Settlement. As such, these three resources do not appear eligible for listing in the NRHP, either individually or as part of a historic district.

In addition, the Anna Lewis House (8LL01114) has been moved from the property and relocated to the west side of US 41 within Koreshan State Historic Site grounds for use as administrative offices (ACI 2010). Furthermore, the Rustic Tea Garden Outhouse (8LL02351) was confirmed as demolished. Both of these buildings were considered contributing resources to the NRHP-Listed Koreshan Unity Settlement Historic District (8LL00094).

The boundaries of the Koreshan Unity Settlement Historic District (8LL00094) were updated to reflect these changes since being listed in the NRHP in 1976. The boundary has been revised to include only that land which is located to the west of US 41/Tamiami Trail and excludes land that no longer contains historic or archaeological resources contributing to the district. Due to alterations made to the landscape, the movement or loss of formerly extant resources, and the present overgrown, highly altered, physical condition within the historic district on the east side of US 41, the land within the APE does not retain

historic integrity and no longer appears eligible for listing in the NRHP. The field survey for this CRAS update was limited to the east side of US 41/Tamiami Trail and as such, additional boundary corrections are outside of the scope of this project. **Table 2** summarizes the opinions for all resource recorded within or immediately adjacent to the APE.

Table 2. Historical and Archaeological resources within the APE previous and current recommended NRHP evaluation/Contributing status.

FMSF No.	Site Name	Style/Site Type	Past Surveyor Opinion	Past SHPO Evaluation	Current Conditions	Current Survey Opinion
8LL01114	Anna Lewis House	Frame Vernacular	Ineligible; Contributing	Ineligible; Contributing	Moved	N/A
8LL02938	Holly Park Bomb Shelter	Masonry Vernacular	N/A	N/A	Deteriorating	Ineligible; Not contributing
8LL02357	Holly Park House	Ranch	Ineligible; Not contributing	Not evaluated	Ruinous	Ineligible; Not contributing
8LL02358	Lockwood House	Ranch	Ineligible; Not contributing	Not evaluated	Ruinous	Ineligible; Not contributing
8LL02351	Rustic Tea Garden Outhouse	Frame Vernacular	Ineligible; Contributing	Ineligible; Contributing	Ruinous/ Destroyed	Ineligible; Not contributing
8LL02363	Boatworks / Plumbing Shop/ Apiary Scatter	Historic Refuse	Ineligible; Not contributing	Not evaluated	Destroyed	Ineligible; Not contributing
8LL02365	College of Life Scatter	Historic Refuse	Ineligible; Not contributing	Not evaluated	Destroyed	Ineligible; Not contributing
8LL02364	Publishing House Scatter	Artifact Scatter, Historic Refuse	Ineligible; Not contributing	Not evaluated	Destroyed	Ineligible; Not contributing
8LL02356	Apiary Foundations	Building Remains	Ineligible: Contributing	Not evaluated	Ruinous/ Destroyed	Ineligible; Not contributing
8LL02355	Boatworks #2 and Plumbing & Blacksmith Shop Foundations	Building Remains	Ineligible: Contributing	Ineligible; Contributing	Ruinous/ Destroyed	Ineligible; Not contributing
8LL02352	Guiding Star Publishing House Foundations	Building Remains	Ineligible: Contributing	Ineligible; Contributing	Ruinous/ Destroyed	Ineligible; Not contributing
8LL02353	Limerock Retaining Wall	Building Remains	Ineligible: Contributing	Ineligible; Contributing	Ruinous/ Destroyed	Ineligible; Not contributing
8LL02354	Machine and Woodworking Building Foundations	Building Remains	Ineligible: Contributing	Ineligible; Contributing	Ruinous/ Destroyed	Ineligible; Not contributing
8LL01912	Estero Riverbank – Trash Scatters	Artifact Scatter, Historic Refuse	Ineligible, Not contributing	Not evaluated	Not located within APE	N/A

Given the results of background research and field survey, no archaeological sites or historic resources that are listed, eligible for listing, or that appear potentially eligible for listing in the NRHP were located within the APE. As such, it is the professional opinion of ACI that the proposed undertaking will result in no historic properties affected. Due to the recommended boundary change to the NRHP-listed Koreshan Unity Settlement Historic District (8LL00094) further consultation may be required with the SHPO.

Additional opinions based on the previous Historic Preservation Plan request: In 2005 the APE was within Lee County jurisdiction when the request for an Historic Preservation Plan was made, the buildings designated for movement (Estero Creek School, Collier Residence, and Smith/Alvarez residence) were not within the current APE. The remainder of the Plan was to be determined. However, the APE is now under the jurisdiction of the Village of Estero and is outside of the Lee County-designated Koreshan State Historic Site. The APE does fall within the Village-recognized "Old Estero". Therefore, if the SHPO concurs with the above recommendations regarding eligibility and boundaries, there are no NRHP-eligible or contributing resources remaining, nor are there any local- or county-designated resources within the APE, thus the County-requested Historic Preservation Plan no longer appears necessary. However, the Village of Estero may want to consider preservation planning of their own, in accordance with Village of Estero Future Land Use Policy FLU-1.6.2 through 1.6.4 with regard to the small portion of the Limerock wall remaining within the APE.

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Appendix A
Lee County Resolution; SHPO correspondence; HABS documentation

RESOLUTION NUMBER Z-07-021

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

WHEREAS, Land Development Group, LLC, filed an application on behalf of the property owners, Village Partners, LLC, and College of Life Foundation, Inc., to rezone a 85.07±-acre parcel from Agricultural (AG-2) and Marine Commercial District (CM) to Mixed Use Development (MPD), and to utilize the Cash Contribution Option (Option 2) of the Bonus Density Program to increase the permissible density of the property above the Lee Plan standard density range for a project known as Estero on the River; and,

WHEREAS, a public hearing was advertised and held on April 4, 2007, before the Lee County Zoning Hearing Examiner Richard A. Gescheidt. Written submissions were requested by the Hearing Examiner at the close of hearing with a due date of April 13, 2007. This date was later extended to April 20, 2007. The Hearing Examiner gave full consideration to the evidence in the record for Case Nos. DCI2005-00041 (Rezoning) and REZ2006-00018 (Bonus Density Application); and,

WHEREAS, a second public hearing was advertised and held on June 4, 2007, 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 in accordance with the procedures set forth in §34-83(b) of the Land Development Code. In addition, the Board considered the proposed bonus density contract based on the criteria set forth in LDC §34-1519.

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

SECTION A. REQUEST

The applicant filed a request to:

1. Rezone a 85.07±-acre parcel from AG-2 and CM to MPD to allow 530 residential units and 300,000 square feet of commercial space, with a maximum height of 60 feet (habitable stories). No blasting activity is proposed.

2. Participate in the Lee County Housing Bonus Density Program. The applicant is seeking to utilize the "Cash Contribution Bonus Density Option 2" pursuant to Lee County Land Development Code (LDC), Section 34-1519, to develop 181 bonus density dwelling units, with a proposed project total of 530 dwelling units on 85.07± acres for an approximate total of 7.84 dwelling units per acre.

The property is located in the Urban Community and Outlying Suburban Future Land Use Categories and is legally described in attached Exhibit A.

The request to rezone the property to MPD is APPROVED, SUBJECT TO the conditions and deviation specified in Sections B and C below. The request to participate in the Lee County Housing Bonus Density program, LDC Section 34-1519, by utilizing the "Cash Contribution Density Bonus (Option 2)" to develop 181 Bonus Density dwelling units is APPROVED, SUBJECT TO the conditions and deviations in Sections B and C below **and the terms of the Bonus Density Contract attached as Exhibit E.**

SECTION B. CONDITIONS:

All references to uses are defined or listed in the Lee County LDC.

1. Development must be consistent with the two-page Master Concept Plan (MCP) entitled "Estero on the River Master Concept Plan" prepared by Wilson Miller", date stamped "Received June 7, 2007 by Community Development", attached hereto as Exhibit C-1, and the one-page Parcel Summary attached hereto as Exhibit C-2, except as modified by the conditions below.

2. The following limits apply to the project and uses:

   a. Schedule of Uses

   Residential 1 (R-1)
   Accessory Uses and Structures
   Administrative Offices
   Agricultural uses, continuation of bona fide use only
   Dwelling Units
   Single Family Residence
   Entrance Gates and Gatehouses
   Essential Services
   Essential Service Facilities, Group I
   Excavation, Water Retention
   Fences and Walls
   Home Occupation (subject to standards in Lee County Land Development Code Section 34-1772)
   Model Homes, Model Units and Model Display Center, including accessory parking lots
   Real Estate Sales and Rental Office - limited to sales of lots, homes or units within Estero on the River
   Recreation Facilities, Personal and private On-Site and Off-Site
   Residential accessory uses, including but not limited to:
   Private garages, carports and parking areas
   Private swimming pools and enclosures
   Clubhouse including but not limited to Food and Beverage Service, Locker Rooms, Health Club and Spa
   Signs
   Temporary uses- limited to a sales center and construction office(s)

Residential 2 (R-2)
All uses permitted in the R-1 tracts plus:
Townhouse, Two-Family Attached and Multiple-Family Buildings
Parking Lot: accessory

Civic Use (CU)
All uses permitted in the R-2 tracts plus:
ATM
Cultural Facilities
EMS, Fire or Sheriff's station
Government agencies, office only, Library
Museums
Parking Lot
Post Office
Studios
Temporary Uses including but not limited to art and craft fairs, concerts "Taste of the Town", farmers' market, antique fairs and the like.
Theater, Indoor (550 seats + 150-seat Learning Theater)

Mixed Use (MU)
All uses permitted in the R-2 tracts plus:
Accessory Apartment
Accessory Commercial Uses
Animal Clinic - outside kennels are prohibited
ATM
Bait and Tackle Shop
Banks and Financial Institutions, Groups I & II
Bar or cocktail Lounge, in conjunction with a class III & IV
Bed and Breakfast
Boat Rentals and Sales, limited to canoes and kayaks
Business Services, Group II
Caretaker's Residence
Consumption on Premises, in conjunction with Class III & IV restaurant or Liquor Store (wine tasting events)
Convenience food and beverage store
Cultural Facilities
Cleaning and Maintenance Services, no warehouse
Clothing Stores
Clubs, Commercial, Fraternal & Private
Day Care Center, child or adult
Department Store, limited to 50,000 square feet
Drive thru Facility for any permitted use, limited to 4
Drugstore, Pharmacy
Food Stores, Group I
Garage, Public
Gift and Souvenir Shop
Grocery Store
Hardware Store, limited to 40,000 square feet

Healthcare Facilities, Groups I, II, III, and IV (limited to 100 beds)
Hobby, Toy and Game Shops
Hotel/Motel, limited to 100 rooms and 3 stories
Insurance Companies
Medical Office
Outdoor Seating for permitted uses
Parcel and Express Services (no warehouse)
Package Store
Paint, Glass and Wallpaper (no warehouse)
Parking Lot
Personal Services, Groups I and II
Pet Services, no outdoor run
Pet Shop, no outdoor run
Rental and Leasing Facilities, Groups I & II, no outdoor storage, display or sales
Repair Shops, Groups I and II, no outdoor storage, display or sales
Restaurant, Fast food, limited to 8
Restaurants, Groups I - III
Retail and Wholesale sales, when clearly incidental and subordinate to a permitted principal uses on the same premises
Specialty Retail, Groups I and II
Storage, Indoor Only
Studios
Theater, Indoor (550 seats and 150-seat Learning Theater)
Variety Store, limited to 20,000 square feet

Preserve/Indigenous (P and I)
Interpretive centers and Signage, rain shelters, gazebos
Nature and foot trails including boardwalks, benches and jogging paths
Paths, boardwalks and bridges
Water Management Facilities
Wildlife Management
Mitigation and Restoration Activities

College of Life Foundation
Civic/Cultural Facilities
Single-family residential units
Multi-Family residential units
Administrative Offices
Accessory Apartment 1

NOTE: Agricultural uses are not a permitted use within this planned development.

b. Site Development Regulations

See the Parcel Summary attached as Exhibit C-2 and the property development regulations below.

PROPERTY DEVELOPMENT REGULATIONS

	MINIMUM LOT DIMENSIONS			MINIMUM STRUCTURAL SETBACKS						
	Area	Depth	Width	Side	Rear	Front Road	Water-body	(Max) Height *See Note #7 below	(Max) Number of Hab. Floors	Distance between principal structure
Single-Family (detached)	6,500 sf	100	60	10	25	25	20	35	2	20
Two-Family Attached	7,500 sf	100	75	7.5	25	0	20	35	2	15
Townhouse	1,000 sf	50	20	15	N/A	15	20	45	3	15
Multi-family	10,000 sf	N/A	N/A	.5 BH *See Note#6 Below	20	20	0 or 20' *See Note #5 Below	60	3	25
RECREATION AREA	2,500 sf	25	25	10	10	20	0 or 20' *See Note #5 Below	45	3	15
Commercial	10,000 sf	100	100	5	10	0	0 or 20' *See Note #5 Below	60	4	15

Notes:
1) Pie-shaped lots shall have no minimum lot width but will meet lot area requirements.
2) Accessory structure setbacks are to be same as principal structure except for rear setbacks, which are 50 percent of the principal structure setback.
3) All dimensions are in feet unless otherwise noted.
4) Minimum structural setbacks are as measured to an adjacent right-of-way or parcel line.
*5) Setback from Lake may be zero feet providing architectural bank treatment is incorporated into design.
*6) BH: Building Heights= Combined height of two adjacent buildings for the purpose of determining setback requirements. Any building in Parcel 1-A that is within 100-feet of any boundary adjacent to existing single family residential will have a 35-foot maximum height restriction. Any building in Parcel 4-A that is within 150 feet of any boundary adjacent to existing single family residential will have a 35-foot maximum height restriction.
***7) See Parcel Summary attached as Exhibit C-2 regarding height limitations adjacent to US 41, Estero River, Sandy Lane, Corkscrew Road and existing residential structures outside project boundaries.**

3. Design Elements. Development must comply with the Design Elements submitted by the applicant and found in Exhibit D.

4. Drainage.

a. The developer will not place an encroachment within the flood way as defined by the FEMA flood maps approved at the time of development order issuance.

b. At the time of the first development order application, the developer will submit a drainage analysis that demonstrates that the site development plan causes no adverse impact on adjacent upstream and downstream properties in terms of drainage capacity/conveyance, storm water discharge, and flood. The drainage analysis will include, but not limited to:

i. a drainage map for all contributory areas within and into the development, showing flow paths/arrows, existing on site and offsite drainage structures (sizes and inverts), and sub basin areas; and,

ii. hydrologic and hydraulic calculations for the 5, 10, 25, and 100-year storm events in order to establish existing baseline conditions.

c. The Developer, or its assigns, will dedicate a drainage/maintenance easement to Lee County for the purpose of Estero River maintenance. The easement will give the right, but not the obligation, to Lee County to access the property and provide maintenance of the drainage within the Estero River. The developer, or its assigns, will maintain the easement area free of debris at all times and provide perpetual monthly maintenance/mowing. The easement location and design will be jointly reviewed and approved prior to Development Order approval and recording by the County Attorney's Office, Parks and Recreation Department, the Division of Environmental Sciences, and the Division of Natural Resources.

5. Flood Regulations.

Development must be consistent with the local, State, and Federal regulations for development within any flood ways, flood plains, or properties designated that will be affected by a tropical storm event.

6. Green ways.

The developer will participate in a joint effort with Lee County Parks and Recreation Department to accommodate a "Green ways" area along the Estero River subject to obtaining all necessary permits. The "Green ways" must be approved by Lee County Parks and Recreation as part of the development order for this project. The Developer and Lee County Parks and Recreation Department have agreed that this effort will be jointly funded.

7. Open Space.

Prior to local development order approval, the landscape plan must include an open space diagram delineating the 30 acres of open space committed to on the Open Space Calculations table. Buildings within the "MU" and "CU" parcels must contain commercial

or community facility ground floor uses. Single-family lots within Parcel 5 must be a minimum 6,500 square feet with a maximum 45 percent lot coverage.

8. Landscape.

Prior to local development order approval, the landscape plan must delineate a minimum of 14 acres of indigenous plant community and native tree preservation, including areas to be restored per the Estero on the River Restoration Plan. Parcel 3 must include 3.69 acres of indigenous preservation of oak and pine scrub. All preservation areas being used to meet the 14-acre requirement must be located outside of existing or future easements. The roadway proposed within Parcel 2 that bisects the existing indigenous plant communities must be designed to provide wildlife underpass with a minimum three-foot height and six-foot width using either a box culvert, conspan, or bridge.

9. Buffer.

Prior to local development order approval, the landscape plans must delineate a minimum 50-foot wide natural waterway buffer measured from the top of bank of the Estero River. The proposed Greenway may be located within the 50-foot wide buffer area. No additional boardwalks or pathways are allowed within 25 feet of the top of bank except as delineated in Condition 10 below. The design of the proposed greenway and the extent of activity to take place within the 50-foot wide buffer will be determined at the time of local development order and approved by the Division of Natural Resources, Division of Environmental Sciences, and the Parks and Recreation Department. Any walkway will be field inspected by the Division of Environmental Sciences' staff and adjustments may be made where necessary to preserve existing trees.

10. Shoreline Structures:

Shoreline structures along the Estero River are limited to a maximum of:

a. Two free-span bridges over the Estero River for pedestrian traffic field located to avoid impacting existing native trees; and,

b. one dock/canoe launch; and,

c. the existing covered boat house and dock in the northeast corner of Parcel 2; and,

d. the existing concrete bulkhead and dock in the northwest portion of Parcel 4; and,

e. the proposed vehicular and pedestrian bridge crossing connecting Parcels 1 and 2 to allow vehicular/pedestrian traffic. The existing structures may be restored or replaced with structures meeting the current LDC regulations provided the structure is not expanded. The shoreline structures may include river overlook areas.

11. Gopher Tortoise Management Plan.

Prior to local development order approval, the developer must submit a Gopher Tortoise Management Plan including details of the type of gopher tortoise permit secured from the

Florida Fish and Wildlife Conservation Commission for review and approval by the Division of Environmental Sciences' staff.

12. Lake Maintenance Easement.

Prior to local development order approval, any lake that is designed to utilize Deviation 5, 6, or 8 must provide a minimum 20-foot wide lake maintenance easement from the lake control elevation to an adjacent common parking lot or roadway to provide access to the lake for long term maintenance. Additionally, the use of Deviation 5, 6, or 8 is limited to a total maximum of 20 percent of the linear footage of an individual lake and compensatory littoral shelf must be provided as detailed in LDC §10-418.

13. Boat Docks.

Boat docks approved in this application are strictly limited to canoes, kayaks, and paddle boats. The developer may not permit motorized vessels, except those that are electric or battery powered, to utilize any boat docking facility located within the project boundaries. Combustion engines are prohibited.

14. Traffic Impacts.

a. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order. Approval of this rezoning does not give the developer an undeniable right to receive local development order approval.

b. The developer may obtain the necessary development orders for site preparation, which include, but are not limited to, site infrastructure and fill when the project meets Lee County concurrency requirements (all conditions required by the Lee County Comprehensive Plan (Lee Plan) and the LDC). However, the developer may not obtain building permits for vertical development until notification of the commencement of the U.S. 41 six-lane improvements. This condition will not be construed to prevent the developer from availing itself of the provision of Lee County Ordinance 06-20, as amended (Fair Share Ordinance). Restoration or relocation of historic resources located within the project boundaries will be deemed to be "site preparation work" for purposes of this condition and may be approved by Lee County at any time.

15. Historic Preservation.

The developer must submit an Historic Preservation Plan for the entire project to be approved by the Lee County Historic Preservation Board prior to the first local development order. The Estero Creek School and Collier Residence are scheduled for relocation pursuant to prior agreements and are not required to be included in the Historic Preservation Plan. The Smith/Alvarez residence may be relocated subject to Historical Designation at the new location. No development activity or demolition permits can be approved prior to the approval of the Historic Preservation Plan described above.

16. Local Development Order Approval.

Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee County Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16, and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix, and general function, and all other Lee County Lee Plan provisions.

17. Sandy Lane Realignment. In the event that Sandy Lane is realigned, the realignment and any resulting changes in the open space assigned to the Sandy Lane alignment within the project may be approved through an administrative amendment of the approved planned development.

INCIDENT TO PARTICIPATION IN THE HOUSING BONUS DENSITY PROGRAM:

18. Eligibility for Bonus Density.

Bonus density is approved on this property in accordance with the terms and conditions of the Bonus Density Contract attached as Exhibit E. Bonus units will be distributed throughout the site in accordance with the Parcel Summary attached as Exhibit C-2. In accordance with the terms of the Bonus Density Contract, the developer will provide ten percent of the total project units approved under local development order(s) to qualified moderate income eligible families for initial sales. Moderate income means a person or household whose annual (gross) income does not exceed 120 percent of the area's median income as determined by HUD on a year-to-year basis.

19. Landscape Plan. Prior to local development order approval, the landscape plan must delineate a minimum of 14 acres of indigenous plant community and native tree preservation including areas to be restored in accordance with the Estero on the River Restoration Plan. Parcel 3 must include 3.69 acres of indigenous preservation of oak and pine scrub. All preservation areas used to meet the 14-acre requirement must be located outside of existing or future easements. The roadway proposed within Parcel 2 that bisects the existing indigenous plant communities must be designed to provide wildlife underpass with a minimum three feet in height and six feet in width using either a box culvert, conspan, or bridge.

20. Development Order. The developer may obtain the necessary development orders for site preparation, which include, but are not limited to, site infrastructure and fill, when the project meets Lee County concurrency requirements (all conditions required by the Lee County Lee Plan and the LDC). However, the developer may not obtain building permits for vertical development until notification of the commencement of the U.S. 41 six-lane improvements. This condition will not be construed to prevent the developer from availing itself of the provision of Lee County Ordinance 06-20, as amended (Fair Share Ordinance). Restoration or relocation of historic resources located within the project boundaries will be deemed "site preparation work" for purposes of this condition and may be approved by Lee County at any time.

SECTION C: DEVIATIONS

1. Planted Buffers within Easements. Deviation (1) seeks relief from the LDC §10-414 requirement that prohibits the planting of trees and shrubs in an easement, to allow planted buffers to be placed within 50 percent of the width of the lake maintenance easement. This DEVIATION IS APPROVED, SUBJECT TO the following condition:

   a. Prior to local development order approval, any lake that is designed to allow buffer plantings to overlap 10 feet into the 20-foot wide lake maintenance easement encircling the lake, must provide a minimum 20-foot wide lake maintenance easement from the lake control elevation to an adjacent common parking lot or roadway to provide access to the lake for long term maintenance. All buffer plantings adjacent to lakes must consist of native vegetation.

2. Pavement Widths. Deviation (2) seeks relief from the LDC §10-296 requirement to provide a minimum 24-foot wide pavement width for privately maintained rights-of-way, to allow a 20-foot wide pavement width. This DEVIATION IS APPROVED, SUBJECT TO that no life, health, and safety issues arise due to the smaller pavement width.

3. Parking. Deviation (3) seeks relief from the LDC §34-2013(a) requirement to provide that parking lots be designed so that all vehicles exit in a forward motion, to allow individual parking spaces to back onto rights-of-way, access drives, and easements allowing on-street parking. This DEVIATION IS APPROVED.

4. Edge of Pavement Radii. Deviation (4) seeks relief from the LDC §34-296 requirement to provide a minimum edge of pavement radius of 25 feet to 30 feet, to allow a minimum edge of pavement radius of 12 feet. This DEVIATION IS APPROVED.

5. Lakes. Deviation (5) seeks relief from the LDC §10-328 requirement to provide a 20-foot lake maintenance easement around the perimeter of proposed lakes, to allow structures or bulkheads to abut the water. This DEVIATION IS APPROVED, SUBJECT TO Condition 12, above.

6. Excavation Banks. Deviation (6) seeks relief from the LDC §10-329(e)(4) requirement to provide sloped excavation banks, to allow up to 40 percent of the banks to utilize either:

   a. a vertical slope with the condition that lake bottom slopes at the toe of any bulkhead may be no greater than 4:1; or,

   b. a 2:1 (horizontal: vertical) slope to a depth of 6 feet below control with the condition that the 2:1 section(s) be stabilized with rip-rap.

   This DEVIATION IS APPROVED, SUBJECT TO Condition 12, above.

7. Separation from Alcohol related Uses. Deviation (7) seeks relief from the LDC §34-1263(e) and §34-264(b)(1) requirement to provide a minimum 500-foot separation for on and off premises alcoholic beverages sale or consumption from any of the enumerated uses, to allow a zero-foot separation between the use located within the project's perimeter

boundaries. This DEVIATION IS APPROVED, SUBJECT TO the condition that each on-premises Consumption on Premises of alcoholic beverages requested must be approved administratively as provided for in the LDC.

8. Water Body Setback. Deviation (8) seeks relief from the LDC §34-1047 requirement to provide building setbacks for the Estero/Corkscrew Road Overlay area of 25 feet from a water body, to allow a zero- to 25-foot water-body setback. This DEVIATION IS APPROVED, SUBJECT TO Condition 12.

9. Shared Parking. Deviation (9) seeks relief from the LDC §34-2015(1) requirement to provide that all required parking spaces must be provided on the same premises as the intended use, to allow shared parking. This DEVIATION IS APPROVED, SUBJECT TO the condition that, as part of the local development order approval, the developer demonstrate that the proposed uses will operate during varying times of the day as part of a Shared Parking Agreement.

10. Indigenous Open Space. Deviation (10) seeks relief from the LDC §10-415(b)(1)(a) requirement that large developments must provide 50 percent of the required open space as indigenous preserve, to allow 4.9 acres of indigenous preserve and 10.4 acres of other native preservation areas. This DEVIATION IS APPROVED, SUBJECT TO Condition 8, above.

11. Model Homes. Deviation (11) seeks relief from the LDC §34-1954(a)(1) requirement regarding model homes and units, to allow model homes and units by right. This DEVIATION IS APPROVED.

12. Connection Separation. Deviation (12) seeks relief from the LDC §10-285(a) requirement to provide a minimum of 660 feet for connection separation between access points on Corkscrew Road, to allow the connections provided for on the MCP. This DEVIATION IS APPROVED, SUBJECT TO following condition:

    a. Prior to local development order approval, the Developer must provide a cross-access easement connecting to the east and west property lines of STRAP#33-46-25-00-00008.0000. The cross-access easement must be recorded in the public records. The access centered 715 feet from the centerline of U.S. 41 may be realigned to an interconnection to the existing median opening 908 feet from U.S. 41 if the interconnection becomes available.

13. Buffers between Uses. Deviation (13) seeks relief from the LDC §34-372(a)(6)g. requirement to provide a minimum width and composition of all proposed buffers along the perimeter of the entire property, as well as between the individual uses, if the types of proposed uses require buffer separations between the different uses within the development, to allow the elimination of buffers between uses within the development. This DEVIATION IS APPROVED.

SECTION D. EXHIBITS AND STRAP NUMBER:

The following exhibits are attached to this resolution and incorporated by reference:

Exhibit A: Legal description and sketch of the property
Exhibit B: Area Map (subject parcel identified with shading)
Exhibit C-1: Master Concept Plan date stamped Received June 7, 2007
Exhibit C-2: Parcel Summary
Exhibit D: Design Elements
Exhibit E: Bonus Density Contract

The applicant has indicated that the STRAP numbers for the property are:

28-46-25-00-00014.0020
28-46-25-00-00015.0000
28-46-25-00-00016.0040
28-46-25-00-00016.0050
28-46-25-00-00017.0000
28-46-25-00-00018.0000
28-46-25-00-00033.0000
28-46-25-00-00033.0010
33-46-25-00-00001.0000
33-46-25-00-00005.0000
33-46-25-00-00006.0000
33-46-25-00-00007.0000
33-46-25-00-00009.0000
33-46-25-00-00010.0000
33-46-25-00-00013.0000

SECTION E. FINDINGS AND CONCLUSIONS:

Rezoning Request:

1. The applicant has proven entitlement to the MPD rezoning by demonstrating compliance with the Lee Plan, the LDC, and other applicable codes and regulations.

2. The MPD rezoning, as approved:

   a. meets or exceeds the performance and locational standards set forth for the potential uses allowed by the request; and,

   b. is consistent with the densities, intensities, and general uses set forth in the Lee Plan; and,

   c. is compatible with existing or planned uses in the surrounding area; and,

d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,

e. will not adversely affect environmentally critical areas or natural resources.

3. The MPD rezoning satisfies the following criteria:

a. the proposed use or mix of uses is appropriate at the subject location; and

b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and

c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.

4. Urban services, as defined in the Lee Plan, will be available and adequate to serve the proposed land use.

5. The approved deviations, as conditioned, enhance the achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

Bonus Density Request:

1. The bonus density request is consistent with the criteria contained in LDC §34-1516(c).

2. The request for bonus density is in compliance with and consistent with the Lee County Lee Plan.

3. The bonus density request includes only property that is zoned for the type of dwelling units to be constructed if the Mixed-Use Planned Development Zoning District is approved.

4. The bonus density request is less than the maximum total bonus density for the Urban Community and Outlying Future Land Use Categories.

5. The proposed development will not have substantially increased intensities of land uses along its perimeter.

6. The project is not located where additional traffic will be required to travel through areas with significantly lower densities before reaching the nearest collector or arterial road.

7. As conditioned by the zoning approval, the development is not in a location where existing and committed public facilities are so overwhelmed that a density increase would be contrary to the overall public interest.

8. The bonus density request, as conditioned, will not decrease any required open space, buffering, landscaping, and preservation areas.

9. The project is located within the Categories 2 and 3 storm surge zone for land-falling hurricanes as depicted in the 1991 Hurricane Storm Tide Atlas for Lee County. The developer will provide appropriate mitigation at the time of local development order approval.

10. The resulting development with the bonus units will be compatible with existing and planned surrounding land uses.

Commissioner Hall made a motion to adopt the foregoing resolution. The motion was seconded by Commissioner Mann. The vote was as follows:

Robert P. Janes	Absent
Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 4th day of June 2007.

ATTEST:
CHARLIE GREEN, CLERK

BY: Marcia Wilson
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY:
Robert P. Janes, Chair

Approved as to form by:
Donna Marie Collins
County Attorney's Office

BOARD OF COUNTY COMMISSIONERS SEAL LEE COUNTY, FLORIDA

CIRCUIT COURT LEE COUNTY, FLORIDA

State of Florida
County of Lee

I Charlie Green, Clerk of the Circuit Court for Lee County, Florida, do hereby certify this document to be a true and correct copy of the original document filed in the Minutes Department.

Given under my hand and official seal at Fort Myers, Florida, this 6th day of August, A.D. 2007

CHARLIE GREEN, CLERK

By Marcia Wilson
Deputy Clerk

CASE NOS: DCI2005-00041and REZ2006-00018

Z-07-021
Page 14 of 14

FLORIDA DEPARTMENT OF STATE
Office of the Secretary
Office of International Relations
Division of Administrative Services
Division of Corporations
Division of Cultural Affairs

MEMBER OF THE FLORIDA CABINET
Division of Library & Information Services
Division of Historical Resources
Ringling Museum of Art
Division of Licensing
Division of Elections

FLORIDA DEPARTMENT OF STATE
Sandra B. Mortham
Secretary of State
DIVISION OF HISTORICAL RESOURCES

August 13, 1997

Mr. J. R. Skinner
Division of Administration
Federal Highway Administration
U.S. Department of Transportation
227 N. Bronough Street, Room 2015
Tallahassee, Florida 32301

In Reply Refer To:
Frank J. Keel
Historic Preservation Planner
Project File No. 973270

RE: Cultural Resource Assessment Review Request
Cultural Resource Assessment Survey, US 41 PD&E from North of CR 887 to San Carlos Boulevard, Collier and Lee Counties, Florida. By Archaeological Consultants, Inc., April 1997.
SPN: 03010-1575
WPN: 1114187
FPN: ACXL-301-1(16)

Dear Mr. Skinner:

In accordance with the procedures contained in 36 C.F.R., Part 800 ("Protection of Historic Properties"), as well as the provisions contained in Chapter 267.061, *Florida Statutes*, we have reviewed the results of the field survey of the referenced project performed by Archaeological Consultants, Inc. and find them to be complete and sufficient.

We note that six previously unrecorded historic properties (8LL1912,1914-1917, and 1921) and four previously recorded historic properties (8LL1080, 1097 and 1098) and the National Register listed Koreshan Unity Settlement Historic District (8LL95) were located during the course of this survey. Based on the results of the survey, the Boomer House (8LL1098) and the Estero School (8LL1080) were determined to potentially eligible for listing in the *National Register of Historic Places*. We concur with this determination as well as with the determination that nine additional structures are contributing to the Koreshan Unity Settlement Historic District. We also concur that the remaining sites are ineligible for listing in the *National Register of Historic Places*, or otherwise of historical or architectural value.

DIRECTOR'S OFFICE
R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250 • (850) 488-1480
FAX: (850) 488-3353 • WWW Address http://www.dos.state.fl.us

☐ ARCHAEOLOGICAL RESEARCH (850) 487-2299 • FAX: 414-2207
☑ HISTORIC PRESERVATION (850) 487-2333 • FAX: 922-0496
☐ HISTORICAL MUSEUMS (850) 488-1484 • FAX: 921-2503

If you have any questions concerning our comments, please do not hesitate to contact us. Your interest in protecting Florida's archaeological and historic resources is appreciated.

Sincerely,

Laura A. Kammerer

for George W. Percy, Director
Division of Historical Resources
and
State Historic Preservation Officer

GWP/Kfk
xc: C. L. Irwin, FDOT
Bryan Williams, FDOT, District 1

FINAL
CULTURAL RESOURCE
ASSESSMENT SURVEY REPORT

U.S. 41
From North of C.R. 887 to San Carlos Boulevard
Collier and Lee Counties, Florida

State Project Numbers: 03010-1575 & 12010-1566
Work Program Item Numbers: 1114187 & 1114700
Federal Aid Program Numbers: ACXL-301-1(16) & XA-301-2(49)

This project is a PD&E Study of U.S. 41
which begins north of C.R. 887 at its southern terminus
and continues northward to San Carlos Boulevard;
the limits of the project area are approximately 18.78 km (11.67 mi).

Prepared for:

Florida Department of Transportation
District One
801 North Broadway
Bartow, Florida 33830

Prepared by:

Archaeological Consultants, Inc.
2345 Bee Ridge Road
Suite 6
Sarasota, Florida 34239

April 1997 CRAT# 973270

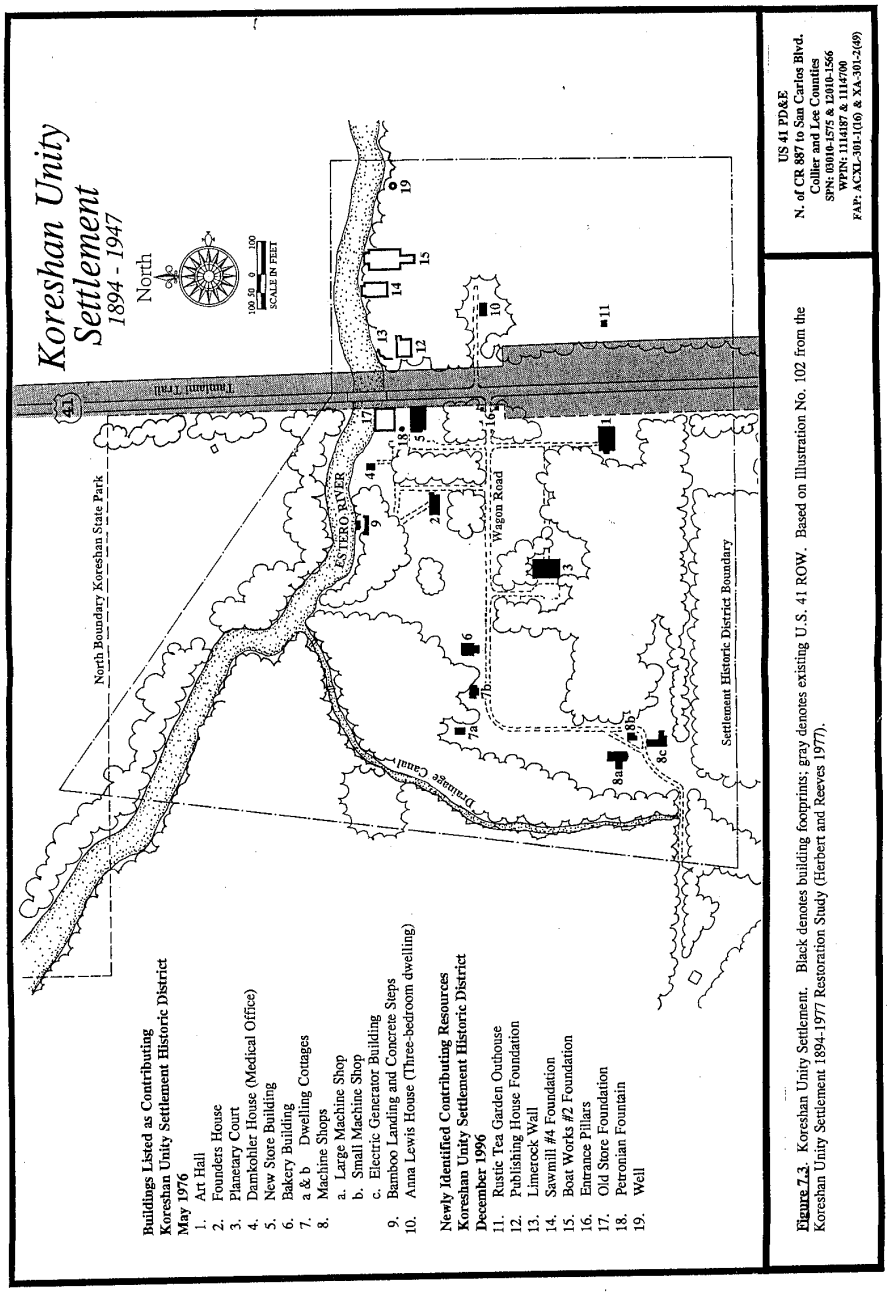


Figure 7.3. Koreshan Unity Settlement. Black denotes building footprints; gray denotes existing U.S. 41 ROW. Based on Illustration No. 102 from the Koreshan Unity Settlement 1894-1977 Restoration Study (Herbert and Reeves 1977).

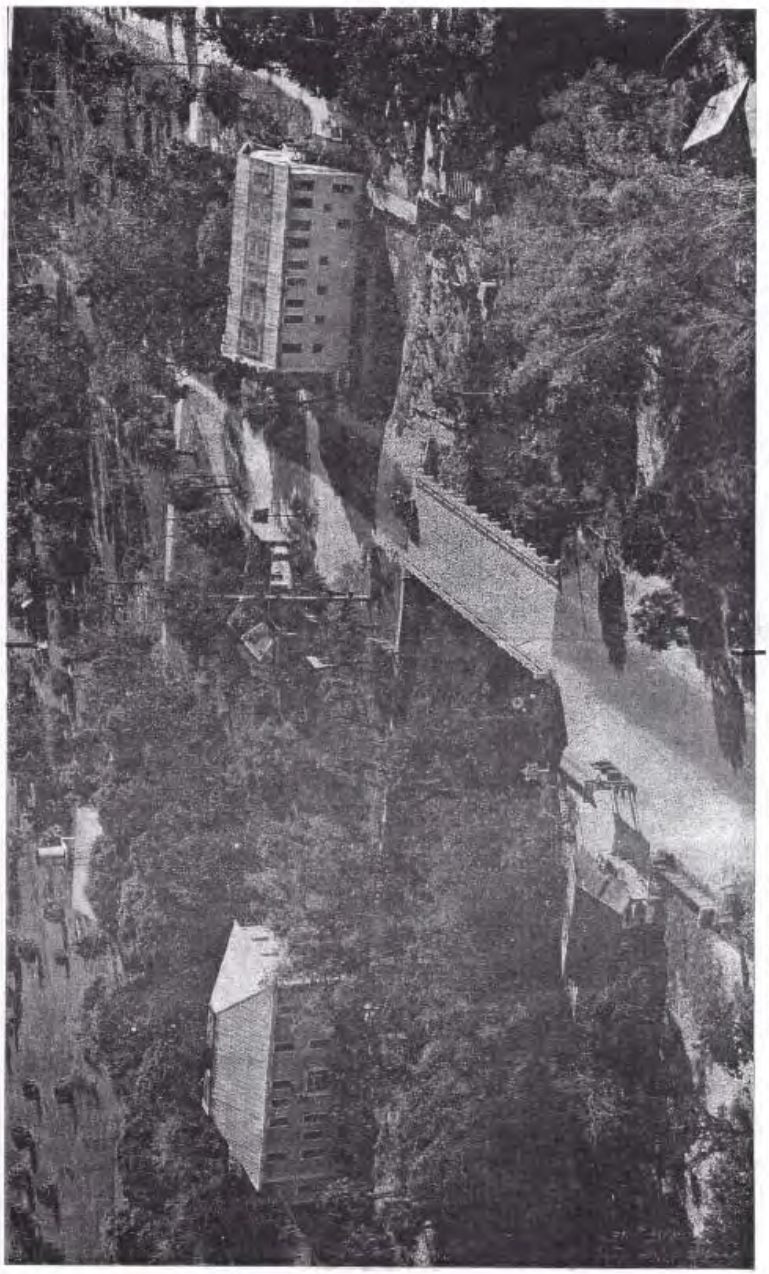


Figure 7.4. Historic Photograph Showing the Publishing House, Gas Station, and New Store (ca. 1949). (Photograph from the Collection of the Koreshan Unity Foundation.)

US 41 PD&E
N. of CR 887 to San Carlos Blvd.
Collier and Lee Counties
SPN: 03010-1575 & 12010-1566
WPIN: 1114187 & 1114700
FAP: ACXL-301-1(16) & XA-301-2(49)

Shops, Bamboo Landing and Concrete Steps, and the Anna Lewis House (Three-Bedroom Dwelling). Since 1976, nine additional resources have been discovered that fall within the district boundaries but were not previously identified as contributing resources. These nine resources include the Rustic Tea Garden Outhouse, the Publishing House Foundation, the Limerock Wall, the Sawmill #4 Foundation, the Boat Works #2 Foundation, the Entrance Pillars, the Old Store Foundation, the Petronian Fountain, and a well. All are over fifty years of age and by current NRHP criteria for evaluation are considered resources that contribute to the significance of the Koreshan Unity Settlement Historic District. Also within this time period, the Post Office was determined to be not historic and was relocated outside of the historic district boundaries onto another portion of the Koreshan State Historic Site property.

At the request of the Florida Division of Historical Resources, Survey and Registration Section, a narrative description of each newly identified contributing resource follows. This was done in lieu of preparing an amendment to the Koreshan Unity Settlement Historic District NRHP nomination, or a request for a DOE.

Rustic Tea Garden Outhouse (contributing) (11; Figure 7.3)

A two-seater outhouse that stylistically and by location appears to have been associated with the Rustic Tea Garden is located south of the Anna Lewis House, directly east of the Art Hall and east of the existing eastern right-of-way (Figure 7.5). The outhouse is constructed of milled lumber, covered by a corrugated metal gable roof. The wall cladding is no longer in place, but fragments of palmetto fronds are still attached. It is presumed the outhouse dates from the same period as the Rustic Tea Garden, probably constructed ca. 1930 (Figure 7.6). The Rustic Tea Garden was constructed of rough log elements with the bark retained, and



Figure 7.5. The Rustic Tea Garden Outhouse (1996). (Photograph from the Collection of Archaeological Consultants, Inc.)

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Collier and Lee Counties
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Figure 7.6. Historic Photograph (late 1930s) of the Rustic Tea Garden. (Photograph from the Collection of the Koreshan Unity Foundation).

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the walls and roof were covered with palmetto thatching. The Rustic Tea Garden structure initially served as an exhibit building for the settlement, displaying produce as well as items manufactured on site by the various Koreshan enterprises. In the mid-1930s the building was converted to a tea garden, serving meals to travelers along the newly paved Tamiami Trail (now U.S. 41) (Herbert and Reeves 1977:102-103). The Rustic Tea Garden fell into disuse in the early 1940s and was demolished in the mid-1940s; U.S. 41 now covers its former location. The outhouse is in deteriorated condition and in danger of collapsing. The Rustic Tea Garden Outhouse lies within the district boundary, dates from the period of significance, and contributes to the Koreshan Unity Settlement Historic District.

Publishing House Foundation (also known as the Guiding Star Publishing House) (contributing) (12; Figure 7.3)

The Publishing House, constructed ca. 1904, was a two-story building measuring approximately 11.6 m (38 ft) by 21.3 m (70 ft) (Figure 7.7). The Publishing House was wood frame construction with walls of horizontal boards, covered by a wood shingle hipped roof. The Publishing House fronted the Tamiami Trail (now U.S. 41), and was directly west of the old store. This building housed the publishing operations of the Koreshan Unity and, as such, played an important role in the history of Koreshanity (Herbert and Reeves 1977:85-86). The first floor of the building contained the press room with the equipment for printing and binding. The second floor housed the general office of the Unity, the type-setting department, and photographic and engraving department. Power for the equipment was provided by a steam engine located in the adjacent Publishing House Power Building. In 1949, a fire destroyed both buildings. The





Figure 7.7. Historic Photographs (ca. 1920-30) of the Publishing House. (Photographs from the Collection of the Koreshan Unity Foundation).

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Publishing House foundation is located within the boundary of the Koreshan Unity Settlement Historic District and contributes to the district.

Limerock Wall (contributing) (13; Figure 7.3)

A limerock wall is located at the west end of the Koreshan Unity Foundation property adjacent to the Estero River and parallel to U.S. 41 (Figure 7.8). The wall forms a cove along the river edge, then runs south approximately 20 m (65.6 ft) toward the old path to the Publishing House; a portion of the wall is covered by vegetation. The wall, approximately 2 m (6.6 ft) high and 1 m (3.3 ft) wide, is shown in historic photographs (ca. 1920-30) of the Publishing House (Figure 7.9). No evidence was found as to how far the wall extended to the east or south and the original function of the wall remains unknown. The holdings of both the Koreshan Unity Foundation and the Koreshan State Historic Site were examined for information about the wall. The wall is said to have been reportedly constructed by Arthur Moore, a Koreshan member. The portion of the wall that parallels U.S. 41 was reportedly part of the decorative boundary associated with the Publishing House and was constructed concurrently, ca. 1904. The segment of the wall that parallels the edge of the Estero River reportedly dates from the late 1920s to the early 1930s. Nonetheless, since the wall lies within the district boundaries and dates from the period of settlement as evidenced by historic photographs, it is therefore considered a contributing element.

Sawmill #4 Foundation (contributing) (14; Figure 7.3)

Sawmill #4, constructed ca. 1900, was the fourth in a series of sawmills built by the settlement. It was located to the east of the Publishing House (Figure 7.10). The structure,

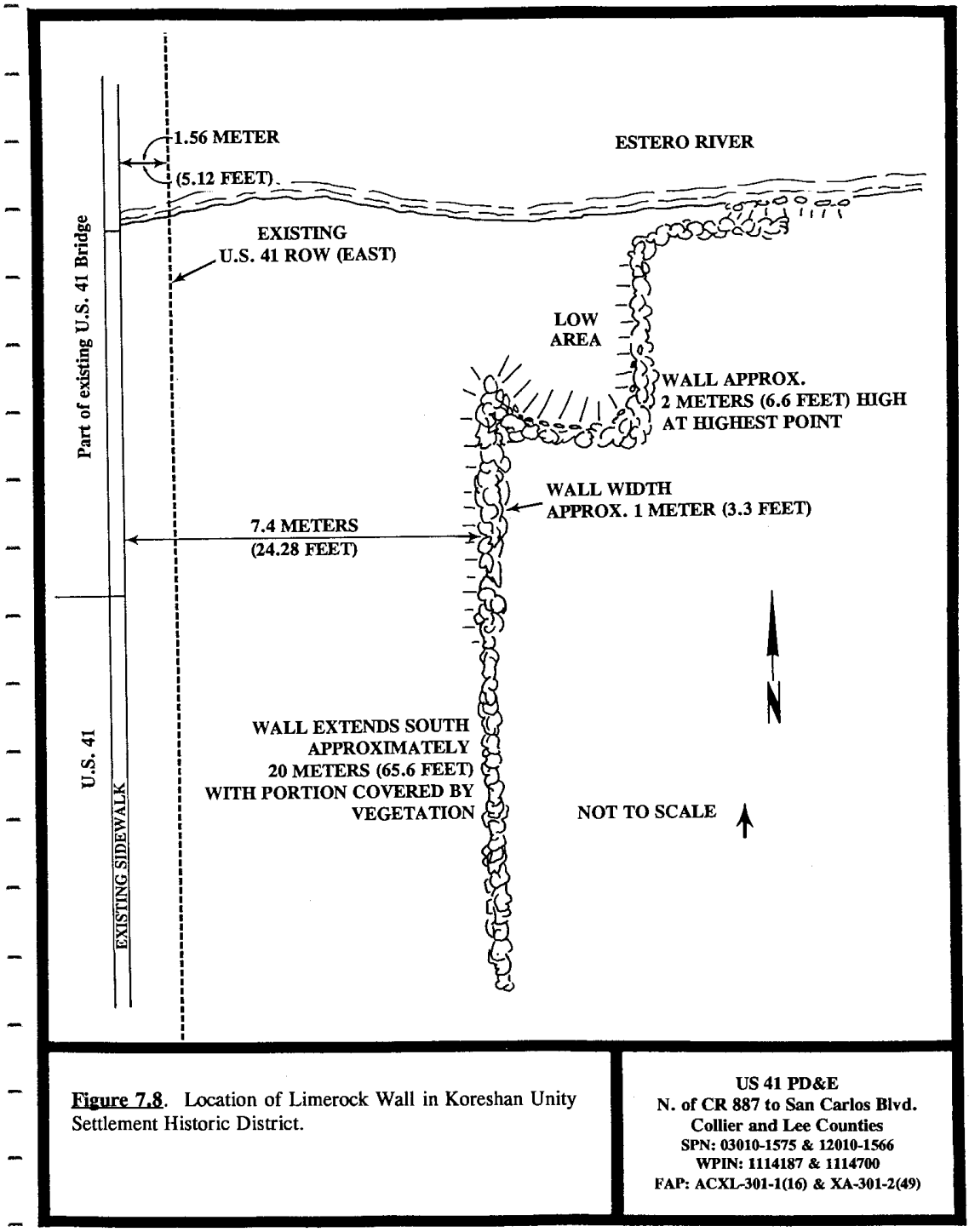


Figure 7.8. Location of Limerock Wall in Koreshan Unity Settlement Historic District.

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Figure 7.9. Historic Photographs (ca. 1920-30) of the Publishing House Showing Portion of the Limerock Wall. (Photographs from the Collection of the Koreshan Unity Foundation.)

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Figure 7.10. Sawmill #4 Foundation (above); Boat Works #2 Foundation (below) (1996). (Photographs from the Collection of Archaeological Consultants, Inc.)

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of wood frame construction, measured 10.1 m (33 ft) by 11.0 (36 ft) and contained the Tinware and Pattern Makers Shop (Herbert and Reeves 1977:87). The tinware shop was located on the first floor; the pattern making and wood turning shop was located on the second floor (Herbert and Reeves 1977:88). The building was allowed to deteriorate and, as a result, it was demolished in 1949. Portions of the concrete foundation remain *in situ* today. The foundation is located within the historic district boundary and is considered a contributing element to the Koreshan Unity Settlement Historic District.

Boat Works #2 Foundation (contributing) (15; Figure 7.3)

Boat Works #2, constructed ca. 1900, was located east of the Publishing House and adjacent to the Estero River (Figure 7.10). The building was a two-story wood frame structure covered by a wood shingle roof. It measured approximately 6.1 m (20 ft) by 21.3 m (70 ft) with a one-story wing attached to the west elevation measuring 3.0 m (10 ft) by 21.3 m (70 ft) (Herbert and Reeves 1977:88-89). A small one-story building that housed machine and woodworking facilities was attached to the south elevation. The gradual improvement of county roads, as well as the declining reliance upon fish as a food source, generally led to the abandonment of the industry (Herbert and Reeves 1977:89). The building was allowed to deteriorate and was demolished in 1949. A portion of the concrete foundation as well as partial concrete walls remain in place today, and are considered a contributing element to the Koreshan Unity Settlement Historic District for representing that period in the history of development when boat transportation played a critical role in shipping materials both to and from the settlement.

Entrance Pillars (contributing) (16; Figure 7.3)

A pair of entrance pillars are located on the west side of U.S. 41 at the junction with (what was formerly known as) Wagon Road (Figure 7.11). The pillars were constructed ca. 1903-1905 of limerock topped by cast stone spherical finials and placed at the original entrance to the Koreshan Unity Settlement. The original entrance was closed after the land was given to the Parks Department and the Koreshan State Historic Site was established. A new entrance was created and a Park Entrance Station with ranger offices was constructed ca. 1967 when the park opened to the public. The entrance pillars lie within the Koreshan Unity Settlement Historic District boundary and are contributing objects.

Old Store Foundation (contributing) (17; Figure 7.3)

The Old Store was a three-story building fronting directly on the Estero River (Figure 7.12). It was constructed in 1902-1903 by the settlement to replace the original one-room store and post office (Herbert and Reeves 1977:77). The Old Store was of wood frame construction with vertical board-and-batten siding; the front-gable roof was wood shingle. A covered porch/loading area was located on the north, fronting the river, and the east elevation fronted the Tamiami Trail (now U.S. 41).

The Old Store functioned as the general store serving both the settlement and the surrounding community. Fruit, vegetables, and fishing supplies were sold here. The ground (river) level served as a storage and warehouse space for the loading and unloading of materials shipped by boat, the major source of supply. The second floor served as the general store and post office, and the third floor was used as a sister's dormitory. A series of floods, which severely damaged both the lower storage area, as well as the store, led the settlement to construct a



Figure 7.11. Koreshan Unity Settlement Original Entrance Pillars (1996). (Photograph from the Collection of Archaeological Consultants, Inc.)

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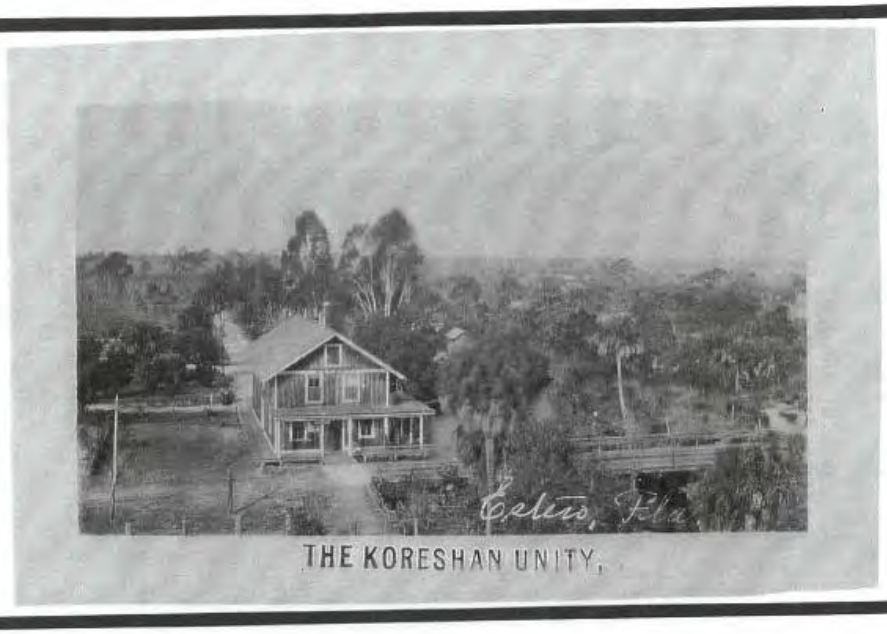




Figure 7.12. A Historic Photograph (undated) of the Old Store (above) (photograph from the Collection of the Koreshan Unity Foundation); A Portion of the Old Store Foundation (below) (1996) (Photograph from the Collection of Archaeological Consultants, Inc.).

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new store in the early 1920s. The Old Store was finally destroyed by fire in the 1924-26 period. Portions of the coursed rubble foundation remain in place today (Figure 7.12). The Old Store foundation lies within the historic district boundaries and contributes to the Koreshan Unity Settlement Historic District.

Petronian Fountain (contributing) (18; Figure 7.3)

The Petronian Fountain, dating from ca. 1903-1905, is one of the few features of its kind that is still relatively intact; it is located immediately west of where the Old Store once stood (Figure 7.13). The fountain is constructed of imitation brownstone and has a lion's head mask for a fountain spout (Herbert and Reeves 1977:130). There are two columns, one on either side of the fountain, each with an inset cast stone dolphin plaque, capped by a spherical finial. The original basin has been replaced by a planter dating from the same era (Herbert and Reeves 1977:130). Today the fountain is not functioning. This object falls within the Koreshan Unity Settlement Historic District boundary and is a contributing element.

"Well" (contributing) (19; Figure 7.3)

A structure that appears to have been a well is located at the east end of the Koreshan Unity Foundation property near to the Estero River. The "well" is approximately 1.2 m (4 ft) in diameter and is constructed of tabby. It has been abandoned, is in deteriorated condition, and a portion of it is missing. Although the construction date and original use of this structure cannot be verified, the shape suggests that it may have been used as a well. A metal lantern currently sits in the center of the "well"; it is not attached to the structure. The date and use of this lantern is also unknown. It has been suggested that due to its close proximity to the river, the structure may have been a signal lamp for boats



Figure 7.13. The Petronian Fountain (1996). (Photograph from the Collection of Archaeological Consultants, Inc.)

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approaching the Koreshan Unity Settlement docks. The "well" lies within the district boundaries and is considered a contributing element.

Koreshan Unity Settlement Limerock Wall
Southeast corner of U.S. 41 and Estero River
Lee County
Florida

FMSF No. 8LL94

PHOTOGRAPHS

ARCHITECTURAL DATA FORM

SKETCH PLAN

Florida State Archives
R.A. Gray Building
Tallahassee, Florida

Koreshan Unity Settlement Limerock Wall
FMSF No. 8LL94
Lee County, Florida

PHOTOGRAPHS
ARCHITECTURAL DATA FORM
SKETCH PLAN

US 41 Design from Corkscrew Road to San Carlos Boulevard
Financial ID: 195765-1-32-01
WPI: 1114735

Prepared for:

Florida Department of Transportation, District One
801 North Broadway
Bartow, Florida 33830

March 2004

HISTORIC AMERICAN BUILDING SURVEY

Koreshan Unity Settlement Historic District
Limerock Retaining Wall

FMSF No. 8LL94

Location: Southeast corner of U.S. 41 and Estero River, Estero, Lee County, Florida.

Significance: The Koreshan Unity Settlement was listed in the National Register of Historic Places in 1976. It is significant for its association with the Koreshan Unity, a late nineteenth century utopian society based on scientific and economic theories that emphasized education, culture and landscaping. The Koreshan Unity Settlement Historic District is composed of the original community buildings including an auditorium, residences, dormitories, a bakery, a store, a machine shop, and a limerock retaining wall.

Description: The limerock wall is approximately 14'-6" along the river, forms a cove (13'-9"), then turns 90 degrees and continues south approximately 53'-4" toward the former path to the Publishing House. The limerock wall varies in width and height (refer to site plan). The portion of the limerock retaining wall that parallels U.S. 41 was reportedly part of the decorative boundary associated with the ca. 1904 Publishing House (demolished). The segment of the wall that parallels the edge of the Estero River reportedly dates from the late 1920s to the early 1930s. The majority of the wall is covered by mature vegetation.

History: The Koreshan Unity was originally formed in Chicago. The founder, Dr. Cyrus Teed (Koresh in Hebrew), brought his followers to Estero in 1894. The new utopian community was established as a settlement for Koreshans. The Koreshan Unity was founded upon the ideas of communal living, the belief in Dr. Teed's religious and scientific theories, and the communistic goal of everyone working for the good of all. The settlement expanded until Dr. Teed's death in 1908. It is believed Koreshan member Arthur Moore constructed the limerock wall.

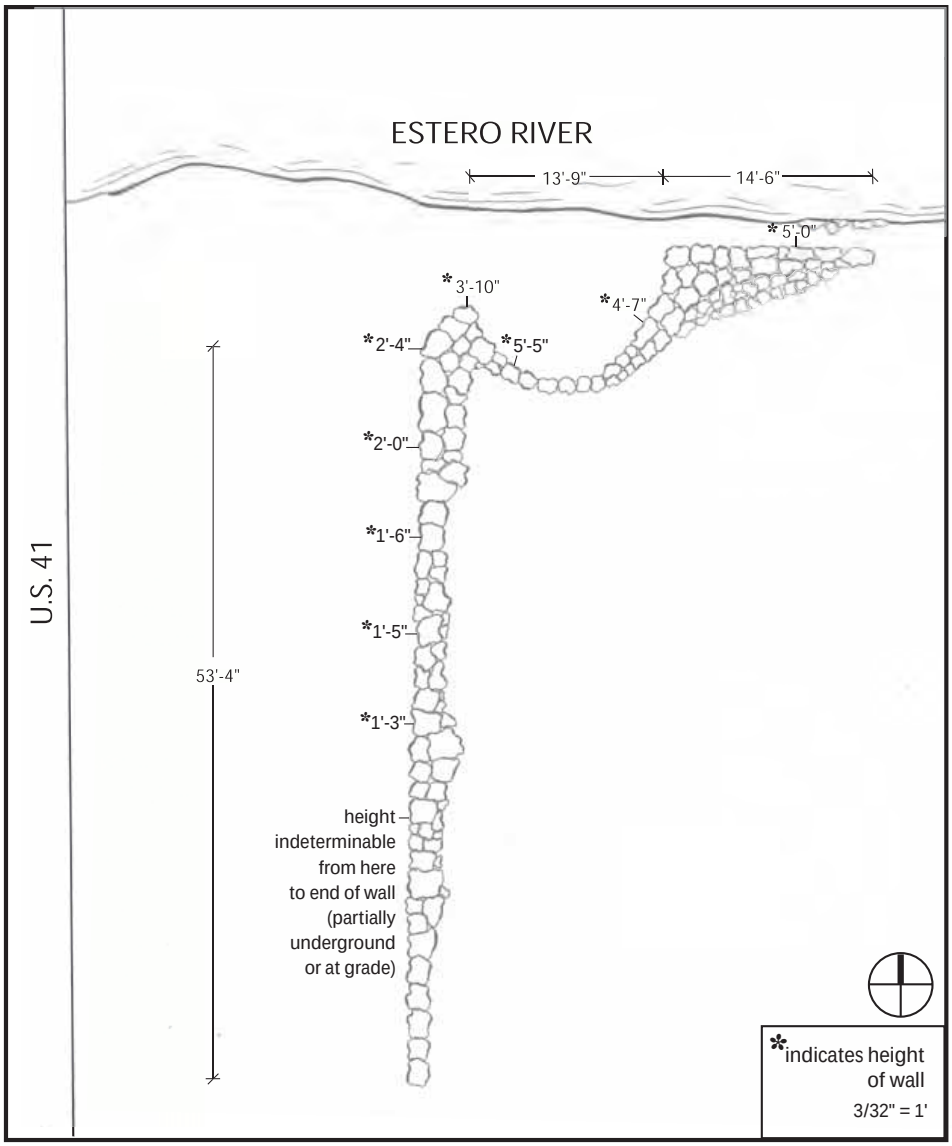
Sources:

Archaeological Consultants, Inc. (ACI)
1997 Cultural Resource Assessment Survey, U.S. 41 PD&E from North of CR 887 to San Carlos Boulevard, Collier and Lee Counties.

National Register of Historic Places Nomination Form
1976 Koreshan Unity Settlement Historic District.

Architectural Historians: Carrie Scupholm & Sarah Payton
Archaeological Consultants, Inc.
February 3, 2004

KORESHAN UNITY SETTLEMENT LIMEROCK WALL
FMSF No. 8LL94
(Page 2)



INDEX TO PHOTOGRAPHS

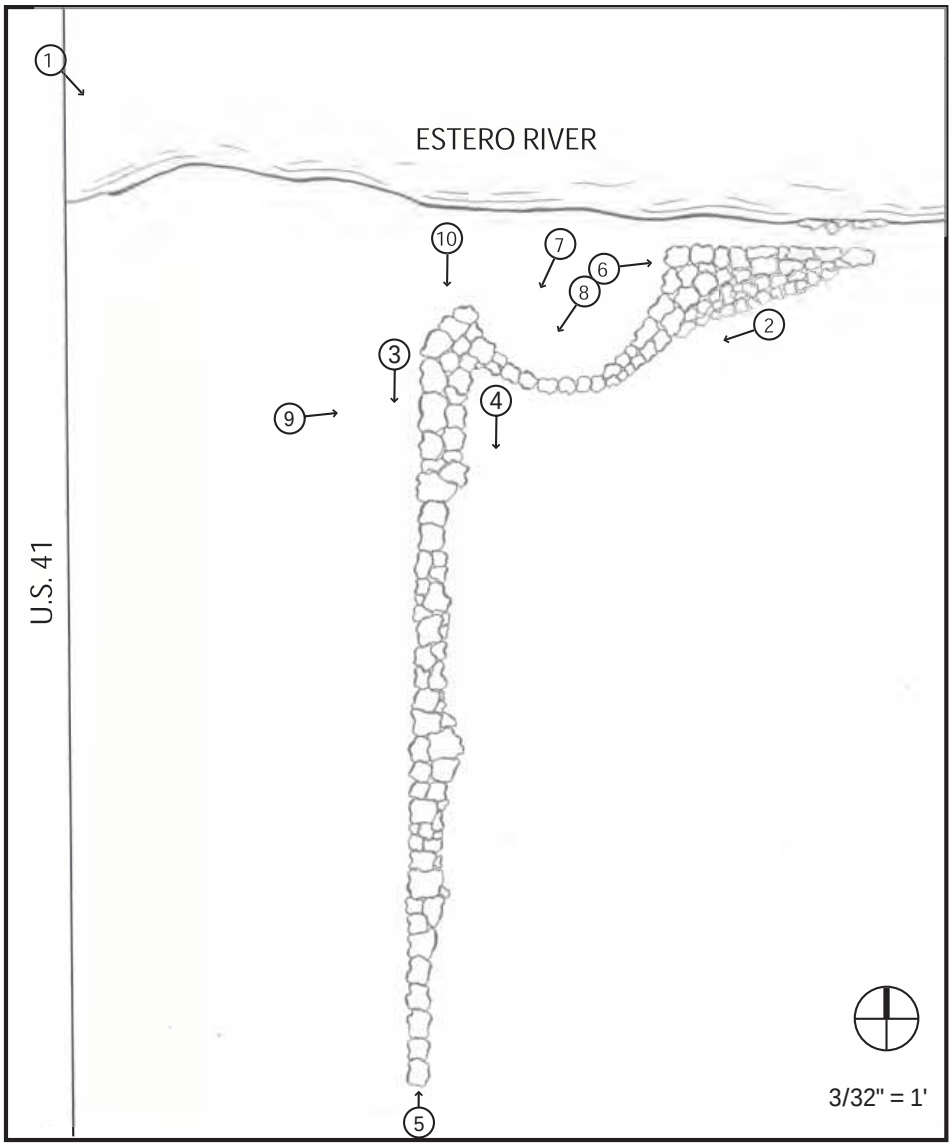
KORESHAN UNITY SETTLEMENT LIMEROCK WALL FMSF No. 8LL94
Southeast corner of U.S. 41 and Estero River
Estero
Lee County
Florida

Penny Rogo Bailes, Photographer December 2003 (Photo 01 through 10)

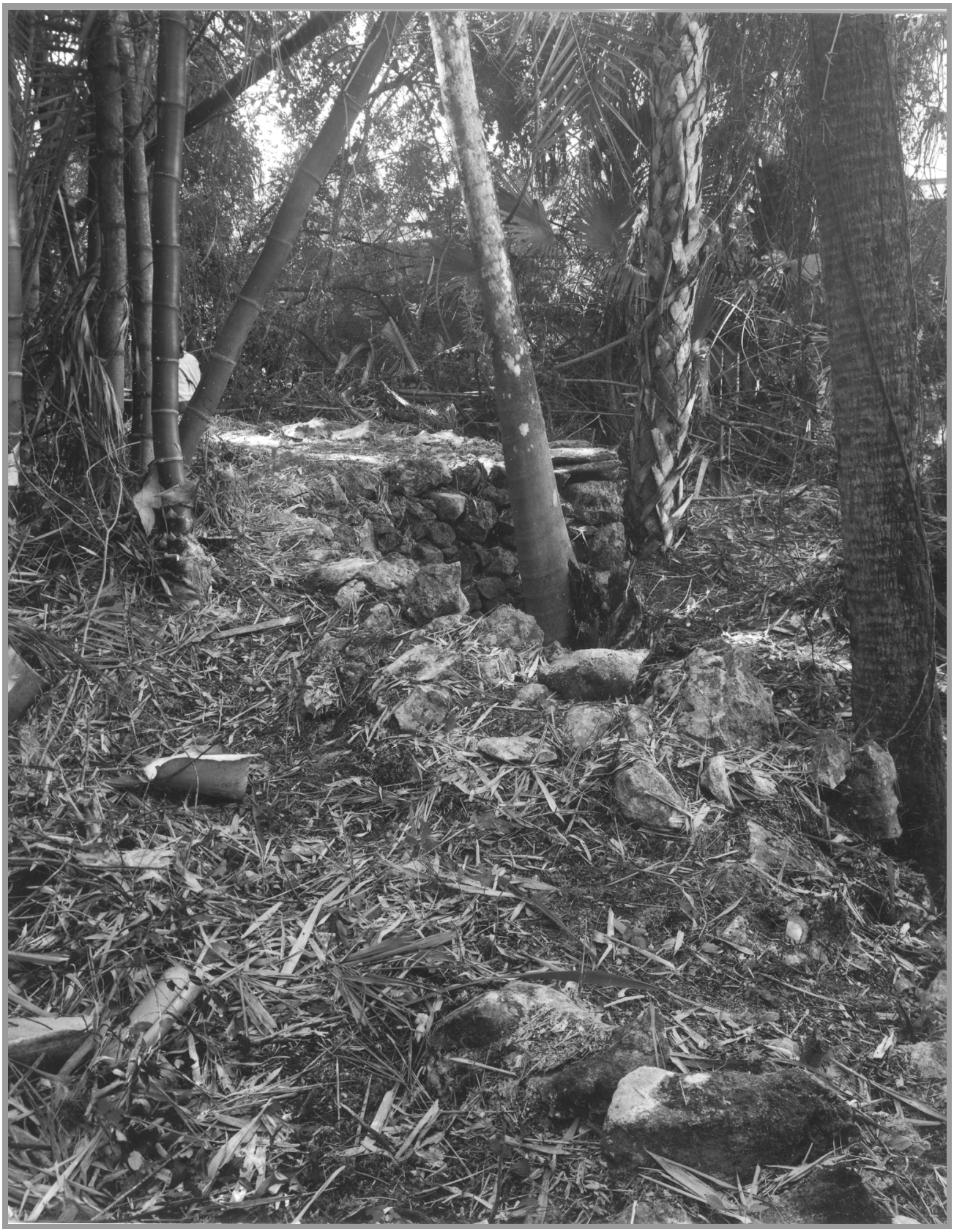
Note: All photographs are 8" x 10" enlargements from 4" x 5" negatives.

01	CONTEXTUAL VIEW OF LIMEROCK WALL, TAKEN FROM EXISTING U.S. 41 BRIDGE OVER THE ESTERO RIVER, FACING SOUTHEAST.
02	VIEW OF LIMEROCK WALL, FACING SOUTHWEST.
03	VIEW OF LIMEROCK WALL, FACING SOUTH.
04	VIEW OF LIMEROCK WALL SURFACE, FACING SOUTH.
05	VIEW OF LIMEROCK WALL SURFACE, FACING NORTH.
06	VIEW OF NORTHEAST CORNER OF LIMEROCK WALL, FACING EAST.
07	VIEW OF LIMEROCK WALL, FACING SOUTHWEST.
08	VIEW OF LIMEROCK WALL, FACING SOUTHWEST.
09	VIEW OF SOUTHWEST CORNER OF LIMEROCK WALL, FACING NORTHEAST.
10	DETAIL OF SOUTHWEST CORNER OF LIMEROCK WALL, FACING SOUTHEAST.

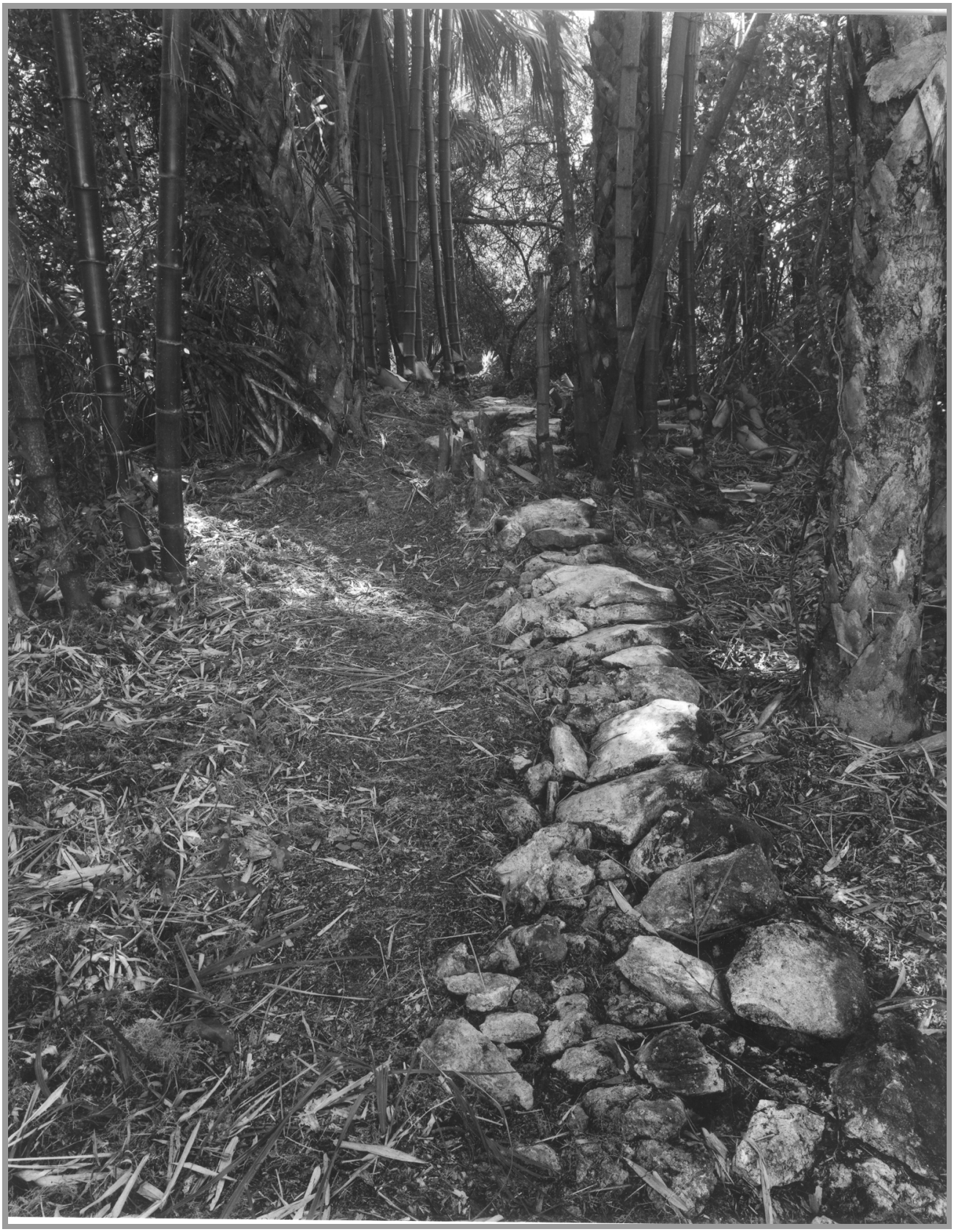
KORESHAN UNITY SETTLEMENT LIMEROCK WALL
FMSF No. 8LL94 (Page 2)
KEY TO PHOTOGRAPHS



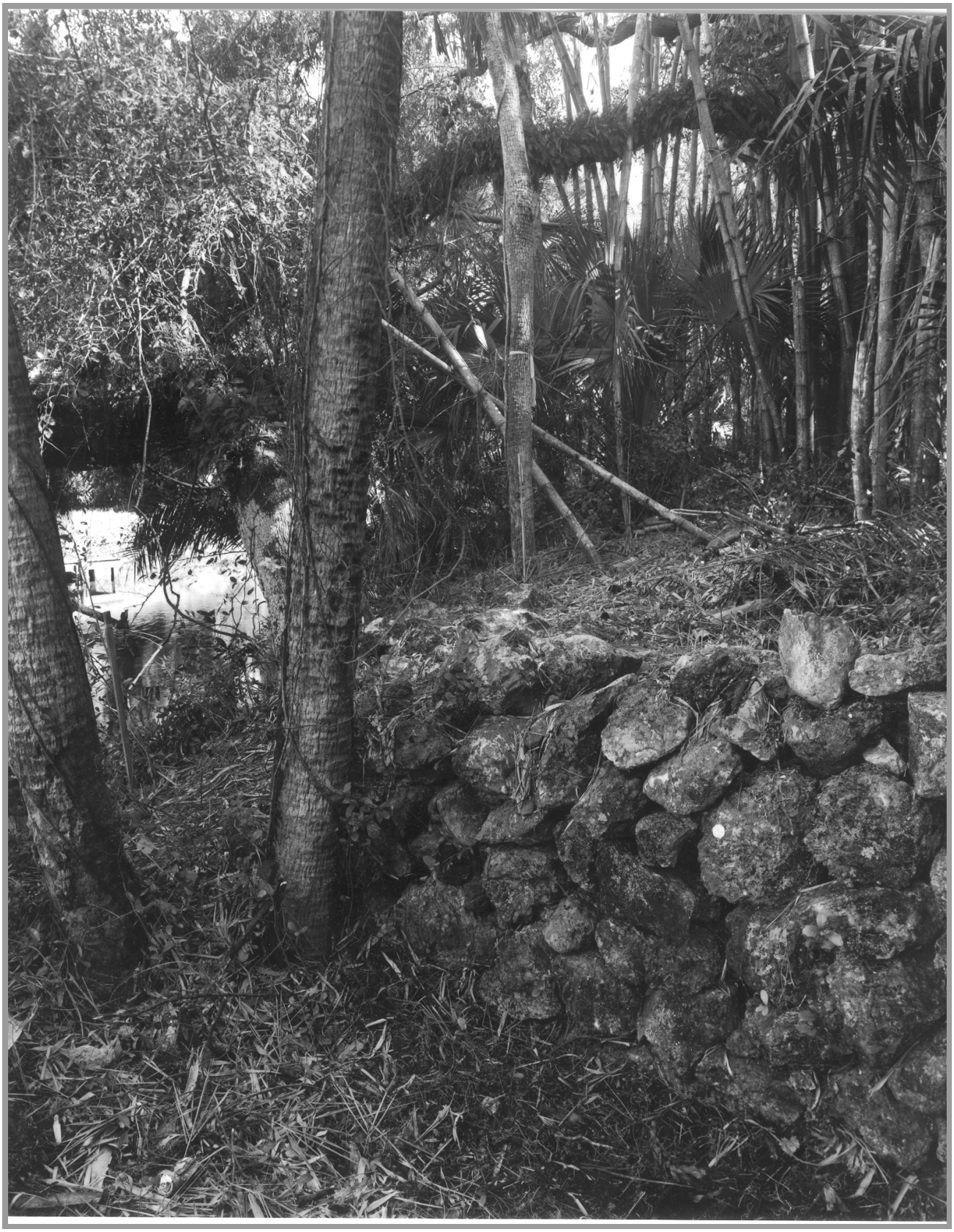




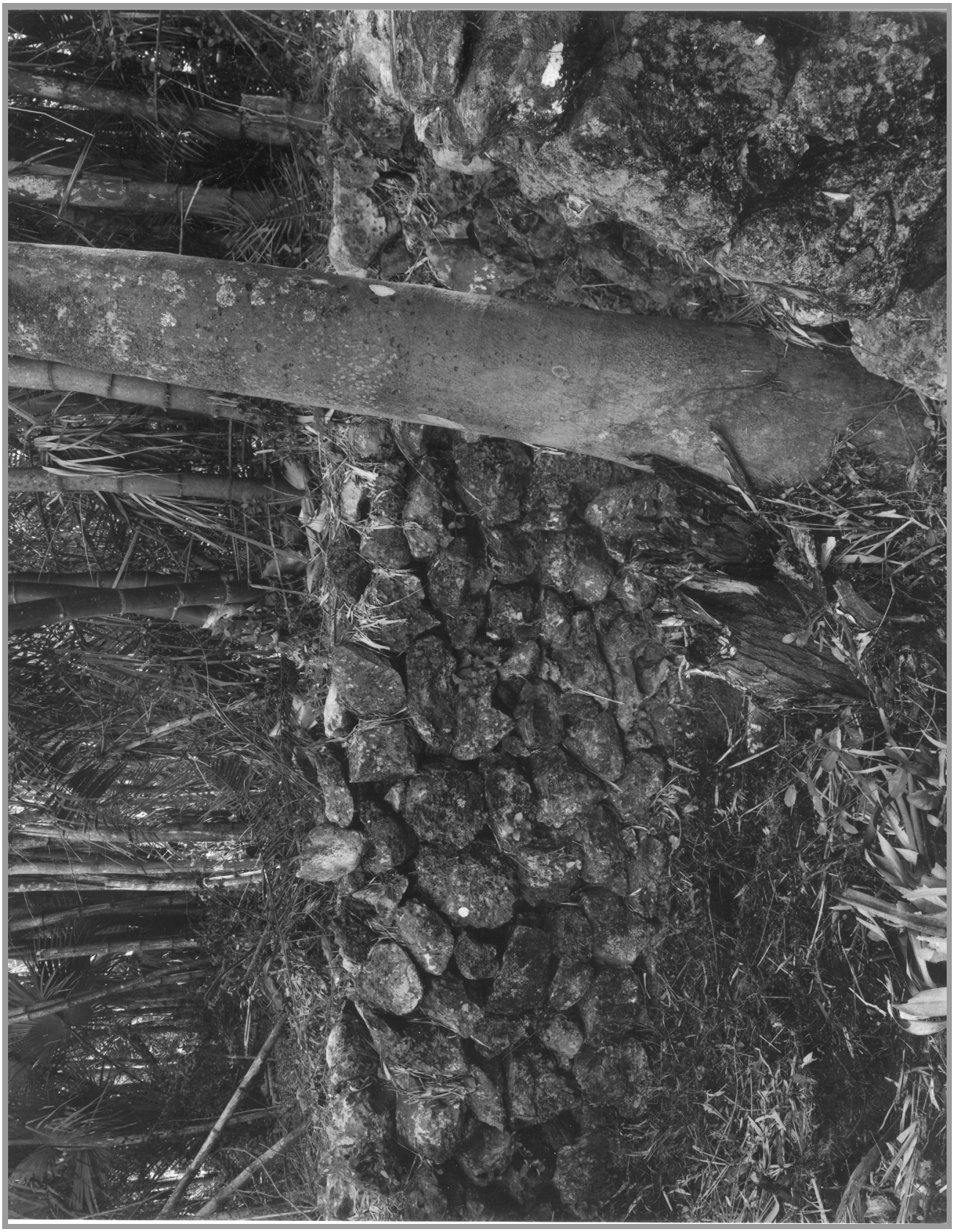
















Appendix B
Photographs of Destroyed Buildings/Structures Foundations



8LL02352 Guiding Star Publishing House Foundations

Photo is taken looking north; arrows point to some of the remaining foundations, 2022

Note: Picture in the original FMSF form, below, shows same foundation but the view was looking northeast



Photo from original FMSF form, 2005



8LL02354 Machine and Woodworking Building Foundations

Looking south, 2022

Note: Picture in the original FMSF form, below, shows same foundation but the view was looking southwest



Photo from original FMSF form, 2005



8LL02355 Boatworks #2 and Plumbing & Blacksmith Shop Foundations

Looking northwest

Note: Picture in the original FMSF form, below, shows same foundation but the view was looking southeast



Photo from original FMSF form, 2005



8LL02356 Apiary Foundation

Looking north; no remnants exist

Note: Picture in the original FMSF form, below, shows some remnants, view looking northeast



Photo from original FMSF form, 2005

Appendix C
Florida Master Site File Forms

Page 1

☐Original
☒Update

RESOURCE GROUP FORM
FLORIDA MASTER SITE FILE
Version 5.0 3/19

Consult the *Guide to the Resource Group Form* for additional instructions

Site #8 LL00094
Field Date 2-17-2022
Form Date 3-11-2022
Recorder# _____

NOTE: Use this form to document districts, landscapes, building complexes and linear resources as described in the box below. Cultural resources contributing to the Resource Group should also be documented individually at the Site File. Do not use this form for National Register multiple property submissions (MPSs). National Register MPSs are treated as Site File manuscripts and are associated with the individual resources included under the MPS cover using the Site File manuscript number.

Check ONE box that best describes the Resource Group:

- ☒ Historic district (NR category "district"): buildings and NR structures only: NO archaeological sites
- ☐ Archaeological district (NR category "district"): archaeological sites only: NO buildings or NR structures
- ☐ Mixed district (NR category "district"): includes more than one type of cultural resource (example: archaeological sites and buildings)
- ☐ Building complex (NR category usually "building(s)"): multiple buildings in close spatial and functional association
- ☐ Designed historic landscape (NR category usually "district" or "site"): can include multiple resources (see *National Register Bulletin #18*, page 2 for more detailed definition and examples: e.g. parks, golf courses, campuses, resorts, etc.)
- ☐ Rural historic landscape (NR category usually "district" or "site"): can include multiple resources and resources not formally designed (see *National Register Bulletin #30, Guidelines for Evaluating and Documenting Rural Historic Landscapes* for more detailed definition and examples: e.g. farmsteads, fish camps, lumber camps, traditional ceremonial sites, etc.)
- ☐ Linear resource (NR category usually "structure"): Linear resources are a special type of structure or historic landscape and can include canals, railways, roads, etc.

Resource Group Name Koreshan Unity Settlement Multiple Listing [DHR only] _____
Project Name CRAS Update Estero on the River FMSF Survey # _____
National Register Category (please check one): ☒building(s) ☐structure ☐district ☐site ☐object
Linear Resource Type (if applicable): ☐canal ☐railway ☐road ☐other (describe): _____
Ownership: ☐private-profit ☐private-nonprofit ☐private-individual ☐private-nonspecific ☐city ☐county ☒state ☐federal ☐Native American ☐foreign ☐unknown

LOCATION & MAPPING

	Street Number	Direction	Street Name	Street Type	Suffix Direction
Address:	3800		Corkscrew	Road	

City/Town (within 3 miles) Estero In Current City Limits? ☒yes ☐no ☐unknown
County or Counties (do not abbreviate) Lee
Name of Public Tract (e.g., park) Koreshan State Historic Site
1) Township 46S Range 25E Section 28,33 ¼ section: ☐NW ☐SW ☐SE ☐NE Irregular-name: _____
2) Township _____ Range _____ Section _____ ¼ section: ☐NW ☐SW ☐SE ☐NE
3) Township _____ Range _____ Section _____ ¼ section: ☐NW ☐SW ☐SE ☐NE
4) Township _____ Range _____ Section _____ ¼ section: ☐NW ☐SW ☐SE ☐NE
USGS 7.5' Map(s) 1) Name ESTERO USGS Date 1958
2) Name _____ USGS Date _____
Plat, Aerial, or Other Map (map's name, originating office with location) _____
Landgrant _____
Verbal Description of Boundaries (description does not replace required map)

See continuation sheet.

DHR USE ONLY	OFFICIAL EVALUATION	DHR USE ONLY
NR List Date	SHPO – Appears to meet criteria for NR listing: ☐yes ☐no ☐insufficient info Date _____ Init._____	
_____	KEEPER – Determined eligible: ☐yes ☐no Date _____	
☐Owner Objection	NR Criteria for Evaluation: ☐a ☐b ☐c ☐d (see *National Register Bulletin 15*, p. 2)	

HR6E057R0319, effective 05/2016
Rule 1A-46.001, F.A.C.

Florida Master Site File / Div. of Historical Resources / R. A. Gray Bldg / 500 S Bronough St., Tallahassee, FL 32399-0250
Phone 850.245.6440 / Fax 850.245.6439 / E-mail SiteFile@dos.myflorida.com

Page 2

RESOURCE GROUP FORM

Site #8 LL00094

HISTORY & DESCRIPTION

Construction Year: 1894 ☐approximately ☐year listed or earlier ☐year listed or later
Architect/Designer: Teed, Dr. Cyrus Builder:
Total number of individual resources included in this Resource Group: # of contributing _____ # of non-contributing _____
Time period(s) of significance (choose a period from the list or type in date range(s), e.g. *1895-1925*)
1. Nineteenth C. American 1821-1899 3. _____
2. Spanish-American War 1898-1916 4. _____
Narrative Description (*National Register Bulletin 16A* pp. 33-34; attach supplementary sheets if needed)

The Koreshan Unity Settlement is a turn of the century religious pioneer community created by Dr. Cyrus Teed. Teed's community followed his beliefs based on religion, science, and the social and economic organization of the human race.

RESEARCH METHODS (check all that apply)

☒FMSF record search (sites/surveys)	☐library research	☐building permits	☐Sanborn maps
☐FL State Archives/photo collection	☐city directory	☐occupant/owner interview	☐plat maps
☒property appraiser / tax records	☐newspaper files	☐neighbor interview	☐Public Lands Survey (DEP)
☐cultural resource survey	☐historic photos	☐interior inspection	☐HABS/HAER record search

☒other methods (specify) USDA historic aerial photographs (PALMM)
Bibliographic References (give FMSF Manuscript # if relevant)

Publication of Archival Library and Museum Materials (PALMM), accessible online at: http://palmm.fcla.edu/

OPINION OF RESOURCE SIGNIFICANCE

Potentially eligible individually for National Register of Historic Places? ☒yes ☐no ☐insufficient information
Potentially eligible as contributor to a National Register district? ☐yes ☒no ☐insufficient information
Explanation of Evaluation (required, see *National Register Bulletin 16A* p. 48-49. Attach longer statement, if needed, on separate sheet.)

See continuation sheet.

Area(s) of Historical Significance (see *National Register Bulletin 15*, p. 8 for categories: e.g. "architecture", "ethnic heritage", "community planning & development", etc.)
1. Agriculture 3. Education 5. Religion
2. Community planning & developm 4. Exploration/settlement 6. Social/humanitarian

DOCUMENTATION

Accessible Documentation Not Filed with the Site File - including field notes, analysis notes, photos, plans and other important documents
1) Document type All materials at one location Maintaining organization Archaeological Consultants Inc
Document description Files, photos, research, document File or accession #'s P20116.1
2) Document type _____ Maintaining organization _____
Document description _____ File or accession #'s _____

RECORDER INFORMATION

Recorder Name Savannah Young Affiliation Archaeological Consultants Inc
Recorder Contact Information 8110 Blaikie Court, Ste. A / Sarasota, FL/ 34240 /aciflorida@comcast.net
(address / phone / fax / e-mail)

Required Attachments

❶ PHOTOCOPY OF USGS 7.5' MAP WITH DISTRICT BOUNDARY CLEARLY MARKED
❷ LARGE SCALE STREET, PLAT OR PARCEL MAP WITH RESOURCES MAPPED & LABELED
❸ TABULATION OF ALL INCLUDED RESOURCES - Include name, FMSF #, contributing? Y/N, resource category, street address or other location information if no address.
❹ PHOTOS OF GENERAL STREETSCAPE OR VIEWS (Optional: aerial photos, views of typical resources) When submitting images, they must be included in digital AND hard copy format (plain paper grayscale acceptable). Digital images must be at least 1600 x 1200 pixels, 24-bit color, jpeg or tiff.

CONTINUATION SHEET

The Koreshan Unity Settlement Historic District was listed in the NRHP on May 4, 1976. The nominated historic district was comprised of approximately 54 acres spanning from west of US 41/Tamiami Trail to the east side of US 41/Tamiami Trail. Eight historic resources were documented on the east side of US 41 within the NRHP-listed boundary; however, seven of the eight were recorded as "no longer standing" and in ruinous condition. At time of the nomination, the Anna Lewis House (8LL01114), also referred to as "El Retiro" and "Member House" was the only extant resource on the east side of US 41.

During the *Cultural Resource Assessment Survey Addendum SR 45 (US 41) from Corkscrew Road to San Carlos Boulevard Four Additional Linear Pond Sites, Lee County, Florida* it was confirmed that the Anna Lewis House (8LL01114) had been moved from this location and relocated to the west side of US 41 within Koreshan State Historic Site grounds for use as administrative offices (ACI 2010). Due to alterations made to the landscape, the loss of formerly extant resources, and the present physical condition within the historic district on the east side of US 41, the land within the APE does not retain historic integrity and no longer appears eligible for listing in the NRHP. As such, the boundaries of the Koreshan Unity Settlement Historic District (8LL00094) were updated to reflect these changes since being listed in the NRHP in 1976. The boundary has been revised to include only that land which is located to the west of US 41/Tamiami Trail and excludes land that no longer contains historic resources contributing to the district. This update also reflects the boundary of the locally designated historic district. The field survey for this CRAS update was limited to the east side of US 41/Tamiami Trail and as such, additional boundary corrections are outside of the scope of this project.

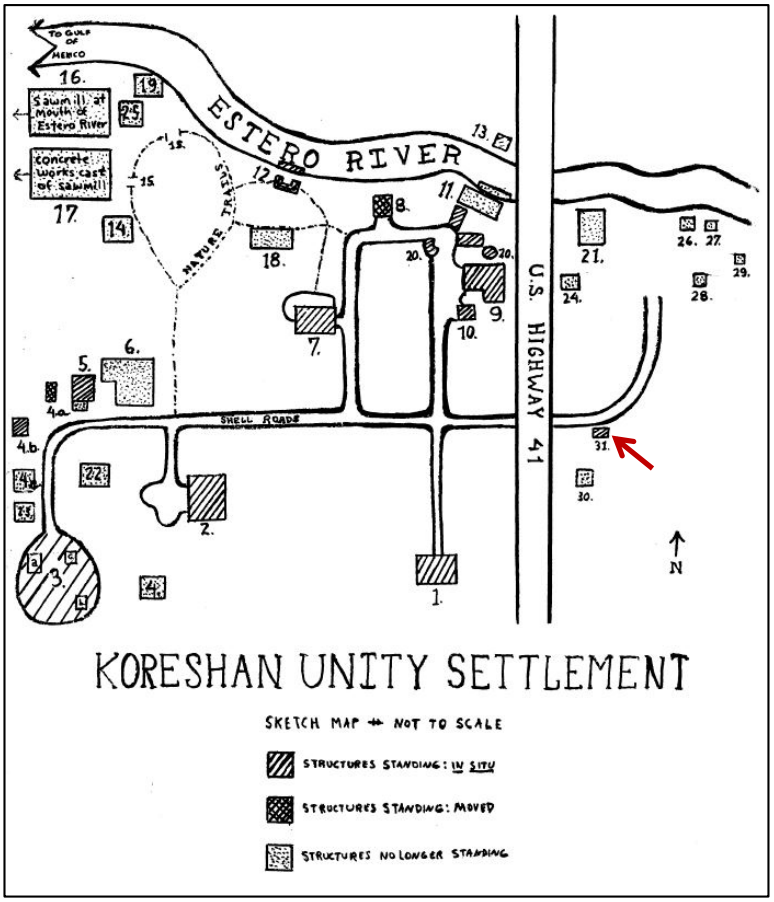


Figure 1. Koreshan Unity Settlement Historic District map included within the NRHP nomination (Fryman 1975). Red arrow depicts former location of the Anna Lewis House (8LL01114). All other buildings located east of US 41 are no longer extant. Based on the current survey, some of the buildings/structure remnants are either in ruinous condition or are no longer present and may have been removed during current land clearing activities.

REFERENCES

Archaeological Consultants, Inc. (ACI)
2010 Cultural Resource Assessment Survey Addendum SR 45 (US 41) from Corkscrew Road to San Carlos Boulevard Four Additional Linear Pond Sites, Lee County, Florida. ACI, Sarasota. Survey No. 18011.

Fryman, Mildred L.
1975 Koreshan Unity Settlement Historic District. NRHP Inventory – Nomination Form. United States Department of the Interior, National Park Service. Manuscript on file, Florida Division of Historical Resources, Tallahassee.

PHOTOGRAPHS

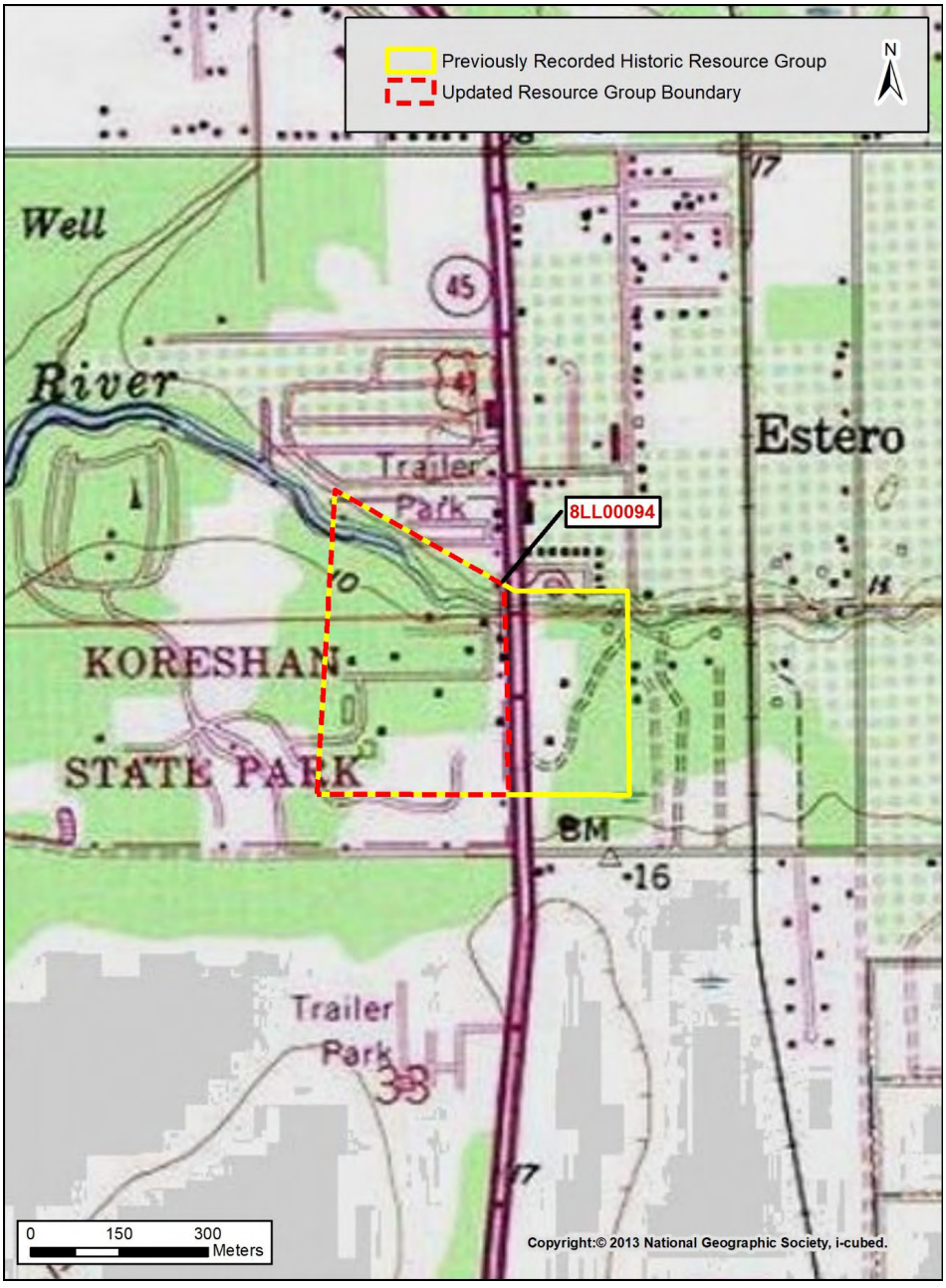




AERIAL MAP


Previously Recorded Historic Resource Group
Updated Resource Group Boundary
N
Carambola Ln
Grapefruit Ln
Coralberry Ln
Lychee Ln
County Rd
Highlands Ave
S Tamiami Trl
45
8LL00094
41
S Tamiami Trl
Corkscrew Rd
Corkscrew Rd
Corkscrew Rd
0 50 100 Meters
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, HERE, Garmin, (c) OpenStreetMap contributors, 2020

USGS Estero
Township 46 South, Range 25 East, Section 28 & 33



Page 1

☐ Original
☒ Update



HISTORICAL STRUCTURE FORM
FLORIDA MASTER SITE FILE
Version 5.0 3/19

Site#8 LL02357
Field Date 2-17-2022
Form Date 2-18-2022
Recorder # _____

Shaded Fields represent the minimum acceptable level of documentation.
Consult the *Guide to Historical Structure Forms* for detailed instructions.

Site Name(s) (address if none) Holly Park House Multiple Listing (DHR only) _____
Survey Project Name CRAS Update Estero on the River Survey # (DHR only) _____
National Register Category (please check one) ☒building ☐structure ☐district ☐site ☐object
Ownership: ☐private-profit ☒private-nonprofit ☐private-individual ☐private-nonspecific ☐city ☐county ☐state ☐federal ☐Native American ☐foreign ☐unknown

LOCATION & MAPPING

	Street Number	Direction	Street Name	Street Type	Suffix Direction
Address:	8761		Corkscrew	Road	

Cross Streets (nearest / between) between ACL Railroad Tracks & Tamiami Trail (US41)
USGS 7.5 Map Name ESTERO USGS Date 1958 Plat or Other Map _____
City / Town (within 3 miles) Estero In City Limits? ☒yes ☐no ☐unknown County Lee
Township 46S Range 25E Section 33 ¼ section: ☐NW ☐SW ☐SE ☒NE Irregular-name: _____
Tax Parcel # 33-46-25-E2-U1936.2400 Landgrant _____
Subdivision Name _____ Block _____ Lot _____
UTM Coordinates: Zone ☐16 ☒17 Easting 419360 Northing 2924023
Other Coordinates: X: _____ Y: _____ Coordinate System & Datum _____
Name of Public Tract (e.g., park) _____

HISTORY

Construction Year: 1949 ☒approximately ☐year listed or earlier ☐year listed or later
Original Use Private Residence (House/Cottage/Ca From (year): 1949 To (year): UNK
Current Use Abandoned/Vacant From (year): UNK To (year): CURR
Other Use _____ From (year): _____ To (year): _____
Moves: ☐yes ☒no ☐unknown Date: _____ Original address _____
Alterations: ☒yes ☐no ☐unknown Date: _____ Nature new roofing materials, siding
Additions: ☒yes ☐no ☐unknown Date: _____ Nature carport
Architect (last name first): _____ Builder (last name first): _____
Ownership History (especially original owner, dates, profession, etc.)

Village Partners LLC (2005-CURR); Koreshan Unity Inc. (1999-2005); Holly W. Park Estate, Mattie Park (1998-1999); Holly & Mattie Park (1969-1998)

Is the Resource Affected by a Local Preservation Ordinance? ☐yes ☒no ☐unknown Describe _____

DESCRIPTION

Style Ranch Exterior Plan Irregular Number of Stories 1
Exterior Fabric(s) 1. Vertical plank 2. _____ 3. _____
Roof Type(s) 1. Hip 2. _____ 3. _____
Roof Material(s) 1. Asphalt shingles 2. _____ 3. _____
Roof secondary strucs. (dormers etc.) 1. _____ 2. _____
Windows (types, materials, etc.)

all visible windows have been boarded up with plywood

Distinguishing Architectural Features (exterior or interior ornaments)

wood windowsills, decorative wrought iron supports, a brick chimney, tapered pier foundation, and exposed rafters

Ancillary Features / Outbuildings (record outbuildings, major landscape features; use continuation sheet if needed.)

A bomb shelter (8LL02938), the Lockwood House (8LL02358), and a non-historic shed are located to the south

DHR USE ONLY	OFFICIAL EVALUATION	DHR USE ONLY
NR List Date _____ ☐Owner Objection	SHPO – Appears to meet criteria for NR listing: ☐yes ☐no ☐insufficient info Date _____ Init._____ KEEPER – Determined eligible: ☐yes ☐no Date _____ NR Criteria for Evaluation: ☐a ☐b ☐c ☐d (see *National Register Bulletin 15*, p. 2)	

Page 2

HISTORICAL STRUCTURE FORM

Site # 8 LL02357

DESCRIPTION (continued)

Chimney: No. 1 Chimney Material(s): 1. Brick 2.

Structural System(s): 1. Wood frame 2. 3.

Foundation Type(s): 1. Piers 2.

Foundation Material(s): 1. Concrete Block 2.

Main Entrance (stylistic details)

S Elev: single, boarded over

Porch Descriptions (types, locations, roof types, etc.)

NA

Condition (overall resource condition): ☐ excellent ☐ good ☐ fair ☒ deteriorated ☐ ruinous

Narrative Description of Resource

This is a simple, single level Ranch Style building with an irregular plan, a hip roof, and an attached carport. All of the windows and doors have been boarded over.

Archaeological Remains ☐ Check if Archaeological Form Completed

RESEARCH METHODS (select all that apply)

☒ FMSF record search (sites/surveys)	☐ library research	☐ building permits	☐ Sanborn maps
☐ FL State Archives/photo collection	☐ city directory	☐ occupant/owner interview	☐ plat maps
☒ property appraiser / tax records	☐ newspaper files	☐ neighbor interview	☐ Public Lands Survey (DEP)
☒ cultural resource survey (CRAS)	☐ historic photos	☐ interior inspection	☐ HABS/HAER record search

☒ other methods (describe) UFDC aerial photos & FDOT APlus aerial maps

Bibliographic References (give FMSF manuscript # if relevant, use continuation sheet if needed)

UFDC - accessible online at:https://ufdc.ufl.edu/aerials; FDOT accessible online at: https://fdotewp1.dot.state.fl.us/AerialPhotoLookUpSystem/; Manuscript #22678

OPINION OF RESOURCE SIGNIFICANCE

Appears to meet the criteria for National Register listing individually? ☐ yes ☒ no ☐ insufficient information

Appears to meet the criteria for National Register listing as part of a district? ☐ yes ☒ no ☐ insufficient information

Explanation of Evaluation (required, whether significant or not; use separate sheet if needed)

The Ranch style is common throughout Lee County, and has undergone extensive alterations which have diminished its historic integrity. Background research did not reveal any historic associations with significant persons and/or events.

Area(s) of Historical Significance (see *National Register Bulletin 15*, p. 8 for categories: e.g. "architecture", "ethnic heritage", "community planning & development", etc.)

1. 3. 5.

2. 4. 6.

DOCUMENTATION

Accessible Documentation Not Filed with the Site File - including field notes, analysis notes, photos, plans and other important documents

1) Document type All materials at one location Maintaining organization Archaeological Consultants Inc

Document description Field notes, maps, photos, resea File or accession #'s P20116.1

2) Document type Maintaining organization

Document description File or accession #'s

RECORDER INFORMATION

Recorder Name Madeline Westrom Affiliation Archaeological Consultants Inc

Recorder Contact Information (address / phone / fax / e-mail) 8110 Blaikie Ct., St. A, Sarasota, FL 34240 / aciflorida@comcast.net

Required Attachments

❶ USGS 7.5' MAP WITH STRUCTURE LOCATION CLEARLY INDICATED

❷ LARGE SCALE STREET, PLAT OR PARCEL MAP (available from most property appraiser web sites)

❸ PHOTO OF MAIN FACADE, DIGITAL IMAGE FILE

When submitting an image, it must be included in digital AND hard copy format (plain paper grayscale acceptable). Digital image must be at least 1600 x 1200 pixels, 24-bit color, jpeg or tiff.

PHOTOGRAPHS

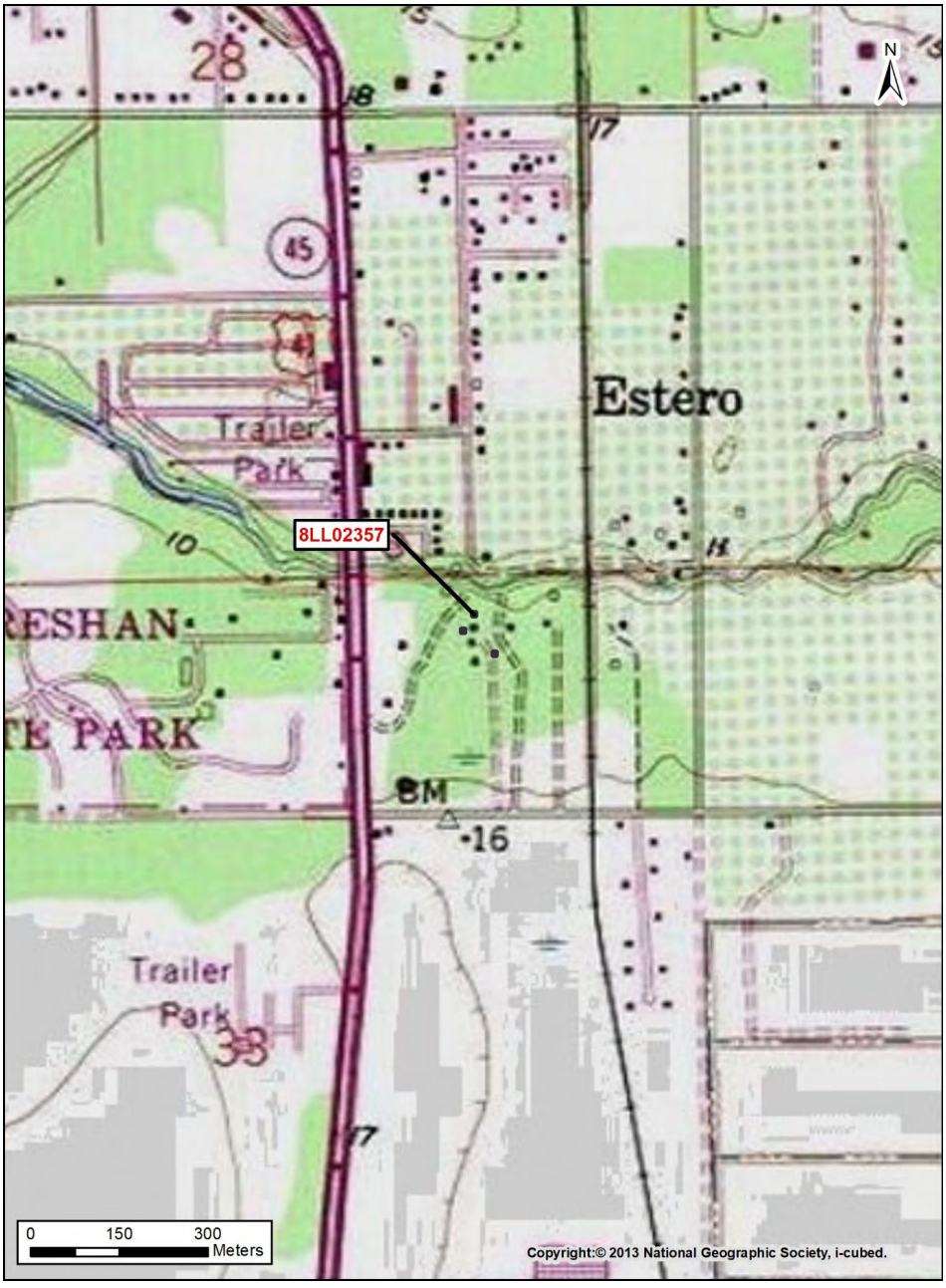




AERIAL MAP


N
8LL02357
0
50
100
Meters
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, HERE, Garmin, (c) OpenStreetMap contributors, 2020

USGS Estero
Township 46 South, Range 25 East, Section 33



Page 1

☐ Original
☒ Update



HISTORICAL STRUCTURE FORM
FLORIDA MASTER SITE FILE
Version 5.0 3/19

Site#8 LL02358
Field Date 2-17-2022
Form Date 2-18-2022
Recorder # _____

Shaded Fields represent the minimum acceptable level of documentation.
Consult the *Guide to Historical Structure Forms* for detailed instructions.

Site Name(s) (address if none) Lockwood House Multiple Listing (DHR only) _____
Survey Project Name CRAS Update Estero on the River Survey # (DHR only) _____
National Register Category (please check one) ☒building ☐structure ☐district ☐site ☐object
Ownership: ☐private-profit ☒private-nonprofit ☐private-individual ☐private-nonspecific ☐city ☐county ☐state ☐federal ☐Native American ☐foreign ☐unknown

LOCATION & MAPPING

Street Number	Direction	Street Name	Street Type	Suffix Direction
8751		Corkscrew	Road	

Address:
Cross Streets (nearest / between) between ACL Railroad Tracks & Tamiami Trail (US41)
USGS 7.5 Map Name ESTERO USGS Date 1958 Plat or Other Map _____
City / Town (within 3 miles) Estero In City Limits? ☐yes ☐no ☐unknown County Lee
Township 46S Range 25E Section 33 ¼ section: ☐NW ☐SW ☐SE ☒NE Irregular-name: _____
Tax Parcel # 33-46-25-E2-U1926.2390 Landgrant _____
Subdivision Name _____ Block _____ Lot _____
UTM Coordinates: Zone ☐16 ☒17 Easting 419364 Northing 2923969
Other Coordinates: X: _____ Y: _____ Coordinate System & Datum _____
Name of Public Tract (e.g., park) _____

HISTORY

Construction Year: 1950 ☒approximately ☐year listed or earlier ☐year listed or later
Original Use Private Residence (House/Cottage/Ca From (year): 1950 To (year): UNK
Current Use Abandoned/Vacant From (year): UNK To (year): CURR
Other Use _____ From (year): _____ To (year): _____
Moves: ☐yes ☐no ☐unknown Date: _____ Original address _____
Alterations: ☒yes ☐no ☐unknown Date: _____ Nature new roofing materials, siding, door
Additions: ☒yes ☐no ☐unknown Date: _____ Nature wood frame garage
Architect (last name first): _____ Builder (last name first): _____
Ownership History (especially original owner, dates, profession, etc.)

Village Partners LLC (2005-CURR); Koreshan Unity Inc. (1999-2005); Gordon & Phyllis Lockwood (1987-1999)

Is the Resource Affected by a Local Preservation Ordinance? ☐yes ☒no ☐unknown Describe _____

DESCRIPTION

Style Ranch Exterior Plan Rectangular Number of Stories 1
Exterior Fabric(s) 1. Vertical plank 2. Wood shingles 3. _____
Roof Type(s) 1. Gable 2. _____ 3. _____
Roof Material(s) 1. Asphalt shingles 2. _____ 3. _____
Roof secondary strucs. (dormers etc.) 1. _____ 2. _____

Windows (types, materials, etc.)

fixed, 6-light; awning, metal, 3-stacked; most window frames remain, but the windows themselves are gone

Distinguishing Architectural Features (exterior or interior ornaments)

boxed eave, wood window and door frames, and tapered pre-cast concrete piers

Ancillary Features / Outbuildings (record outbuildings, major landscape features; use continuation sheet if needed.)

A bomb shelter (8LL02938) and residence (8LL02357) are located to the north of the building.

DHR USE ONLY	OFFICIAL EVALUATION	DHR USE ONLY
NR List Date _____ ☐Owner Objection	SHPO – Appears to meet criteria for NR listing: ☐yes ☐no ☐insufficient info Date _____ Init._____ KEEPER – Determined eligible: ☐yes ☐no Date _____ NR Criteria for Evaluation: ☐a ☐b ☐c ☐d (see *National Register Bulletin 15*, p. 2)	

Page 2

HISTORICAL STRUCTURE FORM

Site # 8 LL02358

DESCRIPTION (continued)

Chimney: No.____ Chimney Material(s): 1. _____ 2. _____

Structural System(s): 1. Wood frame 2. _____ 3. _____

Foundation Type(s): 1. Piers 2. _____

Foundation Material(s): 1. Pre-cast Concrete Footi 2. _____

Main Entrance (stylistic details)

S Elev: single, empty door frame

Porch Descriptions (types, locations, roof types, etc.)

NA

Condition (overall resource condition): ☐excellent ☐good ☐fair ☒deteriorated ☐ruinous

Narrative Description of Resource

This is a simple, single level Ranch Style building that is missing nearly all of its windows and doors. A segment of the roof on the west end of the structure has caved in and the siding below that has largely fallen away.

Archaeological Remains _____ ☐Check if Archaeological Form Completed

RESEARCH METHODS (select all that apply)

☒FMSF record search (sites/surveys)	☐library research	☐building permits	☐Sanborn maps
☐FL State Archives/photo collection	☐city directory	☐occupant/owner interview	☐plat maps
☒property appraiser / tax records	☐newspaper files	☐neighbor interview	☐Public Lands Survey (DEP)
☒cultural resource survey (CRAS)	☐historic photos	☐interior inspection	☐HABS/HAER record search

☒other methods (describe) UFDC aerial photos & FDOT APlus aerial maps

Bibliographic References (give FMSF manuscript # if relevant, use continuation sheet if needed)

UFDC - accessible online at:https://ufdc.ufl.edu/aerials; FDOT accessible online at: https://fdotewp1.dot.state.fl.us/AerialPhotoLookUpSystem/; Manuscript # 22678

OPINION OF RESOURCE SIGNIFICANCE

Appears to meet the criteria for National Register listing individually? ☐yes ☒no ☐insufficient information

Appears to meet the criteria for National Register listing as part of a district? ☐yes ☒no ☐insufficient information

Explanation of Evaluation (required, whether significant or not; use separate sheet if needed)

The Ranch style is common throughout Lee County, and has undergone extensive alterations which have diminished its historic integrity. Background research did not reveal any historic associations with significant persons and/or events.

Area(s) of Historical Significance (see *National Register Bulletin 15*, p. 8 for categories: e.g. "architecture", "ethnic heritage", "community planning & development", etc.)

1._____ 3._____ 5._____

2._____ 4._____ 6._____

DOCUMENTATION

Accessible Documentation Not Filed with the Site File - including field notes, analysis notes, photos, plans and other important documents

1) Document type All materials at one location Maintaining organization Archaeological Consultants Inc

Document description Field notes, maps, photos, resea File or accession #'s P20116.1

2) Document type _____ Maintaining organization _____

Document description _____ File or accession #'s _____

RECORDER INFORMATION

Recorder Name Madeline Westrom Affiliation Archaeological Consultants Inc

Recorder Contact Information (address / phone / fax / e-mail) 8110 Blaikie Ct., St. A, Sarasota, FL 34240 / aciflorida@comcast.net

Required Attachments

❶ USGS 7.5' MAP WITH STRUCTURE LOCATION CLEARLY INDICATED

❷ LARGE SCALE STREET, PLAT OR PARCEL MAP (available from most property appraiser web sites)

❸ PHOTO OF MAIN FACADE, DIGITAL IMAGE FILE

When submitting an image, it must be included in digital AND hard copy format (plain paper grayscale acceptable). Digital image must be at least 1600 x 1200 pixels, 24-bit color, jpeg or tiff.

PHOTOGRAPHS





AERIAL MAP


N
8LL02358
0
50
100
Meters
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, HERE, Garmin, (c) OpenStreetMap contributors. 2020

USGS Estero
Township 46 South, Range 25 East, Section 33



Page 1

☒ Original
☐ Update



HISTORICAL STRUCTURE FORM
FLORIDA MASTER SITE FILE
Version 5.0 3/19

Site#8 LL02938
Field Date 2-18-2022
Form Date 2-21-2022
Recorder # _____

Shaded Fields represent the minimum acceptable level of documentation.
Consult the *Guide to Historical Structure Forms* for detailed instructions.

Site Name(s) (address if none) Holly Park Bomb Shelter Multiple Listing (DHR only) _____
Survey Project Name CRAS Update Estero on the River Survey # (DHR only) _____
National Register Category (please check one) ☒building ☐structure ☐district ☐site ☐object
Ownership: ☒private-profit ☐private-nonprofit ☐private-individual ☐private-nonspecific ☐city ☐county ☐state ☐federal ☐Native American ☐foreign ☐unknown

LOCATION & MAPPING

Street Number	Direction	Street Name	Street Type	Suffix Direction
8761		Corkscrew	Road	

Address:
Cross Streets (nearest / between) between ACL Railroad Tracks & Tamiami Trail (US41)
USGS 7.5 Map Name ESTERO USGS Date 1958 Plat or Other Map _____
City / Town (within 3 miles) Estero In City Limits? ☒yes ☐no ☐unknown County Lee
Township 46S Range 25E Section 33 ¼ section: ☐NW ☐SW ☐SE ☒NE Irregular-name: _____
Tax Parcel # 33-46-25-E2-U1936.2400 Landgrant _____
Subdivision Name _____ Block _____ Lot _____
UTM Coordinates: Zone ☐16 ☒17 Easting 419342 Northing 2923996
Other Coordinates: X: _____ Y: _____ Coordinate System & Datum _____
Name of Public Tract (e.g., park) _____

HISTORY

Construction Year: 1957 ☒approximately ☐year listed or earlier ☐year listed or later
Original Use Other From (year): _____ To (year): _____
Current Use Abandoned/Vacant From (year): UNK To (year): CURR
Other Use Bombshelter From (year): 1949 To (year): UNK
Moves: ☐yes ☒no ☐unknown Date: _____ Original address _____
Alterations: ☐yes ☒no ☐unknown Date: _____ Nature _____
Additions: ☐yes ☒no ☐unknown Date: _____ Nature _____
Architect (last name first): _____ Builder (last name first): _____
Ownership History (especially original owner, dates, profession, etc.)

Village Partners LLC (2005-CURR); Koreshan Unity Inc. (1999-2005); Holly W. Park Estate, Mattie Park (1998-1999); Holly & Mattie Park (1969-1998)

Is the Resource Affected by a Local Preservation Ordinance? ☐yes ☒no ☐unknown Describe _____

DESCRIPTION

Style Masonry Vernacular Exterior Plan Square Number of Stories 1
Exterior Fabric(s) 1. Concrete 2. _____ 3. _____
Roof Type(s) 1. Flat 2. _____ 3. _____
Roof Material(s) 1. Other 2. _____ 3. Concrete Slab
Roof secondary strucs. (dormers etc.) 1. _____ 2. _____
Windows (types, materials, etc.)

all windows have been boarded over

Distinguishing Architectural Features (exterior or interior ornaments)

concrete block clerestory

Ancillary Features / Outbuildings (record outbuildings, major landscape features; use continuation sheet if needed.)

One residence (8LL02357) is located to the north and one residence (8LL02358) is located to the south of the building.

DHR USE ONLY	OFFICIAL EVALUATION	DHR USE ONLY
NR List Date _____ ☐Owner Objection	SHPO – Appears to meet criteria for NR listing: ☐yes ☐no ☐insufficient info Date _____ Init._____ KEEPER – Determined eligible: ☐yes ☐no Date _____ NR Criteria for Evaluation: ☐a ☐b ☐c ☐d (see *National Register Bulletin 15*, p. 2)	

Page 2

HISTORICAL STRUCTURE FORM

Site # 8 LL02938

DESCRIPTION (continued)

Chimney: No. 0 Chimney Material(s): 1. _____ 2. _____

Structural System(s): 1. Concrete 2. _____ 3. _____

Foundation Type(s): 1. Continuous 2. _____

Foundation Material(s): 1. Concrete, Generic 2. _____

Main Entrance (stylistic details)

E Elev: single, obscured

Porch Descriptions (types, locations, roof types, etc.)

NA

Condition (overall resource condition): ☐ excellent ☐ good ☐ fair ☒ deteriorated ☐ ruinous

Narrative Description of Resource

This is a square Masonry Vernacular bomb shelter constructed of concrete. A square clerestory with boarded windows is located on the northeast corner of the flat roof.

Archaeological Remains _____ ☐ Check if Archaeological Form Completed

RESEARCH METHODS (select all that apply)

☒ FMSF record search (sites/surveys)	☐ library research	☐ building permits	☐ Sanborn maps
☐ FL State Archives/photo collection	☐ city directory	☐ occupant/owner interview	☐ plat maps
☒ property appraiser / tax records	☐ newspaper files	☐ neighbor interview	☐ Public Lands Survey (DEP)
☒ cultural resource survey (CRAS)	☐ historic photos	☐ interior inspection	☐ HABS/HAER record search

☒ other methods (describe) UFDC aerial photos & FDOT APlus aerial maps

Bibliographic References (give FMSF manuscript # if relevant, use continuation sheet if needed)

UFDC - accessible online at:https://ufdc.ufl.edu/aerials; FDOT accessible online at: https://fdotewp1.dot.state.fl.us/AerialPhotoLookUpSystem/; Manuscript # 22678

OPINION OF RESOURCE SIGNIFICANCE

Appears to meet the criteria for National Register listing individually? ☐ yes ☒ no ☐ insufficient information

Appears to meet the criteria for National Register listing as part of a district? ☐ yes ☒ no ☐ insufficient information

Explanation of Evaluation (required, whether significant or not; use separate sheet if needed)

This building is not a significant embodiment of a type, period, or method of construction. Background research did not reveal any historic associations with significant persons and/or events.

Area(s) of Historical Significance (see *National Register Bulletin 15*, p. 8 for categories: e.g. "architecture", "ethnic heritage", "community planning & development", etc.)

1. _____ 3. _____ 5. _____

2. _____ 4. _____ 6. _____

DOCUMENTATION

Accessible Documentation Not Filed with the Site File - including field notes, analysis notes, photos, plans and other important documents

1) Document type All materials at one location Maintaining organization Archaeological Consultants Inc

Document description Field notes, maps, photos, resea File or accession #'s P20116.1

2) Document type _____ Maintaining organization _____

Document description _____ File or accession #'s _____

RECORDER INFORMATION

Recorder Name Madeline Westrom Affiliation Archaeological Consultants Inc

Recorder Contact Information 8110 Blaikie Ct., St. A, Sarasota, FL 34240 / aciflorida@comcast.net

(address / phone / fax / e-mail)

Required Attachments

❶ USGS 7.5' MAP WITH STRUCTURE LOCATION CLEARLY INDICATED

❷ LARGE SCALE STREET, PLAT OR PARCEL MAP (available from most property appraiser web sites)

❸ PHOTO OF MAIN FACADE, DIGITAL IMAGE FILE

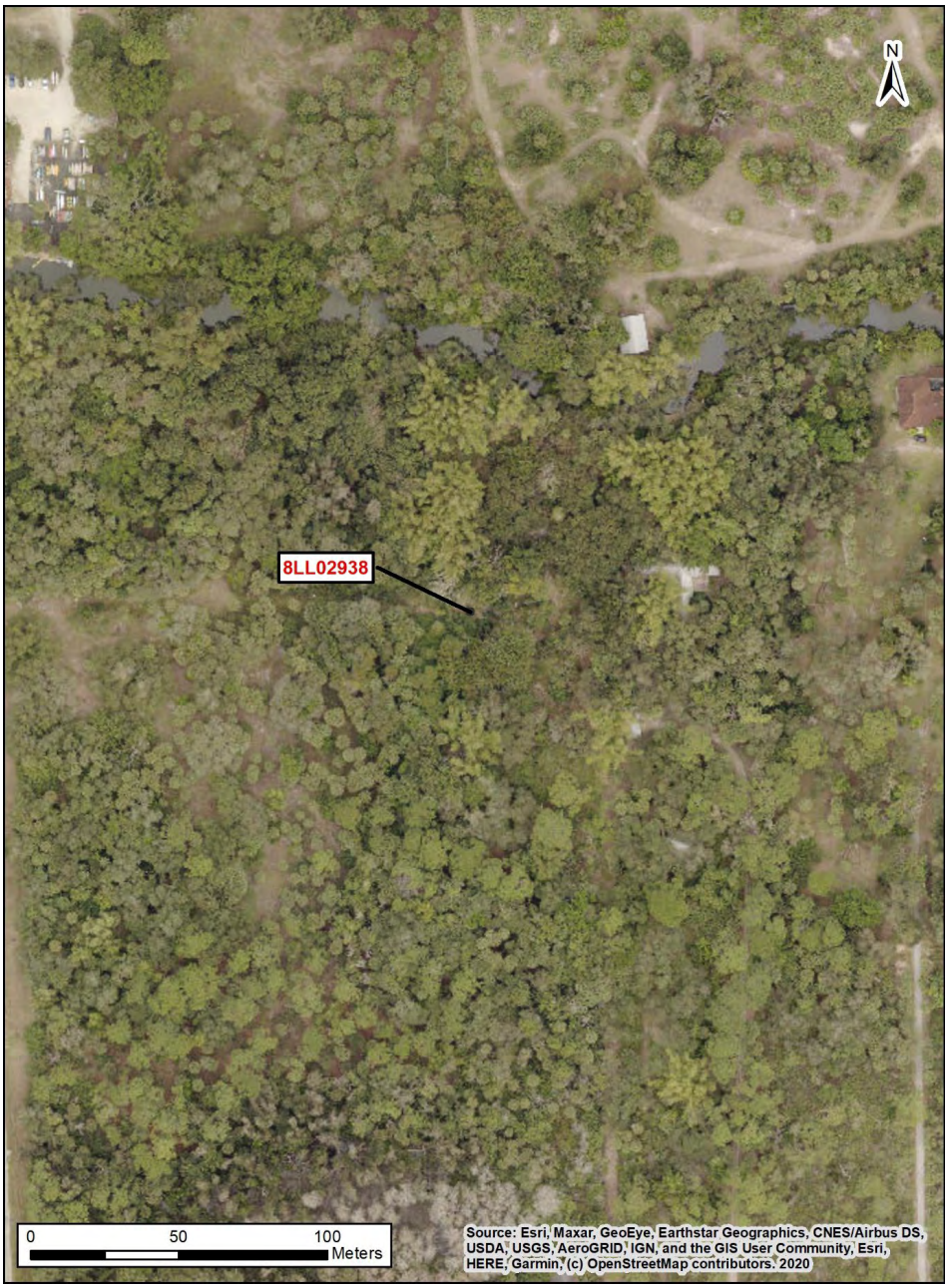
When submitting an image, it must be included in digital AND hard copy format (plain paper grayscale acceptable). Digital image must be at least 1600 x 1200 pixels, 24-bit color, jpeg or tiff.

PHOTOGRAPHS

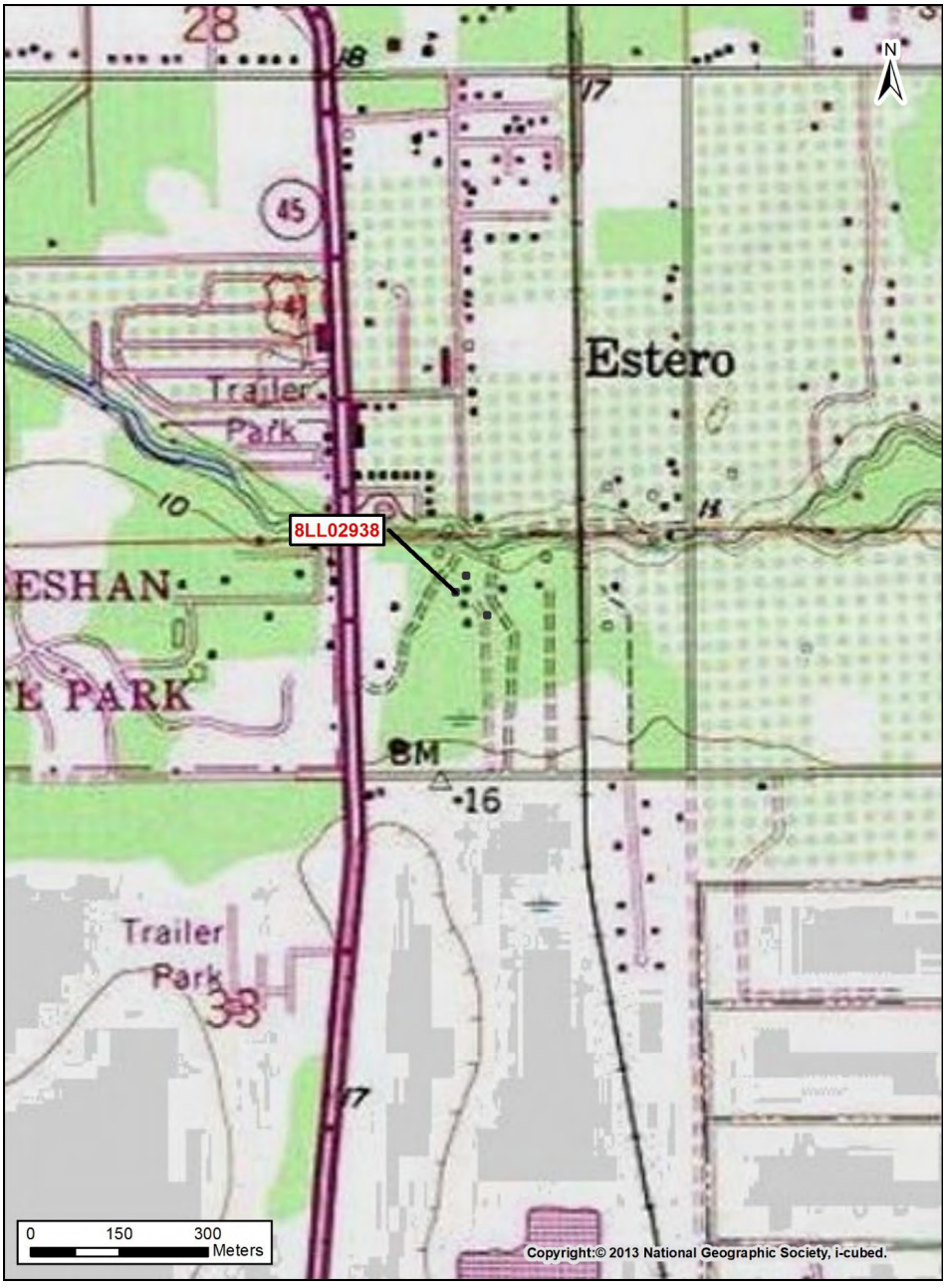




AERIAL MAP


N
8LL02938
0
50
100
Meters
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, HERE, Garmin, (c) OpenStreetMap contributors, 2020

USGS Estero
Township 46 South, Range 25 East, Section 33



Appendix D
Demolished Building Letter

Florida's First Choice in Cultural Resource Management

March 21, 2022

Mr. Vincent Birdsong
Supervisor, Florida Master Site File
Division of Historical Resources
500 South Bronough Street
Tallahassee, FL 32399-0250

RE: Historic Resource Status

Dear Mr. Birdsong:

This letter is to inform you that background research and a recent field survey conducted in February 2022 has discovered that the Rustic Tea Garden Outhouse (8LL02351) is no longer extant. The resource was recorded in 2005 as a Frame Vernacular style structure located at 21101 S Tamimi Trail in Lee County.

Sincerely,

Savannah Young
Assistant Architectural Historian

8110 Blaikie Court, Suite A, Sarasota, FL 34240 - Telephone 941.379.6206 - Fax 877.351.2501

Appendix E
Survey Log

Page 1

Ent D (FMSF only) _____

Survey Log Sheet

Florida Master Site File
Version 5.0 3/19

Survey # (FMSF only) _____

Consult *Guide to the Survey Log Sheet* for detailed instructions.

Manuscript Information

Survey Project (name and project phase)
CRAS Tech Memo 18 Portion of Estero, Phase I

Report Title (exactly as on title page)
Cultural Resource Assessment Survey Update Technical Memorandum 18 Acre Portion of Estero on the River, Lee County, Florida

Report Authors (as on title page) 1. Kimberly Irby 3. _____
2. Lee Hutchinson 4. _____

Publication Year 2022 **Number of Pages in Report** (do not include site forms) 59

Publication Information (Give series, number in series, publisher and city. For article or chapter, cite page numbers. Use the style of *American Antiquity*.)
ACI, Sarasota, 2022, P20116.1

Supervisors of Fieldwork (even if same as author) Names Maranda Kles

Affiliation of Fieldworkers: Organization Archaeological Consultants Inc City Sarasota

Key Words/Phrases (Don't use county name, or common words like *archaeology*, *structure*, *survey, architecture, etc.*)
1. Koreshan 3. _____ 5. _____ 7. _____
2. Estero 4. _____ 6. _____ 8. _____

Survey Sponsors (corporation, government unit, organization, or person funding fieldwork)
Name Village of Estero Organization _____
Address/Phone/E-mail 9401 Corkscrew Palms Circle, Estero, FL 33928

Recorder of Log Sheet Kimberly M. Irby **Date Log Sheet Completed** 3-18-2022

Is this survey or project a continuation of a previous project? ☒No ☐Yes: **Previous survey #s (FMSF only)** _____

Project Area Mapping

Counties (select every county in which field survey was done; attach additional sheet if necessary)
1. Lee 3. _____ 5. _____
2. _____ 4. _____ 6. _____

USGS 1:24,000 Map Names/Year of Latest Revision (attach additional sheet if necessary)
1. Name ESTERO Year 1958 4. Name _____ Year _____
2. Name _____ Year _____ 5. Name _____ Year _____
3. Name _____ Year _____ 6. Name _____ Year _____

Field Dates and Project Area Description

Fieldwork Dates: Start 2-17-2022 End 2-18-2022 **Total Area Surveyed** (fill in one) _____hectares 18.00 acres
Number of Distinct Tracts or Areas Surveyed 1
If Corridor (fill in one for each) **Width:** _____meters _____feet **Length:** _____kilometers _____miles

HR6E066R0319, effective 05/2016
Rule 1A-46.001, F.A.C.
Florida Master Site File / Div. of Historical Resources / R.A. Gray Bldg / 500 S Bronough St., Tallahassee, Florida 32399-0250
Phone 850.245.6440, Fax 850.245.6439, Email: SiteFile@dos.myflorida.com

Page 2 **Survey Log Sheet** Survey #_____

Research and Field Methods

Types of Survey (select all that apply): ☒archaeological ☒architectural ☒historical/archival ☐underwater ☐damage assessment ☐monitoring report ☐other(describe): _____

Scope/Intensity/Procedures

background research; shovel tests; none positive; historic reconnaissance survey; photographs taken; CRAS Tech Memo prepared

Preliminary Methods (select as many as apply to the project as a whole)

☐Florida Archives (Gray Building)	☐library research- *local/ public*	☒local property or tax records	☒other historic maps	☐LIDAR
☐Florida Photo Archives (Gray Building)	☐library-special collection	☐newspaper files	☒soils maps or data	☐other remote sensing
☒Site File property search	☒Public Lands Survey (maps at DEP)	☒literature search	☒windshield survey	
☒Site File survey search	☐local informant(s)	☐Sanborn Insurance maps	☒aerial photography	

☐other (describe): _____

Archaeological Methods (select as many as apply to the project as a whole)

☐Check here if **NO** archaeological methods were used.

☐surface collection, controlled	☐shovel test-other screen size	☐block excavation (at least 2x2 m)	☐metal detector
☐surface collection, **un**controlled	☐water screen	☐soil resistivity	☐other remote sensing
☒shovel test-1/4"screen	☐posthole tests	☐magnetometer	☒pedestrian survey
☐shovel test-1/8" screen	☐auger tests	☐side scan sonar	☐unknown
☐shovel test 1/16"screen	☐coring	☐ground penetrating radar (GPR)	
☐shovel test-unscreened	☐test excavation (at least 1x2 m)	☐LIDAR	

☐other (describe): _____

Historical/Architectural Methods (select as many as apply to the project as a whole)

☐Check here if **NO** historical/architectural methods were used.

☐building permits	☐demolition permits	☐neighbor interview	☐subdivision maps
☐commercial permits	☒windshield survey	☐occupant interview	☐tax records
☐interior documentation	☒local property records	☐occupation permits	☐unknown

☐other (describe): _____

Survey Results

Resource Significance Evaluated? ☒Yes ☐No

Count of Previously Recorded Resources 3 **Count of Newly Recorded Resources** 1

List Previously Recorded Site ID#s with Site File Forms Completed (attach additional pages if necessary)

LL00094, LL02357, LL02358

List Newly Recorded Site ID#s (attach additional pages if necessary)

LL02938

Site Forms Used: ☒Site File Paper Forms ☐Site File PDF Forms

REQUIRED: Attach Map of Survey or Project Area Boundary

SHPO USE ONLY **SHPO USE ONLY** **SHPO USE ONLY**

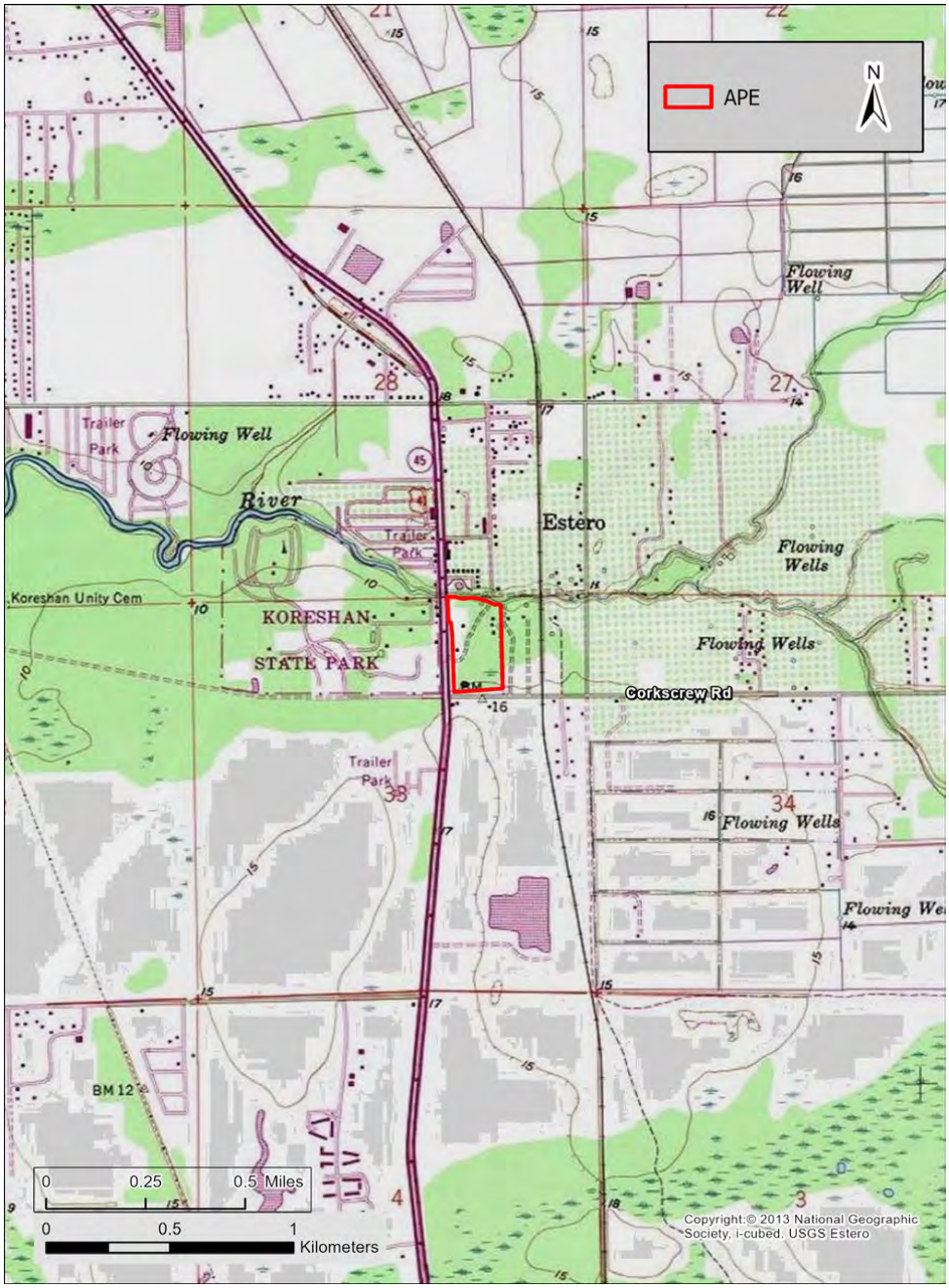
Origin of Report: ☐872 ☐Public Lands ☐UW ☐1A32 # _____ ☐Academic ☐Contract ☐Avocational ☐Grant Project # _____ ☐Compliance Review: CRAT # _____

Type of Document: ☐Archaeological Survey ☐Historical/Architectural Survey ☐Marine Survey ☐Cell Tower CRAS ☐Monitoring Report ☐Overview ☐Excavation Report ☐Multi-Site Excavation Report ☐Structure Detailed Report ☐Library, Hist. or Archival Doc ☐Desktop Analysis ☐MPS ☐MRA ☐TG ☐Other: _____

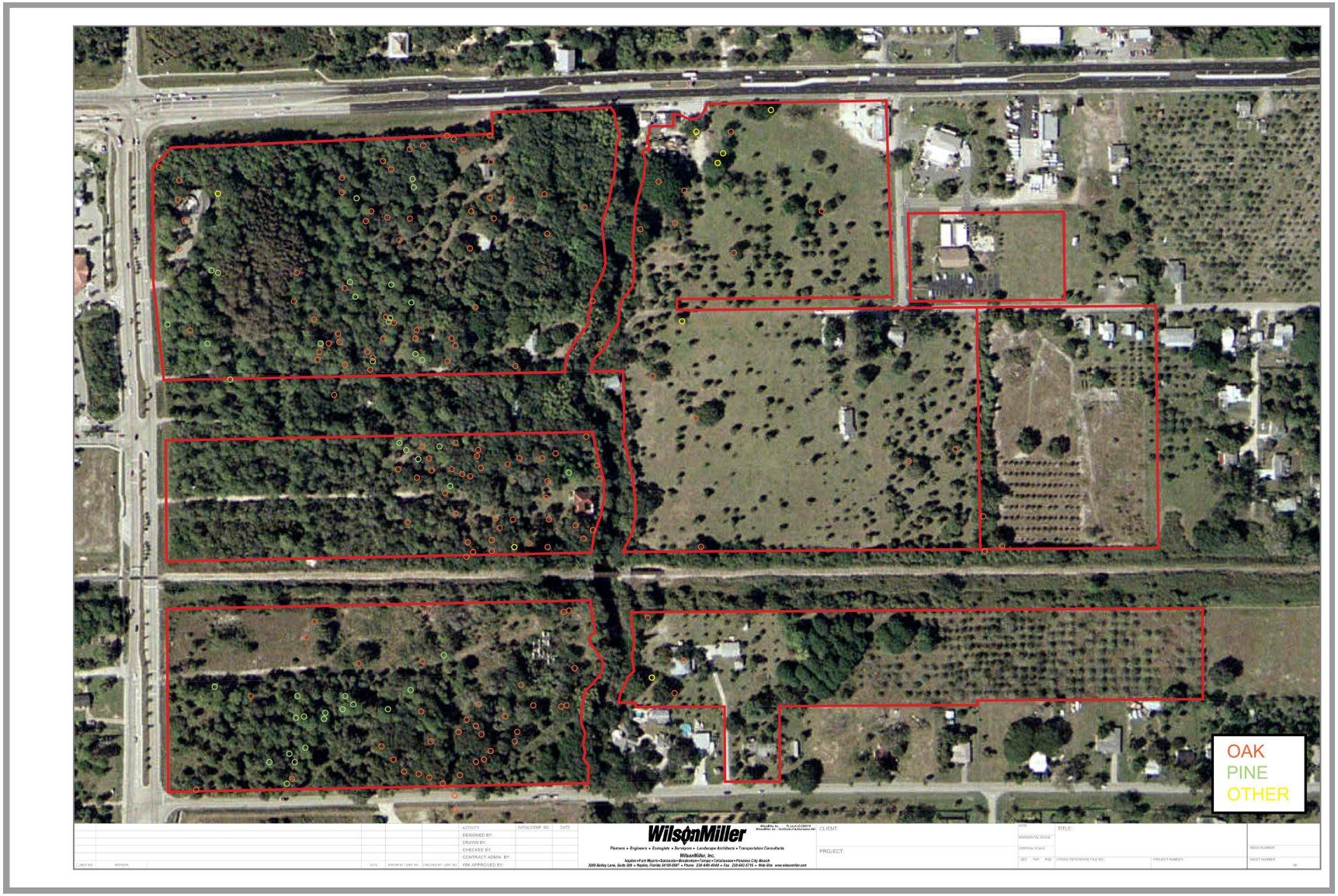
Document Destination: Plottable Projects **Plotability:** _____

HR6E066R0718, effective 05/2016
Rule 1A-46.001, F.A.C.

Florida Master Site File / Div. of Historical Resources / R.A. Gray Bldg / 500 S Bronough St., Tallahassee, Florida 32399-0250
Phone 850.245.6440, Fax 850.245.6439, Email: SiteFile@dos.myflorida.com



+/- 18 Acre Portion of Estero on the River
Township 46 South, Range 25 East, Section 33
USGS Estero, 2013
Lee County, Florida


OAK
PINE
OTHER
WilsonMiller

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
September 21, 2022

Agenda Item:

Second Reading and Public Hearing of Ordinance No. 2022-08 rezoning 31.5 acres of Village-owned property at the northeast corner of Corkscrew Road and US 41.

Approve Ordinance No. 2022-08

Background:

The Village Council directed staff to prepare a Comprehensive Plan amendment and rezoning for the 31.5-acre portion of Village property east of US 41, north of Corkscrew Road and south of the Estero River.

The Planning, Zoning and Design Board reviewed the request on June 14, 2022, and recommended approval with the following comment: *Council should look at the long-term development plans to ensure that it attracts people, similar to Lakes Park, and focus particular attention on areas that need to be conserved and preserved versus the uplands.* The vote was 5/0 (Jones and Tatooles left prior to the vote, Gargano absent).

The Council held a first reading/public hearing on July 6, 2022 and voted to pass the first reading of the ordinance. State review is not required for rezoning, but a second public hearing is required for the Village-initiated rezoning.

Description

See attached staff report for detail.

Action Requested:

Approve Ordinance No. 2022-08

Process and Timeline:

- Council Workshop March 2, 2022
- Council direction to initiate Comprehensive Plan Amendment and rezoning on March 16, 2022
- Planning Zoning and Design Board Public Information Meeting May 6, 2022
- Planning, Zoning and Design Board public hearing on June 14, 2022
- First reading July 6, 2022

- Second reading and public hearing September 21, 2022

Financial Impact:

Minor cost of newspaper advertisements

Prepared by: Mary Gibbs

Attachments:

1. Ordinance No. 2022-08
2. Staff Report

VILLAGE OF ESTERO, FLORIDA
ZONING
ORDINANCE NO. 2022-08

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, CONSIDERING A REZONING FROM MIXED-USE PLANNED DEVELOPMENT (MPD) AND AGRICULTURE (AG-2) TO PARKS AND COMMUNITY FACILITIES (PCF) FOR A 31.5 ACRE PROPERTY AT THE NORTHEAST CORNER OF US 41 AND CORKSCREW ROAD; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village of Estero (the "Applicant") has filed for a rezoning on properties located at 8661, 8761, 8741, 8751, 8791, and 8801 Corkscrew Road ("Property") for **Estero on the River MPD and Happehatchee Parcel**; and

WHEREAS, the Property STRAP numbers are 33-46-25-E2-U1926.2390,33-46-25-E2-U1936.2400, 33-46-25-E2-U1937.2384, 33-46-25-E2-U1936-2375, 33-46-25-E2-U1941.2390, and 33-46-25-E2-U1948-2389. The properties are legally described in Exhibit A attached hereto; and

WHEREAS, the Applicant requested a rezoning from Mixed-Use Planned Development (MPD) and Agriculture (AG) to Parks and Community Facilities (PCF) (Case number REZ 2022-E001); and

WHEREAS, a public information meeting was held on May 10, 2022 at the Planning, Zoning, and Design Board; and

WHEREAS, at a duly noticed public hearing held on June 14, 2022 the Planning, Zoning, and Design Board recommended approval of the rezoning request; and

WHEREAS, a duly noticed first reading and public hearing was held before the Village Council on July 6, 2022; and

WHEREAS, a duly noticed second reading and public hearing was held before the Village Council on _____, 2022 at which time the Village Council gave consideration to the evidence presented by the Applicant and the Village staff, the recommendations of the Planning, Zoning, and Design Board and the comments of the public.

NOW, THEREFORE, be it ordained by the Village Council of the Village of Estero, Florida:

Section 1. Rezoning.

The Village Council approves the rezoning from Mixed-Use Planned Development (MPD) and Agriculture (AG-2) to Parks and Community Facilities (PCF).

Section 2. Findings and Conclusions.

Based upon an analysis of the application and the standards for approval in the Land Development Code, the Council finds and concludes the proposal:

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

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

3. Addresses a demonstrated community need.

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

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

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

7. Would result in development that is adequately served by public facilities.

8. Would not result in significantly adverse impacts on the natural environment.

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

Section 3. Exhibits.

The following exhibit is attached to this Ordinance and incorporated by reference:

Exhibit A Legal Description and Sketch

Section 4. Severability.

Should any section, paragraph, sentence, clause, phrase or other part of this Ordinance subsequent to its effective date be declared by a court of competent jurisdiction to be

invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion thereof, other than the part so declared to be invalid.

Section 5. Effective Date.

This Ordinance shall take effect immediately upon adoption.

PASSED on first reading this 6th day of July, 2022.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida on second reading this _____ day of _____, 2022.

Attest: **VILLAGE OF ESTERO, FLORIDA**

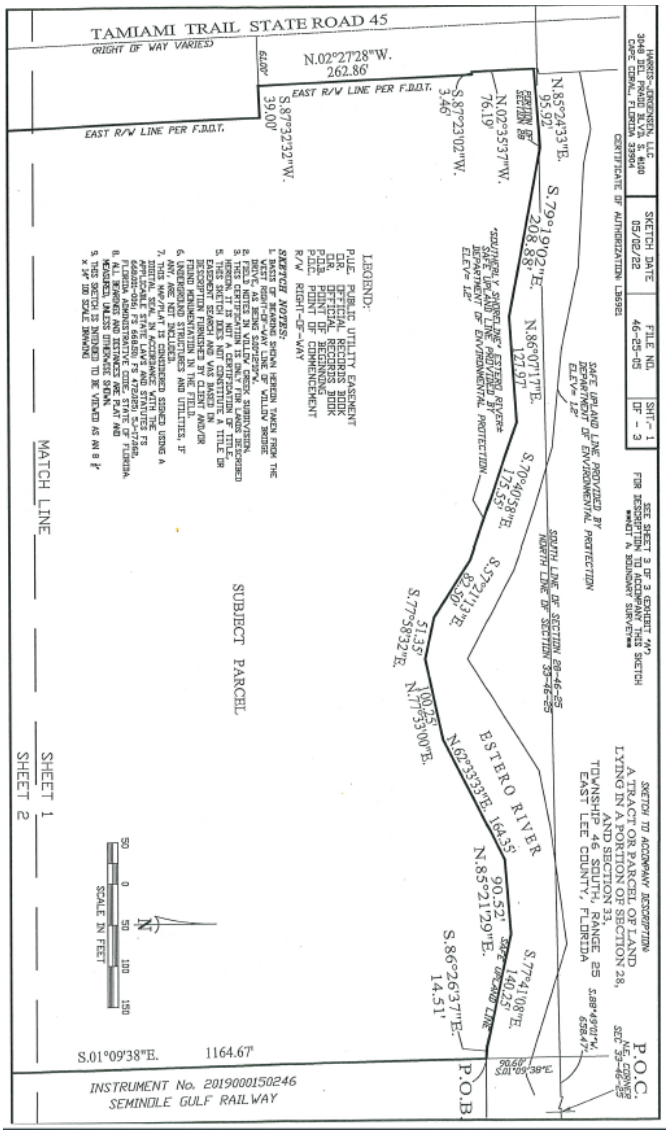
By: _____ By: _____
Carol Sacco, Village Clerk Katy Errington, Mayor

Reviewed for legal sufficiency:

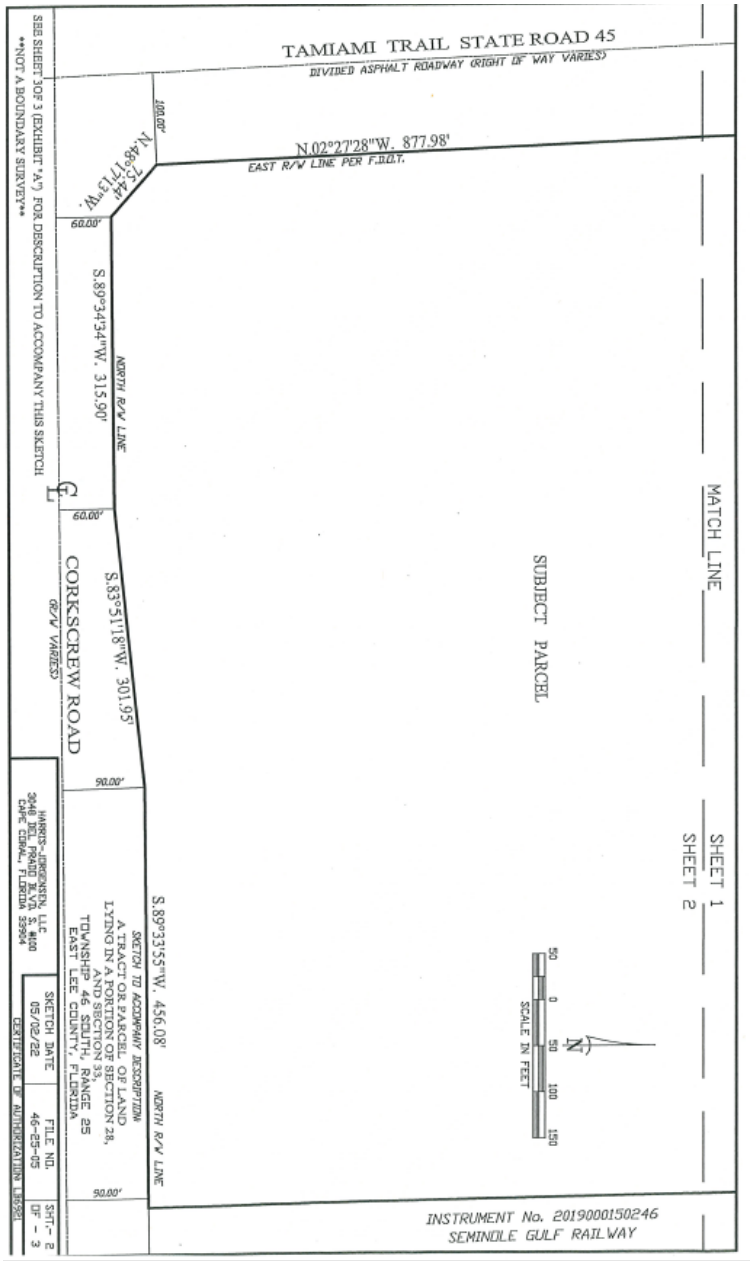
By: _____
Nancy E. Stroud, Village Land Use Attorney

Vote:	AYE	NAY
Mayor Errington	____	____
Vice Mayor McLain	____	____
Councilmember Ribble	____	____
Councilmember Fiesel	____	____
Councilmember Boesch	____	____
Councilmember Ward	____	____
Councilmember Wilson	____	____

EXHIBIT A
LEGAL DESCRIPTION



Zoning Ordinance No. 2022-E008
Case No. REZ 2022-E001
Estero on the River and Happehatchee Parcel


TAMIAMI TRAIL STATE ROAD 45
DIVIDED ASPHALT ROADWAY (RIGHT OF WAY VARIES)
N.02°27'28"W. 877.98'
EAST R/W LINE PER F.D.O.T.
100.00'
N.48°17'13"W. 75.44'
60.00'
S.89°34'34"W. 315.90'
NORTH R/W LINE
60.00'
CORKSCREW ROAD
R/W VARIES
S.83°51'18"W. 301.95'
90.00'
S.89°33'55"W. 456.08'
NORTH R/W LINE
90.00'
SUBJECT PARCEL
MATCH LINE
SHEET 1
SHEET 2
SEE SHEET 3OF 3 (EXHIBIT "A") FOR DESCRIPTION TO ACCOMPANY THIS SKETCH
NOT A BOUNDARY SURVEY
SKETCH TO ACCOMPANY DESCRIPTION
A TRACT OR PARCEL OF LAND
LYING IN A PORTION OF SECTION 28,
AND SECTION 33,
TOWNSHIP 46 SOUTH, RANGE 25
EAST LEE COUNTY, FLORIDA
SKETCH DATE
05/02/22
FILE NO.
46-25-05
SHT - 2
OF - 3
CERTIFICATE OF AUTHORIZATION L1926
HARRIS-JOHNSTON, LLC
3648 DEL PRADO BLVD S.
CAPE CORAL, FLORIDA 33904
50 0 50 100 150
SCALE IN FEET
N
INSTRUMENT No. 2019000150246
SEMINOLE GULF RAILWAY

127
128

EXHIBIT "A"

DESCRIPTION TO ACCOMPANY SKETCH

A TRACT OR PARCEL OF LAND
LYING IN A PORTION OF SECTION 28,
AND SECTION 33,
TOWNSHIP 46 SOUTH, RANGE 25
EAST LEE COUNTY, FLORIDA

SEE SHEETS 1 AND 2 OF 3 FOR SKETCH TO ACCOMPANY THIS DESCRIPTION

NOT A BOUNDARY SURVEY

DESCRIPTION:
A PLOT OR PARCEL OF LAND LYING IN A PORTION OF SECTIONS 28 AND 33, TOWNSHIP 46 SOUTH RANGE 25 EAST, LEE COUNTY, FLORIDA, SAID PLOT OR PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE NORTHEAST CORNER OF SAID SECTION 33; THENCE RUN S.88°49'01"W. ALONG THE NORTH LINE OF SAID SECTION 33, FOR 658.47 FEET; THENCE RUN S.01°09'38"E. TO A POINT LYING ALONG THE THE SOUTHERLY SHORELINE OF THE ESTERO RIVER, FOR 90.60 FEET; THENCE CONTINUE S.01°09'38"E. TO A POINT LYING ALONG THE NORTH RIGHT OF WAY LINE OF CORKSCREW ROAD, FOR 1164.57 FEET; THENCE RUN ALONG SAID NORTH RIGHT OF WAY LINE OF CORKSCREW ROAD THE FOLLOWING BEARINGS AND DISTANCES; S.89°33'55"W. FOR 456.08 FEET, S.835118"W. FOR 301.95 FEET, S.89°34'34"W. FOR 315.90 FEET; THENCE RUN N.48°17'13"W. TO A POINT ALONG THE EAST RIGHT OF WAY LINE TAMIAMI TRAIL (ALSO KNOWN AS S.R. No 45) FOR 75.44 FEET; THENCE CONTINUE ALONG SAID EAST RIGHT OF WAY LINE, N.02°27'28"W. FOR 877.98 FEET; THENCE RUN S.87°32'32"W. FOR 39.00 FEET; THENCE RUN N.02°27'28"W. FOR 262.86 FEET; THENCE RUN S.87°23'02"W. FOR 3.46 FEET; THENCE RUN N.02°35'37"W. TO A POINT ALONG THE AFORESAID SOUTHERLY SHORELINE OF THE ESTERO RIVER, FOR 76.19 FEET; THENCE RUN ALONG THE SAID SOUTHERLY SHORELINE OF THE ESTERO RIVER THE FOLLOWING BEARING AND DISTANCES: N.85°24'33"E. FOR 95.92 FEET, S.79°19'02"E. FOR 208.88 FEET, N.86°07'17"E. FOR 127.97 FEET, S.70°40'58"E. FOR 175.55 FEET, S.57°21'13"E. FOR 82.50 FEET, N.77°33'00"E. FOR 100.25 FEET, N.62°33'33"E. FOR 164.35 FEET, N.85°21'29"E. FOR 90.52 FEET, S.77°41'08"E. FOR 140.25 FEET, S.86°26'37"E. FOR 14.51 FEET TO THE POINT OF BEGINNING.

CONTAINING: 1,371,461.78 SQ. FT, OR 31.48 ACRES, MORE OR LESS.

Phillip M Mould, P.S.M. 6515 State of Florida

Digitally signed by Phillip M Mould, P.S.M. 6515 State of Florida
Date: 2022.05.05 08:52:55 -04'00'

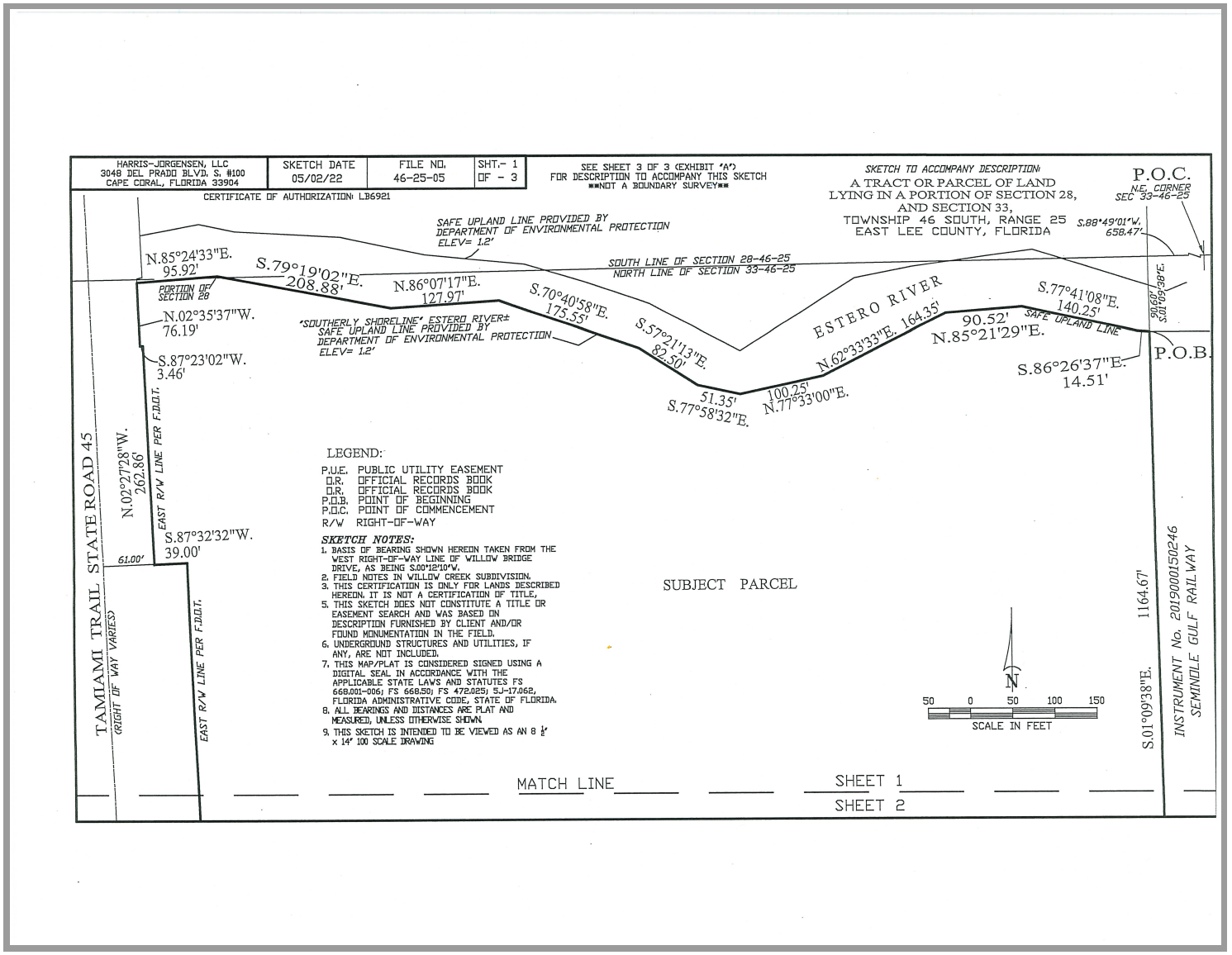
PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6515 - STATE OF FLORIDA
05/05/2022

SHEET 3 OF 3

CERTIFICATE OF AUTHORIZATION: LB6921

HARRIS-JORGENSEN, LLC
3048 DEL PRADO BLVD. S.
#100
CAPE CORAL, FLORIDA 33904
(239)-257-2624

129
130


HARRIS-JORGENSEN, LLC
3048 DEL PRADO BLVD. S. #100
CAPE CORAL, FLORIDA 33904
CERTIFICATE OF AUTHORIZATION: LB6921
SKETCH DATE 05/02/22
FILE NO. 46-25-05
SHT.- 1 OF - 3
SEE SHEET 3 OF 3 (EXHIBIT "A") FOR DESCRIPTION TO ACCOMPANY THIS SKETCH
NOT A BOUNDARY SURVEY
SKETCH TO ACCOMPANY DESCRIPTION:
A TRACT OR PARCEL OF LAND LYING IN A PORTION OF SECTION 28, AND SECTION 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST LEE COUNTY, FLORIDA
P.O.C.
N.E. CORNER SEC 33-46-25
P.O.B.
SAFE UPLAND LINE PROVIDED BY DEPARTMENT OF ENVIRONMENTAL PROTECTION ELEV= 1.2'
SOUTH LINE OF SECTION 28-46-25
NORTH LINE OF SECTION 33-46-25
PORTION OF SECTION 28
"SOUTHERLY SHORELINE" ESTERO RIVER± SAFE UPLAND LINE PROVIDED BY DEPARTMENT OF ENVIRONMENTAL PROTECTION ELEV= 1.2'
ESTERO RIVER
SAFE UPLAND LINE
N.85°24'33"E. 95.92'
S.79°19'02"E. 208.88'
N.86°07'17"E. 127.97'
S.70°40'58"E. 175.55'
S.57°21'13"E. 82.50'
N.62°33'33"E. 164.35'
N.85°21'29"E. 90.52'
S.77°41'08"E. 140.25'
S.86°26'37"E. 14.51'
S.88°49'01"W. 658.47'
S.01°09'38"E. 90.69'
N.02°35'37"W. 76.19'
S.87°23'02"W. 3.46'
N.02°27'28"W. 262.86'
S.87°32'32"W. 39.00'
61.00'
EAST R/W LINE PER F.D.O.T.
TAMIAMI TRAIL STATE ROAD 45
(RIGHT OF WAY VARIES)
S.77°58'32"E. 51.35'
N.77°33'00"E. 100.25'
S.01°09'38"E. 1164.67'
INSTRUMENT No. 2019000150246
SEMINOLE GULF RAILWAY
LEGEND:
P.U.E. PUBLIC UTILITY EASEMENT
O.R. OFFICIAL RECORDS BOOK
O.R. OFFICIAL RECORDS BOOK
P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT
R/W RIGHT-OF-WAY
SKETCH NOTES:
1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE WEST RIGHT-OF-WAY LINE OF WILLOW BRIDGE DRIVE, AS BEING S.00°12'10"W.
2. FIELD NOTES IN WILLOW CREEK SUBDIVISION.
3. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE,
5. THIS SKETCH DOES NOT CONSTITUTE A TITLE OR EASEMENT SEARCH AND WAS BASED ON DESCRIPTION FURNISHED BY CLIENT AND/OR FOUND MONUMENTATION IN THE FIELD.
6. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
7. THIS MAP/PLAT IS CONSIDERED SIGNED USING A DIGITAL SEAL IN ACCORDANCE WITH THE APPLICABLE STATE LAWS AND STATUTES FS 668.001-006; FS 668.50; FS 472.025; 5J-17.062, FLORIDA ADMINISTRATIVE CODE, STATE OF FLORIDA.
8. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
9. THIS SKETCH IS INTENDED TO BE VIEWED AS AN 8 1/2" x 14" 100 SCALE DRAWING
SUBJECT PARCEL
N
50 0 50 100 150
SCALE IN FEET
MATCH LINE
SHEET 1
SHEET 2

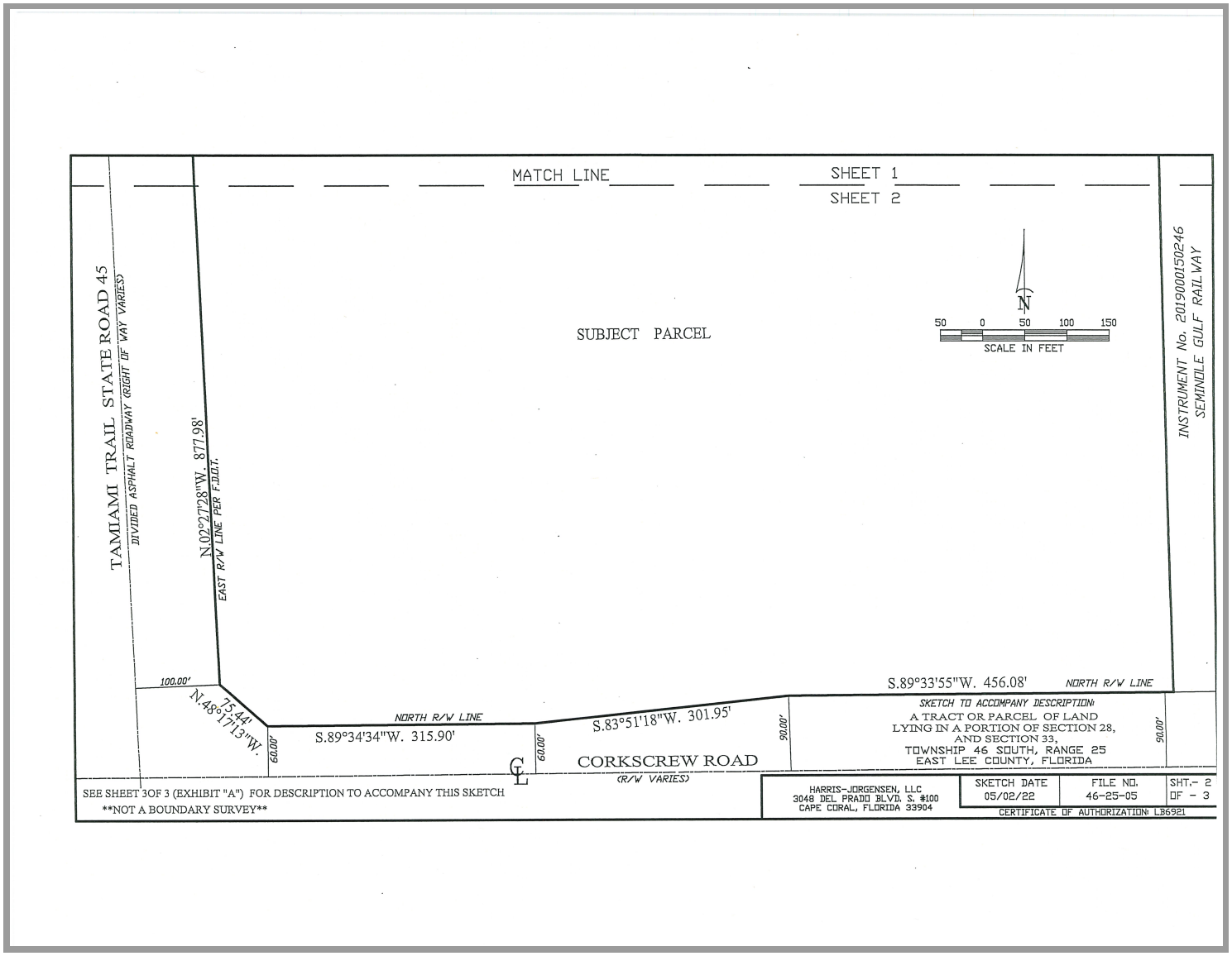

MATCH LINE
SHEET 1
SHEET 2
TAMIAMI TRAIL STATE ROAD 45
DIVIDED ASPHALT ROADWAY (RIGHT OF WAY VARIES)
N.02°27'28"W. 877.98'
EAST R/W LINE PER F.D.O.T.
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EAST LEE COUNTY, FLORIDA
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3048 DEL PRADO BLVD. S. #100
CAPE CORAL, FLORIDA 33904
SKETCH DATE 05/02/22
FILE NO. 46-25-05
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CERTIFICATE OF AUTHORIZATION: LB6921

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DESCRIPTION:

A PLOT OR PARCEL OF LAND LYING IN A PORTION OF SECTIONS 28 AND 33, TOWNSHIP 46 SOUTH RANGE 25 EAST, LEE COUNTY, FLORIDA, SAID PLOT OR PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE NORTHEAST CORNER OF SAID SECTION 33; THENCE RUN S.88°49'01"W. ALONG THE NORTH LINE OF SAID SECTION 33, FOR 658.47 FEET; THENCE RUN S.01°09'38"E. TO A POINT LYING ALONG THE THE SOUTHERLY SHORELINE OF THE ESTERO RIVER, FOR 90.60 FEET; THENCE CONTINUE S.01°09'38"E. TO A POINT LYING ALONG THE NORTH RIGHT OF WAY LINE OF CORKSCREW ROAD, FOR 1164.57 FEET; THENCE RUN ALONG SAID NORTH RIGHT OF WAY LINE OF CORKSCREW ROAD THE FOLLOWING BEARINGS AND DISTANCES; S.89°33'55"W. FOR 456.08 FEET, S.835118"W. FOR 301.95 FEET, S.89°34'34"W. FOR 315.90 FEET; THENCE RUN N.48°17'13"W. TO A POINT ALONG THE EAST RIGHT OF WAY LINE TAMIAMI TRAIL (ALSO KNOWN AS S.R. No 45) FOR 75.44 FEET; THENCE CONTINUE ALONG SAID EAST RIGHT OF WAY LINE, N.02°27'28"W. FOR 877.98 FEET; THENCE RUN S.87°32'32"W. FOR 39.00 FEET; THENCE RUN N.02°27'28"W. FOR 262.86 FEET; THENCE RUN S.87°23'02"W. FOR 3.46 FEET; THENCE RUN N.02°35'37"W. TO A POINT ALONG THE AFORESAID SOUTHERLY SHORELINE OF THE ESTERO RIVER, FOR 76.19 FEET; THENCE RUN ALONG THE SAID SOUTHERLY SHORELINE OF THE ESTERO RIVER THE FOLLOWING BEARING AND DISTANCES: N.85°24'33"E. FOR 95.92 FEET, S.79°19'02"E. FOR 208.88 FEET, N.86°07'17"E. FOR 127.97 FEET, S.70°40'58"E. FOR 175.55 FEET, S.57°21'13"E. FOR 82.50 FEET, N.77°33'00"E. FOR 100.25 FEET, N.62°33'33"E. FOR 164.35 FEET, N.85°21'29"E. FOR 90.52 FEET, S.77°41'08"E. FOR 140.25 FEET, S.86°26'37"E. FOR 14.51 FEET TO THE POINT OF BEGINNING.

CONTAINING: 1,371,461.78 SQ. FT, OR 31.48 ACRES, MORE OR LESS.

Phillip M Mould, P.S.M. 6515 State of Florida

Digitally signed by Phillip M Mould, P.S.M. 6515 State of Florida
Date: 2022.05.05 08:52:55 -04'00'

PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6515 - STATE OF FLORIDA
05/05/2022

CERTIFICATE OF AUTHORIZATION: LB6921

HARRIS-JORGENSEN, LLC
3048 DEL PRADO BLVD. S.
#100
CAPE CORAL, FLORIDA 33904
(239)-257-2624

SHEET 3 OF 3

Village Initiated Conventional Rezoning – Estero on the River and Happehatchee
Zoning Staff Report
for
Village Council

CASE NAME:	**Estero on the River MPD and Happehatchee Parcel**
CASE TYPE:	**Rezoning from Mixed Use Planned Development (MPD) and Agriculture (AG) to Parks and Community Facilities (PCF)**
CASE NUMBER:	**REZ2022-E001**
COUNCIL DATE:	**July 6, 2022 and September 21, 2022**

SUMMARY OF REQUEST

The Village Council has initiated a rezoning of Village-owned property located south of the Estero River at the northeast intersection of US 41 and Corkscrew Road, consisting of approximately 31.5 acres. The current zoning is MPD and AG and the rezoning would protect natural characteristics of the site and provide for public use by rezoning to Parks and Community Facilities. The proposed zoning is consistent with the anticipated public and recreational uses planned for the property.

A Comprehensive Plan Map Amendment application is being reviewed concurrent with the rezoning request, the amendment would change the Future Land Use from Village Center to Public Parks and Recreation.

STAFF AND PLANNING, ZONING AND DESIGN BOARD RECOMMENDATIONS

Staff recommends approval of the rezoning to Parks and Community Facilities.

The Planning, Zoning and Design Board recommended approval, with the following comment: *Council should look at the long-term development plans to ensure that it attracts people, similar to Lakes Park, and focus particular attention on areas that need to be conserved and preserved versus the uplands.*

The Council reviewed the request at its first reading and public hearing on July 6, 2022 and passed the first reading.

GENERAL INFORMATION

Applicant/Owner
Village of Estero – Steve Sarkozy, Village Manager

Representative
Community Development Director, Mary Gibbs, FAICP

Location
8861, 8761, 8751, 8741, 8791, and 8801 Corkscrew Road

STRAP Numbers
33-46-25-E2-U1926.2390; 33-46-25-E2-U1936.2400; 33-46-25-E2-U1937.2384; 33-46-25-E2-U1936.2375; 33-46-25-E2-U1941.2390; 33-46-25-E2-U1948.2389

Size of Property
31.5 acres

Surrounding Area Zoning, and Land Use

North MPD Zoning / Village Center Land Use

The Estero on the River project area extends north along the east side US 41 from Corkscrew Road to Highlands Avenue, and east to Sandy Lane. Zoning categories north of the MPD area include Agriculture (AG), Commercial Planned Development (CPD) and Urban Commercial Redevelopment (UCR) along US 41, and Community Facilities Planned Development (CFPD) for Estero United Methodist church at the southeast intersection of US 41 and Broadway E. The area is generally known as Old Estero and is located north and east of County Road between the CSX corridor and Broadway E. This area is a residential community flanked on the west by commercial and institutional uses. The future land uses in this vicinity include Village Center and Village Neighborhood 1.

East MPD/Village Center - CSX Rail Corridor and Estero on the River

The area east of the CSX corridor is not owned by the Village and is zoned MPD. Properties on Sandy Lane are primarily zoned Agricultural (AG) with several Residential Single Family (RSF) lots. The area is residential in character.

South Community Commercial and CPD/Village Center - Corkscrew Road then Corkscrew Village Shopping Center

The southeastern intersection of US 41 and Corkscrew Road has a commercial character with an existing shopping center, and outparcels that include financial institutions, fast food restaurants, and storage. Zoning is CPD and Community Commercial (CC) with Village Center land use.

West AG/Conservation - US 41 then Koreshan State Park

The zoning on the west side of US 41 includes the Mobile Home (MH), Agriculture (AG), and Urban Commercial Redevelopment (UCR). Future land use includes Conservation, Village Neighborhood 2, and Public Parks and Recreation.

Public Information Meeting
A Public Information Meeting was held at the Planning, Zoning, and Design Board on May 10, 2022. See Attachment B.

Existing Zoning
Mixed Use Planned Development (MPD) and Agriculture (AG)

The majority of the property is part of the Estero on the River MPD, an 85-acre development approved by Lee County in 2007 for 530 residential units, 300,000 square feet of commercial office and retail, civic uses and preserve. The Estero on the River MPD is located north and south of the Estero River between US 41 and Sandy Lane. The Happehatchee parcel is zoned AG. This application is limited to the MPD area south of the Estero River and the portion of the Happehatchee parcel south of the river.

Comprehensive Plan Land Use Category
Village Center (proposed change to Public Parks and Recreation)

STAFF ANALYSIS

Request
The Village of Estero purchased approximately 68-acres at the intersection of US 41 and Corkscrew Road which were part of the larger Estero on the River MPD. Subsequently the Village acquired the Happehatchee site. Based upon numerous public meetings and surveys, Village Council expressed interest in rezoning the land south of the Estero River to allow for public access to the river and for recreational and open space uses. The proposed zoning district of Parks and Community Facilities (PCF) is specific to publicly owned properties and allows for park and civic uses and is therefore a zoning category suited to the proposed uses. The rezoning would limit potential future development on the site thus preserving valuable characteristics that the Village seeks to preserve, while allowing for public uses and recreation.

“The purpose and intent of the Parks and Community Facilities District is to provide land for active and passive recreation, and for public buildings such as government offices, libraries, and schools. Classification of primarily public lands to the PCF district is intended to preserve land for public use, including parks, libraries, and noncommercial cultural facilities.” LDC Section 3-504.A.

A companion Comprehensive Plan Amendment would change the Future Land Use Category from Village Center to Public Parks and Recreation.

Comprehensive Plan Considerations
A companion Comprehensive Plan Map amendment is being reviewed concurrent with the rezoning application. The Village Center land use category is intended to provide diverse residential and commercial uses at the heart of the Village. The intention of developing this site with recreational uses and public access to the river has resulted in a request to amend the land use to Public Parks and Recreation which is consistent with the public ownership, public access, and public use of the on-site recreation.

Comprehensive Plan Policies that support the proposed zoning amendment are discussed in the Comprehensive Plan Map Amendment staff report.

Parks, Recreation, and Open Space Plan
The Village adopted this plan in January 2020 which discussed the subject site, including the preservation, public use, and public access to the Estero River. These have been critical components associated with the development in order to preserve the historic, cultural and natural resources associated with the site.

Land Development Code
Section 2-501.C.2 of the LDC provides review standards for rezonings which include:

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 from MPD to PCF is supported by the comprehensive plan policies and will be consistent with the proposed future use of Public Parks and Recreation. The proposal is also consistent with the Parks, Recreation and Open Space Plan which prioritized the master planning of this site.

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

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

3. Addresses a demonstrated community need.

   Staff Comment: Numerous public surveys and public meetings occurred in which the Village Council sought feedback from citizens regarding community needs and development of this site. Preservation of the area south of the river, to allow for recreation uses and river access, was sought due to existing limited access to the river. The desire for recreation uses and preservation in the heart of Estero is seen as a community need. Development of the area north of the Estero River is not included in this application.

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

   Staff Comment: The existing MPD zoning allows for recreation and preservation uses, however the rezoning to Parks and Community Facilities is specific to publicly owned and accessible land.

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

   Staff Comment: The Corkscrew Road/US 41 intersection is a high traffic area in the heart of the Village. Intense development pressures over the recent past have resulted the citizens and Village Council desiring to preserve and maintain environmentally sensitive areas, particularly around the Estero River. The Koreshan State Park is directly west of the subject site. The southeastern intersection is commercially developed. The rezoning of this site would result in a development pattern where river access and recreation can be used by the citizens and visitors of Estero, with potential connection to the state park.

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

Staff Comment: Preservation, recreation, and public access to the site would not adversely affect property values in the area.

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 initial phase of development of the stie would be limited to recreational trails and access to the river. The provision of water and sanitation would occur in subsequent phases when more site activity would warrant the improvements.

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 rezoning of the property south of the Estero River is intended to provide protections to the natural environment by limiting the uses of the property.

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

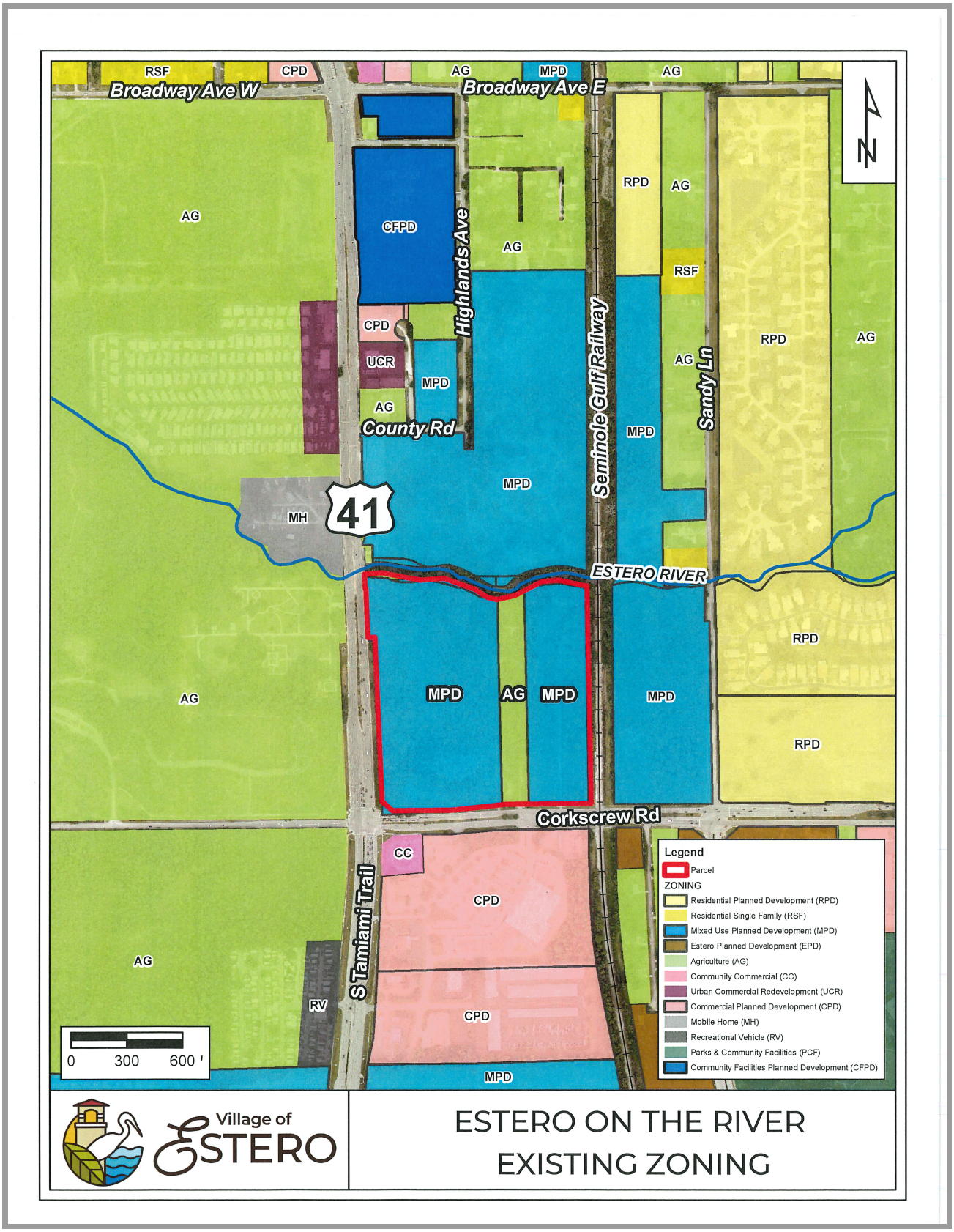
   Staff Comment: The proposed use is compatible with the surrounding area.

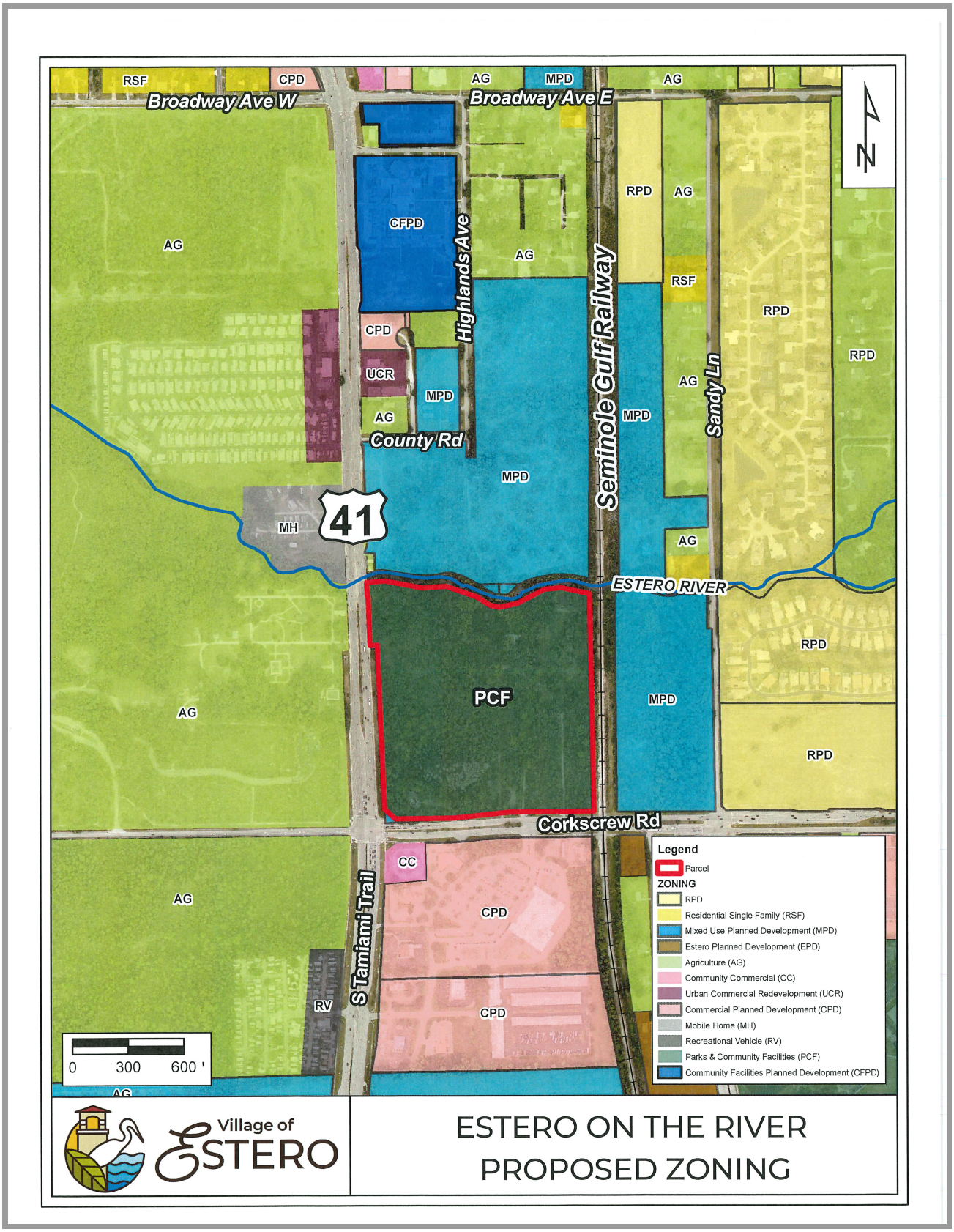
COUNCIL DETERMINATION

In order to approve the rezoning, the Council must consider the review standards detailed above.

ATTACHMENTS:

A. Existing and Proposed Zoning Maps
B. Public Information Meeting Summary
C. Rezoning Application/Project Description


Broadway Ave W
Broadway Ave E
Highlands Ave
Seminole Gulf Railway
Sandy Ln
County Rd
ESTERO RIVER
Corkscrew Rd
S Tamiami Trail
41
RSF
CPD
AG
MPD
CFPD
UCR
MH
RPD
RV
CC
0 300 600 '
Legend
Parcel
ZONING
Residential Planned Development (RPD)
Residential Single Family (RSF)
Mixed Use Planned Development (MPD)
Estero Planned Development (EPD)
Agriculture (AG)
Community Commercial (CC)
Urban Commercial Redevelopment (UCR)
Commercial Planned Development (CPD)
Mobile Home (MH)
Recreational Vehicle (RV)
Parks & Community Facilities (PCF)
Community Facilities Planned Development (CFPD)
Village of ESTERO
ESTERO ON THE RIVER
EXISTING ZONING


RSF
CPD
Broadway Ave W
AG
MPD
Broadway Ave E
AG
N
CFPD
Highlands Ave
AG
RPD
AG
Seminole Gulf Railway
RSF
RPD
CPD
UCR
MPD
AG
County Rd
Sandy Ln
AG
RPD
MPD
MPD
MH
41
AG
ESTERO RIVER
RPD
PCF
MPD
AG
RPD
Corkscrew Rd
CC
AG
CPD
S Tamiami Trail
RV
CPD
0
300
600 '
Legend
Parcel
ZONING
RPD
Residential Single Family (RSF)
Mixed Use Planned Development (MPD)
Estero Planned Development (EPD)
Agriculture (AG)
Community Commercial (CC)
Urban Commercial Redevelopment (UCR)
Commercial Planned Development (CPD)
Mobile Home (MH)
Recreational Vehicle (RV)
Parks & Community Facilities (PCF)
Community Facilities Planned Development (CFPD)
Village of
ESTERO
ESTERO ON THE RIVER
PROPOSED ZONING

Village Initiated Rezoning and Comprehensive Plan
Public Information Meeting

The Village Planning, Zoning, and Design Board held a Public Information Meeting on Tuesday May 10, 2022. Mary Gibbs, Community Development Director, briefly explained that the Village Council had initiated a Comprehensive Plan Map Amendment changing the land use from Village Center to Public Parks and Recreation, and a Rezoning from MPD and AG to Parks and Community Facilities. This is for 31.5-acre Village-owned property located south of the Estero River at the northeast intersection of US 41 and Corkscrew Road. These changes are being considered as Council finds the proposed land use and zoning more appropriate for the proposed recreation and public uses of the property.

Questions from the PZDB included potential uses for the north side of the property, and comments regarding the desire for more development of the site to draw people to the area, rather than just preserving the land. Other comments were regarding parking for the site, and that there currently was a lot of public use for the site with the Happehatchee Center providing lectures and tours, as well as the kayak operator on the north side of the river.

Ms. Gibbs explained that the north side of the property is not part of this application, that the application is for public recreational uses and trail development on the property south of the river.

There were no specific questions asked that staff needed to respond to subsequent to the meeting.

APPLICATION FOR CONVENTIONAL REZONING PUBLIC HEARING

In The Village of Estero

[LDC Sections 2-4, 2-501.C.]

Project Name: _____

Request: Rezone from: _____ To: _____

Variance included? ☐ NO ☐ YES* for _____

Special Exception included? ☐ NO ☐ YES* for _____

** If **YES**, submit applicable application(s)*

PART 1
APPLICANT/AGENT INFORMATION

A. Name of Applicant: _____

Address: _____

City, State, ZIP: _____

Phone Number: _____ Email: _____

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

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

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

☐ Application is Village of Estero initiated. Attach Village Council authorization.

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

Company Name: _____

Contact Person: _____

Address: _____

City, State, ZIP: _____

Phone Number: _____ Email: _____

PART 2
PROPERTY OWNERSHIP

A. Property owner(s): If multiple owners (corporation, partnership, trust, association), provide a list with owner interest. (Include additional sheet(s) if necessary)

Name: _____

Address: _____

City, State, ZIP: _____

Phone Number: _____ Email: _____

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

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

B. Disclosure of Interest:
☐ Attach Disclosure of Interest Form.

C. Multiple parcels:
☐ Property owners list.
☐ Property owners map.

D. Certification of Title and Encumbrances
1. Title certification document, no greater than 90 days old.
2. Date property was acquired by present owner(s): _____

PART 3
PROPERTY INFORMATION

A. STRAP Number(s): [Attach extra sheets if additional space is needed.]
_____ _____ _____

B. Street Address of Property: _____

C. Legal Description (must submit):
☐ Legal description (metes and bounds) (8½"x11") and sealed sketch of the legal description.
OR
☐ Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177 and is recorded in the Official Records of Lee County under Instruments or Plat Books.
AND
Boundary Survey:
☐ A Boundary survey, tied to the state plane coordinate system.
OR
☐ Not required if the property is located within a subdivision platted per F.S. Chapter 177.

D. Surrounding Property Owners: (within 750 feet [**2-405.C.2**.] of the perimeter of the subject parcel or portion thereof that is subject of the request)**:**
1. ☐ List of surrounding property owners.
2. ☐ Map of surrounding property owners.
3. ☐ One set of mailing labels.
Note: When the case is found complete/ sufficient, a new list and mailing labels must be submitted.

E. Current Zoning of Property: _____
☐ Provide copies of all Zoning Resolutions and Zoning Approvals applicable to the subject property.

F. Use(s) of Property:
1. Current uses of property are: _____
2. Intended uses of property are: _____

G. Future Land Use Classification (COMPREHENSIVE PLAN)

_____	_____	Acres	_____	% of Total
_____	_____	Acres	_____	% of Total
_____	_____	Acres	_____	% of Total

H. Property Dimensions:

1.	Width (average if irregular parcel):	_____	Feet	
2.	Depth (average if irregular parcel):	_____	Feet	
3.	Total area:	_____	Acres or square feet	
4.	Frontage on road or street:	_____	Feet on _____	Street
	2nd Frontage on road or street:	_____	Feet on _____	Street

I. Public Meeting Requirements: Provide a meeting summary document of the required public informational session. [**2-401.C.4**.]

J. Waivers from Application Submission Requirements: Attach waivers, if any, approved by the Community Development Director.

PART 4
ACTION REQUESTED

A. Reason(s) for Request: Provide a statement explaining the nature of the request and how the property qualifies for the rezoning. This statement should explain how the request meets the applicable findings/ review criteria set forth in the LDC. This statement may be utilized establishing a factual basis for the granting or denial of the rezoning.

B. Traffic Impact Statement: A traffic impact statement in a format and to the degree of detail required by the Village of Estero and in conformance with the adopted Administrative Code, AC-13-17.

PART 5
ADDITIONAL REQUIREMENTS

A. Potable Water: Will the project be connected to potable water and central sewer as part of any developmentof the property?

- ☐ **YES** (Provide letter from the appropriate utility to which the connection(s) are proposed confirming availability of service.)
- ☐ **NO** (Provide a narrative explaining why the connection is not planned and how the water and sewer needs of the project will be met.)

B. Flood Hazard:

- ☐ Not applicable
- ☐ The property is within an Area of Special Flood Hazard as indicated in the Flood Insurance Rate Maps (FIRM)s.
- ☐ The minimum elevation required for the first habitable floor is _____ NAVD (MSL)

C. Excavations/Blasting:

- ☐ No blasting will be used in the excavation of lakes or other site elements.
- ☐ If blasting is proposed, provide Information Regarding Proposed Blasting (including soil borings, a map indicating the location of the proposed blasting, and other required information).

D. Mobile Home Park:

☐ Not Applicable
☐ Request includes rezoning of a Mobile Home Park. Provide facts related to the relocation of dislocated owners that meets the requirements of F.S. § 723.083 (1995).

E. Airport Zones & Lee County Port Authority (LCPA) Requirements:

☐ Not Applicable
☐ Property is located within _____ Airport Notification Zone.
☐ A Tall Structures Permit is required.

SUBMITTAL REQUIREMENT CHECKLIST

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

☐	Completed **Application** for Conventional Rezoning Public Hearing
☐	Filing Fee (no copies)
☐	Notarized **Affidavit of Authorization** Form
☐	**Additional Agents**
☐	**Multiple Owners List** (if applicable)
☐	**Disclosure of Interest** Form (multiple owners)
☐	**Legal description (must submit)**
	☐ Legal description (metes and bounds) and sealed sketch of legal description
	OR
	☐ Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177 and is recorded in the Official Records of Lee County under Instruments or Plat Books.
☐	**Boundary Survey** – not required if platted lot (2 originals required)
☐	**Property Owners list** (if applicable)
☐	**Property Owners map** (if applicable)
☐	Confirmation of **Ownership/Title Certification**
☐	**STRAP Numbers** (if additional sheet is required)
☐	**List of Surrounding Property Owners**
☐	**Map of Surrounding Property Owners**
☐	**Mailing Labels** (one original plus 2 copies)
☐	Copies of **Zoning Resolutions** and Approvals
☐	Summary of **Public Informational Session**
☐	**Waivers** from Application Submission Requirements (if applicable)
☐	**Request Statement**
☐	Traffic Impact Statement (**TIS**)
☐	**Potable Water & Sanitary Sewer.** (Letter from the appropriate utility entity or explanation of how water and sewer will be provided if connection will not be made.)
☐	Proposed **Excavation/Blasting** Information
☐	Mobile Home Park **Dislocated Owners** Information (if applicable)
☐	**Tall Structures Permit** (if applicable)

Village Initiated Rezoning and Comprehensive Plan
Project Description

The Village Council has initiated a Rezoning from MPD and AG to Parks and Community Facilities for 31.5-acres located at the northeast intersection of US 41 and Corkscrew Road, south of the Estero River. A companion Comprehensive Plan Future Land Use Amendment is also proposed to change the land use from Village Center to Public Parks and Recreation which is a more appropriate land use based upon the proposed public use of the property.

In 2019 the Village purchased a 68.5-acre portion of the +80-acre Estero on the River MPD, and subsequently acquired the Happehatchee parcel which is surrounded by the Village-owned land. The 31.5-acre portion of the property is located south of the Estero River and is the area subject to the proposed rezoning and comprehensive plan amendment.

The Village seeks the rezoning and comprehensive plan amendment to limit the development that could occur on the property due to the unique environmental and other characteristics, and to provide public access to the Estero River and construction of a trail system.

The existing zoning is primarily Mixed-use Planned Development, approved by Lee County in 2007, which allows for single and multi-family dwelling units, commercial uses, civic, and preserve uses. The Village seeks the rezoning from MPD and AG to Parks and Community Facilities (PCF) as a more appropriate zoning district given that PCF is for publicly owned or publicly accessible land and allows for recreation and preserve uses as anticipated by the Village.

WORKSHOP ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
September 21, 2022

Agenda Item:

Williams Road Bicycle & Pedestrian Improvements

Description:

The Village Council previously approved a concept for bicycle and pedestrian improvements along Williams Road. The approved concept included:

- 7-ft wide bike lane, both sides of road
- 12-ft multi-use path, south side of road
- 10-ft wide sidewalk, north side of road

Village Council approved a contract with CW3 Engineering to refine the concept and design/permit the proposed improvements. Village Staff will provide a presentation for potential alternative bicycle and pedestrian improvements along Williams Road.

Financial Impact:

Bicycle and pedestrian improvements along Williams Road are included in the Village's Fiscal Year 2022-2023 budget.

Prepared by: David Willems, P.E.

Attachments:

1. Location Map
2. Presentation


Via Coconut Point
Springlake Cir
Three Oaks Pkwy
Palmetto Ridge Dr
Chartwell Breeze Dr
Knollview Blvd
Three Oaks Pkwy

Village of ESTERO

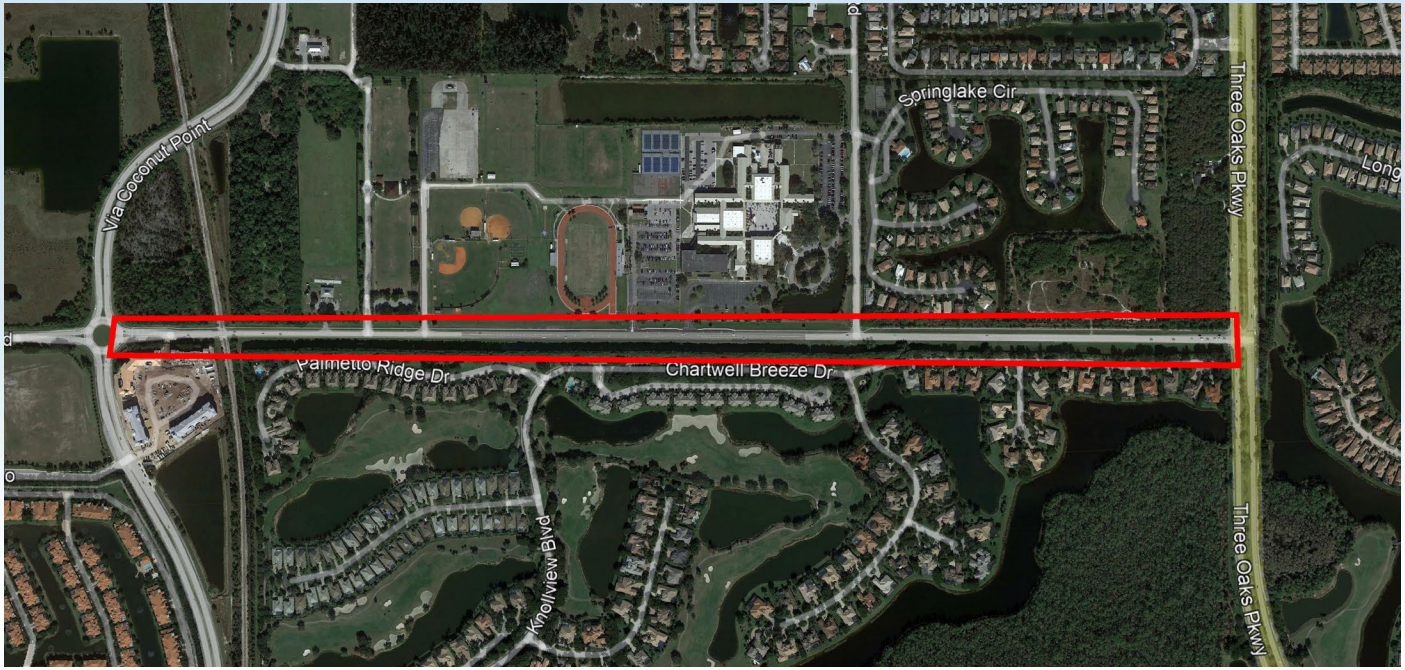
Williams Road Bike/Ped Improvements

David Willems, P.E.

Slide 1

Village of ESTERO

Project Location



Slide 2

Village of ESTERO

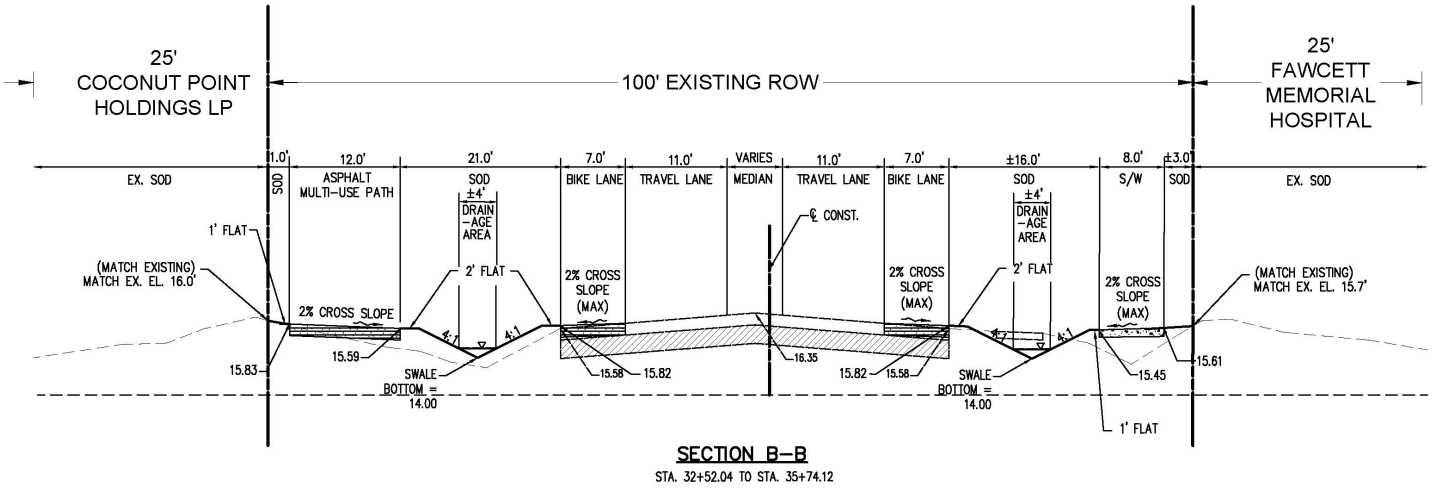
Approved Concept

- 7-ft on road bike lanes both sides of road
- Meandering 12-ft path south side of road
- Meandering 10-ft sidewalk north side of road

Slide 3

Village of ESTERO

Approved Section

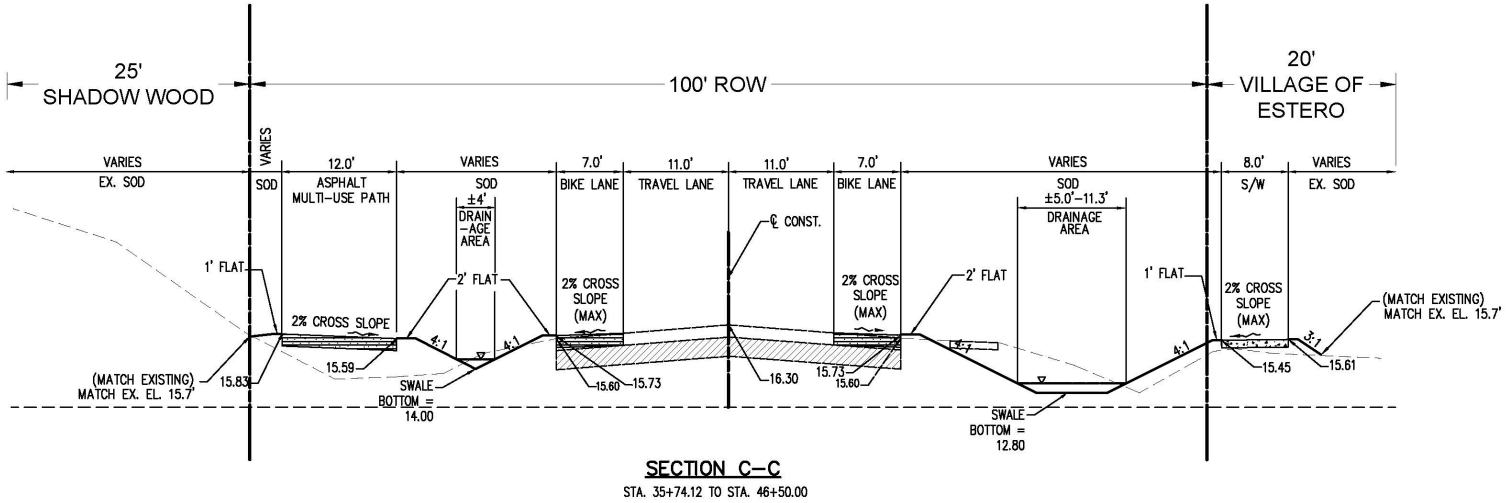


SECTION B–B
STA. 32+52.04 TO STA. 35+74.12

Slide 4

Village of ESTERO

Approved Section



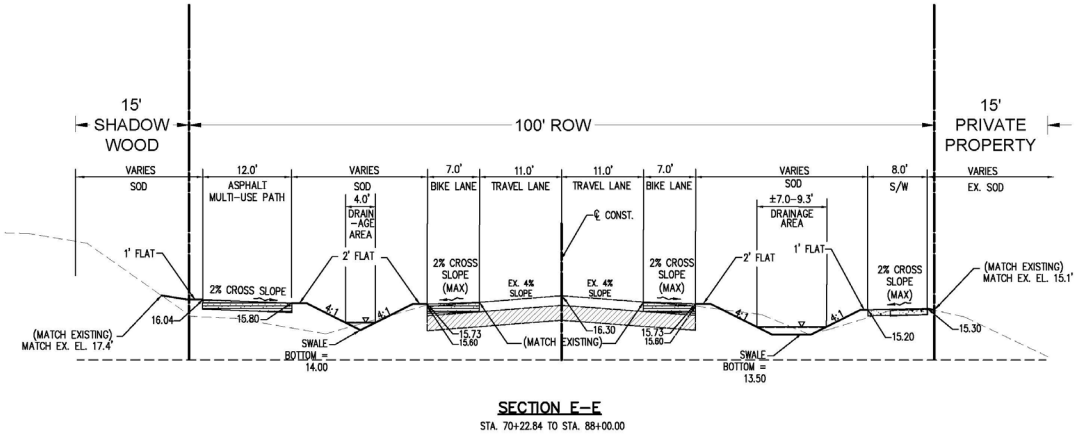
SECTION C–C

STA. 35+74.12 TO STA. 46+50.00

Slide 5

Village of ESTERO

Approved Section

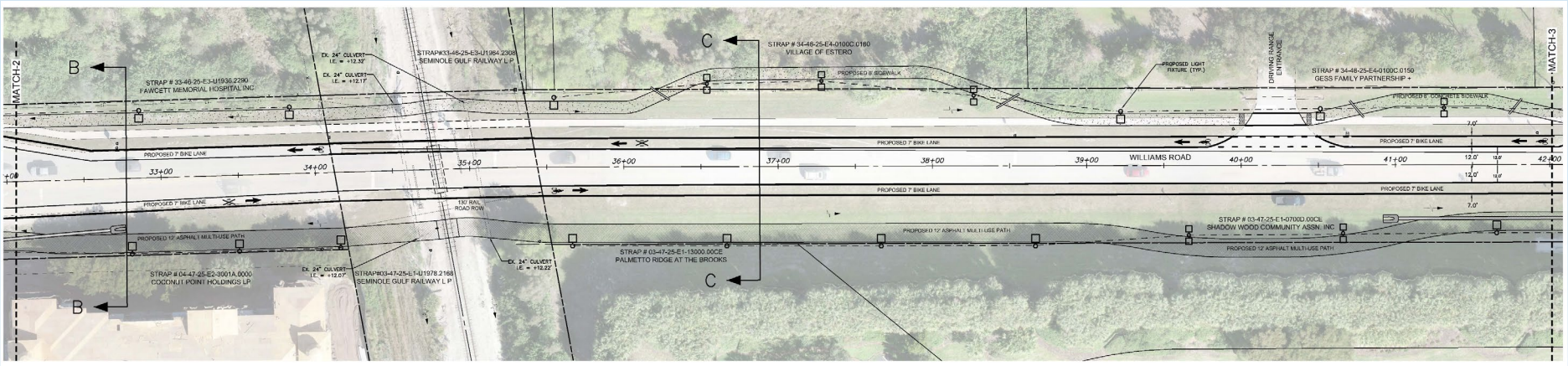


SECTION E-E
STA. 70+22.84 TO STA. 88+00.00

Slide 6

Village of ESTERO

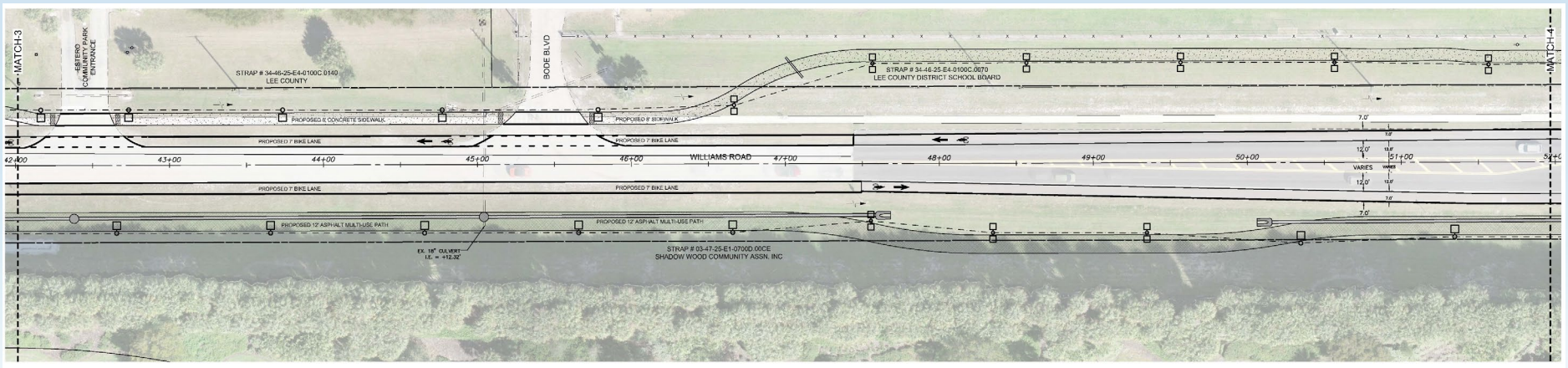
Approved Plan View



Slide 7

Village of ESTERO

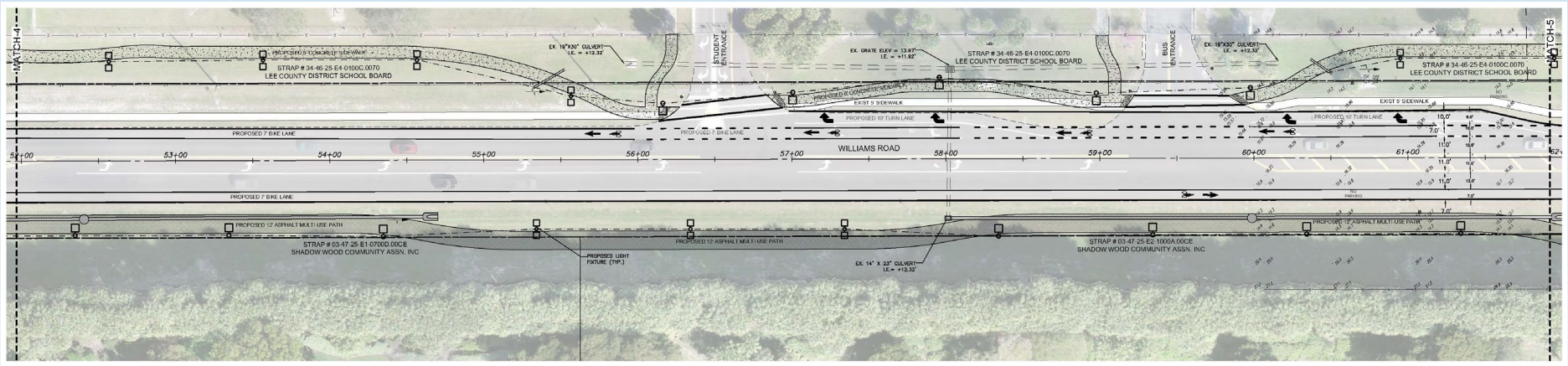
Approved Plan View



Slide 8

Village of ESTERO

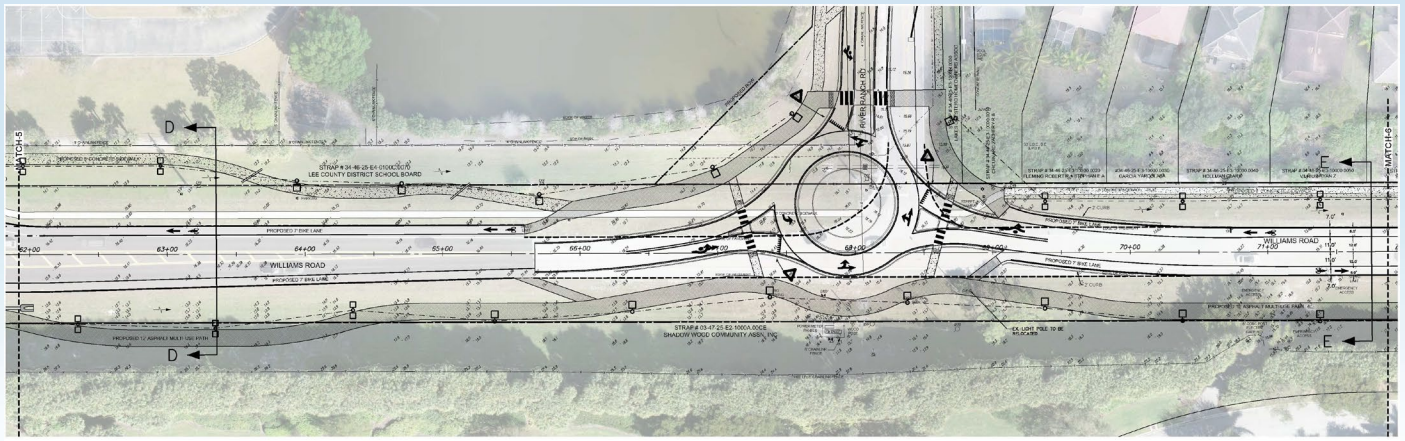
Approved Plan View



Slide 9

Village of ESTERO

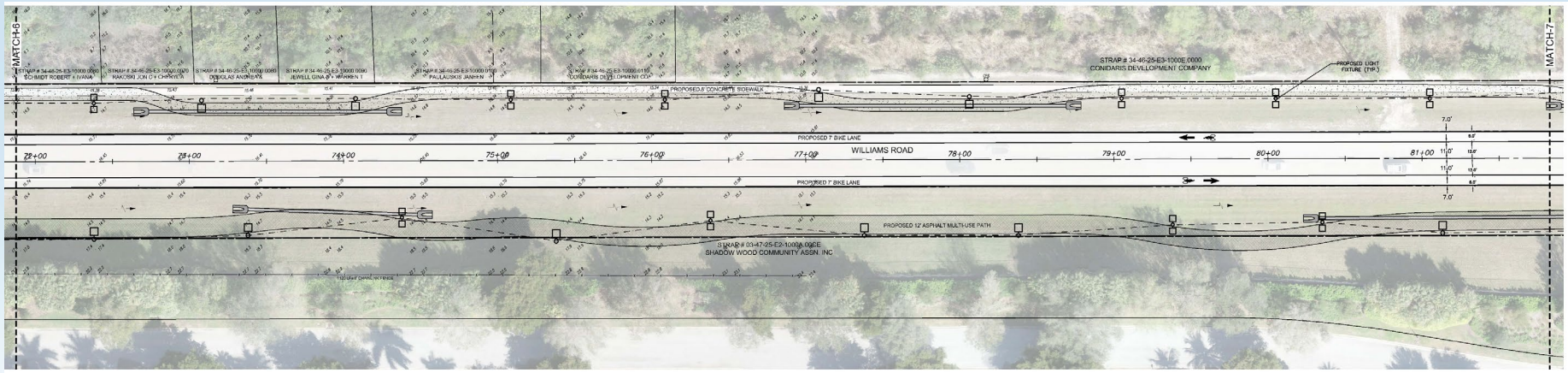
Approved Plan View



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Village of ESTERO

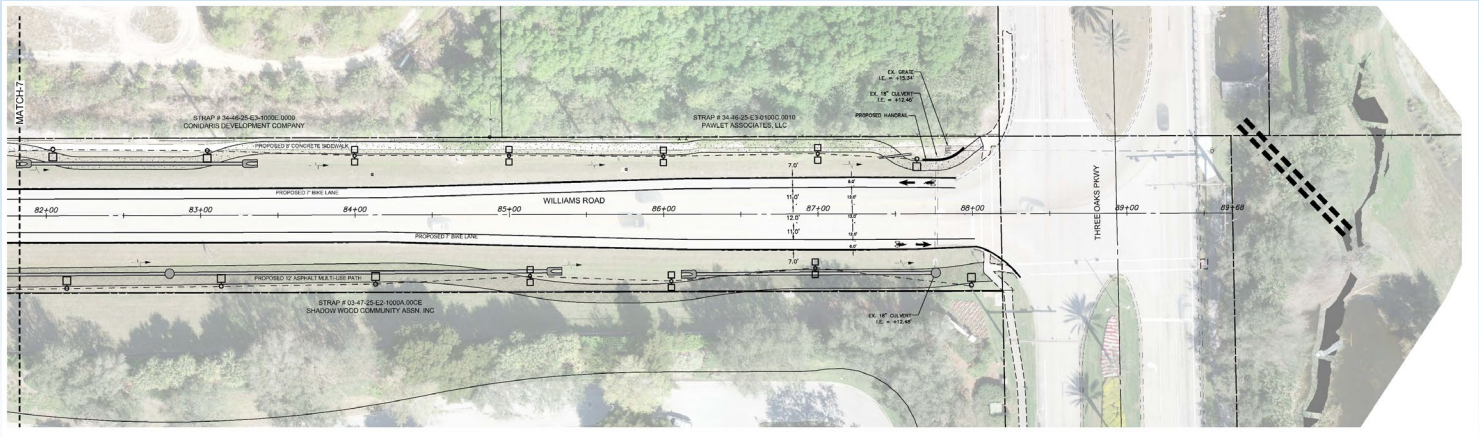
Approved Plan View



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Village of ESTERO

Approved Plan View



Slide 12

Village of ESTERO

Alternate Concept

- Meandering bikes lane both sides of road (on road and off road)
- 10-ft meandering sidewalk north side of road

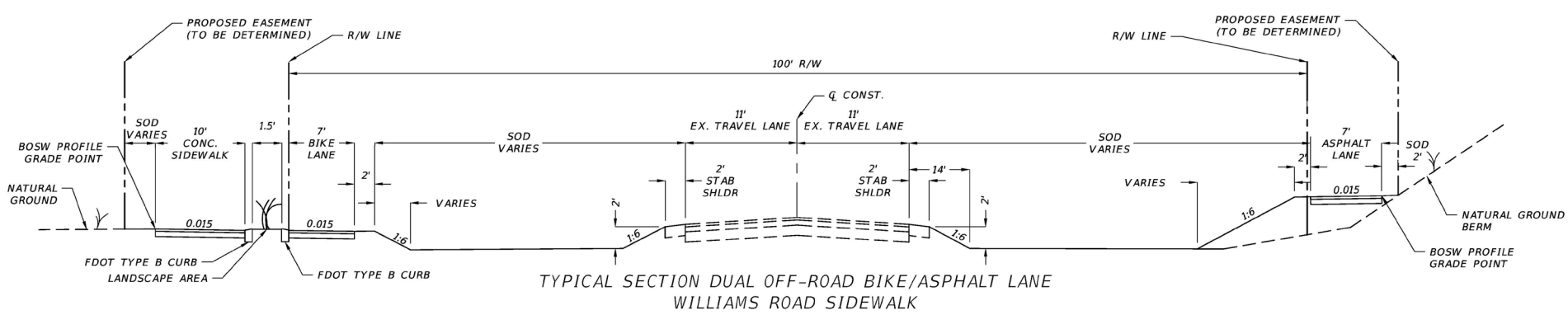
Advantages

- Separate bicycles from vehicles to improve safety
- Narrow road pavement to help reduce speeds

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Village of ESTERO

Alternate Sections

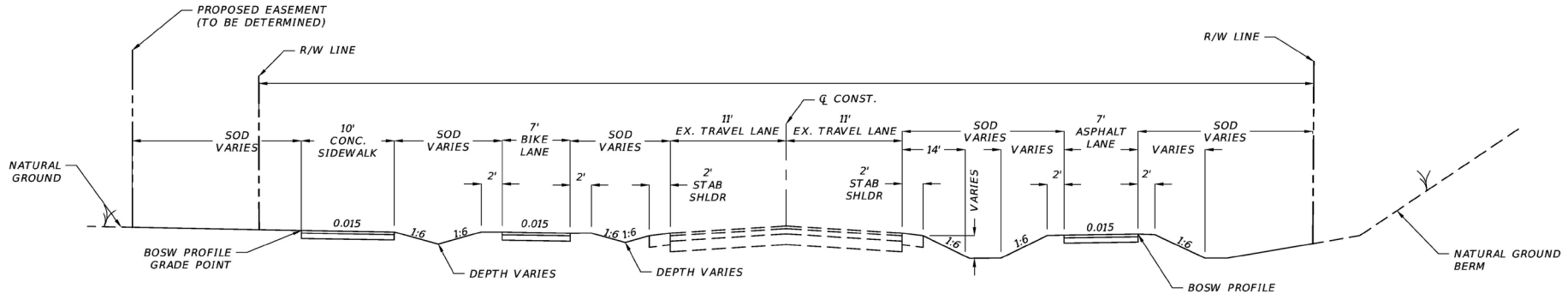


TYPICAL SECTION DUAL OFF-ROAD BIKE/ASPHALT LANE
WILLIAMS ROAD SIDEWALK

Slide 14

Village of ESTERO

Alternate Sections

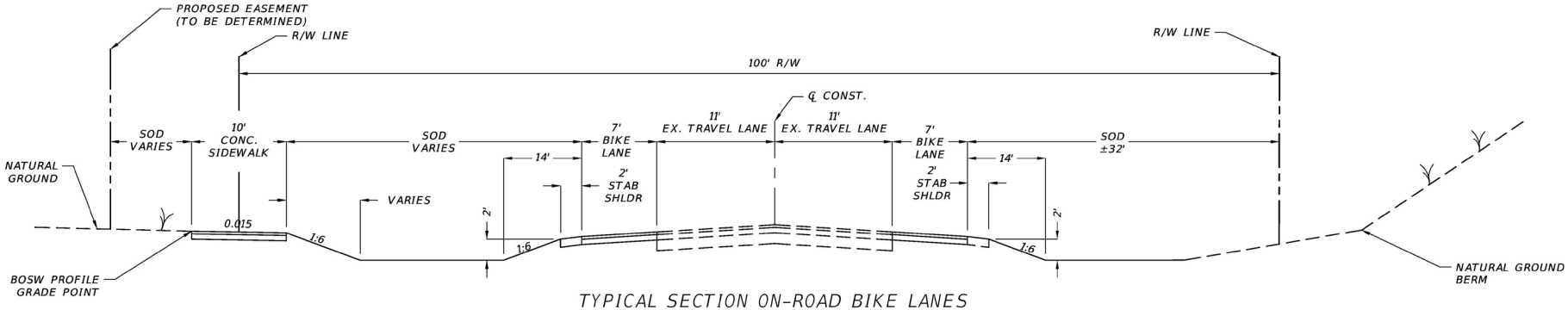


TYPICAL SECTION TRANSITION TO/FROM ROAD
WILLIAMS ROAD SIDEWALK

Slide 15

Village of ESTERO

Alternate Sections

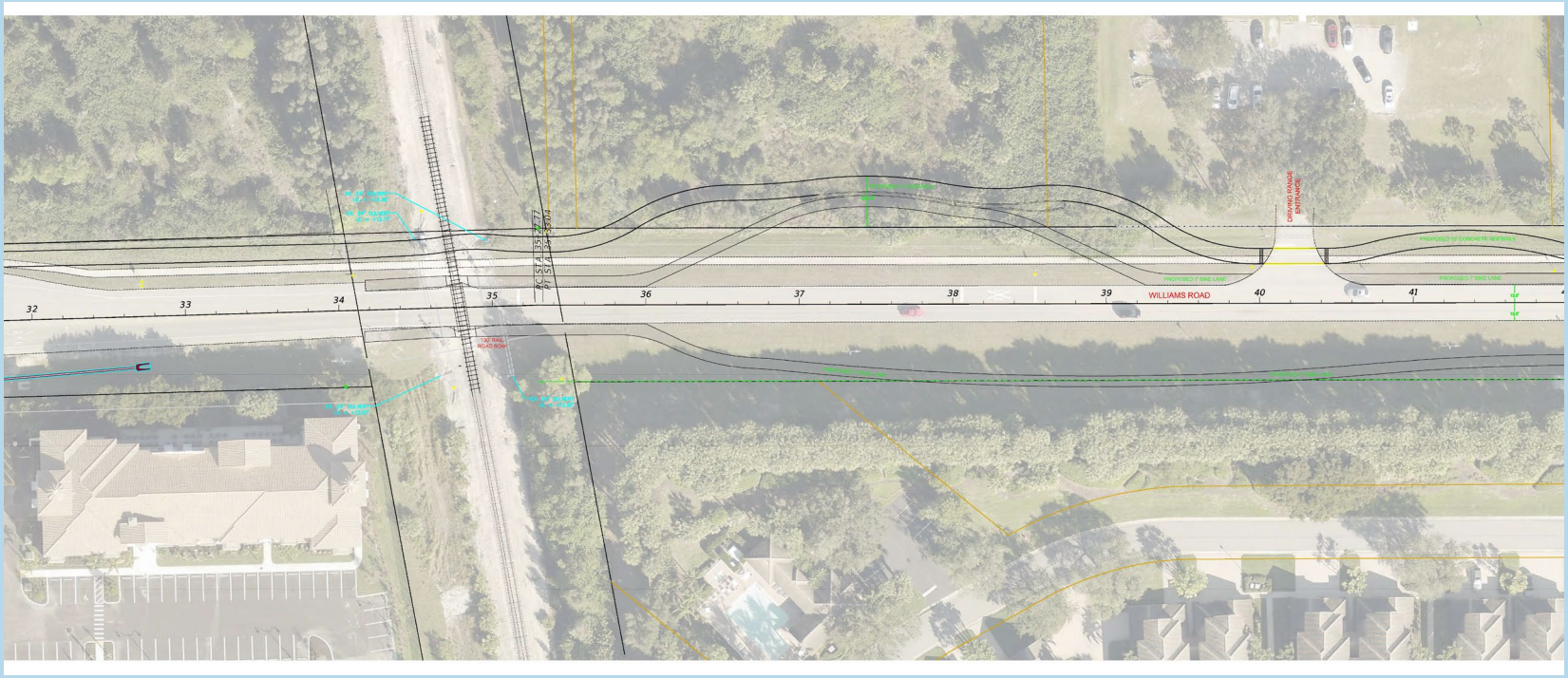


TYPICAL SECTION ON-ROAD BIKE LANES
WILLIAMS ROAD SIDEWALK

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Village of ESTERO

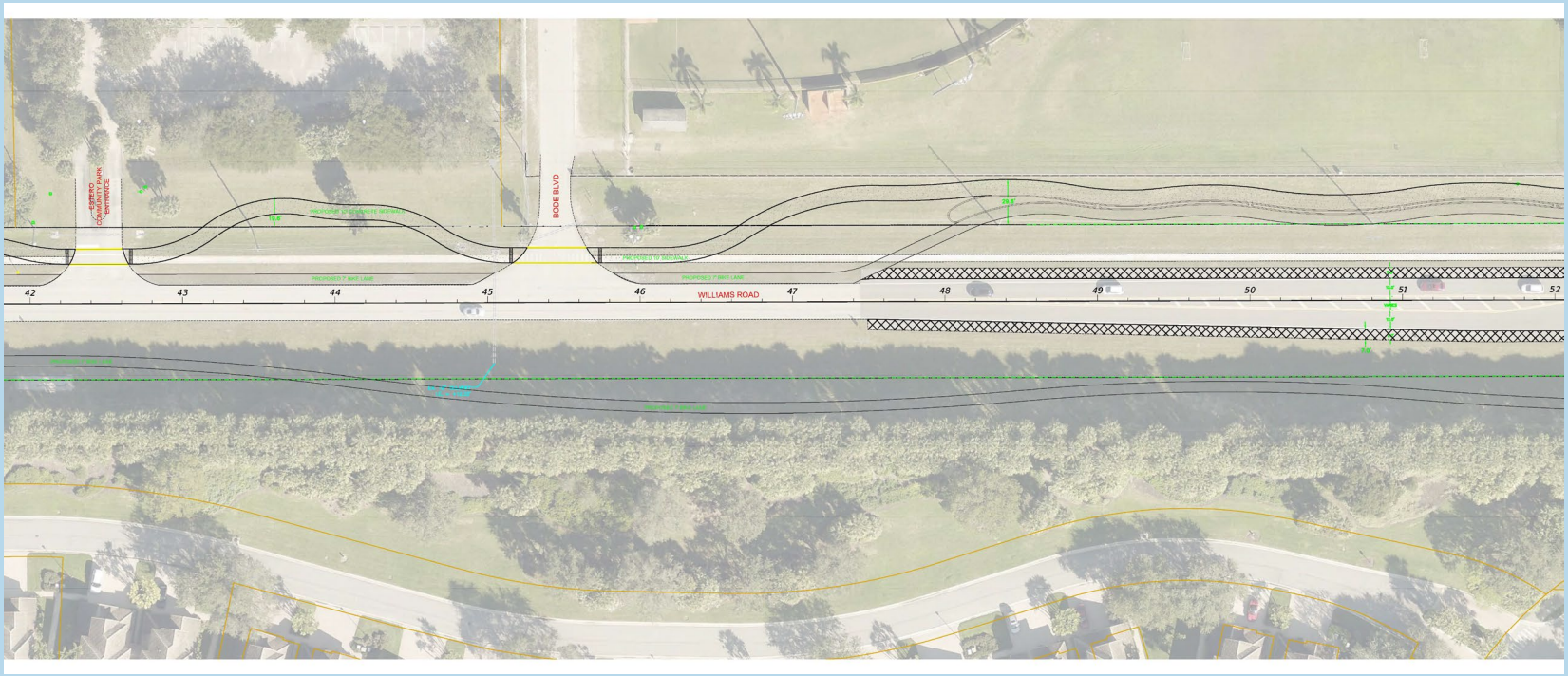
Alternate Plan View



Slide 17

Village of ESTERO

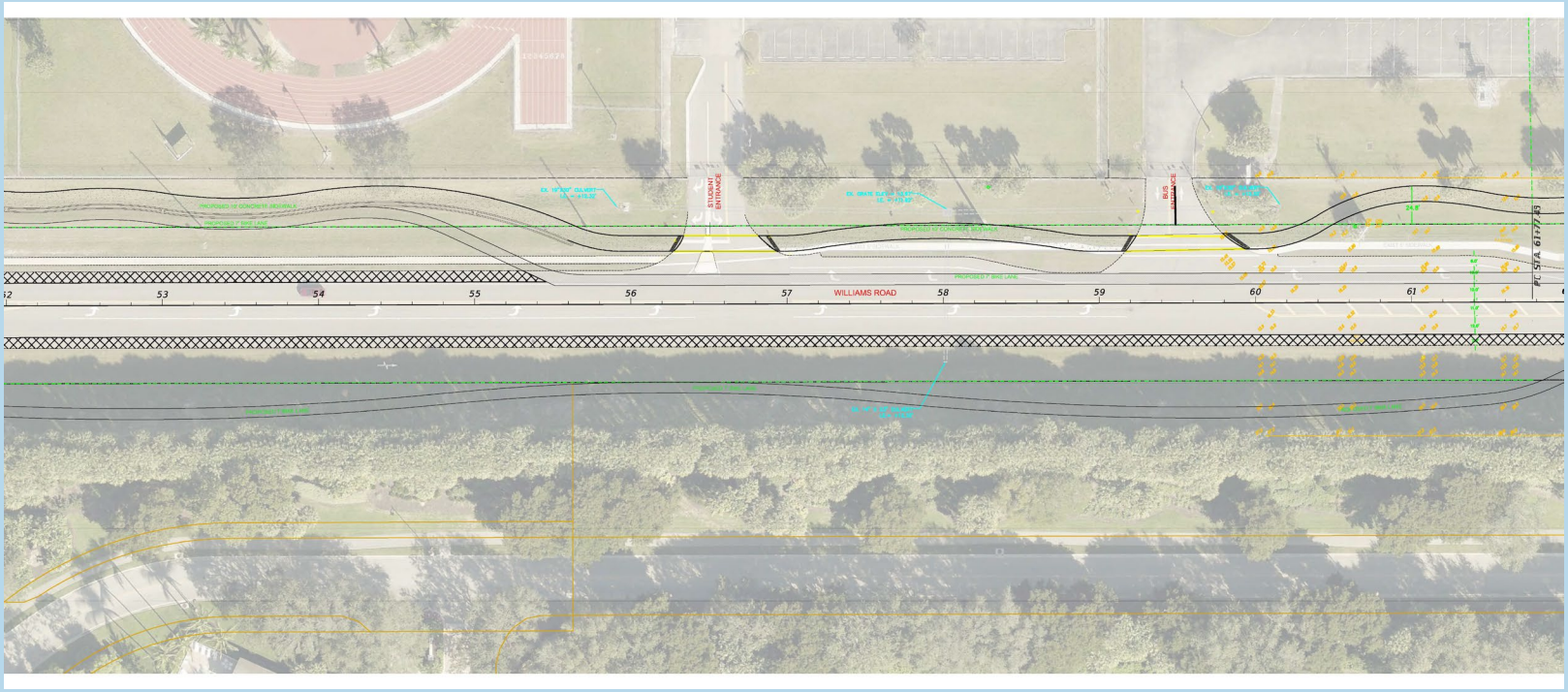
Alternate Plan View



Slide 18

Village of ESTERO

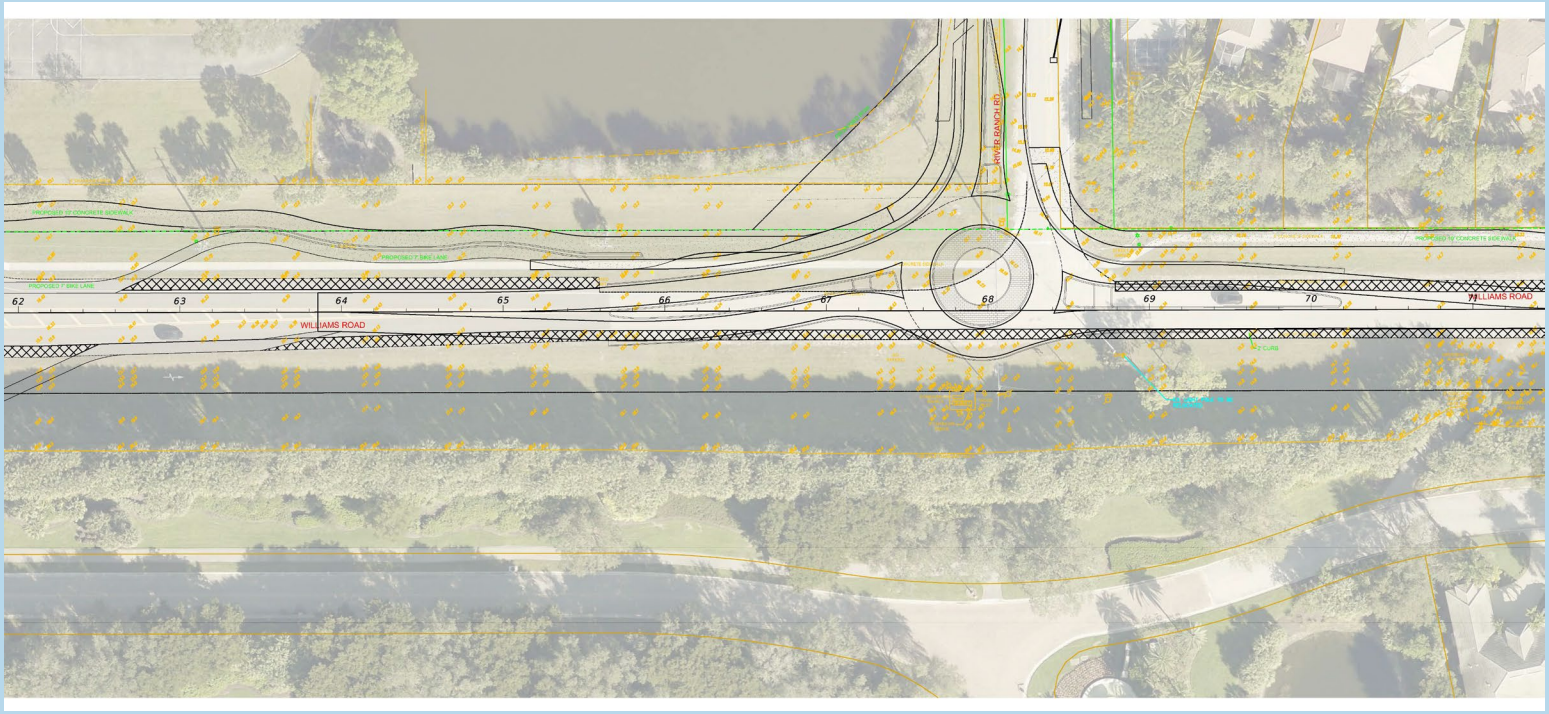
Alternate Plan View



Slide 19

Village of ESTERO

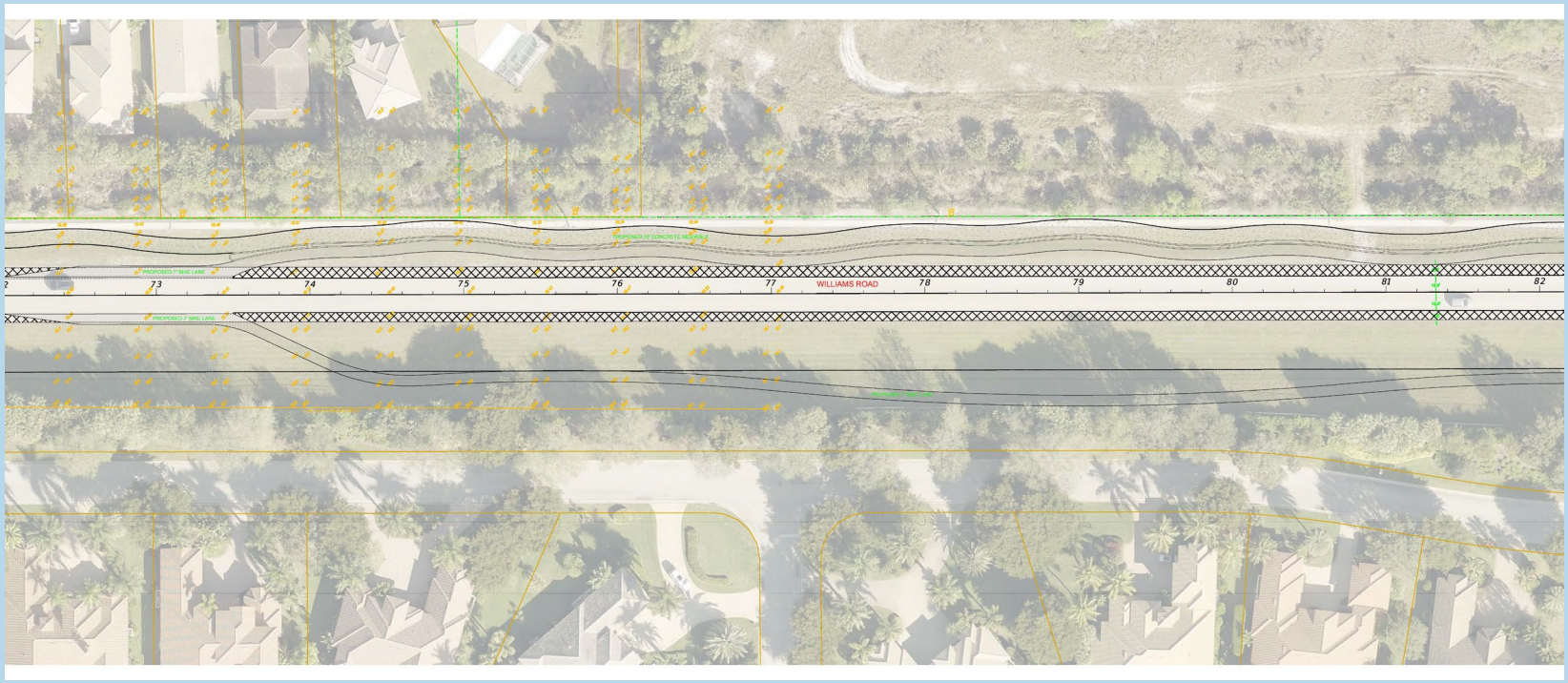
Alternate Plan View



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Village of ESTERO

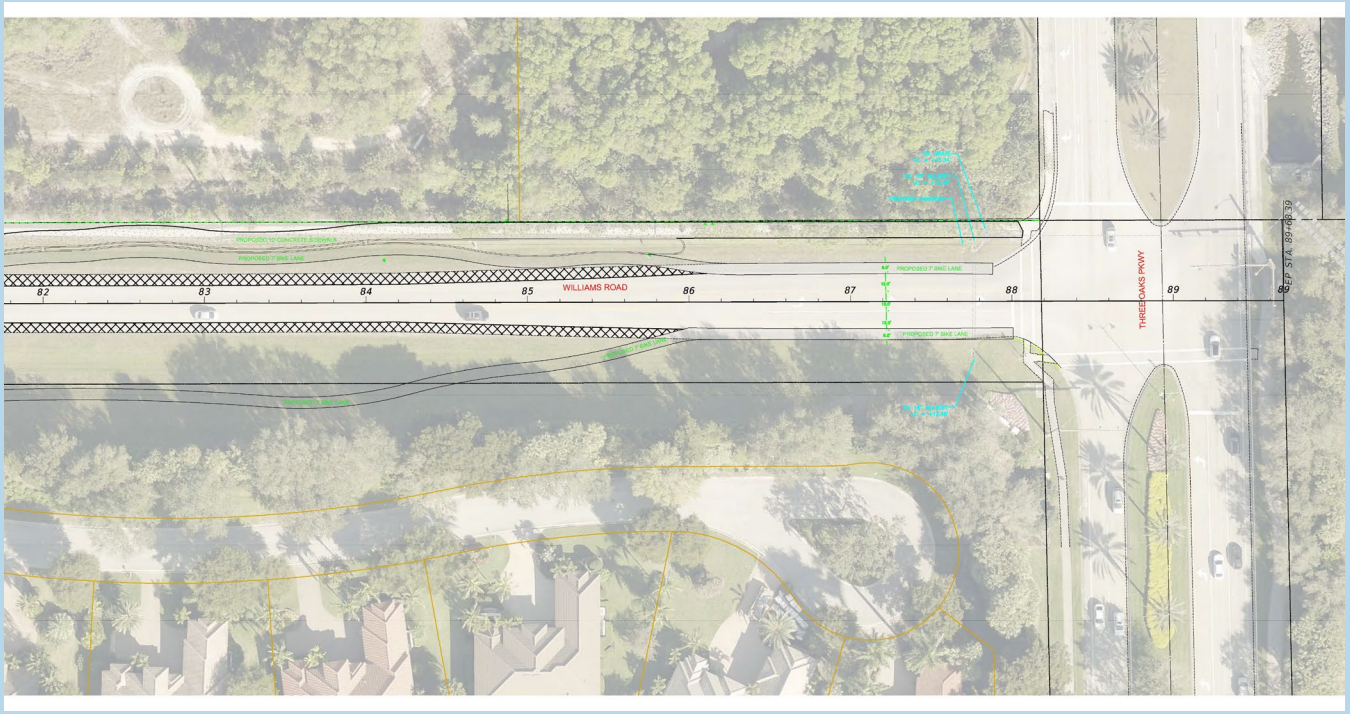
Alternate Plan View



Slide 21

Village of ESTERO

Alternate Plan View



Slide 22

Village of ESTERO

Approved

- 7-ft on road bike lanes both sides of road
- Meandering 12-ft path south side of road
- Meandering 10-ft sidewalk north side of road

Alternative

- Meandering bikes lane both sides of road (on road and off road)
- 10-ft meandering sidewalk north side of road

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Village of ESTERO

QUESTIONS?

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