VILLAGE OF ESTERO
VILLAGE COUNCIL MEETING
PACKET
NOVEMBER 2, 2022, 09:30 AM

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

November 2, 2022, 09:30 am

1. CALL TO ORDER

INVOCATION

Jan Chance River of Life Church

PLEDGE OF ALLEGIANCE

ROLL CALL

2. APPROVAL OF AGENDA, ADDITIONS, AND DELETIONS

3. PUBLIC COMMENT ON NON-AGENDA ITEMS

4. CONSENT AGENDA

a. October 19, 2022, Council Meeting Minutes

Attachment: 10192022 minutes.pdf

5. CONSIDERATION OF ITEMS DEFERRED FROM CONSENT AGENDA

6. ACTION ITEM

a. (a) Greater Estero Chamber of Commerce approval of financial support for Strategic Plans for Future Growth and Impact.

Recommended Action

Motion to approve Greater Estero Chamber of Commerce approval of financial support of $12,500 remaining balance for Strategic Plans for Future Growth and Impact.

Financial Impact
The funding request for 2022 is again at $25,000. Funds are included in the Village's 2021-22 Annual Budget for this expenditure. $12,500 was distributed in March 2022.

Given the strong role of the Greater Chamber in the Village in support of our business community, their focus on economic development, and the strong support provided the community during the COVID Pandemic a continued contribution from the Village would seem appropriate.

Based on the support indicated by the Village Council at the Workshop discussion the $25,000 allocation is on the Council Agenda for final approval.

Attachment: SS Greater Estero Chamber.pdf
Attachment: Presentation to Village Council_51_.pdf
Attachment: Balance sheet Septemer 2022.pdf
Attachment: Profit _ Loss 2022.pdf

7. FIRST READING

a. First Reading of Ordinance No. 2022-17 adopting new Flood Insurance Rate Maps.

An Ordinance of the Village Council of the Village of Estero, Florida, Adopting New Flood Insurance Rate Maps (FIRM) for Flood Zones in the Village of Estero; Providing for Severability; and Providing for an Effective Date.

Recommended Action
Motion to pass First Reading of Ordinance No. 2022-17 and set Second Reading for November 16, 2022.

Financial Impact
Minor cost of newspaper advertisement for second reading.

Attachment: Agenda SS 11-2-22 Adopting New FIRM.pdf
Attachment: Ordinance 2022-17 adopted flood maps.pdf

8. SECOND READINGS AND PUBLIC HEARINGS

a. Second Reading and Public Hearing of Ordinance No. 2022-12 Land Development Code Amendment for Lot Coverage

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 adopt Ordinance No. 2022-12.

Financial Impact
Minor cost of newspaper advertisement for second reading.

Attachment: Summary Sheet 11-2-2022.pdf
Attachment: Ord 2022-12.pdf

b. Second Reading and Public Hearing of Ordinance No. 2022-13, Land Development Code Amendment Flood Hazard Reduction Standards

An Ordinance of the Village Council of the Village Of Estero, Florida, Amending Land Development Code Section 7-3 "Flood Hazard Reduction Standards" to Update the Effective Flood Insurance Study Applicable to the Village, Amend the Process for Determining Substantial Improvement and Substantial Damage Determinations, Update Reference to the Florida Building Code Historic Buildings Chapter, Specify Elevation of and Foundations for Manufactured Homes in Flood Hazard Areas, Provide Standards for Non-Elevated Accessory Structures in Flood Areas, and Amend Definitions; Clarifying and Reenacting the Repeal of Ordinance 2015-16; Providing for Severability; Providing for Conflicts; and Providing for an Effective Date

Recommended Action
Motion to adopt Ordinance No. 2022-13.

Financial Impact
Minor cost of newspaper advertisement for second reading.

Attachment: Summary Sheet 11-2-22.pdf
Attachment: Ordinance 2022-13 with changes.pdf

c. Second Reading and Public Hearing of Ordinance No. 2022-14 Coconut Trace Commercial Planned Development Zoning Amendment.

An Ordinance of the Village Council of the Village of Estero, Florida, Amending the Coconut Trace Commercial Planned Development (CPD) Zoning to Allow a Real Estate Sales Center for Off-Site Sales on a 3.5-Acre Property on the West Side of US 41 North of Coconut Road across from Coconut Point Mall; Providing for Severability; Providing for Conflicts; and Providing an Effective Date.

Recommended Action
Motion to adopt Ordinance 2022-14.

Financial Impact
Minor cost for newspaper advertisement for second reading.

Attachment: SS_Coconut Trace 2nd reading .pdf
Attachment: Ordinance 2022-14.pdf
Attachment: Exhibit A - MCP 6.14.2022.pdf
Attachment: Exhibit B - Coconut Trace Pattern Book 8-17-22.pdf
Attachment: Staff Report Council 2nd reading.pdf
Attachment: Attachment A - Maps.pdf
Attachment: Attachment B - Coconut Trace MCP 6.14.2022.pdf
Attachment: Attachment C - PZDB Hearing Excerpt from 9-13-2022.pdf
Attachment: Attachment D - Coconut Trace Pattern Book 08.17.pdf
Attachment: Attachment E1 - Coconut Trace PIM Summary.pdf
Attachment: Attachment E2 -Request Narrative.pdf
Attachment: Coconut Trace CPD Council VER 1.pdf

d. Second Reading and Public Hearing of Ordinance No. 2022-15 for Pelican Sound Residential Planned Development Zoning Amendment

An Ordinance of the Village Council of the Village of Estero, Florida, Amending the Pelican Sound Residential Planned Development (RPD) Zoning To Allow Recreation Uses, Including Pickleball, In the Golf Maintenance and Storage Area on a 150.23-Acre Property on the South Side of the Estero River, North of Williams Road and West of US 41; Providing for Severability; Providing for Conflicts; And Providing an Effective Date

Recommended Action
Motion to adopt Ordinance No. 2022-15.

Financial Impact
Minor cost for newspaper advertisement for second reading.

Attachment: SS Pelican Sound 2nd Reading.pdf
Attachment: Ordinance 2022-15.pdf
Attachment: Ord Ex A Legal Description.pdf
Attachment: Ord Ex B Proposed MCP.pdf
Attachment: DCI2021-E003 Staff Report Council 2nd reading.pdf
Attachment: Attachment A - Zoning and FLU Maps.pdf
Attachment: Attachment B - MCP.pdf
Attachment: Attachment C - Transcript of PZDB Hearing.pdf
Attachment: Attachment D - Resolution Z-13-003.pdf
Attachment: Attachment E1 Proposed changes to Resolution Z-13-003.pdf
Attachment: Attachment E2 - Pelican Sound G_RC PD Amend PIM Summary.pdf
Attachment: Attachment E3 - Request Statement_Narrative FINAL 07-29-22.pdf
Attachment: Attachment E4 - FPL Agreement.pdf
Attachment: Pelican Sound Golf River Club PP 11022022.pdf

e. Second Reading and Public Hearing of Ordinance No. 2022-16 Genova Zoning Amendment

An Ordinance of the Village Council of the Village of Estero, Florida, Amending the Estero Planned Development Zoning Adopted by Ordinance 2016-08 For "Genova", for a 3.6-Acre Property Parcel Within the Genova EPD at the Southeast Corner of Corkscrew Road and Via Coconut; Providing for Severability; Providing for Conflicts; and Providing an Effective Date.

Recommended Action
Motion to adopt Ordinance No. 2022-16.

Financial Impact
Minor cost for newspaper advertisement for second reading.

Attachment: SS Genova .pdf
Attachment: Ord 2022-16 Genova.pdf
Attachment: Exhibit A Legal Description.pdf
Attachment: Exhibit B Genova Master Plan.pdf
Attachment: Exhibit C Supplemental Pattern Book - Genova 7.15.22.pdf
Attachment: Exhibit D Schedule of Uses and Development Regs.pdf
Attachment: Attachment 2 _letters_ to Agenda Item Summary for Council.pdf
Attachment: DCI2022-E003 Staff Report.pdf
Attachment: Presentation to Village Council 11022022-2.pdf

9. PUBLIC COMMENT ON NON-AGENDA ITEMS

10.COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS

11.VILLAGE ATTORNEY'S REPORT

12.VILLAGE MANAGER'S REPORT

13.ADJOURNMENT

General Attachments

- Transcript.pdf

VILLAGE OF ESTERO COUNCIL MEETING
WEDNESDAY, NOVEMBER 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.

09:30:09 >>Mayor Errington: WELCOME.
09:30:11 GLAD YOU ARE HERE.
09:30:12 THIS IS A BEAUTIFUL DAY, AND WE SHOULD REJOICE AND BE GLAD
09:30:17 IN IT.
09:30:19 VERY BEAUTIFUL HERE IN ESTERO, FLORIDA.
09:30:22 SO AT THIS TIME, I WOULD LIKE TO CALL THE MEETING TO ORDER.
09:30:25 AND THIS IS WEDNESDAY, NOVEMBER THE 2nd, 2022.
09:30:30 IT'S 9:30 A.M.
09:30:32 AND I WILL ASK THAT EVERYONE PLEASE KEEP YOUR CELL PHONES
09:30:38 SILENT OR ANYTHING THAT MAKES NOISE SO THAT IT WILL NOT
09:30:44 INTERRUPT OUR MEETING.
09:30:45 AT THIS TIME, I WOULD LIKE TO CALL ON JAN CHANCE OF THE
09:30:57 RIVER OF LIFE CHURCH TO COME LEAD US IN OUR INVOCATION.
09:31:00 THANK YOU SO MUCH FOR BEING HERE THIS MORNING.
09:31:02 WE REALLY APPRECIATE YOUR COMING OUT.
09:31:04 >> THANK YOU FOR HAVING ME.
09:31:05 IF EVERYONE COULD CLOSE THEIR EYES, BOW THEIR HEADS.
09:31:08 DEAR HEAVENLY FATHER, WE THANK YOU FOR THIS BEAUTIFUL DAY IN

09:31:12 SOUTHWEST FLORIDA.
09:31:13 WE GIVE YOU PRAISE FOR IT.
09:31:15 WE'RE THANKFUL FOR OUR COMMUNITY AND TO BE LIVING IN SUCH A
09:31:18 WONDERFUL PLACE.
09:31:19 I PRAY, GOD, THAT NONE OF US WOULD EVER TAKE FOR GRANTED THE
09:31:22 BEAUTY YOU CREATED THAT IS ALL AROUND US.
09:31:25 GOD, AS WE CONTINUE TO RECOVER FROM THE HURRICANE, I ASK
09:31:28 YOU, FATHER GOD, TO PROVIDE THE RESOURCES THAT ARE NEEDED,
09:31:32 WHETHER IT'S MANUAL LABOR, FINANCES, HOUSING, OR DAILY
09:31:36 NEEDS.
09:31:37 GOD, YOU KNOW EACH PERSON WHO IS AFFECTED BY THIS STORM AND
09:31:42 I ASK THAT YOU GIVE THEM PEACE, ENCOURAGEMENT, AND
09:31:45 REASSURANCE.
09:31:46 LORD, I ASK THAT YOU HOLD TIGHTLY THOSE WHO HAVE LOST FAMILY
09:31:50 OR FRIENDS.
09:31:50 I PRAY THAT THROUGH A KIND ACT OR WORD OR DEED THEY WOULD
09:31:54 KNOW THAT YOU LOVE THEM AND CARE ABOUT THEM AND UNDERSTAND
09:31:56 THEIR PAIN.

09:31:57 LORD, I ALSO LIFT UP TO YOU OUR CHILDREN AND TEENS WHO HAVE
09:32:01 HAD TO CHANGE SCHOOLS OR HAD TO MOVE.
09:32:04 I JUST ASK, LORD GOD, THAT YOU WOULD HELP THEM THROUGH THIS.
09:32:08 GOD, I THANK YOU FOR THIS GROUP OF LEADERS ON THE ESTERO
09:32:11 COUNCIL, AND I ASK LORD GOD THAT YOU WOULD PROVIDE THEM WITH
09:32:14 WISDOM AS THEY MAKE DECISIONS AND FACE CHALLENGES.
09:32:17 I ASK, FATHER GOD, THAT YOU WOULD PROTECT AND PROVIDE FOR

09:32:21 THEM AND THEIR FAMILIES AS THEY GIVE OF THEIR TIME AND
09:32:23 ENERGY TO SERVE OUR COMMUNITY.
09:32:25 AS THIS GROUP AND OTHERS MAKE DECISIONS CONCERNING OUR
09:32:28 COMMUNITY, I ASK, LORD, THAT YOU WOULD GIVE THEM INSIGHT AND
09:32:31 UNDERSTANDING FOR ALL THAT ARE -- THAT SURROUNDS THE
09:32:35 DECISION AT HAND AND HELP THEM TO THINK CLEARLY THROUGH THE
09:32:37 DECISION-MAKING PROCESS.
09:32:39 GOD, I THANK YOU FOR OUR FIRST RESPONDERS AND ASK THAT YOU
09:32:42 WOULD BLESS THEM FOR THEIR SELFLESS ACTS OF PUTTING
09:32:45 THEMSELVES BEFORE -- OR PUTTING OTHERS BEFORE THEMSELVES AND
09:32:50 THEIR FAMILIES.
09:32:50 PLEASE PROTECT THEM AND KEEP THEM SAFE.
09:32:52 I THANK YOU FOR OUR BUSINESS LEADERS, OUR SCHOOL PERSONNEL,
09:32:57 THE NOT FOR PROFITS AND THE CHURCHES WHO WORK TO PROVIDE
09:33:00 NEEDED SUPPORT AND ENCOURAGEMENT FOR EVERYONE HERE.
09:33:03 LORD, HELP US TO BE PATIENT WITH ONE ANOTHER IN LINE AT THE
09:33:08 STORES, AT STOPLIGHTS, AND JUST AS WE GROW IN SIZE AS A
09:33:13 COMMUNITY.
09:33:13 AND AT ALL TIMES I ASK, LORD GOD, THAT YOU WOULD SHOW EACH
09:33:17 OF US HOW WE CAN BE A BLESSING TO OTHERS, THAT YOU WOULD
09:33:21 GIVE US THE STRENGTH WE NEED FOR EACH DAY AND THE RIGHT
09:33:25 WORDS AT THE RIGHT TIME AND THAT ALL THAT WE DO OR SAY WILL
09:33:27 BE PLEASING TO YOU.
09:33:29 AS WE ENTER INTO THE HOLIDAY SEASON, GOD HELP US TO GO ABOUT
09:33:32 OUR DAYS WITH GRATEFUL HEARTS AND WITH HEARTS THAT ARE FULL

09:33:35 OF THANKS GIVING.
09:33:37 AND I ASK YOU THAT YOU WOULD BLESS THIS MEETING TODAY, THOSE
09:33:40 WHO ARE INVOLVED, AND MAY YOUR WILL BE DONE.
09:33:43 IN JESUS' NAME, AMEN.
09:33:46 >>Mayor Errington: THANK YOU.
09:33:47 THANK YOU VERY MUCH.
09:33:47 WILL YOU PLEASE STAND WITH ME AND JOIN US IN THE PLEDGE OF
09:33:52 ALLEGIANCE.
09:33:53 I HAVE ASKED COUNCIL MEMBER RIBBLE TO LEAD US.
09:33:56 [PLEDGE OF ALLEGIANCE]
09:34:07 MADAM CLERK, WILL YOU PLEASE CALL THE ROLL?
09:34:14 >>Joanne Ribble: HERE.
09:34:16 >>Larry Fiesel: HERE.
09:34:18 >>Jim Boesch: HERE.

09:34:19 >>Jim Ward: HERE.
09:34:21 >>Jim Wilson: HERE.
09:34:22 >>Vice-Mayor McLain: HERE.
09:34:23 >>Mayor Errington: HERE.
09:34:24 ITEM NUMBER 2, APPROVAL OF AGENDA, ADDITIONS AND DELETIONS.
09:34:31 IT IS MY UNDERSTANDING THAT THE APPLICANT FOR THE GREATER
09:34:37 ESTERO CHAMBER OF COMMERCE HAS ASKED THAT WE PULL ITEM
09:34:41 NUMBER 6A UNTIL NOVEMBER 16th.
09:34:44 IS THIS CORRECT, STEVE?
09:34:46 >>Steven Sarkozy: THAT IS CORRECT.
09:34:48 >>Mayor Errington: OKAY.

09:34:48 IF THAT'S THE ONLY ADDITION, DELETION OR ANYTHING THAT NEEDS
09:34:55 TO BE CHANGED, NOW IS YOUR TIME TO SPEAK UP.
09:34:58 IF NOT, WE NEED TO HAVE A MOTION TO APPROVE THIS.
09:35:02 I NEED A MOTION.
09:35:03 MOTION HAS BEEN MADE BY COUNCIL MEMBER FIESEL AND SECONDED
09:35:08 BY COUNCIL MEMBER BOESCH WITH THE CHANGE, YES.
09:35:15 >>Joanne Ribble: AYE.
09:35:16 >>Larry Fiesel: AYE.
09:35:18 >>Jim Boesch: AYE.
09:35:20 >>Jim Ward: AYE.
09:35:21 >>Jim Wilson: AYE.
09:35:23 >>Vice-Mayor McLain: AYE.
09:35:24 >>Mayor Errington: AYE.
09:35:25 ITEM NUMBER 3, PUBLIC COMMENT ON NON-AGENDA ITEMS.
09:35:30 MADAM CLERK, DO YOU HAVE ANYONE SIGNED UP TO SPEAK?
09:35:33 >>Carol Sacco: YES, MAYOR.
09:35:34 MR. GEORGE ZALUCKI REPRESENTING THE EFF, ESTERO FOREVER
09:35:39 FOUNDATION.
09:35:44 >>Mayor Errington: THANK YOU.
09:35:44 WELCOME, GEORGE.
09:35:45 >> GEORGE, CHAIR OF THE ESTERO FOREVER FOUNDATION FROM THE
09:35:47 PRESERVE AT CORKSCREW.
09:35:49 GOOD MORNING.
09:35:49 I JUST WANTED TO GIVE A QUICK REPORT OUT ON THE VILLAGE OF
09:35:53 ESTERO HURRICANE IAN RELIEF FUND AND TO GET YOU UP TO DATE

09:35:58 ON WHAT WE'VE DONE THUS AS FAR SINCE NOVEMBER 6th, WHEN WE
09:36:02 OPENED UP THIS CAMPAIGN.
09:36:03 LAST NIGHT, WE HAD A GREAT MEETING AT FIRST BAPTIST CHURCH
09:36:06 OF ESTERO.
09:36:07 PASTOR FRANK BRAND PUT THIS ON FOR THE AFFECTED FOLKS IN THE
09:36:12 WEST BROADWAY COMMUNITIES, AND IT WAS A GREAT MEETING.
09:36:16 I THINK BETWEEN 40 AND 50 PEOPLE ATTENDED.
09:36:18 AND THE WHOLE PURPOSE OF THE MEETING WAS TO DISSEMINATE
09:36:22 INFORMATION AND RECRUIT ANYBODY THAT IS IN NEED TO SIGN THEM
09:36:26 UP FOR RELIEF.

09:36:28 THAT WAS VERY SUCCESSFUL, TO THE EXTENT, BY THE TIME I GOT
09:36:32 HOME, MY IN-BOX WAS LOADED WITH 30 ADDITIONAL RELIEF
09:36:36 REQUESTS FROM THAT VISIT YESTERDAY.
09:36:38 AND THE MAYOR WAS THERE.
09:36:39 THANK YOU, MAYOR, FOR BEING THERE.
09:36:41 TO DATE, THUS FAR, WE HAVE JUST UNDER $91,000 ACCUMULATED
09:36:48 AND DONATED.
09:36:50 SO VERY, VERY PROUD OF THAT.
09:36:51 WE ARE GOING THROUGH NOVEMBER 6th AS FAR AS THE DONATIONS
09:36:56 GO.
09:36:56 SO FEEL FREE TO CONTINUE TO SPREAD THE WORD ABOUT GIVING
09:37:01 DONATIONS TO THIS VERY WORTHY CAUSE FOR OUR RESIDENTS.
09:37:06 THE DONATIONS AND THE RELIEF GO EXCLUSIVELY TO FOLKS IN THE
09:37:10 VILLAGE OF ESTERO AND PRIMARILY TO THE MOST AFFECTED, WHICH
09:37:13 IS BROADWAY WEST.

09:37:15 YOU CAN GET MORE INFORMATION BY VISITING OUR WEBSITE,
09:37:19 ESTEROFOREVERFOUNDATION.ORG.
09:37:21 THANK YOU VERY MUCH.
09:37:23 >>Mayor Errington: THANK YOU VERY MUCH.
09:37:24 APPRECIATE THAT.
09:37:25 ITEM NUMBER 4 -- DO YOU HAVE ANYONE ELSE?
09:37:32 >>Carol Sacco: NO ONE ELSE.
09:37:33 >>Mayor Errington: NEXT ON THE AGENDA IS ITEM NUMBER 4, AND
09:37:36 THAT IS THE CONSENT AGENDA.
09:37:37 COMMENTS ON THE CONSENT AGENDA?
09:37:41 IF NOT, I NEED A MOTION.
09:37:45 >>Jim Wilson: SO MOVED.
09:37:46 >>Mayor Errington: MOTION MADE BY COUNCIL MEMBER WILSON AND
09:37:48 SECONDED BY COUNCIL MEMBER RIBBLE.
09:37:51 PLEASE CALL THE ROLL.
09:37:53 >>Jim Wilson: AYE.
09:37:54 >>Jim Ward: AYE.
09:37:56 >>Jim Boesch: AYE.
09:37:57 >>Larry Fiesel: AYE.
09:37:59 >>Joanne Ribble: AYE.
09:38:00 >>Vice-Mayor McLain: AYE.
09:38:01 >>Mayor Errington: AYE.
09:38:02 ITEM NUMBER 5, CONSIDERATION OF ITEMS DEFERRED FROM CONSENT
09:38:06 AGENDA.
09:38:07 WE HAVE NONE, SO WE WILL MOVE ON WITH THAT.

09:38:10 ITEM NUMBER 6A HAS BEEN DEFERRED UNTIL NOVEMBER THE 16th,
09:38:16 2022.
09:38:16 WE'VE ALREADY VOTED ON THAT.
09:38:21 WE WILL MOVE ON TO ITEM NUMBER 7A.
09:38:30 IT IS THE FIRST READING OF ORDINANCE 2022-17.
09:38:32 MADAM CLERK, WILL YOU PLEASE READ THE ORDINANCE?

09:38:37 >>Carol Sacco: ORDINANCE 2022-17, AN ORDINANCE OF THE
09:38:41 VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, ADOPTING
09:38:44 NEW FLOOD INSURANCE RATE MAPS FOR FLOOD ZONES IN THE VILLAGE
09:38:47 OF ESTERO; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN
09:38:50 EFFECTIVE DATE.
09:38:51 >>Mayor Errington: STEVE, WOULD YOU LIKE TO INTRODUCE THIS,
09:38:53 PLEASE?
09:38:54 >>Steven Sarkozy: THANK YOU, MADAM MAYOR AND MEMBERS OF
09:38:57 COUNCIL.
09:38:57 THIS ONE IS A VERY UNFORTUNATE SET OF TIMING HERE, WHILE
09:39:04 WE'VE JUST EXPERIENCED HURRICANE IAN, WE'RE NOW AT THE
09:39:07 REQUEST OF FEMA DEALING WITH PROPOSED MODIFICATIONS TO THE
09:39:11 FLOOD MAPS WHICH GUIDE OUR FLOOD INSURANCE PROGRAM.
09:39:15 THIS IS SOMETHING THAT WE LOOK AT AT THE DIRECTION OF FEMA.
09:39:20 IT COMES AS A RESULT OF THEIR STUDY AND NOT ONLY AFFECTS
09:39:24 ESTERO, BUT IT AFFECTS ALL OF THE COMMUNITIES IN THE REGION
09:39:29 IN TERMS OF FLOOD MAPS AND THE ORDINANCE ATTACHED.
09:39:33 THIS IS A FIRST READING.
09:39:35 THE PROPOSED ACTION ON THE FLOOD MAPS IS SCHEDULED FOR

09:39:41 NOVEMBER 16, BUT I WOULD LIKE TO TURN IT OVER TO MARY AND TO
09:39:46 DAVID TO DESCRIBE THE CHANGES IN THE FLOOD MAPS.
09:39:51 >>Mayor Errington: THANK YOU.
09:39:52 WELCOME, MARY.
09:39:53 >>Mary Gibbs: GOOD MORNING.
09:39:54 >>Mayor Errington: GOOD MORNING.
09:39:55 >>Mary Gibbs: AS STEVE SAID, THIS IS SOMETHING WE HAVE TO DO
09:40:00 BECAUSE OF FEMA.
09:40:01 THIS WAS NOT RELATED TO THE HURRICANE, THOUGH.
09:40:04 THESE MAPS HAVE BEEN IN THE WORKS FOR MONTHS.
09:40:07 FEMA HAS TOLD US WE HAVE TO ADOPT THEM BEFORE OR BY NOVEMBER
09:40:12 17.
09:40:12 THAT'S WHEN THEY BECOME EFFECTIVE.
09:40:15 IT WAS BASED ON A KIND OF COASTAL FLOODING MODEL.
09:40:18 AND WHAT WE'RE SEEING -- DAVID IS GOING TO SHOW, YOU'VE GOT
09:40:22 MAPS HANDED OUT.
09:40:23 HE WILL BRING IT UP ON THE SCREEN AND SHOW YOU KIND OF THE
09:40:26 MAIN AREAS WHERE THERE ARE CHANGES. IT BASICALLY EXPANDED
09:40:29 THE FLOODWAY AREA ALONG ESTERO RIVER AND ALSO ADDED SOME
09:40:34 AREAS INTO THE FLOODPLAIN THAT WERE NOT IN THE FLOODPLAIN
09:40:37 BEFORE.
09:40:38 IT'S BASICALLY IN THE ESTERO RIVER AREA.
09:40:41 IF DAVID WANTS TO COME UP, I'LL JUST HAVE HIM EXPLAIN.
09:40:53 >>David Willems: GOOD MORNING.
09:40:54 SO THERE REALLY WERE THE CHANGES THAT WERE MADE.

09:41:02 IF YOU LOOK AT MAP NEXT TO MAP IT'S HARD TO SEE THE CHANGES
09:41:06 MADE.

09:41:06 FOR THE MOST PART, THE FLOODPLAIN DIDN'T CHANGE IN MOST OF
09:41:09 THE VILLAGE.
09:41:09 REALLY, THE ONLY PLACES IT CHANGED WAS REALLY THE COASTAL
09:41:12 AREA AND THEN ALONG THE ESTERO RIVER.
09:41:14 SO THIS FIRST MAP HERE -- LET ME ZOOM IN ON IT.
09:41:20 THE FIRST MAP HERE SHOWS WHERE IT'S EXPANDED.
09:41:30 GENERALLY, THERE ARE LARGE AREAS ALONG THE ESTERO RIVER
09:41:36 PROPER AND THEN THE NORTH BRANCH WHERE IT EXPANDED.
09:41:39 DOWN STREAM IT WAS BECAUSE OF AN UPDATE IN THE STORM SURGE
09:41:43 MODEL THAT THEY DID.
09:41:44 SO THE ELEVATIONS GET A LITTLE BIT HIGHER, ABOUT A FOOT TO
09:41:47 TWO FEET DEPENDING ON WHAT AREA YOU'RE IN.
09:41:50 ON THE UPSTREAM END, IT WAS KIND OF AN ODDITY IN THAT FEMA
09:41:55 ACTUALLY UPDATED THE MAPS ABOUT A YEAR AGO AND THEY SHRUNK
09:41:59 DOWN THE FLOODPLAIN AND THE FLOODWAY UP IN THE NORTH BRANCH
09:42:03 WHERE YOU SEE A LOT OF THIS RED.
09:42:05 SO IT MADE IT A LOT SMALLER.
09:42:07 AND THIS REVISION BASICALLY PUT IT BACK TO WHAT IT WAS
09:42:10 BEFORE.
09:42:10 SO PEOPLE WERE ABLE TO GET OUT.
09:42:13 THEY DIDN'T HAVE TO HAVE INSURANCE FOR ABOUT A YEAR, AND NOW
09:42:16 THEY ARE GOING TO BE BACK INTO BASICALLY THE EXACT SAME
09:42:19 SITUATION.

09:42:19 AT THIS AREA, IF YOU LOOK AT THE ELEVATION, IT'S REALLY
09:42:24 SIMILAR TO WHAT IT WAS BEFORE.
09:42:25 IF YOU LOOKED AT IT A YEAR AND A HALF AGO, THE ELEVATIONS
09:42:28 ARE REAL CLOSE, WITHIN A TENTH OR SO.
09:42:32 DOWN HERE, IT WAS ABOUT A FOOT TO TWO FEET DEPENDING ON THE
09:42:36 LOCATION.
09:42:37 AND THEN THERE'S A LOT OF LITTLE AREAS IN WEST BAY CLUB THAT
09:42:42 WERE ADDED.
09:42:43 BEFORE, IF YOU LOOKED AT THE MAP, IT WAS KIND OF JUST A KIND
09:42:47 OF APPROXIMATE BLOB.
09:42:49 HERE YOU CAN SEE THEY TOOK IN TOPO, BECAUSE IT GOES IN AND
09:42:53 OUT WHERE HOMES ARE, AND THAT'S WHAT THE CHANGES ARE HERE.
09:42:56 AND THEN THE SECOND -- IT'S NOT ALL ADDITIONS.
09:43:00 THERE ACTUALLY ARE SOME AREAS THAT WERE ACTUALLY REMOVED
09:43:05 FROM THE FLOODPLAIN.
09:43:07 MOST OF THAT IS IN THE AREA OF WEST BAY CLUB.
09:43:17 SO THERE ARE JUST LITTLE AREAS.
09:43:19 A LOT OF IT IS ACTUALLY GOLF COURSE AND JUST GREENSPACE, BUT
09:43:25 THERE ARE A FEW AREAS THAT ARE ACTUALLY HOMES.
09:43:28 SO WHEN THE RESIDENTS LOOK AT THIS, THERE'S GOING TO BE A
09:43:32 COUPLE OF CHANGES.
09:43:32 ONE IS SOME PEOPLE ARE GOING TO HAVE TO BUY INSURANCE THAT
09:43:35 DIDN'T HAVE TO BEFORE.
09:43:36 THERE WILL BE A FEW PEOPLE THAT HAD TO BUY INSURANCE BEFORE

09:43:40 BUT WILL NOT HAVE TO ANYMORE.

09:43:43 AND THEN THE OTHER GROUP ARE THE PEOPLE THAT WERE ALREADY IN
09:43:46 THE FLOODPLAIN BUT THEIR PREMIUMS MAY GO UP BECAUSE THE
09:43:49 ELEVATION WENT UP.
09:43:51 SO INSTEAD OF THEM, THEIR FINISHED FLOOR BEING A FOOT BELOW
09:43:55 WHAT THE BASE FLOOD ELEVATION IS, IT COULD BE TWO FEET.
09:43:58 SO THAT'S HOW IT'S GOING TO IMPACT THE RESIDENTS.
09:44:00 IT'S NOT POSSIBLE TO GO INTO THE DETAIL HERE, BUT IF THERE
09:44:03 ARE RESIDENTS THAT HAVE QUESTIONS, THEY CAN CALL THE VILLAGE
09:44:05 AND WE CAN KIND OF WORK THEM THROUGH EXACTLY ADDRESS BY
09:44:09 ADDRESS HOW IT AFFECTS IT.
09:44:10 AND THERE WILL BE A MAP THAT WE'LL SHOW WHAT THOSE CHANGES
09:44:13 ARE.
09:44:15 >>Mayor Errington: ANY QUESTIONS?
09:44:20 >>Jim Ward: DAVID, HOW OFTEN DOES FEMA DO THIS?
09:44:22 I SEEM TO RECALL THIS BEING IN PLAY MAYBE THREE, FOUR YEARS
09:44:25 AGO AS WELL.
09:44:27 >>David Willems: THEY DON'T HAVE A SET TIME.
09:44:30 THERE'S BEEN IN THE LAST FOUR YEARS, I THINK WE'VE HAD THREE
09:44:33 BIG CHANGES IN THE MAPS, BUT IT'S NOT A PRESCRIBED SCHEDULE.
09:44:38 >>Jim Ward: SECONDLY, HOW DO THE HOAs AND THE OTHER
09:44:41 COMMUNITIES BECOME ADVISED AS TO THE CHANGES OTHER THAN
09:44:45 THROUGH THE VILLAGE?
09:44:46 >>David Willems: THERE'S PUBLIC NOTICES, AND THEN -- I MEAN,
09:44:49 WE'LL TRY TO GET THE WORD OUT, BUT THERE ARE PUBLIC NOTICES
09:44:52 AS WELL.

09:44:54 >>Jim Ward: THANK YOU.
09:44:56 >>Jim Boesch: DAVID, I PRESUME THAT THE PEOPLE IN WEST BAY
09:45:00 WERE ALREADY IN A FLOODPLAIN BEFORE THE HURRICANE OR NOT?
09:45:05 >>David Willems: PARTS OF IT, YES.
09:45:09 >>Jim Boesch: I THINK I WOULD RECOMMEND YOU TAKE THIS MAP
09:45:11 AND WE PUT IT ON THE WEBSITE.
09:45:22 THIS IS A QUESTION A LOT OF PEOPLE HAVE AND FOR ALL OF US
09:45:26 SITTING ON THE COUNCIL, WE CAN SAY, LOOK, IT'S EASILY
09:45:29 EXPLAINED.
09:45:29 GO INTO THE WEBSITE, YOU'LL SEE THE OLD MAP, THE NEW MAP,
09:45:33 AND THEY'LL UNDERSTAND WHAT CHANGES WHERE BECAUSE IT'S
09:45:37 PRETTY EXPLANATORY THE WAY YOU MADE THE MAP HERE.
09:45:39 >>David Willems: YEAH.
09:45:41 BUT THEY CAN ALSO CALL US BECAUSE IT IS A LITTLE MORE
09:45:43 COMPLICATED THAN THIS.
09:45:45 BECAUSE THERE ARE PEOPLE THAT ARE AFFECTED BY THE CHANGE
09:45:46 THAT DON'T SHOW UP HERE BECAUSE IT'S AN ELEVATION
09:45:49 DIFFERENCE, NOT AN EXPANSION.
09:45:50 BUT, YEAH, THE MAPS WILL BE THERE.
09:45:53 THEY'LL BE ABLE TO LOOK IT UP AND SEE WHAT THE CHANGE IS AND

09:45:57 SEE HOW IT AFFECTS THEM.
09:45:58 >>Jim Boesch: GOOD.
09:46:00 >>Vice-Mayor McLain: YOU SAID PUBLIC NOTIFICATIONS WILL BE
09:46:02 MADE.
09:46:03 WILL INDIVIDUALS THAT HAVE HAD A CHANGE IN THEIR DESIGNATION

09:46:06 AS FLOOD OR NO FLOOD GET ANY NOTIFICATION IN THE MAIL?
09:46:10 >>David Willems: I DON'T KNOW ABOUT A NOTE, BUT I'M SURE
09:46:13 THEIR INSURANCE WILL LET THEM KNOW.
09:46:15 >>Mary Gibbs: THEY DON'T GET NOTIFIED INDIVIDUALLY.
09:46:18 FEMA, THEY GENERALLY RUN AN AD.
09:46:20 I FIND IT IN THE LEGAL SECTION OF THE PAPER.
09:46:23 IT'S NOT, YOU KNOW, HUGE.
09:46:26 BUT I THINK WE CAN GET THE WORD OUT VIA MARILYN AND GET SOME
09:46:31 ARTICLE.
09:46:31 BUT, AGAIN, THEY DON'T -- YOU KNOW, THEY DON'T REALLY WANT
09:46:35 PEOPLE'S INPUT BECAUSE THE MAP IS THE MAP.
09:46:39 YOU KNOW, IT'S GOING TO BE ADOPTED.
09:46:40 YOU DON'T HAVE A CHOICE.
09:46:42 >>Vice-Mayor McLain: SO WILL THERE BE -- IT'S PRETTY
09:46:46 SPECIFIC, AS YOU SAID.
09:46:47 ONE NEIGHBOR RIGHT NEXT TO YOU COULD BE IN THE FLOODPLAIN
09:46:50 AND YOU COULD BE IN A HOUSE THAT'S NOT.
09:46:53 SO IS THERE GOING TO BE SIGNIFICANT DIFFERENCES IN THEIR
09:46:58 INSURANCE POLICIES OR IS IT TOO EARLY TO DETERMINE THAT?
09:47:03 >>David Willems: WELL, IF YOU'RE NOT IN THE FLOODPLAIN, YOU
09:47:05 WOULDN'T BE REQUIRED TO HAVE FLOOD INSURANCE.
09:47:08 GENERALLY YOUR FLOOD INSURANCE IS A LOT CHEAPER IF YOU'RE
09:47:10 NOT IN A FLOODPLAIN.
09:47:12 THAT'S AN IMPORTANT POINT BECAUSE THERE ARE HOMES THAT ARE
09:47:16 TECHNICALLY IN THE NEW MAP NOT IN THE FLOODPLAIN THAT DID

09:47:19 HAVE FLOODING WITH THE STORM SURGE.
09:47:21 SO IT'S NOT -- IT'S PRETTY ACCURATE IF YOU LOOK AT THE
09:47:25 GENERAL AREAS THAT FLOODED DURING THIS EVENT, IT'S PRETTY
09:47:29 ACCURATE TO WHAT THE MAPS SHOW.
09:47:31 BUT THERE ARE PLACES WHERE IT SHOWS THAT IT IS IN THE
09:47:34 FLOODPLAIN, THEY DIDN'T FLOOD AND THERE'S VICE VERSA.
09:47:38 >>Mayor Errington: JOANNE.
09:47:39 >>Joanne Ribble: I WOULD THINK THAT FOR HOAs AND
09:47:42 INDIVIDUALS WHO WILL HAVE TO DEPEND ON THEIR INDIVIDUAL
09:47:45 INSURANCE AGENTS, AND THEY WILL HAVE THIS INFORMATION
09:47:49 AVAILABLE TO THEM AND CAN ADVISE THEIR CLIENTS ACCORDINGLY.
09:47:52 I GUESS THAT WOULD BE THE BIG ISSUE, ESPECIALLY FOR THOSE
09:47:58 WHO ARE NOW ADDED TO THE FLOODPLAIN.
09:48:01 YOU HAVE TO JUST CHECK WITH YOUR INSURANCE AGENT.
09:48:04 >>David Willems: YEP.
09:48:05 >>Mayor Errington: ANYONE ELSE?

09:48:06 I WOULD THINK SO, TOO, THAT THE HOAs AND CONDO
09:48:11 ASSOCIATIONS ARE NOW MAKING THEIR BUDGETS FOR NEXT YEAR.
09:48:14 SO THEY WOULD HAVE TO KNOW TO ADJUST ACCORDINGLY.
09:48:20 QUESTION THAT I HAVE, CAN YOU HAVE THIS MAP MADE TO SHOW THE
09:48:26 DEVELOPMENTS AND THE STREETS?
09:48:29 IT WOULD HELP.
09:48:30 >>David Willems: YEAH, IT SHOWS GENERALLY THE MAIN STREETS.
09:48:33 BUT, YEAH, WE COULD GET OVERLAYS.
09:48:35 >>Mayor Errington: IT WOULD BE GOOD.

09:48:36 >>David Willems: YEAH, WE SHOULD BE ABLE TO DO SOMETHING
09:48:39 THAT WOULD EVEN BE INTERACTIVE.
09:48:40 >>Mayor Errington: BECAUSE I THINK THERE WILL BE SOME
09:48:43 DIFFICULTY JUST LOOKING AT IT, WELL, DOES THAT INCLUDE MY
09:48:45 DEVELOPMENT?
09:48:46 >>David Willems: OR MY SPECIFIC HOUSE.
09:48:47 >>Mayor Errington: YES, SPECIFIC HOUSE.
09:48:49 THANK YOU.
09:48:49 THAT WOULD BE GREATLY APPRECIATED.
09:48:51 ANYONE ELSE?
09:48:58 >>Carol Sacco: WE HAVE NO PUBLIC COMMENT AND NO E-COMMENTS.
09:49:01 >>Mayor Errington: OKAY.
09:49:02 SO AT THIS TIME, I WILL ENTERTAIN A MOTION TO ACCEPT THIS.
09:49:06 >>Jim Boesch: I MAKE THE MOTION.
09:49:08 >>Mayor Errington: MOTION MADE BY COUNCIL MEMBER BOESCH AND
09:49:10 SECONDED BY COUNCIL MEMBER WARD.
09:49:12 WILL YOU PLEASE CALL THE ROLL?
09:49:15 >>Joanne Ribble: AYE.
09:49:17 >>Larry Fiesel: AYE.
09:49:19 >>Jim Boesch: AYE.
09:49:20 >>Jim Ward: AYE.
09:49:22 >>Jim Wilson: AYE.
09:49:23 >>Vice-Mayor McLain: AYE.
09:49:24 >>Mayor Errington: AYE.
09:49:25 ITEM NUMBER 8A IS THE SECOND READING AND PUBLIC HEARING OF

09:49:31 ORDINANCE NUMBER 2022-12.
09:49:34 MADAM CLERK, HAS THE ORDINANCE BEEN PROPERLY ADVERTISED?
09:49:38 >>Carol Sacco: YES, MAYOR.
09:49:39 >>Mayor Errington: WOULD YOU PLEASE READ THE ORDINANCE,
09:49:42 PLEASE?
09:49:42 >>Carol Sacco: ORDINANCE 2022-12, AN ORDINANCE OF THE
09:49:45 VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, AMENDING
09:49:47 THE VILLAGE LAND DEVELOPMENT CODE TO AMEND SECTION 10-3
09:49:51 RULES OF MEASUREMENT TO REVISE THE DEFINITION OF LOT
09:49:54 COVERAGE; PROVIDING A SEVERABILITY CLAUSE, A GENERAL
09:49:57 REPEALER CLAUSE, AND AN EFFECTIVE DATE.
09:50:02 >>Mayor Errington: THANK YOU.

09:50:02 STEVE?
09:50:03 >>Steven Sarkozy: THANK YOU, MAYOR AND MEMBERS OF COUNCIL.
09:50:06 THIS IS A SECOND READING.
09:50:08 IT'S REQUIRED ON US BY FEMA AGAIN AS WE LOOK AT OUR CRS
09:50:14 SYSTEM, THE COMMUNITY RATING SYSTEM, WHICH IS A POINTS-BASED
09:50:18 SYSTEM THAT RANKS OUT ON A SCALE OF 1 TO 10 THE RELATIVE
09:50:25 RISK THAT WE HAVE FOR FLOODING THAT DETERMINES THEN YOUR
09:50:30 RATE FOR FLOOD INSURANCE.
09:50:33 >>Mary Gibbs: STEVE, I THINK YOU JUMPED AHEAD ONE.
09:50:35 >>Steven Sarkozy: I DID.
09:50:36 I'M SORRY.
09:50:36 THIS IS THE FLOOD HAZARD REDUCTION STANDARDS.
09:50:40 I'LL TURN IT OVER TO MARY FOR A BRIEF INTRODUCTION.

09:50:43 SORRY ABOUT THAT.
09:50:46 >>Mary Gibbs: STEVE WAS SO EXCITED ABOUT THE FLOOD MAPS THAT
09:50:48 HE JUMPED OVER ONE OF MY ITEMS.
09:50:50 [LAUGHTER]
09:50:51 SO THIS IS A SMALL AMENDMENT TO THE LAND DEVELOPMENT CODE
09:50:55 FOR LOT COVERAGE.
09:50:56 THIS IS THE SECOND READING.
09:50:58 WE TALKED ABOUT IT AT THE LAST MEETING, BUT WE DIDN'T HAVE A
09:51:01 RECOMMENDATION FROM PLANNING AND ZONING BOARD BECAUSE OF THE
09:51:04 HURRICANE, WE HAD TO DEFER THE MEETING.
09:51:06 SO WE WENT BACK TO PLANNING AND ZONING BOARD LAST WEEK AND
09:51:09 THEY RECOMMENDED APPROVAL OF IT.
09:51:10 THIS IS JUST HOW WE DEFINE WHAT IS COVERED ON A LOT BY A
09:51:16 PERCENTAGE BASIS.
09:51:17 SO IT'S BUILDINGS AND STRUCTURES.
09:51:18 AND YOU HAVE A PERCENTAGE LIMITATION.
09:51:22 THE NEW CODE HAD PUT IN SOME LANGUAGE THAT WE'RE NOT SURE
09:51:25 WHERE IT CAME FROM BUT WAS CREATING A LOT OF CONSTERNATION
09:51:28 AND NOBODY COULD MEET IT.
09:51:30 SO THIS IS JUST A SMALL CHANGE.
09:51:34 >>Mayor Errington: OKAY.
09:51:34 THANK YOU.
09:51:35 THIS IS A PUBLIC HEARING.
09:51:45 DO WE HAVE ANY COMMENTS?
09:51:46 >>Carol Sacco: YOU HAVE NO COMMENTS AND NO E-COMMENTS,

09:51:49 MAYOR.
09:51:49 >>Mayor Errington: OKAY.
09:51:51 THIS PART OF THE PUBLIC COMMENT PORTION OF THIS HEARING IS
09:51:55 CLOSED.
09:51:58 ANY COMMENTS OR QUESTIONS FROM ANYONE?
09:52:01 >>Vice-Mayor McLain: I JUST GOT A QUESTION FOR MARY.
09:52:04 IN THE INTERIM WHERE WE HAD MADE THE CHANGE AND NOW WE'RE
09:52:07 GOING BACK TO THE ORIGINAL, WERE THERE ANY APPROVALS OF ANY

09:52:09 DEVELOPMENTS OR PROPERTY DURING THE --
09:52:14 >>Mary Gibbs: NOBODY WAS AFFECTED BECAUSE OF THE TIMING OF
09:52:16 THE WAY THEY HAD SUBMITTED DEVELOPMENT ORDERS.
09:52:18 SO THERE'S NOBODY THAT REALLY HAD THE OLD DETERMINATION.
09:52:24 WE DO HAVE ONE TODAY THAT'S COMING UP THAT WAS WAITING FOR
09:52:26 THIS AMENDMENT ON THE LOT COVERAGE.
09:52:29 SO THIS WILL HELP ONE OF OUR UPCOMING CASES.
09:52:32 >>Vice-Mayor McLain: THANK YOU.
09:52:33 >>Mayor Errington: THANK YOU.
09:52:34 SO WE NOW NEED A MOTION.
09:52:38 >>Larry Fiesel: I'LL MAKE A MOTION.
09:52:39 >>Mayor Errington: MOTION MADE BY COUNCIL MEMBER FIESEL AND
09:52:42 SECONDED BY COUNCIL MEMBER BOESCH.
09:52:46 PLEASE CALL THE ROLL.
09:52:48 >>Jim Wilson: AYE.
09:52:50 >>Jim Ward: AYE.
09:52:52 >>Jim Boesch: AYE.

09:52:54 >>Larry Fiesel: AYE.
09:52:55 >>Joanne Ribble: AYE.
09:52:57 >>Vice-Mayor McLain: AYE.
09:52:58 >>Mayor Errington: AYE.
09:52:59 ITEM NUMBER 8B, SECOND READING AND PUBLIC HEARING OF
09:53:08 ORDINANCE NUMBER 2022-13.
09:53:10 HAS THE ORDINANCE BEEN PROPERLY ADVERTISED, MADAM CLERK?
09:53:13 >>Carol Sacco: YES, MAYOR.
09:53:14 >>Mayor Errington: WILL YOU PLEASE READ THE ORDINANCE?
09:53:16 >>Carol Sacco: ORDINANCE NUMBER 2022-13, AN ORDINANCE OF THE
09:53:19 VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, AMENDING
09:53:22 LAND DEVELOPMENT CODE SECTION 7-3 "FLOOD HAZARD REDUCTION
09:53:26 STANDARDS" TO UPDATE THE EFFECTIVE FLOOD INSURANCE STUDY
09:53:29 APPLICABLE TO THE VILLAGE, AMEND THE PROCESS FOR DETERMINING
09:53:32 SUBSTANTIAL IMPROVEMENT AND SUBSTANTIAL DAMAGE
09:53:34 DETERMINATIONS, UPDATE REFERENCE TO THE FLORIDA BUILDING
09:53:37 CODE HISTORIC BUILDINGS CHAPTER, SPECIFY ELEVATION OF AND
09:53:43 FOUNDATIONS FOR MANUFACTURED HOMES IN THE FLOOD HAZARD
09:53:46 AREAS, PROVIDE STANDARDS FOR NON-ELEVATED ACCESSORY
09:53:48 STRUCTURES IN FLOOD AREAS, AND AMEND DEFINITIONS; CLARIFYING
09:53:52 AND REENACTING THE REPEAL OF ORDINANCE 2015-16; PROVIDING
09:53:57 FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR
09:53:59 AN EFFECTIVE DATE.
09:54:00 >>Mayor Errington: THANK YOU.
09:54:01 STEVE, WE'LL TRY IT AGAIN.

09:54:05 >>Steven Sarkozy: THIS IS A MODIFICATION TO THE FLOOD HAZARD
09:54:08 REDUCTION STANDARDS THAT AFFECTS OUR CRS POINTS, COMMUNITY
09:54:14 RATING SERVICE POINTS, THAT AFFECTS THE COST OF NATIONAL
09:54:18 FLOOD INSURANCE THROUGH FEMA.

09:54:20 I'LL TURN IT OVER TO MARY FOR A DESCRIPTION OF THE
09:54:24 MODIFICATIONS PROPOSED TO THE LAND DEVELOPMENT CODE.
09:54:28 >>Mary Gibbs: SO THIS AMENDMENT ALSO HAD BEEN IN THE WORKS
09:54:33 BEFORE THE HURRICANE, SO IT'S NOT REALLY RELATED TO THE
09:54:36 HURRICANE.
09:54:36 BUT THESE WERE CHANGES THAT FEMA HAS TOLD US WE NEED TO MAKE
09:54:42 TO OUR CODE.
09:54:42 WE'VE REALLY NOT CHANGED ANYTHING RELATED TO FLOOD HAZARD
09:54:46 SINCE WE ADOPTED, EVEN THOUGH WE ADOPTED OUR CODE IN 2021,
09:54:49 WE HAD NOT CHANGED IT SINCE 2016 WHEN WE INCORPORATED.
09:54:53 WE JUST BROUGHT FORWARD THE COUNTY LANGUAGE.
09:54:55 SO WHAT FEMA IS ASKING FOR PRIMARILY AFFECTS THE MOBILE
09:54:59 HOMES, THAT THEY WOULD HAVE TO HAVE AN ADDITIONAL ONE-FOOT
09:55:03 ELEVATION.
09:55:04 AND THAT MAKES IT CONSISTENT WITH THE STATE BUILDING CODE,
09:55:08 WHICH REQUIRES THAT FOR SINGLE-FAMILY HOMES NOW.
09:55:10 EVEN THOUGH THERE ARE A LOT OF PAGES, THAT WAS THE MAIN PAGE
09:55:15 IN THE ORDINANCE.
09:55:18 THERE'S SOME HIGHLIGHTED LANGUAGE IN THE ORDINANCE WHEN WE
09:55:20 SENT THIS TO FEMA FOR REVIEW, THE REPRESENTATIVE WANTED SOME
09:55:25 TWEAKS TO THE LANGUAGE.

09:55:25 THAT WAS SINCE THE FIRST READING.
09:55:29 WHAT I DID IS HIGHLIGHTED THAT IN YELLOW SO YOU COULD SEE
09:55:31 WHAT THE LATEST CHANGES WERE.
09:55:33 AND IT WAS ADDING A WHEREAS CLAUSE, AND THEY ARE VERY
09:55:37 PARTICULAR ABOUT THE FORMATTING SO THEY WANTED CERTAIN
09:55:39 THINGS DONE.
09:55:40 THOSE ARE THE CHANGES IN YELLOW ARE THE MOST RECENT ONES.
09:55:43 THE QUESTION AT THE FIRST READING, ONE OF YOU ASKED ABOUT,
09:55:51 WAS JUST THIS CHANGE OR DID THIS STRIKE THROUGH THE 50%
09:55:55 RULE, BECAUSE IN THE BEGINNING PART OF THE ORDINANCE, IT
09:55:58 STRUCK THROUGH.
09:55:58 BUT IT'S NOT GONE AWAY BECAUSE IT'S IN THE BACK NOW IN THE
09:56:02 DEFINITIONS SECTION.
09:56:03 SO THE 50%, THE SUBSTANTIAL DAMAGE, THAT LANGUAGE IS THE
09:56:07 SAME.
09:56:08 WE UNDERSTAND THAT SOME OTHER COMMUNITIES ARE MAKING
09:56:12 CHANGES.
09:56:15 THEY MAY HAVE EXTRA CRS POINTS TO SPARE SO IF THEY MAKE A
09:56:19 CHANGE, THEY MAY NOT BE DETRIMENTALLY AFFECTED LIKE WE MAY
09:56:23 BE.
09:56:23 SO WE'RE A LITTLE BIT CONCERNED THAT WE COULD GET KICKED OUT
09:56:28 OF THE FLOOD PROGRAM OR WE'VE ALSO BEEN TOLD THEY MIGHT
09:56:31 WITHHOLD DAMAGED FUNDS.
09:56:33 SO WE'RE A LITTLE BIT CONCERNED ABOUT THAT.
09:56:36 I DO THINK WHEN WE DISCUSSED IT YESTERDAY, I THINK STEVE WAS

09:56:38 THINKING WE MIGHT WANT TO CONTINUE THIS UNTIL NOVEMBER 16
09:56:44 BECAUSE WE'LL SEE WHAT SOME OF THESE OTHER CITIES AND
09:56:47 COUNTIES ARE DOING IN THE MEANTIME AND GET A CHANCE TO LOOK
09:56:52 AT OR MAYBE DISCUSS WITH FEMA WHAT'S GOING ON.
09:56:57 THAT WOULD BE AN OPTION IF YOU WANT TO CONTINUE IT INSTEAD
09:57:00 OF ADOPTING IT TODAY.
09:57:01 >>Mayor Errington: THANK YOU, MARY.
09:57:02 BEFORE WE GO FURTHER INTO DISCUSSIONS, STEVE, COULD YOU
09:57:08 EXPLAIN TO THE COUNCIL THE REASONING FOR CONTINUING THIS
09:57:11 INSTEAD OF DOING IT TODAY?
09:57:13 >>Steven Sarkozy: SURE.
09:57:13 THE REQUIREMENTS THAT FEMA HAS FOR THEIR RECOVERY PROGRAM
09:57:22 WHERE THEY PROVIDE FINANCIAL PAYMENTS TO HOMES THAT HAVE
09:57:28 BEEN AFFECTED BY THE HURRICANE CAN BE MODIFIED BY CHANGES
09:57:35 THAT WE MIGHT MAKE IN OUR CODES THAT THEN CREATE A SOFTER
09:57:48 SETTING FOR THE RESIDENTS AND POTENTIALLY MORE MONEY INTO
09:57:51 THEIR POCKETS FOR RECOVERY.
09:57:54 AND SOME CITIES ARE OUT THERE, MANY CITIES AND THE COUNTY
09:58:00 ARE CONSIDERING THESE CHANGES AS A WAY OF PROVIDING GREATER
09:58:03 RELIEF FOR THOSE PEOPLE IMPACTED BY HURRICANE IAN.
09:58:07 OF COURSE, WE HAVE MANY PEOPLE THAT ARE IN THAT CATEGORY.
09:58:13 WE'RE NOT SURE REALLY ABOUT WHETHER THOSE CHANGES HAVE
09:58:18 MERIT, BUT THEY ARE CURRENTLY BEING CONSIDERED BY OTHER
09:58:23 CITIES, AND THERE'S A POSSIBILITY, THEN, IF WE WENT ALONG
09:58:28 WITH THAT WE COULD PROVIDE SOME ADDED FINANCIAL RELIEF FOR

09:58:31 OUR FOLKS.
09:58:34 THIS IS A VERY FLUID SITUATION AMONG VARIOUS CITIES.
09:58:37 WHAT WE DO KNOW IS THAT WE HAVE THAT DEADLINE THAT WE HAVE
09:58:41 TO MEET, THE 17th, BUT THE COUNTY AND MANY CITIES ARE
09:58:46 LOOKING AT THIS WITHIN THE NEXT WEEK OR TWO BEFORE THEY MAKE
09:58:51 THEIR FINAL ADOPTION OF THIS ORDINANCE.
09:58:54 THEY ARE CONSIDERING THE SAME TYPE OF ORDINANCE THAT WE ARE.
09:58:58 SO WITH ALL OF THOSE ISSUES KIND OF IN FLUX, IT MAY MAKE
09:59:04 SENSE FOR US SIMPLY TO CONTINUE THIS, STILL PLANNING ON
09:59:08 COMING UP WITH A FINAL ADOPTION ON THE 16th, AND THEN ON
09:59:13 THE AFTERNOON OF THE 16th, FEDEXING OR UPS OR EXPRESS
09:59:21 MAIL, OR ALL THE ABOVE, THE FINAL ORDINANCE TO FEMA SO THAT
09:59:28 YOU COMPLY WITH THE FEMA REQUIREMENTS.
09:59:30 BUT AT THAT POINT WE'LL KNOW -- ON THE 16th WE'LL KNOW
09:59:36 BETTER WHAT THE OTHER CITIES AND COUNTIES ARE DOING TRYING
09:59:39 TO MAXIMIZE THE BENEFITS TO THE RESIDENTS AND STILL STAY IN
09:59:45 COMPLIANCE WITH THE FEMA STANDARDS FOR THE COMMUNITY RATING
09:59:50 SYSTEM, CRS SYSTEM.
09:59:52 AGAIN, THIS IS A VERY FLUID BECAUSE -- WELL, AS MARY
10:00:04 MENTIONED, THIS HAS BEEN IN CONSIDERATION BY FEMA FOR
10:00:07 MONTHS, IF NOT A COUPLE OF YEARS, THE MODIFICATIONS THAT
10:00:13 CITIES AND THE COUNTY ARE CONSIDERING TO THEIR LAND

10:00:17 DEVELOPMENT CODE IS IN REACTION TO HURRICANE IAN.
10:00:23 SO WE'RE KIND OF JUGGLING AND TRYING TO BALANCE STAYING IN
10:00:28 COMPLIANCE WITH FEMA AND MAXIMIZING THE BENEFITS.

10:00:33 >>Mayor Errington: COUNCIL, ANY QUESTIONS OF STEVE?
10:00:37 >>Jim Ward: I WOULD BE IN AGREEMENT WITH THE CONTINUANCE.
10:00:39 I SPOKE TO STEVE DURING THE BRIEFING ABOUT THE FACT THAT I
10:00:42 WAS AWARE THAT NAPLES WAS IN THE PROCESS OF LOOKING AT THEIR
10:00:46 RULES AND REGULATIONS, IN PARTICULAR TO THE FIVE-YEAR PERIOD
10:00:50 WHERE THEY ARE LOOKING AT THE IMPROVEMENTS TO THE LAND.
10:00:54 SO I THINK THEY ARE LOOKING AT REDUCING THAT FIVE-YEAR.
10:00:57 I'M JUST CURIOUS HOW THAT WOULD WORK WITH FEMA AND WHAT
10:01:01 FEMA'S REACTION WOULD BE TO THAT.
10:01:02 SO I THINK IT DOES MERIT CONTINUING THIS.
10:01:07 >>Mayor Errington: JIM WILSON.
10:01:08 >>Jim Wilson: I'VE GOT A QUESTION.
10:01:10 IN THE FOURTH "WHEREAS" IN THE INTRODUCTION TO THE
10:01:14 ORDINANCE, IT SAYS, MANUFACTURED HOMES INSTALLED OR REPLACED
10:01:19 IN THE FLOOD HAZARD AREA MUST BE ELEVATED TO AT LEAST THE
10:01:23 BASE FLOOD ELEVATION PLUS ONE FOOT.
10:01:27 DOES THE WORD INSTALLED MEAN EXISTING OR DOES IT MEAN ONLY
10:01:33 NEWLY INSTALLED?
10:01:36 IN OTHER WORDS, PREEXISTING TRAILERS, MANUFACTURED
10:01:39 HOMESITES, ARE THEY EXEMPT FROM THIS OR DO THEY HAVE TO
10:01:43 RAISE?
10:01:44 >>Mary Gibbs: THIS WOULD JUST BE IF SOMEBODY WAS INSTALLING
10:01:46 A NEW ONE.
10:01:49 >>Jim Wilson: INSTALLED DOESN'T MEAN EXISTING INSTALLED.
10:01:52 IT MEANS NEW INSTALLED.

10:01:53 >>Mary Gibbs: CORRECT.
10:01:54 >>Jim Wilson: THANK YOU.
10:01:55 >>Mayor Errington: ANY OTHER QUESTIONS.
10:01:57 JON?
10:01:57 >>Vice-Mayor McLain: STEVE, THANK YOU FOR THE EXPLANATION.
10:02:00 I'M GOOD FOR A CONTINUANCE ON THIS ALSO.
10:02:02 ARE ALL THESE DISCUSSIONS WITHIN THE CITIES IN COORDINATION
10:02:06 WITH FEMA?
10:02:09 BECAUSE IT'S GREAT FOR US TO COME UP WITH A PLAN WITH THE
10:02:11 OTHER CITIES, AND I THINK MARY EXPRESSED THAT THERE WAS SOME
10:02:16 RISK THAT IF WE ARE TOO WILLING TO IMPROVE THE AMOUNT OF
10:02:23 MAYBE CASH OR WHATEVER TO PEOPLE AFFECTED THAT WE COULD BE
10:02:26 TAKEN OUT OF THE FEMA PROGRAM.
10:02:29 I SURE WOULD ENCOURAGE US TO NOT JUST BLINDLY FOLLOW OTHER
10:02:37 CITIES, BUT MAKE SURE THAT WHAT WE'RE PROPOSING IS GOING TO
10:02:42 BE ACCEPTABLE BY FEMA.
10:02:44 BECAUSE, YOU KNOW, WHEN YOU TALK ABOUT FEMA, WE'RE NOT
10:02:47 TALKING ABOUT FLORIDA.

10:02:48 WE'RE TALKING ABOUT MISSISSIPPI AND EVERYBODY.
10:02:53 SO IF WE WRITE EVERYTHING FAVORABLE JUST FOR US, WHICH I'D
10:02:56 LOVE TO DO, BUT WE GET THROWN OUT OF THE PROGRAM, THAT'S A
10:03:00 LOSER FOR EVERYBODY.
10:03:01 SO THE CONTINUANCE I THINK IS VERY IMPORTANT, BUT TO MAKE
10:03:06 SURE THAT WE'RE NOT FOLLOWING THE WRONG PATH ON THIS IS I
10:03:10 THINK VERY IMPORTANT.

10:03:12 AND I DON'T KNOW WHERE WE GET GUIDANCE ON THAT.
10:03:14 THAT'S WHAT I WOULD RECOMMEND IS GET THE MOST EXPERTISE WE
10:03:17 CAN TO HELP US DO THE RIGHT THING.
10:03:22 >>Mayor Errington: ANY OTHER COMMENTS?
10:03:23 OKAY.
10:03:29 ANY COMMENTS FROM THE PUBLIC?
10:03:31 >>Carol Sacco: NO COMMENTS AND NO E-COMMENTS.
10:03:34 >>Mayor Errington: OKAY.
10:03:36 THE PUBLIC COMMENT PORTION OF THIS HEARING IS NOW CLOSED.
10:03:39 NOW I NEED A MOTION REGARDING THIS ORDINANCE AND TO CONTINUE
10:03:46 -- JUST A MOMENT.
10:03:48 >>Nancy Stroud: CONTINUE TO A TIME CERTAIN, I BELIEVE.
10:03:50 >>Mayor Errington: I THINK NOVEMBER THE 16th.
10:03:55 >>Nancy Stroud: A MOTION TO CONTINUE THIS ITEM UNTIL
10:03:57 NOVEMBER 16th.
10:03:58 >>Mayor Errington: NOVEMBER THE 16th.
10:04:00 SO THAT'S THE MOTION.
10:04:01 MOTION MADE BY COUNCIL MEMBER WILSON.
10:04:05 >>Jim Wilson: TO ACCEPT THE RECOMMENDATION TO CONTINUE TO A
10:04:11 DATE CERTAIN.
10:04:11 >>Mayor Errington: OF NOVEMBER THE 16th.
10:04:13 2022.
10:04:15 COUNCIL MEMBER RIBBLE WILL SECOND THE MOTION.
10:04:22 WILL YOU CALL THE ROLL, PLEASE?
10:04:25 >>Joanne Ribble: AYE.

10:04:26 >>Larry Fiesel: AYE.
10:04:27 >>Jim Boesch: AYE.
10:04:29 >>Jim Ward: AYE.
10:04:30 >>Jim Wilson: AYE.
10:04:31 >>Vice-Mayor McLain: AYE.
10:04:32 >>Mayor Errington: AYE.
10:04:33 IS THIS CORRECT, NANCY?
10:04:48 THE NEXT THREE ITEMS ON THE AGENDA ARE SECOND READING AND
10:04:50 PUBLIC HEARINGS FOR THREE QUASI-JUDICIAL ITEMS WHICH INCLUDE
10:04:55 ORDINANCE NUMBER 2022-14, ORDINANCE NUMBER 2022-15, AND
10:05:00 ORDINANCE NUMBER 2022-16, OUR VILLAGE LAND USE ATTORNEY WILL
10:05:08 EXPLAIN THE VILLAGE QUASI-JUDICIAL PROCEDURES.
10:05:10 NANCY, IT'S YOURS.
10:05:12 >>Nancy Stroud: THANK YOU, MAYOR.

10:05:13 THIS MORNING'S AGENDA HAS THREE ZONING ITEMS THAT ARE
10:05:18 QUASI-JUDICIAL FOR THE COUNCIL'S DECISION.
10:05:20 AND THE DECISION OF WHETHER OR NOT TO APPROVE THE ZONING
10:05:25 ITEMS, LIKE ALL QUASI-JUDICIAL ITEMS, MUST BE BASED ON
10:05:28 CRITERIA IN THE LAND DEVELOPMENT REGULATIONS AND
10:05:32 SUBSTANTIAL, COMPETENT EVIDENCE PRESENTED AT THE HEARING.
10:05:35 SO IF ANYONE INTENDS TO PROVIDE TESTIMONY ON THE APPLICATION
10:05:40 THAT IS SUBJECT TO TODAY'S QUASI-JUDICIAL HEARING, ANY OF
10:05:44 THE APPLICATIONS, THAT PERSON MUST BE SWORN IN BY MADAM
10:05:48 CLERK IN A MOMENT AND SHOULD ALSO FILL OUT A PUBLIC
10:05:52 SPEAKER'S CARD AND GIVE IT TO MADAM CLERK BEFORE SPEAKING.

10:05:55 ANYBODY WHO PROVIDES TESTIMONY ON ONE OF THESE ITEMS MAY BE
10:06:00 SUBJECT TO CROSS-EXAMINATION, ALTHOUGH THE GENERAL PUBLIC
10:06:03 WILL NOT BE PERMITTED TO CROSS-EXAMINE WITNESSES.
10:06:07 THEY MAY REQUEST THE COUNCIL TO DIRECT WITNESSES QUESTIONS
10:06:11 ON THEIR BEHALF TO EITHER STAFF OR THE APPLICANT.
10:06:14 AND THE APPLICANT AND VILLAGE STAFF MAY CROSS-EXAMINE
10:06:17 WITNESSES.
10:06:18 OF COURSE, THE COUNCIL MAY ASK QUESTIONS OF WITNESSES AT ANY
10:06:21 TIME.
10:06:21 FURTHER DETAILS OF OUR QUASI-JUDICIAL PROCEDURES MAY BE
10:06:25 OBTAINED FROM MADAM CLERK.
10:06:29 BUT IN GENERAL, THE PROCEDURE IS AS FOLLOWS.
10:06:33 THE CLERK WILL SWEAR IN ANY PERSONS WHO INTEND TO PROVIDE
10:06:36 TESTIMONY ON THE APPLICATION.
10:06:39 WE'LL HEAR AN INTRODUCTION FROM THE VILLAGE COMMUNITY
10:06:41 DEVELOPMENT DIRECTOR, AND THEN THE APPLICANT WILL ADDRESS
10:06:43 THE COUNCIL.
10:06:46 THEN THE VILLAGE COMMUNITY DEVELOPMENT DIRECTOR WILL BE
10:06:48 CALLED UPON FOR ANY FURTHER TESTIMONY.
10:06:52 AFTER THIS, THE PUBLIC MAY BE HEARD, AND PUBLIC COMMENT IS
10:06:59 LIMITED TO THREE MINUTES PER PERSON.
10:07:03 IN ADDITION, IF ANY COUNCIL MEMBERS HAD EX PARTE
10:07:05 COMMUNICATIONS REGARDING ANY OF THESE APPLICATIONS, THAT
10:07:09 MEMBER WILL NEED TO DISCLOSE THE SUBJECT MATTER OF THAT
10:07:12 COMMUNICATION AND THE PERSON TO WHOM THE COUNCIL MEMBER

10:07:15 SPOKE.
10:07:16 IF ANY COUNCIL MEMBER HAS A CONFLICT OF INTEREST ON ANY
10:07:19 ACTION, THE MEMBER MUST DISCLOSE THE CONFLICT AND RECUSE
10:07:22 HIMSELF OR HERSELF FROM PARTICIPATION IN THE DISCUSSION OR
10:07:25 THE VOTING.
10:07:27 SO AT THIS TIME, IT WOULD BE APPROPRIATE TO HAVE THE CLERK
10:07:32 SWEAR IN WITNESSES FOR THE FIRST ITEM, WHICH IS THE COCONUT
10:07:36 TRACE COMMERCIAL PLAN DEVELOPMENT.
10:07:40 >>Carol Sacco: ALL RISE THAT ARE GOING TO BE SPEAKING.
10:07:42 DO YOU SWEAR TO TELL THE TRUTH, THE WHOLE TRUTH AND NOTHING

10:07:45 BUT THE TRUTH SO HELP YOU GOD?
10:07:47 >> I DO.
10:07:49 >>Nancy Stroud: ALSO AT THIS TIME, ANY COUNCIL MEMBER WHO
10:07:52 HAD EX PARTE COMMUNICATION SHOULD DISCLOSE THAT.
10:07:55 >>Joanne Ribble: NONE.
10:07:56 >>Mayor Errington: DOWN THE LINE.
10:07:58 ANYONE --
10:07:59 >>Larry Fiesel: FOR ALL THREE AT --
10:08:03 >>Mayor Errington: ONE AT A TIME, ISN'T IT?
10:08:05 >>Nancy Stroud: REGARDING COCONUT TRACE.
10:08:08 >>Larry Fiesel: NO.
10:08:10 >> NONE.
10:08:10 >>Mayor Errington: NO.
10:08:11 >> NONE.
10:08:13 >> NONE.

10:08:13 >>Nancy Stroud: THANK YOU, ANY CONFLICTS MUST BE DISCLOSED.
10:08:18 >> CONFLICTS OF INTEREST?
10:08:19 >> NO.
10:08:20 >> NO.
10:08:21 >> NO.
10:08:22 >> NONE.
10:08:23 >> NO.
10:08:24 >>Mayor Errington: OKAY.
10:08:25 WE'RE GOOD.
10:08:26 THANK YOU.
10:08:28 MADAM CLERK, HAS THE ORDINANCE BEEN PROPERLY ADVERTISED?
10:08:31 >>Carol Sacco: YES, MAYOR.
10:08:31 >>Mayor Errington: WILL YOU PLEASE READ THE TITLE OF THE
10:08:33 ORDINANCE?
10:08:34 >>Carol Sacco: ORDINANCE 2022-14, AN ORDINANCE OF THE
10:08:37 VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, AMENDING
10:08:39 THE COCONUT TRACE COMMERCIAL PLANNED DEVELOPMENT ZONING TO
10:08:43 ALLOW A REAL ESTATE SALES CENTER FOR OFF-SITE SALES ON A
10:08:46 3.5-ACRE PROPERTY ON THE WEST SIDE OF U.S. 41 NORTH OF
10:08:50 COCONUT ROAD ACROSS FROM THE COCONUT POINT MALL; PROVIDING
10:08:54 FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN
10:08:57 EFFECTIVE DATE.
10:08:58 >>Mayor Errington: THANK YOU.
10:08:59 MADAM CLERK, HAVE ANY LETTERS OR OTHER WRITTEN
10:09:02 COMMUNICATION, HAVE YOU RECEIVED ANYTHING?

10:09:04 >>Carol Sacco: I'LL DEFER TO MARY GIBBS, OUR COMMUNITY
10:09:07 DEVELOPMENT DIRECTOR.
10:09:07 >>Mary Gibbs: WE DID RECEIVE ONE E-COMMENT ON THIS CASE.
10:09:11 >>Mayor Errington: THANK YOU.
10:09:14 MARY, YOU ARE SUPPOSED TO COME TO THE PODIUM NOW AND
10:09:19 INTRODUCE THE APPLICANT.

10:09:22 >>Mary Gibbs: GOOD MORNING AGAIN.
10:09:23 THIS IS A REZONING CASE, AN AMENDMENT.
10:09:27 THIS IS THREE AND A HALF ACRE SITE ON THE WEST SIDE OF U.S.
10:09:31 41 ACROSS FROM COCONUT MALL.
10:09:33 IT'S IN A SMALL COMMERCIAL SUBDIVISION OFF OF LYDEN.
10:09:36 YOU KNOW WHERE LYDEN DRIVE IS.
10:09:38 THIS IS AN AMENDMENT TO ADD -- THERE'S ALREADY APPROVED
10:09:42 COMMERCIAL USES ON THE LARGER PROPERTY, INCLUDING THIS
10:09:46 PARCEL, WHICH IS APPROVED FOR SOME OFFICE-TYPE USES AND
10:09:49 OTHER USES.
10:09:51 THEY ARE ASKING FOR AN AMENDMENT TO THE ZONING.
10:09:55 [CELL PHONE RINGS]
10:09:57 IT'S FOR YOU.
10:09:58 AND THEY WOULD LIKE TO ADD A REAL ESTATE SALES OFFICE.
10:10:01 THERE IS ONE REAL ESTATE SALES OFFICE APPROVED IN THE
10:10:04 EXISTING ZONING BUT ONLY FOR ON-SITE SALES.
10:10:07 THEY WOULD LIKE TO AMEND THAT TO GET THE REAL ESTATE OFFICE
10:10:10 FOR OFF-SITE SALES AND IT WOULD BECOME A SALES CENTER FOR
10:10:13 LONDON BAY'S PROPERTY DOWN AT THE END OF COCONUT ROAD.

10:10:17 THEY'VE GOT TO AMEND THE ZONING TO DO THAT.
10:10:19 THE PLANNING AND ZONING BOARD RECOMMENDED APPROVAL WITH
10:10:22 CONDITIONS WHICH ARE BASICALLY THE SAME AS THE STAFF
10:10:24 CONDITIONS. I BELIEVE THE APPLICANT IS IN AGREEMENT WITH
10:10:29 ALL THE CONDITIONS.
10:10:31 AT THE FIRST READING, THE COUNCIL ASKED SOME QUESTIONS THAT
10:10:34 THEY WOULD EXPLAIN ABOUT THE COLORATION OF THE BUILDINGS
10:10:39 BECAUSE THE LEVEL OF WHITE OF THE BUILDING AND I KNOW THE
10:10:42 ARCHITECT IS GOING TO EXPLAIN THAT A LITTLE BIT TODAY.
10:10:45 AND THEN WHAT THE PROPOSED USE WOULD BE AFTER THE SALES
10:10:48 CENTER IS DONE, WHICH THEY WILL EXPLAIN.
10:10:52 THE FIVE-YEAR LIMITATION IN THE EXISTING ZONING THERE WAS A
10:11:01 LIMITATION FOR THE REAL ESTATE SALES THAT LIMITED IT TO FIVE
10:11:04 YEARS.
10:11:04 AGAIN, THAT WAS AN ON-SITE -- FOR AN ON-SITE SALES, SO IT'S
10:11:08 TOTALLY IRRELEVANT.
10:11:10 WHAT THEY ARE ASKING FOR IS THE SALES CENTER.
10:11:12 THEN THERE WAS A FINAL QUESTION ABOUT THE SIGNAGE BECAUSE OF
10:11:14 THE HURRICANE KNOCKING OVER SIGNS, AND THE MONUMENT SIGN
10:11:17 THAT THEY ARE ASKING FOR MUST BE BUILT TO WITHSTAND THE
10:11:22 HURRICANE WINDS.
10:11:23 IT'S GOT TO BE PROPERLY ENGINEERED.
10:11:24 IF YOU DON'T HAVE ANY QUESTIONS FOR ME, I'LL TURN IT OVER TO
10:11:28 THE APPLICANT.
10:11:31 >>Joanne Ribble: I HAVE ONE QUESTION, MARY.

10:11:33 JUST LOOKING AT THE SITE MAP, WHAT IS THE TRIP POINT OR AT
10:11:38 WHAT POINT WHERE THAT SOUTHERN ROAD, I THINK IT'S CALLED

10:11:41 CERISE, WHAT DETERMINES WHEN THAT WILL BREAK THROUGH TO 41?
10:11:46 >>Mary Gibbs: WE HAD SOME DISCUSSION ABOUT THAT AT PLANNING
10:11:48 AND ZONING AND DESIGN BOARD BECAUSE WE HAD PUT IN A
10:11:53 CONDITION THAT THE APPLICANT WASN'T EXCITED ABOUT BECAUSE
10:11:58 THE PROPERTY THAT CERISE DRIVE IS ACTUALLY NOT ON THIS
10:12:02 PROPERTY, I BELIEVE IT'S ON THE PROPERTY TO THE SOUTH, WHICH
10:12:05 IS THE NEW WOODFIELD DEVELOPMENT THAT'S COMING IN.
10:12:09 SO IN THE WOODFIELD PLANS, THEY ARE SHOWING THAT CONNECTION
10:12:12 TO 41.
10:12:13 NOW, THAT IS STILL YET TO BE DETERMINED BY F.D.O.T. BECAUSE
10:12:17 THEY REALLY REGULATE ALL THE INTERSECTIONS ON U.S. 41.
10:12:21 SO WHAT WE'RE DOING WITH THIS ONE IS SAYING, SINCE IT'S NOT
10:12:24 ON THIS PROPERTY, THAT WILL BE DETERMINED LATER WHEN
10:12:28 WOODFIELD COMES IN AND WE'LL HAVE TO HAVE SOME KIND OF
10:12:32 MEETING WITH F.D.O.T. WHEN THAT GETS DETERMINED.
10:12:35 >>Joanne Ribble: OKAY.
10:12:36 THANK YOU.
10:12:41 >>Mary Gibbs: I'LL TURN IT OVER TO THE APPLICANT.
10:12:43 I THINK JOSEPHINE MEDINA.
10:12:49 >>Mayor Errington: EXCUSE ME.
10:12:52 ARE THOSE POSTERS, IS THAT PART OF THIS PRESENTATION?
10:12:56 >> YES.
10:12:56 >>Mayor Errington: OKAY.

10:12:57 THANK YOU.
10:13:11 >>Josephine Medina: GOOD MORNING, COUNCIL MEMBERS.
10:13:12 MY NAME IS JOSEPHINE MEDINA FOR THE RECORD.
10:13:15 I'M WITH RVI PLANNING AND LANDSCAPE ARCHITECTURE.
10:13:18 I AM THE LAND USE PLANNER FOR THIS PROJECT.
10:13:20 NOW, MARY DID A GREAT JOB PROVIDING THE DETAILS OF WHAT OUR
10:13:24 REQUEST IS, SO WE'RE JUST GOING TO GO AHEAD AND SKIP TO
10:13:28 ADDRESS THE VICE-MAYOR'S QUESTION REGARDING THE COLOR
10:13:33 PATTERN.
10:13:34 I'LL JUST INVITE MARK McLEAN, OUR ARCHITECT HERE, TO
10:13:39 PROVIDE THAT DETAIL.
10:13:56 >> MARK McLEAN, MHK ARCHITECTURE AND PLANNING, STUDIO
10:13:59 DIRECTOR AT 2059 TAMIAMI TRAIL EAST IN NAPLES.
10:14:04 WHEN WE BROUGHT THIS BUILDING IN FRONT OF PZB, OR EVEN
10:14:08 BEFORE THEN, WE HAD WORKED WITH STAFF ON COLORATION FOR THIS
10:14:10 BUILDING KEEPING IN MIND KNOWING EXACTLY WHAT THE VILLAGE'S
10:14:15 STANDARDS ARE FOR COLORS.
10:14:16 WE WANTED TO ACCENT THIS BUILDING A LITTLE BIT.
10:14:19 WHAT I HEARD FROM THE FIRST READING WAS THAT YOU FELT THAT
10:14:23 WHITE WAS A DOMINANT COLOR ON THIS BUILDING.
10:14:26 SOMETIMES THE COLORATION GETS A LITTLE BIT LOST AS WE TRY TO
10:14:30 HIGHLIGHT AN ENTRY, LIKE THE PORTE-COCHERE OF THE BUILDING
10:14:32 WITH WHITE COLUMNS AND WHITE ACCENTS ON THEM OR THE SIGNAGE
10:14:36 BAND.

10:14:37 I KNOW WE GENERICALLY SAY SIGNAGE ON THE BUILDING BECAUSE WE

10:14:40 DON'T KNOW WHO THE TENANTS ARE.
10:14:41 THAT SIGNAGE CAN FILL THAT WHITE FIELD.
10:14:44 WHAT WE FIND FROM A SALES PERSPECTIVE OR ARCHITECTURAL
10:14:46 PERSPECTIVE, USUALLY SOMEONE DOESN'T WANT THEIR CORPORATE
10:14:50 IMAGE ON A COLORED BACKGROUND.
10:14:52 THAT'S WHY WE TRIED TO HIGHLIGHT THE TOWERS ON THESE.
10:14:55 I ALSO BROUGHT THESE COLOR CHIPS, IF ANYONE WOULD LIKE
10:14:59 THESE, I HAVE THE ACTUAL COLOR CHIPS.
10:15:01 THESE 24 BY 36 ARE THE SAME COLORATION AS THE RENDERINGS.
10:15:06 I KNOW WHEN WE WENT THROUGH PZB, THE RENDERINGS WERE OFF A
10:15:09 LITTLE BIT.
10:15:10 SOMETHING HAPPENED TO THE PDF.
10:15:12 WE RE-DID THEM AND RESUBMIT THEM.
10:15:14 THEY ACTUALLY LOOK PRETTY GOOD HERE.
10:15:15 SO A COUPLE OF THINGS THAT I WANTED TO GO OVER TODAY WITH
10:15:20 THESE RENDERINGS IS THE RIGHT AND LEFT SIDES, THE RIGHT AND
10:15:24 LEFT SIDES HAVE A LOT LESS WHITE ON THESE SIDES BECAUSE THE
10:15:29 RIGHT AND LEFT ENDS OF THE BUILDING, WHICH ARE RELATIVELY
10:15:32 DOMINANT COMING UP AND DOWN 41.
10:15:34 YOU'LL SEE THOSE ENDS.
10:15:36 THE PERCENTAGES OF WHITE ON THE SOUTH END AS YOU'RE COMING
10:15:39 NORTH ON 41 IS ONLY 6% OF THE BUILDING.
10:15:41 IF I TAKE A SURFACE AREA OF THE ENTIRETY OF THE BUILDING,
10:15:44 THE SURFACE AREA IS 3,509 SQUARE FEET, AND WE ONLY HAVE 6%
10:15:49 WHITE, WHICH WOULD BE IN THIS TOP RIGHT-HAND CORNER ON THIS

10:15:53 SOUTH END OF THE BUILDING.
10:15:54 ON THE NORTH END OF THE BUILDING, WE HAVE THE SAME 3,509
10:15:58 SQUARE FEET OF SURFACE AREA AND WE'RE 12% WHITE.
10:16:01 AS FAR AS THE WHITE BEING A DOMINANT ACCENT OR A DOMINANT
10:16:06 COLOR, THE PERCENTAGES INDICATE OTHERWISE, THAT IT'S NOT.
10:16:09 BECAUSE WE SET THEM ON AN IVORY BACKGROUND BECAUSE WE REALLY
10:16:14 WANTED THAT WHITE TO KIND OF POP A LITTLE BIT, BUT IT WAS
10:16:17 INTENDED TO BE FOR THE SIGNAGE BACKING AND THE COLUMNS.
10:16:23 I THINK THE WHITE IS REALLY JUMPING OFF THE PAGE AT YOU.
10:16:26 IF YOU TAKE A LOOK AT THE BUILDING IN ITS ENTIRETY WITH THE
10:16:28 WAY IT LAYS OUT WITH THE COLORATIONS THAT WE HAVE WITH THE
10:16:34 GRECIAN IVORY AND THE DRIED EDAMAME, AND I HAVE COLOR
10:16:37 PACKETS IF ANYBODY WANTS ACTUAL COLOR SAMPLES.
10:16:41 I CAN GIVE YOU THE PHYSICAL COLOR SAMPLES FROM
10:16:41 SHERWIN-WILLIAMS.
10:16:41 YOU CAN SEE IT IS A MUCH DARKER BROWN THAN WHAT APPEARS IN
10:16:45 THE RENDERINGS.
10:16:46 I WOULD SAY THE RENDERINGS ALMOST APPEAR TO BE A TAN.
10:16:49 WHEN YOU PUT THE DARKER BROWN TO IT, THE COLOR COMES OUT A
10:16:53 LITTLE MORE GOLD, A LITTLE MORE TUSCAN GOLD.

10:16:56 I CAN CERTAINLY SUBMIT THESE IF ANYBODY WOULD WANT THESE.
10:16:59 SO WITH THAT, WE FINISHED DOING THE SQUARE FOOTAGE
10:17:06 CALCULATIONS OF THE MAIN RENDERING THAT YOU SEE HERE, WHICH
10:17:09 IS THE PRIMARY ENTRANCE TO THE BUILDING, WHICH IS ON THE
10:17:12 WEST SIDE OF THE BUILDING, SO IT DOESN'T FACE 41.

10:17:16 IT FACES INSIDE TO THE COURTYARD.
10:17:19 THE PERCENTAGE OF WHITE EVEN ON THIS ELEVATION WITH IT
10:17:22 COMING OUT AT 6,886 TOTAL SURFACE AREA OF THIS ELEVATION, WE
10:17:28 HAVE 1300 SQUARE FEET OF WHITE, WHICH IS 20%.
10:17:32 IT'S SLIGHTLY UNDER.
10:17:33 WE JUST ROUNDED IT UP TO 20.
10:17:35 ONLY 20% OF THAT BUILDING IS WHITE.
10:17:37 SO ONE OF THE THINGS WE JUST WANTED TO POINT OUT TO YOU IS
10:17:40 THAT THE IVORY AND THE DRIED EDAMAME ARE A LOT DEEPER COLORS
10:17:47 THAN THE RENDERINGS ARE SHOWING.
10:17:50 I'M AVAILABLE FOR QUESTIONS.
10:17:51 >>Vice-Mayor McLain: JUST ON COLOR, SINCE I BROUGHT THAT UP,
10:17:56 I DON'T HAVE -- THE PERCENTAGES I WOULD AGREE WITH, BUT THE
10:18:00 WHITE THAT YOU HAVE IS PURE WHITE.
10:18:03 WHEN I LOOK AT THE ACTUAL -- WHEN I LOOK AT THESE SWATCHES,
10:18:10 IT'S MORE APPARENT TO ME -- AND I WENT THROUGH THE
10:18:14 TRANSCRIPT PLANNING ZONING BOARD MEETING, AND I LIKE THE
10:18:19 ARCHITECTURE, AND I AGREE THAT YOU WANT TO HAVE SOME
10:18:22 CONTRAST.
10:18:23 YOU DON'T WANT THIS TO BE A MONOTONE BUSINESS, AND THERE'S
10:18:26 ALWAYS THAT RISK IF YOU GO TOO MUCH WITH THE BROWN AND THAT
10:18:30 COLOR.
10:18:31 I WOULD JUST ASK THAT YOU TONE DOWN THE WHITE.
10:18:36 I MEAN, THERE ARE A VARIETY OF WHITES.
10:18:38 THESE ARE YOUR ACTUAL SWATCHES.

10:18:41 I SEE THE CONTRAST THERE IS OVERPOWERING.
10:18:44 I THINK THAT IF YOU WERE TO MELLOW THAT WHITE OUT YOU
10:18:48 WOULDN'T SEE -- I DON'T THINK WE WANT A POP ON WHITE.
10:18:53 I DON'T THINK ARCHITECTURALLY, I THINK THAT'S NOT THE
10:18:55 GREATEST IDEA.
10:18:56 I WOULD LOVE TO SEE YOU MAKE A CHANGE TO THAT PURE WHITE AND
10:19:02 TONE IT DOWN JUST A LITTLE BIT.
10:19:05 ALLOW OBVIOUSLY CONTRAST, BUT I THINK THIS IS TOO STARK OF A
10:19:10 CHANGE FROM THE BROWN THAT YOU HAVE IN HERE.
10:19:12 WHEN I LOOK AT THE DIAGRAMS THAT ARE ON THE SCREENS, THE
10:19:17 CONTRAST IS PRETTY BOLD, IN MY MIND, AND I'D LIKE TO TONE
10:19:21 THAT DOWN.
10:19:22 WHEN I SEE THE ACTUAL SWATCHES, IT'S SIGNIFICANTLY MORE --
10:19:27 >> THERE IS ALSO A THIRD COLOR IN THAT PACKAGE.
10:19:29 THE DARKER ONE OF THE TWO IS THE CORNERS THAT ANCHOR THE
10:19:33 BUILDING AND THEN THE IVORY THAT'S BEHIND THERE.

10:19:35 SO WHAT WE ENDED UP DOING WAS INSTEAD OF MAKING ALL THE
10:19:38 TOWERS IVORY WITH THE IVORY BACKGROUND BEHIND IT, WE TRIED
10:19:42 TO TWO-TONE THAT IVORY.
10:19:44 THE SHADOW OF THE PURE WHITE WILL TONE DOWN THE IVORY A BIT.
10:19:50 I'M HEARING WHAT YOU'RE SAYING.
10:19:52 THE PURE WHITE IS PROBABLY TOO WHITE AND I CAN BRING THAT
10:19:55 DOWN TO A COTTON FIELD OR SOMETHING.
10:19:58 >>Vice-Mayor McLain: YOU DON'T HAVE SWATCHES?
10:20:00 >> I DIDN'T BRING THOSE WITH ME.

10:20:01 I CAN CERTAINLY WORK WITH STAFF ON THAT OR HOWEVER I NEED TO
10:20:04 --
10:20:05 >>Vice-Mayor McLain: I THINK MARY KNOWS KIND OF WHAT I'M
10:20:08 GOING AT.
10:20:09 >> YOU AND I HAVE TALKED ABOUT COLORS ON OTHER PROJECTS, SO
10:20:11 I KNOW WHAT YOU'RE AFTER.
10:20:13 I CAN BRING THAT WHITE DOWN A LITTLE BIT IF WE NEED TO.
10:20:15 >>Vice-Mayor McLain: OKAY.
10:20:16 GOOD.
10:20:18 >>Mayor Errington: ANY OTHER COMMENTS?
10:20:24 >>Jim Ward: IT LOOKS LIKE YOU'RE GOING TO HAVE MULTIPLE
10:20:27 TENANTS HERE.
10:20:27 >> YES, SIR.
10:20:28 >>Jim Ward: IT'S NOT JUST A SALES CENTER.
10:20:30 >> NO, SIR.
10:20:30 THE SALES CENTER AS IT'S CURRENTLY LAID OUT IS JUST THE
10:20:33 FIRST UNIT DOWN HERE ON THE SOUTH END.
10:20:35 I THINK WE HAVE A FLOOR PLAN.
10:20:40 SO THE WAY IT'S CURRENTLY LAID OUT WAS THIS WAS THE GROUND
10:20:43 FLOOR HAS FIVE TENANT SPACES IN IT, AND THE FIRST ONE OF
10:20:46 FIVE WOULD BE THE SALES CENTER.
10:20:48 AND THEN THE SECOND FLOOR HAS SMALLER OFFICE SPACES IN IT
10:20:51 FOR A TOTAL OF 8 TENANT SPACES IN IT.
10:20:53 THE ONLY EXCEPTION WE'RE ASKING FOR IS THE SOUTHERNMOST SPOT
10:20:57 TO BE ALLOWED TO BE A SALES CENTER.

10:20:59 >>Jim Ward: WOULD THE OTHER TENANTS BE RELATED IN SOME WAY
10:21:02 TO THE PROJECT?
10:21:03 >> NO, SIR.
10:21:05 >>Jim Ward: I'M SOMEWHAT CURIOUS AS TO WHY YOU WOULD GO TO A
10:21:08 GRAND SCALE OF THAT SIZE BUILDING WHEN ALL YOU'RE LOOKING
10:21:11 FOR IS A SALES CENTER.
10:21:14 >> WELL, IT WAS A CODE REQUIREMENT.
10:21:16 IF WE DIDN'T HAVE THE SALES CENTER IN IT, WOULD WE EVEN BE
10:21:20 HERE?
10:21:21 >>Mary Gibbs: I THINK I CAN GIVE A LITTLE BACKGROUND ON
10:21:23 THIS.
10:21:24 FROM WHAT I RECALL WHEN WE FIRST MET WITH LONDON BAY QUITE

10:21:27 SOME TIME AGO, THEY WERE LOOKING AT DOING A MODULAR SALES
10:21:31 OFFICE ON THAT SITE.
10:21:33 AND STEVE AND I HAD A MEETING WITH THEM THAT HE MIGHT
10:21:35 REMEMBER WHERE WE SAID, WELL, WHY WOULD YOU DO A MODULAR
10:21:40 SALES THEY ARE?
10:21:42 BECAUSE THAT WON'T LOOK SO GREAT AND MAYBE YOU SHOULD LOOK
10:21:44 AT DOING A BUILDING THAT YOU CAN USE FOR OTHER USES WHEN
10:21:48 YOU'RE DONE WITH THE SALES CENTER THAT WOULD BE REALLY
10:21:50 ATTRACTIVE AND HAVE FUTURE USES.
10:21:52 THE OFFICE USES ARE ALREADY ALLOWED IN THE ZONING ANYWAY.
10:21:55 SO I THINK STEVE AND I SUGGESTED YOU MIGHT WANT TO LOOK AT
10:21:57 THAT INSTEAD OF A MODULAR KIND OF A TRAILER LOOKING -- I
10:22:01 MEAN, IT WOULD BE ATTRACTIVE, BUT THIS BUILDING IS MUCH, OF

10:22:04 COURSE, MORE ATTRACTIVE AND WILL HAVE MULTIPLE USES.
10:22:07 IT SEEMS LIKE A MUCH BETTER PROPOSAL.
10:22:15 >>Jim Ward: THANK YOU.
10:22:19 >>Mayor Errington: DID YOU HAVE A COMMENT, JOSEPHINE?
10:22:22 >>Josephine Medina: I THINK MARY TOUCHED ON IT.
10:22:25 >>Mayor Errington: I HAVE A QUESTION.
10:22:26 MARY, HOW DOES THIS FIT IN WITH THE REST OF ESTERO, THE WAY
10:22:31 YOU FEEL THAT THE PATTERN BOOK AND EVERYTHING?
10:22:33 I DON'T HAVE ANY PROBLEMS WITH IT.
10:22:35 GIVE US YOUR EVALUATION OF THIS.
10:22:38 >>Mary Gibbs: I THINK THEY DID A REALLY NICE JOB WITH THE
10:22:41 ARCHITECTURE, AND WE DID -- MARK IS BEING NICE.
10:22:45 WE DID BEAT HIM UP A LITTLE BIT BEFORE WE GOT TO PLANNING
10:22:47 ZONING BOARD AND THEN A LITTLE BIT THERE, TOO, TO TONE DOWN
10:22:51 THE WHITE AND MIX UP THE COLORS AND PROVIDE THE CONTRAST.
10:22:53 I THINK THEY HAVE DONE A REALLY NICE JOB.
10:22:56 I THINK IT MEETS WELL WITH EVERYTHING IN THE VICINITY.
10:22:59 THERE'S A LITTLE BIT OF MISHMASH OF STYLES WITH SOME OF THE
10:23:02 OLDER BUILDINGS ON THE OTHER NORTH SIDE OF 41, BUT I THINK
10:23:07 -- IN MY OPINION, I THINK IT'S VERY ATTRACTIVE AND I THINK
10:23:09 IT MEETS ALL THE CODES.
10:23:10 >>Mayor Errington: THE COLOR PATTERNS MEET --
10:23:14 >>Mary Gibbs: YES, BECAUSE THEY MEET -- WHAT WE SAY IS YOU
10:23:17 CAN'T DO PREDOMINANTLY WHITE AND THIS IS NOT PREDOMINANTLY
10:23:21 WHITE.

10:23:21 SO IT DOES MEET THE CODE IN MY OPINION.
10:23:24 >>Mayor Errington: WHAT OTHER STRUCTURE IN ESTERO WOULD HAVE
10:23:27 SOMETHING SIMILAR TO THIS?
10:23:30 NAME SOMETHING OVER HERE ON BEN HILL GRIFFIN, DO ANY OF
10:23:34 THOSE --
10:23:35 >>Mary Gibbs: THERE ARE A FEW BUILDINGS ON BEN HILL GRIFFIN.
10:23:38 THE SHOPPING CENTER WITH THE STARBUCKS IN IT IS KIND OF
10:23:42 SIMILAR.

10:23:43 I THINK THIS IS A LITTLE BIT NICER THIS ONE HERE.
10:23:47 >> STYLISTICALLY JUST FURTHER NORTH RIGHT THERE ON 41, THERE
10:23:50 ARE OTHER BUILDINGS LIKE THAT.
10:23:52 I THINK THE GOOD FEET STORE IS IN ONE OF THE BUILDINGS.
10:23:55 THERE IS A DOCTOR IN THERE.
10:23:56 THE BUILDING -- THAT BUILDING HAS A HIGHER PERCENTAGE OF
10:24:00 LIKE AN IVORY COLOR IN IT, BUT IT'S DOMINATED WITH A RED,
10:24:05 ALMOST LIKE YOUR CHAIR.
10:24:06 SO THAT BUILDING HAS A HIGHER CONTRAST TO IT, BUT IT'S STILL
10:24:10 WITHIN THE COLOR PALETTE.
10:24:12 WE'RE TRYING TO LIGHTEN UP THAT DOMINANT COLOR SO MUCH AND
10:24:15 THAT'S WHY WE WENT TO THE EDAMAME COLORS.
10:24:18 BUT I WOULD AGREE WITH VICE-MAYOR McLAIN THAT WE GOT A
10:24:21 LITTLE WHITE ON THE WHITE AND WE CAN TONE THAT DOWN.
10:24:26 >>Mayor Errington: ANY OTHER QUESTIONS?
10:24:28 >>Jim Ward: IF I COULD FOLLOW UP.
10:24:29 IF I'M LOOKING AT THE ORDINANCE OR THE DESCRIPTION, THE

10:24:34 BACKGROUND, IT CLEARLY STATES THE APPLICANT BECAUSE THE
10:24:37 ZONING AMENDMENT FOR 3.5-ACRE SITE TO ALLOW A REAL ESTATE
10:24:41 SALES CENTER FOR LONDON BAY.
10:24:44 I'M JUST WONDERING IF THAT'S NOT CLEAR IN TERMS OF WHAT IS
10:24:48 ACTUALLY GOING TO HAPPEN HERE.
10:24:49 IT'S A MULTIUSE, MULTI-TENANT BUILDING.
10:24:52 IT'S NOT JUST A SALES CENTER.
10:24:54 >>Mary Gibbs: AND THAT WOULD BE MY FAULT BECAUSE I THINK,
10:25:00 FURTHER IN THE STAFF REPORT, I SAID THEY HAVE UNDERLYING
10:25:03 ZONING FOR OFFICE-TYPE USES.
10:25:06 SO ALL THOSE USES REMAIN, BUT THE MAIN PROPOSAL AT THE TIME
10:25:10 WAS LONDON BAY WANTED TO COME IN AND DO THE SALES CENTER AND
10:25:14 THEN KEEP THE OFFICE USES.
10:25:16 IF IT'S MISLEADING, THEN IT'S MY FAULT.
10:25:25 >>Mayor Errington: ANY OTHER QUESTIONS FROM COUNCIL?
10:25:29 >>Vice-Mayor McLain: FROM A LANDSCAPE STANDPOINT, I THINK
10:25:31 THE FRONT OF YOUR BUILDING, WHICH IS ACTUALLY FACING EAST --
10:25:35 NO, ACTUALLY FACING WEST.
10:25:37 I THINK IT'S ATTRACTIVE AND THE LIKE, MY CONCERN IS I'M
10:25:43 TRYING TO FIGURE OUT, AS YOU GO DOWN, UP AND DOWN 41, THE
10:25:49 BACK LANDSCAPING.
10:25:51 THE BUILDING IS SIMILAR, I THINK, ON BOTH SIDES OTHER THAN
10:25:53 THE CANOPY THAT'S OUT THERE, BUT I THINK THE ARCHITECTURE
10:25:57 LOOKS PRETTY SIMILAR.
10:26:02 IS THIS PRETTY DEPICTIVE OF WHAT I'M SEEING OUT THERE NOW OF

10:26:06 THE LANDSCAPE?
10:26:08 >>Josephine Medina: I'LL HAVE SABRINA, OUR LANDSCAPE
10:26:12 ARCHITECT HERE, SHE'LL EXPLAIN, WE ACTUALLY PROVIDED AN
10:26:16 ENHANCED BUFFER ALONG 41, BUT SHE'LL PROVIDE BETTER DETAILS.

10:26:20 >> GOOD MORNING.
10:26:21 I'M SABRINA McCABE WITH RVI, LANDSCAPE ARCHITECT.
10:26:26 I THINK IN MARK'S REPRESENTATION, HE DOES A GOOD JOB OF
10:26:29 SHOWING WHAT'S EXISTING, BUT WE ARE GOING TO BE ENHANCING IT
10:26:32 MORE THAN WHAT YOU SEE IN THIS GRAPHIC.
10:26:33 AS YOU CAN SEE HERE, WE HAVE THE TYPE D BUFFER THAT RUNS
10:26:56 ALONG, WHICH THAT IS GOING TO BE DOUBLE HEDGEROW AND TREES
10:27:01 EVERY 30 FEET ON CENTER, AND WE WILL ALSO BE PROVIDING, AS
10:27:05 THEY MENTIONED, EXTRA HEIGHT.
10:27:07 SO THROUGH THE ENTIRE PROJECT, ALL REQUIRED MATERIAL IS 12
10:27:10 TO 14 FEET HEIGHT.
10:27:12 ALONG 41, WE'RE GOING TO GIVE ANOTHER TWO FEET.
10:27:15 SO WE ALSO SHOW SOME OF THE PALMS IN FRONT OF THE BUILDING
10:27:18 TO HELP ENHANCE THAT.
10:27:20 AND THERE IS THE ACCESS WAY FROM THE SIDEWALK WHERE WE HAVE
10:27:22 THE GAP.
10:27:23 BUT WE WILL HAVE A CONTINUOUS BUFFER.
10:27:26 THE STYLE OF THE LANDSCAPE WILL BE IN CHARACTER WITH 41, AND
10:27:31 WE DO HAVE AN OVERHEAD POWER LINE.
10:27:33 SO WE ALSO HAVE THE BUFFER AROUND THE PERIMETER.
10:27:36 THERE ARE SOME EXISTING TREES ALONG LYDEN AND CERISE THAT

10:27:40 WE'LL TRY TO KEEP AND USE THE CANOPY.
10:27:42 A LOT OF THE OTHER TREES WILL PROVIDE CANOPY COVERAGE AND
10:27:46 SCREENING THROUGHOUT THE PARKING LOT.
10:27:48 AND THEN WE HAVE ADDITIONAL SCREENING IN THE DUMPSTER AREAS
10:27:52 WITH SOME HEDGE, AND THEN WE HAVE SOME OF THE GROUND COVER
10:27:55 AND SOME ACCENT COLOR ALONG THE SIGN.
10:27:58 IN FRONT OF THE BUILDING, THE MAIN ENTRY IS A PLAZA WHERE WE
10:28:03 SHOW SPECIMEN PALMS AND WE ALSO HAVE A PLAN FOR SOME MID
10:28:06 STORY TO PROVIDE SHADED SEATING.
10:28:09 >>Vice-Mayor McLain: YOU SAID THE TREES WOULD BE 17 FEET
10:28:12 WHEN THEY ARE IN THERE?
10:28:14 >> WE UPSIZED THEM AN ADDITIONAL TWO FEET.
10:28:16 SO I THINK FOR CANOPY TREES THAT'S 14, AND THEN THAT'S
10:28:23 14 FOOT CLEAR TRUNK FOR PALMS.
10:28:27 WE'LL WANT TO MAKE SURE AND I KNOW LONDON BAY WILL WANT TO
10:28:29 MAKE SURE THAT THE VIEWS TO THE BUILDING ARE OPEN SO THEY
10:28:32 WILL BE VERY NICE, LARGE TREES AND PALMS THAT WE PROVIDE
10:28:36 ALONG THAT 41, AS WELL AS KEEPING VIEWS OPEN.
10:28:41 >>Vice-Mayor McLain: I THINK IT WOULD BE HELPFUL IN FUTURE
10:28:44 PRESENTATIONS THAT I'M LOOKING DOWN ON THE LANDSCAPE RIGHT
10:28:47 NOW.
10:28:48 MY CONCERN IS WHEN YOU HAVE A BUILDING THAT'S X FEET HIGH
10:28:54 ALONG 41, I THINK IT'S IMPORTANT FOR US TO BREAK UP THE
10:28:57 MONOTONY OF TALL BUILDINGS, ROAD.
10:29:01 SO TREES AND LANDSCAPING REALLY DOES A GOOD JOB DOING THAT

10:29:04 AND HAVING A VIEW FROM HEAVEN DOWN, YOU DON'T GET THE FEEL
10:29:12 OF WHAT THE ROAD VIEW IS GOING TO LOOK LIKE.
10:29:13 FUTURE PATTERNS I THINK WE SHOULD PROBABLY DO THAT.
10:29:15 BUT THIS LOOKS ADEQUATE TO ME.
10:29:17 >> YES, SIR, WE CAN PROVIDE AN ELEVATION, AND I THINK MHK
10:29:21 DID SUCH A GREAT JOB WITH THEIR GRAPHICS THROUGHOUT THE
10:29:23 DIFFERENT SIDES OF THE BUILDING.
10:29:24 BUT WE COULD DEFINITELY PROVIDE AN ELEVATION IF WE WANT TO
10:29:28 SEE THE HEIGHTS OF THAT.
10:29:29 BUT WE WILL HAVE SOME VARYING HEIGHTS.
10:29:31 THAT'S WHAT WE KIND OF SHOW SOME SYMBOLS OF DIFFERENT PALMS
10:29:34 AND SOME FLOWERING CANOPY TREES, BUT THAT'S THE INTENT IS TO
10:29:37 MIX AND HAVE A VARYING HEIGHT AND A NICE BUFFER ALONG 41.
10:29:43 >>Mayor Errington: MARY, DID THE PZD BOARD GO THROUGH ALL OF
10:29:48 THE LANDSCAPING WITH THE APPLICANT?
10:29:49 >>Mary Gibbs: YES.
10:29:50 AND THE STAFF STARTED IN THE BEGINNING, WE HAD THEM BEEF UP
10:29:55 THE BUFFERS ON THREE SIDES BECAUSE THEY FACE THE ROAD RIGHT
10:29:59 AWAY.
10:30:00 SO YOU HAVE TO DO A BIGGER BUFFER.
10:30:01 THEY HAD THE OLD CODE BUFFER.
10:30:04 THAT GOT BEEFED UP BEFORE IT GOT TO PLANNING ZONING AND
10:30:06 DESIGN BOARD.
10:30:07 I THINK THEY HAD A COUPLE OF RECOMMENDATIONS ON SPECIES.
10:30:12 WE HAVE THE LANDSCAPE ARCHITECT THAT TYPICALLY WILL

10:30:14 RECOMMEND SOME THINGS ON SPECIES.
10:30:16 WE DID GET INTO A PRETTY DETAILED DISCUSSION ABOUT THE
10:30:18 LANDSCAPING AND THE ARCHITECTURE, AS I RECALL.
10:30:19 >>Mayor Errington: THEY WERE VERY WELL SATISFIED WITH IT?
10:30:23 >>Mary Gibbs: YES.
10:30:24 AND THEY LIKED THE SEATING AREA OUT FRONT AS WELL, WHICH IS
10:30:27 KIND OF A NICE ADDED FEATURE.
10:30:29 >>Mayor Errington: WHERE IS THAT?
10:30:34 >> THAT'S WHAT WE CALL THE ENTRY PLAZA, AND THAT HAS PAVER
10:30:37 AREAS WITH BENCHES, AND THEN SOME MULTILEVEL LANDSCAPE AS
10:30:43 WELL FOR SOME SHADE.
10:30:45 AND WE DID AT ONE POINT PUSH THE PARKING LOT BACK TO
10:30:49 PROVIDE, AS MARY SAID, MORE BUFFER ALONG LYDEN DRIVE AND
10:30:53 MADE SURE THAT WE COULD PROVIDE IT ALONG THE PROPERTY LINE
10:30:56 AS WELL AND THE DUMPSTERS.
10:31:00 >>Mayor Errington: WHERE IS THE DUMPSTER?
10:31:05 RIGHT THERE.
10:31:05 OKAY.
10:31:06 >> THIS IS THE DUMPSTER ON THE NEXT SITE.
10:31:08 SO IT KIND OF HELPS GROUP ALL OF THAT SERVICE IN ONE AREA.
10:31:17 >>Mayor Errington: THANK YOU.
10:31:18 >> THANK YOU.

10:31:20 >>Mayor Errington: ANY OTHER COMMENTS, MARY?
10:31:23 >>Mary Gibbs: I DON'T HAVE ANYTHING.
10:31:25 >>Mayor Errington: ANY PUBLIC COMMENT?

10:31:27 >>Carol Sacco: WE HAVE NO PUBLIC COMMENT BUT WE DID HAVE ONE
10:31:30 E-COMMENT.
10:31:36 >>Mayor Errington: ANY FURTHER QUESTIONS FROM THE COUNCIL?
10:31:38 ANYONE WISH TO CROSS-EXAMINE THE APPLICANT OR THE DIRECTOR?
10:31:47 NO REBUTTAL.
10:31:49 NEED TO CLOSE THE HEARING.
10:31:50 ANY COUNCIL MEMBERS WHO HAVE A MOTION WE NEED TO -- WE'VE
10:31:56 HAD SOME DISCUSSION HERE ON WHETHER TO ACCEPT IT THE WAY IT
10:32:01 IS OR CHANGE THE COLOR PATTERN.
10:32:05 SO THAT WILL HAVE TO BE DISCUSSED.
10:32:07 JON?
10:32:10 >>Vice-Mayor McLain: I DON'T HAVE ANY MORE DISCUSSION.
10:32:12 I'M READY TO MAKE A MOTION.
10:32:13 >>Mayor Errington: WHAT IS YOUR MOTION?
10:32:14 >>Vice-Mayor McLain: MY MOTION WOULD BE THAT WE ACCEPT IT
10:32:16 WITH THE MODIFICATION TO THE PURE WHITE TO A LESS INTENSE
10:32:23 WHITE.
10:32:24 NOT SURE EXACTLY HOW TO WORD THAT, BUT TO ACCEPT IT AS-IS
10:32:28 WITH THE COLOR MODIFICATION TO THE PURE WHITE THAT'S ON THE
10:32:30 BUILDING TO A LITTLE MORE MUTED WHITE.
10:32:35 >>Mayor Errington: WITHOUT SEEING WHAT IT LOOKS LIKE.
10:32:39 >>Vice-Mayor McLain: WELL, I THINK MARY CAN MAKE THAT
10:32:42 DECISION.
10:32:43 >>Nancy Stroud: MR. VICE-MAYOR, MAY I SUGGEST SOME WORDING?
10:32:49 >>Vice-Mayor McLain: YES, PLEASE.

10:32:51 >>Nancy Stroud: THAT THE COUNCIL APPROVE THE ORDINANCE WITH
10:32:58 THE ADDITION THAT THE APPLICANT WILL MODIFY THE PROPOSED
10:33:02 WHITE COLOR TO A WHITE TONE ACCEPTABLE TO THE VILLAGE STAFF.
10:33:12 >>Vice-Mayor McLain: I'M FINE WITH THAT.
10:33:14 >>Mayor Errington: DO I HAVE A SECOND?
10:33:16 >>Joanne Ribble: I'LL SECOND.
10:33:18 >>Mayor Errington: IT IS SECONDED BY COUNCIL MEMBER RIBBLE.
10:33:20 WILL YOU CALL THE ROLL?
10:33:26 >>Jim Wilson: AYE.
10:33:27 >>Jim Ward: AYE.
10:33:29 >>Jim Boesch: AYE.
10:33:30 >>Larry Fiesel: AYE.
10:33:32 >>Joanne Ribble: AYE.
10:33:34 >>Vice-Mayor McLain: AYE.
10:33:34 >>Mayor Errington: AYE.
10:33:35 OKAY.
10:33:40 ITEM NUMBER 8D.
10:33:44 IT IS THE SECOND READING AND PUBLIC HEARING OF ORDINANCE

10:33:47 NUMBER 2022-15.
10:33:51 MADAM CLERK, HAS THE ORDINANCE BEEN PROPERLY ADVERTISED?
10:33:54 >>Carol Sacco: YES, MAYOR.
10:33:55 >>Mayor Errington: WILL YOU PLEASE READ THE ORDINANCE?
10:33:59 >>Carol Sacco: ORDINANCE NUMBER 2022-15, AN ORDINANCE OF THE
10:34:02 VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, AMENDING
10:34:07 THE PELICAN SOUND RESIDENTIAL PLANNED DEVELOPMENT ZONING TO

10:34:15 ALLOW RECREATION USES, INCLUDING PICKLEBALL, IN THE GOLF
10:34:18 MAINTENANCE AND STORAGE AREA ON A 150.23-ACRE PROPERTY ON
10:34:22 THE SOUTH SIDE OF ESTERO RIVER, NORTH OF WILLIAMS ROAD AND
10:34:24 WEST OF U.S. 41; PROVIDING FOR SEVERABILITY; PROVIDING FOR
10:34:27 CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.
10:34:29 >>Mayor Errington: THANK YOU.
10:34:29 WILL ALL THOSE WHO INTEND TO TESTIFY ON ANY IN THIS HEARING
10:34:33 STAND AND RAISE YOUR RIGHT HAND AND MADAM CLERK WILL
10:34:36 ADMINISTER THE OATH.
10:34:38 >>Carol Sacco: DO YOU SWEAR TO TELL THE TRUTH, THE WHOLE
10:34:40 TRUTH AND NOTHING BUT THE TRUTH SO HELP YOU GOD?
10:34:43 >> I DO.
10:34:43 >>Mayor Errington: THANK YOU.
10:34:48 COUNCIL MEMBERS, ANY EX PARTE DISCLOSURES OR CONFLICTS OF
10:34:51 INTEREST?
10:34:52 >>Joanne Ribble: NO.
10:34:53 >> NO.
10:34:54 >> NONE.
10:34:55 >> NONE.
10:34:56 >> NO.
10:34:56 >> NONE.
10:34:59 >> NO.
10:34:59 >>Mayor Errington: OKAY.
10:35:00 THANK YOU.
10:35:00 MADAM CLERK, ANY LETTERS OR WRITTEN COMMUNICATIONS RECEIVED

10:35:03 OR ACCEPTED AS PART --
10:35:06 >>Carol Sacco: I'LL DEFER TO THE COMMUNITY DEVELOPMENT
10:35:07 DIRECTOR, MARY.
10:35:08 >>Mary Gibbs: WE DID GET TWO E-COMMENTS FROM A RESIDENT OF
10:35:11 COUNTRY CREEK ABOUT THE PICKLEBALL.
10:35:14 BUT IT WAS ABOUT THIS CASE.
10:35:20 >>Mayor Errington: YOU'RE CONFUSING US NOW.
10:35:22 >>Mary Gibbs: I KNOW.
10:35:23 >>Mayor Errington: OKAY.
10:35:24 THANK YOU.
10:35:28 >>Mayor Errington: THE APPLICANT NEEDS TO COME TO THE
10:35:30 PODIUM.
10:35:31 ARE YOU GOING TO INTRODUCE THE APPLICANT?
10:35:34 ANY DOCUMENTS THAT YOU HAVE TO GIVE TO THE CLERK?

10:35:38 >>Mary Gibbs: NO.
10:35:39 WE DON'T HAVE ANYTHING ADDITIONAL.
10:35:40 SO THIS IS PELICAN SOUND AND IT'S AN AMENDMENT TO THEIR
10:35:46 RESIDENTIAL PLANNED DEVELOPMENT ZONING.
10:35:51 WHAT'S BEFORE YOU TODAY IS JUST THE PICKLEBALL ISSUE.
10:35:54 THEY ARE PROPOSING TO ADD PICKLEBALL COURTS, I THINK EIGHT,
10:35:57 AT THE SOUTH END OF THE PROJECT ALONG JUST NORTH OF WILLIAMS
10:36:01 ROAD IN WHAT IS CALLED THE GOLF MAINTENANCE AREA, BUT IT'S
10:36:04 NOT TAKING THE PLACE OF A BUILDING.
10:36:06 IT'S JUST IN AN OPEN AREA.
10:36:08 THERE WAS ORIGINALLY, I THINK I MENTIONED THIS AT THE FIRST

10:36:12 MEETING.
10:36:12 ORIGINALLY, THERE WERE TWO REQUESTS.
10:36:14 ONE WAS REQUEST RELATED TO THE RIVER CLUB BECAUSE WHEN THE
10:36:19 COUNTY APPROVED IT, THERE WAS A CONDITION THAT THEY COULD
10:36:21 NOT -- THAT OUTDOOR ENTERTAINMENT WAS PROHIBITED.
10:36:24 AND THEY WANTED TO AMEND THAT TO ALLOW SOME LIMITED OUTDOOR
10:36:28 ENTERTAINMENT.
10:36:29 WELL, WHEN WE GOT TO THE PLANNING, ZONING AND DESIGN BOARD,
10:36:32 THERE WERE A FEW NEIGHBORS THAT HAD CONCERNS AND THEY WERE
10:36:37 GOING TO WORK WITH THE NEIGHBORS ON THAT.
10:36:38 WHAT THEY ENDED UP DOING, AND THEN WE HAD THE HURRICANE AND
10:36:41 ALL THESE THINGS HAPPENED IN THE MEANTIME, THEY HAVE
10:36:43 WITHDRAWN THAT OUTDOOR ENTERTAINMENT REQUEST AND THEY WILL
10:36:46 PROBABLY COME BACK LATER WITH THAT.
10:36:48 BUT THEY WANTED TO PROCEED WITH THE PICKLEBALL REQUEST
10:36:52 BECAUSE SEASON IS COMING UP AND THEY WOULD LIKE TO GET
10:36:54 MOVING ON THAT.
10:36:54 THAT'S HOW WE GOT TO THIS POINT TODAY.
10:36:59 PLANNING AND ZONING BOARD, I THINK WE REVIEWED IT.
10:37:05 AGAIN, THAT GOT DELAYED BECAUSE OF THE HURRICANE.
10:37:07 SO WE WENT BACK TO THE PLANNING ZONING AND DESIGN BOARD AND
10:37:10 THEY REVIEWED IT AND RECOMMENDED APPROVAL WITH CONDITIONS
10:37:13 THAT WE WORKED OUT.
10:37:14 I KNOW THE APPLICANT WILL EXPLAIN.
10:37:17 THEY ARE NOT PLANNING TO DO PICKLEBALL AT NIGHT SO WE HAVE

10:37:21 LIMITATIONS AND CERTAIN PADDLES THAT ARE NOISE REDUCING AND
10:37:25 THE ACOUSTIFENCE MATERIALS AND THEY ARE PROPOSING THAT
10:37:30 SIMILAR TO WHAT THEY HAVE IN THE EXISTING PICKLEBALL AREA.
10:37:33 AGAIN, WE'VE RECOMMENDED APPROVAL WITH CONDITIONS.
10:37:36 IF YOU DON'T HAVE ANY QUESTIONS OF ME, I CAN TURN IT OVER TO
10:37:39 THE APPLICANT.
10:37:42 IT WILL BE KEN GALLANDER FROM R -- I FORGOT THE NAME.
10:37:53 >>Mayor Errington: GOOD MORNING.
10:38:02 WELCOME.
10:38:02 >>Ken Gallander: GOOD MORNING.

10:38:04 AGAIN, FOR THE RECORD, I'M KEN GALLANDER, CERTIFIED PLANNER
10:38:08 WITH -- REPRESENTING RWA AND THE APPLICANT, PELICAN SOUND.
10:38:12 MARY, OBVIOUSLY, WENT THROUGH THE GIST OF THE PETITION THAT
10:38:17 WE'RE LOOKING AT RIGHT NOW, WHICH IS REALLY STRICTLY LOOKING
10:38:21 AT THE PICKLEBALL COURTS.
10:38:24 I THINK WE'RE ALL FAMILIAR WITH THE SUBJECT PROPERTY,
10:38:28 PELICAN SOUND, OVER 500 ACRES, RESIDENTIAL PLANNED
10:38:32 DEVELOPMENT MADE UP OF SEVERAL TYPES OF RESIDENTIAL UNITS
10:38:38 AND RECREATIONAL FACILITIES.
10:38:40 WE ARE LOOKING AT THIS PORTION OF THE DEVELOPMENT AREA,
10:38:45 WHICH IS THE GOLF MAINTENANCE AND STORAGE AREA WHERE THIS
10:38:49 HIGHLIGHTED PORTION IS.
10:38:52 THE REQUEST AGAIN IS TO ADD CONDITION 15F TO ALLOW FOR THE
10:38:57 PICKLEBALL FACILITIES AND TO AMEND THE SCHEDULE OF USES,
10:39:01 WHICH DID NOT RECOGNIZE PICKLEBALL FACILITIES AS AN

10:39:04 ALLOWABLE USE WITHIN THIS PORTION OF THE PLANNED
10:39:07 DEVELOPMENT.
10:39:07 THIS IS A REPRESENTATION OF, A BLOWUP OF THE GOLF AND
10:39:15 MAINTENANCE STORAGE AREA, HIGHLIGHTING THE CONCEPTUAL AREA
10:39:20 OF WHERE THE PICKLEBALL COURTS ARE.
10:39:22 WE WILL ACKNOWLEDGE THERE ARE SOME PICKLEBALL COURTS THAT
10:39:24 WERE STARTED, AND THIS HELPS US MAKE SURE THAT WE'RE FULLY
10:39:29 IN COMPLIANCE WITH THE VILLAGE'S NEW REGULATIONS IN
10:39:33 COMPLIANCE WITH THE CODE.
10:39:34 THOSE HAVE NOT BEEN COMPLETED BUT WE'LL BE ADDING SOME
10:39:37 PICKLEBALL COURTS TO THOSE THAT HAVE BEGUN THERE.
10:39:42 IT ALSO RECOGNIZES DUE TO THE LARGE USE OF GOLF CARTS WITHIN
10:39:48 PELICAN SOUND, WE HAVE A GOLF CART AND PARKING AREA JUST TO
10:39:52 THE WEST OF THE FACILITY, IN THIS AREA HERE, WHICH THAT IS
10:39:57 IN COMPLIANCE WITH THE PROPOSED DEVIATION TO ALLOW FOR THOSE
10:40:01 GOLF CARTS RATHER THAN HAVING ADDITIONAL VEHICLE-TYPE
10:40:06 PARKING THERE.
10:40:06 FOR THE FACILITY, IN ORDER TO ENSURE THAT WE ARE IN
10:40:13 COMPLIANCE AND COMPATIBLE WITH THE SURROUNDING USES, WE'RE
10:40:16 OBVIOUSLY MAINTAINING THE ENHANCED BUFFERING THAT IS
10:40:18 REQUIRED AS PART OF THE PLANNED DEVELOPMENT.
10:40:20 WE'LL BE PROVIDING SPECIAL SOUND ABATEMENT MATERIAL ON THE
10:40:24 NORTH AND SOUTH PORTIONS OF THE FENCING.
10:40:28 ONE REASON WHY IT'S ON THE NORTH AND SOUTH, THIS IS WITHIN
10:40:31 FPL EASEMENT, AND WE HAVE TO ENSURE THAT THERE'S PROPER

10:40:37 ACCESSIBILITY FOR FPL TO GET THROUGH THAT FACILITY, SO
10:40:41 THERE'S GOING TO BE SPECIALIZED GATES ON EITHER END OF THE
10:40:45 FACILITY.
10:40:46 LIMITING THE HOURS 8 A.M. TO DUSK, SO THERE WILL BE NO
10:40:49 OUTDOOR LIGHTING AS PART OF THIS PARTICULAR FACILITY.
10:40:55 MARY MENTIONED THE EQUIPMENT RESTRICTIONS, SPECIALIZED

10:40:57 PADDLES, WHICH IS CONSISTENT WITH HOW THEY OPERATE AT
10:41:01 PELICAN SOUND.
10:41:03 THEY HAVE A LIST OF APPROVED PADDLES AND SPECIAL BALLS THAT
10:41:08 CAN BE USED.
10:41:09 MENTIONED BEFORE THE GOLF CART PARKING PER OUR REQUESTED
10:41:14 DEVIATION.
10:41:14 WE ARE IN COMPLIANCE WITH THE NOISE ORDINANCE.
10:41:16 WE WENT THROUGH AN EXTENSIVE NOISE ANALYSIS AS PART OF OUR
10:41:22 PETITION AND SUBMITTAL, AND WE ARE IN COMPLIANCE WITH THE
10:41:27 NOISE ORDINANCE.
10:41:30 THERE'S CONDITION FOR PROPERTY OWNER NOTICE, AND IF THERE IS
10:41:34 DEEMED TO BE SOME COMPLIANCE ISSUES, THEN WE WILL COME BACK
10:41:39 AND ENSURE THAT WE READDRESS OR ADDRESS THOSE CONCERNS
10:41:43 THROUGH AN ADDITIONAL MITIGATION PLAN WORKING WITH STAFF.
10:41:48 AND AT THE END, ENSURING THAT THE SCHEDULE OF USES IS
10:41:52 CONSISTENT AND PROVIDING FOR THE PICKLEBALL FACILITIES.
10:41:56 IN CONCLUSION, WE'RE CONSISTENT WITH THE LAND DEVELOPMENT
10:41:58 CODE, CONSISTENT WITH THE COMPREHENSIVE PLAN.
10:42:01 WE ARE IN FULL AGREEMENT WITH THE STAFF REPORT AND

10:42:04 RECOMMENDATIONS.
10:42:06 RECEIVED UNANIMOUS RECOMMENDATION OF APPROVAL BY THE PZDB,
10:42:10 AND WE RESPECTFULLY REQUEST THE VILLAGE COUNCIL APPROVE OUR
10:42:13 PROPOSED AMENDMENT WITH THE CONDITIONS.
10:42:16 >>Mayor Errington: THANK YOU.
10:42:17 ANY QUESTIONS?
10:42:19 JOANNE.
10:42:21 >>Joanne Ribble: NOWHERE IN THE DOCUMENT DID I SEE HOW MANY
10:42:24 PICKLEBALL COURTS ARE GOING IN.
10:42:25 THE DIAGRAM DOESN'T SHOW HOW MANY.
10:42:27 >>Ken Gallander: RIGHT, BEING CONCEPTUAL, WE DIDN'T KNOW THE
10:42:32 GENERAL AREA.
10:42:32 BUT WE ARE NOW IN THE MOVEMENT TOWARDS THE LIMITED
10:42:34 DEVELOPMENT ORDER, AND WE ARE LOOKING AT 8 COURTS, I
10:42:38 BELIEVE.
10:42:39 >>Joanne Ribble: 8 COURTS.
10:42:40 AND THEN HOW MANY PARKING SPACES FOR GOLF CARTS?
10:42:44 >>Ken Gallander: 16.
10:42:46 PLUS WE'LL BE PROVIDING AN ACTUAL, AN ACCESSIBLE FOR ADA
10:42:50 COMPLIANCE.
10:42:50 SO WE HAVE TO ENSURE -- BECAUSE WE KNOW THAT SOME PEOPLE
10:42:53 THROUGHOUT THE COMMUNITY UTILIZE THEIR GOLF CARTS THAT MAY
10:42:55 NEED THAT ACCESSIBILITY.
10:42:56 SO WE'LL ENSURE THAT IS A COMPONENT OF IT AS WELL.
10:42:59 >>Joanne Ribble: THANK YOU.

10:43:00 >>Mayor Errington: ANY OTHER QUESTIONS, JON?
10:43:03 >>Vice-Mayor McLain: YOU SAID 16 PARKING SPACES, THAT'S GOLF

10:43:06 CART SIZE.
10:43:07 >>Ken Gallander: GOLF CARTS.
10:43:08 >>Vice-Mayor McLain: WHAT ABOUT CARS?
10:43:10 >>Ken Gallander: JUST GOLF CARTS BECAUSE OUR DEVIATION HAS
10:43:12 BEEN REVIEWED BY STAFF, AND WE ARE UTILIZING GOLF CARTS
10:43:16 RATHER THAN FULL VEHICLE PARKING DUE TO THE HIGH NUMBER AND
10:43:20 USE OF GOLF CARTS THROUGHOUT THE PELICAN SOUND COMMUNITY.
10:43:23 >>Vice-Mayor McLain: IF ANYBODY WANTS TO DRIVE THERE FOR
10:43:26 SOME REASON, NO PARKING.
10:43:28 >>Ken Gallander: NO.
10:43:29 THERE IS THE ABILITY OF SOME RELATIVELY WITHIN A CLOSE
10:43:34 PROXIMITY THAT THEY COULD PARK.
10:43:35 I MAY HAVE A PICTURE.
10:43:42 UP HERE IS ONE OF THE POOL COMMUNITY AREAS, AND IT'S ALL
10:43:48 INTERCONNECTED THROUGH THIS PATHWAY THAT WOULD BE ABLE FOR
10:43:52 THEM TO ACCESS.
10:43:54 IT'S WITHIN TWO- TO THREE-MINUTE WALK THAT THEY COULD GET
10:43:57 THERE.
10:43:58 THERE'S ALSO SOME AVAILABLE PARKING NEAR AND AROUND THE
10:44:02 MAINTENANCE FACILITY THAT IS ALSO CONNECTED.
10:44:05 AND THE FACILITY WILL ALSO HAVE BICYCLE PARKING.
10:44:11 BEING AN ACTIVE COMMUNITY, WE'RE JUST HOPING TO UTILIZE
10:44:14 THESE OTHER MODES OF TRANSPORTATION.

10:44:17 BUT THERE IS VEHICLE PARKING WITHIN THE VICINITY.
10:44:21 >>Mayor Errington: ANY OTHER QUESTIONS?
10:44:23 >>Vice-Mayor McLain: I HAVE A FURTHER ONE HERE.
10:44:24 I DON'T THINK IT SAYS ANYTHING IN HERE, 8 COURTS, BUT IN THE
10:44:31 DEVELOPMENT ORDER, MARY, I GUESS IT WILL BE LIMITED TO 8 AND
10:44:34 NOT FOR FUTURE EXPANSION?
10:44:38 >>Mary Gibbs: IF THEY CAME BACK LATER, THEY WOULD HAVE TO
10:44:40 GET ANOTHER LIMITED DEVELOPMENT ORDER OR SOMETHING.
10:44:43 AND THEN THAT WOULD HAVE TO BE REVIEWED BY STAFF AND GO
10:44:48 PROBABLY TO PLANNING, ZONING, AND DESIGN BOARD BECAUSE IT'S
10:44:52 PICKLEBALL EXPANSION.
10:44:54 >>Ken Gallander: RIGHT.
10:44:55 OUR INTENT WOULD BE THIS HATCHED AREA ON THE MASTER CONCEPT
10:44:59 PLAN.
10:45:00 THAT'S THE AREA THAT WE ARE LIMITED TO ENSURE TO FIT ANY OF
10:45:03 THE COURTS WITHIN THAT, AND WHAT WE'RE FINDING IS THAT'S
10:45:06 EIGHT WITHIN THAT AREA.
10:45:09 >>Vice-Mayor McLain: YOU SAID THE COURTS WILL NOT BE LIT.
10:45:11 >>Ken Gallander: THAT IS CORRECT.
10:45:12 >>Vice-Mayor McLain: YOU DID SAY SOMETHING IN YOUR
10:45:14 PRESENTATION ABOUT RESTRICTED LIGHTING.
10:45:16 WILL THERE BE LIGHTING IN THE PARKING LOT OR SOMETHING LIKE
10:45:18 THAT?
10:45:18 >>Ken Gallander: PROBABLY SHOULD HAVE REWORDED THAT.

10:45:20 THERE WILL BE NO LIGHTING.

10:45:22 WON'T BE OUTDOOR LIGHTING RESTRICTED.
10:45:24 THE HOURS OF OPERATION ARE 8 A.M. TO DUSK.
10:45:27 SO NO NEED FOR LIGHTING, YES, SIR.
10:45:31 >>Mayor Errington: ANY OTHER QUESTIONS?
10:45:33 JIM.
10:45:33 >>Jim Ward: I'M CURIOUS ABOUT THE NOISE ABATEMENT YOU TALKED
10:45:36 ABOUT.
10:45:36 I UNDERSTAND THERE'S GOING TO BE SOME ADDITIONAL SCREENING
10:45:40 THAT PROTECTS NOISE.
10:45:40 >>Ken Gallander: YES, SIR.
10:45:41 >>Jim Ward: I'M REALLY SOMEWHAT CURIOUS ABOUT A COMMENT YOU
10:45:45 MADE I THINK ABOUT SPECIFIC PADDLES THAT WILL BE USED THAT
10:45:48 ARE NOISE REDUCING?
10:45:50 I PLAY PICKLEBALL, AND I NEVER HEARD OF THAT.
10:45:54 WOULD YOU REQUIRE PEOPLE TO USE THOSE SPECIFIC PADDLES?
10:45:57 >>Ken Gallander: YES.
10:45:58 PELICAN SOUND HAS AN APPROVED LIST OF THE TYPE OF PADDLES
10:46:05 THAT ARE APPROVED FOR THE FACILITIES TO HELP COMBAT THESE --
10:46:08 YOU KNOW, I BELIEVE THEY REFER TO THEM AS GREEN ZONE TYPE
10:46:12 PADDLES.
10:46:13 YEAH, THERE ARE SPECIFIC TYPES OF EQUIPMENT THAT HELP REDUCE
10:46:18 THE NOISE IMPACT, NOT ELIMINATE IT.
10:46:23 I THINK PART OF THE PLAY IS KNOWING YOU HIT THE BALL, YOU
10:46:26 CAN HEAR IT, TOO.
10:46:27 UNFORTUNATELY, IT CAN CARRY.

10:46:30 >>Jim Ward: THANK YOU.
10:46:31 >>Ken Gallander: YES, SIR.
10:46:32 >>Mayor Errington: I HAVE A QUESTION.
10:46:33 WITH THREE COURTS, YOU CAN COMPETE OUTSIDE YOUR DEVELOPMENT.
10:46:38 DO YOU PLAN TO COMPETE OUTSIDE YOUR DEVELOPMENT WITH OTHER
10:46:41 COMMUNITIES THAT WANT TO PLAY PICKLEBALL?
10:46:44 SO IF YOU HAVE EIGHT COURTS, YOU COULD PROBABLY DO TWO
10:46:47 DIFFERENT --
10:46:48 >>Ken Gallander: WELL, THERE IS AN EXISTING PICKLEBALL
10:46:51 FACILITY THAT WAS A COMPONENT OF THE EXPANSION OF THEIR
10:46:56 TENNIS FACILITY.
10:46:56 SO THERE'S, I BELIEVE, HOW MANY COURTS?
10:46:59 8 COURTS AT THE OTHER FACILITY.
10:47:00 I DON'T KNOW.
10:47:03 THIS IS THE DESIRE.
10:47:04 AS WE ALL KNOW, PICKLEBALL IS BECOMING A VERY REQUESTED AND
10:47:11 EXPANDING SPORT.
10:47:12 AND THEY ARE FINDING THESE COURTS ARE REALLY JUST MAYBE FOR
10:47:14 THE OVERFLOW.
10:47:16 THEY ARE NOT REALLY FOR THE SPECTATORS.

10:47:18 THEY ARE JUST FOR THE PEOPLE TO GO, IF OTHER COURTS ARE
10:47:22 FULL, THEY CAN GO TO THESE COURTS.
10:47:23 >>Mayor Errington: IF YOU WANTED TO COMPETE, YOU WOULD GO TO
10:47:25 THE OTHER COURTS.
10:47:26 >>Ken Gallander: THAT'S CORRECT, YES.

10:47:27 THESE ARE MAINLY JUST FOR RECREATIONAL.
10:47:31 YES.
10:47:31 >>Mayor Errington: ANY OTHER QUESTIONS?
10:47:33 THANK YOU.
10:47:35 MARY, DO YOU HAVE ANYTHING TO ADD?
10:47:37 >>Mary Gibbs: I DON'T HAVE ANYTHING ADDITIONAL.
10:47:44 >>Mayor Errington: ANY PUBLIC COMMENT, MADAM CLERK?
10:47:48 >>Carol Sacco: WE DO NOT HAVE ANY PUBLIC COMMENT, BUT WE DID
10:47:51 HAVE TWO E-COMMENTS.
10:47:54 >>Mayor Errington: OKAY.
10:47:54 ANY COMMENTS FROM COUNCIL, ANY FURTHER COMMENTS, QUESTIONS?
10:47:58 ANYBODY WANT TO CROSS-EXAMINE ANYBODY?
10:48:03 OKAY.
10:48:04 NO REBUTTAL, SO WE WILL CLOSE THE PUBLIC HEARING.
10:48:09 ONE MORE CHANCE TO DO ANY DISCUSSION, ASK ANY QUESTIONS.
10:48:15 NOW I NEED A MOTION.
10:48:18 >>Larry Fiesel: I WILL MAKE THE MOTION.
10:48:19 >>Mayor Errington: THE MOTION HAS BEEN MADE BY COUNCIL
10:48:21 MEMBER FIESEL AND SECONDED BY COUNCIL MEMBER WARD.
10:48:28 PLEASE CALL THE ROLL.
10:48:31 >>Joanne Ribble: AYE.
10:48:32 >>Larry Fiesel: AYE.
10:48:34 >>Jim Boesch: AYE.
10:48:35 >>Jim Ward: AYE.
10:48:36 >>Jim Wilson: AYE.

10:48:38 >>Vice-Mayor McLain: AYE.
10:48:39 >>Mayor Errington: AYE.
10:48:42 >>Mary Gibbs: AND THAT MOTION IS TO APPROVE THE ORDINANCE
10:48:44 WITH THE STAFF CONDITIONS.
10:48:45 >>Mayor Errington: YES.
10:48:47 GOT THAT, MADAM CLERK?
10:48:49 OKAY.
10:48:50 IF SO, LET'S TAKE A TEN-MINUTE BREAK, PLEASE, AND BE BACK
10:48:57 HERE AT LET'S SAY -- GIVE US A GOOD TIME.
10:49:04 JUST TEN MINUTES.
10:49:06 [TEN-MINUTE RECESS]
11:00:24 >>Mayor Errington: OKAY.
11:00:26 WELCOME BACK.
11:00:27 OKAY.
11:00:44 THE NEXT ITEM ON THE AGENDA IS THE SECOND READING AND PUBLIC
11:00:49 HEARING OF ORDINANCE NUMBER 2022-16.

11:00:53 MADAM CLERK, HAS THE ORDINANCE BEEN PROPERLY ADVERTISED?
11:00:57 >>Carol Sacco: YES, MAYOR.
11:00:59 >>Mayor Errington: WILL YOU PLEASE READ THE TITLE OF THE
11:01:00 ORDINANCE?
11:01:01 >>Carol Sacco: ORDINANCES 2022-16, AN ORDINANCE OF THE
11:01:05 VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, AMENDING
11:01:07 THE ESTERO PLANNED DEVELOPMENT ZONING ADOPTED BY ORDINANCE
11:01:11 2016-08 FOR GENOVA FOR A 3.6-ACRE PROPERTY PARCEL WITHIN THE
11:01:17 GENOVA EPD AT THE SOUTHEAST CORNER OF CORKSCREW ROAD AND VIA

11:01:20 COCONUT; PROVIDING FOR SEVERABILITY; PROVIDING FOR
11:01:23 CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.
11:01:25 >>Mayor Errington: THANK YOU.
11:01:26 WILL ALL THOSE WHO INTEND TO TESTIFY ON ANY IN THIS HEARING
11:01:33 STAND AND RAISE YOUR RIGHT HAND?
11:01:35 AND WILL THE CLERK PLEASE ADMINISTER THE OATH.
11:01:38 >>Carol Sacco: DO YOU SWEAR TO TELL THE TRUTH, THE WHOLE
11:01:40 TRUTH AND NOTHING BUT THE TRUTH SO HELP YOU GOD?
11:01:43 >> I DO.
11:01:43 >>Mayor Errington: THANK YOU.
11:01:44 COUNCIL MEMBERS, ANY EX PARTE DISCLOSURES OR CONFLICTS OF
11:01:48 INTEREST?
11:01:50 >> NO.
11:01:52 >>Larry Fiesel: YES.
11:01:52 I MET WITH TWO GENTLEMEN ON MONDAY TO GET AN EXPLANATION OF
11:01:55 THE TIMELINE OF THE WHOLE DEVELOPMENT FROM START TO FINISH.
11:01:59 BRIAN GOGUEN AND STEVE SAMMONS AND LISTENED TO THEIR
11:02:04 PRESENTATION.
11:02:04 >>Mayor Errington: THANK YOU.
11:02:05 JON?
11:02:06 >>Vice-Mayor McLain: I ALSO MET WITH THE SAME TWO GENTLEMEN
11:02:08 FOR THE DEVELOPER AND GOT SOME GOOD CLARIFICATION OF WHAT
11:02:11 THE PROJECT SCOPE IS AND COLORATION AND THE LIKE.
11:02:15 >>Mayor Errington: I HAVE NONE.
11:02:17 >>Jim Boesch: I HAVE NONE.

11:02:18 >>Jim Ward: NONE.
11:02:18 >>Jim Wilson: NONE.
11:02:20 >>Mayor Errington: THANK YOU.
11:02:21 MADAM CLERK, DO YOU HAVE ANY LETTERS OR OTHER WRITTEN
11:02:24 COMMUNICATIONS THAT YOU HAVE RECEIVED OR ACCEPTED AS PART OF
11:02:28 THE RECORD OF PROCEEDINGS?
11:02:31 >>Carol Sacco: MAYOR, I'LL DEFER TO OUR COMMUNITY DIRECTOR,
11:02:34 MARY GIBBS.
11:02:35 >>Mary Gibbs: WE RECEIVED TWO E-COMMENTS IN FAVOR THAT WERE
11:02:40 SENT TO YOU, I THINK, YESTERDAY.
11:02:41 AND WE ALSO HAD A LETTER DROPPED OFF BY A RESIDENT THAT'S ON
11:02:48 THE DAIS.

11:02:49 AND THEN IN THE PACKET, WE HAVE -- WELL, FROM THE PLANNING
11:02:53 AND ZONING BOARD A LETTER FROM ONE OF THE CONDO ASSOCIATION
11:02:58 PRESIDENT IN SUPPORT.
11:02:59 I BELIEVE ONE LETTER AGAINST.
11:03:02 SO THEY ARE IN YOUR PACKET.
11:03:03 I'M GOING TO EXPLAIN THE GENERAL PUBLIC INPUT WHEN I GET UP.
11:03:08 >>Mayor Errington: OKAY.
11:03:09 WITH THAT, WILL YOU CALL THE APPLICANT TO THE PODIUM PLEASE?
11:03:19 >>Mary Gibbs: BEFORE I TURN IT OVER TO THE APPLICANT, I'LL
11:03:21 GIVE YOU A LITTLE BIT OF A BACKGROUND.
11:03:24 THIS CASE HAS BEEN GOING ON FOR A LITTLE WHILE.
11:03:28 AND THIS IS GENOVA, WHICH WE ALL KNOW WHERE THAT'S LOCATED
11:03:32 AT CORKSCREW ROAD AND VIA COCONUT.

11:03:33 THE PROJECT ITSELF IS ABOUT 17 ACRES IN SIZE.
11:03:37 AND WHAT THEY ARE ASKING FOR, THE AMENDMENT TO THE ZONING
11:03:40 FOR IS ABOUT A 3.6-ACRE PARCEL.
11:03:45 THE VERY NORTHERNMOST PARCEL OF GENOVA THAT'S THE VACANT
11:03:51 PROPERTY.
11:03:54 IN THE ORIGINAL PLAN, THERE WERE SIX CONDOMINIUM BUILDINGS.
11:03:58 SO THIS NORTHERN PROPERTY WAS TO BE THE LOCATION OF
11:04:01 BUILDINGS 5 AND 6.
11:04:03 THAT DIDN'T HAPPEN FOR VARIOUS REASONS, AND THE PROPERTY HAS
11:04:09 SAT VACANT FOR SOME TIME.
11:04:10 SO WHAT THE APPLICANT IS PROPOSING NOW IS TO IN LIEU OF
11:04:15 DOING THE CONDOMINIUM BUILDINGS, WHICH WERE GOING TO HAVE 68
11:04:18 UNITS TOTAL THAT THEY WILL DO 31 UNITS, 20 SINGLE-FAMILY
11:04:22 VILLAS AND 11 TOWNHOMES.
11:04:25 SO WE'LL HAVE 31 INSTEAD OF THE 68.
11:04:28 THIS CASE HAS BEEN A LITTLE BIT DIFFICULT, BUT WE HAVE HAD A
11:04:33 LOT OF PUBLIC INPUT THROUGH THE WHOLE PROCESS AND A LOT OF
11:04:36 MEETINGS, NOT ONLY AT PLANNING AND ZONING BOARD, BUT THE
11:04:39 APPLICANT HAS REACHED OUT TO THE RESIDENTS AND HAVE
11:04:41 MEETINGS, AND THEY ARE GOING TO EXPLAIN THAT.
11:04:43 I DON'T WANT TO PUT WORDS IN ANYBODY'S MOUTH BECAUSE
11:04:48 EVERYBODY IS ENTITLED TO SPEAK, BUT I THINK THERE'S BEEN
11:04:51 SOME -- I THINK IT WOULD BE PREFERABLE IF THEY FINISHED THE
11:04:57 CONDOMINIUM BUILDINGS, BUILDINGS FIVE AND SIX, BUT THAT
11:05:00 ISN'T GOING TO HAPPEN FOR VARIOUS REASONS.

11:05:02 SO THIS NEW PROPOSAL IS DIFFERENT, BUT IN MY OPINION IT DOES
11:05:07 MEET WITH THE COMPREHENSIVE PLAN, IT DOES COMPLY.
11:05:10 I THINK THERE WAS SOME -- AGAIN, THE SENTIMENT WAS LIKE
11:05:16 PLEASE, YOU KNOW, BUILD THE ORIGINAL BUILDINGS, BUT I THINK
11:05:19 THERE'S ALSO A SENTIMENT THAT THE PROPERTY SAT VACANT FOR SO
11:05:23 LONG THAT PEOPLE WOULD LIKE TO SEE SOMETHING HAPPEN THERE
11:05:26 SOON, AND THERE'S A LITTLE BIT OF ANXIETY THAT PEOPLE WANT
11:05:32 TO SEE SOMETHING GET COMPLETED.

11:05:34 THE APPLICANT WILL EXPLAIN.
11:05:35 AGAIN, THERE WERE A LOT OF MEETINGS ALONG THE WAY AND A LOT
11:05:38 OF PUBLIC INPUT.
11:05:39 I THINK THE COUNCIL HAD SEVERAL QUESTIONS AT THE FIRST
11:05:45 READING.
11:05:46 WE WANT THE APPLICANT TO ADDRESS THESE.
11:05:48 SOME OF THEM HAD TO DO WITH THE PROJECT COMPLETION DATE.
11:05:51 THERE WERE SOME QUESTIONS ABOUT THE OWNERSHIP.
11:05:54 THERE WERE QUESTIONS ABOUT THE LANDSCAPING ON CORKSCREW
11:05:56 ROAD.
11:05:58 I DON'T WANT TO DO THE APPLICANT'S PRESENTATION.
11:06:00 I WANT TO TURN IT OVER TO THEM IF YOU DON'T HAVE ANY
11:06:04 QUESTIONS AND LET THEM EXPLAIN THE THINGS YOU ASKED ABOUT
11:06:06 FROM THE LAST MEETING AND GIVE YOU A GENERAL OVERVIEW OF THE
11:06:08 PROJECT.
11:06:09 >>Mayor Errington: COUNCIL, ANY QUESTIONS AT THIS POINT?
11:06:13 >>Jim Ward: JUST ONE QUICK QUESTION, MAYOR.

11:06:14 HOW MANY UNITS ARE PRESENTLY THERE NOW?
11:06:18 >>Mary Gibbs: RIGHT NOW, THERE'S ZERO ON THAT VACANT -- OH,
11:06:22 THE WHOLE THING.
11:06:23 131.
11:06:27 THANK YOU.
11:06:27 I WAS GOING TO SAY 205, MINUS 68, CAN'T DO THE MATH IN MY
11:06:33 HEAD.
11:06:33 THE FIRST SPEAKER IS JAIME LOPEZ FROM BARRON COLLIER.
11:06:45 >>Mayor Errington: GOOD MORNING, WELCOME.
11:06:46 >>Jaime Lopez: GOOD MORNING, COUNCIL MEMBERS.
11:06:47 >>Mayor Errington: STATE YOUR NAME.
11:06:49 >>Jaime Lopez: MY NAME IS JAIME LOPEZ.
11:06:51 I AM VP OF ACQUISITIONS FOR BARRON COLLIER COMPANIES.
11:06:54 FIRST OF ALL, THANK YOU FOR YOUR TIME THIS MORNING AND FOR
11:06:57 ALLOWING US TO COME BEFORE YOU.
11:06:59 MARY DID A GREAT JOB EXPLAINING OUR PROJECT.
11:07:02 COULD HAVE ALMOST LET HER FINISH THE WHOLE PRESENTATION.
11:07:04 LIKE SHE SAID, WE'VE BEEN WORKING ON THIS FOR A WHILE.
11:07:08 SHE'S VERY FAMILIAR WITH OUR PROJECT.
11:07:12 WITH ME TODAY IS BARRON COLLIER CHIEF INVESTMENT OFFICER,
11:07:16 BRIAN GOGUEN AS WELL AS NEALE MONTGOMERY FROM PAVESE LAW
11:07:22 FIRM, OUR ATTORNEY, AND JOHN ENGLISH, STEVE SAMMONS AND
11:07:25 CHRIS SCOTT FROM PENINSULA ENGINEERING, WHO YOU WILL HEAR
11:07:29 FROM LATER ON IN THE PRESENTATION.
11:07:30 WE'RE ALL FAMILIAR WITH THE LOCATION OF GENOVA.

11:07:34 WE'RE TALKING ABOUT THE NORTH PARCELS WHERE THE ORIGINAL TWO
11:07:38 BUILDINGS WERE INTENDED TO BE BUILT.
11:07:41 BUILDINGS FIVE AND SIX.
11:07:43 BEFORE WE MOVE INTO THE DETAILS OF THE PROPOSED REQUEST, I

11:07:46 THINK IT'S IMPORTANT TO PROVIDE A LITTLE BACKGROUND
11:07:49 INFORMATION ON HOW WE GOT HERE.
11:07:51 I KNOW THERE WERE SOME DISCUSSIONS DURING YOUR FIRST
11:07:53 READING, SO HOPEFULLY I CAN PROVIDE SOME CLARITY AS TO WHY
11:07:56 WE'RE HERE.
11:07:56 BARRON COLLIER PARTICIPATED IN THIS PROJECT AS A SILENT
11:08:01 PARTNER.
11:08:02 OUR PARTNER AT THE TIME HAD A GREAT VISION FOR THE
11:08:05 COMMUNITY.
11:08:06 YOU'RE ALL FAMILIAR WITH THE PLAN THAT WAS PUT INTO PLACE TO
11:08:11 DEVELOP A BEAUTIFUL COMMUNITY FOR THE RESIDENTS FOR THE
11:08:14 VILLAGE OF ESTERO, AND BARRON COLLIER WAS EXCITED ABOUT THIS
11:08:17 PLAN AS WELL, JUST AS EVERYONE IN THE COMMUNITY WAS.
11:08:20 THE FIRST FOUR BUILDINGS WERE SOLD AT A RAPID PACE, AND THAT
11:08:26 ENHANCED THE EXCITEMENT FOR US AS A SILENT PARTNER IN THE
11:08:30 COMMUNITY.
11:08:31 NOW, ONE OF THE ISSUES THAT WE HAD AS WE STARTED LOOKING AND
11:08:34 DIVING A LITTLE MORE INTO THE DETAILS IS OUR PARTNER,
11:08:37 UNFORTUNATELY, UNDERESTIMATED THE COST OF CONSTRUCTING THE
11:08:42 BUILDINGS, WHETHER IT WAS DUE TO DELAYS IN APPROVALS AND
11:08:46 PERMITTING AND THE INCREASE IN CONSTRUCTION COSTS, AT THE

11:08:50 END OF THE DAY, WHAT WAS DISCOVERED IS THAT EVERY UNIT THAT
11:08:53 HAD BEEN SOLD AT GENOVA THAT WAS SOLD FOR A LOWER PRICE THAN
11:08:58 WHAT IT ACTUALLY COST TO BUILD THAT UNIT.
11:09:00 APPROXIMATELY 100 TO 150 THOUSAND DOLLARS BELOW COST.
11:09:04 WHAT THAT REPRESENTED WAS AN APPROXIMATION OF LOSSES OF
11:09:10 BETWEEN 10 TO 12 MILLION DOLLARS FOR US AS A SILENT PARTNER
11:09:14 IN THE COMMUNITY.
11:09:14 WHEN I SAY LOSSES, I'M NOT TALKING ABOUT A REDUCTION IN
11:09:17 PROFIT THAT WE'RE GOING TO MAKE 10 MILLION AND NOW WE'RE
11:09:20 GOING TO MAKE ZERO.
11:09:21 I'M SAYING WE HAD ZERO PROFIT AND ON TOP OF THAT, WE LOST 10
11:09:25 TO 12 MILLION DOLLARS.
11:09:26 AND EVERY DAY THAT GOES BY, WE CONTINUE TO POUR ADDITIONAL
11:09:29 MONEY INTO THE COMMUNITY TO COVER THE DEFICITS FOR THE
11:09:34 OPERATIONS AS WELL AS THE TIME SPENT FROM OUR MANAGEMENT
11:09:37 TEAM TO MANAGE AND PARTICIPATE IN THE COMMUNITY.
11:09:39 SO THAT NUMBER CONTINUES TO GROW EVERY DAY.
11:09:43 SO WHEN WE DISCOVERED THIS, WE DECIDED THAT IT WAS TIME FOR
11:09:45 US TO STEP IN AND STOP BEING A SILENT PARTNER AND FIGURE OUT
11:09:50 WHAT WE COULD DO FOR THIS COMMUNITY SO WE COULD FINISH THIS
11:09:54 PROJECT.
11:09:54 WE COULD HAVE WALKED AWAY, BUT THAT'S NOT SOMETHING THAT WE
11:09:57 AS BARRON COLLIER DO.
11:09:59 THAT GOES AGAINST OUR CULTURE.
11:10:00 SO WHAT WE DECIDED TO DO IS, OKAY, LET'S LOOK AT THE PLAN

11:10:04 THAT WE HAVE FOR THOSE TWO BUILDINGS AND FIGURE OUT WHAT DO
11:10:06 WE NEED TO DO TO COMPLETE THE PROJECT?
11:10:09 AND WE TRIED FOR APPROXIMATELY TWO YEARS TO REPRICE THE
11:10:13 UNITS TO WHAT THEY SHOULD BE PRICED AT TO REFLECT THE ACTUAL
11:10:17 CONSTRUCTION COSTS.
11:10:18 AND DURING THOSE TWO YEARS, BASED ON THE REQUIREMENTS WE
11:10:23 HAVE -- BEFORE WE COULD EVEN START BUILDING, BUILDING 5, WE
11:10:27 NEEDED TO PRESELL ABOUT 70% OF THE UNITS IN THAT PARTICULAR
11:10:30 BUILDING.
11:10:30 SO I BELIEVE BUILDING 5 WAS ABOUT 28 UNITS.
11:10:33 WE NEEDED 70% SALES, AND DURING THOSE 18 TO 24 MONTHS, WE
11:10:39 ONLY HAD THREE CONTRACTS.
11:10:40 AND THE MAIN REASON WAS THE MARKET HAD CHANGED THE DESIRE
11:10:45 FOR THAT TYPE OF PRODUCT AT THAT PRICE WAS NOT THERE
11:10:48 ANYMORE.
11:10:49 ONCE WE INCREASED THE PRICE TO REFLECT THE CONSTRUCTION
11:10:51 COSTS, THE DEMAND HAD DISAPPEARED FOR THIS COMMUNITY.
11:10:54 SO AFTER THOSE 18 MONTHS TO 24 MONTHS WENT BY, WE HAD TO GO
11:11:01 BACK TO THE DRAWING BOARD AND FIGURE OUT WHAT OTHER PLAN CAN
11:11:04 WE DO TO MAKE SURE THAT THIS COMMUNITY IS NOT VACANT.
11:11:08 YOU KNOW, EVERYONE OBVIOUSLY IS ANXIOUS ABOUT THIS.
11:11:11 THAT'S THIS PROPOSAL THAT YOU HAVE IN FRONT OF YOU.
11:11:13 WE WENT BACK AND ANALYZED THE PROJECT AND SAID, OKAY,
11:11:18 EVERYONE HAS AN OPINION AS TO WHAT COULD BE CONSTRUCTED AT
11:11:22 GENOVA.

11:11:22 WE HAD OUR OWN OPINION.
11:11:23 THE RESIDENTS HAVE THEIR THOUGHTS AS WELL.
11:11:25 WE WOULD HAVE LIKED TO BE ABLE TO COMPLETE THIS WITH
11:11:28 BUILDING 5 AND 6, BUT UNFORTUNATELY THAT IS NOT FEASIBLE
11:11:32 FROM A FINANCIAL STANDPOINT.
11:11:34 SINCE THAT IS NOT AN OPTION, WE DECIDED LET'S GO TO THE
11:11:38 EXPERTS.
11:11:39 LET'S TAKE A LOOK AT A THIRD PARTY THAT UNDERSTANDS THE
11:11:42 MARKET AND ESTABLISH A MARKET RESEARCH THAT CAN COME BACK
11:11:46 AND TELL US WHAT DOES THE MARKET DESIRE?
11:11:49 WHAT IS ACTUALLY NEEDED FOR THE MARKET AND WHAT'S THE BEST
11:11:52 WAY FOR US TO COMPLETE THIS PROJECT?
11:11:55 AND THE PROPOSAL WAS BROUGHT FORTH OF DEVELOPING TOWNHOMES
11:11:59 AND LUXURY VILLAS.
11:12:02 AND THE MIX OF THE UNITS IS WHAT'S KEY TO MAKE SURE THAT
11:12:05 THIS PROJECT CAN BE COMPLETED TIMELY, EFFICIENTLY, AND THAT
11:12:10 THE NUMBER OF SALES THAT CAN BE ABSORBED CAN BE DONE QUICKLY
11:12:14 SO PEOPLE CAN BE PROUD OF THE PRODUCT THAT WE'RE PUTTING
11:12:17 FORWARD.
11:12:17 SO WHEN THAT REPORT CAME BACK AND THEY TELL US YOU GUYS NEED
11:12:21 TO DO A MIX OF UNITS BECAUSE THAT'S WHAT THE MARKET DESIRES,
11:12:25 IT'S A LOT EASIER AND FASTER TO SELL MIXED UNITS THAN ONE

11:12:33 SINGLE TYPE OF PRODUCT.
11:12:34 WE REACHED OUT TO ONE OF OUR PARTNERS, CC HOMES BASED OUT OF
11:12:37 MIAMI THAT WE WORKED WITH THE PAST TEN YEARS.

11:12:39 THEY ARE TOP 100 LUXURY BUILDING IN THE COUNTRY.
11:12:44 WE WANT TO MAKE SURE THE PRODUCT AT GENOVA IS A LUXURY
11:12:46 PROJECT.
11:12:47 THAT'S WHY WE REACHED OUT TO THEM.
11:12:48 AND FIGURE OUT WHAT CAN WE DO HERE.
11:12:51 WHAT KIND OF PRODUCT YOU HAVE.
11:12:52 THE HOMES THEY HAVE BUILT ON THE EAST COAST GO FOR WELL
11:12:54 ABOVE A MILLION DOLLARS.
11:12:55 WE'VE HAD DEVELOPMENTS WITH THEM HERE IN COLLIER COUNTY, IN
11:13:00 GRAY OAKS.
11:13:02 SO THEY HAVE EXPERIENCE IN BUILDING LUXURY QUALITY PRODUCT.
11:13:07 BASED ON THE DESIGN THAT WE HAVE WITH THE ARCHITECTS, WE
11:13:11 WERE ABLE TO COME UP WITH A PRODUCT THAT IS COMPATIBLE AND
11:13:14 THAT THE RESIDENTS THAT THE VILLAGE OF ESTERO AND BARRON
11:13:17 COLLIER CAN BE PROUD OF.
11:13:19 SO YOU'LL BE ABLE TO SEE THAT SHORTLY.
11:13:22 SO WHAT WE'RE BRINGING FORTH IS A REDUCTION IN THE NUMBER OF
11:13:26 UNITS AND AN INCREASE ON GREENSPACE FOR THE COMMUNITY, AN
11:13:32 IMPROVEMENT ON THE VISIBILITY.
11:13:36 OBVIOUSLY, PEOPLE ARE NOT HAPPY THAT THIS IS LOOKING VACANT,
11:13:40 SO HOPEFULLY THAT WE CAN MOVE FORWARD WITH THIS AND START
11:13:43 WORKING TOWARDS THE COMPLETION OF THE PROJECT.
11:13:46 GOING FROM 205 UNITS TO 162 UNITS.
11:13:54 REVISED MASTER CONCEPT PLAN.
11:13:55 LET ME RUN THROUGH THE PRESENTATION, AND WE'LL GO INTO

11:13:59 DETAILS EITHER MYSELF, STEVE, OR CHRIS, AND DEFINITELY TAKE
11:14:04 SOME QUESTIONS.
11:14:04 THIS WAS THE ORIGINAL MASTER CONCEPT PLAN.
11:14:07 YOU CAN SEE BUILDING 5 AND 6 ON THE NORTH.
11:14:11 NOW, THIS IS GOING TO BE REPLACED BY THE TOWNHOMES AND THE
11:14:15 LUXURY VILLAS.
11:14:16 THERE ARE BETTER SITE PLANS AS WE MOVE FORWARD IN THE
11:14:20 PRESENTATION THAT PROVIDE GREATER VISIBILITY.
11:14:21 AS MARY SAID, WE'VE DONE A GREAT JOB OF WORKING WITH THE
11:14:28 RESIDENTS, AND WE'RE VERY THANKFUL FOR THEIR INPUT.
11:14:31 THIS HAS BEEN A LONG PROCESS.
11:14:34 WE STARTED LAST YEAR MEETING WITH THE RESIDENTS AND REACHING
11:14:38 OUT TO THEM, SAYING, OKAY, THE ORIGINAL PLAN IS NOT GOING TO
11:14:40 WORK.
11:14:41 THIS IS WHAT WE'RE THINKING ABOUT.
11:14:42 AT THE TIME WE HAD A VISION BEFORE THE MARKET RESEARCH CAME
11:14:46 BACK OF CREATING MORE TOWNHOMES, MORE LUXURY VILLAS.
11:14:50 THE UNIT MIX WAS A LITTLE BIT DIFFERENT THAN WHAT YOU SEE IN

11:14:53 FRONT OF YOU.
11:14:53 ONCE WE HAD THE MARKET STUDY BACK AND STARTED DIVING INTO
11:14:59 THE DETAILS WITH OUR ENGINEERS, THERE WERE CERTAIN
11:15:02 MODIFICATIONS WE HAD TO DO TO A NUMBER OF UNITS, WHETHER DUE
11:15:06 TO UNDERGROUND UTILITIES, WHETHER IT WAS DUE TO TURN RATIOS
11:15:09 FOR EMERGENCY VEHICLES OR THE WASTE SO THEY COULD COME IN.
11:15:15 THIS PLAN IS THE BEST PLAN THAT WE COULD PUT TOGETHER THAT

11:15:19 WILL FIT IN THE LOCATION THAT WE HAVE AT GENOVA.
11:15:22 NOW, DURING THE MEETINGS WITH THE RESIDENTS, AT THE
11:15:25 BEGINNING -- AND MARY CAN ATTEST TO THIS -- THIS ROOM WHEN
11:15:29 WE HAD THE PLANNING AND ZONING BOARD WAS PACKED WITH GENOVA
11:15:32 RESIDENTS.
11:15:32 WE PROBABLY HAD ABOUT 60 RESIDENTS HERE.
11:15:34 WE'VE DONE A GREAT JOB OF WORKING WITH THEM AND HEARING
11:15:39 THEIR CONCERNS AND TRY TO MAKE ADJUSTMENTS TO THE PLAN, HOW
11:15:42 CAN WE ADDRESS THOSE ISSUES THAT THEY ARE BRINGING FORTH?
11:15:46 SOME OF THE ITEMS THEY DISCUSSED WAS THE DUES.
11:15:47 THE FINANCIAL IMPACT THAT THIS IS GOING TO HAVE ON THE
11:15:50 RESIDENTS.
11:15:51 ONE OF THE AGREEMENTS THAT WE WERE ABLE TO REACH WITH THE
11:15:53 GENOVA 1 AND GENOVA 2 BOARD, WE'RE HOLDING -- WE'RE GOING TO
11:15:58 HOLD FIXED THE NUMBER OF UNITS THAT WILL BE USED GOING
11:16:01 FORWARD UNTIL 2025.
11:16:04 IN 2025, WE'LL START A TRANSITION DOWN TO REFLECT THE
11:16:08 REVISED NUMBER OF UNITS.
11:16:09 SO THAT PROVIDES SOME STABILITY FOR THE RESIDENTS FOR THE
11:16:12 NEXT THREE YEARS, THREE AND A HALF YEARS.
11:16:14 AND THEN IN 2026 IS WHEN THE BUDGET WILL BE REFLECTED BASED
11:16:19 ON THE REDUCED NUMBER OF UNITS.
11:16:20 ADDITIONAL CONCERNS THE RESIDENTS HAD WAS PARKING.
11:16:26 WE'LL ADDRESS THAT IN A MINUTE.
11:16:27 WE REVISED THE SITE PLAN TO ADDRESS THIS CONCERN.

11:16:31 STEVE WILL TOUCH A LITTLE BIT MORE ON THAT AND BE ABLE TO
11:16:34 SHOW YOU GUYS HOW WE'VE IMPROVED THE PARKING IN THE
11:16:36 COMMUNITY.
11:16:37 ADDITIONAL DISCUSSIONS THAT THEY HAD WAS LANDSCAPING AROUND
11:16:41 THE LAKE AND IN THE NORTHERN PART OF THE COMMUNITY.
11:16:45 OUR DESIRE THROUGH STEVE'S PRESENTATION IS TO IMPROVE THE
11:16:49 LANDSCAPE WITHIN THE COMMUNITY IN FRONT OF GENOVA 2 AS WELL
11:16:52 AS AROUND THE LAKE BY INCREASING THE NUMBER OF TREES THAT
11:16:56 ARE THERE AND ALSO THIS PLAN HAS PROVIDED FOR ADDITIONAL
11:17:00 GREENSPACE FOR THE RESIDENTS.
11:17:03 THE CONNECTIVITY IN THE PROJECT ITSELF, IT'S AN ENHANCED
11:17:09 AMENITY FOR ALL THE RESIDENTS.
11:17:10 AS YOU GUYS CAN SEE, WE'VE HAD MULTIPLE MEETINGS, NOT ONLY
11:17:14 WITH THE RESIDENTS AT THE CLUBHOUSE, BUT ALSO WITH GENOVA 2

11:17:18 RESIDENTS TO HEAR THEIR CONCERNS, HEAR THEIR INPUT, AND TRY
11:17:22 TO IMPROVE THE SITE PLAN AS BEST AS WE CAN, WHICH IS TODAY A
11:17:27 REFLECTION OF THE NUMBER OF RESIDENTS THAT WE HAVE HERE HAS
11:17:30 BEEN LESSENED COMPARED TO WHAT WE HAD AT THE BEGINNING.
11:17:34 AND AS MARY SAID, THERE ARE STILL SOME THAT WILL LIKE US TO
11:17:38 COMPLETE THE PROJECT AS IT WAS INTENDED WITH THE TWO
11:17:41 BUILDINGS, AND, YOU KNOW, WE'VE TOLD THEM, AND I UNDERSTAND
11:17:47 THEIR FRUSTRATION, BUT THAT IS SIMPLY NOT GOING TO HAPPEN.
11:17:49 IT CANNOT BE DONE FINANCIALLY.
11:17:51 THIS IS THE BEST PLAN THAT WE'RE ABLE TO COME UP WITH THAT
11:17:55 THEY CAN BE PROUD OF, THAT IS A QUALITY PRODUCT THAT IS

11:17:58 COMPATIBLE WITH GENOVA, THAT IS BUILT BY A DEVELOPER THAT
11:18:04 HAS EXPERIENCE IN BUILDING LUXURY HOMES THAT ARE PRICED OVER
11:18:08 A MILLION DOLLARS ON THE OTHER COAST.
11:18:11 IF YOU WOULD HAVE ASKED US A YEAR AGO WHAT THE PRICE WOULD
11:18:13 HAVE BEEN FOR THESE HOMES, THIS WOULD HAVE BEEN 600,000 OR
11:18:17 ABOVE FOR TOWNHOMES, 800,000 OR ABOVE FOR THE LUXURY VILLAS.
11:18:21 OBVIOUSLY, A LOT HAS CHANGED SINCE THEN AND WE HAVE TO SEE
11:18:24 ONCE WE ACTUALLY GO TO MARKET WHAT THE CONSTRUCTION COSTS
11:18:27 ARE, BUT THE INTENTION IS THAT THE PRICE FOR THESE HOMES
11:18:31 WILL BE HIGHER THAN THE UNITS WE HAVE AT GENOVA.
11:18:33 THAT'S AN ADDITIONAL VALUE FOR THE RESIDENTS THAT IT'S
11:18:37 INCREASING THE VALUE OF THEIR HOMES.
11:18:38 ANY CONCERNS THAT THE RESIDENTS HAVE HAD ABOUT PARKING OR
11:18:43 RULES FOR THIS SPECIFIC ASSOCIATION WILL BE ADDRESSED WITH
11:18:47 THE CONDO DOCUMENTS THAT WILL BE CREATED FOR GENOVA 3.
11:18:51 EVERY TWO BUILDINGS IN THE COMMUNITY HAVE THEIR OWN RULES.
11:18:54 WE'LL MAKE SURE THAT THIS PHASE FOR GENOVA MIMICS THE RULES
11:18:57 THAT GENOVA 1 AND GENOVA 2 ALREADY HAVE IN PLACE TO ENSURE
11:19:01 THAT EVERYTHING IS COHESIVE IN THE COMMUNITY, THAT THEY
11:19:04 FOLLOW THE SAME RULES THAT GENOVA 1 AND GENOVA 2 HAVE IN
11:19:08 PLACE.
11:19:08 SO WITH THAT, UNLESS YOU GUYS HAVE ANY QUESTIONS FOR ME AT
11:19:13 THE MOMENT, I WANT TO PASS IT ON TO CHRIS SO HE CAN DISCUSS
11:19:16 THE STAFF CONDITIONS AND ADDRESS THE LANDSCAPING AS WELL.
11:19:21 >>Jim Ward: ONE QUICK QUESTION.

11:19:24 I'M NOT SURE IF I MISUNDERSTOOD YOUR NUMBERS SOMEWHERE, BUT
11:19:27 THE SLIDE YOU JUST SHOWED EARLIER SHOWED ORIGINALLY 205
11:19:30 UNITS, NOW 162.
11:19:34 >>Jaime Lopez: CORRECT.
11:19:34 >>Jim Ward: WHICH IS THE DIFFERENCE OF 43.
11:19:37 >>Jaime Lopez: CORRECT.
11:19:38 >>Jim Ward: EARLIER, YOU STATED YOU WERE GOING TO BUILD 31
11:19:41 UNITS INSTEAD OF 68 WHICH IS A SHORTAGE OF 37.
11:19:44 >>Jaime Lopez: SO WHEN MARY CAME IN FRONT AND SAID IT WAS A
11:19:49 REDUCTION OF 68, UNFORTUNATELY, THAT NUMBER WAS NOT

11:19:51 ACCURATE.
11:19:52 THE TOTAL NUMBER OF UNITS THAT WE HAD IN THE COMMUNITY THAT
11:19:55 ZONED FOR IS 205.
11:19:56 THE INTENTION IS TO BRING IT TO 162.
11:19:59 THAT'S A REDUCTION OF THE 43, YEAH.
11:20:04 >>Jim Ward: 43.
11:20:05 OKAY.
11:20:06 AND THAT CALCULATION HAS BEEN TAKEN INTO CONSIDERATION WHEN
11:20:09 YOU RE-DID THE CALCULATION ON DUES.
11:20:12 >>Jaime Lopez: SO ORIGINALLY WHEN WE FIRST STARTED THE
11:20:16 DISCUSSION, OUR INTENTION WAS TO BUILD 171 UNITS.
11:20:19 OKAY.
11:20:20 WHEN WE WENT BACK WITH OUR ENGINEER AND LOOKED AT WHAT COULD
11:20:24 ACTUALLY FIT THERE, THAT'S THE COMMENT I HAD ABOUT THE
11:20:28 UNDERGROUND UTILITIES, THE TURNING RATIOS, WE HAD TO FURTHER

11:20:31 DOWN REDUCE THE UNITS FROM THE 171 TO 162.
11:20:36 BECAUSE WE HAD GONE IN FRONT OF THE RESIDENTS AT THE 171,
11:20:39 THAT'S THE NUMBER THAT WE'RE FIXING FOR THE RESIDENTS TO
11:20:43 KEEP STEADY UNTIL 2025 AND TRANSITION IN 2026.
11:20:48 SO THE BUDGET IS GOING TO BE BASED ON 171 UNITS WHICH WAS
11:20:52 WHAT WAS ORIGINALLY INTENDED WHEN WE FIRST APPROACHED THE
11:20:55 RESIDENTS LAST YEAR WITH THE REVISED PLAN.
11:20:57 >>Jim Ward: SO WHEN YOU TRANSITION IN 2026, WILL IT BE AN
11:21:01 IMMEDIATE REDUCTION OR WILL IT --
11:21:04 >>Jaime Lopez: SO IN 2025, IT WILL GO FROM 171 UNITS TO 164,
11:21:09 I BELIEVE, 165 UNITS.
11:21:11 AND THEN IN 2026, IT WILL BE 162 UNITS.
11:21:16 >>Jim Ward: THANK YOU.
11:21:17 >>Jaime Lopez: ABSOLUTELY.
11:21:18 >>Mayor Errington: ANY OTHER QUESTIONS?
11:21:19 JIM WILSON.
11:21:25 >>Jim Wilson: YOU'RE AWARE OF CONDITION NUMBER 8 WHICH SAYS
11:21:29 THAT THIS FINAL PHASE MUST BE COMPLETED NO LATER THAN FIVE
11:21:34 YEARS FROM THE APPROVAL OF THE DEVELOPMENT ORDER, YOU'RE
11:21:37 WILLING TO LIVE WITH THAT AND YOU BELIEVE THAT THE MARKET
11:21:39 WILL SUPPORT BUILDING THIS PROPOSAL THAT YOU'RE MAKING?
11:21:46 >>Jaime Lopez: I'M AWARE OF THAT CONDITION.
11:21:48 I WILL LET CHRIS SPEAK TO THE CONDITIONS.
11:21:50 THAT'S MORE OF THE TECHNICAL SIDE.
11:21:52 I'LL LET HIM ADDRESS THAT IN THE NEXT SLIDES.

11:21:54 >>Jim Wilson: THANK YOU.
11:21:56 >>Mayor Errington: THANK YOU.
11:21:57 PLEASE STATE YOUR NAME.
11:22:01 >> FOR THE RECORD, CHRIS SCOTT WITH PENINSULA ENGINEER.
11:22:05 AICP CERTIFIED PLANNER WITH PENINSULA ENGINEERING.
11:22:09 I WANTED TO TOUCH ON A COUPLE OF CONDITIONS, AND ONE OF

11:22:13 THOSE IS CONDITION 8 REGARDING THE TIMING.
11:22:16 BUT BEFORE I GET TO THAT, THERE WAS ONE OF THE STAFF
11:22:19 CONDITIONS RELATED TO THE POCKET PARK BUS STOP WHICH WAS ONE
11:22:22 OF THE INITIAL INCENTIVE OFFERINGS AS PART OF THE ORIGINAL
11:22:26 GENOVA PATTERN BOOK.
11:22:28 THAT IS BEING DELETED DUE TO SPACE ISSUES.
11:22:35 STAFF WAS RECOMMENDING THAT IT BE REPLACED WITH AN AREA OF
11:22:39 EQUIVALENT SIZE AND AMENITIES SUBJECT TO STAFF AND PZDB
11:22:44 APPROVAL.
11:22:45 ON THIS SLIDE AT THE TOP LEFT, YOU CAN KIND OF SEE THE
11:22:49 POCKET PARK AREA THAT WAS ORIGINALLY PLANNED.
11:22:53 LOCATED BETWEEN BUILDINGS 3 AND 5, IT WAS LOCATED ON THE
11:22:58 OUTSIDE OF THE FENCE THAT SURROUNDS THE RESIDENTS.
11:23:03 SO IT WAS MORE OF A PUBLIC REALM IMPROVEMENT TOTALED AROUND
11:23:07 3900 SQUARE FEET, INCLUDED A PAVER STONE BLOCK THAT WAS
11:23:12 POTENTIALLY TO BE USED FOR FUTURE BUS STOP.
11:23:15 LEE TRAN SAID THERE ARE NO PLANNED BUS ROUTES OR STOPS ALONG
11:23:21 THIS SECTION.
11:23:25 AND WE DID NOT HAVE THE SPACE TO KEEP THAT AREA.

11:23:28 WE HAVE PROVIDED AN INTERNAL PARK AREA OF EQUIVALENT SIZE.
11:23:34 IT'S SLIGHTLY LARGER, LOCATED BETWEEN THE TWO TOWNHOME
11:23:38 BUILDINGS THAT EXTENDS AND PROVIDES SOME GREENSPACE WITH
11:23:42 SIDEWALKS AND BENCHES THAT WOULD BE, WE FEEL, HIGHLY USED BY
11:23:46 THE RESIDENTS WITHIN GENOVA.
11:23:49 ADDITIONALLY, THE DEVELOPMENT DOES INCLUDE A LOT OF
11:23:54 INCENTIVE OFFERINGS THAT WILL REMAIN.
11:23:56 YOU HAVE THE PUBLIC PARK, THE LINEAR PARK ALONG CORKSCREW
11:24:00 ROAD.
11:24:00 AND THERE WERE PREVIOUS CONTRIBUTIONS FOR PUBLIC BENEFIT
11:24:07 THAT WAS DONE AT THE TIME OF THE ORIGINAL APPROVAL.
11:24:10 IN REGARDS TO THE TIMING CONDITION, WE HAVE EVERY INTENTION
11:24:19 OF GETTING THIS PROJECT COMPLETED AS EXPEDITIOUSLY AS
11:24:23 POSSIBLE.
11:24:25 AS JAIME NOTED, EVERY DAY THAT THE PROJECT REMAINS VACANT IS
11:24:28 COSTING BARRON COLLIER COMPANY MONEY.
11:24:31 SO WE HAVE EVERY INTENTION TO BE DONE AS QUICK AS POSSIBLE.
11:24:35 WE WOULD JUST RECOMMEND THAT THE LANGUAGE BE REVISED TO
11:24:40 REFLECT THE EXISTING TIME LIMITS WITHIN THE LDC, SECTION
11:24:45 2502 A 3 B.
11:24:48 THAT ALSO HAS A FIVE-YEAR REQUIREMENT, BUT IT ALSO
11:24:55 INCORPORATES THE EXTENSIONS THAT ARE ALLOWED TO BE APPLIED
11:24:57 FOR.
11:25:00 IF ANYTHING HAS TAUGHT US RECENTLY, THERE'S BEEN SUPPLY
11:25:03 CHAIN ISSUES AND WITH THE HURRICANE, I'M SURE CONTRACTING,

11:25:09 SUBCONTRACTORS ARE GOING TO BE DIFFICULT TO FIND.
11:25:11 SO YOU NEVER KNOW WHAT'S GOING TO HAPPEN.

11:25:13 SO WE WOULD JUST WANT THIS PROJECT TO BE TREATED THE SAME
11:25:16 WAY AS ANY OTHER THAT'S COMING THROUGH THE VILLAGE OF
11:25:20 ESTERO.
11:25:23 I'M NOT SURE IF THAT ADDRESSES YOUR QUESTION.
11:25:28 >>Jim Wilson: I'M NOT SURE WHERE YOU CAN FIND THE LANGUAGE.
11:25:32 WHERE AM I GOING?
11:25:33 >>Chris Scott: WE'RE RECOMMENDING THAT RIGHT NOW THE WAY THE
11:25:37 STAFF'S LANGUAGE IS, THAT THERE MUST BE ACTIVE PURSUIT AND
11:25:42 COMPLETED NO LATER THAN FIVE YEARS FROM THE DATE OF THE D.O.
11:25:47 WE WOULD RECOMMEND THAT THAT BE REPLACED WITH JUST A
11:25:50 REFERENCE TO THE LDC SECTION THAT REFLECTS THE TIMING OF
11:25:54 CONSTRUCTION, WHICH IS LDC SECTION 2-502 A.3.B, WHICH ALSO
11:26:02 HAS A FIVE-YEAR TIME FRAME FOR CONSTRUCTION.
11:26:10 >>Neale Montgomery: THE SECTION PROVIDES DEFINITIONS.
11:26:13 IT DEFINES WHAT SIGNIFICANT CONSTRUCTION IS.
11:26:16 IT DEFINES ACTIVE PURSUIT.
11:26:19 SO A LOT OF THE THINGS THAT YOU WANT TO SEE ARE MORE
11:26:22 COMPLETELY ADDRESSED IN THE PROVISION IN THE LDC.
11:26:27 CHRIS HAS IT HIGHLIGHTED AND CAN READ IT FOR YOU IF YOU'D
11:26:29 LIKE.
11:26:30 BUT IN OUR OPINION, IT IS A MORE CLEAR AND EASIER TO
11:26:33 ASCERTAIN FOR EVERYONE.
11:26:37 >>Jim Wilson: STAFF AGREE WITH THAT?

11:26:39 >>Mary Gibbs: I'D LIKE TO MAKE A COUPLE OF COMMENTS, IF I
11:26:42 CAN COME UP.
11:26:43 SO THE CONDITIONS WE'RE TALKING ABOUT ARE TWO CONDITIONS IN
11:26:51 THE ORDINANCE.
11:26:52 SO IF YOU GO TO YOUR PACKET, RIGHT AFTER THE COVER SHEET,
11:26:57 THERE IS THE ORDINANCE 22-16.
11:27:01 SO WHAT THEY ARE DISAGREEING WITH A LITTLE BIT IS THESE TWO
11:27:06 CONDITIONS.
11:27:07 CONDITION 7 AND CONDITION 8.
11:27:08 THAT'S WHAT HE'S GOT ON THE SLIDE UP HERE.
11:27:10 THE FIRST ONE, LET ME TALK ABOUT THE POCKET PARK A LITTLE
11:27:13 BIT.
11:27:15 ON THE ORIGINAL PLAN, A LITTLE POCKET PARK THAT WAS GOING TO
11:27:19 BE A BUS STOP ON VIA COCONUT, AND THEY WANT TO ELIMINATE
11:27:25 THAT BECAUSE THERE ARE SOME CONFLICTS WITH UTILITIES AND THE
11:27:28 LEE TRAN DOES NOT HAVE ANY PLANS FOR A BUS STOP THERE.
11:27:32 SO WHAT I SUGGESTED, AND MY CONDITION, IS THAT IF YOU'RE
11:27:37 GOING TO DELETE THAT, THEY HAVE TO REPLACE IT BY SOMETHING
11:27:40 EQUIVALENT IN SIZE.
11:27:41 WHAT THEY SAID IS WE'LL REPLACE IT INTERNALLY WITH SOMETHING
11:27:44 EQUIVALENT.
11:27:46 BUT THE INTENT OF THIS CONDITION ORIGINALLY WAS TO HAVE
11:27:49 SOMETHING EXTERNALLY AS WELL.
11:27:51 SO I THINK WHAT THEY ARE DOING INTERNALLY FOR THE RESIDENTS

11:27:54 IS GOOD, BUT I HAVE SUGGESTED TO THEM THAT IF THEY CAN'T DO

11:27:57 THE POCKET PARK ON VIA COCONUT, THAT THEY SHOULD SUPPLEMENT
11:28:02 ON CORKSCREW ROAD WHERE YOU'VE GOT THE LINEAR PARK.
11:28:05 LET'S SUPPLEMENT THAT AS ANOTHER OPTION WITH SOME ADDITIONAL
11:28:11 BENCHES OR PAVER BRICKS OR SOMETHING IN THAT LINEAR PARK
11:28:16 AREA THAT WOULD BE EQUIVALENT TO THIS POCKET PARK.
11:28:18 INSTEAD OF JUST SAYING, WHAT THEY ARE SAYING IS WE CAN'T DO
11:28:21 THE POCKET PARK, BUT WE DID IT INTERNALLY AND WE'RE SAYING
11:28:24 WE'D LIKE TO SEE SOMETHING EXTERNAL AND LET'S LOCATE IT ON
11:28:27 THE CORKSCREW ROAD IN THAT BUFFER AREA.
11:28:33 >>Joanne Ribble: MARY, I SEE THERE IS A SIDEWALK FROM THAT
11:28:36 INTERNAL PARK OUT.
11:28:38 I ASSUME IT WILL BE GATED, THOUGH.
11:28:40 >>Mary Gibbs: YEAH, THAT IS THE PEDESTRIAN GATE THAT GOES
11:28:43 OUT ONTO CORKSCREW.
11:28:45 >>Joanne Ribble: SO THERE IS NO ACCESS FROM THE PUBLIC TO
11:28:49 THE LINEAR PARK.
11:28:50 >>Mary Gibbs: THE LINEAR PARK IS REALLY THE SIDEWALK AREA
11:28:53 WITH SOME PLANTINGS.
11:28:54 WE CALL IT A LINEAR PARK, BUT IT IS THE SIDEWALK AND THE
11:28:57 PLANTING AREA, AND THAT THEY COULD DO SOMETHING ADDITIONAL
11:29:01 IN THAT AREA, OUTSIDE THAT PEDESTRIAN GATE.
11:29:06 >>Mayor Errington: HOW MANY FEET WOULD THAT BE?
11:29:09 >>Mary Gibbs: WELL, THE LINEAR PARK, WHAT THEY CALL THE
11:29:11 LINEAR PARK AGAIN IS THE SIDEWALK, GOES ALONG THE WHOLE
11:29:14 NORTH SIDE OF THEIR PROJECT ON CORKSCREW ROAD.

11:29:17 IT KIND OF LOOKS LIKE IT MEANDERS, AND THEN THEY'VE GOT A
11:29:21 PLAN FOR A BUFFER, TREES AND SHRUBS.
11:29:26 AND SO WHAT I RECENTLY SUGGESTED IS WHY NOT SUPPLEMENT THAT
11:29:30 WITH EITHER MORE TREES AND SHRUBS TO HIDE, SO YOU DON'T HAVE
11:29:33 TO LOOK IN AND SEE THE PARKING, THE GUEST PARKING AREA, AND
11:29:37 SUPPLEMENT THAT AND HAVE THAT BE A SUBSTITUTE FOR THAT
11:29:41 POCKET PARK.
11:29:45 >>Neale Montgomery: IF I CAN, I'D LIKE TO RESPOND.
11:29:48 THERE IS AS PART OF THE ORIGINAL ZONING ORDINANCE, GENOVA
11:29:56 INCENTIVES OFFERINGS, I WOULD NOTE THAT THOSE WERE REQUIRED
11:30:00 BECAUSE OF THE ADDITIONAL HEIGHT AND ADDITIONAL DENSITY.
11:30:04 THAT DOES PROVIDE THAT THERE ARE 600.1 FEET FOR THE PARK
11:30:09 ALONG CORKSCREW.
11:30:10 I WOULD ALSO NOTE THIS PROJECT WAS REQUIRED TO HAVE STEALTH
11:30:14 GATING AND ALLOW PUBLIC ACCESS.
11:30:16 SO THE PUBLIC IS ALLOWED TO GO INTO THE PROPERTY AND, IN
11:30:21 FACT, THERE IS A PUBLIC LAKE-SIDE SITTING AREA.
11:30:25 SO THE INTERNAL LANDSCAPING AND SEATING AREAS WERE REQUIRED
11:30:30 TO BE OPEN AND AVAILABLE TO THE PUBLIC.
11:30:32 IN ADDITION, I DON'T KNOW IF YOU FOLKS KNOW THAT THEY ALSO

11:30:37 WERE REQUIRED AS THOSE INCENTIVES TO PUT LANDSCAPING IN
11:30:41 MEDIAN ON VIA COCONUT, SO THAT'S BEING MAINTAINED BY THE
11:30:45 RESIDENTS.
11:30:46 IT IS A COST THAT THE RESIDENTS WILL HAVE TO BEAR INTO THE
11:30:48 FUTURE.

11:30:49 IN ADDITION, THEY WERE REQUIRED TO GIVE MONEY TO THE
11:30:53 VILLAGE, WHICH I BELIEVE IS STILL IN AN ESCROW ACCOUNT, FOR
11:30:57 THE ACCESS TO ESTERO PARK.
11:30:59 SO THERE ARE A LOT OF THINGS THAT THEY HAVE ALREADY DONE
11:31:02 THAT SOME OF YOU MAY NOT BE AWARE OF.
11:31:04 SO THEY HAVE MADE SIGNIFICANT CONTRIBUTIONS.
11:31:06 AND WHEN THEY APPEARED AT THE PLANNING AND ZONING BOARD, THE
11:31:12 PLANNING AND ZONING BOARD, LIKE YOU FOLKS SAID, WE WANT YOU
11:31:14 TO WORK HARDER WITH THE RESIDENTS BECAUSE CONDOMINIUM ONE
11:31:17 AND TWO FELT LIKE SOME OF THEM HAD MORE LANDSCAPING THAN
11:31:21 OTHERS.
11:31:22 SOME OF THOSE TREES, THOSE BLACK OLIVE TREES THAT WERE
11:31:25 RECOMMENDED FOR THE BUS STOP WERE PUT INTERNALLY FOR THE
11:31:30 BENEFIT OF THE RESIDENTS IN AN EFFORT TO COMPLY WITH THE
11:31:33 WISH THAT WE WORK HARD WITH THEM.
11:31:35 >>Mary Gibbs: AND I APPRECIATE NEALE KIND OF JUMPING IN
11:31:39 BEFORE I WAS FINISHED, BUT I THINK WHAT I'M TRYING TO SAY
11:31:41 HERE, TOO, I UNDERSTAND THAT THEY ARE CLAIMING THAT WE'RE
11:31:46 ASKING FOR LESS DENSITY, SO WE SHOULDN'T HAVE TO DO AS MUCH.
11:31:50 ALL I'M SAYING TO REPLACE THAT POCKET PARK, WHY DON'T WE
11:31:53 MAKE SOMETHING SUPPLEMENTAL ON CORKSCREW ROAD.
11:31:56 I'M NOT EVEN ASKING FOR MUCH.
11:31:58 THIS IS CORKSCREW IS IMPORTANT.
11:31:59 YOU ALL LIKE TO SEE NICE LANDSCAPING.
11:32:02 THERE'S INCONSISTENCIES IN THEIR PATTERN BOOK AND IN THE

11:32:05 EXHIBIT F, SO I'M JUST ASKING FOR SOMETHING.
11:32:10 I DON'T THINK IT'S A LOT.
11:32:11 NOW, LET ME GO ON TO THE SECOND --
11:32:15 >>Vice-Mayor McLain: JUST A QUESTION.
11:32:17 YOU'RE SAYING A LINEAR PARK THAT'S GOING TO BE INTERNAL TO
11:32:20 THE ORGANIZATION.
11:32:21 >>Mary Gibbs: NO.
11:32:22 THE LINEAR PARK IS THE SIDEWALK AREA WHICH WILL BE OUTSIDE
11:32:26 OF THE BUFFER.
11:32:28 THE BUFFER IS KIND OF WORKED IN WITH THE SIDEWALK, AND IT'S
11:32:32 OUTSIDE OF THEIR FENCE.
11:32:34 >>Vice-Mayor McLain: THAT'S ON THE OTHER DEVELOPMENT WE
11:32:36 APPROVED MONTHS AND MONTHS AGO.
11:32:38 BUT YOU WERE TALKING ABOUT SOMETHING WITHIN THE DEVELOPMENT
11:32:42 THAT'S GOING TO SUBSTITUTE --
11:32:45 >>Mary Gibbs: THEY HAVE INTERNAL, WHICH THEY SHOWED YOU THE

11:32:49 SLIDE, THERE IS A LITTLE AREA AT THE NORTH SIDE OF THE LAKE
11:32:53 THAT WAS GOING TO BE PARKING AND THEY CHANGED IT.
11:32:58 >>Vice-Mayor McLain: BUT IS THERE GOING TO BE PUBLIC ACCESS
11:33:00 TO THAT?
11:33:02 >>Mary Gibbs: I WILL HAVE TO DISAGREE BECAUSE YOU CAN GO IN
11:33:04 THE MAIN GATE AT GENOVA.
11:33:06 THE WAY IT WAS ORIGINALLY APPROVED, YOU WOULD BE ABLE TO GO
11:33:10 IN AND GET IN.
11:33:11 I KNOW THE RESIDENTS WANT TO COME BACK AND CHANGE THAT SO

11:33:14 THAT PEOPLE CAN'T GO IN, AND THIS PEDESTRIAN GATE I THINK
11:33:18 JUST GOES OUT ONTO CORKSCREW.
11:33:20 I DON'T BELIEVE YOU CAN WALK IN OFF OF CORKSCREW.
11:33:25 >>Vice-Mayor McLain: WHAT I THINK I'M HEARING AND AGREE WITH
11:33:28 IS REALLY NOT GOING TO BE PUBLIC ACCESS TO ANYTHING INTERNAL
11:33:31 WITHIN THE GENOVA DEVELOPMENT.
11:33:33 >>Mary Gibbs: WELL, WHEN IT WAS ORIGINALLY APPROVED WE WERE
11:33:37 SUPPOSED TO HAVE CONNECTIVITY.
11:33:40 VICE-MAYOR LEVITAN AT THE TIME WANTED TO MAKE SURE THAT
11:33:43 PEOPLE COULD GO IN.
11:33:44 AND I THINK YOU CAN GO IN WITH THE GUARD, BUT THEY WANT THE
11:33:48 RESIDENTS -- THE RESIDENTS DO WANT TO MAKE A CHANGE TO HAVE
11:33:51 AN AUTOMATED ATTENDANT, NOT THE GUARD.
11:33:54 I THINK THE IDEA IS THEY DON'T REALLY WANT PEOPLE GOING IN.
11:33:58 I'M JUST TRYING TO FOCUS --
11:34:02 >>Vice-Mayor McLain: I AGREE WITH YOU.
11:34:03 TRANSFER THE BUS STOP, DOLLARS -- YOU GOT TO PUT IT DOWN TO
11:34:09 DOLLARS SOMEWHERE, AND PUT THAT IN THE LINEAR PARK THAT'S
11:34:12 PLANNED FOR THE DEVELOPMENT --
11:34:15 >>Mary Gibbs: JUST SUPPLEMENT IT A LITTLE BIT, WHICH I
11:34:18 THOUGHT THEY HAD AGREED TO DO WHEN WE SPOKE.
11:34:23 >> [NOT SPEAKING AT A MICROPHONE]
11:34:30 >>Mary Gibbs: MAYBE THEY AGREE AND WE JUST DON'T KNOW, WHICH
11:34:33 WOULD BE GOOD.
11:34:34 >>Neale Montgomery: WE HAVEN'T GOTTEN TO THAT PART YET.

11:34:36 WE HAVEN'T GOTTEN TO MR. SAMMONS' EXPLANATION ON THE LINEAR
11:34:40 PARK.
11:34:41 >>Mary Gibbs: BECAUSE YOU BUTTED IN ON ME.
11:34:46 >>Mayor Errington: MAY I ASK BEFORE YOU MOVE ON, THE POCKET
11:34:50 PARK WAS ORIGINALLY SUPPOSED TO BALANCE WITH THE OTHER
11:34:53 POCKET PARK, RIGHT?
11:34:56 THOSE WERE DESIGNED ORIGINALLY TO BALANCE EACH OTHER.
11:35:00 >>Mary Gibbs: THEY WERE PUT IN, I THINK, BY JIM WALLACE AND
11:35:03 I THINK THEY JUST WERE PUT IN AT KIND OF RANDOM SPOTS.
11:35:07 >>Mayor Errington: THERE WAS NEVER ANY INTENTION OF A BUS
11:35:10 COMING THROUGH.
11:35:11 >>Mary Gibbs: WELL, THERE WAS A DISCUSSION OF IT, YES.

11:35:13 >>Mayor Errington: BUT NEVER SERIOUSLY.
11:35:15 >>Mary Gibbs: THAT WAS KIND OF A LONG-RANGE PLAN.
11:35:18 I THINK MOVING IT AND MAYBE STEVE CAN EXPLAIN IT, I THINK
11:35:21 RELOCATING OR SUPPLEMENTING, I THINK WE WOULD BE IN
11:35:25 AGREEMENT WITH THAT IF THEY ARE IN AGREEMENT WITH THAT.
11:35:28 >>Mayor Errington: WELL, IT WOULD DEPEND ON CORKSCREW ROAD
11:35:31 IS A VERY DANGEROUS ROAD, AND PUTTING A LINEAR PARK RIGHT
11:35:37 THERE FOR SOMEONE TO DO ANYTHING, I DON'T KNOW THAT --
11:35:41 >>Mary Gibbs: IT CAN BE LANDSCAPING AND SUCH.
11:35:43 >>Mayor Errington: BUT THE POCKET PARK IS PRETTY ESSENTIAL,
11:35:46 I THINK, IS TO WHAT WAS DECIDED UPON AT THAT TIME.
11:35:52 POCKET PARKS WERE THE SELLING FEATURE OF EVERYTHING.
11:36:00 >>Mary Gibbs: DO YOU WANT ME TO TALK ABOUT THE OTHER

11:36:01 CONDITION NOW OR DO YOU WANT TO HEAR --
11:36:04 >>Mayor Errington: ARE YOU GOING TO ELABORATE ON WHAT'S
11:36:06 ALREADY BEEN SAID?
11:36:10 >>Mary Gibbs: I'M VERY CONFUSED.
11:36:19 >>Mayor Errington: LET'S ADDRESS -- JIM WILSON HAD A
11:36:22 QUESTION.
11:36:22 >>Mary Gibbs: RIGHT, ON CONDITION 8, WHICH WE GOT
11:36:25 SIDETRACKED.
11:36:26 CONDITION 8, THE APPLICANT IS ASKING BASICALLY TO JUST
11:36:30 INSERT LANGUAGE THAT THEY HAVE TO GET SUBSTANTIAL COMPLETION
11:36:36 AS REQUIRED BY THE CODE, WHICH DOES SAY FIVE YEARS.
11:36:39 THE CODE DOES ALLOW FOR AN EXTENSION IF YOU HAVE SOME
11:36:43 ECONOMIC REASON.
11:36:45 SO I THINK SPEAKING TO NANCY EARLIER, I THINK WE ARE OKAY
11:36:49 WITH THE LANGUAGE THEY ARE PROPOSING FOR THAT.
11:36:54 >>Vice-Mayor McLain: CAN YOU GO BACK TO THAT ON THE SCREEN?
11:36:56 IT'S NOT YOUR SHOT.
11:37:02 >>Jim Wilson: I HAVE ONE MORE QUESTION THEN.
11:37:03 HOW DO -- ALL SEVEN OF US LIVE IN GATED COMMUNITIES.
11:37:10 HOW DO WE GET GENOVA TO BECOME THE EQUIVALENT TO WHAT WE
11:37:15 ALREADY HAVE HERE?
11:37:17 BECAUSE I DON'T THINK IT MAKES ANY SENSE TO HAVE THE PUBLIC
11:37:19 WANDERING AROUND THIS DEVELOPMENT.
11:37:22 DO WE WANT PEOPLE SWIMMING IN THIS LAKE?
11:37:25 I DON'T THINK SO.

11:37:25 >>Mary Gibbs: IT'S REALLY INTIMIDATING, SO YOU REALLY DON'T
11:37:33 DRIVE IN.
11:37:35 >>Jim Wilson: THERE'S NO WAY WE CAN CONDITION -- IS THERE
11:37:38 SOME CONDITION IN THE PREVIOUS APPROVAL THAT WE WOULD NEED
11:37:42 TO TAKE OUT?
11:37:43 >>Mary Gibbs: YES, YES, YES.
11:37:45 >>Jim Wilson: WOULD THAT HAVE TO THEN GO BACK TO THE PZB AND
11:37:49 THEN COME TO US?

11:37:50 >>Mary Gibbs: YES, THAT WOULD BE AN AMENDMENT.
11:37:52 I'VE SPOKEN TO THE HOA.
11:37:54 WE'RE GETTING SIDETRACKED A LITTLE BIT.
11:37:56 I HAVE SPOKEN TO THE CONDO ASSOCIATION.
11:37:59 THEY DO WANT TO CHANGE THE GATE, AND THAT WOULD BE AN
11:38:03 AMENDMENT TO THE ZONING.
11:38:04 >>Jim Wilson: SO THE ORIGIN OF THAT SHOULD THEN COME FROM --
11:38:08 I DON'T EVEN KNOW IF THEY ARE HERE.
11:38:09 >>Mary Gibbs: YEAH, THEY ARE HERE.
11:38:11 >>Jim Wilson: WOULD HAVE TO COME FROM THEM TO STAFF AND THEN
11:38:14 START.
11:38:14 >>Mary Gibbs: YES.
11:38:15 >>Jim Wilson: THAT'S SOMETHING WE CAN FIX HERE WITH A --
11:38:18 >>Mary Gibbs: NO, NO, NO.
11:38:19 >>Jim Wilson: ALL RIGHT.
11:38:20 THANK YOU.
11:38:23 >>Vice-Mayor McLain: ON CONDITION 8 HERE, THERE'S NO

11:38:25 FIVE-YEAR PROGRAM.
11:38:27 SO IT COULD GO ON FOR A LONGER PERIOD.
11:38:31 IS THERE CONSTRUCTION?
11:38:33 WHERE DOES THE -- WHERE DO THE CONSTRUCTION TRUCKS GO?
11:38:37 GOING THROUGH THE MAIN ENTRANCE OR THROUGH THE PLANNED THING
11:38:39 THAT'S ON CORKSCREW?
11:38:41 SO WE'RE GOING TO HAVE CORKSCREW BE THE MAIN CONSTRUCTION
11:38:44 ENTRANCE AND EXIT FOR THE CONSTRUCTION PROJECT.
11:38:48 HE'S SHAKING HIS HEAD YES.
11:38:54 WHAT I WAS GETTING AT, IS THIS GOING TO BE A DISRUPTION TO
11:38:57 THE EXISTING RESIDENTS OF THIS DEVELOPMENT?
11:39:01 IT SOUNDS LIKE THE CONSTRUCTION PROJECT WILL BE OFF TO THE
11:39:03 NORTH, AND THEY SHOULD NOT BE IMPACTED NEGATIVELY.
11:39:07 >>Mary Gibbs: THEY'LL HAVE TO LOCATE TRUCKS ON THE VACANT
11:39:10 PART, BUT I THINK THEY WOULD BE BETTER TO EXPLAIN WHAT THEY
11:39:13 WANT TO DO CONSTRUCTION-WISE.
11:39:16 >>Vice-Mayor McLain: SO THIS RECOMMENDED CHANGE GOES THROUGH
11:39:21 -- IT WILL INCLUDE THE LINEAR PARK.
11:39:24 NOW, REFERENCE TO THAT PARK IS INTERNAL -- SO THAT'S THE ONE
11:39:30 THAT'S ON CORKSCREW ON THE OTHER SIDE OF VIA COCONUT.
11:39:35 >>Mary Gibbs: THE LINEAR PARK IS ON CORKSCREW.
11:39:39 IT IS THE SIDEWALK PLANTING AREA.
11:39:42 I DID HAVE A CONVERSATION WITH THEM RECENTLY ABOUT WHEN YOU
11:39:47 STAGE THE CONSTRUCTION, COMPLETING THE LINEAR PARK, THEY MAY
11:39:50 HAVE TO DO THE LINEAR PARK IN TWO PHASES, DEPENDING ON HOW

11:39:54 YOU GET THE CONSTRUCTION VEHICLES IN.
11:39:57 OBVIOUSLY YOU DON'T WANT TO PLANT THE WHOLE LINEAR PARK AND
11:40:00 THEN HAVE CONSTRUCTION VEHICLES GO IN AND TEAR IT UP.
11:40:03 >>Vice-Mayor McLain: I GUESS PART OF THE PRESENTATION, WE

11:40:05 WANT TO SEE WHERE THE LOCATION OF THE LINEAR PARK THAT
11:40:07 YOU'RE TALKING ABOUT HERE.
11:40:11 >>Mary Gibbs: I THINK WE'RE READY TO GET BACK ON THE
11:40:13 PRESENTATION.
11:40:20 >> GOOD MORNING, COUNCIL MEMBERS.
11:40:21 MY NAME IS STEVE SAMMONS.
11:40:24 I'M A LANDSCAPE ARCHITECT WITH PENINSULA ENGINEERING.
11:40:28 GRADUATE OF UNIVERSITY OF FLORIDA.
11:40:29 I'VE BEEN WORKING THROUGHOUT FLORIDA, THE STATE, FOR OVER
11:40:33 30 YEARS NOW, 20 OF THOSE HERE IN SOUTHWEST FLORIDA.
11:40:36 I'LL WALK THROUGH THE SUPPLEMENTAL PATTERN BOOK.
11:40:48 WE WILL EXPAND ON THE LINEAR PARK HERE IN A MINUTE.
11:40:56 JUST TO WALK THROUGH THE ILLUSTRATIVE SITE PLAN, SO WE HAVE
11:41:01 A FIVE UNIT TOWNHOME BUILDING.
11:41:05 SIX UNIT TOWNHOME BUILDING AND THEN TEN OF THE LUXURY VILLAS
11:41:09 ON EITHER SIDE OVER HERE.
11:41:12 WE HAVE THE CONTINUATION OF THE PAVER ROADWAY THAT WRAPS
11:41:17 AROUND THE EXISTING LAKE AND THAT ROADWAY WILL CONTINUE
11:41:20 AROUND THE BACKS OF THE UNITS HERE WITH THE EXIT ONLY,
11:41:26 VEHICULAR GATE GOING OUT TO CORKSCREW ROAD UP IN THE
11:41:30 NORTHEAST CORNER HERE.

11:41:34 WE HAVE -- HERE IS THE LINEAR PARK, WHICH I'LL GET INTO A
11:41:38 LITTLE BIT MORE DETAIL IN JUST A MINUTE WITH THE EIGHT-FOOT
11:41:41 WIDE CURVILINEAR SIDEWALK, BENCHES, AND THE BUFFER
11:41:46 LANDSCAPE, AND THEN THE BUFFER LANDSCAPE WITH ANOTHER
11:41:49 PEDESTRIAN GATE HERE COMING OUT TO VIA COCONUT.
11:41:52 THIS DOES CONTINUE ALSO THE INTERIOR WALKWAY, WHICH WILL BE
11:41:59 PAVERS TO MATCH THE EXISTING THAT WRAPS AROUND THE LAKE AND
11:42:02 THEN TO THE UNITS THEMSELVES.
11:42:05 REGARDING PARKING, I'LL TOUCH ON THAT FIRST.
11:42:11 ALL THE UNITS ARE REAR LOADED FOR THEIR PARKING.
11:42:17 THE LUXURY VILLAS WILL HAVE A MINIMUM OF ONE GARAGE PARKING
11:42:22 SPACE, POTENTIAL FOR TWO, BUT THAT ALSO GIVES THE OPTION OF
11:42:26 HAVING A BEDROOM DOWN ON THE FIRST FLOOR, IF THEY ONLY HAVE
11:42:31 THE ONE PARKING GARAGE UNIT.
11:42:34 AND THEN ON THE SIDES, EACH OF THE VILLAS WILL HAVE A SIDE
11:42:43 PARKING SPOT THAT'S EXTERIOR AS WELL.
11:42:46 AS JAIME MENTIONED, WE DID WORK WITH THE RESIDENTS.
11:42:51 WE USED TO HAVE EXTERIOR PARKING ALONG THE NORTH SIDE OF THE
11:42:55 LOOP HERE.
11:42:57 THERE WAS DEFINITE CONCERN ABOUT THAT.
11:43:00 SO WE DID TAKE THAT OUT.
11:43:02 WE LEFT THAT OUT.
11:43:04 THERE ARE 12 PARALLEL GUEST PARKING SPACES IN THE BACK OF
11:43:11 THE TOWNHOME UNITS.
11:43:15 AND EACH TOWNHOME UNIT WILL HAVE TWO GARAGE PARKING SPACES

11:43:19 AS WELL.
11:43:19 THERE WILL BE A PROPOSED SIX-FOOT DECORATIVE METAL FENCE
11:43:32 THAT WRAPS AROUND BUILDINGS FOUR AND THREE THAT TIES INTO
11:43:36 THE EXISTING FENCES AND WALLS AND WILL WRAP AROUND THE
11:43:41 PERIMETER OF THE PROJECT HERE.
11:43:43 ALL THE WAY OUT, SO THAT EACH, THERE WOULD BE A VEHICULAR
11:43:49 GATE UP IN THE NORTHEAST AND THE TWO CONNECTIONS, PEDESTRIAN
11:43:53 CONNECTIONS WOULD HAVE A GATE AS WELL.
11:43:55 AND THAT BASICALLY LEADS TO LANDSCAPING.
11:44:03 SO ALONG CORKSCREW ROAD, THERE'S -- WHAT'S REQUIRED FOR THE
11:44:09 BUFFERS IS ONE TREE PER -- FIVE TREES PER 100 LINEAR FEET.
11:44:16 SO BASICALLY THAT EQUATES TO 30 TREES REQUIRED ALONG
11:44:22 CORKSCREW ROAD AND 12 TREES REQUIRED ALONG VIA COCONUT
11:44:26 POINT, ALONG WITH A DOUBLE ROW HEDGE AT 24 INCHES HIGH.
11:44:30 WHAT WE'RE PROPOSING ALONG CORKSCREW ROAD IS 33 TO 35 TREES
11:44:38 AND ALONG VIA COCONUT, 14 TO 15 TREES.
11:44:42 REGARDING THE HEDGE ITSELF, WE ARE PROPOSING INSTEAD OF THE
11:44:48 TWO-FOOT HIGH HEDGE, A FIVE-FOOT HIGH HEDGE, WHICH THE
11:44:52 INTENTION IS BASICALLY CREATING A GREEN WALL ALONG THE FRONT
11:44:59 SIDE OF THE FENCE, SO IT HELPS TO SOFTEN THAT AS WELL TAKE
11:45:04 OUT THE GUEST PARKING IN THE BACK OF THE UNITS HERE, AND
11:45:11 ALSO THE GARAGES THAT ARE ALONG THE BACKS OF THE TOWNHOMES
11:45:17 OUT HERE.
11:45:18 SO THAT'S ONE LAYER OF THE BUFFERS, AND THAT HEDGE WOULD
11:45:24 CONTINUE AROUND ON THE VIA COCONUT SIDE AS WELL.

11:45:28 THE NEXT LAYER OF LANDSCAPE AND, AGAIN, WE'RE TRYING TO
11:45:32 CREATE LAYERS OF THE LANDSCAPE HERE SO THAT YOU'RE TAKING
11:45:36 OUT THE BOTTOM PORTION WITH THE HEDGE ITSELF AND THEN
11:45:39 LAYERING TREES AND PALMS ABOVE THAT TO HELP SOFTEN THE
11:45:45 ARCHITECTURE.
11:45:45 WE ARE PROPOSING 11 SHADY LADY BLACK OLIVE TREES ALONG THE
11:45:54 CORKSCREW ROAD BUFFER HERE IN THE LINEAR PARK, AND THEY WILL
11:45:58 BE 18-FOOT AT INSTALLATION.
11:46:01 ALSO, HOLLIES AND BUTTON WOOD TREES AT 12-FOOT HIGH AT
11:46:07 INSTALLATION.
11:46:08 AS WELL AS FOXTAIL PALMS, 10 TO 14-FOOT OF CLEAR TRUNK, AND
11:46:16 MONTGOMERY PALMS AT 12 AND 16-FOOT CLEAR TRUNK.
11:46:22 SO THERE WOULD BE THE LAYERING THERE, AND I HAVE AN
11:46:25 ELEVATION THAT I'LL SHOW IN A LITTLE BIT HERE THAT KIND OF
11:46:29 SHOWS THAT LAYERING OF THE TREES.
11:46:33 ALONG WITH THAT, ALONG THE BUFFERS HERE AND ESPECIALLY ALONG
11:46:41 THE LINEAR PARK, WE HAVE THE ACCENT PLANTINGS UNDERNEATH
11:46:44 THERE AS WELL.
11:46:45 THIS IS A SLIDE TO SHOW PART OF THE -- WHAT THE ENHANCED
11:46:54 LANDSCAPE MIGHT LOOK LIKE.
11:46:55 THIS IS THE NORTHWEST CORNER OF THE LINEAR PARK AND OF OUR
11:47:00 PROJECT AREA, ALONG WITH SOME PLANT IMAGES OF FOXTAIL PALMS,

11:47:06 POTENTIAL PALMS AND TREES THAT WE MIGHT BE ADDING TO THE
11:47:10 ENHANCED LANDSCAPE AS WELL.
11:47:14 EAGLESTON HOLLIES, GREEN BUTTON WOODS, SOME OF THE LOWER

11:47:18 SHRUB LAYERS AND THEN ACCENT PLANTS AS WELL.
11:47:22 THIS IS AN ENLARGEMENT OF THE CENTER AREA.
11:47:29 AGAIN, WITH OUR PATHWAY THAT WRAPS AROUND, THE INTERIOR
11:47:34 PLANTINGS AT THE BUILDING FOUNDATIONS, AND OUR CENTER PARK
11:47:39 HERE, WHICH WE HAD TOUCHED ON EARLIER.
11:47:42 THERE'S ABOUT 50 FEET IN WIDTH BETWEEN THE TWO TOWNHOME
11:47:46 BUILDINGS ON EITHER SIDE, SO THAT CREATES JUST A NICE AREA
11:47:51 FOR THIS ELLIPTICAL SIDEWALK AND WE WOULD HAVE ONE OF THE
11:47:54 LARGER BLACK OLIVE TREES RIGHT HERE IN THE CENTER WITH SOME
11:47:57 ACCENT PALMS AND PLANTINGS ALONG THE OUTSIDE THERE.
11:48:00 AS WELL, WE'RE PROPOSING TWO BENCHES WITH A VIEW DOWN THE
11:48:10 LAKE ITSELF.
11:48:16 AND THIS SHOWS A VISUAL HERE, A PERSPECTIVE OF THAT SAME
11:48:21 AREA THERE.
11:48:22 SO YOU HAVE THE TOWNHOME, THE FIVE-UNIT TOWNHOME BUILDING ON
11:48:26 THE RIGHT HERE, AND ON THE LEFT, THERE IS THE SIX-UNIT
11:48:30 TOWNHOME BUILDING.
11:48:31 IN THE CENTER, WE WOULD HAVE THE LARGER TREE, SOME ACCENT
11:48:35 PALMS, AND THEN THE SIDEWALK WOULD WRAP AROUND HERE, AND
11:48:39 IT'S NOT VISUAL RIGHT HERE, BUT WE WOULD PROPOSE THE BENCH
11:48:42 ON EITHER SIDE OF THIS, AGAIN, LOOKING DOWN RIGHT OFF THE
11:48:46 SIDEWALK AND LOOKING DOWN THE LENGTH OF THE LAKE.
11:48:50 AGAIN, NO PARKING, NO EXTERIOR PARKING ON THE INTERIOR
11:48:56 ROADWAY HERE.
11:48:56 BUILDING COLORS, THESE ARE EXISTING COLORS ON THE EXISTING

11:49:05 BUILDINGS CURRENTLY.
11:49:07 THE BASE BODY COLOR BEING THE OFF BEIGE, TRIM COLORS, AND
11:49:13 THEN SHUTTER COLORS HERE.
11:49:14 AND YOU'LL BE ABLE TO SEE THOSE BETTER ON THE PERSPECTIVES
11:49:19 COMING UP HERE.
11:49:20 AGAIN, THERE ARE THE BRIGHTER COLORS, VERY BRIGHT COLORS ON
11:49:24 THE EXISTING LARGER SCALE BUILDINGS, BUT, AGAIN, AT THIS
11:49:29 SCALE, IT JUST DOESN'T REALLY TRANSLATE DOWN TO THE SIZE OF
11:49:34 THE BUILDINGS THAT WE ARE PROPOSING HERE.
11:49:36 SO, AGAIN, TRYING TO BE COMPLEMENTARY WITH THE BUILDING
11:49:43 COLORS BY USING EXISTING COLORS ON THE BUILDINGS.
11:49:47 A VIEW OF THE LUXURY VILLAS WITH THE VARYING ROOF LINES.
11:49:56 WE HAVE WORKED EXTENSIVELY WITH THE ARCHITECT TO ADD SOME
11:50:00 INTEREST AS FAR AS ARCHWAYS, ARCHITECTURAL ORNAMENTATION,
11:50:06 SOME TILE, SOME STONE, AND THESE ARE OPTIONS THAT CAN BE
11:50:11 ADDED TO THE VILLA EXTERIOR ITSELF.
11:50:20 >>Vice-Mayor McLain: OPTIONS, IS THAT THE HOMEOWNER THAT
11:50:22 WOULD BUY THE UNIT?

11:50:25 >> STEVE: CORRECT.
11:50:27 RIGHT.
11:50:27 BUT WE WOULD MAKE SURE THERE IS SOME OF THAT ORNAMENTATION
11:50:30 GOING ON AND IT'S NOT JUST A BLANK FACADE.
11:50:34 THERE IS ALSO A FIVE-FOOT HIGH, I'LL CALL IT A PRIVACY WALL.
11:50:44 IT DOES NOT CONNECT ALL THE WAY TO THE NEXT BUILDING, BUT IT
11:50:48 ADDS SOME PRIVACY IN THE COURTYARD HERE AND ADDS TO THE

11:50:52 MASSING EFFECT OF THE LENGTH OF THE FACADE EXTERIORS HERE.
11:51:07 AND WE WOULD LOOK TO ADD -- ON THE FACE OF THE WALL, IT
11:51:09 MIGHT BE A VINE WITH A TRELLIS.
11:51:11 THERE MAY BE SOME DECORATIVE TILE ON THAT, BUT JUST ANOTHER
11:51:15 LEVEL OF ORNAMENTATION ON THERE.
11:51:16 THE VIEW OF THE EXTERIOR OF THE TOWNHOMES.
11:51:24 AGAIN, THE VARYING ROOFLINES, THE WALLS IN AND OUT, ARCHED
11:51:30 OPENINGS, BALCONIES, AND THEN THE LANDSCAPE HERE IN FRONT.
11:51:38 THIS WOULD BE LOOKING NORTHEAST.
11:51:43 SO THIS WOULD BE THE FIVE-UNIT TOWNHOME BUILDING, AND ONE OF
11:51:47 THE LUXURY VILLAS OVER HERE ON THE RIGHT SIDE.
11:51:50 LOOKING EAST TO THE OTHER VILLAS AND THEN THERE WOULD BE THE
11:51:59 REMAINING VILLAS BEHIND HERE.
11:52:02 AGAIN, YOU SEE THE ORNAMENTATION ON THE WALLS, THE CLAY
11:52:08 TILES, THE PRIVACY WALL HERE, AGAIN, WITH SOME TILE AS A
11:52:15 POTENTIAL ON THE FACE OF THAT.
11:52:17 HERE ARE THE ELEVATION VIEWS.
11:52:24 THIS IS FROM VIA COCONUT POINT.
11:52:26 THAT'S THE LENGTH OF WHERE OUR VILLAS WOULD BE, AND YOU CAN
11:52:29 SEE THAT ONE OF THE TOWNHOMES IN THE BACK HERE, SO, AGAIN,
11:52:33 TRYING TO GET THAT LAYERING EFFECT OF OUR HEDGE DOWN AT THE
11:52:39 BOTTOM WITH SOME ADDITIONAL SHRUBS IN FRONT OF THAT.
11:52:43 THE NEXT LAYER OF THE TREES, THE HOLLIES, THE BUTTONWOODS,
11:52:47 AND THEN STAGGERING HEIGHTS OF FOXTAILS AND MONTGOMERY
11:52:52 PALMS.

11:52:52 SAME THING ALONG CORKSCREW ROAD.
11:52:55 THAT IS THE LENGTH OF IT.
11:52:57 YOU'VE GOT THE VILLAS ON THE SIDE.
11:53:01 THE SIX-UNIT TOWNHOME, FIVE-UNIT TOWNHOME, AND HERE IS THE
11:53:06 OPENING THAT WOULD COME OUT ONTO CORKSCREW ROAD ITSELF.
11:53:10 AGAIN, TRYING TO GET THAT GREEN WALL DOWN AT THE BASE SO
11:53:12 YOU'RE NOT SEEING THE PARKING, AND VERY MINIMAL SEEING THE
11:53:19 GARAGES.
11:53:20 BUT WE CAN HAVE THAT MAINTAINED AT 6 TO 7 FEET WHICH WOULD
11:53:24 BASICALLY TAKE OUT THE WHOLE GARAGE THERE.
11:53:26 HERE'S AN ENLARGEMENT OF THIS AREA RIGHT HERE.
11:53:35 IT SHOWS A LITTLE BIT MORE DETAIL ON HOW WE LAYER THOSE.
11:53:40 THE PALMS IN THE BACK, AGAIN, WITH FOXTAIL PALMS, 10 TO
11:53:45 14-FOOT OF TRUNK.

11:53:46 THEN YOU HAVE THE FRONDS ABOVE THAT, THE LEAFS ABOVE THAT.
11:53:50 IT'S ANOTHER UP TO 16 TO 18 FEET, AND THEN WE WOULD STAGGER
11:53:59 SOME MONTGOMERY PALMS, WHICH ARE A LITTLE BIT TALLER AND
11:54:02 THAT WOULD GET UP TOWARDS THE ROOF AREA.
11:54:05 THE TANGIBLE BENEFITS, I WON'T GO THROUGH ALL OF THEM, BUT
11:54:12 WE CAN CERTAINLY EXPAND ON ANY OF THESE IF YOU'D LIKE TO.
11:54:18 A LOT OF THESE HAVE BEEN PREVIOUSLY PROVIDED THROUGH THE
11:54:25 EXISTING GENOVA DEVELOPMENT.
11:54:27 OPEN SPACE EXHIBIT, THERE IS 40% OF OPEN SPACE REQUIRED
11:54:35 THROUGHOUT THE COMMUNITY.
11:54:37 WITH OUR PROPOSED DEVELOPMENT, WE'RE UP AT 44% PROPOSED.

11:54:40 PEDESTRIAN CONNECTIVITY, HOW WE HAVE ACCESS TO THE EXTERIOR
11:54:51 ROADWAYS, AS WELL AS THROUGHOUT THE INTERIOR HERE.
11:54:56 PARKING EXHIBIT AND IT GOES INTO ALL THE EXISTING SPACES
11:55:06 WITHIN THE BUILDINGS AS WELL AS WHAT'S PROPOSED TO THE NORTH
11:55:09 HERE.
11:55:10 SETBACKS AND BUFFERS, AND THEN SOME OF THE ELEVATIONS OF
11:55:19 HERE IS THE FIVE-UNIT TOWNHOME.
11:55:25 RENDERINGS.
11:55:27 SO THE ROOF LINES WITH THE VARYING HEIGHTS.
11:55:34 SIX-UNIT TOWNHOMES.
11:55:36 LUXURY VILLAS.
11:55:46 AND, AGAIN, WE'VE WORKED WITH THE ARCHITECT ON THESE AS
11:55:49 WELL, JUST MAKING SURE WE HAVE MORE OF THE ARCHITECTURAL
11:55:54 FEATURES.
11:55:54 THE WINDOWS WITH THE BARS, THE ARCHWAYS, THE FENCE ALONG
11:56:00 WITH OUR PRIVACY WALL.
11:56:02 PROPOSED ALTERNATES, AND THERE YOU SEE THE LENGTH OF THE
11:56:14 FOUR UNITS TOGETHER.
11:56:18 SO THAT I'LL LEAVE UP TO QUESTIONS AND COMMENTS.
11:56:25 >>Mayor Errington: ANY QUESTIONS?
11:56:27 JOANNE.
11:56:28 >>Joanne Ribble: STEVE, I DON'T KNOW IF YOU CAN ANSWER THIS
11:56:32 QUESTION, BUT CAN YOU PUT UP THE VILLA HOMES AGAIN?
11:56:35 I JUST WANT TO UNDERSTAND, THE SPACE BETWEEN THE VILLA
11:56:40 HOMES, PART OF IT IS A PRIVATE COURTYARD, AND THE OTHER HALF

11:56:44 OF THAT SPACE BETWEEN THE VILLA HOMES IS A PARKING SPACE.
11:56:49 >> STEVE: CORRECT.
11:56:50 WELL, THERE'S ALSO A COURTYARD.
11:56:52 >>Joanne Ribble: YEAH, HALF OF IT IS COURTYARD AND HALF
11:56:55 PARKING SPACE.
11:56:56 >> STEVE: IN THE BACK, YES.
11:56:59 >>Joanne Ribble: I'M ASSUMING VILLA HOMES WILL BE TWO
11:57:01 BEDROOMS WITH AN OPTIONAL EITHER DOUBLE GARAGE OR SINGLE
11:57:06 GARAGE AND AN EXTRA BEDROOM?
11:57:08 >> STEVE: CORRECT.

11:57:09 WE WANTED TO LEAVE THAT OPTION OPEN.
11:57:12 >>Joanne Ribble: ALL THE TOWNHOMES WILL HAVE DOUBLE GARAGES,
11:57:18 CORRECT?
11:57:18 >> STEVE: CORRECT.
11:57:22 >>Joanne Ribble: WHEN YOU SAY "LUXURY," I WOULD THINK A
11:57:26 DOUBLE GARAGE IN THE VILLA HOMES WOULD BE A BETTER USE THAN
11:57:35 THE WORD "LUXURY" AND ELIMINATE THE PARKING SPACE IN THE
11:57:38 SPACE BETWEEN THE VILLA HOMES.
11:57:39 BECAUSE I SEE FOR ALL THOSE UNITS ON THAT NORTH SIDE, ALL
11:57:42 THE NEW ONES THAT WILL BE CREATED, THERE ARE ONLY 12 GUEST
11:57:46 PARKING.
11:57:46 THAT'S 12 GUEST PARKING FOR EVERYONE THAT LIVES THERE.
11:57:50 THAT'S NOT A LOT OF PARKING, WHERE IF THEY HAD THE OPTIONAL
11:57:55 PARKING SPACE BETWEEN THE VILLA FOR A GUEST RATHER THAN AN
11:58:00 OWNER, IT MIGHT TAKE SOME OF THE STRESS OFF OF GUEST PARKING

11:58:05 NEEDS.
11:58:06 >> STEVE SAMMONS: SURE, SURE.
11:58:10 I'LL LET JOHN ENGLISH TALK ABOUT THE PARKING.
11:58:12 >> FOR THE RECORD, JOHN ENGLISH, LICENSED PROFESSIONAL
11:58:14 ENGINEER IN THE STATE OF FLORIDA, PENINSULA ENGINEERING,
11:58:16 WORKING ON CIVIL ENGINEERING LAND DEVELOPMENT PROJECTS FOR
11:58:19 27 YEARS IN SOUTHWEST FLORIDA.
11:58:20 I GET THE EXCITING TOPIC OF PARKING.
11:58:27 ONE THING I CAN TELL YOU IS WE EXCEED CODE.
11:58:31 WE EXCEED THE CODE REQUIREMENT.
11:58:32 I'VE WORKED ON MANY, MANY RESIDENTIAL PROJECTS,
11:58:35 SINGLE-FAMILY SUBDIVISIONS, MULTIFAMILY RESIDENTIAL
11:58:38 PROJECTS.
11:58:38 IT'S FAIRLY -- IT'S VERY CONSISTENT, SINGLE-FAMILY OR
11:58:44 VILLA-TYPE PRODUCTS, THEY REQUIRE TWO PARKING SPACES PER
11:58:48 UNIT.
11:58:48 THEY DO NOT REQUIRE EXTRA FOR GUESTS.
11:58:51 SO IF YOU GO THROUGH SINGLE-FAMILY-TYPE NEIGHBORHOODS,
11:58:54 YOU'RE NOT GOING TO SEE PARKING LOTS.
11:58:57 MULTIFAMILY DEVELOPMENTS, IT'S VERY COMMON TO HAVE A
11:59:01 REQUIREMENT OF TWO PER UNIT AND 10% EXTRA FOR GUESTS.
11:59:06 WE ON THE MULTIFAMILY BASIS ALONE, WE HAVE 55% EXTRA FOR
11:59:13 GUEST PARKING, JUST TO GIVE SOME CONTEXT TO WHAT IS
11:59:16 TYPICALLY PROVIDED IN MULTIFAMILY DEVELOPMENTS.
11:59:19 SO WHEREAS WE HAVE 11 MULTIFAMILY UNITS REQUIRING 22 PARKING

11:59:24 SPACES, AND THEY ALL HAVE TWO-CAR GARAGES, SO THEY MEET
11:59:28 THEIR TWO IN THE STRUCTURE, WE HAVE 12 GUEST PARKING SPACES.
11:59:33 SO THE REQUIREMENT AT 10% WOULD BE 3, AND WE'VE GOT 12.
11:59:38 ON THE WHOLE, IF YOU THROW THE VILLAS IN WITH THE
11:59:42 MULTIFAMILY, WE HAVE ALMOST 20%.
11:59:45 WE HAVE 19.3% EXTRA SPACES SET ASIDE FOR GUEST PARKING.

11:59:52 THAT'S MORE THAN I'VE SEEN AT MOST PROJECTS.
11:59:55 THANK YOU.
11:59:58 >>Mayor Errington: JIM.
12:00:00 >>Jim Ward: ON THIS PARTICULAR MAP THAT YOU'RE SHOWING NOW,
12:00:03 WHERE IS THE POCKET PARK?
12:00:08 >> RIGHT THERE.
12:00:09 >>Jim Ward: OKAY.
12:00:10 THE LINEAR PARK IS JUST OUTSIDE OF IT.
12:00:12 >> THAT'S RIGHT HERE ALONG OUR CORKSCREW FRONTAGE OUTSIDE
12:00:17 THE FENCE.
12:00:18 >>Jim Ward: OKAY.
12:00:19 SO ALONG CORKSCREW ROAD IS THERE GOING TO BE ANY FENCING OR
12:00:24 ANY WALLS OR JUST LANDSCAPING?
12:00:27 >> YES, THIS ENTIRE EDGE WILL HAVE A DECORATIVE FENCE, AND
12:00:31 IT WILL HAVE DIRECTLY IN FRONT OF IT, SO IT IS A
12:00:34 SIX-FOOT-HIGH FENCE, WE WILL PLANT A FIVE-FOOT TALL HEDGE, I
12:00:39 BELIEVE, AT TIME OF PLANTING AND WILL PROBABLY BE MAINTAINED
12:00:42 AT AROUND SIX FEET, THE HEIGHT OF THE FENCE, THE WHOLE EDGE.
12:00:47 AS A MATTER OF FACT, I BELIEVE THAT IS ALL THE WAY AROUND.

12:00:51 >>Jim Ward: SO THAT FENCING WILL PROVIDE SECURITY FOR THE
12:00:54 RESIDENTS WITHIN THE COMMUNITY?
12:00:56 >> YES, SIR.
12:00:58 >>Jim Ward: QUICK QUESTION ON THE LANDSCAPING.
12:01:01 I WANT TO BE CAREFUL HERE BECAUSE I'M NOT A LANDSCAPER BY
12:01:04 ANY STRETCH OF THE IMAGINATION.
12:01:05 BUT THE SHADY --
12:01:10 >> SHADY LADY BLACK OLIVE?
12:01:12 >>Jim Ward: YEAH.
12:01:12 AREN'T THEY A DIRTY TREE?
12:01:16 >> THEY DO HAVE SOME LEAF LITTER, BUT THEY ARE NOT AS --
12:01:21 I'LL SAY DIRTY, BUT AS THE STANDARD BLACK OLIVE.
12:01:26 THE STANDARD BLACK OLIVE HAS LARGER LEAFS.
12:01:30 GETS A LITTLE BIT LARGER, AND DOES HAVE, WHEN IT DROPS,
12:01:36 ESPECIALLY ON CONCRETE, IT DOES LEAVE STAINS.
12:01:40 >>Jim Ward: WE HAVE THEM IN OUR COMMUNITY AND THEY ARE A
12:01:44 PROBLEM.
12:01:44 THEY ARE A CONSISTENT PROBLEM, PARTICULARLY TO DRIVEWAYS AND
12:01:48 THE EXTERIOR ROADWAY.
12:01:51 >>Steve Sammons: AND PART OF THIS WAS ALREADY IN THE
12:01:56 PREVIOUSLY APPROVED D.O. THAT THERE WOULD BE SOME OF THESE
12:01:59 TREES AT THE LARGER HEIGHT.
12:02:03 AND THEY HAVE BEEN INCORPORATED INTO THE EXISTING LANDSCAPE,
12:02:06 SO WE'RE TRYING TO BE COMPATIBLE WITH WHAT'S EXISTING
12:02:12 ON-SITE.

12:02:15 >>Jim Ward: THANK YOU.
12:02:17 >>Mayor Errington: ANY OTHER?

12:02:19 JON?
12:02:19 >>Vice-Mayor McLain: ON THE DECORATIVE FENCE ALONG
12:02:21 CORKSCREW, I'M TAKING IT THAT THAT'S A METAL FENCE OPEN.
12:02:27 >>Steve Sammons: CORRECT.
12:02:28 >>Vice-Mayor McLain: SO WHEN I LOOK AT VIA COCONUT, THE WAY
12:02:32 THAT'S SET UP RIGHT NOW, I THINK THERE ARE UNITS, THERE'S
12:02:36 LIKE ONE-LEVEL UNITS IN THERE AND THEN THERE IS A FENCE.
12:02:39 WHAT I'M CONCERNED ABOUT ON CORKSCREW IS TO HAVE AN OPEN
12:02:45 FENCE LIKE THAT.
12:02:46 CORKSCREW IS A NIGHTMARE NOW AND IS GETTING WORSE AS FAR AS
12:02:50 TRAFFIC GOES.
12:02:52 IT SEEMS LIKE YOU MIGHT WANT TO HAVE A BETTER BARRIER THAN
12:02:56 AN OPEN FENCE.
12:02:56 I KNOW YOU'VE GOT A LOT OF VEGETATION IN THERE.
12:03:02 THE SOUND LEVEL IS GOING TO BE TRANSFERRED THROUGH SOME OF
12:03:05 THAT VEGETATION RIGHT INTO THE DEVELOPMENT THERE WITH A
12:03:09 QUASI-DECORATIVE --
12:03:12 >>Neale Montgomery: LET ME INTERJECT IF I COULD.
12:03:14 ONE OF THE PROBLEMS WE HAD WHEN THE PROJECT WENT THROUGH THE
12:03:18 PROCESS ORIGINALLY, I THINK MARY REFERENCED VICE-MAYOR
12:03:22 LEVITAN, AT THAT POINT IN TIME, THE VILLAGE DIDN'T WANT
12:03:29 GATES AND WALLS.
12:03:31 SO IT WAS A BIG DISCUSSION ITEM TO GET THE FENCING AND IT

12:03:35 HAD TO BE, IF YOU LOOK AT THE ORIGINAL DOCUMENTS, IT'S
12:03:39 CALLED STEALTH FENCING.
12:03:40 SO WE HAD TO HIDE THAT FENCING IN THE LANDSCAPING AND THEY
12:03:44 DIDN'T WANT WALLS.
12:03:47 I THINK THAT WAS PART OF A REACTION TO THE NEAL COMMUNITY
12:03:50 WALLS, YOU KNOW, BEFORE THE VEGETATION GREW IN, AND I DON'T
12:03:53 KNOW THE PEOPLE NECESSARILY LIKED IT, AND SO IT WAS A
12:03:56 DEFINITIVE REQUIREMENT NOT TO HAVE WALLS.
12:04:00 AND, IN FACT, IF YOU LOOK AT THE MAIN GATE, IT'S KIND OF A
12:04:03 LITTLE OFFSET.
12:04:05 AGAIN, THAT WAS PART OF THE STEALTH FENCING GATE BECAUSE THE
12:04:10 VILLAGE DIDN'T WANT GATES AT THAT TIME.
12:04:15 >>Vice-Mayor McLain: OR WALLS.
12:04:16 >>Neale Montgomery: OR WALLS, YES.
12:04:18 >>Vice-Mayor McLain: I DON'T DISAGREE WITH THE CONCEPT OF
12:04:21 NOT HAVING WALLS.
12:04:22 IT'S GOING TO BE MUCH MORE ATTRACTIVE AND I GUESS THE
12:04:27 GARAGES ARE FACING CORKSCREW.
12:04:28 SO THE LIVING SPACE IS TOWARDS THE BACK.
12:04:34 >>Steve Sammons: YEAH, BETWEEN THE LANDSCAPE AND THE UNITS
12:04:38 THEMSELVES, THEY ARE FACING THE INTERIOR OF THE PROJECT, SO
12:04:41 IT WILL HELP WITH SOME OF THE SOUND ABATEMENT.
12:04:44 >>Vice-Mayor McLain: VIA COCONUT HAS THE SAME CONCEPT.
12:04:48 >>Steve Sammons: YES, CORRECT.

12:04:49 >>Vice-Mayor McLain: I THINK I'M CLEAR ON THAT.

12:04:51 WE WERE TALKING LINEAR PARK AND I WAS IN THE WRONG GEOGRAPHY
12:04:56 AT THE TIME.
12:04:57 NOW I SEE THE LINEAR PARK.
12:04:59 YOU ELIMINATED THE BUS STOP, AND THE BUS STOP HAD BENCHES.
12:05:07 I THINK MARY WAS TALKING ABOUT CAN YOU INCLUDE, I DON'T
12:05:11 THINK THERE ARE ANY BENCHES CURRENTLY IN THE LINEAR PARK AS
12:05:14 ILLUSTRATED RIGHT NOW.
12:05:16 >> WE ARE PROPOSING FOUR BENCHES.
12:05:17 FOUR BENCHES, CORRECT.
12:05:19 AND THEN WE WOULD HAVE THE ADDITIONAL TWO OUTSIDE THE CENTER
12:05:24 PARK HERE.
12:05:26 >>Vice-Mayor McLain: GOT TO LOOK AT THAT AS A PUBLIC
12:05:28 AMENITY.
12:05:28 I LOOKED AT THAT AS AN INTERNAL AMENITY.
12:05:31 SO YOU'VE GOT TWO IN THE LINEAR PARK ON CORKSCREW.
12:05:34 >> FOUR BENCHES PROPOSED ALONG THE LINEAR PARK, ALONG
12:05:39 CORKSCREW THERE, CORRECT.
12:05:40 OUTSIDE THE FENCE.
12:05:44 >>Vice-Mayor McLain: MARY, YOU WERE TALKING ABOUT SOME
12:05:46 ENHANCEMENT OF THAT AS A TRADE-OFF FOR THE LACK OF A BUS
12:05:51 STOP?
12:05:52 >>Mary Gibbs: I WAS TRYING TO -- YEAH, I WAS TRYING TO SEE
12:05:55 IF THEY COULD ENHANCE, AND IT WAS A LITTLE UNCLEAR IN A
12:05:58 COUPLE OF THEIR DRAWINGS HOW MANY BENCHES THEY WERE DOING,
12:06:00 IF THEY WERE DOING BENCHES, IF THEY WERE DOING PAVER BRICKS.

12:06:04 I WAS TRYING TO GET CLARITY ON WHAT THEY WERE ACTUALLY
12:06:07 PROPOSING FOR THE LINEAR PARK AREA, AND IF THERE WERE
12:06:10 BENCHES AND JUST BRINGING THAT TO YOUR ATTENTION TO SEE IF
12:06:13 YOU ALL AGREE THAT IT SHOULD BE SUPPLEMENTED.
12:06:16 AND ALSO TO HELP HIDE THE VIEWS SO YOU'RE NOT LOOKING IN AND
12:06:20 SEEING PARKING.
12:06:22 WHETHER YOU SUPPLEMENT WITH LANDSCAPING, YOU KNOW, LARGER
12:06:26 TREES OR A FEW MORE TREES OR IF YOU DON'T WANT A BENCH, THEY
12:06:31 ARE SAYING FOUR.
12:06:33 WHEN I LOOKED AT IT, I ONLY SAW TWO, I HAD TO CALL STEVE,
12:06:36 HOW MANY ARE YOU PROPOSING?
12:06:37 IS IT TWO?
12:06:38 IS IT FOUR?
12:06:39 >> I THINK -- I'LL GO BACK TO IT.
12:06:45 HERE IS ONE BENCH HERE AND ANOTHER BENCH, AND THEY ARE JUST
12:06:48 KIND OF INTERMITTENT ALONG THE LENGTH OF THE SIDEWALK
12:06:53 ITSELF.
12:06:53 >>Vice-Mayor McLain: TOTAL OF FOUR IN THAT AREA.
12:06:55 >>Steve Sammons: CORRECT.
12:06:57 >>Vice-Mayor McLain: BY THE PEDESTRIAN ENTRANCE MAYBE YOU

12:06:59 HAVE SEATING IN THAT AREA?
12:07:00 >>Steve Sammons: YES, YES.
12:07:01 I BELIEVE -- I'M SORRY, I DON'T HAVE A CLEARER PICTURE OF
12:07:07 WHERE THEY ARE LOCATED, BUT I KNOW THERE'S AT LEAST ONE UP
12:07:12 IN THIS AREA HERE AND THEN THREE MORE ALONG THIS LONGER

12:07:17 STRETCH DOWN HERE.
12:07:22 >>Mayor Errington: I HAVE A QUESTION ABOUT THE POCKET PARK.
12:07:24 THAT'S ON VIA COCONUT, AND IT'S BEEN ELIMINATED, DELETED?
12:07:28 >>Steve Sammons: CORRECT, RIGHT.
12:07:29 WITH THE SPACE THERE, WITH THE PROPOSED AREA BETWEEN THE
12:07:35 EXISTING BUILDING 3 AND THE PREVIOUSLY PROPOSED BUILDING 5,
12:07:41 THERE WAS KIND OF A SPACE THAT WAS CREATED THERE THAT WAS
12:07:46 COMFORTABLE FOR A POCKET PARK THAT JUST DID NOT FIT IN HERE.
12:07:52 SO WE SAID, WELL, LET'S CREATE SOMETHING INTERIOR TO THE
12:07:56 PROJECT THAT WOULD GET USED BY THE RESIDENTS IN A MORE
12:08:01 COMFORTABLE WAY.
12:08:03 >>Mayor Errington: I THINK THE OBJECTIVE OF THAT, WHEN THAT
12:08:06 WAS ORIGINALLY PROPOSED WAS THAT IT WOULD BE AS THE ESTERO
12:08:12 ON THE RIVER PROJECT IS DEVELOPED, THAT WOULD BE A PLACE
12:08:15 WHERE PEOPLE COULD STOP AND REST IF THEY ARE WALKING AND
12:08:18 GOING ON WITH THE CONNECTIVITY THROUGH THE SIDEWALKS THAT WE
12:08:23 HAD TALKED ABOUT.
12:08:25 SO THE POCKET PARK ON THE OUTSIDE FOR THE PUBLIC TO USE IS
12:08:30 WHAT IT WAS ORIGINALLY DESIGNED.
12:08:36 >>Steve Sammons: WE COULD PROPOSE -- I'M JUST TRYING TO
12:08:40 DESIGN -- BUT WE COULD PROPOSE A SMALL AREA OF PAVERS AT
12:08:50 THIS PEDESTRIAN GATE CONNECTION UP IN HERE.
12:08:52 THAT WOULD BE ON THE OUTSIDE OF THE FENCE AND INCLUDE
12:08:55 ANOTHER BENCH RIGHT THERE.
12:09:00 >>Mayor Errington: THAT'S NOT A POCKET PARK.

12:09:03 >>Steve Sammons: NOT AS LARGE AS THE OTHER ONE WAS.
12:09:05 THAT WAS A GOOD-SIZED AREA.
12:09:07 35 FEET BY 35 FEET IS A BIG PLAZA.
12:09:13 WHETHER THAT WOULD BE NEEDED, BUT JUST TRYING TO THINK OF
12:09:23 WAYS TO ENHANCE THE EXISTING DESIGN.
12:09:27 WE WANTED THE TALLER VEGETATION AS WELL JUST TO CREATE A
12:09:31 NICER FEEL ALONG THE LINEAR PARK ITSELF.
12:09:37 >>Mayor Errington: I THINK WHAT CONCERNS ME IS THE PARKING.
12:09:42 THE WHOLE DEVELOPMENT WAS DESIGNED TO HIDE PARKING, AND NOW
12:09:45 THE PARKING WILL BE EXPOSED. YOU'RE HIDING IT WITH
12:09:51 LANDSCAPING.
12:09:51 AND YOU'VE CHANGED THE GATE GOING OUT ON CORKSCREW ROAD.
12:10:01 THAT WAS NOT IN THE ORIGINAL PLAN.
12:10:04 SO MORE TRAFFIC WILL GO ONTO CORKSCREW THIS WAY, AND
12:10:12 CORKSCREW IS ALREADY A LEVEL C ROAD AND GOING UP IS AN F.
12:10:18 >>Steve Sammons: SO THE ORIGINAL PLAN DID HAVE THE

12:10:22 CONNECTION THROUGH PROPOSED BUILDINGS 5 AND 6.
12:10:25 SO THERE WAS STILL A CONNECTION OUT.
12:10:27 WE JUST MOVED IT FURTHER AWAY FROM THE VIA COCONUT POINT
12:10:32 INTERSECTION TO HELP WITH SOME OF THE TRAFFIC THERE.
12:10:34 SO THERE WAS A DRIVE CONNECTION PROPOSED THROUGH THE CENTER
12:10:38 AREA HERE.
12:10:40 >>Neale Montgomery: UNDER THE REGULATIONS, YOU'RE REQUIRED
12:10:41 TO HAVE TWO MEANS OF INGRESS AND EGRESS.
12:10:44 SO IT WAS REQUIRED.

12:10:46 AND BY SHIFTING IT AND PUTTING THE LANDSCAPE OVER THERE, IT
12:10:50 PROVIDES A MORE LANDSCAPED AND BETTER LOOKING VISTA FOR
12:10:54 PEOPLE WHO ARE STUCK ON CORKSCREW AND MOVED FURTHER AWAY SO
12:10:58 YOU CAN -- JOHN CAN EXPLAIN THIS, IT'S BETTER FROM A TRAFFIC
12:11:03 FLOW AND IT'S CLOSER TO THE CELL TOWER.
12:11:09 >>Steve Sammons: YEAH, FURTHER AWAY FROM THE VIA COCONUT
12:11:12 POINT INTERSECTION.
12:11:14 >>Mayor Errington: YOU'RE COMING UP ON ANOTHER LANE THAT'S
12:11:17 GOING INTO THIS PLAZA HERE.
12:11:22 >> AGAIN, JOHN ENGLISH.
12:11:23 CORRECT.
12:11:24 THERE IS ANOTHER ENTRANCE.
12:11:28 AS A CAR PULLING OUT, IT IS A SAFER CONDITION TO BE CLOSER
12:11:31 TO A TURN IN THAN IT IS TO BE CLOSE TO A FREE TURNING RIGHT
12:11:34 AT A MAJOR INTERSECTION.
12:11:35 MY OPINION.
12:11:44 >>Mayor Errington: OTHER QUESTIONS, COMMENTS?
12:11:48 >>Vice-Mayor McLain: JUST ONE OTHER COMMENT, YOUR POINT
12:11:51 ABOUT PEOPLE, WE'RE HOPING THAT VIA COCONUT IS GOING TO BE A
12:11:56 SIGNIFICANT PASSAGE WAY FOR BICYCLISTS, WALKERS AND THE LIKE
12:12:00 GOING ALL THE WAY UP SANDY LANE, WHICH WE'RE GOING TO BE
12:12:02 REDOING AND MAKING IT VERY ATTRACTIVE WITH OUR PARK AND THE
12:12:07 LIKE.
12:12:07 SO WE LOST AN OPPORTUNITY FOR PEOPLE TO STOP AND REST ALONG
12:12:12 VIA COCONUT.

12:12:13 WHERE YOU HAVE THE PEDESTRIAN GATE THERE, IS THERE ANY WAY
12:12:17 THAT YOU COULD MANIPULATE AND PUT A BENCH IN THERE THAT
12:12:20 WOULD HOLD TWO OR THREE PEOPLE?
12:12:24 IF THERE'S ENOUGH SPACE TO DO THAT, SIMILAR TO WHAT YOU'RE
12:12:27 DOING ON CORKSCREW.
12:12:28 THE MORE BENCHES AWAY FROM CORKSCREW, LIKE THE PEDESTRIAN
12:12:31 GATE ON CORKSCREW GETS YOU BACK, I LIKE THAT.
12:12:36 SO IF YOU COULD DUPLICATE THAT ALONG VIA COCONUT WITH A
12:12:39 BENCH OR TWO, I THINK THAT WOULD ENHANCE THE USABILITY FOR
12:12:45 PEDESTRIANS.
12:12:46 AND THAT WAS ONE OF THE PURPOSES WE HAD IS WE WANTED OUTSIDE
12:12:50 AMENITIES WHEN YOU HAVE A GATED COMMUNITY LIKE THIS.

12:12:55 AND WE ENDED UP LOSING PART OF THAT WITH THE PLAN, WHICH I
12:12:59 UNDERSTAND.
12:12:59 SO IF THERE'S ANY WAY YOU CAN ACCOMMODATE NOT A POCKET PARK
12:13:03 BUT A COUPLE OF BENCHES, I THINK THAT MIGHT WORK.
12:13:08 >> I CAN TELL YOU AS THE PERSON THAT LAID OUT THE SITE PLAN
12:13:11 AND ALL THE UNDERGROUND UTILITIES WHICH YOU DON'T SEE HERE,
12:13:14 THE AREA INSIDE THE FENCE LINE IN HERE IS EXTREMELY OCCUPIED
12:13:18 WITH NECESSARY INFRASTRUCTURE.
12:13:19 THE ONE AREA THAT STRUCK ME AS A POSSIBILITY TO PERHAPS ADD
12:13:28 A BENCH OUTSIDE THE FENCE MIGHT BE ROUGHLY IN THIS LOCATION
12:13:32 BETWEEN THE VILLA AND THE EXISTING BUILDINGS WHERE WE HAVE A
12:13:36 LITTLE MORE GREENSPACE HERE FOR UTILITIES.
12:13:38 IT MIGHT BE A GOOD LOCATION TO TRY TO -- WE HAVEN'T DONE THE

12:13:43 SITE PLAN TO SEE IF IT FITS, BUT PERHAPS THAT COULD BE A
12:13:46 GOOD LOCATION TO ADD A BENCH IF WE'RE ABLE TO.
12:13:51 ANYTHING WE DO IN THE RIGHT-OF-WAY, WE ALSO HAVE TO SEEK THE
12:13:53 APPROVAL OF LEE COUNTY D.O.T. THROUGH A RIGHT-OF-WAY PERMIT.
12:13:56 IT'S HARD TO COMMIT TO, BUT I COULD SEE WHERE WE COULD TRY
12:13:59 THAT.
12:14:03 >>Mayor Errington: ARE ALL THE BUILDINGS CONCRETE?
12:14:08 >>Steve Sammons: YES, YES, CONCRETE STRUCTURE, BARREL TILE
12:14:12 ROOF, AND MATERIALS TO MATCH EXISTING, THE EXISTING PAVERS,
12:14:21 SIDEWALKS.
12:14:21 SO, YES.
12:14:23 >>Mayor Errington: DO YOU HAVE A VIEW FROM BUILDING 3 DOWN
12:14:26 ON WHAT IT WOULD LOOK LIKE FROM SOMEONE LIVING IN BUILDING 3
12:14:30 AT THE TOP LEVEL LOOKING DOWN?
12:14:32 >>Steve Sammons: WE DON'T HAVE A VIEW OF THAT, BUT I DO KNOW
12:14:35 THAT IN THE EXISTING BUILDINGS 3 AND 4, ALONG THE NORTH
12:14:40 FACADE THERE IS JUST -- IT'S HALLWAYS IN THERE.
12:14:44 IT'S NOT ACTUAL UNITS LOOKING DOWN THROUGH THEIR WINDOWS
12:14:49 ONTO THE ADJACENT STRUCTURES PROPOSED.
12:14:57 >>Jim Ward: I JUST NEED SOME CLARIFICATION ON THE PEDESTRIAN
12:15:00 GATE ACCESS AND WHETHER IT'S GOING TO BE OPEN TO THE PUBLIC
12:15:05 OR IT'S NOT GOING TO BE OPEN TO THE PUBLIC BECAUSE I'M
12:15:08 CONCERNED ABOUT SECURITY FOR THE RESIDENTS WITHIN.
12:15:13 >>Jaime Lopez: JAIME LOPEZ FOR THE RECORD.
12:15:17 AS NEALE MENTIONED, ORIGINALLY, WE WERE REQUIRED TO PROVIDE

12:15:22 ACCESS TO THE PUBLIC.
12:15:24 AT THIS POINT, WE CANNOT PREVENT PEOPLE FROM WALKING THROUGH
12:15:29 GENOVA.
12:15:30 BUT IF THEY INTEND TO DO THAT, THEY HAVE TO GO THROUGH THE
12:15:33 MAIN GATE WHERE WE HAVE THE GUARD SO IDs CAN BE CHECKED
12:15:36 AND INFORMATION CAN BE RECEIVED.
12:15:37 THE PEDESTRIAN GATES ARE LIMITED FOR THE RESIDENTS, AND IF
12:15:42 ANYONE FROM THE PUBLIC ACTUALLY WANTS TO ACCESS THE

12:15:45 COMMUNITY, THEY'LL HAVE TO DO IT THROUGH THE FRONT GATE WITH
12:15:47 THE GUARD.
12:15:48 NOW, WE OBVIOUSLY DON'T ADVERTISE THIS TO THE PUBLIC THAT
12:15:52 THEY CAN COME TO OUR COMMUNITY.
12:15:53 MR. WILSON MENTIONED THAT THAT IS NOT SOMETHING THAT THE
12:15:56 RESIDENTS WILL LIKE.
12:15:58 THEY ARE ACTUALLY WORKING ON TRYING TO MAKE THAT CHANGE.
12:16:00 AT THIS POINT, BASED ON WHAT WE'RE REQUIRED TO PROVIDE, WE
12:16:04 CANNOT LIMIT THE PUBLIC TO COME IN THROUGH THE COMMUNITY.
12:16:06 IF WE DO, THE ONLY REASON IS COME THROUGH THE GATE IN FRONT
12:16:09 OF THE GUARD.
12:16:12 >>Jim Ward: ARE YOU SAYING THE PUBLIC CANNOT COME IN THROUGH
12:16:15 THE PEDESTRIAN --
12:16:16 >>Jaime Lopez: CORRECT.
12:16:17 THEY WILL HAVE TO COME IN THROUGH THE MAIN GATE WITH A
12:16:20 GUARD.
12:16:21 >>Jim Ward: WHY DO YOU HAVE TO PROVIDE ACCESS TO THE PUBLIC

12:16:23 THROUGH THE MAIN GATE?
12:16:25 >>Jaime Lopez: WE HAVE TO PROVIDE ACCESS TO THE COMMUNITY
12:16:28 BECAUSE THAT WAS REQUIRED WHEN GENOVA WAS APPROVED AS PART
12:16:30 OF THE CONNECTIVITY.
12:16:31 IT WAS NOT SOMETHING THAT WE WANTED.
12:16:32 IT WAS SOMETHING THAT WAS REQUIRED BY THE COUNCIL.
12:16:34 >>Neale Montgomery: YEAH, IF YOU LOOK AT THE ORIGINAL
12:16:37 EXHIBIT F, THERE IS A SECTION ON CONNECTIVITY, NUMBER 6.
12:16:42 AND IT SPECIFICALLY REFERENCES NONRESIDENT ACCESS WITHOUT
12:16:47 COMPROMISING SECURITY.
12:16:47 IT SAYS THE MAIN GATE ENTRY ACCESS WILL BE MANDATORY
12:16:51 AVAILABLE TO NONRESIDENT PEDESTRIANS DURING DAY LIGHT HOURS.
12:16:58 THAT WAS PART OF THE CONNECTIVITY THAT THE VILLAGE WAS
12:17:00 PURSUING.
12:17:00 SOME FOLKS THOUGHT THAT EVERYBODY WOULD TAKE THEIR GATES AND
12:17:03 WALLS OUT.
12:17:04 IT HASN'T HAPPENED, BUT THAT WAS THE THINKING AT THE TIME.
12:17:06 SO IT WAS A REQUIREMENT.
12:17:12 >>Jim Ward: THANK YOU.
12:17:13 >>Jaime Lopez: ABSOLUTELY.
12:17:14 >>Mayor Errington: ANY OTHER COMMENTS OR QUESTIONS FROM
12:17:17 COUNCIL?
12:17:20 >>Jim Boesch: I'M WAITING UNTIL THE PRESENTATION IS THROUGH.
12:17:27 >>Mayor Errington: MARY, DO YOU HAVE ANYTHING?
12:17:29 >>Mary Gibbs: I DON'T THINK I HAVE ANYTHING TO ADD AT THIS

12:17:31 TIME.
12:17:31 ARE YOU GOING TO GO TO PUBLIC INPUT?
12:17:34 >>Mayor Errington: YES, IF YOU DON'T HAVE ANYTHING TO ADD.
12:17:38 >>Neale Montgomery: WE WOULD LIKE TO RESERVE THE RIGHT FOR

12:17:40 REBUTTAL SHOULD THERE NEED TO BE SOME.
12:17:43 >>Mary Gibbs: SHE WANTS TO BE ABLE TO DO REBUTTAL WHEN THE
12:17:47 TIME COMES, WHICH I'M SURE SHE WILL ANYWAY.
12:17:52 >>Neale Montgomery: MARY INTERPRETED FOR ME.
12:17:56 >>Mayor Errington: OKAY.
12:17:57 SO WE ARE NOW READY TO TAKE PUBLIC COMMENT.
12:18:00 >>Carol Sacco: YES, MAYOR.
12:18:02 WE DO HAVE TWO.
12:18:02 THE FIRST ONE IS MR. JEFF BRISTOL FROM GENOVA.
12:18:18 >> GOOD MORNING.
12:18:20 >>Mayor Errington: GOOD AFTERNOON.
12:18:22 >> YOU'RE RIGHT.
12:18:24 >>Mayor Errington: WELCOME.
12:18:25 STATE YOUR NAME, PLEASE, FOR THE RECORD.
12:18:27 >> MY NAME IS JEFF BRISTOL.
12:18:29 I'M A RESIDENT IN GENOVA.
12:18:31 GENOVA IS ONE OF THE BEST AND MOST BEAUTIFUL CONDOMINIUMS IN
12:18:36 ESTERO, MAYBE THE VERY BEST.
12:18:39 WE WANT TO KEEP IT THAT WAY.
12:18:41 OVER THE LAST YEAR OR SO, THE DEVELOPER HAS REVISED HIS PLAN
12:18:45 SEVERAL TIMES.

12:18:48 EACH TIME, THE STYLE OF THE BUILDINGS OF THE OVERALL LAYOUT
12:18:51 HAVE IMPROVED AND HAVE BECOME MORE ACCEPTABLE TO US.
12:18:56 SOME OF US ARE READY TO ACCEPT THE CURRENT PLAN OUT OF
12:19:00 DESPERATION TO GET OUR COMMUNITY FINISHED.
12:19:02 AND WHO COULD BLAME US?
12:19:05 THERE IS ONE LAST IMPROVEMENT THAT IS NEEDED.
12:19:09 THE MOST RECENT PLAN SHOULD BE ALTERED --
12:19:16 [CELL PHONE RINGING]
12:19:18 CAN YOU HEAR THAT?
12:19:20 I MEAN, MY PHONE IS GOING OFF.
12:19:22 SORRY.
12:19:25 THERE IS ONE LAST IMPROVEMENT THAT IS NEEDED.
12:19:28 THE MOST RECENT PLAN SHOULD BE ALTERED BY MAKING THE NEW
12:19:32 BUILDINGS ALL TOWN HOUSES WITH NO SINGLE-FAMILY VILLAS,
12:19:37 WHICH WOULD SOLVE TWO PROBLEMS.
12:19:40 NUMBER ONE, IT WOULD ELIMINATE THE VILLAS WHICH WOULD BE
12:19:43 SEPARATED BY A SPACE IN BETWEEN EACH UNIT WHERE CARS WOULD
12:19:49 BE ALLOWED TO PARK, WHICH IS UNSIGHTLY AND WHICH WOULD MAKE
12:19:54 CHEAPER THE APPEARANCE OF OUR COMMUNITY.
12:19:56 WITH A TOWNHOME ONLY LAYOUT, ALL CARS WOULD BE PARKED IN
12:20:03 GARAGES OUT OF SIGHT.
12:20:07 NUMBER TWO, WHEN WE BOUGHT INTO GENOVA, WE WERE BUYING INTO
12:20:11 A CONDOMINIUM ASSOCIATION.
12:20:14 WE SHOULDN'T BE FORCED INTO A COMMUNITY WITH SINGLE-FAMILY
12:20:16 HOMES, WHICH COULD BE AWKWARD ADMINISTRATION-WISE.

12:20:21 THE TOWNHOMES WOULD BE CONDOS.
12:20:25 FINALLY, LET ME JUST SAY THAT I'M SURE THAT MOST OF US WOULD
12:20:29 PREFER THE ORIGINAL PLAN, BUT LET ME SAY THAT THIS PROPOSED
12:20:42 -- YEAH, NEW DEVELOPMENT WITH NO SINGLE-FAMILY HOMES WOULD
12:20:47 BE THE NEXT BEST THING.
12:20:50 IF YOU LOOK AT THE DIAGRAM UP THERE, WHAT I WOULD SAY IS
12:20:56 EVERY PLACE YOU SEE A SINGLE-FAMILY HOME, LIKE AT THE TOP
12:21:01 RIGHT, THERE'S THREE OF THEM, LUXURY VILLAS, JUST IMAGINE A
12:21:06 GROUP OF THREE TOWNHOMES, GROUP OF FOUR TOWNHOMES AND SO
12:21:11 FORTH.
12:21:11 THE LUXURY VILLAS, AS THEY ARE CALLED, ARE NOT NEARLY AS
12:21:19 ATTRACTIVE AS THE TOWNHOME.
12:21:21 >>Mayor Errington: YOUR TIME IS UP.
12:21:22 THANK YOU.
12:21:23 >> WELL, THAT'S ENOUGH.
12:21:24 >>Mayor Errington: THANK YOU VERY MUCH.
12:21:27 >>Carol Sacco: NEXT COMMENT CARD IS FROM HAL KORBEE OF
12:21:36 GENOVA.
12:21:38 >> GOOD AFTERNOON.
12:21:41 IT IS THAT TIME.
12:21:42 MY NAME IS HAL KORBEE.
12:21:46 I APPRECIATE YOUR SERVICE.
12:21:47 SOME YEARS AGO IN ANOTHER COMMUNITY I SAT IN ONE OF YOUR
12:21:50 CHAIRS, ESPECIALLY YOU, MR. McLAIN.
12:21:52 AT ANY RATE, WHAT I WANT TO TELL YOU IS MY EXPERIENCE OVER

12:21:58 THE LAST COUPLE OF YEARS.
12:22:02 I WAS LAST YEAR PRESIDENT OF THE GENOVA 2 ASSOCIATION WHEN I
12:22:06 GOT THE CALL FROM MR. LOPEZ THAT THEY DECIDED NOT TO FINISH
12:22:11 THIS PROJECT.
12:22:12 AT THAT TIME, HE SAID THEY WERE GOING TO SUBSTITUTE
12:22:15 TOWNHOMES INSTEAD.
12:22:16 THERE WAS NEVER ANY MENTION ABOUT THE SINGLE-FAMILY
12:22:19 EUPHEMISTICALLY CALLED VILLA HOMES.
12:22:22 WHEN A PLAN FINALLY CAME OUT TO MEET WITH THE RESIDENTS, WE
12:22:26 SEE THESE -- THE MIAMI BEACH HOMES.
12:22:33 WHEN IT WAS INITIALLY PRESENTED TO YOUR PLANNING AND ZONING
12:22:37 BOARD, THERE WERE 14 SINGLE-FAMILY HOMES.
12:22:41 SO MEMBERS OF THE PLANNING AND ZONING BOARD SAID THAT IS
12:22:46 ISN'T GOING TO FLY HERE.
12:22:47 COME BACK WITH ANOTHER PLAN.
12:22:49 WELL, WE HAD SOME HOPE THEN THAT AS MR. BRISTOL SUGGESTED
12:22:53 THEY COME BACK WITH SOME TOWNHOMES.
12:22:55 INSTEAD THEY COME BACK WITH THIS PLAN NOW, INSTEAD OF 14
12:22:58 SINGLE-FAMILY HOMES, HE HAS 20.
12:23:02 AS MR. BRISTOL -- THIS JUST DOESN'T SEEM APPROPRIATE.
12:23:09 IF ANY OF YOU WOULD JOIN MY WIFE AND ME FOR HAPPY HOUR
12:23:12 BETWEEN 5 AND 6 ON OUR LANAI, YOU WOULD SEE OUR VIEW.

12:23:16 RIGHT NOW, OUR VIEW IS OF THE INTERSECTION OF CORKSCREW AND
12:23:21 VIA COCONUT WAY.
12:23:22 WE WATCH THE TRAFFIC GO BY, BUT WE HAVE THE CLOSEST AND MOST

12:23:27 EXPANSIVE VIEW OF WHAT THIS PROJECT WILL LOOK LIKE.
12:23:31 INSTEAD OF LOOKING OUT ON BEAUTIFUL COURTYARDS AND SIMILAR
12:23:36 BUILDINGS, WE'RE GOING TO BE LOOKING OUT AT ROOFTOPS AND
12:23:39 SOME PARKED CARS.
12:23:40 NOW, THAT'S OUR SITUATION.
12:23:42 BUT FROM THE CITY'S POINT OF VIEW, THIS DEVELOPER HAS LEFT
12:23:47 YOU AND OUR COMMUNITY WITH A HECK OF A DILEMMA.
12:23:51 THEY HAVE GIVEN US THIS TAKE IT OR LEAVE IT PLAN.
12:23:54 AND WHAT THAT DOES, IT POSES TWO QUESTIONS.
12:23:58 THE QUESTION FOR THE CITY IS IF YOU APPROVE THIS, THEN CAN A
12:24:06 RESIDENT -- AN ESTERO RESIDENT EVER AGAIN RELY ON THIS
12:24:11 CITY'S APPROVAL OF DEVELOPMENT PLAN WHEN LOOKING AT
12:24:15 PURCHASING RESIDENTIAL UNITS IN THIS COMMUNITY?
12:24:18 THAT'S A DILEMMA.
12:24:20 THAT'S A QUESTION YOU HAVE TO ASK.
12:24:22 AND IF THIS THING IS NOT APPROVED AND THEY ARE NOT FORCED TO
12:24:25 DO WHAT EVERYBODY WAS PROMISED, INCLUDING THE CITY, THEN YOU
12:24:29 GOT AN ISSUE HERE AND FOR THE FUTURE.
12:24:34 THE SECOND QUESTION IS, MR. LOPEZ MADE A NICE PRESENTATION
12:24:39 AND HE TOLD YOU -- JUST, PLEASE, TWO MORE MINUTES.
12:24:45 WILL COST MORE MONEY THAN THEY CAN AFFORD TO DO THESE
12:24:50 THINGS.
12:24:50 YOU'RE TALKING ABOUT BARRON COLLIER, THE BIGGEST, MOST
12:24:53 POWERFUL DEVELOPER IN THIS COMMUNITY.
12:24:57 AND THEY ARE GOING TO PASS THIS DEVELOPMENT RISK ON TO YOU,

12:25:02 THE CITY, BY NOT FOLLOWING YOUR PLAN AND TO THOSE OF US, 131
12:25:06 OF US THAT BOUGHT INTO THIS COMMUNITY RELYING ON THE
12:25:09 REPRESENTATIONS OF BOTH THE VILLAGE AND THIS DEVELOPER.
12:25:12 THANK YOU VERY MUCH.
12:25:13 >>Mayor Errington: THANK YOU.
12:25:14 THANK YOU VERY MUCH.
12:25:16 >>Carol Sacco: THAT'S IT, MAYOR.
12:25:18 >>Mayor Errington: THAT'S IT.
12:25:18 OKAY.
12:25:25 WE ARE DOWN TO ANY FURTHER COUNCIL QUESTIONS.
12:25:31 >>Jim Boesch: I'D LIKE TO MAKE A STATEMENT.
12:25:33 I THINK THE MAJORITY OF US HERE WERE HERE I THINK IT WAS
12:25:41 2016.
12:25:43 WE SAT THROUGH THE PROPOSAL THAT WAS GIVEN TO US.
12:25:48 BY THE WAY, THE DEVELOPER HERE TODAY WAS PART OWNER AT THAT
12:25:52 PARTICULAR TIME AS WELL.
12:25:54 SO HE SUPPORTED THIS WHOLE PROJECT, SO FORTH.
12:25:58 WE WENT TO THE OPENINGS WHEN THE BUILDING WAS FIRST BUILT.

12:26:04 WE WERE INVITED.
12:26:04 WENT UP THERE.
12:26:05 TOURED THE BUILDING, AND THAT PERIOD OF TIME, THE OWNERS IN
12:26:13 THOSE FOUR BUILDINGS THAT ARE BUILT ALREADY HAD BEEN
12:26:18 SUPPORTING RESIDENTS OF THE WHOLE COMMUNITY AND HAPPY LIVING
12:26:22 IN THE COMMUNITIES.
12:26:23 SO WE HAVE, FIRST OF ALL, AS MR. KORBEE BRINGS UP OF THE

12:26:32 DILEMMA OF YOU MADE A PROMISE AND NOW YOU'RE GOING TO CHANGE
12:26:36 THE WHOLE SITUATION AND LET SOMEBODY ELSE COME IN AND DO
12:26:41 SOMETHING ON SOMETHING YOU DID IN THE FIRST PLACE.
12:26:44 IT REALLY BOTHERS ME FROM THAT STANDPOINT.
12:26:48 I BELIEVE THAT COLLIER, THEY ARE GETTING OUT OF THE BUILDING
12:26:56 BUSINESS AND THIS IS ONE WAY FOR THEM TO JUMP OUT OF THAT.
12:26:59 IS THERE ANYBODY FROM THE MIAMI BUILDING PEOPLE -- WHO IS
12:27:05 FROM THE MIAMI PEOPLE HERE?
12:27:06 COLLIER IS HERE TO BUILD, TO SUPPORT SOMETHING FOR ANOTHER
12:27:14 DEVELOPER TO BUILD AND TAKE OVER.
12:27:16 YOU WORK FOR COLLIER?
12:27:22 >>Jaime Lopez: I WORK FOR BARRON COLLIER.
12:27:27 >>Jim Boesch: WANT TO HEAR FROM THE BUILDER.
12:27:29 I'LL LET YOU FINISH, SO YOU LET ME FINISH.
12:27:36 SO I THINK OUR FIRST OBLIGATION WE HAVE TO LOOK SERIOUSLY
12:27:42 ARE WE HERE TO SERVE THE RESIDENTS OR ARE WE HERE TO SERVE
12:27:47 BUSINESS PEOPLE WHO ARE MAKING DECISIONS TO COME IN AND
12:27:50 EITHER MAKE MONEY OR, IF COLLIER IS CORRECT, LOSE MONEY AND
12:27:55 LEARN HOW TO HAVE TO CORRECT IT.
12:28:04 THAT IS THE FIRST COMMENT I WANT TO MAKE.
12:28:06 SECOND THING, YOU CAN SPEND 10 HOURS TALKING ABOUT A POCKET
12:28:09 PARK.
12:28:10 BUT THE PUBLIC ISN'T GOING INTO A POCKET PARK.
12:28:12 IT'S SORT OF A DILEMMA.
12:28:13 I DON'T KNOW WHY WE DO THAT, BUT IT WOULD BE IMPOSSIBLE TO

12:28:16 THINK ABOUT PEOPLE WALKING DOWN CORKSCREW ROAD, ONE OF THE
12:28:22 BUSIEST ROADS IN THE AREAS OF OUR TOWN TO WALK TO YOUR
12:28:26 COMMUNITY TO GO TO A PARK -- A POCKET PARK.
12:28:29 AND WE HAVE ANOTHER DEVELOPMENT GOING ACROSS THE STREET, AND
12:28:33 THEY HAVE THE SAME THOUGHT PROCESS AS WELL, BUT PEOPLE ARE
12:28:36 NOT GOING TO GO, UNLESS THEY HAPPEN TO GET SICK OR HAVE SOME
12:28:41 TYPE OF EMERGENCY, THEY GO FOR THE POCKET PARK.
12:28:45 TALK ABOUT THE BENEFITS, BUT I DON'T SEE THAT AT ALL.
12:28:53 BY THE WAY, IF WE HAVE NO AVAILABLE PLACES FOR PEOPLE TO
12:28:56 LIVE HERE IN ESTERO, EVERYTHING HAS BEEN FULL, AND IF YOU
12:29:01 HAD GONE FORWARD BUILDING, YOU WOULD PROBABLY HAVE IT FULL
12:29:05 BY NOW AND MAYBE EVEN A FIFTH BUILDING BECAUSE THERE'S
12:29:08 PLENTY, PLENTY OF DEMAND RIGHT HERE IN ESTERO NOW FOR
12:29:14 BUILDING BECAUSE OF THE HURRICANE.

12:29:15 I WOULD LIKE TO BRING THAT UP, TOO.
12:29:18 YOU'RE GOING TO BUILD TOWN HOUSES, BUT YOU'RE GOING TO BUILD
12:29:23 TOWN HOUSES THAT WILL ELIMINATE THE SENIORS.
12:29:26 SENIORS DO NOT BUY TWO-STORY BUILDINGS ANYMORE.
12:29:28 THEY BUY ONE-STORY BUILDINGS BECAUSE THEY CAN'T GET UP THE
12:29:31 STAIRS OR GET DOWN EASILY.
12:29:33 SO WHEN YOU PUT THOSE BUILDINGS IN THERE, IT'S SORT OF
12:29:37 SAYING WE ONLY WANT YOUNG PEOPLE TO COME INTO THIS BUILDING,
12:29:41 AND THAT'S NOT WHAT THE PEOPLE WHO BOUGHT GENOVA, THE
12:29:45 CONCEPT THEY HAD WHEN THEY FIRST STARTED.
12:29:47 THE SECOND THING IS, WHEN YOU SIT ON THE COUNCIL AND A LOT

12:29:52 OF THE JUDGMENTS WE MAKE ARE WHEN PEOPLE COME TO US AND SAY,
12:29:56 I WANT THIS OR I DON'T WANT THIS AND SO FORTH.
12:30:00 IN ALL THE TIME THAT YOU GUYS ARE GOING THROUGH YOUR
12:30:03 PROJECTS, I HAVE NEVER HAD ANY FROM GENOVA CALL ME AND SAY,
12:30:08 JIM, DON'T WORRY, IT'S GOING TO BE GREAT.
12:30:11 THIS IS WHAT -- BUT I MEET PEOPLE IN CHURCH WHO SAY, JIM,
12:30:17 I'M CONCERNED ABOUT THIS HERE BECAUSE WE WERE GOING TO HAVE
12:30:21 SIX BUILDINGS, FIVE BUILDINGS, WHATEVER, IN THE COMMUNITY
12:30:24 BUT THAT'S GOING OUT.
12:30:26 SO THIS IS NOT WHAT WE WERE THINKING ABOUT.
12:30:30 BUT THE FINAL THING IS, FOR US ON THE COUNCIL, WE HAVE
12:30:34 DEVIATIONS, AS YOU GUYS ALL KNOW IN THE BUILDING BUSINESS.
12:30:39 WE HAVE DEVIATIONS.
12:30:41 THIS IS NOT A DEVIATION.
12:30:43 THIS IS A TOTAL CHANGE TO OUR LDOs BECAUSE WE'RE SAYING,
12:30:52 IF YOU BUILD A PROJECT NOW IN ESTERO, BUT IF IT DOESN'T WORK
12:30:55 OUT THE WAY YOU'D LIKE, YOU CAN COME BACK AND WE'RE GOING TO
12:30:59 CHANGE IT AND WE'RE GOING TO MAKE A NEW PROJECT THERE.
12:31:02 SO ALL THE PEOPLE WHO ORIGINALLY BUY THAT, AS MR. KORBEE
12:31:10 JUST SAID, YOU'RE SAYING MAYBE IT WILL BE THE SAME BUT MAYBE
12:31:15 NOT THE SAME.
12:31:16 HOW CAN PEOPLE IN THE REAL ESTATE BUSINESS LIVE WITH
12:31:19 SOMETHING LIKE THAT?
12:31:20 SECONDLY, THIS IS A PRECEDENT NO MATTER HOW YOU LOOK AT IT.
12:31:26 I PREACH PRECEDENCE ALL THE TIME.

12:31:29 AND WHEN YOU CHANGE A PRECEDENT, IT'S NOT JUST FOR TODAY OR
12:31:33 TOMORROW, SOMEDAY THOSE HOUSES OUT IN EAST CORKSCREW COME IN
12:31:41 AND BECOME PART OF ESTERO OR THE ONES THAT ARE COMING UP
12:31:45 NOW, SHOULD THEY WANT TO MAKE A CHANGE, WE WILL HAVE NO
12:31:52 MEANS TO CHANGE THEIR ABILITY TO CHANGE BECAUSE THIS
12:31:56 PROJECT, WE CHANGED THE AMENDMENT AND CHANGED THE PRECEDENT
12:32:04 TO DO IT.
12:32:04 I'M TOTALLY AGAINST.
12:32:06 FIRST OF ALL, I DON'T KNOW WHY YOU DIDN'T COME TO TALK ABOUT
12:32:09 THIS BEFORE YOU COME IN WITH ALL BUILDING PATTERNS AND

12:32:13 EVERYTHING ELSE PLANS BECAUSE MY POSITION TO YOU IS, IF YOU
12:32:21 NEED SOMEBODY, IF COLLIER COUNTY, A BILLION-DOLLAR DEVELOPER
12:32:26 NEEDS SOMEBODY TO TRY TO COME IN AND HELP YOU BUILD THOSE --
12:32:30 THAT BUILDING OR THOSE TWO BUILDINGS COMPLIES WITH THOSE
12:32:34 PEOPLE, WE WILL BE HAPPY TO SIT DOWN WITH YOU AND TALK WITH
12:32:37 PEOPLE AND TRY TO MAKE IT HAPPEN.
12:32:39 BUT TO GO AHEAD AND DO A WHOLE PLAN, TELL YOUR GUY IN MIAMI,
12:32:44 DON'T WORRY.
12:32:45 WE'RE THE BIG BUILDER.
12:32:46 WE'LL GET THIS ALL PASSED AND EVERYTHING ELSE, YOU DON'T
12:32:49 EVEN HAVE A GUY FROM THE BUILDER HERE TO TELL WHAT'S GOING
12:32:54 TO HAPPEN.
12:32:54 YOU GUYS ARE DOING IT ALL.
12:32:56 I JUST CAN'T BELIEVE THAT THIS GOT THIS FAR.
12:33:00 THAT'S PERSONALLY.

12:33:01 MY POSITION IS FOR SURE I WILL NOT SUPPORT THIS PROJECT
12:33:04 GOING FORWARD.
12:33:09 >>Mayor Errington: ANYONE ELSE ON COUNCIL?
12:33:11 JIM.
12:33:15 >>Robert Pritt: I BELIEVE THE APPLICANT'S ATTORNEY WANTED A
12:33:17 CHANCE FOR REBUTTAL.
12:33:19 >>Mayor Errington: AT THIS POINT?
12:33:24 >>Jaime Lopez: IT'S UP TO YOU AS TO WHEN I CAN DO THE
12:33:27 REBUTTAL.
12:33:30 >>Robert Pritt: YOU'RE NOT SUPPOSED TO MAKE UP YOUR MIND
12:33:32 UNTIL THEY ARE FINISHED.
12:33:33 >>Jim Boesch: I THINK THEY ARE FINISHED.
12:33:34 >>Robert Pritt: NO.
12:33:35 SHE ASKED FOR REBUTTAL.
12:33:38 >>Jim Boesch: I APOLOGIZE.
12:33:44 >>Jaime Lopez: AGAIN, JAIME LOPEZ FOR THE RECORD.
12:33:48 LET ME START BY CLARIFYING ONE OF YOUR COMMENTS.
12:33:51 I THINK THERE'S A LITTLE BIT OF CONFUSION AS TO WHAT'S BEEN
12:33:53 IN THE NEWS LATELY ABOUT COLLIER.
12:33:56 WE ARE BARRON COLLIER COMPANIES.
12:33:58 WE ARE NOT GETTING OUT OF THE BUILDING BUSINESS.
12:34:00 WE'VE BEEN AROUND FOR OVER A HUNDRED YEARS.
12:34:03 WE HAVE BEEN AROUND FOR OVER A HUNDRED YEARS.
12:34:06 I THINK YOU ARE MISINTERPRETING OUR COMPANY WITH COLLIER
12:34:09 ENTERPRISES.

12:34:10 THAT IS A SEPARATE COMPANY.
12:34:12 THAT IS NOT US.
12:34:13 WE HAVE ONE OF THE LARGEST MASTER PLANNED COMMUNITIES IN THE
12:34:16 COMMUNITY, AVA MARIA.
12:34:19 BY THE TIME IT'S DONE, IT WILL BE OVER 11,000 HOMES.
12:34:22 WE OWN THAT AND CONTINUE TO DEVELOP THAT.

12:34:24 WE'RE OVER 3,000 HOMES IN THE GROUND.
12:34:25 WE'RE DEFINITELY NOT GETTING OUT OF THE HOME BUILDING
12:34:28 BUSINESS WHATSOEVER.
12:34:29 IN REGARDS TO HOW THIS PROJECT IS GOING TO BE HANDLED, WE
12:34:31 ARE NOT SELLING THIS TO ANYBODY ELSE.
12:34:34 WHAT WE TRY TO DO WHEN WE ARE ENTERING A PROJECT IS HAVE
12:34:40 STRATEGIC PARTNERSHIPS THAT CAN HELP US DELIVER A GREAT
12:34:44 PRODUCT.
12:34:44 ALL WE'RE DOING HERE IS BRINGING SOMEONE THAT HAS THE
12:34:47 EXPERTISE OF LUXURY BUILDING THAT WE'VE WORKED WITH IN THE
12:34:50 PAST AND TOGETHER WE'RE GOING TO BE DEVELOPING THIS PROJECT.
12:34:53 SO THE REASON THAT THE MIAMI DEVELOPER IS NOT HERE IS NOT
12:34:56 BECAUSE THEY ARE BUYING THIS AND WE'RE TRYING TO PUT THIS IN
12:34:58 A SILVER PLATTER FOR THEM, THEY ARE NOT BUYING THIS FROM US.
12:35:02 WE ARE 50-50 PARTNERS IN THIS DEVELOPMENT.
12:35:04 WE'RE AS MUCH COMMITTED TO THIS PROJECT AS WE HAVE BEEN TO
12:35:07 ANY OTHER PROJECTS THAT WE'RE INVOLVED IN.
12:35:09 IN REGARDS TO THE FRUSTRATIONS THAT MR. KORBEE HAS PRESENTED
12:35:15 AND THAT YOU'VE EXPRESSED AS WELL, LOOK, WE UNDERSTAND THE

12:35:19 FRUSTRATION FROM THE RESIDENTS.
12:35:20 BUT AS YOU CAN SEE FROM THE PEOPLE THAT ARE IN ATTENDANCE,
12:35:24 WE HAVE OVER 131 RESIDENTS IN THE COMMUNITY.
12:35:27 SO FAR ONLY TWO HAVE COME AND EXPRESSED THAT THEY ARE
12:35:31 DISGRUNTLED ABOUT THIS PROJECT.
12:35:32 AND THAT'S NOT BY CHANCE THAT WE ONLY HAVE TWO RESIDENTS
12:35:35 HERE.
12:35:35 OBVIOUSLY, PEOPLE THAT ARE OPPOSED TEND TO BE MORE VOCAL
12:35:38 THAN THOSE IN SUPPORT.
12:35:39 BUT THE REASON WE ONLY HAVE TWO HERE THAT HAVE EXPRESSED
12:35:42 THEIR VIEWS IS BECAUSE THE REST OF THE RESIDENTS OR THE
12:35:44 MAJORITY OF RESIDENTS ARE BEHIND THIS PROJECT.
12:35:47 SO WHEN YOU ASK ABOUT PROTECTING THE RESIDENTS AND ENSURING
12:35:51 THAT THIS PROJECT IS AS PROMISED OR IS DELIVERING QUALITY,
12:35:56 THE FACT THAT WE HAVE OUR OWN GENOVA RESIDENTS BEHIND THIS
12:36:00 PROJECT WITH ONLY A FEW OPPOSED SHOULD TELL YOU THAT THEY
12:36:04 ARE READY FOR THIS TO MOVE FORWARD.
12:36:06 THEY ARE TIRED OF SEEING VACANT LAND.
12:36:08 THEY LIKE THE PRODUCT THAT WE'VE DEVELOPED.
12:36:10 THEY ARE PROUD OF THE PRODUCT THAT WE'RE PRESENTING FORWARD.
12:36:13 I AGREE THAT, YES, IT HAS CHANGED OVER THE LAST YEAR AND A
12:36:16 HALF SINCE WE STARTED DOING THIS.
12:36:19 WE DID START IT WITH ONLY TOWNHOMES AT THE BEGINNING.
12:36:23 AS I MENTIONED AT THE BEGINNING OF THE PRESENTATION.
12:36:25 ONCE WE RECEIVE THE FEEDBACK FROM THE EXPERTS THROUGH MARKET

12:36:29 RESEARCH AND WE'RE TOLD THAT THE BEST WAY FOR YOU TO MARKET
12:36:33 THIS PROJECT IS TO HAVE A MIX OF UNITS, WE HAVE TO ADJUST

12:36:36 THE PLAN.
12:36:37 IN ADDITION TO THAT, TO ADDRESS THE CONCERN ABOUT THE
12:36:41 DEMOGRAPHICS THAT ARE GOING TO BE LIVING IN GENOVA, THE ONE
12:36:46 REASON WHY WE ALSO ARE KEEPING THE LUXURY VILLAS WITH THE
12:36:51 OPTION TO HAVE THE BEDROOM DOWN STAIRS AS OPPOSED TO A
12:36:54 GARAGE IS PRECISELY FOR THOSE RESIDENTS THAT WOULD PREFER TO
12:36:57 HAVE A BEDROOM DOWN STAIRS AS OPPOSED TO GOING UP THE
12:37:00 STAIRS.
12:37:01 THAT INCREASED DENSITY ON THE LUXURY VILLAS WOULD ALLOW FOR
12:37:05 THOSE TYPE OF RESIDENTS THAT ARE INTERESTED, THE ELDERLY
12:37:09 RESIDENTS INTERESTED IN HAVING OUR PRODUCT TO HAVE THAT
12:37:12 BEDROOM AT THE DOWN FLOOR AND ENSURE THAT THEY CAN ENJOY THE
12:37:16 COMMUNITY.
12:37:17 NOW, THINGS HAVE CHANGED OVER THE LAST SIX YEARS SINCE WE
12:37:21 STARTED WITH THIS PROJECT.
12:37:23 I WISH WE COULD COME BACK AND SAY TO YOU, YES, WE'RE GOING
12:37:26 TO DEVELOP THOSE BUILDINGS.
12:37:27 BELIEVE ME, THERE WAS NOTHING MORE THAN WE WANTED TO DO WAS
12:37:31 ACTUALLY COMPLETE THE PROJECT AS INTENDED BECAUSE IT IS A
12:37:33 BEAUTIFUL PROJECT.
12:37:34 THE BUILDINGS ARE FANTASTIC AND THEY ARE A STATEMENT PIECE
12:37:37 OF ESTERO, WHICH IS WHY WE TRIED FOR TWO YEARS TO SELL AND
12:37:43 MARKET THOSE BUILDINGS.

12:37:44 THE FACT THAT WE ONLY HAD THREE CONTRACTS SHOULD PROVIDE
12:37:50 THIS COUNCIL AN EXAMPLE OF THE DEMAND THAT IS ACTUALLY OUT
12:37:55 THERE FOR THIS TYPE OF PRODUCT.
12:37:56 ALTHOUGH THERE ARE NO AVAILABILITY OF HOUSING IN ESTERO, THE
12:38:00 TYPE OF RESIDENTS THAT WILL AFFORD TO LIVE IN THIS COMMUNITY
12:38:07 DECIDED THAT THE PRICING FOR THE UNITS WAS NO LONGER
12:38:10 VALUABLE FOR THEM.
12:38:11 THAT'S WHY WE'RE HAVING TO CHANGE THIS.
12:38:13 WE CAN NO LONGER BUILD THOSE BUILDINGS, AND WE ARE NOT GOING
12:38:15 TO BUILD THOSE BUILDINGS.
12:38:16 EVEN IF WE WANTED TO, WE'RE NOT GOING TO BECAUSE THE MARKET
12:38:19 IS NOT SUPPORTING THAT.
12:38:20 WE'RE GOING TO SIT WITH AN EMPTY LOT FOR YEARS TO COME.
12:38:26 SO WHAT WE'RE TRYING TO DO IS HOW CAN WE MAKE THIS BETTER
12:38:29 FOR THE RESIDENTS?
12:38:31 THEY ARE TIRED OF LOOKING AT AN EMPTY FIELD.
12:38:34 THIS IS THE BEST OPTION THAT WE HAVE FORWARD.
12:38:36 NOW, WE COULD GO AND PRETEND THAT WE COULD CHANGE THIS TO
12:38:39 ALL TOWNHOMES, WE CAN'T DO THAT.
12:38:41 IT'S NOT MARKETABLE THAT WAY.
12:38:43 WE DON'T WANT TO SIT WITH ANOTHER PROJECT FOR THE NEXT FIVE
12:38:45 YEARS THAT IS NOT SELLING WITH JUST ONE TOWNHOME BUILDING
12:38:48 CONSTRUCTED AND EVERYTHING ELSE EMPTY.
12:38:50 NO ONE WANTS THAT EITHER.

12:38:51 WHAT WE'RE TRYING TO DO IS FIND THE BEST MIX OF UNITS THAT

12:38:55 THE MARKET WILL SUPPORT, THAT THERE'S DEMAND FOR, THAT CAN
12:38:59 PROVIDE AVAILABILITY FOR RESIDENTS THAT DESIRE THAT HOME,
12:39:02 THAT BEDROOM IN THE FIRST FLOOR IN THEIR HOME BECAUSE THEY
12:39:05 CANNOT GO UPSTAIRS, THAT CAN BE COMPATIBLE WITH GENOVA.
12:39:09 A BEAUTIFUL PRODUCT THAT PEOPLE CAN BE PROUD OF.
12:39:12 IF YOU LOOK AT THOSE IMAGES, THEY ARE VERY COMPATIBLE WITH
12:39:14 GENOVA.
12:39:15 YEAH, THEY ARE NOT THE FOUR-STORY BUILDINGS THAT WE
12:39:17 CURRENTLY HAVE, BUT IT IS A PRODUCT THAT YOU CAN BE PROUD
12:39:20 OF.
12:39:21 THE ALTERNATIVE IS HAVING AN EMPTY FIELD.
12:39:23 LIKE I SAID AT THE BEGINNING, WE COULD HAVE WALKED AWAY, BUT
12:39:25 WE DON'T DO THAT.
12:39:26 WE'VE BEEN AROUND FOR OVER A HUNDRED YEARS.
12:39:28 WE LIKE TO FOLLOW THROUGH.
12:39:30 THAT'S WHY WE STEPPED INTO THIS PROJECT WHEN THINGS WERE
12:39:33 FAILING AND SAY HOW CAN WE SALVAGE THIS.
12:39:35 WHAT CAN WE DO TO HELP THE RESIDENTS AND MAKE SURE THIS
12:39:38 PRODUCT IS COMPLETED?
12:39:39 I'M HOPEFUL THAT ALTHOUGH THERE'S HESITATION BECAUSE IT'S
12:39:42 NOT THE SAME AS IT WAS BEFORE, YOU CAN AT LEAST APPRECIATE
12:39:46 THE DESIRE OF THE COMPANY AND THE DESIRE OF THE REST OF THE
12:39:49 RESIDENTS THAT ARE NOT HERE FOR THE COMPLETION OF THIS
12:39:52 PROJECT.
12:39:53 EVERYONE IS BEHIND THIS.

12:39:55 THE MAJORITY OF THE RESIDENTS ARE BEHIND THIS.
12:39:57 LIKE I SAID, THE MOST VOCAL PEOPLE ARE THE ONES AGAINST.
12:40:01 MR. KORBEE HAS ALWAYS BEEN AGAINST THE PROJECT NO MATTER
12:40:03 WHAT KIND OF PRESENTATION WE DO, WHAT KIND OF DISCUSSION WE
12:40:06 HAVE WITH HIM, HE'S ALWAYS BEEN AGAINST IT.
12:40:09 HE WILL ALWAYS BE AGAINST THIS PROJECT UNLESS WE BUILD THE
12:40:11 SAME BUILDINGS THAT WE HAD BEFORE.
12:40:13 BUT HE'S NOT THE ONLY RESIDENT AT GENOVA.
12:40:16 WE HAVE OVER 131 RESIDENTS, AND THE MAJORITY OF THEM ARE
12:40:19 READY FOR US TO MOVE ON, READY FOR THIS PROJECT TO BE
12:40:22 COMPLETED.
12:40:23 THEY ARE EXCITED ABOUT THE HOMES.
12:40:25 A LOT OF THEM HAVE APPROACHED US AND SAID WE WOULD BE
12:40:27 INTERESTED IN PURCHASING ONE OF YOUR HOMES ONCE THEY ARE
12:40:29 COMPLETED.
12:40:30 AGAIN, WHEN YOU'RE LOOKING AT THIS AND WHAT YOU CAN DO FOR
12:40:33 THE RESIDENTS TO PROTECT THEIR INTERESTS, THE RESIDENTS OF
12:40:37 GENOVA ARE SPEAKING.
12:40:38 THEY ARE BEHIND THIS PROJECT.
12:40:39 SO PLEASE TAKE THAT INTO ACCOUNT AND CONSIDER MOVING FORWARD

12:40:43 WITH THIS.
12:40:44 I DON'T KNOW IF THAT HELPS.
12:40:46 >>Jim Boesch: LET'S HAVE A MEETING WITH THEM AND SEE IF 125
12:40:51 ARE IN FAVOR OF THIS PROJECT.
12:40:54 >>Jaime Lopez: AS MARY HAS MENTIONED, THIS HAS BEEN A LONG

12:40:58 PROCESS.
12:40:58 THE FIRST MEETING THAT WE HAD WE HAD OVER 70 PEOPLE.
12:41:02 >>Jim Boesch: CALL A MEETING.
12:41:03 I'LL GO WITH YOU, AND WE'LL STAND UP AND ASK THE RESIDENTS,
12:41:07 ARE YOU IN FAVOR OF THIS PROJECT OR NOT?
12:41:11 THE PEOPLE THAT COME TO ME.
12:41:12 I'M HERE EVERY DAY, YOU'RE NOT.
12:41:14 PEOPLE COME TO ME SAY I'M AFFECTED BY THE FACT THAT WE
12:41:20 BOUGHT IN THIS COMMUNITY, WE HAVE BEAUTIFUL BUILDINGS, ALL
12:41:24 ARE HAPPY IN THIS THING AND ALL OF A SUDDEN WE HAVE NO RIGHT
12:41:27 TO CHANGE IT AND A NEW DEVELOPMENT IS GOING TO COME IN HERE.
12:41:30 THAT'S THE MAJORITY OF THE PEOPLE THAT COME TO ME.
12:41:33 AND THEY ALSO FEEL HELPLESS.
12:41:36 THERE IS GOING TO BE NO HELP.
12:41:38 THIS HAS BEEN DECIDED.
12:41:39 IT'S GOING TO GO FORWARD.
12:41:40 AND THE WORST THING IS, WE'RE LETTING YOU COME IN AND CHANGE
12:41:46 A COMMUNITY WHICH WILL SET A PRECEDENT FOR ANY OTHER
12:41:50 DEVELOPER THAT COMES.
12:41:52 COULD BE LIKE STOCK HAS NEXT DOOR, A DEVELOPMENT OF --
12:41:58 CHANGE DOWN THE ROAD, NOT WORKING OUT IN A PROFITABLE WAY,
12:42:03 SO WE'VE GOT TO APPLY FOR A CHANGE IN ALL THOSE PLANS.
12:42:10 WE HAVE ORDINANCES THAT PUT IN THE WHOLE PACKAGE.
12:42:13 THAT'S THE WAY IT WAS APPROVED.
12:42:15 DIDN'T WORK OUT, SO WE'VE GOT TO DO SOMETHING DIFFERENT.

12:42:17 EVERYBODY HAS THE SAME NOW ABILITY AS IF WE APPROVE THIS
12:42:25 HERE IN DOING THE PROJECT.
12:42:27 THAT'S THE WAY I LOOK AT IT.
12:42:29 I MAY BE WRONG, BUT I THINK MY JOB IS TO PROTECT THE
12:42:34 RESIDENTS, NOT TO PROTECT BUILDERS AND DEVELOPERS WHO ARE
12:42:39 COMING IN AND MAKING MONEY.
12:42:41 WE DO OUR BEST -- WE DID OUR BEST FOR COLLIER ON 41.
12:42:50 SO YOU CAN'T EVER COMPLAIN ABOUT US NOT PROTECTING COLLIER.
12:42:56 >>Neale Montgomery: I JUST WANT TO SAY THIS.
12:43:01 YOU HAVE THE RIGHT.
12:43:02 YOU ALWAYS HAVE THE RIGHT TO COME IN AND FOLLOW YOUR RULES
12:43:05 AND MEET YOUR RULES AND SEEK APPROVALS.
12:43:12 AND IN THIS CASE, THE APPLICANT HAS DONE THAT.
12:43:16 THEY HAVE MET YOUR LAND DEVELOPMENT CODE.
12:43:18 THEY'VE MET YOUR COMPREHENSIVE PLAN.
12:43:20 THEY PROVIDED COMPETENT, SUBSTANTIAL EVIDENCE, AND THERE'S

12:43:24 NOTHING IN THE CONSTITUTION OF THE UNITED STATES OR THE
12:43:27 STATE OF FLORIDA THAT WOULD REQUIRE YOU TO BUILD BUILDINGS
12:43:29 AND LOSE $10 MILLION.
12:43:32 THAT'S NOT ALLOWED.
12:43:34 YOU'RE ALLOWED TO HAVE A REASONABLE USE OF YOUR PROPERTY.
12:43:37 BUILDING BUILDINGS YOU LOSE MONEY ON IS NOT A REASONABLE USE
12:43:40 OF YOUR PROPERTY.
12:43:41 THE FIRST PLANNING AND ZONING BOARD MEETING THIS ROOM WAS
12:43:47 PACKED AND PEOPLE WERE ANGRY.

12:43:50 AND, YES, THERE HAVE BEEN CHANGES TO THIS PLAN.
12:43:53 THE CHANGES HAVE BEEN MADE AT THE REQUEST OF THE RESIDENTS
12:43:57 AND THE DIRECTION OF THE PLANNING ZONING AND DESIGN REVIEW
12:44:00 BOARD.
12:44:02 SO HOW THE UNITS LOOK, HOW THE LANDSCAPING LOOKS, HOW THE
12:44:05 SITE LAYS OUT HAS ALL CHANGED BASED ON THAT INPUT.
12:44:09 SO HAVING HAD NUMEROUS MORE MEETINGS THAN ARE REQUIRED AND
12:44:13 HAVING WORKED THROUGH THE PROCESS AND HAVING COME UP WITH A
12:44:17 PRODUCT THAT THE CONDOMINIUM ASSOCIATIONS APPROVED AND ARE
12:44:23 COMFORTABLE WITH TO NOW SAY, WELL, YOU JUST GOT TO STICK
12:44:27 WITH SOMETHING THAT'S NOT ECONOMICALLY VIABLE, THAT'S NOT
12:44:30 WHAT YOUR CODE SAYS.
12:44:31 THAT'S NOT WHAT THE FLORIDA STATUTE SAYS.
12:44:34 I'M HOPING WE CAN FOLLOW THE RULES.
12:44:36 THANK YOU.
12:44:38 >>Mayor Errington: ANY OTHER?
12:44:40 JIM WARD.
12:44:41 >>Jim Ward: COULD YOU COME UP AGAIN FOR A MINUTE, PLEASE.
12:44:43 I APOLOGIZE.
12:44:45 FORGOT YOUR NAME.
12:44:45 >>Jaime Lopez: JAIME LOPEZ.
12:44:48 >>Jim Ward: COULD YOU ON THIS DIAGRAM POINT OUT TO ME, HAD
12:44:50 YOU BUILT THE TWO BUILDINGS ORIGINALLY PLANNED WHERE WOULD
12:44:54 THEY HAVE BEEN ON THIS PLOT?
12:44:56 >>Jaime Lopez: IS IT OKAY IF I SWITCH IT TO -- WE HAVE AN

12:44:59 ORIGINAL MASTER PLAN AT THE BEGINNING OF THE PRESENTATION.
12:45:01 >>Jim Ward: YOU CAN DO THAT.
12:45:03 BUT GENERAL IDEA OF WHERE THEY WOULD HAVE BEEN.
12:45:06 >>Jaime Lopez: THE BUILDINGS, WHERE YOU SEE ON THE LEFT THE
12:45:11 LUXURY VILLAS, IMAGINE AN INVERTED L.
12:45:18 BASICALLY THE LUXURY VILLAS ON THE LEFT -- IT'S NOT WORKING
12:45:23 THE MOUSE.
12:45:24 THERE YOU GO.
12:45:24 SO IT WOULD HAVE COMPRISED THE BUILDING OF THE TOWNHOMES ON
12:45:35 THE LEFT AND ALL LUXURY VILLAS ON THE LEFT, THAT WOULD HAVE
12:45:38 BEEN ONE BUILDING.
12:45:40 AND THEN THE SAME THING FOR THE OTHER SIDE, ON THE RIGHT.

12:45:44 IT WOULD HAVE BEEN THE ONE BUILDING FOR THE TOWNHOME AND ALL
12:45:47 THE RESIDENTIAL BUILDINGS.
12:45:49 SO IF I MAY, HERE IS THE ORIGINAL MASTER CONCEPT PLAN.
12:45:54 YOU CAN SEE ON THE LEFT BUILDING FIVE AND BUILDING SIX, WITH
12:46:00 THE ROAD ORIGINALLY BIFURCATING THE TWO BUILDINGS, NOW,
12:46:03 INSTEAD OF THAT ROAD, THAT IS THE PARK THAT WE HAVE IN THE
12:46:05 MIDDLE OF THE CENTRAL PARK.
12:46:08 >>Jim Ward: SECOND QUESTION.
12:46:09 I'M NOT SURE IF YOU ARE THE RIGHT PERSON TO ASK THIS, BUT WE
12:46:12 HAD A LETTER FROM THE PRESIDENT OF GENOVA 2 HOMEOWNERS
12:46:17 ASSOCIATION.
12:46:18 HOW MANY ASSOCIATIONS ARE THERE?
12:46:20 ARE THERE MORE THAN ONE?

12:46:21 >>Jaime Lopez: YES.
12:46:23 THE WAY GENOVA IS SET UP, WE HAVE ONE MASTER ASSOCIATION
12:46:25 THAT OVERSEES THE WHOLE COMMUNITY.
12:46:27 AND THEN EVERY TWO BUILDINGS IS ONE ASSOCIATION.
12:46:31 SO BUILDINGS ONE AND TWO ARE REPRESENTED BY GENOVA 1.
12:46:35 BUILDINGS 3 AND 4 ARE REPRESENTED BY GENOVA 2.
12:46:38 AND THEN THE CONSTRUCTION OF PHASE THREE WILL CREATE A THIRD
12:46:43 ASSOCIATION, WILL BE GENOVA 3.
12:46:45 >>Jim Ward: SO WE HAVE ONE REPRESENTATION FROM GENOVA 2
12:46:49 HOMEOWNERS.
12:46:50 DID WE HAVE ANY REPRESENTATION OR THOUGHTS FROM THE OTHER
12:46:53 HOMEOWNERS ASSOCIATION?
12:46:54 >>Jaime Lopez: MR. OLSEN IS NOT HERE TODAY, BUT HE HAS
12:46:57 EXPRESSED HIS SUPPORT IN THE PAST DURING THE PLANNING ZONING
12:47:00 AND DESIGN MEETING.
12:47:02 HE STOOD HERE IN FRONT OF THE MEMBERS AND HAS SAID THAT HIM
12:47:06 AND HIS RESIDENTS SUPPORT THE PROJECT.
12:47:07 NOW, MR. KORBEE USED TO BE PRESIDENT OF GENOVA 2.
12:47:12 WE DO HAVE HERE SUSAN, THE CURRENT PRESIDENT OF GENOVA 2 AS
12:47:16 WELL, WHICH I BELIEVE IS THE PERSON THAT SENT YOU THAT
12:47:18 LETTER.
12:47:18 >>Jim Ward: SHE IS HERE?
12:47:19 >>Jaime Lopez: SHE IS HERE, YEAH.
12:47:22 >>Jim Ward: I GUESS I'D HAVE TO SAY I'M DISAPPOINTED THAT WE
12:47:24 DIDN'T HAVE ANYBODY FROM THE PEOPLE WHO SUPPORT THE PROJECT

12:47:28 COME UP AND GIVE US REASONS WHY THEY SUPPORT THE PROJECT AND
12:47:31 WHAT YOU HAVE DONE TO APPEASE THEM TO MAKE THIS A MORE
12:47:35 AMENABLE SITUATION FOR THEM.
12:47:37 >>Jaime Lopez: I COMPLETELY UNDERSTAND.
12:47:39 AS I MENTIONED, SOMETIMES THOSE THAT HAVE THE NEGATIVE
12:47:42 FEEDBACK ARE THE MOST VOCAL ONES.
12:47:45 THEY DID COME DURING OUR PLANNING AND ZONING MEETINGS AND
12:47:48 THEY DID EXPRESS THEIR SUPPORT AT THAT TIME.

12:47:50 >>Jim Ward: ONE LAST QUESTION I HAVE.
12:47:52 YOU INDICATED EARLIER THAT YOU WENT THROUGH A PROCESS TO TRY
12:47:55 TO MARKET THE PRODUCT IN A WAY THAT IT WAS ORIGINALLY
12:47:59 DESIGNED.
12:48:00 THAT DID NOT WORK.
12:48:01 YOU ONLY HAD THREE OR FIVE CONTRACTS?
12:48:04 >>Jaime Lopez: THREE CONTRACTS.
12:48:07 >>Jim Ward: HOW WOULD THEY BE PRICED RELATIVE TO THE
12:48:09 TOWNHOMES AND THE VILLAS THAT YOU'RE PROPOSING NOW?
12:48:17 >>Jaime Lopez: WAS IT 550 TO 750.
12:48:20 THAT WAS BACK IN 2018-19.
12:48:22 I BELIEVE THAT BECAUSE WE HAVE DIFFERENT FLOOR PLANS, THEY
12:48:26 RANGED FROM 500,000 TO 700,000.
12:48:29 AS OPPOSED TO WHAT WE INTENDED LAST YEAR TO PRICE THE
12:48:34 TOWNHOMES AT ABOUT 600,000 AND THE LUXURY VILLAS ABOVE
12:48:40 700,000.
12:48:41 NOW, AGAIN, THAT WILL HAVE TO BE ADJUSTED ONCE WE'RE READY

12:48:44 TO PROJECT THIS WITH CONSTRUCTION.
12:48:45 >>Jim Ward: YOU'RE WILLING TO ADJUST YOUR ORIGINAL THOUGHTS
12:48:48 ON WHAT THE PRICING WOULD BE ON THE TOWNHOMES?
12:48:50 >>Jaime Lopez: WE WILL HAVE TO ADJUST IT.
12:48:52 IT WILL ALL DEPEND ON THE TIMING OF CONSTRUCTION.
12:48:54 >>Jim Ward: HOW CONFIDENT ARE YOU THAT YOU HAVE A MARKET FOR
12:48:56 THOSE TODAY?
12:48:58 >>Jaime Lopez: BASED ON THE RESEARCH THAT WE RECEIVED,
12:49:01 THAT'S STILL A PRETTY HIGH MARKET FOR THAT TYPE OF PROJECT,
12:49:04 ESPECIALLY FOR THE QUALITY PROJECT WE'RE TRYING TO DELIVER.
12:49:07 >>Jim Ward: BUT THAT INFORMATION OR THAT DATA IS PROBABLY
12:49:10 OLD AT THIS POINT, IS IT NOT?
12:49:12 >>Jaime Lopez: WE STILL HAVE DISCUSSIONS WITH OUR MARKET
12:49:15 RESEARCH TEAM TO MAKE SURE THAT THIS IS STILL VIABLE, AND
12:49:18 THAT'S THE ONLY REASON WHY WE CONTINUE WITH THE PROCESS IS
12:49:21 WE KNOW THAT THIS IS VIABLE.
12:49:23 WE KNOW THAT THIS PRODUCT IS SOMETHING THE MARKET DESIRES
12:49:28 AND WE'LL BE ABLE TO ACTUALLY TURN IT OVER AND SELL IT TO
12:49:30 THIRD PARTIES.
12:49:31 >>Jim Ward: THE VILLAS AND THE TOWNHOMES WILL HAVE ACCESS TO
12:49:35 ALL THE AMENITIES THAT CURRENTLY EXIST?
12:49:38 >>Jaime Lopez: YEAH, THEY WERE PART OF THE MASTER
12:49:40 ASSOCIATION, SO THEY WILL BE DUES-PAYING MEMBERS THAT WILL
12:49:44 COVER ALL OF THE COST IN THE ASSOCIATION WITH BENEFITS TO
12:49:49 THE AMENITIES.

12:49:49 NOW, ONE OF THE OTHER BENEFITS OF THE REDUCED NUMBER OF
12:49:52 UNITS IS THAT THERE WILL BE LESS PEOPLE ACTUALLY USING THE
12:49:56 AMENITIES.
12:49:56 SO THE AMOUNT OF TRAFFIC THAT YOU WILL SEE IS ACTUALLY A

12:50:00 BENEFIT FOR THE CURRENT RESIDENTS.
12:50:01 BECAUSE INSTEAD OF HAVING 74 UNITS, YOU'RE ONLY GOING TO
12:50:05 HAVE A TOTAL OF 30 UNITS COMING INTO THE PROJECT.
12:50:08 >>Jim Ward: WHEN YOU GET TO 2025-26, WHAT DO YOU THINK THE
12:50:12 INCREASE IN THE HOA DUES WILL BE ON A PERCENTAGE BASIS?
12:50:16 >>Jaime Lopez: AT THE MOMENT, THE RESIDENTS, THE BUDGET IS
12:50:19 BEING CALCULATED ON 171 UNITS.
12:50:22 SO WE'RE LOOKING AT A DELTA OF ABOUT 9 UNIT CHANGE BETWEEN
12:50:25 NOW AND 2026.
12:50:27 I DON'T HAVE THE EXACT NUMBER OF WHAT THAT WILL BE, BUT IT
12:50:31 WILL BE LESS THAN 10%.
12:50:33 >>Jim Ward: LESS THAN 10%, INCREASING THE HOA --
12:50:35 >>Jaime Lopez: YEAH, WE DO A GREAT JOB WITH OUR MANAGEMENT
12:50:38 COMPANY TO WORK ON THE EXPENSES AND MAKE SURE WE'RE MANAGING
12:50:41 HOW THE ASSOCIATION IS BEING RUN.
12:50:43 YOU KNOW, AS A PERFECT EXAMPLE, JUST FOR THIS UPCOMING YEAR,
12:50:47 EVEN THOUGH THINGS HAVE INCREASED IN PRICE WITH INFLATION,
12:50:49 WE'VE BEEN WORKING HARD AND THE CURRENT BUDGET ONLY HAS AN
12:50:53 INCREASE OF 3%.
12:50:54 >>Jim Ward: WE'RE TALKING ABOUT THE MASTER HOA.
12:50:56 >>Jaime Lopez: THE MASTER HOA, YEAH, EVERY CONDO ASSOCIATION

12:50:59 HAS THEIR OWN DUES FOR THEIR BUILDINGS, BUT FOR THE MASTER
12:51:02 ASSOCIATION, THAT'S WHERE WE ARE FOR THE BUDGET.
12:51:05 >>Jim Ward: THANK YOU.
12:51:09 >>Neale Montgomery: I DON'T KNOW IF WE ARE ENGAGING IN
12:51:11 CONVERSATION.
12:51:11 YOU ASKED ABOUT REPRESENTATIVES FROM THE CONDO ASSOCIATIONS,
12:51:13 AND THEY RAISED THEIR HAND, BUT I DON'T KNOW IF YOU SAW
12:51:15 THEM.
12:51:19 >>Jim Ward: NO, I DIDN'T.
12:51:20 THANK YOU.
12:51:23 >>Nancy Stroud: WE USUALLY HAVE A TIME LIMIT FOR REBUTTAL.
12:51:26 >>Mayor Errington: HOW MANY MINUTES?
12:51:27 >>Nancy Stroud: WELL, AS MUCH AS REQUIRED TO REBUT THE
12:51:34 WITNESSES.
12:51:35 OBVIOUSLY, THE COUNCIL CAN ALWAYS ASK QUESTIONS OF THE
12:51:38 APPLICANT AND THEY CAN RESPOND.
12:51:40 BUT I'D LIKE FOR US TO PAUSE HERE FOR A MINUTE BECAUSE
12:51:45 COUNCIL HAS HAD A VERY WIDE-RANGING DISCUSSION, BUT I THINK
12:51:48 IT WOULD BE HELPFUL FOR YOU TO BE REMINDED ABOUT WHAT YOU
12:51:55 NEED TO CONSIDER WHEN YOU'RE CONSIDERING AN APPLICATION LIKE
12:52:00 THIS.
12:52:01 AND WHAT YOU NEED TO CONSIDER IS WHETHER THE APPLICATION
12:52:06 COMPLIES WITH THE LAND DEVELOPMENT REGULATIONS AND THE
12:52:09 COMPREHENSIVE PLAN.
12:52:11 I KNOW FOR INFORMATIONAL PURPOSES YOU'RE INTERESTED IN HOW

12:52:14 MUCH THE HOMEOWNERS ARE GOING TO PAY IN DUES AND THAT KIND
12:52:18 OF THING, BUT THAT'S NOT IN OUR LAND DEVELOPMENT
12:52:20 REGULATIONS.
12:52:21 IT'S ALSO A CASE THAT APPLICANTS ALWAYS HAVE THE ABILITY TO
12:52:28 COME IN AND ASK FOR CHANGES TO THEIR PLANS, AND THE COUNCIL
12:52:36 NEEDS TO CONSIDER THOSE CHANGES IN LIGHT OF THE LAND
12:52:38 DEVELOPMENT REGULATIONS.
12:52:41 WHAT THE COUNCIL CANNOT DO IS REQUIRE THE APPLICANT TO BUILD
12:52:46 A DEVELOPMENT THAT HE DOESN'T WANT TO BUILD.
12:52:51 THE COUNCIL CAN SAY, NO, WE DON'T LIKE THIS PROJECT, AND
12:52:55 THEN THE APPLICANT CAN DECIDE WHETHER HE JUST WANTS TO WALK
12:52:58 AWAY FROM THE DEVELOPMENT OR BRING IN ANOTHER APPLICATION.
12:53:04 BUT THE COUNCIL CANNOT SAY, IN OUR SYSTEM THAT, NO, YOU HAVE
12:53:10 TO BUILD WHAT WE APPROVED IN THE FIRST PLACE, WHETHER OR NOT
12:53:17 IT'S MARKETABLE OR ECONOMIC OR NOT.
12:53:20 NO MATTER HOW DISAPPOINTED YOU MIGHT BE THAT THEY WON'T
12:53:23 BUILD THE ORIGINAL PROJECT.
12:53:24 SO THAT CAN'T BE A CONSIDERATION WHETHER YOU APPROVE OR
12:53:29 DON'T APPROVE THIS PROPOSED REVISION TO THE PLAN.
12:53:36 SO IN CONTEXT, WHAT YOU NEED TO DECIDE IS WHETHER WHAT IS
12:53:44 PROPOSED TO YOU NOW MEETS THE REQUIREMENTS OF THE LAND
12:53:49 DEVELOPMENT REGULATIONS THAT YOU HAVE EXISTING IN THE
12:53:53 VILLAGE AND CONSIDER YOUR STAFF REPORT AND CONSIDER THE
12:53:56 SUBSTANTIAL COMPETENT EVIDENCE THAT'S BEEN GIVEN HERE.
12:54:00 THANK YOU.

12:54:03 >>Mayor Errington: I HAVE A QUESTION.
12:54:05 WHEN IT INVOLVES THE INTEGRITY OF PEOPLE WHO SAT ON THIS
12:54:10 COUNCIL AND APPROVED THIS SIX YEARS AGO, HOW DOES THAT FIT
12:54:15 INTO OUR CHARACTER AND ALL?
12:54:19 I REMEMBER THE APPLICANT AT THAT TIME SITTING THERE CRYING
12:54:24 BECAUSE HE WAS SO BROWBEATEN WITH EVERYTHING THAT WAS GOING
12:54:29 ON.
12:54:30 AND IT WAS AS TENSE AS IT IS NOW.
12:54:33 REALLY.
12:54:36 >>Nancy Stroud: I WAS THERE, SO I REMEMBER.
12:54:37 >>Mayor Errington: IT WAS VERY INTENSE.
12:54:39 SO WE ARGUED ALL OF THIS FOR MONTHS AND WE CAME UP WITH THE
12:54:46 IDEA, THIS IS WHAT WOULD HAPPEN.
12:54:48 IT WOULD LOOK LIKE WHAT THE ORIGINAL PLAN THAT WAS PROPOSED.
12:54:55 I REMEMBER THAT.
12:54:58 NOW, YOU'RE ASKING US, THOSE OF US WHO WERE ON COUNCIL AT
12:55:04 THAT TIME, WE HAVE MADE A STATEMENT, IT'S OUR REPUTATION,
12:55:10 IT'S OUR INTEGRITY THAT WE HAVE TO GO BACK AND SAY, WHOOPS,
12:55:17 I MADE A MISTAKE OR WE'RE NOT MAKING A MISTAKE.
12:55:24 I LOOK AT THIS PLAN AND I CAN SEE BUILDINGS 3 AND 4, THAT
12:55:29 THOSE PEOPLE IN THE BUILDINGS 3 AND 4 WILL BE MORE AFFECTED
12:55:33 BY WHAT GOES ON THAN THE FIRST TWO BUILDINGS.

12:55:37 THAT WILL BE OUT THEIR WINDOWS.
12:55:43 ESPECIALLY THOSE THAT LOOK DOWN AND SEE THE PARKING LOT.
12:55:46 I WAS CONCERNED ABOUT THE PARKING.

12:55:49 THAT WAS A MAJOR THING WITH APPROVING THIS.
12:55:52 PARKING WOULD BE UNDERNEATH THE BUILDINGS.
12:55:54 AND NOW THE PARKING IS ALL AROUND THE BUILDINGS AND OTHER
12:55:58 AREAS, TOO.
12:56:00 I UNDERSTAND THAT THE LANDSCAPING IS ORNATE.
12:56:07 THAT'S TO HIDE THE PARKING.
12:56:08 THAT WAS ONE OF THE REASONS WE FOUGHT TO HAVE THE PARKING
12:56:11 UNDERNEATH THE BUILDINGS, TO MAKE THAT -- AND THIS WAS ALSO
12:56:15 TO BE THE FIRST BUILDING IN THE TOWN CENTER.
12:56:19 THIS WAS THE PREMIER TOWN CENTER BUILDING.
12:56:23 AND NOW WE'RE CHANGING THE TOWN CENTER.
12:56:27 SO WHAT HAPPENS WHEN SOMEONE ELSE COMES IN ON THE LAND
12:56:31 THAT'S SUPPOSED TO BE THE TOWN CENTER AND THE FUTURE
12:56:35 COUNCILS MAKE A RECOMMENDATION, THEY VOTE ON IT, AND THEN A
12:56:40 FEW YEARS LATER, THEY HAVE TO DO THE SAME THING.
12:56:50 >>Nancy Stroud: JUST TO FOLLOW UP BECAUSE YOU RAISE THE
12:56:53 INTEGRITY OF THE COUNCIL.
12:56:54 I THINK THAT'S ALWAYS ON THE COUNCIL'S MIND AND I RESPECT
12:56:58 THAT.
12:56:59 BUT THE INTEGRITY OF THE COUNCIL HAS TO BE BASED IN LAW AND
12:57:06 ON THE RULES.
12:57:07 AND WHEN CIRCUMSTANCES CHANGE OVER YEARS, SOMETIMES THE
12:57:13 ORIGINAL DECISION NEEDS TO CHANGE AS WELL.
12:57:16 THAT DOESN'T REFLECT BADLY ON THE INTEGRITY OF THE COUNCIL,
12:57:20 AS LONG AS THE COUNCIL IS LOOKING AT WHAT THE LAW IS RELATED

12:57:28 TO THE PROPOSAL THAT'S BEFORE THEM.
12:57:32 THINGS DO CHANGE.
12:57:34 YOU'VE HAD PRETTY MUCH A LUXURY, I THINK, IN THE LAST EIGHT
12:57:41 YEARS OF HAVING A ROBUST MARKET AND WONDERFUL DEVELOPERS AND
12:57:47 WONDERFUL COUNCILS.
12:57:48 IT'S MY PRIVILEGE TO WORK WITH YOU BECAUSE IT REALLY IS A
12:57:52 UNIQUE COMMUNITY.
12:57:54 BUT IN MOST COMMUNITIES YOU OFTEN SEE OVER A PERIOD OF EIGHT
12:58:00 YEARS, MARKETS CHANGE AND COUNCILS CHANGE, AND DECISIONS
12:58:07 HAVE TO CHANGE AND DEVELOPMENT PROPOSALS ARE AMENDED.
12:58:11 >>Mayor Errington: I THINK ONE OF THE BIG CONCERNS HERE, I
12:58:14 KNOW THAT THE FIVE-YEAR PROPOSAL ABOUT HAVING IT COMPLETED
12:58:18 IN FIVE YEARS, WE'RE FACED WITH ANOTHER DEVELOPMENT.
12:58:23 IT'S BEEN EIGHT YEARS, GOING ON EIGHT YEARS NOT COMPLETED.
12:58:26 SO THAT CONCERNS ME THAT I THINK INFLATION -- YOU KNOW
12:58:35 WHAT'S HAPPENING TODAY WITH TAX INCREASE -- OR INTEREST
12:58:42 GOING UP AS PROPOSED.
12:58:45 AND WHAT IF WE GO INTO A REAL DOWNSIDE WITH THE ECONOMY, IF

12:58:53 WE APPROVE THIS, WE'RE STUCK.
12:58:56 WE'RE STUCK WITH THIS.
12:58:59 YOU KNOW, WHY COULDN'T THE SHRUBBERY AND THE TREES AND
12:59:06 EVERYTHING BE PUT IN BEFORE ANY DEVELOPMENT?
12:59:10 WAIT FOR ALL THE DEVELOPMENT IS GOING ON AND THEN YOU PLANT
12:59:13 THE TREES AND THE SHRUBBERY AND ALL THAT.
12:59:15 THE FOLKS NEED A BREAK TO SEE SOMETHING NICE IN THAT LOT.

12:59:20 I AGREE WITH THAT.
12:59:21 BUT WE HAVE TO WAIT UNTIL EVERYTHING IS DEVELOPED BEFORE
12:59:25 ANYTHING CAN BE COMPLETED AROUND THERE TO LOOK LIKE
12:59:28 SOMETHING NICE.
12:59:29 I DON'T UNDERSTAND THAT.
12:59:32 I DO, BUT I DON'T WANT TO ADMIT IT.
12:59:34 IT'S BECAUSE OF DOLLARS.
12:59:37 IN ALL FAIRNESS, THAT WOULD BE ONE WAY OF GETTING AROUND IT
12:59:43 IN MY OPINION.
12:59:44 WHEN WE VOTE, IT WOULD HAVE HELPED IF YOU MAYBE LISTED
12:59:49 EVERYTHING THAT WE NEED TO FOLLOW WHEN WE'RE FOLLOWING THE
12:59:53 RULES FOR SOMETHING LIKE THIS.
12:59:56 IS THAT SOMEPLACE?
01:00:00 WHERE DID I MISS SOMETHING?
01:00:01 >>Mary Gibbs: WELL, IN THE ORDINANCE, IT HAS FINDINGS AND
01:00:05 CONCLUSIONS THAT STATE WHETHER IT MEETS THE CODE OR NOT.
01:00:09 SO YOU FOLLOW -- BASICALLY FOLLOW THE STAFF REPORT.
01:00:13 THE STAFF RECOMMENDED THAT THIS DOES MEET THE CODE.
01:00:17 WE DO BELIEVE IT IS CONSISTENT WITH THE CODE AND THE
01:00:20 COMPREHENSIVE PLAN.
01:00:20 PLANNING ZONING AND DESIGN BOARD ALSO FOUND THAT AFTER A FEW
01:00:24 MEETINGS AND THEY DID CHANGE, MODIFY THE ARCHITECTURE A
01:00:27 LITTLE BIT AND THE DESIGN, THEY FOUND THAT IT MET IT.
01:00:31 THEY ALSO RECOMMENDED APPROVAL WITH CONDITIONS.
01:00:34 THOSE FINDINGS ARE IN YOUR ORDINANCE THAT JUST SAYS THAT

01:00:37 THEY DO COMPLY WITH VILLAGE CENTER, AND WE BELIEVE THEY DO
01:00:41 COMPLY WITH THIS REVISED PROPOSAL THAT THEY COMPLY WITH THE
01:00:44 VILLAGE CENTER CONCEPT AND THE CODE AND THE PLAN WITH THE
01:00:49 CONDITIONS IN THE ORDINANCE.
01:00:51 SO YOU, I THINK, DECIDE WHETHER YOU AGREE OR DON'T AGREE
01:00:54 BASED ON THAT.
01:00:56 >>Mayor Errington: WHAT HAPPENS IF THE ECONOMY REALLY STARTS
01:00:58 GOING DOWNHILL?
01:01:01 WHAT CAN BE DONE?
01:01:02 CAN LANDSCAPING BE A PART OF THIS BEFORE ANY CONSTRUCTION IF
01:01:08 THIS IS APPROVED?
01:01:09 >>Mary Gibbs: IN THE CONDITIONS WE HAVE IN HERE, THE
01:01:13 LANDSCAPING AND THE LINEAR PARK HAS TO BE DONE INITIALLY.
01:01:18 BUT YOU HAVE TO BE CAREFUL BECAUSE YOU HAVE TO PHASE IT.

01:01:20 BECAUSE IF THEY HAVE TO GET CONSTRUCTION EQUIPMENT IN, YOU
01:01:23 DON'T WANT TO INSTALL THE ENTIRE BUFFER, AND THIS HAPPENS ON
01:01:27 ALL DEVELOPMENTS.
01:01:27 YOU CAN'T REALLY INSTALL YOUR ENTIRE BUFFER AND THEN GO IN
01:01:30 AND CONSTRUCT YOUR PROJECT BECAUSE YOU'VE GOT TO GET THROUGH
01:01:33 WITH EQUIPMENT AND UTILITIES AND THINGS.
01:01:35 SO YOU USUALLY HAVE TO PHASE THAT TO MAKE SURE IT'S IN
01:01:39 CONCERT.
01:01:44 >>Nancy Stroud: LET ME JUST ADD THAT IF THE COUNCIL DECIDES
01:01:53 THAT IT DOES NOT WANT TO APPROVE THE PROJECT, THEN THEIR
01:01:57 FINDINGS HAVE TO REFLECT THAT.

01:02:00 THE FINDINGS ON PAGE 3 OF 5 OF THE ORDINANCE, AND THERE HAS
01:02:04 TO BE EVIDENCE TO SUPPORT THOSE FINDINGS.
01:02:07 SO IF YOU LOOK AT WHAT YOU NEED TO CONSIDER, IT'S DIFFERENT
01:02:16 HOUSING TYPES CREATING VARIETY.
01:02:19 THE PHYSICAL FORM AND RELATIONSHIP OF THE BUILDING WITH
01:02:22 LANDSCAPING, LINEAR PARK, THE STREETS, THE STREET DESIGN,
01:02:26 ET CETERA.
01:02:26 THE QUALITY OF BUILDINGS AND SO FORTH.
01:02:32 THAT'S WHAT YOUR CODE REQUIRES YOU TO ADDRESS IN LOOKING AT
01:02:38 PLANNED DEVELOPMENTS LIKE THIS.
01:02:41 >>Mayor Errington: SO IS THAT THE SQUEEZE ON THE COUNCIL
01:02:44 THEN?
01:02:50 >>Nancy Stroud: I'M PROTECTING YOU IN ADVISING WHAT WOULD
01:02:57 SUPPORT A DENIAL AND WHAT YOU CANNOT USE TO SUPPORT A
01:03:02 DENIAL.
01:03:08 >>Jim Wilson: I THINK THERE IS A REASON WE HAVE TWO
01:03:10 ATTORNEYS.
01:03:10 WE HAVE ONE OVER THERE AND WE HAVE ONE OVER HERE.
01:03:12 I WOULD CAUTION OR ENCOURAGE THE COUNCIL TO LISTEN TO
01:03:17 NANCY'S ADVICE BECAUSE WE'RE SITTING AS JUDGES, NOT AS
01:03:22 POLITICIANS AND NOT AS PEOPLE THAT ARE WORRIED ABOUT WHAT
01:03:26 MAY HAPPEN IN THE FUTURE OR THE PAST, BUT WE HAVE TO
01:03:29 CONSIDER THE EVIDENCE THAT WE HAVE BEFORE US TODAY IN A
01:03:32 QUASI-JUDICIAL HEARING AND THEN MAKE A DECISION BASED ON
01:03:36 WHETHER THIS THING COMPLIES WITH OUR EXISTING RULES.

01:03:40 >>Mayor Errington: THANK YOU.
01:03:42 >>Jim Wilson: THANK YOU.
01:03:43 >>Mayor Errington: JON.
01:03:43 >>Vice-Mayor McLain: I AGREE WITH JIM'S THOUGHTS ON THIS.
01:03:47 WE CAN'T CONTROL THE ECONOMY.
01:03:48 WE CAN'T CONTROL THE WEATHER.
01:03:52 I'M DISAPPOINTED WITH WHERE WE ARE TODAY.
01:03:55 I THINK MOST OF THE RESIDENTS THAT ARE INVOLVED IN GENOVA
01:04:01 ARE DISAPPOINTED ALSO.
01:04:02 I DON'T LIKE TO HAVE TO MAKE DECISIONS AS THE LAST RESORT,

01:04:09 TAKE IT OR LEAVE IT I THINK WAS SAID.
01:04:12 I DON'T LIKE TO BE INVOLVED IN THOSE KIND OF DECISIONS.
01:04:14 BUT THINGS DO CHANGE AND I DON'T THINK IT REFLECTS POORLY ON
01:04:20 THE COUNCIL, THAT IF WE TAKE INTO CONSIDERATION WHERE WE ARE
01:04:26 AND WHAT THE POSSIBILITIES ARE FOR THIS DEVELOPMENT, IT
01:04:31 DOESN'T REFLECT POORLY ON US WHEN CONDITIONS CHANGE, THE
01:04:38 DEVELOPER COMES BACK IN WITH THINGS THAT COMPLY WITH OUR
01:04:41 RULES AND REGULATIONS.
01:04:44 I THINK WE HAVE TO LOOK AT THOSE CONSIDERATIONS AND SAY, ARE
01:04:49 THEY IN COMPLIANCE?
01:04:51 I THINK WHAT NANCY IS SAYING, FROM WHAT WE'VE SEEN TODAY, IT
01:04:54 LOOKS LIKE THEY'VE COMPLIED WITH OUR STANDARDS.
01:04:58 WE'VE HAD A LOT OF DISCUSSION ABOUT LANDSCAPES AND POCKET
01:05:01 PARKS AND ALL THAT.
01:05:02 THE BIGGER ISSUE TO SOME PEOPLE IS IT'S NOT THE SAME AS WHAT

01:05:06 WE THOUGHT.
01:05:08 AND I WISH WE COULD DELIVER THAT.
01:05:09 AND I'M SURE THE DEVELOPER WOULD LOVE TO DELIVER THAT ALSO.
01:05:14 I'M STRUGGLING WITH THIS DECISION, QUITE FRANKLY, BUT I
01:05:17 THINK THERE IS A LEGAL RATIONALE THAT SAYS THINGS DO CHANGE.
01:05:25 THEY'VE COMPLIED WITH OUR ZONING REQUIREMENTS AND THE LIKE,
01:05:33 THAT IT'S DIFFICULT FOR US TO SAY YOU CAN'T BUILD WHAT YOU
01:05:37 PRESENTED TO US BECAUSE IT DOESN'T MEET WHAT WAS THERE
01:05:40 ORIGINALLY.
01:05:41 AND I THINK -- I'M CONCERNED WITH RESIDENTS.
01:05:43 WE HAVE TWO HERE THAT WERE OPPOSED TO THIS.
01:05:46 I HAVEN'T HEARD ANYBODY -- I'VE SEEN LETTERS IN SUPPORT OF
01:05:49 IT, BUT I THINK OVER THIS LONG PERIOD OF TIME, MY GENERAL
01:05:55 FEELING IS THAT THERE IS SUPPORT FROM THE COMMUNITY TO GET
01:06:02 GOING WHEN SOMETHING IS GOING TO BE ATTRACTIVE AND NOT DETER
01:06:08 WHAT'S ALREADY BUILT THERE.
01:06:10 IT MAY NOT BE OVERLY ADDITIVE, BUT IT'S NOT GOING TO BE
01:06:13 DIFFERENT.
01:06:14 I AM CONCERNED ABOUT THE POTENTIAL CHANGE IN WHO'S GOING TO
01:06:18 BUY THESE RESIDENCES BECAUSE THEY ARE TWO-STORY, BUT THAT'S
01:06:22 UP TO THE BUILDER.
01:06:25 MY GENERAL FEELING IS THAT THE MAJORITY OF THE FOLKS WITHIN
01:06:29 GENOVA ARE WILLING TO SAY LET'S GET THIS THING GOING AND NOT
01:06:38 HOPE FOR SOMETHING BETTER THAT MAY NEVER HAPPEN.
01:06:41 I'VE GOT MIXED EMOTIONS ABOUT THAT.

01:06:45 AND I'M OPEN FOR MORE DISCUSSION.
01:06:48 I HAVEN'T MADE MY DECISION YET, BUT I THINK I'VE GIVEN IT
01:06:52 ENOUGH THOUGHT TO BE ABLE TO MAKE AN INTELLIGENT AND
01:06:55 APPROPRIATE DECISION BASED ON THE FACTS PRESENTED TODAY.
01:07:00 >>Mayor Errington: LARRY.
01:07:02 >>Larry Fiesel: YEAH, I WANT TO REFLECT WHAT JON JUST SAID.

01:07:07 I THINK WE ARE ALL IN AGREEMENT THAT WE WOULD HAVE LIKED TO
01:07:11 HAVE SEEN THIS PROJECT COMPLETED IN THE WAY IT WAS
01:07:14 ORIGINALLY PRESENTED, AND THAT THE RESIDENTS OF GENOVA
01:07:18 BOUGHT INTO AND WANTED IT TO BE DEVELOPED THAT SAME WAY.
01:07:22 CIRCUMSTANCES SEEM TO HAVE CHANGED DRAMATICALLY.
01:07:26 WE'VE HAD A LOT OF THINGS THAT HAVE HAPPENED ECONOMICALLY
01:07:29 OVER THE LAST FEW YEARS AS WELL AS SOME OTHER THINGS, THAT
01:07:35 HAVE CHANGED THE DEMOGRAPHICS ABOUT EVERYTHING IN OUR LIFE.
01:07:38 WE'RE SITTING HERE IN A QUASI-JUDICIAL SITUATION, AS JIM
01:07:43 POINTED OUT, AND WE ARE LOOKING AT THE EVIDENCE THAT'S BEEN
01:07:46 PRESENTED TO US AND THE FINDINGS AND CONCLUSIONS THAT NANCY
01:07:50 POINTED OUT TO US IN SECTION 3 OF THIS ORDINANCE.
01:07:54 THEY MEET ALL OF THOSE GOALS OF OUR LAND DEVELOPMENT CODE
01:07:59 WITH THIS NEW PROPOSAL.
01:08:00 WE ALL WOULD HAVE LIKED TO HAVE SEEN THE ORIGINAL PRODUCT
01:08:04 COME TO MARKET, BUT UNDER THE CIRCUMSTANCES, I DON'T KNOW IF
01:08:09 THAT'S POSSIBLE.
01:08:10 I, LIKE JON, I HAVE MIXED FEELINGS.
01:08:13 I DON'T LIVE IN THIS COMMUNITY, SO I'M SEEING THIS FROM AN

01:08:17 OUTSIDER'S VIEWPOINT.
01:08:19 IT'S HARD FOR ME TO PUT MYSELF INTO THAT COMMUNITY BECAUSE I
01:08:22 DON'T LIVE THERE.
01:08:24 BUT I AM OPEN TO THE DISCUSSION THAT WE'VE HAD HERE FROM
01:08:29 EVERY PARTY AND APPRECIATE THE INPUT THAT EVERYBODY HAS
01:08:32 GIVEN, AND I'M STILL WORKING ON MY DECISION, BUT I HAVE TO
01:08:37 LOOK AT THE FINDINGS AND CONCLUSIONS.
01:08:39 THAT'S THE EVIDENCE THAT WE'RE GOING TO BE GUIDED ON.
01:08:44 >>Mayor Errington: ANYONE ELSE?
01:08:48 >>Jim Ward: I GUESS JUST A FINAL POINT.
01:08:50 THERE'S BEEN A LOT OF COMPELLING DISCUSSION HERE, BOTH FROM
01:08:53 THE BOARD AND THE PEOPLE WHO CAME BEFORE US AND TESTIFIED.
01:08:58 AND I AGREE WITH EVERYONE THAT'S BEEN ON THE COUNCIL SO FAR
01:09:02 HAS SAID.
01:09:04 IT'S A VERY DIFFICULT DECISION FROM A LOT OF DIFFERENT
01:09:06 PERSPECTIVES.
01:09:07 BUT I DO THINK NANCY DID GIVE US SOME CLARIFICATION AS TO
01:09:11 HOW WE HAVE TO LOOK AT THIS, DESPITE THE FACT THAT WE MAY
01:09:14 HAVE SOME CONCERNS REGARDING HOW IT IMPACTS THE RESIDENTS,
01:09:18 HOW IT IMPACTS PEOPLE ON THIS COUNCIL THAT MADE A DECISION
01:09:23 FIVE OR SIX YEARS AGO.
01:09:24 BUT AT THE END OF THE DAY, I THINK THE COMPELLING EVIDENCE
01:09:27 IS WHAT WE NEED TO LOOK AT IN TERMS OF MAKING THIS DECISION
01:09:32 AND MAKE THAT DECISION AS BEST WE CAN.
01:09:36 >>Mayor Errington: ANY OTHER COMMENTS?

01:09:39 WAIT JUST A MOMENT.
01:09:47 NANCY, IS THIS APPROPRIATE?

01:09:53 SOMEONE WANTS TO MAKE A COMMENT.
01:09:57 >>Nancy Stroud: IT'S UP TO THE COUNCIL IF YOU WANT TO HEAR
01:10:01 MORE COMMENTS.
01:10:02 WE HAVE HEARD ALL THE EVIDENCE, I BELIEVE, AND IT'S YOUR
01:10:06 COUNCIL DISCUSSION TIME NOW.
01:10:07 YOU DON'T NEED TO HEAR ANYTHING EXCEPT FROM THE COUNCIL.
01:10:13 >>Mayor Errington: SO IF COUNCIL, YOU'VE LAID OUT THE
01:10:18 DETAILS AND THE CRITERIA THAT WE NEED TO ADHERE TO, IF
01:10:24 THAT'S DECIDED, COULD IT BE AMENDED IF THE DECISION IS
01:10:32 WHATEVER IS YES OR -- I HAVEN'T MADE UP MY MIND YET EITHER.
01:10:38 BUT CAN YOU ADD SOMETHING TO, IF THE PROPOSED DEVELOPMENT,
01:10:45 DEVELOPER DRAGS HIS OR HER FEET THAT THIS LOT COULD BE
01:10:50 CLEANED UP BEAUTIFULLY, ALMOST TO LOOK LIKE A PARK AND PUT
01:10:54 LANDSCAPING AROUND IT IN THE INTERIM IF IT TAKES TIME.
01:10:59 IT COULD TAKE TIME TO DO THIS.
01:11:02 NOW, HOW DOES THAT AFFECT THAT?
01:11:04 WHERE THE RESIDENTS DON'T HAVE TO KEEP LOOKING AT WHAT THEY
01:11:06 ARE SEEING RIGHT NOW.
01:11:10 WHY COULDN'T THAT HAPPEN?
01:11:13 >>Nancy Stroud: I BELIEVE THERE COULD BE SOME REQUIREMENTS
01:11:17 REGARDING THE TIME -- THE INTERIM TIME BEFORE DEVELOPMENT
01:11:25 STARTS.
01:11:26 IF YOU WANTED TO HAVE SOMETHING LIKE THAT, I WOULD REQUEST

01:11:30 THAT WE HAVE A BREAK SO THAT WE COULD CONSIDER SOME LANGUAGE
01:11:35 REGARDING THAT.
01:11:37 >>Mayor Errington: IT WOULD BE TIME SPECIFIC.
01:11:41 NOT --
01:11:45 >>Nancy Stroud: TIME SPECIFIC IN TERMS OF A BREAK OR TIME
01:11:48 SPECIFIC IN TERMS OF THE LANGUAGE?
01:11:51 >>Mayor Errington: BOTH.
01:11:54 >>Nancy Stroud: YES, I THINK WE COULD BUILD IN SOME TIME
01:11:58 FRAMES IF THE COUNCIL WANTED TO GO IN THAT DIRECTION.
01:12:01 >>Mayor Errington: FIVE MINUTES.
01:12:04 IT'S KIND OF CRITICAL.
01:12:14 >>Vice-Mayor McLain: I'VE GOT MIXED EMOTIONS ABOUT TRYING TO
01:12:17 PLANT TREES PRIOR A DEVELOPMENT.
01:12:19 I SAY GET ON WITH IT AND GET IT OVER WITH BECAUSE YOU'VE GOT
01:12:24 UTILITIES INVOLVED.
01:12:25 I THINK THAT WE'VE EITHER -- WE GOT TO MOVE ON THIS THING.
01:12:31 I AM A LITTLE CONCERNED.
01:12:33 THERE ARE FOLKS HERE.
01:12:34 I SAW ONE HAND GO UP.
01:12:36 I DON'T KNOW IF IT'S OUR PROCEDURAL THING TO ALLOW SPEAKERS
01:12:41 THAT HAVE SPOKEN BEFORE TO DO A REBUTTAL TO WHAT'S BEEN
01:12:46 SAID?
01:12:47 I'LL DEFER TO THE ATTORNEY.
01:12:49 I'M INCLINED, GENERALLY, I WANT TO HEAR EVERYTHING I CAN

01:12:52 HEAR BEFORE MAKING A DECISION.

01:12:55 AND THAT'S DIFFERENT THAN WHAT YOU'RE SAYING.
01:12:57 I'D RATHER GET ON WITH THIS PROJECT OR NOT, BUT TRYING TO
01:13:03 MAKE IT LOOK A LITTLE BETTER, IT SEEMS TO ME LIKE THAT'S NOT
01:13:07 A PRECEDENT THAT WE WANT TO ESTABLISH.
01:13:10 >>Mayor Errington: SO FIVE YEARS FROM NOW, IF IT'S NOT
01:13:13 STARTED, IF WE VOTE AND APPROVE IT, IS THAT OKAY?
01:13:17 JOANNE.
01:13:19 >>Joanne Ribble: LET'S ASK THE QUESTION.
01:13:21 MARY, TO YOUR KNOWLEDGE, IS THE APPLICANT READY TO COME
01:13:25 FORWARD AND PULL PERMITS AND THEN JUST CAN YOU TELL US JUST
01:13:31 HOW THAT WHOLE TIMELINE, FROM THE TIME YOU PULL PERMIT TO
01:13:35 DEVELOPMENT ORDER AND ALL THAT, CAN YOU JUST LAY OUT A
01:13:38 TIMELINE GENERALLY SPEAKING OF HOW THE WHOLE NEXT PROCESS
01:13:41 WOULD WORK SHOULD THIS PLAN BE APPROVED?
01:13:44 >>Mary Gibbs: SHOULD YOU APPROVE THE ZONING, THEN THE NEXT
01:13:47 STEP IS THE DEVELOPMENT ORDER, WHICH IS THE SITE PLAN
01:13:49 APPROVAL, WHICH THEY SUBMIT TO THE STAFF, AND THEN WE TAKE
01:13:53 IT BACK TO THE PLANNING ZONING AND DESIGN BOARD TO MAKE SURE
01:13:56 IT'S CONSISTENT WITH ALL THE CONDITIONS OF THE ZONING.
01:13:59 THAT WILL TAKE A FEW MONTHS, AND THEN THEY CAN ALSO APPLY
01:14:04 FOR THE BUILDING PERMITS AT THE SAME TIME.
01:14:07 SOMETIMES THEY OVERLAP, SO IF THEY ARE IN A HURRY AND THEY
01:14:10 FEEL CONFIDENT BECAUSE THIS PROJECT HAS BEEN REVIEWED BY
01:14:14 PLANNING ZONING AND DESIGN BOARD QUITE A FEW TIMES, THEY CAN
01:14:17 SUBMIT THE BUILDING PERMITS ALONG THE SAME TIMELINE SO THEY

01:14:20 CAN COMPRESS THAT TIME FRAME.
01:14:22 BUT IT'S STILL YOU'RE TALKING -- I'M SURE YOU'RE TALKING SIX
01:14:26 MONTHS, PROBABLY.
01:14:27 ONE OF THE THINGS I THINK YOU'RE JUST TALKING ABOUT MAYBE IS
01:14:30 IN THE INTERIM NOT SLOWING THIS DOWN, BUT IF YOU WANT TO
01:14:34 APPROVE IT, YOU MIGHT THINK OF A CONDITION, AND I DON'T KNOW
01:14:37 IF THIS WILL WORK FOR THEM, BUT MAYBE THEY HYDROSEED OR
01:14:41 SOMETHING SO IT'S NOT JUST DIRT IN THE INTERIM.
01:14:45 BUT I DON'T KNOW IF THAT WOULD WORK.
01:14:47 SO IF YOU WANT THAT, WE MIGHT NEED TO TAKE A BREAK AND TALK
01:14:51 TO THEM.
01:15:02 >>Robert Pritt: I THOUGHT YOU DECIDED THAT EARLIER, OR AT
01:15:04 LEAST STAFF AND THE APPLICANT, ON HOW MANY YEARS TO GET THIS
01:15:08 BUILT.
01:15:09 THEY NEED TO GO BY 2-502 A.3.B, WHICH I PULLED UP.
01:15:17 IT COVERS A LOT OF STUFF.
01:15:18 TIMES FOR EXTENSION.
01:15:20 ESSENTIALLY FIVE YEARS, THOUGH.
01:15:22 DIDN'T STAFF AND YOU AGREE THAT WOULD BE OKAY?
01:15:30 >>Nancy Stroud: YES, YOU'RE TALKING ABOUT THE SUBSTANTIAL

01:15:34 COMPLETION REQUIREMENT AND THE CHANGE THAT WAS PRESENTED
01:15:38 HERE TO REFER TO THE LAND DEVELOPMENT REGULATIONS WHICH
01:15:44 REQUIRES CERTAIN TIME FRAMES TO BE MET.
01:15:47 >>Robert Pritt: IF THAT'S OKAY WITH THE COUNCIL AND OKAY
01:15:49 WITH STAFF AND NANCY, SO WE DON'T NEED A BREAK TO DO THAT.

01:15:55 HERE'S THE LANGUAGE.
01:15:58 >>Mayor Errington: WHAT IS THE LANGUAGE AGAIN?
01:16:00 >>Robert Pritt: WELL, 2-502 A 3 B, FEW SENTENCES, IT SAYS A
01:16:05 DEVELOPMENT ORDER SHALL AUTOMATICALLY EXPIRE IF THE
01:16:08 DEVELOPMENT AUTHORIZED BY THE DEVELOPMENT AS ORDERED IS NOT
01:16:12 CONSTRUCTED OR SUBSTANTIALLY COMMENCE WITHIN FIVE YEARS
01:16:14 AFTER THE DATE OF THE APPROVAL OR FOR THE LIFE OF MATURITY
01:16:18 OR PERFORMANCE BOND, IF THE BOND IS FOR A PERIOD OF LESS
01:16:21 THAN FIVE YEARS OR UNLESS AN EXTENSION OF TIME PERIOD IS
01:16:25 AUTHORIZED BY THE PZDB, TWO, TWO-YEAR EXTENSIONS MAY BE
01:16:30 GRANTED PROVIDED THE EXTENSION IS REQUESTED PRIOR TO THE
01:16:33 EXPIRATION OF THE DEVELOPMENT ORDER AND COMPLIES WITH OTHER
01:16:37 APPLICATION REQUIREMENTS -- [INAUDIBLE]
01:16:40 >>Nancy Stroud: INSTEAD OF PLACING ALL OF THAT IN THE
01:16:43 CONDITION, YOU WOULD SIMPLY REFER TO THE LAND DEVELOPMENT
01:16:46 REGULATION, WHICH MR. PRITT JUST READ.
01:16:50 >>Robert Pritt: RECOMMENDED EARLIER BUT THEY HADN'T HEARD
01:16:53 EVERYTHING WHAT IT SAID.
01:16:54 THIS TYPE OF A THING, IT DOES PLACE AN OUTSIDE DEADLINE ON
01:16:59 GETTING THINGS DONE.
01:17:03 >> IS THAT A NEW CONDITION 8?
01:17:05 >>Robert Pritt: YES.
01:17:07 YOU ASKED THE QUESTION AS A MATTER OF FACT.
01:17:08 >>Jim Wilson: THANK YOU.
01:17:11 >>Vice-Mayor McLain: I THINK WHAT I HEARD EARLIER FROM

01:17:14 COLLIER, I THINK YOU'RE SUPPORTING FINANCIALLY THE MASTER
01:17:17 ASSOCIATION RIGHT NOW.
01:17:18 SO THAT GIVES THEM SOME MOTIVATION MAYBE TO SAY, AS SOON AS
01:17:22 WE CAN GET THIS THING PLATTED AND SALES, IT STARTS TO HELP
01:17:30 THEM FINANCIALLY.
01:17:31 I THINK THERE IS A MOTIVATION FOR A POTENTIAL DEVELOPER TO
01:17:34 GET THIS ON.
01:17:35 I DON'T WANT TO SEE THIS THING FOR FIVE YEARS SITTING THERE
01:17:38 VACANT, COMPLYING WITH THE REGULATION.
01:17:40 I THINK WE ALL WANT TO GET SOMETHING HAPPENING.
01:17:43 >>Neale Montgomery: YEAH, MR. LOPEZ DID SAY THAT, AND
01:17:46 COUNCILMAN WARD ASKED ABOUT THE HEADS OF THE CONDO
01:17:49 ASSOCIATION.
01:17:50 I BELIEVE THEY ARE HERE.
01:17:52 YOU CAN SEE THEM STAND UP IF THEY SUPPORT APPROVING THIS, IF
01:17:55 THEY WOULD.

01:17:56 >>Mayor Errington: COME TO THE PODIUM, PLEASE.
01:18:01 >>Nancy Stroud: IF THE COUNCIL WISHES TO HEAR FROM THE
01:18:05 ASSOCIATION, YES, THEY CAN COME UP.
01:18:10 >>Carol Sacco: WERE YOU SWORN IN, MA'AM?
01:18:12 >>Mayor Errington: JUST STATE YOUR NAME AND WHICH
01:18:13 ASSOCIATION --
01:18:15 >> HI.
01:18:15 SUSAN MHAKA.
01:18:16 I'M GENOVA --

01:18:19 >>Carol Sacco: WERE YOU SWORN IN?
01:18:20 WOULD YOU LIKE ME TO SWEAR HER IN?
01:18:28 >>Nancy Stroud: EVERYONE WHO WANTED TO TESTIFY WAS GIVEN AN
01:18:30 OPPORTUNITY TO BE SWORN.
01:18:31 IF YOU HAVEN'T BEEN SWORN, WOULD YOU PLEASE RAISE YOUR RIGHT
01:18:34 HAND.
01:18:34 DO YOU SWEAR AND AFFIRM THAT THE TESTIMONY THAT YOU ARE
01:18:36 ABOUT TO GIVE WILL BE THE TRUTH, THE WHOLE TRUTH AND NOTHING
01:18:39 BUT THE TRUTH?
01:18:40 >> I DO.
01:18:41 >>Nancy Stroud: THANK YOU.
01:18:43 >> I GUESS I DIDN'T THINK, BECAUSE I KNEW I HAD SENT A
01:18:47 LETTER IN TO YOU GUYS THAT YOU REFERENCED EARLIER, I WASN'T
01:18:51 SURE --
01:18:52 >>Mayor Errington: STATE YOUR NAME FOR THE RECORD, PLEASE.
01:18:53 >> SURE.
01:18:54 SUSAN MHAKA, M-H-A-K-A.
01:18:58 THIS BEING THE FIRST TIME GOING THROUGH THE PROCESS, I
01:19:02 REALLY DIDN'T KNOW EXACTLY HOW THIS WORKED.
01:19:04 I GUESS FOR ALL THE TIME WE SPENT WITH THE PLANNING ZONING
01:19:06 AND DESIGN BOARD, I HAD THOUGHT THAT YOU GUYS MAYBE HAD SOME
01:19:10 OF OUR NOTES AND SOME OF OUR INFORMATION FROM ALL OF THOSE
01:19:13 MEETINGS, AND THAT MAYBE YOU HAD A LITTLE BIT MORE
01:19:16 BACKGROUND THAN WHAT I'M KIND OF HEARING TODAY.
01:19:18 I JUST WANTED TO SPEAK ON BEHALF OF GENOVA 2, WHICH IS

01:19:23 BUILDING 3 AND 4, THAT WOULD AND HAS BEEN THE MOST VOCAL
01:19:30 RESIDENTS AGAINST THIS PROJECT FROM THE BEGINNING.
01:19:33 HOWEVER, THROUGHOUT THE COUPLE-YEAR TIME FRAME, WE HAVE COME
01:19:37 TO AN AGREEMENT WITH MANY OF OUR RESIDENTS.
01:19:40 OBVIOUSLY, WE STILL HAVE SOME PEOPLE WHO FEEL DIFFERENTLY,
01:19:43 BUT WE HAVE COME TO AN AGREEMENT THAT BECAUSE WE HAVE WORKED
01:19:48 SEVERAL MONTHS NOW IN THE LAST YEAR ACTUALLY WITH THE BARRON
01:19:51 COLLIER FOLKS.
01:19:52 WE HAVE WORKED WITH THEM TO WORK THROUGH SOME OF THESE
01:19:55 ISSUES THAT YOU GUYS ARE NOW BRINGING UP.
01:19:57 ALL OF THE THINGS THAT YOU'VE BEEN BRINGING UP AND
01:19:59 EXPRESSING INDIVIDUALLY, THEY ARE ALL THE EXACT SAME THINGS

01:20:03 WE'VE GONE THROUGH AS RESIDENTS.
01:20:05 WE HAVE FELT THE SAME PAIN.
01:20:07 WE HAVE WANTED ORIGINALLY THE SAME CONDO BUILDINGS TO BE
01:20:11 DONE.
01:20:11 WE HAVE COME TO REALIZE THAT THAT'S NOT GOING TO HAPPEN.
01:20:16 IN SOME WAYS, LIKE JAIME MENTIONED EARLIER, IT IS ACTUALLY A
01:20:20 BENEFIT TO US FROM THE PERSPECTIVE OF THE AMENITIES.
01:20:22 THE AMENITIES WERE NOT BUILT THAT EXIST AT GENOVA TO HANDLE
01:20:27 A 205 COMMUNITY.
01:20:31 IT JUST WOULD NEVER WORK.
01:20:33 OUR POOLS ARE CROWDED WITH TEN PEOPLE IN THEM.
01:20:36 SO LET ALONE, IF YOU ADDED THIS MANY MORE RESIDENTS, THAT
01:20:39 WOULD BE A PROBLEM.

01:20:40 SO, YES, THROUGHOUT THIS PROCESS, WHAT WE DID, WE LISTENED
01:20:45 TO ALL OF OUR RESIDENTS IN GENOVA 2.
01:20:49 WE TOOK AN INFORMAL SURVEY AND WE HAD ASKED SEVERAL
01:20:53 QUESTIONS ABOUT THIS PROJECT.
01:20:54 WE HAD ASKED RESIDENTS OF GENOVA 1, RESIDENTS OF GENOVA 2,
01:20:58 ARE THEY FOR THIS PROJECT MOVING FORWARD AS OF THE DESIGN
01:21:03 THAT WE SAW?
01:21:05 AND IF THEY ARE NOT, TELL US WHY.
01:21:07 SO 65% OF OUR RESIDENTS DID SAY THEY WERE FOR THIS PROJECT.
01:21:11 AND THEY DID WANT TO MOVE FORWARD WITH THIS.
01:21:14 OUT OF THE ONES WHO WERE NOT, WE HAD A LOT OF, YES, I WANT
01:21:20 TO MOVE FORWARD, BUT THEN SOME PEOPLE PUT, BUT I WOULD LIKE
01:21:23 TO SEE THE PARKING LOT NOT BE WHERE IT IS.
01:21:26 OR I WANT TO SEE ENHANCED LANDSCAPING.
01:21:28 THINGS LIKE THAT.
01:21:29 SO WE TOOK THOSE -- AND THEN OUR DUES WERE BROUGHT UP.
01:21:33 SO WE TOOK THOSE ISSUES AND WE MET WITH THE BARRON COLLIER
01:21:36 TEAM BACK IN MAY.
01:21:37 SO WE'VE BEEN DOING THIS NOW FOR SEVERAL MONTHS.
01:21:41 MYSELF AND OUR TREASURER ACTUALLY MET WITH THEM, AND WE TOOK
01:21:44 FIVE OR SIX OF THE TOP ITEMS AND WE PUT THEM DOWN.
01:21:48 WE DID START WITH BUILDING ONLY TOWNHOMES.
01:21:50 >>Mayor Errington: THAT MEANS YOUR TIME IS UP.
01:21:53 CAN YOU WRAP IT UP?
01:21:54 >> OH, I'M SO SORRY.

01:21:55 I FORGOT ABOUT THAT.
01:21:58 >>Mayor Errington: FEW MORE SECONDS.
01:21:59 >> WE DEFINITELY, GENOVA 1 AND GENOVA 2, 65% OF OUR
01:22:05 RESIDENTS ARE FOR THIS PROJECT.
01:22:06 SO I JUST WANTED YOU TO BE AWARE OF THAT.
01:22:10 >>Mayor Errington: THANK YOU.
01:22:11 THANK YOU VERY MUCH.
01:22:12 HAVE WE REBUTTALED ENOUGH?

01:22:19 >>Nancy Stroud: I THINK UNLESS THE COUNCIL WANTS TO HEAR
01:22:23 FROM ONE MORE PERSON WHO HASN'T SPOKEN.
01:22:27 >> I HAVE ONE SENTENCE.
01:22:29 >>Mayor Errington: I'M RELYING ON NANCY.
01:22:33 CAN THEY COME BACK A SECOND TIME?
01:22:35 >>Nancy Stroud: NO.
01:22:36 >>Mayor Errington: WE HAVE ONE WHO HASN'T.
01:22:38 THIS LADY RIGHT HERE.
01:22:39 SHE HASN'T BEEN SWORN IN.
01:22:42 >>Nancy Stroud: PLEASE RAISE YOUR RIGHT HAND.
01:22:44 DO YOU SWEAR OR AFFIRM THAT THE TESTIMONY THAT YOU ARE ABOUT
01:22:46 TO GIVE WILL BE THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT
01:22:49 THE TRUTH?
01:22:50 >> I DO.
01:22:51 >>Mayor Errington: YOU HAVE THREE MINUTES.
01:22:52 STATE YOUR NAME, PLEASE.
01:22:53 >> I'M SANDY STUMP.

01:22:54 I LIVE IN GENOVA 1.
01:22:57 MY HUSBAND WAS PRESIDENT OF THE BOARD TWO YEARS AGO, PAUL
01:23:02 DENETT WAS PRESIDENT OF OUR BOARD ONE YEAR AGO AND DAN OLSEN
01:23:05 IS THE CURRENT PRESIDENT.
01:23:06 I WATCHED ALL THREE OF THEM STAND IN FRONT OF THE ZONING
01:23:10 BOARD AND ALL STATE THAT GENOVA 1 WAS 100% BEHIND WHAT
01:23:15 BARRON COLLIER IS OFFERING TO US AT THIS TIME.
01:23:17 WE'D LIKE TO SEE OUR COMMUNITY FINISHED.
01:23:22 >>Mayor Errington: THANK YOU.
01:23:24 ARE WE FINISHED WITH REBUTTALS?
01:23:31 ARE WE FINISHED WITH REBUTTALS?
01:23:34 ALL RIGHT.
01:23:36 WE HAVE TO CLOSE THE HEARING FIRST.
01:23:39 THE HEARING IS CLOSED.
01:23:41 DO WE HAVE ANY ADDITIONAL COMMENTS FROM COUNCIL?
01:23:46 I HAVEN'T HEARD OR SEEN ANY.
01:23:51 OKAY.
01:23:53 NOW I NEED A MOTION.
01:23:58 >>Jim Wilson: I'M GOING TO TRY.
01:24:01 >>Mayor Errington: LET NANCY STATE THE MOTION.
01:24:03 >>Nancy Stroud: CAN I RESTATE IT AFTER MR. WILSON STATES
01:24:07 HIS.
01:24:09 >>Jim Wilson: I WOULD MOVE THAT WE APPROVE ORDINANCE 2022-16
01:24:15 WITH THE REVISED CONDITION 8 THAT WAS STATED BY ATTORNEY
01:24:24 PRITT.

01:24:28 >>Robert Pritt: THAT WOULD BE A REFERENCE TO THAT.
01:24:29 COULD I ASK -- I'M NOT SURE, DID WE WORK OUT 7 YET?
01:24:35 7 WAS UP IN THE AIR ABOUT THE POCKET PARK.
01:24:41 >>Nancy Stroud: YES.

01:24:41 STAFF HAS RECOMMENDED TWO CHANGES.
01:24:43 ONE IS THE CHANGE TO CONDITION 8, WHICH YOU SEE ON THE
01:24:47 SCREEN, WHICH IS PART OF YOUR MOTION.
01:24:50 AND THEN THE SECOND IS ENHANCED LANDSCAPING ALONG THE LINEAR
01:24:58 PARK ON CORKSCREW ROAD.
01:25:00 SO YOU MIGHT WANT TO CONSIDER WHETHER YOU WOULD ALSO ADD
01:25:03 THAT.
01:25:04 >>Jim Wilson: YES, THAT'S FINE.
01:25:07 >>Vice-Mayor McLain: AND ALSO PUT BENCHES ON VIA COCONUT.
01:25:10 >>Nancy Stroud: WITH A BENCH ON VIA COCONUT.
01:25:14 IS THAT ACCEPTABLE?
01:25:16 >>Jim Wilson: SURE.
01:25:19 >>Nancy Stroud: THEN I THINK WE HAVE A MOTION.
01:25:21 >>Mayor Errington: WE HAVE A MOTION.
01:25:22 NOW WE NEED A SECOND.
01:25:23 >>Vice-Mayor McLain: I'LL SECOND.
01:25:24 >>Mayor Errington: SECONDED BY JON McLAIN.
01:25:27 WILL YOU PLEASE CALL THE ROLL?
01:25:29 >>Jim Wilson: AYE.
01:25:31 >>Jim Ward: AYE.
01:25:34 >>Jim Boesch: NAY.

01:25:36 >>Larry Fiesel: AYE.
01:25:39 >>Joanne Ribble: AYE.
01:25:41 >>Vice-Mayor McLain: AYE.
01:25:42 >>Mayor Errington: AYE.
01:25:43 WHOO.
01:25:48 >>Neale Montgomery: THANK YOU FOR YOUR PATIENCE.
01:26:03 >>Mayor Errington: OKAY.
01:26:15 LET'S PROCEED.
01:26:17 IT'S GETTING -- IT'S BECOMING A LONG DAY.
01:26:20 MADAM CLERK, DO WE HAVE ANY PUBLIC COMMENTS ON NON-AGENDA
01:26:31 ITEMS?
01:26:32 >>Carol Sacco: NO, MAYOR, WE DO NOT.
01:26:34 >>Mayor Errington: OKAY.
01:26:34 THEN WE CAN GO RIGHT ON.
01:26:36 WE ARE STILL CONDUCTING THE COUNCIL MEETING.
01:26:43 OKAY.
01:26:52 COUNCIL COMMUNICATIONS, COUNCIL MEMBER JIM WILSON.
01:26:58 >>Jim Wilson: YES, MADAM MAYOR.
01:27:00 I THINK ONE OF THE THINGS WE LEARNED TODAY IS THAT GIVING A
01:27:08 LIFE OR TIMELINE TO PROJECTS IS IMPORTANT.
01:27:11 I THINK YOU, MADAM MAYOR, MENTIONED THE SITE ACROSS THE
01:27:18 STREET, AT LEAST YOU AND I, MR. BOESCH, WERE HERE WHEN WE
01:27:21 APPROVED A RETIREMENT HOME AND EIGHT YEARS LATER WE'RE
01:27:25 LOOKING AT A VACANT LOT.
01:27:27 ALTHOUGH I'LL BE LEAVING THE COUNCIL IN MARCH, I THINK THOSE

01:27:32 OF YOU THAT ARE GOING TO BE HERE AFTER THAT HAVE GOT TO BE
01:27:35 THINKING ABOUT THAT.
01:27:36 I ALSO WANT TO COMPLIMENT LEE COUNTY BECAUSE THE PROJECT
01:27:44 THAT ALLOWED TWO TURNING LANES TO GO OFF BEN HILL GRIFFIN
01:27:49 NOW MATCHES UP WITH TWO THROUGH LANES ON CORKSCREW ROAD
01:27:54 GOING EAST TO ALL THE NEW CONSTRUCTION.
01:27:56 SO I THINK THAT WAS A MAJOR BENEFIT TO PEOPLE IN OUR AREA.
01:28:01 THANK YOU.
01:28:01 >>Mayor Errington: THANK YOU.
01:28:02 JIM WARD.
01:28:03 >>Jim Ward: NO COMMENT.
01:28:05 >>Mayor Errington: JIM BOESCH?
01:28:06 >>Jim Boesch: YES.
01:28:07 LAST WEEK I SPENT WELL OVER AN HOUR WITH THE PEOPLE FROM
01:28:13 RIVER OAKS.
01:28:14 I DON'T KNOW IF ANYBODY HAS BEEN OVER THERE SINCE, BUT THEY
01:28:18 MADE A LOT OF INROADS INTO GETTING THAT PROJECT THE WAY THEY
01:28:24 WANT.
01:28:25 PROBABLY THE MOST IMPORTANT, THEY HAVE TORTOISES AND
01:28:29 EVERYTHING ELSE OVER THERE WHICH IS PART OF THEIR OVERALL
01:28:33 PLAN, PLANTS THEY ARE PUTTING IN THERE.
01:28:36 MOST IMPORTANT THING IS WE VOTED ON THAT TO BE AN OPTION FOR
01:28:41 FLOOD RELIEF.
01:28:43 AND DURING THE FLOOD, THAT WHOLE AREA WAS FLOODED.
01:28:48 IT TOOK THE RELIEF THAT WE VOTED THE -- PURPOSE FOR VOTING

01:28:55 AND HAVING THAT REDONE.
01:28:56 SO THE LADY THAT WAS THERE SAID THEY ARE MAKING GREAT
01:29:04 PROGRESS WITH THE NATURAL STUFF AND EVERYTHING ELSE, BUT
01:29:08 THEY HAD TO WAIT A WEEK TO TEN DAYS FOR THE WATER TO
01:29:12 DISSIPATE.
01:29:12 AND THAT WATER WOULD HAVE BEEN TO ALL THE DIFFERENT
01:29:19 PROJECTS, CASCADES AND THE ONE NEXT TO IT.
01:29:25 SO IT'S IMPORTANT THAT WE LOOK INTO THOSE THINGS BECAUSE
01:29:33 BEFORE WE NEVER EVEN THOUGHT ABOUT THAT AREA WAS TAKING
01:29:38 WATER WHEN WE HAD THE FLOODS.
01:29:40 AND YOU REALLY DON'T SEE BECAUSE THEY HAD A LOT OF PLANTS.
01:29:44 BUT SINCE THAT PROJECT WAS UNDERWAY, IT'S A VERY BIG
01:29:51 COMPLIMENT TO THE COUNCIL BECAUSE THAT WATER WOULD HAVE GONE
01:29:54 INTO OTHER DIFFERENT COMMUNITIES, ESPECIALLY ALONG ESTERO
01:30:00 PARKWAY, JON.
01:30:01 I THINK WHEN YOU HAVE A CHANCE, TAKE A RIDE DOWN TO THE END
01:30:06 OF EAST -- BROADWAY EAST.
01:30:09 THEY HAVE A BLOCKADE.
01:30:16 SOMEBODY IS THERE MOST OF THE TIME AND I'M SURE THEY WOULD
01:30:18 TAKE YOU AROUND IN THE GOLF CART TO SHOW YOU THE PROGRESS
01:30:22 THAT THEY ARE MAKING AND WHERE THEY INTEND TO GO.
01:30:25 I WOULD STRONGLY REQUEST THAT WE BROUGHT HER IN FOR A WORK

01:30:35 SESSION, AND SHE CAN BRING PICTURES.
01:30:39 BUT IT IS SOMETHING TO VOTE ON SOMETHING YOU HAVEN'T GOT THE
01:30:44 REAL IDEA IN YOUR MIND UNTIL YOU GO THERE.

01:30:48 THEN YOU SEE THE ACTION THAT YOU VOTED FOR REALLY WAS A
01:30:53 POSITIVE ISSUE.
01:30:55 THAT'S ALL.
01:30:56 >>Mayor Errington: THANK YOU, JIM.
01:30:58 JOANNE.
01:30:58 >>Joanne Ribble: YEAH, I WOULD LIKE TO JUST CONGRATULATE
01:31:01 GEORGE ON THE ESTERO FOREVER FOUNDATION, HOW WELL IT HAS
01:31:04 DONE.
01:31:04 BUT I WOULD ALSO LIKE TO PUT A PLUG IN FOR THEM QUICKLY.
01:31:08 ONE THING, WE HAVE NOT GOTTEN ANY COVERAGE FROM THE NEWS, NO
01:31:11 PUBLICITY AT ALL FOR THE VILLAGE OF ESTERO OF THE
01:31:13 DEVASTATION THAT WE SUFFERED HERE.
01:31:15 AND I THINK EVEN OUR OWN VILLAGE DOESN'T REALIZE HOW MANY
01:31:19 PEOPLE WERE AFFECTED BY THE FLOOD AND THE DEVASTATION THAT
01:31:22 IS BACK BEHIND 41 THAT NOBODY SEES.
01:31:25 I'D LIKE THEM TO LOOK AT THE MOUNDS OF DEBRIS AND LET THAT
01:31:31 BE TESTIMONY TO THE HEARTACHE AND TO THE SUFFERING OF THE
01:31:35 PEOPLE RIGHT HERE IN THE VILLAGE.
01:31:39 I THOUGHT PASTOR CHANCE SAID A GREAT THING THIS MORNING.
01:31:43 SHE SAID, HOW CAN WE BE A BLESSING TO OTHERS?
01:31:46 IF YOU'D LIKE TO BE A BLESSING TO OTHERS, PLEASE SUPPORT THE
01:31:49 ESTERO FOUNDATION THAT IS COLLECTING MONEY STRICTLY FOR
01:31:54 ESTERO RESIDENTS.
01:31:55 >>Mayor Errington: THANK YOU.
01:31:56 LARRY?

01:31:57 >>Larry Fiesel: MR. BOESCH TALKED ABOUT FLOODWATERS AND
01:32:03 WE'VE HAD OUR FAIR SHARE OF FLOODWATER CONVERSATIONS OVER
01:32:05 THE LAST MONTH.
01:32:06 BUT I WOULD JUST LIKE TO SAY IN THE DIFFERENT MEETINGS THAT
01:32:09 I'VE BEEN INVOLVED WITH, WITH THE FEMA PEOPLE AND THE
01:32:13 RESPONSE FROM OUR STAFF AND ALL OF OUR PEOPLE THAT I'M PROUD
01:32:18 TO BE A PART OF THIS COMMUNITY BECAUSE I THINK THAT AS
01:32:23 JOANNE INDICATED, I DON'T THINK THE COMMUNITY AS A WHOLE
01:32:27 UNDERSTANDS THE WORK THAT OUR STAFF HAS PUT IN TO HELP THE
01:32:31 PEOPLE THAT HAVE BEEN SO DRAMATICALLY AFFECTED OUT ON WEST
01:32:35 BROADWAY.
01:32:37 IN MY OWN COMMUNITY, 86 HOMES THAT ARE UNLIVABLE TODAY AND
01:32:42 OVER IN WEST BAY, JOANNE GAVE ME THE NUMBER, I KEEP
01:32:46 FORGETTING IT, BUT OVER 300 HOMES OVER THERE.
01:32:49 WE HAVE HAD AS COMPARED TO OTHER COMMUNITIES, FORT MYERS
01:32:53 BEACH, SANIBEL, ET CETERA, MINIMAL AMOUNT OF EFFECT UPON OUR
01:33:00 RESIDENTS, BUT IT'S A MAJOR EFFECT UPON OUR RESIDENTS
01:33:04 BECAUSE THE INDIVIDUAL PEOPLE THAT HAVE BEEN AFFECTED BY

01:33:07 THAT AND THE RESPONSE THAT HAS COME FROM THIS COMMUNITY,
01:33:12 MATT AND STAFF WITH ALL OF THE HELP THAT THEY HAVE PUT IN
01:33:15 UNBEKNOWNST TO MOST OF THE PEOPLE IN THIS COMMUNITY, QUITE
01:33:18 FRANKLY.
01:33:18 THEY ARE NOT GETTING THE RECOGNITION THAT I THINK THEY
01:33:21 DESERVE.
01:33:22 AND I THINK WE'LL TRY TO CORRECT THAT, IF I'M RIGHT, STEVE,

01:33:26 TO GET SOME COMMUNICATION OUT TO THE COMMUNITY AS TO HOW
01:33:30 MUCH WORK HAS BEEN DONE BY THE FOLKS ON OUR STAFF.
01:33:38 AND MANY OF OUR STAFF HAVE BEEN MAJORLY AFFECTED BY THE
01:33:41 STORM ALSO.
01:33:41 SO IN SPITE OF BEING AFFECTED, THEY ARE OUT HELPING THOSE
01:33:45 OTHER PEOPLE WHO HAVE BEEN AFFECTED.
01:33:46 SO I'M JUST PLEASED -- I'M PROUD OF OUR COMMUNITY.
01:33:50 >>Mayor Errington: THANK YOU.
01:33:51 JON.
01:33:52 >>Vice-Mayor McLain: I ECHO EVERYTHING THAT YOU JUST STATED,
01:33:55 AND THEN ADD THAT I AM GETTING COMMENTS THAT WE'RE NOT DONE
01:34:02 YET.
01:34:02 WE'VE GOT LOTS OF WORK TO CONTINUE TO DO.
01:34:07 SO WE'VE GOT TO GIVE ENERGY PILLS TO OUR STAFF TO CONTINUE
01:34:13 IN THE EFFORTS BECAUSE FOLKS, AS THE NEXT WEEK OR TWO GO ON,
01:34:18 WE'RE GOING TO HAVE FOLKS CHANGE THEIR ATTITUDE.
01:34:22 WE JUST ALL HAVE TO HAVE PATIENCE, BUT I THINK OUR STAFF AND
01:34:28 CONTRACTORS WE HAVE ARE DOING A GREAT JOB GETTING OUT THERE
01:34:31 AND WE'LL HAVE TO CONTINUE TO GET OUT THERE UNTIL WE'RE
01:34:35 DONE.
01:34:36 >>Mayor Errington: THANK YOU.
01:34:36 I, TOO, WANT TO THANK ALL THE STAFF MEMBERS, EVERYTHING THAT
01:34:40 YOU HAVE DONE FOR THIS COMMUNITY, IT'S JUST BEEN ABOVE AND
01:34:45 BEYOND WHAT ANY OF US COULD EVEN COMPREHEND.
01:34:51 I'M SO THANKFUL AND GRATEFUL THAT I HAD THE OPPORTUNITY.

01:34:55 I FILLED IN FOR LARRY LAST NIGHT AT ESTERO BAPTIST CHURCH,
01:34:59 AND GEORGE WAS THERE.
01:35:01 AND TALKED ABOUT THE ESTERO FOREVER FOUNDATION.
01:35:06 AND THE 40 TO 50 PEOPLE WHO CAME OUT WERE JUST SO GRATEFUL,
01:35:10 SO THANKFUL.
01:35:13 AND IT JUST WARMS YOUR HEART TO BE ABLE TO GO OUT AND DO
01:35:16 SOMETHING TO HELP PEOPLE.
01:35:19 IT'S GOING TO BE VERY DIFFICULT IN THE DAYS AHEAD BECAUSE
01:35:24 PEOPLE ARE COMING BACK NOW AND THEY DON'T SEE ANYTHING GOING
01:35:29 ON.
01:35:30 AND SO THEY SEE BEAUTIFUL ESTERO, BUT THEY DON'T SEE WHAT'S
01:35:34 HAPPENED ON THE COAST.
01:35:35 SO WE HAVE TO KEEP THAT ALIVE.
01:35:38 WE HAVE TO HELP THOSE FOLKS, AND I'M SO APPRECIATIVE OF

01:35:43 WHAT'S BEEN GOING ON, AND OUR STAFF, OUR STAFF OF FOUR PLUS
01:35:48 FIVE, SIX, SEVEN MAYBE, HAS JUST BEEN REMARKABLE.
01:35:54 WE CANNOT THANK YOU ENOUGH FOR WHAT YOU HAVE DONE AND WE GET
01:35:59 VERY DEFENSIVE IF ANYBODY SAYS ANYTHING.
01:36:03 AND SO YOU HAVE TO KNOW THAT BECAUSE WE KNOW HOW HARD YOU
01:36:05 HAVE WORKED, AND WE REALLY APPRECIATE WHERE YOUR HEARTS ARE.
01:36:09 NOW, WITH THAT IN MIND, I'M SEGUEING INTO THE LAST THING I'M
01:36:14 GOING TO SAY.
01:36:15 IT HAS BEEN A LONG MEETING, SO WE WILL MOVE RIGHT ALONG.
01:36:18 THE LIGHT UP ESTERO HAS BEEN A ROTARY PROJECT FOR SIX OR
01:36:24 SEVEN YEARS NOW.

01:36:27 AND WE WERE ORIGINALLY GOING TO HAVE IT IN THE PARK AGAIN,
01:36:35 BUT WHEN THE ORIGINAL, I GUESS, THE CHANGE WAS MADE TO HAVE
01:36:39 IT ON A TUESDAY NIGHT PRIOR TO, THAT WOULD BE DECEMBER
01:36:45 1st, I THINK -- 6th.
01:36:48 OKAY, 6th, AND WE'RE BACKING IT UP.
01:36:51 SO THE REAL PROBLEM BECAME WHEN WE REALIZED THAT IN THE
01:36:58 MIDDLE OF THE WEEKDAY AND THE TRAFFIC ON CORKSCREW JUST
01:37:03 WOULD NOT LET THE PEOPLE COME INTO THE PARK OR GET OUT.
01:37:06 SO I MADE SOME CALLS TO THE SHERIFF'S DEPARTMENT.
01:37:11 CAPTAIN BLAKE LEE, AND THEY COULD NOT PROVIDE US A DEPUTY
01:37:15 THAT NIGHT BECAUSE THEY SAID THAT HE WORKED 25 DAYS WITHOUT
01:37:19 A BREAK.
01:37:22 SO THEN TO HAVE SAFETY INSIDE THE PARK WITH THE ACTIVITIES
01:37:26 GOING ON TO LIGHT UP ESTERO WITH ALL THE FOLKS THERE, THEY
01:37:30 COULDN'T PROVIDE SUPPORT FOR THAT EITHER.
01:37:32 SO ROTARIANS GOT TOGETHER AND DECIDED LET'S DO SOMETHING
01:37:36 ELSE.
01:37:37 SO THE IDEA CAME FORTH SINCE THE OLD FRUIT STAND WAS TORN
01:37:42 DOWN, WOULD THE COUNCIL SUPPORT THE POSSIBILITY -- IT'S
01:37:47 REALLY LOOKING NICE NOW THAT AREA, WOULD THE COUNCIL SUPPORT
01:37:53 HAVING EITHER A TREE, A LIVE TREE THERE, NOT TO BE THERE
01:37:57 PERMANENTLY, BUT JUST TO BE THERE.
01:38:00 THEY WOULD ARRANGE TO GET IT BORROWED FROM SOME NURSERY, OR
01:38:04 A GAZEBO, BORROW THAT, SOMEBODY LET US BORROW A GAZEBO AND
01:38:11 PUT UP A CHRISTMAS TREE IN IT AND HAVE THE CEREMONY RIGHT

01:38:15 THERE.
01:38:15 SO IT'S MY UNDERSTANDING, I NEED TO COME BEFORE COUNCIL AND
01:38:19 JUST SAY, ARE YOU IN AGREEMENT TO LET THE ROTARY CLUB OF
01:38:24 ESTERO PROCEED SINCE WE CAN'T GET INTO THE PARK NOW, WE
01:38:28 LOOKED AT DECEMBER THE 3rd.
01:38:30 THIS WOULD BE ON A SATURDAY.
01:38:32 AND THE PARK HAS A COMMITMENT ALL DAY FOR BASKETBALL.
01:38:37 MORNING, ALL THE WAY UP INTO THE EVENING.
01:38:39 SO THERE GOES THE 3rd FOR US.
01:38:42 SO IF WE CAN'T DO THIS, WE MAY BE NOT ABLE TO HAVE A LIGHT

01:38:48 UP ESTERO THIS YEAR.
01:38:49 I JUST WOULD LIKE TO ASK THE CONSENSUS OF THE COUNCIL, DO
01:38:54 YOU HAVE ANY PROBLEMS WITH PUTTING A CHRISTMAS TREE THERE
01:38:57 AND LETTING ROTARY DO THAT THIS YEAR?
01:39:02 >>Joanne Ribble: ARE YOU TALKING ABOUT JUST THE LIGHTING OF
01:39:04 A TREE.
01:39:05 YOU'RE NOT TALKING ABOUT A PROGRAM.
01:39:07 >>Mayor Errington: YEAH, HAVE A PROGRAM.
01:39:08 IT WOULD BE, THE FIRE DEPARTMENT IS COMPLETELY OPEN.
01:39:13 IT'S RIGHT BESIDE THE FIRE DEPARTMENT.
01:39:15 AND WE WOULD ASK AND SEE IF WE COULD GET PERMISSION FROM
01:39:19 CHRIST MINISTRIES CHURCH AROUND THE CURVE THERE.
01:39:25 IT'S A BIG ENOUGH AREA TO DO THAT.
01:39:27 >>Joanne Ribble: WITH PARKING.
01:39:29 >>Mayor Errington: YEAH.

01:39:29 >>Joanne Ribble: OKAY.
01:39:30 I'M FINE.
01:39:31 >>Mayor Errington: WE COULD ACTUALLY PARK ON UP ON THE
01:39:33 COUNTY ROAD.
01:39:34 >>Vice-Mayor McLain: OBVIOUSLY GOING TO BE A LOT OF CHILDREN
01:39:36 THERE.
01:39:37 HOW ARE YOU GOING TO KEEP THEM OFF OF 41?
01:39:40 >>Mayor Errington: WE HAVE TALKED ABOUT IT.
01:39:42 WE HAVE PLANS FOR THAT.
01:39:43 THEY HAVE TO BE BACK UP.
01:39:45 THEY CANNOT BE DOWN AROUND THE ROAD.
01:39:47 IT WOULD BE NEW HORIZONS.
01:39:53 >>Vice-Mayor McLain: WHO HAS THE RESPONSIBILITY IF SOMEBODY
01:39:56 WERE TO GET HURT?
01:39:57 ARE WE LIABLE?
01:40:01 THE ROTARY LIABLE?
01:40:03 >>Mayor Errington: ROTARY HAS SOME -- WE HAVE INSURANCE TO
01:40:06 DO EVENTS, BUT IF WE MAKE EVERY PRECAUTION TO HAVE SAFETY.
01:40:11 >>Vice-Mayor McLain: DO WE HAVE INSURANCE, STEVE, TO HAVE
01:40:14 THAT KIND OF AN EVENT IN THAT -- WE OWN THE PROPERTY, SO
01:40:18 IT'S PROBABLY COVERED BY SOMETHING?
01:40:22 >>Steven Sarkozy: YES, AS THE PROPERTY OWNER, WE DO HAVE
01:40:26 INSURANCE, AND WE'VE NOT YET REVIEWED THAT WITH THE
01:40:29 INSURANCE CARRIER BUT WOULD.
01:40:33 >>Vice-Mayor McLain: YOU THINK WE CAN GET IT COVERED?

01:40:37 I THINK WE HAVE TO, IN TODAY'S WORLD, SOMEBODY TRIPS OR
01:40:41 WHATEVER, IT'S, YOU KNOW.
01:40:44 >>Steven Sarkozy: I'M SURE WE CAN GET THAT COVERED, YEAH.
01:40:47 >>Mayor Errington: ROTARY HAS INSURANCE, TOO.
01:40:50 >>Joanne Ribble: CAN I ASK THE TIME FRAME BECAUSE THERE IS
01:40:54 NO LIGHT THERE?

01:40:56 I MEAN, THERE'S NOT LIGHTING ANYWHERE.
01:40:58 >>Mayor Errington: WE'RE WORKING ON THAT.
01:40:59 DAVID IS CHECKING TO SEE IF WE COULD GET A LIGHT, HAVE FPL
01:41:06 PUT A LIGHT BACK THERE TO PLUG IN.
01:41:09 IF NOT, WE'RE GOING TO DO GENERATORS.
01:41:12 >>Joanne Ribble: COULD WE WAIT UNTIL YOU WORK OUT MORE
01:41:14 DETAILS TO DECIDE?
01:41:17 >>Mayor Errington: NOT REALLY.
01:41:19 IT'S WHETHER YOU APPROVE OR NOT APPROVE.
01:41:22 ROTARY, WE'VE DONE THIS SO OFTEN OVER THE YEARS, AND WE DO
01:41:26 EVENTS, WE DO HAVE COVERAGE WITH INSURANCE.
01:41:30 IT'S JUST -- AND SAFETY IS OF THE UTMOST CONCERN FOR US.
01:41:36 AND IF WE FEEL LIKE WE CAN'T DO IT, WE WON'T DO IT.
01:41:39 SO IT WOULD DEPEND ON -- I DON'T KNOW WHERE ELSE WE WOULD
01:41:45 GO.
01:41:47 SO IF WE DO OR IF WE DON'T, BUT IT WOULD BE SOMETHING THAT
01:41:53 -- TRYING TO BRING A LITTLE CHEER TO THE FOLKS IN ESTERO
01:41:57 WITH A TREE AND LIGHTING.
01:42:03 >>Vice-Mayor McLain: WOULD YOU LEAVE THE TREE THERE UNTIL

01:42:05 CHRISTMAS?
01:42:06 >>Mayor Errington: UM-HUM.
01:42:07 OH, YEAH.
01:42:08 >>Vice-Mayor McLain: WE'VE ALWAYS MISSED THAT IN THE PARK
01:42:10 BECAUSE NOBODY CAN GO IN THE PARK AND THAT WOULD BE NICE TO
01:42:13 HAVE A TREE THERE.
01:42:14 >>Mayor Errington: THE TREE IS BROUGHT BACK OUT HERE IN THE
01:42:17 HALLWAY.
01:42:17 >>Vice-Mayor McLain: WE WANT BIGGER THAN THAT.
01:42:21 >>Mayor Errington: OH, IT HAS TO BE A BIG TREE.
01:42:24 BUT I THINK IT'S JUST THE IDEA.
01:42:29 IF YOU WOULD GIVE TENTATIVE APPROVAL THAT WE COULD DO THAT,
01:42:33 THEN WE COME BACK, JUST SAY THAT YOU HAVE TENTATIVE
01:42:35 APPROVAL.
01:42:36 WE COME BACK, WE MEET NEXT WEEK, AND WE CAN TELL YOU WHAT WE
01:42:40 PUT TOGETHER.
01:42:41 AND SO WE'LL HAVE ALL THE INSURANCE LINED UP.
01:42:45 WE'LL HAVE WHAT WE'RE GOING TO DO, AND YOU GIVE THE FINAL
01:42:48 APPROVAL.
01:42:49 DOES THAT SOUND OKAY?
01:42:52 ALL RIGHT.
01:42:56 SO WE HAVE TENTATIVE APPROVAL TO DO THIS, AND WE WILL
01:43:00 PRESENT IT ON THE 9th.
01:43:04 VILLAGE ATTORNEY.
01:43:08 >>Robert Pritt: I HAVE NOTHING.

01:43:09 >>Mayor Errington: GOOD.
01:43:10 THANK YOU.

01:43:10 VILLAGE MANAGER?
01:43:12 THANK YOU.
01:43:14 THANK YOU.
01:43:18 >> MOTION TO ADJOURN.
01:43:20

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.

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 MINUTES

VILLAGE COUNCIL MEETING

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

October 19, 2022 9:30 a.m.

1. CALL TO ORDER

INVOCATION

Father Tony Gilborges from Our Lady of Light Catholic Community

Pastor Phil McMillan from Ocean Church, Estero

PLEDGE OF ALLEGIANCE

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 (left at 2:00 pm).

Also present
Village Manager Steve Sarkozy, Interim Village Attorney Robert Pritt, Land Use Attorney Nancy Stroud, Community Development Director Mary Gibbs, Public Works Director David Willems, Deputy Village Clerk Tammy Duran, and Village Clerk Carol Sacco.

2. APPROVAL OF AGENDA, ADDITIONS, AND DELETIONS

Motion: Motion to approve agenda.

Motion by: Councilmember Ribble
Seconded by: Councilmember Fiesel

Action: Approved agenda.

Vote: (Roll Call)

Aye: Councilmembers Boesch, Fiesel, Ward, Wilson, Ribble, Vice Mayor McLain, and Mayor Errington.
Nay:
Abstentions:

3. PUBLIC COMMENT ON NON-AGENDA ITEMS

In Person
Beth Wardlan, The Vines
Tom Rubbecke, The Vines
Tony Peterson, The Vines

4. CONSENT AGENDA

(a) September 21, 2022, Council Meeting Minutes
(b) September 27, 2022, Special Council Meeting Minutes
(c) Financial Report for Month ended August 2022

Motion: Motion to approve the Consent Agenda.

Motion by: Councilmember Boesch
Seconded by: Councilmember Ward

Action: Approved the Consent Agenda.

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

5. PRESENTATIONS

Hurricane Ian Impact and Community Response

Staff Presentation/Comments
Steve Sarkozy, Village Manager
David Willems, Public Works Director
Mary Gibbs, Community Development Director
Carol Sacco, Village Clerk

Collaboratory's initiatives in Lee, Collier, Charlotte, Hendry, and Glades Counties

Presentation/Information by
Sarah Owen

Estero Forever Foundation

Presentation/Information by
George Zalucki

Council Questions or Comments
Mayor Errington.

6. CONSIDERATION OF ITEMS DEFERRED FROM CONSENT AGENDA
None.

7. ACTION ITEM

(a) Resolution No. 2022-31 relating to recovery for Hurricane Ian

A Resolution of the Village Council of the Village of Estero, Florida, Relating to Recovery from Hurricane Ian; Ratifying and Confirming all Actions of the Mayor, Council Members, Village Manager, And Village Staff in Conjunction with Hurricane Protection and Post-Hurricane Recovery; Continuing the Waiver of Normal Procurement Requirements During the Recovery Period; Authorizing the Village Manager and Staff to Continue to Collaborate with Federal, State and Local Governments and other Providers Relating to Hurricane Recovery; and Providing an Effective Date.

Staff Presentation/Comments
Steve Sarkozy, Village Manager

Council Questions or Comments
None.

Public Comments
None.

Motion: Motion to adopt Resolution No. 2022-31.

Motion by: Councilmember Fiesel
Seconded by: Councilmember Ribble

Action: Adopted Resolution No. 2022-31.

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

8. **FIRST READINGS**

(a) First Reading of Ordinance No. 2022-13, Land Development Code Amendment - Flood Hazard Reduction Standards

An Ordinance of the Village Council of the Village of Estero, Florida, amending Land Development Code Section 7-3 "Flood Hazard Reduction Standards" to update the effective flood insurance study applicable to the village, amend the process for determining substantial improvement and substantial damage determinations, update reference to the Florida Building Code Historic Buildings Chapter, specify elevation of and foundations for manufactured homes in flood hazard areas, provide standards for non-elevated accessory structures in flood areas, and amend definitions; clarifying and reenacting the repeal of Ordinance 2015-16; providing for severability; providing for conflicts; and providing for an effective date

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

Council Questions or Comments
Councilmember Fiesel.

Public Comments
None.

Motion: Motion to pass first reading of Ordinance No. 2022-13 and set second reading and public hearing for November 2, 2022.

Motion by: Councilmember Boesch
Seconded by: Councilmember Ward

Action: Passed first reading of Ordinance No. 2022-13 and set second reading and public hearing for November 2, 2022.

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

(b) First Reading Ordinance No. 2022-14 Coconut Trace Commercial Planned Development Zoning Amendment.

An Ordinance of the Village Council of the Village of Estero, Florida, Amending the Coconut Trace Commercial Planned Development (CPD) Zoning to Allow a Real Estate Sales Center for Off-Site Sales on A 3.5-Acre Property on the West Side of US 41 North of Coconut Road across from Coconut Point Mall; Providing for Severability; Providing for Conflicts; and Providing an Effective Date.

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

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

Public Comments
None.

Motion: Motion to pass first reading of Ordinance No. 2022-14 and set second reading and public hearing for November 2, 2022.

Motion by: Councilmember Ribble
Seconded by: Councilmember Fiesel

Action: Passed first reading of Ordinance No. 2022-14 and set second reading and public hearing for November 2, 2022.

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

(c) First Reading of Ordinance No. 2022-15 for Pelican Sound Residential Planned Development Zoning Amendment

An Ordinance of the Village Council of the Village of Estero, Florida, Amending the Pelican Sound Residential Planned Development (RPD) Zoning To Allow Recreation Uses, Including Pickleball, In the Golf Maintenance and Storage Area on a 150.23-Acre Property on the South Side of the Estero River, North of Williams Road and West of US 41; Providing for Severability; Providing for Conflicts; And Providing an Effective Date.

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

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

Public Comments
None.

Motion: Motion to pass first reading of Ordinance No. 2022-15 and set second reading and public hearing for November 2, 2022.

Motion by: Councilmember Ward
Seconded by: Councilmember Wilson

Action: Passed first reading of Ordinance No. 2022-15 and set second reading and public hearing for November 2, 2022.

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

(d) First Reading of Ordinance No. 2022-16 Genova Zoning Amendment.

An Ordinance of the Village Council of the Village of Estero, Florida, Amending the Estero Planned Development Zoning Adopted by Ordinance 2016-08 For "Genova", for a 3.6-Acre Property Parcel Within the Genova EPD at the Southeast Corner of Corkscrew Road and Via Coconut; Providing for Severability; Providing for Conflicts; and Providing an Effective Date.

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

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

Public Comments
None.

Motion: Motion to pass first reading of Ordinance No. 2022-16 and set second reading and public hearing for November 2, 2022.

Motion by: Councilmember Boesch
Seconded by: Councilmember Wilson

Action: Passed first reading of Ordinance No. 2022-16 and set second reading and public hearing for November 2, 2022.

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

9. SECOND READINGS AND PUBLIC HEARINGS

(a) Second Reading of Ordinance No. 2022-09 addressing Conflict of Interest – Planning, Zoning and Design Board

Staff Presentation/Comments
Steve Sarkozy, Village Manager
Mary Gibbs, Community Development Director
Nancy Stroud, Land Use Attorney
Roberts Pritt, Interim Village Attorney

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

Public Comments
None.

Motion: Motion to approve Ordinance No. 2022-09.

Motion by: Vice Mayor McLain
Seconded by: Councilmember Ribble

Action: Approved Ordinance No. 2022-09.

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

Recess 11:18 a.m. and convene at 12:22 p.m.

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

(b) Second 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.

No conflicts of interest were noted. Councilmember Ribble spoke to Mr. Delisi at a campaign event a few weeks ago and spoke of how her friends and neighbors were anticipating and anxious for one to be in the area. No other ex parte communication noted.

Staff Presentation/Comments
Steve Sarkozy, Village Manager
Mary Gibbs, Community Development Director
Nancy Stroud, Land Use Attorney
Robert Pritt, Interim Village Attorney

Presentation/Information by
Dan DeLisi, DeLisi, Inc.
Maleia Storum, Bowman Consulting Group
Neale Montgomery, Pavese Law Firm
Mark Hamilton, Wawa

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

Public Comments
Joe Miceli, Rookery Drive.

Motion: Motion to approve Ordinance No. 2022-10 with changes to language to allow only one free-standing fast-food restaurant, and revise conditions related to the buffer and the public gathering areas.

Motion by: Vice Mayor McLain
Seconded by: Councilmember Ribble

Action: Approved 2022-10 with changes to language to allow only one free-standing fast-food restaurant, and revise conditions related to the buffer and the public gathering areas.

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

Recess 1:50 p.m. and convene at 2:00 p.m. Councilmember Wilson asked to be excused.

(c) Second Reading of Ordinance No. 2022-11, Milan Villas Rezoning.

No ex parte communication or conflicts of interest were noted.

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.

Staff Presentation/Comments
Steve Sarkozy, Village Manager
Mary Gibbs, Community Development Director

Nancy Stroud, Land Use Attorney
Robert Pritt, Interim Village Attorney

Presentation/Information by
Dan DeLisi, DeLisi, Inc.
Elizabeth Fountain, PE, JR Evans Engineering
Neale Montgomery, Pavese Law Firm
Wayne Everett, Representative of applicant, DR Horton

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

Public Comments
None

Motion: Motion to continue this Ordinance No. 2022-11 until November 16, 2022 Council meeting.

Motion by: Vice Mayor McLain
Seconded by: Councilmember Boesch

Action: Approved to continue this Ordinance No. 2022-11 until November 16, 2022 Council meeting.

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

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

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.

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

Council Questions or Comments
None.

Public Comments
None.

Motion: Motion to continue this Ordinance No. 2022-12 until November 2, 2022 Council meeting.

Motion by: Councilmember Ribble
Seconded by: Vice Mayor McLain

Action: Approved to continue this Ordinance No. 2022-12 until November 2, 2022 Council meeting.

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

10. PUBLIC COMMENT ON NON-AGENDA ITEMS
None.

11. COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS

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

Consensus by Council to cancel the Veteran's Day Celebration due to Hurricane Ian cleanup efforts.

12. VILLAGE ATTORNEY'S REPORT

Robert Pritt, Interim Village Attorney

13. VILLAGE MANAGER'S REPORT

None.

14. ADJOURNMENT at 3:05 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
November 2, 2022

Agenda Item:

Greater Estero Chamber of Commerce approval of financial support for Strategic Plans for Future Growth and Impact.

Motion to approve Greater Estero Chamber of Commerce approval of financial support of $12,500 remaining balance for Strategic Plans for Future Growth and Impact.

Background:

Each year in the past the Greater Chamber of Commerce has attended or provided the Village with their plans for the coming year. In March 2022 the Village provided $12,500 to the Chamber.

Description:

Annually a request from the Greater Estero Chamber of Commerce for financial support for Strategic Plans for Future Growth and Impact.

Action Requested:

Motion to approve Greater Estero Chamber of Commerce approval of financial support of $12,500 remaining balance for Strategic Plans for Future Growth and Impact.

Process and Timeline:

The Village has contributed $25,000 annually to the Estero Chamber of Commerce starting in fiscal year 2018-19.

Financial Impact:

The funding request for 2022 is again at $25,000. Funds are included in the Village's 2021-22 Annual Budget for this expenditure. $12,500 was distributed in March 2022.

Given the strong role of the Greater Chamber in the Village in support of our business community, their focus on economic development, and the strong support provided the

community during the COVID Pandemic a continued contribution from the Village would seem appropriate.

Based on the support indicated by the Village Council at the Workshop discussion the $25,000 allocation is on the Council Agenda for final approval.

Prepared by: _____

Attachments:

1. Greater Estero Chamber of Commerce Presentation
2. Greater Estero Chamber of Commerce Balance Sheet
3. Greater Estero Chamber of Commerce Profit & Loss

Greater Estero Chamber of Commerce

- VILLAGE COUNCIL MEETING
- November 2, 2022

Mission Statement and Brief Overview

Enhance a vibrant business community that creates dynamic economic growth!

I have been with the Greater Estero Chamber for 5 years.

Started out as a part-time bookkeeper and soon became full – time

Only full-time employee with two part time employees.

Chamber office now located in Brooks Executive Center. Moved in May of this year.

Served with 2 Presidents and 5 Chairs of the Board

Installed as President & CEO April 2021 (in the middle of a pandemic)

What purpose does the Chamber Serve?

Community Relations

- Top 25 Award Dinner
- Scholarships to Estero High School Students
- Advocacy through SWFL Alliance of Chambers
- Estero Fest 2022
- Estero Leadership Program (commence in October 2022)
- Partnering with FGCU (food pantry, Azul's Attire, President's Advisory Circle)
- Job Placements
- Assisting the Village with annual events
- Working with and promoting local non-profit organizations
- Lee County Sheriff's Outreach Program
- Partnerships with Estero Forever Foundation, ECCL, and Estero Historical Society
- Helping the Estero and Business Community with Hurricane assistance

Why Should the Village of Estero Partner With the Chamber?

- The Chamber is the catalyst for bringing the community and businesses together
- Membership dues alone cannot support the Chamber
- Non-dues revenue is essential to every Chamber of Commerce
- With the Village's financial support, the Chamber is able to advocate for the growth of the small business community and continue to offer valuable information and education.
- The Chamber supports the Village by assisting and promoting events, by providing exposure through editorial coverage in its magazine and on its website, and by being proactive in the support of our businesses and the community we serve.

Impact Partner Benefits:

- Promoted at all Chamber events and in all Chamber publications throughout the year
- Public Recognition and **program presentation time (3 minutes)** at the Annual Chamber Meeting and Awards Luncheon and on the screens and a **sponsor level table for 12 at the luncheon.**
- Six (6) Free tickets to the Holiday Party
- Free participation (12 individuals) in all regularly scheduled monthly events.
- Chamber membership for the year
- **Position (1) on the Chamber of Commerce Board of Directors**
- **Sponsor table at the Estero Fest**
- Annual Impact Partner Appreciation Dinner

Current benefits only come with the $25,000 annual impact partnership.

Summary:

- The Greater Estero Chamber of Commerce would like to continue to partner with the Village of Estero through financial and community support
- November 2022 pay remainder of $12,500
- In conclusion, through the Village of Estero being an active impact partner with the chamber we are able to serve our members and community with events, educational programs, scholarships, and business development resources.
- With continued support from the Village the Chamber will be able to hire additional staff

3:17 PM
10/26/22
Accrual Basis

Estero Chamber of Commerce
Balance Sheet
As of September 30, 2022

		Sep 30, 22
ASSETS		
Current Assets		
Checking/Savings		
VNB OP 6345		11,627.50
VNB Payroll 6426		365.84
VNB Money Market 6566		34,240.83
Petty Cash		205.00
Total Checking/Savings		46,439.17
Accounts Receivable		
Accounts Receivable		24,787.75
Total Accounts Receivable		24,787.75
Total Current Assets		71,226.92
Fixed Assets		
Computer Equipment		
Cost	-849.99	
Accum Depreciation	-3,037.71	
Computer Equipment - Other	6,686.92	
Total Computer Equipment		2,799.22
Furniture and Equipment		
Cost	1,648.37	
Furniture and Equipment - Other	1,640.46	
Total Furniture and Equipment		3,288.83
Total Fixed Assets		6,088.05
TOTAL ASSETS		**77,314.97**
LIABILITIES & EQUITY		
Liabilities		
Current Liabilities		
Credit Cards		69.19
Total Current Liabilities		69.19
Total Liabilities		69.19
Equity		
Unrestricted Net Assets		46,547.84
Net Income		30,697.94
Total Equity		77,245.78
TOTAL LIABILITIES & EQUITY		**77,314.97**

4:33 PM
10/26/22
Cash Basis

Estero Chamber of Commerce
Profit & Loss
January through September 2022

	Jan - Sep 22	
Ordinary Income/Expense		
Income		
Event Income		
EsteroFest 2022	21,833.82	
Estero Forever Gala	0.00	
After Hours	2,095.86	
Annual Awards & Business Lunch	11,590.00	
Virtual Golf Tournament 2020	16,315.00	
Food for Thought Luncheons	2,589.37	
Event Income - Other	20,277.36	
Total Event Income		74,701.41
Membership Directory		5,000.00
Membership Dues		
Memberships	15,026.64	
Renewal	37,779.00	
Non-Renewal	-2,940.00	
Membership Dues - Other	798.00	
Total Membership Dues		50,663.64
Sponsorship Income		
Impact Partners	32,500.00	
Total Sponsorship Income		32,500.00
Total Income		162,865.05
Gross Profit		162,865.05
Expense		
Mileage		20.20
Online/Bank Fees		3,171.65
Phone		2,524.71
Dues & Subscriptions		2,081.64
Event Expenses		
EsteroFest 2022	18,213.91	
Annual Awards & Luncheon	8,487.91	
Entertainment	49.40	
Business After Hours Networking	319.06	
Food for Thought Luncheons	3,553.93	
Event Expenses - Other	10.00	
Total Event Expenses		30,634.21
HR Administration		
Payroll Processing	3,516.93	
Total HR Administration		3,516.93
In Kind Membership		38.50
Insurance		
Workers Comp	189.80	
Insurance - Other	1,642.80	
Total Insurance		1,832.60
Licenses & Fees		111.25
Marketing		1,973.25
Meals & Entertainment		473.42

4:33 PM
10/26/22
Cash Basis

Estero Chamber of Commerce
Profit & Loss
January through September 2022

	Jan - Sep 22	
Office Expense		
Other Expenses	1,469.88	
Furniture & Equipment	531.20	
Office Supplies	1,722.20	
Other Office	509.93	
Office Expense - Other	2,705.70	
Total Office Expense		6,938.91
Payroll Expense		
Health Insurance	1,500.00	
Retirement	1,000.00	
Gross Wages	47,439.23	
Total Payroll Expense		49,939.23
Payroll Tax Expense		
Social Security - Employer	3,651.85	
Medicare - Employer	658.91	
FL Unemployment	106.40	
Total Payroll Tax Expense		4,417.16
Printing and Copying		756.06
Rent Expense		
Public Storage Unit	746.88	
Visitor Center	21,517.92	
Rent Expense - Other	2,464.50	
Total Rent Expense		24,729.30
Scholarship Awards		1,000.00
Travel & Meetings		
Conference, Convention, Meeting	3,400.00	
Travel	14.66	
Total Travel & Meetings		3,414.66
Miscellaneous		38.54
Web/IT Expense		5,483.71
Total Expense		143,095.93
Net Ordinary Income		19,769.12
Net Income		**19,769.12**

Page 2

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
November 2, 2022

Agenda Item:

First reading of Ordinance No. 2022-17 adopting new Flood Insurance Rate Maps.

Motion to pass First Reading of Ordinance No. 2022-17 and set Second Reading for November 16, 2022.

Background:

The Federal Emergency Management Agency (FEMA) has advised the Village that the revised Flood Insurance Rate Maps effective November 17, 2022 must be adopted by ordinance.

Description:

There is a series of eight maps on the Village Website that depict the changes. These maps generally expand the floodway and floodplain areas in the Village and set higher flood elevations. The maps were revised to reflect updated storm modeling.

The maps can be found at the following link: Preliminary Flood Maps.pdf (estero-fl.gov)

Action Requested:

Motion to pass First Reading of Ordinance No. 2022-17 and set Second Reading for November 16, 2022.

Process and Timeline:

- Planning, Zoning and Design Board Review not required
- Council 1st Reading November 2, 2022
- Council 2nd Reading November 16, 2022

Financial Impact:

Minor cost of newspaper advertisement for 2nd Reading

Prepared by: Mary Gibbs

Attachments:

1. Ordinance No. 2022-17

VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2022 - 17

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, ADOPTING NEW FLOOD INSURANCE RATE MAPS (FIRM) FOR FLOOD ZONES IN THE VILLAGE OF ESTERO; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, as a result of the most recent Flood Insurance Study for Lee County and Incorporated Areas by the Federal Emergency Management Agency (FEMA), effective November 17, 2022, the current Flood Insurance Rate Maps for flood zones in the Village of Estero are required to be revised with new maps; and

WHEREAS, the Village Council at a duly noticed hearing on November 2, 2022 passed this Ordinance on first reading; and

WHEREAS, the Village Council at a duly noticed hearing on November 16, 2022, considered public comment, the recommendation of the Village staff, and the public health, safety and welfare of the Village;

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

Section 1. Adoption of Flood Insurance Rate Maps.

The Village Council hereby adopts the November 17, 2022 Flood Insurance Rate Maps, attached as Exhibit A hereto, consisting of a set of ten maps, and available on file at the Village Department of Community Development.

Section 2. 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 3. Effective Date.

This Ordinance shall take effect immediately upon adoption.

PASSED on first reading this 2nd day of November, 2022.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this 16th day of November, 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	____	____

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
November 2, 2022

Agenda Item:

Second reading of Ordinance No. 2022-12 amending Land Development Code lot coverage definition.

Motion to adopt Ordinance No. 2022-12.

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 Council first reading was held on September 21, 2022. The Planning Zoning and Design Board will review the request on October 25, 2022, a date rescheduled due to Hurricane Ian.

Action Requested:

Motion to adopt Ordinance No. 2022-12.

Process and Timeline:

- PZDB meeting October 25, 2022
- Council 1st Reading September 21, 2022
- Council 2nd Reading November 2, 2022

Financial Impact:

Minor cost of newspaper advertisement for 2nd Reading.

Prepared by: Mary Gibbs

Attachments:

1. Ordinance 2022-12

Page **1** of **1**

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 21st day of September, 2022.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this 2nd day of November, 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
November 2, 2022

Agenda Item:

Second Reading of Ordinance No. 2022-13, Land Development Code Amendment - Flood Hazard Reduction Standards.

Motion to adopt Ordinance No. 2022-13.

Background:

The Land Development Code was adopted by the Council in January, 2021. Flood Hazard Reduction Standards were included. This amendment is necessary to comply with Federal Emergency Management Agency ("FEMA") Policy #104-008-03 in order for the Village to continue to participate in the NFIP Community Rating System program.

The Council held a first reading on October 19, 2022. The Planning Zoning and Design Board will review the Ordinance on October 25, 2022.

Description:

There are several changes to flood standards in this Ordinance, including:

- Changes to the way "substantial improvement" is determined
- Restrictions on mobile homes and RVs in flood hazard areas (additional elevation requirements)
- Changes in accessory structure elevations
- Changes to definitions

FEMA has suggested several changes to the draft Ordinance. The most recent changes made after the Council first reading are highlighted in yellow.

Action Requested:

Motion to adopt Ordinance No. 2022-13.

Process and Timeline:

Planning, Zoning and Design Board Review October 25, 2022
Council 1st Reading October 19, 2022
Council 2nd Reading November 2, 2022

Financial Impact:

Minor cost of newspaper advertisement for second reading.

Prepared by: Mary Gibbs

Attachments:

1. Ordinance No. 2022-13

VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2022 - 13

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, AMENDING LAND DEVELOPMENT CODE SECTION 7-3 "FLOOD HAZARD REDUCTION STANDARDS" TO UPDATE THE EFFECTIVE FLOOD INSURANCE STUDY APPLICABLE TO THE VILLAGE, AMEND THE PROCESS FOR DETERMINING SUBSTANTIAL IMPROVEMENT AND SUBSTANTIAL DAMAGE DETERMINATIONS, UPDATE REFERENCE TO THE FLORIDA BUILDING CODE HISTORIC BUILDINGS CHAPTER, SPECIFY ELEVATION OF AND FOUNDATIONS FOR MANUFACTURED HOMES IN FLOOD HAZARD AREAS, PROVIDE STANDARDS FOR NON-ELEVATED ACCESSORY STRUCTURES IN FLOOD AREAS, AND AMEND DEFINITIONS; CLARIFYING AND REENACTING THE REPEAL OF ORDINANCE 2015-16; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

WHEREAS, in 2020 the NFIP Community Rating System established certain minimum prerequisites for communities to qualify for or maintain class ratings of Class 8 or better; and

WHEREAS, to satisfy the prerequisite and for the Village of Estero to maintain the current CRS rating, all manufactured homes installed or replaced in special flood hazard areas must be elevated to or above at least the base flood elevation plus 1 foot, which necessitates modification of the existing requirements; and

Note: Yellow highlighting depicts most recent changes.

WHEREAS, the Federal Emergency Management Agency released FEMA Policy #104-008-03 Floodplain Management Requirements for Agricultural Structures and Accessory Structures; and

WHEREAS, the Village Council has determined it appropriate to modify requirements for accessory structures to be consistent with the FEMA Policy to allow issuance of permits for non-elevated wet floodproofed accessory structures that are not larger than the sizes specified in the FEMA Policy; and

WHEREAS, the Village Council determined that it is in the public interest to amend the floodplain management regulations to better protect manufactured homes and to continue participating in the Community Rating System at the current class rating; and

WHEREAS, The Village Council determined it appropriate to incorporate into Chapter 7 amendments to the Florida Building Code that were previously adopted by ordinance 2015-16; and

WHEREAS, the Village wishes to clarify that the adoption of the Village Land Development Code by Ordinance 2020-10, specifically Section 1-902 adopting the Florida Building Code as codified in Chapter 553, Florida Statutes, was intended to repeal earlier building code regulations adopted by Ordinance 2015-16, and to clarify any doubt that Ordinance 2015-16 is no longer in effect.

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

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

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

SECTION 7-3. FLOOD HAZARD REDUCTION STANDARDS

7-301. Administration.

A. General.

1. *Scope*. This section applies to all development that is wholly within or partially within any flood hazard area or special flood hazard area (see Sec. 7-303, Definitions), including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings;

Note: Yellow highlighting depicts most recent changes.

installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

2. *Purpose and Intent*. The purpose and intent of this section and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare, and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

   A. Minimize unnecessary disruption of commerce, access, and public service during times of flooding;
   B. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
   C. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
   D. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
   E. Minimize damage to public and private facilities and utilities;
   F. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
   G. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
   H. Meet the requirements of the National Flood Insurance Program for community participation as set forth in 44 CFR 59.22.

3. *Coordination with Florida Building Code*. This section is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.

4. *Warning*. The degree of flood protection required by this section and the Florida Building Code, as amended by the Village of Estero, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This section does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of 44 CFR Secs. 59 and 60, may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this section.

Note: Yellow highlighting depicts most recent changes.

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

B. Applicability.

1. *General.*

   A. Where there is a conflict between a general requirement and a specific requirement, the specific requirement will be applicable.

   B. This section applies to all flood hazard areas within the Village of Estero, as established in subsection C below.

   C. The Flood Insurance Study for Lee County, Florida and Incorporated Areas, effective November 17, 2022~~August 28, 2008~~, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this section and will serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the Village ~~Hall~~ Department of Community Development.

2. *Submission of Additional Data to Establish Flood Hazard Area*. To establish flood hazard areas and base flood elevations, in accordance with Sec. 7-301.E, Site Plans and Construction Documents, the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

   A. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area will be considered as a flood hazard area and subject to the requirements of this section and, as applicable, the requirements of the Florida Building Code.

   B. Are above the closest applicable base flood elevation, the area will be regulated as a special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.

3. *Other Laws*. The provisions of this section will not be deemed to nullify any provisions of local, state, or federal law.

4. *Abrogation and Greater Restrictions*. This section supersedes any regulations in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing regulations including but not limited to land development

Note: Yellow highlighting depicts most recent changes.

regulations, zoning resolutions, stormwater management regulations, or the Florida Building Code. In the event of a conflict between this section and any other regulations, the more restrictive will govern. This section will not impair any deed restriction, covenant, or easement, but any land that is subject to such interests will also be governed by this section.

5. *Interpretation*. In the interpretation and application of this article, all provisions will be:

A. Considered as minimum requirements;
B. Liberally construed in favor of the governing body; and
C. Deemed neither to limit nor repeal any other powers granted under state statutes.

C. **Duties and Powers of the Floodplain Administrator.**

1. *Designation*. The Village Manager is designated as the Floodplain Administrator and may delegate another person to serve in this capacity. The Floodplain Administrator may delegate performance of certain duties to other employees.

2. *General*. The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this section. The Floodplain Administrator will have the authority to render interpretations of this section consistent with the intent and purpose of this section and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures will not have the effect of waiving requirements specifically provided in this section without the granting of a variance pursuant to Sec. 7-301.G, Variances and Appeals.

3. *Applications and Permits*. The Floodplain Administrator, in coordination with other pertinent offices of the community, will:

A. Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
B. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this section;
C. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination will have the opportunity to appeal the interpretation;
D. Provide available flood elevation and flood hazard information;
E. Determine whether additional flood hazard data will be obtained from other sources or will be developed by an applicant;
F. Review applications to determine whether proposed development will be reasonably safe from flooding;
G. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including

Note: Yellow highlighting depicts most recent changes.

buildings, structures and facilities exempt from the Florida Building Code, when compliance with this section is demonstrated, or disapprove the same in the event of noncompliance; and

H. Coordinate to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this section.

4. *Substantial Improvement and Substantial Damage Determinations*. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures ~~such that the value or size of the buildings increases by at least 50 percent, calculated over the preceding five years~~, the Floodplain Administrator shall:

A. Estimate the market value <u>or require the applicant to obtain an appraisal of the market value prepared by</u> ~~using the Building Cost Value in the property appraiser's records unless~~ a qualified independent appraiser ~~of just the structure is submitted~~, of the building or structure before the start of construction of the proposed work; in the case of repair. the market value of the building or structure will be the market value before the damage occurred and before any repairs are made;

B. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

C. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of "substantial improvement" and previous permits issued for repair of flood-related damage; and

D. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Florida Building Code and this section is required.

5. *Modifications of the Strict Application of the Requirements of the Florida Building Code*. The Floodplain Administrator will review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance in accordance with Sec. 7-301.G, Variances and Appeals.

Note: Yellow highlighting depicts most recent changes.

6. *Notices and Orders*. The Floodplain Administrator will coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this section.

7. *Inspections*. The Floodplain Administrator will make the required inspections as specified in Sec. 7-301.F, Inspections, for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The Floodplain Administrator will inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

8. *Other Duties of the Floodplain Administrator*. The Floodplain Administrator will have other duties, including but not limited to:

   A. Establishing procedures for administering and documenting determinations of substantial improvement and substantial damage in accordance with Sec. 7-301.C.4, Substantial Improvement and Substantial Damage Determinations;

   B. Requiring that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);

   C. Requiring applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions will be made within six months of such data becoming available;

   D. Reviewing required design certifications and documentation of elevations specified by this section and the Florida Building Code to determine that such certifications and documentations are complete;

   E. Notifying FEMA when the corporate boundaries of the Village are modified; and

   F. Advising applicants for new buildings and structures, including substantial improvements, which are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on Flood Insurance Rate Maps as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."

Note: Yellow highlighting depicts most recent changes.

9. *Floodplain Management Records*. Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator will maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this section and the flood resistant construction requirements of the Florida Building Code, including Flood Insurance Rate Maps; Letters of Map Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this section; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken in accordance with this section and the flood resistant construction requirements of the Florida Building Code. These records are available for public inspection at the Village Hall.

D. **Permits.**

1. *Permits Required*. Any owner or owner's authorized agent also referred to as "applicant" who intends to undertake any development activity within the scope of this section, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator and obtain the required permits and approvals. No such permit or approval will be issued until compliance with the requirements of this section and all other applicable codes and regulations has been satisfied.

2. *Floodplain Development Permits or Approvals*. Floodplain development permits or approvals will be issued in accordance with this section for any development activities not subject to the requirements of the Florida Building Code including buildings, structures, and facilities exempt from the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

3. *Buildings, Structures, and Facilities Exempt from the Florida Building Code*. In accordance with the requirements of federal regulation for participation in the National Flood Insurance Program (44 CFR Secs. 59 and 60), floodplain development permits or approvals will be required for buildings, structures and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this section.

Note: Yellow highlighting depicts most recent changes.

4. *Application for a Permit or Approval*. To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the Village. The information provided shall:

   A. Identify and describe the development to be covered by the permit or approval.

   B. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.

   C. Indicate the use and occupancy for which the proposed development is intended.

   D. Be accompanied by a site plan or construction documents as specified in Sec. 7-301.E, Site Plans and Construction Documents.

   E. State the valuation of the proposed work.

   F. Be signed by the applicant or the applicant's authorized agent.

   G. Give such other data and information as required by the Floodplain Administrator.

5. *Validity of Permit or Approval*. The issuance of a floodplain development permit or approval in accordance with this section shall not be construed to be a permit for, or approval of, any violation of this section, the Florida Building Codes, or any other Village regulations. The issuance of permits based on submitted applications, construction documents, and information will not prevent the Floodplain Administrator from requiring the correction of errors and omissions.

6. *Suspension or Revocation*. The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error; on the basis of incorrect, inaccurate, or incomplete information; or in violation of this section or any other section, regulation, or requirement of the Village.

7. *Other Permits Required*. Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

   A. SFWMD; F.S. § 373.036.

   B. Florida Department of Health for onsite sewage treatment and disposal systems; F.S. § 381.0065 and Ch. 64E-6, F.A.C.

   C. FDEP for activities subject to the Joint Coastal Permit; F.S. § 161.055.

Note: Yellow highlighting depicts most recent changes.

D. FDEP for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Sec. 404 of the Clean Water Act.

E. Federal permits and approvals.

E. **Site Plans and Construction Documents.**

1. *Information for Development in Flood Hazard Areas.*

A. The site plan or construction documents for any development subject to the requirements of this section shall be drawn to scale and include, as applicable to the proposed development:

1. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.

2. Where base flood elevations, or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Sec. 7-301.E.2.B or Sec. 7-301.E.2.C.

3. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than five acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Sec. 7-301.E.2.A.

4. Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.

5. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.

6. If the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.

7. Extent of any proposed alteration of mangrove stands, provided such alteration is approved by FDEP.

8. Existing and proposed alignment of any proposed alteration of a watercourse.

Note: Yellow highlighting depicts most recent changes.

9. Estimated labor and material costs.

B. The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this section but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this section.

2. *Information in Flood Hazard Areas without Base Flood Elevations (Approximate Zone A)*. Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator shall:

A. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.

B. Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.

C. Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:

1. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or

2. Specify that the base flood elevation is two feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two feet.

D. Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

3. *Additional Analyses and Certifications*. As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

Note: Yellow highlighting depicts most recent changes.

A. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Sec. 7-301.E.4, Submission of Additional Data, and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.

B. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.

C. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Sec. 7-301.E.4, Submission of Additional Data.

D. For activities that propose to alter ~~sand dunes or~~ mangrove stands in coastal high hazard areas (Zone V), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.

4. *Submission of Additional Data*. When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees will be the responsibility of the applicant.

F. **Inspections.**

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

Note: Yellow highlighting depicts most recent changes.

2. *Development Other than Buildings or Structures*. The Floodplain Administrator will inspect all development to determine compliance with the requirements of this section and the conditions of approval of a floodplain development permit.

3. *Buildings, Structures, and Facilities Exempt from the Florida Building Code*. The Floodplain Administrator will inspect buildings, structures, and facilities exempt from the Florida Building Code to determine compliance with the requirements of this section and the conditions of approval of a floodplain development permit.

4. *Building Structures and Facilities Exempt from the Florida Building Code, Lowest Floor Inspection*. Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure, or facility exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the Floodplain Administrator:

   A. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or

   B. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Sec. 7-301.E.2, Information in Flood Hazard Areas without Base Flood Elevations (Approximate Zone A), the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

5. *Buildings, Structures, and Facilities Exempt from the Florida Building Code, Final Inspection*. As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Sec. 7-301.F.4, Building Structures and Facilities Exempt from the Florida Building Code, Lowest Floor Inspection.

6. *Manufactured Homes*. The Building Official shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this section and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Building Official.

G. **Variances and Appeals.**

1. *General*. The Planning, Zoning and Design Board ("PZDB"), acting as the Board of Adjustment and Appeals pursuant to Section 553.73(5), F.S., shall hear and decide on

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requests for appeals and requests for variances from the strict application of this section. This section does not apply to Sec. 3109 of the Florida Building Code, Building.

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

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

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

5. *Historic Buildings*. A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building, Chapter 12 ~~11~~ Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance will not be granted and the building and any repair, improvement, and rehabilitation will be subject to the requirements of the Florida Building Code.

6. *Functionally Dependent Uses*. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this section, provided the variance meets the requirements of Sec. 7-301.G.4, Restrictions in Floodways is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

7. *Considerations for Issuance of Variances*. In reviewing requests for variances, the PZDB will consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this section, and the following:

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A. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
B. The danger to life and property due to flooding or erosion damage;
C. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
D. The importance of the services provided by the proposed development to the community;
E. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
F. The compatibility of the proposed development with existing and anticipated development;
G. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
H. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
I. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable expected at the site; and
J. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

8. *Conditions for Issuance of Variances*. Variances may be issued only upon:

A. Submission by the applicant of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this section or the required elevation standards;

B. Determination by the PZDB that:

1. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;

2. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and regulations; and
3. The variance is the minimum necessary, considering the flood hazard, to afford relief;

C. If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a

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copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as $25 for $100 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

H. **Violations.** Any development that is not within the scope of the Florida Building Code but that is regulated by this section that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this section, will be deemed a violation of this LDC. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this section or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.

1. *Authority*. For development that is not within the scope of the Florida Building Code but that is regulated by this section and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

2. *Unlawful Continuance*. Any person who continues any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, will be subject to penalties as prescribed by law.

7-302. Flood Resistant Development.

A. **Buildings and Structures ~~Exempt from Florida Building Code~~.**

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

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

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

SUBSTANTIAL IMPROVEMENT. For the purposes of determining compliance with the flood provision of this Code, any combination of repair, reconstruction, rehabilitation, alteration, addition, or other improvement of a building or structure taking place during a five-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. The period of accumulation begins with the first improvement or repair of each building is permitted subsequent to November 18, 1992. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

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

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

B. **Subdivisions.**

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

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

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

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

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

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

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

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

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

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

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

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

2. *Sanitary Sewage Facilities*. All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Ch. 64E-6, F.A.C. and ASCE 24 Ch. 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into floodwaters, and impairment of the facilities and systems.

3. *Water Supply Facilities*. All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Ch. 62-532.500, F.A.C. and ASCE 24 Ch. 7 to minimize or eliminate infiltration of floodwaters into the systems.

4. *Limitations on Sites in Regulatory Floodways*. No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, may be authorized in the regulatory floodway unless the floodway encroachment analysis required in Sec. 7-301.E.3.A, demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

5. *Limitations on Placement of Fill*. Subject to the limitations of this section, fill shall be designed to be stable under conditions of flooding, including rapid rise and rapid

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drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the Florida Building Code.

6. *Limitations on Sites in Coastal High Hazard Areas (Zone V)*. In coastal high hazard areas, alteration of ~~sand dunes and~~ mangrove stands will be permitted only if such alteration is approved by the FDEP and only if the engineering analysis required by Sec. 7-301.E.3.D demonstrates that the proposed alteration will not increase the potential for flood damage.

D. **Manufactured Homes.**

1. *General.*

A. All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed in accordance with F.S. § 320.8249, and shall comply with the requirements of Ch. 15C-1, F.A.C. and the requirements of this section.

B. The placement of manufactured homes or recreational vehicles is prohibited in coastal high hazard areas (Zone V), except in an existing manufactured home or recreational vehicle park or subdivision. A replacement manufactured home or recreational vehicle may be placed on a lot in an existing manufactured home or recreational vehicle park or subdivision, provided the anchoring standards of Sec. 7-302.D.3, Anchoring, and the elevation standards of Sec. 7-302.D.4, Elevation, ~~7-302.D.5, General Elevation Requirement, and Sec. 7-302.D.6, Elevation Requirement for Certain Existing Manufactured Home Parks and Subdivisions, as applicable,~~ are met. New or expanded manufactured home or recreational vehicle parks or subdivisions are prohibited until such time, if ever, that Village of Estero Plan Policy 80.1.2 is amended or repealed so as to allow such new or expanded manufactured home or recreational vehicle development.

2. *Foundations*. All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:

A. In flood hazard areas (Zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.2 and this section. ~~Foundations for manufactured homes subject to Sec. 7-302.D.6.B are permitted to be reinforced piers or other foundation elements of at least equivalent strength.~~

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B. In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.3 and this section.

3. *Anchoring*. All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

4. *Elevation*. All manufactured homes that are placed, replaced, or substantially improved in flood hazard areas shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R3222.2 (Zone A) or Section R322.3 (Zone V and Coastal A Zone). ~~Manufactured homes that are placed, replaced, or substantially improved shall comply with Sec. 7-302.D.5, General Elevation Requirement, and Sec. 7-302.D.6, Elevation Requirement for Certain Existing Manufactured Home Parks and Subdivisions, as applicable.~~

~~5. *General Elevation Requirement*. Unless subject to the requirements of Sec. 7-302.D.6, Elevation Requirement for Certain Existing Manufactured Home Parks and Subdivisions, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the top or the lowest floor is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V).~~

~~6. *Elevation Requirement for Certain Existing Manufactured Home Parks and Subdivisions*. Manufactured homes that are not subject to Sec. 7-302.D.5, General Elevation Requirement, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:~~

~~A. Top or the lowest floor of the manufactured home is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V); or~~

~~B. Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.~~

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5. ~~7.~~ *Enclosures*. Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Sections R322.2 or R322.3, for such enclosed areas, as applicable to the flood hazard area.

6. ~~8.~~ *Utility Equipment*. Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential Section R322, as applicable to the flood hazard area.

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

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

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

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

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

F. **Tanks.**

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

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

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

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

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

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

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

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

G. **Other Development.**

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

   A. Be located and constructed to minimize flood damage;

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

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

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

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

2. ~~*Accessory Structures*. Accessory structures are not required to meet the elevation requirements if they meet all of the following requirements, in addition to those set forth in Sec. 7-302.C.4, Limitations on Sites in Regulatory Floodways:~~

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~~A. The structure is securely anchored to resist flotation, collapse, and lateral movement;~~

~~B. The building is a minimal investment, and the total size of the building does not exceed 1,000 square feet in floor area;~~

~~C. The structure is used exclusively for uninhabitable parking or storage purposes;~~

~~D. All electrical or heating equipment is elevated above the base flood elevation or otherwise protected from intrusion of floodwaters; and~~

~~E. For accessory structures located in coastal high hazard areas (V zones), breakaway walls are used below the lowest floor.~~

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

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

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

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

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

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

3. *Fences in Regulated Floodways*. Fences in regulated floodways that have the potential to block the passage of floodwaters shall meet the limitations of Sec. 7-302.C.4, Limitations on Sites in Regulatory Floodways.

4. *Retaining Walls, Sidewalks and Driveways in Regulated Floodways*. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Sec. 7-302.C.4, Limitations on Sites in Regulatory Floodways.

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5. *Roads and Watercourse Crossings in Regulated Floodways*. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings, and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways, shall meet the limitations of Sec. 7-302.C.4, Limitations on Sites in Regulatory Floodways. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Sec. 7-301.E.3, Additional Analyses and Certifications.

6. *Concrete Slabs Used as Parking Pads, Enclosure Floors, Landings, Decks, Walkways, Patios, and Similar Nonstructural Uses in Coastal High Hazard Areas (Zone V).* In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios, and similar nonstructural uses are permitted beneath or adjacent to buildings and structures, provided the concrete slabs are designed and constructed to be:

   A. Structurally independent of the foundation system of the building or structure;

   B. Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and

   C. Have a maximum slab thickness of not more than four inches.

7. *Decks and Patios in Coastal High Hazard Areas (Zone V)*. In addition to the requirements of the Florida Building Code, in coastal high hazard areas, decks and patios shall be located, designed, and constructed in compliance with the following:

   A. A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.

   B. A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure, or to adjacent buildings and structures.

   C. A deck or patio that has a vertical thickness of more than 12 inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design

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professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.

D. A deck or patio that has a vertical thickness of 12 inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.

8. *Other Development in Coastal High Hazard Areas (Zone V)*. In coastal high hazard areas, development activities other than buildings and structures may be permitted only if it is also authorized by the appropriate federal, state, or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

A. Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;

B. Solid fences and privacy walls. and fences prone to trapping debris. unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and

C. On-site sewage treatment and disposal systems defined in Rule 64E-6.002, F.A.C., as filled systems or mound systems.

9. *Nonstructural Fill in Coastal High Hazard Areas (Zone V)*. In coastal high hazard areas:

A. Minor grading and the placement of minor quantities of nonstructural fill may be permitted for landscaping and for drainage purposes under and around buildings.

B. Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal may be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.

10. *Critical Facilities*. Critical facilities shall be located outside the limits of the special flood hazard area where feasible. Construction of new critical facilities shall be permissible within the special flood hazard area if no feasible alternative site is available.

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

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

7-303. Definitions.

A. **General.**

1. *Terms Defined in the Florida Building Code*. Where terms are not defined in this section and are defined in the Florida Building Code, such terms will have the meanings ascribed to them in that code.

2. *Terms Not Defined*. Where terms are not defined in this section or the Florida Building Code, such terms will have ordinarily accepted meanings such as the context implies.

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

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

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

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

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

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

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

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

Coastal High Hazard Area means a special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. ~~Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on Flood Insurance Rate Maps (FIRM) as Zone Vl V30, VE, or V.~~

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

Critical Facility means one or more of the following:

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

(2) Nursing homes, hospitals, and social service homes;
(3) Structures used as law enforcement stations, fire stations, governmental vehicle and equipment storage facilities, and emergency operations centers that are needed for emergency response activities before, during, and after a flood incident; and
(4) Public or private utility facilities that are vital to maintaining and restoring normal services to flooded areas before, during, and after a flood incident.

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

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

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

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

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

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

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

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

~~*Expansion to an Existing Manufactured Home Park or Subdivision* means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).~~

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

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

(1) The overflow of inland or tidal waters.

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

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

Note: Yellow highlighting depicts most recent changes.

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

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

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

Flood Insurance Rate Map (FIRM) means the official map of the Village on which FEMA has delineated both special flood hazard areas and the risk premium zones applicable to the Village.

Flood Insurance Study (FIS) means the official report provided by FEMA that contains the FIRM, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data.

Floodplain Administrator means the office or position designated and charged with the administration and enforcement of this section (may be referred to as the Floodplain Manager). The Village Manager serves as the Floodplain Manager in accordance with this section.

Floodplain Development Permit or Approval means an official document or certificate issued by the Floodplain Administrator, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this section.

Floodway means the channel of a river or other riverine watercourse and the adjacent land areas that shall be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floodway Encroachment Analysis means an engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations. The evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

Florida Building Code means the family of codes adopted by the Florida Building Commission, including the Florida Building Code, Building: the Florida Building Code, Residential: the Florida Building Code, Existing Building; the Florida Building Code, Mechanical; the Florida Building Code, Plumbing; the Florida Building Code, Fuel Gas.

Functionally Dependent Use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Note: Yellow highlighting depicts most recent changes.

Highest Adjacent Grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic Structure means any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 12 ~~11~~: Historic Buildings.

Letter of Map Amendment (LOMA) means an amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective FIRM and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

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

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

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

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

(1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle;

(2) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or

(3) Available with special features enabling off-street or off-highway operation and use.

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

Note: Yellow highlighting depicts most recent changes.

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

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

Market Value means ~~the price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this section, the term refers to the market~~ the value of buildings and structures, excluding the land and other improvements on the parcel. Market value ~~may be established by a qualified independent appraiser,~~ is the actual cash value (in-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

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

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

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

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

Recreational Vehicle means a vehicle, including a park trailer, which is:

Note: Yellow highlighting depicts most recent changes.

(1) Built on a single chassis;

(2) 400 square feet or less when measured at the largest horizontal projection;

(3) Designed to be self-propelled or permanently towable by a light-duty truck; and
(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

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

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

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

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

(1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the Building Official and that are the minimum necessary to assure safe living conditions.

(2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

Note: Yellow highlighting depicts most recent changes.

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

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

Section 2. Repeal of Ordinance 2015-16.

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

Section 3. 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 4. Conflicts.

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 5. Effective Date.

This Ordinance shall take effect immediately upon adoption.

PASSED on first reading this 19th day of October, 2022.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this 2nd day of November, 2022.

Attest: **VILLAGE OF ESTERO, FLORIDA**

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

Note: Yellow highlighting depicts most recent changes.

Reviewed for legal sufficiency:

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

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

Note: Yellow highlighting depicts most recent changes.

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
November 2, 2022

Agenda Item:

Second Reading of Ordinance 2022-14, Coconut Trace Commercial Planned Development Zoning Amendment.

Motion to adopt Ordinance 2022-14.

Background:

The applicant requests a zoning amendment for a 3.5-acre site to allow a Real Estate Sales Center for London Bay Homes located on the west side of US 41 north of Coconut Road across from Coconut Point Mall.

Description:

See attached staff report for detail.

The Planning, Zoning, and Design Board recommended approval with conditions at a public hearing held on September 13, 2022.

At the Council first reading on October 19th, Council Members requested that the applicant address several items at the second reading, including:

- Architect to address coloration of the buildings and signage, which appear predominantly white, and if there is an alternative to minimize the amount of white.
- What is the proposed use after the sales center use is concluded?
- Clarify the 5-year limitation on real estate sales.
- Ensure that signage meets Code for wind damage.

Action Requested:

Motion to adopt Ordinance 2022-14.

Process and Timeline:

- Public Information Meeting May 10, 2022
- Planning, Zoning and Design Board Hearing September 13, 2022
- First Reading October 19, 2022
- Second Reading and Public Hearing November 2, 2022

Financial Impact:

Minor cost for newspaper advertisement for second reading

Prepared by: Mary Gibbs

Attachments:

1. Ordinance 2022-14
2. Staff Report
3. Coconut Trace PowerPoint Presentation

VILLAGE OF ESTERO, FLORIDA
ZONING
ORDINANCE NO. 2022 - 14

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, AMENDING THE COCONUT TRACE COMMERCIAL PLANNED DEVELOPMENT (CPD) ZONING TO ALLOW A REAL ESTATE SALES CENTER FOR OFF-SITE SALES ON A 3.5-ACRE PROPERTY ON THE WEST SIDE OF US 41 NORTH OF COCONUT ROAD ACROSS FROM COCONUT POINT MALL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Naples Community Hospital represented by LB Estero Bay Investments and RVi Planning + Landscape Architecture, (the "Applicant") filed an application for an amendment to the Coconut Trace Commercial Planned Development (CPD to amend the Schedule of Uses to allow a Real Estate Sales Center for Off-site Sales on approximately 3.5-acres (the "Property"); and

WHEREAS, the property STRAP numbers are 09-47-25-E2-3500B.00C0 and 09-47-25-E2-3500B.00D0 and is legally described as:

> Out-Parcels C and D in Block "B", Coconut Trace according to the Plat thereof recorded under Official Records Instrument Number 2006000423660, of the Public Records of Lee County, Florida.

WHEREAS, at a duly noticed public hearing held on September 13, 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 October 19, 2022; and

WHEREAS, a duly noticed second reading and public hearing was held before the Village Council on November 2, 2022 for adoption of the Ordinance; and

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

Section 1. Zoning Amendment.

The Village Council approves with conditions the amendment to the Commercial Planned Development, subject to the following conditions.

Section 2. Conditions

1. Master Concept Plan

   Development of this project is limited to a maximum of 40,000 square feet of commercial use and development must be consistent with the Master Concept Plan (MCP) titled "Coconut Trace Master Concept Plan", stamped "Received June 14, 2022". Development must also be consistent with the 35-foot height maximum and other property development regulations in Resolution Z-03-011.

2. Pattern Book

   Development of this project must be consistent with the Pattern Book titled "Coconut Trace CPD Supplemental Pattern Book, Tracts C & D", stamped "Received August 17, 2022".

3. Resolution Z-03-011

   The approval and conditions granted in Resolution Z-03-011 shall remain in effect except for the Schedule of Uses and Site Development Regulations which are amended as follows:

   2.A. Schedule of Uses

   REAL ESTATE SALES OFFICE, Parcel C and D only. ~~(LDC section 34-1951 *et seq*., and 34-3021)(strictly limited to the sale of lots/parcels within this planned development only. The location of, and approval for, the real estate sales office will be valid for a period of time not exceeding five years form the date the certificate of occupancy for the sales office is issued).~~

4. Lyden Drive
   If construction of Lyden Drive is not completed to Coconut Road, or if construction of Cerise Drive to US 41 is not completed, then the applicant shall place barricades south of the project entrance on Lyden Drive to allow a turnaround, subject to Public Works approval prior to a Certificate of Occupancy for the building.

5. Public Gathering Area

   The applicant shall provide details regarding the improvements associated with the Public Gathering Areas at the time of the development order.

6. Sidewalk & Pedestrian Connections

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

7. Buffers

   An enhanced Type "D" Buffer shall be provided along U.S. 41 to include trees/palms that are a minimum of 14-foot tall at the time of planting.

   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.

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 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.

Section 4. **Exhibits**

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

Exhibit A Master Concept Plan, received and date stamped June 14, 2022.
Exhibit B Pattern Book, received and date stamped August 17, 2022.

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 6. Effective Date.

This ordinance shall take effect upon adoption at second reading.

PASSED on first reading this 19th day of October, 2022.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this 2nd day of November 2022.

Attest: **VILLAGE OF ESTERO, FLORIDA**

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

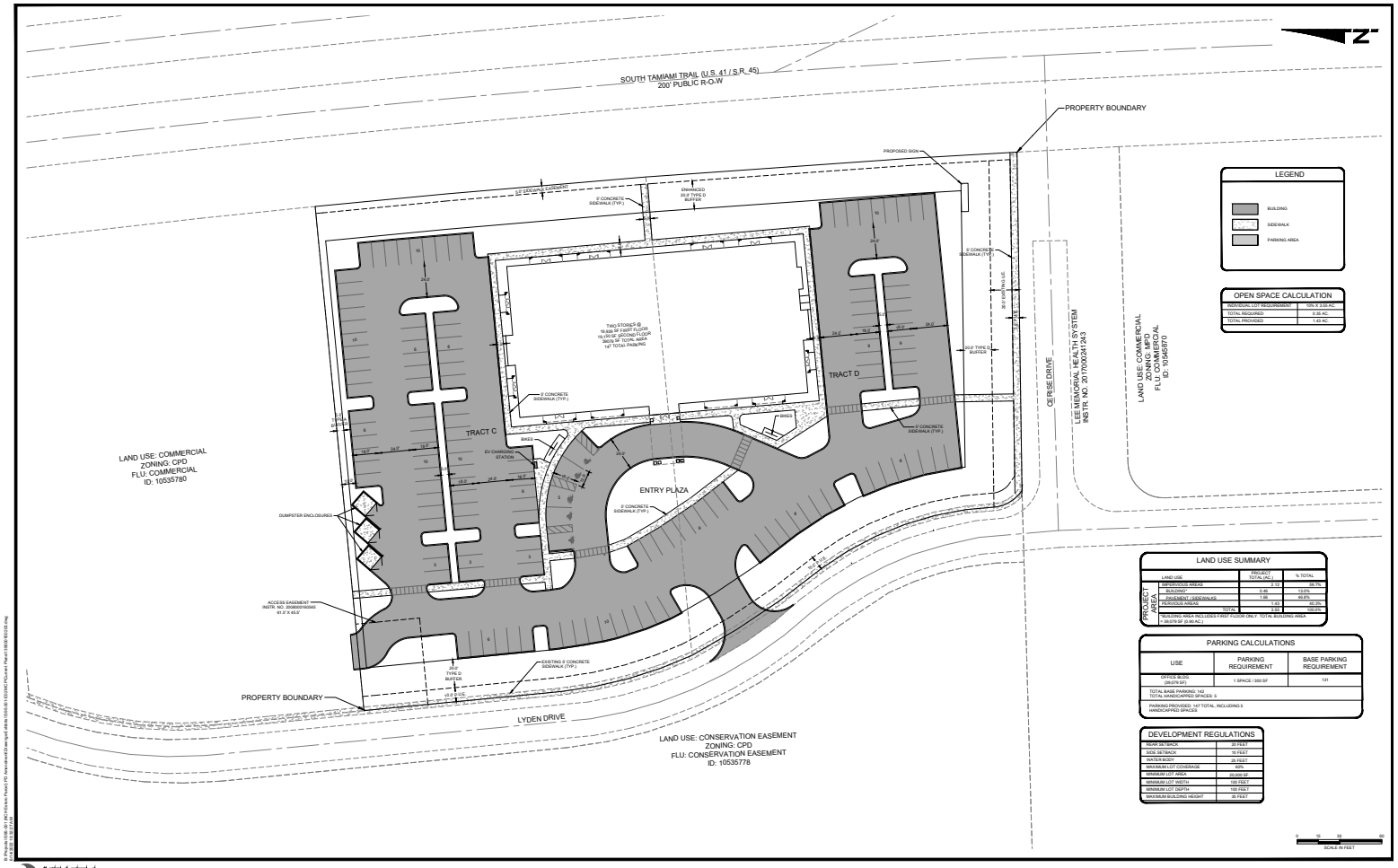
Reviewed for legal sufficiency:

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	____	____

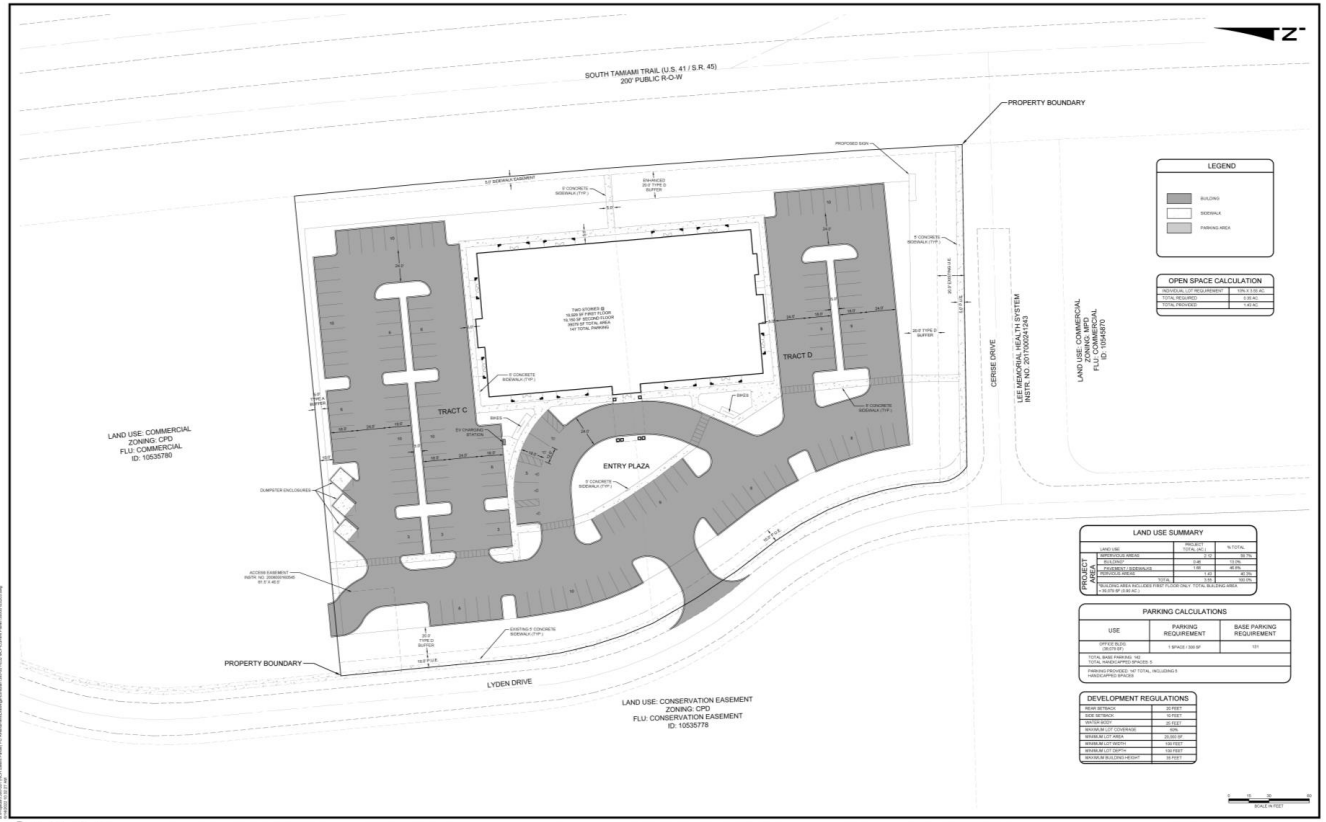
EXHIBIT A
MASTER CONCEPT PLAN

EXHIBIT B
PATTERN BOOK


SOUTH TAMIAMI TRAIL (U.S. 41 / S.R. 45)
200' PUBLIC R-O-W
PROPERTY BOUNDARY
PROPOSED SIGN
LEGEND
BUILDING
SIDEWALK
PARKING AREA
OPEN SPACE CALCULATION
INDIVIDUAL LOT REQUIREMENT 10% X 3.68 AC.
TOTAL REQUIRED 0.36 AC
TOTAL PROVIDED 1.40 AC
TRACT C
TRACT D
ENTRY PLAZA
CERSE DRIVE
LEE MEMORIAL HEALTH SYSTEM
INSTR. NO. 2017000241243
LAND USE: COMMERCIAL
ZONING: MPD
FLU: COMMERCIAL
ID: 10545970
LAND USE: COMMERCIAL
ZONING: CPD
FLU: COMMERCIAL
ID: 10535780
DUMPSTER ENCLOSURES
ACCESS EASEMENT
PROPERTY BOUNDARY
LYDEN DRIVE
LAND USE: CONSERVATION EASEMENT
ZONING: CPD
FLU: CONSERVATION EASEMENT
ID: 10535778
LAND USE SUMMARY
PARKING CALCULATIONS
DEVELOPMENT REGULATIONS
SCALE IN FEET
MASTER CONCEPT PLAN
14 June 2022

COCONUT TRACE CPD
SUPPLEMENTAL PATTERN BOOK
TRACTS C & D

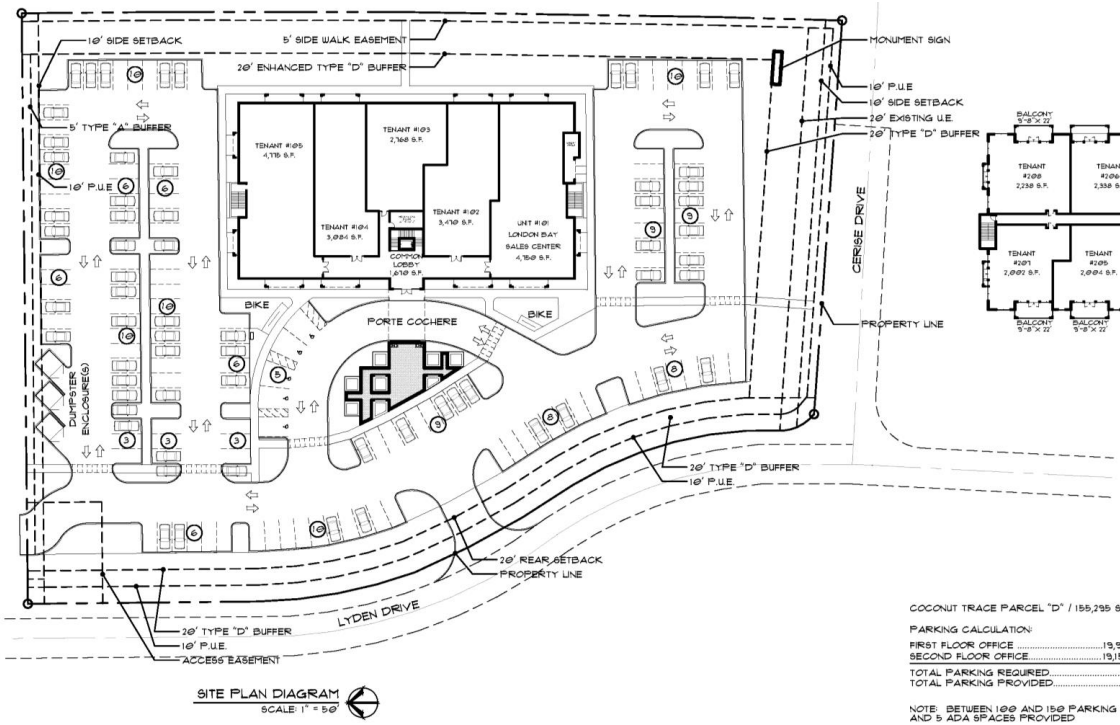
CONCEPTUAL SITE PLAN

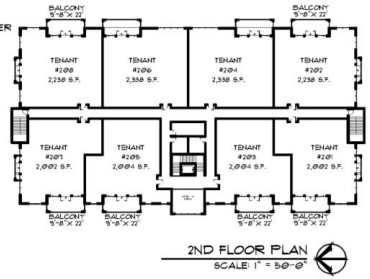


COCONUT TRACE CPD – TRACTS C & D

2

CONCEPTUAL SITE PLAN





COCONUT TRACE PARCEL "D" / 155,295 SQUARE FEET / 3.57 ACRES

PARKING CALCULATION:			PARKING
FIRST FLOOR OFFICE	13,929 S.F.	(1/300)	66.43 SPACES
SECOND FLOOR OFFICE	19,150 S.F.	(1/300)	63.83 SPACES
TOTAL PARKING REQUIRED			131 SPACES
TOTAL PARKING PROVIDED			147 SPACES

NOTE: BETWEEN 100 AND 150 PARKING SPACES, 5 ADA SPACES REQUIRED AND 5 ADA SPACES PROVIDED

Coconut Trace
US 41 and Lyden Dr. Estero Florida

MHK ARCHITECTURE & PLANNING SK2

CONCEPTUAL ARCHITECTURAL ELEVATIONS

WEST ELEVATION
SCALE: 1/16" = 1'

EAST ELEVATION
SCALE: 1/16" = 1'

Coconut Trace
US 41 and Lytton Dr. Estero Florida

3299 TAMIAMI TRAIL E.
NAPLES FLORIDA 34112
PHONE: (239) 513-7050
WWW.MHKAP.COM
CERTIFICATE OF AUTHORIZATION NO. 26

MHK ARCHITECTURE & PLANNING

SK5
MARCH 30, 2022

CONCEPTUAL ARCHITECTURAL ELEVATIONS

Coconut Trace
US 41 and Ben. Dr. Estero Florida

MHK ARCHITECTURE & PLANNING SK6

COCONUT TRACE CPD – TRACTS C & D

5

CONCEPTUAL ARCHITECTURAL RENDERING

BIRDS EYE VIEW TO THE EAST

Coconut Trace
US 41 and Sidon Dr. Estero Florida

MHK ARCHITECTURE & PLANNING | SKT

CONCEPTUAL ARCHITECTURAL RENDERING

BIRDS EYE VIEW TO THE WEST

Coconut Trace
US 41 and Glen Dr. Estero Florida

MHK ARCHITECTURE & PLANNING SK8
AUGUST 05, 2022

COCONUT TRACE CPD – TRACTS C & D

7

CONCEPTUAL ARCHITECTURAL RENDERING

PERSPECTIVE TO THE EAST

Coconut Trace
US 41 and Estero Dr. Estero Florida

MHK ARCHITECTURE & PLANNING SK9

COCONUT TRACE CPD – TRACTS C & D

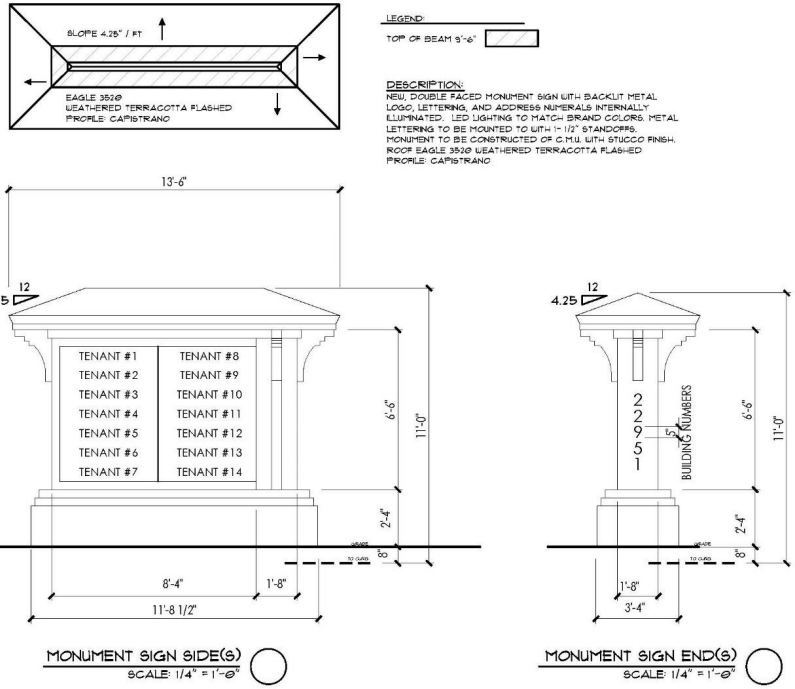
8

CONCEPTUAL ARCHITECTURAL RENDERING
PERSPECTIVE TO THE EAST

Coconut Trace
US 41 and Corkscrew Dr. Estero Florida

MHK ARCHITECTURE & PLANNING SK10

CONCEPTUAL ARCHITECTURAL RENDERING
MONUMENT SIGN



Coconut Trace
US 41 and Ogden Dr. Estero Florida

MHK ARCHITECTURE & PLANNING SK13
AUGUST 26, 2022

CONCEPTUAL ARCHITECTURAL RENDERING
COLOR PALETTE

SW 7617
Mediterranean
Interior / Exterior
Location Number: 261-C8

METAL / ALUMINUM TRIM

SW 9122
Dried Edamame (1)
Interior / Exterior
Location Number: 209-C4

SW 7541
Grecian Ivory (2)
Interior / Exterior
Location Number: 247 C1

SW 7005
Pure White (3)
Interior / Exterior
Location Number: 255-C1

Door & Window Metal

Coconut Trace
US 41 and Ogden Dr. Estero Florida

3919 TAMIAMI TRAIL E.
NAPLES FLORIDA 34112
PHONE: (239) 261-7002
WWW.MHKAP.COM
CERTIFICATE OF AUTHORIZATION

MHK ARCHITECTURE & PLANNING

SK14
AUGUST 09, 2022

COCONUT TRACE CPD – TRACTS C & D

11

MASTER LANDSCAPE CONCEPT PLAN

RVi Planning + Landscape Architecture

DISCLAIMER: LANDSCAPE IS CONCEPTUAL AND SUBJECT TO CHANGE UPON FINAL APPROVAL

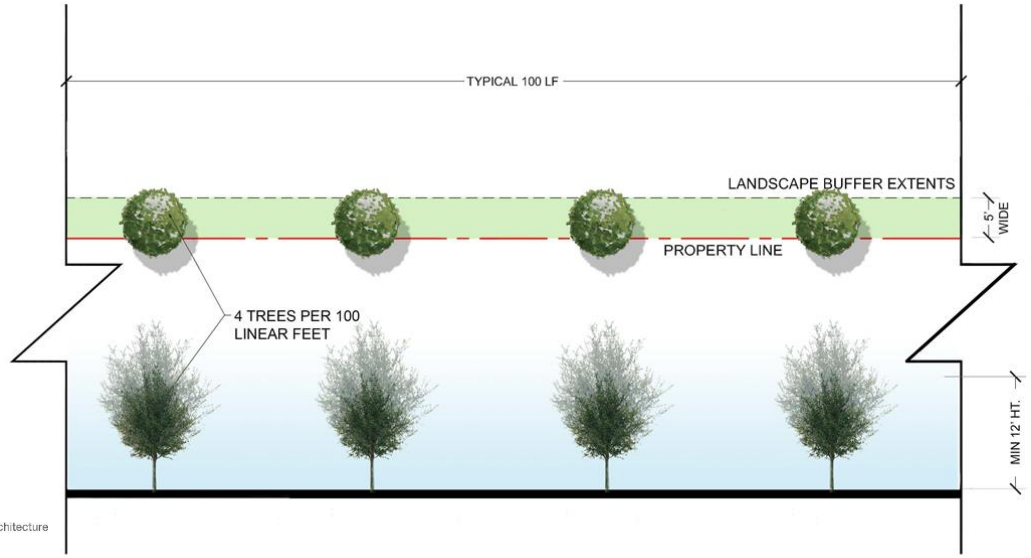
COCONUT TRACE CPD – TRACTS C & D

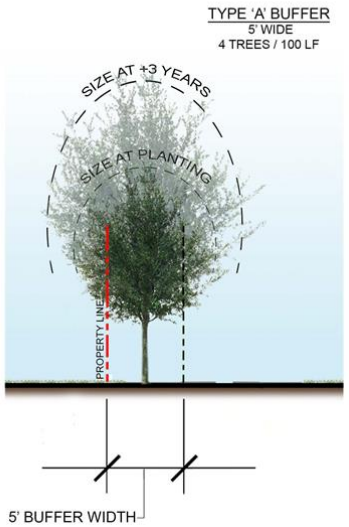
12

LANDSCAPE:TYPE A BUFFER VISUALIZATION

Plant Material Specifications (per LDC Sec. 5-403 & Sec. 5-406)

- Code required canopy trees must be a minimum of twelve (12) feet in height measured from the adjacent grade of the development site, have a two & one-half inch (2-1/2) caliper, a five (5') foot spread, and 45-gallon size or field-grown at the time of planting. The clustering of trees and use of palms (3 or more) within the ROW buffer will add design flexibility and reduce conflicts.
- Shrubs must be a minimum of 24 inches in height, at time of planting. All shrubs must be installed at an appropriate height to meet the minimum specified height after one growing season or one year from time of installation, whichever is more restrictive, and be spaced an average of 18 to36 inches on center. They must be at least 36 inches in height within 12 months of time of planting and maintained perpetuity at a height of no less than 36 inches. Shrubs shall be installed to maintain an 18-inch clearance from hardscapes and a 36-inch clearance from buildings.
- Required hedges must be planted and maintained so as to form a continuous, unbroken, solid visual screen within a minimum of one-year the time of planting.





RVi Planning + Landscape Architecture

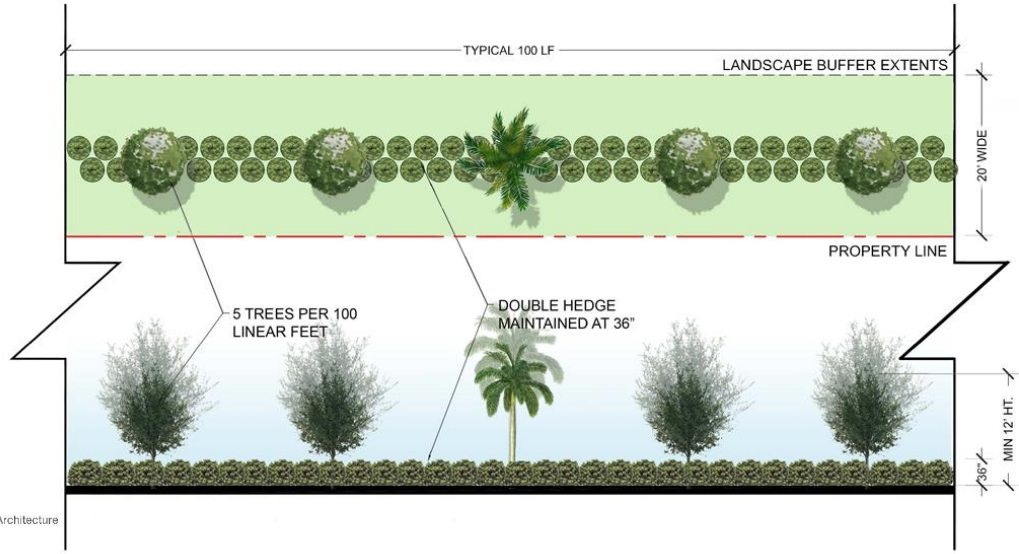
COCONUT TRACE CPD – TRACTS C & D

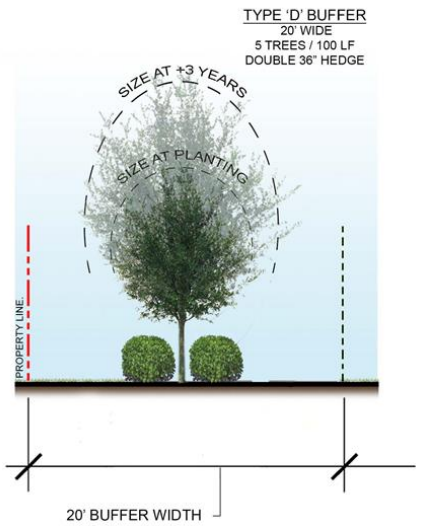
13

LANDSCAPE:TYPE D BUFFER VISUALIZATION

Plant Material Specifications (per LDC Sec. 5-403 & Sec. 5-406)

- Code required canopy trees must be a minimum of twelve (12) feet in height measured from the adjacent grade of the development site, have a two & one-half inch (2-1/2) caliper, a five (5') foot spread, and 45-gallon size or field-grown at the time of planting. The clustering of trees and use of palms (3 or more) within the ROW buffer will add design flexibility and reduce conflicts.
- Shrubs must be a minimum of 24 inches in height, at time of planting. All shrubs must be installed at an appropriate height to meet the minimum specified height after one growing season or one year from time of installation, whichever is more restrictive, and be spaced an average of 18 to36 inches on center. They must be at least 36 inches in height within 12 months of time of planting and maintained perpetuity at a height of no less than 36 inches. Shrubs shall be installed to maintain an 18-inch clearance from hardscapes and a 36-inch clearance from buildings.
- Required hedges must be planted and maintained so as to form a continuous, unbroken, solid visual screen within a minimum of one-year the time of planting.

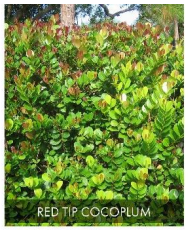


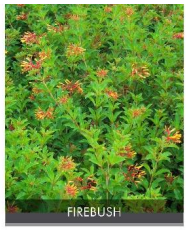


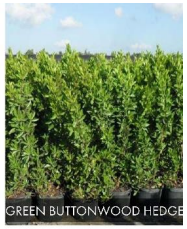
RVi Planning + Landscape Architecture

LANDSCAPE: PLANT PALETTE

SHRUBS & ACCENTS

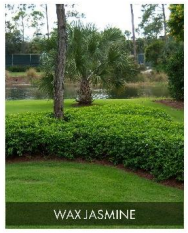






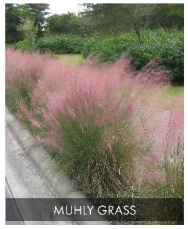
CANOPY

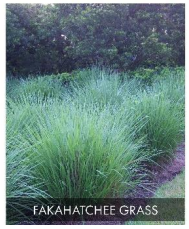
GROUND STORY



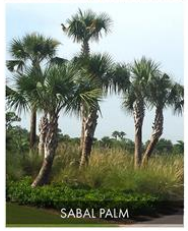
ACCENTS/ MIDSTORY

LAKE BANKS LITTORALS



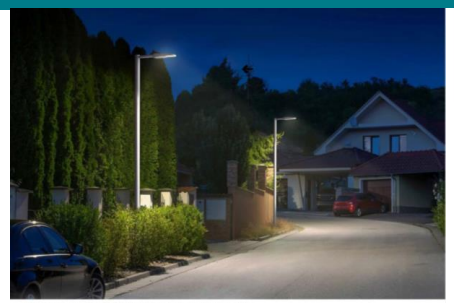


PALM



RVi Planning + Landscape Architecture

DECORATIVE LIGHTING AND FIXTURES



PROPOSED PARKING LOT LIGHTING

LUMEC by Signify

Roadway

RoadFocus reduced glare

RFS-RG Cobra head (small)

Project:
Location:
Cat.No:
Type:
Lumens: Qty:
Notes:

Lumec RoadFocus LED reduced glare cobra head luminaires provide the benefits of LED technology, including energy savings and lower maintenance costs yet minimizes perceived glare and brightness associated with LED technology without sacrificing performance required for optimum roadway applications. Includes Service Tag, innovative way to provide assistance throughout the life of the product.

RFS-RG RoadFocus reduced glare

LED Cobra head (small)

Predicted Lumen Depreciation Data

LED Wattage values

4000K LED Lumen values

3000K LED Lumen values

2700K LED Lumen values

RFS-RG RoadFocus reduced glare

LED Cobra head (small)

Dimensions

Side View

Bottom View

Field Adjustable Wattage (FAWS) Multiplier Chart

Specifications

Housing

Optical System

Integrated Features

Ordering guide

Accessories

RFS-RG RoadFocus reduced glare

LED Cobra head (small)

Specifications (continued)

COCONUT TRACE CPD – TRACTS C & D

16

Coconut Trace CPD, Parcels C and D

Zoning Staff Report

for

Village Council

2nd Reading November 2, 2022

PROJECT NAME:	**Coconut Trace CPD, Parcels C and D**
CASE TYPE:	**Amendment to Commercial Planned Development Zoning**
CASE NUMBER:	**DCI2022-E002**
VILLAGE COUNCIL:	**1st Reading: October 19, 2022** **2nd Reading: November 2, 2022**

SUMMARY OF REQUEST

The applicant is requesting to amend the Coconut Trace CPD zoning to revise the Schedule of Uses, update the Master Concept Plan, and provide a Supplemental Pattern Book related to development of the site.

The current Schedule of Uses allows a Real Estate Sales Center which is specifically limited to on-site sales within the CPD and includes a 5-year time limitation on the use. The zoning amendment would allow for a Real Estate Sales Center for off-site sales, and the 5-year limitation on the use would be removed.

The property is located on the west side of U.S. 41 on Lyden Drive, east of Marsh Landing and across from Coconut Point Mall. The property comprises two lots in the south end of the commercial subdivision and a Chipotle Mexican Grill and a Truist Bank is at the north end. The Sales Center is proposed on the combined area of Parcels C and D.

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 September 13, 2022 and by a unanimous vote recommended approval with conditions. An excerpt of the hearing is in Attachment C.

GENERAL INFORMATION

Applicant
LB Estero Bay Investments, LLC

Property Owner
Naples Community Hospital

Authorized Agent
Josephine Medina and Alexis Crespo - RVi Planning + Landscape Architecture

Additional Agents
Mark McLean - MHK Architecure & Planning
Sabrina McCabe - RVi Planning + Landscape Architecture
Jim Ink – Atwell
Richard Yovanovich - Coleman, Yovanovich & Koester, P.A.

Location
22951-22961 Lyden Drive

STRAP Numbers
09-47-25-E2-3500B.00C0 and 09-47-25-E2-3500B.00D0

Size of Property
Approximately 3.5-acres of the 11-acre CPD

Surrounding Zoning/Land Use

North	Parcel B of Coconut Trace - CPD / Urban Commercial
East	US 41 then Coconut Point Mall – MPD / Transitional Mixed Use
South	Vacant Land – Coconut Road MPD / Village Center
West	Preserve – Coconut Trace MPD then Marsh Landing / Urban Commercial and Village Neighborhood 2

Zoning
Commercial Planned Development (CPD)

Comprehensive Plan Land Use Category
Urban Commercial

Project History
Coconut Trace CPD was rezoned in 2003 as Estero Pointe CPD by Lee County in Resolution Z-03-011. The site is on 11.3-acres on the west side of US 41, north of Coconut Road. A maximum of 95,000 square feet of gross floor area was approved for office and retail use. Block B of the development is located south of Vandenberg Way and includes Parcel A which is developed with a bank, Parcel B a fast-food restaurant, and the subject zoning amendment is for the combined area of the remaining Parcels C and D.

Public Information Meeting
A Public Information Meeting was held on May 10, 2022. Discussions included provision of pedestrian connections and a public seating area.

Project Description
The proposed CPD Amendment is to:

- Amend the Schedule of Uses to allow for a Real Estate Sales Center for off-site sales and remove the 5-year limitation on the use. Currently the use is limited to on-site sales only.
- Provide an updated Master Concept Plan, showing the footprint of the building, parking, and other physical improvements proposed for the project.
- Provide a Supplemental Pattern Book to identify the architectural appearance of the structure and other improvements, including site landscaping, signs and lighting.

Resolution Z-03-011 Schedule of Uses includes the following language related to the use:

> *Real Estate Sales Office, (LDC Section 34-1951 et seq. and 34-3021) (strictly limited to the sale of lots/parcels within this planned development only. The location of, and approval for, the real estate sales office will be valid for a period of time not exceeding five years from the date the certificate of occupancy for the sales office is issued.)*

The applicant proposes to remove the onsite limitation for sales, as well as the 5-year time limitation.

The proposed structure is a 40,000 square foot, two-story multi-tenant building, with a Real Estate Sales Center located in a ground floor unit for London Bay who is developing property at the west end of Coconut Road in Bonita Springs. The Sales Center will be real estate sales of that project. The remaining floor area in the building will be other uses approved by the zoning, including offices, subject to the Schedule of Uses.

A Supplemental Pattern Book has been submitted with architectural renderings, color palette, and buffers and landscaping.

The Master Concept Plan shows the combined area of Parcels C and D with the following improvements:

- The building footprint.
- 147 parking spaces.
- An outdoor public gathering area.
- Sidewalks to ensure connectivity.
- Buffers compliant with the LDC. The applicant proposes to enhance the buffer on U.S. 41 by providing 14-foot tree/palms at the time of installation rather than the required 12-foot trees/palms.

No deviations are requested.

STAFF REVIEW

Pattern Book
A Pattern Book is required for a zoning amendment. The proposed Pattern Book, stamped "Received August 17, 2022", includes a Conceptual Site Plan, Architectural Elevations and Renderings, Signage, Color Palette, and a Master Landscape Plan.

Architecture
The proposed office building is a two-story structure (maximum 35 feet) with elements of a Mediterranean architectural style defined by a brown barrel tile roof, awnings, and roof parapets.

The architecture of other uses located within the CPD include the restaurant building and former SunTrust Bank (now Truist), which are both Mediterranean-style structures, with earth-tone colors and red tile roofs. The adjacent building on Parcel B (Chipotle and Zoe's Kitchen) is within 225 feet and has a façade articulation that includes arches and stone in a brown and cream color, with primary building colors of beige and peach. In comparison the proposed building appears more modern.

Planning, Zoning, and Design Board review of the architecture found the color palette and architectural style attractive and compliant with the code requirements. The current color palette was provided in response to staff comments regarding the original submittal which had a monochromatic color scheme.

Pedestrian Circulation
The pedestrian circulation through the site includes an existing sidewalk system along Lyden Drive and U.S. 41. The applicant proposes connecting sidewalks from the structure to the existing sidewalks.

Signs
A double-faced 11-foot tall monument sign is proposed on the eastern boundary of the site along US 41. The sign design is similar to the building architecture. This sign is proposed to have a "…backlit metal logo, lettering, and address numerals internally illuminated."

Buffers
The Land Development Code requires that commercial developments provide buffers along the right-of-way of the project site, in this case on three sides of the site. The fourth side is adjacent to the restaurant to the north and requires a Type "A" Buffer for commercial use adjacent to commercial. An enhanced buffer will be provided along U.S. 41 as the applicant has proposed to install 14-foot tall trees/palms at the time of planting rather than the minimum 12-foot tall trees/palms required by the Land Development Code.

A plant palette was provided as part of the landscape plan; however, it is conceptual in nature as no plantings have been specified. Further detail will be required at the time of Development Order.
The enhanced buffer is not shown on this conceptual plan therefore staff recommends a condition of approval that the applicant provide 14-foot tall trees/palms in the U.S. 41 buffer at the time of Development Order.

Flood Issues
The site falls within the X Zone which is outside of the Special Flood hazard Area.

Transportation
A waiver was granted for submittal of a Traffic Impact Statement due to the anticipated traffic generation remaining unchanged by the proposed amendment.

The development area is surrounded on three sides by right-of-way; U.S. 41 to the east, Lyden Drive to the west, and Cerise Drive to the south. No access from U.S. 41 is proposed. One new driveway is proposed from Lyden Drive to serve the project, and an existing connection to the

property to the north is provided as a secondary access and to improve connectivity within the CPD.

Lyden Drive is a north-south private roadway that extends from south of Marsh Landing to Coconut Road. Access to U.S. 41 from Lyden Drive occurs at Bulb Lane and Vandenberg Way, however access from Cerise Drive to U.S. 41 has not been completed and recently Lyden Drive was blocked off just south of Cerise Road, terminating any through access to Coconut Road. Staff recommends a condition of approval that the applicant place barricades south of the property entrance to allow a turnaround, subject to Public Works approval.

Utilities
All utilities are available to this 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 issue will be further reviewed at the time of Development Order.

COMPREHENSIVE PLAN ANALYSIS
The project is in the Urban Commercial Future Land Use Category. The category is described below:

FLU 1.2.9 Urban Commercial
Urban Commercial. The main purpose for the Urban Commercial designation is to foster development of a unique destinations rather than a strip development pattern. Urban Commercial areas are characterized by primarily existing or emerging developments along the Village's corridors where primarily single use retail, restaurant, office, and assisted living uses are concentrated. These properties are generally small in size (less than 10 acres) and serve nearby residential neighborhoods and consumers from outside Estero with daily and occasional needs for goods and services.

Staff Comment: A broad mix of commercial uses is allowed within the Urban Commercial category. This property is within a commercial subdivision and the amendment is consistent with the land use designation.

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.

Staff Comment: This policy includes review of:

- Traffic and access impacts which, in this rezoning, will remain unchanged from the original development.
- Architectural and landscape design reviewed through the provision of a Pattern Book and Master Concept Plan. The architectural color palette of the building needs refinement.
- Site planning and interconnectivity are met by the provision of sidewalks, vehicular connection to the parcel to the north, and a public gathering area.
- All services and facilities are available and adequate to serve the project.

- The impact of the proposed rezoning on adjacent land uses is minimal as the Marsh Landing residential development is buffered from the commercial development by an existing wall and preserve area on the west side of Lyden Drive.

Generally, the proposed zoning amendment is consistent with this policy.

FLU 1.10.2 Commercial Development Standards
New commercial development should be designed to arrange uses in an integrated and cohesive unit in order to address compatibility with the adjacent and nearby uses.

Staff Comment: Commercial development standards include:

- Sufficient buffers are provided to ensure visual harmony and screening;
- Pedestrian connectivity is provided;
- Negative impacts have been mitigated on surrounding land uses by provision of the preserve area in front of Marsh Landing.

Generally, the proposed zoning amendment is consistent with this policy.

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 US 41 and Lyden Drive.

CONCLUSION

Section 2-501.C.2 of the LDC standards for rezonings have been reviewed and staff provides the following analysis of 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 zoning amendment is generally consistent with the Comprehensive Plan.

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

   Staff Comment: The proposal is not in conflict with the LDC. The existing development regulations are applicable to the site, with the exception of an increase in lot coverage due to the Land Development Code definition changes.

3. Addresses a demonstrated community need.

   Staff Comment: The proposed zoning amendment is a commercial use in an existing commercial subdivision.

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 Real Estate Sales Center will be compatible with the surrounding land and is suitable for a commercial zoning district.

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

   Staff Comment: The existing pattern of development along U.S. 41 is commercial.

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

   Staff Comment: There are existing commercial uses along U.S. 41 therefore there should be no impact to 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: There are adequate public facilities to serve the development.

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: No impact will occur to the natural environment as the parcel is currently cleared and minimal noise is anticipated.

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

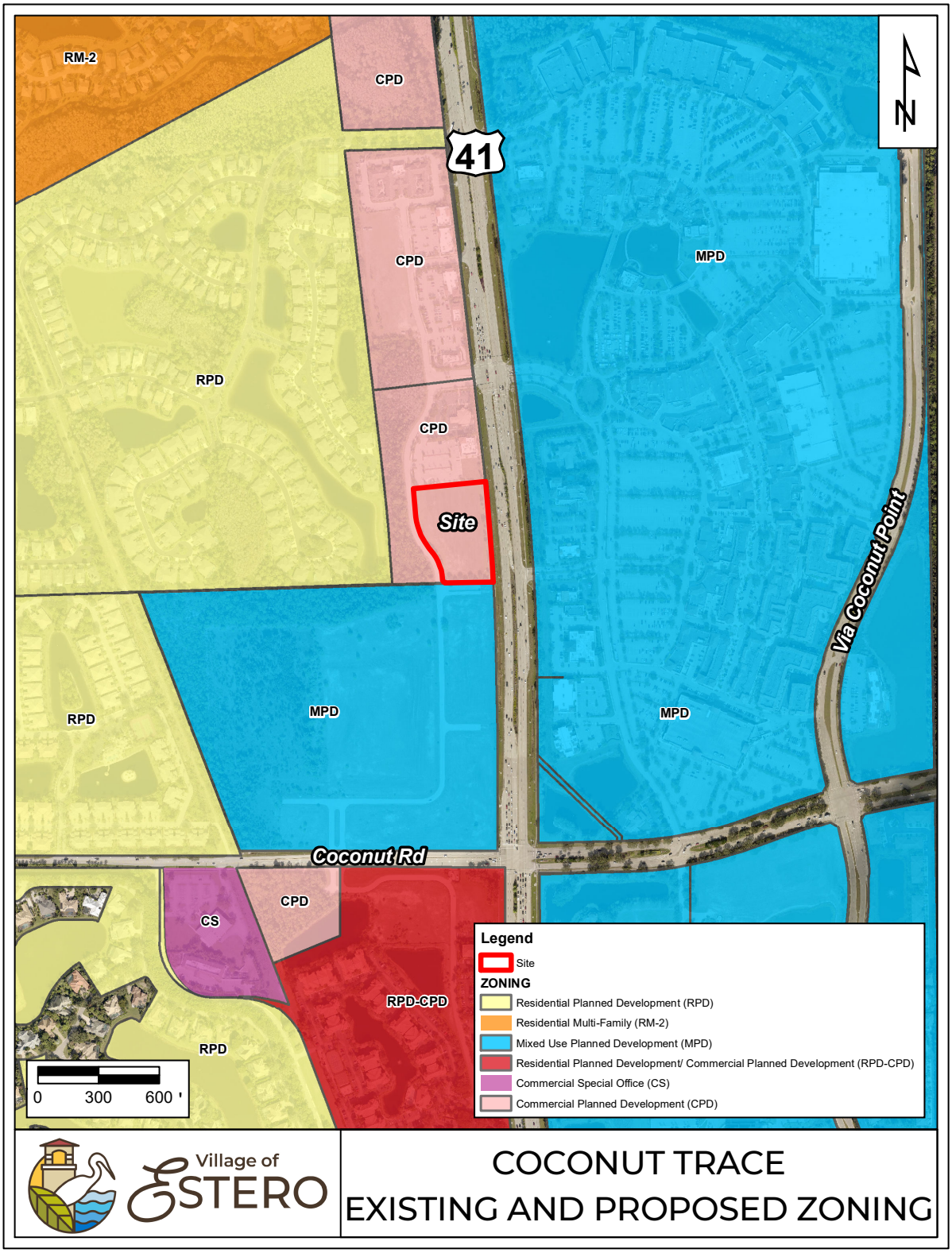
   Staff Comment: The proposed use is compatible with the surrounding area, which is primarily commercial in nature.

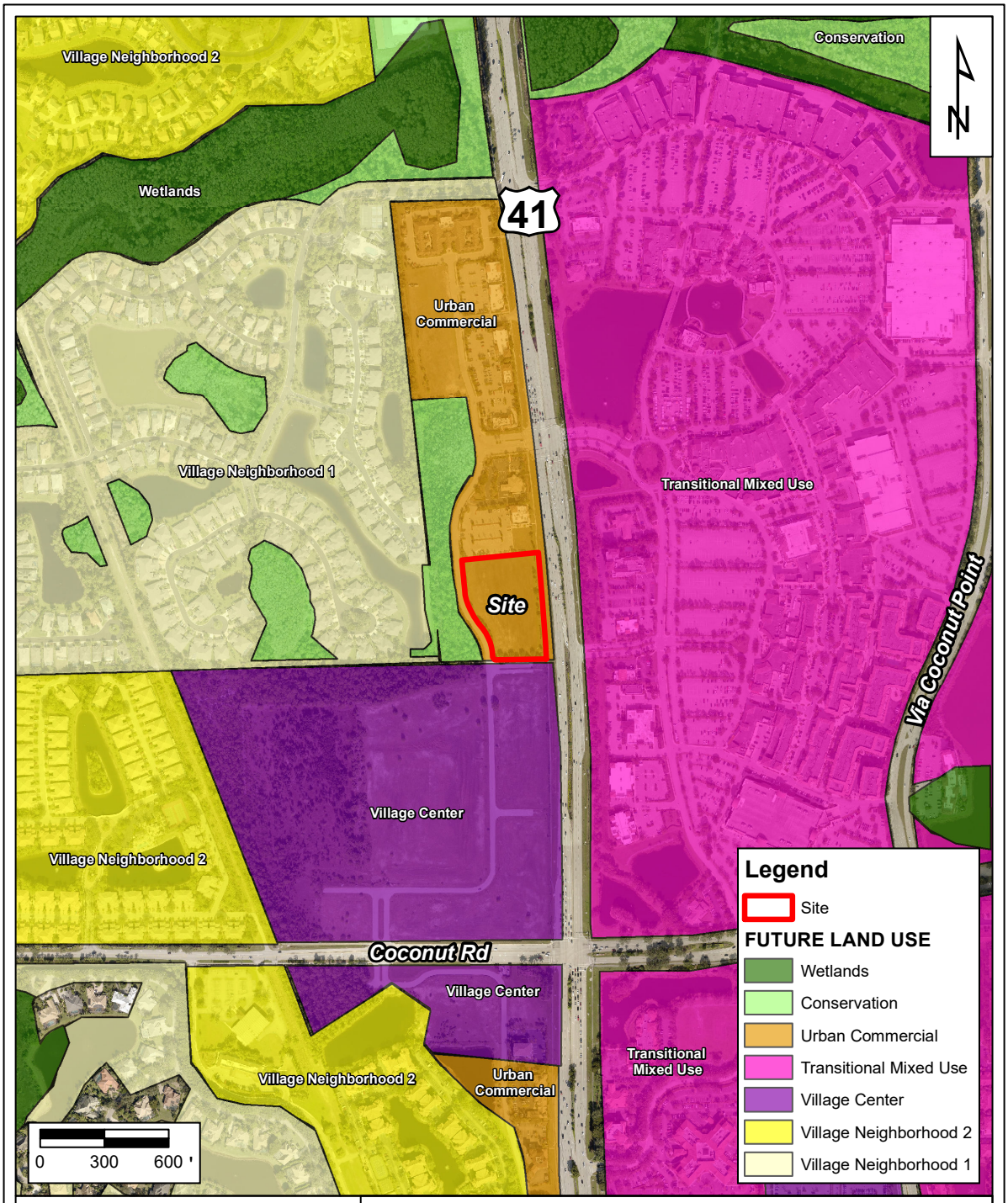
COUNCIL DETERMINATION

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

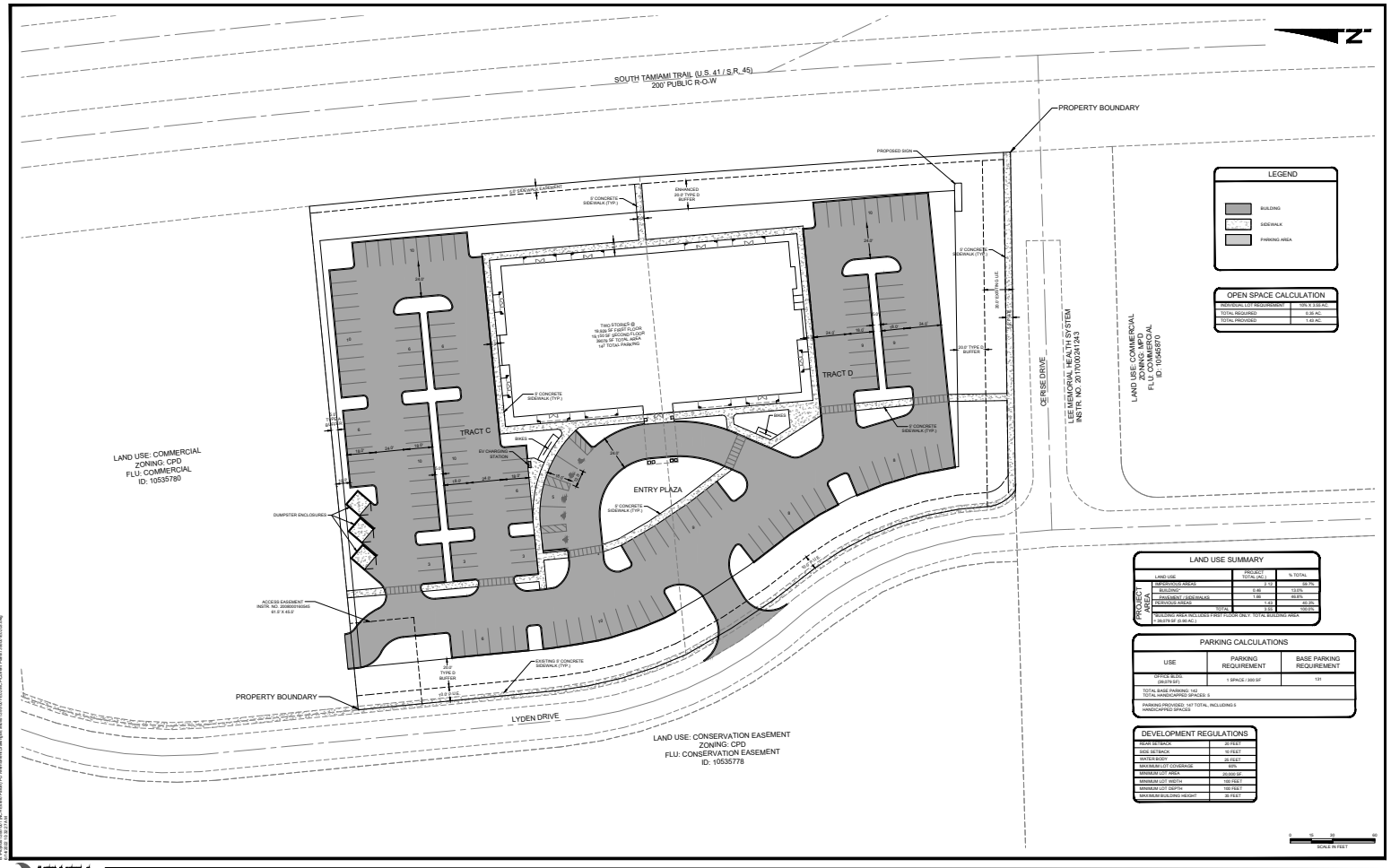
ATTACHMENTS:

A. Maps – Zoning Map, and Future Land Use Map
B. Master Concept Plan
C. PZDB Hearing Excerpt
D. Pattern Book (Contained in Ordinance 2022-14)
E. Applicant Information
   1) Public Information Meeting
   2) Applicant Request Statement


RM-2
CPD
41
CPD
MPD
RPD
CPD
Site
Via Coconut Point
RPD
MPD
MPD
Coconut Rd
CPD
CS
RPD-CPD
RPD
0 300 600 '
Legend
Site
ZONING
Residential Planned Development (RPD)
Residential Multi-Family (RM-2)
Mixed Use Planned Development (MPD)
Residential Planned Development/ Commercial Planned Development (RPD-CPD)
Commercial Special Office (CS)
Commercial Planned Development (CPD)
Village of ESTERO
COCONUT TRACE
EXISTING AND PROPOSED ZONING



COCONUT TRACE
EXISTING FUTURE LAND USE


SOUTH TAMIAMI TRAIL (U.S. 41 / S.R. 45)
200' PUBLIC R-O-W
PROPERTY BOUNDARY
PROPOSED SIGN
LEGEND
BUILDING
SIDEWALK
PARKING AREA
OPEN SPACE CALCULATION
INDIVIDUAL LOT REQUIREMENT 10% X 3.68 AC.
TOTAL REQUIRED 0.36 AC
TOTAL PROVIDED 1.40 AC
TRACT C
TRACT D
ENTRY PLAZA
DUMPSTER ENCLOSURES
ACCESS EASEMENT
PROPERTY BOUNDARY
LYDEN DRIVE
LAND USE: CONSERVATION EASEMENT
ZONING: CPD
FLU: CONSERVATION EASEMENT
ID: 10535778
LAND USE: COMMERCIAL
ZONING: CPD
FLU: COMMERCIAL
ID: 10535780
CERSE DRIVE
LEE MEMORIAL HEALTH SYSTEM
INSTR. NO. 2017000241243
LAND USE: COMMERCIAL
ZONING: MPD
FLU: COMMERCIAL
ID: 10545970
LAND USE SUMMARY
PROJECT AREA
LAND USE
PROJECT TOTAL (AC.)
% TOTAL
IMPERVIOUS AREAS
2.12
58.7%
BUILDING*
0.49
13.6%
PAVEMENT / SIDEWALKS
1.68
46.6%
PERVIOUS AREAS
1.43
40.3%
TOTAL
3.68
100.0%
*BUILDING AREA INCLUDES FIRST FLOOR ONLY. TOTAL BUILDING AREA = 26,078 SF (0.60 AC.)
PARKING CALCULATIONS
USE
PARKING REQUIREMENT
BASE PARKING REQUIREMENT
OFFICE BLDG. (26,078 SF)
1 SPACE / 300 SF
131
TOTAL BASE PARKING: 142
TOTAL HANDICAPPED SPACES: 5
PARKING PROVIDED: 147 TOTAL, INCLUDING 5 HANDICAPPED SPACES
DEVELOPMENT REGULATIONS
REAR SETBACK 30 FEET
SIDE SETBACK 15 FEET
WATER BODY 25 FEET
MAXIMUM LOT COVERAGE 60%
MINIMUM LOT AREA 20,000 SF
MINIMUM LOT WIDTH 150 FEET
MINIMUM LOT DEPTH 150 FEET
MAXIMUM BUILDING HEIGHT 35 FEET
SCALE IN FEET
COCONUT TRACE
MASTER CONCEPT PLAN
14 June 2022

VILLAGE OF ESTERO PLANNING ZONING AND DESIGN BOARD TUESDAY,
SEPTEMBER 13, 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.

07:24:57 THE NEXT ITEM ZONING AMENDMENT, COCONUT TRACE, PARCELS C AND
07:25:08 D.
07:25:09 FIRST OF ALL, THIS IS A ZONING AMENDMENT.
07:25:15 GOT TO WAIT FOR JIM TO GET BACK.
07:25:19 I'M JUST WAITING ON JIM, MARY.
07:26:31 OKAY.
07:26:53 FIRST OF ALL, I WANT TO JUST ASK FOR ANY EX PARTE
07:27:02 COMMUNICATIONS ON THIS ITEM.
07:27:04 >> NO.
07:27:05 >> NO.
07:27:05 >>Scotty Wood: ANY CONFLICTS?
07:27:07 >> NO.
07:27:07 >> NO.
07:27:08 >> NO.
07:27:08 >>Scotty Wood: OKAY.
07:27:09 MARY, ANYTHING IN THE WRITTEN RECORD?
07:27:15 >>Mary Gibbs: NO.
07:27:16 >>Scotty Wood: GO AHEAD AND INTRODUCE IT.
07:27:17 >>Mary Gibbs: WE DO NEED TO SWEAR IN ONE OF THE PROJECT
07:27:20 ARCHITECT WHO WAS LATE ARRIVING.
07:27:24 AND HE APOLOGIZES PROFUSELY.
07:27:30 IS NANCY HERE?
07:27:31 >>Nancy Stroud: I'M HERE.
07:27:32 YES.
07:27:33 DO YOU SWEAR THAT THE TESTIMONY THAT YOU WILL GIVE TONIGHT
07:27:37 IS THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH?
07:27:40 THANK YOU.
07:27:42 >>Mary Gibbs: SO I WILL BE SUPER BRIEF.
07:27:45 THIS IS A PRETTY SIMPLE REQUEST.
07:27:47 IT IS THE COCONUT TRACE PROPERTY.
07:27:50 IT'S ACROSS FROM COCONUT POINT MALL ON LYDEN DRIVE.
07:27:55 IT'S ABOUT THREE AND A HALF ACRES.
07:27:57 IT WAS THE PROPERTY OWNED BY NCH.
07:28:00 THEY HAVE SOLD IT, AND IT IS PROPOSED TO BE A REAL ESTATE
07:28:05 SALES CENTER FOR LONDON BAY, WHICH IS DEVELOPING PROPERTY AT
07:28:10 THE END OF COCONUT ROAD AND BONITA SPRINGS.
07:28:14 AND THE APPLICANT IS PROPOSING A CHANGE TO A ZONING
07:28:20 CONDITION THAT WAS IN THE OLD LEE COUNTY RESOLUTION THAT

07:28:22 LIMITED REAL ESTATE SALES.
07:28:24 SO THEY NEED TO AMEND THE ZONING TO APPROVE THE REAL ESTATE
07:28:28 SALES FOR OFF-SITE BASICALLY.
07:28:30 WE ARE RECOMMENDING APPROVAL WITH CONDITIONS.
07:28:34 THE ONLY THING WE WANTED TO BRING TO THE BOARD'S ATTENTION
07:28:38 IS THAT THERE IS A SUPPLEMENTAL PATTERN BOOK FOR THIS
07:28:42 PROPERTY.
07:28:42 AND THE ARCHITECTURE IN THE AREA IS KIND OF AN ECLECTIC MIX
07:28:46 OF DIFFERENT TYPES OF ARCHITECTURE.
07:28:47 WE THINK THE ARCHITECTURE FOR THIS PROJECT LOOKS REALLY
07:28:50 NICE.
07:28:51 THE ONLY THING WE WANTED TO BRING TO THE BOARD'S ATTENTION
07:28:54 IS THAT SOMETIMES YOU BRING UP, IS THERE ENOUGH CONTRAST IN
07:28:56 THE COLORS?
07:28:58 WE'VE ASKED THE ARCHITECT TO TALK ABOUT THE COLORS.
07:29:00 THEY'VE GOT, I THINK, THREE DIFFERENT SHADES.
07:29:02 AND JUST WANT TO MAKE SURE THAT YOU'RE COMFORTABLE THAT THEY
07:29:04 HAVE ENOUGH CONTRAST IN THE COLOR SELECTION OF THE COLOR
07:29:10 PALETTE.
07:29:12 ALSO, THERE IS ONE OTHER THING I WANTED TO BRING UP.
07:29:15 WE HAVE A CONDITION, CONDITION 4, THAT RELATED TO
07:29:19 CONSTRUCTION OF THIS ROAD, CERISE DRIVE, WHICH IS ON THE
07:29:25 SOUTH END OF THIS PROPERTY.
07:29:26 WE LOOKED AT IT AGAIN, I THINK CERISE DRIVE IS REALLY ON THE
07:29:30 LEE HEALTH PROPERTY THAT WAS RECENTLY SOLD TO ANOTHER
07:29:34 DEVELOPER.
07:29:34 SO WE HAD PUT IN A CONDITION ABOUT CONSTRUCTING A CUL-DE-SAC
07:29:38 AT THE END OF LYDEN DRIVE, AND WE'VE REVISITED THAT, AND
07:29:41 WHAT OUR PUBLIC WORKS STAFF IS RECOMMENDING IS THAT WE HAVE
07:29:46 SOME LANGUAGE THAT SAYS THE APPLICANT WILL PLACE BARRICADES
07:29:50 ON LYDEN DRIVE SOUTH OF THE PROPERTY ENTRANCE TO ALLOW A
07:29:54 TURNAROUND SUBJECT TO PUBLIC WORKS APPROVAL.
07:29:58 SO THAT WILL BE A SUBSTITUTE FOR CONDITION 4.
07:30:03 OTHER THAN THAT, I HAVE NOTHING ELSE UNLESS YOU HAVE
07:30:06 QUESTIONS.
07:30:08 >>Barry Jones: HOW DID THE CODE CHANGE TO REDEFINE THE
07:30:11 IMPERVIOUS LOT COVERAGE?
07:30:13 >>Mary Gibbs: WELL, THAT'S A GOOD QUESTION, AND I'M GLAD YOU
07:30:16 BROUGHT THAT UP, BECAUSE WE'RE FIXING THAT.
07:30:19 WHEN WE DID THE LAND DEVELOPMENT CODE, SOMEHOW THE LOT
07:30:24 COVERAGE DEFINITION CHANGED.
07:30:26 WE COULDN'T FIGURE OUT, WHEN WE WENT BACK, WHEN SOME
07:30:29 ENGINEERS TOLD US WHAT WE HAD WAS VERY PROBLEMATIC BECAUSE
07:30:32 IT COUNTS ALL IMPERVIOUS AND NOT JUST THE BUILDING
07:30:36 STRUCTURES THEMSELVES, WE WENT BACK AND LOOKED.
07:30:38 WE ASKED THE CONSULTANT, BECAUSE WE DIDN'T RECOMMEND THAT I
07:30:42 CAN TELL YOU.
07:30:43 WE ASKED THE CONSULTANTS AND THEY SAID, WELL, WE DON'T

07:30:45 REMEMBER WHO SAID IT, BUT SOMEWHERE ALONG THE LINE IT
07:30:48 CHANGED.
07:30:48 I HAVE ACTUALLY DRAFTED AN AMENDMENT TO THE CODE, WHICH WILL
07:30:53 BE COMING TO YOU AT YOUR NEXT MEETING IN TWO WEEKS TO CHANGE
07:30:56 THE DEFINITION BACK BECAUSE IT'S CREATED A LOT OF PROBLEMS
07:30:59 FOR PEOPLE.
07:31:00 SO WE'RE GOING TO CHANGE IT BACK TO WHAT WAS IN THE EXISTING
07:31:04 CODE, WHICH IS THE BUILDING STRUCTURES.
07:31:07 >>Barry Jones: THE WAIVER ON THE TIS, IF IT ONLY ALLOWED
07:31:12 PREVIOUSLY ONLY ALLOWED FOR SALES -- BUT NOT ALLOW SALES
07:31:18 ELSEWHERE, WILL PEOPLE BE TRAVERSING BACK AND FORTH BETWEEN
07:31:22 THE SALES OFFICE AND THE PROPERTY THAT WOULD INCREASE THE
07:31:25 TRAFFIC?
07:31:25 >>Mary Gibbs: THERE ARE OTHER USES ALLOWED IN THE ZONING
07:31:28 RESOLUTION.
07:31:29 SO THERE WERE QUITE A FEW USES ALLOWED FOR THIS PROPERTY AND
07:31:32 THESE PARCELS.
07:31:33 SO THERE WAS A LOT OF RETAIL-TYPE USES, OFFICE USES.
07:31:37 THERE'S A POTPOURRI OF TYPE OF USES.
07:31:40 SO THE REAL ESTATE SALES WAS JUST ONE USE, AND IT HAD A
07:31:43 LIMIT THAT IT HAD TO BE FOR THAT DEVELOPMENT.
07:31:45 OVERALL, THE TRAFFIC IS NOT GOING TO INCREASE BECAUSE OF
07:31:48 THIS AMENDMENT, AND THAT'S WHY I GRANTED THE WAIVER.
07:31:51 >>Barry Jones: OKAY.
07:31:52 THANK YOU.
07:31:53 >>Scotty Wood: ANYONE ELSE?
07:31:57 >>Mary Gibbs: THE FIRST SPEAKER WILL BE JOSEPHINE.
07:32:15 >> GOOD EVENING.
07:32:17 I'M JOSEPHINE MEDINA WITH RVI PLANNING AND LANDSCAPE
07:32:21 ARCHITECTURE.
07:32:22 I KNOW IT'S BEEN A LONG NIGHT OR EVENING.
07:32:25 MARY DID SUCH A GREAT JOB THAT WE'RE JUST GOING TO GO AHEAD
07:32:29 AND ASK MARK TO GO AHEAD AND TALK ABOUT THE COLOR PATTERN.
07:32:37 >>Mark Mclean: I'M MARK MCLEAN, MHK ARCHITECTURE AND
07:32:40 PLANNING.
07:32:41 AS MARY LAID THE PROJECT OUT, THE LOCATION THERE ACROSS FROM
07:32:45 COCONUT POINT MALL, THE LOT RIGHT ON U.S. 41, AND I'LL JUST
07:32:51 KIND OF MOVE RIGHT INTO THE ARCHITECTURAL PATTERN BOOK
07:32:55 ITSELF.
07:32:55 I THINK WE'VE DESIGNED A VERY GOOD BUILDING IN KEEPING WITH
07:33:00 THE ARCHITECTURAL STYLE FOR THE VILLAGE OF ESTERO, BUT
07:33:03 MARRYING A LOT OF THE ECLECTIC ARCHITECTURE IN THAT PLACE,
07:33:07 IN THAT REGION TOGETHER WITH A BUILDING WE CAN BE PROUD OF.
07:33:11 SO AS STAFF WAS REVIEWING THIS AND WE WERE TALKING TO STAFF,
07:33:14 WE CAME UP WITH A GOOD SOLUTION TO A FEW ARCHITECTURAL
07:33:17 ISSUES THEY HAD AS WE DEVELOPED THIS AND WE CAME UP WITH THE
07:33:20 BUILDING THAT WE'RE PRESENTING IN FRONT OF YOU TODAY.
07:33:22 THE ORIGINAL PALETTE THAT I BROUGHT WITH THIS BUILDING AND

07:33:30 MY STYLE WAS A LITTLE MONOCHROMATIC.
07:33:32 I COMMEND STAFF FOR CONTINUING TO STAY AFTER ME AND MY
07:33:38 MONOCHROMATIC PATTERN.
07:33:39 SO WHAT I DID WITH THIS, I BROUGHT IN OUR SHERWIN WILLIAMS
07:33:42 CONSULTANT AND HAD SHERWIN WILLIAMS COME IN AND HELP ME WITH
07:33:45 MY ORIGINAL COLOR PALETTE TO CREATE THAT CONTRAST WITHOUT
07:33:48 MOVING OFF OF THE COLOR PALETTE.
07:33:50 MY ORIGINAL COLOR PALETTE WAS BUILT AROUND THE GRECIAN
07:33:57 IVORY, WHICH IS THE SECOND COLOR IN THE INSET TOWERS.
07:33:57 WE HAVE THE OUTER TOWERS ON THE BUILDING.
07:34:00 WE HAVE THE OUTER TOWERS ON THE BUILDING THAT CREATE
07:34:03 BALCONIES.
07:34:04 THE INNER TOWERS AND THEN THE CORNER TOWERS.
07:34:07 THAT'S THE THREE CONTRASTING COLORS, AND WE BUILT EVERYTHING
07:34:10 ON THE GRECIAN BEING THE INSET COLOR.
07:34:13 GRECIAN IVORY WAS THE INSET COLOR.
07:34:16 WE WANTED TO HIGHLIGHT THE CORNERS, AND THIS IS ONE OF THE
07:34:19 AREAS I FLIPPED BECAUSE I HAD THE HIGHLIGHTED COLORS IN AND
07:34:21 IT WAS KIND OF SITTING IN THE SHADOWS.
07:34:22 WE MOVED THAT OUT TO THE CORNERS TO HIGHLIGHT THE CORNERS
07:34:25 AND THEN LITERALLY PICKED A MEDITERRANEAN BLUE.
07:34:28 THE COLOR IS MEDITERRANEAN BLUE FOR THE ACCENT PIECES.
07:34:31 ANYTHING THAT'S ALUMINUM THAT'S IN AN AWNING OR AN EYEBROW
07:34:35 WILL BE THE MEDITERRANEAN BLUE, AND THAT IS ACTUALLY IN THE
07:34:39 ACTUAL COLOR SHEET AND THE COLOR PALETTE.
07:34:41 SO WE'RE GOING TO BE COMING WITH FOUR COLORS ON THE
07:34:44 BUILDING.
07:34:45 THERE ARE THREE PRIMARY FOR THE BUILDING.
07:34:47 THERE IS THE DRIED EDAMAME FOR THE OUTER TOWERS, THE GRECIAN
07:34:52 IVORY FOR THE SHADOW AREAS, AND THE PURE WHITE FOR THE FRONT
07:34:54 AREAS.
07:34:57 NOW, WE FEEL THE GRECIAN IVORY IS GOING TO GET A LITTLE MORE
07:34:57 CONTRASTING THAN EVEN IN THIS IMAGE BECAUSE IT'S SET IN A
07:34:59 SHADOW LINE.
07:35:00 IT'S ALMOST GOING TO LOOK LIKE A SHADOW WHITE WITH THE
07:35:03 MEDITERRANEAN FOR THE METAL AND ALUMINUM TRIM, KEEPING THE
07:35:06 BRONZE IN THE WINDOWS.
07:35:08 WE THINK THAT WILL CREATE A GREAT CONTRAST, AND THEN MOVING
07:35:11 FORWARD WITH THE BARRELED ROOF TILE THAT WE HAVE PRESENTED
07:35:14 IN THE SLIDE HERE.
07:35:15 SO WITH THAT, THAT'S OUR PRESENTATION THIS EVENING.
07:35:19 WE'RE HOPING THAT YOU GUYS ARE OKAY WITH THE CONTRAST IN THE
07:35:23 COLORS, AND WE WOULD LOVE YOUR APPROVAL TO MOVE FORWARD.
07:35:26 WE'RE AVAILABLE FOR QUESTIONS.
07:35:29 >>Scotty Wood: MARY, QUESTION.
07:35:30 WHAT IS PREDOMINANTLY WHITE OR GRAY IN THE LDC?
07:35:41 >>Mary Gibbs: I THINK THE LANGUAGE IN THE CODE JUST SAYS YOU
07:35:43 CANNOT HAVE A PREDOMINANTLY WHITE OR PREDOMINANTLY GRAY

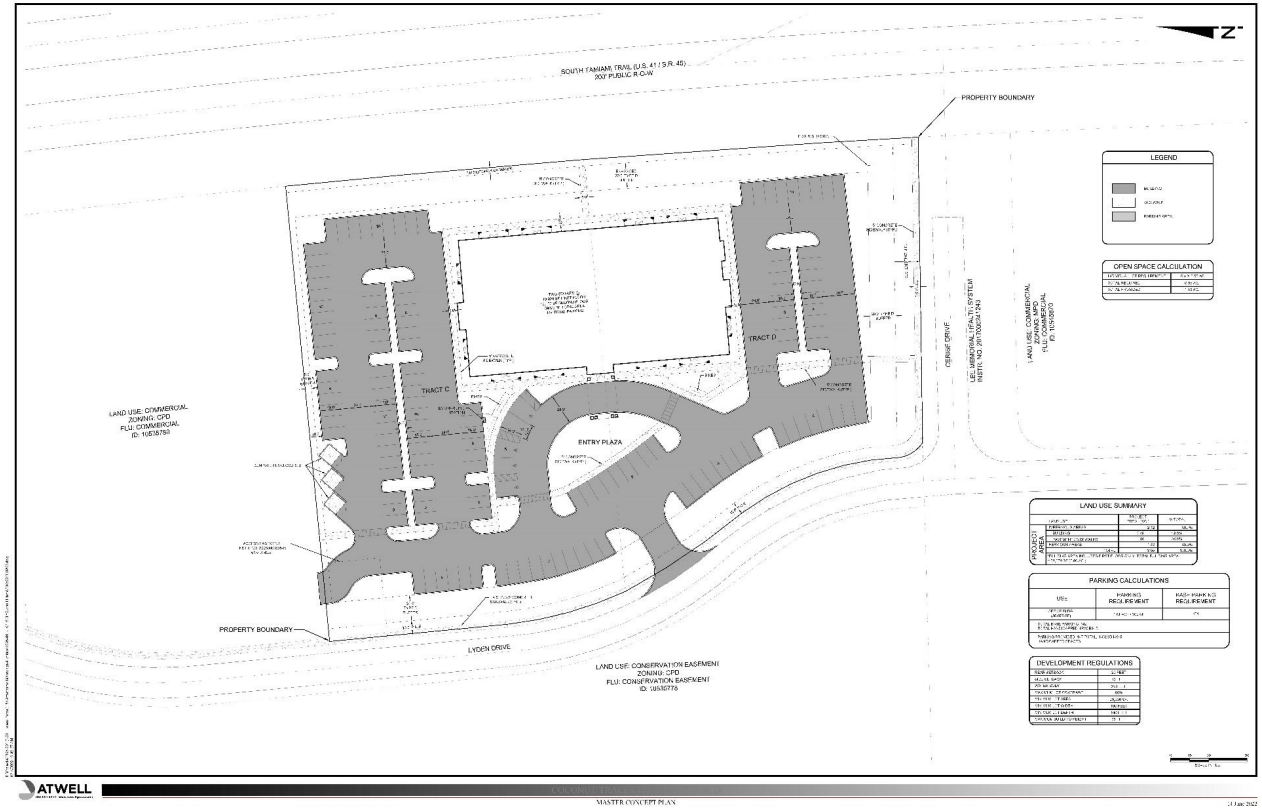
07:35:47 BUILDING.
07:35:48 SO IN THIS CASE, IT DOESN'T HAVE A PERCENTAGE, BUT IT SAYS
07:35:52 PREDOMINANTLY.
07:35:52 IN THIS CASE, I THINK THEY MIXED IN LIKE THE WHITES WITH THE
07:35:57 BEIGES. SO I DIDN'T SEE THAT AS AN ISSUE.
07:36:00 I JUST WANTED TO MAKE SURE IF YOU ALL WERE COMFORTABLE WITH
07:36:02 THE CONTRAST, BECAUSE I KNOW YOU BROUGHT THAT UP A FEW
07:36:05 TIMES.
07:36:09 >>Michael Sheeley: I WOULD LIKE IT COMPLIMENT THE ARCHITECT.
07:36:11 I THINK YOU'VE DONE A GOOD JOB OF TRYING TO MAKE IT WORK,
07:36:16 AND WE DO LIKE ALL OF YOUR PREVIOUS MONOCHROMATIC WORK, AND
07:36:20 YOUR BUILDINGS HAVE A REPUTATION FOR THAT.
07:36:22 YOU HAVE VERY WELL-DESIGNED BUILDINGS, AND THEY ALL TEND TO
07:36:26 HAVE A LOOK OF SOFTNESS TO THEM.
07:36:29 I THINK YOU CONTINUED IT HERE.
07:36:30 SO I THINK IT'S A VERY GOOD DECISION -- VERY GOOD DECISIONS
07:36:35 YOU'VE MADE IN THE COLOR PALETTE.
07:36:37 >>Scotty Wood: ANYONE ELSE?
07:36:40 >>Jim Wallace: I AGREE TOTALLY WITH MIKE.
07:36:42 >>Marlene Naratil: VERY ATTRACTIVE AND GIVES A LITTLE OOMPH.
07:36:48 >>Scotty Wood: I'LL ASK FOR A MOTION TO RECOMMEND APPROVAL
07:36:51 TO THE VILLAGE COUNCIL WITH THE CONDITIONS AND WITH THE
07:36:57 AMENDMENT TO CONDITION 4 HAVING TO DO WITH THE CUL-DE-SAC.
07:37:02 >>Barry Jones: CAN I ASK A QUESTION REAL QUICK?
07:37:05 ARE THERE ANY SPECIAL EVENT ALLOWANCES FOR THIS PROPERTY OR
07:37:12 DO THEY HOLD SPECIAL EVENTS OR WOULD YOU PLAN ON HOLDING
07:37:14 THEM THERE?
07:37:16 >>Mary Gibbs: ANYBODY CAN ASK FOR A SPECIAL EVENTS PERMIT.
07:37:20 I THINK THAT YOU COULD HAVE 12 OR 14 A YEAR.
07:37:25 >>Barry Jones: THERE'S NOTHING IN THIS APPLICATION THAT
07:37:27 SUPERSEDES THAT STANDARD CODE.
07:37:29 >>Mary Gibbs: NO, NO.
07:37:31 >>Barry Jones: THANK YOU.
07:37:31 >>Mary Gibbs: MAY I MAKE ONE CLARIFICATION, THOUGH?
07:37:34 ON THE CONDITIONS, I NEED TO AMEND CONDITION 2, WHICH IS THE
07:37:37 PATTERN BOOK, BECAUSE WE HAD SOME LANGUAGE THAT THE COLOR
07:37:40 PALETTE NEEDED TO BE REFINED BEFORE THE COUNCIL HEARING.
07:37:42 BUT YOU ALL ARE COMFORTABLE WITH THE COLOR PALETTE, SO WE'LL
07:37:46 JUST STRIKE THAT LANGUAGE.
07:37:47 AND THEN WE'LL PUT IN THE NEW CONDITION 4.
07:37:52 >> I MAKE A MOTION WITH THOSE CONDITIONS.
07:37:55 >>Nancy Stroud: EXCUSE ME, DID YOU OPEN THE PUBLIC HEARING?
07:37:57 MAYBE THERE'S NO PUBLIC THERE.
07:37:58 >>Scotty Wood: SORRY ABOUT THAT.
07:38:00 NANCY, IT'S GETTING LATE.
07:38:05 I WILL OPEN THE PUBLIC HEARING.
07:38:06 DO WE HAVE ANY CARDS.
07:38:07 >>Tammy Duran: WE DO NOT.

07:38:08 >>Scotty Wood: WE HAVE NO CARDS.
07:38:09 LAST CHANCE FOR A PUBLIC HEARING.
07:38:12 I'LL CLOSE THE PUBLIC HEARING.
07:38:13 THANK YOU, NANCY.
07:38:15 >>Nancy Stroud: THANK YOU.
07:38:15 >>Scotty Wood: PROCEED WITH A MOTION.
07:38:17 MIKE MADE THE MOTION TO DELETE CONDITION 2 AND CONDITION 4
07:38:24 AS AMENDED, REVISE IT.
07:38:28 I'M SORRY.
07:38:28 AND A SECOND.
07:38:33 MARLENE SECONDS.
07:38:34 ANY FURTHER DISCUSSION?
07:38:35 PLEASE CALL THE ROLL.
07:38:39 >>Anthony Gargano: YES.
07:38:42 >>Kristin Jeannin: YES.
07:38:43 >>Barry Jones: YES.
07:38:45 >>Marlene Naratil: YES.
07:38:47 >>Michael Sheeley: YES.
07:38:48 >>James Tatooles: YES.
07:38:50 >>Jim Wallace: YES.
07:38:51 >>Scotty Wood: YES.
07:38:52 THANK YOU.
07:38:55 OKAY.
07:40:17 WE ARE THROUGH THE ZONING AMENDMENTS.

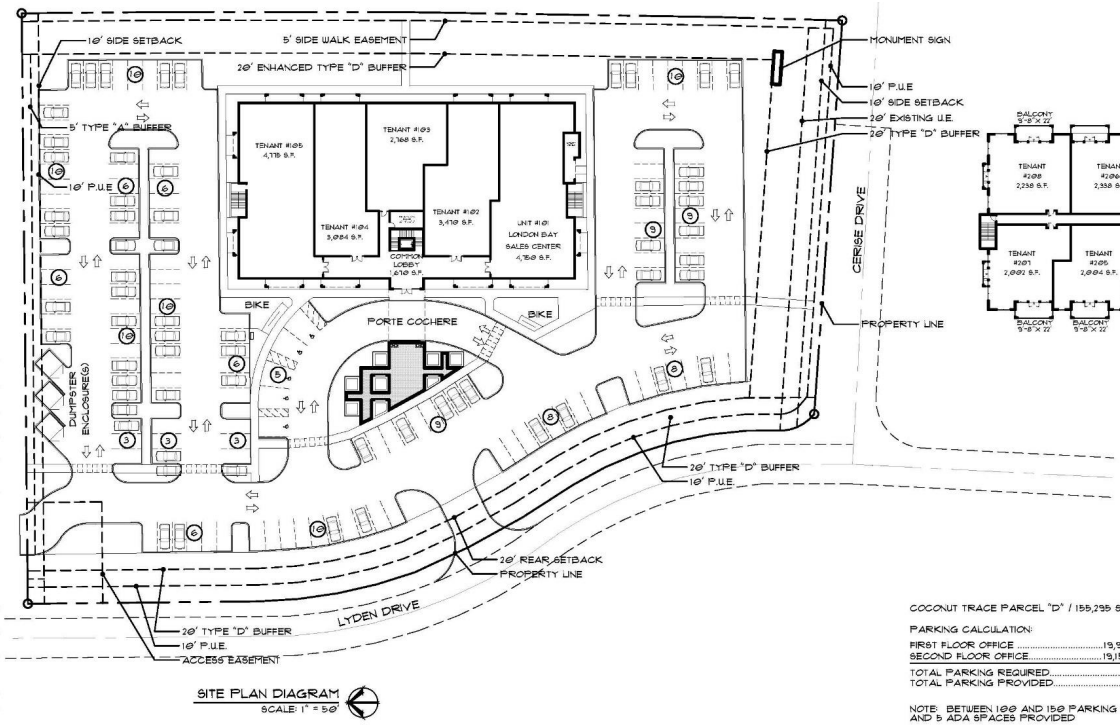
RECEIVED August 17, 2022

COCONUT TRACE CPD
SUPPLEMENTAL PATTERN BOOK
TRACTS C & D

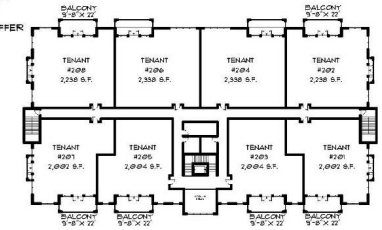
CONCEPTUAL SITE PLAN



CONCEPTUAL SITE PLAN



SITE PLAN DIAGRAM
SCALE: 1" = 50'



2ND FLOOR PLAN
SCALE: 1" = 50'-0"

COCONUT TRACE PARCEL "D" / 155,295 SQUARE FEET / 3.57 ACRES

PARKING CALCULATION:			PARKING
FIRST FLOOR OFFICE	13,929 S.F.	(1/300)	66.43 SPACES
SECOND FLOOR OFFICE	19,150 S.F.	(1/300)	63.83 SPACES
TOTAL PARKING REQUIRED			131 SPACES
TOTAL PARKING PROVIDED			141 SPACES

NOTE: BETWEEN 100 AND 150 PARKING SPACES, 5 ADA SPACES REQUIRED AND 5 ADA SPACES PROVIDED

Coconut Trace
US 41 and Lyden Dr. Estero Florida

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COCONUT TRACE CPD – TRACTS C & D

3

CONCEPTUAL ARCHITECTURAL ELEVATIONS

WEST ELEVATION
SCALE: 1/16" = 1'

EAST ELEVATION
SCALE: 1/16" = 1'

Coconut Trace
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CONCEPTUAL ARCHITECTURAL ELEVATIONS

Coconut Trace
US 41 and Ghan Dr. Estero Florida

2551 TAMIAMI TRAIL E
NAPLES FLORIDA 34112
PHONE: (239) 33-1010
WWW.MHKAP.COM
OFFICE@MHKAP.COM

MHK ARCHITECTURE & PLANNING | SK6
MARCH 30, 2021

CONCEPTUAL ARCHITECTURAL RENDERING

BIRDS EYE VIEW TO THE EAST

Coconut Trace
US 41 and Glen Dr. Estero Florida

MHK ARCHITECTURE & PLANNING SKT AUGUST 05, 2022

COCONUT TRACE CPD – TRACTS C & D

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CONCEPTUAL ARCHITECTURAL RENDERING

BIRDS EYE VIEW TO THE WEST

Coconut Trace
US 41 and Glen Dr. Estero Florida

MHK ARCHITECTURE & PLANNING SK8
AUGUST 05, 2022

CONCEPTUAL ARCHITECTURAL RENDERING

PERSPECTIVE TO THE EAST

Coconut Trace
US 41 and Estero Dr. Estero Florida

MHK ARCHITECTURE & PLANNING SK9

CONCEPTUAL ARCHITECTURAL RENDERING
PERSPECTIVE TO THE EAST

Coconut Trace
US 41 and Corkscrew Dr. Estero Florida

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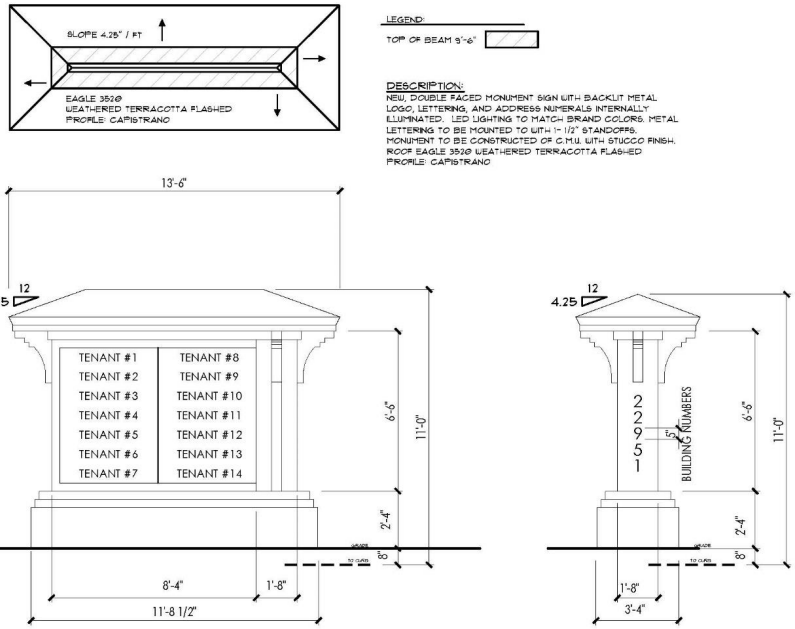
CONCEPTUAL ARCHITECTURAL RENDERING
MONUMENT SIGN



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MHK ARCHITECTURE & PLANNING SK13 AUGUST 25, 2017

CONCEPTUAL ARCHITECTURAL RENDERING

COLOR PALETTE

SW 7617
Mediterranean
Interior / Exterior
Location Number: 261-C8

METAL / ALUMINUM TRIM

SW 9122
Dried Edamame (1)
Interior / Exterior
Location Number: 209-C4

SW 7541
Grecian Ivory (2)
Interior / Exterior
Location Number: 247 C1

SW 7005
Pure White (3)
Interior / Exterior
Location Number: 255-C1

Door & Window Metal

Coconut Trace
US 41 and Ogden Dr. Estero Florida

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WWW.MHKAP.COM
CERTIFICATE OF AUTHORIZATION

MHK ARCHITECTURE & PLANNING

SK14
AUGUST 09, 2022

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MASTER LANDSCAPE CONCEPT PLAN

RVi Planning + Landscape Architecture

DISCLAIMER: LANDSCAPE IS CONCEPTUAL AND SUBJECT TO CHANGE UPON FINAL APPROVAL

COCONUT TRACE CPD – TRACTS C & D

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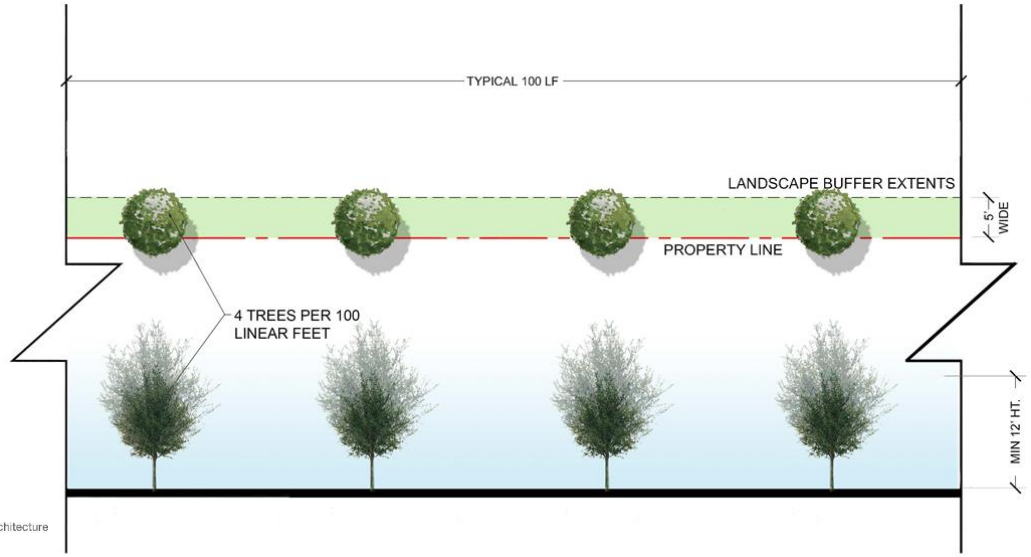
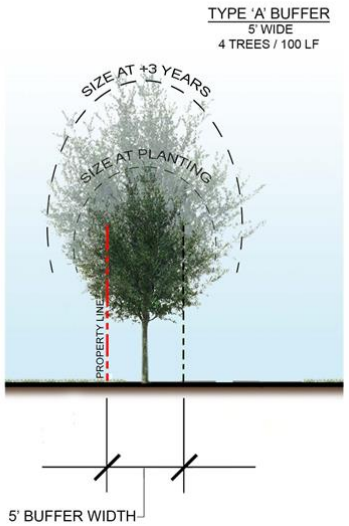
LANDSCAPE:TYPE A BUFFER VISUALIZATION

Plant Material Specifications (per LDC Sec. 5-403 & Sec. 5-406)

- Code required canopy trees must be a minimum of twelve (12) feet in height measured from the adjacent grade of the development site, have a two & one-half inch (2-1/2) caliper, a five (5') foot spread, and 45-gallon size or field-grown at the time of planting. The clustering of trees and use of palms (3 or more) within the ROW buffer will add design flexibility and reduce conflicts.
- Shrubs must be a minimum of 24 inches in height, at time of planting. All shrubs must be installed at an appropriate height to meet the minimum specified height after one growing season or one year from time of installation, whichever is more restrictive, and be spaced an average of 18 to36 inches on center. They must be at least 36 inches in height within 12 months of time of planting and maintained perpetuity at a height of no less than 36 inches. Shrubs shall be installed to maintain an 18-inch clearance from hardscapes and a 36-inch clearance from buildings.
- Required hedges must be planted and maintained so as to form a continuous, unbroken, solid visual screen within a minimum of one-year the time of planting.





RVi Planning + Landscape Architecture

LANDSCAPE:TYPE D BUFFER VISUALIZATION

Plant Material Specifications (per LDC Sec. 5-403 & Sec. 5-406)

- Code required canopy trees must be a minimum of twelve (12) feet in height measured from the adjacent grade of the development site, have a two & one-half inch (2-1/2) caliper, a five (5') foot spread, and 45-gallon size or field-grown at the time of planting. The clustering of trees and use of palms (3 or more) within the ROW buffer will add design flexibility and reduce conflicts.
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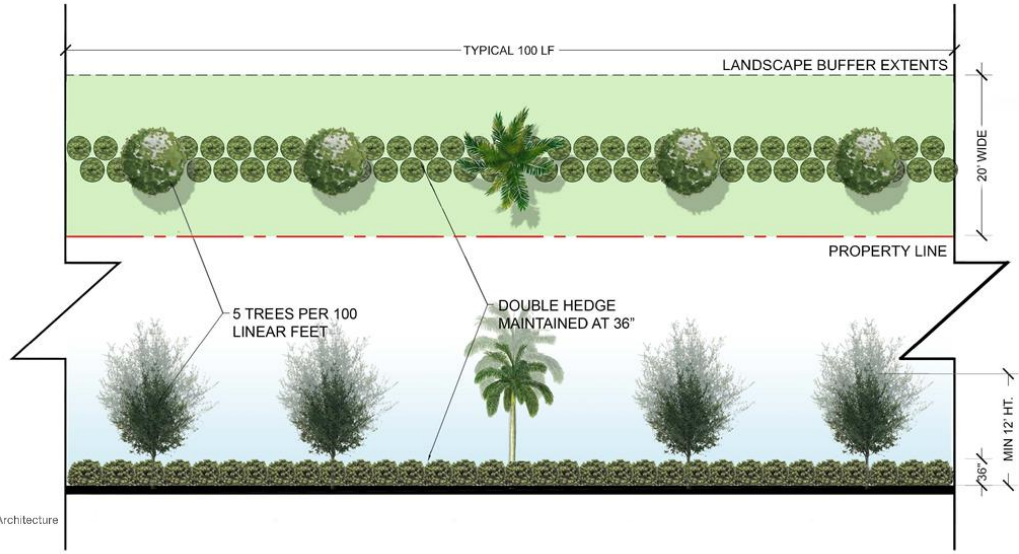

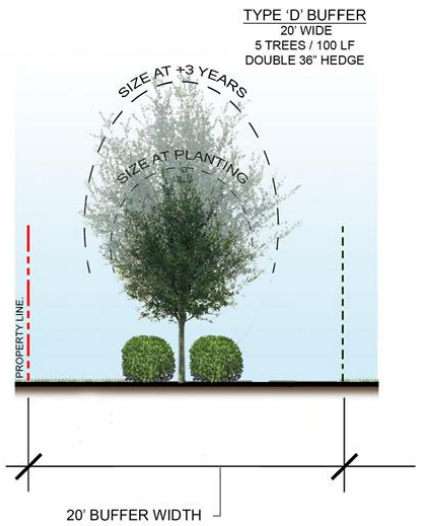

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COCONUT TRACE CPD – TRACTS C & D

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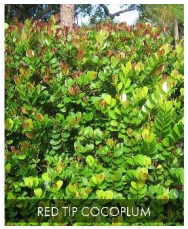
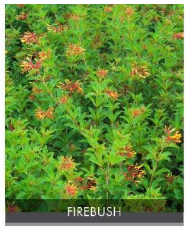
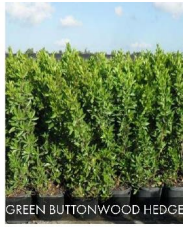
LANDSCAPE: PLANT PALETTE

SHRUBS & ACCENTS





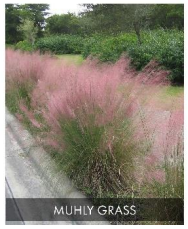


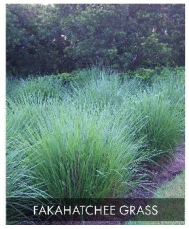
CANOPY

GROUND STORY

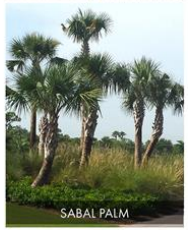
ACCENTS/ MIDSTORY

LAKE BANKS LITTORALS





PALM



RVi Planning + Landscape Architecture

DECORATIVE LIGHTING AND FIXTURES

PROPOSED PARKING LOT LIGHTING

RFS-RG RoadFocus reduced glare

LED Cobra head (small)

Predicted Lumen Depreciation Data

Predicted performance derived from LED manufacturer's data and engineering design estimates, based on IESNA TM-21 methodology. Actual experience may vary due to field application conditions. Lower the projected lumen at end of life performance depreciation by 10% if initial lumen output, Calculated per IESNA TM-21 Methodology. Published life is not to be limited to 10 times actual LED test hours.

Ambient Temperature °C	L70 per TM-21	Lumen Maintenance % at 78,000 hrs
25°C	>78,000 hours	>88.0%

LED Wattage values

Ordering Code	Total LEDs	Light Engine Configuration	Average System Watts[1]	Wattage label[2]
RFS-RG-25R30LED	32	2x16LED	25	30
RFS-RG-30R30LED	32	2x16LED	27	30
RFS-RG-35R30LED	32	2x16LED	32	35
RFS-RG-40R30LED	32	2x16LED	38	40
RFS-RG-40R30LED-10	32	2x16LED	43	50
RFS-RG-40R30LED-20	32	2x16LED	47	50
RFS-RG-40R30LED-30	32	2x16LED	52	50
RFS-RG-30R64LED	64	2x32LED	33	40
RFS-RG-35R64LED	64	2x32LED	39	40
RFS-RG-40R64LED	64	2x32LED	38	40
RFS-RG-45R64LED	64	2x32LED	43	40
RFS-RG-50R64LED	64	2x32LED	48	50

Ordering Code	Total LEDs	Light Engine Configuration	Average System Watts[1]	Wattage label[2]
RFS-RG-R50R64LED	64	2x32LED	52	50
RFS-RG-R60R64LED	64	2x32LED	57	65
RFS-RG-R65R64LED	64	2x32LED	63	65
RFS-RG-T60R64LED	64	2x32LED	68	75
RFS-RG-T65R64LED	64	2x32LED	73	75
RFS-RG-40R96LED	96	2x48LED	58	60
RFS-RG-45R96LED	96	2x48LED	65	80
RFS-RG-50R96LED	96	2x48LED	67	80
RFS-RG-55R96LED	96	2x48LED	75	80
RFS-RG-60R96LED	96	2x48LED	85	100
RFS-RG-65R96LED	96	2x48LED	90	100

1. Typical values, rounded.
2. As per ANSI C136.15-2015. Consult factory for other lighting needs.

4000K LED Lumen values

Ordering Code	Color Temp	Type II/III/IM Lumen Output	Type II/III/IM Efficacy (LPW)	Type II/III/IM BUG Rating
RFS-RG-25R30LED	4000	3250	130	B1-U0-G1
RFS-RG-30R30LED	4000	4376	114	B2-U0-G1
RFS-RG-35R30LED	4000	5040	131	B2-U0-G1
RFS-RG-40R30LED	4000	5858	153	B2-U0-G1
RFS-RG-40R30LED	4000	5858	136	B2-U0-G1
RFS-RG-30R64LED	4000	7644	231	B3-U0-G1
RFS-RG-35R64LED	4000	8780	225	B3-U0-G1
RFS-RG-40R64LED	4000	9880	260	B3-U0-G1
RFS-RG-45R64LED	4000	10400	271	B3-U0-G1
RFS-RG-50R64LED	4000	11400	297	B3-U0-G1
RFS-RG-R50R64LED	4000	12400	323	B3-U0-G1
RFS-RG-R60R64LED	4000	13500	351	B3-U0-G1
RFS-RG-R65R64LED	4000	14600	380	B3-U0-G1
RFS-RG-T60R64LED	4000	15600	406	B3-U0-G1
RFS-RG-T65R64LED	4000	16700	434	B3-U0-G1
RFS-RG-40R96LED	4000	12280	159	B4-U0-G1
RFS-RG-45R96LED	4000	14400	186	B4-U0-G1
RFS-RG-50R96LED	4000	15900	206	B4-U0-G1
RFS-RG-55R96LED	4000	17500	227	B4-U0-G1
RFS-RG-60R96LED	4000	19100	248	B4-U0-G1
RFS-RG-65R96LED	4000	20800	270	B4-U0-G1

3000K LED Lumen values

Ordering Code	Color Temp	Type II/III/IM Lumen Output	Type II/III/IM Efficacy (LPW)	Type II/III/IM BUG Rating
RFS-RG-25R30LED	3000	3250	130	B1-U0-G1
RFS-RG-30R30LED	3000	4014	107	B1-U0-G1
RFS-RG-35R30LED	3000	4624	123	B2-U0-G1
RFS-RG-40R30LED	3000	5377	143	B2-U0-G1
RFS-RG-40R30LED	3000	5377	125	B2-U0-G1
RFS-RG-30R64LED	3000	7012	212	B3-U0-G1
RFS-RG-35R64LED	3000	7985	204	B3-U0-G1
RFS-RG-40R64LED	3000	8980	236	B3-U0-G1
RFS-RG-45R64LED	3000	9455	247	B3-U0-G1
RFS-RG-50R64LED	3000	10400	271	B3-U0-G1
RFS-RG-R50R64LED	3000	11300	294	B3-U0-G1
RFS-RG-R60R64LED	3000	12300	320	B3-U0-G1
RFS-RG-R65R64LED	3000	13300	346	B3-U0-G1
RFS-RG-T60R64LED	3000	14200	370	B3-U0-G1
RFS-RG-T65R64LED	3000	15200	395	B3-U0-G1
RFS-RG-40R96LED	3000	11170	145	B4-U0-G1
RFS-RG-45R96LED	3000	13100	169	B4-U0-G1
RFS-RG-50R96LED	3000	14470	188	B4-U0-G1
RFS-RG-55R96LED	3000	15920	207	B4-U0-G1
RFS-RG-60R96LED	3000	17380	226	B4-U0-G1
RFS-RG-65R96LED	3000	18900	246	B4-U0-G1

2700K LED Lumen values

Ordering Code	Color Temp	Type II/III/IM Lumen Output	Type II/III/IM Efficacy (LPW)	Type II/III/IM BUG Rating
RFS-RG-25R30LED	2700	2925	117	B1-U0-G1
RFS-RG-30R30LED	2700	3610	120	B1-U0-G1
RFS-RG-35R30LED	2700	4160	137	B2-U0-G1
RFS-RG-40R30LED	2700	4840	158	B2-U0-G1
RFS-RG-40R30LED	2700	4840	138	B2-U0-G1
RFS-RG-30R64LED	2700	6307	234	B3-U0-G1
RFS-RG-35R64LED	2700	7185	226	B3-U0-G1
RFS-RG-40R64LED	2700	8082	261	B3-U0-G1
RFS-RG-45R64LED	2700	8509	273	B3-U0-G1
RFS-RG-50R64LED	2700	9360	299	B3-U0-G1
RFS-RG-R50R64LED	2700	10170	325	B3-U0-G1
RFS-RG-R60R64LED	2700	11070	354	B3-U0-G1
RFS-RG-R65R64LED	2700	11970	383	B3-U0-G1
RFS-RG-T60R64LED	2700	12780	409	B3-U0-G1
RFS-RG-T65R64LED	2700	13680	437	B3-U0-G1
RFS-RG-40R96LED	2700	10050	146	B4-U0-G1
RFS-RG-45R96LED	2700	11790	171	B4-U0-G1
RFS-RG-50R96LED	2700	13020	189	B4-U0-G1
RFS-RG-55R96LED	2700	14330	208	B4-U0-G1
RFS-RG-60R96LED	2700	15642	227	B4-U0-G1
RFS-RG-65R96LED	2700	17010	247	B4-U0-G1

Actual performance may vary due to installation variables including mounting height, dirt depreciation, light loss factor, etc., highly recommended to confirm performance with a layout - contact applications at signify.com for assistance. Contact DLC pts to confirm your specific fixture selection is DLC approved.

Note: Some data may be scaled based on tests of a similar but not identical luminaire.

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Lumec RoadFocus LED reduced glare cobra head luminaires provide the benefits of LED technology, including energy savings and lower maintenance costs yet minimizes perceived glare and brightness associated with LED technology without sacrificing performance required for optimum roadway applications. Includes Service Tag, innovative way to provide assistance throughout the life of the product.

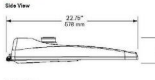
Project:
Location:
Cat.No:
Type:
Lumens: Qty:
Notes:

RFS-RG RoadFocus reduced glare

LED Cobra head (small)

Dimensions

Side View



Bottom View

Weight: 9.4 lbs
EPA: 0.52 sq. feet

Field Adjustable Wattage (FAWS) Multiplier Chart

FAWS Position	Typical Delivered Lumens Multiplier	Typical System wattage
1	0.10	0.20
2	0.53	0.50
3	0.62	0.58
4	0.70	0.67
5	0.78	0.75
6	0.83	0.80
7	0.89	0.87
8	0.92	0.91
9	0.96	0.95
10	1.00	1.00

Note: Typical value accuracy +/- 5%

Specifications

Housing

Made of a low copper die-cast Aluminum alloy (A360), 0.160" (2.5mm) minimum thickness. Fits on a 1.66" (42mm) O.D. (1.25" NPS), 1.9" (48mm) O.D. (1.5" NPS) or 2 3/8" (60mm) O.D. (2" NPS) by 5 3/2" (140mm) minimum long tenon. Comes with a zinc plated clamp fixed by 2 zinc plated hexagonal bolts SW 10 (M5) for ease of installation. Provides an easy stop adjustment of +/- 5° tilt in 2.5° increments. Includes integral bubble level standard (always included). A quick release, tool less entry, single latch, hinged, removable door opens downward to provide access to electronic components and to a terminal block. Door is secured to prevent accidental dropping or downspouts. A clearance of 13" (330mm) at the rear is required in order to remove the door. Complete with a bird guard protecting against birds and similar intruders and an ANSI label as per C136.15-2015 to identify wattage and source (both included in box). Housing (including electrical compartment) rated IP54 per ANSI C136.37.

Light Engine

Composed of 4 main components: LED Module / Optical System / Heat Sink / Driver.

Electrical components are RoHS compliant, IP66 sealed light engine equipped LEDs tested by ISO 17025-2005 accredited lab in accordance with IESNA LM-80 guidelines in compliance with EPA ENERGY STAR, cut-off conditions in accordance with IESNA TM-21. Metal core board ensures greater heat transfer and longer lifespan.

LED Module: Composed of high-performance white LEDs. Color temperature as per ANSI/NEMA bin 2 700 Kelvin nominal (2725 +45SK), 3000 Kelvin nominal (3045K +/- 175K) or 4000 Kelvin nominal (3985K +/- 275K), CRI 70 Min. 75 Typical. Other 5000K/3000K also available, consult factory.

Optical System: Composed of high performance UV stabilized optical grade polymer refractor lenses to achieve desired distribution optimized for get maximum spacing, target lumens and a superior lighting uniformity. System is rated IP66. Performance shall be tested per LM-63, LM-79 and LM-15 (IESNA) certifying its photometric performance, 0% uplight and U0 per IESNA TM-15.

Heat Sink: Built in the housing, designed to ensure high efficiency and superior cooling by natural vertical convection air flow pattern always close to LEDs and driver optimizing their efficiency and life. Product does not use any cooling device with moving parts (only passive cooling). Wide openings enable natural cleaning and removal of dirt and debris. Entry luminaire is rated for operation in ambient temperature of -40°C/-4°F up to +50°C/+122°F.

Driver: High power factor of 90% min. Electronic driver, operating range 50/60 Hz. Auto adjusting universal voltage input from 120 to 277 VAC rated for both application line to line or line to neutral. Class I or 2, THD of 20% max.

DMG: Dimming compatible 0-10 volts. The current supplying the LEDs will be reduced by the driver if the driver experiences internal overheating in a protection to the LEDs and the electrical components. Output is protected from short circuits, voltage overload and current overload. Automatic recovery after correction. Standard built in driver surge protection of 2.5kV (min).

Integrated Features

DMG: Dimmable driver 0-10V.

RCDT: Tool less orientable receptacle with 7 pins enabling dimming and additional functionality (to be determined), can be used with a twist lock Inter-ed City node or photoelectric cell or a shorting cap.

Please note: Additional hardware will be required to utilize the additional 2 pins on this receptacle.

SPI: Surge protection device tested in accordance with ANSI/IEEE C62.45 per ANSI/IEEE C62.41.2 Scenario I Category C High Exposure 10kV/10kA waveforms for Line-Ground, Line-Neutral and Neutral-Ground, and in accordance with DOE MSSL Model Specification for LED Roadway Luminaires Appendix E Electrical Immunity high test level 10kV/10kA.

Please note that these integrated features always come with RoadFocus luminaire.

* Use of photoelectric cell or shorting cap is required to ensure proper illumination.

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Ordering guide

example: RFS-R4-3R4C1L01H4-R0-R7-DM+SB2+DH0+PR1+R0D+RC2T+W01

Series	Application	LED module	CCT	Generation	Distribution	Voltage	Options: Controls*	Options	Finish
RFS Roadfocus small	R4: Roadway (pole)	25R30LED[1] 30R30LED[1] 35R30LED 40R30LED 25R64LED 30R64LED 35R64LED 40R64LED 45R64LED 50R64LED 55R64LED 60R64LED 65R64LED 70R64LED[1] 75R64LED[1] 50R96LED[1] 55R96LED[1] 60R96LED[1] 65R96LED[1]	4K: 4000K 3K: 3000K 27K: 2700K	G2: Generation 2	R2/3M: Type II-III Medium (R2/3M)	U0V: 120-277V W0V[2]: 347-480V	D4[3]: Photo-Dri Photocell DM4[3]: Digital addressable lighting interface DMG[3]: 0-10V DH0: Dimmer ready driver, standard configuration SB0: Dimmer ready driver, otherwise configurable	AP1: Factory installed NEMA base, photocell, 120V, 277V, conform P NM5[3]: Field adjustable wattage interior P1[3]: Field Side Shield HS[3]: House Side Shield NPC: No receptacle NTBC: 4-position terminal block PR1[3]: Twist-lock photoelectric cell, 120V (120-277VAC) PR1R347[3]: Twist-lock photoelectric cell (347VAC) PR1R480[3]: Twist-lock photoelectric cell (480VAC) PR1L[3]: Twist-lock photoelectric cell, extended life, 120V (120-277VAC) PR4[3]: Shorting cap RC2[3]: Tool less receptacle for twist-lock photocell or shorting cap, 7-pin (standard) RC2T[3]: Tool less receptacle for twist-lock photocell or shorting cap, 7-pin (standard) SP2: 2.5KV / 10KA Surge protector SPI: Surge protector SPC[4]: Meets the requirements of the Buy American Act of 1933 (BAA)	BK: Black BR: Bronze GRD: Gray WH: White

* Not available with PR4R
1 Refer to Accessories section to confirm compatibility of sheets with optical distribution.
2 Transformer required for shorting cap is required to ensure proper illumination
3 Select one mandatory option.
4 Please note this integrated feature come standard with RoadFocus
5 Only available with D4, DM2 or DM3
6 Drive Options
7 Only available with DM3 Driver Options.
8 Not available with PR4, PR4R347, PR4R480, PR1L, PR1R, D4L, DM2 or DM3 Driver Options.
9 Not available with DM3 Driver Options.
10 Only D4, DM2 or DM3 Driver Options are available for this option.
11 Extended lead times may apply. Consult factory.
12 Not available with UNV.
13 Unless provided per LED light engine.
14 TLR5B must be selected with D4
15 TLR5B and D4 must be selected with DM3

Accessories[1] (must be ordered as separate line item - quickly and easily installed in the field)

Interact City connector node (Contact the factory for additional support when connected lighting or additional services are desired)

Shielding accessories

Description	Luminaire Option Code	Accessory Ordering Code 32 LED version[2]
Front side shield	HS	ACC-LMHS2X18-HS
Rear side shield	NS	ACC-LSNS2X1.75-NS

1 Refer to Wattage table to confirm light engine configuration. Example: 2 configurations of 2x16LED, 2 of the Overall shield must be ordered per luminaire.

RFS-RG RoadFocus reduced glare

LED Cobra head (small)

Specifications (continued)

Driver and Luminaire Options

D4: Photo Dri resident future photocell ready

DM4: Pre-set driver compatible with the Intel Interface Node

DM2: Nature Ready Driver including 0V communication (used for dimming and other functionalities), 24V auxiliary supply and a typical input signal (0-10) connected to the Intel Interface Node (not to be confused with the RCDT).

TLR5B receptacle / Non-option inclusion of the TLR5B receptacle is required to be compatible with Intel City controllers.

DM3: Sensor Ready Driver including 0V communication (used for dimming and other functionalities) but with 24V auxiliary supply and a typical input signal (0-10) connected to the top left twist lock TLR5B receptacle - optional socket, standard 0V communication, 24V auxiliary supply and 0V are connected to the TLR5B receptacle.

DMG: Outdoor Dedi. Sensor

RAWS: Field Adjustable Wattage Selector, allows the end user to select the wattage easily and safe in the field for the required position. This reduces total lumen at wattage consumption and reduces the light lower - see FAWS multiplier chart for more details.

PR1: Twist-lock photoelectric cell, 120V (120-277VAC) - not recommended to use if ARS with other dimming or controls, if specific, ref. the Intel City Interface Node Specification for other dimming or controls. Reference ARS to see problem other than 10 volt dim other dimming or controls.

NPC: No Receptacle. Fixtures shipped with a cap instead of a receptacle.

NTBC: 4-position terminal block

RC2: Tool less receptacle for twist-lock photocell or shorting cap (standard 7-pin Intel City Interface Node).

RC2T: Tool less receptacle compatible with 3-pin or shorting cap, can be used with a twist lock Intel or City photoelectric cell or a shorting cap.

PR4: Twist-lock sensor connector (installed in fixture, close. Shipped with a protective cover.

PR1: Twist-lock photoelectric cell, 120V (120-277VAC)

PR1R347: Twist-lock photoelectric cell, 347V (347VAC)

PR1R480: Twist-lock photoelectric cell, 480V (480VAC)

PR1L: Twist-lock Photoelectric Cell, extended life, 120V (120-277VAC)

PR4: Shorting cap

AP1: Factory installed NEMA base, photocell, 120V, 277V, conform P

NM5: Field adjustable wattage interior

P1: Field Side Shield

HS: House Side Shield

NPC: No receptacle

NTBC: 4-position terminal block

PR1: Twist-lock photoelectric cell, 120V (120-277VAC)

PR1R347: Twist-lock photoelectric cell (347VAC)

PR1R480: Twist-lock photoelectric cell (480VAC)

PR1L: Twist-lock photoelectric cell, extended life, 120V (120-277VAC)

PR4: Shorting cap

RC2: Tool less receptacle for twist-lock photocell or shorting cap, 7-pin (standard)

RC2T: Tool less receptacle for twist-lock photocell or shorting cap, 7-pin (standard)

SP2: 2.5KV / 10KA Surge protector

SPI: Surge protector

SPC: Meets the requirements of the Buy American Act of 1933 (BAA)

* Refer to product manuals for connection diagrams. Example: 2 configurations of 2x16LED, 2 of the Overall shield must be ordered per luminaire.

LED products manufacturing standard

The electronic components meet or exceed electrostatic discharge (ESD) sensitivity ratings. The electronic components are compliant with IEC 61000-4-5 / ANSI/IEEE C62.41.2 Scenario I Category C High Exposure 10kV/10kA waveforms for Line-Ground, Line-Neutral and Neutral-Ground, and in accordance with DOE MSSL Model Specification for LED Roadway Luminaires Appendix E Electrical Immunity high test level 10kV/10kA.

Warranty

Each external luminaire is uniquely identifiable, thanks to the Service tag application. With a simple scan of a QR code, placed on the inside of the road door, you gain instant access to the luminaire's configuration, making installation and maintenance easier and faster. Moreover, no matter what stage of the luminaire's lifetime, just download the APP and register your product right away.

For more details visit signify.com/service/tag

Limited Warranty

10-year limited warranty.

See signify.com/warranty for details and restrictions.

Standard colors

For Standard / Gray available with this luminaire, see Lumec 20 for details.

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Coconut Trace Commercial Planned Development
Planned Development Amendment (DCI2022-E002)
Public Information Meeting Summary

Tuesday, May 10, 4:30 p.m.

The applicant and the project consulting team were present at the Planning, Zoning and Design Board on May 10, 2022, and presented the request for a Planned Development Amendment to the Coconut Trace CPD specifically to Tracts C & D of the CPD. They identified the request for the development of a 39,079 square foot, two-story multi-use office which may contain a real estate sales office building for the property located at 22951- 2961 Lyden Drive, off of US-41 across from Coconut Point Mall.

The proposed building elevations for the site were shown as part of the applicant's presentation and identified an earth tone color palette and barrel tile roof.

No members of the public spoke. Comments from the Planning, Zoning, and Design Board suggested providing pedestrian crossings to the adjacent commercial parcel and providing a public seating area within the development. It was specifically suggested that the public seating area be placed in front of the porte-cochere area.

To address the comments provided at the meeting the Applicant has provided for increased pedestrian connections providing sidewalks that extend to the north and south of the subject property as well as providing for further connections to the site and the existing sidewalk along US-41.

As suggested in the Public Information Meeting an "Entry Plaza" has been provided in front of the porte-cochere which includes pavers, palms, and planters providing a seating area for public use.

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www.rviplanning.com

Coconut Trace CPD

Request Statement & Estero Plan Compliance Narrative

I. Request

LB Estero Bay Investments, LLC ("Applicant") is requesting approval to amend the Coconut Trace Commercial Planned Development (FKA Estero Point CPD) removing language from the Schedule of Uses identifying "real estate sales office" as strictly limited to the sale of lots/parcels within this CPD, and further limiting the duration and location of the use within the CPD. The amendment also requests an increase to the maximum lot coverage approved for the CPD from 45% to 60%. Approval of the request would allow the development of up to 39,079 square feet of office use and would include a real estate sales office to support the sales of the Bayview on Estero Bay project located along Coconut Road to the west of the subject property within the City of Bonita Spring. The applicant's request is specific to vacant Tracts "C" and "D" of this CPD. No modifications to the project boundary, or maximum commercial permitted square footage is being requested. Additionally, a Supplemental Pattern Book has been submitted with this application for Tracts "C" and "D" of the CPD.

II. Existing Conditions & Surrounding Development

The Property is located on the west side of US-41 at 22951 and 22961 Lyden Drive and consists of 3.5+/- acres. The Property has been cleared and is currently vacant.

The Property is designated within the Urban Commercial future land use category. The current zoning district is Commercial Planned Development (CPD), known as Coconut Trace CPD (FKA Estero Pointe CPD).

The surrounding land use pattern consists of a bank and a partially developed tract containing two restaurants to the north, US-41 right-of-way followed by retail and hotel uses within the Coconut Point Shopping Center to the east, proposed future Cerise Drive right of way followed by a vacant mixed-use development approved for commercial and residential uses to the south and preserve and multifamily to the west. Please refer to Table 1 below for a detailed inventory of the adjacent Future Land Use Categories, zoning districts, and existing land uses.

Table 1: Inventory of Surrounding Lands

	Future Land Use	Zoning	Current Land Use
North	Urban Commercial	Coconut Trace CPD	Restaurants; Bank
South	Village Center	Coconut Road MPD	Future proposed private ROW (Cerise Dr); Vacant approved for Commercial and Residential Development
East	Transitional Mixed Use	Coconut Point MPD/DRI	ROW (US-41); Retail, Hotel (Coconut Point Shopping Center)

West	Conservation; Village Neighborhood 1	Marsh Landing RPD	ROW (Lyden Drive); Preserve; Multifamily-family residences

The proposed CPD amendment will allow for a continuation of the existing development pattern with appropriate compatible uses in an area intended for non-residential development and where adequate public infrastructure and service exists to support the growth.

III. Property History/Existing Zoning Approval

The 3.54 +/- acre property was rezoned by Lee County as part of a larger 11.39 +/- acre CPD pursuant to Z-03-011, as amended by ADD200500034. The CPD itself permits a maximum intensity of 95,000 square feet of various retail and office uses. The CPD contains a breakdown of the maximum commercial square footage designated for each of the Tracts "A-D" of the CPD. The Applicant's development within Tracts "C" and "D" would be limited to a maximum of 60,000 square feet of commercial square footage.

The overall CPD and Tracts "C" and "D" were approved for the use of "real estate sales office", however, the use was limited to the sales of lots/parcels strictly within the CPD.

The property is part of the Coconut Trace platted subdivision per instrument number 2006000423660. The site has been cleared, filled, and some landscape buffers have been installed via DOS2004-00243.

The approved Master Concept Plan (MCP) provides for 5-foot-wide Type "A" landscape buffers located on the western and southern perimeters of the Property, and a 20-foot Type "D" right of way buffer located on the eastern property line fronting US-41.

The CPD was approved for a maximum lot coverage of 45% based on Lee County's LDC definition for maximum lot coverage which is defined as "*that portion of the lot area, expressed as a percentage, occupied by all buildings or structures*."

The MCP identifies access to the site can be obtained off Lyden Drive a reverse frontage road that connects to the north to Vandenberg Way then to US-41.

IV. Proposed CPD Amendment

The proposed amendment requests to modify the Schedule of Uses by removing the following language in association with the use of "real estate sales office": "(*strictly limited to the sale of lots/parcels within this planned development only. The location of, and approval for, the real estate sales office will be valid for a period of time not exceeding five years from the date the certificate of occupancy for the sales office is issued).*"

Additionally, the proposed amendment requests an increase in the maximum lot coverage from 45% to 60%. The CPD was approved by Lee County in 2003 pursuant to Z-03-011 and permitted a maximum lot coverage of 45%. This maximum lot coverage was approved based on the Lee County LDC definition of lot coverage which as previously established only includes the area occupied by buildings and structures. The Village of Estero's LDC definition of maximum lot coverage includes all impervious surfaces. The proposed amendment is being requested in order to be in line with the LDC definition for maximum lot coverage, and minimum parking requirements, provide increased pedestrian connectivity via sidewalks and

maintain a maximum building height of 35 feet. The Applicant is already proposing a limitation to the overall intensity approved via the development of a 39,079 SF building instead of the maximum 60,000 SF of permitted commercial development for these two tracts so which would further the intent of the limitation of development intensity via a maximum lot coverage percentage.

No modifications to the project boundary or maximum commercial square footage are being requested. The Applicant's request is specific to Tracts "C" and "D" of this CPD.

The subject CPD is subject to the Design Standards identified in Resolution Z-03-011. A supplemental pattern book has been provided specifically for the development of "Tracts C & D" for office use including a real estate sales office.

V. Public Infrastructure

As outlined in the enclosed application, the Property is programmed to be serviced by existing public infrastructure that can accommodate the proposed development option of the site for a real estate sales office and other office uses. Potable water and sanitary sewer services are available to the Property by Bonita Springs Utilities and will be reviewed as part of the Development Order process. The request to remove the restriction on the location of the properties that can be sold by the real estate sales office is not expected to generate an increase in the number of trips when compared to what has already been approved for the subject CPD. Removing this restriction will not draw additional traffic to the site as similar traffic would be generated for the sales of property within the CPD. Traffic impacts will further be evaluated as part of the development order application. There are adequate public facilities and services in the immediate vicinity of the project to serve the proposed development in terms of fire, EMS, and Sheriff's protection.

VI. Decision-Making Compliance

In accordance with LDC Section 3-702.D, the data and analysis provided in the enclosed application demonstrate the following:

1. Master Concept Plan:

    A. Provides an explanation of all existing easements pertaining to Tracts C & D such as the sidewalk easement along US-41 and the vehicular and pedestrian access easement INSTR. NO. 2008000160545 with tract B to the north.

    B. Identifies one (1) point of access along Lyden Drive and one (1) point of access via the interconnection access with the adjacent Tract to the north.

    C. Identifies a 39,079 SF building for office use with 147 parking spaces (131 parking spaces required per the LDC Table 5-204.B.1 at 1 space per 300 feet of general office space) which includes 5 ADA parking spaces and one (1) EV charging station.

    D. The development consists of an existing individual parcel of Tract C and Tract D. It is understood that the tracts will need to be combined before or concurrently with the Development Order application.

E. The proposed development proposes a 5-foot type A buffer adjacent to the commercial tract to the north, an enhanced 20-foot type D buffer along US-41, and 20-foot type D buffers along Lyden Drive and the proposed future Cerise Drive.

F. The approved MCP for the Coconut Trace CPD delineates a 2.37 +/- acre Native Preserve – Open Space Tract to the west of the subject Property across from Lyden Drive. Individual tracts such as Tracts C & D of this development require 10% open space.

G. As identified in the approved Coconut Trace CPD MCP to the west of the site across from Lyden Drive the CPD has a designated 2.37 +/- acre Native Preserve Tract, and the development will meet or exceed the 30% open space required for the CPD and 10% open space required for individual lots.

H. A total of approximately 1.43 acres of open space is identified as being provided including an “entry plaza” containing pavers to distinguish it from vehicular use areas, palm trees for shade, and planters with the ability to serve as seating areas have been placed on the western half of the structure.

I. As identified in the approved Coconut Trace CPD MCP to the west of the site across from Lyden Drive the CPD has a designated 2.37 +/- acre Native Preserve Tract, and the development will meet or exceed the 30% open space required for the CPD and 10% open space required for individual lots.

J. This request will not adversely affect environmentally critical areas and natural resources. The site was already cleared and filled via an approved development order in 2004. The CPD, itself, has a 2.37+/- preserve tract designated to the west of the subject site.

K. Interior bicycle and pedestrian circulation are identified within the pattern book including wrap-around sidewalks and two areas adjacent to the building dedicated as bicycle parking areas. Exterior bicycle and pedestrian connections include the potential connections to adjoining properties to the south and north as well as two (2) connections to the existing sidewalk easement along US-41 from the interior of the site. Interior vehicular circulation, as well as an access point via Lyden Drive and interconnection to the north, are also identified.

L. The Property is proposed to be laid out with one main vehicular access point along Lyden Drive which connects to US-41 (6-lane divided arterial road) via Vandenberg Way. It is projected that Lyden Drive will continue south and provide access to Coconut Road (2-lane undivided major collector road). Another access point to the site can be found along with a northern interconnection to the south. Both access points allow for pedestrian interconnection with sidewalks established along Lyden Drive and pedestrian pathways from the building to the adjacent property to the north.

M. The Property is part of the Coconut Trace Platted Commercial Subdivision with internal ROW identified as Tract R including Lyden Drive and Vandenberg Way. Specific to the site is an access easement with the commercial property to the

north which as previously mentioned shall be a point of vehicular access along with the main point of vehicular access via Lyden Drive to the west of the site.

N. The Property is programmed to be serviced by existing public infrastructure that can accommodate the proposed development option of the site for a real estate sales office and other office uses. Potable water and sanitary sewer services are available to the Property by Bonita Springs Utilities and will be reviewed as part of the Development Order process.

O. The stormwater management system will consist of catch basins and stormwater pipes that direct runoff to the Coconut Trace Master stormwater system.

P. There are no onsite public facilities within this development. As identified in the public infrastructure map provided with this application the Property is within a 3-mile radius to police protection and various EMS and Fire Stations.

2. Pattern Book:
Since this is an existing CPD a supplemental Pattern Book has been provided for Tracts C & D which identifies:

Interior bicycle and pedestrian circulation are identified within the pattern book including wrap-around sidewalks and two areas adjacent to the building dedicated as bicycle parking areas. Exterior bicycle and pedestrian connections include the potential connections to adjoining properties to the south and north as well as two (2) connections to the existing sidewalk easement along US-41 from the interior of the site. Interior vehicular circulation, as well as an access point via Lyden Drive and interconnection to the north, are also identified.

As part of the master landscape conceptual plan landscaped areas with typical buffer planting detail include the proposed enhanced 20’ Type D buffer along US-41 which identifies 14’ tree/palms. The typical 20’ Type D buffers along Lyden Drive and the future proposed Cerise Drive have been provided, along with typical 5’ Type A buffers along the north property line adjacent to the commercial Tract B of the CPD. Additionally, a plant palette has also been provided as part of this pattern book.

The master landscape conceptual plan also identifies the open space within the development including a proposed gathering area to be in front of the building’s Porte Cochere which includes decorative pavers and bench/planter creating a plaza area that provides an opportunity for persons to gather.

The decorative lighting poles and fixtures are consistent with section 5-6 of the LDC and existing CPD Design Standards. The proposed lighting poles and fixtures will meet the CPD design standards including not exceeding the 18-ft height restriction and will not be permitted along Lyden Drive (the reverse frontage road). The decorative lighting poles and fixture types for this development have been selected to assure curtail light pollution to adjacent lands, neighboring areas, and motorist in compliance with the Villages LDC requirements the lighting fixtures are full cut-off fixtures that are directed downward and fully shielded.

Architectural elevations showcase the Mediterranean architectural style envisioned for this development which creates a building whose design is aesthetically appealing from all perspectives and compliant with the Village's architectural standards. The building's architectural features include cornices, awnings, articulating building facades, and roof parapets and the provided color palette identifies building ornamentals such as barrel tile roof, awnings, metal trim, and varying building colors.

VII. Village of Estero Comprehensive Plan Compliance

The following is an analysis of the CPD's consistency with the goals, objectives, and policies of the Village of Estero Comprehensive Plan (Estero Plan).

FLU 1.2.9: URBAN COMMERCIAL. The main purpose of the Urban Commercial designation is to foster development of unique destinations rather than a strip development pattern. Urban Commercial areas are characterized by primarily existing or emerging developments along the Village's corridors where primarily single use retail, restaurant office, assisted living uses are concentrated. These properties are generally smaller in size (less than 10 acres) and serve nearby residential neighborhoods and consumers from outside Estero with daily and occasional needs for goods and services. Urban services are in place or readily expandable to support moderately intense levels of commercial development. Residential uses are also allowable, however they are not incentivized. These areas were typically designated Urban Community or Suburban and within the Mixed-Use Overlay per the Village's Transitional Comprehensive Plan. Urban Commercial areas are generally the individual development sites along major corridors of U.S. 41, Corkscrew Road, and Three Oaks Parkway. These areas are located in close proximity to: public transit routes; education facilities; recreation opportunities; and existing residential, shopping and employment centers.

In compliance with the future land use designation, the Property is located in an area characterized by a concentration of single-use retail, restaurant and office uses. As outlined in this application, the proposed amendment is consistent with and will uphold the intent of the Urban Commercial future land use category by allowing the Property to be developed with a real estate sales office and other office uses typically found in the Urban Commercial future land use category, that is in close proximity to residential to the west and public transit routes to east along US-41 and located along the major corridor of US-41. The intensity of the development will be well below the intensity maximums outlined in the Urban Commercial Category Table.

POLICY 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);
b. Landscaping and detailed site planning (development orders);
c. Screening and buffering (planned development rezoning and development orders);
d. Availability and adequacy of services and facilities (rezoning and development orders);

e. Impact on adjacent land uses and surrounding neighborhoods (rezoning);
f. Proximity to other similar centers (rezoning); and
g. Environmental considerations (rezoning and development orders).

The proposed PD amendment will not result in an increase in intensity and therefore will not result in increased traffic impacts. As previously mentioned, the "real estate sales office" was already an existing use approved as part of the original CPD rezoning. Allowing the sale of lots/parcels outside of the CPD would result in the same number of trips generated as if the sale of lots/parcels were limited to parcels within the CPD. Additionally, the CPD itself has been underdeveloped for example only 3,773 square feet of the allotted 30,000 square feet were developed within "Tract "A" and the subject property is only proposing to develop up to 39,079 square feet of the allotted 60,000 square feet for "Tract C & D", creating a reduced traffic impact when compared to the maximum trip generation contemplated when the CPD was originally approved.

Access impacts have already been addressed in the existing CPD and are not being amended. Access to US-41 (6-lane divided arterial road) to the east and it is projected to eventually have access to Coconut Road (2-lane undivided major collector road) to the south that would be provided via the southern section of Lyden Drive, a reverse frontage road, to help minimize access points onto primary road corridors. The reverse frontage road of Lyden Drive also assists in the reduction of additional traffic impacts onto major corridors by interconnecting the three PDs: the subject CPD, and Tulip Trace CPD to the north, and it is eventually expected to connect to the Coconut Road MPD to the south. One (1) access point on Lyden Drive along the western property line of the subject site are being proposed for this development.

The CPD will comply with the LDC standards for buffering and screening. Additional screening and buffering are provided to ensure compatibility with the adjacent residential community to the west by the CPD through a 2.37+/- preserve and a 35' enhanced Type "F" buffer with a solid 8-foot wall. An enhanced 20' Type D buffer is proposed with 14-foot trees/palms provided along US-41 to provide further screening from the ROW. The project will have to be permitted through the Village of Estero development order process.

There are existing programmed public services and facilities available to the site.

The proposed development will not negatively impact adjacent land uses and the CPD has already been found to be compatible with adjacent commercial, mixed commercial and residential land uses. The request is not removing any of the design and compatibility standards and conditions that were approved as part of the original CPD rezoning.

The site is proximate to commercial centers to the north, east, and south.

The site has been cleared, filled, and some landscape buffers have been installed via DOS2004-00243. As identified in the approved MCP to the west of the site across from Lyden Drive the CPD has a designated 2.37 +/- acre Preserve Tract, and the development will meet or exceed the 30% open space required for the CPD and 10% open space required for individual lots.

POLICY 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;
b. Reduce dependence on the automobile;
c. Promote pedestrian movement within the development and connectivity to adjacent and nearby uses where such uses are compatible;
d. Utilize joint parking, access and loading facilities;
e. Avoid negative impacts on surrounding land uses and traffic circulation;
f. Protect natural resources; and
g. Provide necessary services and facilities where they are inadequate to serve the proposed use.
h. Large-scale nonresidential establishments will incorporate development design techniques to integrate the establishment into the surrounding community. Such design techniques will include:

> ***1. 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.***
> ***2. Limited number and size of signs.***
> ***3. Landscaping and use of pocket parks and courtyards adequate to soften large building masses.***

i. The Village shall evaluate establishing a review process for managing impacts of any new or expanding commercial development or use within a critical distance of an existing residential use or zoning district where residential use is allowed. Considerations of such a process may involve establishing limitations and controls associated with noise, light, security, aesthetic appearance, buffering, hours of operation and access to ensure compatibility of proposed commercial activity with nearby residences.

The CPD will comply with the enhanced screening and buffering requirements conditioned as part of the CPD approval as well as any LDC standards for buffering. The development itself will be subject to existing architectural design standards already within the CPD as well as the proposed Pattern Book for this development. The Pattern Book itself exemplifies the quality of development being proposed by the Applicant via an attractive Mediterranean architectural design with undulating façade and roof parapets that provides for a distinct urban form and contributes to the sense of place of the Village of Estero.

Existing sidewalks to the east and west of the site connect the property to adjacent commercial centers to the north and internal commercial tracts. Interconnection to the adjacent commercial property to the north is being proposed, as identified in the MCP.

The CPD has a 2.37 +/- acre preserve tract to the west of the Property and the site is in a location already cleared and programmed for commercial development with programmed public services and facilities available to it.

The proposed development will not negatively impact adjacent land uses and the CPD has already been found to be compatible with adjacent commercial, mixed commercial and residential land uses. The amendment to permit a “real estate office” to sell

property located offsite of the CPD will not increase noise or light or reduce security for nearby residential uses. The request is not removing any of the design and compatibility standards and conditions that were approved as part of the original CPD rezoning, which includes enhanced buffering and limitations to hours of operation and service area locations.

POLICY 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.

The site has been designed with access to US-41 via Lyden Drive, a reverse frontage. Lyden Drive serves as a frontage road to the commercial planned development to the north and the mixed-use planned development to the south, which may provide access to Coconut Road to the south. The reverse frontage road of Lyden Drive helps limit the number of access points onto primary road corridors and assists in the reduction of additional traffic impacts onto these major corridors by interconnecting three PDs.

Within the CPD itself, Tracts “A-D” of the CPD will be interconnected to each other. This intended interconnection is visible from the existing stub out to the north of the subject site along Tract “B” as well as the submitted MCP. The submitted boundary survey identifies a reciprocal cross-access easement agreement between these four (4) parcels per instrument # 2008000160545 of the Public Records of Lee County, Florida.

VIII. CONCLUSION

The proposed amendment requests the modification of the CPD’s Schedule of Uses to allow the already approved use of the “real estate sales office” to sell lots/parcels outside of the CPD without any timing and location restrictions tied to the use and increases the maximum lot coverage to 60%. The use will be located within a proposed up to 39,079 square foot office building development. The proposed development will comply with the current architectural design standards already in place within the CPD. Additionally, the Supplemental Pattern Book with aesthetic design standards specific to “Tracts C & D” identifies the high-quality development being proposed by the Applicant. This request has been demonstrated to be compatible with the surrounding development pattern and compliance with the Estero Plan and all other conditions in Z-03-011, as amended. The amendment request does not propose an increase in height or intensity within the development and will meet or exceed the standards set forth in the LDC. For these reasons, the Applicant respectfully requests approval of this PD amendment as proposed.

RVi Planning + Landscape Architecture

LONDON BAY

CYK
COLEMAN | YOVANOVICH | KOESTER

COCONUT TRACE CPD

Planned Development Amendment

Tracts C & D – DCI2022-E002

MHK ARCHITECTURE & PLANNING
The Florida Architect

ATWELL

VILLAGE OF ESTERO CITY COUNCIL November 2, 2022

RVi Planning + Landscape Architecture

PROJECT TEAM

COCONUT TRACE PD AMENDMENT

- Craig Klingensmith & Lisa Van Dien, London Bay Development Group
- Mark Mclean, MHK Architecture
- Josephine Medina, AICP & Alexis Crespo, AICP, RVI Planning + Landscape Architecture
- Sabrina McCabe, PLA, RVI Planning + Landscape Architecture
- Jackie Larocque, P.E. & Jeremy Arnold, P.E. Atwell Group
- Rich Yovanovich, Coleman Yovanovich & Koester

PROJECT LOCATION

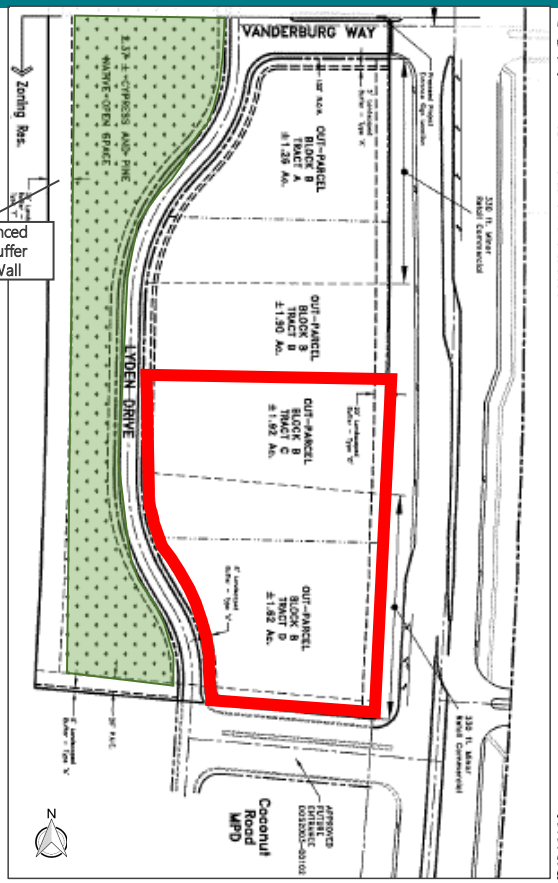
COCONUT TRACE CPD TRACTS C&D

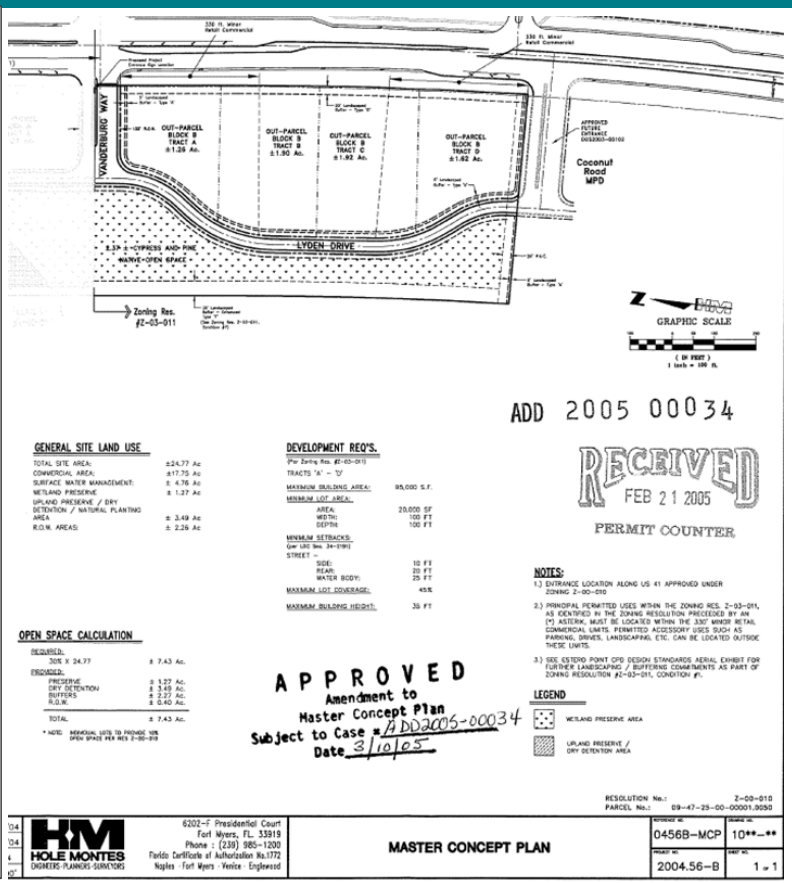
NOVEMBER 2, 2022

COCONUT TRACE CPD TRACTS C & D - PD AMENDMENT

PROPERTY HISTORY & APPROVED MCP

- Lee County Z-03-011 approved 11.39 +/- acre Coconut Trace CPD.
- ADD2005-00034 reconfiguration of parcels and internal road.
- Existing Tracts C & D approved for 60,000 SF of commercial
- Urban Commercial Future Land Use

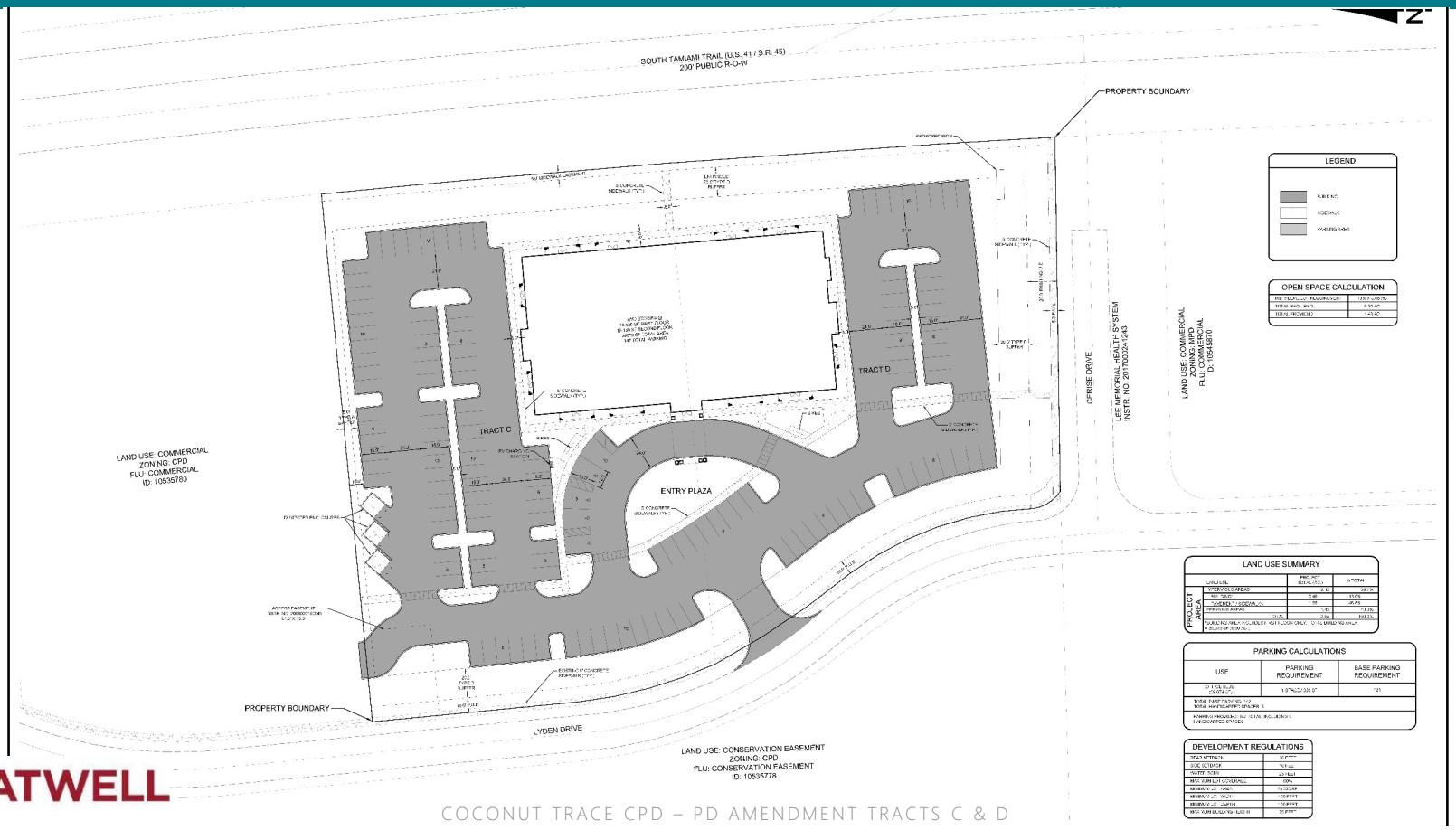




OVERVIEW OF REQUEST

- Amendment is limited to the 3.55 +/- acres of Tracts C & D of the CPD
- Real Estate Sales Office is an existing APPROVED use but is limited to the sale of real estate within the CPD.
- Amendment removes limiting text language within the Schedule of Uses to allow Real Estate Sales Office to sell general real estate outside of the Coconut Trace CPD with no time limitation.
- Amends MCP to Village of Estero site design requirements and proposed additional site enhancements by the Applicant.
- Reduces max. commercial intensity approved for Tracts C & D to 39,079 SF.
- No deviations, change to max. height, min. open space or min. setback is being requested.

MASTER CONCEPT PLAN



ATWELL

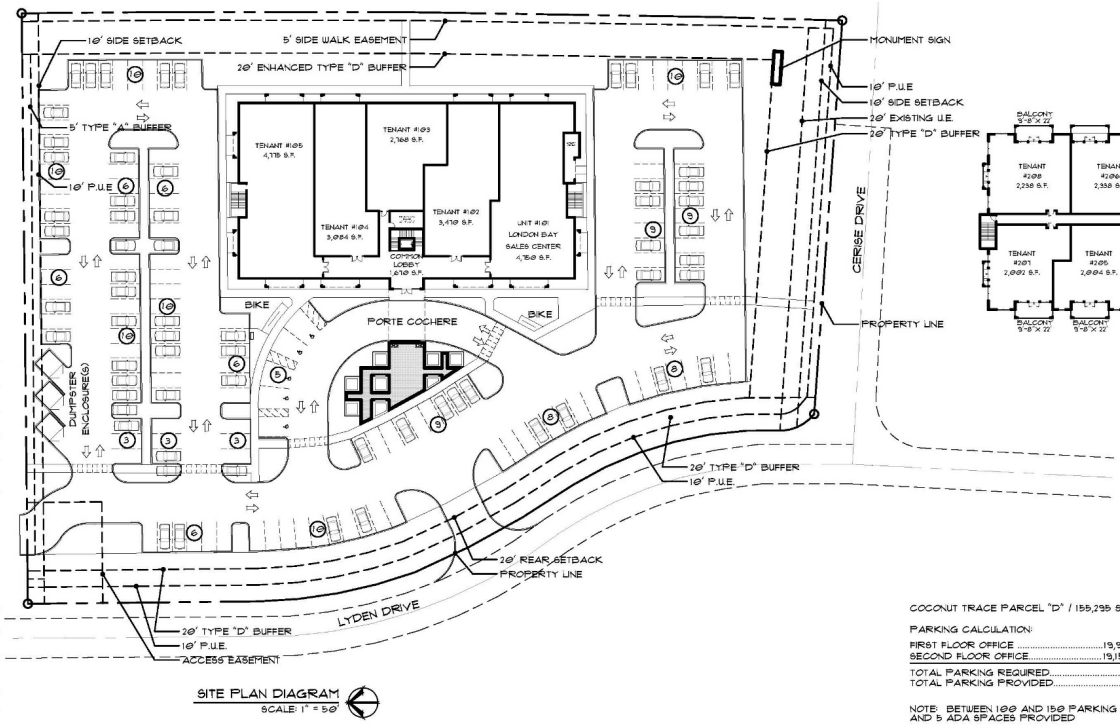
COCONUT TRACE CPD – PD AMENDMENT TRACTS C & D

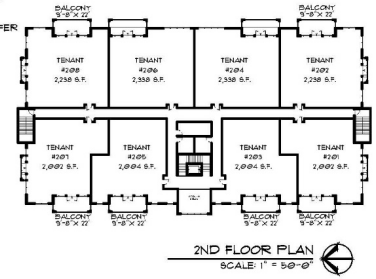
6

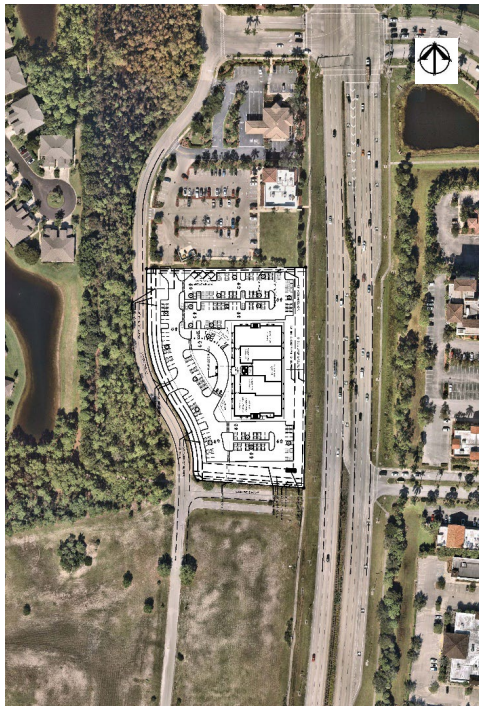
PATTERN BOOK & ARCHITECTURAL DESIGN

MARK MCLEAN – MHK ARCHITECTURE

CONCEPTUAL SITE PLAN







COCONUT TRACE PARCEL "D" / 155,295 SQUARE FEET / 3.57 ACRES

PARKING CALCULATION:			PARKING
FIRST FLOOR OFFICE	13,929 S.F.	(1/300)	66.43 SPACES
SECOND FLOOR OFFICE	19,150 S.F.	(1/300)	63.83 SPACES
TOTAL PARKING REQUIRED			131 SPACES
TOTAL PARKING PROVIDED			141 SPACES

NOTE: BETWEEN 100 AND 150 PARKING SPACES, 5 ADA SPACES REQUIRED AND 5 ADA SPACES PROVIDED

Coconut Trace
US 41 and Lyden Dr. Estero Florida

MHK ARCHITECTURE & PLANNING SK2

COCONUT TRACE CPD – TRACTS C & D

8

CONCEPTUAL ARCHITECTURAL ELEVATIONS

WEST ELEVATION
SCALE: 1/16" = 1'

EAST ELEVATION
SCALE: 1/16" = 1'

Coconut Trace
US 41 and Lyden Dr. Estero Florida

MHK ARCHITECTURE & PLANNING

SK5

COCONUT TRACE CPD – TRACTS C & D

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CONCEPTUAL ARCHITECTURAL ELEVATIONS

Coconut Trace
US 41 and Corkscrew Dr. Estero Florida

2551 TAMIAMI TRAIL E
NAPLES FLORIDA 34112
PHONE: (239) 33-1010
WWW.MHKAP.COM
OFFICE@MHKAP.COM

MHK ARCHITECTURE & PLANNING | SK6
MARCH 30, 2021

COCONUT TRACE CPD – TRACTS C & D

10

CONCEPTUAL ARCHITECTURAL RENDERING

BIRDS EYE VIEW TO THE EAST

Coconut Trace
US 41 and Glen Dr. Estero Florida

MHK ARCHITECTURE & PLANNING SKT AUGUST 05, 2022

COCONUT TRACE CPD – TRACTS C & D

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CONCEPTUAL ARCHITECTURAL RENDERING

BIRDS EYE VIEW TO THE WEST

Coconut Trace
US 41 and Corkscrew Dr. Estero Florida

MHK ARCHITECTURE & PLANNING SK8

CONCEPTUAL ARCHITECTURAL RENDERING

PERSPECTIVE TO THE EAST

Coconut Trace
US 41 and Sylvan Dr. Estero Florida

MHK ARCHITECTURE & PLANNING SK9

COCONUT TRACE CPD – TRACTS C & D

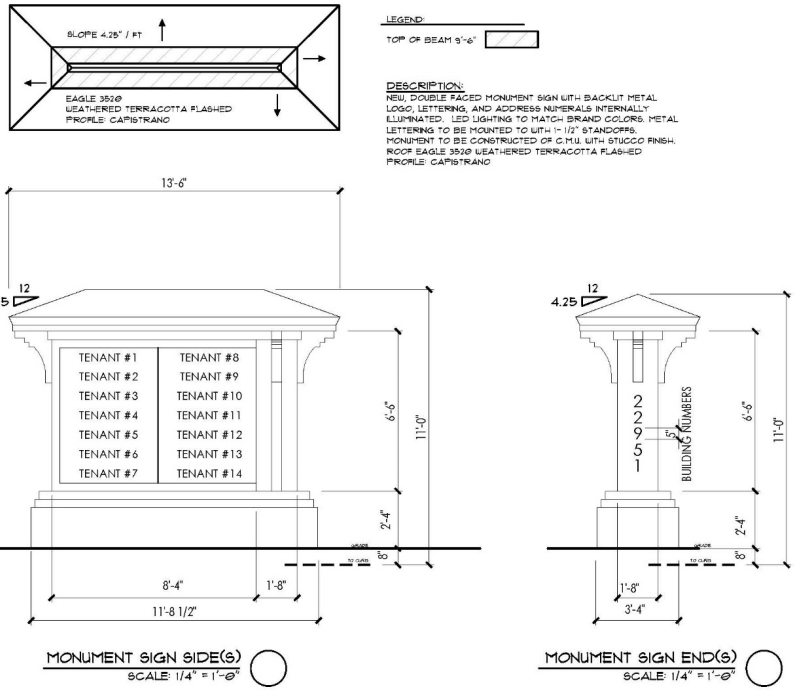
13

CONCEPTUAL ARCHITECTURAL RENDERING
PERSPECTIVE TO THE EAST

Coconut Trace
US 41 and Corkscrew Dr. Estero Florida

MHK ARCHITECTURE & PLANNING SK10

CONCEPTUAL ARCHITECTURAL RENDERING
MONUMENT SIGN



Coconut Trace
US 41 and Ogden Dr. Estero Florida

MHK ARCHITECTURE & PLANNING SK13
AUGUST 26, 2022

CONCEPTUAL ARCHITECTURAL RENDERING
COLOR PALETTE

SW 7617
Mediterranean
Interior / Exterior
Location Number: 261-C8

METAL / ALUMINUM TRIM

SW 9122
Dried Edamame (1)
Interior / Exterior
Location Number: 209-C4

SW 7541
Grecian Ivory (2)
Interior / Exterior
Location Number: 247-C1

SW 7005
Pure White (3)
Interior / Exterior
Location Number: 255-C1

Door & Window Metal

Coconut Trace
US 41 and Ogden Dr. Estero Florida

3919 TAMIAMI TRAIL E.
NAPLES FLORIDA 34112
PHONE: (239) 331-7362
WWW.MHKAP.COM
CERTIFICATE OF AUTHORIZATION

MHK ARCHITECTURE & PLANNING

SK14
AUGUST 09, 2022

COCONUT TRACE CPD – TRACTS C & D

16

SIGNAGE
SIGNAGE
SIGNAGE
SIGNAGE
SIGNAGE

PATTERN BOOK & LANDSCAPE ARCHITECTURE

SABRINA MCCABE, PLA - RVI PLANNING

MASTER LANDSCAPE CONCEPT PLAN

RVi Planning + Landscape Architecture

DISCLAIMER: LANDSCAPE IS CONCEPTUAL AND SUBJECT TO CHANGE UPON FINAL APPROVAL

COCONUT TRACE CPD – TRACTS C & D

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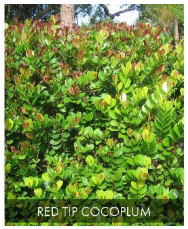
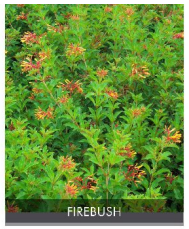
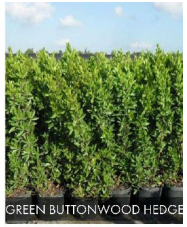
LANDSCAPE: PLANT PALETTE

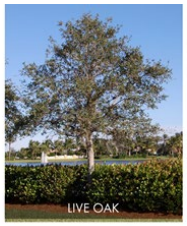
SHRUBS & ACCENTS



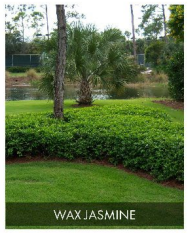




CANOPY

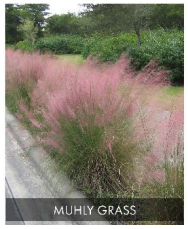


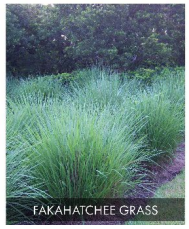
GROUND STORY



ACCENTS/ MIDSTORY

LAKE BANKS LITTORALS

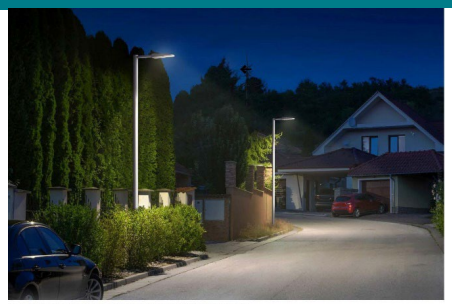




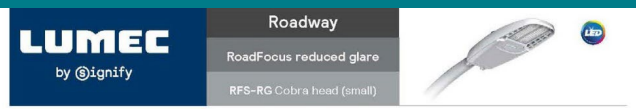
PALM

RVi Planning + Landscape Architecture

DECORATIVE LIGHTING AND FIXTURES



PROPOSED PARKING LOT LIGHTING



Lumec RoadFocus LED reduced glare cobra head luminaires provide the benefits of LED technology, including energy savings and lower maintenance costs yet minimizes perceived glare and brightness associated with LED technology without sacrificing performance required for optimum roadway applications. Includes Service Tag, innovative way to provide assistance throughout the life of the product.

Project:
Location:
Cat.No:
Type:
Lumens: Qty:
Notes:

RFS-RG RoadFocus reduced glare

LED Cobra head (small)

Predicted Lumen Depreciation Data

Predicted performance derived from LED manufacturer's data and engineering design estimates, based on IESNA TM-21 methodology. Actual experience may vary due to field application conditions. Lower the projected lumen values (or performance step) to suit to 70% of initial lumen output. Calculation type: IESNA TM-21 Method Level 6. Applicable only over a limited 10 times actual LED field hours.

Ambient Temperature °C	L70 per TM-21	Lumen Maintenance % at 78,000 hrs
25°C	>78,000 hours	>68.0%

LED Wattage values

Ordering Code	Total LEDs	Light Engine Configuration	Average System Watts[1]	Wattage label[2]
RFS-RG-25W30LED	32	2x16LED	25	30
RFS-RG-30W30LED	32	2x32LED	27	30
RFS-RG-25W40LED	32	2x32LED	30	30
RFS-RG-40W30LED	32	2x32LED	38	40
RFS-RG-40W40LED	32	2x32LED	38	40
RFS-RG-40W50LED	32	2x32LED	47	50
RFS-RG-50W50LED	32	2x32LED	52	50
RFS-RG-30W64LED	64	2x32LED	29	30
RFS-RG-35W64LED	64	2x32LED	33	30
RFS-RG-40W64LED	64	2x32LED	38	40
RFS-RG-45W64LED	64	2x32LED	43	40
RFS-RG-50W64LED	64	2x32LED	48	50

Ordering Code	Total LEDs	Light Engine Configuration	Average System Watts[1]	Wattage label[2]
RFS-RG-45W64LED	64	2x32LED	42	40
RFS-RG-60W64LED	64	2x32LED	57	60
RFS-RG-65W64LED	64	2x32LED	61	60
RFS-RG-70W64LED	64	2x32LED	66	70
RFS-RG-75W64LED	64	2x32LED	71	70
RFS-RG-80W64LED	64	2x32LED	76	80
RFS-RG-90W64LED	64	2x32LED	85	80
RFS-RG-95W64LED	64	2x32LED	90	90
RFS-RG-100W64LED	64	2x32LED	95	100

1. Typical values, rounded.
2. As per ANSI C136.15-2015. Consult factory for other labeling needs.

4000K LED Lumen values

Ordering Code	Color Temp.	Type II/3M/3M Lumen Output	Efficacy (LPW)	BUG Rating
RFS-RG-25W30LED	4000	3250	127	B3-U0-G3
RFS-RG-30W30LED	4000	4376	164	B2-U0-G3
RFS-RG-30W40LED	4000	3250	110	B2-U0-G3
RFS-RG-40W30LED	4000	5858	158	B2-U0-G3
RFS-RG-40W40LED	4000	5858	154	B2-U0-G3
RFS-RG-50W50LED	4000	7044	151	B3-U0-G3
RFS-RG-30W64LED	4000	3250	112	B3-U0-G3
RFS-RG-35W64LED	4000	4390	133	B3-U0-G3
RFS-RG-40W64LED	4000	5460	143	B2-U0-G3
RFS-RG-45W64LED	4000	5471	128	B2-U0-G3
RFS-RG-60W64LED	4000	7346	127	B2-U0-G3
RFS-RG-65W64LED	4000	7500	122	B2-U0-G3
RFS-RG-70W64LED	4000	8690	131	B2-U0-G3
RFS-RG-75W64LED	4000	8690	122	B2-U0-G3
RFS-RG-80W64LED	4000	9281	118	B3-U0-G3
RFS-RG-90W64LED	4000	9882	110	B3-U0-G3
RFS-RG-95W64LED	4000	9858	103	B3-U0-G3
RFS-RG-100W64LED	4000	9858	103	B3-U0-G3

3000K LED Lumen values

Ordering Code	Color Temp.	Type II/3M/3M Lumen Output	Efficacy (LPW)	BUG Rating
RFS-RG-25W30LED3K	3000	3250	127	B3-U0-G3
RFS-RG-30W30LED3K	3000	4014	147	B3-U0-G3
RFS-RG-30W40LED3K	3000	3250	110	B2-U0-G3
RFS-RG-40W30LED3K	3000	5367	148	B2-U0-G3
RFS-RG-40W40LED3K	3000	5367	144	B2-U0-G3
RFS-RG-50W50LED3K	3000	6457	141	B3-U0-G3
RFS-RG-30W64LED3K	3000	3185	114	B2-U0-G3
RFS-RG-35W64LED3K	3000	4301	133	B2-U0-G3
RFS-RG-40W64LED3K	3000	5460	143	B2-U0-G3
RFS-RG-45W64LED3K	3000	5471	128	B2-U0-G3
RFS-RG-60W64LED3K	3000	7346	127	B2-U0-G3
RFS-RG-65W64LED3K	3000	7500	122	B2-U0-G3
RFS-RG-70W64LED3K	3000	8690	131	B2-U0-G3
RFS-RG-75W64LED3K	3000	8690	122	B2-U0-G3
RFS-RG-80W64LED3K	3000	9281	118	B3-U0-G3
RFS-RG-90W64LED3K	3000	9882	110	B3-U0-G3
RFS-RG-95W64LED3K	3000	9858	103	B3-U0-G3
RFS-RG-100W64LED3K	3000	9858	103	B3-U0-G3

2700K LED Lumen values

Ordering Code	Color Temp.	Type II/3M/3M Lumen Output	Efficacy (LPW)	BUG Rating
RFS-RG-25W30LED2K	2700	2750	107	B3-U0-G3
RFS-RG-30W30LED2K	2700	3650	120	B3-U0-G3
RFS-RG-30W40LED2K	2700	2750	93	B2-U0-G3
RFS-RG-40W30LED2K	2700	4368	120	B2-U0-G3
RFS-RG-40W40LED2K	2700	4368	117	B2-U0-G3
RFS-RG-50W50LED2K	2700	5254	115	B3-U0-G3
RFS-RG-30W64LED2K	2700	2693	96	B2-U0-G3
RFS-RG-35W64LED2K	2700	3636	112	B2-U0-G3
RFS-RG-40W64LED2K	2700	4444	116	B2-U0-G3
RFS-RG-45W64LED2K	2700	4454	104	B2-U0-G3
RFS-RG-60W64LED2K	2700	5980	103	B2-U0-G3
RFS-RG-65W64LED2K	2700	6108	99	B2-U0-G3
RFS-RG-70W64LED2K	2700	7074	107	B2-U0-G3
RFS-RG-75W64LED2K	2700	7074	99	B2-U0-G3
RFS-RG-80W64LED2K	2700	7555	96	B3-U0-G3
RFS-RG-90W64LED2K	2700	8045	90	B3-U0-G3
RFS-RG-95W64LED2K	2700	8024	84	B3-U0-G3
RFS-RG-100W64LED2K	2700	8024	84	B3-U0-G3

Actual performance may vary due to installation variables including temperature, mounting height, dirt depreciation, light loss factor, etc. Highly recommended to confirm performance with a layout - contact Applications at signify.com for assistance. Consult C&D, LTL to confirm your specific fixture selection is DLC approved.
Note: Some data may be scaled based on charts of similar but not identical luminaires.

RoadFocus RFS-RG 10/21 page 2 of 4

Ordering guide

example: RFS-RG-35W30LED3K-R2-DG-DM4-UNV-DH5-PH10-RC20-WG1

Series	Application	LED module	CCT	Generation	Distribution	Voltage	Options: Controls[1]	Options	Finish
RFS RoadFocus small	RG Roadway RG	25W30LED 30W30LED 35W30LED 40W30LED 50W30LED 25W40LED 30W40LED 35W40LED 40W40LED 45W40LED 50W40LED 30W64LED 35W64LED 40W64LED 45W64LED 50W64LED 60W64LED 65W64LED 70W64LED[2] 75W64LED[2] 80W64LED[2] 90W64LED[2] 95W64LED[2] 100W64LED[2]	3K 3000K 3K 3000K 27K[3] 2700K	02 Generation 2	R2/3M Type II-III Medium (R2/3M)	UNV 120-277V HVU[4] 347-480V	Dim[5]: (Page Dim Controls) DG[6]: Digital addressable lighting interface (DALI) DM4[7]: Dim 4 DH5[8]: Dim 5 DH10[9]: Dim 10 DH20[10]: Dim 20 DH30[11]: Dim 30 DH40[12]: Dim 40 DH50[13]: Dim 50 DH60[14]: Dim 60 DH70[15]: Dim 70 DH80[16]: Dim 80 DH90[17]: Dim 90 DH100[18]: Dim 100 SGC: ready driver, standard configuration SGE: ready driver, alternate configuration	AP1: Factory installed NEMA base, ANSI C136.41 compliant DIM5[1]: Field adjustable wattage selector FSR: Front Side Shield HSS: House Side Shield NRC: No receptacle NTBC: 4-position terminal block PH6[2]: Photocell PH6/24[3]: Twist-lock photocell, cell, UNV (120-277VAC) PH6/HVU[4]: Twist-lock photocell, cell (347VAC) PH6/NEC[5]: Twist-lock photocell, cell (480VAC) PH10L[6]: Twist-lock photocell, cell, extended life, UNV (120-277VAC) PNP[7]: Shorting cap RCD[8]: Twist lock receptacle for twist-lock photocell or shorting cap, UNV (120-277VAC) RCD/24[9]: Twist lock receptacle for twist-lock photocell or shorting cap, 24V (standard) RCD/HVU[10]: 24V / 6VA Surge protector for twist-lock receptacle RHC[11]: Meets the requirements of the Buy American Act of 1933 (BAA)	BK: Black BR: Bronze GRD: Gray WH: White

[1] Not available with PH6.
[2] Refer to Accessories section to confirm compatibility of shields with optical distribution. Twist-lock receptacle or shorting cap is required to ensure proper illumination.
[3] Select one mandatory option.
[4] Please select this integrated feature come standard with RoadFocus.
[5] Only available with DM, SGC or SGD Driver Options.
[6] Only available with DM5 Driver Options.
[7] Not available with PH6, PH6/24T, PH6/HVU, PH6L, PH10L DALI, SGD or SGD Driver Options.
[8] Not available with SGD Driver Options.
[9] Only with PH6 or PH6/24T. SGD must be selected for this option.
[10] Extended lead-times may apply. Consult factory.
[11] Not available with UNV.
[12] Unless provided per LED light engine.
[13] TLRSR must be selected with DH4
[14] TLRSR and DH must be selected with DM5

[1] Fixture is originally ordered with "DALI" outlet, control ready, but without a DALI driver. Fixture will function and product will not receive a fee or RMA or refund. This BAC designation for vendor does not address (1) the applicability of, or availability of a waiver under, the trade agreements act, or (2) the "Buy America" requirements of the American Recovery and Reinvestment Act, and other non-federal entities as a condition of receiving funds administered by the Department of Transportation or other federal agencies.
[2] Consult Signify to confirm whether specific accessories are BAA-compliant.

Accessories[1] (must be ordered as separate line item - quickly and easily installed in the field)

Internal City connector node (Contact the factory for additional support when connected lighting or additional services are desired)

Shielding accessories

Description	Luminaire Option Code	Accessory Ordering Code 32 LED version[2]
Front side shield	FSS	ACC-LMHD3LED-FSS
House side shield	HS	ACC-LSSHD3LED-FS-HS

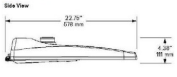
[2] Refer to Wattage table to confirm light engine configuration. Example: 2 configurations in 2x16LED, 2 of the internal shields must be ordered per luminaire.

RFS-RG RoadFocus reduced glare

LED Cobra head (small)

Dimensions

Side View



Weight: 9.4 lbs
EPA: 0.52 sq. feet

Bottom View

Field Adjustable Wattage (FAWS) Multiplier Chart

FAWS Position	Typical Delivered Lumens Multiplier	Typical System wattage
1	0.18	0.28
2	0.53	0.50
3	0.62	0.58
4	0.70	0.67
5	0.78	0.75
6	0.83	0.82
7	0.89	0.87
8	0.92	0.91
9	0.96	0.95
10	1.00	1.00

Note: Typical value accuracy +/- 5%

Specifications

Housing
Made of a low copper die cast Aluminum alloy (A360), 0.190" (2.5mm) minimum thickness. Comes with a zinc plated clamp fixed by 2 zinc plated hexagonal bolts 5/16 18 UNC for ease of installation. Provides an easy step adjustment of +/- 5° tilt in 2.5° increments. Includes integral bubble level standard (always included). A quick release, tool less entry, single latch, hinged, removable door opens downward to provide access to electronic components and to a terminal block. Door is secured to prevent accidental dropping or disengagement. A clearance of 13" (330mm) at the rear is required in order to remove the door. Complete with a bird guard protecting against birds and similar intruders and an ARB label as per C136.15-2015 to identify wattage and source (both included in box). Housing (including electrical compartment) rated IP54 per ANSI C136.37.

Light Engine
Composed of 4 main components: LED Module / Optical System / Heat Sink / Driver.
Electrical components are RoHS compliant, IP66 sealed light engine equipped LEDs tested by ISO 17025-2005 accredited lab in accordance with IESNA LM-80 guidelines in compliance with EPA ENERGY STAR, cut operations in accordance with IESNA TM-21. Metal core board ensures greater heat transfer and longer lifespan.
LED Module: Composed of high-performance white LEDs. Color temperature as per ANSI/NEMA bin 2 700 Kelvin nominal (2725 -2875K), 3000 Kelvin nominal (3045K +/- 175K) or 4000 Kelvin nominal (3985K +/- 275K), CRI 70 Min. 75 Typical. Other CCT/CRI also available, consult factory.

Optical System: Composed of high performance UV stabilized optical grade polymer refractor lenses to achieve desired distribution optimized for get maximum spacing, target lumens and a superior lighting uniformity. System is rated IP66. Performance shall be tested per LM-63, LM-79 and TM-15 (IESNA) certifying its photometric performance, 0% uplight and U0 per IESNA TM-15.

Heat Sink: Built in the housing, designed to ensure high efficiency and superior cooling by natural or/ and convection air flow pattern always close to LEDs and driver optimizing their efficiency and life. Product does not use any cooling device with moving parts (only passive cooling). Wide openings enable natural cleaning and removal of dirt and debris. Entry luminaire is rated for operation in ambient temperature of -40°C/-4°-40°F up to +50°C/+122°F.

Driver: High power factor of 90% min. Electronic driver, operating range 50/60 Hz. Auto adjusting universal voltage input from 120 to 277 VAC rated for both application line to line or line to neutral. Class I or 2. THD of 20% max.

DMG: Dimming compatible 0-10 volts.
The current supplying the LEDs will be reduced by the driver if the driver experiences internal overheating in a protection to the LEDs and the electrical components. Output is protected from short circuits, voltage overload and current overload. Automatic recovery after correction. Standard built in driver surge protection of 2.5kV (min).

Integrated Features
DMG: Dimmable driver 0-10V.
RCD?: Tool less orientable receptacle with 7 pins enabling dimming and additional functionality (to be determined), can be used with a twist lock Interact City node or photoelectric cell or a shorting cap.
Please note: Additional hardware will be required to utilize the additional 2 pins on this receptacle.
SPI: Surge protection device tested in accordance with ANSI/IEEE C62.45 per ANSI/IEEE C62.41.2 Scenario I Category C High Exposure 10kV/10kA waveforms for Line-Ground, Line-Neutral and Neutral-Ground, and in accordance with DOE MSSL C Model Specification for LED Roadway Luminaires Appendix E Electrical Immunity high test level 10kV/10kA.
Please note that these integrated features always come with RoadFocus luminaire.
* Use of photoelectric cell or shorting cap is required to ensure proper illumination.

RoadFocus RFS-RG 10/21 page 3 of 4

RFS-RG RoadFocus reduced glare

LED Cobra head (small)

Specifications (continued)

Driver and Luminaire Options
DM: Dimmable constant lumen
DALI: Pre-set driver compatible with the DALI protocol
SGD: Square Ready Driver including DG communication (used for dimming and other functionalities), 24V auxiliary supply and a typical signal input (S) connected to the Twist Lock receptacle (not to the surge protection). TLRSR receptacle, if the option is chosen, will be wired to the surge protection module (not to the Twist Lock receptacle).
SGD?: Sensor Ready Driver including DG communication (used for dimming and other functionalities) but with 24V auxiliary supply and a typical signal input (S) connected to the twist lock. TLRSR receptacle, if the option is chosen, will be wired to the surge protection module (not to the Twist Lock receptacle).
DMG: Outdoor Photo Sensor
FAWS: Field Adjustable Wattage Selector, allows the end user to select the desired wattage within the fixture based on the desired position. This reduces total lumen and wattage consumption and reduces the light level – see FAWS multiplier chart for more details. It is not recommended to use FAWS with other dimming or controls. If specific set-points are required, please contact factory for low other dimming or controls. Referencing FAWS to any position other than 10 will disable other dimming or controls.
NRC: No Receptacle. Fixture is shipped with a cap instead of a receptacle.
NTBC: 4-position terminal block
PH6: Shorting cap
PH6/24T: Twist-lock photoelectric cell, UNV (120-277VAC)
PH6/24D: Twist-lock photoelectric cell, UNV (120-277VAC)
PH6/HVU: Twist-lock photoelectric cell, UNV (347-480VAC)
PH6L: Twist-lock Photoelectric Cell, extended life, UNV (120-277VAC)
PH6/NEC: Twist-lock photoelectric cell, UNV (120-277VAC)
PH10L: Twist-lock Photoelectric Cell, extended life, UNV (120-277VAC)

Shorting cap
AP1: Factory installed NEMA base, ANSI C136.10 compliant, Siemens factory for other options
**Sensor Ready Driver including DG communication (used for dimming and other functionalities), 24V auxiliary supply and a typical signal input (S) connected to the twist lock receptacle (not to the surge protection). TLRSR receptacle, if the option is chosen, will be wired to the surge protection module (not to the twist lock receptacle).
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PH6L: Twist-lock Photoelectric Cell, extended life, UNV (120-277VAC)

Finish
Finish: Black, Bronze, Gray, White

LED products manufacturing standard
The electronic components meet an electrostatic discharge (ESD) sensitivity level of 2000 volts. Electronic components compliance with IEC 61000-3-3 and ANSI/IEEE C62.41.2 Scenario I Category C High Exposure 10kV/10kA waveforms for Line-Ground, Line-Neutral and Neutral-Ground.

Warranty Tag
Each individual luminaire is uniquely identifiable. Thanks to the Service tag application, with a simple scan of a QR code, placed on the inside of the door, you gain instant access to the luminaire's configuration, making installation and maintenance easier and faster. Information on native other stage of the luminaire's lifetime. Just download the APP and register your product right away.
For more details visit signify.com/service/tag

Limited Warranty
10-year limited warranty.
See signify.com/warranty for details and restrictions.

Standard Colors
For Standard / Green available with this luminaire, see Lumec 20 for details.

RoadFocus RFS-RG 10/21 page 4 of 4

COMPREHENSIVE PLAN COMPLIANCE

- ✓ FLU Policy 1.2.9 Urban Commercial Future Land Use
- ✓ FLU Policy 1.10.1: Commercial Development Form
- ✓ FLU Policy 1.10.2: Commercial Development Standards
- ✓ FLU Policy 1.10.3: Connectivity

Urban Commercial Category
Development Types, Density and Intensity

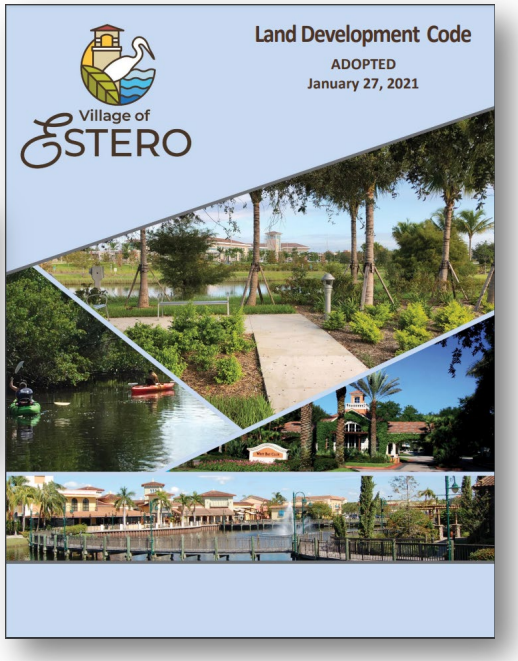
Development Types	Standard Density	Bonus Density	Intensity
Single use commercial subject to compatibility standards	n/a	n/a	1 FAR; and Neighborhood or community scale commercial per FLU-1.5
Residential Limited to parcels of 5 or more acres in size or parcels subject to an approved and effective DRI that designates residential development as allowable on the parcel	1 du/acre – 6 du/acre based on gross residential acreage	n/a	n/a
Integrated horizontal mixed use subject to compatibility standards	1 du/acre – 6 du/acre based on gross residential acreage	n/a	1 FAR; and Minor, Neighborhood or Community scale commercial per FLU-1.5
Vertical mixed use subject to compatibility standards	1 du/acre – 6 du/acre based on gross acreage including non-residential land		1 FAR; and Minor, Neighborhood or Community scale commercial per FLU-1.5
Assisted Living Facilities	1-6 du/ac, subject to conversion standards in the Land Development Code	n/a	

LDC SEC 2-501.C.2 – REZONING CRITERIA

- ✓ Consistent with Goals, Objectives, and Policies of the Comprehensive Plan
- ✓ No conflict with LDC
- ✓ Addresses a demonstrated community need
- ✓ Is compatible with surrounding uses
- ✓ Is an appropriate zoning district
- ✓ Part of logical and orderly development pattern
- ✓ Will not adversely affect the property values
- ✓ Is adequately served by public facilities
- ✓ Does not result in significantly adverse impacts on the natural environment

LDC SEC 3-705-D – CPD DEVELOPMENT STANDARDS

- ✓ Off-street Parking, Bicycle Parking, and Loading
- ✓ Mobility and Connectivity
- ✓ Landscape
- ✓ Exterior Lighting
- ✓ Architecture, Form and Design
- ✓ Signage
- ✓ Natural Resources
- ✓ Site Access
- ✓ Pedestrian Circulation & Connections
- ✓ Utilities



CONCLUSION

- ✓ Quality development with enhanced site design
- ✓ Compatible with surrounding land uses & reduction in approved commercial intensity
- ✓ Consistent with LDC review criteria and Comprehensive Plan
- ✓ Staff recommendation of APPROVAL
- ✓ PZDB unanimous recommendation of APPROVAL
- ✓ Request City Council APPROVE PD Amendment as presented by Staff

LONDON BAY

THANK YOU

LONDON BAY

CYK
COLEMAN | YOVANOVICH | KOESTER

ATWELL

RVi Planning + Landscape Architecture

MHK ARCHITECTURE & PLANNING
NAPLES | PALM BEACH | THE CAROLINAS
The Florida Architect

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
November 2, 2022

Agenda Item:

Second Reading of Ordinance No. 2022-15, Pelican Sound Residential Planned Development Zoning Amendment.

Motion to adopt Ordinance No. 2022-15.

Background:

The applicant requests a zoning amendment to allow Recreation, including Pickleball, as an Accessory Use in the Golf Course Maintenance and Storage Area located on the north side of Williams Road, west of US 41.

Description:

See attached staff report for detail.

The Planning, Zoning, and Design Board heard the request on September 13, 2022 and continued the hearing until September 27, 2022. That hearing was canceled due to Hurricane Ian and was rescheduled to October 25, 2022.

At the Council first reading on October 19th, Council Members requested additional clarification be provided at the November 2, 2022 second reading and public hearing for the following:

- Clarification of where the pickleball use is requested within the golf maintenance area, and if golf-related uses such as the golf storage building will be displaced.

Action Requested:

Motion to adopt Ordinance No. 2022-15.

Process and Timeline:

- Public Information Meeting June 14, 2022
- Planning, Zoning and Design Board Hearing September 13, 2022, and October 25, 2022
- Council First Reading October 19, 2022
- Council Second Reading and Public Hearing November 2, 2022

Financial Impact:

Minor cost for newspaper advertisement for second reading.

Prepared by: Mary Gibbs

Attachments:

1. Ordinance No. 2022-15
2. Staff Report

VILLAGE OF ESTERO, FLORIDA
ZONING
ORDINANCE NO. 2022 - 15

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, AMENDING THE PELICAN SOUND RESIDENTIAL PLANNED DEVELOPMENT (RPD) ZONING TO ALLOW RECREATION USES, INCLUDING PICKLEBALL, IN THE GOLF MAINTENANCE AND STORAGE AREA ON A 150.23-ACRE PROPERTY ON THE SOUTH SIDE OF THE ESTERO RIVER, NORTH OF WILLIAMS ROAD AND WEST OF US 41; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Pelican Sound Golf and River Club represented by Eric Long, and Kenrick Gallander of RWA, Inc. (the "Applicant") filed an application for a zoning amendment to the Pelican Sound Residential Planned Development (RPD) for a 150.23-acre property (the "Property"); and

WHEREAS, the property STRAP number is 32-46-25-E2-00003.10CE and is legally described in Exhibit A; and

WHEREAS, at a duly noticed public hearing held on September 13, 2022, the Planning, Zoning, and Design Board continued the public hearing; and

WHEREAS, at a continued public hearing held on October 25, 2022, the Planning, Zoning, and Design Board recommended _____; and

WHEREAS, a duly noticed first reading was held before the Village Council on October 19, 2022; and

WHEREAS, a duly noticed second reading and public hearing was held before the Village Council on November 2, 2022 for adoption of the Ordinance; and

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

Section 1. Zoning Amendment.

The Village Council approves the zoning amendment of the Residential Planned Development to allow for recreation uses, including pickleball, on the Golf Maintenance and Storage Area, subject to the following conditions.

Section 2. Conditions

1. Master Concept Plan

   Development of this project must be consistent with the Pelican Sound Golf & River Club, Inc. Master Concept Plan, received April 6, 2022.

2. Resolution Z-13-003 Amendments

   Zoning Resolution Z-13-003 remains in effect except as amended by this approval for Pickleball Facilities in the Golf Maintenance and Storage Area.

   The following conditions of approval are amended by ~~strikethrough~~ for deletions and underline for additions:

   Condition 4. Schedule of Uses
   Accessory Uses, buildings & structures:
   - Pickleball Facilities

   Condition 15.f.
   Recreational facilities, Private on-site to include Pickleball facilities, shall be allowed within the designated Golf Maintenance and Storage Area tract as depicted on the approved MCP. Specific to the Pickleball facility, specialized acoustic material shall be provided on the north and south sides of the fencing, and players shall utilize equipment designated as "quiet" or "Green Zone" approved.

3. Noise Mitigation

   The Pickleball Courts within the Golf Maintenance and Storage Area shall have an eight-foot tall fence and gates installed with 1/8 inch thick sound deadening black Acoustifence material to ensure that the sound generated by the pickleball facility does not exceed the maximum of 66 dBA. The black Acoustifence material will be made to meet the dimensional standards of the eight-foot fence associated with the pickleball courts. Each sound deadening curtain must be made of Industrial, UV resistant Acoustifence material.

4. Hours of Operation

   Hours of operation for the pickleball courts within the Golf Maintenance and Storage Area are limited to 8 a.m. to dusk.

5. Approved Equipment

   The pickleball paddles approved for use are on a "Green Zone" approved list and use of these paddles will be administered by the Pelican Sound Golf & River Club. Use of paddles that are not on the "Green Zone" approved list are prohibited.

   The approved balls for pickleball play are limited to "Onix Fuze 2", or similar, to reduce noise.

6. Noise Complaints

   Within 30 days of approval of the Zoning Amendment, the property owner (currently identified as Pelican Sound Golf & River Club, Inc.) must send a letter to every owner of record within 750 feet of the Pickleball Facility area. This letter must include a designated phone number to be used to register a complaint in the event they are disturbed by noise related to the pickleball play. If the contact information changes in the future, a new letter must be sent out in accordance with this condition. A copy of said letter will be provided to the Village of Estero Director of Community Development for inclusion in the official file for this case.

   If excessive noise complaints are received regarding noise from pickleball play, the applicant shall have 30 days to submit a noise mitigation plan to the Village staff for review.

7. Lighting

   No lighting of the Pickleball Facilities in the Golf Maintenance and Storage Area is permitted.

Section 3. Deviation

Deviation from LDC Section 5-205.C.3 is approved to allow 16 paved golf cart spaces, with one space being handicap accessible, and a bicycle rack installed with a minimum of 16 bike spaces in lieu of vehicular parking at the pickleball facilities.

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 deviation 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 April 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 19th day of October, 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
LEGAL DESCRIPTION

PELICAN SOUND GOLF AND RIVER CLUB LEGAL DESCRIPTION:

IN SECTIONS 29, 32 AND 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA:
BEGIN AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER (NE1/4) OF SAID SECTION 32;
THENCE RUN N00°55'53"W ALONG THE WEST LINE OF SAID NORTHEAST QUARTER (NE1/4) FOR 1,226.64 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF A FLORIDA POWER AND LIGHT TRANSMISSION LINE (100 FEET WIDE);
THENCE RUN. N20°51'33"W ALONG SAID SOUTHWESTERLY LINE FOR 125.36 FEET TO A POINT ON THE SOUTH LINE OF LOT A56 OF "FLORIDA GULF LAND COMPANY'S SUBDIVISION," AS RECORDED IN PLAT BOOK 1 AT PAGE 59 OF THE PUBLIC RECORDS OF LEE COUNTY;
THENCE RUN S88°27'02"W ALONG THE SOUTH LINES OF LOTS A56, A55, A54 AND A53, SAID SUBDIVISION, FOR 1257.39 FEET TO THE SOUTHWEST CORNER OF SAID LOT A53, OF SAID SUBDIVISION;
THENCE RUN N00°43'04"W ALONG THE WEST LINE OF SAID LOT A53 FOR 1,180
FEET MORE OR LESS TO THE WATERS OF THE ESTERO RIVER;
THENCE RUN NORTHEASTERLY, NORTHERLY, NORTHEASTERLY, EASTERLY, SOUTHEASTERLY AND EASTERLY ALONG SAID WATERS FOR 5,396 FEET MORE OR LESS TO AN INTERSECTION WITH THE WEST LINE OF THE EAST HALF (E1/2) OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SAID SECTION 29;
THENCE RUN S00°11'00"E ALONG SAID WEST LINE FOR 990 FEET MORE OR LESS TO THE NORTH LINE OF SAID SECTION 32;
THENCE RUN N89°49'47"E ALONG SAID NORTH LINE OF SAID SECTION 32 FOR 671.22 FEET TO THE NORTHEAST COMER OF SAID SECTION 32;
THENCE RUN N89°15'27"E ALONG THE NORTH LINE OF SAID SECTION 33 FOR 395.00 FEET;
THENCE RUN S00°30'33"E FOR 2,647.83 FEET TO THE NORTH LINE OF THE SOUTHWEST QUARTER (SW1/4) OF SAID SECTION 33;
THENCE RUN N88°52'56"E ALONG SAID NORTH LINE FOR 987.18 FEET;
THENCE RUN S00°31'21"E FOR 578.29 FEET;
THENCE RUN N88°50'29"E FOR 1,739.60 FEET TO THE WEST RIGHT-OF-WAY LINE OF TAMIAMI TRAIL [US 41/SR 45 (200 FEET WIDE)];
THENCE RUN ALONG SAID WESTERLY RIGHT-OF-WAY LINE S05°19'58"W FOR 201.29 FEET;
THENCE RUN S88°50'29"W FOR 1,719.07 FEET;
THENCE RUN S00°31'21"E FOR 1,840.23 FEET TO THE NORTH RIGHT-OF-WAY LINE OF WILLIAMS ROAD (60 FEET WIDE);
THENCE RUN S89°00'54"W ALONG SAID NORTH RIGHT-OF-WAY LINE FOR 1,382.17 FEET TO THE WEST LINE OF SAID SECTION 33;
THENCE RUN S89°00'18"W ALONG SAID NORTH RIGHT-OF-WAY LINE FOR 2,644.88 FEET
TO THE WEST LINE OF THE SOUTHEAST QUARTER (SE ¼) OF SAID SECTION 32;
THENCE RUN N0°56'02"W ALONG SAID WEST LINE FOR 2,614.20 FEET TO THE
POINT OF BEGINNING.
CONTAINING 561.8 ACRES OF LAND, MORE OR LESS.

THIS LEGAL DESCRIPTION IS INCLUSIVE OF THE FORMERLY LESSED OUT CEMETERY PARCEL, AND THE FORMERLY EXCLUDED TRIANGLE PARCEL.

Ordinance No. 2022- 15
DCI2021-E003

EXHIBIT PH-3.C.1.

Legal Description
Exhibit PH-3.C.1

PELICAN SOUND GOLF AND RIVER CLUB LEGAL DESCRIPTION:

IN SECTIONS 29, 32 AND 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA:
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THENCE RUN NORTHEASTERLY, NORTHERLY, NORTHEASTERLY, EASTERLY, SOUTHEASTERLY AND EASTERLY ALONG SAID WATERS FOR 5,396 FEET MORE OR LESS TO AN INTERSECTION WITH THE WEST LINE OF THE EAST HALF (E1/2) OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SAID SECTION 29;
THENCE RUN S00°11'00"E ALONG SAID WEST LINE FOR 990 FEET MORE OR LESS TO THE NORTH LINE OF SAID SECTION 32;
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TO THE WEST LINE OF THE SOUTHEAST QUARTER (SE ¼) OF SAID SECTION 32;
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CONTAINING 561.8 ACRES OF LAND, MORE OR LESS.

THIS LEGAL DESCRIPTION IS INCLUSIVE OF THE FORMERLY LESSED OUT CEMETERY PARCEL, AND THE FORMERLY EXCLUDED TRIANGLE PARCEL.

6/15/12

MICHAEL A. WARD, PROFESSIONAL LAND SURVEYOR LS#5301 DATE
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

June 14, 2012 4:40 PM M:\1997\97910.01.09 Pelican Sound RPD & FPA Amendment\0002 Prepare Boundary Surveys\9701880109SK01.dwg

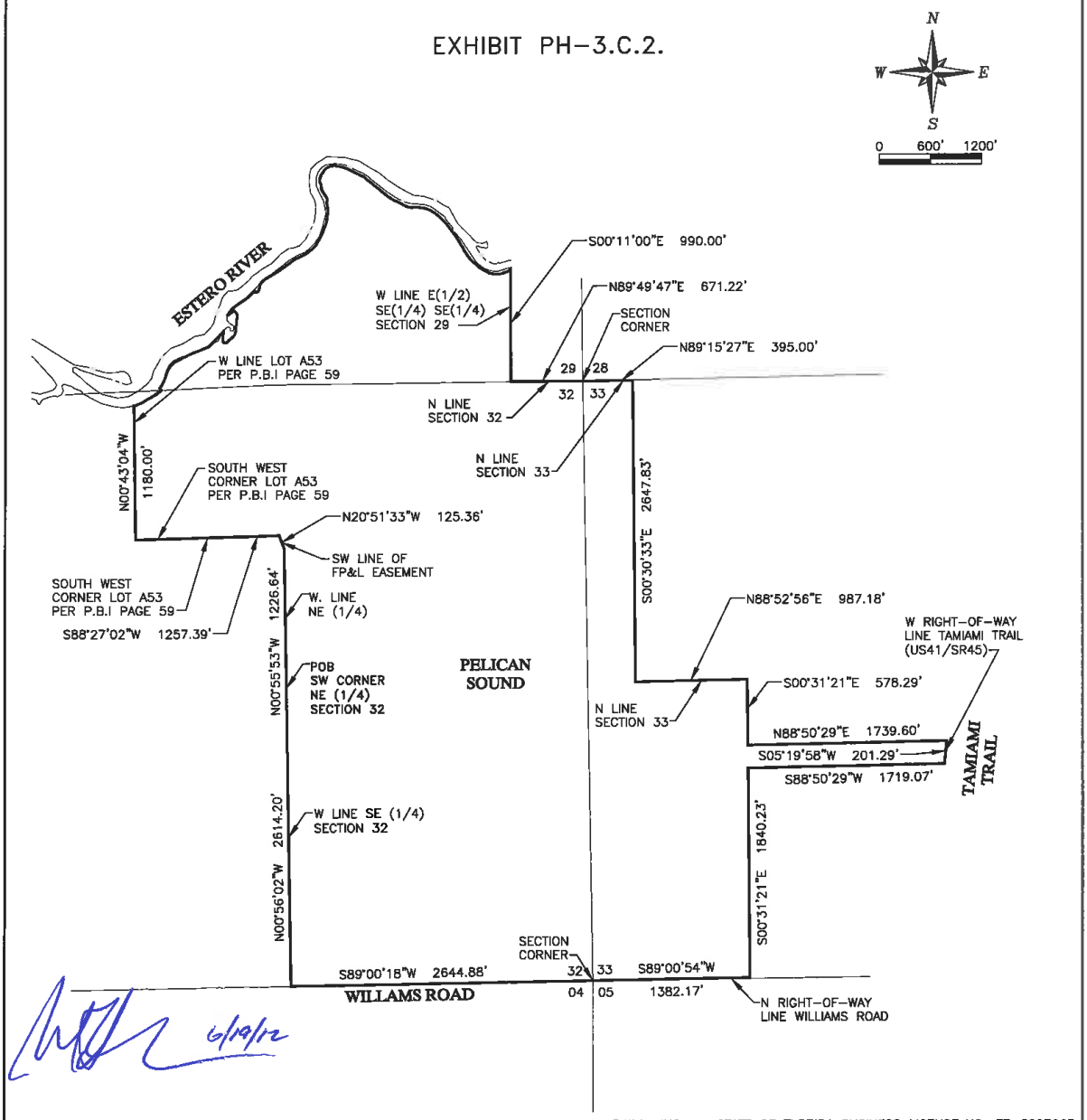
R.W.A., INC. STATE OF FLORIDA BUSINESS LICENSE NO. EB-0007663

RWA CONSULTING INC.
Planning
Visualization
Civil Engineering
Surveying & Mapping
6810 Willow Park Drive, Suite 200
Naples, Florida 34109
(239) 597-0575 FAX: (239) 597-0578
www.consult-rwa.com
Florida Certificates of Authorization
EB 7663 LB 6952

DATE: JUNE, 2012	CLIENT: PELICAN SOUND GOLF & RIVER CLUB		
SCALE: 1" = 1200'			
DRAWN BY: J.P.	TITLE: LEGAL DESCRIPTION		
CHECKED BY: M.A.W.			
SEC: 29,32,33 TWP: 46 RGE: 25E	PROJECT NUMBER: 970188.01.09	SHEET NUMBER: 1 OF 2	FILE NUMBER: 9701880109SK01

THIS IS NOT A SURVEY

EXHIBIT PH-3.C.2.



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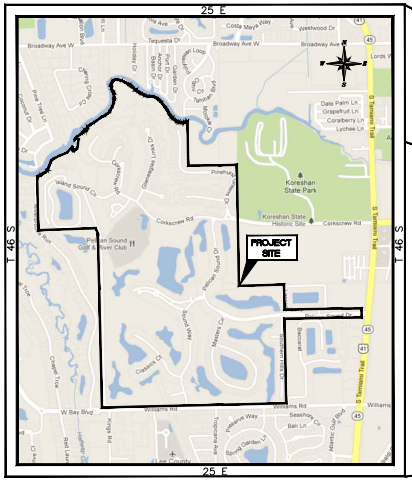
DATE: JUNE, 2012	CLIENT: PELICAN SOUND GOLF & RIVER CLUB		
SCALE: 1" = 1200'			
DRAWN BY: J.P.	TITLE: SKETCH		
CHECKED BY: M.A.W.			
SEC: 29,32,33 TWP: 46 RGE: 25	PROJECT NUMBER: 970188.01.09	SHEET NUMBER: 2 OF 2	FILE NUMBER: 9701880109SK02

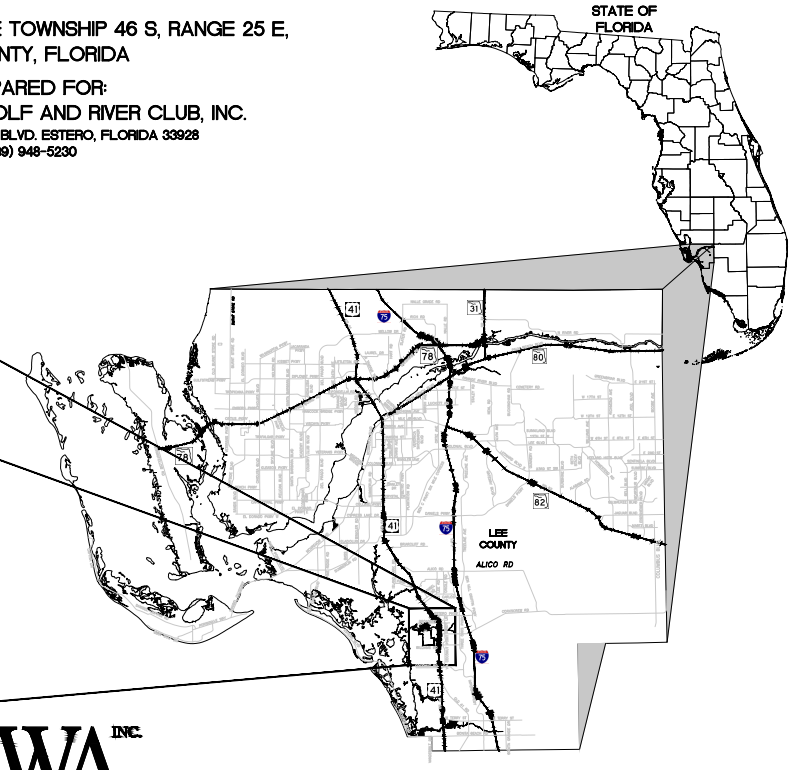
Pelican Sound Golf & River Club RPD

PART OF SECTION 29,32 E TOWNSHIP 46 S, RANGE 25 E,
LEE COUNTY, FLORIDA

PREPARED FOR:
PELICAN SOUND GOLF AND RIVER CLUB, INC.
4561 PELICAN SOUND BLVD. ESTERO, FLORIDA 33928
(239) 948-5230



LOCATION MAP



CONTENTS
SHEET 1 COVER SHEET
SHEET 2 MASTER CONCEPT PLAN
SHEET 3 DETAILS
SHEET 4 INDIGENOUS PRESERVE PLAN
SHEET 5 ADDITIONAL DETAILS

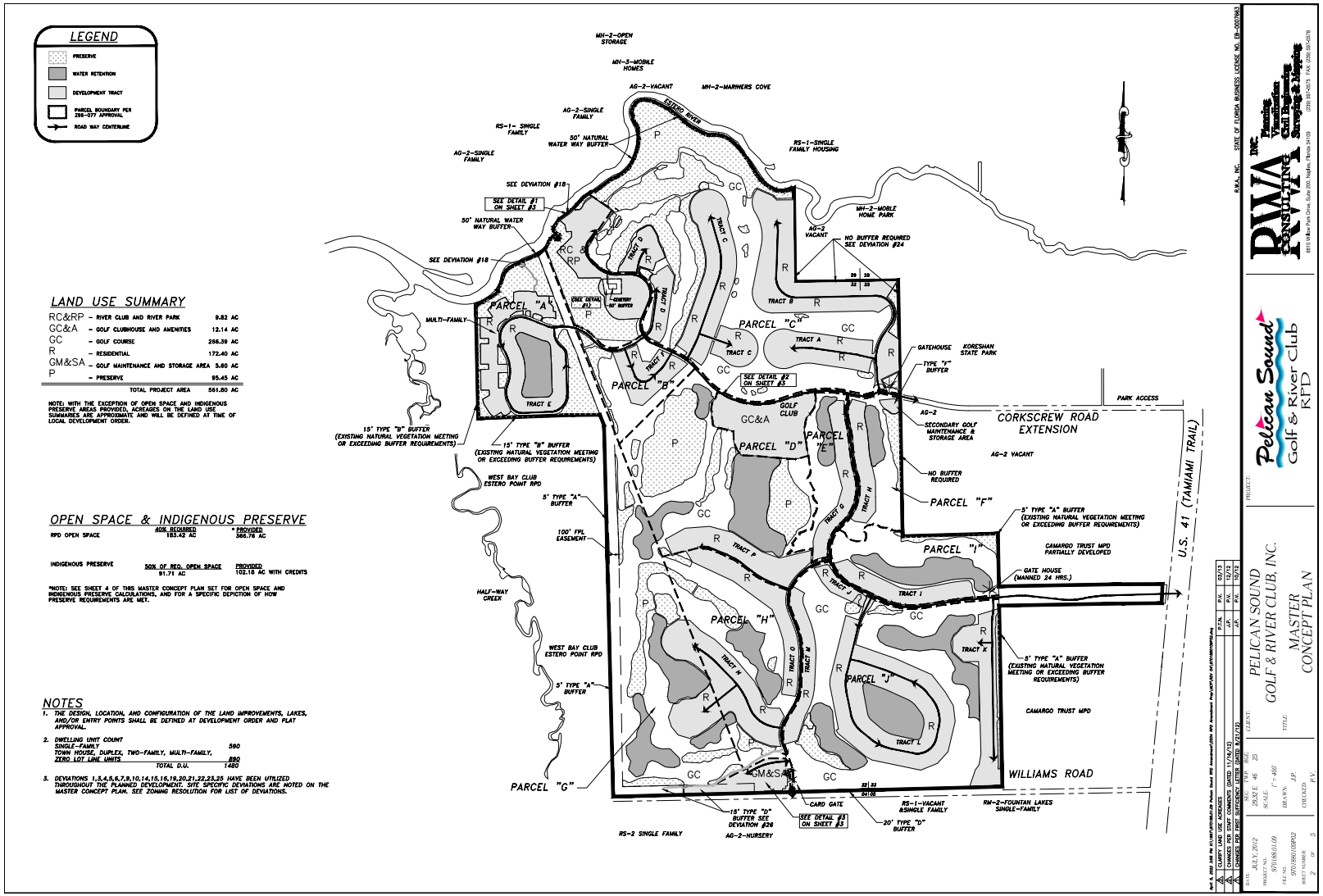
REV #	REVISION	DRAWN	CHECKED	DATE
3	CLARIFY LAND USE ACREAGES	P.T.N.	P.V.	03/13
2	CHANGES PER STAFF COMMENTS (DATED 11/16/12)	J.P.	P.V.	12/12
1	CHANGES PER FIRST SUFFICIENCY LETTER (DATED 08/21/12)	J.P.	P.V.	10/12

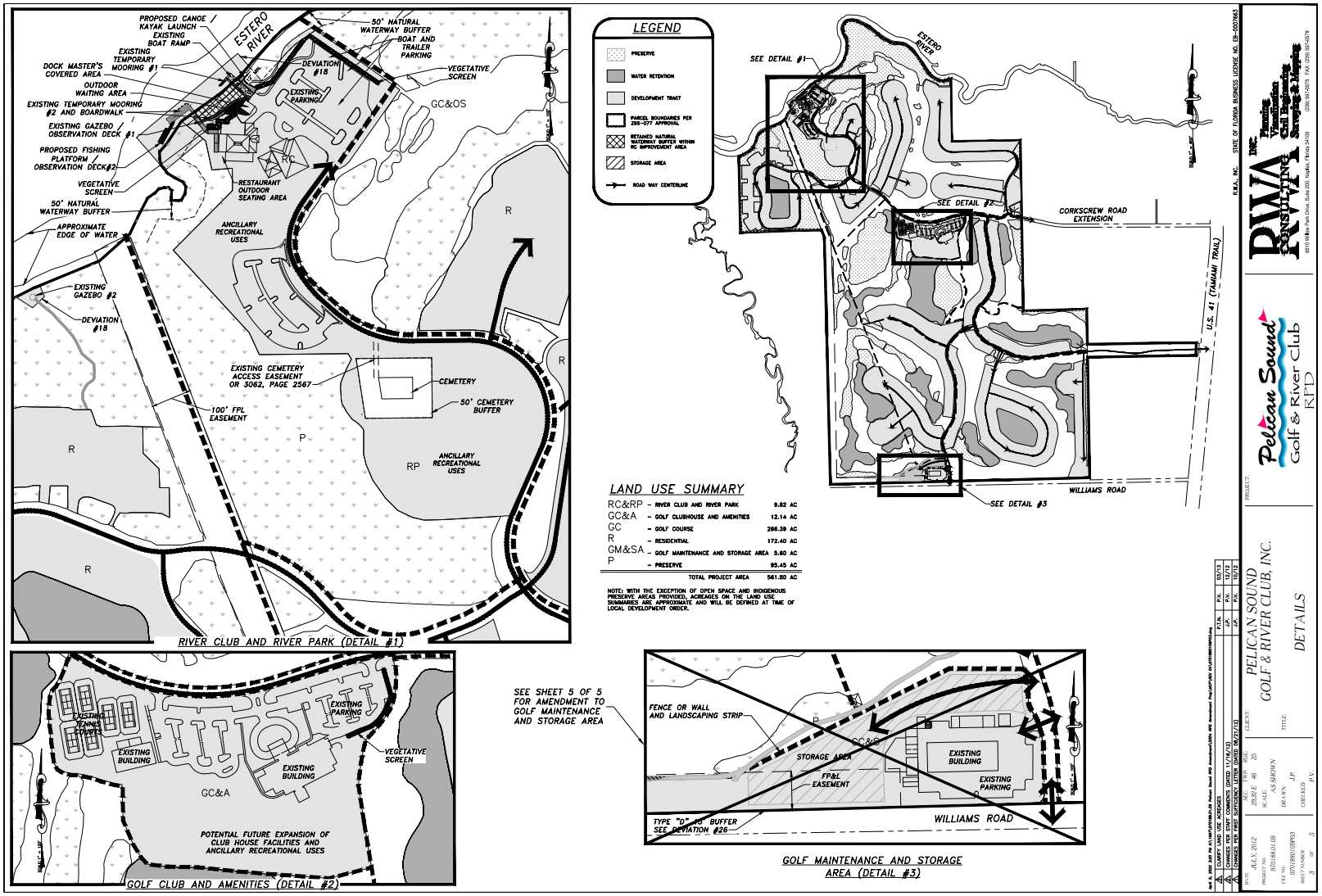
R.W.A., INC. STATE OF FLORIDA BUSINESS LICENSE NO. EB-0002663

RWA INC. CONSULTING
• Planning • Visualization
• Civil Engineering • Surveying & Mapping
6610 Willow Park Drive, Suite 200
Naples, Florida 34109
(239) 597-0575 FAX: (239) 597-0578

Eco Planz Inc.

April 5, 2022 4:00 PM K:\1997\970186.01.00 Pelican Sound RPD Amendment\2004 RPD Amendment Prep\MCP\REV 04\970186010MP01.dwg


LEGEND
PRESERVE
WATER RETENTION
DEVELOPMENT TRACT
PARCEL BOUNDARY PER ZDS-077 APPROVAL
ROAD WAY CENTERLINE
LAND USE SUMMARY
RC&RP - RIVER CLUB AND RIVER PARK 9.82 AC
GC&A - GOLF CLUBHOUSE AND AMENITIES 12.14 AC
GC - GOLF COURSE 256.39 AC
R - RESIDENTIAL 172.40 AC
GM&SA - GOLF MAINTENANCE AND STORAGE AREA 5.60 AC
P - PRESERVE 95.45 AC
TOTAL PROJECT AREA 551.80 AC
NOTE: WITH THE EXCEPTION OF OPEN SPACE AND INDIGENOUS PRESERVE AREAS PROVIDED, ACREAGES ON THE LAND USE SUMMARIES ARE APPROXIMATE AND WILL BE DEFINED AT TIME OF LOCAL DEVELOPMENT ORDER.
OPEN SPACE & INDIGENOUS PRESERVE
RPD OPEN SPACE 40% REQUIRED 183.42 AC * PROVIDED 366.76 AC
INDIGENOUS PRESERVE 50% OF REQ. OPEN SPACE 91.71 AC PROVIDED 102.18 AC WITH CREDITS
*NOTE: SEE SHEET 4 OF THIS MASTER CONCEPT PLAN SET FOR OPEN SPACE AND INDIGENOUS PRESERVE CALCULATIONS, AND FOR A SPECIFIC DEPICTION OF HOW PRESERVE REQUIREMENTS ARE MET.
NOTES
1. THE DESIGN, LOCATION, AND CONFIGURATION OF THE LAND IMPROVEMENTS, LAKES, AND/OR ENTRY POINTS SHALL BE DEFINED AT DEVELOPMENT ORDER AND PLAT APPROVAL.
2. DWELLING UNIT COUNT
SINGLE-FAMILY 590
TOWN HOUSE, DUPLEX, TWO-FAMILY, MULTI-FAMILY, ZERO LOT LINE UNITS 890
TOTAL D.U. 1480
3. DEVIATIONS 1,3,4,5,6,7,9,10,14,15,16,19,20,21,22,23,25 HAVE BEEN UTILIZED THROUGHOUT THE PLANNED DEVELOPMENT. SITE SPECIFIC DEVIATIONS ARE NOTED ON THE MASTER CONCEPT PLAN. SEE ZONING RESOLUTION FOR LIST OF DEVIATIONS.
MH-2-OPEN STORAGE
MH-3-MOBILE HOMES
AG-2-VACANT
MH-2-MARINERS COVE
ESTERO RIVER
AG-2-SINGLE FAMILY
RS-1- SINGLE FAMILY
50' NATURAL WATER WAY BUFFER
AG-2-SINGLE FAMILY
RS-1-SINGLE FAMILY HOUSING
SEE DEVIATION #18
SEE DETAIL #1 ON SHEET #3
50' NATURAL WATER WAY BUFFER
MH-2-MOBILE HOME PARK
AG-2 VACANT
NO BUFFER REQUIRED SEE DEVIATION #24
SEE DEVIATION #18
PARCEL "A"
SEE DETAIL #3
CEMETERY 50' BUFFER
PARCEL "C"
MULTI-FAMILY
TRACT A
TRACT B
TRACT C
TRACT D
TRACT E
TRACT F
TRACT G
TRACT H
TRACT I
TRACT J
TRACT K
TRACT L
TRACT M
TRACT N
TRACT O
TRACT P
GATEHOUSE
KORESHAN STATE PARK
TYPE "F" BUFFER
PARCEL "B"
SEE DETAIL #2 ON SHEET #3
GOLF CLUB
GC&A
PARCEL "D"
PARCEL "E"
PARK ACCESS
AG-2
SECONDARY GOLF MAINTENANCE & STORAGE AREA
CORKSCREW ROAD EXTENSION
AG-2 VACANT
NO BUFFER REQUIRED
PARCEL "F"
15' TYPE "B" BUFFER (EXISTING NATURAL VEGETATION MEETING OR EXCEEDING BUFFER REQUIREMENTS)
15' TYPE "B" BUFFER (EXISTING NATURAL VEGETATION MEETING OR EXCEEDING BUFFER REQUIREMENTS)
WEST BAY CLUB ESTERO POINT RPD
5' TYPE "A" BUFFER
100' FPL EASEMENT
5' TYPE "A" BUFFER (EXISTING NATURAL VEGETATION MEETING OR EXCEEDING BUFFER REQUIREMENTS)
PARCEL "I"
CAMARGO TRUST MPD PARTIALLY DEVELOPED
GATE HOUSE (MANNED 24 HRS.)
U.S. 41 (TAMIAMI TRAIL)
HALF-WAY CREEK
PARCEL "H"
WEST BAY CLUB ESTERO POINT RPD
5' TYPE "A" BUFFER
5' TYPE "A" BUFFER (EXISTING NATURAL VEGETATION MEETING OR EXCEEDING BUFFER REQUIREMENTS)
PARCEL "J"
CAMARGO TRUST MPD
PARCEL "G"
GM&SA
WILLIAMS ROAD
CARD GATE
SEE DETAIL #3 ON SHEET #3
15' TYPE "D" BUFFER SEE DEVIATION #26
20' TYPE "D" BUFFER
RS-1-VACANT &SINGLE FAMILY
RM-2-FOUNTAIN LAKES SINGLE-FAMILY
RS-2 SINGLE FAMILY
AG-2-NURSERY
R.W.A., INC. STATE OF FLORIDA BUSINESS LICENSE NO. EB-0007665
RWA INC. Planning Transportation Civil Engineering Surveying & Mapping CONSULTING ENGINEERS
8801 Williams Park Drive, Suite 200, Naples, Florida 34109 (239) 597-2575 FAX (239) 597-2578
PROJECT
Pelican Sound Golf & River Club RPD
CLIENT
PELICAN SOUND GOLF & RIVER CLUB, INC.
TITLE
MASTER CONCEPT PLAN
DATE JULY, 2012
PROJECT NO. 970118.01.09
FILE NO. 970118001DP02
SHEET NUMBER 2 OF 5
SEC. TWP. RGE. 29,30,E 46 25
SCALE 1" = 400'
DRAWN JP
CHECKED PV
1 CURRENT ZONE DEVELOPMENT PLAN 12/13
2 COUNTY ZONE DEVELOPMENT (DATED 11/16/12) 12/12
3 CHANGES PER FIRST SUFFICIENCY LETTER (DATED 9/21/12) 10/12


ESTERO RIVER
PROPOSED CANOE / KAYAK LAUNCH
EXISTING BOAT RAMP
EXISTING TEMPORARY MOORING #1
DOCK MASTER'S COVERED AREA
OUTDOOR WAITING AREA
EXISTING TEMPORARY MOORING #2 AND BOARDWALK
EXISTING GAZEBO / OBSERVATION DECK #1
PROPOSED FISHING PLATFORM / OBSERVATION DECK#2
VEGETATIVE SCREEN
50' NATURAL WATERWAY BUFFER
APPROXIMATE EDGE OF WATER
EXISTING GAZEBO #2
DEVIATION #18
50' NATURAL WATERWAY BUFFER
BOAT AND TRAILER PARKING
VEGETATIVE SCREEN
EXISTING PARKING
GC&OS
RC
RESTAURANT OUTDOOR SEATING AREA
ANCILLARY RECREATIONAL USES
R
EXISTING CEMETERY ACCESS EASEMENT OR 3062, PAGE 2567
CEMETERY
50' CEMETERY BUFFER
100' FPL EASEMENT
P
RP
ANCILLARY RECREATIONAL USES
RIVER CLUB AND RIVER PARK (DETAIL #1)
LEGEND
PRESERVE
WATER RETENTION
DEVELOPMENT TRACT
PARCEL BOUNDARIES PER 2015-077 APPROVAL
RETAINED NATURAL WATERWAY BUFFER WITHIN RC IMPROVEMENT AREA
STORAGE AREA
ROAD WAY CENTERLINE
SEE DETAIL #1
SEE DETAIL #2
SEE DETAIL #3
CORKSCREW ROAD EXTENSION
U.S. 41 (TAMIAMI TRAIL)
WILLIAMS ROAD
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EXISTING TENNIS COURTS
EXISTING PARKING
EXISTING BUILDING
EXISTING BUILDING
VEGETATIVE SCREEN
GC&A
POTENTIAL FUTURE EXPANSION OF CLUB HOUSE FACILITIES AND ANCILLARY RECREATIONAL USES
GOLF CLUB AND AMENITIES (DETAIL #2)
SEE SHEET 5 OF 5 FOR AMENDMENT TO GOLF MAINTENANCE AND STORAGE AREA
FENCE OR WALL AND LANDSCAPING STRIP
STORAGE AREA
FP&L EASEMENT
EXISTING BUILDING
EXISTING PARKING
TYPE "D" 15' BUFFER SEE DEVIATION #26
WILLIAMS ROAD
GOLF MAINTENANCE AND STORAGE AREA (DETAIL #3)
R.W.A., INC. STATE OF FLORIDA BUSINESS LICENSE NO. EB-0007683
RWA INC. Planning Engineering Civil Engineering Surveying & Mapping
8910 University Park Drive, Suite 200, Naples, Florida 34120 239.597.2575 FAX: 239.597.2578
Pelican Sound Golf & River Club RPD
PROJECT:
CLIENT: PELICAN SOUND GOLF & RIVER CLUB, INC.
TITLE: DETAILS
DATE: JULY, 2012
PROJECT NO. 970118.01.09
FILE NO. 970118S01DP03
SHEET NUMBER 3 OF 5
SEC. TWP. RGE. 28,32,E 46 25
SCALE: AS SHOWN
DRAWN: J.P.
CHECKED: P.V.
CHANGES PER FIRST SUFFICIENCY LETTER DATED 08/27/12
CHANGES PER SUFFICIENCY LETTER DATED 11/14/12
SUMMARY AND LAND USE ACREAGES
P.V. 10/12
J.P. 10/12
P.V. 10/12
J.P. 10/12

OPEN SPACE / INDIGENOUS CALCULATIONS (IN ACRES)

561.80 TOTAL ACREAGE
-13.81 EXCLUDE 100 FOOTWIDE FPL EASEMENT
-7.94 EXCLUDE 200 FOOTWIDE RIGHT-OF-WAY
-28.54 EXCLUDE SF EXEC THE MASTERS
-19.50 EXCLUDE SF EXEC GLEN EAGLES
-6.22 EXCLUDE SF ESTATE PINEHURST

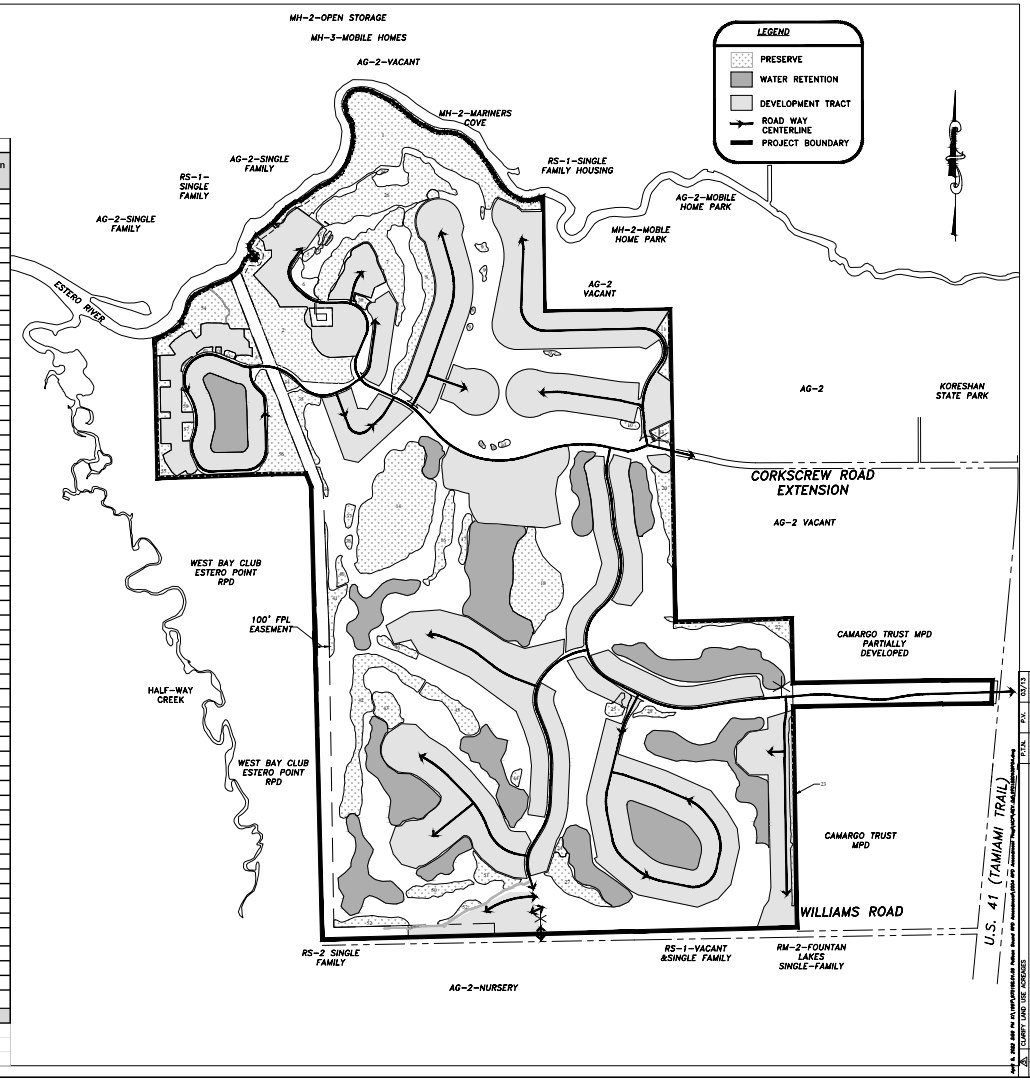
458.55 TOTAL ACREAGE SUBJECT TO OPEN SPACE REQUIREMENTS

183.42 40% REQUIRED OPEN SPACE
91.71 INDIGENOUS AREA REQUIRED (50% OF OPEN SPACE)

INDIGENOUS PRESERVE TABLE

Tract ID	Actual Acres	Habitat Classification	Status	Credit	Acres with Credit	Deviation 23
1	13.62	Upland	E	160%	21.79	
1	0.70	Wetland	E	100%	0.70	
2	8.28	Upland	E	160%	13.25	
2	0.40	Wetland	E	100%	0.40	
4	0.63	Upland	E	125%	0.79	
5	0.49	Upland	E	100%	0.49	*
6	0.86	Upland	E	125%	1.07	
7	1.59	Upland	E	100%	1.59	
7	3.43	Wetland	C	50%	1.72	
8	3.53	Upland	E	100%	3.53	
9	0.52	Upland	E	100%	0.52	*
10	0.41	Upland	E	100%	0.41	*
11	0.71	Upland	E	100%	0.71	
13	0.49	Upland	E	110%	0.54	
14	2.61	Upland	E	100%	2.61	
14	9.13	Wetland	R	50%	4.57	
16	1.54	Upland	E	110%	1.69	
17	0.59	Upland	E	110%	0.65	
18	1.02	Upland	E	100%	1.02	
18	4.57	Wetland	R	50%	2.29	
20	1.69	Upland	E	110%	1.86	
22	1.10	Upland	E	100%	1.10	
22	0.50	Wetland	E	100%	0.50	
23	1.17	Upland	E	100%	1.17	*
24	0.21	Upland	E	100%	0.21	
25	0.46	Upland	E	100%	0.46	
26	1.98	Upland/Wetland	E	100%	1.98	
26	4.31	Wetland	R - C	50%	2.16	
27	1.94	Wetland	R - C	50%	0.97	
28	0.41	Upland	E	100%	0.41	
30	0.24	Upland	E	100%	0.24	
34	0.28	Upland	E	100%	0.28	
35	1.15	Upland	E	100%	1.15	
36	0.17	Upland	E	100%	0.17	*
37	0.31	Upland	E	100%	0.31	
38	0.14	Upland	E	100%	0.14	
40	0.40	Upland	E	100%	0.40	
41	1.15	Upland	E	100%	1.15	
42	4.93	Upland	E	110%	5.42	
43	1.24	Upland	E	125%	1.55	
44	0.21	Upland	E	100%	0.21	
45	1.67	Upland	E	125%	2.08	
46	0.54	Upland	E	110%	0.59	
50	1.09	Upland	E	110%	1.20	
51	1.02	Upland	E	125%	1.27	
52	1.04	Upland	E	100%	1.04	
52	0.45	Upland	E	100%	0.45	
54	4.57	Upland	E	135%	6.17	
54	0.40	Wetland	E	100%	0.40	
55	1.11	Upland	E	100%	1.11	*
56	3.89	Upland	E	135%	5.25	
57	0.31	Upland	E	100%	0.31	
58	0.27	Upland	E	100%	0.27	
61	0.35	Upland	E	100%	0.35	*
Total Acres	95.45	Total Acres with Credit			102.18	

E = Existing Indigenous Habitat
R = Restored Indigenous Habitat
C = Created Indigenous Habitat



R.W.A., INC. STATE OF FLORIDA BUSINESS LICENSE NO. EB-0007655

RWA INC. Planning Transportation Civil Engineering Surveying & Mapping CONSULTING ENGINEERS

8801 Village Point Drive, Suite 200, Naples, Florida 34119 (239) 597-2575 FAX (239) 597-2578

Pelican Sound Golf & River Club RPD

PROJECT

PELICAN SOUND GOLF & RIVER CLUB, INC.

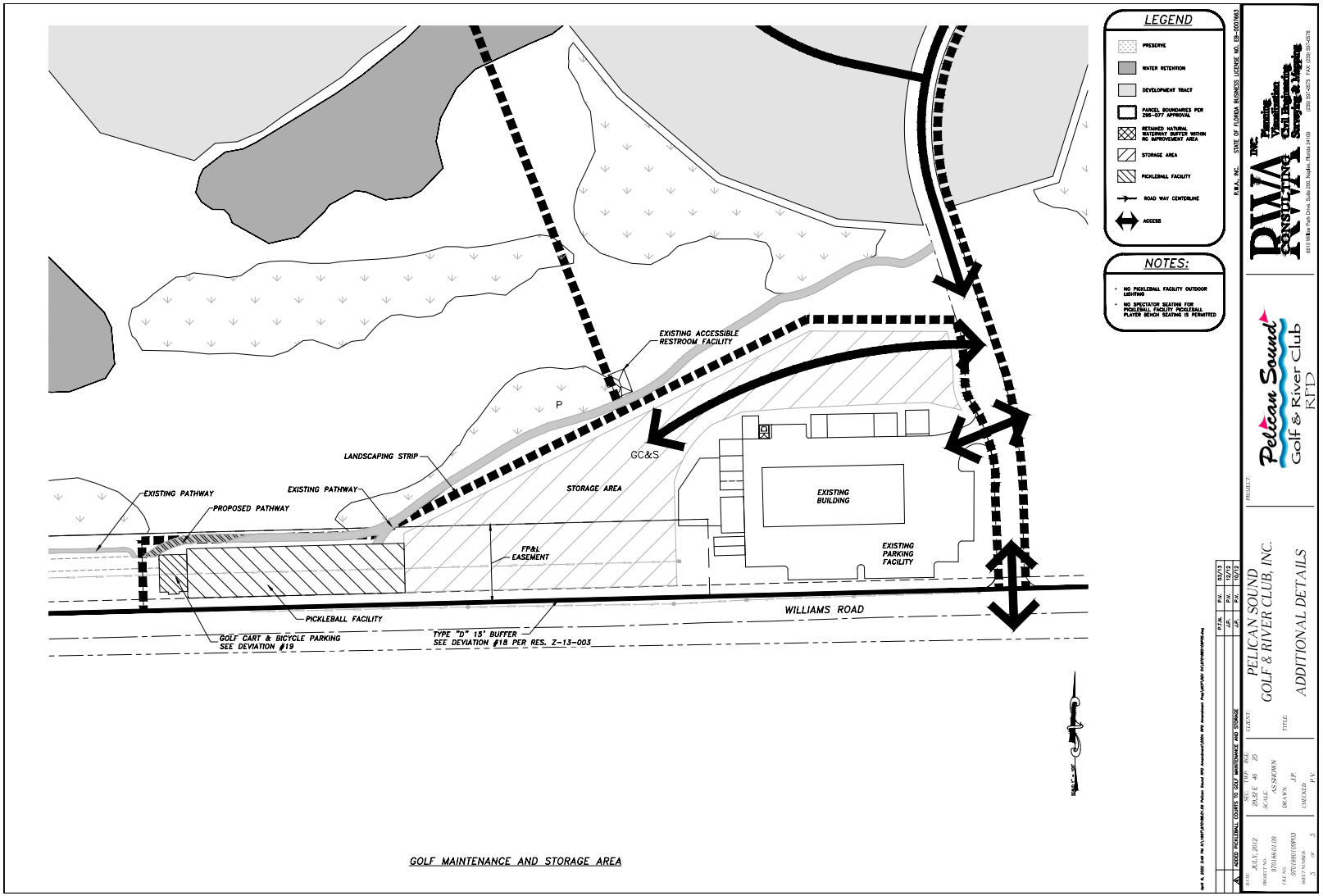
CLIENT

INDIGENOUS PRESERVE PLAN

TITLE

4	CHANGES PER FIRST SUFFICIENCY LETTER (DATED 06/27/12)	JP	P.V.	10/12
3	CHANGES PER SUFFICIENCY LETTER (DATED 11/14/12)	JP	P.V.	12/12
2	CHANGES PER SUFFICIENCY LETTER (DATED 09/27/12)	JP	P.V.	10/12

DATE: JULY, 2012
PROJECT NO. 970118(01)
FILE NO. 970118(01)09
SHEET NUMBER 4 OF 5
SEC. 29,32 TWP. 46 RGE. 25
SCALE: 1" = 400'
DRAWN: J.P.
CHECKED: P.V.


LEGEND
PRESERVE
WATER RETENTION
DEVELOPMENT TRACT
PARCEL BOUNDARIES PER Z96-077 APPROVAL
RETAINED NATURAL WATERWAY BUFFER WITHIN RC IMPROVEMENT AREA
STORAGE AREA
PICKLEBALL FACILITY
ROAD WAY CENTERLINE
ACCESS
NOTES:
NO PICKLEBALL FACILITY OUTDOOR LIGHTING
NO SPECTATOR SEATING FOR PICKLEBALL FACILITY PICKLEBALL PLAYER BENCH SEATING IS PERMITTED
EXISTING ACCESSIBLE RESTROOM FACILITY
LANDSCAPING STRIP
EXISTING PATHWAY
PROPOSED PATHWAY
EXISTING PATHWAY
STORAGE AREA
GC&S
EXISTING BUILDING
EXISTING PARKING FACILITY
FP&L EASEMENT
PICKLEBALL FACILITY
GOLF CART & BICYCLE PARKING SEE DEVIATION #19
TYPE "D" 15' BUFFER SEE DEVIATION #18 PER RES. Z-13-003
WILLIAMS ROAD
GOLF MAINTENANCE AND STORAGE AREA
R.W.A., INC. STATE OF FLORIDA BUSINESS LICENSE NO. EB-0007683
RWA INC. Planning Engineering Civil Engineering Surveying & Mapping
8910 Villa Park Drive, Suite 200, Naples, Florida 34109 239.597.2575 FAX (239) 597-2578
Pelican Sound Golf & River Club RPD
PROJECT
PELICAN SOUND GOLF & RIVER CLUB, INC.
ADDITIONAL DETAILS
CLIENT
TITLE
DATE JULY, 2012
PROJECT NO. 970118.01.09
FILE NO. 970118S01109PX3
SHEET NUMBER 3 OF 5
SEC. 25,26,E 46 TWP. 48S RGE. 25E
SCALE AS SHOWN
DRAWN J.P.
CHECKED P.V.
ADDED PICKLEBALL COURTS TO GOLF MAINTENANCE AND STORAGE
P.V.K. 10/12
J.P. 10/12
P.V. 10/12

Pelican Sound RPD

Zoning Staff Report

for

Village Council

2nd Reading November 2, 2022

PROJECT NAME:	**Pelican Sound**
CASE TYPE:	**Amendment to Residential Planned Development Zoning**
CASE NUMBER:	**DCI2021-E003**
VILLAGE COUNCIL:	**1st Reading: October 19, 2022** **2nd Reading: November 2, 2022**

SUMMARY OF REQUEST

The applicant has requested to amend the Pelican Sound Residential Planned Development (RPD) to allow Pickleball Facilities adjacent to the Golf Course Maintenance Facility on Williams Road. One additional deviation is requested.

The application originally included a second request to allow live outdoor entertainment at the River Club. The applicant recently withdrew the live outdoor entertainment request, which has been resubmitted and will reviewed as a separate application at a future date. This staff report and Planning Zoning and Design Board recommendation is for the Pickleball amendment only, however the supporting documentation in the attachments may include information related to the live outdoor entertainment.

Pelican Sound is a 547-acre project approved for a maximum of 1,480 residential dwelling units located south of the Estero River, north of Williams Road, and west of Koreshan State Park and U.S. 41.

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

STAFF AND PLANNING, ZONING, AND DESIGN BOARD RECOMMENDATION

Staff recommends approval with conditions in the Ordinance.

The Planning, Zoning, and Design Board reviewed the case on September 13, 2022 and continued the hearing until September 27, 2022 which was rescheduled to October 25 due to Hurricane Ian.

The Planning, Zoning, and Design Board continued the public hearing on September 13, 2022 due to concerns regarding the live outdoor entertainment at the River Club. The applicant would like the zoning amendment for Pickleball in the Golf Maintenance and Storage Area to move forward for Council review while additional information is being prepared for the live outdoor entertainment.

GENERAL INFORMATION

Applicant
Eric Long - Pelican Sound Golf & River Club, Inc.

Authorized Agent
Kenrick Gallander – RWA, Inc.

STRAP Number
32-46-25-E2-00002.10CE – A 150.23-acre parcel within the Pelican Sound community

Size of Property
Pelican Sound is 547-acres in size, the subject parcel of the zoning amendment is a 150.23-acre property which encompasses HOA property including the golf course, Golf Maintenance and Storage Area, open space and other common areas.

Location
The proposed pickleball facility is located at the southern end of Pelican Sound, along Williams Road.

Surrounding Zoning/Land Use

North — Estero River then residential developments zoned Agriculture (AG), Mobile Home (MH), and Residential Single-Family (RSF) / Village Neighborhood 1 and Village Neighborhood 2

East — Koreshan State Park - Agriculture (AG), Meadows of Estero – Mixed Use Planned Development (MPD) / Conservation and Village Neighborhood 1

South — Williams Road then residential, commercial, and institutional uses – Agriculture (AG) and Residential Single-Family (RSF) / Village Neighborhood 1 and Public Facilities

West — West Bay Club – Residential Planned Development (RPD) / Village Neighborhood 1

Zoning
Residential Planned Development (RPD) approved by Lee County in 1995 by Resolution Z-95-077. Additional historical information is listed below.

Comprehensive Plan Land Use Category
Village Neighborhood 1

Project History
Lee County approved Resolution Z-95-077 in 1995 for the rezoning of 547 acres from Agriculture (AG-2) to Residential Planned Development (RPD). The RPD allows a maximum of 1,480 residential dwelling units, a golf course and clubhouse, River Club, recreational uses, and Golf Maintenance and Storage Area. Currently, 1,299 residential units are built in Pelican Sound, with no current plans for future residential development.

Pelican Sound zoning has been amended numerous times, with the most recent amendment approved in 2013 by Lee County Resolution Z-13-003. This amendment was to expand the recreation area, expand the storage and maintenance area, reconfigure the open space and indigenous areas, and to update the Master Concept Plan.

Currently Pelican Sound has the following allowances:

- 1,480 residential dwelling units.
- Golf Course, Driving Range, Golf Clubhouse.
- Golf Maintenance and Storage Area with specific allowed uses.
- Recreational uses such as swimming pools, tennis and sports courts, and other similar recreation facilities.
- Ancillary uses such as the River Club, including a restaurant and fitness/wellness center.

The development is nearing build-out.

Public Information Meeting
A Public Information Meeting was held on June 12, 2022. A summary of the meeting is attached.

Project Request
Amend conditions from Resolution Z-13-003 as follows:

- Condition 4. - Schedule of Uses – clarify the allowance of Pickleball Facilities in the Golf Course Maintenance and Storage Area by adding Pickleball Facilities as an Accessory Use.
- One additional deviation to allow for golf cart parking in lieu of vehicular parking for the pickleball facilities.

Project Description
The proposed Amendment seeks to expand and improve the amenities provided to the homeowners within Pelican Sound. The proposed improvements include additional pickleball facilities adjacent to the Golf Course Maintenance and Storage Area on Williams Road..

Current amenities for the development include a golf course; tennis and pickleball courts; bocce courts, and a 29,805 square foot River Club that includes a restaurant, fitness center, pool with deck area, docks, and boat ramp. The development also includes Open Space and Preserve area as well as the Golf Course Maintenance and Storage Area.

The applicant proposes a total of eight (8) pickleball courts in Golf Maintenance and Storage Area located on the north side of Williams Road. Condition 15 of the Resolution Z-13-003 does not specifically allow recreation use in this area, even though the resolution does generally allow recreation uses in the RPD. The applicant proposes to amend Condition 15 to add recreation uses as an allowed accessory use within the Golf Maintenance and Storage Area.

The applicant has previously constructed four pickleball courts in the Golf Maintenance and Storage Area, prior to obtaining zoning approval. Once the applicant understood the necessity of a zoning amendment they ceased construction, and the courts will not be operational until this amendment is approved. Four additional courts are proposed to be constructed, for a total of eight pickleball courts. The pickleball courts are located within the Florida Power and Light (FPL) easement, and the applicant has an agreement with FPL for this allowance, attached.

The applicant requests one additional deviation, to allow for 16 paved golf cart parking spaces to serve the eight proposed pickleball courts in lieu of automobile parking at the site. Resident use of golf carts within the development is common.

STAFF ANALYSIS

The proposed pickleball facilities require amendment to the zoning resolution and Master Concept Plan. An analysis is provided below.

The applicant proposes to add Pickleball Facilities as an accessory use to the Golf Maintenance and Storage Area. Hours of Operation for the courts is proposed to be 8 a.m. to dusk. A restroom facility is located along the golf course within walking distance of the pickleball courts. No lighting is proposed for the courts.

The allowance for Pickleball Facilities within the Golf Maintenance and Storage Area requires an amendment to Condition 15 of Resolution Z-13-003, by adding subsection f. as shown below (underlined):

15.f. Recreational facilities, Private on-site to include Pickleball facilities, shall be allowed within the designated Golf Maintenance and Storage Area as depicted on the approved Master Concept Plan. Specific to the Pickleball facility, specialized acoustic material shall be provided and players shall utilize equipment designated as “quiet” or “Green Zone” approved.

Buffer

The pickleball courts would be located adjacent to Williams Road where an existing Type “D” buffer with chain link fencing is located. This buffer is 15-feet wide and was approved through Deviation 18 of Resolution Z-13-003, with required enhanced plantings in the buffer. Uses located to the north of the proposed courts are internal to Pelican Sound and include the golf course, and residential units that are located over 500 feet from the pickleball courts.

Williams Road is located south of the proposed pickleball courts. Residences, vacant land, and a landscape company are on the south side of Williams Road. The closest residential unit to the south is less than 200-feet from the pickleball courts.

Noise Mitigation

The applicant had a noise study conducted by Johnson Engineering and acoustical modeling maps were prepared by ED+A. The noise was monitored at the pickleball site to determine noise levels.

The applicant proposes to utilize acoustic material on the north and south sides of the pickleball court fencing to minimize noise. The proposed acoustic material is called Acoustifence, which is a 1/8” thick heavy material that is hung on the inside of the court fencing and which claims an 80% reduction (10 dBA) in sound to the human ear from pickleball play.

The applicant also proposes to require the use of specific paddles and balls that have been approved to deaden the sound of the ball hitting the paddle (designated as “Green Zone” approved).

The noise study modeling shows the noise levels from pickleball play to nearby residential units is below the maximum 66 dBA levels with the use of the proposed mitigation measures.

Staff recommends conditions of approval regarding pickleball facilities as follows:

- Specifications regarding the type of acoustical material to be used on the fencing, as well as a requirement that the acoustical material encompass the north and south sides of the fencing.
- Use of “Green Zone” equipment.
- If excessive noise complaints are received regarding pickleball play, the applicant would be required to submit a noise mitigation plan within 30 days for staff review. Additional mitigation measures may be required depending upon the results of the plan.
- Hours of Operation.
- No lighting of the pickleball courts.

Pattern Book
A Supplemental Pattern Book was not required for this amendment as there are no structures associated with the pickleball courts.

Master Concept Plan
The applicant submitted a revised Master Concept Plan that shows the location of the eight pickleball courts within the Golf Maintenance and Storage Area.

Stormwater Management
This issue will be reviewed at the time of development order for the pickleball courts.

Transportation
All vehicle trips associated with the proposed uses are internal to the development on private roads. No impact to the external road system is anticipated as no tournament play or outside use is proposed.

Utilities
Adequate utilities to serve the proposed uses are currently in place. No lighting is proposed, and restroom facilities are located along the golf course within walking distance of the pickleball courts.

Fire
The Fire District had no comment on the proposal.

Land Development Code Additional Standards
4-302.M. **Pickleball Facilities.**

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

Staff Comment: No lighting is proposed for the pickleball facilities. Noise mitigation measures proposed include Acoustifence panels on the court fencing, and use of approved paddles and balls for sound attenuation. Hours of operation are limited from 8 a.m. to dusk.

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

   Staff Comment: The overall development currently allows for tennis and sport courts; however, the Golf Maintenance and Storage Area did not specifically allow recreation uses. This amendment will allow recreation uses in the Golf Maintenance and Storage Area as an accessory use.

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

   Staff Comment: A public hearing will be held at the PZDB.

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

   Staff Comment: The pickleball facility will meet the required standards for accessory uses.

COMPREHENSIVE PLAN ANALYSIS

The project is in the Village Neighborhood 1 Future Land Use Category.

HOU 1.1.3 New Development must be compatible with existing residential uses.

Staff Comment: Issues could potentially result from the pickleball facilities along Williams Road such as compatibility to existing nearby residential uses.

This location on the north side of Williams Road results in the pickleball court being within 200 feet of residences on the south side of Williams Road, and within 600 feet of residential uses within the Pelican Sound development. The applicant proposes to limit the hours of operation for pickleball play from 8 a.m. to dusk and the applicant has stated that no lighting will be installed on the pickleball courts.

The proposed use can generate significant noise. The applicant proposes to install Accoustifence on the north and south sides of the fencing of the courts to minimize the noise, as well as to require the use of equipment (paddles and balls) that minimizes the noise. The noise study completed by the applicant demonstrates that the installation of Accoustifence allows the pickleball use to operate within the acceptable range of noise allowed in the Village and, with the other mitigation measures regarding lighting and hours of operation, will allow this to be compatible with existing residential uses. A condition is also proposed in the case of excessive complaints.

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 pickleball use is accessory to the primary use of the residential development. Potential detrimental impacts from this use will be mitigated with the adoption of recommended conditions of approval.

The proposed conditions require noise mitigation, prohibit lighting, and require limited hours of operation that will minimize any potential impacts to the existing residential neighborhoods in the area.

PROPOSED DEVIATION

This deviation is in addition to the 18 deviations previously approved for this development:
Deviation 19 - The applicant proposes an additional deviation:

Deviation from LDC Section 5-205.C.3 which allows the minimum required parking for a use to be reduced by one space for every two designated golf cart spaces if: "golf carts will be used as a means of travel to the proposed use; the use is accessed by a street where golf cart travel has been approved by the Village or Lee County, as appropriate; and, designated golf cart parking is provided that meets the dimensional and other standards of this subsection," to allow all required parking for the pickleball facilities located within the Primary Golf Maintenance and Storage Area tract to be designated golf cart spaces.

Applicant Justification: This deviation would continue to promote and support golf carts, as an alternative mode of transportation to the automobile, within the Pelican Sound community. The dimensional requirements for golf cart parking are less than for standard vehicle parking, thus resulting in less construction impacts to the proposed site. Golf carts used for transportation needs today are not typically two-seat versions used on golf courses. They typically have four seats and thus transport the same number of people as most vehicles, which support the equal ratio of one golf cart space in place of one vehicle parking space. Allowing golf cart parking encourages and facilitates a mode of transportation that reduces energy consumption, promotes alternative fuels, and support multi-modal and traffic calming efforts in Pelican Sound as well as within the Village of Estero. Granting the deviation to allow for equal golf cart parking to vehicle parking provides overall value to the Pelican Sound community by lessening the impact associated with vehicle use and will not negatively affect the overall public's health, safety, and welfare.

Staff Comment: The proposed pickleball facilities are located within a development that allows golf cart transportation on the private roads and golf cart pathways. The applicant has stated that golf carts are a common mode of transportation within Pelican Sound, therefore staff is not opposed to this deviation. The applicant proposes to provide sixteen (16) paved golf cart parking spaces, one of which must meet ADA parking space standards. Up to 32 people could play on the proposed eight pickleball courts at one time.

Staff recommends a condition requiring 16 paved golf cart spaces, with one space being handicap accessible, and a bicycle rack installed with a minimum of 16 bike spaces. This would allow for multiple means of transportation to the pickleball facility while maintaining a minimum of 16 paved golf cart spaces for the eight pickleball courts.

CONCLUSION

Section 2-501.C.2 of the Land Development Code provides review standards for rezonings which include that 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 pickleball facilities in the Golf Maintenance and Storage Area is consistent with the Comprehensive Plan with the adoption of conditions regarding noise mitigation.

2. Is not in conflict with any portion of the Land Development Code.

   Staff Comment: The application is not in conflict with the Land Development Code.

3. Addresses a demonstrated community need.

   Staff Comment: The applicant has stated that the Pelican Sound community is in need of additional amenities, particularly pickleball courts.

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 use is compatible with the surrounding uses with adoption of strict conditions regarding noise mitigation.

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

   Staff Comment: The development pattern is already established.

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

   Staff Comment: The use will not affect the 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 development is adequately served by public 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.

   Staff Comment: The use will not result in adverse impacts on the natural environment.

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

   Staff Comment: With the adoption of strict conditions, the use should not result in adverse impacts.

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;

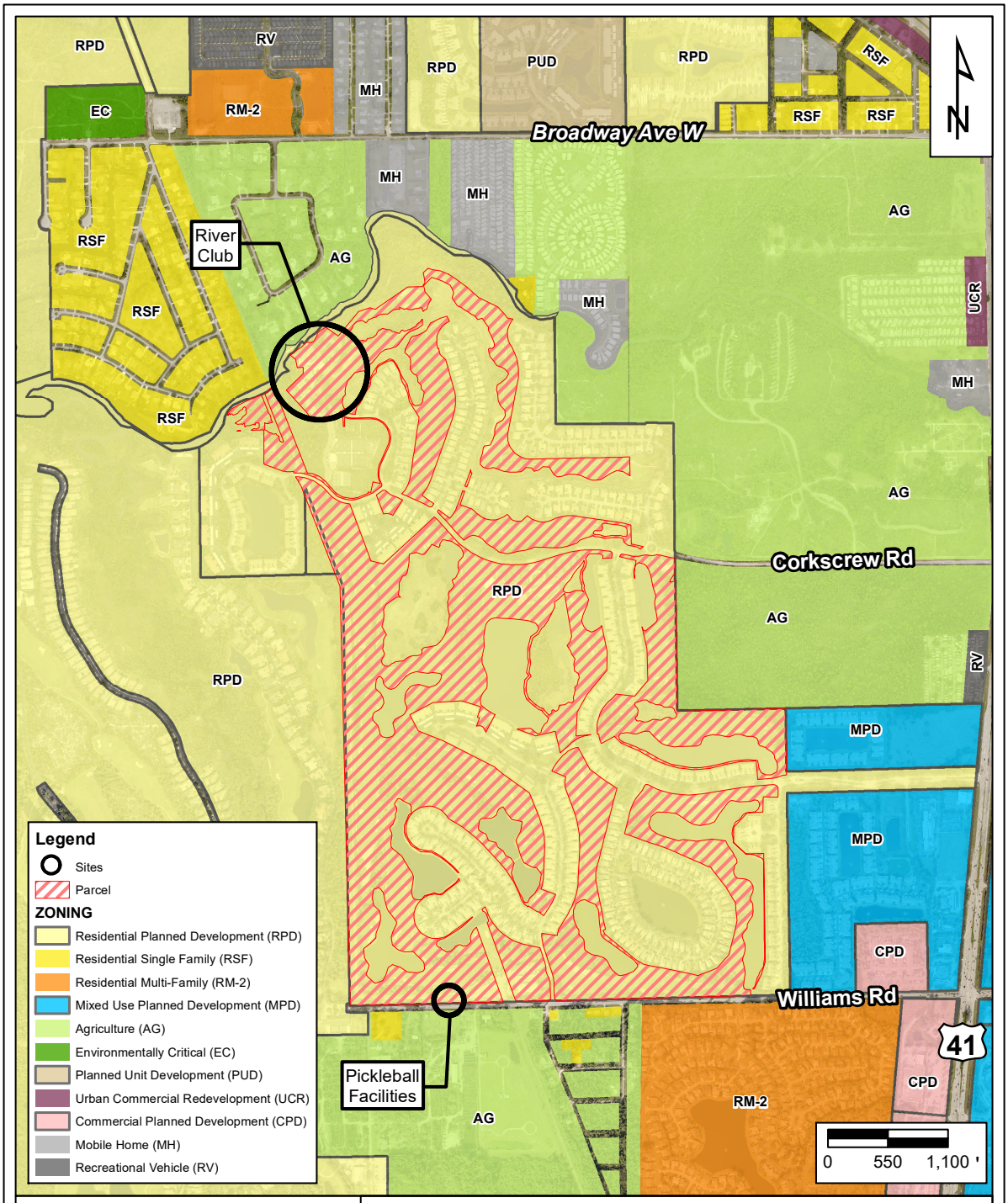
2. Preserve and promote the general intent of the LDC to protect the public health, safety and welfare;
3. Be compatible with uses on surrounding property; and
4. Create an undue burden on essential public facilities.

If Council wishes to approve the rezoning, staff recommends the conditions in Ordinance 2022-15.

COUNCIL DETERMINATION

ATTACHMENTS:

A. Maps
B. Master Concept Plan
C. Excerpt from the Planning, Zoning, and Design Board Hearing
D. Resolution Z-13-003
E. Applicant Information
   1) Proposed changes to Resolution Z-13-003
   2) Public Information Meeting Summary
   3) Applicant Request Statement
   4) FPL Agreement


RPD
RV
RPD
PUD
RPD
RSF
EC
RM-2
MH
RSF
RSF
Broadway Ave W
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MH
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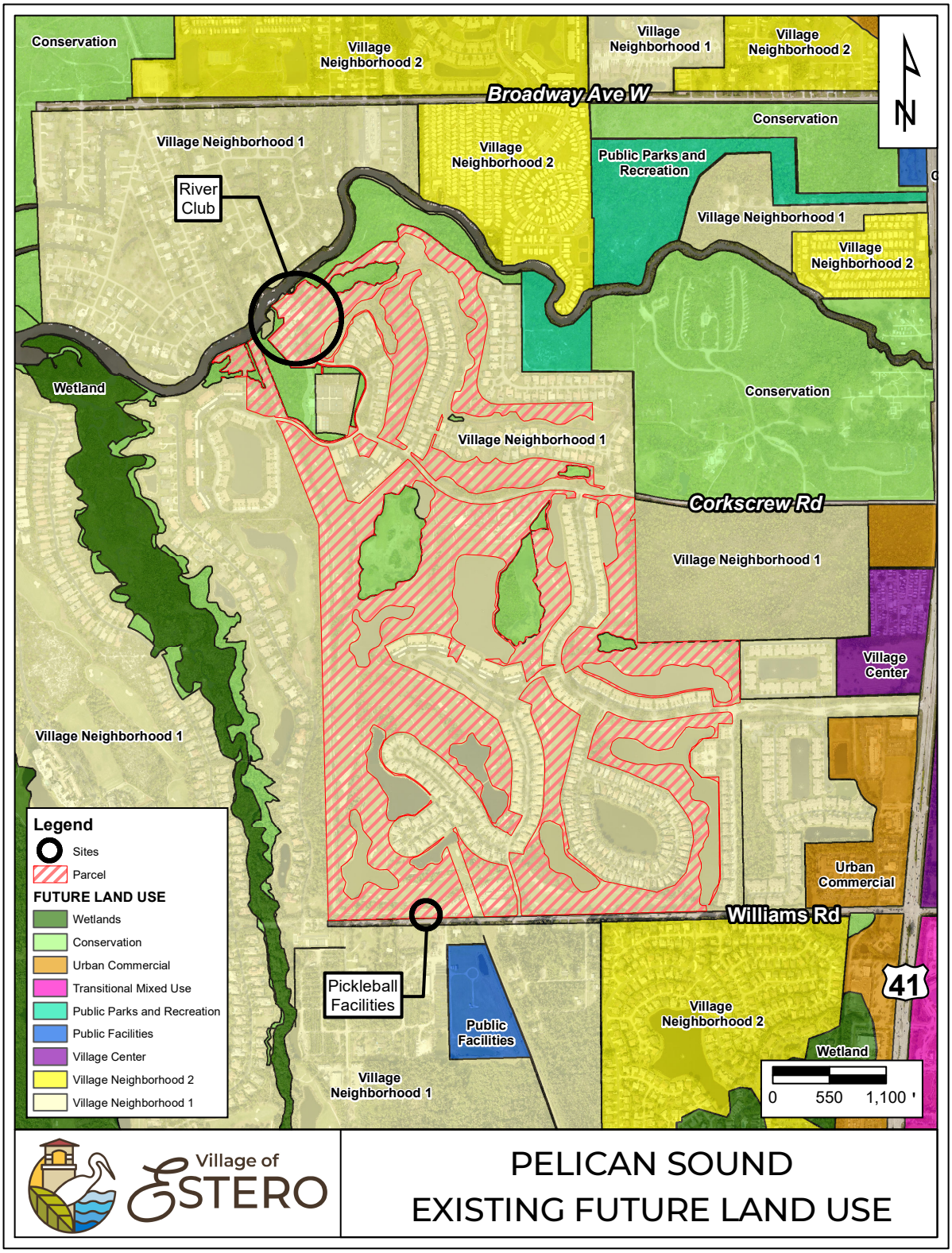
AG
RSF
River Club
AG
RSF
MH
UCR
MH
RSF
AG
Corkscrew Rd
RPD
AG
RPD
RV
MPD
MPD
CPD
Williams Rd
41
Pickleball Facilities
AG
RM-2
CPD
0 550 1,100 '
Legend
Sites
Parcel
ZONING
Residential Planned Development (RPD)
Residential Single Family (RSF)
Residential Multi-Family (RM-2)
Mixed Use Planned Development (MPD)
Agriculture (AG)
Environmentally Critical (EC)
Planned Unit Development (PUD)
Urban Commercial Redevelopment (UCR)
Commercial Planned Development (CPD)
Mobile Home (MH)
Recreational Vehicle (RV)
Village of ESTERO
PELICAN SOUND
EXISTING AND PROPOSED ZONING


Conservation
Village Neighborhood 2
Village Neighborhood 1
Village Neighborhood 2
Broadway Ave W
Conservation
N
Village Neighborhood 1
Village Neighborhood 2
Public Parks and Recreation
River Club
Village Neighborhood 1
Village Neighborhood 2
Wetland
Conservation
Village Neighborhood 1
Corkscrew Rd
Village Neighborhood 1
Village Center
Village Neighborhood 1
Urban Commercial
Williams Rd
41
Pickleball Facilities
Public Facilities
Village Neighborhood 2
Wetland
Village Neighborhood 1
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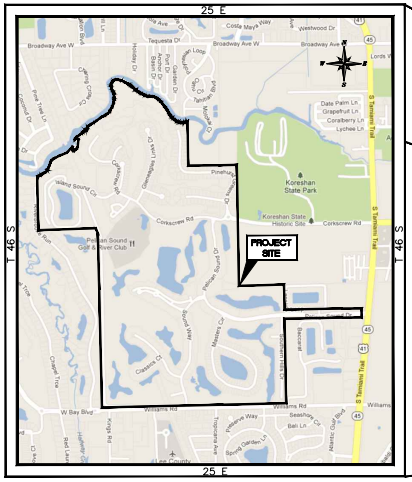
Legend
Sites
Parcel
FUTURE LAND USE
Wetlands
Conservation
Urban Commercial
Transitional Mixed Use
Public Parks and Recreation
Public Facilities
Village Center
Village Neighborhood 2
Village Neighborhood 1
Village of ESTERO
PELICAN SOUND
EXISTING FUTURE LAND USE

Attachment D - RECEDIVED April 6, 2022

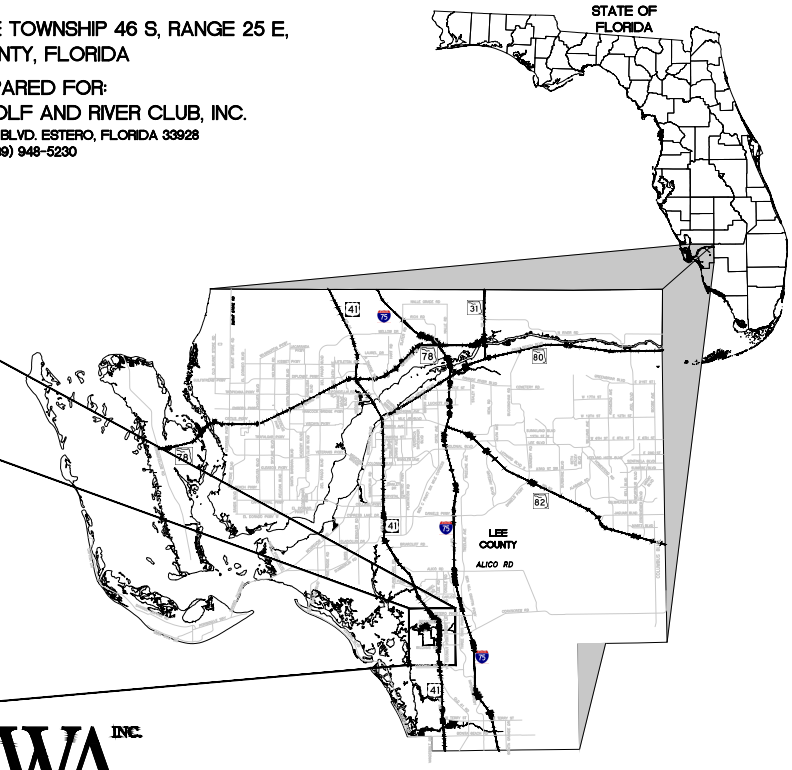
Pelican Sound Golf & River Club RPD

PART OF SECTION 29,32 E TOWNSHIP 46 S, RANGE 25 E,
LEE COUNTY, FLORIDA

PREPARED FOR:
PELICAN SOUND GOLF AND RIVER CLUB, INC.
4561 PELICAN SOUND BLVD. ESTERO, FLORIDA 33928
(239) 948-5230



LOCATION MAP



CONTENTS
SHEET 1 COVER SHEET
SHEET 2 MASTER CONCEPT PLAN
SHEET 3 DETAILS
SHEET 4 INDIGENOUS PRESERVE PLAN
SHEET 5 ADDITIONAL DETAILS

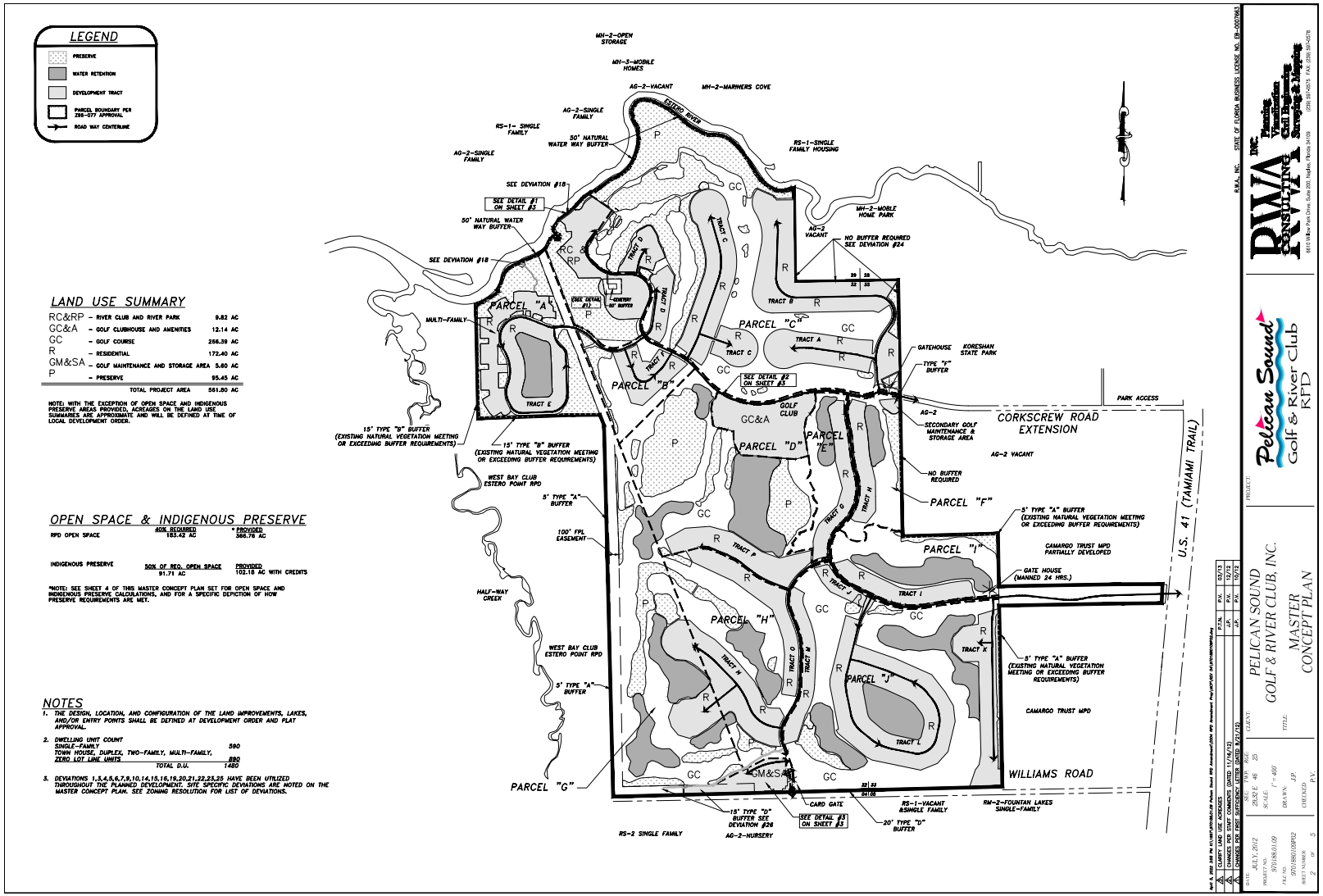
REV #	REVISION	DRAWN	CHECKED	DATE
3	CLARIFY LAND USE ACREAGES	P.T.N.	P.V.	03/13
2	CHANGES PER STAFF COMMENTS (DATED 11/16/12)	J.P.	P.V.	12/12
1	CHANGES PER FIRST SUFFICIENCY LETTER (DATED 08/21/12)	J.P.	P.V.	10/12

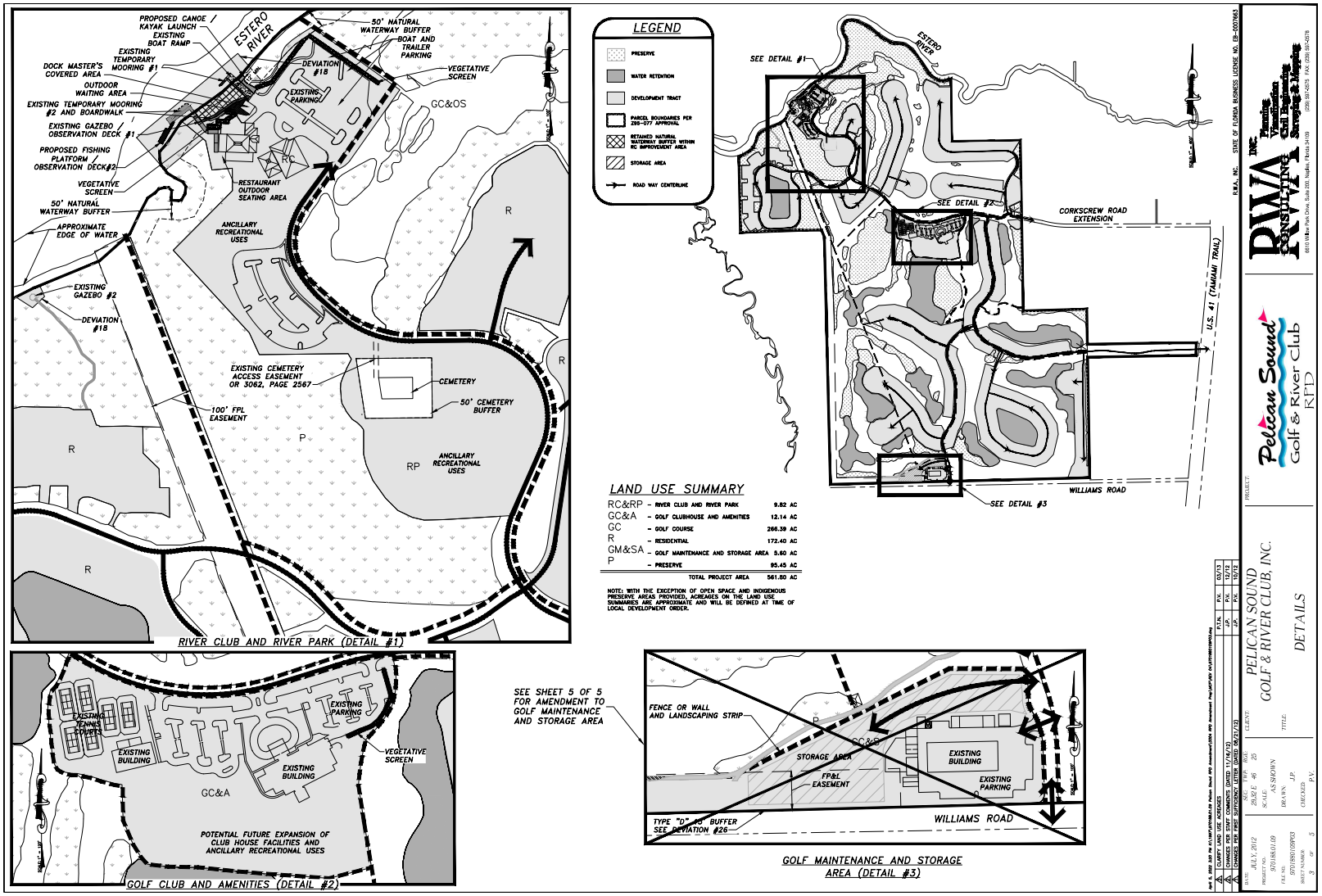
R.W.A., INC. STATE OF FLORIDA BUSINESS LICENSE NO. EB-0002663

RWA INC.
CONSULTING
• Planning • Visualization
• Civil Engineering • Surveying & Mapping
6610 Willow Park Drive, Suite 200
Naples, Florida 34109
(239) 597-0575 FAX: (239) 597-0578

Eco Planz Inc.

April 5, 2022 4:00 PM K:\1997\970108.01.00 Pelican Sound RPD Amendment\2004 RPD Amendment Prep\MCP\REV 04\970108010MP01.dwg


LEGEND
PRESERVE
WATER RETENTION
DEVELOPMENT TRACT
PARCEL BOUNDARY PER ZDS-077 APPROVAL
ROAD WAY CENTERLINE
LAND USE SUMMARY
RC&RP - RIVER CLUB AND RIVER PARK 9.82 AC
GC&A - GOLF CLUBHOUSE AND AMENITIES 12.14 AC
GC - GOLF COURSE 256.39 AC
R - RESIDENTIAL 172.40 AC
GM&SA - GOLF MAINTENANCE AND STORAGE AREA 5.60 AC
P - PRESERVE 95.45 AC
TOTAL PROJECT AREA 551.80 AC
NOTE: WITH THE EXCEPTION OF OPEN SPACE AND INDIGENOUS PRESERVE AREAS PROVIDED, ACREAGES ON THE LAND USE SUMMARIES ARE APPROXIMATE AND WILL BE DEFINED AT TIME OF LOCAL DEVELOPMENT ORDER.
OPEN SPACE & INDIGENOUS PRESERVE
RPD OPEN SPACE 40% REQUIRED 183.42 AC * PROVIDED 366.76 AC
INDIGENOUS PRESERVE 50% OF REQ. OPEN SPACE 91.71 AC PROVIDED 102.18 AC WITH CREDITS
*NOTE: SEE SHEET 4 OF THIS MASTER CONCEPT PLAN SET FOR OPEN SPACE AND INDIGENOUS PRESERVE CALCULATIONS, AND FOR A SPECIFIC DEPICTION OF HOW PRESERVE REQUIREMENTS ARE MET.
NOTES
1. THE DESIGN, LOCATION, AND CONFIGURATION OF THE LAND IMPROVEMENTS, LAKES, AND/OR ENTRY POINTS SHALL BE DEFINED AT DEVELOPMENT ORDER AND PLAT APPROVAL.
2. DWELLING UNIT COUNT
SINGLE-FAMILY 590
TOWN HOUSE, DUPLEX, TWO-FAMILY, MULTI-FAMILY, ZERO LOT LINE UNITS 890
TOTAL D.U. 1480
3. DEVIATIONS 1,3,4,5,6,7,9,10,14,15,16,19,20,21,22,23,25 HAVE BEEN UTILIZED THROUGHOUT THE PLANNED DEVELOPMENT. SITE SPECIFIC DEVIATIONS ARE NOTED ON THE MASTER CONCEPT PLAN. SEE ZONING RESOLUTION FOR LIST OF DEVIATIONS.
MH-2-OPEN STORAGE
MH-3-MOBILE HOMES
AG-2-VACANT
MH-2-MARINERS COVE
ESTERO RIVER
AG-2-SINGLE FAMILY
RS-1- SINGLE FAMILY
50' NATURAL WATER WAY BUFFER
AG-2-SINGLE FAMILY
RS-1-SINGLE FAMILY HOUSING
SEE DEVIATION #18
SEE DETAIL #1 ON SHEET #3
50' NATURAL WATER WAY BUFFER
MH-2-MOBILE HOME PARK
AG-2 VACANT
NO BUFFER REQUIRED SEE DEVIATION #24
SEE DEVIATION #18
MULTI-FAMILY
PARCEL "A"
SEE DETAIL #3
CEMETERY 50' BUFFER
PARCEL "C"
TRACT A
TRACT B
TRACT C
TRACT D
TRACT E
TRACT F
TRACT G
TRACT H
TRACT I
TRACT J
TRACT K
TRACT L
TRACT M
TRACT N
TRACT O
TRACT P
PARCEL "B"
SEE DETAIL #2 ON SHEET #3
GATEHOUSE
KORESHAN STATE PARK
TYPE "F" BUFFER
PARK ACCESS
AG-2
SECONDARY GOLF MAINTENANCE & STORAGE AREA
CORKSCREW ROAD EXTENSION
AG-2 VACANT
GOLF CLUB
GC&A
PARCEL "D"
PARCEL "E"
NO BUFFER REQUIRED
PARCEL "F"
15' TYPE "B" BUFFER (EXISTING NATURAL VEGETATION MEETING OR EXCEEDING BUFFER REQUIREMENTS)
15' TYPE "B" BUFFER (EXISTING NATURAL VEGETATION MEETING OR EXCEEDING BUFFER REQUIREMENTS)
WEST BAY CLUB ESTERO POINT RPD
5' TYPE "A" BUFFER
100' FPL EASEMENT
5' TYPE "A" BUFFER (EXISTING NATURAL VEGETATION MEETING OR EXCEEDING BUFFER REQUIREMENTS)
CAMARGO TRUST MPD PARTIALLY DEVELOPED
PARCEL "I"
GATE HOUSE (MANNED 24 HRS.)
U.S. 41 (TAMIAMI TRAIL)
HALF-WAY CREEK
PARCEL "H"
WEST BAY CLUB ESTERO POINT RPD
5' TYPE "A" BUFFER
5' TYPE "A" BUFFER (EXISTING NATURAL VEGETATION MEETING OR EXCEEDING BUFFER REQUIREMENTS)
PARCEL "J"
CAMARGO TRUST MPD
PARCEL "G"
GM&SA
WILLIAMS ROAD
CARD GATE
SEE DETAIL #3 ON SHEET #3
15' TYPE "D" BUFFER SEE DEVIATION #26
20' TYPE "D" BUFFER
RS-1-VACANT &SINGLE FAMILY
RM-2-FOUNTAIN LAKES SINGLE-FAMILY
RS-2 SINGLE FAMILY
AG-2-NURSERY
R.W.A., INC. STATE OF FLORIDA BUSINESS LICENSE NO. EB-0007665
RWA INC. Planning Engineering Surveying Consulting
8801 Williams Point Drive, Suite 200, Naples, Florida 34109 (239) 597-2575 FAX (239) 597-2578
PROJECT
Pelican Sound Golf & River Club RPD
CLIENT
PELICAN SOUND GOLF & RIVER CLUB, INC.
TITLE
MASTER CONCEPT PLAN
DATE JULY, 2012
PROJECT NO. 970118(01).09
FILE NO. 970118(01)DP02
SHEET NUMBER 2 OF 5
SEC. TWP. RGE. 29,32,E 46 25
SCALE 1" = 400'
DRAWN J.P.
CHECKED P.V.
1 CLIENT AND STAFF COMMENTS DATED 11/16/12 J.P.A. P.V. 12/13
2 CLIENT AND STAFF COMMENTS DATED 12/12/12 J.P. P.V. 12/12
3 CHANGES PER FINAL SUFFICIENCY LETTER DATED 9/21/12 J.P. P.V. 10/12


ESTERO RIVER
PROPOSED CANOE / KAYAK LAUNCH
EXISTING BOAT RAMP
EXISTING TEMPORARY MOORING #1
DOCK MASTER'S COVERED AREA
OUTDOOR WAITING AREA
EXISTING TEMPORARY MOORING #2 AND BOARDWALK
EXISTING GAZEBO / OBSERVATION DECK #1
PROPOSED FISHING PLATFORM / OBSERVATION DECK#2
VEGETATIVE SCREEN
50' NATURAL WATERWAY BUFFER
APPROXIMATE EDGE OF WATER
EXISTING GAZEBO #2
DEVIATION #18
50' NATURAL WATERWAY BUFFER
BOAT AND TRAILER PARKING
VEGETATIVE SCREEN
EXISTING PARKING
GC&OS
RC
RESTAURANT OUTDOOR SEATING AREA
ANCILLARY RECREATIONAL USES
R
EXISTING CEMETERY ACCESS EASEMENT OR 3062, PAGE 2567
CEMETERY
50' CEMETERY BUFFER
100' FPL EASEMENT
P
RP
ANCILLARY RECREATIONAL USES
RIVER CLUB AND RIVER PARK (DETAIL #1)
EXISTING TENNIS COURTS
EXISTING PARKING
EXISTING BUILDING
EXISTING BUILDING
VEGETATIVE SCREEN
GC&A
POTENTIAL FUTURE EXPANSION OF CLUB HOUSE FACILITIES AND ANCILLARY RECREATIONAL USES
GOLF CLUB AND AMENITIES (DETAIL #2)
LEGEND
PRESERVE
WATER RETENTION
DEVELOPMENT TRACT
PARCEL BOUNDARIES PER 2015-077 APPROVAL
RETAINED NATURAL WATERWAY BUFFER WITHIN RC IMPROVEMENT AREA
STORAGE AREA
ROAD WAY CENTERLINE
SEE DETAIL #1
SEE DETAIL #2
SEE DETAIL #3
CORKSCREW ROAD EXTENSION
U.S. 41 (TAMIAMI TRAIL)
WILLIAMS ROAD
LAND USE SUMMARY
RC&RP - RIVER CLUB AND RIVER PARK 9.82 AC
GC&A - GOLF CLUBHOUSE AND AMENITIES 12.14 AC
GC - GOLF COURSE 266.39 AC
R - RESIDENTIAL 172.40 AC
GM&SA - GOLF MAINTENANCE AND STORAGE AREA 5.60 AC
P - PRESERVE 95.45 AC
TOTAL PROJECT AREA 561.50 AC
NOTE: WITH THE EXCEPTION OF OPEN SPACE AND INDIGENOUS PRESERVE AREAS PROVIDED, ACREAGES ON THE LAND USE SUMMARIES ARE APPROXIMATE AND WILL BE DEFINED AT TIME OF LOCAL DEVELOPMENT ORDER.
SEE SHEET 5 OF 5 FOR AMENDMENT TO GOLF MAINTENANCE AND STORAGE AREA
FENCE OR WALL AND LANDSCAPING STRIP
GC&S
STORAGE AREA
FP&L EASEMENT
EXISTING BUILDING
EXISTING PARKING
TYPE "D" 15' BUFFER SEE DEVIATION #26
WILLIAMS ROAD
GOLF MAINTENANCE AND STORAGE AREA (DETAIL #3)
R.W.A., INC. STATE OF FLORIDA BUSINESS LICENSE NO. EB-0007683
RWA INC. Planning Engineering Civil Engineering Surveying & Mapping CONSULTING
8910 University Park Drive, Suite 200, Naples, Florida 34120 239.597.5575 FAX: (239) 597-2575
Pelican Sound Golf & River Club RPD
PROJECT:
CLIENT: PELICAN SOUND GOLF & RIVER CLUB, INC.
TITLE: DETAILS
DATE: JULY, 2012
PROJECT NO. 970118.01.09
FILE NO. 970118S01D0PN3
SHEET NUMBER 3 OF 5
SEC. TWP. RGE. 28,32,E 46 25
SCALE: AS SHOWN
DRAWN: J.P.
CHECKED: P.V.
COUNTY AND GOF ACREAGES (DATED 11/14/12) P.V. 12/13
CHANGES PER FIRST SUFFICIENCY LETTER (DATED 08/27/12) J.P. P.V. 10/12
CHANGES PER SUFFICIENCY LETTER (DATED 08/27/12) J.P. P.V. 10/12

OPEN SPACE / INDIGENOUS CALCULATIONS (IN ACRES)

561.80 TOTAL ACREAGE
-13.81 EXCLUDE 100 FOOTWIDE FPL EASEMENT
-7.94 EXCLUDE 200 FOOTWIDE RIGHT-OF-WAY
-28.54 EXCLUDE SF EXEC THE MASTERS
-19.50 EXCLUDE SF EXEC GLEN EAGLES
-6.22 EXCLUDE SF ESTATE PINEHURST

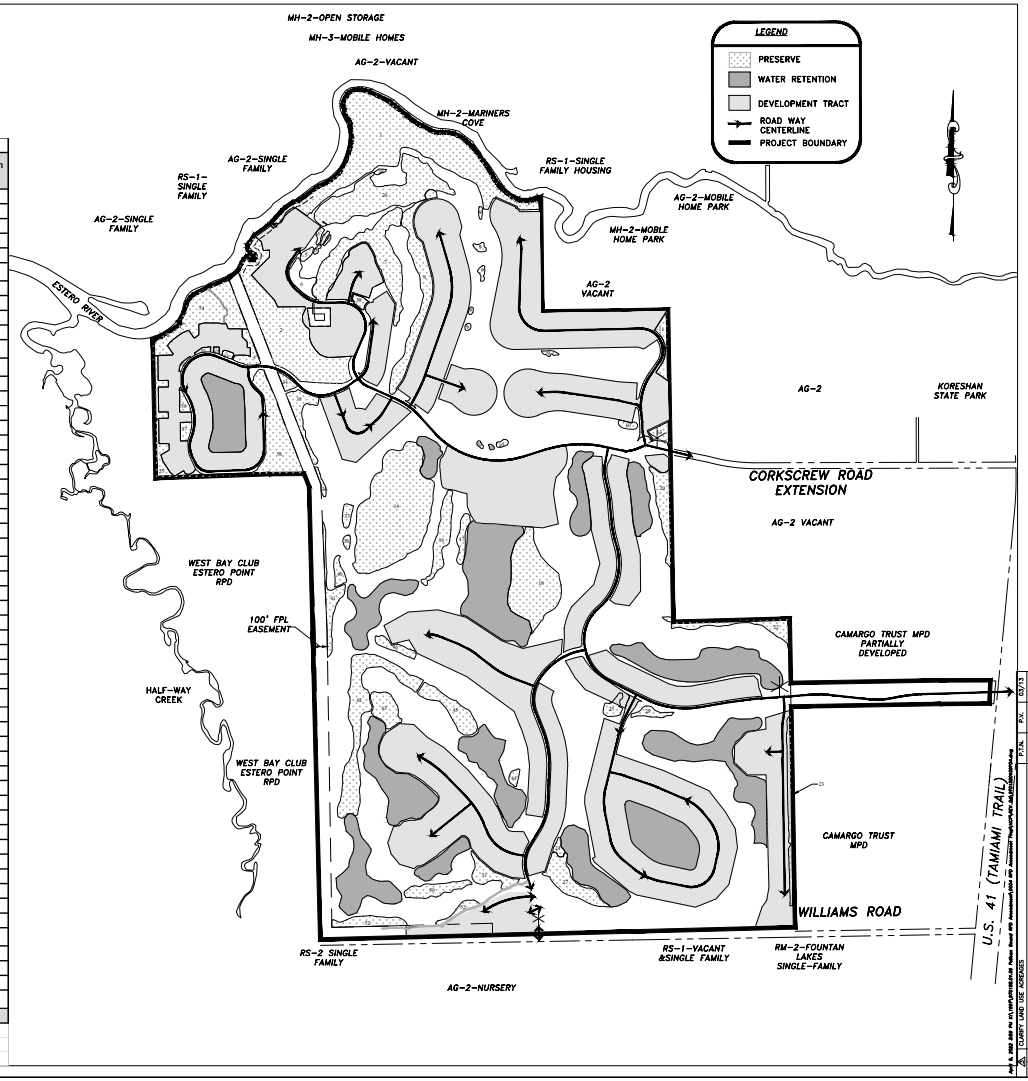
458.55 TOTAL ACREAGE SUBJECT TO OPEN SPACE REQUIREMENTS

183.42 40% REQUIRED OPEN SPACE
91.71 INDIGENOUS AREA REQUIRED (50% OF OPEN SPACE)

INDIGENOUS PRESERVE TABLE

Tract ID	Actual Acres	Habitat Classification	Status	Credit	Acres with Credit	Deviation 23
1	13.62	Upland	E	160%	21.79	
1	0.70	Wetland	E	100%	0.70	
2	8.28	Upland	E	160%	13.25	
2	0.40	Wetland	E	100%	0.40	
4	0.63	Upland	E	125%	0.79	
5	0.49	Upland	E	100%	0.49	*
6	0.86	Upland	E	125%	1.07	
7	1.59	Upland	E	100%	1.59	
7	3.43	Wetland	C	50%	1.72	
8	3.53	Upland	E	100%	3.53	
9	0.52	Upland	E	100%	0.52	*
10	0.41	Upland	E	100%	0.41	*
11	0.71	Upland	E	100%	0.71	
13	0.49	Upland	E	110%	0.54	
14	2.61	Upland	E	100%	2.61	
14	9.13	Wetland	R	50%	4.57	
16	1.54	Upland	E	110%	1.69	
17	0.59	Upland	E	110%	0.65	
18	1.02	Upland	E	100%	1.02	
18	4.57	Wetland	R	50%	2.29	
20	1.69	Upland	E	110%	1.86	
22	1.10	Upland	E	100%	1.10	
22	0.50	Wetland	E	100%	0.50	
23	1.17	Upland	E	100%	1.17	*
24	0.21	Upland	E	100%	0.21	
25	0.46	Upland	E	100%	0.46	
26	1.98	Upland/Wetland	E	100%	1.98	
26	4.31	Wetland	R - C	50%	2.16	
27	1.94	Wetland	R - C	50%	0.97	
28	0.41	Upland	E	100%	0.41	
30	0.24	Upland	E	100%	0.24	
34	0.28	Upland	E	100%	0.28	
35	1.15	Upland	E	100%	1.15	
36	0.17	Upland	E	100%	0.17	*
37	0.31	Upland	E	100%	0.31	
38	0.14	Upland	E	100%	0.14	
40	0.40	Upland	E	100%	0.40	
41	1.15	Upland	E	100%	1.15	
42	4.93	Upland	E	110%	5.42	
43	1.24	Upland	E	125%	1.55	
44	0.21	Upland	E	100%	0.21	
45	1.67	Upland	E	125%	2.08	
46	0.54	Upland	E	110%	0.59	
50	1.09	Upland	E	110%	1.20	
51	1.02	Upland	E	125%	1.27	
52	1.04	Upland	E	100%	1.04	
52	0.45	Upland	E	100%	0.45	
54	4.57	Upland	E	135%	6.17	
54	0.40	Wetland	E	100%	0.40	
55	1.11	Upland	E	100%	1.11	*
56	3.89	Upland	E	135%	5.25	
57	0.31	Upland	E	100%	0.31	
58	0.27	Upland	E	100%	0.27	
61	0.35	Upland	E	100%	0.35	*
Total Acres	95.45	Total Acres with Credit			102.18	

E = Existing Indigenous Habitat
R = Restored Indigenous Habitat
C = Created Indigenous Habitat



R.W.A., INC. STATE OF FLORIDA BUSINESS LICENSE NO. EB-0007655

RWA INC. Planning Engineering Surveying & Mapping Civil Engineering Consulting

8801 Vilbar Park Drive, Suite 200, Naples, Florida 34119 (239) 597-2575 FAX (239) 597-2578

PROJECT: Pelican Sound Golf & River Club RPD

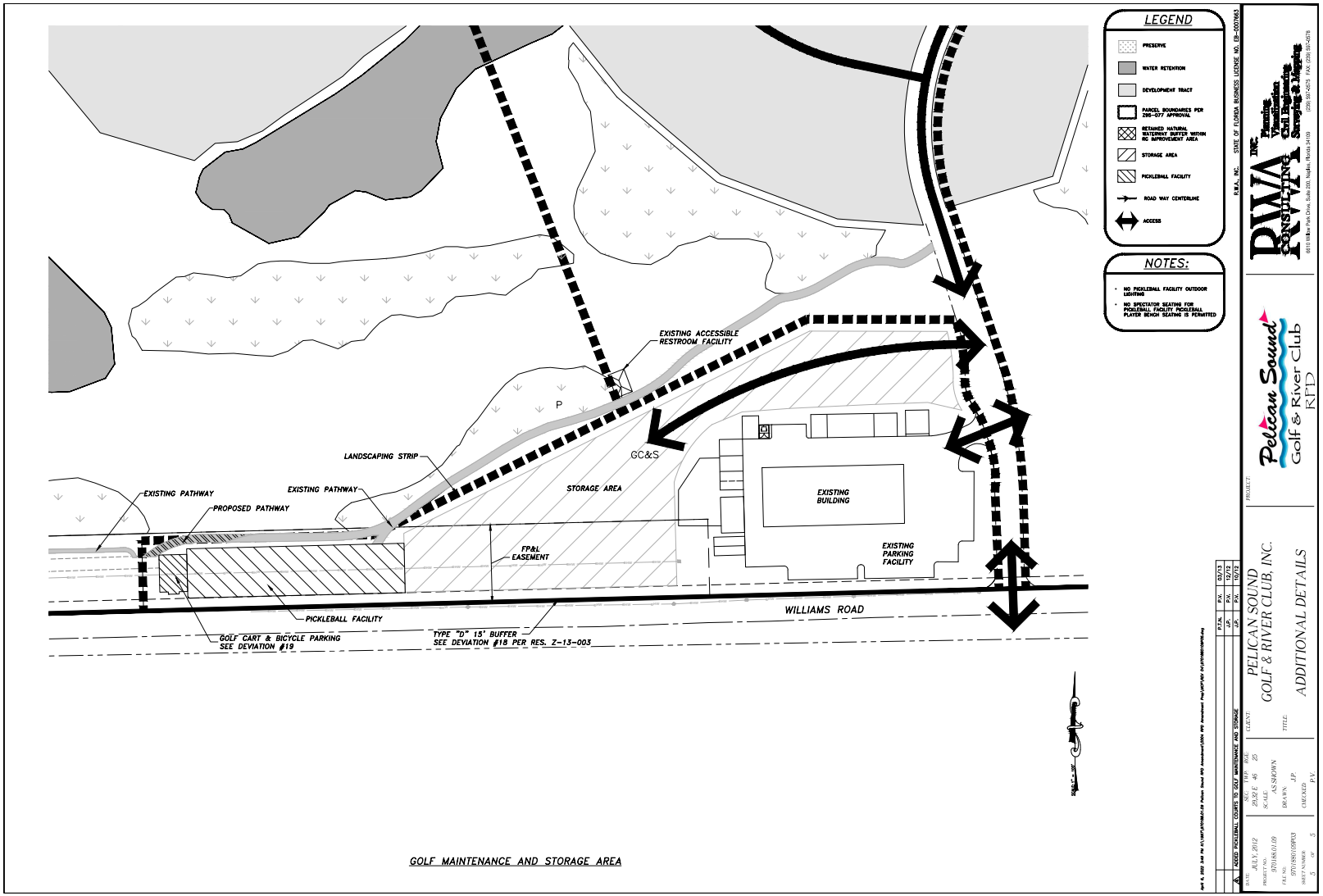
CLIENT: PELICAN SOUND GOLF & RIVER CLUB, INC.

TITLE: INDIGENOUS PRESERVE PLAN

DATE: JULY, 2012
PROJECT NO.: 970118501.09
FILE NO.: 970118501DP04
SHEET NUMBER: 4 OF 5

SEC. 29,32,E TWP. 46 RGE. 25
SCALE: 1" = 400'
DRAWN: J.P.
CHECKED: P.V.

4	CHANGES PER SUFFICIENCY LETTER (DATED 09/27/12)	J.P.	P.V.	10/12
3	CHANGES PER FIRST SUFFICIENCY LETTER (DATED 11/14/12)	J.P.	P.V.	10/12


LEGEND
PRESERVE
WATER RETENTION
DEVELOPMENT TRACT
PARCEL BOUNDARIES PER Z96-077 APPROVAL
RETAINED NATURAL WATERWAY BUFFER WITHIN RC IMPROVEMENT AREA
STORAGE AREA
PICKLEBALL FACILITY
ROAD WAY CENTERLINE
ACCESS
NOTES:
NO PICKLEBALL FACILITY OUTDOOR LIGHTING
NO SPECTATOR SEATING FOR PICKLEBALL FACILITY PICKLEBALL PLAYER BENCH SEATING IS PERMITTED
EXISTING ACCESSIBLE RESTROOM FACILITY
LANDSCAPING STRIP
EXISTING PATHWAY
PROPOSED PATHWAY
EXISTING PATHWAY
STORAGE AREA
GC&S
EXISTING BUILDING
EXISTING PARKING FACILITY
FP&L EASEMENT
PICKLEBALL FACILITY
GOLF CART & BICYCLE PARKING SEE DEVIATION #19
TYPE "D" 15' BUFFER SEE DEVIATION #18 PER RES. Z-13-003
WILLIAMS ROAD
GOLF MAINTENANCE AND STORAGE AREA
R.W.A., INC. STATE OF FLORIDA BUSINESS LICENSE NO. EB-0007683
RWA INC. Planning Engineering Civil Engineering Surveying & Mapping
8910 Villas Park Drive, Suite 200, Naples, Florida 34120 239.597.2575 FAX (239) 597-2578
Pelican Sound Golf & River Club RFD
PROJECT
PELICAN SOUND GOLF & RIVER CLUB, INC.
TITLE
ADDITIONAL DETAILS
CLIENT
DATE JULY, 2012
PROJECT NO. 97011185.01.09
FILE NO. 97011185.01GPK3
SHEET NUMBER 3 OF 5
SEC. 25,26,E 46 TWP. 48S RGE. 25
SCALE AS SHOWN
DRAWN J.P.
CHECKED P.V.
A ADDED PICKLEBALL COURTS TO GOLF MAINTENANCE AND STORAGE P.V. 10/12
P.V. 10/12
J.P. 10/12
P.V. 10/12

Attachment C

VILLAGE OF ESTERO PLANNING ZONING AND DESIGN BOARD
TUESDAY, SEPTEMBER 13, 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.

06:00:36 OUR NEXT ITEM, A ZONING AMENDMENT FOR THE PELICAN SOUND
06:00:40 RIVER CLUB.
06:00:43 KATHY, ARE YOU GOING TO INTRODUCE IT?

06:00:45 GO AHEAD, PLEASE.
06:00:46 >>Mary Gibbs: DO WE NEED TO DO SWEARING IN?
06:00:50 BECAUSE I THINK YOU ONLY SWORE IN THE PEOPLE FOR GENOVA.
06:00:53 >>Scotty Wood: ARE THERE PEOPLE HERE WHO WERE NOT HERE WHEN
06:00:56 I READ THE RULES OF A QUASI-JUDICIAL PROCEEDING?
06:00:59 >>Mary Gibbs: I THINK YOU JUST DID IT FOR GENOVA.
06:01:02 I DON'T THINK ANY PELICAN SOUND PEOPLE.
06:01:08 >>Scotty Wood: I'LL GO AHEAD WITH IT.
06:01:10 WELL, BEFORE WE DO THAT, I HAVE TO READ.
06:01:15 >>Mary Gibbs: MAYBE YOU CAN READ THE ABBREVIATED VERSION.
06:01:18 >>Nancy Stroud: MR. CHAIR, IF YOU'D LIKE -- I'M OFFERING TO
06:01:25 MAKE A SHORT STATEMENT ABOUT THE PROCESS.
06:01:29 >>Scotty Wood: GO AHEAD, NANCY.
06:01:31 >>Nancy Stroud: AND THAT IS THE NEXT THREE ITEMS ARE
06:01:37 REQUIRED TO BE REVIEWED UNDER QUASI-JUDICIAL PROCEDURES,
06:01:41 WHICH MEANS THAT EVERYBODY WHO TESTIFIES AT THE HEARING HAS
06:01:44 TO BE SWORN IN, THAT THE BOARD MEMBERS HAVE TO DISCLOSE ANY
06:01:49 EX PARTE COMMUNICATIONS AND ANY CONFLICTS, AND THE ORDER OF
06:01:56 PROCEEDINGS IS GENERALLY THAT MARY WILL INTRODUCE THE ITEM.
06:02:01 THE APPLICANT THEN HAS AN OPPORTUNITY TO EXPLAIN THE ITEM.
06:02:11 THE PUBLIC THEN HAS AN OPPORTUNITY TO EXPRESS THEIR
06:02:13 OPINIONS, AND THE BOARD WILL CONSIDER AFTER THE
06:02:19 PRESENTATIONS THE EVIDENCE AND THE LAW AND MAKE A DECISION
06:02:26 BASED ON SUBSTANTIAL, COMPETENT EVIDENCE.
06:02:28 IF ANYONE WHO IS GOING TO TESTIFY TONIGHT HAS NOT YET BEEN

06:02:35 SWORN IN, WOULD THEY PLEASE STAND AND RAISE THEIR RIGHT
06:02:38 HANDS AND I WILL SWEAR YOU IN.
06:02:41 >>Mary Gibbs: NANCY, CAN I JUST SAY THAT WOULD BE FOR
06:02:43 PELICAN SOUND, COCONUT TRACE, OR WEST BAY ISLAND HIGH-RISE.
06:02:51 >>Nancy Stroud: YES.

06:02:52 LATER WE CAN SWEAR IN THE NEW PEOPLE.
06:02:57 MAYBE EVERYONE IS HERE RIGHT NOW.
06:02:58 DO YOU SWEAR OR AFFIRM THAT THE TESTIMONY THAT YOU WILL GIVE
06:03:01 TONIGHT IS THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE
06:03:04 TRUTH?
06:03:05 >> I DO.
06:03:06 >>Scotty Wood: THANK YOU, NANCY.
06:03:09 >>Nancy Stroud: THE BOARD MEMBERS SHOULD THEN DISCLOSE.
06:03:14 >>Scotty Wood: ANY EX PARTE COMMUNICATIONS?
06:03:16 >> NO.
06:03:17 >> NO.
06:03:17 >>Scotty Wood: ANY CONFLICTS?
06:03:18 >> NO.
06:03:19 >> NO.
06:03:19 >>Scotty Wood: HOW ABOUT WHAT'S IN THE RECORD, THE WRITTEN
06:03:22 RECORD?
06:03:24 >>Mary Gibbs: ON PELICAN SOUND, WE HAD A COUPLE OF
06:03:28 E-COMMENTS.
06:03:29 ONE WITH THE CONCERNS ABOUT THE NOISE FROM RIVER CLUB, AND
06:03:32 ONE WITH SOME CONCERNS ABOUT THE PICKLEBALL.

06:03:41 >>Scotty Wood: NOW KATHY.
06:03:44 >>Kathy Eastley: GOOD EVENING.
06:03:46 KATHY EASTLEY, SENIOR PLANNER WITH THE VILLAGE.
06:03:49 JUST A BRIEF INTRODUCTION TO THE PELICAN SOUND APPLICATION
06:03:52 THAT'S BEFORE YOU THIS EVENING.
06:03:53 THIS IS AN AMENDMENT TO AN EXISTING RESIDENTIAL PLANNED
06:03:57 DEVELOPMENT, AND THERE ARE TWO PARTS TO THIS.
06:04:00 BUT, FIRST, A LITTLE BACKGROUND.
06:04:02 PELICAN SOUND IS LOCATED WEST OF U.S. 41 BETWEEN THE ESTERO
06:04:07 RIVER AND WILLIAMS ROAD.
06:04:09 IT'S 550 ACRES APPROXIMATELY WITH ABOUT 1400 DWELLING UNITS.
06:04:15 THE TWO-PART AMENDMENT BEFORE YOU THIS EVENING, THE FIRST
06:04:20 PART INCLUDES THE RIVER CLUB.
06:04:23 THEY ARE SEEKING TO HAVE LIVE OUTDOOR ENTERTAINMENT ON THE
06:04:26 DECK AT THE RIVER CLUB.
06:04:28 AND THE SECOND PART IS TO ALLOW FOR PICKLEBALL FACILITIES
06:04:33 ALONG WILLIAMS ROAD ADJACENT TO THE GOLF COURSE MAINTENANCE
06:04:37 FACILITY.
06:04:38 NOW, PELICAN SOUND DOES HAVE EXISTING PICKLEBALL FACILITIES
06:04:42 IN THEIR PROJECT, BUT THE GOLF COURSE MAINTENANCE FACILITY
06:04:46 AREA DOESN'T CURRENTLY ALLOW THAT USE, SO THEY ARE SEEKING
06:04:49 THAT USE IN THAT AREA.
06:04:52 STAFF IS RECOMMENDING APPROVAL.
06:04:54 THE EIGHT-DAY LETTER THAT WE RECEIVED FROM THE APPLICANT DID
06:04:57 HAVE JUST ONE MINOR CHANGE TO A CONDITION, THAT THEY WILL

06:05:01 DISCUSS, AND OTHERWISE I CAN ANSWER ANY QUESTIONS AT THIS

06:05:04 TIME.
06:05:04 I TURN IT OVER TO THE APPLICANT.
06:05:08 >> CAN YOU EXPAND -- WHEN I WAS READING THE MATERIALS,
06:05:12 EVIDENTLY THEY HAD STARTED BUILDING PICKLEBALL COURTS IN
06:05:16 THAT AREA AND THEN DISCOVERED THAT THEY NEEDED TO COME --
06:05:20 >>Kathy Eastley: THAT'S CORRECT.
06:05:21 FOUR PICKLEBALL COURTS HAVE PARTIALLY BEEN CONSTRUCTED IN
06:05:24 THAT AREA.
06:05:24 AS I SAID, THERE ARE EXISTING PICKLEBALL FACILITIES WITHIN
06:05:28 PELICAN SOUND, AND SO ERRONEOUSLY THE APPLICANT THOUGHT THAT
06:05:33 THEY HAD THE ALLOWANCE TO BUILD ADDITIONAL PICKLEBALL
06:05:37 FACILITIES ADJACENT TO THE GOLF COURSE MAINTENANCE FACILITY.
06:05:40 BUT THERE ARE SPECIFIC USES THAT ARE FOR THE GOLF COURSE
06:05:45 MAINTENANCE FACILITY THAT ARE NOT ALLOWED IN OTHER PLACES.
06:05:49 AND SO THEY HAD TO ASK FOR IT, AND THEY DIDN'T KNOW, AND
06:05:55 THEY CONSTRUCTED THEM.
06:05:55 >>Anthony Gargano: SO THIS IS FOR THE -- PLUS FOUR
06:06:02 ADDITIONAL.
06:06:04 >>Kathy Eastley: THAT'S CORRECT.
06:06:04 EIGHT IN TOTAL.
06:06:07 >>Scotty Wood: ANYONE ELSE?
06:06:08 APPLICANT.
06:06:20 >> GOOD EVENING.
06:06:21 GOOD TO BE IN FRONT OF YOU AGAIN.

06:06:23 IT'S BEEN A LITTLE -- FEW MONTHS, I GUESS, SINCE YOU HAD THE
06:06:27 INFORMATION MEETING.
06:06:28 AGAIN, I'M KEN GALLANDER WITH RW ENGINEERING ON BEHALF OF
06:06:34 THE PELICAN SOUND GOLF AND RIVER CLUB.
06:06:37 THANK YOU, KATHY, FOR INTRODUCING THE PROJECT.
06:06:39 I WANT TO GO THROUGH.
06:06:41 I DO HAVE HOPEFULLY A RELATIVELY SHORT PRESENTATION FOR YOU,
06:06:44 SO WE'LL JUST GET STARTED.
06:06:47 KATHY EXPLAINED THE SUBJECT PROPERTY.
06:06:51 I DON'T NECESSARILY THINK I NEED TO GO THROUGH THAT.
06:06:54 BUT, AGAIN, IT'S A RESIDENTIAL PLANNED DEVELOPMENT WITH
06:06:57 MAXIMUM OF 1480 DWELLING UNITS AND OBVIOUSLY THERE'S A
06:07:03 COMPONENT OF ACCESSORY USES, THE GOLF COURSE, THE TENNIS
06:07:06 PICKLEBALL FACILITY, THE RIVER CLUB AND OTHER ACCESSORY USES
06:07:12 ASSOCIATED WITH IT.
06:07:15 THIS GIVES A REPRESENTATION OF WHERE WE'RE SPECIFICALLY
06:07:19 LOOKING TO -- OUR REQUEST.
06:07:22 THE NORTHERN PART IS THE RIVER CLUB, AND DOWN ON THE
06:07:26 SOUTHERN END AGAINST WILLIAMS ROAD IS THE GOLF MAINTENANCE
06:07:29 FACILITY WHERE THE PROPOSED PICKLEBALL FACILITY WILL GO.
06:07:35 AGAIN, OUR REQUEST IS THIS PLANNED DEVELOPMENT AMENDMENT TO
06:07:40 EXPAND AND IMPROVE UPON THE EXISTING ACCESSORY COMMUNITY
06:07:44 AMENITIES.

06:07:44 AND THIS WAS BASED ON THE COMMUNITY'S NEEDS.
06:07:46 OBVIOUSLY, THERE IS A WIDE DESIRE FOR PICKLEBALL FACILITIES,

06:07:53 SO THEY WERE SEEKING OPPORTUNITIES TO ADDRESS THAT, AND THAT
06:07:57 WOULD BE TO ADD CONDITION 15.F.
06:08:02 AS KATHY MENTIONED, ADDING THE PICKLEBALL FACILITIES AS A
06:08:06 USE WITHIN THE GOLF AND STORAGE MAINTENANCE PORTION OF THE
06:08:11 DEVELOPMENT.
06:08:11 ALSO DESIRED FOR SOME LIMITED OUTDOOR LIVE ENTERTAINMENT,
06:08:16 AND THERE'S AN EXISTING CONDITION THAT WE ARE SEEKING TO
06:08:20 AMEND, CONDITION 12.E.
06:08:23 THIS IS A CLIP OF THE MASTER CONCEPT PLAN SHOWING THE
06:08:32 CHANGES TO THE PORTION OF THE GOLF AND MAINTENANCE STORAGE
06:08:36 AREA, IDENTIFYING THE PROPOSED LOCATION FOR THE PICKLEBALL
06:08:42 FACILITIES.
06:08:42 ALSO, THE AREA FOR, PROPOSING GOLF CART PARKING AND THE
06:08:49 CONNECTIVITY THAT WE'RE ESTABLISHING THROUGH EXPANDING THE
06:08:53 PATHWAY SYSTEM TO CONNECT THE PICKLEBALL FACILITIES.
06:08:56 THERE IS A RESTROOM FACILITY.
06:08:57 I KNOW THAT WAS BROUGHT UP IN OUR PRIOR MEETING FOR THE
06:09:02 ABILITY FOR PARTICIPANTS TO UTILIZE THE EXISTING BATHROOM
06:09:06 FACILITY ADJACENT TO THE PICKLEBALL FACILITY.
06:09:09 SO I JUST WANT TO HIT ON THE MAJOR FACTORS AND THE
06:09:18 COMMITMENTS ASSOCIATED WITH THE PICKLEBALL FACILITY FIRST.
06:09:22 OBVIOUSLY, TO ENSURE THE COMPATIBILITY OF THE FACILITY,
06:09:27 MAINTAINING THE ENHANCED BUFFERING THAT WAS REQUIRED
06:09:31 ORIGINALLY WITH THE DEVELOPMENT.
06:09:32 WE WILL BE PROVIDING SPECIALIZED SOUND MATERIAL ABATEMENT

06:09:38 ALONG THE FENCING.
06:09:41 LIMITING THE HOURS OF THE ABILITY TO PLAY FROM 8 A.M. TO
06:09:43 DUSK.
06:09:44 WE HAVE COMMITTED TO EQUIPMENT RESTRICTIONS.
06:09:49 THERE ARE CERTAIN PADDLES THAT ARE DESIGNED FOR GREEN ZONE
06:09:51 OR QUIET ZONE, SO THAT WE HAVE A LIST OF THOSE APPROPRIATE
06:09:55 TYPES OF EQUIPMENT ALONG WITH A SPECIFIC BALL THAT HAS BEEN
06:10:00 FOUND TO BE MORE APPROPRIATE.
06:10:04 OUTDOOR LIGHTING RESTRICTIONS, THERE WILL BE NO OUTDOOR
06:10:06 LIGHTING FOR THIS PICKLEBALL FACILITY.
06:10:08 MENTIONED BEFORE, GOLF CART PARKING.
06:10:12 WE'RE PROPOSING DEVIATION 19, AND THAT IS WORKING WITH STAFF
06:10:19 TO PROVIDE 16 PAVED GOLF CART PARKING SPACES.
06:10:25 NOISE ORDINANCE COMPLIANCE.
06:10:28 WE CONDUCTED NOISE STUDIES AND ANALYSIS.
06:10:32 PART OF THE RECORD WITH OUR STAFF REPORT AND OUR NARRATIVE
06:10:35 ADJOINING THAT STAFF REPORT, ENSURING COMPLIANCE WITH THE
06:10:39 MAXIMUM 66 DECIBELS DURING THE HOURS OF OPERATION OF THE
06:10:43 PICKLEBALL FACILITY.

06:10:45 WE'RE COMMITTING TO NOTICING THE PROPERTY OWNERS AND TO
06:10:49 ENSURE THAT THEY KNOW WHO TO CONTACT AT PELICAN SOUND, IF
06:10:56 THERE'S DEEMED SOME CONCERNS.
06:10:59 ALSO, A COMMITMENT TO WORK WITH THE VILLAGE, IF THERE ARE
06:11:03 FOUND TO BE SOME CONCERNS OR COMPLAINTS TO WORK THROUGH,
06:11:10 PERHAPS A FURTHER NOISE MITIGATION PLAN.

06:11:12 AND THEN, OBVIOUSLY, THE LAST IS ADDING PICKLEBALL
06:11:15 FACILITIES TO THE SCHEDULE OF USES.
06:11:17 AS KATHY MENTIONED BEFORE, STAFF'S PROPOSED CONDITION 15.F
06:11:25 HAD THE SPECIALIZED ACOUSTIC MATERIAL TO BE PROVIDED ON ALL
06:11:31 SIDES OF THE FENCING FOR THE PICKLEBALL FACILITIES.
06:11:34 WE'RE RESPECTFULLY REQUESTING THAT THE ACOUSTIC MATERIAL
06:11:40 ONLY ON THE NORTH AND SOUTH SIDE, AND THAT'S BASED ON OUR
06:11:44 NOISE ANALYSIS AND THE STUDY ANALYSIS THAT WAS CONDUCTED,
06:11:48 AND I WANT TO MOVE TO THE NEXT SLIDE.
06:11:53 AND THIS GIVES YOU A LITTLE BIT MORE REPRESENTATION OF WHAT
06:11:56 WE'RE LOOKING AT.
06:11:58 TO THE LEFT IS THE NOISE CONTOURS PER THE STUDY FOR THE
06:12:04 PICKLEBALL FACILITY.
06:12:06 WHERE IT'S RED IS THE CENTER OF THE PICKLEBALL FACILITY
06:12:09 COURTS.
06:12:10 AND AS IT GOES OUT, THE NOISE DIMINISHES.
06:12:13 TO THE LEFT IS THE FACILITY WITHOUT ANY NOISE ACOUSTIC
06:12:17 ABATEMENT MATERIAL ON THE NORTH AND SOUTH SIDE.
06:12:25 ON THE RIGHT IS WITH THE SOUND ABATEMENT, AND YOU CAN SEE
06:12:30 THE CONTOURS HAVE CHANGED.
06:12:33 WHAT WE'RE -- FOR THE RESIDENTIAL, FOR THE HOURS OF 7 A.M.
06:12:38 TO 10 P.M. IS 66 DECIBELS.
06:12:42 THE OUTER POINT OF THESE DASHED LINES IS -- WOULD BE 59
06:12:51 DECIBELS.
06:12:51 THE INTERIOR WOULD BE 62 DECIBELS.

06:12:54 SO WHAT WE'RE FINDING IS NONE OF THE RESIDENTIAL HOMES TO
06:12:58 THE NORTH AND TO THE SOUTH ARE BEING IMPACTED BY ANY DECIBEL
06:13:03 LEVEL THAT'S OVER 66-DECIBEL LEVELS.
06:13:10 WITH THE SOUND ABATEMENT ON THE NORTH AND SOUTH, AGAIN, YOU
06:13:13 CAN SEE THE NORTH AND SOUTH HAVE BEEN MITIGATED OR
06:13:16 ADDRESSED, STILL WITHIN THE COMPLIANCE OF 66 DECIBELS, BUT
06:13:22 FOR THE EAST AND WEST SIDE, WE'RE DEALING WITH OUTDOOR
06:13:26 STORAGE AND A MAINTENANCE BUILDING, AND TO THE WEST, OPEN
06:13:30 SPACE.
06:13:30 THERE IS THE PATHWAY OPEN SPACE AREA OF THE GOLF COURSE.
06:13:37 ADDITIONALLY, THERE'S SOME LOGISTIC COMPONENTS.
06:13:39 AS WE KNOW THAT THIS PICKLEBALL FACILITY IS WITHIN THE FPL
06:13:43 EASEMENT, AND THEY REQUIRE ACCESSIBILITY TO GET THROUGH
06:13:47 THOSE COURTS AND TO MAINTAIN THEIR FACILITIES.
06:13:52 SO ON EACH END, THERE NEEDS TO BE A SPECIALLY DESIGNED GATE

06:13:57 AND FENCING STRUCTURES.
06:13:58 SO ADDING THIS MATERIAL JUST ADDS ANOTHER LEVEL OF
06:14:03 COMPLEXITY TO IT.
06:14:05 BUT LOOKING AT THIS OBJECTIVELY, WE CAN SEE THAT IT'S NOT
06:14:12 NECESSARY.
06:14:12 MOVING TO THE OUTDOOR ENTERTAINMENT, CONDITION 12.E
06:14:18 ORIGINALLY HAD LIVE MUSIC IS PROHIBITED.
06:14:21 BUT WE'RE PROPOSING EXCEPT ON THURSDAYS AND SATURDAYS FROM 5
06:14:24 TO 9 OR WITH THE ISSUANCE OF A SPECIAL EVENT PERMIT FROM THE
06:14:28 VILLAGE.

06:14:29 OUTDOOR SEATING AND THE MUSIC, WHICH I'M GOING TO MOVE TO MY
06:14:35 NEXT SLIDE.
06:14:37 THIS ORANGE DOT IS THE GENERAL LOCATION OF WHERE THE MUSIC
06:14:42 ENTERTAINMENT WILL BE.
06:14:44 IT IS TO BE PROPOSED AS EITHER A SOLO OR A DUET SYSTEM TO
06:14:52 PROVIDE FOR THAT ENTERTAINMENT FOR THOSE THAT ARE OUTSIDE
06:14:56 SEATING OR --
06:15:02 [ENCODER DISCONNECTED]
06:15:05 BEHIND IT, YOU HAVE THE FULL STRUCTURE OF THE RIVER CLUB AND
06:15:11 THE ASPECTS AND THE FACTORS OF HAVING THE PRESERVE AREA
06:15:18 STILL BEING MAINTAINED.
06:15:19 MAINTAINING THE 66 DECIBELS, WE ARE ALSO COMMITTING TO THE
06:15:32 PROPERTY OWNER NOTICES, AND IF NECESSARY THROUGH OBJECTIVE
06:15:38 CRITERIA OF LOOKING AT FURTHER MITIGATING IT IF WE HAVE
06:15:40 CONCERNS.
06:15:41 LOOKING AT -- I JUST WANT TO BRIEFLY STATE, AND IT'S PART OF
06:15:50 THE RECORD WITHIN OUR ANALYSIS FROM THE NOISE CONSULTANTS,
06:15:56 IS THE RESULTS OF THE STUDY FOR THE BACKGROUND AMBIENT NOISE
06:16:02 WAS APPROXIMATELY 47 DECIBELS.
06:16:05 WITH THE MUSIC, IT WAS STILL 47 DECIBELS APPROXIMATELY.
06:16:08 AND THESE MONITORING STATIONS WERE LOCATED ACROSS THE RIVER.
06:16:16 SO WHAT WE FOUND IS WITH JUST AMBIENT BACKGROUND NOISE AND
06:16:22 WITH THE MUSIC, IT'S NEGLIGIBLE.
06:16:24 THERE IS NO DIFFERENCE WITH THAT TYPE OF MUSIC WITH THE
06:16:27 SINGLE INDIVIDUAL OR THE DUET-TYPE MUSIC.

06:16:32 THE LEVEL THAT WAS -- THE VOLUME LEVEL WAS -- BUT IT WAS AT
06:16:37 9, SO WE CAN ASSESS THAT WE FEEL THAT WE ARE STILL IN
06:16:45 COMPLIANCE WITH THE VILLAGE'S NOISE ORDINANCE.
06:16:48 IN CONCLUSION, WE FEEL CONSISTENT WITH THE LAND DEVELOPMENT
06:16:53 CODE REGULATIONS FOR THIS AMENDMENT.
06:16:56 CONSISTENCY WITH THE COMPREHENSIVE PLAN.
06:16:58 WE'RE IN FULL AGREEMENT WITH THE STAFF REPORT AND
06:17:00 RECOMMENDATION BASED ON THE REVISED CONDITION FOR JUST
06:17:04 REQUIRING THE NOISE MATERIAL, ABATEMENT MATERIAL ON THE
06:17:07 NORTH AND SOUTH.
06:17:08 AND WE JUST RESPECTFULLY REQUEST THE RECOMMENDATION OF

06:17:11 APPROVAL FROM THIS BODY TO THE VILLAGE COUNCIL FOR THE
06:17:15 PROPOSED AMENDMENT.
06:17:16 MYSELF HERE, I HAVE GENERAL MANAGER ERIC LONG HERE.
06:17:21 WE HAVE REPRESENTATIVES FROM THE BOARD AND SOME OTHER
06:17:25 COMMUNITY REPRESENTATIVES AS WELL.
06:17:26 BE HAPPY TO ANSWER QUESTIONS.
06:17:29 >>Scotty Wood: QUESTION.
06:17:30 HOW DO YOU PROPOSE TO ENFORCE THE EQUIPMENT RESTRICTIONS?
06:17:35 >>Ken Gallander: THAT'S A VERY GOOD QUESTION.
06:17:39 [LAUGHTER]
06:17:39 I DON'T KNOW IF YOU HAVE EXPERIENCE DOING THIS.
06:17:44 >> YES, SO WE HAVE A DIRECTOR OF TENNIS AND RACKET SPORTS
06:17:49 THAT OVERSEES OUR TOTAL PROGRAM.
06:17:52 AND PRETTY MUCH ANY NEW MEMBER THAT COMES TO THE CLUB, WE

06:17:58 REVIEW THEIR EQUIPMENT AND MAKE SURE THAT IT MEETS THE
06:18:01 STANDARDS THAT WE ALREADY HAVE IN PLACE.
06:18:03 WE ALSO HAVE A PICKLEBALL COMMITTEE THAT ALSO HAS MADE THOSE
06:18:07 RECOMMENDATIONS IN THE PAST.
06:18:09 OBVIOUSLY, WITH NEW TECHNOLOGY, THE PADDLES CHANGE OVER
06:18:13 TIME, AND OBVIOUSLY WE UPDATE OUR GREEN ZONE PADDLES YEAR
06:18:18 OVER YEAR TO MAKE SURE THAT THEY ARE COMPLIANT WITH SOUND
06:18:21 ORDINANCE.
06:18:26 >>Scotty Wood: WHAT DO YOU DO WITH SOMEBODY THAT DOESN'T
06:18:28 COMPLY?
06:18:29 >> WE'LL TAKE AWAY THEIR PADDLES AND MOVE ON.
06:18:31 WE HAVE A VERY COHESIVE COMMUNITY.
06:18:34 OVER 850 ACTIVE PICKLEBALL PLAYERS.
06:18:38 AND REALISTICALLY, IT WOULD BE ONLY MAYBE DURING THE
06:18:41 HOLIDAYS THAT WE'D HAVE SOMEBODY THAT HAS KIDS IN TOWN AND
06:18:45 THEY BOUGHT A PADDLE FROM WALMART OR SOMETHING, BUT OUR
06:18:49 MEMBERS ARE ACTIVE PLAYERS, AND THEY UTILIZE THE FACILITIES
06:18:53 TREMENDOUSLY AND THEY MAKE SURE THAT THEY ARE USING THE
06:18:55 PROPER EQUIPMENT.
06:19:01 >>Scotty Wood: I ASSUME ALL COURT TIMES ARE PRE-RESERVED?
06:19:04 >> YES.
06:19:05 WE DO HAVE A SCHEDULING PROGRAM THAT SCHEDULES THE COURTS
06:19:07 THE ENTIRE DAY, SO WE KNOW WHO IS ON THE COURT AND WHAT TIME
06:19:10 THEY ARE ON.
06:19:13 >> MY QUESTION WAS IT APPEARS THE RESTRICTIONS OR THE

06:19:19 ABILITY TO TAKE SOMEBODY'S EQUIPMENT, I DON'T KNOW, PERSONAL
06:19:21 PROPERTY.
06:19:21 HOW ARE THESE ENTRENCHED IN YOUR BYLAWS?
06:19:24 >> WE HAVE RULES AND REGS, AND BASICALLY AS FAR AS MAKING
06:19:28 SURE THAT THEY ARE COMPLIANT WITH THE USAGE --
06:19:32 >> IN YOUR BYLAWS NOW.
06:19:34 >> YEAH.

06:19:38 >>Barry Jones: THE COURTS ARE GOING TO BE IMMEDIATELY
06:19:40 ADJACENT TO THE LANDING AREA ON THE NEARBY FAIRWAY.
06:19:44 HOW DO YOU COEXIST WITH SOMEBODY STRIKING A GOLF BALL THAT'S
06:19:48 USUALLY SENSITIVE TO SOUND VERSUS SETTING UP A PICKLEBALL
06:19:51 THAT'S GOING TO GIVE A STRIKING SOUND RIGHT NEXT TO THE
06:19:55 PERSON GETTING READY TO HIT.
06:19:56 ARE THEY UNDER THE SAME OWNERSHIP, THE SAME CLUB AND
06:19:59 AGREEMENT?
06:20:01 >> I DIDN'T HEAR THE WHOLE QUESTION, BUT IF WE'RE CONCERNED
06:20:03 ABOUT SOUND COMING FROM THE PICKLEBALL COURTS, WE CURRENTLY
06:20:06 HAVE TEN COURTS THAT ARE CLOSE TO AT LEAST THE GREEN OF ONE
06:20:14 OF THE -- IT'S NOT THE TEE, BUT --
06:20:17 >>Barry Jones: SO IT'S NOT A PROBLEM.
06:20:18 >> YEAH, AND WE HAVE SOUND ABATEMENT ON THOSE.
06:20:20 >>Barry Jones: SAME CLUB OR TWO DIFFERENT OWNERSHIPS?
06:20:23 >> SAME CLUB.
06:20:24 WE ARE A BUNDLED COMMUNITY, SO ALL THE AMENITIES ARE
06:20:25 INCLUDED WITHIN THE COMMUNITY.

06:20:27 >>Barry Jones: THERE IS A MULTIUSE PATH THAT RUNS DOWN THAT
06:20:30 CART.
06:20:31 WHAT IS THE INTENT OF THAT?
06:20:32 IS THAT BEING ELIMINATED AND WHOEVER WAS USING IT, WILL HAVE
06:20:35 TO GO AROUND THROUGH THE GOLF COURSE NOW?
06:20:37 >> THE MULTIUSE PATH WILL STAY, AND IT WILL BE --
06:20:43 >>Barry Jones: THE COURTS ARE BEING BUILT RIGHT ON TOP OF
06:20:45 IT.
06:20:46 HOW CAN IT STAY?
06:20:49 >> IT'S ADJACENT TO THE COURTS.
06:20:50 IT RUNS ALONGSIDE OF IT.
06:20:52 >>Barry Jones: THEN THERE IS A ROAD THAT RUNS THROUGH,
06:20:54 GOOGLE EARTH IMAGE, SO WHAT HAPPENS TO THE ROAD?
06:20:57 DOES IT JUST GET TERMINATED?
06:21:00 >> IT'S AN ACCESS ROAD.
06:21:03 IT'S REALLY A MULTIUSE PATH.
06:21:05 SO THAT ROAD IS STILL CONTINUOUS.
06:21:07 IT'S JUST GOING TO BYPASS THE EIGHT PICKLEBALL COURTS.
06:21:13 >>Barry Jones: THAT'S NOT WHAT THE DRAWING SHOWS.
06:21:15 IT SHOWS A PATH -- THERE ARE TWO PATHS THERE.
06:21:19 THERE'S ONE THAT IS A GOLF CART PATH THAT LOOKS LIKE IT'S
06:21:22 SIX OR EIGHT FEET WIDE.
06:21:24 THEN THERE IS A ROAD THAT LOOKS LIKE 18 TO 20 FEET WIDE.
06:21:27 AND THE ROAD TERMINATES RIGHT INTO THE END OF THE -- END OF
06:21:32 WHERE THE COURTS ARE PROPOSED.

06:21:34 I'M TRYING TO UNDERSTAND HOW THAT'S GOING TO FUNCTION.
06:21:38 WEST END OF THE COURT.
06:21:39 I DON'T KNOW IF YOU HAVE AN AERIAL THAT DOESN'T HAVE SO MUCH

06:21:42 SOUND ABATEMENT STUFF ON IT THAT YOU CAN MAKE SENSE OUT OF
06:21:47 IT.
06:21:48 >> IF WE LOOK, MR. JONES, YOU CAN SEE THIS IS THE MULTIUSE
06:21:51 PATH STARTING HERE.
06:21:53 >>Barry Jones: UM-HUM.
06:21:54 >> AND IT WORKS ITS WAY ALL THE WAY DOWN.
06:21:56 THERE ARE THE RESTROOMS THAT WE WENT THROUGH.
06:21:58 AND THEN RIGHT ALONG ADJACENT TO THE COURTS, THIS PATH
06:22:04 CONTINUES, AND THEN IT CONTINUES ONTO THE MULTIUSE PATH.
06:22:10 >>Barry Jones: OKAY.
06:22:10 SO THE POINT THAT IT CONNECTS TO, IT'S A MUCH WIDER PAVED
06:22:16 SURFACE THAT RIGHT NOW --
06:22:17 >> CORRECT.
06:22:18 >>Barry Jones: -- RUNS THROUGH WHERE THE PROPOSED COURTS
06:22:22 ARE.
06:22:22 ANYBODY THAT WOULD UTILIZE THAT ROADWAY IS NOT GOING TO GO
06:22:25 NORTH ALONG THE MORE NARROWER PATH.
06:22:28 >> WE ALSO HAVE A SIDEWALK AS WELL.
06:22:29 THAT MULTIUSE PATH IS USED BY BIKERS, WALKERS, GOLF CARTS.
06:22:33 WE ALSO HAVE A DOG PARK THERE.
06:22:35 WE HAVE FITNESS STATION.
06:22:37 >>Barry Jones: SO THE GOLF CARTS AND THE WALKERS AND STUFF

06:22:40 ARE NOW GOING TO SHARE A PATH WHERE THEY USED TO NOT TO.
06:22:43 >> THEY ARE USING IT AS WE SPEAK RIGHT NOW.
06:22:46 >>Barry Jones: OKAY.
06:22:47 AND ADDITIONAL STORMWATER, YOU'RE ADDING IMPERVIOUS.
06:22:50 DO YOU HAVE TO DO ANYTHING WITH RESPECT TO STORMWATER?
06:22:54 >>Ken Gallander: CORRECT.
06:22:54 THAT'S ALL GOING TO BE HANDLED UNDER THE DEVELOPMENT ORDER
06:22:57 STAGE, WHICH WE'RE CURRENTLY IN THE SECOND OR THIRD
06:23:01 SUBMITTAL FOR THAT.
06:23:02 WE'RE WAITING ON THIS TO MOVE FORWARD.
06:23:05 >>Barry Jones: THANK YOU.
06:23:05 THAT'S ALL I HAD.
06:23:09 >> IT'S FIRST SUBMITTAL, TECHNICALLY.
06:23:11 RESUBMITTAL.
06:23:14 >> CAN I ASK YOU A QUESTION?
06:23:16 I NOTICED THAT YOUR SOUND ABATEMENT TESTS WERE DONE UP -- IS
06:23:20 IT CALLED THE RIVER CLUB?
06:23:22 WHAT TESTS WERE DONE DOWN ON WILLIAMS ROAD?
06:23:26 >> SAME LEVEL OF TESTING.
06:23:27 >>Jim Wallace: OKAY.
06:23:28 BUT DO WE HAVE THAT HERE?
06:23:30 I DON'T SEE IT ANYWHERE.
06:23:33 >>Ken Gallander: AS PART OF THE PRESENTATION, NO.
06:23:36 WE DON'T HAVE THE CONTOURS.
06:23:38 OUR CONSULTANT DID NOT PROVIDE THOSE.

06:23:41 >>Jim Wallace: THE ONLY REASON I'M ASKING IS IT APPEARS TO
06:23:45 BE, SOUTH SIDE OF WILLIAMS ROAD THERE IS VACANT LAND.
06:23:48 I DON'T KNOW WHO OWNS IT.
06:23:49 I DON'T KNOW WHETHER IT IS THE O'DONNELLS WHO OWN IT OR
06:23:52 WHOEVER.
06:23:52 BUT IT'S VACANT LAND.
06:23:54 DO YOU KNOW HOW IT'S ZONED?
06:23:56 CAN IT BE BUILT ON?
06:23:58 I'M ONLY CONCERNED ABOUT -- OBVIOUSLY, WE HAVE A
06:24:00 RESPONSIBILITY TO THE CITIZENS OF ALL OF ESTERO, AND THE
06:24:03 PROPERTY OWNERS, AND WE WANT TO BE SURE THAT IT DOESN'T
06:24:07 DEPRECIATE THE IMPACT, DOESN'T NEGATIVELY IMPACT THE VALUE
06:24:11 OF THAT LAND ON THE SOUTH SIDE OF WILLIAMS ROAD.
06:24:13 AND I DON'T KNOW WHO OWNS IT AND I DON'T KNOW HOW IT'S
06:24:18 ZONED, BUT WE DON'T WANT TO FIND OUT AFTER THE FACT THAT
06:24:21 IT'S NEGATIVELY IMPACTED THE VALUE OF THE LAND AND YOU DON'T
06:24:26 EITHER.
06:24:26 I MEAN, CERTAINLY THE ESTERO, WE DON'T WANT TO APPROVE IT
06:24:29 AND THEN FIND OUT IT'S HAD A NEGATIVE FINANCIAL IMPACT ON
06:24:32 THE VALUE OF THAT LAND.
06:24:33 DO YOU HAVE ANYTHING ON THAT?
06:24:36 THERE'S NOTHING HERE.
06:24:38 >> SOUTH OF THE PICKLEBALL FACILITY --
06:24:41 >>Jim Wallace: IF WE LOOK RIGHT HERE IN YOUR EXHIBIT, HERE
06:24:43 ARE YOUR COURTS AND LITERALLY RIGHT ACROSS THE ROAD IS

06:24:46 VACANT LAND THAT COULD BE BUILT ON.
06:24:49 SOMEBODY OWNS IT, AND MAYBE BASED ON WHAT IT COULD BE ZONED
06:24:54 FOR, IT HAS A VALUE.
06:24:56 I'M SURE IT'S PROBABLY LOCATED ON WILLIAMS ROAD.
06:24:58 IT'S PROBABLY IN THE MILLIONS.
06:25:00 I DON'T SEE ANYTHING HERE WHERE YOUR EXPERTS HAVE SHOWN WHAT
06:25:07 THE DECIBEL IMPACT IS ON THAT VACANT LAND.
06:25:13 >>Ken Gallander: IF YOU LOOK AT THIS IMAGE HERE --
06:25:16 >>Jim Wallace: THAT'S YOUR RIVER CLUB.
06:25:18 >>Ken Gallander: NO.
06:25:18 THIS IS PICKLEBALL FACILITY.
06:25:20 SO WILLIAMS ROAD --
06:25:25 >>Jim Wallace: WHERE IS WILLIAMS ROAD?
06:25:27 >>Ken Gallander: RIGHT ALONG HERE.
06:25:28 WHERE THIS LITTLE HAND IS.
06:25:35 >>Jim Wallace: THIS IS WILLIAMS ROAD RIGHT HERE?
06:25:37 >> YES.
06:25:45 >> IF YOU LOOK TO THE RIGHT, THAT IS THE GOLF COURSE
06:25:47 MAINTENANCE FACILITY.
06:25:48 THAT IS THE RECTANGLE BOX THERE.
06:25:49 >>Jim Wallace: THIS BUILDING RIGHT HERE?

06:25:51 >> YES.
06:25:52 >>Jim Wallace: THAT'S YOUR GOLF COURSE MAINTENANCE.
06:25:59 >> BASICALLY THE WHITE ARE CURRENT HOMES.
06:26:04 >> EXISTING STRUCTURES.

06:26:06 >> EXISTING STRUCTURES.
06:26:07 >>Jim Wallace: THERE ARE THE EXISTING HOMES.
06:26:09 SO THESE ARE EXISTING HOMES TO THE SOUTH OF WILLIAMS ROAD
06:26:13 AND WE HAVE VACANT LAND HERE.
06:26:17 >>Ken Gallander: RIGHT.
06:26:17 WHICH BASED ON --
06:26:19 >>Jim Wallace: IT APPEARS IF I LOOK AT THIS, THEN MY
06:26:22 CONCERNS ARE VALID THAT IT APPEARS THAT THE SOUND, THERE IS
06:26:25 SIGNIFICANT SOUND TRAVELING TO THAT VACANT LAND.
06:26:30 YOU CAN ARGUE THERE ARE NO HOMES THERE TODAY, BUT IF THE
06:26:34 LAND CAN BE DEVELOPED AND BUILT ON, THEN BUILDING PICKLEBALL
06:26:37 COURTS MIGHT NEGATIVELY IMPACT THE VALUE OF THAT LAND.
06:26:41 >> BASED OFF THE SOUND STUDY, IT SHOWS THAT THE DECIBEL
06:26:45 LEVEL TO THE ADJACENT LAND --
06:26:47 >>Ken Gallander: -- IS LESS THAN 66 DECIBELS, WHICH
06:26:50 COMPLIANT WITH THE VILLAGE ORDINANCE.
06:26:52 >>Jim Wallace: SO YOU'RE SAYING THAT THIS 66 LEVEL DOES NOT
06:26:59 TRAVEL TO THE SOUTH SIDE OF WILLIAMS ROAD?
06:27:02 >>Ken Gallander: WITH THE SOUND ABATEMENT.
06:27:03 >> WE HAVE THE SOUND ABATEMENT.
06:27:06 >>Jim Wallace: I GUESS I EITHER DON'T SEE THAT OR I DON'T
06:27:08 UNDERSTAND THAT.
06:27:09 OKAY.
06:27:10 IT'S NOT CLEAR TO ME WHERE WILLIAMS ROAD IS AND WHERE THE
06:27:14 SOUTH OF WILLIAMS ROAD IS.

06:27:15 >>Ken Gallander: WE WANT YOU TO BE COMFORTABLE WITH WHAT
06:27:20 WE'RE --
06:27:21 >>Jim Wallace: IT'S OUR JOB.
06:27:22 >>Ken Gallander: YEAH.
06:27:23 LOOKING AT THIS IMAGE ON THE SCREEN, THIS OUTSIDE DASHED
06:27:28 BLACK LINE IS 59 DECIBELS.
06:27:31 THAT'S MIDWAY INTO THAT VACANT PIECE OF LAND THAT YOUR
06:27:37 REFERENCING IN THAT BLACK-AND-WHITE IMAGE.
06:27:39 SO THAT IS LESS THAN WHAT THE OBJECTIVE CRITERIA THAT'S
06:27:46 ESTABLISHED IN THE VILLAGE.
06:27:48 >>Jim Wallace: SO YOU'RE SAYING THAT NONE OF THAT SOUND IS
06:27:51 GOING TO TRAVEL TO THE SOUTH SIDE --
06:27:53 >>Ken Gallander: I'M NOT SAYING NONE OF IT, BUT NONE THAT'S
06:27:56 BEYOND THE 66 DECIBELS.
06:27:57 >>Jim Wallace: THAT'S WHAT I'M SAYING.
06:27:58 >>Ken Gallander: YES.
06:27:59 >>Jim Wallace: THANK YOU.

06:28:00 AS LONG AS IT'S ON THE RECORD THAT YOU SAID THAT.
06:28:03 THANK YOU.
06:28:04 >> MR. WALLACE, EXHIBIT 6 HAD THE SOUND STUDY THAT WAS
06:28:09 SUBMITTED, PART OF THE STAFF REPORT, AND THEY HAVE REVIEWED
06:28:14 IT.
06:28:15 >>Jim Wallace: OKAY.
06:28:16 THANK YOU.
06:28:16 >> THAT INCLUDES FOR THE RIVER CLUB AND FOR THE PICKLEBALL.

06:28:19 >>Jim Wallace: THAT'S FINE.
06:28:20 I'M MORE CONCERNED ABOUT PROPERTY YOU DON'T OWN THAN
06:28:23 PROPERTY THAT YOU DO OWN.
06:28:25 >>Mary Gibbs: MAY I ALSO ADD, TOO, THAT THE APPLICANT HAS TO
06:28:28 NOTIFY EVERYBODY WITHIN 750 FEET OF THIS SITE AND THE RIVER
06:28:34 CLUB SITE PER THE ZONING.
06:28:45 >>Scotty Wood: OKAY.
06:28:45 I'LL OPEN THE PUBLIC HEARING.
06:28:54 >>Tammy Duran: RANDY.
06:28:55 THEN ROB.
06:28:56 THEN KURT.
06:29:02 >> THANK YOU.
06:29:02 MY NAME IS RANDY MOTE.
06:29:04 I'M A RESIDENT OF ESTERO RIVER HEIGHTS.
06:29:06 I MAY TELL YOU SOME THINGS THAT YOU ALREADY KNOW.
06:29:11 FOR INSTANCE, SOUND TRAVELS EXTREMELY WELL ACROSS WATER.
06:29:15 FAMILIAR WITH THAT.
06:29:16 SO LOOKING AT GOOGLE EARTH, I SEE THAT THE ORIENTATION OF
06:29:24 THE RIVER CLUB -- CAN I PUT THIS ONE UP?
06:29:30 THE ORIENTATION OF THE RIVER CLUB CREATES AN
06:29:36 AMPHITHEATER-TYPE EFFECT THAT SENDS THE MUSIC WEST AND
06:29:42 SOUTHWEST, STRAIGHT DOWN THE RIVER.
06:29:53 >>Mary Gibbs: THAT'S IN THEIR STAFF REPORT, WHICH THEY HAVE
06:29:55 IN THE PACKET.
06:29:58 >> APPARENTLY PELICAN SOUND HAS BROKEN RULES BEFORE BECAUSE

06:30:05 THEY ARE NOT CURRENTLY ALLOWED TO HAVE OUTDOOR MUSIC;
06:30:10 HOWEVER, FOR THE PAST SEVERAL YEARS, WE'VE HEARD THE RIVER,
06:30:13 THE MUSIC COMING DOWN THE RIVER.
06:30:15 MY WIFE AND I LIVE AROUND THE CORNER, AROUND THE BEND OF THE
06:30:21 RIVER, SO THE MUSIC THAT WE HEAR IS NOT QUITE AS OBTRUSIVE
06:30:26 AS A COUPLE OF THE OTHERS THAT YOU'LL HEAR SPEAK LATER.
06:30:30 ONE DAY, WHILE WE WERE HEARING THIS MUSIC, WE HOPPED IN OUR
06:30:34 BOAT AND WE WENT UP RIVER TOWARDS PELICAN SOUND.
06:30:38 I WAS AMAZED AT HOW LOUD THE MUSIC WAS COMING DOWN THE RIVER
06:30:44 UNTIL WE GOT IMMEDIATELY TO THE RIVER CLUB, RIGHT BY THEIR
06:30:51 PELICAN SOUND DOCK AND BOAT LAUNCH, THE MUSIC, THE SOUND
06:30:58 ALMOST DISSIPATED.
06:30:59 SO IF THEY ARE DOING ANY STUDIES TO THE NORTH OF THE RIVER

06:31:03 OR THE NORTH SIDE OF THE RIVER, IT'S IRRELEVANT BECAUSE THE
06:31:08 SOUND ISN'T GOING THAT DIRECTION.
06:31:10 AS I SAID, THE AMPHITHEATER EFFECT IS SENDING IT STRAIGHT
06:31:14 DOWN THE RIVER.
06:31:15 ANOTHER TIME I WENT TO VISIT KURT, AND THEY DO LIVE ON THE
06:31:21 NOISY SIDE OF THE RIVER, AND WHEN I WENT THROUGH HIS HOUSE
06:31:27 AND ONTO HIS PATIO, I WAS AMAZED AT HOW LOUD THE MUSIC WAS.
06:31:32 WE COULD STILL TALK OVER IT, BUT YOU COULD TELL THAT THE
06:31:36 SINGER NEEDED SOME LESSONS.
06:31:39 AND IT WAS BROUGHT UP A LITTLE BIT, A LITTLE EARLIER, SO
06:31:46 WHAT'S GOING TO HAPPEN TO THEM IF THEY BREAK THE RULES, IF
06:31:50 THE MUSIC IS TOO LOUD OR THEY GO ON PAST 9:00 OR THEY WANT

06:31:54 IT ON A FRIDAY?
06:31:55 WHO IS GOING TO ENFORCE IT?
06:31:59 WHAT ARE THE PENALTIES GOING TO BE?
06:32:00 SO I'D LIKE TO KNOW IF THERE IS A REPORT OF MUSIC DOWN
06:32:10 RIVER, 700 FEET.
06:32:13 THAT'S NOT VERY FAR WHEN IT'S GOING ACROSS WATER.
06:32:19 ALSO, OUR DEVELOPMENT ON THIS FORM IS LISTED AS RSF, BUT --
06:32:33 WELL, IT'S NOT LISTED AS A RESIDENTIAL SINGLE-FAMILY ON THIS
06:32:40 REPORT.
06:32:44 WANT MORE INFORMATION ABOUT HOW THE SOUND LEVELS WERE
06:32:47 STUDIED.
06:32:48 THANK YOU.
06:32:57 >> I WAS GOING TO SAY GOOD AFTERNOON, BUT GOOD EVENING.
06:33:00 ROD GRADY.
06:33:01 I'VE LIVED IN ESTERO RIVER HEIGHTS FOR 24 YEARS, AND I AM
06:33:04 ABSOLUTELY AGAINST ANY KIND OF LIVE MUSIC.
06:33:09 SUPPOSEDLY WHAT THEY HAVE NOW IS MUSIC INSIDE.
06:33:10 IT'S NOT INSIDE.
06:33:11 SUPPOSEDLY IT'S A ONE OR TWO-MAN BAND.
06:33:14 IT MAY BE A ONE OR TWO-MANNED BAND, BUT THEY ARE PROBABLY
06:33:17 MARIACHI BANDS BECAUSE THEY ARE RIDICULOUSLY LOUD.
06:33:21 TO LIVE ON THE ESTERO RIVER, WHICH IS ONE OF ESTERO'S
06:33:23 HIGHLIGHTS OF OUR AREA, IT'S NOT ENJOYABLE DURING MUSIC.
06:33:28 I JUST LEARNED BY ONE OF THE SLIDES THAT PELICAN SOUND HAS
06:33:33 1480 HOMES.

06:33:34 PROBABLY ONLY ONE OR TWO PERCENT OF THOSE HOMES ARE CLOSE TO
06:33:38 THE RIVER.
06:33:39 IF YOU GO ON THE OTHER SIDE OF THE RIVER, BETWEEN THE FIVE
06:33:42 COMMUNITIES, THERE'S PROBABLY FIVE OR SIX HUNDRED HOMES THAT
06:33:45 ARE AFFECTED BY THAT MUSIC.
06:33:47 THE AMPHITHEATER EFFECT IS LIVE AND WELL.
06:33:51 THEY DON'T FOLLOW THE RULES WHEN WE TRY TO COMPLAIN, WHO DO
06:33:55 WE COMPLAIN TO.
06:33:56 PROPERTY MANAGER.

06:33:57 THEY ONLY ANSWER PHONES 9 TO 5.
06:33:59 GUESS WHEN THE MUSIC IS GOING.
06:34:01 NOT BETWEEN 9 AND 5.
06:34:02 THERE IS NO POLICING OF IT.
06:34:05 THEY SELF-MANAGE.
06:34:07 IT'S BEING TAKEN ADVANTAGE OF.
06:34:09 IF YOU APPROVE LIVE MUSIC, IT'S ONLY GOING TO GET WORSE FOR
06:34:12 THE RESIDENTS.
06:34:13 SO FOR THE 500 RESIDENTS THAT THEIR MUSIC AFFECTS EVERY
06:34:17 SINGLE TIME THEY HAVE MUSIC, PLEASE, IF NOTHING ELSE, ROLL
06:34:21 BACK THE CURRENT CODE THAT ALLOWS THEM TO HAVE MUSIC AND
06:34:26 HAVE THEM PUT THE MUSIC IN THE MIDDLE OF THEIR COMMUNITY TO
06:34:29 WHERE IT ONLY AFFECTS THEIR COMMUNITY.
06:34:31 THANK YOU.
06:34:38 >> I'M KURT GUNDER.
06:34:40 I'VE LIVED IN ESTERO RIVER HEIGHTS FOR 32 YEARS ON THE

06:34:44 RIVER, ABOUT 840 FEET, AND I'M RIGHT DOWN THE RIVER JUST
06:34:47 LIKE THE TWO GENTLEMEN JUST SPOKE OF.
06:34:50 SO WHEN YOU LOOK AT THE SOUND PLAN THAT JOHNSON ENGINEERING
06:34:57 OR SOMEBODY DID FOR THEM, THEY ARE SHOWING THE ARROWS GOING
06:35:01 SOUTH AND A LITTLE BIT EAST AND WEST.
06:35:04 I LIVE RIGHT HERE, AND THAT SOUND IS COMING RIGHT DOWN THAT
06:35:08 SMOOTH WATER WITHOUT A PROBLEM.
06:35:12 SO THEIR TESTING BY JOHNSON ENGINEERING, I DON'T KNOW WHERE
06:35:17 THEY PUT THEM, BUT THEY NOTE IT WAS PUT NORTH OF THERE.
06:35:20 NORTH OF THE BUILDING IS HERE.
06:35:22 OR NORTH OF WHERE THEY PUT THE MUSIC IS HERE, WHICH THEY HAD
06:35:28 THESE BUILDINGS THERE.
06:35:29 SO THAT'S BLOCKING THE MUSIC FROM -- NOW, I DON'T HAVE THE
06:35:32 INDICATIONS OF WHERE THEY PUT THEIR SENSORS, BUT IT DID SAY
06:35:35 ON THE NORTH SIDE.
06:35:36 I'D BE HAPPY TO HAVE THEM PUT A SENSOR DOWN ON MY DOCK
06:35:40 BECAUSE IT'S LOUD.
06:35:41 AND THERE'S BEEN TIMES WHERE I'VE BEEN INSIDE MY HOME
06:35:44 WATCHING TV AND I CAN HEAR THE MUSIC, EVEN WITH MY DOOR
06:35:48 SHUT.
06:35:48 NOW, THIS HAS BEEN GOING ON FOR SEVERAL YEARS.
06:35:51 I DON'T KNOW WHEN IT STARTED, BUT IT'S BEEN GOING ON FOR
06:35:54 SEVERAL YEARS, AND THEY WERE DOING IT WHILE THEY WERE
06:35:57 PROHIBITED FROM DOING IT.
06:35:58 AND NOW THEY WANT PERMISSION TO DO IT.

06:36:03 WHAT WILL THEY DO NEXT IF THEY GET PERMISSION TO DO THIS,
06:36:06 WHERE ARE THEY GOING TO STRETCH THE RULES?
06:36:08 BECAUSE THAT'S WHAT THEY SEEM TO DO.
06:36:11 NOW, I UNDERSTAND WHY THEY WANT TO DO IT, BUT I KNOW BY THE
06:36:15 TIME IT'S GETTING TO BE 9:00, THINGS ARE REALLY LOOSENED UP

06:36:20 AND IT GETS LOUDER AND LOUDER INCLUDING THE CROWD.
06:36:23 THE POINT ABOUT THE SOLO OR A DUET, THAT'S A MOOT POINT.
06:36:31 SOMEBODY MENTIONED IT ALREADY.
06:36:32 I'VE BEEN TO SOME OF THESE THINGS, NOT IN PELICAN SOUND, BUT
06:36:37 WITH THE ELECTRONIC TRACKS AND EVERYTHING ELSE, THEY CAN
06:36:40 SOUND LIKE A BIG BAND.
06:36:43 SO SAYING THERE'S ONLY GOING TO BE A SINGLE OR A DUET
06:36:46 DOESN'T REALLY MAKE A DIFFERENCE IN THE SOUND LEVELS.
06:36:49 THERE'S NOTHING MENTIONED ABOUT WHAT THE SOUND LEVEL WAS
06:36:54 WHEN THEY DID THE TESTING.
06:36:58 THEY DIDN'T MENTION WHAT TIME OF DAY THE TESTING WAS DONE
06:37:02 BECAUSE FOR SOMEBODY TO SAY OUR SOUND LEVELS ARE 45 DB AND
06:37:06 WHEN THEY DID THE MUSIC IT WAS NEGLIGIBLE, THAT CAN'T BE IN
06:37:11 THE EVENINGS BECAUSE IT'S HIGHLY -- YOU CAN HIGHLY HEAR IT.
06:37:21 FORGIVE ME FOR NOT HAVING A BETTER WORD TO DESCRIBE THAT.
06:37:25 THEN THERE'S SOMETHING ON PAGE 5 ABOUT EXCESSIVE NOISE
06:37:35 COMPLAINTS.
06:37:35 THEY HAVE ALREADY RECEIVED NOISE COMPLAINTS.
06:37:37 THEY HAVE NOT STOPPED HAVING MUSIC DURING THE SEASON.
06:37:41 THEY HAD IT THIS LAST WINTER, AND SO I DON'T KNOW WHY THEY

06:37:44 ARE STILL DOING IT WHILE THEY ARE PROHIBITED FROM IT.
06:37:48 MY QUESTION TWO WOULD BE, WHAT IS LIVE ENTERTAINMENT?
06:37:57 DOES THAT MEAN THEY CAN HAVE A DEEJAY?
06:38:00 IS THAT LIVE ENTERTAINMENT?
06:38:01 IS IT JUST PLAYING MUSIC FROM OTHER SOURCES?
06:38:04 IS THAT LIVE ENTERTAINMENT?
06:38:05 IT'S BASICALLY OUTSIDE MUSIC THAT'S THE PROBLEM.
06:38:07 WHETHER IT'S LIVE OR NOT, I'M NOT SURE WHY THAT NEEDS TO BE
06:38:12 DISCERNED, BUT IT'S JUST THE OUTDOOR MUSIC SO I GUESS MY
06:38:25 POINT IS, AS A HOMEOWNER THAT'S LIVED THERE 32 YEARS AND IN
06:38:30 THE WINTERTIME WHEN THE WEATHER GETS NICE AND WE CAN OPEN
06:38:33 UP, I'D RATHER NOT HAVE TO LISTEN TO SOMEBODY ELSE'S MUSIC
06:38:37 IF I DON'T WANT TO.
06:38:39 AND I THINK THAT'S OUR RIGHT, JUST AS WELL AS THEY HAVE A
06:38:43 RIGHT TO HAVE MUSIC, IT SHOULDN'T GET INTO MY PROPERTY TO
06:38:47 THE EXTENT THE LOUDNESS THAT IT IS.
06:38:50 I HAVE PERSONALLY CALLED THE SHERIFF'S DEPARTMENT OVER THE
06:38:54 YEARS.
06:38:55 I'VE HELD UP MY PHONE SO THEY CAN HEAR IT, IT'S THAT LOUD.
06:38:58 THAT'S WHAT I HAVE TO SAY ABOUT THAT.
06:39:00 AND I'D APPRECIATE YOUR --
06:39:03 >>Michael Sheeley: HAVE YOU EVER CHECKED THE LEVELS AT YOUR
06:39:06 PLACE WITH A DECIBEL METER?
06:39:09 >> I DON'T HAVE EQUIPMENT LIKE THAT.
06:39:11 >>Barry Jones: THERE ARE EASY APPS THAT YOU CAN PUT ON YOUR

06:39:14 PHONE THAT WILL RECORD DECIBEL LEVELS.

06:39:17 MAYBE HAVE SOMEBODY VIDEOTAPE, TIME, DATE STAMP IT, ANY
06:39:21 DOCUMENTATION THAT YOU CAN PROVIDE.
06:39:23 >> SURE.
06:39:24 >>Barry Jones: IT'S CERTAINLY ADVANTAGEOUS TO THE VILLAGE.
06:39:27 >> BUT AT THE SAME TIME, THE STUDY SHOULD BE ABLE TO DO THE
06:39:30 SAME THING AND THE STUDY SHOULD SAY AT WHAT DBs THEY WERE
06:39:34 PLAYING THE MUSIC WHEN THEY WERE DOING THE STUDY.
06:39:37 >>Barry Jones: WE'LL ASK THE APPLICANT ABOUT THOSE ISSUES.
06:39:40 >> ALSO, FOR IT TO BE 45 DBs AT NIGHT, YOU KNOW, THAT
06:39:45 SEEMS VERY HIGH FOR OUR NEIGHBORHOOD, BECAUSE THAT WAS
06:39:48 STATED THAT IT WAS NEGLIGIBLE ABOVE THE 45 DB.
06:39:53 >>Barry Jones: THE CHALLENGE BECOMES THE VILLAGE HAS AN
06:39:56 ORDINANCE FOR SOUND THAT THEY CAN ENFORCE, BUT THEY ARE
06:40:00 TRYING TO ENFORCE ADDITIONAL RESTRICTIONS UPON PEOPLE, I
06:40:04 DON'T KNOW THAT WE'RE IN A POSITION TO BE ABLE TO DO THAT.
06:40:08 >> RIGHT.
06:40:08 BUT THEY ARE PROHIBITED FROM DOING IT NOW AND THEY HAVE BEEN
06:40:11 DOING IT FOR YEARS.
06:40:11 >>Barry Jones: I EMPATHIZE.
06:40:13 >> THANK YOU.
06:40:14 THANKS, GUYS AND GALS.
06:40:18 >>Michael Sheeley: MARY, HAVE THERE BEEN ANY RECORD OF NOISE
06:40:21 COMPLAINTS TO THE VILLAGE OVER THIS?
06:40:23 >>Mary Gibbs: WE HAVE HAD -- YES, WE'VE HAD NOISE

06:40:27 COMPLAINTS.
06:40:27 THAT'S WHY THEY CAME IN AND TALKED TO US.
06:40:33 BECAUSE I THINK ACTUALLY THE VICE-MAYOR WHO WAS ON THIS
06:40:35 BOARD SUGGESTED THEY COME IN AND TALK TO US BECAUSE HE LIVED
06:40:39 THERE AND THEY HAD NOISE COMPLAINTS AND HE SAID YOU COULD
06:40:42 HEAR THE NOISE.
06:40:43 SO WE WANTED TO TALK TO THEM AND THEY WANTED TO MAKE A
06:40:46 CHANGE TO THE ZONING.
06:40:48 BUT THERE -- THEY HAVE BEEN PLAYING NOISE.
06:40:53 >>Tammy Duran: JENNIFER, DEBRA, AND THEN PEGGY.
06:41:01 >>Mary Gibbs: NOT LATELY, BUT THERE HAVE BEEN COMPLAINTS.
06:41:07 >> HI.
06:41:08 MY NAME IS JENNIFER GUNDER.
06:41:10 I'VE LIVED IN ESTERO AND BEEN A PART OF ESTERO RIVER HEIGHTS
06:41:14 FOR 32 YEARS.
06:41:16 RAISED MY KIDS THERE.
06:41:17 I'VE BEEN A BIG PART OF THIS WHOLE COMMUNITY.
06:41:20 AND I THANK YOU FOR PROTECTING THE RESIDENTS OF ESTERO.
06:41:22 AND THE MUSIC STARTED SEVERAL YEARS AGO, AND WE WOULD CALL
06:41:30 THE POLICE, LIKE WHAT HE SAID, WE WOULD PUT THE PHONE UP AND
06:41:36 LET THEM HEAR IT.
06:41:37 I'M NOT SURE HOW YOU GET THE MESSAGE OUT TO OTHER PEOPLE
06:41:40 BECAUSE SOME OF THE PEOPLE I KNOW WHO WOULD CALL ME AND BE

06:41:42 LIKE, ARE YOU CALLING THE POLICE?
06:41:44 THEY ARE NOT HERE AND I TEXTED THEM AND THEY WERE NOT

06:41:47 INVITED.
06:41:48 I DON'T KNOW THE PROCEDURE OF WHO YOU INVITE TO THESE, BUT
06:41:51 THERE ARE PEOPLE WHO ARE AFFECTED BY THE MUSIC THAT WERE NOT
06:41:54 INVITED TO THIS COUNCIL.
06:41:56 SO ANYWAY, I KNOW PELICAN LANDING IS A RETIREMENT COMMUNITY,
06:42:05 BUT OUR COMMUNITY IS NOT.
06:42:06 AND WHEN IT'S THURSDAY NIGHT AND IT'S 9:00 AND YOU'RE
06:42:10 GETTING YOUR KIDS DINNER AND FINISHING THEIR HOMEWORK AND
06:42:14 TRYING TO GET THEM INTO BED AND YOU CAN HEAR THIS MUSIC.
06:42:17 WHEN THE DOORS ARE SHUT, THE WINDOWS ARE SHUT, IT'S PLAYING
06:42:20 OVER YOUR TV, AND YOU CAN HEAR IT.
06:42:23 AND I KNOW IT'S NOT THEIR FAULT.
06:42:25 IT'S COMING DOWN THE RIVER, AND THE NOISE IS TRAVELING, AND
06:42:29 IT'S GONE ON FOR YEARS.
06:42:31 AND EVEN FROM THE RIVER CLUB WHERE THEY PLAY PICKLEBALL, I
06:42:36 CAN HEAR THE PICKLEBALL ALL DAY LONG.
06:42:39 SO THAT'S HOW MUCH THE NOISE TRAVELS DOWN THE RIVER.
06:42:42 I'M NOT COMPLAINING ABOUT THE PICKLEBALL.
06:42:44 I'M PICKING MY BATTLE HERE, AND THAT'S THE MUSIC.
06:42:47 AGAIN, I JUST FEEL LIKE THERE'S NO RESPECT FOR THEIR
06:42:56 NEIGHBORS.
06:42:57 I RESPECT MY NEIGHBORS, AND I RESPECT THEM, AND ON A
06:43:02 THURSDAY NIGHT TO BE PLAYING LOUD AND IT GETS LOUDER THE
06:43:06 MORE THE NIGHT GOES ON AND THEY ARE PARTYING OR WHATEVER.
06:43:11 IT'S NOT RESPECTFUL, AND I WOULDN'T DO THAT TO MY NEIGHBORS,

06:43:16 AND I DON'T THINK THEY SHOULD BE ABLE TO DO IT TO US.
06:43:20 THAT'S ALL.
06:43:25 >>Scotty Wood: THANK YOU.
06:43:30 >>Tammy Duran: DEBRA?
06:43:34 >> GOOD EVENING.
06:43:36 MY NAME IS DEBRA PATTON.
06:43:38 I LIVE IN HAMMOCK GREENS IN PELICAN SOUND.
06:43:42 I AM JUST HERE AS A RESIDENT TO THANK YOU FOR LISTENING TO
06:43:45 WHAT WE ARE REQUESTING FROM PELICAN SOUND AND TO THANK OUR
06:43:49 BOARD AND OUR MANAGEMENT AND ADMINISTRATION AT PELICAN SOUND
06:43:52 FOR FOLLOWING THROUGH ON SURVEY RESULTS SHOWING WHAT THE
06:43:58 RESIDENTS THERE WOULD LIKE.
06:43:59 WE DO WANT TO BE GOOD NEIGHBORS, OF COURSE, WITH EVERYONE IN
06:44:01 OUR COMMUNITY.
06:44:02 THAT'S IMPORTANT.
06:44:04 BUT PARTICULARLY FOR THE PICKLEBALL, WHICH I AM MORE
06:44:07 INVOLVED IN, THERE ARE SO MANY PEOPLE WHO PLAY PICKLEBALL IN
06:44:12 OUR COMMUNITY AND WITH IT BEING THE NUMBER ONE GROWING SPORT
06:44:15 IN THE COUNTRY RIGHT NOW, WE NEED MORE COURTS IN ORDER TO

06:44:19 KEEP PEOPLE INVOLVED AND TO ALLOW MORE INVOLVEMENT.
06:44:22 SO I'M HERE TO SPEAK BASICALLY ON BEHALF OF THAT AND HOPE
06:44:25 THAT YOU WILL LISTEN TO WHAT THE RESEARCH HAS SHOWN
06:44:28 REGARDING THE SOUND ABATEMENT FOR THE ACTIVITIES THAT WE'RE
06:44:32 ASKING FOR.
06:44:33 THANK YOU.

06:44:38 >>Tammy Duran: PEGGY?
06:44:44 >> HELLO.
06:44:45 MY NAME IS PEGGY NIELSEN.
06:44:46 I AM A SEVEN-YEAR RESIDENT AT PELICAN SOUND.
06:44:50 WE HAVE TO REITERATE JUST ABOUT EVERYTHING THAT DEB HAS
06:44:52 SAID.
06:44:53 WE APPRECIATE THE OPPORTUNITY TO TALK TO YOU, LADIES AND
06:44:56 GENTLEMEN, AND I JUST KIND OF JOTTED DOWN SOME QUICK NOTES.
06:44:59 I REALLY DIDN'T THINK I WOULD HAVE TO TALK TODAY.
06:45:02 I'M VERY INTO PICKLEBALL AND IT HAS BECOME SO POPULAR IN OUR
06:45:06 COMMUNITY.
06:45:07 SO WE REALLY FEEL IT'S NECESSARY TO HAVE MORE COURTS.
06:45:10 WE DON'T HAVE AN ADEQUATE NUMBER OF COURTS.
06:45:12 THEY SAY, WELL, YOU'VE GOT 10.
06:45:14 WELL, WE HAVE 850 SOME PEOPLE THAT WANT TO PLAY PICKLEBALL.
06:45:17 I HAVE TO SAY MOST PROBLEMATIC TIME HAS GOT TO BE JANUARY
06:45:22 THROUGH MARCH.
06:45:23 THE REST OF THE TIME I DON'T THINK THE NOISE OR ANYTHING
06:45:26 ELSE IS REALLY A SERIOUS PROBLEM, BECAUSE WE DON'T REALLY
06:45:31 HAVE THE MUSIC ALL YEAR-ROUND AT THE RIVER CLUB.
06:45:35 AND ACTUALLY, THE LAST COUPLE OF YEARS, THEY HAVE NOT HAD
06:45:38 THE MUSIC OUTDOORS.
06:45:39 THE MUSIC HAS BEEN INDOORS, FACING THE PEOPLE, NOT FACING
06:45:46 OUTSIDE.
06:45:46 I'M NOT QUITE SURE HOW THAT IS DISTURBING THE RESIDENTS.

06:45:50 BUT THAT'S TOO BAD IF IT IS.
06:45:52 AND IT IS ONLY ONE NIGHT A WEEK, AND IT IS OVER AT 9:00.
06:45:57 TRUST ME.
06:45:58 WE'VE ALWAYS WANTED THEM TO GO LONGER THAN 9:00 AND THEY
06:46:01 WON'T.
06:46:02 THEY SHUT EVERYTHING DOWN.
06:46:03 SO I HOPE THAT YOU GUYS WILL GIVE SOME CONSIDERATION TO
06:46:08 ALLOWING US TO EXPAND THE PICKLEBALL PROGRAM, AND ALSO TO
06:46:14 LET US DO SOME MUSIC.
06:46:16 IF WE HAVE TO RATCHET DOWN THE DECIBELS, I'M SURE THAT CAN
06:46:19 BE TAKEN CARE OF AS WELL.
06:46:21 THANK YOU.
06:46:23 >>Scotty Wood: THANK YOU.
06:46:26 >>Tammy Duran: NANCY, JANET, AND THEN BRIAN.
06:46:35 >> GOOD EVENING.

06:46:36 I'M A 20-YEAR-PLUS RESIDENT OF PELICAN SOUND, AND I KNOW I'D
06:46:43 LIKE TO SPEAK TO THE MUSIC.
06:46:45 WE'RE STILL SPRY ENOUGH TO ENJOY IT.
06:46:51 WE HAVE TRIED TO MAKE ARRANGEMENTS SO THAT THE DUO OR THE
06:46:58 SINGLE PERSON, AND I KNOW THEY DO HAVE AMPS AND THEY DO HAVE
06:47:02 OTHER RECORDING THAT THEY PLAY, BUT WE HAVE TAKEN IT INSIDE
06:47:08 THE RIVER CLUB AND AIMING, AS SHE HAS SAID, OUT TO THE POOL
06:47:14 DECK.
06:47:18 I THINK WE ARE AN ACTIVE COMMUNITY, AS EVIDENT WITH ALL OF
06:47:23 THE PICKLEBALL NEEDS THAT WE HAVE.

06:47:26 AND I THINK THAT WE ALL STILL ENJOY THE MUSIC AND THE
06:47:32 DANCING.
06:47:33 I AM VERY SYMPATHETIC TO LISTENING TO THE ESTERO HEIGHTS
06:47:38 PEOPLE.
06:47:40 I UNDERSTAND.
06:47:41 I JUST WISH THAT THERE WAS SOME WAY THAT WE COULD COME TO AN
06:47:45 AGREEMENT TO DO A LITTLE LESS NOISE SO THAT IT WOULDN'T
06:47:51 AFFECT THEM.
06:47:53 I THANK YOU.
06:47:54 I HOPE YOU'LL UNDERSTAND WHERE WE'RE ALL COMING FROM.
06:47:58 THANK YOU.
06:47:59 >>Scotty Wood: THANK YOU.
06:48:06 >> HELLO.
06:48:08 MY NAME IS JANET O'HARA.
06:48:10 I'M A MEMBER OF THE BOARD OF DIRECTORS.
06:48:14 I JUST WANTED TO LET YOU KNOW THAT THE BOARD UNANIMOUSLY
06:48:19 APPROVED BOTH OF THESE CHOICES AFTER A LOT OF WORK AND STUDY
06:48:25 ON THE PART OF ERIC AND TRAVIS AND THE PEOPLE THAT THEY HAD
06:48:30 HIRED TO DO THE STUDIES.
06:48:32 I VERY MUCH CARE ABOUT ESTERO AS A WHOLE COMMUNITY.
06:48:39 AND WHEN I HEAR PEOPLE SAY THAT WE'RE BEING DISRESPECTFUL,
06:48:44 THAT IS VERY TROUBLING BECAUSE PELICAN SOUND WANTS VERY MUCH
06:48:49 TO BE GOOD NEIGHBORS, GOOD RIVER NEIGHBORS, GOOD NEIGHBORS
06:48:52 TO THE REST OF THE VILLAGE.
06:48:57 SO I, LIKE NANCY, I AM HOPING THAT WE CAN WORK THIS OUT,

06:49:04 TRYING VERY HARD, FIRST OF ALL, WITH THE RIVER CLUB AND THE
06:49:10 MUSIC.
06:49:11 I KNOW THAT IN THE PAST -- I HEAR THAT IN THE PAST THIS WAS
06:49:16 A SERIOUS PROBLEM.
06:49:19 SO AS EVERYONE HAS SAID, WE'RE HOPING THAT BY MAKING THE
06:49:24 RIVER CLUB ACTUALLY MORE OF A BUFFER AND WITH THE OTHER
06:49:29 THINGS, CONSTRUCTIVE THINGS WE'RE TRYING TO DO, WE'RE JUST
06:49:31 GOING TO PUSH THE MUSIC THIS DIRECTION AND NOT WHERE IT HAS
06:49:36 BEEN HEARD IN THE PAST.
06:49:38 AS FAR AS THE PICKLEBALL COURTS, YES, WE NEED THEM, AND I DO
06:49:47 THINK THE SOUND ABATEMENT EFFORTS THAT ARE GOING TO BE PUT

06:49:50 IN POLICE, THERE WILL BE NO LIGHTS.
06:49:53 THERE'S A WHOLE LIST OF ITEMS THAT WE HOPE WILL MAKE THIS
06:50:00 NOT AN ISSUE FOR ANYONE ELSE.
06:50:03 SO THANK YOU FOR LISTENING.
06:50:05 I WILL TELL YOU THAT OUR COMMUNITY, I THINK IT WAS ERIC WHO
06:50:09 SAID IT'S A VERY COHESIVE COMMUNITY, WHICH IT IS, AND SO,
06:50:15 OBVIOUSLY, PEOPLE ARE HOPING TO MAKE BOTH OF THESE THINGS
06:50:21 HAPPEN.
06:50:22 AT THE SAME TIME, A LOT OF THE FOLKS IN THIS COMMUNITY ALSO
06:50:25 HAVE FRIENDSHIPS AND RELATIONSHIPS OUTSIDE OF THE COMMUNITY.
06:50:29 ME, TOO.
06:50:30 AND I CERTAINLY WANT TO BE A GOOD ESTERO NEIGHBOR AS DOES
06:50:35 THE BOARD, AS DOES PELICAN SOUND.
06:50:38 THANK YOU.

06:50:41 >>Scotty Wood: THANK YOU.
06:50:42 >>Tammy Duran: BRIAN AND THEN BARBARA.
06:50:47 >> HELLO.
06:50:48 MY NAME IS BRIAN HOOD.
06:50:50 I LIVE IN CRANBROOK HARBOR, CHARING CROSS CIRCLE, WHICH IS
06:50:57 KIND OF MORE DIRECTLY ACROSS THE RIVER FROM THE RIVER CLUB.
06:51:00 I JUST WANTED TO ECHO, NO PUN INTENDED, A LOT OF WHAT'S BEEN
06:51:05 SAID FROM THE FOLKS THAT LIVE A LITTLE FURTHER DOWN THE
06:51:07 RIVER.
06:51:08 I CAN ATTEST COMING HOME ON CERTAIN OCCASIONS UP THE RIVER,
06:51:14 CLOSER TO WHERE THEY ARE, IT'S PRETTY CRAZY HOW LOUD AND HOW
06:51:20 CLEAR IT IS.
06:51:21 MY HOUSE, AS MUCH AS IT WAS DESCRIBED A LITTLE EARLIER, IS
06:51:27 KIND OF ORIENTED DIRECTLY ACROSS AND EVEN TWO LOTS TO THE
06:51:31 EAST.
06:51:34 IN THEORY, WE'RE KIND OF BUFFERED BY THE BUILDINGS
06:51:37 THEMSELVES, THE RIVER CLUB BUILDINGS THEMSELVES.
06:51:40 I WOULDN'T SAY -- LIKE, IT'S ALL THE TIME, BUT LIKE THESE
06:51:49 GUYS SAID OVER THE LAST SEVERAL YEARS, THERE'S BEEN LOTS OF
06:51:52 -- PLENTY OF OCCASIONS THAT, LIKE, WOW, THAT'S REALLY LOUD,
06:52:02 WHEN WE'RE TRYING TO OUTSIDE, WHATEVER ELSE.
06:52:04 WE HAVE LITTLE KIDS, DR. KURT NEXT DOOR AND PATTERSONS HAVE
06:52:09 GROWN UP, BUT WE START THE GOING TO BED PROCESS, I'LL CALL
06:52:14 IT, AT 7.
06:52:15 IT'S A PROBLEM ENOUGH THAT -- AND I DIDN'T REALIZE UNTIL

06:52:21 TONIGHT THAT IT REALLY WASN'T SUPPOSED TO BE HAPPENING AT
06:52:26 ALL.
06:52:27 I THOUGHT ON OCCASIONS, I WONDER IF THERE IS SOMEBODY I CAN
06:52:31 CALL.
06:52:31 JUST ASSUMED PROPERTY MANAGER, AS WAS MENTIONED, PROBABLY A
06:52:36 DEAD END.
06:52:37 I DON'T THINK ANY OF US INTEND TO POOP ON ANYBODY'S PARTY,

06:52:40 BUT AT THE SAME TIME, IT'S A LITTLE MUCH SOMETIMES.
06:52:45 AND I WOULD LIKE TO THINK THE BEST, BUT MAYBE IT GETS WORSE,
06:52:50 LIKE I SAID, NOT REALLY SUPPOSED TO DO IT AT ALL NOW.
06:52:54 WHAT'S THE SAYING MY DAD SAID, GIVE THEM AN INCH.
06:53:01 DON'T WANT IT TO GO TOO FAR.
06:53:03 THAT'S IT.
06:53:04 THANKS.
06:53:05 >>Tammy Duran: BARBARA.
06:53:07 THAT'S ALL THE COMMENTS WE HAVE.
06:53:19 >>Scotty Wood: OKAY.
06:53:20 MARY, CONDITIONS.
06:53:23 ATTACHMENT C ARE THE CONDITIONS.
06:53:26 HAVE THERE BEEN ANY CHANGES SINCE ATTACHMENT C WAS PREPARED?
06:53:31 >>Mary Gibbs: I THINK I WOULD SUGGEST THAT WE HAVE THE
06:53:36 APPLICANT MAYBE ADDRESS SOME OF THESE QUESTIONS THAT HAVE
06:53:39 COME UP TONIGHT BECAUSE THERE ARE A FEW THINGS, THE
06:53:43 QUESTIONS THEY ARE ASKING, YOU KNOW, WAS THERE A REPORT FOR
06:53:49 DOWN RIVER?

06:53:52 IF THERE IS NO POLICING, CAN THEY ONLY CALL THE PROPERTY
06:53:55 OWNERS BETWEEN 9 AND 5?
06:53:57 CAN YOU PUT A SENSOR ON SOMEBODY'S DOCK?
06:54:01 I DON'T KNOW EXACTLY HOW THIS STUDY WAS DONE, BUT WHAT WAS
06:54:03 THE SOUND LEVEL WHEN IT WAS TESTING?
06:54:06 WHAT TIME OF THE DAY?
06:54:07 WHAT'S NEGLIGIBLE?
06:54:08 THERE ARE A LOT OF QUESTIONS THAT THE PUBLIC HAS BROUGHT UP
06:54:10 THAT I THINK SHOULD BE ADDRESSED BY THE APPLICANT EITHER
06:54:15 TONIGHT OR SOMETHING BECAUSE IT FEELS LIKE THERE'S SOME
06:54:17 UNANSWERED QUESTIONS.
06:54:19 I'M A LITTLE BIT CONCERNED THAT THE CONDITIONS WE HAVE ARE
06:54:22 NOT REALLY GOOD ENOUGH AT THIS POINT.
06:54:27 SO I'D JUST LIKE THE APPLICANT MAYBE TO ADDRESS IT UNLESS
06:54:30 YOU ALL HAVE ADDITIONAL QUESTIONS.
06:54:32 >>Anthony Gargano: MAKE A COMMENT?
06:54:37 >>Scotty Wood: YEAH.
06:54:37 >>Anthony Gargano: THERE IS A VERY VALID ISSUE FROM AN
06:54:40 ENGINEERING STANDPOINT WITH REGARD TO SOUND TRAVELING OVER
06:54:44 WATER.
06:54:44 AND SOUND TRAVELING OVER WATER IS LOUDER THAN SOUND
06:54:48 TRAVELING OVER LAND BECAUSE THE SURFACE OF THE WATER ACTS AS
06:54:55 A REFLECTOR AND AMPLIFIES THE LEVEL OF SOUND.
06:54:58 SOME OF THE COMMENTS THAT WE'VE HEARD ARE VERY VALID AND
06:55:08 PERHAPS WE SHOULD HAVE THE APPLICANT DO SOME ADDITIONAL

06:55:11 TESTING.
06:55:13 >>Scotty Wood: I WOULD ASK THE APPLICANT FOR REBUTTAL ON
06:55:16 THIS.

06:55:24 >> ERIC AND I WILL SORT OF TAG TEAM ON THIS ONE.
06:55:27 >>Scotty Wood: THAT'S FINE.
06:55:28 >>Ken Gallander: JUST TO START OUT, I KNOW, AND I DON'T WANT
06:55:31 TO SPEAK -- THE EFFORT IS TO BE GOOD NEIGHBORS AND TO DO
06:55:35 WHAT WE NEED TO DO WORKING WITH THE VILLAGE, WORKING WITH
06:55:39 THE NEIGHBORS TO ENSURE THAT WE ARE ABLE TO ACHIEVE WHAT OUR
06:55:44 RESIDENTS WANT BUT ALSO WORK THROUGH THAT.
06:55:47 BUT WITHIN YOUR PACKET, YOU SHOULD HAVE THE FULL REPORTS AND
06:55:54 THE ANALYSIS THAT WAS CONDUCTED BY JOHNSON ENGINEERING AND
06:55:58 THE SUBCONSULTANT AS WELL THAT LAYS OUT ALL THE OBJECTIVE
06:56:04 CRITERIA AND OBJECTIVE RESULTS OF THAT.
06:56:07 THESE WOULD BE OUR EXHIBIT 3 AND EXHIBIT 6.
06:56:18 AND THE INFORMATION PROVIDED IN THERE, THERE WAS THE
06:56:21 QUESTION ABOUT TIME AND WHERE THOSE LOCATIONS ARE.
06:56:26 AND THERE IS A MAP FROM JOHNSON ENGINEERING.
06:56:31 IT WOULD BE ON EXHIBIT 6 AND THE FIRST ATTACHMENT.
06:56:41 IT SHOWS THE LOCATIONS OF THE NOISE MONITORING STATIONS.
06:56:47 >>Mary Gibbs: LET ME JUST ASK A QUESTION.
06:56:49 THERE'S REAMS OF INFORMATION IN THE PACKETS, BUT THIS ISN'T
06:56:52 ON YOUR PowerPoint.
06:56:53 SO THEY WOULD HAVE TO SIFT THROUGH TO TRY TO FIND IT.
06:56:57 >> WE'LL WAIT.

06:57:03 >> DOES EVERYBODY HAVE WHAT WE'RE TALKING ABOUT?
06:57:10 >> E-3 IN YOUR PACKET.
06:57:14 >> PAGE 10.
06:57:15 9 AND 10.
06:57:29 >>Kristin Jeannin: CAN I COMMENT ON WHAT I'M SEEING ALREADY?
06:57:33 >>Scotty Wood: GO AHEAD.
06:57:33 >>Kristin Jeannin: IT JUST SEEMS CLEAR THAT IT IS THIS ISSUE
06:57:38 WITH WATER AMPLIFYING NOISE AND THESE STUDIES DON'T LOOK
06:57:42 LIKE THEY EVALUATE FAR ENOUGH DOWN RIVER.
06:57:47 >>Ken Gallander: SO THERE ARE TWO AREAS THAT WERE DOWN RIVER
06:57:52 FROM THE RIVER CLUB.
06:57:53 I GUESS THE QUESTION WOULD BE IS HOW FAR IS FAR ENOUGH?
06:57:57 BUT THE OBJECTIVE, OR THE RESULTS OF THE SOUND WITH THE
06:58:06 MUSIC PLAYING DURING THE TIMES, ON THE DATE OF SEPTEMBER
06:58:13 1st AT 6:17, SEPTEMBER 8th AT 1:50 IN THE AFTERNOON, AND
06:58:19 THEN THE REST OF THEM WERE IN THAT MID AFTERNOON TIME FRAME.
06:58:23 THE DECIBEL LEVEL ON AVERAGE WAS 47 DECIBELS.
06:58:31 >> DOWN RIVER.
06:58:32 >>Ken Gallander: DOWN RIVER.
06:58:33 SO HOW DO WE --
06:58:38 >>Scotty Wood: WAIT A MINUTE.
06:58:39 ARE YOU TELLING US THAT AN ACOUSTIC DEVICE WAS PLACED IN THE
06:58:43 RIVER?
06:58:44 >>Ken Gallander: ON THE SHORELINE NEXT TO THE NORTH
06:58:50 SHORELINE OF THE RIVER, YES.

06:58:52 >> JOHNSON ENGINEERING TOOK A BOAT AND WENT DOWN THE RIVER
06:58:56 AND OBVIOUSLY THIS IS ALL CALIBRATED DEVICES, AND TOOK THESE
06:59:01 DEVICES, AND TO BE REDUNDANT, THEY TOOK TWO DEVICES TO MAKE
06:59:05 SURE THAT THE DECIBEL READING WAS PROPER.
06:59:08 WENT DOWN THE RIVER AND CLOSEST TO THE SHORELINE THEY COULD
06:59:12 GO AND THEN THEY DID THE READINGS AT THOSE TRIANGLE POINTS.
06:59:17 >>Scotty Wood: THOSE DECIBEL READINGS ARE THE SAME DECIBELS
06:59:21 THAT YOU MEASURED IN -- ON SURFACE LAND, AM I CORRECT?
06:59:30 >> THE MONITORING STATION --
06:59:32 >>Scotty Wood: SUGGEST THAT THERE IS NO WATER AS DESCRIBED.
06:59:35 IS THAT TRUE?
06:59:37 >> BASED ON THE DATA THAT WE RECEIVED, ESTERO RIVER NORTH
06:59:48 HAD A HIGHER DECIBEL LEVEL THAN DOWN THE RIVER.
06:59:52 TWO DECIBELS APPROXIMATELY.
06:59:58 49 TO 47.
07:00:03 >> AND JUST TO REITERATE, WE HAVE NOT CONDUCTED ANY MUSIC
07:00:10 OUTDOORS SINCE APRIL 2019.
07:00:13 WELL, I'M TELLING YOU, THERE HAS BEEN INDOOR MUSIC WITH THE
07:00:23 DOORS SHUT BUT NO OUTDOOR MUSIC SINCE APRIL OF 2019.
07:00:27 IF THERE'S MUSIC COMING, WE NEED TO FIGURE OUT WHERE THAT'S
07:00:29 COMING FROM, BECAUSE IT'S NOT COMING FROM THE RIVER CLUB.
07:00:32 WELL, IT'S NOT LIVE --
07:00:51 >> [INAUDIBLE]
07:01:07 >>Nancy Stroud: I'M SORRY, WHATEVER IS BEING SPOKEN IS NOT
07:01:10 BEING PICKED UP.

07:01:19 >> [INAUDIBLE]
07:02:05 >> [INAUDIBLE]
07:02:55 >> [INAUDIBLE]
07:03:29 >>Jim Wallace: -- HOW FAR SOUND CAN TRAVEL.
07:03:31 I TOTALLY UNDERSTAND THE ISSUE, AND IT IS A DIFFICULT ISSUE
07:03:35 FOR YOU TO ADDRESS, BUT IN MY OPINION, YOU HAVE TO ADDRESS
07:03:39 IT BEFORE I CAN CERTAINLY APPROVE IT.
07:03:49 >> [INAUDIBLE]
07:03:55 IT SEEMS TO ME ONE OF THE BASIC TENETS OF PROPERTY --
07:04:03 [INAUDIBLE]
07:04:06 QUIET ENJOYMENT -- THE FOLKS THAT SHOWED UP HERE -- AND YOU
07:04:14 HAVE PROPOSED ABATEMENT OF NOISE FROM THE PICKLEBALL, BUT NO
07:04:18 ABATEMENT FROM THE POOL DECK AREA.
07:04:21 IT SEEMS TO ME THAT THERE COULD WELL BE A WAY FOR YOU TO
07:04:26 ABATE THAT AND EVERYBODY IS HAPPY.
07:04:27 BUT I THINK IT WOULD REQUIRE MORE WORK ON YOUR PART TO GET
07:04:31 TO THAT POINT.
07:04:33 PERHAPS MORE MEASUREMENTS AND TALKING WITH AN ACOUSTICAL
07:04:37 ENGINEER AND WORKING OUT SOME PHYSICAL ABATEMENT METHODS
07:04:40 AROUND THAT AREA TO PREVENT THAT SOUND FROM GOING DOWN THE
07:04:45 RIVER, WHICH IS VERY PEACEFUL, QUIET PLACE AND SHOULD REMAIN

07:04:50 SO.
07:04:50 >>Jim Wallace: I THINK, MIKE, ONE OF THE THINGS IT APPEARS
07:04:53 YOU HAVE DONE IS YOU'VE TRIED TO BE GOOD NEIGHBORS.
07:04:55 YOU TOOK IT FROM OUTSIDE TO INSIDE, I UNDERSTAND, TO TRY TO

07:04:59 ABATE THE SOUND, BUT IT SOUNDS LIKE IT'S NOT WORKING.
07:05:04 SO MAYBE SOMEHOW -- I DON'T KNOW WHAT THE SOLUTION IS.
07:05:07 I DON'T PRETEND TO KNOW.
07:05:08 I BELIEVE YOU ARE TRYING TO BE GOOD NEIGHBORS BUT IT APPEARS
07:05:12 IT'S NOT WORKING.
07:05:14 >> AND JUST TO REFERENCE, WE DID SEND LETTERS OUT TO THE
07:05:17 NEIGHBORS ASKING THEM TO COME ON PROPERTY AND VIEW THE
07:05:21 FACILITY.
07:05:21 SINCE WE SENT OUT TWO REFERENCE -- CERTIFIED LETTERS, WE
07:05:27 ONLY HAD ONE RESIDENT FROM ACROSS THE RIVER COME AND VISIT
07:05:31 THE FACILITY.
07:05:32 >>Jim Wallace: BUT FIVE OR SIX SHOWED UP TONIGHT.
07:05:35 THERE'S OBVIOUSLY AN ISSUE.
07:05:40 >>Barry Jones: I HAD A QUESTION ABOUT THE SOUND SURVEY --
07:05:45 [INAUDIBLE] TO ME, THIS DOESN'T PASS THE STRAIGHT-FACE TEST.
07:05:50 THE AVERAGE BACKGROUND SOUND LEVELS ARE SHOWING A HIGHER
07:05:53 DECIBEL THAN AVERAGE SOUND LEVELS -- [INAUDIBLE]
07:05:58 YOU'RE TELLING ME THE MUSIC -- [INAUDIBLE]
07:06:03 >> I UNDERSTAND.
07:06:04 THAT'S THE INFORMATION --
07:06:09 >>Barry Jones: [INAUDIBLE]
07:06:15 >> DATA IS DATA.
07:06:16 YOU'RE LOOKING AT CALIBRATED, YOU LOOK AT THE SHEET, IT DOES
07:06:21 SAY IT'S CALIBRATED.
07:06:22 >>Barry Jones: I UNDERSTAND.

07:06:23 YOU CAN'T TELL ME YOU TURN UP THE MUSIC AND IT CUTS DOWN THE
07:06:27 NOISE.
07:06:27 I'M SORRY.
07:06:29 AN ENGINEER.
07:06:33 [INAUDIBLE]
07:06:37 IN ANY WAY, SHAPE OR FORM.
07:06:41 >>Scotty Wood: ANY OTHER COMMENTS?
07:06:45 >>Kristin Jeannin: [INAUDIBLE]
07:07:03 >>Scotty Wood: THERE IS NO OTHER PUBLIC INPUT, I BELIEVE.
07:07:06 WENT THROUGH ALL THE CARDS.
07:07:10 I'LL CLOSE THE PUBLIC HEARING.
07:07:12 OKAY.
07:07:19 GO AHEAD.
07:07:20 YES.
07:07:20 COME FORWARD.
07:07:33 >> I'M PAUL HAMPTON.
07:07:35 I'M THE FIRST HOUSE ON THE RIVER IN ESTERO RIVER HEIGHTS.

07:07:38 I'VE BEEN THERE FOR EARLY '80s.
07:07:41 A COUPLE OF THINGS TO INTERJECT IS THE ATMOSPHERE HAS A LOT
07:07:46 TO DO WITH THE SOUND.
07:07:47 THE TIDE HAS A LOT TO DO WITH THE SOUND.
07:07:49 WHEN THE ATMOSPHERE IS LOWER, THE SOUND SEEMS TO TRAVEL DOWN
07:07:52 THE RIVER FURTHER.
07:07:53 AT MY HOUSE, IT'S QUIETER AT MY HOUSE THAN KURT GUNDER OR
07:07:58 DOWN THE RIVER.

07:07:59 THE ATMOSPHERE IS LOW, IT TRAVELS DOWN THE RIVER FURTHER.
07:08:04 AND IT DOES TRAVEL.
07:08:05 I CAN HEAR 41 AT NIGHT SOMETIMES IF THE ATMOSPHERE IS LOW, I
07:08:11 CAN HEAR THE TRAFFIC AT 41 FROM MY HOUSE.
07:08:14 THAT IS A LONG WAY.
07:08:16 PEOPLE DON'T TAKE THAT INTO ACCOUNT.
07:08:18 TEST IT HERE AND THERE.
07:08:20 SEVERAL WEEKS FOR VARIATION, LOW TIDE, HIGH TIDE.
07:08:27 TIDE IS LOW, RIVER IS LOWER IN THE RIVER AND YOU HAVE BANKS
07:08:30 THAT ABSORBS A LOT OF SOUND.
07:08:32 WHEN IT'S HIGH TIDE, IT GOES DOWN THE RIVER LIKE A FREIGHT
07:08:35 TRAIN.
07:08:35 PEOPLE NOT TAKING THAT INTO CONSIDERATION.
07:08:40 I'VE BEEN THERE SINCE THE LATE '80s.
07:08:44 I KIND OF KNOW WHAT THE RIVER IS DOING.
07:08:46 THEY NEED TO TAKE THAT INTO CONSIDERATION.
07:08:50 IT DEFINITELY IS AN ISSUE.
07:08:53 WHEN I'VE GOT TO GO IN MY HOUSE AND SHUT THE DOORS AND STILL
07:08:56 HEAR IT, THAT'S NOT RIGHT.
07:08:58 IT'S BEEN GOING ON A COUPLE OF YEARS.
07:09:00 WE CALL THE COPS, WE CALL THE PROPERTY MANAGER, WHATEVER,
07:09:07 AND YOU'RE PARTYING.
07:09:10 ALCOHOL IS INVOLVED.
07:09:13 LATER IN THE NIGHT IT WILL GET LOUDER.
07:09:15 IT'S HARD TO CONTROL A BUNCH OF PEOPLE THAT ARE HAVING A

07:09:20 GOOD TIME.
07:09:21 JUST TAKE IT INTO CONSIDERATION.
07:09:22 YOU HAVE TO MONITOR IT SOMETIME TO REALIZE HOW BAD IT IS,
07:09:26 AND IT'S BAD.
07:09:27 I'VE BEEN THERE FOR A LONG TIME, SO I KIND OF KNOW WHAT GOES
07:09:31 ON ALONG THE RIVER.
07:09:32 >>Scotty Wood: OKAY.
07:09:33 NOW I'LL CLOSE THE PUBLIC HEARING.
07:09:35 ANY COMMENTS FROM THE BOARD MEMBERS?
07:10:06 >>Anthony Gargano: THE APPLICATION --
07:10:09 [ENCODER DISCONNECT]
07:10:14 -- THERE'S A CHANCE THAT THE APPLICANT MAY LOSE ON BOTH.
07:10:20 >>Scotty Wood: ANY OTHER COMMENTS?

07:10:24 >>Jim Wallace: THE APPLICANT CAN CHOOSE TO CONTINUE, CAN
07:10:26 THEY NOT?
07:10:28 >>Scotty Wood: I WAS GOING TO SAY, IT'S KIND OF BOILING DOWN
07:10:31 TO I THINK THERE ARE FOUR POSSIBILITIES.
07:10:35 ONE, WE COULD RECOMMEND APPROVAL AS RECOMMENDED WITH
07:10:40 CONDITIONS, WHICH WOULD INVOLVE RECOMMENDING APPROVAL ON
07:10:44 BOTH PROJECTS.
07:10:47 TWO, WE CAN SPLIT THEM.
07:10:50 THREE, WE CAN RECOMMEND DENIAL.
07:10:52 FOUR, WE CONTINUE.
07:10:55 I'D LIKE TO ASK THE APPLICANT IF THEY ARE AMENABLE TO A
07:11:01 CONTINUANCE AS AN OPTION.

07:11:10 >>Ken Gallander: WE APPRECIATE THE OPPORTUNITY FOR THESE
07:11:14 OPTIONS.
07:11:15 WE DO WANT TO MOVE FORWARD WITH THE PICKLEBALL COMPONENT OF
07:11:19 OUR PETITION, THE APPLICATION, AND WE DO WANT THEN TO TAKE
07:11:23 THAT EFFORT TO WORK WITH THESE FOLKS THAT WE KNOW HAVE THESE
07:11:28 CONCERNS, FIGURE OUT WHERE THIS SOUND, THIS MUSIC IS COMING
07:11:33 FROM, FURTHER DRILL DOWN WITH OUR ENGINEERS, THE ACOUSTICAL
07:11:39 FOLKS TO EVALUATE WHAT'S GOING ON, AND I DON'T KNOW IF WE
07:11:43 CAN CONTINUE THAT COMPONENT AND BRING THAT BACK, BUT WE
07:11:46 WOULD LIKE TO MOVE FORWARD WITH THE PICKLEBALL AND CONTINUE
07:11:51 THE OUTDOOR ENTERTAINMENT ASPECT OF IT.
07:11:55 THANK YOU.
07:11:56 >>Scotty Wood: YOU'RE SAYING IT'S OKAY TO SPLIT, THAT WE
07:11:58 WOULD VOTE ON THE PICKLEBALL AND CONTINUE ON THE MUSIC.
07:12:02 >> YES, SIR.
07:12:04 >>Scotty Wood: HOW ABOUT A MOTION TO THAT EFFECT?
07:12:06 >>Anthony Gargano: I'LL MAKE THAT MOTION.
07:12:08 >> SECOND.
07:12:08 >>Scotty Wood: ANY FURTHER DISCUSSION?
07:12:10 >>Kristin Jeannin: BASICALLY A MOTION TO -- IT'S A MOTION TO
07:12:14 MAKE THE CONDITION TO NOT APPROVE THE SOUND ABATEMENT FOR
07:12:19 THE LIVE MUSIC.
07:12:21 >>Barry Jones: I THINK WE NEED TO ASK NANCY IF YOU CAN SPLIT
07:12:26 THE APPLICATION LIKE THAT.
07:12:28 >>Mary Gibbs: I DIDN'T HEAR WHO MADE THE MOTION AND THE

07:12:30 SECOND.
07:12:32 >>Nancy Stroud: I THINK IT'S PROBABLY BETTER TO CONTINUE,
07:12:35 AND WE'LL TRY TO ENSURE THAT PROCEDURALLY WE CAN DO THAT.
07:12:40 I'M TRYING TO LOOK QUICKLY AT THE RULES, AT THE CODE, BUT I
07:12:47 WOULD HATE TO HAVE A SITUATION WHERE YOU APPROVE THE
07:12:51 PICKLEBALL AND HAD TO DENY THE OTHER AND THEN THEY CAN'T
07:12:55 COME BACK FOR A WHILE, RIGHT?
07:12:57 IT'S PROBABLY BETTER FOR THEM TO CONTINUE.
07:13:01 THE BOARD CAN CONTINUE ON ITS OWN.

07:13:03 THEY DON'T NEED THE APPROVAL OR ACCEPTANCE BY THE APPLICANT
07:13:08 FOR THAT.
07:13:08 PROBABLY BETTER TO CONTINUE AND ENSURE THAT WE HAVE A
07:13:15 PROCEDURE THAT WILL ALLOW THE PICKLEBALL TO GO FORWARD AT
07:13:20 THE NEXT APPROPRIATE TIME AND THE OUTDOOR ENTERTAINMENT TO
07:13:29 BE HANDLED DIFFERENTLY.
07:13:31 IT MIGHT REQUIRE A WITHDRAWAL AND A NEW APPLICATION.
07:13:35 >>Mary Gibbs: I HAVE AN IDEA, BUT I DON'T KNOW IF IT'S
07:13:42 BETTER.
07:13:42 I KNOW THE APPLICANT REALLY WANTS THE PICKLEBALL FOR SEASON
07:13:47 BECAUSE HE'S BEEN WORKING ON THIS FOR QUITE A LONG TIME.
07:13:50 THE PICKLEBALL DOESN'T SEEM TO BE PROBLEMATIC.
07:13:52 SO I WOULD SUGGEST THAT PLANNING AND ZONING COULD RECOMMEND
07:13:56 APPROVAL OF THE PICKLEBALL WITH THE CONDITIONS THAT APPLY TO
07:13:58 THE PICKLEBALL.
07:14:00 IF YOU WANT TO CONTINUE, IT'S AWKWARD, BUT I'VE NEVER REALLY

07:14:04 SEEN -- HAVE TO THINK ABOUT THIS, WE CAN CONTINUE THE
07:14:07 REQUEST ON THE OUTDOOR ENTERTAINMENT SO THEY DON'T HAVE TO
07:14:09 FILE A WHOLE NEW APPLICATION AND GO THROUGH THE PROCESS FROM
07:14:13 SCRATCH.
07:14:13 AND THEN WE'LL TAKE THE PICKLEBALL COMPONENT TO THE COUNCIL
07:14:18 BECAUSE YOU'RE MAKING A RECOMMENDATION.
07:14:20 SO IT'S LITTLE ODD, BUT I THINK IT WILL WORK THAT WAY JUST
07:14:25 BECAUSE I KNOW EVERYTHING IS SO SEASONAL HERE.
07:14:32 >> POINT OF ORDER.
07:14:34 THE MOTION THAT'S ON THE FLOOR THAT I MADE WAS TO MOVE
07:14:39 FORWARD WITH PICKLEBALL AND CONTINUE, NOT DENY, BUT CONTINUE
07:14:44 THE OUTDOOR ENTERTAINMENT.
07:14:46 SO THAT'S THE MOTION THAT'S ON THE FLOOR.
07:14:50 >> RIGHT, AND THE SECOND.
07:14:51 >>Mary Gibbs: WAS THE SECOND MARLENE NARATIL?
07:14:55 OKAY.
07:15:01 >>Jim Wallace: [INAUDIBLE] -- I ALSO HEARD THAT PEOPLE CAN
07:15:09 HEAR PICKLEBALL.
07:15:11 SO I'M NOT CONFIDENT THAT THE SOUND ISSUE OF EITHER HAS
07:15:16 REALLY BEEN RESOLVED.
07:15:18 IT'S LIKE ONE IS A REALLY BAD PROBLEM ON THURSDAY AND
07:15:21 SATURDAY NIGHT, AND THEN EVERY OTHER DAY OF THE WEEK, I HEAR
07:15:25 PICKLEBALL.
07:15:28 SO I DON'T KNOW HOW WE TURN IT OVER TO STAFF, MAYBE, TO
07:15:34 ENSURE THAT FURTHER SOUND ABATEMENT FOR PICKLEBALL IS

07:15:39 INCORPORATED INTO APPROVAL.
07:15:43 I SAID, WELL, I HEAR THIS PICKLEBALL, BUT I REALLY HEAR THE
07:15:46 MUSIC, AND WE'RE GOING TO APPROVE THE PICKLEBALL.
07:15:49 I'M NOT SURE THAT WE'RE DOING JUSTICE TO THE PEOPLE ACROSS
07:15:51 THE RIVER.

07:15:52 >>Michael Sheeley: JIM, WE ARE APPROVING THE PICKLEBALL WITH
07:15:55 ABATEMENT.
07:15:58 >>Jim Wallace: WITH WHAT KIND OF ABATEMENT?
07:16:06 WITH ABATEMENT, I GUESS IT'S A CONFIDENCE LEVEL THAT WHEN
07:16:09 SOMEBODY SAYS THAT THE DECIBEL LEVEL IS LOWER WHEN THE MUSIC
07:16:14 IS ON, I'M WITH BARRY THAT I DON'T HAVE A LOT OF CONFIDENCE
07:16:18 IN THE TECHNOLOGY OR THE RESEARCH THAT HAS BEEN PROVIDED TO
07:16:22 US.
07:16:22 BUT WHEN I HEAR FIVE OR SIX RESIDENTS SAY, I STILL HEAR THE
07:16:27 PICKLEBALL, THEN WE NEED CLARIFICATION.
07:16:33 >>Mary Gibbs: MAY I SAY SOMETHING ON THE PICKLEBALL THAT
07:16:37 THEY WERE TALKING ABOUT WAS THE DIFFERENT PICKLEBALL.
07:16:41 >>Jim Wallace: WE'RE TALKING ABOUT THE PICKLEBALL ON
07:16:43 WILLIAMS ROAD.
07:16:44 >>Mary Gibbs: NO.
07:16:45 IT WAS THE OTHER EXISTING PICKLEBALL BY THE RIVER CLUB.
07:16:53 >> THAT IS NOT ON THE AGENDA.
07:16:54 >>Jim Wallace: BUT THE PEOPLE WHO LIVE ON THE RIVER ARE
07:16:58 COMPLAINING ABOUT SAYING THEY HEAR THE EXISTING PICKLEBALL,
07:17:01 IS THAT RIGHT?

07:17:01 >>Mary Gibbs: YES.
07:17:02 >>Jim Wallace: THAT'S NOT WHAT WE'RE LOOKING AT.
07:17:04 >>Mary Gibbs: THAT'S NOT WHAT WE'RE LOOKING AT TONIGHT.
07:17:06 >>Jim Wallace: EVEN IF IT'S AN ISSUE, WE CAN'T MAKE --
07:17:10 >> IF IT'S TERRIBLE, WE CAN DO NOTHING ABOUT IT.
07:17:12 >>Jim Wallace: YOU CAN'T EVEN ADD IT AS A CONDITION TO
07:17:16 GETTING APPROVAL ON THE OTHER PICKLEBALL.
07:17:18 OKAY.
07:17:23 >> IT'S TECHNICALLY AN UNRELATED SUBJECT.
07:17:25 IT'S NOT PART OF THE APPLICATION.
07:17:30 THE QUESTION IS NANCY, WE JUST LOST OUR SCREENS AGAIN.
07:17:39 THE PROPOSAL THAT BOARD MEMBER GARGANO MADE, WHICH WAS TO
07:17:48 RECOMMEND APPROVAL OF THE PICKLEBALL WITH THE CONDITIONS
07:17:51 WHICH INCLUDE SOUND ABATEMENT AND THEN TO CONTINUE THE
07:17:57 PORTION OF THE APPLICATION RELATING TO THE MUSIC.
07:18:04 DO YOU HAVE ANY LEGAL CONCERNS ABOUT ANY ACTION ON THAT
07:18:08 BASIS AS I'VE DESCRIBED IT?
07:18:12 >>Nancy Stroud: THERE'S ONE APPLICATION HERE.
07:18:17 AND YOU ARE EFFECTIVELY MAKING THIS TWO APPLICATIONS.
07:18:23 I THINK YOU SHOULD DEFER IT UNTIL AT LEAST THE NEXT MEETING,
07:18:29 WHICH IS ONLY, WHAT, TWO WEEKS FROM NOW, SO WE CAN ENSURE
07:18:33 THE APPLICANT THAT IT IS NOT GOING TO LOSE ANY RIGHTS BY
07:18:40 HAVING THIS PROCEDURE, WHICH IS VERY UNUSUAL, GO FORWARD ON
07:18:48 ONE APPLICATION.
07:18:54 >>Scotty Wood: YOU'RE BASICALLY SAYING THAT THE WATERS ARE

07:18:56 MUDDY, AND WE NEED TO --

07:18:58 >>Nancy Stroud: I AM.
07:18:59 I DON'T FEEL COMFORTABLE.
07:19:02 IF WE CAN WAIT FOR TWO WEEKS AND MAKE SURE WE DO IT
07:19:04 CORRECTLY, THEN IT PROTECTS THE APPLICANT AND EVERYONE
07:19:07 INVOLVED.
07:19:08 AND I DON'T THINK WE LOSE THAT MUCH TIME.
07:19:11 >>Barry Jones: WHAT IS THE NOTICING PERIOD REQUIRED IF THEY
07:19:13 WANTED TO COME BACK WITH A SINGLE APPLICATION JUST FOR THE
07:19:16 PICKLEBALL?
07:19:17 WOULD IT HAVE TO BE A SEPARATE APPLICATION OR COULD THEY
07:19:20 SPLIT THIS INTO A TWO PART?
07:19:25 >>Mary Gibbs: I THINK THAT'S WHAT NANCY IS SAYING, WE NEED
07:19:27 TO FIGURE OUT HOW TO DO THIS.
07:19:30 SO IF IT CONTINUES FOR TWO WEEKS, WE CAN FIGURE OUT
07:19:33 PROCEDURALLY HOW WE CAN DO IT, CAN WE SEVER THE APPLICATION
07:19:37 AND HAVE HALF OF IT GO FORWARD AND THE OTHER HALF.
07:19:40 >>Barry Jones: I THINK IT'S IMPORTANT THAT THE APPLICANT
07:19:43 UNDERSTAND THAT WE'RE DOING THIS IN AN ABUNDANCE OF CAUTION
07:19:45 TO YOU, THAT IT DOESN'T END UP GETTING THROWN OUT AFTER
07:19:48 HAVING GONE THROUGH ALL THIS.
07:19:50 THAT'S WHY I RAISED THE QUESTION.
07:19:51 I DON'T WANT YOU TO START ALL OVER AGAIN.
07:19:53 >>Ken Gallander: ABSOLUTELY.
07:19:54 WE UNDERSTAND THE NUANCE.

07:19:56 >>Barry Jones: WE'RE NOT TRYING TO DELAY YOU OR SHUT YOU
07:19:58 DOWN IN PICKLEBALL.
07:19:59 WE'RE TRYING TO MAKE SURE WHATEVER WE DO IS CONSISTENT WITH
07:20:02 OUR LAWS.
07:20:02 >>Ken Gallander: YES, SIR.
07:20:03 AND WE'RE WANTING TO WORK WITH THE NEIGHBORS AND STAFF TO
07:20:06 FIGURE OUT HOW WE CAN GET TO OUR GOAL.
07:20:09 >>Barry Jones: I MAKE A MOTION THAT WE CONTINUE THIS UNTIL
07:20:12 WE CAN GET CLARIFICATION ON WHETHER THE APPLICANT --
07:20:16 >>Scotty Wood: WE HAVE A MOTION ON THE FLOOR, WHICH WE HAVE
07:20:18 TO VOTE ON.
07:20:20 >>Nancy Stroud: UNLESS THE MOTION IS WITHDRAWN.
07:20:24 >>Scotty Wood: YOU CAN WITHDRAW THE MOTION.
07:20:27 >>Anthony Gargano: I DON'T HAVE A MICROPHONE, BUT I WILL
07:20:29 WITHDRAW THE MOTION.
07:20:32 >>Scotty Wood: WILL YOU WITHDRAW YOUR SECOND?
07:20:37 >>Marlene Naratil: I WILL SECOND.
07:20:38 >>Mary Gibbs: THE MOTION IS WITHDRAWN.
07:20:39 >>Scotty Wood: WE NO LONGER HAVE A MOTION ON THE TABLE,
07:20:42 MARY.
07:20:46 >>Barry Jones: MAKE A MOTION TO CONTINUE THIS UNTIL WE CAN
07:20:48 DEFINE THE CLARIFICATION BETWEEN THE PICKLEBALL AND THE
07:20:51 SOUND AND HOW THEY CAN BE ADDRESSED SEPARATELY.

07:20:55 >>James Tatooles: I'LL SECOND THAT.
07:20:56 >>Scotty Wood: OKAY.

07:20:57 ANY OTHER DISCUSSION?
07:21:00 >>Mary Gibbs: MAY I ASK A QUESTION OF NANCY.
07:21:02 SHOULD WE SAY TWO WEEKS TO HAVE A TIME CERTAIN?
07:21:06 >>Scotty Wood: YEAH, IS THAT OKAY.
07:21:08 >>Nancy Stroud: TIME CERTAIN I THINK IS THE INTENT.
07:21:10 >>Mary Gibbs: OKAY.
07:21:11 SO TWO WEEKS.
07:21:12 >>Scotty Wood: TIME CERTAIN, TWO WEEKS.
07:21:14 PLEASE CALL THE ROLL.
07:21:17 >>Anthony Gargano: YES.
07:21:19 >>Kristin Jeannin: YES.
07:21:21 >>Barry Jones: YES.
07:21:22 >>Marlene Naratil: YES.
07:21:23 >>Michael Sheeley: YES.
07:21:24 >>James Tatooles: YES.
07:21:26 >>Jim Wallace: YES.
07:21:27 >>Scotty Wood: YES.
07:21:29 THANK YOU, EVERYONE.

Pelican Sound Golf & River Club.

RESOLUTION NUMBER Z-13-003

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

WHEREAS, an application was filed by the property owner, Pelican Sound Golf and River Club, Inc., to amend the Pelican Sound Residential Planned Development (RPD) zoning approved by Resolution Z-95-077, in reference to Pelican Sound RPD; and,

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner was advertised, but not heard on January 30, 2013. The request was re-advertised and a public hearing was held before the Lee County Hearing Examiner on February 13, 2013; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case No. DCI2012-00027 and recommended APPROVAL of the Request; and

WHEREAS, a second public hearing was advertised and held on April 15, 2013 before the Lee County Board of Commissioners; and,

WHEREAS, the Lee County Board of Commissioners gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to amend the Pelican Sound RPD zoning approved by Resolution Z-95-077, as amended, to allow the following: 1) rezone 2 parcels from Agriculture (AG-2) to RPD and add to the RPD; 2) Amend the Master Concept Plan (MCP) to expand recreational amenities; 3) expand existing storage area; 4) reconfigure open space, modify indigenous preserve areas; and 5) amend Pelican Sound MCP to include previous Final Plan and Administrative Amendment approvals.

The property is located in the Suburban and Outlying Suburban Future Land Use Categories and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. The development of this project must be substantially consistent with the 4-page MCP entitled "Pelican Sound Golf & River Club RPD," prepared by RWA Consulting Inc. and

04-15-13Z

Eco Planz Inc., last revised 03/13 and date-stamped "Received Apr 09 2013 Community Development," and attached hereto as Exhibit "C."

If changes to the MCP are subsequently pursued, appropriate approvals will be necessary. With the exception of open space and indigenous preserve areas provided, acreages on the land use summaries are approximate and will be defined at the time of local development order. Since the project is essentially built-out and the MCP and following conditions provide a description of the approved uses, the locations, the design and specific applications for future development. Final Plan Approval is not required for the remainder of the project. Any redevelopment must be consistent with this resolution and the LDC.

2. The RPD is limited to maximum of 1,480 residential dwelling units.

3. The following Administrative Amendments, Zoning Action and Final Plan Approvals will be superseded by this resolution:

   Z-95-077, PD96-032, Z-96-062, PD97-046, PD97-060, PD98-005, PD98-018, PD98-033, PD98-054 and 054(a), PD98-059, FPA98-067, FPA98-068, FPA98-080, FPA99-006, FPA99-028, ADD1999-00033, FPA99-039, FPA99-048, ADD1999-064, ADD2000-00010, ADD2000-00065, ADD2000-00070, ADD2000-00121, ADD2000-00209, ADD2008-00126 and ADD2011-00041 and 41(a).

4. The following limits apply to the project and uses:

   a. <u>Uses</u>

      Accessory uses, buildings & structures,
      - Including, but not limited to, gazeboes and boardwalks as shown on the approved MCP

      Boat ramps and dockage (not a marina) limited to:
      - one (1) power boat ramp
      - two (2) temporary moorings and
      - one(1) canoe / kayak launch

      Cemetery, existing only
      Club, Country; limited to golf club
      Club, Private on-site; limited to the River Club facilities
      Consumption on premises, for both the River Club and Golf Club
      Dwelling unit:
      - multi-family building;
      - single-family residence;
      - duplex, two-family attached, zero lot line units, townhouses

      Entrance gates and gatehouse
      Essential services
      Excavations, water retention
      Fences
      Fishing pier; limited to observation decks and boardwalks as shown on the approved MCP

Food and beverage service, limited
Golf course and Golf driving range
Golf maintenance facilities
Model homes, model units and model display center
Recreation facilities, Private on-site:

- Swimming Pool & Spas (Above and Below Ground)
- Tennis/Sport Courts
- Docks, Decks and Boardwalks
- Dog Park
- Fitness Center
- Exercise Stations
- Interpretive Kiosks
- Parks
- Tot Lot
- Trails, Pathways
- Restrooms
- Pavilions
- Pro-shop
- Other Similar Recreational Facilities

Residential accessory uses
Restaurant - Groups II and III - limited to two (2)
Signs - in compliance with Chapter 30
Storage – open, as shown on the approved MCP
Temporary uses - associated with the River Club expansion, construction trailers and recreational facilities

b. Property Development Regulations

I. RESIDENTIAL

A. Minimum Lot Area and Dimensions

Conventional Single-Family

Area	7,000 square feet per dwelling unit
Width	50 feet
Depth	90 feet

Duplex, Two-Family Attached, Townhouse

Area	4,000 square feet per dwelling unit
Width	37.5 feet
Depth	100 feet

Multiple-family

Area	2,000 square feet per dwelling unit (minimum lot size 10,000 square feet)
Width	75 feet
Depth	100 feet

Pelican Sound

Zero Lot Line Units

Area	5,000 square feet
Width	40 feet
Depth	100 feet

B. Minimum Setbacks:

Conventional Single-Family

Street	20 feet (15 ft. for side entry garages)
Side	5 feet (7.5 feet where lots contain a 7.5 foot drainage easement)
Rear	10 feet
Non-roofed Pool Enclosures	5 feet
Waterbody	20 feet
Seawall	5 feet (structure & zero-foot deck)

Duplex, Two-Family, Townhouse

Street	20 feet
Side*	5 feet
Non-roofed Pool enclosures	5 feet
Rear	10 feet
Waterbody	20 feet
Seawall	5 feet (structure & zero-foot deck)

*No setback required from common side lot line for two-family or townhouse.

Multi-Family

Street	20 feet (0 feet for carports in Hammock Greens only)
Side	15 feet
Rear	10 feet
Waterbody	20 feet
Minimum Bldg Separation	15 feet
Seawall	5 feet (structure & zero-foot deck)

Pelican Grand.

Zero Lot Line Units

Street	20 feet (15 ft. for side-entry garages)
Side	5 feet (on one side, zero-feet on the opposite side)
Rear	10 feet
Non-roofed Pool Enclosures	5 feet
Waterbody	20 feet
Seawall	5 feet (structure & zero foot deck)

C. Maximum Height

Single-Family	35 feet
Duplex, Two-Family and Townhouse	35 feet
Multiple-family	65 feet
Zero Lot Line units	35 feet

II. ANCILLARY COMMERCIAL

A. Minimum Lot Area and Dimensions:

River Club/Golf Club

Area	10,000 square feet
Width	100 feet
Depth	100 feet

B. Minimum Setbacks

River Club/Golf Club

Street	25 feet
Side	15 feet
Rear	20 feet
Non-roofed Pool Enclosures	5 feet
Waterbody	25 feet
Seawall	5 feet

C. Maximum Height

Clubhouse	45 feet
River Club Restaurant	35 feet

5. All buildings must be set back a minimum of 25 feet from the external development perimeter. Buildings over 35 feet and up to 45 feet in height and adjacent to the external development perimeter must comply with §34-2174. All buildings adjacent to the external perimeters that are greater than 45 feet in height must provide one-foot of

additional setback for every one-foot of elevation. No building may exceed the maximum heights set forth above.

6. All buildings within the first 50 feet of the Estero River shoreline may not exceed one-story.

7. A bikeway/pedestrian walkway must be provided along the main street(s) which connect the Golf Clubhouse to the River Park.

8. Prior to the issuance of any local development order, the Developer must apply for and obtain a Certificate to Dig.

9. Hurricane Conditions

The Developer must establish an Emergency Hurricane Preparedness Plan in conjunction with the Lee County Division of Emergency Management. Continuing information on hurricane evacuation and shelters must be provided to the residents through a homeowners' association. Compliance with the flood plain management regulations contained in LDC Chapter 6, Articles III and IV, will be required at the time of local development order review. These requirements include the following:

a. The Developer must notify all purchasers of real property within the development, through the restrictive covenants, of the potential for storm surge flooding, in feet above, the Base Flood Elevation, according to the National Weather Services' storm surge model "SLOSH," and the National Flood Insurance Program.

b. The Property Owner's Association must host an educational seminar and will be responsible for obtaining the site for the seminar and for providing the invitations to the homeowners. The time will be coordinated with the Lee County Emergency Management staff, which will provide the education and information at the seminar and will advise the owners of the risks of natural hazards and the action they should take to mitigate the inherent dangers.

c. The Developer must develop a Hurricane Evacuation Plan for the RPD. The Plan must address and include: a) operational procedures for the warning and notification of all residents and visitors prior to and during a hurricane watch and warning period; b) the educational program set forth; c) hurricane evacuation; d) the method of advising residents and visitors of hurricane shelter alternatives including hotels and public hurricane shelter locations; e) identification of the person(s) responsible for implementing the Plan; and f) how the private security force will be integrated with the local Sheriff's personnel and the Division of Public Safety. The Plan will be developed in coordination with the Lee County Emergency Management officials.

d. The Developer, and any successor landowner, will pay any All Hazards Tax properly levied by Lee County to provide for shelter space, upgrades to shelters, and to address other natural disasters.

e. The Developer must comply with any duly adopted ordinance which addresses hurricane preparedness or with any duly adopted Hurricane Shelter Impact Fee Ordinance, in effect at the time of building permits or local development order, whichever is the operative time under the Ordinance.

10. Environmental Conditions

Species

a. Prior to local development order approval for any areas that would impact gopher tortoises; a gopher tortoise management plan must be submitted for review and approval to Lee County Environmental Sciences (ES) Staff. This plan must include information on onsite and or offsite relocation efforts as reviewed and approved by the Florida Fish and Wildlife Conservation Commission (FWC). Any proposed improvements within the FP&L easement must be designed to avoid impacts to gopher tortoises.

b. Prior to issuance of a vegetation removal permit for any areas that would impact gopher tortoises, a copy of the appropriate gopher tortoise permit issued by the FWC must be submitted to the Lee County Division ES Staff prior to excavation and moving of any gopher tortoises.

c. Prior to any local development order approval for any portion of the development which contains Florida Coontie (*zamia*), a detailed management plan indicating the preserve/relocation areas must be submitted to Lee County ES Staff for review and approval.

Open Space

d. The development must provide a minimum of 366.76 acres of open space.

Indigenous Open Space

e. The development must provide a minimum of 102.18 acres of indigenous open space with credits consistent with the approved MCP.

f. Prior to local development order approval to impact the indigenous communities behind residences, an indigenous management plan for the 102.18 acres of indigenous preserve with credits must be submitted for review and approval to Lee County ES Staff. This plan must include a restoration plan consistent with ADD2000-00209 and the South Florida Water Management District (SFWMD) Environmental Resource Permit #36-03219-P (Application #960819-7) wetland mitigation plan for the areas within the 23.3 actual acres of restored/ created indigenous preserves areas to establish the restoration standards should they not continue to function as indigenous communities in the future.

11. Golf Clubhouse and Amenity Area (see detail #2 sheet 3 of the MCP set)

    a. The development footprint for the Golf Clubhouse and Amenity area may not exceed 12.14± acres and the combined structures may not exceed 50,000 sf.

    b. The Developer is required to install a vegetative hedge of double-staggered rows with shrubs (minimum 3-gallon container size, 24-inch height) and be maintained so as to form a 36-inch high continuous visual screen within one year after time of planting. The hedge for the clubhouse must be located along the eastern boundary of that development area. Existing native vegetation may be used in whole or in part to meet this requirement.

    c. The following setbacks are permitted: A 6.95-foot side yard setback for the existing cart barn; a 10-foot front setback for the existing tennis court; a 22-foot front setback for the existing tennis club house; and a side setback of 12.09 feet for the existing clubhouse.

12. River Club (See detail #1 on Sheet 3 of the approved MCP.)

    a. Uses within the 50-foot-wide waterway buffer will be limited to two temporary moorings, one boat ramp, one canoe/kayak launch, one fishing platform/observation deck, one gazebo, two observation decks, a boardwalk, an outdoor waiting area and stormwater management structures as limited below. These uses are subject to the dock shoreline permit requirements of LDC Chapter 26. The natural waterway buffer, located between the temporary mooring #1 and #2, must remain.

    b. Water management structures may not include berms within the 50-foot-wide natural vegetation area abutting the Estero River. Other water management structures are approved, provided impacts are limited to the minimum necessary to satisfy permitting requirements of the SFWMD and avoid adverse impacts to existing native vegetation.

    c. The powerboat ramp facility must be designed to include a swale, exfiltration trench, or other engineering device to prevent bilge water and associated untreated parking lot run-off from flowing down the boat ramp and into the Estero River. This design must be approved as part of the building permit review for the boat ramp facility.

    d. Uses and structures within the 50-foot-wide natural waterway buffer will be limited to their existing locations, dimensions, and configurations as depicted on the approved MCP Set. The proposed gazebo / observation deck #1 will be limited to 600 square feet. The proposed canoe / kayak launch may not exceed 12 feet in width, and must include a floating launch platform not to exceed 300 square feet.

    e. Outdoor entertainment, i.e., live music, is prohibited at the River Club restaurant.

f. The serving of alcoholic beverages in conjunction with the outdoor seating at the restaurant is limited to the hours of 7:00 a.m. to 10:00 p.m. Sunday - Thursday and 7:00 a.m. to 12:00 midnight Friday and Saturday.

g. All lighting along the Estero River must comply §34-625 and be arranged and directed away from adjacent properties and the Estero River.

h. The mooring dock will be for the temporary mooring of a watercraft 35 feet or less in length. No overnight mooring of watercraft is permitted. Signs must be placed on the mooring dock and the observation/fishing pier indicating no overnight mooring of watercraft is permitted.

i. Mitigation plantings required for expansion of the boardwalk within the natural waterway buffer must include the following: 5-foot-wide supplemental planting area: 9 Wax Myrtle, 9 Saw Palmetto, 9 Myrsine and 3 Scrub Oak. All shrubs must be a minimum of 4 feet tall at the time of planting. Plant material must be mulched and temporarily irrigated until they become established.

j. Prior to the issuance of a Certificate of Compliance for the River Club and restaurant, and the fitness center expansion, the vegetative screen for the River Club and restaurant areas must be planted on the north side of the building and must consist of a hedge that will be planted in double-staggered rows with minimum 48-inch tall native shrubs and be maintained so as to form a 72-inch high continuous visual screen within one year after time of planting. Existing native vegetation may be used in whole, or in part, to meet this requirement.

k. Prior to the issuance of a Certificate of Compliance for the River Club and restaurant, and the fitness center expansion, the parking area associated with those uses must be landscaped with a hedge consisting of double-staggered rows with shrubs (minimum 3-gallon container size, 24-inch height) and be maintained so as to form a 36-inch high continuous visual screen within one year after time of planting, in order to screen headlights from the Estero River. Existing native vegetation may be used in whole or in part to meet this requirement.

l. The total development area may not exceed 5.77± acres for a combined total for vertical structures not to exceed 35,000 square feet. The expansion of amenities at the River Club includes the addition of a canoe/kayak launch, a fishing platform/observation deck, expansion of the fitness center, expansion of the restaurant kitchen and an expansion and reconfiguration of the restaurant seating area on the south and southwest side of the existing restaurant. Recreation facilities, including but not limited to, a Bocce Ball court, shade structure, and children's pool must be located south of the existing pool.

m. The power boat launch within the River Club area is approved for a single boat ramp with a maximum of two temporary mooring slips.

13. River Park Area (See detail #1 Sheet 3 of the approved MCP.)

    a. Uses within the River Park area will be limited to ancillary recreational uses such as sport courts, pavilion, tot lot, open space/greens, trails, pathways, restrooms, pro-shop, sidewalks and parking. The development footprint may not exceed 3.62± acres. The combined structures may not exceed 6,500 square feet.
    b. The exact design, location, and configuration of the River Club and River Park area uses and structures will be defined at development order approval.

14. Five Acre Koreshan Parcel

    a. If, in the course of development, any objects, sites, artifacts or human remains are uncovered, all ground disturbing activities must stop and Lee County must be contacted.

    Koreshan Cemetery and Buffer (See detail #1 on Sheet 3 of the approved MCP.)

    b. Within 6 months, the Applicant must install a temporary fence around the perimeter of the 50-foot-wide cemetery buffer area. A sign must reference Florida Statutes dealing with offenses concerning dead bodies and graves.

    c. Within 12 months of the effective date of this zoning amendment the Applicant must apply for a Development Order and a vegetation removal permit. The purpose of the vegetation removal permit is to selectively clear the cemetery and its buffer area of vegetation that has overgrown the site. This will allow identification of cultural resources and features that might now be hidden by vegetation. The clearing must be done by hand so as not to damage any wood or stone grave markers or other funerary materials that might be found, including but not limited to, fencing, grave cradles, and the collapsed wall. The vegetation removal activities must be done in consultation with the project archaeologist to assure the resources are protected and the Florida Division of Historic Resources as appropriate.

    d. Within 12 months of the effective date of this zoning amendment, the Applicant must conduct an archaeological survey, record and map (utilizing GPS and photos) the cemetery elements, including the preparation of a cultural resource assessment survey that addresses the historic context of the cemetery and property, and the significance of the cemetery and property.

    e. Within 12 months of the effective date of this zoning amendment the Applicant must prepare the Survey document and associated Florida Master Site File forms.

    f. Within 12 months of the effective date of this zoning amendment effective the Applicant must prepare a comprehensive preservation plan including: landscape plan (specifying types of ground cover); ground maintenance activities and the schedule for those activities; public and/or other uses of the property, signage and fences. The entity responsible for the implementation of the comprehensive preservation plan must be identified.

g. Within 16 months of the effective date of this Zoning Amendment the Applicant must submit the survey report document, the Florida Master Site File Forms (items #d and #e above) and the comprehensive preservation plan (item #f above) for review by Lee County Planning Staff, the Lee County Historic Preservation Board and the Florida Division of Historic Resources.

h. Within 16 months of the effective date of this Zoning Amendment the Applicant must prepare the designation report for designating the property under LDC Chapter.

i. Designation under LDC Chapter 22 is a two meeting process. At the first meeting, the designation report is filed with the Lee County Historic Preservation Board so that the Board may vote to direct the designation to public hearing. At the second meeting, the Historic Preservation Board holds a public hearing on the designation. The project archaeologist must attend to make presentations or answer questions.

j. Within 18 months of the effective date of this Zoning Amendment (and after the property is designated under LDC Chapter 22, the Applicant must submit an application for a Special Certificate of Appropriateness for fencing and signage for review and approval by the Lee County Historic Preservation Board.

k. Within 18 months of the effective date of this Zoning Amendment the Applicant must apply for Fence and Signage Permits.

l. Within 18 months of the effective date of this Zoning Amendment the Pelican Sound Golf & River Club must proceed with the preservation and maintenance program, the installation of permanent fencing and signage, and a resident education program. The Pelican Sound Golf & River Club must provide an opportunity for County Staff and the archaeologist to meet the residents and answer questions

m. The construction of any vertical structures, such as the sport courts, pavilion, etc., is prohibited within 25 feet of the 50-foot-wide buffer area around the cemetery.

n. Parking for the cemetery will be provided at the adjacent overflow parking in the River Club area.

15. <u>Primary Golf Maintenance and Storage Area notes (See detail #3 on Sheet 3 of the approved MCP.)</u>

a. Storage of residential accessory uses may be allowed for recreational vehicles, trailers, boats, and other personal property owned by residents of the development.

b. Prior to the local development order for the expansion of the Storage Area and per Deviation 26, the storage area must provide the following buffer along Williams Road. A minimum 15-foot-wide buffer with the following vegetation per 100 linear foot segment:

1) Three native trees with a 12-foot, 3.5-inch caliper at 1-foot above grade and a 6-foot spread;

2) Ten Sabal palms with a minimum 12-foot clear trunk, planted with staggered heights in clusters of 3 to 6 palms, installed 4 to 8 feet on center;

3) Continuous double staggered native shrub hedge, minimum 3-gallon container size with a 24-inch height, installed 3-foot on center and maintained at a minimum 4-foot height;

4) Retain the existing, single row buttonwood hedge (4-foot on center) and maintain at a minimum 10-foot in height (if the buttonwood need to be replaced, then native shrubs with be installed 4-foot on center with a minimum 7-gallon container size with a 48-inch height maintained at a minimum 10-foot height).

c. Artificial lighting used to illuminate the premises must be directed away from properties and streets, shining only on the subject property and causing no glare on adjacent properties.

d. The storage area does not need to be paved. A stabilized grass or other ground cover surface may be kept in a dust free manner.

e. The storage area/golf course maintenance facility must be shielded behind a continuous fence or wall at least eight feet in height along the south side and six feet in height along the north side. Visibility through the fence must not exceed 25 percent when viewed at right angles.

16. <u>Secondary Golf Maintenance and Storage Area</u>

The perimeter of the secondary golf course maintenance facility, located just south of the Corkscrew Road entrance gate, must be landscaped with Type "F" buffer plantings. Existing native vegetation may be utilized to meet this requirement.

17. <u>Vehicular/Pedestrian Impacts</u>

Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.

18. Lee Plan Consistency

Approval of this zoning request does not guarantee local development order approval. Future Development Order approvals must satisfy the requirements of the 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, as well as all other Lee Plan provisions.

19. Concurrency

Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.

20. Compliance with the LDC

This development must comply with all of the requirements of the LDC at the time of local development order approval, except as may be granted by deviations approved as part of this planned development.

21. Solid Waste Management

As part of any local development order approval for vertical development, the Development Order plans must include facilities in compliance with LDC §10-261 and Lee County Solid Waste Ordinance Number 11-27 for the pick-up/disposal of solid waste and recyclables. The minimum area required for, and specific locations of, these facilities will be reviewed at the time of local development order application.

SECTION C. DEVIATIONS:

1. **Deviation (1)** seeks relief from the §10-296, Table 3, requirement for a roadway width of 35 feet for a two-way closed drainage, rear lot drainage or inverted crown, to allow roadway width to coincide with the back of curb. This deviation is APPROVED, SUBJECT TO the condition that all internal roads must be constructed with a closed drainage system and that all internal roads will be privately maintained.

2. **Deviation (2)** seeks relief from the §10-421(a)(5)(f) requirement that no portion of a buffer area containing the trees or shrubs may be located in an easement, to allow planted buffers in the FP&L easement pursuant to the FP&L right-of-way consent agreement. This deviation is APPROVED, SUBJECT TO the condition that, if any required buffer or landscape strip vegetation planted within an easement is removed, then the property owner must replace those plantings with like size and species at no cost to Lee County.

3. **Deviation (3)** seeks relief from the §30-152 requirement that identification signs be set back a minimum of 15 feet from any right-of-way easement, to allow a 0-foot setback. This deviation is APPROVED, SUBJECT TO the condition that the identification signs meet sight distance criteria, as required in §10-296(J), and vehicle visibility requirements in §34-3131(b).

4. **Deviation (4)** seeks relief from the §10-296(p)(1)(a) requirement of a minimum cul-de-sac diameter to allow a 60-foot diameter (to edge of pavement). This deviation is APPROVED, SUBJECT TO the condition that the cul-de-sac design was approved by the local Fire District at the time of local development order approval.

5. **Deviation (5)** seeks relief from the §34-1176(b)(1)(a) requirement of a minimum setback from a non-roofed structure to a seawalled artificial body of water to allow a 0-foot setback. This deviation is APPROVED, SUBJECT TO the condition that the Developer provides the required lake maintenance easement.

6. **Deviation (6** seeks relief from the §34-2474(b)(6) requirement that recreation centers and ancillary facilities be located at least 40 feet from residential dwellings, to allow a minimum distance of 20 feet. This deviation is APPROVED.

7. **Deviation (7)** seeks relief from the §§10-296(p)(3) and 10-714 requirement which established the transition radius for cul-de-sacs to allow a reduced transition radius of 50 feet. This deviation is APPROVED, SUBJECT TO the condition that the cul-de-sac design had to be approved by the local Fire District at the time of local development order approval.

8. **Deviation (8)** seeks relief from the §10-296(h)(4) requirement that provides minimum specifications for street wearing surfaces, to allow paver brick surfaces. This deviation is APPROVED, SUBJECT TO the condition that the Developer demonstrate that the decorative pavers have the structural equivalency of the required standard pavement and the approval was limited to privately maintained streets.

9. **Deviation (9)** seeks relief from the §34-2013(a) requirement that all parking lots be designed to permit vehicles exiting the parking lot to enter the street right-of-way or easement in a forward motion, to allow individual parking spaces that require backing out onto right-of-way easements. Deviation 14 does not apply to traffic entering project roadways functioning as collector streets. This deviation is APPROVED, SUBJECT TO final design and location approval in the local development order.

10. **Deviation (10)** seeks relief from the §34-935(b)(2) requirement that internal roads with drives be no closer than 25 feet to the development perimeter to allow a 15-foot minimum separation. This deviation is APPROVED.

11. **Deviation (16)** seeks relief from the §34-935(b)(1) requirement that all buildings be set back from the development perimeter a minimum distance of 25 feet, to allow a 15-foot setback in specific development parcels. This deviation is APPROVED, SUBJECT TO the condition that it not apply to setbacks from the external development perimeter.

12. **Deviation (12)** seeks relief from the §10-416(d)(9) requirement of a 50-foot-wide buffer along natural waterways, to allow existing and proposed uses listed herein and depicted on the MCP including: a canoe and kayak launch, boat ramp, fishing platforms, gazebos, observation decks, board walks and seating areas, FP&L easement including any amenities located within the easement, and stormwater management structures to be located within that buffer. This deviation is APPROVED, SUBJECT TO the following conditions:

    a) Compliance with Conditions 12(a) – 12(m) for the River Club.

    b) The existing gazebo #2, as depicted on the approved MCP and located within the 50-foot-wide natural waterway buffer, has been located to avoid adverse impacts to surrounding vegetation. Any redevelopment of this gazebo would have to avoid adverse impacts to surrounding vegetation.

    c) Amenities constructed within the 50-foot-wide natural waterway buffer, that is located in the FP&L easement, must be located to avoid impacts to the surrounding native vegetation.

13. **Deviation (13)** seeks relief from the §10-329(d)(3) requirement that the maximum retention depth for excavation be 12 feet, to allow a maximum excavation depth of 20 feet without penetration through impervious soil or rock layer which presently prohibits intermingling of various watery strata. This deviation is APPROVED, SUBJECT TO the following conditions:

    a) The lake depth may not exceed 20 feet or the confining layer (aquiclude), whichever occurs first, and is subject to implementation of the "River Ridge Management Program for Lakes Excavated to a Depth Greater than 12 Feet" (see Exhibit "D").

    b) The material excavated for the proposed lakes is for use on-site; no off-site use is authorized by approval of this amendment.

14. **Deviation (14)** seeks relief from the §10-415(b)(1)(a) requirement of large developments with existing indigenous native vegetation communities to provide 50 percent of their open space percentage requirement through the onsite preservation of existing native vegetation communities, to allow 11.7 acres (i.e. 23.3 actual acres at 50 percent credit) of the indigenous preservation requirements to be met through the 6.9 acres restored onsite wetlands (i.e. 13.7 actual acres at 50% credit), 3.2 acres of restored/created onsite wetlands (i.e. 6.2 actual acres at 50 percent credit) and 1.7 acres of created onsite wetlands (i.e. 3.4 actual acres at 50 percent credit). This deviation is APPROVED, SUBJECT TO Conditions 10(e) and 10(f).

15. **Deviation (15)** seeks relief from the §10-415(b)(1)(c) requirement a 20-foot building setback from preserves and a 30-foot setback from indigenous plant communities for fire protection, to allow previously approved side and rear yard setbacks defined in Condition 2(b) the development regulations table. Staff recommended approval of this Deviation, as the 20- and 30-foot setbacks were not a requirement when this RPD was designed and approved in 1995, subject to Conditions 10(e) and 10(f). This deviation is APPROVED, SUBJECT TO Conditions 10(e) and 10(f).

16. **Deviation (16)** seeks relief from the §10-415(c)(3) requirement that with projects over ten acres in size, indigenous open space areas must have a minimum average width of 40 feet and minimum area of 1,500 square feet, to allow the dimensions of the existing indigenous preserve areas as previously approved by Lee County through the Development Order process. This deviation is APPROVED, SUBJECT TO Conditions 10(e) and 10(f).

17. **Deviation (17)** seeks relief from the §10-416(d)(3) requirement of a Type F buffer between proposed residential uses and existing adjacent preservation lands, to allow no buffer between the existing, developed residential tracts and the adjacent Koreshan State Park. This deviation is APPROVED.

18. **Deviation (18)** seeks relief from the §33-351 requirement of a Type D buffer, to allow the enhancement of the existing 15-foot-wide buffer along Williams Road fronting the Primary Golf Maintenance and Storage Area. Applicant has agreed to enhance the plantings in that buffer, as requested by the Estero Community Planning Panel, but cannot increase the width. This deviation is APPROVED, SUBJECT TO Condition 15(b).

SECTION D. EXHIBITS:

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

Exhibit A: Legal description of the property
Exhibit B: Zoning Map (with the subject parcel indicated)
Exhibit C: The Master Concept Plan
Exhibit D: River Ridge Management Program for Lakes Excavated to a Depth Greater than 12 Feet

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.

2. The rezoning, as approved:

   a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;

   b. is consistent with the densities, intensities and general uses set forth in the Lee Plan;

   c. is compatible with existing or planned uses in the surrounding area;

   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 rezoning satisfies the following criteria:

   a. the proposed use or mix of uses is appropriate at the subject location;

   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, are, or will be, available and adequate to serve the proposed land use.

5. The approved deviations, as conditioned, enhance 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.

Commissioner John Manning made a motion to adopt the foregoing resolution, seconded by Commissioner Frank Mann. The vote was as follows:

John Manning	Aye
Cecil L Pendergrass	Aye
Larry Kiker	Aye
Tammara Hall	Absent
Frank Mann	Aye

DULY PASSED AND ADOPTED this 15th day of April, 2013.

ATTEST:
LINDA DOGGETT, CLERK

BY: Marcia Wilson
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Cecil L Pendergrass, Chair

BOARD OF COUNTY COMMISSIONERS
SEAL
LEE COUNTY, FLORIDA

Approved as to form by:

John J. Fredyma
Assistant County Attorney
County Attorney's Office

RECEIVED
APR 30-2013
MINUTES OFFICE

Case No. DCI2012-00027

Z-13-003
Page 18 of 18

PELICAN SOUND GOLF AND RIVER CLUB LEGAL DESCRIPTION:

IN SECTIONS 29, 32 AND 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA:
BEGIN AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER (NE1/4) OF SAID SECTION 32;
THENCE RUN N00°55'53"W ALONG THE WEST LINE OF SAID NORTHEAST QUARTER (NE1/4) FOR 1,226.64 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF A FLORIDA POWER AND LIGHT TRANSMISSION LINE (100 FEET WIDE);
THENCE RUN. N20°51'33"W ALONG SAID SOUTHWESTERLY LINE FOR 125.36 FEET TO A POINT ON THE SOUTH LINE OF LOT A56 OF "FLORIDA GULF LAND COMPANY'S SUBDIVISION," AS RECORDED IN PLAT BOOK 1 AT PAGE 59 OF THE PUBLIC RECORDS OF LEE COUNTY;
THENCE RUN S88°27'02"W ALONG THE SOUTH LINES OF LOTS A56, A55, A54 AND A53, SAID SUBDIVISION, FOR 1257.39 FEET TO THE SOUTHWEST CORNER OF SAID LOT A53, OF SAID SUBDIVISION;
THENCE RUN N00°43'04"W ALONG THE WEST LINE OF SAID LOT A53 FOR 1,180
FEET MORE OR LESS TO THE WATERS OF THE ESTERO RIVER;
THENCE RUN NORTHEASTERLY, NORTHERLY, NORTHEASTERLY, EASTERLY, SOUTHEASTERLY AND EASTERLY ALONG SAID WATERS FOR 5,396 FEET MORE OR LESS TO AN INTERSECTION WITH THE WEST LINE OF THE EAST HALF (E1/2) OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SAID SECTION 29;
THENCE RUN S00°11'00"E ALONG SAID WEST LINE FOR 990 FEET MORE OR LESS TO THE NORTH LINE OF SAID SECTION 32;
THENCE RUN N89°49'47"E ALONG SAID NORTH LINE OF SAID SECTION 32 FOR 671.22 FEET TO THE NORTHEAST COMER OF SAID SECTION 32;
THENCE RUN N89°15'27"E ALONG THE NORTH LINE OF SAID SECTION 33 FOR 395.00 FEET;
THENCE RUN S00°30'33"E FOR 2,647.83 FEET TO THE NORTH LINE OF THE SOUTHWEST QUARTER (SW1/4) OF SAID SECTION 33;
THENCE RUN N88°52'56"E ALONG SAID NORTH LINE FOR 987.18 FEET;
THENCE RUN S00°31'21"E FOR 578.29 FEET;
THENCE RUN N88°50'29"E FOR 1,739.60 FEET TO THE WEST RIGHT-OF-WAY LINE OF TAMIAMI TRAIL [US 41/SR 45 (200 FEET WIDE)]:
THENCE RUN ALONG SAID WESTERLY RIGHT-OF-WAY LINE S05°19'58"W FOR 201.29 FEET;
THENCE RUN S88°50'29"W FOR 1,719.07 FEET;
THENCE RUN S00°31'21"E FOR 1,840.23 FEET TO THE NORTH RIGHT-OF-WAY LINE OF WILLIAMS ROAD (60 FEET WIDE);
THENCE RUN S89°00'54"W ALONG SAID NORTH RIGHT-OF-WAY LINE FOR 1,382.17 FEET TO THE WEST LINE OF SAID SECTION 33;
THENCE RUN S89°00'18"W ALONG SAID NORTH RIGHT-OF-WAY LINE FOR 2,644.88 FEET
TO THE WEST LINE OF THE SOUTHEAST QUARTER (SE ¼) OF SAID SECTION 32;
THENCE RUN N0°56'02"W ALONG SAID WEST LINE FOR 2,614.20 FEET TO THE
POINT OF BEGINNING.
CONTAINING 561.8 ACRES OF LAND, MORE OR LESS.

THIS LEGAL DESCRIPTION IS INCLUSIVE OF THE FORMERLY LESSED OUT CEMETERY PARCEL, AND THE FORMERLY EXCLUDED TRIANGLE PARCEL.

7.31.12
APPROVED
LEGAL

RECEIVED
JUL 20 2012
COMMUNITY DEVELOPMENT
DCI2012-00027

6/15/12
DATE

MICHAEL A. WARD, PROFESSIONAL LAND SURVEYOR LS#5301
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

R.W.A., INC. STATE OF FLORIDA BUSINESS LICENSE NO. EB-0007663

RWA CONSULTING INC.
Planning
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Civil Engineering
Surveying & Mapping
6810 Willow Park Drive, Suite 200
Naples, Florida 34109
(239) 597-0575 FAX: (239) 597-0576
www.consult-rwa.com
Florida Certificates of Authorization
EB 7663 LB 6952

DATE: JUNE, 2012	CLIENT: PELICAN SOUND GOLF & RIVER CLUB		
SCALE: 1" = 1200'			
DRAWN BY: J.P.	TITLE: LEGAL DESCRIPTION		
CHECKED BY: M.A.W.			
SEC: 9,32,33 TOP: 46 RGE: 25E	PROJECT NUMBER: 970188.01.09	SHEET NUMBER: 1 OF 2	FILE NUMBER: 9701880109SK01

EXHIBIT "A"
(Page 1 of 3)

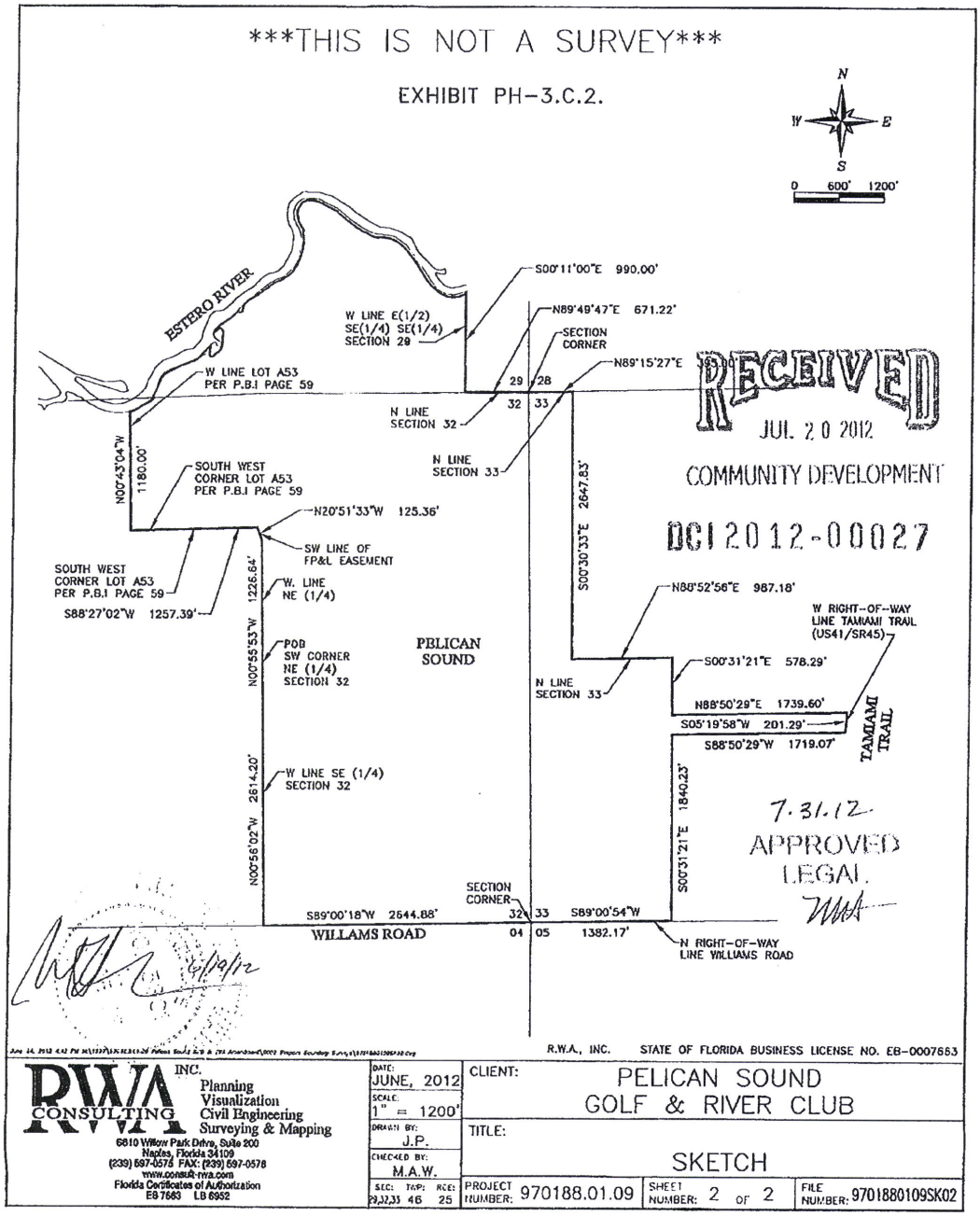
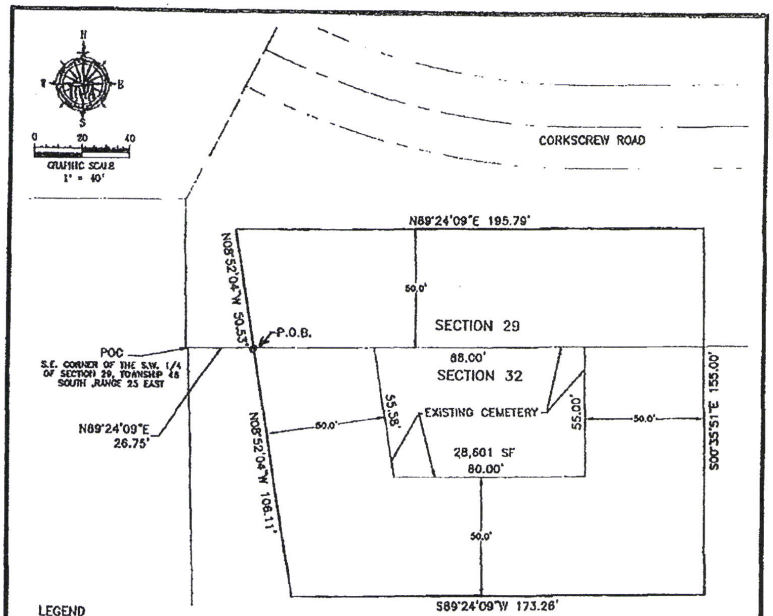


EXHIBIT "A"
(Page 2 of 3)



LEGEND
P.B. = PLAT BOOK
PG. = PAGE
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
D.E. = DRAINAGE EASEMENT
TCE = TEMPORARY CONSTRUCTION EASEMENT

LEGAL DESCRIPTION – PROPOSED BUFFER EASEMENT

A PARCEL OF LAND LYING IN SECTIONS 29 & 32, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE N89°24'09"E ALONG THE SOUTH LINE OF SAID SECTION 29 A DISTANCE OF 26.75 FEET TO THE POINT OF BEGINNING OF THE PARCEL DESCRIBED HEREIN.

THENCE, LEAVING SAID SOUTH LINE OF SECTION 29, N08°52'04"W A DISTANCE OF 50.53 FEET TO A POINT; THENCE N89°24'09"E A DISTANCE OF 195.79 FEET TO A POINT; THENCE S00°35'51"E A DISTANCE OF 155.00 FEET TO A POINT; THENCE S89°24'09"W A DISTANCE OF 173.26 FEET TO A POINT; THENCE N08°52'04"W A DISTANCE OF 106.11 FEET TO THE POINT OF BEGINNING OF THE PARCEL DESCRIBED HEREIN.

CONTAINING 0.66 ACRES (28601 SQUARE FEET) MORE OR LESS. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

1-14-13
APPROVED
LEGAL

MICHAEL A. WARD PROFESSIONAL LAND SURVEYOR LS# 5301 — DATE SIGNED 12/20/12

NOT VALID WITHOUT THE ORIGINAL SIGNATURE & RAISED EMBOSSED SEAL OF A FLORIDA REGISTERED PROFESSIONAL SURVEYOR AND MAPPER. THIS IS NOT A SURVEY.

PELICAN SOUND CEMETARY PARCEL
SKETCH AND LEGAL DESCRIPTION
PROPOSED BUFFER EASEMENT
PREPARED FOR: PELICAN SOUND GOLF AND RIVER CLUB

RWA CONSULTING INC. — Planning, Visualization, Civil Engineering, Surveying & Mapping
6610 Willow Park Drive, Suite 200, Naples, Florida 34109
Phone: (239) 597-6575 FAX: (239) 597-0578
LB #3161

JOB NUMBER	REVISION	SECTION	TOWNSHIP	RANGE	SCALE	DATE	DRAWN BY	FILE NAME	SHEET
970188.01.09	0	29&32	46S	25E	1" = 40'	11/28/12	GWR	CemeteryBE	1 OF 1

EXHIBIT "A"
(Page 3 of 3)

DCI2012-00027

Zoning Map

1/11/2013

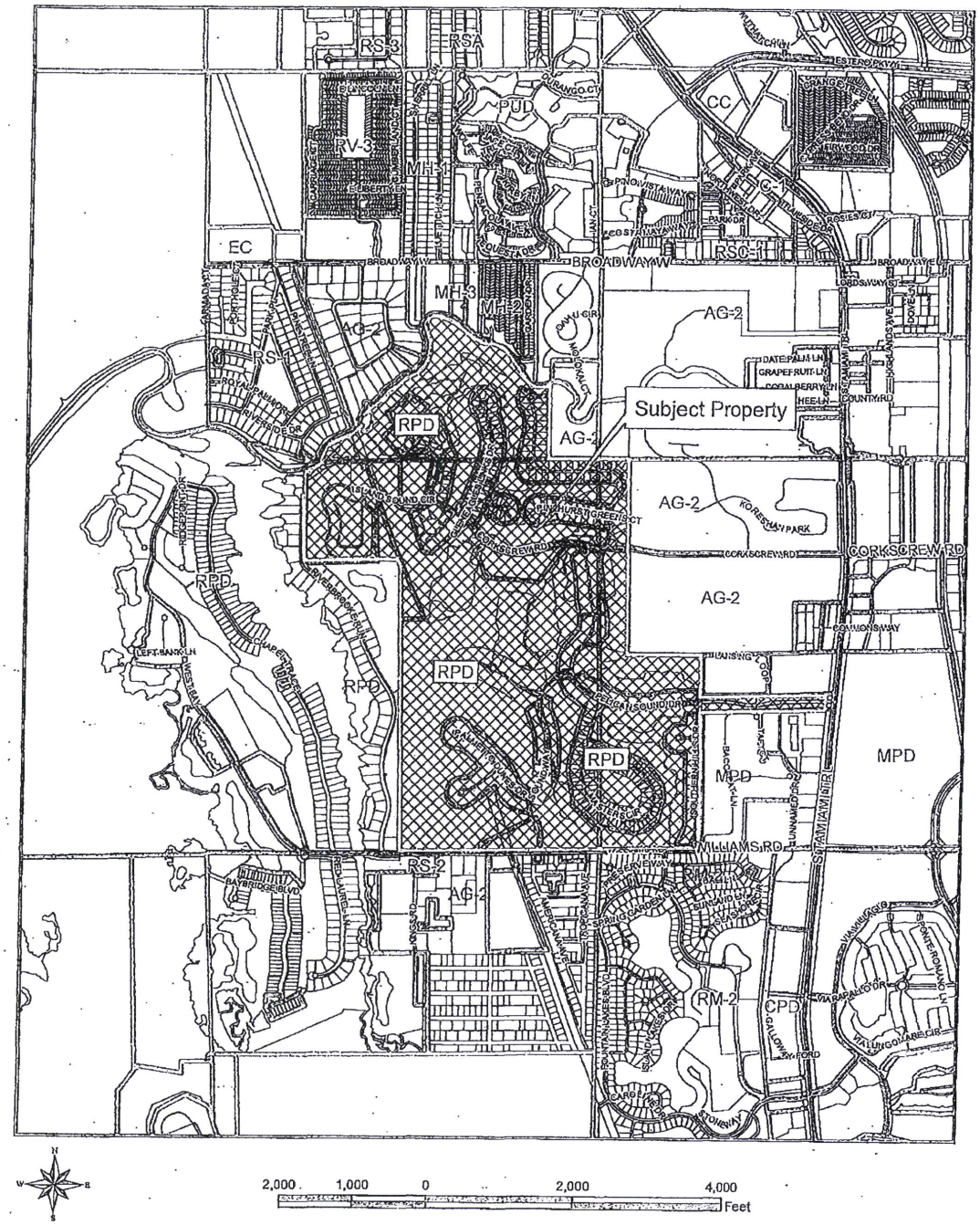


EXHIBIT "B"

RECEIVED
APR 09 2013
COMMUNITY DEVELOPMENT

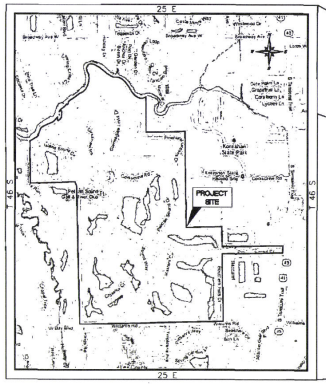
DCI 2012-00027

EXHIBIT "C"
(Page 1 of 4)

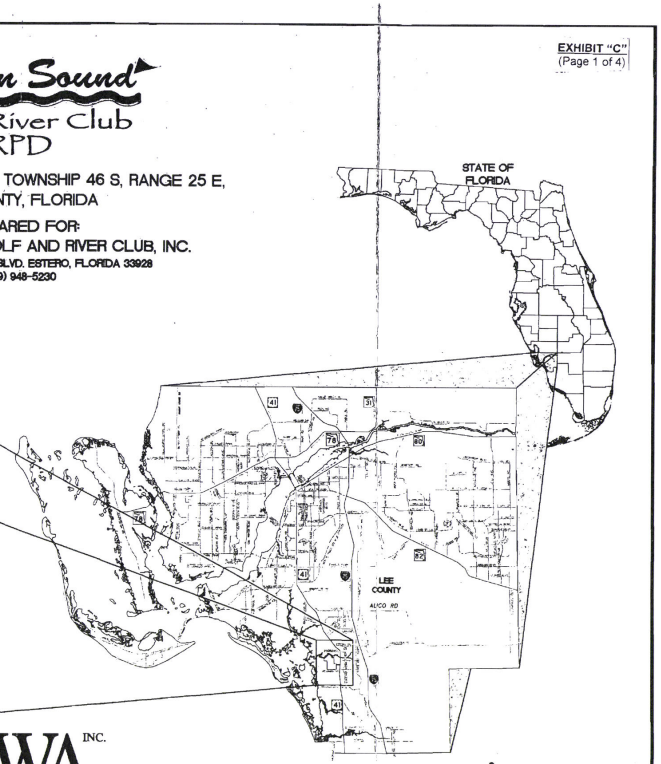
Pelican Sound
Golf & River Club
RPD

PART OF SECTION 29,32 E TOWNSHIP 46 S, RANGE 25 E,
LEE COUNTY, FLORIDA

PREPARED FOR:
PELICAN SOUND GOLF AND RIVER CLUB, INC.
4561 PELICAN SOUND BLVD. ESTERO, FLORIDA 33928
(239) 948-5230



LOCATION MAP



CONTENTS
SHEET 1 COVER SHEET
SHEET 2 MASTER CONCEPT PLAN
SHEET 3 DETAILS
SHEET 4 INDIGENOUS PRESERVE PLAN

REV	REVISION	DRAWN	CHECKED	DATE
3	CLARIFY LAND USE ACREAGES	P.T.K.	P.K.	03/13
2	CHANGES PER STAFF COMMENTS (DATED 11/16/12)	J.P.	P.K.	12/12
1	CHANGES PER HRS' SUFFICIENCY LETTER (DATED 08/21/12)	J.P.	P.K.	10/12

R.W.A., INC. STATE OF FLORIDA BUSINESS LICENSE NO. EB-0007663

RWA INC.
CONSULTING
• Planning • Visualization
• Civil Engineering • Surveying & Mapping
6610 Willow Park Drive, Suite 200
Naples, Florida 34109
(239) 597-0575 FAX: (239) 597-0578

Eco Planz Inc.

Approved as Exhibit C
MCP Page 1 of 4
Resolution # Z-13-003

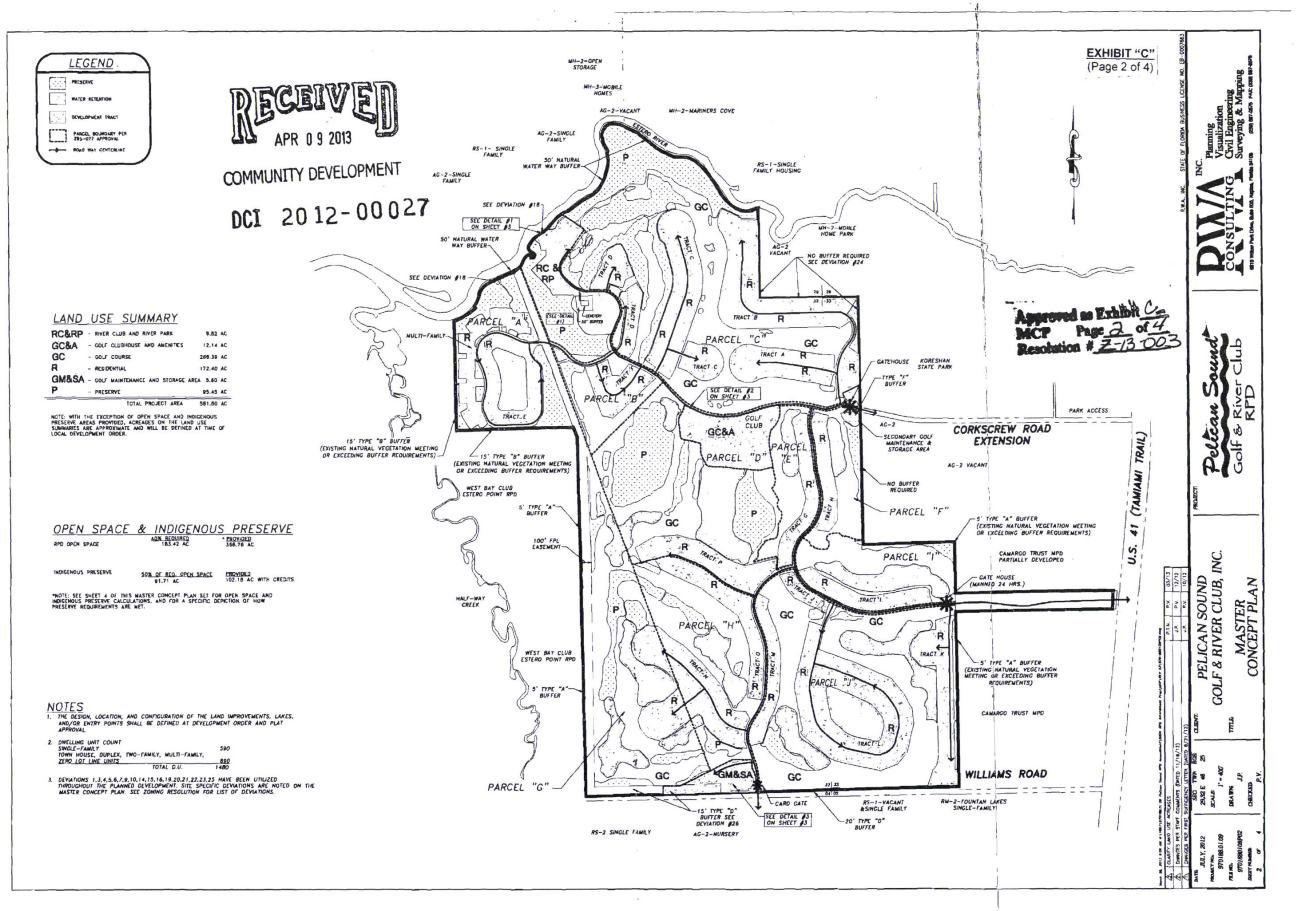


EXHIBIT "C"
(Page 2 of 4)
RECEIVED
APR 09 2013
COMMUNITY DEVELOPMENT
DCI 2012-00027
Approved as Exhibit C
MCP Page 2 of 4
Resolution # Z-13-003
LEGEND
PRESERVE
WATER RETENTION
DEVELOPMENT TRACT
PARCEL BOUNDARY PER DRI-DIT APPROVAL
ROAD WAY CENTERLINE
LAND USE SUMMARY
RC&RP - RIVER CLUB AND RIVER PARK 9.82 AC
GC&A - GOLF CLUBHOUSE AND AMENITIES 12.14 AC
GC - GOLF COURSE 208.39 AC
R - RESIDENTIAL 172.40 AC
GM&SA - GOLF MAINTENANCE AND STORAGE AREA 5.60 AC
P - PRESERVE 93.45 AC
TOTAL PROJECT AREA 581.80 AC
NOTE: WITH THE EXCEPTION OF OPEN SPACE AND INDIGENOUS PRESERVE AREAS PROVIDED, ACREAGES ON THE LAND USE SUMMARIES ARE APPROXIMATE AND WILL BE DEFINED AT TIME OF LOCAL DEVELOPMENT ORDER.
OPEN SPACE & INDIGENOUS PRESERVE
RPD OPEN SPACE
NOTES
1. THE DESIGN, LOCATION, AND CONFIGURATION OF THE LAND IMPROVEMENTS, LAKES, AND/OR ENTRY POINTS SHALL BE DEFINED AT DEVELOPMENT ORDER AND PLAT APPROVAL.
2. DWELLING UNIT COUNT
SINGLE-FAMILY 590
TOWN HOUSE, DUPLEX, TWO-FAMILY, MULTI-FAMILY, ZERO LOT LINE UNITS 890
TOTAL D.U. 1480
3. DEVIATIONS 1,3,4,5,6,7,8,10,14,15,16,18,20,21,22,23,25 HAVE BEEN UTILIZED THROUGHOUT THE PLANNED DEVELOPMENT SITE SPECIFIC DEVIATIONS ARE NOTED ON THE MASTER CONCEPT PLAN. SEE ZONING RESOLUTION FOR LIST OF DEVIATIONS.
CORKSCREW ROAD EXTENSION
WILLIAMS ROAD
U.S. 41 (TAMIAMI TRAIL)
PARCEL "A"
PARCEL "B"
PARCEL "C"
PARCEL "D"
PARCEL "E"
PARCEL "F"
PARCEL "G"
PARCEL "H"
PARCEL "I"
PARCEL "J"
RIVA INC. Planning Visualization Civil Engineering Consulting Surveying Mapping
Pelican Sound Golf & River Club RPD
PELICAN SOUND GOLF & RIVER CLUB, INC.
MASTER CONCEPT PLAN

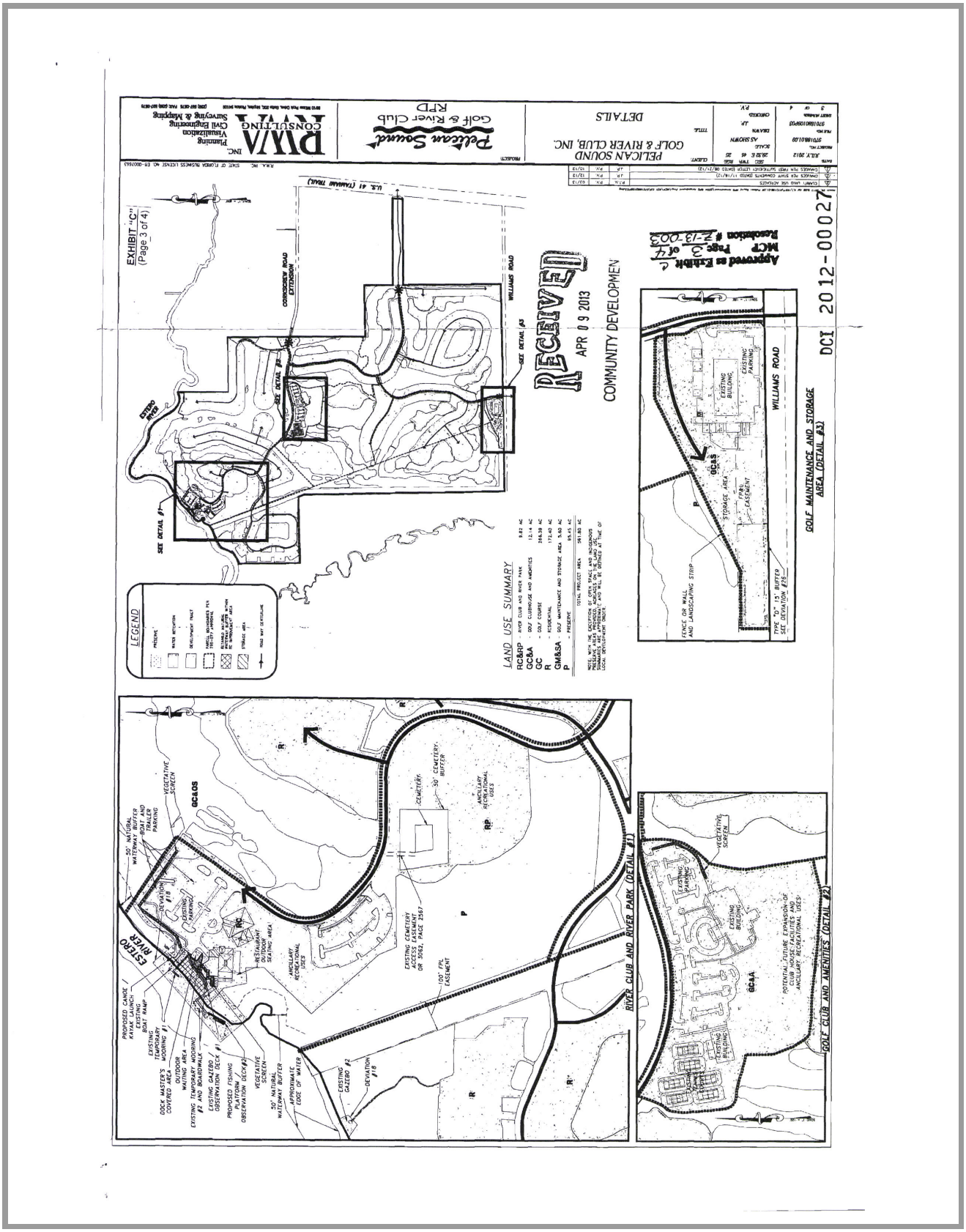


EXHIBIT "C"
(Page 3 of 4)
PELICAN SOUND
GOLF & RIVER CLUB, INC.
DETAILS
Pelican Sound
Golf & River Club
RFD
PLA
CONSULTING
Planning
Visualization
Civil Engineering
Surveying & Mapping
LEGEND
PRESERVE
WATER RETENTION
DEVELOPMENT TRACT
PARCEL BOUNDARIES PER SUBDIVISION PLAT
BUILDING WITH VEGETATIVE BUFFER
STORAGE AREA
ROAD WAY DEDICATION
LAND USE SUMMARY
RC&RP - RIVER CLUB AND RIVER PARK 8.82 AC
GC&A - GOLF CLUBHOUSE AND AMENITIES 12.14 AC
GC - GOLF COURSE 284.38 AC
R - RESIDENTIAL 172.40 AC
GM&SA - GOLF MAINTENANCE AND STORAGE AREA 3.50 AC
P - PRESERVE 99.15 AC
TOTAL PROJECT AREA 581.83 AC
NOTE: WITH THE EXCEPTION OF OPEN SPACE AND INCIDENTAL STORAGE, ALL ACTIVITIES, USES, AND STRUCTURES SHALL BE CONSISTENT WITH THE STANDARDS, REC. APPROVAL, AND WILL BE WITHIN AT TIME OF LOCAL DEVELOPMENT ORDER.
SEE DETAIL #1
SEE DETAIL #2
SEE DETAIL #3
CORKSCREW ROAD EXTENSION
WILLIAMS ROAD
U.S. 41 (TAMIAMI TRAIL)
ESTERO RIVER
RECEIVED
APR 09 2013
COMMUNITY DEVELOPMEN
Approved as Exhibit "C"
MCP Page 3 of 4
Resolution # Z-13-003
DCI 2012-00027
GOLF MAINTENANCE AND STORAGE AREA (DETAIL #3)
FENCE OR WALL AND LANDSCAPING STRIP
STORAGE AREA
EXISTING BUILDING
EXISTING PARKING
TYPE "D" 15' BUFFER SEE DEVIATION #26
RIVER CLUB AND RIVER PARK (DETAIL #1)
GOLF CLUB AND AMENITIES (DETAIL #2)
POTENTIAL FUTURE EXPANSION OF CLUB HOUSE FACILITIES AND ANCILLARY RECREATIONAL USES
VEGETATIVE SCREEN
CEMETERY
50' CEMETERY BUFFER
ANCILLARY RECREATIONAL USES
EXISTING CEMETERY ACCESS EASEMENT OR 3083, PAGE 2367
100' CPL EASEMENT
RESTAURANT OUTDOOR SEATING AREA
50' NATURAL WATERWAY BUFFER
APPROXIMATE EDGE OF WATER
EXISTING GAZEBO #2
DEVIATION #18
PROPOSED CANOE / KAYAK LAUNCH
EXISTING BOAT RAMP
EXISTING TEMPORARY MOORING #1
DOCK MASTER'S COVERED AREA
OUTDOOR WAITING AREA
EXISTING TEMPORARY MOORING
EXISTING GAZEBO / OBSERVATION DECK #1
PROPOSED FISHING PLATFORM / OBSERVATION DECK #2
VEGETATIVE SCREEN
50' NATURAL WATERWAY BUFFER
GC&LGS
RC
RP
P
R

OPEN SPACE / INDIGENOUS CALCULATIONS (IN ACRES)

561.80 TOTAL ACREAGE
-13.81 EXCLUDE 100 FOOTWIDE FPL EASEMENT
-7.94 EXCLUDE 200 FOOTWIDE RIGHT-OF-WAY
-29.54 EXCLUDE SF EXEC THE MASTERS
-16.50 EXCLUDE SF EXEC GLEN EAGLES
-6.22 EXCLUDE SF ESTATE PINEHURST

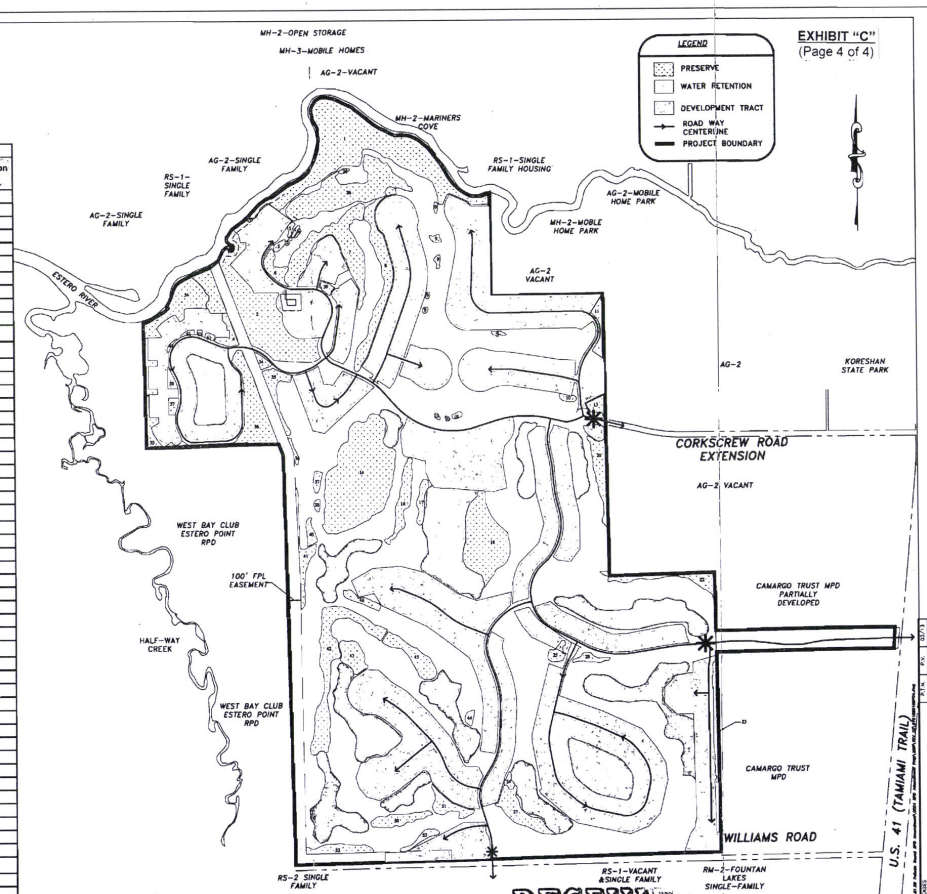
458.55 TOTAL ACREAGE SUBJECT TO OPEN SPACE REQUIREMENTS

183.42 40% REQUIRED OPEN SPACE
91.71 INDIGENOUS AREA REQUIRED (50% OF OPEN SPACE)

INDIGENOUS PRESERVE TABLE

Tract ID	Actual Acres	Habitat Classification	Status	Credit	Acres with Credit	Deviation 23
1	13.62	Upland	E	160%	21.79	
1	0.70	Wetland	E	100%	0.70	
2	8.28	Upland	E	160%	13.25	
2	0.40	Wetland	E	100%	0.40	
4	0.63	Upland	E	125%	0.79	
5	0.49	Upland	E	100%	0.49	*
6	0.86	Upland	E	125%	1.07	
7	1.59	Upland	E	100%	1.59	
7	3.43	Wetland	C	50%	1.72	
8	3.53	Upland	E	100%	3.53	
9	0.52	Upland	E	100%	0.52	*
10	0.41	Upland	E	100%	0.41	*
11	0.71	Upland	E	100%	0.71	
13	0.49	Upland	E	110%	0.54	
14	2.61	Upland	E	100%	2.61	
14	9.13	Wetland	R	50%	4.57	
16	1.54	Upland	E	110%	1.69	
17	0.59	Upland	E	110%	0.65	
18	1.02	Upland	E	100%	1.02	
18	4.57	Wetland	R	50%	2.29	
20	1.69	Upland	E	110%	1.86	
22	1.10	Upland	E	100%	1.10	
22	0.50	Wetland	E	100%	0.50	
23	1.17	Upland	E	100%	1.17	*
24	0.21	Upland	E	100%	0.21	
25	0.46	Upland	E	100%	0.46	
26	1.98	Upland/Wetland	E	100%	1.98	
26	4.31	Wetland	R - C	50%	2.16	
27	1.94	Wetland	R - C	50%	0.97	
28	0.41	Upland	E	100%	0.41	
30	0.24	Upland	E	100%	0.24	
34	0.28	Upland	E	100%	0.28	
35	1.15	Upland	E	100%	1.15	
36	0.17	Upland	E	100%	0.17	*
37	0.31	Upland	E	100%	0.31	
38	0.14	Upland	E	100%	0.14	
40	0.40	Upland	E	100%	0.40	
41	1.15	Upland	E	100%	1.15	
42	4.93	Upland	E	110%	5.42	
43	1.24	Upland	E	125%	1.55	
44	0.21	Upland	E	100%	0.21	
45	1.67	Upland	E	125%	2.08	
46	0.54	Upland	E	110%	0.59	
50	1.09	Upland	E	110%	1.20	
51	1.02	Upland	E	125%	1.27	
52	1.04	Upland	E	100%	1.04	
52	0.45	Upland	E	100%	0.45	
54	4.57	Upland	E	135%	6.17	
54	0.40	Wetland	E	100%	0.40	
55	1.11	Upland	E	100%	1.11	*
56	3.89	Upland	E	135%	5.25	
57	0.31	Upland	E	100%	0.31	
58	0.27	Upland	E	100%	0.27	
61	0.35	Upland	E	100%	0.35	*
Total Acres	95.45	Total Acres with Credit			102.18	

E = Existing Indigenous Habitat
R = Restored Indigenous Habitat
C = Created Indigenous Habitat



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LEGEND
PRESERVE
WATER RETENTION
DEVELOPMENT TRACT
ROAD WAY CENTERLINE
PROJECT BOUNDARY

R.W.A., INC. STATE OF FLORIDA BUSINESS LICENSE NO. EB-0007643

RWA INC. CONSULTING
Planning
Visualization
Civil Engineering
Surveying & Mapping
8810 Miller Park Drive, Suite 200, Naples, Florida 34108 (239) 597-3575 FAX: (239) 597-4075

PROJECT: Pelican Sound Golf & River Club RPD

CLIENT: PELICAN SOUND GOLF & RIVER CLUB, INC.

TITLE: INDIGENOUS PRESERVE PLAN

DATE: JULY 2012
PROJECT NO.: 2010-0051.02
FILE NO.: 970USB01SDP04
SHEET NUMBER: 4 OF 4
SCALE: 1"=400'
DRAWN: JP
CHECKED: P.V.
SEC. TWP. RGE: 26,52 E 46 25

4	CLIENT AND SDP CHANGES	05/13
3	CHANGES PER SFWMD (DATED 11/16/12)	12/12
2	CHANGES PER SFWMD (DATED 11/13/12)	11/12
1		

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MCP Page 4 of 4
Resolution # Z-13-003

DCI 2012-00027

RIVER RIDGE

MANAGEMENT PROGRAM FOR LAKES EXCAVATED TO A DEPTH GREATER THAN 12 FEET (Amended 10-01-96)

Introduction

A number of water management lakes will be constructed in the central and southern part of the River Ridge project primarily for storm water management and aesthetic interaction purposes. It is anticipated that several of the lakes will be excavated below a depth of 12 feet, possibly to a maximum depth of 20 feet. A lake management plan will be implemented to maintain all lakes in a healthy state to assure water quality is adequate to keep the ecosystem in a balance that promotes the use of the lakes by wildlife and maintains wetland plants surrounding and within the lakes. After the community is constructed, the Improvement Community Development District will have the responsibility and obligation to maintain the surface-water management system, including all lakes.

The lakes that may be excavated to a depth of greater than 12 feet are located on the southern portion of the property and are generally oriented in an approximate north-south direction. These lakes are greater than 2 acres in area and exceed a width of 100 feet at the narrowest section. The configurations and general orientations of the lakes will allow a greater potential for wind-mixing and aeration of the water.

In addition to the geometry and orientation of the lakes, River Ridge is proposing to implement a management plan to control runoff water quality, control excessive aquatic plant growth, and supplement dissolved oxygen concentrations in the lakes. This management strategy applies not only to the lakes excavated to depths greater than 12 feet, but all lakes on the site.

Water Level Management

In some parts of Lee County, when man-made lakes are excavated below a depth of 12 feet, very permeable rock is encountered or some confining beds are penetrated. If highly permeable rock is penetrated, it is possible that water may drain from the lake into the groundwater system and exit rapidly into nearby surface waters, such as the Estero River. If confining beds are breached, waters of differing quality could commingle in the subsurface and cause localized changes in water quality.

In order to prevent these problems from occurring, WCI Communities, Inc. agrees, as part of the lake management plan, to drill a series of test borings at each lake site to assess the subsurface geologic conditions prior to excavation of the lakes. If the evaluation of the subsurface geology indicates that a potential problem will occur if the lake is

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(Page 1 of 3)

excavated below some depth, then the lake will not be excavated below the indicated depth or some remedial measure would be taken to inhibit outflow of lake water.

Control of Dissolved Oxygen Concentrations in the Lakes

All natural and man-made lakes and streams in Lee County show rather large fluctuations in the concentrations of dissolved oxygen both on a daily (diurnal) and a seasonal basis. The concentration of dissolved oxygen in lakes is controlled by the biochemical activity within the lake, the reaction of lake organisms to the quality of surface-water inflow into the lakes, and the quality of groundwater inflow into the lakes. The ambient oxygen profiles in lakes show some dissolved oxygen occurring within the photic zone (upper 2 to 4 feet) and little, if any, dissolved oxygen below that depth. There are several reasons why this natural condition occurs, including: 1) the rather low wind velocities that occur in the summer months are insufficient to allow vertical mixing of the water mass, 2) the water column is temperature stratified, which inhibits oxygen diffusion, 3) the water temperature is high, which reduces the ability of the water to maintain high dissolved oxygen concentrations, 4) the water is colored with naturally-occurring tannic acid, which reduces light penetration, in turn reducing biological productivity and oxygen production in the water column, 5) the natural groundwater flowing into the lakes contains a high chemical oxygen demand and no dissolved oxygen, causing a corresponding reduction of dissolved oxygen in all natural surface water bodies, 6) the lake water is not moving to allow a more uniform oxygenation to occur, and 7) where natural salinity variation occurs with depth in the groundwater system, lakes penetrating these system will become density stratified with low dissolved oxygen concentrations in the higher density region (bottom).

It is the intent of WCI Communities, Inc. to maintain all lakes in good health. Therefore, the lake management plan for the River Ridge lakes will involve the maintenance of acceptable dissolved oxygen concentrations in the photic zone of the lakes. This will involve control of water quality in runoff entering the lakes, mechanical agitation of the water in the lakes by creation of decorative fountains or wind mills, emphasis on the use of natural aquatic plants to maintain water quality, minimal use of toxic chemicals for aquatic weed control, such as copper sulfate water treatment, and use of oxygenation equipment. The River Ridge Improvement District will install and maintain oxygenation equipment in the lakes. The type, size, and model numbers of the aeration devices shall be supplied to the county for each lake prior to construction.

Vegetation and Nutrient Management

One of the most significant factors affecting the biological health of man-made lakes is the affect of excess nutrient inflows. Excessive concentrations of nutrients in the runoff water causes uncontrolled growth of aquatic vegetation. When the vegetation dies, the biochemical oxygen demand in the water column rises and removes oxygen from the water, causing adverse effects, such as fish kills.

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(Page 2 of 3)

Control of the nutrient concentration in the runoff water is part of the lake management plan. Nutrient control begins with the design of the lakes and the drainage system. Best management practices will be employed in the design of the entire water management system to assist in the removal of excess nutrients. Some examples of these practices include: 1) use of swales and wet detention areas to slow water movement and allow microscopic plants to uptake the nutrients, 2) sloping of the land surface away from the lake edges where golf courses lie adjacent to the lakes, 3) construction of shelf areas surrounding the lakes to allow the vegetation to trap particulates in the runoff and to uptake nutrients before they can adversely affect the lake as a whole, and 4) other site-specific design concepts. These water management concepts will be applied to all lakes and particularly to the lakes excavated to depths greater than 12 feet. All topographic profiles sloping to a lake will contain a swale to capture debris and early storm runoff. This will aid in lake nutrient influx control. The golf course fertilization methods will follow the guidelines set for golf course management and environmental maintenance by the appropriate golf course professional management associations.

Another important part of lake management is the maintenance and control of aquatic and bordering vegetation. The lake margin vegetation will be maintained to allow maximum nutrient uptake, but not the removal of dissolved oxygen. This will necessitate the periodic harvesting of some plants to prevent the accumulation of organic detritus. Central lake aquatic plant growth will be discouraged by maintaining deep water as close to the lake banks as possible without violating county design ordinances or safety conditions. Floating aquatic plant growth will be discouraged by mechanically harvesting this material, if it becomes problematical. WCI Communities shall plant one cypress or maple tree, minimum 10-gallon in size, for every 50 feet of shoreline on lakes greater than 12 feet in depth. These trees shall be planted on the upper reaches of the littoral zone and may be planted in clusters to appear more natural.

Since River Ridge has been designed to preserve as much of the natural habitat as possible, the man-made lake banks will be close to a natural condition with an overall positive effect on the lake water quality. Lakes will contain vegetative buffers to further filter runoff. The design of the water management system by integrating the natural system with the lake designs will assist any non-natural management techniques to maintain lake water quality.

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(Page 3 of 3)

PELICAN SOUND RESIDENTIAL PLANNED DEVELOPMENT (RPD) AMENDMENT

A Major Planned Development Amendment

Proposed Pelican Sound RPD Amendments

ATTACHMENT J

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

* * *

12. River Club (See detail #1 on Sheet 3 of the approved MCP.)

    a. Uses within the 50-foot-wide waterway buffer will be limited to two temporary moorings, one boat ramp, one canoe/kayak launch, one fishing platform/observation deck, one gazebo, two observation decks, a boardwalk, an outdoor waiting area and stormwater management structures as limited below. These uses are subject to the dock shoreline permit requirements of LDC Chapter 26. The natural waterway buffer, located between the temporary mooring #1 and #2, must remain.

    b. Water management structures may not include berms within the 50-foot-wide natural vegetation area abutting the Estero River. Other water management structures are approved, provided impacts are limited to the minimum necessary to satisfy permitting requirements of the SFWMD and avoid adverse impacts to existing native vegetation.

    c. The powerboat ramp facility must be designed to include a swale, exfiltration trench, or other engineering device to prevent bilge water and associated untreated parking lot run-off from flowing down the boat ramp and into the Estero River. This design must be approved as part of the building permit review for the boat ramp facility.

    d. Uses and structures within the 50-foot-wide natural waterway buffer will be limited to their existing locations, dimensions, and configurations as depicted on the approved MCP Set. The proposed gazebo / observation deck #1 will be limited to 600 square feet. The proposed canoe / kayak launch may not exceed 12 feet in width and must include a floating launch platform not to exceed 300 square feet.

    e. Outdoor entertainment, i.e., live music, is prohibited at the River Club restaurant~~.~~, except on Thursdays and Saturdays from 5:00 p.m. to 9:00 p.m. or with the issuance of a special event permit from the Village of Estero.

* * *

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15. Primary Golf Maintenance and Storage Area notes (See detail #3 on Sheet 3 of the approved MCP.)

    a. Storage of residential accessory uses may be allowed for recreational vehicles, trailers, boats, and other personal property owned by residents of the development.

    b. Prior to the local development order for the expansion of the Storage Area and per Deviation ~~26~~ 18, the storage area must provide the following buffer along Williams Road. A minimum 15-foot-wide buffer with the following vegetation per 100 linear foot segment:

        1) Three native trees with a 12-foot, 3.5-inch caliper at 1-foot above grade and a 6-foot spread;

        2) Ten Sabal palms with a minimum 12-foot clear trunk, planted with staggered heights in clusters of 3 to 6 palms, installed 4 to 8 feet on center;

        3) Continuous double staggered native shrub hedge, minimum 3-gallon container size with a 24-inch height, installed 3-foot on center and maintained at a minimum 4-foot height;

        4) Retain the existing, single row buttonwood hedge (4-foot on center) and maintain at a minimum 10-foot in height (if the buttonwood need to be replaced, then native shrubs with be installed 4-foot on center with a minimum 7-gallon container size with a 48-inch height maintained at a minimum 10-foot height).

    c. Artificial lighting used to illuminate the premises must be directed away from properties and streets, shining only on the subject property and causing no glare on adjacent properties.

    d. The storage area does not need to be paved. A stabilized grass or other ground cover surface may be kept in a dust free manner.

    e. The storage area/golf course maintenance facility must be shielded behind a continuous fence or wall at least eight feet in height along the south side and six feet in height along the north side. Visibility through the fence must not exceed 25 percent when viewed at right angles.

    f. Recreational facilities, Private on-site to include Pickleball facilities, shall be allowed within the designated GMSA tract area as depicted on the approved MCP. Specific to the Pickleball facility, specialized acoustic material shall be provided and players shall utilize equipment designated as "quiet" or "Green Zone" approved.

* * *

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MEMORANDUM

DATE: June 15, 2022

TO: Kathy Eastley, Senior Planner

FROM: Ken Gallander, AICP
RWA Engineering

PROJECT NAME: Pelican Sound RPD Amendment
(DCI2021-E003)

SUBJECT: Public Information Meeting Summary

A Public information Meeting (PIM) was held on June 14, 2022, at 4:30pm as part of the regularly scheduled Village of Estero Planning Zoning & Design Board (PZDB) meeting located at Village Hall, 9401 Corkscrew Palms Cir, Estero, Florida.

Attendees:

- PZDB Members
- Staff:
  - Mary Gibbs, AICP, Dir. of Community Development
  - Jim Hart, Development Review Manager
  - Tammy Duran, Deputy Village Clerk
- Ken Gallander, AICP RWA Engineering – Applicant's Agent
- Travis Childers, Pelican Sound Golf & River Club – Applicant's Rep.
- Members of the public and other agenda item representatives.

Summary (Agenda item started at approximately 5:45 pm):

Ms. Gibbs introduced the agenda item and briefly described the application for the amendment to the Pelican Sound Golf & River Club Residential Planned Development. She then introduced Mr. Gallander, the applicant's agent. Mr. Gallander began the item introducing himself and providing an overview of the Planned Development Amendment under review by Village staff. He then provided a brief background of the subject property and further detailed the request of the applicant submitted to the Village. The presentation concluded with Mr. Gallander outlining the process and potential timeline for future hearings before the PZDB and Village Council.

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Questions/Comments Summary:

- Board member inquired about restroom facilities. Mr. Gallander responded that restrooms are provided for within the River Club clubhouse for patrons of the outdoor seating area. With regards to the pickleball facility, a restroom facility exists to the east of the courts, which will be connected by a pathway to the courts.
- Board member stated that related to the proposed location of the pickleball courts along Williams Road, there are existing courts there already. Mr. Gallander acknowledged that there are four courts existing and that through this formal process to amend the PD will help ensure the overall pickleball facility will be fully compliant with the Village regulations.
- Board member inquired of the adjacent uses south of Williams Road. Mr. Gallander indicated that there is a landscaping/nursery use along with single-family detached homes. Board member also emphasized the need to be aware of the single-family across the water from the River Club and the potential concerns of noise impacting them and was the noise analysis conducted across the water. Mr. Gallander confirmed readings were taken across the river. Mr. Gallander also stated that the applicant has taken a proactive approach for public outreach to let neighbors know of the plans for the outdoor entertainments as well as the pickleball facility. No plans for extensive musical groups, but likely simple small speaker system and guitar player and singer are likely the extent of the entertainment. Ms. Gibbs also provided further input and historical perspective concerning the existing condition prohibiting outdoor entertainment, which was adopted due to concerns for the neighbors at that time as well as the existing courts causing noise concerns. She indicated the noise factor still remains an item that needs to be a focus to help ensure the proposed amendments don't create a problem. The public outreach effort is a positive, but still need to be aware of the potential concerns and possible ways to word the condition to help ensure public's concerns are being addressed. Board member suggested looking into "white noise" options (fountains) that may be a method to drown out any other noise generated by the limited outdoor entertainment. Mr. Gallander appreciated that suggestion and perhaps look into it.
- Board member inquired about the hours of play for the pickleball facility. Mr. Gallander responded that since the facility will not be lighted, play is proposed to be restricted from 8am to dusk.
- Board member inquired about the use of the land within the FPL easement. Mr. Gallander confirmed receipt of an executed agreement with FPL to allow the facility within the easement.

Since there were no further questions or comments from the Board, Chairperson Wood opened the floor to public comment. No public comments were offered, and the agenda item was closed.

This agenda item concluded approximately at 6:15 p.m.

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PELICAN SOUND RESIDENTIAL PLANNED DEVELOPMENT (RPD) AMENDMENT

A Major Planned Development Amendment

Project Request Statement

The Pelican Sound RPD is an existing single and multi-family community with supporting accessory uses and amenities including a golf course and clubhouse facilities; tennis/sport court facilities; a River Club and recreational center that includes a restaurant, fitness center, pool, deck area, docks, and boat ramp; open space and preserve areas; and a Golf Maintenance and Storage area to support the golf course and residential accessory uses.

The Pelican Sound planned development is virtually built out and under control by the Pelican Sound Golf & River Club Master HOA. Through the Master HOA's strategic planning and capital improvement process, the residents of Pelican Sound approved the effort to further enhance their community through improving recreational facilities and amenities. To meet the needs of the residents, the Pelican Sound RPD amendment requests the following:

1. Improve and expand existing supporting amenities by providing for pickleball facilities and outdoor entertainment opportunities.

The proposed amendment as outlined above does not change the existing density. As mentioned previously, the planned development is essentially built out. The planned improvements are only to enhance internal Pelican Sound community facilities and recreational/entertainment opportunities to meet the needs of the residents who desire an active lifestyle. All improvements are internal to the project and are for residents and their guests only. No additional trips will be generated, and all improvements will be designed to be consistent and compatible with existing residential uses.

APPLICATION-SPECIFIC REVIEW PROCEDURES AND DECISION STANDARDS

The following provides findings/review criteria as referenced in accordance with SECTION 2-5 of the latest Villages of Estero's Land Development Code adopted (LDC) on January 27, 2021.

A. Whether the applicant has provided, as part of the record of the public hearing(s) on the application, competent substantial evidence that the proposed amendment:

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

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The Pelican Sound RPD, originally approved by Zoning Resolution Number Z-95-077, and as amended through numerous FPAs and ADDs under the Lee County jurisdiction and provided as part of this submittal (Zoning Resolutions and Approvals List), has demonstrated compliance with the Lee Plan, the Lee County Land Development Code, as well as other applicable regulations and ordinances. Please refer to the Village of Estero Comprehensive Plan Compliance section of this narrative below for further summary of compliance.

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

The Pelican Sound RPD, originally approved by Zoning Resolution Number Z-95-077, and as amended through numerous FPAs and ADDs under the Lee County jurisdiction and provided as part of this submittal (Zoning Resolutions and Approvals List), has demonstrated compliance with the Lee County Land Development Code, as well as other applicable regulations and ordinances.

3. Addresses a demonstrated community need;

The proposed additions to the Planned Development stem directly from input by the Pelican Sound residents and Board approval to improve the community's recreational and amenity facilities.

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

Previous approvals of final zoning plans with conditions have been found to be consistent with existing and proposed land uses in the surrounding area. The proposed amendment to the RPD zoning to allow Pickleball facilities as an accessory use is compatible with the existing Pelican Sound RPD residential and recreational uses, but also with surrounding uses that exist or are planned in the area.

Additional Pickleball Facilities:
The proposed additional pickleball facilities are in the designated Primary Golf Maintenance and Storage Area (GMSA) tract on the Master Concept Plan. It is important to note, there are four (4) unfinished pickleball courts on the property. After discussing the proposed petition with staff, it was acknowledged that these courts were commenced without Village zoning approval. It is through this amendment application that the applicant is seeking zoning approval for any existing and proposed pickleball facilities located in the GMSA tract as indicated on the approved MCP provided as part of this submittal.

The current Pelican Sound RPD zoning approval, Resolution Z-13-003, specifically lists those uses limited to the development. Z-13-003 also provides Condition #15, which further

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describes those uses allowed and requirements within the primary GMSA tract. "Recreational facilities, Private on-site" inclusive of "Tennis Sports/Courts" and "Other Similar Recreational Facilities" are not specifically listed under Condition #15 even though they are a use permissible within the overall RPD. To clarify the ability to have "Recreational facilities, Private on-site" throughout the RPD – and specifically the GMSA tract, the applicant is proposing to amend Condition #15 provided as part of this submittal (Pelican Sound RPD Conditions Amended). The proposed language is to specifically identify "Pickleball facilities" as an allowable use consistent with the proposed amended Schedule of Uses provided as part of this submittal and in accordance with LDC Section 3-702 and Section 4-201.

The GMSA tract is located at the far southcentral portion of the Pelican Sound RPD. The pickleball facilities are planned for the western portion of the GMSA tract under the existing FPL easement. An agreement to locate the courts within the easement has been obtained from FPL (Exhibit 1). Parking will also be provided to support the courts. A deviation is being sought to provide golf cart parking and bicycle racks in lieu of automobile parking. Within the surrounding vicinity of the GMSA tract, there are limited existing uses and development. Table 1 provides description of the existing uses and current zoning district surrounding the GMSA tract.

Table 1: Surrounding Zoning and Land Use from the GMSA Tract

	Zoning District	Existing Uses/Notes
NORTH	Pelican Sound RPD	Golf Course
SOUTH	AG-2; RS-2; and RS-1	Williams Road Right-of-Way (60'+ width); Essential Service Facility (Lee County Mosquito Control District); Commercial – Landscape/Nursery; Single Family Residential; and Vacant Land
EAST	Pelican Sound RPD	Sound Way Right-of-Way (Private) and Golf Course
WEST	Pelican Sound RPD	Vacant; Open Space; and Golf Course

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The uses to the north, east, and west of the GMSA tract are internal to the RPD and are compatible with the pickleball facility use desired. An existing 15-foot-wide buffer is provided, enhanced per Deviation #18 and consistent with the following conditional language per Condition #15 along the south side of the GMSA tract:

1) Three native trees with a 12-foot, 3.5-inch caliper at 1-foot above grade and a 6-foot spread;

2) Ten Sabal palms with a minimum 12-foot clear trunk, planted with staggered heights in clusters of 3 to 6 palms, installed 4 to 8 feet on center;

3) Continuous double staggered native shrub hedge, minimum 3-gallon container size with a 24-inch height, installed 3-foot on center and maintained at a minimum 4-foot height;

4) Retain the existing, single row buttonwood hedge (4-foot on center) and maintain at a minimum 10-foot in height (if the buttonwood need to be replaced, then native shrubs with be installed 4-foot on center with a minimum 7-gallon container size with a 48-inch height maintained at a minimum 10-foot height).

Along with this enhanced buffer in place, the applicant is providing specialized acoustic sound buffering material (Figure 3 on page 8) and requiring the equipment used to be "quiet" or "Green Zone approved" to reduce the sound generated by the sport per the amended Condition #15 language. See attached Exhibit 2 providing further information describing the sound proofing efforts to reduce or eliminate potential noise concerns associated with pickleball facilities.

Additionally, a Noise Impact Study for the pickleball courts has been conducted and included within this report (Exhibit 3). In accordance with Ordinance No. 2019-20 – which regulates noise control within the Village of Estero, the pickleball courts do not exceed the acceptable dbA limit. The information below indicates the acceptable levels of sound with regard to receiving land use as indicated in Ordinance 2019-20 and also LDC Sec. 12-95:

Land Use Category	**Time**	**Sound Level Limit dBA**
Residential, public space, or agricultural	7:00 a.m.—10:00 p.m.	66
	10:00 p.m.—7:00 a.m.	55
Commercial or business	7:00 a.m.—10:00 p.m.	72
	10:00 p.m.—7:00 a.m.	65
Manufacturing or industrial	At all times	75

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(1) *"For any source of impulsive sound which is of short duration with an abrupt onset, the maximum sound level limits set forth in Table 1 shall be increased by ten dBA from 7:00 a.m. to 10:00 p.m."*

The table below depicts the information within the Noise Impact Study which shows the sound levels monitored directly at the location of the proposed pickleball courts:

Proposed Pickleball Courts		
Weekday	**Peak (dbA)**	**Average (dbA)**
24-hours (2/3/22 5:00 PM – 2/4/22 5:00 PM)	78.1	50.8
Day (2/4/22 7:00 AM – 10:00 PM)	78.1	54.0
Night (2/3/22 10:00 PM - 2/4/22 7:00 AM)	72.1	45.5
Weekend	**Peak (dbA)**	**Average (dbA)**
24-hours (2/5/22 12:00 AM - 2/6/22 12:00 AM)	77.6	48.7
Day (2/5/22 7:00 AM - 10:00 PM)	77.6	51.9
Night (2/5/22 10:00 PM - 2/6/22 7:00 AM)	71.9	41.9

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The Figure 1 below depicts the dbA levels recorded onsite of the pickleball courts with no Accoustiblok material:

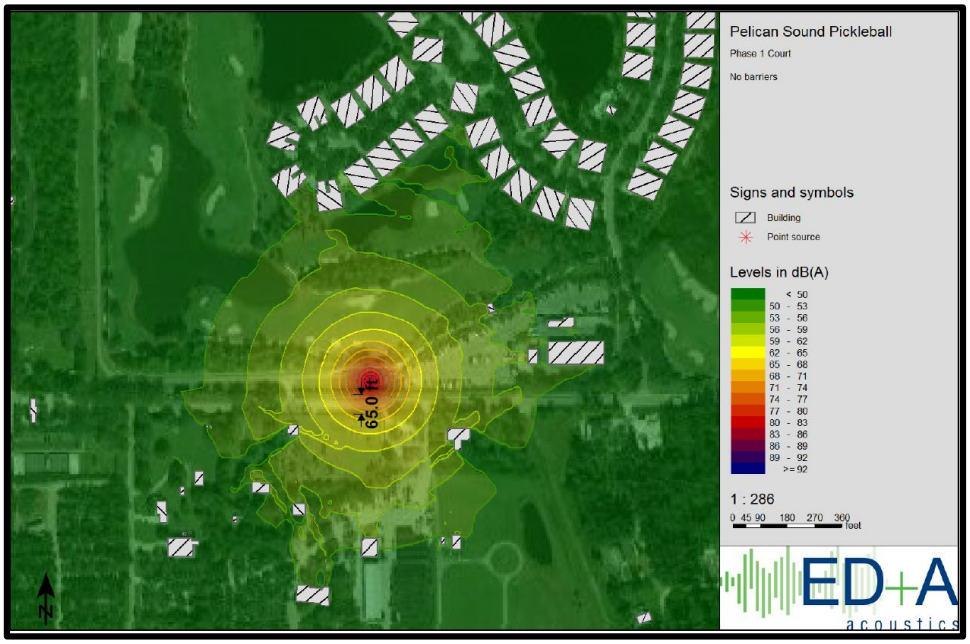

Figure 1: dbA Levels Without Accoustiblok Material

As shown in Figure 1, the max sound level recorded – even within 100', is far less than 70 dbA as indicated by staff. The dbA levels recorded within the residential receiving land use to the south is between 71-74 dbA.

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Figure 2 below depicts the dbA levels recorded onsite of the pickleball courts with AcoustiBlok material:

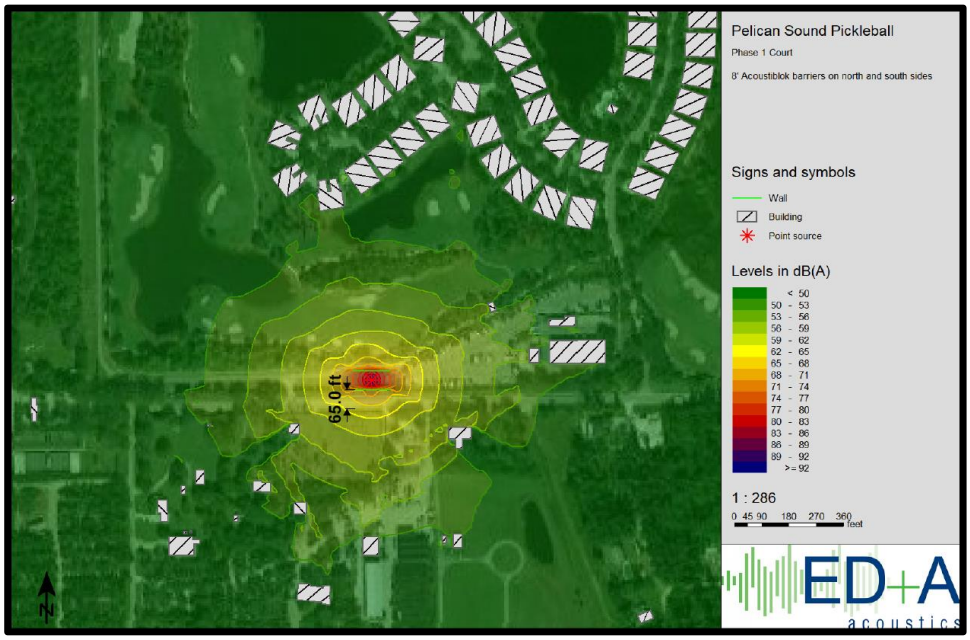

Figure 2: dbA levels with Accoustiblok material

As shown in Figure 2, the max sound level recorded within 100', is no greater than 65 dbA. The dbA levels recorded within the receiving residential land use is between 62-65 dbA.

To help ensure coordination with the neighbors to the south regarding the proposed pickleball facilities, letters were sent to surrounding property owners in October of 2021. These letters are provided as Exhibit 4 to this narrative. To date, the applicant has not received any negative feedback and is continuously cooperating with follow up inquiries about the proposed pickleball facilities.

With the enhanced buffering, the specialized sound proofing, equipment restrictions and the existing artificial lighting conditions, the proposed pickleball facilities are compatible with the surrounding uses to the south, comply with the applicable sound ordinance regulating acceptable sound levels, and will not have any adverse effects with regards to dust, noise, lighting, and odor.

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Figure 3: Example Proposed Pickleball Facility Soundproofing

Condition #12e of Resolution Z-13-003 addresses outdoor entertainment located at the River Club portion of the River Club and River Park tract depicted on detail #1 on Sheet 3 of the approved MCP provided as part of this submittal. The condition prohibits "outdoor entertainment, i.e., live music" at the River Club restaurant location. Pelican Sound property owners and the Master Association have expressed a strong desire to be able to have some live music as part of the outdoor entertainment at this extremely popular amenity location.

The River Club restaurant is supported by an outdoor patio and seating area in conjunction with the pool area seating (Figure 4) with restrictions on alcoholic beverage service per Condition #12f, which states:

f. The serving of alcoholic beverages in conjunction with the outdoor seating at the restaurant is limited to the hours of 7:00 a.m. to 10:00 p.m. Sunday - Thursday and 7:00 a.m. to 12:00 midnight Friday and Saturday.

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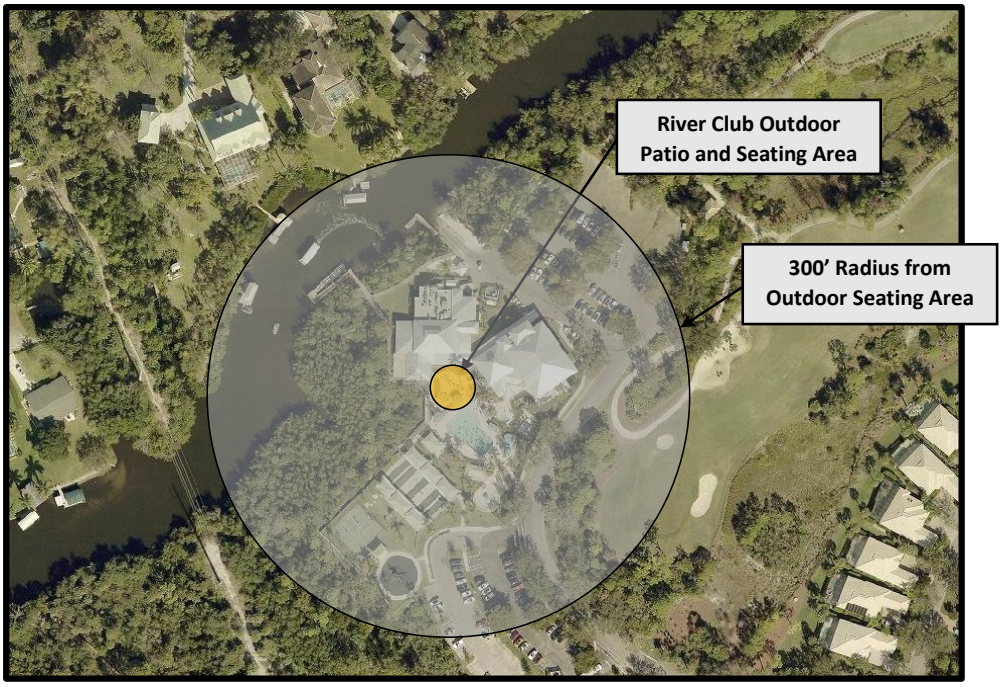

Figure 4: Pelican Sound Golf and River Club Aerial

To address the Pelican Sound ownership's desire to have limited live music outdoor entertainment supporting the popularity of the outdoor seating area, an amendment to Condition #12e is being proposed. The proposed amendment language is as follows:

e. Outdoor entertainment, i.e., live music, is prohibited at the River Club restaurant, <u>except on Thursdays and Saturdays from 5:00 p.m. to 9:00 p.m. or with the issuance of a special event permit from the Village of Estero.</u>

The proposed language provides a limited level of live music and outdoor entertainment at the River Club in conjunction with the alcoholic beverage service timeframe. Alcoholic beverages can be served outdoors a total of 115 hours a week at the River Club. The proposed live music outdoor entertainment timeframe in conjunction with outdoor alcoholic beverage service allowed would be 8 hours a week. Less than 7% of the total alcoholic beverage service time.

The outdoor seating area at the River Club is located and oriented in such a way that it is shielded and screened by the primary club structure and landscape preserve area to the north, east, and west; thus, reducing any potential nuisance to surrounding properties.

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In efforts to maintain good neighbor relationships, multiple letters have been sent to surrounding property owners – once in February 2021 and again in October of 2021, regarding the proposed live music amendment. These letters have been provided as Exhibit 5 to this narrative. To date, the applicant has not received any negative feedback and is continuously cooperating with any such inquiries on the proposed live music request.

Additionally, a Noise Impact study was conducted to the north and west of Pelican Sound Golf and River Cub along the residential streets and Estero River on September 1st and 8th of 2021 (Exhibit 6). The intent was to document and record noise associated with the music playing from speakers that Pelican Sound proposes to use during certain events between the hours of 5PM and 9PM. Ordinance No. 2019-20 enforces noise levels within the Village of Estero. Sound levels were recorded in multiple locations (Figure 5 below) and were all found to be below the respective maximum permissible sound level limit established. As a result, the study concluded that there would be no violation of the Village of Estero Noise Control Ordinance associated with the use of the proposed speakers (Exhibit 7).

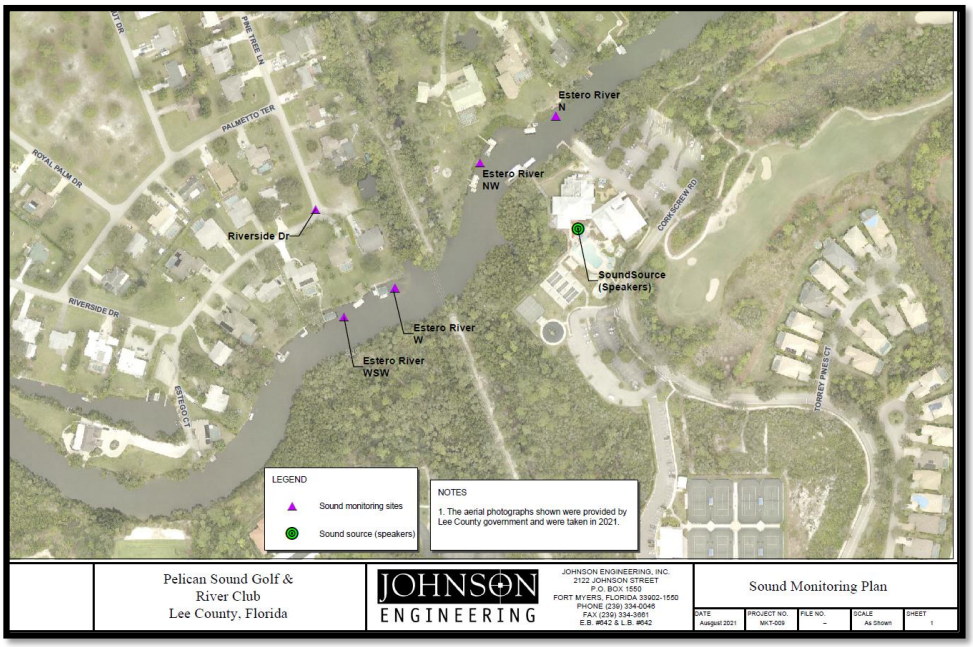

Figure 5: Noise Impact Study Locations

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Pelican Sound continues to be a considerate neighbor and will strictly adhere to the requirements imposed on them. The applicant has demonstrated that the addition of the proposed live entertainment will not create any significant adverse effects to the existing or planned uses beyond which other outdoor entertainment activities can be provided. This has been successfully demonstrated through the results of the Noise Impact Study. Additionally, the applicant has taken the necessary steps to ensure compatibility through limiting the time for live music and outdoor entertainment (during prime dining hours at the River Club from 5 p.m. to 9 p.m. - two days out of the week), sending multiple letters to surrounding neighbors, and constructing the orientation of the outdoor patio area away from surrounding off-site properties.

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

   The Pelican Sound RPD development pattern is established in accordance with the approved Master Concept Plan and subsequent development approvals. The proposed amendment is not altering this logical and orderly development pattern as the River Club amenity area and recreational and support facilities are already existing.

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

   The proposed additional pickleball courts and limited live music and entertainment will not adversely affect the 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 amendment does not propose any further development density or intensity. The level of service to public facilities, access to facilities, and traffic flow management remains sufficient to support the existing planned development.

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**

   Approval of the proposed amendment to the Pelican Sound RPD will not adversely affect environmentally critical areas and natural resources as no improvement is associated with any of these areas as indicated on the approved MCP provided as part of this submittal.

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

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Previous approvals of final zoning plans with conditions have been found to be consistent with existing and proposed land uses in the surrounding area. The proposed amendment to the RPD zoning to allow Pickleball facilities as an accessory use is compatible with the existing Pelican Sound RPD uses, but also with surrounding uses that exist or are planned in the area. Additionally, as outlined in #4 above, the proposed pickleball courts and outdoor music are compatible with the existing and surrounding uses in the area.

B. If the applicant demonstrates that the proposed amendment meets the criteria in subsection A above, whether the current zoning district designation accomplishes a legitimate public purpose.

This condition is not applicable because this is a previously approved private community, and its additions will serve only the residents and its guests.

Village of Estero Comprehensive Plan Compliance:

The approved Pelican Sound RPD is an existing residential development that was found to be in compliance with the Lee County Comprehensive Plan (Lee Plan). The property was approved in 1995 for 1,480 dwelling units. The now 561.8-acre RPD has been amended several times over the years to add lands, add and modify deviations, add and relocate accessory land uses, and modify development standards. The Pelican Sound RPD is now within the jurisdiction of the Village of Estero and guided by the Village's Comprehensive Plan adopted June 13, 2018, and recently amended September 25, 2019.

The Pelican Sound RPD will continue to further the Goals, Objectives, and Policies of the Village's Comprehensive Plan through compliance with the following elements:

FUTURE LAND USE ELEMENT:

The Village of Estero Comprehensive Plan's Future Land Use Map (FLUM) identifies the Pelican Sound planned development, the subject property associated with the amendment request, within the following future land use categories:

- Conservation (Policy FLU-1.2.2)
- Village Neighborhood 1 (Policy FLU-1.2.6)

FLU-1.2.2 CONSERVATION*. The Conservation Lands include uplands and wetlands that are owned and used for long range conservation purposes. Conservation Lands may include such uses as wildlife preserves; wetland and upland mitigation areas and banks; natural resource based parks; ancillary uses for environmental research and education, historic and cultural preservation, and natural resource based parks (such as signage, parking facilities, caretaker quarters, interpretive kiosks, research centers, and quarters and other associated support services); and water conservation lands such as aquifer recharge areas, flow ways, flood prone areas, and well fields.*

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Preserving the integrity of these areas for conservation enhances the aesthetics and quality of life for Village residents and tourists, provides a degree of natural protection against storms and flooding, helps maintain air and water quality, promotes marine and wildlife diversification and productivity and promotes soil stabilization.

FLU 1.2.6 VILLAGE NEIGHBORHOOD 1. *The Village Neighborhood 1 areas are characterized by predominantly residential uses of lower densities with the potential for commercial uses of a minor commercial or neighborhood center scale. Some, but not all, of the requisite infrastructure needed for development is generally planned or in place. These areas were generally designated Rural, Sub-Outlying Suburban, Outlying Suburban, or Suburban in the Village's Transitional Comprehensive Plan. These areas have been developed or planned with existing or emerging residential neighborhoods. Golf courses constitute the predominant open space in many of these neighborhoods, and gross densities range from one dwelling unit per acre (1 du/acre) to four dwelling units per acre (4 du/acre). Village Neighborhood 1 designated areas are either on the fringe of natural resources, or in proximity to urban commercial or transitional mixed-use areas. Examples include Wildcat Run, West Bay Club, The Estates at Estero River, the Brooks and Pelican Landing.*

A. *Uses: Predominant land uses in Village Neighborhood 1 will be lower density residential uses with the potential to allow minor commercial or limited neighborhood center scale commercial, assisted living facilities, public and quasi-public uses, in each case through a public hearing process. Higher densities greater than 4 du/ac, commercial development greater than neighborhood centers, and industrial land uses are not permitted.*

B. *Development type: Future development in this category is encouraged to be developed in a way that maintains and enhances a limited mix of residential unit types (multifamily, townhome, mid-rise, villas, and single family) while accommodating neighborhood oriented commercial uses such as eating places, personal and convenience services, and limited 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.*

C. *Density/Intensity: The standard density range is from one dwelling unit per acre (1du/acre) to four dwelling units per acre (4 du/acre). Bonus densities are not allowed. Commercial development must not exceed 1 FAR and must not exceed neighborhood center criteria of 30,000 – 100,000 square feet as described in Objective FLU-1.5.*

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The Pelican Sound RPD is an existing mixed residential planned development approved under the Lee County Lee Plan with Future Land Use designations of Suburban and Outlying Suburban with a density of less than 3 dwelling units per acre. The proposed amendment is not altering the existing gross land area or impacting any conservation areas. Additionally, it is not proposing uses not already allowed under the RPD zoning. The density remains less than 3 dwelling units per gross residential area, which is consistent with the Policies 1.2.2. and 1.2.6 of the Villages' Comprehensive Plan.

HOUSING ELEMENT:

> ***HOU-1.1.3*** *New development must be compatible with existing residential uses.*
> ***HOU-1.1.4*** *Protect residential neighborhoods from encroachment and detrimental impacts from other more intensive land uses and continue to enforce existing regulations that provide buffering from more intensive uses.*

The proposed amendment to provide for additional recreational development, specifically pickleball facilities within the Primary Golf Maintenance and Storage Area, does not alter the existing conditions of the required buffering along the southern boundary of the overall Pelican Sound development. The additional conditional language proposed, further ensures compatibility with the existing residential uses, thus, consistent with Policy HOU-1.1.3. The proposed pickleball facilities and outdoor entertainment will not be detrimental to the surrounding neighborhoods as demonstrated through the specific conditions, neighborhood outreach efforts and Noise Impact Study Report, and through maintaining the proper required buffering.

RECREATION & OPEN SPACE ELEMENT:

> ***REC-1.6.2*** *Assist existing neighborhoods which seek to create neighborhood parks and/or recreationally useful open space. Assistance can include design guidance and the creation of a municipal service taxing unit.*

The proposed utilization of additional recreational amenities/pickleball facilities is consistent with the objective to assist existing neighborhoods which seek to create neighborhood parks and/or recreationally useful open space. The applicant is seeking the assistance of Village Staff and Village Decision Makers to support the Pelican Sound community's desires for added recreational facilities as proposed under the schedule of uses and conditioned in amended Section B of the approved Planned Development resolution.

Conclusion:

The proposed request, based on the information outlined and referenced above, is consistent with the Village's Comprehensive Plan and implementing standards and regulations established for planned developments provided for in the Land Development Code. The proposed amendment to the approved Planned Development through the conditions described and supporting documentation will not have a negative impact on the surrounding properties or to the overall public's health, safety, and welfare.

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Structure No.: 79M14
Section 32, Township 46S, Range 25E:
Easement No.: W002i0020
Parcel ID:
(Maintained by County Appraiser)

RIGHT-OF-WAY CONSENT AGREEMENT

FLORIDA POWER & LIGHT COMPANY, a Florida corporation, whose mailing address is P.O. Box 14000, Juno Beach, Florida 33408-0420, Attn: Corporate Real Estate Department, hereinafter referred to as **"Company"**, hereby consents to Pelican Sound Golf & River Club, Inc., whose mailing address is 4569 Pelican Sound Blvd., Estero, Florida 33928 hereafter referred to as **"Licensee"**, using an area within Company's right-of-way granted by that certain agreement recorded in Deed Book Book 227 at Page 430, and Public Records of Lee County, Florida. The said area within the Company's right-of- way, hereinafter referred to as **"Lands"**, is more particularly described on **Exhibit "A"** attached hereto. The use of Lands by Licensee shall be solely for the purpose of construction of four (4) pickle ball courts, a dog park with fencing, exercise stations and additional vehicle/boat storage facility with all pavement and concrete installation must be reinforced for FPL vehicles as shown on the plans and specifications submitted by Licensee, attached hereto as **Exhibit "B"**.

In consideration for Company's consent and for the other mutual covenants set forth below, and for Ten Dollars and No Cents ($10.00) and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties hereto agree as follows:

1. Licensee agrees to obtain all necessary rights from the owners of the Lands in the event Licensee does not own said Lands; to obtain any and all applicable federal, state, and local permits required in connection with Licensee's use of the Lands; and at all times, to comply with all requirements of all federal, state, and local laws, ordinances, rules and regulations applicable or pertaining to the use of the Lands by Licensee pursuant to this Agreement.

2. Licensee understands and agrees that the use of the Lands pursuant to this Agreement is subordinate to the rights and interest of Company in and to the Lands and agrees to notify its employees, agents, and contractors accordingly. Company specifically reserves the right to maintain its facilities located on the Lands; to make improvements; add additional facilities; maintain, construct or alter roads; maintain any facilities, devices, or improvements on the Lands which aid in or are necessary to Company's business or operations; and the right to enter upon the Lands at all times for such purposes. Licensee understands that in the exercise of such rights and interest, Company from time-to-time may require Licensee, to relocate, alter, or remove its facilities and equipment, including parking spaces and areas, and other improvements made by Licensee pursuant to this Agreement which interfere with or prevent Company, in its opinion, from properly and safely constructing, improving, and maintaining its facilities. Licensee agrees to relocate, alter, or remove said facilities, equipment, parking spaces and areas, and other improvements within thirty (30) days of receiving notice from Company to do so. Such relocation, alteration, or removal will be made at the sole cost and expense of Licensee and at no cost and expense to Company; provided however, should Licensee, for any reason, fail to make such relocation, alteration, or removal, Company retains the right to enter upon the Lands and make said relocation, alteration, or removal of Licensee's facilities, equipment, parking spaces and areas, and other improvements and Licensee hereby agrees to reimburse Company for all of its costs and expense incurred in connection therewith upon demand.

3. Licensee agrees that it will not use the Lands in any manner which, in the opinion of Company, may tend to interfere with Company's use of the Lands or may tend to cause a hazardous condition to exist. Licensee agrees that no hazardous substance, as the term is defined in Section 101 (14) of the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA") (42 USC Section 9601 [14]),

Form 3740 Rev. 11/02/11

Pelican Sound Golf & River Club

Residential Planned Development (RPD)

PD Amendment

(DCI2021-E003)

VILLAGE COUNCIL MEETING

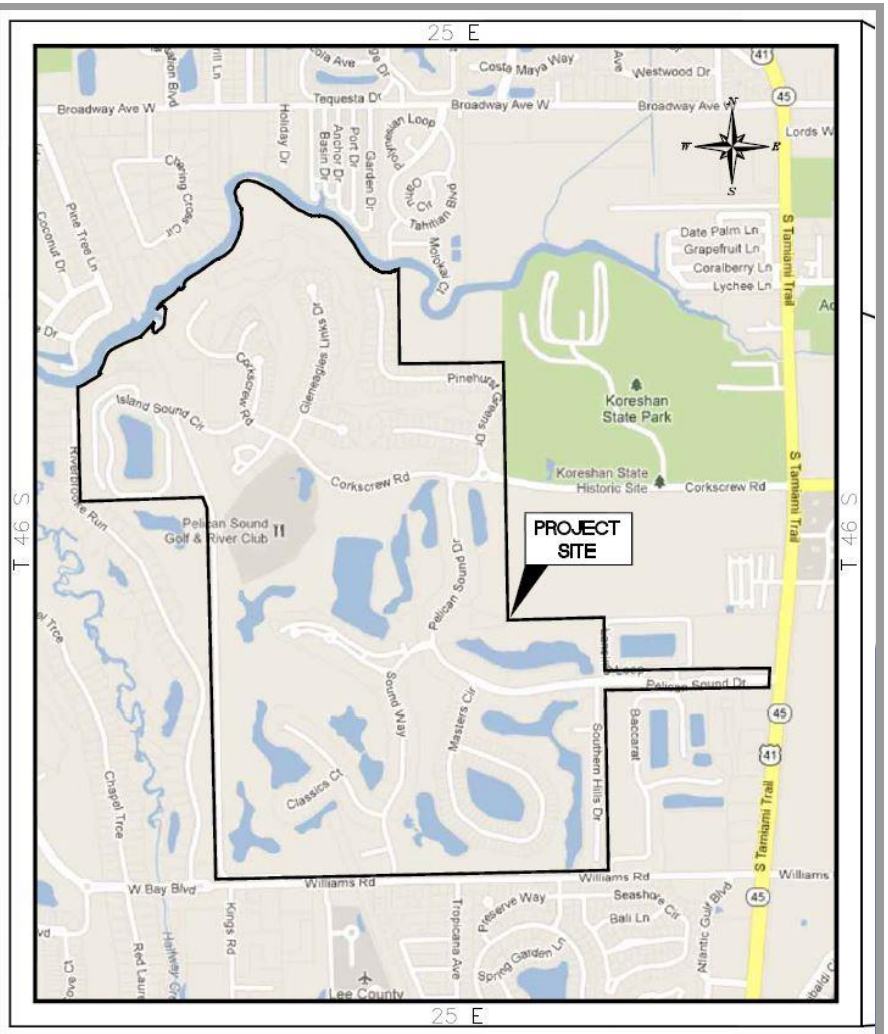
Public Hearing - 2nd Reading

November 2, 2022

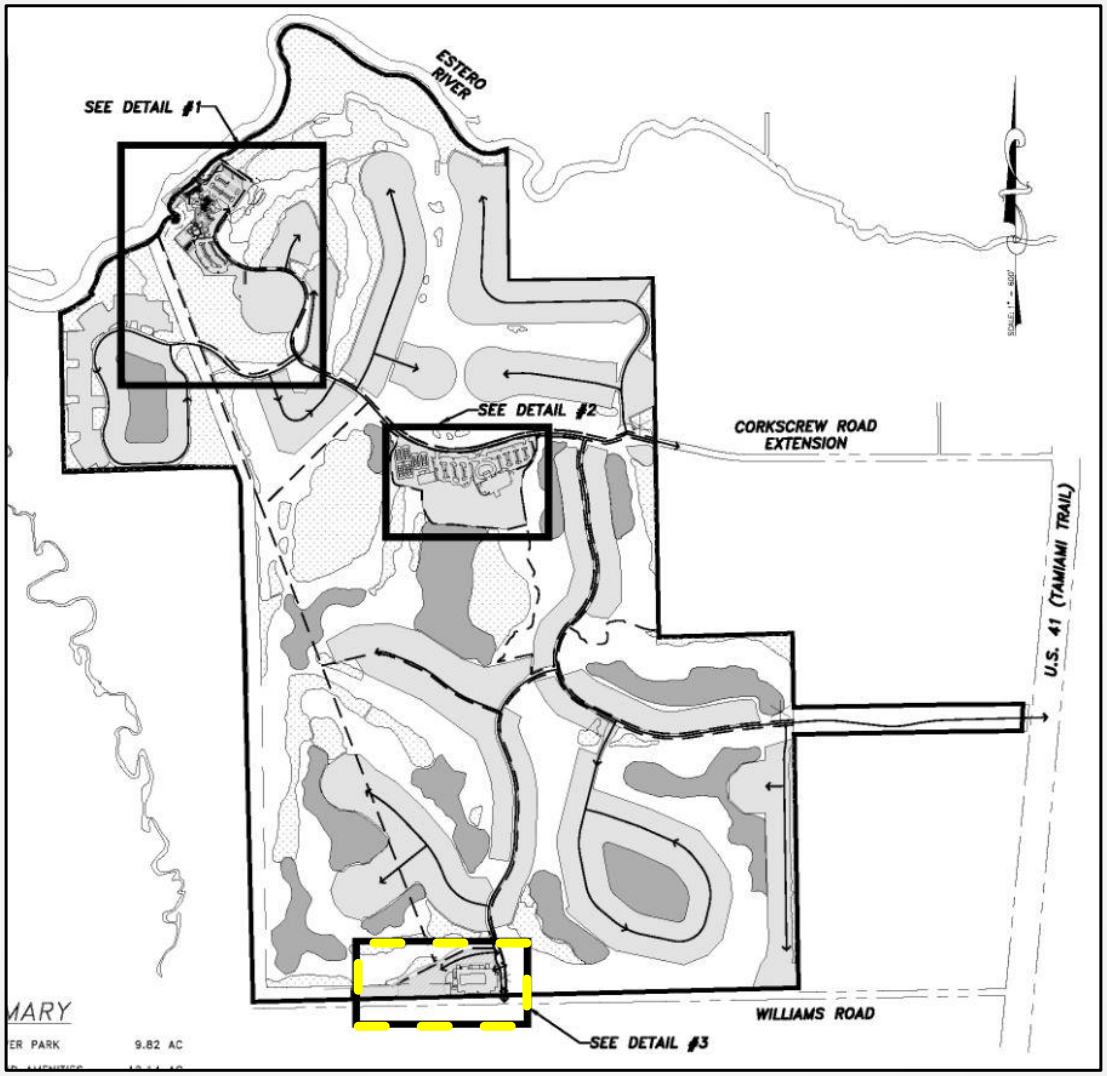
9:30am

Subject Property:

- 562+/- acres
- Zoning:
  - Residential Planned Development (RPD)
    - Res. Z-95-077
    - Max. 1,480 dwelling units
- Existing Use(s):
  - Single-family & Multi-family Residential
  - Supporting Accessory Uses: Golf Course/Clubhouse, Tennis/Pickleball Facilities, River Club & Recreation Center
  - Water Management Systems, Open Space/Preserve Areas.

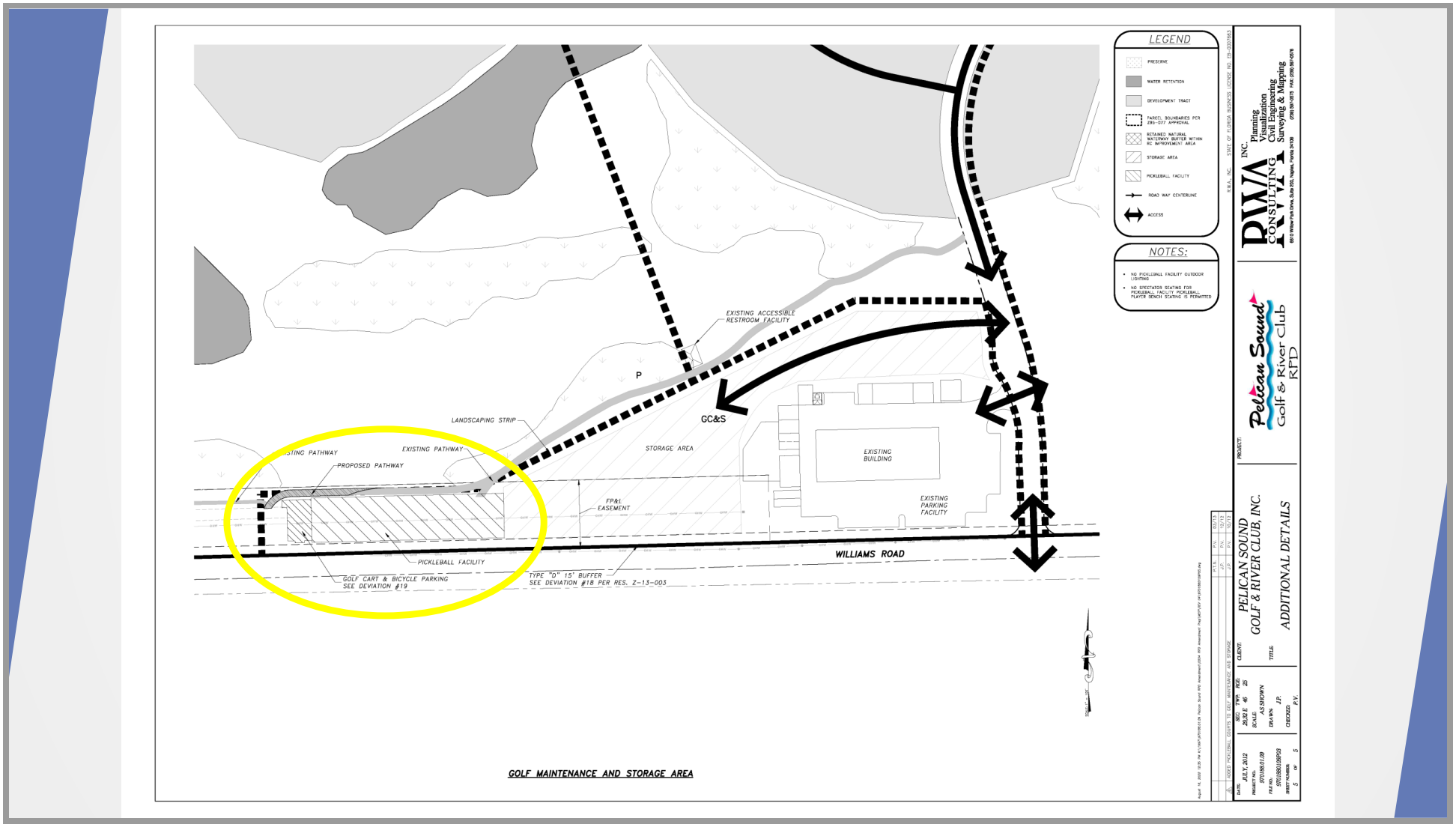


LOCATION MAP


ESTERO RIVER
SEE DETAIL #1
SEE DETAIL #2
CORKSCREW ROAD EXTENSION
U.S. 41 (TAMIAMI TRAIL)
WILLIAMS ROAD
SEE DETAIL #3
MARY
ER PARK
9.82 AC

Request:

- PD Amendment:
  - Improve and expand existing accessory internal community amenities:
    - **Pickleball Facilities**
      - Add Condition #15.f
      - Amend Schedule of Uses


LEGEND
PRESERVE
WATER RETENTION
DEVELOPMENT TRACT
PARCEL BOUNDARIES PER Z93-077 APPROVAL
RETAINED NATURAL WATERWAY BUFFER WITHIN RC IMPROVEMENT AREA
STORAGE AREA
PICKLEBALL FACILITY
ROAD WAY CENTERLINE
ACCESS
NOTES:
NO PICKLEBALL FACILITY OUTDOOR LIGHTING
NO SPECTATOR SEATING FOR PICKLEBALL FACILITY PICKLEBALL PLAYER BENCH SEATING IS PERMITTED
EXISTING ACCESSIBLE RESTROOM FACILITY
P
GC&S
LANDSCAPING STRIP
EXISTING PATHWAY
PROPOSED PATHWAY
STORAGE AREA
EXISTING BUILDING
EXISTING PARKING FACILITY
FP&L EASEMENT
WILLIAMS ROAD
PICKLEBALL FACILITY
GOLF CART & BICYCLE PARKING SEE DEVIATION #19
TYPE "D" 15' BUFFER SEE DEVIATION #18 PER RES. Z-13-003
GOLF MAINTENANCE AND STORAGE AREA
RWA, INC.
Planning
Visualization
Civil Engineering
Surveying & Mapping
PROJECT:
Pelican Sound
Golf & River Club
RPD
CLIENT:
PELICAN SOUND
GOLF & RIVER CLUB, INC.
TITLE:
ADDITIONAL DETAILS
DATE: JULY, 2012
PROJECT NO.: 9701(98.01).09
FILE NO.: 0701(98)01(09)03
SHEET NUMBER: 5 OF 5
SCALE: AS SHOWN
DRAWN: J.P.
CHECKED: P.V.

- **Pickleball Facilities**
  - Maintain enhanced buffering
  - Specialized sound abatement
  - Limits to hours – 8am to Dusk
  - Equipment Restrictions
  - Outdoor Lighting Restrictions
  - Golf cart parking per Deviation #19
  - Noise Ordinance Compliance
  - Property owner notice & noise mitigation plan
  - Amend Schedule of Uses to add:
    - “Pickleball facilities”

Conclusion:

- Consistent with the Land Development Code.
- Overall Consistency with the Comprehensive Plan.
- Agreement with Staff Report/Recommendation of Approval with conditions.
- Unanimous recommendation of approval by the PZDB.

We respectfully request that the Village Council approve the proposed amendment with conditions.

Questions?

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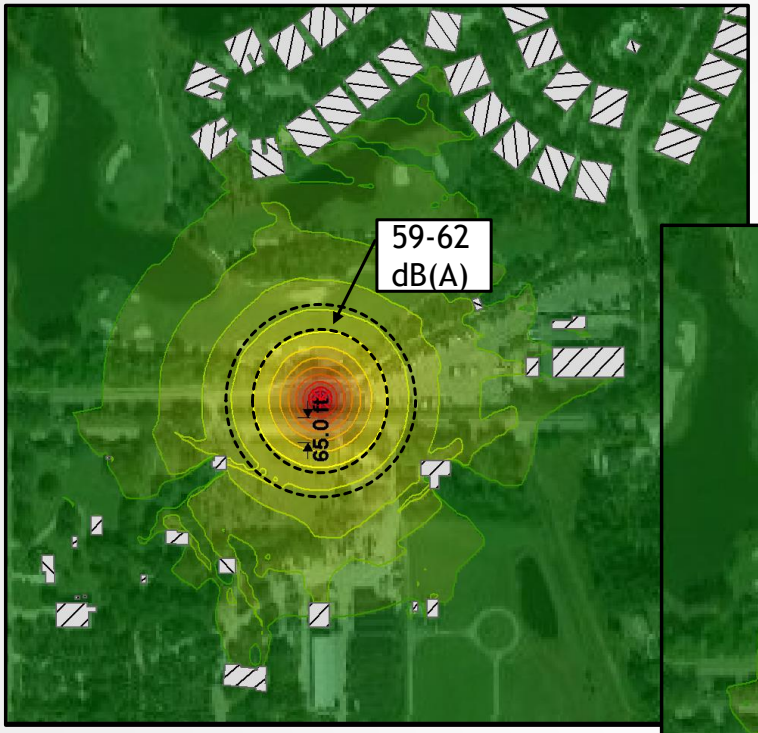
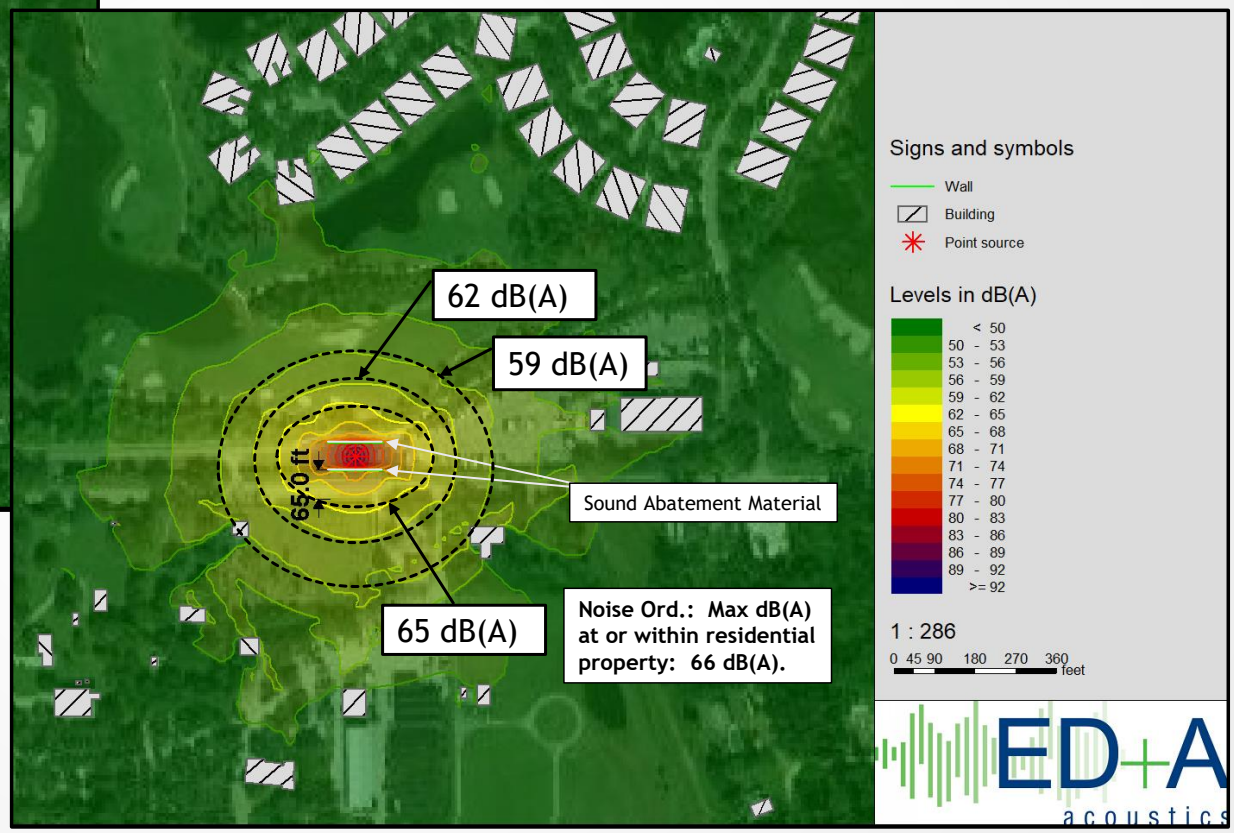


- **No Sound Abatement Material**

- **With Sound Abatement Material**



AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
November 2, 2022

Agenda Item:

Second Reading of Ordinance No. 2022-16, Genova Zoning Amendment.

Motion to adopt Ordinance No. 2022-16.

Background:

See staff report for details.

The Planning, Zoning and Design Board held a public hearing on September 13, 2022 and recommended approval with conditions that are contained in the Council Ordinance. Two letters received at the Planning, Zoning and Design Board are attached.

At the Council First Reading on October 19th, Council Members requested that several items be addressed at the Second Reading and public hearing including:

- Explain why the Plan Concept is changing.
- Does the applicant agree to complete significant construction within 5 years?
- What is the completion date?
- Explain the financial arrangement with the HOAs pertaining to the impact to existing residents with less total units.
- Explain the landscape commitment along Corkscrew Road and the taller trees.
- Will the proposed final phase look like the rest of Genova with quality landscaping?
- Has the project been sold to someone else other than the original developer?

Action Requested:

Motion to adopt Ordinance 2022-16.

Process and Timeline:

- Public Information Meeting September 28, 2021
- Workshop April 12, 2022
- Planning, Zoning and Design Board Hearing September 13, 2022
- Council First Reading October 19, 2022
- Council Second Reading and Public Hearing November 2, 2022

Financial Impact:

Minor cost for newspaper advertisement for second reading

Prepared by: Mary Gibbs

Attachments:

1. Ordinance No. 2022-16
2. Letters Received at Planning, Zoning and Design Board Meeting
3. Staff Report

VILLAGE OF ESTERO, FLORIDA
ZONING
ORDINANCE NO. 2022 - 16

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, AMENDING THE ESTERO PLANNED DEVELOPMENT ZONING ADOPTED BY ORDINANCE 2016-08 FOR "GENOVA", FOR A 3.6-ACRE PROPERTY PARCEL WITHIN THE GENOVA EPD AT THE SOUTHEAST CORNER OF CORKSCREW ROAD AND VIA COCONUT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, **Genova Partners LLC** represented by Pavese Law Firm (the "Applicant") filed an application for an amendment to the Estero Planned Development zoning for "Genova" which was adopted by Ordinance 2016-08, as amended, for the unbuilt portion of the Genova EPD; and

WHEREAS, the property STRAP numbers for the unbuilt property ("Project") are 34-46-25-E1-23000.0010 and 34-46-25-E1-23000.0020 and the unbuilt property is legally described in Exhibit A; and

WHEREAS, at a duly noticed public hearing held on September 13, 2022, the Planning, Zoning, and Design Board recommended approval with conditions of the zoning amendment; and

WHEREAS, a duly noticed first reading on the zoning amendment was held before the Village Council on October 19, 2022; and

WHEREAS, a duly noticed second reading and public hearing on the zoning amendment was held before the Village Council on November 2, 2022 for adoption of the Ordinance.

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

Section 1. Rezoning.

The Village Council approves the zoning amendment to the Genova EPD for the Property, subject to the following conditions.

Section 2. Conditions.

1. Master Concept Plan
Development of this Project (Final Phase of Genova) must be consistent with the Master Concept Plan for "Genova" by Peninsula Engineering, stamped Received August 18, 2022, and incorporated as Exhibit B.

2. Project Maximum Units and Building Height
The Project is approved for 31 residential units (20 single family villas and 11 townhomes) with a maximum height of 35 feet and two stories.

3. Uses and Site Development Regulations
The approved uses and site development regulations for the Project are listed on the attached Exhibit D.

4. Pattern Book
Condition 12 of Ordinance 2016-08 is supplemented by the following condition: Notwithstanding, development of the Final Phase of Genova must be in substantial compliance with the "Genova Supplemental Pattern Book" dated July 15, 2022, and incorporated as Exhibit C.

Buffers for the Final Phase of Genova are as shown on the Master Concept Plan stamped received August 18, 2022 and in the Genova Supplemental Pattern Book. The hedge along Corkscrew Road will be 5 feet tall at time of planting and will be planted in front of the fence. The buffer will be enhanced with 11 Shady Ladies that are 18 feet tall at time of planting.

Details of the linear park will be provided at time of development order.

5. Prior Conditions of Ordinance 2016-08
The conditions and deviations of Ordinance 2016-08 remain in full force and effect except as modified herein by the conditions for the Final Phase of Genova.

6. The following items will be reviewed at time of development order:

   A. Solid waste
   B. Fire hydrants, auto turn analysis
   C. Electric gate, emergency exit, transit
   D. Final gate design
   E. Construction Traffic Plan and Staging Area Plan

7. The pocket park/bus stop area shown in the original Pattern Book shall be deleted and must be replaced by an area of equivalent size and amenities, subject to staff and PZDB approval.

8. There must be active pursuit of the Project, and significant construction of this Final Phase of Genova must be completed no later than 5 years of the date of approval of the development order. Significant construction will include the linear park and amenities, as well as 50% of the Final Phase residential buildings.

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 the application is consistent with the general criteria of the Estero Planned Development Zoning District as follows:

a. Goals: Different housing types will create variety which is a goal of the Village Center.

b. Reasonable Standards: The applicant has used physical form and the relationship of the building with the landscaping and public space to meet the Village Center goals.

c. Accessibility: The linear park/sidewalk area will provide an improved and accessible public space.

d. Streets: There is a connection to the existing street network and Corkscrew Road.

e. Street Design: Pedestrian connection is provided to Corkscrew Road to improve connectivity and walkability.

f. Lots and Blocks: The linear site does not allow for a standard grid lot and block layout but does provide hidden parking.

g. The Visual Edge: A visual edge is created by the landscaping and linear park/sidewalk along Corkscrew Road.

h. Architecture: The building design and colors are consistent with the Village architectural standards, and similar to the colors of existing Genova buildings. The architecture, while not the same as the existing buildings, is complementary to the design and of high quality.

i. Quality of Buildings: Concrete block construction is proposed.

Section 4. **Exhibits**

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

Exhibit A	Legal Description
Exhibit B	Master Concept Plan, dated August 18, 2022
Exhibit C	Genova Supplemental Pattern Book, dated July 15, 2022
Exhibit D	Schedule of Uses and Property Development Regulations

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 6. **Effective Date.**

This Ordinance shall take effect upon adoption at second reading.

PASSED on first reading this 19th day of October, 2022.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this 2nd day of November, 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	____	____

PENINSULA ENGINEERING

Part of Section 34, Township 46 South, Range 25 East,
Lee County, Florida
(Genova 3 Land Condominium)

All that Part of Section 34, Township 46 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

COMMENCING at the Northwest corner of Section 34, Township 46 South, Range 25 East, Lee County, Florida;
Thence along the West line of said Section 34, South 01º10'57" West 1,353.37 feet to a point of intersection with the centerline of Corkscrew Road as recorded in FDOT Map Section 12640-2601;
Thence along said centerline, North 89º38'03" East 663.00 feet;
Thence leaving said centerline, South 01º09'27" East 40.00 feet to the Northeast corner of Genova Three, a Condominium, as recorded in Instrument #2020000240688, Public Records of Lee County, Florida, also being the POINT OF BEGINNING;
Thence along the boundary of said Genova Three, in the following described courses:

1. South 01°09'27" East, 303.84 feet;
2. South 88°50'33" West, 197.17 feet;
3. North 01°09'27" West, 75.97 feet;
4. Northwesterly, 57.64 feet along a curve to the left having a radius of 67.00 feet and a central angle of 49°17'27", being subtended by a chord which bears North 25°48'10" West 55.88 feet;
5. North 50°26'54" West, 35.82 feet;

Thence leaving said boundary, Westerly,94.64 feet along a non tangent curve to the left having a radius of 65.67 feet, and a central angle of 82°34'02", being subtended by a chord which bears South 88°50'33" West 86.66 feet to a point on the boundary of said Genova Three;
Thence along said boundary in the following described courses:

1. South 48°08'00" West, 32.44 feet;
2. Southwesterly, 57.64 feet along a curve to the left having a radius of 67.00 feet and a central angle of 49°17'27", being subtended by a chord which bears South 23°29'16" West 55.88 feet;
3. South 01°09'27" East, 49.51 feet;
4. Southerly, 22.77 feet along a curve to the right having a radius of 103.00 feet and a central angle of 12°39'52", being subtended by a chord which bears South 05°10'29" West 22.72 feet;
5. South 11°30'25" West, 3.01 feet;
6. Southerly, 0.92 feet along a curve to the left having a radius of 147.00 feet and a central angle of 00°21'32", being subtended by a chord which bears South 11°19'39" West 0.92 feet;
7. South 88°49'04" West, 218.75 feet;
8. North 01°10'56" West, 246.51 feet;

2600 Golden Gate Parkway, Naples, Florida, 34105 Office 239.403.6700 Fax 239.261.1797
Fla Engineer CA 28275 Fla Landscape CA LC26000632 Fla Surveyor/Mapper LB8479

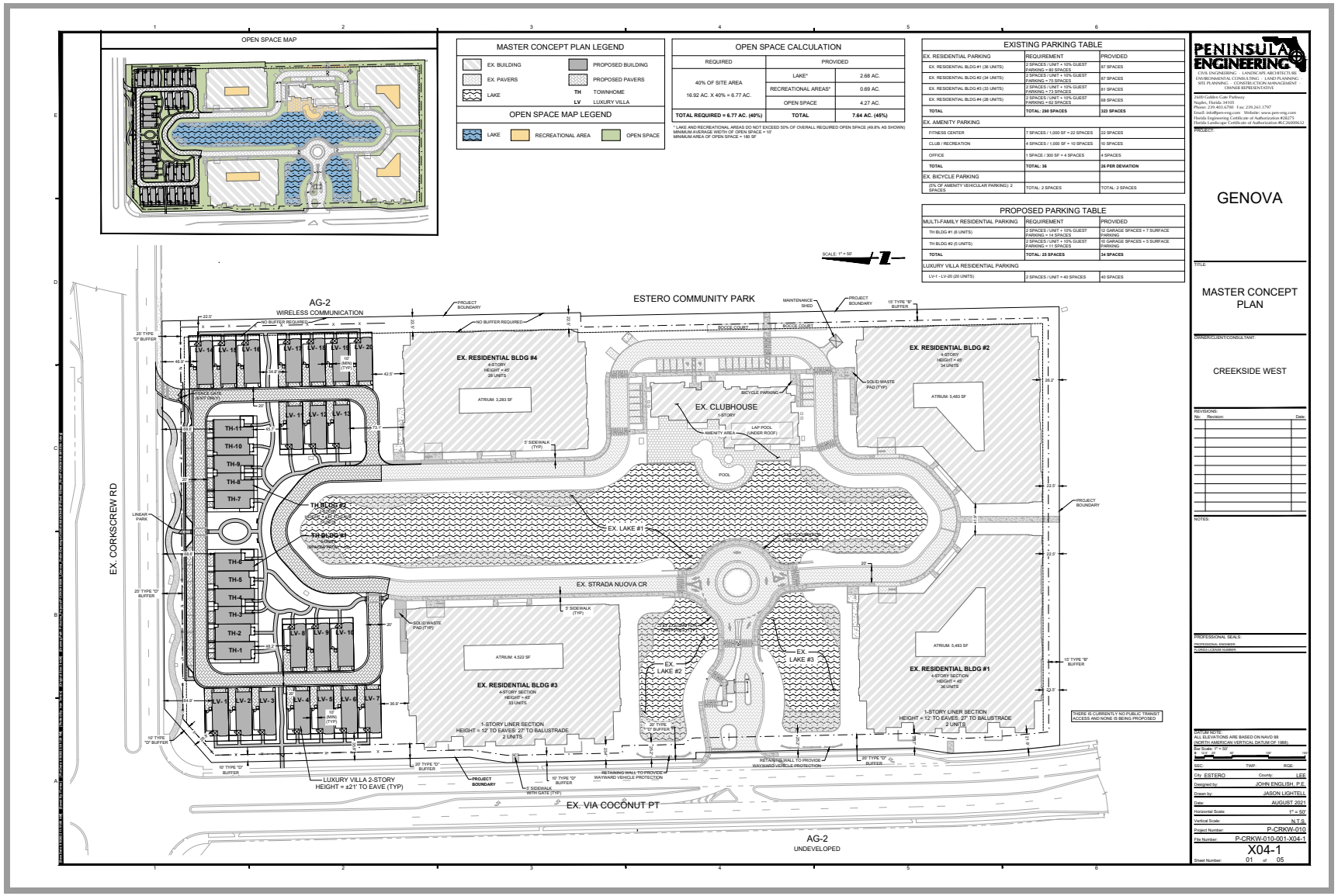
9. North 48°49'04" East, 97.16 feet;
10. North 89°38'03" East, 530.04 feet to the POINT OF BEGINNING.

Containing 3.60 acres, more or less.
Subject to easements and restrictions of record.
Bearings are based on the West line of Section 34 being South 01º10'57" East.

_____ _August 16, 2022__

Lance T. Miller, P.S.M. #LS5627 *DATE*
CERTIFICATE OF AUTHORIZATION #LB-8479
REFERENCE: 2-P-CRKW-010-SK01

2600 Golden Gate Parkway, Naples, Florida, 34105 Office 239.403.6700 Fax 239.261.1797
Fla Engineer CA 28275 **Fla Landscape CA LC26000632** **Fla Surveyor/Mapper LB8479**


OPEN SPACE MAP
MASTER CONCEPT PLAN LEGEND
EX. BUILDING
EX. PAVERS
LAKE
PROPOSED BUILDING
PROPOSED PAVERS
TH TOWNHOME
LV LUXURY VILLA
OPEN SPACE MAP LEGEND
LAKE
RECREATIONAL AREA
OPEN SPACE
OPEN SPACE CALCULATION
REQUIRED
PROVIDED
40% OF SITE AREA
16.92 AC. X 40% = 6.77 AC.
LAKE*
2.68 AC.
RECREATIONAL AREAS*
0.69 AC.
OPEN SPACE
4.27 AC.
TOTAL REQUIRED = 6.77 AC. (40%)
TOTAL
7.64 AC. (45%)
* LAKE AND RECREATIONAL AREAS DO NOT EXCEED 50% OF OVERALL REQUIRED OPEN SPACE (49.8% AS SHOWN)
MINIMUM AVERAGE WIDTH OF OPEN SPACE = 10'
MINIMUM AREA OF OPEN SPACE = 180 SF
EXISTING PARKING TABLE
EX. RESIDENTIAL PARKING
REQUIREMENT
PROVIDED
EX. RESIDENTIAL BLDG #1 (36 UNITS)
2 SPACES / UNIT + 10% GUEST PARKING = 80 SPACES
87 SPACES
EX. RESIDENTIAL BLDG #2 (34 UNITS)
2 SPACES / UNIT + 10% GUEST PARKING = 75 SPACES
87 SPACES
EX. RESIDENTIAL BLDG #3 (33 UNITS)
2 SPACES / UNIT + 10% GUEST PARKING = 73 SPACES
81 SPACES
EX. RESIDENTIAL BLDG #4 (28 UNITS)
2 SPACES / UNIT + 10% GUEST PARKING = 62 SPACES
68 SPACES
TOTAL
TOTAL: 290 SPACES
323 SPACES
EX. AMENITY PARKING
FITNESS CENTER
7 SPACES / 1,000 SF = 22 SPACES
22 SPACES
CLUB / RECREATION
4 SPACES / 1,000 SF = 10 SPACES
10 SPACES
OFFICE
1 SPACE / 300 SF = 4 SPACES
4 SPACES
TOTAL
TOTAL: 36
26 PER DEVIATION
EX. BICYCLE PARKING
(5% OF AMENITY VEHICULAR PARKING): 2 SPACES
TOTAL: 2 SPACES
TOTAL: 2 SPACES
PROPOSED PARKING TABLE
MULTI-FAMILY RESIDENTIAL PARKING
REQUIREMENT
PROVIDED
TH BLDG #1 (6 UNITS)
2 SPACES / UNIT + 10% GUEST PARKING = 14 SPACES
12 GARAGE SPACES + 7 SURFACE PARKING
TH BLDG #2 (5 UNITS)
2 SPACES / UNIT + 10% GUEST PARKING = 11 SPACES
10 GARAGE SPACES + 5 SURFACE PARKING
TOTAL
TOTAL: 25 SPACES
34 SPACES
LUXURY VILLA RESIDENTIAL PARKING
LV-1 - LV-20 (20 UNITS)
2 SPACES / UNIT = 40 SPACES
40 SPACES
SCALE: 1" = 50'
AG-2
WIRELESS COMMUNICATION
ESTERO COMMUNITY PARK
EX. RESIDENTIAL BLDG #4
4-STORY
HEIGHT = 45'
28 UNITS
ATRIUM: 3,283 SF
EX. CLUBHOUSE
1-STORY
LAP POOL (UNDER ROOF)
POOL
EX. RESIDENTIAL BLDG #2
4-STORY
HEIGHT = 45'
34 UNITS
ATRIUM: 5,483 SF
TH BLDG #2
TH BLDG #1
EX. LAKE #1
EX. STRADA NUOVA CR
EX. CORKSCREW RD
ATRIUM: 4,523 SF
EX. RESIDENTIAL BLDG #3
4-STORY SECTION
HEIGHT = 45'
33 UNITS
1-STORY LINER SECTION
HEIGHT = 12' TO EAVES: 27' TO BALUSTRADE
2 UNITS
EX. LAKE #2
EX. LAKE #3
EX. RESIDENTIAL BLDG #1
4-STORY SECTION
HEIGHT = 45'
36 UNITS
ATRIUM: 5,483 SF
1-STORY LINER SECTION
HEIGHT = 12' TO EAVES: 27' TO BALUSTRADE
2 UNITS
THERE IS CURRENTLY NO PUBLIC TRANSIT ACCESS AND NONE IS BEING PROPOSED
LUXURY VILLA 2-STORY
HEIGHT = ±21' TO EAVE (TYP)
EX. VIA COCONUT PT
AG-2
UNDEVELOPED
PENINSULA ENGINEERING
CIVIL ENGINEERING · LANDSCAPE ARCHITECTURE
ENVIRONMENTAL CONSULTING · LAND PLANNING
SITE PLANNING · CONSTRUCTION MANAGEMENT
OWNER REPRESENTATIVE
3600 Golden Gate Parkway
Naples, Florida 34105
Phone: 239.403.6700 Fax: 239.263.1797
Email: info@pen-eng.com Website: www.pen-eng.com
Florida Engineering Certificate of Authorization #28275
Florida Landscape Certificate of Authorization #LC26000632
PROJECT:
GENOVA
TITLE:
MASTER CONCEPT PLAN
OWNER/CLIENT/CONSULTANT:
CREEKSIDE WEST
REVISIONS:
No. Revision: Date:
NOTES:
PROFESSIONAL SEALS:
PROFESSIONAL ENGINEER:
FLORIDA LICENSE NUMBER:
DATUM NOTE:
ALL ELEVATIONS ARE BASED ON NAVD 88
(NORTH AMERICAN VERTICAL DATUM OF 1988).
Bar Scale: 1" = 50'
SEC: TWP: RGE:
City: ESTERO County: LEE
Designed by: JOHN ENGLISH, P.E.
Drawn by: JASON LIGHTELL
Date: AUGUST 2021
Horizontal Scale: 1" = 50'
Vertical Scale: N.T.S.
Project Number: P-CRKW-010
File Number: P-CRKW-010-001-X04-1
Sheet Number: X04-1
01 of 05

GENOVA

Coconut Point

SUPPLEMENTAL PATTERN BOOK

July 15, 2022

BARRON COLLIER COMPANIES

A LEGACY OF VISION

CC HOMES

A CODINA+CARR COMPANY

Proposed Genova Master Concept Plan

OPEN SPACE MAP

MASTER CONCEPT PLAN LEGEND			
EX. BUILDING		PROPOSED BUILDING	
EX. PAVERS		PROPOSED PAVERS	
LAKE		TH	TOWNHOME
		LV	LUXURY VILLA

OPEN SPACE MAP LEGEND		
LAKE	RECREATIONAL AREA	OPEN SPACE

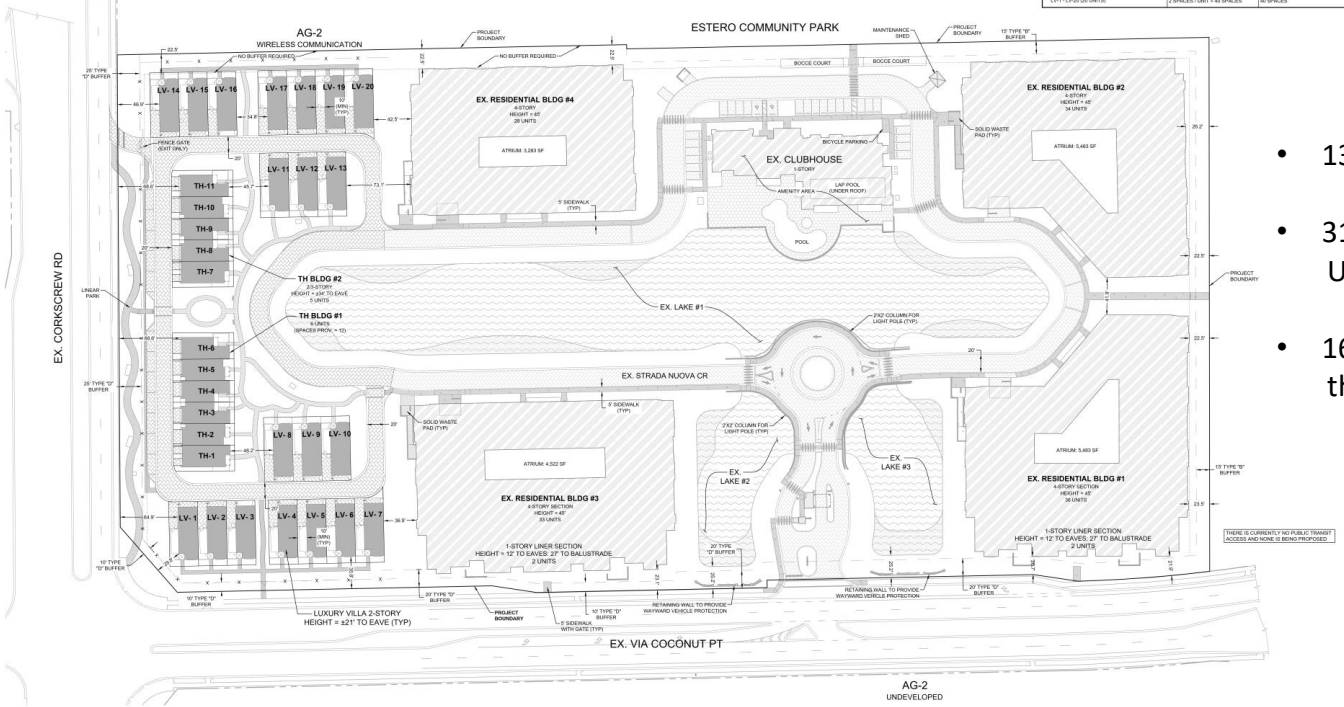
OPEN SPACE CALCULATION		
REQUIRED	PROVIDED	
40% OF SITE AREA 16.92 AC. X 40% = 6.77 AC.	LAKE*	2.68 AC.
	RECREATIONAL AREAS*	0.69 AC.
	OPEN SPACE	4.27 AC.
TOTAL REQUIRED = 6.77 AC. (40%)	**TOTAL**	**7.64 AC. (45%)**

* LAKE AND RECREATIONAL AREAS DO NOT EXCEED 50% OF OVERALL REQUIRED OPEN SPACE (49.6% AS SHOWN)
MINIMUM AVERAGE WIDTH OF OPEN SPACE = 15'
MINIMUM AREA OF OPEN SPACE = 180 SF

EXISTING PARKING TABLE		
EX. RESIDENTIAL PARKING	REQUIREMENT	PROVIDED
EX. RESIDENTIAL BLDG #1 (36 UNITS)	2 SPACES / UNIT + 10% GUEST PARKING = 80 SPACES	67 SPACES
EX. RESIDENTIAL BLDG #2 (34 UNITS)	2 SPACES / UNIT + 10% GUEST PARKING = 75 SPACES	67 SPACES
EX. RESIDENTIAL BLDG #3 (33 UNITS)	2 SPACES / UNIT + 10% GUEST PARKING = 73 SPACES	61 SPACES
EX. RESIDENTIAL BLDG #4 (28 UNITS)	2 SPACES / UNIT + 10% GUEST PARKING = 62 SPACES	68 SPACES
TOTAL	**TOTAL: 290 SPACES**	**323 SPACES**
EX. AMENITY PARKING		
FITNESS CENTER	7 SPACES / 1,000 SF = 22 SPACES	22 SPACES
CLUB / RECREATION	4 SPACES / 1,000 SF = 10 SPACES	10 SPACES
OFFICE	1 SPACE / 300 SF = 4 SPACES	4 SPACES
TOTAL	**TOTAL: 36**	**26 PER DEVIATION**
EX. BICYCLE PARKING		
(5% OF AMENITY VEHICULAR PARKING): 2 SPACES	TOTAL: 2 SPACES	TOTAL: 2 SPACES

PROPOSED PARKING TABLE		
MULTI-FAMILY RESIDENTIAL PARKING	REQUIREMENT	PROVIDED
TH BLDG #1 (8 UNITS)	2 SPACES / UNIT + 10% GUEST PARKING = 18 SPACES	12 GARAGE SPACES + 7 SURFACE PARKING
TH BLDG #2 (5 UNITS)	2 SPACES / UNIT + 10% GUEST PARKING = 11 SPACES	10 GARAGE SPACES + 5 SURFACE PARKING
TOTAL	**TOTAL: 25 SPACES**	**34 SPACES**
LUXURY VILLA RESIDENTIAL PARKING		
LV-1 - LV-20 (20 UNITS)	2 SPACES / UNIT = 40 SPACES	40 SPACES

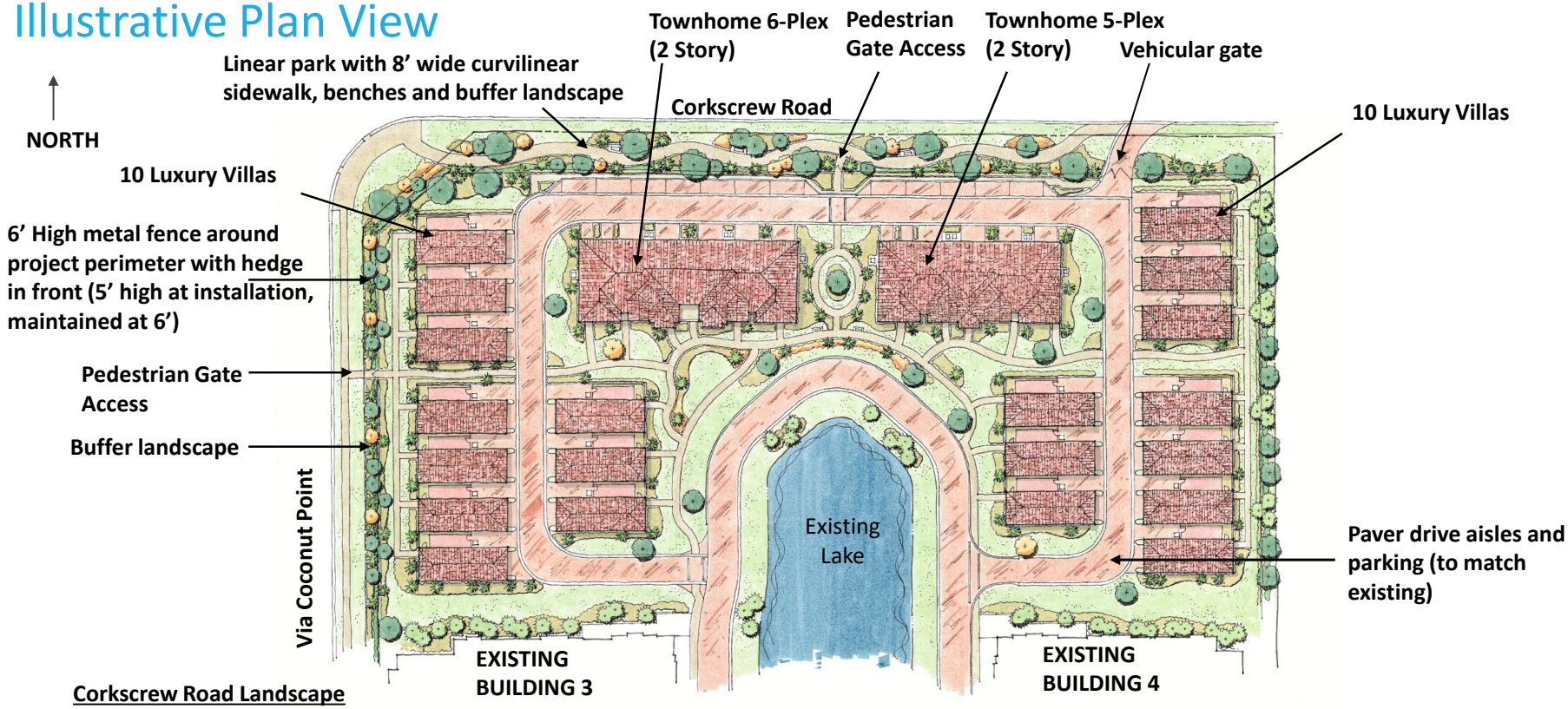
SCALE: 1" = 50'



- 131 Current Genova Units
- 31 Townhomes / Luxury Villa Units Proposed (11 TH, 20 LV)
- 162 Total Units Proposed for the Project versus 205 units approved

2

Illustrative Plan View



Corkscrew Road Landscape

- Code minimum requirement of 1 tree 20' on center plus double staggered row of shrubs at 3' on center
- May be enhanced where space allows with more trees and accent understory plantings
- Shady Lady Black Olive, Silver Buttonwood, Montgomery Palm
- Eleven (11) Shady Lady Black Olive trees will be planted at 18' height to accelerate a mature urban look.

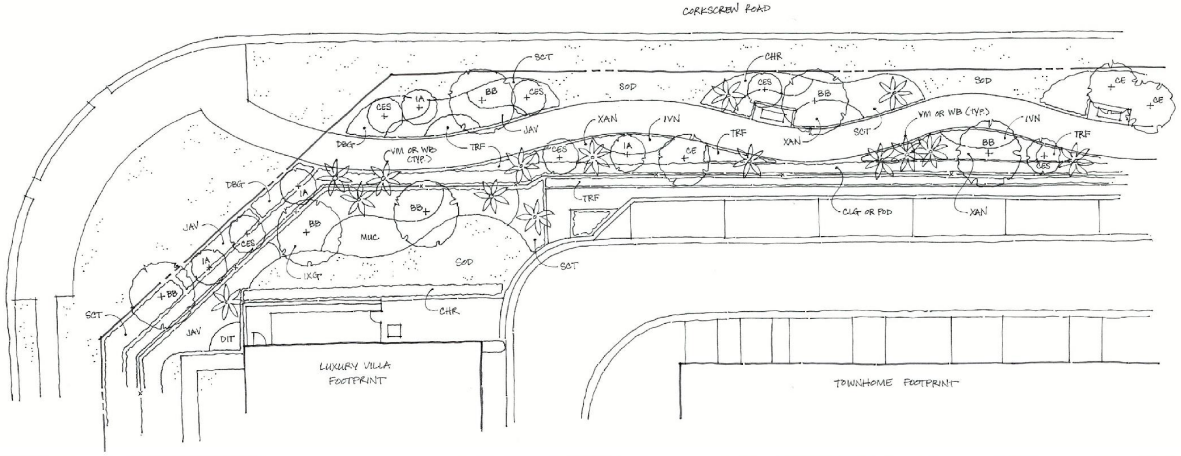
Via Coconut Point Landscape

- Code minimum requirement of 1 tree 20' on center plus double staggered row of shrubs at 3' on center
- May be enhanced where space allows with more trees and accent understory plantings
- Silver Buttonwood, Eagleston Holly, Montgomery Palm

3

Note: The following illustrative sketches and architectural perspective renderings are conceptual in nature and subject to change at time of final design and permitting.

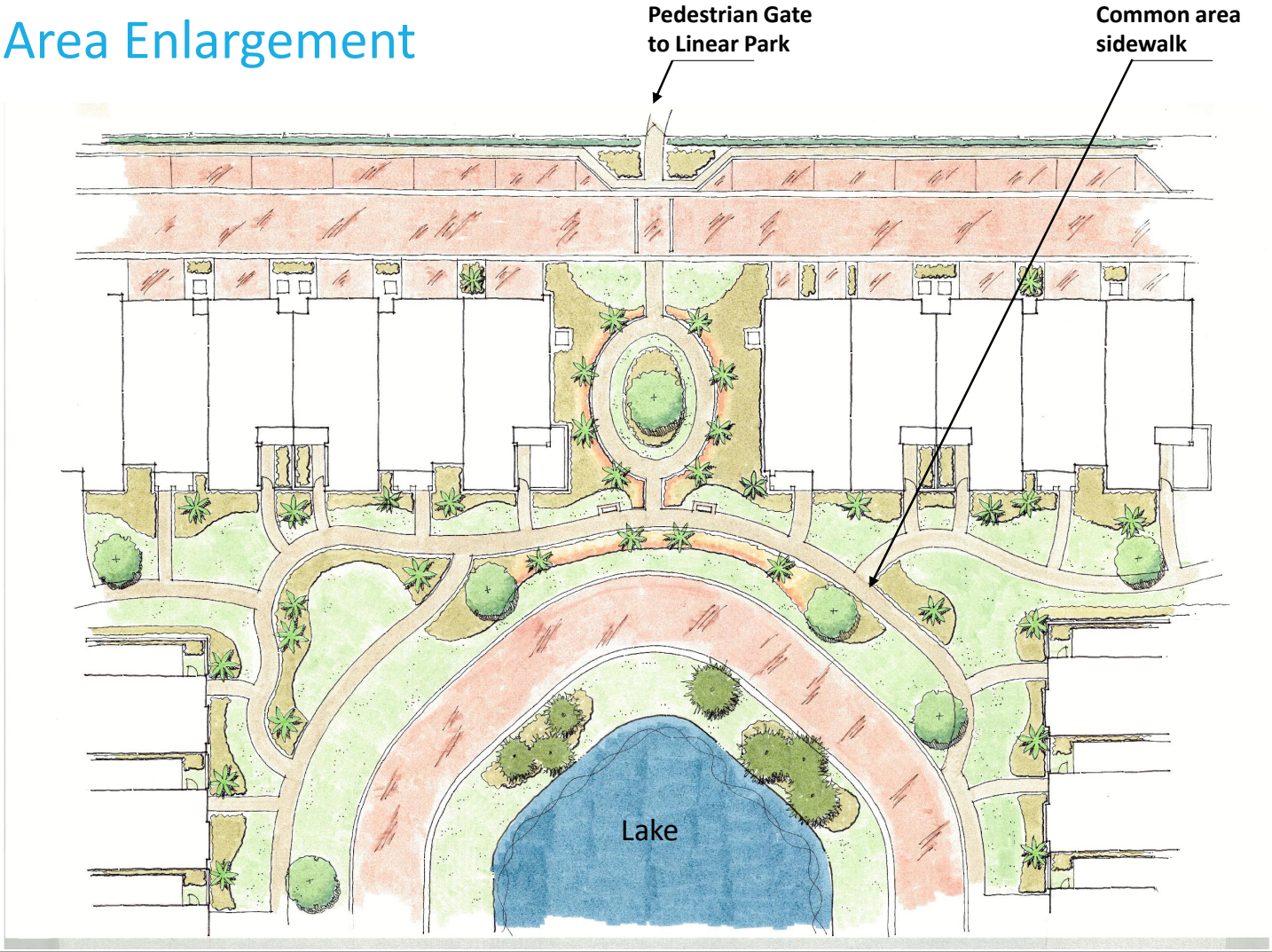
Conceptual Enhanced Landscaping with buffers



Note: Final landscape design to be determined at time of Development Order. Plant images shown are potential species that may be included.

4

Park Area Enlargement



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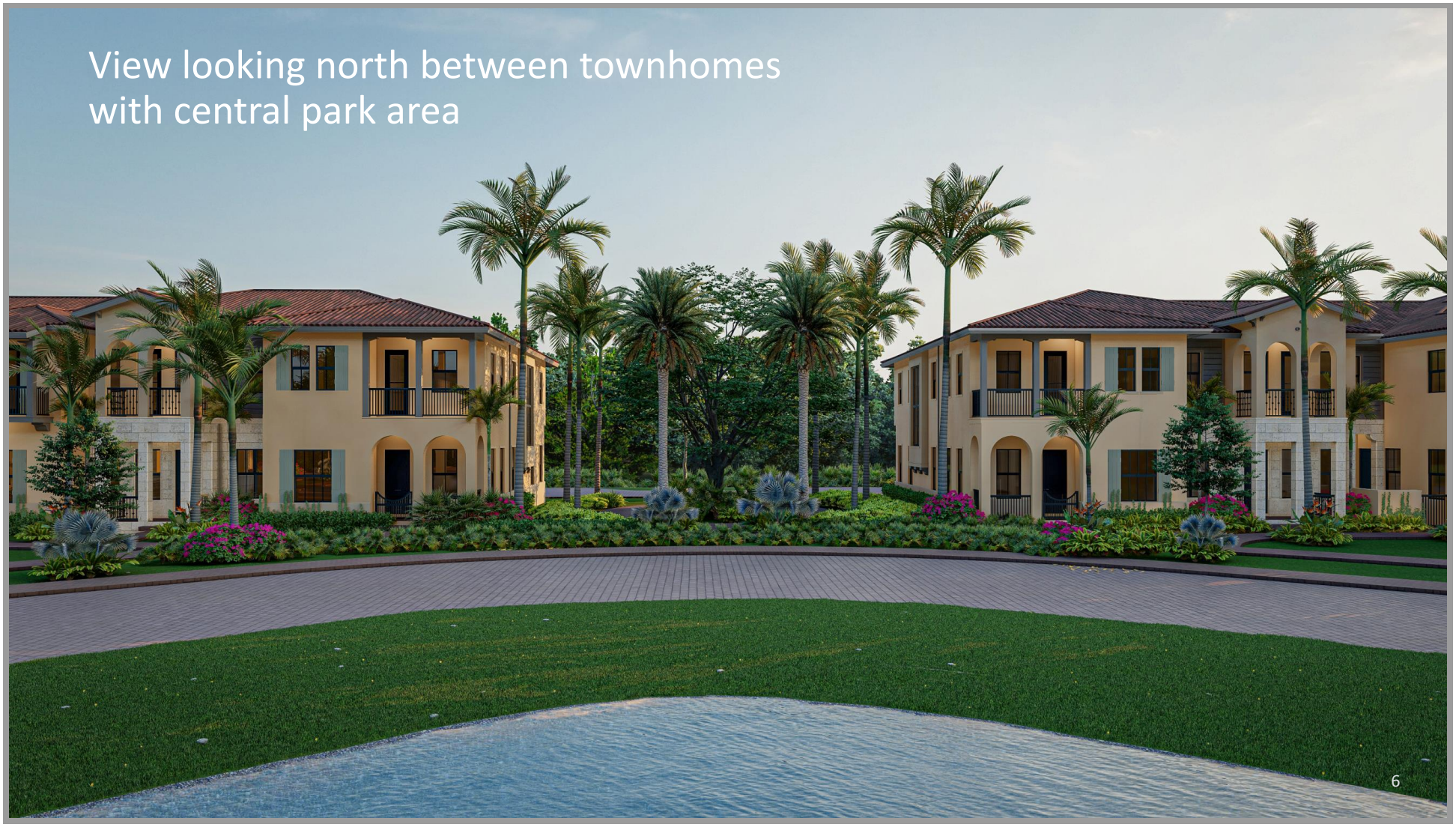

View looking north between townhomes
with central park area
6

Complimentary building colors

Shutter Color

Base Body Color

Trim Color

- The base body, shutter and trim colors to be utilized on the Townhome and Luxury Villas are taken directly from the approved colors used on the existing multi-family buildings
- Options of decorative stone/tile available

Luxury Villas
• Product of CC Homes, a luxury home top builder in the US
• 2 Stories, +/- 2,500 SF total
• Minimum 2 parking spaces per unit
• Shallow roof pitches with barrel tile as material and little overhang
• Square openings with occasional archway
• Architectural features with shutters, trim, clay tile vents
• Decorative wall for massing effect
8

Townhomes

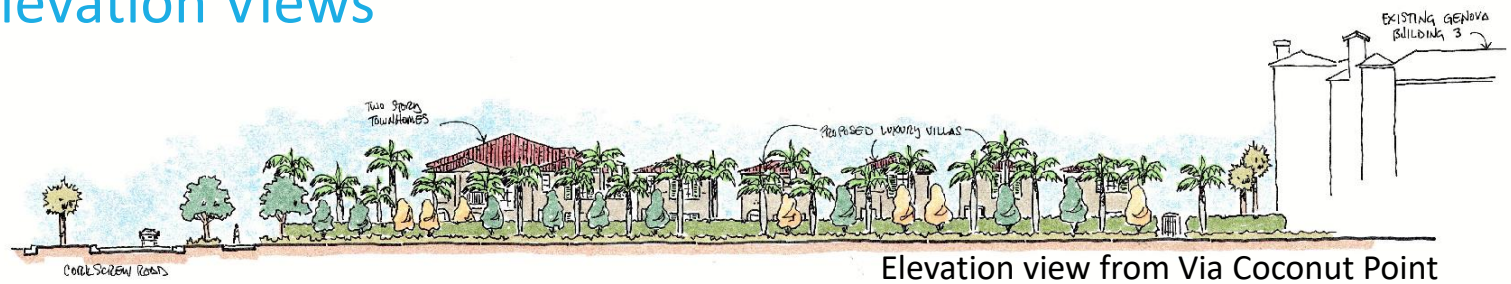
- Product of CC Homes, , a luxury home top builder in the US
- 2 Stories, +/- 2,500 SF total
- 2 garage spaces per unit

- Mediterranean style architecture
- Varied massing, multiple building volumes and varied building heights
- Shallow roof pitches with barrel tile as material and wide overhangs
- Attached balconies with decorative metal railings
- Square openings with an occasional archway
- Architectural features with roof cupolas, corbels and clay tile vents

View looking northeast
10

View looking east
11

Elevation Views



Elevation view from Via Coconut Point

Elevation view from Corkscrew Road

- Relationships of the proposed landscape to the proposed buildings, and the proposed buildings to the existing buildings.
- Landscape proposed is based on the approved D.O. landscape plan but may be enhanced further with some taller trees along Corkscrew Road and additional accent understory plantings where space allows to accelerate a mature urban look and soften the architecture.

Tangible Benefits

Architecture

- Precedent Setting Design – Mediterranean Style provided
- 360 Degree Urban Look – provided
- Stealth Parking – all resident parking is indoors, hidden, or screened. Guest parking exceeds code and will be buffered
- Sustainable Design – provided through existing buildings

Social Vitality

- Public Pedestrian Greenway – provided through existing and proposed greenway
- Public Linear Park along Corkscrew Road – to be provided as proposed
- Public Lakeside Sitting Areas – previously provided
- No Age Restriction – provided

Landscaping

- Canopy Trees/Picnic Areas in Estero Community Park – previously provided
- Larger Trees in Streetscapes – provided through existing and proposed greenways
- Via Coconut Point Road Median Landscape – previously provided
- Via Coconut Point Median Jack and Bore – previously provided
- Interweaving Public ROW and Genova Setbacks – previously provided

Tangible Benefits

Connectivity

- Pedestrian Gates/Walkability – provided through existing and proposed
- Transit Ready – previously provided
- Front Doors on Via Coconut Point Road – previously provided
- Interconnected Sidewalks – provided through existing and proposed
- Within Vibrant Mixed-Use Pedestrian Shed – previously provided
- Non-resident Main Gate Access – previously provided
- $100,000 Contribution to Future Estero Community Park Entry – previously provided

Economic

- Increased Employment – provided
- Impact Fees – provided
- Tax Revenue – provided
- Local Spending – provided

Open Space Exhibit

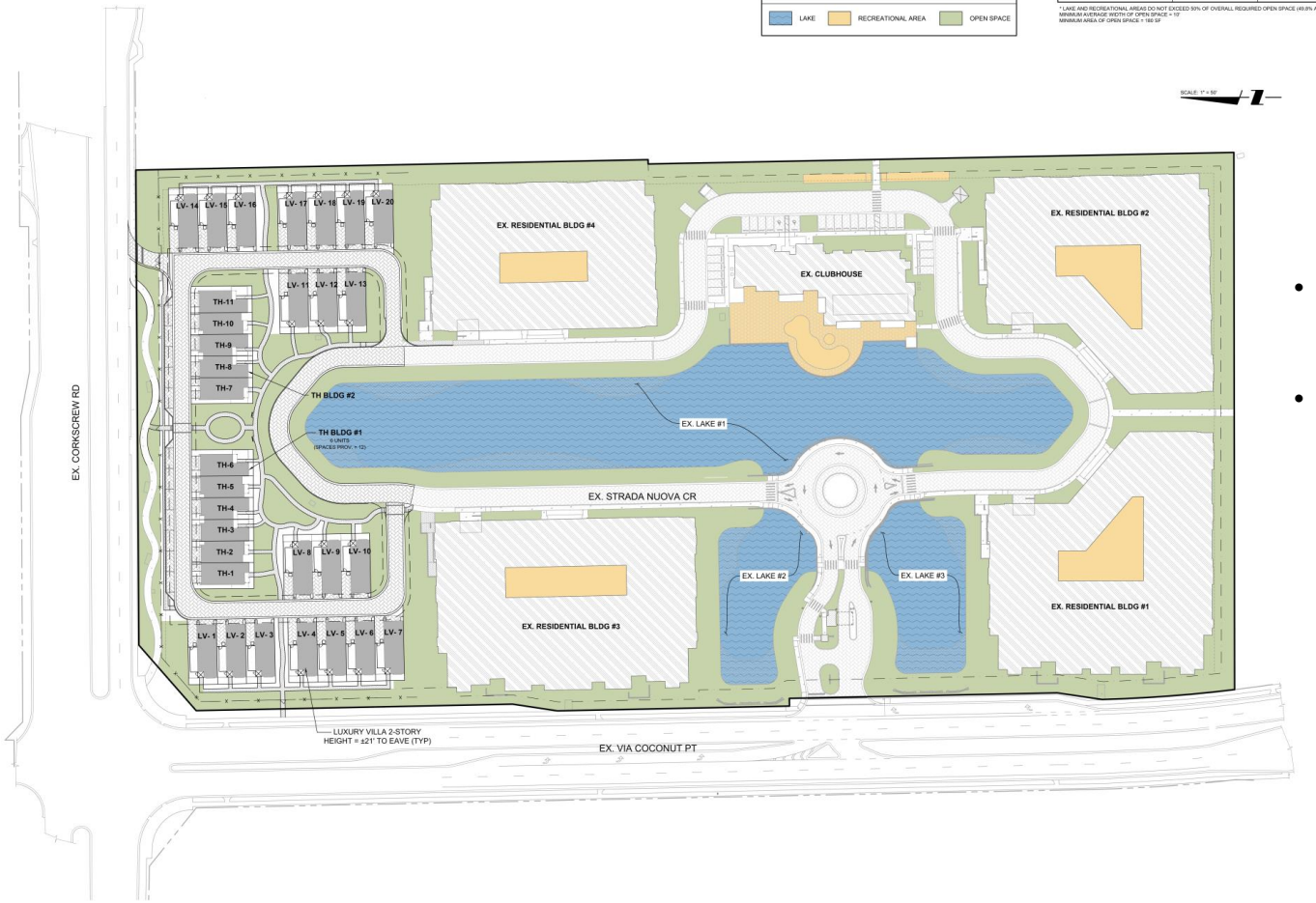
MASTER CONCEPT PLAN LEGEND			
	EX. BUILDING		PROPOSED BUILDING
	EX. PAVERS		PROPOSED PAVERS
	LAKE	TH	TOWNHOME
		LV	LUXURY VILLA

OPEN SPACE LEGEND		
LAKE	RECREATIONAL AREA	OPEN SPACE

OPEN SPACE CALCULATION		
REQUIRED	PROVIDED	
40% OF SITE AREA 16.92 AC. X 40% = 6.77 AC.	LAKE*	2.68 AC.
	RECREATIONAL AREAS*	0.69 AC.
	OPEN SPACE	4.27 AC.
TOTAL REQUIRED = 6.77 AC. (40%)	**TOTAL**	**7.64 AC. (45%)**

* LAKE AND RECREATIONAL AREAS DO NOT EXCEED 50% OF OVERALL REQUIRED OPEN SPACE (49.8% AS SHOWN)
MINIMUM AVERAGE WIDTH OF OPEN SPACE = 10'
MINIMUM AREA OF OPEN SPACE = 180 SF

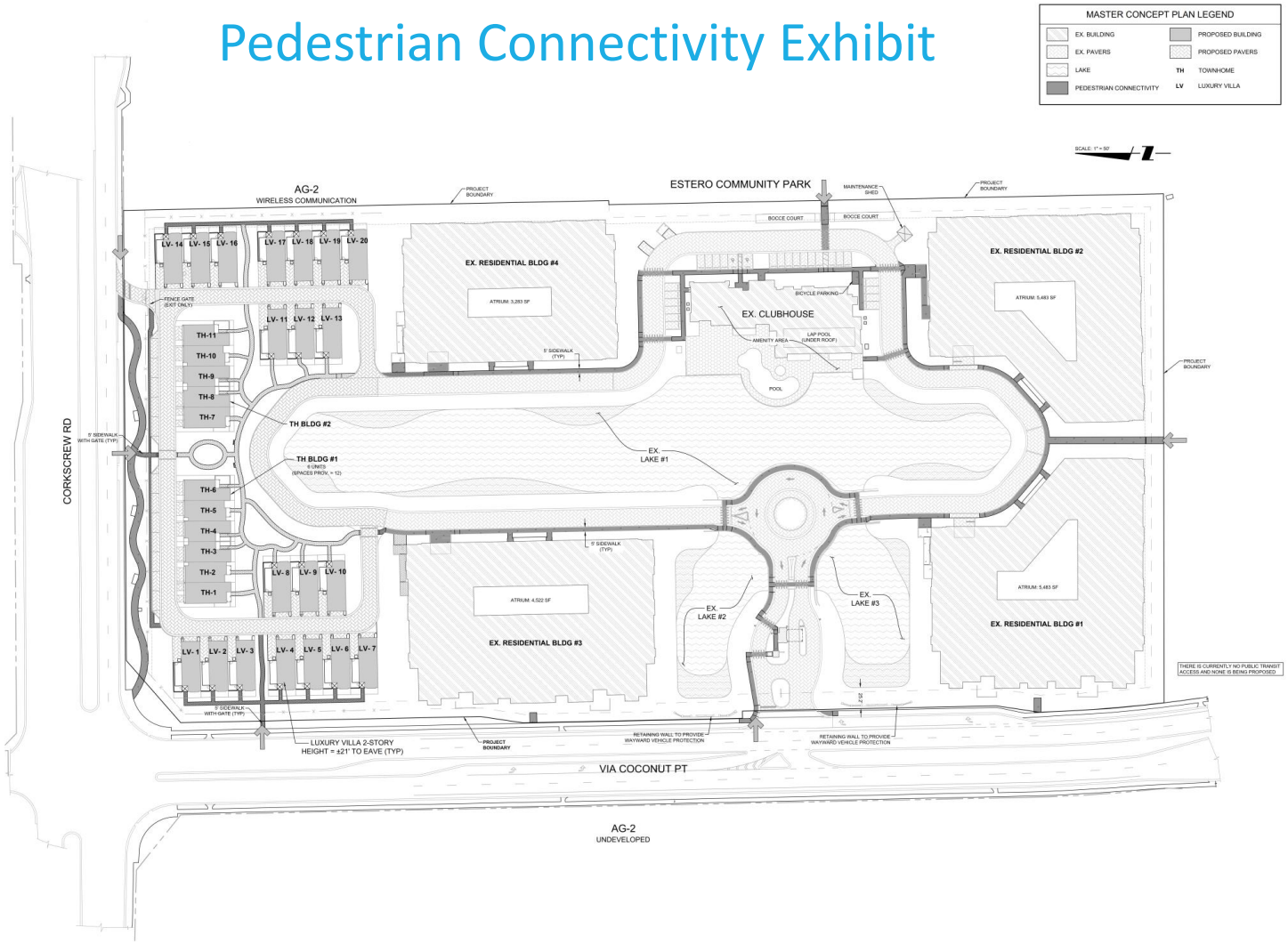
SCALE: 1" = 50'



- 6.77 Acres (40%) of open space required
- 7.48 Acres (44%) of open space provided

15

Pedestrian Connectivity Exhibit



16

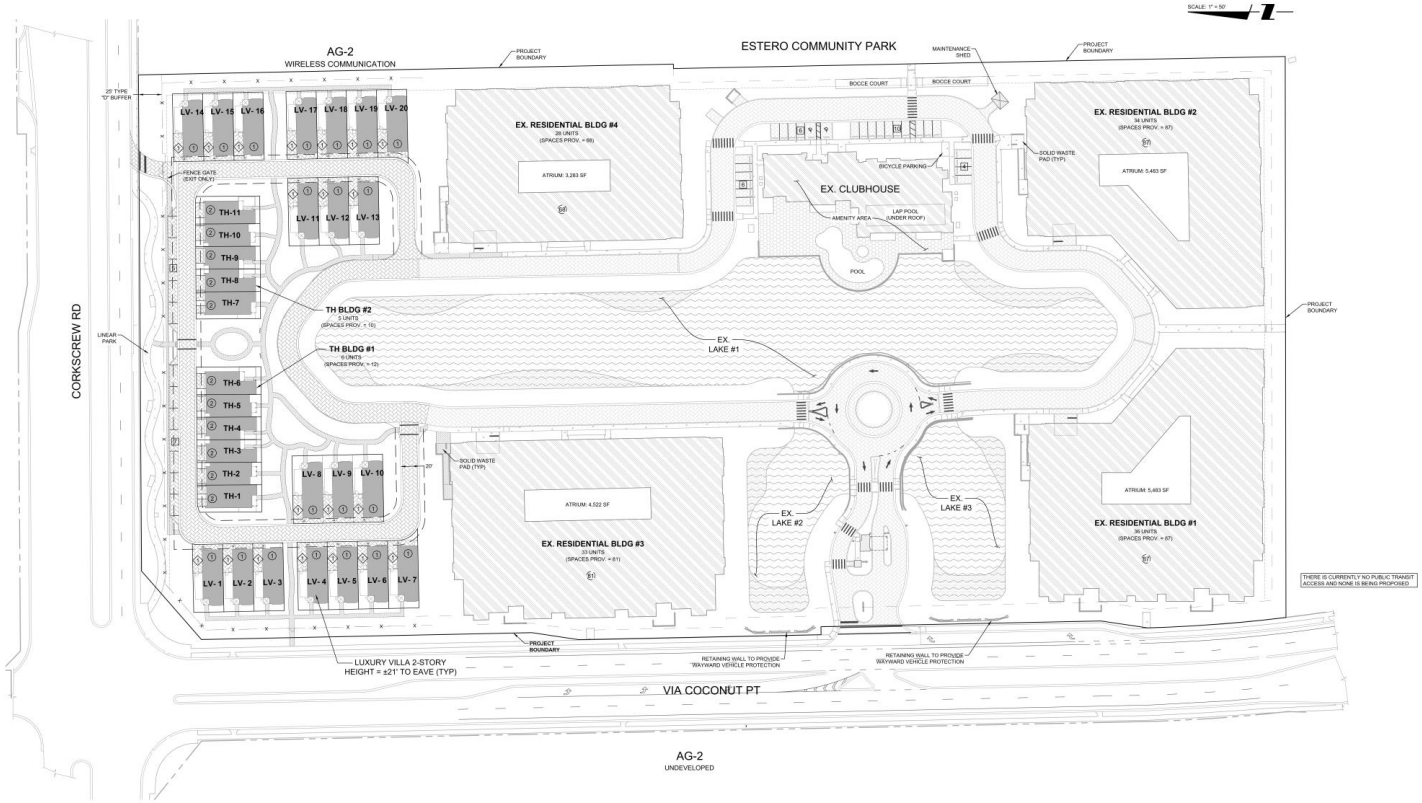
Parking Exhibit

MASTER CONCEPT PLAN LEGEND	
EX. BUILDING	PROPOSED BUILDING
EX. PAVERS	PROPOSED PAVERS
LAKE	TH TOWNHOME
	LV LUXURY VILLA

PARKING LEGEND
TH GARAGE PARKING
EXISTING GARAGE PARKING
LV GARAGE PARKING (MIN 1 SPACE)
LV EXTERIOR PARKING
EXISTNG SURFACE PARKING

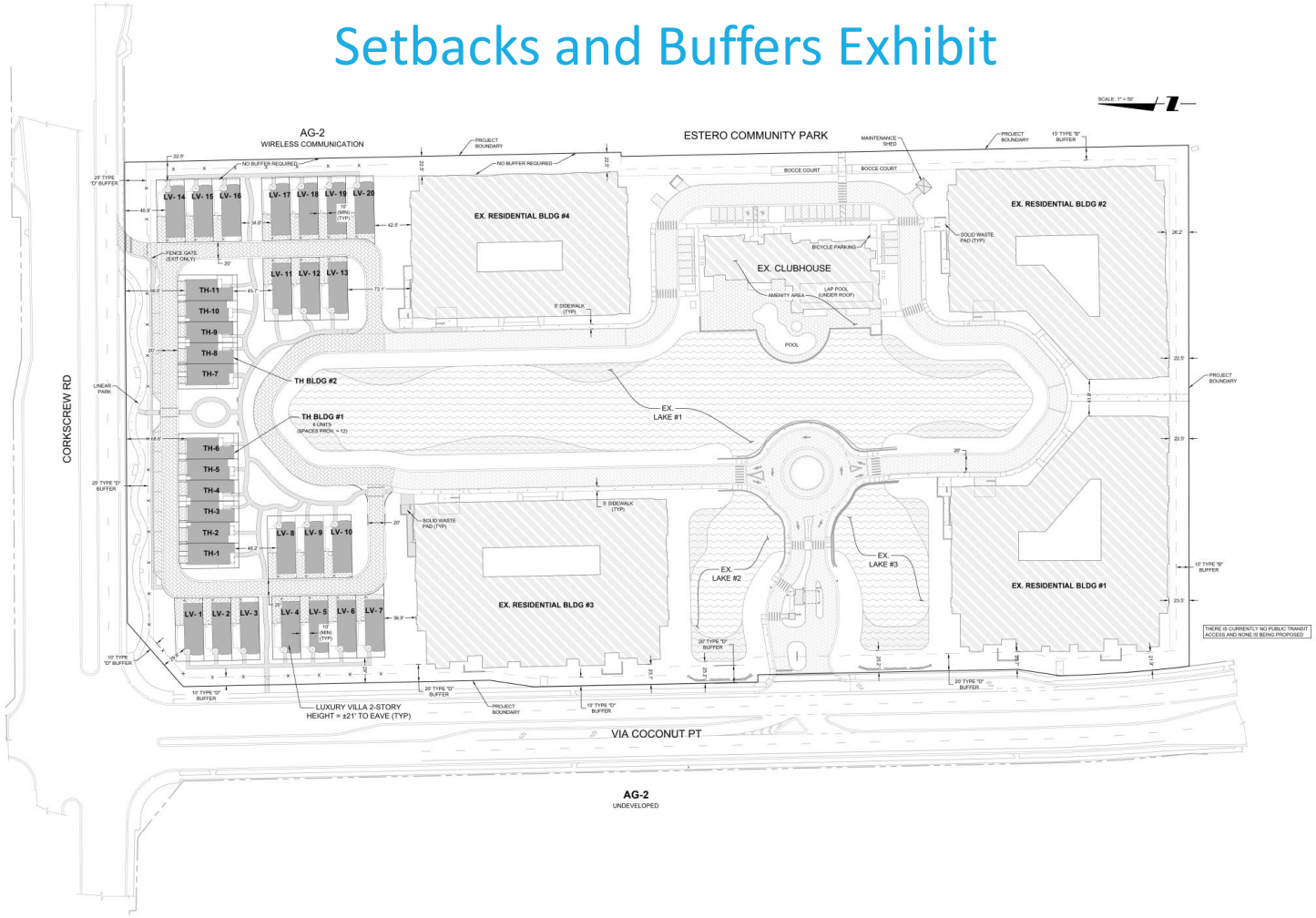
PROPOSED PARKING TABLE		
MULTI-FAMILY RESIDENTIAL PARKING	REQUIREMENT	PROVIDED
TH BLDG #1 (6 UNITS)	2 SPACES / UNIT + 10% GUEST PARKING = 14 SPACES	12 GARAGE SPACES + 7 SURFACE PARKING
TH BLDG #2 (5 UNITS)	2 SPACES / UNIT + 10% GUEST PARKING = 11 SPACES	10 GARAGE SPACES + 5 SURFACE PARKING
TOTAL	**TOTAL: 25 SPACES**	**34 SPACES**
LUXURY VILLA RESIDENTIAL PARKING		
LV-1 - LV-20 (20 UNITS)	2 SPACES / UNIT = 40 SPACES	40 SPACES

EXISTING PARKING TABLE		
EX. RESIDENTIAL PARKING	REQUIREMENT	PROVIDED
EX. RESIDENTIAL BLDG #1 (36 UNITS)	2 SPACES / UNIT + 10% GUEST PARKING = 80 SPACES	87 SPACES
EX. RESIDENTIAL BLDG #2 (34 UNITS)	2 SPACES / UNIT + 10% GUEST PARKING = 75 SPACES	87 SPACES
EX. RESIDENTIAL BLDG #3 (33 UNITS)	2 SPACES / UNIT + 10% GUEST PARKING = 73 SPACES	81 SPACES
EX. RESIDENTIAL BLDG #4 (28 UNITS)	2 SPACES / UNIT + 10% GUEST PARKING = 62 SPACES	68 SPACES
TOTAL	**TOTAL: 290 SPACES**	**323 SPACES**
EX. AMENITY PARKING		
FITNESS CENTER	7 SPACES / 1,000 SF = 22 SPACES	22 SPACES
CLUB / RECREATION	4 SPACES / 1,000 SF = 10 SPACES	10 SPACES
OFFICE	1 SPACE / 300 SF = 4 SPACES	4 SPACES
TOTAL	**TOTAL: 36**	**20 PER DEVIATION**
EX. BICYCLE PARKING		
(5% OF AMENITY VEHICULAR PARKING): 2 SPACES	TOTAL: 2 SPACES	TOTAL: 2 SPACES



17

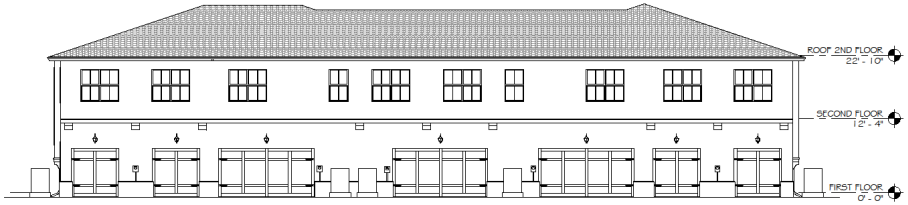
Setbacks and Buffers Exhibit



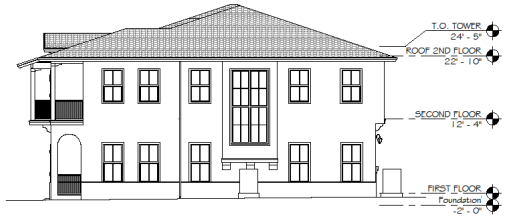
18

5 Unit Townhome

FRONT ELEVATION BLDG 5 UNITS
1/8" = 1'-0"



REAR ELEVATION BLDG 5 UNITS
1/8" = 1'-0"



RIGHT ELEVATION BLDG 5 UNITS
1/8" = 1'-0"

LEFT ELEVATION BLDG 5 UNITS
1/8" = 1'-0"

5 Unit Townhome

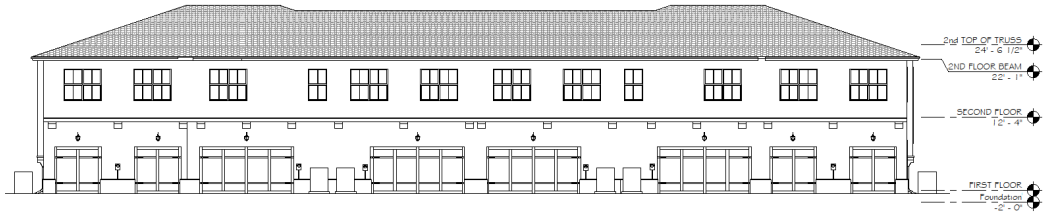
GENOVA 5 UNITS BLDG FRONT 3DVIEW

GENOVA 5 UNITS BLDG REAR 3DVIEW

20

6 Unit Townhome

FRONT ELEVATION 6 UNITS BLDG
1/8" = 1'-0"



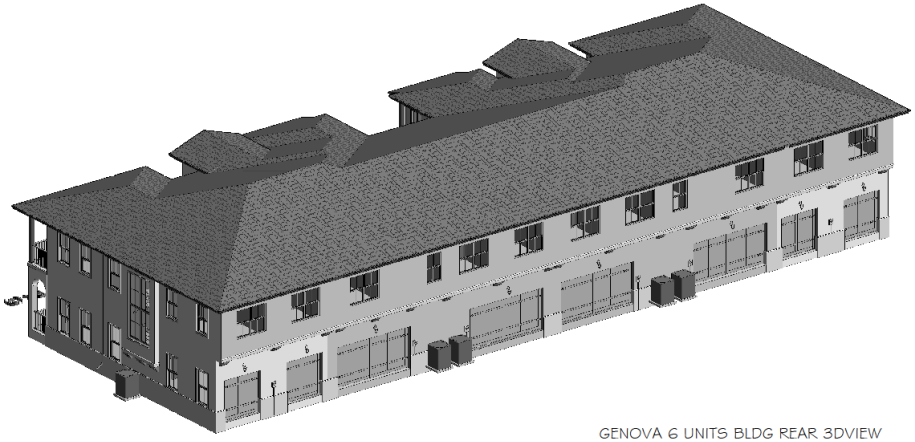
REAR ELEVATION 6 UNITS BLDG
1/8" = 1'-0"

RIGHT ELEVATION 6 UNITS BLDG
1/8" = 1'-0"

LEFT ELEVATION 6 UNITS BLDG
1/8" = 1'-0"

6 Unit Townhome

GENOVA 6 UNITS BLDG FRONT 3DVIEW

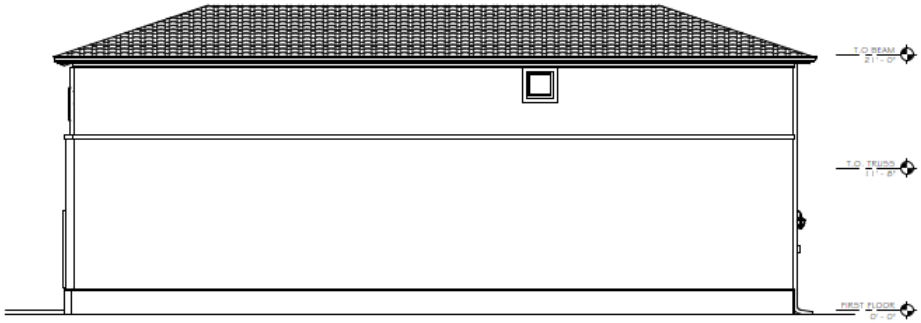


GENOVA 6 UNITS BLDG REAR 3DVIEW

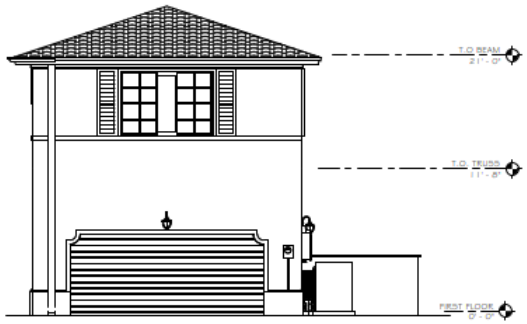
Luxury Villa Alternate 1

LEFT ELEVATION-ALT 1

FRONT ELEVATION-ALT 1



RIGHT ELEVATION-ALT 1



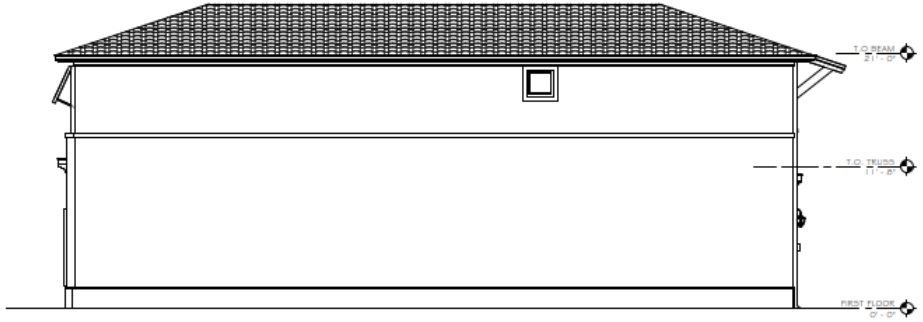
REAR ELEVATION-ALT 1

23

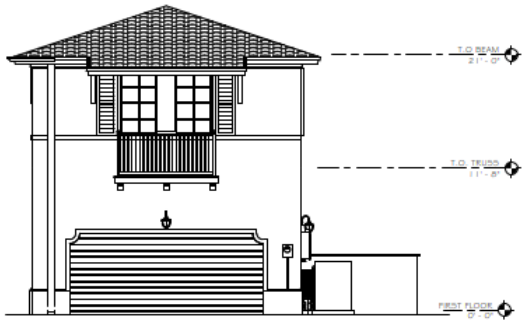
Luxury Villa Alternate 2

LEFT ELEVATION-ALT 2

FRONT ELEVATION-ALT 2



RIGHT ELEVATION-ALT 2



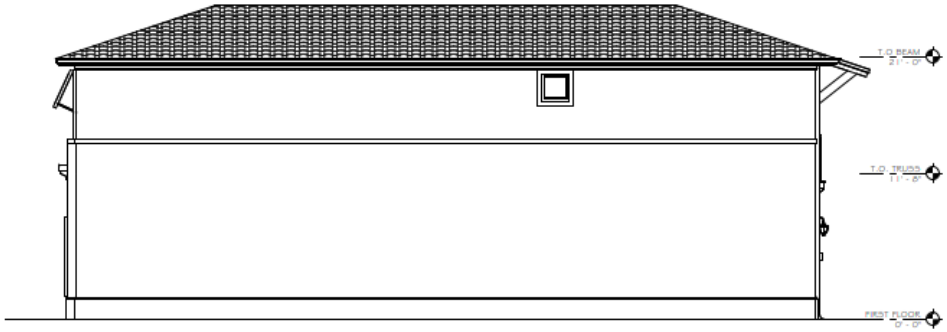
REAR ELEVATION-ALT 2

24

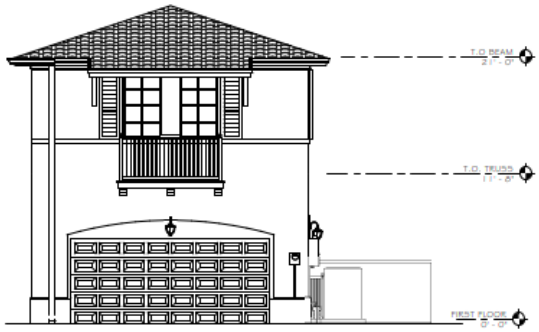
Luxury Villa Alternate 3

LEFT ELEVATION-ALT 3

FRONT ELEVATION-ALT 3



RIGHT ELEVATION-ALT 3



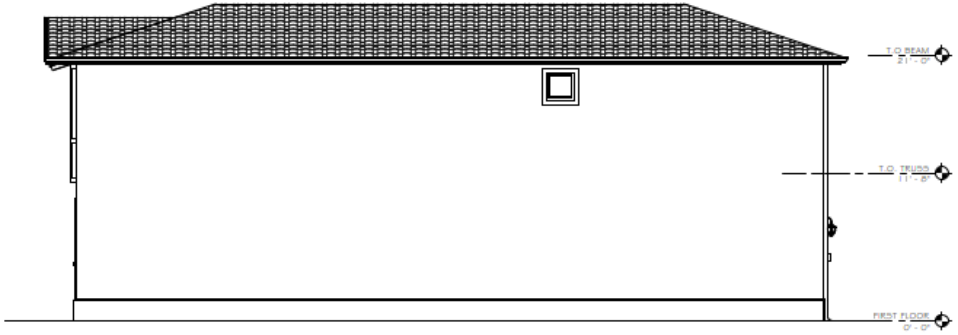
REAR ELEVATION-ALT 3

25

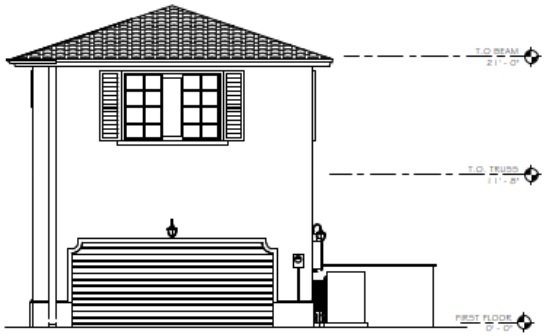
Luxury Villa Alternate 4

LEFT ELEVATION-ALT 4

FRONT ELEVATION-ALT 4



RIGHT ELEVATION-ALT 4



REAR ELEVATION-ALT 4

26

Luxury Villa Facade Options

FRONT ELEVATION-ALT 4 FRONT ELEVATION-ALT 3 FRONT ELEVATION-ALT 2 FRONT ELEVATION-ALT 1

27

Proposed Staff Changes in Strike Thru/Underline

Genova

Schedule of Uses and Property Development Regulations

Property Development Regulations

	Detached Villa*	Townhome*	Multifamily*
Minimum Lot Area	N/A	N/A	N/A
Minimum Lot Width	N/A	N/A	N/A
Minimum Lot Depth	N/A	N/A	N/A
Building Separation	10 ft.	15 ft	N/A
Maximum Lot Coverage	N/A	N/A	N/A
Maximum Height	2 stories / 35 ft	2 stories / 35 ft	4 stories / 45 ft
Street Setback			
Corkscrew Road	25 ft	25 ft	N/A
Via Coconut Point	25 ft	25 ft	5 ft[1]
Internal Roads	5 ft	5 ft	5 ft
PD Perimeter	20 ft	20 ft	20 ft
Water Body Setback	25 ft	25 ft	25 ft
Minimum Open Space[2]	40%	40%	40%

* Genova will be developed as a condominium and will not include individual platted lots for the Luxury Villa, Townhome or Multifamily products; therefore, typical development standards that apply to individual lots are listed as N/A

[1] Multifamily buildings have a maximum setback of 30' to Via Coconut Point right-of-way

[2] Open Space applies to entire development

Note: Multifamily applies to existing Genova only

Schedule of Uses

Accessory ~~of~~ Uses and Structures
Dwelling Units: Multiple-Family, Townhouse, Detached Villa
Villa Entrance gates and gatehouse (gatehouse applies to existing Genova only)
Essential service facilities, (34-622(c)(13)), Group I (a/k/a utility, minor)
Excavation: Water retention, detention
Fences and Walls (not visible from roadway)
Model Display Unit (for units in this development only) Parks
~~Parking lot: Accessory, Temporary, Garage (temporary parking lot during construction only)~~
Real Estate Sales and Rental Office – limited to sales and/or rental of units within the development
Recreation facilities: Personal, Private, Private On-site

Signs in accordance with Chapter 6 ~~30 and Chapter 33~~

Temporary Uses in accordance with LDC Section 4-3 ~~34-3041:~~

Temporary contractor's office and equipment storage shed

Temporary telephone distribution equipment

Temporary storage facilities (during construction only)

9/13/22
Handed PZDB
WJ

Good afternoon,

My name is Susan Majka and I'm the president of Genova Two Homeowners Association.

After our last meeting in April when we realized that Genova 3 would not mirror our current condos, we met with many of our homeowners to create a list of their top issues with the developers revised plan. We then met with the developer to review our concerns and continued to work with them for the past several months on these issues.

As a result of the collaborative effort between both parties, we were able to make some changes regarding parking for both owners and guests, in addition to receiving a commitment from the developer to provide enhanced landscaping for Genova 3 in addition to adding more colorful shrubs and plants to our current landscaping around the north end of the lake. Additionally, we were able to come to an agreement regarding the number of units used for budgeting of the master dues for the next 3

years.

Yes, this is a different plan than most of us bought into, however the majority of our Genova 2 homeowners and our Board of Directors support this plan and would like to see the Village of Estero move forward with approving this plan as well, so that we may have our Genova community completed ASAP.

Thank you!

Handout
Hal Korbee
PZDB
9-13-22

ESTERO PLANNING / ZONING BOARD MEETING SEPTEMBER 13, 2022

1. **INTRO**

2. **I AM OPPOSED TO THE PROPOSED PLAN FOR THE FOLLOWING REASONS.**

3. **IT REPRESENTS A COMPLETE BETRAYAL TO THE VILLAGE AND TO ALL OF US WHO BOUGHT INTO GENOVA RELYING ON THE PLAN PRESENTED TO US BY THE DEVELOPER AND THE VILLAGE'S APPROVAL OF THAT PLAN.**

4. **ON MAY 12, 2021, WE WERE FIRST NOTIFIED BY MR. LOPEZ THAT BARRON COLLIER WOULD NOT FINISH THE PROJECT AS REPRESENTED.**

5. **HE STATED THAT "WE BELIEVE THAT LUXURY TOWNHOMES WILL BE THE MOST COMPLIMENTARY PRODUCT TO THE EXISTING BUILDINGS."**

6. **TODAY WE ARE PRESENTED WITH A PLAN THAT HAS ONLY 11 TOWNHOMES, BUT 20 FREE-STANDING VILLAS. WHEN A PRLIMINARY PLAN WAS PRESENTED TO YOU SEVERAL MONTHS AGO SHOWING 14 VILLAS, SEVERAL BOARD MEMBERS TOLD THE DEVELOPER THAT YOU DID NOT THINK SUCH VILLAS WERE APPROPRIATE FOR THIS PROJECT. IN COMPLETE DISREGARD FOR YOUR ADVICE, THE PLAN NOW HAS 20 VILLAS.**

7. **THE PROPOSED REDUCTION OF UNITS FROM 205 TO 162 WILL NECESSARILY RESULT IN A DRAMATIC INCREASE IN THE MASTER ASSOCIATION ASSESSMENTS FOR ALL UNIT OWNERS.**

8. **THE HEIGHT ELEVATIONS FOR THE VILLAS AND TOWNHOMES ARE SO LOW IN PROPORTION TO THE EXISTING CONDOMINIUM BUILDINGS THAT MY LANAI VIEW WILL NOW BE THAT OF ROOF TOPS AND PARKED CARS, INSTEAD OF THE BEAUTIFUL COURTYARDS THAT MY WIFE AND I WERE PROMISED, IF THIS PLAN IS ADOPTED.**

9. **THIS PROPOSED PLAN WAS PRESENTED TO THE GENOVA COMMUNITY LAST WEEK AS A TAKE IT OR LEAVE IT PLAN. THAT IS THE KIND OF DEVELOPER YOU ARE DEALING WITH.**

Harold G. Korbee
21490 Strada Nuova Circle, Unit 315
Estero, Florida 33928

Genova Planned Development Amendment

Zoning Staff Report

for

Village Council

PROJECT NAME:	**Genova**
CASE TYPE:	**Amendment to Estero Planned Development**
CASE NUMBER:	**DCI2022-E003**
PLANNING, ZONING AND DESIGN BOARD MEETING:	**September 13, 2022**
VILLAGE COUNCIL MEETINGS:	**October 19 and November 2, 2022**

SUMMARY OF REQUEST

Genova is requesting an amendment to its Estero Planned Development zoning to revise the type of housing product and reduce the number of units on the northernmost portion of the site which is vacant. The current zoning allows 205 multifamily units in six buildings on the 16.95-acre site. Only 4 of the 6 buildings were constructed. In place of the last two condominium buildings (5 & 6) the applicant wishes to construct 31 residential units (20 single family villas and 11 townhomes).

STAFF AND PLANNING, ZONING AND DESIGN BOARD RECOMMENDATIONS

Staff recommends approval with conditions. The Planning, Zoning and Design Board reviewed the case at its September 13, 2022 meeting and after discussion recommended approval with conditions by a 6-1 vote.

GENERAL INFORMATION

Applicant
Genova Partners, LLC

Authorized Agent
Pavese Law Firm
Peninsula Engineering

Location
Southeast corner of Corkscrew Road and Via Coconut Point, 21510 and 21520 Strada Nuova Circle

STRAP Numbers
Amendment area: 34-46-25-E1-23000.0010 and 34-46-25-E1-23000.0020

Size of Property
3.6 acres of total 16.95 acre site

Surrounding Zoning and Land Use

North	Corkscrew Road, then CPD, Galleria Office Park
East	CF, Estero Community Park and AG, cell tower
South	CF, Estero Community Park
West	Via Coconut Point Road, then MPD, Via Coconut mixed use project, currently undeveloped

Zoning
Estero Planned Development (EPD) (Estero Ordinance 2016-08)

The property was rezoned from AG and CPD to Estero Planned Development by the Village on July 13, 2016. An administrative amendment (ADD2021-E001) was approved on April 7, 2021 to allow unmanned gate access by digital gate attendant from 11:00 p.m. to 7:00 a.m. daily.

Comprehensive Plan Land Use Category
Village Center

Public Information Meeting
A public information meeting was held at the Planning, Zoning and Design Board on September 28, 2021 and a workshop at the PZDB was held on April 12, 2022.

STAFF ANALYSIS

Background
The Genova property was the former site of a u-pick operation. A rezoning was approved in 2016 for a proposed 205-unit condominium project on nearly 17 acres at the northeast corner of Corkscrew Road and Via Coconut Point. The approved site plan included 6 condominium buildings, a clubhouse and amenities, situated around a lake in the center of the property.

A development order was subsequently issued, and the clubhouse and 4 of the condominium buildings were constructed, but the planned location for buildings 5 and 6 on the northernmost end of the site remained vacant.

Request
The current applicant wishes to revise the zoning plan to reduce the total number of units from 205 to 162, revise the site layout for the northern portion of the property, change the type of units from condominium to single family (villa) and townhome, and adjust the property development regulations and uses accordingly. 131 units have been constructed in buildings 1 through 4.

More specifically, the request is:

- Replace 68 units within buildings 5 and 6 with 31 units consisting of twenty detached villas and 11 townhomes.
- Height reduced from 4-story to 2-story for single family and 2-story for townhomes.
- Relocate the access onto Corkscrew Road further east.
- Revisions to site plan for internal street system adjacent to townhomes and single family.
- Inclusion of a Supplemental Pattern Book to depict the new layout and architectural design.
- Revisions to schedule of uses and property development regulation for the new unit types.

The chart below compares the approved project and the new proposal.

	Approved Zoning	New Proposal
Product Type	Multifamily	Single family (villa); townhome
Number of Units (vacant property)	68	31 (20 single family, 11 townhome)
Total Number of Units	205	162
Architecture	Mediterranean “Italianate”	Mediterranean with lighter color scheme
Parking	Under building	Surface and garage
Corkscrew Road Access	Closer to intersection	Moved further east

Master Concept Plan/Tiered Plan

The Master Concept Plan for Genova has been revised to show the new product types and layout. The site plan remains the same for the existing southerly three-fourths of the project. The northern quarter of the site retains the lake and internal road around the lake perimeter. The exit onto Corkscrew Road has been relocated further east which is preferable from a safety standpoint. The linear park will remain along Corkscrew Road. A pocket park and bus stop location along Via Coconut Point has been removed.

Pattern Book

The applicant has submitted a “Supplemental” Pattern Book to provide more detail on the area that is the subject of this amendment.

The Pattern Book shows the “linear park” along Corkscrew Road which contains an 8-foot-wide sidewalk, benches, and buffer landscaping. There will be a metal fence around the project perimeter with a 5-6-foot hedge in front. Pedestrian gate access will be provided on Via Coconut Point and Corkscrew Road. Internal sidewalks will be provided.

It should be noted that a pocket park and potential future bus stop have been removed from the Plan. Staff suggests that additional landscaping or street furniture be provided to offset this reduction.

At the north end of the existing lake, a small “park” area is shown to complement the lake and replace what was previously shown as visitor parking, at the suggestion of PZDB.

The right-out-only exit onto Corkscrew Road will be gated. The landscape buffers are the same as the original plan. The applicant indicates they may supplement some of the plantings, but specifics have not been provided.

The design and building colors are different from what was approved. The original design is Mediterranean Italianate, and the newer design is less ornate but retains the barrel tile roof, use of archways, and includes a decorative wall for the villas for a massing effect. The townhomes have varied building heights, occasional archways and some attached balconies. The applicant believes the colors are complementary to the existing Genova building colors. Colors are lighter, with a base body color of Interactive Cream, a trim color of Universal Khaki and Coastal Plain shutter color.

Height
The current zoning allows 4 stories and 45 feet for the condominium buildings. The new application proposes a maximum 2 stories for the single-family villas, and 2 stories for the townhomes. Some of the residents of Genova have expressed concerns of looking out on the lower buildings and parking.

Transportation
The site is located on the northeast corner of Via Coconut Point and Corkscrew Road. The existing access is a full access to Via Coconut Point. The secondary access which is not yet constructed is a right-out-only access along Corkscrew Road that is proposed to be gated. The access will be relocated further east. This will provide a safer situation by providing more distance from the intersection of Via Coconut Point and Corkscrew Road.

The change in product mix and reduction of units will result in a decrease in vehicle trips. No roadway sections in proximity to the site will be significantly impacted with the addition of the traffic. The roads in the vicinity operate at level of Service “C” which is an acceptable service level. The units will pay impact fees to mitigate their impacts on the roadway system. An updated traffic impact analysis will be required at time of development order. Additionally, Lee County will require a Limited Development Order to review the access onto Corkscrew Road.

Comprehensive Plan
This property was redesignated as Village Center in the 2016 Comprehensive Plan amendments adopted by the Village. The Council subsequently found the rezoning request for 205 units consistent with the Comprehensive Plan, based on several criteria, including incentive offerings identified in the Pattern Book.

The original project density was 12.1 units per acre (205 units on 16.95 acres) which is considered within Tier 2 under the Village Center land use designation (10.1-14 units per acre additional density with incentive offerings providing significant public benefits). The proposed reduction in density would be equivalent to 9.6 units per acre (162 ÷ 16.95 acres) which would still be within Tier 2 which allows base densities up to 10 units per acre. The incentive offerings of the Pattern Book remain intact, except that the new buildings do not have “under building parking” and the pocket park and future bus stop have been eliminated. Parking is either in a garage or hidden from view of Corkscrew Road or Via Coconut Point.

According to the Land Development Code, Section 3-707 N.1.A., “Tier 2 accommodates primarily residential neighborhoods that provide a variety of housing types in a walkable mixed-use pattern with higher densities and greater connectivity than Tier 1.” The new proposal will provide more

variety in housing types. The lower height of the buildings along Corkscrew Road and the northern portion of Via Coconut Point will provide a transition to the 4-story condominium buildings.

Staff had advised the applicant in its redesign to ensure that the new portion of the project was well-integrated and designed to be compatible with the existing Genova project, so that the project would be one cohesive development and not appearing to be two separate projects. The applicant has attempted to design the project to integrate better with the existing project by modifying the parking and adding architectural features such as the decorative wall between the single-family villas. The PZDB questioned the appropriateness of single-family homes adjacent to Corkscrew Road. According to the applicant's site plan, the townhomes will be set back 68 feet from the property line on Corkscrew Road. One of the villas will be closer (46 feet).

School District Comments
The School District has reviewed the request for school concurrency. They indicate that 37 school age children could be generated by this development. They indicate that capacity could be an issue at the high school level, but because capacity is available in the adjacent service area, there is no regulatory concurrency issue. School impact fees will be paid to offset capital costs.

Estero Fire District
Estero Fire District has commented that fire hydrants will have to be added/relocated for the new building types and layout.

An auto-turn analysis will also be required for the new roadway and emergency access. The electric gate must be installed with an EVAC system at the emergency entrance/exit. The emergency exit is for emergency vehicles; no parking or blocking of the roadway will be allowed.

These items will be addressed at time of development order.

Utilities
Lee County Utilities will provide water and sewer and there are no issues identified by the County.

Lee County Transit
Transit has advised this is not within ¼ mile of a fixed route corridor, and the 2020 Transit Development Plan does not have any routes or extensions planned near the site. They will review this again at time of development order.

Lee County Solid Waste
Solid waste has commented that the solid waste pad dimensions and provision of adequate space for large items are not addressed. Details will be addressed at time of development order.

Conclusion
Staff believes this request complies with the Comprehensive Plan and Land Development Code. While it would be preferable to continue the existing development pattern and construct the last two condominium buildings as originally approved, the applicant has indicated that this will not occur.

This portion of the property has remained vacant for several years and has become unsightly and the subject of complaints. The applicant believes that the new proposal will provide a better likelihood of being completed within a reasonable timeframe, because there is more variety of products for the market.

Staff recommends this project be approved with conditions. The main difficulty is how to ensure that the project will be completed in a timely manner by the developer. Currently, there is no mechanism to require a performance bond for onsite improvements. Instead, the staff is proposing a condition that significant construction be completed within 5 years of approval of the development order.

Written Findings
Under the Land Development Code, as part of the approval process with respect to an amendment in the EPD District, the Village Council shall make a written finding as to whether, and to what degree, the application is consistent with the General Criteria of the Code listed below:

1. *Goals*

   The specific goals set forth in the comprehensive plan for the Village Center Area include creating socially vital centers supportive of business both big and small, neighborhoods and streets that are safe and attractive for walking and bicycling, the preservation of community history, and the protection of the environment, particularly along the Estero River.

2. *Reasonable Standards*

   The provisions of this LDC implementing the EPD District are designed as reasonable standards and guidelines to foster consistent and high quality built results and public spaces by using physical form (rather than separation of uses) as the organizing principle for achieving the goals and objectives set forth in the comprehensive plan relating to the Village Center Area. Such standards designate the requirements for the required pattern books, the locations where different building form standards apply, the relationship of buildings to the public space, and public standards for such elements in the public space as sidewalks, bicycle lanes, automobile travel lanes, on-street parking, street trees, street furniture, and other aspects of the urban built environment that may be applicable to foster interconnection, social vitality, and walkability in the Village Center Area. Such standards also permit other reasonable means that accomplish the goals and objectives of the comprehensive plan in a different or complementary manner by the Village's ability to grant deviations or variances from the standards set forth herein in circumstances where the strict application of the standards will not best achieve the goals underlying such requirements.

3. *Accessibility*

   The criteria implementing the EPD District for the Village Center Area are designed to make the public space accessible, both socially and physically connected, and walkable. Such guidelines (a) are based on the primacy of the human scale over the automobile, (b) are designed to balance private property interests and property rights with public goals, and (c) enjoy simple, understandable, and physically determined methods to achieve these goals.

4. *Streets*

   In these criteria the street becomes the key part of the public space. All streets shall in some way become a part of a connected, continuous street network which are designed to encourage the mixing of uses in the Village Center Area. A variety of different types of streets which connect neighborhoods and destinations will serve the public interest by minimizing the traffic load and the need for increased capacity on any one street. Except as specifically set

forth in this section, streets shall not end in dead ends, cul-de-sacs, hammerheads, or other forms which do not connect with other streets.

5. *Street Design*

Distances between intersections of streets should favor the goals and objectives of enhancing walkability of streets and connectivity. The design of streets shall favor their proper use by pedestrians, where the guiding principle is to calm traffic and to specifically slow traffic at intersections to allow pedestrians to cross streets quickly and safely. Landscaped medians and two-way streets help to achieve these goals and objectives by reducing the apparent width of streets and providing safer crossings. On-street parking, where appropriate and feasible, protects pedestrians from the actual and perceived danger of moving traffic.

6. *Lots and Blocks*

The proper application of the principles regarding connectivity of streets will then create a network of local streets which will result in varieties of blocks of land and differing sized lots within such blocks. Rather than specify a particular grid of lots and blocks which may differ within the tiers, variations in the size and dimensions of lots and blocks are permitted so long as the overall objectives for connectivity and walkability are achieved on a performance-based standard. However lots or blocks may be ultimately designed, the sides form a part of the public space and will be defined by the types and varieties of streets that surround them. By way of example, alleys can absorb parking and service loads, and allow the outer faces of blocks to become more intensely pedestrian in nature. These alley-loaded designs are highly desirable in the Village. Within the blocks that are created by the streets. A variety of widths and depths of individual lots will determine the range of building types and densities that will eventually establish the intended urban fabric of the Village Center Area.

7. *The Visual Edge*

The sidewalks, setbacks, building façades, and other characteristics of the visual edge of a publicly accessible street are also important features under the standards for the EPD District. The height of the buildings, setbacks, and projections define the enclosure of the street. The maximum width and height of buildings define a building's mass, while the architectural features of the building, especially the interrelationship of the design and the public space will ultimately determine the social vitality of the street. So too are the characteristics of built form and landscape design which are deemed to be mutually dependent.

8. *Architecture*

Architectural variety of buildings and unique approaches to design and structure are to be valued under the standards for the EPD District. However, equally important is the fact that adjacent buildings and public spaces that share some of the characteristics of its neighbors will generate a cohesive framework in the Village Center Area.

9. *Quality of Buildings*

Buildings are like permanent fixtures in the landscape of the Village. They should be constructed with sufficient material and of such high technical quality to allow for their continuing renovation and adaptive reuse well beyond the expiration of their initial planned use or cost recovery. Building design and construction are encouraged to be cognizant of

southwest Florida's unique climate, and ecologically sensitive in their use of materials, particularly recyclables, and with respect to their energy demands.

The prior request for the condominium development was found consistent with the Village Center land use category and the Land Development Code. Staff believes that this request to modify the housing types, reduce the number of units and height, and approve a new site layout is still consistent, as conditioned, and meets the General Criteria.

The proposal, as conditioned, is consistent with the general criteria of the Estero Planned Development zoning district as follows:

a. Goals: Different housing types will create variety which is a goal of the Village Center.

b. Reasonable Standards: The applicant has used physical form and the relationship of the building with the landscaping and public space to meet the Village Center goals.

c. Accessibility: The linear park/sidewalk area will provide an improved and accessible public space.

d. Streets: There is a connection to the existing street network and Corkscrew Road.

e. Street Design: Pedestrian connection is provided to Corkscrew Road to improve connectivity and walkability.

f. Lots and Blocks: The linear site does not allow for a standard grid lot and block layout but does provide hidden parking.

g. The Visual Edge: A visual edge is created by the landscaping and linear park/sidewalk along Corkscrew Road.

h. Architecture: The building design and colors are consistent with the Village architectural standards, and similar to the colors of existing Genova buildings. The architecture, while not the same as the existing buildings, is complementary to the design and of high quality.

i. Quality of Buildings: Concrete block construction is proposed.

ATTACHMENTS:

1. Location Map
2. Master Concept Plan
3. Applicant's 8-Day Letter
4. Letters Received at PZDB Meeting
5. Ordinance 2016-08 (without attachments)
6. Administrative Amendment ADD2021-E001

GENOVA

Amendment to Estero Planned Development (EPD)

DCI2022-E003

PRESENTATION TO

THE VILLAGE OF ESTERO

VILLAGE COUNCIL

NOVEMBER 2, 2022

BARRON COLLIER COMPANIES
A LEGACY OF VISION

PENINSULA ENGINEERING

INTRODUCTIONS

Barron Collier Companies/Genova Partners, LLC

- Brian Goguen, Chief Investment Officer
- Jaime Lopez, VP of Acquisitions

Pavese Law Firm

- Neale Montgomery

Peninsula Engineering

- John English, President of Engineering
- Steve Sammons, PM/Sr Landscape Architect
- Chris Scott, Planning Manager

BARRON COLLIER COMPANIES
A LEGACY OF VISION

PENINSULA ENGINEERING

LOCATION MAP

BARRON COLLIER COMPANIES
A LEGACY OF VISION

PENINSULA ENGINEERING

PROPOSED REQUEST

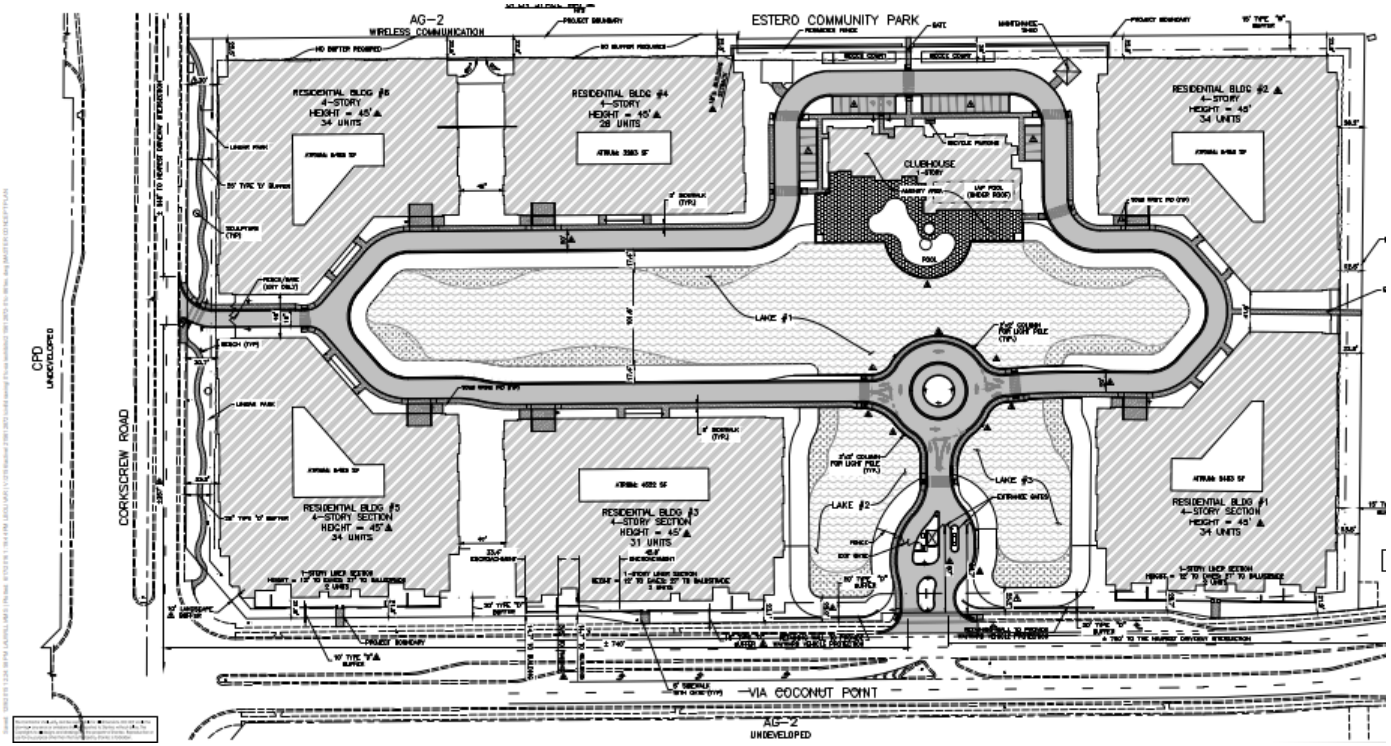
Amend the Genova EPD to revise the type of housing product and reduce the total number of residential units from 205 to 162 dwelling units

- Replace 68 multifamily units in Buildings 5 and 6 with 20 detached luxury villas and 11 townhome units
- Revise Schedule of Uses and Property Development Regulations to include new product types and standards
- Revise Master Concept Plan
- Provide a Supplemental Pattern Book
- Relocate Corkscrew Road egress driveway further east

BARRON COLLIER COMPANIES
A LEGACY OF VISION

PENINSULA ENGINEERING

MASTER CONCEPT PLAN - Original



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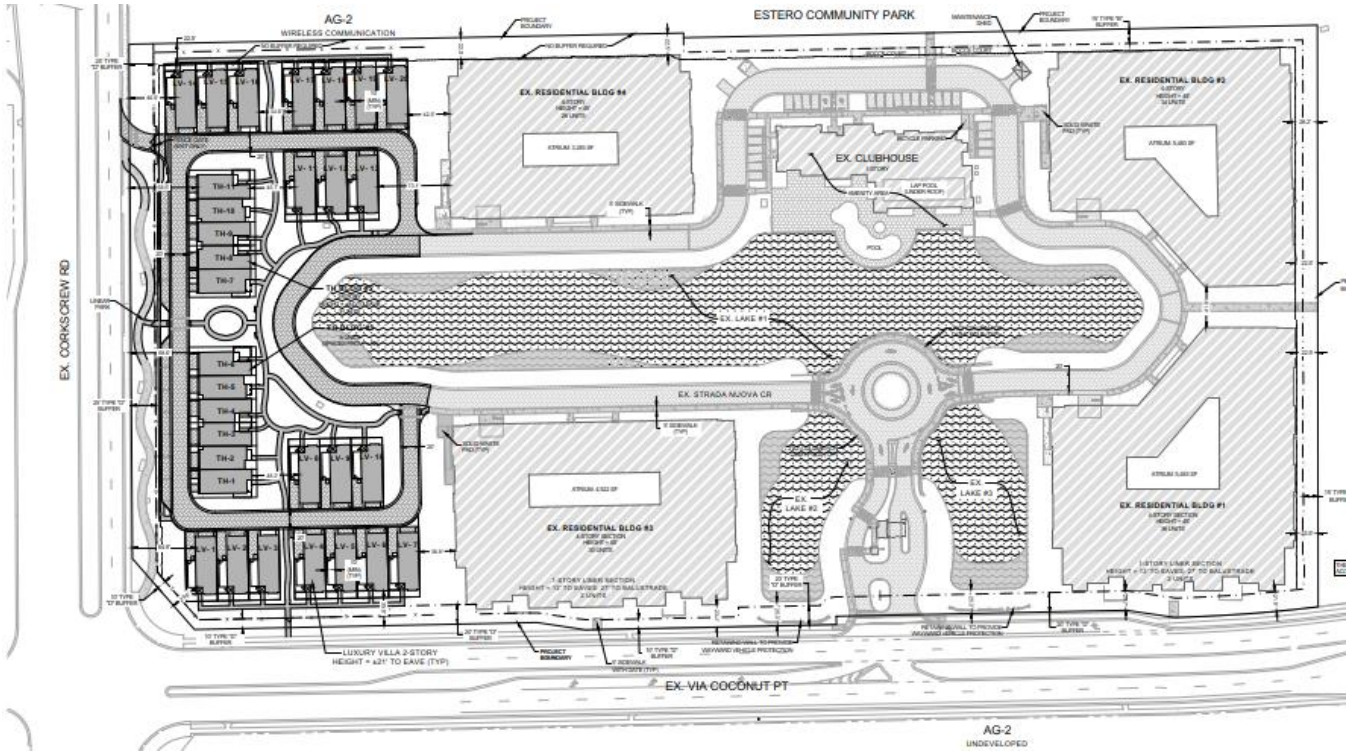
MASTER CONCEPT PLAN - Proposed



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ILLUSTRATIVE PLAN – Aerial Overlay

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PUBLIC INPUT

Applicant team has worked closely with existing Genova residents

- 8/17/2021 Genova Resident Meeting at Genova Clubhouse
- 9/28/2021 PZDB Public Information Meeting
- 4/1/2022 Genova Resident Meeting at Genova Clubhouse
- 4/12/2022 PZDB Workshop
- 5/19/2022 Meeting with Genova 2 Board at Barron Collier Office
- 9/8/2022 Genova Resident Meeting at Genova Clubhouse
- 9/13/2022 PZDB Hearing

BARRON COLLIER COMPANIES
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PENINSULA ENGINEERING

STAFF'S CONDITIONS OF APPROVAL

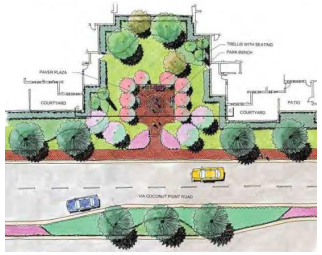
Condition 7: The pocket park/bus stop area shown in the original Pattern Book shall be deleted and must be replaced by *an area of equivalent size and amenities, subject to staff and PZDB approval*.

RECOMMENDED CHANGE: The pocket park/bus stop area shown in the original Pattern Book shall be deleted and must be replaced by *the internal park located between the townhome buildings as shown in the Supplemental Pattern Book*.

BARRON COLLIER COMPANIES
A LEGACY OF VISION

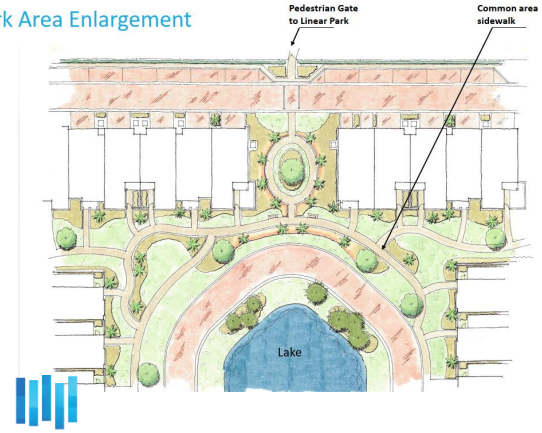
PENINSULA ENGINEERING

STAFF'S CONDITIONS OF APPROVAL



Original approval included a public pocket park along Via Coconut Point between Buildings 3 and 5, located on the outside (streetside) of the Genova fence. This open area totals approximately 3,900 sf and included a 35' x 35' paver stone area that would be available as a future transit waiting area/bus stop.

Park Area Enlargement



The redesign provides a new internal park area of equivalent size and amenities located between the townhome buildings that extends to Strada Nuova Circle and the internal lake. This green space with sidewalks and benches will be common area that is open to all residents of the Genova development.

The area totals approximately 4,200 sf and is accessible from the internal sidewalks of Genova. The total amount of open space within the development increases by 0.18-acres with the new layout.

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STAFF'S CONDITIONS OF APPROVAL

Condition 8: There must be active pursuit of the Project*, and significant construction of this Final Phase of Genova must be completed no later than 5 years of the date of approval of the development order*. Significant construction will include the linear park and amenities, as well as 50% of the residential buildings.

RECOMMENDED CHANGE: There must be active pursuit of the Project *as required by LDC Section 2-502 A.3.B.* Significant construction will include the linear park and amenities, as well as 50% of the residential buildings.

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GENOVA

Supplemental Pattern Book

BARRON COLLIER COMPANIES
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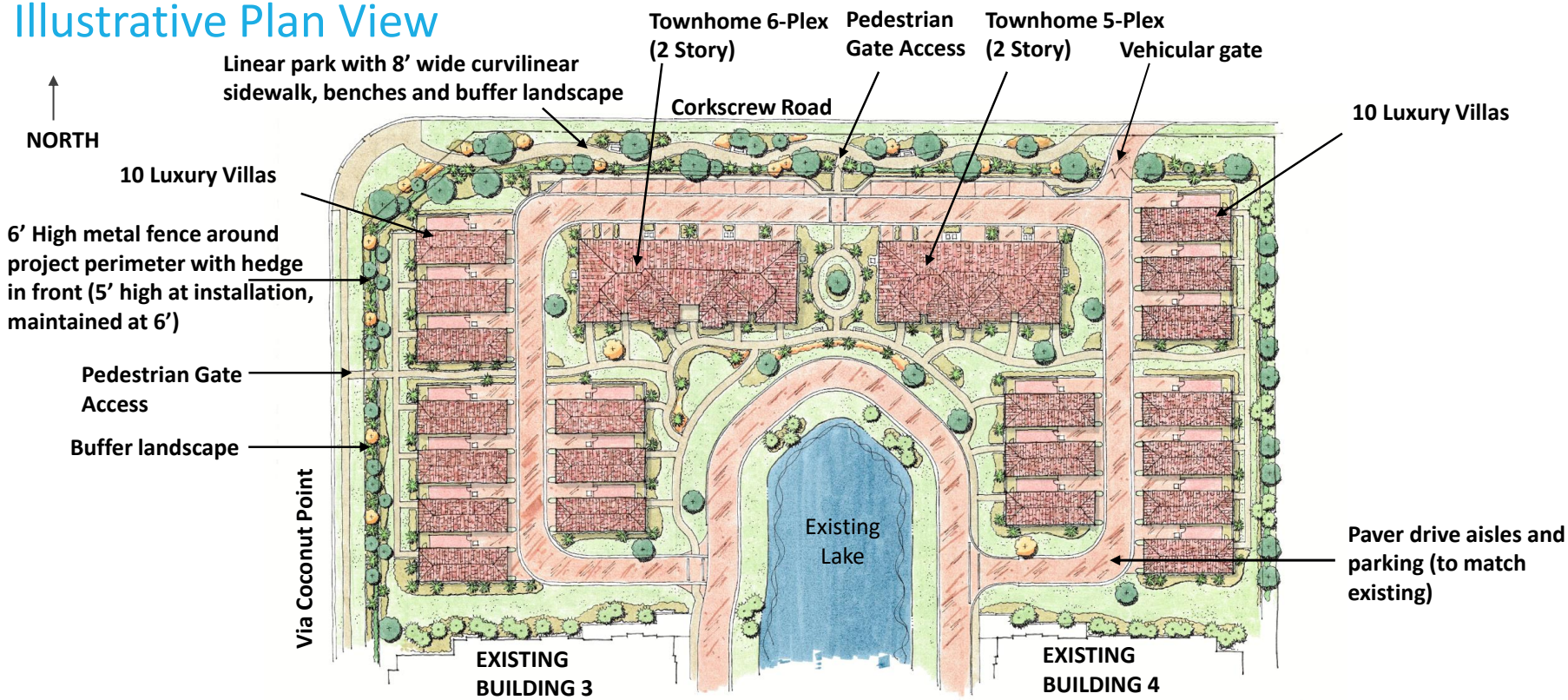
PENINSULA ENGINEERING

Illustrative Plan View



Corkscrew Road Landscape

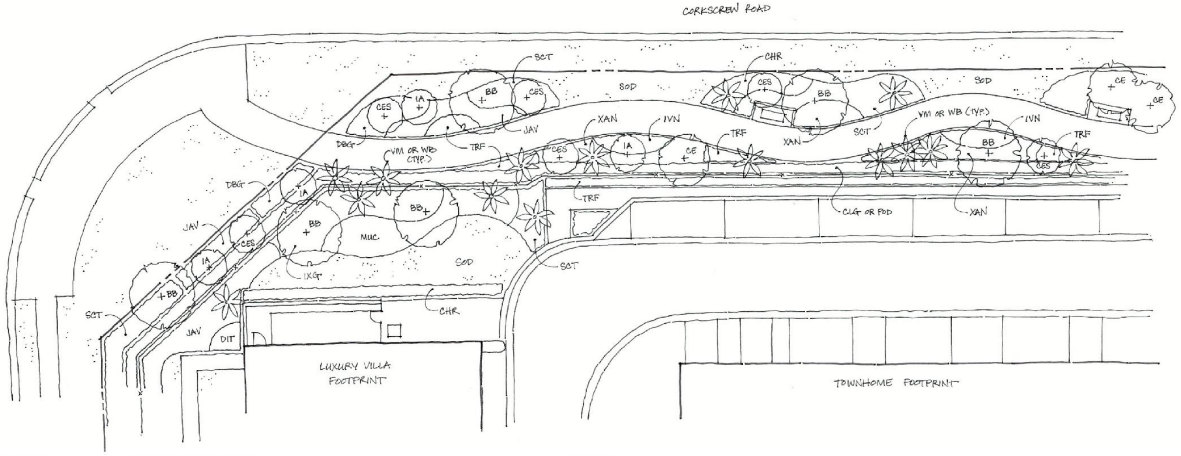
- Code minimum requirement of 1 tree 20' on center plus double staggered row of shrubs at 3' on center
- Shady Lady Black Olive, Silver Buttonwood, Montgomery Palm
- Eleven (11) Shady Lady Black Olive trees will be planted at 18' height to accelerate a mature urban look.

Via Coconut Point Landscape

- Code minimum requirement of 1 tree 20' on center plus double staggered row of shrubs at 3' on center
- Silver Buttonwood, Eagleston Holly, Montgomery Palm

Note: The following illustrative sketches and architectural perspective renderings are conceptual in nature and subject to change at time of final design and permitting.

Conceptual Enhanced Landscaping with buffers



WB: Foxtail Palm

SP: Sabal Palm

BB: Shady Lady Black Olive

VM: Montgomery Palm

IA: Eagleston Holly

PRX: Pygmy Date Palm

CE: Green Buttonwood

CES: Silver Buttonwood

IVN: Dwarf Yaupon Holly

SCT: Schefflera 'Trinette'

XAN: Xanadu

JAV: Wax Jasmine

POD: Podocarpus

TRF: Gama Grass

CHR: Cocoplum

IXG: Ixora 'Nora Grant'

CLG: Small Leaf Clusia

DBG: Dwf. Bougainvillea 'Helen Johnson'

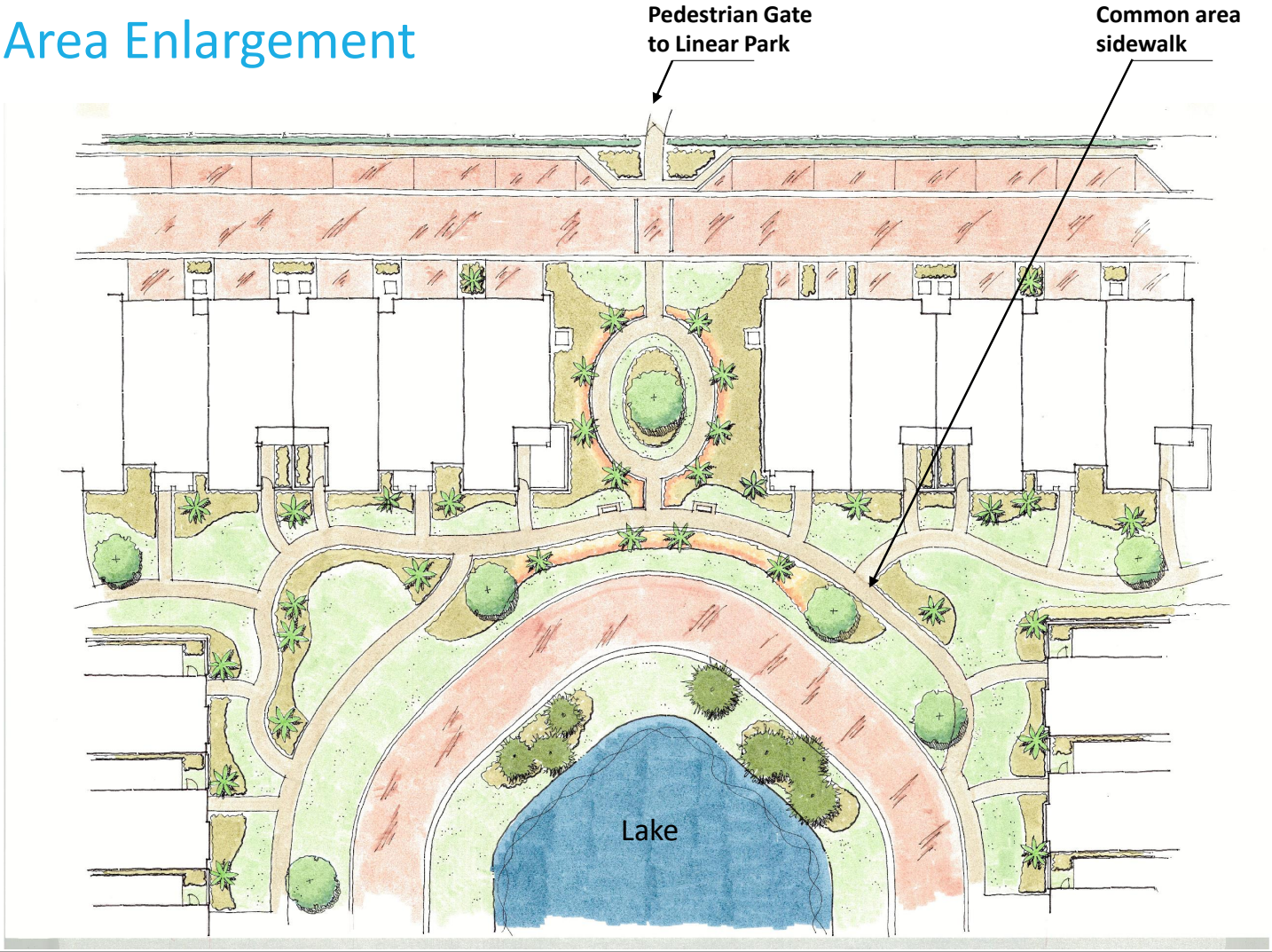
MUC: Muhly Grass

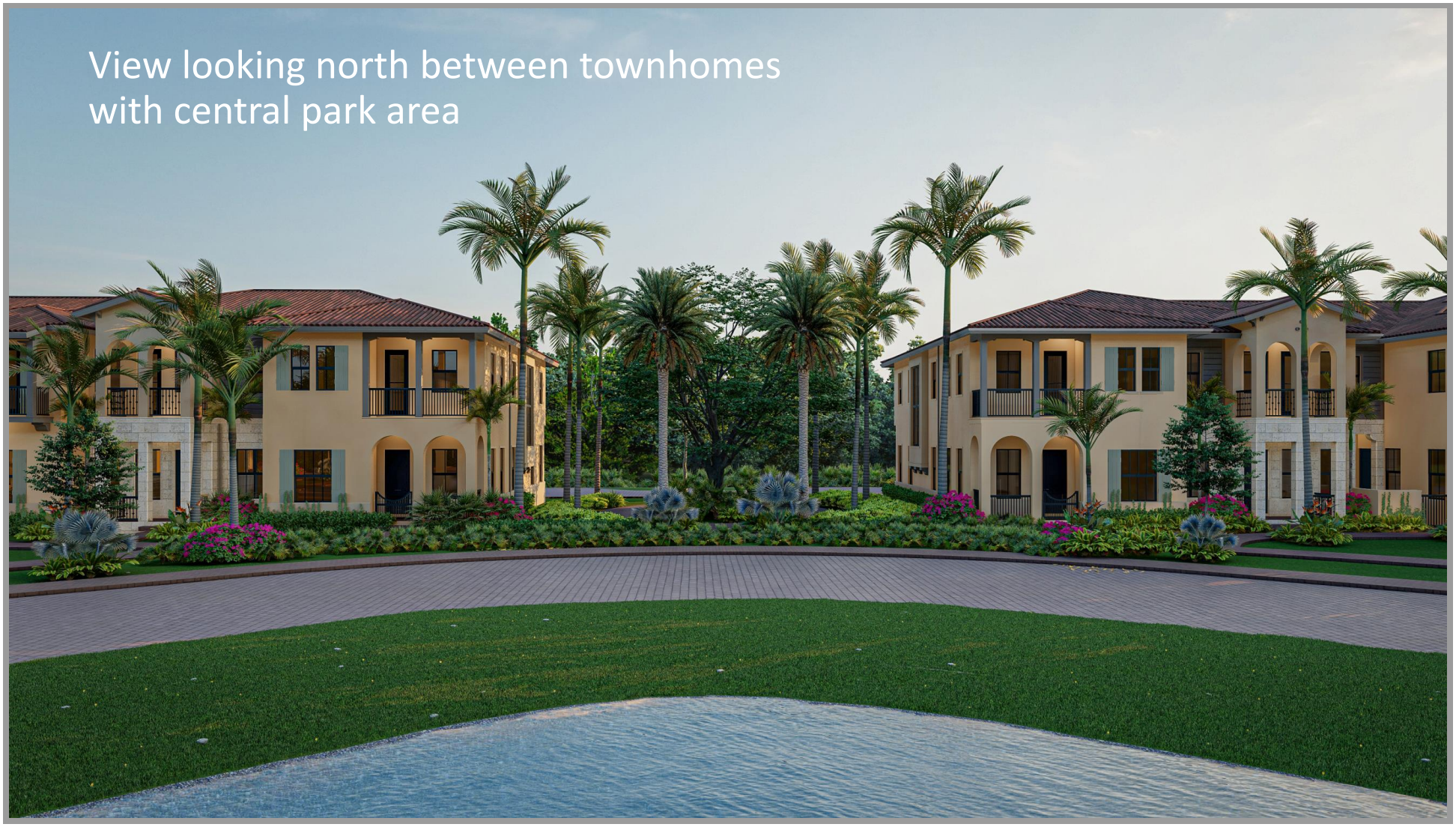
Crinum Lily

Orange Bird of Paradise

Note: Final landscape design to be determined at time of Development Order. Plant images shown are potential species that may be included.

Park Area Enlargement




View looking north between townhomes
with central park area

Complimentary building colors

Shutter Color

Base Body Color

Trim Color

- The base body, shutter and trim colors to be utilized on the Townhome and Luxury Villas are taken directly from the approved colors used on the existing multi-family buildings
- Options of decorative stone/tile available

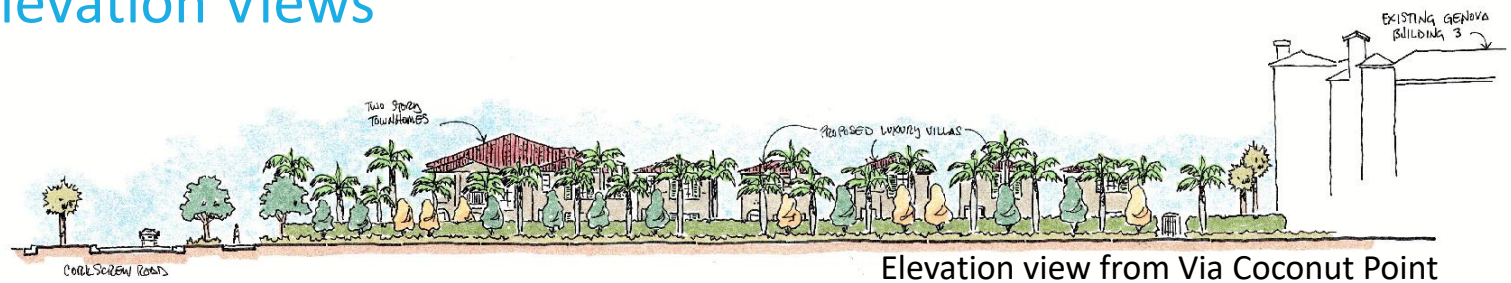
Luxury Villas
• Product of CC Homes, a luxury home top builder in the US
• 2 Stories, +/- 2,500 SF total
• Minimum 2 parking spaces per unit
• Shallow roof pitches with barrel tile as material and little overhang
• Square openings with occasional archway
• Architectural features with shutters, trim, clay tile vents
• Decorative wall for massing effect

Townhomes
• Product of CC Homes, , a luxury home top builder in the US
• 2 Stories, +/- 2,500 SF total
• 2 garage spaces per unit
• Mediterranean style architecture
• Varied massing, multiple building volumes and varied building heights
• Shallow roof pitches with barrel tile as material and wide overhangs
• Attached balconies with decorative metal railings
• Square openings with an occasional archway
• Architectural features with roof cupolas, corbels and clay tile vents

View looking northeast

View looking east

Elevation Views



Elevation view from Via Coconut Point

Elevation view from Corkscrew Road

- Relationships of the proposed landscape to the proposed buildings, and the proposed buildings to the existing buildings.
- Landscape proposed is based on the approved D.O. landscape plan with some taller trees along Corkscrew Road to accelerate a mature urban look and soften the architecture.

Tangible Benefits

Architecture

- Precedent Setting Design – Mediterranean Style provided
- 360 Degree Urban Look – provided
- Stealth Parking – all resident parking is indoors, hidden, or screened. Guest parking exceeds code and will be buffered
- Sustainable Design – provided through existing buildings

Social Vitality

- Public Pedestrian Greenway – provided through existing and proposed greenway
- Public Linear Park along Corkscrew Road – to be provided as proposed
- Public Lakeside Sitting Areas – previously provided
- No Age Restriction – provided

Landscaping

- Canopy Trees/Picnic Areas in Estero Community Park – previously provided
- Larger Trees in Streetscapes – provided through existing and proposed greenways
- Via Coconut Point Road Median Landscape – previously provided
- Via Coconut Point Median Jack and Bore – previously provided
- Interweaving Public ROW and Genova Setbacks – previously provided

Tangible Benefits

Connectivity

- Pedestrian Gates/Walkability – provided through existing and proposed
- Transit Ready – previously provided
- Front Doors on Via Coconut Point Road – previously provided
- Interconnected Sidewalks – provided through existing and proposed
- Within Vibrant Mixed-Use Pedestrian Shed – previously provided
- Non-resident Main Gate Access – previously provided
- $100,000 Contribution to Future Estero Community Park Entry – previously provided

Economic

- Increased Employment – provided
- Impact Fees – provided
- Tax Revenue – provided
- Local Spending – provided

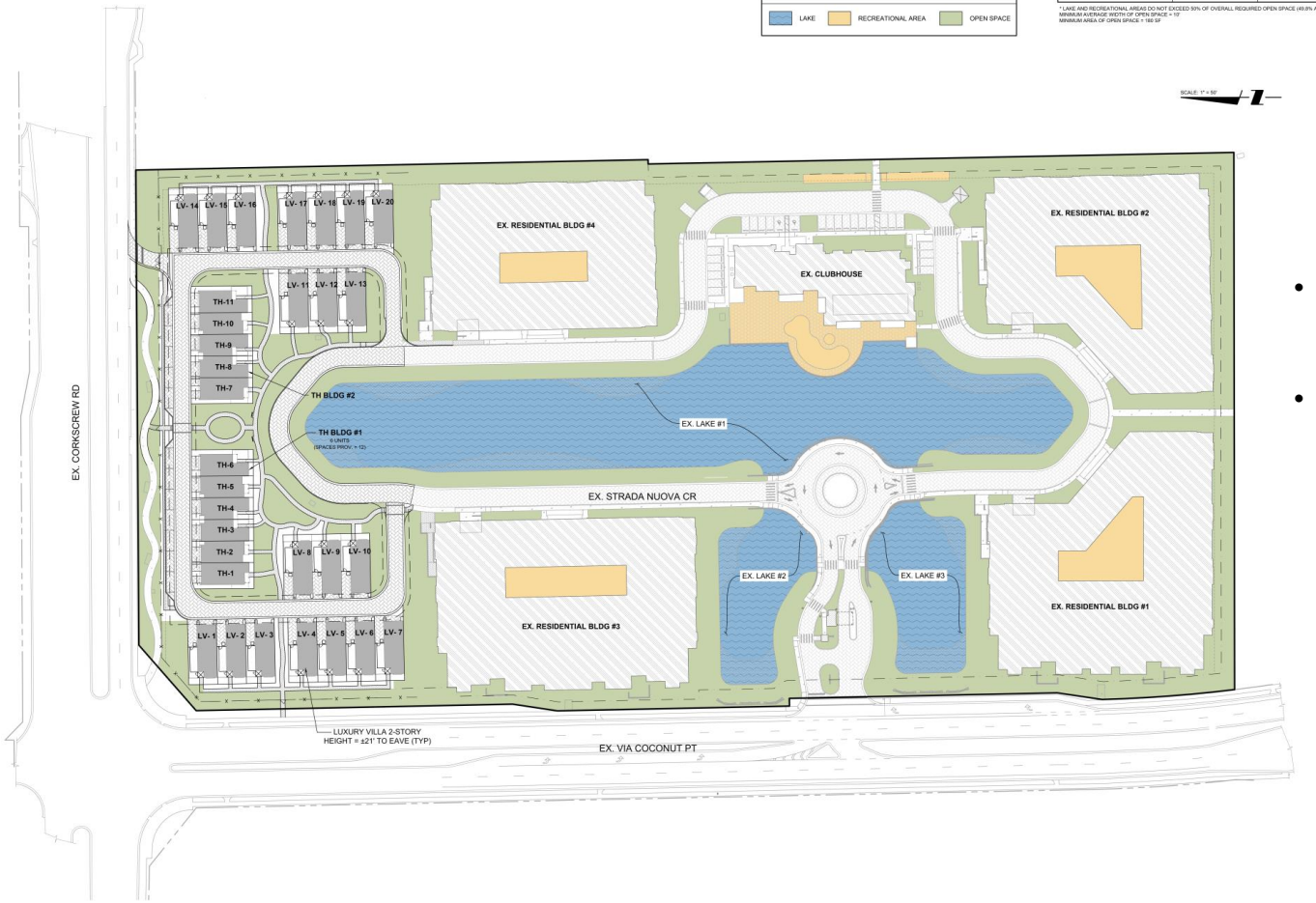
Open Space Exhibit

MASTER CONCEPT PLAN LEGEND			
	EX. BUILDING		PROPOSED BUILDING
	EX. PAVERS		PROPOSED PAVERS
	LAKE	TH	TOWNHOME
		LV	LUXURY VILLA
OPEN SPACE LEGEND			
	LAKE		RECREATIONAL AREA
	OPEN SPACE		

OPEN SPACE CALCULATION		
REQUIRED	PROVIDED	
40% OF SITE AREA 16.92 AC. X 40% = 6.77 AC.	LAKE*	2.68 AC.
	RECREATIONAL AREAS*	0.69 AC.
	OPEN SPACE	4.27 AC.
TOTAL REQUIRED = 6.77 AC. (40%)	**TOTAL**	**7.64 AC. (45%)**

* LAKE AND RECREATIONAL AREAS DO NOT EXCEED 50% OF OVERALL REQUIRED OPEN SPACE (49.8% AS SHOWN)
MINIMUM AVERAGE WIDTH OF OPEN SPACE = 10'
MINIMUM AREA OF OPEN SPACE = 180 SF

SCALE: 1" = 50'



- 6.77 Acres (40%) of open space required
- 7.48 Acres (44%) of open space provided

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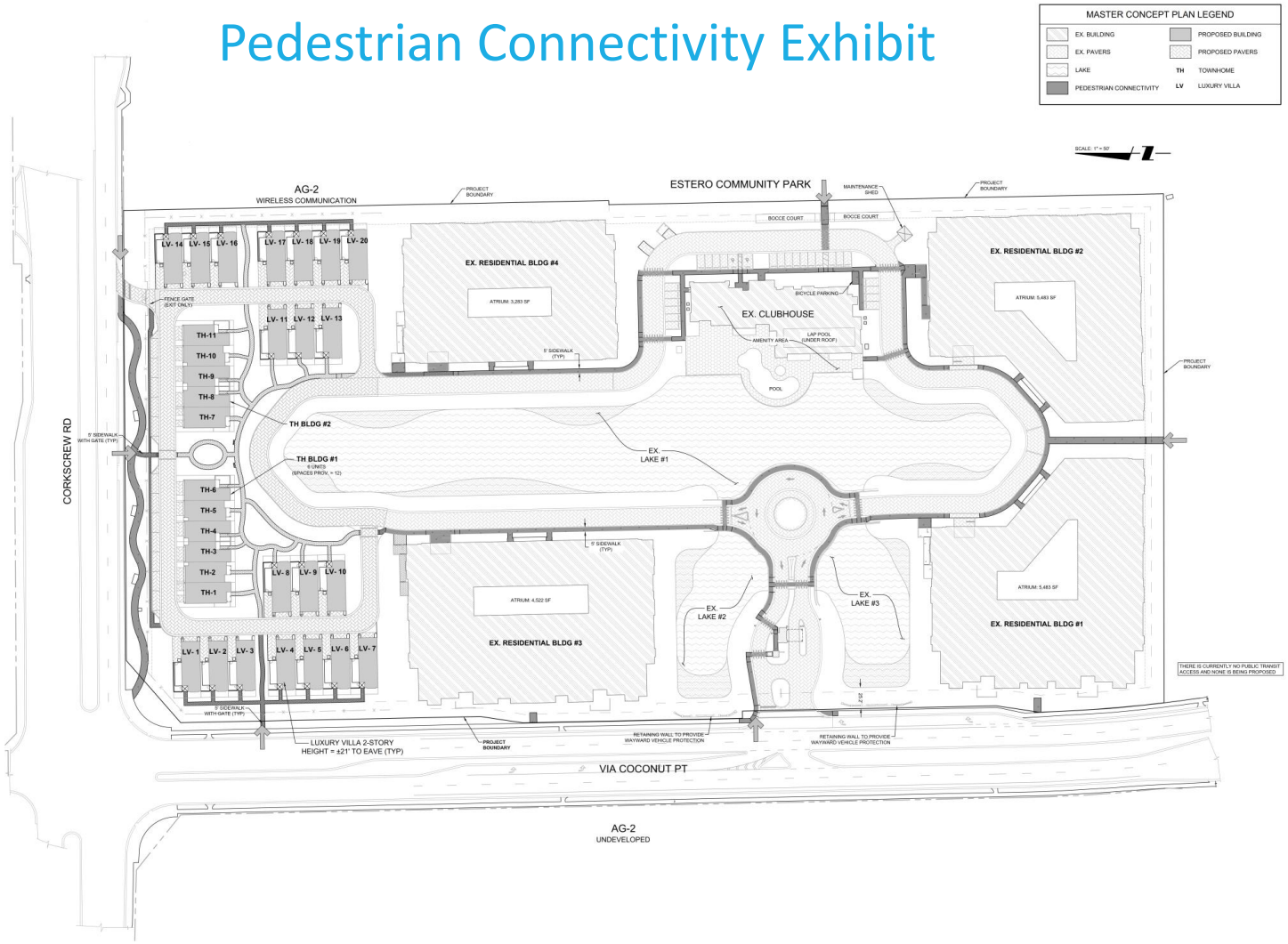
Pedestrian Connectivity Exhibit



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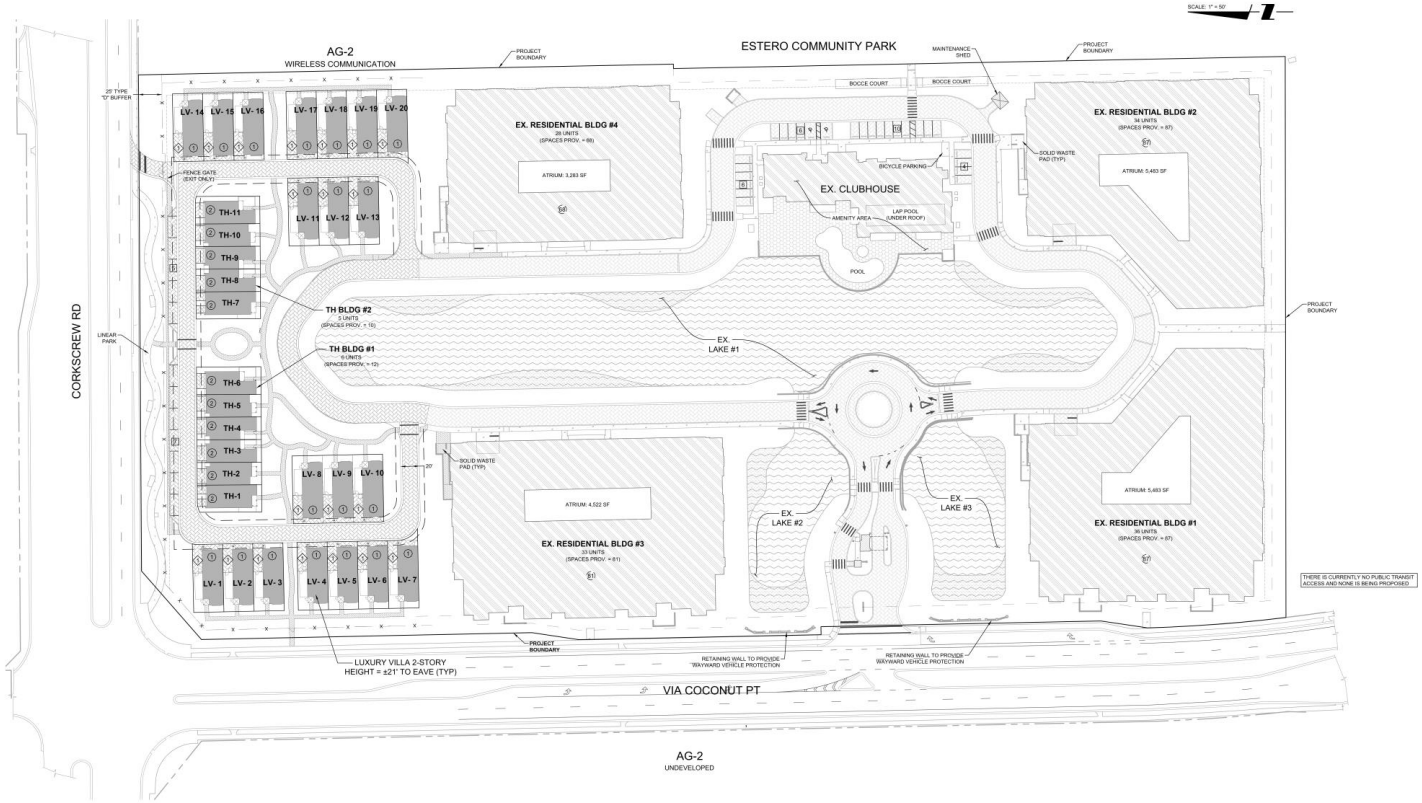
Parking Exhibit

MASTER CONCEPT PLAN LEGEND	
EX. BUILDING	PROPOSED BUILDING
EX. PAVERS	PROPOSED PAVERS
LAKE	TH TOWNHOME
	LV LUXURY VILLA

PARKING LEGEND
TH GARAGE PARKING
EXISTING GARAGE PARKING
LV GARAGE PARKING (MIN 1 SPACE)
LV EXTERIOR PARKING
EXISTNG SURFACE PARKING

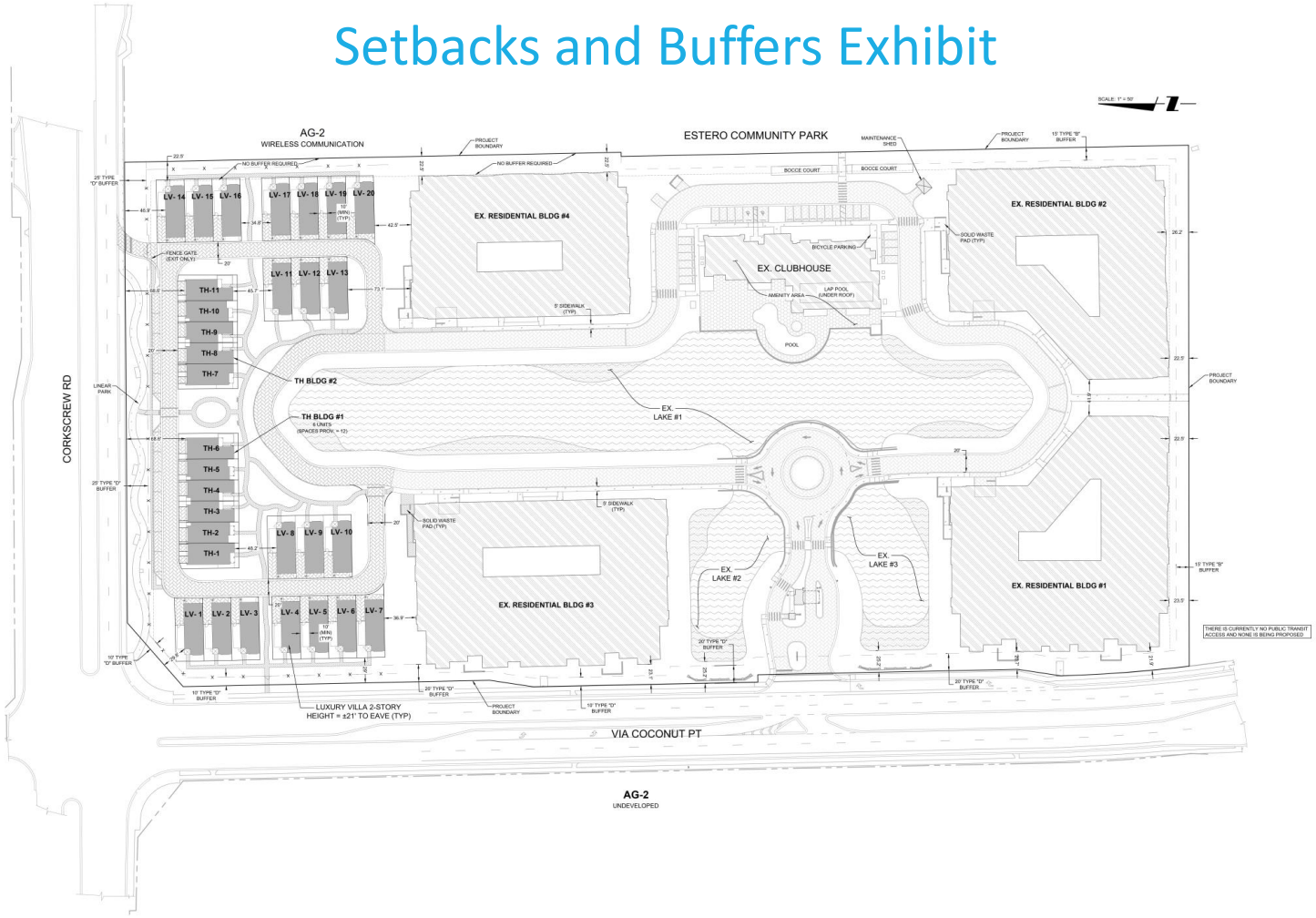
PROPOSED PARKING TABLE		
MULTI-FAMILY RESIDENTIAL PARKING	REQUIREMENT	PROVIDED
TH BLDG #1 (6 UNITS)	2 SPACES / UNIT + 10% GUEST PARKING = 14 SPACES	12 GARAGE SPACES + 7 SURFACE PARKING
TH BLDG #2 (5 UNITS)	2 SPACES / UNIT + 10% GUEST PARKING = 11 SPACES	10 GARAGE SPACES + 5 SURFACE PARKING
TOTAL	**TOTAL: 25 SPACES**	**34 SPACES**
LUXURY VILLA RESIDENTIAL PARKING		
LV-1 - LV-20 (20 UNITS)	2 SPACES / UNIT = 40 SPACES	40 SPACES

EXISTING PARKING TABLE		
EX. RESIDENTIAL PARKING	REQUIREMENT	PROVIDED
EX. RESIDENTIAL BLDG #1 (36 UNITS)	2 SPACES / UNIT + 10% GUEST PARKING = 80 SPACES	87 SPACES
EX. RESIDENTIAL BLDG #2 (34 UNITS)	2 SPACES / UNIT + 10% GUEST PARKING = 75 SPACES	87 SPACES
EX. RESIDENTIAL BLDG #3 (33 UNITS)	2 SPACES / UNIT + 10% GUEST PARKING = 73 SPACES	81 SPACES
EX. RESIDENTIAL BLDG #4 (28 UNITS)	2 SPACES / UNIT + 10% GUEST PARKING = 62 SPACES	68 SPACES
TOTAL	**TOTAL: 290 SPACES**	**323 SPACES**
EX. AMENITY PARKING		
FITNESS CENTER	7 SPACES / 1,000 SF = 22 SPACES	22 SPACES
CLUB / RECREATION	4 SPACES / 1,000 SF = 10 SPACES	10 SPACES
OFFICE	1 SPACE / 300 SF = 4 SPACES	4 SPACES
TOTAL	**TOTAL: 36**	**20 PER DEVIATION**
EX. BICYCLE PARKING		
(5% OF AMENITY VEHICULAR PARKING): 2 SPACES	TOTAL: 2 SPACES	TOTAL: 2 SPACES



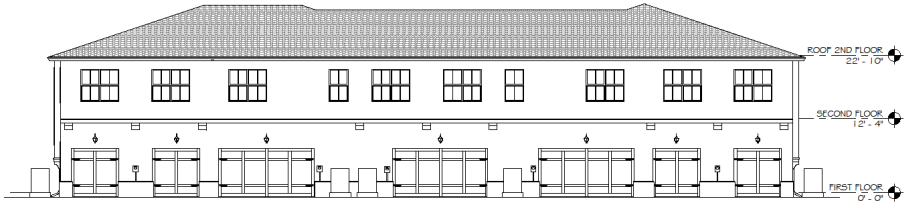
27

Setbacks and Buffers Exhibit

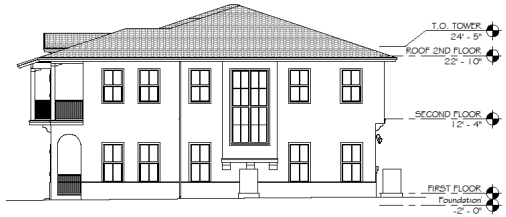


5 Unit Townhome

FRONT ELEVATION BLDG 5 UNITS
1/8" = 1'-0"



REAR ELEVATION BLDG 5 UNITS
1/8" = 1'-0"



RIGHT ELEVATION BLDG 5 UNITS
1/8" = 1'-0"

LEFT ELEVATION BLDG 5 UNITS
1/8" = 1'-0"

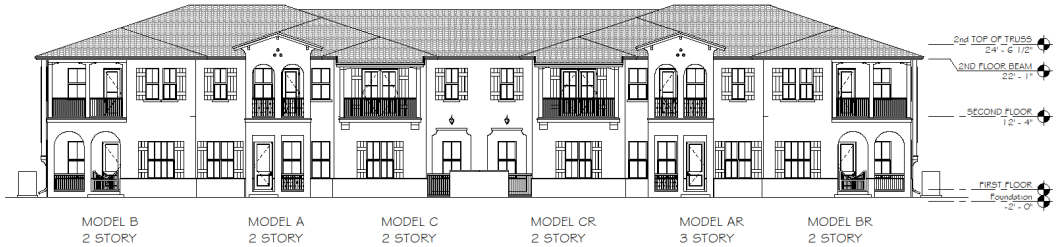
5 Unit Townhome

GENOVA 5 UNITS BLDG FRONT 3DVIEW

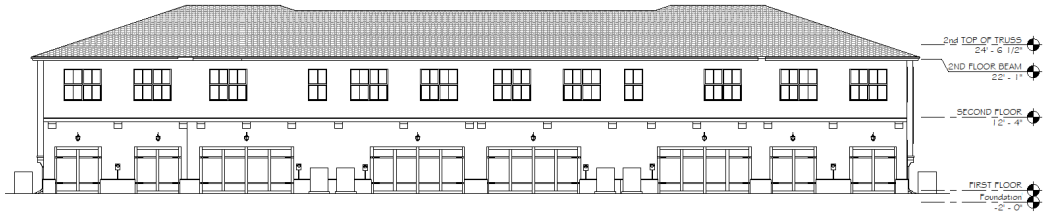
GENOVA 5 UNITS BLDG REAR 3DVIEW

30

6 Unit Townhome



FRONT ELEVATION 6 UNITS BLDG
1/8" = 1'-0"



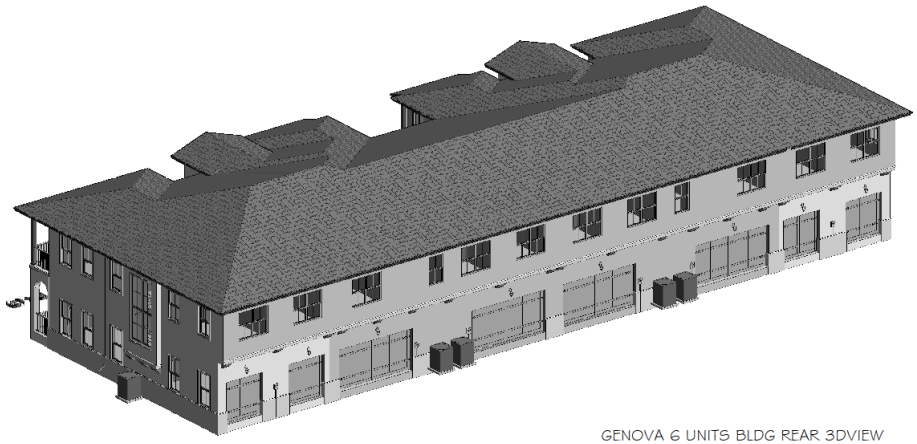
REAR ELEVATION 6 UNITS BLDG
1/8" = 1'-0"

RIGHT ELEVATION 6 UNITS BLDG
1/8" = 1'-0"

LEFT ELEVATION 6 UNITS BLDG
1/8" = 1'-0"

6 Unit Townhome

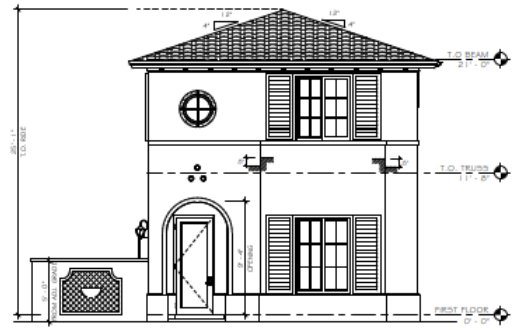
GENOVA 6 UNITS BLDG FRONT 3DVIEW



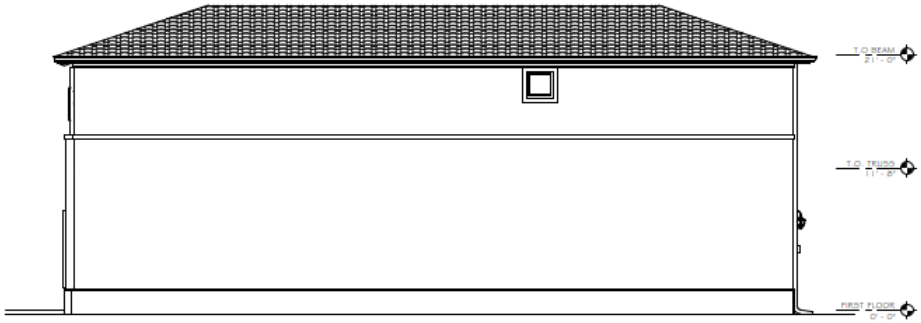
GENOVA 6 UNITS BLDG REAR 3DVIEW

Luxury Villa Alternate 1

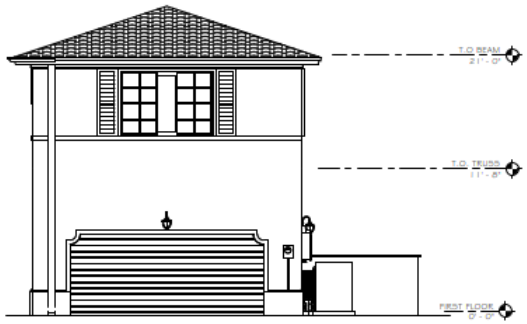
LEFT ELEVATION-ALT 1



FRONT ELEVATION-ALT 1



RIGHT ELEVATION-ALT 1



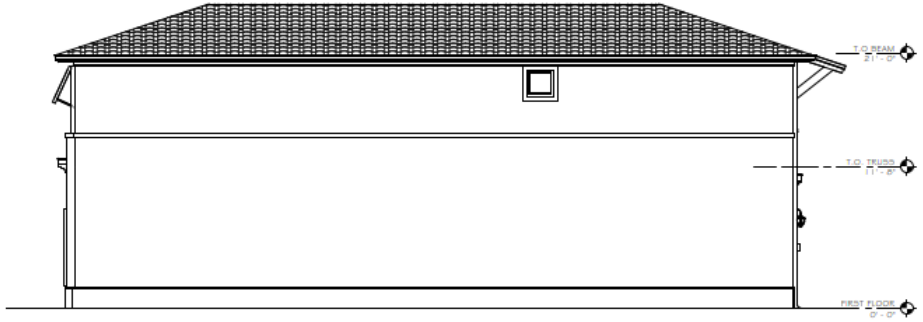
REAR ELEVATION-ALT 1

33

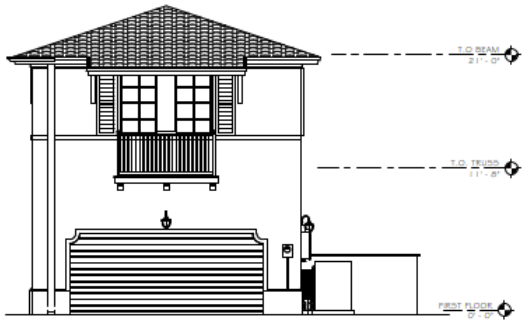
Luxury Villa Alternate 2

LEFT ELEVATION-ALT 2

FRONT ELEVATION-ALT 2



RIGHT ELEVATION-ALT 2



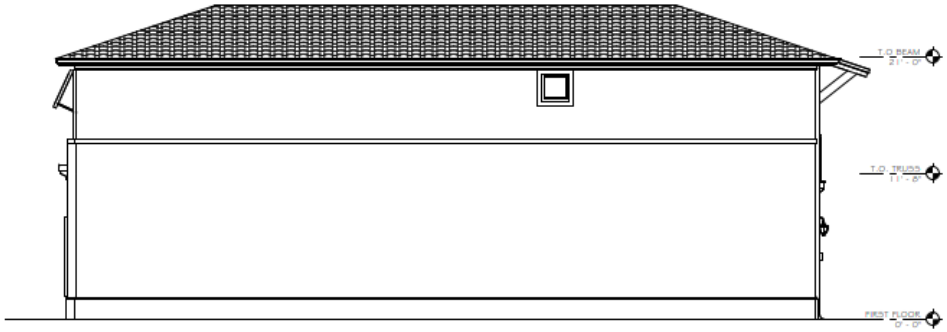
REAR ELEVATION-ALT 2

34

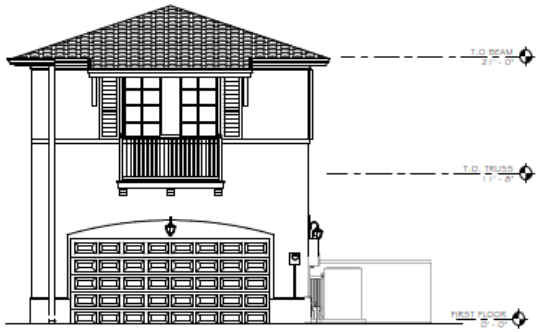
Luxury Villa Alternate 3

LEFT ELEVATION-ALT 3

FRONT ELEVATION-ALT 3



RIGHT ELEVATION-ALT 3



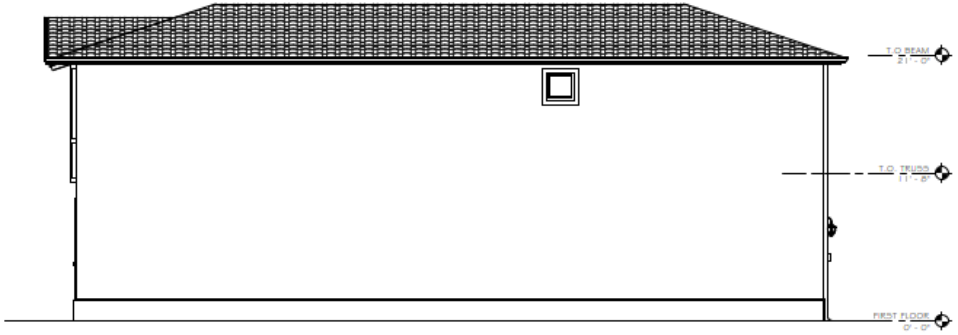
REAR ELEVATION-ALT 3

35

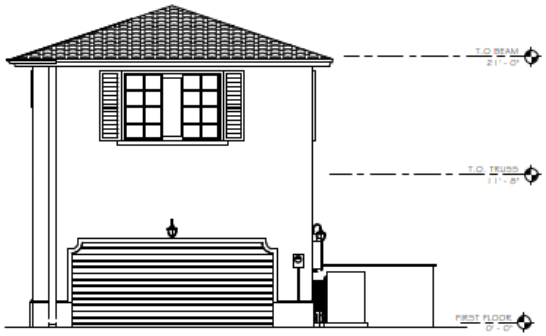
Luxury Villa Alternate 4

LEFT ELEVATION-ALT 4

FRONT ELEVATION-ALT 4



RIGHT ELEVATION-ALT 4



REAR ELEVATION-ALT 4

36

Luxury Villa Facade Options

37

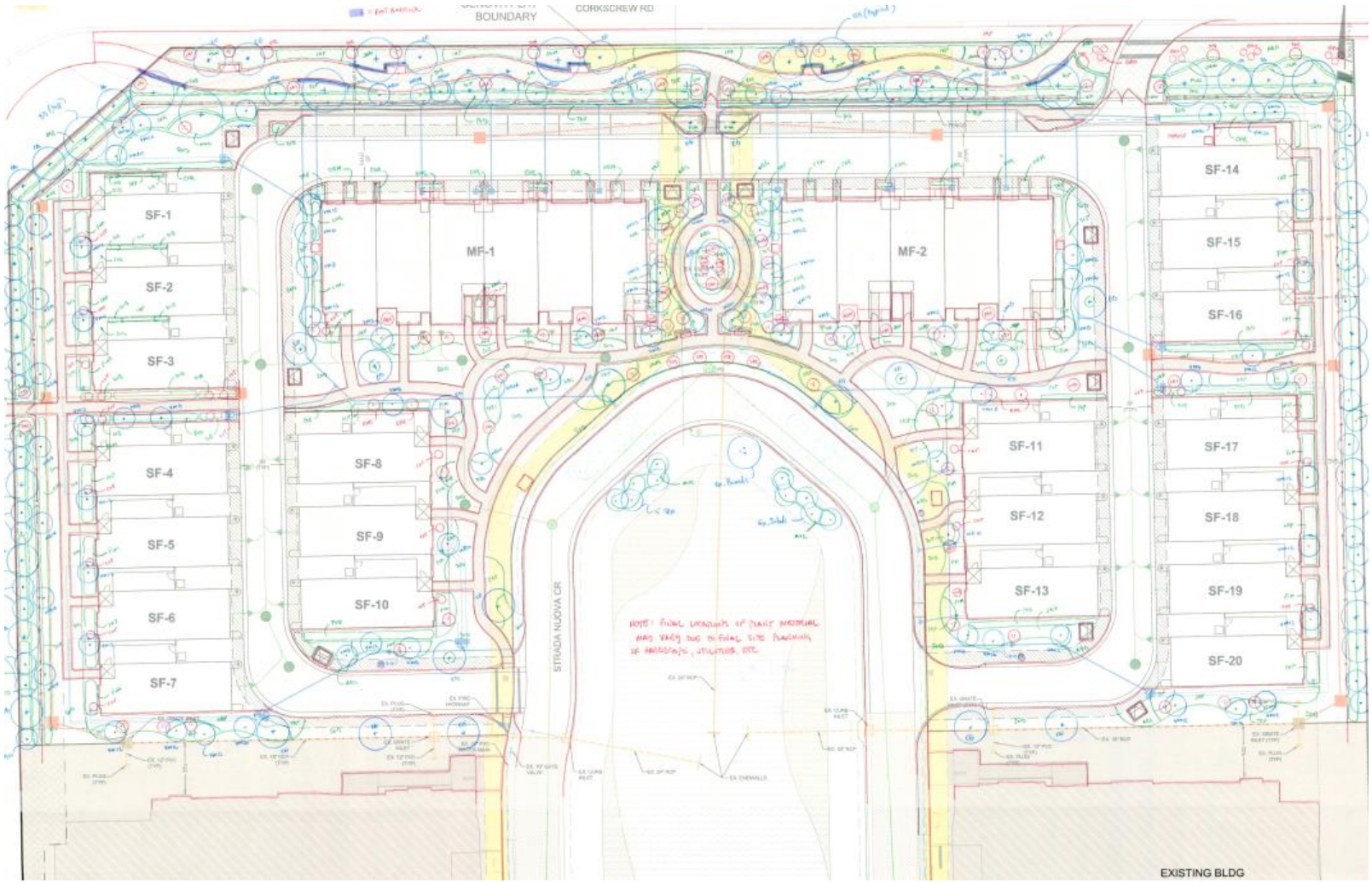
GENOVA

Amendment to Estero Planned Development (EPD)

DCI2022-E003

BARRON COLLIER COMPANIES
A LEGACY OF VISION

PENINSULA ENGINEERING


BOUNDARY
CORKSCREW RD
SF-1
SF-2
SF-3
SF-4
SF-5
SF-6
SF-7
SF-8
SF-9
SF-10
MF-1
MF-2
SF-11
SF-12
SF-13
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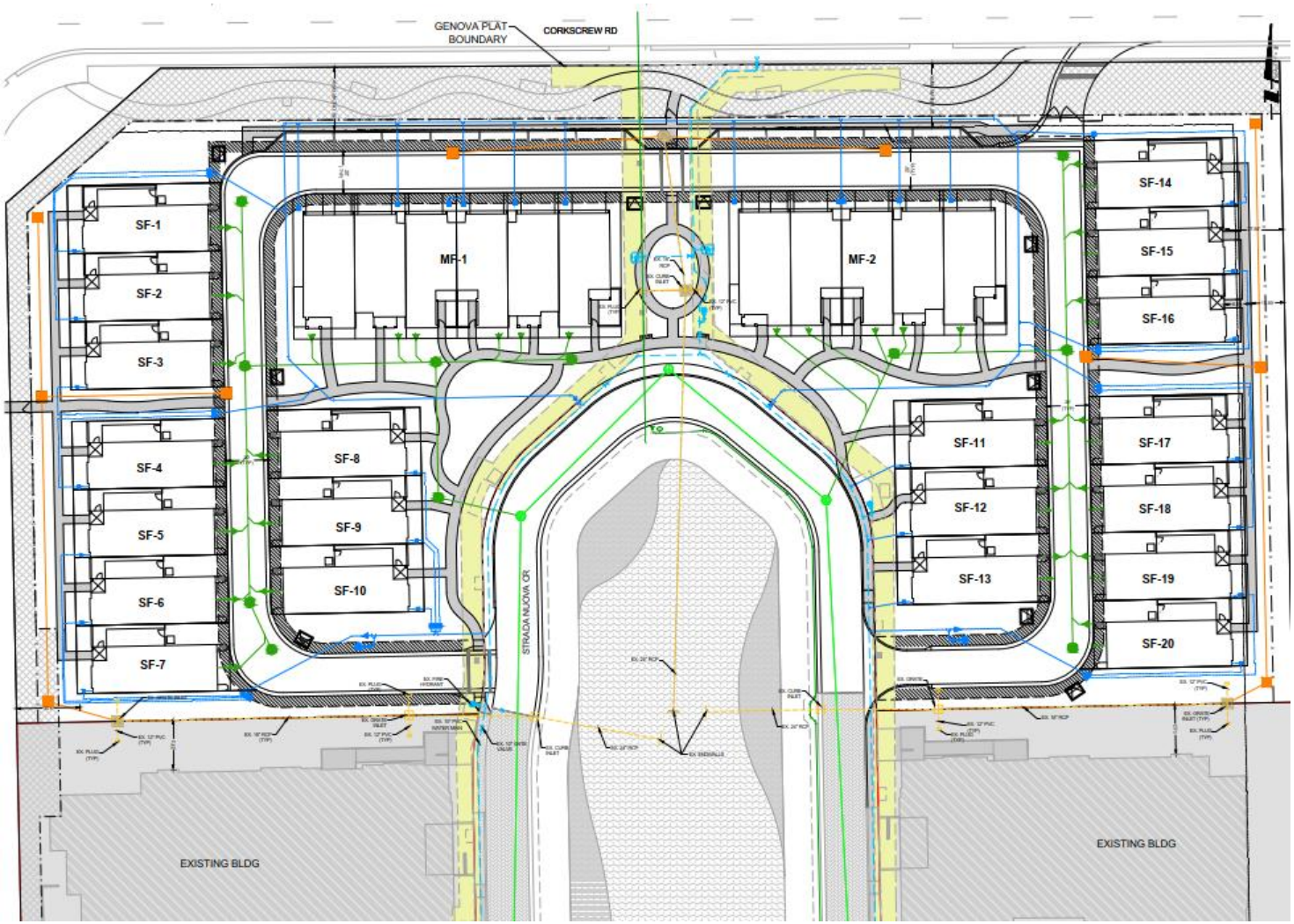
SF-15
SF-16
SF-17
SF-18
SF-19
SF-20
STRADA NUOVA CR
EXISTING BLDG


GENOVA PLAT BOUNDARY
CORKSCREW RD
SF-1
SF-2
SF-3
SF-4
SF-5
SF-6
SF-7
SF-8
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SF-10
MF-1
MF-2
SF-11
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SF-13
SF-14
SF-15
SF-16
SF-17
SF-18
SF-19
SF-20
STRADA NUOVA DR
EXISTING BLDG
EXISTING BLDG