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COVID-19 NOTICE:

The February 3, 2021 Village Council Meeting will be conducted physically in Council Chambers at Village Hall, 9401 Corkscrew Palms Circle, with an opportunity to participate virtually. The meeting will be broadcasted live via the Village of Estero website link: <https://estero-fl.gov/council/watch-meetings-online/>. Access in Council Chambers will be limited in order to comply with the safety instructions relating to COVID-19. Please see page 4 of this agenda for further information and instructions for public participation.

AGENDA

VILLAGE COUNCIL MEETING

9401 Corkscrew Palms Circle, Estero, Florida

February 3, 2021 9:30 a.m.

Village Council: District 1 – Bill Ribble, Mayor; District 2 – Howard Levitan; District 3 – Jon McLain; District 4 – Katy Errington, Vice Mayor; District 5 – James Boesch; District 6 – Nick Batos; District 7 – Jim Wilson

1. CALL TO ORDER

INVOCATION – Pastor Mark Goodman/Christ Community Ministries

PLEDGE OF ALLEGIANCE

ROLL CALL

2. APPROVAL OF AGENDA, ADDITIONS, AND DELETIONS

3. PUBLIC COMMENT ON NON-AGENDA ITEMS

4. CONSENT AGENDA:

(a) Financial Report for the Month Ended December 2020

5. CONSIDERATION OF ITEMS DEFERRED FROM CONSENT AGENDA

6. ACTION ITEMS:

(a) Williams Road Bicycle & Pedestrian Improvements – Concept Design Contract

Recommended Action:

Approve Williams Road Bicycle and Pedestrian Improvements – Concept Design contract with Banks Engineering under Supplemental Task Authorization (STA) – 01 Contract EC 2020-56 Miscellaneous Professional Services to perform a suite of design services for the Bicycle & Pedestrian improvements along Williams Road, between US 41 and Three Oaks Parkway.

Approve a 10% contingency for additional services that may be required to complete the project.

Authorize the Village Manger to sign the STA and other additional implementing documents within the scope of the STA on behalf of the Village of Estero Council.

Financial Impact:

The fiscal impact is \$130,900 for the design and permitting of the Williams Road Bicycle and Pedestrian Improvements. This includes \$119,000.00 for the contract approval and a 10% project contingency of \$11,900.00

Sufficient funds were included in the Fiscal Year 2020-2021 budget to cover these costs. The Fiscal Year 2020-2021 budget for Williams Road Bike-Ped Improvements is \$150,000.

(b) Ben Hill Griffin Landscape Design

Recommended Action:

Approve Ben Hill Griffin Parkway Preliminary Landscape Design contracts with Bruce Howard and Associates under EC2020-42 and RWA Engineering under EC2020-67 to perform a suite of design services for the proposed landscape improvements along Ben Hill Griffin Parkway from Corkscrew Road to Estero Parkway.

Approve a 10% contingency for additional services that may be required to complete the project.

Authorize the Village Manager to sign the Supplemental Task Authorization (STA) and other additional implementing documents within the scope of the STAs on behalf of the Village of Estero Council.

Financial Impact:

The fiscal impact is \$78,210.00 for the design and permitting of the Ben Hill Griffin Parkway Preliminary Landscape Design. This includes \$71,100.00 for the contract approval and a 10% project contingency of \$7,110.00

Sufficient funds were included in the Fiscal Year 2020-2021 budget to cover these costs. The Fiscal Year 2020-2021 budget is \$130,000.

7. PUBLIC HEARING

(a) Estero Town Center Zoning Case (Firestone) continued from January 6, 2021

Continued Second Reading of Ordinance 2020-09, An Ordinance of the Village Council of the Village of Estero, Florida, Considering A Zoning Amendment to the Estero Town Center Commercial Planned Development, to Allow Auto Repair and Service, Group I, as A Stand-Alone Use On Property Located in the Southeast Quadrant of Corkscrew Road and Three Oaks Parkway and Consisting of Approximately 1.14 Acres; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

Recommended Action: Consider request to amend the zoning for the Estero Town Center CPD for a Firestone Complete Auto Care, and adopt Ordinance 2020-09.

Financial Impact: Minor cost of newspaper advertisement

8. ACTION ITEM

(a) Estero Town Center Pedestrian/Open Space Amenity Area Agreement

Recommended Action:

Approve the Agreement between the Village of Estero and KRG for provision of a pedestrian amenity area on the northwest corner of the Estero Town Center Property.

Authorize the Mayor to execute this agreement on behalf of the Village of Estero Council.

Financial Impact:

No financial impact.

9. PUBLIC COMMENT ON NON-AGENDA ITEMS

10. COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS

11. VILLAGE ATTORNEY'S REPORT

12. VILLAGE MANAGER'S REPORT

Adjourn Regular Session and Convene Workshop Item

13. WORKSHOP ITEM:

(a) Williams/Via Coconut RAB Landscape Design

14. ADJOURNMENT

To view and/or participate in the Council Meeting on February 3, 2021, which begins at 9:30 a.m., the following options are available:

1) View the meeting online, but not participate:

You may watch the meeting via the Village of Estero website link:

<https://estero-fl.gov/council/watch-meetings-online/>

2) View the meeting online as indicated above and provide public comment during the meeting by utilizing the eComment Card feature on the Village website: <https://estero-fl.gov/ecomment-cards/> Please fill out all required information. Comments received during the agenda item being discussed will be placed into the record.

3) The Council Chambers will be available for public comment, in accordance with social distancing orders. Participants are recommended to wear their own-supplied mask.

For additional information or for special assistance prior to the meeting, please contact Carol Sacco, Village Clerk/Executive Assistant, sacco@estero-fl.gov or 239-221-5035.

If you desire to address the Council, please complete a Public Comment Card and return it to the Village Clerk. Citizens desiring to speak must step up to the podium, state their full name and address, and whom he or she represents.

ADA Assistance – Anyone needing special assistance at the Board meeting due to a disability or physical impairment should contact Village Clerk/Executive Assistant, Carol Sacco, 239-221-5035, at least 48 hours prior to the meeting.

Pursuant to Section 286.0105, Florida Statutes:

“If a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a recording of the proceeding, and that, for such purpose, he or she may need to ensure that a verbatim recording of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.”

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
February 3, 2021

Agenda Item:

Financial Report for the month ended December 31, 2020.

Description:

This financial report provides details of operations for the month ending December 31, 2020 which is the third month of the 2020-2021 fiscal year. Activity year to date is trending in line with the budget through the first quarter of the fiscal year.

- *Ad valorem (real estate) taxes:* approximately \$3.1 million was received this month.
- *Estero Parkway Improvement Project:* Costs of approximately \$2.2 million incurred to date will be reimbursed by Lee County in subsequent months, eventually replenishing the fund balance.
- *Reserved Funds:* \$5,596,700 in operating reserve funds; \$670,000 in litigation deference reserve funds and \$148,000 in major road maintenance reserve funds.
- *Debt Reduction Funding:* \$6,326,667 has been allocated for Debt Reduction funding.
- *Available funds:* total available funds to \$38,093,021.

Action Requested:

Approve financial report.

Financial Impact:

There is no financial impact of this report.

Attachments:

1. Budget report



Village of Estero
 Budget Report-All Funds
 For the Month Ending December 2020

	Current Month Actual	2020-2021 Year to Date Actual	2020-2021 #2 Bud Amend- Dec Budget	2020-2021 Budget Variance	2020-2021 Year to Date Percentage	2019-2020 Year to Date Actual	Year to Date Prior Year Variance	2019-2020 12 Months Actual
Ad Valorem Taxes	3,184,828	4,532,839	5,075,000	(542,161)	89%	4,436,243	96,596	5,054,886
Local Communications Svcs Tax	74,233	142,836	891,700	(748,864)	16%	155,165	(12,330)	909,318
Local Business Tax	648	2,063	21,900	(19,837)	9%	2,512	(449)	19,624
Franchise Fees-Electric	173,279	365,024	2,130,400	(1,765,376)	17%	402,762	(37,738)	2,121,895
Franchise Fees-Solid Waste	-	-	161,100	(161,100)	0%	-	-	158,137
Rev Sharing Sales tax	48,706	146,118	412,300	(266,182)	35%	146,413	(295)	583,901
Mobile Home License	612	1,583	2,800	(1,217)	57%	1,234	348	2,809
Alcohol Beverage Tax	-	-	32,300	(32,300)	0%	-	-	33,987
Half Cent Sales Tax	226,916	442,964	1,919,800	(1,476,836)	23%	420,057	22,908	2,675,131
Fines & Forfeitures	27	27	500	(473)	5%	132	(104)	920
Interest Income	320	641	32,400	(31,759)	2%	85,850	(85,209)	183,392
Rental income	6,000	12,000	36,000	(24,000)	33%	14,000	(2,000)	51,000
Miscellaneous Revenue	-	-	25,000	(25,000)	0%	(2)	2	11,710
Administrative Fee	4,104	6,364	20,000	(13,636)	32%	28,929	(22,565)	54,171
Cost Recovery-Admin Charge	2,000	2,000	10,000	(8,000)	20%	4,500	(2,500)	14,000
Lee Cty Clerk Recording Fees	-	-	-	-	0%	-	-	5,208
Dev & Zoning-Fixed Fees	9,131	15,926	45,000	(29,074)	35%	11,397	4,529	52,869
Dev & Zoning-Cost Recovery Fee	10,450	13,859	48,800	(34,941)	28%	5,175	8,684	47,619
Planning-Miscellaneous Revenue	3,871	11,340	-	11,340	100%	7,739	3,600	39,860
Code Comp & Contractor License	-	172	7,000	(6,828)	2%	9,341	(9,169)	32,242
Local Option Gas Tax-1-6 Cent	40,432	80,960	432,500	(351,540)	19%	81,136	(176)	496,117
ROW Permits	-	-	1,500	(1,500)	0%	650	(650)	2,750
Rev Sharing-Fuel Tax	14,230	42,689	123,400	(80,711)	35%	42,873	(184)	170,815
FDOT US 41 Light Maintenance	-	-	122,080	(122,080)	0%	-	-	118,525
Covid Cares Grant Revenue	-	-	411,600	(411,600)	0%	-	-	42,034
WCIND Marine Patrol Revenue	-	-	11,860	(11,860)	0%	-	-	544
FEMA-Federal Share	-	-	-	-	0%	-	-	6,547
FEMA-State Share	-	-	-	-	0%	-	-	(3,273)
Total Revenues-General Fund	3,799,789	5,819,405	11,974,940	(6,155,535)	49%	5,856,107	(36,701)	12,886,737
Building Fees	79,237	202,239	979,000	(776,761)	21%	323,023	(120,784)	1,147,131
Surcharge Fee Retained	-	-	3,300	(3,300)	0%	-	-	3,329
Convenience Fee	2,394	7,536	15,000	(7,464)	50%	5,276	2,261	28,982
Interest income	13	28	1,000	(972)	3%	890	(862)	3,051
Total Revenues-Building Fee Fund	81,644	209,803	998,300	(788,497)	21%	329,188	(119,385)	1,182,493
Interest Income	91	198	10,000	(9,802)	2%	19,562	(19,363)	38,645
Proceeds from Sale of Asset	-	-	-	-	0%	-	-	996,685
Total Revenues-Debt Serv	91	198	10,000	(9,802)	2%	19,562	(19,363)	1,035,330



Village of Estero
 Budget Report-All Funds
 For the Month Ending December 2020

	Current Month Actual	2020-2021 Year to Date Actual	2020-2021 #2 Bud Amend- Dec Budget	2020-2021 Budget Variance	2020-2021 Year to Date Percentage	2019-2020 Year to Date Actual	Year to Date Prior Year Variance	2019-2020 12 Months Actual
Local Option Gas Tax 1-5 Cent	29,664	58,988	316,000	(257,012)	19%	58,618	369	361,467
Interest Income-Gas Tax	17	43	5,910	(5,867)	1%	1,738	(1,695)	5,933
Lee Cty Funding-Estero Prkway	-	-	2,196,000	(2,196,000)	0%	-	-	-
Developer Contributions-Inters	-	-	974,600	(974,600)	0%	-	-	89,307
FDOT Funding-US 41 Landscaping	-	-	134,490	(134,490)	0%	-	-	652,566
Road Imp Fee-Residential	106,476	146,460	200,000	(53,540)	73%	146,460	-	549,336
Road Imp Fees-Commercial	-	21,518	200,000	(178,483)	11%	278,378	(256,861)	590,570
Park Imp Fees-Residential	9,210	15,350	60,000	(44,650)	26%	13,815	1,535	62,935
Park Imp Fee-Commercial	6,972	6,972	110,000	(103,028)	6%	216,132	(209,160)	230,076
Interest Income-Rd Impact	140	290	30,930	(30,640)	1%	34,016	(33,726)	68,164
Interest Income-Com Prk Impact	2	3	470	(467)	1%	4,667	(4,663)	8,988
Interest Income-Reg Prk Impact	-	-	-	-	0%	4,113	(4,113)	7,915
Interest Inc-Com Prk Contri	2	3	100	(97)	3%	111	(108)	363
Interest Inc-Public Land	2	5	970	(965)	0%	467	(462)	1,510
Interest Income-Park Imp	7	14	3,620	(3,606)	0%	540	(526)	1,639
	-	-	-	-	-	-	-	-
Total Revenues-Capital Projects Fund	152,491	249,646	4,233,090	(3,983,444)	6%	759,054	(509,408)	2,630,770
	-	-	-	-	-	-	-	-
Total Revenues-All Funds	4,034,014	6,279,052	17,216,330	(10,937,278)	36%	6,963,909	(684,857)	17,735,329
Debt Serv Fd Trans from Gen Fd	-	2,515,197	2,515,800	(603)	100%	384,994	2,130,203	2,515,197
Proceeds from Debt Issue	-	-	-	-	0%	-	-	-
Cap Projects Trans from Gen Fd	14,827	595,157	3,837,010	(3,241,853)	16%	131,448	463,709	5,162,053
Cap Project Trans from Debt Serv	-	-	-	-	0%	-	-	1,000,000
	-	-	-	-	0%	-	-	-
	-	-	-	-	-	-	-	-
Total Revenues and Other Financing Sources-All Funds	4,048,841	9,389,406	23,569,140	(14,179,734)	40%	7,480,352	1,909,054	26,412,580
Executive Salaries	10,356	31,069	124,300	93,231	25%	31,069	-	124,277
FICA Taxes	792	2,377	9,600	7,223	25%	2,377	-	9,507
Workers Comp	63	63	300	237	21%	65	1	183
Unemployment Comp	148	373	2,000	1,627	19%	315	(58)	1,574
Travel and Per Diem	-	-	22,000	22,000	0%	875	875	2,011
Books Pub & Memberships	-	5,934	5,000	(934)	119%	5,280	(654)	5,385
Training	(150)	16	2,000	1,984	1%	1,310	1,294	1,629
	-	-	-	-	-	-	-	-
<i>Total Village Council</i>	<i>11,210</i>	<i>39,832</i>	<i>165,200</i>	<i>125,368</i>	<i>24%</i>	<i>41,291</i>	<i>1,459</i>	<i>144,566</i>



Village of Estero
 Budget Report-All Funds
 For the Month Ending December 2020

	Current Month <u>Actual</u>	2020-2021 Year to Date <u>Actual</u>	2020-2021 #2 Bud Amend- Dec Budget	2020-2021 Budget <u>Variance</u>	2020-2021 Year to Date <u>Percentage</u>	2019-2020 Year to Date <u>Actual</u>	Year to Date Prior Year <u>Variance</u>	2019-2020 12 Months <u>Actual</u>
Executive Salary	11,097	36,314	204,700	168,386	18%	40,233	3,919	201,497
Car Allowance	831	1,741	7,200	5,459	24%	1,503	(237)	7,239
Regular Salaries & Wages	18,450	38,613	162,400	123,787	24%	28,605	(10,008)	152,524
FICA Taxes	2,216	4,097	24,400	20,303	17%	2,735	(1,362)	22,950
Retirement Contributions	4,360	9,125	38,600	29,475	24%	6,540	(2,585)	32,459
Group Insurance	1,346	21,551	84,000	62,449	26%	19,297	(2,254)	70,324
Worker's Compensation	169	169	800	631	21%	151	(18)	426
Unemployment Comp	75	341	900	559	38%	273	(68)	1,032
Miscellaneous Professional Srv	-	-	75,000	75,000	0%	875	875	6,950
Communication Services	2,625	7,875	32,760	24,885	24%	7,875	-	31,500
Miscellaneous Contractual Srvs	-	-	35,000	35,000	0%	-	-	1,900
Travel & Per Diem	-	-	12,000	12,000	0%	1,066	1,066	3,462
Public Relations	750	2,250	15,000	12,750	15%	4,750	2,500	16,708
Books Pub & Memberships	-	889	3,000	2,111	30%	535	(354)	2,600
Training	-	-	4,000	4,000	0%	135	135	185
	-	-	-	-	-	-	-	-
<i>Total Village Manager</i>	<u>41,917</u>	<u>122,964</u>	<u>699,760</u>	<u>576,796</u>	18%	<u>114,573</u>	<u>(8,392)</u>	<u>551,757</u>
Village Attorney	13,246	26,707	150,000	123,293	18%	23,008	(3,699)	173,217
Land Use Legal	495	7,021	85,000	77,979	8%	8,731	1,710	81,163
Comprehensive Plan Legal	-	-	15,000	15,000	0%	608	608	2,115
Code Enforcement Legal	-	-	12,000	12,000	0%	3,010	3,010	7,676
Land Dev Code Legal	-	1,669	15,000	13,331	11%	-	(1,669)	20,706
Miscellaneous legal	-	-	-	-	0%	1,913	1,913	-
Other Special Legal	-	-	-	-	0%	1,040	1,040	4,449
	-	-	-	-	-	-	-	-
<i>Total Village Attorney</i>	<u>13,740</u>	<u>35,397</u>	<u>277,000</u>	<u>241,603</u>	13%	<u>38,309</u>	<u>2,912</u>	<u>289,325</u>
Regular Salaries & Wages	4,337	9,182	131,600	122,418	7%	26,838	17,656	103,836
FICA Taxes	332	702	10,100	9,398	7%	2,046	1,344	7,919
Retirement Contributions	-	-	10,500	10,500	0%	1,843	1,843	6,459
Group Insurance	-	-	15,000	15,000	0%	3,396	3,396	9,033
Worker's Compensation	63	63	300	237	21%	65	1	183
Unemployment Compensation	43	126	600	474	21%	121	(5)	520
Codification	-	-	25,000	25,000	0%	-	-	4,840
Election Services	-	-	70,000	70,000	0%	-	-	-
Travel & Per Diem	-	-	1,000	1,000	0%	-	-	-
Legal Notices	366	366	5,000	4,634	7%	-	(366)	2,435
Book, Pub & Membership	-	100	500	400	20%	-	(100)	170
Training	-	-	100	100	0%	-	-	-
	-	-	-	-	0%	-	-	-
	-	-	-	-	-	-	-	-
<i>Total Village Clerk</i>	<u>5,140</u>	<u>10,539</u>	<u>269,700</u>	<u>259,161</u>	4%	<u>34,309</u>	<u>23,769</u>	<u>135,395</u>



Village of Estero
 Budget Report-All Funds
 For the Month Ending December 2020

	Current Month Actual	2020-2021 Year to Date Actual	2020-2021 #2 Bud Amend- Dec Budget	2020-2021 Budget Variance	2020-2021 Year to Date Percentage	2019-2020 Year to Date Actual	Year to Date Prior Year Variance	2019-2020 12 Months Actual
Regular Salaries & Wages	23,170	55,930	283,100	227,170	20%	52,348	(3,582)	260,266
FICA Taxes	1,754	4,229	21,700	17,471	19%	3,959	(270)	19,690
Retirement Contributions	704	2,308	13,100	10,792	18%	2,316	8	11,206
Group Insurance	409	6,057	23,700	17,643	26%	5,426	(632)	19,767
Worker's Compensation	127	127	600	473	21%	108	(19)	304
Unemployment Compensation	81	250	1,100	850	23%	216	(34)	951
Accounting Services	6,588	6,588	5,000	(1,588)	132%	-	(6,588)	-
Auditing & Actuarial Services	1,250	4,500	38,000	33,500	12%	-	(4,500)	31,000
Travel & Per Diem	-	-	1,200	1,200	0%	-	-	-
Books, Publications & Members	-	293	800	507	37%	-	(293)	779
Training	-	-	1,200	1,200	0%	-	-	1,504
	-	-	-	-	0%	-	-	-
	-	-	-	-	-	-	-	-
<i>Total Finance</i>	<u>34,081</u>	<u>80,281</u>	<u>389,500</u>	<u>309,219</u>	21%	<u>64,373</u>	<u>(15,908)</u>	<u>345,467</u>
Regular Salaries & Wages	30,320	58,181	187,500	129,319	31%	39,290	(18,892)	192,688
FICA Taxes	1,418	3,060	14,400	11,340	21%	2,968	(92)	14,477
Retirement Contributions	3,166	5,610	19,700	14,090	28%	3,529	(2,081)	17,071
Group Insurance	1,662	8,819	37,300	28,481	24%	7,633	(1,186)	31,074
Worker's Compensation	654	654	2,300	1,646	28%	582	(72)	1,644
Unemployment Compensation	80	253	600	347	42%	207	(46)	811
Land Development Code	14,033	14,033	40,000	25,967	35%	33,375	19,342	130,680
Comp Plan/Land Dev Regulations	-	-	30,000	30,000	0%	16,830	16,830	16,830
Growth Model Svcs	-	-	10,000	10,000	0%	-	-	-
Development Svcs Manager	-	-	85,000	85,000	0%	-	-	50,817
Misc Professional Services	-	-	65,000	65,000	0%	-	-	210
Economic Development	-	2,500	60,000	57,500	4%	27,500	25,000	27,500
Travel & Per Diem	-	-	2,000	2,000	0%	-	-	-
Legal Notices-Plan & Zoning	2,262	2,262	6,000	3,739	38%	-	(2,262)	2,953
Books, Pub & Memberships	165	712	5,000	4,288	14%	3,319	2,607	4,329
Training	-	-	600	600	0%	-	-	218
	-	-	-	-	0%	-	-	-
	-	-	-	-	-	-	-	-
<i>Total Development Services</i>	<u>53,760</u>	<u>96,084</u>	<u>565,400</u>	<u>469,316</u>	17%	<u>135,232</u>	<u>39,148</u>	<u>491,303</u>
Cost Recovery-Wages	9,526	13,188	43,900	30,712	30%	4,605	(8,582)	25,904
Cost Recovery FICA Taxes	625	821	3,400	2,579	24%	344	(477)	1,950
Cost Recovery Worker's Comp	-	-	1,200	1,200	0%	-	-	-
Cost Recovery Unemploy Comp	-	-	300	300	0%	-	-	-
Cost Recovery Prof Services	300	(150)	-	150	100%	225	375	19,765
Planning & Zoning-Fixed Fee	27,471	56,251	350,000	293,749	16%	55,582	(669)	290,787
Filling Fees and Charges	-	-	-	-	0%	-	-	5,289
	-	-	-	-	0%	-	-	-
	-	-	-	-	-	-	-	-
<i>Planning, Zoning and Development Review Services</i>	<u>37,922</u>	<u>70,110</u>	<u>398,800</u>	<u>328,690</u>	18%	<u>60,756</u>	<u>(9,353)</u>	<u>343,695</u>



Village of Estero
 Budget Report-All Funds
 For the Month Ending December 2020

	Current Month <u>Actual</u>	2020-2021 Year to Date <u>Actual</u>	2020-2021 #2 Bud Amend- Dec Budget	2020-2021 Budget <u>Variance</u>	2020-2021 Year to Date <u>Percentage</u>	2019-2020 Year to Date <u>Actual</u>	Year to Date Prior Year <u>Variance</u>	2019-2020 12 Months <u>Actual</u>
Special Magistrate Srvs	475	1,038	16,000	14,963	6%	2,388	1,350	8,913
Code Compliance Contract Srvs	11,533	23,616	154,000	130,384	15%	23,066	(549)	139,621
Other Chrges-Filing Fees	21	21	1,200	1,180	2%	60	40	311
	-	-	-	-	0%	-	-	-
	-	-	-	-	-	-	-	-
<i>Total Code Compliance Services</i>	<u>12,029</u>	<u>24,674</u>	<u>171,200</u>	<u>146,526</u>	14%	<u>25,514</u>	<u>840</u>	<u>148,845</u>
Lee Cty Animal Control Srvs	-	-	38,000	38,000	0%	-	-	37,932
	-	-	-	-	-	-	-	-
<i>Total Animal Control</i>	<u>-</u>	<u>-</u>	<u>38,000</u>	<u>38,000</u>	0%	<u>-</u>	<u>-</u>	<u>37,932</u>
Flood Plain-Com Rating System	1,113	3,099	150,000	146,901	2%	-	(3,099)	27,031
NPDES Compliance	-	-	5,000	5,000	0%	653	653	983
Water Level & Quality Monitor	1,178	1,178	130,000	128,822	1%	8,554	7,376	57,467
Water & Sewer Expansion	-	-	257,400	257,400	0%	8,630	8,630	-
Estero River Maintenance	-	-	30,000	30,000	0%	8,364	8,364	50,060
Miscellaneous Stormwate Maint	73	12,373	123,500	111,128	10%	-	(12,373)	51,150
Water Quality Joint Advocacy	-	5,000	5,000	-	100%	5,000	-	5,000
	-	-	-	-	0%	-	-	-
	-	-	-	-	0%	-	-	-
	-	-	-	-	0%	-	-	-
	-	-	-	-	-	-	-	-
<i>Total Public Works/ Physical Environment</i>	<u>2,363</u>	<u>21,649</u>	<u>700,900</u>	<u>679,251</u>	3%	<u>31,200</u>	<u>9,551</u>	<u>191,691</u>



Village of Estero
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 For the Month Ending December 2020

	Current Month <u>Actual</u>	2020-2021 Year to Date <u>Actual</u>	2020-2021 #2 Bud Amend- Dec Budget	2020-2021 Budget <u>Variance</u>	2020-2021 Year to Date <u>Percentage</u>	2019-2020 Year to Date <u>Actual</u>	Year to Date Prior Year <u>Variance</u>	2019-2020 12 Months <u>Actual</u>
Public Works Wages	19,359	40,571	186,600	146,029	22%	33,148	(7,424)	167,086
FICA Taxes	1,415	2,966	14,300	11,334	21%	2,430	(536)	12,272
Retirement Contribution	1,509	3,158	13,400	10,242	24%	2,381	(778)	11,517
Group Insurance	651	9,059	35,200	26,141	26%	8,079	(979)	29,476
Worker's Compensation	1,034	1,034	5,100	4,066	20%	1,186	152	3,349
Unemployment Compensation	48	193	600	407	32%	216	23	808
Traffic Counts	-	-	16,500	16,500	0%	-	-	11,760
Coconut Traffic Study	-	-	-	-	0%	1,476	1,476	-
Village Traffic Study	-	-	-	-	0%	1,000	1,000	-
Misc Professional Services	14,021	17,690	50,000	32,310	35%	8,655	(9,035)	163,910
Misc Engineering Srvc	-	-	-	-	0%	5,625	5,625	-
Misc Construction Services	5,130	5,130	60,000	54,870	9%	-	(5,130)	78,531
Bridge Maintenance	-	-	10,000	10,000	0%	-	-	-
Irrigation Maintenance	-	550	-	(550)	100%	8,350	7,800	13,619
Landscape Maintenance	2,020	2,020	138,600	136,580	1%	5,280	3,260	19,125
Minor Paving Services	-	-	-	-	0%	6,000	6,000	-
Mowing Maintenance	-	10,110	-	(10,110)	100%	16,250	6,140	101,230
Ditch Maintenance	-	-	-	-	0%	11,850	11,850	-
Street Light Maintenance	921	2,373	65,100	62,727	4%	-	(2,373)	25,862
Street Sweeping Services	1,400	2,800	22,000	19,200	13%	-	(2,800)	19,510
Traffic Sign Maintenance	-	-	-	-	0%	-	-	4,180
Traffic Signal Maintenance	-	1,251	5,000	3,749	25%	1,209	(42)	4,836
Right-of-Way Permit Review	3,794	3,794	15,000	11,206	25%	2,555	(1,238)	6,114
Railroad Maintenance	18,000	18,000	18,000	-	100%	18,000	-	18,000
Misc Landscape Projects	-	-	-	-	0%	6,340	6,340	-
Resurf/Drainage-Poinciana Trail	42,948	51,857	103,870	52,013	50%	-	(51,857)	386,370
Road Maintenance	-	-	120,000	120,000	0%	-	-	-
US41 Traffic Signal Maint	-	-	30,000	30,000	0%	-	-	-
US41 Landscape Maint	-	-	22,900	22,900	0%	-	-	-
Travel	132	346	5,000	4,654	7%	716	371	4,066
Communications	41	86	500	414	17%	78	(8)	512
Utilities	3,036	8,071	35,270	27,199	23%	5,650	(2,421)	40,890
Equipment & leases	212	606	2,500	1,894	24%	513	(93)	2,151
Street Light Insurance	3,214	3,214	16,500	13,286	19%	-	(3,214)	3,214
Operating Supplies	-	299	3,000	2,701	10%	204	(95)	1,603
Books, Publications & Members	-	-	1,500	1,500	0%	-	-	1,187
Training	-	427	2,000	1,573	21%	299	(128)	349
-	-	-	-	-	0%	-	-	-
-	-	-	-	-	0%	-	-	-
-	-	-	-	-	-	-	-	-
<i>Total Public Works/ Transportation</i>	<u>118,886</u>	<u>185,606</u>	<u>998,440</u>	<u>812,834</u>	19%	<u>147,491</u>	<u>(38,115)</u>	<u>1,131,528</u>



Village of Estero
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	Current Month <u>Actual</u>	2020-2021 Year to Date <u>Actual</u>	2020-2021 #2 Bud Amend- Dec Budget	2020-2021 Budget <u>Variance</u>	2020-2021 Year to Date <u>Percentage</u>	2019-2020 Year to Date <u>Actual</u>	Year to Date Prior Year <u>Variance</u>	2019-2020 12 Months <u>Actual</u>
Webmaster Svcs & Maintenance	500	1,084	9,000	7,916	12%	1,000	(84)	8,030
Software Licensing	1,144	2,103	30,000	27,897	7%	7,091	4,989	32,575
Information Technology Svcs	9,531	19,953	125,000	105,048	16%	18,512	(1,440)	130,296
Tech Development Services	-	-	-	-	0%	-	-	8,525
Small tools & equipment	-	-	13,800	13,800	0%	-	-	-
Capital Outlay	-	-	10,000	10,000	0%	-	-	4,416
	-	-	-	-	0%	-	-	-
<i>Total Information Technology</i>	<u>11,175</u>	<u>23,139</u>	<u>187,800</u>	<u>164,661</u>	12%	<u>26,604</u>	<u>3,464</u>	<u>183,842</u>
Lee Cty Law Enforcement	192	768	10,000	9,232	8%	848	80	4,124
	-	-	-	-	-	-	-	-
<i>Total Law Enforcement/ Security</i>	<u>192</u>	<u>768</u>	<u>10,000</u>	<u>9,232</u>	8%	<u>848</u>	<u>80</u>	<u>4,124</u>
Parks Master Plan	-	-	-	-	0%	20,875	20,875	40,445
YMCA Operating Agreement	4,990	16,970	63,000	46,030	27%	-	(16,970)	26,750
Utilities	182	1,783	6,000	4,217	30%	-	(1,783)	5,668
Equipment Rent & Leases	-	-	1,100	1,100	0%	-	-	667
Repairs & Maint	165	260	20,000	19,741	1%	-	(260)	21,314
	-	-	-	-	0%	-	-	-
	-	-	-	-	0%	-	-	-
	-	-	-	-	-	-	-	-
<i>Total Parks & Recreation</i>	<u>5,336</u>	<u>19,012</u>	<u>90,100</u>	<u>71,088</u>	21%	<u>20,875</u>	<u>1,863</u>	<u>94,844</u>
Lobbying Services	2,500	5,000	30,000	25,000	17%	5,000	-	30,000
State Administrative Fees	499	1,020	9,500	8,480	11%	1,100	80	9,360
Tax Collector Fees	-	1,850	3,750	1,900	49%	1,818	(32)	1,818
Audio Visual Services	2,468	5,828	46,000	40,173	13%	3,398	(2,430)	26,136
Misc Contractual Svcs	-	-	250,000	250,000	0%	-	-	-
Communications	377	744	5,000	4,256	15%	675	(68)	4,251
Freight & Postage	235	470	3,500	3,030	13%	529	59	2,171
Utilities	672	10,001	17,500	7,499	57%	4,143	(5,858)	15,671
Equipment Rental & Leases	2,423	3,422	10,000	6,578	34%	1,592	(1,830)	9,433
Office Lease-Corkscrew Palms	19,192	57,575	257,400	199,825	22%	58,143	568	230,016
Insurance	16,542	16,542	78,700	62,159	21%	19,470	2,929	74,952
Repairs & Maintenance	1,882	6,406	20,000	13,594	32%	2,374	(4,032)	16,970
Printing	-	-	1,500	1,500	0%	146	146	146
Bank Charges	-	-	-	-	0%	310	310	-
Contingency	-	-	154,200	154,200	0%	-	-	-
Office Supplies	291	1,024	6,500	5,476	16%	1,574	550	4,214
Operating Supplies	3,603	6,395	11,000	4,605	58%	1,015	(5,380)	12,143
Books Pub & Membership	-	-	2,000	2,000	0%	-	-	141
	-	-	-	-	-	-	-	-
	-	-	-	-	-	-	-	-
<i>Total General Government</i>	<u>50,683</u>	<u>116,276</u>	<u>906,550</u>	<u>790,274</u>	13%	<u>101,286</u>	<u>(14,990)</u>	<u>437,421</u>



Village of Estero
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	Current Month <u>Actual</u>	2020-2021 Year to Date <u>Actual</u>	2020-2021 #2 Bud Amend- Dec Budget	2020-2021 Budget <u>Variance</u>	2020-2021 Year to Date Percentage	2019-2020 Year to Date <u>Actual</u>	Year to Date Prior Year <u>Variance</u>	2019-2020 12 Months <u>Actual</u>
Covid Contract Services/Community Testing	192,496	192,496	185,400	(7,096)	100%	-	(192,496)	-
Repair and Maintenance	1,200	1,200	-	(1,200)	100%	-	(1,200)	3,690
Covid Supplies/PPE	149,266	295,408	226,200	(69,208)	100%	-	(295,408)	499
Capital Outlay	-	-	-	-	0%	-	-	37,990
Total COVID	342,961	489,104	411,600	(77,504)	119%	-	(489,104)	42,179
Lee Cty Marine Patrol	-	-	43,860	43,860	0%	-	-	544
Total Lee County Marine Patrol	-	-	43,860	43,860	0%	-	-	544
IRMA-Professional Service	-	-	10,000	10,000	0%	-	-	-
IRMA Debris Removal	-	-	-	-	0%	-	-	69,504
	-	-	-	-	0%	-	-	-
	-	-	-	-	0%	-	-	-
	-	-	-	-	0%	-	-	-
Total Hurricane Irma	-	-	10,000	10,000	0%	-	-	69,504
Total Expenditures-General Fund	741,394	1,335,436	6,333,810	4,998,374	21%	842,661	(492,775)	4,643,959
Building Service Contract	80,252	163,266	954,100	790,834	17%	145,451	(17,815)	953,569
Laserfische Software	-	-	8,100	8,100	0%	8,088	8,088	8,088
Building IT Contract Services	405	849	5,300	4,451	16%	787	(61)	5,542
Inkforce Software	1,275	2,550	15,300	12,750	17%	2,550	-	15,300
Communications	113	233	1,400	1,167	17%	222	(11)	1,405
Freight & Postage	72	144	600	456	24%	160	16	636
Utilities	138	677	3,000	2,323	23%	663	(13)	2,970
Equipment Lease	1,391	2,575	9,800	7,225	26%	1,932	(642)	9,270
Office Lease-Corkscrew Palms	3,931	11,793	52,800	41,007	22%	11,909	116	47,112
Repairs & Maintenance	384	395	3,800	3,405	10%	395	-	2,479
Credit Card Fees	2,061	7,359	27,800	20,441	26%	5,742	(1,617)	30,161
Office Supplies	229	504	3,000	2,496	17%	842	338	2,829
Operating Supplies	-	10	4,800	4,790	0%	1,441	1,431	3,618
	-	-	-	-	0%	-	-	-
Total Expenditures-Building Fee Fund	90,251	190,354	1,089,800	899,446	17%	180,183	(10,171)	1,082,979
Principal Payments	-	-	670,460	670,460	0%	-	-	1,641,295
Interest Expense	-	367,928	745,340	377,412	49%	384,994	17,066	770,587
	-	-	-	-	0%	-	-	-
Total Expenditures-Debt Service	-	367,928	1,415,800	1,047,872	26%	384,994	17,066	2,411,882



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Esteros Parkway Improvements	1,405,962	2,406,403	3,186,560	780,157	76%	66,740	(2,339,663)	4,688,942
River Ranch Rd Improvements	16,529	22,283	310,000	287,718	7%	-	(22,283)	145,702
Corkscrew Rd Widening	6,218	6,218	300,000	293,783	2%	-	(6,218)	32,507
Via Coconut Pt Street Lights	-	-	205,200	205,200	0%	-	-	-
Williams Rd Street Lights	-	-	57,000	57,000	0%	-	-	-
River Ranch Rd Street Lights	-	-	30,500	30,500	0%	-	-	-
Broadway Ave East Street Light	-	-	12,900	12,900	0%	-	-	-
Sandy Lane Street Lights	-	-	28,600	28,600	0%	-	-	-
	-	-	-	-	0%	-	-	-
<i>Total Roadway Projects</i>	<u>1,428,708</u>	<u>2,434,903</u>	<u>4,130,760</u>	<u>1,695,857</u>	<u>59%</u>	<u>66,740</u>	<u>(2,368,163)</u>	<u>4,867,151</u>
US41-Pelican Sound Inte Improv	-	-	132,000	132,000	0%	-	-	-
Corkscrew Rd Signal-Puente Ln	-	-	1,634,950	1,634,950	0%	20,775	20,775	76,847
Williams Rd Intersection Improv	-	-	300,000	300,000	0%	6,153	6,153	33,353
Williams Rd High School Turn	83,791	83,791	-	(83,791)	100%	3,744	(80,047)	423,462
Coconut Rd Improvements	-	-	117,000	117,000	0%	-	-	29,441
	-	-	-	-	-	-	-	-
<i>Total Intersection Improve Proj</i>	<u>83,791</u>	<u>83,791</u>	<u>2,183,950</u>	<u>2,100,159</u>	<u>4%</u>	<u>30,672</u>	<u>(53,119)</u>	<u>563,103</u>
Coconut Rd Crosswalks	12,877	12,877	150,000	137,123	9%	12,702	(175)	41,978
Williams Rd Bike/Sidewalks	-	-	150,000	150,000	0%	-	-	-
Intersect Safety Improv Study	-	-	110,000	110,000	0%	-	-	-
Sandy Ln Bike-Ped Improv	-	-	438,780	438,780	0%	-	-	-
Broadway E Shared Use Path	-	-	245,700	245,700	0%	-	-	-
Broadway W Bus Stop Improv	1,950	6,550	-	(6,550)	100%	-	(6,550)	2,650
<i>Total Bicycle & Ped Improv Proj</i>	<u>14,827</u>	<u>19,427</u>	<u>1,094,480</u>	<u>1,075,053</u>	<u>2%</u>	<u>12,702</u>	<u>(6,725)</u>	<u>44,628</u>
US 41 FDOT Landscape	-	-	199,600	199,600	0%	-	-	-
US 41 Landscaping Enhancement	-	780	114,790	114,010	1%	21,334	20,554	800,988
Monument Sign/Branding	-	-	-	-	0%	-	-	9,279
US 41 Monument Signs	-	-	156,000	156,000	0%	-	-	-
Three Oaks Prkwy Monument Signs	-	-	156,000	156,000	0%	-	-	-
Via Coconut Pt Landscap Improv	-	-	276,000	276,000	0%	-	-	62,390
Ben Hill Griff Pkwy Landsc Imp	-	-	130,000	130,000	0%	-	-	-
I-75 Interchange Landscaping	-	-	60,000	60,000	0%	-	-	-
Williams Rd Landscape Improv	-	-	143,000	143,000	0%	-	-	-
<i>Total Landscaping & Beauti Proj</i>	<u>-</u>	<u>780</u>	<u>1,235,390</u>	<u>1,234,610</u>	<u>0%</u>	<u>21,334</u>	<u>20,554</u>	<u>872,657</u>
Esteros on River Master Plan	-	4,950	252,000	247,050	2%	-	(4,950)	24,750
Esteros Com Prk Master Plan	-	-	150,000	150,000	0%	-	-	-
Esteros Com Prk Expansion	-	-	738,000	738,000	0%	-	-	-
<i>Total Parks & Recreation Proj</i>	<u>-</u>	<u>4,950</u>	<u>1,140,000</u>	<u>1,135,050</u>	<u>0%</u>	<u>-</u>	<u>(4,950)</u>	<u>24,750</u>
Villages of Country Crk Bypass	-	-	192,000	192,000	0%	-	-	-
Dry Crk Bed Sediment Removal	-	-	150,000	150,000	0%	-	-	-
Esteros Rvr Sediment Removal	-	-	30,000	30,000	0%	-	-	-
<i>Total Stormwater Projects</i>	<u>-</u>	<u>-</u>	<u>372,000</u>	<u>372,000</u>	<u>0%</u>	<u>-</u>	<u>-</u>	<u>-</u>



Village of Estero
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	Current Month <u>Actual</u>	2020-2021 Year to Date <u>Actual</u>	2020-2021 #2 Bud Amend- Dec Budget	2020-2021 Budget <u>Variance</u>	2020-2021 Year to Date <u>Percentage</u>	2019-2020 Year to Date <u>Actual</u>	Year to Date Prior Year <u>Variance</u>	2019-2020 12 Months <u>Actual</u>
Land Purchase-Estero on River	-	-	-	-	0%	-	-	8,500
Williams Road Property-Church	-	-	-	-	0%	-	-	3,012,288
<i>Total Land Acquisitions</i>	-	-	-	-	0%	-	-	3,020,788
Total Expenditures-Capital Project Fund	<u>1,527,325</u>	<u>2,543,851</u>	<u>10,156,580</u>	<u>7,612,729</u>	25%	<u>131,448</u>	<u>(2,412,403)</u>	<u>9,393,076</u>
Total Expenditures-All Funds	<u>2,358,970</u>	<u>4,437,569</u>	<u>18,995,990</u>	<u>14,558,421</u>	23%	<u>1,539,286</u>	<u>(2,898,282)</u>	<u>17,531,896</u>
Gen Fd Trans to Debt Service	-	2,515,197	2,515,800	603	100%	384,994	(2,130,203)	2,515,197
Gen Fd Trans to Cap Projects	14,827	595,157	3,837,010	3,241,853	16%	131,448	(463,709)	5,162,053
Debt Serv Trans to Cap Projects	-	-	-	-	0%	-	-	1,000,000
CIP Tran from Gas Tax-300-000	(83,791)	(83,791)	(570,000)	(486,209)	15%	-	83,791	(456,815)
CIP Tran from RdImp 300-990	(22,746)	(28,500)	(1,744,480)	(1,715,980)	2%	-	28,500	(32,507)
CIP Tran from ComPrkIF 300-991	-	-	(118,700)	(118,700)	0%	-	-	(868,700)
CIP Tran from RegPrkIF 300-992	-	-	-	-	0%	-	-	(862,556)
CIP Tran from PubLand- 300-994	-	-	-	-	0%	-	-	(281,032)
CIP Tran from Park IF 300-995	-	-	(581,300)	(581,300)	0%	-	-	-
Gas Tax Trans to CIP-300-266	83,791	83,791	570,000	486,209	15%	-	(83,791)	456,815
Rd Imp Fee Trans to CIP-300-990	22,746	28,500	1,744,480	1,715,980	2%	-	(28,500)	32,507
ComPrk Imp Fee Tran to CIP-991	-	-	118,700	118,700	0%	-	-	868,700
RegPrk Imp Fee Tran to CIP-992	-	-	-	-	0%	-	-	862,556
PubLand BonusDen TrantoCIP-994	-	-	-	-	0%	-	-	281,032
Park Imp Fee Tran to CIP-995	-	-	581,300	581,300	0%	-	-	-
Total Expenditures and Other Financing Uses-All Funds	<u>2,373,797</u>	<u>7,547,922</u>	<u>25,348,800</u>	<u>17,800,878</u>	30%	<u>2,055,728</u>	<u>(5,492,194)</u>	<u>26,209,146</u>
Excess Revenue over Expenditures	<u>1,675,044</u>	<u>1,841,484</u>	<u>(1,779,660)</u>	<u>3,621,144</u>		<u>5,424,623</u>	<u>(3,583,140)</u>	<u>203,433</u>
Estimated Prior Year Surplus		<u>36,251,537</u>	<u>32,634,850</u>	<u>3,616,687</u>		<u>36,048,104</u>	<u>203,433</u>	<u>36,048,104</u>
Fund Balance		<u>38,093,021</u>	<u>30,855,190</u>	<u>7,237,831</u>		<u>41,472,727</u>	<u>(3,379,707)</u>	<u>36,251,537</u>



Village of Estero
 Budget Report-All Funds
 For the Month Ending December 2020

	Current Month <u>Actual</u>	2020-2021 Year to Date <u>Actual</u>	2020-2021 #2 Bud Amend- Dec Budget	2020-2021 Budget <u>Variance</u>	2020-2021 Year to Date <u>Percentage</u>	2019-2020 Year to Date <u>Actual</u>	Year to Date Prior Year <u>Variance</u>	2019-2020 12 Months <u>Actual</u>
General Fund								
Revenues	3,799,789	5,819,405	11,974,940	(6,155,535)	49%	5,856,107	(36,701)	12,886,737
Expenditures	741,394	1,335,436	6,333,810	4,998,374	21%	842,661	(492,775)	4,643,959
Operating Excess (deficit)	3,058,394	4,483,969	5,641,130	(1,157,161)		5,013,445	(529,476)	8,242,778
Transfers out to Debt Service	-	(2,515,197)	(2,515,800)	603	100%	(384,994)	(2,130,203)	(2,515,197)
Transfers out to Capital Projects	(14,827)	(595,157)	(3,837,010)	3,241,853	16%	(131,448)	(463,709)	(5,162,053)
	<u>3,043,568</u>	<u>1,373,615</u>	<u>(711,680)</u>	<u>2,085,295</u>		<u>4,497,003</u>	<u>(3,123,388)</u>	<u>565,528</u>
Building Fee Fund								
Revenues	81,644	209,803	998,300	(788,497)	21%	329,188	(119,385)	1,182,493
Expenditures	90,251	190,354	1,089,800	899,446	17%	180,183	(10,171)	1,082,979
Operating Excess (deficit)	(8,607)	19,449	(91,500)	110,949		149,005	(129,555)	99,514
Debt Service Fund								
Revenues	91	198	10,000	(9,802)	2%	19,562	(19,363)	1,035,330
Expenditures	-	367,928	1,415,800	1,047,872	26%	384,994	17,066	2,411,882
Operating Excess (deficit)	91	(367,730)	(1,405,800)	1,038,070		(365,433)	(2,297)	(1,376,553)
Debt Service Proceeds	-	-	-	-	0%	-	-	-
Transfers in from General Fund	-	2,515,197	2,515,800	(603)	100%	384,994	2,130,203	2,515,197
Transfers out to Capital Projects	-	-	-	-	0%	-	-	(1,000,000)
	<u>91</u>	<u>2,147,468</u>	<u>1,110,000</u>	<u>1,037,468</u>		<u>19,562</u>	<u>2,127,906</u>	<u>138,645</u>
Capital Projects Fund								
Revenues	152,491	249,646	4,233,090	(3,983,444)	6%	759,054	(509,408)	2,630,770
Expenditures	1,527,325	2,543,851	10,156,580	7,612,729	25%	131,448	(2,412,403)	9,393,076
Operating Excess (deficit)	(1,374,835)	(2,294,205)	(5,923,490)	3,629,285		627,606	(2,921,811)	(6,762,306)
Transfers in from Other Funds	14,827	595,157	3,837,010	(3,241,853)	16%	131,448	463,709	6,162,053
	<u>(1,360,008)</u>	<u>(1,699,049)</u>	<u>(2,086,480)</u>	<u>387,431</u>		<u>759,054</u>	<u>(2,458,102)</u>	<u>(600,253)</u>



Village of Estero
Budget Report-All Funds
For the Month Ending December 2020

Reserved and Available Funds Report

General Fund Reserves	\$ 5,596,700
Litigation Defense Reserve	670,000
Major Road Maintenance Reserve	148,000
Debt Reduction	<u>6,326,667</u>
Total Reserved Funds	<u>\$ 12,741,367</u>
General Fund Capital Projects	\$ 13,423,145
Building Fee Fund	822,687
Gas Tax Capital Projects	1,447,788
Developer Contribution	41,809
Road Impact Fees	8,822,458
Community Park Impact Fees	107,693
Regional Park Impact Fees	-
Estero Park Entry Contribution	100,993
Park Imp Fees	441,969
Public Land Purchase	<u>143,112</u>
Total Available Funds	<u>\$ 25,351,654</u>

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
February 3, 2021

Agenda Item:

Williams Road Bicycle & Pedestrian Improvements – Concept Design Contract

Description:

The Village of Estero Bicycle and Pedestrian Master Plan identified additional east-west bicycle and pedestrian corridors as a critical need. The construction of bicycle and pedestrian improvements along Williams Road was identified in the Master Plan as a top priority to provide additional east-west connection.

The proposed contract will only include the planning and preliminary design of the project. The final design and permitting of the project will come back to Council at a later date for approval.

This phase of the project includes determining the appropriate bicycle and pedestrian improvements along Williams Road from Three Oaks Parkway to US 41. The consultant will study the corridor and provide improvement recommendations. Recommended improvements will be brought to Village Council for approval prior to starting preliminary project design. The project could include a combination of bike lanes, multi-use paths and sidewalks.

This first phase of the contract will include the followings tasks.

- Project Research - \$6,000
- Surveying - \$50,000
- Concept Plans - \$24,000
- 30% Plans - \$32,000
- Meetings - \$7,000
- Total Fees- \$119,000

Staff will come back to Council after the preliminary design is complete to request approval to move onto the following Tasks:

- Construction Plans
- Permitting
- Landscape Design (if desired)

- Street Lighting Plans (if desired)
- Bidding Services
- Construction Phase Services

Action Requested:

Approve Williams Road Bicycle and Pedestrian Improvements – Concept Design contract with Banks Engineering under Supplemental Task Authorization (STA) – 01 Contract EC 2020-56 Miscellaneous Professional Services to perform a suite of design services for the Bicycle & Pedestrian improvements along Williams Road, between US 41 and Three Oaks Parkway.

Approve a 10% contingency for additional services that may be required to complete the project.

Authorize the Village Manger to sign the STA and other additional implementing documents within the scope of the STA on behalf of the Village of Estero Council.

Financial Impacts:

The fiscal impact is \$130,900 for the design and permitting of the Williams Road Bicycle and Pedestrian Improvements. This includes \$119,000.00 for the contract approval and a 10% project contingency of \$11,900.00

Sufficient funds were included in the Fiscal Year 2020-2021 budget to cover these costs. The Fiscal Year 2020-2021 budget for Williams Road Bike-Ped Improvements is \$150,000.

Attachments:

1. Banks Engineering Contract EC 2020-56; STA – 01
2. Williams Road Bike-Ped Project Location Map
3. Banks Engineering Ownership Disclosure



Misc. Professional Services

CN 2020-01

STA No. 01

Project Name: Williams Road Bike/Ped Improvements Concept Design

Consultant: Banks Engineering

Village of Estero Contract No.: EC 2020-56

Village of Estero Account Number: _____

Brief Description: Preliminary design of bike/ped improvements along Williams Rd from US 41 to Three Oaks Pkwy

Total Fees: \$119,000.00

The Consultant shall perform the services outlined in the attached Exhibit A – Scope of Services for the Fees identified in Exhibit B – Fees, under the terms and conditions outlined in the above referenced Village of Estero Contract No. EC2020-56

Consultant: Banks Engineering

Village of Estero

By: _____

By: _____

Name: _____

Name: Steve Sarkozy

Title: _____

Title: Village Manager

Date: _____

Date: _____

Attachments:

Exhibit A – Scope of Services

Exhibit B - Fees



Professional Engineers, Planners & Land Surveyors

January 29, 2021

The Village of Estero
9401 Corkscrew Palms Circle
Estero, FL 33928

Sent via email: willems@estero-fl.gov

Reference: **WILLIAMS ROAD BICYCLE AND PEDESTRIAN IMPROVEMENTS CONCEPT DESIGN**

To Whom It May Concern,

Thank you for allowing our firm to propose professional services for the above referenced project. This project consists of the survey and conceptual design services for proposed bicycle and pedestrian improvements along Williams Road from Three Oaks Parkway to the US 41 (approximately 1.5 mile). This Agreement will establish our proposed services and associated fees we believe are necessary to successfully complete the conceptual portion of this project.

SCOPE OF SERVICES

I. PROFESSIONAL SERVICES

- A. RESEARCH - This service includes obtaining the record drawings for the project area, researching permits, reviewing title and other items that would affect the design.
- B. SURVEYING
 - Obtain topographic data from within the Williams Road right-of-way at 50-foot stations locating above ground improvements, drainage structure, driveways, roadway intersection and swales.
 - Locate above ground utilities and underground utilities as marked by individual utility companies.
 - Show existing easements that are platted, known by us or provided to us.
 - Data will be processed in the State Plane Coordinate System for integration into AutoCAD format.
 - Provide additional survey services where necessary for easement acquisition.
 - Easement acquisition services include generating up to 10 sketches and descriptions and attending 2 meetings.
 - Provide Right-of-Way maps.
- C. CONCEPT PLANS - This service includes the preparation of two (2) conceptual designs for the pedestrian/bike pathways with relative costs for each.
- D. THIRTY PERCENT PLANS (**LAYOUT ONLY**)
 - Prepare 30% plans based on the concept plans that will include, at minimum, the proposed layout (to scale) overlaid on the survey. This task also includes a preliminary cost estimate.

• SERVING THE STATE OF FLORIDA •

10511 Six Mile Cypress Parkway • Fort Myers, Florida 33966
Phone 239-939-5490 • www.bankseng.com • Fax 239-939-2523
Engineering License No. EB 6469 • Surveying License No. LB 6690

- E. MEETINGS - This service includes our preparation and attendance at one (1) Design Review Board meeting and two (2) City Council meetings.

PAYMENT OF SERVICES

We will perform the above services, on time and materials basis (unless otherwise noted), invoiced monthly, as services are rendered as follows:

I.	<u>PROFESSIONAL SERVICES</u>		
A.	Research	\$	6,000.00*
B.	Surveying	\$	50,000.00*
C.	Concept Plans	\$	24,000.00*
D.	Thirty Percent Plans (Layout Only)	\$	32,000.00*
E.	Meetings	\$	<u>7,000.00*</u>
	*Estimated Fee	Total	\$119,000.00

It should be noted that this proposal does **NOT** include the following:

1. Permit Application Fees
2. Attorney's Fees
3. Utility Extensions
4. Environmental Services
5. ACOE Permitting
6. Wetland Impact Permitting
7. Dewatering Permitting
8. Railroad Permitting and Coordination
9. Construction Plans and Documents

It is necessary that you advise us in writing at an early date if you have budgetary limitations for Total Project Cost or Construction Cost. We must accept any such limitations as being realistic and will then endeavor to work with in those limitations. We do not guarantee that our opinions will differ materially from negotiated prices or bids. If you wish greater assurance as to probable Construction Cost or if you wish formal estimates, an independent cost estimator should be employed.

This Agreement, the two (2) pages of General Conditions and Fee Schedule, represent the entire understanding between you and Banks Engineering, with respect to the Project, and may only be modified in writing signed by both parties. If this Agreement satisfactorily sets forth your understanding of our agreement, please sign the enclosed copy of this Agreement in the space provided and return to Banks Engineering, 10511 Six Mile Cypress Parkway, Fort Myers, Florida 33966.

The terms set forth herein are offered for a period of thirty (30) days from the above date.

Sincerely,
BANKS ENGINEERING



D. Brent Addison, P.E.
Vice President

Accepted this _____ day of _____, 2021 by:

Print Name

Title

Company


Signature

GENERAL CONDITIONS

1. This Agreement and the anticipated scope of services to be provided by Banks Engineering requires that the Client provide all information as to its requirements for the Project, examine and respond promptly to Banks Engineering's submission, and give prompt written notice to Banks Engineering whenever the Client observes, or otherwise becomes aware of, any defect or dissatisfaction with the services provided by Banks Engineering.
2. In order for Banks Engineering to perform its proposed services, the Client must provide Banks Engineering with the following:
 - A. All required permit application documentation and all fees for all government agencies or utilities having jurisdiction over the Project. Banks Engineering does not advance any application fees, etc., and expects the Client to furnish these at the time of submittal.
 - B. Provide sufficient documentation verifying the Client has authorization or ownership over the Project to make applications and receive governmental and utility permits, and to bind the property owners and their successors to any permit conditions or requirements.
 - C. Make all necessary provisions to guarantee Banks Engineering's ability to enter upon public and private property of the Project.
 - D. Promptly provide Banks Engineering with any documentation or information requested.
3. All services rendered in this contract and reimbursable expenses will be invoiced monthly and payment is due within thirty (30) days of the invoice date. If Banks Engineering does not receive payment within thirty (30) days of the invoice date, the invoice amount will be assessed a finance charge in the amount of 18% per annum from said thirtieth day. If any invoice payment is not received within 30 days of the invoice date, Banks Engineering reserves the right, at its option, to suspend any or all services without notice until full payment is made or to terminate this Agreement. The Client agrees that Banks Engineering shall not be liable for its failure to perform any services or obligations set forth in this Agreement while services are suspended by reason of the Client's failure to timely remit payment in the manner identified above, or if Banks Engineering terminates this Agreement.
4. Out-of-pocket expenses including, but not limited to, county aerials or maps, deeds, air travel, blueprints, outside consultants, express mailing or delivery charges, long distance phone calls and mileage will be billed as an extra.
5. In the event of substantial failure by either Banks Engineering or the Client to perform in accordance with the terms contained herein, through no fault of the terminating party, either party shall have the right to terminate this Agreement, provided that such default is not cured, upon seven (7) days written notice. In the event of termination, in addition to any other remedies available to Banks Engineering at law or in equity, Client agrees to pay Banks Engineering for all services rendered and expenses incurred through the date of termination, plus reasonable costs incurred by Banks Engineering in terminating this Agreement, along with any reasonable profits that Banks Engineering would have earned if the Agreement had not been terminated. Failure to make payment when due shall be considered a substantial failure to perform by the Client and grounds for termination. In the event the Client submits a seven (7) day notice to Banks Engineering in accordance with this paragraph, such notice shall specifically identify the alleged matters by which it claims that Banks Engineering is in default and shall also identify the specific actions needed to remedy the alleged default. Banks Engineering shall be deemed to have promptly cured such default provided that it has taken reasonable steps to initiate efforts to remedy such default within seven (7) days of receipt of such notice, and further provided that such efforts cure the default proceed in a reasonably prompt manner thereafter.
6. Banks Engineering and the Client acknowledge that this Agreement shall be controlled by the laws of the State of Florida. In the event of a dispute, Lee County, Florida shall be the proper venue for any action brought hereunder. In the event that the Client breaches this Agreement or if this contract is placed in the hands of an attorney for collection, then Banks Engineering shall be entitled to recover from Client all reasonable attorney's fee and costs incurred by reason of Client's breach.
7. To the fullest extent permitted by law, and notwithstanding any other provision of this Agreement, the total liability, in the aggregate, of Banks Engineering, its officers, directors, partners, employees, agents, consultants, and sub-consultants, and any of them, to Client and anyone claiming by, through, or under Client, for any and all claims, losses, liabilities, costs or damages whatsoever arising out of, resulting from or in any way related to the services rendered by Banks Engineering under this Agreement from any cause, including but not limited to the negligence, professional errors, or omissions, strict liability, breach of contract, or warranty (express or implied) of Banks Engineering, its officers, directors, employees, agents or consultants or any of them, shall not exceed the compensation actually received by Banks Engineering under this Agreement.

8. Banks Engineering's obligation to provide services shall be limited to the standard of care, skill and diligence and those practices and procedures which are at this time reasonably followed by engineers in performing the same or similar services in the locale where Banks Engineering's office is located.
9. The services to be provided by Banks Engineering are being performed solely for the benefit of the Client, and no benefit is meant to be conferred upon any other person or entity, and no such other person or entity should rely upon Banks Engineering's performance of those services to the Client. No claim against Banks Engineering shall accrue to any contractor, subcontractor, consultant, architect, supplier, fabricator, manufacturer, lender, tenant, surety, purchaser, or any other third-party as a result of the performance or non-performance by Banks Engineering of services.
10. Notices - All notices shall be addressed to the parties at the addresses stated on the first page of this Agreement and shall be considered as delivered when postmarked, if dispatched by certified or registered mail, or when received in all other cases.
11. The Client and Banks Engineering agree to waive all claims against the other for any consequential damages that may arise out of or relate to this Agreement. This Agreement by Client shall include, but not be limited to, all consequential damages including but not limited to the Client's loss of use of the Property, delay damages, any rental expenses incurred, loss of service of employees, finance charges, or loss of reputation. Banks Engineering agrees to waive damages including but not limited to, loss of profits not related to this Project, or loss of reputation.
12. Except as provided above, neither party shall assign or transfer any interest in this Agreement without the prior, express, and written consent of the other which may be withheld for any reason.
13. Nothing in this Agreement shall be construed as creating any personal liability on the part of any officer, agent or employee of Banks Engineering, nor shall it be construed as giving any rights or benefits under this Agreement to anyone other than the parties to this Agreement.
14. The failure of either party to this Agreement to insist upon the performance of any of the terms and conditions of this Agreement, or the waiver of any breach of any of the terms and conditions of this Agreement, shall not be construed as subsequently waiving any such terms and conditions, but the same shall continue to remain in full force and effect as if no such forbearance or waiver had occurred. However, once Banks Engineering has provided services to Client, and Client has had a reasonable opportunity to inspect such services, Client shall be deemed to have accepted any and all work to which it has not timely made objection. Any objection shall be deemed timely only if made within seven (7) days.
15. If any action is filed in relation to this Agreement, the unsuccessful party in the action shall pay to the successful party, in addition to all the sums that either party may be called on to pay, a reasonable sum for the successful party's attorneys' fees and costs including those incurred upon appeal.
16. The invalidity of any portion of this Agreement shall not be deemed to affect the validity of any other provision. If any provision of this Agreement is held to be invalid, the parties agree that the remaining provisions shall be deemed to be in full force and effect as if they had been executed by both parties subsequent to the expungement of the invalid provision.
17. This Agreement shall constitute the entire agreement between the parties and any prior understanding or representation of any kind preceding the date of this Agreement shall not be binding upon either party except to the extent incorporated in this Agreement.
18. Any modification of this Agreement or additional obligation assumed by either party in connection with this Agreement shall be binding only if placed in writing and signed by an authorized representative of each party.

Client Initials



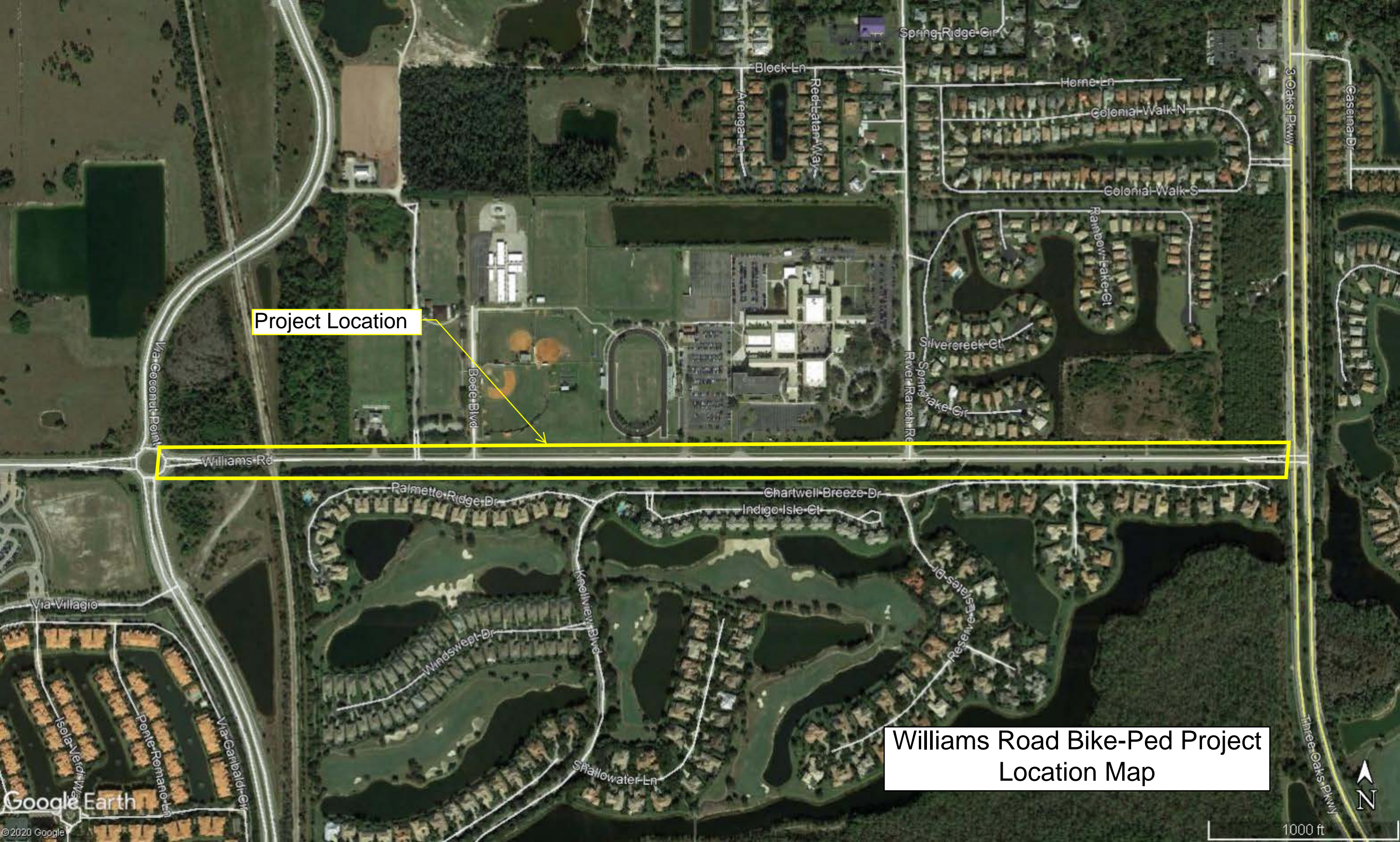
Banks Engineering

FEE SCHEDULE

Principal Engineer	\$185.00
Professional Engineer I	\$110.00
Professional Engineer II	\$125.00
Professional Engineer III	\$150.00
Project Manager I	\$ 85.00
Project Manager II	\$100.00
Project Manager III	\$125.00
Project Manager IV	\$150.00
Project Manager V	\$185.00
Engineer Intern I	\$ 85.00
Engineer Intern II	\$100.00
Engineer Technician I	\$ 55.00
Engineer Technician II	\$ 65.00
Engineer Technician III	\$ 75.00
Engineer Technician IV	\$ 85.00
Professional Land Surveyor I	\$110.00
Professional Land Surveyor II	\$125.00
Professional Land Surveyor III	\$150.00
Principal Surveyor	\$185.00
Survey Technician I	\$ 55.00
Survey Technician II	\$ 65.00
Survey Technician III	\$ 75.00
Survey Technician IV	\$ 85.00
4-Man Survey Crew	\$160.00
3-Man Survey Crew	\$125.00
2-Man Survey Crew	\$100.00
1-Man Survey Crew	\$ 80.00
Administrative Assistant I	\$ 40.00
Administrative Assistant II	\$ 50.00
Administrative Assistant III	\$ 60.00
Planner I	\$ 65.00
Planner II	\$ 75.00
Planner III	\$ 85.00
Planner IV	\$100.00
Planner V	\$125.00
Principal Planner	\$150.00

Reimbursables:

Mileage (Based on IRS published rates)	\$ 0.575
Copies:	
Letter	\$ 0.15
Legal	\$ 0.25
Ledger	\$ 0.30
Digital Plan Copies (Black & White)	\$ 1.25
Digital Plan Copies (Color)	\$ 2.25
Mylar Copies	\$ 5.50



Project Location

Williams Road Bike-Ped Project
Location Map



Via Coconut Point

Williams Rd

Boyer Blvd

Block Ln

Arenga Ln

Reelkalan Way

Spring Ridge Cir

Horne Ln

Colonial Walk N

Colonial Walk S

Rainbow Lake Ct

Silvercreek Ct

Spring Lake Cir

River Ranch Rd

3 Oaks Pkwy

Casena Dr

Via Villagio

Palmetto Ridge Dr

Chartwell Breeze Dr

Indigo Isle Ct

Keelwin Blvd

Windswept Dr

Shallowater Ln

Reservoir Estates Dr

Three Oaks Pkwy

Via Garibaldi Cir

Ponte Romano Ln

Isola Verde Way

VILLAGE OF ESTERO, FLORIDA
VENDOR DISCLOSURE FORM

Project No.: CN 2020-01

Project Name: Miscellaneous professional Services

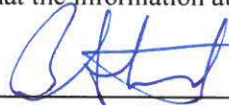
Please check as appropriate:

 I am the sole proprietor/owner. The company is not publicly held.

 X The company is not publicly held.
The names and addresses of the owners having a greater than 5% interest is attached.

 The company is publicly held.
The names and addresses of the owners having a greater than 5% interest is attached.

I do hereby certify that to the best of my knowledge and belief certify that the information above and attached is true and correct.

Signed: 

Vendor
Printed Name D. Brent Addison

Company Name: Banks Engineering

Date: May 28, 2020

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
February 3, 2021

Agenda Item:

Ben Hill Griffin Parkway Preliminary Landscape Design

Description:

The landscaping within the Ben Hill Griffin Parkway right of way was installed and maintained by a Municipal Service Benefit Unit (MSBU), until recently. The MSBU was dissolved and the maintenance authority was transferred to Lee County.

The Fiscal Year 2020/2021 Village budget includes funds to design and permit upgraded landscaping along Ben Hill Griffin Parkway.

Village Staff has negotiated contracts with Bruce Howard and Associates and RWA Engineering to survey the corridor and create a landscape design concept. Tasks include the following.

Bruce Howard & Associates:

- Site Analysis - \$5,000
- Concept/Schematic Design - \$27,500

RWA Engineering:

- Site Analysis - \$21,700
- Safety Analysis/Recommendation \$15,400
- Reimbursable expenses \$1,500

Total Fees: \$71,100

Staff will come back to Council after the preliminary design is complete to request approval to move onto the following Tasks:

- Construction Plans
- Permitting
- Street Lighting Plans (if desired)
- Bidding Services
- Construction Phase Services

Action Requested:

Approve Ben Hill Griffin Parkway Preliminary Landscape Design contracts with Bruce Howard and Associates under EC2020-42 and RWA Engineering under EC2020-67 to perform a suite of design services for the proposed landscape improvements along Ben Hill Griffin Parkway from Corkscrew Road to Estero Parkway.

Approve a 10% contingency for additional services that may be required to complete the project.

Authorize the Village Manager to sign the Supplemental Task Authorization (STA) and other additional implementing documents within the scope of the STAs on behalf of the Village of Estero Council.

Financial Impacts:

The fiscal impact is \$78,210.00 for the design and permitting of the Ben Hill Griffin Parkway Preliminary Landscape Design. This includes \$71,100.00 for the contract approval and a 10% project contingency of \$7,110.00

Sufficient funds were included in the Fiscal Year 2020-2021 budget to cover these costs. The Fiscal Year 2020-2021 budget is \$130,000.

Attachments:

1. Bruce Howard and Associates Contract
2. RWA Engineering Contract
3. Bruce Howard and Associates Ownership Disclosure
4. RWA Engineering Ownership Disclosure
5. Ben Hill Griffin Parkway Project Location Map

Jan. 28th, 2022



BRUCE HOWARD &
ASSOCIATES, INC.

Landscape Architects, Site Planners
& Golf Course Designers

Attention: **David Willems, P.E.**
Public Works Director
9401 Corkscrew Palms Circle
Estero, FL 33928
(239) 221-5035

RE: Ben Hill Griffin Parkway – Working Drawings

Dear David:

Ben Hill Griffin Parkway, within the Village of Estero is an approximately 1.0-mile-long roadway that extends from Estero Parkway to Corkscrew, just east of Interstate 75. Ben Hill Griffin is a major north south connection between the Village of Estero and Unincorporated Lee County. The corridor has some landscaping located within the median and an existing 5-ft sidewalk on the west side of the road and existing 8-ft sidewalk on the east side of the road.

The Village of Estero would like to improve the landscaping along the corridor. Landscaping is intended to improve aesthetics, provide shade for bicyclists and pedestrians and potentially help reduce vehicle speed along the roadway.

As per our most recent conversation, here is the scope of work and fee schedule we foresee for the Design of the landscaping for Ben Hill Griffin Parkway.

SCOPE OF SERVICES

1. Site Analysis:

The first step in the design process is identifying and assessing the existing conditions. For this project that will include the following services

1.1. Survey

Survey information will be provided to the consultant by the Village of Estero surveyor. Consultant will work with Village of Estero to identify project survey needs. The following information is expected to be obtained

- Establish right of way limits
- Locate all above ground improvements
- Easements
- Obtain ground elevations sufficient to establish ground slopes, sidewalk elevations, roadway elevations, curb elevations and grade changes.
- Site topography will be extended 20-ft outside the road right of way or to the top of the adjacent berm, whichever is greater.
- Existing trees will be located
- Existing limit of existing landscape beds located within the right of way or along the adjacent berms will be identified

Consultant will review and process information provided by the surveyor.

1.2.Site Visits

The Landscape Consultant will perform site visits to study existing conditions and identify site constraints.

1.3.Irrigation System

Consultant will investigate the design of the existing irrigation system to understand how the system is designed and functions. This will include obtaining and reviewing as built drawings to determine the extent of the existing system and determine if it can be used for the proposed project.

The existing well will be investigated to understand permit constraints and well capacity.

2. Concept/Schematic Design:

Consultant will work with the Village of Estero and project Engineer to prepared design alternatives for the project. Design alternatives will include landscaping, hardscape, seating areas and sidewalk improvements.

The proposed design will generally follow the landscape concepts used for Estero Parkway which include, mainly native plants, a variety of street trees, groupings of palms, native trees and flowering trees.

Sidewalks along this corridor are regularly used by bicyclists and pedestrians. Improvements to the bicycle and pedestrian experience will be investigated. This could include: relocated sidewalks to provide more separation from the roadway and widening to allow more room for bicycles and pedestrians.

Each concept will include preliminary cost estimates.

The proposed concepts will be presented to Village Council twice. First as preliminary concepts to gain Council and public input and a second time to gain final approve to move to construction plans. Concepts will be presented to Council using a PowerPoint presentation and associated project drawings.

3. Construction Plans (Future task, not part of this approval, but needed when scope is determined)

Please note that all of the following work is suggested, but depends on what is approved/ requested during Conceptual Design presentation. Likewise, the fees for accomplishing each task is subject to change based on work approved.

Construction plans will include the following:

- Existing conditions Plan – The base map for the project. This will show all the existing improvements located with and adjacent to the project right of way.
- Demolition Plan – The demolition plan will identify all the existing plants that will be left in place, relocate or removed. It will also identify areas where existing sidewalks, irrigation, sod or any other improvements are proposed to be removed.

- Hardscape Plans – Consultant will prepare plans that identify the locations of sidewalks, benches are other hardscape improvements. The plans will include dimensions as well as grading.
- Planting Plans – Provide tree, shrub and ground cover locations and details, including genus, species, size and quantity.
- Irrigation Plans – Plans will include all modifications to the existing irrigations system and all proposed piping, valves, heads, etc., as needed.
- Construction Details – Provide construction details for sidewalks, seating areas, tree planting pits, as needed.
- Irrigation Well – Provide construction level design for any required irrigation well improvements. This would include replacing existing pumps or installing an additional well to provide more water.

4. Project Administration (Future task, not part of this approval but needed to go forward with work)

- Update the project cost estimate throughout the project at the design changes.
- Attending meetings (virtual and in person) to provide project updates.
- Provide bidding assistance
- Respond to RFI's and construction change orders
- Provide “value engineering” as needed to meet project budget

5. Permitting (Future task, not part of this approval, but needed to go forward with work)

The extent of required permitting will not be known until the project's design has been completed. However, the following permits could be required and are included as potential project costs.

5.1. Village of Estero LDO

Provide landscape drawings and associated documents to the project engineer for submittal to the Village of Estero. Respond to up to two requests for additional information from Village of Estero Staff.

5.2. SFWMD Water Use Permit

Coordinate with the project engineer on the submittal of a water use permit to SFWMD who will prepare and submit a water used permit, and all associated documents to modify the existing water used permit to obtain more water for expanded irrigated area.

5.3. SFWMD Environmental Resource Permit

Coordinate with the project engineer on the submittal of a water use permit to SFWMD. Respond to up to two requests for additional information from SFWMD Staff.

6. Construction Administration (Future task, needed at appropriate time)

Perform site visits during construction to ensure project is being built according to construction plans and specifications.

Respond to requests for information from the contractor.

Attend construction meetings

7. Corkscrew Road Coordination (Future work, not part of this approval but needed at appropriate time)

The Ben Hill Griffin Parkway project is located adjacent to another project the Village of Estero is working on, Corkscrew Road. The Consultant will review the roadway, landscape, sidewalk and street lighting plans for the Corkscrew Road project. Consultant will provide input to the Village of Estero on the landscaping and sidewalk portions of the project.

Our fee for the aforementioned services is broken down as follows:

Project Task	Fee	Type
1. Site Analysis	\$5,000	LS
2. Concept/Schematic Design	\$27,500	LS
3. Construction Plans	\$32,500	
Existing Conditions Plan	TBD	
Demolition Plan(s)-	TBD	
Hardscape Plans-	TBD	
Planting Plans-	TBD	
Irrigation Plans-	TBD	
Construction Details	TBD	
Irrigation Well Improv.	TBD	
4. Project Administration	TBD	
5. Permitting	TBD	
6. Construction Administration	TBD	
7. Corkscrew Road Coordination	TBD	
8. Reimbursable Expenses	TBD	

Billing will be done on a monthly basis for percentage of work accomplished.

*NOTE: In the event the scope of work changes, we will submit a revised proposal for your approval. Client agrees to notify Landscape Architect of any known or suspected soil contaminants at the project site and shall be solely responsible for all sub surface conditions.

Sincerely yours,

Accepted and Agreed _____

Date _____



Bruce Howard



October 1, 2020

David Willems, P.E.

Public Works Director

9401 Corkscrew Palms Circle

Estero, FL 33928

www.estero-fl.gov

Subject: Professional Service Proposal for Professional Surveying and Engineering Services , Ben Hill Griffin Parkway (RWA Project No. 200029.00.02)

Dear David,

RWA, Inc. is pleased to submit the following proposal for professional engineering and land surveying services associated with the development of the subject project. Outlined below is our understanding of the project profile and the assumptions we have used to develop our scope and associated fees in response to your request for proposal. The deliverable will be a CADD file, with the data overlaid on the best available aerial photograph, and full sized signed and sealed Surveys.

PROJECT PROFILE

- The subject project is generally located in Section 25 Township 46 South, Range 25 East, bounded by Estero Parkway on the North, and Corkscrew Road on the South, Village of Estero, Lee County, Florida.
- The Client desires to retain the services of RWA, Inc. (Consultant) and proceed with the Project as described within this proposal.
- All surveying activities to be performed under the direct supervision of a licensed Professional Surveyor & Mapper and shall adhere to Chapter 472, Florida Statutes, and the Standards of Practice as specified in section 5J-17, Florida Administrative Code.

PROJECT ASSUMPTIONS

- The Client will make available all pertinent information, permits, and documents associated with the required Project, including, but not limited to, existing surveys, title policies, O&E reports and engineering/civil plans in Auto CADD electronic format, if any exist.
- This proposal includes performing all services described within on a one-time basis.
- Client will assist RWA with access to the site during normal working hours. If we foresee the need to work after hours, or on the weekend, we will notify the client to insure access.
- The vertical and horizontal datum will be Florida State Plane Coordinates, Florida West Zone, and NAVD 88.

- There is no Boundary Survey component to this project.
- The engineering services in this proposal are for assessment of existing conditions for needed improvements and conceptual improvement plan only. If roadway improvements are required additional fees for construction plans, project administration, construction administration and permitting will be prepared and provided as additional fees for the appropriate tasks.
- All fees associated with permits and inspections for all agencies will be paid by the Village of Estero.

SCOPE OF SERVICES

1.0 Site Analysis

1.1. Survey

1.1.1. Base Map, Public Right of Way Determination, Baseline Control

- ❖ Reproduce all recorded right-of-way and baseline information. Right-of-way shall include all intersecting roads within the project limits. All right-of-way information shall be labeled, including, date, bearings, and distances. In addition, the following information shall be noted:
- ❖ Horizontal datum – tied into the Florida State Plan Coordinate System, NAD 1983/1999 Adjustment. RWA will provide project control network sheets for the survey baseline control points instead of setting reference points.
- ❖ Physical ties to each benchmark – permanent benchmarks shall be established at 500-foot intervals along the roadway.
- ❖ Vertical datum (benchmarks) – NAVD 1988.
- ❖ Locate visible boundary monuments.
- ❖ Existing layout shall be tied to the existing right-of-way.
- ❖ Locate existing visible property markers (e.g. – iron pipe, concrete monuments, etc.).
- ❖ Property ownership shall be determined from Lee County records, title reports, and other appropriate sources and incorporated into the plan drawings and files. Property lines do not need to be surveyed, but shall be verified utilizing any visible property markers, wherever possible.
- ❖ RWA shall provide the Project Control Network, plotted in the CADD file, along with and Excel Spreadsheet with the horizontal and vertical coordinates.

- ##### 1.1.2. Topographic Survey - Detail information shall include all physical features which accurately depict the existing condition of the project area. This stretch of roadway is bound on the north by Estero Parkway intersection, and on the south by Corkscrew Road. This does not include any work along Corkscrew Road since that roadway is currently under construction. The information shall include the following:

- ❖ Roadway pavement surfaces.
 - ❖ Driveways and aprons and parking areas, noting the limits within survey coverage and type of pavement or surface.
 - ❖ Curbing, edging, medians, and barriers, noting limits and type.
 - ❖ Sidewalks, walkways, and handicap ramps, noting limits and type.
 - ❖ Wall information (type, height and thickness) along with step/stair information (type, top step elevation, bottom elevation and number of rises).
 - ❖ Top of slope and toe of slope of the existing swales, ditches, tall landscape features or berms/hills. Locate all trees (larger than 4" caliper at chest height) along with the edges of the landscape beds.
 - ❖ Guard rail, noting limits and type.
 - ❖ The surveyor will locate and show all above-ground utility structures.
 - ❖ Utilities - manholes – rims, inverts, and condition (collapsed, plugged, etc.), pipes and culverts - size, type, and direction of flow, force mains and pump stations, if visible and accessible, utility lines – water, reclaimed water, gas, telephone, sewer, electric and CATV if visible, fire hydrants and water valves, hand holes and pull boxes, gas valves, telephone and electric manholes, utility and light poles and guy wires, including overhead wires.
 - ❖ Stormwater System - catch basins - grate elevation, and if they can be opened, and view is not obstructed, gather inverts and condition (collapsed, plugged, etc.), manholes - rims, inverts and condition (collapsed, plugged, etc.). pipes - size, type and direction of flow. Existing drainage outfalls within the project area.
 - ❖ Collect cross sections and spot elevations at 200' intervals consistent with the baseline stations and at other critical locations including top and bottom of curb, centerline grades, back of sidewalks and at changes in slope. Elevations to be given up the center of the existing driveways. The limits of the topography shall be up to 25 feet outside the existing right of way, or to the top of the berm if the berm extends past the 25 feet outside the right of way..
 - ❖ Existing contours will be shown as at one-foot intervals.
 - ❖ Pavement markings, including lane use and shoulder width, crosswalks and stop bars.
 - ❖ Traffic and road signs, noting direction in which sign face, material type (wood or aluminum) legend and wording, including those mounted on utility poles, signal posts, and bridges.
- 1.2. Underground Utility Locations - The location of existing utilities will be identified using utility as built drawings or field location.
- 1.3. Site Visits - The Consultant will perform site visits to become familiar with the corridor and identify project opportunities and constraints.

2.0 Safety Analysis and Recommended Improvements

- 2.1. Consultant will review concepts prepared by the project Landscape Architect with conformance with roadway safety standards. The focus will be on vehicle, bicycle, and pedestrian safety.

This task is a conceptual level effort and the deliverable for this task is assumed to be a report and exhibits outlining the analysis and recommendations for safety improvements along the corridor, as necessary. This will define the level of effort required for tasks 3 through 6 below.

- 2.2. Attend two Village Council meeting where the project landscape architect will present the project concepts to Village Council.

3.0 Construction Plans – Actual Scope & Fees TBD

Consultant will prepare construction plans for the selected Concept/Schematic Design. Construction plans will include the following:

- 3.1. Existing conditions Plan – The base map for the project. This will show all the existing roadway improvements located with and adjacent to the project right of way.
- 3.2. Demolition Plan – The demolition plan will identify any roadways improvements that are proposed to be removed.
- 3.3. Grading Plans – Consultant will work with project landscape architect (under separate contract) to prepare project grading plans.
- 3.4. Construction Details – Provide construction details, as needed.
- 3.5. Prepare project specifications, either included in the construction plans or as a separate document

4.0 Project Administration – Actual Scope & Fees TBD

- 4.1. Update the project cost estimate throughout the project as the design changes.
- 4.2. Attending meetings (virtual and in person) to provide project updates.
- 4.3. Provide bidding assistance
- 4.4. Respond to RFI's and construction change orders
- 4.5. Provide "value engineering" as needed to meet project budget

5.0 Permitting – Actual Scope & Fees TBD

The extent of required permitting will not be known until the project's design has been completed. However, the following permits could be required and are included as potential project costs.

- 5.1. Village of Estero LDO – Actual Scope & Fees TBD
 - 5.1.1. Prepare and submit a limited review development order of the proposed improvements.

- 5.1.2. Respond to up to two requests for additional information from Village of Estero Staff
 - 5.2. SFWMD Water Use Permit – Actual Scope & Fees TBD
 - 5.2.1. If additional irrigation water is required, a modification to the existing water use permit will be required. This would include getting more water out of the existing well or installing new wells.
 - 5.2.2. Prepare and submit a water used permit, and all associated documents to modify the existing water used permit to obtain more water for expanded irrigated area.
 - 5.3. SFWMD Environmental Resource Permit - Actual Scope & Fees TBD
 - 5.3.1. Prepare and submit a permit application to gain SFWMD approval for any roadway or hardscape improvements.
 - 5.3.2. Respond to up to two requests for additional information from SFWMD Staff.
- 6.0 Construction Administration – Actual Scope & Fees TBD**
- 6.1. Perform site visits during construction to ensure project is being built according to construction plans and specifications.
 - 6.2. Respond to requests for information from the contractor.
 - 6.3. Attend construction meetings
- 7.0 Reimbursable Expenses**
- Expenses for copies, blueprints, reproduction services, overnight or express delivery and, services not specifically specified herein shall be reimbursable to RWA, Inc.

PROFESSIONAL SERVICE FEES

The professional service fees for the associated scope of services are listed below:

Project Task	Fee	Type
1. Site Analysis	\$21,700	LS
2. Safety Analysis and Recommended Improvements	\$15,400	LS
3. Construction Plans	TBD	LS
4. Project Administration	TBD	TM
5. Permitting	TBD	TM
6. Construction Administration	TBD	TM
7. Reimbursable Expenses	\$1,500	TM
Total	\$38,600	

EXCLUDED SERVICES

The professional services to be provided by the Consultant are limited to those described in the Scope of Services. All other services are specifically excluded.

Sincerely,



Michael A. Ward, PLS
Vice President, Director of Survey



Keisha M. Westbrook, PE
Senior Project Manager



AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
February 3, 2021

Agenda Item:

Estero Town Center Zoning Case (Firestone)

Second Reading of Ordinance 2020-09 to consider a request to amend the zoning for the Estero Town Center CPD to allow a Firestone Complete Auto Care (continued from 12/2/2020, 12/9/2020 and 1/6/2021 Council meetings).

Description:

The property is a ±3-acre site within the larger development that currently includes Lowe's Home Improvement on Corkscrew Road east of Three Oaks Parkway. The proposal is to construct a 6,400 square foot facility for Firestone Complete Auto Care on approximately 1 acre of a 3-acre site along Corkscrew Road and west of the dental office.

The Planning and Zoning Board held a public hearing on August 18, 2020 and recommended denial based on the staff recommendation relating to compliance with the Comprehensive Plan. The applicant has subsequently submitted supplemental materials in response to Planning and Zoning Board review.

First Reading

At the Council first reading on November 18, 2020, Council had several items that they requested the applicant to address at the second reading, including:

- Architecture and landscaping, also explaining recent revisions.
- Heritage trees-which will be preserved, will any be removed?
- Explain the sidewalks near the proposed amenity area, which are existing and which are proposed?
- How large is the amenity area and who will be responsible for its maintenance?
- How and when the amenity center will be built (condition of zoning?, obligation of the center itself?) and documentation.
- Any plans for the vacant Ruby Tuesday building?
- Any plans for the other portion of the Firestone lot?

December 2, 2019 Public Hearing

The case was heard at the second reading and public hearing on December 2, 2020. During the discussion, additional questions were raised about the use of the other parcels in the shopping center (Ruby Tuesday), the outdoor storage area at Lowe's and its compliance with the zoning Pattern Book, the proposed traffic light, tire storage, and general comments about the enforceability and timing of the condition (Condition 21) pertaining to the amenity area at the corner of Three Oaks Parkway and Corkscrew Road.

After discussion, the case was continued until December 9th. On December 9th, the case was continued to January 6, 2021. On January 6th, the case was again continued to February 3, 2021. The Council indicated this should be the final hearing.

Update from Prior Meetings

Agreement

Subsequent to the prior meetings, the applicant and Village land use attorney have prepared an agreement relating to the pedestrian/open space amenity area to ensure that the obligation to construct it is fulfilled by KRG in conjunction with the development order for Firestone and permanently maintained. This agreement is also scheduled on the February 3rd agenda.

Code Enforcement Action

Staff followed up with the Council question about the outdoor storage at Lowe's and conducted a site inspection. Staff subsequently issued a notice of violation for not being in compliance with the Administrative Approval, and for some general nuisance conditions on the site.

Traffic Light

There is a condition in the Zoning Ordinance addressing the proportionate share payment for the traffic light.

Action Requested:

Consider request to amend the zoning for the Estero Town Center CPD for a Firestone Complete Auto Care, and adopt Ordinance 2020-09.

Financial Impact:

Minor cost of newspaper advertisement

Attachments:

1. Ordinance 2020-09 (approval version)
2. Ordinance 2020-09 (denial version)
3. Public Comment Letter from ECCL
4. Supplemental Staff Report dated November 18, 2020
5. Planning and Zoning Board Staff Report
6. Applicant's prior PowerPoint Presentation

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**VILLAGE OF ESTERO, FLORIDA
ZONING
ORDINANCE NO. 2020-09**

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, CONSIDERING A ZONING AMENDMENT TO THE ESTERO TOWN CENTER COMMERCIAL PLANNED DEVELOPMENT, TO ALLOW AUTO REPAIR AND SERVICE, GROUP I, AS A STAND-ALONE USE ON PROPERTY LOCATED IN THE SOUTHEAST QUADRANT OF CORKSCREW ROAD AND THREE OAKS PARKWAY AND CONSISTING OF APPROXIMATELY 1.14 ACRES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, KRG ESTERO, LLC represented by Palmetto Capital Group and Brendan Sloan, Avalon Engineering, Inc. (the “Applicant”), filed for a zoning amendment on a portion of Tract A of the Estero Town Center Commercial Planned Development property (“Property”); and

WHEREAS, the Property STRAP number is 35-46-25-E1-3300A.0000, and the Property is legally described in Exhibit A attached hereto; and

WHEREAS, the Applicant requested a zoning amendment to the Estero Town Center Commercial Planned Development District (CPD) (Case number DCI 2019-E005); and

WHEREAS, the Applicant is requesting 6,400 square feet of Auto Service and Repair, Group I uses; and

WHEREAS, a noticed public information meeting was held on July 16, 2019 at the Planning and Zoning Board; and

WHEREAS, at a duly noticed public hearing held on August 18, 2020, the Planning and Zoning Board recommended denial of the zoning amendment request; and

WHEREAS, a duly noticed first reading was held before the Village Council on November 18, 2020; and

Words that have been added are underlined. Words that have been deleted are ~~stricken through~~.

New language since January 6 is underlined in red, and words that have been deleted are ~~stricken through~~ in red.

41 **WHEREAS**, a duly noticed second reading and public hearing was held before the
42 Village Council on December 2, 2020, at which time the Village Council gave consideration
43 to the evidence presented by the Applicant and the Village staff, the recommendations of the
44 Planning and Zoning Board and the comments of the public, but continued the hearing until
45 December 9 for additional information; and

46
47 **WHEREAS**, the hearing was continued from December 9, 2020 to January 6, 2021 ~~as~~
48 ~~there was insufficient time to provide additional information~~ and again to February 3, 2021;
49 and

50
51 **WHEREAS**, at the continued hearing on ~~January 6~~ February 3, 2021, the Council gave
52 further consideration to the evidence presented by the Applicant and the Village staff, the
53 recommendations of the Planning and Zoning Board and the comments of the public.

54
55 **NOW, THEREFORE**, be it ordained by the Village Council of the Village of Estero,
56 Florida:

57
58 **Section 1. Rezoning.**

59
60 The Village Council approves with conditions the amendment to the Estero Town
61 Center Commercial Planned Development to allow for Auto Service and Repair Group
62 1 on a portion of Estero Town Commons, Tract A, subject to the following conditions.

63
64 **Section 2. Conditions.**

65
66 1. Master Concept Plan

67 Development of this project must be consistent with the Master Concept Plan (MCP)
68 titled “Master Concept Plan 05/04/20”, stamped “Received May 14, 2020” (Exhibit B),
69 except as modified by the conditions below. The term “this project” or “this ~~parcel~~
70 Property” is a reference to the eastern portion of ~~parcel~~ Tract A as legally described in
71 Exhibit A.

72
73 2. Development Parameters

74 If this ~~parcel~~ Property is developed as an Auto Repair and Service Group I the
75 development is limited to 6,400 square feet of gross floor area.

76
77 3. Maximum Building Height

78 45 feet (including architectural features)

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4. Previous Approvals

The previous approvals for Estero Town Commons (contained in Resolution Number Z-03-032, ADD2005-0156, ADDD2005-0235, ADD2006-00163, and ADD2007-0017) including conditions and deviations, remain in effect except as modified by these conditions.

5. Re-Plat

Prior to a Certificate of Compliance being issued for this project, a re-plat of Tract A must be submitted, reviewed, and approved by the Village Council.

6. Transportation

The developer of ~~Parcel~~ Tract A must pay its proportionate share payment of the cost of design and construction of the traffic signal at Corkscrew Road and Puente Lane to the Village of Estero for ~~Parcel~~ Tract A prior to issuance of a Development Order for this ~~parcel~~ Property. The current estimated proportionate share is \$35,387.05. When the final cost is determined, if the proportionate share is less than the amount above, the Village shall remit any amounts in excess within 60 days from written notice. If, however, the proportionate share is later determined to exceed the above amount, the Village shall seek reimbursement which shall be paid within 60 days from written notice; failure to remit additional amounts shall constitute a lien against the Property.

7. Uses and Site Development Regulations

The following uses and limits apply to the project:

- a. Schedule of Uses The uses allowed by Resolution Z-03-032 shall remain in effect, except for:

The addition of Auto Repair and Service Group I as a stand-alone use on this Property, the eastern portion of ~~parcel~~ Tract A. Garage doors associated with this use may not face adjacent arterial roadways and no outdoor storage or display is allowed.

If the eastern portion of ~~Parcel A~~ this Property is developed with Auto Repair and Service Group I the following uses would no longer be permitted for the ~~eastern portion of Parcel A~~ Property; Car Wash, Convenience Food and Beverage Store, and Household and Office Furnishings.

- b. No Outdoor Storage and Display is allowed on ~~Parcel A~~ this Property.

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- c. Building Setback Requirements for Corkscrew Road Overlay
 Front/Street (North) – Minimum 0 feet Maximum 25 Feet
 Side – 0 feet
 Rear – Minimum 25 feet

8. Radio Enhancement
 The owner or owner’s representative shall conduct an assessment model at the time of development order to determine if the minimum radio signal’s strength for the fire department communication is in compliance with NFPA1:11.10, NFPA 1221:11.3.9, standards for inbound and outbound signal strength and quality. If minimum signal strength is not available, the applicant shall install radio enhancement in the building.

9. No Blasting
 No development blasting is permitted as part of this project.

10. Utilities
 The project must be connected to centralized potable water service and centralized sewer service.

11. Floodplain
 The site is located in Zone AH, a Special Flood Hazard Area. The site must comply with the SFWMD Environmental Resource Permit finished floor elevation required at a minimum of 17.50 feet NGVD (16.30 feet NAVD).

12. Pattern Book
 The project must be consistent with the “Firestone” Pattern Book dated November 6, 2020, stamped “Received November 6, 2020”.

13. Buffers
 As part of local development order approval for Auto Repair and Service Group I on ~~the eastern portion of Tract A~~ this Property, 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 buffer plantings must be 100% native vegetation.

14. Public Gathering Areas
 The applicant shall provide details regarding outdoor furniture to be associated with the three Public Gathering Areas at Development Order.

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15. Access Easement Dedication

Prior to local development order approval, a parcel of property more fully described in Exhibit C shall be dedicated to the Estero Town Center Property Owners Association in the same manner that other roadway tracts have been dedicated.

16. Vehicular/Pedestrian Impacts

Approval of this zoning request does not address mitigation of the project’s vehicular or pedestrian traffic impacts. Additional conditions consistent with the Land Development Code (LDC) may be required to obtain a local development order.

17. Vehicle, Pedestrian, and Bicycle Safety

Approval of this zoning request does not address evaluation of vehicle, bicycle and pedestrian safety in the proposed design or plan. Additional conditions consistent with the LDC may be required to obtain a local development order.

18. Concurrency

Approval of this rezoning does not constitute a finding that the proposed project meets the regulatory concurrency requirements set forth in the Land Development Code and the Comprehensive Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.

19. Lee County Development Order

A Lee County Type ‘D’ Limited Development Order (LDO) will be required for the offsite improvements within the County maintained right-of-way.

20. Stormwater Pollution Prevention Plan

The building must be designed to prevent any discharges from the building floor to the stormwater system. All building floors must be sloped to collect all water and/or spills in a floor scrubber system and discharge into an oil water separator that outfalls into the sanitary sewer system. In no case shall building floors be sloped toward the outside of the building. The building design described herein will prevent any potential pollutants generated in the building from being discharged into the stormwater system.

21. Amenity Area

~~The master developer of Estero Town Commons must submit for a Development Order for the amenity area described in Exhibit D at the corner of Corkscrew Road and Three Oaks Parkway within two years of the date of approval of this ordinance. Firestone must include a draft of an agreement between the Center owner and the Village that incorporates this condition with the Development Order application and the agreement must be approved prior to the issuance of any Certificate of Compliance for the~~

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204 ~~Development Order. The pedestrian open space area improvements must be completed~~
205 ~~within eighteen months from the date of issuance of the DO. The improvements must~~
206 ~~the remainder of the parcel unless the amenity area is included. Prior to or concurrent~~
207 ~~with the first Development Order for the Auto Repair and Service Group I project, the~~
208 ~~Estero Town Commons owner and master developer, his successor or assigns~~
209 ~~(“Owner”), shall submit a Limited Development Order for approval of the amenity area~~
210 ~~at the corner of Corkscrew Road and Three Oaks Parkway as described in Exhibit D.~~
211 ~~No Development Order will be approved for this project unless the Limited~~
212 ~~Development Order for the amenity area is approved.~~

213
214 The amenity area shall be constructed prior to the issuance of the certificate of
215 compliance for this project. At the time of platting, public access to and maintenance
216 of the amenity area will be guaranteed in the plat or by separate agreement with the
217 Village of Estero.

218
219 22. Land Development Code (LDC)
220 Where the Village LDC is referenced in these conditions of approval for
221 implementation of the condition at the time of development order, the LDC in effect at
222 the time of the development order shall be applicable.

223 **Section 3. Findings and Conclusions.**

224
225 Based upon an analysis of the application and the standards for approval in the Land
226 Development Code, and the conditions of approval, the Council finds and concludes as
227 follows:

- 228
- 229 1. The applicant has provided sufficient justification for the zoning amendment by
230 demonstrating compliance with the Comprehensive Plan, the Land Development
231 Code, and other applicable codes.
 - 232
 - 233 2. The proposed use is generally compatible with existing or planned uses in the
234 surrounding area.
 - 235
 - 236 3. Approval of the request will not place an undue burden upon existing transportation
237 or planned infrastructure facilities.
 - 238
 - 239 4. Urban services are available and adequate to serve the proposed use.
 - 240
 - 241 5. The request will not adversely affect environmentally critical areas and natural
242 resources.
 - 243

Words that have been added are underlined. Words that have been deleted are ~~stricken through~~.

New language since January 6 is underlined in red, and words that have been deleted are ~~stricken through~~ in red.

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- 6. The proposed use, subject to the proposed conditions, is appropriate at the subject location because _____.
- 7. The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to impacts on the public’s interest created by or expected from the proposed development.

Section 4. Exhibits.

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

- Exhibit A Legal Description and Sketch
- Exhibit B Master Concept Plan titled “Firestone Complete Auto Care”, dated May 4, 2020” and stamped “Received May 14, 2020”
- Exhibit C Proposed Access Easement Sketch and Legal Description, dated February 3, 2020
- Exhibit D Preliminary Design Pedestrian Amenity Site Layout, Received November 6, 2020

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 immediately upon adoption.

PASSED on first reading this 18th day of November, 2020.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida on second reading this ~~2nd~~ 3rd day of ~~December, 2020~~, February, 2021.

Words that have been added are underlined. Words that have been deleted are ~~stricken through~~.

New language since January 6 is underlined in red, and words that have been deleted are ~~stricken through~~ in red.

285 Attest:

VILLAGE OF ESTERO, FLORIDA

286

287

288 By: _____

By: _____

289 Steve Sarkozy, Acting Village Clerk

Bill Ribble, Mayor

290

291

292 Reviewed for legal sufficiency:

293

294

295 By: _____

296 Nancy E. Stroud, Village Land Use Attorney

297

298 Vote:	AYE	NAY
-----------	-----	-----

299 Mayor Ribble	_____	_____
------------------	-------	-------

300 Vice Mayor Errington	_____	_____
--------------------------	-------	-------

301 Councilmember Levitan	_____	_____
---------------------------	-------	-------

302 Councilmember McLain	_____	_____
--------------------------	-------	-------

303 Councilmember Boesch	_____	_____
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304 Councilmember Batos	_____	_____
-------------------------	-------	-------

305 Councilmember Wilson	_____	_____
--------------------------	-------	-------

Zoning Ordinance No. 2020-09
Case No. DCI 2019-E005
Estero Town Center CPD

Words that have been added are underlined. Words that have been deleted are ~~stricken through~~.

New language since January 6 is underlined in red, and words that have been deleted are ~~stricken through~~ in red.

Description

Subject Parcel Description:

A portion of Tract A of ESTERO TOWN COMMONS as recorded in Instrument Number 2006000411908 of the Public Records of Lee County, Florida, being more particularly described as follows:

Commencing at the Northwest Corner of said Tract A, being a point on the Southerly right-of-way line of Corkscrew Road (right-of-way varies), thence run N89°24'57"E, along said Southerly right-of-way line, a distance of 192.54 feet to the POINT OF BEGINNING.

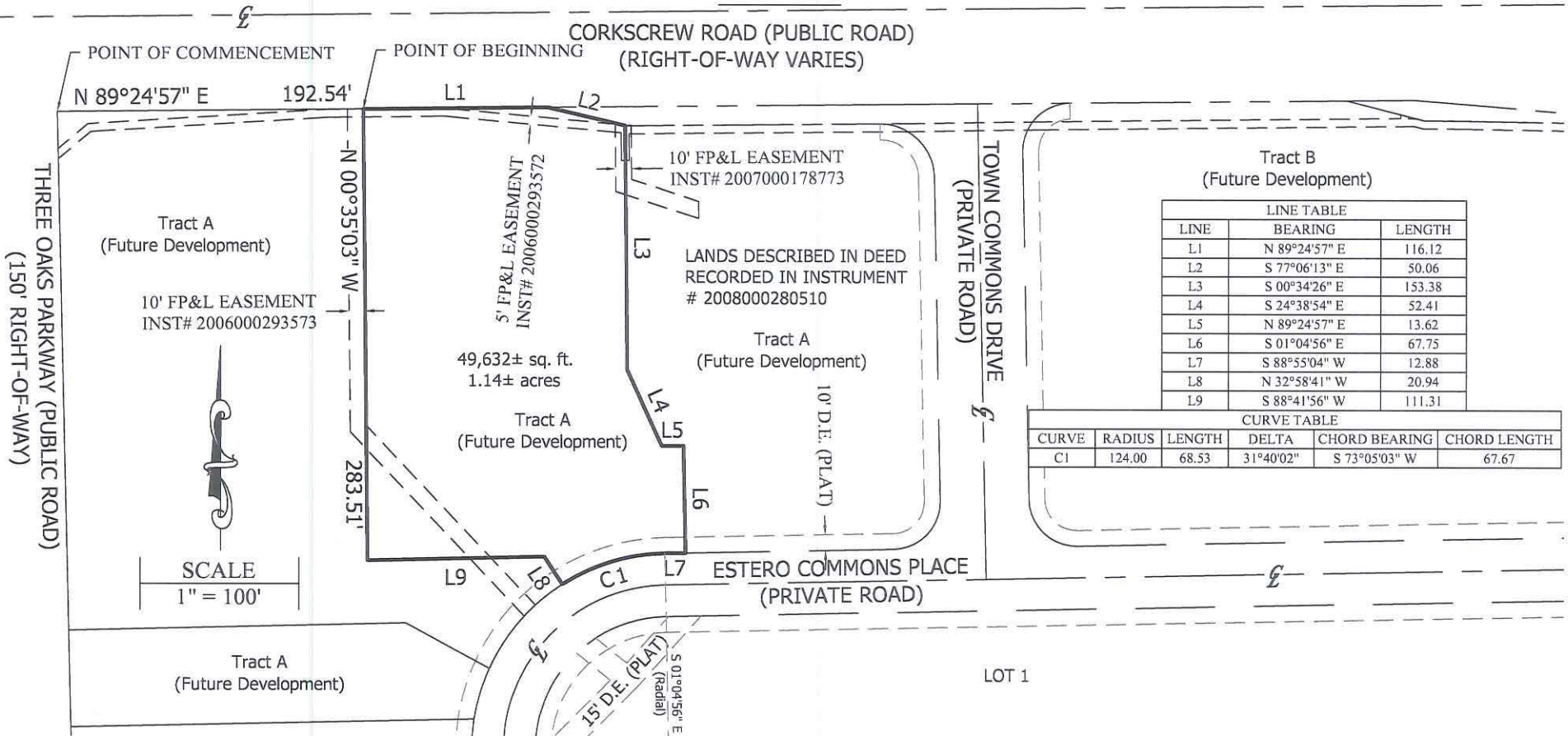
From said POINT OF BEGINNING, thence continue N89°24'57"E, along said Southerly right-of-way line, a distance of 116.12 feet; thence run S77°06'13"E, departing said Southerly right-of-way line, and along the Northerly line of said Tract A, a distance of 50.06 to an intersection with the Westerly boundary of lands described in deed recorded in Instrument Number 2008000280510, Public Records of Lee County, Florida; thence run the following four (4) courses and distances along said Westerly boundary, (1) S00°34'26"E a distance of 153.38 feet; (2) S24°38'54"E a distance of 52.41 feet; (3) N89°24'57"E a distance of 13.62 feet; (4) S01°04'56"E a distance of 67.75 feet to an intersection with the northerly right-of-way line of Estero Commons Place (Private Road); thence run S88°55'04"W, along said Northerly right-of-way line, a distance of 12.88 feet to a point on a non-tangential curve to which a radial line bears S01°04'56"E; thence run 68.53 feet along the arc of said non-tangential curve to the left of radius 124.00 feet, concave to the Southeast, having a delta angle of 31°40'02", a chord bearing of S73°05'03"E and a chord length of 67.67 feet; thence run N32°58'41"W, departing said Northerly right-of-way line, a distance of 20.94 feet; thence run S88°41'56"W a distance of 111.31 feet ; thence run N00°35'03"W a distance of 283.51 feet to the POINT OF BEGINNING.

Said parcel contains 49,632 sq. ft. (more or less) or 1.14 acres (more or less)

Bearings are based on the Southerly right-of-way line of Corkscrew Road being N89°24'57"E.

THIS IS NOT A SURVEY	<p>Description to Accompany Sketch</p> <p>Proposed Firestone Parcel</p> <p><i>A portion of Tract A, ESTERO TOWN COMMONS, as recorded in Instrument Number 2006000411908, Public Records of Lee County, Florida, lying in Section 35, Township 46 South, Range 25 East, Lee County, Florida</i></p>	<i>Not Valid without Sheet 1 of 2</i>
<i>Sheet 2 of 2</i>	 <p>324 Nicholas Parkway W, Unit A Cape Coral, Florida 33991 Phone: (239) 673-9541 www.Ardurra.com License #LB-2610</p> <p>ARDURRA</p> <p>COLLABORATE. INNOVATE. CREATE.</p>	<p>I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on September 13, 2019 is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.</p> <p style="text-align: center;"><i>See Sheet 1 of 2 for Signature and Seal</i></p> <p>DAVID KEITH CRAMER (FOR THE FIRM) FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO.6655 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER</p>
JOB # 19-5123 PREPARED FOR: Palmetto Capital Group		
SECTION 35, TOWNSHIP 46S, RANGE 25E		

Sketch



Tract B
(Future Development)

LINE TABLE		
LINE	BEARING	LENGTH
L1	N 89°24'57" E	116.12
L2	S 77°06'13" E	50.06
L3	S 00°34'26" E	153.38
L4	S 24°38'54" E	52.41
L5	N 89°24'57" E	13.62
L6	S 01°04'56" E	67.75
L7	S 88°55'04" W	12.88
L8	N 32°58'41" W	20.94
L9	S 88°41'56" W	111.31

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD LENGTH
C1	124.00	68.53	31°40'02"	S 73°05'03" W	67.67

SURVEY NOTES:

1. BEARINGS ARE BASED ON THE SOUTHERLY RIGHT-OF-WAY LINE OF CORKSCREW ROAD BEING N89°24'57"E.
2. MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
3. **THIS IS NOT A SURVEY**
4. ADDITIONS TO OR DELETIONS OTHER THAN THE SIGNING SURVEYOR AND MAPPER ARE PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SIGNING SURVEYOR AND MAPPER. *COPYRIGHT 2019, ARDURRA GROUP, INC., ALL RIGHTS RESERVED.*
5. DO NOT COPY WITHOUT THE WRITTEN CONSENT OF ARDURRA GROUP, INC.
6. NOT VALID WITHOUT SHEET 2 OF 2.

LEGEND:

- FP&L = FLORIDA POWER & LIGHT COMPANY
- D.E. = DRAINAGE EASEMENT
- INST# = INSTRUMENT NUMBER
- ⌘ = CENTERLINE

THIS IS NOT A SURVEY

Sketch to Accompany Description
Proposed Firestone Parcel
A portion of Tract A, ESTERO TOWN COMMONS, as recorded in Instrument Number 2006000411908, Public Records of Lee County, Florida, lying in Section 35, Township 46 South, Range 25 East, Lee County, Florida



324 Nicholas Parkway W, Unit A
 Cape Coral, Florida 33991
 Phone: (239) 673-9541
 www.Ardurra.com
 License #LB-2610

I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on **September 13, 2019** is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.

DAVID KEITH CRAMER (FOR THE FIRM)
 FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO.6655
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

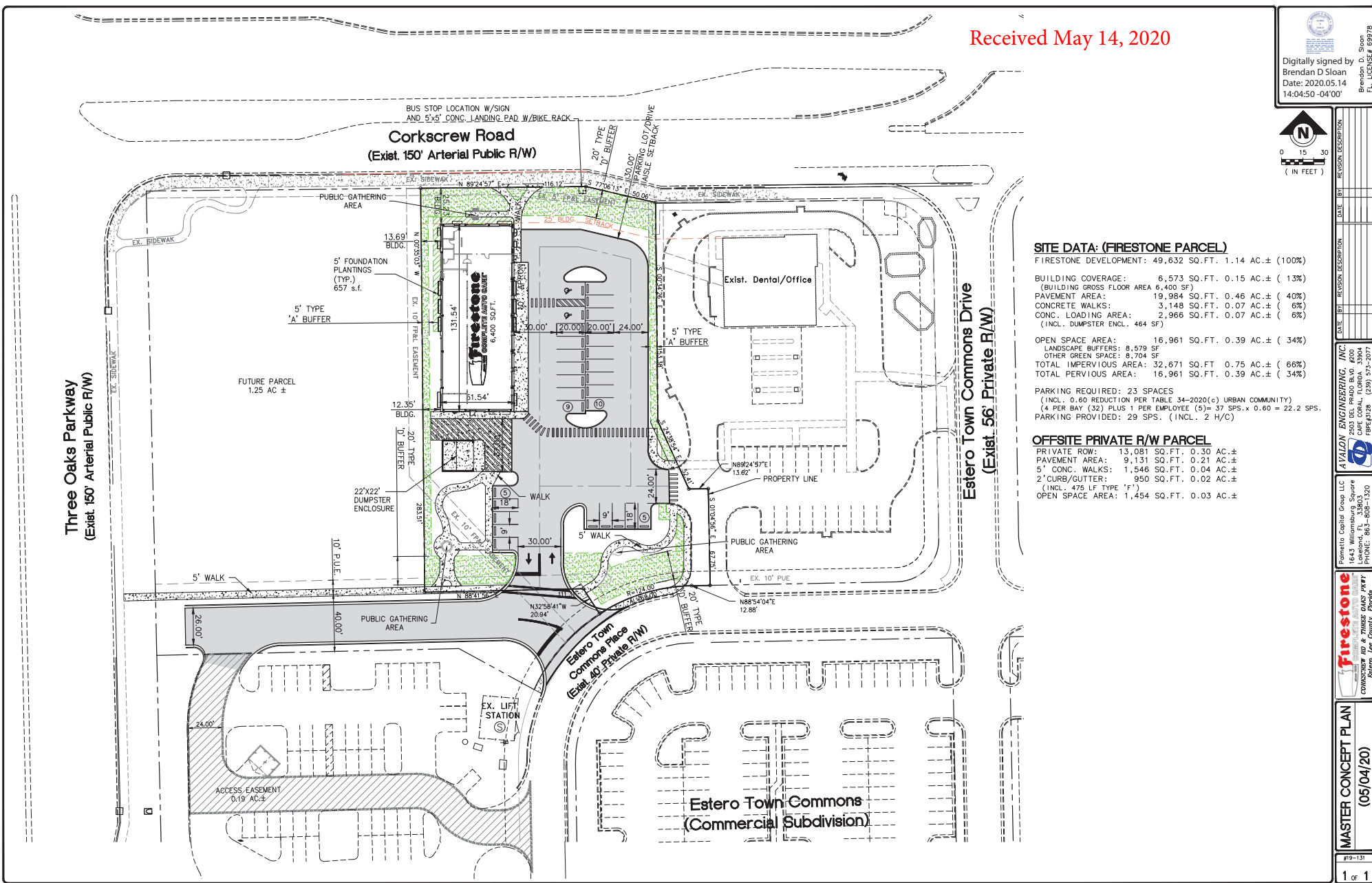
SHEET 1 OF 2
 JOB # 19-5123
 PREPARED FOR: Palmetto Capital Group
 SECTION 35, TOWNSHIP 46S, RANGE 25E

EXHIBIT B - Master Concept Plan Ordinance 2020-09

Received May 14, 2020

Digitally signed by
Brendan D Sloan
Date: 2020.05.14
14:04:50 -04'00'

Brendan D. Sloan
FL LICENSE # 69978



SITE DATA: (FIRESTONE PARCEL)

FIRESTONE DEVELOPMENT: 49,632 SQ.FT. 1.14 AC.± (100%)

BUILDING COVERAGE:	6,573 SQ.FT. 0.15 AC.± (13%)
(BUILDING GROSS FLOOR AREA 6,400 SF)	
PAVEMENT AREA:	19,984 SQ.FT. 0.46 AC.± (40%)
CONCRETE WALKS:	3,148 SQ.FT. 0.07 AC.± (6%)
CONC. LOADING AREA:	2,966 SQ.FT. 0.07 AC.± (6%)
(INCL. DUMPSTER ENCL. 464 SF)	
OPEN SPACE AREA:	16,961 SQ.FT. 0.39 AC.± (34%)
LANDSCAPE BUFFERS:	8,579 SF
OTHER GREEN SPACE:	8,704 SF
TOTAL IMPERVIOUS AREA:	32,671 SQ.FT. 0.75 AC.± (66%)
TOTAL PERVIOUS AREA:	16,961 SQ.FT. 0.39 AC.± (34%)
PARKING REQUIRED:	23 SPACES
(INCL. 0.60 REDUCTION PER TABLE 34-2020(c) URBAN COMMUNITY)	
(4 PER BAY (32) PLUS 1 PER EMPLOYEE (5) = 37 SPS.x 0.60 = 22.2 SPS.)	
PARKING PROVIDED:	29 SPS. (INCL. 2 H/C)
OFFSITE PRIVATE R/W PARCEL	
PRIVATE ROW:	13,081 SQ.FT. 0.30 AC.±
PAVEMENT AREA:	9,131 SQ.FT. 0.21 AC.±
5' CONC. WALKS:	1,546 SQ.FT. 0.04 AC.±
2' CURB/GUTTER:	950 SQ.FT. 0.02 AC.±
(INCL. 475 LF TYPE 'F')	
OPEN SPACE AREA:	1,454 SQ.FT. 0.03 AC.±

DATE	BY	REVISION DESCRIPTION

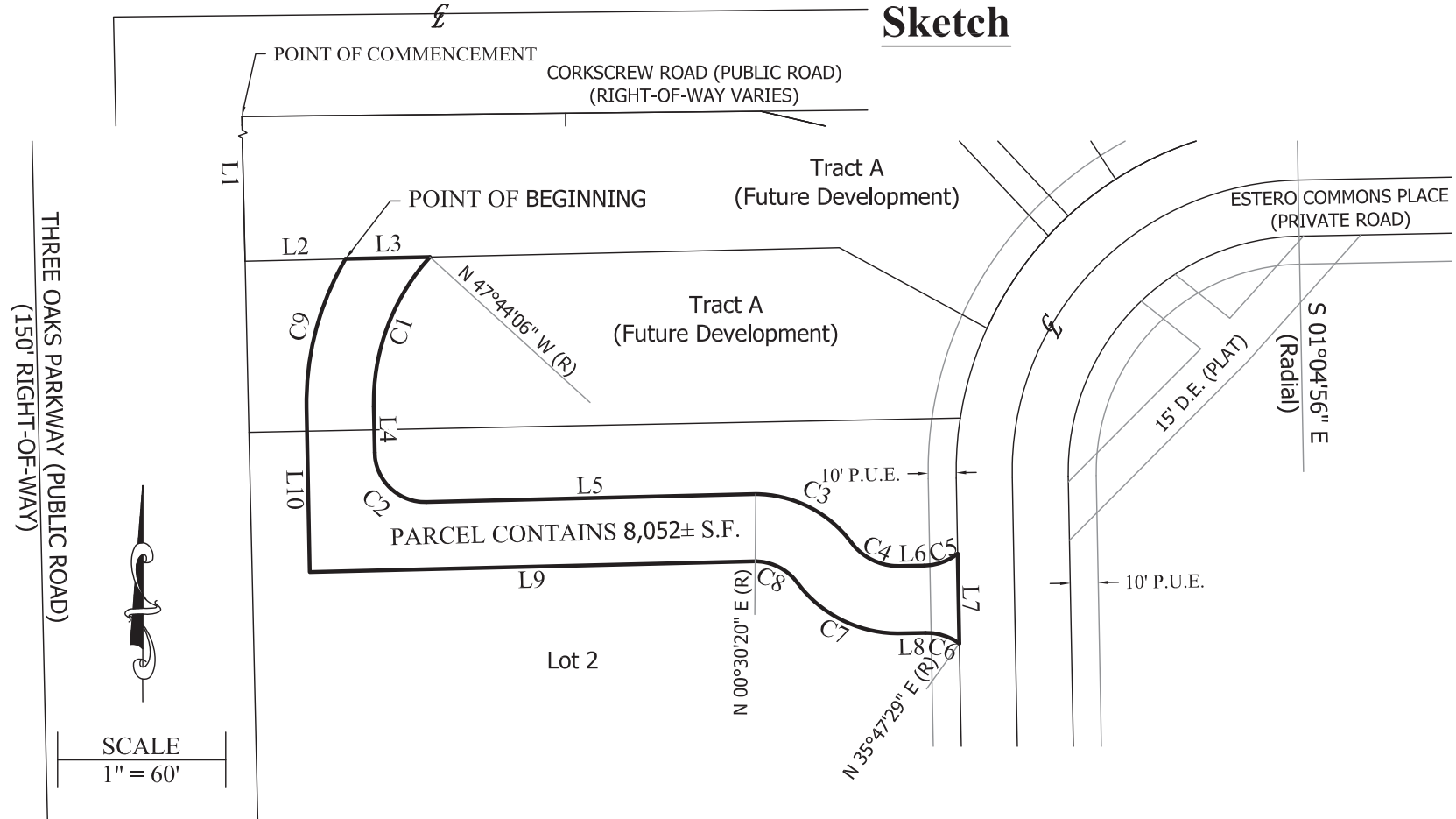
VALON ENGINEERING, INC.
 2605 DEL PRADO BLVD. #200
 CAPE CORAL, FLORIDA 33904
 PHONE: (813) 578-2077
 FIRM#14128

Firestone
 ROBERTO CORTES-CORRAJES LLC
 1643 WILMINGTON SQUARE
 LOVELAND, FL 32803
 PHONE: 863-808-1320

MASTER CONCEPT PLAN
 (05/04/20)

#19-131
 1 of 1

Sketch



SURVEY NOTES:

1. BEARINGS ARE BASED ON THE EASTERLY RIGHT-OF-WAY LINE OF THREE OAKS PARKWAY BEING S01°18'04"E.
2. MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
3. **THIS IS NOT A SURVEY**
4. ADDITIONS TO OR DELETIONS OTHER THAN THE SIGNING SURVEYOR AND MAPPER ARE PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SIGNING SURVEYOR AND MAPPER. COPYRIGHT 2020, ARDURRA GROUP, INC., ALL RIGHTS RESERVED.
5. DO NOT COPY WITHOUT THE WRITTEN CONSENT OF ARDURRA GROUP, INC.
6. NOT VALID WITHOUT SHEETS 2 & 3 OF 3.

LEGEND:

- P.U.E. = PUBLIC UTILITY EASEMENT
- D.E. = DRAINAGE EASEMENT
- INST# = INSTRUMENT NUMBER
- S.F. = SQUARE FEET
- (R) = RADIAL
- ℄ = CENTERLINE

Sheet 1 of 3

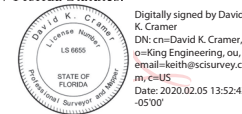
THIS IS NOT A SURVEY

Sketch to Accompany Description
Proposed Access Easement
*A portion of Tract A and Lot 2,
 ESTERO TOWN COMMONS
 SUBDIVISION, as recorded in
 Instrument Number 2006000411908,
 Public Records of Lee County, Florida,
 lying in Section 35, Township 46 South,
 Range 25 East, Lee County, Florida*



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 Cape Coral, Florida 33991
 Phone: (239) 673-9541
 www.Ardurra.com
 License #LB-2610

I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on **February 3, 2020** is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.



Digitally signed by David K. Cramer
 DN: cn=David K. Cramer, o=King Engineering, ou, email=keith@scsurvey.com, c=US
 Date: 2020.02.05 13:52:43 -0500

DAVID KEITH CRAMER (FOR THE FIRM)
 FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO.6655
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL
 RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

SHEET 1 OF 3
 JOB # 19-5123
 PREPARED FOR: Palmetto Capital Group
 SECTION 35, TOWNSHIP 46S, RANGE 25E

Tables

LINE	BEARING	DISTANCE
L1	S 01°18'04" E	325.89'
L2	N 88°41'56" E	35.87'
L3	N 88°41'56" E	30.15'
L4	S 01°05'28" E	16.36'
L5	N 88°37'15" E	117.63'
L6	N 88°55'04" E	8.83'
L7	S 01°04'56" E	32.00'
L8	S 88°55'04" W	8.83'
L9	S 88°37'15" W	159.37'
L10	N 01°05'28" W	58.57'

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	77.17'	58.40'	43°21'23"	S 20°35'13" W	57.01'
C2	18.00'	28.36'	90°17'16"	S 46°14'07" E	25.52'
C3	42.93'	39.54'	52°46'08"	S 63°06'36" E	38.15'
C4	21.00'	19.92'	54°21'24"	S 63°54'14" E	19.18'
C5	20.00'	12.87'	36°52'25"	N 70°28'52" E	12.65'
C6	20.00'	12.87'	36°52'25"	N 72°38'44" W	12.65'
C7	45.00'	42.69'	54°21'24"	N 63°54'14" W	41.11'
C8	18.93'	17.12'	51°48'55"	N 62°37'59" W	16.54'
C9	101.17'	55.63'	31°30'20"	N 14°39'42" E	54.93'

THIS IS NOT A SURVEY

Tables to Accompany Sketch

Proposed Access Easement

A portion of Tract A and Lot 2, ESTERO TOWN COMMONS SUBDIVISION, as recorded in Instrument Number 2006000411908, Public Records of Lee County, Florida, lying in Section 35, Township 46 South, Range 25 East, Lee County, Florida

Not Valid without Sheets 1&3 of 3

Sheet 2 of 3



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COLLABORATE. INNOVATE. CREATE.

I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on **February 3, 2020** is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.

See Sheet 1 of 3 for Signature and Seal

DAVID KEITH CRAMER (FOR THE FIRM)
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO.6655
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL
RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

Description

Subject Parcel Description:

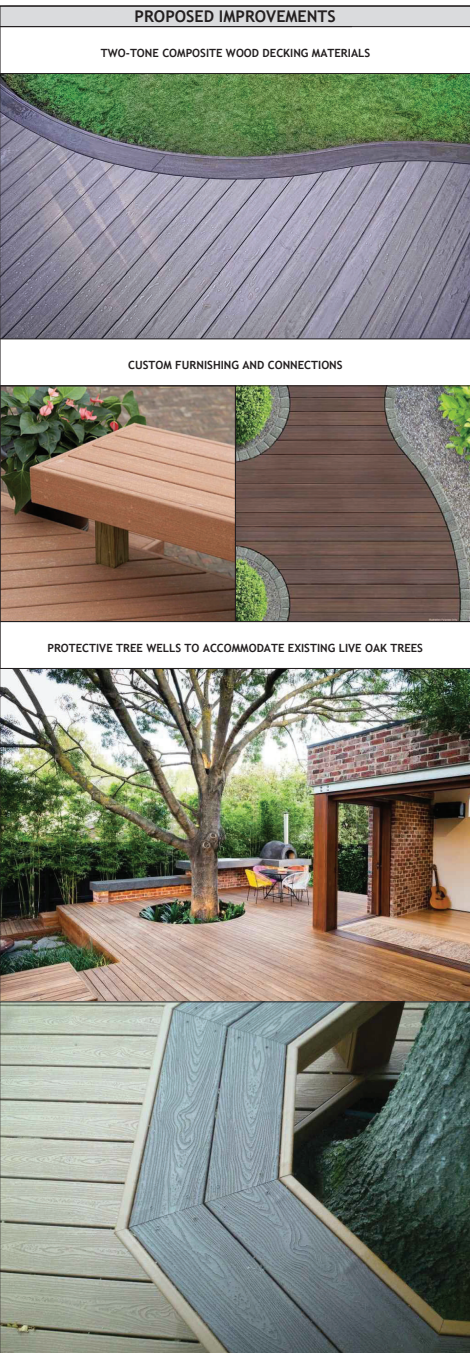
A portion of Tract A and Lot 2 of ESTERO TOWN COMMONS SUBDIVISION as recorded in Instrument Number 2006000411908 of the Public Records of Lee County, Florida, being more particularly described as follows:

Commencing at the Northwest Corner of said Tract A, being a point on the Easterly right-of-way line of Three Oaks Parkway (150' right-of-way), run S01°18'04"E, along said Easterly right-of-way line, for a distance of 325.89 feet; thence run N88°41'56"E, departing said right-of-way line, for a distance of 35.87 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING, continue N88°41'56"E for a distance of 30.15 feet to a point on a non-tangent curve to which a radial line bears N47°44'06"W; thence run 58.40 feet along the arc of said non-tangent curve to the left of radius 77.17 feet, concave to the Southeast, having a delta angle of 43°21'23", a chord bearing of S20°35'13"W and a chord length of 57.01 feet to a point of tangency; thence run S01°05'28"E for a distance of 16.36 feet to a point of curvature; thence run 28.36 feet along the arc of a curve to the left of radius 18.00 feet, concave to the Northeast, having a delta angle of 90°17'16", a chord bearing of S46°14'07"E and a chord length of 25.52 feet to a point of tangency; thence run N88°37'15"E for a distance of 117.63 feet to an intersection with a non-tangent curve to which a radial line bears N00°30'20"E; thence run 39.54 feet along the arc of said non-tangent curve to the right of radius 42.93 feet, concave to the Southwest, having a delta angle of 52°46'08", a chord bearing of S63°06'36"E and a chord length of 38.15 feet to a point of reverse curvature; thence run 19.92 feet along the arc of said reverse curve to the left of radius 21.00 feet, concave to the Northeast, having a delta angle of 54°21'24", a chord bearing of S63°54'14"E and a chord length of 19.18 feet to a point of tangency; thence run N88°55'04"E for a distance of 8.83 feet to a point of curvature; thence run 12.87 feet along the arc of a curve to the left of radius 20.00 feet, concave to the Northwest, having a delta angle of 36°52'25", a chord bearing of N70°28'52"E and a chord length of 12.65 feet to a point of cusp and an intersection with the Westerly right-of-way line of Estero Commons Place, a 20.00 foot wide private road as shown on the plat of ESTERO TOWN COMMONS SUBDIVISION; thence run S01°04'56"E, along said Westerly right-of-way line, for a distance of 32.00 feet to a point of cusp, being a point on a non-tangent curve to which a radial line bears N35°47'29"E; thence run 12.87 feet along the arc of said non-tangent curve to the left of radius 20.00 feet, having a delta angle of 36°52'25", a chord bearing of N72°38'44"W and a chord length of 12.65 feet to a point of tangency; thence run S88°55'04"W for a distance of 8.83 feet to a point of curvature; thence run 42.69 feet along the arc of said curve to the right of radius 45.00 feet, concave to the Northeast, having a delta angle of 54°21'24", a chord bearing of N63°54'14"W and a chord length of 41.11 feet to a point of reverse curvature; thence run 17.12 feet along the arc of said reverse curve to the left of radius 18.93 feet, concave to the Southwest, having a delta angle of 51°48'55", a chord bearing of N62°37'59"W and a chord length of 16.54 feet to an intersection with a non-tangent line; thence run S88°37'15"W, along said non-tangent line, for a distance of 159.37 feet; thence run N01°05'28"W for a distance of 58.57 feet to a point of curvature; thence run 55.63 feet along the arc of said curve to the right of radius 101.17 feet, concave to the Southeast, having a delta angle of 31°30'20", a chord bearing of N14°39'42"E and a chord length of 54.93 feet to the POINT OF BEGINNING.

Said parcel contains 8,052 sq. ft. (more or less)

Bearings are based on the Easterly right-of-way line of Three Oaks Parkway being S01°18'04"E.

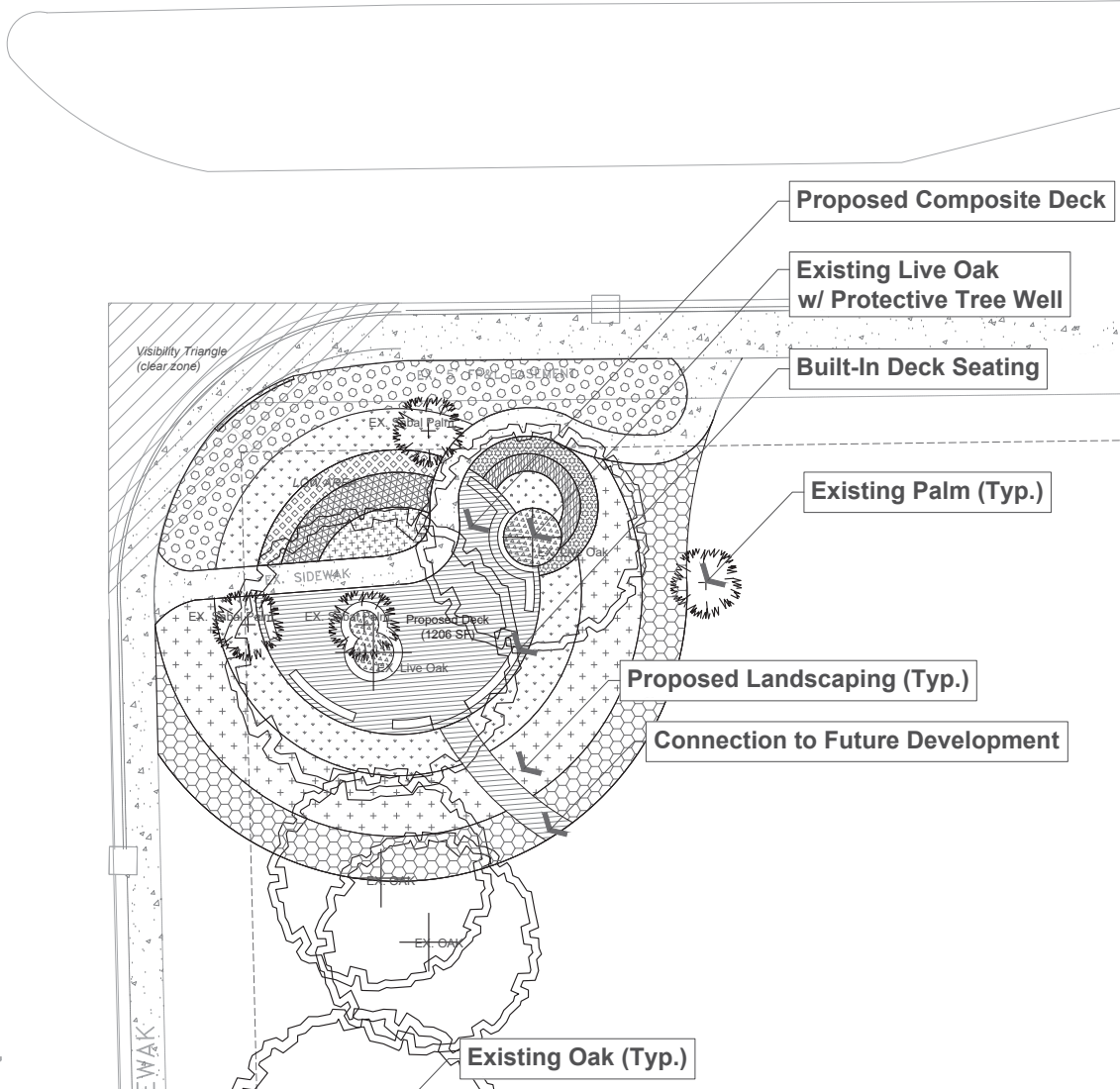
THIS IS NOT A SURVEY	Description to Accompany Sketch Proposed Access Easement <i>A portion of Tract A and Lot 2, ESTERO TOWN COMMONS SUBDIVISION, as recorded in Instrument Number 2006000411908, Public Records of Lee County, Florida, lying in Section 35, Township 46 South, Range 25 East, Lee County, Florida</i>	<i>Not Valid without Sheets 1&2 of 3</i>
<i>Sheet 3 of 3</i>	 324 Nicholas Parkway W, Unit A Cape Coral, Florida 33991 Phone: (239) 673-9541 www.Ardurra.com License #LB-2610 ARDURRA COLLABORATE. INNOVATE. CREATE.	I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on February 3, 2020 is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes. <i>See Sheet 1 of 3 for Signature and Seal</i>
JOB # 19-5123 PREPARED FOR: Palmetto Capital Group	SECTION 35, TOWNSHIP 46S, RANGE 25E	DAVID KEITH CRAMER (FOR THE FIRM) FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO.6655 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER




Three Oaks Parkway
 (Exist. 150' Arterial Public R/W)

Corkscrew Road

(Exist. 150' Arterial Public R/W)



Prepared By:



18197 Sandy Pines Circle
 North Fort Myers, FL 33917
 Tel: 239.691.7790
 Email: info@landesco.com

Digitally signed by David K. Kulsveen LA 6667133 STATE OF FLORIDA
 Date: 2020.11.04 09:57:11 -05'00'

Prepared For:

Pedestrian Amenity
 Corkscrew Rd &
 Three Oaks Pkwy

In Conjunction With:

KITE REALTY GROUP
 30 S. Meridian St, Suite #100
 Indianapolis, IN 46204
 (239) 377-5600

Preliminary Design
 Pedestrian
 Amenity
 - Site Layout -

DATE IN: 10-05-2020
 DRAWN BY: DKK
 CHECKED BY: DKK

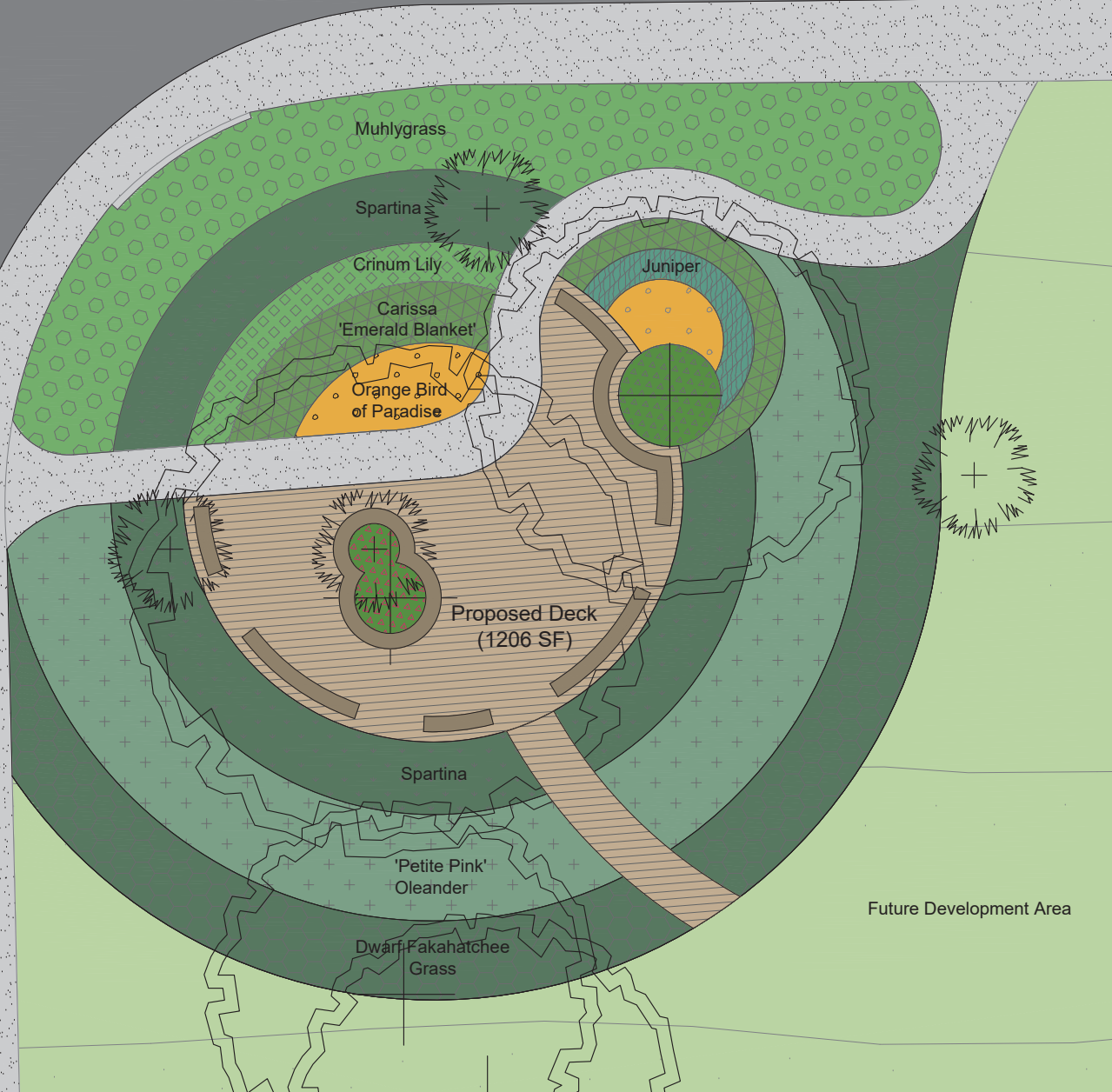
REVISION DATE:	10-24-20	REVISION PER CLIENT REQUEST
REVISION DATE:		
REVISION DATE:		
REVISION DATE:		

Sheet: 1 of 2

L 1.0

CORKSCREW ROAD

THREE OAKS PARKWAY



PROPOSED IMPROVEMENTS

MUHLY GRASS



SAND CORDGRASS



QUEEN EMMA CRINUM LILY



PARSON'S JUNIPER



ORANGE BIRD OF PARADISE



Dwarf Fakahatchee Grass



CARISSA 'EMERALD BLANKET'



'PETITE PINK' OLEANDER



'RED SISTER' CORDYLIN



Prepared By:



18197 Sandy Pines Circle
North Fort Myers, FL 33917
Tel: 239.691.7790
Email: info@landesco.com



Digitally signed by David K. Kulsveen LA 6667133 STATE OF FLORIDA
Date: 2020.11.04 09:57:31 -0500

Prepared For:
Pedestrian Amenity
Corkscrew Rd &
Three Oaks Pkwy

In Conjunction With:
KITE REALTY GROUP
30 S. Meridian St., Suite #1100
Indianapolis, IN 46204
(239) 577-5600



Preliminary Design
Pedestrian Amenity
- Plant Board -

DATE IN: 10-05-2020
DRAWN BY: DKK
CHECKED BY: DKK

10-24-20	REVISION PER CLIENT REQUEST		

REVISION DATE:	REVISION DATE:	REVISION DATE:	REVISION DATE:



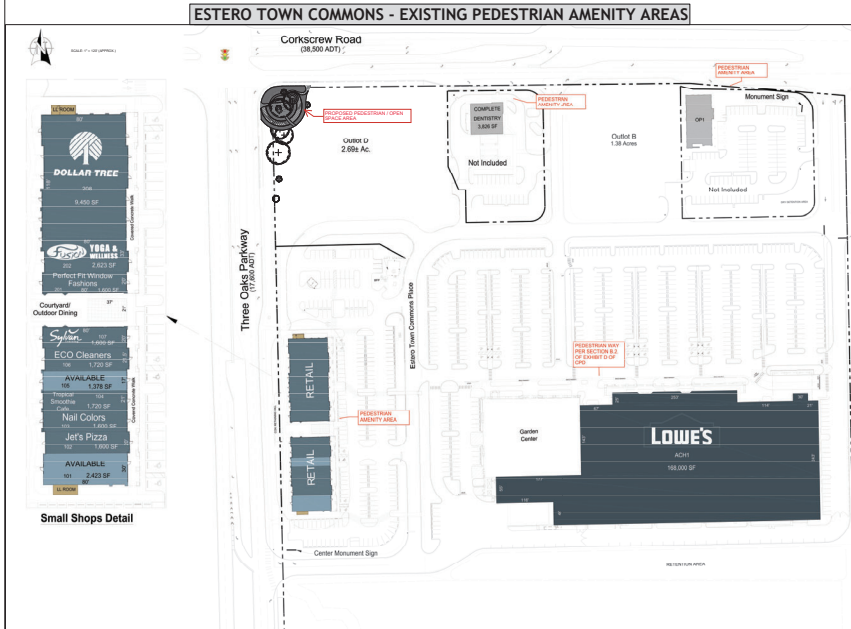
WEST END - EXISTING PEDESTRIAN AMENITY AREAS



WEST END - EXISTING PEDESTRIAN AMENITY AREAS



NORTHWEST CORNER - EXISTING CONDITIONS



NORTHCENTRAL - EXISTING PEDESTRIAN AMENITY AREA



SOUTH END - EXISTING PEDESTRIAN AMENITY AREAS



NORTHEAST END - EXISTING PEDESTRIAN AMENITY AREAS



Prepared By:

18197 Sandy Pines Circle
North Fort Myers, FL 33917
Tel: 239.691.7790
Email: info@landesco.com

E Seal:

Digitally signed by David K. Kulsveen LA 6667133 STATE OF FLORIDA
Date: 2020.11.04 09:57:52 -05'00'

Prepared For:

Pedestrian Amenity
Corkscrew Rd &
Three Oaks Pkwy

In Conjunction With:

KITE REALTY GROUP
30 S. Meridian St., Suite #100
Indianapolis, IN 46204
(239) 377-5600

1" = 10'

Preliminary Design Pedestrian Amenity - Existing Conditions-

DATE IN: 10-05-2020
DRAWN BY: DKK
CHECKED BY: DKK

REVISION DATE:	10-24-20	REVISION PER CLIENT REQUEST
REVISION DATE:		
REVISION DATE:		
REVISION DATE:		

Sheet: 3 of 3

L 1.2

PUBLIC COMMENT CARD : Entry # 16572**Choose The Meeting You Are Commenting On**

Village Council Meeting

Name

Mark Novitski

Address

21101 Palese Dr

Estero 33928

United States

[Map It](#)**Community**

ECCL

Emailecclsecretary@gmail.com**Phone**

(239) 250-9536

Representing

ECCL

Date

01/06/2021

Agenda Item No. or Topic

9a

Comments

The ECCL Executive Management Team (President, COO, CFO, CCO, and CMDO) reviewed the Firestone rezoning issue and the consensus is we can support the rezoning with the following caveats:

1. The development complies with all Village zoning requirements
2. For safety reasons, Firestone should schedule its opening date subsequent to the traffic light installation at Lowes
3. The Estero town center owner will maintain the pocket park created at SE corner of Corkscrew Rd and Three Oaks Pkwy

Notes**Admin Notification (ID: 5e70ca9c71a8d)**

added 22 hours ago

WordPress successfully passed the notification email to the sending server.



ESTERO TOWN CENTER CPD
Amendment to Commercial Planned Development
Zoning Staff Report SUPPLEMENT
For Village Council

PROJECT NAME: ESTERO TOWN CENTER CPD - A PORTION OF TRACT A, ESTERO TOWN COMMONS

CASE TYPE: PLANNED DEVELOPMENT AMENDMENT

CASE NUMBER: DCI2019-E005

COUNCIL 1st READING: November 18, 2020

INTRODUCTION

This is a request to amend the Estero Town Center CPD zoning to allow Auto Repair and Service, Group I as a stand-alone use in the existing Lowe's Plaza at the southeast intersection of Corkscrew Road and Three Oaks Parkway.

The Planning and Zoning Board held a public hearing on August 18, 2020 at which time they voted to recommend denial of the request based on the staff recommendation (4-2 vote).

This Supplement to the Planning and Zoning Board Staff Report is provided in response to additional information that was submitted by the applicant on November 6, 2020 for Village Council consideration.

This supplement will explain the additional materials. The Planning and Zoning Board Staff Report is provided for more detailed information.

SUPPLEMENTAL INFORMATION

The new materials submitted are attached to this Supplement and include:

1. Cover Letter itemizing the changes:
 - Changes to the Pattern Book south and west architectural elevations;
 - Addition of miscellaneous clarifications on the east and north architectural elevations;
 - Submittal of proposed improvements to the Pedestrian Amenity Area.

2. Revised Pattern Book/Amended Architectural Elevations for the south and west elevations:

- The addition of a baluster cornice on the west elevation to match the cornices on the other elevations;
- The addition of three green screens to the west elevation to soften the building appearance;
- The addition of one green screen to the south elevation;
- Miscellaneous Clarifications that include roof elevation marker, roof note, and glazing notes.

The revised elevations are shown below, with the changes noted.

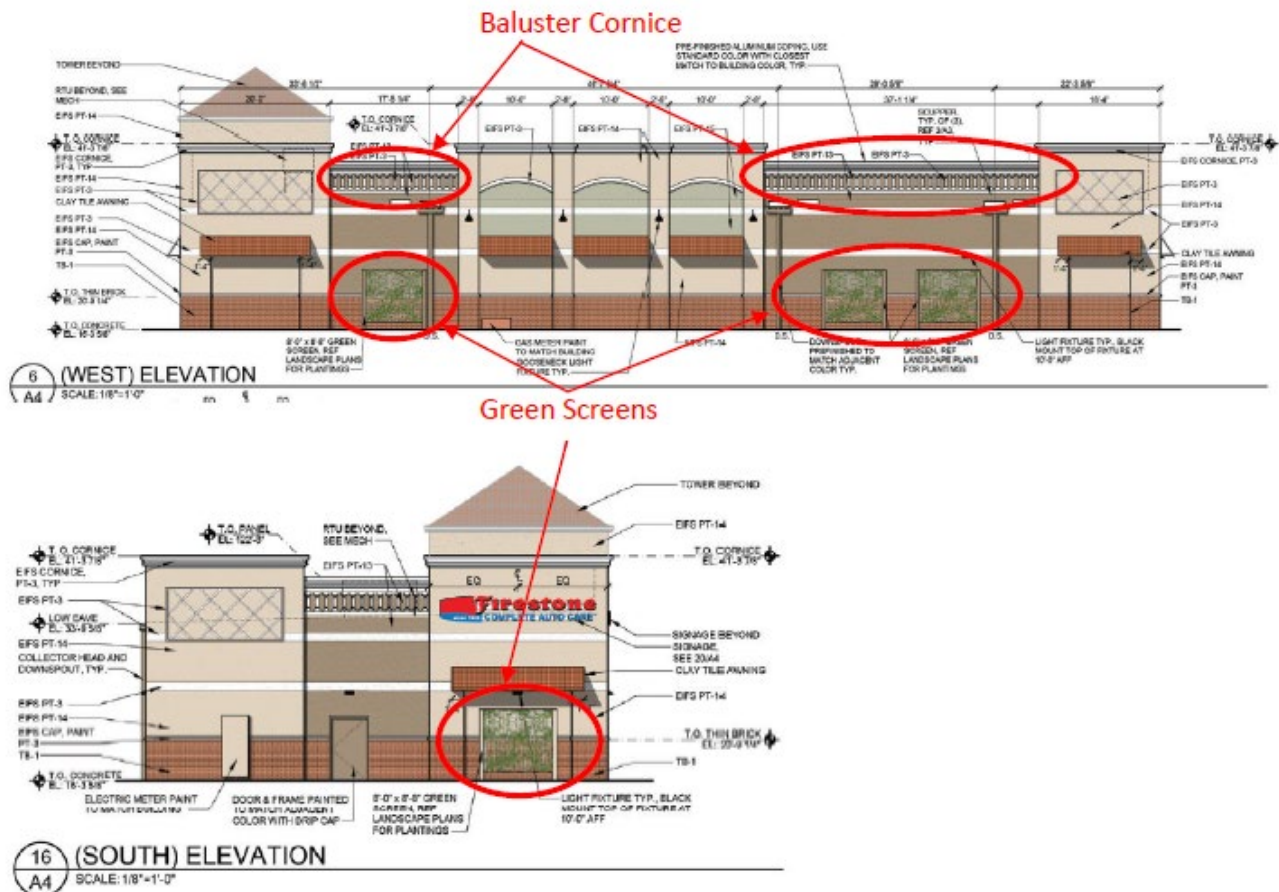


Figure 1 - Revised Elevations

3. Pedestrian Amenity Exhibit: The applicant has provided plans for a pedestrian amenity to be located in the northwest corner of Tract A, an area that is not a part of the rezoning application legal description. Also, this amenity area is required by Lee County approvals for the Estero Town Center CPD contained in Resolution Z-03-032. Two separate public gathering areas are proposed; one along Corkscrew Road between the front of the proposed Firestone building and the sidewalk, as well as one on the southwest side of the building, as shown on the Master Concept Plan.

This pedestrian/open space area is a 1,206 square foot deck with seating areas located around existing live oak trees.

Landscaping is proposed to surround the seating area and will include grass, Oleander, Lily, Juniper, and Birds of Paradise.

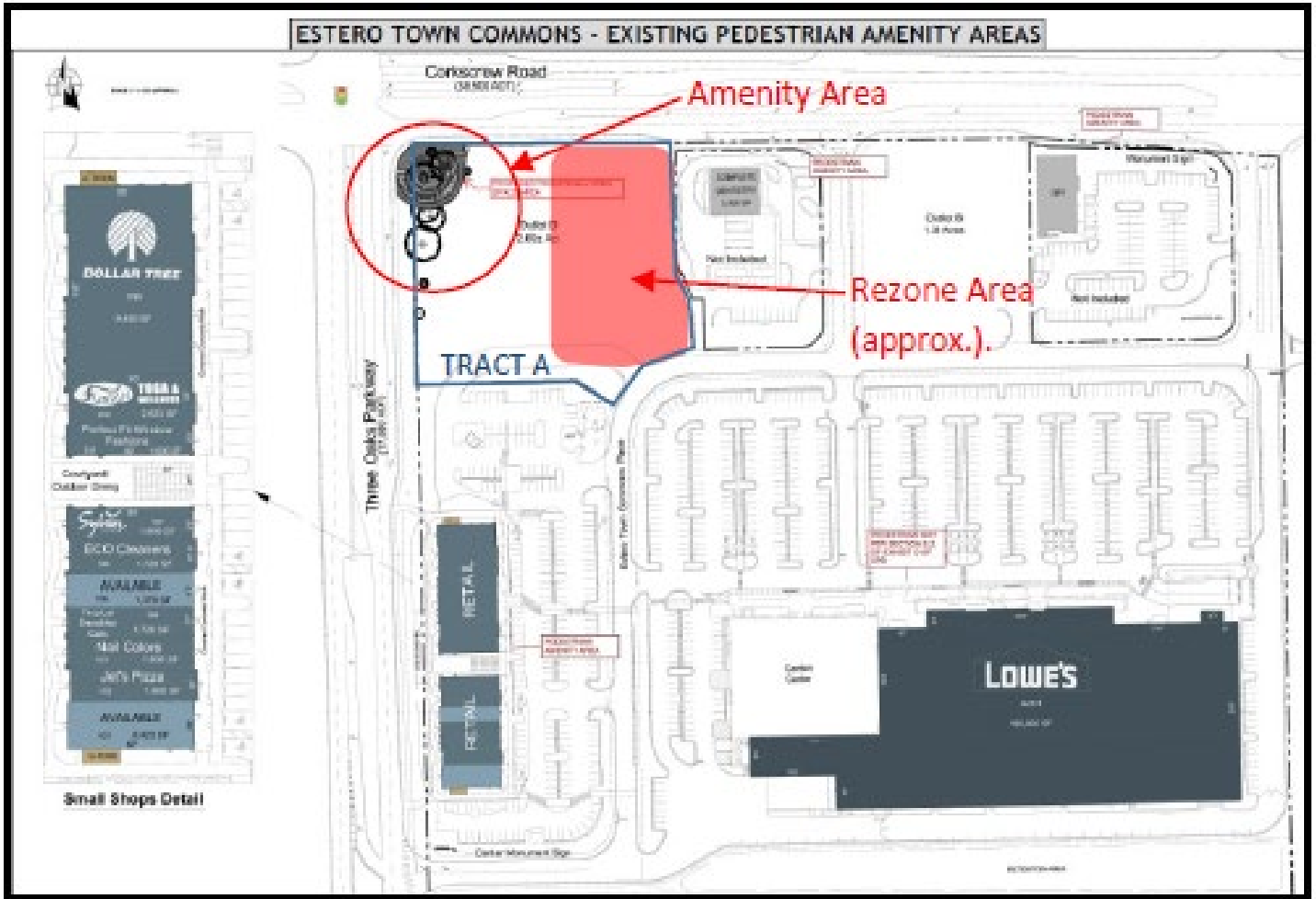


Figure 2 - Location of Pedestrian Amenity

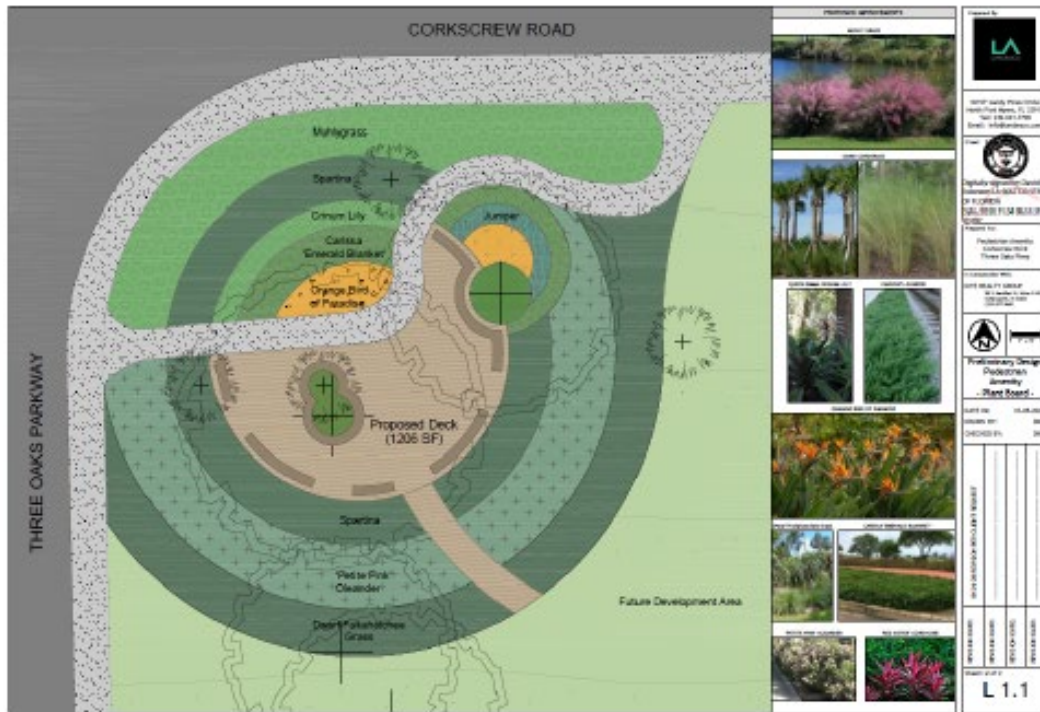


Figure 4 - Amenity Details

4. Applicant Proposed Conditions of Approval: The applicant has submitted a list of twenty-one conditions that include:
- Traffic Signal Proportionate Share requirements;
 - Stormwater Pollution Prevention Plan; and
 - Restrictions related to outdoor storage and orientation of garage doors.

The applicant also proposes to provide the new amenity area at the corner of Three Oaks Parkway and Corkscrew Road at an earlier date than anticipated.

CONCLUSION

The applicant is requesting approval with conditions based upon their belief that they comply with the Comprehensive Plan Transitional Mixed Use category as explained at the Planning and Zoning Board meeting, due to the nature of the plaza being mostly built-out, and the size of the lot limiting the potential opportunity to provide “mixed use”. Their supplemental materials will enhance the appearance of the project and provide an amenity area at the corner of Three Oaks Parkway and Corkscrew Road.

Staff appreciates the effort put forth by the applicant to beautify the site, including landscaping and elevations, as well as to provide information on the required pedestrian amenity at the intersection of Corkscrew Road and Three Oaks Parkway.

The remaining issue is related to the proposed stand-alone use of Auto Repair and Service, Group I and the intent of the Transitional Mixed Use Future Land Use category.

If the Village Council wishes to approve the zoning amendment, staff has additional and revised conditions which will be provided prior to the Second Reading Public Hearing, along with a revised ordinance.

Supplement Attachments:

1. Cover Letter
2. Revised Pattern Book
3. Revised Elevations
4. Pedestrian Amenity Exhibit
5. Applicant proposed conditions
6. Proposed Ordinance 2020-09



Avalon Engineering, Inc.
2503 Del Prado Boulevard South, Suite 200
Cape Coral, Florida 33904
Phone: (239) 573-2077 Fax: (239) 573-2076
#AA C001936 #EB 0003128

DC12019-E005 Estero Town Commons Tract A (Firestone)

Director of Engineering: Brendan Sloan, P.E.
(239-573-2077 or Brendan@avaloneng.com)

November 6, 2020

Below is a narrative of the changes that have been made subsequent to the Planning and Zoning Board hearing to address the Village of Estero comments and are included in the revised Pattern Book.

ARCHITECTURAL ELEVATIONS

Revisions to the construction documents with reason for changes identified as **(OD** Owner Directed), **CC** (Code Comments) or **MC** (Miscellaneous Clarification)

SHEET A4 – EXTERIOR ELEVATIONS & DETAILS

DETAIL 1 – (EAST) ELEVATION

1. Revised main entrance glazing note to specify thickness of the impact resistant glazing. **(MC)**

DETAIL 6 – (WEST) ELEVATION

1. Added white baluster cornice detail to elevation to coordinate with the other three elevations. **(OD)**
2. Added three 8'-0" by 8'-8" green screens to elevation. **(OD)**

DETAIL 11 – (NORTH) ELEVATION

1. Revised main entrance glazing note to specify thickness of the impact resistant glazing. **(MC)**
2. Added top of roof elevation marker to coordinate with East elevation. **(MC)**
3. Added clay tile roof note to coordinate with note on East elevation. **(MC)**

DETAIL 16 – (SOUTH) ELEVATION

1. Added one 8'-0" by 8'-8" green screen to elevation. **(OD)**

PEDESTRIAN AMENITY AREA

The existing pedestrian/open space area at the corner of Three Oaks Parkway and Corkscrew is proposed to be enhanced with a gathering area around the existing live oak trees. The gathering area will extend off the existing sidewalk that winds beneath the trees. The proposed plan consists of a circular composite deck, with benches and a pedestrian connection point to the future development area of Tract A. The live oaks will be pruned up to provide shade to the gathering area and will be protected by a tree well wrapping around the base of the trees. Additional landscaping will be planted around the deck in a complementary pattern to the gathering area. This proposal is in accordance with the Master Concept Plan and the Design Guidelines as outlined in the Approved Zoning Conditions incorporated into the Commercial Planned Development Resolution Number Z-03-032 for the Estero Town Center, now called Estero Town Commons.

Received 11/6/2020



FIRESTONE

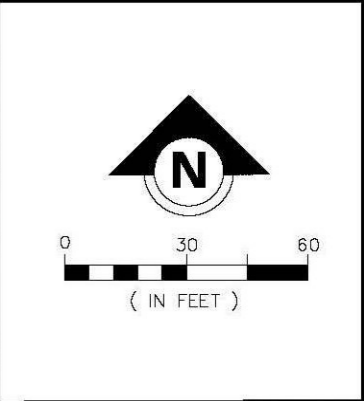
ESTERO, FLORIDA
November 6, 2020



TABLE OF CONTENTS

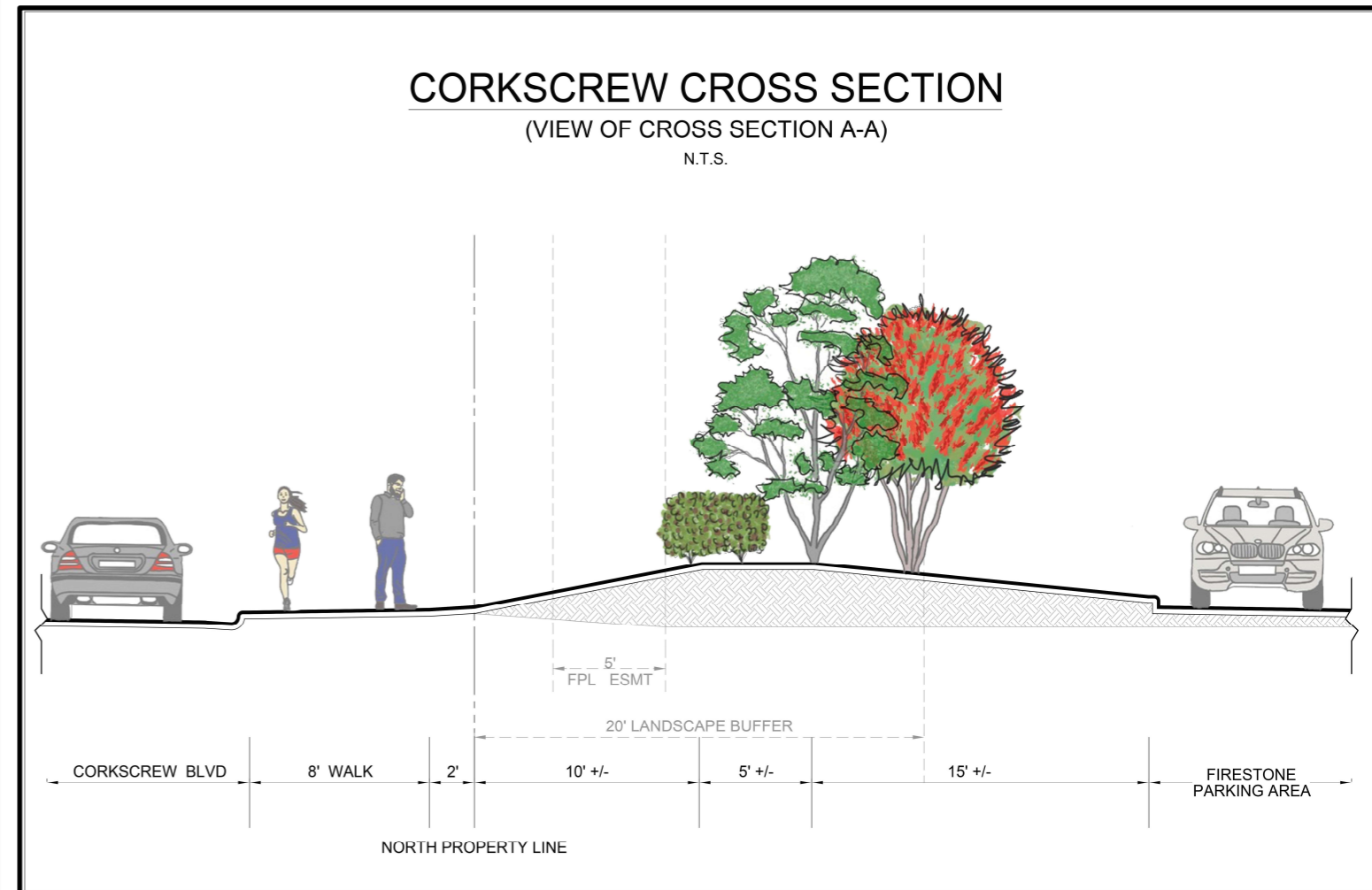
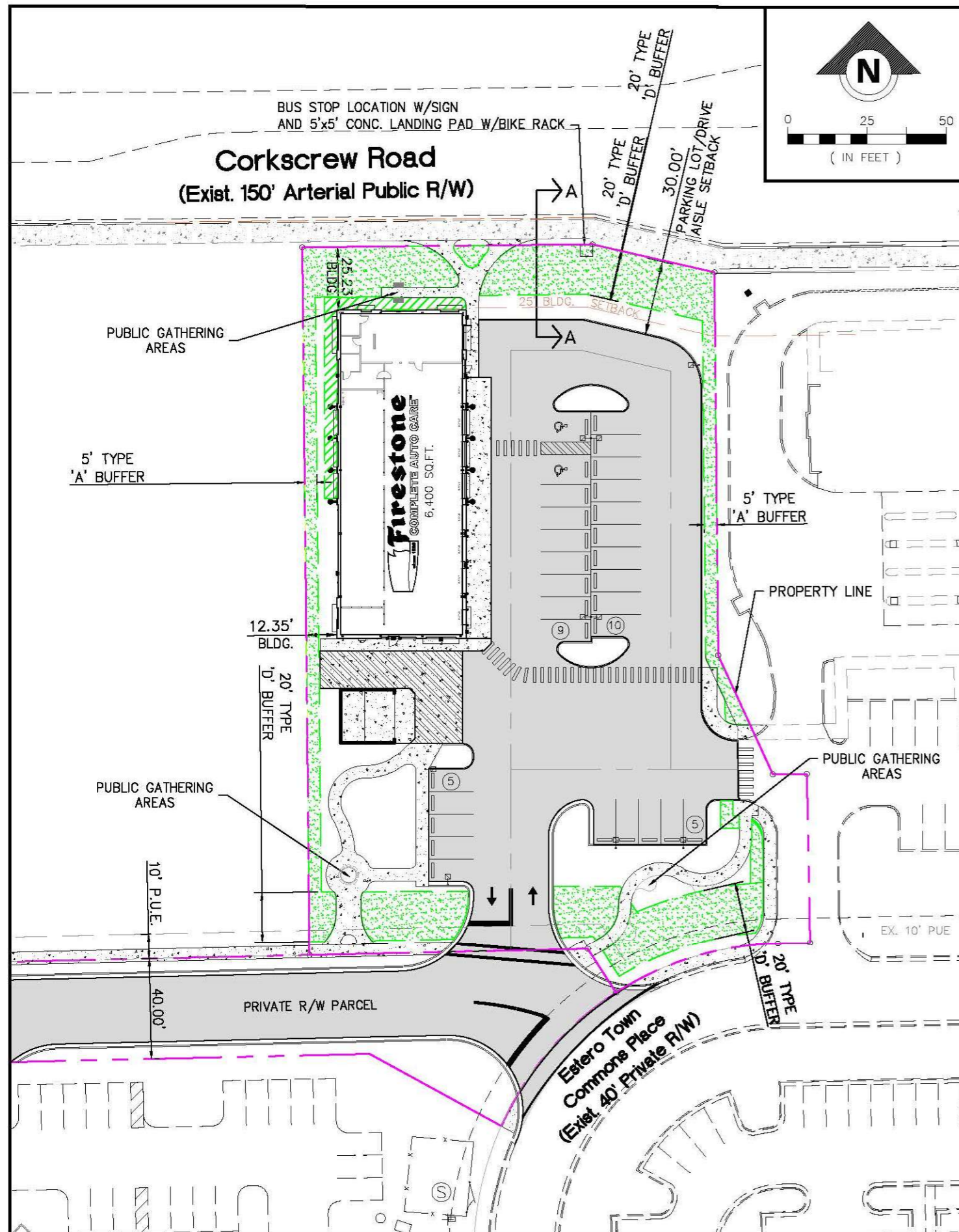
AERIAL SITE PLAN	1
MASTER CONCEPT PLAN / CORKSCREW CROSS SECTION (A-A)	2
PEDESTRIAN EXHIBIT / LANDSCAPING PLAN	3
TREE SPECIES / COLORED LANDSCAPING PLAN	4
BUILDING ELEVATIONS (N & S) / FAÇADE PALETTE	5
BUILDING ELEVATIONS (E)	6
BUILDING ELEVATIONS (W)	7
GREEN SCREEN EXHIBIT	8
PHOTOMETRIC PLAN	9

AERIAL SITE PLAN

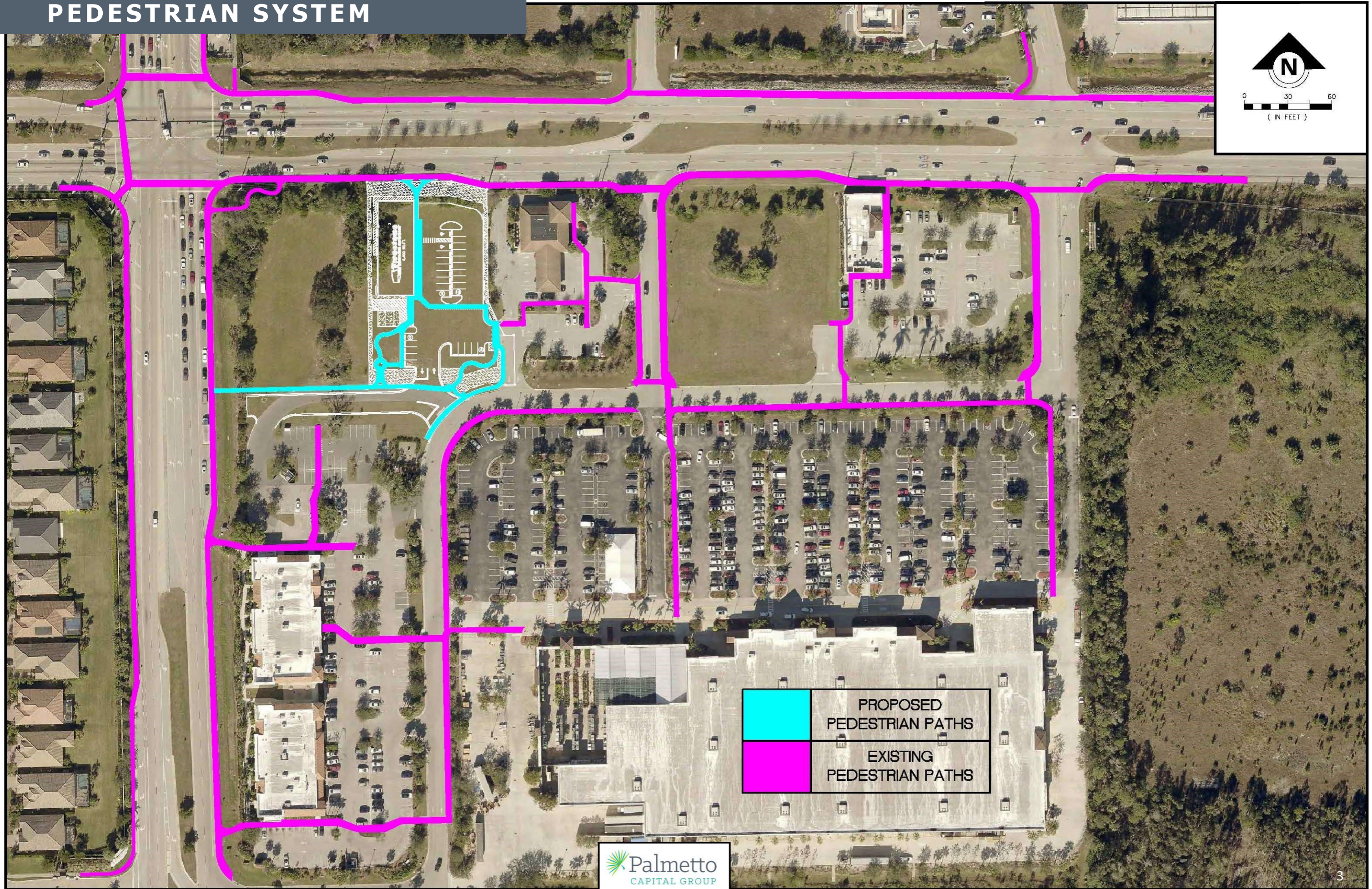
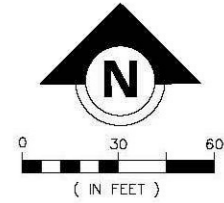


MASTER CONCEPT PLAN

CORKSCREW CROSS SECTION (A-A)



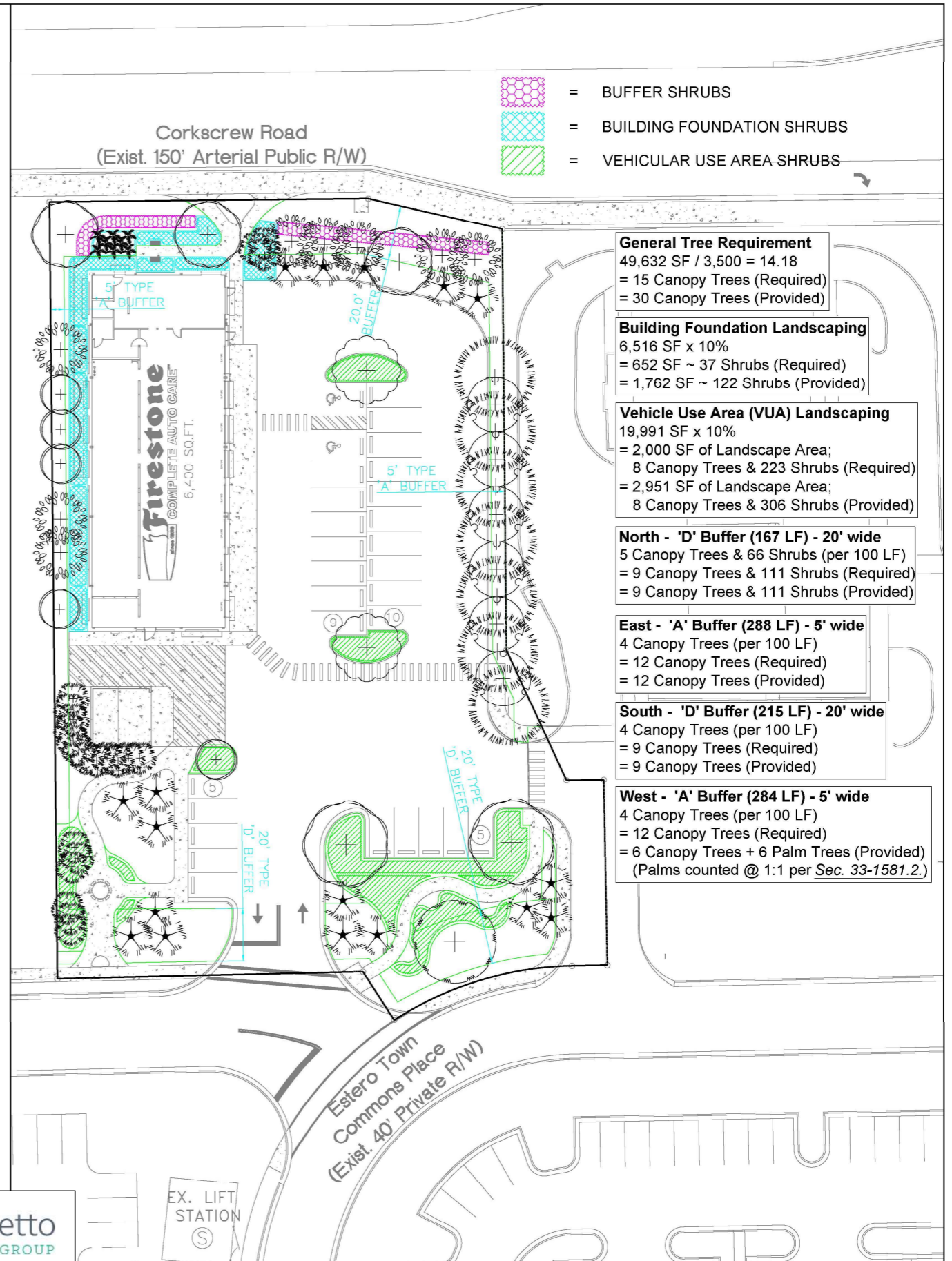
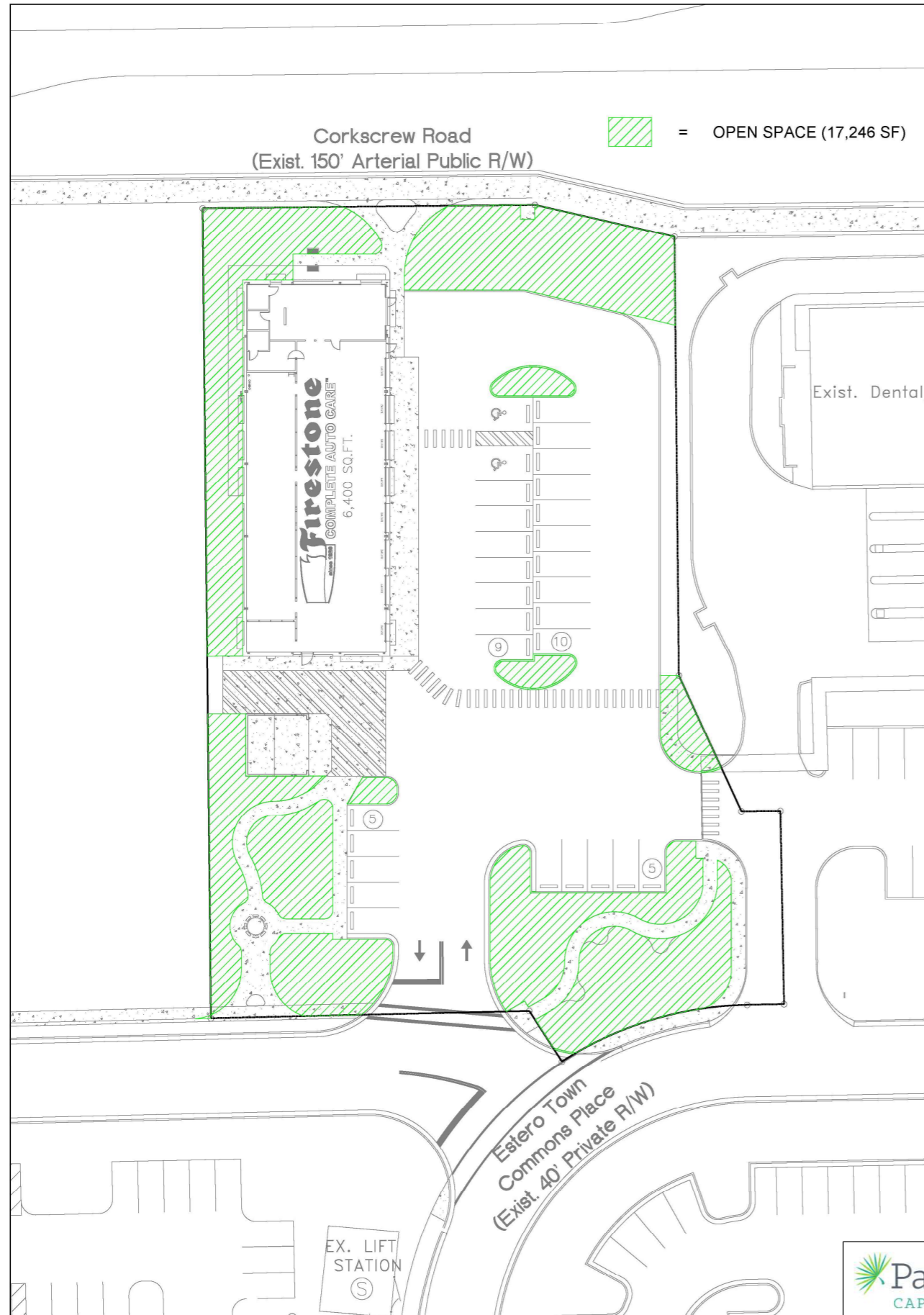
PEDESTRIAN SYSTEM



	PROPOSED PEDESTRIAN PATHS
	EXISTING PEDESTRIAN PATHS

OPEN SPACE EXHIBIT

LANDSCAPING PLAN



TREE SPECIES

COLORED LANDSCAPING PLAN

TREES

DAHOON HOLLY
Ilex cassine



SHADY LADY BLACK OLIVE
Bucida buceras



ROYAL POINCIANA
Delonix regia



PIGEON PLUM
Coccoloba diversifolia



SOUTHERN SLASH PINE
Pinus elliottii var. densa



GRAPE MYRTLE
Lagerstroemia indica 'Natchez'



GUMBO LIMBO
Bursera simaruba



PALMS

CABBAGE PALM
Sabal palmetto



PYGMY DATE PALM
Phoenix roebelinii



SHRUBS

RED TIP COCOPLUM
Chrysobalanus icaco 'Red Tip'



PARSON'S JUNIPER
Juniperus davurica 'Parsonii'



ORANGE BIRD OF PARADISE
Strelitzia reginae



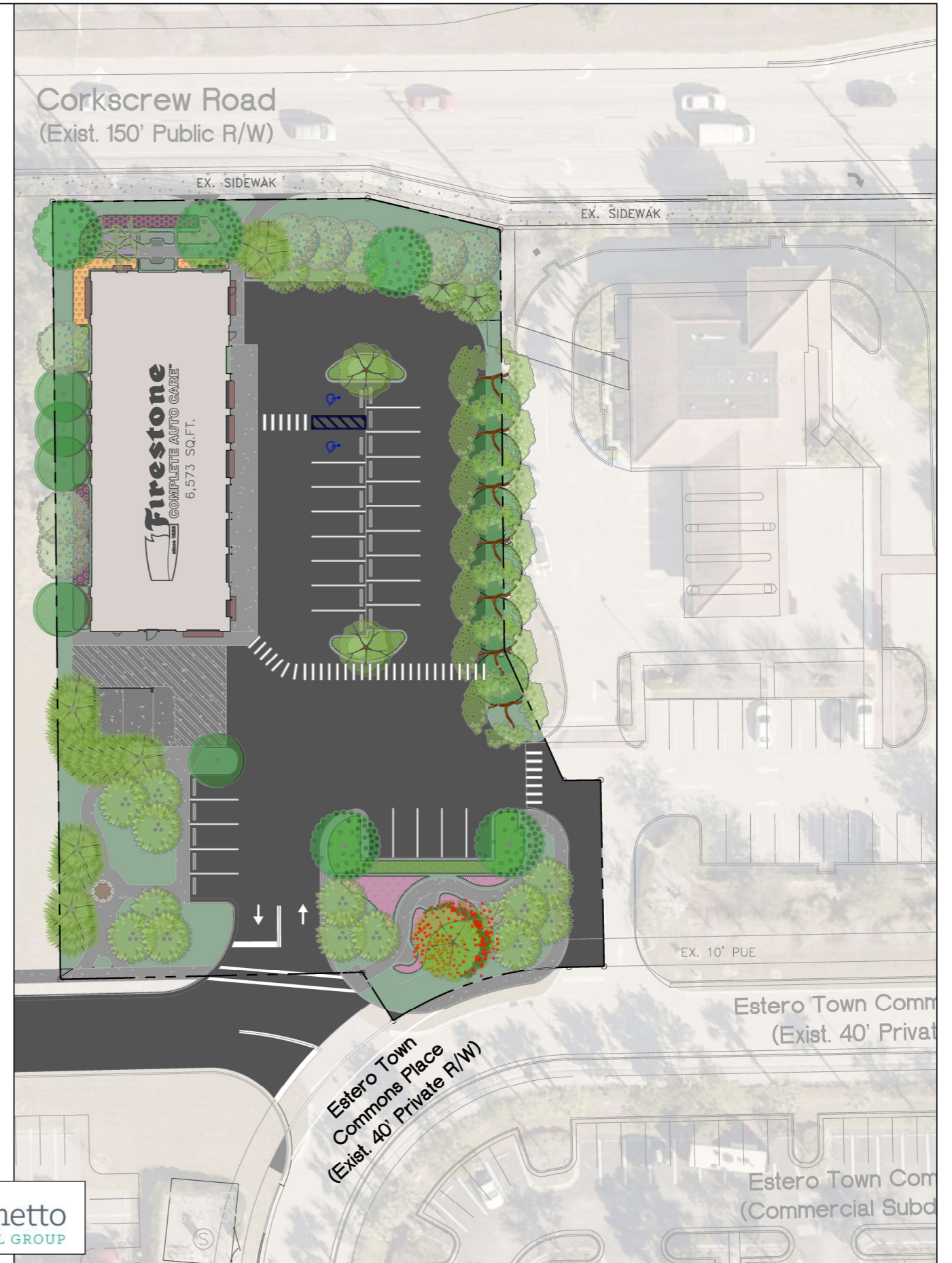
MUHLY GRASS
Muhlenbergia capillaris



SEAGRAPE
Coccoloba uvifera

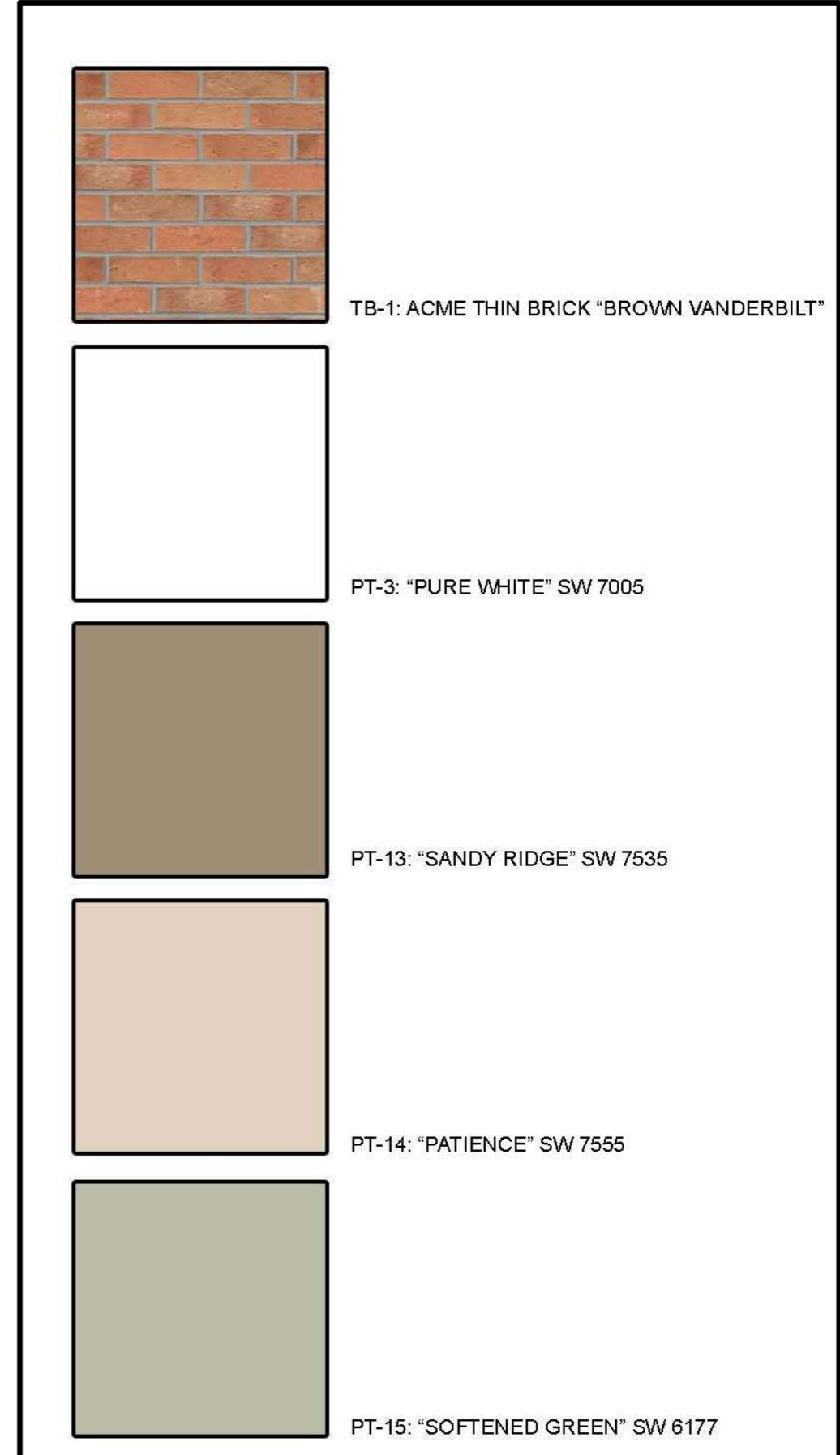
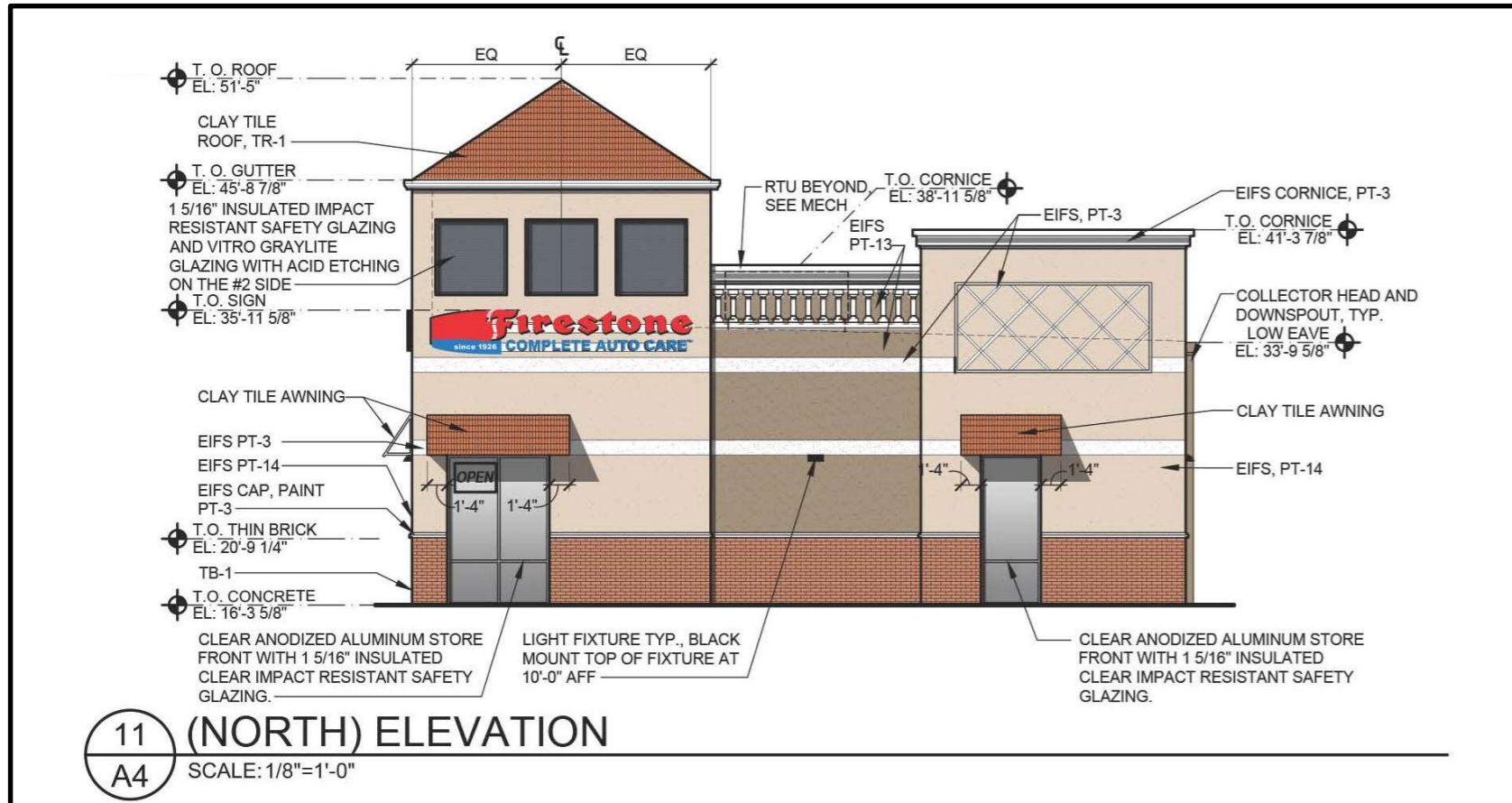


DWARF OYSTER PLANT
Tradescantia spathacea

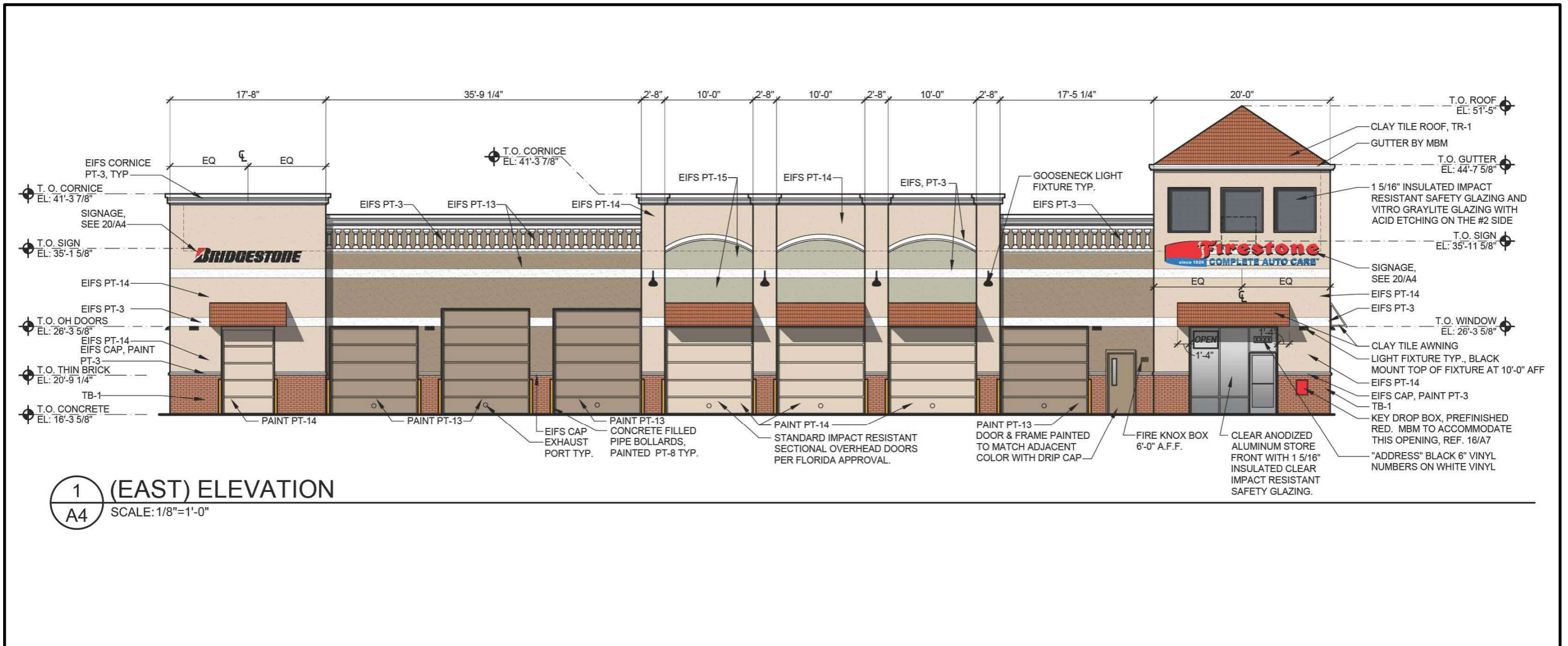


BUILDING ELEVATIONS – (NORTH & SOUTH)

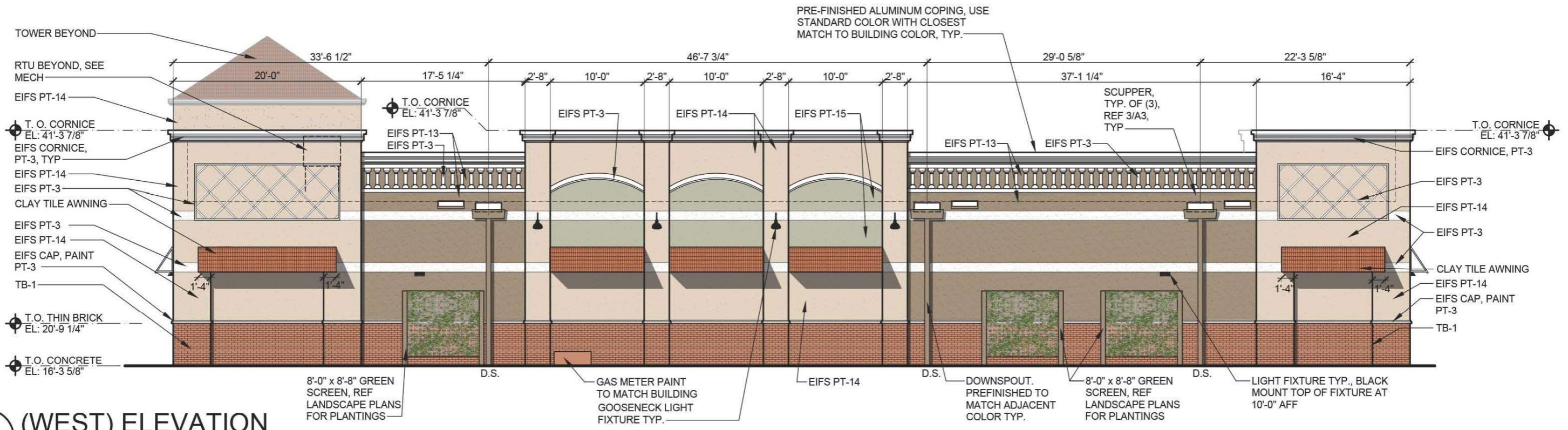
FAÇADE PALETTE



BUILDING ELEVATIONS – (EAST)

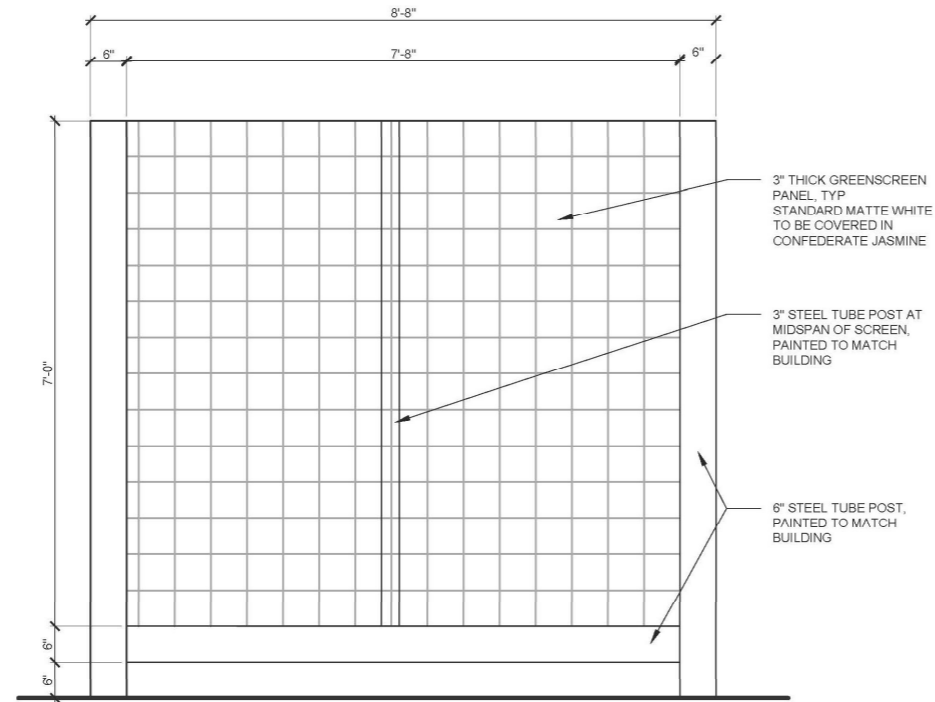


BUILDING ELEVATIONS – (WEST)

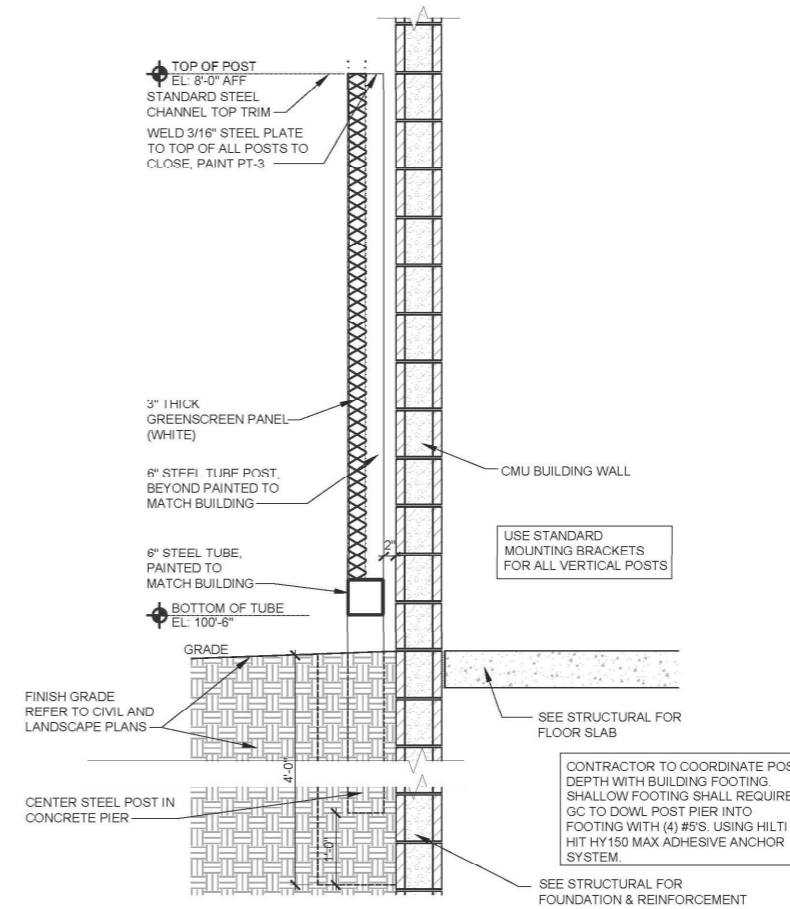


6 (WEST) ELEVATION
 A4 SCALE: 1/8"=1'-0"

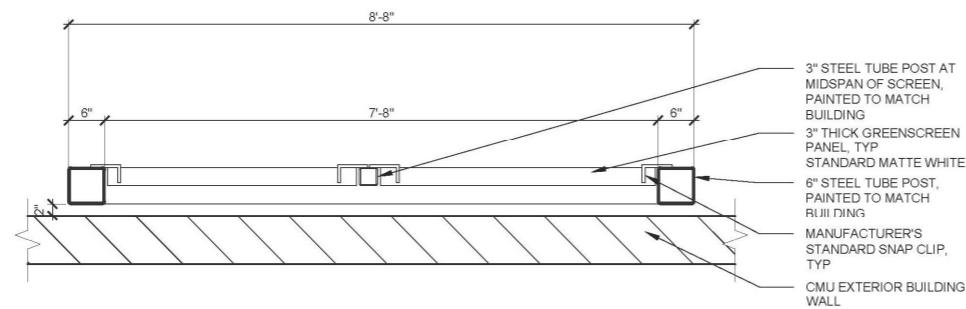
GREEN SCREEN EXHIBIT



1 GREEN SCREEN ELEVATION
A1.2 SCALE: 3/4"=1'-0"

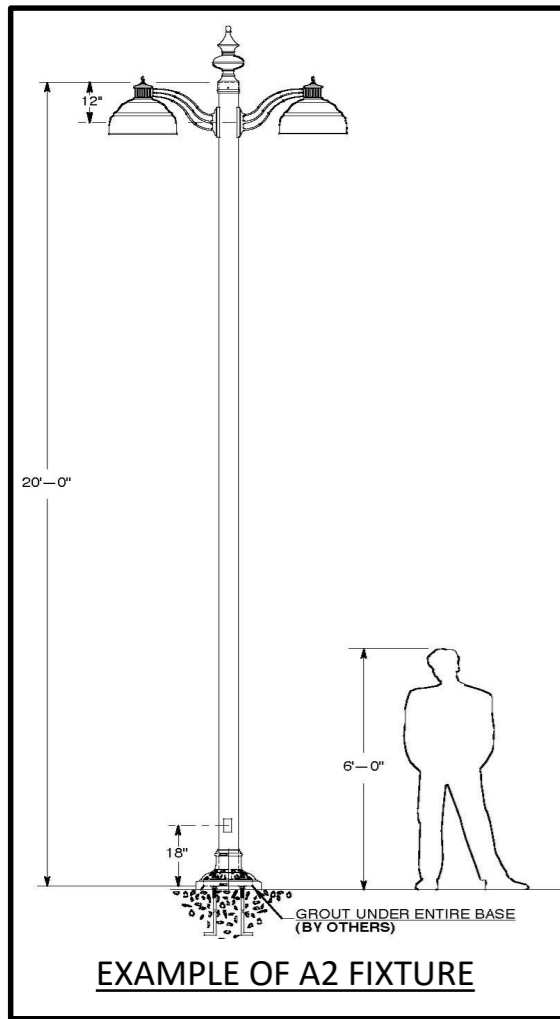


2 GREEN SCREEN SECTION
A1.2 SCALE: 3/4"=1'-0"

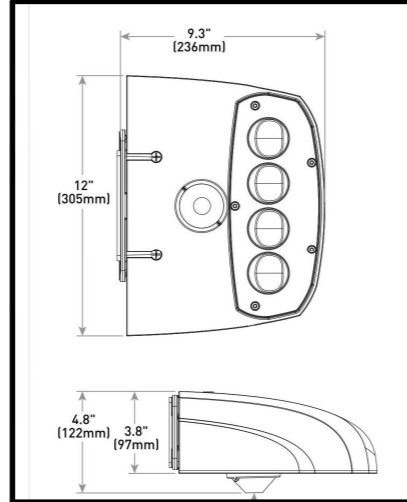


3 GREEN SCREEN PLAN
A1.2 SCALE: 3/4"=1'-0"

PHOTOMETRIC PLAN



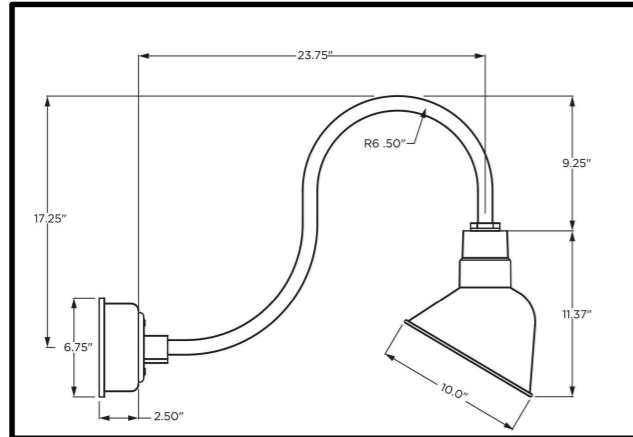
CREE LIGHTING



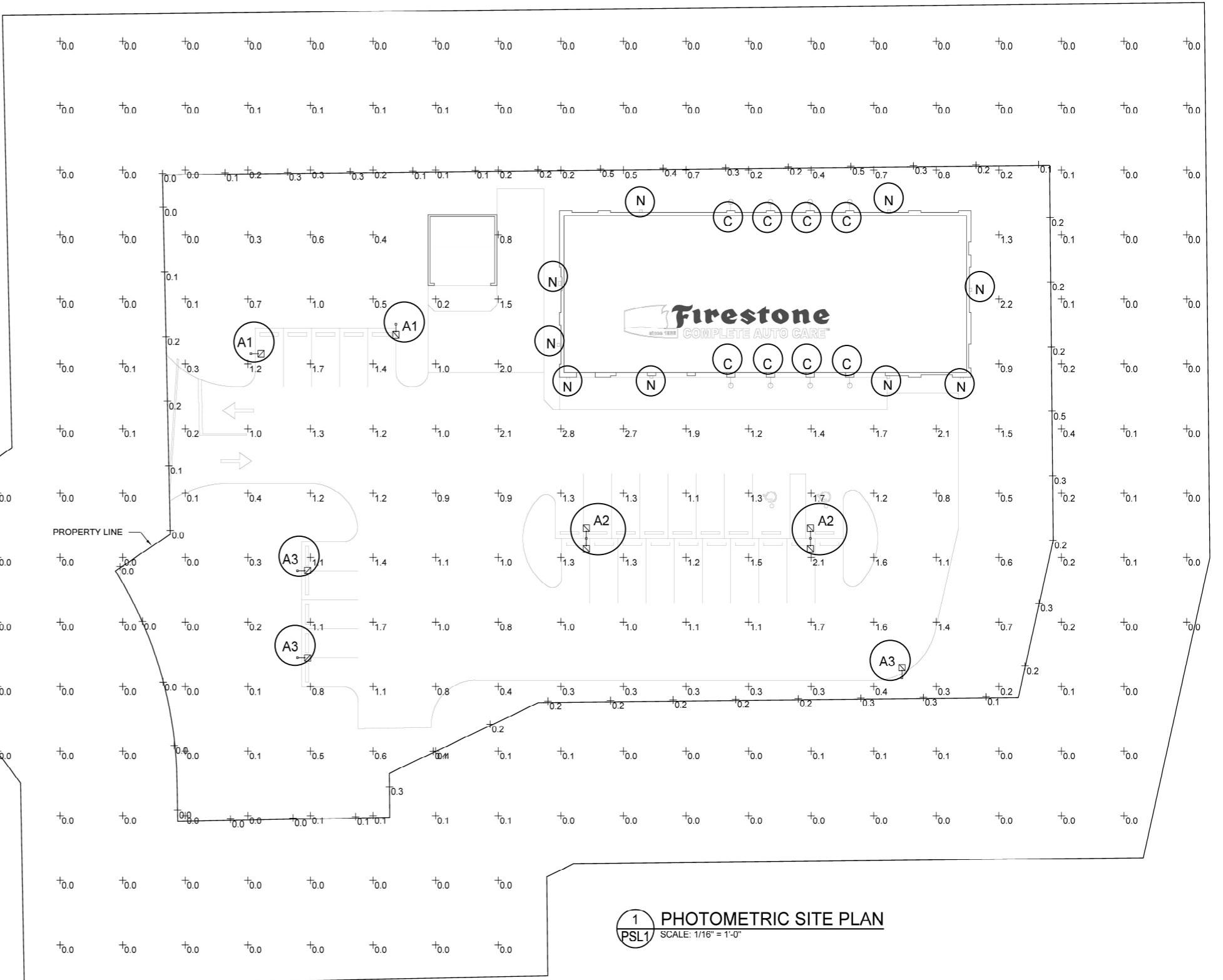
EXAMPLE OF N FIXTURE

60'-0" SETBACK

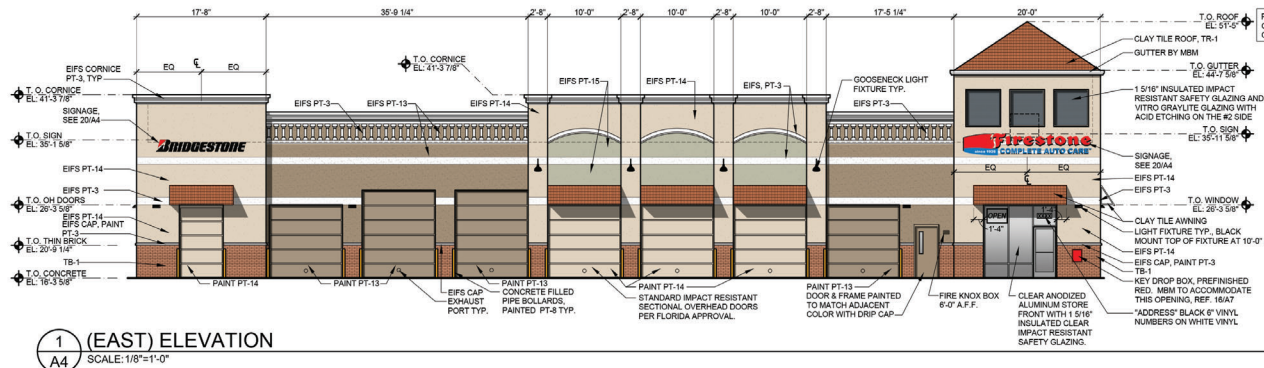
CREE LIGHTING



EXAMPLE OF C FIXTURE



1 PHOTOMETRIC SITE PLAN
SCALE: 1/16" = 1'-0"



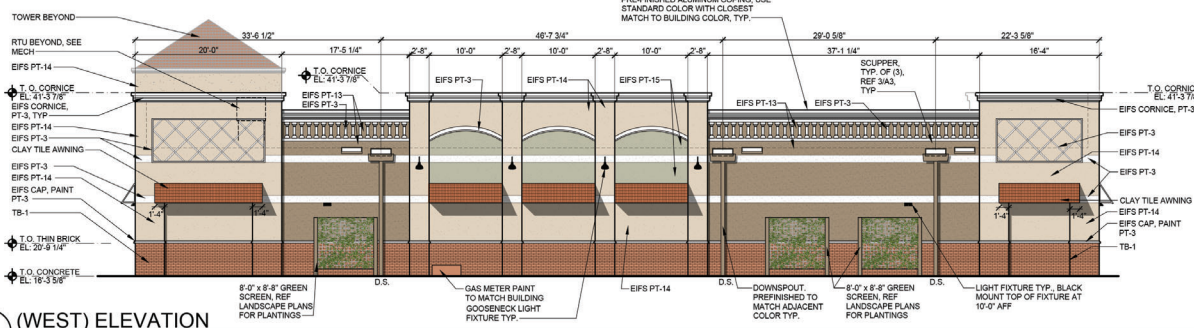
1 (EAST) ELEVATION
SCALE: 1/8"=1'-0"

PRIMARY FACADE LENGTH: 131.55'
GLAZING REQUIRED: 13.65'
GLAZING PROVIDED: 13.22'

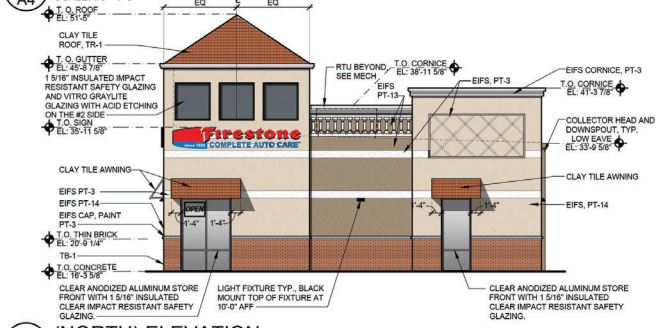
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- TB-1 - ACME THIN BRICK "BROWN VANDERBILT"
 - PT-3 - EIFS "PURE WHITE" SW 7005
 - PT-14 - EIFS "PATIENCE" SW 7555
 - PT-15 - EIFS "SOFTENED GREEN" SW 6177
 - TR-1 - LUDLOW'S SPANISH CLAY TILE, CLAY RED OR APPROVED EQUAL

- GENERAL NOTES:**
1. PROVIDE DRIP CAP OVER ALL MAN DOORS SEE DETAIL TC08
 2. PAINT ALL EXPOSED LINTELS & JAMBS TO MATCH ADJACENT BUILDING COLOR
 3. SEE ELECTRICAL FOR SIGNAGE OPERATING TIME SETUP
 4. INSTALLATION OF BUILDING SIGNS AND STREET SIGN BY SIGN VENDOR, G.C. TO PROVIDE WRITING. REFER ELECTRICAL.
 5. REFER SHEET A8 FOR PAINT COLOR KEY.
 6. ANY EXTERIOR CONSTRUCTION JOINT, EXPANSION JOINT, AND CRACK OF ABUTTING DISSIMILAR OR SAME MATERIALS MUST HAVE APPROPRIATE PRODUCT APPLIED TO PROVIDE AN AIR, MOISTURE, AND WATER TIGHT EXTERIOR. REFER TO SPECIFICATION SECTION 07000 FOR PRODUCTS.

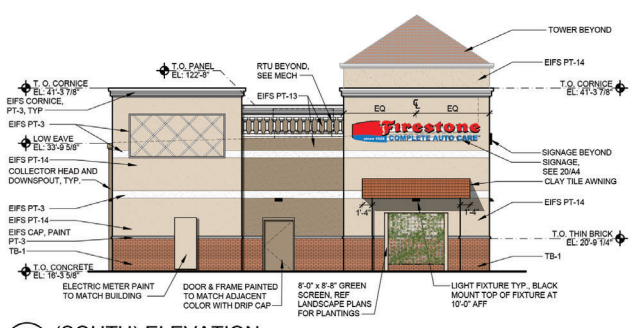
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- PT-13: "SANDY RIDGE" SW 7535
- PT-14: "PATIENCE" SW 7555
- PT-15: "SOFTENED GREEN" SW 6177



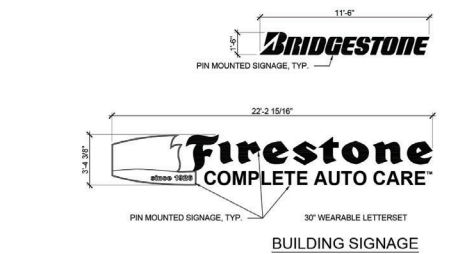
6 (WEST) ELEVATION
SCALE: 1/8"=1'-0"



11 (NORTH) ELEVATION
SCALE: 1/8"=1'-0"



16 (SOUTH) ELEVATION
SCALE: 1/8"=1'-0"



20 SIGNAGE DETAIL
SCALE: 1/4"=1'-0"



Designed & Drawn by
Anna Eastridge
2020.10.15
09:20:46:02Z

10/15/2020

PROJECT CONTACTS: PHONE #:
ARCHITECT CONTACT: ANNA EASTRIDGE (918) 587-8600
SGA DESIGN GROUP, P.C.

PROTOTYPE: 2020 ER

ZONE APPROVAL (BY/DATE):
VP. _____
CONT. _____
RM. _____
CM. _____

ENTITY ID: XXXXXXXX
SITE ID: XXXXXXXX
LEGACY ID: XXXXXXXX



THIS DRAWING IS THE PROPERTY OF BRIDGESTONE RETAIL OPERATIONS, LLC AND IS LOANED ON THE EXPRESS UNDERSTANDING THAT IT IS NOT TO BE USED, IN ANY MANNER, WITHOUT THE WRITTEN CONSENT OF BRIDGESTONE RETAIL OPERATIONS, LLC. THE ACCEPTANCE OF THIS DRAWING WILL BE CONSIDERED AS AN ACCEPTANCE OF THE FOREGOING CONDITIONS AND AN AGREEMENT TO THE EXCLUSIVE OWNERSHIP IN AND TO THE DRAWING BY BRIDGESTONE RETAIL OPERATIONS, LLC.

CORKSCREW RD. & THREE OAKS PARKWAY
VILLAGE OF ESTERO, FL

SGA Design Group, P.C.
Douglas Scott Taylor, Architect
AOR #AR96928 Firm #A0002775
1437 South Boulder, Suite 550
Tulsa, Oklahoma 74119-3609
p 918.587.8600
f 918.587.8601
www.sgasdesigngroup.com

SHEET TITLE: EXTERIOR ELEVATIONS & DETAILS
SHEET NUMBER: PA4

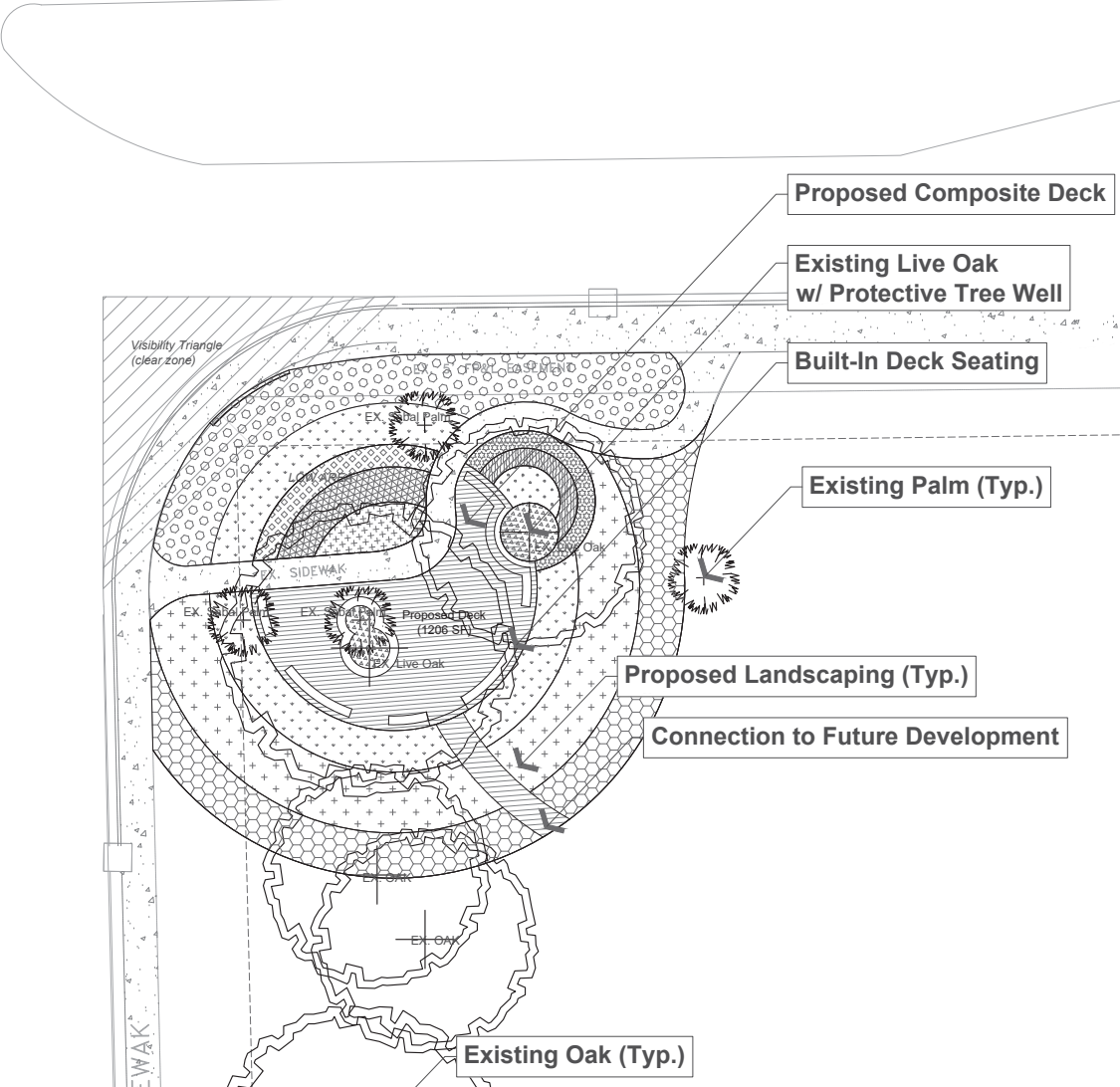
Corkscrew Road

(Exist. 150' Arterial Public R/W)



Three Oaks Parkway

(Exist. 150' Arterial Public R/W)



Prepared By:



18197 Sandy Pines Circle
North Fort Myers, FL 33917
Tel: 239.691.7790
Email: info@landesco.com

E Seal:



Digitally signed by David K. Kulsveen LA 6667133 STATE OF FLORIDA
Date: 2020.11.04 09:57:11 -05'00'

Prepared For:

Pedestrian Amenity
Corkscrew Rd &
Three Oaks Pkwy

In Conjunction With:

KITE REALTY GROUP
30 S. Meridian St, Suite #100
Indianapolis, IN 46204
(239) 377-5600



Preliminary Design
Pedestrian Amenity
- Site Layout -

DATE IN: 10-05-2020
DRAWN BY: DKK
CHECKED BY: DKK

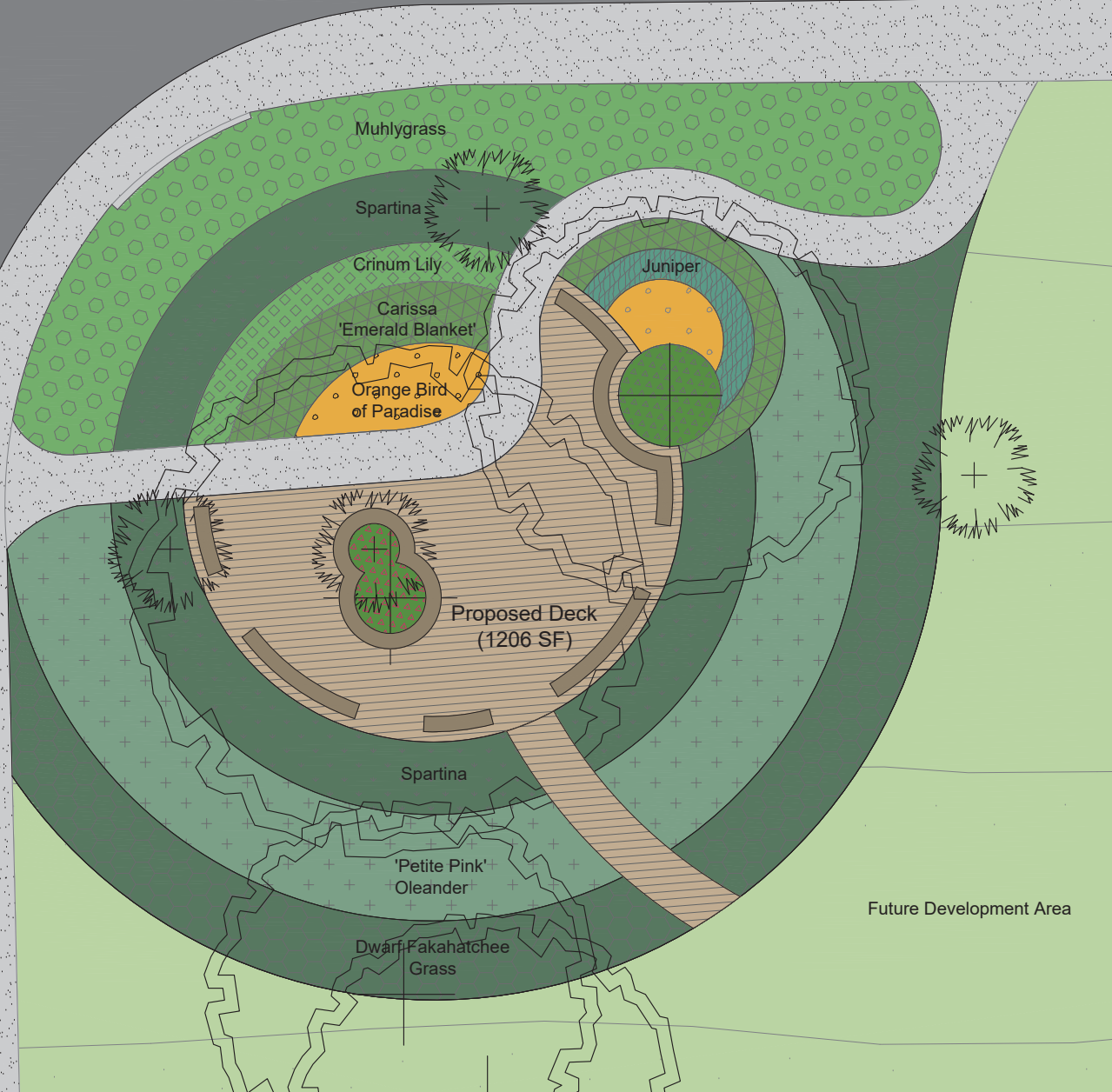
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REVISION DATE:		
REVISION DATE:		
REVISION DATE:		

Sheet: 1 of 2

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CORKSCREW ROAD

THREE OAKS PARKWAY



PROPOSED IMPROVEMENTS

MUHLY GRASS



SAND CORDGRASS



QUEEN EMMA CRINUM LILY



PARSONS JUNIPER



ORANGE BIRD OF PARADISE



Dwarf Fakahatchee Grass



CARISSA 'EMERALD BLANKET'



'PETITE PINK' OLEANDER



'RED SISTER' CORDYLIN



Prepared By:



18197 Sandy Pines Circle
North Fort Myers, FL 33917
Tel: 239.691.7790
Email: info@landesco.com



Digitally signed by David K. Kulsveen LA 6667133 STATE OF FLORIDA
Date: 2020.11.04 09:57:31 -0500

Prepared For:
Pedestrian Amenity
Corkscrew Rd &
Three Oaks Pkwy

In Conjunction With:
KITE REALTY GROUP
30 S. Meridian St., Suite #1100
Indianapolis, IN 46204
(239) 577-5600



Preliminary Design
Pedestrian Amenity
- Plant Board -

DATE IN: 10-05-2020
DRAWN BY: DKK
CHECKED BY: DKK

10-24-20	REVISION PER CLIENT REQUEST		
REVISION DATE:	REVISION DATE:	REVISION DATE:	REVISION DATE:



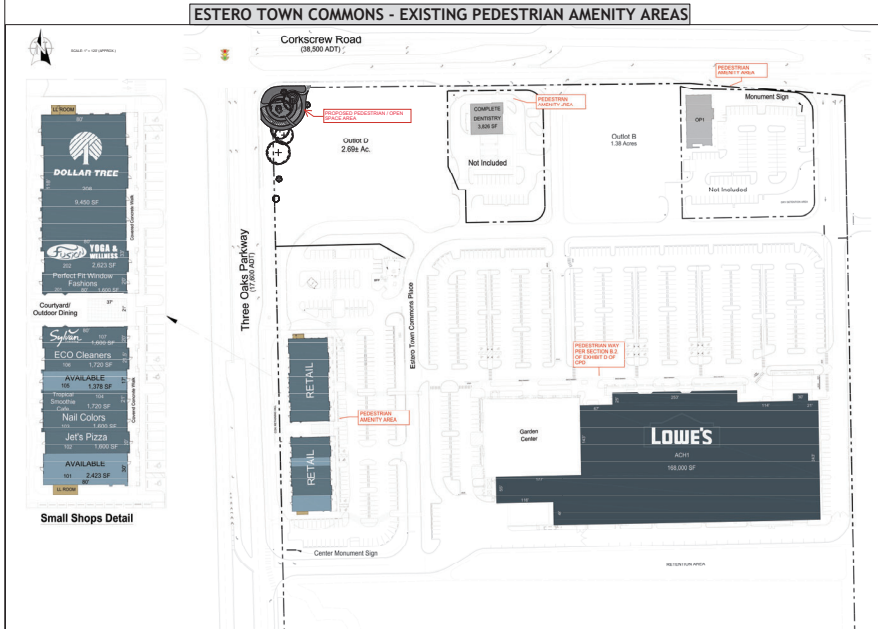
WEST END - EXISTING PEDESTRIAN AMENITY AREAS



WEST END - EXISTING PEDESTRIAN AMENITY AREAS



NORTHWEST CORNER - EXISTING CONDITIONS



SOUTH END - EXISTING PEDESTRIAN AMENITY AREAS



NORTHCENTRAL - EXISTING PEDESTRIAN AMENITY AREA



NORTHEAST END - EXISTING PEDESTRIAN AMENITY AREAS

Prepared By:

18197 Sandy Pines Circle
North Fort Myers, FL 33917
Tel: 239.691.7790
Email: info@landesco.com

E Seal:

Digitally signed by David K. Kulsveen LA 6667133 STATE OF FLORIDA
Date: 2020.11.04 09:57:52 -05'00'

Prepared For:

Pedestrian Amenity
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In Conjunction With:

KITE REALTY GROUP
30 S. Meridian St., Suite #100
Indianapolis, IN 46204
(239) 377-5600

Preliminary Design Pedestrian Amenity - Existing Conditions-

DATE IN: 10-05-2020
DRAWN BY: DKK
CHECKED BY: DKK

REVISION DATE:	10-24-20	REVISION PER CLIENT REQUEST
REVISION DATE:		
REVISION DATE:		
REVISION DATE:		

Sheet: 3 of 3

L 1.2

Attachment 5
Firestone at Estero Town Commons, a Portion of Parcel A

Proposed Zoning Conditions

1. Master Concept Plan
Development of this project must be consistent with the Master Concept Plan (MCP) titled “Master Concept Plan 05/04/20”, stamped “Received May 14, 2020”, except as modified by the conditions below. The term “this project” or “this parcel” is a reference to the Eastern portion of Parcel A.
2. Development Parameters
If this parcel is developed as an Auto Repair and Service Group I the development is limited to 6,400 square feet of gross floor area.
3. Maximum Building Height
45 feet (including architectural features)
4. Previous Approvals
The previous approvals for Estero Town Commons (contained in Resolution Number Z-03-032, ADD2005-0156, ADDD2005-0235, ADD2006-00163, and ADD2007-0017) including conditions and deviations, remain in effect except as modified by these conditions.
5. Re-Plat
Prior to a Development Order being issued for this project, a re-plat of Tract A must be submitted, reviewed, and approved by the Village Council.
6. Transportation
The developer of Parcel A must pay its proportionate share payment of the cost of design and construction of the signal to the Village of Estero prior to issuance of a development order for this parcel.
7. Uses and Site Development Regulations
The following uses and limits apply to the project:
 - a. Schedule of Uses The uses allowed by Resolution Z-03-32 shall remain in effect, except for:
The addition of Auto Repair and Service Group I as a stand-alone use on the eastern portion of Parcel A. Garage doors associated with this use may not face adjacent arterial roadways and no outdoor storage or display is allowed.

If the eastern portion of Parcel A is developed with Auto Repair and Service Group I the following uses would no longer be permitted for the eastern portion of Parcel A;

Car Wash, Convenience Food and Beverage Store, and Household and Office Furnishings.

b. No outdoor storage and Display on Parcel A.

c. Building Setback Requirements for Corkscrew Road Overlay

Front/Street (North) – Minimum 0 feet Maximum 25 Feet

Side – 0 feet

Rear – Minimum 25 feet

8. Radio Enhancement

The owner or owner's representative shall conduct an assessment model at the time of development order to determine if the minimum radio signal's strength for the fire department communication is in compliance with NFPA1:11.10, NFPA 1221:11.3.9, standards for inbound and outbound signal strength and quality. If minimum signal strength is not available, the applicant shall install radio enhancement in the building.

9. No Blasting

No development blasting is permitted as part of this project.

10. Utilities

The project must be connected to centralized potable water service and centralized sewer service.

11. Floodplain

The site is located in Zone AH, a Special Flood Hazard Area. The site must comply with the SFWMD Environmental Resource Permit finished floor elevation required at a minimum of 17.50 feet NGVD (16.30 feet NAVD).

12. Pattern Book

The project must be consistent with the "Firestone" Pattern Book dated November 6, 2020, stamped "Received November 6, 2020".

13. Buffers

As part of local development order approval for Auto Repair and Service Group I on the eastern portion of Tract A, 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 buffer plantings must be 100% native vegetation.

14. Public Gathering Areas

The applicant shall provide details regarding outdoor furniture to be associated with the three Public Gathering Areas at development Order.

15. Access Easement Dedication
Prior to local development order approval, a parcel of property more fully described in Exhibit ___ shall be dedicated to the Estero Town Center Property Owners Association in the same manner that other roadway tracts have been dedicated.
16. Vehicular/Pedestrian Impacts
Approval of this zoning request does not address mitigation of the project’s vehicular or pedestrian traffic impacts. Additional conditions consistent with the Land Development Code (LDC) may be required to obtain a local development order.
17. Vehicle, Pedestrian, and Bicycle Safety
Approval of this zoning request does not address evaluation of vehicle, bicycle and pedestrian safety in the proposed design or plan. Additional conditions consistent with the LDC may be required to obtain a local development order.
18. Concurrency
Approval of this rezoning does not constitute a finding that the proposed project meets the regulatory concurrency requirements set forth in the Land Development Code and the Comprehensive Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.
19. Lee County Development Order
A Lee County Type ‘D’ Limited Development Order (LDO) will be required for the offsite improvements within the County maintained right-of-way.
20. Stormwater Pollution Prevention Plan
The building must be designed to prevent any discharges from the building floor to the stormwater system. All building floors must be sloped to collect all water and/or spills in a floor scrubber system and discharge into an oil water separator that outfalls into the sanitary sewer system. In no case shall building floors be sloped toward the outside of the building. The building design described herein will prevent any potential pollutants generated in the building from being discharged into the stormwater system.
21. Section B.1., Resolution Z-03-032, required all conditions and commitments in the Estero Town Center Design Guidelines (Exhibit D) to be adhered to. Section C. Common/Public Areas, paragraph 3 of the Estero Town Center Design Guidelines provides; “In accordance with the Master Concept Plan, the Live Oak trees at the corner of Corkscrew and Three Oaks Parkway will be preserved and incorporated into a pedestrian/open space area. This area may include pedestrian amenities and architectural features.” The Master Concept Plan identified the 0.1-acre area as Pedestrian open space. The commitment does not identify the timing for the pedestrian open space, and the provision of pedestrian amenities was discretionary. The developer of the center intended to provide the discretionary amenities as a coordinated package with the adjacent property developed. The staff is proposing a condition that establishes the timing and identifies the pedestrian amenities and makes them mandatory.

Condition: The master developer of Estero Town Commons must submit for a development order for the pedestrian amenities within two years of the date of approval of this ordinance. The improvements must be completed within eighteen months from the date of issuance of the DO. The improvements must be consistent with the attached Exhibit.

22. Land Development Code (LDC)

Where the Village LDC is referenced in these conditions of approval for implementation of the condition at the time of development order, the LDC in effect at the time of the development order shall be applicable.



FIRESTONE ESTERO TOWN CENTER CPD
Amendment to Commercial Planned Development
Zoning Staff Report
For Planning & Zoning Board Public Hearing

PROJECT NAME: FIRESTONE - ESTERO TOWN CENTER CPD
A PORTION OF TRACT A

CASE TYPE: PLANNED DEVELOPMENT AMENDMENT

CASE NUMBER: DCI2019-E005

PLANNING & ZONING BOARD DATE: August 18, 2020

REQUEST

The applicant is requesting an amendment to the Estero Town Center Commercial Planned Development to allow for Auto Repair and Service Group I as a stand-alone use in order to construct a Firestone Tire Center on a portion of 3-acre Tract A within the 33-acre Estero Town Center CPD. The site is in the southeast quadrant of the intersection of Corkscrew Road and Three Oaks Parkway.

No deviations are requested as part of this amendment.

STAFF RECOMMENDATION

Staff recommends denial, however conditions of approval are provided should the Planning and Zoning Board recommend approval.

APPLICATION SUMMARY

Applicant

KRG Estero, LLC

Authorized Agents

Palmetto Capital Group, LLC – Michael D. Houghton, Manager
Palmetto Estero-Corkscrew Rd, LLC

Additional Agent

Brendan Sloan, P.E. – Avalon Engineering, Inc.
SGA Design Group, P.C. – Kristine Pagano, AIA, LEED AP

Location

The property is located at the southeast intersection of Corkscrew Road and Town Commons Drive within the Estero Town Center shopping center. The site is bounded by Corkscrew Road on the north, Town Commons Drive on the east and Estero Town Commons Place on the south. The subject site is a part of the Estero Town Center CPD shopping center. The STRAP number is 35-46-25-E1-3300A.0000.

REQUEST

Amend the CPD Zoning to add Auto Repair and Service Group I as a stand-alone use on a portion of Tract A. Tract A is a 3-acre parcel at the intersection of Three Oaks Parkway and Corkscrew Road, however the rezone application is limited to that 1.14-acre area described in the legal description and sketch as shown below.

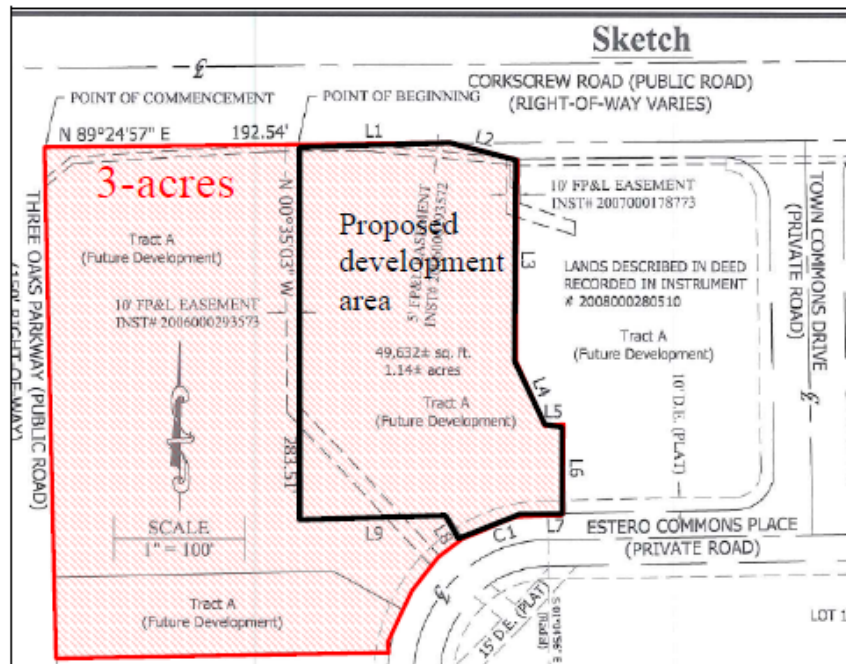


Figure 1 - Development Area Map

LAND USE CATEGORY

Transitional Mixed Use – Located within the Corkscrew Road Overlay

PUBLIC INFORMATION MEETING

A Public Information Meeting was held with the Planning and Zoning Board on July 16, 2019 at which time comments were provided regarding screening of the site from Corkscrew Road, sidewalk connections to Corkscrew Road, and hours of operation. The Public Information Meeting minutes are included as Attachment E.

PROJECT HISTORY

- Estero Town Center Commercial Planned Development Re-Zoning– 2003;
- Resolution Z-03-032 (see attachment D);
- Allows up to 265,000 square feet of gross floor area;

- List of Uses includes “Auto Repair and Service Group I only (Limited to one as a subordinate use to a permitted use within this parcel; Garage doors may not face adjacent arterial; no outdoor storage or display).

Four (4) Administrative Amendments have subsequently been approved for the project.

- Providing indigenous open space (4.96 acres) in the southern portion of the project and providing the location of excavation for water retention purposes;
- Adding 32,000 square feet of outdoor storage/display for Lowes;
- Adding two monument signs at the main project access points;
- Added commercial schools to the schedule of uses.

PROJECT DESCRIPTION

The applicant is requesting an amendment to the CPD to allow for Auto Repair and Service Group I as a stand-alone use on a portion of Tract A which is located along Corkscrew Road and west of a dentist office. Tract A is currently vacant and development plans for the remainder of the site are unknown. The property will need a re-plot to create the proposed development site separate from the remainder of Tract A.

The property was rezoned and developed with Lowes, retail and service uses, and restaurants. The zoning currently allows Auto Repair and Service Group I as a use within the development, however limits that use to an accessory use to another permitted use. This application proposes to allow for Auto Repair and Service Group I as a stand-alone use for a Firestone Tire Center.



Figure 2 - Site Plan

The building will be set back 25-feet from Corkscrew Road and oriented to the east, with Corkscrew Road to the north. The side of the building fronts on Corkscrew Road, as does a portion of the parking lot. A public gathering area is proposed to be located within the 25-foot setback, and a sidewalk will connect the building to the existing sidewalk on Corkscrew Road.

MASTER CONCEPT PLAN

The applicant has provided a Master Concept Plan (MCP) dated May 4, 2020 and stamped “Received May 14, 2020”. The plan depicts a 6,400 square foot Firestone Complete Auto Care facility on 1.4 acres of the parcel with an onsite parking lot that includes 29 spaces, two of which are handicap parking spaces. The LDC requires 23 parking spaces be provided.

The vehicular access is via Estero Town Commons Place, an existing 40 foot private right-of-way, which provides access from Corkscrew Road to the north or from Three Oaks Parkway to the west. Pedestrian access is proposed from Corkscrew Road via a sidewalk which will provide connection to existing pedestrian paths along Three Oaks Parkway and Corkscrew Road, as well as to the existing pedestrian paths within the Estero Town Center development.

Open space is proposed to be .39 acres or 34% of the site, 30% is required by the CPD. Other information on the site plan includes the solid waste enclosure, and three public gathering areas.

The site plan shows the creation of an off-site 40-foot right-of-way from Estero Town Commons Place to the east to serve Tract A. This right-of-way provides outlet via an adjacent parcel, therefore an access easement is required through the adjacent parcel. The applicant has provided a draft easement and a condition is recommended to assure completion of this documentation at the time of plat and development order.

SURROUNDING ZONING

<u>North</u>	Corkscrew Road and Plaza Del Sol CPD
<u>South</u>	Estero Town Commons Place, Lowes parking lot/store - Estero Town Center CPD
<u>East</u>	Complete Dentistry of Estero - Estero Town Center CPD
<u>West</u>	Remainder of Tract A - Estero Town Center CPD and Three Oaks Parkway

STAFF ANALYSIS

The staff analysis section of this report includes information on various issues, such as environmental issues, transportation impacts, stormwater management, pattern book, height, compatibility, and Comprehensive Plan.

Staff has provided a summary of the project's advantages and disadvantages below. Following this section is more information on each of the issues.

Summary of Advantages and Disadvantages

Advantages:

- The site is currently vacant, cleared and filled;
- The site has no environmental issues, other than removal of existing trees;
- The architecture is attractive and blends with the shopping center.

Disadvantages:

- The proposal does not comply with the Transitional Mixed Use Future Land Use;
- Lack of compliance with the Corkscrew Road Overlay;
- The project is anticipated to add 183 vehicle trips per day to area roads.

Justification

Staff has not found that adequate justification was provided for the proposed rezone, and no discussion was found regarding why the use is currently permitted only as an accessory use to a permitted use. The Hearing Examiner report is very detailed; however, no information was included on this issue so the use clearly was not contemplated except as an accessory use to a big box store. Since the use was specifically not included as a stand-alone facility the applicant should provide a strong justification to add the use at this time, particularly given that the Village Comprehensive Plan and Corkscrew Road Corridor Plan both support transitioning the uses at this location to mixed uses to create more activity and vitality for this area. Staff does not find that the proposed rezone is consistent with the Comprehensive Plan.

Pattern Book

The applicant submitted a Pattern Book, dated May 15, 2020, stamped “Received May 15, 2020”, which is required by the Land Development Code, Chapter 33. The Pattern Book depicts a Master Concept Plan, Pedestrian System, Open Space Exhibit, Landscape Plan, a Photometric Plan, and building elevations for all four sides of the building.

The 1.14-acre development site is oriented to the east with the side of the building and parking lot fronting on Corkscrew Road. The building is set back 25-feet and the parking area is set back 30-feet from Corkscrew Road. Three Public Gathering Areas are proposed, one within the front setback along Corkscrew Road, and two others at the south end of the site. No details have been provided regarding the improvements associated with these areas and a condition is recommended regarding provision of this information at development order.

A Landscape Plan is provided which shows a twenty-foot “D” Buffer on the north side of the site, along Corkscrew Road. This buffer requires five canopy trees per 100 lineal feet and a double hedge row. The applicant proposes to provide required trees and shrubs, as well as to add additional canopy trees to enhance the buffer along Corkscrew Road. The south property line will also have a twenty-foot Type “D” Buffer and both the east and west sides will have a five-foot buffer with canopy trees.

A Pedestrian System Map, below, shows how this proposed site will connect with the existing pedestrian system in the area, both internal and external to the development.

Vehicular circulation includes an access road from Estero Town Commons Place to serve the proposed and future development of Tract A as shown in Figure 1, below provided by the applicant. An access easement will need to be executed and a condition of approval would be required regarding completion of this easement at the time of development order. Three Public Gathering Areas are identified on the Master Concept Plan; along Corkscrew Road, at the southwest corner of the site, and in the southeast corner of the site. No details were included regarding the type of seating that will be provided. Additional detail will be required at development order.



Figure 3 - Pedestrian Connection System

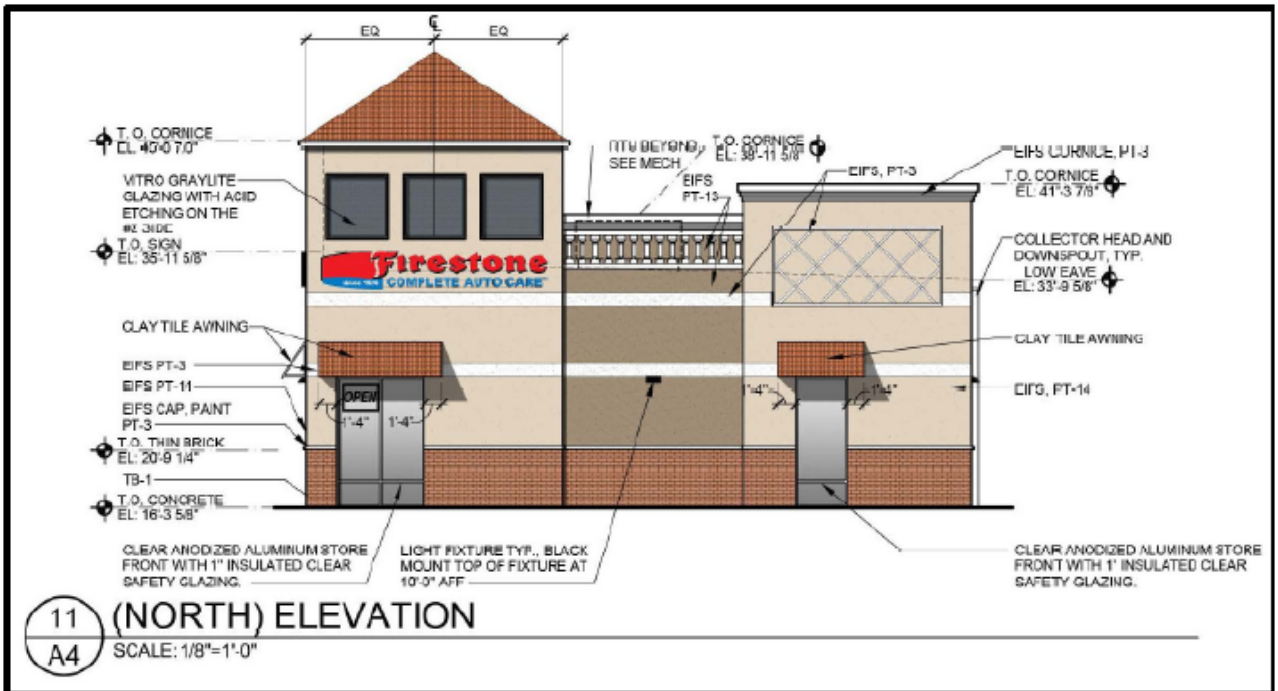
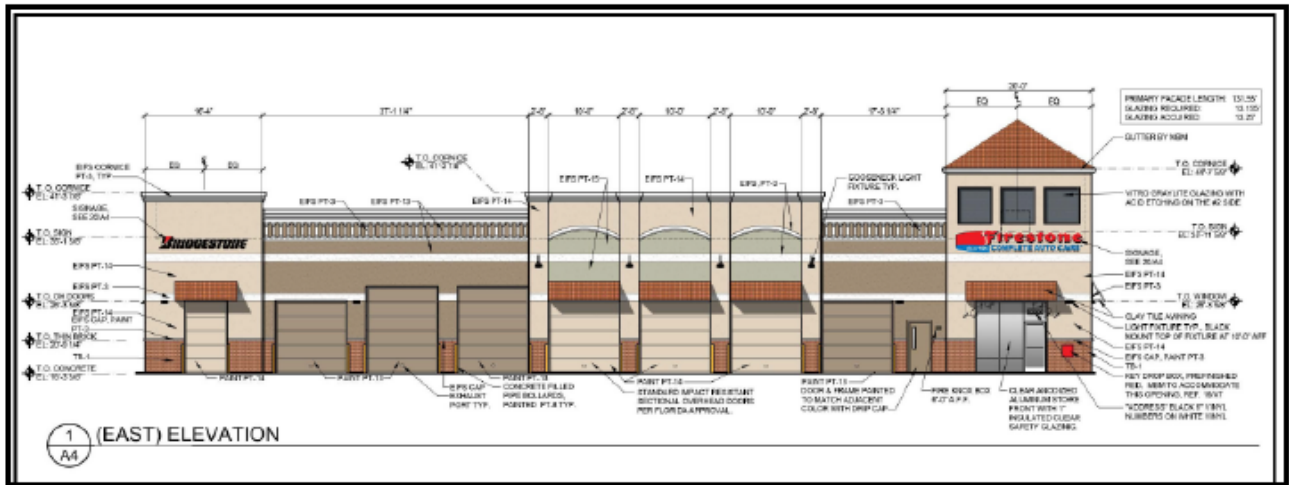


Figure 4 - Architectural Elevations

Building Elevations have been provided for all four sides of the building. A Mediterranean theme is used as shown in the figure below which shows the side of the building that will front on Corkscrew Road. Earth tones are proposed as well as clay tile awnings and other architectural elements. The garage bay doors are proposed to face east.

Proposed and Allowed Uses

The applicant seeks to add Auto Repair and Service Group I as a stand-alone use for a portion of Tract A. If approved, staff recommends limiting other allowed uses on this property. Staff recommends elimination of Car Wash, Convenience Food and Beverage Store, and Household

and Office Furnishings as allowed uses on this site which are not consistent with the Transitional Mixed Use land use category.

Environmental Issues

No environmental issues have been identified with the subject site. Staff has reviewed the property and finds the following:

- The site has been cleared, filled, and is vacant;
- Existing trees include 3 Southern Slash Pines, 2 Laurel Oaks and 9 Cabbage Palms, all of which are proposed to be removed (as shown in figure below);
- No Heritage Trees are on the site;
- There are no floodways designated on the site;
- The site falls within the Special Flood Hazard Area (AH) and therefore will need to adhere to the criteria in LDC Sections 6-401, which applies to development in a flood hazard area and 10-253, regarding soil conditions in a flood hazard area.

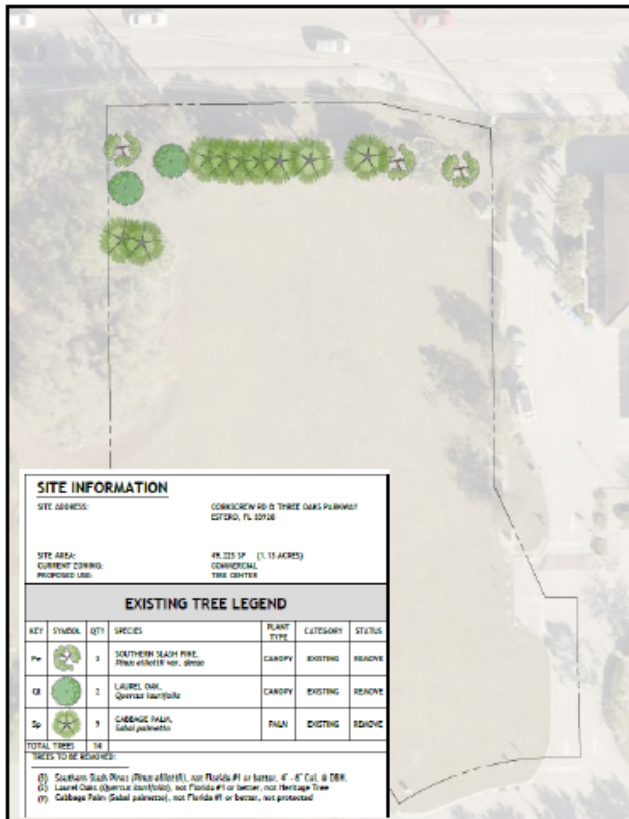


Figure 5 – Existing Tree Survey

Most of the site is maintained as a mowed grassed lot with a group of native trees in the north area of the site along Corkscrew Road as shown in the figure, left. These trees are proposed to be removed.

Flood Issues

As mentioned above, the site falls within the Special Flood Hazard Area. Zone AH is the flood insurance rate zone that corresponds to the areas of 1 percent annual chance of shallow flooding with a constant water-surface elevation (usually areas of ponding) where average depths are between 1 and 3 feet. The existing Southwest Florida Water Management District Environmental Resources Permit (36-04799-P) for Estero Town Commons requires that all building finished floors within the subdivision be set at a minimum of 17.50 feet NGVD (16.3 feet NGVD).

Stormwater Management

The applicant has provided a Stormwater Management Narrative for the site which states the following:

The proposed onsite drainage system is to be incorporated into the existing master stormwater management pipe network of

Estero Town Commons. The site's stormwater runoff will be directly channeled ±800 feet downstream through the existing subsurface reinforced concrete pipe network in order to discharge into the existing dry detention area located on the southern portion of Estero Town Commons. All sites within the Estero Town Commons currently connect to this existing pipe network that runs along the main road within the development and into the existing dry detention area.

The narrative goes on to identify the existing permits issued by the South Florida Water Management District (SFWMD) which allow for a maximum of 80% impervious area within the entirety of the development. A modification to the existing permit will be required once the project is approved for development.

The existing SFWMD permit parameters have been met, as the development proposes an impervious area of 65% which is within the threshold of 80% currently permitted. In addition, the proposed site stormwater storage and water quality volume demand were calculated and found to be within the limits of the permit.

The Village engineer has reviewed the applicant's stormwater analysis and does not have additional comments or concerns at this time. Further review will occur at development order.

Transportation

A Traffic Impact Statement was submitted, dated as revised April 9, 2020 and marked as "Received April 16, 2020" which has analyzed the traffic impacts of the proposed use. Conclusions in the report state that there will be 183 new daily trips and "the proposed automobile service center will only generate up to 16 new peak hour peak direction trips and a de minimis impact (less than 1% impact of the road's adopted service capacity) on both Three Oaks Parkway and Corkscrew Road." Further the report concludes "the project will not create any transportation deficiencies that need to be mitigated."

Staff review has resulted in the following analysis: According to Lee County 2019 Public Facilities Level of Service and Concurrency Report Corkscrew Road is currently operating at a LOS "F". The Florida Department of Transportation (FDOT) is currently constructing improvements to the Corkscrew Road and I-75 Interchange that should substantially improve traffic flow along Corkscrew Road (between Three Oaks Parkway and Ben Hill Griffin Road). The "on-ramp" interchange improvements should be completed by 2021/2022 which include constructing eastbound and westbound dual left turn lanes and extending the eastbound and westbound right turn lanes. These interchange improvements should significantly reduce the frequency of "on-ramp" queuing that encroaches into the eastbound and westbound through lanes during peak season conditions. As acknowledged by the Village Area Wide Traffic Study, FDOT has determined that these improvements will result in LOS = "C" and LOS = "D" traffic conditions for the AM and PM peak hours, respectively, through year 2030.

A traffic signal is needed at the intersection of Puente Lane and Corkscrew Road. Village staff is working with Estero Town Center to provide a proportionate share of the cost of the signalization. A condition is recommended in any zoning amendment approval confirming the obligation to participate in the funding of the signal.

Utilities

The property is located in the Lee County Utilities franchise service areas for both potable water and wastewater services. Potable water and sanitary sewer lines are in operation adjacent to the property. The applicant obtained a Potable Water and Wastewater Service Availability letter from Lee County Utilities dated September 17, 2019. This letter states that Lee County Utilities presently has sufficient capacity to provide potable water and sanitary sewer service. The applicant will need an updated service availability letter from Lee County Utilities in conjunction with any development order site plan approval, indicating sufficient capacity for the project.

Fire

Estero Fire Rescue District staff has reviewed the request and provided a comment regarding Radio Enhancement that states "The owner or owner's representative shall conduct an assessment model to determine if the minimum radio signals' strength for the fire department communication is in compliance in accordance with NFPA 1: 11.10, NFPA 1221: 11.3.9, standards for inbound and outbound signal strength and quality. If minimum signal strength is not available, the applicant shall install radio enhancement in the building." A condition regarding this issue is recommended.

Height

Section 33-229 of the Land Development Code limits height of buildings outside of the Highway Interchange Areas to a maximum of three stories or 45 feet, whichever is less. The proposed building is just over 35-feet to the peak of the towers.

CORKSCREW ROAD OVERLAY

This site is located within the Corkscrew Road Overlay and subject to the standards in this district. The overlay intends to create "...a corridor of architecturally appealing and attractively landscaped retail, office, residential and institutional developments that cater to the needs of the community." The overlay district seeks to create street front activity as well as buildings that front directly onto the adjacent sidewalks, creating definition and character within the corridor. Developments are encouraged to provide minimal setbacks in order to create a continuous street wall of building frontage. Parking lot setbacks for interior lots are required to be a minimum of 75-feet from Corkscrew Road in support of the intent to create a village atmosphere along this corridor.

The proposed development attempts to meet these goals (through provision of a Public Gathering Area and sidewalk connections) but the site orientation basically turns the structure and activity away from the corridor, perhaps rightly so given the proposed use. The building does not create a continuous street front as the parking lot covers more than half the frontage on Corkscrew Road. The frontage is landscaped to minimize the view of the parking area but the site is generally not compliant with the goals of the overlay district given the proposed auto oriented use and layout of the site.

COMPREHENSIVE PLAN REVIEW

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

FLU 1.2.8 Transitional Mixed Use

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

This category includes areas of the four quadrants of the I-75 and Corkscrew Road interchange along with other areas in the Village.

Transitional Mixed Use areas are located in close proximity to: public transit routes; education facilities; recreation opportunities; and existing residential, shopping, and employment centers

and are generally accessible to the surrounding neighborhoods, serving as focal point or community centers where activity is concentrated.

Staff Comment: A broad mix of uses is allowed within the Transitional Mixed Use Future Land Use area, subject to compatibility standards, including regional, community, and neighborhood scale commercial to foster the live/work/play mixed use lifestyle sought in this category. The intent of this area was to promote a transition away from the prior land use category of General Interchange and auto-oriented uses to create a vibrant corridor with street activity. The mix of residential and non-residential uses, i.e. mixed use, is critical to create the activity that is sought in both this land use designation and the Corkscrew Road Corridor. The proposed auto-oriented use is no longer appropriate given these overall policies even if the proposed Firestone Tire Center use is similar to other uses in the area. This is a transitioning area that the Village Comprehensive Plan directs toward compatible and complementary uses that are inherent in mixed use areas. An auto-oriented use does not further this policy.



Figure 6 - Vicinity and Uses

FLU 1.9.1 *the Village encourages mixing of complementary residential and nonresidential uses on a single site to reduce vehicle miles travelled, support pedestrian, bicycle and transit opportunities and activate streets and public spaces with pedestrians for greater economic, recreational and social opportunities resulting in built environments and landscapes that provide a true sense of place.*

- A. *The Village Center and Transitional Mixed Use future land use categories are intended to accommodate mixed use development patterns, and the Village Neighborhood categories allow for the limited mix of use in suitable locations, subject to compatibility standards.*
- B. *Mixed use development shall be limited to uses that are complementary rather than conflicting, as those terms are specified in the definition of mixed use found in the Definitions section. The ultimate determination of allowable commercial uses will be through a public hearing process and will be based upon the needs to the Village, character of the surrounding area, the compatibility of the uses, and the characteristics of the transportation network.*

Staff Comment: The Transitional Mixed Use Future Land Use is further supported by this policy which specifically states that this area is intended to accommodate mixed use development patterns. The proposed Firestone Tire Center does not activate streets, nor does it provide a sense of place as discussed in the Comprehensive Plan.

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

Staff Comment: The development has provided interconnections to the exterior of the development through a sidewalk connecting to Corkscrew Road and a sidewalk connecting to Three Oaks Parkway. Numerous interconnections occur within the interior of the development as well. See Figure 3 for map of existing and proposed pedestrian connections.

TRA 1.2.4 *During the review of comprehensive plan amendments, rezonings, zoning amendments, and development order applications, applicants must provide an evaluation addressing potential for addition of new interconnections between communities, creation of pedestrian and vehicular interconnection, and addition of new connections to the surrounding road network.*

Staff Comment: The proposed rezone is within a developed shopping center which was required at the time of rezone to establish vehicular and pedestrian networks. The proposed rezone of a portion of Tract A has created connections both vehicular and pedestrian that will work within that established network if replatted and developed as proposed. The vehicular connections utilize Estero Town Commons Drive from Corkscrew Road and/or from Three Oaks Parkway to Estero Town Commons Place while pedestrian pathways currently exist on Corkscrew Road, Three Oaks Parkway and along the interior roads of the Estero Town Commons development.

TRA 1.5.4 *During the review of rezonings or zoning amendments, and development order applications, applicants must provide an evaluation of vehicle, bicycle and pedestrian safety in the proposed design or plan.*

Staff Comment: The applicant has not provided this information therefore a condition is recommended that this be addressed at the time of development order.

Deviations

No Deviations are requested as part of this rezoning.

FINDINGS AND CONCLUSIONS

The Planning and Zoning Board will need findings of fact to support its recommendation.

After balancing the advantages and disadvantages of this project and its impacts, based upon an analysis of the application and the standards for approval in the Land Development Code, staff has proposed the following Findings of Fact for review:

1. The applicant has not provided sufficient justification for the zoning amendment through demonstrating compliance with the Comprehensive Plan, the Land Development Code, and other applicable codes.
2. Ongoing improvements to Corkscrew Road and the I-75 interchange will improve the LOS on this roadway until the year 2030.
3. The application may be found generally compatible with existing or commercial uses in the surrounding area, however the transitional nature of the future land use designation does not support highway or automobile oriented use at this location.
4. Approval of the request should not place an undue burden upon existing transportation or planned infrastructure facilities until at least 2030 when additional road improvements will be needed.
5. Urban services will be available and adequate to serve the proposed use.
6. The request should not adversely affect environmentally critical areas and natural resources.
7. The proposed use is not appropriate at the subject location.
8. The recommended conditions do not provide sufficient safeguards to the public interest and as such are not reasonably related to impacts on the public's interest created by or expected from the proposed development.

ATTACHMENTS

- A. Zoning Map
- B. Future Land Use Map
- C. Recommended Conditions
- D. Zoning Resolution Z-03-032
- E. Public Information Meeting Minutes
- F. Pattern Book
- G. Master Concept Plan
- H. Applicant Documentation - Comprehensive Plan Consistency

Attachment A

LIBRARY

GAS STATION

GAS STATION

THE PLACE

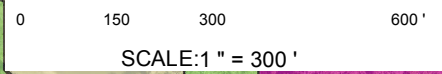
LOWES

LEGEND

 PARCEL

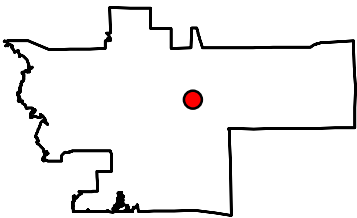
FUTURE LAND USE

- Conservation
- Urban Commercial
- Transitional Mixed Use
- Public Facilities
- Village Neighborhood 1



SCALE: 1" = 300'

LOCATION MAP



SCALE: 1" = 25,000'

FIRESTONE

VILLAGE OF ESTERO \ FLORIDA



Attachment B

LIBRARY

GAS STATION

GAS STATION

THE PLACE

LOWES

LEGEND

 PARCEL

ZONING

 AG-2

 CC

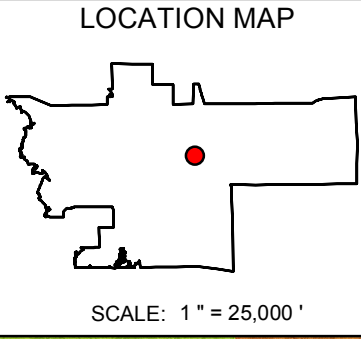
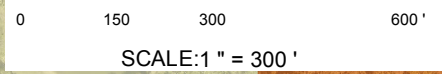
 CPD

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 MH-1

 RPD



FIRESTONE

VILLAGE OF ESTERO \ FLORIDA



Attachment C
Firestone at Estero Town Commons, a Portion of Parcel A

Proposed Zoning Conditions

1. Master Concept Plan
Development of this project must be consistent with the Master Concept Plan (MCP) titled “Master Concept Plan 05/04/20”, stamped “Received May 14, 2020”, except as modified by the conditions below.
2. Development Parameters
Development of 6,400 square feet of gross floor area is permitted.
3. Maximum Building Height
45 feet (including architectural features)
4. Previous Approvals
The previous approvals (contained in Resolution Number Z-03-032, ADD2005-0156, ADDD2005-0235, ADD2006-00163, and ADD2007-0017) including conditions and deviations, remain in effect except as modified by these conditions.
5. Re-Plat
Prior to a Development Order being issued for this development, a re-plat of Tract A must be submitted, reviewed, and approved by the Village Council.
6. Transportation
Pursuant to a signalization agreement as a part of development order number DOS2002-00172, Estero Town Center is responsible for a proportionate share of the cost of the signalization of the intersection of Puente Land and Corkscrew Road at such time as the required warrants for signalization are met (warrants have been met). The proportionate share payment must be made to the Village of Estero prior to issuance of a development order for this parcel.
7. Uses and Site Development Regulations
The following uses and limits apply to the project:
 - a. Schedule of Uses The uses allowed by Resolution Z-03-32 shall remain in effect, except for:

The addition of Auto Repair and Service Group I as a stand-alone use on a portion of Parcel A. Garage doors associated with this use may not face adjacent arterial roadways and no outdoor storage or display is allowed.

Uses no longer permitted for the subject portion of Parcel A include Car Wash, Convenience Food and Beverage Store, and Household and Office Furnishings.

- b. Building Setback Requirements for Corkscrew Road Overlay
Front/Street (North) – Minimum 0 feet Maximum 25 Feet
Side – 0 feet
Rear – Minimum 25 feet
8. Radio Enhancement
The owner or owner’s representative shall conduct an assessment model at the time of development order to determine if the minimum radio signal’s strength for the fire department communication is in compliance with NFPA1:11.10, NFPA 1221:11.3.9, standards for inbound and outbound signal strength and quality. If minimum signal strength is not available, the applicant shall install radio enhancement in the building.
9. No Blasting
No development blasting is permitted as part of this project.
10. Utilities
The project must be connected to centralized potable water service and centralized sewer service.
11. Floodplain
The site is located in Zone AH, a Special Flood Hazard Area. The site must comply with the SFWMD Environmental Resource Permit finished floor elevation required at a minimum of 17.50 feet NGVD (16.30 feet NAVD).
12. Pattern Book
The development must be consistent with the Pattern Book submitted November 26, 2019, Revised May 15, 2020, and date stamped “Received May 15, 2020”.
13. Buffers
As part of local development order approval, the development order plans must demonstrate buffering consistent with the Master Concept Plan, the Land Development Code, and the Pattern Book. As part of local development order approval, all buffer plantings must be 100% native vegetation.
14. Public Gathering Areas
The applicant shall provide details regarding outdoor furniture to be associated with the three Public Gathering Areas at development Order.
15. Proposed Street – Public Access Easement
As a part of the plat and local development order, the public access easement agreement document must be submitted for review and approval by the Village Attorney prior to DO approval and recorded in the Lee County Records prior to issuance of a Certificate of Compliance.

16. Vehicular/Pedestrian Impacts
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.
17. Vehicle, Pedestrian and Bicycle Safety
Approval of this zoning request does not address evaluation of vehicle, bicycle and pedestrian safety in the proposed design or plan. Additional conditions consistent with the LDC may be required to obtain a local development order.
18. Concurrency
Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in the Land Development Code and the Comprehensive Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.
19. Lee County Development Order
A Lee County Type 'D' Limited Development Order (LDO) will be required for the offsite improvements within the County maintained right-of-way. The sidewalk is required to connect to the sidewalk on Three Oaks Parkway. Additional comments and revisions may be necessary for the proposed construction activities within the County maintained right-of-way. The LDO will need to meet Lee County LDC requirements.
20. Stormwater Pollution Prevention Plan
Based on the Schedule of Uses and potential contamination of the MS4 from hazardous materials, the applicant should provide a Stormwater Pollution Prevention Plan (SWP3) and water quality monitoring plan for Estero Commons at the time of development order. The monitoring should be performed at the Estero Commons outfall.
21. Land Development Code (LDC)
Where the Village LDC is referenced in these conditions of approval for implementation of the condition at the time of development order, the LDC in effect at the time of the development order shall be applicable.

RESOLUTION NUMBER Z-03-032

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

WHEREAS, as application was filed by Courtelis Company to rezone a 32.96 acre parcel from Agriculture (AG-2) to Commercial Planned Development (CPD); in reference to Estero Town Center CPD; and

WHEREAS, public hearings were advertised and held on May 30, 2003, June 6, 2003 and June 13, 2003, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case DCI2002-00071; and

WHEREAS, a second public hearing was advertised and held on October 20, 2003, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to rezone a 32.96 acre parcel from AG-2 to CPD, to allow for the development of a mixed use commercial center consisting of up to 265,000 square feet of gross floor area with buildings not exceeding 45 feet in height (4-stories). The development may include blasting as a development activity. The property is located in the Urban Community and General Interchange 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 consistent with the one-page Master Concept Plan entitled "Estero Town Center CPD-E2007," stamped received Nov 26 2003, except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

The project is limited to a maximum of 265,000 square feet of gross floor area. Of this total, up to 50,000 square feet can consist of office space. Additionally, a portion of this

approved floor area may be replaced with up to 175 hotel/motel units through an administrative amendment of this planned development.

All conditions and commitments made in the Estero Town Center Design Guidelines (Exhibit D) providing the Project Overview, Design Guidelines and Standards, Landscaping, and Signage must be adhered to as part of this planned development. Approval of this document grants no deviations from the Lee County LDC. Any change sought to any provision within this document will require a public hearing amendment. In the event of conflict between the provisions set forth in Exhibit D and the LDC, the LDC will control.

2. The following limits apply to the project and uses:

a. Schedule of Uses

VILLAGE AREAS #1 and #2

ACCESSORY USES AND STRUCTURES (LDC §34-1171 *et seq.*, 34-2441 *et seq.*, 34-1863, 34-2141 *et seq.*, and 34-3106)

AUTO PARTS STORE - without installation facilities

AUTO REPAIR AND SERVICE (LDC §34-622(c)(2)), Group I only LDC §34-1351 *et seq.* (Limited to one as a subordinate use to a permitted use within this parcel; Garage doors may not face adjacent arterial; no outdoor storage or display)

BANKS AND FINANCIAL ESTABLISHMENTS (LDC §34-622(c)(3)), Groups I and II

BUSINESS SERVICES (LDC §34-622(c)(5)), Groups I and II (with Group II limited to only Packing Services)

CAR WASH (limited to one) (Only in conjunction with Convenience Food and Beverage Store)

CLOTHING STORES, general (LDC §34-622(c)(8))

CONSUMPTION ON PREMISES (LDC §34-1261 *et seq.*) (only in conjunction with a standard restaurant and outdoor seating in the pedestrian open space areas identified on the MCP; subject to an Administrative Amendment for Outdoor Seating)

CONVENIENCE FOOD AND BEVERAGE STORE (limited to area #1; limited to one) (maximum of 12 fueling stations; permitted abutting Corkscrew Road only if no free-standing fast food use permitted within Village Area abutting Corkscrew Road.)

DAY CARE CENTER, CHILD, ADULT

DRIVE THRU FACILITY FOR ANY PERMITTED USE

DRUGSTORE, PHARMACY (limited to one within the planned development)

ESSENTIAL SERVICES (LDC §34-1611 *et seq.*, and 34-1741 *et seq.*)

ESSENTIAL SERVICE FACILITIES (LDC §34-622(c)(13)), Group I (LDC §34-1611 *et seq.*, 34-1741 *et seq.*, and 34-2141 *et seq.*)

EXCAVATION Water retention (LDC §34-1651) (Subject to Condition 8)

FENCES, WALLS (LDC §34-1741)
FLORIST SHOP
FOOD STORES (LDC §34-622(c)(16)), Group I
GIFT AND SOUVENIR SHOP
HARDWARE STORE (Limited to 15,000 square feet)
HOBBY, TOY AND GAME SHOPS (LDC §34-622(c)(21))
HOUSEHOLD AND OFFICE FURNISHINGS (LDC §34-622(c)(22)), all groups
(no outdoor display)
LAUNDRY OR DRY CLEANING (LDC §34-622(c)(24)), Group I
MEDICAL OFFICE
NONSTORE RETAILERS (LDC §34-622(c)(30)), all groups
PARCEL AND EXPRESS SERVICES
PARKING LOT; Accessory
PERSONAL SERVICES (LDC §34-622(c)(33)), Groups I and II
PET SHOP (Indoor only; no outdoor runs)
REPAIR SHOPS (34-622(c)(40)), Groups I, II, and III
RESTAURANT, FAST FOOD (Subject to Condition 14)
RESTAURANTS (LDC §34-622(c)(43)), Groups I, II and III
SIGNS in accordance with Chapter 30
SPECIALTY RETAIL SHOPS (LDC §34-622(c)(47)), Groups I, II, III, and IV
VARIETY STORE

ANCHOR PARCEL

ACCESSORY USES AND STRUCTURES (LDC §34-1171 *et seq.*, 34-2441 *et seq.*, 34-1863, 34-2141 *et seq.*, and 34-3106)
AUTO PARTS STORE - without installation facilities
AUTO REPAIR AND SERVICE (LDC §34-622(c)(2)), All Groups LDC §34-1351 *et seq.* (Limited to one as a subordinate use to a permitted use within this parcel, unless approved by Administrative Amendment)
BANKS AND FINANCIAL ESTABLISHMENTS (LDC §34-622(c)(3)): Groups I, II
BUILDING MATERIAL SALES (LDC §34-622(c)(4)) and 34-3001 *et seq.* (Outdoor storage and display areas limited to one acre per Lee Plan Policy 19.2.5 and subject to Condition 3)
BUSINESS SERVICES (LDC §34-622(c)(5)), Groups I and II
CLOTHING STORES, general (LDC §34-622(c)(8))
CONSUMPTION ON PREMISES (LDC §34-1261 *et seq.*)(only in conjunction with a standard restaurant)
DAY CARE CENTER, CHILD, ADULT
DEPARTMENT STORE
DRIVE-THRU FACILITY FOR ANY PERMITTED USE
DRUGSTORE, PHARMACY
ESSENTIAL SERVICES (LDC §34-1611 *et seq.*, and 34-1741 *et seq.*)

ESSENTIAL SERVICE FACILITIES (LDC §34-622(c)(13)), Group I (LDC §34-1611 *et seq.*, 34-1741 *et seq.*, and 34-2141 *et seq.*)
EXCAVATION: Water Retention (LDC §34-1651) (subject to Condition 8)
FOOD STORES (LDC §34-622(c)(16)), Groups I and II
HARDWARE STORE
HOBBY, TOY AND GAME SHOPS (LDC §34-622(c)(21))
HOTEL/MOTEL (LDC §34-1801 *et seq.*)
HOUSEHOLD AND OFFICE FURNISHINGS (LDC §34-622(c)(22)), all groups
LAUNDRY OR DRY CLEANING (LDC §34-622(c)(24)), Group I
LAWN AND GARDEN SUPPLY STORES (LDC §34-2081) (Outdoor storage and display areas limited to one acre per Lee Plan Policy 19.2.5 and subject to Condition 3)
MEDICAL OFFICE
MINI-WAREHOUSE (No outdoor storage; subject to an Administrative Amendment)
NONSTORE RETAILERS (LDC §34-622(c)(30)), all groups
PAINT, GLASS AND WALLPAPER
PARCEL AND EXPRESS SERVICES
PARKING LOT; Accessory
PERSONAL SERVICES (§34-622(c)(33), Groups I & II
PET SHOP (indoor only; no outdoor runs)
REPAIR SHOP Groups I & II
RESTAURANTS (LDC §34-622(c)(43)), Groups I, II, III, and IV
RESTAURANTS, FAST FOOD (no freestanding uses; no drive-thru facilities)
SELF-SERVICE FUEL PUMPS (maximum of 12 fueling stations)(Limited to one)
SIGNS in accordance with Chapter 30
SPECIALTY RETAIL SHOPS (LDC §34-622(c)(47)), Groups I, II, III and IV
TEMPORARY USES (LDC §34-3041 *et seq.*) (Limited to Contractor's office/equipment storage, ancillary temporary uses in parking, and Christmas Tree sales)
THEATER, Indoor (LDC §34-2471 *et seq.*)

Note: Commercial Retail S.F. may be replaced by up to 50,000 square feet of General/Medical Office uses, subject to an Administrative Amendment review process.

Note: Commercial Retail S.F. may be replaced by up to 150 Hotel/Motel units, subject to an Administrative Amendment

b. Site Development Regulations

Refer to attached Exhibit E.

3. Open storage and outdoor display areas are permitted for only those uses designated as being allowed open storage or outdoor display areas in the approved Schedule of Uses. The total area devoted to open storage and outdoor display area within this entire planned development is one acre. An Administrative Amendment of this planned development will be required prior to approval of a local development order or establishment of open storage or outdoor display area. The Applicant will be responsible in providing the cumulative total of area devoted to this activity as part of the application.

The following screening standard is the minimum requirement for open storage or outdoor display area:

Any open storage or outdoor display area must be screened from view by an opaque fence or wall along the entire permitted area. The fence or wall must be at least 6 feet high, or higher if necessary to provide an opaque buffer, and must be compatible with the architectural design of the project.

4. Prior to local development order approval, the paving and grading plan must delineate the areas of the berm abutting the indigenous preserve that will be enlarged or mounded to provide additional high ground for gopher tortoises. A cross section must be included. The mounded areas must also be highlighted on the landscape plan.
5. Prior to the issuance of a Vegetation Removal Permit, the gopher tortoise burrows must be field located. If any burrows area are situated outside of the indigenous preservation area, then a five or less relocation permit must be obtained from the Florida Fish and Wildlife Commission to excavate the burrow and move any tortoise and commensal species into the preserve.
6. Prior to local development order approval, the landscape plans must be consistent with the Estero Town Center Design Guidelines stamped received February 11, 2003 (attached as Exhibit D), and the LDC.
7. Prior to local development order approval, the plans must show the location of preserved native trees and relocated sabal palms. A tree survey must be submitted to confirm the locations of existing native oak/pine/palms in the Village areas (greater than 6-inch caliper oaks; 12 inch or greater caliper pine; 8-foot or greater clear trunk palms). Reasonable effort and creative designs must be utilized to preserve the large existing native trees/masses of native trees. Protective measures to preserve trees within the Village area must be detailed on the development order plans such as tree well design.
8. Prior to any approval of a local development order, including excavations for water retention, the approved planned development must be administratively amended to show the proposed location of the excavation and the calculation of total open space to ensure compliance with the LDC and the commitments made as part of this approved planned development.

9. Blasting is not an approved activity as part of this approved planned development. Blasting must be approved through an amendment of this planned development that goes through the public hearing process.
10. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
11. Approval of this rezoning 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.
12. All buildings of 80,000 square feet (or 40,000 square feet constructed within 15 feet of each other) must comply with the "Big Box Design Standards" attached as Exhibit F. If design standards for "big box" development are adopted into the LDC, then the provisions of the LDC will supercede attached Exhibit F. Prior to that time, if there is a conflict between the provision set forth in Exhibit F and the LDC, the LDC will control.
13. Agricultural Uses: Existing bona fide agricultural uses on this site are allowed only in strict compliance with the following:
 - (a) Bona fide agricultural uses that are in existence at the time this resolution is approved and as shown on Exhibit G attached hereto may continue until approval of a local development order for the area of the project containing those uses.
 - (b) Additional clearing or grading of existing agricultural areas is prohibited. This prohibition is not intended to preclude County approved requests for the removal of invasive exotic vegetation.
 - (c) The property owner must terminate the agricultural tax exemption for any portion of the property that receives a local development order. The exemption termination must be filed with the Property Appraiser's Office by December 31st of the calendar year in which the local development order is issued. A copy of the exemption termination must be provided to the Office of the County Attorney.
14. Limitations on Fast-Food Restaurants in Village Areas abutting Corkscrew Road:
 - a) No more than one freestanding fast food restaurant (as defined in LDC §34-2) is permitted;
 - b) No freestanding fast food restaurants are permitted if a convenience store has already been permitted in the Village Areas abutting Corkscrew Road;

- c) No more than one fast food restaurant is permitted in a multi-occupancy building.
15. Twenty-four Hour businesses on the site are limited to pharmacies, convenience stores, and grocery stores. If other types of stores (e.g., department stores such as Super Target's, Walmart's, Kmart's, etc.) contain one of the listed uses, only the section of the store that contains that use may remain open for 24-hours).

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC §10-285 requirement to provide a 660-foot connection separation along arterial roads, to allow connection separation of 600 feet along Corkscrew Road and 570 feet and 400 feet, respectively, along Three Oaks Parkway. This deviation is approved as follows:
- (a) the intersection separation of 600 feet along Corkscrew Road is **APPROVED** to allow, at best, a right-in, right-out only, which is **SUBJECT TO** re-evaluation by LCDOT at the time of development order application. If the reevaluation by LCDOT results in a denial of the request, then the Deviation will be deemed denied.
 - (b) the intersection separation of 570 feet and 400 feet along Three Oaks Parkway is **DENIED**.
- 2.A. Deviation (2.A.) seeks relief from the LDC §34-2192(b)(5) and LDC §34-1047 (note 1b) requirement that all parking lots, access streets, and drives be setback a minimum of 75 feet from the Corkscrew Road right-of-way, to allow parking to be located no closer than 30 feet from the right-of-way in the specified locations and in accordance with the proposed Design Guidelines (attached as Exhibit D) is **APPROVED, SUBJECT TO the conditions** that:
- (a) the deviation allows no more than 300 feet of the Corkscrew Road frontage (with no more than 200 feet in any single location) for the proposed parking use; and
 - (b) the area subject to this deviation is buffered in accordance with the Estero Town Center Design Guidelines attached as Exhibit D.
- 2.B. Deviation (2.B.) seeks relief from the LDC §34-2192(b)(5) requirement that all parking lots, access streets, and drives to be set back a minimum of 75 feet from the Corkscrew Road right-of-way, to allow an access drive in conjunction with a drive-thru facility to be located no closer than five feet from the right-of-way, in the locations specified by, and in accordance with, the Town Center Design Guidelines attached as Exhibit D. This deviation is **APPROVED, SUBJECT TO the following condition**:
- a. Prior to development order approval for any project including a drive-thru facility located between Corkscrew Road and a

commercial building, the landscape plan must include a minimum 5-foot-wide buffer area adjacent to Corkscrew Road consisting of sabal palms (minimum 10-foot clear trunk; planted 10-foot on center) and a single continuous hedge of native shrubs (24-inch; 3-gallon size planted 3-foot on center). If there are overhead powerlines within 10 feet of the buffer planting area, then appropriate native trees may be substituted for the sabal palms. These planting requirements are meant to quantify the landscape buffer depicted in Typical Section C of the Estero Town Center Design Guidelines attached as Exhibit D. Building perimeter plantings must be installed in the 5-foot minimum landscape area depicted adjacent to the building in this same cross section.

SECTION D. EXHIBITS AND STRAP NUMBER:

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

- Exhibit A: The legal description of the property
- Exhibit B: Zoning Map (subject parcel identified with shading)
- Exhibit C: The Master Concept Plan
- Exhibit D: Estero Town Center Design Guidelines
- Exhibit E: Property Development Regulations
- Exhibit F: Box Big Design Standards
- Exhibit G: Bonafide Agricultural Uses at time of zoning application

The applicant has indicated that the STRAP number for the subject property is: 35-46-25-00-00002.0000 & 35-46-25-00-00002.0020

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; and,
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
 - c. is compatible with existing or planned uses in the surrounding area; and,

- d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,
 - e. will not adversely affect environmentally critical areas or natural resources.
3. The rezoning satisfies the following criteria:
- a. the proposed use or mix of uses is appropriate at the subject location; and
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
 - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan, 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.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner John E. Albion, seconded by Commissioner Douglas R. St. Cerny and, upon being put to a vote, the result was as follows:

Robert P. Janes	AYE
Douglas R. St. Cerny	AYE
Ray Judah	AYE
Andrew W. Coy	ABSENT
John E. Albion	AYE

DULY PASSED AND ADOPTED this 20th day of October, 2003.

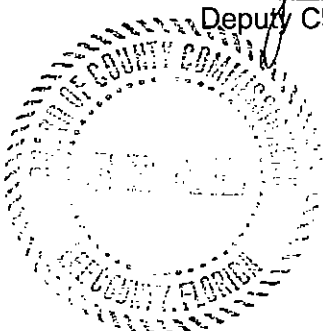
ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Cindy Morrison
Deputy Clerk

BY: John E. Albion
Chairman

Approved as to form by:
Dawn E. Perry-Lehnert
Dawn E. Perry-Lehnert
County Attorney's Office



2003 DEC 17 AM 9:27



950 Encore Way • Naples, Florida 34110 • Phone: 941.254.2000 • Fax: 941.254.2099

HM PROJECT #2002107
11/18/2
REF. DWG. #A-1507

PROPERTY DESCRIPTION

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.89°57'29"E., ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 35, FOR A DISTANCE OF 150.04 FEET TO A POINT 150.00 FEET EASTERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 35, THE SAME BEING A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF THREE OAKS PARKWAY, A 150.00 FOOT RIGHT-OF-WAY AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN N.01°18'04"W., PARALLEL WITH THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 35 AND ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1227.71 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF CORKSCREW ROAD, A RIGHT-OF-WAY OF VARIABLE WIDTH, AS THE SAME IS SHOWN ON THE LEE COUNTY DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP FOR CORKSCREW ROAD RIGHT-OF-WAY EAST II, PREPARED BY Q. GRADY MINOR AND ASSOCIATES, P.A., DATED APRIL 1999; THENCE RUN N.89°24'57"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 852.37 FEET; THENCE RUN S.85°16'51"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 318.86 FEET TO A POINT ON THE EAST LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 35; THENCE RUN S.01°04'29"E., ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 35, FOR A DISTANCE OF 1210.91 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 35; THENCE RUN N.89°57'29"W., ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 35, FOR A DISTANCE OF 1164.94 FEET TO THE POINT OF BEGINNING; CONTAINING 32.957 ACRES, MORE OR LESS.

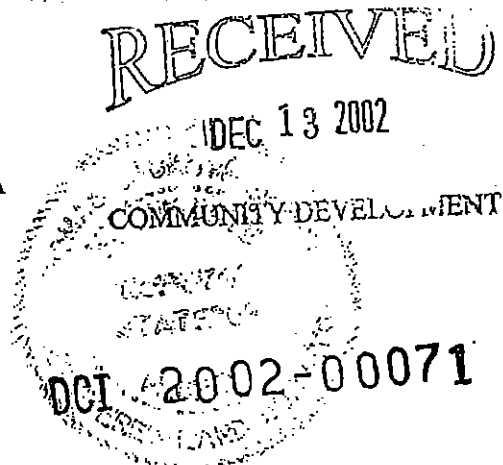
THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

BEARINGS REFER TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEING S.89°57'29"E.

HOLE MONTES, INC.
CERTIFICATION OF AUTHORIZATION LB #1772

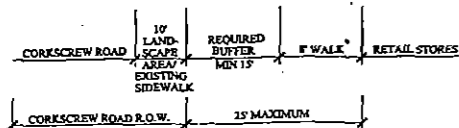
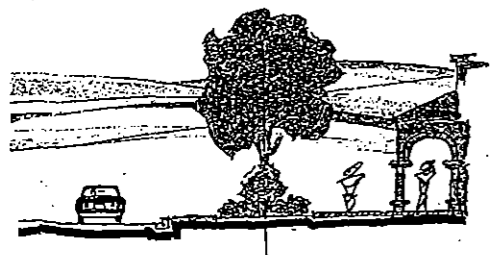
BY Thomas J. Garris P.L.S. #3741
THOMAS J. GARRIS STATE OF FLORIDA

Applicant's Legal Checked
by AMM 2-14-03



STRAP NUMBERS

35-46-75-00-000010000
35-46-75-00-000010010



SECTION - N.T.S.

RETAIL VILLAGE AND CORKSCREW ROAD

Removal of existing 8' walk and addition of proposed 8' walk is dependent upon Lee Co. D.O.T. permitting / approval and resolving potential utility conflicts.

SITE DEVELOPMENT NOTES

- The master concept plan is general in nature and may be modified to reflect environmental conditions, easements, utilities and changes in market. The parcel boundaries can be modified to reflect the final built square footage of commercial and related parking requirements. All acreages are approximate and subject to slight adjustment.
- Internal circulation may be modified administratively at the time of local development order.
- General Service areas for the Anchor Parcel will be located within the southern portion of the parcel. General Service areas for the Village Areas will be internal to the project. Exact locations will be reviewed during the local D.O. process.

(VAC) (VAC)

CORKSCREW ROAD
(Est. 4-Lane Arterial) (R.O.W. Width Varies - 150' avg)

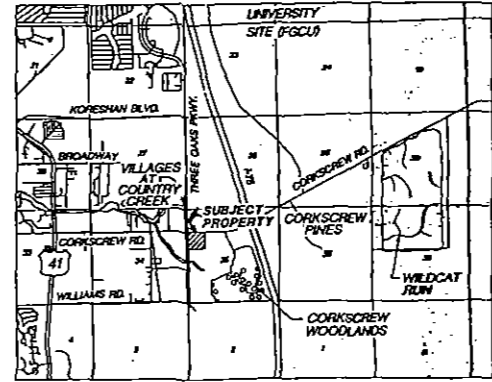
ACCESS POINT 13 (Rt. In, Rt. Out) Subject to Deviation N
ACCESS POINT 14 (Full Turning Movement)



SCALE: 1" = 100'

LEGEND

- ← ACCESS POINTS
- PROJECT BOUNDARY
- ▨ PEDESTRIAN OPEN SPACE
- ① DEVIATION AND NO.



SITE LOCATION MAP
N.T.S.

AG-2 (VACANT)

AG-2 (VACANT)

LAND USE SUMMARY / OPEN SPACE REQUIREMENTS

PARCEL	LANDUSE	PERMITTED USE	EST. ACRES	REQUIRED OPEN SPACE	PROVD. OPN SPACE	INDIGENOUS REQUIREMENT	INDIGENOUS PROVIDED
VILLAGE AREA 1	COMMERCIAL	65,000 SF	4.80	-	4.13 (83%)	-	-
VILLAGE AREA 2	COMMERCIAL	70,000 SF	4.73	-	4.04 (85%)	-	-
ANCHOR PARCEL	PEDESTRIAN OPEN SPACE AREA	N/A	4.01	-	4.01 (100%)	-	-
	INDIGENOUS / SUPL AREA	N/A	4.43	-	4.43 (100%)	4.43	4.43
	GREEN AREA	N/A	4.13	-	4.13 (100%)	-	-
	ROW / EASEMENTS	N/A	4.71	-	4.71 (100%)	-	-
TOTAL		265,000	4.30	4.30	4.30	4.43	4.43

* SUBJECT TO LOC INDIGENOUS VEGETATION CREDIT. FINAL CALCULATION TO BE DETERMINED DURING LOCAL D.O. REVIEW

LAND USE AND DEVELOPMENT PROGRAM SUMMARY

PERMITTED USES	Intensity	Phasing
COMMERCIAL	Medium	Phase 1
RECREATION	Low	Phase 2

APPROVED

Site Plan - 2003-032 Page 1 of 1
Subject to conditions in Resolution 2003-032
Case - DC12002-00071

Date of Submittal: Dec. 13th, 2002
Date of Re-Submittal: Jan. __th, 2003
Case No.: DC12002 - 00071

NOTE:
The Access Points, Turning Movements and Median Openings depicted on the Master Concept Plan are not vested.

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11111 Van Ness Blvd, Suite 1400
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Countells Company
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Esler Town Center CPD-E2007
Master Concept Plan

Lee County Florida

NOV 26 2002
NOV 25 2002

Sheet No. 1 of 1

EXHIBIT C

ESTERO TOWN CENTER



CONCEPTUAL PERSPECTIVE
Estero Town Center
COURTEOUS COMPANY

2002-00077

RECEIVED

MUELL
ARCHITECTS

FEB 11 2003

PROJECT OVERVIEW

COMMUNITY DEVELOPMENT

This document describes the intent of the applicant in developing the Estero Town Center project, and proposes design guidelines by which the project will be constructed. The objective is to provide the Estero community and Lee County the assurances that this project will be developed to meet the language and intent of the Estero Plan, while allowing the developer the flexibility to market the project to tenants with varying uses, building types and size requirements.

The Estero Town Center project is located at the corner of Corkscrew Road and Three Oaks Parkway. This intersection is in the center of Estero and has been the subject of great attention by the community. For this reason, the developer has devoted special attention to creating the following design guidelines that exceed both the current Lee County design guidelines, found in LDC Section 10-600, and the recently adopted Corkscrew Main Street Overlay guidelines, found in LDC Sections 34-1045 through 34-1047.

In developing the property located at the southeast corner of Corkscrew Road and Three Oaks Parkway it is important to do so in accordance with the Lee County Comprehensive Plan (including Goal 19 of the Estero Plan) and the development constraints presented with a 33-acre site at this location. The following base postulations, as well as policies that influence this type and level of development, were utilized.

- The subject property is located at the intersection of two arterial roadways – Corkscrew Road and Three Oaks Parkway. Prime access is provided to the site by the intersecting arterial roads, as well as the close proximity of Interstate 75 and US 41, $\frac{1}{3}$ miles and $1\frac{1}{3}$ miles from the site respectively.

ESTERO TOWN CENTER

- The proposed development site is within the Urban Community land use category, which was designated for areas that are suitable for fairly intense levels of commercial, residential and light industrial development. The Lee Plan projects more intense development in these areas, more characteristic of an urban area.
- The intersection of Corkscrew Road and Three Oaks Parkway is designated as a commercial node on Map 19 of the Lee County Comprehensive Plan. The Estero Community Plan limits retail uses for all areas along Three Oaks Parkway with the exception of commercial nodes where the Plan deemed appropriate.
- The project lies within the Corkscrew Main Street Overlay, which was created to provide a pedestrian "boulevard", in relative scale to Corkscrew Road by locating proposed commercial buildings close to the roadway and providing for pedestrian connections and amenities.
- The intent of these design guidelines and standards is to meet and exceed the requirements of the Corkscrew Main Street Overlay, yet allowing for the development of a large commercial project containing one or more major anchors.

DESIGN GUIDELINES AND STANDARDS

The following design guidelines are intended to establish the standard with which this development will comply. The guidelines however, are intended to be flexible to allow for a more detailed analysis by the Lee County development review staff and the Estero Development Review Committee at the time of local development order.

- The Estero Town Center is planned as a functionally interrelated commercial site under unified control, subject to common guidelines and standards to ensure a quality development. All development will meet and enhance LDC Section 34-1045-1047, the Corkscrew Road Main Street Overlay.
- The Estero Town Center will be a fully integrated planned site, where attention to the overall site design is achieved by providing well designed and integrated vehicular use areas, pedestrian paths, a common or compatible architectural theme, unified signage, landscaping, and lighting throughout the site.
- The Estero Town Center will be developed on a 33 acre site as part of the Corkscrew Main Street Overlay, a corridor of architecturally appealing and attractively landscaped buildings that cater to the needs of the community.

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This 33 acre site is divided into two main development parcels, the "Village Areas" fronting along Three Oaks Parkway and Corkscrew Road and the "Anchor Parcel" located within the central portion of the site.

A. VILLAGE AREAS

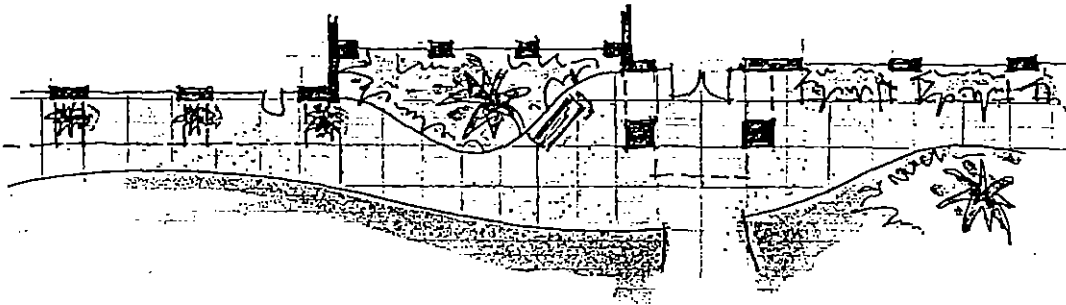
1. Architectural Standards: The Village Areas will feature an integrated and compatible Mediterranean architectural building style or theme. Massing of building facades will be reduced by transitioning building heights, widths and colors, textures and adding architectural elements such as wall projections, loggias, canopies, corner towers, archways, or columns, which will form courtyard-like areas, appropriately scaled for public gathering space. Primary entry facades will have windows along no less than 10% of their horizontal length in addition to the primary entrance. These treatments will create visual interest and variety, while providing visitors to the project a pedestrian-friendly atmosphere. Building architectural styles shall be compatible and complementary elements such roof treatments, signage, landscaping and building materials and colors.
2. Each free-standing use will provide a visually appealing, articulated, identifiable path of entry for pedestrians and vehicles for the internal drive to the site, from the site to the buildings themselves, and from Corkscrew Road to the free standing use. The orientation of a building or structure upon a site will reflect not only the project's functionality, but will also be responsive to the individual parcel's characteristics and relationship to Corkscrew Road.
3. Building lighting design will be architecturally treated in the style of the building architecture. Lighting fixtures illuminating the parking area shall be shielded to minimize light intrusion crossing the property line when abutting residential uses.
4. Landscaping: Landscape design guidelines for free-standing uses will create a harmonious and visually pleasing landscape that is cohesive and complementary to the overall master landscape plan. The Estero Town Center landscape concept will feature combinations of native plants and ornamental varieties, which will be designed to define and accent pedestrian and vehicular spaces, as well as enhance the building architectural style. Landscape designs will create a coherent theme, which emphasize plant material as a primary unifying element. Where possible, existing native trees will be incorporated into the site plan to add character to the pedestrian/open space areas and enhance buffer and perimeter areas.

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B. ANCHOR PARCEL

1. The Anchor Parcel will accommodate one or several retail uses. The on-site pedestrian system will connect the Anchor Parcel to the Village Areas, and the buildings of the Anchor Parcel will be designed to compliment the buildings in the Village Areas. The parking area will be designed to minimize hardscaped areas, visually and physically.
2. Architectural Standards: The Anchor Parcel will feature an integrated and compatible Mediterranean vernacular architectural building style or theme, which will also be incorporated into the village parcel, and all other free standing uses. Buildings will have architectural features and patterns that provide visual interest from the perspective of the pedestrian; reduce massing aesthetic and be site responsive. Facades will be designed to reduce the mass/scale and uniform monolithic appearance of large unadorned walls, while providing visual interest that will be consistent with the center's identity and character through the use of articulation, detail and scale. Articulation is accomplished by varying the building's mass in height and width so that it appears to be divided into distinct massing elements and details that can be perceived at the scale of the pedestrian. (See illustration below)

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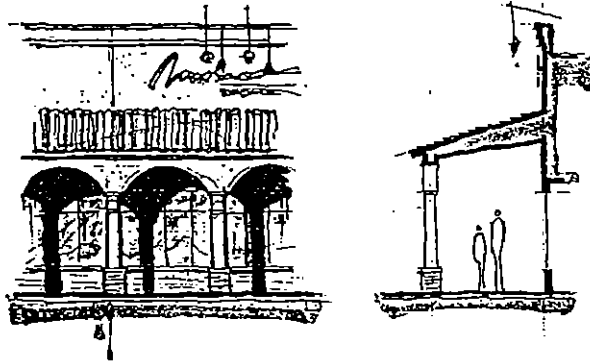


Buildings will also provide a minimum of two of the following building design treatments:

- Canopies or portico, integrated with the buildings massing and style
- Overhangs
- Arcades, minimum of eight feet clear in width
- Raised cornice parapets over doors
- Arches
- Ornamental and structural architectural details, other than cornices; which are integrated into the building structure and overall design
- Clock or bell towers

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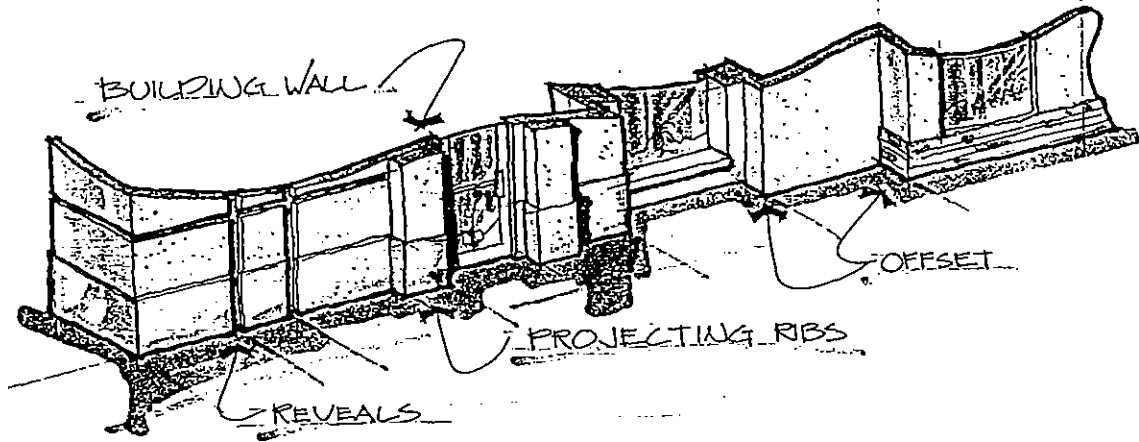
- Any other treatment, which, in the opinion of the Architect meets the intent of the design character.



Building facades may include a repeating pattern and may include no less than two of the design elements listed below. At least one of these design elements may repeat horizontally.

- Color change
- Texture change
- Material module change
- Expression of architectural relief, through a change in plane of no less than 12 inches in width, such as a reveal, an offset, or a projecting rib
- Architectural banding
- Pattern change

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Roof will meet at least two of the following requirements:

- Parapets will be used to conceal roof top equipment and flat roofs
- Where overhanging eaves are used, overhangs will be no less than 12 inches beyond the supporting walls with a minimum fascia of eight inches
- Three-dimensional cornice treatment which will be a minimum of 12 inches in height with a minimum of three reliefs

Major anchor parcel buildings will have clearly defined, highly visible customer entrances which may include, an outdoor patio area adjacent to the customer entrance, which incorporates benches or other seating components and decorative landscape planters.

Exterior building colors and materials contribute significantly to the visual impact of a building.

Predominant exterior building materials will include, but are not limited to:

- Stucco
- EFIS
- Brick
- Tinted, textured, other than smooth or ribbed, concrete masonry units or

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- Stone, excluding an ashlar or rubble construction look

Customer parking for the Anchor Parcel will be in accordance with Section 34-1046 Design Standards, Item 7. In addition to Item 7b. customer parking will be located in front of the Anchor Parcel building.

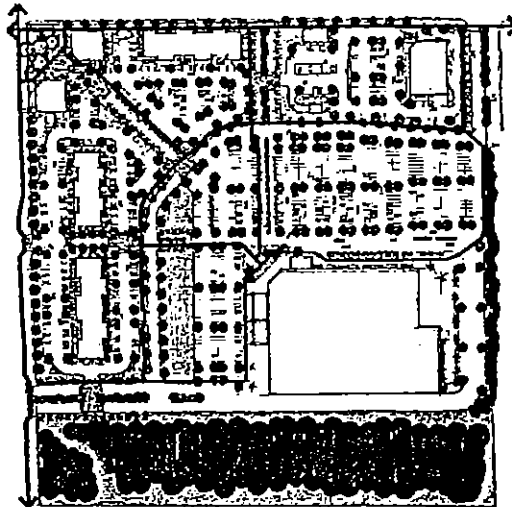
C. COMMON / PUBLIC AREAS

1. Internal roadways will provide efficient vehicular circulation and will be designed with streetscapes that create pedestrian-friendly environments. Streetscape plans will be designed to establish a hierarchy of vehicular and pedestrian flow appropriate in scale and character with landscape improvements, street function and adjacent land uses with the intention of linking uses throughout the project.
2. Project architectural features will be developed within common areas of the project and will be coordinated in design, color and style. Architectural features shall be permitted throughout the site.
3. In accordance with the Master Concept Plan, the Live Oak trees at the corner of Corkscrew and Three Oaks Parkway will be preserved and incorporated into a pedestrian/open space area. This area may include pedestrian amenities and architectural features.
4. The Estero Town Center will provide a variety of publicly accessible amenities, which will further the project's commitment to complement and enhance Lee County and Estero's Design Guidelines, and serve to provide a sense of place for the community.
5. A pedestrian way network shall be established throughout the project. (See illustration below) The pedestrian system will serve to link Anchor and village areas with freestanding uses at the perimeter of the project site, by providing a landscaped walkway protected from vehicular traffic movement. Any required breaks in the pedestrian network for vehicular access to the site shall be identified through use of pavers, signage, or other traffic calming techniques deemed appropriate to reduce the speed of vehicles and provide safe pedestrian movements throughout the site.
 - a. The anchor parcel/building area pedestrian way shall be a wide intermittently covered walkway, featuring concrete surfaces which may be paved, tiled, etc.. This pedestrian way shall include architectural features such as fountains, courtyards, arbors or similar design features, and decorative landscape plantings. This pathway shall have a minimum

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unobstructed pedestrian way of 10' average width. Seating and decorative landscape planting shall be provided intermittently along the pathway and at all primary tenant entrances.

- b. The parking area pedestrian way shall be located generally within the parking area as shown on the Conceptual Site Plan. This pedestrian way system will be designed to promote safe and convenient linkage from the parking areas to both the perimeter village area and the anchor parcel. Vehicular crossings will be identified with signage, landscaping and clearly marked through use of varied pavement treatments or other traffic calming techniques. This pedestrian way system shall be a minimum of 5' in width, with paver, stamped concrete or banded concrete pedestrian pathway. This pedestrian pathway way will feature canopy trees or palms with ground level landscape plantings. Canopy trees or palms will be planted within adjacent parking landscape islands. Canopy trees or palms shall be planted along the pedestrian way system and shall be a minimum 12' high with a 4' spread for canopy trees and equivalent specification for shade palms at the time of planting.
- c. The perimeter pedestrian way system is designed to link free-standing uses with the parking and village area pedestrian way as shown on the Conceptual Site Plan. Vehicular crossings will be identified with signage, landscaping and clearly marked through use of varied pavement treatments or other traffic claming techniques.



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LANDSCAPING

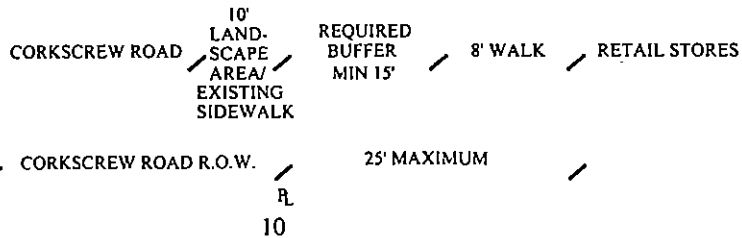
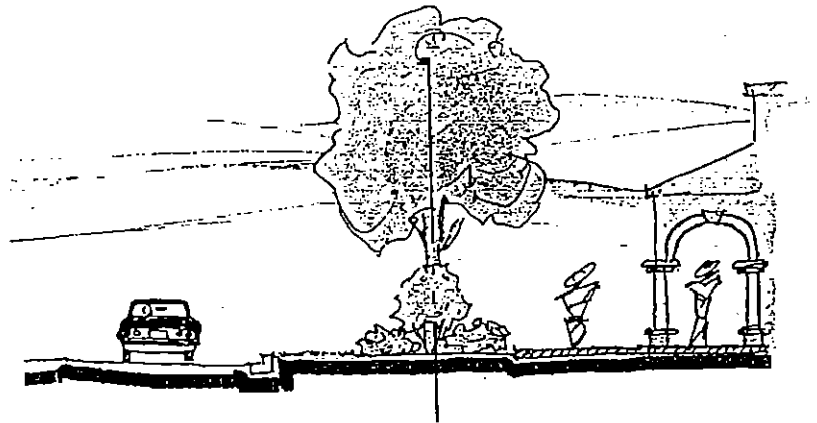
A. GENERAL

The attached Native Plant Lists are provided to present a specific plant palette for perimeter buffers, native re-vegetation, preserve enhancement and satisfy LDC native plant requirements. Any non-native landscape material used shall be allowed under the LDC and will be used to provide additional color and texture for areas to be enhanced such as main vehicular and pedestrian entries, circulation routes, building perimeter plantings and pedestrian amenity open spaces.

B. PERIMETER

1. Buildings along Corkscrew Road will be designed in accordance with LDC Section 34-1047; the setback requirements for the Corkscrew Road Main Street Overlay (Typical Section A). Trees may be clustered to allow view corridors to internal buildings. Where possible, native trees will be preserved and incorporated into the perimeter buffer areas for screening and aesthetic enhancement of the project.

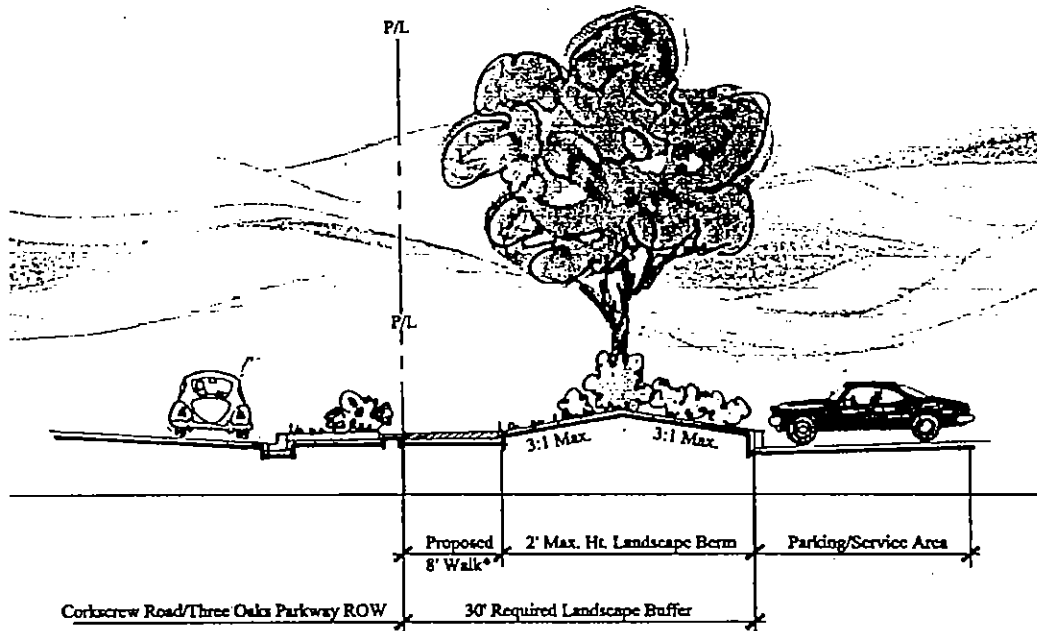
Typical Section A



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2. Where parking or service areas along Corkscrew Road are located within 75' of the right of way line, the developer must maintain a minimum 30' setback for parking or service areas from the Corkscrew Road right-of-way, with a landscaped berm to obscure the parking areas as well as the vehicles (Typical Section B). Trees may be clustered to allow view corridors to internal buildings. Where possible, native trees will be preserved and incorporated into the perimeter buffer areas for screening and aesthetic enhancement of the project. Further, sidewalk improvements may be made (subject to LDOT review and utility conflicts) to create a landscape area between the edge of pavement of Corkscrew road and the sidewalk.

Typical Section B

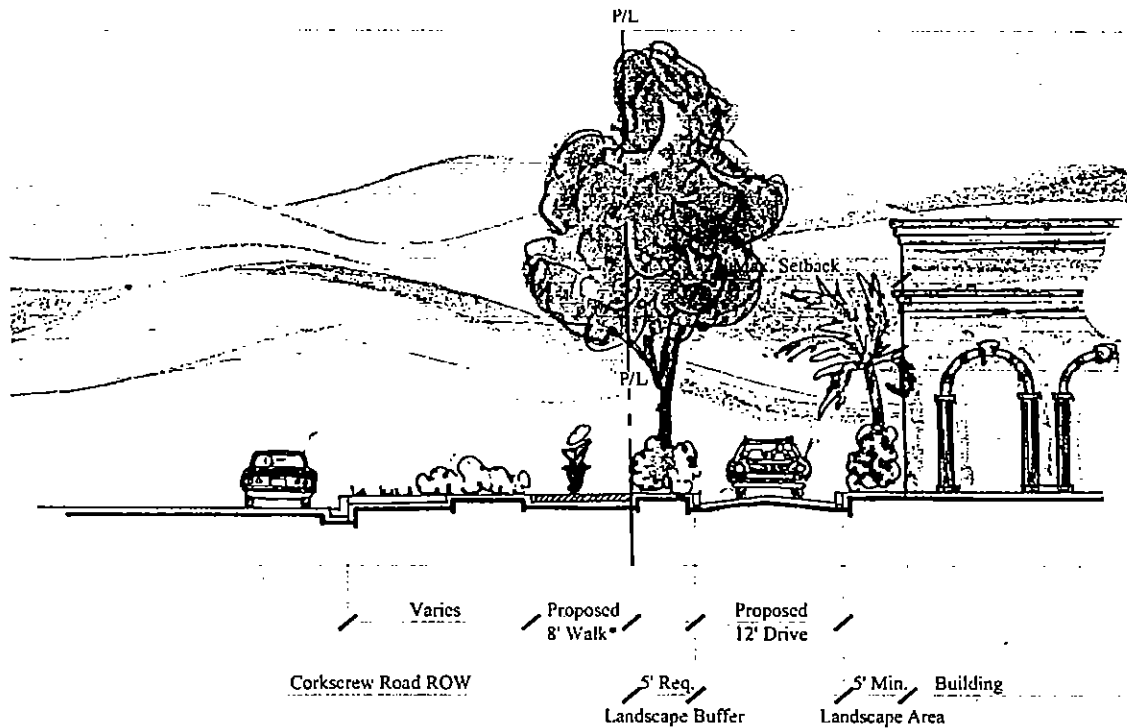


* Removal of Existing 8' Walk and Addition of Proposed 8' Walk is dependant upon Lee DOT permitting and approval and resolving potential utility conflicts.

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3. Where an access road for a drive-thru is located along Corkscrew Road within 75' of the right of way line, the developer must maintain a maximum 25' building setback from the Corkscrew road right-of-way, with a landscaper buffer to obscure the drive areas as well as the vehicles (Typical Section C). Trees may be clustered to allow view corridors to internal buildings. Where possible, native trees will be preserved and incorporated into the perimeter buffer areas for screening and aesthetic enhancement of the project. Further, sidewalk improvements may be made to create a landscape area between the edge of pavement of Corkscrew road and the sidewalk (subject to LDOT review, utility conflicts, and spacing issues.)

Typical Section C



* Removal of Existing 8' Walk and Addition of Proposed 8' Walk is dependant upon Lee DOT permitting and approval and resolving potential utility conflicts.

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4. Where buildings along Three Oaks Parkway are designed such that parking areas are in front of the building, an enhanced, 30' buffer, consisting of a minimum ten (10) trees and thirty (30) shrubs per 100 linear feet, will be installed at the time of development with a $\pm 2'$ undulating landscaped berm, to adequately screen parking areas from view (Typical Section B). This is not intended to block visual corridors to the buildings, but is intended to screen parking areas. Trees may be clustered to allow view corridors to internal buildings. Where possible, native trees will be preserved and incorporated into the perimeter buffer areas for screening and aesthetic enhancement of the project.
5. The height of required trees within buffers shall be 12' over all in height. Canopy trees shall have a 6' canopy spread at the time of planting.
6. Landscape buffers, berms, fences and walls, where applicable, must be constructed along the perimeter of the Estero Town Center boundary concurrent with site development within each village area or anchor parcel respectively.
7. Sidewalks, signage, water management systems, drainage structures, project architectural features, lighting, and utilities will be permitted within perimeter landscape buffers.
8. Perimeter landscape berms located within the Estero Town Center boundary and contiguous to a property line and/or right-of-way line may be constructed such that they encroach into the right-of-way when approved by the applicable owner or agency.

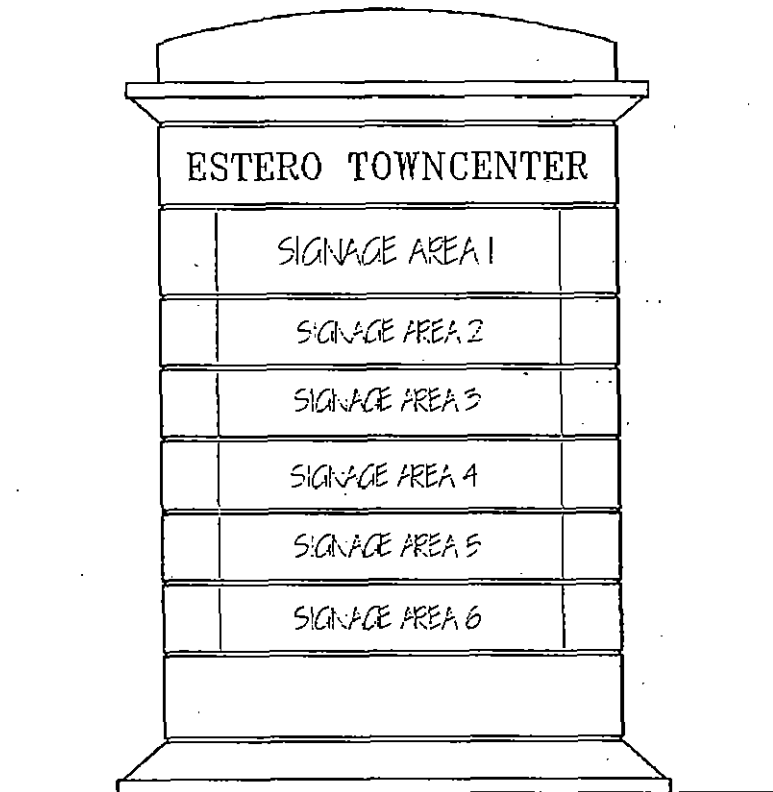
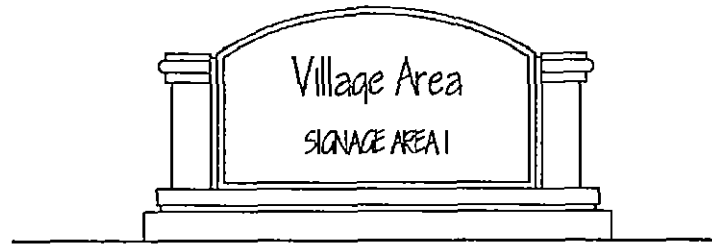
C. INTERNAL

Per LDC Sections 34-1042 thru 34-1047, internal landscaping will be provided to minimize hardscaped areas, both visually and physically, accentuate entryways, define pedestrian areas, and enhance the pedestrian walkway system. In all landscaped areas, existing native trees will be preserved, where possible.

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SIGNAGE

- A. All signs shall be of consistent architectural style and shall feature like building materials and sign structures. Sign structures will be uniform in size, color and building material.
- B. All signs will comply with the land development code sign guidelines at the time of the issuance of the sign permit. (see typical sign sketches)



RECOMMENDED PLANTS - Native Trees (Med. & Large)

(The Plants Listed Range from Zones 9, 10 and 11)

Botanical Name	Common Name	Botanical Name	Common Name
<i>Acacia chorophylla</i>	Cinnecord	<i>Juniperus silicicola</i>	Southern Red Cedar
<i>Acacia farnesiana</i>	Sweet Acacia	<i>Juniperus virginiana</i>	Red Cedar
<i>Acer rubrum</i>	Red Maple	<i>Laguncularia racemosa</i>	White Mangrove
<i>Acer saccharum</i> subs. <i>Floridanum</i>	Florida Maple	<i>Liriodendron tulipifera</i>	Tulip Poplar
<i>Annona glabra</i>	Pond Apple	<i>Magnolia grandiflora</i>	Southern Magnolia
<i>Betula nigra</i>	River Birch	<i>Magnolia virginiana</i>	Sweet Magnolia
<i>Bourreria succulenta</i>	Strongbark	<i>Morus rubra</i>	Red Mulberry
<i>Bursera simaruba</i>	Gumbo Limbo	<i>Myrcanthes fragrans</i>	Simpson Stopper
<i>Celtis laevigata</i>	Sugarberry	<i>Nyssa sylvatica</i>	Black Gum
<i>Cercis canadensis</i>	Red Bud	<i>Persea palustris</i>	Florida Red Bay
<i>Chionanthus virginicus</i>	White Fringetree	<i>Pinus elliottii</i>	Slash Pine
<i>Chrysobalanus icaco</i>	Cocoplum	<i>Pinus elliottii</i> 'densa'	South Florida Slash Pine
<i>Chrysophyllum oliviforme</i>	Satin Leaf	<i>Pinus palustris</i>	Longleaf Pine
<i>Citharexylum spinosum</i>	Fiddlewood	<i>Pinus taeda</i>	Loblolly Pine
<i>Clusia rosea</i>	Pitch Apple	<i>Piscidia piscipula</i>	Jamaica Dogwood
<i>Cocoloba diversifolia</i>	Pigeon Plum	<i>Plantanus occidentalis</i>	Sycamore
<i>Cocoloba uvifera</i>	Seagrape	<i>Prunus angustifolia</i>	Chickasaw Plum
<i>Conocarpus erectus</i>	Buttonwood	<i>Prunus caroliniana</i>	Cherry Laurel
<i>Cordia sebestena</i>	Geiger Tree	<i>Prunus myrtifolia</i>	West Indian Cherry
<i>Cornus florida</i>	Dogwood	<i>Quercus alba</i>	White Oak
<i>Diospyros virginiana</i>	Persimmon	<i>Quercus falcata</i>	Southern Red Oak
<i>Eugenia axillaris</i>	White Stopper	<i>Quercus laurifolia</i>	Laurel Oak
<i>Eugenia confusa</i>	Redberry Stopper	<i>Quercus mlchauxii</i>	Swamp Chestnut Oak
<i>Eugenia foetida</i>	Spanish Stopper	<i>Quercus nigra</i>	Water Oak
<i>Eugenia rhombea</i>	Red Stopper	<i>Quercus shumardii</i>	Shumard Oak
<i>Gordonia lasianthus</i>	Loblolly Bay	<i>Quercus virginiana</i>	Live Oak
<i>Gualacum sanctum</i>	Lignum Vitae	<i>Rhizophora mangle</i>	Red Mangrove
<i>Gymnanthes lucida</i>	Crabwood	<i>Salix caroliniana</i>	Coastal Plain Willow
<i>Hibiscus tiliaceus</i>	Mahoe	<i>Sapindus saponaria</i>	Wingleaf Soapberry
<i>Ilex cassine</i>	Dahoon Holly	<i>Schaefferia frutescens</i>	Florida Boxwood
<i>Ilex opaca</i>	American Holly	<i>Sideroxylon foetidissimum</i>	Mastic
<i>Ilex vomitoria</i>	Yaupon Holly	<i>Sideroxylon salicifolium</i>	Willow Busic
<i>Ilex x attenuata</i>	East Palatka Holly	<i>Swietenia mahagoni</i>	Mahogany
<i>Jacquinia keyensis</i>	Joewood	<i>Taxodium distichum</i>	Bald Cypress
		<i>Ulmus alata</i>	Winged Elm
		<i>Ulmus americana</i> var. <i>floridana</i>	Florida Elm
		<i>Viburnum obovatum</i>	Walter's Viburnum

RECOMMENDED PLANTS - Native Palms

(The Plants Listed Range from Zones 9, 10 and 11)

Botanical Name	Common Name	Botanical Name	Common Name
<i>Acoelorrhaphe wrightii</i>	Paurotis Palm		
<i>Coccothrinax argentata</i>	Silver Palm		
<i>Pseudophoenix sargentii</i>	Buncaneer Palm		
<i>Rhapidophyllum hystrix</i>	Needle Palm		
<i>Roystonea elata</i>	Royal Palm		
<i>Sabal minor</i>	Dwarf Palmetto		
<i>Sabal Palmetto</i>	Cabbage Palm		
<i>Serenoa repens</i>	Saw Palmetto		
<i>Thrinax radiata</i>	Florida Thatch Palm		
<i>Thrinax morrisii</i>	Key Thatch Palm		

RECOMMENDED PLANTS - Native Shrubs

(The Plants Listed Range from Zones 9, 10 and 11)

Botanical Name	Common Name	Botanical Name	Common Name
<i>Ardisia escallonioides</i>	Marlberry		
<i>Baccharis halimifolia</i>	Saltbush		
<i>Callicarpa americana</i>	Beautyberry		
<i>Capparis cynophallophora</i>	Jamaican Caper		
<i>Cassia ligustrina</i>	Privet Cassia		
<i>Cephalanthus occidentalis</i>	Buttonbush		
<i>Clethera alnifolia</i> 'Ruby Spice'	Sweet Pepperbush		
<i>Cordia globosa</i>	Bloodberry		
<i>Cyrilla racemiflora</i>	Titi		
<i>Dodonaea viscosa</i>	Varnishleaf		
<i>Erithalis fruticosa</i>	Black Torch		
<i>Ernodia littoralis</i>	Beach Creeper		
<i>Erythrina herbacea</i>	Coral Bean		
<i>Foresteria segregata</i>	Florida Privet		
<i>Genipa clusiifolia</i>	Seven-Year-Apple		
<i>Hamelia patens</i>	Firebush		
<i>Hypericum</i> spp.	St. John's Wort		
<i>Illicium floridanum</i>	Florida Anise		
<i>Itea virginica</i>	Virginia Sweetspire		
<i>Iva frutescens</i>	Marsh Elder		
<i>Lantana involucrata</i>	Native White Lantana		
<i>Licania michauxii</i>	Gopher Apple		
<i>Lyonia lucida</i>	Fetterbush		
<i>Myrica cerifera</i>	Wax Myrtle		
<i>Opuntia</i> spp.	Prickly Pear		
<i>Psychotria nervosa</i>	Wild Coffee		
<i>Randia aculeata</i>	White Indigo Berry		
<i>Rapanea punctata</i>	Myrsine		
<i>Rivina humilis</i>	Rouge Plant		
<i>Sambucus simpsonii</i>	Elderberry		
<i>Scaevola plumieri</i>	Scaevola		
<i>Sophora tomentosa</i>	Necklace Pod		
<i>Stachytarpheta jamaicensis</i>	Blue Porterweed		
<i>Styrax americanus</i>	Snowbell		
<i>Suriana maritima</i>	Bay Cedar		
<i>Yucca aloifolia</i>	Spanish Bayonet		
<i>Zamia pumila</i>	Coontie		

RECOMMENDED PLANTS - Native Grasses

(The Plants Listed Range from Zones 9, 10 and 11)

Botanical Name	Common Name	Botanical Name	Common Name
Andropogon brachystachys	Shortspike Bluestem		
Eragrostis elliotii	Elliot Love Grass		
Eragrostis spectabilis	Purple Love Grass		
Muhlenbergia capillaris	Muhly Grass		
Sorghastrum secundum	Lopsided Indiagrass		
Spartina bakeri	Sand Cordgrass		
Tripsacum dactyloides	Fakahatchee Grass		
Tripsacum floridanum	Florida Gamma Grass		
Uniola paniculata	Sea Oats		

RECOMMENDED PLANTS - Native Ferns

(The Plants Listed Range from Zones 9, 10 and 11)

Botanical Name	Common Name	Botanical Name	Common Name
Acrostichum danaeifolium	Leather Fern		
Blechnum serrulatum	Swamp Fern		
Ctenitis sloanei	Florida Tree Fern		
Nepherolepis spp.	Swordfern/Boston Fern		
Osmunda regalis	Royal Fern		
Pteridium aquilinum	Bracken		

RECOMMENDED PLANTS - Native Aquatics

(The Plants Listed Range from Zones 9, 10 and 11)

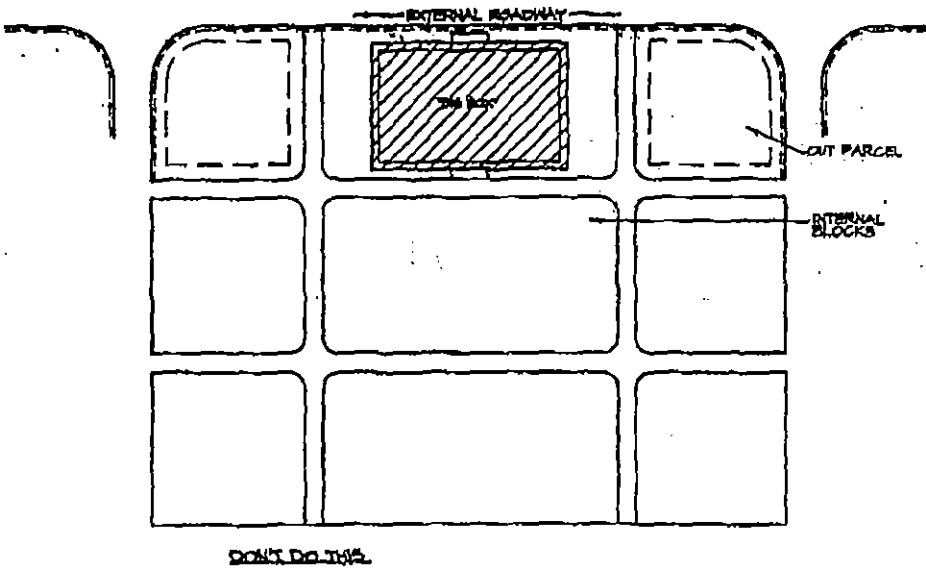
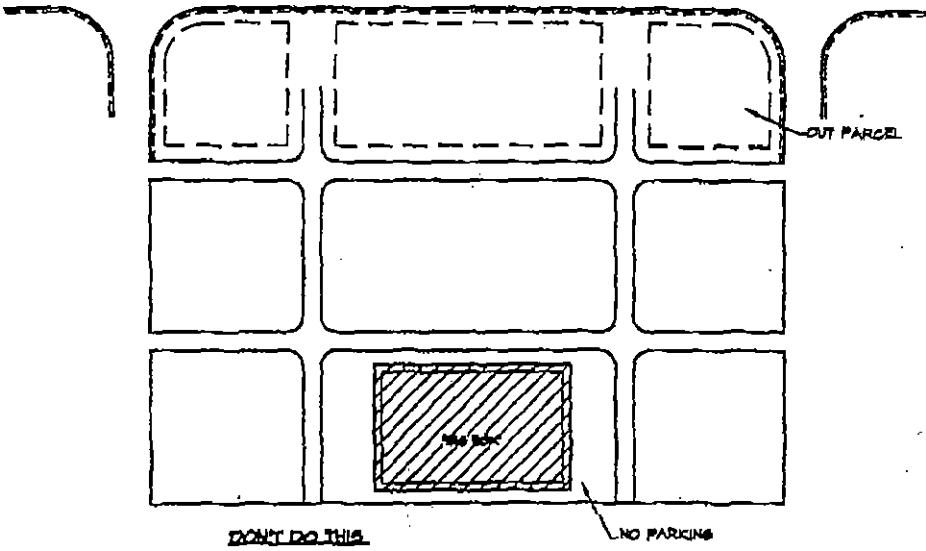
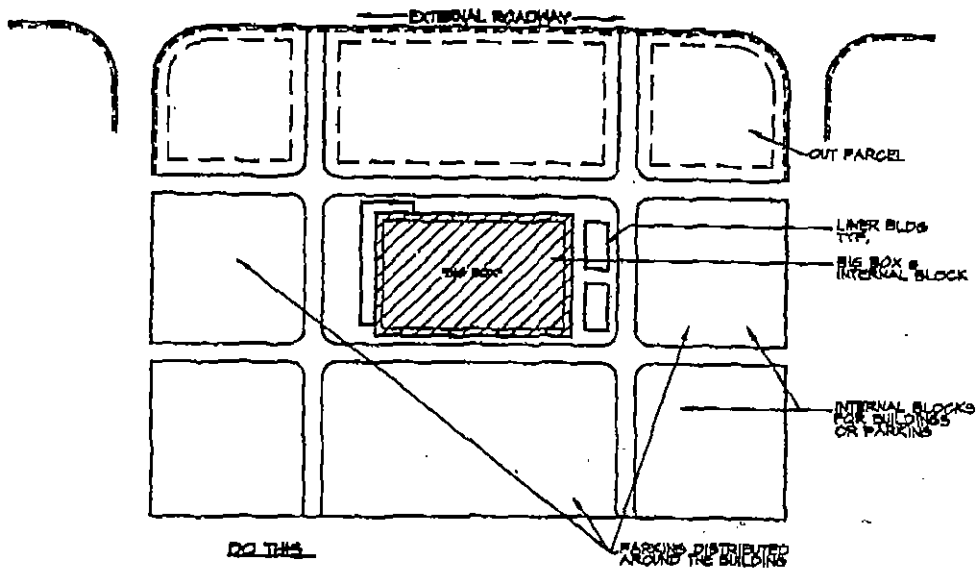
Botanical Name	Common Name	Botanical Name	Common Name
<i>Canna flaccida</i>	Yellow Canna		
<i>Equisetum</i> spp.	Horsetail		
<i>Juncus effusus</i>	Soft Rush		
<i>Nuphar luteum</i>	Spatterdock		
<i>Nymphaea odorata</i>	White Water Lily		
<i>Pontederia lanceolata</i>	Pickerelweed		
<i>Sagittaria</i> spp.	Arrowhead		
<i>Scirpus</i> spp.	Giant Bulrush		
<i>Thalia geniculata</i>	Alligator Flag		

PROPERTY DEVELOPMENT REGULATIONS

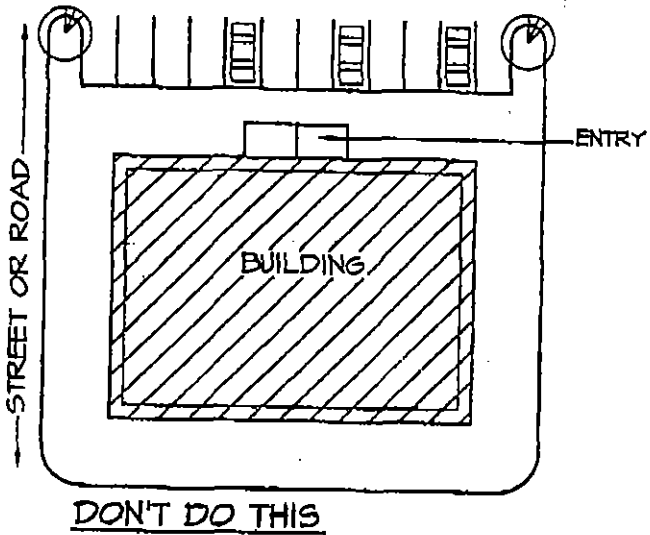
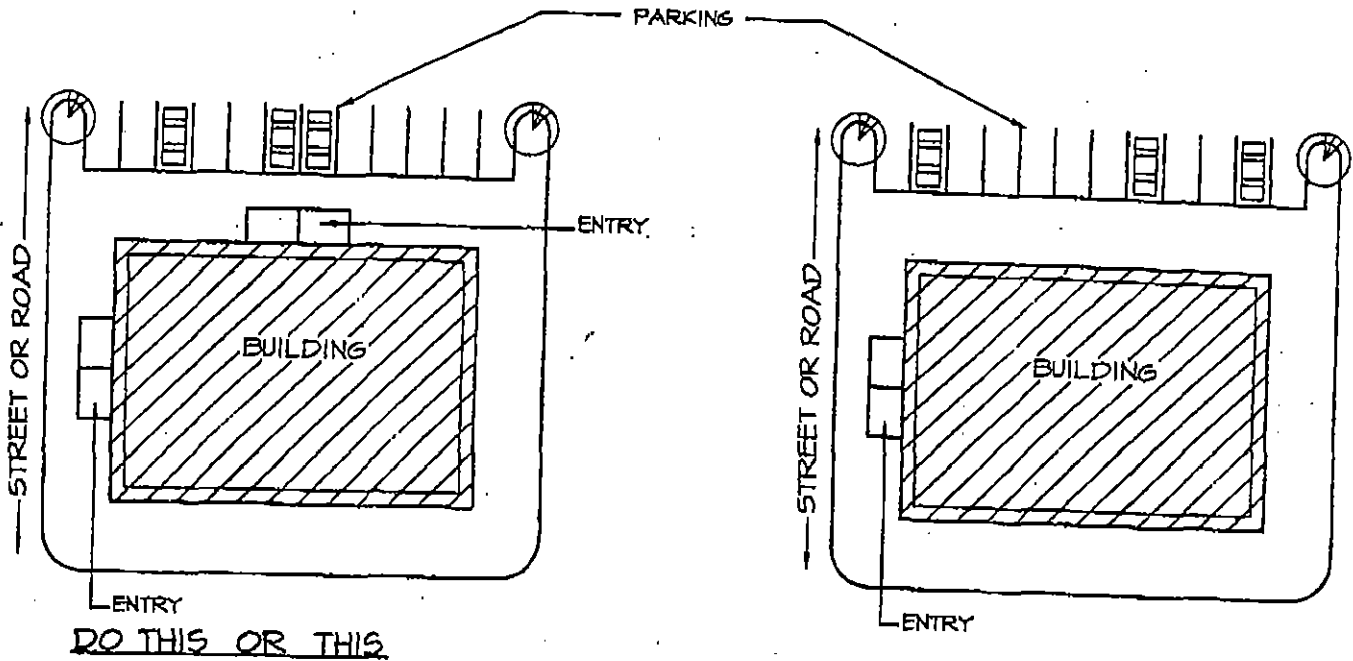
Land Use	Min. Lot Area (SF)	Min. Lot Width	Min. Lot Depth	Setbacks (FT)				Max. Ht. (FT)	Floors	Bldg. Separation (FT)
				Road	Side	Corner	Rear			
NEIGHBORHOOD COMMERCIAL										
Retail	30,000	100	100	Note 1	5	15	20	35	2	Note 2
Office	10,000	100	100	20	5	15	20	45	3	Note 2

Note 1: The setback of buildings from the Corkscrew Road right of way and the first 200' of Three Oaks Parkway ROW south of Corkscrew Road will be in accordance with LDC Sections 34-1047 Table 1 and 34-1046(a)(8); and the Corkscrew Road cross Section on the Master Concept Plan; For the remaining Three Oaks Parkway ROW, setback to be min 25'/max 100'.

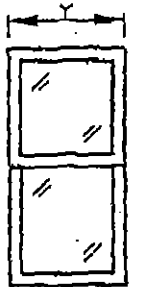
Note 2: Building separation and side setbacks will be in accordance with LDC Section 34-1047 Table 1, in order to create "Village" style commercial development.



BIG BOX PLACEMENT-DIAGRAM "B"
 NTS



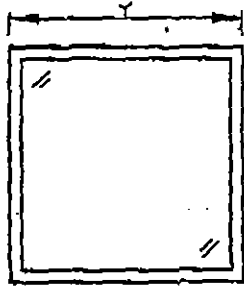
ENTRY PLACEMENT-DIAGRAM "C"
RTA



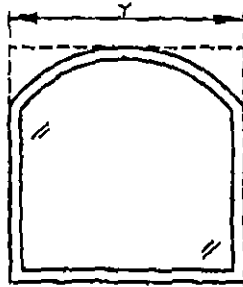
RECTANGULAR



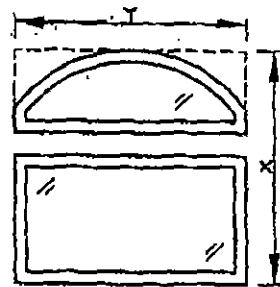
ARCH TOP



SQUARE



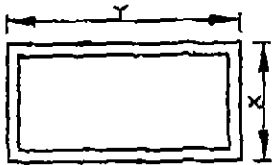
SEGMENTED ARCH



COMBO

DO THIS

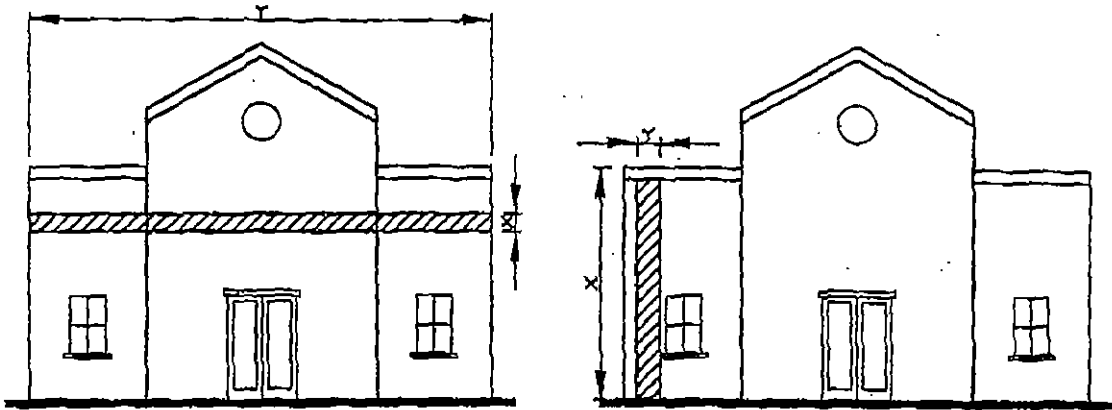
$(Y \leq X)$



DON'T DO THIS

$(X < Y)$

WINDOW PROPORTIONS-DIAGRAM "D"



DO THIS

$(X < Y \ \& \ X < 2")$

OR

$Y < X \ \& \ Y < 2"$



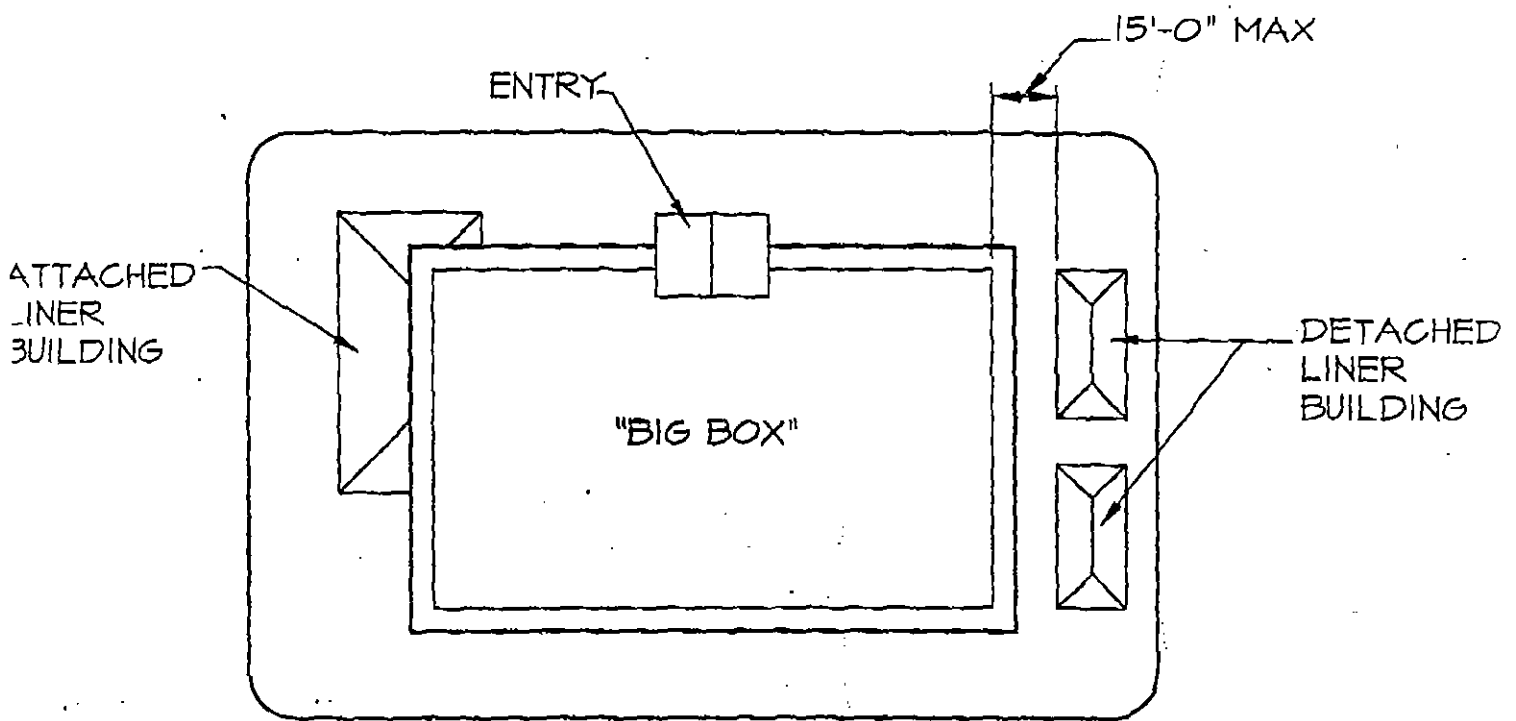
DONT DO THIS

$(X < Y \ \& \ X > 2")$

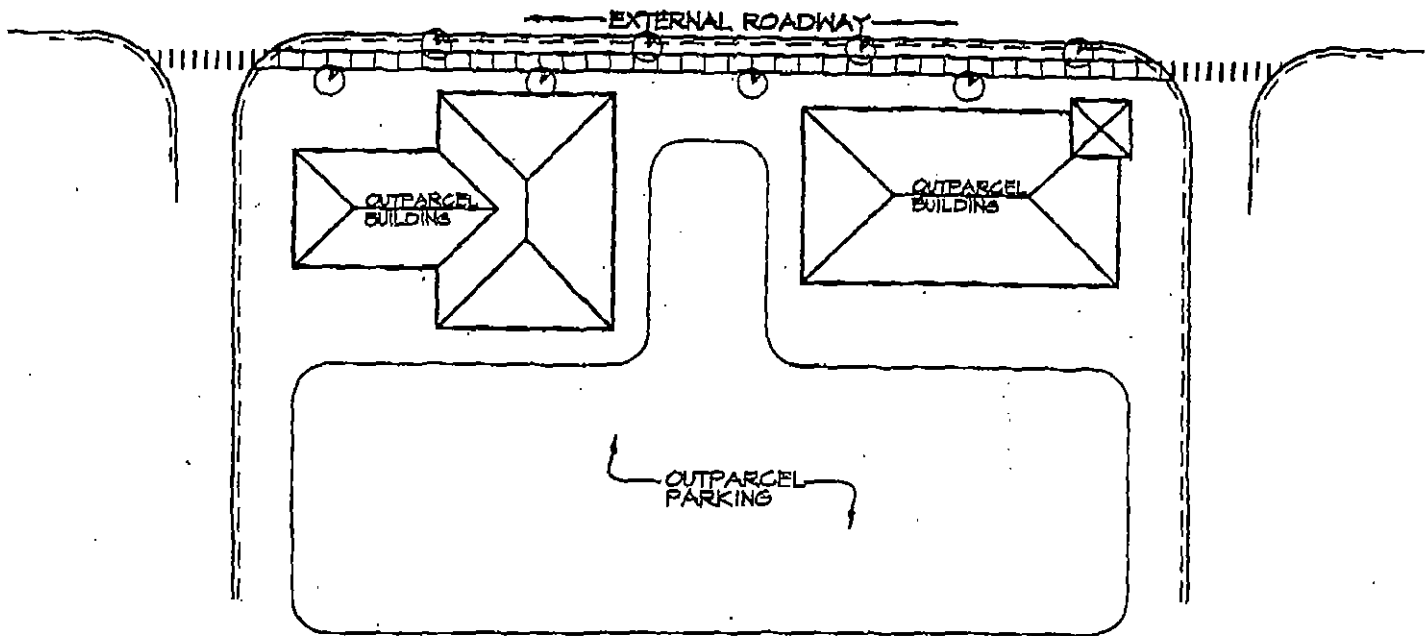
OR

$Y < X \ \& \ Y > 2"$

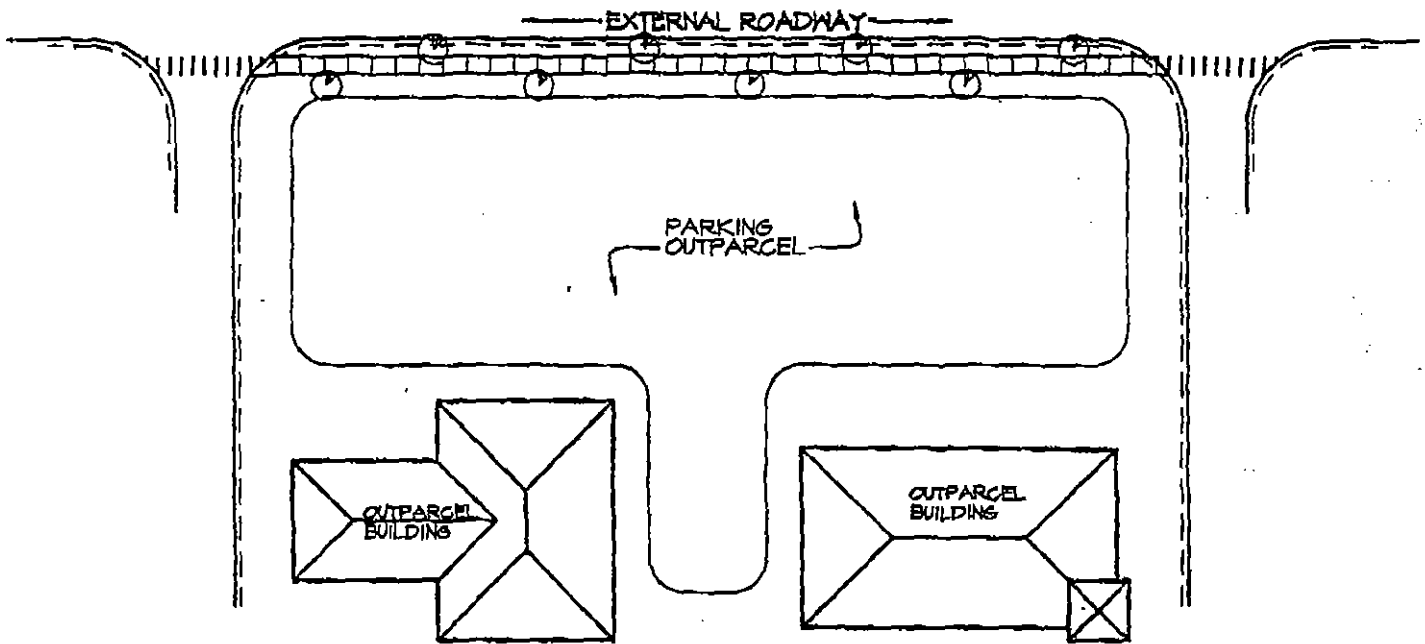
PRIMARY & SECONDARY ACCENT COLORS-DIAGRAM "E"



LINEAR BUILDING-DIAGRAM "F"
KTS.



DO THIS



DONT DO THIS

OUT PARCEL PLACEMENT-DIAGRAM "A"
RTA

Please return to:
Courthouse Box 94

This instrument prepared by:
Thomas B. Hart, Esquire
Knott, Consoer, Ebelini, Hart & Swett, P.A.
1625 Hendry Street, Third Floor
Fort Myers, Florida 33901
(239) 334-2722

AFFIDAVIT

STATE OF FLORIDA)
)
COUNTY OF LEE)

Before me, the undersigned authority, personally appeared Dwight S. Baird Jr., who first being sworn on oath, deposes and says:

1. The Affiant is the Owner, or authorized principle of the Owner, of the real property located at 10250 Corkscrew Road, Estero, Florida 33928 in Section 35, Township 46 South, Range 25 East, Lee County containing 32.96 acres, more or less (the "Subject Property").
2. The Subject Property is the subject of the Application by Courtelis Company for CPD zoning in Case No. DCI 2002-00071, pending in Lee County.
3. The Subject Property is currently zoned AG-2 and is currently in use as cattle grazing land.
4. FURTHER, AFFIANT SAYETH NOT.

[Signature]
/s/

Sworn to and subscribed before me this 24th day of MAY, 2003, by Dwight S. Baird Jr., who is personally known to me.

FL D.L. # B630-177-48-413-0

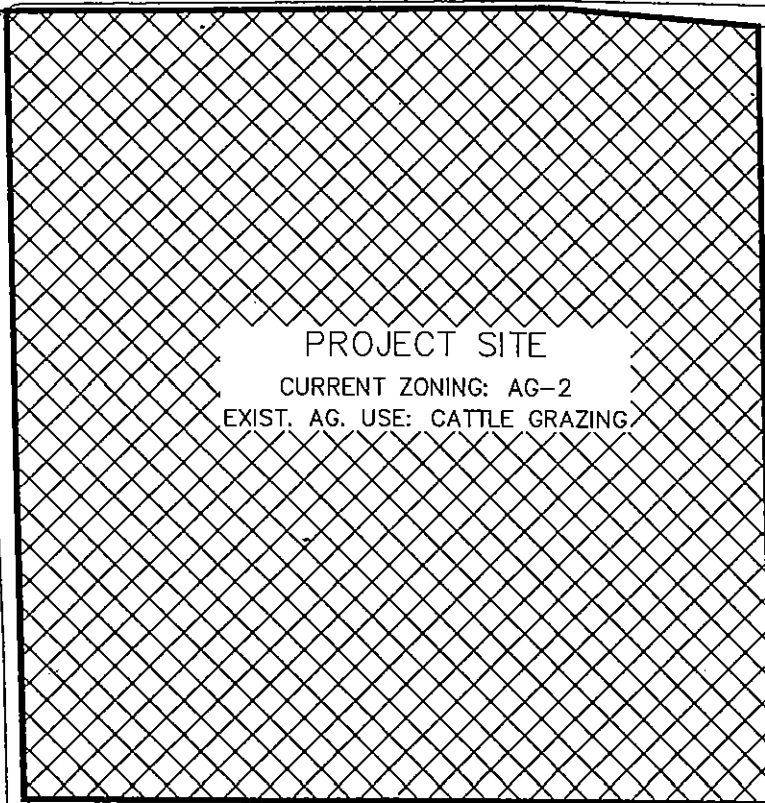
[Signature]
Notary Public, State of Florida
Jean C. Hill
Printed Name

My Commission expires:



CORKSCREW ROAD

THREE OAKS PARKWAY



SCALE: 1" = 300'

Attachment E

Summary of Public Information Session
Planning and Zoning Board Meeting
Firestone at Estero Town Commons
July 16, 2019
5:30 P.M.

MEETING DATE: July 16, 2019

MEETING TIME: 5:30 PM

MEETING PLACE: Village of Estero - 9401 Corkscrew Palms Circle, Estero Flo 33928

ATTENDEES: A copy of the final action agenda/minutes is attached.

There were two actions prior to the Estero Firestone presentation.

INTRODUCTION OF THE PROJECT: Mattrew Noble, Principle Planner provided background and an overview of the applicant's request.

APPLICANT'S PRESENTATION: Linda Miller, Senior Planner with Avalon Engineering presented a power point presentation of the project which includes a site layout, landscaping plans, building elevations and the request to obtain a CPD Amendment for an Automotive Repair and Service center (Tire Store)

BOARD MEMBER DISCUSSION ITEMS:

LANDSCAPING ALONG CORKSCREW ROAD/STREET VIEW: All parking lots need to be screened from Corkscrew. The Board Member suggested that we provide a street visibility view within our submittal of this project so that the public can view the site from each direction traveling on Corkscrew.

Applicant's action: The project includes street view rendering from all angles of the site. The parking area is well screened from Corkscrew Road.

GROUPING OF TREES: The landscaping trees provided along Corkscrew Road should be grouped together in specific areas to provide screening of the parking area and also provide some specific visibility into the site.

Applicant's action: The landscaping plan has been modified to group the trees and place shrubs in specific areas to properly screen the parking areas while providing a sense of place for the public.

SIDEWALK CONNECTION: The project should have a sidewalk connection to Corkscrew.

Applicant's action: A pedestrian walkway is provided throughout the site connection to Corkscrew and to Three Oaks Parkway as well as to the other developments within the shopping center.

HOURS OF OPERATION: A question was asked about the hours of operation.

Applicant's response at the meeting: John Tate, Palmetto Group, said that the hours are 7 AM to 7 PM, Monday through Saturday and Sunday 10 AM to 5 PM.

PUBLIC INPUT: There was no public input at this meeting.

MEETING OVERVIEW: It appeared to us that the project was well accepted by the board.

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

**APPROVED BY THE BOARD
JANUARY 21, 2020**

FINAL ACTION AGENDA/MINUTES

Planning and Zoning Board Meeting

**Village of Estero
9401 Corkscrew Palms Circle
Estero, FL 33928
July 16, 2019 5:30 p.m.**

1. **CALL TO ORDER:** 5:30 p.m.
2. **PLEDGE OF ALLEGIANCE:** Led by Chairman Wood.
3. **ROLL CALL:**
Present: Chairman Scotty Wood and Board Members Tim Allen, Marlene Naratil, Anthony Gargano, James Tatoes, and John Yarbrough. Absent: Board Member Robert King.

Also present: Village Land Use Counsel Nancy Stroud, Community Development Director Mary Gibbs, Principal Planner Matthew Noble, and Senior Planner Steve Cramer.

4. **APPROVAL OF AGENDA:**

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

5. **BUSINESS:**

(a) Public Hearings

Chairman Wood provided information regarding Board business and quasi-judicial hearings. All audience members and staff providing testimony for all hearings were sworn in by Land Use Counsel Stroud. There were no ex-parte communications or conflicts of interest noted.

- (1) Tony Sacco's Coal Oven Pizza (COP2019-E001) (District 6) 8001 Plaza Del Lago Drive (Coconut Point Mall), east of US 41 occupying the same building as Bokampers Restaurant. Request to change existing alcoholic beverage license from 2COP to 4COP SFS.

Staff Presentation/Information by:

Community Development Director Mary Gibbs
Keith E. Long, Esq., Authorized Agent/Attorney, Long Law, P.A.

Board Questions or Comments: Board Members Naratil, Allen, Gargano, Tatooles, Yarbrough, and Chairman Wood.

Public Comment: None.

Motion: Move to approve Tony Sacco's Coal Oven Pizza request for consumption on premise of alcoholic beverages license from 2COP to 4COP SFS with the Staff conditions.

Motion by: Board Member Gargano

Seconded by: Board Member Naratil

Action: Approved Tony Sacco's Coal Oven Pizza request for consumption on premise of alcoholic beverages license from 2COP to 4COP SFS with the Staff conditions.

Vote:

Aye: Board Members Allen, Gargano, Naratil, Tatooles, Yarbrough, and Chairman Wood

Nay:

Abstentions:

- (2) Proposed Burger King Fast Food Restaurant - Estero Town Center CPD - Tract B (DCI2018-E003) District 4), 21301 Town Commons Drive, located east of Three Oaks Parkway in the Estero Town Commons Development (Lowe's Plaza) next to Ruby Tuesday.
 - (a) To add a cross-section C-1 to the design guidelines approved as part of the Zoning Resolution Z-03-032
 - (b) To add deviations specific to parking and stacking, and for no sidewalk adjustment to Tract B

There were no ex-parte communications or conflicts of interest noted.

Principal Planner Noble provided background and an overview of the applicant's request.

Presentation/Information by:

Neale Montgomery, Esq., Pavese Law Firm
Wayne Arnold, AICP, Principal & Director of Planning, Q. Grady Minor
Daniel B. Fitzpatrick, CEO, Quality Dining, Inc.

Board Questions or Comments: Board Members Allen, Naratil, Yarbrough, Tatooles, Gargano, and Chairman Wood.

Public Comment: None.

Motion: Motion to recommend that Village Council approve the amendment to the Commercial Planned Development Zoning with Staff conditions and deviations, except for deviation 3 which is not recommended for approval.

Motion by: Board Member Allen

Seconded by: Board Member Yarbrough

Action: Recommended that Village Council approve the amendment to the Commercial Planned Development Zoning with Staff conditions and deviations, except for deviation 3 which is not recommended for approval.

Vote:

Aye: Board Members Allen, Gargano, Naratil, Tatooles, Yarbrough, and Chairman Wood

Nay:

Abstentions:

(b) Public Information Meeting

- (1) Estero Firestone – Estero Town Commons (District 5) 1.2 acres located in Tract A of Estero Town Commons (Lowe’s Plaza) at the corner of Three Oaks Parkway and Corkscrew Road. The applicant is requesting an amendment to the zoning permitted uses to add automotive repair and services.

Principal Planner Noble provided background and an overview of the applicant’s request.

Presentation/Information by:

Linda Miller, AICP, Senior Planner, Avalon Engineering

Brendan Sloan, P.E., Civil Engineer/Project Manager, Avalon Engineering

John Tate, Developer, Palmetto Capital Group

Board Questions or Comments: Board Members Allen, Gargano, Naratil, Tatooles, Yarbrough and Chairman Wood.

Public Comment: None

6. PUBLIC INPUT: None.

7. BOARD COMMUNICATIONS:

- (a) Next Board Meeting August 20, 2019

A motion to adjourn was made and duly passed.

8. ADJOURNMENT: 6:32 p.m.

Tammy Duran
Deputy Village Clerk

Note: Many of the documents provided on the Village website are unsigned or in draft form in order to make the documents accessible to screen readers under the Americans with Disabilities Act. Final signed documents are available upon request.



FIRESTONE

ESTERO, FLORIDA

November 26, 2019
Revised: May 15, 2020



[LANDSCAPE LANDESCO ARCHITECTURE]



SUPPLEMENTAL PATTERN BOOK FOR FIRESTONE AT THE ESTERO TOWN COMMONS

May 15, 2020

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PEDESTRIAN SYSTEM4

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BUILDING ELEVATIONS - (NORTH & SOUTH) / FAÇADE PALETTE7

BUILDING ELEVATIONS - (EAST)8

BUILDING ELEVATIONS - (WEST)9

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AERIAL SITE PLAN



Corkscrew Road
(Exist. 150' Arterial Public R/W)

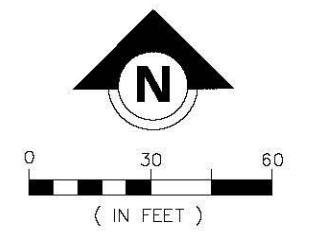
Estero Town Commons Drive
(Exist. 56' Private R/W)

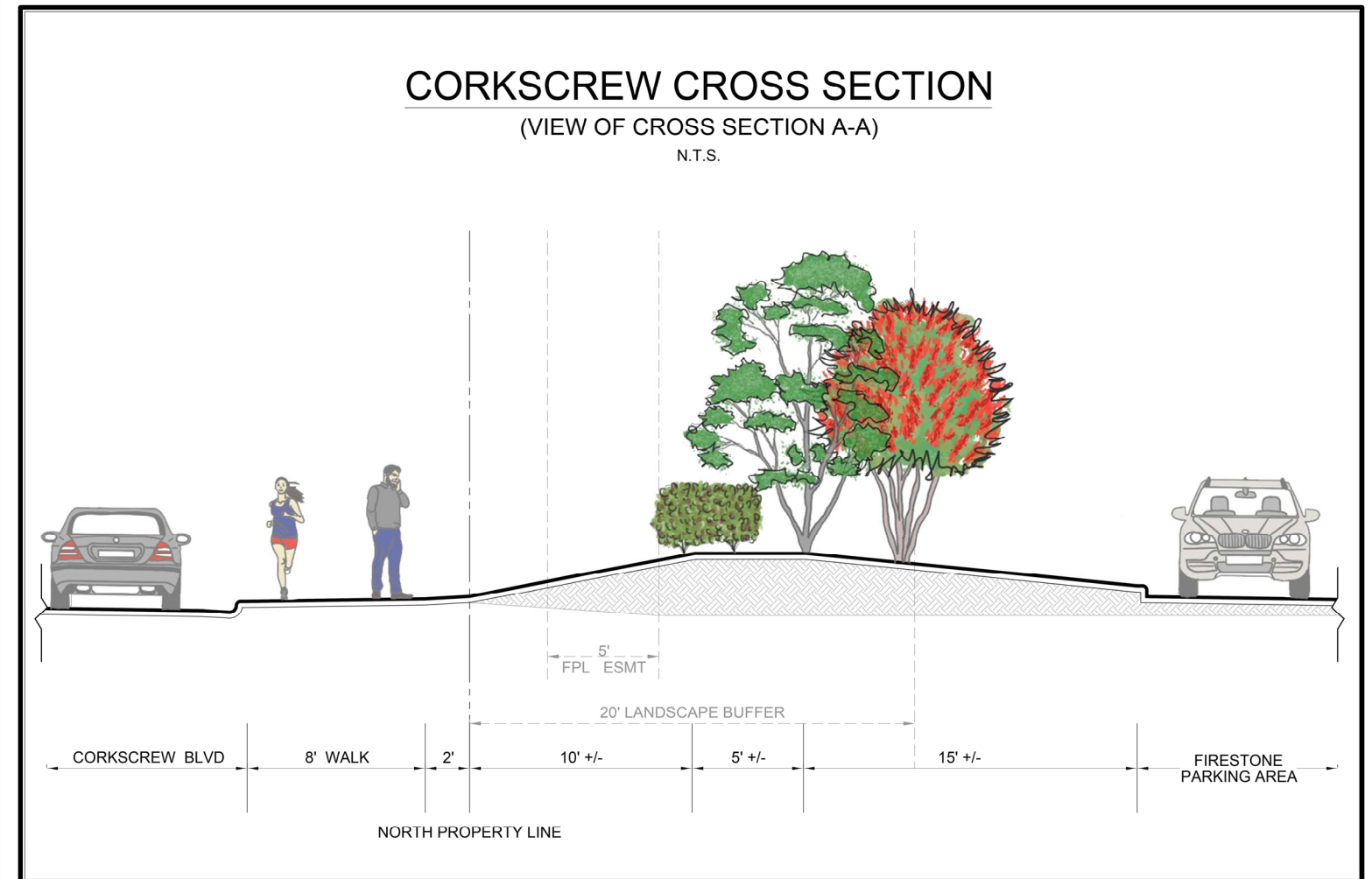
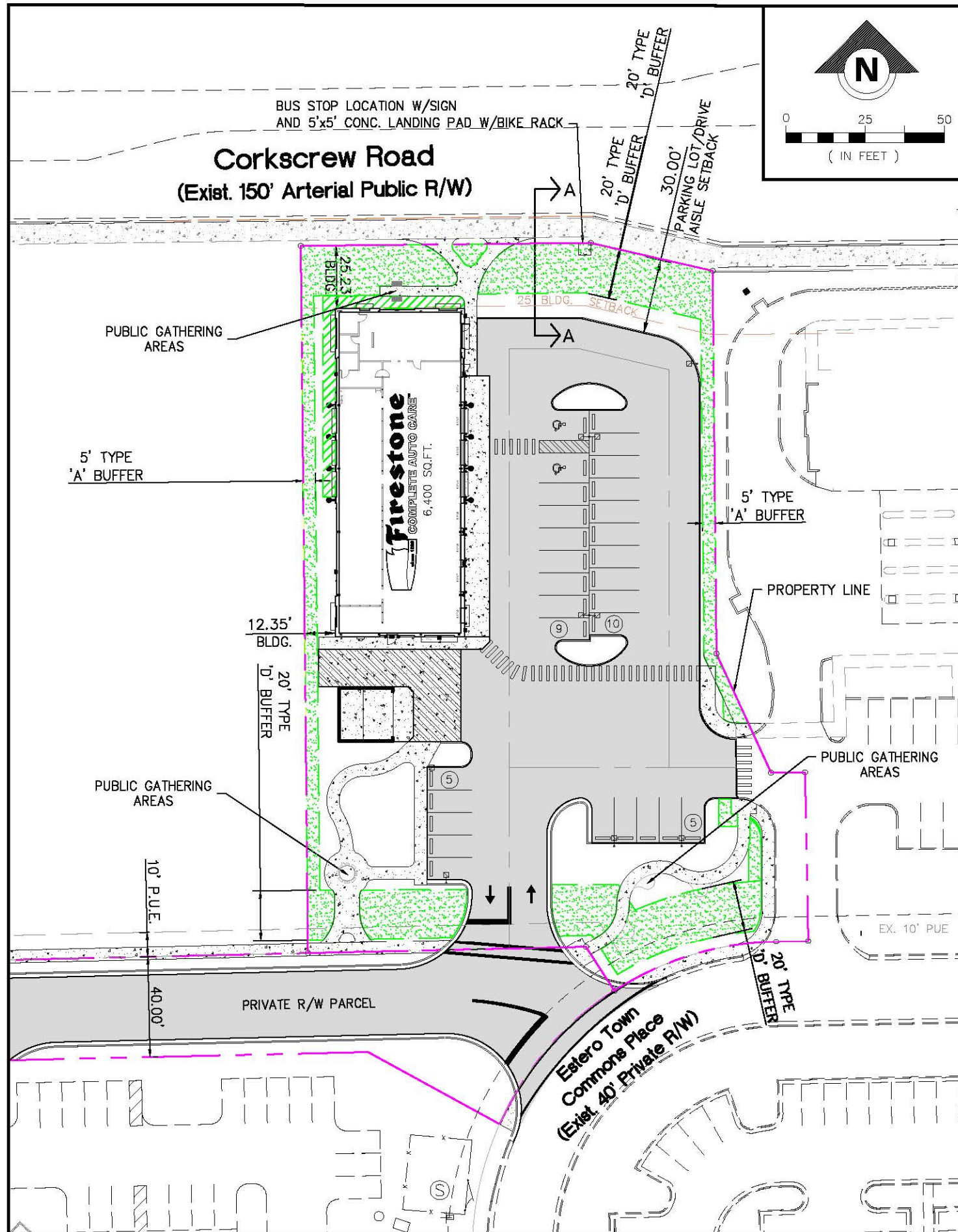
Estero Town Commons Place
(Exist. 40' Private R/W)

Three Oaks Parkways
(Exist. 150' Arterial Public R/W)

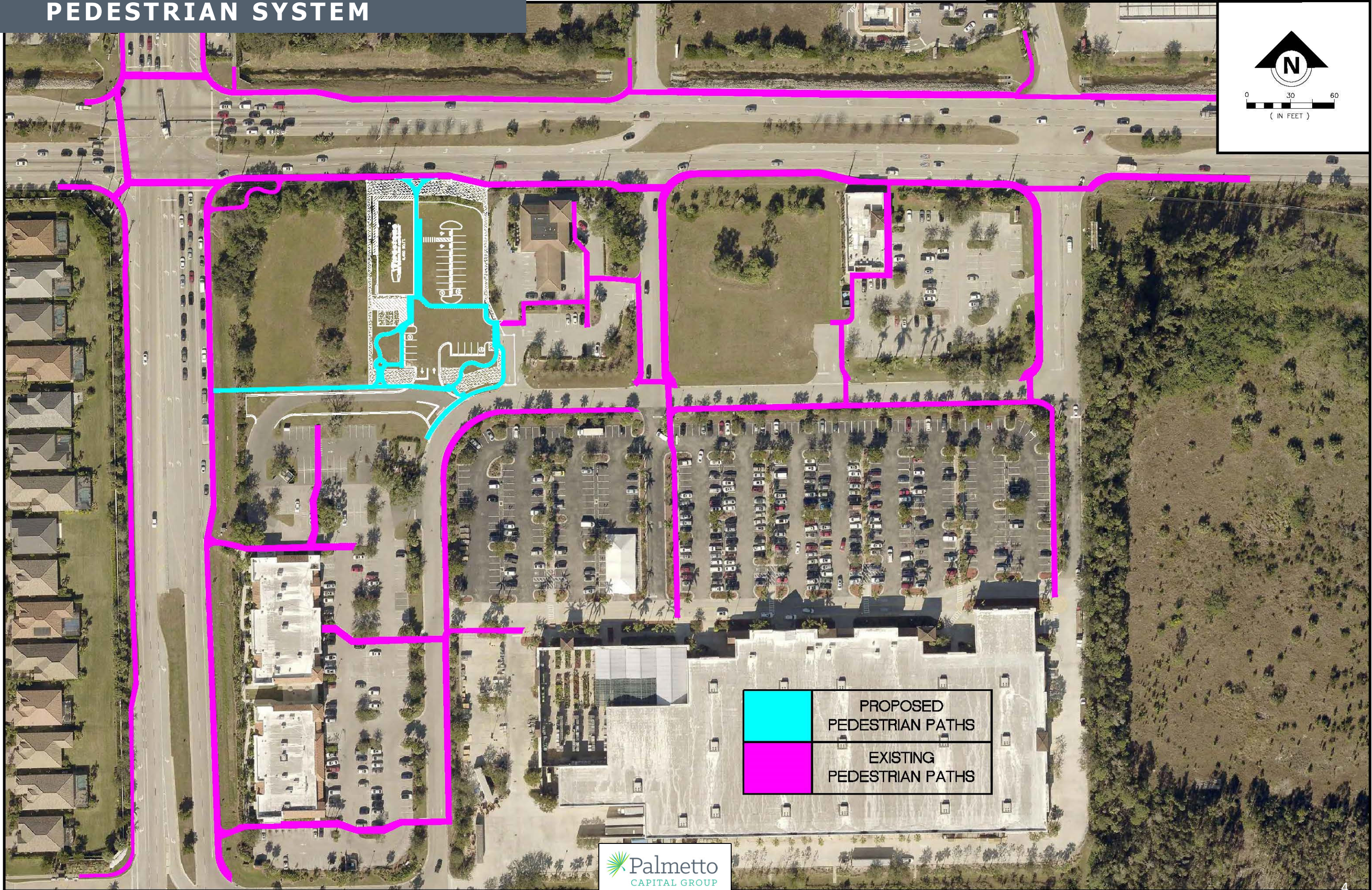
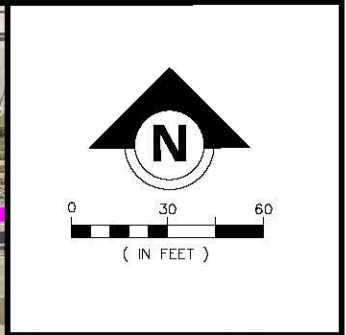
Estero Town Commons Place
(Exist. 40' Private R/W)

Estero Town Commons
(Commercial Subdivision)



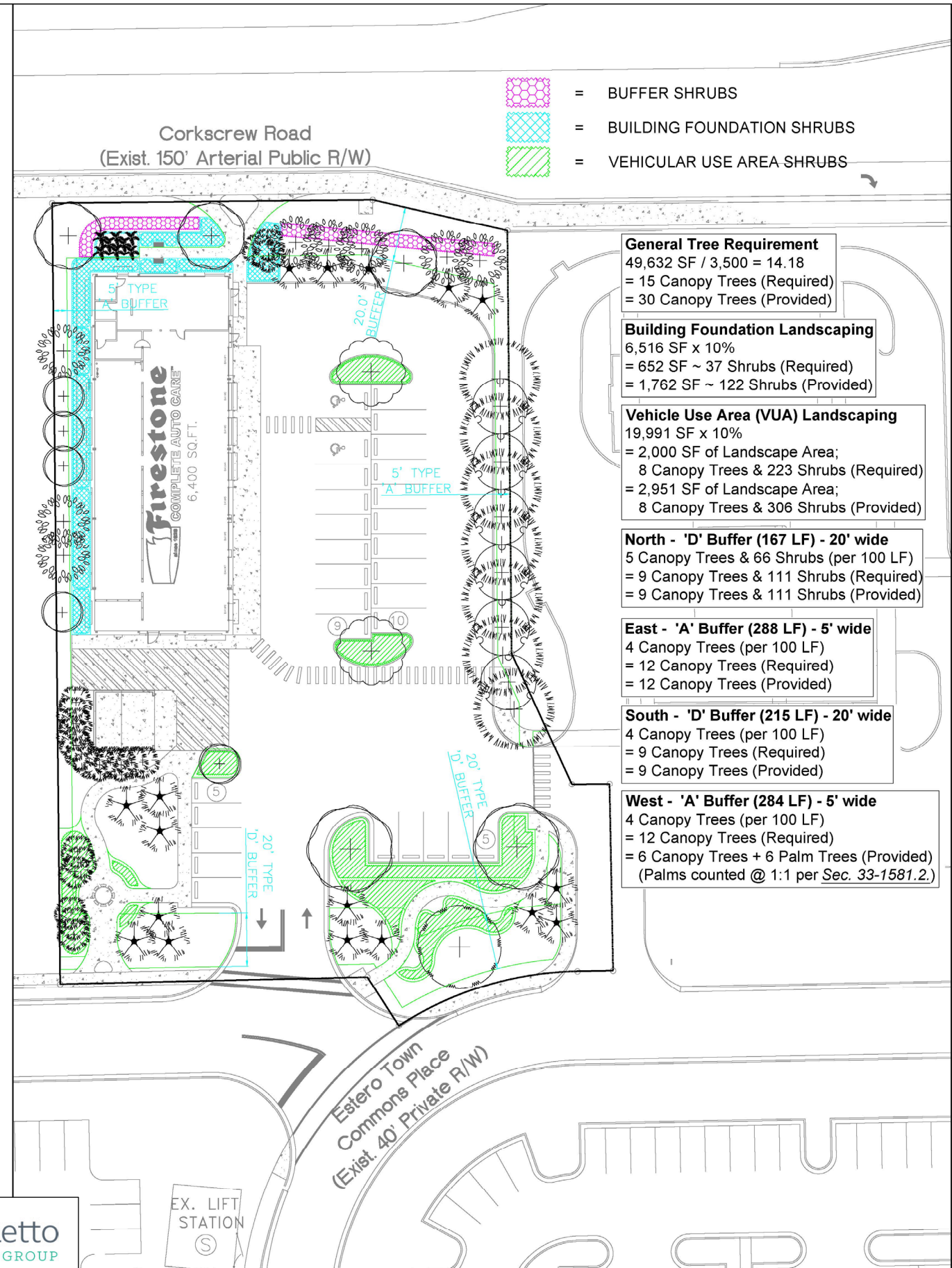
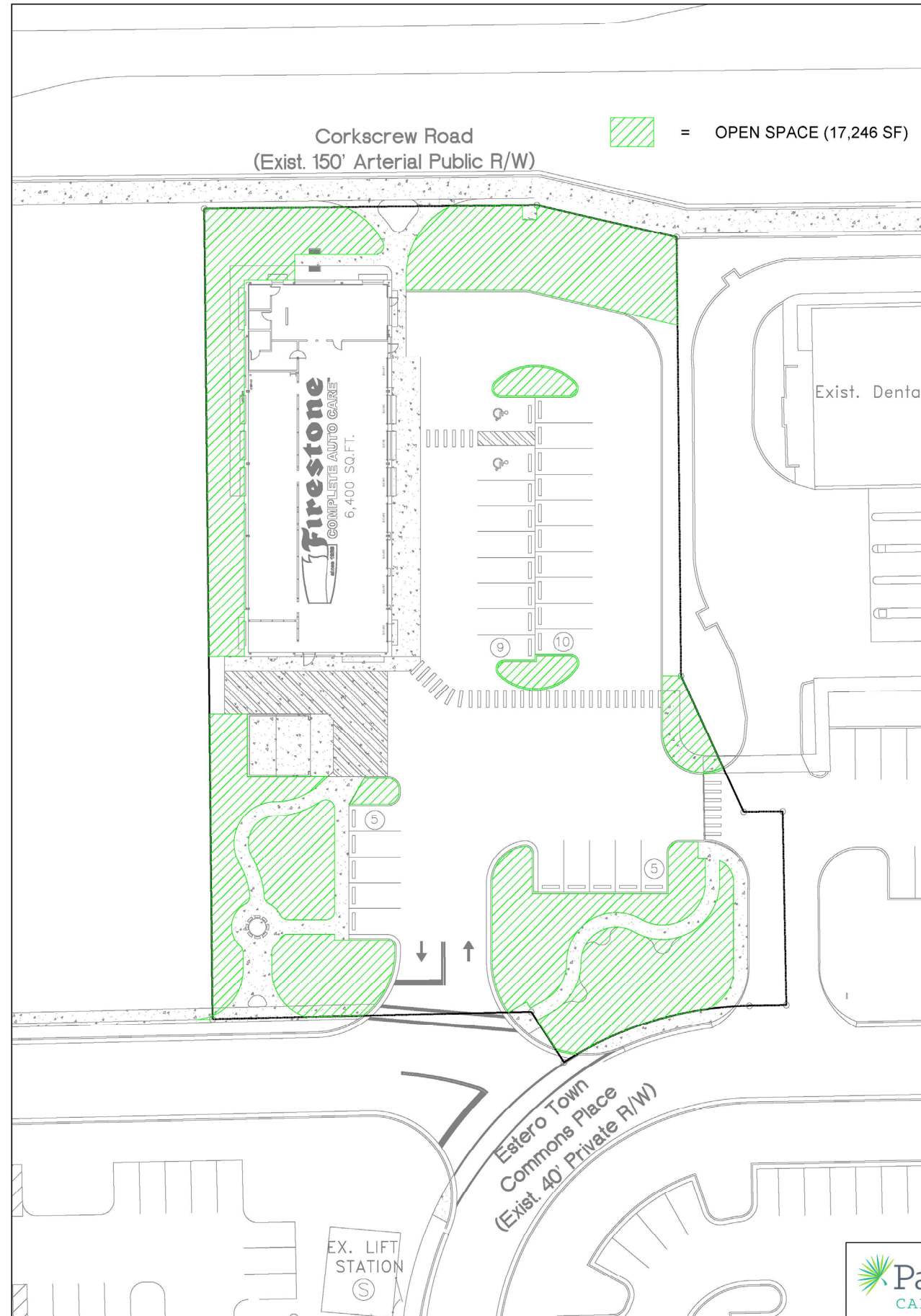


PEDESTRIAN SYSTEM



OPEN SPACE EXHIBIT

LANDSCAPING PLAN



TREE SPECIES

TREES

DAHOON HOLLY
Ilex cassine



SHADY LADY BLACK OLIVE
Bucida buceras



ROYAL POINCIANA
Delonix regia



PIGEON PLUM
Coccoloba diversifolia



SWEETBAY MAGNOLIA
Magnolia virginiana



SOUTHERN SLASH PINE
Pinus elliottii var. densa



RAPUNZEL
Lonicera sempervirens 'Rapunzel'



SHRUBS

RED TIP COCOPLUM
Chrysobalanus icaco 'Red Tip'



PARSON'S JUNIPER
Juniperus davurica 'Parsonii'



GUMBO LIMBO
Bursera simaruba



PALMS

CABBAGE PALM
Sabal palmetto



ORANGE BIRD OF PARADISE
Strelitzia reginae



MUHLY GRASS
Muhlenbergia capillaris



PYGMY DATE PALM
Phoenix roebelinii



SEAGRAPE
Coccoloba uvifera



DWARF OYSTER PLANT
Tradescantia spathacea

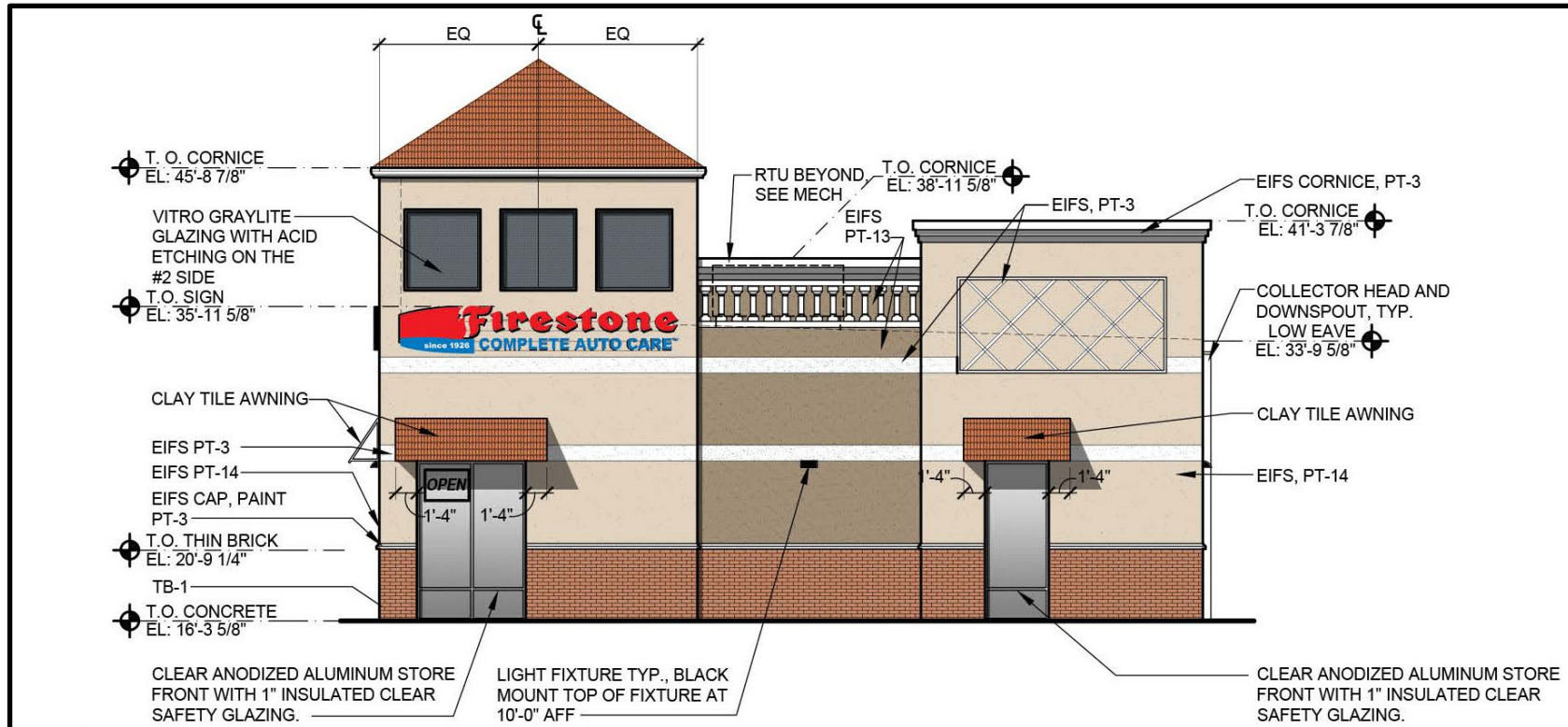


LANDSCAPING PLAN

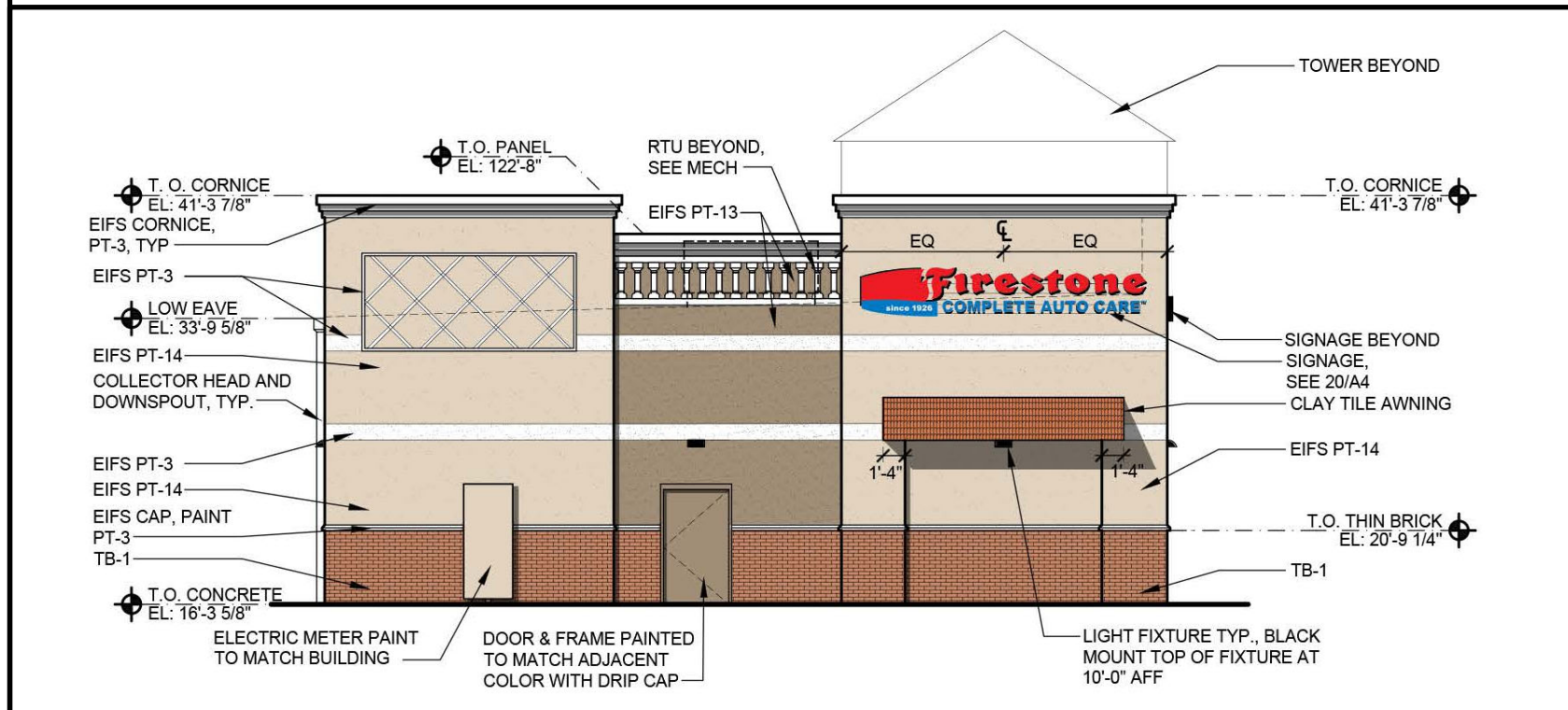


BUILDING ELEVATIONS – (NORTH & SOUTH)

FAÇADE PALETTE



11 (NORTH) ELEVATION
A4 SCALE: 1/8"=1'-0"



16 (SOUTH) ELEVATION
A4 SCALE: 1/8"=1'-0"

TB-1: ACME THIN BRICK "BROWN VANDERBILT"

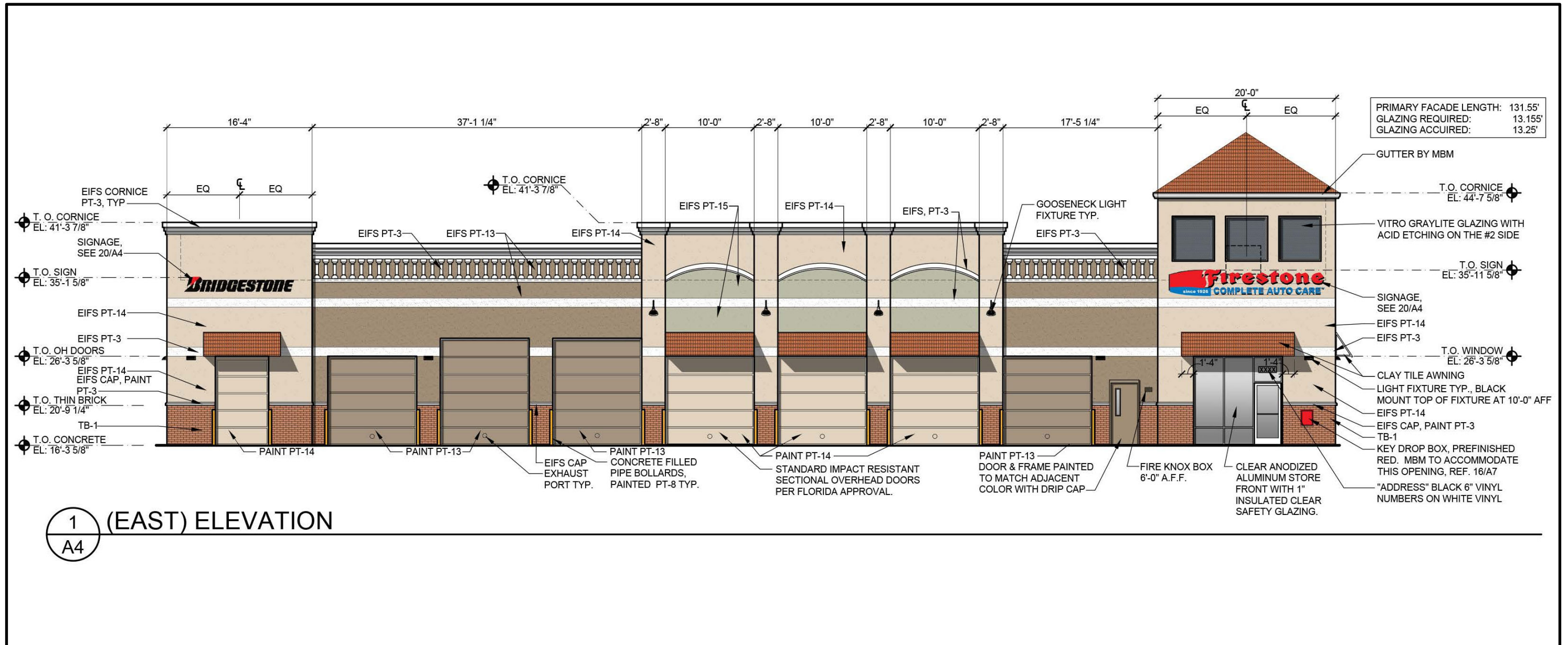
PT-3: "PURE WHITE" SW 7005

PT-13: "SANDY RIDGE" SW 7535

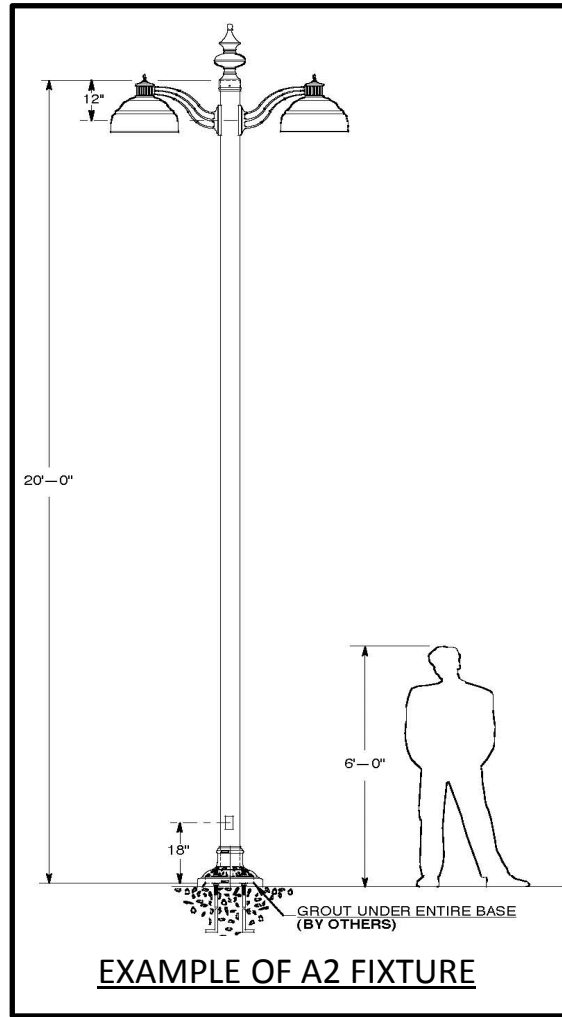
PT-14: "PATIENCE" SW 7555

PT-15: "SOFTENED GREEN" SW 6177

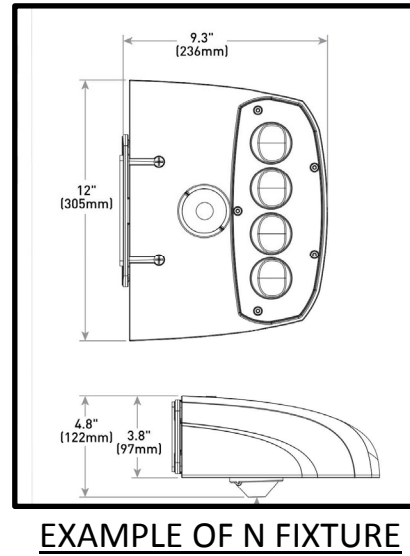
BUILDING ELEVATIONS – (EAST)



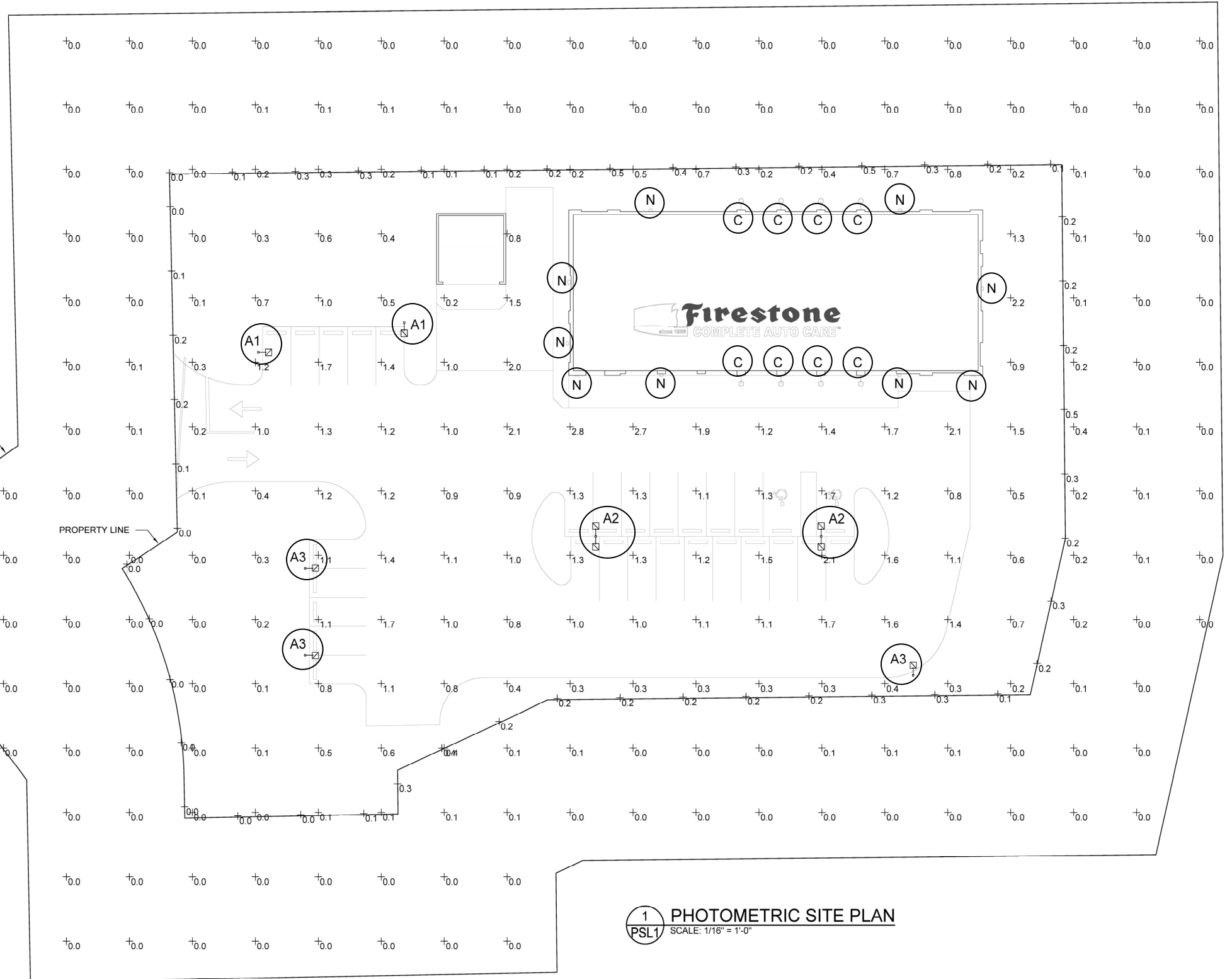
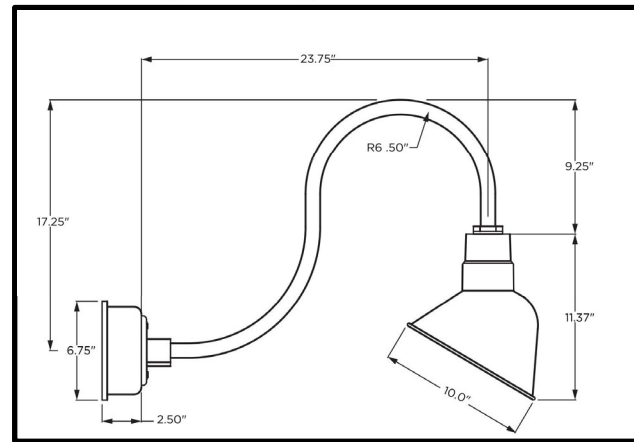
PHOTOMETRIC PLAN



CREE LIGHTING



CREE LIGHTING



1 PHOTOMETRIC SITE PLAN
PSL1 SCALE: 1/16" = 1'-0"

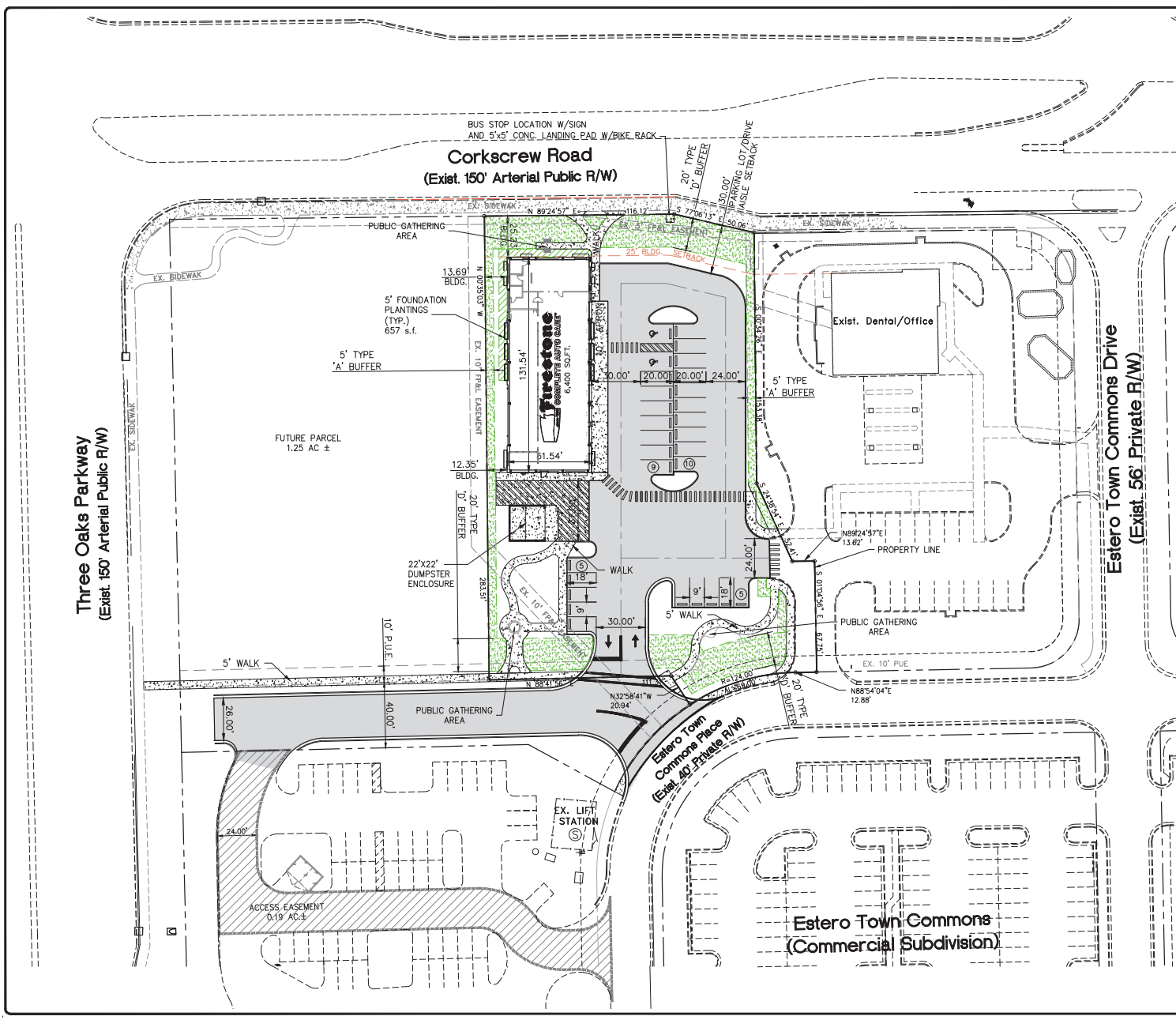
Digitally signed by
Brendan D Sloan
Date: 2020.05.14
14:04:50 -04'00'



DATE	BY	REVISION DESCRIPTION

SITE DATA: (FIRESTONE PARCEL)
 FIRESTONE DEVELOPMENT: 49,632 SQ.FT. 1.14 AC.± (100%)
 BUILDING COVERAGE: 6,573 SQ.FT. 0.15 AC.± (13%)
 (BUILDING GROSS FLOOR AREA 6,400 SF)
 PAVEMENT AREA: 19,984 SQ.FT. 0.46 AC.± (40%)
 CONCRETE WALKS: 3,148 SQ.FT. 0.07 AC.± (6%)
 CONC. LOADING AREA: 2,966 SQ.FT. 0.07 AC.± (6%)
 (INCL. DUMPSTER ENCL. 464 SF)
 OPEN SPACE AREA: 16,961 SQ.FT. 0.39 AC.± (34%)
 LANDSCAPE BUFFERS: 8,579 SF
 OTHER GREEN SPACE: 8,704 SF
 TOTAL IMPERVIOUS AREA: 32,671 SQ.FT. 0.75 AC.± (66%)
 TOTAL PERVIOUS AREA: 16,961 SQ.FT. 0.39 AC.± (34%)
 PARKING REQUIRED: 23 SPACES
 (INCL. 0.60 REDUCTION PER TABLE 34-2020(c) URBAN COMMUNITY)
 (4 PER BAY (32) PLUS 1 PER EMPLOYEE (5)= 37 SPS.x 0.60 = 22.2 SPS.
 PARKING PROVIDED: 29 SPS. (INCL. 2 H/C)

OFFSITE PRIVATE R/W PARCEL
 PRIVATE ROW: 13,081 SQ.FT. 0.30 AC.±
 PAVEMENT AREA: 9,131 SQ.FT. 0.21 AC.±
 5' CONC. WALKS: 1,546 SQ.FT. 0.04 AC.±
 2' CURB/GUTTER: 950 SQ.FT. 0.02 AC.±
 (INCL. 475 LF TYPE 'F')
 OPEN SPACE AREA: 1,454 SQ.FT. 0.03 AC.±



Rowlettus Corbin Group LLC
 1643 Williamsburg Square
 Lakeland, FL 33803
 PHONE: 863-808-1320



MASTER CONCEPT PLAN
 (05/04/20)

Compatibility with the Village of Estero Comprehensive Plan

Application for Public Hearing for Zoning Action
Firestone Complete Auto Care
Estero, FL 33928

The proposed use, as requested within this Commercial Planned Development (CPD), is consistent with the following goals, objections, and policies as listed below.

The subject site is designated Transitional Mixed Use in the Village's new comprehensive plan. The plan is not currently in effect and the proposal is proceeding under the Transitional Comprehensive Plan. The project is located in the Urban Community Future Land Use Category of the Comprehensive Plan.

Vision

The Village strives to be a highly valued place to live, work and visit because of development standards and design guidelines that promote: 1) desirable neighborhoods and public amenities; 2) vibrant economic centers; 3) attractive landscaping, streetscaping, lighting, signage, and architectural features; 4) an interconnected transportation network.

The site will incorporate attractive landscaping, streetscaping, public spaces, enhanced architectural features and a complete pedestrian system.

Comprehensive Plan Policies that are relevant to this project are cited below.

FLU - 1.1.1 Support the unique character by managing growth and development through development standards.

The site will comply with the development standards established for this area of the Village.

FLU-1.2.8 Transitional Mixed Use areas are characterized by primarily existing or emerging developments where the Village's largest and most intense commercial are or will be concentrated.

The site is in a well established commercial area along Corkscrew Road and Three Oaks Parkway with a variety of existing intense commercial uses.

Urban services are in place to support moderately intense levels of mixed commercial development.

Urban services are in place to support this use and existing shopping center.

Uses: a broad mix of uses to foster the conveniences and efficiencies of live/work/play environments.

The proposed use will complement the existing uses in this shopping center and be compatible with adjacent uses within this area of Estero.

FLU-1.3.1 All new commercial development which requires rezoning must be rezoned to a Commercial (CPD), Mixed use (MPD) or Compact PD.

The project is developing as a CPD Amendment.

Commercial development shall not be established where traffic is required to travel through areas with significantly lower densities or intensities.

The shopping center is existing. The proposed use will be located within one of the shopping center out-parcels. Access to the site will only be from the internal shopping center road system.

FLU-1.10.1 To permit orderly and well-planned commercial development at appropriate locations, all applications for commercial development will be reviewed and evaluated as to their compatibility with adjacent and nearby uses, including consideration of the following:

A. Traffic and access impacts (rezoning and development orders)

The Shopping center is existing. The proposed use will be located within one of the shopping center outparcels. Access to the site will only be from the internal shopping center road system.

B. Architectural and landscape architectural design (rezoning and development orders)

The architectural and landscaping have been greatly enhanced.

C. Site planning, interconnectivity, and public space (rezoning and development orders)

The site will provide pedestrian connection to Corkscrew and the other developments within this shopping center. In addition, the site will offer three public space areas.

D. Screening, landscaping and buffering (rezoning and development orders)

Landscaping is provided on all sides of the site. View Corridors have been reviewed to ensure that the parking lot area and the service doors are screened from Corkscrew Road.

E. Availability and adequacy of services and facilities (rezoning and development orders)

The shopping center has adequate services available.

F. Impact on adjacent land uses and surrounding neighborhoods (rezoning)

The proposed use was anticipated in the original zoning and the site is within a commercial shopping center where the impacts have already been mitigated.

G. Proximity to other similar centers (rezoning) and

The shopping center is existing. The existing uses within the shopping center and the proposed use Auto Repair and Service - Group 1 on Tract A are similar to the shopping center to the south of Corkscrew within the same intersection.

H. Environmental considerations (rezoning and development orders)

There are no environmental concerns on the site.

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.

This commercial development will only have access from an existing shopping center driveways. Interconnection between the site and the other uses are provided through the shopping center driveways and the pedestrian ways through-out the site.

TRA-1.2.1 Encourage the use of landscaped paths and park areas to link commercial and mixed use centers through an integrated system of bicycle, pedestrian, and roadway connections.

The development will provide 2,863 square feet of landscaped pathways linking this development to the other commercial uses within the center and providing for access to the sidewalks along Corkscrew Road and Three Oaks Parkway.

**Compatibility with the Estero Town Center Standards as approved in
Resolution Number Z-03-032**

Application for Public Hearing for Zoning Action
Firestone Complete Auto Care
Estero, FL 33928

The subject site is located within the Estero Town Center (commercial subdivision). The use, building, and site elements provided for this development within the Pattern Book and on the Master Concept Plan are consistent with the following specifications of the Estero Town Center:

The objective is to provide the Village of Estero and Lee County the assurances that the project will be developed to meet the language and intent of the Estero Plan, while allowing the developer the flexibility to market the project to tenants with varying uses, building types and size requirements.

This shopping center has been developed with a mixture of uses - restaurants, retail stores, services, and a home improvement store. An auto service center will complement the other uses within this center.

The proposed development site is within the Urban Community Land Use category, which was designed for areas that are suitable for fairly intense levels of commercial, residential, and light industrial development.

The shopping center is located at the intersection of two major streets within Estero. The north and south sides of Corkscrew Road contain a commercial shopping center. These are destination centers where a variety of services and products are offered.

The project lies within the Corkscrew Main Street Overlay, which was created to provide a pedestrian "boulevard", in relative scale to Corkscrew Road by locating proposed commercial buildings close to the roadway and provide for pedestrian connections and amenities.

The Firestone has been located close to Corkscrew Road and provides a pedestrian connection and amenities to Corkscrew Road.

The Estero Town Center will be a fully integrated planned site, where attention to the overall site design is achieved by providing well designed and integrated vehicular use areas, pedestrian paths, a common or architectural theme, landscaping, and lighting throughout the site.

The Firestone site is fully integrated into the shopping center. Special attention has been given to pedestrian paths, landscaping, and architectural elements for this development.

Architectural Standards: Mediterranean architectural building style or theme.

The Firestone has incorporated Mediterranean elements - clay tile roofs, arches, recesses, baluster, white banding, cornice treatments and decorative lighting.

Transitioning building heights, widths, and colors, textures and adding architectural elements such as wall projections, loggias, canopies, corner towers, archways or columns.

The Firestone has transitioning building heights and widths. The building has varying colors and textures. Additional architectural elements have been provided on this building.

Each free standing use will provide a visually appealing, articulated, identifiable path of entry for pedestrians and vehicles for the internal drive to the site from the site to the building and from Corkscrew Road to the free standing use.

The site includes 2,863 square feet of a 5' pedestrian walkway. The walkway connects to Corkscrew Road and to the other uses within this shopping center. The walkway is lined with canopy trees and contains public seating areas.

Landscaping design will define and accent pedestrian and vehicular spaces, enhance the building architectural style, create a coherent theme, with emphasize plant material as a primary unifying element.

The landscaping provided within this site defines and accents the pedestrian and vehicular areas. The landscaping enhances the building architectural style and creates a coherent theme within the shopping center by using similar species and arranging them to create a sense of place.

Create pedestrian-friendly environments which link the uses within the center together throughout the project.

The site includes 2,863 square feet of a 5' pedestrian walkway. The walkway connects to Corkscrew Road and to the other uses within this shopping center. The walkway is lined with canopy trees and contains public seating areas.

The Estero Town Center will provide a variety of publicly accessible amenities.

Three public spaces are provided on the Firestone site. One along Corkscrew Road and two in the South corners of the site along the entrance.

The Estero Town Center had a specific plant palette for perimeter buffers. Non-native landscaping materials may be used to provide additional color and texture to enhance main vehicular and pedestrian entries, circulation routes, building perimeter plantings, and pedestrian amenity open space.

The landscaping plantings provided are species listed in the plant palette and are native to this area.

A minimum setback of 30' is required for all parking and service areas from the Corkscrew Road Right-Of-Way. A landscape berm to obscure the parking areas is required.

The parking drive isle and parking spaces are setback 30' from Corkscrew Road Right-of-way. Landscaping has been provided to enhance the roadway as well as screen the service doors from view from Corkscrew Road. A 2 foot tall berm has also been shown on the Corkscrew Road cross section.

There should be an entry into the building along the street or roadway in addition to an entry from the parking lot area.

The building provides a corner entry with the appearance of an entry from Corkscrew and the parking lot area.

The buildings should be located in close proximity to the External Roadway within the Village Areas, Out-Parcel Placement - Diagram "A".

The Firestone building has been placed within 25' of Corkscrew Road.

Consistency Analysis with the Village of Estero Comprehensive Plan

Application for Public Hearing for Zoning Action
Firestone Complete Auto Care
Estero, FL 33928

The subject site is designated Transitional Mixed Use in the Village's new comprehensive plan. The proposed use, as requested within this Commercial Planned Development (CPD), is consistent with the Village of Estero Comprehensive Plan. The Comprehensive Plan Policies that are relevant to this project are cited below.

FLU - 1.1.1 Support the unique character by managing growth and development through development standards.

The site has been designed to comply with the development standards established for this area of the Village.

FLU 1.2.1 Transitional Mixed Use provide for regional, community, neighborhood and minor commercial, hotel and office uses that can be developed in mixed use or single use if the development meets the compatibility standards.

This development will be a single use commercial development within a well established shopping center that currently has provided a variety of commercial goods and services. The use is consistent with the other uses within this shopping center and within existing commercial areas on the same intersection and part of Estero. The site has been designed to be compatible due to the enhanced architectural features on the building, the public spaces and landscaped areas provided along with pedestrian walkways throughout the site.

FLU-1.2.8 Transitional Mixed Use areas are characterized by primarily existing or emerging developments where the Village's largest and most intense commercial are or will be concentrated.

The site is in a well-established intense commercial area which fronts both Corkscrew Road and Three Oaks Parkway. This intersection currently contains a variety of existing intense auto-dependent commercial uses.

Urban services are in place to support moderately intense levels of mixed commercial development.

Urban services are in place to support this use and existing shopping center.

Uses: a broad mix of uses to foster the conveniences and efficiencies of live/work/play environments.

The proposed use will complement the existing uses in this shopping center and be compatible with adjacent uses within this area of Estero.

FLU-1.3.1 All new commercial development which requires rezoning must be rezoned to a Commercial (CPD), Mixed use (MPD) or Compact PD.

The project is developing as a CPD Amendment.

Commercial development shall not be established where traffic is required to travel through areas with significantly lower densities or intensities.

The shopping center is existing. The proposed use will be located within one of the shopping center out-parcels. Access to the site will only be from the internal shopping center road system.

FLU-1.10.1 To permit orderly and well-planned commercial development at appropriate locations, all applications for commercial development will be reviewed and evaluated as to their compatibility with adjacent and nearby uses, including consideration of the following:

A. Traffic and access impacts (rezoning and development orders)

The Shopping center is existing. The proposed use will be located within one of the shopping center outparcels. Access to the site will only be from the internal shopping center road system.

B. Architectural and landscape architectural design (rezoning and development orders)

The architectural and landscaping have been greatly enhanced.

C. Site planning, interconnectivity, and public space (rezoning and development orders)

The site will provide pedestrian connection to Corkscrew and the other developments within this shopping center. In addition, the site will offer three public space areas.

D. Screening, landscaping and buffering (rezoning and development orders)

Landscaping is provided on all sides of the site. View Corridors have been reviewed to ensure that the parking lot area and the service doors are screened from Corkscrew Road.

E. Availability and adequacy of services and facilities (rezoning and development orders)

The shopping center has adequate services available.

F. Impact on adjacent land uses and surrounding neighborhoods (rezoning)

The proposed use was anticipated in the original zoning and the site is within a commercial shopping center where the impacts have already been mitigated.

G. Proximity to other similar centers (rezoning) and

The shopping center is existing. The existing uses within the shopping center and the proposed use Auto Repair and Service - Group 1 on Tract A are similar to the shopping center to the south of Corkscrew within the same intersection.

H. Environmental considerations (rezoning and development orders)

There are no environmental concerns on the site.

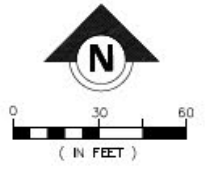
FLU-1.10.3 Encourage commercial developments within the Village of Estero to provide interconnect opportunities with adjacent commercial uses in order to minimize access points onto primary road corridors.

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The development will provide 2,863 square feet of landscaped pathways linking this development to the other commercial uses within the center and providing for access to the sidewalks along Corkscrew Road and Three Oaks Parkway.





Corkcree Road
(Exist. 150' Arterial Public R/W)

Estero Town Commons Drive
(Exist. 55' Private R/W)

Estero Town Commons Place
(Exist. 40' Private R/W)

Three Oaks Parkways
(Exist. 150' Arterial Public R/W)

Estero Town Commons Place
(Exist. 40' Private R/W)

Estero Town Commons
(Commercial Subdivision)



Architect

SGA Design Group

Robert V. Klemple, AIA, NCARB

Associate Principal

Estero Town Commons ARCHITECTURAL CONTEXT

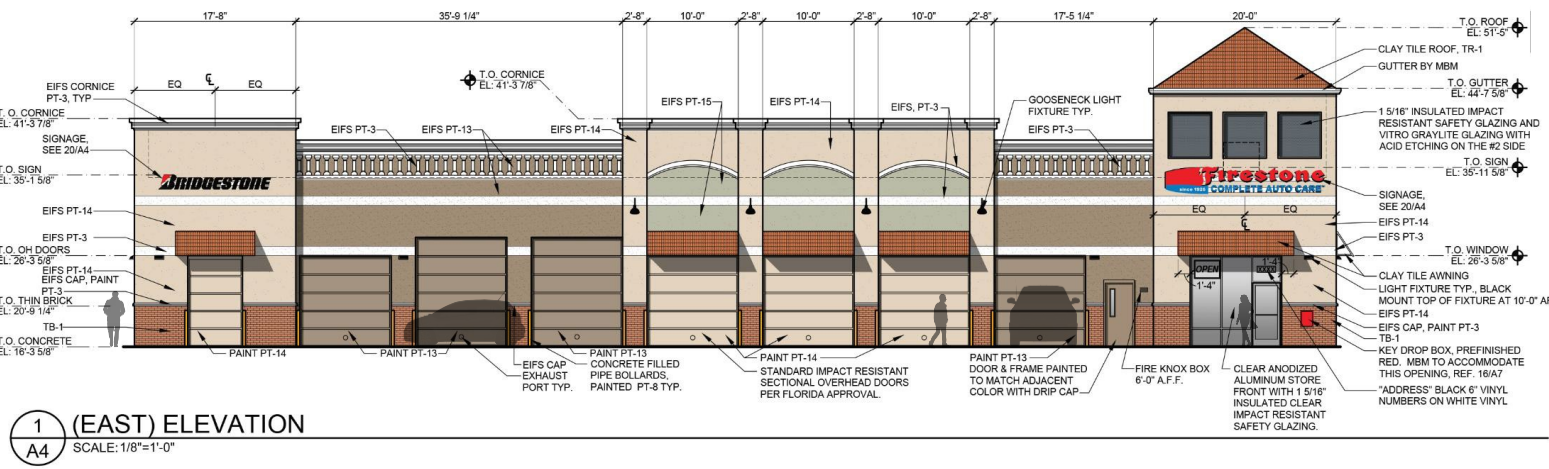


Consistent and Compatible with:

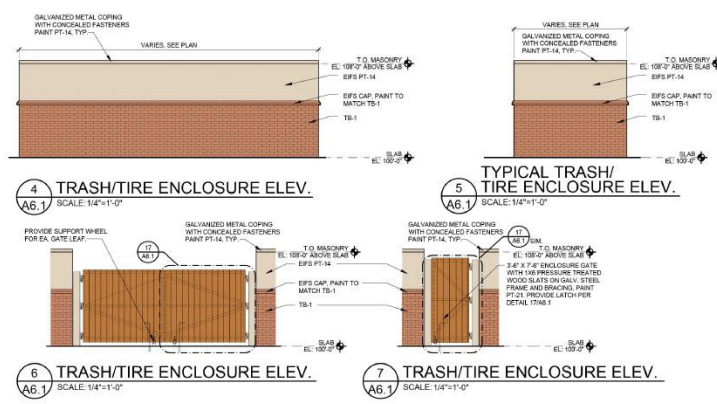
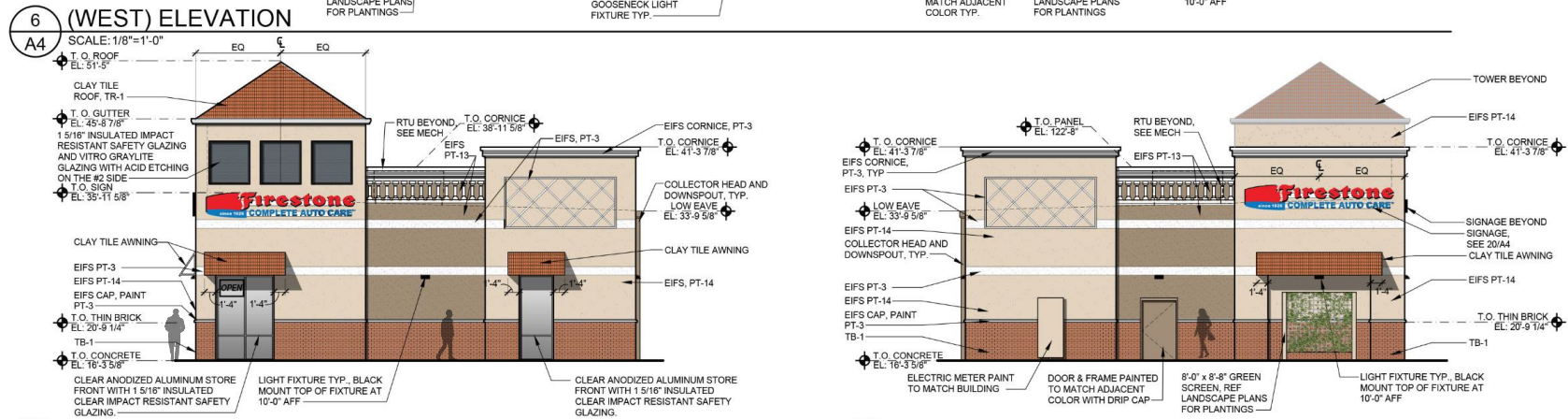
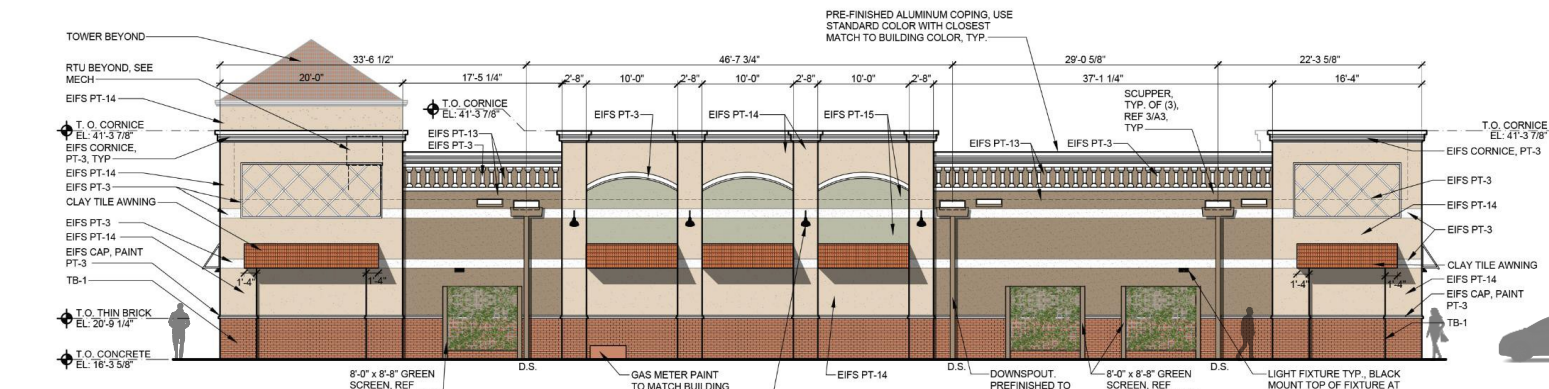
- LDC Code Section 33-227
- LDC Code Section 33-228
- LDC Code Section 33-330
- LDC Code Section 33-334
- LDC Code Section 33-337
- LDC Code Section 33-115
- LDC Code Section 33-116
- Zoning Resolution Z-03-032



greenscreen



- TB-1: ACME THIN BRICK "BROWN VANDERBILT"
- PT-3: "PURE WHITE" SW 7005
- PT-13: "SANDY RIDGE" SW 7535
- PT-14: "PATIENCE" SW 7555
- PT-15: "SOFTENED GREEN" SW 6177





Firestone
since 1976
COMPLETE AUTO CARE

BRIDGESTONE





Firestone
COMPLETE AUTO CARE

BRIDGESTONE









Firestone
COMPLETE AUTO CARE











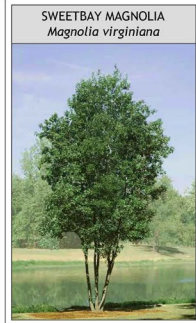
Landscape Architect

Landesco

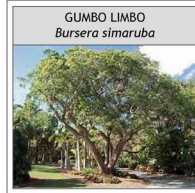
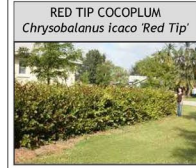
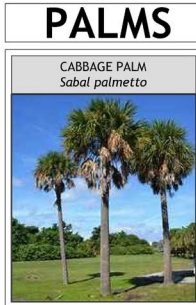
David K. Kulsveen, PLA

Principal Landscape Architect

TREES



SHRUBS



Corkscrew Road
(Exist. 150' Public R/W)

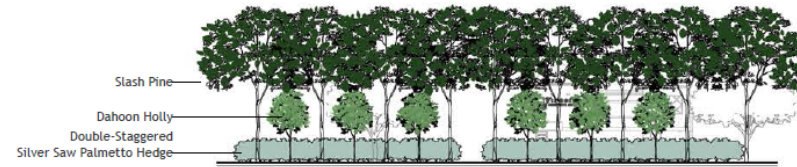


NORTH

175.56 LF / Commercial - ROW (Corkscrew Rd.)

Proposed Plants

- (6) Dahoon Holly
- (9) Slash Pine
- (117) Silver Saw Palmetto



EAST

286.80 LF / Commercial - Commercial

Proposed Plants

- (5) Dahoon Holly
- (7) Slash Pine

Other Plants Shown

Seagrape



SOUTH

223.21 LF / Commercial - Commercial

Proposed Plants

- (5) Seagrape
- (2) Slash Pine
- (2) Gumbo Limbo

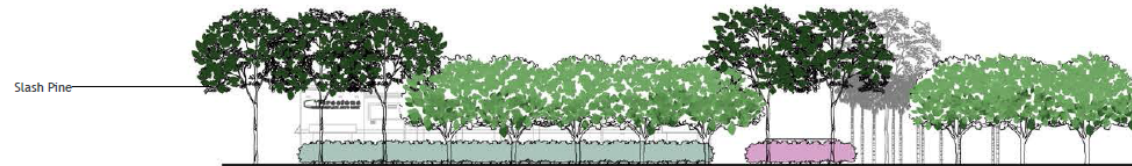


WEST

283.90 LF / Commercial - Commercial

Proposed Plants

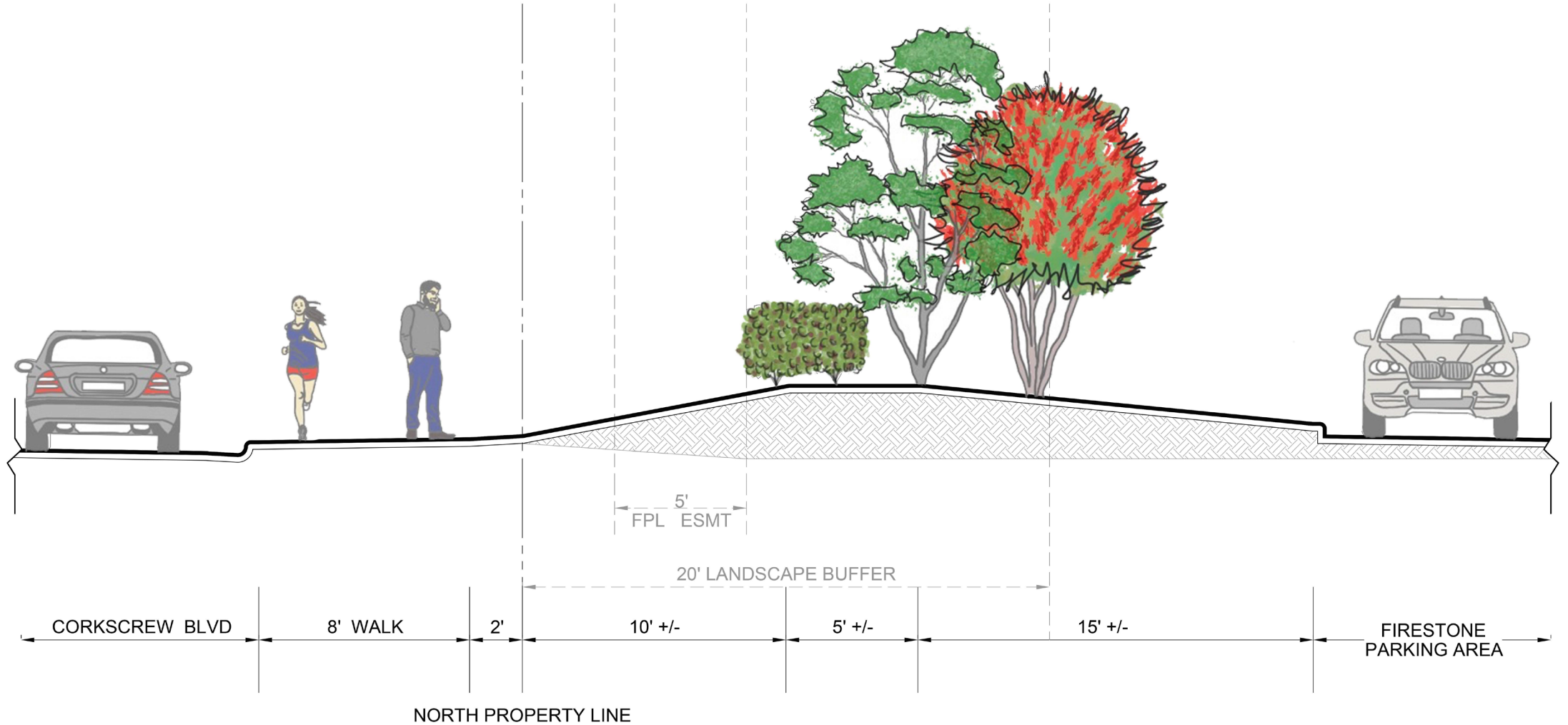
- (4) Slash Pine
- (18) Gumbo Limbo

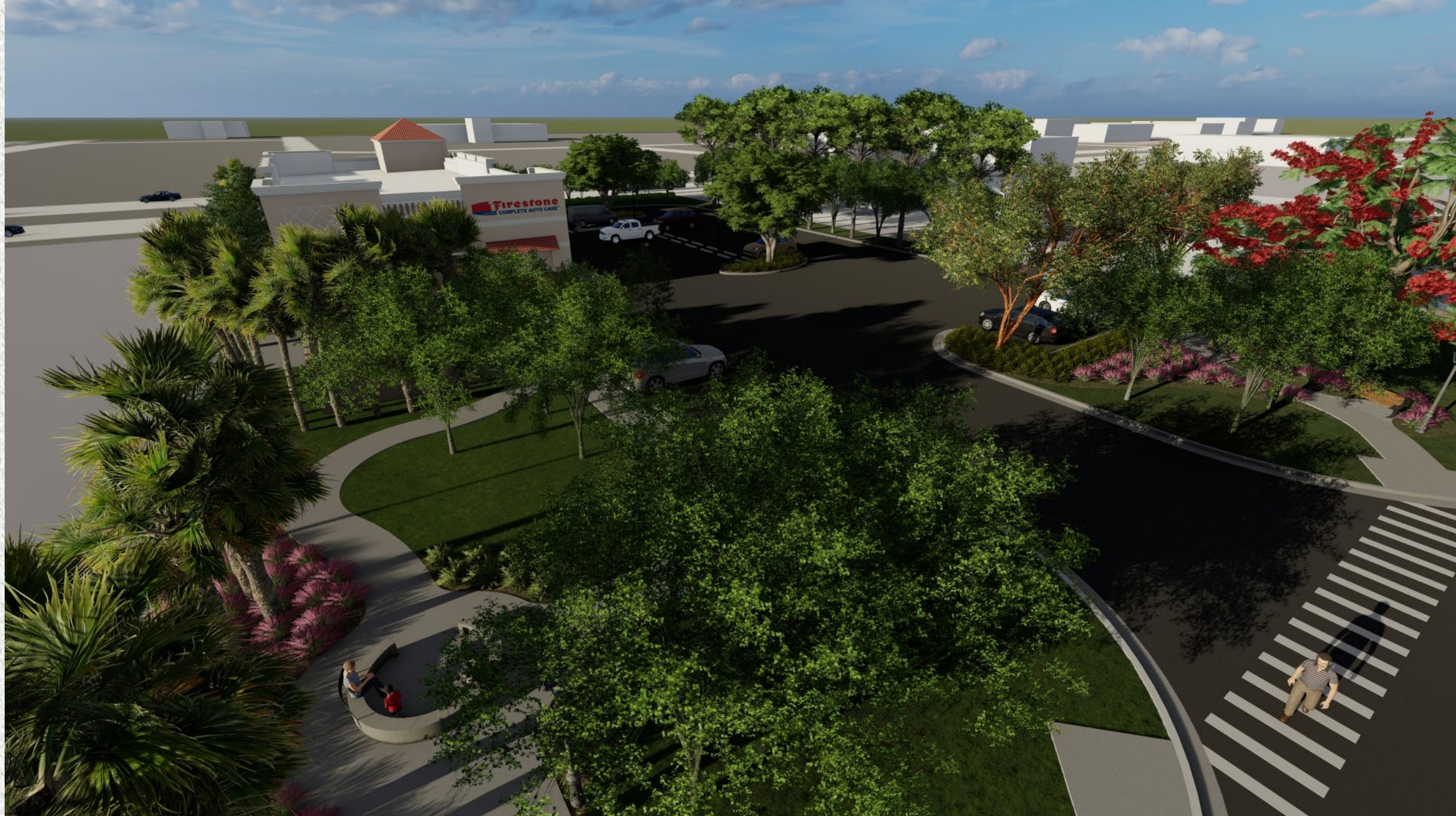


CORKSCREW CROSS SECTION

(VIEW OF CROSS SECTION A-A)

N.T.S.





Landscaping Rear View looking West

Need Updated Exhibit with Green Screen









Firestone

Laura Wilson

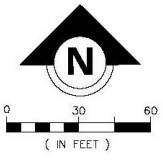
New Store Development Manager
Bridgestone (Firestone/TiresPlus)

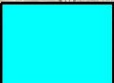
Shopping Center

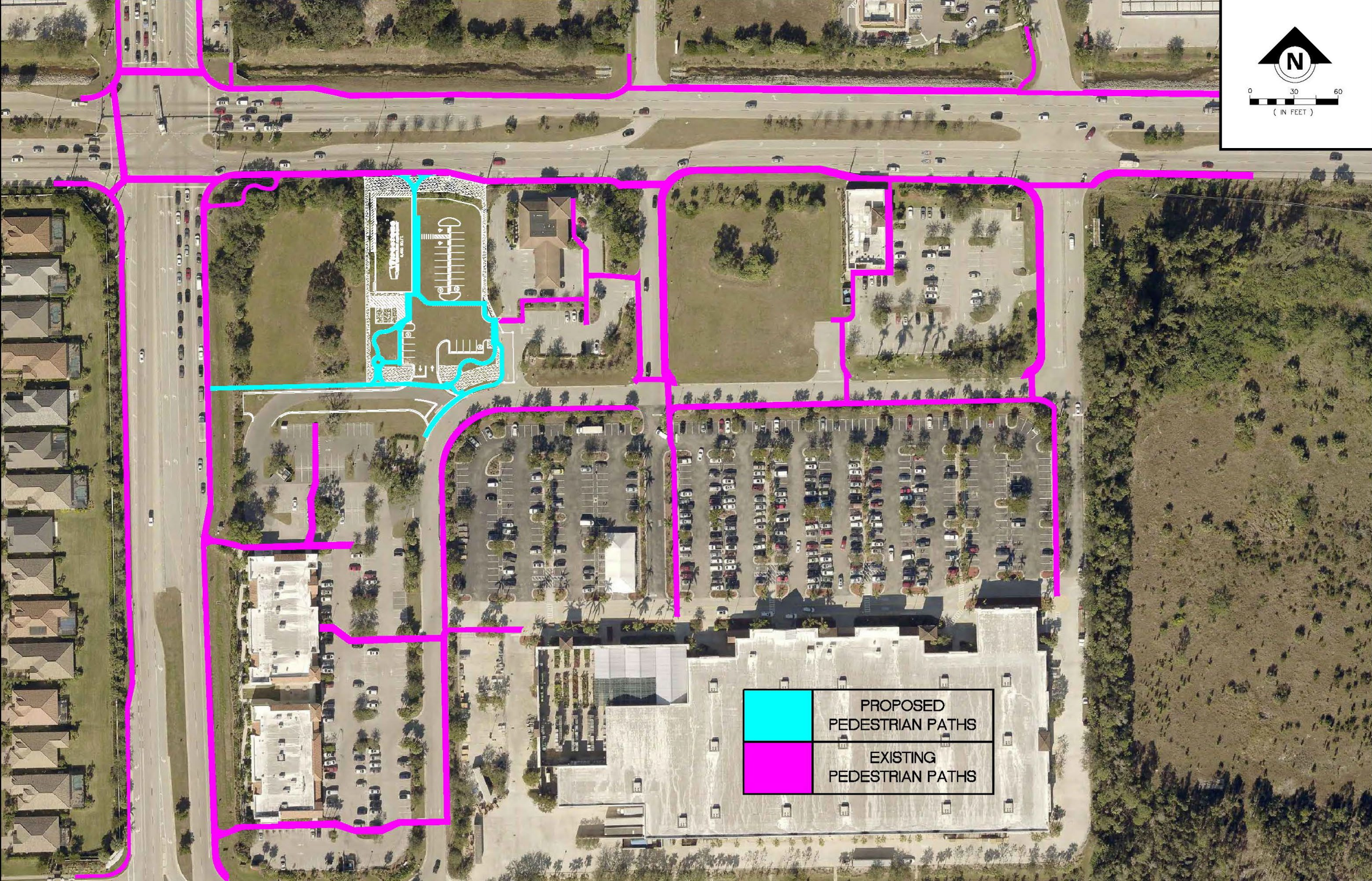
Kite Realty Group

Doug Kite, P.E.

Senior Director of Development Services

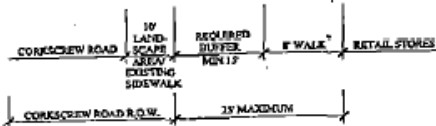
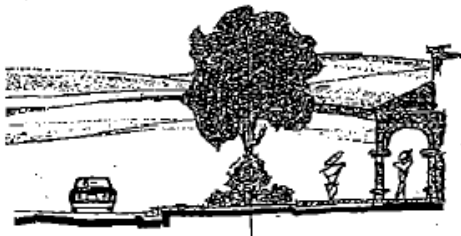


	PROPOSED PEDESTRIAN PATHS
	EXISTING PEDESTRIAN PATHS



STRAP NUMBERS

29-46-25-60-00001 Road
29-46-25-60-00002 Drive



SECTION - N.T.S.

RETAIL VILLAGE AND CORKSCREW ROAD

Removal of existing 6' walk and addition of proposed 6' walk is dependent upon Lee Co. D.O.T. permitting / approval and resulting potential utility conflicts.

SITE DEVELOPMENT NOTES

- The master concept plan is general in nature and may be modified to reflect environmental conditions, assessments, utilities and changes in market. The parcel boundaries can be modified to reflect the final built square footage of commercial and related parking requirements. All drawings are approximate and subject to slight adjustments.
- Final construction may be modified slightly at the time of local development order.
- General Service areas for the Anchor Parcel will be located within the southern portion of the parcel. General Service areas for the Village Areas will be internal to the project. Exact locations will be reviewed during the local D.O. process.

FILED AND COPIES MADE AT THE OFFICE OF THE COUNTY ENGINEER

(VAC) (VAC)

CORKSCREW ROAD
(Excl. 4-Tone Arterial) (R.O.W. 100' - 150' avg)

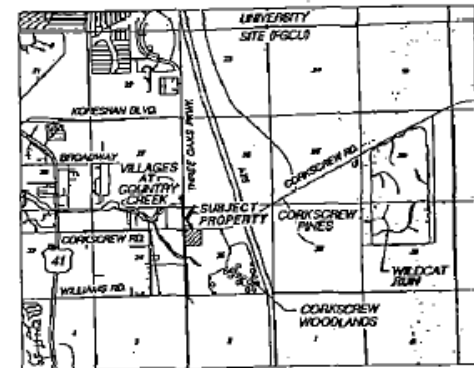
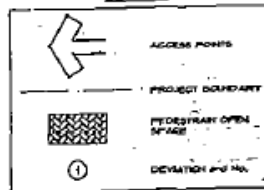
ACCESS POINT #3
(15' R.O.W. Subject to Delegation to)

ACCESS POINT #4
(FULL TURNING MOVEMENT)



0 50 100 200
SCALE: 1" = 100'

LEGEND



SITE LOCATION MAP
N.E.S.

LAND USE SUMMARY / OPEN SPACE REQUIREMENTS

PARCEL	LANDUSE	PERMITTED USE	EST. ACRES	REQUIRED OPEN SPACE	PROV. OPEN SPACE	INDIGENOUS REQUIREMENT	INDIGENOUS PROVIDED
VILLAGE AREA 1	COMMERCIAL	65,500 SF	1.80	-	1.13 (16%)	-	-
VILLAGE AREA 2	COMMERCIAL	102,000 SF	2.9	-	1.64 (56%)	-	-
ANCHOR PARCEL	COMMERCIAL	102,000 SF	2.9	-	1.30 (45%)	-	-
PEDESTRIAN OPEN SPACE AREA	N/A	N/A	0.03	-	0.03	-	-
INDIGENOUS / SUPP AREA	N/A	N/A	4.3	-	4.5	4.3	4.3
GREEN AREA	N/A	N/A	1.3	-	1.3	-	-
ROAD / EASEMENTS	N/A	N/A	2.1	-	-	-	-
TOTAL			15.4	1.36% = 1.36 AC	1.53	100% = 1.43 AC	1.43

• SUBJECT TO LOCAL INDIGENOUS VEGETATION CREDIT. FINAL CALCULATION TO BE DETERMINED DURING LOCAL D.O. REVIEW

LAND USE AND DEVELOPMENT PROGRAM SUMMARY

PERMITTED USES	DEVELOPMENT PROGRAM
COMMERCIAL	Intensity
RESIDENTIAL	Phasing

RECEIVED
NOV 24 2003
ZONING

Date of Submittal: Dec. 13th, 2002
Date of Re-Submittal: Jan. 13th, 2003
Case No.: DC12002 - 00071

NOTE:
The Access Points, Turning Movements and Median Openings depicted on the Master Concept Plan are not sealed.

Vanasse Daylor
Professional Engineer
201 Brickell Ave.
Suite 400
Miami, FL 33131-2812
Phone: 305-375-1100
Fax: 305-375-1101
www.vanasse.com

Espero Town Center CPD-E2007
Master Concept Plan

PRINTED
NOV 23 2003

Sheet No. 1 of 1

EXHIBIT C

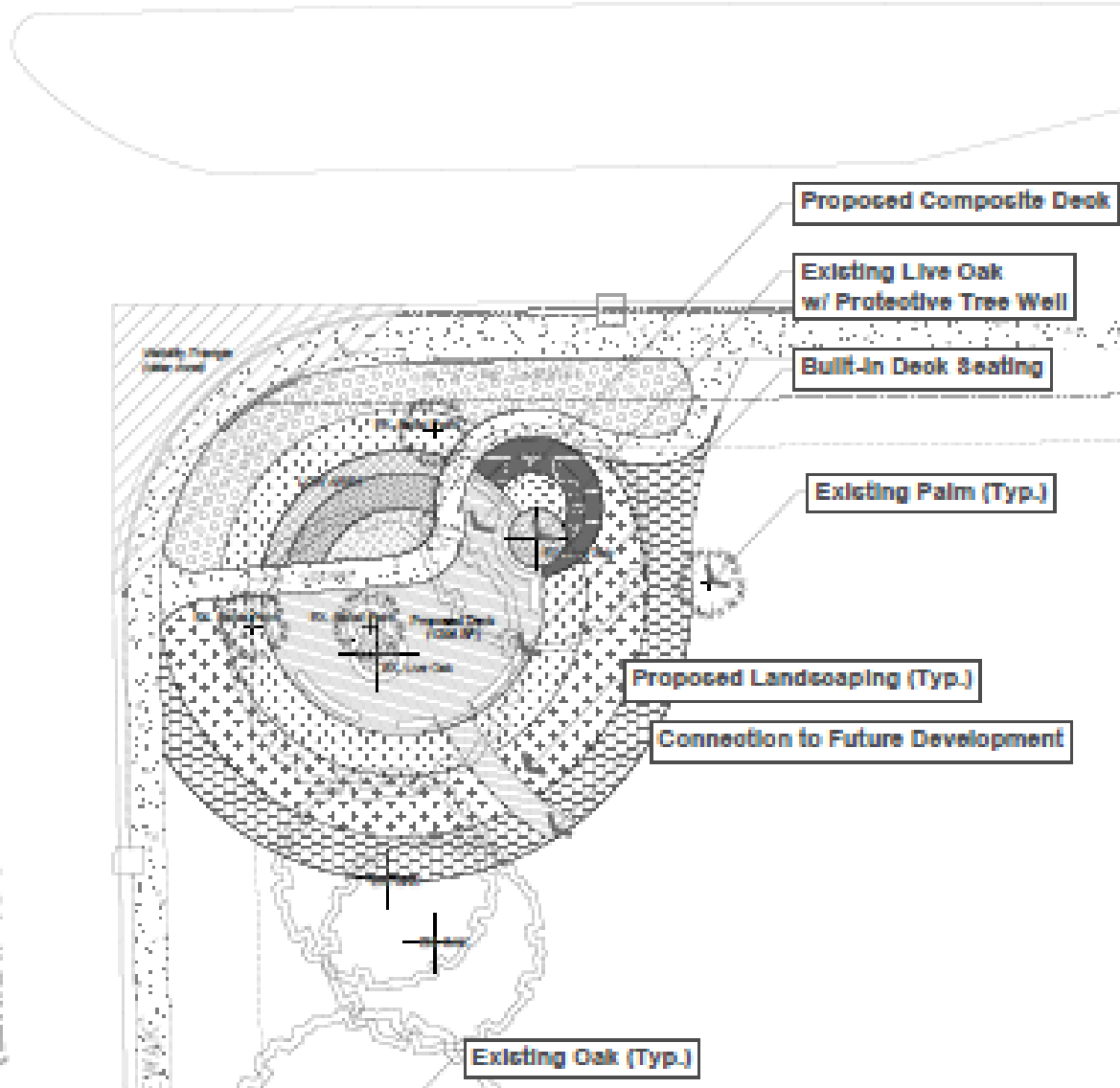


Corkscrew Road

(Exist. 150' Arterial Public R/W)

Three Oaks Parkway

(Exist. 150' Arterial Public R/W)



Prepared by:



**13137 Sandy Beach Circle
Boca Raton, FL 33497
Tel: 561.991.1188
Email: info@lancol.com**

Client:



Digitally signed by David H. Johnson, DN: cn=DAVID H. JOHNSON, o=OFFICE OF FLORIDA, Date: 2023.11.08 09:50:11 -0500

Project No.:

Project Name:
Parkway Identity
Conceptual Site
Three Oaks Park

Project No.:

DATE BY: 04.01.2023
SCALE BY: 000
CHECKED BY: 000

Project No.:

PROJECT NAME:
Preliminary Design
Pedestrian
Accessibility
- Site Layout -

REVISION NO. 01	REVISION NO. 02	REVISION NO. 03	REVISION NO. 04

Scale: 1/4" = 1'-0"

L 1.0

Q. Grady Minor and Associates, P.A.
Wayne Arnold
Director of Planning

Case Number: DCI2019-E005

Firestone – Estero Town Center CPD, a Portion of Tract A

December 2, 2020 Village of Estero Council Meeting

Policy 1.2.1

- **Testimony by Applicant experts demonstrates consistency with the VOE Comprehensive Plan**
 - **FLU Policy 1.2.1 Future Land Use Categories provides standards for mixed use or single use commercial development in the Transitional Mixed-Use Category**

Transitional Mixed Use *	Regional, community, neighborhood and minor commercial, hotel and office	Up to 1 million s.f. Per FLU-1.5	Mixed use or single use commercial allowed subject to compatibility standards and public hearing]
	Residential	1 – 6 du / gross residential acre	
	Horizontal mixed use	1 FAR for non-residential uses 1 – 6 du / gross residential acre	
	Integrated horizontal mixed use with placemaking	1 FAR for non-residential uses 1 – 10 du / gross residential acre, bonus up to 14	
	Vertical mixed use	1 FAR for non-residential uses 1 – 16 du / gross acre including non-residential land, bonus up to 20	

Policy 1.2.8 Transitional Mixed Use

- **FLU Policy 1.2.8 Transitional Mixed Use provides for single use commercial development and does not require mixed use.**

Transitional Mixed Use Category Development Types, Density and Intensity			
Development Types	Max. Standard Density **	Max. Bonus Density	Max. Intensity
<p>Single use* & Horizontal mixed use* subject to compatibility standards</p> <p>*not allowed for substantial changes to existing approvals (10% or more increase to approved density or intensity)</p>	1 du/ acre – 6 du/acre based on gross residential acreage for horizontal mixed use projects	n/a	1 FAR; and Neighborhood, community or regional scale commercial per FLU-1.5
Integrated horizontal mixed use subject to compatibility standards	1 du/acre – 10 du/acre based on gross residential acreage	Up to 14 du/acre based on gross	1 FAR; and Neighborhood, community or regional

Policy 1.2.8

- *Characterized by existing or emerging developments: This is existing.*
- *Where the village's largest and most intense commercial developments are or will be located.*
- *These areas were typically designated urban community, suburban, or General Interchange.*
- *The policy points out that Broadway and 41, Coconut Point, and the interchange areas are the primary areas in this category.*

Objective 1.5 & Policy 1.5.1, Poly 1.9 and Policy 1.10.3

- *FLU Objective 1.5 and Policy 1.5.1 provide location standards for commercial development and support community and regional level commercial at this location, consistent with existing and proposed use.*
- *FLU Policy 1.9 encourages mixed use development patterns but does not require it. Existing PD is 90% developed and a residential product on a 1 acre outparcel is not a compatible or complementary use.*
- *FLU Policy 1.10.3 encourages interconnections and this PD provides vehicular interconnection to the west (future signalized intersection) and pedestrian interconnections to the north and east.*

FLU 1.10.1

- *FLU 1.10.1 Commercial Development Form*
 - *Well planned commercial development*
 - *Existing Pattern Book (design guidelines)*
 - *Interconnectivity and public spaces provided*
 - *Screening and buffering plan provided*
 - *Adequate infrastructure in place*
 - *No impact to adjacent land uses*
 - *Proximity to other similar centers*
 - *No environmental issues*

FLU 1.10.2 & 1.10.3

- ***FLU 1.10.2 Commercial Development Standards***
 - ***Visual screening provided***
 - ***Reduces dependence on automobile by providing pedestrian connections internally and externally to the site.***
 - ***Joint access is provided internal to the PD***
 - ***No external impacts***
 - ***No natural resource impacts***
 - ***Development design techniques required in pattern book i.e. lighting, signs and landscaping***
 - ***Conditions limiting size and use have been provided.***

- ***FLU Policy 1.10.3 Encourages interconnection between commercial developments.***

Planning Community Regulations

Sec. 33-51. Purpose and intent.

The purpose of this division is to create standards for growth in the Estero Planning Community (see map in Appendix I), described in Goal 19 of the Lee County Comprehensive Plan. Specific high growth corridors may be designated as overlay districts subject to the provisions of this subdivision. The policies contained within this article are intended to encourage mixed-use developments, interconnectivity, pedestrian activity, and to achieve and maintain a unique, unified and pleasing aesthetic/visual quality in landscaping, architecture, signage. The standards in Article II apply to all commercial, religious, institutional, and mixed use buildings within the Estero Community, except where the authority of a separate political jurisdiction supercedes county authority.

Sec. 33-402. Intent. The Corkscrew Road and Sandy Lane districts will be developed as the Estero Planning Community's Main Street, a corridor of architecturally appealing and attractively landscaped retail, office, residential and institutional developments that cater to the needs of the community. These districts are depicted in Appendix I, Map 1.

Conclusion

- Proposed PD Amendment is consistent with the Estero Comprehensive *Plan*
- Proposed PD Amendment is consistent with the Corkscrew Road Overlay *in Chapter 33*
- Proposed tire center use is compatible and complementary to *surrounding properties*
- A single outparcel to a regional commercial center will not ever be *developed as a residential use*

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
February 3, 2021

Agenda Item:

Estero Town Center Pedestrian/Open Space Amenity Area Agreement

Description:

As part of The Estero Town Center approval for the Estero Town Center commercial project (also known as Lowe's Plaza) located at the southeast corner of Three Oaks Parkway and Corkscrew Road, a pedestrian/open space area preserving the live oak trees was to be provided in the northwestern corner of the site as part of the development. This amenity area has not yet been provided and the property owner and Village have worked out an agreement for Council consideration.

Attached is a proposed agreement between the Village of Estero and the property owner, KRG Estero LLC ("KRG"). This agreement implements a condition of the Zoning approval for the Estero Town Center CPD Design Guidelines contained in Resolution Z-03-032 and shown on the Master Concept Plan.

The agreement provides for an area larger than that originally approved, to preserve the oaks and incorporate them into a public seating area with decking and landscaping to be provided, at the same time as the development order for the proposed Firestone Auto Care to the east.

Action Requested:

Approve the Agreement between the Village of Estero and KRG for provision of a pedestrian amenity area on the northwest corner of the Estero Town Center property.

Authorize the Mayor to execute this agreement on behalf of the Village of Estero Council.

Financial Impacts:

No financial impact.

Attachments:

1. Draft Agreement dated 1-21-21
2. Exhibit A

AGREEMENT

This Agreement (the “Agreement”) is made and entered into this ____ day of January, 2021 by and between the following, sometimes referred to hereafter collectively as the “Parties” and individually as a “Party”: KRG/CCA Estero, LLC (“KRG”) and Village of Estero (“Village”)

Whereas, KRG is the owner of that property (“Property”) at the southeast corner of Three Oaks Parkway and Corkscrew Road in the Village, which includes the northeast corner of Tract A of the Estero Town Commons Subdivision approved as Lee County DOS 2005-00096; and

Whereas, as a condition of approval for an amendment to the Estero Town Center Commercial Planned Development (DCI2019-E005) to allow Auto Repair and Service, Group I, as a stand-alone use on property (“auto use parcel”) located in the eastern portion of Tract A of the Estero Town Commons Subdivision, KRG has agreed to construct and maintain a pedestrian/open space area for the Planned Development; and

Whereas, said pedestrian area amenity is depicted on the three-page Preliminary Design plan dated November 6, 2020 and attached hereto as Exhibit A; and

Whereas, the Village seeks to ensure that the obligation to construct the pedestrian/open space area is fulfilled by KRG in conjunction with the development of the aforesaid auto use in the Commercial Planned Development amendment, and that the pedestrian/open space area will be dedicated to the use of the public (which may contain reasonable restrictions on the hours of operation) and maintained by KRG as a condition to the platting for the auto use parcel; and

Whereas, each Party is represented by counsel, recognizes its respective rights and obligations; and

Whereas, prior to signing this Agreement, each Party had an opportunity to and in fact has had counsel review this Agreement and explain that Party’s rights and obligations under, and the legal effect of, this Agreement;

Whereas, the Parties have signed this Agreement of their own free will and volition, with full recognition and understanding of their respective rights and obligations under, and the legal effect of, this Agreement;

Now therefore, for and in consideration of the following covenants and agreements, or other valuable consideration, the receipt and sufficiency of which are hereby acknowledged and conclusively established, the Parties covenant and agree as follows:

1. **Recitals:** The foregoing recitals are true and correct.
2. **Terms:**
 - 2.1. The Parties agree that a common/public area is required by Condition B.1. Resolution Z-03-032, Resolution of the Board of County Commissioners of Lee County, Florida. The requirement provides that consistent with the approved master

48 concept plan, which identified a 0.1 acre area, the live oak trees at the corner of Three
49 Oaks Parkway and Corkscrew will be preserved and incorporated into a
50 pedestrian/open space area. The pedestrian/open space area shall be constructed as
51 shown on the Preliminary Design plan attached hereto and incorporated herein as
52 Exhibit A.

53
54 2.2. The estimated cost of the pedestrian/open space area improvements will be
55 determined at the time of the Limited Development Order application if filed separately
56 or as part of the Development Order application for the stand- alone Auto Repair and
57 Service Group I use, as part of the required certified engineer’s cost estimate. If filed
58 separately, the Limited Development Order application will be filed concurrently with
59 the Development Order application
60

61 2.3. KRG agrees to provide the Village a surety consistent with the Lee County
62 Administrative Code 13-19 surety requirements (Performance Assurance Bond/Letter
63 of Credit, or Escrow Agreement) in an amount consistent with the engineer’s cost
64 estimate to ensure the completion of the pedestrian/open space area improvements.
65 If KRG fails to complete the improvements pursuant to the terms of this Agreement,
66 and the Limited Development Order or Development Order, as applicable, the Village
67 shall have the right to utilize the surety and to access the area to complete the
68 pedestrian/open space area improvements.
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70 2.4. The time for performance of the work shall be prior to the issuance of a
71 certificate of compliance for the stand-alone Auto Repair and Service Group I use that
72 is the subject of the CPD amendment (DCI2019--E005) and the approval of the Master
73 Concept Plan dated 05/04/20 stamped “Received May 14, 2020”. The Parties agree
74 that the necessary permits for the pedestrian/open space area shall include, but are
75 not necessarily limited to, a limited development order and building permit.
76

77 2.5 The pedestrian/open space area will be dedicated to the use of the public
78 (which may contain reasonable restrictions on the hours of operation) and will be
79 maintained by KRG as a condition to the platting for the auto use parcel. An easement
80 for such use of the public shall be recorded in the public records and noted on the plat.
81 The maintenance obligations set forth herein shall run with the land and be binding on
82 KRG’s successors and assigns, including but not limited to a property owner’s
83 association created to maintain the common areas.
84
85

86 3. **Nothing In This Agreement To Act As Admission:** Neither this Agreement nor
87 anything in it shall act as or constitute an admission by any Party that any Party, or any of their
88 respective past or present officers, directors, shareholders, members, agents, employees,
89 independent contractors, agents, accountants or attorneys, committed any wrongful act, or violated or
90 breached the terms of any agreement or duty owed, whether statutory or otherwise.
91

92 4. **Binding and Enforceable Agreement:** Each Party waives and relinquishes any and
93 all rights, under principles of law and equity, to rescind, vacate, or otherwise challenge this Agreement
94 (including its making or enforceability), including but not limited to duress, coercion, unilateral mistake,

95 mutual mistake, fraud in the inducement, or breach of any obligations or duties which any Party owed,
96 or may have owed, any other Party arising under statutory or common law subject to the approval of
97 DCI2019-E005.
98

99 5. **Authority:** Each person signing this Agreement on behalf of a Party represents and
100 warrants that he or she has full power and authority to enter into this Agreement.
101

102 6. **Governing Law, Venue and Personal Jurisdiction:** This Agreement shall be
103 governed by, and construed in accordance with, the laws of the State of Florida applicable to contracts
104 executed in and to be performed in that state and without regard to any applicable conflicts of law. In
105 any action between or among the Parties hereto arising out of or relating to this Agreement or any of
106 the transactions contemplated by this Agreement: (i) each Party irrevocably and unconditionally
107 consents and submits to the exclusive jurisdiction and venue of the Trial Court, and (ii) each Party
108 irrevocably consents to service of process by first class certified mail, return receipt requested, postage
109 prepaid.
110

111 7. **Joint Work Product:** This Agreement shall be deemed the joint work product of all
112 Parties and their respective counsel, and all Parties shall be considered the drafters of this Agreement.
113 Any rule of construction to the effect that any ambiguities are to be construed against the drafting party
114 shall not be applicable in any interpretation of this Agreement.
115

116 8. **Severability:** If any provision of this Agreement is contrary to, prohibited by, or
117 deemed invalid under applicable law or regulation, such provision shall be inapplicable and deemed
118 omitted to the extent so contrary, prohibited or invalid, but the remainder of this Agreement shall not
119 be invalidated thereby and shall be given full force and effect so far as possible. If any provision of this
120 Agreement may be construed in two or more ways, one of which would render the provision invalid or
121 otherwise voidable or unenforceable and another of which would render the provision valid and
122 enforceable, such provision shall have the meaning which renders it valid and enforceable.
123

124 9. **Entire Agreement:** This Agreement contains the full and complete agreement
125 between and among the Parties, and there are no oral or implied agreements or understandings not
126 specifically set forth herein. No other Party, or agent or attorney of any other Party, or any person,
127 firm, corporation or any other entity has made any promise, representation, or warranty, whatsoever,
128 express, implied, or statutory, not contained herein, concerning the subject matter hereof, to induce
129 the execution of this Agreement. No signatory has executed this Agreement in reliance on any
130 promise, representation, or warranty not contained herein. No modifications of this Agreement may be
131 made except by means of a written agreement signed by each of the Parties. Finally, the waiver of
132 any breach of this Agreement by any Party shall not be a waiver of any other subsequent or prior
133 breach.
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135
136 KRG/CCA Estero, LLC

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138 By: _____
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141 _____
142 Print Name Signed Above

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Its: _____
Indicate Office/Title

Witnesses:

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2021 by _____, as _____ of KRG/CCA Estero, LLC.

He/She is personally known to me or has produced _____ as identification.

VILLAGE OF ESTERO, FLORIDA

By: _____

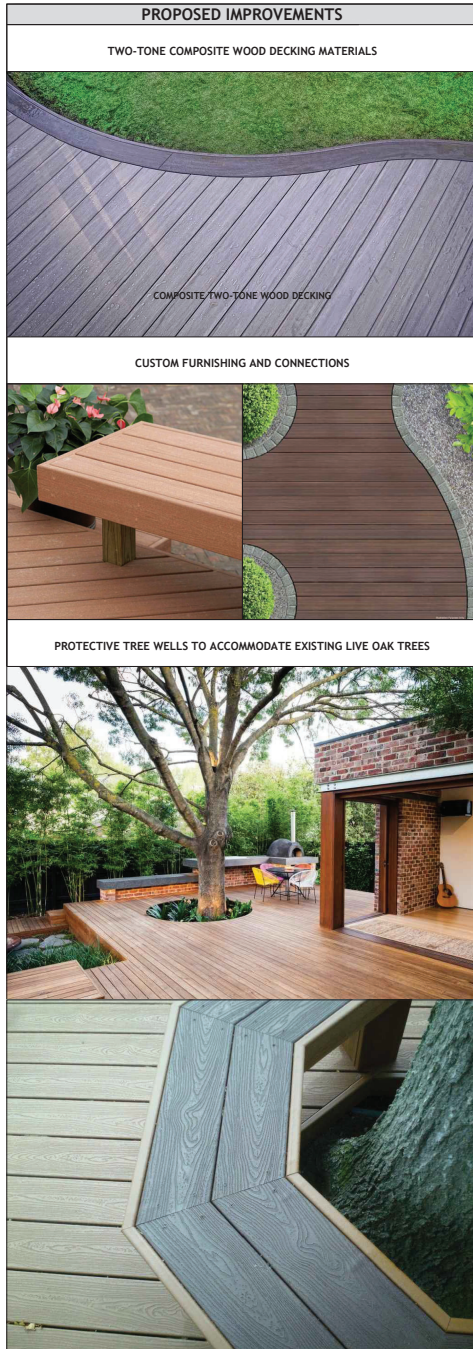
William Ribble

Its: _____
Village of Estero/Mayor

Attest:
By: _____
Carol Sacco/Village Clerk

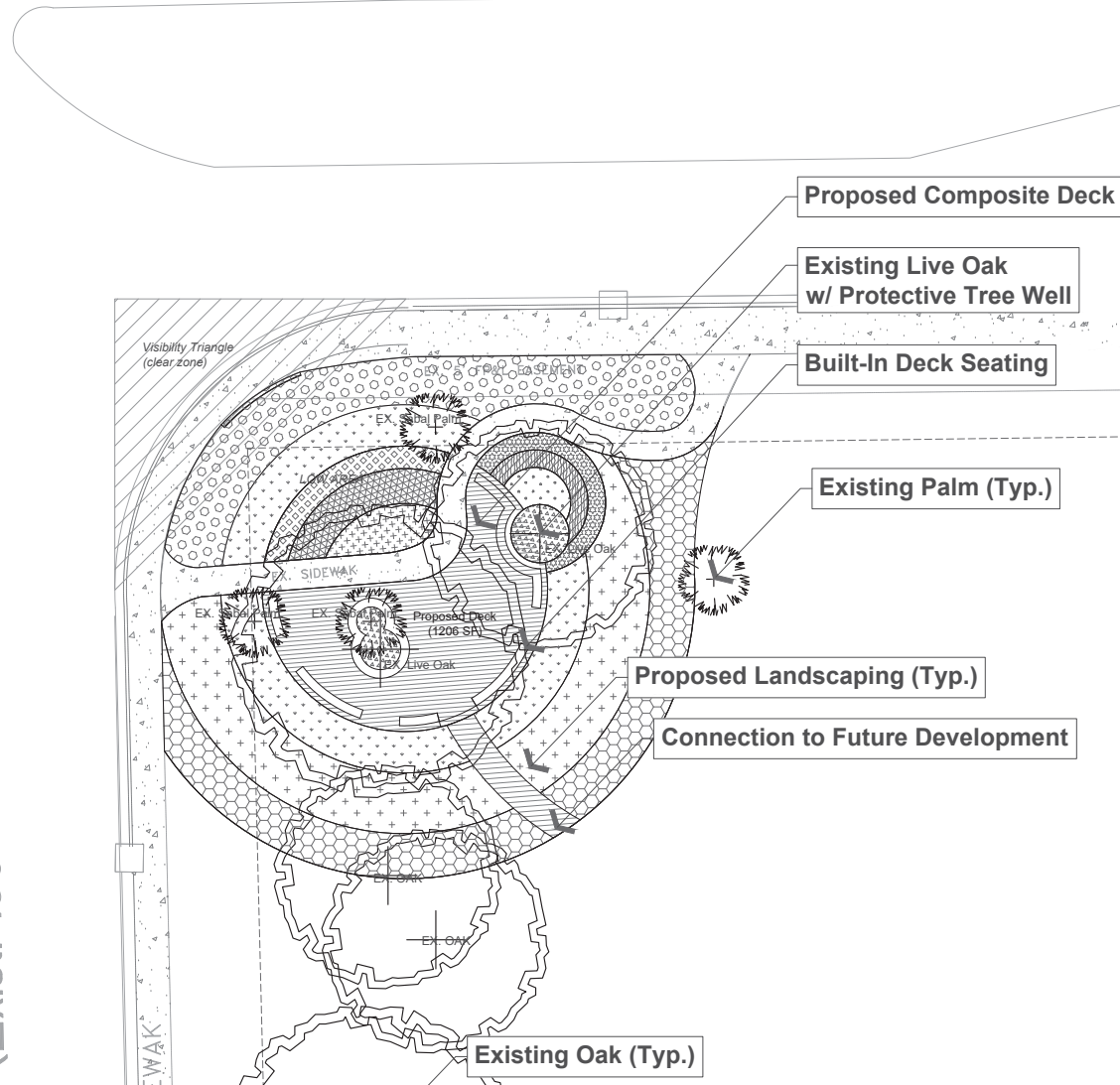
Corkscrew Road

(Exist. 150' Arterial Public R/W)



Three Oaks Parkway

(Exist. 150' Arterial Public R/W)



Prepared By:



18197 Sandy Pines Circle
North Fort Myers, FL 33917
Tel: 239.691.7790
Email: info@landesco.com

E Seal:



Digitally signed by David K. Kulsveen LA 6667133 STATE OF FLORIDA
Date: 2020.11.04 09:57:11 -05'00'

Prepared For:

Pedestrian Amenity
Corkscrew Rd &
Three Oaks Pkwy

In Conjunction With:

KITE REALTY GROUP
30 S. Meridian St, Suite #100
Indianapolis, IN 46204
(231) 377-5600



Preliminary Design
Pedestrian Amenity
- Site Layout -

DATE IN: 10-05-2020
DRAWN BY: DKK
CHECKED BY: DKK

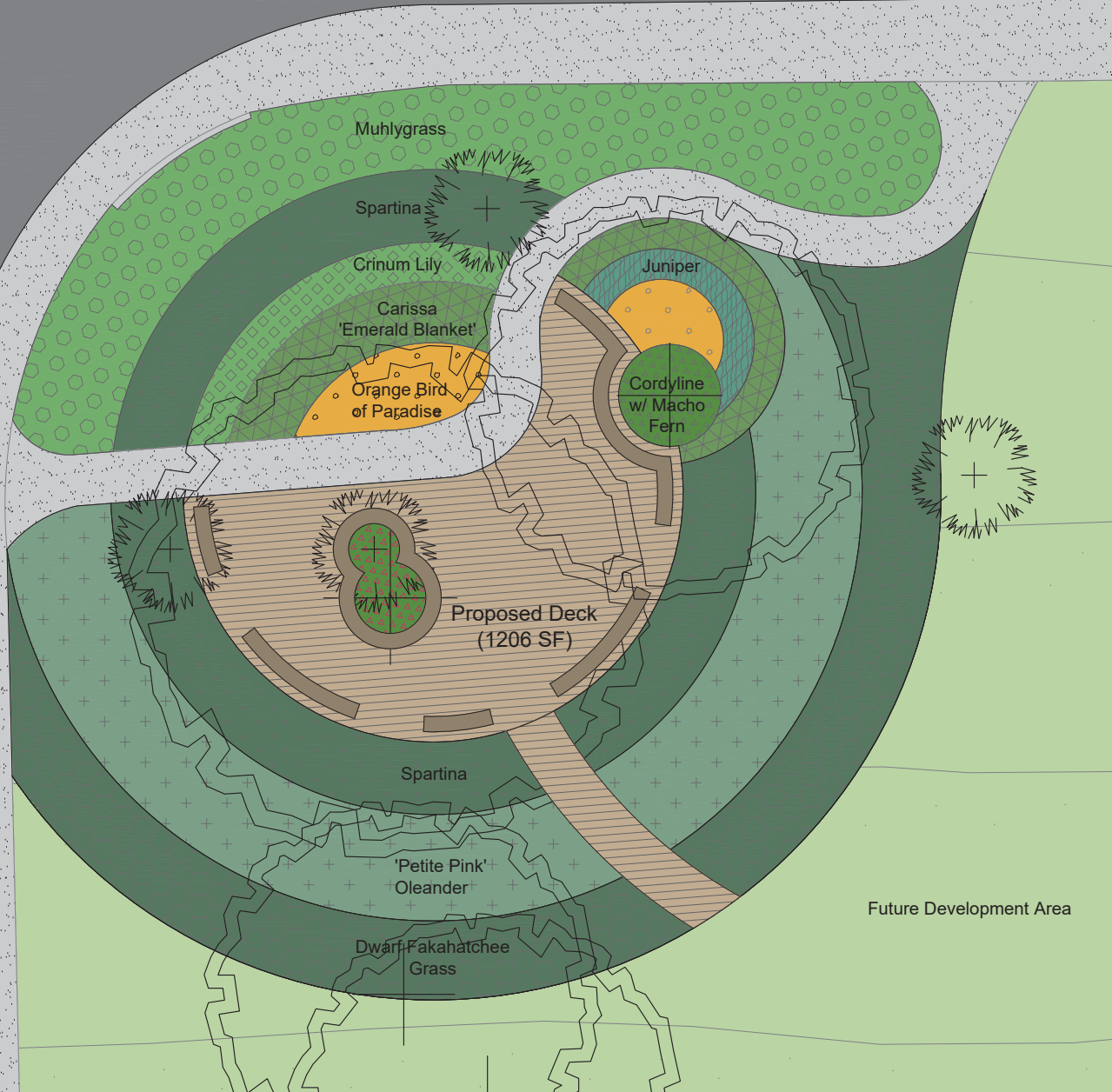
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10-24-20	REVISION PER CLIENT REQUEST		

Sheet: 1 of 2

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CORKSCREW ROAD

THREE OAKS PARKWAY



PROPOSED IMPROVEMENTS

MUHLY GRASS



SAND CORDGRASS



QUEEN EMMA CRINUM LILY



PARSONS JUNIPER



ORANGE BIRD OF PARADISE



Dwarf Fakahatchee Grass



CARISSA 'EMERALD BLANKET'



'PETITE PINK' OLEANDER



'RED SISTER' CORDYLIN



Prepared By:



18197 Sandy Pines Circle
North Fort Myers, FL 33917
Tel: 239.691.7790
Email: info@landesco.com



Digitally signed by David K. Kulsveen LA 6667133 STATE OF FLORIDA
Date: 2020.11.04 09:57:31 -0500

Prepared For:

Pedestrian Amenity
Corkscrew Rd &
Three Oaks Pkwy

In Conjunction With:

KITE REALTY GROUP
30 S. Meridian St., Suite #1100
Indianapolis, IN 46204
(219) 577-5600



Preliminary Design
Pedestrian Amenity
- Plant Board -

DATE IN: 10-05-2020

DRAWN BY: DKK

CHECKED BY: DKK

10-24-20	REVISION PER CLIENT REQUEST

REVISION DATE:	REVISION DATE:	REVISION DATE:	REVISION DATE:

Sheet: 2 of 2

L1.1



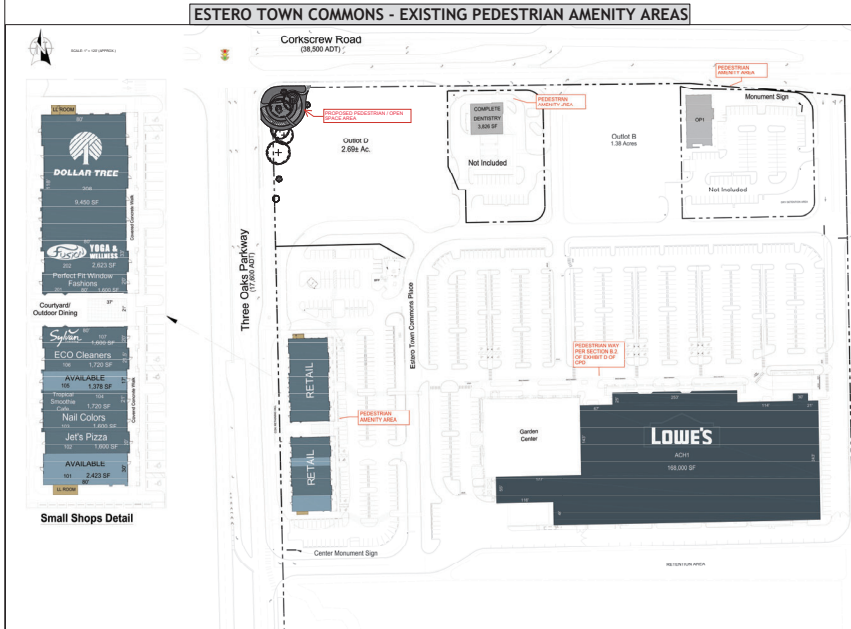
WEST END - EXISTING PEDESTRIAN AMENITY AREAS



WEST END - EXISTING PEDESTRIAN AMENITY AREAS



NORTHWEST CORNER - EXISTING CONDITIONS



ESTERO TOWN COMMONS - EXISTING PEDESTRIAN AMENITY AREAS

NORTHCENTRAL - EXISTING PEDESTRIAN AMENITY AREA



SOUTH END - EXISTING PEDESTRIAN AMENITY AREAS



NORTHEAST END - EXISTING PEDESTRIAN AMENITY AREAS

Prepared By:

 18197 Sandy Pines Circle
 North Fort Myers, FL 33917
 Tel: 239.691.7790
 Email: info@landesco.com



Digitally signed by David K. Kulsveen LA 6667133 STATE OF FLORIDA
 Date: 2020.11.04 09:57:52 -05'00'

Prepared For:
 Pedestrian Amenity
 Corkscrew Rd &
 Three Oaks Pkwy

In Conjunction With:
 KITE REALTY GROUP
 30 S. Meridian St., Suite #100
 Indianapolis, IN 46204
 (239) 377-5600



**Preliminary Design
 Pedestrian
 Amenity
 -Existing Conditions-**

DATE IN: 10-05-2020
 DRAWN BY: DKK
 CHECKED BY: DKK

10-24-20 REVISION PER CLIENT REQUEST	
REVISION DATE:	
REVISION DATE:	
REVISION DATE:	
REVISION DATE:	