AGENDA
PLANNING AND ZONING BOARD MEETING
9401 Corkscrew Palms Circle, Estero, Florida
July 21, 2020
5:30 P.M.

Planning & Zoning Board: Chairman - Scotty Wood; Vice Chairman – Marlene Naratil; Tim Allen; Anthony Gargano; James Tatooles; John Yarbrough

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. APPROVAL OF AGENDA

5. BUSINESS

Items on the agenda are generally treated in sequential order, and due to the length of the agenda any or all of the items listed for discussion may be rescheduled to a later date for consideration. The public will have an opportunity to speak during each agenda item; each individual has one opportunity to speak for five minutes per agenda item.

(a) Consent Agenda

(1) Approval of June 16, 2020 meeting minutes.

(b) Public Hearing

(1) Miromar Farmers Market – Local Ladies Social Network, Inc. (Permit Application # 1885375) (District 5)
The Farmers Market is located in the Miromar Outlets Mall northeast parking lot area, at the corner of Ben Hill Griffin Parkway and Miromar Outlet Boulevard and east of Ford’s Garage Restaurant.

Request to operate a Farmers Market one day a week from June 26 through September 25, 2020 from 9:00 a.m. until 1:00 p.m.

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

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

7. BOARD COMMUNICATIONS
   (a) Next meeting August 18, 2020

8. ADJOURN

COVID-19 INFORMATION AND INSTRUCTIONS

To view and/or participate in the Planning and Zoning Board Meeting July 21, 2020 at 5:30 p.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 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 read 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 Executive Assistant, sacco@estero-fl.gov or 239-221-5035.

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

ADA Assistance – Anyone needing special assistance at the Board meeting due to a disability or physical impairment should contact 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.”
FINAL ACTION AGENDA/MINUTES
Planning and Zoning Board Meeting
Village of Estero
9401 Corkscrew Palms Circle
Estero, FL 33928
June 16, 2020 5:30 p.m.

1. CALL TO ORDER: 5:30 p.m.

2. PLEDGE OF ALLEGIANCE: Led by Vice Chairman Naratil

3. ROLL CALL:

Present: Chairman Scotty Wood (via teleconference), and Board Members Marlene Naratil, Tim Allen (via teleconference), James Tatooles, Anthony Gargano, and John Yarbrough.

Also present: Village Land Use Counsel Nancy Stroud (via teleconference), Community Development Director Mary Gibbs, and Senior Planner Kathy Eastley.

4. APPROVAL OF AGENDA:

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

5. BUSINESS:

(a) Consent Agenda

Approval of January 21, and February 18, 2020 meeting minutes.

A motion to approve the Consent Agenda was made and duly passed.
(b) Public Hearings

Vice Chairman Naratil chaired the meeting and provided information regarding Board business and quasi-judicial hearings. All audience members and staff providing testimony for the hearing were sworn in by Village Deputy Clerk Duran. There were no ex-parte communications or conflicts of interest noted.

(1) South Estero Commercial Center CPD, Lot 4 (DCI2019-E004) (District 5)
21401 Corkscrew Village Lane, located north of Commons Way, east of Wendy’s Restaurant on US 41 and south of Corkscrew Road. Applicant is seeking to amend the South Estero Commercial Center Commercial Planned Development to add Medical Office Use as a permitted use in an existing ± 7,000 square foot building. The building formally housed Blockbuster Video and recently the Athenian Academy School.

Staff Presentation/Information by:
Mary Gibbs, Community Development Director

Presentation/Information by:
Gary Muller, AICP Johnson Engineering, Inc.

Public Comment: None.

Board Questions or Comments: None.

Motion: Move to recommend that Village Council approve the request to add Medical Office use with Staff conditions.

Motion by: Board Member Gargano
Seconded by: Board Member Allen

Action: Recommended that Village Council approve the request to add Medical Office use with Staff conditions.

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

6. PUBLIC INPUT: None.
7. **BOARD COMMUNICATIONS:**

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

   (b) Next meeting July 21, 2020

A motion to adjourn was made and duly passed.

8. **ADJOURNMENT:** 6:15 pm

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Tammy Duran  
Deputy Village Clerk
REQUEST AND STAFF RECOMMENDATION

This is a request to permit the use of a “Seasonal Farmers Market” for the sale of farm produce and goods, to be held weekly at Miromar Outlets Mall on each Friday from June 26, 2020 to September 25, 2020 from 9 am to 1pm. Staff recommends **APPROVAL** with conditions of the applicant's request.

Staff also notes that a variance is needed for the proposed timeframe for the market's operation.

APPLICATION SUMMARY

**Applicant:** Local Ladies Social Network, Inc.

**Request:** Requesting to use a portion of Miromar Outlets parking area shown as Lot M-6 on the Miromar Outlets Parking Exhibit (Attachment B) for the sale of farm produce and goods.

**Location:** The subject property is located in the northeast corner of the Miromar Outlets Mall, South of Miromar Outlets Boulevard and west of Ben Hill Griffin Parkway.

The applicant indicates the Miromar Outlets administrative Office address as 10801 Corkscrew Road, Suite 305, Estero FL and the STRAP number to be: 25-46-25-E4-270M6.0000

PROJECT HISTORY

The proposed Temporary Use is located within the ±790 acre commercial property known as Miromar Outlets Mall. The entire Miromar Outlets Mall is part of the Timberland and Tiburon Development of Regional Impact (DRI), which was originally approved by Lee County in 1985 (Z-85-072 & Z-85-072/1). In 1996 the property was rezoned from agriculture, AG-2, to the Commercial Planned Development (CPD) zoning district. 790,000 square feet of commercial space was added in 1997 to the CPD comprising the current regional shopping mall (Z-96-072).

PROJECT DESCRIPTION

The proposed Temporary Use will be located in a parking area identified as Lot M-6 on the Miromar Outlets Mall Parking Exhibit previously referenced. Pursuant to the Land Development Code Section 34-3048(a) Farmers Markets are allowed in parking lots of developed commercial
properties. The market when operating will occupy less than half of the 243 parking spaces available within Lot M-6.

The Farmers Market is proposing to operate on Fridays between 9 am and 1 pm. There are between 30-40 vendors operating sales from tented stands. The tents are set up only for the hours of operation, have open sides (without walls) and only tents of a 100 square feet (10 feet x 10 feet) are allowed.

Parking for the Farmers Market is provided directly adjacent to the tents in the remaining portion of Lot M-6.

Sanitary facilities are available for the patrons of the Farmers Market at the mall. The restroom facilities are directly across from the Farmers Market and are shown on the Miromar Outlets Store/Restaurant Location Map (Attachment C). Use of the facilities are mentioned as part of the Miromar Development Corporation approval letter granting the Temporary Use for a period of 3 months. (Attachment D).

Social media is traditionally used for advertising of the Farmers Market. However, during the scheduled times of the event temporary signs will be placed internally to direct customers and maintain traffic flow.

**STAFF ANALYSIS**

The applicant is requesting a Temporary Use Permit for a Farmers Market outside of the “season” or timeframe provided for in Section 34-3048 of the Land Development Code. The requested operational times for the Miromar Outlets Farmers Market is from Friday, June 26, 2020 through Friday September 25, 2020 from 9 am to 1pm. Section 34-3048(b) of the Land Development Code (LDC) states that Farmers Markets are permitted from October through April.

The applicant has requested a different timeframe for the Farmers Market due to the pandemic and need for provisions to be available to the public. Additionally, the applicant has stated that the timeframes listed in the Code are outdated as the growing season in Southwest Florida does not end on April 30th. Staff is revisiting Farmers Markets in the new Land Development Code for extensions of timeframes. Another provision proposed for the New Code is to accommodate some flexibility in the case of pandemic and similar emergencies.

Until a New Code is adopted a variance for the operational times of the Miromar Outlets Mall Farmers Market is needed. Staff finds that a change of time (operating months) will have no detrimental effect on the functional operation of this Farmers Markets or any other since the markets are granted their approvals through a Temporary Use Permit and each application is reviewed annually. Exceptional and extraordinary conditions of the COVID-19 Pandemic have affected all markets; open air and traditional indoor stores. Social distancing delineations and directional movement arrows exists now in all shopping venues. Having the opportunity to shop within an open air environment provides customers an experience free of store encumbrances and circulated air.

A variance from the seasonal timeframes of a Farmers Market is the minimum necessary to afford the applicant relief. Health safety guidelines set in place due to the COVID-19 Pandemic justify providing more options to support the sale of provisions and goods locally. There are exceptional conditions that are not created by the applicant.
The designated area for the Farmers Market is in a prominent location with sight lines from the mall's secondary entrance off of Ben Hill Griffin Parkway. The market area is located in a parking lot a distance from the mall's main entrance (Corkscrew Road). Traffic flow and parking demands for the mall stores and food court will not be affected by the Farmers Market operation. Miromar Outlets Boulevard, the road encircling the mall stores, will not be blocked during the operation of the market and traffic flow throughout the mall will be maintained as designed.

Sanitary facilities at the mall will be available for the customers. The mall management has approved the use of the property for the Farmers Market and has stated in its approval that the mall's sanitary facilities are available for the market's customers.

The type of goods sold will vary by each individual vendor. The objective of the market is to offer unprocessed and processed agricultural products such as fruits, vegetables, jams, cheeses and baked goods. The vendors, in accordance with LDC Section 34-3048(d), shall be responsible for securing and displaying all necessary licenses, including but not limited to any license/approval required when offering prepared foods for consumption.

As stated in the LDC Section 34-3048(e), prohibited items and vendors are listed as used goods, antiques, collectibles and all other goods and services not expressly set forth in Sections 34-3048(d). (Attachment E)

**RECOMMENDATION**
Staff recommends approval of the Temporary Use Permit and variance with conditions in the draft PZB Resolution 2020-04.

**ATTACHMENTS:**

A. Application  
B. Farmers Market Location in Miromar Outlets Mall (Lot-M6)  
C. Store/Restaurant Location Map (Restrooms)  
D. Miromar Development Corporation Mall Management Approval  
E. Land Development Code Section 34-3048 Seasonal Farmers Market
TEMPORARY PERMIT/ TEMPORARY USE APPLICATION

This application and all submittal requirements may be emailed to: permitting@estero-fl.gov. The application may also be submitted in person at our office located at 9401 Corkscrew Palms Circle, Estero FL 33928 M-F 8:00 am to 5:00 pm.

Applicant: Local Ladies Social Network, Inc
Phone: 856-264-1177

Contact Person (if different): Christy Dunn
Email Address: LLSN@comcast.net

Property Owner's Name: Mironar Outlet Parking East, LLC
Address of Property: 10801 Corkscrew Rd., Ste 305, Estero, FL 33928

Description of Temporary Use (please be specific):

Farmers Market

Type of Use Requested (Additional Zoning Review fee of $75 may be charged for all uses except Construction Office/Shed and Community Gardens):

- Horse Shows/Exhibitions ($100)
- Construction Office/Shed ($150)
- Fireworks Display ($250)
- Temp. Mail Distribution ($100)
- Tent ($150)

- Christmas Tree Sales ($150)
- Carnivals/Fairs/Circuses ($150)
- Community Gardens ($35)
- Temp. Storage Facilities ($150)
- General Temporary Use ($100)
- Seasonal Farmers' Market ($100)

Date of Event: June 28th thru Sept 25, 2022
Hours of Operation: 9 AM from to 1 PM

Number of Tents: 30-40
(Plan Review fee of $50 will apply to tents over 2500 sq. ft. and/or w/sidewalls)

Sq. Ft. per Tent: 10x10 only
Side Walls? Yes or No
Electric? Yes or No

N/A

DO/Permit #: (required for Construction Office/Shed)
AFFIDAVIT FOR OVER THE COUNTER PERMITS FOR TENTS

I hereby affirm that the following criteria will be met for the tents to be erected at: Miromar Outlets, Farmers Market-in Parking Lot (address) 10801 Corkscrew Rd, Suite 305 Estero, FL 33928 for Local Ladies Social Network Inc. (Business Name) for the purpose of Farmers Market (Event).

1. Tent is under 2500 square feet and does not have sidewalls.
2. Tents will not be used for a place of assembly [more than fifty (50) people], kitchen or mess hall.
3. Tents will not block any driveway, fire hydrant or fire access to any building.
4. Tents will be at least twelve (12) feet from all property lines and have an unobstructed passage-way or fire road not less than twelve (12) feet wide and free from guy ropes or other obstructions on all sides of tent.
5. "NO SMOKING" signs will be placed approximately every twenty (20) feet around perimeter of tent.
6. One (1) classification type 2A fire extinguisher will be provided in every tent having a floor area of more than five hundred (500) square feet but less than one thousand (1000) square feet, and also one (1) in each auxiliary tent adjacent thereto. Two (2) classification type 2A fire extinguishers will be provided for each tent from 1000 to 2500 square feet.
7. Tents that will be occupied after sunset will have lights and emergency lighting.
8. Flame resistance certificates will be on the job site for inspection.

NOTE: All other applicable requirements of N.F.P.A. 102 will be complied with.

I understand that it is the responsibility of the permit holder to call the Inspections Office for inspection request and the Local Fire District to receive final fire inspection prior to using the tent.

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

Signature (owner/authorized agent) Date 6/14/20

Christy Dunn
Typed or printed name
**CERTIFICATE OF LIABILITY INSURANCE**

This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not affirmatively or negatively amend, extend or alter the coverage afforded by the policies below. This certificate of insurance does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder.

**DATE (MM/DD/YYYY)**

06/21/2020

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**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

**PRODUCER**

Hiscox Inc.
520 Madison Avenue
32nd Floor
New York, NY 10022

**INSURED**

Local Ladies Social Network, Inc.
1743 SE 46TH ST
CAPE CORAL, FL 33904

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**COVERAGES**

**CERTIFICATE NUMBER:**

**REVISION NUMBER:**

This is to certify that the policies of insurance listed below have been issued to the Insured named above for the policy period indicated. Notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the insurance afforded by the policies described herein is subject to all the terms, exclusions and conditions of such policies. Limits shown may have been reduced by paid claims.

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**AUTOMOBILE LIABILITY**

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**WORKERS COMPENSATION AND EMPLOYERS' LIABILITY**

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**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 191, Additional Remarks Schedule, may be attached if more space is required)**

Mironar Outlet Parking East, LLC. is named as additionally insured.

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**CERTIFICATE HOLDER**

Mironar Outlet Parking East, LLC.
10801 Corkscrew Rd. Suite 305
Estero FL 33928

**CANCELLATION**

Should any of the above described policies be cancelled before the expiration date thereof, notice will be delivered in accordance with the policy provisions.

Authorized Representative

© 1988-2015 ACORD CORPORATION. All rights reserved.

ACORD 25 (2016/03) The ACORD name and logo are registered marks of ACORD
Area designated for Farmers Market
Attachment C

MIROMAR OUTLETS MALL
STORE/RESTAURANT LOCATION MAP
June 19, 2020

Village of Estero Building and Permitting Services
9401 Corkscrew Palms Circle
Estero, Florida 33928

Re: Temporary Permit / Temporary Use Permit

To Whom It May Concern:

Please allow this letter to serve as permission from Miromar Outlet Parking East, LLC for Local Ladies Social Network, Inc to operate a Farmer's Market & Craft Show, on Fridays from 9 am to 1 pm starting on Friday, June 26, 2020 through Friday, September 25, 2020.

Restroom facilities are located adjacent to the Farmer's Market location and are open during these operating hours.

Please feel free to contact me directly with any questions at 239-390-7720.

Thank you.

Jeff Staner
Vice President

The foregoing instrument was sworn to and acknowledged before me by means of physical presence this 19th day of June, 2020, by JEFF STANER. He is personally known to me.

(affix notary seal)
Sec. 34-3048. - Seasonal farmers' market.

(a) Farmers' market are allowed in the parking lot or grassed areas of properties developed with churches, schools, clubs (df), parks (section 34-622(c)(32)), commercial or industrial uses, or on-site recreational facilities (df). Farmers' markets are prohibited on vacant lots.

(b) Farmers' markets are permitted from October through April. A temporary use permit may be issued for no more than four days a week in the same location. A year round farmers' market requires compliance with this Code.

(c) The application for the temporary use permit must include the following:

1. A site plan indicating the layout and boundaries of the market. The market may be located within parking areas with written consent of the property owner. The market is not permitted in open space or preserves areas, as designated on an approved local development order, or within a County right-of-way. Adequate pedestrian and vehicular access to the site must be demonstrated;

2. The day of the week and hours of operation for the market.

(d) Each vendor is responsible for securing and displaying all necessary licenses, including but not limited to any license/approval required when offering prepared food for consumption, etc. (i.e., Florida Department of Agriculture, Food Safety, and Department of Business and Professional Regulation, etc.). Allowed products and services are limited to:

1. Unprocessed agricultural products such as fruits, vegetables, grains, flowers, and plants;

2. Processed agricultural products such as milk, cheese, oils, vinegars, meats, poultry, eggs, honey, spices, coffee, jams, nuts, sauces, pasta, soaps, ice cream, herbal preparations, jellies;

3. Prepared foods such as ready-to-eat baked goods, breads, meats, cheeses, cakes, and pies;

4. Food booths, with proper licensing, where preparation of food occurs on site;

5. Agriculture-related crafts, such as handmade wreaths, swags, dry flower arrangements, pressed flowers, scented sticks and potpourri; candles, scented sticks;

6. Items designed to promote water, soil, or energy conservation, such as rain barrels, organic fertilizer, compost boxes, and related educational materials;

7. Musical entertainment may occur only at one location within the market area and must comply with the County noise ordinance; and

8. Other goods and services determined by the Zoning Director to be substantially similar to the above vendor types.

(e) Prohibited items and vendors: Used goods, antiques, collectibles, and all other goods and services not expressly set forth above.

(f) The Department of Community Development has the authority to modify or revoke the farmers' market temporary use permit upon a finding of a violation of any condition of the temporary use permit approval. Prior to revoking a permit, the permittee will be given written notice of the violation and the action necessary to correct the same. The notice will be delivered in compliance with F.S. § 162.12.
RESOLUTION NO. PZB 2020-04

TEMPORARY USE PERMIT APPLICATION #1885375

ADMINISTRATIVE APPROVAL
VILLAGE OF ESTERO, FLORIDA

WHEREAS, Local Ladies Social Network, Inc. filed a Temporary Use Permit Application #1885375 for the operation of a Farmers’ Market located at the Miromar Outlets Mall, Estero, Florida described more particularly as:

- Strap Number: 25-46-25-E4-270M6.0000

WHEREAS, Miromar Development Corp, has granted permission for the Local Ladies Social Network, Inc. to hold a Farmers’ Market on the property once a week; and

WHEREAS, Village of Estero Transitional Land Development Code (LDC) provides for temporary uses; and

WHEREAS, Land Development Code Section 34-3048 lists the regulations for Seasonal Farmers’ Markets and sets the timeframe for these markets to be between the months of October and April of each year; and

WHEREAS, the applicant’s timeframe of operation for the requested Farmers’ Market from June 26, 2020 through September 25, 2020 requires;

- A variance from Section 34-3048(b) for the operation of the market outside of the specified seasonal months of October through April; and

WHEREAS, under the provisions of Ordinance No. 2015-01 of the Village of Estero, the Planning and Zoning Board has been delegated the authority to make determinations with respect to these actions; and

WHEREAS, the following findings of fact are offered:

1. There are exceptional or extraordinary conditions due to the COVID-19 pandemic and a declared need to maintain social distancing when shopping to prevent unintended contamination; and

2. The exceptional and extraordinary conditions or circumstances are not the result of actions of the Temporary Use Applicant; and

3. The variance granted is limited to the one time Temporary Use request to serve the community during the pandemic with an optional source of agricultural provisions; and
4. The proposed Farmers’ Market, as conditioned, will not create adverse impacts; and

5. The Planning and Zoning Board has taken this action at a duly constituted public hearing after due public notice.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for the temporary use and variance is APPROVED, subject to the following conditions:

1. The operation of the market is limited to Fridays from June 26, 2020 to September 25, 2020, from 9:00 a.m. to 1:00 p.m.

2. If it is determined that inaccurate or misleading information was provided to staff or the Planning and Zoning Board, or if this decision does not comply with the Land Development Code when rendered, then, at any time, the Planning and Zoning Board may issue a modified decision that complies with the Code or revoke the decision. The permittee will be given written notice of violation and action necessary to correct same prior to revoking a permit.

PASSED AND DULY ADOPTED this 21st day of July, 2020.

VILLAGE OF ESTERO, FLORIDA
PLANNING AND ZONING BOARD

______________________________
Scotty Wood, Chairman

Attest:

By: ___________________________
   Steve Sarkozy, Acting Village Clerk

Reviewed for legal sufficiency

By: ___________________________
   Nancy Stroud, Esq., Land Use Attorney

Resolution No. PZB 2020-04 Page 2 of 3
Application #1885375
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<td>Marlene Naratil</td>
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