

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 BOARD
NOVEMBER 8 2023**

Planning Zoning and Design Board Meeting

**Village of Estero
9401 Corkscrew Palms Circle
Estero, FL 33928
October 10, 2023 4:30 p.m.**

1. CALL TO ORDER: 4:32 p.m.

2. PLEDGE OF ALLEGIANCE:

3. ROLL CALL:

Present: Chairman Scotty Wood, Vice Chairman Anthony Gargano, Board Members James Tatoes, Barry Jones (Arrived 5:36 pm), Jim Wallace, Kristin Jeannin, and Michael Sheeley.

Also present: Village Land Use Counsel Nancy Stroud, Community Development Director Mary Gibbs, Development Review Manager Jim Hart, and Deputy Village Clerk Tammy Duran.

4. APPROVAL OF AGENDA:

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

5. BUSINESS:

(a) Consent Agenda

(1) Approval of September 12, 2023, meeting minutes.

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

6. PUBLIC HEARINGS (Quasi-Judicial)

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

- (a) Brooks Town Center Apartments (aka Coconut Pointe Residences) – Development Order (DOS2023-E010) (District 6) 9.95-acre parcel at the northwest corner of Coconut Road and Three Oaks Parkway.

Applicant seeks to redevelop a portion of the Brooks Town Center area (Winn-Dixie & parking area) for a 137-unit multi-family complex.

No ex parte communication or conflicts of interest were noted.

Addressing Affected Party

Staff Presentation/Comments

Mary Gibbs, Community Development Director
Nancy Stroud, Village Land Use Attorney

Presentation/Information by

Ralf Brooks, Attorney for Ms. Wyrofsky
Neale Montgomery, Esq, Pavese Law Firm
Kathy Wyrofsky, Shadow Wood

Board Questions or Comments

Board Members Wallace, Jeannin, Vice Chairman Gargano, and Chairman Wood.

Motion: Motion to recognize Kathy Wyrofsky as an adversely affected by party.

Motion by: Vice Chairman Gargano
Seconded by: Board Member Jeannin

Action: MOTION FAILED

Vote:

Aye: Board Members Jeannin, Vice Chairman Gargano, and Chairman Wood

Nay: Board Members Sheeley, Wallace, and Tatooles

Abstentions:

Motion: Motion to not recognize Kathy Wyrofsky as an adversely affected party.

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

Action: MOTION FAILED

Vote:

Aye: Board Members Sheeley, Wallace, and Tatooles

Nay: Board Members Jeannin, Vice Chairman Gargano, and Chairman Wood
Abstentions:

Public Hearing for Development Order

Staff Presentation/Comments

Mary Gibbs, Community Development Director
Nancy Stroud, Village Land Use Attorney

Presentation/Information by Applicant

Charles Krebs, PE, Holes Monte
Neale Montgomery, Esq, Pavese Law Firm
Tom Cavanaugh, PAC Land Development Corp.

Public Comment

In-Person

Ronald Mishko, Lighthouse Bay
Tammy Rose. Brooks Town Center
Mary Murphy, Shadow Wood
Daniel Carrie, Rapallo
Scott D. Hunter II, Brooks Town Center
Kathy Wyrofsky, Shadow Wood
Max Forgey, AICP (representing Kathy Wyrofsky)
Mary Blakeley, Shadow Wood
Ralf Brooks. Cape Coral (representing Kathy Wyrofsky)
Girad Griggs, Rapallo
Allan Bowditch, Shadow Wood
Clark Bell, Shadow Wood

eComments

Lon & Mary Kay Wright, Brooks Town Center
Leslie Fissmer, Copperleaf Golf Club
Bonnie Schreder, Shadow Wood
Jim Preston, Shadow Wood
Max Robinson, Brooks Town Center
Maxine Saul, Estero

Board Questions or Comments

Board Members Tatoes, Jones, Sheeley, Wallace, Vice Chairman Gargano, and Chairman Wood

Motion: Motion to approve Development Order with a stipulation that the 20 spaces immediately in front of the commercial area that are back-to-back spaces be strictly reserved for commercial and not for joint use.

Motion by: Board Member Jones

Seconded by: Board Member Jeannin

Action: Approved Development Order with a stipulation that the 20 spaces immediately in front of the commercial area that are back-to-back spaces be strictly reserved for commercial and not for joint use.

Vote:

Aye: Board Members Jones, Jeannin, Sheeley, Tatooles, and Chairman Wood

Nay: Board Members Wallace and Vice Chairman Gargano

Abstentions:

Recess at 8:10 pm and Convene 8:40 pm.

9. **PUBLIC INPUT (Planning Zoning Design Board Moved Public Input up after break)**

Shane Riley, Ridge Runner Court

Staff Presentation/Comments

Mary Gibbs, Community Development Director

Board Questions or Comments

Board Member Jones

7. **PUBLIC INFORMATION MEETINGS**

- (a) Walmart Expansion (DOS2023-E008) (District 2) 19975 So. Tamiami Trail, located at the corner of US 41 and Estero Parkway. The original Development Order was approved in 2012, DOS2012-00045.

Seeking to add a ± 5,800 square foot addition to the existing 186,404 square foot building to accommodate storage for on-line pickup orders. Project includes reconfiguration of parking area where the addition is being constructed.

Staff Presentation/Comments

Mary Gibbs, Community Development Director

Presentation/Information by

Kia Burk, Bowman Consulting

Public Comment

None.

Board Questions or Comments

Board Member Jones

- (b) Southwest Florida Church of Christ – Special Exception (SEZ2023-E002)(District 4)
20540 Sandy Lane, 2.18-acre vacant parcel at the southwest corner of Sandy Lane and
Broadway East.

Staff Presentation/Comments

Mary Gibbs, Community Development Director
Jim Hart, Development Review Manger

Presentation/Information by

Alexis Crespo, RVi Planning
Tim Keene, PE, Keene Development, LLC

Public Comment

Pat Janawsky, Sandy Lane
Paul Brooks, Broadway Ave E
Patty Whitehead, Old Estero

Board Questions or Comments

Board Members Jeannin, Jones, Wallace, Vice Chairman Gargano, and Charman Wood.

A motion to continue the meeting past 9:00 pm until 9:30 was made and duly passed.

8. WORKSHOP

- (a) Hilton Garden Inn Development Order (DOS2020-E002) (District 6)
8009 Sweetwater Ranch Blvd., a cleared and vacant 2.16 acre parcel at the southwest
corner of Via Villagio and Sweetwater Ranch Blvd. adjacent to the Estero Fire
Station.

Staff Presentation/Comments

Mary Gibbs, Community Development Director

Presentation/Information by

Shawn Boysko, Equity Construction Solutions

Public Comment

eComment

Gary Prestia, Rapallo

Board Questions or Comments

Board Members Jones, Wallace, and Charman Wood.

10. BOARD COMMUNICATIONS

- (a) Confirm 2024 Meeting Schedule

(b) Next meeting – November 14, 2023

11. ADJOURNMENT: 9:32 pm.

Tammy Duran
Deputy Village Clerk

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME SHEELEY MICHAEL KENNETH		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ESTERO PLANNING, ZONING + DESIGN BOARD	
MAILING ADDRESS 15661 OLD WEDGEWOOD CT.		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
CITY FORT MYERS, FL	COUNTY LEE	NAME OF POLITICAL SUBDIVISION: VILLAGE OF ESTERO FLORIDA	
DATE ON WHICH VOTE OCCURRED 9-12-23		MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, MICHAEL K. SHEELEY, hereby disclose that on 9-12, 2023 :

(a) A measure came or will come before my agency which (check one or more)

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____ ;
- ☐ inured to the special gain or loss of my relative, _____ ;
- ☐ inured to the special gain or loss of _____, by
whom I am retained; or
- ☐ inured to the special gain or loss of _____, which
is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

APPROXIMATE MEDICAL + DENTAL BUILDING, ESTERO, FLORIDA, AS
DESIGNED BY THE UNDERSIGNED AS THE PRINCIPAL OF
MK ARCHITECTURE, LLC.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

Date Filed

9-12-23

Signature



NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.