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VILLAGE OF ESTERO, FLORIDA

RESOLUTION NO. 2016 - 05

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE
VILLAGE OF ESTERO, FLORIDA, AUTHORIZING
THE VILLAGE MANAGER TO COORDINATE
PROVISION OF EXPERT TESTIMONY TO THE CITY
OF BONITA SPRINGS IN ZONING HEARINGS
RELATED TO PELICAN LANDING DEVELOPMENT
PROPOSALS; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Village Council has determined that it is in the best interests and welfare of the Village and its residents to participate in City of Bonita Springs ("City") zoning hearings related to the proposals by Pelican Landing Golf Resort Ventures LP to amend the Pelican Landing RPD/CPD to allow the development of four residential towers within the Pelican Landing Golf Resort (aka Raptor Bay); and

WHEREAS, the Village Council has determined that the proposed development may have adverse impacts on the public infrastructure, aesthetics, safety, amenities, natural environment, and other significant public interest concerns of current and potential future residents in the Village; and

WHEREAS, the Village Council has contracted with an expert traffic engineer to study the traffic impacts of the proposed development and the study is in process; and

WHEREAS, Section 163.3178(1), Florida Statutes, expresses the legislative intent that local governments restrict development activities where such activities would damage or destroy coastal resources and that such plans protect human life and limit public expenditures in areas that are subject to destruction by natural disasters; and

WHEREAS, the Village Council is concerned, among other things, that hurricane evacuation times and shelter capacity are currently inadequate and that increased density at the Raptor Bay location will further exacerbate evacuation problems; and

WHEREAS, the Village's current staff and consultants, including but not limited to Community Development Director Mary Gibbs and Land Use Counsel Nancy Stroud, have expertise that can be provided as testimony in the City's zoning hearings, including but not limited to traffic and transportation, coastal high hazard area protection, hurricane evacuation, comprehensive planning, and zoning; and

WHEREAS, the Village Council wishes to ensure that the expert testimony relevant to the Village's concerns is provided to the City of Bonita Springs zoning hearings.

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

49 **Section 1.** The Village Council authorizes the Village Manager to coordinate the
50 provision of expert testimony from Village staff and consultants as appropriate and necessary
51 to the City of Bonita Springs zoning hearings related to the Pelican Landing/Raptor Bay
52 development proposals and to continue to explore the merits of jurisdictional and procedural
53 legal challenges to these matters as authorized by Village Council prior resolution on the matter
54 at Council meeting of January 13, 2016. The expert testimony shall be provided to the hearings
55 held before the City Zoning Board for Land Use Hearings, before the City Council, and Local
56 Planning Agency.

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58 **Section 2.** This Resolution shall take effect immediately upon adoption.
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60 **ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero, Florida this
61 10th day of February, 2016.
62

63 Attest:

VILLAGE OF ESTERO, FLORIDA

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66 By: Kathy Hall
67 Kathy Hall, MMC, Village Clerk
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By: Nicholas Batos
Nicholas Batos, Mayor

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70 Reviewed for legal sufficiency:
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72
73 By: Nancy E. Stroud
74 Nancy E. Stroud, Esq., Land Use Counsel
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