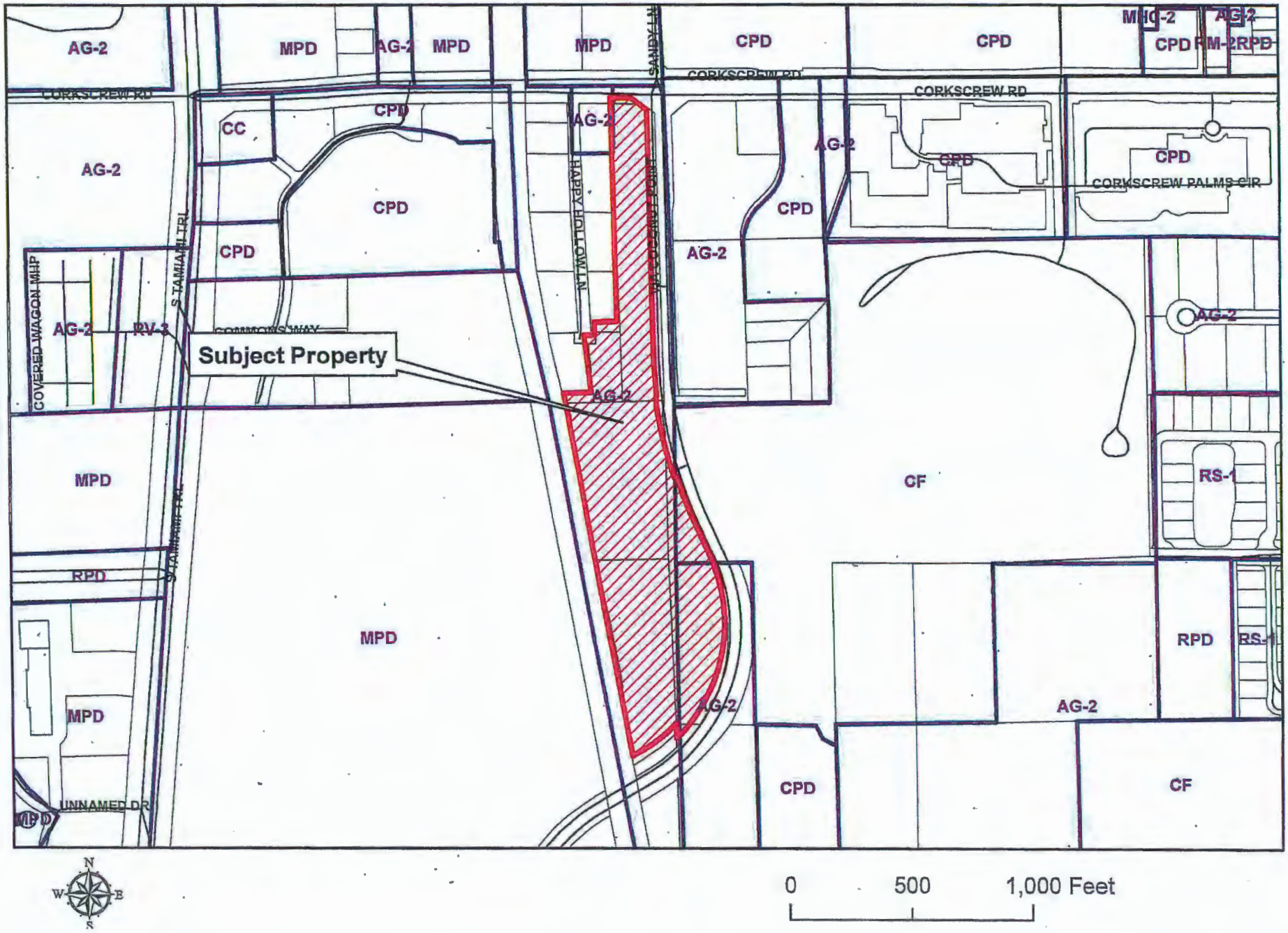
# ATTACHMENT A

## Maps

**DCI2014-00023**

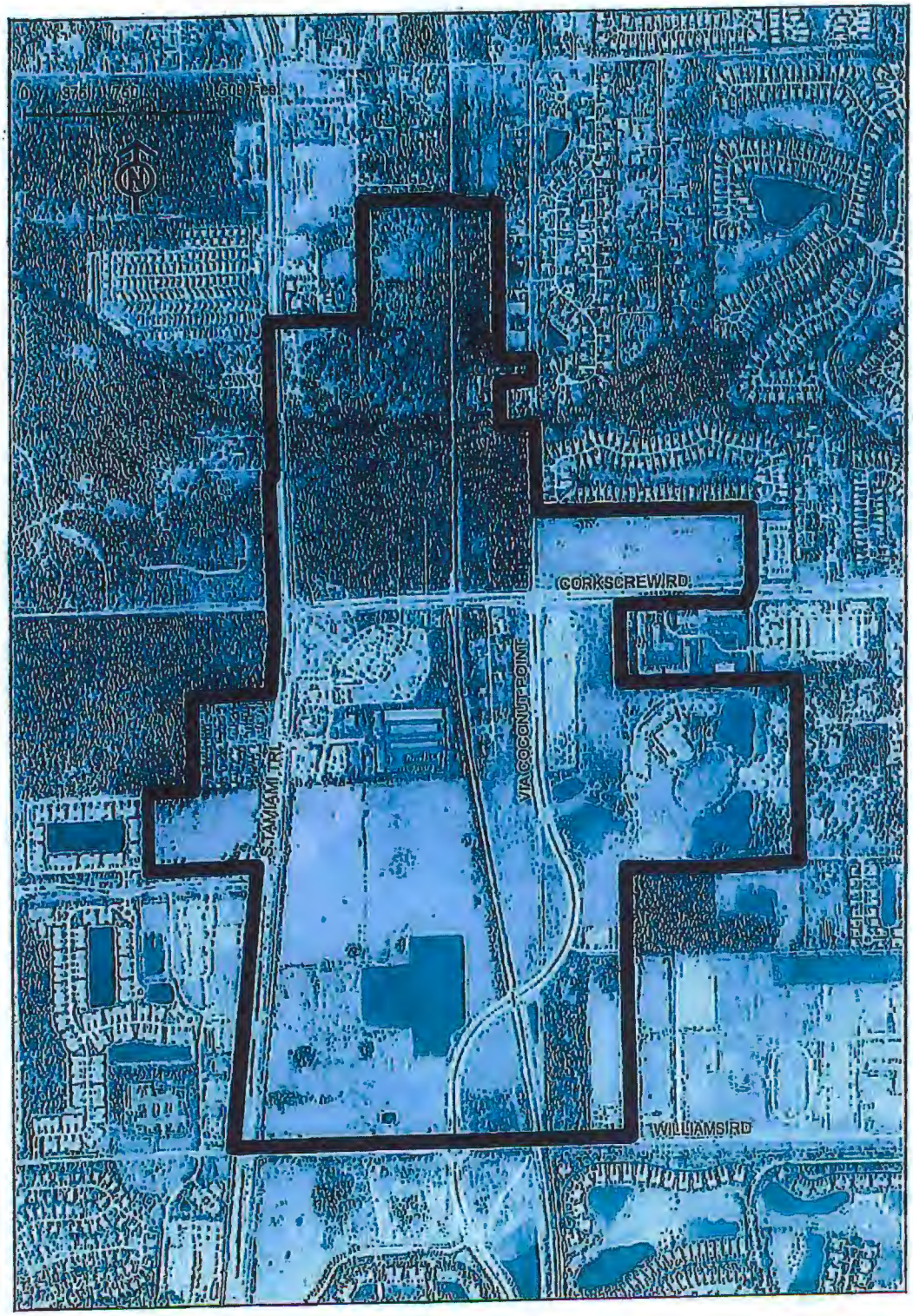
**ZONING MAP**



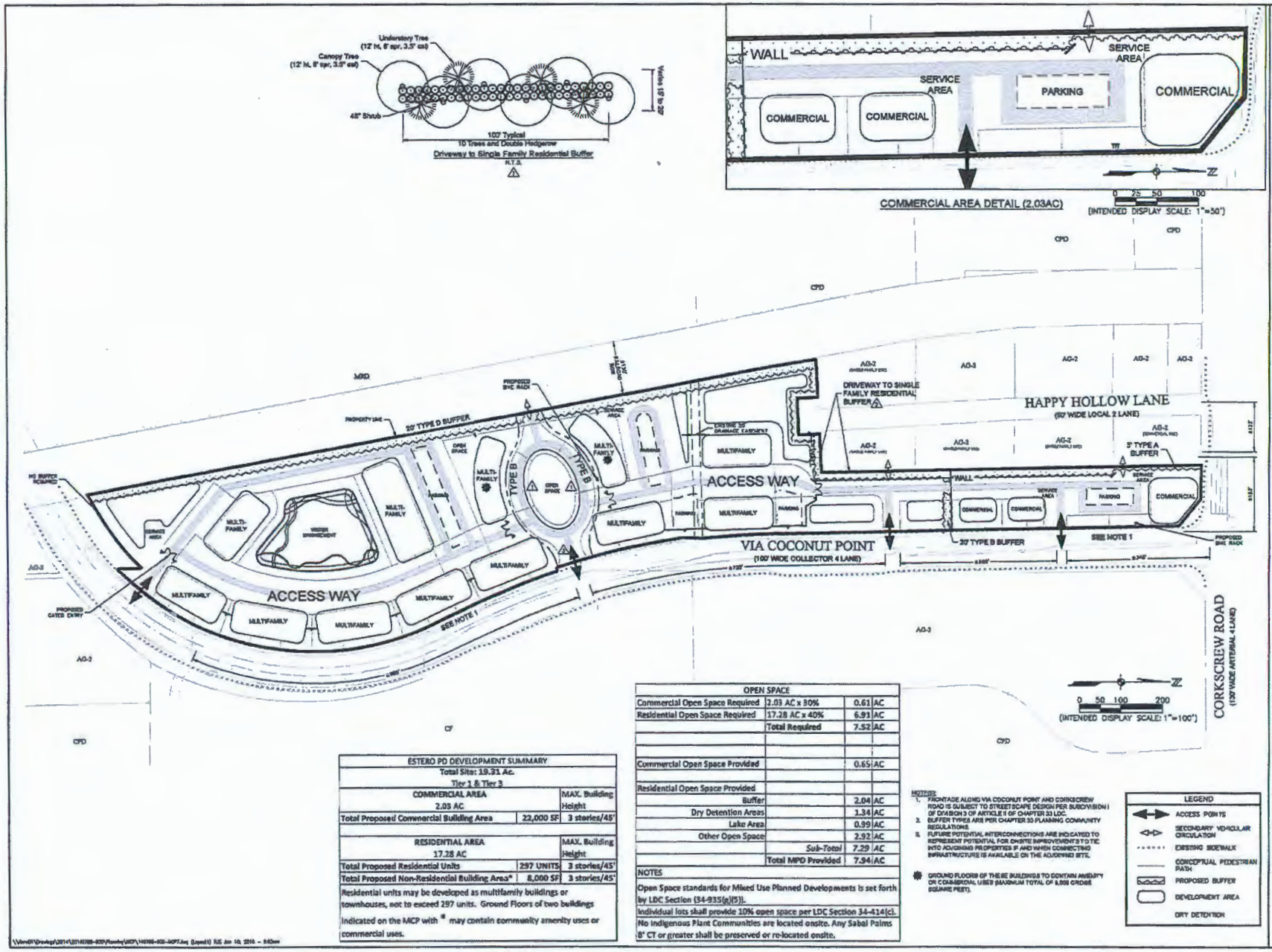

ATTACHMENT A

DCI2014-00023

2015 Aerial Map




**MAP A**




| ESTERO PD DEVELOPMENT SUMMARY | | |
|---|---|---|
| Total Site: 19.31 Ac. | | |
| Tier 1 & Tier 3 | | |
| COMMERCIAL AREA 2.03 AC | | MAX. Building Height |
| Total Proposed Commercial Building Area | 22,000 SF | 3 stories/45' |
| RESIDENTIAL AREA 17.28 AC | | MAX. Building Height |
| Total Proposed Residential Units | 297 UNITS | 3 stories/45' |
| Total Proposed Non-Residential Building Area* | 8,000 SF | 3 stories/45' |

Residential units may be developed as multifamily buildings or townhouses, not to exceed 297 units. Ground Floors of two buildings indicated on the MCP with * may contain community amenity uses or commercial uses.

| OPEN SPACE | | | |
|---|---|---|---|
| Commercial Open Space Required | 2.03 AC x 30% | 0.61 | AC |
| Residential Open Space Required | 17.28 AC x 40% | 6.91 | AC |
| | Total Required | 7.52 | AC |
| | | | |
| | | | |
| Commercial Open Space Provided | | 0.65 | AC |
| | | | |
| Residential Open Space Provided | | | |
| Buffer | | 2.04 | AC |
| Dry Detention Areas | | 1.34 | AC |
| Lake Area | | 0.99 | AC |
| Other Open Space | | 2.92 | AC |
| | Sub-Total | 7.29 | AC |
| | Total MPD Provided | 7.94 | AC |

NOTES

Open Space standards for Mixed Use Planned Developments is set forth by LDC Section (34-935(g)(5)).

Individual lots shall provide 10% open space per LDC Section 34-414(c).

No indigenous Plant Communities are located onsite. Any Sabal Palms 8' CT or greater shall be preserved or re-located onsite.

NOTES:

1. FRONTAGE ALONG VIA COCONUT POINT AND CORKSCREW ROAD IS SUBJECT TO STREETSCAPE DESIGN PER SUBDIVISION I OF DIVISION 3 OF ARTICLE II OF CHAPTER 33 LDC.
2. BUFFER TYPES ARE PER CHAPTER 33 PLANNING COMMUNITY REGULATIONS.
3. FUTURE POTENTIAL INTERCONNECTIONS ARE INDICATED TO REPRESENT POTENTIAL FOR ONSITE IMPROVEMENTS TO TIE INTO ADJOINING PROPERTIES IF AND WHEN CONNECTING INFRASTRUCTURE IS AVAILABLE ON THE ADJOINING SITE.

* GROUND FLOORS OF THESE BUILDINGS TO CONTAIN AMENITY OR COMMERCIAL USES (MAXIMUM TOTAL OF 8,000 GROSS SQUARE FEET).

LEGEND

- ACCESS POINTS
- SECONDARY VEHICULAR CIRCULATION
- EXISTING SIDEWALK
- CONCEPTUAL PEDESTRIAN PATH
- PROPOSED BUFFER
- DEVELOPMENT AREA
- DRY DETENTION

JOHNSON ENGINEERING

JOHNSON ENGINEERING, INC.
7122 JOHNSON STREET
POINT NYNESS, FLORIDA 33901
PHONE: (239) 334-0046
FAX: (239) 334-3661
E.B. 0947 & L.B. 0962

FOCUS DEVELOPMENT GROUP

VIA COCONUT MPD
ESTERO PD
VILLAGE OF ESTERO, FLORIDA

REVISIONS

| NO. | DESCRIPTION | DATE |
|---|---|---|
| 1 | RESPONSE TO SUFFICIENCY #2 | 09/23/15 |
| 2 | ADDED ADDITIONAL PARCEL | 04/22/16 |

DATE: SEPTEMBER 2014
PROJECT NO: 20140799-000
FILE NO: 33-46-29
SCALE: AS SHOWN

DEVELOPMENT PLAN

SHEET NUMBER
1 OF 1

# ATTACHMENT C

## Village Center Comprehensive Plan Amendment Staff Report (March 24, 2016)

## VILLAGE OF ESTERO

## COMPREHENSIVE PLAN AMENDMENT
## STAFF REPORT

# VILLAGE CENTER
# CPA 2016-01

## (PUBLICLY SPONSORED AMENDMENT)

**Village Council**

**March 30, 2016 Public Hearing**

**CASE NAME:** VILLAGE CENTER

**CASE TYPE:** COMPREHENSIVE PLAN MAP AND TEXT AMENDMENT (PUBLICLY INITIATED)

**CASE NUMBER:** CPA 2016-01

**VILLAGE COUNCIL TRANSMITTAL HEARING:** MARCH 30, 2016

## REQUEST SUMMARY

The Village of Estero is proposing a series of map and text amendments to its Comprehensive Plan and Land Development Code to support compact walkable development patterns in certain areas near US 41 referred to as the Village Center. These areas are anticipated to include employment, housing, shopping, recreation, and civic uses.

The request being considered by the Village Council on March 30 is limited to the Comprehensive Plan amendments, which would have the greatest effect on about 522 acres of land located near US 41 from the city limits with Bonita Springs north to just south of Broadway.

An important feature of these amendments is a new category on the Future Land Use Map to be called "Village Center." In this category, higher densities may be allowed if certain criteria are met. Final density decisions would be made by the Village Council at the time of rezoning.

Four 'tiers' or levels of development would be described in detail in the Land Development Code. As higher tiers are requested by developers, the allowable 'base density' increases and the code's criteria increase correspondingly. Additional density may be available in exchange for public features offered by developers such as enhanced streetscapes, public hiking and bicycling trails, gathering places (including outdoor cafes), and other amenities or improvements; these increases are called 'incentive density.' Density limits for both types of density are summarized in the following chart.

| | *(densities in units per acre)* | | |
|---|---|---|---|
| | **Base Density** | **Incentive Density** | **Maximum Density** |
| **Tier 1** | Up to 6 | Up to 3 | 9 |
| **Tier 2** | Up to 10 | Up to 4 | 14 |
| **Tier 3** | Up to 15 | Up to 5 | 20 |
| **Tier 4** | Up to 21 | Up to 6 | 27 |

Detailed code requirements and potential incentive offers will be described in detail in Land Development Code Amendments, which will be adopted concurrently with final approval of these Comprehensive Plan amendments.

## APPLICATION SUMMARY

**Project Name:** Village Center

**Applicant:** Village of Estero

**Requests:** Amend the Future Land Use Element of the Comprehensive Plan:

- Amend Lee Plan Map 1 (Page 1 of 8 of the Future Land use Map) to establish a new "Village Center" land use category and to redesignate about 522 acres of land into this new category
- Amend Lee Plan Map 1 (Page 6 of 8) to remove the "Mixed- Use Overlay" from land being designated into the new "Village Center" category
- Amend policies under Objective 1.1
- Amend policies under Goal 19
- Delete Goals 12 through 18 and 20 through 35 and all objectives & policies under these goals
- Amend Objective 2.12, 4.2, and 4.3 and policies under them
- Amend Goal 6 and policies & standards under Objective 6.1

Amend the Glossary

Amend Tables 1(a) and 1(c)

**Size of Property:** 522 acres will be designated into the "Village Center" category; none of that land will remain in the "Mixed-Use Overlay"

**Property Location:** The "Village Center" category is near US 41, beginning at the Village limits with Bonita Springs and ending just south of Broadway (see Attachment B).

**Current Zoning:** Much of the affected land has been zoned into one of the Planned Development zoning districts (see Attachment D).

**Future Land Use Categories:** **(current)** in Village Center area; see map in Attachment A

| | | |
|---|---|---|
| **Urban Community** | 347 acres | (66.5%) |
| **Suburban** | 112 acres | (21.5%) |
| **Outlying Suburban** | 9 acres | (1.7%) |
| **Public Facilities** | 54 acres | (10.3%) |

**Allowable Densities:** (in current categories being changed to Village Center):

| Future Land Use Category | Standard (Base) Density Range | | Bonus Density |
|---|---|---|---|
| | *Minimum* | *Maximum* | *Maximum* |
| **Urban Community** | 1 | 6 | to 10 |
| **Suburban** | 1 | 6 | *no bonus* |
| **Outlying Suburban** | 1 | 3 | *no bonus* |
| **Public Facilities** | n/a | n/a | *no bonus* |

**FEMA Floodway:** A FEMA-designated floodway runs along the Estero River through the Village Center category.

**Historic Resources:** Part of the Village Center category is within level 2 sensitivity areas for archeological and historic resources. About 10 acres of the Koreshan Unity National Register Historic District is east of US 41 on the south bank of the Estero River and would be in the new "Village Center" category.

## PUBLIC MEETINGS

Public meetings or workshops have been held on the following dates to discuss the evolving Village Center planning effort:

- In 2016: March 9, March 8, January 12
- In 2015: October 28, August 18

On March 22, 2016 the Planning and Zoning Board held a public hearing to consider these comprehensive plan amendments.

## PROJECT HISTORY

As the real estate market was beginning to recover from the recession, a community planning initiative was sponsored by a coalition of Estero community organizations to anticipate changing demographic trends and their impact on Estero. That process included a detailed market assessment and an extended planning workshop to explore development scenarios for a surplus of commercially zoned land near US 41.

A possible framework for the development of the remaining vacant tracts in Estero was presented through a series of community meetings. This framework was based on the principles of compact, walkable, transit supportive, mixed-use development, with an emphasis on employment, housing variety, and recreational and civic uses. These principles could guide Estero toward a more sustainable model for future development that serves current residents of Estero while anticipating the needs and desires of future residents.

Findings from the community planning initiative were documented in three reports:

- *Estero Community Market Assessment* (September 2013, by Peloton Research Partners)
- *Estero Planning Workshop: February 24-27, 2014* (March 2014, by Seth Harry & Associates)
- *Community Planning Initiative, Final Report* (January 2015, by Seth Harry & Associates and Spikowski Planning Associates)

The market assessment was based on conditions in 2013. Since that time, real estate development has recommenced in Estero at a rapid pace. Lee Memorial Health System is about to develop a 31-acre site as a walkable mixed-use medical complex with complementary shops and services that are integrated with surrounding uses. Private developers are providing additional commercial uses and several smaller luxury gated communities that fit the prior Estero model, plus housing types that are new to Estero including apartment complexes and specialized housing with related medical care. The renewed economic activity and its diversity is welcome after the lengthy recession, but should be well-planned.

Additional data and analysis for these comprehensive plan amendments includes:

- *Land Use Scenarios for Lee County, Florida* (January 2015, by the Lee County Metropolitan Planning Organization)
- All data and analysis supporting amendments to the Estero Community Plan (Goal 19 and its objectives and policies) as adopted in late 2014.

The Village Council authorized the preparation of Comprehensive Plan and Land Development Code amendments in May 2015 through a consulting contract. The planning team included Bill Spikowski of Spikowski Planning Associates and urban designer Seth Harry of Seth Harry & Associates. These Comprehensive Plan amendments were prepared as part of that effort.

## STAFF SUMMARY & ANALYSIS

The comprehensive plan amendments proposed in this report affect several different portions of the Comprehensive Plan. The following summary highlights the most significant changes. The map amendments are shown in Attachments B and C. The complete amendment language is provided in Attachment F. All three attachments were revised through March 24 to respond to ongoing input and comments.

### Policy 1.1.12 and Map 1 (Page 1 of 8):

This policy would establish a new "Village Center" category on the Future Land Use Map:

> ***POLICY 1.1.12:*** *The Village Center Area lies near US 41 in the heart of the Village of Estero. This area includes housing, employment, shopping, recreation, and civic uses and can accommodate additional development in walkable mixed-use patterns. Uses and densities must meet the standards for the Urban Community category unless land is rezoned as a planned development to apply alternate tiered standards for*

*the Village Center Area as described under Objective 19.8. Densities in the Village Center Area may exceed the standard density ranges in Table 1(a) only if the Village Council applies the alternate tiered standards through rezoning.*

The Future Land Use Map would be amended to include about 522 acres of land into this category (see Attachment B). Owners of land in this new category could participate in the new tiered standards by requesting rezoning.

**Policy 19.4.6:**

A new Policy 19.4.6 would be added to expand on and replace existing Policy 19.4.2.f. The new policy would implement recommendations from the Lee County Metropolitan Planning Organization about preserving the rail corridor for future transportation purposes (potentially including enhanced freight service; commuter rail, light rail, or bus rapid transit; and hiking/biking/walking trails). The corridor bisects Fort Myers, Estero, and Bonita Springs and terminates in far northern Collier County.

The rail corridor is ideal for trails and bike paths because it would link most of Estero to destinations to the north and south without requiring walking or biking on busy roads. Trails and bike paths can be placed alongside active railroad tracks (known as 'rails-with-trails') or using abandoned rail corridors ('rails-to-trails'). Because the CSX / Seminole Gulf rail corridor is important for many transportation purposes, the MPO recommended the 'rails-with-trails' approach. The right-of-way is wide enough in most places to accommodate multiple uses including trails. The MPO recently identified the rail corridor as the preferred location for the critical north-south corridor for a system of greenways and trails in Collier and Lee Counties.

The rail corridor is owned and controlled by two private entities: CSX and Seminole Gulf Railway. CSX owns the land within the right-of-way. Seminole Gulf Railway has a long-term lease on the land to operate freight rail service; Seminole Gulf also owns and maintains the tracks and rolling stock.

The MPO concluded that in order to maintain options for multiple uses of this corridor, a public entity such as Florida DOT should pursue purchasing real estate interests in the rail corridor. (Lee County Rail Corridor Feasibility Study, October 2013)

**Policy 19.6.3:**

Policy 19.6.3 addresses the Estero Community Park with suggestions for integrating the park with the surrounding neighborhoods by constructing the originally planned westerly entrance onto Via Coconut Point.

**Policy 19.7.3:**

Policy 19.7.3 is being updated to avoid inconsistencies with the Village's Ordinance 15-01 that established advisory boards and updated the standards for public information meetings.

**Objective 19.8 and subsequent policies:**

The new policies following Objective 19.8 amplify Policy 1.1.12's general description of the new Village Center category and describe in general terms how the new tiered process would work, including the maximum allowable densities.

**Goal 19 Generally:**

Numerous minor editorial and updating changes are also proposed, for instance to reflect the jurisdiction of the Village of Estero rather than Lee County.

**Goals 12 through 18 and 20 through 35:**

These goals and their objectives and policies are being deleted; they apply only to other communities in unincorporated Lee County.

**Objectives 4.2 and 4.3 and Map 1 (Page 6 of 8):**

These objectives contain policies that apply to Lee County's "Mixed-Use Overlay."

This overlay would remain in effect for land outside the Village Center area where it would be applied in accordance with the modified terms under these objectives.

For land within the Village Center Area, this overlay would be removed. However, Policy 4.2.1 would be modified to indicate that development approvals that had been based on a property having been within the prior mixed-use overlay may request minor modifications to those approvals if they would not increase the previously approved densities and intensities.

Attachment C shows the existing Mixed-Use Overlay and land being redesignated to Village Center where the overlay will no longer apply.

**Glossary:**

The Glossary would be expanded by adding definitions for "mixed-use pattern" and "walkable," terms that are used in the policies but which aren't currently defined. The existing definition of "mixed use" would be deleted because it refers to individual development projects rather than to the development pattern that supports mixed uses; a more relevant definition of "mixed use" would replace it.

**Table 1(a):**

Table 1(a) would be amended to include the Village Center Area.

**Table 1(c):**

Table 1(c) would be deleted entirely.

**Future Land Use Map:**

Map 1 of 8 would be amended to redesignate about 522 acres of land from Urban Community, Suburban, Outlying Suburban, and Public Facilities to the new Village Center category.

Map 6 of 8 which includes the Mixed-Use Overlay would also be amended to remove the Mixed-Use Overlay where the Village Center category is being applied, as shown on Attachment C.

**Vision statement:**

Vision statements for 25 distinct communities in unincorporated Lee County are presented at the beginning of the Comprehensive Plan. The vision statement for Estero was updated in late 2014; it is reprinted on Page 1 of Attachment F but no additional changes are needed.

## STAFF SUMMARY AND FINDINGS

Village Ordinance 2015-01 assigned the Planning and Zoning Board to serve as the Village's local planning agency. Under Florida law, local planning agencies are responsible for preparation of comprehensive plans and must hold a public hearing on all proposed amendments and make a recommendation on such amendments. Estero's Planning and Zoning Board held its public hearing on these amendments on March 22, 2016

The Village Council must hold its own public hearing and decide whether the amendments should be "transmitted" to state and regional agencies for formal review (or "not transmitted"). After formal review, the Village Council will hold another public hearing to make a final decision to adopt or not adopt the amendments.

Issues to be considered by the Village Council Board include:

- Do the amendments further the Village's policy goals in an effective and equitable manner?
- Are the amendments based on sound planning principles and appropriate data and analysis?
- Will the Comprehensive Plan be internally consistent if the amendments are adopted?

Staff recommends that the Village Council find in the affirmative on each of these criteria and vote to transmit these amendments for formal review at this time but to withhold final approval of these amendments until the Land Development Code can also be amended to provide suitable criteria for carrying out the Comprehensive Plan amendments.

Several maps are provided as attachments to this report. The most important are Attachment B which shows the new "Village Center" category and Attachment C which shows where the Mixed-Use Overlay would no longer apply.

The full text of the comprehensive plan amendments are presented in Attachment F immediately after the maps. Additions are shown underlined; deletions are ~~struck through~~; both additions and deletions are also highlighted in yellow.

## ATTACHMENTS

Attachment A – Future Land Use Map (existing)

Attachment B – Future Land Use Map (area being changed to "Village Center") (modified on March 24, 2016)

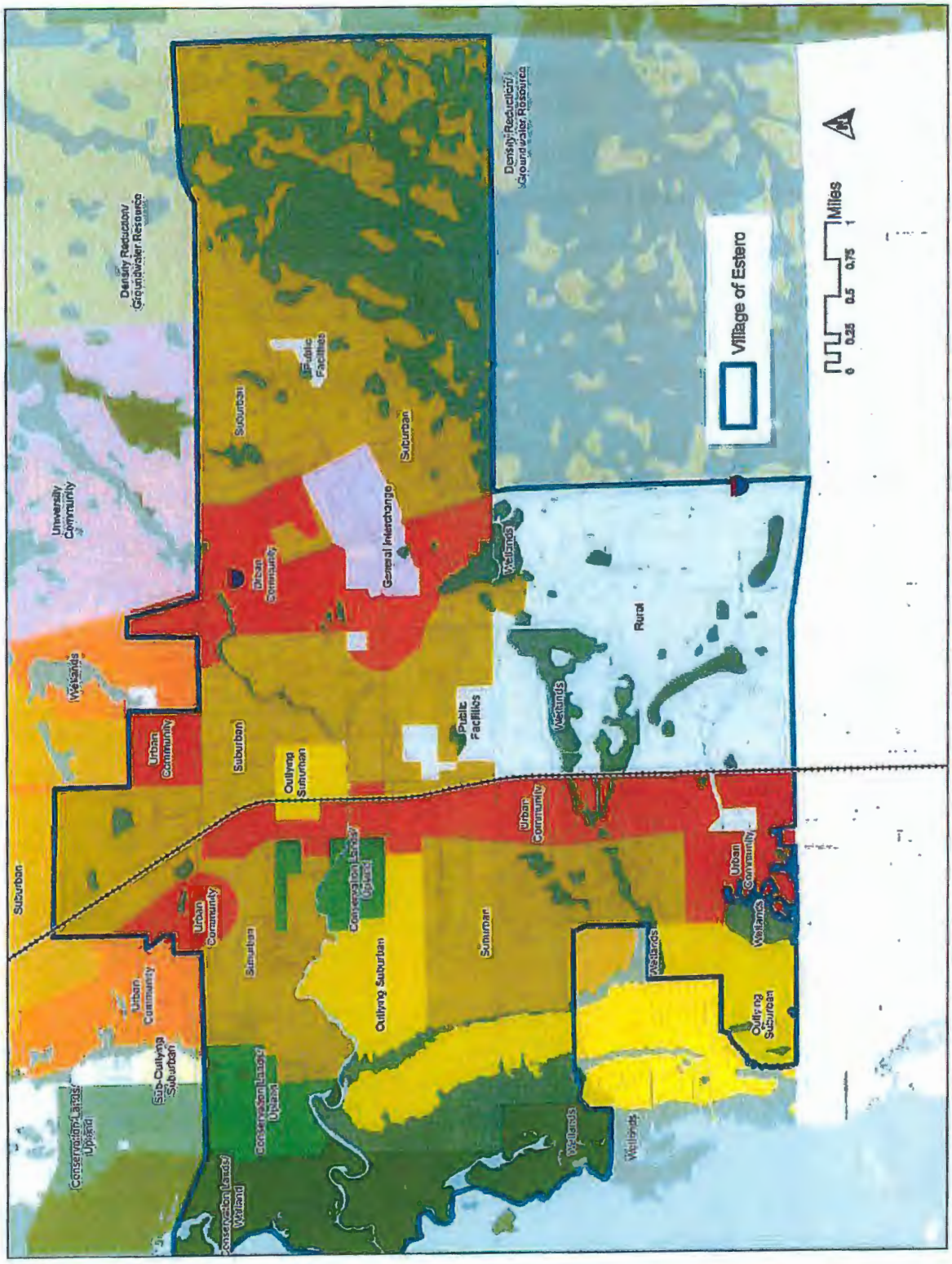
Attachment C – Mixed-Use Overlay (modified on March 24, 2016)

Attachment D – 'Planned Development' Zoning (existing)

Attachment E – Map 3E (existing map that is referred to in new Policy 19.4.6)

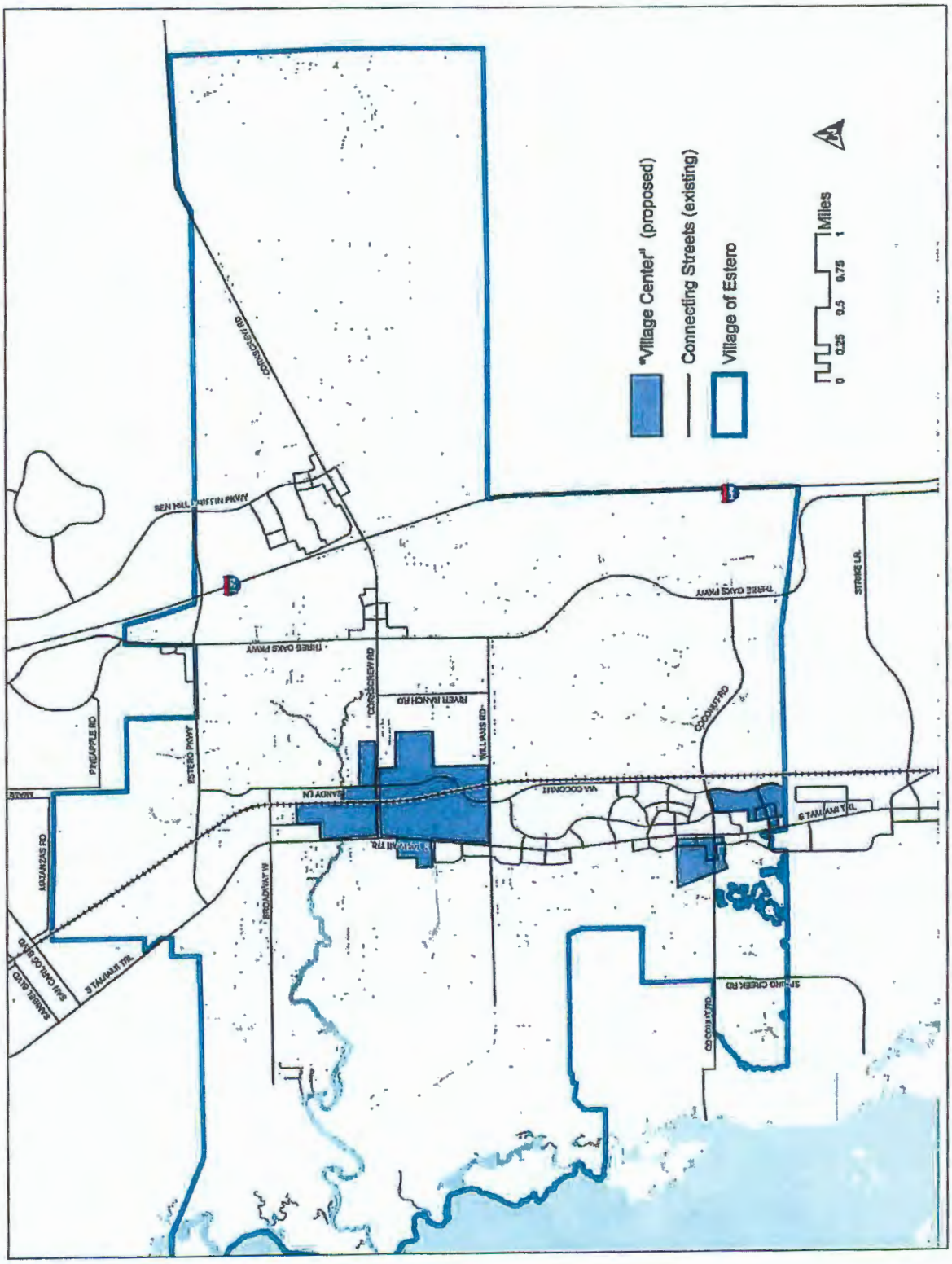
Attachment F – Proposed changes to goals, objectives, and policies of the Comprehensive Plan (Draft, March 24, 2016).

## Attachment A – Future Land Use Map (existing)



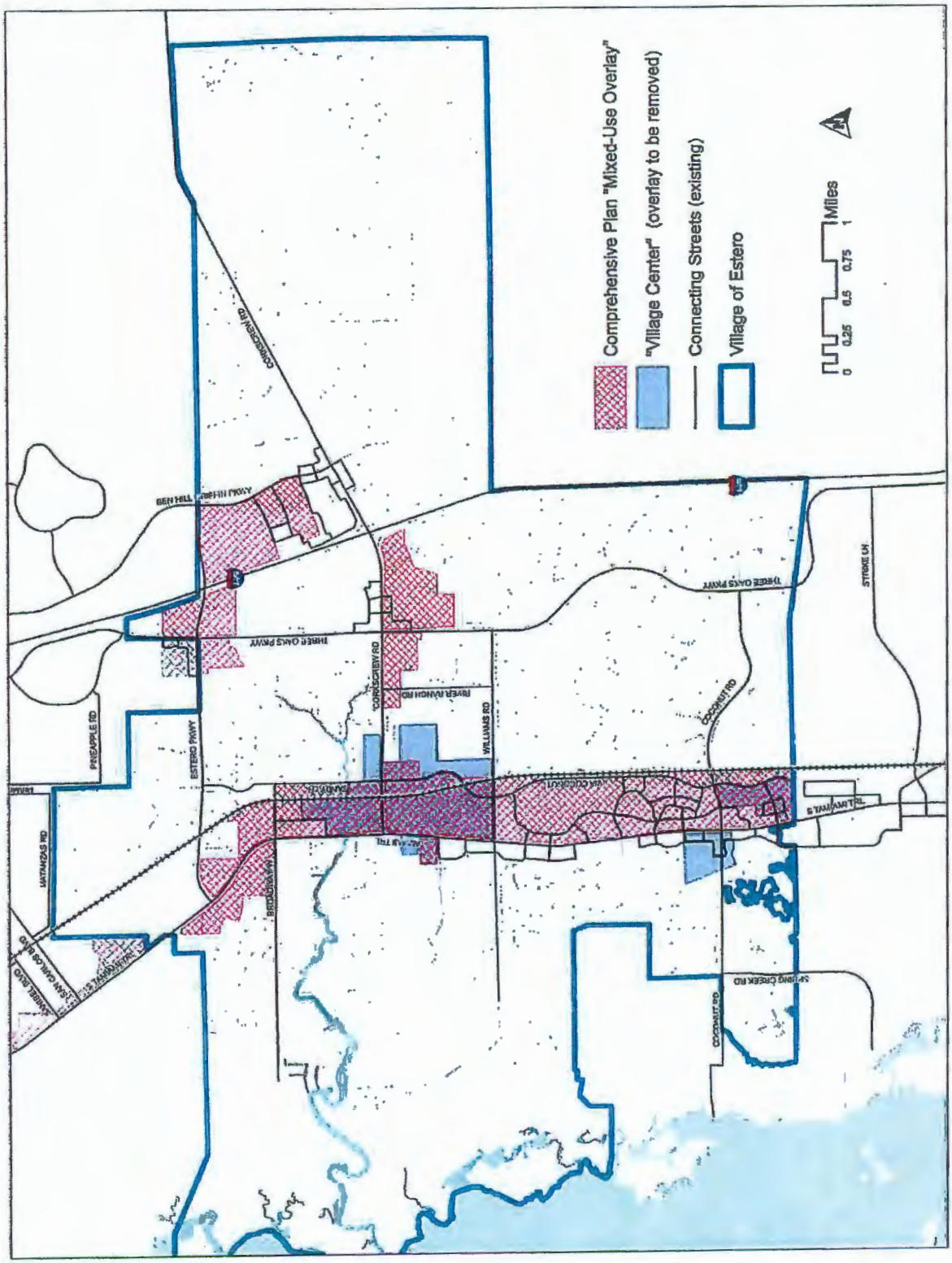

*Report Date: March 24, 2016*

**Attachment B – Future Land Use Map**
(area being changed to "Village Center")



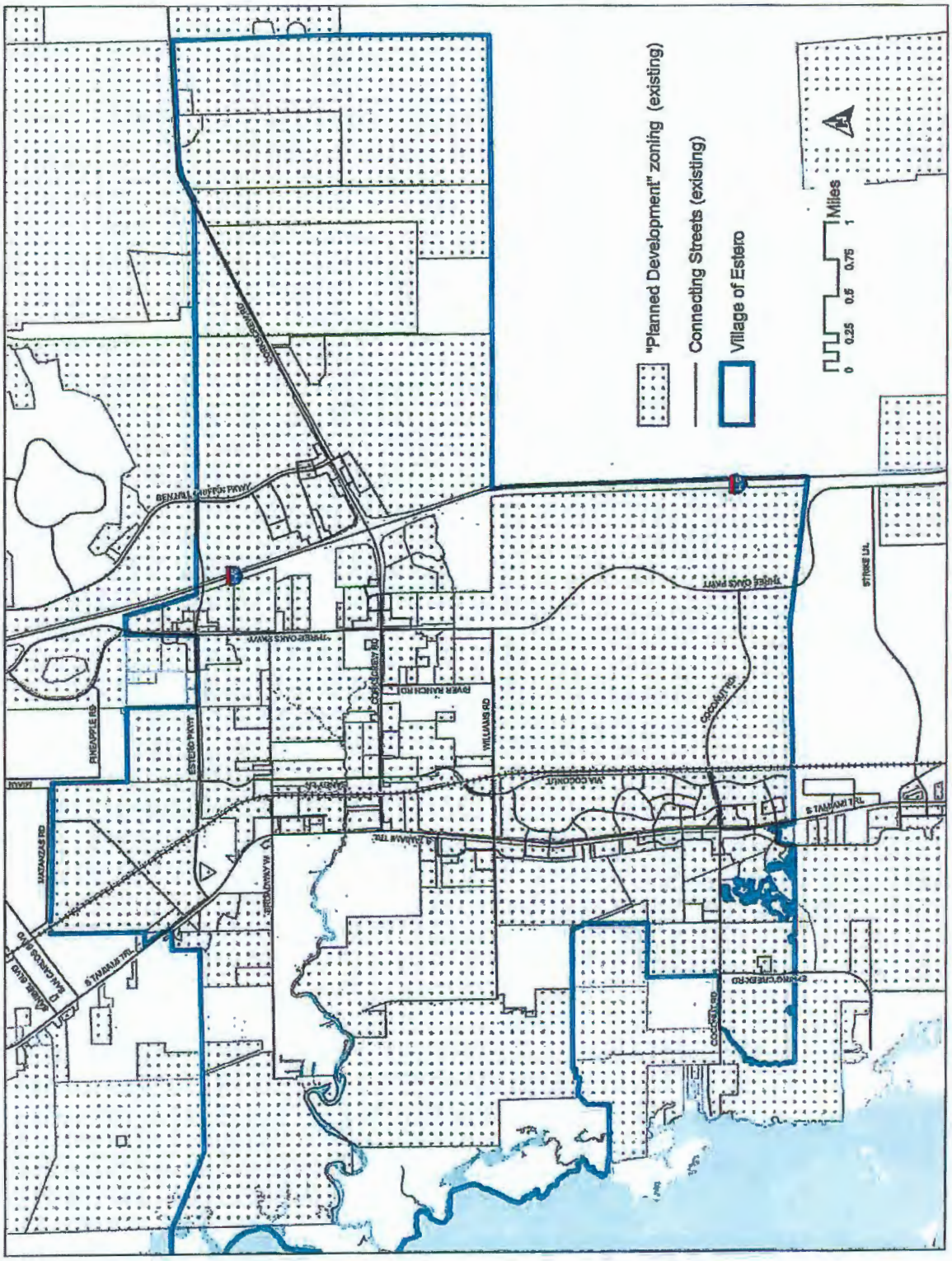

*Report Date: March 24, 2016*

**Attachment C – Mixed-Use Overlay**
(existing overlay plus "Village Center" area being removed from overlay)



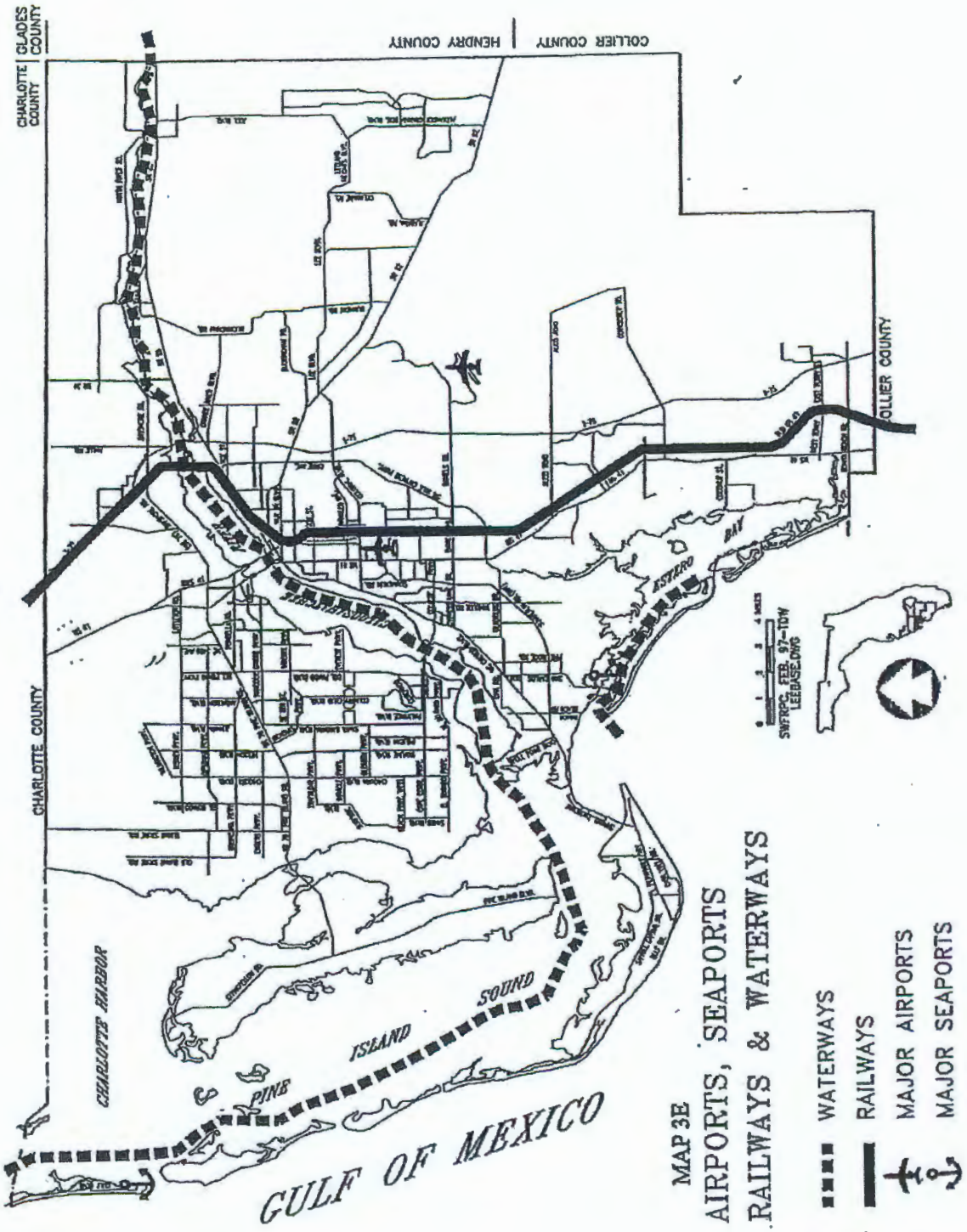

*Report Date: March 24, 2016*

## Attachment D – 'Planned Development' Zoning (existing)




*Report Date: March 24, 2016*

## Attachment E – Map 3E (existing)




MAP 3E – PAGE 1 OF 1

# ATTACHMENT D

## Village Center Comprehensive Plan Amendments CPA 2016-01

The Village of ESTERO

# VILLAGE OF ESTERO

# *Comprehensive Plan Amendments*

## Village Center CPA 2016-01

Proposed by the Village of Estero

March 24, 2016 Draft

Language to be added is underlined.

Language to be removed is ~~struck through~~.

New language and language to be removed is also highlighted.

# I. Lee County - A Vision for 2030

**21. Estero** - To establish a community that embraces its historic heritage and protects the environment, while carefully planning for future development resulting from a desirable high quality of life, expanding economic opportunities, and proximity to Florida Gulf Coast University and the Southwest Florida International Airport. Estero's growth will be planned with strong neighborhoods, diverse economic generators, interconnected mixed-use centers, varied parks, public spaces, recreational facilities, and unique natural environments that fosters a sense of belonging and creates a sense of place. Estero will 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; and
4) an interconnected transportation network.

The implementation of this vision will successfully link residential and commercial areas and uphold Estero as a vibrant Lee County community. *(Amended by Ordinance No. 14-16)*

# II. Future Land Use

**GOAL 1: FUTURE LAND USE MAP.** To maintain and enforce a Future Land Use Map showing the proposed distribution, location, and extent of future land uses by type, density, and intensity in order to protect natural and man-made resources, provide essential services in a cost-effective manner, and discourage urban sprawl.

**OBJECTIVE 1.1: FUTURE URBAN AREAS.** Designate on the Future Land Use Map (Map 1) categories of varying intensities to provide for a full range of urban activities. These designations are based upon soil conditions, historic and developing growth patterns, and existing or future availability of public facilities and services. (The Future Land Use Map series also contains Map 2 and additional maps located in the appendix. A colored wall-size reproduction of Map 1 is also available.)

**POLICY 1.1.1:** The Future Land Use Map contained in this element is hereby adopted as the pattern for future development and substantial redevelopment within the Village of Estero ~~unincorporated portion of Lee County~~. Map 16 and Table 1(b) are an integral part of the Future Land Use Map series (see Policies 1.7.6 and 2.2.2). They depict the extent of development through the year 2030. No development orders or extensions to development orders will be issued or approved ~~by Lee County~~ which would allow the Planning Community's acreage totals for residential, commercial or industrial uses established in Table 1(b) to be exceeded (see Policy 1.7.6). The cities of Fort Myers, Cape Coral, Sanibel, Bonita Springs, the ~~and~~ Town of Fort Myers Beach, and unincorporated Lee County are depicted on these maps only to indicate the approximate intensities of development permitted under their comprehensive plans ~~of these cities~~. Residential densities are described in the following policies and summarized in Table 1(a). *(Amended by Ordinance No. 94-29, 98-09, 07-12, 07-13)*

**POLICIES 1.1.2 through 1.1.11:** *[no changes]*

**POLICY 1.1.12:** The Village Center Area lies near US 41 in the heart of the Village of Estero. This area includes housing, employment, shopping, recreation, and civic uses and can accommodate additional development in walkable mixed-use patterns. Uses and densities must meet the standards for the Village Center land use category as described in Objective 19.8 and the policies thereunder.

**POLICY 1.7.6:** The Planning Communities Map and Acreage Allocation Table (see Map 16 and Table 1(b) and Policies 1.1.1 and 2.2.2) depicts the proposed distribution, extent, and location of generalized land uses for the year 2030. Acreage totals are provided for land in each Planning Community in unincorporated Lee County. No development orders or extensions to development orders will be issued or approved by Lee County that would allow the acreage totals for residential, commercial or industrial uses contained in Table 1(b) to be exceeded, except in Estero's Village Center Area. This policy will be implemented as follows:

1. For each Planning Community the County will maintain a parcel based database of existing land use. The database will be periodically updated at least twice every year, in September and March, for each Planning Community.
2. Project reviews for development orders must include a review of the capacity, in acres, that will be consumed by buildout of the development order. No development order, or extension of a development order, will be issued or approved if the project acreage, when added to the acreage contained in the updated existing land use database, exceeds the limitation established by Table 1(b), Acreage Allocation Table regardless of other project approvals in that Planning Community. For limerock mining in Planning Community #18, see special requirements in Policy 33.1.4 regarding industrial acreages in Table 1(b).
3. At each regularly-scheduled date for submission of the Lee Plan Evaluation and Appraisal Report, the County must conduct a comprehensive evaluation of Planning Community Map and the Acreage Allocation Table system, including but not limited to, the appropriateness of land use distribution, problems with administrative implementations, if any, and areas where the Planning Community Map and the Acreage Allocation Table system might be improved.

*(Amended by Ordinance No. 94-29, 98-09, 00-22, 07-13, 10-20)*

~~GOAL 12: SAN CARLOS ISLAND.~~

*[repeal Goal 12 and associated objectives and policies]*

~~GOAL 13: CAPTIVA.~~

*[repeal Goal 13 and associated objectives and policies]*

~~GOAL 14: GREATER PINE ISLAND.~~

*[repeal Goal 14 and associated objectives and policies]*

~~GOAL 16: PRIVATE RECREATIONAL FACILITIES IN THE DR/GR.~~

*[repeal Goal 16 and associated objectives and policies]*

~~GOAL 17: BUCKINGHAM.~~

*[repeal Goal 17 and associated objectives and policies]*

~~GOAL 18: UNIVERSITY COMMUNITY.~~

*[repeal Goal 18 and associated objectives and policies]*

**GOAL 19: ESTERO COMMUNITY PLAN.** Promote the development of Estero as a community with a unique quality of life, distinct character, and diverse housing, economic, recreational, and social opportunities by:

a. Protecting the natural resources, environment, and lifestyle;

b. Establishing minimum aesthetic and design requirements;

c. Managing the type, location, quality, design and intensity of future land uses;

d. Providing greater opportunities for public participation in the land development approval process; and

e. Promoting a true sense of place in Estero. *(Added by Ordinance No. 14-16)*

**OBJECTIVE 19.1: CHARACTER & LAND USE.** Promote community character through the implementation of planning and development practices that create a visually attractive community, an enhanced quality of life, and foster a unique sense of place. *(Added by Ordinance No. 14-16)*

**POLICY 19.1.1:** Support the unique character and quality of life within the Estero community by managing growth and development and by maintaining and executing ~~Lee Plan~~ comprehensive plan policies, Land Development Code (LDC) regulations, and other planning tools that:

a. Implement and maintain commercial development standards for architecture, landscaping, buffering, signage, lighting designs and visual appearance of developments, transportation facilities, and other community amenities;

b. Promote the use of low impact design, sustainable energy, water, and other environmental features;

c. Establish higher density, mixed-use development within areas targeted on the Mixed-Use Overlay;

d. Encourage the redevelopment and infill of underutilized commercial and residential lands; and

e. Increase public participation in the land development approval process to ensure future development efforts support the Estero Community Plan and adopted ~~Lee Plan~~ comprehensive plan policies and LDC standards. *(Added by Ordinance No. 14-16)*

**POLICY 19.1.2:** ~~Lee County~~ The Village of Estero may not approve any proposed project that is inconsistent with ~~the Lee Plan~~ this comprehensive plan including, specifically, the Estero Community Plan set forth in Goal 19 and its objectives and policies. Wherever there is a conflict between the provisions of the Estero Community Plan and other provisions of the comprehensive Plan or Land Development Code, it is specifically intended that the Estero Community Plan will be given priority and superiority. Projects will be reviewed through a public process that includes the Estero community, property owners, and Village staff, land use boards, and officials ~~Lee County staff~~ to ensure that the development is consistent with the Estero Community Plan. *(Added by Ordinance No. 14-16)*

**POLICY 19.1.3:** Encourage new developments that achieve the Estero community's vision and planning goal and policies and are consistent with mixed-use design, architectural, location, connectivity and public access standards by establishing and implementing development incentives within the ~~Lee Plan~~ comprehensive plan and Land Development Code that:

a. Promote ~~urban integrated forms of~~ mixed use patterns in targeted areas, especially those designated Village Center on the future land use map or identified on the Mixed-Use Overlay;

b. Promote targeted industries in appropriate areas of Estero—e.g.: healthcare, arts and culture, technology, and research and development facilities;

c. Promote the use of green design, sustainable energy, water, and other environmental features;

d. Expedite development projects particularly in targeted incentive zones where the community has adopted mixed-use plans and LDC standards; and

e. Enable infill of underutilized commercial and residential lands.~~; and~~

f. ~~Encourage residential developments to use the bonus density established through the Lee Plan Urban land use categories.~~ *(Added by Ordinance No. 14-16)*

**POLICY 19.1.4:** Facilitate the redevelopment of properties constructed prior to the adoption of Estero ~~Lee Plan~~ Plan policies and LDC regulations by establishing incentives ~~(including, but not limited to, utilization of Bonus Densities established through the Lee Plan Urban land use categories)~~ and streamlined development processes that enable older properties to come into compliance with adopted ~~Lee Plan~~ comprehensive plan policies and LDC standards. *(Added by Ordinance No. 14-16)*

**POLICY 19.1.5:** Recognize the unique historical and cultural values of the Village of Estero by establishing and implementing development incentives and regulations within the ~~Lee Plan~~ comprehensive plan and Land Development Code that:

a. Encourage the development of the Old Estero area into a mixed-use center;

b. Incorporate design features of Estero's historic structures into future architectural design, streetscape, and community-wide LDC standards; and

c. Identify, protect, and promote historic resources and facilities such as those related to Koreshan Park, Old Estero area, and the Estero Community Park. *(Added by Ordinance No. 14-16)*

**POLICY 19.1.6:** Establish and promote Estero's unique character and identity by enhancing the community's boundaries through the use of gateway entry features such as ornamental landscape features, hardscape elements and Estero identification signs. Encourage the construction of~~, where feasible, that~~ gateways ~~are constructed~~ by working with the Lee County and Florida Departments of Transportation and private property owners~~, to build the gateways at appropriate locations.~~ *(Added by Ordinance No. 14-16)*

**POLICY 19.1.7:** Explore opportunities to identify, prioritize, and fund local capital improvement projects (particularly projects that enhance transportation and infrastructure systems) within the Estero community. Evaluate the feasibility of local, dedicated funding options—e.g.: MSBU, Tax Increment Finance District, or other similar mechanism. Capital projects that could be targeted for such funding include:

a. Streetscape improvements such as roadway pavers, street furniture, street signs and lighting, trash receptacles, and other hardscape features—particularly in Old Estero and within new mixed-use centers;

b. Pedestrian scale lighting;

c. Landscaping and hardscape features—particularly along US 41;

d. Public trails and greenways facilities;

e. Blue way facilities that provide public access to Estero River;

f. Multi-modal transportation facilities that expand or establish pedestrian, bike, transit, and rail services;

g. Public space, park, and recreational facilities;

h. Urban level infrastructure services and systems within mixed-use center areas; and

i. Historic resources and facilities such as those associated with the Koreshan Park and Estero Community Park. *(Added by Ordinance No. 14-16)*

**OBJECTIVE 19.2: MIXED-USE CENTERS AND ECONOMIC AREAS.** Promote Estero's quality of life and diverse local economy by fostering the development of mixed-use centers and targeted economic areas, as a preference over the development of strip commercial centers. The aim of the mixed-use centers is to provide Estero with central gathering places for Estero's residents, business people, and visitors. The aim of the economic areas is to provide the community a diverse employment and economic base while meeting the commercial, professional, and service needs of the people who live, work, and play within the community. *(Added by Ordinance No. 14-16)*

**POLICY 19.2.1:** Where feasible, provide for the development of walkable mixed-use ~~town~~ centers and economic areas featuring diverse housing options; government offices and public facilities; medical facilities; employment centers; public gathering places, parks, outdoor plazas, and other public spaces; greenway trails and pathways; and public access to the community's natural resources through ~~Lee Plan~~ comprehensive plan policies and LDC regulations that support Estero's distinct community character and the following community priorities:

a. Support the development of a ~~central town~~ village center to unify the community;

b. Improve the connectivity between Estero's residential neighborhoods, economic areas, civic uses, and park and recreational facilities;

c. Diversify the community's economic base and employment opportunities;

d. Encourage the development of targeted industry clusters—particularly health industries, professional services and businesses, and technology, research, and development;

e. Expand multi-modal transportation options through improved pedestrian access, bikeways, transit service, and rail opportunities;

f. Improve access to the community's blueways—particularly the Estero river—, greenway trails, other open spaces;

g. Promote the community's cultural and historic resources; public spaces, parks, and recreational facilities; and other community amenities;

h. Provide ample and varied public gathering places, including, without limitation, parks, plazas, sidewalks, benches, restaurants, shops, civic spaces, green spaces, community recreation centers, and other recreational facilities;

i. ~~h. Commercial and mixed-use developments will~~ Maintain a unified and consistent aesthetic/visual quality in landscaping, architecture, lighting, and signage in all commercial and mixed-use developments; and

j. ~~i.~~ Promote and incentivize private investment within mixed-use centers and economic areas. *(Added by Ordinance No. 14-16)*

**POLICY 19.2.2:** Facilitate the development of a village ~~town~~ center for the Village of Estero through the development of LDC standards, plans, and incentives that address the community's need for a central civic and economic core that is connected to surrounding residential neighborhoods, commercial areas, the Estero River, the Old Estero area, the Estero Community Park, and other parks and recreational facilities. *(Added by Ordinance No. 14-16)*

**POLICY 19.2.3:** Establish a safe and desirable urban environment within the Estero community by adopting LDC standards that guide development in the community's major economic areas near FGCU, along the U.S. 41 corridor, along Corkscrew Road, and in the Old Estero area that:

a. Address streetscaping design and amenities, residential buffering standards, commercial center developments, signage, transportation facility needs, and other community concerns;

b. Provide for the economic and employment needs of the Estero community by utilizing the Mixed-Use Overlay to facilitate the development of mixed-use centers along the US 41, Corkscrew Road, Three Oaks Parkway, Ben Hill Griffin Parkway, Via Coconut/Sandy Lane, and in the Old Estero area; and

c. Encourage mixed-use centers at these locations. *(Added by Ordinance No. 14-16)*

**POLICY 19.2.4:** Ensure that future commercial and mixed-use developments meet the community's planning priorities by requiring that all new commercial development which requires rezoning within Estero must be rezoned to a Commercial (CPD), Mixed Use (MPD), or

Compact PD, as those districts may be amended from time to time. ~~Communities Planned Development (CCPD)~~. *(Added by Ordinance No. 14-16)*

**POLICY 19.2.5:** Except as set forth in Policy 19.2.5(a), the following uses are prohibited within Estero: "detrimental uses" (as defined in the Land Development Code, as amended); nightclubs or bar and cocktail lounges unless within a Group III Restaurant; tattoo parlors; and retail uses that require outdoor display in excess of one acre. Outdoor display in excess of one acre is permitted within the property located in the General Interchange Future Land Use Category west of I-75, south of Corkscrew Road, and east of Corkscrew Woodlands Boulevard. *(Added by Ordinance No. 14-16)*

**POLICY 19.2.5(a):** Nightclubs, bars, and cocktail lounges, which are not within a Group III Restaurant, may be permitted within a mixed use center approved as a Compact PD ~~CCPD~~ or MPD through the public hearing process. The Compact PD ~~CCPD~~ or MPD Project must include, at a minimum, a residential development of 1000 or more dwelling units and commercial development or activity which includes 1,000,000 square feet or more of floor area. These uses must be designed as part of an overall development project and placed within the project so that it is 1) located adjacent to entertainment and restaurant establishments and 2) located in the approximate center of the mixed-use development project. *(Added by Ordinance No. 14-16)*

**POLICY 19.2.6:** 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. *(Added by Ordinance No. 14-16)*

**POLICY 19.2.7:** Encourage the development of medical-related uses within Estero by working with hospital officials ~~Economic Development Staff~~ and other private property owners to create ~~adopt~~ appropriate land use policies, land development standards, identify appropriate sites and locations, and establish incentives for the development of health related facilities. Particular emphasis will focus on establishing a medical economic center in this area of ~~in the southern section of~~ Estero along U.S. 41. *(Added by Ordinance No. 14-16)*

**POLICY 19.2.8:** Facilitate the development of professional, and research and development economic areas by working with Economic Development Staff and private property owners to adopt land development standards, identify appropriate sites and locations, and establish incentives for the development of professional and research and development facilities. Particular emphasis shall be on locating such facilities in areas that are in the proximity of FGCU educational resources and high technology facilities. *(Added by Ordinance No. 14-16)*

**OBJECTIVE 19.3: RESIDENTIAL NEIGHBORHOODS.** Support Estero's quality of life, promote the community's unique character through the development of diverse, well-designed, and well-connected residential neighborhoods, and provide for the needs of multigenerational community by supporting a variety of housing types and neighborhood development forms. *(Added by Ordinance No. 14-16)*

**POLICY 19.3.1:** Support and enhance Estero's residential character by establishing land development regulations that specifically address how the proposed residential neighborhoods:

a. Are compatible with adjacent uses, public facilities, and infrastructure systems;
b. Impact surrounding environmental and natural resources;
c. Access, where applicable, nearby parks, public spaces, recreational facilities, and greenways, blueways, and natural open spaces;
d. Connect to adjacent residential developments, mixed-use centers, economic areas, public facilities, natural resources, and other community facilities; and
e. Contribute to the overall design, landscaping, and aesthetics that make up the community's character as a harmonious place with beauty, spaciousness, and a diversity of high quality residential and commercial development that positively contributes to the quality of life of Estero's residents.

*(Added by Ordinance No. 14-16)*

**POLICY 19.3.2:** Meet the future residential and commercial needs of Florida Gulf Coast University by encouraging higher density residential developments, with a mix of unit types and design forms, including affordable housing and mixed-use centers, in close proximity to Florida Gulf Coast University. The development of such housing and mixed-use centers will consider the transitions between the adjacent residential neighborhoods, commercial centers, and park and recreational facilities. *(Added by Ordinance No. 14-16)*

**POLICY 19.3.3:** Establish LDC landscape requirements for the maintenance and development of a well-designed and landscaped community while providing appropriate transitions between residential uses and surrounding areas. Such landscaping requirements may be greater between residential and commercial uses, while less stringent within differing uses within a mixed-use center. *(Added by Ordinance No. 14-16)*

**OBJECTIVE 19.4: TRANSPORTATION CONNECTIVITY AND MOBILITY.** Facilitate the development of an interconnected community that enables people to easily access Estero's neighborhoods, commercial and mixed-use centers as well as other areas within the county and region through an integrated transportation and mobility system. *(Added by Ordinance No. 14-16)*

**POLICY 19.4.1:** Establish Land Development Code standards that ensure the development of a well-connected transportation system that includes pedestrian pathways, bikeways, transit, and roadways. These standards should:

a. Require, where feasible, interconnects with adjacent uses;
b. To the extent feasible, minimize access points onto primary road corridors by providing multiple access to adjacent properties;
c. Link neighborhoods, commercial and mixed-use centers, public facilities, and parks; and
d. Enable multi-modal transportation access (pedestrian, bike, vehicular, and transit) within and between the different neighborhoods, economic and employment centers, civic uses, and public space, park, and recreational facilities within the Village of Estero ~~Community~~. *(Added by Ordinance No. 14-16)*

**POLICY 19.4.2:** Expand opportunities for Estero's transportation network of pedestrian and bicycle pathways, sidewalks, trails, and other facilities by working with the State of Florida and other local, state, and regional entities to:

a. Construct multi-use pathways that feature shade trees, benches, bike racks, and other design elements to attract usage;
b. Identify targeted funding sources including development contributions, private donations, public funding sources (e.g.: MSBU), or other mechanisms;
c. Implement the greenways master plan within the Estero community by working with Lee County Parks Department;
d. Utilize the FP&L right of way within Estero State Buffer Preserve by working with FP&L and Lee County;
e. Establish a pedestrian–bike trail within or along the rail right of way for public recreation by working with the existing rail corridor and private developers; and
~~f. Encourage the development of an effective rail system by working with the existing rail corridor to improve and expand use of existing rail facilities.~~ *(Added by Ordinance No. 14-16)*
*[the content of subsection f. has been moved to new Policy 19.4.6]*

**POLICY 19.4.3:** All public and private rights-of-way within future mixed-use centers and the Old Estero area, as defined in the Land Development Code, are encouraged to be designed to include pedestrian ways, cross walks and traffic calming measures including, where appropriate, on-street parking, raised crosswalks, narrow lane widths or other similar mechanisms. *(Added by Ordinance No. 14-16)*

**POLICY 19.4.4:** Provide for well designed, safe, and multi-use transportation corridors by establishing, maintaining, and implementing complete street design guidelines for the major roadways within Estero including the US 41, Corkscrew Road, Via Coconut/Sandy Lane, and Three Oaks Parkway. In design, provide roadway and median landscape standards, access management guidelines, signage, street lighting, and sidewalks to ensure safe and effective pedestrian crossings within the context of a comprehensive pedestrian and bikeway system. *(Added by Ordinance No. 14-16)*

**POLICY 19.4.5:** Address regional transportation demands and considerations by proactively working with private developers, and the applicable advisory boards and other local, regional, and state agencies to improve transportation connectivity and mobility throughout Estero and to other communities. *(Added by Ordinance No. 14-16)*

**POLICY 19.4.6:** The Village hereby designates the CSX / Seminole Gulf rail corridor as a strategic regional transportation corridor to protect the corridor for future transportation purposes (see Map 3E). This designation has been recommended by the Lee County Metropolitan Planning Organization as a means for cities and counties along the rail corridor to recognize the regional nature of this asset and jointly commit to efforts to protect it in its entirety. This designation includes the designation of the rail corridor as a "transportation corridor" pursuant to F.S. 337.273. To implement this designation:

a. The Village of Estero supports efforts of the Lee County Metropolitan Planning Organization to plan for hiking/biking/walking trails along the entire rail corridor, to add capability for commuter rail, light rail, or bus rapid transit service in Lee County and northern Collier County, and to maintain freight capability.

b. The new Village Center Area designation (see Policy 1.1.12 and Objective 19.8) and pending amendments to the Land Development Code demonstrate the Village's commitment to transit-oriented development up to a half mile around future stations for commuter rail, light rail, or bus rapid transit. Transit-oriented development provides higher densities and intensities in a physical form that emphasizes walkability and connectivity and provides a broad range of uses, reducing reliance on vehicle trips and parking lots. Stations could be placed at Coconut Point and near Corkscrew Road. Model procedures for station area planning and implementation are provided in the Florida TOD Guidebook, published by Florida DOT in December 2012.

c. When creating its first Comprehensive Plan, the Village will consider designating the rail corridor into its own category on the Future Land Use Map. The allowable uses in this category could be determined by the entity owning or leasing the corridor for the period of time that the corridor remains in use for freight rail.

d. The Village encourages Florida DOT to purchase the real estate interests in the entire rail corridor from Arcadia to north Naples from its current owner, CSX Transportation Inc. (which leases the corridor to Seminole Gulf Railway).

e. The Village will formally oppose any attempts at abandonment of the rail corridor before the U.S. Surface Transportation Board, and will support use of federal rails-to-trails authority to railbank the corridor, if abandonment ever succeeds, in order to preserve the corridor for possible future rail service.

**OBJECTIVE 19.5: NATURAL RESOURCES AND ENVIRONMENT.** Ensure that Estero's natural environment enhances the character and quality of life of the community by protecting the natural resources of Estero, promoting the area's natural environment to visitors and residents, and supporting public access to greenway and waterfront areas. (Added by Ordinance No. 14-16)

**POLICY 19.5.1:** Protect the natural environment and resources of Estero by maintaining, amending, and implementing ~~Lee Plan~~ comprehensive plan or LDC regulations that:

a. Promote the quality of Estero's natural environment, native species and habitats, and ecological resources; and;

b. Facilitate where feasible, new development to provide public access to Estero waterways and greenways, as appropriate. Particular emphasis shall be given to properties along Estero River, its tributaries, and any Estero open spaces;

c. Incentivize the protection of Estero's natural resources—e.g.: wetlands, uplands, historic flow ways, native habitat, or other ecological resources; and

d. Require all new developments adjacent to Estero River or its tributaries to incorporate design techniques that protect the river's water quality through improved runoff or stormwater discharge practices. These techniques may include: the preservation of wetland areas, the incorporation of Low Impact Development techniques, or other surface water quality enhancement technologies. *(Added by Ordinance No. 14-16)*

**POLICY 19.5.2:** Improve public access, use, and enjoyment of Estero's waterfront and water-based resources by supporting the

creation of community water-based amenities such as Estero Bay water taxi, marina facilities, or other water-dependent facilities. *(Added by Ordinance No. 14-16)*

**POLICY 19.5.3:** Support the long term protection of Estero's environment and natural resources by working with local, regional, state, and national agencies and organizations to identify and preserve natural resources and the environment. *(Added by Ordinance No. 14-16)*

**POLICY 19.5.4:** The Estero Community attaches great importance to the integrity of provisions in the ~~Lee Plan~~ comprehensive plan and the Land Development Code with respect to the Density Reduction/Groundwater Resource Area (DR/GR) in so far as actions with respect to the DR/GR have an impact on the environment, natural resources, mobility, sense of place, and character of Estero. *(Added by Ordinance No. 14-16)*

**OBJECTIVE 19.6: PUBLIC SPACES, PARKS, AND RECREATIONAL FACILITIES.** Support Estero's quality of life through the development of a broad array of community parks, public spaces, and recreational facilities. *(Added by Ordinance No. 14-16)*

**POLICY 19.6.1:** Promote the development of a variety of public spaces, park, and recreational facilities within Estero by collaborating with the State of Florida, private developers and other local, state, and national organizations on the development of active and passive public resources and facilities. *(Added by Ordinance No. 14-16)*

**POLICY 19.6.2:** Expand the use, variety, and type of public spaces, parks, and recreational facilities within Estero by working with private developments to provide linkages, access, public parks, public space, and recreational amenities through the use of incentives, LDC requirements, and other development tools. *(Added by Ordinance No. 14-16)*

**POLICY 19.6.3:** Promote Estero Community Park as a hub for the entire community. Improve the park's integration with the community by improving the existing connections between the park and Estero and by constructing the originally planned westerly entrance onto Via Coconut Point. *(Added by Ordinance No. 14-16)*

**POLICY 19.6.4:** Encourage the use of park areas to link neighborhoods, commercial and mixed-use centers, and other open space and recreational facilities through an integrated system of bike, pedestrian, and roadways connections. *(Added by Ordinance No. 14-16)*

**POLICY 19.6.5:** Consistent with the ~~Lee Plan~~ Parks, Recreation, and Open Space Element, integrate the Koreshan State Historic Site into the fabric of the community by collaborating with the appropriate agencies such as the State of Florida to improve the area's landscaping, enhance pedestrian and bicycle access, historic resources and structures, and community park program and activities. *(Added by Ordinance No. 14-16)*

**POLICY 19.6.6:** Consistent with the ~~Lee Plan~~ Parks, Recreation, and Open Space Element, provide passive recreational opportunities within Estero State Buffer Preserve, Estero River, and Estero Bay by collaborating with the appropriate local, regional, and state agencies and private property owners to ensure the community's parks, natural amenities, and open spaces have easy access, parking, trails, and other community amenities. *(Added by Ordinance No. 14-16)*

**OBJECTIVE 19.7: PUBLIC PARTICIPATION.** Ensure the public has meaningful and appropriate opportunities to participate in and comment upon development in and around the Village of Estero ~~community~~. *(Added by Ordinance No. 14-16)*

**POLICY 19.7.1:** As a courtesy, ~~Lee County~~ the Village of Estero will register citizen groups and civic organizations within the Village of Estero that desire notification of pending review of Land Development Code amendments and ~~Lee Plan~~ comprehensive plan amendments. ~~Upon registration, Lee County will provide~~ Registered groups will be provided with documentation regarding these pending amendments. This notice is a courtesy only and is not jurisdictional. Accordingly, the ~~county's~~ failure to mail or to timely mail the notice, or failure of a group to receive mailed notice, will not constitute a defect in notice or

bar a public hearing from occurring as scheduled. *(Added by Ordinance No. 14-16)*

**POLICY 19.7.2:** **Reserved.** ~~The Estero Community will establish an online document clearing house for their community, where copies of selected zoning submittal documents, staff reports, Hearing Examiner recommendations, and resolutions will be provided for public inspection. The county's failure to provide or to timely provide documents to the online document clearing house, or failure of the online document clearing house to receive documents, will not constitute a defect in notice or bar a public hearing from occurring as scheduled.~~ *(Added by Ordinance No. 14-16)*

**POLICY 19.7.3:** The owner or agent applying for Planned Developments, Rezonings, Variances, Special Exceptions, Plan Amendments, Administrative Amendments, and Development Orders within the Village of Estero must participate in a public information meeting pursuant to adopted Village regulations and policies. ~~for county approval within the Estero Community must conduct one public informational session within the community in a publicly owned or leased facility where the agent will provide a general overview of the project for any interested citizens. Lee County encourages planning, zoning, and/or development services staff to participate at such public meetings. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space, providing advance notice of the meeting place, time and date and providing security measures as needed. Subsequent to this meeting and the applicant must provide county staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised. If the applicant chooses to hold the public meeting before any established community groups, then the minutes of that meeting as may be applicable must be provided prior to a finding of sufficiency.~~ *(Added by Ordinance No. 14-16)*

**OBJECTIVE 19.8: VILLAGE CENTER.** Improve the quality of life for Estero's residents and visitors by providing additional housing and neighborhood types and more diverse economic activity in the heart of Estero.

**POLICY 19.8.1:** This comprehensive plan includes a Village Center category on the future land use map (also referred to as the "Village Center Area") which encourages higher densities and intensities of housing, employment, shopping, recreation, and civic uses in a series of interconnected neighborhoods and mixed use areas. Policy 1.1.12 allows landowners in the Village Center Area to develop within the standard density range and other requirements of the Urban Community category; however the Village of Estero encourages land to be developed or redeveloped with a greater mix of uses and higher densities when placed in walkable mixed-use patterns. The glossary defines 'density,' 'mixed-use,' 'walkable,' and 'mixed-use pattern.' The specific goals of the Village Center Area include creating socially vital centers supportive of business both big and small, neighborhoods and streets that are safe and attractive for walking and bicycling, the preservation of community history, and the protection of the environment, particularly along the Estero River.

As the Village of Estero approves its first comprehensive plan and land development code, as required by law, the area comprising the Village Center Area may change to, among other things, include other land in that vicinity that meets the goals and objectives of the Estero Community Plan and furthers Objective 19.8 and the policies thereunder.

**POLICY 19.8.2:** The Village will create a new planned development zoning district in the Land Development Code (the "Estero Central Planning District") to help implement these policies. This zoning district will contain tiered standards that apply to the Village Center Area and may include sub-districts which may have specific policies applying therein. Rezoning to the new planned development zoning district must be sought to take advantage of the new tiered standards and densities with respect to specific development tracts. The Village's intention is to use this new zoning district whenever increases in density and intensity are requested in the Village Center Area.

**POLICY 19.8.3:** The Land Development Code provisions that will implement the objective and policies set forth in this Objective 19.8

shall consider such reasonable guidelines as are necessary in order to foster predictable built results and higher quality public spaces by using physical form (rather than separation of uses) as the organizing principle for achieving such objectives. Such guidelines may consider designating locations where different building form standards apply, the relationship of buildings to the public space, public standards for such elements in the public space as sidewalks, travel lanes, on-street parking, street trees, street furniture, and other aspects of the urban built environment that may be applicable to foster interconnection, social vitality and walkability in the Village Center Area. The Land Development Code provisions may also consider other alternative types of reasonable guidelines that may accomplish such goals in a different or complementary manner.

**POLICY 19.8.4:** Properties in the Village Center Area which have vested rights under the law may proceed under such vested rights as otherwise provided in the comprehensive plan and Land Development Code, and shall not be required by virtue of Objective 19.8 and the policies thereunder to seek rezoning to the Village Center standards if no increases in either densities or intensity (as such term is defined in the Land Development Code) are sought beyond such vested rights.

**a.** Nothing contained in Objective 19.8 and the policies thereunder shall modify or abridge the law of vested rights or estoppel under Florida Statutes or judicial precedent. Developments of Regional Impact maintain their statutory vested rights status pursuant to the provisions of Chapter 380.06 and Section 163.3167(5), Florida Statutes.

**b.** If the property owner is unclear as to the exact nature of the vested rights that are claimed, such property owner may submit an application to the Village of Estero for a determination of such vested rights. The Village Council will conduct a public hearing to determine the nature and extent of such vested rights, and shall apply judicially defined principles of equitable estoppel in making such determination. Each vested rights determination is based on the facts and law associated with that particular property and shall not be considered as a precedent that can be relied upon in any other determination.

**POLICY 19.8.5:** The Land Development Code will provide standards for four levels of development in the Village Center Area that will contribute to a walkable mixed-use environment in the Village Center Area:

a. Tier 1 provides a minimum network of connecting streets that will allow the public to move by car, bike, or on foot within and through development tracts.

b. Tier 2 accommodates residential neighborhoods with higher densities and a potential for a greater variety of housing types, as well as mixed-use neighborhoods with higher levels of non-residential uses, and, in each case, greater connectivity than Tier 1.

c. Tier 3 accommodates mixed-use neighborhoods with similar attributes as Tier 2 but with higher levels of non-residential uses as well.

d. Tier 4 allows an entire development tract to be planned as a compact community, as provided in Chapter 32.

**POLICY 19.8.6:** The Land Development Code will provide minimum standards for each tier and will describe public benefits that developers may offer to obtain specified density/intensity incentives in each tier.

**POLICY 19.8.7:** Base and maximum residential densities will be set by the Village Council during the planned development rezoning process based on its determination of an application's compliance with this comprehensive plan and the specific standards and requirements for each tier. Increases in base residential densities may be allowed after consideration of incentive offers as provided in the Land Development Code. Densities cannot exceed the top of the following ranges:

a. Tier 1: Base level is up to 6 dwelling units per acre of Tier 1-only land plus up to 3 additional dwelling units per acre of Tier 1-only land after consideration of accepted incentive offers, for a maximum of 9 dwelling units per acre of Tier 1-only land.

b. Tier 2: Base level is up to 10 dwelling units per acre of Tier 2 land plus up to 4 dwelling units per acre of Tier 2 land after consideration of accepted incentive offers, for a maximum of 14, dwelling units per acre of Tier 2 land.

c. Tier 3: Base level is up to 15 dwelling units per acre of Tier 3 land plus up to 5 dwelling units per acre of Tier 3 land after consideration of accepted incentive offers, for a maximum of 20. dwelling units per acre of Tier 3 land.

d. Tier 4: Base level is up to 21 dwelling units per acre of Tier 4 land plus up to 6 dwelling units per acre of Tier 4 land after consideration of accepted incentive offers, for a maximum of 27. dwelling units per acre of Tier 4 land.

**POLICY 19.8.8:** With respect to these base and maximum residential density calculations:

a. For land in Tier 1-only, densities are calculated based on the definition of "Density" in the Glossary of the comprehensive plan, thus excluding non-residential land in Tier 1.

b. For land in Tiers 2, 3, and 4, densities are calculated based on this definition except that non-residential land is included for these tiers only.

~~GOAL 20: BAYSHORE COMMUNITY.~~

*[repeal Goal 20 and associated objectives and policies]*

~~GOAL 21: CALOOSAHATCHEE SHORES.~~

*[repeal Goal 21 and associated objectives and policies]*

~~GOAL 22: BOCA GRANDE.~~

*[repeal Goal 22 and associated objectives and policies]*

~~GOAL 23: THE PALM BEACH BOULEVARD CORRIDOR.~~

*[repeal Goal 23 and associated objectives and policies]*

~~GOAL 24: COMMUNITY PLANNING.~~

*[repeal Goal 24 and associated objectives and policies]*

~~GOAL 25: NORTH CAPTIVA (Upper Captiva).~~

*[repeal Goal 25 and associated objectives and policies]*

~~GOAL 26: ALVA.~~

*[repeal Goal 26 and associated objectives and policies]*

~~GOAL 27: PAGE PARK COMMUNITY.~~

*[repeal Goal 27 and associated objectives and policies]*

~~GOAL 28: NORTH FORT MYERS.~~

*[repeal Goal 28 and associated objectives and policies]*

~~GOAL 29: OLGA COMMUNITY.~~

*[repeal Goal 29 and associated objectives and policies]*

~~GOAL 30: BURNT STORE MARINA VILLAGE.~~

*[repeal Goal 30 and associated objectives and policies]*

~~GOAL 31: DESTINATION RESORT MIXED USE WATER DEPENDENT (DRMUWD).~~

*[repeal Goal 31 and associated objectives and policies]*

~~GOAL 32: LEHIGH ACRES.~~

*[repeal Goal 32 and associated objectives and policies]*

~~GOAL 33: SOUTHEAST LEE COUNTY.~~

*[repeal Goal 33 and associated objectives and policies]*

~~GOAL 34: NORTHEAST LEE COUNTY PLANNING COMMUNITY.~~

*[repeal Goal 34 and associated objectives and policies]*

~~GOAL 35: NORTH OLGA COMMUNITY.~~

*[repeal Goal 35 and associated objectives and policies]*

**GOAL 2: GROWTH MANAGEMENT.** To provide for an economically feasible plan which coordinates the location and timing of new development with the provision of infrastructure by government agencies, private utilities, and other sources.

**OBJECTIVE 2.12: DIVERSIFIED CLUSTER DEVELOPMENT.** ~~The County~~ In several future land use categories, the Village of Estero allows the potential for a mixture of different land uses including: residential, commercial/office, research and development, and medical. ~~light industrial.~~ *(Added by Ordinance No. 09-06)*

**POLICY 2.12.1:** The Village ~~County~~ encourages and promotes clustered, mixed use development within certain Future Urban Area land use categories to spur cluster development and smart growth within those areas ~~of Lee County~~ where sufficient infrastructure exists to support development, as well as continue to improve the economic well-being of the County; provide for diversified land development; and provide for cohesive, viable, well-integrated, and pedestrian and transit oriented projects. This is intended to encourage development to be consistent with Smart Growth principles. *(Added by Ordinance No. 09-06)*

**POLICY 2.12.2:** **Reserved.** ~~Future development within the Tradeport and Industrial Development future land use categories is strongly encouraged to be designed to include a mixture of research and development, industrial, and related office uses, where appropriate.~~ *(Added by Ordinance No. 09-06)*

**POLICY 2.12.3:** Future development within the Intensive Development, Central Urban, and Urban Community future land use categories is strongly encouraged to be development as a mixed use with two or more of the following uses: residential, commercial (including office), and ~~light industrial (including~~ research and development ~~use~~). When residential use is one of the uses proposed, in a mixed use development, residential densities may be developed taking into consideration the definitions under the Glossary terms: "Mixed Use," "Mixed Use Building," "Mixed-Use Pattern," "Walkable," and "Density." *(Added by Ordinance No. 09-06)*

**GOAL 4: SUSTAINABLE DEVELOPMENT DESIGN.** To pursue or maintain land development code regulations which encourage ~~creative site designs and~~ mixed-use patterns. Using an overlay, locate appropriate areas for Mixed Use, Traditional Neighborhood Development, and Transit Oriented Development. *(Amended by Ordinance No. 94-30, 07-15)*

**OBJECTIVE 4.1:** Maintain the ~~current~~ planned development rezoning process which combines site planning flexibility with rigorous review. *(Amended by Ordinance No. 91-19, 94-30, 07-15)*

**POLICY 4.1.1:** Development designs will be evaluated to ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site and to the existing and potential street pattern on surrounding sites. ~~; and that the placement of uses or structures within the development minimizes the expansion and construction of street and utility improvements.~~ *(Amended by Ordinance No. 91-19, 00-22)*

**POLICY 4.1.2:** Development designs will be evaluated to ensure that the internal street system is designed for the efficient and safe flow of vehicles and pedestrians without having a disruptive effect on the activities and functions contained within or adjacent to the development. *(Amended by Ordinance 91-19, 00-22)*

**OBJECTIVE 4.2: MIXED-USE OVERLAY.** Designate areas on the Future Land Use Map for Mixed Use, Traditional Neighborhood, and Transit Oriented development patterns. *(Added by Ordinance No. 07-15)*

**POLICY 4.2.1:** The Village ~~County~~ will maintain an overlay in the future land use map series (Map 1, Page 6) identifying locations outside the Village Center Area that are also desirable for mixed use patterns because they ~~that~~ are located in close proximity to: public transit routes; education facilities; recreation opportunities; and, existing residential, shopping and employment centers. Development approvals in the Village Center Area that had been based on a property having been within Lee County's prior mixed-use overlay designation may request modifications to those approvals provided the modifications are in compliance with this Comprehensive Plan and

Land Development Code and do not increase the previously approved densities and intensities. Appropriate locations for any future mixed-use overlay will have a positive impact on transportation facilities though increased transit service, internal trip capture, and reduced travel distance (preference will be given to locations serviced by multiple transit routes). An analysis showing the number of existing and potential residential units within the immediate and extended pedestrian shed (measured through connections and delineating pedestrian barriers) will be considered in identifying appropriate locations. *(Added by Ordinance No. 07-15)*

**POLICY 4.2.2:** The Mixed Use Overlay will not intrude into established single family neighborhoods. Connections to existing residential neighborhoods will be provided upon the residential neighborhood's desire and not precluded by the Mixed Use Development's design. *(Added by Ordinance No. 07-15)*

**POLICY 4.2.3:** **Reserved.** ~~Any Planned Development project adhering to the Mixed Use Overlay standards, at the discretion of the Board of County Commissioners, may extend beyond the Mixed Use Overlay zone up to one quarter mile.~~ *(Added by Ordinance No. 07-15)*

**POLICY 4.2.4:** **Reserved.** ~~The Mixed Use Overlay may include areas within the Coastal High Hazard Area when unique public benefits exist. Such benefits may include providing workforce housing options for employees of businesses located on barrier islands when transit is provided between the workforce housing and the employment areas.~~ *(Added by Ordinance No. 07-15)*

**POLICY 4.2.5:** **Reserved.** ~~Encourage mixed use developments on sites that have existing connectivity to adjacent neighborhoods, qualify as a grayfield or brownfield sites, or are candidates for Transit Oriented Development. Properties lacking potential interconnections to adjacent properties will not be considered as preferred locations for the Mixed Use Overlay.~~ *(Added by Ordinance No. 07-15)*

**POLICY 4.2.6:** Reserved. ~~Staff will work with communities, specifically during the community planning process, to explain the benefits and address concerns related to mixed use/higher density developments to build the consensus needed to identify appropriate locations for the Mixed Use Overlay.~~ *(Added by Ordinance No. 07-15)*

**POLICY 4.2.7:** Development located in the Mixed-Use Overlay that utilizes the Compact PD zoning category ~~applying Chapter 32 – Compact Communities of the Lee County Land Development Code~~ will not be subject to the site location standards listed in Policy 6.1.2 and 6.1.2.7. *(Added by Ordinance No. 11-18)*

**OBJECTIVE 4.3:** The Mixed Use Overlay shall not include property in the Village Center Area. Development, redevelopment, and infill rezonings located within the Mixed Use Overlay outside of the Village Center Area that utilize the Compact PD or Mixed Use Planned Development (MPD) zoning category and meet the criteria in the policies below ~~that incorporate the following Mixed-Use, New Urbanism, Traditional Neighborhood Development (TND), and Transit Oriented Development (TOD) criteria~~ will be allowed to use the area of commercial, office, ~~light industrial,~~ natural water bodies and other non-residential uses in their density calculations. These proposals must contribute to ~~areas will be~~ compact, multi-purpose, mixed use patterns ~~centers~~ which integrate commercial development with residential, civic, and open space within the same neighborhood or ~~and~~ buildings. *(Added by Ordinance No. 07-15)*

**POLICY 4.3.1:** **Reserved.** ~~Developments within the Mixed Use Overlay conforming to Chapter 32 – Compact Communities of the Land Development Code, will be deemed as meeting the principles listed in this objective.~~ *(Added by Ordinance No. 07-15, Amended by Ordinance No. 11-18)*

**POLICY 4.3.2:** **Mixed Uses:** ~~A balanced mixture of~~ Carefully mixing complementary uses can ~~will be provided to~~ reduce overall trip lengths, ~~to~~ support pedestrian, bicycle and transit opportunities and create pedestrian friendly streetscapes.

a. Mixed uses will be encouraged within individual buildings (e.g. residential above retail or office space) but may be located in separate buildings that can be easily reached using publicly accessible sidewalks and streets.

b. Mixed Use Overlay areas not within the Village Center Area will provide public gathering places, civic uses, such as green spaces or community centers, and other public amenities as described in Policy 19.2.1.

c. Mixed-use patterns will be integrated within an overall design framework to create a pedestrian friendly, human scale environment, through objective, measurable criteria including size, scale, proportion, and materials detailed in the land development regulations. Flexibility in design will allow for choice and variety in architectural style.

d. The Mixed Use Overlay is intended for mixing uses that are complementary rather than conflicting, as those terms are used in the glossary's definition of mixed use. The nature of the mix of uses will be determined based upon the needs of the Village, character of the surrounding area, the compatibility of the uses, and the characteristics of the transportation network. *(Added by Ordinance No. 07-15)*

**POLICY 4.3.3: Site and Building Design:** Integrate commercial, residential, civic, and open spaces to create multipurpose developments that feature unique style and ambiance through design, encouraging civic involvement and events to promote community interaction.

a. Provisions for outdoor livability, including interconnected pedestrian and bike facilities, walkways, public plazas, ample seating, and walkable block size.

b. Well defined centers and edges with public or civic space creating an element around which other development is located.

c. Development plans will create focal points of signature buildings, civic spaces, natural amenities, and other prominent features through placement or street layout.

d. Link pedestrian routes and bikeways with the street system or other public space such as parks or squares avoiding routes through parking lots and other locations out of the public realm.

e. When necessary, development density and intensity will gradient from the center to the edge suitable to integrated surrounding land uses.

f. The designs will include a pedestrian circulation system to connect the nonresidential uses with residential uses and areas.

g. Local climate and history will dictate the architectural and landscape design and natural methods of cooling and heating will be encouraged. Evaluate Green Building techniques as an alternative way to provide open space.

h. Streets and roads will be fronted by design features including sidewalks which define and contribute to a pedestrian street character. Building design, placement, and entrances will be at a pedestrian scale and oriented towards streets or other public space such as parks or squares.

i. The street system will equally serve automobile and non-automobile modes of transportation. Development will provide pedestrian and bicycle-friendly access, and will provide transit facilities to the development and the surrounding community.

j. Large scale nonresidential establishments will incorporate development design techniques to integrate the establishment into the surrounding community. Such design techniques will include:

   1. creation of a series of smaller, well defined customer entrances to break up long facades and provide pedestrian scale and variety, that may be achieved through the use of liner buildings.
   2. limited number and size of signs.
   3. landscaping and use of pocket parks and courtyards adequate to soften large building masses.

k. An "A/B" street grid system may be utilized where "A" streets meet all pedestrian oriented standards and create a continuous uninterrupted pedestrian friendly streetscape, while "B" streets may include a limited amount of properly designed non-pedestrian oriented uses.

l. Crime Prevention Through Environmental Design (CPTED) guidelines will be incorporated to the maximum extent possible. *(Added by Ordinance No. 07-15)*

**POLICY 4.3.4: Parking:** Parking areas will be designed to minimize intrusiveness and impacts on the pedestrian character, through the following techniques:

a. On-street parking with landscaping and design features, such as corner and mid-street bump outs, that afford traffic calming and produce a comfortable and safe pedestrian environment will be promoted.

b. Parking lot locations will not separate pedestrian areas including sidewalks, squares, and plazas from the front of buildings containing the primary entrance.

c. Parking lots will be screened from all streets, sidewalks, and open spaces, and will be designed to maintain or enhance the street edge.

d. Parking lots will be designed with safe pedestrian connections to business entrances and public space to create a park-once environment.

e. Reduction of paved parking areas will be evaluated wherever practicable through measures such as provision of shared parking and parking structures to serve multiple uses and alternative paving materials. Large expanses of pavement will be discouraged. Reduced ratios of required parking for non-residential uses will be provided in the land development regulations.

*(Added by Ordinance No. 07-15)*

**POLICY 4.3.5: ~~Automobile Access: Automobile facilities~~ Streets and Alleys:** Streets will be designed to provide safe access to, through (where feasible), and within each ~~the~~ development.

a. Internal streets must meet Land Development Code standards found in Article II of Chapter 32 and ~~traffic circulation system design~~ will include:

   1. narrow traffic lanes and other traffic calming techniques to maintain safe multi-modal transportation.
   2. an interconnected street system extended to adjacent sites at the least intrusive locations, with interconnections as may be provided in the Land Development Code.
   3. maximum use of common access drives to arterial roads.
   4. a system of alleyways for service vehicles and access to parking.
   5. convenient access to transit facilities.
   6. sidewalks shaded by rows of street trees.

b. Major points of ingress to and egress from arterial roads carrying through traffic will be located at the allowed intersection spacing and connect to the internal traffic circulation system.

c. ~~A connector street system~~ Public streets will provide multiple vehicular, bicycle, and pedestrian linkages to adjacent local destinations, including residential neighborhoods, as an alternative to arterial and collector roads, except where such connections are precluded by physical layout of natural environmental features.

d. Automobile-oriented uses will have a limited number of driveways, and drive-in or drive-up windows will be located to avoid conflict with pedestrian and bicycle traffic.

e. Additional provisions to achieve the goals of development of walkable environments will be established in the Land Development Code.

*(Added by Ordinance No. 07-15)*

**POLICY 4.3.6: Community Green Space:** Public space and landscaping will be provided that includes.

a. Public areas will provide adequate urban landscaping that includes street trees, planted areas, and street furniture.

b. Required surface and storm water management facilities will be designed ~~as an~~ integrally with civic spaces, and as a physical or visual amenity that provides usable open space or an aesthetic feature that resembles natural areas.

c. Paved areas (including parking) will require overhead shading from tree canopy or building features based on factors such as scale of development and performance standards.

*(Added by Ordinance No. 07-15)*

**POLICY 4.3.7: Connectivity and Buffering:** Mixed use developments will be well integrated both internally and externally.

a. Automotive, pedestrian and/or bicycle connections to adjacent commercial development will be provided.

b. Connections to adjacent residential neighborhoods will not be precluded by the Mixed Use Development's design.

c. Buffering of uses internal to a Mixed Uses development are not required.

d. Buffering from adjacent developments, when deemed absolutely necessary, will not preclude future interconnectivity.

*(Added by Ordinance No. 07-15)*

~~**POLICY 4.3.8:** Properties in a Mixed Use Overlay Zone, not within the Coastal High Hazard Area, will be considered as preferred receiving areas for Transferable Development Rights (TDRs) and will allow these TDRs to serve as a method for obtaining allowable bonus densities.~~ *(Added by Ordinance No. 07-15)*

~~**POLICY 4.3.9:** The owner or agent for a rezoning request utilizing the Mixed Use Overlay must conduct one publicly noticed informational session, before sufficiency, where the agent will, at a minimum, present an overview of the project's consistency with this objective. Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised.~~ *(Added by Ordinance No. 07-15)*
*[the content of Policy 4.3.9 duplicates Policy 19.7.3]*

**OBJECTIVE 4.4:** *[no changes proposed]*

**GOAL 6: COMMERCIAL LAND USES.** To permit orderly and well-planned commercial development at appropriate locations ~~within the county~~. *(Amended by Ordinance No. 94-30)*

**OBJECTIVE 6.1:** Development approvals for commercial land uses must be consistent with the following policies, the general standards under Goal 11 and other provisions of this plan. *(Amended by Ordinance No. 94-30, 11-18)*

**POLICY 6.1.1:** All applications for commercial development will be reviewed and evaluated as to:

a. Traffic and access impacts (rezoning and development orders);
b. Landscaping and detailed site planning (development orders);
c. Screening and buffering (planned development rezoning and development orders);
d. Availability and adequacy of services and facilities (rezoning and development orders);
e. Impact on adjacent land uses and surrounding neighborhoods (rezoning);
f. Proximity to other similar centers (rezoning); and
g. Environmental considerations (rezoning and development orders). *(Amended by Ordinance No. 00-22)*

**POLICY 6.1.2:** Commercial development must be consistent with the location criteria in this policy except where specifically excepted by this policy or by Policy 6.1.7~~, or in Lehigh Acres by Policy 32.2.4~~ or if located in the Mixed Use Overlay and utilizing the Compact PD zoning category. ~~Chapter 32 – Compact Communities of the Land Development Code.~~

1. **MINOR COMMERCIAL**

   a. **Major function:** Provides for the sale of convenience goods and services.

b. **Location:** The entire retail use, including buildings and outdoor sales area, must be located as follows except where this plan provides specific exceptions (e.g., Policy 6.1.7):

(1) On or near the intersection (within 330 feet of the adjoining rights-of-way of the intersection roads) of local and collector, local and arterial, or collector and collector roads. In Commercial Planned Developments where future road improvements that are included in the Capital Improvement Program will enable the property to qualify for the higher level of commercial development specified in Subsection 2 below, and which are conditioned to allow the increased commercial intensity when the roadway actually functions at the higher level of a collector road, the Minor Commercial use may extend beyond 330 feet of such intersections provided the Master Concept plan specifically indicates the phasing of the development from Minor to Neighborhood Commercial use. Proposed interconnections of future internal access roads or driveways servicing only the subject parcel with an arterial or collector will not comply with the requirements of this section;

(2) At the intersection (as defined below) of collector and arterial or arterial and arterial roads; or

(3) Within a residential planned development provided it is located and designed primarily to meet the commercial needs of the residents of the development.

c. **Site Area:** Two acres or less.

d. **Range of Gross Floor Area:** Less than 30,000 square feet.

e. When developed as part of a Mixed Use planned development or Compact planned development, and meeting the use limitations, modified setback standards, signage limitations and landscaping provisions, retail uses may deviate from the locational requirements and maximum square footage limitations, subject to conformance with the Estero Community Plan as outlined in Policies 19.2.3 and 19.2.4, and through approval by the ~~Board of County Commissioners~~ Village Council.

2. **NEIGHBORHOOD COMMERCIAL**

a. **Major function:** Provide for the sale of convenience goods and personal services such as food, drugs, sundries, and hardware items.

b. **Typical leading tenants:** Supermarket and drug store.

c. **Location:** Must be located as follows (except where this plan provides specific exceptions):

At the intersection of an arterial and a collector or two arterials so that direct access is provided to both intersecting roads. Such direct access may be provided via an internal access road to either intersecting road. ~~On Lee County's islands where there is no intersecting network of collectors and arterials, neighborhood commercial centers may be located using the standards for minor commercial centers.~~

d. **Site Area:** 2 to 10 acres

e. **Range of Gross Floor Area:** 30,000 to 100,000 square feet

~~f. In that portion of North Fort Myers lying between the Cape Coral city limits and the old S.A.L. railroad grade and north of the junction of the 41s, an exception to the strict adherence to the location standards in subsection (c) may be granted upon the approval of an application for Commercial Planned Development rezoning if the Board of County Commissioners makes a formal finding that the proposed project:~~

~~(1) is located on an existing arterial road;~~

~~(2) is located at the intersection of that arterial with a future collector or arterial that is indicated on the Official Trafficways Map; and~~

~~(3) will provide (or at least not interfere with) an acceptable alignment for the future roadway which is the justification for the approval, relative to both extensions from the point of intersection with the existing road.~~

3. **COMMUNITY COMMERCIAL**

a. **Major function:** Some functions of neighborhood commercial, in addition to providing for the sale of retail goods such as clothing, variety items, appliances, and furniture.

b. **Typical leading tenants:** Supermarket, drug store, minor department store, variety store, or discount center.

c. **Location:** Must be located as follows (except where this plan provides specific exceptions):

- At the intersection of two arterials so that direct access is provided to both intersecting roads.
- Such direct access may be provided by an internal access road to either intersecting road.

d. **Site Area:** 10 to 35 acres

e. **Range of Gross Floor Area:** 100,000 to 400,000 square feet

~~f. Notwithstanding prohibitions contained elsewhere in this plan, community commercial development may be granted in a portion of the Suburban land use category in North Fort Myers lying between the Cape Coral city limits and the old S.A.L. railroad grade and north of the junction of the 41s upon the approval of an application for Commercial Planned Development rezoning if the Board of County Commissioners makes a formal finding that the proposed project:~~

~~(1) is located on an existing arterial road;~~

~~(2) is located at the intersection of that arterial with a future arterial road that is indicated on the Official Trafficways Map; and~~

~~(3) will provide (or at least not interfere with) an acceptable alignment for the future roadway which is the justification for the approval, relative to both extensions of that future roadway from the point of intersection with the existing road.~~

4. **REGIONAL COMMERCIAL**

a. **Major Function:** Some functions of community commercial, in addition to providing a full range and variety of shopping goods for comparative shopping (such as general merchandise, apparel, furniture, and home furnishings).

b. **Typical leading tenants:** One or more full-line department stores.

c. **Location:** Must be located in such a manner as to provide direct access to two and preferably three arterial roads. Such direct access may be via an internal access road to one or more arterials.

d. **Site Area:** 35 to 100 acres

e. **Range of Gross Floor Area:** 400,000 to 1 million square feet or more.

f. The Commercial Site location standards described in this policy do not apply to Regional Commercial development approved as a single mixed-use Development of Regional Impact containing regional shopping opportunities on a 483-acre portion of Section 9, Township 47 South, Range 25 East, that is bounded on the west by U.S. 41, on the east by the Seminole Gulf Railroad tracks, on the south by Coconut Road, and on the north by a line located one half mile north of Coconut Road designated Urban Community, provided that the DRI specifically addresses:

1) Impacts to flow-ways,
2) Community and Regional Park levels of service,
3) Roadway levels of service,
4) Public Schools,
5) Fire protection services, and
6) Affordable housing.

5. Commercial development "at the intersection" will extend no more than one-quarter mile from the centerline of the intersection and must include proper spacing of access points, with the following exception: in a commercial development approved under the planned development rezoning process, "at the intersection" may extend beyond one-quarter mile from the intersection, provided that:
   a. direct access is provided to the development within one-quarter mile of the intersection;
   b. an internal access road or frontage road provides access to the intersecting street prior to occupancy of the development; and
   c. all access points meet Land Development Code requirements for safety and spacing.
   d. the retail commercial use, including any outdoor sales, does not extend beyond one-half mile from the centerline of the intersection.

6. Any contiguous property under one ownership may, at the discretion of the ~~Board of County Commissioners~~ Village Council, be developed as part of the ~~interstate~~ General Interchange category, ~~except in the Mixed Use Interchange district,~~ provided the property under contiguous ownership to be developed as part of the ~~interstate~~ interchange does not extend beyond three-quarters of a mile from the interchange centerpoint. Applications seeking interstate uses outside of the ~~interstate highway~~ designated interchange area will be evaluated ~~by the Board~~ considering the following factors: percentage of the property within the ~~interstate~~ interchange; compatibility with existing adjacent land uses; and, compatibility with surrounding Future Land Use Categories. This is intended to promote planned developments under unified ownership and control, and to insure proper spacing of access points.

7. The location standards specified in Subsections 1-4 will apply to the following commercial developments: shopping centers; free-standing retail or service establishments; restaurants; convenience food stores; automobile dealerships; gas stations; car washes; and other commercial development generating large volumes of traffic. These location standards will not apply to the following: banks and savings and loan establishments without drive-in facilities; hotels or motels; marinas; general, medical, or professional offices; industrial, warehouse, or wholesale development; clubs, as defined in Chapter 34 of the Land Development Code (commercial clubs excepted); and other similar development. ~~The distinction in this subsection between these two major types of commercial uses does not apply in Lehigh Acres, where commercial uses are permitted in accordance with Policy 32.2.4. These location standards will not apply to property in the Mixed Use Overlay when Chapter 32 – Compact Communities of the Land Development Code is applied.~~

8. The standards specified in Subsections 1-4 for location, floor area and site area will serve as guidelines during the rezoning process (allowing limited discretion by the ~~Board of County Commissioners~~ Village Council in special cases in which retail uses are the only reasonable use of the parcel in light of its size, its proximity to arterials and collectors, and the nature of the existing and projected surrounding uses, including but not limited to environmental factors) but are strict requirements during the development order process in the case of zoning that existed prior to the effective date of the Lee Plan (December 21, 1984). The other standards specified in Subsections 1-4 will serve generally to indicate the types of development which are likely to fall within each commercial category. Proposed rezonings to commercial zoning districts that include both uses that are subject to the standards in Subsections 1-4 and uses that are not (see Subsection 7) may be found consistent with the ~~Lee Plan by the Board of County Commissioners~~ comprehensive plan by the Village Council even if the subject parcel does not comply with the applicable location standard; provided, however, that no development orders will be issued on any such parcel for any use to which the standards in Subsection 1-4 is applicable, and all such development orders must be consistent with the level of service requirements in Policy 95.1.3.

9. The location standards in this policy are not applicable in ~~the following areas:~~

   ~~a. In~~ the General Interchange land use category.

   b. ~~In Lehigh Acres where commercial uses are permitted in accordance with Goal 32~~

   c. ~~Within the Captiva community in the areas identified by Policy 13.2.1, in Area 9 of the University Community Conceptual Master Plan, or within the Mixed Use Overlay when utilizing Chapter 32 – Compact Communities of the Land Development Code~~

   ~~d. In the Density Reduction/Groundwater Resource land use category where some commercial development is permitted under Objective 33.3.~~

10. The ~~Board of County Commissioners~~ Village Council may approve applications for minor commercial centers that do not comply with the location standards for such centers but which are consistent with ~~duly adopted CRA and~~ the Estero Community Plans policies under Goal 19.

11. Uses that must comply with Subsections 1-4 may occur at the outside of a T-intersection so long as direct access is provided from at least two points on the adjacent intersecting road, one of which must be an extension of the other intersecting road.

12. Map 19 illustrates the existing ~~Lee County~~ intersections that are deemed to be consistent with the standards in subsections 2 and 3. Neighborhood and community commercial centers must be located at one of the designated intersections, at another intersection utilizing the list of Functional Classification for Arterial and Collector Roads, or in accordance with one of the exceptions under Goal 6~~, or in Lehigh Acres in accordance with Policies 1.8.1 through 1.8.3~~.

    The map shows some intersections with half-circles and others with full circles. Half circles indicate that only the two intersection quadrants shown on the map are deemed to be consistent with the standards. All of the quadrants of intersections designated with full circles are deemed to be consistent with the standards. Proposed neighborhood and community commercial centers that are located at the designated intersections are subject to all of the other Goals, Objectives and Policies of this Plan.

    Functional classifications of new or improved streets will be established in accordance with the definitions of "arterial" and "collector" roads in Rule 9J-5.003. A list of Functional Classification for Arterial and Collector Roads, consisting of roads that meet this criteria, will be maintained by the Lee County Department of Transportation, for county maintained roads, and the Lee County Division of Development Services, for privately maintained roads. ~~These functional classification lists will be adopted by Administrative Code.~~ For the purpose of determining compliance with the locational standards of Policy 6.1.2, only those roads identified as Major Collector roads will be considered collector roads. Roads identified as Minor Collector or not included on the list will be considered local roads. ~~The map will be revised annually during the county's regular plan amendment cycle.~~

~~13. Freestanding single use commercial retail development of five (5) acres or more does not qualify as a Neighborhood Center as that term is used in the Suburban and Outlying Suburban Future Land Use Categories.~~ *(Amended by Ordinance No. 93-25, 94-30, 98-09, 99-15, 99-18, 00-22, 02-02, 07-09, 10-05, 10-16, 10-19, 10-40, 11-18)*

**POLICY 6.1.3:** Commercial developments requiring rezoning and ~~meeting Development of County Impact (DCI)~~ exceeding thresholds defined in the Land Development Code must be developed as Commercial planned developments, Mixed Use planned developments, or Compact planned developments that are designed to arrange uses in an integrated and cohesive unit in order to:

- provide visual harmony and screening;
- reduce dependence on the automobile;
- promote pedestrian movement within the development;
- utilize joint parking, access and loading facilities;
- avoid negative impacts on surrounding land uses and traffic circulation;
- protect natural resources; and
- provide necessary services and facilities where they are inadequate to serve the proposed use. *(Amended by Ordinance No. 94-30, 00-22)*

# XII. Glossary

**DENSITY** - The number of residential dwelling or housing units per gross acre (du/acre). Densities specified in this plan are gross residential densities. For the purpose of calculating gross residential density, the total acreage of a development includes those lands to be used for residential uses, and includes land within the development proposed to be used for streets and street rights of way, utility rights-of-way, public and private parks, recreation and open space, schools, community centers, and facilities such as police, fire and emergency services, sewage and water, drainage, and existing man-made waterbodies contained within the residential development. Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included, except in the Village Center Area as specifically provided in Objective 19.8 and the policies thereunder, and except within areas outside the Village Center Area that are identified on the Mixed Use Overlay Map (Future Land Use Map Series Map 1 page 6 of 8) that have elected to use the process described in Objective 4.3. ~~4.2 and except within areas identified as Mixed-Use Communities as identified on Map 17 where development rights are concentrated or transferred using the process described under Objective 33.3. Within the Captiva community in the areas identified by Policy 13.2.1, commercial development that includes commercial and residential uses within the same project or the same building do not have to exclude the commercial lands from the density calculation. For true mixed use developments located on the mainland areas of the County, the density lost to commercial, office and industrial acreage can be regained through the utilization of TDRs that are either created from Greater Pine Island Coastal Rural future land use category or previously created TDRs. True mixed use developments must be primarily multi-use structures as defined in this Glossary as a mixed use building. If development is proposed in accordance with Policy 2.12.3, residential densities are calculated using the total land area included in the mixed use portion of the development.~~ *(Amended by Ordinance No. 98-09, 00-22, 03-21, 05-21, 07-09, 07-14, 09-06, 10-43)*

**INFILL** - The use of vacant land within a predominantly developed area for further construction or development. These lands already have public services available but may require improvements to meet current development standards. *(Added by Ordinance No. 07-14)*

**MIXED USE** – Complementary uses of land generally within a walkable distance from one another. Complementary means uses are compatible with each other and would serve the same users without requiring a car or a bike/walk trip on a circuitous or inhospitable route. Complementary uses are the opposite of conflicting uses, for example industrial uses or commercial uses that have features near residential uses which could negatively impact the quality of life or interfere with the quiet enjoyment of such residential uses. ~~The development, in a compact urban form, including residential and one or more different but compatible uses, such as but not limited to: office, industrial and technological, retail, commercial, public, entertainment, or recreation.~~ These uses may be combined within the same Mixed-Use Building or may be grouped together in cohesive neighboring buildings with limited separation, unified form and strong pedestrian interconnections to create a seamless appearance. ~~True mixed use developments primarily consist of mixed use buildings as defined by this Glossary.~~ *(Amended by Ordinance No. 05-21, 07-14)*

**MIXED-USE BUILDING** – Mixed-Use Building means a building that contains at least two different complementary land uses (i.e. commercial and residential, R & D and residential, office and residential, commercial and civic use open to the public) ~~that are related~~. *(Added by Ordinance No. 05-21)*

**MIXED-USE PATTERN** - A physical pattern where streets form an interconnected network within and surrounding various parcels in an overall development area, neighborhood, or group of interconnected neighborhoods. A variety of methods to subdivide such areas and neighborhoods may be utilized to develop individual buildings that can accommodate a variety of complementary land uses and building types.

**REDEVELOPMENT** - Development activity characterized by replacement of existing dilapidated or underperforming structures. The new development is usually at a higher level of intensity or density. *(Added by Ordinance No. 07-14)*

**TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND)** - A form of development that creates mixed-use, mixed-income neighborhoods that are compact, diverse and walkable. *(Added by Ordinance No. 07-14)*

**TRANSIT ORIENTED DEVELOPMENT (TOD)** - Development located within walking distance of a transit stop using a mixed use development pattern and ~~that is mixed use and developed using~~ Traditional Neighborhood Development standards. *(Added by Ordinance No. 07-14)*

**WALKABLE** – A characteristic of mixed-use neighborhoods or districts where people can safely walk to nearby destinations on sidewalks or paths that encourage comfortable movement without driving. Nearby destinations are generally viewed as those that can be reached by a 5-minute walk or about ¼ mile in distance.

## ~~Table 1(c)~~
## ~~Mixed Use Overlay/Lehigh Acres~~
## ~~Specialized Mixed Use Node Ratios~~

| ~~Future Land Use Map Category~~ | ~~Floor Area Ratio~~ | ~~Acres*~~ | ~~Percent Residential~~ | ~~Percent Non-Residential~~ |
|---|---|---|---|---|
| ~~Intensive Development~~ | ~~3~~ | ~~1,595~~ | ~~10-50%~~ | ~~50-90%~~ |
| ~~Central Urban~~ | ~~2~~ | ~~3,997~~ | ~~20-50%~~ | ~~50-80%~~ |
| ~~Urban Community~~ | ~~2~~ | ~~3,195~~ | ~~25-60%~~ | ~~40-75%~~ |
| ~~Suburban~~ | ~~1~~ | ~~391~~ | ~~30-70%~~ | ~~30-70%~~ |
| ~~Outlying Suburban~~ | ~~1~~ | ~~123~~ | ~~30-70%~~ | ~~30-70%~~ |

~~* Remaining acres are within non-residential areas that are situated within the overlay such as Public Facilities and Wetlands.~~

## ~~Lee Plan~~ Future Land Use
## Map 1, Page 1 of 8

*[Certain land is being redesignated from Urban Community, Suburban, Outlying Suburban, Public Facilities, and Rural to the new Village Center land-use category, as shown on the following maps. ]*

*[As the Village of Estero approves its first comprehensive plan and land development code as required by law, the area comprising the Village Center area may change to, among other things, include other land in that vicinity that meets the goals and objectives of the Estero Community Plan.]*

## Special Treatment Areas – Mixed Use Overlay

*[The Village will maintain the mixed-use overlay for land in Estero outside of the Village Center Area only, as shown on the following maps.]*

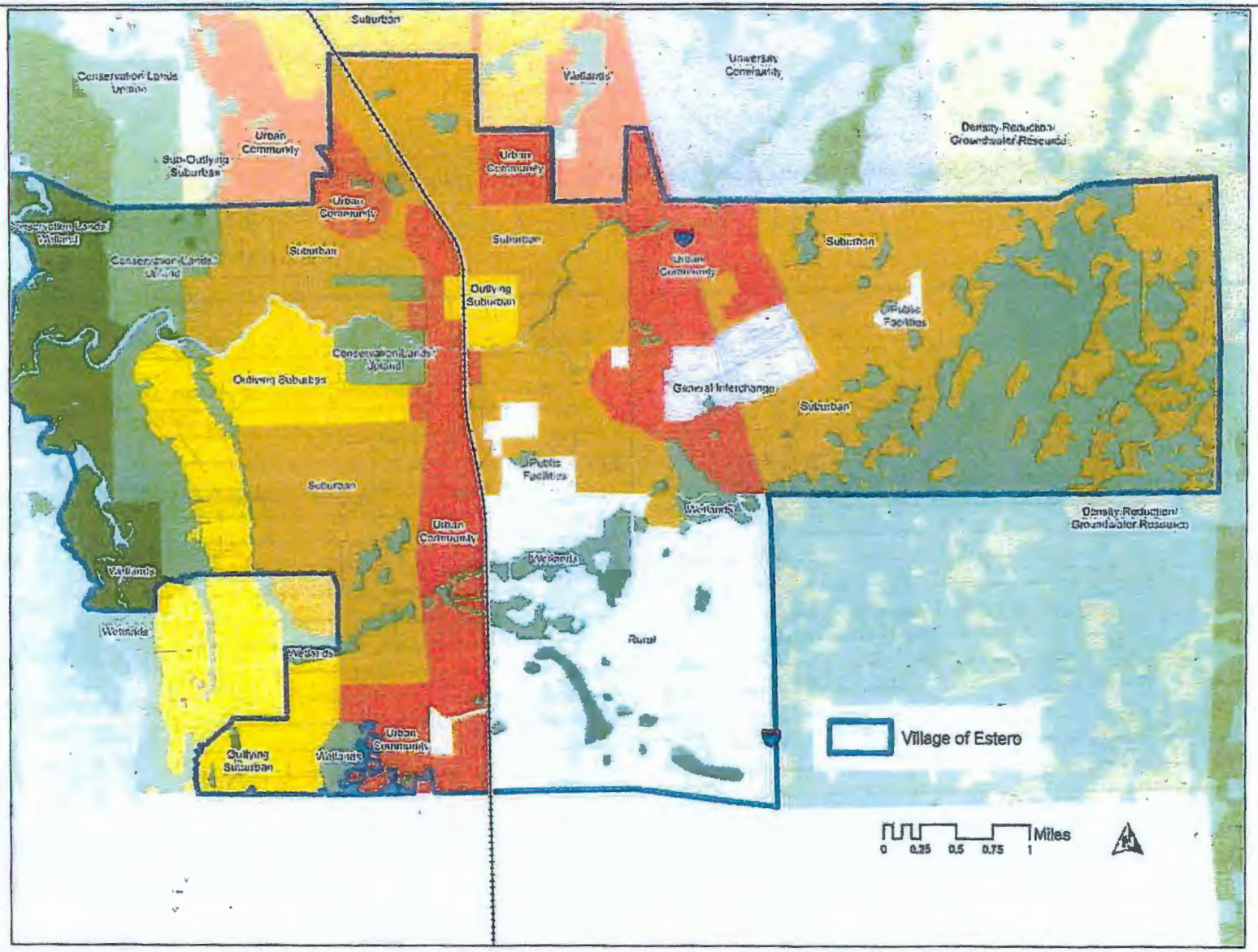
# Table 1(a)
## Summary of Residential Densities [1]

| FUTURE LAND USE CATEGORY | STANDARD OR BASE DENSITY RANGE | | BONUS DENSITY |
|---|---|---|---|
| | MINIMUM [2] (Dwelling Units per Gross Acre) | MAXIMUM (Dwelling Units per Gross Acre) | MAXIMUM TOTAL DENSITY [3] (Dwelling Units per Gross Acre) |
| Intensive Development | 8 | 14 | 22 |
| Central Urban | 4 | 10 | 15 |
| Village Center [14] | 1 | 6 | No Bonus [14] |
| Urban Community [4,5] | 1 | 6 | 10 |
| Suburban | 1 | 6 | No Bonus |
| Outlying Suburban | 1 | 3 | No Bonus |
| Sub-Outlying Suburban | 1 | 2 | No Bonus |
| Rural [10] | No Minimum | 1 | No Bonus |
| Outer Islands | No Minimum | 1 | No Bonus |
| Rural Community Preserve [6] | No Minimum | 1 | No Bonus |
| Open Lands [7] | No Minimum | 1 du/5 acres | No Bonus |
| Density Reduction/Groundwater Resource | No Minimum | 1 du/10 acres | No Bonus |
| Wetlands [8] | No Minimum | 1 du/20 acres | No Bonus |
| New Community | 1 | 6 | No Bonus |
| University Community [9] | 1 | 2.5 | No Bonus |
| Destination Resort Mixed Use Water Dependent [11] | 6 | 9.36 | No Bonus |
| Burnt Store Marina Village [12] | No Minimum | 160 Dwelling Units; 145 Hotel Units | No Bonus |

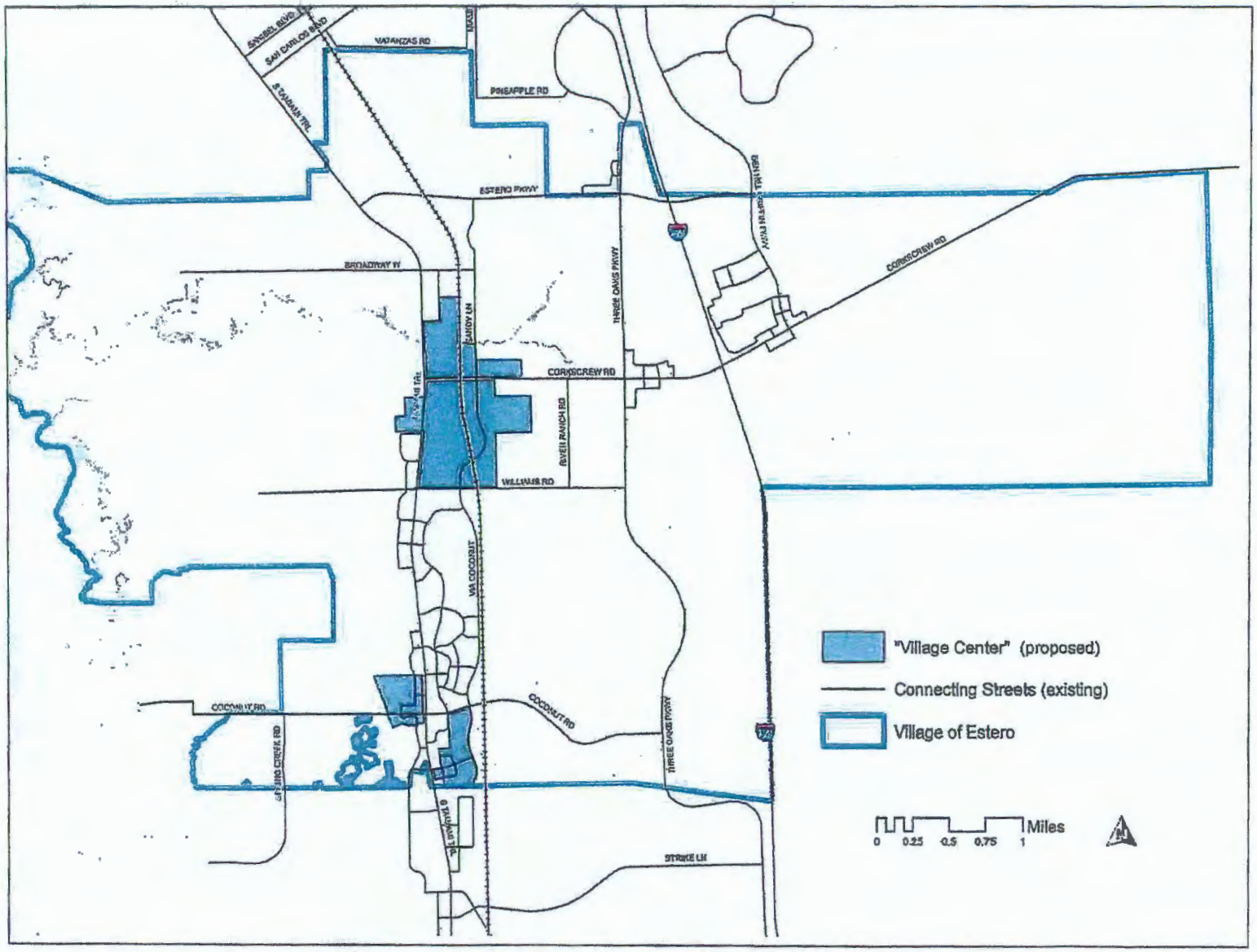
**CLARIFICATIONS AND EXCEPTIONS**

[1-13] *[no changes to footnotes 1 through 13]*

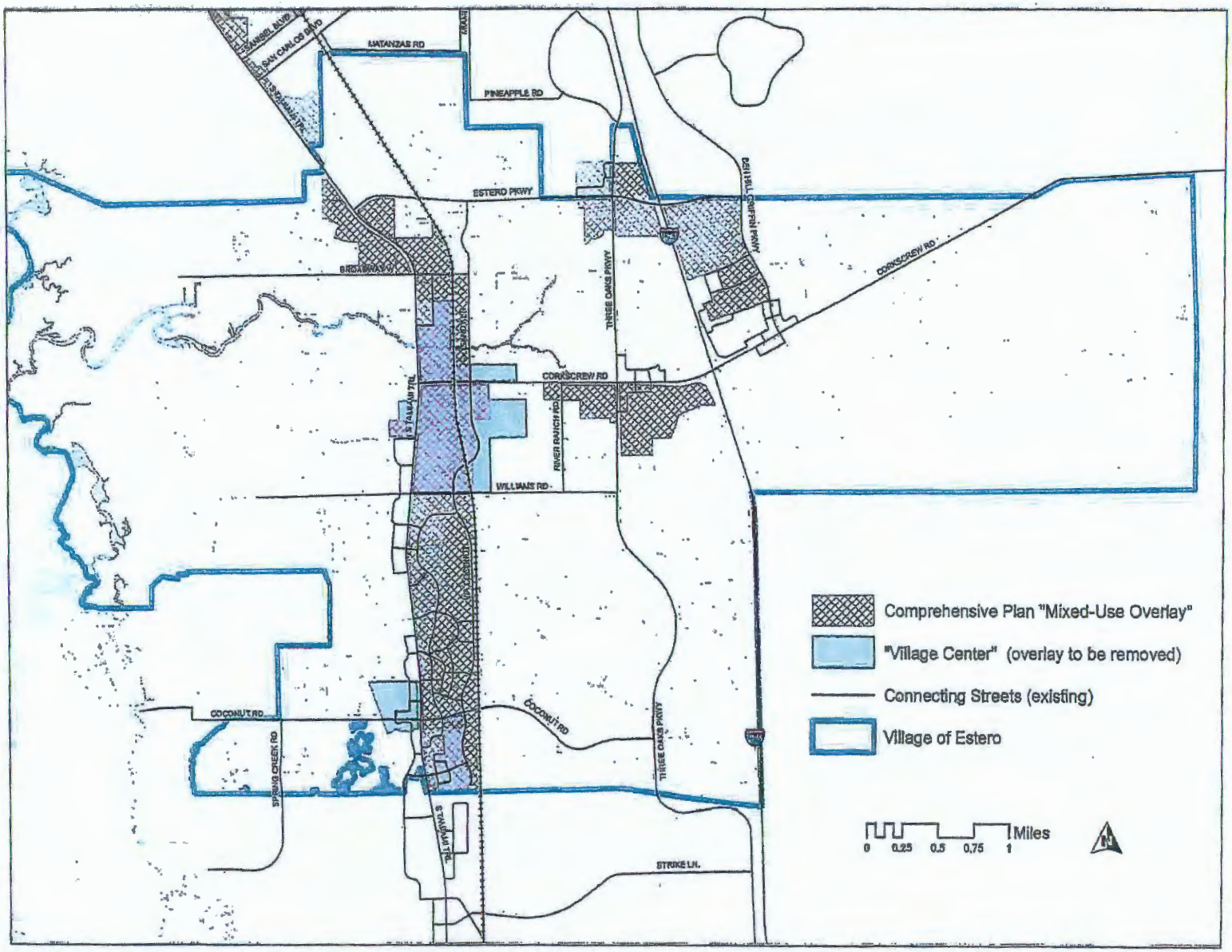
[14] See Objective 19.8 and subsequent policies for potential density increases that could be achieved through a new planned development zoning district for development that contributes to a walkable mixed-use environment.




**Attachment A – Future Land Use Map 1, Page 1 of 8 (existing)**




**Attachment B – Changes to Future Land Use Map 1, Page 1 of 8**
(showing area being changed to "Village Center")




**Attachment C – Future Land Use Map 1, Page 6 of 8Mixed-Use Overlay**
(existing Mixed-Use Overlay plus "Village Center" area being removed from overlay)

# ATTACHMENT E

## Minutes from Estero Public Information Meeting at Planning and Zoning Board dated August 25, 2015

# VILLAGE OF ESTERO PLANNING AND ZONING BOARD
# MEETING OF AUGUST 25, 2015

The Village of Estero Planning and Zoning Board meeting was held on this date at the Estero Fire Rescue District Meeting Room, 21500 Three Oaks Parkway, Estero, Florida.

Present: Chairman Roger Strelow, and Board Members Ryan Binkowski, David Crawford, Ned Dewhirst, and Jeff Maas. Absent: Board Members Marlene Naratil and Scotty Wood.

Also present: Nancy Stroud, Esq., Community Development Director Mary Gibbs, and Village Clerk Kathy Hall.

## 1. CALL TO ORDER

Chairman Strelow called the meeting to order at 5:30 p.m.

## 2. PLEDGE OF ALLEGIANCE

Chairman Strelow led the Pledge of Allegiance.

## 3. ROLL CALL

Village Clerk Kathy Hall called the roll; all members were present with the exception of Board Members Naratil and Wood.

## 4. APPROVAL OF AGENDA

Board Member Binkowski moved approval of the agenda, seconded by Board Member Crawford, called and carried unanimously, with Board Members Naratil and Wood absent.

## 5. BOARD BUSINESS

### (A) Approval of June 30, 2015 Meeting Minutes

Board Member Dewhirst moved approval of the June 30, 2015 minutes as presented, seconded by Board Member Crawford, called and carried unanimously, with Board Members Naratil and Wood absent.

## 6. ACTION ITEMS

Chairman Strelow called for Board Members to declare conflicts of interest and ex parte contact; there were no responses.

All audience members providing public testimony were sworn in by Village Clerk Kathy Hall.

**(A) Estero United Methodist – US 41 at Lords Way Street (District 4)**
- **Seasonal Farmers Market on Saturdays from November 7, 2015 through April 30, 2016 – TMP2015-00197**

Community Development Director Mary Gibbs provided a brief introduction regarding the public information meeting held in July. She noted the conditions as indicated in Resolution PZB 2015-05 and stated that she spoke with Dennis Strausbaugh, SW Florida Markets, LLC, regarding the conditions.

Board discussion followed regarding parking, site access, banners and vehicle signs, and the previous year's approval of the temporary permit.

Chairman Strelow called for public comment and no one came forward.

Board Member Crawford moved approval of Resolution No. PZB 2015-05, seconded by Board Member Binkowski, called and carried unanimously, with Board Members Naratil and Wood absent.

**(B) Genova Sales Center – South side of Corkscrew Road, East of Sandy Lane (District 5) – Administrative Zoning Amendment for sales center – ADD2015-00047**

Agenda item was continued.

## 7. PUBLIC INFORMATION MEETINGS

**(A) Via Coconut Point – 18.5 Acres South of Corkscrew Road and West of Sandy Lane (District 5)**
- **Comprehensive Plan Amendment to new land use category – CPA2014-00007**
- **Rezoning from Agricultural and Community Facility to Mixed Planned Development (297 residential units and 30,000 sq. ft. commercial) – DCF2014-00023**

Community Development Director Mary Gibbs provided a brief introduction.

Steve Hartsell, Pavese Law Firm, Focus Development Group, provided background and stated that both applications were found sufficient prior to the zoning in progress resolution going into effect, based on conversations with Bill Spikowski and Seth Harry.

Laura De John, Planner, Johnson Engineering, stated that the subject site was 18.53 acres located at the southwest corner of Corkscrew Road and Via Coconut Point, currently undeveloped, and was bordered on the north by Corkscrew Road, on the east and south by Via Coconut Point, and on the west by the railroad. She indicated that the site was designated as Suburban on the future land use map with a maximum density of 6 units per acre, which was the maximum standard density for residential in Estero. Ms. DeJohn spoke to public facilities; the Comprehensive Plan Amendment; the rezoning from Agricultural and Community Facility to Mixed Planned Development; site context and market responsiveness; zoning in progress; Village Center concept; site design set up to be able to cross east and west on railroad tracks; buildings oriented to the street; compatibility consideration for residential along Happy Hollow Lane; central node area; open space; block concept; parking; and water management.

Bob Koch, Architect, Fugleberg Koch, spoke to grid-type road system; mixed use; infrastructure sufficiency; median cuts on Via Coconut; storm water management; open space; parking; and stormwater retention.

Board discussion followed related to encouraging internal pedestrian use; ensuring quality of development; the possibility of the zoning being adopted contingent upon the plan amendment being approved; greater intensity of residential use; types of commercial uses; sidewalks; village center; bike paths and access along the railroad; and density.

Public Comment:
Kenneth Pryor, Estero resident, inquired regarding density calculations and the width of the sidewalk abutting Via Coconut Point.

**(B) Shoppes of Coconut Trace – Lyden Drive at US 41 (District 2)**
- **Modification of Zoning Resolution Z-03-011 to eliminate restriction for certain uses for a parcel at the south end of the project**

Community Development Director Mary Gibbs provided a brief introduction.

Greg Roth, Civil Engineer, Bohler Engineering, provided background information regarding the project and spoke to site plan; allowable uses; proposed zoning requests; amending conditions #2 and #3; placement of monument sign; 5% parking reductions; and intensity of southern building limited due to parking.

Board discussion followed related to use limitations; meeting the site location standards; close proximity to Marsh Landing; Coconut Crossings access; direct access from Lyden Drive; the monument sign; and the possibility of outdoor seating.

Public Comment:
Connie Mansfield, President, Marsh Landing Community Association, inquired regarding restaurant uses on the north and south parcels.

Doug Olson, Trinity Commercial Group, noted that the parcel fronted US 41 and spoke to the proximity of the parcel to Marsh Landing, which was no closer to residential development than any of the other commercial developments.

**(C) Coconut Point (District 6)**
- **Administrative Amendment to add use of "paint and sip" business internal to Coconut Point shops (Pinot's Palette)**
- **Administrative Amendment to permit certain temporary uses such as farmers market/art fairs**

Agenda item continued.

## 8. PUBLIC INPUT OF NON-AGENDA ITEMS

None.

## 9. BOARD COMMUNICATIONS / FUTURE AGENDA ITEMS

At the suggestion of Board Member Binkowski, Board discussion followed related to potential connections being reflected on Master Concept Plans that may be adjacent to or abutting the railroad. Some questions considered were: How can we do this today to allow for provisions in the future? What are the expectations and who bears the cost? Who is crossing where and is the Village responsible for additional permitting.

Community Development Mary Gibbs noted that the September 1, 2015 Board meeting was cancelled; September 22, 2015 was the next regular meeting date, due to the meeting room being unavailable on September 15. Discussion ensued regarding concern of being prepared for the next meeting related to the Bill Spikowski interim Comprehensive Plan amendments.

## 10. ADJOURN

Board Member Dewhirst moved to adjourn, seconded by Board Crawford, called and carried unanimously, with Board Members Naratil and Wood absent. Chairman Strelow adjourned the meeting at 7:48 p.m.

Respectfully submitted,

Kathy Hall

Kathy Hall, MMC
Village Clerk

Minutes approved as submitted: October 20, 2015