

**VILLAGE OF ESTERO DESIGN REVIEW BOARD  
MEETING OF JUNE 10, 2015**

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

Present: Chairman Albert O'Donnell and Board Members Barry Jones, Joe McHarris, William Prys, and Patty Whitehead. Absent: Board Member Gerald Simons.

Also present: Village Attorney Burt Saunders, Village Community Development Director Mary Gibbs, and Village Clerk Kathy Hall.

**1. CALL TO ORDER**

Chairman O'Donnell called the meeting to order at 5:31 p.m.

**2. PLEDGE OF ALLEGIANCE**

Chairman O'Donnell led the Pledge of Allegiance to the Flag.

**3. ROLL CALL**

Village Clerk Kathy Hall called the roll; all members were present with the exception of Board Member Simons.

**4. APPROVAL OF AGENDA**

No revisions to the agenda were noted.

**5. BUSINESS**

**Public Information Workshops:**

**(A) Tidewater Development Order Amendment to DOS2014-000671 and Discussion of Master Approval of Front Porch Elevations for Single Family Homes**

Attorney Neale Montgomery noted that the development order number needed to be corrected to DOS2014-00061. Referencing the ordinance that created the Design Review Board and identified the items that the Board reviews, Ms. Montgomery stated that front porches are not defined. Therefore, she requested that the Board review the templates provided in order to obtain master approval of all porches to eliminate the need to come before the Board for each new home construction. Ms. Montgomery mentioned that all landscaping referenced in the application will be located inside the walls of the development.

David Cosslett, Landscape Architect, referred to the Code Minimum Landscape Plans. In response to an inquiry from Chairman O'Donnell, Mr. Cosslett responded that a presentation was held before the Estero Community Planning Panel. Discussion ensued regarding landscaping and buffering, noting that plantings would be 100% native; there would be significant screening; and that existing vegetation would aid with screening. In response to questions, discussion followed regarding fencing and existing native mature tree specimens that would remain. Mr. Cosslett stated that there would be hundreds of linear feet of patterned and non-patterned wall,

painted one color. With respect to existing native mature tree specimens remaining, Mr. Cosslett responded that there was an existing preserve that would remain that is less than an acre and there were no existing native mature tree specimens. He pointed out that there were existing pines along the I-75 buffer.

David Corbin, Architect, referred to and described the amenity center site plan, the clubhouse entry, and overview of the elements and architectural features. Brief discussion followed, including further clarification from David Cosslett regarding fences and walls.

Carl Barraco, Project Engineer, and David Cosslett, Landscape Architect, responded to questions regarding the distance of the amenity center from Three Oaks Parkway, further questions regarding fencing and walls, and the hard-edge graphic depicted around the lake.

A representative of Waldrop Realty Group reviewed the architectural elevations, including information pertaining to development materials and exterior paint palette, described as “coastal palette.” Brief discussion followed regarding porches.

Discussion ensued regarding the Design Review Board ordinance and the public information meeting process. Village Attorney Saunders provided clarification and noted that it was appropriate for the Board to hold public information meetings.

Discussion followed regarding berm height, the location of the multi-use crossing, and landscaping.

Chairman O'Donnell called for public comment, and no one came forward.

**(B) Estero 4.2/Eich Group DOS2015-00048 – Ground Clearing, Filling and Landscape Buffer - Land located on US 41 just northeast of Breckenridge**

Brian Smith, representing Ensite, Inc., described the approximate 4.2 acre project north of Estero Parkway, and stated that their client wanted to clear and fill the site and install landscape and buffers. Mr. Smith indicated that a right turn lane on US 41 will be designed and constructed, and they have met with FDOT on two occasions. Mr. Smith spoke to the permit/approval process and noted that there was nothing of quality on the site. Throughout the speaker's comments, the Board members interjected questions and remarks regarding various aspects of the development order. Discussion ensued regarding the recorded 40-foot frontage easement to the north; on-site water management; perimeter berm; CPD zoning; landscape plan; power lines parallel to the site; irrigation well, noting that the Water Use Permit had been received; the right turn lane on US 41; and wall construction design. In response to a question regarding whether there is a time limitation that the property can sit undeveloped, Mr. Smith replied there is no limitation; however, the work under the development order is required to be completed in five years. Mr. Smith noted that he believes their client wanted to get the property marketable to sell. Concern was raised regarding the visual impacts of clearing the site as well as the installation of buffers, which often suffer or fail over a period of time. In response to an inquiry of how the buffer that is being designed and installed would relate to a future development, Mr. Smith stated it had to relate to it 100%. He added that the current development order is not for permanent

construction; however, there are plans in place and the next development order will be coming relatively soon which take into consideration the buffer design.

Chairman O'Donnell called for public comment, and the following individual came forward:

Howard Levitan, representing the public (not speaking as Vice Mayor), stated that he has not had a chance to contact the residents at Breckinridge. He strongly suggested that the applicant meet with the Home Owner's Association Board due to the residents' sensitivity to the tree removal and clearing process, prior to coming back before the DRB for a hearing on the development order. Mr. Smith responded that they would take that into consideration and would contact them.

In response to a question whether this site had anything to do with the Estero Grande project, Mr. Smith stated that it did not.

**(C) Bella Terra LDO2015-00278 – Type B LDO for Internal Sidewalks and Signage**

Sam Marshall, P.E., Banks Engineering, Inc., provided copies of two sets of plans related to crosswalks, sidewalks, curbing, and signage safety improvements, to be completed in three phases; the plans marked "new" were the plans he would be seeking approval for. Mr. Marshall noted that the safety improvements were above and beyond what was required and were a result of concern from residents. Discussion ensued regarding vehicle speeds and the revisions made to the original plans, which included elimination of a crosswalk and adding crosswalks in a round-about.

General discussion followed regarding improvements in a gated community that could be interpreted as being insignificant and whether the Board should be reviewing items such as this, which could be a topic of discussion as the Board moves forward.

Chairman O'Donnell called for public comment. The following individuals came forward:

Robert King, President, Bella Terra Master Association: The association members are in agreement with the work as described in Mr. Marshall's presentation.

Mark Novitski, Chair, CDD: They have been working with the HOA to try to get people to slow down and they are hoping to complete the work prior to October.

**(D) Spring Run Bocce Courts LDO2015-00196 - Denial Letter and Deviation**

Mike Zigler, General Manager, Spring Run Golf Club, explained that the issue was setbacks. The initial zoning resolution from 1997 listed the setback from the water as zero, allowing improvements next to the water. He further explained that Final Plan Approval (FPA) indicated different setbacks and a modification to the FPA was needed in order to be more consistent with the zoning resolution. It was noted that the courts were built in 2010 without a permit being issued. Discussion ensued regarding landscaping of the site, the fact that the courts were not visible from other nearby properties, and the possibility of relocating the courts.

Chairman O'Donnell recognized Howard Levitan. Mr. Levitan stated that the issue could be solved by an administrative deviation. He continued that, if the Board agreed to the process, the County would prepare the resolution, which would come back to the Design Review Board for approval of the administrative deviation.

Discussion followed regarding the possibility of a soundproof wall. Mr. Zigler stated that they originally considered a wall and ultimately agreed to heavy landscape. In response to an inquiry regarding time restrictions, Mr. Zigler responded that the hours and lighting are restricted.

Chairman O'Donnell called for public comment and no one came forward.

Consensus of the Board was to proceed with the administrative deviation process.

The meeting went into recess at 6:55 p.m. and reconvened at 7:03 p.m.

## **6. PUBLIC INPUT**

Chairman O'Donnell called for public input and no one came forward.

## **7. BOARD DISCUSSION**

### **(A) Procedures and Practices - Public Workshops Process, Application Forms, Inquiries and Communication, Rules of Procedure**

Discussion ensued regarding the time problem for developers that has occurred as a result of the Village of Estero process and application review that has been added; developers are required to come before the Board with final drawings; the possibility of holding public information meetings or a pre-application meeting earlier in the process; the legal requirements of the Board to make certain the process is fair and equitable.

### **(B) Update on filling remaining board positions**

Chairman O'Donnell stated that there has always been a problem getting sufficient applicants with architectural ability, noting that there were two remaining architectural positions to be filled on the Design Review Board. He indicated that the expertise of Jim Wallace, a developer, had been helpful in the past, and felt that it was a mistake not taking advantage of Mr. Wallace's knowledge. Discussion ensued and it was noted that the rule had been changed from requiring two state-registered architects to one. Vice Mayor Levitan stated that he would be interviewing applicants for the two remaining positions, which would be filled from the people who had previously applied.

### **(C) Prioritization of Workshop Discussion**

No comments.

**(D) Financial Disclosure Form**

Village Attorney Burt Saunders provided an explanation of the financial disclosure form that is to be filed with the Lee County Supervisor of Elections on or before July 1, 2015. Discussion followed regarding the use of Lee County's conflict of interest form. Mr. Saunders stated that the Village had adopted all of the County's ordinances and that the County's conflict of interest form would be used at this time.

**Public Comment:**

Jim Wallace addressed the Board regarding procedures and practices, the County's process, concerns with delays and costs, and the creative process. Discussion ensued regarding the application review and process that has been added, along with the burden on developers.

**8. ADJOURN**

Board Member Prysi moved to adjourn the meeting, seconded by Board Member Jones, called and carried unanimously.

The meeting was adjourned at 7:44 p.m.

Respectfully submitted,

  
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Kathy Hall, MMC  
Village Clerk

Minutes Approved: July 8, 2015