

**VILLAGE OF ESTERO DESIGN REVIEW BOARD
MEETING OF JUNE 24, 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 Joe McHarris, William Prysi, and Patty Whitehead. Absent: Board Members Barry Jones and Gerald Simons.

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

1. CALL TO ORDER

Chairman O'Donnell called the meeting to order at 5:35 p.m.

2. PLEDGE OF ALLEGIANCE

Chairman O'Donnell led the Pledge of Allegiance.

3. ROLL CALL

Village Clerk Kathy Hall called the roll; Board Members Jones and Simons were absent.

4. APPROVAL OF AGENDA

Board Member Prysi moved approval of the agenda, seconded by Board Member McHarris, called and carried unanimously, with Board Members Jones and Simons absent.

5. BOARD BUSINESS

(A) Approval of May 6, 2015 Minutes

Board Member Prysi moved approval of the May 6, 2015 minutes, seconded by Board Member McHarris, called and carried unanimously, with Board Members Jones and Simons absent.

6. ACTION ITEMS

Community Development Director Mary Gibbs provided an explanation of the meeting format and introduced the first agenda item, noting that the public information meeting for this item was held at the June 10, 2015 Design Review Board meeting

- (A) Tidewater – DOS2014-00061 – University Highlands/Ben Hill Griffin
- Amendments to Development Order to re-route sanitary sewer line, re-grade roadway for NE portion of project, add lighting plan for community, revisions to amenity center, and master approval of front porch elevations**

Attorney Neale Montgomery stated they were appearing regarding the local development order and master approval of the front porch elevations.

Carl Barraco, Jr.,^{KH} Project Engineer, presented the approved site plan and amended site plan, noting that the amended site plan contained minor changes, including the addition of street lighting internal to the development; revision of finished floor elevations and regrading of northeast corner of the property; revision of sanitary sewer system; revision to the amenity center tract. Mr. Barraco described each of the revisions in detail. He spoke to the front porch elevations, indicating that they were requesting master approval for all proposed home models. Discussion followed regarding porches. There was not an elevation available that showed the depth of the porches; some were covered entries and others had sufficient space to place a chair.

Public Comment:

Doug Saxton, resident of The Reserve and BikeWalkLee representative, addressed safety concerns with the entrance to the development and asked for consideration of signage for runners and cyclists. Discussion ensued. Mr. Barraco stated signage was something they could consider but not commit to.

Discussion followed regarding street lights.

Attorney Nancy Stroud noted that, for any approvals, the Board would need to make findings that the criteria of Ordinance 15-01 have been met. Ms. Stroud read the criteria from Section 3-4 on page 13 for the record. Brief discussion followed.

Board Member Prysi moved for approval as submitted without conditions, seconded by Board Member McHarris. Discussion followed. Called and carried unanimously, with Board Members Jones and Simons absent.

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

Community Development Director Mary Gibbs made a brief introduction, noting that the public information meeting was held at the June 10, 2015 Design Review Board meeting. Chairman O'Donnell acknowledged receipt of a letter from Breckenridge.

Brian Smith, Ensite, stated that the DO request was to clear, grub, fill and stabilize the site, install landscape buffers, establish perimeter berm with an 8 ft. wall, and design and construct a right-in/right-out turn lane on US 41. Mr. Smith spoke to the administrative amendment process, environmental resource permit (water management district permit for the property), and development order, which was pending the outcome of tonight's DRB meeting. He added that the driveway drainage permit was currently under review. He noted that he had reached out to Milestones Learning Center as well as Linda Storm and Bob Cook from the Breckenridge HOA. Mr. Smith stated the HOA originally requested a 4 foot pedestrian access, connection from Breckenridge into the site; however, they no longer wanted the access. He noted that the access was a condition of the zoning resolution, a legal binding document; he contacted Lee County to find out what could be done to remove the condition from the resolution. Mr. Smith addressed further issues presented to him from Breckenridge, including connections to existing retail development; maintenance of the wall along the western property line; possible restaurant use; irrigation well; and the lack of public notice. He added that there were no wetlands on the site;

letters have been obtained from Army Corps of Engineers and the South Florida Water Management District; and described the landscape plan.

Board Member Whitehead stated that she walked the site today and observed a culvert and a body of water in a corner of the property. Mr. Smith responded that it was not jurisdictional wetlands; it was water that flows through US41 that leaches onto the property; it was not part of their water management system. Discussion ensued regarding the culvert. Mr. Smith reiterated that they met with Army Corps of Engineers, South Florida Water Management District, as well as FDOT Engineering Department and Drainage Department.

Board Member Prysni inquired about the percentage of exotic plants on the property. Mr. Smith responded 100%. Board Member Prysni addressed concern regarding negative impacts related to clearing a site and survival of the buffer without on-site management. Board discussion ensued regarding clearing the site to make it marketable to sell or attract tenants; the lighting concerns related to restaurant use; and the pedestrian and vehicle access referred to in the letter from Breckenridge.

Public Comment:

Carol Pikor, Breckenridge resident, addressed concern regarding the number of cleared properties just sitting for years.

Robert Cook, representing Breckenridge Master Association, stated that the Type C buffer was an issue; they would like to pursue, and would like the Village to support, changing the original document to remove the requirement to install any kind of access to the wall, as they do not want access; they understand connectivity philosophically but hoped that it could be tempered by common sense.

Garth Errington, Breckenridge resident, stated he lives 100 yards from the northwest corner of the subject property and addressed concern with the notice requirements and clearcutting the property; developers meeting the minimum requirements; and a natural fence should be constructed rather than a wall.

Jerry Koss, Breckenridge Master Association and ECCL member, agreed with Mr. Errington's comments regarding the fence; the existing greenery looks like a preserve, which was a good barrier between the property and Breckenridge. He also spoke regarding an approval that happened a number of years ago.

Joe Tudjek, Breckenridge resident, addressed concerns related to safety, along with the possibility of a restaurant being located there, due to many closed restaurants in the area.

Marlene Rodak, Meadowbrook resident, representing Florida Native Plant Society, addressed concern regarding the plants and heritage trees on the property, along with disturbing the soil; she would like to see plant diversity on the berm; wondered what authority was available if the buffer failed; and removing the exotics was best.

Board discussion followed, including comments made regarding minimum code; evasive ~~invasive~~ plants; property rights; being sensitive to resident's comments; destroying a number of native species; speculative property; clear cutting land; the grading and changes on the site and the difficulty of saving trees.

Board Member Prysi moved for approval with conditions:

1. Applicant to submit an annual management report to the DRB that warrants the health, condition and maintenance of the buffers in place. Annual reports will be in force until such time as facilities are built and on-site management is in place.
2. The Applicant must demonstrate that the installed buffer is designed and appropriate with the proposed future vertical development. The Applicant or future developer must be willing to remove and reinstall a buffer if the installed material is not compatible with the future development.

Motion seconded by Board Member McHarris, called and carried with Board Members Prysi, McHarris, and Chairman O'Donnell voting aye; Board Member Whitehead voting nay; Board Members Jones and Simons absent.

The meeting went into recess at 6:55 p.m. and reconvened at 7:02 p.m.

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

Community Development Director Mary Gibbs provided a brief introduction, noting that the public information meeting was held at the June 10, 2015 Design Review Board meeting and there were no issues.

Mark Novitski, Chair, Habitat Community Development District, was introduced. Board Member Whitehead spoke to safety concerns regarding cyclists and the possibility of signage. Mr. Novitski responded that they were hoping to get a traffic signal in the distant future; there is no bike path in front of the development; the width of the right-of-way prohibits placing a sign closer than approximately 60 feet from the road; for a sign to be effective it would have to be installed by Lee County.

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

Board Member Prysi moved for approval, seconded by Board Member Whitehead, called and carried unanimously, with Board Members Jones and Simons absent.

(D) Spring Run Bocce Courts – LDO2015-00196 – Spring Run/Brooks - Minor deviation for setback

Community Development Director Mary Gibbs provided a brief introduction, noting that the public information meeting was held at the June 10, 2015 Design Review Board meeting; the Bocce courts were a little close to the side setback.

Bill Callahan, Spring Run resident, stated the courts are already in place; not too close to the road; approximately 350 residents participate on a daily basis; and everyone was happy with it.

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

Board Member Prysi moved for approval, seconded by Board Member McHarris, called and carried unanimously, with Board Members Jones and Simons absent.

(E) First Watch Restaurant – COM2014-00733 – US 41 across from Coconut Point - Revision to building plans for parapet to obscure rooftop equipment

Community Development Director Mary Gibbs provided a brief introduction, noting that the restaurant was already constructed; this was a minor revision to shield the rooftop equipment.

Zeden Jones provided plans along with options considered to obscure the rooftop equipment; mock parapet wall, trellis treatments, and lattice work. Discussion followed regarding possible options for the front of the building.

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

Board Member McHarris moved to disapprove the parapet, approve the trellis and back treatment, and to come back to the next meeting with a better solution for the front of the building. Motion seconded by Board Member Prysi, called and carried unanimously, with Board Members Jones and Simons absent.

(F) Walmart – US 41- Approval of two monument signs

Community Development Director Mary Gibbs provided a brief introduction.

Marinelly Frias, BRR Architecture, stated that Walmart wanted to open the store with all of the signs in place for contract completion; the two monument sign locations would be along US 41 and Estero Parkway. Ms. Nellie noted that the signs were the same in appearance as discussed in 2012 – 2013 and were internally illuminated.

Public Comment:

Jane Moran, Belle Lago resident, addressed concern regarding sign lighting and would prefer that the sign be illuminated by flood lights. Discussion followed and it was noted that the proposed lighting was less intrusive than flood lighting, which was also contradictory to Village code. Further discussion ensued.

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

Board Member McHarris moved to approve the signs as presented and to request that Walmart consider keeping the lumen content on the Estero Parkway sign reasonably minimal, seconded

by Board Member Whitehead, called and carried unanimously, with Board Members Jones and Simons absent.

7. PUBLIC INFORMATION WORKSHOPS

Note: Agenda item A was addressed immediately following agenda item B.

**(A) Highland Oaks Drive Development Order – DOS2015-00047
- Proposed roadway between Miromar Outlet Drive and Everblades Parkway South**

Community Development Director Mary Gibbs provided a brief introduction.

David Hurst, Peninsula Engineering, stated that the roadway is located north of Miromar Outlet Drive and just south of Everblades Parkway South, for interconnectivity. Brief discussion followed regarding the roadway; cross sections; landscape plan; and clearing as part of the roadway. Mr. Hurst noted that the roadway was consistent with the MCP and there was an existing development order for the lake expansion.

Discussion followed regarding the proposed planting plan and the location of the lift station.

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

(B) Discovery Day Academy – North Commons Drive – Next to Elks Club - Project sign

Community Development Director Mary Gibbs provided a brief introduction.

Elizabeth Garcia, President, Discovery Day Academy, presented the proposed sign design; the sign will be internally illuminated and will be placed at the entry to the property rather than the exit. Discussion ensued.

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

At the conclusion of the above presentation, Nancy Stroud made the observation that a number of the applications had not been submitted digitally, as required. Mary Gibbs noted that the Village had computer issues this morning and she had asked that presenters provide copies for tonight's meeting. Chairman O'Donnell stated that sometimes it was more practical to have handouts; however, if someone brought handouts, an adequate number of copies would be needed to be provided to the Board and the public. Brief discussion ensued.

(C) CVS at Stoneybrook – LDO2015-002248 – Corkscrew Road - Upgrade parking lot for ADA standards and pedestrian access

Community Development Director Mary Gibbs provided a brief introduction.

Susan Bradley, Senior Project Manager, Robert Reid Wedding Architects and Planners, explained that the upgrades to the CVS site were part of an ADA remediation project, analyzing the existing conditions for compliance with current code; the scope of work at this site would be a pedestrian sidewalk that connects the front door directly with the public sidewalk. The CVS policy is to build raised sidewalks. In order to accomplish this, the existing landscape island in the center would be reduced to install a new sidewalk and curb ramps; a parking space would be utilized to create another raised curb; a serpentine sidewalk connection was proposed. Ms. Bradley noted that the project had been reviewed by Lee County.

Board Member Mc Harris inquired about parking calculations. Ms. Bradley responded that the number of parking spaces were going from 69 to 67, which still met requirements. She also mentioned that, due to putting the sidewalk in the island, two Oak trees would be removed; however, the trees would be replaced; one Sabal Palm would be removed as well.

Chairman O'Donnell noted that the island would be half the size of the existing island and perhaps at the next meeting they could discuss a tree that might be more appropriate than a full size Oak tree. Ms. Bradley responded that she would recommend Cyprus.

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

8. PUBLIC INPUT

Zeden Jones stated that he had been working on the First Watch project with Estero Design Review Committee off and on for a year and a half. He appreciated the collaboration, and in the spirit of that collaboration, he asked to work with Board Member McHarris regarding his motion for approval as option A and an option B with a mock-up requirement because he wanted to finalize the project. Board Member McHarris responded that Mr. Jones could send him an email; however, he would not be allowed to pass along information to other Board Members due to Sunshine Law. Discussion ensued regarding Mr. Jones speaking to one board member at a time. Mr. Jones inquired whether he could provide a sketch tonight.

Mr. Jones proposed that the Board make a motion to reconsider. Attorney Nancy Stroud responded that since the agenda item had closed, no further action could take place without re-noticing and putting it on another agenda; however, the Board could discuss conceptually. Discussion ensued and Mr. Jones agreed to appear at the next meeting.

9. BOARD DISCUSSION

(A) Meeting Packets

Chairman O'Donnell stated that he wanted "Topics for next agenda" as a standard item on all agendas.

Village Clerk Kathy Hall inquired whether all Board Members would like to receive paper packets. Discussion followed and consensus was for the Clerk to provide paper packets.

Brief discussion ensued regarding the Statement of Financial Interests, which would be due to the Supervisor of Elections office by July 1, 2015.

Board Member Pysi inquired regarding procedures of public information meetings along with the requirement for the process. Vice Mayor Levitan responded that this was a procedure where the Board would ultimately have to make a decision based on the ordinance. Board Members need to keep an open mind during the public information meeting until the actual hearing, which occurs in the second step of the process. In order to keep an open mind, Board Members should not make comments, but could ask questions to help gain knowledge; comments about opinions are allowed during the public hearing only; it is a question of due process, not necessarily trying to place restrictions.

Attorney Nancy Stroud agreed and said that some of the questions posed tonight were appropriate. Discussion ensued.

Vice Mayor Levitan added that the ordinance provides the Board power; however, with that power, they need to have the element of fairness and due process.

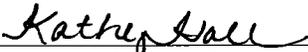
Chairman O'Donnell inquired regarding a public presentation that developers could come to voluntarily early in the process when they are in the design stage, to make an informal presentation on the concept. Currently, developers are required to come before the Board with final drawings. If they could come before the Board on a conceptual basis, it would allow the Board to talk with developers about options. Vice Mayor Levitan responded that he saw no issue with someone coming before the Board informally and that a workshop could be held on any topic.

Attorney Nancy Stroud stated that the Board could hold conceptual discussion at a workshop, but could not draw conclusions. Mayor Batos noted that each Board Member could meet with developers individually. Ms. Stroud added that, perhaps in developing the Board's rules of procedure, this could be addressed as a preference to be part of the process. Discussion ensued regarding language on the application, holding workshops similar to pre-application meetings, developing guidelines, and due process.

10. ADJOURN

Board Member McHarris moved to adjourn, seconded by Board Member Prysi, called and carried unanimously, with Board Members Jones and Simons absent. Chairman O'Donnell adjourned the meeting at 8:33 p.m.

Respectfully submitted,



Kathy Hall, MMC
Village Clerk

Minutes approved as amended: July 22, 2015