

This Final Action Agenda/Minutes is supplemented by electronic recordings of the meeting, which may be reviewed upon request to the Village "Clerk. Staff reports, resolutions, ordinances, and other documents related to this meeting are available at <https://estero-fl.gov/agendas/> at the corresponding agenda date.

**APPROVED BY COUNCIL
APRIL 6, 2016**

FINAL ACTION AGENDA/MINUTES

**Village of Estero
21500 Three Oaks Parkway
Estero, FL 33928
Village Council Zoning Hearing
March 9, 2016 10:00 a.m.**

1. CALL TO ORDER: 10:00 a.m.

2. PLEDGE OF ALLEGIANCE: Led by Mayor Batos.

3. ROLL CALL: Present: Mayor Nick Batos - District 6, Vice Mayor Howard Levitan - District 2, Councilmember Bill Ribble, District 1, Councilmember Katy Errington - District 4, Councilmember Jim Boesch - District 5, and Councilmember Jim Wilson - District 7.
Absent: Councilmember Donald Brown - District 3 (excused absence).

Also present: Village Manager Steve Sarkozy, Land Use Attorney Nancy Stroud, Village Clerk Kathy Hall, Community Development Department Director Mary Gibbs, and Development Review Director Walter McCarthy.

4. ZONING HEARING:

(A) Case No. DCI2015-00016 Estero WAS

Second Reading and Public Hearing: Ordinance No. 2016-02
A Zoning Ordinance of the Village Council of the Village of Estero, Florida; Rezoning 1.36 Acres Located at 21700 S. Tamiami Trail, from Mixed Planned Development to Commercial Planned Development, for the Development of up to 15,000 Square Feet of Commercial Uses, Including Fast Food, and Including Conditions of Development; Approving Certain Deviations; Providing for Conflict; Providing for Severability; and Providing an Effective Date

The Village Clerk read the title of Ordinance No. 2016-02. Mayor Batos provided an explanation of the hearing process for the benefit of the audience. All audience members and staff testifying were sworn in by the Village Clerk. Ex parte communications were disclosed by Councilmember Ribble, Vice Mayor Levitan, and Mayor Batos.

Presentations by:

Community Development Director Gibbs provided a brief overview and status of the rezoning request.

Neale Montgomery, Pavese Law Firm, provided responses to questions that were raised at the first reading of the ordinance.

Ted Treesh, TR Transportation, qualified as an expert witness, spoke to the traffic study conducted in relation to the application along with the operational analysis for the intersection at Pelican Sound and US 41. He noted that the applicant had agreed to pay a proportionate share for a future traffic signal installation.

Sam Marshall, Banks Engineering, qualified as an expert witness, provided response regarding stormwater.

Questions or Comments by: Vice Mayor Levitan, Councilmembers Ribble, Boesch, Errington, Wilson, and Mayor Batos.

Discussion included drive thru, traffic, building height, stormwater, and revisions to the ordinance.

Public Comment:

Greg Toth

Motion: Move to continue to a date certain, March 23, 2016.

Motion by: Vice Member Levitan
Seconded by: Councilmember Ribble

Action: Approved continuing to a date certain, March 23, 2016.

Vote:

Aye: Unanimous (roll call; Councilmember Brown absent)

Nay:

Abstentions:

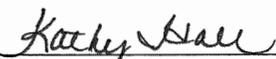
Council discussion followed regarding the expiration of terms for the Planning and Zoning Board and Design Review Board members and the application process.

A motion to adjourn was duly made and passed.

5. ADJOURN: 11:32 a.m.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: 
Kathy Hall, MMC
Village Clerk

By: 
Nicholas Batos
Mayor