

PLANNING FOR ESTERO LAND USE TRANSITION

DESIGN REVIEW BOARD

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COMPOSITION:

- ❑ Number: Eight Members
- ❑ Term: Two Years (staggered)
- ❑ Qualifications:
 - At least 4 members are residents; other members either own a business in Estero, own property in Estero, or work in Estero.
 - At least 2? members are architects, one member is a state-registered engineer, and at least one other member is a state registered landscape architect.
 - Remaining members are architects, landscape architects, planners, engineers, building contractors, real estate professionals, or similar backgrounds.
 - Members must not hold other public office, appointive or elected.

DRB ORGANIZATION

- APPOINTMENT: Appointed by Village Council on an at large basis subject to the qualifications.

- ORGANIZATION/MEETINGS.
 - Organization Meeting each April 1st.
 - Officers: Chairman appointed by Village Council, and Vice Chairman elected by members.
 - Formulates its own rules and regulations for conduct of business.
 - DRB conducts public informational meeting at workshop prior to any hearing on a development order.

DRB ORGANIZATION (Cont.)

- ▣ Minutes must be kept, approved and filed with Clerk.
- ▣ Majority vote of members present required to act.
- ▣ Quorum is four members.
- ▣ Meetings at least twice per month or more often as may be required to prevent unnecessary delay.
- ▣ Rules, regulations, and procedures shall be adopted by the DRB to govern meetings.
- ▣ Village Manager appoints the secretary.
- ▣ Appeals may be taken to Village Council sitting as an appeals board.

DRB POWERS

- REVIEW OF PLANS AND SPECIFICATIONS:
 - Signature of Chairman or presiding member on plans is prerequisite for issuance of Development Order or building permit.
 - General standards of architecture, beauty and harmony are established by the Ordinance.
 - Supplemental Standards to be adopted by the Village Council for the guidance of the DRB.
 - DRB General Criteria specified in the ordinance include existing Estero LDC Standards.

What Applications are Reviewed:

- **“Every application for a development order, including a LDO, that has any impact on building appearance, design, landscaping, hardscaping, pedestrian and vehicular connectivity, open space, and the like”**
- Includes site plans, and requests for administrative deviations other than those related to the height of buildings and structures.
- Includes any permit to erect a building, for a ground-mounted sign or materially alter the front of a building, except for single family residences.
- All submissions will be done electronically.

Public Informational Meetings.

- Prior to the conduct of a hearing on a development order, the DRB will hold a Public Informational Meeting.
- This is a detailed overview of the project held at a workshop meeting.
- Required submissions are as specified in the procedures and policies of the DRB (to be developed).
- PIM is a workshop session, questions asked but no decisions are made.

QUASI-JUDICIAL HEARINGS:

- Florida case law requires quasi-judicial proceedings to ensure that due process is provided to applicants for site-specific zoning and development decisions.
- Minimum requirements for quasi-judicial proceedings:
 - ▣ 1. An impartial decision-maker (ex parte disclosures)
 - ▣ 2. All fact witnesses to be sworn and testimony under oath
 - ▣ 3. Proponents (applicants), staff and interested parties have full opportunity to present evidence and argument, including expert witnesses
 - ▣ 4. Witnesses may be cross-examined by the parties
 - ▣ 5. Public testimony may be allowed
 - ▣ 6. Formal rules of evidence do not apply, but fundamental due process is required
 - ▣ 7. A written decision supported by competent, substantial evidence in the record of the proceedings

DRB GENERAL CRITERIA (Part 1)

- GOOD TASTE: The project is in conformity with good taste, good design, and in general contributes to the image of the Village as a place of beauty, spaciousness, harmony, taste, fitness, and high quality.
- NOT INFERIOR QUALITY: The proposed development is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.

DRB GENERAL CRITERIA (Part 2)

- CONFORMITY WITH CODE. The Plans are in conformity with the Standards of the LDC, including the Estero provisions, relating to location and appearance of the buildings and structures. Conditions may be applied when the buildings do not conform in order to bring them into conformity.
- HARMONY WITH AREA. The project is in harmony with the proposed developments in the general area, fully consistent with the Comprehensive Plan, and the DRB Supplemental Standards to be developed and approved by the Village Council.

DRB GENERAL CRITERIA (Part 3)

- LANDSCAPING AND IRRIGATION. The project shall promote water conservation. Water requirements may be reduced by providing for:
 - ▣ Preservation and reestablishment of native plant communities.
 - ▣ The use of drought-tolerant, site specific, and shade producing plants, and
 - ▣ Design and maintenance of irrigation systems, which eliminate waste of water or loss from damage.

DRB SUPPLEMENTAL CRITERIA

- Supplemental Criteria are adopted by the Village Council as an ordinance.
- They may be amended from time to time by the Village Council and may be considered based on the recommendations of the DRB.
- Supplemental Criteria are expected to be similar to the Estero LDC Revisions in scope. They will deal with architecture, landscaping, site plans, buffering, and specific developments like big box stores, gas stations etc. as envisioned in that project.

PUBLIC PARTICIPATION

- GOAL: Enhanced public participation.
- Procedural Rules of both Boards to be developed to insure:
 - ▣ Notice of Meetings at least 1 week before meeting;
 - ▣ Agenda published with 7 days notice;
 - ▣ Detailed minutes vetted, approved and filed with Clerk;
 - ▣ Detailed findings of fact and decisions filed with Clerk;
 - ▣ Development of a process to provide written notice to all communities impacted by matters before the Boards.

CONCLUSIONS:

- QUESTIONS AND COMMENTS?
- WHAT CAN WE DO TO IMPROVE THESE CONCEPTS?
- NEXT STEPS: PROCEDURES!
- THANK YOU ALL FOR PARTICIPATING!