

**VILLAGE OF ESTERO PLANNING AND ZONING BOARD  
MEETING OF JUNE 30, 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, Jeff Maas, Marlene Naratil, and Scotty Wood.

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

**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.

**4. APPROVAL OF AGENDA**

Board Member Naratil moved approval of the agenda, seconded by Board Member Binkowski, called and carried unanimously.

**5. BOARD BUSINESS**

**(A) Approval of Planning and Zoning Board Rules of Procedure**

Brief discussion ensued regarding the amendments included in the final document.

Board Member Dewhirst moved approval of the Planning and Zoning Board Rules of Procedure as amended, seconded by Board Member Wood, called and carried unanimously.

**6. ACTION ITEMS**

**(A) Timberland and Tiburon - University Highlands - Amend Master Concept Plan to allow minor shifts to lakes and elimination of an internal roadway**

All persons testifying were sworn in by Chairman Strelow.

Neale Montgomery, Attorney, Pavese Law Firm, reiterated from the public information meeting held on June 16, 2015, that the administrative amendment involved reconfiguring the lake and eliminating a road. Mary Gibbs, Community Development Department Director, added that Lee County staff had reviewed the administrative amendment, found that there were no impacts, and recommended approval. Chairman Strelow noted that there were no objections brought up at the June 16, 2015 Board meeting.

Nancy Stroud, Esq., asked if Board Members have had ex parte communications regarding this application and no one responded.

Chairman Strelow asked for public comment no one came forward.

Board Member Crawford moved to approve the amendment to the Master Concept Plan to allow minor shifts to lakes and elimination of an internal roadway, seconded by Board Member Binkowski, called and carried unanimously.

**(B) Recommendation on Tidewater Plat PLT2014-00038**

Mary Gibbs, Community Development Director, provided an explanation regarding plats.

All persons testifying were sworn in by Chairman Strelow.

Carl Barraco, Jr., Project Engineer, stated that this was the first subdivision plat for the Tidewater project; the plat was prepared in accordance with Florida statutes and reviewed by Lee County surveyor's office and attorney's office. He explained that they were waiting for FDOT to vacate an easement for a lake.

Chairman Strelow provided an explanation, noting that when applicants state they are in compliance with county or state codes, it meant that they were also in compliance with Estero codes.

Mr. Barraco provided further explanation of the project, and noted that it was a single-family project with single-family homes and twin-villa homes; the first phase was comprised of approximately 85 single-family lots and 70 twin-villa lots.

Nancy Stroud, Esq., asked if Board Members have had ex parte communications regarding this application. Board Binkowski stated that he needed to recuse himself; his firm had provided services for the applicant of this project. No other Board Members responded regarding ex parte communications.

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

Board Member Crawford moved to recommend approval of the plat to the Village Council, seconded by Chairman Strelow, called and carried unanimously, with Board Member Binkowski recusing.

**(C) Recommendation on Oaks of Estero Plat PLT2014-00036**

All persons testifying were sworn in by Chairman Strelow.

Alexis Crespo, Waldrop Engineering, stated that this was a 10-acre property, proposing 23 single-family lots; the plat was approved by Lee County surveyor's office and attorney's office.

Chairman Strelow asked if Board Members have had ex parte communications regarding this application. Board Binkowski stated that he needed to recuse himself; his firm had provided services for the applicant of this project. No other Board Members responded regarding ex parte communications.

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

Board Member Crawford moved to recommend approval of the plat to the Village Council, seconded by Board Member Naratil, called and carried unanimously, with Board Member Binkowski recusing.

**(D) Recommendation on Autumn Leaves Plat PLT2014-00032**

Community Development Director Mary Gibbs stated that the applicant was not in attendance. Nancy Stroud, Esq., stated that if the Board approves, Ms. Gibbs could present the application. Ms. Gibbs proceeded with an explanation of the plat, noting that it was a replat to create three lots where there were two; the property was south of Marsh Landing off of US 41; Autumn Leaves assisted living project. In response to an inquiry regarding a building, Ms. Gibbs responded that the building was proceeding on a lot that had been previously approved.

Chairman Strelow asked if Board Members have had ex parte communications regarding this application and there was no response.

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

Board Member Maas moved to recommend approval of the replat to the Village Council, seconded by Board Member Crawford, called and carried unanimously.

**(E) Recommendation on University Highlands Tract 3 Replat 2015-00017**

David Hurst, Peninsula Engineering, stated that the application was for a replat of Tract 3, noting that Tract 1 was the Tidewater plat. The replat subdivides Tract 3 into two development tracts with a roadway going through.

Chairman Strelow asked if Board Members have had ex parte communications regarding this application and there was no response.

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

Board Member Crawford moved to recommend approval of the plat to the Village Council, seconded by Board Member Wood, called and carried unanimously.

## **7. PUBLIC INFORMATION MEETINGS**

Chairman Strelow explained the public information meeting process for the benefit of the audience.

### **(A) Corkscrew Village Commercial Planned Development – US 41 and Corkscrew Road - ADD2015-00088 Amendment for proposed Publix Liquor Store**

Derek Rooney, Attorney, GrayRobinson P.A., stated that the amendment was for a stand-alone liquor store next to the existing Publix. He added that Publix currently sells beer and wine inside the store. He explained that the amendment is required as well as a request for a deviation from the sale of alcoholic beverages prohibition on facilities within 500 feet of an existing religious facility; a search of the public records indicated that the Happehatchee Center was within 371 feet of the store.

Board member questions followed related to whether this facility was similar to other sites near grocery stores; whether the parking situation be affected; whether any modification be necessary; what type of business occupied the space previously. Mr. Rooney responded affirmatively that it was similar to other sites; he did not believe the parking would be affected; he was not aware of any modifications being necessary at the present time; and he was not certain what type of business was in the space previously.

Public Comment:

Mary Ann Altieri responded that the vacant space was previously a physical therapy office.

Liz Fatone addressed concerns regarding the sale of alcohol and stated that she personally opposed the liquor store.

Questions from Board members resumed, including whether this this was an administrative amendment and if there would be any limitations. Mr. Rooney responded that it was not an administrative amendment and he was not aware of any limitations at the present time. Community Development Director Mary Gibbs noted that action on this amendment would come back to the Board at the July 21, 2015 meeting.

### **(B) Legacy Church – Corkscrew Road - Minor Administrative Amendment to add Place of Worship to approved commercial uses in existing commercial office park**

Tom Lehnert, Banks Engineering, explained that the request was to add a church in an existing building; however, the approved commercial uses did not allow for a place of worship.

Questions from Board members followed, including whether the building was a shell building, whether the parking was adequate, whether the administrative amendment had been reviewed with the property association; and if the applicant was open to restricting the hours and times of services.

Mr. Lehnert responded that the building was currently a shell; the parking was adequate for the services, which were presently being proposed for Sunday only; the administrative amendment had been reviewed with the property association. With regard to restricting hours and times of services, it would depend upon the proposed restrictions.

**(C) Corkscrew Crossing RPD - Formerly known as Monte Cristo – DCI2014-00022 – Corkscrew Road east of Wildcat Run and west of Bella Terra - Amendment to previously approved zoning for residential project to change number and type of dwelling units, change development footprint and other related changes**

Wayne Arnold, Principal Planner, GradyMinor & Associates, stated that the property consists of under 400 acres; currently zoned for 724 dwelling units; the proposal is for 625 dwelling units; master concept plan; multi-family component would be allowed only in the northwestern portion of the property; the balance would need to be single-family or attached villas. Discussion continued including access points; the proposed extensive corridor for the wildlife; preserve area proposed for approximately 218 acres out of 396 acres; a possible joint buffer with Wildcat Run, expanding the swale on the western boundary, enhancing both projects with water management landscape; and proposed expanded uses.

Vincent Vicidomini, Vice President, Wildcat Run Homeowners Association, rendered support and read a letter into the record regarding the attempt to strike a deal for a mutual landscaping buffer. It was the desire of Wildcat Run that the final, mutually acceptable landscaping plan be included in the zoning application and in any subsequent approval, as well as making certain it is maintained after home sales.

Board Member Binkowski requested that the Clerk receive a copy of the proposed buffer. Mr. Arnold responded that they were working with them toward an exhibit; however, these types of exhibits do not translate well and, therefore, they were attempting to write the language potentially as a zoning condition; they will have visuals for representation purposes.

**Public Comment:**

A gentleman from West Bay inquired about the conservancy's opinion regarding the wildlife corridor. Mr. Arnold responded that they met with representatives of the conservancy and Florida Wildlife Federation; the conservancy applied formulas from a study that he believed was conducted in the West on the habits of wolves and other mammals. He did not feel the formulas worked with the property and were not consistent with the zoning approval; however, the Wildlife Federation representatives believed that the proposed buffers met standards. Brief discussion followed regarding letters from the conservancy.

Barbara Wood from Wildcat Run inquired about the proposed type of multi-family housing and the waterway that drains through the property. Mike Delate, Project Engineer, provided information regarding the water management plan. Mr. Arnold responded that the approved proposed multi-family housing would be 4 stories, not to exceed 48 feet.

Len Huskey, Board of Directors, Preserve at Corkscrew HOA, inquired how far along the project was. Mary Gibbs, Community Development Director, explained the process once the public information hearing concludes. She stated that a public hearing date has not been set and the process could take a few months. She added that the proposal would come back to the Planning and Zoning Board and then would go before the Village Council. Upon a request from Mr. Huskey whether it would be possible to arrange a meeting between Mr. Arnold and the Preserve at Corkscrew board, Mr. Arnold responded "yes."

Don Eslick from ECCL, addressed traffic concerns.

Board Member questions and comments followed, including whether the proposed preserve was considered permanent and irrevocable; what the price point would be compared to neighbors on the east and west; what the attraction would be to the type of housing proposed; whether deviation 5, landscape buffer on western boundary of the property, was limited to whether there would be an interconnection and if it had been reviewed with Estero Fire; in reviewing the traffic analysis, it appeared trips increased.

In response to questions, Mr. Arnold stated that there would be a conservation easement for the preserve; regarding the price point, the process would take another two years; therefore, the price would be whatever the market rate is at that time; the attraction would be the proximity to FGCU, I-75, Miromar Outlets, Germain Arena, amenities and recreational activities; the landscape buffer in deviation 5 was shown in case they were required to provide for emergency interconnection with Wildcat Run and this was a previously approved zoning deviation; he has not had any recent conversations with Estero Fire.

In response to questions regarding the traffic analysis, Jim Banks, JMB Traffic Engineering, stated trips would increase 25%. When asked how the Corkscrew MSTU fit into this, Mr. Banks responded that he did not have information regarding the MSTU and then spoke to impact fees. Community Development Director Mary Gibbs stated that the MSTU did not extend this far.

Board Member Dewhirst inquired whether anyone was looking at a cumulative effect, an overall look at Corkscrew Road, of these projects. Mr. Banks responded Lee County Department of Transportation. He added that, in the latest published concurrency report, approximately 500 new trips were accounted for that would be generated by the projects; with those trips it would still operate at Level of Service E by the year 2020 when all of the projects come online. Discussion ensued.

Nick Batos, Village Mayor and Shadow Wood resident, stated for clarification that the County study on cumulative effects was scheduled to be completed mid-2017, which would be beyond the date that some of the projects would be active. He noted that the Village Council had asked the County to expedite the study.

Discussion followed regarding the impact fee districts established by Lee County.

Board Member Naratil inquired whether a particular demographic had been targeted and whether Lee County schools had been contacted regarding availability of schools. Mr. Arnold responded that it would be available for any age group and that Lee County schools were part of the review process to determine available capacity; he believed that they had received a letter from Lee County schools indicating available capacity.

Chairman Strelow called for further comments or questions regarding the proposal and no one responded.

**(D) North Point – NE corner of US 41 and Williams Road - Development of Regional Impact Amendment – DRI2015-00002 – Notice of Proposed Change - Amendment to Zoning DRI2015-00006 for 600 residential units, 300,000 sq. ft. retail, 120,000 sq. ft. office, and 150 hotel/motel units**

Wayne Arnold, Principal Planner, GradyMinor & Associates, provided a description of the property location and stated that the project was a vested DRI (Development of Regional Impact) and Mixed Use Planned Development (MPD), approved by Lee County in 2004. Mr. Arnold explained they were proposing to amend the DRI and MPD to add development flexibility to respond to demographic, economic, and land use market changes since 2004. He further explained that the DRI is vested; a transportation mitigation payment of over \$4M was pre-paid to Lee County, a donation of 2.8 acres was provided to the Via Coconut extension, and a \$204,000 payment was made for a proportionate share of the Via Coconut roundabout.

Mr. Arnold provided an explanation of the proposed changes; increase dwelling units from 150 to 600; decrease retail from 550,000 sq. ft. to 300,000 sq. ft.; decrease building height from 75 ft. to 60 ft.; hotel units remain the same at 10; office remains the same at 120,000 sq. ft.; types of dwelling units change from all multi-family to multi-family, single family, townhome, zero lot line, and two-family attached; conversion table will allow for increase in commercial to respond to changing conditions. Mr. Arnold addressed the key attributes: strong population growth in Estero; existing roadway network and all direction site access; central coastal location; proximity to existing regional facilities - FGCU, three regional shopping destinations and Southwest Florida international airport.

Mr. Arnold spoke regarding the approved master plan vs. proposed master plan. Further explanation included the approved and proposed versions of Map H - development plan associated with the DRI; and, Estero Market Opportunity Assessment - Final Report prepared by Peloton Research Partners and Seth Harry & Associates, September 2013.

Mike Timmerman, MJT Realty, provided information regarding profiles for residential housing and commercial uses; Estero demographics; regional retail uses; market seasonality; and site planning flexibility.

John Wood, Wildcat resident, addressed traffic concern and inquired regarding the area being set aside for a village center that would encompass a community or history center.

Howard Gutman, President, Lutgert Companies, responded that the village center terminology did not come from the property owner; ECCL hired Seth Harry to prepare a study and the village center terminology was added on to the report. He continued that they intended to develop the property and the amendments were to allow for additional flexibility in order to come up with a project that is best for the area, economically feasible and meets the needs of the Estero community.

Wayne Arnold explained that increasing residential and decreasing retail would decrease traffic by 13%. Discussion ensued.

Greg Toth, property owner, stated that, in reference to the study that ECCL did, over 50% of the people that support the region are from outside the area. He hoped that the Village of Estero was not wasting money on a town center concept, because a town center would be difficult to sustain on this particular site.

Don Eslick, representing ECCL, spoke to a report prepared as a result of ECCL becoming concerned approximately two and a half years ago regarding the amount of land zoned retail. ECCL hired Seth Perry and Bill Spikowski to begin to help them understand where the development in the commercial corridor was going and how they could facilitate and plan for future development. Once the studies were completed, they met with land owners; three areas were identified: village center area, healthcare village area, and vacant commercial property. The planning process continued for the last couple of years. After meetings with landowners, they met with the community regarding concepts. Mr. Eslick noted that results of the meetings indicated the village center and healthcare village were good ideas to pursue. As a result, a final report was prepared and provided to ECCL, which was shared with the Village Board. He continued that as a result, the Village Board entered into a contract with Mr. Spikowski and Mr. Perry to continue the planning process that had begun in 2013, which is underway.

Mr. Eslick explained there would be two phases; the Planning and Zoning Board would be hearing about the first phase probably next month, which would include the framework for the overall planning for the village center and healthcare village. The final conclusion should be approximately May 2016. The process will include many hearings and input from the community and landowners. He continued, in order to facilitate that, the Village Council adopted a zoning in process resolution that invokes Florida law that permits this type of planning and allows the area of proposals for development within those areas to be postponed until that planning is completed. He noted that developers have stated Estero is 94% built out and the area remaining was critical to the community, as it is centrally located. Of the 600 acres left, approximately 300 to 350 of it is within the village center; 100 acres in the healthcare village area. Mr. Eslick spoke briefly regarding incentives for doing what is called for in the plan and urged that the Board allow these things to proceed effectively.

Discussion followed regarding the incentive-based village concept and the density of the project.

Mary Gibbs, Community Development Director, clarified that, since Bill Spikowski was working on Phase 1, she was thinking about scheduling a presentation to the Board in August and to the Council in September. She would like to get feedback from the Board and the Council to make certain it was going in the right direction. Discussion ensued.

**Public Comment:**

Jim Wallace spoke to the village center area, the healthcare village area, and collaboration. He believed the study was great; however, as the summary of the study stated, it was a planning exercise and gave the feeling for what is wanted and broad direction. He continued that some have looked at the study and had taken on a meaning that he didn't believe Mr. Spikowski or Mr. Perry really intended; however, with the essence of the study taken into consideration and creative work, the goals would be met that are hoped to be achieved.

**8. PUBLIC INPUT OF NON-AGENDA ITEMS**

None.

**9. BOARD COMMUNICATIONS / FUTURE AGENDA ITEMS**

Chairman Strelow inquired when to schedule the presentation from Mr. Spikowski. Mary Gibbs responded no later than August 18. Board Member Naratil noted that a couple of the Board Members would be gone in August. Board Member Maas inquired whom the Board Members would be free to communicate with once the study was distributed. The response was anyone other than other Board Members.

Board Member Dewhirst noted that, under the County process, plats were an administrative process and went to one public hearing. He felt that an extra step of bureaucracy was created of coming to the Board and then going to the Village Council. He inquired whether the process could be changed so that it was just one step. Mary Gibbs, Community Development Director, responded that the process was under review. Nancy Stroud, Esq., added that, in trying to streamline, the Board may consider the possibility of having a consent agenda. Discussion followed on the process.

Discussion followed related to the efforts being made to streamline the public hearing process.

**10. ADJOURN**

Board Member Dewhirst made a motion to adjourn, seconded by Board Member Binkowski, called and carried unanimously. Chairman Strelow adjourned the meeting at 7:51 p.m.

Respectfully submitted,

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Kathy Hall, MMC  
Village Clerk