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**DRAFT**

## **FINAL ACTION AGENDA/MINUTES**

### **Planning and Zoning Board Meeting**

**Village of Estero  
9401 Corkscrew Palms Circle  
Estero, FL 33928  
January 16, 2018 5:30 p.m.**

1. **CALL TO ORDER:** 5:30 p.m.
2. **PLEDGE OF ALLEGIANCE:** Led by Chairman Wood.
3. **ROLL CALL:**  
Chairman Scotty Wood and Board Members William Campos, Anthony Gargano, Robert King, Marlene Naratil, James Tatoes, and John Yarborough.

Also present: Village Land Use Counsel Nancy Stroud, Community Development Director Mary Gibbs, Senior Planner Mark Muraczewski, Principal Planner Matthew Noble, and Recording Secretary Michelle Radcliffe.

4. **APPROVAL OF AGENDA:**

A motion to approve the agenda was made and duly passed.

5. **BUSINESS:**

- (a) **Consent Agenda**

- (1) Approval of December 19, 2017 Minutes

A motion to approve the Consent Agenda was made and duly passed.

**(b) Public Hearings:**

- (1) Estero Grande Plat (PLT2016-E003) (District 4) located west of the intersection of Estero Parkway and US 41. The proposed plat creates 9 tracts: Tracts C-1 and C-2 are commercial, Tract MF-1 is multi-family residential, and the remaining tracts are dedicated to: preserve area, roadway and road right of way, and lake and site drainage.

Chairman Wood provided information regarding Board business and quasi-judicial hearings. All audience members and staff providing testimony for all hearings were sworn in by the Recording Secretary. No ex parte communications or conflicts of interest were noted.

Development Review Manager McCarthy provided a brief introduction and description of the proposed plat.

**Presentation/Information:** None.

**Board Questions or Comments:** None.

**Public Comment:** None.

**Motion:** Move to recommend that Village Council approve the plat.

**Motion by:** Board Member King  
**Seconded by:** Board Member Naratil

**Action:** Recommended that Village Council approve the plat.

**Vote:**  
Aye: Unanimous  
Nay:  
Abstentions:

- (2) Tidewater Plat (PLT2017-E003) (District 5) located west of Ben Hill Griffin Parkway and south of Estero Parkway in Area 2 of the University Highlands. The proposed plat creates 118 single family lots from three tracts created under Tidewater Phase 2.

Development Review Manager McCarthy provided a brief introduction and description of the proposed plat. There were no ex parte communications or conflicts of interest noted.

**Presentation/Information:** None.

**Board Questions or Comments:** None.

**Public Comment:** None.

**Motion:** Move to recommend that Village Council approve the plat.

**Motion by:** Board Member King  
**Seconded by:** Board Member Campos

**Action:** Recommended that Village Council approve the plat.

**Vote:**

Aye: Unanimous

Nay:

Abstentions:

- (3) West Bay Club – Dog Park Final Plan Approval (ADD2017-E008) (District 1) West Bay Club Development, west of US 41 off Williams Road. The applicant proposed to develop in five phases, 4 pickleball courts, 1 bocce ball court, restroom facility, infrastructure and parking. The proposed development is located on Parcel 9A of the Master Concept Plan.

Senior Planner Mark Muraczewski provided a brief introduction and description of the proposal. There were no ex parte communications or conflicts of interest noted.

**Presentation/Information:** None.

**Board Questions or Comments:** None.

**Public Comment:** None.

**Motion:** Move to approve the proposal with conditions: hours of operation for dog park and other amenities (including pickle ball and bocce ball) from 8:00 am to dusk; no outdoor lighting for the dog park and other amenities; and dog park and other amenities would be generally compatible with the surround developments within the area.

**Motion by:** Board Member Gargano

**Seconded by:** Board Member King

**Action:** Approved the proposal with conditions: hours of operation for dog park and other amenities (including pickle ball and bocce ball) from 8:00 am to dusk; no outdoor lighting for the dog park and other amenities; and dog park and other amenities would be generally compatible with the surround developments within the area.

**Vote:**

Aye: Unanimous

Nay:

Abstentions:

- (4) Estero Grande Parkside – Parking Deviation (ADD2017-E009) (District 4) Residential component of the Estero Grande project located west of US 41 at the intersection of US 41 and Estero Parkway. Applicant is requesting a deviation from Section 34-2020 of the Land Development Code. The applicant seeks a reduction from 2 parking spaces per unit, and 10% for visitor parking lot to 1.75

parking spaces per multi-family unit (436 spaces required to 347 requested).  
Public Information meeting held November 14, 2017.

Development Review Manager McCarthy provided a brief introduction and description of the proposal. There were no ex parte communications or conflicts of interest noted.

**Presentation/Information:** None.

**Board Questions or Comments:** None.

**Public Comment:** None.

**Board Questions or Comments:** Questions were asked and comments were made on mechanism to notify staff and/or applicant the requirement for additional parking spaces.

**Motion:** Move to approve the Parking Deviation request.

**Motion by:** Board Member King  
**Seconded by:** Board Member Gargano

**Action:** Approved the Parking Deviation request.

**Vote:**

Aye: Unanimous

Nay:

Abstentions:

- (5) Shoppes at Coconut Trace CPD (aka Naples Community Hospital) (DCI2017-E006) (District 2) 22951/22961 Lyden Drive, west of US 41 and across from Coconut Point Shopping Center. Request for an amendment to the Shoppes of Coconut Trace CPD Resolution Z-03-011 to remove the hours of operation restriction on a freestanding emergency medical facility and allow 24-hour emergency service 7 days a week and modify design standards for the placement of service facilities closer to US 41 than allowed by the zoning resolution. Also a request for deviation from the maximum height to allow architectural building elements up to 62 feet. Public Information Meeting held November 14, 2017.

There were no ex parte communications and no conflicts of interest noted. Board members acknowledged they received a number of emails regarding this item on their Village email account.

Community Development Director Gibbs provided a brief introduction and explained that the applicant will provide a presentation to the Board which will be followed by a presentation from Village of Estero staff.

**Presentation/Information:** Paula McMichael, AICP, Holes Montes; Richard Grant, Esq., Grant Fridkin Pearson; Dr. Shawn Patterson, Emergency Room Manager, NCH Healthcare.

Mr. Grant requested that the Board accept Ms. McMichael and Dr. Patterson as witnesses as experts in their respective fields. Next, he provided an opening statement that included an overview of the applicant's project timeline. He stated that staff has consistently questioned the operation at night from 11:00 pm to 7:00 am and has not questioned the operation of an emergency department as a permitted use. Mr. Grant further noted that the applicant requested to clarify the wording in the CPD to clearly allow a 24 hours a day, 7 days a week use for an emergency department at night and requested to clarify that a free standing emergency facility is a permitted use.

Village Land Use Counsel Stroud clarified that the proceeding tonight is to ask for a use for an emergency medical department and that the discussion is not to clarify whether it is a permitted use, but to determine if the Board will agree to recommend to the Village Council to add an emergency services department to the list of permitted uses in the zoning resolution.

Paula McMichael AICP, Hole Montes, provided an overview of the request for an amendment to the Shoppes of Coconut Trace CPD Resolution Z-03-011 as follows: 1) clarify that a freestanding emergency medical services department is an expressly permitted use; 2) allow a free standing emergency medical services department to operate 24 hours a day, 7 days a week; 3) allow service facilities (i.e., the emergency generator) closer to US 41 and farther from Marsh Landing; and 4) expressly permit the height of the architectural elements up to 63 feet.

Next, Ms. McMichael provided an overview of the issues addressed at the November 14, 2017 Public Information Meeting which included the hours of operation and ambulance arrivals/sirens noise. She provided a response to the issue of hours of operations. Dr. Shawn Patterson, Emergency Room Manager, Naples Community Hospital, provided a response to the issue of ambulance arrivals/sirens noise, the impacts of the project with the surrounding community, and provided comments to the staff's report. He further spoke about competition, quality of care NCH provides compared to its competitor, and quality of life in the area.

Village Land Use Counsel Stroud cross-examined Dr. Patterson. She noted that testimony provided by Dr. Patterson regarding competition and quality of medical care is not relevant in determining if the proposal complies with the land development code and the Village's Comprehensive Plan.

Mr. Grant provided a closing statement. Village Land Use Counsel Stroud noted that the applicant submitted five documents into the record as Applicant Exhibits: 1) Ms. McMichael's resume; 2) Dr. Patterson's resume; 3) letter dated January 2, 2018; 4) letter dated July 23, 2017; and 5) portion of the land development code. The Board also accepted Ms. McMichael as a witness as an expert planner and Dr. Patterson as a witness as an expert emergency medical physician.

Community Development Director Gibbs provided a brief statement and introduced Village Principal Planner Matt Noble. Village Counsel Stroud entered Mr. Noble's resume as Village Exhibit #1 and Ms. Gibbs' resume as Village Exhibit #2. She also requested that Mr. Noble and Ms. Gibbs be accepted as witnesses as expert planners and the Board accepted.

Mr. Noble addressed the proposal's compatibility with Marsh Landing, consistency with the Comprehensive Plan, and the findings and conclusions of staff. He stated that the staff recommends denial of the applicant's request because the applicant has not provided sufficient justification for the amendment by demonstrating compliance with the Land Development Code and Comprehensive Plan; the proposed 24 hour operation, 7 days a week use as an emergency department is not compatible with the surrounding properties; urban services will be generally available and adequate to serve the proposed use; 4) the proposed use as a 24 hour, 7 day a week operation is not appropriate at the subject location; the applicant's proposed conditions do not provide sufficient safeguards to the public interest from the proposed development; and the deviation and modification does not enhance the planned development and does not preserve and promote the general intent of the Land Development Code to protect the public health, safety and welfare. Mr. Grant cross-examined Mr. Noble.

The Board recessed at 7:27 pm and reconvened at 7:34 pm.

Village Land Use Counsel entered the following documents as Village Exhibits: recommendation from Hearing Examiner of Lee County on hours of operation as Village Exhibit #3; email to Mr. Grant dated June 9, 2017 from Village Land Use Counsel Stroud explaining her opinion that the medical emergency department is not permitted and the hours of operation applied to its use as Village Exhibit #4; letter from Greg Steuart to Chip Block, Senior Planner, Lee County Department of Planning, dated January 6, 2003 offering to have hours of operations limited on the site as Village Exhibit #5; copy of the Final Order of Design Review Board dated August 1, 2017 denying the application of Development Order as Village Exhibit #6; applicant letter dated July 28, 2017 requesting an appeal of the Design Review Board's denial decision as Village Exhibit #7; applicant's Notice of Appeal package dated August 7, 2017 as Village Exhibit #8; letter to the Village Clerk dated August 4, 2017 withdrawing a portion of the appeal of the decision as Village Exhibit #9; letter dated September 22, 2017, applicant withdrawing entire appeal as Village Exhibit #10; staff report from January 16, 2017 as Village Exhibit #11; and January 6, 2017 PowerPoint presentation as Exhibit #12.

**Public Comment:**

The following people spoke in support of the applicant's proposed amendment:

Christy Hood, Marsh Landing  
Jenny Moorhead, Marsh Landing  
John Prete, Marsh Landing  
Gary Queen, Shadow Wood at the Brooks

The following people spoke in support of staff's recommendation of denying the applicant's proposed amendment:

Al Zipperle, Marsh Landing  
Deb Burdick, Marsh Landing  
Bill Carr, Riverwoods Plantation  
Don Eslick, ECCL  
Beverly MacNellis, Marsh Landing  
Joyce Johnson, Marsh Landing  
Joe Miceli, Rookery Pointe

Peter Cangiolosi, The Preserve  
Michael Langella, Marsh Landing  
Joy Rogers, Villagio  
Irv Nathanson, Lighthouse Bay  
Lena Boles, Marsh Landing  
William Savage, Island Club  
Michael Brennan, Estero

Dennis Lynch, Naples, Fl., provided history of the lot and stated that the 7:00 am to 11:00 pm operation time was not agreed to.

Mark Ebelini, Esq., representing Lee Health, provided historical background on the Lee County planning presentation in 2005. He submitted “Estero Pointe CPD Commercial to Residential Compatibility” into the record. The Board accepted this exhibit.

Mike Roeder, representing Lee Health, spoke in opposition of the applicant’s proposed amendment stating that the request was not consistent or compatible. The Board accepted Mr. Roeder as a witness as an expert planner and he was cross-examined by Mr. Grant.

Ms. McMichael and Mr. Grant provided rebuttal and final comments.

**Board Questions or Comments:** After discussion, the Board commented that they supported staff’s recommendation to deny the applicant’s proposed amendment.

**Motion:** Move to recommend that Village Council deny the amendment.

**Motion by:** Board Member Gargano

**Seconded by:** Board Member King

**Action:** Recommended that Village Council deny the amendment.

**Vote:**

Aye: Unanimous

Nay:

Abstentions:

**(c) Public Information Meeting**

- (1) Comterra Development, LLC/Coconut Square Lot 5 Hotel Final Plan Approval (ADD2017-E012) (District 1) 2340 Walden Center Drive, west of US 41 and south of Coconut Road and approximately 250 feet west of the intersection of US 41 and Coconut Road. Applicant is proposing a 128-room hotel in the northeast area of the Pelican Landing DRI. The Pelican Landing zoning resolution requires a Final Plan Approval to verify conformance with the resolution.

Development Review Manager McCarthy provided a brief introduction and description of the request.

**Presentation/Information:** John Wojdak, Delisi Fitzgerald, provided an overview of the project.

**Board Questions or Comments:** None.

**Public Comment:** None.

**6. PUBLIC INPUT:** None.

**7. BOARD COMMUNICATIONS:**

(a) Next Board Meeting February 20, 2018

A motion to adjourn was made and duly passed.

**8. ADJOURNMENT:** 9:16 p.m.

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Michelle Radcliffe, CMC  
Recording Secretary