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**DRAFT**

**FINAL ACTION AGENDA/MINUTES**

**Planning and Zoning Board Meeting**

**Village of Estero  
9401 Corkscrew Palms Circle  
Estero, FL 33928  
February 19, 2019 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 Dr. Tim Allen, Anthony Gargano, Robert King, Marlene Naratil, , and John Yarborough. Board Member Absent: James Tatooles

Also present: Village Land Use Counsel Nancy Stroud, Community Development Director Mary Gibbs Principal Planner Matthew Noble, and Deputy Village Clerk, Tammy Duran.

4. **APPROVAL OF AGENDA**
5. **BUSINESS**

**(a) Consent Agenda**

- (1) Approval of December 11, 2018 meeting minutes.

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

**(b) Public Hearings**

- (1) Estero Crossing (DCI2015-00001) (District 5)  
The 43-acre site is located on the south side of Corkscrew Road, 1,000 feet west of the intersection of Corkscrew Road and I-75.

The request is to rezone 43 acres from Commercial to Mixed Use Planned Development to allow for 350 multi-family residential units; 60,000 square feet of commercial use and 130-room hotel or alternative 100,000 square foot self-storage facility.

- Continued from January 15, 2019 meeting.
- The Planning and Zoning Board reviewed a prior request for a Comprehensive Plan Amendment and rezoning on March 29, 2016, February 21, 2017 and March 21, 2017.
- Council reviewed the request on May 24, 2017. The zoning was continued for the new Comprehensive Plan.
- The Planning and Zoning Board will make a recommendation on this case.

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 Village Land Use Counsel Stroud.

Board Member King communicated that he was approached by the applicant to have a meeting before this meeting but he declined. Board Member Allen communicated he had a chance encounter when at lunch and had a two-minute conversation with the applicant's legal counsel at lunch. No conflicts of interest were noted.

Community Development Director Gibbs provided a brief introduction about the New Comprehensive Plans the applicant's proposal, and staff's concerns and recommendations.

**Presentation/Information by:**

Dan Delisi, Delisi Inc, provided a PowerPoint presentation regarding the questions and concerns from the previous Planning and Zoning Board Meeting. He addressed the deviations they are requesting, Interchange area, deviation clarifications, Transitional Mixed Use, future land use, Estero Plan Compliance, open space, Island Club views, provided photos of line of sight of communities that are next to the proposed project, transportation, light without frontage road, expectations of Stock Dependent, and addressed the concerns of neighborhood.

**Comments and Concerns:**

Board Member Yarborough asked when the new Comprehensive Plan would be effective. Attorney Montgomery, legal counsel for applicant, replied that under Florida Statutes the developer will have to comply to the statutes before the project can proceed if the new Comprehensive Plan would go into effect.

**Public Input:**

The following people spoke in support of **not** recommending Estero Crossing to the Village Council:

Bill Savage, Island Club  
Jane A. Niehaus, Corkscrew Woodlands  
Julie Pecoraro, Villa Palmeras

Don Gillum, Estero  
Jim Kline, Corkscrew Woodlands  
Denise Gunckle, Corkscrew Woodlands  
Nancy Buckhop, Island Club  
Jack Otte, Island Club  
Lynn Kimball, Corkscrew Woodlands  
David Moore, Corkscrew Woodlands  
Barb Johnson, Island Club  
Garry Kassube, Corkscrew Woodlands  
Judy McGinnis, Corkscrew Woodlands  
Sue Guilford, Corkscrew Woodlands  
Richard Guilford, Corkscrew Woodlands  
Tony Pecoraro, Villa Palmeras  
Darcie Finan Morgan, Corkscrew Woodlands

Board Members had comments and concerns regarding Frontage Road, semi-trucks turning onto Frontage Road from Corkscrew Road, stormwater runoff, Frontage Road being used as a short cut and will that road be able to handle it.

John T. Wojdak, Delisi Fitzgerald, addressed the stormwater concerns with the project.

Community Development Director Gibbs addressed the Stormwater Master Plan and stated that Public Works Director Willems has seen Estero Crossing plans and thought they were compliant with the Stormwater Master Plan.

Dan Delisi addressed the concerns regarding Frontage Road and the traffic study they conducted. Community Director Gibbs stated that the road would be privately owned and maintained but open to the public.

Board Members King, Allen, and Gargano stated that they are for the project and the developer has done everything the board has asked and something is going to be built there.

Chairman Wood stated he cannot support the project because the Board is being asked to assume the new Comprehensive Plan will take effect. It is still in litigation and that decision could affect the approval. He has great concern regarding the Stormwater runoff and recommends the developer not do the hotel and have a downsized development instead.

**Motion:** Move to continue until litigation is resolved.

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

Comments and Concerns: Board Members Gargano and Allen stated that as a Board we need to make a decision and not keep continuing it. After clarification of the motion, Board Member Naratil withdrew her second.

**Action:** Motion Failed

**Motion:** Move to recommend that Village Council approve Estero Crossing subject to staff recommendations, staff conditions, and allowed limited proposed uses

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

**Comments and Concerns:**

Board Member King stated the applicant asked the Board to look at the plan using the new Comprehensive Plan and is not comfortable with passing this without knowing outcome of the litigation.

Village Land Use Counsel Stroud stated if any changes occur to new Comprehensive Plan due to the litigation that effect the applicant they will have to come back to comply with the change. The board can pass the application with the condition of the outcome of the litigation.

**Action:** Motion Failed

**Vote:** (Roll call vote)

Aye: Board Members Allen, King, and Gargano

Nay: Board Members Naratil and Yarborough, Chairman Wood

Abstentions:

**Motion:** Move to Refer to Village Council with a split vote and no recommendation for either approval or denial on the Estero Crossing Project

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

**Action:** Referred to Village Council with a split vote and no recommendation for either approval or denial on the Estero Crossing Project.

**Vote:** (Roll call vote)

Aye: Board Members Allen, King, Gargano, Naratil, Yarborough, and Chairman Wood

Nay:

Abstentions:

Meeting went into recess at 7:25 p.m. and reconvened at 7:30 p.m.

**(c) Public Information Meetings**

- (1) Estero Town Center CPD - Tract B, Phase 2, Burger King Fast Food Restaurant (District 4), 21301 Town Commons Drive, located east of Three Oaks Parkway in the Estero Town Commons Development (Lowe's) next to Ruby Tuesday.

The request is an amendment for two actions;

- (a) To add cross-section C-1 to the design standards approved as part of the Zoning Resolution Z-03-032.
- (b) To add deviations specific to parking and stacking for a fast-food restaurant less than 5,000 square feet.

**Presentation/Information by:**

Wayne Arnold, Q. Grady Minor, presented a PowerPoint presentation regarding the amendments on two actions.

**Questions and Comments:**

Board Members asked for clarification regarding the access points and layouts.

- (2) Coconut Point MPD/DRI Amendment - ADD2019-001, (District 6)  
An existing multi-occupancy shopping center on 2.94 acres known as the Shoppes at Coconut Point Tract 3A-3\_3, and located in the northwest corner of Pelican Colony Boulevard and US 41.

The request is an amendment for two actions;

- (a) To rescind ADD2008-00043, Administrative Amendment recognizing that the site complies with the development parking requirements.
- (b) To allow conversion of retail square feet to a maximum of 6,000 square feet of medical office.

**Presentation/Information by:**

Paula McMichael, Hole Montes, Inc, presented a PowerPoint Presentation regarding the requests of amendment for two actions.

**Public Input:** None

**6. PUBLIC INPUT (Each individual will be given five minutes to speak):** None

**7. BOARD COMMUNICATIONS**

**(a) Chairman’s Reports:**

- (1) Planning and Zoning Board Annual Report

**(b) Next meeting March 19, 2019**

**8. ADJOURN:** 7:46 p.m.

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Tammy Duran,  
Deputy Village Clerk

