

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
FEBRUARY 10, 2016**

FINAL ACTION AGENDA/MINUTES

**Village of Estero
21500 Three Oaks Parkway
Estero, FL 33928
Village Council Special Meeting
January 13, 2016 2:00 p.m.**

1. CALL TO ORDER: 2:01 p.m.

2. ROLL CALL: Present: Mayor Nick Batos - District 6, Vice Mayor Howard Levitan - District 2, Councilmember Bill Ribble, District 1, Councilmember Katy Errington - District 4 (arrived at 2:06 p.m.), 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, Village Land Use Attorney Nancy Stroud, Village Community Development Department Director Mary Gibbs, and Village Clerk Kathy Hall.

3. UPDATE AND DISCUSSION:

(A) Bonita Springs Projects - Pelican Landing / Raptor Bay

Brief introduction provided by Community Development Director Mary Gibbs.

Presentation by:

Vicki Olson, The Colony resident, Coconut Road/West Neighborhood Coalition, provided a summary of the issues addressed at the January 6, 2016 Council workshop.

Public Comment:

John Fisher, Cielo, The Colony resident
Jennifer Starnes, El Dorado Acres resident
Ynes Oggel, Navona, The Colony resident
Jerry Masters, Coconut Shores resident
Chris Olney, El Dorado Acres resident
Larry Sherman, Florencia, The Colony resident

Gene Cuomo, Meadowbrook resident
Mickey Milove, The Colony resident
Ben Korbly, The Colony resident
Ernie Parkes, Coconut Shores resident
Carlos Hernandez, Coconut Shores resident
Don Eslick, ECCL

Village Land Use Attorney Nancy Stroud provided information related to options and legal remedies available.

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

Discussion ensued regarding a traffic study; conflict resolution; weighing the underlying issues related to the annexation agreement; providing additional information to Attorney Stroud to determine whether a suit would have merit; and coastal high hazard area.

Motion: Move to direct Village Land Use Attorney Nancy Stroud to investigate the merits of an annexation challenge, a DRI challenge, and Comprehensive Plan challenge, with traffic analysis; further review of coastal high hazard area implication; direct staff to engage with the county regarding partnering with the Village to try to find a solution; engage a traffic engineer and bring information back, including budget implication, to Council at the next meeting.

Motion by: Councilmember Ribble
Seconded by: Vice Mayor Levitan

Public Comment:

Vicki Olson, The Colony resident, Coconut Road/West Neighborhood Coalition

Action: Directed Village Land Use Attorney Nancy Stroud to investigate the merits of an annexation challenge, a DRI challenge, and Comprehensive Plan challenge, with traffic analysis; further review of coastal high hazard area implication; directed staff to engage with the county regarding partnering with the Village to try to find a solution; engage a traffic engineer and bring information back, including budget implication, to Council at the next meeting.

Vote:

Aye: Unanimous (Councilmember Brown was absent)

Nay:

Abstentions:

A motion to adjourn was made and duly passed.

4. ADJOURN: 3:20 p.m.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: Kathy Hall
Kathy Hall, MMC
Village Clerk

By: Nicholas Batos
Nicholas Batos
Mayor

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**APPROVED BY COUNCIL
FEBRUARY 10, 2016**

FINAL ACTION AGENDA/MINUTES

**Village of Estero
21500 Three Oaks Parkway
Estero, FL 33928
Village Council Zoning Hearing
January 13, 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, Village Land Use Attorney Nancy Stroud, Village Community Development Department Director Mary Gibbs, and Village Clerk Kathy Hall.

4. ZONING HEARING:

(A) Case #DCI 2015-00013 Volunteers of America

Second Reading and Public Hearing:

Ordinance No. 2015-21 A Zoning Ordinance of the Village Council of The Village of Estero, Florida; Rezoning 21.36 Acres Located at 9201 and 9301 Corkscrew Road, from Commercial Planned Development to Residential Planned Development for the Volunteers of America Continuing Care/Assisted Living Project, with a Maximum 340 Beds and Maximum Building Height of 45 Feet, and Including Conditions of Development; Approving Certain Deviations; Providing for Conflict; Providing for Severability; and Providing an Effective Date

Village Clerk Hall read the title of Ordinance No. 2015-21. Audience members and staff providing testimony were sworn in by Village Clerk Hall.

Declarations of ex parte communications were provided by Vice Mayor Levitan, Councilmember Errington, Councilmember Boesch, Councilmember Wilson, and Mayor Batos. No conflicts of interest were noted.

Presentations by:

Community Development Director Gibbs provided an overview of the hearing.

Charles Basinait, Land Use Attorney, Henderson Franklin Law Firm; Kevin Ahmadi, Regional Coordinator Volunteers of America, Executive Director Gulf Coast Village; Bob Mulhere, Planning Director, Hole Montes; Ted Treesh, TR Transportation Consultants; Charlie Krebs, Professional Engineer, Hole Montes; and Bill Prysi, Landscape Architect, Land Architects, Inc. Details of each presenter's expertise was provided; presenters were accepted as expert witnesses.

Through a PowerPoint Presentation, entered in the record as Exhibit 1, the presenters provided detailed information regarding The Colonnade of Estero CCRC.

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

The meeting went into recess at 12:05 p.m. and reconvened at 12:13 p.m.

Public Testimony from Estates at Estero River residents:

Jennifer Palmer
Adam Palmer
Ryan Shaw
Brooke Gabrielsen
Michael Leggett
David Burton
Greg Libersher
Judy Libersher
Lee Paul
Keith Hopkins
Renee Malachowski

Other Public Testimony:

Roger Strelow, Planning and Zoning Board Chairman
Don Eslick, 1001 Arbor Lake Drive, Naples

Questions or Comments by: Vice Mayor Levitan and Councilmember Errington.

Charles Basinait, Land Use Attorney, Henderson Franklin Law Firm, responded to comments regarding transparency and other issues presented through public testimony.

Village Land Use Attorney Stroud entered all written materials received from the applicant and the public into the record, including the record of the Planning and Zoning

Board hearing, along with resumes from Community Development Director Mary Gibbs and Community Development Department Development Review Manager Walter McCarthy.

Mayor Batos closed the public hearing.

Motion: Move to continue deliberations to 9:00 a.m. on January 20, 2016.

Motion by: Councilmember Wilson

Seconded by: Councilmember Ribble

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

Brief discussion followed regarding staff's modifications to conditions that were collected during the hearing.

Bob Mulhere, Planning Director, Hole Montes, addressed the staff's concern regarding relocating the dumpster.

Action: Continued deliberations to 9:00 a.m. on January 20, 2016.

Vote:

Aye: Unanimous (Councilmember Brown was absent)

Nay:

Abstentions:

A motion to adjourn was made and duly passed.

5. ADJOURN: 1:26 p.m.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: Kathy Hall
Kathy Hall, MMC
Village Clerk

By: Nicholas Batos
Nicholas Batos
Mayor