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**APPROVED BY COUNCIL  
DECEMBER 6, 2017**

## **FINAL ACTION AGENDA/MINUTES**

### **Village Council Zoning Hearing and Comprehensive Plan Workshop**

**Village of Estero Council Chambers  
9401 Corkscrew Palms Circle  
Estero, FL 33928  
October 25, 2017 9:30 a.m.**

- 1. OPENING EXERCISES:** (Includes call to order, roll call, pledge of allegiance, announcements, proclamations, and ceremonial presentations)

**Call to Order:** 9:30 a.m.

**Pledge of Allegiance:** Led by Mayor Boesch

**Invocation:** Pastor Todd Weston from River of Life Assembly of God

**Roll Call:** Present: Mayor Jim Boesch - District 5, Vice Mayor Bill Ribble - District 1, Councilmember Howard Levitan - District 2, Councilmember Jon McLain - District 3, Councilmember Katy Errington - District 4, Councilmember Nick Batos - District 6, and Councilmember Jim Wilson - District 7.

Also present: Village Manager Steve Sarkozy, Village Land Use Attorney Nancy Stroud, Community Development Director Mary Gibbs, and Village Clerk Kathy Hall.

- 2. ZONING ORDINANCE SECOND READING AND PUBLIC HEARING:**

- (a) Park Place of Estero – Amendment to Residential Planned Development Zoning**

Ordinance No. 2017-09 An Ordinance of the Village Council of the Village of Estero, Florida, Approving with Conditions an Amendment to a Residential Planned Development with Deviations to Allow a Reconfiguration of the Master Concept Plan for Property Located at 9400 Block Lane Consisting of Approximately 5 Acres; Providing for Severability; and Providing an Effective Date

Mayor Boesch opened the public hearing and inquired whether the ordinance had been properly advertised; Clerk Hall responded affirmatively and read the title of Ordinance No. 2017-09. Mayor Boesch provided an explanation of the quasi-judicial procedures. Audience and staff intending to testify were sworn in by Clerk Hall.

Disclosure of ex parte communications: Councilmember Levitan – met with the developer, Rick Losee, and received two emails from him. Conflicts of interest: None Letters or other written communications received for the record: None

Community Development Director Gibbs reviewed information presented at the first reading of the ordinance on October 4, 2017. Request for an amendment to a Residential Planned Development with deviations for a 5-acre site located on Block Lane off River Ranch Road. The property was rezoned by Lee County for a residential subdivision with 26 single family lots; the applicant is amending the plan for 16 single family lots and a different configuration. The Planning and Zoning Board recommended approval with conditions, however, denial of deviation 4; it is consistent with the surrounding densities; the site plan has improved from the previous site plan; one deviation for lot coverage for 50% instead of 55%.

Community Development Director Gibbs continued that, at the October 4, 2017 meeting, Council requested additional information, which was reviewed by Director Gibbs. She noted that the applicant agreed to put a buffer on the west side of the property. Discussion followed related to the delay in receiving the PowerPoint Presentation.

**Motion:** Move to waive Council Rules regarding timely receipt of the PowerPoint Presentation and allow this hearing to go forward.

**Motion by:** Councilmember Levitan

**Seconded by:** Councilmember Wilson

**Questions or Comments:** Councilmembers Batos and Levitan. Discussion included staff not scheduling second reading of ordinances until the applicant provides their PowerPoint Presentation or any other new materials to be considered.

**Action:** Waived Council Rules regarding timely receipt of the PowerPoint Presentation and allowed this hearing to go forward.

**Vote:**

Aye: Unanimous (Roll call vote)

Nay:

Abstentions:

**Presentation/Information provided by:**

Kristina Johnson, P.E., JR Evans Engineering

Richard Losee, P.E., Developer

Scott Windham, Windham Studio

PowerPoint Presentation: Project Location; Surrounding Uses; Existing and Proposed Master Concept Plan; Requested Deviations (4 which were presented to PZB);

**Questions or Comments:** Councilmembers Levitan, McLain, and Batos. Discussion included an inquiry whether Kristina Johnson was working on the Village Stormwater Management Plan (she is not); deviations; width of the road; open space calculation and whether the covenants would incorporate wording about the open space requirement; deed restrictions; and lot coverage.

Scott Windham spoke regarding the landscape plan and site features of heritage trees, lake, and shaded plaza.

Discussion followed regarding concerns brought up at the October 5, 2017 first ordinance reading.

**Questions or Comments:** Councilmembers Levitan, Wilson, Errington, Batos, McLain, Vice Mayor Ribble and Mayor Boesch. Discussion included lot coverage enhancing the overall project; lack of internal sidewalk; heritage trees; elevation; on-site stormwater management system; inquiry regarding language in their documents regarding stormwater maintenance; inquiry whether flooding occurred during recent storms and whether the existing agricultural property was a wetland; a portion of the property is in a FEMA special flood hazard area, however, their stormwater management system has been designed to accommodate that; green space; curb along the lake; berm height; buffer; Deviation 7 and location of the lake. Further detailed discussion followed regarding stormwater and sidewalks. Mayor Boesch believed that the Village should retain a water expert to provide an opinion prior to moving forward with the ordinance.

**Motion:** Move to hire a water consultant for this project and future projects, and to continue this hearing until a consultant can review the project and provide an opinion.

**Motion by:** Mayor Boesch

**Seconded by:**

**Action:** Motion died due to lack of a second.

**Questions or Comments:** Councilmembers Batos, Levitan, Wilson, and Vice Mayor Levitan. Discussion included the fact that water issues go way beyond one development and the need to look at how water feeds into the Village; it was not fair to hold up this development; the applicant proposed several additional conditions to justify their moving forward, including several elevation requirements; and a suggestion to re-draft the ordinance and move forward.

**Public Comment:** None.

**Motion:** Move to adopt Ordinance No. 2017-09 as drafted with the changes that have been discussed today, to be enumerated.

**Motion by:** Councilmember Levitan

**Seconded by:** Councilmember Batos

**Questions or Comments:** Councilmembers Levitan, Ribble, and McLain. Discussion included the possibility of the Village adopting a moratorium in the near future and the potential ramifications involved.

It was suggested that the ordinance be revised and brought back to the next Council meeting. Land Use Attorney Stroud stated that she had been taking notes in order to revise the ordinance and suggested that Council take a break in order for her to revise the ordinance to be brought back after the break.

The meeting went into recess at 11:49 a.m. and reconvened at 12:10 p.m.

Land Use Attorney Stroud reviewed the revisions to Ordinance No. 2017-09 as follows:  
Section 1 - The Village Council approves the amendment to Resolution Z-08-032 the Residential Planned Development District, with the following conditions and deviations.

Section 2 - 1. The development of this project must be consistent with the one-page Master Concept Plan entitled, "Park Place of Estero", Master Concept Plan stamped received ~~August 22~~October 11, 2017. The development must comply with all of the requirements of the Land Development Code at the time of development order approval.  
3. Buffers: As part of the local development order approval, the development order plans must demonstrate buffering consistent with the Master Concept Plan and the Land Development Code. A Type A landscape buffer will be provided along the western perimeter of the property. 6. Pattern Book: Development must comply with the design elements identified in the Park Place of Estero Pattern Book dated July 2017 and stamped received July 28, October 11, 2017. 9. b. Deviations: Deviation (2) seeks relief from the LDC Section 10-719(a) 10-296(i), which requires that roads provide a 20-foot wide pavement area with 2 foot valley gutter to allow a 2 foot curb and gutter on the section adjacent to the lake as shown on Exhibit D. private local streets with closed drainage to have a minimum 24 foot wide pavement area with 12 foot travel lanes. The applicant requested a 20 foot wide pavement area with two 10 foot travel lanes. The deviation is hereby APPROVED. d. Deviation (4) is withdrawn by the applicant. e. Deviation (5) seeks relief from LDC Section 34-695 which requires a maximum lot coverage of 45%. The applicant requested a maximum lot coverage of 55%. The deviation is hereby APPROVED for 50%. Lot coverage restriction must be included in the restrictive covenants for each lot. 10. The perimeter berm shall be set at 16.25 feet elevation and the 25 year, 3 day storm event. 11. The road elevations shall be set at the 25 year, 3 day storm event. The minimum first floor building elevation shall set at the 100 year, 3 day storm event plus 1 foot. 12. Home Owner Association documents will provide for drainage maintenance by the Home Owner Association.

Revisions to Exhibits as follows:

Exhibit B Master Concept Plan stamped "Received" ~~August 22~~October 11, 2017

Exhibit C Park Place of Estero Pattern Book; dated July 2017 stamped "Received" ~~July 28~~October 11, 2017

Exhibit D Deviation 2 illustration

**Substitute Motion:** Move to adopt Ordinance No. 2017-09 as revised with the stated amendments.

**Motion by:** Councilmember Levitan

**Seconded by:** Councilmember Batos

**Amendment to Substitute Motion:** Move to include a condition for sidewalks on both sides of the street.

**Motion by:** Councilmember Wilson

**Seconded by:** Vice Mayor Ribble

**Questions or Comments:** Councilmember Batos and Vice Mayor Ribble. Discussion included debate regarding requiring sidewalks within a gated community that did not affect Estero as a whole.

**Substitute Amendment to Substitute Motion:** Move to include a condition for a one-sided sidewalk up to the cul-de-sac.

**Motion by:** Councilmember Levitan

**Seconded by:** Councilmember McLain

**Questions or Comments:** Councilmembers Levitan and Batos. Discussion included an inquiry regarding justifying the sidewalk on a safety concern, how much would be added as a safety factor by two sided versus one sided; and an inquiry regarding how much of a safety element would there be with a small community of 16 homes.

Note: Councilmember Batos originally seconded the substitute amendment; however, decided to withdraw his second.

**Action on Substitute Amendment to Substitute Motion:** Motion failed.

**Vote:** (Roll call)

**Aye:** Councilmembers McLain and Levitan

**Nay:** Councilmembers Errington, Batos, Wilson, Vice Mayor Ribble, and Mayor Boesch

**Abstentions:**

**Action on Amendment to Substitute Motion:** Approved a condition that a sidewalk shall be provided along both sides of the street.

**Vote:** (Roll call)

**Aye:** Councilmembers Errington, Wilson, Vice Mayor Ribble, and Mayor Boesch

**Nay:** Councilmembers Levitan, McLain and Batos

**Abstentions:**

**Action on Main Motion:** Adopted Ordinance No. 2017-09 with revisions as stated and a condition that a sidewalk shall be provided along both sides of the street.

**Vote:**

**Aye:** Unanimous (Roll call)

**Nay:**

**Abstentions:**

### **Adjourn Regular Session and Convene Workshop**

#### **3. COMPREHENSIVE PLAN WORKSHOP:**

(a) Overview of Population Trends and Other Data

Community Development Director Gibbs provided a brief introduction.

**Presentation/Information provided by:**

David Farmer, CEO, Metro Forecasting

PowerPoint Presentation: Estero Population History; Recent Permitting History; Comp Plan and Land Use; Estero Today; Estero at Build-out; Balancing Land Uses; Vacancy Rate Trends; Seasonal Population; Logistic Curve; Estero's Logistic Curve; and Estero's Future.

**Questions or Comments:** Councilmembers Wilson, Levitan, and Batos. Discussion included utilizing land outside the Village limits for Comprehensive Plan purposes; demographics; increases of school age children in the next five years; seasonal rate; and low income housing industry.

**Public Comment:** None.

A motion to adjourn was made and duly passed.

#### **4. ADJOURNMENT: 12:58 p.m.**

ATTEST: VILLAGE OF ESTERO, FLORIDA

By: Kathy Hall  
Kathy Hall, MMC, Village Clerk

By: James R. Boesch  
James R. Boesch, Mayor