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**APPROVED BY COUNCIL
OCTOBER 18, 2017**

FINAL ACTION AGENDA/MINUTES

VILLAGE COUNCIL

ZONING AND DRI DEVELOPMENT ORDER AMENDMENTS HEARING

9401 Corkscrew Palms Circle, Estero, Florida

July 26, 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 Nolen Rollins from Legacy Church

Roll Call: Present: Mayor Jim Boesch - District 5, Vice Mayor Bill Ribble - District 1, Councilmember Howard Levitan - District 2, 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, Development Review Manager Walter McCarthy, and Executive Assistant to Village Manager Carol Sacco.

Mayor Boesch distributed a handout to all Councilmembers from LendEDU, a report recognizing 250 communities in the Southeast United States with the best average credit scores; Village of Estero came in number 10.

2. **REZONING AND DRI DEVELOPMENT ORDER AMENDMENTS FOR COCONUT POINT MIXED USE PLANNED DEVELOPMENT AND DEVELOPMENT OF REGIONAL IMPACT - ORDINANCE SECOND READING AND PUBLIC HEARING:**

- (a) Ordinance No. 2017-02 An Ordinance of the Village Council of the Village of Estero, Florida, (Approving) (Denying) Zoning and DRI Development Order Amendments for the Coconut Point Mixed Use Planned Development and

Development of Regional Impact for Property Bounded by US 41 on the West, Williams Road on the North, Seminole Gulf Railroad Right-of-Way on the East and the Southern Boundary for the Village of Estero Limits, all in the Village of Estero, Florida; Providing for Severability; and Providing an Effective Date

Mayor Boesch introduced the second reading of the ordinance and public hearing.

Community Development Director Gibbs read the title of Ordinance No. 2017-02. In response to an inquiry by Mayor Boesch, Ms. Gibbs responded that the ordinance had been properly advertised. Mayor Boesch provided an explanation of the quasi-judicial procedures. Audience members and staff providing testimony were sworn in by Village Land Use Attorney Stroud.

Community Development Director Gibbs stated that she received 17 letters at the Planning and Zoning Board meeting, which were forwarded to Councilmembers; received eight emails from residents of Shadow Wood; and received transcripts of all Planning and Zoning Board and Council hearings from the applicant, which will be entered into the record.

Disclosure of ex parte communications: Vice Mayor Ribble - communication with Ned Dewhirst. Councilmember Levitan - listed all prior contacts at the first reading of the ordinance; since that time he has listened to and watched Planning and Zoning Board hearing; spoke with Neale Montgomery and Mary Gibbs; and had a telephone conversation with Ned Dewhirst. Councilmember McLain - met with representatives from 13th Floor Investments; spoke twice with Ned Dewhirst and spoke with a representative from The Brooks. Mayor Boesch - had not met with anyone regarding this hearing. Councilmember Errington - had not met with anyone regarding this hearing; she was contacted three times, however, chose not to come into contact with anyone. Councilmember Batos - met with Ned Dewhirst and Lori Maiorana from 13th Floor Investments; residents of The Brooks; Community Development Director Gibbs and Development Review Manager McCarthy. Councilmember Wilson - met with Ned Dewhirst and Lori Maiorana.

Village Land Use Attorney Stroud asked for conflicts of interest and there were none.

Community Development Director Gibbs provided an introduction/overview. The applicant is requesting amendments to the Planned Development Zoning and the Development of Regional Impact (DRI) for a portion of the Coconut Point DRI. The property was previously shown as a 200-unit assisted living facility; the applicant was now asking to change to 180 multifamily home apartment in lieu of the assisted living facility. Director Gibbs provided background information from the February 15, 2017 Council meeting; the first reading of the ordinance was deferred due to the applicant advising staff they were making changes to the plan to address issues brought up at the Planning and Zoning Board meeting. Director Gibbs noted that staff recommended approval with a number of conditions.

Presentation/Information provided by:

Ned Dewhirst and Edera at Coconut Point Working Team: Lori Maiorana, 13th Floor Investments; Joe McHarris, McHarris Planning & Design, Albert Cordoves, Corwil Architects; Greg Diserio, David M. Jones, Jr. & Associates; Rick Brylanski, Hole

Montes; Paula McMichael, Hole Montes; Neale Montgomery, Pavese Law Firm; Ted Treesh, TR Transportation.

A PowerPoint Presentation included: Coconut Point and Coconut Point Tract 1A Aerials; Coconut Point Planned Development Areas; Coconut Point Master Concept Plan; Coconut Point Design Review Guidelines; Coconut Point Mitigation Elements; Edera at Coconut Point Density and Conceptual Site Plan; Coconut Point Tract 1A Approvals; Summary of Proposed Amendment to Coconut Point MPD; Edera at Coconut Point Deviations 1 through 4; Line of Sight Diagram; Edera at Coconut Point Height, Solid Waste and Recycling Facilities, Revised Elevation, Pattern Book, Comprehensive Plan Consistency, Transportation/Traffic Issues, and Updated Housing Study.

Council Questions or Comments: Councilmembers Levitan, Errington, Wilson, Batos, Levitan, McLain, Mayor Boesch, and Vice Mayor Ribble. Discussion included: density; number of units; sheriff substation; understanding entitlements; clarification on traffic study; permitting through Southwest Florida Water Management District; impact of change from ALF to multifamily; permitted uses; inclusion of a performing arts center; gate and fencing; solid waste and recycling removal; access; parking ratio; 45 ft. building height; possibility of condominiums; recommendation that Deviation 3 be revised to read 3 stories with parking; water and sewer; dumpsters; roundabout upscaling and working with the Village on landscaping roundabout; one cohesive plan for the entire road; housing study; condition in draft ordinance limiting student housing.

Public Comment:

Kevin Thompson, Rapallo, conveyed support for the project and spoke regarding proposed developments; connectivity to regional mall; and traffic issues addressed by developer.

Don Eslick, ECCL, spoke to the tremendous shift of focus on housing development in the last three years and addressed density.

Bill Carr, Riverwoods, commented regarding public park design; asphalt path around the lake to allow for wheelchair access; insurance liability; roundabout safety; consideration of a crossing for bicyclists; building heights; work force housing; and lighting design.

Council Questions or Comments:

Councilmember Levitan – found nothing to entitle Council to deny the project; he was in favor of approval.

Councilmember Errington – impressed by presentation; would like to see this as part of Estero.

Councilmember Batos – pleased with what has been presented.

Councilmember Wilson – very pleased and very interesting; willing to support this project.

Mr. Dewhirst stated that the applicant addressed concerns of neighboring Palmetto Ridge in Shadow Wood by meeting with the president of the Homeowners Association. The applicant offered to fill in a gap in the landscaping by the Palmetto Ridge pool so there will be no line of sight to the pool from Tract 1A. Edera at Coconut Point will provide 180 rental apartments over parking in four, three-story buildings with elevators; height of 45 feet. Edera is expected to provide workforce housing for Hertz, Lee Health and others. A 12-month lease will be required at an average rent of \$1500, along with proof of income; there will be a limit on the number of adults per unit. An indoor recreational center with a community pool, green space in the center of the community, and gathering spaces around the lake at the south end of the property, will be included in the amenities. In addition, they plan to offer a bike sharing program and an on-road trolley to Coconut Point and Lee Health. A covered transit stop will also be added along Via Coconut Point.

The Village Council approved the second reading of Ordinance 2017-02 relating to the rezoning of Coconut Point Tract 1A and L1 on July 26, 2017, with a number of conditions.

Motion: Move to approve second reading and adopt Ordinance No. 2017-02 Approving Zoning and DRI Development Order Amendments for the Coconut Point Mixed Use Planned Development and Development of Regional Impact for Property Bounded by US 41 on the West, Williams Road on the North, Seminole Gulf Railroad Right-of-Way on the East and the Southern Boundary for the Village of Estero Limits, subject to all conditions and revisions, as stated in the ordinance. The conditions and deviations include, but are not limited to, an easement for public use of the lake which would include a pedestrian path and observation deck; enhanced landscaping in the median and roundabout in accordance with the Village's landscape design standards; a northbound right turn lane into the property; one point of ingress and egress, and the Village reserves the right to close or modify the Via Coconut/Via Villagio entrance median opening if determined for traffic safety purposes.

Motion by: Councilmember Levitan

Seconded by: Councilmember Batos

Action: Approved second reading and adopt Ordinance No. 2017-02 Approving Zoning and DRI Development Order Amendments for the Coconut Point Mixed Use Planned Development and Development of Regional Impact for Property Bounded by US 41 on the West, Williams Road on the North, Seminole Gulf Railroad Right-of-Way on the East and the Southern Boundary for the Village of Estero Limits, subject to all conditions and revisions, as stated in the ordinance. The conditions and deviations include, but are not limited to, an easement for public use of the lake which would include a pedestrian path and observation deck; enhanced landscaping in the median and roundabout in accordance with the Village's landscape design standards; a northbound right turn lane into the property; one point of ingress and egress, and the Village reserves the right to close or modify the Via Coconut/Via Villagio entrance median opening if determined for traffic safety purposes.

Vote:

Aye: Unanimous (roll call)

Nay:

Abstentions:

3. ADJOURNMENT: 2:07 p.m.

A motion to adjourn was made and duly passed.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: Kathy Hall
Kathy Hall, MMC, Village Clerk

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