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**APPROVED BY COUNCIL
MAY 2, 2018**

**FINAL ACTION AGENDA/MINUTES
VILLAGE COUNCIL ZONING HEARINGS**

**Village of Estero Council Chambers
9401 Corkscrew Palms Circle
Estero, FL 33928
April 11, 2018 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 Bill Mobley from Calvary Chapel Gulf Coast

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 Attorney Burt Saunders, Village Land Use Counsel Nancy Stroud, Assistant to Village Manager Kyle Coleman, Public Works Director Willems, Finance Director Lisa Roberson, Community Development Director Mary Gibbs, Principal Planner Matthew Noble, and Village Clerk Kathy Hall.

2. **ZONING ORDINANCE FIRST READING – ARCOS EXECUTIVE CENTER:**

Zoning Ordinance No. 2018-04 An Ordinance of the Village Council of the Village of Estero, Florida, Approving with Conditions Zoning Amendments Increasing Square Footage and Height and Deviations Increasing Setbacks and Height for Architectural Features for Property Located at 10150 And 10170 Arcos Avenue in the Village of Estero, Florida, and Comprising Approximately 3.72 Acres in the Plaza Del Sol Commercial Planned Development; Providing for Severability; and Providing an Effective Date

Mayor Boesch provided an introductory statement, noting that this was not a public hearing and the second reading and public hearing were tentatively scheduled for May 9, 2018. The title of Ordinance No. 2018-04 was read by Village Clerk Hall.

Community Development Director Gibbs provided an overview of the ordinance for amendments to the Planned Development Zoning for a 3.72 acre portion of the Plaza Del Sol Commercial Planned Development (CPD), located at the northeast corner of Three Oaks Parkway and Corkscrew Road. The request is an increase in square footage and height for a proposed 66,000 square foot office building, including 5,000 square feet of retail use, and deviations for architectural feature height, and setbacks.

Questions or Comments: Councilmembers Batos, Wilson, and Levitan. Discussion included the landscaping plan on Three Oaks Parkway where the parking lot is located; the lack of the boardwalk connection on the Corkscrew Road side; concern regarding the number of trucks needed for fill; inquiry whether this project would be involved with the traffic signal; the number of developments going in this quadrant; concern regarding a new land use category designation and the hope that this area could have become something different than what was proposed; developer to provide information regarding sightline distances; public use and the boardwalk; sidewalks in the CPD; concern with increase in intensity.

Motion: Move to pass first reading of Ordinance No. 2018-04 and confirm second reading and public hearing tentatively scheduled for May 9, 2018.

Motion by: Vice Mayor Ribble
Seconded by: Councilmember Batos

Action: Passed first reading of Ordinance No. 2018-04 and confirmed second reading and public hearing tentatively scheduled for May 9, 2018.

Vote:

Aye: Unanimous (roll call)

Nay:

Abstentions:

3. COCONUT SQUARE LOT 5 HOTEL PUBLIC HEARING:

Request by ComTerra Development, LLC, for Final Plan Approval with one deviation for the development of a proposed 128-room hotel located at 23400 Walden Center Drive south of Coconut Road.

Zoning Resolution No. 2018-06 A Resolution of the Village Council of the Village of Estero, Florida, for Final Zoning Plan Approval and one Deviation for a Commercial Planned Development for a Project Known as Coconut Square Lot 5 Hotel; and Providing an Effective Date

Mayor Boesch opened the public hearing and Village Clerk Hall read the title of Zoning Resolution No. 2018-06. Mayor Boesch provided an explanation of the quasi-judicial procedures. Audience and staff intending to testify were sworn in by Village Clerk Hall.

Disclosure of ex parte communications and conflicts of interest: Councilmember Levitan indicated several conversations with staff and the attorney regarding the case; he attended a political fund raiser and was asked questions from Pelican Landing residents; and he visited the site.

In response to an inquiry from Mayor Boesch regarding whether the Community Development Director received written communications, Ms. Gibbs responded that an email was received from Vicki Olson regarding sending emails to the Council.

Community Development Director Gibbs provided an introduction of the request for final plan approval with one deviation for the development of a proposed 128-room hotel located at 23400 Walden Center Drive south of Coconut Road. She noted that this was part of the Pelican Landing Development of Regional Impact (DRI) and was zoned hotel use.

Applicant's Presentation:

John Wojdak, Delisi Fitzgerald, introduced the project team and offered a PowerPoint Presentation: Location Map; Project Overview; Property Aerial Map; Current Entitlements; Final Plan Approval; Illustration of Final Plan indicating site development regulations, buffer requirements, land use summary, open space requirement, parking summary, entitlement inventory table, and refuse and solid waste disposal facilities; Proposed Development; and Site Map.

Council Questions or Comments: Vice Mayor Ribble, and Councilmembers McLain, Errington, Batos, Levitan, and Wilson. Discussion included an inquiry regarding the name of the hotel, which Mr. Wojdak indicated was confidential at this time; whether additional storm drainage would be required and if the two lakes would be adequate; concern regarding transparency without the name of the hotel being disclosed; concern regarding beach rights; intensity; elevation of the lot now and what it would be; flooding concerns; providing three names, one of which would be the proposed hotel; inquiry regarding lack of a Pattern Book, which Ms. Montgomery indicated was not required as this was not an amendment to the Land Development Code; the DRI cumulative analysis and monitoring reports; having an opportunity to look at everything regarding the DRI before making a decision; concern regarding abutting homes and vehicle lights during parking maneuvers; hurricane sheltering; height of building, concern regarding residents looking down into the dumpster, and adding a condition regarding buffering; concern that the applicant did not do their due diligence and reach out to residents; and concern regarding the intersection.

In response to an inquiry regarding the applicant not providing the name of the hotel, Village Land Use Counsel Stroud responded that the name of the hotel had no bearing on the Council's decision. She also responded that Council needed to review whether the type of intensity and the configuration was consistent with the DRI resolution.

Public Comment:

Vicki Olson, The Colony at Pelican Landing, Coconut Road Neighborhood Coalition, addressed concerns regarding the applicant answering the question related to the name of the hotel and what was the hotel going to do for Estero related to the traffic overload.

Gene Cuomo, Meadowbrook, addressed concerns regarding Coconut Road traffic and flooding.

Ben Korbly, The Colony at Pelican Landing, addressed issues with the applicant withholding the name of the hotel and concerns regarding Coconut Road additional traffic.

James Hollars, The Colony at Pelican Landing, addressed traffic concern.

Mike Snyder, Pelican Landing, addressed the lack of the name of the hotel, no beach rights, vacant land on Coconut Road, and the need for a master plan on how to handle the traffic.

Ted Gravenhorst, The Colony at Pelican Landing, addressed concerns regarding traffic and the possibility that if it was a Hyatt, the new one would have the same rights as the current one.

Allen Hergenbahn, Coconut Shores, concerns regarding flooding and infrastructure.

Ted Treesh, TR Transportation Consultants, spoke regarding the traffic study and analysis, and discussions with FDOT on what could be done.

John Wojdak addressed the flooding problems that citizens addressed and drainage to the existing lakes.

Discussion ensued including the possibility of additional traffic if it was going to be an additional Hyatt property; description of the type of intensity; and water park use at the existing Hyatt Resort.

The public hearing was closed.

Motion: Move to continue deliberations until May 9, 2018.

Motion by: Councilmember Levitan

Seconded by: Vice Mayor Ribble

Action: Continued deliberations until May 9, 2018.

Vote:

Aye: Unanimous (roll call)

Nay:

Abstentions:

The meeting went into recess at 11:23 a.m. and reconvened at 11:40 a.m.

It was brought to Council's attention that the applicant inquired during the break whether it would be possible to continue deliberations until May 2. Brief discussion followed and a motion was made to amend the previous motion.

Motion: Move to amend the previous motion and continue deliberations until May 2 or May 9, 2018.

Motion by: Councilmember Levitan
Seconded by: Vice Mayor Ribble

Action: Continued deliberations until May 2 or May 9, 2018.

Vote:

Aye: Unanimous (roll call)

Nay:

Abstentions:

**4. ZONING ORDINANCE SECOND READING AND PUBLIC HEARING –
PHOENIX AT ESTERO PARCEL G:**

Zoning Ordinance No. 2018-03 An Ordinance of the Village of Estero, Florida, Amending the Commercial Planned Development Zoning for Parcel G at Plaza Del Sol for the Development of an Assisted Living Facility on 7.04 Acres at 10251 Arcos Avenue and Including Conditions of Development; Approving Deviations; Providing for Conflict; Providing for Severability; and Providing an Effective Date

Mayor Boesch opened the public hearing and inquired whether the ordinance had been properly advertised; Village Clerk Hall responded affirmatively and read the title of Ordinance No. 2018-03. Mayor Boesch provided an explanation of the quasi-judicial procedures. Audience and staff intending to testify were sworn in by Village Clerk Hall.

Disclosure of ex parte communications and conflicts of interest: Councilmember Levitan disclosed that he had made an onsite visit and has been meeting with staff every week. Councilmember McLain disclosed that he spoke with Community Development Director Gibbs yesterday about the project.

In response to an inquiry from Mayor Boesch regarding whether the Community Development Director received written communications, Ms. Gibbs responded “no.”

Community Development Director Gibbs introduced the proposal to construct an assisted living facility on a 7-acre site within the Plaza Del Sol Commercial Planned Development. The applicant requested a height of 45 feet and 3 stories; the zoning resolution allows 35 feet and 2 stories.

Applicant’s Presentation:

Stacey Hewitt, Banks Engineering, introduced the project team and offered a PowerPoint Presentation: Area Location Map; Aerial Map; Summary of Request; Zoning History; Public Meetings/Hearings; Master Concept Site Plan including site lighting and interconnects; Deviations; Transportation; Potential Site Generated Trips; Proposed Conditions; Design Details and Colors.

Questions or Comments: Councilmembers Levitan, Batos and Mayor Boesch. Discussion included an inquiry regarding the information at the bottom of the Potential Site Generated Trips slide; and the generator plan.

Brent Addison, Registered Engineer, Banks Engineering, addressed the finished floor elevation and indicated that the fill would be done in August and not during season. He then addressed dry detention storage.

Council Questions or Comments: Councilmembers Batos, Errington, and Levitan. Discussion included an inquiry of how many truckloads would it take for the fill; how much flooding was on the site during Hurricane Irma; an inquiry regarding control of the association; poor condition of the roadways and sidewalks; the types of uses in the CDD; what the intent was for unit kitchens; traffic concern; and whether they intend to build right away.

The meeting went into recess at 12:37 p.m. and reconvened at 1:09 p.m.

Stacey Hewitt continued with the last slide of the PowerPoint Presentation regarding Landscape Design. Greg Diserio, Landscape Architect responded to questions from Councilmembers Wilson and McLain related to water retention and plantings in the dry detention areas.

Discussion ensued regarding stoves in the assisted living facility units, fountain in the lake, and adding the word “increase” in Section 1 of the ordinance. Principal Planner Noble indicated that the association was responsible for the fountain and that this applicant was fulfilling commitments that the association should have done.

The public hearing was closed.

Motion: Move to approve Zoning Ordinance No. 2018-03 as revised: Section 1. Request revised to read: “The Village Council of Estero hereby approves the applicant’s request to amend the Plaza Del Sol CPD zoning for Parcel G, to increase the height from 35 feet (2 story) to 45 feet (3 story) with the following conditions and deviation”; Section 2. Conditions and Deviations, revised to add “Units may not contain individual cooking facilities, including stoves” and “The applicant shall provide a fountain for the lake.”

Motion by: Vice Mayor Ribble
Seconded by: Councilmember Errington

Action: Approved Zoning Ordinance No. 2018-03 as revised: Section 1. Request revised to read: “The Village Council of Estero hereby approves the applicant’s request to amend the Plaza Del Sol CPD zoning for Parcel G, to increase the height from 35 feet (2 story) to 45 feet (3 story) with the following conditions and deviation”; Section 2. Conditions and Deviations, revised to add “Units may not contain individual cooking facilities, including stoves” and “The applicant shall provide a fountain for the lake.”

Vote:
Aye: Unanimous (roll call)
Nay:
Abstentions:

A motion to adjourn was made and duly passed.

5. ADJOURNMENT: 1:31 p.m.

ATTEST:

By: Kathy Hall
Kathy Hall, MMC, Village Clerk

VILLAGE OF ESTERO, FLORIDA

By: J R B L Mayor
James R. Boesch, Mayor