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**APPROVED BY COUNCIL
JUNE 20, 2018**

FINAL ACTION AGENDA/MINUTES

VILLAGE COUNCIL ZONING HEARINGS

**Village of Estero Council Chambers
9401 Corkscrew Palms Circle
Estero, FL 33928
May 9, 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 Kevin Morris from Hope United Presbyterian Church

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, and Councilmember Jim Wilson - District 7. Absent: Councilmember Nick Batos - District 6, excused absence.

Also present: Village Manager Steve Sarkozy, Village Land Use Counsel Nancy Stroud, Community Development Director Mary Gibbs, Principal Planner Matthew Noble, and Recording Secretary Michelle Radcliffe.

Motion: Move to approve an excused absence for Councilmember Batos.

Motion by: Councilmember Wilson

Seconded by: Councilmember Errington

Action: Approved an excused absence for Councilmember Batos.

Vote:

Aye: Unanimous (Councilmember Batos absent)

Nay:

Abstentions:

2. ZONING ORDINANCE FIRST READING – COCONUT POINT DRI/MPD TRACT 1D-3 HOTEL – HILTON GARDEN INN

Zoning Ordinance No. 2018-05 An Ordinance of the Village Council of the Village of Estero, Florida, Approving with Conditions a Zoning Amendment to Allow a Hotel Use on Tract 1D-3 of the Coconut Point Mixed Use Planned Development and Deviations for Height of Building and Architectural Features for Property Located at 8009 Sweetwater Ranch Boulevard in the Village of Estero, Florida, and Comprising Approximately 2.16 Acres; Providing for Conflicts; 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 would take place at a future date. The title of Zoning Ordinance No. 2018-05 was read by Recording Secretary Radcliffe.

Community Development Director Gibbs provided an overview of the zoning ordinance and application to allow a hotel use on Tract 1D-3 of the Coconut Point Mixed Use Planned Development and deviations for building height and architectural features. She stated that the Planning and Zoning Board recommended approval with conditions that there be no further Council review until the stormwater issue with the Rapallo community was resolved. Ms. Gibbs also stated that if this item were approved, the hotel use on the adjacent property, Tract 1C, would be removed.

Questions or Comments: Questions were asked regarding whether the applicant could build a 3-story, 120-room hotel and who the applicant principals involved were. Ms. Gibbs stated that the applicant would address those concerns during the second reading/hearing.

Motion: Move to pass first reading of Ordinance No. 2018-05 and confirm second reading and public hearing to be scheduled at a future date.

Motion by: Vice Mayor Ribble

Seconded by: Councilmember McLain

Action: Passed first reading of Ordinance No. 2018-05 and confirmed second reading and public hearing to be scheduled at a future date.

Vote:

Aye: Unanimous (Absent: Councilmember Batos)

Nay:

Abstentions:

3. ZONING ORDINANCE SECOND READING AND PUBLIC HEARING – 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 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 Conflicts; Providing for Severability; and Providing an Effective Date

Mayor Boesch opened the public hearing and inquired whether the ordinance had been properly advertised; Recording Secretary Radcliffe responded affirmatively and read the title of Zoning Ordinance No. 2018-04. Mayor Boesch provided an explanation of the quasi-judicial procedures. Audience and staff intending to testify were sworn in by Recording Secretary Radcliffe.

Disclosure of ex parte communications and conflicts of interest: Councilmember Levitan disclosed that he met with the applicant, Rick Losee, on April 27, 2018 at Village Hall to discuss concerns that he addressed at the first reading of the Zoning Ordinance. He also included disclosures he provided at the first reading of this item. Councilmember Levitan requested the identity of the principals for the applicant MIG/LAI and Mr. Losee responded that he is the owner in partnership with Nigel Morgan, who owns property in Naples but is a Canadian resident. Councilmember Levitan requested that information regarding the ownership of business applicants be provided at future first readings of zoning ordinances. Land Use Attorney Stroud suggested that the application form be changed to include that information to ensure there are no conflicts of interest. Community Director Gibbs noted that the Village did not receive letters or other written communications related to this application.

Community Development Director Gibbs provided an introduction of the proposed project to construct a 66,000 square foot office building, along with height and setback deviations.

Applicant's Presentation: Kristina Johnson, PE, JR Evans Engineering; Rick Losee, LAI Design Associates, LLC

Ms. Johnson provided an overview of the project and explained that the proposed project was a 3-story, 66,000 square foot executive center containing office and retail space. She noted that part of the property has been saved for the Lee County Utilities lift station relocation and that Lee County Utilities would restore the current location after relocation. Ms. Johnson also provided an overview of the proposed boardwalk area behind the building and stated that the boardwalk will be tucked behind the canopy of the heritage trees and would have seating areas for pedestrians. She explained that the applicant was requesting two deviations: 1) to build a 3-story building, raise the height to 52.7-feet, and allow a maximum height of 59.93-feet for architectural features; and 2) increase the building set back from 25-feet to 120-feet which was the distance needed to preserve the heritage trees.

Ms. Johnson responded to questions and concerns raised during the first reading of the zoning ordinance.

Council Questions or Comments: Questions were asked and comments were made regarding pedestrian access from the parking lot to the building; the current state of the sidewalks located in the area; construction traffic entrance; timing of the lift station relocation; and the dry retention areas.

Councilmember Levitan expressed concern that a public easement was not included and Ms. Johnson explained that the applicant could not record an easement at the current time because it would become an issue with the financing. Mr. Losee explained that the applicant would agree to the easement if the language was written in a way that would not be an encumbrance. Councilmember Levitan suggested that the public easement be done prior to the issuance of the Development Order.

Motion: Move to approve adoption of Zoning Ordinance No. 2018-04 with the revised conditions listed in the ordinance and with the addition of the following conditions: 1) any financing shall be subordinate to the easement; and 2) the applicant will provide a five-foot strip of designated area along the west side of the parking lot for a pedestrian crosswalk.

Motion by: Vice Mayor Ribble

Seconded by: Councilmember Wilson

Action: Approved adoption of Zoning Ordinance No. 2018-04 with the revised conditions listed in the ordinance and with the addition of the following conditions: 1) any financing shall be subordinate to the easement; and 2) the applicant will provide a five-foot strip of designated area along the west side of the parking lot for a pedestrian crosswalk.

Vote:

Aye: Unanimous (Councilmember Batos absent)

Nay:

Abstentions:

The meeting went into recess at 10:49 a.m. and reconvened at approximately 10:56 a.m.

4. VACATION OF DRAINAGE DETENTION EASEMENT – ARCOS EXECUTIVE CENTER

Zoning Resolution No. 2018-07 A Resolution of the Village Council of the Village of Estero, Florida, Approving the Vacation of a Drainage Detention Area Easement for the Arcos Executive Center Project; and Providing an Effective Date

Community Development Director Gibbs provided a brief introduction and overview of the vacation of a drainage detention easement located adjacent to Arcos Avenue, identified as Parcels B and C in the Plaza Del Sol Subdivision. The request is due to the stormwater management detention for the development of the site will exist outside of the easement.

Applicant's Presentation: Kristina Johnson, PE, JR Evans Engineering

Ms. Johnson briefly explained the request for the vacation of the drainage detention easement.

Questions or Comments: None.

Motion: Move to approve adoption of Zoning Resolution No. 2018-07.

Motion by: Vice Mayor Ribble

Seconded by: Councilmember Errington

Action: Approved adoption of Zoning Resolution No. 2018-07.

Vote:

Aye: Unanimous (Councilmember Batos absent)

Nay:

Abstentions:

5. ADJOURNMENT: 11:03 a.m.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: Kathy Hall
Kathy Hall, MMC, Village Clerk

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

(kh/mr)