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DRAFT

FINAL ACTION AGENDA/MINUTES

**Village of Estero
21500 Three Oaks Parkway
Estero, FL 33928
Planning and Zoning Board
February 16, 2016 5:30 p.m.**

1. CALL TO ORDER: 5:30 p.m.

2. PLEDGE OF ALLEGIANCE: Led by Chairman Strelow.

3. ROLL CALL: Chairman Roger Strelow and Board Members David Crawford, Ned Dewhirst, Marlene Naratil, and Scotty Wood. Absent: Board Member Ryan Binkowski.

Also present: Village Land Use Counsel Nancy Stroud, Community Development Director Mary Gibbs, and Village Clerk Kathy Hall.

4. APPROVAL OF AGENDA:

Motion: Move to approve the agenda.

Motion by: Board Member Crawford

Seconded by: Board Member Woods

Action: Approved the agenda.

Vote:

Aye: Unanimous (Board Member Binkowski absent)

Nay:

Abstentions:

5. BUSINESS:

(a) Approval of Minutes:

(1) January 19, 2016

Questions or Comments by: Chairman Strelow noted a correction to a typo on page 6.

Motion: Move to approve the January 19, 2016 minutes as revised.

Motion by: Board Member Wood
Seconded by: Board Member Naratil

Action: Approved the January 19, 2016 minutes as revised.

Vote:

Aye: Unanimous (Board Member Binkowski absent)

Nay:

Abstentions:

(b) **Consent Agenda:** None.

(c) **Unfinished Business:** None.

Chairman Strelow provided information regarding Board business and public hearings.

(d) **Public Hearings:**

- (1) Vacation VAC 2015-E001 (District 4) - Request for a petition to vacate a portion of Northwest Drive, west of Park Avenue and U.S. 41. The applicant is seeking to vacate the portion of Northwest Drive in order to include unused right-of-way as future developable property.

Community Development Director Gibbs provided a brief explanation. Chairman Strelow called for Board Member conflicts of interest and ex parte communications; none were noted. All audience members and staff providing testimony were sworn in by Village Clerk Hall.

Presentation by:

Stacy Hewitt, Banks Engineering

PowerPoint Presentation: area location, property ownership, aerial, proposed vacation, and plat with vacation overlay maps; letters of no objection obtained. Discussion included: applicant owns 4 parcels; Northwest Drive has not been developed; Park Avenue has been constructed; vacation to combine properties; proposed vacation map indicated what it would look like for access via paved or paper roads; property was platted in 1926. It was noted that staff recommended approval with the condition that the applicant record a Unity of Title for Lots 13, 14, and 15 in Block 1 and Lots 1 through 4 and 27 in Block 7, within 30 days of the date of Council approval.

Questions or Comments by: Chairman Strelow and Board Members Dewhirst, Naratil, Wood, and Crawford.

Public Comment:

Gary Green, Breckenridge, speaking on behalf of the Master Association, addressed road access into Estero Grand; addressed concern regarding property owners not receiving notice; and saving the land for open space.

Marlene Fernandez, Trailside Subdivision, noted that the roads have been platted since 1926, objected to the vacation, and addressed concern regarding notice to property owners; misuse of the property on each side of the proposed vacation; code violations occurring on the property; flooding in Trailside Subdivision.

Zelma Newberry, Estero River Heights, addressed concern regarding a problem on Broadway Avenue.

Shelley Cooper, Breckenridge, believed that her property abutted the property in question and addressed concern regarding traffic.

Vivian Lavis, Breckenridge, addressed concern regarding traffic.

Dan Girard, Breckenridge, addressed concern regarding the unknowns.

Mark Hilsee, Trailside Subdivision, objected to the vacation.

Questions or Comments by: Chairman Strelow and Board Members Wood, Naratil, and Dewhirst.

Discussion included consultation with neighbors; the lack of complete information; residents' concerns; notice requirements; and reviewing the overall area.

Stacy Hewitt, Banks Engineering, requested a continuance on behalf of the applicant.

Motion: Move to continue based on communication with the neighbors in the subdivision, showing a proposed use and overview of total right-of-way network.

Motion by: Board Member Dewhirst

Seconded by: Board Member Wood

Action: Approved continuance based on communication with the neighbors in the subdivision, showing a proposed use and overview of total right-of-way network.

Vote:

Aye: Unanimous (Board Member Binkowski absent)

Nay:

Abstentions:

- (2) Coconut Point Art Festival – TMP 2016-00001 (District 6) - Request for Special Event Permit for a weekend art festival, February 20 through 21 at Coconut Point Mall located on a portion of the parking lot south of the main entrance and west of Dillards.

Chairman Strelow called for Board Member conflicts of interest and ex parte communications; none were noted. All audience members and staff providing testimony were sworn in by Village Clerk Hall.

Community Development Director Gibbs provided a brief explanation.

Presentation by:

Sean Carroll, representing Coconut Point, explained that the festival was the same event that they have had at the Coconut Point Mall location for the past 20 years.

Public Comment:

Howard Levitan, Pelican Sound, requested that the electronic billboard on US 41 directing traffic into the mall that had been previously used, not be allowed due to violation of Village of Estero code provisions.

Questions or Comments by: Board Members Naratil, Dewhirst, Crawford, and Chairman Strelow.

Discussion included parking; live music; advertising without electronic billboard; and insurance.

Motion: Move to adopt Resolution No. PZB 2016-01 with conditions 1 through 4 as stated in the resolution and an additional condition: 5. Electronic signs are not permitted.

Motion by: Board Member Crawford

Seconded by: Board Member Naratil

Action: Adopted Resolution No. PZB 2016-01 with conditions 1 through 4 as stated in the resolution and an additional condition: 5. Electronic signs are not permitted.

Vote:

Aye: Unanimous (Board Member Binkowski absent)

Nay:

Abstentions:

- (3) Laser Lounge Spa – ADD 2016-E001 (District 4) - Request a deviation from sign setback for a monument style sign located at 20400 Trailside Drive. The requested deviation is to allow a 5-foot setback instead of the 15 feet.

Community Development Director Gibbs provided a brief explanation regarding the reduction in setback from 15 feet to 5 feet and noted that the Design Review Board indicated they did not have an issue with the reduced setback.

Questions or Comments by: Chairman Strelow and Board Members Dewhirst and Naratil.

Discussion included reason for the deviation; basic commercial requirements applied to the sign; sign design and illumination.

Presentation by:

Chad VanEffen, Signs by Crannie, explained that the parcel was located on the curve of the road and the proposed sign location was the best location to obtain visibility; the 15 foot setback would place the sign in the parking lot. Sign design was briefly discussed.

Public Comment:

Frank Brand, Estero resident, addressed concern regarding Brazilian Pepper trees; brief discussion regarding tree removal followed.

Chairman Strelow noted a typo in the deviation description in the resolution: correct the word “ten” to read “five.”

Motion: Move to adopt Resolution No. PZB 2016-02 as revised, with conditions 1 through 3 as stated in the resolution.

Motion by: Chairman Strelow

Seconded by: Board Member Crawford

Action: Adopted Resolution No. PZB 2016-02 as revised, with conditions 1 through 3 as stated in the resolution.

Vote:

Aye: Unanimous (Board Member Binkowski absent)

Nay:

Abstentions:

- (e) **Workshops:** None.

6. PUBLIC INPUT: None.

7. BOARD COMMUNICATIONS

- (a) **Committee Reports:** None.

(b) **Chairman's Reports:** None.

(c) **Member Reports and Comments:**

Board Member Wood reported that he attended the Council meeting last week and observed that there could be additional work for the Planning & Zoning Board. He noted that there were a couple of items that went before the Council that never came before the Board. Discussion ensued regarding issues being fully vetted, making certain that the public has been given an opportunity to provide input with assurance that their input matters, and the level of detail in zoning cases that the Council is looking for from the Board.

Community Development Director Gibbs provided an update on the Comprehensive Plan Request for Qualifications (RFQ) process.

A motion to adjourn was made and duly passed.

8. ADJOURN: 7:32 p.m.

Respectfully submitted,

Kathy Hall, MMC
Village Clerk