

# **ATTACHMENT F**

**Estero Community Planning Panel  
Minutes of February 16, 2015 and  
March 16, 2015**

ESTERO COMMUNITY PLANNING PANEL  
Minutes of Public Meeting #170 – February 16, 2015  
Estero Community Park, Estero, Florida

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CALL TO ORDER:

DCI 2014-00023

The Meeting was called to order at 5:00 p.m. by ECPP Chairman Lienesch.

Panel Members present: Jack Lienesch, Chairman; Estero Community Association, Roger Strelow, ECCL; John Goodrich, ECCL; Ned Dewhirst, Estero Development Community; Paul Roberts, Estero Development Community, Neal Noethlich, Emeritus Chairman, Jeff Maas, Estero Chamber of Commerce, Greg Toth, Founding member; Bev MacNellis, Treasurer (arrived late) and Howard Levitan, Secretary. No member was absent for tonight's meeting.

Also present were Nick Batos, Chairman of the ECCL, various representatives of Stock Development and their agents, and many members of the public mostly from the Wildcat Run Community and the other Eastern Corkscrew Communities. Finally, Sharon Jenkins-Owen from the Lee County DCD Planning Staff was also present at this meeting.

Public Notice: Secretary Levitan reported that the meeting notice was posted on the ECPP website. The Agenda has been posted for over a week on the website. He noted that a quorum of the ECPP was present for this meeting.

Minutes of the Prior Meetings. Chairman Lienesch reported that the minutes of the January 26, 2015 Meeting of the Panel were prepared by the Secretary, had been vetted by the Panel, and had been posted on our ECPP website. Subsequent to posting there were two minor corrections by Neal Noethlich and Greg Toth, which have been corrected and will be reposted with the final version. A motion was made, seconded and unanimously passed to accept the January minutes as corrected to be replaced on the website.

Treasurer's Report: Treasurer MacNellis arrived too late to present her Treasurer's Report.

PRESENTATIONS:

1. Genova Development Comp Plan Amendment and Rezoning: Preliminary Presentation

Materials presented for review: Genova CP – Site Plan 3 by Wallace Homes dated 1/28/2015.

Presentation by the Developer. The presentation was made by Jim Wallace of Wallace Homes and Josh Philpott, Senior Planner from Stantec, Fort Myers. This is a preliminary presentation and does not count as a Public Information Meeting for purposes of the requirements of the Land Development Code.

The concept presented by Jim Wallace is for U shaped buildings with six buildings overall in the development. There would be a clubhouse with fitness center and a covered 25 meter swimming pool. Wallace showed the architectural plans for the buildings, which would include three

stories of residential units over the garage space. The garage level has a unique internal courtyard, which will extend up through the plaza level, which is the first residential floor. There would be two car garages for each unit, which include garage doors. Wallace stated that this design format would reduce the number of parking spaces on the outside of the buildings, and place approximately 21 spaces for guest parking inside each garage scattered around. The atrium or courtyard feature would be unique, and would also serve the purpose of ventilation for the garage.

Typical buildings are U-shaped and all of the living spaces, master bedrooms, lanais and terrace areas are facing the courtyard overlooking the atrium. This is designed in Mediterranean style, but was referenced by Wallace as having a Genoa, Italy style of design with a more urban Italianate theme. Some of the buildings are both three and four stories over parking that step up so that the roofline is varied. The buildings are designed to be as attractive on the outside as the inside. The exterior façade abuts not residences or unit windows, but rather the inside corridor for access to the units. Color schemes will be somewhat consistent throughout the development, and will be harmonious with 9 colors in the palette.

The proposed site plan was then discussed. The Corkscrew and Sandy Lane Overlay Districts require the buildings to be right next to the roads (Corkscrew and Via Coconut). They have moved the buildings back from the road and created a linear park on both sides of the building. There is also a connection on the south as near to the proposed Western exit to the Community Park. This will be a gated community, but without as many walls, as the buildings themselves act as the walls with security fencing in between. The openings in the garages at ground level will have wrought iron security fencing and this feature will also be used between the buildings. The lakes shown on the Site Plan are also security features for this community. There will be a gatehouse on the exit, but carefully designed with the actual security component interior to the architectural features nearest the road. They are considering adding landscaping to the median on Via Coconut adjacent to this development. They also may want to add canopy trees along the road and move the sidewalks back so that the road would be quieted or calmed.

Wallace stated that he had had some discussions with Seth Harry (Estero Consultant for the Village Center Project) to develop the idea to move the sidewalks with the canopy trees and put a wall 5 feet from the property line. This could also be proposed as three feet of buffering with a two foot security wall. Harry is also talking about having some form of smaller, studio or one-bedroom apartment added to the exterior of the garage level looking out to the landscaping to have a softer view upwards. They still are in flux on all of these additional exterior Accessory Dwelling Units (ADUs) concepts. No consensus was achieved between Seth Harry and Jim Wallace, who stated that ultimately Estero has to decide what it wants, e.g. would it be better to have a linear park or these ADU residences along the roadways? There would be more density required to do the exterior units at ground level. He went on to state that he believes that most people feel that Via Coconut will change over time, but this would be Estero's decision.

Josh Philpott, from Stantec, then spoke to some of the land use decisions that they will be looking for. Currently 17 acres of the site is in the Suburban Land Use Category allowing 6 units/acre. The current plan is for 195 units, which would be about 11 units/acre and if they do the exterior ADU units it would be about 12 units/acre. They are proposing to present a

Comprehensive Plan Amendment seeking to change all of the property to the Intensive Development Category. They also will do a concurrent rezoning to Residential Planned Development (RPD). There currently is 4 acres zoned Commercial Planned Development (CPD) in the northeast corner which allows about 50,000 s.f. of commercial uses, therefore they believe that switching to RPD for the whole will reduce the overall traffic impacts.

Comments from the Panel:

Jeff Maas. Asked whether there is a fence or wall around the property? They do not plan to have a perimeter wall, but the buildings act as their own security fence with railings/fences between them which likely will not be seen. Maas then asked what the interplay is with the Community Park? They responded that there is a pedestrian gate at the South and perhaps one on the east side of the property into the Park. The County may want the interconnect to be through the main gate of the park rather than the planned interconnects, because the park is locked at night. Maas also asked what the overall height would be, and the answer given was 45 feet to the eaves.

Paul Roberts. Wanted to clarify that the exterior corridor around each floor would be air conditioned. The answer was yes, and the windows on the corridor would be hurricane glass with the other side of the exterior corridor made from cinder blocks for reduction of noise transmission. Roberts stated that he has no issue with the density, and likes the Seth Harry suggestions.

John Goodrich. Asked about the linear park along Corkscrew and whether it will run down Via Coconut as well. The issue for the developer is satisfying SFWMD with respect to sufficient water management resources. One of the discussions at the EDRC on this project was a bus stop in front of the Via Coconut side or at least a pull off. Wallace stated that this would require County permission. To clarify the height limits, Wallace reiterated that the buildings will be no higher than 3 stories over parking and 45 feet to the eaves.

Greg Toth. He disclosed his conflict of interest in this project. He does not like Seth Harry's suggestions.

Roger Strelow. He thinks this is a very innovative plan. He suggests that they use this development and community as a model for bicycle improvements instead of three-foot wall along the roadside. He wants to use a bike path/sidewalk rather than the roadway. Wallace does not want to lose the linear park along the roadways, but also stated that he likes the added density of the ADUs. Wallace and his team are still in the process of thinking about these concepts in the hopes that somehow they can do both. They do not necessarily like the wall that Seth Harry has suggested.

Ned Dewhirst. Dewhirst stated that he thought the project was well done and well thought out. He advises that when going through the comp. plan amendment and zoning to get the additional density, they include all of these drawings as exhibits of what they are proposing to ensure that the final development order is consistent with the high quality plans they are showing tonight. He favors the linear park at least on Via Coconut, but not necessarily on Corkscrew, since the

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sidewalk is close to the road anyway. Also wants to see interconnection with the park, and believes that they will need a deviation for the lack of a second egress. In discussion about building the swimming pool as part of the community park, Wallace also clearly stated that they could not allow the swimming pool to be a public facility. Wallace also disclosed that they are currently seeking an administrative amendment with respect to the CPD area to allow a temporary real estate sales facility near to the adjacent existing cell phone tower.

Chairman Lienesch read the comments from Don Eslick with respect to the Seth Harry/Spikowski Final Report on the Town Center Project (included as a separate attachment). Eslick is opposed to this project and asked that these comments will be a part of and attached to the minutes, which will be done as per Chairman Lienesch. With respect to the pool issue mentioned in the letter, Jim Wallace specifically restated that it would not work, and could not be done.

Neal Noethlich. He is concerned more about process than the architecture. They will have to deal with LDOT as to the sidewalk proposals along with amendments to the Comp. Plan, Rezoning and administrative amendment/deviations. He would like to see a cooperative team going forward so that there is full agreement for the public hearing before the future PZB or Council. They stated that they know they have to coordinate with all sorts of agencies on this project, including LDOT, which has the ROW at present. Noethlich is suggesting that their be a team effort on this development.

#### Comments from the Public:

Patty Whitehead. She asked about the Spikowski discussion held at Estero Fire and Rescue, and about affordable housing needs in Estero. The developer stated that the price point here would be \$250K-450K and some of the ADU's would be \$250K-295K. The issue is whether this is affordable housing. She asked about the homeowners' fees, and the response was without tennis or golf or dining, they would be about \$500 per year.

Jim Dodge from Wildcat Run. He also suggested putting in the pool on the park property, but Jim Wallace said it would be a problem with security and exclusivity for the residents. It simply is a fact that it is not what people are looking for today from a market standpoint. Wallace believes that the buyers want to obtain a variety of amenities, but at a reasonable cost.

Chairman Lienesch summarized that overall the ECPP supports this project based on these preliminary drawings. There is an issue with the interrelationship of the project with the overall Seth Harry/Spikowski report. Wallace said that he and Harry are in harmony, and that it is now a question of whether Estero is in agreement. There are opinions on both sides of whether to do the linear park or the additional ADUs.

#### 2. Via Coconut Point Urban Place/MPD:

Materials presented for review: Application for Planned Development Public Hearing filed January 20, 2015 with the Lee County DCD; Context Map of Area Dated 1-08-2015; Proposed

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Site Plans from Fugleberg-Koch PLLC; Character Images dated 2/16/2015, and Estero Master Plan Side by Side also dated 2/16/2015.

Presentation by the Developer: Steve Hartsell, Esq. of the Pavese Law Firm and Laura DeJohn from Johnson Engineering represented the developer, Focus Development Group, LLC. Jeff Graef of Focus Development was also present along with Bob Koch, Architect. This is the second presentation before the Panel, since the preliminary discussion in July, 2014. The proposal relates to an 18-acre parcel along Via Coconut on the west side. It is zoned AG-2 and is designated as Suburban with 6 units/acre and is in the Mixed Use Overlay. The property is located east of Happy Hollow Lane as it goes up to Corkscrew Road. The 2035 EAR Plan for the County called for this area to become Urban Place with higher density, however the County has not moved forward in enacting these recommendations. They are seeking a land use Comp. Plan Amendment to a new land use category consistent with the Urban Place concept. This would allow 18 units/acre density based on the bonus density by virtue of the mixed-use overlay. There would be a maximum of 335 units on the site plus 30,000 s.f. of commercial space in the narrow part of the land on the north side going up to Corkscrew Road. They say that they have coordinated with the Seth Harry/Bill Spikowski Plan Report, and have changed their designs to comply with the concepts envisioned by this study.

The Comp. Plan Amendment application has been found to be sufficient by Lee County Staff, and they say that the Zoning Application will be deemed sufficient when they have these minutes completed. They are moving forward in the review process with County Staff on the theory that is likely that the Village of Estero will also be contracting for review with the Lee County DCD Staff, but the ultimate decision on the applications will be up to the Village Council both as to process and the final approval. This current discussion will act as the public informational meeting required by the current Land Development Code which will become Estero's transitional Land Development Code.

Laura DeJohn, from Johnson Engineering, gave the background of how the plan has evolved since the July, 2014 presentation. They will be seeking the Mixed Use Plan Development (MPD) designation, however the residential density will be located on the bottom parcel with 30,000 s.f. of commercial space on the northern side running up to Corkscrew Road. Working with Spikowski and Seth Harry, they looked at the bigger picture of the Village Center across the railroad Right of Way (ROW). The emphasis of the Harry/Spikowski Report is on how to connect the development(s) on the North Point land to the west of the railroad ROW with the Community Park, which would be a significant part of the planning for the overall Village Center project.

She also discussed the issues of the Sandy Lane and Corkscrew Overlays, both of which seek to push the buildings up to the street line. Seth Harry thinks we should turn Via Coconut into a two-lane roadway with on-street parking rather than a four-lane 45 mile/hour roadway. They want to design to this concept even though it may be difficult for Estero to achieve this plan. She then stated that their plan is consistent with a zero to 25-foot setback along Corkscrew and Via Coconut Roads. In other words, they would meet current Code, but plan for the future if Estero can make their plans for Via Coconut Road come to fruition. They also have been working with Seth Harry and Spikowski in the central area of their development plan with a roundabout which would be an activity mode to allow for public interconnectivity if there

ultimately is an east-west connection in this area from the North Point property across the ROW to the Community Park.

As stated previously, they are seeking a new land use designation, which they call the Via Coconut Place Urban Category. They are also seeking several deviations for the number of parking spaces in the residential portion, and they seek to not require the internal roads to meet normal street row standards. They also are asking for a deviation for buffering requirements near residential areas in the north part near Happy Hollow lane.

Bob Koch, architect, then presented the architectural features of the site plan. The site along Via Coconut was predetermined for turns in and out due to the median cuts that presently exist. The one in the center of the project would be the primary connective corridor. They understand that the railroad ROW is a real barrier and the interconnection may never occur. The evolution of the centerpiece therefore became an important aspect of the planning for this development, especially to make it attractive and usable even if the interconnect never gets built. They felt that this internal road has to deaden traffic, and thus they decided to utilize a roundabout. This also gives better pedestrian connectivity going north and south. On this connectivity corridor they are also putting mixed-use liner buildings for retail. In other words, the crescent curved buildings along the central right of way would be designed as commercial below with residential units above. Koch feels that putting residences right to the street along Via Coconut for new urban purposes may not be feasible without some buffer zone along the street. These are three-story buildings some of which are facing the building and others are on the other side near the parking. There are two possible east-west crossings based on the current median cuts. The north portion is commercial and they have allocated some connectivity in the planning to interconnect at this point as well (although it not really likely that Estero will be able to obtain two RR crossings). Looking at the plans in the Seth Harry Report, he stated that the interconnections on his plans are the same two connections on an east-west basis.

Koch continued with a discussion of design features in garden districts of various urban areas, including having a stoop or front porch above ground level. They also had a third entrance on the site at the south side for emergency basis, however there is no median cut there and the County was not favorable to this. One problem that Koch has with the Town Center Plan is that the Seth Harry/Spikowski Report did not discuss a unified plan for storm water retention thereby leaving it up to each individual parcel. In this case, the only lake big enough for water retention on their parcel is on the widest part of the parcel at the Southern end. They say that comparing their plan to the Seth Harry plans, it matches up completely. They also say it would be designed for workforce housing.

#### Comments from the Panel.

Secretary Levitan asked a procedural question as to the requests before the County for right of way vacations. They say that there is a drainage easement running east-west on the property, but not a public ROW. Greg Toth explained that the owners/sellers of the property have a proposed ROW vacation pending for the north/south segment of former Sandy lane that is no longer needed due to construction of Via Coconut Point.

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Roger Strelow. This is a property at the east end of a larger piece of property, and he appreciates the careful, creative thinking about how to interconnect to the other lands in the planning process. He thinks we in Estero should therefore be as helpful as possible to the developer and continue to work with them.

Ned Dewhirst. In general it looks like a great project, and he has no problem with the additional density, although for him it is hard to tell what the density is contemplated to be. The proposed CPA is requesting a standard density of 18 units per ac resulting in 333 MF units. The MPD is proposing 297 units on the 16-acre residential parcel at a density of 18 units/acre. Therefore, they are not doing a so-called super mixed-use project with double counting of the commercial acreage. How do we make sure that we get what is described on the Site Plan and photos into the comp. plan amendments and zoning approvals? How do we get the quality of the residential structures as shown on their comparative buildings from other projects? They have not done any detailed building designs yet. Dewhirst says that there needs to be some building and elevation exhibits as part of the zoning request so that we are assured of the high quality of the buildings being represented at this time in exchange for allowing the significant increase in density. Dewhirst then asked whether the main future interconnection to the west would be treated as a public road. If so, there needs to be an access easement to this interconnection or a requirement for public dedication in the zoning approval. He is also concerned from the point of view of the development community where the developers are conforming to a plan concept, like the Harry/Spikowski Report, that is not regulatory. He feels that this is sort of a de facto regulatory plan that has not been approved but we are designing projects to comply with it. Finally, Dewhirst feels that they need to do a better job of buffering along Happy Hollow Road and not deviate from the requirements of the LDC. They responded that additional buffering does not seem right to them, since this area may likely be redeveloped into a commercial area at some future point. Dewhirst responded that this deviation may be difficult to obtain, and the County may need to protect these single-family residents by buffering the commercial areas.

Neal Noethlich. With respect to Walmart, they were able to get the planning concepts regulatory in the approval process.

Greg Toth. Disclosed his conflict of interest with this project due to his interest in the parcel as an owner. He appreciates the effort to line up with the North Point planning done by Seth Harry/Spikowski. He stated that they have already bought one house at the end of Happy Hollow, and there are three more plus the greenhouse, mostly which are used for rentals.

John Goodrich. He wants more clarity as to what happens along Corkscrew Road next to the agriculture building. They show two commercial buildings. The north building is consistent with the Sandy Lane Overlay orienting the building to the corner. It will be right at the sidewalk at this point, which is zero setback (Sandy Lane Overlay is 0 to 25 feet). He does not like this even though it is in compliance with the Overlay. These commercial buildings are only pads since no tenants have been identified, and they said things may change over time. The owner is still trying to obtain some of the parcels on Happy Hollow to make the corner more attractive. John Goodrich again repeated that he does not like the corner building setback.

They stated that they have to revise the MCP for the County. Dewhirst added that he was concerned about BCPP not having the MCP, the requested deviations, or a schedule of uses along with a full application at the time of our review. Dewhirst then asked whether they are planning on coming back to the Panel when they have a full application to present to us. Hartsell responded in the negative, that this would be the only public information meeting. Hartsell did read off the schedule of uses that they propose. It does include fast food, which caused some issues with the Panel. Greg Toth asked them to tailor down the schedule of uses, but Dewhirst said that it is hard to properly respond to just an oral presentation of the uses. Hartsell stated that they understand that we have concerns about gas pumps or fast food. They will get the full application to us including the MCP, Deviations and Schedule of Uses, but do not plan on returning for an additional public information meeting.

Paul Roberts: He stated that he does not have a problem with this development.

Jeff Maas: Maas stated that he was acceptable to a fast food use for the crescent areas in the development, but not with a drive through window as a standalone on Corkscrew or down Via Coconut.

#### Comments from the Public:

Bill Prysi from the EDRC echoed some of the comments, but stated that based on the previous project which had a commitment of quality and vision, this plan has presented nothing but a site plan to look at with no features that gives us the assurance of high quality.

Chairman Lienesch summarized the feelings of the Panel that we cannot send to the County any sense of whether we are in support of this project, since we have not seen a full application. Hartsell stated that Lee County will not be giving any approvals with respect to this project. It will be decided completely by the Village, but they are continuing with the process of review with Lee County Staff. They understand that the Comp. Plan Amendment needs to get done first and then they will combine it with the zoning application to get the final approvals by the Village Council. Chairman Lienesch also stated that the Panel was not in favor of the deviation for buffering adjacent to the housing on the north side. He also reiterated that they agreed to email us the MCP, Deviations, and the schedule of uses. Dewhirst suggested the panel review these documents and send comments by email only so to alleviate another panel meeting attendance; the panel members agreed.

#### 3. Corkscrew Crossing MPD.

Materials Presented for review: PPT dated 2/16/2015; Resubmittal Documents including Aerial MP Overlay-Site by Grady Minor dated 2/5/15, AMC Master Plan (Rev. 2) – C – Plan by Grady Minor dated 2/4/15, and Traffic Impact Study by JMP Transportation Engineers, Inc. dated 1/27/2015.

Presentation by the Developer. The presentation was made by Wayne Arnold and Sharon Umpenhaur from Grady Minor and Jim Banks as to the traffic impact study (TIS). They came to us in October as a preliminary informational meeting, until they got sufficiency comments from

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the Staff, which they now have. The Project consists of 396 acres with access onto Corkscrew Road, and was previously zoned for 724 units, mostly multi-family units. They think that the market is now single-family so they are reducing the density to 625 units. One identifiable issue still outstanding is the wildlife corridor, which would come down from Wild Blue, and the panther crossing near the Preserve to the East.

Off-site preserve areas are on the Preserve to the east, and winding down to the South of their lot. They have a drainage feature along the east and which then discharges to the south. They are working on development standards similar to other RPDs in Estero. The Multi-family product will be on the north side of the project and will be better identified as per Staff comments to them. They are also planning for an emergency interconnect with Wildcat Run, however it is not yet known whether Wildcat Run has agreed to this as an interconnect or just an emergency exit. This is a 100% residential project therefore there should be less concern about architecture for Estero. They want comments from us at this meeting, and will then go back to Staff for a more detailed view to achieve sufficiency. They likely will have to go to the planned Estero Planning and Zoning Board, and then on to the Village Council for final hearing. They are in the ERP process with South Florida Water Management (SFWMD), and have not gone back to the Army Corps of Engineers yet with revised plans.

Comments from the Panel:

Ned Dewhirst. He asked about the planned interconnect with Wildcat Run at the least for emergencies, which would likely benefit both communities. Wildcat Run stated that they have several access points therefore any emergency exits to their streets would not benefit them.

Neal Noethlich also talked about the access points. He asked about the potential purchaser, which was stated to be a company named Argo Corkscrew. His issues are water sources and flow and whether they have to tie into the Wildcat Run water systems for flow ways, ditches and canals. They said they have no connections, but SFWMD may have different thoughts. Noethlich is also concerned about building heights and site lines. Wayne Arnold said the height limitation is 35 feet (two stories) for the residential and 48 feet for the multi-family, which is what was already approved in the previous zoning.

Jeff Maas asked where the amenities were, and Arnold replied on the east boundary. No commercial areas are currently planned.

Howard Levitan asked from a procedural basis as to whether the TIS include potential development from Wild Blue. They say the answer may be different at the development order stage depending on who gets their zoning application done first (i.e. Wild Blue or this project). It depends on which stage the TIS relates to determine which project has to include the traffic generated by the other planned development.

Comments from the Public:

Glen Lawler from Wildcat Run. He asked them to show on the site plan where the homes are proposed and what they will consist of. They say this is shown on the Master Concept Plan, but

it will be one of several varieties of single family, multi-family and villas with common walls. COMMUNITY DEVELOPMENT  
They have not determined how and what will actually be built or where. The people from Wildcat Run are concerned about this especially as to the setbacks and buffer zones. Arnold said that the two developments will be separated based on the roads and buffer and the so-called moat on Wildcat Run property plus the 5-foot residential buffer on the Corkscrew Crossing side. The "moat" ditch is probably 20 feet wide to the property line.

Stewart Katz from Wildcat Run. He asked what the height limitation is on the two-family homes, and the answer given was 35 feet.

Joe Turkell from Wildcat Run asked about the height limitation on multi-family, and the response was 4 stories and 48 feet as allowed by the previous zoning. He asked whether they could put the amenities package on the west side, but Arnold said that this would cause light and noise problems for the adjacent homes in Wildcat Run.

Kate Kurtz from Wildcat Run. She wanted to know about the parking, but Arnold reiterated that this has not been defined yet. She also wanted to know about security, since the moat dries up in the Winter season. They say there will be a perimeter berm but do not yet know about a fence.

Karen Katz from Wildcat Run asked whether it would be a gated community, and the answer was yes.

Jim Kurtz from Wildcat Run. He stated that the traffic is already a real problem for Corkscrew Road.

An unidentified person asked what would be the price point of the units? The answer was market rates at the time they develop.

Joe Tergilgen. In the Monte Christo Plan there was a common entrance with Wildcat Run leading to two gates. Now their entrance has been moved over to one side so no common entrance. He repeated that no emergency access is needed for Wildcat Run, so there is no benefit to them to have an emergency interconnect. Arnold stated that Staff is likely to push for the emergency connection point.

Russ Radcliffe from Wildcat Run. They think that the water flow is a key issue and they do not want to lose any water barrier. They are also concerned about Corkscrew Road getting to 4-lane status.

David Bradford from Wildcat Run. He asked about the water flow as well. Arnold stated that with respect to the water flow from their property, they need to go through an ERP (environmental resource permit) with SFWMD. They cannot impact the Wildcat Run site. He believes that they will ultimately develop 625 units with 62 multi-family units. Nothing will preclude them changing the mix but they have to stay in the areas shown on the MCP. Bradford then asked about setbacks, and Arnold answered that they would be 20' and 25' to water. He went on to state that they are not required to do berms or walls. They are only providing for

minimum type A residential buffers at present, but likely this will be market driven based on the level of the buildings.

Kathleen Fitzgerald (Wildcat Run HOA President) wants to see a more attractive buffer than a Type A plan. Wayne Arnold agreed to meet further with Wildcat Run as they progress with the permitting.

Fred Fitzgerald with Wildcat Run. He asked whether from a procedural point of view can a plan be relooked at later on after it has been approved? Arnold stated that they are vested with what got approved in the past, but are now asking for some changes. These revisions need to get approved by the Village Council as an amendment to the RPD. The issue may also be if Estero changes the time frame for coming back for approvals if a project is not built after a certain time period. Presently there is no end to an approved plan under Lee County Land Development Code.

Chairman Lienesch summarized the fact that this plan has been back to the ECPP many times over the years and has vested approvals. The amendments seem to have the general support of the Panel, but there is still a long way to go with respect to this project. The final approvals will be determined by the Village Council.

#### ECPP ISSUES:

1. ECPP Procedures Post Incorporation. The Panel will have a meeting in March, and they will continue on in the same fashion until the Village Council says otherwise. Ned Dewhurst feels that there may be a need for the facilitation of public informational meetings well before any final review / decisions by a zoning or development review board, which the ECPP could still deal with if it continued in the same fashion. The problem with this is whether we would have enough volunteers in Estero to populate the Panel along with the other advisory boards.
2. Land Development Code Revisions: Bill Prysi will finish the LDC Revisions draft and give to Roger Strelow for the Transition Book. This will not be the all-inclusive version of the drafts.
3. Member Issues: Howard Levitan has to resign as secretary on 3/3/2015 when the members-elect to the Village Council go into the Sunshine. Jack Lienesch asked for a volunteer to do this for a few months. No volunteers stepped forward at the meeting. Greg Toth will ask at the University for a volunteer. Jack Lienesch also asked whether anyone does not want to continue on to be considered for the PZB. John Goodrich and Jack Lienesch both said that they would prefer not to move to the PZB. All others stated that they would like to do this.
4. Public Comments: None

Next Meeting is March 16, 2015

Meeting was adjourned at 8:40 p.m.

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Respectfully Submitted,

Howard Levitan, Secretary

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**ESTERO COMMUNITY PLANNING PANEL**  
**Minutes of Public Meeting #171 – March 16, 2015**  
**Estero Community Park, Estero, Florida**

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**CALL TO ORDER:**

The Meeting was called to order at 5:00 p.m. by ECPP Chairman Lienesch.

Panel Members present: Jack Lienesch, Chairman; Estero Community Association, Roger Strelow, ECCL; John Goodrich, ECCL; Ned Dewhirst, Estero Development Community; Neal Noethlich, Emeritus Chairman, Jeff Maas, Estero Chamber of Commerce, Greg Toth, Founding member; Bev MacNellis, Treasurer. Paul Roberts was absent for tonight's meeting.

Also present were Howard Levitan, Estero Village Council, several representatives from the Coconut Crossing development project and their agents, and Laura DeJohn, Jeff Graef and Bob Koch for the Via Coconut Place MPD project. Finally, Sharon Jenkins-Owen and Chip Block from the Lee County DCD Planning Staff were also present at this meeting along with four members of our EDRC and several interested residents.

Public Notice: Chairman Lienesch reported that the meeting notice was posted on the ECPP website the previous week. A quorum of the ECPP was present for this meeting.

Minutes of the Prior Meetings. Chairman Lienesch reported that the minutes of the February 16, 2015 Meeting of the Panel were prepared by the Secretary, had been vetted by the Panel twice, and had been posted and reposted on our ECPP website. A motion was made, seconded and unanimously passed to accept the final version of the February minutes as posted.

Treasurer's Report: Treasurer MacNellis reported \$956.44 in our bank account with one outstanding invoice for a previous meeting. Motion to accept the report was made, seconded and approved.

Chairman Lienesch explained why this is the final public meeting of the ECPP after nearly 15 years. The newly elected Estero Village Council will soon appoint by ordinance two groups reporting to them which will have similar responsibilities and more authority than the ECPP and EDRC currently enjoy with Lee County.

**PRESENTATIONS:**

1. Coconut Crossing MPD: Presentation by Tom McLean and Bob Mulhere from Hole Montes. This is a follow up presentation to the July 2014 preliminary presentation for a Comprehensive Plan amendment for this property from Urban Community to the Intensive Development Lee Plan category and an amendment to the MPD zoning in order to achieve higher densities on the project. Two alternate master concept plans are proposed -- the first is the same as was originally approved; the second is a redesign of Development Area #1 (East side) which attempts to achieve a town center feeling with buildings close to the reverse frontage road similar to Fashion Drive in Coconut Point. To develop this concept, several deviations from

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COMMUNITY DEVELOPMENT

current requirements in Estero will be required: buildings will front on the internal road and not US41, thus requiring parking behind the building and adjacent to 41. Another is requesting a maximum height of 95' with parking underneath the structures and featuring one to two levels of office topped by residential units above. A few other changes were noted including reshaping the dry detention area, moving the required trees in the buffer to internal to the walkable areas, requesting parallel parking on the frontage road and allowing shared parking along it similar to Fashion Drive.

Discussion of the buffering from 41 included a sightline analysis of adjacent traffic showing that with the planned berm and landscaping additions, the vehicles in the parking lot would be essentially invisible to the 41 traffic.

McLean noted that the original zoning for the MCP allowed 75' building heights but was granted in 1998, before Estero's LDC was adopted limiting heights to 45'. Achieving Intensive Development zoning in the County would allow 120' building heights, although this could be further conditioned by Estero's Village Council as appropriate.

General questions/comments by several members of the panel:

Traffic increase? From today's zoning of 631 2-way trips/day up to 1000. A new analysis has not yet been done.

Density Calculation? For clarification the zoning request includes using the "super mixed use" planning option which calculates project density over the entire project site (inclusive of both commercial and residential areas) in exchange for meeting certain mixed use criteria.

Usages? The usages listed are typical of "bubble zoning" -- everything that is in the county guidelines. It was strongly suggested that these be pared down substantially to be more consistent with the "mixed-use, walkable" design concept presented. The developers seemed to agree to this being done. One difficulty is that outparcel #8 is not currently part of their ownership and that parcel's owner wishes to keep his options open.

Where is the assurance of "high-quality design" consistent with the ability to achieve much higher density? The developer noted that they will commit to a "pattern book" or "beauty book" similar to what was done in the Coconut Point DRI to ensure consistent architecture and landscaping across the site. This would become a part of the zoning resolution to ensure that if the property were to change hands in the future, the agreed upon development guidelines would transfer with the deed.

Two FDOT entrances from US41 and one from Coconut Road were shown.

Several comments were negative to the maximum height being 95'. The chairman asked that sightlines be generated for the surrounding residential properties including the proposed residential portion of the entire site on the West.

## COMMUNITY DEVELOPMENT

The panel was split on the town center concept -- some liked the buildings being set with zero lot line next to the internal street (termed an "inside out" design); others did not and preferred the original overlay concept with put the buildings close to US 41 with parking behind (like the Corkscrew Road overlay around the Estero Commons development). Some panel members were concerned that we were force-feeding the mixed use concept on properties that may not be conducive to its design/function based on the property's location. A general agreement that a beauty book outlining the architecture and layout of the site would assure everyone that the appearance would be pleasing before approval to move forward.

Chip Block from the county then updated the panel as to the status of this application: after two iterations it has been found sufficient (once tonight's public meeting is completed.)

Audience members also commented: Nancy Cohen liked this new concept for Development Area #1 much better than the original site plan that included a shopping center anchored by Kohl's. She also felt that various height buildings are an improvement to the monolithic appearance that Estero's 45' restrictions would generate.

Ryan Binkowski noted that this concept is much preferred over the traditional neighborhood development that is endemic in Estero today. However he cautioned that most beauty books are attractive and interesting but NOT BINDING unless tied directly to the zoning resolution governing the property.

Chairman Lienesch summarized many of the concerns (noted above) and suggested that the island outparcel #8 should somehow be brought into the fold, if only by restricting its architecture to be consistent with the beauty book and its usages to be consistent with the rest of the mixed-use properties on site.

## 2. Via Coconut Place MPD -- revisit

This project was reviewed at our February meeting but several items did not appear to be well described in the original presentation. The developer agreed to send their responses electronically to the panel for review and it was included in tonight's agenda in order to place these comments in the minutes for a permanent record. Three of the developer representatives were present to clarify their responses to the concerns raised.

Ned Dewhirst read from his assessment of the materials sent:

### Comments on the Master Concept Plan:

- \* The requested deviations are not clearly shown re: location
- \* As mentioned before, the road entry and connector road to west in the middle of the MF area should be conditioned to be dedicated for public ROW at such time is needed in the future and therefore roadway standards designed to be such now

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COMMUNITY DEVELOPMENT

- \* The MF area is too conceptual to support such a drastic increase in allowed density in order to assure architectural quality and site layout efficiency; and to justify the requested deviations #1 and 3
- \* The proposed commercial in its limited size and configuration (approx. 145' in width) is hard to justify the project as an overall mixed use in order to justify the requested buffer deviation and also the requested uses
- \* Requested new access point 330' appears to be unwarranted when considering the location is just south of a major intersection (Corkscrew Road)
- \* Deviation #2 justification is based upon being a mixed use project; given the limited size and configuration of the proposed commercial area, this seems like a weak argument. It appears the limited width of the commercial land is driving the request.
- \* Given the proximity to FGCU, the parking space deviation reduction appears too aggressive at 13%. (See the Koch comments below).

#### Comments on Allowable Uses:

- \* Many of the proposed uses are not conducive to being a mixed use commercial area to enhance the MF area, such as auto parts store / bait and tackle / banks w/drive thru / convenience store / drugstore w/drive thru / EMS / hardware store / package store / Fast Food restaurants / used merchandise store etc.
- \* Given the location next to existing Single Family and the limited configuration, the commercial intensity and uses should be pared back to mostly gen/med office and limited uses that would enhance the MF project but not be intrusive to the existing SF area to the west. At such time in the future when that SF area has been vacated or purchased to be combined with the current proposed commercial land, then a more intense and variety of commercial uses could be justified.

[Bob Koch commented that there really should be a special designation for student housing, but one way to comprehend this is to fix the number of occupants in the lease that the owner (parent?) has to sign prior to any rental. Bob also assured the panel and audience that a beauty book with assured quality is fine, but the question remains as to where it fits in the approval process. He reminded the panel that 11 acres in this plan are designated residential; 3 acres for commercial. He also noted that 15% of all residential properties in FL are leased]

Chairman Lienesch noted for this project as well as for the Coconut Crossing project, the final disposition will be determined by Estero's village council when they become organized enough to provide zoning direction for properties in the village. This new process will probably begin as early as next month, as the ordinances creating a planning and zoning advisory board (PZB) and

a design review board (DRB) have been drafted and can be approved after they make it through two readings by the council at public meetings and are adopted.

### Other Items

The chairman explained to everyone again why this is our last meeting and outlined the new process going forward in which the function of the Hearing Examiner and County Board will be replaced by the Village Council acting on the recommendations of the PZB and DRB. He noted that these organizations will be expanding their control beyond being purely recommending bodies to the county to include regulatory powers going forward. He indicated that many of the members of today's ECPP and EDRC will also be considered to be potential members of the new organizations.

### Concluding Remarks

Finally, the chairman mentioned specifically three individuals who have been with the ECPP for most of its existence dating back to the early 2000s.

1. Don Eslick -- "Mr. Estero" who was a founding member of the panel and a visionary leader without whose guidance and counsel we never would have enjoyed the success we have.
2. Neal Noethlich -- the original chairman (meetings 1-100) who has continued his vision and guidance as an emeritus member since then.
3. Greg Toth -- a founding member for the development community who has been a stalwart representative for over 14 years.

Others who were instrumental in the launching and early success of the ECPP include Mitch Hutchcraft, Dan DeLisi, Bileen Galvin, Sis Newberry and David Graham (in whose honor we created the Estero Award for Excellence in Development.)

There have been many successes in our efforts (Lowes, Coconut Point, Wal\*Mart) and a few disappointments (Race-Trak and one or two others); all in all, we can be proud of the legacy we have been instrumental in leaving for those that follow us and for the new Village Council.

Several members of the audience thanked the panel for its service.

Our final meeting was adjourned at 8:10 p.m. Refreshments were available in an adjoining room to celebrate the history of the panel.

Respectfully Submitted,

Jack Lienesch, Chairman and acting Secretary

**ATTACHMENT G**  
**Zoning Resolution Z-03-067**

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

WHEREAS, an application was filed by the property owner, Lee County Board of County Commissioners and Estero Lakes Development II, Inc., to rezone 65.31± acres from Agricultural (AG-2) and Residential Planned Development (RPD) to Community Facilities (CF-2), in reference to Estero Community Park; and

WHEREAS, a public hearing was advertised and held on December 3, 2003, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #REZ2003-00016; and

WHEREAS, a second public hearing was advertised and held on February 2, 2004, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to rezone 65.31± acres from AG-2 and RPD to CF-2, to allow the development of a 55± acre community park and a 10± acre elementary school. The property is located in the Suburban and Public Facilities Land Use Category and is legally described in attached Exhibit A. The request is APPROVED.

SECTION B. EXHIBITS AND STRAP NUMBER:

The following exhibits are attached to this resolution and incorporated by reference:

- Exhibit A: The legal description of the property  
Exhibit B: Zoning Map (with the subject parcel indicated)

The applicant has indicated that the STRAP numbers for the subject property are: 34-46-25-01-0000C.017A; 34-46-25-01-0000C.0190; and 34-46-25-01-0000C.0200

SECTION C. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.

C2/C2/04

2. The rezoning, as approved:
- a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,
  - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
  - c. is compatible with existing or planned uses in the surrounding area; and,
  - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,
  - e. will not adversely affect environmentally critical areas or natural resources.
3. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner Ray Judah, seconded by Commissioner Andrew W. Coy and, upon being put to a vote, the result was as follows:

Robert P. Janes	Absent
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 2nd day of February, 2004.

ATTEST:  
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: Cindy Morrison  
Deputy Clerk

BY: [Signature]  
Chairman



Approved as to form by:

RECEIVED  
MINUTES OFFICE  
2004 FEB -9 AM 9:19

[Signature]  
County Attorney's Office

**TRASK ASSOCIATES, INC.**

(239)494-2335 phone  
(239)494-2365 fax  
ktrask@traskassociates.com

**S U R V E Y O R S**  
Florida Licensed Business No. 187136

11543 Charles Terrace  
Fort Myers, FL 33907

**DESCRIPTION OF A PARCEL LYING IN  
SECTION 34, T-46-S, R-25-E,  
LEE COUNTY, FLORIDA.**

(BONITA SPRINGS PARK NO. 2 AT ESTERO)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST, BEING A PART OF BLOCK C, FLORIDA GULF LAND COMPANY SUBDIVISION, PLAT BOOK 1, PAGE 59, LEE COUNTY PUBLIC RECORDS, AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST ONE QUARTER CORNER OF SAID SECTION 34; THENCE N.89°53'39"E. ALONG THE BOUNDARY OF THE PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 2851, PAGE 1152, SAID PUBLIC RECORDS, AND THE EAST-WEST ONE QUARTER SECTION LINE OF SAID SECTION 34, FOR 657.71 FEET; THENCE N.01°08'36"W., ALONG SAID BOUNDARY FOR 653.15 FEET; THENCE N.89°57'41"E. ALONG SAID BOUNDARY AND THE NORTH LINE OF LOTS 33 AND 34, BLOCK C, SAID FLORIDA GULF LAND COMPANY SUBDIVISION, FOR 1330.59 FEET; THENCE S.01°07'26"E., ALONG SAID BOUNDARY AND THE EAST LINE OF SAID LOT 33, BEING THE WEST LINE OF RIVER RANCH ESTATES SUBDIVISION, PLAT BOOK 39, PAGE 80, SAID PUBLIC RECORDS, FOR 651.71 FEET; THENCE S.01°08'56"E. ALONG SAID BOUNDARY AND THE EAST LINE OF LOT 22, SAID BLOCK C, FOR 661.57 FEET; THENCE S.89°53'37"W., ALONG SAID BOUNDARY AND THE SOUTH LINE OF THE NORTH ONE HALF OF LOTS SAID LOT 22 AND LOT 21, SAID BLOCK C, FOR 662.69 FEET; THENCE S.01°09'23"E., ALONG THE EAST LINE OF LOT 20, SAID BLOCK C, FOR 661.84 FEET; THENCE S.89°53'16"W., ALONG THE SOUTH LINE OF SAID LOT 20 AND LOT 19, SAID BLOCK C, FOR 643.44 FEET; THENCE S.00°52'34"E., ALONG THE BOUNDARY OF THE PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 3028, PAGE 3722, SAID PUBLIC RECORDS, AND THE EAST LINE OF LOT 15, SAID BLOCK C, FOR 80.08 FEET; THENCE N.83°55'36"W., ALONG SAID BOUNDARY, FOR 80.00 FEET; THENCE N.27°07'06"W., ALONG SAID BOUNDARY, FOR 80.15 FEET; THENCE S.89°53'16"W., ALONG THE BOUNDARY OF SAID PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 2851, PAGE 1152, AND THE SOUTH LINE OF LOT 18, SAID BLOCK C, FOR 270.23 FEET; THENCE N.01°10'03"W., ALONG SAID BOUNDARY AND THE WEST LINE OF SAID LOT 18, FOR 661.76 FEET; THENCE S.89°53'37"W., ALONG SAID BOUNDARY AND THE NORTH LINE OF THE SOUTH ONE HALF OF LOT 17, SAID BLOCK C, FOR 331.38 FEET; THENCE N.01°10'17"W., ALONG SAID BOUNDARY AND THE WEST LINE OF THE SOUTH-WEST ONE QUARTER OF SAID SECTION 34 FOR 661.78 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 2844813 SQUARE FEET OR 65.31 ACRES, MORE OR LESS.

THE WEST LINE OF THE SOUTHWEST ONE QUARTER OF SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST, BEARING N.01°10'17"W.

**TRASK ASSOCIATES, INC.**  
KENNETH TRASK  
PROFESSIONAL SURVEYOR  
FLORIDA LICENSE NO. 184684

MAY 23 2003  
RFZ 2003-00016

**RECEIVED**  
AUG 25 2003

Applicant's Legal Checked  
by GM

PERMIT COUNTER

SHEET 1 OF 2

EXHIBIT PH-9.0.1

EXHIBIT A



# Zoning Map

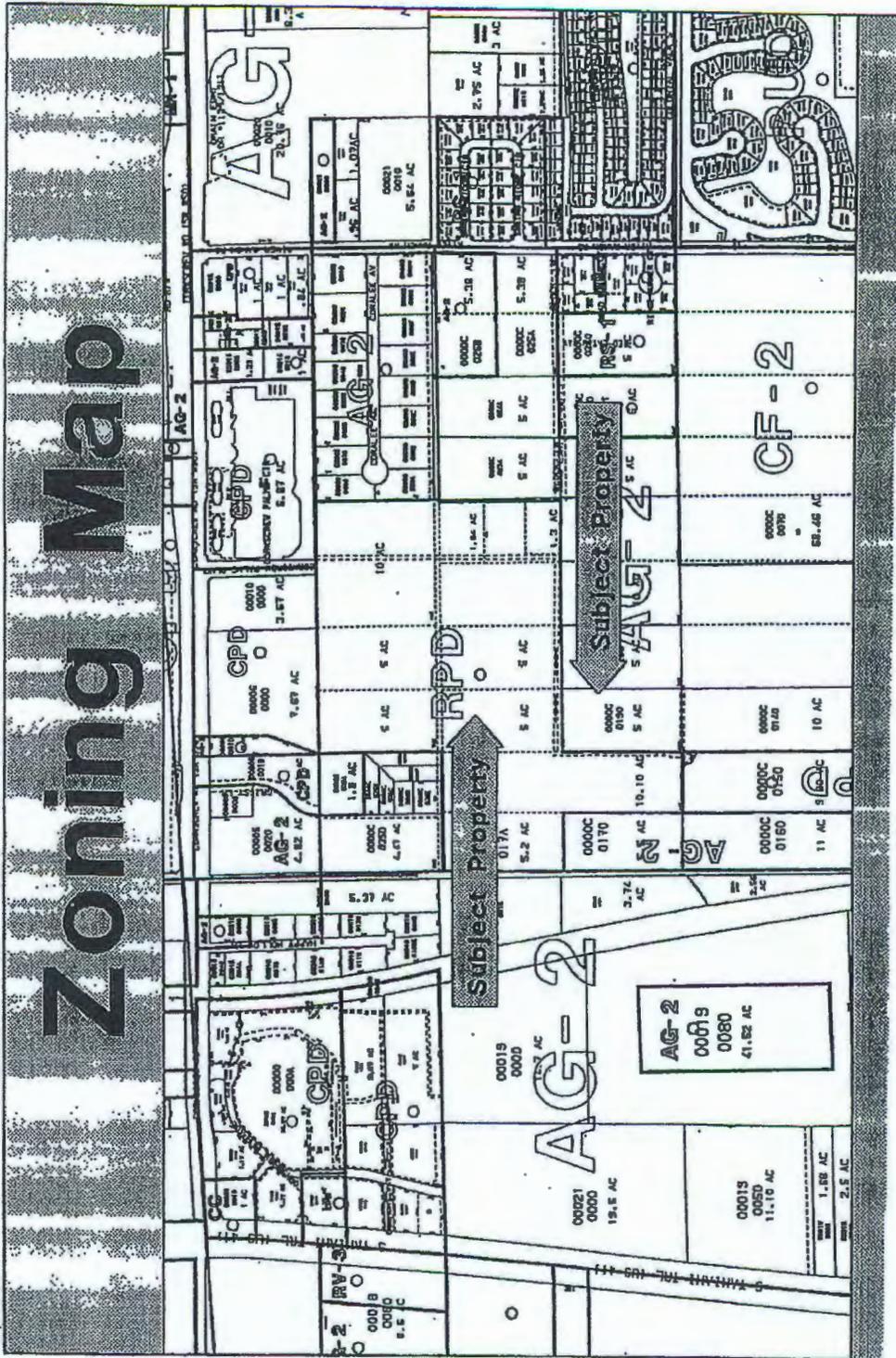


EXHIBIT "B"

# **ATTACHMENT H**

## **CSX Railroad Letter**



RECEIVED  
OCT 24 2014

6737 Southpoint Drive South  
S/C J915  
Jacksonville, FL 32216-6177  
(904) 279-3646  
Fax (904) 357-7855  
damien\_d'anna@csx.com

COMMUNITY DEVELOPMENT

Damien D'Anna  
Regional Manager

October 20, 2014

RECEIVED  
OCT 24 2014

COMMUNITY DEVELOPMENT

Mr. Alvin Block, AICP  
Department of Community Development – Zoning Division  
Lee County  
P.O. Box 398  
Fort Myers, Florida 33902-0398

**Re: Rezoning Request – 18.53 Acres  
VIA COCONUT MPD  
Case Number DC12014-00023  
Lee County, FL**

Dear Mr. Block:

We are in receipt of your Courtesy Notice regarding the rezoning proposal to be presented at a later date.

Based on your information as to the location of the proposed development, we believe it to be adjacent to our railroad right of way. We have concerns regarding the rezoning from Agricultural Districts, AG-2 and Community Facilities Districts, CF-2 to Mixed Use Planned Development, MPD to allow for development of up to 297 dwelling units. Safety is CSX's number one priority and the potential addition of residential units adjacent to active railroad tracks raises cause for concern.

Additionally, it has been CSX's experience that residents near active railroad tracks are often unhappy with the associated noise of rail operations. Trains use the tracks 24 hours a day, and the number and schedule of trains can change at any time due to business needs and many other factors. Furthermore, Federal law requires that trains must sound their horns at all highway at-grade rail crossings. Vibration and noise from passing trains are also inherent to railroad operations and should be taken into account regarding any new residential development. Residential developments that have been built adjacent to pre-existing railroad operations have led to numerous complaints to local officials from residents in these homes. Any potential homebuyer should be made aware of these conditions prior to purchasing lots and or homes in this area should the commission approve the zoning change.

Should the Department of Community Development elect to approve the rezoning despite our concerns, we ask that you consider placing a 50 foot buffer between any residential development and the rail right of way in addition to fencing the common property line between the operating track and any development.

We appreciate the opportunity to express our objections and concerns, and request that you enter our comments into the public record. Thank you.

Sincerely,

Damien D'Anna

# **ATTACHMENT I**

## **Lee County Environmental Comments**

**MEMORANDUM  
FROM  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
DEVELOPMENT SERVICES SECTION**

**Date:** December 14, 2015

**To:** Alvin 'Chip' Block, Principal Planner

**From:** Beth Workman, Environmental Planner  
Phone: (239) 533-8793  
E-mail: EWorkman@leegov.com

**Project:** Via Coconut MPD  
**Case:** DCI2014-00023  
**STRAP:** 33-46-25-00-00018.0090 & others

The Development Services staff has reviewed the proposed DCI2014-00023 as it pertains to landscaping, open space, and protected species for the rezoning of the parcels from Agricultural (AG-2) and Community Facilities (CF-2) to Mixed Planned Development (MPD) and offers the following analysis and conditions as a recommendation to the Village of Estero:

**VEGETATION:**

The existing site is disturbed and over the years has been used for agricultural purposes. It currently has an agricultural exemption (affidavit provided by applicant). The Florida Land Use and Cover Classification (FLUCCS) for the subject parcel are FLUCCS 740/214 Disturbed Land/Row Crops and FLUCCS 740/210 Disturbed Land/Cropland-Pastureland. Susie Derheimer with Lee County Division of Environmental Sciences did a site inspection to verify the FLUCCS on January 9, 2015.

**PROTECTED SPECIES:**

A protected species survey was conducted by Boylan Environmental Consultants, Inc. in December of 2004. The survey revealed one active gopher tortoise on the site. During Susie Derheimer's site visit conducted on January 9, 2015 no listed species were found. Since this site has been used for agricultural purposes over the years, the tortoise may have been displaced.

**OPEN SPACE:**

Per Land Development Code (LDC) 34-935(g)(5), Mixed Use Planned Developments (MPD) must provide the amount of applicable open space set forth in sections LDC 34-935(g)(1-4).

Therefore, the subject parcel is proposing a mixed use of Commercial and Residential. The Commercial portion of the development (2.03 ac) must provide 30% open space and the Residential portion of the development (16.5 ac) must provide 40% open space. The Master Concept Plan (MCP) provides the breakdown of open space required and provided. Lee County Development Services staff provides the following condition pertaining to open space:

*Prior to development order approval, the development order plans must show 0.65 acres of open space for the commercial portion and 6.60 acres of open space for the residential portion of the project.*

**INDIGENOUS PRESERVATION:**

The FLUCCS shows that the site does not contain indigenous open space.

**BUFFERS:**

The buffers will comply with the Estero Planning Community landscaping buffers per LDC 33-351. However, a portion of the property is designed to build an internal road within 125 feet from single family residential properties. The applicant has requested a deviation.

**DEVIATION:**

The applicant has requested a deviation from LDC 10-416(d)(6) which requires a solid wall or combination berm and solid wall not less than eight feet in height to be constructed not less than 25 feet from the abutting property and landscaped between the wall and the abutting property with a minimum five trees and 18 shrubs per 100 linear feet; or a 30 foot wide Type F buffer with the hedge planted a minimum of 20 feet from the abutting property line where roads, drives or parking areas are located less than 125 feet from existing activities that generate noise; TO ALLOW a buffer consisting of Type F buffer planting in a 15 to 20 foot wide planting area, supplemented with an eight foot wall as depicted on the MCP where commercial areas abut three single family residences. Staff defers to zoning staff for compatibility but offer the following condition:

*Prior to development order approval, the development order must depict a 20 foot wide Type F buffer with an eight foot wall setback 20 feet from the property line.*

# **ATTACHMENT J**

**Lee County DOT Comments**

## Memo

To: Chip Block, Principal Planner  
Zoning Division

From: Lili Wu  
Sr. Transportation Planner

Date: April 27, 2015

**Subject: Via Coconut MPD (DCI2014-00023)**

---

The Lee County Department of Transportation (LCDOT) has reviewed the application for public hearing. This project is located at the southwest corner of the intersection of Corkscrew Rd/Via Coconut Point. Accesses to the project will be provided by proposed four driveways on Via Coconut Point. The most north entrance and the most south entrance are limited as right-in/right-out only driveways. Via Coconut Point is a county maintained collector. Lee County DOT have no objection to the application.

cc: File

# **ATTACHMENT K**

**Lee County Development Services**

**TIS Comments**



## **MEMORANDUM**

**Date:** December 23, 2015  
**To:** A. Block  
Principal Planner  
**From:** M. Evans *ME*  
Senior Engineer  
**Subject:** **Via Coconut Mixed-Use Planned Development (MPD)**  
**Transportation-Related Analysis and Recommendations**  
Case No. DCI2014-00023

### **Location and Access**

The approximately 18.53-acre subject site is located on the west side of Via Coconut Point between Williams Road and Corkscrew Road in the Village of Estero. Access to the site is shown on the applicant's Master Concept Plan (MCP) via four direct connections to Via Coconut Point. The applicant's traffic study assumes that the northernmost and southernmost connections to Via Coconut Point will have limited right-in/right-out access only, while the other two connections to Via Coconut Point will have full access.

### **Current and Proposed Zoning**

The site is currently undeveloped and conventionally zoned. With the subject case, the applicant proposes to rezone the site to mixed-use planned development (MPD) to permit a maximum commercial intensity of 30,000 ft<sup>2</sup> in addition to a maximum of 297 multi-family residential units.

### **Trip Generation Review**

The applicant analyzed traffic-related impacts assuming full site build-out with the greatest proposed intense use. As part of the analysis, the applicant reviewed the Institute of Transportation Engineer's (ITE's) *Trip Generation Manual, 9<sup>th</sup> Edition*, and calculated generated trips in order to assess the traffic impacts of the proposed zoning.

Trip generation calculation results are described in Table 1. Traffic volumes shown in Table 1 are new traffic volumes on the surrounding roadway network, and reflect a reduction for internal capture traffic (traffic interacting between differing uses on the site) and pass-by traffic (non-newly generated traffic already on the roadway network) if applicable.

**Table 1**  
New Trip Generation

Zoning Description	AM Peak Hour			PM Peak Hour			Daily (2-WAY)
	In	Out	Total	In	Out	Total	
New Trips	53	121	174	146	109	255	3,353

**The Lee Plan/Roadway Segment Traffic Operations Level of Service Analysis**

New trips were distributed to the surrounding road network in order to assess the Level of Service (LOS) impacts on sections expected to be significantly impacted by the proposed development. No roadway sections in proximity to the site are expected to be significantly impacted with the addition of the subject-site traffic. Based on a review of traffic volumes in the 2015 Lee County "Concurrency Report" and the most current "Lee County Generalized Peak Hour Directional Service Volumes" table, nearby sections of Corkscrew Road, Via Coconut Point, and US 41 currently operate at LOS "C". Utilizing the 2014 Lee County Traffic Count Report and assuming a project build-out year of 2020, the future background traffic volumes on Corkscrew Road, Via Coconut Point, and US 41 are estimated at 730, 279, and 1,972 peak hour, peak direction trips respectively, corresponding to a LOS "C". Once the project build-out traffic is added to these sections, all are estimated to operate at LOS "C". Based on the LOS standards as set forth in *The Lee Plan* for "unconstrained" roadway sections such as those on Corkscrew Road, Via Coconut Point, and US 41, LOS "C" is an acceptable Level of Service. No roadway link improvements are expected to be required to accommodate the proposed zoning.

The applicant operationally analyzed the intersection of Via Coconut Point with Corkscrew Road, in addition to the other Via Coconut Point South site access intersections. Based upon this analysis, the applicant determined that all of the aforementioned intersection approaches operate at an acceptable level of service under both existing and full build-out conditions. Turn lanes may be required to accommodate higher levels of turning traffic. At the time of local development order review, the intersections will be further evaluated to determine what site-related traffic improvements are required to accommodate proposed development.

**Applicant Proposed Deviation Review and Conditions**

Development Services Section (DSS) staff reviewed the applicant's proposed traffic-related deviations for the subject case.

Deviation #1 requests relief from the requirements of the *Land Development Code* (LDC) Section 10-296(b) which specifies the standard right-of-way widths for privately-maintained streets. The applicant appears to suggest that since the maximum 297-multi-family-residential portion of development is serviced by 3 driveway accesses to Via Coconut Point, the intent of LDC Section 10-296(r) is met in that the street will provide access to 100 or fewer units. In review of the MCP, it seems likely that the

majority of the residents will use the 2 southernmost accesses to Via Coconut Point, while a small portion will use the second access to Via Coconut Point located to the south of Corkscrew Road. In addition to the residential use of the two middle access points to Via Coconut Point, it is likely that commercial-use traffic will also use the un-gated internal street network. For the aforementioned reasons and the fact that the applicant has not provided sufficient justification as to design constraints that limit the ability to meet the provisions of the LDC, DSS staff **recommends denial** of this deviation.

Deviation #6 requests relief from the requirements of LDC Section 34-2020(a) which requires a minimum of 2 parking spaces per multi-family residential unit. Since the applicant has provided no evidence that "one bedroom units are not as likely to house two people"<sup>(1)</sup> along with the related assumption that 50% or more of one-bedroom units will only require space for parking a single vehicle, and the applicant has not provided sufficient justification as to design constraints that limit the ability to construct the required number of parking spaces, DSS staff **recommends denial** of the deviation.

<sup>(1)</sup> Via Coconut MPD "Schedule of Deviations & Justifications", page 2 of 3, dated March 29, 2015.

MJE:mje

Copy: file

# **ATTACHMENT L**

## **School District of Lee County Comments**



# THE SCHOOL DISTRICT OF LEE COUNTY

2855 COLONIAL BLVD. ♦ FORT MYERS, FLORIDA 33966 ♦ WWW.LEESCHOOLS.NET

DAWN HUFF  
LONG RANGE PLANNER  
239-337-8142  
DAWNMHU@LEESCHOOLS.NET

CATHLEEN O'DANIEL MORGAN  
CHAIRMAN, DISTRICT 3

MARY FISCHER  
VICE CHAIRMAN, DISTRICT 1

JEANNE S. DOZIER  
DISTRICT 2

DON H. ARMSTRONG  
DISTRICT 4

THOMAS SCOTT  
DISTRICT 5  
(NOV. 19, 2010 -- SEPT. 26, 2014)

NANCY J. GRAHAM, ED.D  
SUPERINTENDENT

KEITH B. MARTIN, ESQ.  
BOARD ATTORNEY

October 8, 2014

Alvin Block, AICP  
Lee County Development Services Division  
P.O. Box 398  
Fort Myers, FL 33902-0398

RE: Via Coconut MPD  
Case # DCI2014-00023

Dear Mr. Block:

This letter is in response to your request dated October 1, 2014 for the Via Coconut MPD proposed development for sufficiency comments in reference to the educational impact. This proposed development is located in the South Choice Zone, Sub Zone S-3.

The Developers request states there is a possibility of 297 multi-family dwellings. With regard to the inter-local agreement for school concurrency the generation rates are created from the type of dwelling unit and further broken down by grade level.

For multi-family the generation rate is .091 with the following break-down, .046 for elementary, .022 for middle and .023 for high. A total of 28 school-aged children would be generated and utilized for the purpose of determining sufficient capacity to serve the development. Currently within the School District there are sufficient seats available to serve this need.

Thank you for your attention to this issue. If I may be of further assistance, please call me at (239) 337-8142.

Sincerely,

Dawn Huff, Long Range Planner  
Planning Department

## LEE COUNTY SCHOOL DISTRICT'S SCHOOL CONCURRENCY ANALYSIS

**REVIEWING AUTHORITY** Lee School District  
**NAME/CASE #** Via Coconut MPD/DG12014-00023  
**OWNER/AGENT** Stephanie Miller TR  
**ITEM DESCRIPTION** All Impacts in South CSA, sub area S3

**LOCATION** East of South Tamiami Trl, North of Coconut Rd  
**ACRES** 18.53 ac  
**CURRENT FLU** Suburban (S)  
**CURRENT ZONING** Agricultural (AG2)

**PROPOSED DWELLING UNITS BY TYPE**

Single Family	Multi Family	Mobile Home
0	297	0

**STUDENT GENERATION**

Student Generation Rates			
SF	MF	MH	Projected Students
Elementary School	0.046		13.66
Middle School	0.022		6.53
High School	0.023		6.83

Source: Lee County School District, October 8, 2014 letter

**CSA SCHOOL NAME 2017/18**

	CSA Capacity (1)	CSA Projected Enrollment (2)	CSA Available Capacity	Projected Impact of Project	Available Capacity W/Impact	LOS is 100% Perm FISH Capacity	Adjacent CSA Available Capacity w/Impact
South CSA, Elementary	12,229	11,185	1,044	14	1030	92%	
South CSA, Middle	5,621	5,156	465	7	458	92%	
South CSA, High	8,021	8,294	-273	7	-280	103%	

(1) Permanent Capacity as defined in the Interlocal Agreement and adopted in the five (5) years of the School District's Five Year Plan  
 (2) Projected Enrollment per the five (5) years of the School District's Five Year Plan plus any reserved capacity (development has a valid finding of capacity)

Prepared by:

Dawn Huff, Long Range Planner