VILLAGE OF ESTERO PLANNING AND ZONING BOARD
MEETING OF JULY 21, 2015

The Village of Estero Planning and Zoning Board meeting was held on this date at the Estero Fire Rescue District Meeting Room, 21500 Three Oaks Parkway, Estero, Florida.

Present: Chairman Roger Strelow, and Board Members Ryan Binkowski, David Crawford, Ned Dewhirst, Jeff Maas, Marlene Ann Naratil, and Scotty Wood.

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

1. CALL TO ORDER
Chairman Strelow called the meeting to order at 5:30 p.m.

2. PLEDGE OF ALLEGIANCE
Chairman Strelow led the Pledge of Allegiance.

3. ROLL CALL
Village Clerk Kathy Hall called the roll; all members were present.

4. APPROVAL OF AGENDA
Board Member Crawford moved approval of the agenda, seconded by Board Member Binkowski, called and carried unanimously.

5. BOARD BUSINESS

(A) Approval of June 16, 2015 Meeting Minutes

Board Member Naratil moved approval of the June 26, 2015 minutes as presented, seconded by Board Member Binkowski, called and carried unanimously.

6. ACTION ITEMS

Audience members wishing to provide testimony regarding the action items were sworn in by the Village Clerk.

(A) Corkscrew Village Commercial Planned Development – US 41 and Corkscrew Road (District 5) - ADD2015-00088 Amendment for proposed Publix Liquor Store

Chairman Strelow asked the Board Members to disclose ex parte contacts or conflicts of interest and there were none.

Derek Rooney, Attorney, GrayRobinson, P.A., explained that the applicant was seeking two administrative amendments to the Corkscrew Village CPD: adding the use of package store to the schedule of uses and adding a deviation from LDC Section 34-1263(e), to reduce the separation of 500 feet between a package store or other establishment primarily engaged in the retail sale of liquor for off-site consumption and a religious facility, to 371.85 feet. Mr. Rooney stated that the entrance to the proposed location of the package store and the closest property line of the Happehatchee Center, designated as a religious facility by a county zoning letter, was

371.85 feet. He indicated that the store hours would be 10:00 a.m. to 9:00 p.m. Monday through Saturday and 10:00 a.m. to 8:00 p.m. Sunday.

Board Member Naratil noted that, upon a site visit, it appeared that the Happehatchee Center was much greater than 500 feet from the proposed package store. Brief discussion followed.

Chairman Strelow called for public comment and no one came forward.

Community Development Director Mary Gibbs added that when the application initially came in, it was just for the package store; however, in reviewing the 500 foot requirement and the County zoning verification letter regarding the Happehatchee Center, the deviation was added to the application even though there was a separation by Corkscrew Road. Brief discussion ensued.

Board Member Crawford moved approval of Resolution No. PZB 2015-03 with conditions, seconded by Board Member Binkowski, called and carried unanimously.

(B) Legacy Church – Corkscrew Road (District 4) - ADD2015-00098 Minor Administrative Amendment to add Place of Worship to approved commercial uses in existing commercial office park

Stacy Ellis Hewitt, Banks Engineering, explained that the applicant was seeking an administrative amendment to a CPD to add the use of Place of Worship. She noted that, due to parking discussions at the June 30, 2015 Public Information Workshop, they were in agreement with a condition that no worship services may be scheduled between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

Community Development Director Mary Gibbs added that due to the questions that came up, she wanted to make certain that the parking calculations were correct and there was sufficient parking, and even with the church use, the parking calculation was adequate.

Board Member Naratil noted that there was a Legacy Church set up in a shopping center on Estero Parkway across from the new Walmart and inquired whether they were going to keep both facilities. Pastor Nolen Rollins responded the church was moving to the new location.

Chairman Strelow asked the Board Members to disclose ex parte contacts or conflicts of interest and there were none.

Chairman Strelow called for public comment and no one came forward.

Board Member Wood moved approval of Resolution No. PZB 2015-04 with conditions, seconded by Board Member Naratil, called and carried unanimously.

7. PUBLIC INFORMATION MEETINGS

(A) Estero United Methodist – US 41 at Lords Way Street (District 4) - Seasonal Farmers Market on Saturdays from November 7, 2015 through April 30, 2016 – TMP2015-00197

Dennis Strausbaugh, SW Florida Markets, LLC, explained that the application was for a farmer's market on the Estero United Methodist property to be held on Saturdays from 8:00 a.m. until 1:00 p.m., November 7, 2015 through April 30, 2015. Mr. Strausbaugh noted that he held farmer's markets at this site last year.

Board Members Maas, Naratil, Wood and Binkowski made inquiries and Mr. Strausbaugh provided responses regarding temporary toilet facilities; cleanup responsibilities; types of vendors participating; insurance coverage; and live music.

Chairman Strelow called for public comment and no one came forward.

Community Development Mary Gibbs added that this was the first temporary permit submitted to the Village and was something that was handled administratively by the County. She stated that information was included in the packet regarding the rules for temporary farmers markets and noted that the Fire Department had to review these types of permits. Ms. Gibbs also noted that banner and pennant flags were not allowed in Estero. Mr. Strausbaugh added that during their season, they would have a number of inspections.

(B) Stanley Thrasher – 8601 Judeth Lane (District 4) - Variances for single family home

Community Development Director Mary Gibbs described the property location and size (less than 7,000 sq. ft.) and noted that the area was zoned Agricultural; the lot did not meet the size needed for agriculture use. She continued that Mr. Thrasher also had to file for, and was approved for, a minimum use determination; if the lot was created before the rules were in place, the property owner would be entitled to build one single-family residence. Ms. Gibbs explained that Mr. Thrasher needed a variance for the roadway; the Estero Fire Rescue issued a letter with no objection, with two conditions.

Stanley Thrasher explained that the lot was non-conforming and was asking for a setback variance from 20 feet to 10 feet, as he was trying to preserve a tree on the lot. Mr. Thrasher offered to distribute some photographs of the lot; however, it was decided that it would be best if Mr. Thrasher brought them back to the meeting where the application would be on the agenda for Board approval.

Board Member Binkowski mentioned that he had driven by the property and suggested that it would be useful for other Board Members to do so as well.

Chairman Strelow called for public comment and no one came forward.

Discussion ensued regarding the property and Mr. Thrasher's plans to construct a 1420 sq ft. residence.

(C) Volunteers of America – NE Corner of Corkscrew Road and Sandy Lane (District 4) - Rezone 21 acres from Commercial to Residential Planned Development for Continuing Care Facility with 330 beds – DCI2015-00013

Bob Mulhere, Planning Director, Hole Montes, Inc., Consulting Firm, described the property location, which was currently zoned CPD and proposed to be changed to RPD to allow for a Continuing Care Retirement Community (CCRC).

Kevin Ahmadi, Director of Operations, Volunteers of America SW Florida, provided information regarding the organization and partnering with Greystone. He also spoke to Gulf Coast Village as well as the Estero business model.

Bob Mulhere referred to the project location and noted that there was a total of 143,000 sq. ft. approved with approximately 41,500 sq. ft. already built. He spoke to the density and noted that, under the proposal, they would be converting the undeveloped portion to a 340 bed CCRC along with accessory commercial uses, ancillary medical offices, health care facilities and recreational facilities. Mr. Mulhere addressed the traffic analysis and stated that 5-foot sidewalks would be provided along Sandy Lane and Corkscrew Road, along with pedestrian improvements throughout the site to Corkscrew Road. He also addressed six requested deviations.

Bill Prysi, Landscape Architect, spoke to the "Old Florida" Design architecture to provide an idea of the design style intended for the project. He stated that this would be a two phase project and landscaping would be designed conducive to the style of architecture, with sensitivity to the importance of buffering.

Kevin Ahmadi stated that they had reached out to the association throughout the process; three meetings were held; it was his understanding that they have some very good support for the project.

Board Members Wood, Maas, Naratil, Crawford and Binkowski made inquiries and the representatives provided responses regarding stormwater retention; building height; buffering between Corkscrew Road and internal roadways; sales of the units; water and sanitary sewer; covered parking; and security

Public Comment:

Patty Whitehead, Old Estero resident, inquired about old Oak trees on the property.

Staff and Board Member questions and responses from representatives followed regarding interconnection to Sandy Lane, deviations; encouragement for compact, walkable, transit supported mixed use development; residential use of the commercial amenities; and project time frame.

(D) Estero WAS – US 41 at Pelican Sound Drive (District 2) - Rezone 1.36 acres from Mixed Use Planned Development to Commercial Planned Development to allow 15,000 sq. ft. of retail use – DCI2015-00016

Neale Montgomery, Attorney, Pavese Law Firm, stated that the 1.36 acres was located at the corner of US 41 and Pelican Sound Drive; the request was to rezone from Mixed Use Planned Development (MPD) to Commercial Planned Development (CPD); many of the outparcels were

already developed; the residential portions were developed; and the water management system and landscape buffers were in.

Matt Noble, Planner, spoke to the existing buffers along US 41 and Pelican Sound. He stated the reason for the request to rezone from MPD to CPD was to allow 15,000 sq. ft. of commercial use; the ownership was fractured; the development schedule planned for the site could not meet the MPD threshold, and it was a commercial retail outparcel. He also stated that emphasis was to provide neighborhood retail uses that would be supported by the residents in the area. Mr. Noble referred to the proposed master concept plan and indicated that building was planned to be placed as close to the right-of-way as possible. He stated that the site plan utilizes the existing stub outs in the shopping center, and made the following points: the project would integrate with existing pedestrian and bicycle facilities; the site was deemed consistent with Estero Village Plan since 1998 and remained consistent; the site was one of the very last outparcels; they would like to reduce the parking by 5%, which was allowed in an administrative deviation, by increasing the provision of bicycle facilities; connection into surface water management system that would drain to back of property that was connected to a large stormwater detention area; and there were large distances to residential.

Ted Treesh, President, TR Transportation Consultants, Inc., spoke regarding the traffic analysis and indicated that US 41 was projected to operate at Level of Service "C" in 2020 with and without the project traffic. He stated that the access to the CPD was already set up; the intersection of US 41 and Pelican Sound was unsignalized, there was not enough traffic currently to warrant a signal; however, it has been continuously looked at for a signal. He further described access and stated that access to the center and turn lanes have been installed; no further improvements were anticipated.

Matt Noble stated that the site was allocated for 15,000 sq. ft. of commercial use in the past; however, time had passed and there had been continuing development at the site. He added that there currently was not enough retail space to accommodate the full utilization of the site and the intention was to accommodate some neighborhood-serving retail uses.

Chairman Strelow called for public comment and no one came forward.

Board Members Wood, Maas, Naratil and Binkowski, and Community Development Director Gibbs made inquiries and Mr. Noble and Ms. Montgomery provided responses regarding building height; rental rates; drive thru; schedule of uses; open space; and architectural style.

8. PUBLIC INPUT OF NON-AGENDA ITEMS

None.

9. BOARD COMMUNICATIONS / FUTURE AGENDA ITEMS

Chairman Strelow noted that the next meeting would be held on August 18 for a presentation from Consultant Bill Spikowski; meeting location to be determined. He reminded the Board Members that they could not write or talk among themselves and to contact the Community Development Director if they had questions. He noted that discussions were underway among Councilmembers and Village staff regarding possible educational sessions consistent with the Sunshine Law on pertinent issues related to comprehensive planning, zoning, etc.

10. ADJOURN

Board Member Crawford moved to adjourn, seconded by Board Member Wood, called and carried unanimously. Chairman Strelow adjourned the meeting at 7:16 p.m.

Respectfully submitted,

Kathy Hall

Kathy Hall, MMC
Village Clerk

Minutes approved as presented: September 22, 2015