VILLAGE OF ESTERO PLANNING AND ZONING BOARD
MEETING OF DECEMBER 15, 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: Village Attorney Burt Saunders, 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 Maas moved approval of the agenda, seconded by Board Member Naratil, called and carried unanimously.

5. BUSINESS

(a) Approval of Minutes

(1) November 17, 2015

Board Member Dewhirst moved approval of the November 17, 2015 minutes, seconded by Board Member Crawford, called and carried unanimously.

(b) Consent Agenda

None.

(c) Unfinished Business

None.

Chairman Strelow provided information regarding Board business. All audience members and staff providing testimony were sworn in by Village Clerk Kathy Hall. Chairman Strelow called for Board Member conflicts of interest and ex parte communications. There were no conflicts of interest or ex parte communications noted.

(d) Public Hearings – Zoning Cases

(1) Pinot's Palette – ADD 2015-E001 (District 6)
Request to amend the Schedule of Permitted Uses for the Coconut Point Mixed Planned Development (MPD), to add art studios with consumption on premises for a "Paint and Sip' business.

Community Development Director Gibbs provided a brief explanation.

Matt Uhle stated that the staff report was clear and they had no issues. He stated that this was not considered a bar for a number of reasons and explained the definitions of a bar listed in chapter 34 of the Land Development Code. He noted that the only alcoholic beverages would be beer and wine, sold only to those painting and not to the general public.

Chairman Strelow offered further explanation regarding limiting bar locations and that no hard liquor would be sold at the proposed location. Community Development Director Gibbs explained that the distinction was not the selling of hard liquor but that this location concentrated on artwork and was the reasoning of the staff for not considering this to be a bar.

Board Member Maas inquired regarding the type of license they have to sell only beer and wine. Mr. Uhle explained it would be a standard license, not that of a restaurant. Community Development Director Gibbs responded the license was called a "2COP". Board Member Naratil inquired regarding the classes for children and whether the classes would be held at different times when no alcohol would be sold. Mr. Uhle responded that he did not have that answer.

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

Board Member Crawford moved approval of Resolution No. PZB 2015-10, seconded by Board Member Maas, called and carried unanimously.

(2) Estero Lockup - ADD 2015-E002 (District 2)
Request for a deviation to remove the 8-foot wall requirement for the Lockup Storage project located at 22776 South Tamiami Trail (US 41), south of Fountain Lakes Boulevard and west of US 41.

Community Development Department Director Mary Gibbs provided a brief review.

Elizabeth Fountain, JR Evans Engineering, through a PowerPoint Presentation, provided the following information: project description; new plan inclusions and other revisions; deviation request to remove the wall requirement which was along the western boundary of the project; justification for the deviation was the new masonry building replacing the wall; an increased setback with additional buffer plantings; 15' wide easement; and an

overall view of all plans (drainage, master utility, property lines, architectural, and landscaping).

Discussion followed related to the effect this project would have on Halfway Creek; the final destination location of runoff; irrigation and the possibility of drilling a well. Ms. Fountain responded that there would be no damage to the creek; indicated on the landscaping plan exactly where the outfall area would be, and noted that the project included enhancement, cleanup, and maintenance of the area; and a potable landscape system would be maintained by the landscape maintenance company.

In response to an inquiry regarding the possibility to work out the access to US 41 with Fountain Lakes, Bob Soudan, representing Estero Lock-Up, responded that he felt encouraged that interconnect would be allowed now that FDOT was handling the project, and that they were allowing for it in the plans.

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

Board Member Dewhirst moved approval of Resolution No. PZB 2015-11, seconded by Board Member Naratil, called and carried unanimously.

(3) Estero WAS – DCI 2015-00016 (District 2)
Request to rezone 1.36 acres from Mixed Use Planned Development to Commercial Planned Development on the west side of US 41 south of Pelican Sound Drive, for 15,000 square feet of commercial use including fast-food restaurants.

Community Development Director Gibbs provided a brief explanation.

Neale Montgomery, Attorney, Pavese Law Firm, stated that the overall center was zoned MPD. Through a PowerPoint presentation, Ms. Montgomery provided information regarding: the names of expert witnesses; locations; and aerial maps. Village Attorney Saunders requested copies of the expert witnesses' resumes.

Matthew Noble, AICP, continued with the PowerPoint presentation, providing the following information: the nearest dwelling units located to west and northwest were approximately 640 feet away, which included existing buffers, as well as buffering with the Pelican Sound right of way; rezoning request to accommodate 15,000 square feet of commercial use adjacent to the Paradise shops; schedule of uses included in application; property development regulations; deviation request to reduce onsite parking by 5% if enhancements were provided.

Board Member Naratil inquired regarding the temporary contractor's office. Mr. Noble responded that it would be a temporary trailer. Discussion and questions followed regarding consumption and music, types of usages, fracturing of ownership, and reasons for request to rezone from MPD to CPD instead of modifying the MPD. Discussion returned to the PowerPoint Presentation: future land and zoning designations; current MPD Master Concept Plan; and proposed Master Concept Plan.

Sam Marshall, Registered Professional Engineer, Banks Engineering, continued with the PowerPoint Presentation and explained the existing utilities and drainage, as well as the Lee County utilities availability letter.

Ted Treesh, TR Transportation, continued with the PowerPoint presentation and addressed transportation. Council Member Dewhirst inquired regarding the overall increase in vehicle trips. Mr. Treesh responded that it would probably be less than a 10% increase.

Matthew Noble continued with the PowerPoint presentation and pointed out compliance with the Village Plan and Land Development Code.

Discussion ensued regarding the footprint and height of the building, as well as possible uses.

Community Development Director Gibbs explained the rezoning request and discussion followed.

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

Ms. Montgomery provided clarification regarding consumption on premises.

Board Member Dewhirst moved to recommend approval with conditions as stated in the staff report; additionally, that (1) the temporary use be allowed and be located in the western portion of the parcel; (2) approval of consumption on premises and outdoor seating in conjunction with a Group 3 restaurant; (3) conditions as listed in the applicant's 48-hour letter; (4) approval of the deviation for parking subject to the Design Review Board approving the connections, locations, and the bike rack location; (5) limit the fast food restaurant to in-line only use. Motion seconded by Chairman Strelow. Discussion of the motion followed. Motion was called and carried unanimously.

(4) Coconut Retail Center - ADD 2015-E003 (District 2)
Request for 3 deviations from the Land Development Code for proposed retail uses on 1.34-acre site located west of US 41 and north of Bulb Lane.

1. Setback reduction for a monument sign from 15 feet to 10 feet
2. Reduce parking spaces to 73 from the required 81.
3. Reduce parking stall depths from the required 18 foot to 16 foot depth, for 16 stalls along the western perimeter of the parking area.

Community Development Director Gibbs provided a brief explanation.

Gregory Roth, Bohler Engineering, through a PowerPoint presentation, provided information related to: background; aerial location map; overall aerial; proposed zoning requests – parking reduction, parking stall length reduction, monument sign setback (intent was to decrease paving to allow for more landscaping); and site plan.

Discussion and questions followed related to the public transit stop by Autumn Leaves; parking spaces code; buffer width; deviation justification; parking reduction; and landscaped buffer.

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

Board Member Dewhirst moved to approve Resolution PZB 2015-12, with an addition to Condition #4: "A two (2) foot clear area or two (2) foot grass area must be provided in each parking stall to allow for vehicle overhang." Motion seconded by Board Member Crawford, called and carried unanimously.

(e) Public Hearings – Ordinances

(1) Roads Impact Fee Ordinance 2015-20
This ordinance revises the road fees using the most recent Road Impact Fee Study (Attached to ordinance). State Law requires the use of the most recent localized data. Please note that fees overall decrease 3-4% from the current rate.

Community Development Director Gibbs provided an explanation of the ordinance and the data. Chairman Strelow commented regarding Duncan and Associates. Brief discussion followed.

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

Board Member Naratil moved to make a finding that the ordinance was consistent with the comprehensive plan and recommend that the Village Council adopt Ordinance 2015-20. Motion seconded by Board Member Wood, called and carried unanimously.

(2) Ordinance 2015-19 Amending Chapter 34 (Zoning)
Relating to acid stimulation and hydraulic fracturing.

Chairman Strelow provided a brief introduction, followed by an explanation of the ordinance by Village Attorney Burt Saunders.

Discussion followed related to the technical terminology in the ordinance; industrial zoning; quality of life; the ordinance being consistent with the comprehensive plan; the Burt Harris Act; and mineral rights.

Public Comment:

Caitlin Webber, Conservancy of SW Florida, provided background information on fracking.

Julianne Thomas, Growth Management Specialist, Conservancy of SW Florida, discussed the consistency with the comprehensive plan and provided written information.

Ralf Brookes, Attorney, Conservancy of SW Florida, explained his background. He discussed exploration wells; how the current laws were antiquated and did not adequately address the effects of modern drilling; permits required by drilling companies; the Conservancy would continue to assist the Village; and the pending Bill that may be amended.

Discussion followed related to the background of the ordinance; the Planning and Zoning Board's responsibility of determining consistency with the comprehensive plan; prohibiting unconventional uses of drilling; rural areas; and water quality.

Chairman Strelow moved that the Planning and Zoning Board strongly recommended the Village Council adopt Ordinance 2015-19, and made the finding that the ordinance was fully consistent with the comprehensive plan. Motion seconded by Board Member Naratil, called and carried unanimously.

(e) Workshops

None.

6. PUBLIC INPUT

None.

7. BOARD COMMUNICATIONS

Board Member Binkowski inquired regarding the progress on the comprehensive plan and an update on the Village Center. Community Development Director Gibbs responded.

(a) Committee Reports

None.

(b) Chairman's Reports

None.

(c) Member Reports and Comments

None.

8. ADJOURN

Board Member Crawford moved to adjourn, seconded by Board Member Wood, called and carried unanimously. Chairman Strelow adjourned the meeting at 8:55 p.m.

Respectfully submitted,

Kathy Hall

Kathy Hall, MMC
Village Clerk

Minutes approved as submitted: January 19, 2016