This Final Action Agenda/Minutes is supplemented by electronic recordings of the meeting, which may be reviewed upon request to the Village Clerk. Staff reports, resolutions, ordinances, and other documents related to this meeting are available at https://estero-fl.gov/agendas/ at the corresponding agenda date.

APPROVED BY THE BOARD
DECEMBER 13, 2016

FINAL ACTION AGENDA/MINUTES

Village of Estero
21500 Three Oaks Parkway
Estero, FL 33928
Planning and Zoning Board
March 22, 2016 5:30 p.m.

1. CALL TO ORDER: 5:33 p.m.

2. PLEDGE OF ALLEGIANCE: Led by Chairman Strelow.

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

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

4. APPROVAL OF AGENDA:

Motion: Move to approve the agenda.

Motion by: Board Member Crawford
Seconded by: Board Member Naratil

Action: Approved the agenda.

Vote:
Aye: Unanimous
Nay:
Abstentions:

5. BUSINESS:

(a) Approval of Minutes: None.

(b) Consent Agenda: None.

(c) Unfinished Business: None.

(d) Public Hearings:

Note: Agenda item (d)(2) was addressed prior to item (d)(1).

(1) Village Center Comprehensive Plan Amendment

Conflict of interest: Board Member Dewhirst

Chairman Strelow provided explanation of proposed amendment to the Comprehensive Plan. Speakers asked to confine input to contents of Comprehensive Plan, not revisions.

Presentation by: Mary Gibbs, Community Development Director

This is a legislative act; not quasi-judicial. Explanation given of what has happened since the public workshop; details will be coming in the Land Development Code. Framework maps were created before and after joint workshop and public input. Development is scaled back to what was in the zoning in progress resolution; Comprehensive Plan memo originally proposed over 900 acres and it is now 500 acres. Other areas may be reevaluated later. Amendment language regarding vested rights was substantially revised; land use category name was changed from Central Estero back to the original Village Center. Density ranges and tiers: most land is urban community with a maximum allowance of 6 units per acre; higher density would require providing more public-benefit offerings and incentives. Proposing density increase to from 9 units per acre up to 27 units per acre. Minor changes in document: references to other areas in the county; public policies regarding railway per long-range plan; page 8 discusses park connection; page 10 has reference to new zoning district in the future that would be in the Land Development Code; density tiers explained on pages 10 and 11; pages 13 and 14 contain language regarding mixed use overlay relevant to areas outside Village Center; changes to definition of mixed use pattern; trying to get away from vertical mixed use.

Public Comment:

Matt Uhle, representing Livingston/Veterans LLC and CPL Investment LLC, offered proposed revision to Policy 19.8.4 and presented written material.

Jim Wallace, Genova, presented written material suggesting change to policy section 19.8.3.

Neale Montgomery, representing Estero North Point LTD (owned by Halstatt LLC and Madison Lutgert LLC), presented written material; stated need for relevant and appropriate data and analysis and suggested several changes to document.

Wayne Arnold, representing North Point LTD, presented written (highlighted) material regarding policies 19.7.3, 19.8.2 and 19.8.3; objective 4.3; definition of mixed use.

Tim Hancock, Stantec, commented on potential value and impact of Comprehensive Plans; suggested that specific development standards not be included in the

Comprehensive Plan, but rather in the Land Development Code only; discussed policies 19.8.87 and 4.3.5 and mixed use definition.

Greg Toth suggested starting tiers at 8 to 12 and removing connecting roadway issues; questioned removal of Coconut Point from map.

Phil Douglas, Lighthouse Bay, stated that Village Center plan should conform to desires of Estero residents and Council, not developers.

Don Eslick, ECCL, discussed past zoning conformance with Comprehensive Plan and a need to support staff and Village Comprehensive Plan efforts.

Steve Hartsell, Pavese Law Firm, representing Focus Development, commented on false perception that all developers are being asked to give up too much; higher density is needed in Village Center; too much regulation could decrease pro-Village motivation.

Josh Philpott, representing Village Partners LLC, discussed project on 85 acres at NE corner of Corkscrew Road and US-41 and expressed support for the Comprehensive Plan.

Katie Sproul, representing Estero North Point, stated that prior North Point input has not been heeded.

Patty Whitehead, Estero resident, expressed community desire for more integration, interconnectivity, vision and innovation.

Questions or Comments by: Board Members Crawford, Binkowski, Naratil and Wood; Chairman Strelow

Discussion included the ongoing battle between flexibility and regulations; technical details; the number of other developments that would be affected by density language. Chairman Strelow: per the process issue, he is in favor of what has been put forward to this point, but questions how to deal with latest information provided; he commented on basics, such as the issue regarding grid, blocks and form based code, which he feels does not do what several people have claimed; main obstacle would be any evidence of property taking or diminution of value; the language in 19.8.3 regarding form based code allows for alternatives and he sees no fundamental issue with it. The Village Council is here working to get the very best for Estero, collaboration is important and she would like to move forward. Board Member Wood: read part of the language and expressed that the time for action has come. Board Member Binkowski: had come prepared to go through the entire document to address clerical and other issues per his professional experience; speaks to 19.8.5 regarding density; recognition of reality of what these are; certain housing types, density provided don't give enough for developer; we need to consider what these densities are and understand how the incentive program works; incentives are flawed due to what is being currently developed – more single-family residences than high-density; onset risk of blight due to incomplete/unabsorbed projects or poor market timing; zoning/density is his biggest concern; the chart needs to looked at in terms of assumptions used to create it; need to consider tier 4; he recommends considering higher densities for all four tiers.

Community Development Director Gibbs says that all comments will be reviewed prior to council transmittal; staff understands flexibility of uses; does language need to be in Land Development Code or Comprehensive Plan; vested rights language may need further clarification. Attorney Stroud calls attention to the 19.8.4 vested rights language and believes it covers but the Land Development Code could go into greater detail; Community Development Director Gibbs talks about DRI language; three documents provided background data and analysis; she believes there is enough data and analysis; her intention about the framework plan was that it would be part of the Land Development Code; density issue will be reviewed; maybe tier 1 needs to be increased a little more; she agrees with some of the testimony provided but not all; we are planning to prepare revisions to Land Development Code.

Community Development Director Gibbs responds to Board Member Binkowski's comments regarding densities and feels that his numbers are quite high. Board Member Crawford talks again and speaks to economics; higher densities could produce traffic problems; questions who pays for the framework of the roads; need for trail plan and incentive coordination. Board Member Wood advocates that Community Development Director Gibbs respond as much as possible with balance for residents and developers; 40 is too high, 6 is too low; speaks to quality of developments that Estero would see.

Chairman Strelow recommends Comprehensive Plan support subject to tweaking by attorney and staff. Discussion follows regarding process. Planning and Zoning Board would recommend that Council transmit.

Motion: Move that the Planning and Zoning Board vote in support of the transmittal to the Council for their consideration next week, the plan amendment that the Board reviewed at this meeting, subject to whatever modifications the staff sees fit to include in it based on the comments tonight from the public.

Motion by: Chairman Strelow
Seconded by: Board Member Wood

Questions or Comments by: Board Member Crawford and Chairman Strelow. Board Member Binkowski suggests review regarding definitions of mixed use pattern with two considerations: definition of what *complimentary* means and inclusion and definition of the word *compatible*.

Action: Supported the transmittal to the Council for their consideration next week, the plan amendment that the Board reviewed at this meeting, subject to whatever modifications the staff sees fit to include in it based on the comments tonight from the public.

Vote:
Aye: Board Members Naratil and Wood; Chairman Strelow
Nay: Board Members Binkowski and Crawford
Abstentions: Board Member Dewhirst

(2) Estero Medical Center (Plaza Del Sol CPD) (District 5). Correction of a scrivener's error in Zoning Resolution Number Z-09-037, Part 2B, Site Development Regulations, "Maximum Side Setbacks."

Walter McCarthy provided explanation. The five-foot maximum setback does not make sense. Provisions were not enforced; staff feels that it is a scrivener's error that should be repaired; offers no public benefit, is a detriment to the building code and enforcement of it would be difficult. Staff recommends approval; findings and conclusions are on page 2 of the staff report.

Presentation by:

Stacy Hewitt, Banks Engineering, provided explanation and recommendation to remove the five-foot setback maximum.

Public Comment: None.

Questions or Comments by: Board Member Naratil: fire chief agreed that prior setbacks were unrealistic for safety reasons.

Motion: Move to recommend approval by the Village Council to correct a scrivener's error in Zoning Resolution Number Z-09-037, Part 2B, Site Development Regulations, "Maximum Side Setbacks".

Motion by: Board Member Binkowski
Seconded by: Board Member Crawford

Action: Recommended approval by the Village Council to correct a scrivener's error in Zoning Resolution Number Z-09-037, Part 2B, Site Development Regulations, "Maximum Side Setbacks".

Vote:
Aye: Unanimous
Nay:
Abstentions:

(e) Workshops: None.

6. PUBLIC INPUT: None.

7. BOARD COMMUNICATIONS

(a) Committee Reports: None.

(b) Chairman's Reports: None.

(c) Member Reports and Comments: None.

A motion to adjourn was made and duly passed.

8. ADJOURNMENT: 7:31 p.m.

Kathy Hall, MMC
Village Clerk

(kh/ta)