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 29, 2016 5:30 p.m.

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

2. PLEDGE OF ALLEGIANCE: Led by Chairman Strelow.

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

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

4. APPROVAL OF AGENDA:

Motion: Move to approve the agenda and addressing agenda item 5 (d)(2) first.

Motion by: Board Member Binkowski
Seconded by: Board Member Wood

Action: Approved the agenda and agenda item 5 (d)(2) will be addressed first.
Vote:
Aye: Unanimous (Board Member Naratil absent)
Nay:
Abstentions:

5. BUSINESS:

(a) Approval of Minutes: None.

(b) Consent Agenda: None.

(c) Unfinished Business: None.

(d) Public Hearings:

Note: Agenda item 5 (d)(2) was addressed prior to agenda item 5 (d)(1).

(1) Estero Crossing (District 5)
South of Corkscrew Road, approximately 1,000 feet west of the intersection of Corkscrew Road and I-75

a. Comprehensive Plan Amendment

Request made to amend Lee Plan Map 1, the Future Land Use Map, for a 43-acre parcel from General Interchange, Urban Community and Wetlands to Intense Development and Wetlands; and to amend Lee Plan Table 1(b), Year 2030 Allocations, to accommodate the proposed change to the Future Land Use Map in the Estero Planning Community

Chairman Strelow called for Board Member conflicts of interest; none noted.

Community Development Director Gibbs provided an overview of the two requests; one is for an amendment to the Comprehensive Plan and the other is for rezoning. The property in question is 43 acres located west of I-75 on Corkscrew Road between Lowe's and the road to the Island Club. She explained that there were two requests and that the Comprehensive Plan amendment needs to be addressed first. They are asking for a maximum of 455 residential units and possibly a 200-unit adult care facility that would be part of the 455 units, as well as 60,000 square feet for commercial use. Two different site plans were presented for reference; the preferred proposal is Plan A. They are asking to go to intensive development because general interchange does not allow for residential usage. The staff is not recommending transmittal, as outlined in the staff report; basically, they do not believe that intensive development is the appropriate mixed land-use category for the area where the acreage is located. She provided further information about the category currently in the comprehensive plan, which she feels is more appropriate. Key policy issues: if the interchange category should be converted to residential use before the Village's first comprehensive development plan is completed; the intensive category density appears to be too high for the area.

Board Member Dewhirst questioned the difference in acreage between the 42.97 in the amendment request and the 41.84 in the Master Concept Plan; the applicant will be consulted but the difference could possibly be the small wetlands area. He also noted that on page 11 under the transportation section, 454 should be 576.

Presentations by:

Neale Montgomery, representing the applicant, stated that this application was filed, presentations were given to the ECPP and the Planning and Zoning Board and that the applicant has been waiting for over a year. Per policy 6.1.2.6, all the property in question is within the interchange and is zoned MPD, consistent with the interchange category. She speaks to Florida Statutes 163.3177 (6)(a)8 and the need to avoid urban sprawl. She

refers to page 5 of the staff report, which supports retaining the interchange. The data and analysis that the Board relied upon last week was in the Peloton Report; she speaks about the report, which indicates on page 13 that Estero is over-zoned for retail use and notes a shortage of residential acreage; diversity of housing and quality multi-family residential are needed; the staff report indicating no need for the zoning change is thus in conflict with the Peloton report and is not true; the comment on page 8 of the staff report regarding transportation is also not true. FS Section 163.3184(12) addresses the allowance of rezoning concurrent with a development plan.

Dan DeLisi, Land Use Planner, expert in land use planning: presented an aerial map and discussed the existing mixture of surrounding uses; he discussed a need for transitional use between Lowe's and the single-family residences, such as multi-family; the proposed future land use map indicates a change to the intensive land use category. He spoke about the Peloton Study: page 15 indicates a dearth of multi-family residential; he refers to page 47 of the Peloton Study, which addresses retail saturation. Spot planning or spot zoning is a problem because it gives an advantage to one property owner over others. Going from commercial to residential is generally considered a down-zone. They are trying to achieve a walkable multi-family community; public civic spaces; transportation connectivity; access to public transportation; and quality construction. He stated that they are in compliance with both the Lee County plan and the Estero plan; he provided a handout: Estero Crossing Comprehensive Plan Compliance. In summary, he feels that the land use category change is appropriate and a more compatible option for the surrounding properties.

John Wojdak, P.E., speaks to engineering issues: the site is suitable for a comprehensive plan change; commercial uses that can be built under current and proposed land uses are exactly the same; the proposed residential is less intense from an engineering perspective. He addressed drainage in the Estero River Watershed; water and sewer are available. In response to a question from Board Member Crawford regarding flooding in past years, Mr. Wojdak provided further explanation, including about a perimeter berm that would prevent discharge to other properties.

Trent Ebersole, P.E., McMahon Transportation Engineers & Planners, spoke regarding traffic methodology: McMahon performed a short-term, three-mile-radius traffic analysis; a long-term roadway analysis was prepared by Lee County; no additional impact was found with what they are requesting.

Questions or Comments by: Board Member Crawford directed questions to Mr. Wojdak regarding water management system. Chairman Strelow questioned whether, if the future land use designation that applies is not changed, the allowable and predictable traffic from that would be at least as great as what is being requested. Mr. Ebersole responded in the affirmative, in that there would be more traffic under either alternative. Board Member Dewhirst asked if he is correct in understanding that, in terms of the comprehensive plan, a category F, for example, when blended with the proposed zoning, does not necessarily result in a level F with the proposed project. Mr. Ebersole responded that they are not proposing the worst-case (medical offices), but that by the way the statute reads, they must look at what *could* be built there. Board Member Dewhirst asked about the category that they are picking, which Mr. Ebersole stated is no more intense.

Neale Montgomery: The state requires that the worst-case of what exists be compared to the worst-case of what is requested. She also points out that the interchange category allows for general commercial, light industrial and commercial. They are asking for a change that allows residential; multi-family is great transition from the intense commercial to the residential to the southeast and the southwest. If no change is made, the only options are light industrial, general commercial and tourist commercial – no residential. They think that, based on the Peloton report, etc., providing for residential and transition is appropriate, and they request that the Village Council transmit the proposed amendment. Chairman Strelow asks if the Peloton report addresses the whole community, and if there is already too much residential, should any given site – including the site in question – accommodate residential because that may be a valid point. Ms. Montgomery defers the question to Mr. DeLisi, who states that the report addresses the entire community; the market is getting saturated with retail; there is an opportunity on this site to move to a type of residential of which there is a dearth; there is a willing property owner wanting to do exactly what the Peloton report says that the community should be looking at doing for area compatibility and improved circulation. Chairman Strelow comments that, if you look at the community as a whole, there is not a lot of planned new retail, which indicates the impact of the Peloton report; he also suggests considering the difference between applying that report to a broad, general statement about Estero versus one that can be applied to a specific area, and he questions whether some additional retail at the interchange site that would serve the travelling public automatically equates. Mr. DeLisi says that they are promoting commercial along the frontage and that it makes sense to extend the commercial corridor; the growth in Estero's population does not necessarily support continuing to introduce large commercial usage; he cites Walmart, Lowe's, Miromar and Coconut Point and the need to avoid retail saturation. Chairman Strelow iterates that the traveling public is the focus of this interchange; there is not necessarily a direct correlation between the Peloton report and how it would be applied to this particular kind of location. Mr. DeLisi replies that they tried to address that concern with the 60,000 square feet of commercial proposed. Board Member Dewhirst asks Mr. DeLisi if he believes that the intensive land use category is the appropriate one for this location as it is described; Mr. DeLisi responds that it achieves being able to add residential. Ms. Montgomery adds that they agreed with page 5 of the staff report regarding interchange along the frontage with central urban along the back; of all the options, this is the one that seemed most palatable. Board Member Dewhirst mentions the terminology of planned mixed use centers and questions whether, considering the traveling public, it is conducive to this type of plan. Ms. Montgomery responds that it incorporates many of the features that the Village is looking for: common architecture, walkability, a pocket park, etc. Board Member Wood comments that he is troubled by the size of the proposed development, which is equal to that of the new Gulf Coast Medical Center. Mr. Ebersole responds that the comprehensive plan allows for it. Board Member Crawford asks if an analysis was done on what they actually want to do; Ms. Montgomery responds in the affirmative.

Chairman Strelow states that the Comprehensive Plan Amendment will be addressed before the zoning issue.

Public Comment:

Bill Savage, Island Club, states that their goal is to adhere to the Estero vision plan as noted on page 6 of material presented; there is a need to curtail density; no need for a gas station; his community was never consulted about rezoning; they do not want a 24-hour business or tall buildings looking down on Island Club homes; there is no need for comprehensive plan amendment until that plan has been instituted.

Nancy Buchhop, Island Club, feels that there would be a potential economic impact for Estero if traffic on Corkscrew Road (between shopping centers) increases.

Harry Boyle, Island Club, asks the Village to reject the amendment; the concept is fine but the density is too high; there should be no 24/7 business; he would like a higher berm.

Paul ManDeLaro, Corkscrew Woodlands, questioned equating a hospital for the traffic study; people do not leave at 5:00 p.m.; there is no need for all the components proposed for Estero Crossing; he would like single-family homes instead; duplexes are also fine, but not tall buildings and increased density.

Norman Hunsberger, Corkscrew Woodlands, says that his community board is not interested in tall buildings; he is concerned about traffic increase.

Dan Jasper, Villa Palmeras, says that the vicinity map presented at the start of the meeting is outdated and shows no streets for Villa Palmeras; his community does not want to see a multi-story commercial building at the end of their street; he expresses concern for security per unclear boundaries; wetlands also a concern, as well as traffic and ingress/egress at their entrance on Three Oaks Parkway.

Josh Evans, J. R. Evans Engineering, says that the continued growth of his company depends on affordable housing for young professionals; he recommends approving the project.

Jane Niehaus, Corkscrew Woodlands, asked Community Development Director Gibbs for clarification of 455 apartments, 4 single-family units or a care facility of 200 units and a possible 100-unit hotel; she also asked for information on any nearby community developed by Stock and about the civic park; a brief explanation of the units was provided and all three items will be addressed during zoning discussion. She also questioned Stock's expectation that what they bought be converted into something else, like a smart car into an SUV.

Ron Gruno, Corkscrew Woodlands, stated that a traffic light will need to be added in front of Lowe's, along with several more along Corkscrew, which will not be feasible; he said that security is a concern and he does not want apartment residents entering his community and others to use their pools.

Jim Horn, Corkscrew Woodlands, stated that the biggest concern for the Island Club and Corkscrew Woodlands is the unsafe access to east- and west-bound Corkscrew Road.

Questions or Comments by: Board Member Dewhirst asked Mr. Savage whether he is in support of a residential use rather than additional big box as a concept. Chairman Strelow asked Paul ManDeLaro a similar question; he responded that Estero is high on single family and not on multi-family, and he opposes the height.

Community Development Director Gibbs clarified the public information meeting held on June 15, 2016 at the Fire District building. The alternative was put in the report in case the Board wanted to consider other options, but it is not her recommendation. The Peloton study is a little outdated; there have been quite a few apartment buildings built and under construction since that time.

Board Member Wood does not support the request for the amendment; zoning and the comprehensive plan would be inconsistent with it; the density is well in excess of Estero's current limit; it does not accomplish quality of life and related goals; density and height are not compatible with adjacent properties; policy 5.1.5 sets a spot-zoning precedent that he cannot support; he cannot support category F congestion; feasibility depends on permits; Corkscrew Road traffic is a significant concern that applies beyond this project to others as well. Chairman Strelow stated that the property is zoned and that if everything is denied here, development could go forward that could generate equal or greater traffic; if so, per the baseline in question, it may make more sense to proceed with the lowest traffic possible and make sure that the Village pursues the kind of changes that are needed with or without this project – right turn only, roundabouts, etc.; he is not sure whether transportation should hold up a development; he asks if Board Member Wood would take that into account in view of whether to proceed with some kind of activity at this site. Board Member Wood says he could support residential with lower density and lower building height, which would help the transportation problem; it is a matter of degree, and what is proposed is too high a degree. Board Member Dewhirst believes that there could be an amendment that could be approved, if not this one; but if all could agree, the community could live with a mixed-use residential project; he cannot support this particular comprehensive plan amendment, but he could support something more mixed-use; he recommends going back and working with staff and the applicant to come up with a new or improved category with a mixed-use component, sensitivity to adjacent residential, mixed-use and public open spaces that are being promoted. Chairman Strelow agrees. Board Member Binkowski echoes Board Member Dewhirst's comments; with sound planning principles, residential can provide a good buffer; the question is how dense; height justification not described to him; where in the comprehensive policies do we preserve the quality of life; he can support an amendment but cannot support the currently proposed one, which he feels would further degrade the quality of life in the community. Board Member Crawford asks that everyone consider that the property currently has approval for 330,000 square feet; traffic could be improved by doing something less intense; he would like a less dense, well designed project and agrees with staff that the intense development category is not acceptable. Board Member Dewhirst states that they are trying to use old Lee county categories to fit with the density; this should be cohesively designed, thus the creation of a mixed-use category with standards. Discussion continued regarding the need to be compatible with existing properties on either side; mixed use, general interchange and central urban categories; impact of types of commercial components; access road issues and possible benefits for existing residents; rejection of current proposal for staff to work on alternative that community

would like and that would provide a reasonable return for the developer; height necessity for density promotion.

Neale Montgomery says that they are amendable to further staff work and a new land use category; that is a direction they would like to go; she asks that they do not make a motion. She wants to continue with the zoning presentation and asserts that the height issue has been dealt with in the plan but not yet addressed. Village Land Use Attorney Stroud recommends that this is not appropriate at this time, as it would be purely speculative pending the land use category determination. Board Member Dewhirst agrees; Chairman Strelow agrees. Ms. Montgomery responds that it can happen concurrently; Attorney Stroud agrees, but adds that it does not need to happen now; no comprehensive plan amendment has been transmitted and it would thus be premature at this time. Board Member Dewhirst says that they would still like to review them together; Chairman Strelow agrees and expresses willingness to hold extra meetings, etc., if necessary. Attorney Stroud says that if the applicant is not going to withdraw the application, the board needs to vote on a recommendation to send to the Village Council. Ms. Montgomery responds that they will not withdraw but are amenable to amending their application and to a continuance. Board Member Wood asks Community Development Director Gibbs her opinion; she agrees that a continuance is acceptable.

Motion: Move to accept applicant's request for a continuance.

Motion by: Board Member Strelow
Seconded by: Board Member Dewhirst

Action: Granted a continuance.
Vote:
Aye: Unanimous (Board Member Naratil absent)
Nay:
Abstentions:

b. Rezoning

Request to rezone approximately 43 acres from Commercial Planned Development (CPD) to Mixed Use Planned Development (MPD) to allow for the development of a maximum of 455 residential units/Assisted Living Facility and 60,000 square feet of commercial use. The application includes potential for development of an Assisted Living Facility with 200 beds, convenience food and beverage store with 18 pumps and hotel with 100 units.

Motion: Move to continue the request to rezone.

Motion by: Chairman Strelow
Seconded by: Board Member Wood

Action: Continued the request to rezone.
Vote:
Aye: Unanimous (Board Member Naratil absent)
Nay:
Abstentions:

(2) Meadows of Estero (District 2)
North and South of Pelican Sound Drive and West of US-41. Request for deviation from the 15-foot setback requirement for two monument signs at two of the three entry points to the development.

Chairman Strelow provided information regarding Board business and called for Board Member conflicts of interest and ex parte communications; none noted.

All audience members and staff providing testimony were sworn in by Village Clerk Hall.

Summary provided by Development Review Manager McCarthy: this matter came before the Planning and Zoning Board on January 19, 2016 and was heard before the Design Review Board on March 23, 2016. The request is for two deviations for sign location, one for a two-foot setback and the other for a 10.5-foot setback. He provided brief background regarding sight lines, sight distances and compliance.

Presentation by:

Rebecca Morris, Landscape Architect, presented variance request to Board in January 2016. Copies of site plan for upgrade of signage at main and secondary entrances were presented. Existing signage is three different signs; community is looking to unify their sign package to upgrade community with new identity. Cohesive signage desired that will be consistent with aesthetics of Pelican Sound Drive and Pelican Sound Boulevard. Also proposed are columns at stationary gates; there are existing arm gates. Through the LDO process they were able to correct site lines; information was provided regarding location of cars, etc. at both locations. Variance is sought tonight for sign location at Baccarat Lane, to move sign up to two feet from the property line; description is provided of the reasons for the two feet and the removal of lettering from the wall. The variance requested on Williams Road is to within 10 feet 6 inches from property line; there is a building at that entrance as well as a de-buffer requirement. The Design Review Board unanimously approved these variance requests; they also have approval from the River Ridge CDD. Per a suggestion from the Planning and Zoning Board, the Pelican Sound HOA was also contacted; an approval letter from their HOA president is available.

Public Comment: None.

Questions or Comments by: Board Members Dewhirst and Crawford.

An inquiry was made regarding what is establishing the right-of-way setback on the Lansing Loop side of the road; Ms. Morris provided explanation; the CDD granted permission and maintains the right of way. The CDD was concerned about site visibility, which has been resolved; no deviation is needed for right-of-way. A question was asked

about if there are utilities located under the sign in the right of way; Ms. Morris does not believe so. Board Member Crawford asked that she submit for the record a copy of the approval letter from the Pelican Sound HOA.

Motion: Move to approve the administrative amendment resolution as proposed by staff.

Motion by: Board Member Dewhirst
Seconded by: Board Member Crawford

Action: Approved and adopted the administrative amendment resolution.

Vote:
Aye: Unanimous (Board Member Naratil absent)
Nay:
Abstentions:

(e) Workshops: None.

6. PUBLIC INPUT: None.

7. BOARD COMMUNICATIONS:

(a) Committee Reports: None.

(b) Chairman's Reports: None.

(c) Member Reports and Comments: Board Member Binkowski stated that he has not filed an application to be reappointed but offers his availability to assist in the future. He also spoke regarding what density meant to the Village Center; one of the points he wanted to make is that there was a difference of opinion on the Board; he suggested that time be taken to ensure the right density mix for Estero, consistent with the Comprehensive Plan. Brief discussion followed.

A motion to adjourn was made and duly passed.

8. ADJOURNMENT: 7:50 p.m.

Kathy Hall

Kathy Hall, MMC
Village Clerk

(kh/ta)