

ESTERO COMMUNITY PLANNING PANEL
Minutes of Public Meeting #150 - July 15, 2013
Estero Community Park, Estero, Florida

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, Jeff Maas, Estero Chamber of Commerce, Neal Noethlich, Emeritus Chairman, Greg Toth, Founding Member, Howard Levitan, Secretary, and Bev MacNellis, Treasurer. Absent was Paul Roberts, Estero development community.

Also present: Kathie Ebaugh from Lee County Community Development and Bill Prys from the EDRC. There were several members of the public from the Fountain Lakes, Marsh Landing, and Rapallo Communities.

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

Minutes of the Prior Meeting. Chairman Lienesch noted that the minutes of the June 17, 2013 meeting prepared by Barbara Goodrich had been vetted by the Panel, and the updated version is posted on our ECPP website. Motion made, seconded and unanimously passed to accept the report as written and amended prior to posting.

Treasurer's Report: Treasurer MacNellis presented her Treasurers' Report and reported a balance in the checking account of \$282.03. She noted the disbursements for the month, and the payment of the DeLisi bill. A discussion ensued about the reimbursements owed to the ECCL on account of Directors and Officers and Liability Insurance premiums. The secretary was asked to draft a letter agreement regarding the reimbursement of funds advanced by the ECCL. Motion made, seconded and unanimously passed to accept the Treasurers' Report as made. Treasurer MacNellis also discussed the memorial service on August 17th for Arnie Rosenthal to be held at Country Creek.

PRESENTATIONS:

Administrative Amendment for Estero Green CPD. Drew Fitzgerald and Tom Hardy from RaceTrac Petroleum made the presentation regarding an administrative amendment to the Estero Green CPD to allow a new gas station proposed for US 41. There were representatives of Marsh Landing, Fountain Lakes and Rapallo in the audience. This CPD is located on US 41 to the north of Coconut Ford between the Ford property and the old Albertson's shopping center. One of the deviations requested deals with an additional access from US 41. The original CPD had an access point from US 41 between this property and Coconut Ford at Via Rapallo which serves as a common main entrance to both properties and the entire CPD. This entrance leads to a

reverse frontage road in the rear which provides further access to this property and Coconut Ford in addition to the entire CPD. The administrative amendment seeks a deviation to allow an additional access to the lot directly off of US 41 along with a deviation allowing less than 60 feet separation distance to another existing access point (in this case, the access to Coconut Ford) on the main entrance road. They reported that the staff of the County will not approve any such access deviations unless they first get FDOT approval. Another issue involves a requirement in the prior CPD concerning a 75 foot indigenous preserve on the western boundary of the CPD and adjacent to Fountain Lakes. Due to the proposed lot ownership not including this area, a deviation may be needed to meet the project indigenous requirements by each lot owner (as shown on original CPD MCP). Finally, they are going to ask for a deviation on parking in excess of 20% in front of the building (in order to have about 30%). They are meeting with the County on July 24th to discuss these deviations further. They are purchasing only about half of the land for the station and the bank which owns the entire lot is retaining the rest for another use. RaceTrac specifically stated that it is not buying land adjacent to the reverse frontage road in the rear of the property therefore they will not access the constructed reverse frontage road as intended by the original CPD MCP.

The presenters showed the panel a prototype architectural elevation for RaceTrac station to be built. They understand the special requirements for Estero, and have eliminated their normal yellow awnings and canopy. The canopy as shown will still include a stripe as a recessed element and flat roof. They have not built this type of canopy in other areas, although it has been approved in Naples. The Chairman reminded the Panel that the architectural design issues are for the EDRC to discuss.

Focusing on the administrative amendment, the Panel members asked several questions about this requested amendment. The changes to the zoning and land use elements shown by the Administrative Amendment deal specifically with a new access off US 41, deviations for parking, and access issues on the common main entrance road between this property / Coconut Ford and the reverse frontage road.

Neal Noethlich asked about the southerly boundary line, which they responded is in the middle of the access road to Coconut Ford. The westerly line of the property that they are purchasing does not go to the reverse frontage road behind the lot. They will not have access to this road in the rear except through their southerly access onto the common main entrance to the CPD. They are planning a new access (r-in/r-out only) and deceleration lane on US 41 which would not be tied into the deceleration lane for Coconut Ford. Noethlich asked about buffering and they responded that they will meet the Estero code, including a 3 foot berm and 20 feet of buffering along US 41. They have some concerns about the buffering due to the fact that they are a 24 hour business and need the ability of law enforcement to be able to see into the site for safety purposes. They are going to move the present sidewalk on US 41 to be able to create the deceleration lane and move the existing swale, but will keep the sidewalk. The remaining property on the land is owned by the bank on the north and westerly side and would be using the same proposed new US 41 access point roughly in the middle of the property.

Greg Toth stated that he does not like this proposal which would allow an additional access point onto US 41 so close to the existing one. This was zoned as a CPD prior to the Estero Community Plan. The Estero Community Plan eliminated the addition of more curb cuts from US 41 with multiple front access roads. The original CPD had a reverse frontage road in the rear of the property for access to all of the CPD lands, and he feels that this deviation request could be solved by them buying up the land abutting the reverse frontage road. This would also give them more room to move around the delivery trucks to the station. He noted that, with Hertz coming, Via Rapallo Road would likely get signalized and improve their access. Toth feels they should use the reverse frontage road for additional access, particularly for their deliveries. These parcels were originally designed to have rear access and the use of the access road between the property and Coconut Ford which leads all the way north to Williams Road. What they propose is not consistent with the US 41 Estero Overlay Plan, and Toth is opposed to a deviation for frontal access off of US 41.

Ned Dewhirst had several questions regarding the proposed administrative amendment. The original CPD was approved for zoning in 1997 before any real commercial development in this section of Estero. The Panel has consistently talked about how we were going to deal with new plans for older zoned commercial properties which now come back to get developed with deviations. Are there opportunities to improve the zoning on this site? He is also concerned that this may not be handled on a procedural basis as an administrative amendment, due to the fact that they are requesting substantive changes in access. He also commented that they have self-imposed the access conditions which cause them to seek to have a new access by not buying all of their portion of the overall lot. They should instead use the existing access off of the reverse frontage road. He feels that FDOT may not approve a long continuous deceleration lane for both this property and Coconut Ford which may cause confusion to a driver. They basically are creating their own problem by not buying the land adjacent to the reverse frontage road.

Neal Noethlich raised other questions: He feels that there could be an issue of air conditioning units visible on the roof. They responded that since the building is over 5000 s.f., it does not need a pitched roof, and they say that they will screen the air conditioning units by the use of parapets and the towers shown in the plans. This will be an issue for the EDRC. They say they are trying to change and upgrade the uses for a convenience market.

There were several audience comments. Judy Corcoran from Marsh Landing stated that by not owning the land to the rear, the owner of this lot will not have to comply with the requirements in the CPD to build the wall along the reverse frontal road. The RaceTrac representatives responded that they might be willing to discuss the building of the wall as part of the approval process. The key potential impact for the residents nearby this site is the proposed 24 hours of operation and the typical high height and intensity of lights during the evenings. The representatives stated that the lighting requirements are part of the Lee LDC provisions and they will comply.

Judy Beach from Marsh Landing stated she is against this development especially the frontal access off of US 41. She stated that for those residents in Marsh Landing, the problem is with the busy nature of access to such a station. Luanne Houseman from Marsh Landing stated that there are already bad problems on US 41 with bikes and pedestrians and this would add to safety concerns of the people. Another person from Marsh Landing wondered about the fact there are other gas stations/convenience stores in the area including a 7/11 just north of Williams, however the presenter stated that they would not comment on competitive issues, except to say they are a high volume, low price competitor.

Ned Dewhirst from the Panel asked about whether they would contribute to the cost of a future traffic light at the Via Rapallo intersection if it were built, and the RaceTrac person said that they would do this. The traffic studies for Coconut Point showed that a signal at Via Rapallo and US 41 would be warranted at some point. Dewhirst concluded that the proposed use is appropriate for this location based on the approved zoning, but there is concern about the site plan and the proposed accesses on US 41, the main CPD entrance road and the reverse frontage road.

Greg Toth went on to ask what they are going to do with respect to the sign package which is very different from what was originally approved in the CPD. RaceTrac says that they need more signage since the color scheme is not the same as its normal branding. He wants about 5% of the canopy dedicated to signage, which is much different than their normal striped canopy. He wants to increase the signage on the canopy and have an electronic sign for the ground which would also require a deviation. The panel advised the applicant that electronic signs are prohibited in Estero. They should have a full package for the EDRC when they come back to make their design presentation.

Bev MacNellis commented as an individual from Marsh Landing that she is not happy with this development at all. She said that they have not looked at our Community Plan.

Chairman Lienesch summed up the discussion. We are not the architectural design professionals, and the architectural design features will have to wait for EDRC review. Basically the sense of the Panel is that they have proposed an appropriate land use, and we could approve some of the requested deviations, for example the parking issues. However, the Panel seems unanimous that we are really opposed to a new access off of US 41. We bring this up to the County every time this arises, and will continue to oppose this. The Panel feels that this site plan still needs more work. RaceTrac should consider buying the entire property to the reverse frontage road. We would also feel that this type of deviation is incompatible with an administrative amendment. They should acquire the land to the rear access road and use that as their secondary access point.

ECPP ISSUES:

Special Community Planning Workshop. Kathy Ebaugh and Bill Prysi. The Lee Plan portion of the contracted work that the Panel is doing on the Community Plan needs a final round of review / discussion by the panel and public. To that end, they have scheduled a public workshop on Tuesday, July 30th to discuss these issues. Kathy Ebaugh stated that the policy work had largely been done by DeLisi, and at the workshop they will describe the changes from the existing plan. The two remaining issues are the Framework Map and the Future Land Use Map developed by the County. The Framework Map was largely not explained by DeLisi to the Panel, and may be confusing. It is intended as a vision map for the future, but it is not meant to be regulatory. We may not include the Framework Map in the ultimate revisions to the Community Plan. The second issue to be handled at the workshop is to look at the proposed land use map for Estero, utilizing the county-wide FLUM that the County is proposing. We need to establish a land use map for Estero, and our specific overlay maps may be handled as part of the LDC revisions. She stated that we have never had a collective discussion on the Framework Maps, and we need to do this prior to going to the Land Use Map. They are going to have stations set up at the workshop with both maps and we on the panel will move among the stations followed by a group discussion. This is a form of public participation like a charrette.

The members of the Panel commented that they are still of the opinion that the Panel needs further review and discussion to finalize a consensus on the narrative of the revisions to the Community Lee Plan portion including exhibits such as the Framework Plans and the FLUM. Ned Dewhirst believes that we have not yet reached a consensus. Neal Noethlich thinks he and Howard Levitan were going to work further on the Community Plan document so that it could reflect the Seth Harry workshop. The issue is whether we want to go through another review of the Policy and Goals i.e. the narrative of the Estero Community Plan. The conclusion was to have a detailed review of the current revisions of the Estero Community Lee Plan portion and accompanying exhibits such as the Framework Plan, followed by a discussion of the Lee Plan FLUM if time permits.

The County staff has already delinked our plan revisions from the timing of the overall County Lee Plan revisions. If we are done in terms of the County timeframe then we will go ahead in conjunction with the county changes. Kathy and Bill Prysi will send out a fresh and latest copy of the Estero Lee Plan revisions with exhibits, and we will also invite the EDRC to the workshop. It will be a clean copy of where they think we are today, along with a marked copy against the current plan.

Discussion of Estero Incorporation. Chairman Lienesch noted that our work on the Community Plan revisions will be the basis for any municipal charter. Our Plan will still be the starting point.

Regarding HEX Hearing on Hertz, the Community was well represented and the HEX has issued a report favoring approval which was based on the Staff report. John

Goodrich is going to testify at the BOCC on behalf of the ECCL and can do this on behalf of the ECPP as well. Ned Dewhirst reported that they have not seen final site plan drawings nor architectural elevations yet and Hertz has not yet gone to the EDRC. Chairman Lienesch noted that Bill Pysi is part of the Hertz Team for landscaping design.

MEMBER ISSUES: The Panel discussed a point of procedure regarding the RaceTrac presentation. Several comments from the public were particularly pointed and may have been not very welcoming to the presenters. Our goal as a community panel is to be courteous at all times to the developers who voluntarily agree to make presentations to us. Chairman Lienesch will call the presenters and apologize on behalf of the Panel.

Next Meeting is the workshop on July 30, 2013 at 5:00 p.m. at Estero Community Park room 103. The next regular meeting following this is our monthly meeting on August 17th at 5:00 p.m. The meeting was adjourned at 7: 12 p.m.

Respectfully submitted,
Howard Levitan, Secretary