

**ESTERO COMMUNITY PLANNING PANEL**  
**Minutes of Public Meeting #168 – January 26, 2015**  
**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; Paul Roberts, Estero Development Community, Neal Noethlich, Emeritus Chairman, Jeff Maas, Estero Chamber of Commerce, Greg Toth, Founding member; Bev MacNellis, Treasurer and Howard Levitan, Secretary. There were no members of the Panel absent for tonight's meeting.

Also present were Nick Batos, Chairman of the ECCL, various representatives of Stock Development and their agents, and over 100 members of the Corkscrew Woodlands and Island Club communities. Finally, Chip Block and Sharon Jenkins-Owen from the Lee County DCD Planning Staff were also present at this meeting.

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

Minutes of the Prior Meetings. Chairman Lienesch reported that the minutes of the November 17, 2014 Meeting of the Panel were prepared by the Secretary, had been vetted by the Panel, and had been posted on our ECPP website. A motion was made, seconded and unanimously passed to accept the November minutes as posted on the website. There was no meeting in December.

Treasurer's Report: Treasurer MacNellis gave her Treasurer's Report. \$666.44 is the balance in the bank. ECPP has paid the liability insurance. Motion made, seconded and passed to unanimously with respect to the Treasurers Report.

**PRESENTATIONS:**

1. Estero Crossing MPD Comp. Plan Amendment and MPD Zoning Application:

Materials presented for review: Application for MPD-Zoning dated 1-19-15, including MPD **MCPs**, MPD Plant Palette, MPD Buffer Concepts, and Comp. Plan Amendment documents all dated 1-19-15.

Presentation by the Developer: Neale Montgomery, Esq. of the Pavese Law Firm and John Wojdak from Delisi Fitzgerald represented the developer, Stock Development. Ms. Montgomery advised that there is a meeting for the communities to be held at the Island Club Community Center tomorrow, January 17<sup>th</sup> at 7:00 p.m. She described the location of the property and the fact that it is currently located mostly in the General Interchange Land Use Category and partly in the Urban Community Land Use Category (southern portion of property) as shown on the Lee

County Future Land Use Map (“FLUM”). They will be seeking a Comprehensive Plan Amendment to change the land use designation to Intensive Development. The existing zoning allows 300,000 s.f. for commercial development (see Zoning Resolution Z-06-031 approved 8/21/2006). They are applying to revise the zoning approvals to include residential uses as well as commercial, and will be planning an access or reverse frontage road to allow travel from Corkscrew Woodlands Blvd. to the access road at Ruby Tuesdays within the Estero Town Center CPD (Lowes). This road would allow better vehicular circulation for Corkscrew Road, the proposed project and the existing developments using Corkscrew Woodlands Blvd. by having access to an ultimate traffic signal. The CPD mentioned above located to the west, has a Development Order which requires the owners to participate in signaling the intersection at Ruby Tuesdays.

The applications presented are to change the zoning and Comp. Plan to allow residential uses within the current General Interchange area. John Wojdak and his landscape architect were present to discuss the new plans. The existing zoning would allow a larger scale 160,000 big box store on the southern half of the property. The revised plans are to create a lake (water retention site) in the middle of the 42 + acre parcel surrounded by multi-family residential buildings. They also plan to keep the preserve and detention area continuous on the east and south of the property. They understand that they have to participate in the signalization to the west across Corkscrew Road. The access road is described as a reverse frontage road in the rear of 65,000 s.f. for commercial space in 4 parcels along Corkscrew Road.

They are requesting multiple deviations from the Land Development Code. They have grouped them into various categories:

- a. Overhead Power Lines. The existing overhead lines located on Corkscrew are mostly located in a 10-foot ROW along Corkscrew Road and are subject to an easement to FPL. The issue is the requirement to put these underground which would be difficult.
- b. Reverse Frontage Road and Interconnects. They are requesting a deviation for the fact that the Reverse Frontage Road is planned to be the interconnect, rather than having each of the four separate lots interconnect internally.
- c. Wall Fence. Plantings are required on the exterior of the wall/fence around the multi-family residential area. They are asking for a deviation to allow them to eliminate the requirement for such landscape on the sides which border the preserve areas.
- d. Signage. They are requesting several deviations in order to give the residential components of the project more visibility on Corkscrew Road. These deviations deal with of-site directional sign area and location, a request for a second monument sign, and deviations for sign setbacks.
- e. Parking Ratio. The current multi-family parking ratio under the LDC is 2 per unit with 10% for guest parking. They are requesting relief to make the parking ratio approximately 1.7 parking spaces per unit.

f. Package Store Separation. The rules require a separation of 500 feet from residential uses to any package store, and they are asking for a zero foot separation from the proposed multi-family residential units.

g. Gas Station Separation. They want relief from the 500-foot separation rule since there are several gas stations on the north side of Corkscrew Road within that distance.

h. Parking Setback from Corkscrew Road. The LDC requires a 75-foot setback in the Corkscrew Overlay District from the road to the parking. They want one drive isle of parking between the landscaping buffer and the commercial buildings proposed for along Corkscrew Road. The ROW for Corkscrew Road is transitioning at this point from the County management to the State FDOT for the Interchange area. They want more visibility for people coming off the Interchange and along Corkscrew Road. This is another requested deviation from the Corkscrew Overlay requirements.

i. Building Setback. In addition, they are asking for relief from the main requirement of the Corkscrew Overlay District, which requires that the buildings along that road be no further than 25 feet from Corkscrew Road ROW. They feel that this project should not have to meet the requirements of the Corkscrew Overlay District since this part of Corkscrew Road is more of a transition area to the Interchange. They point out that the rules of the Corkscrew Overlay District are more applicable to the area from Sandy Lane to Three Oaks. They are proposing conceptually to have two fronts to these commercial buildings both on Corkscrew Road and the Reverse Frontage Road.

j. Sod Requirement. They are requesting a deviation from the requirement that no more than 10% of the internal landscape area as it relates to the vehicular use area may be planted with sod. They want to allow a maximum of 75% of the internal landscape areas to be planted with sod.

#### Comments and Questions from the Public.

Bill Savage from the Island Club is concerned with the traffic that will be generated by the construction. If the project were built, he suggests that the reverse frontage road should be built first. They also want to do the signal first. Neale Montgomery stated that this is not possible since the signal will depend on a traffic study and LDOT requirements. From a construction standpoint, the reverse access road would be built at the beginning to let their construction crews into the site, but not likely open to the public.

Jim Johnson from Island Club asked about the type of residential units that are planned. They responded that they are requesting a variety of residential types including single and multi-family units, but are not far enough along in the planning process to state how many of each type would be built. Neale Montgomery stated that the County does not differentiate between ownership units and rentals. She stated they are likely to be condominiums, but this is not definitive.

Jim Boesch from Stoneybrook stated that an issue in Estero is excess amount of zoned retail space, which likely will not be developed. He does not want another gas station here in this area.

Dwight Woodman from Corkscrew Woodlands stated that he has been involved in municipal government for years. His concerns are traffic, uses like gas stations, and the fact that there would not be interconnects which would place all of the commercial area traffic onto the reverse frontage road. He asked how many units, and the answer given was a maximum of 485, but more likely about 455. He stated that there are about 1,000 units in Island Club and Corkscrew Woodlands, and this would increase the traffic by one half in this area. He feels that this is a real safety concern. Neale Montgomery stated that this is already an approved CPD, and the trip generation traffic counts are likely to be lower for residential uses than the counts for the commercial buildings, which are now permitted.

Larry Lehair from Island Club spoke next and stated that he is the HOA President for this community. He asked about the perimeter berm, which is shown on the plans to contain the water on the site from a runoff basis. John Wojdak stated that this berm will be placed on the area around behind the indigenous preserve, and is shown as a green line on the Master Concept Buffer Concept Plan.

Bruce Fisher from Corkscrew Woodlands stated that his concerns are the safety and ease of access. He did a rough study of the traffic counts coming into their developments (150 cars coming in and out during a 1 hour period from 4:30 to 5:30 p.m. on a random day). He estimates that this development would have 1.5 to 2 times the vehicle traffic from their two communities. He sees significant safety problems in this area, and the proposed development will cause problems in the Lowes area, which will need immediate signalization. Neale Montgomery suggested that these two communities start to talk to LDOT and lobby for the signalization to occur, even before they complete the traffic study warrants.

Nancy Buckley from Island Club wanted to know what the term CPD meant (Commercial Plan Development vs. Mixed Use Development). Theresa Danko from Corkscrew Woodlands asked about what happens to the water in the canal from their properties? Wojdak stated that they are not allowed to impact the drainage from another parcel, so the canal cannot be affected. They cannot increase the flow in that canal, although they could route it around their development. He went on to state that it is likely that all of the drainage water from both sites eventually goes into the South Branch of the Estero River, which is located on the adjacent Neal Properties land.

Don Gillum from Corkscrew Woodlands wanted to know what the water supply would be and whether it is the same main as feeds their communities. The answer from Wojdak is that this project is required to have two main connections, which are looped, and likely will come off of the Corkscrew Road mains. The loop allows them to increase the capacity and prevent any area getting stagnant at the end of a long run. It is also safer from a fire hydrant basis and increases the pressure.

Doug Kune of Corkscrew Woodlands stated that he is concerned that the water connections will lower the pressure to their communities. Neale Montgomery stated that they have to maintain the pressure.

Mary Milberstad asked about unit density. Wodjac stated that the maximum density is 455 units (not 485) which could be built, but it could be less. She wants to know how they get to a greater density than 10 units/acre? Neale Montgomery stated that they are only in the application process and a lot of people will have input into the ultimate density allowed. She stated that it will also depend on what the Estero Council will approve. She says that the need for multi-family dwellings was well documented in the Estero Community Repositioning Study.

Jane Neihaus from Corkscrew Woodlands asked about who makes the decision regarding amending the Comp. Plan and the Zoning to allow for residential uses in this location. Neale Montgomery replied that this decision will definitely be made by the Village Council since the planned development needs deviations and a Comp. Plan Amendment. Ms. Neihaus also asked the question of whether there will be ownership or rental units. Neale Montgomery repeated that the residential use is only regulated, not the form of ownership. The questioner went on to request an answer to this question from the developer, but none was forthcoming. Wojdak said that they are not there yet in their planning process. Neihaus went on to talk about the parking ratios which she felt were inappropriate and should not be granted a deviation.

Barb Kune from Corkscrew Woodlands asked about the reverse frontage road and specifically about how they would get access to the west.

Lon Bolen stated that he is the current HOA President at Corkscrew Woodlands. He wanted to know if this development would be gated. Wojdak stated that they are not sure yet due to the setback requirements with respect to gates. Kune is concerned that this should be gated so that there would be no people coming from the development into either of the two adjacent communities. He went on to ask about the pond shown on the MPD. Specifically he asked whether it will be fenced for safety purposes. Wojdak replied that they do not know yet, and that their plans are not at this level of detail. Both of the ponds are for water management. The real question for Bolen was what type of wall will separate the development from Corkscrew Woodlands. Again no definitive answer was given, and they are not there yet with the design.

Joy Stellar from Corkscrew Woodlands wanted to know whether there are sidewalks on the reverse frontage road? The answer was one side would have a sidewalk.

An unknown resident asked about the height of the buildings, and the answer was 55 feet height was allowed in the Intensive Use category. Another unnamed individual asked about gopher tortoise habitat studies and noted that this may be a problem. Neale Montgomery said that they have done a site study doing soil borings, and have had an environmental study to identify the species and fauna on the site.

Corrie Gessler from Corkscrew Woodlands asked what was the reference to big box commercial? Neale Montgomery replied that this was allowed in the present zoning. Gessler also asked about visibility along Corkscrew Road. She is concerned about the fact that the people traveling east will see the commercial locations as they pass, and then turn into Corkscrew Woodlands Boulevard, increasing the traffic on this already poor access road.

Another unnamed person asked about sewerage and the adjacent communities' existing lift station. Wojdak's response was that they had to handle the sewerage for only their property and pump out to Corkscrew separately. They will need a pretty large flow, and would likely have to connect separately.

Comments from the Panel.

Jeff Maas. He agrees with moving the commercial buildings closer to the reverse frontage road as long as there are sidewalks.

Paul Roberts. Questioned the 55 feet height, since it is zoned currently for 45 feet total height. He suggested that they need to provide site lines from the homes of the adjacent communities. Other than the visual impact, he does not have a problem with this development.

John Goodrich. He asked a question about the gas station use. In the original zoning this use was limited to 12 pumps and they are now asking for 18 pumps. He is not in favor of another gas station in this area. He believes that the deviations from the Corkscrew Overlay District with respect to parking and building setback are appropriate in this area. However, he wants it to be clear that this deviation would allow a 55-foot height on both the residential and commercial. He would not favor such a height limit for commercial buildings on this site. Neale Montgomery replied that with respect to the gas station deviation, we might like a WAWA better than a Race Trac station.

Roger Strelow. First, his fundamental concern is the stretch between Three Oaks and I75 is a really unsafe vehicular area. He feels that this is a very important issue, and that they will need a professionally done traffic impact study. Montgomery reiterated that there would be no greater traffic impacts than what was originally approved. Strelow suggested that they do the traffic study as soon as possible to alleviate the concerns of the residents. His next issue is the gas station deviation, which he feels are reasonable in this area, but there are already sufficient gas stations to meet the needs of the public. He suggests that the Panel approach LDOT about early installation of the signals on the Lowes site. Finally, he shares the skepticism of the parking ratio, particularly the number of cars per bedroom, and does not favor that deviation. He thought it was a constructive presentation.

Chairman Lienesch asked about the status of the gas station proposal on the corner of Three Oaks and Corkscrew, which has the same problems of the 500-foot separation and the number of pumps. He also has no concerns about the deviations to the Corkscrew Overlay, especially the distance of the buildings and the parking in the commercial lots. He stated that the 75% sod deviation was not likely to pass muster with the EDRC. He also stated that the building of the reverse access road first was essential to be done as soon as possible.

Lienesch then asked Chip Block from the Lee County DCD to give us his thoughts on this project. Block gave some idea about the process. He stated that he has been assigned this case, and took notes as to the comments of the public today. Two separate applications are in review by DCD for both the Comp. Plan Amendment and Zoning Amendment. The Comp. Plan will first go through the process for transmittal to the State. Then the Zoning case can move forward

to the Village of Estero for public hearing. Then both will meet up once again at the Village Council together for approval of both applications.

Greg Toth. Toth stated that he was involved in the presentation of the Chevrolet Dealership to these communities. He has a lot of problems with this current development as planned. The reverse frontage road was important to the original CPD Zoning. With four out parcels and no interconnects, all of them will drive traffic onto the reverse frontage road. He says this whole thing is dependent on going to the Intensive Development category, but not just from Interchange Category since the rear of the property is currently in the Urban Communities category. This latter category allows much more limited density. He does not like this plan since it includes too much multi-family intensity too close to the adjacent communities, including the Neal Properties development to the south. There will be tremendous traffic on the reverse frontage road. He also does not like the gas station and the package store as uses.

Ned Dewhirst. He posed several questions first. The site plan with the yellow buildings has an unspecified number of units, but he now assumes 455 or close thereto. He asked what are the dotted lines on the plan? Wojdak said they are walkways internal to the development and amenity areas. Dewhirst stated that he is unclear about the interconnects, especially the emergency exit, which is required. There may be a need to two access and exits to the reverse frontage road for the residential parcel. He likes the reverse frontage road and the buffer plans which encourages a pedestrian scale feel, but questioned how to make this design required; suggested including the exhibits and a condition in the zoning. Dewhirst also wanted to know if there is going to be a common architectural theme, especially since it is a mixed-use project. He then asked about the arrows on the reverse frontage road, and whether a proposed gas station as an example would have to tie into the reverse frontage road.

Dewhirst also wanted to talk about the 55-foot height limitation, where Estero limits it to 45 feet except for the General Interchange Category. Since they are seeking to change to the Intensive Development category, don't they need a deviation for the 55 feet height. Neale Montgomery stated that this is likely the case, so that they would need to add a deviation. Currently the existing zoning had the commercial at 45-feet.

Dewhirst then went to his comments. He feels that the parking deviation is hard to justify at this time and should be revisited when they know exactly what they are doing with the multi-family units. He does not favor the sod deviation. He went on to state that it would be nice to have a condition that at the time of the Development Order they need to do the warrant study as to signal and require that it be planned and built as a condition prior to getting their CC for their project infrastructure. With respect to traffic, he stated that the current zoning likely has more traffic approved than the proposed uses, but that they need to have a comprehensive traffic study done. He does feel that this proposal is likely to help the area residents get to the point that the signal would be required. As to the height, he feels that the height increase to 55-feet will be a challenge to them especially by virtue of the proximity to the Neal Properties single-family development to the south. He thinks they should leave this development at 45-feet, but as a minimum reduce the key perimeter bldgs. closest to existing residential uses and provide line-of-sight exhibits for project as a whole.

As to the commercial uses, Dewhirst does not mind the proposed uses. Since it currently is in the General Interchange area, this is the correct place to put interstate type uses such as a gas station. He also stated that this could be an acceptable place for more student housing for the University, as long as the project was appropriately buffered from the neighboring residential uses. However, since this is a Comp. Plan amendment, he feels that they need to show much more detail and have sufficient answers to the questions that were asked tonight, especially since they are asking for the highest density allowed. He went on to disclose the private informational meetings at his office concerning this property, which were held with several members of the Panel and the Estero Community. In summary, he conceptually likes this mixed development, but urges the developer to provide much more detail in the applications.

Howard Levitan stated that since he will be elected to the Village Council on March 3<sup>rd</sup> and this project will likely come before the Council, he will not be making any public comments.

Chairman Lienesch decided not to summarize these discussions. We will capture the concerns of the public and the communities in the minutes, which will go to the DCD Staff and the Village Council. He reminded the public of the meeting with the communities tomorrow night at 7:00 p.m at the Island Club.

2. Autumn Leaves ALF on US 41. Bill Prysi asked for a walk-on discussion on behalf of the developer of this ALF project. The handrails for the new bus stop on US 41 block the location of the proposed monument sign. He wants to change it to bookend signage with two signs. This requires a deviation, and he wanted some feedback from the Panel as to how to proceed. Bev MacNellis added a point of information since Marsh Landing now wants an acceleration lane on their right out onto US 41. This might affect the bus stop. They may have to coordinate the signage with Marsh Landing. They need to do an administrative amendment to the Development Order to get this through as a deviation. The Panel did not seem to have an issue with this request, although it was unclear when or whether the Village would be entertaining administrative amendments.

3. Tattoo Parlor. John and Jessica Rissolo. They own the Fallen Angels Tattoo Parlor at the Rusty's Shopping Center. They are competitors to the new one located at Broadway Shoppes, and questioned why it was allowed to open since tattoo parlors are now disallowed in Estero. They also stated that their store was grandfathered as having been opened before this requirement. Chip Block told them if they had questions to talk to the Code Enforcement Department concerning this issue.

#### **ECPP ISSUES:**

1. Update on LDC Revision Document. Bill Prysi updated the Panel on the status of the LDC Revision project. The Steering Committee is working on some further revisions to make several sections stand-alone documents. He called this the all-inclusion version. He wants the Panel's feedback on this before we go to workshop on the LDC Revisions. He presented his summary of the LDC Revisions, which is now all-inclusive and now has all of the features of the Lee County LDC with respect to the subjects like lighting, architecture and landscaping along with all of the Estero provisions in one place. It is unclear what will ultimately become the

process to get approval of these provisions by the Village Council. Ned Dewhirst feels that the coverage of multi-family residential architecture and the need for improvements to the mixed use provisions may be priorities that need to be done now rather than go forward with the entire document. Therefore, he feels that we should first focus on the multi-family requirement. The mixed-use revisions will be important, but will take some more time. Prysi wants to know whether we should move forward with the all-inclusive version or the original version that had been vetted by the Steering Committee. The Panel suggested that he go forward and use the previous shorter version. Prysi will plan to hold a public workshop with ECCL, ECPP and EDRC on this version.

2. ECPP Procedures Post Incorporation. The issue is what happens after the election? Does the Panel sunset? What would the Council want to do about this? At this point, the Panel will proceed in the normal course of business unless and until the Council directs otherwise. In other words, the ECPP will continue to facilitate the public information hearings required by the LDC.

3. Member Issues: None

4. Public Comments: None

Next Meeting is February 16, 2015

Meeting was adjourned at 7:40 p.m.

Respectfully Submitted,

Howard Levitan, Secretary