

**ESTERO COMMUNITY PLANNING PANEL**  
**Minutes of Public Meeting #157 - January 27, 2014**  
**Estero Community Park, Estero, Florida**

**CALL TO ORDER:**

The Meeting was called to order at 5:03 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; Jeff Maas, Estero Chamber of Commerce, Neal Noethlich, Emeritus Chairman, Greg Toth, Founding member, Howard Levitan, Secretary, and Bev MacNellis, Treasurer.

Present were several representatives of the Estero Oaks Development represented by Attorney Neale Montgomery of the Pavese Law Firm, including Steven Goldfarb of Royal Palm Communities, and Andrew DeSalvo of Premier Commercial, Inc. Also present were Bill Prysi, EDRC Chairman, Nick Batos, ECCL Chairman, and several members of the public.

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 although it has changed over time. 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 December 16, 2013 meeting were prepared by Secretary Levitan, had been vetted by the Panel, and the updated version is posted on our ECPP website. Motion was made, seconded and unanimously passed to accept the November minutes as posted.

Treasurer's Report: Treasurer MacNellis presented her Treasurers' Report, and reported a balance of \$374.03. She provided the Panel with a list of presenters for 2013 for ECPP and EDRC. Motion made, seconded and unanimously passed to accept the Treasurer's Report as made.

**PRESENTATIONS: ESTERO OAKS (SAN CARLOS PARK) PUBLIC MEETING.**

a. Estero Oaks development was represented by Neale Montgomery from the Pavese Law Firm, Fort Myers and Ned Dewhirst from Oakbrook Properties. This is not a property in the Estero Planning District, but it abuts our Planning District. San Carlos does not have a planning panel, so we agreed to host this presentation for purposes of the public hearing requirements of the Lee County LDC.

b. General Information. Ned Dewhirst of Oakbrook Properties related the new concept regarding this development. Oakbrook owns this 36-acre property located

on the NW corner of Estero Parkway and Three Oaks Parkway. It was originally zoned in 1994, and the zoning approval was modified in 2003. The 2003 zoning was a plan to do a neighborhood commercial center including a supermarket and out-parcels with a lake in the back for water management purposes. This plan was mostly developed (infrastructure only), and the property was subsequently acquired by Oakbrook in 2008. Originally Oakbrook thought about student housing, but now the property is under contract for sale to Royal Palm Communities. Royal Palm has a plan to do 280 mostly upscale rental units with a relocation of the lake into the middle of the residential parcel. The buildings will be located in horseshoe configurations around courtyards with brick pavers and will be nicely landscaped. This would be a similar concept to the Villagio development on Three Oaks in Estero to our south and Beach Walk in south Ft. Fort Myers. The overall development would be a mixed-use planned development under current guidelines for Lee County. In order to get appropriate residential density, they are applying for bonus density based on the low or moderate income rental program. They plan to have a sidewalk around the perimeter of the lake for biking and pedestrian use. While the residential gated portion will limit vehicle traffic, the residential portion will still be accessible to pedestrians and bikers. Several public areas within the project will be provided to create mixed use interaction between the residential and the commercial aspects.

c. Signage. There will be an entrance off of Three Oaks Parkway with signage which will have a residential feel and enhanced landscaping. The second entrance is off of Estero Parkway with a monument sign within the median of that entrance. There is also an optional monument sign with a proposed public space at the corner of Three Oaks and Estero Parkways. Residential signage is also shown on the exhibit provided by the presenters. All of the proposed signage will be part of the zoning request as an overall sign package for the project.

d. Buffering. The project abuts a residential area on the north side, and the developers propose a 25 foot buffer area with an 8 foot wall and 2 foot berm with enhanced landscaping and shrubs. This is an improvement over previous plans that would have the abutting residences being behind a commercial area where they would be adjacent to the back of the stores (i.e. loading areas). The developers are trying to be sensitive about this abutting area.

e. Legal Status. Neale Montgomery reported on the status of the development. A new MPD zoning request has been submitted and is under review by County staff. The applicant hopes to be deemed sufficient by Lee County DCD staff soon, and could be going to the Hearing Examiner in April or May. The plans call for bonus density which would be moderate income units which would be required to be rented for a seven year period after the certificate of occupancy. They would not have needed the bonus density if the current Lee County FLUM was approved as planned for the Lee Comp. Plan. The developers do not want to wait for the FLUM and Comp. Plan revisions to be finalized as there is currently no time frame available for this to be completed. Another way to achieve higher density would be to buy TDRs, but none are currently available. County TDR plans are not currently moving forward. The other way

to get bonus density is to use wetlands, but this program is also not really available at this point. So the only way at present to get bonus density is to do low or moderate income units.

Neale Montgomery concluded that they have tried several times to speak to the association which abuts to the north called Country Oaks, but they have not been successful on this effort. The President of that association wanted them to talk just to him. The association president was advised of this public hearing, but no members were present tonight.

f. Design Guidelines. Dewhirst reported that as part of the HOA documents to be developed for this project, they are planning to have design review guidelines and a common architectural theme for both the residential and commercial portions. They have had traffic studies done, and much less traffic is projected than the prior zoning plan (i.e. a reduction in trips). As to site lines it is about 60 feet from the residences on the north to the planned buildings with 40 feet high (max), 3 story buildings planned in the residential portion of the development. He noted that single family height limitations would have allowed 35 feet, so these buildings are not much higher than what could have been built to the north. Overall, the developers believe that this project is a nice addition for mixed use to the area.

g. Comments from the Panel. Chairman Jack Lienesch asked for more information about the bonus density. Montgomery responded that bonus density will be based on a seven-year rental program for moderate income occupants which then dictates the rental prices for these units. The developers have not decided whether to isolate them in one area or spread them out throughout the development. Usually there is a mix of unit types anyway, but they want the flexibility to be able to make the most of the market at that time. Andy DeSalvo, the broker for the sale of this development, stated that they did a similar bonus density plan for Villagio, and in this case there will be a total of 64 bonus density units. Median income in Lee County is about \$54,000 so income limits at 80-90% for these types of moderate income apartments would be about \$40-50,000 with monthly rentals at about \$1200-1300 per month. This is not like HUD Section 8 housing at these income levels and monthly rents. Steve Goldfarb of Royal Palms Development which is handling the residential portion also spoke for the development, and stated that his company has done density bonuses in several other projects. He says that they are already through financing underwriting and are ready to go. Oakbrook would be doing the commercial part of the development.

Greg Toth asked about the access points and the reverse frontage road on the west side to adjacent commercial property which is as yet unbuilt. Dewhirst responded that they plan to put in a T junction and hopefully it will be utilized as a point of interconnection when that development is completed. Toth stated that in our Estero Plan, the interconnects are very important, but noted that this property is not in Estero. Dewhirst stated that they are trying to tie in design guidelines for the commercial and residential together by requirements in the HOA documents. The typical commercial

uses would be gas stations, pharmacies, medical uses, or banks. This could also include various office uses.

Neal Noethlich pointed out that this intersection (Three Oaks and Estero Parkway) was intended as one of the major entrance points to the University, and we did not want this to be overly commercial, and much more like our Corkscrew Road Overlay concepts.

Ned Dewhirst responded to a comment regarding the abutters. The developers will continue to attempt to meet with the neighbors next to them. Howard Levitan asked whether they plan to also come back to the EDRC with respect to design guidelines. It would make sense to have them go to the EDRC for their public hearing on the development order. Dewhirst responded that they would consider doing this for informational purposes to the Estero community.

Chairman Lienesch summarized the consensus of the Estero Planning Panel. While there is some concern that we want this development to look similar to Estero developments even if it is outside of the Estero Planning District, it was noted that if we become a municipality in Estero, we would have the right to comment on any development in this location as an abutting municipality. Overall, the Panel supports the project and the bonus density. We hope that they can get together with the abutters and get them on board.

## **ECPP Issues.**

1. RaceTrac. The Estero community is not happy, but FDOT has issued a notice of intent to allow the additional access off of 41. It is likely that this being done, the DCD Staff will issue the Administrative Amendment to the MPD for this site, and the project will move forward.
2. Hess Sign Issues. The Hess submission requesting variances to allow it's sign pylon was denied without prejudice, therefore they can make an additional proposal within 12 months to come into compliance with our Estero Plan guidelines. We are very pleased with the overall decision especially about the fact that any change in copy in a non-conforming sign will cause it to become illegal. The Hearing Examiner clearly felt that the Estero guidelines are significant to the Community and to the Lee Plan.
3. Hospital. The HEX Hearing on LMHS's proposed zoning changes to the Coconut Point DRI/MPD is to be held on Wednesday morning, January 29th. Don Eslick and Scotty Wood will be there testifying for the Hospital Committee. Motion made, seconded and unanimously passed to authorize Howard Levitan to represent the ECPP at that HEX to describe what occurred at the last meeting regarding this proposal as set forth in the minutes.

4. School Proposal off Coconut Road. The HEX Hearing on Discovery Day Academy is scheduled for February 6th at 9:00 a.m. The issue is our concerns about stacking of cars at the drop off area. We need to look at the Staff report. Jack Lienesch agreed to speak at the hearing. ECPP by motion made, seconded and unanimously passed, authorized Chairman Lienesch to speak on behalf of the ECPP at this hearing.

5. Community Plan Revisions. The status of the Community Plan revisions is still under review at the Staff level with some concerns about the language. We were supposed to discuss the final draft tonight, but this will be delayed. The plan now is to have Bill Pysi, Kathie Ebaugh and Paul O'Connor meet to make suggestions as to language which the Staff could accept, and then reconstitute the Working Group consisting of Ned, Howard, Bill and Kathie to review these and finalize the revisions subject to full Panel review and public comment. Ebaugh believes that the Staff issues deal with lack of detail and specificity. We will do a progress report in February, with a goal to have a final draft later in February to circulate to the Panel. We appreciate the comments of the County and want to get the Plan right. We still have to work on the LDC which Pysi is redrafting. We asked Bill Pysi to give us some idea of the issues in the LDC that he is working on for purposes of discussion at the February Meeting. In other words, we want to look at the subjects of the various changes in the LDC so that they can be prioritized. Also, there are some areas of concern that the EDRC has faced with the development community over the past several years which should be reflected in the LDC revisions. Strelow believes that we need to get closure on the Comp. Plan language as soon as possible so that we go forward with this before we become a municipality. Therefore, he believes that we may have to accept some compromises to get this done. Paul Roberts noted that Matt Noble is no longer at the DCD which is causing a lot of workload shift.

6. Seth Harry Workshop. Roger Strelow related the next steps in this process. First he described the workshops that occurred last year on the three areas of concern in Estero for commercial redevelopment; namely the Town Center, Hospital, and University area. The next phase would be dealing primarily with the Town Center area particularly the North Point property. He described ECCL's efforts to get Lutgert Development and Barron Collier Companies (joint owners of North Point) involved in the next phase of the project. The next workshop would also include greater attention to incentives and the zoning process that would be realistic to create for Estero in a future municipal Comp Plan. The key to the success of the workshop is to engage the parties in a private-public partnership with the key players. Howard Levitan and Roger Strelow will participate in this workshop. Strelow also discussed the involvement with Collier International and Hertz in this proposed workshop.

7. David Graham Award. Neal Noethlich thinks that this should go to Estero Bay Chevrolet. Bill Pysi suggested that the new Goodwill Building should be considered as well. Chairman Lienesch thinks that we should reconstitute the small committee that was previously involved in the selection process. Pysi suggested that perhaps this process is ready to be formalized with criteria and perhaps an electronic ballot on the website. There was not much traction to this last suggestion. Several panel members

stated that we need better publicity of this award especially through the Chamber list and the ECCL list rather than the website. Following more discussion it was decided by the Panel that Jeff Maas will try to get a group together to decide on the process for the award for the future, but that we will give the 2014 award to Estero Bay Chevrolet. Jeff Maas will do the same type of write up for Estero Bay Chevrolet as we did for Loews last year.

8. Estero Life Care Center. A complaint was received from a resident of the nearby condominiums (the Meadows of Estero) that the Life Care Center took down all of the trees buffering the border of the Center, and the Meadows now looks down at the activities of the Center. The Panel felt that this issue should go to Code Enforcement. Chairman Lienesch will call Chip Block in DCD to see what happened and who is the right person at the County to get engaged with the issue.

9. Albertsons. Paul Roberts reported that the Albertsons store may be sold to a church group for a school use.

**Other Issues/Comments:**

1. The next meeting is scheduled for February 17th at 5:00 p.m. at the Estero Community Center.
2. The Meeting was adjourned at 6:50 p.m. by Chairman Lienesch.

Respectfully submitted,

Howard J. Levitan, Secretary