

**ESTERO COMMUNITY PLANNING PANEL**  
**Minutes of Public Meeting #153 - October 24, 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; Ned Dewhirst, Estero Development Community, Paul Roberts, Estero Development Community; Neal Noethlich, Emeritus Chairman, Greg Toth, Founding member, Howard Levitan, Secretary, and Bev MacNellis, Treasurer. Absent were John Goodrich, ECCL and Jeff Maas, Estero Chamber of Commerce.

Also present were: Representatives of the proposed Estero Apartment Project located in the Estero Interstate Commerce Park CPD, including Steven Hartsell and Katie Berkey from Pavese Law Firm, Jeffrey Graef of Focus Development Group, LLC, Boca Raton as agent for Apalacian Oil Corporation, owner of this property, and Robert Koch of Fugelberg Koch PLLC, Winter Park, architect for this project. Several unidentified people from the community were also present for 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 although it has changed over time. He noted that a quorum of the ECPP was present for this meeting.

Minutes of the Prior Meeting. Secretary Levitan noted that the minutes of the September 16, 2013 meeting had been vetted by the Panel, and the updated version is posted on the ECPP website. Motion made, seconded and unanimously passed to accept the September minutes as posted.

Treasurer's Report: Treasurer MacNellis presented her Treasurers' Report, and reported a balance of \$189.03. She noted the disbursements for the month, including \$110 for the website and \$60 for the room rental at the Community Park. Motion made, seconded and unanimously passed to accept the Treasurer's Report as made.

**PRESENTATIONS:**

Estero Interstate Commerce Park CPD: As noted above, Focus Development and Appalachian Oil Company were represented by Steve Hartsell, Katie Berkey, Jeff Graef, and Bob Koch. Steven Hartsell started off the discussion. Their proposal is to rezone part of the existing approved CPD to residential for purposes of building 136 apartments. This is a preliminary discussion and not a formal presentation. No applications have been prepared or submitted to Lee Co to date. Bob Koch was the architect of the project which is located in the NW quadrant of I75 and Corkscrew adjacent to the off ramp. The property is part of the Estero Interstate Commerce Park CPD which was approved in 2000 as a highway commercial project. In the Interchange Land Use Category uses are allowed which are designed to assist the traveling public. There already exists a hotel, two restaurants, two gas stations in this CPD, along with similar uses across the street. There is plenty of retail close by in Miromar Outlets. The owner has been trying to market this property for retail or commercial uses for a long period of time, but has not been successful to date. There are many vacant commercial properties nearby on Corkscrew with better access. Therefore, they are looking for different uses for this property, and under the existing zoning residential uses are not allowed. Looking at the recent Estero Commercial Repositioning Study commissioned by the ECCL, there is a need for multi-family housing in Estero. There are obvious challenges with this property being near the Interstate and internal to an existing commercial development. They feel that these issues, particularly the noise issues can be dealt with in the design. In

order to change the zoning, they have to get to a land use category that permits residential development. They are seeking to do a minor PD plan amendment to rezone the property from CPD to RPD, and a concurrent small scale plan amendment to change the properties FLUM category from General Interchange to Intensive Development. This category would allow for seventeen two-story apartment buildings each with eight dwellings for a total of 136 apartments. This density would use some of the bonus density allowed in the Intensive Development FLUM category.

Bob Koch, architect for the project, then presented some of the proposed design elements of this development. In looking at the community he wants to preserve the architecture of Estero and the scale of its projects. Their firm has been involved in a lot of multi-family projects over the years. Ownership opportunities in the marketplace today are not the same as they were before the recession, especially for first-time home buyers. Rental projects may be the only alternative for a lot of younger people. He says renting is also an option for over 65 adults who are empty-nesters or are using their previous home equity as a means of economic support for their lifestyle without tying a lot of it up in home ownership. This is a very challenging site for commercial retail uses. Rental housing is more like an incubator for people moving for work opportunities who want to rent before buying, especially since their job security is not as great as it used to be. Also, rental housing includes maintenance responsibility which can be a lifestyle choice for many younger and older people. He says that the biggest issue with this site is noise which they intend to handle by design features (see below). The average tenant in Florida stays in place for one year seven month. The developers are not looking at any form of student housing, and want more stable long-term tenants.

Koch then reviewed the buffering plan for this project. They are doing significant modifications to the plan to absorb the sound by plantings and trees and by the design of the parking lot. Rather than perimeter walls and berms to reflect the sounds, he is talking about absorption through a sound management system including double paned windows and landscaping. In other words they intend to harden the edge of the property with berms and trees, and use parking along edges to keep the buildings as far away from the Interstate as possible. The entire front of the buildings faces inwards into the courtyard with no windows on the back side facing the interstate. These buildings will be two stories, each with separate entrances for every apartment, but not town houses. The apartments are all single floor flats. Second floor units have one set of stairs from the entrance to the second floor. The courtyards all open up to a grand outdoor space which is the community amenities area. Elements on the front side vary so that individual units are each more recognizable. Koch then showed other built projects with a similar scale and design.

Hartsell said that more rental multi-family housing is necessary in Estero, but the key question from a planning point of view is where to put them? For example, the owners of the commercial property right outside the Bella Terra community wanted to build apartments, but the residents objected strenuously. This is a much better place to put this type of use than the Bella Terra site. They then asked for comments and questions from the Panel and the public on an informal, preliminary basis. They will then continue to design the project and come back to the Panel when their plans are further advanced.

Paul Roberts asked what the mix of apartments would be. Koch stated that they are looking at one or two bedroom apartments (perhaps a few three bedrooms as well) with no garages or carports. This would be roughly 700-750 sq. feet for a one bedroom, 900 to 1100 for a two bedroom, and 1100-1200 for three bedroom units. He stated that many people have been displaced from ownership due to leveraging and disenfranchised from their homes. Also, there are many people who are here on temporary assignments of say 2-3 years where mobility is part of the requirements for their jobs. He stated that these apartments will be at market rents and in no way do they intend to build either affordable housing or student housing. The investment cost for this project will be \$9-10 MM. Roberts then asked if they are not successful, what happens at that point? Koch stated that there are lots of eyes on the risk of failure including

specifically the lenders. He stated that the key here is to put as much density as possible in residential infill sites. The proposed FLUM being vetted by the County is looking at an Urban Neighborhood land use on the east side of I75, and Hartsell said they should also look at this for the west side of I75 as well. Roberts stated that he has no concern with the density.

Neal Noethlich commented on the Commercial Repositioning Study, saying that it is clear that Estero has too much retail zoned already. This particular site is very familiar to him. He thinks this is a good spot for residential if it works economically. Issues still involve traffic ingress and egress onto Corkscrew especially due to the already overburdened Interchange which will not be improved any time soon due to funding issues.

Roger Strelow thought it was a clever solution to a tough land use area. Transportation and traffic issues still are very much a problem at the Corkscrew Interchange.

Secretary Levitan asked whether the current owners are going to actually develop the project or are they intending to obtain the rezoning and then market it to others. He also asked what protects Estero in order to assure a high quality project since the zoning and land use aspects have only a density and site plan component. We do not want to wait for the filing of the development order, and they should plan to give us specific design standards, palette, and finish materials for purposes of creating conditions to the rezoning. Graef stated clearly that they will be doing the development, and Focus Development is a partner in the project with the Oil Company. Hartsell agreed that when they will come back to the Panel, they will include specific design elements for purposes of adding conditions to the rezoning request.

Ned Dewhirst asked whether they have talked to their neighbors and the County. They have talked to the County, Matt Noble and Paul O'Connor are involved, who advised them not to wait for the EAR FLUM process to get this property into a different land use category. Procedurally, they have been advised to go for their small scale amendment and then take just this 8.5 acres out of the CPD and seek a different land use category. They would rather not deal with the whole MPD for purposes of this project, and want to keep it as simple as possible. Dewhirst stated that he had no overall problems with the concepts although he recognizes the challenges, especially the noise and traffic issues.

Greg Toth stated that this is a form of horizontal mixed use, and we know that there will be a lot of rezoning issues in Estero as time goes on. This is still a gateway project, so visuals have to be compliant with Estero design requirements which are the purview of the EDRC. Otherwise, he sees this an acceptable use. Extra landscaping should be planned, especially on the ramp areas would be better instead of seeing all of the parking. Traffic will still be a significant factor, and they will have to address these as they go forward. He suggested that they include a Gateway Sign area in their plans.

Neal Noethlich commented on the professionalism of the presentation.

Chairman Lienesch then asked for questions or comments from the audience, but none was made.

Chairman Lienesch then summarized that from the ECPP perspective, the biggest concern was traffic. While there exists a concern of risk of failure of the project, they seem to have analyzed the risks involved. Design standards will be brought to us at the zoning formal presentation so that we can make sure of the quality of the design. Overall, the Panel did not have major objections to this project. Lienesch also commented on the professionalism of the presentation.

## **ECCP Issues.**

1. Community Plan Revisions. The working group, consisting of Dewhirst, Levitan, Ebaugh, and Prysi, have consolidated the various comments to the last draft done by DeLisi. This group collated the various comments and approved alternative language where there was not agreement. The result is a totally new plan document which should be read fresh and not necessarily compared to the last DeLisi draft. We all have copies of this draft, and the Lee County Staff is going to do a review as well. The working group has also discussed the proposed FLUM, and the need to get the correct commercial densities and FAR set up. ECCL is planning to discuss the FLUM as one part of its discussions with the developers at the November 6th Commercial Repositioning Workshop. The ECPP has a workshop scheduled for review of the Draft Community Plan on November 7th at 5:00 p.m. here at the Community Park. There will also be a second workshop scheduled in December to finalize the Plan.
2. Commercial Repositioning Workshop on November 6th. The members of the ECPP and the EDRC are invited to this workshop at the morning session.
3. EDRC Meetings. There was discussion by the Panel concerning the lack of meeting notice for EDRC meetings. Secretary Levitan presented a proposal that has been discussed with EDRC Chairman Prysi. This would change their current process by having the agenda for each meeting available one week in advance of the meeting. Upon receipt, Secretary Levitan would forward copies to the ECCL, ECPP and the ECCL representatives of any Estero Community which was directly impacted by the project. He would also be sending copies of the ECPP minutes to all EDRC members once they are available to enhance the communication. Prysi still wants the ability to add projects to the agenda after it has been published in the interest of helping out developers. In addition, where necessary if a major issue was present, the ECCL Communications Director can send out notices to the public as well.

Greg Toth commented about the overall decorum of the EDRC Meeting, and the inability of the public to understand what is happening due to a multitude of conversations taking place among the EDRC members at the same time. It seems to him that the EDRC is not on the same wave length as the ECPP with respect to some of these projects. He was very upset about the results of the last EDRC Meeting. It seems clear that Race Trak is going to do what they want, despite Estero's concerns as addressed by both ECPP and EDRC.

Neal Noethlich discussed the history of the EDRC and its desire to strive to not delay the development community. He agreed that we need to have at least a week notice for the agenda in order to have appropriate public participation. He agreed that the EDRC needs to have a public participation meeting run on a formal basis with one speaker at a time, not a free for all. He went on to state that usually the EDRC works on landscaping and layout first, and then architecture and design. We also need them to be on the same page as the ECPP. Chairman Lienesch suggested that perhaps we need a citizen head of the EDRC who is not a professional to handle the administrative functions and chair the meetings. He will discuss these issues with Bill Prysi and try to achieve a consensus. It is clear that ECPP needs to have better communication with the EDRC as to substantive issues, and that the format of the EDRC meetings, notice, agenda and minutes need to be improved.

4. Hertz. There was some discussion of Hertz even though they have postponed their rezoning presentation for a month. Some members of the ECCL and ECPP have seen the preliminary design, and are waiting for it to be finalized before any comments. There was discussion about having an

exception for a signature world headquarters building in Estero. This is a clearly repositioning goal for Hertz and their whole corporate identity is part of the process of design.

5. Research Diamond Workshop. The County received a grant from AIA to have a study done of the Research Diamond Project. The County Steering Committee has really not met. Many community leaders and members of the steering committee met with the grant people to hear their comments on the concept of a Research Diamond. The non-viability of mixed use came out clearly from this AIA group study. The sense of the AIA group was that this proposal needs further study but overall the concern was how to market it. There were a lot of County staff, developers, and bankers present, but the landowners were still concerned about the lack of funding for this proposal.

The next ECPP Meeting is on November 18, 2013 when Hertz will present.

The meeting was adjourned at 7:25 p.m.

Respectfully submitted,

Howard J. Levitan, Secretary