

ESTERO COMMUNITY PLANNING PANEL
Minutes of Public Meeting #167 – November 17, 2014
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. No member of the Panel was absent for tonight's meeting.

Also present were Nick Batos, Chairman of the ECCL, various representatives of developers and their agents, several members of the Fountain Lakes community and the Residences at Coconut Point. Finally, Sharon Jenkins-Owen from the Lee County DCD Planning Staff was 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 October 20, 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 October minutes as posted on the website.

Treasurer's Report: Treasurer MacNellis gave her Treasurer's Report. \$968.44 is currently in the bank. ECPP has received four payments for last meeting. Motion made, seconded and passed unanimously with respect to the Treasurers Report.

PRESENTATIONS:

1. Estero Lockup Self Storage Facility:

Materials presented for review. Memorandum from DCD Zoning Division dated August 5, 2009 with a copy of Administrative Amendment ADD2008-00133 concerning Estero Lock Up at Halfway Creek CPD. This administrative amendment contains the revised MCP, proposed development regulations to change the CPD to three lots, a revised schedule of uses, and certain deviations from the LDC.

The presentation was made by Larry Smith from BRB Development along with Bob Soudan, the president of the Lock Up Self Storage. The County DCD asked them to come before us in connection with their current plans to downsize the building planned for the storage facility. They stated that they currently have a Development Order, and now intending to downsize the

proposal. It took them 5 years to get their entitlements, but they stopped the process in the 2008-2009 period due to the economy. They are going to ask to downsize from 124,000 s.f. to 87,000 s.f. The main issue is why they were asked to come before the Planning Panel? They say they need to amend the DO to resize the building. They are also planning to go to the EDRC in December with the design of the building. They say that they are 75% owned by the State of Washington Pension Fund.

They showed on a presentation board the original MCP and their proposed revisions. The site is 10 acres spanning Halfway Creek. 7 acres are set aside for preserve and wetlands, and the rest is for the storage facility and one out-lot in the front. The primary changes in the building are the footprint and a separate building in the back, which they now plan to cover and enclose (the original plan called for this to be just a canopy to park recreational vehicles and boats. The front piece is an out-parcel. Everything else stays the same with the currently approved DO. There are drive-up individual units on three sides of the building along with a loading dock to access the interior storage units. Nothing is as of yet planned for the out-lot on the front. A three story building is planned for the storage facility.

Comments from the Panel:

Chairman Lienesch asked them to discuss the impact on Halfway Creek. They stated that the previous permits have a buffer requirement between the building and the preserve along with advanced plantings.

Ned Dewhirst asked about whether there is a conservation easement with respect to the preserve. He asked who is going to maintain this easement along Halfway Creek. Issue for Dewhirst is how to get the County or SFWMD to maintain the easement. Dewhirst went on to discuss the process that they need to follow at the County. He stated that ECPP is not clear what the process will be for this development. In other words, it is likely to be a minor amendment to the MCP. If that is the case, Dewhirst stated that ECPP needs to see the full application for an Amendment to the MCP. Sharon Jenkins-Owen reported that DCD could make administrative changes to the MCP as long as it is not more intense than previous and there are no exterior changes. She does not know what the County review process is for this particular project. They are here because the reviewer at the County, Chip Block, told them to come to us. Dewhirst also commented that this is a poster child for interconnection. Another right in, right out just south of Fountain Lakes Boulevard, which intersection with US 41 and Sweetwater Ranch Blvd to the east will be signalized at some point. This plan for another access point to US 41 should be reconsidered. The developer stated that FDOT refused to allow an interconnection with Fountain Lakes. They say that it makes sense not to have another right in, right out, but will do what FDOT says. They understand that this is not good planning. In any event, they are a low impact traffic volume facility.

Jeff Maas wanted to know if there would be any changes to buffering, and the response was in the negative.

The developer then stated that the height of the building was 36 feet which might change a little based on EDRC suggestions. Neal Noethlich asked about the permitting process, and they say

that, at the time of the DO, they had all necessary permits other than the minor changes now requested with DCD. However, there are several permits from FDOT and SFLWMD that need to be reinstated. Jack Lienesch asked about gated access, and they said there would not be a gate.

Roger Strelow had no questions. Greg Toth again suggested that it would be better from a safety point of view to have an interconnect with Fountain Lakes Boulevard. He also stated that the design is something that Estero had previously spoken in the negative about, and hopes that they will review the design before it gets to the EDRC.

Comments from the Public:

John Relias from Fountain Lakes asked about the distance to his community. He also asked about floodlights on the property. The developer responded there it is not going to be a 24/7 access to the property. They have wall lights on the building for security purposes but are required to have zero lumens at the property line. As to the entrance and exit roads, Relias stated that his Community would not want any interconnect from this property to Fountain Lakes Boulevard. The developer also stated that at present, residents of Fountain Lakes will not see the building from their entrance road since there is an adjacent parcel that currently is wooded. They also state that they have no common thematic development standards for the out-lot.

Nick Batos asked about Halfway Creek, which crosses their property. He referred to the situation going back 5 years ago, when there were storm problems, which silted up and backed up onto Coconut Point. Ned Dewhirst said this was an FDOT problem with the box culverts under US41. James Rossi from Fountain Lakes and also an owner of property at Marsh Landing asked about where the runoff from the parking lot goes. The developer stated that there is a detention area on the site, which is south of the building. Rossi also asked how close the building was to the lot line in the rear. The answer was the developer plans to add buffering and there already is landscaped buffering on the Fountain Lakes property.

Chairman Lienesch summarized that the Panel has no significant issues with the downsizing of the property. We are disappointed that Fountain Lakes does not want an interconnect, as ECPP does not favor an additional right in, right out onto US 41 and would prefer an interconnect and reverse frontage road.

2. Hotel in Coconut Point.

Materials Presented. A copy of Administrative Amendment (PD) ADD2014-00195 dated November 4, 2014. The Developers also gave a Power Point presentation with plans and elevations for this new hotel.

Neale Montgomery from the Pavese Law Firm made the presentation along with the developer Scott Lodde of Alliance Group. They stated that they have previously made presentations to the Shadow Wood Community including the Morningside Association, and to the Residences at Coconut Point. They have 2.3 acres of land surrounded to the east by the detention pond off of Via Coconut known as Tract 2F in the Coconut Point DRI. They are looking to build 114 units,

which will be flagged with the Marriott Town Place Suites brand. They showed the plans for the building and elevations. They serve a light continental breakfast with some hot items. This will be a 4-story/40 foot high building with reduced parking. They have designed the hotel to conform to the Coconut Point Architectural Standards Requirements (CP Beauty Book) with a Mediterranean style building. They are adding balconies to some of the upper floor rooms to add to the style. They will be presenting the design before the EDRC at their December Meeting. They hired a local architect, Joe McHarris (a member of EDRC) to assist them on the project. The project is pretty well buffered from the Shadow Wood Community, but will be seen completely by the Residences at Coconut Point. They showed a rendering of what might be seen from a third floor residence at Coconut Point. Such units will no longer be able to see the pond. They have a meeting scheduled in the future with the Mirasol Community's HOA Board.

Neale Montgomery discussed the Administrative Amendment, which was granted on November 4th after they held their "private" public meeting called for November 1, 2014 with two days notice in the newspaper. The County has approved the deviations in the Administrative Amendment. The MCP was amended to allow hotel use on this site and to move up to 150 units of hotel from other areas of the DRI to this site. It also granted deviations as to the number of stories to be 4 instead of 3 while leaving the height the same at 40 feet. The move to 4 stories allows them to get beyond 103 units to what will likely be 114 units.

Comments from the Panel.

Ned Dewhirst feels that this use is perfectly compatible with Coconut Point with Hertz close by on one side and the Medical District to the South. They could have had more intense development on this site. Greg Toth asked why a hotel was not allowed, even though he thinks that this is a good use. Lodde stated that they tried to make the parking go in the rear, but this did not work on this site. There is a street landscaping requirement in Coconut Point, which will buffer the parking somewhat. The EDRC will have to look carefully at this aspect of the design. Toth believes that they may need an enhanced buffer with a berm with landscaping to hide as much parking as possible.

Howard Levitan commented about the so-called private-public meeting held by the developer in order to get the ADD allowed prior to November 4th election. Dewhirst defended this since ECPP, by mistake had not scheduled them for the October meeting as originally planned. Neale Montgomery said they went above and beyond trying to meet with the communities. Roger Strelow wanted to add compliments to the fact that this development is so close to both the Village Center Area and the Medical District as it will facilitate both areas.

Comments from the Public.

Sandy Crane, President of Residences at Coconut Point stated that the developer met with this community and they are pleased overall with this development. Bill Ribble thinks that they will be pleased with the development. Michael Villiani is the Vice President of the Residences at Coconut Point. He is concerned with the parking going in the front of the building. He also wants to line the median with trees. His units will always look over the parking lot. Ned

Dewhirst stated that the County never came up with the funds to do the median in Via Coconut, and this would be a good project for the new Village.

Fiona Wright from the Residences at Coconut Point thought there should be a wall to buffer the parking. Also, the lit signage on the building would be a real problem for them and will impact their line of sight. They say any sign lit at night would be a distraction. She asked why couldn't they have done parking under the building instead, as was done with the Residences at Coconut Point? Neale Montgomery said that the LDC does not allow light spillage off of the boundaries.

Sis Newbury asked if any building would be built to Florida Vernacular style as opposed to Mediterranean. Neale Noethlich stated that it would be incompatible in this area, and would not be in compliance with the CP Beauty Book. John Ciardi from Rapallo spoke to the point that the LMHS will also be building a Mediterranean design. He stated that we should never approve another Hertz building. Pam Hanna from the Residences of Coconut Point asked about the access to this property. The developer stated that there is an existing right in, right out from the property. Another gentleman asked about pedestrians walking across the road. The answer was that there is a crossing at Coconut Road intersection, but the developer acknowledged that it was not likely to be used for this project.

Chairman Lienesch summarized that no action needed to be taken since the ADD has already been approved by the County. He thanked the developer for coming to make the presentation.

ECPP ISSUES:

1. ECPP Procedures Post Incorporation. It is our understanding after discussion with DCD that no deviations or variances will be processed by the County after November 4th. Other actions are allowed by DCD, including administrative amendments. Those projects that need variances or deviations will stack up to be dealt with after March 17th. From that point on, the Council would have all of the powers of the Lee County DCD, HEX and BOCC.
2. Animal Hospital Situation. ECPP supported the animal hospital at the Paradise Shoppes, however the developer did not proceed with land acquisition because of restrictive covenants in the deeds. They found an alternative parcel on the Southwest Side of Coconut Road. This is still an open matter, and they are also looking at other sites.
3. Aldi's Grocery Store. Estero Point CPD. There is an issue in the Lee County Comp Plan Policy 6.1.2 which requires a grocery store to be within 330 feet of a collector street. The County thinks that they need to deal with this on some kind of special exception basis. It was not clear how they do this without a variance or deviation public hearing before the hearing examiner. The DCD is calling this a special case, but ECPP thinks that this needs a public hearing.
5. Update on LDC Rewrite Status. Bill Prys discussed the status of this project. Phase I vs. Phase II is kind of mute at this point. We need to move forward as to what has been approved by the working group and what has not been approved which may have to wait. They do not

believe that they will have the final document before the time needed to vet the candidates or especially by March 17th.

6. Member Issues: None

7. Public Comments: None

Next Meeting is December 15, 2014

Meeting was adjourned at 7:04 p.m.

Respectfully Submitted,

Howard Levitan, Secretary