

**ESTERO COMMUNITY PLANNING PANEL**  
**Minutes of Public Meeting #158 - February 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; Ned Dewhirst, Estero Development Community; Paul Roberts, Estero Development Community; Jeff Maas, Estero Chamber of Commerce, Greg Toth, Founding member, Howard Levitan, Secretary, and Bev MacNellis, Treasurer. Absent for tonight's meeting were John Goodrich, ECCL, and Neal Noethlich, Emeritus Chairman.

Present were several representatives of the Estero Apartments development represented by Laura DeJohn of Johnson Engineering, Steven Hartsell, Esq. of the Pavese Law Firm, Bob Koch of Fugleberg Koch Architects, and Jeffrey Graef, Managing Member of Focus Development Group, LLC which is the agent for the owner of the parcel, Ashland Oil Corporation. Also present were Bill Prysi, EDRC Chairman, Ryan Binkowski, candidate for appointment to the EDRC, and several members of the public, including Sis Newberry and Fred Moore. John Osborn of Naples Daily News was also present.

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 January 27, 2014 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 January minutes as posted.

Treasurer's Report: Treasurer MacNellis presented her Treasurers' Report, and reported a balance of \$359.03 plus two checks tonight for \$100 each, with a total of \$559.03. Motion made, seconded and unanimously passed to accept the Treasurer's Report as made.

**PRESENTATIONS: ESTERO APARTMENTS PUBLIC MEETING.**

a. Steve Hartsell, Esq. from Pavese Law firm represented the developer and led off the discussion. This is the official meeting for this development. This developer previously had given the Panel an informal briefing in October. The property is part of the Estero Interstate Commerce Park CPD which is in the Exchange Interface Land Use

Category. This land use category prohibits residential uses. Existing uses in this CPD include a hotel, golf cart sales facility, several restaurants, several gas stations, and the Goodwill store. The area also has significant highway commercial uses nearby with another hotel across the street along with Miromar Outlet stores to the East. The owners of the property have been trying to sell this 8.574 acre site for several years, which includes an entitlement for 60,000 s.f. of retail, but they have been unable to market it successfully over the years. Based on the ECCL Commercial Market Repositioning Study (Seth Harry Report), Estero needs more market-rate rental apartments. Jeff Graef as agent for the owners has put together a development for 136 market rate rental units. The plan is to rezone the property to Intensive Development from the Interchange Land Use Category. They want to amend the CPD to add a use for multi-family residential rather than just rezone this particular parcel. County Staff wants to treat this in as simple a way as possible, by adding the multi-family use to the CPD with some minor deviations. Then they will have to go through a small scale plan amendment process, again to keep it simple. The Intensive Land Use category would allow 120 residential units to be built based on a standard density of 14 units/acre. They are also requesting bonus density of 17 additional units based on a cash contribution to the affordable housing trust fund. They stated that the project will be decreasing the traffic impacts by adding residential units as opposed to the 60,000 s.f. of retail uses which are allowed under the existing zoning.

b. Laura DeJong, Johnson Engineering continued the presentation. She stated that the developers are not changing anything in the MCP of the existing CPD except to allow multi-family residential as a use. There will be lots of green space around the buildings utilizing a central courtyard with all of the fronts of the buildings open onto such central courtyard. They also will be observing all of the Estero buffering and landscaping requirements, especially between the development and the commercial spaces. They are asking for four deviations. Two deal with internal drives to meet drive aisle standards (similar to retail standards) as opposed to building under the right of way standards. Others deal with parking requirements. They want 292 spaces utilizing 1.75 per 1 bedroom units as opposed to the LDC requirement of 2 spaces per residential unit. There is also a small encroachment into the buffer zone on the north sides. In this regard, they are putting a pad for compactor and recycling pad which encroaches by a few feet into the buffer, and they are requesting a deviation for this. Finally, the fourth deviation is for a sign. The signage allowed for a development in the CPD is for commercial properties. They want a deviation for a more significant monument sign on the Corkscrew Road side of the property on the curve that adjoins the exit ramp from I-75. This is an opportunity to give to the Estero Community a gateway sign off of the Interstate along with a bigger sign for their development. The wordage would be "Welcome to Estero" along with "Courtyards of Estero, Luxury Apartment Homes."

c. Panel Discussion. Jeff Maas asked if all of the apartments were going to use the compactor and recycle area at the back to the North. They responded that this was the plan. Maas went on to comment that the CPD was not set up for walkability or foot paths, especially to the retail and restaurant locations nearby. There are no

sidewalks on Estero Commons Drive and no really good way to retrofit this either. There is no pedestrian connectivity on the east side with a big fence. The ideal solution would have been to have a sidewalk on the internal reverse frontage road.

Paul Roberts stated that he had nothing new to add from the last meeting. Greg Toth commented about the signage they are proposing, asking how large it would be? They said they want 20 feet to the apex of the little tower. Toth wanted to reiterate his concerns about landscaping and buffering, particularly on the side facing I75.

Ned Dewhirst asked whether the change is permanent and whether they have to change it again if they did not go forward and build residential. They said that they would be doing an alternative MCP with residential uses and leaving the existing MCP as-is. This would allow the market to dictate the preferred land use for the subject property. Dewhirst then asked if they had talked to the neighboring HOAs. The developer stated that they had a meeting at the Hampton Inn and those that came from the neighborhood seemed to like the proposal. Dewhirst commented that there is a valid point about the need for sidewalks which would be an important thing to get people by walking or bike to the internal commercial uses and to the sidewalk on Corkscrew. The Panel wanted them to think about this since they are adding the residential units to the mix of the CPD.

Roger Strelow asked about the pros and cons of the sign, particularly since it would not be under the control of the Community. There was also some discussion about noise mediation and buffering regarding the traffic noise, with some suggestion like having a fountain in the middle courtyard.

Howard Levitan asked about the sign and whether it can be built without the necessity for a deviation. Bill Prysi commented that certain provisions of our sign requirements do not apply to residential developments. Jack Lienesch asked about restrictions within a CPD for signage. The CPD could do directional signs within its limits. He also asked whether they need to do a Comp. Plan Amendment in order to move forward? Hartsell stated yes, all of the three requests have to be done at the same time, and they are not able to do a public hearing before the Hearing Examiner until they are rezoned under the Comp. Plan.

Jeff Maas also asked about the concept of luxury apartments, since the location does not seem to be amenable to this type of residential development. Bob Koch, Architect, said they are all flats which will have separate entrances and internal staircases. Howard Levitan also brought up concerns in traffic getting into the development from Corkscrew going east at the Hess left turn or getting out to go east.

d. Audience Comments: Bill Prysi, EDRC Chair, encouraged the Panel to think about the approval of a use which, in his opinion, is not the highest and best use for this location, especially where there are no pedestrian and bicycle infrastructure already built into the CPD. Several members of the Panel asked the developer to be responsible and add this to the planning of the CPD. Bill Prysi thinks that we need to

make recommendations specifically so that they get into the zoning approval and ultimately into the Development Order. He thinks this use is not a highest and best use for the property, although he admits that this is entirely subjective. Prysi also commented that the noise from I-75 will be a significant element, and if the project fails it will reflect on Estero. Therefore the developer should look closely at the appropriate buffer materials along I-75. Bob Koch, architect, thinks it is shorter term luxury usage where people in transition could stay. Ned Dewhirst also asked them to visit with the Fire Department about the deviation for internal roadways. The building will be fully sprinkled and the driveway would have been the same as if it were a commercial retail development.

e. Chairman Lienesch summarized the Panel feelings. First they have to get a Comp. Plan Amendment before they can go to the Hearing Examiner on the zoning amendments. The strongest comment from the Panel would be that they should be required to provide in some manner pedestrian/bicycle access to get to the sidewalk on Corkscrew and the neighboring retail facilities. With that condition in mind, the Panel has no overall objection to the development, and we would support them at the HEX hearing.

#### **ECPP ISSUES:**

1. RaceTrac. Howard Levitan described the current status with FDOT approving the curb cut and the County approving an administrative amendment for the project. They did change the architectural design to comply as closely as possible with our standards as requested by the EDRC. Overall, the various Estero Community organizations were not happy with this outcome, and there was the general feeling that there needs to be better coordination among the Estero review groups when such an issue arises in the future.

2. Hess Station Sign. Hess came for a sign variance to EDRC which said no twice and then they went to the HEX for a variance. ECPP and EDRC and community leaders testified against this proposal. Ultimately the HEX under Donna Marie Collins did not allow the variance, without prejudice, allowing them to come back within the 12 month period. They now will be coming back to EDRC again with a different proposal, and on to the HEX again for a variance.

2. HEX Hearing on Lee Memorial went well. There is a lot of politics surrounding this, especially at the level of ACHA and the Governor.

3. Sis Newberry asked about the status of the WalMart. They have their DO and supposedly will be moving forward with the development.

4. HEX Hearing for Discovery Day Academy. School proposal for property right behind the Elks Club on Coconut Road was heard by Hearing Examiner Laura Bellflower. They said that because this property was in the Red Box area, they wanted to expedite the HEX decision before the annexation vote took place, and the developer

agreed to pay for an expedited minutes of the hearing. They came in with a different plan to increase the s.f. of the larger building and not build the smaller recreational building which required a deviation into the buffer zone. Chairman Jack Lienesch spoke at the Hearing on behalf of ECPP and stated that this project is likely to move forward.

5. Community Plan and LDC Process. Bill Prysi led a discussion of the status of the Community Plan. He stated that the Designs standard memo he had circulated summarizes the data and directives collected from public workshops, committee reviews and professional input. This is basically the same document which was presented in 2012 and then put on hold. The Work Plan also circulated is more of an itinerary based on the potential incorporation of Estero by the end of the year. In other words, what can we get accomplished before the end of the year assuming we become a municipality at that point? We need to still do public meetings on all of these changes. This includes a design standard guideline which is more of an intent document which cannot be codified. In other words a Design Manual in lay person language. Regarding the Questionnaire, we thought about utilizing a web-based survey like survey monkey to gather community input into the actual design standards. Bill Prysi concluded that it will be a difficult task to get the process to completion by the end of the year. At least we should try to get as much done as possible during this period. We have to get through the advisory boards as well like the Horizon Council and LPA but may be able to separate the Community Plan from the overall update to the Lee County Comprehensive Plan which has to go through the more complicated EAR process. The Panel was asked to read Bill's documents before the March Meeting. Bill will send them in Word format to facilitate comments.

Regarding the Community Plan update, Paul O'Connor, Kathie Ebaugh and Bill Prysi will be meeting again on Thursday of this week which will hopefully allow us to see a new draft in early March. Kathie Ebaugh is not available on March 17th, and has asked that the next meeting of ECPP be put off until March 24th. The Panel agreed to change the next meeting for ECPP to March 24th. Hopefully we can then have a workshop with the public as a part of our next meeting or at a special meeting shortly thereafter.

6. Seth Harry Workshop Follow-Up meetings. Howard Levitan will attend on behalf of ECPP along with Roger Strelow and Jack Lienesch splitting time based on Sunshine considerations. Greg Toth will also participate in as many as possible.

7. David Graham Status. Jeff Maas said that the best candidate is Estero Bay Chevrolet. Maas did a write-up on this and thinks that the best place to give out the award is the ULI workshop on March 12th at FGCU. We will try to get on the agenda at this meeting which focuses on Estero as a Healthy Community. Ryan Binkowski said he is on the local board of ULI and will also try to get this on the agenda for the March 12th meeting.

8. Member Issues. Ryan Binkowski was proposed by Prysi as a member of the EDRC. He is a landscape architect with Waldrup Engineering. Motion was made, seconded and unanimously passed to ratify his appointment to the EDRC.

**Other Issues/Comments:**

1. The next meeting is scheduled for March 24th at 5:00 p.m. at the Estero Community Center. The Meeting was adjourned at 6:50 p.m. by Chairman Lienesch.
2. Respectfully submitted,

Howard J. Levitan, Secretary