

ESTERO COMMUNITY PLANNING PANEL
Minutes of Public Meeting #159 - March 24, 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, Neal Noethlich, Emeritus Chairman; Howard Levitan, Secretary, and Bev MacNellis, Treasurer. Absent for tonight's meeting was John Goodrich, ECCL.

Also present were Kathie Ebaugh, Lee County Community Development Staff, Bill Prysi, EDRC Chairman, and several members of the public, including Larry Maier, Jim Dodge, and Chris Carlson.

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 Meeting. Chairman Lienesch noted that the minutes of the February 17, 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 \$454.03. Motion made, seconded and unanimously passed to accept the Treasurer's Report as made.

PRESENTATIONS: None.

ECPP ISSUES:

1. Estero Community Plan Revisions. Kathie Ebaugh from the County Planning Staff presented the Final Draft of the Estero Community Plan which was vetted by the Working Group consisting of Kathie Ebaugh, Bill Prysi, Ned Dewhirst, and Howard Levitan, along with the assistance of Paul O'Connor of the DCD Staff.
2. History. Prysi reviewed the history of the Estero Community Plan Update from its inception in 2010 as prepared by Chairman Lienesch. The time to date is approximately 45 months. The current draft has been vetted by both the Working Group and the County Staff and is now presented for review by the ECPP.

3. Final Draft Review. Kathie Ebaugh presented the final draft which was actually the seventh draft of the Working Group. The current draft is not in strikethrough version because it is essentially totally new for the Estero Community. The County and all parties involved would like to get this to the LPA by next month, so that we can have a Community Plan revision finalized before the Incorporation Vote next November.

4. Detailed Review: The Panel went through the Draft paragraph by paragraph to hear the comments of the members of the Panel. Kathie Ebaugh made changes where appropriate as we went along.

a. Minor wording changes were suggested by Neal Noethlich regarding the Vision Statement, and the ECPP agreed to make these changes. There were also comments by Roger Strelow concerning the Deviation Policy in Policy 19.1.2, specifically the ECCL comment about “net” with respect to community benefit. Kathie Ebaugh explained that this formulation had been objected to by Paul O’Connor and the DCD Staff. Overall, the ECPP was comfortable with the compromise that was made in this section.

b. Policy 19.1.5. There was discussion raised by Neal Noethlich about the broader view of using Old Estero architecture in other parts of Estero. The drafting in this section was not seen as limiting to the use of this type of architecture in other areas of Estero as developed.

c. Mixed Use Centers and Objective 19.2. There was a long discussion of the concept of live, work, and play as it relates to Policy 19.2.5 and standalone bars. The ECPP again reiterated its support of this Policy as a trial for expanding and supporting mixed use developments.

There was also a discussion of the language regarding the limitation of one acre of retail outdoor display area in the Interchange Area. The language was clarified to limit this exception to only the southwest corner of the Interchange Land Use Area.

d. DR/GR Provisions in Policy 9.5.4. After discussion, the Panel agreed to make the DR/GR language stronger by changing the word “significant” to “adverse” as it relates to Lee County protecting Estero from ecological or environmental impacts in the DR/GR which affect Estero.

e. Review of Public Participation Language. There was an extended discussion of the language prepared by the staff with respect to public participation. This is essentially the same language as has been presented in the Community Elements section of the proposed Lee Comp. Plan with some beneficial language produced by Bill Prys and approved by Michael Jacobs of the County Legal Staff regarding meetings to be held at public buildings in Estero.

5. Approval of Draft. Overall there is a consensus of the Panel on acceptance of this draft of the revised Community Plan. Chairman Lienesch gave

kudos to the Working Group for finishing up this project. The LPA meets on April 28th at 8:30 a.m. Three people from the Panel were delegated the power to speak on behalf of ECPP in favor of this revision to the Community Plan: Howard Levitan, Bill Prysi, and Roger Strelow. Paul O'Connor from DCD Planning Staff will also be there to answer questions. The plan is then to take the draft to the BOCC in June, and then on to the State for its review. Finally we hope to have the Community Plan back to the BOCC for final approval in September or October.

5. Future Land Use Map. Kathie Ebaugh went on to review what we currently have today in the FLUM, which includes mostly low density residential with the exception of the Corkscrew and US 41 Overlay areas and the Interchange Area (which latter area does not allow residential uses). We then reviewed the proposed FLUM with the newer urban categories. The current draft of the proposed FLUM utilizes only the Urban Neighborhood category for these overlay areas. This category allows residential densities of 10 units per acre with incentives to 16.

There followed a detailed discussion of the Urban Neighborhood category as opposed to Urban Place with higher densities for the Core areas along Corkscrew and US 41 especially since there are no longer FAR density limitations for commercial properties. The newest version of the proposed FLUM has left off any such density limitations for commercial properties. Since the proposed FLUM is also going to the LPA next month, we need to make a decision about any changes to our portion of the FLUM as soon as possible. This is especially true about the Town Center Area as proposed in the Seth Harry Workshops. Ned Dewhirst pointed out that if you propose a mixed-use project, the density with respect to residences is calculated over all of the property not just where the residential property is located. This allows a much higher density in the residential portions. We need to make a decision on this before the next meeting. Greg Toth made a strong argument for increasing the land use categories to Urban Place for the current areas that are Urban Neighborhood. We will refer this to ECCL Board of Directors for their input at their next meeting this coming Friday. We need to get back to Kathie Ebaugh on this issue at the first of the week, and Chairman Lienesch was delegated the power on behalf of the Panel to finalize that input to the proposed FLUM on behalf of the ECPP.

5. LDC Revisions. Bill Prysi reviewed the status of proposed LDC revisions. This process includes the approval of several BOCC Advisory Committees including LDCAC, Executive Regulatory Oversight Committee ("EROC"), then LPA, with a final decision to be made by the BOCC. With respect to the Planning Contract itself, we have spent \$60,000 and are only through tasks 1 and 3 of the Contract and still have 2 and 4 left under the contract. Bill Prysi as consultant has been paid for some of the second task.

Several questions were raised by the Panel as to whether or not we need to do the proposed on-line survey. Prysi says we need community input on several specific issues in his proposed LDC revisions which were not reflected in the charette done in November, 2010. Prysi wants to get feedback from the community in a really shortened time period. He thinks this is necessary to get past the various BOCC advisory

committees. In order to get this done by November we would need to really act fast. He advised that at the April 9th meeting of the EDRC there will be a workshop on this subject and all of the Panel should try to attend. Prysni will share the underlying document which he has drafted with the Panel prior to that meeting, but the presentation at EDRC will be more in the way of reviewing the overall revisions and not a word-by-word review.

6. Seth Harry Study. At this point, the Seth Harry Study is not yet available.

7. David Graham Award. Chairman Lienesch reported that the Award was given at the ULI meeting held last week at FGCU to Estero Bay Chevrolet.

Meeting was adjourned at 7:45 p.m

Respectfully Submitted,

Howard Levitan, Secretary