

ESTERO COMMUNITY PLANNING PANEL
Minutes of Public Meeting #162 – June 16, 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; 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 Paul Roberts, Estero Development Community.

Also present were Nick Batos, Chairman, ECCL; Bill Prysi, EDRC Chairman and several members of the public, including a fairly large group from the Marsh Landing Community. 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 has been posted on the ECPP website for over a week. 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 May 19, 2014 Meeting of the Panel were prepared by Secretary Levitan, had been vetted by Chairman Lienesch and the Panel, and had been posted on our ECPP website. Motion was made, seconded and unanimously passed to accept the May minutes as posted.

Treasurer's Report: Treasurer MacNellis presented her Treasurers' Report, and reported a balance of \$ 992.42. Some or all of this money is owed to the ECCL for liability insurance premiums which have been advanced by ECCL on behalf of the ECPP. Motion made, seconded and unanimously passed to accept the Treasurer's Report as presented.

PRESENTATIONS:

1. Coconut Crossing Comp. Plan Amendment.

Materials presented for review:

- *[Will be added at a later date to these minutes.]*

This was a preliminary discussion and not a required public informational session/meeting under the LDC. The presentation was made by Attorney Chuck Basinait of the Henderson, Franklin Firm and Tom McLean from Hole Montes. Currently the property is a portion of an overall mixed planned development zoning (MPD) but the prospective owner wants additional flexibility. Basinait represents Brandon Lurie from Miami who is seeking to meet the Mixed-Use criteria (as defined in the Lee Plan) on this site in order to obtain higher residential densities

than currently allowed under the existing zoning and Lee Plan. They are seeking a comprehensive plan amendment (both text and map) to change from Urban Community to the Intensive Development Lee Plan category. After the plan amendment, they will file an application to amend the property's zoning to mixed-use development (as defined in the Lee Plan) that would allow density calculation over the entire property. They want to be categorized as Intensive Development, which would include the highest possible residential density (max standard density of 14 units / ac and max bonus density of 22 units / ac). In addition, they want to increase the allowed residential density for Intensive Development to a max standard 18 units / ac and max bonus density of 25 units / ac. They also want to add this property to the County's Lee Plan Mixed-Use Overlay Map.

Tom McLean presented a preliminary MCP for us to review as well. He stated that this is a 31.32 acre commercial site which is a part of an existing \pm 46 ac MPD project. They are currently in the Urban Communities Lee Plan category with a max standard density of 6 units / ac and a max bonus density of 10 units / ac, and want to increase it to the modified Intensive Development category described above. The site had previously been zoned for a big box store with out parcels (Walmart and Kohls were originally proposed). The remaining part of the existing MPD is zoned for residential (max standard density of 6 units / ac and max bonus density of 10 units / ac) which is located on the west portion of the overall development and is not controlled by them. They want to do a mixed-use, multi-modal development with residential and commercial uses, which would be interconnected and compact and would have higher density. They see this site as being adjacent to the existing intense development at Coconut Point. By being in the mixed-use overlay and demonstrating that their project meets the Mixed Use criteria (as defined in the Lee Plan), they can count the entire site for calculating the residential density. They say this requested change in the Comp. Plan is consistent with both the proposed Lee Plan amendment by Lee County (it is currently recommended by County Staff to be in Urban Places category on the FLUM proposal for the revised Lee Plan) and with the Goal 19 Estero Community Plan as recently revised which supports mixed planned developments. A multi-modal community would include transit, walking and biking access. Speed bumps and other traffic calming devices would be included. Their plan is similar to the Coconut Point residential uses with vertical residential uses above commercial uses. (See also their preliminary MCP which is filed with these minutes). They are planning to have parking garages next to or underneath residential units. Two big residential buildings are planned west of the internal road similar to Fashion Drive in Coconut Point. They stated that the buildings on US 41 would need a deviation from the Estero portions of the LDC re setbacks, so that the commercial buildings are not directly on this road. There would also be some parking on the side fronting US 41 with buffering, and this would also require a deviation from the US 41 Overlay provisions of the Estero LDC requirements. On the US 41 frontage they would have more retail uses with medical offices and other office uses on the Coconut Road side. Internal roads will be the front side of the retail uses and office uses and will have parallel parking in the internal facing side, again similar to Fashion Drive in Coconut Point.

Comments from the Panel: John Goodrich was somewhat concerned about parking on the US 41 side of the development, which requires a deviation at the zoning stage. The buffer would be a 1-2 foot berm and plantings in a 20-foot buffer (similar to the Coconut Ford buffer) consisting of a double hedge and trees. The pale yellow areas on the preliminary MCP are retail and the

brighter yellow areas on Coconut Road are the medical office and other office uses. The height of the parking garage is a function of the number of residential units on the site. The MCP shows a current plan for 562 units based on the 31.32 acres at 18 density. They will have assisted living units mixed into the multi-family units.

Jeff Maas asked what are the height limits? The height limit for Intensive Development is 135 feet. They are asking for 8 stories, which would be about 95 feet. Several Panel Members noted that Estero limits the height to 45 feet except in the Interchange Category, and 8 stories would require a deviation. Basinait responded that if Estero wants to encourage mixed-use developments with higher residential densities, it will have to relax its height limitations.

Roger Strelow asked about the bike lanes and other features. Tom McLean responded that they are trying to get calming mechanisms into the design, rather than a dedicated bike lane.

Greg Toth said that he is troubled by the overall plan of the development, not the density, since the Panel already was in agreement to change this parcel to the Urban Place category in the proposed FLUM. They are looking for the 18 units/acre level which would allow 700 units at that max bonus density. Basinait says that the zoning would not happen before the incorporation referendum, and then Estero has the power at the zoning stage to deal with all of these zoning issues. Even assuming this Comp. Plan Amendment is passed, they still have to get the zoning approved, which would allow Estero to have a larger say in this process. They are going to file the zoning application as soon as possible in order for the proponent to acquire the property.

Ned Dewhirst asked them how do we know that once the Comp. Plan is amended we will actually get the mixed-use project that they are proposing. He is concerned that there are no guarantees that we will get the mixed-use project meeting the Mixed Use criteria (as defined in the Lee Plan) that they are promising when we sign off on the increased land use intensity classification (Intensive Development). Basinait responded that this is a chicken-egg situation. Ideally they would have moved on both the Comp. Plan Amendment and the zoning at the same time.

Greg Toth stated that he is also concerned about the height limitations. Toth went on to state that he is also troubled that this property has not yet been purchased by the proponent. In other words, the Comp. Plan could be amended to increase the density, and the prospective buyer not purchase it. One possible outcome would be for another developer to come in and seek to build something that would be objectionable with this higher density. Ned Dewhirst suggested that Basinait can include in the text amendment which would be part of the Comp. Plan Amendment that this change of category would be limited to a mixed-use project meeting the Mixed Use criteria (as defined in the Lee Plan). Ned Dewhirst continued by stating that Coconut Point is 3 stories over parking, so why do they need a height of 95 feet for their residential portion which would be about 8 stories. Basinait responded that it is because of open space and surface water management requirements over a relatively small project are different than in the Coconut Point DRI where they could spread those uses over a larger area. Finally, Ned Dewhirst asked how they anticipated treating the rest of the current MPD, especially the western area which would remain a lower density residential use? Basinait explained that they intend to take this property out of the existing MPD zoning and create their own smaller MPD zoning.

Howard Levitan supported this request subject to the addition of a mixed-use requirement in the text amendment accompanying this Comp. Plan Amendment. He stated that the Community did support putting this into Urban Places on the FLUM, but the Land Use Element is currently on hold with the BOCC seeming to want to do a major review. This proposed Comp. Plan Amendment is not just a map change, but a text change as well so that we could have some assurances that we will get a mixed use development in return for additional density.

Chairman Lienesch asked about the balance of the existing MPD, and how many residential units that could be developed on that parcel. This remaining parcel is 14.4 acres and theoretically be allowed 144 units on top of a total of 763 in the proposed project at the current bonus density for their parcel. This is a lot of development density for the surrounding neighborhoods such as Marsh Landing, and this ultimately would have to be decided at the zoning application.

Neal Noethlich commented that this is a very interesting project for this critical corner of Estero. Historically, when this was originally zoned, we continued the process of interaction with the developer and the community and achieved some compromise later on. This is exactly the kind of development that we want on this corner. The height is already allowed in Urban Community category, and they have to come back to us for zoning later on any way.

Audience comments: Ivan Marlow from Marsh Landing stated that one of the biggest issue is the safety of people crossing US 41 from these residences to Coconut Point. He suggested a pedestrian overpass. Basinait replied that there needs to be some interplay between the two developments, but it still has to be economically feasible, which would likely make it impossible to fund an overpass. Dan Dronkers from Marsh Landing asked how tall the residential buildings would be. McLean said 95 feet or 8 stories. The Marsh Landing people are very concerned about storm water management especially adjacent to their community. Connie Mansfield from Marsh Landing asked where the project boundary was located? They said the Coconut Trace MPD is on the north, but there is an out parcel on the north that is separate from this proposal. Pete Angelosi from Marsh Landing asked whether this would be a phased development. Chuck Basinait said it was likely to be phased. Judy Cochran from Marsh Landing also asked about the size of the retail buildings, which Basinait said would be much smaller than a big box. Jeff Maas from the Panel commented that this concept is very likely to bring younger people to the community.

Jack Lienesch summarized that there is general support on the Panel for the Comp. Plan Amendment and change to the Mixed-Use Overlay Map. A mixed-use development in this location seems to fit the new Estero Community Plan. However, the Panel had concerns about the project details such as number of units (overall residential density) and particularly the height of the residential buildings, which would require a deviation. The major concern of the Panel, which must be addressed by the developer, is to make certain that appropriate protections are placed in the text amendment portion of the Comp. Plan Amendment to make certain that any additional density beyond the current land use category is only in connection with a true mixed-use development meeting the Mixed Use criteria (as defined in the Lee Plan).

2. Estero Town Center CPD Amendment / deviations.

Materials presented for review:

➤ *[Will be added at a later date to these minutes.]*

Doug Kirby and Wayne Arnold came before the Panel to do a preliminary discussion on behalf of the owners of this shopping center. This presentation is intended for discussion purposes only with the Estero Community, and is not the required public informational session / meeting required for a zoning amendment. They are proposing certain deviations to get a larger (# of pumps) service station to be located on the corner of Three Oaks and Corkscrew Road. Lee County Transportation (LDOT) did not want any additional curb cut on Three Oaks, but might work with them on an additional access point on Corkscrew. The other issue is that the usage in the current CPD allows a service station with 12 pumps, while they want a maximum of 18. They say that County Staff does not have a real problem with increasing the number of pumps. Lastly, if they have a gas station convenience store, they cannot have another fast food with drive through, so they want to eliminate this restriction in the current list of uses in their CPD. They are also concerned about timing issue with the incorporation.

Chairman Lienesch asked about the drive-through restriction. They responded that the drive-through was not associated with the gas convenience store, but as to a future out parcel. In other words this would be an issue for outparcel B (eastern-most lot). At the time of the original zoning for the overall project, Neal Noethlich negotiated many of the zoning restrictions and uses on behalf of the ECPP with Ned Dewhirst and Don Eslick. He questioned the 500 foot separation from other gas stations nearby which would require a deviation under the Estero Community LDC provisions. Also, he asked whether the access point off of Corkscrew would be a right in only. They responded that they did not believe that they were subject to the 500 foot restriction in the Estero Plan. Further, the access point proposed for Three Oaks would be right-in, right-out, while the access for Corkscrew would be right-in only.

Jeff Maas asked if the preserve at the corner and the large trees presently on that corner would remain? They answered yes. This was a requirement / condition of the original zoning.

Roger Strelow shares the concerns and skepticism about a key corner in the Community. We already have a lot of gas stations in this area. The curb cuts are a significant issue. While we want to work with people, this would be a significant problem.

Greg Toth commented that he is not really happy about another gas station at this area. The access would also be very difficult.

Ned Dewhirst says that he does not have a use problem re the gas / conv since it is very near to the Interstate where you would expect to see such uses and for the fact that there are few if any gas / conv uses when traveling north on Three Oaks or eastbound on Corkscrew to I-75. As to the drive-through issue, Estero and this project's zoning in particular has design requirements and limitations to solve any negative aspects of these. As to the gas / conv architecture, Estero

and this project in particular has specific architectural design guidelines as well. As to the accesses, Dewhirst went on to state that this issue was already denied a deviation for access spacing on Three Oaks during the original zoning of this overall shopping center, and it appears nothing has changed to make it different. The reverse access road should be used. Dewhirst also said that he would not favor any change to access on the Three Oaks side, and the proposed new right-in only access on Corkscrew is questionable but may be acceptable given proper design and review by LDOT.

Howard Levitan agreed with all of these comments, but also stated that there is a real question about why we should not enforce the 500 foot separation rule in the Estero LDC sections. It is there for a specific reason, and there are adequate access to gas stations at that corner already.

Neal Noethlich also commented that there is also a reverse access road on the parcel to be developed on the east side of this CPD which would alleviate a lot of the problems regarding cross overs from the south to north side properties.

Audience comments. Lena Boles stated that it would be a bad place to put another gas station, especially on this important corner. Adele Amico stated that this intersection is a safety challenge at best. We should stop allowing cross-overs in this area especially with the problem with Corkscrew Woodlands and Island Club drivers crossing over to go west on Corkscrew.

Ryan Binkowski commented that we have little guidance as to what the Gateways to Estero should look like. Especially how people coming off of the Interstate will view the gateways into Estero. We really need a gateway plan to be developed as part of our LDC revisions.

Chuck Basinait stated that this is a corner parcel, and it needs access reasonably near the parcel as opposed to the reverse frontage road. This is especially true since it is such an important corner.

Chairman Lienesch summarized the sentiments of the Panel that we could talk about an additional right in access off of Corkscrew, but the use is a clear issue if the 500 foot rule applies. The developer has heard our concerns. The community wants to develop this corner, but at present, the Panel has significant concerns about a gas station use as proposed.

3. Estero Grande (fka Santorini):

Materials presented for review:

➤ *[Will be added at a later date to these minutes.]*

The presentation was made by Alexis Crespo of Waldrup Engineering. This is a return presentation from the preliminary discussion at the last month's meeting. Stephen Hagenbuckle from Terracap was also present.

They are proposing 285 units along with 100,000 s.f. of commercial uses along the US 41 frontage. From the first presentation, the panel was concerned about how the project meets the

Mixed Use criteria (as defined in the Lee Plan) which allows residential density calculation over the entire project site. The proposed schedule of uses is now limited to those that they believe are consistent with the residential component and intent of a mixed use project. They are requesting a gas station within these uses with a convenience store. They are not looking at any deviations from the Estero design standards. They are using the max bonus density of ± 10 units / ac over the entire parcel to obtain the requested 285 MF units which is allowed in a mixed use development using the Mixed Use criteria (as defined in the Lee Plan). Per Crespo, the new LDC amendments allow free bonus density (units above the max standard density) for a mixed-use development using the Mixed Use criteria (as defined in the Lee Plan), as opposed to buying TDRs or providing affordable housing units. They spent some time discussing their proposal to add pedestrian plazas, civic spaces and bike and walkways from the residential areas to the retail and other commercial uses.

Dewhirst questioned the fact that simply buffering between uses does not necessarily enhance the development of pedestrian interconnections. He went on to state that the Panel had originally commented on the lack of a reverse frontage road in the first presentation, which is still not present in this proposal. Also the location of the access arrows from the main entry appear too close to US 41. Greg Toth commented that we wanted a common internal access road location not along the US 41 frontage. The latest proposal indicates two undefined accessways from the main entranceway to the north / south within the proposed commercial outlots/parking areas which are located along the US 41 frontage and to the rear of the commercial outlots. This is really a frontage road / interconnection design which does not comply with Estero's Lee Plan or LDC provisions. In addition it was commented that outside of the Interchange Land Use Category we do not allow heights in excess of 45 feet in Estero without a deviation. They will need a deviation for the proposed max ht of 65 feet for both residential and commercial uses. Greg does not think that they have done enough to meet the Mixed Use criteria (as defined in the Lee Plan) which would allow for the additional density calc over the entire project site. He also thinks they need to design a better reverse frontage road system that serves the project and provides a defined interconnection to neighboring projects while being pedestrian-friendly.

Howard Levitan thought the current proposal was much better than the preliminary one. He stated that one real key to achieving the true mixed-use development criteria (as defined by the Lee Plan) is to include only uses that promote the interconnection with the residential units. He questions whether a service station would do that.

Ned Dewhirst went on to comment that using up one of only 4 commercial out lots with a service station does not promote mixed use or interconnectivity. They still will need a height deviation and they may have a problem with existing residential units located to the south of them (town houses). They should do a sight line from these town houses to see what these units would see with a 65 foot height for the proposed residential uses. They also need to look at the old MCP drawings for the subdivision roads to the south, as it may be desirable to have a stubout to interconnect to these if and when they are developed in the future. Dewhirst still feels that a dedicated reverse frontage road would be critical to interconnections to the adjacent subdivision that goes to Broadway and north to the new commercial center and ultimately to the Breckenridge main entrance road. He agrees with Toth that we need a little more detail to show how there would be mixed use aspects that meet the Mixed Use criteria (as defined by the Lee

Plan). They need to meet a higher bar to really get the additional density calculated over the entire project site. The project proposal is getting there, but not quite. The developer mentioned that there is an existing bus stop within ¼ mile of the site. In the narrative, Dewhirst stated that they skipped over Mixed Use Policy 4.3.3 which deals with building and site design features. He would show the present interconnects with the residential communities like Breckenridge and Estero Ridge. Dewhirst said that he would be greatly helped by a pedestrian-friendly, well landscaped reverse frontage road which connects well with both residential and commercial uses and the other communities surrounding the development.

Greg Toth stated that he is also concerned about the height. They stated that they are looking to do a town meeting with these communities. It is very important to Toth that they get the surrounding communities to buy into any deviation to the Estero height limitations. He said that this project is not really meeting the mixed-use criteria that he thinks are necessary. The way you get the additional density is to really become a true mixed-use project (as defined in the Lee Plan). He thinks the developer is just trying to get four saleable commercial outlots added to a residential project without making it a true mixed-use interconnected project. The reverse frontage road will help this as opposed to walking through out lots / parking lots. This is like the old style mixed use like Pelican Sound with the commercial buffered from the residential (e.g. horizontal mixed use where the commercial buildings are up front and the residential homes behind it resulting in two separate uses).

Roger Strelow says looking at this visually, it is homes and retail with just a little buffering and separation. This is not genuine mixed use project. While there are some challenges due to the configuration of the parcel, they need to work on the mixed-use aspects in order to justify additional density.

John Goodrich had some questions about the height, especially as to the commercial uses which probably would not need that height of 65 feet. 45 feet on the frontage parcels would be likely acceptable. The developer did say that they are talking with WaWa, which are highly designed service stations with convenience stores. One such facility is being built at College and US 41.

Neal Noethlich stated that this project is clearly difficult due to the layout of the land. We are spoiled by the prior design of the Santorini proposal, which was dramatic with buildings close to the road and a reverse frontage road. This is a plan with basically four out lots which likely are going to contain just four separate uses. He would like to see design compatibility between the out lots, which would then be a part of the zoning approval. The current proposal has an identity problem e.g. is this a commercial or a residential development?

Chairman Lienesch commented on consistency of architectural requirements. He asked whether they have time to push the pencil further with respect to the development, and especially with respect to a reverse frontage road. We offered some collaboration with them prior to their going to the Hearing Officer for a public hearing. They are resubmitting, but would like to go ahead and schedule their public hearing at HEX. Chairman Lienesch concluded that the sense of the Panel is that this project is not yet ready for our support. The Panel has made specific comments about the lack of a reverse frontage road, the height deviation requested, and the interconnectivity between the residential uses / commercial out lots and the neighboring uses.

The Panel does not believe that this project as proposed meets the Mixed Use criteria (as defined in the Lee Plan) for a mixed use project entitling it to additional density. Finally, we have asked for serious consideration of the addition of a common architectural theme for all of the out lots, which we believe is important as well as the interconnectivity. The overall recommendation is that this project still needs work before the Panel can support it going forward.

Sis Newburg from the audience commented that she thought that the ECPP was really harsh on this development proposal, while others felt that the comments were meaningful and correctly given.

ECCP ISSUES:

1. Estero Community Plan: Howard Levitan gave a summary of the status of the changes made at the LPA, and that the next step was the transmittal hearing at the BOCC on the 18th. Specific reference was made to the adding back into the draft of the Standalone Bar provision, which will be brought to the BOCC.
2. Update of the LDC Rewrite. Bill Prysi has submitted several drafts to the County, the last of which was reviewed with EDRC last Wednesday. There was general concern on the Panel about what can realistically be done by July 21st. County Staff has seen some versions of this draft. Chairman Lienesch is looking for feedback to Bill Prysi from the ECPP. Ned Dewhirst commented that we are wasting our time and the County's budget in this hurry-up effort. Other than Bill Prysi no one is urging us to move forward so quickly. Chairman Lienesch asked Sharon Jenkins-Owen not to circulate the current draft to the rest of the Staff until we get more clarity, and we will not push this project through for July 21st.
3. Urban Place: Several Panel Members asked if the Panel were really comfortable with going to Urban Place category for some of the areas of Estero without the developer being required to do a mixed-use project. This is a real question of legality. However, it is not likely to be a problem now, because the FLUM is not going to affect Estero after November 4th and it is very unlikely to be revised by the County by that date.
4. Estero Apartments and Transmittal Hearing at BOCC. Howard Levitan and Jack Lienesch will attend and were authorized by the Panel to talk on its behalf.
5. Member Issues: None
6. Public Comments: None

Next Meeting is July 21st.
Meeting was adjourned at 8:10 p.m

Respectfully Submitted,

Howard Levitan, Secretary