

## **ESTERO COMMUNITY PLANNING PANEL**

### **Minutes of Public Meeting #163 – July 21, 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, Greg Toth, Founding member, Neal Noethlich, Emeritus Chairman; Howard Levitan, Secretary, and Bev MacNellis, Treasurer. Absent for tonight's meeting was Jeff Maas, Estero Chamber of Commerce.

Also present were Don Eslick, Chairman Emeritus, ECCL; Bill Prysi, EDRC Chairman, and several members of the public, including Marilyn Edwards, Al O'Donnell and Ryan Binkowski from the EDRC, Jonathan Franz from the Conservancy. 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 June 16, 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 June minutes as posted.

Treasurer's Report: Treasurer MacNellis presented her Treasurer's Report, and reported a balance of \$1,119.42. 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 made.

#### **PRESENTATIONS:**

1. Veterinary Hospital Usage.

Materials presented for review: Business Plan for Florida Veterinary Referral Center ("FVRC"), Legal Description for 21700 S. Tamiami Trail, Estero, FL, Draft Application for Planned Development prepared by Ed Boeder, Sperry Van Ness Real Estate, Site Plan for Paradise Shoppes of Estero prepared by Bararco and Associates, and copy of original Zoning Resolution Z-04-068.

Ed Boeder of Sperry Van Ness Real Estate presented the plans for a new business location on behalf of the two veterinary doctors who own FVRC presently located in Estero Commons. Drs. Joshua Parra and Laura Brounig, DVM, want to build a 10,000 s.f. veterinary hospital on Parcel

1 in the Paradise Shoppes of Estero which is an out-lot fronting US 41 and located near the center's main entrance on the north side of the existing commercial strip center where Jimmy Johns sandwich shop is located. The parcel contains approximately 1.42 acres in total. Under the existing Zoning Resolution, they are not able to do a veterinary hospital at this location. This hospital would be somewhat different from a normal veterinary location, since it will only involve emergency care services on a 24/7 basis either a referral basis from a veterinarian or in an emergency. They have 39 staff members now at the present Estero location. Under the current MPD, such services are not listed as a permitted use. They have stated that no outside kennels or runs would be included in the plans. Overnight boarding would only be for surgical patients. Under the provisions of the Lee County LDC, the term for this usage would be *animal clinic*, which is not on the list of permitted uses in the Zoning Resolution. They stated that they are really a collection of specialists for animals as opposed to providing the same basic care that most veterinaries handle. This would include specialists in emergency medicine and surgery.

Comments from Panel. John Goodrich stated that he is uncomfortable with the definition of the services to be provided, and that in the future he would not want this parcel to become an animal hospital which might later on have outside kennels, runs etc. Paul Roberts had the same comments about the external uses. Neal Noethlich asked about ingress and egress, which they responded would be the same as currently exists. Greg Toth stated that they would have to meet Estero's architectural standards before the EDRC for their sign. Toth feels that adding this use would be acceptable to him, but he wants such use limited in the future to make sure that outside kennels or runs would not be allowed. Roger Strelow pointed out that this requirement is already in the zoning for this site. He went on to ask about mobile services to get the pets there, and the Doctors stated that while they do not provide this service, they have relationships with others for emergency transportation. Ned Dewhirst discussed the two existing direct points of access to this parcel, which the applicant confirmed that they will be using. In addition, they stated that their required parking will be within their site boundary and it is large enough for their use. Dewhirst concluded that this request would be the classic case for an Administrative Amendment.

Jack Lienesch summarized the conclusion that the Panel was in favor of the proposal. The Panel agreed that this should be handled by Lee County DCD Staff as an administrative amendment with the conditions set forth above concerning no outdoor kennels, runs or animal walking.

## 2. Coconut Trace ALF.

Materials Presented for Review: Draft Application to Amend PUD of Coconut Trace Subdivision (Owner Tulip Associates, LLP), Letter from Ilde Robles, The LaSalle Group, to Lee County DCD dated July 9, 2104, Plans showing existing Block A of this Subdivision, including Out-Parcel C-D, E, and F. Site Plan showing proposed Assisted Living Facility located on new Lot C (3.47 acres). Existing zoning MCP. All presented via PowerPoint presentation.

Ilde Robles, LaSalle Group, gave the presentation for the owners. The property is located on the north side of this subdivision immediately adjacent on the north to Marsh Landing Boulevard. They are planning to build a 36,000 s.f. assisted living facility (54 units). They need to re-subdivide the currently platted Lots C-D and E to create three new lots: Lot C containing 3.47

acres, Lot D containing 1.34 acres, and Lot E containing 1.20 acres. Existing Lot F would remain the same. The plan would be to build the ALF building on Lot C. There currently is a buffer along US 41 and a drainage easement and buffers along the north and west sides of the property. They need to amend the zoning MCP of Coconut Trace to create the new Lot C from the old Lot C-D. This would leave two smaller out lots for other commercial uses. Parcel E would be mainly for office uses, and the easterly Parcel E would be retail or mixed use. The current zoning MCP shows the internal access road continuing to the north property line which is also Marsh Landing Blvd ROW. They are seeking an administrative amendment to the MCP for Coconut Trace to accomplish the lot reconfiguration and removal of the internal roadway to the north property line.

#### Comments from the Panel:

Greg Toth asked about the approved zoning road interconnect with Marsh Landing Boulevard. Robles stated that at the time of the project DO, the Marsh Landing HOA in 2008 declined the roadway interconnect with their entrance (Marsh Landing Blvd). Therefore the applicant has none planned for this development. Toth noted that this change in the MCP would preclude any road interconnect in the future. As this area becomes more developed this is a clear issue.

Ned Dewhirst agrees that this is the central zoning issue for this proposed application. He feels that the Marsh Landing residents should be asked to look at this issue again, since it is a public safety issue and such road interconnect would give Marsh Landing residents safer access to a traffic light for northbound US 41 turning movements. In fact, he stated that with the current road interconnect system to the south, they could ultimately get to Coconut Road over the various reverse frontage roads. He went on to state that one of Estero's goals in the Community Plan is to promote vehicular / pedestrian interconnects wherever possible for all properties. This may be a crucial issue, since they may not be able to design the ALF to accommodate this request. Dewhirst also felt strongly that this zoning amendment application should not be considered for an administrative amendment.

Bev MacNellis, a resident of Marsh Landing, will bring this to the Marsh Landing HOA Board, and advise Chairman Lienesch of their desires. She stated that the current access for Marsh Landing is dangerous when trying to leave northbound. If Marsh Landing wants such a road interconnect then perhaps the developer could design one into their plan. Robles stated that this current design is one that the proposed ALF developer uses in other locations, and it may not be able to be changed to accommodate a dedicated road interconnect, separate from the parking areas.

Greg Toth also mentioned that the design of the building would not meet our requirements with respect to the parking on the US 41 side. Bill Prysi, EDRC Chair, who disclosed that he is working for the developer on this project, mentioned that they would only have 20% of the parking on the US 41 side which would comply with our requirements. He went on to state that this is a large building for approximately 54 residents, and the developer may not be able to change the current plan to put in an interconnect. Dewhirst stated that he recalled in the Zoning Ordinance for the overall commercial project that there is a condition that requires the internal road to be ultimately built to the Marsh Land Blvd ROW which would then allow Marsh

Landing (if so desired) the ability to connect to the access road shown on the zoning MCP. This particular design might then preclude the developer's ability to build this building on the site as planned. Dewhirst believes that the Zoning MCP underlies the approved DO for Coconut Trace and the requirement for a road interconnect, if Marsh Landing wanted one, may still apply. Dewhirst also stated that he was present with the developer when turned down by Marsh Landing reps at the time of the Coconut Trace DO; therefore the developer has done as much as he can at the present time re a road interconnection. Since they are asking for a change to the MCP, Dewhirst thinks that this should at the very least go through a full public hearing due to the exterior impacts to the Marsh Landing Community, and should not be treated as an administrative amendment. He concluded that the Panel should strongly urge that the county not treat this as an administrative amendment.

With respect to the plans for this facility, it was noted that drainage is particularly important to Marsh Landing, and the developer needs to look carefully at this. Prysi responded that they will be conveying water drainage to the original system which then goes to Halfway Creek. The problem is that Halfway Creek seems to have been blocked in the past.

Prysi also stated that the buffering and landscaping is intended to hide the main bulk of the facility from US 41. The design would be compatible with the Estero design standards, and the height is 25' at the peaks. Dewhirst stated that he believes that they will need deviations for both the US 41 parking issue and the fact that there are not two forms of emergency access and egress.

The Panel concluded that the main **issue** with this proposal involves the potential loss of a previously approved (zoning) road/vehicular interconnect with Marsh Landing Boulevard. Chairman Lienesch summarized that the Panel supports the ALF usage and the rearrangement of the lots for the larger usage. However, since this design may eliminate any possible road interconnect with the Marsh Landing community, it is an external impact which precludes dealing with this as an administrative amendment. We would ask that the ALF developer and Coconut Trace ownership contact the Marsh Landing HOA and determine whether or not they have changed their previous position of not wanting a road interconnect. If Marsh Landing wants a road interconnect, then this should not be dealt with as an administrative amendment, and should go through a public hearing process. If Marsh Landing signs off again (in writing) as to a road interconnect, then the developer should come back to the Panel to discuss the overall plans. Dewhirst suggested that if this is the case, an administrative process may be warranted. Marsh Landing would be given sufficient time to resolve this issue, and report back to the Panel prior to the next meeting on August 18<sup>th</sup>. The panel also offered to meet with the developer and Marsh Landing before the next meeting, as long as the final decision as to whether or not the Panel is in favor of the overall development would be made at the public meeting on the 18<sup>th</sup>. It was important that the developer not be delayed as to the community's position.

### 3. Via Coconut MPD Comp. Plan Amendment (Southwest Corner CS and Via Coconut).

Materials Presented for Review: Draft Application for Planned Development Public Hearing for Focus Development Group, LLC prepared by Johnson Engineering dated July 21, 2014,

including Summary of Parts 1-4 and 6, List of Major Issues, Plan entitled Via Coconut MPD, and Concept Site Plan.

Laura DeJohn from Johnson Engineering started the presentation on behalf of the Focus Development Group. This is a courtesy, pre-application discussion and would be followed by a full public meeting discussion before the Panel at a later date. Steven Hartsell with Pavese Law Firm continued the discussion on behalf of Jeffrey Graef, Managing Member of the Focus Development Group. They do not have an application or a site plan yet. Hartsell described the boundaries of the site along Via Coconut northerly from the railroad crossing up to Corkscrew Road. The site (18.5 ac) would mostly be developed for multi-family residential of a high density. The site is currently designated Suburban on the Lee Plan FLUM and currently zoned as AG-2 and CF-2. The property is currently shown on the Lee Plan Mixed Use Map as well. The applicant is thinking of rezoning to MPD containing approximately 333 MF units and 30,000 sf of commercial uses. The northern portion of the development south of Corkscrew would be designated for the commercial use component ( $\pm$  2.9 ac). On this northerly part, the property abuts eight SF homes/lots on Happy Hollow Drive, and this is a shallow part of the site upon which only commercial uses may work. It has roughly 150' frontage on Corkscrew and the commercial parcel would carry that depth as it tracks southward. A commercial use of this part of the property might cause compatibility issues for these abutting homes. Hartsell went on to state that to his knowledge a number of these homes are rental properties, and that residential use may ultimately not be the highest and best use for these homes in the future. There will likely be more pressure with respect to this small subdivision to increase the use to a higher density in the future. The balance of the property would be designated for the multi-family residential component ( $\pm$  15.6 ac) at a density of about 21 units per acre (over just the residential acreage) or 18 units / ac (calculated over the entire site acreage). The County shows this 18 units / ac density on the proposed (not approved) FLUM for the Urban Places land use category, and would be the maximum standard range for this category without considering bonus density. They are proposing this project as a so-called "super" mixed-use development to count their density over all of the development thus allowing the 330 units overall. Per the Lee Plan, in order to qualify for the density calculation over the entire project acreage, one has to meet certain mixed use criteria (Lee Plan Goal 4). Hartsell stated that there is a pedestrian/bike sidewalk access along the entire Via Coconut side of the property. The most unusual feature of the site is the Seminole Gulf Railroad to the west which might be useable in the future for a rails-to-trail linear park or some form of rail passenger service north or south, or a combination of both uses. They would be seeking a Lee Plan Amendment to change the current Suburban land use category to a similar-type Urban Place category in order to do the proposed mixed-use development. They would have to propose a special category change to the Lee Plan FLUM and text since the Urban Place category does not yet exist.

Comments of the Panel. Chairman Lienesch started off by discussing the fact that there is no perceived tie in between the commercial and the residential uses. Ned Dewhirst agreed and said that they will have a real challenge convincing the Panel that they have a true "super" mixed use development to qualify for the higher density calculation over the entire site. At 21 units per acre over 15 acres, Dewhirst commented that we are likely talking about 5-6 stories of height. Dewhirst feels that the appropriateness of the higher density residential project may not be the issue since this is a very challenged site dimensionally and generally isolated by the railroad

ROW and Via Coconut Road; therefore the proposed residential use is likely appropriate for this property. The Lee Plan FLUM and Land Use amendments are supposedly going to the LPA this month, but it is not clear when or if these new provisions of the Comp Plan will be completed. Greg Toth disclosed that he is currently an owner of this property. He had originally participated in the Seth Harry Study to study whether this property might be useable to create a walkable, compact neighborhood in Estero.

Hartsell then asked the Panel as to whether or not we really want to see higher densities in this area, and if so, this would be a good opportunity as to how we could get there. He went on to state that the Developer is still only talking about garden-type apartments which would not need a deviation from the 45' foot height limitation. The issue boils down to whether or not the density uses the higher counting method of the mixed-use developments. e.g. 330 vs. 280 depending on whether it qualifies for the super calculation of the mixed-use categories. They have to do a text amendment to create a special Urban Places category (rather than use the current Intensive Development category of the FLUM). They would also be doing the re-zoning at the same time. Ned Dewhirst stated that we have not even discussed compatibility with the Happy Hollow homes. He also commented that the southern access on the plan would be a right out right in, and may only be used on an emergency basis. The railroad was and is a barrier which will have to be dealt with. The existing railroad crossing on Via Coconut cost the developers of Coconut Point over \$1.5 MM including the insurance for the location. Dewhirst suggested that since the proposed commercial area is dimensionally challenged in addition to possible compatibility issues with the adjacent SF, the applicant should consider making this area OS/SWM and would then qualify as part of the residential area which would contribute towards the desired density calculation. If the neighboring SF land use were to change in the future, then this part of the project could be reevaluated at that time.

No conclusions were reached by the Panel concerning this potential development, since this was intended to be just a preliminary discussion.

Don Eslick then gave us a summary of the next phase of the Seth Harry Study this Summer to plan for the Town Center Area and how to get public support for the conclusions reached in the Study, particularly about the density and intensity of mixed-use development in this part of Estero. This is a process that will go ahead this summer including public meetings initially about the Town Center area but later on about the Medical District as soon as LMHS's consultant gets its report done.

#### ECCP ISSUES:

1. Meeting on Monte Christo. Chairman Lienesch reported on the recent meeting with the new developer for this property along with attorney Neale Montgomery. They are now proposing reducing the density from 740 homes to 600 single family units. Several issues were discussed, including whether or not there will be interconnects with adjacent communities, whether they would be lining up their entrance with the proposed Wild Blue project to the north, and the impact on proposed CR 951. Finally, it was recognized that there are a multitude of environmental issues, which need to be addressed, including panther crossing on Corkscrew

Road. Lienesch stated that the conclusion of those present was that there are still many issues, both environmental and land use, that need to be addressed.

2. Sidewalk for Bella Largo. This action by the Panel was done by an email to the Panel with no objection from the members.

3. Honda Application. This will need a lot of work for the EDRC due to modern design. Lienesch reported that it appears nothing will be requested from the Panel since the use is already provided for in the current zoning resolution provided that the developer complies with our Estero prohibition for more than one acre of outdoor display area.

4. Update of the LDC Rewrite. Bill Prysi reported on this issue as consultant to the ECPP. He believes that we are close to having a final product to be given to Staff for formal review. There was a long discussion about whether this draft is sufficiently ready for final staff review. The original schedule in April sets out that the last day for final staff review was to be July 21<sup>st</sup> when everyone would be in agreement, including all Staff in order to get this through the advisory committees. Prysi says that they have now reflected all of the Staff's comments except for keeping in the provision for community review of LDOs, so long as such reviews are limited to situations impacting landscaping, building appearance, or interconnectivity.

John Goodrich agrees with Prysi, and thinks that the opportunity for Community input was present and we should move forward. Chairman Lienesch feels that we should either approve going forward or stop the process now. Dewhirst and Levitan both opined that the changes had not been fully vetted by the community at-large nor by the development community; therefore neither felt the latest document was ready for county review process. Strelow questioned the need for the rush. Toth asked what the harm was even if the document is not ready; Dewhirst responded that there could be unintended consequences by the design rule changes that the community and developers will have to live with. Both Lienesch and Prysi feel that the Panel can still take the time to look at this draft in current form, and make final comments over the next few days before it is submitted to the County. Sharon Jenkins-Owen from County DCD was asked what the very latest time we could submit to the County. While she stated that today was that date, we probably have a few days, say 48 hours to give Prysi final drafting comments. Lienesch then asked for all comments to be provided to Prysi in time for the changes to be made and the document filed with DCD Staff by Thursday night close of business. Prysi also pointed out that the Advisory Committee reviews will take into consideration the changes from the developers' point of view as well. Finally, he asked that we also comment on the tree preservation standards which he has marked up.

5. Member Issues: None

6. Public Comments: None

Next Meeting is August 18<sup>th</sup>.

Meeting was adjourned at 8:35 p.m.

Respectfully Submitted,

Howard Levitan, Secretary