

**ESTERO COMMUNITY PLANNING PANEL**  
**Minutes of Public Meeting #151 - August 19, 2013**  
**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, Paul Roberts, Estero development community, Neal Noethlich, Emeritus Chairman, Greg Toth, Founding Member, and Bev MacNellis, Treasurer. Absent was Howard Levitan, Secretary.

Also present: Judy Beach from Marsh Landing

Public Notice: Chairman Lienesch reported that the meeting notice was posted on the ECPP website.

Minutes of the Prior Meeting. Chairman Lienesch noted that the minutes of the July 15, 2013 meeting prepared by Secretary Levitan had been vetted by the Panel, and the updated version was posted on our ECPP website. Motion made and seconded to accept the report as written and amended prior to posting.

Treasurer's Report: Treasurer MacNellis presented her Treasurer's report and reported a balance in the checking account of \$315.03. She reviewed the income and disbursements for the month. Motion made and seconded to accept the Treasurer's report as presented.

**PRESENTATIONS:**

Administrative Amendment for [Estero Green CPD](#). Drew Fitzgerald and Tom Hardy representing RaceTrac Petroleum returned to update their July presentation to the panel. Changes from last month included the following:

1. The side access is now lined up with that of the Ford dealership to the South. (this requires a deviation for additional parking spaces in front of the building)
2. Four pumps have been removed -- the current total is now 20.
3. They are proposing a deviation reducing the height of the front landscaped berm from the required three feet to 1.5 feet to allow visibility into the property, as they plan to be a 24 hour operation and want to ensure security.
4. They also require a deviation on the banding around the canopy over the pumps.

They reviewed some details of their landscaping plan and Chairman Lienesch reminded them that the EDRC will go over that and the architectural plan (including the canopy and their signage plan) in detail at DO time.

Unchanged from last month is their request for an amendment to the MCP to allow an access drive into the property from US 41 southbound, and not use the reverse frontage road located on the west side.

Discussion ensued:

Neal -- asked for them to describe the traffic pattern for both customers and delivery vehicles.

Greg -- still unhappy with the proposed additional 41 entrance. Q. Can't you negotiate to purchase the remaining strip to the West (or get an easement through it)? (A. Tom indicated his client will not negotiate any further). Greg indicated that this plan shows 56% of the parking in front of the main building when the Estero code requires no more than 20%. He also brought up that with the existing Rapallo and one of the entrances for the Hertz property just across from the existing entrance, a traffic light may be installed there in the future.

Ned -- asked about water management system and how its min perimeter berm height relates to the front landscape berm (A. Drew indicated that the water management berm in front did not need to be 3' in height.) Ned also commented that the applicant continues to turn their back to the approved CPD and the intended access connections for all OPs to the existing reverse frontage road. It seems like they are planning their site in a vacuum. Based on that, it's hard to support the additional access onto US 41.

John -- Berm should match the rest of the properties N and S of theirs for uniformity. (Meandering landscape plan should improve appearance rather than a straight hedge.)

Neal -- Overlays in the Estero plans are there to ensure parking is not at the front of buildings. (A. Canopy could be considered a structure and therefore essentially all the parking is behind it. -- discussion ensued as to definitions.)

John -- I am opposed to the proposed additional 41 access.

Roger -- what is the compelling reason for the deviation to the MCP allowing an additional US 41 access? (A. cars are heavy users in a service station -- that is the hardship when no easy access is provided.)

Neal -- I question the applicant's ability to make a change to the MCP administratively, as there is a major external impact -- access point and traffic pattern. Suggest panel reps meet with Lee Co staff to better understand the differences in what constitutes administrative or public hearing changes to PDs.

Several members -- the Mobil station to the north of Williams road on the same side of US 41 has a very similar property layout and utilizes both its main shared access and reverse frontage roads without a separate entrance from US 41.

Public comment -- Judy Beach, a resident of Marsh Landing, stated that convenient access to a filling station is "are you on my side of the street", not "do I have to make

two right turns to enter the property instead of one". Your customers will depend on your fuel prices, not the access convenience.

Beverly -- what will be done with the remaining 2.5 acres at the rear of the property?

Chairman Lienesch summarized the panel's position on this zoning request:

1. Because of Estero's carefully designed overlay plan and the current Estero Greens CPD zoning which provides rear access locations for all parcels, the panel cannot support a deviation which violates both of these.

2. The panel feels the proposed land use is appropriate and the preliminary designs presented appear well done and consistent with Estero's vision. Therefore we would be willing to work with the applicant to accommodate certain deviations they may require going forward, as long as the proposed additional 41 access change to the MCP is removed from the proposal.

### **ECPP ISSUES:**

Terminology special meeting: Chairman Lienesch announced that a small group including county staff would meet on Friday August 23rd for the purpose of discussing the "Floor Area Ratio", the proposed land use descriptions and other definitions that are included in the new Lee Plan update, as there appeared to be some confusion on these topics during our July 30th workshop. The results of that discussion will be brought back to our next public planning workshop.

Incentives: a general discussion ensued as to what kind of incentives Estero and the county would be able to offer developers to encourage them to rezone their commercial properties to something else. These might include eliminating impact fees, postpone property taxes, increase allowable densities, etc.

### **NEXT MEETINGS:**

Our next meeting is a continuation of our July 30th workshop to finalize our Goal 14 language and settle on the appropriate FLUM and other illustrative planning graphics that will be included in our submission to the county. This will occur on September 5th, at 5 PM at the park but at a different room (102a).

The next regular meeting following this is our monthly meeting on September 16th at 5:00 p.m.

The meeting was adjourned at 6:37 p.m.

Respectfully submitted,  
Jack Lienesch, Chairman (for Secretary Levitan)