

**VILLAGE OF ESTERO DESIGN REVIEW BOARD
MEETING OF JULY 22, 2015**

The Village of Estero Design Review Board meeting was held on this date at the Estero Fire Rescue District Meeting Room, 21500 Three Oaks Parkway, Estero, Florida.

Present: Chairman Albert O'Donnell and Board Members W. Scott Anderson, Barry Jones, Joe McHarris, William Prysi, and Patty Whitehead.

Absent: Board Member Gerald Simons and James Tatooles.

Also present: Nancy Stroud, Esq., Community Development Director Mary Gibbs, and Village Clerk Kathy Hall.

1. CALL TO ORDER

Chairman O'Donnell called the meeting to order at 5:35 p.m.

2. PLEDGE OF ALLEGIANCE

Chairman O'Donnell led the Pledge of Allegiance.

3. ROLL CALL

Village Clerk Kathy Hall called the roll; all members were present with the exception of Board Members Simons and Tatooles.

4. APPROVAL OF AGENDA

Board Member Prysi moved approval of the agenda, seconded by Board Member Whitehead, called and carried unanimously, with Board Members Simons and Tatooles absent.

5. BOARD BUSINESS

None.

6. ACTION ITEMS

(A) Approval of June 24, 2015 Minutes

Board Member Prysi noted a correction to Carl Barraco's name on page 2; corrected to read Carl Barraco, Jr.; Board Member Whitehead noted a correction on page 4, paragraph 1; the word evasive was corrected to read invasive.

Board Member Prysi moved approval of the June 24, 2015 minutes as corrected, seconded by Board Member Whitehead, called and carried unanimously, with Board Members Simons and Tatooles absent.

7. PUBLIC INFORMATION WORKSHOPS

(A) Marsh Landing Tree Removal – US 41 Entrance - LDO2015-00328 Remove oaks and pine tree from front entry (trees were not required as part of County site plan approval)

Connie Mansfield, Marsh Landing Community Association, provided photos of 13 trees requested for removal along with an analysis handout; she noted that two trees had already been removed. Ms. Mansfield stated that removal of the trees was needed due to overcrowding and trees in poor condition; stumps will be ground. When asked if the association had considered replacing the trees, Ms. Mansfield replied that they had, however, the trees were not part of the original development plan. When asked if the tree removal had been presented to the homeowners and if there was an arborist report, Ms. Mansfield replied that it had been presented to the homeowners, there was an arborist report, and agreed to provide the minutes of the meeting along with the arborist report. Discussion of the condition of the trees ensued, along with requirements for vegetation removal permits and limited development orders. An inquiry was made whether there were special exceptions for heritage trees. Community Development Director Mary Gibbs responded that some are protected by the zoning conditions. Brief discussion followed.

Public Comment:

Marlene Rodak, Florida Native Plant Society, addressed concern regarding the large amount of trees proposed for removal.

(B) McDonald's Corkscrew SBS – Ben Hill Griffin Pkwy and Grand Oaks Shoppes Blvd. - UDO2015-00356 Convert existing single drive-thru to dual sided drive-thru and minor changes to comply with current Americans with Disabilities (ADA) code

Josh Lockhart, CPH Engineers, on behalf of McDonald's, explained the proposed development was to convert the existing single drive thru with the intention of improving vehicle circulation on the site and to help alleviate vehicle stacking from the drive thru onto the adjacent roadways along with updating pedestrian areas to current ADA standards. He also indicated that the driveways to the north would be removed and striped out. Mr. Lockhart provided exhibits of the existing drive thru, the proposed drive thru signage which would be similar to a recent new installation at another location, existing landscaping and proposed landscape revisions.

Board Member McHarris suggested that Mr. Lockhart review the Estero drive thru design standards. Board Member McHarris inquired whether Mr. Lockhart had looked at the impact of the yellow paint on the canopy as it related to visibility from the road and suggested the color be softened. Board Member Whitehead inquired whether the existing older building would be updated. Mr. Lockhart responded that there were no plans to update the building at the present time. Board Member McHarris reiterated that the designer needed to review the community design standards due to some issues with the proposal. Community Development Director Mary Gibbs stated she would email the specific design guidelines to Mr. Lockhart. Ms. Gibbs also advised that a sign permit would be required if the proposal included changing the signs. Board

Member Jones inquired whether employees parked across the street, whether Mr. Lockhart had reviewed the ADA route, and if the turning radius of the parking lot was satisfactory with the Fire Department. Mr. Lockhart responded that employees should be parking across the street, there was no defined route – it was more of a shared parking agreement, and the turning radius was satisfactory with the Fire Department.

Board Member McHarris noted that the signs were a major impact on the area and would need approval through the Design Review Board, which could be done at the same time or separately. Discussion ensued regarding drive thru stacking.

Chairman O'Donnell called for public comment and no one came forward.

8. PUBLIC INPUT

Note: Agenda item 8 was addressed following agenda item 9 (C).

Vice Mayor Levitan reported that, as part of the Council's Interlocal Agreement negotiations with Lee County, levels of service and costs involved for Community Development had been received. He stated that the Village Council had determined that they would like to explore the other opportunities that were available and had issued an RFQ to the planning community statewide to provide qualifications in resuming all the duties of the Community Development Department, in order to take over everything, with the exception of permitting, as of October 1, 2015; and take over permitting as of January 1, 2016. He stated that there had been no Council decision at the present time and negotiations with the County would continue; however, Council wanted to explore the costs, functions and qualifications, and a special meeting had been scheduled for August 10, 2015 to review the qualifications and determine the order. Brief discussion followed.

9. BOARD DISCUSSION

(A) Change of November 11, 2015 meeting date due to Veteran's Day Holiday

Brief discussion ensued. Consensus was to reschedule the November 11 meeting on November 12 if the meeting room was available.

(B) Draft Rules of Procedure

Nancy Stroud noted that the first draft of the Rules of Procedure were distributed to the Board. Ms. Stroud pointed out a change needed regarding quorum; a quorum of the Board was actually four members rather than five as indicated in the Rules of Procedure. She stated that the procedures would look familiar because they were procedures the Board had been following. She noted that the Board would need to begin holding the action items, that the Board would be approving or disapproving projects, in a quasi-judicial mode, to make certain that witnesses were sworn; members of the Board would disclose any ex parte communications or conflicts; and allow for cross examination of parties in proceedings. Discussion ensued regarding limiting times for speakers.

Board Member McHarris inquired regarding quorum and limiting to three members and a State-registered architect; since life safety was not involved, he inquired whether the wording could be amended to a member with a degree in architecture. Ms. Stroud explained that the provision matched the ordinance and any proposed change would need to go to the Council. Discussion regarding State-registered architect ensued.

Ms. Stroud continued with highlights of the Rules of Procedure. She noted that the rules did not require the Board to follow Roberts Rules of Order. Board Member Jones inquired whether the Board should consider a process that once the agenda was distributed and a majority of the Board believed an agenda item should not be brought forward, there would be an opportunity prior to the meeting that the agenda item could be declared as administrative. Discussion ensued regarding the concept of Consent Agenda. It was noted that, at the present time, staff was bringing everything forward in abundance of caution. Community Development Director Gibbs stated that feedback from prior meetings had helped; however, the ordinance was fairly strict. Discussion followed regarding application submittals and items that have come before the Board that perhaps could have been handled administratively.

(C) Topics for next agenda

Chairman O'Donnell entered draft rules of procedure as a continued topic for the next agenda.

Board Member Prysi suggested that the public be allowed to speak first rather than going forward with Board comments first at Public Information Meetings. Discussion ensued. Chairman O'Donnell believed that by allowing the Board to speak first added clarity and allowed for questions to be answered. It was suggested that it could be a judgement call by the Chairman, depending upon the number of persons wishing to speak.

10. ADJOURN

Board Member McHarris moved to adjourn, seconded by Board Member Prysi, called and carried unanimously, with Board Members Simons and Tatoes absent. Chairman O'Donnell adjourned the meeting at 6:59 p.m.

Respectfully submitted,

Kathy Hall, MMC
Village Clerk