THE VILLAGE OF ESTERO
PLANNING AND ZONING BOARD MEETING
TUESDAY, JULY 16, 2019

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CAPTIONING WHICH SHOULD NEITHER BE RELIED UPON FOR
COMPLETE ACCURACY NOR USED AS A VERBATIM TRANSCRIPT.
ANY PERSON WHO NEEDS A VERBATIM TRANSCRIPT OF THE
PROCEEDINGS MAY NEED TO HIRE A COURT REPORTER.

5:30:21PM   >> WELCOME TO THE JULY 16th PLANNING AND ZONING MEETING
5:30:24PM   FOR THE VILLAGE OF ESTERO.
5:30:26PM   PLEASE, WE WILL START WITH THE PLEDGE OF ALLEGIANCE.
5:30:30PM   [ PLEDGE OF ALLEGIANCE ]
5:30:44PM   >>Scotty Wood: THANK YOU.
5:30:45PM   MADAM CLERK, WOULD YOU CALL THE ROLL, PLEASE.
5:30:47PM   >> YES.
5:30:47PM   >>Dr. Tim Allen: HERE.
5:30:48PM   >>Anthony Gargano: HERE.
5:30:54PM   >> BOARD MEMBER KING, NOT HERE.
5:31:03PM   >>Marlene Naratil: HERE.
5:31:03PM   >>James Tatooles: HERE.
5:30:57PM   >>John Yarbrough: HERE.
5:31:04PM   >>Scotty Wood: HERE.
5:31:04PM   MAY I HAVE A MOTION TO APPROVE THE AGENDA?
5:31:07PM   >> SO MOVED.
5:31:08PM   >> SECOND?
5:31:09PM   >> SECOND.
5:31:09PM   >>Scotty Wood: ALL IN FAVOR?
5:31:11PM   [ AYES ]
5:31:13PM   >>Scotty Wood: ANY OPPOSED?
5:31:15PM   OKAY.
5:31:16PM   THERE ARE THREE AGENDA ITEMS THIS EVENING, AND TWO OF
5:31:19PM   THEM INOLVE PUBLIC HEARINGS, AND SO I NEED TO READ FOR
5:31:24PM   THE RECORD THE FACT THAT OUR PUBLIC HEARINGS ARE
5:31:29PM   CONDUCTED IN A QUASI-JUDICIAL FASHION, SO LET ME READ
5:31:33PM   WHAT THAT ALL MEANS.
5:31:35PM   IF YOU INTEND TO PROVIDE TESTIMONY FOR THESE
5:31:38PM   QUASI-JUDICIAL APPLICATIONS, YOU MUST BE SWORN IN BY THE
5:31:41PM   BOARD ATTORNEY IN A MOMENT, AND YOU SHOULD ALSO FILL OUT
5:31:44PM   A PUBLIC SPEAKER'S CARD AND GIVE IT TO THE DEPUTY VILLAGE
5:31:47PM   CLERK BEFORE THE ITEM IS CALLED.
5:31:50PM   IN GENERAL, WE WILL FIRST HEAR AN INTRODUCTION FROM THE
5:31:54PM   COMMUNITY DEVELOPMENT DIRECTOR OR HER REPRESENTATIVE, AND
5:31:57PM    THEN A PRESENTATION FROM THE APPLICANT.
5:31:59PM    THE DIRECTOR MAY THEN MAKE A PRESENTATION AFTERWARDS.
5:32:03PM    AFTER THIS, I'LL ALLOW ANYONE FROM THE AUDIENCE WHO HAS
5:32:06PM    BEEN SWORN IN TO PROVIDE TESTIMONY.
5:32:08PM    PLEASE MAKE YOUR COMMENTS CONCISE, NOT EXCEEDING FIVE
5:32:11PM    MINUTES.
5:32:12PM    THE APPLICANT HAS THE RIGHT TO CROSS-EXAMINE ANY WITNESS
5:32:15PM    FOR REBUTTAL.
5:32:17PM    ABOUT CROSS-EXAMINATION: WITNESSES, INCLUDING THE PUBLIC,
5:32:19PM    MAY BE SUBJECT TO CROSS-EXAMINATION.
5:32:22PM    THE GENERAL PUBLIC WILL NOT BE PERMITTED TO CROSS-EXAMINE
5:32:25PM    WITNESSES BUT THE PUBLIC MAY REQUEST THE BOARD TO DIRECT
5:32:29PM    QUESTIONS ON THEIR BEHALF TO EITHER STAFF OR THE
5:32:31PM    APPLICANT.
5:32:33PM    PERSONS WHO HAVE BEEN DETERMINED BY THE BOARD TO BE
5:32:35PM    INTERESTED PARTIES MAY CROSS-EXAMINE WITNESSES.
5:32:38PM    IF A PERSON REPRESENTS AN ORGANIZATION, EVIDENCE OF THEIR
5:32:42PM    AUTHORITY TO SPEAK FOR THE ORGANIZATION MUST BE PROVIDED.
5:32:45PM    IN ADDITION, BEFORE THE PRESENTATION ON THE APPLICATION
5:32:48PM    BEGINS, ANY WRITTEN COMMUNICATIONS THAT HAVE BEEN
5:32:51PM    RECEIVED ON THE QUASI-JUDICIAL MATTERS WILL BE PLACED
5:32:54PM    INTO THE PUBLIC RECORD.
5:32:55PM    I WILL ALSO ASK EACH BOARD MEMBER TO DISCLOSE ANY EX
5:32:59PM    PARTE COMMUNICATIONS REGARDING THE PARTICULAR APPLICATION
5:33:04PM    BEFORE IT IS HEARD, AND ANY MEMBER THAT HAS A CONFLICT
5:33:07PM    REGARDING THE PARTICULAR APPLICATION MUST DECLARE THAT
5:33:10PM    CONFLICT AND WILL NOT BE ALLOWED TO PARTICIPATE IN THE
5:33:12PM    DISCUSSION OR VOTE ON THAT APPLICATION.
5:33:16PM    WHAT I'D LIKE TO DO IS JUST SWEAR EVERYBODY IN ON BOTH,
5:33:19PM    SO IF YOU INTEND TO PROVIDE ANY TESTIMONY ON EITHER
5:33:24PM    THE -- ITEM 1, TONY SACCO'S PIZZA, OR ITEM 2, BURGER
5:33:34PM    KING, PLEASE RISE AND THE ATTORNEY WILL SWEAR YOU IN.
5:33:39PM    >> PLEASE RAISE YOUR RIGHT HAND.
5:33:40PM    DO YOU SWEAR OR AFFIRM THAT THE TESTIMONY YOU ARE ABOUT
5:33:43PM    TO GIVE WILL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING
5:33:45PM    BUT THE TRUTH?
5:33:45PM    >> I DO.
5:33:47PM    >> THANK YOU.
5:33:48PM    >>Scotty Wood: WE'LL MOVE TO THE FIRST ITEM, WHICH IS A
5:33:50PM    PUBLIC HEARING ON TONY SACCO'S COAL OVEN PIZZA, WHICH IS
5:33:55PM    AN APPLICATION FOR A LIQUOR LICENSE, BUT BEFORE DOING SO,
5:33:58PM    I'D LIKE TO KNOW, ANYTHING IN THE WRITTEN RECORD?
5:34:02PM    >> WE DON'T HAVE ANY LETTERS OR ANYTHING.
5:34:05PM    >>Scotty Wood: OKAY.
5:34:07PM    ANY EX PARTE COMMUNICATIONS AMONG THE BOARD MEMBERS?
5:34:12PM    >> NO.
5:34:13PM ANY CONFLICTS OF INTEREST?
5:34:15PM NONE.
5:34:16PM ROCK AND ROLL.
5:34:16PM BEFORE I START THIS, I JUST WANTED TO INTRODUCE OUR
5:34:19PM NEW SENIOR PLANNER.
5:34:22PM I'M GOING TO CALL ON STEVE CLAYMORE, AND TODAY IS HIS
5:34:27PM SECOND DAY OF WORK.
5:34:28PM WE THOUGHT WE'D BREAK HIM IN GOOD WITH THIS BOARD.
5:34:30PM WELCOME, STEVE.
5:34:31PM HE'LL BE HANDLING THIS HEARING NOW FOR ME.
5:34:35PM DO YOU WANT TO COME UP, STEVE, AND -- ALL RIGHT.
5:34:40PM SO THIS IS A -- THIS SHOULD BE VERY BRIEF.

5:34:43PM IT'S TONY SACCO'S COAL OVEN PIZZA.
5:34:46PM YOU PROBABLY ARE FAMILIAR WITH WHERE IT'S LOCATED,
5:34:51PM COCONUT POINT, IN AN EXISTING BUILDING, AND WHAT THEY ARE
5:34:54PM ASKING TO DO IS TO CHANGE THEIR LIQUOR LICENSE FROM A
5:34:56PM 2COP, WHICH IS BEER AND WINE, TO A 4COP SFS.
5:35:04PM ANYWAY, IT'S A NEW NAME; IT INCLUDES LIQUOR.
5:35:09PM SO THEY HAD RECEIVED APPROVAL FROM LEE COUNTY SOME TIME
5:35:14PM AGO FOR 2COP, WHICH IS THE BEER AND WINE FOR INDOOR AND
5:35:18PM OUTDOOR SEATING, SO NOW THEY'RE ASKING FOR THE NEW
5:35:21PM LICENSE THAT USED TO BE CALLED AN SRX LICENSE AND NOW
5:35:24PM IT'S BEEN RENAMED TO AN SFS LICENSE JUST TO MAKE YOU
5:35:29PM STUTTER WHEN YOU SAY THAT.
5:35:31PM THERE'S CERTAIN PARAMETERS FOR THIS TYPE OF LICENSE.
5:35:32PM YOU'VE GOT TO SERVE -- A MAJORITY OF WHAT YOU SERVE HAS
5:35:34PM GOT TO BE FOOD, NOT LIQUOR, SO THAT KEEPS IT FROM
5:35:38PM BECOMING A BAR, AND YOU HAVE TO HAVE -- YOU HAVE TO BE
5:35:41PM ABLE TO SERVE MEALS TO 150 PERSONS AT ONE TIME.
5:35:44PM IT USED TO BE -- USED TO STATE 150 SEATS, SO IT'S CHANGED
5:35:48PM SLIGHTLY.
5:35:49PM THEY'RE ASKING JUST TO HAVE THIS APPROVAL, AND IT WOULD
5:35:53PM ALSO APPLY INDOOR AND OUTDOOR, BUT THEY'RE NOT CHANGING
5:35:56PM THE OUTDOOR AREA; IT'S ESSENTIALLY THE SAME.
5:35:59PM AND THIS IS LOCATED IN THE MIDDLE PART OF COCONUT POINT.
5:36:02PM THERE'S SOME OTHER RESTAURANTS, BOKAMPERS AND HURRICANE
5:36:06PM GRILL & WINGS, KIND OF IN THAT AREA AROUND THE LAKE.

5:36:09PM WHEN WE LOOK AT THIS, WE WANT TO MAKE SURE THAT IT HAS TO
5:36:11PM BE 500 FEET FROM DAYCARES, CHURCHES, THOSE TYPE OF
5:36:17PM ESTABLISHMENTS, RESIDENTIAL, AND IT MEETS THOSE
5:36:20PM REQUIREMENTS.
5:36:21PM SO THEY DO MEET THE REQUIREMENTS TO BE APPROVED, AND WE
5:36:25PM HAVE RECOMMENDED APPROVAL WITH SEVERAL CONDITIONS THAT
5:36:28PM ARE IN THE RESOLUTION THAT'S KIND OF AT THE BACK OF YOUR
5:36:34PM PACKET ON THIS ITEM.
5:36:35PM THE CONDITIONS BASICALLY SAY THAT IT APPLIES TO THE 4COP
SFS LICENSE AND THEN THE APPROVAL -- IF THEY NEED ANYTHING ELSE, THEY'LL HAVE TO COME BACK.
IT HAS TO BE ALSO A GROUP III RESTAURANT, WHICH IS YOUR STANDARD SIT-DOWN RESTAURANT. AND THE HOURS OF OPERATION, THEY'RE ASKING FOR 10:00 A.M. TO MIDNIGHT, AND THAT WOULD APPLY TO THE INDOOR AND OUTDOOR SEATING, AND THEN WHAT WE'VE DONE IS, WE'VE SAID THE OUTDOOR SEATING AREA REMAINS THE SAME AS WHAT WAS APPROVED BY THE COUNTY BEFORE.

ALSO, WE HAVE A CONDITION ON MUSIC WHICH WAS CARRIED OVER FROM THE COUNTY APPROVAL, WHICH SAYS MUSIC WILL BE PLAYED, WHICH IS WHAT IT IS RIGHT NOW, LIMITED FROM 10:00 A.M. TO MIDNIGHT DAILY, AND WE ARE BASICALLY SUPERSEEDING THE ADMINISTRATIVE APPROVAL OF THE COUNTY WITH THE NEW CONDITIONS IN THIS APPROVAL.

SO, THAT'S IT IN A NUTSHELL, AND WE HAVE THE APPLICANT HERE.

KEITH LONG IS THE ATTORNEY FOR THE APPLICANT IF YOU'D LIKE TO HEAR FROM HIM.

[ LAUGHTER ]

DOES ANYONE WANT TO HEAR FROM HIM?

YES, I DO.

I HAVE A COUPLE QUESTIONS.

OKAY.

QUESTIONS FOR THE APPLICANT?

OKAY.

YOU'RE ON.

GOOD EVENING.

AS DIRECTOR GIBBS HAS INDICATED, MY NAME IS KEITH LONG; I'M THE ATTORNEY FOR THE APPLICANT, TONY SACCO'S. I AM A BUSINESS AND BEVERAGE LAW ATTORNEY DOWN IN FORT MYERS.

I ECHO A LOT OF THE SAME SENTIMENTS.
FIRST I WANT TO THANK THE STAFF FOR THEIR WORK ON THIS.
THEY DO A GOOD JOB, AND THEY'RE VERY FORTHCOMING.
WHAT WE'RE ASKING HERE IS SIMPLY JUST THE ADDITION OF ALCOHOL OR SPIRITS TO THE MENU.
SHE INDICATED PREVIOUSLY THEY WERE APPROVED FOR 2COP LICENSE, WHICH IS BEER AND WINE ON THE PREMISES; NOW THEY'RE SIMPLY LOOKING TO ADD SPIRITS TO THAT AS WELL.
IN ORDER TO DO THAT, THE STATE OF FLORIDA REQUIRES THAT THE LICENSURE BE CHANGED FROM THE 2COP BEER AND WINE LICENSE TO A 4COP SFS, AND THAT'S A FULL LIQUOR LICENSE IN CONJUNCTION WITH FOOD SALES, WHICH IS A RESTAURANT
Liquor license.
The requirements there obviously, to prohibit that from becoming anything beyond a restaurant liquor license, are the 51% or more of the total revenue is required to be food sales, and the remainder, anything less than that obviously has to remain liquor.
That's audited by the state themselves within the first 60 days of licensure and then every year thereafter to make sure that the compliance is maintained.
The nature of the restaurant, the menu, everything else remains exactly the same, the hours.
The only difference is that they're now able to sell spirits on the menu.
>> Is there any association between Tony Sacco's and Bokampers?
I think that was just for the distance between -- as a narrative to explain the location of the restaurants themselves. There's no actual affiliation.
>> There's no rule or law in Florida that prohibits liquor licenses operating side by side or --
No.
Those are up to the cities and counties.
The state themselves doesn't --
>> It's the same license that Bokampers got, right?
That's recommended, yes, ma'am.
>> Another question I had is about the piped-in music.
Sure.
>> Does that mean there would be no live music?
That's correct.
I don't believe that the conditions prohibit, it but that's not something that's ever been done; it's not something that's in the plan.
It was just something that, for the sake of transparency, it's just whatever they usually play in the indoor music; it's at a conversational level, just kind of in the background, just like a department store or anything, just for some ambience, but it's not ever -- it's not a primary source of entertainment or anything to that degree where you would even -- there's no discernible level where you would go there for the music.
It's just --
>> That's kind of sad because I don't know whether all of you remember when Pagelli's was there in that same quadrant, they had a wonderful singer who was like, you
KNOW, A MARIO --
>> OH, OKAY.
>> ANDREA BOCELLI SINGER.
THE PLACE WAS PACKED, AND THEY WOULD HAVE HIM OUTDOORS,
AND THE MUSIC WAS WONDERFUL.
IT WAS GREAT FOR THE BUSINESSES, GREAT FOR PEOPLE GOING
FOR A LITTLE ENTERTAINMENT.
>> RIGHT.
>> AND I WAS WONDERING, DID SOMETHING CHANGE?
>> YES.
>> I THINK I CAN HELP HERE.
THAT WAS A JOINT ACTIVITY BETWEEN THE TWO RESTAURANTS.
ONE WAS PAGELLI'S AND THE OTHER WAS --
>> IT USED TO BE BOKAMPERS.
>> PRE-BOKAMPERS IT WAS HEMINGWAY'S, AND THERE WAS A
PARTNERSHIP BETWEEN PAGELLI'S AND HEMINGWAY'S TO JOINTLY
HOST THAT MUSIC.
TONY SACCO'S HAD NOTHING TO DO WITH IT.
>> I KNOW, BUT WHY HAS IT CHANGED?
>> I HAVE AN ANSWER FOR THAT.
SO, THEY HAD THE OPERA SINGER THAT CREATED CONSTERNATION
AMONGST THE RESIDENTS BECAUSE APPARENTLY THE OPERA SINGER
WAS INCREDIBLY LOUD AND THE MUSIC WAFTED OVER ACROSS U.S.
41 INTO FOUNTAIN LAKES.

AND WHEN I WORKED AT THE COUNTY AT THE TIME, WE GOT,
SERIOUSLY, DOZENS OF COMPLAINTS ABOUT THE NOISE AND HOW
HORRIBLE IT WAS.
I MEAN, I THINK THE SINGER WAS GOOD, BUT IT WAS VERY
DISRUPTIVE NOISE THAT WAS LATE AT NIGHT, AND THAT CREATED
A WHOLE RESOLUTION WITH THE SIMON LAW PEOPLE TO CONTROL
THE HOURS OF OPERATION AND SOME OF THAT MUSIC.
AND I THINK THE OPERA SINGER ENDED UP LEAVING, SADLY,
BECAUSE I HEARD THEY WERE GOOD, AND APPARENTLY YOU COULD
HEAR IT -- YOU COULD JUST SIT OUT ON YOUR PATIO AND
LISTEN TO IT FROM ACROSS THE STREET ON 41.
>> SURE.
>> BUT -- SO THERE'S A RESOLUTION IN YOUR PACKET BECAUSE
I INCLUDED THE OLD RESOLUTIONS THAT ADDRESSED THE -- THAT
IF YOU WERE GOING TO HAVE THAT TYPE OF LIVE MUSIC, THERE
WERE SOME STRICTER LIMITATIONS ON THAT.
IT DIDN'T PRECLUDE OPERA SINGERS BUT IT DID --
>> COULDN'T THERE HAVE BEEN A WAY TO RESTRICT THE VOLUME
AND STILL ALLOW THE PRESENTATION?
>> WELL, THE ISSUE -- THE ISSUE IS, YOU CAN SAY YOU CAN
RESTRICT THE VOLUME TO NORMAL KIND OF CONVERSATIONAL
LEVELS BUT AN OPERA SINGER, I THINK IT BOUNCED OFF THE
LAKE, ALSO, AND KIND OF WENT TOO FAR, SO THE MALL
5:43:21PM MANAGER, THEY HAVE A RESOLUTION TO CONTROL THAT, AND THEY
5:43:24PM ALSO HAVE LIKE A HOTLINE NUMBER SO THAT IF THERE WERE
5:43:26PM COMPLAINTS, YOU COULD CALL THEM INSTEAD OF THE COUNTY AT
5:43:29PM THE TIME AND THEY WOULD HANDLE THAT.
5:43:32PM IT TURNED INTO A REALLY BIG THING.
5:43:34PM >> YEAH.
5:43:35PM BE CAREFUL WHAT YOU WISH FOR.
5:43:37PM I HANDLE THESE EXACT MATTERS OVER THE STATE, AND I'M
5:43:41PM HANDLING ABOUT EIGHT TO 10 WHOSE PRIMARY CONCERN IS THE
5:43:44PM MUSIC BECAUSE OF THE LIVE ENTERTAINMENT.
5:43:46PM IT'S ALWAYS A CONCERN.
5:43:47PM THAT'S NOT RELATIVE IN THIS CASE.
5:43:49PM THIS IS JUST BACKGROUND MUSIC.
5:43:51PM >> ANYONE ELSE?
5:43:52PM HOW ARE YOU GOING TO HANDLE THE INCREASED SEATING
5:43:54PM CAPACITY?
5:43:55PM DO YOU HAVE ANY PROBLEMS CRAMMING ANOTHER 28 PEOPLE INTO
5:43:58PM THE --
5:44:02PM >> NO, SIR.
5:44:08PM WE'VE ALREADY BEEN APPROVED FOR THE INCREASE IN OCCUPANCY
5:44:12PM BY THE FIRE INSPECTOR AND THE UTILITIES DEPARTMENT.
5:44:17PM AND THEN THE -- IN TURN, THE DIVISION HOTELS AND
5:44:21PM RESTAURANTS HAVE BEEN NOTIFIED, AS A LICENSE HAS BEEN
5:44:25PM ISSUED FOR THE INCREASE IN OCCUPANCY FOR THE 150 SEATS.
5:44:28PM >> ANYONE ELSE?
5:44:30PM OKAY.
5:44:31PM >> ALL RIGHT, THANK YOU.
5:44:38PM >> MARY, DO YOU HAVE ANYTHING TO ADD?
5:44:41PM >> I ALSO WANTED TO ADD THAT SIMON MALL ALSO SENT AN
5:44:45PM APPROVAL LETTER.
5:44:49PM THEY HAVE TO APPROVE EVERYTHING THERE.
5:44:50PM >> OKAY.
5:44:52PM [LOST AUDIO]
5:44:56PM >> I'LL OPEN THE PUBLIC HEARING.
5:44:59PM ANYONE WISHING TO TESTIFY ON THIS?
5:45:02PM NO CARDS?
5:45:06PM >> I HAVE NO ONE SIGNED UP.
5:45:13PM >> LAST CALL, PUBLIC HEARING.
5:45:17PM CLOSED.
5:45:22PM >> START US OFF.
5:45:27PM >> LET'S JUST APPROVE THIS.
5:45:30PM >> OKAY.
5:45:34PM >> YEAH, I THINK THIS IS VERY STRAIGHTFORWARD.
5:45:37PM AND IF YOU WANT A MOTION, I'LL MAKE A MOTION.
5:45:40PM >> OKAY.
5:45:06PM    >> I'M GOING TO SECOND IT.
5:45:09PM    >> WE HAVE A MOTION AND A SECOND.
5:45:10PM    >> THE MOTION IS TO APPROVE THE APPLICATION AS REQUESTED
5:45:14PM    WITH THE CONDITIONS PROVIDED BY STAFF.
5:45:21PM    >> EVERYBODY ON BOARD WITH THAT MOTION?
5:45:23PM    >> YES.

5:45:24PM    >> ALL RIGHT.
5:45:24PM    >> SOUNDS GOOD TO ME.
5:45:26PM    I THINK IT WOULD BE A NICE ADDITION TO HAVE LIQUOR SERVED
5:45:30PM    AS WELL AS BEER AND WINE.
5:45:32PM    >> JIM?
5:45:33PM    >> I THINK IT'S A NICE PLACE, AND IT WOULD JUST ADD A
5:45:36PM    LITTLE MORE TO IT.
5:45:37PM    >> JOHN?
5:45:39PM    >> I SUPPORT IT, TOO.
5:45:42PM    >> HOW ABOUT A ROLL CALL?
5:45:46PM    >> BOARD MEMBER ALLEN.
5:45:48PM    >> YES.
5:45:49PM    >> BOARD MEMBER GARGANO.
5:45:51PM    >> YES.
5:45:51PM    >> BOARD MEMBER KING IS NOT HERE.
5:45:52PM    >> BOARD MEMBER NARATIL.
5:45:55PM    >> YES.
5:45:55PM    >> BOARD MEMBER TATOOLES.
5:45:58PM    >> YES.
5:45:59PM    >> BOARD MEMBER YARBOROUGH.
5:46:00PM    >> YES.
5:46:01PM    >> CHAIRMAN WOOD.
5:46:02PM    >> YES.
5:46:02PM    >> THANK YOU ALL FOR YOUR TIME AND CONSIDERATION.
5:46:07PM    >> THE NEXT ITEM IS THE TOWN CENTER CPD FOR BURGER KING.

5:46:19PM    MATT, YOU'RE GOING TO DO THE OPENER ON IT?
5:46:22PM    >>Matt Noble: I AM.
5:46:23PM    FOR THE RECORD, MATT NOBLE, COMMUNITY DEVELOPMENT.
5:46:26PM    THIS IS AN APPROXIMATE 1.4 ACRES, SLIGHTLY LARGER, IN THE
5:46:31PM    ESTERO TOWN CENTER CPD.
5:46:34PM    THIS ESSENTIALLY IS AN OUTPARCEL.
5:46:37PM    THE PROPERTY IS IN TRACT B, ALSO INCLUDES RUBY TUESDAY.
5:46:42PM    YOU'LL SEE IN THE CONDITIONS THERE'S A CONDITION THAT
5:46:44PM    CALLS FOR A RE-PLAT OF THE AREA AS RUBY TUESDAY WAS
5:46:48PM    SIMPLY DEEDED OFF, SO THERE DOES NEED TO BE A RE-PLAT OF
5:46:53PM    THE SITE.
5:46:55PM    YOU DO HAVE A STAFF REPORT.
5:46:56PM    THE STAFF IS RECOMMENDING APPROVAL WITH ONE EXCEPTION.
5:47:00PM    THAT'S DEVIATION 3.
5:47:02PM    THE FIRST THING I WANT TO SAY AND IMPRESS UPON YOU IS,
5:47:04PM   THE DRIVE-THRU AND FAST FOOD RESTAURANT IS ALREADY
5:47:08PM   APPROVED.
5:47:09PM   YOU CAN SEE THAT IN THE RESOLUTION THAT WAS ATTACHED TO
5:47:13PM   THE STAFF REPORT.
5:47:18PM   THERE WERE THREE NEW DEVIATIONS REQUESTED.
5:47:22PM   I'M GOING TO COME BACK TO THE CROSS-SECTION THAT'S BEING
5:47:26PM   ADDED IN JUST A MINUTE, BUT THERE ARE THREE NEW
5:47:28PM   DEVIATIONS BEING REQUESTED BY THE APPLICANT.
5:47:31PM   THE FIRST NEW DEVIATION IS A DEVIATION ON THE AMOUNT OF
5:47:37PM   PARKING.
5:47:40PM   THEY HAVE JUSTIFIED, IN OUR OPINION, APPROVING THE
5:47:45PM   DEVIATION, AND I'LL COME BACK TO THAT.
5:47:47PM   AND THE SECOND DEVIATION RELATES TO THE AMOUNT OF CARS
5:47:51PM   THAT ARE PROPOSED TO BE STACKED IN THE DRIVE-THRU.
5:47:54PM   AND THE THIRD DEVIATION IS NOT TO PROVIDE A SIDEWALK ON
5:47:59PM   THE SOUTH SIDE OF THE PROPERTY.
5:48:08PM   THIS PROJECT DID APPEAR IN FRONT OF YOU FOR A PUBLIC
5:48:11PM   INFORMATION MEETING.
5:48:16PM   THE REQUEST WOULD RESULT IN A LITTLE OVER 1500 -- 1500
5:48:24PM   VEHICLE TRIPS PER DAY, OF WHICH 805 ARE NEW TRIPS.
5:48:28PM   THE STAFF REPORT GOES THROUGH THE TRANSPORTATION ISSUES.
5:48:33PM   AND I DO SEE THE APPLICANT'S TRANSPORTATION EXPERT IS IN
5:48:36PM   THE AUDIENCE, SO I WON'T DWELL ON THAT A LOT.
5:48:45PM   THIS WAS REVIEWED BY A VARIETY OF DISCIPLINES, AND THE
5:48:50PM   RESULT OF THAT YOU'LL SEE WITHIN THE CONDITIONS,
5:48:55PM   ATTACHMENT C.
5:48:57PM   I'LL JUST PICK ON THE FIRE DEPARTMENT.
5:49:01PM   THEY REVIEWED IT, AND THEY'RE RECOMMENDING THAT AN AUTO
5:49:05PM   TURN STUDY BE PROVIDED PRIOR TO THE APPROVAL OF THE DO.
5:49:11PM   SO I WANT TO TOUCH ON THE REQUEST ITSELF.
5:49:15PM   THE REQUEST IS TO PUT A NEW -- OR TO ALLOW A NEW
5:49:17PM   CROSS-SECTION.
5:49:19PM   THERE WAS AN ORIGINAL CROSS-SECTION FOR A FAST FOOD
5:49:23PM   RESTAURANT WITH DRIVE-THRU IN THE ORIGINAL APPROVAL; IT
5:49:26PM   WOULD HAVE ALLOWED A DRIVE-THRU WITHIN FIVE FEET OF
5:49:30PM   CORKSCREW ROAD.
5:49:31PM   THIS PROPOSAL WOULD INCLUDE A BUFFER SO THE DRIVE-THRU
5:49:37PM   WOULD BE PUSHED BACK TO ABOUT 20 FEET FROM CORKSCREW
5:49:43PM   ROAD, SO IT'S ACTUALLY A BETTER SITUATION THAN THE
5:49:45PM   ORIGINAL APPROVAL.
5:49:47PM   I WANTED TO JUST BRIEFLY TOUCH ON REQUIRED PARKING
5:49:51PM   SPACES.
5:49:52PM   THAT'S RELATED TO DEVIATION NO. 1.
5:50:00PM   WITHOUT THE DEVIATION, THE REQUIRED PARKING WOULD BE 44
5:50:04PM   SPACES.
WITH THE DEVIATION, IT WOULD BE 34 SPACES.
THE APPLICANT IS PROVIDING 35.
THEY'VE PROVIDED THREE STUDIES OF BURGER KING SITES IN LEE COUNTY TO JUSTIFY THE AMOUNT OF PARKING THAT THEY NEED.
WE FOUND THAT TO BE CONVINCING AND SUPPORTIVE OF THE DEVIATION REQUEST.
LIKEWISE WITH THE STACKING ISSUE, THEY PROVIDED SOME QUEUING STUDIES.
IT WAS REVIEWED BY EVERYBODY, LIKE WALTER, OUR DEVELOPMENT REVIEW FOLKS, AND WAS FOUND TO JUSTIFY APPROVAL OF THAT DEVIATION, SO I DON'T WANT TO BELABOR THAT POINT.
DEVIAION 3 IS THE SIDEWALK ON THE SOUTH SIDE OF THE PROPERTY.
BASICALLY THE APPLICANT'S JUSTIFICATION IS THAT THERE ARE NO SIDEWALKS ON THE NORTH SIDE OF THAT ROAD FACILITY, BUT AS WE POINTED OUT WITH OUR ATTACHED ATTACHMENTS, ESTERO CROSSING, FOR EXAMPLE, INCLUDES SIDEWALKS ON BOTH SIDES OF THAT FACILITY; ALSO, FIRESTONE, WHICH YOU'LL BE HEARING LATER TONIGHT, WILL ALSO PROVIDE A SIDEWALK ON THE NORTH SIDE OF THE ROAD.
WE THINK, OVER TIME, YOU KNOW, JUST BECAUSE THAT RUBY TUESDAY DOESN'T HAVE A SIDEWALK TODAY DOESN'T MEAN THAT IN THE FUTURE THEY WON'T.
IT IS A REQUIREMENT IF THEY COME IN TO REDEVELOP THAT SIDE OR DO ANY MAJOR IMPROVEMENTS TO THAT SITE; A SIDEWALK WOULD BE REQUIRED IN FRONT OF RUBY TUESDAY'S AS WELL.
SO WE ARE RECOMMENDING THAT THE DEVIATION REQUEST BE DENIED AND THAT A SIDEWALK BE INCORPORATED.
I JUST WANTED TO DIRECT YOUR ATTENTION TO ATTACHMENT C, THE PROPOSED CONDITIONS.
YOU'LL SEE CONDITION NO. 3 IS THE RE-PLAT, ADDRESSES THE RE-PLAT.
CONDITION NO. 4 ADDRESSES THE PUENTE LANE SIGNAL, AND I WANTED TO CLARIFY BECAUSE THERE WAS SOME DISCUSSION BEFORE THE HEARING TODAY WITH THE APPLICANT THAT WE'RE ONLY TALKING ABOUT A PROPORTIONATE, THAT IS, THE BURGER KING PROPORTIONATE SHARE OF THAT LIGHT.
THE VILLAGE HAS ALREADY BUDGETED $160,000 FOR THE LIGHT STUDY, SO THE VILLAGE IS SENSITIVE THAT EVERYBODY THAT BENEFITS FROM THAT LIGHT ACTUALLY HELPS TO REPAY THE VILLAGE'S EXPENDITURES.
ALSO I WANT TO TOUCH ON CONDITION NO. 7.
THIS WAS A -- WHAT WE SAW AS SOMETHING THAT WAS MISSING
5:52:55PM FROM -- IT WAS A SIDEWALK CONNECTION FROM TOWN COMMONS
5:52:59PM DRIVE TO THE RESTAURANT THAT NOW THE APPLICANT IS
5:53:02PM PROVIDING ONE UP CLOSER TO CORKSCREW ROAD.
5:53:07PM IT'S THAT DIAGONAL SIDEWALK ON THE SITE PLAN.
5:53:14PM BUT A CONNECTION WITH THE DRIVEWAY IS REQUIRED BY THE
5:53:19PM CODE IN CHAPTER 33.
5:53:22PM THE APPLICANT DIDN'T PROVIDE A DEVIATION REQUEST FOR
5:53:26PM THAT, SO THIS CONDITION ACTUALLY JUST MEMORIALIZES WHAT'S
5:53:40PM REQUIRED BY THE CODE, THAT THERE SHOULD BE THAT SIDEWALK
5:53:42PM CONNECTION AT THE DRIVEWAY CONNECTION.
5:53:47PM AND WITH THAT, I'LL ANSWER ANY QUESTIONS YOU MIGHT HAVE.
5:53:50PM >>Scotty Wood: DO WE WANT TO HEAR FROM THE APPLICANT
5:53:54PM FIRST BEFORE WE GET THERE?
5:53:56PM >> YES.
5:53:56PM >> YES, LET'S, YES.
5:53:58PM OKAY.
5:54:17PM >>Neale Montgomery: GOOD EVENING.
5:54:17PM FOR THE RECORD, NEALE MONTGOMERY.
5:54:23PM THE APPLICANT, OF COURSE, AGREES WITH THE STAFF
5:54:25PM RECOMMENDATION OF APPROVAL.
5:54:26PM WE DO HAVE SOME THINGS WE DON'T AGREE WITH, BUT LET ME
5:54:28PM JUST SAY THIS: AS THE STAFF REPORT INDICATES, THIS
5:54:34PM ATTACHMENT E TO YOUR STAFF REPORT IS THAT ZONING
5:54:39PM RESOLUTION.
5:54:40PM THERE'S SOME IMPORTANT THINGS THAT ARE IN THAT ZONING
5:54:42PM RESOLUTION THAT I JUST WANT TO TOUCH ON.
5:54:44PM ONE IS THAT THE PROPERTY IS ZONED FOR A FAST FOOD
5:54:48PM RESTAURANT; IT DOES ALLOW ONE FREESTANDING FAST FOOD
5:54:52PM RESTAURANT, AND THIS IS IT.
5:54:54PM THE OTHER THING IS, IF YOU LOOK AT CONDITION 6, THAT PART
5:54:57PM OF THAT ZONING RESOLUTION, IT IS A 20 PAGE DESIGN
5:55:01PM GUIDELINES.
5:55:02PM I WANT TO POINT THAT OUT BECAUSE I RESPECTFULLY DISAGREE
5:55:05PM WITH THE STAFF, THAT THERE'S NOT ENOUGH DETAIL IN THE
5:55:08PM PATTERN BOOK, BECAUSE IF YOU GO WAY BACK TO THE ESTERO
5:55:14PM COMMUNITY PLANNING PANEL AND TO THE PRESENT, THIS
5:55:17PM PARTICULAR DEVELOPMENT HAS BEEN IDENTIFIED AS ONE WHERE
5:55:22PM THE ESTERO COMMUNITY, BOTH BEFORE AND AFTER
5:55:25PM INCORPORATION, IS AN AREA WHERE THE DESIGN GUIDELINES
5:55:28PM WORKED, THAT YOU GOT A DIFFERENT LOOK FROM A LOWE'S, AND
5:55:31PM SO THIS HAS SORT OF BEEN ONE OF YOUR POSTER CHILDREN.
5:55:35PM SO IT IS A POSTER CHILD BECAUSE YOU HAVE 20 PAGES OF
5:55:38PM DESIGN GUIDELINES THAT ARE ALREADY APPROVED, AND THEY
5:55:41PM HAVE BEEN USED TO DEVELOP THE CENTER TO THIS POINT, AND
5:55:45PM THOSE DESIGN GUIDELINES, WITH THE EXCEPTION THAT WE'RE
GOING TO PURSUE TODAY, WILL REMAIN IN EFFECT.

AND ONE OF THE REASONS WHY WE HAVE TO ADDRESS THE CROSS-SECTION TODAY IS BECAUSE WHEN THIS WAS APPROVED IN 2003, CORKSCREW ROAD WAS A TWO-LANE ROAD. NOW IT'S A FOUR-LANE ROAD, AND THAT ADJUSTED SOME OF THE NUMBERS.

SO WE HAVE TO COME IN AND GET THAT PARTICULAR ITEM ADDRESSED.

I DO WANT -- AND THE STAFF SAYS THAT ONE OF THE THINGS IS -- THEY DON'T LIKE AGAIN IS THAT PATTERN BOOK, BUT IF I LOOK AT SECTION 33-391, IT SAYS THAT A PATTERN BOOK DESCRIBES THE ANTICIPATED VISUAL CHARACTER OF THE PROJECT.

WELL, WE KNOW WHAT THE VISUAL CHARACTER IS OF THE PROJECT BECAUSE IT'S ALREADY ESTABLISHED, AND IT'S ESTABLISHED BASED ON THOSE DESIGN GUIDELINES.

ALSO, IN SECTION 33-391 IT SAYS THAT THOSE DESIGN GUIDELINES APPLY TO REZONINGS. WE'RE NOT REZONING. AS I INDICATED, THIS PROPERTY IS ALREADY APPROVED FOR A FAST FOOD RESTAURANT. THIS IS AN ADJUSTMENT TO THE DESIGN GUIDELINES.

I APPRECIATE MATT MENTIONING CONDITION 4 AND THE CLARIFICATION BECAUSE AS IT'S PRESENTLY WRITTEN, IT REFERENCES AN AGREEMENT WHERE THE OWNER OF THE CENTER HAS AN OBLIGATION TO PAY A PROPORTIONATE SHARE. THE OWNER -- PROSPECTIVE OWNER OF THIS PARCEL CAN'T MAKE THE OWNER OF THE CENTER COMPLY WITH THEIR AGREEMENT, SO IT NEEDS TO BE ADJUSTED TO APPLY JUST TO THIS PARCEL, NOT TO THE OVERALL CENTER.

MEANWHILE, THAT AGREEMENT THAT BINDS THE OVERALL CENTER IS STILL THERE AND IS STILL BINDING. AND WAYNE WILL ELABORATE ON THE FACT THAT WE RESPECTFULLY DISAGREE WITH THE DENIAL OF THE SIDEWALK DEVIATION. AND WITH THAT, I'M GOING TO TURN IT OVER TO WAYNE ARNOLD.

I'M WAYNE ARNOLD, A PROFESSIONAL PLANNER WITH Q. GRADY MINOR & ASSOCIATES, REPRESENTING THE APPLICANTS TONIGHT. I'M NOT GOING TO BELABOR THE PRESENTATION; I THINK MATT DID A GOOD JOB SUMMARIZING WHERE WE ARE WITH THE ISSUES. WE'RE ALL FAMILIAR WITH THE SITE, I'M SURE.

5:58:11PM  SHOPPING PLAZA, TO ADDRESS THE PARKING REDUCTION.
5:58:14PM  AND THE STUDIES FOR THESE NEW DOUBLE DRIVE-THRS
5:58:16PM  DEMONSTRATES THAT THEY CYCLE PEOPLE THROUGH FASTER, THAT
5:58:19PM  THE STACKING REQUIREMENTS JUST ARE NOT AS THE CODE HAS
5:58:23PM  THEM, AND YOU PROBABLY WILL BE UPDATING YOUR CODE
5:58:25PM  REQUIREMENTS AT SOME POINT IN THE FUTURE TO ADDRESS THAT.
5:58:30PM  NEALE ADDRESSED THE PATTERN BOOK.
5:58:31PM  WE THINK THAT CONDITION IS UNNECESSARY BECAUSE THERE ARE
5:58:34PM  DESIGN GUIDELINES IN EFFECT.
5:58:35PM  THE AMENDMENT THAT BROUGHT US HERE, WHICH WAS REALLY THE
5:58:37PM  CROSS-SECTIONAL CHANGE, IS ONE OF THE EXHIBITS IN THAT
5:58:40PM  DESIGN STANDARDS BOOK THAT'S PART OF THIS PD.
5:58:52PM  THE APPLICANT HAS DONE A LOT OF WORK WORKING WITH MATT
5:58:56PM  AND WALTER AND OTHERS TO TRY TO BRING FORWARD A SITE PLAN
5:58:59PM  THAT MEETS ALL OF YOUR OBJECTIVES. ONE OF THE CONDITIONS
5:59:02PM  WHAT YOU HAVE ADDRESSES A SIDEWALK CONNECTION.
5:59:04PM  MATT INDICATED BEFORE THE MEETING HE'S LOOKING FOR A
5:59:06PM  CONNECTION HERE WITH A CROSSWALK AND A SIDEWALK
5:59:08PM  CONNECTION OR SOUTH OF OUR ENTRANCE TO ESTERO TOWN
5:59:11PM  COMMONS AT THIS LOCATION THAT COULD BRING A SIDEWALK INTO
5:59:14PM  THE BUILDING, SO WE'LL BE WORKING WITH STAFF TO DETERMINE
5:59:17PM  WHICH IS THE BEST LOCATION FOR THAT.
5:59:19PM  SO WE'RE OKAY WITH THAT CONDITION.
5:59:21PM  I'M GOING TO LET NEALE ADDRESS THE TRAFFIC SIGNAL
5:59:24PM  CONDITION; THAT'S BEYOND MY PAY GRADE.
5:59:27PM  SIDEWALK IS ONE THAT WE DID REQUEST A DEVIATION FROM, AND
5:59:31PM  I KNOW THAT STAFF DID NOT SUPPORT THAT DEVIATION.
5:59:35PM  AND WE HAD PREPARED AN EXHIBIT HERE WHICH SHOWS IN RED
5:59:38PM  THE EXISTING SIDEWALK AND PATHWAY CONNECTIONS THAT LINK
5:59:43PM  THE LOWE'S BUILDING TO CORKSCREW DRIVE, SO THERE'S A
5:59:47PM  SIDEWALK ALL ALONG CORKSCREW, THREE OAKS.
5:59:51PM  THEIR SIDEWALK IS INTERNAL ALONG THE FRONTAGE OF LOWE'S.
5:59:54PM  AND WE FELT CREATING A SIDEWALK TO NOWHERE, BECAUSE OUR
5:59:57PM  PARCEL AND THE RUBY TUESDAY'S TO OUR EAST DO NOT HAVE
6:00:00PM  SIDEWALKS -- I APPRECIATE WHAT MATT SAID ABOUT THE
6:00:03PM  FIRESTONE PROPOSING TO PUT IN THEIR SIDEWALKS, BUT IN
6:00:06PM  THIS PARTICULAR CASE WE DIDN'T FEEL IT WAS A NECESSITY TO
6:00:09PM  HAVE THAT SMALL SIDEWALK LINK AND WOULD REQUEST THAT YOU
6:00:12PM  ALL SUPPORT OUR DEVIATION REQUEST ON THAT MATTER.
6:00:15PM  THAT'S REALLY IN A NUTSHELL, I THINK, THE KEY ISSUES FOR
6:00:20PM  THE PROJECT, AND OUR TEAM WILL BE HAPPY TO ANSWER
6:00:23PM  QUESTIONS.
6:00:23PM  WE HAVE REPRESENTATIVES FROM QUALITY DINING HERE, WHO ARE
6:00:26PM  THE APPLICANTS.
6:00:27PM  THEY MANAGE AND OWN DOZENS OF FAST FOOD RESTAURANTS
6:00:31PM  THROUGHOUT THE STATE SO THEY'RE WELL VERSED IN THIS AND
6:00:35PM THAT IS WHAT THEY DO FOR A LIVING.
6:00:37PM SO WE'LL BE HAPPY TO ANSWER ANY QUESTIONS.
6:00:39PM >> QUESTIONS?
6:00:40PM >> JIM?

6:00:41PM >> JUST TO HELP ME UNDERSTAND, IS THE OBJECTION TO THIS
6:00:44PM SIDEWALK ON THE SOUTHERN BOUNDARY JUST A COST ISSUE OR IS
6:00:47PM IT IMPINGING ON YOUR DESIGN OR ANYTHING ELSE?
6:00:51PM >> NO, I DON'T THINK IT'S -- I MEAN, IT IS A COST ISSUE,
6:00:53PM OBVIOUSLY.
6:00:54PM IT'S A COST, AND WE DIDN'T FEEL IT WAS A NECESSITY
6:00:57PM BECAUSE IT DOESN'T LINK TO ANYTHING ELSE, SO IT WILL BE A
6:01:00PM SMALL SEGMENT OF SIDEWALK THAT DOESN'T CONNECT.
6:01:02PM AND I DON'T KNOW WHEN AND IF RUBY TUESDAY'S WOULD EVER
6:01:04PM COME IN TO DO THEIR SITE, BUT THAT WOULD THEN BE THE
6:01:07PM LINKAGE THAT WOULD GET IT FARTHER TO THE EAST TO THEN
6:01:11PM LINK UP TO THE OTHER CONNECTION THAT GOES OUT TO
6:01:13PM CORKSCREW.
6:01:14PM >> SO IT'S BASICALLY A COST ISSUE.
6:01:15PM >> WELL, I THINK IT'S COST AND CONVENIENCE.
6:01:18PM I MEAN, I JUST -- AS A USER OF SIDEWALKS, I JUST HATE
6:01:20PM THESE SMALL SEGMENTS OF SIDEWALKS AND YOU'RE REQUIRED TO
6:01:23PM PUT A SIGN AT EACH END, SIDEWALK ENDS HERE, SIDEWALK ENDS
6:01:25PM HERE, AND I DON'T KNOW WHO'S USING THE SIDEWALK.
6:01:27PM >> I THINK THE GOAL IS THAT ULTIMATELY WE WILL HAVE THOSE
6:01:30PM CONNECTIONS, AND THAT'S PROBABLY WHY WE'RE RECOMMENDING
6:01:34PM THAT YOU HAVE THEM.
6:01:35PM THE SECOND THING, AND THEN MAYBE THIS IS A QUESTION FOR
6:01:37PM STAFF, ARE WE ASKING FOR A NEW PATTERN BOOK OR JUST
6:01:42PM SPECIFIC CHANGES ON THEIR DEVIATION REQUEST FOR THEIR
6:01:46PM CONDITION APPROVAL?
6:01:48PM >> Neale Montgomery: WHAT WE ASKED FOR WAS A SUPPLEMENTAL
6:01:50PM PATTERN BOOK, SO THEY'VE GOT THE DESIGN GUIDELINES AND
6:01:53PM THEN LIKE A SUPPLEMENTAL -- KIND OF LIKE A MINI PATTERN
6:01:56PM BOOK FOR THEIR LOT, WHICH THEY DID GIVE US.
6:01:59PM I THINK MATT AND WAYNE, THEY WERE TRYING TO WORK OUT A
6:02:01PM FEW OF THE REMAINING DETAILS.
6:02:03PM >> SO WE'RE NOT TOSSING THE BABY OUT WITH THE BATH WATER
6:02:07PM ON THE PATTERN BOOK.
6:02:07PM >> OH, NO.
6:02:08PM >> AND I THINK OUR ISSUE WITH THE PATTERN BOOK REFERENCE
6:02:10PM WAS SIMPLY, WE PROVIDED STAFF WITH WHAT WE DID CALL THE
6:02:12PM SUPPLEMENTAL PATTERN BOOK AND IT HAD SOME ELEVATIONS IN
6:02:15PM IT AND IT HAD THE SITE PLAN AND THINGS LIKE THAT, AND WE
6:02:16PM DON'T HAVE AN OBJECTION TO THAT PER SE, BUT WE DID NOT
6:02:19PM WANT TO HAVE TO DEVELOP A BRAND NEW PATTERN BOOK FOR THIS
6:02:22PM PROJECT.
6:02:22PM >> I AGREE.
6:02:23PM >> ANYBODY ELSE?
6:02:28PM >> OKAY.
6:02:33PM ANYTHING ELSE FROM THE APPLICANT BEFORE I OPEN A PUBLIC HEARING?
6:02:37PM >> YES, I DO.
6:02:40PM MR. FITZPATRICK IS HERE FROM QUALITY DINING.
6:02:43PM >>Daniel Fitzpatrick: GOOD EVENING TO ALL OF YOU.

6:02:45PM MY NAME IS DANIEL B. FITZPATRICK.
6:02:47PM I'M THE CHAIRMAN AND CHIEF EXECUTIVE OFFICER OF QUALITY DINING.
6:02:51PM WE OWN AND OPERATE 110 BURGER KING RESTAURANTS IN THE STATE OF FLORIDA, WE'RE FLORIDA'S LARGEST FRANCHISEE, AND WE'RE EXCITED ABOUT BEING A PART OF YOUR COMMUNITY AS WELL.
6:02:59PM I WANT TO CLARIFY THE SIDEWALK QUESTION.
6:03:01PM CLEARLY THERE COULD BE A COST ISSUE IF THAT WAS THE ONLY CHOICE, BUT WE ARE BIG BELIEVERS IN LANDSCAPING OUR PROPERTY APPROPRIATELY.
6:03:11PM SIDEWALKS CREATE AN IMPERVIOUS SURFACE, AND LANDSCAPING DOESN'T.
6:03:16PM AND WE'D RATHER SEE LOTS OF GREEN, WELL CARED FOR, MAINTAINED, WHICH IS WHAT WE DO, VERSUS PUTTING IN A SIDEWALK.
6:03:23PM AT THE END OF THE DAY I'LL PROBABLY SPEND MORE ON LANDSCAPING THAN I WILL ON SIDEWALK.
6:03:28PM THANK YOU.
6:03:29PM >> THANK YOU.
6:03:30PM >> EXCUSE ME, SIR.
6:03:33PM >> SURE.
6:03:33PM >> WILL THE PATTERN BOOK CONTAIN THE LANDSCAPING MATERIAL YOU WOULD USE IN LIEU OF THE SIDEWALK OR WOULD YOU HAVE TO ADD THAT?
6:03:41PM >> I'M NOT CERTAIN IF THAT'S EXACTLY WHAT THEY'RE ASKING FOR, BUT I DON'T THINK WE'VE HIRED YET OUR LANDSCAPE ARCHITECT, BUT I'VE SHARED WITH THE STAFF ON NUMEROUS MEETINGS THAT I'VE BEEN DOWN HERE, TO THE EXTENT THAT WE'D LANDSCAPE, AND I THINK THEY'VE BEEN VERY SATISFIED THAT WE'LL DO AN OUTSTANDING JOB, BUT IF THAT'S ALL THAT IT NEEDS, TO BE SUPPLEMENTED, WHATEVER THAT IS, WE'RE HAPPY TO DO IT.
6:04:00PM >> BECAUSE I'M THINKING IT WOULD BE REALLY NICE BUT I THINK IN ADVANCE WE SHOULD KNOW WHAT YOU'RE PLANNING TO PUT IN FOR THE LANDSCAPING.
6:04:12PM >>Matt Noble: IF I COULD -- MATT NOBLE.
I WOULD JUST ADD THAT THEY DIDN'T SEEK ANY DEVIATIONS FOR THE REQUIRED BUFFERS.

THEY ARE PROVIDING THE REQUIRED BUFFER ON ALL FOUR SIDES.

>> BUT, I MEAN, NOT THE -- IN LIEU OF THE SIDEWALK, HE'S TALKING ABOUT PUTTING MORE LANDSCAPING IN, SO WHAT I'M ASKING, WE SHOULD BE ABLE TO SEE THAT.

AT THE APPROPRIATE TIME, WE'LL SUBMIT, OF COURSE, A FULLY LANDSCAPED, ENGINEERED -- ARCHITECTURAL PLAN, I SHOULD SAY, FOR OUR LANDSCAPING.

I THINK IT WILL BE WELL RECEIVED.

>> THANK YOU.

>> YOU'RE WELCOME.

>> MATT, CAN YOU TELL ME IF THE BUFFER CAN BE -- THE BUFFER REQUIREMENTS CAN BE COMPLIED WITH ALONG WITH THE SIDEWALK ON THE SOUTHERN BORDER? IS THERE SPACE FOR THAT?

>> YES.

WE BELIEVE THERE IS SPACE TO ACCOMMODATE BOTH.

OKAY, I'M GOING TO OPEN THE PUBLIC HEARING.

ANYONE WISH TO TESTIFY ON THIS?

ANY CARDS?

>> I HAVE NO ONE SIGNED UP.

>> Scotty Wood: OKAY.

LAST CALL.

CLOSE THE PUBLIC HEARING.

LET'S START IT OFF WITH JOHN THIS TIME.

>> OKAY.

>> WE'LL GO AROUND, AND THEN WE'LL GO FOR A MOTION.

>> I CERTAINLY SUPPORT THE PROJECT.

I ALSO SUPPORT THE STAFF RECOMMENDATION.

I THINK THAT THE SIDEWALK IS NECESSARY, MAYBE NOT TODAY,

BUT IF IT CONNECTS TO EXISTING -- OR FOLLOWING SIDEWALKS,

IT'S A SAFETY ISSUE.

SO I DON'T THINK IT'S LANDSCAPING OR SIDEWALK; I THINK IT'S BOTH.

SO I WILL BE SUPPORTING THE PROJECT, BUT WITH THE STAFF RECOMMENDATIONS.

THANK YOU.

>> JIM?

>> I AGREE THAT THE PROJECT IS WORTHY OF BEING APPROVED.

AS FAR AS THE SIDEWALK IS CONCERNED, WHETHER IT'S LANDSCAPED OR IT'S SIDEWALK, I THINK THAT THE LANDSCAPING WOULD BE SUPERFLUOUS AND THE SIDEWALK EVENTUALLY COULD GIVE YOU AN INTERCONNECTION TO RUBY TUESDAY'S NEXT DOOR.

SO I GO WITH THE SIDEWALK.
I agree.

I think the sidewalk is always nice because, you know, as the -- you're getting a Firestone nearby; you have the Ruby Tuesday, you've got Lowe's; it gives it a cohesiveness that I think is attractive.

But I like the idea of landscaping as well.

>> I understand the applicant's issue with regard to the sidewalk and the lack of connectivity, but that may not be a permanent situation, the lack of connectivity. And the one of the things we always talk about here is, in the village, is enhancing the walkability perspective.

>> I'm on board with the project with the staff's recommendations.

>> I'm not quite sure, Neale, what the issue is with the --

Cost of signalization issue.

I think that's between the center as a whole and --

>> Neale Montgomery: Well, I think, in the clarification, I think Matt tried to clarify it when he spoke earlier; it is a clarification of who's responsible for which portion of that proportional share.

As written, it makes Burger King responsible for the center's payment, that's not correct. And I think what I heard was, Matt agrees Burger King should be responsible for their share and not for the center's share.

>> That was not our intent.

Our intent was just simply the proportionate share from Burger King.

>> And I think there was a requirement that the fire department be involved on an auto turn study?

Correct.

>> Do we have to make that part of our conditions or is that just automatic?

>> It's already in the conditions.

>> Already in the conditions.

>> Generally I support the project, and I'm a big bug on safety so it makes me support the concept of the sidewalk.

And I think I've heard that you can do both the landscaping and the sidewalk.

And so I support the project with the staff conditions that we have a sidewalk there.
6:08:57PM  MAY I HAVE A MOTION FROM ANYONE HERE?
6:08:59PM  >> MOTION TO APPROVE WITH STAFF CONDITIONS.
6:09:01PM  >> SECOND?
6:09:02PM  >> SECOND.
6:09:03PM  >> ANY FURTHER DISCUSSION?
6:09:07PM  ROLL CALL.
6:09:09PM  >> BOARD MEMBER ALLEN.
6:09:13PM  >> YES.
6:09:13PM  >> BOARD MEMBER GARGANO.
6:09:15PM  >> YES.
6:09:15PM  >> BOARD MEMBER NARATIL.
6:09:19PM  >> YES.
6:09:19PM  >> BOARD MEMBER TATOOLES.
6:09:21PM  >> YES.
6:09:22PM  >> BOARD MEMBER YARBOROUGH.
6:09:24PM  >> YES.
6:09:24PM  >> CHAIRMAN WOOD.
6:09:25PM  >> YES.
6:09:26PM  >> WE LOOK FORWARD TO HAVING THE BURGER KING.
6:09:29PM  HOME OF THE WHOPPER.
6:09:32PM  >> I THOUGHT THEY WERE BRINGING SAMPLES TONIGHT, BUT --
6:09:35PM  [ LAUGHTER ]
6:09:38PM  >> TONY SACCO'S AS WELL.
6:09:40PM  >> I WOULD AGREE.
6:09:41PM  >> THANK YOU.
6:09:42PM  >> THAT'S WHY WE APPROVE LIQUOR LICENSES AROUND HERE, SO
6:09:47PM  THEY'LL BRING DRINKS.
6:09:48PM  >> OKAY, OUR NEXT ITEM IS A PUBLIC INFORMATION MEETING
6:09:53PM  INVOLVING THE SAME GENERAL AREA, THE ESTERO TOWN COMMONS
6:09:57PM  PLAZA, AND FIRESTONE IS SEEKING TO ESTABLISH A STORE IN
6:10:06PM  THAT AREA.
6:10:07PM  AND I'LL TURN IT OVER TO MATT.
6:10:10PM  >>Matt Noble: FOR THE RECORD, MATT NOBLE.
6:10:12PM  WE'RE ESSENTIALLY TWO LOTS DOWN FROM THE CASE WE JUST
6:10:14PM  HEARD.
6:10:16PM  THE USE -- THEY WILL BE COMING IN FOR AN AMENDMENT TO THE
6:10:20PM  CENTER TO ACCOMMODATE.
6:10:24PM  THE USE IS APPROVED IN THE CENTER, EXCEPT IT WAS TIED AS
6:10:29PM  AN ACCESSORY USE TO ESSENTIALLY THE BIG BOX.
6:10:32PM  WELL, THAT NEVER HAPPENED.
6:10:33PM  NOW IT'S PROPOSED TO BE A STAND-ALONE USE ON AN
6:10:37PM  OUTPARCEL.
6:10:37PM  SO THEY WILL BE ENTERING INTO THE AMENDMENT TO RECTIFY
6:10:40PM  THAT SITUATION.
6:10:41PM  IT'S NOT THAT THE USE ISN'T APPROVED; IT'S JUST THE WAY
6:10:44PM  IT WAS CONDITIONED BEFORE.
AND WITH THAT, I MEAN, THIS IS A FIRESTONE SERVICE CENTER, YOU KNOW, FOR MINIMAL CAR REPAIR, BUT I WOULD LIKE TO INTRODUCE LINDA MILLER FROM THE APPLICANT TEAM. SHE'LL ADDRESS THEIR REQUEST.

LINDA MILLER, SENIOR PLANNER WITH AVALON ENGINEERING.

SINCE THIS IS MY FIRST TIME IN FRONT OF THE BOARD, I'M EXCITED TO BE HERE.

LINDA MILLER: GOOD EVENING.

LINDA MILLER: I JUST WANTED TO TELL YOU A LITTLE BIT ABOUT AVALON.

AVALON IS LOCATED IN CAPE CORAL, AND WE HAVE DESIGNED AND PERMITTED PROJECTS THROUGHOUT LEE COUNTY, CAPE CORAL, CITY OF FORT MYERS AND COLLIER COUNTY FOR 39 YEARS.


SO, AGAIN, I'M EXCITED TO BE HERE IN FRONT OF YOU TODAY TO TALK ABOUT FIRESTONE.

I HAVE WITH ME TONIGHT JOHN TATE, WHO IS THE DEVELOPMENT MANAGER FOR PALMETTO CAPITAL GROUP, AND BRENDAN SLOAN, OUR PROJECT MANAGER FROM AVALON ENGINEERING.

WE'RE HAPPY TO ANSWER ANY QUESTIONS YOU MAY HAVE.

ESTERO TOWN COMMONS IS A 33-ACRE SHOPPING CENTER LOCATED AT THE SOUTHWEST CORNER OF CORKSCREW ROAD AND THREE OAKS PARKWAY.

IT WAS APPROVED UNDER RESOLUTION Z03-032 IN 2003.

FIRESTONE WOULD LIKE TO DEVELOP ON A PORTION OF TRACT A, A 1.2-ACRE PARCEL, WITHIN THE VILLAGE AREA OF THE SHOPPING CENTER.

THE PARCEL HAS ONE STRAP NUMBER. THE SITE IS ZONED CPD AND HAS AN URBAN COMMUNITY FUTURE LAND USE DESIGNATION.

THE SITE IS ALSO LOCATED WITHIN THE CORKSCREW ROAD OVERLAY DISTRICT.

THE PROJECT WILL CONSIST OF A 6,425 SQUARE FOOT AUTO REPAIR AND SERVICE GROUP I USE.

AS MATT MENTIONED, WE NEED TO DO A CPD AMENDMENT TO ASK FOR THIS USE WITHIN THIS TRACT.

WE HAVE TO DO A DEVELOPMENT ORDER.

AND WE HAVE TO DO A RE-PLAT IN ORDER TO CONSTRUCT THE PROJECT.

THE SITE IS IN A WELL-DEFINED COMMERCIAL AREA.

IT CURRENTLY CONTAINS A MIXTURE OF RESTAURANTS, RETAIL SHOPS, HOTELS, AN AUTOMOBILE DEALERSHIP, A CAR WASH, MEDICAL OFFICE, AND A HOME IMPROVEMENT STORE.

THE SITE IS ALSO WITHIN A WELL-ESTABLISHED EXISTING
COMMERCIAL SUBDIVISION, AND IT IS CURRENTLY VACANT.

THE OUTPARCEL TO THE EAST OF THE SITE IS DEVELOPED.

THE SITE WILL HAVE ACCESS FROM THE INTERNAL SHOPPING CENTER ROAD AND CROSS ACCESS TO THE DENTIST OFFICE TO THE EAST.

WE WILL HAVE NO DIRECT ACCESS FROM CORKSCREW ROAD.

THIS IS JUST A PICTURE OF THE SITE LOCATION AREA, LOOKING SOUTH FROM CORKSCREW ROAD.

THIS ONE IS JUST A PICTURE OF THE SITE LOOKING -- FACING NORTH FROM INSIDE THE SHOPPING CENTER.

THE SITE WILL CONSIST OF A 6,425 SQUARE FOOT BUILDING WHICH WILL REPRESENT 13% OF THE SITE.

THE SITE WILL ALSO PROVIDE 42% OPEN SPACE, 2,565 SQUARE FEET OF CONCRETE SIDEWALKS, AND 29 PARKING SPACES.

THE DEVELOPMENT WILL PROVIDE A PEDESTRIAN SYSTEM.

AS YOU CAN SEE FROM THE YELLOW, WE WILL HAVE A CONNECTION FROM THIS FIRESTONE TO ALL THE OTHER DEVELOPMENTS WITHIN THE CENTER, AND ALSO TO CORKSCREW ROAD AND THREE OAKS PARKWAY.

SO YOU CAN SEE A LOT OF DIFFERENT CROSS-ACCESS FOR WALKING AND PEDESTRIAN SYSTEM.

THE BUILDING WILL HAVE EIGHT SERVICE BAYS, A SHOWROOM AREA, A CUSTOMER SERVICE AREA, RESTROOM FACILITIES, AND OF COURSE AN INVENTORY AREA.

A LITTLE BIT OF HISTORY ABOUT FIRESTONE WHICH I FOUND KIND OF INTERESTING.

HARVEY FIRESTONE FOUNDED THE FIRESTONE TIRE AND RUBBER COMPANY IN AKRON, OHIO, IN AUGUST OF 1900.

AND IN THE MID 1920s THEY ESTABLISHED THE FIRESTONE SERVICE CENTERS, AND THEY OFFERED BASIC CAR SERVICE AND TIRE SALES.

IN 2005 THEY CHANGED THE RETAIL OPERATION A LITTLE BIT TO CALL IT FIRESTONE COMPLETE AUTO CARE.

THEY HAVE A NEW LAYOUT FOR THEIR RETAIL STORES WHICH ENHANCES THE CUSTOMER EXPERIENCE.

TODAY BRIDGESTONE RETAIL OPERATIONS IS LOCATED IN NASHVILLE, TENNESSEE.

THEY OPERATE 2,200 TIRE STORES AND SERVICE CENTERS THROUGHOUT THE UNITED STATES.

THEY ARE THE LARGEST NETWORK OF COMPANY-OWNED AUTOMOBILE SERVICE PROVIDERS IN THE WORLD.

I THOUGHT THAT WAS INTERESTING.

THESE ARE THE ELEVATIONS.

THE BUILDING HAS DESIGN ELEMENTS THAT ARE SIMILAR TO THE LOWE'S, WHICH IS THE ANCHOR STORE IN THIS CENTER, AND IT ALSO FEATURES DESIGN ELEMENTS THAT ARE SIMILAR TO THE
DENTIST'S OFFICE, WHICH IS THE DEVELOPMENT TO THE EAST OF OUR SITE.

WE HAVE SIMILAR COLORS, WITH THE FOUR COLORATIONS.

WE HAVE RED TILE ROOF ON THE TOWER ELEMENT, ORNAMENTAL DETAILS AND A RAISED CORNICE.

I JUST WANTED TO GIVE YOU A LITTLE EXHIBIT ON WHAT FIRESTONE'S TYPICAL ELEVATIONS LOOK LIKE, WITH DESIGN ELEMENTS.

THESE ARE WITH DESIGN ELEMENTS.

AND WHAT WE'RE PROPOSING IS TO BRING YOU THE FIRESTONE WHICH IS ABOVE THAT.

THIS BUILDING HAS CANOPIES, RAISED CORNICE, ORNAMENTAL DETAILS, COLOR CHANGES, TEXTURE CHANGES, ARCHITECTURAL RELIEFS, BANDING, IT HAS PARAPETS, AND THREE-DIMENSIONAL CORNICE TREATMENT.

AS YOU CAN SEE, IT HAS VARYING ROOFLINES AND OTHER ARCHITECTURAL FEATURES WHICH IS WAY ABOVE THE TYPICAL ARCHITECTURAL FEATURES NORMALLY PROVIDED.

THIS IS JUST A PICTURE OF HOW WE SCREEN THE DUMPSTER AREA.

SAME COLORATIONS AS THE BUILDING, MADE OF CONCRETE, SO IT'S FULLY SCREENED.

WE WANTED TO INCLUDE OUR LANDSCAPING PLAN AND TELL YOU A LITTLE BIT ABOUT THE LANDSCAPING THAT WE'RE PROPOSING.

WE DO HAVE A LANDSCAPE ARCHITECT ON OUR TEAM.

WE WILL BE PROVIDING 71 TREES.

OUT OF THOSE, 75% WILL BE CANOPY TREES, 25% WILL BE PALM TREES.

ALL OF THE TREE SPECIES COMPLY WITH WHAT'S SPECIFIED IN THE APPROVED RESOLUTION.

WE ARE 100% NATIVE TREES THAT WE'RE OFFERING.

THE PROJECT WILL ALSO PROVIDE 397 SHRUBS LOCATED ALONG THE SIDEWALKS, IN FRONT OF THE BUILDING, ALONG THE RIGHT-OF-WAY, AND TO SCREEN THE DUMPSTER AREA.

THIS IS A COLOR RENDERING OF THE SITE.

AS YOU CAN SEE, THERE'S QUITE A BIT OF OPEN GREEN SPACE PROVIDED ON THIS SITE.

AND THIS IS JUST ALL OF OUR BUFFERS AND WHAT THE TREES WILL LOOK OR THE LANDSCAPING WILL LOOK FROM THE NORTH, EAST, SOUTH, AND WEST SIDE.

THAT ENDS OUR PRESENTATION.

WE STAND BY TO ANSWER ANY QUESTIONS YOU MIGHT HAVE.

AGAIN, WE LOOK FORWARD TO WORKING WITH YOU ON THIS PROJECT.

THANK YOU.

>> QUESTIONS?
I have a question.

What products are going to be offered at the store?

General categories.

We do general car maintenance and tires, and the purchase of tires, so you can change your oil, you can --

So car maintenance includes a little bit of oil basically.

Yes, correct.

How will lube and oil refuse be handled?

They have a program where they recycle their oil and their tires.

So the tires are picked up and the oil is picked up, too, and treated properly.

So they go through a recycling program.

And all that is stored there in that enclosed dumpster that --

Yes, sir.

Everything.

Okay.

Is your building similar to others, I'm assuming?

There's one up the road on 41 in San Carlos Park where there's a Publix supermarket, and that's part of the county, and that's been there a while.

And I was wondering, is it going to resemble that one?

There's a lot of architectural features that are the same.

I think this building has more enhancements for this area.

It ties in more to the actual shopping center and some of the elements on the Lowe's and in the other buildings in the development.

So I think that you will find some Firestone stores that have similar architectural features and some that have a lot less.

Okay.

But they're all about the same size, I believe.

Yes, same size, square footage.

Some have double bays on -- a bay on each side so that you can service the cars from each side.

This has only a single bay, and screened from Corkscrew.

Can you talk a little bit about the landscaping?

The bays will be facing east, right?

Correct.

And I see that there's provisions for landscaping there, but can you tell me a little bit about it?

Because the -- sometimes the appearance of the bays is a
BIT DETRACTING.

I THINK THE LANDSCAPE ARCHITECT TRIED TO SHOW YOU AN EXAMPLE OF WHAT THE WEST SIDE WOULD BE LOOKING LIKE.

NORTH, EAST -- SO IF YOU LOOK AT THE EAST SIDE, IF YOU'RE COMING -- HERE WE GO WITH DIRECTIONS.

WOULD YOU COME UP HERE FOR A SECOND.

LOOKING AT THE BUILDING, THAT'S WHAT YOU WOULD SEE, LOOKING FROM THE DENTIST'S OFFICE.

YOU NEED TO IDENTIFY YOURSELF, I'M SORRY.

MY NAME IS BRENDAN SLOAN.

I'M A PROJECT MANAGER, CIVIL ENGINEER WITH AVALON ENGINEERING.

>> AS YOU CAN SEE FROM HIS EXHIBIT, YOU HAVE LAYERS OF LANDSCAPING, YOU HAVE SOME SHRUBS, YOU HAVE SOME SMALLER CANOPY TREES, AND THEN YOU HAVE SOME LARGER TREES.

HE TRIED TO SHOW THE BUILDINGS KIND OF BEHIND THE LANDSCAPE AREAS AND WHAT YOU WOULD SEE.

AND OF COURSE WHEN WE BRING FORWARD OUR CPD, WE'LL HAVE MORE DETAILED LANDSCAPING PROVIDED FOR YOU.

BUT WE ARE NOT REQUESTING ANY DEVIATIONS TO THE LANDSCAPING CODE WITH OUR -- WITHIN OUR PACKAGE; WE ARE PROVIDING PROBABLY MORE THAN WHAT'S REQUIRED.

IN THAT EAST ELEVATION, AND I DON'T KNOW WHAT -- HOW MUCH TO SCALE THAT IS, BUT IN THAT EAST ELEVATION, ONE OF THE THINGS THAT STRUCK ME WAS THAT WHAT'S PLAINLY VISIBLE THROUGH THE TREES ARE ALL THE BAYS.

CORRECT.

BECAUSE THE TREES ARE ABOVE THE BAYS AND THE DUMPSTER.

WE CAN LOOK AT THAT AGAIN AND ADD SOME LANDSCAPING ON THAT ONE SIDE.

AS OF RIGHT NOW, WE'RE MEETING THE CURRENT REQUIREMENT BETWEEN TWO COMMERCIAL PARCELS FROM A BUFFER PERSPECTIVE.

AS FAR AS THE SCALE OF THOSE TREES, I CAN'T CONFIRM WHETHER THAT'S CORRECT OR NOT.

SURE.

WE COULD HAVE A LANDSCAPE ARCHITECT LOOK AT THE VALIDITY OF THE TREE HEIGHTS.

WELL, THIS IS ALL ABOUT MAKING COMMENTS.

I'M JUST MAKING A COMMENT.

AND THE OTHER POINT ON THIS IS, THIS BUFFER IS ALSO ADJACENT TO THE DENTIST'S OFFICE THAT ALREADY HAS LANDSCAPING PLACED ON THEIR SIDE OF THEIR PROPERTY, TOO, SO WE'LL HAVE LANDSCAPING SURROUNDING BOTH AS YOU'RE COMING -- YOU KNOW, VISIBLE FROM CORKSCREW.

IF I CAN ADD A COMMENT, JUST THINKING ABOUT THIS, IT'S THE KIND OF THING THAT THE COUNCIL OR THE DESIGN REVIEW
BOARD MIGHT ALSO ASK ABOUT AT SOME POINT SO YOU MIGHT WANT TO THINK ABOUT THAT, THE CONCERNS ABOUT THE VIEW FROM 41 AND THEN WHAT COLOR ARE THE BAY DOORS GOING TO BE AND HOW VISIBLE THAT WILL BE. SO IT MIGHT BE A COMBINATION OF THE COLORS AND THE LANDSCAPING THAT YOU MIGHT WANT TO TAKE A LOOK AT AND JUST SEE BECAUSE THAT IS KIND OF A COMMON QUESTION THAT COMES UP.

>> OKAY.

THANK YOU. ONE QUESTION THAT MAY JUST BE A CURIOSITY OF MINE AND THEN ONE FROM MATT, I THINK: THE ELEVATIONS OF THE BUILDING, IS THE ROOF PORTION -- I'LL SHOW YOU WHAT I'M LOOKING AT.

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IS THIS ROOF PORTION JUST A VERTICAL PLANE OR IS IT ACTUALLY LIKE A HIP ROOF SHAPE?

IN FRONT OF THE LOWE'S, IF YOU LOOK AT IT, IT'S REALLY JUST A FLAT SURFACE WITH STUCCO ON IT, SO IT LOOKS PRETTY CHEESY. I'M WONDERING IF THIS IS JUST GOING TO LOOK CHEESY AS WELL, JUST A CURIOSITY, OR IS IT ACTUALLY ANGLED IN SOME WAY TO -- THERE IS A DIFFERENCE IN THE LOWE'S ROOFLINE BECAUSE, ACTUALLY, THAT'S JUST KIND OF A FLAT ROOF COVERED WITH SOME TILES. THIS IS AN ACTUAL ROOF OF A TOWER STRUCTURE, COVERED WITH TILES.

>> AND THEN MY QUESTION FOR MATT WAS, WHEN AUTO SERVICE WAS AN ACCESSORY USE SOME TIME AGO, HOW MUCH OF THE SPACE COULD HAVE BEEN USED FOR AUTO SERVICE?

WAS AN ACCESSORY USE SOME TIME AGO, HOW MUCH OF THE SPACE COULD HAVE BEEN USED FOR AUTO SERVICE? HOW MUCH AREA OF THE WHOLE PROJECT?

>> WELL, IT WOULD HAVE BEEN ON THE MAIN TRACT.

IT COULD HAVE BEEN AS LARGE AS THIS, IF THAT HELPS.

SO THEY'RE NOT ASKING FOR MORE AUTO SERVICE SPACE; THEY'RE JUST MOVING IT FROM WHAT MIGHT HAVE BEEN TACKED ON THE SIDE OF A KMART TO ITS OWN PARCEL. CORRECT.

THANK YOU.

>> I HAVE A QUESTION ABOUT THE PARKING SPACES. DO YOU HAVE MANY CUSTOMERS WHO LEAVE THEIR CARS OVERNIGHT, LIKE IF THERE'S A MAJOR PROBLEM WHERE YOU CAN'T FIX IT IN ONE DAY? WOULD MANY CARS BE PARKED ON THAT LOT?
I REALLY DON'T KNOW THE ANSWER TO THAT.

I NORMALLY PASS A FEW OF THEM ON -- YOU KNOW, IN CAPE CORAL WHERE I LIVE, AND I DON'T SEE CARS PARKED THERE.

BUT I -- I REMEMBER READING SOMETHING ABOUT THEM THAT THEY REQUIRE YOU TO COME PICK IT UP AT LEAST AN HOUR AFTER IT'S DONE OR BEFORE THEY CLOSE, BUT I REALLY DON'T KNOW.

I WOULD HAVE TO FIND THAT OUT FOR YOU BECAUSE I WOULDN'T WANT TO SAY SOMETHING THAT WASN'T --

YOU PROBABLY WOULDN'T HAVE MANY.

COME UP AND IDENTIFY YOURSELF, PLEASE.

JOHN TATE, PALMETTO CAPITAL. THEY DON'T REALLY DO MAJOR REPAIRS LIKE THAT WHERE THE CARS WOULD STAY THERE FOR A PERIOD OF TIME.

IT'S NORMALLY OIL CHANGES, BATTERY CHANGES, THINGS THAT ONLY TAKE A SMALL PERIOD OF TIME, SO THEY DON'T HAVE TOO MUCH OVERNIGHT CARS.

THAT'S WHAT I WOULD GUESS, YEAH.

JUST CHECKING.

A QUESTION FOR MARY'S OFFICE.

DO WE HAVE ORDINANCES ABOUT OVERNIGHT PARKING IN PLACES LIKE THIS?

NO, NOT ANY SPECIFIC ORDINANCE THAT I CAN THINK OF.

WE DO HAVE SOME ZONING RESTRICTIONS IN CERTAIN ZONING CASES, LIKE I THINK THERE'S PARTICULARLY ONE ON THE WAL-MART WHERE YOU HAVE THE PROBLEMS WITH RV CAMPING AND STUFF.

I KNOW THERE WAS A PARTICULAR CONDITION ON THAT ONE.

I'VE GOT A COUPLE OF QUESTIONS.

FROM THE STAFF, DO YOU HAVE ANY LEADS OF ANYTHING THAT COULD HAPPEN TO THE VACANT PROPERTY NEXT DOOR?

THE PIECE NEXT DOOR, IS THERE ANYTHING THAT'S CONTEMPLATED FOR THAT THAT YOU'RE AWARE OF?

NO; NOBODY'S CONTACTED US AT THIS POINT FOR AN END USE OF THAT PROPERTY.

AND THE SECOND POINT I WANT TO MAKE IS THAT --

LIKE REZONING.

-- A WHILE BACK, THE TREES THAT WERE ALONG THE BUILDING THAT ARE THE THREE OAKS SIDE, REMEMBER THAT THEY WERE SO BIG AND THEY WERE BLOCKING OFF THE IDENTITY OF THE BUILDING AND THERE WAS NO VISIBILITY FROM A MARKETING POINT OF VIEW OF WHAT WAS THERE, AND WHAT I'M LOOKING AT HERE, IT'S JUST A VERY SMALL PORTION OF THE BUILDING AT THE EDGE OF THE BUILDING THAT'S FACING CORKSCREW, AND NOT ONLY DO YOU WANT IT TO HAVE ARCHITECTURAL, YOU KNOW, PLEASANTNESS TO IT, BUT YOU ALSO WANT TO BE ABLE TO HAVE MARKETING VISIBILITY SO PEOPLE KNOW THAT THE BUILDING IS
6:27:44PM THERE.
6:27:45PM SO I JUST WONDER WHAT KIND OF COMPENSATION THERE IS OR
6:27:50PM ANY THOUGHT BETWEEN YOUR LANDSCAPING PLANS SO THAT THERE
6:27:54PM CAN BE SOME VISIBILITY FOR MARKETING PURPOSES?
6:27:56PM BECAUSE YOU DO WANT TO MAKE THE BUILDING BE SUCCESSFUL,
6:27:59PM TOO.
6:28:00PM IT’S A DOUBLE-EDGED SWORD; YOU WANT TO IT TO LOOK PRETTY
6:28:03PM BUT YOU ALSO WANT TO LET PEOPLE KNOW IT’S THERE WHEN THEY
6:28:05PM WANT TO COME SOMEPLACE TO GET THEIR CAR FIXED.
6:28:07PM >> OUR PLAN MEETS THE CURRENT CODE REQUIREMENT FOR
6:28:10PM SPACING ALLOWED FOR TREES AND THE NUMBER OF TREES
6:28:13PM REQUIRED FOR A LINEAR SQUARE FOOTAGE ALONG CORKSCREW
6:28:17PM ROAD.
6:28:18PM OUR LANDSCAPE ARCHITECT IS FULLY AWARE OF THAT.
6:28:21PM THEY TRY TO GROUP THE TREES TO HAVE SOME OPENINGS, BUT
6:28:26PM MOST OF THE LANDSCAPING REQUIREMENTS IN JURISDICTIONS
6:28:30PM REQUIRE A CERTAIN AMOUNT OF SPACING BETWEEN THE TREES AND
6:28:33PM A CERTAIN TYPE OF TREE WHEN IT’S LOCATED NEXT TO A
6:28:36PM ROADWAY OR A SIDEWALK AREA.
6:28:38PM SO WE ALSO HAVE A NICE SIDEWALK THAT FRONTS ON THAT
6:28:41PM ROADWAY, TOO, WHICH IT WOULD BE NICE TO HAVE SOME
6:28:44PM COVERED -- CANOPY COVER TREE ON THE SIDEWALKS FOR
6:28:48PM PEDESTRIAN USE.
6:28:51PM BUT YOU MAKE A REALLY GOOD POINT.
6:28:53PM AND THE OWNER PROBABLY LOVES TO HEAR THAT BECAUSE, YOU
6:28:55PM KNOW, THEY DO WANT TO HAVE THE BUILDING VISIBLE TO THE
6:28:58PM GENERAL PUBLIC, TOO.
6:29:00PM >> FROM A POINT OF VIEW OF THE VILLAGE, WE DO GET SALES
6:29:04PM TAX, AND IT IS A PROFIT CENTER, AND WE DON’T WANT TO HAVE
6:29:09PM A BUILDING THAT’S GOING TO BE VACANT, SO IT’S IMPORTANT
6:29:12PM TO HAVE A BUSINESS THAT IS VIABLE.
6:29:14PM SO THAT’S WHY I’M SAYING THERE’S A COUNTERPOINT TO THE
6:29:17PM LANDSCAPING, TO BE ABLE TO HAVE MARKETING VISIBILITY
6:29:20PM THROUGH IT, SO I THINK THAT THAT THING SHOULD BE
6:29:23PM SOMETHING YOU SHOULD LOOK AT.
6:29:24PM >> I THINK SOMETIMES WHEN YOU WORK WITH A LANDSCAPE
6:29:26PM ARCHITECT, THEY TAKE A TALLER TREE WITH A THINNER KIND OF
6:29:30PM TRUNK COMPARED TO ANOTHER TREE THAT MAYBE HAS MORE
6:29:34PM BRANCHES AND LOWER GROWTH, SO I’M SURE THAT HE LOOKED AT
6:29:38PM THAT.
6:29:39PM UNFORTUNATELY, I’M NOT A LANDSCAPE ARCHITECT.
6:29:40PM I LOVE TO LOOK AT LANDSCAPING AND I APPRECIATE
6:29:42PM LANDSCAPING, BUT I’M SURE THAT HE LOOKED AT THAT FOR
6:29:46PM THAT, BUT I WILL DOUBLE-CHECK WITH HIM.
6:29:48PM >> YOU MIGHT WANT TO MAKE A STUDY TO SEE WHAT HAPPENS
6:29:51PM BECAUSE THAT WAS AN ISSUE IN THE PAST.
6:29:52PM   >> OKAY.
6:29:53PM   THANK YOU, I WILL.
6:29:56PM   >> IF I COULD SAY SOMETHING, WE DO ALLOW YOU TO CLUSTER
6:29:57PM   FOR VIEW CORRIDORS.

6:29:59PM   YOU DON'T HAVE TO LINE THEM UP LIKE SOLDIERS, EVEN THOUGH
6:30:03PM   I THINK A LOT OF ENGINEERS LIKE TO DO THAT BECAUSE IT
6:30:05PM   LOOKS NICE AND NEAT.
6:30:06PM   AND THEN THE SITUATION ON THREE OAKS, I MEAN, I KNOW DOUG
6:30:09PM   KIRBY KNOWS, I THINK THEY DIDN'T MAINTAIN THEM EITHER FOR
6:30:13PM   LIKE -- THEY PLANTED A WHOLE BUNCH OF THEM CLOSE
6:30:16PM   TOGETHER, THEY GREW UP AND THEY WEREN'T MAINTAINED, AND
6:30:22PM   THERE WERE TOO MANY AND THEY NEEDED TO BE WEeded OUT.
6:30:24PM   I THINK EVERYBODY KNOWS NOW NOT TO DO THAT.
6:30:26PM   >> THAT'S A GOOD POINT.
6:30:27PM   WE'LL BRING THAT UP TO THE LANDSCAPE ARCHITECT.
6:30:29PM   >> SINCE THIS IS YOUR FIRST VENTURE INTO ESTERO, WE'RE
6:30:33PM   DELIGHTED TO HAVE YOU.
6:30:34PM   >> THANK YOU.
6:30:38PM   >> WHEN IT COMES TO FREESTANDING SIGNAGE, WE ARE NUTS ON
6:30:39PM   MONUMENT SIGNS, AND WE DO NOT LIKE LOLLIPOP SIGNS.
6:30:45PM   SO TO THE EXTENT THAT YOU, IN YOUR PLANNING, WANT TO DO
6:30:47PM   SOME KIND OF FREESTANDING SIGNAGE, BE AWARE OF SETBACK
6:30:51PM   REQUIREMENTS, MAKE SURE IT'S A MONUMENT SIGN, AND --
6:30:54PM   >> YES, SIR.
6:30:54PM   >> AND A SETBACK.
6:30:56PM   >> AND PROPER SETBACKS.
6:30:57PM   >> THAT'S A BIGGIE.
6:30:59PM   YOU HAVEN'T BEEN TO DESIGN REVIEW BOARD YET?
6:31:01PM   >> NO.

6:31:03PM   OUR NEXT STEP, I GUESS, IS TO SUBMIT OUR CPD APPLICATION
6:31:06PM   AND THEN MOVE FORWARD WITH THAT.
6:31:08PM   WE JUST WANTED TO GET YOUR OPINION ON THE PROJECT.
6:31:11PM   >> ANSWERING A LOT OF QUESTIONS THERE.
6:31:14PM   >> TRUE.
6:31:14PM   I THINK WE'LL BE ABLE TO FINALIZE AND UPDATE OUR
6:31:18PM   PRESENTATION TO ADDRESS SOME OF YOUR CONCERNS.
6:31:21PM   >> ANYONE ELSE?
6:31:23PM   ANYTHING FROM -- ANYTHING FURTHER FROM MATT OR MARY?
6:31:28PM   OKAY.
6:31:30PM   THANK YOU.
6:31:30PM   I WILL OPEN PUBLIC COMMENT, ALTHOUGH I DON'T THINK WE'RE
6:31:33PM   GOING TO GET ANY, BUT --
6:31:34PM   >> WE HAVE NO ONE SIGNED UP.
6:31:36PM   >> ALL RIGHT.
6:31:38PM   THEN I'LL CLOSE PUBLIC COMMENT.
6:31:42PM   AND THANK YOU.
6:31:44PM    >> THANK YOU.
6:31:45PM    WE APPRECIATE IT.
6:31:46PM    >>Scotty Wood: THAT CONCLUDES OUR AGENDA.
6:31:55PM    IS THERE ANYBODY WHO WISHES TO SPEAK ON ANYTHING THAT'S
6:31:59PM    NOT ON THE AGENDA?
6:32:04PM    >> NOTHING, OKAY.
6:32:06PM    THEN I WILL -- OUR NEXT SCHEDULED MEETING IS AUGUST
6:32:09PM    20th, BUT STAY TUNED ON THAT BECAUSE THERE ISN'T MUCH
6:32:12PM    IN THE HOPPER RIGHT NOW.
6:32:14PM    ON THAT NOTE, I WILL ENTERTAIN A MOTION TO ADJOURN.
6:32:17PM    >> SO MOVED.
6:32:18PM    >> SECOND?
6:32:18PM    >> SECOND.
6:32:19PM    >> ALL IN FAVOR?
6:32:20PM    [ AYES ]
6:32:41PM    [MEETING ADJOURNED]
6:32:51PM

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