



PLANNING & ZONING BOARD Minutes

**Tuesday, May 19, 2015
5:30 p.m.**

Planning & Zoning Board Members: Roger Strelow, Chair; Ryan Binkowski; David Crawford; Ned Dewhirst; Jeff Maas; Marlene Ann Naratil; Scotty Wood; **Village Attorney:** Burt Saunders, Esq. **Special Counsel:** Nancy Stroud, Esq.

ROLL CALL

Chairman, Roger Strelow called the meeting to order at 5:30 p.m.

Ryan Binkowski was not present at Roll Call. All other Planning Board Members were present. Ryan Binkowski arrived at 5:40 p.m.

Village Staff Present

Peter Lombardi, Interim Village Manager
Burt Saunders, Esq., Village Attorney
Daphnie Bercher, Office of the Village Attorney

APPROVAL OF AGENDA

Discussion to move Agenda Item 6(B) after Item 5(C) to accommodate attendees for the Brass Tap Public Hearing. The Board unanimously consented to the approval the agenda.

BOARD BUSINESS

Item 5(A) – Approval of May 5, 2015 Organizational Meeting Minutes

Board Members Dewhirst and Maas addressed typographical errors regarding their names. Board Member Dewhirst made the Motion to Approve the Minutes. Seconded by Board Member Wood. Motion passed unanimously.

Item 5(B) – Election of Vice-Chair

After discussion, Board Member Wood nominated Board Member Marlene Naratil as Vice-Chair; Board Member Crawford seconded. Motion passed unanimously.

Item 5(C) – Planning & Zoning Procedures

After lengthy discussion, the Planning & Zoning Board of the Village of Estero consented to the following revisions to the Village of Estero Planning & Zoning Board Rules of Procedures:

2.3.3. ...The Secretary shall provide to attendees and collect ~~public comment~~ Request to Speak cards during any meeting at which public comment may be heard, and provide them to the Chairman. (p. 3)

3.4. ...If public hearings are before the Board, the public input portion of the public hearing then in process before the Board must be completed if possible. If not, then it must be completed at the time the hearing is resumed at a later date. (p. 4)

1. CONTINUE THE MEETING

Upon a majority vote of the Board, the meeting may continue and be continued, as prescribed in the approved motion. (p. 5)

3.6. The presence of ~~five (5)~~ four (4) members of the Board shall constitute a quorum. (p. 5)

3.9.2. The ~~members~~ member ~~upon~~ whose motion brought the a subject before the Board is entitled to open and close the debate, but not until ~~everyone~~ every Board Member wishing to speak has spoken. (p. 6)

~~...During debate, and while the Chairman is speaking, or the Board is engaged in voting, no member is permitted to disturb the Board in anyway.~~
(p. 7)

4.1.

7. Board Communications

- a. Committee Reports
- b. Chairman's Reports
- c. Member Reports and Comments (p. 9)

5.5 – 5.6.

The Village Attorney suggested that the Board direct Special Counsel, Nancy Stroud, Esq. to revise wording in these sections. (p. 10)

5.6.2. After the Applicant's and staff's presentation, all other interested persons may then present ~~like~~ pertinent information and/or views to the Board. During such presentations in a quasi-judicial hearing, only members of the Board shall ask questions. (p. 11)

5.6.4. After the staff, the Applicant and all persons have made their presentations in a quasi-judicial hearing, the Board shall ~~consider~~ determine ~~who~~ which persons, if any, in addition to the Applicant and the Village staff, shall be considered ~~interested parties in the matter.~~ All such interested parties or their counsel shall be permitted to cross-examine participants in the hearing. (p. 11)

5.6.10. The Applicant (if any) may, before the close of the public hearing, present a brief rebuttal ~~not to exceed ten (10) minutes~~ with a time limit to be determined by the Board. (p. 12)

ACTIONS ITEMS/PUBLIC HEARING (Board approved to hear after Item 5(C))

Item 6(B) –

TYPE OF CASE: Consumption on Premises
APPLICATION NO.: ADD2015-00067 The Brass Tap
APPLICANT: Cheers Mate Coconut Point, LLC
REQUEST: Increase in series of existing 2COP Beer & Wine Beverage License to a 4COP SRX Beverage License

Village Attorney Burt Saunders swore in witnesses – Vice-Mayor Howard Levitan and Jamie Grolif, Manager, Coconut Point Mall.

Ms. Grolif explained the paperwork submitted had operating hours listed from 10 a.m. until 9 p.m., which was incorrect. The correct operating hours should be from 11 a.m. until 1 a.m. and stated that the Coconut Point Mall currently has ten restaurants that have hours from 11 a.m. until 1 a.m.

Chairman Strelow stated that it would be entered into the record.

Board Member Naratil asked if The Brass Tap was currently abiding by the application. Ms. Grolif replied that they were.

For the Village of Estero, Vice-Mayor Levitan stated that the Lee County Staff Report recommended approval and stated that the limitation on hours is based on the paperwork submitted; that the Board had the ability to change the hours.

There were no public comments made.

Board Member Dewhirst made the Motion to Approve Application No. ADD2015-00067. Board Member Crawford seconded. The motion passed unanimously.

Resume Board Business Agenda

Item 5(D) – DISCUSSION – Projects that May Require Additional Public Information Meeting

Chairman Strelow asked about adding additional Board meeting dates to accommodate Public Information Meetings. The fourth Tuesday of the month was suggested as a date for the Public Information Meetings to be held.

Vice-Mayor Levitan stated that agendas couldn't be drafted and coordinated that quickly. The Vice-Mayor suggested that the Public Information Meetings should be held on the first Tuesday of the month.

Mayor Batos came before the Board and suggested that Power Points submitted by applicants be sent to all Board Members for the benefit of Board Members attending by phone.

Board Member Dewhirst questioned the guidelines for Public Information Meetings. Chairman Strelow asked when a Public Information Meeting was supposed to be held.

Vice-Mayor Levitan explained the process regarding Public Information Meetings.

Board Member Naratil suggested a guideline of requirements for Public Information Meetings.

Board Member Binkowski questioned the ability to provide direction to the applicant.

Josh Philbot came before the Board and stated support for encouraging direction and input by the Board to the applicants.

Vice-Mayor Levitan explained providing direction to the applicants was not appropriate during the Public Information Meetings and how the change in the ex-parte rule could assist applicants by obtaining opinions of the Board Members.

Board Member Dewhirst suggested the same requirements of the Estero Community Planning Panel Public Information Meetings.

Board Binkowski suggested determining the time frame of Public Information Meetings.

Board Member Dewhirst spoke about projects that the Board may desire additional Public Information Meetings.

Vice-Mayor Levitan stated that all developer projects have been asked to voluntarily hold additional Public Information Meetings. Some developers have agreed; some have not.

ACTION ITEMS/PUBLIC HEARINGS

Item 6(A) –

ORDINANCE 15-04 – AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, AMENDING SECTION 3-2(2)(B) OF ORDINANCE 15-01 TO CHANGE QUALIFICATIONS FOR MEMBERSHIP OF THE DESIGN REVIEW BOARD; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Vice-Mayor Levitan provided an introduction of the Ordinance amendment. A lengthy discussion followed and several changes were discussed by the Board Members.

Board Member Dewhirst made a motion to accept the revision to the Ordinance as stated with the addition of requiring two architects, only one being a state registered architect; Board Member Crawford seconded the motion.

Mayor Batos came before the Board and stated the need to be flexible regarding the requirements of Board Members in case a seat could not be filled due to the lack of finding a state registered architect.

Board Member Dewhirst changed the motion to accept the Ordinance as stated with the addition that an architect would be required to constitute a quorum of the meeting. Board Member Crawford seconded. Motion passed 4-3.

Board Member Maas then made a motion that if the Council does not accept the Board's recommendations to the Ordinance, that the Council require an architect at the review and voting process of vertical structures.

Board Member Binkowski seconded. Motion passed unanimously.

PUBLIC INPUT OF NON-AGENDA ITEMS

There were no public comments.

BOARD COMMUNICATIONS/FUTURE AGENDA ITEMS

Board Member Binkowski requested an updated calendar reflecting possible workshops.

Board Member Dewhirst requested status of County Staff reviews and applications.

Vice-Mayor Levitan stated that he was meeting with the Acting Community Director of Community Development in Lee County.

ADJOURN

There being no further business or discussion, Board Member Dewhirst motioned to adjourn. Board Member Wood seconded.

Meeting adjourned at 8:08 p.m.

Respectfully Submitted,

Daphnie Bercher
Office of the Village Attorney
Date: June 8, 2015

Minutes Approved: June 16, 2015